

# **Birmingham City Council**

## **Planning Committee**

**07 April 2022**

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>
Determine	6	2021/05314/PA  Land off Barnsley Road Edgbaston Birmingham B17 8ED  Demolition of existing structure on site, to allow for the erection of a two storey detached building to provide 17no. assisted living residential units, with associated car parking and landscaping works.
Approve – Temporary 7 years	7	2022/01117/PA  Galey Park Walsall Road Perry Barr Birmingham B42 1TP  Proposed mixed use container park (E(a), E(b), E(c), E(d), E(g), F1(a) and SG uses) for a temporary period of 7 years.

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Committee Date:	07/04/2022	Application Number:	2021/05314/PA
Accepted:	04/02/2022	Application Type:	Full Planning
Target Date:	13/05/2022		
Ward:	North Edgbaston		

Land off Barnsley Road, Edgbaston, Birmingham, B17 8ED

Demolition of existing structure on site, to allow for the erection of a two storey detached building to provide 17no. assisted living residential units, with associated car parking and landscaping works.

Applicant:	Edgbaston SSL Ltd C/o Icen Projects, Da Vinci House, 44 Saffron Hill, London, EC1N 8FH
Agent:	Icen Projects Da Vinci House, 44 Saffron Hill, London, EC1N 8FH

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Recommendation  
**Determine**

### **Report Back**

- 1.1. This application was presented to Planning Committee on the 20th of January 2022. At the meeting, Members were minded to refuse the application on the grounds that the proposed residential units did not meet the Nationally Described Space Standards and provided a poor-quality living environment for future occupiers. Members also had concerns regarding the provision of outdoor amenity space, which was also considered to be substandard, falling below the Council's adopted guidelines.
- 1.2. Following this, a full review of submitted plans found there was an error in the previous report, as all of the proposed residential units would either meet or exceed the Nationally Described Space Standards. The correct figures are set out in the original report back.
- 1.3. In the case of an application straddling more than one council boundary, as in this case, Planning permission will also be required from both Councils.
- 1.4. The applicant has further submitted an amended site plan, upon which the Council issued a re-consultation. The amended site plan has repositioned a number of the proposed car parking spaces at the site, in order to create a new private external amenity area for future residents of the proposed apartments. This area measures 255sqm in size, falling below the requirement of 360sqm, as specified within the Spaces for Living SPG. The plan now also shows the various small pockets of space, previously shown as amenity space, as areas for landscaping. The areas of land occupied by the former garage plots, which is outside of the applicant's ownership, are identified and have been cordoned off using a post and rail fence, with landscaping within. In support of the amended site plan, 3D modelling images have also been submitted, in order to provide an impression of what the scheme would look like.



Proposed layout

- 1.5. This amendment represents a significant improvement to the outdoor amenity space provision for the occupants of the apartments (21.25sqm per apartment against a requirement of 30sqm). The site is also within walking distance to existing parks and open spaces. However, whilst the presence of nearby POS can be justification for accepting a reduced provision of outdoor amenity space in some cases; in this case it is considered that the nature of the proposed occupants will result in them being more reliant upon the on-site provision. Therefore, despite the improvement in provision, members may consider that the remaining shortfall is cause for concern.



Image of development looking from southwards from the northern end of the internal access road

