

# **Birmingham City Council**

**Planning Committee**

**29 October 2015**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2015/07285/PA  166 Stockfield Road South Yardley Birmingham B27 6AU  Installation of two (2.5m x 1.5m x 1.5 high) LPG gas tanks and associated timber boarded shelters

---

Committee Date:	29/10/2015	Application Number:	2015/07285/PA
Accepted:	14/09/2015	Application Type:	Full Planning
Target Date:	09/11/2015		
Ward:	Acocks Green		

166 Stockfield Road, South Yardley, Birmingham, B27 6AU

Installation of two (2.5m x 1.5m x 1.5 high) LPG gas tanks and associated timber boarded shelters

Applicant:	Vehicle Electrics (BGHAM) Ltd 166 Stockfield Road, Acocks Green, Birmingham, B27 6AU
Agent:	Arcon Architects 250 Walsall Road, Great Barr, Birmingham, B42 1UB

---

#### Recommendation

#### **Approve Subject To Conditions**

#### 1. Proposal

- 1.1. Application for the installation of two LPG tanks for LPG sale to the public. The tanks would measure 2.5m by 1.5m by 1.5m high and would be located to the southwest of the existing car repair workshop. The proposed tanks would be enclosed, open to forecourt/Stockfield Road frontage, by timber boarded structure measuring 5m wide, 6m deep and a maximum of 2.8m high.
- 1.2. The applicant has advised that the LPG business would be ancillary to the main use of the premises, which are retail sales of vehicle accessories and car repairs. The applicant anticipates around 20 to 30 customers a day. The proposed opening hours would be as the existing workshop (0900-1900hours Monday to Saturday and 0900-1800hours Sunday).

#### 1.3. [Link to Documents](#)

#### 2. Site & Surroundings

- 2.1. The application premises are a single storey structure, used for car repairs, with a forecourt and two access points off Stockfield Road, one of which also serves a number of workshops in similar uses to the rear (east). To the immediate south are residential properties facing Stockfield Road and Kilmore Road. There are further residential properties to the west on the opposite side of Stockfield Road. To the north is the Grand Union Canal, which has mature trees along its banks. Stockfield Road is a part dual and part single carriageway with a mix of residential, commercial and industrial uses.

#### 2.2. [Site location](#)

#### 3. Planning History

- 3.1. 06/03/86 – 10881026. Change of use of premises to retail sale of vehicle accessories with ancillary workshop and service bay. Approved.
- 3.2. 10/01/91/ - 1990/04275/PA. Retention of portakabin office accommodation and storage building. Temporary approval.
- 3.3. 28/10/93 – 1993/01009/PA. . Retention of portakabin office accommodation and storage building. Temporary approval.
- 3.4. 07/07/94 – 1994/01402/PA. Single storey office extension. Approved.
- 3.5. 19/04/96 – 1995/03811/PA. Construction of single storey side workshop extension. Refused on the grounds of adverse impact on neighbour amenity.
4. Consultation/PP Responses
  - 4.1. Transportation Development – Require clarification on right of way, parking and servicing.
  - 4.2. Regulatory Services – No objection subject to a delivery times restriction condition.
  - 4.3. Nearby residents and commercial premises, local residents associations and Councillors consulted.
  - 4.4. Objections received from Jess Phillips MP and Councillor John O'Shea raising the following issues:
    - Enclosure does not meet HSE and fire service requirements, in particular places the tank in a location with no secure fencing, under a timber roof and timber side walls, with uncontrolled public access.
    - Compound is too small to safely accommodate the tanks within HSE and fire service regulations.
    - Plans do not indicate a safe and legally compliant layout of services required for the operation of this site as a LPG filling station.
    - Final work may be required to confirm the status of the former petrol filling station's underground fuel tanks.
  - 4.5. Representation received from Councillor Roger Harmer, objecting on behalf of local residents on the grounds of proximity to neighbouring gardens, noise, disruption and more suitable locations for the tanks.
  - 4.6. 4 representations received from 3 local residents objecting to the proposal on the following grounds:
    - Storing highly flammable and volatile toxic gases in close proximity to housing.
    - Noise and disturbance from activities and deliveries.
    - Not clear if underground tank of former petrol filling station has been removed.
    - Design and siting of tanks is not in accordance with HSE and Fire Service regulations.
    - Previous refusal on the site.
    - Highway safety.
    - Unclear on the disposal of foul sewage.

- Existing use is an Electrical Repair Workshop and already causes noise and disturbance.
- LPG tanks would be positioned on an existing open area.
- No details on delivery hours or fixing details of the tanks.
- Affect the future sale of property.
- Premises are in breach of existing planning conditions.

## 5. Policy Context

- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Places for All SPG, Car Parking Guidelines SPD and the NPPF.

## 6. Planning Considerations

- 6.1. Key issues for consideration relate to the principle of the provision of LPG tanks for the sale of LPG to the public in this location, their impact on visual amenity as well as impact on neighbouring residential amenity and highway safety.
- 6.2. The application premises are a former petrol filling station that is now an established car repair workshop with the retail sales of car parts. The provision of LPG tanks for the sale of LPG to visiting members of public would be similar, in part, to the site's historical use as a petrol filling station, though to a much lesser degree. The premises face the busy Stockfield Road, which consists of a wide mix of industrial, commercial and residential uses. Furthermore, to the rear of the premises, are a number of workshops, including car repairs. Within this context, the installation of LPG tanks at these commercial premises is acceptable in principle.
- 6.3. The application premises is a single storey workshop building of no architectural merit and the LPG tanks and associated enclosure would be located adjacent to its southwest elevation, filling a small open area between the premises and boundary fencing. The enclosure to the LPG tanks would be timber boarded and subordinate to the existing building and only slightly higher than the boundary fence. Therefore the visual impact is very limited and acceptable to its surroundings.
- 6.4. The proposal would introduce new activities to the application premises, including deliveries of LPG as well as the public purchasing the LPG. However, within the context of the existing predominant use on the site and its mixed use surroundings, any impact would be minimal. Regulatory Services raise no objection and recommend a condition restricting delivery times for the LPG. It is considered that this condition is appropriate to safeguard neighbour amenity but it is considered that this, along with the sale of LPG to the public, should be consistent with the approved hours of use on the site given with the 1986 change of use planning permission (0800-1800hours Monday to Friday and 0800-1300hours Saturday).
- 6.5. The application premises have two access points off Stockfield Road, reflecting the original one-way arrangement of its former petrol filling station use. This arrangement is adequate to accommodate the existing use as well as the LPG tanks, which would be an ancillary element, with no adverse impact on highway safety.
- 6.6. Representation has been made in relation to the new LPG tanks and associated enclosure not meeting Health and Safety Executive and Fire Service Regulations. The storage of LPG would only require Hazardous Substance Consent if over 25



tonnes were to be stored and the two proposed tanks only have a capacity of 2200 litres each. In cases such as this, issues of health and safety are not a matter for Planning Legislation and could not support a reason for refusal. The siting of LPG tanks is not controlled by HSE or Fire Service Legislation but by a Code of Practice operated by the LPG Industry.

7. Conclusion

- 7.1. Whilst the concerns of local residents and elected members relating to the health and safety of the proposed LPG tanks are noted, they fall outside of the parameters of planning legislation and could not support a reason for refusal. The impact of the proposed LPG tanks and associated enclosure would have an acceptable impact on neighbour and visual amenity as well as highway safety. Therefore the proposal is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to condition.

- 
- |   |  |
|---|--|
| 1 | Limits the delivery time of LPG to or from the site or the sale of LPG to the public to 0800-1800hours Monday to Friday and 0800-1300hours on Saturday |
| 2 | Requires the scheme to be in accordance with the listed approved plans   |
| 3 | Limits the approval to 3 years (Full)  |
- 

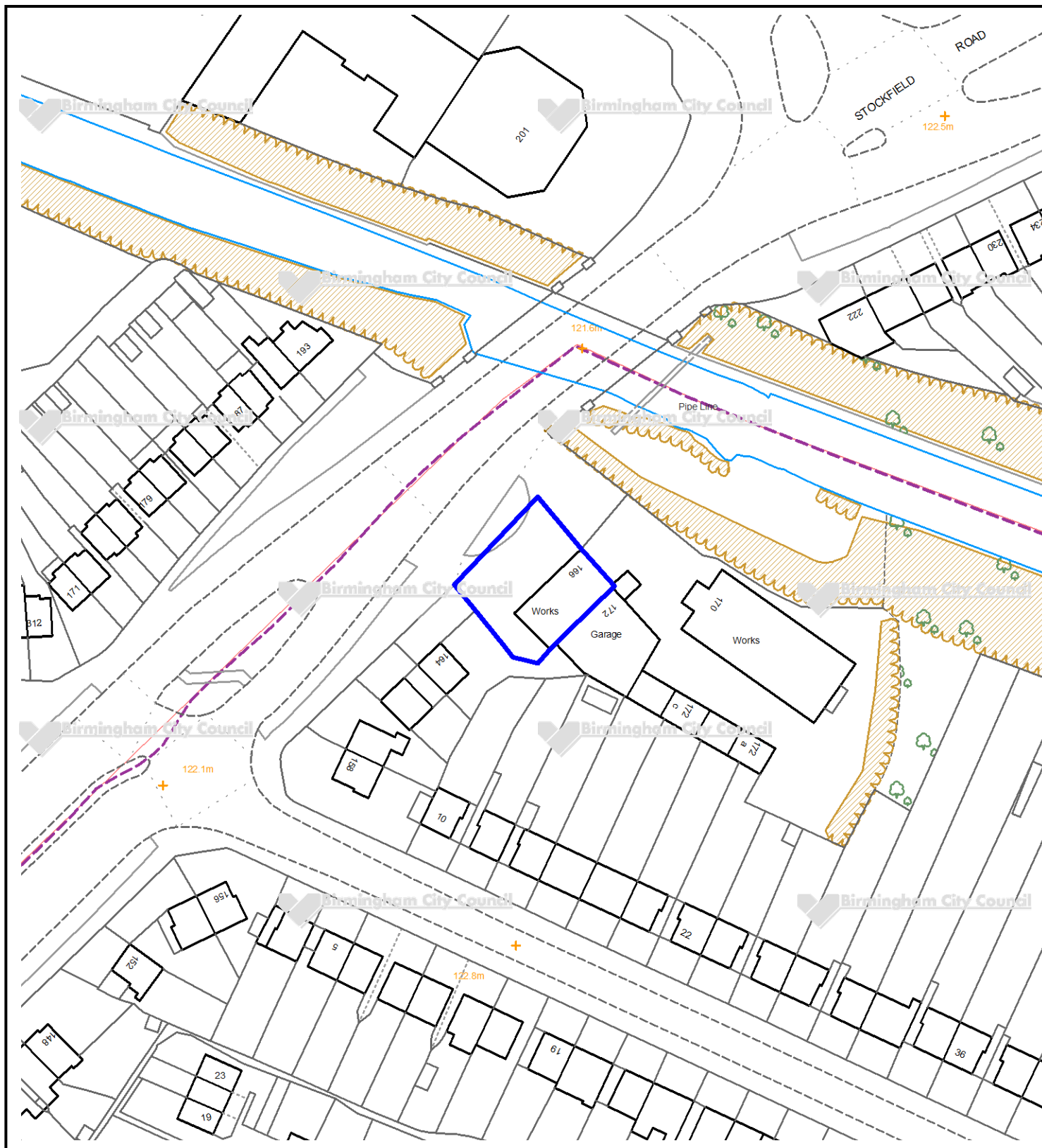
Case Officer: Peter Barton

**Photo(s)**



Figure 1 – Application premises and forecourt to Stockfield 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

# **Birmingham City Council**

## **Planning Committee**

**29 October 2015**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	9	2015/06048/PA  Land at Highfield Road Highfield Gardens Edgbaston Birmingham B15 3ED  Demolition of three office buildings and house and erection of 7 (4 bed) houses and two blocks of flats with a combined total of 36 flats (21 x 2 bed & 15 x 1 bed) with associated works and access from Highfield Road (revised scheme to planning approval 2014/05254/PA).
Authorise	10	2014/05254/PA  Land at Highfield Road Highfield Gardens Edgbaston Birmingham B15 3ED  Demolition of three office buildings and house and erection of 7 (4 bed) houses and two blocks of flats with a combined total of 36 flats (21 x 2 bed & 15 x 1 bed) with associated works and access from Highfield Road
Refuse	11	2015/06492/PA  19 Highfield Road Hall Green Birmingham B28 0BY  Demolition of existing rear single storey extension, erection of three storey side extension, two storey and dormer window and single storey rear extension, and change of use of existing first floor and second floor offices to create four flats and a new retail unit.

Approve - Conditions	12	<p>2015/06796/PA</p> <p>BNHJV Site Office Mindelsohn Way Edgbaston Birmingham B15 2WB</p> <p>Erection of single storey building to provide permanent accommodation for Queen Elizabeth Hospital facilities management offices and alterations to adjacent car park</p>
Defer – Informal Approval	13	<p>2015/06624/PA</p> <p>Groveley Lane Former Community Centre Longbridge Birmingham B31 4QG</p> <p>Removal of condition no.18 (requires the units to be affordable) attached to approval ref:- 2013/09400/PA.</p>

---

Committee Date:	29/10/2015	Application Number:	2015/06048/PA
Accepted:	10/08/2015	Application Type:	Full Planning
Target Date:	09/11/2015		
Ward:	Edgbaston		

Land at Highfield Road, Highfield Gardens, Edgbaston, Birmingham, B15 3ED

Demolition of three office buildings and house and erection of 7 (4 bed) houses and two blocks of flats with a combined total of 36 flats (21 x 2 bed & 15 x 1 bed) with associated works and access from Highfield Road (revised scheme to planning approval 2014/05254/PA).

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

---

Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. This application has been made following the granting of consent in April 2015 for a physically identical scheme. The applicant has since determined that the approved scheme is unviable and has made this application, with a revised financial appraisal, to attempt to secure a new consent with a revised S106 package.
- 1.2. The approved application is subject to Judicial Review. Whilst your officers are content that the approved scheme was approved in a lawful manner the 'fall-back' position is not currently guaranteed and as such this report should be read in isolation of the previously approved scheme.
- 1.3. This new application seeks planning permission for the demolition of three office buildings, a detached house and the erection of 7 houses and two blocks of flats (with a total of 36 flats) with associated works and access from Highfield Road. The site is rectilinear in form, running east-west, the scheme seeks to place a block of flats at either end with town houses in the middle. Highfield Road is to the east of the site and an existing junction is located at the north east corner with an access road which runs along the northern boundary of the site. This access road currently serves 'phase one' located to the north of this access road. This access road would provide vehicular and pedestrian access, to individual properties within the application site, as well as to the existing residential properties within phase one.
- 1.4. The first block of flats, named 'Hawthorn', would consist of 9 x two bed flats. The flats would have bedrooms that range in size from 12.33sqm to 13.35sqm. The building would have a 'T-shaped' footprint; with the top of the 'T' fronting onto Highfield Road. This building would be 19m (maximum) wide and 20m (maximum)

depth and would be 20.8m ridge height and 16m high eaves height and have an entrance door at the front and rear. This would be three storeys and be located adjacent to Highfield Road and the junction into the site. The building would be set back by 7.3m from Highfield Road. Amenity space and parking would be to the rear and would consist of 10 parking spaces (including one disabled space) and an amenity area of 558sqm (62sqm per flat). The building would include timber sash windows, chimneys, a reconstituted stone string course below first floor, have white render elevations and a natural slate roof with a substantial eaves over-hang. Cycle and bin stores are shown adjacent to the car park.

- 1.5. The proposed houses would be located in the middle of the site, would be accessed from the new access road, which in turn connects into Highfield Road. The 7 houses would consist of two pairs of semi-detached and a row of three terraced houses and be set back 4.5m (for plot 10) and 6m (for the remaining plots). Each house would be 5m wide and 9m deep and have 4 bedrooms. These houses would be three storeys with bedrooms that range in size from 13.79sqm to 7.1sqm. The houses would have a ridge height of 11m and an eaves height of 7.5m. Rear gardens would have sizes that range from 96sqm to 212sqm. The houses would consist of white render elevations, with chimneys and have hipped roofs. Car parking for the houses would be a mix of 200 and 300%, 5 of these houses would have a garage within this provision.
- 1.6. The second block of flats, named 'block B', would be located to the rear of the site and located opposite two existing similar blocks (built as part of phase one). This proposed block would consist of 15 x one beds and 12 x two beds. The bedrooms would range in size from 11.42sqm to 15.2sqm. In footprint terms, this block would be a large rectangle 39m wide and 17-20m deep. This building would have a ridge height of 11m and an eaves height of 8.7m. The block would be three storeys and set back from the access road by 8m. Amenity space would be provided to the rear and side (east) of 2025sqm (75sqm per flat). Parking of 33 spaces would be provided to the front and side (west). Of the 33 parking spaces, 6 would be reserved for visitor's use. This block would consist of brick and render sections and would have a hipped roof (with a central flat-roofed section). Cycle and bin stores are shown adjacent to the car park.
- 1.7. All flats and houses would have bedrooms that comply with Places for Living in terms of bedroom and garden sizes.
- 1.8. The access road is proposed to be widened adjacent to Highfield Road to create a wider/safer junction arrangement onto Highfield Road.
- 1.9. The office buildings proposed for demolition are Warwick House, Lee House and Crest House. These are three and four storey flat roofed buildings designed by Harry Bloomer & Son and built around 1968. The proposal also includes the demolition of a detached house which provided accommodation for the caretaker of the offices in the past.
- 1.10. The application has been submitted with a Design and Access Statement, updated Planning and Heritage Assessment, Addendum to the Heritage Statement, Analysis for potential conversion, Drainage Strategy, Bat Survey, Shadow Path Analysis, updated Tree Survey (2015), Statement of Community Involvement, updated Financial Appraisal and a further supporting statement in regard to the setting of heritage assets.

- 1.11. The Design and Access Statement provides a site and contextual analysis, a consideration of the Constraints and Opportunities, an exploration of the design concept and evolution and an analysis of the proposal (including access, layout, landscape, scale and appearance). The design concept consists of 6 objectives; improve the appearance of the built form, create an appropriate frontage onto Highfield Road, improve the relationship of built form to adjacent residential properties, retain important trees, provide adequate parking and create a sense of place.
- 1.12. The Planning and Heritage Statement, sets down the City's need for housing and the benefit to the City of delivering this site as a 'wind-fall' site. The Heritage Assessment considers the designation of the conservation area and provides historical background for the area. The Assessment comments that existing buildings, within the conservation area, are built in a range of architectural styles and comments that it provides the most comprehensive history of changing fashions in domestic architectural design in the City. The Statement continues that the local character has a street pattern which is irregular, where plot sizes vary in size and quoting the city's Character Appraisal, that there *"...is diversity in ways which the buildings are set within their plots, their differing sizes, orientations, footprints and variety of architectural styles banish uniformity and successfully reinforce the rural feel."* This Statement further comments that the buildings proposed for demolition are of no note individually or as a group and when taken in conjunction with the car park at the rear fail to make a positive contribution to the character of the conservation area. A new supporting statement, in regard to the setting of heritage assets, has been submitted that considers the scheme in mind of the new guidance issued by Historic England. This concludes that the adjacent listed buildings have no significant direct historical, functional or physical association with the application site. This Planning Statement includes a discussion in regard to viability and on the basis that a fully compliant S106 offer cannot be sustained; a financial appraisal is included in the submission.
- 1.13. The analysis for potential conversion statement explains that the buildings would be difficult to convert whilst retaining their current appearance and that substantial internal and external modification would be required to bring the buildings up to required standards for thermal efficiency and to meet fire regulations. This would include significant re-cladding and changes to the grounds for access ramps.
- 1.14. An updated Financial Appraisal offers £180,000 for affordable housing. Due in part to the very high land value in this area, the site produces a restricted S.106 fund, this is discussed later in detail in section 6.102.
- 1.15. The addendum to the Heritage Statement includes further justification for the demolition and comments on Scale/Layout/Architectural Style, Trees and Visual/Residential Amenity. The justification for demolition has included identifying the provenance of the building; that they were not designed by John Madin and were designed as part of a much wider masterplan that was not realised, suggesting that they are part of an incomplete redevelopment strategy and now stand as an anomaly. Later research by the applicants has confirmed that the buildings were designed by Bloomer and Sons in 1967 and constructed between 1968 and 1970. The applicants consider that the buildings are of limited architectural merit and in terms of group value have been detailed to different degrees of quality and do not read as a coherent group.
- 1.16. A Phase 1 habitat survey was conducted by 4 Acres Ecology (7/06/2014) on behalf of Taylor Wimpey, and was undertaken by a suitably experienced and qualified



ecologist. A preliminary inspection for Bats was also undertaken at the same time and the results are contained within this report. A data search from EcoRecord returned records for a number of species, of these there were 24 records of bats within 1km of the site. None of the buildings on site held feature that were suitable for bats, investigation of the roof voids returned no evidence either.

- 1.17. The Drainage Strategy identifies that the site is within flood zone 1 (least likely to flood) and investigations have found no ground water on site. The Strategy has been designed to not increase flood risk off-site through the proper management of surface water on-site. To satisfy the NPPF this means reducing outfall (or surface run-off) for the existing levels plus a further 25% reduction. This results in the need for 140 cubic metres of on-site attenuation. The Strategy concludes that on-site attenuation, plus the consideration of porous paving and water butts for the dwellings, would result in an effective surface water attenuation strategy. The attenuation tank is shown under the car park of the 'Hawthorn' block of flats adjacent to Highfield Road (plan 20115/100).
- 1.18. A detailed shadow path analysis has been undertaken. This indicates the shadowing caused by both the existing and proposed situations for Autumn equinox, summer solstice and winter solstice for a range of times throughout the day (3 hour intervals for the summer starting at 0600 and ending at 2100, autumn between 0900 and 1800 and winter between 0900 and 1500). This illustrates that the existing office buildings already cast some shadow onto those commercial buildings to the north in the winter. Some new shadowing would occur to the front elevation of the recently completed blocks of flats to the north in the winter and this would last until midday. It also shows that in the summer the proposed 'block B' would cast a shadow to the west of the site over rear gardens of 99 to 105 Harborne Road in the early morning but not from 0900 onwards. Some shadowing would occur to the rear elevations of houses on Harborne Road in the late evening (between 1800 and 2100) but this is shown to already be evident from existing buildings further north.
- 1.19. The updated Tree Survey confirms that the site has 38 trees and one group of hazels. The trees consist of 6 category A, 18 Category B, 14 category C trees, the tree group is category B. The majority of these trees are proposed to be retained. Eleven trees are shown for removal, consisting of 5 category B (being a cherry, weeping lime, weeping birch, Whitebeam and a hawthorn) and 6 category C (being a hazel, 2 x cedar and 3 x cherry). The landscape scheme indicates that 34 new trees would be planted to off-set this loss.
- 1.20. The Statement of Community Involvement illustrates that an exhibition was held in April 2014 following invitations being made to local residents. 27 people attended the event and the applicants consider that whilst most comments were generally encouraging there was some concern raised in regard to the apartment block proposed at the rear of the site in regard to design and siting and they were asked for this to be moved away from the rear boundary (in essence away from Harborne Road). The layout plan was altered in response to these concerns and the car parking for 'Block B' was moved from adjacent to rear gardens of Harborne Road to adjacent to the eastern side of 'Block B'.
- 1.21. Site area 0.67, density 64dph.
- 1.22. An Environmental Impact Assessment screening opinion has not been undertaken for this application. The EIA Regulations changed on the 6<sup>th</sup> April 2015 and a screening opinion is no longer required for development of less than 150 dwellings or for development with an application site smaller than 5ha.

1.23. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is rectilinear. It is 165m deep (from Highfield Road) and of varying widths of 32m at the front of the site and which widens out, at the rear, to widths that range between 45m and 59m. The site consists of one 4 storey, two 3 storey office blocks, a two storey house and a large car park to the rear, able to accommodate between 70-90 cars. The site is relatively flat and slopes gradually down from the east 160 AOD to 157.6 AOD on the west side, and therefore has a variance of 2.4m (east to west).
- 2.2. The site has a number of trees, principally on the southern and eastern boundaries adjacent to rear gardens of Harborne Road. Trees are also located adjacent to the junction of Highfield Road and the application site. Phase One, to the north of the site, is subject to a Tree Preservation Order (TPO 811).
- 2.3. The site is within the Edgbaston conservation area. The site is adjacent to 5 listed buildings and within close proximity to a further 11. The adjacent listed buildings are; 83 Harborne Road (Grade II\*), 89 Harborne Road (Grade II), 91&93 Harborne Road (Grade II), 95, 95a and 97 Harborne Road (Grade II) and 99 Harborne Road (Grade II). The next group of listed buildings, within close proximity are; 81 Harborne Road (Grade II), 101 Harborne Road (grade II), 103 & 105 Harborne Road Grade II), 64 Hagley Road (grade II), 3&4&5 Highfield Road (Grade II), 2 Highfield Road (Grade II) and on Hagley Road no's 76, 78&80, 82&84, 86-92, and 94&96 (all Grade II). (all are annotated on fig 5 at the end of this report for ease of reference. Furthermore, 38 Highfield Road is locally listed (category A).
- 2.4. A residential scheme is located to the north of the site. This is known as 'Phase One' by the applicants and consists of two blocks of flats, 4 town houses and 2 coach houses and was completed about 2 years ago.
- 2.5. The site is approximately 130m from the Ivy Bush Neighbourhood Centre and 120m from Hagley Road. In land-use terms, the site is in a transitional point between principally residential uses to the south and commercial to the north (on Hagley Road and Highfield Road). The form of residential properties, in the local area, range from large family houses to blocks of flats.

2.6. [Site Location Plan](#)

3. Planning History

- 3.1. 11/04/68. Pa no. E/C/26313003 Office Block. Approved.
- 3.2. 11/04/68. Pa no. E/C/26313004 Car Park. Approved.
- 3.3. 05/12/68. Pa no. E/C/26313005 Office Block. Approved.
- 3.4. 21/07/69 Pa no. E/C/26313006 (Rear of 7 Highfield Road) Erection of Office Block
- 3.5. 29/01/70 Pa no. E/C/26313007 Erection of office block and provision of parking. Approved.

- 3.6. 15/07/71 Pa no. E/C/26313008 Erection of Caretaker's House. Approved.
- 3.7. 29/04/15 Pa no. 2014/05254/PA- Demolition of three office buildings and house and erection of 7 (4 bed) houses and two blocks of flats with a combined total of 36 flats (21 x 2 bed and 15 x 1 bed) with associated works and access from Highfield Road. Approved with S106 to secure;
- £180,000 towards off-site affordable housing within the Edgbaston or Ladywood constituencies.
  - £62,400 towards off-site Public Open Space improvements in the Harborne Ward.
- 3.8. Adjacent site (phase 1)
- 3.9. 06/07/00 Pa no. 1999/02321/PA- Erection of 36 apartments and 3 dwellings (Class C3) with associated car parking and landscaping, erection of a 3-storey general office building (Class B1a), restoration works, alteration of 10 listed Victorian Villas with associated car parking and restoration of garden areas to Hagley Road frontage. Approved with S106.
- 3.10. 06/07/00 Pa no 1999/02538/PA- Listed Building application for the refurbishment of existing listed buildings, internal and external alterations, creation of parking areas and associated works. Approved.
- 3.11. 12/08/08 Pa no. 2004/05454/PA- Erection of 51 flats, 2 semi-detached dwellings and 4 terraced dwellings with associated car parking and landscaping. Approved with S106 for 6 affordable housing units. Later altered through Deed of Variation to secure these affordable housing units as an off-site contribution.
4. Consultation/PP Responses
- 4.1. Consultation Responses
- 4.2. Transportation – No objection subject to conditions S278 required for the widening of the bellmouth (including the possible addition of a pedestrian refuge). Pedestrian visibility splays to be incorporated into the driveways and access. I reiterate my comments and conditions from 2014/05254/PA requesting conditions for S278 agreement and for pedestrian visibility splays to be provided for each driveway and access.
- 4.3. Regulatory Services – No objection, subject to a condition to secure the specific glazing type to be used.
- 4.4. Local Services – As this application is in substance the same, in terms of layout and number of dwellings, the previous comments still apply being that the scheme would generate an off-site total open space /Play contribution of £62,400. Public Open Space (POS) provision within the development site would be not be suitable as any remaining space between blocks would not be large enough to incorporate meaningful POS facilities, would not be well overlooked and contains large existing trees. Any off site contribution would be spent on the provision, improvement and or maintenance of the POS fronting Lee Bank Middleway, within the Edgbaston constituency, which is in need of urgent improvement.

- 4.5. Local Lead Flood Authority (Drainage) - It should be noted that the current proposed discharge rate does not align with the LLFA requirements that all sites be attenuated to greenfield runoff rates unless proven to be unviable at which point the most significant betterment is still required. Furthermore, the proposed betterment of 20% is not in line with the current STW guidelines, which require a minimum of 30% betterment. Infiltration testing is required and should it be proven to be acceptable a revision of the proposed drainage system may be required. While it is acknowledged that reference has been made to the implementation of SuDS, there is limited evidence of exploring suitable SuDS to achieve the three key principles. It may be appropriate to object to this application as the information provided does not meet the requirements for Sustainable Drainage, alternatively a condition for the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan, could be applied.
- 4.6. Conservation Heritage Panel - Panel Members have reviewed the scheme before and it was noted that the previous scheme was very similar. Since that time more information has been uncovered in connection with the existing 1968 building on the site (confirming them to be by the Harry Bloomer Partnership) and the town house component of the scheme has been re-fenestrated. Panellists were supportive of the removal of the existing buildings and were satisfied with the design of the new buildings proposed. A debate was held over the appropriate design of windows and doors, but no objection was made to the application presented
- 4.7. Housing – The reasons for seeking an off-site commuted sum, in connection with this development, are still valid. There is no reason to seek a different commuted sum from what was agreed at that time, being £180,000.
- 4.8. Historic England – *“We do not wish to comment in detail, but offer the following general observations. Historic England responded previously on the related application 2014/05254/PA. Our position on this application remains much the same. We consider that the demolition of the three office blocks in question will cause harm to the significance of the conservation area and therefore is unacceptable. We recommend they be retained and renovated instead. We do not object to an element of new build accompanying them. As before, Historic England objects to this application on the basis of the principle of demolition of the three office buildings which contribute to the significance of the conservation area”.*
- 4.9. 20<sup>th</sup> century Society – no comments received.
- 4.10. West Midlands Fire service – No objection.
- 4.11. West Midlands Police – No objection, but recommend that this proposal is developed to enhanced security standards.
- 4.12. Centro - awaited
- 4.13. Public Participation
- 4.14. Residents, Resident Associations, Councillors and the MP consulted. Site Notice erected, press notice made.
- 4.15. MP and Councillors - no comments made.

- 4.16. 10 objections have been received from local residents, 5 from residents to the south of the site and 5 from residents living in the recently completed phase 2. Objections have been on the following subjects;
- 4.17. **Lack of consultation by the applicants**
- 4.18. *"There has been a failure of the applicant to adhere to the statutory consultation process and sheer disregard of any stakeholder concerns with the application. The lack of genuine consideration of concerns raised by local residents is offensive both to us as a family and to the planning process. An approach by the applicant which will no doubt continue throughout any development works leading to no confidence or comfort that the applicant will adhere to any planning consent granted."*
- 4.19. **Impact on listed buildings**
- 4.20. *"The proposed application would cause harm to the adjoining listed buildings and is entirely out of line with the setting, scale and context of the local area. This premise of this application is for the applicant to obtain as much financial gain from the development, and move on, irrespective of the lasting damage and harm caused to the buildings, area and people who remain. No reasonable planning committee could approve the application as proposed."*
- 4.21. **Judicial Review**
- 4.22. *"I was very annoyed by phase 1 of the development, as I had understood that an earlier scheme of two story buildings had been agreed, and would be proceeded with. I understand that amended plans have been submitted, and I agree with Mr Upton that these should not be considered prior to judicial review."*
- 4.23. *An application for judicial review is pending for essentially the same planning application and the Court has already determined that it is satisfied that there is at least an arguable case and has given permission for the judicial review application to proceed. Accordingly, for the sake of the time and cost of the Planning Committee and all other stakeholders, I query whether this application would be more appropriately considered after determination of the judicial review application."*
- 4.24. **Privacy/overlooking**
- 4.25. *"We would be overseen and adversely impacted by the development should it proceed. The offices, proposed for demolition, have been empty for a number of years, however prior to that we had a number issues with staff looking into our garden and disturbing my children and wife. If these offices are to be demolished, I strongly urge the planning officer to force the new development to respect current regulation with regards to overlooking into our garden."*
- 4.26. **Car parking provision and congestion**
- 4.27. *"The site has a problem with parking with just 2 blocks of apartments and 4 houses, future parking demand will make the road too overcrowded. Most apartments here have more than 1 occupant and therefore more than 1 car, the space would be better used as parking spaces. There is no consideration given to the enormous impact that this development will have with parking. If you visit the current site there are cars parked along the road."*

- 4.28. *It causes an access issue and a safety issue, as visibility is reduced when exiting the badly designed car parks. There have already been incidents of damaged cars and near misses. With public transport so poor in the area there is no other option than to own a car on this development."*
- 4.29. **Concerns raised in regard to the impact on the listed buildings and the conservation area**
- 4.30. One objector has sought legal advice from a Planning advocate, he asks that Planning Committee are made aware of the following comments;
- 4.31. *"Our approach to the statutory tests in sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. We set out as follows the approach that we take to section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 in the light of the Barnwell Manor Court of Appeal judgment and subsequent decision in the High Court in Forge Field.*
- 4.32. Section 66(1) of the Act requires decision makers to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* when determining applications which affect a listed building or its setting.
- 4.33. Section 72(1) of the Act requires decision makers with respect to any buildings or other land in A conservation area to pay *"special attention [...] to the desirability of preserving or enhancing the character or appearance of that area"*.
- 4.34. *"The necessary stages for decision maker in fulfilling its duties under these sections (and therefore the approach to be taken in any analysis) are as follows:*
- *Identify whether any harm is likely to be caused to a listed building or its setting or to a conservation area or its character or appearance and, if so, the likely nature of that harm. The assessment as to whether there is likely to be harm is a matter for the decision maker's own judgement but this must be exercised reasonably taking account of the key legal requirements.*
  - *Identify all other material planning considerations, including national and local policies (compliance with the existing statutory development plan to be given particular weight because of the presumption in section 38(6) of the Planning and Compulsory Purchase act 2004 that determination must be in accordance with the plan unless material considerations indicate otherwise).*
  - *If there is likely to be harm (whether substantial or not), the decision-maker must balance that harm against any countervailing planning benefits, but in so doing must give "considerable importance and weight" to the finding of harm. Another way to describe giving "considerable importance and weight" to the finding of harm is to say (as the court did in Forge Field) that there is a "strong presumption ... against granting planning permission for any development which would fail to preserve the setting of a listed building or the character or appearance of a conservation area", which presumption "can be outweighed by material considerations powerful enough to do so".*
  - *Where "substantial harm" is found, the advice in paragraph 133 of the NPFF should additionally be taken into account, namely that consent should be refused*

*“unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss” or at least one of four specified criteria are met.*

- Where there is found to be harm which is less than substantial, care is needed that the decision-maker expresses and applies the test correctly. Paragraph 134 of the NPPF 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 securing its optimum viable use.” However, this now needs to be applied in the light of Barnwell Manor and Forge Field. As set out above, even where “a development proposal will lead to less than substantial harm to the significance of a designated heritage asset”, in weighing that harm “against the public benefits of the proposal, including securing its optimum viable use”, it is clear that “considerable importance and weight should be given to that finding of harm.*
- If both section 66 (any listed building and/or its setting) and section 72 (any conservation area) are engaged, this analysis needs to be carried out separately under each section.”*

*4.35. “Following the advice from Counsel we strongly emphasise the following points of our earlier submissions:*

*4.36. We agree that Planning involves a balancing of positions. However, in this case the Planning Officer is himself unsure why even Phase 1 was permitted. We have not been able to locate examples of the Report from the Planning Officer which lead to that earlier decision.*

*4.37. We have asked a number of estate agents (experienced professionals engaged in selling properties) whether in their opinion a 3 story block of flats (or any flats) immediately behind our boundary walls is harmful to the setting – each has said yes. Further price reductions on anticipated sales of our properties following such a development are 10 – 15% because of the change in setting.*

*4.38. As this is a conservation area the question of the importance of the price adjustment is relevant as evidence of the detriment to an area in which listed buildings and conservation area concerns have to be assessed.*

*4.39. The view of counsel are clear on the points. There cannot be a sufficient material public benefit from only 50 residential units (as compared to the existing housing stock and development in Edgbaston / Birmingham) and this is highly unlikely to create substantial long term jobs or other significant benefits. As a consequence, the underlying presumption of any reasonable person looking at the site and assessing the planning application need:*

- “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”;*
- pay special attention ... to the desirability of preserving or enhancing the character or appearance of the area;*
- recognise that considerable importance and weight should be given to harm of a conservation area setting and setting in which listed buildings reside;*

- *recognise there is a strong presumption against the granting of planning permission which would fail to preserve the setting of a listed building or the character or appearance of a conservation area.*
- 4.40. *Accordingly, we strongly feel that this application must be rejected.”*
- 4.41. He asks for the Planning Officer to bring this to the Planning Committee’s attention since he considers that the committee cannot as a matter of planning law reach a balanced and accurate decision without having this presumption firmly in their mind at the outset of the consideration of the application and the responses.
- 4.42. He further comments, in regard to this second application;
- *“All the points listed in previous correspondence for the earlier application and which are attached are restated as of this date in regard to this application;*
  - *The applicant has failed to consult on this application a full 18 months after the last consultation. The basis of the application is not identical and a number of residents have changed over the period. The applicant should be requested to consult properly (and again) with all affected residents and/or businesses. This is further important as the applicant has made recent press comment regarding challenges to pay a reasonable financial contribution to BCC in regard to the Project.*
  - *In the letters to residents BCC affirmed that the date by which residents and others need to reply is the 1 September whereas it is actually 10 September 2015. As such this is not a valid notification and should be reissued;*
  - *The applicant has stated in the press (consistent with the new application here) that it cannot afford to pay a fair and reasonable amount for public benefit. Since the only way the obligation in regard to a Conservation Area can be avoided is by making a balanced contribution we contend this application is already flawed;*
  - *Despite the decision in the previous application we contend that the setting of listed buildings and the conservation area is harmed (i.e. something is being altered to its detriment) and as such can only be overridden by a case which shows an overwhelming public benefit.*
  - *No reasonable planning authority would approve this application.*
  - *The documentation submitted by the applicant is not identical in all respects to that previously used and I am not convinced the layout and plans are either.*
  - *As BCC knows the first application is the subject of a judicial review hearing set for November. Given the similarity in the applications it would not be appropriate for the Planning Committee to determine this new application ahead of the courts findings. The proximity of that hearing to the likely date for determination of this new application (not much more than a month’s difference especially given the period of time so far since the first application) makes this an essential use of your administrative law duties and powers. Using resource on the application pre judicial review being this close is not a good use of BCC resource and council tax money.*



- *The applicant has been quoted in the press as saying that it cannot afford the public benefit contributions yet they have made another application with a substantial fee attached. It is relevant to use of public funds that an applicant of the size and scale of Taylor Wimpey has not had that fee waived by BCC and everyone should have the right to know whether that is the case or not before determination of the application.*
- *If the fee has not been waived I point out to BCC that complaints about the benefit contribution must be disingenuous if TW is submitting new applications and incurring new costs ( not all limited to the application fee). As such it would never be reasonable or a good exercise of BCC duties to reduce or discharge the applicant from public benefit contributions either on this application or the previous one for the same site. If such is contemplated or has happened I request confirmation of these circumstances.”*

Finally, he has reacted to the additional conservation document submitted (which has been made to address Historic England’s recent new guidance on setting). He states that;

- *“The applicant fails to address the guidance note. It doesn’t describe in detail how the developer is working to ensure that the location, siting, appearance or effects of the development on the heritage assets are being harmonised. The site has never had any buildings on it and the proposal would over power and dominate the assets. Views out over the Oratory are removed forever and there is a loss of tranquillity and privacy. The scheme would also result in light pollution.”*

## 5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014). Historic England guidance for ‘*The setting of Heritage Assets*’ (2015).
- 5.2. Birmingham UDP (2005); Draft Birmingham Development Plan; Places for Living (2001) SPG; Regeneration through Conservation (1999); Public Open Space In New Residential Development (2006) SPD; Car Parking Guidelines (2012) SPD, Affordable Housing (2001) SPG, Mature Suburbs (2008) SPD.
- 5.3. Edgbaston Conservation Area. Numerous listed buildings as defined in the ‘site and surroundings’ section. TPO 811.

## 6. Planning Considerations

- 6.1. This section of the report takes the following structure:

- The Principle of demolition of existing buildings
- The Principle of residential development at this location
- Summary of Heritage Policy and Legislation
- Impact of design on the Conservation Area

- Impact of design on Listed Buildings
- Impact of design on the Locally Listed Building
- Response to objector's comments
- Transportation
- Residential amenity
- Noise
- Trees
- Ecology
- Sustainability
- S.106

6.2. Principle - Significance of the buildings proposed for demolition within the conservation area

- 6.3. In line with the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a consideration of significance is necessary, to assess the buildings proposed for demolition, and to assist in the assessment of harm. The buildings proposed for demolition are non-designated heritage assets. The applicants have provided details in regard to the age of the buildings and the architects. It has been illustrated that the buildings were designed by Harry Bloomer and Sons and that the buildings were erected between 1968 and 1975. The applicant's Heritage Assessment, addendum report and the Statement of Analysis of Potential Conversion explore the buildings and the contribution they make to the character of the conservation area. They consider that as three storey flat roof offices they represent a typical form of architecture of this era. The offices sit together in a linear group of three buildings with the caretaker's two storey house behind. The frontage building (Warwick House) consists of painted concrete banding, expressing each floor, with dark red brick infilling the gaps. Some window openings are set 'floor to ceiling' whilst others are narrow slits at high level, others still include panels placed beneath window frames. Warwick House has a limited palette of materials and defines a shell which can be considered 'simple' and 'functional', this is relatively successful in expressing a simple box. Lee House (behind) and Crest house (beyond) are similar in construction but less successful in their simplicity, both have a large amounts of panels under windows, filling the void between floors. Crest House, especially, has a moulded panel detailing under the key windows which contrasts sharply with the simple shapes otherwise formed. I also note that the spaces around the buildings are poorly landscaped and do not provide a form of enclosure or good setting for the buildings. I conclude here that the buildings convey a neutral impact on the conservation area which neither enhance or detract from the local character.
- 6.4. Historic England has objected to the application on the basis that the buildings should be retained and reused. They consider that the buildings contribute positively to the character and significance of the conservation area and that demolition would cause harm to the designated heritage assets. They consider that the applicants

have failed to understand the significance of the site or its role in one of the important phases of historical narratives of the Calthorpe Estate. They do not consider that the proposal would enhance the conservation area or make a positive contribution towards it due to the demolition. They recommend that the buildings be renovated although they do consider that “an element of new build” on the rear car park could be acceptable.

- 6.5. In terms of suitability of conversion, the applicants have provided further details as to why they consider that the buildings cannot reasonably be converted. If the buildings were converted to the most likely alternative use, residential, they would require a central core, additional plumbing, heating, cladding, alterations to glazing/void ratios, reuse of the rear car park (which would be dislocated from the blocks) and they could offer a limited amount of amenity space. The buildings contain reinforced concrete slabs which would prevent the relocation of stair cores from the corners to a more central space- presenting an unsatisfactory design solution for the converted building. Historic England has commented that they do not consider the degree of change required would be so detrimental as to negate the positive contribution made by the office buildings. They also suggest that the applicants have over stated the impact of achieving Building Regulation approval. However, in any event I consider that conversion of these buildings would result in an altered external appearance, a poor quality internal configuration and new overlooking opportunities between windows of different blocks and/or into adjacent rear gardens to the dis-benefit of both new and existing residents. Therefore whilst understanding the concerns of Historic England I am satisfied that it would be inappropriate to require the buildings to be converted to residential use, in this case it is appropriate to remove the current buildings and replace with a viable alternative use that would make an improved contribution to the conservation area.
- 6.6. In response to the comments of Historic England, I consider that the buildings make only a neutral contribution to the conservation area and do not contribute positively. I have considered the applicant's Statement for Analysis of Potential re-use and concur with their conclusions that such conversion would require significant change to the external appearance of the building and its grounds. Furthermore, I do not concur that the buildings make a positive or important contribution to the historical narrative of the Calthorpe Estate. There are similar and better examples and groupings of 1970's office buildings within the area which are still in active use and make a more worthwhile contribution to the conservation area such as St James' House (a recently listed Grade II listed John Madin office building). Historic England has identified that the existing buildings make an important contribution to the conservation area playing an important role towards the historical narrative of the Calthorpe estate, and consider that the demolition would cause harm to the character and appearance of the conservation area. I note that they do not identify *substantial* harm and I do not consider their removal (subject to suitable replacement) would cause harm at all. My Conservation Officer has considered the comments of Historic England and states that he does not share the rationale of Historic England, he concludes that the proposal would have no detrimental impact on the character or appearance of the conservation area.
- 6.7. In summary, I am satisfied that the demolition of the on-site buildings can be agreed in principle as they make a neutral contribution to the character and appearance of the conservation area, subject to proposed new scheme making a neutral or positive contribution. Furthermore on this basis, the proposed demolition would not prejudice the enhancement and preservation of the conservation area in satisfaction of the test set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.8. Principle – the locational appropriateness of residential development.
- 6.9. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed (brown-field) sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.10. Paragraph 5.25A, of the UDP, identifies a sequential approach when considering the location of new sites for housing and first favours the reuse of previously developed land. This site is previously developed land.
- 6.11. Paragraph 5.25C sets down criteria for new housing development. This requires the Local Planning Authority to take into account locational suitability, accessibility of the site and consideration of impact on infrastructure. Paragraph 5.38 seeks that new housing development achieve densities of at least 40 dwellings per hectare, 50 within centres or adjacent to main transport corridors and over 100 within the city centre. The site has a density of 64 dph which I consider to be generally appropriate for the local context in a transitional area, between the high density Hagley Road corridor and the lower density residential areas to the south.
- 6.12. The Birmingham Development Plan (BDP) has just completed its main Examination in Public, and is due for final adoption later this year. It is therefore now considered to be of some weight. Policy TP26 states that new residential development needs to demonstrate that it is creating a sustainable neighbourhood. Policy TP27 requires new residential development to be located outside of flood zones 2 and 3a and 3b, be adequately serviced by infrastructure, be accessible to local services, be capable of remediation (in mind of contamination), be sympathetic to historic, cultural or natural assets and satisfy other important land use related policies of the Plan.
- 6.13. In conclusion, the site is located outside of flood zones 2, 3a and 3b in a highly sustainable location within proximity of range of frequent bus services and shops (on Hagley Road), adjacent to the City Centre and is not subject to contamination. I subsequently consider that the principle of residential use for this site, is acceptable subject to the consideration of specific details in regard to design, impact on the setting of the adjacent listed buildings, impact on the character and appearance of the conservation area, ecology, highway safety, residential amenity, trees, S106 requirements and noise.
- 6.14. Design Policies
- 6.15. In terms of design, paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context

and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

- 6.16. Places for Living (SPG) encourages good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character. This guidance also recommends appropriate separation distances, bedroom and garden sizes.
- 6.17. Mature Suburbs (SPD) states that new housing can have a significant impact on local distinctiveness on the character of an area and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. It states that design should determine density and not vice versa. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.18. Conservation Policies and Guidance of Historic England, the UDP and BDP and the 1990 Act
- 6.19. Guidance was published, by Historic England in March 2015, to guide applicants and the Local Planning Authority when considering the issue of '*The setting of Heritage Assets*'. This guidance identifies that the protection of a setting need not prevent change and that many places are within the setting of a heritage asset and are subject to change. The guidance includes a step by step method for considering the impact of proposed development on heritage assets leading from identification of asset, the contribution made by the setting, the effect of the proposal on that setting in terms of significance, exploration of mitigation and to document the final decision.
- 6.20. The Planning (Listed Buildings and Conservation) Act 1990 [The 1990 Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 66, of the Act, states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” Section 72, of the Act, states that “In the exercise, with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” The advice contained in '*The setting of Heritage Assets*' further emphasises the importance of the setting of heritage assets and identifies a clear approach to considering setting. These requirements have been carried into the Development Plan through Policies 3.25 (listed Buildings) and 3.27 (Conservation Areas).
- 6.21. Policy 3.25, of the UDP, states that “any development affecting a listed building should preserve and enhance its character”. This also states that the setting of a listed building will be preserved and enhanced by the exercise of appropriate control over the design of new development in their vicinity.
- 6.22. Policy 3.27, of the UDP, seeks that “..development [within conservation areas] should preserve or enhance the character or appearance of the area...the removal of trees or other landscape features which make a positive contribution to the area's character or appearance will be resisted.”

- 6.23. Policy TP12, of the draft BDP, states that “applications for development affecting the significance of a designated or non-designated heritage asset...will be required to provide information to demonstrate how the proposal would contribute to the asset’s conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.24. Conservation issues within the National Planning Policy Framework (NPPF) 2012.
- 6.25. Paragraph 128, of the NPPF states that “...In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets (HA’s) affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”.
- 6.26. Paragraph 129, of the NPPF, states that the LPA should identify and assess the particular heritage asset that may be affected (including setting) and take this assessment into account when considering the impact to avoid or minimise conflict. Paragraph 130 states that deliberate neglect should not be taken into account in any decision.
- 6.27. Paragraph 131, of the NPPF, states that LPA’s should consider sustaining and enhancing HA’s and putting them to viable uses, consider the positive contribution that conservation can make to sustainable communities and consider the desirability of new development to make a positive contribution.
- 6.28. Paragraph 132, of the NPPF, states that when considering impact on a HA, great weight should be given to the asset’s conservation, significance can be harmed or lost through alteration or destruction of the HA or its setting and that substantial harm to HA’s of the highest significance (including to grade II\* listed buildings) should be wholly exceptional.
- 6.29. Paragraph 133, of the NPPF, states that where there is substantial harm or total loss of significance of a HA LPA’s should refuse consent, unless it can be demonstrated that the harm is necessary to achieve substantial public benefit or that the HA is beyond reasonable use, no viable use can be found, grant funding is not available and the harm is outweighed by the benefit of bring the site back into use.
- 6.30. Paragraph 134, of the NPPF, states that where a proposal would result in a less than substantial harm, the harm should be weighed against public benefits, including securing its optimum viable use.
- 6.31. Paragraph 135, of the NPPF, states that the effect on the significance of non-designated HA’s should be taken into account and that a balanced judgment will be required having regard to the scale of harm or loss.
- 6.32. Paragraph 136, of the NPPF, requires that LPA’s should not permit the loss of a HA without taking reasonable steps to ensure the new scheme will proceed after demolition.
- 6.33. Paragraph 137, of the NPPF, seeks LPA’s to look for new opportunities to enhance the setting of the conservation area and reveal their significance. Proposals that

preserve those elements that make a positive contribution should be treated favourably.

- 6.34. Paragraph 138, of the NPPF, states that not all parts of a conservation area will necessarily contribute to its significance, the loss of buildings which make a positive contribution to the significance of the conservation area should be treated as substantial harm.
- 6.35. The NPPF provides a definition of Heritage Asset's (HA's) which is; *"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)."* In the context of this application, the affected Heritage Assets are considered by officers to be; the Edgbaston Conservation Area, the grade II\* listed building (at 83 Harborne Road), the 4 grade II listed buildings touching the application site (as defined in the 'site and surroundings' section above), the 11 grade II listed buildings within close proximity of the application site (as defined in the 'site and surroundings' section above), and the category A locally listed building at 38 Highfield Road. The significance of the designated and non-designated assets is largely determined by their individual designations. The on-site buildings are non-designated heritage assets, by virtue of being within the conservation area, their significance is considered later.
- 6.36. It is therefore especially important to consider the significance of the buildings proposed for demolition, the impact of the proposed demolition and new development on the character and appearance of the conservation area, the impact on the setting of listed buildings and the setting of the non-designated assets of the locally listed building and the existing buildings on-site. To do this it is required to identify each heritage asset, determine the significance of each and determine the degree of harm caused, if any.
- 6.37. The Edgbaston Conservation Area Character Appraisal (ECACA)
- 6.38. The ECACA was adopted in 1998, the conservation area was designated in 1974 and its boundary has been extended twice. The Appraisal provides a detailed analysis of the Area; explaining its importance, the reason for the designation and a sound understanding as to the character and place. The character appraisal firstly identifies the Area's significance from a national perspective and comments that "...Despite the piecemeal and chronologically extended development of the Edgbaston estate....the strict and deliberate control exercised by successive generations... has ensured first the creation and then the preservation of the green, spacious and essentially suburban exclusivity". It considers the townscape character and finds the Area to be "characteristically green, exclusive and suburban". However, it also notes that there are shifts in the physical pattern of the area as it extends from its north-eastern limit at Five Ways reflecting changes in the socio-economic conditions and changing fashions in design. It also identifies that the Area consists of a great diversity of building styles and scales. It states that mansion flats were built on the periphery of the estate and later (in the 1970's) tightly grouped blocks of flats were added (such as those on Vicarage Road, close to the application site). It further identifies that tree cover is probably the most definitive characteristic. A further characteristic relates to the diversity of plots and indicates that buildings sit within plots with differing orientations, footprints, sizes and style that banish uniformity and successfully reinforce a rural feel.

- 6.39. In terms of views, it states that public views are often constrained by road side trees and as such the vista is often narrowed and the eye is directed to the distant view creating a powerful sense of perspective. It also states that private views are very important, it states that “the quasi-rural private impression is created by the extensive garden ground which traditionally lay behind the dwelling houses and is heightened where the houses stand on a slope or the gardens back onto open land...”. The application site contains 3 three storey office blocks, a house and a large car park to the rear. This open space at the rear contributes to the open character in conjunction with the extensive rear gardens of houses fronting onto Harborne Road. It must be considered whether or not the proposal preserves or enhances the character of the conservation area and the setting of the listed buildings.
- 6.40. Impact of the proposal on the character and appearance of the conservation area
- 6.41. The (Hawthorn) and the town houses reflect the local character, with white render and large ‘Georgian’ aspect windows. Block B would provide a large private amenity space to the rear and enhanced screening is proposed to the boundary to reduce the impact on the setting of the listed buildings.
- 6.42. In terms of layout and scale, the scheme consists of three separate components, the two new blocks at either end of the site and a row of 7 town houses in the centre of the site. These proposed buildings follow the linear path of the existing buildings but extend further to the rear (west). The proposed layout creates private space to the south of the buildings and public areas (front gardens and car parking) to the north of the buildings. This relates well to the establish public/private realm created in phase one allowing both phases to join together to create a satisfactory holistic scheme. In terms of scale, existing local buildings are a combination of two, three and four storey, the two storey buildings in the local context are generally of a more generous scale with large plots and large footprints. Building heights generally diminish as the observer moves away from Hagley Road. The proposal allows for the retention of the majority of trees on site and the layout allows for the creation of space around the buildings for additional landscaping reflective of the local context. The proposed footprints match the general grain of these off-site buildings with a scale which would complement the scale of the local area. I am satisfied that the proposed layout and scale meets best design aspirations.
- 6.43. In terms of appearance, the block adjacent to Highfield Road has been designed to reflect key architectural features found on nearby buildings, including the locally listed building at 38 Highfield Road opposite the site entrance, with white render walls, a hipped roof, chimneys and Georgian style window proportions. This theme is continued for the 7 town houses, also with white render and hipped roofs. The end block of flats (Block B) would be treated differently, with a design identical to those blocks built as part of phase one. The design details, such as window and door aspect, depth of reveal, the string course feature and deep overhanging eaves, lift the design to a high standard and satisfy best design expectation, being especially important in the conservation area. In terms of boundary treatment the scheme propose a combination of white render walls and railings reflective of the characteristics of the wider area. I am satisfied that the appearance of the flats and town houses would complement the local character.
- 6.44. The scheme proposes bedrooms and garden areas that comply with Places for Living guidelines. The separation distances are exceeded in most areas. The only point where a guideline separation distance is not achieved relates to the relationship of the off-site coach houses and proposed town house plots 14 and 15



(with a separation of 14m) this is discussed in detail at paragraph 6.80. The separation distances, from the rear elevations of the town houses and block B to the rear elevation of houses on Harborne Road, are satisfied as a minimum of 15m is provided to the south boundary of all proposed properties. Furthermore, the guideline separation distances from the front elevation of block B to the front elevation of the three storey flats of phase one is also satisfied at 27.5m.

- 6.45. The Impact and potential harm of the proposal upon the character and appearance of the conservation area is derived from the impact of the demolition and the scale, layout and appearance of the new buildings and landscaping. The demolition is considered above (at 6.2-6.7), design (dealing with scale, layout and appearance) has been considered principally at 6.40-6.44 where it is explained that the proposal employs good design practice and would both complete the wider development proposal, begun with 'phase one' and deliver a high quality residential scheme that would integrate well into the conservation area and deliver aspirational residential living in a highly sustainable location. The submitted landscaping scheme provides 34 additional trees, and shrub and bush planting, and would introduce more landscaped area than currently found on-site. I am therefore satisfied that the proposed development would have a positive impact on the character and appearance of the conservation area.
- 6.46. I have also considered the impact of the loss of the car park area and the erection of block B on this site. I recognise that Block B would cause a loss of an element of openness but given the space retained around it, quantity of retained trees and new landscaping proposed, this effect is not be considered harmful to the character or appearance of the conservation area. I note that this opinion is also reinforced by my conservation officer who considers that the proposal would have a neutral impact on the character of the conservation area.
- 6.47. In regard to Section 72 of the Act and considered at paragraph 6.2-6.7, and in regard to the importance of the buildings proposed for demolition and the contribution they make to the conservation area, I am satisfied that the proposal would make a positive impact on the character and appearance of the conservation area. As such I consider that the scheme would not convey harm to the character or appearance of the conservation area and satisfies the advice contained in '*The setting of Heritage Assets*'. Therefore, I am satisfied that the duties of the 1990 Act have been fully considered and complied with.
- 6.48. Impact on the setting of the listed buildings
- 6.49. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special regard to be had to the desirability of preserving the building or its setting when determining planning applications. The NPPG explains that setting can be more than just based on a visual assessment due to the need for additional considerations such as dust, noise and vibration from other land uses in the vicinity and by understanding the historic relationship between places. The advice contained in '*The setting of Heritage Assets*' further emphasises the importance of the setting of heritage assets and identifies a clear approach to considering setting. The consideration of harm, mindful of the test identified in Section 66 of the 1990 Act, is assessed through consideration of nearness, height, scale, topography, screening and historical association/contribution.
- 6.50. The objections raised are correct to identify that a key material consideration relates to the impact of this proposal on the setting of the adjacent listed buildings and on

the conservation area. The proposal would consist of three key elements block A (the Hawthorns); the town houses and Block B (located on the rear car park).

- 6.51. The first and second element would seek to replace the general footprint and height of the three existing office buildings. The form of development would have a finer grain than the existing buildings and would be set further away from the south boundary, with new landscaping opportunities on the south boundary. Warwick House, adjacent to Highfield Road, is a three storey flat roofed building. It is aligned with the southern boundary of the site and is sited 3m from that boundary, it presents a 14.5m side elevation to the boundary and the property beyond (83 Harborne Road- Grade II\* listed building), The proposed Block A would be re-orientated compared to Warwick House and would better address Highfield Road, as a consequence it would present its rear corner toward the southern boundary, with a minimum distance of 4.5m but receding away from the boundary for both side and rear elevations of this proposed three storey building. This element would replace the existing office building with that of an improved architectural style, more commensurate with the existing vernacular and presenting a more conventional relationship onto Highfield Road. On this basis I consider that this building would have a positive impact on the character of the conservation area and the setting of the listed buildings located to the south of the site.
- 6.52. The second element, the 7 town houses, would generally stand on the footprints currently formed by Lee House (behind Warwick House) and Crest House. These are both three storey with flat roofs. Lee House and Crest House are orientated parallel to the southern boundary, similar to Warwick House, with Lee House being 10.5m from the southern boundary and Crest House being 4.5m from the south boundary. Beyond the south boundary are houses of 85-89 Harborne Road (no.89 being Grade II Listed) with gardens ranging in length from 38m (no.85) to 48m (no.89) to principal rear elevations. The separation distances, in these locations (rear elevation to rear elevation) would be 55m and 63m respectively. The proposed three storey town houses have garden lengths of 15.5m and 15m. There is also substantial screening formed by trees, hedging and bushes both on-site and within the neighbouring gardens. The town houses would therefore be set further away from the south boundary than the existing offices and would include gaps, over garages, which would provide relief from the built form. The offices are approximately 9m and 12m high, the town houses (plus roof) would be 11m high (to ridge). I am therefore satisfied that this element would have a lesser impact on the setting of the listed buildings (and simultaneously the amenity of residents) than the existing buildings due to greater separation and reduced height/scale and consequently making the adjacent on-site built form less visible.
- 6.53. The final element relates to block B, located on the existing car park to the rear of the site. Beyond the south and west boundaries are 3 grade II listed buildings (no.s 91-93, 95-97 and 99 Harborne Road). The form and style of Block B would directly relate to the scale and architecture of the two blocks constructed to the north of the application site, within phase one. The constructed apartment blocks are now an established part of the local context and character within the conservation area and set some precedent for this form of development. The proposal would be set away from the south boundary by a minimum of 20.7m and a maximum of 25.9m. Rear gardens of no's 91-97 range between 38m (rear of no.95) and 41m (rear of 91m), creating a separation distance (rear elevation to rear elevation) of 63m and 66m respectively. Design guidance, in the form of Places for Living SPG, seeks a separation distance of 27.5m and requires a three storey building to have a minimum garden length of 15m. These guidelines are satisfied, but when

considering the impact on the listed buildings it is also necessary to consider the impact on the setting, including the grounds of the listed building.

- 6.54. The rear elevation of Block B is set 22m from the rear (south) boundary, this would provide a generous separation buffer and allows for substantial new tree and hedge planting to be introduced on the perimeter of the site allowing for more screening and a generally diminished effect to the listed buildings beyond. I am satisfied that the impact on the setting of the listed buildings, to the south and west boundaries, has been more carefully considered by the applicants and I consider that the impact has been mitigated to a degree that the setting of the listed buildings would not be harmed by the proposal.
- 6.55. The City's conservation officer has also considered the impact of the proposal on the setting of the listed buildings. He states that "I do not consider the impact of the proposals to be such as to cause harm to their significance".
- 6.56. The proposed erection of block B also includes the demolition of a two storey detached house, a caretakers accommodation, located 4m from the south boundary. This building is a conventional brick house of functional design and considered to be of low significance. Its demolition is therefore welcomed and this would improve the setting of the adjacent listed buildings to the south (especially no.s 91-93 Harborne Road) in terms of views from the adjacent rear gardens.
- 6.57. Returning to the NPPG's definition of setting, I have considered setting from the perspective of noise, dust, vibration and historic relationship. I do not consider that noise, dust or vibration issues would have an impact on the setting of the listed buildings, this comment is clearly exclusive of any construction disturbance which might, inevitable cause some short term disturbance. This can be adequately dealt with by conditions, I also recommend a condition requiring augured piling to reduce/prevent vibration transference. In terms of setting, especially noise, it seems inevitable that the proposal would place more ambient activity in rear gardens than is currently present, although in contrast, traffic noise would diminish as the commercial car park would be significantly reduced. On balance, I consider that noise would change to 'residential activity' from 'commercial' resulting in no real perceived difference from the perspective of resident's enjoyment of the defined heritage assets. Historical maps from 1904, show that the application site mostly consists of the original curtilage of no. 7 Highfield Road and the slightly wider rear area consisted of two paddocks or allotments. By 1958 the curtilage of no.7 had expanded into the first paddock or allotment and the site was expanded again in 1971 to accommodate the car park seen today. As such, the site never seemed to have a direct relationship in boundary form or plot size to the adjacent building plots. I therefore consider that the site has no discernable relationship to the adjacent plots in terms of historical functionality or operationally and therefore it never seemed to form part of the curtilages of no's 91-97 Harborne Road.
- 6.58. I am therefore satisfied that the listed buildings and their setting would not be harmed by the proposed scheme. As such, there is no need to demonstrate 'public benefit' (NPPF), and the test of Section 66 is met. Therefore, whilst Section 66 of the 1990 Act is a material consideration, I am satisfied that no harm would be caused to the listed buildings and as such 'public benefit' is not a material consideration to offset "less than substantial harm". I am also satisfied that the guidance contained in '*The setting of Heritage Assets*' has been properly considered and its methodology taken into account.

- 6.59. Impact on the setting of the locally listed building and other non-designated heritage assets
- 6.60. In terms of the impact on the locally listed building (at 38 Highfield Road), which is a non-designated heritage asset, I am satisfied that the proposal would have no adverse impact on its setting. As it is located on the opposite side of Highfield Road. Furthermore, other non-designated heritage assets are considered as those buildings within the conservation area which are not listed (locally or nationally). This includes the buildings within 'phase one', 8 Highfield Road, 85 and 87 Harborne Road all of which are adjacent to the site curtilage. Having considered the impact of the scheme on these assets specifically I am satisfied that the scheme would not have an adverse impact on the setting of these assets.
- 6.61. I am therefore satisfied that the setting of the locally listed building, and the non-designated heritage assets would not be harmed by the proposed scheme and satisfies the guidance contained in '*The setting of Heritage Assets*'.
- 6.62. Response to objectors' comments regarding harm to the listed buildings
- 6.63. One key objection to the application has been raised by residents in regard to the harm caused by Block B, proposed to be located on the car park, to the setting of the listed buildings on Harborne Road due to its height and proximity. Impact on the setting has been discussed above but in specific response to the objectors' comments I acknowledge the duty placed on the Local Planning Authority through Section 66 and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.64. One objector also refers to a High Court decision and a Court of Appeal decision. The Court of Appeal case (Barnwell Manor Wind Energy), focussed on the granting of planning permission through an appeal for a wind turbine within the setting of a grade I listed building. In this case the public benefit put forward was for 10 MegaWatts of renewable energy for 25 years. Lord Justice Sullivan ruled that the Planning Inspector had failed to properly apply the requirements of section 66 and quashed the decision.
- 6.65. The High Court decision (The Forge Fields Society), was concerned with planning permission granted by Sevenoaks DC, for the erection of affordable housing within the setting of two listed buildings and a conservation area. In this case the public benefit put forward was to meet local affordable housing need. Mr Justice Lindblom considered that Sevenoaks District Council had erred in its approval. The decision was also quashed.
- 6.66. Both cases emphasis the considerable weight which must be applied to the preservation of the setting of listed buildings, and preserving or enhancing the character and appearance of conservation areas. It reminds decision makers of the importance of the statutory presumption in favour of preservation/enhancement and that this is demonstrable to the proposal being considered. It also reminds officers of the strong presumption against the granting of planning permission for any development which would fail to preserve the setting of a listed building or fail to preserve or enhance the character or appearance of a conservation area.
- 6.67. In regard to Section 66 of the Act, I have previously concluded (at paragraph 6.47-6.57) that there is no harm caused to the setting of the surrounding listed buildings and do not concur with the objector that Block B would over-dominate the gardens and rear elevations of adjacent houses although it would undoubtedly affect the

outlook from the rear – this is more an amenity issue rather than in relation to ‘setting’. My conservation officer has considered this issue and comments that “the proposals will, in my opinion, have some visual impact to the adjacent properties, this visual impact will be neutral in terms of impact on setting and I do not consider it to be objectionable”.

6.68. In regard to Section 72 of the Act, I also consider, at paragraphs 6.2-6.7, the importance of the buildings proposed for demolition and the contribution they make to the conservation area. I am satisfied that the proposal would make a positive impact on the character and appearance of the conservation area. As such I consider that the scheme would not convey harm to the listed buildings or to the character or appearance of the conservation area. Therefore, the duties of the 1990 Act would be complied with.

6.69. Historic England objection

6.70. I note that the application has generated an objection from Historic England. It is a statutory consultee for major development (more than 1,000 sqm) within conservation areas. Circular 08/2009 directs LPA's to refer Listed Building applications to the Secretary of State, if Historic England object in certain circumstances, and when the LPA are minded to approve the application. I also note that paragraph 61, of the NPPG, explains (within table 5), when a planning application must be referred to the Secretary of State. This states that referral is only necessary where the LPA wish to approve and Historic England have objected on the basis that the scheme would affect a world heritage site. As such I am satisfied that the application would not require referral.

6.71. Transportation

6.72. Policy 6.49B, of the UDP, seeks new development to make adequate parking provision to meet all transport needs. The NPPF states that “when setting parking levels LPA's should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles”. It is considered that the site is in a sustainable location with good access to public transport and the City Centre generally. However, it is also noted that local car ownership is high and comments raised by objectors (in regard to the parking levels associated with phase one) suggests that there will be a relatively high demand for on-site parking. Partly in mind of this concern proposed car parking has been increased on-site since the original submission.

6.73. The Council's Car Parking guidelines SPD, identifies that the site is within area 3, but adjacent to the boundary of area 2, which follows Highfield Road. The boundary of area 2 marks the outer point of the zone within 500m of Five Ways railway station. In area 3 the parking guidelines require a maximum of 2 spaces per dwelling. In area 2 this would be 1.5 space per dwelling.

6.74. The scheme proposes two blocks of flats and 7 town houses. Parking is mostly provided as surface level car parking. The parking levels are 111% for the proposed Hawthorns flats, 130% for Block B and 200 to 300% for the town houses. Each dwelling therefore has at least one space, the family housing receives a significant level of additional parking to accommodate the anticipated extra parking needs.

6.75. The proposal includes widening of the access at the junction onto Highfield Road. The proposed houses have driveways providing access to rear garages. The houses would accommodate 2-3 cars in these areas. There are double yellow lines on this

private road. Highfield Road itself has single yellow lines along a 60m length adjacent to the site entrance, which becomes double yellow within 30m of Hagley Road and Harborne Road. The single yellow prevents parking at peak times (Monday to Saturday 7:30am to 8:30pm) and therefore allows parking off peak. It is also noted that there are frequent bus services located within 50m of the site on Hagley Road, giving access to the city centre and Five Ways Rail Station.

- 6.76. The scheme provides a total of 62 parking spaces (including 5 garages) across the site, this results in an average provision of 144%. Whilst I recognise the concerns of objectors, this must be balanced against the City's sustainable travel aspirations and it would be unreasonable to require additional parking in this location.
- 6.77. Your Highway Engineer is satisfied that the widened access would be safe and could accommodate the traffic anticipated for the proposed use. I am also mindful that the existing car park, serving the on-site office buildings, could accommodate between 70 and 90 parking spaces. This traffic would have historically put pressure on the current sub-standard junction. The application site and phase one would result in similar or fewer numbers of cars using the access than the former office use and the traffic would be more dispersed through the day rather than during peak hours, compared to the office use.
- 6.78. The proposed bell mouth adjustments would require a S278 agreement, this can be secured through a condition.
- 6.79. Impact on residential amenity
- 6.80. This assessment considers the scheme in the context of Places for Living, separation distance guidelines and through consideration of the impact on the setting of the listed buildings. This report illustrates that separation guidelines are exceeded in most cases.
- 6.81. Phase One, to the north of the site, includes two, three-storey blocks of flats. The front elevation of the apartment block opposite proposed block B would have a separation distance of 27.5m, this satisfies the distance separation guideline of Places for Living. This block of flats has recently been completed and I understand that residents were informed that 'phase two' would involve development on the car park. The coach houses of phase one are located immediately behind 5 Highfield Road. There is a pair of semi-detached houses (referred to as coach houses) with an integral garage and front door at ground floor and two bedroom windows each above. This would be located 14m from the front elevation of two of the proposed town houses (plots 14 and 15). This is below separation guidelines where 27.5m would normally be sought. However, plots 14 and 15 have been arranged so that the gap between them (for driveways) is directly opposite the coach house providing some visual relief. I also recognise that the existing office blocks (Crest House and Lee House) are located at a similar distance as the proposed houses on plots 14 and 15, especially Crest House, and Places for Living allows for some relaxation when considered 'front-to-front' relationships. On this basis I do not consider that the impact of the town houses onto the coach houses would be significantly different to that currently evident.
- 6.82. 8 Highfield Road is a part single storey and part two storey house. The single storey component presents a garage and 3m high wall onto the public highway on the boundary to the pavement. The house is located perpendicular to the road and has its main garden to its southeast side. Its northwest elevation contains a first floor bedroom and a landing window on this side. The northwest elevation, of no.8, would

look towards the side elevation of proposed Block A, which would present a blank three storey elevation. This would be 5m away from the boundary and 8m from the northwest elevation of no.8. Proposed Block A would also have a rear wing, set further away from the boundary. At its nearest point this rear wing would be 10m from the boundary and 13m from the northwest elevation. This distance is slightly below the guideline in Places for Living which seeks a separation of 15m for three storey windows. The rear wing would have two bedroom windows and a bathroom window on each floor of this elevation, looking towards the northwest elevation and the rear garden of 83 Harborne Road. I consider that this limited degree of overlooking and over-domination is much reduced from that evident in the current situation due to the location and orientation of the existing office building. As such I find this relationship to be acceptable in regard to the rear garden and windows of both 8 Highfield Road and 83 Harborne Road.

- 6.83. 5 Highfield Road is a Grade II three storey office block. A separation distance of 11m is evident between the front elevation of the town houses and the side boundary of this property. This would result in these houses overlooking part of the car park behind the property. As the property is in commercial use I do not consider that this would result in a loss of privacy, furthermore I do not consider that this would have an adverse effect on the setting of the listed building.

6.84. Noise Impact for proposed occupiers

- 6.85. The scheme would place a residential use in a location which is a mix of commercial and residential activity. There are some commercial premises beyond the phase one blocks of flats to the north and on Highfield Road to the east. Hagley Road is 50m to the north, beyond phase one.

- 6.86. Colleagues in Regulatory Services have raised no objection to the residential use in principle, however their City-wide noise mapping system places part of the site in an area that may need a specific glazing type to manage noise from Hagley Road. They have recommended that a condition be added to require a noise assessment to determine the appropriate level of glazing attenuation. I am satisfied that this can be controlled by condition to require a noise survey and determine the appropriate level of attenuation. Furthermore, a condition is also recommended to require that the applicants only construct foundations using augured piling to minimise noise and vibration impact to adjacent residents.

6.87. Impact on Trees

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

- 6.89. The site is adjacent to a site subject to a Tree Preservation Order (TPO 811) that was subject to development as part of phase one.

- 6.90. The updated tree protection plan, and the survey that it is based upon, is considered to be satisfactory by my arboriculturalist although he has requested further information through conditions in regard to the arboriculture method statement. The current layout includes the removal of tree T5, a substantial B category weeping lime tree that contributes to views from the access junction. There are three other B

category trees that would require removal but these are relatively small and, given a reasonable amount of time, he considers would be easily replaced in the new landscape. My arboriculturalist originally considered that the loss of tree T5 could have been sufficient grounds for refusal but I am mindful that the scheme has been amended to improve the access road and widen the roadway. The retention of the tree would prevent the road being widened and I am satisfied that this benefit, to existing and proposed residents, would off-set the loss of the tree. Eleven trees are shown for removal, consisting of 5 category B (being a cherry, weeping lime, weeping birch, Whitebeam and a hawthorn) and 6 category C (being a hazel, 2 x cedar and 3 x cherry). I have considered the wider benefits of the proposal, such as the improved access and the landscape scheme, showing scope for a minimum of 34 new trees to planting in association with a substantial level of hedging and shrub planting. Overall the improved landscape measures would enable the site to make a substantial contribution towards the landscape character of the conservation area and improve its ecological diversity.

- 6.91. The car park and current foundations around the site for Block B provide adequate confidence that the building and associated car park can be constructed without detriment to existing trees. Tree T9 is a category A Ash tree adjacent to the south boundary, behind Warwick House and is the main constraint on the boundary further towards Highfield Road. There are existing foundations in this area which would adjust the root protection area as roots would seek out clear ground. My tree officer considers that the use of a permeable 'geoweb' type material for the parking spaces of Block A would prevent disturbance to this tree. This can be secured by condition. Furthermore, a condition requiring an arboricultural method statement is recommended by my arboriculturalist, I concur with this requirement.
- 6.92. I have also considered the impact of the shading caused by existing trees onto proposed dwellings. I am satisfied that occupants of the new dwellings would not be significantly overshadowed by existing trees due to gardens lengths and separation distances afforded for the larger trees on site.
- 6.93. Ecology
- 6.94. Paragraph 3.37, of the UDP, states that the importance of safeguarding and enhancing the natural environment of the City is recognised. Paragraph 3.38 continues that "...schemes...on open land , will be expected to respect, and where possible enhance, the local environment.. with the objective of maximising wildlife value". The NPPF, at paragraph 109, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline. The draft BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.95. The site is surrounded by existing housing to the south and the newly developed area to the north. The site boundary has many mature trees the vast majority of these are to be retained. The remainder of the site is currently set out to landscaped grounds consisting of semi ornamental tree plantings, shrubberies and amenity grassland. A large percentage of the sites total area is taken up by the existing buildings and the hard landscaped car park area. There are no ponds or wetland features within the development area.
- 6.96. None of the buildings on site held features that were suitable for bats, investigation of the roof voids returned no evidence either. Two of the mature trees on the southern boundary did however hold features that may be potential bat roosts one of these (in a large horse chestnut) showed staining to the lower edge of a rot hole



giving weight to this conclusion. The other was a similar feature in a bough of an Ash tree. As neither of these trees are identified for removal and as long as they are protected from the effects of development and remain relatively undisturbed, my ecologist considers that this should not present a barrier to developing the site.

- 6.97. There are a number of recommendations in the ecological report (section 7) and all should be adopted. Most importantly is the issue of timing for vegetation removal, this should be timed to present least disturbance to nesting birds and should therefore be carried out between October and March. The landscape plan already picks up recommendation 7.7 and shows the location of 6 each of both Bird and Bat boxes. The planting plans seem to indicate that there will be a mix of native and ornamental planting that will provide replacement for that lost during the construction phase. The addition of some form of wildflower rich grassland closest to the southern boundary would be a welcome addition.
- 6.98. My ecologist has considered this proposal and comments that the original survey is still within date and consequently a re-survey is not required. He notes that the landscape plans incorporated ecological mitigation measures. He has no objection to the scheme provided that the details of the planting scheme, incorporating bat and bird boxes, are implemented as submitted. This can be secured by condition.
- 6.99. Sustainability
- 6.100. Policy 3.14E, of the UDP, includes a range of principles for sustainable design/development. These include promoting modes of transport other than use of the private car, re-use of buildings where possible, re-use of materials where possible, design to benefit landscaping and biodiversity, the use of renewable energy where possible, thermally efficient buildings, higher densities, reduced water consumption, adaptable buildings and contamination remediation to bring sites back into active use. Policy TP1, of the BDP, includes a similar range of measures to promote sustainable design.
- 6.101. The proposed use would be located within close proximity of public transport and local services. The scheme would provide a choice of housing type and be of good design. In the drainage strategy, the applicants have shown an attenuation storage tank to manage rainwater run-off and reduce impact on the local drainage system. The principle of this location is accepted but amended plans are necessary to relocate the tank away from tree roots, this can be secured by condition.
- 6.102. S106 Heads of Terms
- 6.103. The Community Infrastructure Levy Regulations (2010) includes, at part 11 (paragraph 122), the requirements for planning obligations. These require contributions to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. UDP Policies 3.53, 5.20B-5.20E relate to the provision of Public Open Space and associated contributions, UDP policies 5.37, 5.37A-5.37E relate to the provision of Affordable Housing, both policy areas set thresholds and both are exceeded by the proposed scheme.
- 6.104. Policy 8.50-8.53 identifies the approach to planning obligations. Policy 8.53 states that "In assessing the appropriate level of benefit, the City Council will also take account of the economic viability of the scheme and any exceptional costs associated with the development".

- 6.105. The NPPF discusses planning obligations and viability. At paragraph 173, it states that development "...should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable".
- 6.106. This application has been submitted shortly after an identical scheme was approved by Members in April. Since receiving consent, the applicant has undertaken a cost/value exercise and has now informed the City that the approved scheme is no longer viable, due to rising costs and design changes secured by Officers after the first viability assessment had been undertaken and agreed. As such, whilst this information could have been shared (by the applicants) before changes were made to the consented scheme, they have now sought and achieved agreement with the City, that the cost of construction has indeed increased, and more than sales values, and as a result a smaller S106 contribution must now be offered.
- 6.107. The appraisal process includes a range of complicated parameters and, as such, some relatively minor changes to the financial situation can make relatively significant changes to the viability of the scheme. The applicant has shown that whilst the sales values have increased, build costs and the extra design changes have increased even more. This includes the applicant's statement that their abnormal development costs have risen by £207,481 to allow for additional design improvements from the scheme that was first submitted in September 2014.
- 6.108. The rise in design costs includes; lead porches as opposed to glass reinforced plastic (GRP), Chimneys, Mansard Roof to the Danbury and Hawthorn buildings, slate roof in lieu of clay tiles, Juliette balconies, external works to railings/walls/planting and additional parking spaces. These amount to £207,481 and have illustrated that the scheme creates a reduced surplus than originally anticipated and has had a direct impact on the viability of the scheme.
- 6.109. The previous application secured S.106 contributions of £180,000 for Affordable Housing and £62,400 for Public Open Space (POS). With the extra costs outstripping the extra sales values, the Applicants can no longer offer the POS contribution. With the Affordable Housing contribution maintained, the Applicants concluded that the scheme would generate a surplus equating to a profit of 18.9%, below the 20% they achieved with the previous application. Nevertheless, they propose to accept this lower profit in order to retain the complete £180,000 S.106 contribution for Affordable Housing.
- 6.110. The new financial appraisal has been critiqued by the Council's appointed consultants, Jones Lang LaSelle (JLL), who also considered the first appraisal. JLL conclude that an even lesser profit would be generated by the scheme including the £180,000 for Affordable Housing contribution – 15.2% profit. This is because the Applicant calculations were based on mid-quartile built costs, while JLL have used upper-quartile built costs. In either scenario, the profit generated would be below the 20%, a figure which is considered a reasonable expectation. As such, the Council's appointed financial consultants and I consider the S106 offer is reasonable and cannot be improved without unacceptable detriment to the viability of the scheme.
- 6.111. Affordable Housing

- 6.112. The applicants have offered a contribution of £180,000, this would allow for a similar sum for affordable housing as previously offered in the last planning approval. This sum was previously agreed to be used for the provision of off-site affordable housing. It would equate to an on-site provision of 6 (one bed) dwellings (enabling a £30,000 discount on each). However, land values and property sale value in this area are especially high and as such a £30,000 discount would not actually enable the smallest dwellings to be taken up by an Registered Social Landlord or be made available as low cost units. A higher level of discount could be applied to fewer units but this clearly becomes unsustainable at a certain level.
- 6.113. Housing colleagues have previously confirmed that they would support an off-site contribution toward affordable housing in relation to this planning application. They would prefer a spend profile which includes Edgbaston and Ladywood Constituencies. The funding would support the delivery of affordable housing through Birmingham Municipal Housing Trust (BMHT) across a number of City owned sites near to the application site. BMHT are currently building on-site in Monument Road where 23 new homes are being built for rent. This development is due to be completed by 2016 and funding from the application site could help deliver this. There are also sites within the Edgbaston constituency, such as Caynham Road, Bean Croft and Burnel Road, being brought forward for development over the next few years. I am satisfied that the off-site affordable housing contribution would be spent within the close proximity of the site and therefore directly related to the development site satisfying the CIL tests.
- 6.114. Public open space (POS)/play equipment
- 6.115. Public Open Space SPD and Policy 3.53, of the UDP, sets a ratio of 2ha per 1000 population as the required target for public open space for each ward. This Policy further requires that *“every effort to be made to address provision of new public open space...in areas of existing deficiency where the opportunity arises”*. However, Policy 3.53A states that *“new residential schemes generate a need for public open space and children’s play facilities to serve the occupants of new homes... These will normally be provided within the curtilage of the site but in some circumstances off-site provision or improvements to existing local facilities...may be more appropriate.”*
- 6.116. The POS figure for the Edgbaston ward is 0.21 ha per 1000 population, this is clearly below the Policy target. As such the site presents an opportunity to redress this balance. The scheme generates the requirement for 1260sqm, which could theoretically be accommodated on site. However, half of the site is adjacent to rear gardens of Harborne Road and is relatively long and thin meaning that a new area of POS would suffer limited natural surveillance. From a design perspective such POS would present a design challenge and would be likely to result in a substandard area of public space which could appear tokenistic and fail to attract any positive use, furthermore such a constrained space could become a source for antisocial activity which would become difficult to police and blight the local area.
- 6.117. I note that Local Services and Parks have commented that on-site POS would not be appropriate due to the limited size of the POS required by Policy and its proximity to residential rear gardens. An off-site contribution is therefore considered to be more appropriate in these circumstances but the applicants have proven that the revised viability appraisal would prevent the scheme from making a contribution towards both off-site POS and affordable housing at the previously agreed levels. On this basis whilst Policy requires new or improved POS, (on-site or off-site) it

cannot be achieved in these circumstances without creating an unviable scheme. I am especially mindful of the requirements of paragraph 173, of the NPPF, for development to be deliverable with a willing applicant and willing land owner.

- 6.118. Members could determine that the offered S106 sum could be tasked partly towards off-site POS and the remainder to a diminished affordable housing provision. However, of the two options, your officers advise that the affordable housing sum is of greater public benefit (if maximised) than diverting £62,400 towards Lee Crescent POS.

6.119. Education contribution

- 6.120. Education colleagues are satisfied that as the scheme mostly consists of flats, the proposal would be unlikely to put pressure on local school places and as such they are not requesting a contribution towards school place provision.

7. Conclusion

- 7.1. The planning application proposes a residential use within a transitional area, with medium density residential use to the north and low density to the south, in a highly sustainable location with good access to public transport and the City Centre and which complies with the requirements of the UDP and the draft BDP. This scheme would contribute towards housing needs of the City, and includes the provision of some affordable housing.
- 7.2. The scale of development is appropriate to the local context, the design meets best design practice in terms of layout, form and appearance and satisfies the design aspirations of the UDP, Places for Living, Mature Suburbs and the NPPF.
- 7.3. The scheme retains the majority of trees on site, is designed to retain the most important trees and offer significant compensation to off-set the limited degree of removal necessary to facilitate the scheme (to satisfy the UDP). The proposal also satisfies ecological requirements of the UDP and would provide greater levels of green space and biological diversity than existing on site at present.
- 7.4. The scheme pays due regard and sensitivity to the important setting of the site within the conservation area and would not adversely affect the various surrounding listed buildings or their settings due to the separation distances achieved, the scale of proposed development and level of screening existing and proposed. The scheme would have a positive impact on the character of the conservation area and the buildings proposed for demolition are of limited architectural value and convey a neutral contribution to the character and appearance of the conservation area. Therefore, the scheme meets the expectations of the UDP and the NPPF and Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation) Act.
- 7.5. The scheme would have no impact on highway safety and would likely result in fewer vehicle movements than the existing use and these movements would be better dispersed throughout the day satisfying the requirements of the UDP.
- 7.6. The offered S106 package has been tested by Council appointed surveyors and it has been determined that the level of contributions are at a maximum without causing detriment to the viability of the scheme, satisfying the requirements of the UDP and the NPPF.

7.7. Finally, the scheme would not adversely affect residential amenity through overlooking, over-domination, over-shadowing, undue impact on outlook or through noise disturbance all in accordance with best design practice satisfying the goals and objectives of Places for Living, the UDP and the NPPF and constitutes sustainable development.

## 8. Recommendation

8.1. I. That consideration of Application No. 2015/06048/PA be deferred pending the completion of a Section 106 Planning Obligation which shall require:

a) An off-site contribution of £180,000 to be spent on affordable housing within the Edgbaston Constituency and/or the Ladywood Constituency.

b) That payment of a monitoring and administration fee associated with the legal agreement subject to a contribution of £1,500.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 29th November 2015 planning permission be REFUSED for the following reason:-

a) In the absence of a financial contribution towards off-site affordable housing, the proposal conflicts with Paragraph 8.50-8.53 and 5.37 A-G of the Birmingham UDP 2005, affordable Housing SPG, and the National Planning Policy Framework (2012).

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

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 29th November 2015, favourable consideration be given to Application Number 2015/06048/PA, subject to the conditions listed below;

- 
- |    |  |
|----|--|
| 1  | Prevents demolition prior to a redevelopment contract being entered into         |
| 2  | Requires the prior submission of a demolition method statement                   |
| 3  | Requires the prior submission of a sustainable drainage scheme                   |
| 4  | Requires the prior submission of hard and/or soft landscape details              |
| 5  | Requires the prior submission of boundary treatment details                      |
| 6  | Requires the prior submission of a lighting scheme                               |
| 7  | Requires the prior submission of a construction method statement/management plan |
| 8  | Specifies the type of foundation construction method required                    |
| 9  | Requires the prior submission of sample materials                                |
| 10 | Removes PD Rights for hard surfacing of front garden                             |
| 11 | Requires the provision of cycle parking prior to occupation                      |
-

- 
- 12 Requires the prior submission of a residential travel plan
  - 13 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 14 Requires the prior submission of chimney structure for the Hawthorns details
  - 15 Requires the scheme to be in accordance with the recommendations of the habitat survey
  - 16 Requires revised storm water attenuation plan
  - 17 Requires the prior submission of tree root protection works details for car park in Block A
  - 18 Requires the prior submission of an arboricultural method statement
  - 19 Requires details of glazing attenuation
  - 20 Requires pedestrian visibility splays to be provided
  - 21 Requires the scheme to be in accordance with the listed approved plans
  - 22 Requires the prior submission of level details
  - 23 Limits the approval to 3 years (Full)
- 

Case Officer: Ben Plenty



## Photo(s)



Fig 1 frontage onto Highfield Road, looking south – Warwick House.



Fig 2 access road looking east towards Highfield Road





Fig 3 phase 1 looking west (at phase one)



Fig 4 Lee House – looking south





Fig 5 View from the rear first floor of 93 Harborne Road (phase one flats in the distance)



Fig 5 View from the rear first floor of 97 Harborne Road (phase one flats in the distance)



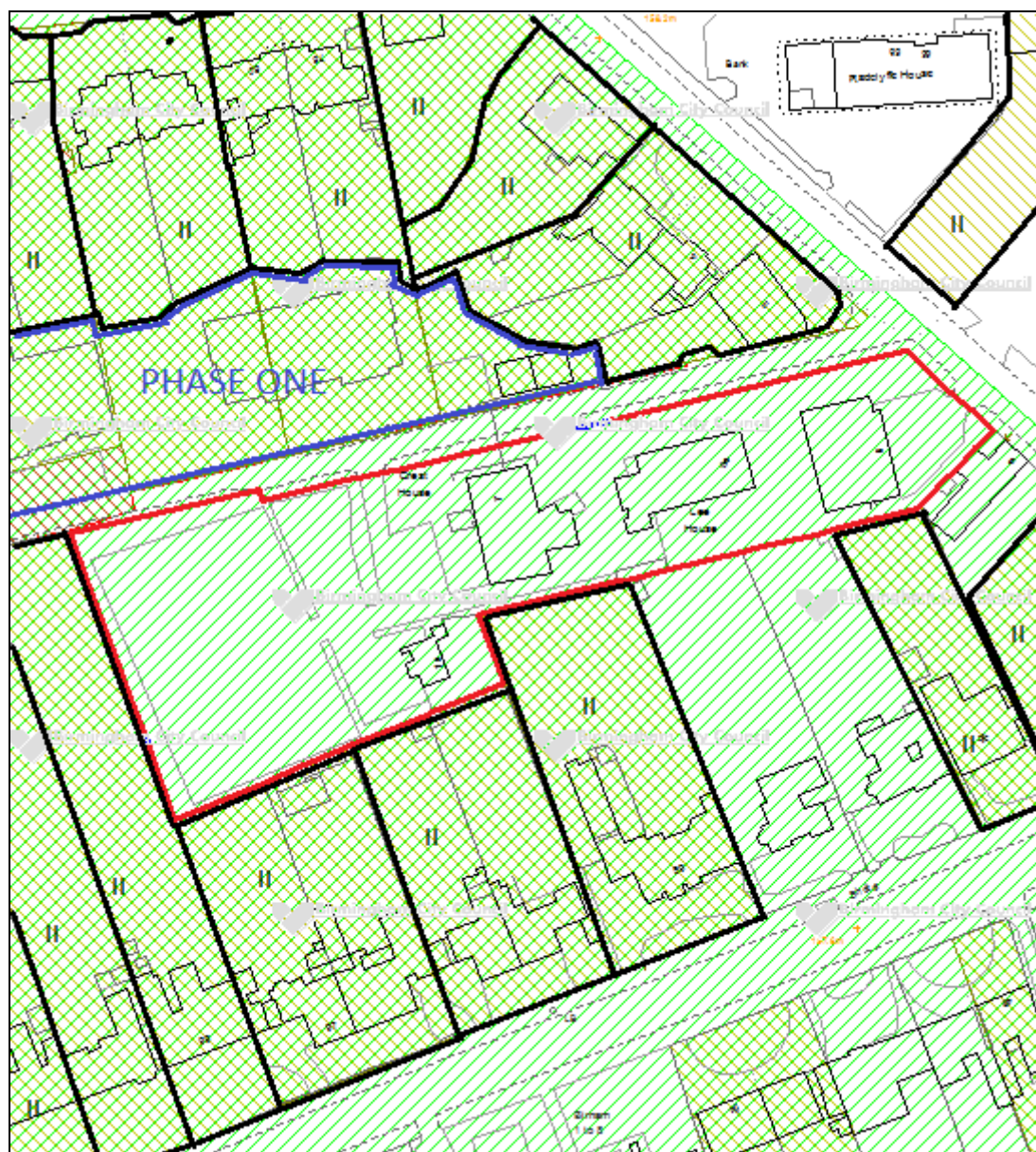


Fig 5 location of surrounding listed buildings and their classification

## 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

DISTRICT: South

Location: Land at Highfield Road, Highfield Gardens. Edgbaston, Birmingham, B15 3ED

Proposal: Demolition of three office buildings and house and erection of 7 (4 bed) houses and two blocks of flats with a combined total of 36 flats (21 x 2 bed & 15 x 1 bed) with associated works and access from Highfield Road.