- 1.6. The applicant has also submitted a letter from the Interim Lead Commissioner for Learning Disabilities and Autism, at the NHS Birmingham and Solihull Clinical Commissioning Group. This letter sets out that the Birmingham and Solihull Clinical Commissioning Group support the decision to develop 18no. new supported living units on Barnsley Road. The letter however sets out that there are no guarantees in terms of the Group setting up a contract with the applicant, as such guarantees are not made by the Commissioner. However, the letter sets out that there is a significant need for specialist supported living accommodation such as that proposed.
- 1.7. A further 2no. supporting statements have been submitted on behalf of the applicant, Eden Futures. These set out the need for the development and seek to reassure Members that the applicants operate a number of similar sites in other parts of the country, with no or limited external amenity space. The statement sets out that the individuals residing at the site have a bespoke support plan, in which the applicant focuses on the individual engaging with others outside of the site and visiting local parks, cafes and other such facilities with carers and support staff, as part of their care plan. The statement further argues that the occupants would be encouraged to meet indoors, whereby support staff is available at all times for assistance. With reference to the bungalows, the statement sets out, that as these occupants would have different support needs, the bungalow units would have individual private amenity areas meeting or exceeding the 30sqm guidance figure.
- 1.8. A further consideration is the Birmingham Development Plan became 5 years old on the 10th January 2022. In accordance with Paragraph 74 of the NPPF, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d of the NPPF is engaged and the 'tilted balance' applies. For decision taking, this means where the policies which are most important for determining the application are out of date, the titled balance is engaged and planning permission should be granted unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits, when assessed

against the policies in the Framework taken as a whole.

- 1.9. It is considered that the benefits of the proposal in boosting the city's housing supply with a net gain in this form of specialist accommodation affords weight in the decision-making process. Some harm, in the form of a shortfall in the provision of outdoor amenity space is identified and members may consider that this is of sufficient weight to outweigh the need for housing.

2. Consultation/PP Responses

Transport development:

- 2.1. Transportation have reviewed the amended plans and raise no objections, subject to appropriate safeguarding conditions, which are found within the original report and report back.

- 2.2. Since the last committee date, 19no. further letters of objection have been received by the Council. While a number of the points raised are already addressed and covered within the original committee report, the additional areas of concern are detailed below:

- The Officer report references to further planting by way of condition and this is not included within the submitted report;
- The number of EV charging points remains unclear;
- The photo within the committee report is not a clear representation of the site;
- The report is not clear why so much flexibility is being offered to this scheme;
- The report doesn't justify the need for the development;
- The report is not policy compliant;
- The site notice was posted very late;
- The re-consultation was not clear;
- The application has been put back in the past;
- Lack of response from case officer;
- The case officer report contained numerous errors;
- NHS commissioner letter was not public;
- The incorrect fee was paid;
- Council has failed in keeping local people up to date;
- Outdoor amenity space still does not meet standards;
- Lack of consultation with neighbours on amended scheme;
- Transport statement has not been amended;
- The site still relies on the garage plots without their ownership;
- Over reliance on local open space as on-site provision is inadequate;
- No shared internal amenity space for residents;
- Noise, disturbance and odours from nearby recently approved take away will impact the application site and future residents;
- Concerns about the road junction in front of the site;
- Lack of coordination with Sandwell Council;
- Future concerns about access to garage plots and interaction with service users;
- Land ownership issues; and
- No contribution to local open space and other such infrastructure.

- 2.3. A further letter was also received from the MP Preet Kaur, setting out the below:

- Insufficient time has been allowed for residents to respond to the application, as part of the consultation period;
- Officer errors were made during the original review of the application;
- The report refers to the outdoor amenity space exceeding the threshold of the required 360sqm of external space, but this factors in unusable areas;
- The scheme offers insufficient car parking;
- No consultation has been carried out with residents of elected members from Sandwell Council, despite the site crossing boundaries;
- A document relating to a different application has been misfiled on the website;
- A site visit should take place;
- A new light night takeaway has been approved in close proximity to the site, which would add noise and nuisance and anti-social behaviour to the area; and
- West Midlands Police have raised concerns about how the development will affect the community, given the high number of HMO's within the area.

2.4. A further objection letter has been submitted by Councillor Carl Ricer, highlighting the below areas of concern:

- Development relies upon local amenities, however there is little or no public open space nearby the application site;
- Lack of clarity regarding the garage plots and their future use and access;
- Level of car parking is not adequate for the site;
- Transport statement remains unmodified; and
- A new restaurant has opened nearby the site which would release odours into the application site.