Applicants: Taylor Wimpey Midlands Ltd

### **List of Background Papers**

Application 2015/06048/PA Report to Planning Committee 29<sup>th</sup> October (reported earlier in the agenda)

### **Background**

Members will note that application 2015/06048/PA is reported elsewhere within this agenda. This new application proposes the demolition of three office buildings and house and erection of 7 (4 bed) houses and two blocks of flats with a combined total of 36 flats (21 x 2 bed & 15 x 1 bed) with associated works and access from Highfield Road, and is physically identical to application 2014/05254/PA but with a revised S106 offer.

Members may recall that application 2014/05254/PA was reported to Planning Committee on the 2<sup>nd</sup> April 2015. This scheme was approved subject to the applicants entering into a Section 106 Agreement which secured;

- a) An off-site contribution of £180,000 to be spent on affordable housing within the Edgbaston Constituency and/or the Ladywood Constituency.
- b) Public Open Space contribution of £62,400 (index linked to construction costs from the date of the committee resolution to the date on which payment is made). Payment to be made upon first occupation of the first dwelling. Contribution to be spent on the provision/improvement of public open space within the Edgbaston Ward or on any other purpose that shall be agreed in writing between the Council and the party responsible for paying the public open space sum provided this has been approved by the Council's Planning Committee.

The applicants have submitted a revised financial appraisal which has been considered by appointed Surveyors (Jones Lang LaSelle) as part of application 2015/06048/PA. As is stated in the earlier committee report, for 2015/06048/PA, the proposal has been agreed by officers and appointed experts as being less viable than originally proposed by the applicants and as such a reduced S106 is now being made for the second application. The applicant has now also submitted the same financial appraisal in support of their request for a deed of variation to be entered into on the first application.

This has resulted in the off-site POS contribution offer of £62,400 being proposed for removal. The affordable housing offer of £180,000 would remain unchanged.

A change to this earlier application (2014/05254/PA) would align the financial case with the second application and enable either scheme to be implemented by the applicant.

### **Observations**

I have no objection to the proposed variation to the original S106 and am satisfied that a deed of variation can be entered into without affecting the merits of the original planning decision made.

### **Recommendation**

1. That Planning Committee confirms that the proposed variation removing the requirement for an off-site Public Open Space contribution does not change its opinion as to the merits of the scheme and the appropriateness of the original approval.
2. That the Director of Legal and Democratic Services be authorised, to prepare, seal and complete the appropriate Deed of Variation.

Author: Ben Plenty

---

Committee Date:	29/10/2015	Application Number:	2015/06492/PA
Accepted:	12/08/2015	Application Type:	Full Planning
Target Date:	07/10/2015		
Ward:	Hall Green		

19 Highfield Road, Hall Green, Birmingham, B28 0BY

Demolition of existing rear single storey extension, erection of three storey side extension, two storey and dormer window and single storey rear extension, and change of use of existing first floor and second floor offices to create four flats and a new retail unit.

Applicant:	Mr Ash Azam 114 Petersfield Road, Hall Green, Birmingham, B28
Agent:	Fielding Surveyors Ltd 19 Sandy Hill Road, Shirley, Solihull, West Midlands, B90 2EP

---

Recommendation  
**Refuse**

1. Proposal

- 1.1. Consent is sought for the erection of a three storey side extension and a two storey and single storey rear extension to create an additional retail unit, combined with change of use of upper storeys to create four flats. An existing large timber, single storey, rear extension would be demolished and replaced with the proposed extensions.
- 1.2. The proposed three storey side extension would have a width of 6m, a length of 10.2m and a dual pitched roof with a ridge height of 10.6m. The proposed rear extension would have a two storey element which would measure 11.3m wide and 5.7m in length and it would have two pitched roofs with a maximum height of 7.8m. Also proposed is a single storey structure which would be further attached to the proposed two storey element. It would have a width of 6.3m, length of 11.5m and a hipped roof with a maximum height to roof ridge of 4.3m. The extensions would be finished in facing brickwork and roofs in plain clay tiles. The side elevation of the proposed side extension would be faced in tile hung manmade slate at first and second floor.
- 1.3. Dormer windows are proposed at the second floor to the front and rear of the proposed side extension. To the front the dormer window would match the existing at No.19 Highfield Road. To the rear, two dormers are proposed each to the full width of the extensions.
- 1.4. Each of the proposed flats would have an open plan kitchen/living room and bathroom. The two flats proposed on the first floor would accommodate two bedrooms each and the two flats on the second floor would accommodate one bedroom each. The first floor flats would each measure 67m<sup>2</sup> and 63m<sup>2</sup> respectively



and the second floor flats would measure 54m<sup>2</sup> and 48m<sup>2</sup> respectively. No amenity space is identified for the proposed flats.

- 1.5. To facilitate the conversion of the existing first floor to residential use, it is also proposed to replace the existing first floor bay window on the front elevation of No.19 Highfield Road with two standard windows, flush with the elevation.
- 1.6. The submitted site plan shows a new vehicular access is proposed from Delamere Road to the frontage of the building, where four parking spaces are proposed. Three parking spaces are proposed to the rear of the building to be accessed via an existing footway crossing off Delamere Road.
- 1.7. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The site is located within the Primary Shopping Area of the Highfield Road, Hall Green Neighbourhood Centre. It is located on the western side of Highfield Road at the southern end of a terraced block of nine properties. It is bounded to the southwest by Delamere Road and to the northwest by a driveway which provides access to the rear of properties fronting Highfield Road.
- 2.2. The application property is a three storey Inter-War building with a vacant retail unit at ground floor and offices at first and second floor. All of the other properties in the parade have commercial use at ground floor with a mix of residential and commercial above. There are various single storey structures to the rear of the site which are in a state of disrepair. The rear of the site is enclosed by a 2.5m high wall to the front and a 1m high wall with 1m high timber fence above to the side.
- 2.3. [Site location map](#)

## 3. Planning History

- 3.1. 31/08/2001 - 2001/02118/PA - Erection of 2 bedrooms, external staircase and extension to hair and beauty salon – Approved subject to conditions
- 3.2. 13/09/2012 - 2012/05068/PA - Change of use from offices to residential at first floor, and corresponding erection of a single and two storey rear extension to form 2 no. self contained flats and extended ground floor retail area. Erection of single storey rear extension to create an additional retail unit. Demolition of rear wing and outbuildings – Refused because the proposal would harm the existing character of the street scene

## 4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection subject to conditions regarding noise insulation
- 4.2. Transportation Development - No objection to amended plan, subject to conditions regarding Footway crossings, pedestrian visibility splay and cycle storage.
- 4.3. Ward Members, neighbouring occupiers and resident's association notified. One letter of support received from Councillor Evans stating:

- The proposal is in keeping with the rest of the parade
  - It will bring a derelict shop back into use
  - It will provide additional accommodation, of a size not well catered for in the area
  - It will bring an end to fly tipping problems on the site
- 4.4. Four letters of support received from residents of Highfield Road and Sherwood Road, summarised as:
- The proposal would appear to enhance and improve the general streetscene of the parade
  - The site has been in a state of disrepair for a number of years, the proposed development will be beneficial to the locality
  - The former tile shop has been in a bad condition and derelict state for a long period. There has been fly tipping to the rear and damage to the front windows. The plans seem reasonable and would clean up the parade
  - The site has long been in need of refurbishment. The retail units would create employment. The proposal would bring the end of the parade into use and provide much needed parking
- 4.5. A further period of public participation has been carried out to correctly inform neighbouring occupiers and Members that four new flats are proposed. Any further comments will be reported verbally.

## 5. Policy Context

- 5.1. NPPF, UDP (2005), Draft Birmingham Development Plan, Places for All SPG, Places For Living SPG, Shopping and Local Centres SPD, Car Parking Guidelines SPD

## 6. Planning Considerations

- 6.1. One of the core planning principles set out at Paragraph 17 of the NPPF is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. It further states that “Good design is a key aspect of sustainable development” (Paragraph 56). This is reflected in Paragraphs 3.8 and 3.10 of the UDP which seek to protect and enhance what is good in the City’s environment and to not allow proposals which would have an adverse effect on the quality of the built environment.

### Principle

- 6.2. The Shopping and Local Centres SPD seeks to maintain the main shopping function of the City’s Primary Shopping Areas and encourages new retail development to concentrate within these areas. I consider the principle of extended retail floorspace in this location would therefore be acceptable. Residential accommodation above commercial units is commonplace in Neighbourhood Centres and there are other residential units already within this centre. Therefore, the principle of changing the existing office space to residential use can also be considered acceptable.
- 6.3. A previous planning application at this site (reference 2012/05068/PA) proposed a similar scheme to that currently submitted, but on a smaller scale. The previous scheme proposed a single storey side extension to form a new retail unit and a single and two storey rear extension and change of use of the first floor to create two self-contained flats. Although the principle of residential use and the rear extension



were considered acceptable, this application was refused because the proposed side extension was deemed out of keeping with the design, character and appearance of the existing property.

- 6.4. The current proposal includes the creation of more residential units and larger side and rear extensions when compared to the refused scheme. The main issues for consideration of the current proposal are, therefore, the impact of the proposal on the visual amenity of the building and surrounding area, the impact on the amenity of existing and future occupiers, and highway safety and parking.

#### Visual Amenity

- 6.5. The proposed side extension would be similar in height and length to the existing building and would be a similar width to No.19 Highfield Road. The existing building line along the eastern side of Delamere Road is formed by buildings, including No.19 Highfield Road, set back approximately 6m from the highway. On the opposite side of Delamere Road the building line (which also includes the Stratford Court building) is set back approximately 7.5m from the highway. Whilst acknowledging that the existing single storey extensions to No.19 Highfield Road and Stratford Court project forward of the building lines, above ground floor the building line is retained. The proposed three storey side extension would project forward of the existing building line above ground floor and, as such, would appear unduly dominant in the street scene and out of character with the surrounding area.
- 6.6. The existing parade of shops has a distinct architectural form with forward timber framed gables spaced at regular intervals creating a rhythm and symmetrical built form. The addition of the proposed side extension would result in the parade no longer appearing symmetrical. The side extension would also not appear as a subservient extension as it would not be set back from the front elevation of No.19 Highfield Road. I therefore consider that, by virtue of its siting, scale and massing the proposed side extension would appear prominent within the street scene, and would detract from the character and appearance of the existing parade of shops.
- 6.7. The parade of shops is visually attractive and maintains many of its original features. In particular, the ground floor of No.19 has a splayed corner which would be lost to the proposed side extension. There is a large bay window at the first floor of the front elevation, a feature which is evident on the other properties in this parade. The submitted plans indicate this would be replaced with two smaller flat windows to serve the bedrooms of one of the proposed flats. I consider the loss of these features and reduction of the architectural attractiveness of the building/parade would have a detrimental impact on the appearance of the existing building and the rest of the parade.
- 6.8. The existing structure to the rear of the property has limited visibility from the front and side by virtue of the wall and fence on the boundaries although it is in a state of disrepair and its demolition would be welcomed; the proposed single and two storey rear extensions would replace these structures. I consider the proposed rear extension, by virtue of its length and set down from the main ridge height would not dominate the existing building and would not appear prominent in the streetscene. No.17 Highfield Road has a similar rear extension and I consider that this element of the proposal would be acceptable.

#### Living Conditions

- 6.9. The proposed first floor flats would each have two bedrooms and measure 67m<sup>2</sup> and 63m<sup>2</sup> respectively. The Government publication 'Technical housing standards – nationally described space standard' states that one storey, two bedroom dwellings

should be 61m<sup>2</sup> for three persons or 70m<sup>2</sup> for four persons. The proposed second floor, one bedroom flats would be 54m<sup>2</sup> and 48m<sup>2</sup>. The standards state that one storey, one bedroom dwellings should be 39m<sup>2</sup> for one person and 50m<sup>2</sup> for two persons. The plans do not indicate how many persons are intended to occupy the flats but I consider the proposed flats would be broadly in line with these national standards and internal living conditions would be adequate.

- 6.10. The Council's Places for Living SPG advises that 30m<sup>2</sup> per unit amenity space should be provided for flats. The plans do not indicate that any amenity space is to be provided for the proposed flats and, with the proposed extensions and parking area at the rear, there would be limited scope for the provision of amenity space within the site. The other residential uses in this parade appear to have limited formal amenity space which is often typical of residential flats on commercial parades. However, given that four new flats are proposed, I do consider that some amenity space should be provided. I therefore consider the proposal would have an adverse effect on the amenity of future occupiers.

#### Impact on Amenity of Adjoining Occupiers

- 6.11. The proposed single and two storey rear extension would comply with the Council's 45 degree code in relation to the first floor habitable room windows to the rear elevation of No. 17 Highfield Road. I am therefore satisfied that there would be no loss of light to these adjoining occupiers. In addition, the proposal would not result in overlooking to neighbouring properties. I therefore have no concerns regarding the effect of the proposal on the amenity of adjoining occupiers.

#### Highway Safety and Parking

- 6.12. A total of seven parking spaces are proposed. The proposed site layout plan shows a new vehicular access would be provided from Delamere Road near its junction with Highfield Road to provide access to the frontage of the property where four new tandem parking spaces are proposed. Although two of these spaces would be blocked in, they are shown to be for staff parking. Three spaces would be located to the rear of the property and would be accessed from an existing crossing on Delamere Road that would require widening.

- 6.13. Transportation Development have raised no objection to the proposed access and parking and do not consider that traffic and parking demand would increase significantly as a result of the proposals when compared to that generated currently. Regular buses also run close to this site throughout the day so the site is well served by public transport.

#### Other Matters

- 6.14. Five letters in support of the proposals have been received. The letters acknowledge that the site is currently in a state of disrepair and the proposals to improve the existing building and provide additional retail space and flats are welcomed. Whilst some refurbishment of the existing building and site may be beneficial, I do not consider that the quantum of proposed development on the site should be at the expense of the overall appearance of the street scene and character of the area.

## 7. Conclusion

- 7.1. The principle of extended retail space and residential uses are considered appropriate in this location and the refurbishment of the existing shop unit would be welcomed. However, I consider that the proposed side extension to provide a new retail unit would appear unduly dominant within the street scene, it would detract

from the architecture of the existing building/parade and would result in harm to the visual amenity of the area. In addition, the absence of any amenity space for the proposed flats would, I consider, have an adverse impact on the amenity of future occupiers. I therefore do not consider that the proposal would constitute sustainable development and I recommend that planning permission is refused.

8. Recommendation

8.1. Refuse

Reasons for Refusal

- 
- |   |   |
|---|---|
| 1 | The proposal, by virtue of its siting, scale and mass, and loss of existing architectural features from No.19 Highfield Road, would detract from the character and appearance of the existing property and parade and would harm the streetscene and character of the area and, as such, would be contrary to paragraphs 3.8, 3.10 and 3.14C-D of the Birmingham UDP 2005, Places for Living SPG and the National Planning Policy Framework |
| 2 | Inadequate private amenity space is proposed for future occupiers and as such the proposal would be contrary to Paragraphs 3.8, 3.10, 3.14C and 5.20 of the Birmingham UDP 2005, guidance in 'Places for Living' adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.  |
- 

Case Officer:           Alexa Williams

## Photo(s)



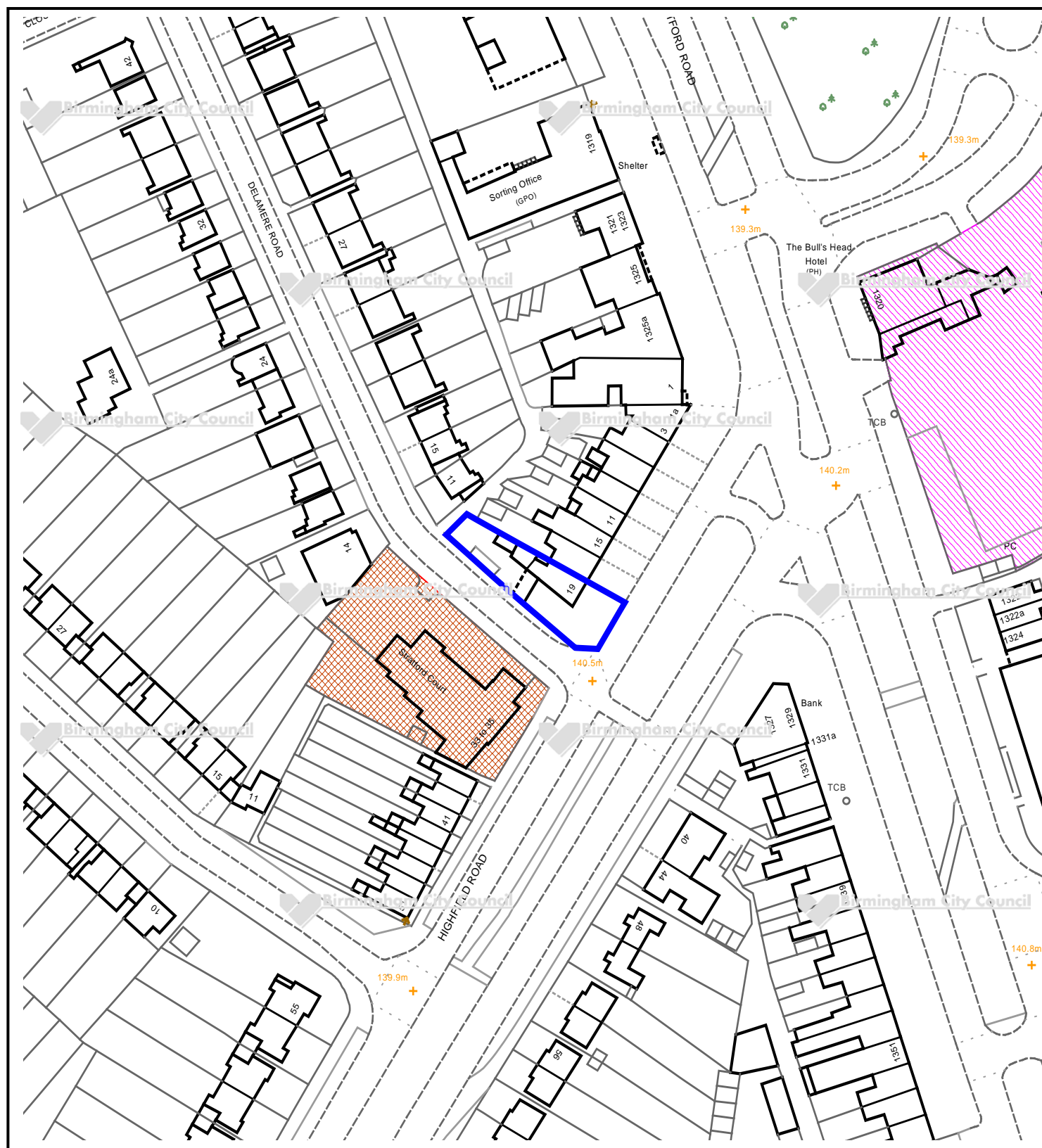
Figure 1 - Side elevation



Figure 2 - 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:	29/10/2015	Application Number:	2015/06796/PA
Accepted:	07/09/2015	Application Type:	Full Planning
Target Date:	02/11/2015		
Ward:	Edgbaston		

**BNHJV Site Office, Mindelsohn Way, Edgbaston, Birmingham, B15 2WB**

**Erection of single storey building to provide permanent accommodation for Queen Elizabeth Hospital facilities management offices and alterations to adjacent car park**

Applicant:	BNHJV Site Offices Mindelsohn Way, Edgbaston, Birmingham, B15 2WB
Agent:	AHR Architects Colmore Plaza, 20 Colmore Circus Queensway, Birmingham, B4 6AT

---

Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The proposal is for a single storey building to provide accommodation for the QE hospital facilities management. The building would be occupied in association with the day-to-day maintenance of the wider hospital site, to provide offices for healthcare operators, with additional 'hot desk' accommodation for staff who are not on site on a permanent basis but require a site presence to look after hospital IT and communications infrastructure.
- 1.2. The proposed building would provide a permanent replacement for the collection of site cabins and temporary ancillary structures that currently occupy the site.
- 1.3. The building would be in use 24 hours, but outside of normal working hours there would be only a 'skeleton staff' to monitor the main hospital.
- 1.4. Accommodation would comprise of 5 open plan offices for technical/administrative staff (33 desk spaces shown), managers' offices, meeting rooms, reception, stores, 2 no. staff kitchen areas, WCs, server room and plant room.
- 1.5. The proposed building would be narrow in plan (a maximum of 13.7m in depth), in reflection of the shape of the site. It would be 44.8m in width, fronting Mindelsohn Way. It would be set an angle to the rear (west) boundary, between 1.1m and 5.5m away.
- 1.6. This application also includes proposals for minor alterations to the nearest part of the approved car park 'N' (to the south-east) to provide access control gates, a pull-in space for small deliveries/drop-offs, and disabled parking bays close to the new building. The implementation of this current proposal would enable this car park to

be brought into use for the first time (following the removal of temporary office accommodation currently occupying it), providing 46 parking spaces.

- 1.7. The building would be single storey with mono-pitch construction. The east (front) elevation has a scale driven by the floor to ceiling heights and room depths within. The elevation provides a slightly higher middle section to allow the use of taller windows for the larger meeting rooms, with solar control through vertical louvres. This central element would project forwards slightly, adjacent to the building's main entrance.
- 1.8. The north and south ends would be lower and provided with contrasting curtain walling on the front elevation, with substantial areas of glazing to the ends of the building.
- 1.9. The materials would be principally wood effect rainscreen cladding, render and aluminium roof in reflection of other buildings in the immediate vicinity. A white cladding 'frame' would be incorporated above the window level and at the ends of the building to define the central, projecting element. Parapets would enclose the proposed standing seam roof and the building would sit upon a polished concrete plinth.
- 1.10. As part of the works, an existing, overgrown beech hedge on the western boundary would be removed and replaced with native hedging. In addition 8 no. trees would be removed. All but one of these are young, recently planted specimens towards the centre of the site, which are to be re-located either within the scheme or on the opposite frontage. The 8<sup>th</sup> tree is a Category C Goat Willow.
- 1.11. Site area: 0.19ha.
- 1.12. A Design and Access Statement and Tree Survey were submitted in support of the application.
- 1.13. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is located on the west side of Mindelsohn Way, at a bend in the road, opposite the multi-storey car parks (A4 and A3) associated with the QE hospital.
- 2.2. The site is relatively flat, but rises to the north. There are a number of single storey portacabins towards the southern end, in the position of the proposed building, with the area identified in the Hospital's Car Parking Strategy as Car Park 'N' currently occupied by a series two storey portacabins used as temporary site offices (to be replaced by this current proposal). Beyond this is Vincent Drive, with the Barberry Centre on its southern side.
- 2.3. To the west, beyond the rear boundary are residential properties on Underwood Close. These are two storey units (houses and maisonettes) in small groups, with associated garage blocks. A public footpath runs alongside the rear site boundary, beyond which are the open frontages to some of these properties. The site is set higher than this pathway, the difference in levels increasing at the southern end, where there is a small retaining wall. There is an unmaintained beech hedge along this rear boundary, interspersed with a variety of fences, including 2m palisade.

- 2.4. To the north, is the 'Learning Hub', a single story building of contemporary design, which forms the corner at the junction with Metchley Lane. Beyond this are substantial (8 storey) new hospital buildings.

#### [Site Location](#)

### 3. Planning History

- 3.1. 02/12/2005. PA no. 2005/06378/PA. Construction of two single storey ancillary buildings, one electricity substation and standby generator building. Approved.
- 3.2. 25/06/2012. PA no. 2012/02139/PA. Retention of existing buildings for a further 12 months – Approved (temporary – 1 year).
- 3.3. 07/06/2013. PA no. 2013/02262/PA. Retention of existing office accommodation on car park N – Approved (temporary – 1 year)
- 3.4. 09/07/2014. PA no. 2014/03360/PA. Retention of existing temporary buildings on Car Park N until a new permanent replacement building is constructed.
- 3.5. 17/07/2014. PA no. 2014/02833/PA. Erection of two storey building to provide permanent accommodation for QE Hospital facilities management offices, and alterations to adjacent car park – approved.

### 4. Consultation/PP Responses

#### Consultations

- 4.1. Regulatory Services – comments as for previous application. No objection subject to the imposition of conditions in respect of noise levels for plant/machinery, hours of operation and extraction/odour control details.
- 4.2. Transportation – no objection, subject to a condition requiring secure, covered cycle parking to be provided.
- 4.3. Severn Trent – no response received.
- 4.4. Western Power Distribution – no response received.

#### Public Participation

- 4.5. Adjacent occupiers, Councillors for Selly Oak and Harborne Wards, MPs for Edgbaston and Selly Oak, and residents associations notified.
- 4.6. One objection received from a local resident:
- Considers that the Hospital have proved themselves to be untrustworthy - permit staff to utilise an access point approved for buses and 'blue light' vehicles only. As such, does not trust the description or extent of this current application.



- Existing parking problems for residents. Proposal will make the current residents' parking schemes increasingly inadequate – should be extended to reflect the proposed 24/7 operation of these premises.
- Proposal would be detrimental to quality of life and create health and safety risks from increased, unlawful vehicular activity.

4.7. Further objection received from Calthorpe Estate. Believe the scale of development and intensity of use at the hospital is unsustainable unless development carefully managed and impact of increased facilities mitigated by reductions in vehicle movements. Considers that proposals should be considered in the wider context of development at the hospital and University, looking at the capacity of the existing public transport network to absorb increased use. Covenants on the land require that the hospital discuss proposals with Calthorpe Estate.

## 5. Policy Context

5.1. NPPF; UDP 2005; Draft Birmingham Development Plan; Wider Selly Oak SPD; Places for All SPG; Places for Living SPG; and Car Parking Guidelines SPD.

## 6. Planning Considerations

### Principle

- 6.1. This application provides for an alternative scheme for the development of facilities management offices at the QE hospital. A more substantial proposal – for a 2 storey building, which incorporated workshop facilities in addition to office space – was approved by your Committee in July 2014.
- 6.2. The current, reduced proposal is for a single storey building to accommodate offices for occupation by support services concerned with the day-to-day running of the hospital (with no workshop element). These services are already provided within the hospital complex, primarily operating from temporary offices on this site. The proposed building would provide a permanent replacement for these.
- 6.3. The site is in a central location, which is considered essential in servicing the wider hospital site, and its development would enable the adjacent land to be vacated and brought into its intended use as a car park, thereby helping to alleviate existing car parking pressures in this area.
- 6.4. The site accommodates an existing sub-station (to be retained), but is otherwise undeveloped. Whilst there has been some recent tree planting, the area has only limited amenity value as a landscaped space.
- 6.5. As such, I consider that there would be no objection in principle to the development of the site for a proposal of this nature.

### Design

- 6.6. The size and shape of the site create significant constraints upon its development. The building has been designed to address the main frontage along Mindelsohn Way, incorporating features and materials to reflect recent developments in the immediate vicinity.

- 6.7. The limited depth of the site has necessitated the building being positioned very close to the rear boundary, beyond which are a public footpath and existing residential properties. In reflection of this, the building has been designed to minimise its impact on this side, by keeping it as low as possible - now reduced to be single storey only.
- 6.8. Sectional drawings have been produced to demonstrate the relationship between the development site and the houses to the rear (which are set at a lower level). The proposed building does not meet the 12.5m distance separation (from existing windows to blank elevations) advocated in Places for Living with regards to 25 and 27 Underwood Close, being between only 8.8m and 10m from the front of these properties. However, I am satisfied that the building would be substantially screened by the proposed boundary treatment and, as such, would have minimal impact. The proposed building would be lower, shorter and angled further away from the rear boundary, when compared to the scheme previously approved.
- 6.9. The majority of the windows on the rear elevation of the proposed building face onto an area of green space between properties on Underwood Close. The exception would be the windows to the staff kitchenette on this side of the building, which would be opposite the front of no. 27 Underwood Close (9m away). Places for Living advocates a distance of 21m between facing windows. Although the intervening boundary treatment at this point (including new hedge planting) would provide a degree of screening and therefore privacy, full details of the hedge and its ultimate success are not yet known. As such, it is prudent to attach a condition requiring obscure (frothing) glazing to the kitchenette window.

#### Trees and Landscaping

- 6.10. My Tree Officer has raised no objections to the proposals, which include the removal of an existing 5m high, poorly maintained beech 'hedge' along the rear boundary and 8 no. trees.
- 6.11. The submitted Tree Survey shows the specimens within the site to be generally Category C (of low quality/value). The most significant tree along the rear boundary (a Category A Oak at the south end beyond the line of the proposed building) would be retained. Of the 8 no. trees to be removed, 7 no. are recently planted new specimens towards the centre of the site, which are to be re-located either within the scheme, or on the opposite frontage. The 8<sup>th</sup> tree is a Category C Goat Willow. Conditions are recommended in respect of retained trees and protection during construction.
- 6.12. The existing planting (Beech hedge) along the rear boundary is viewed by residents to be a significant problem – because of the impact on light and leaf-fall – and they requested in the original submission that the hedge be removed. The applicant proposes replacement native hedge planting along this boundary, the details of which I consider could be suitably agreed through the imposition of conditions in respect of landscaping for the whole site and a landscape management plan.

#### Other Issues

- 6.13. I note the concerns raised locally regarding existing parking problems and the impacts of the wider hospital development. Notwithstanding this, my Transportation Officer raises no objection to the proposal. The building is in a sustainable location, less than 75m from the nearest bus stop on Mindelsohn Way and 585m from

Birmingham University Train Station and the removal of the existing temporary site cabins from car park 'N' releases this facility for use by the occupants of this building/wider hospital and reduces existing site wide parking pressures.

- 6.14. My Environmental Protection Officer has reiterated concerns raised previously on the original (2014) proposal for this site, which included a workshop element. These concerns relate to potential noise issues for local residents. He is satisfied that conditions to control noise from plant/machinery, hours of operation and extraction and odour control would be sufficient to protect residential amenity.
- 6.15. In determining the original scheme for the offices/workshops, it was agreed that the building envelope, rather than hours of use, would adequately control any possible noise breakout and that a limit on noise reaching the nearby dwellings could appropriately be imposed. In addition, a condition was attached to require details of extraction and odour control.
- 6.16. Notwithstanding the above, the current proposal is now for office use only. The workshop element has been omitted and the only plant/extraction equipment proposed would be that normally associated with a B1(a) use, which I would not anticipate would have any significant adverse impact on the amenity of adjacent residential occupiers. As such, I do not consider the recommended conditions to be necessary in this instance.

## 7. Conclusion

- 7.1. I consider that this proposal for offices to accommodate support services for the hospital would be in an appropriate location, and that the scheme has been satisfactorily designed to minimise the impact on existing residents and make a positive contribution to the street scene.

## 8. Recommendation

- 8.1. Approve, subject to conditions.

- 
- 1 Requires the prior submission of hard and/or soft landscape details
  - 2 Requires the prior submission of hard surfacing materials
  - 3 Requires the prior submission of boundary treatment details
  - 4 Requires the prior submission of a landscape management plan
  - 5 Requires the prior submission of earthworks details
  - 6 Requires the prior submission of level details
  - 7 Requires the prior submission of details for tree works
  - 8 Requires the implementation of tree protection
  - 9 Requires the prior submission of a drainage scheme
-

- 
- 10 Requires the prior submission of a construction method statement/management plan
  - 11 Requires the prior submission of sample materials
  - 12 Requires the prior submission of cycle storage details
  - 13 Requires the prior submission details obscure glazing for specific areas of the approved building
  - 14 Requires the scheme to be in accordance with the listed approved plans
  - 15 Limits the approval to 3 years (Full)
- 

Case Officer: Alison Powell

## Photo(s)



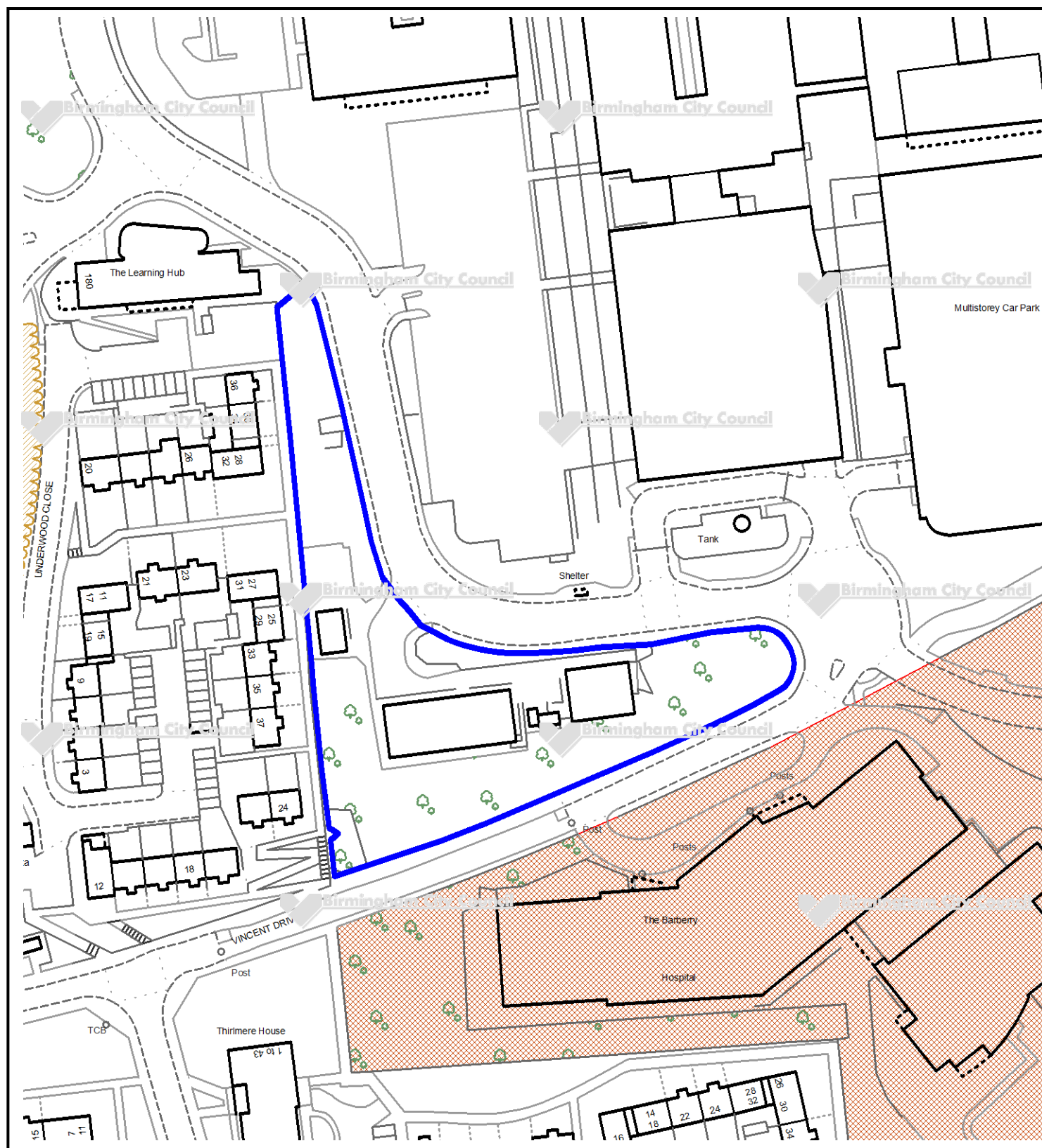
Underwood Close to the rear (West)



Front of site off Mindelsohn Way



## 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:	29/10/2015	Application Number:	2015/06624/PA
Accepted:	13/08/2015	Application Type:	Variation of Condition
Target Date:	12/11/2015		
Ward:	Northfield		

Groveley Lane, Former Community Centre, Longbridge, Birmingham, B31 4QG

Removal of condition no.18 (requires the units to be affordable) attached to approval ref:- 2013/09400/PA.

Applicant:	Hallmark Land and Homes Limited c/o Sheena Salah, 12 Shakespeare Street, Stratford-upon-Avon, Warwickshire, CV37 6RN
Agent:	F B Architecture Ltd 8 The Courtyard, Roman Way, Coleshill, B46 1HQ

---

#### Recommendation

#### **Approve Subject To A Section 106 Legal Agreement**

#### 1. Proposal

- 1.1. This application seeks a re-assignment of the S.106 contributions attached to the previous consent, to the same overall value. Planning permission was granted by your Committee on the 20 March 2014 (2013/09400/PA) for the redevelopment of this cleared site with 14 no. 2 storey houses - 10 no. 2 bed and 4 no. 3 bed properties. At the time permission was granted Local Services had sought a contribution of £40,000 as compensation for the loss of public open space and Education had requested a contribution of £60,000 towards primary provision at local schools. However, notwithstanding this, the applicants requested that consideration be given to an alternative approach in that the requested contributions towards education/public open space be waived in order to allow the proposed houses to be provided as affordable units for Waterloo Housing Association instead. This was accepted by your Committee and approval was granted subject to condition 18 which stated:

*"The properties hereby approved shall be provided as affordable homes and shall meet the definition of Affordable Housing as set out in Annex 2 of the NPPF or any future guidance that replaces it.*

*Reason: In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8, 3.10 and 8.50-8.53 of the Birmingham UDP 2005 and the National Planning Policy Framework."*

- 1.2. Permission is now sought for the deletion of this condition as the applicant has been unable to complete a contract with a RSL (Registered Social Landlord) to provide the dwellings as affordable. As such, the applicant has confirmed that they now seek to provide the dwellings as open market and complete a Section 106 Agreement to secure the public open space and education contributions instead.

- 1.3. The development would remain as per the previous approval with access provided from Groveley Lane, which would be improved and extended to create a private drive running the length of the site on its south side. This would terminate in a 'courtyard' area at the north-east end of the site, which 10 no. of the proposed houses would front onto. The other 4 no. houses would back onto these units, accessed directly from the extended access road at the west end, adjacent to an adopted turning head. The houses would be set perpendicular to the long (west and east) site boundaries. The units adjacent to the new access drive would incorporate additional openings within gables fronting the road, in order to address the public realm. The houses would have defined front garden areas, with 200% frontage parking provision. All garden sizes, bedroom sizes and separation distances would continue to comply with the guidelines in Places for Living, as per the previous approval.
- 1.4. The existing public pedestrian right of way running alongside the site's south-west boundary would be maintained in an improved setting, i.e. new lower railings to the site edge, with landscaping adjacent. Access would also be maintained to an existing sub-station in the south-west corner of the site from the adopted road.
- 1.5. Site area: 0.46 hectares. Density: 30.4 dwellings per hectare.
- 1.6. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application relates to a cleared site to the rear of houses on the north side of Groveley Lane, Longbridge.
  - 2.2. The site was previously occupied by Cofton Common Community Hall, (built in the 1950s) which was demolished some time ago (11 to 13 years). It is now cleared and comprises a large tarmac area (the site of the former building and associated car park) and rough grassland to the northern part.
  - 2.3. The site is approximately 0.46 hectares and is a narrow, rectangular shape which tapers along part of the southern boundary. Access to the site is via a driveway from Groveley Lane (currently gated off).
  - 2.4. There is a public footpath which links Groveley Lane and Kingswood Road (to the north), which runs adjacent to the south-western boundary of the site. An electricity sub-station is located in the site's south-west corner. The site slopes down towards Kingswood Road, and also from the north-east end down towards the public footpath.
  - 2.5. Surrounding the site is residential development and it is bordered to the north, east and west by the rear gardens of residential dwellings on Groveley Lane, Marden Grove and Kingswood Road. The site boundary is established by fencing and hedges/dense planting. There are a number of trees around the edges of the site.
  - 2.6. The local area is characterised by a mix of semi-detached and terraced 2 storey houses, built in brick and render with pitched tiled roofs. The houses generally follow a consistent pattern, laid out along wide streets following a clear building line and set behind walled or fenced front gardens, with private gardens to the rear.
3. Planning History



- 3.1. 20 March 2014. 2013/09400/PA. Planning permission granted for the erection of 14 no. two-bed & three-bed dwelling houses and associated works.
4. Consultation/PP Responses
- 4.1. Local residents, Ward Councillors, Resident Associations and MP notified. Press and Site Notice posted. One letter of support received from a resident opposite the site and a letter of comment received from a resident enquiring as to why no plans had been submitted with the application showing the development. The letter of support states that the development of the site for open market housing is welcomed as the site is unsightly and used as a dumping ground for rubbish.
- 4.2. Regulatory Services – no objection.
5. Policy Context
- 5.1. UDP; Draft Birmingham Development Plan; Places for Living SPG; Car Parking Guidelines SPD; Mature Suburbs - Guidelines to control residential intensification SPD; NPPF.
6. Planning Considerations
- 6.1. The principal issue for this application relates to the proposed planning obligations. There is no change to the proposals in relation to layout, scale, design, etc., I am not aware of any changes to site circumstances since the last application, and there are no fundamental changes in local or national policy relating to this proposal.
- 6.2. The site was previously occupied by Cofton Common Community Hall and associated recreational space. The building was demolished some 11 to 13 years ago, sufficiently long enough for it to no longer count as a current or recent loss to the community. The site has been cleared and comprises of a large tarmac area (the site of the former building and associated car park) and rough grassland to the northern part.
- 6.3. Birmingham City Council sold the site in September 2013. An Open Space Assessment was undertaken to inform the disposal of the land and this demonstrated the conditions for exceptional circumstances in accordance with the UDP could be met:
- Provision of public open space in this and the surrounding wards is above the target of 2 hectares per 1,000 population (at 2.27 hectares).
  - The size and shape, and lack of road frontage or natural surveillance are not desirable. It is unsuitable to fill the only identified gaps in provision (small open spaces/facilities for children).
  - The site has no active recreation or public value within the open space network.
- In reflection of the above, Local Services raised no objection to the disposal and redevelopment for residential purposes and agreed that a contribution of £40,000 would be acceptable as compensation for the loss of public open space on the previous planning approval. The proposal meets the policy of the NPPF as the site is surplus to requirements.
- 6.4. There remains no UDP policy requirement for new public open space or children's play facilities within the proposed development as the proposal remains less than the local policy threshold of 20 dwellings.

- 6.5. In addition, Education had previously requested a contribution of £60,000 towards primary provision at local schools based on an analysis of the surplus levels in Northfield.
- 6.6. As the applicant has been unable to secure a contract with an RSL to deliver the site as affordable housing in accordance with the previous planning permission, the applicant seeks to delete condition 18 and provide the aforementioned contributions to deliver the site as open market dwellings. I note that there is no policy requirement for affordable provision in this instance as the development continues to be below the 15 unit threshold.
- 6.7. I consider the deletion of the condition to be acceptable and that the proposal would continue to meet policy objectives in the delivery of new homes in a sustainable location. Education and Local Services have identified spend purposes for the contributions now sought through the deletion of condition 18. These are outlined below.
- 6.8. I note a letter of comment from a local resident regarding availability of plans online. All layout and design issues were agreed during the 2013 application and are not proposed to be altered through this Section 73 application. As such, no elevations or layout plans were required or submitted with this application.
7. Conclusion
- 7.1. The proposal, with the deletion of the affordable housing condition would continue to meet policy objectives and criteria set out in the Birmingham UDP and the NPPF. The revised submission would continue to provide new housing within the City boundary and the Section 106 financial contributions would adequately offset the loss of public open space and provide for future education needs.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide economic and social benefits; would provide local employment during construction and does not have an environmental impact that could be regarded as significant; I consider the proposal to be sustainable development and on this basis, should be approved.
8. Recommendation
- 8.1. That consideration of application number 2015/06624/PA is deferred pending the completion of a suitable legal agreement to secure the following:
- a) A financial contribution of £40,000 (index linked from the date of this planning committee) towards the provision and enhancement of site security and wildlife corridor enhancement at Fairfax Road Public Open Space Northfield, payable on commencement of development.
  - b) A financial contribution of £60,000 (index linked from the date of this planning committee) towards the provision of further primary school places and school improvements at Cofton Primary School, Wootton Road, Northfield, payable on commencement of development.

- c) A commitment to enter into a Local Training and Employment Scheme with the City Council and other agencies and employ local people during construction of the development.
  - d) Payment of a monitoring and administration fee associated with the legal agreement of £3,500.
- 8.2. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate agreement.
- 8.3. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 10 November 2015, planning permission be refused for the following reasons:
- a) In the absence of any suitable planning obligation to secure a financial contribution of £60,000 (index linked from the date of this planning committee) towards the provision of further primary school places and school improvements at Cofton Primary School, Wootton Road, Northfield and £40,000 (index linked from the date of this planning committee) towards the provision and enhancement of site security and wildlife corridor enhancement at Fairfax Road Public Open Space Northfield; the proposed development conflicts with Paragraphs 3.52a and 8.50-8.54 including Figure 8.1 of the Birmingham UDP.
- 8.4. That in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 10 November 2015, favourable consideration would be given to application 2015/06624/PA subject to the conditions listed below.

- 
- |    |   |
|----|---|
| 1  | Limits the approval to 3 years (Full)   |
| 2  | Requires the scheme to be in accordance with the listed approved plans                            |
| 3  | Requires the prior submission of a contamination remediation scheme                               |
| 4  | Requires the prior submission of a contaminated land verification report                          |
| 5  | Requires the prior submission of a sustainable drainage scheme                                    |
| 6  | Requires the prior submission of an assessment of the culverted watercourse                       |
| 7  | Requires the prior submission of details of bird/bat boxes  |
| 8  | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 9  | Requires the prior submission of hard and/or soft landscape details                               |
| 10 | Requires the prior submission of hard surfacing materials   |
| 11 | Requires the prior submission of boundary treatment details                                       |
| 12 | Requires the prior submission of a lighting scheme  |
| 13 | Requires the prior submission of sample materials   |
-

- 
- 14 Requires the prior submission of level details
  - 15 Removes PD rights for new windows
  - 16 Removes PD rights for extensions
  - 17 Prevents occupation until the service road has been constructed
  - 18 Prevents occupation until the turning and parking area has been constructed
  - 19 Requires pedestrian visibility splays to be provided
  - 20 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 21 Subject to the period until tree removal, requires an additional bat survey
  - 22 Requires tree protection measures
  - 23 Requires the removal of the existing railings to the footpath
- 

Case Officer: Pam Brennan

## Photo(s)



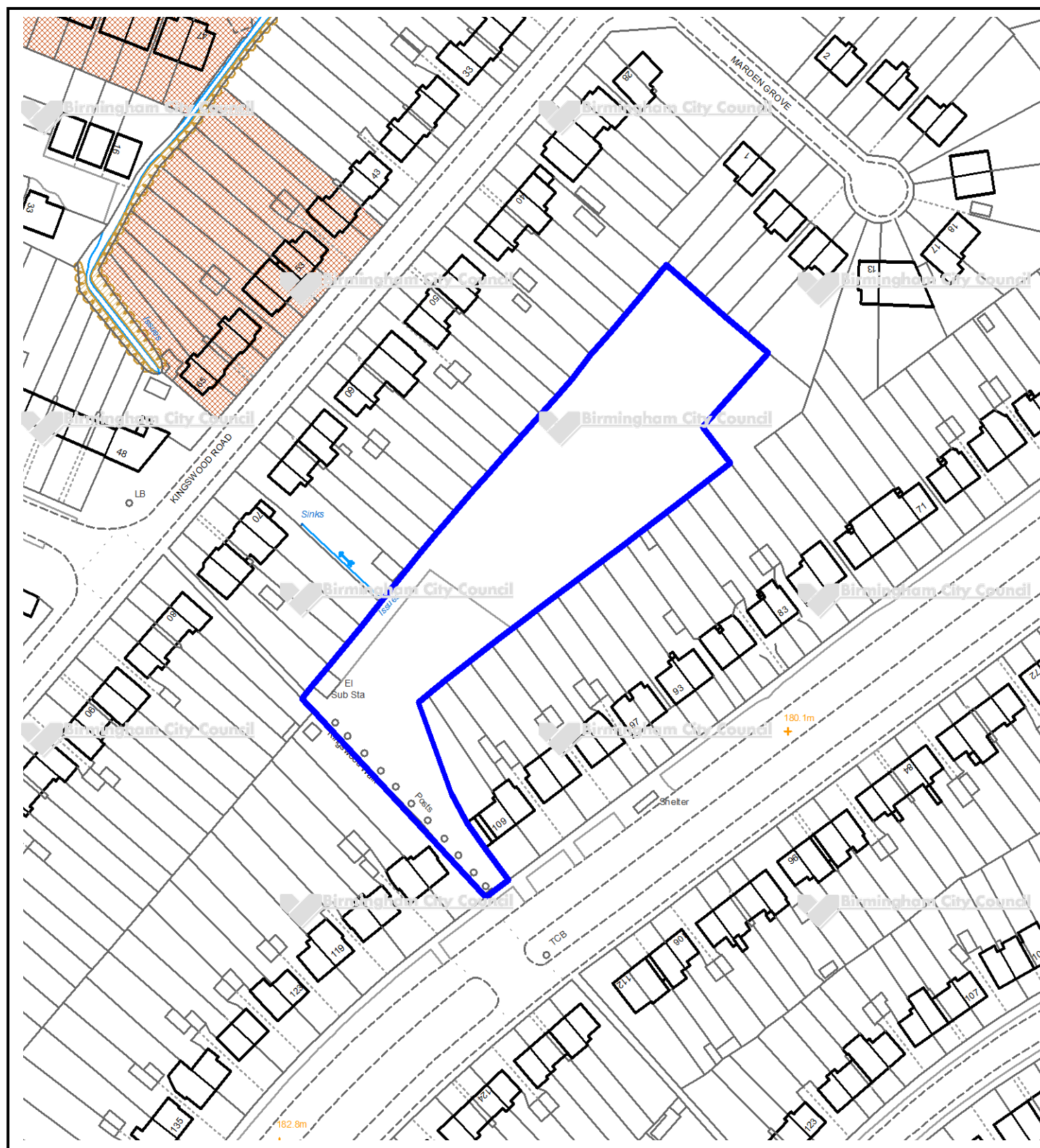
Photo 1 - Looking North East from public footpath



Photo 2 - Public footpath and South West part of site



## 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**

**29 October 2015**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	14	2015/03172/PA  Land at Heaton Street (Formerly Cornwall Tower Site) Hockley Birmingham B18 5AS  Erection of 7no. 2 and 3 bedroom houses and 8no. 1 & 2 bedroom flats for social rent, associated access road, car parking and landscaping works
Approve – Conditions	15	2015/07469/PA  43 & 45 Worcester Lane and land to rear of 41, 47, 49 & 51 Worcester Lane Sutton Coldfield Birmingham B75 5NB  Erection of 5 detached dwellings (including some with garages), new access road off Worcester Lane, together with landscaping and car parking
Approve – Conditions	16	2015/06575/PA  Land between Witton Lodge Road and Perry Common Road Perry Common Birmingham B23 5HP  Enhancement of existing public open space including formation of drainage swales, cut and fill works, new cycle routes and footpath layout, new boundary treatment, furniture and entrance thresholds, habitat creation including tree planting, shrubs, thicket, wetland and meadow formation, replacement footbridge over Hawthorn Brook, car parking and arrival facilities and associated works



Approve – Conditions	17	<p>2015/07144/PA</p> <p>Land to rear of 125 Hill Village Road Sutton Coldfield Birmingham B75 5HU</p> <p>Minor Material Amendment attached to approval 2015/02068/PA for changes to the design and footprint of the approved dwellinghouse.</p>
Approve – Conditions	18	<p>2015/06110/PA</p> <p>38 Westover Road Handsworth Birmingham B20 1JG</p> <p>Erection of single storey front, side and rear extension, installation of 2 dormer windows to rear and erection of detached building to rear</p>

Committee Date:	29/10/2015	Application Number:	2015/03172/PA
Accepted:	07/07/2015	Application Type:	Full Planning
Target Date:	30/10/2015		
Ward:	Soho		

Land at Heaton Street, (Formerly Cornwall Tower Site), Hockley, Birmingham, B18 5AS

Erection of 7no. 2 and 3 bedroom houses and 8no. 1 & 2 bedroom flats for social rent, associated access road, car parking and landscaping works

Applicant:	BMHT 1 Lancaster Circus, Queensway, Birmingham, B4 7DJ
Agent:	Acivico 1 Lancaster Circus, Queensway, Birmingham, B4 7DG

#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. This application seeks full consent for the redevelopment of a former residential tower block site to provide 7 new houses and 8 flats for Birmingham Municipal Housing Trust (BMHT). All of the proposed units are proposed to be provided for rent.
- 1.2. Five of the proposed dwellings would be situated to the rear of the site adjacent to some existing dwellings. The other two dwellings would be adjacent to Heaton Street. The block of eight apartments would also be situated on the Heaton Street frontage. The units would be served by a new access road that bisects the proposed units and provides a new turning head at the end of the street.
- 1.3. The houses and flats would be designed to reflect the typical BMHT style. The houses would be two storeys finished in facing brickwork with a tiled pitched roof. The windows would be generously proportioned with aluminium frames and with a powder coated aluminium surround. Two house types are proposed, and all bedrooms meet the minimum sizes set out in Places for Living.
- 1.4. The apartments would have a rectilinear footprint and would be two storeys, with the roof split into three sections. The elevation to Heaton Street would contain large framed windows reflecting the same style as the houses with some full height french doors with juliette balconies to the first floor. The rear access corridor would also include full height glazing on the rear elevation.
- 1.5. Each of the houses would have a private rear garden area which range in size from 55 sq.m to 150 sq.m, and would also contain small areas of front garden. A small shared grassed amenity space would be situated adjacent to the flats of approximately 335 sq.m.

- 1.6. Car parking would be provided as a mix of in curtilage spaces for the houses and shared parking spaces adjacent to the proposed flats, resulting in 113% provision overall. In addition, four spaces would be provided for 4 existing dwellings that would be retained.
- 1.7. The submitted plans show that there are 17 existing trees that are located within the site or just outside it and close to the site boundary of which 5 are proposed to be removed to facilitate the development. The layout indicatively shows the provision of 29 new trees within the site.
- 1.8. The application is accompanied by a Design and Access Statement, tree survey, Sustainable Urban Drainage (SUD's) assessment, and a noise assessment.
- 1.9. Site area : 0.38 hectares
- 1.10. Density : 40 dwellings per hectare.
- 1.11. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The site previously comprised a residential tower block and its confines, known as Cornwall Tower. The tower block has recently been demolished and the site cleared and enclosed with a chain link fence. Several existing trees remain.
  - 2.2. The site is situated in an area of mixed uses which includes residential dwellings to the west. There is a local parade of shops in Lodge Road to the south and industrial units to the east within Boulton Industrial Centre.
  - 2.3. [Site location and street view](#)
3. Planning History
  - 3.1. 31/10/2013 – 2013/07677/PA - Application for prior notification of proposed demolition – No prior approved required.
4. Consultation/PP Responses
  - 4.1. Site and Press Notices. MP, ward members, residents associations and neighbouring residents notified. One representation of objection received commenting knocking down a tower which could house hundreds of people is not being efficiently replaced, and that the 15 units proposed is nowhere near enough.
  - 4.2. Transportation Development – No objections. Recommends conditions relating to section 278 highway works, pedestrian visibility splays, boundary treatment and construction traffic management plan.

- 4.3. Regulatory Services – No objections. Recommends conditions relating to remediation of contaminated land and its subsequent verification, electric vehicle charging points, and noise attenuation.
- 4.4. Lead Local Flood Authority – Seeks additional information to the submitted SUD's assessment in relation to exceedance flows, soakaway infiltration testing and details relating to the operation and maintenance of the proposed SUD's features. Recommends a condition to agree these details.
- 4.5. Severn Trent Water – No objections, recommends a condition relating to details of surface water and foul drainage flows. Also advise of the location of a public sewer located within the application site.
- 4.6. West Midlands Police – Makes detailed comments in relation to achieving Secured by Design accreditation, lighting, gated access to rear gardens, defensible space for the apartments and boundary treatments.

## 5. Policy Context

- 5.1. Adopted UDP 2005, Draft BDP, Places for Living SPG, Car Parking Guidelines SPD, NPPF.

## 6. Planning Considerations

- 6.1. The UDP, draft BDP and the NPPF all provide support for development proposals for residential development in sustainable locations, providing there is no overriding needs for the site to be used for an alternative use. In this case, the site was previously used for residential purposes prior to the demolition of the tower block, and so the principle of developing the site for residential use is acceptable.
- 6.2. The site wraps around the existing residential dwellings to the west in Ford Street, and due to this and the sites irregular shape, the resulting layout seeks to maximise the opportunities to create a perimeter block and to tie in to the configuration of the retained houses. As a result, plots 1-5 would be arranged to create a linear block either side of the retained houses, all facing towards Heaton Street. The need to create an access road to serve these new and the existing dwellings results in a rectangular section of land to the site frontage that lends itself to a small apartment block having active frontages to the new road and to Heaton Street. Plots 7-8 would be designed to face into the development, at 90 degrees to Heaton Street, such that their orientation would mirror the existing block that it adjoins (42-48 Ford Street). The layout maximises the opportunities to meet the objectives contained in Places for Living to create a clear definition between public and private spaces, and to ensure appropriate relationships in the streetscene.
- 6.3. Whilst I note the comments in respect of the development providing insufficient replacement units, the development density proposed is considered to be the most appropriate response to the surrounding character of the area and the constraints of the site. The reduction in the number of units is an inevitable consequence from the removal of a tower block and its replacement with a more appropriate low rise development. I consider that the proposal maximises the capacity of the site.
- 6.4. The design and appearance of the houses are appropriate being two storeys with pitched roofs and attractively detailed elevations. The existing houses that adjoin the

site include some buff brick and some red brick blocks, neither of which provide a strong precedent to influence the character of the proposed dwellings. The detailed design features of the proposed houses including the window proportions and framing will help to enhance the appearance of the area and will introduce some vibrancy to the streetscene.

- 6.5. The relationship of the proposed housing to those existing units accords with the guidance in Places for Living in respect of separation distances with the exception of plots 3 and 4 where the rear habitable room windows on the 1<sup>st</sup> floor face towards the rear garden area of 62 Ford Street at a distance of 8.5-9 metres. Whilst this would be marginally below the minimum guidelines in Places for Living (which advocates a minimum separation of 10 metres), I consider that this will not result in a significant detrimental impact of overlooking or loss of light. The dwellings are appropriately sized with private rear gardens. The flats have some grassed space with existing trees adjacent to this block. I do not consider that this is unacceptable, especially given that the site provided accommodation in a tower block, also with no outside amenity space previously. There is an area of open space a short walk from the site to the west of the site.
- 6.6. The applicant has provided amended plans to address some comments that have been made on the layout by Transportation. The proposed access and highway layout is acceptable, and an appropriate level of car parking is proposed to serve the proposed units. The site has good accessibility to existing bus services.
- 6.7. The proposed development maximises the opportunity to incorporate the existing trees on the site. Some of the retained trees would be situated in areas where new hard-surfacing and boundary treatments are proposed, such that an arboricultural method statement is required to ensure that the works within root protection areas are suitably undertaken. I have also recommended conditions relating to tree protection works and landscaping to secure the details of new trees and shrubs to replace those being removed. My tree officer has no objections subject to these conditions.
- 6.8. A sustainable urban drainage assessment has been submitted with the application which sets out proposals to provide a combination of soakaways and cellular storage, and connection to the existing storm sewer. The proposals are considered to be acceptable in principle, though some further details including soakaway testing and details of operation and maintenance thereafter which are proposed to be secured by condition.
- 6.9. A noise assessment has been submitted to consider the effect of noise from surrounding land uses on the proposed development. The principal source of noise is from highway traffic. The report sets out that there would be some issues of noise that require mitigation in the form of suitable glazing and ventilation, the details of which can be secured by condition.

## 7. Conclusion

- 7.1. The proposed development accords with the relevant policies in respect of new housing development and urban design in the adopted UDP, draft BDP and the NPPF, and accords with the guidance in Places for Living. I have therefore recommended approval subject to conditions.

8. Recommendation

8.1. Approve subject to conditions.

---

1	Grants a personal permission to Birmingham City Council
2	Requires the provision of affordable dwellings
3	Requires the prior submission of a contamination remediation scheme
4	Requires the prior submission of a contaminated land verification report
5	Requires the prior submission of a construction method statement/management plan
6	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
7	Requires the prior submission of a drainage scheme
8	Arboricultural Method Statement - Submission Required
9	Requires the implementation of tree protection
10	Requires the prior submission of level details
11	Requires the prior submission of sample materials
12	Requires the prior submission of hard and/or soft landscape details
13	Requires the prior submission of boundary treatment details
14	Requires the prior submission of a lighting scheme
15	Requires the prior submission a noise study to establish residential acoustic protection
16	Requires the prior submission and completion of works for the S278/TRO Agreement
17	Requires pedestrian visibility splays to be provided
18	Removes PD rights for extensions
19	Removes PD rights for new windows
20	Requires the scheme to be in accordance with the listed approved plans
21	Limits the approval to 3 years (Full)

---

Case Officer:        Stuart Morgans

**Photo(s)**



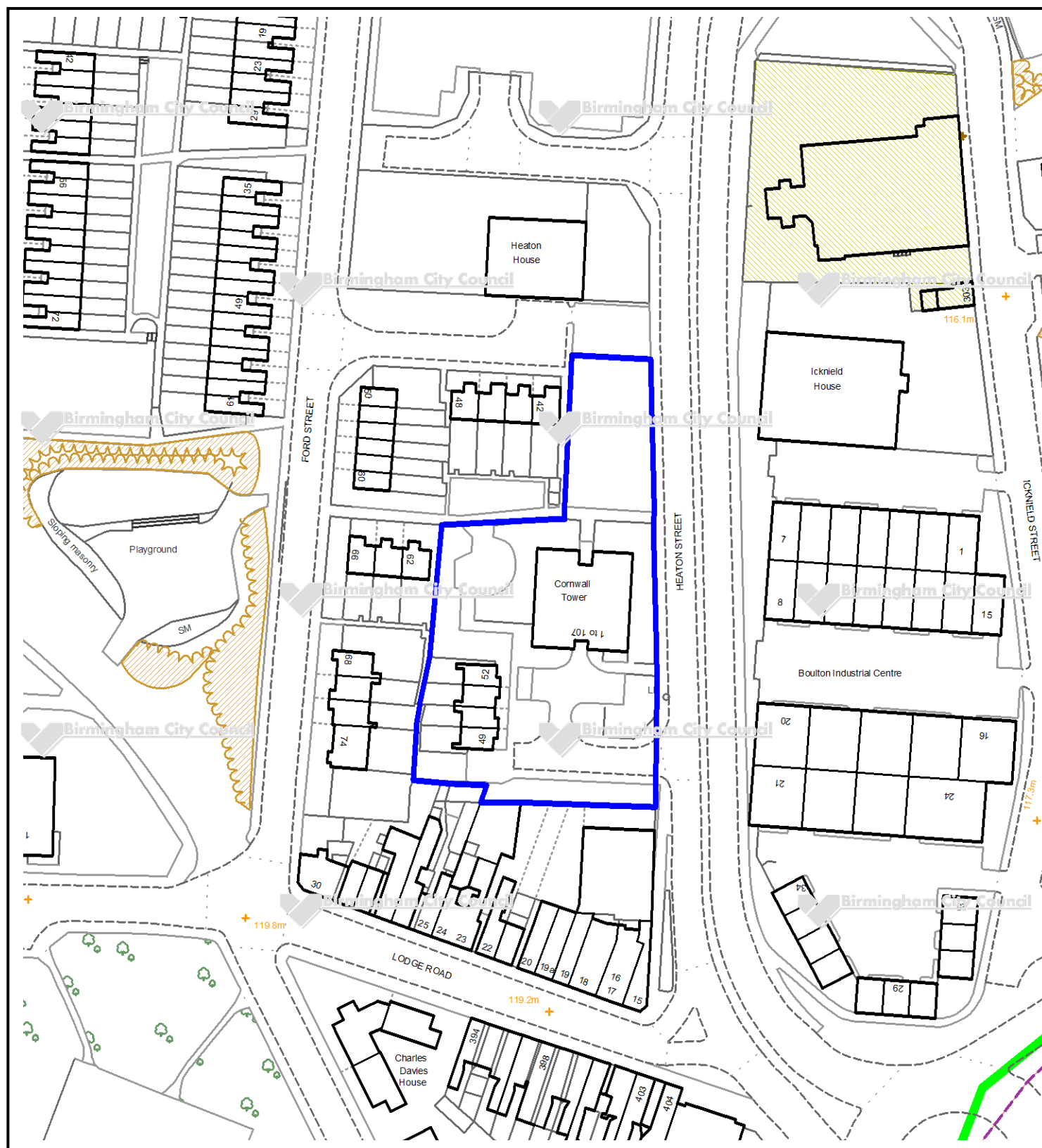
**Figure 1 : View facing north across the site**





**Figure 2 ; View facing 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:	29/10/2015	Application Number:	2015/07469/PA
Accepted:	11/09/2015	Application Type:	Full Planning
Target Date:	06/11/2015		
Ward:	Sutton Four Oaks		

43 & 45 Worcester Lane and land to rear of 41, 47, 49 & 51 Worcester Lane, Sutton Coldfield, Birmingham, B75 5NB

Erection of 5 detached dwellings (including some with garages), new access road off Worcester Lane, together with landscaping and car parking

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

---

Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application is for the erection of five dwellings (including some with garages) together with new access road, landscaping and car parking, following demolition of the attached garages to 43 and 45 Worcester Lane. The application is a revised scheme following a withdrawn application 2015/04236/PA for a similar scheme involving the erection of six dwellings where concerns were raised by planning officers that the scheme would result in an over-development of the site.
- 1.2. The proposed development would involve the demolition of both linked attached garages to 43 and 45 Worcester Lane to allow for a new access road into the site. This access road would create a 'T' shaped cul-de-sac within the backland site. The rear gardens of the existing properties at 41 to 49 Worcester Lane would be reduced to between 10.4 metres and 29 metres.
- 1.3. The proposed layout would consist of four dwellings at the head of the cul-de-sac in a linear arrangement, one dwelling located on the corner directly behind 43 Worcester Lane and four garages arranged in pairs that would be located in front of the dwellings in plots 2 and 5. The dwellings would be two-storeys high and would have a traditional design with hipped roofs and a mix of architectural features including front projecting gables, bay windows, porches and canopies. Building materials would comprise a mix of brickwork and render to elevations, with brick detailing to the window headers/cills, decorative timber features to front gables and roof tiles.
- 1.4. Internally, the dwellings would include a living room, W/C, kitchen/dining room, utility on the ground floor and either three or four bedrooms (with an en-suite in one bedroom) and a bathroom at first floor. All bedrooms sizes and the rear gardens for



each dwelling would comply with the minimum guidelines set out in Places for Living SPG.

- 1.5. 19 car parking spaces (270% parking provision) would be provided in total for the proposed five dwellings and for the existing dwellings at 43 and 45 Worcester Lane. Amendments have been made to the car parking layout for 43 and 45 Worcester Lane to address concerns raised by Transportation Development in terms of achieving satisfactory vehicular and pedestrian visibility splays for the car parking spaces.
- 1.6. 7 fruit trees, 2 Cypress tree, 2 Cherry tree, a Rowan tree and approximately 5 hedgerows would be removed and tree works would be required to enable the development.
- 1.7. The application is supported by a Phase 1 Habitat Survey/ Protected Species Assessment, Tree Survey, Planning Statement and Design and Access Statement.
- 1.8. Site Area: 0.28 hectares. Density: 29 dwellings per hectare.

1.9. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site relates to 43 and 45 Worcester Lane, which comprise semi-detached houses with linked detached garages and the rear part of the gardens belonging to 41, 47, 49 and 51 Worcester Lane. The site is located on the west side of Worcester Lane and the site is level with a slight rise northwest from 158 metres at the road to 160 metres at the rear. There are a number of small ornamental trees, fruit trees, conifers and a large Cherry tree within the site and there are mature trees along the site boundaries. The existing gardens are separated by mature hedgerows.
- 2.2. The surrounding area is predominantly residential in character and includes short cul-de-sacs and mainly semi-detached and detached two-storey dwelling houses set back from the road. The site has good accessibility to local shops and services including public transport.

2.3. [Site Location](#)

## 3. Planning History

- 3.1. 21 July 2015 - 2015/04236/PA - Withdrawn application for erection of 6 dwellinghouses (two with integral garages, one with detached garage and three houses with garages within Plot 6) and erection of detached garage for 43 Worcester Lane, together with new access road, parking and landscaping.
- 3.2. Related Planning History
- 3.3. Land to the rear of 17-45 Worcester Lane:
- 3.4. 21 February 2014 - 2013/08941/PA - Planning permission granted for demolition of 31 Worcester Lane, alterations and erection of a first floor side and single storey rear extension to 29 Worcester Lane and erection of 13 dwellings, associated access road and landscaping, subject to conditions.

- 3.5. 18 July 2014 - 2014/02515/PA - Planning permission granted for demolition of 29 and 31 Worcester Lane, replacement of number 29, together with the erection of 10no. 4 bed detached & 4 no. three bed semi-detached dwellings, associated access road and landscaping, subject to conditions.
- 3.6. Land rear of 30-44 Grange Lane (with access via the new access road approved under application 2014/02515/PA):
- 3.7. 16 April 2015 - 2015/01344/PA - Planning permission granted for erection of 4 detached dwellings and detached double garages, subject to conditions.
4. Consultation/PP Responses
- 4.1. Ward Councillors, M.P, Residents Associations, and nearby occupiers were notified and Site Notice displayed on Worcester Lane.
- 4.2. 7 letters of objection received from nearby occupiers, objecting on the following grounds:
- Increase in traffic congestion - the road is already busy, especially during school opening and closing times, and due to people using Worcester Lane as a cut through to Mere Green District Centre.
  - Impact highway safety - there are a number of side roads off Worcester Lane and the site is on a bend in the road and the new access road into the site would have substandard visibility splays.
  - Access road is too narrow and the existing houses would block visibility when reversing from the proposed car parking spaces for 43 and 45 Worcester Lane.
  - Lack of parking - no replacement garages are proposed for 43 and 45 Worcester Lane and this would increase on-street parking and make the road dangerous. Street parking has increased following the completion of the nearby cul-de-sac now known as Flint Wood.
  - Not in keeping with the area, especially the loss of front gardens and the parking area dominating the frontages to Worcester Lane.
  - Overlooking.
  - Disturbance caused by building work, which results in mess and dust that affect people's health. Also, disturbance caused by construction workers parking on the road, blocking driveways and visibility.
  - Lack of school places.
  - Impact on trees.
- 4.3. Severn Trent Water - Awaiting comments, however, no objections were raised to the previous withdrawn application 2015/04236/PA subject to suitable drainage of the site.
- 4.4. West Midlands Police - Awaiting comments, however, no objections were raised to the previous withdrawn application 2015/04236/PA.
- 4.5. Regulatory Services - No objection subject to a condition to secure a charging point for electric vehicles.
- 4.6. West Midlands Fire Services - Awaiting comments, however, no objections were raised to the previous withdrawn application 2015/04236/PA.

- 4.7. Transportation Development - No objection subject to conditions to secure necessary highway works, appropriate pedestrian and vehicular visibility splays, a construction management plan and a condition requiring the proposed shared surface private drive to have a different enhanced surfacing material to make drivers aware to drive slower.
5. Policy Context
- 5.1. The adopted UDP (2005), Draft Birmingham Development Plan, Mature Suburbs SPD, Places for Living SPG, 45 Degree Code SPG, Car Parking guidelines SPD and NPPF.
6. Planning Considerations
- 6.1. The main considerations are whether the proposed development is acceptable in principle in terms of its impact on the character and appearance of the area, on the amenities of existing residents, upon highway safety, trees and ecology.
- 6.2. Policy Context
- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It advises in paragraph 53 that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.4. Policies 3.8 and 3.10 of the adopted UDP seek to protect what is good in the City's environment and states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed. Policy 5.20 advises that the City Council will take measures to maintain and protect the existing good quality residential environments which are one of the City's greatest assets. Places for Living SPG aims to ensure all developments respond well and reinforce the local character.
- 6.5. The adopted UDP recognises the role of previously developed windfall sites in meeting the City's housing requirements. However, in assessing proposals for residential development, policy 5.25C requires account to be taken of factors such as the suitability of the location, whether there are any physical constraints and whether the site is accessible to jobs, shops and services by modes other than the car.
- 6.6. Mature Suburbs SPD contains guidelines for residential intensification and sets key design criteria to be used to ensure new residential developments do not undermine or harm the positive characteristics of a mature suburb. The design criteria for developments in mature suburbs includes: building form and massing; siting; boundary treatment; design styles; public realm and landscaping; and cumulative impact.
- 6.7. Principle of Development



- 6.8. The site is located within a residential area and comprises the houses and rear gardens of 43 and 45 Worcester Lane and the rear half of the long rear gardens of 41, 47, 49 and 51 Worcester Lane. There are no physical constraint issues that would prevent the redevelopment of the site and the site is located within an accessible location close to local jobs, shops and services. Regulatory Services raise no objection subject to a condition requiring a vehicle charging point. I therefore raise no objection to the principle of development subject to the following site specific considerations.
- 6.9. Impact on Local Character
- 6.10. The proposal would create a cul-de-sac form of development. The site is located within a mature suburb comprising detached and semi-detached dwellings. The surrounding area includes a number of existing cul-de-sacs that vary in the number of dwellings and layouts. These include Wilmott Drive, Coburn Drive, a cul-de-sac off Clarendon Road and a recently constructed cul-de-sac (to be known as Flint Wood) which involved a new access road between 29 and 31 Worcester Lane and partial redevelopment of the rear gardens of 17-45 Worcester Lane with the erection of 18 dwellings. The existing cul-de-sacs in the locality have no common arrangement or size. I therefore have no objection to the proposed cul-de-sac form of development and do not consider that the loss of part of the mature rear gardens to 41 to 51 Worcester Lane would undermine the character of the area.
- 6.11. The current application follows a withdrawn application 2015/04236/PA for six dwellings where it was considered by my officers that the previous scheme would result in a cramped and over-developed site and the dwelling designed as a coach house would create a poor living environment for future occupiers with a substandard rear garden.
- 6.12. Pre-application discussions have taken place prior to this application and the following amendments have been made to the proposed development: the coach house dwelling unit in plot 6 and the garage for 43 Worcester Lane have been omitted, the dwelling in plot 2 has been reduced by the removal of the link between the dwelling and garage and the dwelling has been set further away from the side boundary with 39 Worcester Lane to reduce its visual dominance when viewed from the rear garden of 39; additional soft landscaping has been provided, the roof design of the dwellings have been amended from half hips to gables with projecting bays; and the dwellings in plots 2 to 5 have been re-sited slightly to add variation to the front building line in order to provide more informality.
- 6.13. The proposed layout of the cul-de-sac would provide a coherent development with good overlooking of the public realm and private rear gardens and a strong sense of enclosure. The proposed layout would provide a good visual connection between the proposed dwellings at the head of the cul-de-sac and the existing dwellings on Worcester Lane. The dwellings in plots 2 to 5 would also align with the adjacent dwellings in the recently constructed cul-de-sac (Flint Wood) to the rear of 33/35 Worcester Lane.
- 6.14. The plot sizes for the proposed dwellings and for the existing dwellings at 41 to 51 Worcester Lane would reflect nearby residential plot sizes and the gaps between the proposed dwellings would ensure good spatial separation. I am also satisfied that the slight variation to the building line for the dwellings in plots 2 and 5 has helped create a less formal and more suburban layout. The layout of the car parking spaces would not dominate the frontages and adequate front gardens are proposed for the

proposed dwellings and the soft planting would be retained to the front of 43 and 45 Worcester Lane.

- 6.15. It is recognised that the proposed layout would have a narrow access between the two existing dwellings and their respective gardens leading to the proposed five dwellings, however, I consider that the gap between 43 and 45 Worcester Lane would not be out of keeping with the street scene or with the recently constructed cul-de-sac (Flint Wood) which included a similar access road between 29 and 31 Worcester Lane, albeit with a footpath. I therefore consider that the proposed layout of the cul-de-sac is acceptable and would not result in a development that would appear cramped or significantly at odds with the surrounding area.
- 6.16. I consider that the design and scale of the proposed dwellings is acceptable and the loss of attached garages to 43 and 45 Worcester Lane would not harm the appearance of these dwellings. I note that the City Design Advisor and the Landscape Officer supports the proposed development subject to safeguarding conditions to ensure a high quality development.
- 6.17. I therefore consider that the proposed development is acceptable, particularly site layout, plot size, design and scale and I do not consider that the proposed development would undermine or harm the character and appearance of the area. I therefore consider that the development would comply with the UDP 2005, Places for Living SPG, Mature Suburbs SPD and the NPPF. I have attached conditions to ensure high quality building materials, acceptable window reveal depths, landscaping, hard surfacing and boundary treatment.
- 6.18. Impact on Existing Residents and Proposed Residents
- 6.19. The dwelling in plot 1 would have a single aspect with no windows facing the adjoining rear garden to 39 Worcester Lane. The separation distance between the rear elevation of the proposed dwellings in plots 2 to 5 and the adjoining rear gardens to the new dwelling in Flint Wood and to 60, 62 and 64 Clarendon Road would comply with the minimum guidelines set out in Places for Living SPG. The separation distance between the proposed dwelling in plot 1 and 43 Worcester Lane complies with the minimum guidelines set out in Places for Living SPG. I have attached a condition requiring the side facing utility and en-suite windows to the proposed dwelling in plot 2 to be installed with obscure non opening glazing to protect the residents at 39 from any loss of privacy. I am satisfied that, subject to this condition, there would be no loss of privacy to adjoining residents.
- 6.20. The proposed development would not result in any overshadowing or have an overbearing impact on existing residential properties. I therefore consider that there would be no detrimental impact on existing residents.
- 6.21. The proposed development would provide a high quality living environment for future occupiers with adequate bedroom sizes and rear gardens, which comply with the minimum guidelines set out in Places for Living SPG.
- 6.22. Impact on Highway Safety
- 6.23. I acknowledge the concerns raised by nearby residents about roads already being congested with traffic caused by school traffic, the nearby construction site at Flints Wood and other vehicles using Worcester Lane as a short cut to Mere Green District Centre. Concerns are also raised about the increase in on-street parking and the

site layout, in particular, the poor visibility splays to the access road and car parking spaces fronting 43 and 45 Worcester Lane.

- 6.24. Transportation Development raises no objection to the application and it is advised that additional traffic generated by five proposed dwellings is unlikely to cause a significant increase in traffic to have a detrimental impact on highway safety. The proposed parking provision exceeds the maximum parking standards set out in Car Parking Guidelines SPD, however, given the location of the proposed dwellings and the poor accessibility to public transport services I am of the view that the proposed parking provision is acceptable for this site. The access road would remain private and would be a shared surface for vehicular and pedestrians. The submitted site plan also demonstrates that the access road can provide adequate turning space for a refuse vehicle.
- 6.25. With regards to vehicular and pedestrian visibility, the applicant has demonstrated on the proposed site plan that adequate vehicular visibility splays can be provided at the access point. Amendments have been made that have repositioned the car parking spaces for 43 and 45 Worcester Lane to a new position to ensure satisfactory vehicular and pedestrian visibility splays can be achieved. Transportation Development raises no objection to the amended car parking layout.
- 6.26. Transportation Development recommends a condition requiring a construction management plan, however, the site has sufficient space for the storage of materials and Worcester Lane and on-street car parking is available to accommodate the additional parking demand from construction works. I therefore do not consider that this condition is necessary.
- 6.27. Impact on Trees and Ecology
- 6.28. The Tree Officer has advised that the submitted Tree Survey is sufficient and raises no objection to the loss of existing trees as they have limited public amenity value. The Ecologist raises no objection, however, recognises that the proposed development would involve trees and hedgerows being removed which are features that provide opportunities for pollinating insect, bird nesting and foraging and that the rear gardens, as a whole, also provide some bat foraging. The Ecologist therefore recommends conditions to secure replacement planting (such as fruit trees) and bird and bat boxes to mitigate any harm to protected species. I concur with this view and have recommended conditions to require four replacement trees as shown on the proposed site plan and bird and bat boxes to mitigate any harm to wildlife as a result of the removal of the existing trees and hedgerows.

## 7. Conclusion

- 7.1. I consider that the proposed scheme would create an acceptable cul-de-sac development that would not undermine or harm the positive characteristics of the surrounding area. It would reinforce and relate well with adjoining plot sizes, building siting and house design and although the access road would be narrow I do not consider that it would be out of keeping with the surrounding area. The proposed development would provide adequate parking provision for this particular site and would not result in a detrimental impact on highway safety, trees of high amenity value or upon ecology. I therefore consider that the proposed development would comply with the adopted UDP 2005, Places for Living SPG, Car Parking Guidelines SPD and the NPPF.

## 8. Recommendation

8.1. I recommend approval subject to the following conditions.

- 
- |    |   |
|----|---|
| 1  | Requires the prior submission of level details  |
| 2  | Requires the prior submission of a drainage scheme  |
| 3  | Requires the prior submission of sample materials   |
| 4  | Requires the prior submission of window frame details   |
| 5  | Requires the prior submission of hard and/or soft landscape details                               |
| 6  | Requires the prior submission of hard surfacing materials   |
| 7  | Requires the prior submission of boundary treatment details                                       |
| 8  | Requires the prior submission of details of bird/bat boxes  |
| 9  | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 10 | Requires necessary highway works to be completed.   |
| 11 | Requires vehicular visibility splays to be provided   |
| 12 | Requires pedestrian visibility splays to be provided  |
| 13 | Prevents gates being installed to access road.  |
| 14 | Requires the scheme to be in accordance with the listed approved plans                            |
| 15 | Limits the approval to 3 years (Full)   |
- 

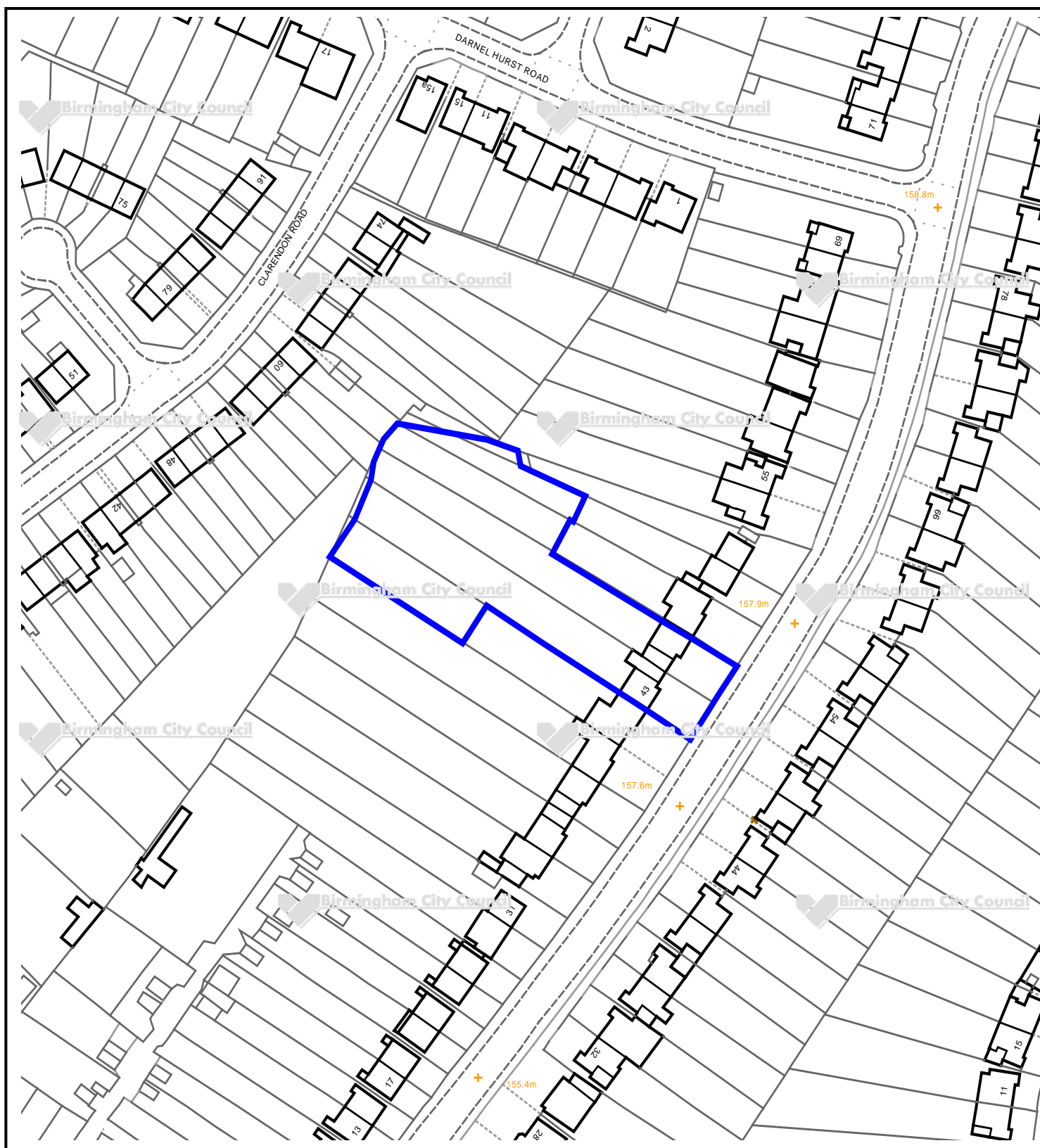
Case Officer: Helen Hawkes

**Photo(s)**



**43 and 45 Worcester Lane**

## 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:	29/10/2015	Application Number:	2015/06575/PA
Accepted:	12/08/2015	Application Type:	Full Planning
Target Date:	11/11/2015		
Ward:	Kingstanding		

Land between Witton Lodge Road and Perry Common Road, Perry Common, Birmingham, B23 5HP

Enhancement of existing public open space including formation of drainage swales, cut and fill works, new cycle routes and footpath layout, new boundary treatment, furniture and entrance thresholds, habitat creation including tree planting, shrubs, thicket, wetland and meadow formation, replacement footbridge over Hawthorn Brook, car parking and arrival facilities and associated works

Applicant:	BCC Parks & Nature Conservation Landscape Practice Group, 1 Lancaster Circus, 4th Floor, Birmingham, B1 2DR
Agent:	Landscape Practice Group Birmingham City Council, 1 Lancaster Circus, 4th Floor Zone 18 Queensway, Birmingham, B4 7DJ

---

Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application seeks planning permission for various works to refurbish and enhance Perry Common Recreation ground in association with the development of adjoining land for the penultimate phase of housing estate redevelopment as part of the BMHT programme. The housing application was reported to your Committee at its meeting on 1<sup>st</sup> October and has been approved.
- 1.2. The proposed works include a number of elements, including sustainable urban drainage systems that have been designed to serve the surface water drainage needs of the proposed residential development by forming a network of 5 swales, and a balancing pond on the recreation ground on its western side. In addition, the proposals include comprehensive engineering works involving cut and fill to remodel the ground levels of the park in order to create wet meadow areas adjacent to Hockley Brook to proactively manage flooding in response to previous flood events that have taken place in the past. In addition, the proposed works include extensive new tree planting, new cycle and pedestrian footpaths, new boundary treatment to the edges of the park, habitat creation, car parking facilities at the southern end of the park and associated works. An existing Multi use games area would be retained.
- 1.3. The cut and fill works would involve over 15,000 cubic metres of material being re-modelled across the site which covers approximately 7.9 hectares of open space land.

- 1.4. The application is supported by a flood risk assessment, sustainable urban drainage report, design and access statement, tree survey, phase 1 habitat survey, water vole survey, archaeological written scheme of investigation, public open space statement, open water safety policy, and a consultation statement.

- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is a large area of public open space known as Perry Common recreation ground that extends from Witton Lodge Road to the north, to Perry Common Road to the south. Hawthorn Brook runs close to the eastern boundary, beyond which are residential properties. The western boundary of the park currently abuts a vacant development plot fronting Dovedale Road, for which planning consent has recently been granted for the penultimate phase of BMHT new housing development.

- 2.2. There is a gradual fall in level across the length of the site from north to south of approximately 5 metres. The recreation ground principally comprises a large open area of mown grassland with a pedestrian/cycle path running through it from north to south through the middle of the park. There is also a footpath alongside the brook on the east side. There are some sections of less managed grassland, and a copse of trees towards the southern end. There is a multi-use games area at the southern end close to the neighbouring school and a small unmade car park adjacent to it that fronts onto Perry Common Road.

- 2.3. The surrounding area is predominantly residential in character. St Margaret Mary's Roman Catholic Junior and Infant School shares a boundary with the site in the south western corner.

- 2.4. [Site location and street view](#)

3. Planning History

- 3.1. 18/06/2007 – 2007/02534/PA – Provision of multi-use games area and youth shelter – Approved subject to conditions.
- 3.2. 23/06/2011 - 2011/01794/PA – Erection of boundary fencing, construction of balancing ponds and swales, realignment of Hawthorn Brook, new and surfaced footpaths, new footbridge and associated soft landscaping. Approved subject to conditions.
- 3.3. 01/10/2015 - 2015/05231/PA – Erection of 146 2-4 bedroom houses for social rent and outright sale, with associated highways, parking and landscaping works. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Press and Site Notices erected. MP, ward members for Erdington, Kingstanding and Stockland Green wards, residents associations and neighbouring residents notified. 3 representations received, one of which seeks clarification as to what is proposed in respect of the proposed car parking. The other two representations comment that they have concerns about who will fund the works and pay for the upkeep of the

land. They comment that the land is a dumping ground which will be made worse once the new houses are built and that trees have been uprooted in the past by youths. They comment that the plans look good, but that some residents in the area have contributed to these problems.

- 4.2. Regulatory Services – No objections.
- 4.3. Lead Local Flood Authority – Makes detailed comments in relation to the submitted sustainable urban drainage report regarding the need for further information including infiltration testing, exceedance flows, proposed levels, design details of the swales, and proposed operation and maintenance arrangements. Recommends a sustainable drainage condition to agree further details.
- 4.4. Transportation Development – No objections.
- 4.5. Severn Trent Water – No objection.
- 4.6. Environment Agency – No objections. Makes detailed comments in respect of flood risk and biodiversity and recommends conditions relating to the development being implemented in accordance with the submitted Flood Risk Assessment so that all SUD's features are located outside of the 1 in 100 year (plus climate change) flood outline of Hawthorn Brook, that the hydraulic model files and modelling report are submitted for approval, a landscape management plan should be agreed, a scheme for the provision and management of compensatory habitat creation to the watercourse, and an up to date Water Vole survey should be provided.
- 4.7. Sport England – No comments.

## 5. Policy Context

- 5.1. Adopted UDP 2005, draft BDP, Perry Common Design Brief and Zoning layout SPG, Places for All SPD, Archaeology Strategy SPG, Parks and Open Space Strategy SPD, Sustainable Management of Urban Rivers and Floodplains (SMURF) Planning Framework SPD, NPPF.

## 6. Planning Considerations

- 6.1. The UDP states in paragraph 3.53 that the standard of 2 hectares of public open space per 1000 population will be used to assess the adequacy of existing public open space provision, normally calculated on a ward basis. However, fluctuations in provision within wards and provision within adjoining wards where sites fall close to ward boundaries will also be taken into account. The policy recognises that in some instances improving the quality of public open space may be more appropriate rather than providing new areas.
- 6.2. The Perry Common design brief and zoning layout SPG was prepared in the 1990's to guide the clearance of defective 'Boot' type houses and for the regeneration of the housing estate. This document sets out that the regeneration presents an opportunity for public open space within the estate to be redistributed to improve its accessibility to all and to be more appropriately integrated with the housing it serves. As part of this, the brief envisages some development of part of the recreation ground.