2.5. A further petition, with 105 signatures has also been submitted in response to the latest set of amend plans, setting out the following reasons for objection:

- Destruction of green space;
- Impact upon local wildlife
- Additional noise and nuisance concerns around privacy from the loss of trees on site;
- Proposed building would have privacy implications from existing occupiers;
- Increase in traffic within the local area; and
- The lack of consultation with local residents and elected Members.

2.6. In response to the comments above, it can be confirmed that appropriately worded conditions for future landscaping works and EV charging points are included and can be found within the original case officer report below.

2.7. The photo provided within the report is for illustration purposes only and has not been used to assess the application.

2.8. In terms of flexibility, the applicant is not proposing a typical C3 development and as such policies around affordable housing etc. are not applied in this instance.

2.9. Although it is noted that the site notice was not displayed at the same time as original consultation letters were sent out, sufficient time was allowed for future responses to be received in response to this. It can further be confirmed that the Council has

exceeded the statutory requirements to advertise the application, in terms of consultation with neighbours and other groups.

- 2.10. The NHS commissioner's letters have now been made public.
- 2.11. The recently approved takeaway/restaurant nearby will have gone through the full planning process and will have safeguarding conditions associated with the consent, in relation to odour control. With reference to noise and nuisance, these comments are subjective, and it is not considered that there would be any undue noise or nuisance associated with this development, that would have an impact upon the current proposals.

### 3 Conclusion

- 3.1. Officers consider that the amended scheme has sought to address Members' concerns, but the outdoor amenity provision still does not meet the outdoor amenity standards and members may consider this level of harm is not outweighed by the shortfall in housing.
- 3.2. If members are minded to refuse the application, the following reason for refusal is recommended by officers:
  - The proposed development would not provide sufficient outdoor amenity space for the intended occupiers, contrary to the provisions of Policies DM10 and DM12 of the Development Management in Birmingham DPD, guidance given in 'Places for Living' SPG and the NPPF.

### **Report Back (3<sup>rd</sup> February 2022)**

- 1.1. This application was presented to Planning Committee on the 20th of January, 2022. At the meeting, Members were minded to refuse the application on the grounds that the proposed residential units did not meet the Nationally Described Space Standards, and provided a poor-quality living environment for future occupiers. Members also had concerns regarding the provision of outdoor amenity space, which was also considered to be substandard, falling below the Council's adopted guidelines.
- 1.2. Officers have however, upon further review of the submitted plans, found that all of the proposed apartments and bungalows would either meet or exceed the Nationally Described Space Standards, for one bed, one person units. The incorrect figures, reported within the original committee report, at paragraphs 1.2 and 6.21 were due to Officer error. The accurate figures are further detailed below for each of the individual units.

Flat / Bungalow	Floor Space in Square Metres
Flat 1	42.43
Flat 2	41.57
Flat 3	42.12
Flat 4	40.23
Flat 5	39.02
Flat 6	43.67
Flat 7	42.41
Flat 8	43.34
Flat 9	39.60
Flat 10	42.36
Flat 11	42.19
Flat 12	42.06
Bungalow 1	46.12
Bungalow 2	45.71
Bungalow 3	41.45
Bungalow 4	47.35
Bungalow 5	47.08
Nurse Hub	44.68

*(Figure 1 – table to show floor space figures)*

- 1.3. It is therefore considered that a refusal on the basis of the above figures cannot be substantiated.
- 1.4. With reference to the proposed outdoor amenity space, the figures reported within the original committee report at para. 6.22 did not take into account the land identified on the submitted plan as “garage spaces”. Upon further review the following can be confirmed.
- 1.5. Bungalows:
  - All of the ground floor bungalows have their own private garden, as these individuals require a greater level of care.
  - The garden sizes are now confirmed to measure between 28sqm and 40sqm, complying with the Council's Places for Living SPG which requires a minimum figure of 30sqm per unit, with the exception of one bungalow falling slightly short.
- 1.6. Apartments:
  - A total of 12 apartments are proposed and Places for Living SPG would require a minimum outdoor amenity space of 360 sqm.
  - When combining the main areas of outdoor private communal space within the site, (linear areas to the east and north of the main building), 307sqm is provided. However, also taking into account the smaller areas elsewhere within the site (each individually larger than 10sqm), it exceeds the minimum requirement.
- 1.7. Whilst it is noted that in numerical terms sufficient outdoor amenity space is provided for the occupiers of the apartments, Members may wish to consider the qualitative issue. The majority of the space referred to above is a linear strip located between the proposed building and the access road, alongside the parcel of space located to the north of the car park. The additional areas referred to above are small parcels of space



that are located to the corners of the site between the site boundary and the boundaries to the bungalow gardens.