- 6.3. Earlier phases of housing in Perry Common have delivered replacement new housing and associated new open spaces, including a new area of public open space bounded by Jonquil Close/Jackdaw Road/Capilano Road/Primrose Croft and Enderby Road (0.99 hectares), land adjacent Kingfisher Road and land between Capilano Road and Dovedale Road (0.57 hectares), land between College Road and Hastings Road (0.51 hectares) and land at Hurstwood Road (0.24 hectares). These areas of open space amount to 2.31 hectares of new public open space overall. The larger area of open space includes outdoor gymnasium equipment.
- 6.4. Policy TP9 of the draft BDP sets out the Council's policy for open space, playing fields and allotments going forward. The policy sets out that the aim is provide all residents with access within 400 metres to an area of publically accessible open space which should have grass and trees and be at least 0.2 hectares in size. Within 1km, there should be an area of publically accessible open space of at least 2 hectares in size and contain paths, seating, bins, trees and landscape features. Within 3km should be larger parks with wider facilities which may include a wide range of facilities and features and be capable of holding local events. The policy explains that the emphasis will be on good quality, accessible public open space that people want to use and feel safe to use.
- 6.5. Policy TP6 addresses the Council's policy for drainage and managing flood risk. This sets out that as part of their flood risk assessment and sustainable drainage assessment, developers should demonstrate that the disposal of surface water from the site would not exacerbate existing flooding and that exceedance flows will be managed. The policy states that all SUD's must protect and enhance water quality by reducing the risk of diffuse pollution by means of treating at source and including multiple treatment trains where feasible. All SUD's schemes should be designed in accordance with the relevant national standards and there must be long-term operation and management arrangements in place for the lifetime of the development.
- 6.6. This application seeks to undertake a programme of physical enhancements to the existing area of public open space at Perry Common Recreation Ground to improve the quality of the space, which is supported in principle by the Council's planning policies referred to above.
- 6.7. The supporting statements explain that the general layout, footpath configuration, location and content of the proposed layout has been designed following lengthy public consultations. The statement explains that the proposed masterplan has undergone extensive consultation over a number of years with various stakeholders including Witton Lodge Community Association, members, local residents, local schools and youth groups, developers and other interested parties. The proposals reflect the consensus view which has been agreed by all parties. Residents have worked closely with officers and members to formulate the project including their involvement in the choice of facilities that are proposed which is consistent with the objective of encouraging residents and stakeholders to play an active part in their community.
- 6.8. The improvements have been designed to complement the adjoining housing scheme and to soften the built environment that surrounds it. The provision of walking and cycling facilities are designed to link up with the North Birmingham cycle route to Sutton Park in the north and the wider city in the south. The existing path will be realigned and existing sections of footpath that are retained will be resurfaced and a new bridge crossing the brook is proposed. This is consistent with the Council's objective to improve the health of the residents of Birmingham.

- 6.9. A more formal and comprehensive boundary treatment was considered by the stakeholders to be a priority to help provide a sense of containment, identity and security to the open space. The application proposes an estate railing defining the open boundaries to complement the boundary treatment for the proposed residential units to the western boundary. Proposals also include using new entrance features to emphasise path routes and remodelling the central area of the park to give recreational variety and potential for increased variety of wildlife habitat. By including new balancing pools, wetlands and swales as well as enhancing the setting and banks of the existing Hawthorn Brook, the open space is intended to be more varied and interesting to users.
- 6.10. The works also include levelling and resurfacing the existing car park which will enhance this existing facility. The proposals include extensive new tree planting which will include some Perry Pears to reference the historical context of the area. There would also be new display boards describing what can be found in the park as well as some of the history of the surrounding area. The submitted tree survey sets out that there are 42 existing trees within the park. The proposal involves retention of 41 trees and these are to be supplemented with 173 new trees.
- 6.11. The relationship with the approved housing to the west will enhance the natural surveillance of the park improving safety and security of the park.
- 6.12. To improve the environment and bio-diversity of the recreation ground, and to address future predicted flood events, some landform will be locally reduced allowing the green space to flood in a controlled manner with a gradual release of water back into the Brook reducing the likelihood of future flash flooding of residential properties down-stream. These works have been subject to detailed design discussions with the Environment Agency who have no objections to the application. They have recommended several conditions. I concur with those in respect of flood risk and have recommended these conditions be imposed.
- 6.13. In respect of the impact of the proposal on ecology, my ecologist considers that the design and specification of the scheme has been subject to discussion with them with some amendments made to address their comments so they are supportive of the scheme proposed. The species and their distribution around the park are considered to be acceptable and the swales and improvements to the brook course and its environs are welcomed. The submitted water vole survey is considered to be out of date and so an updated survey has been requested, and a condition has been recommended for this. I do not consider the condition recommended by the Environment Agency in respect of improvement works to the watercourse is necessary to make this application acceptable.
- 6.14. In respect of the sustainable urban drainage scheme, this is welcomed and will serve the recently approved housing to the west. The SUD's works including the proposed swales are to be provided so as to be available prior to first occupation of the houses at an early stage in the implementation of the works to the park. The design details are generally acceptable, though some further information is required which can be agreed by condition. In addition, further details of the operation and maintenance of the SUD's is required and will be secured as part of this condition.
- 6.15. These works will also help to introduce some visual interest to the landform, which when complemented by the proposed landscaping works will provide a more varied environment and habitat, improving its visual amenity and its biodiversity attributes, I have recommended a condition to agree the detailed levels to address the

comments made by the Lead Local Flood Authority in respect of the relationship of the proposed levels to the levels of the surrounding dwellings.

- 6.16. There has previously been an archaeological desk-based assessment that accompanied the housing applications which identified the potential for prehistoric or roman remains to be present on the site. The application is accompanied by an archaeological written scheme of investigation which sets out proposals to evaluate the area by means of 13 trial trenches. The programme of work is acceptable and a condition is recommended that the work is undertaken in accordance with the brief.

## 7. Conclusion

- 7.1. The proposed works to the park will enhance the quality and diversity of the park as a public open space for the enjoyment of the local community, and as a nature conservation asset. It will also make a positive contribution to flood management. The proposal therefore accords with the UDP, draft BDP and the NPPF.

## 8. Recommendation

- 8.1. Approve subject to conditions.

---

1	Requires the development to be implemented in accordance with the submitted Flood Risk Assessment
2	Requires details of the hydraulic model files and modelling report to be submitted for approval.
3	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
4	Requires the prior submission of level details
5	Requires the prior submission of a further survey for water voles
6	Requires the prior submission of a programme of archaeological work
7	Requires the implementation of approved hard and/or soft landscape details
8	Requires the prior submission of a landscape management plan
9	Requires the scheme to be in accordance with the listed approved plans
10	Limits the approval to 3 years (Full)

---

Case Officer:        Stuart Morgans



**Photo(s)**



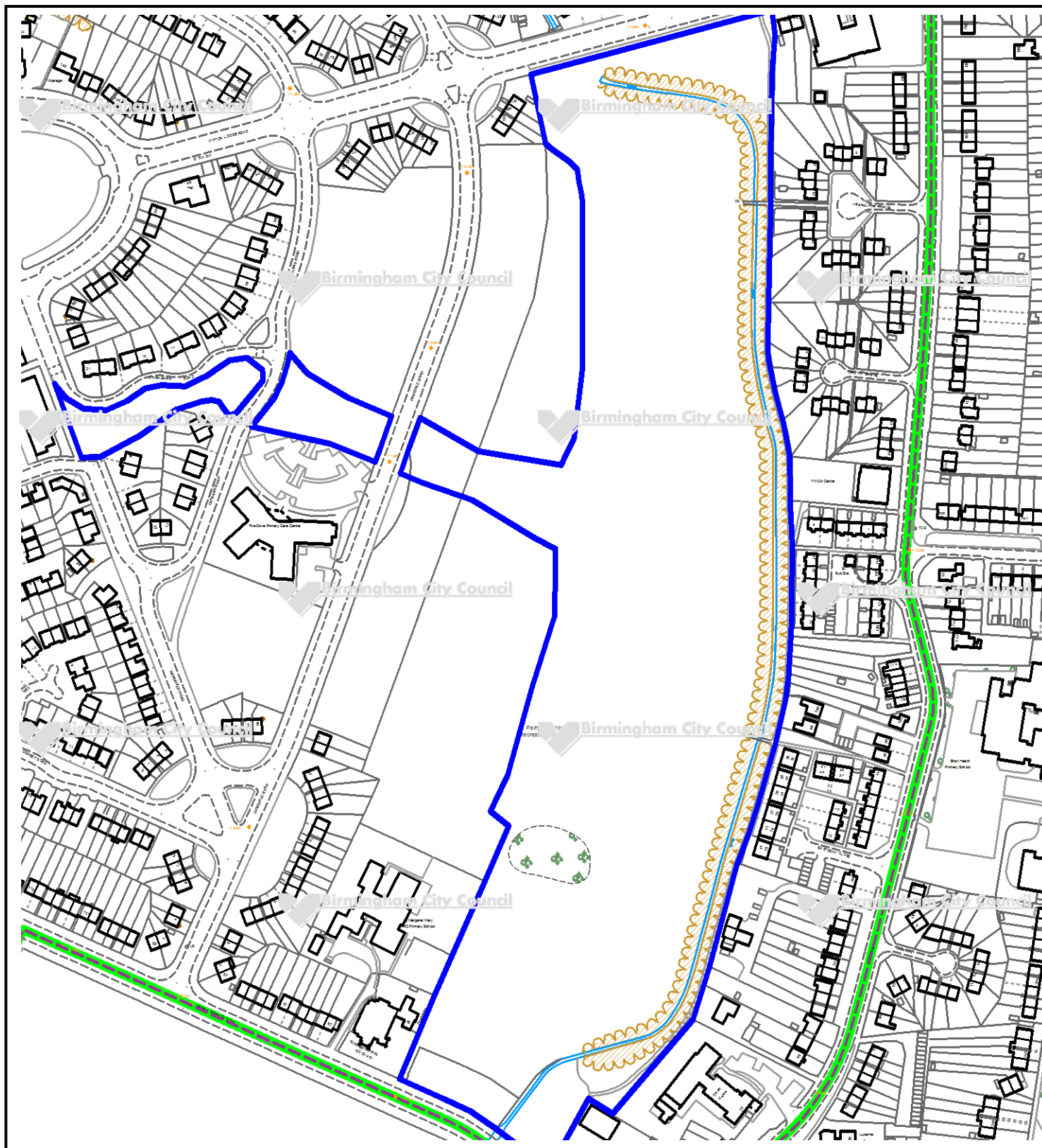
**Figure 1 – View from north across recreation ground**





**Figure 2 : Existing bridge over Hawthorn Brook**

## 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:	29/10/2015	Application Number:	2015/07144/PA
Accepted:	08/09/2015	Application Type:	Minor Material Amendment
Target Date:	03/11/2015		
Ward:	Sutton Four Oaks		

Land to rear of 125 Hill Village Road, Sutton Coldfield, Birmingham, B75 5HU

Minor Material Amendment attached to approval 2015/02068/PA for changes to the design and footprint of the approved dwellinghouse.

Applicant:	Kingswood Homes (West Midlands) Ltd Forman's Cottage, Brome Hall Lane, Lapworth, Solihull, West Midlands, B94 5RB
Agent:	Ritchie & Ritchie LLP The Manor House, Lichfield Street, Tamworth, Staffordshire, B79 7QF

---

Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application is for a minor material amendment to Planning Permission 2015/02068/PA for changes to the design and internal layout of the approved dwelling including the addition of front and side projecting gables, changes to the entrance porch and window sizes, new door and single storey rear element.
- 1.2. The proposed changes to the design of the approved dwelling include:
  - The addition of a pitched roof gable to the front elevation that would include timber cladding to the upper part to reflect the appearance of 18 Gresley Close.
  - The addition of a pitched roof gable to the side elevation facing the side garden that would include larger windows and Juliet balcony.
  - A smaller entrance porch that does not extend over the study window.
  - A new side facing window at first floor and the two ground floor side facing windows serving the utility room have been replaced by a new door.
  - A new single storey rear element that would project 2 metres beyond the rear elevation and would have a width measuring 4.8 metres and a lean to roof with a ridge height of 3.5 metres.
- 1.3. The proposed changes to the ground floor internal layout include the relocation of the WC to make the utility room larger and to provide an external door to the utility room, which has reduced the size of the study room. The first floor layout has been amended during this application to ensure no habitable room windows are located on the rear elevation and side elevation adjacent to 18 Gresley Close to safeguard the adjoining residents from loss of privacy to their rear garden. The number of bedrooms would remain at 4 as approved under application 2015/02068/PA the only

changes that have been made to the first floor is the addition of a dressing room to the Master bedroom and a larger bathroom.

- 1.4. No changes are proposed to the plot size, siting of the dwelling and garage, car parking area and access point as approved under application 2015/02068/PA.
- 1.5. The parking provision remains unchanged at 400% with 2 car parking spaces within the garage and 2 provided on the driveway. Access to the site would be provided from the private shared drive fronting 33, 35 and 37 Gresley Close, located at the head of the cul-de-sac.
- 1.6. A Tree Report has been submitted in support of the planning application.
- 1.7. Site Area - 0.056 hectares, Density - 18 dwellings per hectare.
- 1.8. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site relates to part of the rear garden belonging to a two-storey detached dwelling which fronts Hill Village Road. The site backs onto a side boundary fence shared with a bungalow at 37 Gresley Close and a private drive to Gresley Close, which serves three bungalows including 37 Gresley Close. The application site would have a frontage to the existing private shared drive. The site is relatively flat and contains a number of boundary shrubs, flower beds, grass, a mature Redwood tree and a small Apple tree. The Dawn Redwood tree is covered by a Tree Preservation Order (TPO 1257).
- 2.2. The surrounding area is predominantly residential in character and comprises a mixture of house styles and ages, including traditional dwellings on Hill Village Road (east) and Lichfield Road (west), 1960s housing on Hathaway Road (north) and Gresley Close (south) and 1980s housing immediately to the west comprising three bungalows. The site has good accessibility to local shops and services including public transport services.
- 2.3. [Site Location](#)

## 3. Planning History

- 3.1. 19 February 2015 - 2014/09568/PA - Withdrawn application for the erection of 1 dwelling house and garage with associated access from Gresley Close.
- 3.2. 26 June 2015 - 2015/02068/PA - Erection of 1 dwelling and garage with associated access from Gresley Close, landscaping and boundary treatment, planning permission granted subject to conditions.

## 4. Consultation/PP Responses

- 4.1. Ward Councillors, M.P, Residents Associations and nearby occupiers were notified.
- 4.2. Councillor Cornish has made a request for the application to be considered by the planning committee.
- 4.3. 3 letters of objection received from nearby occupiers stating the following:

- Out of keeping with neighbouring properties, due to the size of the dwelling and the full height front and side projecting gables that would be clearly visible from adjoining three bungalows.
- The full height projecting front gable would be over dominant and was omitted in the previous approved application.
- Over-development of a very small plot of land.
- Increase loss of privacy.
- Concern about the closeness to the boundary with 125 Hill Village Road, and the new bedroom windows in the rear elevation, which contravenes condition 10 that requires the first floor rear bathroom and en-suite window to be fitted with obscure glazing.
- The three additional windows and increase in window sizes contravenes condition 11 (Removal of permitted development rights for new windows).
- The single storey rear element contravenes condition 12 (Removal of permitted development rights for extensions).
- The current application seeks to re-introduce some of the features (such as the front gable) that both planners and residents objected to in the first place and in addition to add some new ones.
- The proposed work would be very disruptive to existing elderly residents who suffer with poor health.
- The additions are not minor but are quite substantial.

- 4.4. 2 letters of comment from neighbouring occupiers stating that the minor material amendments are not clear on the submitted drawings. The occupiers have been notified of the changes proposed in this application and no further comments have been received.
- 4.5. West Midlands Fire Services - Awaiting comments, however, no objection raised in the previous approved application 2015/02068/PA.
- 4.6. West Midlands Police - Awaiting comments, however, no objection raised in the previous approved application 2015/02068/PA.
- 4.7. Severn Trent Water - Awaiting comments, however, no objection raised in the previous approved application 2015/02068/PA.
- 4.8. Regulatory Services - No objection.
- 4.9. Transportation Development - No objection subject to conditions to secure appropriate pedestrian visibility splays at the access point, a construction management plan, and applicant to confirm the right of way over the private driveway.

## 5. Policy Context

- 5.1. National Planning Policy Framework (NPPF), Birmingham Unitary Development Plan (UDP) 2005, Draft Birmingham Development Plan (BDP), Car Parking Guidelines SPD, Places for Living SPG, 45 Degree Code and TPO 1257.

## 6. Planning Considerations

- 6.1. Policy Context
- 6.2. The Government attaches great importance to the design of the built environment. The NPPF contains a presumption in favour for sustainable development and



advises that good design is a key aspect of sustainable development and is indivisible from good planning, and should contribute positively to making places better for people. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

- 6.3. The adopted UDP 2005 seeks a high standard of design in all new developments to ensure a continued improvement of Birmingham as a desirable place to live, work and visit.
- 6.4. Background Information
- 6.5. The principle of subdividing the plot at 125 Hill Village Road and the erection of a dwelling with a detached garage and access to Gresley Close has already been considered acceptable by your committee in June 2015 under application 2015/02068/PA.
- 6.6. The current application seeks to amend the design and internal layout of the approved dwelling to enhance the appearance of the building and improve the living environment for future occupiers. The plot size, access point and the siting of the dwelling and garage would remain unchanged.
- 6.7. I therefore consider that the main considerations are whether the minor material amendments would achieve a high standard of design that is in keeping with the character of the local area and whether the amendments to the dwelling would cause any adverse impact on the amenities of adjoining residents, trees, ecology or highway safety.
- 6.8. Impact on the character of the local area
- 6.9. The local area comprises a mixture of housing developments including 1960s housing to the north and south of the site, 1980s bungalows to the west, and more traditional housing to the east and in the wider area. Although there is no distinctive plot size, housing type or architectural style in the area, there is a consistency in terms of building siting, scale and massing within each group of housing developments.
- 6.10. The siting and scale of the approved dwelling would remain unchanged, which is consistent with the adjoining 1960s dwellings in Gresley Close. The introduction of the front projecting gable would be lower than the ridge height of the main dwelling and would only protrude approximately 0.65 metres beyond the front elevation. It would not appear over-dominant and would reflect some of the houses within Gresley Close that have their end gable perpendicular to the road and have been extended to the side above their integral garages, such as 12 Gresley Close. I also note that part of the front projecting gable would have timber cladding to reflect the appearance of the adjoining dwellings.
- 6.11. The proposed side gable would project 0.20 metres from the side elevation and would appear flushed with the side elevation when viewed from the road. It would not be clearly visible from the adjoining bungalows or the street scene given its negligible protrusion from the side elevation and the existing trees and planting around the perimeter of the site. I also note that any views of the adjacent bungalows from the first floor Juliet balcony on the side elevation of the approved dwelling would be at an oblique angle.

- 6.12. The single storey rear extension would enlarge the dining/family room and would project 2 metres from the rear elevation. It would infill part of the approved sunken rear garden and would not cause any overlooking of the remaining rear garden to 125 Hill Village Road. I am satisfied that the proposed front and side gables and rear extension are modest in size and in proportion with the approved dwelling and would not appear as over-dominant features or result in an over-development of the site.
- 6.13. I further note that the proposed amendments to the entrance porch and windows and the new door on the side elevation are acceptable and would not diminish the design of the dwelling. I therefore consider that the proposed changes to the design and internal layout of the approved dwelling are acceptable and would comply with the aspirations and objectives of the adopted UDP 2005, Places for Living SPG and the NPPF.
- 6.14. Impact on adjoining residents
- 6.15. Amendments have been made to the internal layout to ensure no habitable room windows are overlooking the remainder rear garden to 125 Hill Village Road or the rear garden to 18 Gresley Close. I am satisfied that the proposed amendments would not result in an unacceptable impact on the amenities of existing occupiers. I note Regulatory Services raise no objection to the application.
- 6.16. I also consider that the amendments to the approved dwelling would ensure a high quality living environment for future occupiers, including acceptable bedroom sizes that comply with the minimum guidelines set out in Places for Living SPG.
- 6.17. Impact on trees and ecology
- 6.18. The Tree Report by Cotswold Wildlife Surveys submitted with the application states that existing trees, including the Dawn Redwood tree which is subject to a Tree Preservation Order can be protected and no crown lift or canopy reduction would be required. My Tree Officer has raised no objection to the application. I am satisfied that the proposed amendment would not harm any existing trees or any proposed soft landscaping areas.
- 6.19. The Tree Report also advises that no suitable features or evidence of nesting birds and/or roosting/hibernating bats in either tree were found, and no trees were identified as having bat roosts or bird nesting sites. I therefore consider that the proposed scheme would not result in any significant adverse impacts on protected species.
- 6.20. Impact on Highway Safety
- 6.21. I am satisfied that the proposed amendments to the approved planning permission would not have a detrimental impact on any on-site car parking areas or vehicular manoeuvring areas. I have recommended conditions requiring adequate pedestrian visibility splays to be incorporated at the access point and to ensure the car parking area is provided prior to the first occupation of the dwellinghouse. I do not consider that it is necessary to require a construction management plan as the development is only for one dwellinghouse and I do not consider that there would be a significant increase in parking demand as a result of construction works to cause a detrimental impact on highway safety. In addition, there is sufficient space within the site to store materials.

7. Conclusion

7.1. I consider that the proposed amendments to Planning Permission 2015/02068/PA are acceptable and would enhance the design of the approved dwelling without adversely impacting the amenities of adjoining residents, existing trees, ecology or highway safety. I am therefore satisfied that the proposed amendments are in accordance with relevant national and local planning policies.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

- 
- 1 Requires the prior submission of level details
  - 2 Requires the prior submission of a drainage scheme
  - 3 Requires the prior submission of sample materials
  - 4 Requires the prior submission of hard and/or soft landscape details
  - 5 Requires the prior submission of boundary treatment details
  - 6 Requires the prior submission of hard surfacing materials
  - 7 Requires the prior submission of window frame details
  - 8 Requires the parking area to be laid out prior to use
  - 9 Requires pedestrian visibility splays to be provided
  - 10 Requires tree protection during construction
  - 11 Requires the prior submission details obscure glazing for specific areas of the approved building
  - 12 Removes PD rights for new windows
  - 13 Removes PD rights for extensions
  - 14 Requires the scheme to be in accordance with the listed approved plans
  - 15 Limits the approval to the time limit given by planning permission 2015/02068/PA.
- 

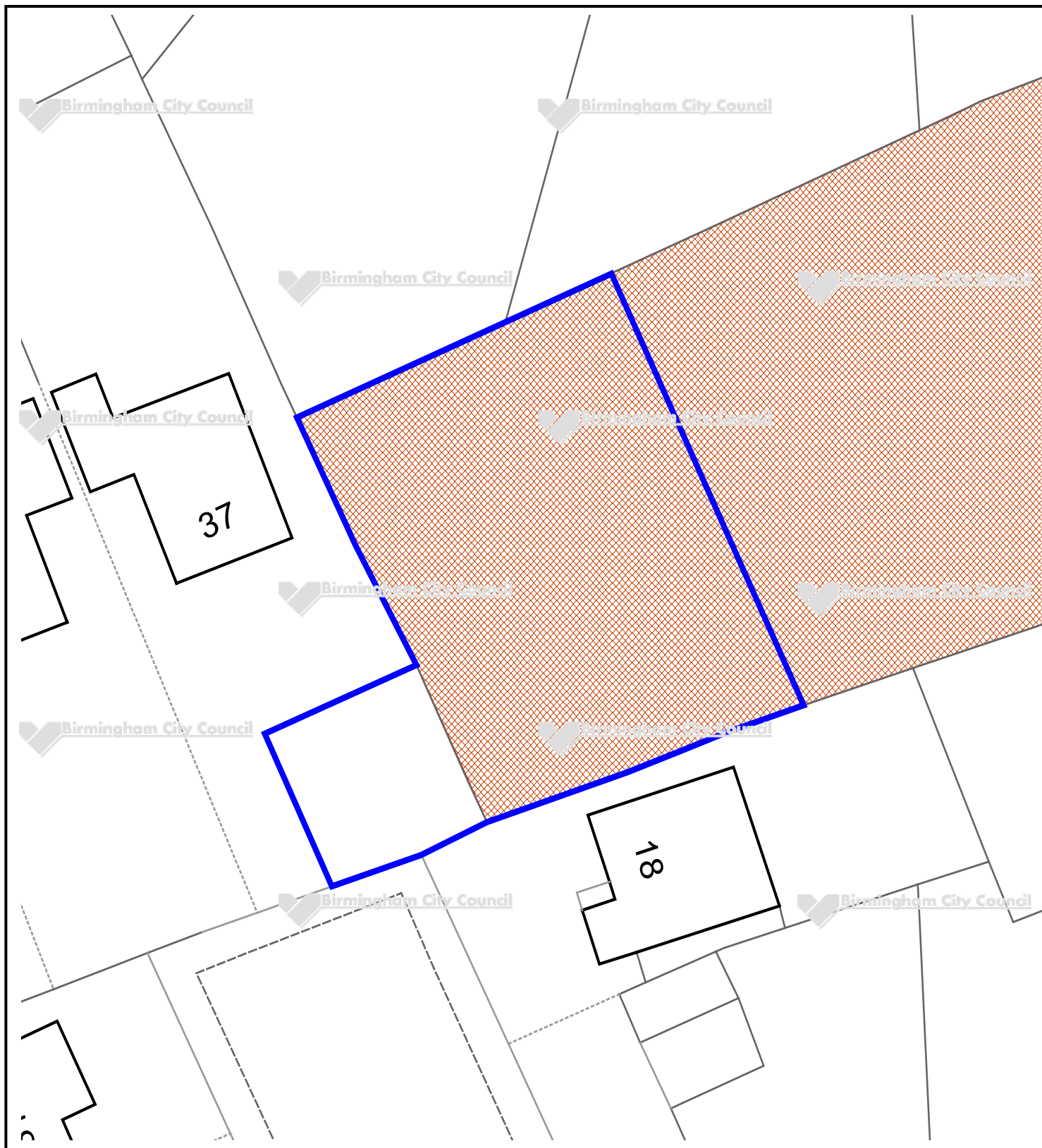
Case Officer: Helen Hawkes

**Photo(s)**



**Application Site from private shared drive off Gresley Close**

## 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:	29/10/2015	Application Number:	2015/06110/PA
Accepted:	27/07/2015	Application Type:	Householder
Target Date:	21/09/2015		
Ward:	Handsworth Wood		

**38 Westover Road, Handsworth, Birmingham, B20 1JG**

**Erection of single storey front, side and rear extension, installation of 2 dormer windows to rear and erection of detached building to rear**

Applicant:	Mr Farhan Khatri 38 Westover Road, Handsworth, Birmingham, B20 1JG
Agent:	SD Consulting 408F The Big Peg, 120 Vyse Street, Birmingham, B18 6NF

---

Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the erection of single storey front, side and rear extensions, 2 dormer window to the rear and a detached building to the rear of the garden. The development would provide a new porch and kitchen at ground floor and new bedroom in the roof space. The single storey extension would extend 4.8m in depth from the rear elevation of the main house and 700mm wider than the existing garage to the side.
- 1.2. The detached building to the rear is designed with a pitched roof to a total height of 3.2m (2.5m to eaves). This building is proposed to be used as a gym and store room.
- 1.3. The installation of a new vehicular hard standing to the front is also proposed. This has been annotated to be installed with permeable materials which does not require planning permission and therefore does not form part of this assessment.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a traditional semi-detached dwelling house. The property is designed with a hipped roof and bay window feature to the front. The property has been previously extended with a first floor side extension. To the rear is a large raised decking area; the rear of the property is enclosed by 1.8m high fencing which is located on the higher level of the decking area. The surrounding properties are of a similar character and age.
- 2.2. The property is located close to the junction of Westover Road and Grestone Avenue. As a result the rear of properties on Grestone Avenue face the side elevation of the application property. These properties are located at a lower level.



## [Site Location](#)

### 3. Planning History

- 3.1. 28/04/2006 - 2006/01343/PA - Erection of part two storey, part single storey side extension and canopy to front and side – Approved with Conditions
- 3.2. 15/06/2015 - 2015/03515/PA – Prior approval for the erection of a 5m deep single storey rear extension - Accepted as not needing prior approval from the Council

### 4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted. One letter received from the occupiers of No. 185 who raise objections in respect of:
  - Loss of light
  - Overlooking
  - Character/appearance of the proposal

### 5. Policy Context

- 5.1. The following local policies are applicable:

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

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

### 6. Planning Considerations

- 6.1. The main issues for consideration are the scale and design of the proposed development as well as the impact on neighbouring amenities.
- 6.2. Amended plans have been secured that replace a proposed side facing dormer window with a roof light. The side dormer window would have created a bulky addition to the side roof slope which would be overly dominant. The scale and design of the amended scheme included the detached building is acceptable and meets the general principles contained in the design guide 'Extending your Home'. The proposal would not result in a detrimental impact on the character or appearance of the application property or wider street scene.
- 6.3. The proposed development complies with your committees 45 Degree Code. The proposed side facing roof light would fail meet the required distance separation of 15m to the private amenity space at No. 191 Grestone Avenue. A condition will be attached to ensure this window is fixed and fitted with obscure glazing. All other distance separation guidelines contained in 'Places for Living' (SPG) and 'Extending your Home' (SPD) have been met.

- 6.4. The applicant has recently submitted a notification of Prior Approval for a 5m deep rear extension along the boundary with No. 36 (2015/03515/PA). Following consultation with neighbours, a decision was issued to confirm that 'no prior approval' was required subject to matching materials and completion by May 2019. Works have not commenced on site but both the agent and applicant have been informed that the permitted development works need to be completed prior to the implementation of any works approved as part of this planning application
- 6.5. The Tree officer has raised no concerns in respect of the removal of the existing poplar trees to the rear boundary.
7. Conclusion
- 7.1. Notwithstanding the objection received, this amended application is recommended for approval because the proposal complies with the objectives of the policies as set out above and is of acceptable scale and design.
8. Recommendation
- 8.1. Approve subject to conditions

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

Case Officer: Philip Whittaker

**Photo(s)**



Photo 1: Front Elevation



Photo 2: Rear Elevation



Photo 3: Rear of application site



## 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**

**29 October 2015**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	19	2015/03050/PA  Tennant Street City Centre Birmingham B15 1EH  Outline Planning Application with details of proposed access submitted (with all other matters reserved) for the erection of a residential development of up to 6 storeys to provide up to 40no. residential self-contained apartments plus 2no. retail units (use class A1) at Ground Floor
Determine	20	2015/04556/PA  Colston Health Centre 10 Bath Row City Centre Birmingham B15 1LZ  Demolition of existing Health Centre and erection of a 700 place Primary School in a part 5 storey and part 2 storey building with associated external works including a roof top play area
Approve - Temporary	21	2015/06969/PA  Ladywood Middleway near Five Ways Health Centre City Centre Birmingham B16  Installation of double-sided digital advertising totem
Approve - Temporary	22	2015/06979/PA  Woodcock Street o/s Nelson Building City Centre Birmingham  Installation of double-sided digital advertising totem



Approve - Temporary	23	<p>2015/06977/PA</p> <p>Bordesley Middleway near rail bridge City Centre Birmingham</p> <p>Installation of double-sided digital advertising totem</p>
Approve - Temporary	24	<p>2015/06962/PA</p> <p>Newtown Middleway near j/o New John Street City Centre Birmingham B6</p> <p>Installation of double-sided digital advertising totem</p>
Approve - Temporary	25	<p>2015/06976/PA</p> <p>Edgbaston Street o/s Markets City Centre Birmingham B5</p> <p>Installation of double-sided digital advertising totem</p>
Approve - Temporary	26	<p>2015/06975/PA</p> <p>Bordesley Middleway near Sampson Road North City Centre Birmingham</p> <p>Installation of double-sided digital advertising totem</p>
Approve - Temporary	27	<p>2015/06980/PA</p> <p>Belgrave Middleway Central Reservation Area opp Frank Street City Centre Birmingham</p> <p>Installation of double-sided digital advertising totem</p>

Approve - Temporary	28	2015/06974/PA  Watery Lane Middleway Central Reservation Area opp Purple Academy City Centre Birmingham B9  Installation of double-sided digital advertising totem
Approve - Temporary	29	2015/06973/PA  Watery Lane Middleway Central Reservation Area opposite Bolton Street City Centre Birmingham B9  Installation of double-sided digital advertising totem
Approve - Temporary	30	2015/06981/PA  Lawley Middleway (Opposite Forster Street) City Centre Birmingham B4  Installation of double-sided digital advertising totem
Approve - Temporary	31	2015/06982/PA  Camp Hill Middleway opp DFS City Centre Birmingham B12  Installation of double-sided digital advertising totem
Approve - Temporary	32	2015/06964/PA  Ladywood Middleway Central Reservation Area City Centre Birmingham B16  Installation of double-sided digital advertising totem

Approve - Temporary	33	<p>2015/06972/PA</p> <p>Watery Lane Middleway opposite Dunelm City Centre Birmingham B9</p> <p>Installation of double-sided digital advertising totem</p>
Approve - Temporary	34	<p>2015/06970/PA</p> <p>Jennens Road Central Reservation Area - Outbound City Centre Birmingham</p> <p>Installation of double-sided digital advertising totem</p>
Approve - Temporary	35	<p>2015/06968/PA</p> <p>Ladywood Middleway Central Reservation Area opposite WM Police City Centre Birmingham B16</p> <p>Installation of double-sided digital advertising totem</p>
Approve - Temporary	36	<p>2015/06965/PA</p> <p>Ladywood Middleway Central Reservation Area City Centre Birmingham B16</p> <p>Installation of double-sided digital advertising totem</p>
Approve - Temporary	37	<p>2015/06961/PA</p> <p>New John Street West Central Reservation Area near Hospital Street City Centre Birmingham B19</p> <p>Installation of double-sided digital advertising totem</p>

---

Committee Date:	29/10/2015	Application Number:	2015/03050/PA
Accepted:	07/05/2015	Application Type:	Outline
Target Date:	06/08/2015		
Ward:	Ladywood		

Tennant Street, City Centre, Birmingham, B15 1EH

Outline Planning Application with details of proposed access submitted (with all other matters reserved) for the erection of a residential development of up to 6 storeys to provide up to 40no. residential self-contained apartments plus 2no. retail units (use class A1) at Ground Floor

Applicant:	Romar Investments Ltd c/o Agent
Agent:	Knight Frank LLP No 1 Marsden Street, Manchester, M2 1HW

---

Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1 The application seeks consent for a residential development of up to six storeys in height to provide up to forty residential apartments and two A1 retail units at ground floor.
- 1.2 The application has been submitted in outline with only access to be determined at this stage. The remaining matters regarding scale, appearance, layout and landscaping are reserved for determination at a later stage. Whilst the submitted floor plans are only illustrative they show a building measuring approximately 20m by 35m accommodating a total retail floor space of approximately 277 sq.m gross, with 20 x 2 bed apartments and 20 x 1 bed apartments above. No on site parking is proposed. The proposed access would be off Tennant Street as existing.
- 1.3 The application is supported by a Design and Access Statement, a Geo-environmental Desk Study Report, Noise Assessment, Planning Statement, and Transport Statement and Travel Plan. In addition the applicant has submitted a financial appraisal to justify not fully meeting affordable housing or public open space policies. They have agreed a financial contribution of £150,000.

1.4 [Link to Documents](#)

2. Site & Surroundings

- 2.1 Tennant Street runs parallel to and one block behind Broad Street. It accommodates a number of car parks, with surface car parks located to the north east and south west of the application site. A residential apartment block known as Trident House adjoins the site to the east, whilst on the opposite side of Tennant

Street lies the rear accesses to the commercial buildings fronting Broad Street. The car park to the north east accommodates nine London Plane trees that are protected under TPO 1379.

- 2.2 The site comprises of approximately 777 square metres of land and is currently used as a private pay and display surface car park accommodating 36 parking spaces.

2.3 [Location Plan](#)

3. [Planning History](#)

- 3.1. 1995/01402/PA - Retention of Steel Palisade Security Fencing Approved 20.07.95

4. [Consultation/PP Responses](#)

- 4.1 BCC Regulatory Services - No objection subject to conditions to:

- restrict cumulative noise from all plant and machinery;
- require the submission of a scheme of noise insulation between the commercial and residential premises;
- require the submission of details of facilities for the storage of refuse within the curtilage of buildings;
- restrict the hours of use of the commercial premises to between the hours of 0700 and 2300 daily;
- restrict the times of deliveries taken at or dispatched from the site;
- require the submission of a travel plan and measures to promote low emission vehicles;
- require the submission of a site investigation and remediation scheme;
- require the submission of a remediation verification report; and
- require a noise assessment and glazing/ventilation scheme.

- 4.2 BCC Transportation Development – No objection subject to conditions to require the applicants to:

- implement the suggested highway works to provide dropped pedestrian crossing facilities with tactile paving to BCC specification at the applicant's expense under a suitable highway agreement;
- affiliate to Company Travelwise;
- progress the Draft Travel Plan included in the Transport Assessment to encourage non-car modes of travel;
- submit a `construction travel plan` that defines the phases of development and activity that may have an effect on the surrounding highway network

including details of demolition, construction, deliveries and temporary works;  
and

- provide cycle parking prior to the residential use being occupied.
- 4.3 BCC Education - planning obligation request for £221,803.63 to be split between nursery, primary and secondary education provision.
- 4.4 Local Lead Flood Authority - As the application is an outline application, there would be no requirement at this stage for a detailed Sustainable Urban Drainage Scheme (SuDS) document, however it is recommended that it be submitted prior to the commencement of development.
- 4.5 BCC Local Services - Although this is still an outline application the estimated potential offsite Public Open Space (POS) contribution is £52,000. This would likely be spent on the provision, improvement and or maintenance of the Ryland Road POS within the Ladywood Ward
- 4.6 West Midlands Police:
- although there is some on-street parking provision around the site and a number of car parks in the area, any vehicle brought to the site by residents or visitors will adversely impact on the existing heavy demand for spaces in the area;
  - serious concerns as to the open access nature of the central, covered shared space on the ground floor;
  - any work be undertaken to the apartments should be to the standards laid out in the Secured by Design 'New Homes 2014' guide; and
  - recommend a lighting plan, CCTV, appropriate door security and internal access control measures.
- 4.7 Severn Trent Water - no objections subject to a condition to require a drainage plans for the disposal of foul and surface water flows.
- 4.8 Birmingham City Centre Management, Birmingham Health, West Midlands Fire Service, local residents groups, action groups, community forum and neighbourhood forum, local ward councillors and the MP have been consulted and no responses received.
- 4.9 The application site has also been publicised via site and press notices. In response five objections from neighbours have received raising the following concerns summarised below:
- the area already has enough housing and more housing would cause more congestion and also increase more anti-social behaviour;
  - loss of views out to Broad Street;
  - it may block some of the noise from Tennant Street and Broad Street;
  - constant noise and dust 7 days a week, lack of sleep and oxygen deprivation affecting residents' health;



- would there be compensation in place for existing residents?;
- this monstrosity would be constructed within approximately 30 metres from lounge and bedroom windows that are the only source of natural daylight/sunlight;
- the potential residents of the proposed block would have a full and unrestricted view into nearby apartments, constituting a gross invasion of the right to privacy under European law;
- the development would cause a possible extra 120 cars/vans to find somewhere to park; and
- additional congestion along Tennant Street used by commuters as a short cut to avoid traffic jammed up on Broad Street.

## 5. Policy Context

- 5.1 Birmingham UDP (2005); Draft Birmingham Development Plan (2031); Places for Living SPG; Car Parking Guidelines SPD; and the National Planning Policy Framework.

## 6. Planning Considerations

### Principle of Proposed Residential and Retail Uses

- 6.1 The Adopted Birmingham UDP and the Draft Development Plan support city living, with Policy GA1.1 of the emerging plan acknowledging that the City Council will continue to promote the City Centre as the focus for retail, office, leisure and residential development. Furthermore the aspiration is for the majority of new housing to be located on previously developed land within the existing urban area. This is to ensure that residential occupiers live in sustainable locations that are close to public transport and places of work, and also to reduce pressure to release more greenfield sites.
- 6.2 It is considered that the proposed residential and retail uses at this location are consistent with local planning policy and the NPPF, which also supports development at sustainable locations.

### Proposed Height of the Development

- 6.3 Whilst the matters of scale, appearance, landscaping and layout are reserved the application proposes up to 40 apartments within a building of up to 6 storeys in height. It is therefore necessary to consider whether a building of such a height would be acceptable at this location, and to consider the relevant material considerations associated with the proposed number of apartments.
- 6.4 In terms of the proposed height there are a number of tall buildings in close proximity to the application site. A Travelodge hotel is located at the junction of Granville Street and Broad Street, which comprises of 8 storeys, The Hampton by Hilton to the south west of the site fronting Broad Street comprises of 17 storeys and Trident House which lies immediately adjacent to the application site accommodates a 12 storey building.

- 6.5 When originally submitted the plans proposed a building of 12 storeys in height. Whilst it is acknowledged that there are tall buildings within the vicinity, as outlined above, I was concerned about the height adversely affecting the character of the street, with the proposed 12 storey block potentially creating a canyoning effect as a result of the proposed development on one side of the street opposite the tall commercial properties located along Broad Street backing onto Tennant Street on the other.
- 6.6 It is considered that the amended plans indicating a development of up to 6 storeys in height would mitigate against this potential problem and provide a development which is appropriate to its context and setting.

#### Impact upon the Amenity of Neighbours

- 6.7 The matter of appearance is reserved and therefore subsequently the floor plans are not to be determined at this stage, however the agents have submitted a typical ground floor and upper floor plan. The plans show a 6 storey development providing retail units and a concierge lobby at ground floor with five floors of one and two bed residential apartments per floor above.
- 6.8 Guidance within the Places for Living SPD seeks to ensure that there is a 5 metre set back where development with main windows would overlook existing private amenity space. In this instance the adjoining area of amenity space serving Trident House is small in size, dominated by the adjacent 12 storey building and separated from the main communal area serving the existing building. There is also a further requirement set out in the SPD for a separation distance of 27.5m between habitable windows and 15.5m to a flank wall. The plans submitted indicate that only a separation distance of between 17.5m and 20m could be achieved, however it is considered that the design of the building at a reserved matters stage would minimise the potential loss of privacy, depending upon the location of the windows. These distances are not uncommon in city centre locations. Insisting on the full 27.5m would mean that almost half of the depth of the site could not be developed.
- 6.9 Policy TP29 of the emerging Development Plan indicates that new residential development should be provided at a target density responding to the site, its context and the housing need, with densities of at least 100 dwellings per hectare within the City Centre. Whilst the proposed density at 571 dwellings per hectare is over five times this target density the illustrative plans indicate that the development could accommodate 40 apartments that would accord with the minimum bedroom sizes as indicated in the Places for Living SPD
- 6.10 Neighbours from Trident House to the rear have raised concern regarding loss of outlook and light, however the plans indicate the closest separation distance of approximately 17.5m could be achieved which is considered sufficient to resolve these concerns. Notably no letters of objection have been received during the re-consultation period following the receipt of amended plans reducing the height of the development from 12 to 6 storeys.

#### Impact Upon the Highway and Parking

- 6.11 The matter of access is to be determined at this stage with the proposed vehicular access off Tennant Street that would also provide access to the proposed cycle store shown illustratively at ground floor. No-on site car parking is proposed. The adopted Car Parking Guidelines SPD advises that a development of 40 units would require a maximum of 40 parking spaces. In response the submitted Transport

Assessment explains that Birmingham New Street railway station lies within a 15 minute walk and Five Ways railway station within a 10 minute walk, whilst the nearest bus stops serving 15 routes are located at a distance of approximately 161m on Broad Street. It is therefore considered to be highly accessible by public transport.

- 6.12 The results of a parking survey undertaken earlier this month have been submitted. This highlights that there is a total of 2166 combined on and off street parking spaces within 200m of the site, plus an additional 2550 spaces within a 15 minute walk or 1200m radius of the site. BCC Transportation Development have raised no objections subject to conditions including the submission of a travel plan that would progress the draft plan that formed part of the planning application and the provision of cycle parking storage. The illustrative floor plan indicates sufficient capacity for 50 cycles that would meet the SPD guidance.
- 6.13 It is therefore considered that the proposed scheme is acceptable in terms of its impact upon traffic generation, highway safety and parking provision.

#### Environmental Considerations

- 6.14 A number of the objections raised from neighbours refer to the impact of noise both during the construction phase and thereafter. However BCC Regulatory Services have raised no objections subject to conditions to require a construction management plan to restrict the hours of demolition and construction, and thereafter to control the potential noise levels of plant and machinery, the hours of use of the ground floor retail element and to require details of noise insulation to the ground floor and glazing / ventilation within the proposed apartments.
- 6.15 No objections have been raised with respect to the protected trees on the adjacent site subject to a condition to require, at the stage of the submission of the first reserved matters, a full up to date tree survey and Arboricultural Implications Assessment.
- 6.16 As recommended by the Local Lead Flood Authority and Severn Trent Water a drainage condition is attached to secure drainage details.

#### Planning Obligations

- 6.17 Given the number of proposed apartments the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. BCC Schools Organisation Team have also requested a sum of monies as the development has the potential to impact on the provision of places at local schools.
- 6.18 The applicant has submitted a financial appraisal to justify not meeting these obligations in full but has offered £150,000. The financial appraisal has been independently reviewed and the assessment concludes that this figure is reasonable.
- 6.19 I note the various requests for S106 monies and consider that affordable housing and public open space provision are greater policy priorities. I therefore suggest that the full public open space contribution is secured with the balance put toward off-site affordable housing. Given that the scheme is for one and two bedroom apartments then the number of families with children is likely to be low. I do not therefore consider that an education contribution can be justified, particularly as Perry Beeches have recently opened a school nearby.

7 Conclusion

- 7.1 The principle of the redevelopment of this site for residential and retail development is consistent with local and national planning policy.
- 7.2 I am of the view that a building of the height proposed would fit in with its surroundings and would not cause a significant loss of amenity to existing residential occupiers.
- 7.3 I therefore consider that the application is acceptable subject to safeguarding conditions and completion of a S106 agreement to secure a financial contribution of £150,000 toward affordable housing and public open space improvements.

8 Recommendation

- 8.1 That consideration of the application be deferred pending the completion of a suitable legal agreement to secure:-
- a) A financial contribution of £98,000 (index linked from the date of this resolution) toward off site affordable housing to be paid prior to first occupation;
  - b) A financial contribution of £52,000 (index linked from the date of this resolution) toward enhancements to improve and /or maintain Ryland Road Public Open Space, to be paid prior to first occupation; and,
  - c) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing and public open space sum, subject to a maximum of £10,000.
- 8.2 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 13<sup>th</sup> November 2015, planning permission be refused for the followings reason(s):
- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with 5.37 A-D of the Birmingham Unitary Development Plan 2005, Affordable Housing SPG and Policy TP30 of the Draft Birmingham Plan 2031; and,
  - b) In the absence of any suitable legal agreement to secure a financial contribution towards off site public open space the proposal conflicts with 3.53B of the Birmingham Unitary Development Plan 2005, Public Open Space in New Residential Development SPD and Policy TP9 of the Draft Birmingham Plan 2031.
- 8.3 That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the planning obligation.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 15<sup>th</sup> November 2015, favourable consideration be given to this application, subject to the conditions listed below.