- 1.8. If Members are minded to refuse the application on these grounds, the following is suggested:
- The proposed development would not provide sufficient private useable outdoor amenity space for the intended occupiers, contrary to the provisions of Policies DM10 and DM12 of the Development Management in Birmingham DPD, guidance given in 'Places for Living' SPG and the NPPF.

### **Original Report (20<sup>th</sup> January 2022)**

1. Proposal
- 1.1. Proposed demolition of existing single storey garages and erection of 2 storey detached building consisting of 17no. assisted living, self-contained apartments and bungalows; with ancillary landscaping and car parking.



Image 1: Proposed site plan within site context.

- 1.2. The proposed L shaped block would be erected to the site's south-west, the building would be set in at first floor level, towards the west of the site, with the western most section being single storey only. There is a nurse's station and 8 self-contained units at ground floor; 5 to the west and south described as 'bungalows' with private external terraces and 3 apartments to the east. At first floor, a further 9no. apartments would be created. All of the units would be circa 28sqm in size and would feature a kitchen, living space and separate bedroom, with either an in-suite or separate bathroom.



2: Proposed ground and first floor layout plans.

- 1.3. To the north, 10no. car parking spaces would be created, alongside a cycle store. Small pockets of communal amenity space would be created to the east and west.
- 1.4. A small strip of landscaped land labelled as “garage plots” on the submitted plans is anticipated to be landscaped and retained as open space. However, a condition should be attached to ensure that this parcel of land is landscaped and retained as communal amenity space for residents. Access to the rear of properties on Barnsley Road would also be retained.
- 1.5. The end user would be “Eden Futures”, who are a care provider for people with disabilities and other support needs. The company currently manages upwards of 600 service users and have over 1000 staff across a number of properties, UK wide. The supporting statement has stated that this application has been prepared together with the local commissioner of the NHS. This site is said to have been selected due to being close to local amenities and for having good transport links and demand for such a service within the area. The applicant adds there are also ample staff residing within a 6-mile radius.

- 1.7. The bungalows are individual units served by a safety corridor, with all access points monitored and controlled by staff. The flats are safeguarded in a similar fashion and have a separate access point. The dwellings are used as short term transitional accommodation, typically for 18 months and are not designed for long term use.
- 1.9. The care levels of each individual vary, with the residents within the bungalows requiring a greater and much more intense level of care, when compared to residents within the apartments. As care staff are situated within a 6-mile radius, no on-site sleeping or shower facilities are provided for the staff and CCTV will remain operational 24/7 and this includes the external amenity spaces.
- 1.10. Up to 12no. staff would be on site at any one time during the day and a maximum of 6no. staff during the night shift. Residents receive on average 2 visitors per week, including health care professionals during morning hours or early evenings. None of the residents are likely to own a private vehicle and the car parking spaces are earmarked for staff and visitors only. All staff will be encouraged to use sustainable transport as opposed to driving to and from the site.
- 1.11. The application is supported by the following documents: Energy statement; Flood risk assessment and drainage strategy; Ecological appraisal; Design and access statement; Tree report; Residential noise survey; Planning statement; Sustainable construction statement; and Sustainability statement.
- 1.12. [Link to Documents](#)



Image 3: Aerial photo of site, within wider context.