- 
- 1 Limits the approval to 3 years (outline)
  - 2 Requires the submission of reserved matter details following an outline approval
  - 3 Requires the scheme to be in accordance with the approved plan
  - 4 Limits the building heights (20m)
  - 5 Tree Survey and Arboricultural Implication Assessment
  - 6 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 7 Requires the applicants to join Travelwise
  - 8 Requires the prior submission of a construction method statement/management plan
  - 9 Requires the prior submission of cycle storage details
  - 10 Requires the prior submission of a sustainable drainage scheme
  - 11 Limits the noise levels for Plant and Machinery
  - 12 Requires the prior submission of noise insulation
  - 13 Requires the prior submission of details of refuse storage
  - 14 Limits the hours of retail use to between the hours of 07:00 - 23:00.
  - 15 Limits delivery time of goods to or from the commercial premises to between 0700 and 1900 on Mondays to Saturdays and 1000 and 1900 on Sundays.
  - 16 Details of glazing and ventilation
  - 17 Requires the prior submission of a contamination remediation scheme
  - 18 Requires the prior submission of a contaminated land verification report
- 

Case Officer: Julia Summerfield

## Photo(s)



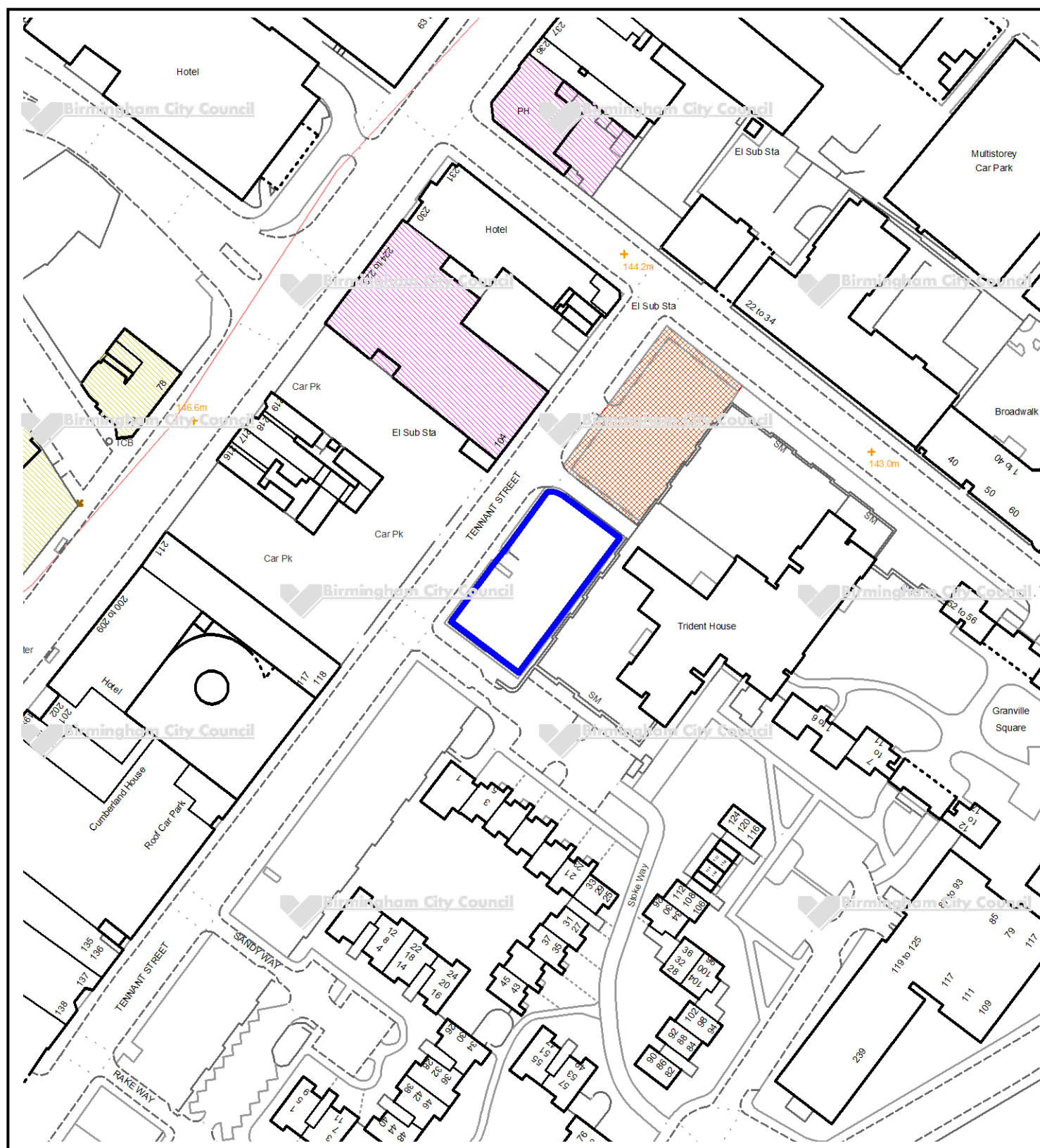
View South West







## 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:	29/10/2015	Application Number:	2015/04556/PA
Accepted:	08/06/2015	Application Type:	Full Planning
Target Date:	30/10/2015		
Ward:	Ladywood		

Colston Health Centre, 10 Bath Row, City Centre, Birmingham, B15 1LZ

Demolition of existing Health Centre and erection of a 700 place Primary School in a part 5 storey and part 2 storey building with associated external works including a roof top play area

Applicant:	Perry Beeches Academy Trust Tame House, 156-170 Newhall Street, Birmingham, B3 1SJ
Agent:	Glancy Nicholls Architects The Engine Room, 2 Newhall Square, Birmingham, B3 1RU

---

Recommendation  
**Determine**

**Report Back**

This application was considered at the planning committee meeting on 15 October 2015 when members resolved that they were minded to refuse planning permission for the development for the following reasons:-

- Loss of trees
- Impact on traffic congestion, lack of parking
- Lack of on-site recreational facilities
- Impact on residential amenity of nearby residents, particularly elderly residents
- Safety of children using the roof top play space

Applicant's response

The applicant has submitted a response to the suggested reasons for refusal which makes the following points-

- The landscape strategy for the site proposes to plant 9 large trees, 26 small trees, 48 shrubs and 109 other plants. This means the Bio-Diversity Off-Setting calculation is neutral, as we are putting back what has been taken out. We have also committed to planting additional trees along Bath Row
- We have worked hard to develop a successful strategy to manage the safe drop-off and collection of students, which includes offering free before and after school wraparound care. There will also be a minibus provided at 7.30am, 4.30pm and 6.00pm as part of a park and ride scheme. The assessments made by our highway consultant also demonstrate there is sufficient on street parking available during rush hour periods. We are committed to managing the parking of parents in conjunction with Birmingham City Council
- The massing of the new building on Bath Row has allowed outdoor space and a ground level playground to be maximised on site providing facilities and amenities large enough for outdoor play. The timetable agreed for the use of the reinstated Holloway Head playing fields also sees Perry Beeches having access to it from 8am-1pm and for two afternoons.

- None of the bungalow residents on Cregoe Street have made any objections to the new school. We are keen to build good relationships and support the elderly residents through our community work and our desire is to be a strong force for good in the local community.
- The rooftop play space enables us to offer greater outdoor space and will have a secure high fence of 2.4m to ensure it is completely safe and the use of this space would be limited to 50 supervised students at any one time. Nishkam Primary School approved in 2011 includes a rooftop play area and they are a secure and safe solution offering significant benefits to pupils around the country.

### Comment

With regard to the proposed reason for refusal relating to the loss of trees the submitted plans indicated 19 trees for removal. These have been removed from the site as part of the works to demolish the existing building following the prior approval given for demolition on 10 August 2015. With a prior approval application the only matters that can be considered are the method of demolition of buildings and any proposed restoration of the site. As the trees were not covered by a Tree Preservation Order the Local Planning Authority was not able to stop the trees from being felled however the applicants have kept the 10 trees they are showing for retention on the current application and are proposing that 8 new trees be planted. As a result the net loss of trees would be 11.

As the 19 trees have already been felled and were not covered by a TPO it is considered that a reason for refusal based solely on the loss of trees which have already been removed from the site would not be defensible. If members wish to pursue this reason it is suggested that consideration is given to a reason that referred to the lack of opportunity for replacement tree planting to replace the trees lost as suggested below.

Officers also consider the reason for refusal relating to the safety of children using the roof top play area would also be difficult to defend. This is an issue for the school who are required to ensure the safety of the children using the premises. There are examples of other roof top play areas elsewhere in the city area and it is proposed that the play area would be enclosed with 2.4 metre high weldmesh fencing with a new cover. Children using the play area would be supervised by staff and there is no evidence to show that there would be any risk to pupils using this facility. Although officers consider it would not be appropriate to refuse the development for this reason suggested wording of a reason for refusal is set out below.

The original report which is reproduced below sets out officers views as to why the recommendation was to approve the application and that the objections raised by members relating to impact on traffic congestion and lack of parking, lack of on-site recreational facilities and impact on residential amenity of nearby residents were not considered to be sufficiently severe as to justify refusal of the application.

If however members consider that planning permission should be refused as previously resolved the following reasons are suggested:-

- A. The site contained a number of trees of a high public visual amenity. The loss of these trees and the lack of space on the site to provide suitable replacements would have an adverse impact on the visual amenity of the area, and as such it would be

contrary to Paragraphs 3.8, 3.10, 3.14D and 3.16A of the Birmingham UDP 2005 and the National Planning Policy Framework.

- B. The erection of a school without the provision of adequate on site car parking, servicing facilities and drop-off and pick-up provision would lead to additional parking in nearby roads, to the detriment of pedestrian and highway safety. As such it would be contrary to Paragraphs 3.8, 3.10 and 6.39 of the Birmingham UDP 2005, Policy TP35 of the submitted Birmingham Development Plan and the National Planning Policy Framework.
- C. The proposed development would not provide adequate on site facilities for outdoor sport and recreation and as such would be contrary to Paragraphs 2.14, 3.8 and 3.10 of the Birmingham UDP 2005, Policy TP35 of the submitted Birmingham Development Plan and the National Planning Policy Framework.
- D. The proposed development would adversely affect the amenities of occupiers of dwellings in the vicinity of the site by reason of noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, Policy TP35 of the submitted Birmingham Development Plan and the National Planning Policy Framework.
- E. The provision of a play area on the roof of the proposed building would not provide a suitable and safe facility for use by school pupils.

### **Original Report**

#### **1. Proposal**

- 1.1 The application proposes the erection of a 700 place school for primary aged children on a corner plot of land at the junction of Bath Row and Cregoe Street. The site is currently occupied by Colston Health Centre which has been vacant since the medical facilities it provided were relocated to Bath Row Medical Centre about 3 years ago. The existing building, which is set back from the street frontages behind a row of trees, would be demolished and replaced with the new school buildings which would be located closer to the road junction. This would require the removal of all of trees on the Bath Row frontage and most trees on the Cregoe Street frontage (19 trees in total).
- 1.2 The proposed school building would provide 3,466 square metres of floor space and fill virtually the full width of the Bath Row frontage. On this frontage the building would have 4 floors of accommodation with a 1.8 metre high parapet above a flat roof to provide height and screen external plant. To the rear of this block a two storey wing is proposed with a similar height upstand and would provide 2 floors of accommodation below a flat roof. On the roof a fenced external play area is proposed measuring about 11.5 x 15 metres together with a fire escape staircase and plant enclosure. The remainder of the site would be laid out to provide a hard surfacing area fronting Cregoe Street. There would also be three separate enclosed play areas totalling about 570 square metres for use by reception aged children and one parking space for disabled persons.
- 1.2 The proposed 4/5 storey height of the building has been designed to address the scale, bulk and siting of adjacent development fronting Bath Row which will form the public face of the building and would then step down to address the residential nature of Cregoe Street to the rear. The part of the building fronting Bath Row would accommodate a range of classrooms, staff rooms, meeting space and toilets on

each floor with a double height hall, kitchen and reception area on the ground floor. Access to the roof top play area would be from the second floor and the space would be enclosed with 2.4 metre high weldmesh fencing. The lower two storey wing would provide further classrooms particularly designed for reception aged children with access to their own segregated and enclosed play areas.

- 1.3 The materials proposed would use a red brick as the main material providing a frame to recessed curtain wall glazing and powder coated cladding panels. These would wrap round the corner of the building to ensure interest is provided to all elevations. It is intended that some of the panels would be of a “feature colour” to identify the key entrances and reinforce the position of the double height hall. The parapet on the top of both wings of the building would be of metal cladding. The site boundaries would be enclosed with a low brick wall with planters and 1.2 metre high railings on the Bath Row and 2.1 metre high railings on the Cregoe Street frontage. On the southern boundary the existing boundary fencing, hedgerow and trees would be retained and reinforced. 5 new trees would also be planted on the Cregoe Street frontage.
- 1.4 The site would not provide any parking for staff or parents apart from the single parking space fronting Cregoe Street. It is also intended to provide 5 covered spaces for bikes/scooters. The applicant has submitted a Transport Assessment and Travel Plan which comments that on the basis of the September 2016 intake of 200 pupils the school is likely to generate up 42 vehicular trips in each peak hour rising to 143 vehicular trips for the full intake of 700. A range of mitigation measures are proposed to reduce single occupancy car use at the site and manage any residual car trips which include:
- Implementation of an effective School Travel Plan;
  - Staggering the school start and finish times;
  - Using an admissions policy which will prioritise local pupils
  - Staff presence at the beginning and end of the school day;
  - Installing bollards installed on the Bath Row/Holloway Head footway directly opposite the school;
  - Providing guard railing to encourage crossing at the zebra;
  - Consideration of funding a crossing patrol on Bath Row;
  - Installing School Keep Clear Markings and other relevant school signage and Amending Traffic Regulation Orders to permit school drop off and pick up on Sutton Street.
  - Renting 20 off- site parking spaces for staff
- 1.5 The applicants have also provided a supporting statement for the application which comments that it is intended that the school will provide education for pupils from reception to year 6 with an intake of 200 pupils in September 2016 and increasing to an annual capacity of 700 in September 2019. Classrooms sizes are based on 25 pupils to provide a greater teacher to pupil ratio. The school would help address the severe shortage of primary school places and has targeted an area as having most need. The provision of the Primary School offers a chance to develop the Free School movement to provide a further “outstanding”, top quality education institution that will support the very highest aspirations of the young people in the city, as already evidenced by the family of Perry Beeches schools. The application site has been strategically identified to meet specific needs in the area and also to co-locate it with the adjacent Perry Beeches III secondary school which provides the opportunity to create an all-through school offering further benefits to pupils.



- 1.6 On full occupation it is envisaged that staff numbers would total 62 comprising of 28 teachers, 20 Teaching assistants and 14 admin/auxiliary staff. The school would operate between the hours of 07:30 and 18:00 and offer a breakfast club and after school clubs.
- 1.7 The application has also been supported with a Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan, Environmental Noise Report, Arboriculture Impact Assessment, Ecology Assessment, Foul and Surface Water Drainage Assessment, Ground/Land Condition Report and Bat Survey and Air Quality Assessment
- 1.9 [Link to Documents](#)
- 2 Site & Surroundings
- 2.1 The application site of 0.29 ha lies on the south side of Bath Row where the road forms a cross roads with Cregoe Street and Grosvenor Street. The site has frontages to both Bath Row and Cregoe Street and its other boundaries adjoin Holloway Head playing fields to the east and a development of elderly person's bungalows to the south. There is an existing vehicle access to the site onto Cregoe Street which served a small car park with 13 spaces
- 2.2 The site is currently occupied the former Colston Health Centre premises a part two storey and part single storey building which is now vacant. It is set back from the road frontages behind a number of well-established trees which were probably planted during the 1980's as part of the landscaping scheme for the health centre development. The site slopes down in a north - south direction and the entrance to the health centre was at a lower level than the adjacent highways and approached via a ramp and steps. The site was partly enclosed with a low trip rail but has recently been enclosed with hoardings. The southern boundary of the site with the adjacent elderly person's bungalows is formed by a fence, hedge and trees and there is a palisade fence along the boundary with the playing fields.
- 2.3 Opposite the site on Cregoe Street is Perry Beeches III a Secondary School which when fully occupied will accommodate 620 pupils. The immediate area comprises of a mix of commercial and residential properties including offices, a small supermarket and apartments fronting Bath Row and single and two storey housing fronting Cregoe Street. On the opposite side of Bath Row are the Peace Gardens within which are the remains of St Thomas Church which are Grade II listed
- 2.4 [Site Location Plan](#)
- 3 Planning History
- 3.1 24/8/87 – 18328006 – Planning permission granted for new health centre and associated parking
- 3.2 10/8/15 - 2015/05728/PA – Prior approval granted for proposed demolition of Health Centre
- 3.3 25/7/13 – 2013/03675/PA – Planning permission granted for change of use from offices (Use Class B1(a)) to a 620 place school (Use Class D1) and construction of an associated multi- purpose games area – This permission relates to Perry Beeches III the secondary school which lies on the opposite side of Cregoe Street.

- 3.4 4/9/14 – 2014/04493/PA – Planning permission granted for reinstatement of existing playing fields, formation of new access from Sutton Street, widening existing access on Cregoe Street, car parking, and lighting, refurbishment of existing changing rooms and partial demolition of former caretaker's house – This permission related to Holloway Head playing fields which adjoin the eastern boundary of the site.

4. Consultation/PP Responses

- 4.1 Transportation - No objection subject to conditions requiring a package of highway measures to be provided including alterations to footway crossing on Cregoe Street, school signage, markings on Bath Row and Cregoe Street, measures in the footway to prevent parking and associated Traffic Regulation Orders for school keep clear markings and to allow short stay parking at the school start and finish time on Sutton Street. They also request conditions to secure covered bicycle storage spaces, a construction management plan and school travel plan prior to opening and then reviewed as the school expands to full capacity.
- 4.2 Regulatory Services – No objections subject to conditions requiring a site investigation, a charging point for electric vehicles and submission of a travel plan containing public transport subsidies for staff, mechanisms for discouraging use of high emissions vehicles and measures to encourage cycling/walking/uptake of low emission fuels and technologies.
- 4.3 Children, Young People and Families – Comments awaited
- 4.4 Severn Trent Water – No objection subject to a drainage condition being imposed.
- 4.5 West Midlands Fire Service – No objection
- 4.6 West Midlands Police – Have concerns regarding the potential for traffic congestion in the area and whether this will be fully addressed by the action plan contained within the School Travel Plan. Considers that the potential for young children attending a primary school to be brought to the site by private car is greater than that of a secondary school and although they support the park and stride initiative this could be ignored by some parents during periods of inclement weather, increasing the likelihood of congestion to the roads immediately outside the school.

Also comment that if approved work carried be carried out to the standards laid out in the Secured by Design 'Schools 2014' guide, an alarm system and CCTV for the school be installed, a lighting plan be provided following the guidelines indicated in 'Lighting Against Crime' guide, that the boundary treatments be 1.8 metres high where they face onto busier public highways and 2.1 metres at the rear and side of the site where there is limited natural surveillance. Also request that there are access controls to the entrances and security of any IT equipment be considered.

- 4.7 Local residents, ward councillors, residents associations notified of the application, press and site notices displayed. 7 letters received from local residents and a further letter received from St Thomas Primary School. The resident's letters include the following objections-
- Do not consider such a large primary school is needed as there are two other very good schools in the immediate area and not enough evidence to warrant building a 3rd primary school.

- The site it is not a suitable place for small children next to a busy city centre road and taking into account the presence of Perry Beeches 3 which has not yet reach full capacity.
- Would cause further parking issues on Cregoe Street. Staff from Perry Beeches 3 already use the on street parking to the detriment of exiting residents. A separate resident's only parking scheme should be considered with increased hours.
- Where will staff park? The staff car park is full to overflowing.
- Any additional traffic attempting to join Bath Row from the Cregoe St, Bath Row, Granville Street crossroads will make the junction even more challenging to navigate.
- The positive regeneration of the Park Central area has been negatively impacted by Perry Beeches 3 which has now been judge inadequate.
- When the previously Perry Beeches III was granted permission, they promised that the additional vehicle parking requirements, increased traffic and litter would not cause a problem to the surrounding area but each has become a problem.
- Vandalism (graffiti) has increased since the opening of Perry Beeches 3. This risks becoming more of a problem with another school.
- The development would have an adverse impact on existing residents particularly those occupying the elderly person's bungalows and sheltered housing on Cregoe Street as a result of noise, disturbance and traffic congestion.
- A 5 storey building will be an eyesore
- The inclusion of a roof top play area shows there is inadequate out door space. How will this be used when there is not enough room for 700 children at once?
- Building work will also cause chaos to the traffic
- The consultation process was inadequate.

4.8 The letter from St Thomas CE (VA) Primary School contains the following objections:-

- Our School is an outstanding, one form entry primary school approximately 150 meters away and at least twice the size of the proposed development site. It is far more suitable for meeting the primary provision in the area and has the space and the proven track record of meeting the needs of the families within the community.
- Perry Beeches Trust has a poor relationship with local schools.
- It is ridiculous to allow an inadequate secondary school to support a new four form entry primary school. Our outstanding primary school was approved for expansion before the free school list was published and this was later retracted and it became clear that Perry Beeches Primary was to provide the school places in the area.
- The sheer volume of pedestrians and traffic already in the area from Perry Beeches 3 is already causing significant risk and potential danger. This will only be exaggerated when both Perry Beeches schools are full, with over 1400 children, causing significant risk to pupils and the members of the public.

5. Policy Context

- 5.1 The Birmingham Unitary Development Plan; Draft Birmingham Development Plan; Car Parking Guidelines SPD; Convention Quarter Planning and Urban Design Framework SPG; Central Area Estates Development Framework SPG; Bath Row and Holloway Head Development Framework SPG; and National Planning Policy Framework.

6. Planning Considerations

- 6.1 The main issues are considered to be whether the erection of a school on this site is acceptable in principle, whether there would be transportation and parking issues, whether the design is appropriate for this site, the availability of recreation space and the impact on existing residents.
- 6.2 **Principle of Development**
- 6.3 Policy 4.55 of the UDP states that ‘a skilled and motivated workforce is a pre-requisite to a successful economy and the City’s education and training institutions are the key to help achieve this...It is important that these institutions are encouraged to thrive and benefit both the City and wider regional economy’. Policy TP35 of the draft Birmingham Development Plan states “As the City's population grows there will also be a need for additional Primary, Secondary and Special Needs school and college provision. Proposals for the upgrading and expansion of existing schools and development of new schools in locations where additional provision is required will be supported subject to the criteria below. Proposals for new schools should:
- Have safe access by cycle and walking as well as by car.
  - Have safe drop-off and pick-up provision.
  - Provide outdoor facilities for sport and recreation.
  - Avoid conflict with adjoining uses.”
- 6.4 The National Planning Policy Framework (NPPF) states at para 72 that “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.”
- 6.5 The site is previously developed land in an urban location previously used as a local health centre. It is in a highly sustainable location and accessible by good walking routes from train, bus and future metro extension. National and Local government policies support the creation of new schools and therefore it is considered that there are no objections to the principle of a school in this location subject to consideration of the detailed proposals as discussed below.
- 6.6 It will be noted from the objections received that the need for a primary school in this location has been questioned. The applicants have responded that it is well documented that Birmingham has the largest youth population in the country which is growing at a rapid rate and there is currently a shortage of 3,143 primary school places. They comment that there is an increase in the number of families living in the city centre and that the 2011 census identifies 430 children under 1 in the proposed primary school catchment area which would create a shortage of approximately 100 school places in the local area confirming the demand for a four form entry Primary School. The site has been strategically identified to meet specific local needs and also to co-locate it with the adjacent Perry Beeches III secondary school providing the opportunity to create an all-through school offering further benefits to pupils.
- 6.7 The applicants further advise that the City Council have created an ‘Education Sufficiency Requirements’ report which outlines the forecast shortage of places in terms of primary and secondary provision until 2023. The report states there is significant potential for Academies and Free Schools to provide additional places and their strategy is to work with Free Schools and Academies to meet Basic Need through their expansion plans. In terms of the proposed admission policy they advise

that the statutory admission code requires that schools prioritise Special Educational Needs (SEN) and children and children looked after by the Local Authority, however beyond this all Perry Beeches schools are non-selective, mixed schools and the proposed school will be no different. The school will serve its local communities with an admissions policy that means those nearest to the building will have first choice in applying.

- 6.8 Therefore although objections have been raised to the development on the grounds that another primary school is not needed and that any requirement for more places could be met by existing schools, this does not fall within the remit for the Local Planning Authority to control. Children, Young People and Families have been notified of the application but have made no comments on the application. The school is able to dictate its own catchment area and admissions policies but has advised that it will follow Birmingham City Council's admission policy and be based on distance from the school. There is no national or local planning policy that requires applicants for new schools to demonstrate need.

#### **6.9 Transportation and Parking**

- 6.10 Policy TP35 of the draft BDP states that new schools should “have safe access by cycle and walking as well as by car and have safe drop-off and pick-up provision”. It will be seen that a number of the objections received relate to highway issues particularly in respect of parking and congestion issues and because Perry Beeches III is not yet at full capacity. This secondary school which lies opposite the site on Cregoe Street will when full accommodate 620 pupils and 60 staff and has 24 on site car parking spaces for staff and visitors.
- 6.11 This application proposes no parking for staff, visitors or for drop off/pick up provision apart from the single on site space for disabled persons. The applicants advise that as the school will operate between the hours of 07:30 and 18:00 this will have the effect of spreading the school peaks and reducing the chance of any potential congestion outside the school. They comment that the school is committed to having a positive impact on the local community and actively managing student pick up and drop off. Staff would be present at the beginning and end of the school day, to make sure pupils enter or leave the school site in a safe manner and parents are encouraged to act responsibly when dropping off their children. They have flexibility to stagger and adjust times as the need arises and their experience is that the majority of pupils arrive or leave outside of normal rush hour periods. They expect most of their pupils to walk to school and the main pedestrian access for parents will be via Cregoe Street to a holding area using the formal outdoor play space for hand to hand collection of younger pupils. A further pedestrian access is proposed from Holloway Head on the western corner of the site.
- 6.12 As no dedicated pupil drop off and pick up facilities can be provided the applicants have provided additional information regarding the on street parking available following a survey of streets within 0.5km, a 6 minute walk from the site. This found capacity for 75 vehicles to park on street in the am peak and space for 44 vehicles to park in the pm peak. They comment that as the school would operate extended opening hours and breakfast and after school clubs, free of charge, parent pick up and drop off times would be staggered. They estimate that the maximum parking need at any one time would be for 29-56 on street spaces at peak times which the existing highway network could accommodate particularly as it is also proposed to alter the TRO on Sutton Street to allow on street parent parking.

- 6.13 The applicants have also set out a number of measures to discourage children being brought/collected from the school by car including implementation of a travel plan, staggering the school start and finish times, using a local admissions policy. They also propose measures are put in place to prevent parents parking on the Bath Row/Holloway Head footway directly opposite the school including provision of bollards and guard railing in order to encourage crossing at the zebra crossing. It is anticipated that some off-site spaces will be rented for staff but most will use sustainable modes of transport.
- 6.14 Transportation have considered the applicants Transport Assessment (TA), travel plan and mitigation measures and do not consider that the development would cause capacity issues on the existing highway network or any material increase in queuing or delay. Regard has been made to the previous health centre use of the site which served a patient population of 13,000 and had 13 off-street parking spaces. The applicants TA considers data from nearby primary schools and estimates that 75% of pupils are likely to walk to school, 20% travel by car and 5% on the bus. Using the mode share figures from these existing local primary schools the TA estimate this equates to 149 walking trips and 40 car trips in the first phase (200 pupils) and eventually 523 walking trips and 139 car trips (700 pupils). The usual peak period for parental drop-off and pick-up by car occurs at the school start and finish times which are predicted to be 08:30 hours and 15:30 hours.
- 6.15 Transportation accept that this will mean a significant level of parental drop-off and pick-up parking demand that will add to the existing level of parking demand on the local roads. In particular there are concerns regarding parental parking demand especially at school finish time when parents tend to wait in the car and the demand builds up before the 15:30 finish. They note there is limited parking available around the site that is not covered by a parking restriction. No on street parking space is normally available on Cregoe Street, Bath Road has pay and display parking which tends to be available further along the site frontage heading into the city centre but other nearby streets are covered by no waiting restrictions.
- 6.16 However despite these concerns Transportation do not recommend refusal of the application on the basis that the any issues take place for a short period of around 15 minutes around the school start and finish times. They consider it is possible to have a series of `standard` highway measures around a school to inform drivers of the potential for large numbers of children to be in the vicinity. These include school warning signage, slow markings and other surface treatments on the carriageway, school keep clear markings that can be provided with a Traffic Regulation Order, guard railing and other measures to prevent parking in unsuitable locations. Transportation therefore recommend that a package of highway measures are provided to protect the footway and alter the Traffic Regulation Order on Sutton Street (located approximately 180 metres east of the school entrance) to permit short stay parking as they consider this will not affect highway capacity but provide an area for up to 20 cars to wait. As the site is close to the city centre core and is regularly patrolled they consider this would assist in managing the on-street parking demand.
- 6.17 When the planning application at Perry Beeches III was considered it was estimated that around 11% of pupils would travel by car, which could result in 18 daily vehicle movements to drop-off and pick-up in the first year of opening rising to 68 movements on full occupation. Transportation recommend, measures to protect the footway and prevent drivers mounting the wide footways around the site to wait while collecting their children such as bollards and guard railing, school warning signs and school keep clear markings to be covered by a Traffic Regulation Order.



- 6.18 Additionally Transportation comments that there is funding available under the Guaranteed Essential Works agreement between the City and Optima/Crest Nicholson from the redevelopment of the former Lee Bank estate. This has money towards improving Bath Row, which has been allocated to providing traffic signals at the junction of Bath Row, Cregoe Street and Granville Street. This should be carried out in later in 2015 and would provide a better junction design with controlled traffic management measures to the benefit of both schools.
- 6.19 In terms of on-site parking provision, the eventual staff parking numbers are noted at 62 and BCC adopted car parking guidelines would require a maximum of 16 spaces whereas no parking for staff (unless disabled) is to be provided. The applicants advise that Perry Beeches Academy Trust is seeking to rent some off-site parking for staff not exceeding this maximum level of provision and it is unlikely that there will be overspill of staff parking onto local roads as the Travel Plan will help educate and encourage the staff to use more sustainable modes to the private car. 5 secure cycle/motor cycle parking spaces will be provided for staff which could be increased demand dictates. It is proposed that there will be no on site servicing and deliveries would be coordinated with the adjacent Perry Beeches III School and subsequently transported to the Perry Beeches Primary site by hand or trolley. Transportation raises no objection to these arrangements.
- 6.20 I note the objections raised by local residents and the police about the impact parent parking could have on residential roads in the vicinity of the site and the lack of staff parking and delivery space on the site is a further concern. The impact would be heightened by the presence of Perry Beeches which lies opposite the site and also generates its own demand for parent pick up/drop off space and is yet to be operating at full capacity. However Transportation has raised no objections subject to conditions and on balance I do not therefore consider that the application could be refused on highway grounds.
- 6.21 The conditions as requested by Transportation are recommended which would to secure a package of highway measures including school signage, markings on Bath Row and Cregoe Street, measures in the footway to prevent parking and associated Traffic Regulation Orders to allow short stay parking on nearby Sutton Street. They also request conditions to secure and covered bicycle storage spaces, a construction management plan and school travel plan prior to opening with a review mechanism as the school expands to full capacity as recommended. The key to ensuring that the pickup/drop off of pupils does not cause problems in the local area will be the robust implementation of the travel plan. Transportation are therefore seeking additional clarification from the applicants as to how the travel plan will be enforced and monitored and any further information received will be reported at committee.
- 6.22 **Siting, Design and Layout**
- 6.23 The vision for Bath Row as set out in the Central Area Estates development Framework is for mixed used development on this major road frontage including community facilities. The plan recommends development of up to 4 storeys on the Bath Row frontage and that it should relate to the scale and massing of existing development. The new development on Park Central to the west of the application site, including Perry Beeches III, the adjacent offices and health centre range in height from 5-6 storeys and the Skyline development on the other side of Bath Row is 7 storeys high. It is therefore considered that the proposals to erect a building providing 4 storeys of accommodation with a plant area above on the Bath Row frontage will be in keeping with the prevailing height of development in the area and will reinforce the status of this road as a major route. The site also lies directly

opposite the Peace Gardens and tower forming the remains of the listed St Thomas's Church on Bath Row. However given the position of the listed building and the wide nature of Bath Row it is not considered there would be any adverse impact on its setting.

- 6.24 To the rear of the site the character of Cregoe Street is more residential with lower height buildings particularly to the south where there are a row of single storey elderly person's bungalows. It is therefore considered appropriate that the proposed building sets down in height to 2 storeys to the rear.
- 6.25 The proposed school building has been sited closer to the Bath Row frontage than the existing health centre building to follow the line of adjacent development; however this does require the removal of a number of existing trees. The Council's tree officer objects to the loss of these trees and recommends refusal of the application. He comments that the landscape around the existing building has developed to give substantial public visual amenity. The tree survey notes many of the trees as being B and although these are not the highest category (A) they would normally be a material consideration in a planning application. He considers more regard should be given to the retention of the established trees on the Bath Row corner and along Cregoe Street. The trees at the rear of the site forming the boundary edge with the residencies should also be retained in order to maintain a continuity of the aspect from that side.
- 6.26 Following receipt of these objections the application has been amended to retain one of the existing trees on Cregoe Street and the plans show the planting of 5 new trees on the Cregoe Street frontage and three additional trees on the southern boundary. However 19 trees are proposed for removal many of which are of some quality. Whilst the loss of trees is regretted it is accepted that the proposal to locate the new building closer to the Bath Row frontage is appropriate and reflects the character of existing development to the east of the site. It is unfortunate that it is not possible to retain more of the existing trees on the Cregoe Street frontage however because of the compact nature of the site, the amount of floor space the applicants are seeking to provide and the need to provide good security for the school they cannot be kept. Some replacement planting is however proposed.
- 6.27 In terms of design it is considered that the new building would fit in well with its surroundings as the predominant material would be a red brick which reflects other developments in the immediate area. The use of a grid arrangement using recessed curtain wall glazing and powder coated cladding panels is also characteristic of the new development in the area including Perry Beeches III. The design provides interest to all elevations by including glazing and panelling that wraps round the corner. On the Bath Row frontage a two storey hall is proposed which would feature a projecting coloured frame and glazing to ensure the frontage to the street is active and of interest. Security for the boundaries would be provided by brick walls and railings.
- 6.28 **Recreation Space**
- 6.29 One of the requirements of draft BDP Policy T35 is that proposals for new schools should provide outdoor facilities for sport and recreation. The proposals include an external recreation area and informal play area/drop off area adjacent to Cregoe Street covering about 580 square metres, segregated recreation space for the reception classes totalling about 570 square metres and a roof top play area totalling about 170 square metres. The space would be mainly used at break times which would be staggered and for outdoor learning. No outdoor sports facilities are

proposed and pupils would be taken off site to use local facilities. In addition planning permission has recently been granted for the refurbishment of Holloway Head playing fields which adjoin the eastern boundary of the site and are due to be available for use in autumn 2016. It is intended that the playing fields would be managed by a group of local schools/organisations including Perry Beeches Academy Trust who advise that it is currently proposed that they to use the facilities every week day morning.

- 6.30 Although the new school would not provide on-site facilities for outdoor sport the applicants advise that there is no statutory/education requirement that these are provided other than for reception aged children. It is therefore not considered that planning permission could be refused on the grounds that no outdoor sports facilities have been particularly as it is likely that the school will be able to make some use of Holloway Head playing fields that adjoin the site.

**6.31 Impact on Residents**

- 6.32 The southern boundary of the site lies adjacent to four rows of elderly person's bungalows which are arranged at 90 degrees to Cregoe Street to face north - south towards the rear of the application site. The bungalows have no vehicle access and they are set at a lower level fronting a footpath behind the sites boundary fence and a row of trees and shrubs which screened the former health centre car park.

- 6.33 The application proposes to retain the existing boundary treatment and supplement it with additional tree planting. The proposed two storey wing of the new building would be located 12 metres from the boundary and an enclosed fire escape would be within 9 metres of the boundary. However no windows are proposed in this end of the building to avoid any overlooking. The neighbouring bungalow windows are 7.7 metres from the boundary so that the separation distance between the proposed two storey wing of the new building and neighbouring properties would be about 19.7 metres. Due to this distance together with the presence of the boundary treatment it is not considered that there would be any overbearing impact.

- 6.34 On the roof space of the two storey wing a plant enclosure is proposed which would house an air conditioning unit and other maintenance equipment and behind this would be a fenced play area. At its closest point the roof top play area would be about 18 metres from the boundary and the separation distance with the closest bungalow windows would be 25.7 metres. Again the boundary treatment and separation distance is considered sufficient to avoid any undue overlooking of neighbouring properties from use of the play area

- 6.35 Objections to the development have also been received on the grounds of undue disturbance to residents from noise. There are several possible sources of noise including: noise from air conditioning plant; noise from pupils playing within the outdoor spaces and from them arriving and leaving the school. The proposed air conditioning plant is on the roof of the building and a condition can be imposed to ensure that it is adequately soundproofed. The outdoor play areas are located close to the boundary with neighbouring bungalows and it is proposed that they be in use Monday – Friday between the hours of 7.30am to 18:00pm. It is considered that 7.30am is a relatively early start time and it is considered that they 8.00am would be more reasonable. Therefore conditions are recommended to ensure the play areas are not used outside these hours or at weekends. The applicants have also advised that use of the play areas will be staggered to make best use of the space and to limit the numbers of pupils using it at any one time. It is proposed that the number of

pupils using the external surface level play areas will not exceed 300 at any one time and those using the roof top play area will not exceed 100.

- 6.36 With regard to pupils arriving and leaving the school this would be taking place during the day when the background noise levels are higher due to general activity within the area. Regulatory Services have not raised any objections to the application and subject to safeguarding conditions it is not considered that the amenities of adjoining residents would be significantly adversely affected by noise.

#### **6.37 Other Matters**

- 6.38 I note the concerns of local residents that the proposed school together with Perry Beeches III would lead to large numbers of children gathering around the area, causing significant risk, congestion and potential danger and that this also could lead to an increase in crime, vandalism and anti-social behaviour. Whilst I understand these concerns, the school is proposing to work with the community to reduce the likelihood of anti-social behaviour and I do not consider that planning permission could be refused for this reason.
- 6.39 The Police have requested that work be carried out to the standards laid out in the Secured by Design 'Schools 2014' guide and that alarm systems and CCTV be installed with suitable lighting, boundary treatments and access controls to entrances. The School are aware of the need to make their premises secure and have provided further information regarding their security measures, lighting and provision of CCTV. Conditions are recommended to require details of boundary treatments.
- 6.40 Regulatory Services have requested that a charging point for electric vehicles be provided and mechanisms be used to discourage use of high emissions vehicles, encourage cycling/walking/uptake and use of low emission fuels and technologies. The applicants travel plan will cover a number of these features however it is not considered to be reasonable to require a charging point for electric vehicles and the use of low emission fuels as the development is only to provide one parking space.
- 6.41 Objections have also been received on the grounds that the building work will cause traffic chaos, however this will be short lived and conditions are recommended to require a construction management plan. Another objector comments that the consultation process was inadequate however letters were sent to 195 neighbours, local ward councillors, the MP and residents associations and site and press notices were displayed. The public consultation undertaken is in accordance with City Council guidance. In addition the applicants undertook a consultation exercise before the application was submitted and held a consultation evening to which local businesses, community groups, religious groups, local schools, MP's and councillors, were invited to attend and posters were displayed in the local area to advise local residents of the event. It is not considered that the consultation undertaken was inadequate.

#### **7. Conclusion**

- 7.1 National and Local Planning policies support the provision of new schools and the application site is previously developed land in a sustainable location which has good accessibility. The design of the new building in terms of its height, bulk and siting are also considered to be acceptable although a number of existing trees would be lost. The development is also not considered to cause undue loss of privacy or overlooking of neighbouring residential properties.

7.2 The main concerns regarding the development are the impact of a 700 place school on the surrounding area particularly taking into account the lack of any on site parking or delivery space, the likely number of children being picked up/dropped off by car and the presence of Perry Beeches III on the opposite side of Cregoe Street which will be used by 620 pupils and 60 staff. It is not considered to be ideal to develop a primary school of this size and in this location without easy access to drop-off and pick-up provision, staff parking, facilities for sport and recreation and where the impact of the adjacent secondary school has yet to be fully tested. Highways issues therefore are of concern, however, BCC Transportation have raised no objections subject to conditions and therefore I do not consider a refusal could be justified. I also note the concerns of local residents, in respect of noise, disturbance traffic congestion but do not consider that these would be sufficiently severe to justify a recommendation for refusal particularly as conditions are recommended to help mitigate this. Having taken all the above matters into account on balance the application is recommended for approval.

## 6 Recommendation

8.1 Approve subject to the following conditions:-

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of a construction method statement/management plan   |
| 2  | Requires the prior submission of an arboricultural method statement and tree protection plan.                              |
| 3  | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 4  | Requires the prior submission of hard and/or soft landscape details  |
| 5  | Requires the prior submission of sample materials  |
| 6  | Requires the prior submission of hard surfacing materials  |
| 7  | Requires the prior submission of boundary treatment details  |
| 8  | Requires the prior submission of a contaminated land verification report   |
| 9  | Requires the prior submission of details of the sound insulation for any roof top plant/machinery                          |
| 10 | Limits the hours of operation to 07.30 - 18.00 Mondays to Fridays  |
| 11 | Limits the hours of use of the play areas to 08.00 - 18.00 Mondays to Fridays  |
| 12 | Requires the prior submission of a CCTV scheme   |
| 13 | Requires the prior submission of details of refuse storage   |
| 14 | Limits the noise levels for Plant and Machinery  |
| 15 | Requires the prior submission of a scheme for ecological enhancement measures  |
| 16 | Requires the prior submission and completion of works for the S278/TRO Agreement   |
-

- 
- 17 Requires the prior submission of cycle storage details
  - 18 Requires the submission of a school travel plan
  - 19 Requires the submission of a management plan for the 3 on site parking spaces
  - 20 Requires the replacement of any retained trees removed during construction
  - 21 Requires the retention of the screening on the south boundary of the site..
  - 22 Requires the prior submission of the proposed canopies, stores, and internal fencing within the site..
  - 23 Requires the prior submission of site signage details
  - 24 Prevents the use from changing within the use class
  - 25 Requires the scheme to be in accordance with the listed approved plans
  - 26 Limits the approval to 3 years (Full)
- 

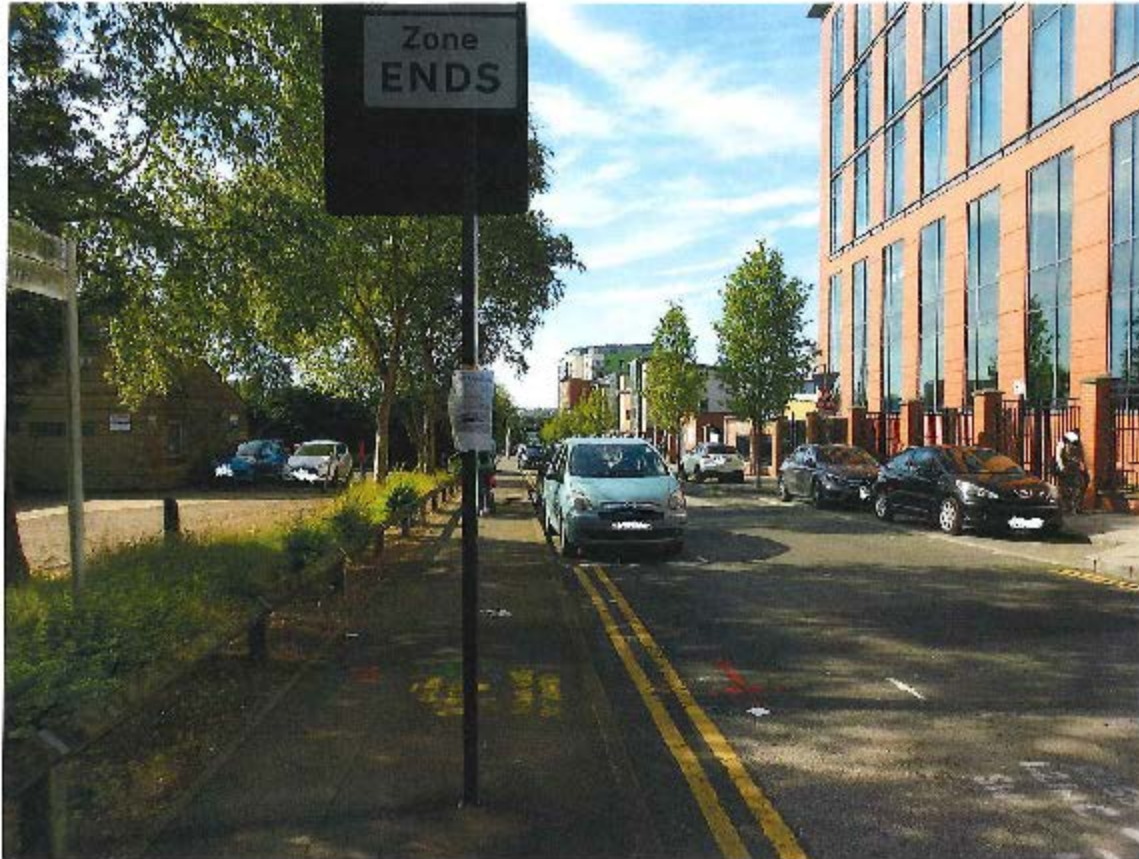
Case Officer: Lesley Sheldrake



## **Photo(s)**



**Figure 1: View of site from Bath Row**



**Figure 2: View of site and Perry Beeches III from Cregoe Street**





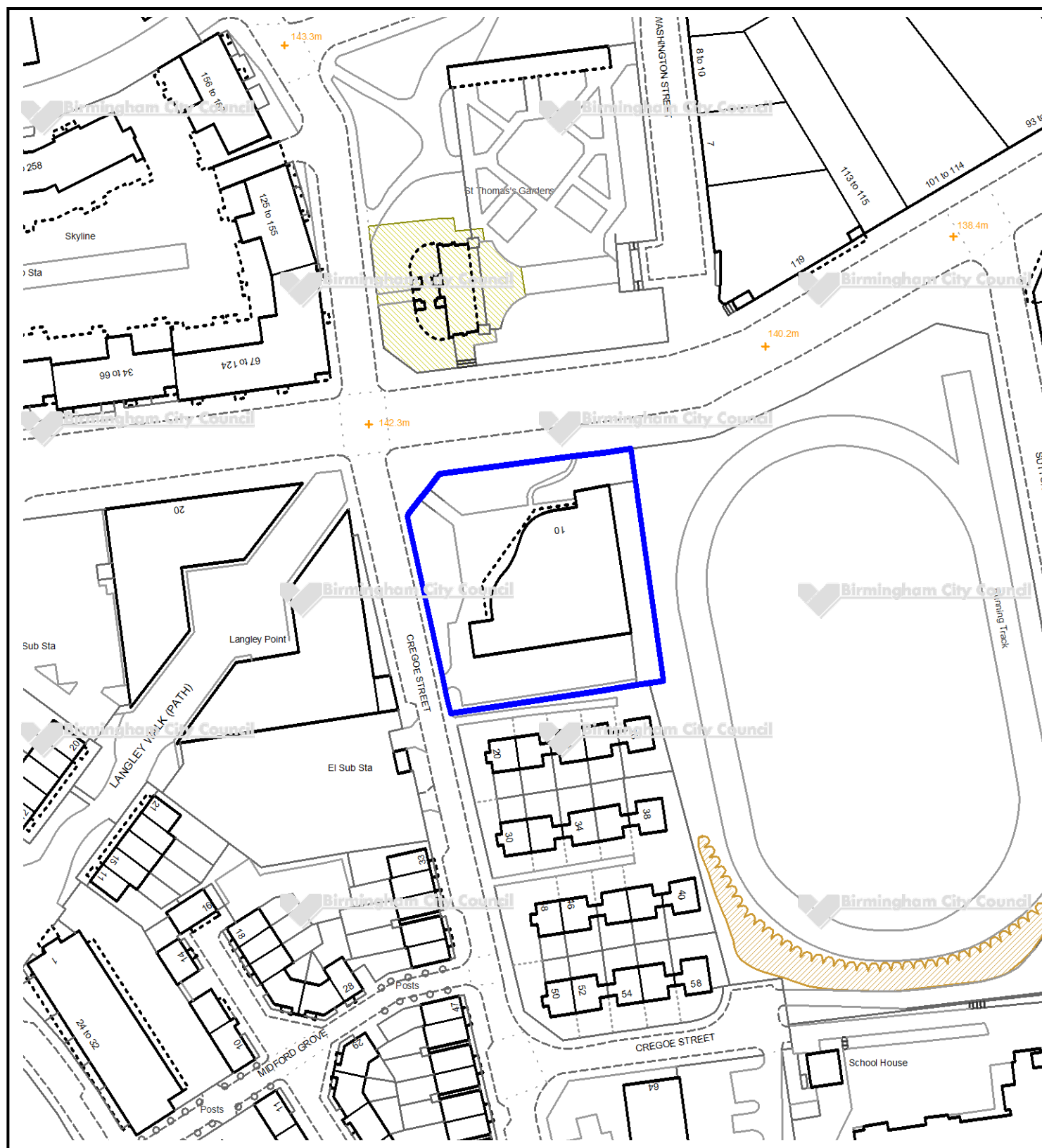
**Figure 3: Wider view along Bath Row**



**Figure 4: View of site boundary with neighbouring bungalows**



## 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:	29/10/2015	Application Number:	2015/06969/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Ladywood		

Ladywood Middleway, near Five Ways Health Centre, City Centre  
Birmingham, B16

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria  
Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

- 1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Ladywood Middleway, adjacent to Five Ways Heath Centre and close to the junction with Morville Street.
- 1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m2. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3 The proposed advert unit is part of a contract within the City.