4. Site & Surroundings
- 4.2. The application site is between residential dwellings on Barnsley Road, Poplar Road, Anderson Road and Drayton Road. The land has a single access point to its south-eastern corner, accessed via Barnsley Road. The site is largely vacant. The Poplar Road properties are Victorian terraced 2-storey houses with gardens circa 20-40m long. Dwellings on Anderson Road are 3-storey, terraced dwellings, with 12m long rear gardens. To the east, the houses form part of Barnsley Road Conservation Area and are distinctive late Victorian / Edwardian 2-storey semi-detached houses with 16m rear gardens.

- 4.3. The site had previously been used to house a number of single storey prefabricated garages, relating to dwellings on Barnsley Road. The wider site remained open, with pockets of vegetation and trees throughout, as seen on the aerial image above. A number of these trees and areas of vegetation however have since been removed and cleared. The site is not protected by any TPO's.

5. Planning History

- 5.2. 2002/02757/PA – erection of 8 dwelling houses – approved.

6. Consultation/PP Responses

- 6.2. Education services – no objections.
- 6.3. Transportation – no objection subject to conditions: Appropriate pedestrian visibility splays to be provided, gates to be set back into the site a minimum of 5.5m and parking spaces to be clearly marked out on the ground within the site.
- 6.4. Lead Local Flood Authority – no objection subject to conditions: the prior submission of a sustainable drainage scheme and a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.
- 6.5. Regulatory Services – no objections subject to conditions: Construction Management Plan, Contamination Remediation Scheme, Contaminated Land Verification Report and the use of electric vehicle charging points.
- 6.6. BCC Employment – no objections.
- 6.7. Severn Trent Water – no objections subject to a condition to secure the disposal of foul and surface water flows.
- 6.8. West Midlands Police – no objections and make a number of recommendations, relating to crime prevention and safety measures.
- 6.9. West Midlands Fire Service - no objections and make a number of recommendations.
- 6.10. School organisation team – no comments.
- 6.11. Press and site notices posted. MP, Councillors, Residents' Associations and neighbouring occupiers notified. 36no. letters of objection have been received, raising the following comments:
- Lack of sufficient consultation with local residents and neighbours;
  - Inaccuracies within the information submitted;
  - Lack of clarity of the existing garages on site and the rights of their current owners;
  - Clearance of the ground and removal of existing trees on site, without consent or consultation with neighbours;
  - Exasperation of existing pollution and traffic/congestion problems within the area;
  - Additional noise and anti-social behaviour that will be generated by this new development;
  - Residents with mental health issues likely to cause noise/nuisance, engage in antisocial behaviour and result in an increase in crime;
  - Health and safety concerns for the residents;

- Increased crime and anti-social behaviour for existing neighbouring residents as a result of the scheme;
- The unnecessary additional pressure on already over stretched police and ambulance services, serving this area;
- Increased light pollution and impact upon neighbouring residential amenity;
- Cramped form of parking will result in additional on streetcar parking pressure;
- Impact upon natural wildlife at the site;
- Overlooking;
- Drop in property values within the area;
- No provision for green or outdoor space for new residents;
- Disproportionate number of HMO's and exempt accommodation within the area already;
- Negative impact upon conservation area;
- Cramped living spaces proposed for residents;
- Loss of green space and the visual aspects of this for existing neighbouring residents;
- Right of way and use of existing garages remains unclear;
- Accessway too narrow for development;
- Problems turning and getting onto the surrounding roads;
- Shoehorned development;
- Treatment of Japanese Knotweed on site;
- Existing issues around fly-tipping;
- Loss of light for neighbouring dwellings;
- The site is not brownfield;
- The applicants do not own the site;
- The site should be repurposed for community use;
- The development should use a vacant building elsewhere within the city;
- Intimidation from developers to sell land;
- Confusion over future of car parking and garage spaces;
- Scale and massing of development is disproportionate for size of site;
- Replacement tree planting is required;
- Residents would come from outside of Birmingham;
- Inaccuracy of submitted information; and
- Increase in emergency services attending site.

6.12. A petition has also been submitted siting reasons set out above for objection to the development with 90 signatures.