##### 1.4 [Link to Documents](#)

##### 2 Site & Surroundings

- 2.1 The advertisement would be located on the pedestrian pavement on Ladywood Middleway adjacent to Five Ways Heath Centre and close to the junction with Morville Street.
- 2.2 The dual-carriageway and the associated hard landscaped highway land are the dominant features in the character of the site. This is a wide section of pedestrian pavement adjacent to the flank elevation of a residential block of flats. The surrounding area has a mainly residential character although there are some community buildings close to the site, including the Five Ways Health Centre at the junction with Morville Street.

##### 2.3 [Site Location](#)



### 3 Planning History

#### 3.1 No Planning History

### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

#### AMENITY

- 6.2 The proposed advert would be located on the pedestrian pavement on Ladywood Middleway adjacent to Five Ways Heath Centre and close to the junction with Morville Street. This is a wide section of pedestrian pavement adjacent to the flank elevation of a residential block of flats. Although there is some existing highway signage within the vicinity of the site, the area remains uncluttered by existing advertisements. The proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have an impact upon visual amenity.

#### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

### 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

8     Recommendation

8.1    Approve Temporary

- 
- 1     Limits the use of advert
  - 2     Limits length of the display of advert
  - 3     Limits the control of the intensity of the illumination
  - 4     Requires the scheme to be in accordance with the listed approved plans
  - 5     Limits the approval to 5 years (advert)
  - 6     Design of power supply/damage made good
- 

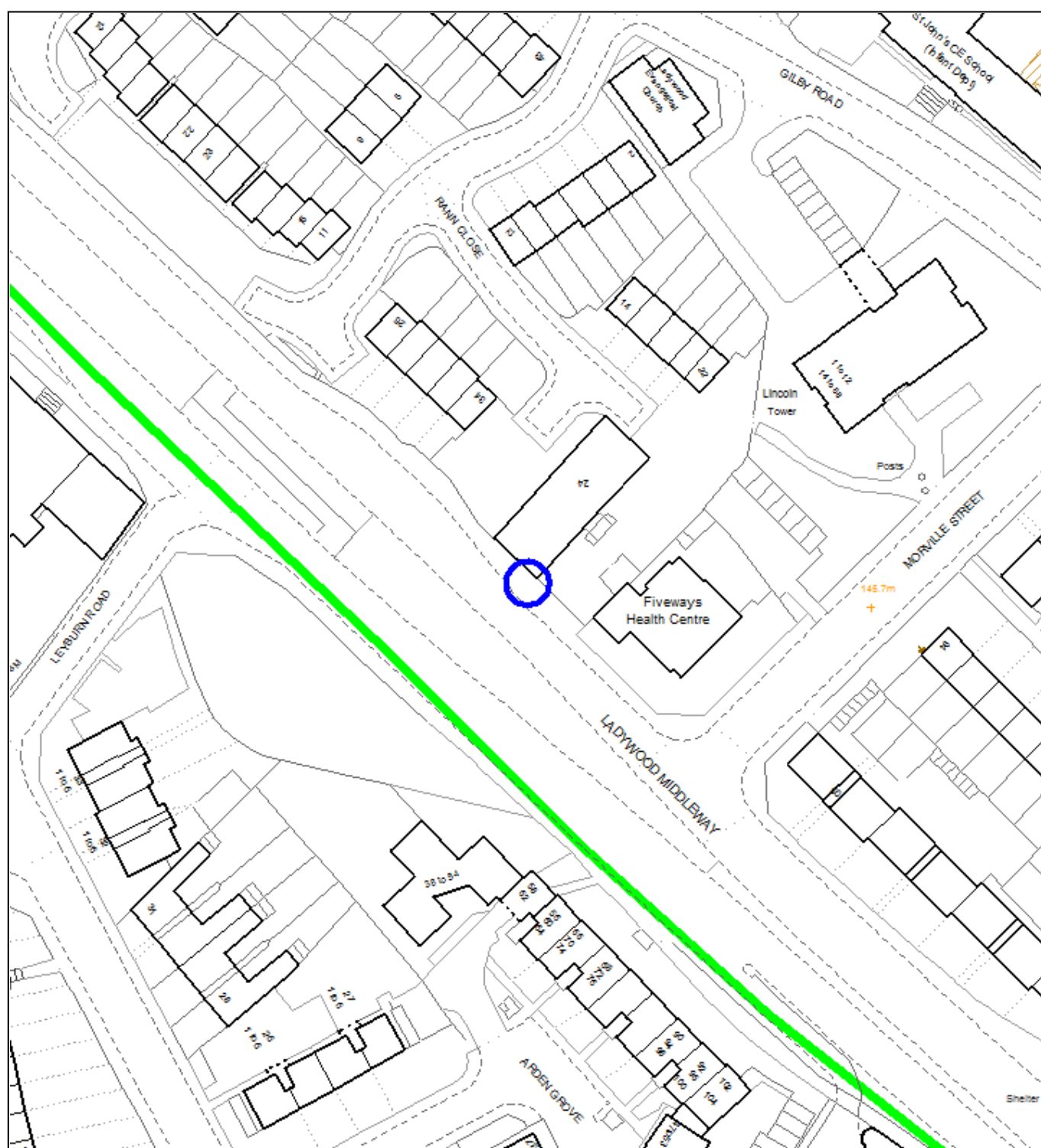
Case Officer:         Robert Lester

**Photo:**



**Figure 1 Photo of the Site Looking South East**

## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06979/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Nechells		

Woodcock Street, o/s Nelson Building, City Centre, Birmingham

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Council House, Victoria Square,  
Birmingham, B1 1BB

Agent:

---

Recommendation

**Approve Temporary**

1. Proposal

- 1.1 This application proposes the installation of a freestanding double sided digital advert to be located on the pavement to the south side of Woodcock Street, in front of the Nelson Building, part of Aston University. It would be positioned approximately 55m north of the junction with Aston Street and close to an existing pedestrian crossing.
- 1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The unit would be digital matrix and stainless steel and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre. This would be a new advertisement with a static display.
- 1.3 The proposed advert unit is part of a contract within the City.

1.4 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site lies within the university campus area where there is a mix of educational and office buildings. The advertisement would be sited on the pavement which measures in excess of 5 metres in width. The same section of pavement also accommodates a series of raised planters.

2.2 [Site Location](#)

3. Planning History

- 3.1 None

4. Consultation/PP Responses

- 4.1 BCC Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit.

5. Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

6. Planning Considerations

- 6.1 According to paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

AMENITY

- 6.2 The proposed advertisement would be a new sign on Woodcock Street, which at present is largely free of advertising. However it would be sited on a wide pavement in a spacious area where it is considered that the proposed totem sign would not detract from the character and appearance of the street scene.

PUBLIC SAFETY

- 6.3 BCC Transportation Development have noted that the proposed advertisement would be a new asset but consider that it would have no effect on visibility splays or pedestrian movements. Subsequently no objections have been raised and it is considered that there would be no impact upon public safety.

7. Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the amenity of the area and public safety.

8. Recommendation

- 8.1 Approve temporary

- 
- |   |  |
|---|--|
| 1 | Limits the use of advert   |
| 2 | Limits length of the display of advert                                 |
| 3 | Limits the control of the intensity of the illumination                |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Limits the approval to 5 years (advert)                                |
| 6 | Power Supply and Making Good of Damage                                 |
-



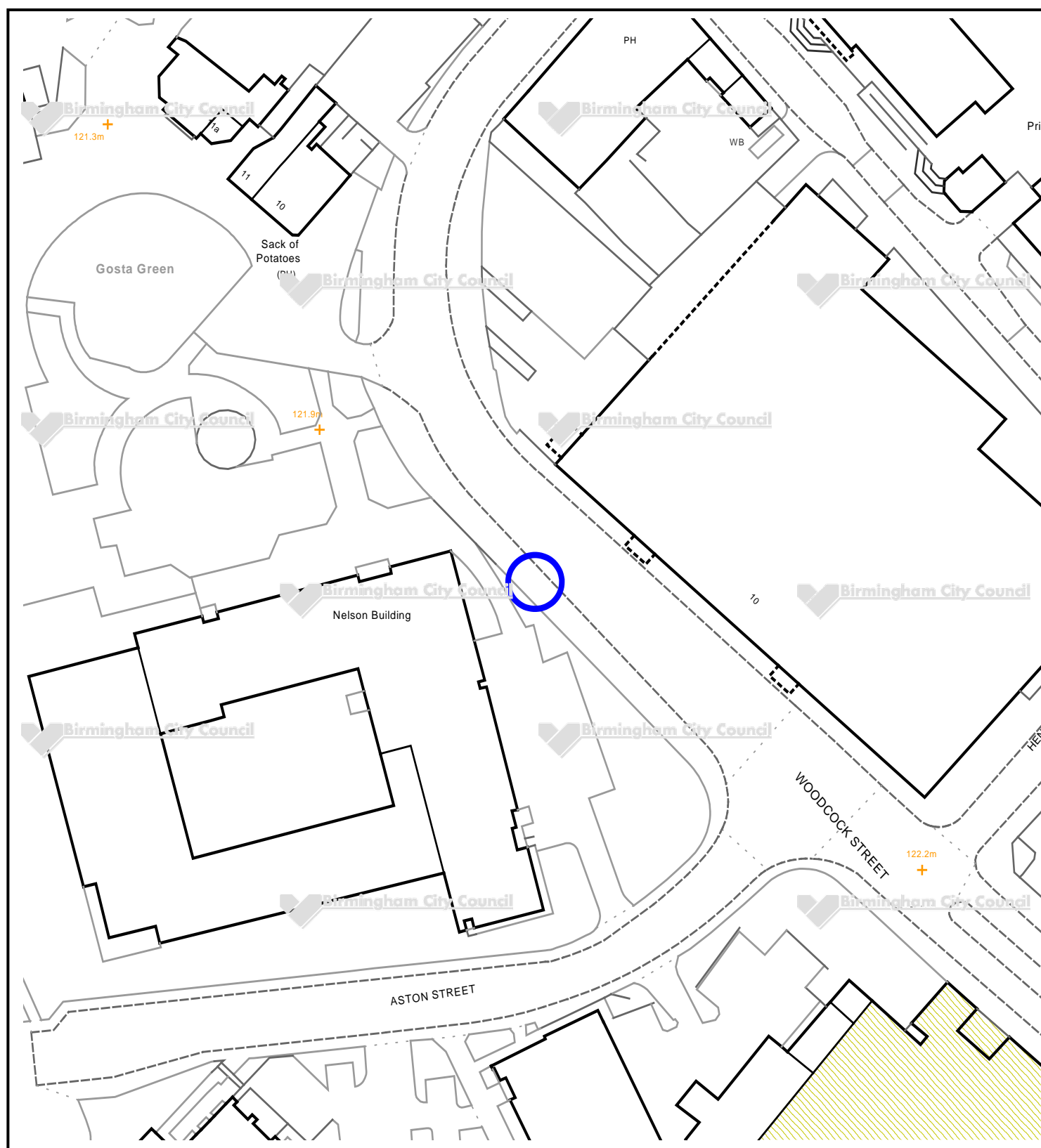
Case Officer: Julia Summerfield

## Photo(s)



View south east

## 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:	29/10/2015	Application Number:	2015/06977/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Nechells		

Bordesley Middleway, near rail bridge, City Centre Birmingham

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria  
Square, Birmingham, B1 1BB

Agent:

---

#### Recommendation

#### **Approve Temporary**

##### 1 Proposal

1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Bordesley Middleway adjacent to the Bordesley railway bridge and viaduct.

1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m<sup>2</sup>. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.

1.3 The proposed advert unit is part of a contract within the City.

1.4 [Link to Documents](#)

##### 2 Site & Surroundings

2.1 The advertisement would be located on the central reservation on Bordesley Middleway just to the north of the Bordesley railway bridge and viaduct. The central reservation in this location is a wide raised grassed area containing some mature trees.

2.2 The dual-carriageway itself and its associated landscaped highway land the dominant features in the character of the site. The adjacent railway bridge and raised viaduct is also a dominant feature in the character of the area. The surrounding area has a mixed character with industrial buildings to the south and some community buildings to the north.

2.3 [Site Location](#)

### 3 Planning History

#### 3.1 No Planning History

### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

#### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Bordesley Middleway adjacent to the Bordesley railway bridge and viaduct. . Although there is some existing highway signage within the vicinity of the site, the area remains uncluttered by existing advertisements. The proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have an impact upon visual amenity. The proposed advert would not impact on trees near the site.

#### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

### 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

### 8 Recommendation

## 8.1 Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
  - 6 Design of power supply/damage made good
- 

Case Officer: Robert Lester

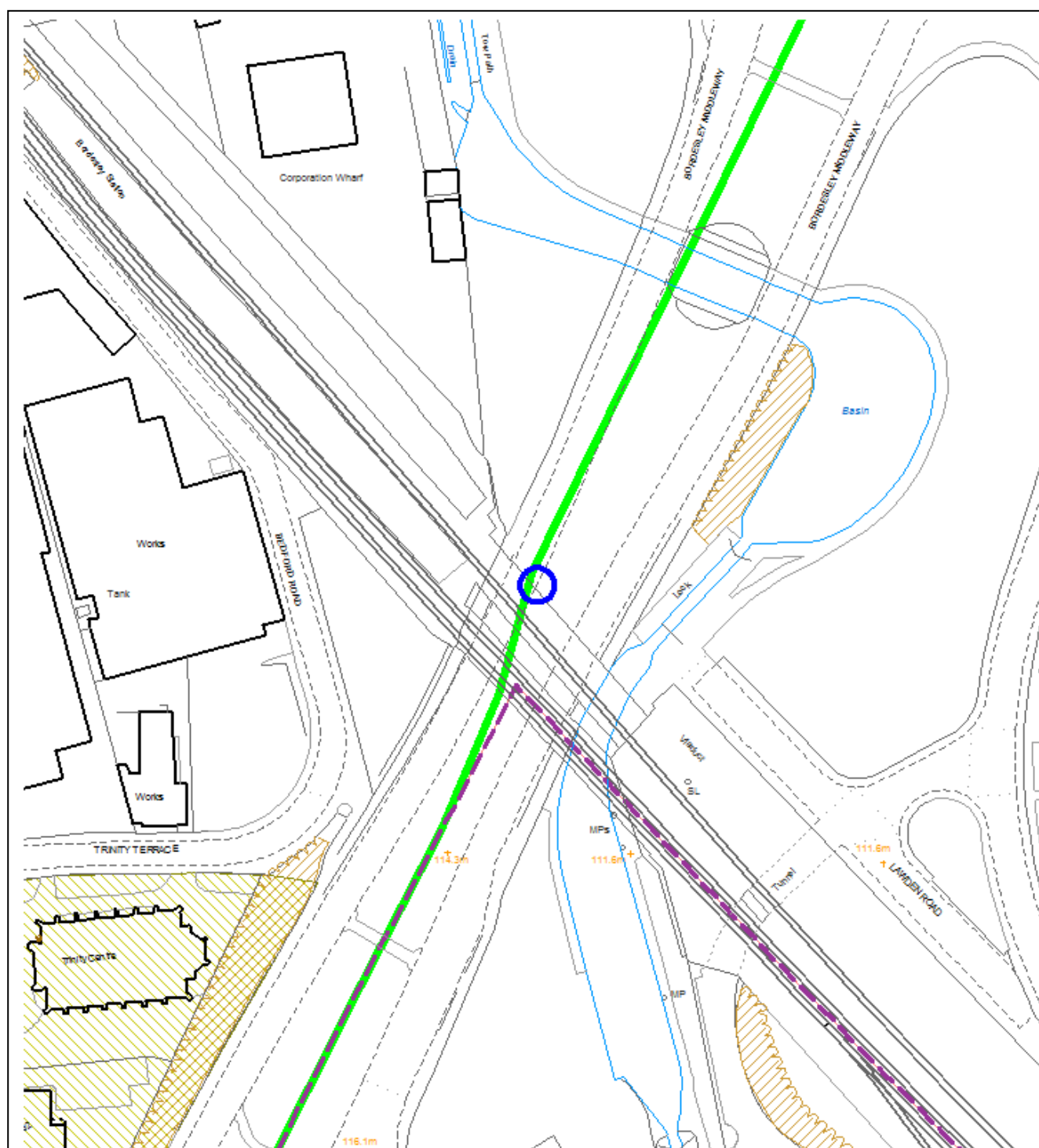


**Photo:**



**Figure 1 Photo of the Site Looking North East**

## Location Plan:



© Crown Copyright and database rights 2014 Ordnance Survey 100021326  
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form

---

Committee Date	29/10/2015	Application Number:	2015/06962/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	02/10/2015		
Ward:	Aston		

Newtown Middleway, near j/o New John Street, City Centre,  
Birmingham, B6

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria  
Square, Birmingham, B1 1BB

---

### Recommendation

#### **Approve Temporary**

##### 1. Proposal

- 1.1 This application proposes the installation of a new freestanding double sided static digital advert to be located to the south of Newtown Middleway approximately 15 m from the junction with New John Street.
- 1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m2. The design of the advertisement is similar to the Interconnect totems that are displayed within the City Centre.
- 1.3 The proposed advert unit is part of a contract with the City.
- 1.4 [Link to Documents](#)

##### 2 Site & Surroundings

- 2.1 The advertisement would be positioned on a section of highway verge to the south of Newtown Middleway, which is a grassed area containing a number of trees. The site is located on a larger segment of highway land, located between Newtown Middleway and New John Street. There is also a central reservation along this section of Newtown Middleway to the north of the site, which is also a grassed area containing a number of trees.
- 2.2 The dual-carriageway and the associated landscaped highway land are the dominant features in the character of the area. The surrounding area mainly has a commercial character with various retail and light industrial uses.
- 2.3 [Location Plan](#)

3 Planning History

2014/04729/PA - Display of 11 non-illuminated lamppost advertisement banners.  
Approved - 21/08/2014.

4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2014).

6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

AMENITY

- 6.2 The proposed advert would be located on the section of landscaped highway verge to the south of Newtown Middleway. There is an existing sign (advertising land for sale) located approximately 20 m to the west of the site and there is also signage on the Matalan retail store to the south east of the site. The site and area therefore remains uncluttered by street furniture and existing signage. The site is also screened from surrounding buildings by trees and shrubs on the highway land to the north and south. The proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have an impact upon visual amenity. The proposed advert would not impact on trees near the site.

PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

7     Conclusion

7.1    The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

8     Recommendation

8.1    Approve Temporary

---

1     Limits the use of advert

2     Limits length of the display of advert

3     Limits the control of the intensity of the illumination

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

5     Limits the approval to 5 years (advert)

6     Design of power supply/damage made good

---

Case Officer:         Robert Lester



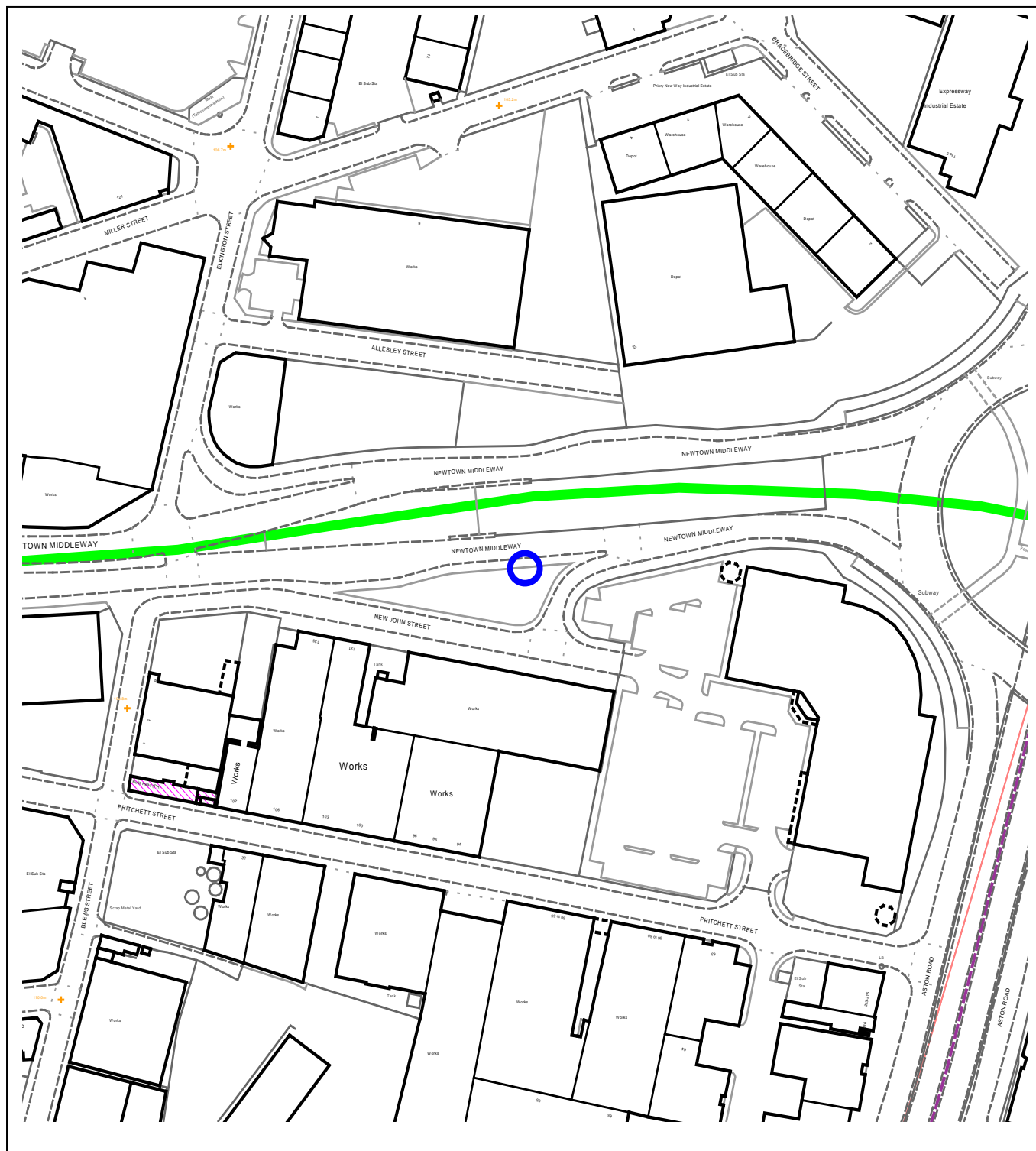
**Photo:**



**Photo 1: View of the Site Looking West.**



## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06976/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Nechells		

Edgbaston Street, o/s Markets, City Centre, Birmingham, B5

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

- 1.1 This application proposes the installation of a freestanding double sided static digital advertisement unit to be located on the pedestrian pavement to the south of Edgbaston Street, close to the junction with Smallbrook Queensway.
- 1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m2. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3 The proposed advert unit is part of a contract within the City.

##### 1.4 [Link to Documents](#)

##### 2 Site & Surroundings

- 2.1 The advertisement would be located on the pedestrian pavement to the south of Edgbaston Street, close to the junction with Smallbrook Queensway. The site is also located just to the west of the pedestrianised section of Edgbaston Street and is directly adjacent to a bus stop. The site is located adjacent to the Bull Ring shopping centre and markets and mainly has a retail character.

##### 2.3 [Site Location](#)

##### 3 Planning History

- 3.1 2005/01577/PA - Display of 1 internally illuminated double sided scrolling advertisement unit on one bus shelter – Approved with Conditions 29/04/2005

## 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

## 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

## 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

### AMENITY

- 6.2 The proposed advert would be located on the pedestrian pavement to the south of Edgbaston Street close to the junction with Smallbrook Queensway. The site is located adjacent to the Bull Ring shopping centre and markets and the area mainly has a commercial character. The area therefore has a high level of existing advertisement signage together with existing street furniture. The proposed advert would be modestly proportioned with a slender contemporary design and would not appear as a dominant feature on this section of highway. It is therefore considered that the proposed advertisement would integrate well into this highly commercial environment and would not have an impact upon visual amenity.

### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

## 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

## 8 Recommendation

- 8.1 Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
  - 6 Design of power supply/damage made good
- 

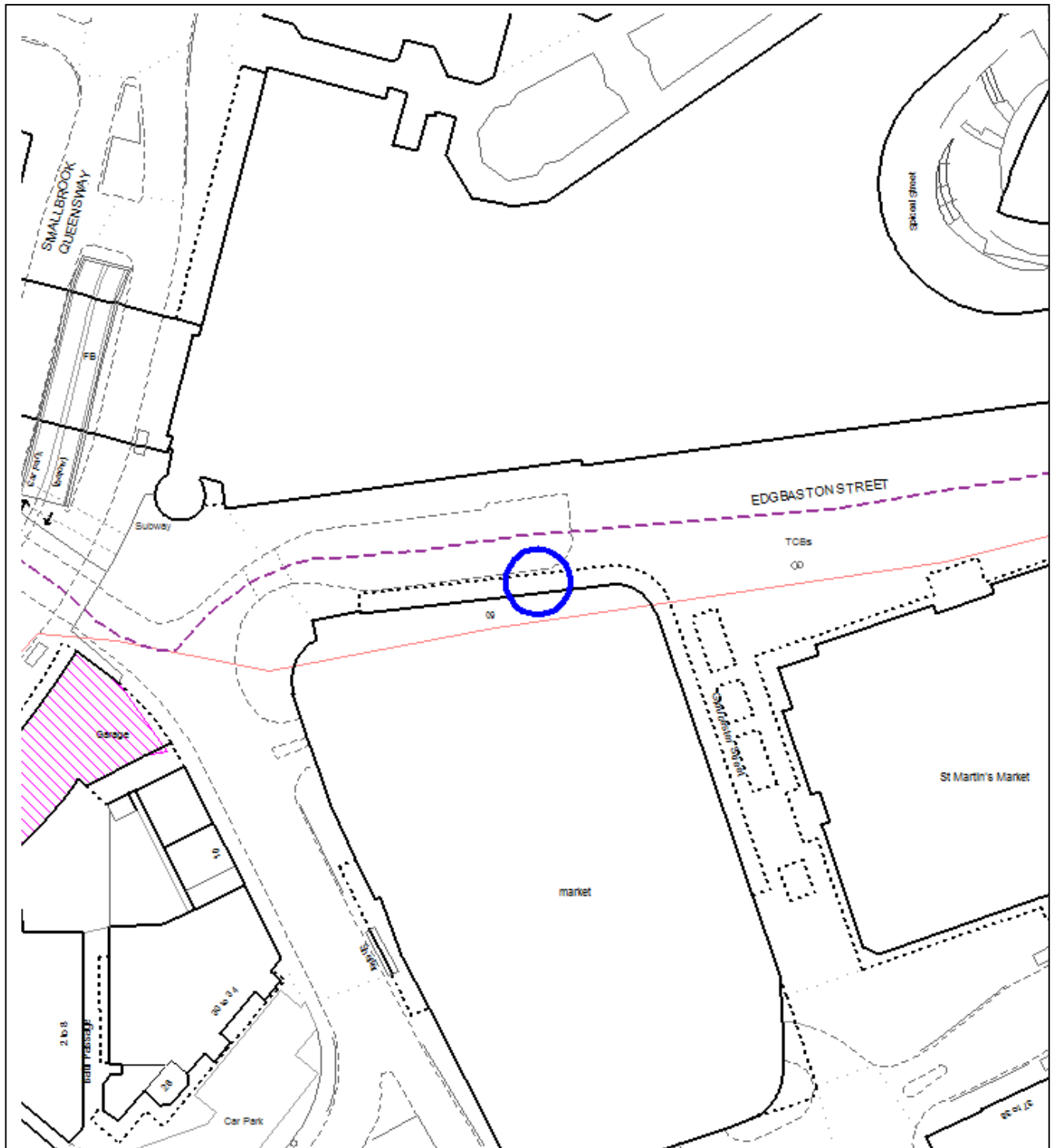
Case Officer: Robert Lester

**Photo:**



**Figure 1 Photo of the Site Looking East**

## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



---

Committee Date:	29/10/2015	Application Number:	2015/06975/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Sparkbrook		

Bordesley Middleway, near Sampson Road North, City Centre, Birmingham

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

#### 1 Proposal

1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Bordesley Middleway.

1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m2. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.

1.3 The proposed advert unit is part of a contract within the City.

1.4 [Link to Documents](#)

#### 2 Site & Surroundings

2.1 The advertisement would be located on the central reservation on Bordesley Middleway just to the north east of Camp Hill Circus. The central reservation in this location is a wide raised grassed area containing some trees and other low level landscaping. The site is located close to the junction with Sampson Road North.

2.2 The dual-carriageway itself and its associated landscaped highway land are the dominant features in the character of the site. This section of the Middleway slopes steeply downhill to the north east. The surrounding area has a mixed character with industrial buildings to the south and some community buildings to the north.

2.3 [Site Location](#)

#### 3 Planning History

3.1 No Planning History

4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

AMENITY

- 6.2 The proposed advert would be located on the central reservation on Bordesley Middleway, which is a wide raised grassed area containing a number of trees and other low level landscaping. There are some existing informal adverts located on the railings to the south of this section of Bordesley Middleway and a large advert hoarding close to the junction with Camp Hill Circus. However, the proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have a harmful impact upon visual amenity. The proposed advert would not impact on trees near the site.

PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

8 Recommendation

## 8.1 Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
  - 6 Design of power supply/damage made good
- 

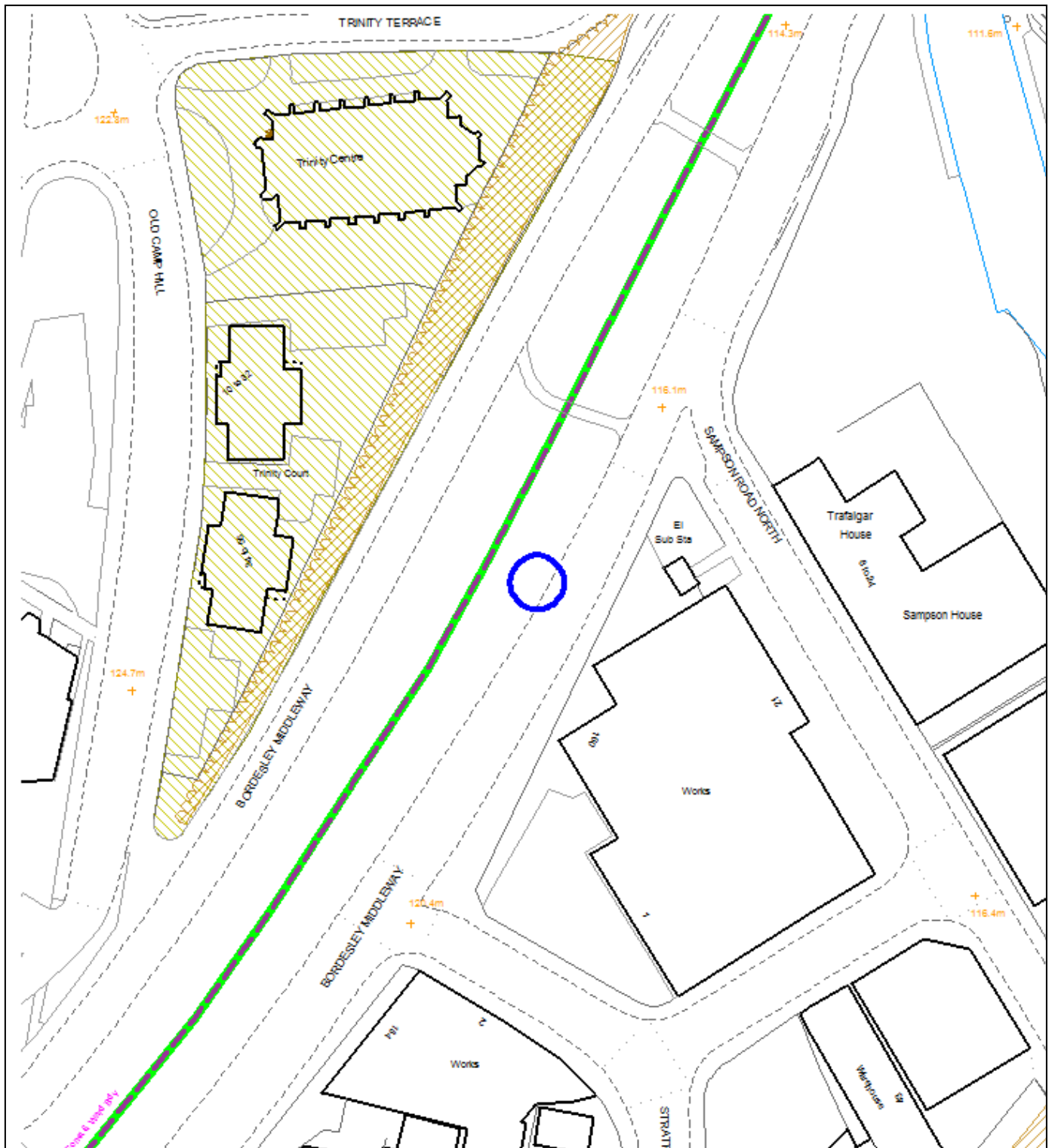
Case Officer: Robert Lester

**Photo:**



**Figure 1 Photo of the Site Looking North East**

## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06980/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Nechells		

Belgrave Middleway, Central Reservation Area, opp Frank Street, City Centre, Birmingham

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

Approve Temporary

#### 1 Proposal

1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Belgrave Middleway adjacent to Frank Street.

1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m<sup>2</sup>. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.

1.3 The proposed advert unit is part of a contract within the City.

1.4 [Link to Documents](#)

#### 2 Site & Surroundings

2.1 The advertisement would be located on the central reservation on Belgrave Middleway just to the north of Belgrave Middleway roundabout. The central reservation in this location is a grassed area containing some trees and landscaping. There is a signalled pedestrian crossing across the highway and central reservation located close to the site.

2.2 The dual-carriageway itself and its associated landscaped highway land are the dominant features in the character of the site. The surrounding area has a mixed character with residential and community buildings to the east and west of the site.

2.3 [Site Location](#)



### 3 Planning History

#### 3.1 No Planning History

### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

#### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Belgrave Middleway which is a grassed area containing a number of trees. The site is also located adjacent to a signalled pedestrian crossing point. Although there is some existing highway signage within the vicinity of the site, the area remains uncluttered by existing advertisements. The proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have a harmful impact upon visual amenity. The advert would not impact on trees near the site.

#### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

### 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

### 8 Recommendation

## 8.1 Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
  - 6 Design of power supply/damage made good
- 

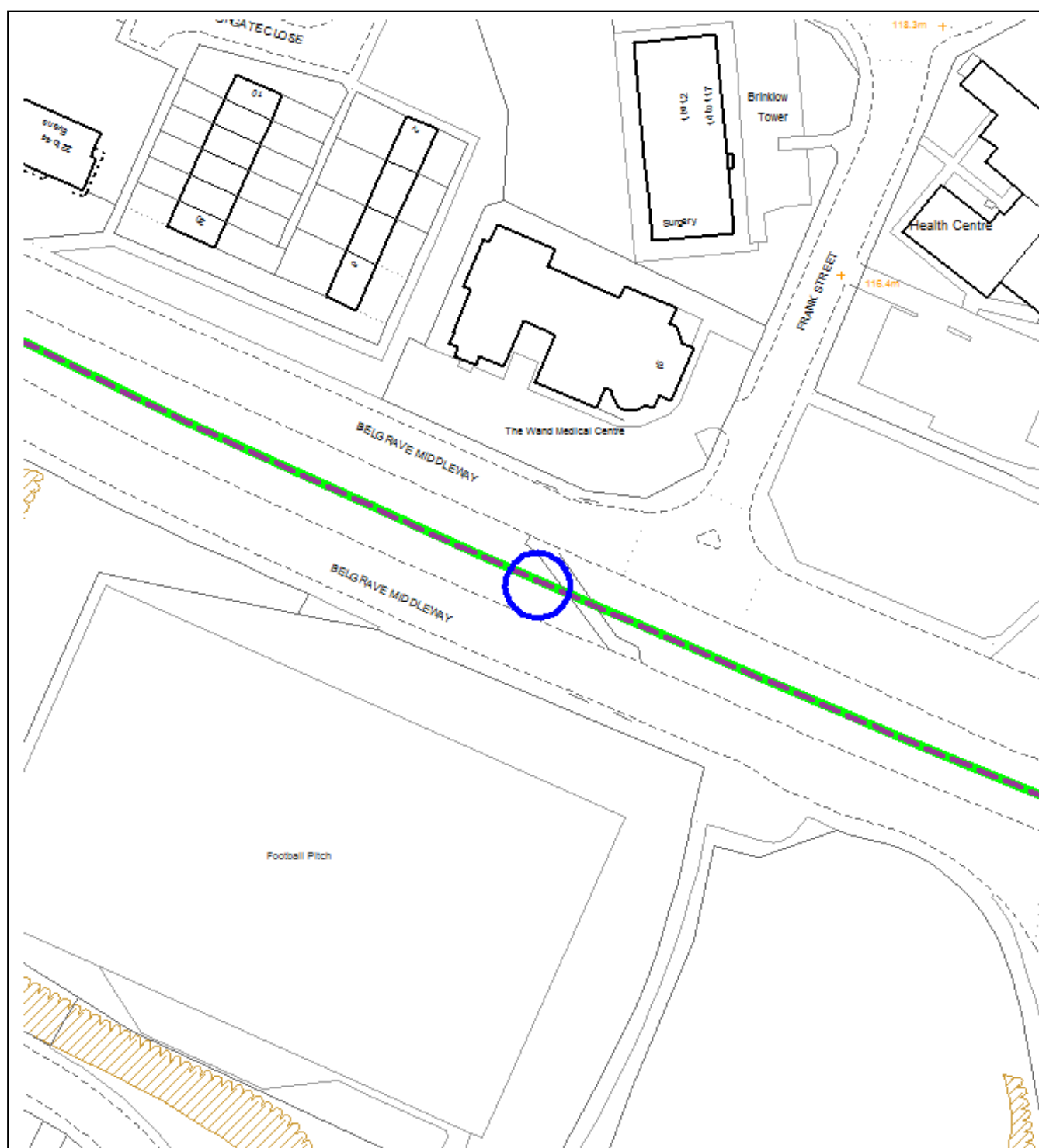
Case Officer: Robert Lester

**Photo:**



**Figure 1: Photo of the Site Looking South**

## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06974/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Nechells		

Watery Lane Middleway, Central Reservation Area, opp Purple Academy, City Centre, Birmingham, B9

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Watery Lane Middleway opposite Purple Academy.

1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m<sup>2</sup>. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.

1.3 The proposed advert unit is part of a contract within the City.

1.1. [Link to Documents](#)

##### 2 Site & Surroundings

2.1 The advertisement would be located on the central reservation on Watery Lane adjacent to the southbound carriageway. The central reservation is a grassed area containing a number of trees including some mature trees. The site is located opposite the junction of Keeley Street and Watery Lane which is pedestrian-access only.

2.2 The dual-carriageway itself and its associated landscaped highway land are the dominant features in the character of the site. The surrounding area has a mixed character; there are 2-3 storey dwellings to the east of the site set back from the road behind landscaped front gardens and 2-3 storey commercial buildings to the east of the site opposite the northbound carriageway of Watery Lane.

2.3 [Site Location](#)

### 3 Planning History

#### 3.1 No Planning History

### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

#### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Watery Lane which is a grassed area containing a number of trees, including some mature trees. Although there is some existing highway signage within the vicinity of the site, the area remains uncluttered by advertisements. This section of the ring road is relatively narrow and tree line to the east and buildings to the west provide a level of enclosure to the highway. Furthermore, the mature trees provide this part of the central reservation with a green character. However, the proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have a harmful impact upon visual amenity. The proposed advert would not impact on trees near the site.

#### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.



7     Conclusion

7.1    The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

8     Recommendation

8.1    Approve Temporary

---

1     Limits the use of advert

2     Limits length of the display of advert

3     Limits the control of the intensity of the illumination

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

5     Limits the approval to 5 years (advert)

6     Design of power supply/damage made good

---

Case Officer:         Robert Lester

**Photo:**



**Figure 1 Photo of the Site Looking South**

This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06973/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Nechells		

Watery Lane Middleway, Central Reservation Area, opposite Bolton Street, City Centre, Birmingham, B9

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Watery Lane Middleway.

1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m2. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.

1.3 The proposed advert unit is part of a contract within the City.

1.4 [Link to Documents](#)

##### 2 Site & Surroundings

2.1 The advertisement would be located on the central reservation on Watery Lane Middleway opposite Bolton Street. The central reservation in this location is a wide raised grassed area containing some trees and other low level landscaping. There is a vehicle slip road just to the north of the site providing access between the south bound and north bound carriageways.

2.2 The dual-carriageway itself and its associated landscaped highway land are the dominant features in the character of the site. The surrounding area mainly has an industrial character with low level warehouse buildings to the east and west.

2.3 [Site Location](#)

### 3 Planning History

#### 3.1 No Planning History

### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

#### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Watery Lane Middleway, which is a wide raised grassed area containing a number of trees and other low level landscaping. There is some highway signage within the vicinity of the site and two large advertisement hoardings located on the eastern side of this part of the Middleway. However, the proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have a harmful impact upon visual amenity. The proposed advert would also not impact on trees near the site.

#### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

### 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

### 8 Recommendation

## 8.1 Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
  - 6 Design of power supply/damage made good
- 

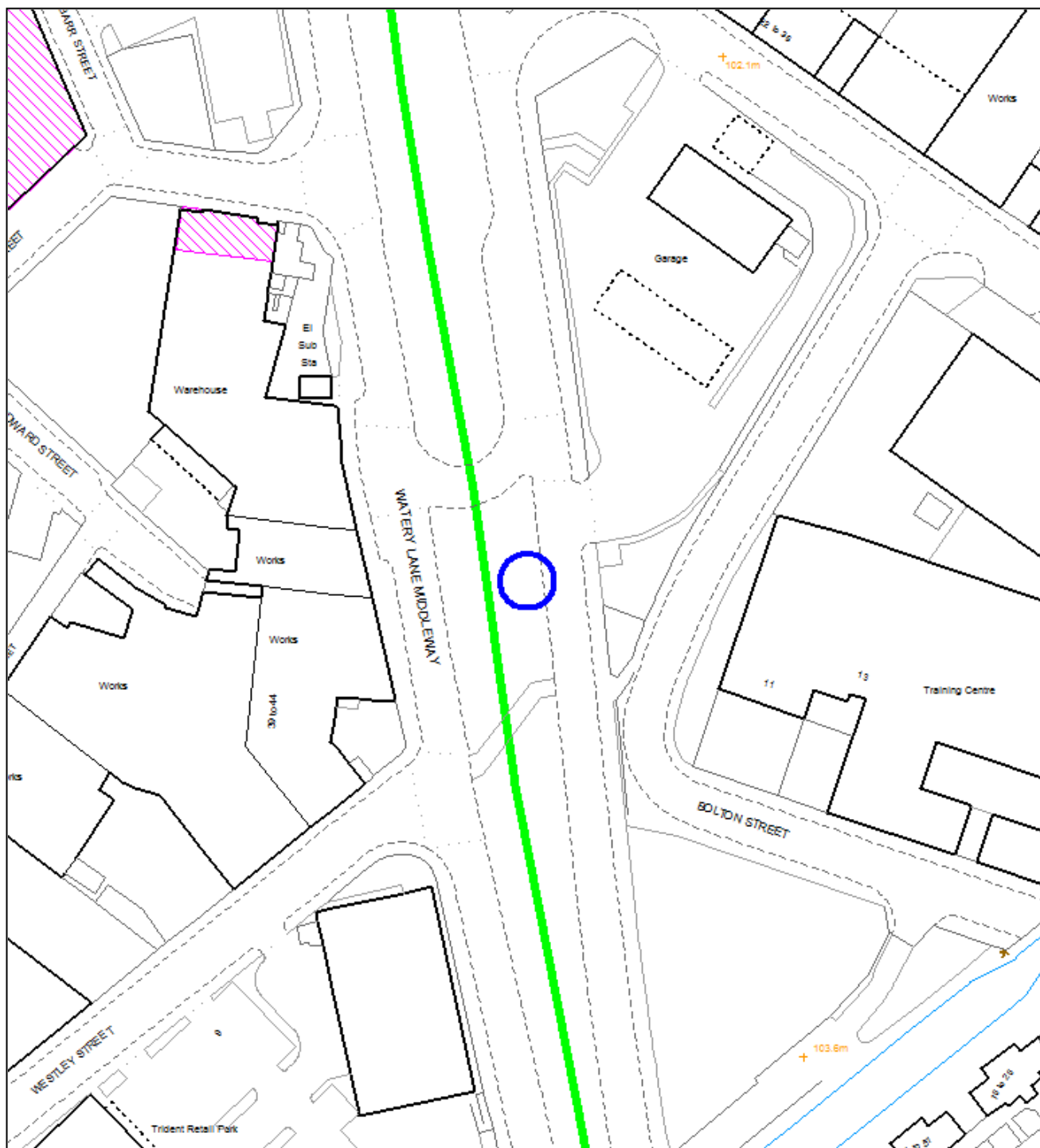
Case Officer: Robert Lester



**Photo:**



**Figure 1 Photo of the Site Looking South**



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06981/PA
Accepted:	09/09/2015	Application Type:	Advertisement
Target Date:	04/11/2015		
Ward:	Nechells		

Lawley Middleway (Opposite Forster Street), City Centre, Birmingham, B4

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

- 1.1 This application proposes the installation of a freestanding double sided static digital advertisement unit to be located on the central reservation on Lawley Middleway opposite the junction with Forster Street.
- 1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m<sup>2</sup>. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3 The proposed advert unit is part of a contract within the City.
- 1.4 [Link to Documents](#)

##### 2 Site & Surroundings

- 2.1 The advertisement would be located on the central reservation on Lawley Middleway which is a grassed area containing a number of trees.
- 2.2 The dual-carriageway itself and its associated landscaped highway land are the dominant features in the character of the site. The surrounding area mainly has an industrial character with warehouse buildings to the east and west.
- 2.3 [Site Location](#)

##### 3 Planning History

- 3.1 No Planning history

#### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

#### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

#### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

##### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Lawley Middleway which is a grassed area containing a row of trees. Although there is some existing highway signage within the vicinity of the site, the area remains uncluttered by advertisements. The surrounding area mainly has an industrial character with warehouse buildings to the east and west. The proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have an impact upon visual amenity. The proposed advert would not impact on trees near the site.

##### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

#### 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

#### 8 Recommendation

- 8.1 Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
  - 6 Design of power supply/damage made good
- 

Case Officer: Robert Lester

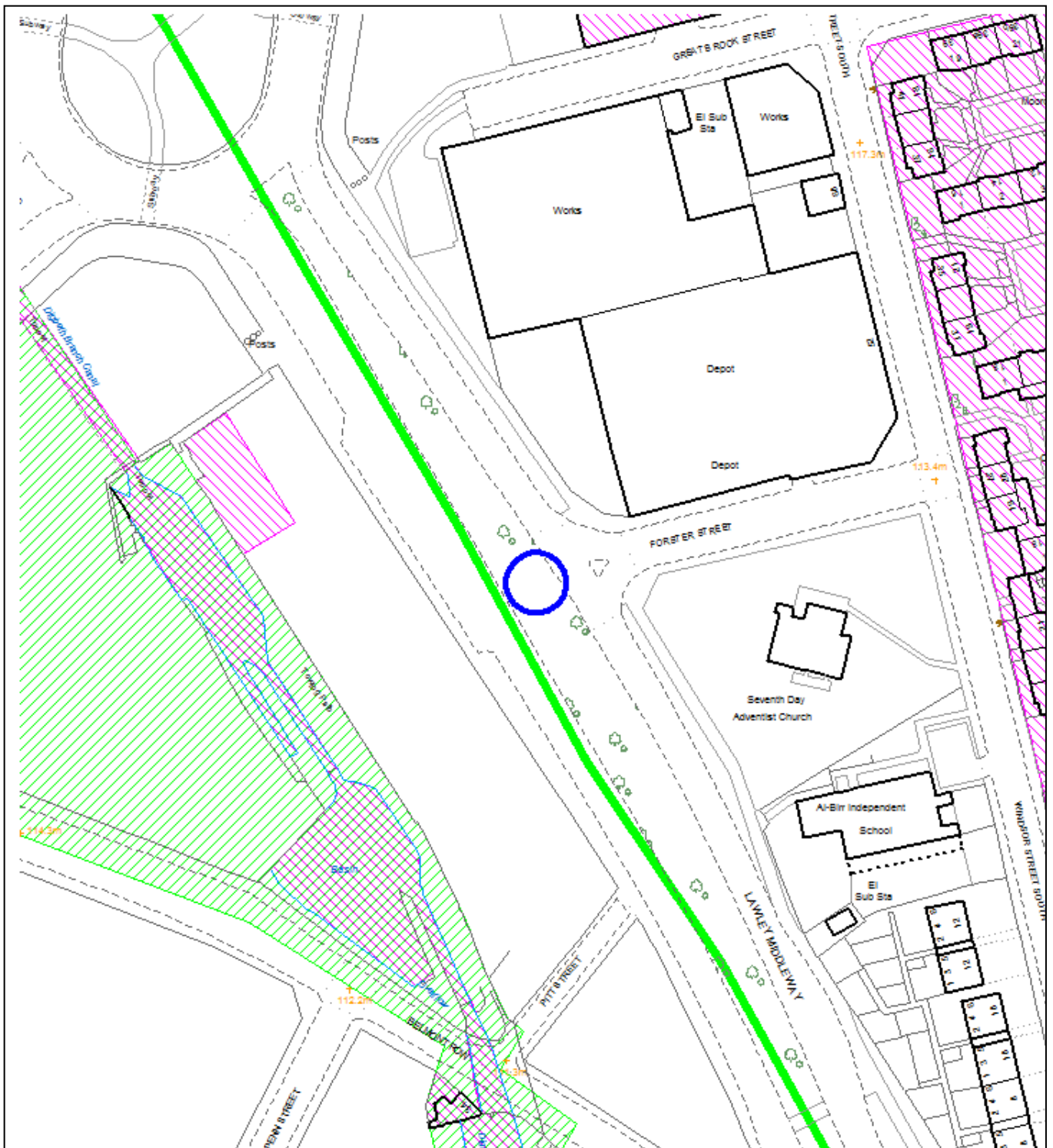
**Photo:**



**Figure 1 Photo of the Site Looking South**



## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06982/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Nechells		

Camp Hill Middleway, Opp DFS, City Centre, Birmingham, B12

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

- 1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Camp Hill Middleway adjacent to the westbound carriageway.
- 1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m<sup>2</sup>. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3 The proposed advert unit is part of a contract within the City.
- 1.4 [Link to Documents](#)

##### 2 Site & Surroundings

- 2.1 The advertisement would be located on the central reservation on Camp Hill Middleway, just to the west of Camp Hill Circus. The central reservation in this location is a wide grassed area containing a group of mature trees. The site is located close to the junction with John Kempe Way.
- 2.2 The dual-carriageway itself and its associated landscaped highway land are the dominant features in the character of the site. The surrounding area has a mixed character with retail and warehouse buildings to the south and residential buildings to the north.
- 2.3 [Site Location](#)

### 3 Planning History

#### 3.1 No Planning History

### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

#### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Camp Hill Middleway, which is a wide grassed area containing a group of mature trees. Although there is some existing highway signage within the vicinity of the site and some existing adverts located on the retail warehouses to the south of the site, the area remains uncluttered by existing advertisements. The proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have a harmful impact upon visual amenity. The proposed sign would not be located close to the mature trees on this section of the central reservation. The proposed advert would not impact on trees close to the site.

#### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

### 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

8     Recommendation

8.1     Approve Temporary

- 
- 1     Limits the use of advert
  - 2     Limits length of the display of advert
  - 3     Limits the control of the intensity of the illumination
  - 4     Requires the scheme to be in accordance with the listed approved plans
  - 5     Limits the approval to 5 years (advert)
  - 6     Design of power supply/damage made good
- 

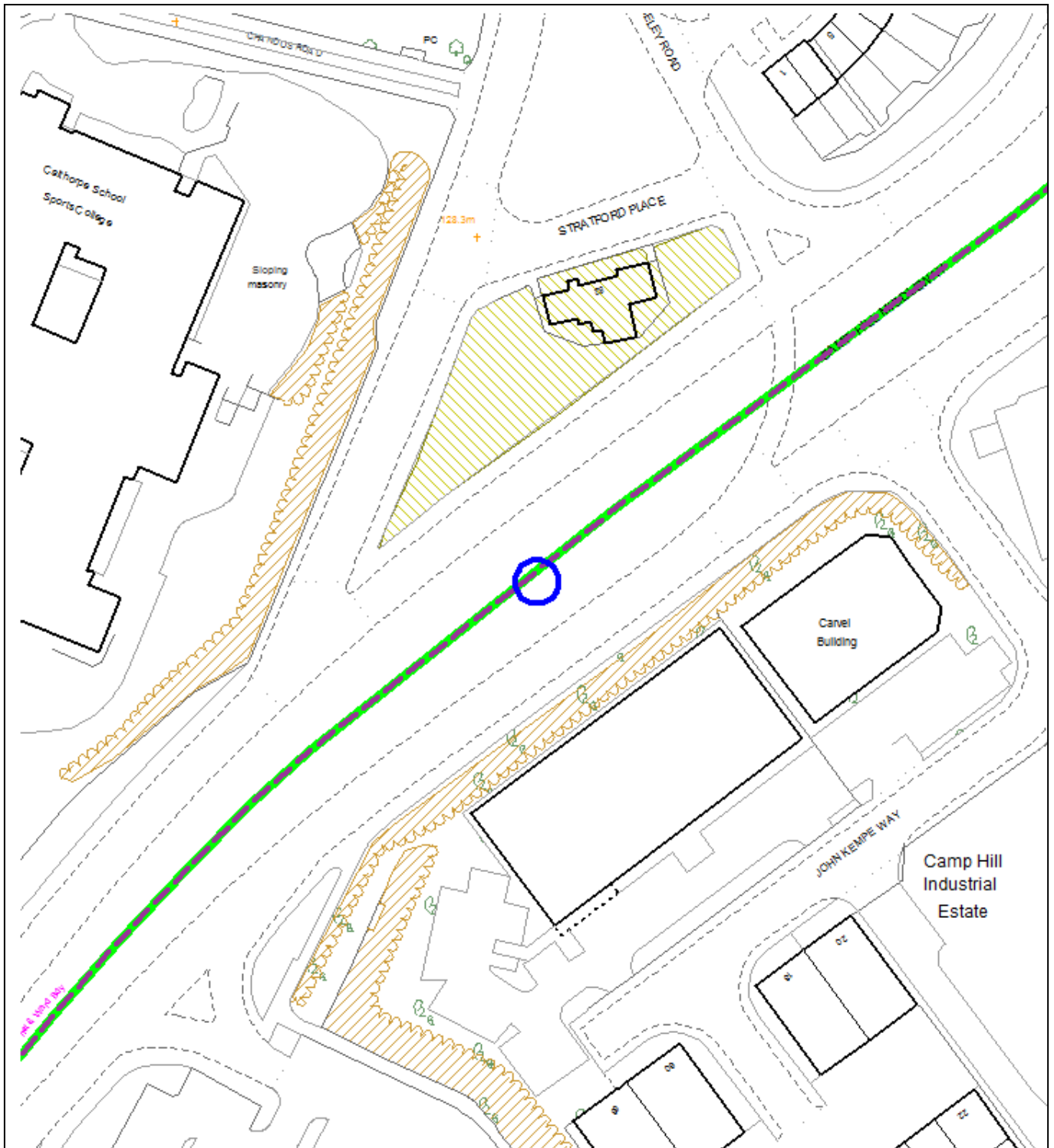
Case Officer: Robert Lester

**Photo:**



**Figure 1: Photo of the Site Looking West**

## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



---

Committee Date:	29/10/2015	Application Number:	2015/06964/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Ladywood		

Ladywood Middleway, Central Reservation Area, City Centre,  
Birmingham, B16

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria  
Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

- 1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Ladywood Middleway to the west of the junction with King Edwards Road.
- 1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m<sup>2</sup>. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3 The proposed advert unit is part of a contract within the City.

##### 1.4 [Link to Documents](#)

##### 2 Site & Surroundings

- 2.1 The advertisement would be located on the central reservation on Ladywood Middleway to the west of the junction with King Edwards Road. The central reservation in this location is a grassed area containing a number of mature trees and a metal highway barrier.
- 2.2 The dual-carriageway and the associated landscaped highway land are the dominant features in the character of the site. The surrounding area has a mixed character; including some high rise residential blocks of flats together with some lower level residential and retail buildings. There is existing highway signage in the vicinity of the site and another static digital advertisement unit to the east of the site closer to the junction with Spring Hill roundabout (which is due to be replaced application ref: 2015/06946).
- 2.3 [Site Location](#)

### 3 Planning History

#### 3.1 No Planning History

### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

#### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Ladywood Middleway located to the west of the junction with King Edwards Road. Although there is some existing highway signage within the vicinity of the site, the area remains uncluttered by existing advertisements. There is also another static digital advertisement unit to the east of the site closer to the junction with Spring Hill roundabout (which is due to be replaced application ref: 2015/06946). However, the proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have an impact upon visual amenity. The proposed advert would not impact on trees near the site.

#### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

### 7 Conclusion

7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

8 Recommendation

8.1 Approve Temporary

---

1 Limits the use of advert

2 Limits length of the display of advert

3 Limits the control of the intensity of the illumination

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

5 Limits the approval to 5 years (advert)

6 Design of power supply/damage made good

---

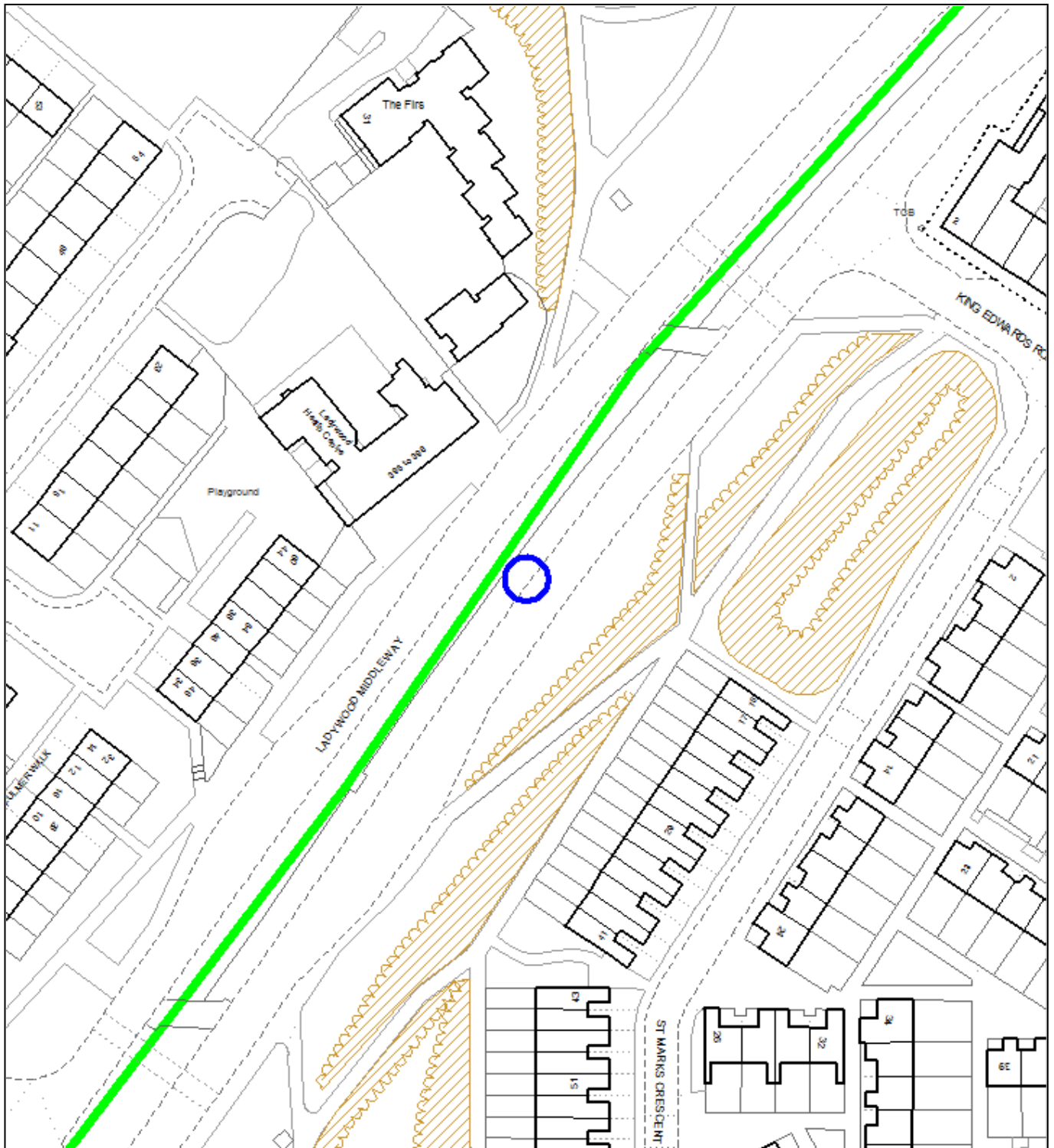
Case Officer: Robert Lester

**Photo:**



**Figure 1 Photo of the Site Looking West**

## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06972/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Nechells		

Watery Lane Middleway, opposite Dunelm, City Centre, Birmingham, B9

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria  
Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Watery Lane Middleway opposite Dunelm Mill.

1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m2. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.

1.3 The proposed advert unit is part of a contract within the City.

1.4 [Link to Documents](#)

##### 2 Site & Surroundings

2.1 The advertisement would be located on the central reservation on Watery Lane adjacent to the northbound carriageway opposite Dunelm Mill. The central reservation in this location is a wide grassed area containing some trees. The site is located close to the junction with Adderley Street.

2.2 The dual-carriageway itself and its associated landscaped highway land are the dominant features in the character of the site. The surrounding area has a mainly commercial character including several large retail and warehouse buildings to the east and west.

2.3 [Site Location](#)

##### 3 Planning History

3.1 No Planning History



#### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

#### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

#### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

##### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Watery Lane which is a grassed area containing a number of trees. There is an existing advert on the central reservation to the north of the site and several adverts on adjacent buildings including a hoarding at the junction with Adderley Street. This section of the ring road generally has a highly commercial character. However, the proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have a harmful impact upon visual amenity. The proposed advert would not impact on trees near the site.

##### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

#### 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

#### 8 Recommendation

- 8.1 Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
  - 6 Design of power supply/damage made good
- 

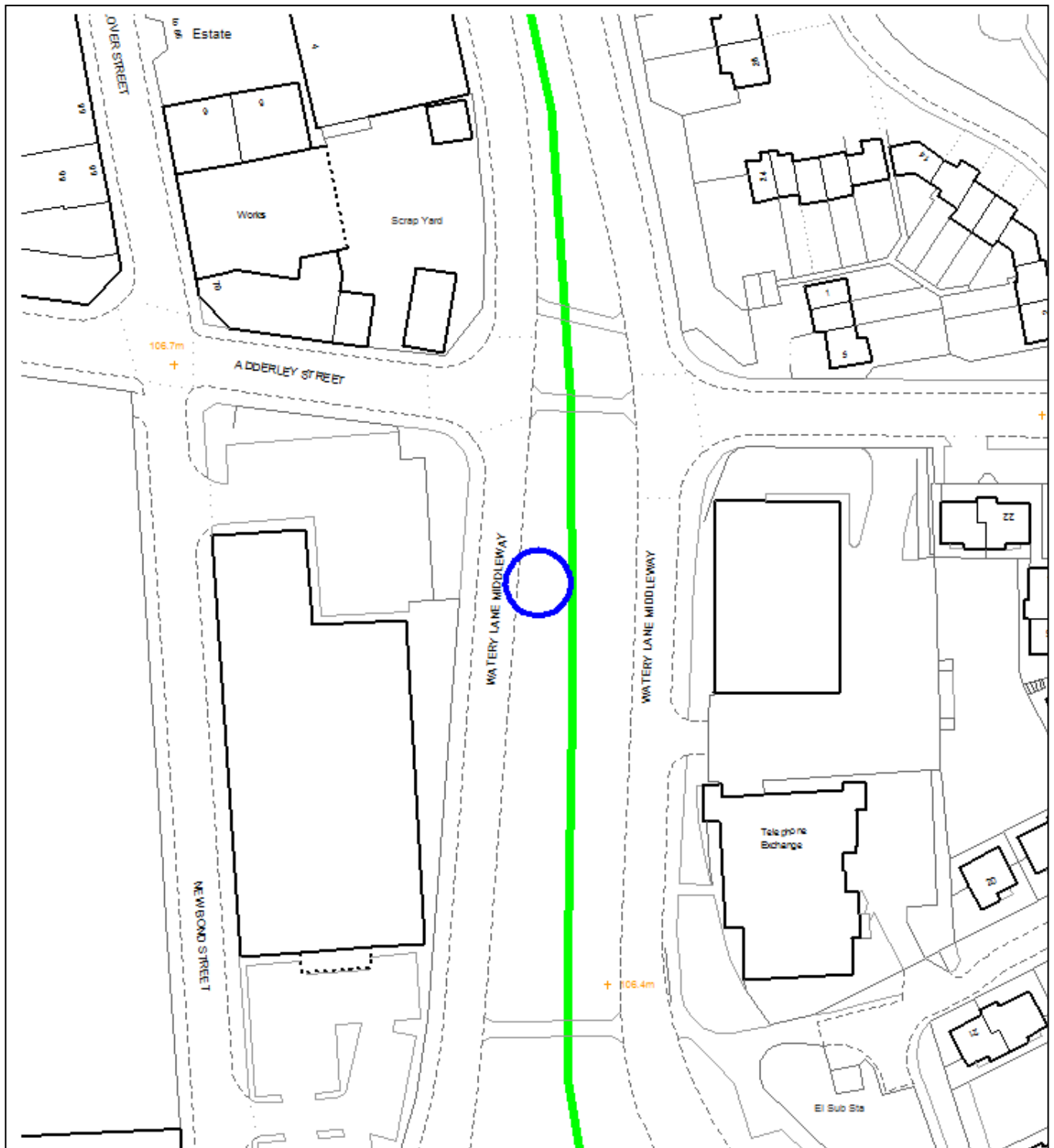
Case Officer: Robert Lester

**Photo:**



**Figure 1 Photo of the Site Looking North**

## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06970/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Nechells		

Jennens Road, Central Reservation Area - Outbound, City Centre, Birmingham

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

- 1.1 This application proposes the installation of a freestanding double sided static digital advertisement unit to be located on the central reservation on Jennens Road (eastbound carriageway).
- 1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m2. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3 The proposed advert unit is part of a contract within the City.

##### 1.4 [Link to Documents](#)

##### 2 Site & Surroundings

- 2.1 The advertisement would be located on the central reservation on Jennens Road, which is a grassed area containing a number of trees. There is a pedestrian crossing point, with safety barriers located to the west of the site.
- 2.2 The dual-carriageway itself and its associated landscaped highway land are the dominant features in the character of the site. The surrounding area has a mixed character; there are large educational buildings to the north and south of the site and a large car park to the north of the site.

##### 2.3 [Site Location](#)

### 3 Planning History

#### 3.1 No Planning history

### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact.

#### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Jennens Road, which is a grassed area containing a row of trees. Although there is some existing highway signage within the vicinity of the site, the area remains uncluttered by advertisements. The surrounding area has an institutional character with several large educational buildings. The proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have an impact upon visual amenity. The proposed advert would not impact on trees near the site.

#### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

### 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.



8     Recommendation

8.1    Approve Temporary

- 
- 1     Limits the use of advert
  - 2     Limits length of the display of advert
  - 3     Limits the control of the intensity of the illumination
  - 4     Requires the scheme to be in accordance with the listed approved plans
  - 5     Limits the approval to 5 years (advert)
  - 6     Design of power supply/damage made good
- 

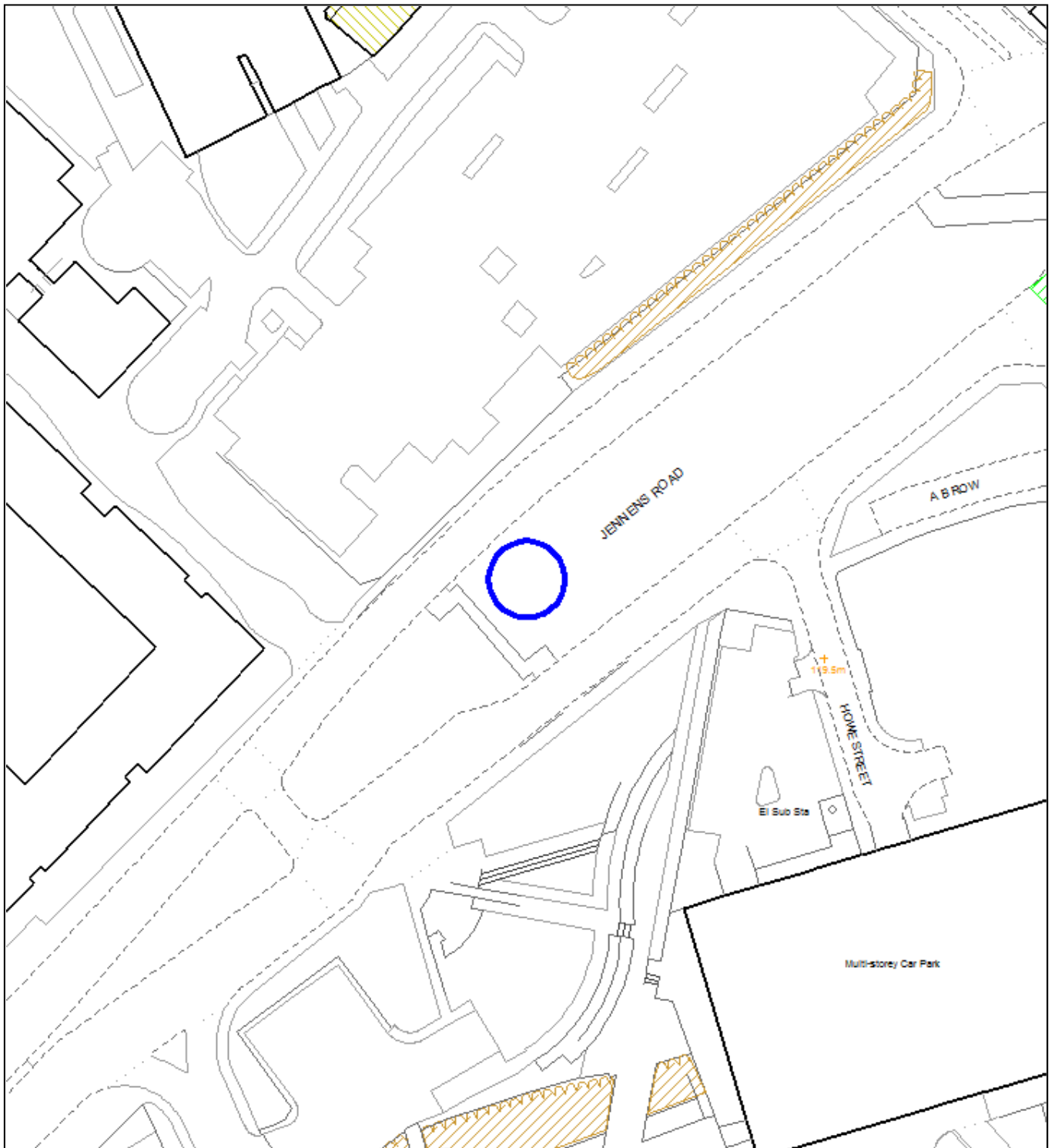
Case Officer:         Robert Lester

**Photo:**



**Figure 1 Photo of the Site Looking East**

### Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06968/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Ladywood		

Ladywood Middleway, Central Reservation Area, opposite WM Police, City Centre, Birmingham, B16

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Ladywood Middleway, opposite the police station on Ladywood Road.

1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m2. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.

1.3 The proposed advert unit is part of a contract within the City.

##### 1.4 [Link to Documents](#)

##### 2 Site & Surroundings

2.1 The advertisement would be located on the central reservation on Ladywood Middleway opposite the police station on Ladywood Road. The central reservation in this location is grassed area containing a number of mature trees.

2.2 The dual-carriageway and the associated landscaped highway land are the dominant features in the character of the site. The surrounding area has a mixed character; there is a residential, estate to the north east of the site and some community buildings to the south west.

##### 2.3 [Site Location](#)

##### 3 Planning History

3.1 No Planning History

4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

AMENITY

- 6.2 The proposed advert would be located on the central reservation on Ladywood Middleway opposite the police station on Ladywood Road. Although there is some existing highway signage within the vicinity of the site, the area remains uncluttered by existing advertisements. The proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have an impact upon visual amenity. The proposed advert would not impact on trees near the site.

PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

8 Recommendation

## 8.1 Approve Temporary

- 
- |   |  |
|---|--|
| 1 | Limits the use of advert   |
| 2 | Limits length of the display of advert                                 |
| 3 | Limits the control of the intensity of the illumination                |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Limits the approval to 5 years (advert)                                |
| 6 | Design of power supply/damage made good                                |
- 

Case Officer: Robert Lester

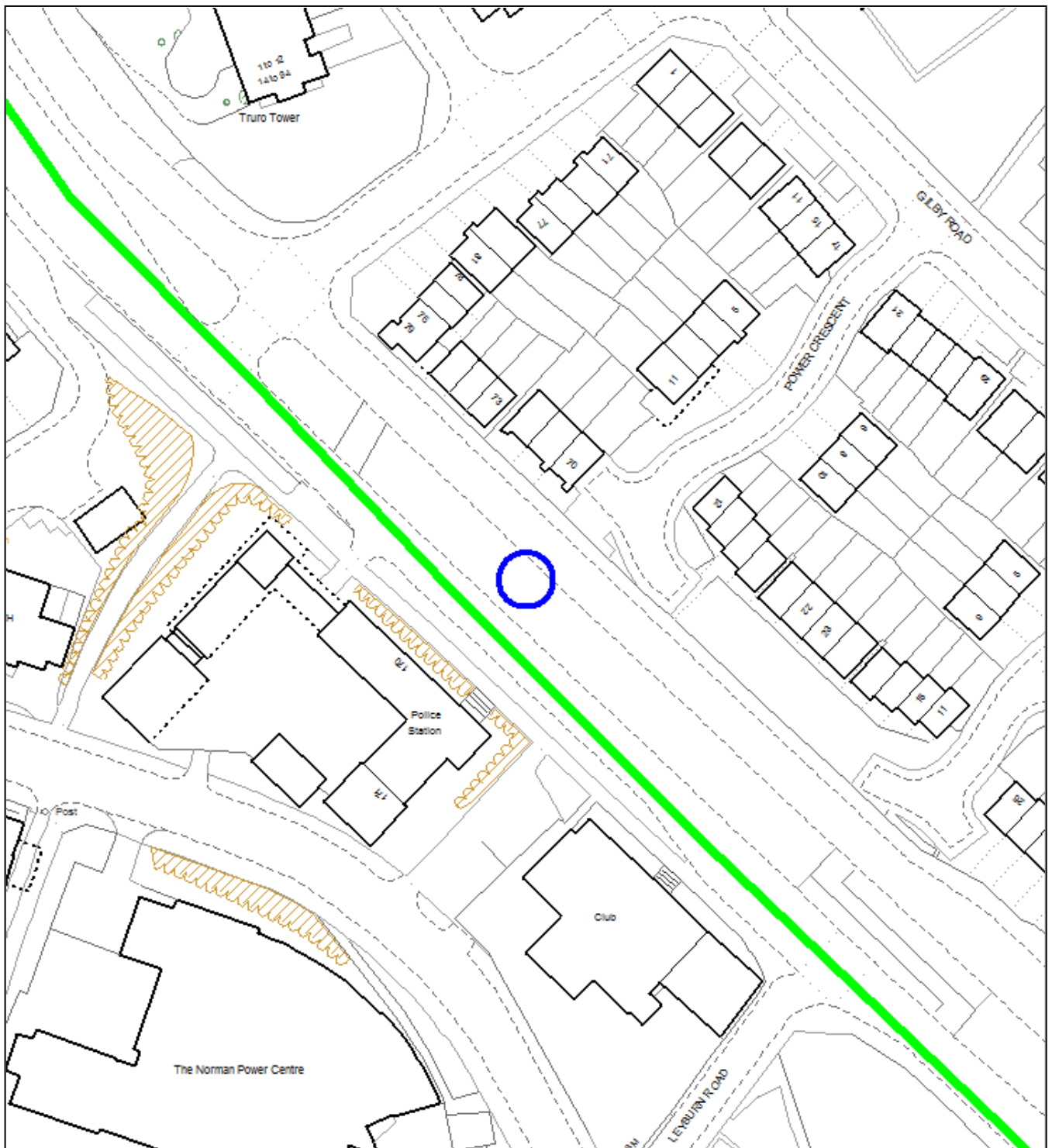


**Photo:**



**Figure 1 Photo of the Site Looking West**

## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06965/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Ladywood		

Ladywood Middleway, Central Reservation Area, City Centre,  
Birmingham, B16

Installation of double-sided digital advertising totem

Applicant: Commercial Development  
Birmingham City Council, Room 237, Council House, Victoria  
Square, Birmingham, B1 1BB

Agent:

---

### Recommendation

#### **Approve Temporary**

##### 1 Proposal

- 1.1 This application proposes the installation of a new freestanding double sided static digital advertisement unit to be located on the central reservation on Ladywood Middleway on the canal bridge to the east of the junction with Icknield Square
- 1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The stainless steel unit would contain a static digital screen that would be internally illuminated at 300cd/m<sup>2</sup>. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre.
- 1.3 The proposed advert unit is part of a contract within the City.
- 1.4 [Link to Documents](#)

##### 2 Site & Surroundings

- 2.1 The advertisement would be located on the central reservation on Ladywood Middleway on the canal bridge to the east of the junction with Icknield Square. The central reservation in this location is a grassed area containing a number of trees.
- 2.2 The dual-carriageway and the associated landscaped highway land are the dominant features in the character of the site. The surrounding area has a mixed residential and commercial character. There are large industrial buildings located to the west of the site off Ickfield Square and Ledsam Street. There some low level residential buildings located to the north west and south west of the site, community buildings with associated open space to the west.
- 2.3 [Site Location](#)

### 3 Planning History

#### 3.1 No Planning History

### 4 Consultation/PP Responses

- 4.1 Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit. A Grampian condition has also been requested for the relevant highway agreements to be in place prior to the unit being installed.

### 5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

### 6 Planning Considerations

- 6.1 In accordance with paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

#### AMENITY

- 6.2 The proposed advert would be located on the central reservation on Ladywood Middleway on the canal bridge to the east of the junction with Icknield Square. Although there is some existing highway signage within the vicinity of the site, the area remains uncluttered by existing advertisements. There is a large banner advert at the junction of Ladywood Middleway and Icknield Square. There is also another proposed freestanding double sided static digital advertisement to the west of the site at the junction of Ladywood Middleway and Icknield Square. However, the proposed advertisement would be modestly proportioned with a slender contemporary design. It would not appear as a dominant feature on this section of highway land. It is therefore considered that the proposed advertisement would not have an impact upon visual amenity. The proposed advert would not impact on trees near the site.

#### PUBLIC SAFETY

- 6.3 Transportation Development have advised that the proposed replacement advertisement would raise no issues in terms of footway width or visibility requirements and no objections are raised to the proposal on the grounds of public safety, subject to conditions to restrict animated displays in the interests of highway safety. However, the requested condition for the relevant highway agreements to be in place prior to the unit being installed would not be reasonable and will not be applied.

7      Conclusion

7.1     The proposed advert is considered acceptable in terms of the impact upon the visual amenity of the area and public safety.

8      Recommendation

8.1     Approve Temporary

---

1      Limits the use of advert

2      Limits length of the display of advert

3      Limits the control of the intensity of the illumination

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

5      Limits the approval to 5 years (advert)

6      Design of power supply/damage made good

---

Case Officer:         Robert Lester



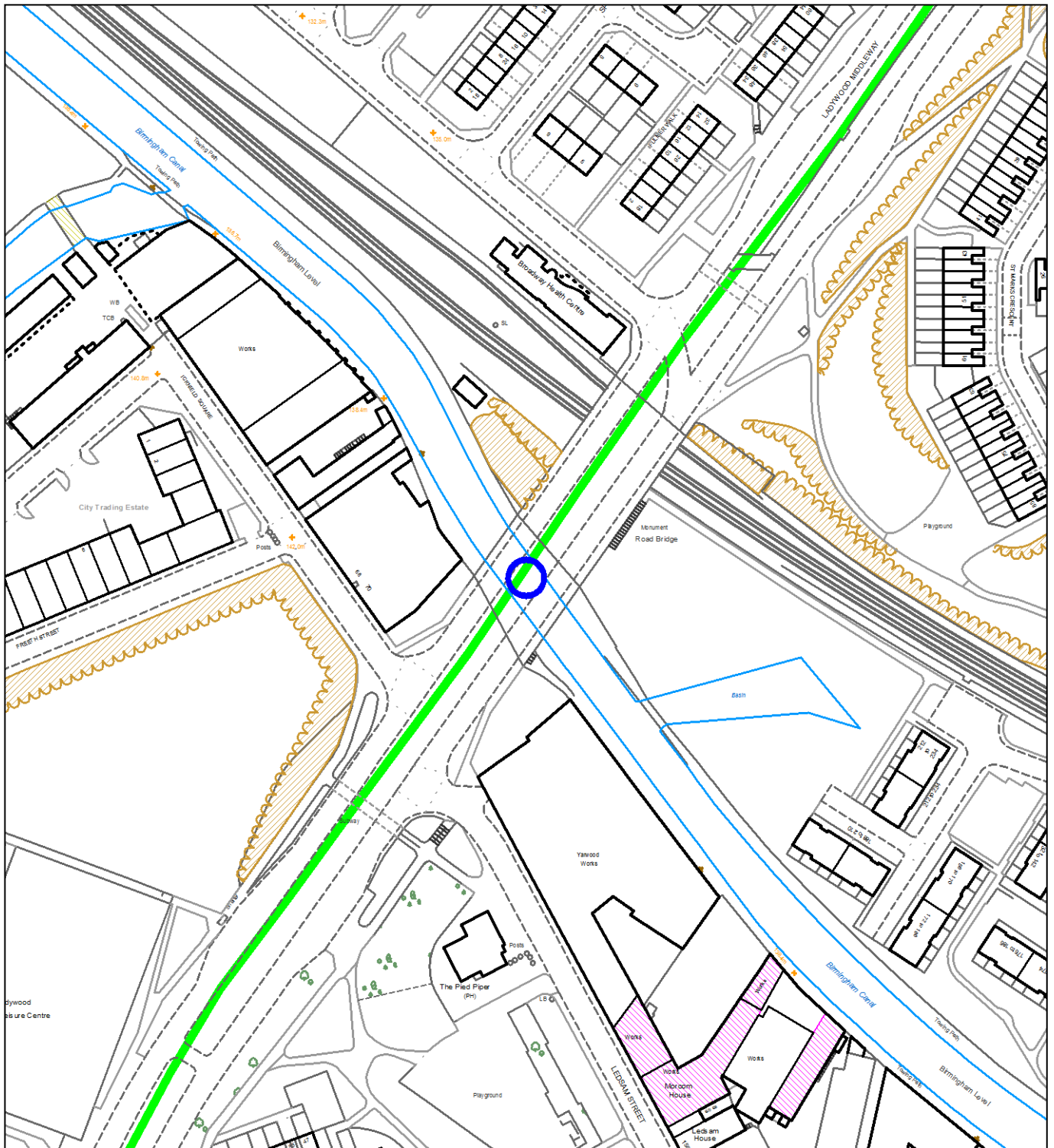
**Photo:**



**Figure 1 Photo of the Site Looking West**



## Location Plan:



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

---

Committee Date:	29/10/2015	Application Number:	2015/06961/PA
Accepted:	08/09/2015	Application Type:	Advertisement
Target Date:	03/11/2015		
Ward:	Aston		

New John Street West, Central Reservation Area, near Hospital Street, City Centre, Birmingham, B19

Installation of double-sided digital advertising totem

Applicant: Birmingham City Council  
Commercial Development, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

Recommendation

**Approve Temporary**

1. Proposal

1.1 This application proposes the installation of a freestanding double sided digital advert to be located in the central reservation of New John Street West close to the junction with Hospital Street and the pedestrian junction; opposite the residential block known as Martineau Tower.

1.2 The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The unit would be digital matrix and stainless steel and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre. This would be a new advertisement with a static display.

1.3 The proposed advert unit is part of a contract within the City.

1.4 [Link to Documents](#)

2. Site & Surroundings

2.1. The central reservation is, at this point, approximately 9m in width, grassed and planted with a row of trees. The site lies approximately 200m west of the traffic light junction of New John Street West and New Town Row. The area to the north is a part commercial part residential area, to the south lies St. Chad's Catholic Primary School and a series of residential blocks.

2.2 [Site Location](#)

3. Planning History

3.1. 1996/00279/PA - Installation of brackets/fixing arrangements for the display of events pennants on lamp columns. Approved 23/03/1996

#### 4. Consultation/PP Responses

- 4.1. BCC Transportation Development - No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit.

#### 5. Policy Context

- 5.1. National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

#### 6. Planning Considerations

- 6.1. According to paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

##### AMENITY

- 6.2 The proposed advertisement would be one in a series of totem signs staggered along the length of the central reservation. Whilst the proposed advertisement would be a new sign at this location another three replacement advertisements have been approved along this same central reservation and a fourth advertisement at a distance of approximately 100m to the west has been submitted (Reference 2015/6963/PA). Whilst the area is free from street furniture and clutter the proposed advertisement would appear diminutive in this open and spacious area and there would be no loss of visual amenity.

##### PUBLIC SAFETY

- 6.4 BCC Transportation Development have noted that the proposed advertisement would be a new asset but would be positioned at a suitable distance from the adjacent new and existing signs. It would be a static digital display with no effect on visibility splays or pedestrian movements. Subsequently no objections have been raised and it is considered that there would be no impact upon public safety.

#### 7. Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the amenity of the area and public safety.

#### 8 Recommendation

- 8.1 Approve temporary

- 
- |   |  |
|---|--|
| 1 | Limits the use of advert               |
| 2 | Limits length of the display of advert |
-

- 
- 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
  - 6 Power Supply and Making Good of Damage
- 

Case Officer: Julia Summerfield

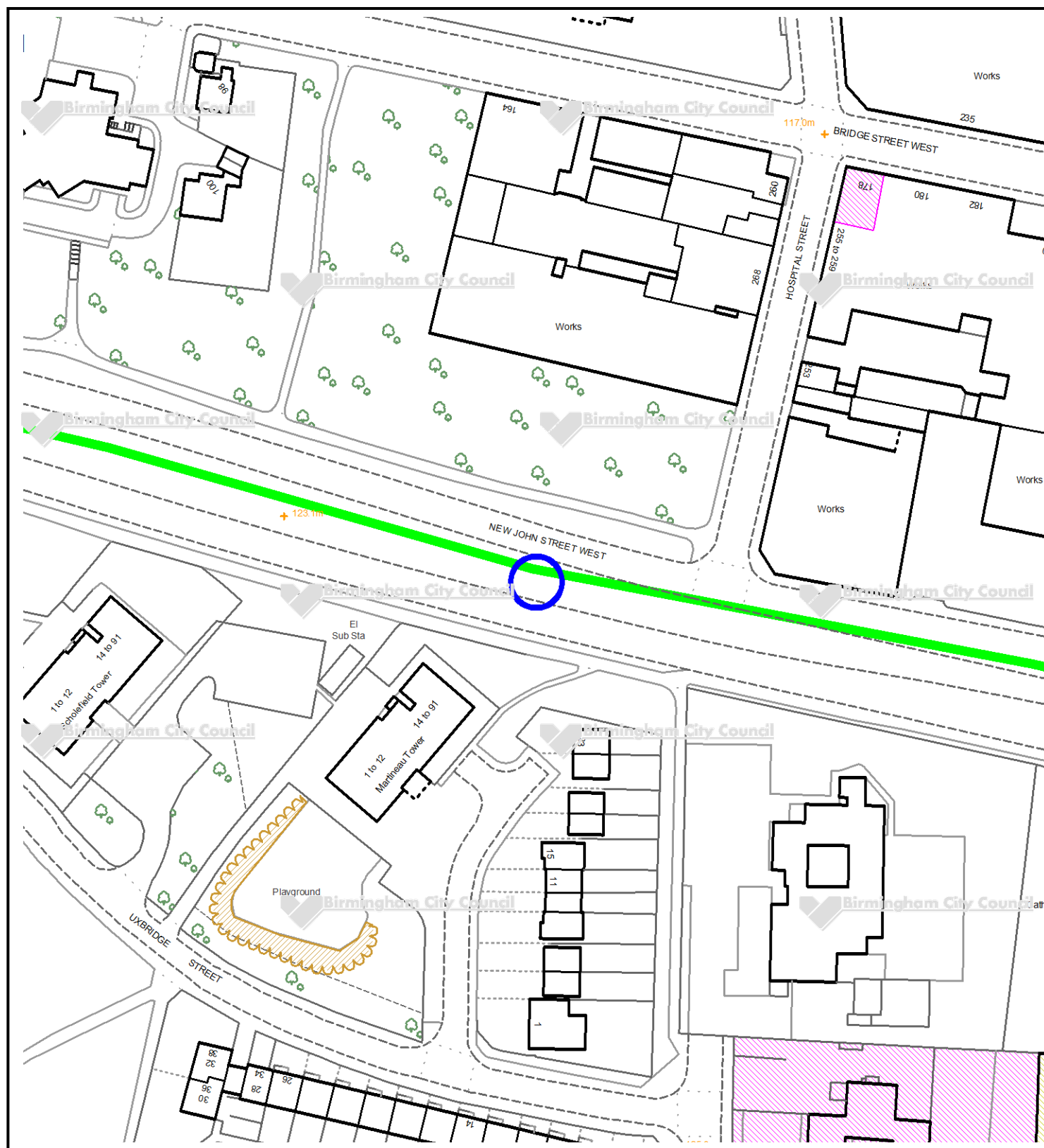
**Photo(s)**



View 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