6.13. A single letter of support has also been received.

6.14. A letter of objection from the MP Preet Gill has also been received, setting out the below reasons for objection:

- Limited response time was allowed for comments from neighbours;
- Inaccuracy of information submitted;
- Clearance work took place without consultation;
- Unclear why the number of units proposed is required;
- Unclear if existing buildings have been reviewed for use?
- Existing concern of anti-social behaviour and crime;
- High concentration of HMO's within the area;

- Impact upon Police resources;
- No outdoor amenity space for residents;
- Impact upon privacy of neighbouring residents;
- Development too large for the site;
- Issues around land ownership; and
- Site not suitable for this type of development.

6.15. A letter of objection from Councillors Carl Rice, Sharon Thompson, Ahmad Bostan (SMBC) and Nicky Hinchliff (SMBC) has also been received, setting out the below reasons for objection:

- No demand for such accommodation within the area;
- Overconcentration of such uses within the Ward;
- Impact upon local streetcar parking;
- Impact upon the amenity of existing residents;
- Impact of the site limitations on the end service users;
- Small entrance will lead to noise and nuisance;

6.16. A letter of objection from John F. Spellar MP for Warley has also been received, who:

- Would like to endorse the points raised by MP Preet Gill.

## 7. Policy Context

7.2. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Birmingham UDP saved policies (2005); Development Management in Birmingham, Places for Living SPG (2001); Car Parking Guidelines SPD (2012); Public Open Space in New Residential Development SPG (2007); and Affordable Housing SPG (2001).

## 8. Planning Considerations

### Principle

8.2. The application site is designated as a SHLAA site (S485) and has a previous planning permission for housing which has now expired for 8no. 2 and 3 storey houses.

8.3. The proposal is for 17no. assisted living residential units, as short-term transitional units, providing different levels of care. As such, the proposal is meeting a specific need for the City in relation to assisted living accommodation, whereby residents in support of specialist, affordable housing can be housed. This specific need is identified within Policy TP31 of the BDP and Policy DM12 of the Development Management in Birmingham DPD (DMB).

8.4. Policy DM12 from Development Management in Birmingham focuses on Residential Conversions and Specialist Accommodation. The policy stipulates that such schemes will only be supported if:

- A. It will not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area;
- B. The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;
- C. It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;
- D. The scale and intensity of the proposed use is appropriate to the size of the building;



E. It will not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.

- 8.5. In terms of the cumulative impact of similar uses within the area, a search of residential properties within a 100m radius of the application site was undertaken both within Birmingham as well as Sandwell. Policy DM11 of the DMB contains a 10% threshold for HMOs within a 100m radius. 10no. HMOs and 2no. exempt accommodation premises were identified representing a total of 10.9%. However, the proposal is not for a HMO and as such would not impact upon this figure.
- 8.6. Policy DM12, which is relevant to this proposal as forming specialist accommodation, does not specify any threshold. When looking at other uses a guest house and 14 properties converted to provide self-contained apartments were identified. The search failed to identify any uses similar to that proposed and the proposal would not be replacing existing residential accommodation and would be the only such purpose-built assisted living accommodation premises. As such it is considered to comply with the NPPF and Policy TP27 in providing a wide choice of housing size, type and tenure to ensure balanced communities catering for different groups in the community. Local concerns are recognised but it is not considered that the proposal would result in an unacceptable cumulative impact that would erode the character of the area to warrant the refusal of the current scheme.
- 8.7. With reference to section B, this has been discussed within the residential amenity section of this report and this policy is met. The proposals are also considered to meet section C, D and E of the above-mentioned policy. As such, the development is considered to be acceptable.

#### Sustainability

- 8.8. The applicant has submitted an Energy Statement setting out the baseline energy use and stating that the development will achieve a CO2 reduction of 19% through various energy saving measures. The feasibility of renewable energy generation concluded that the most appropriate cost-effective renewable energy technology for the proposed development would be EV panels and the submitted details have been considered acceptable. The applicant has also submitted a sustainable construction statement which Planning Policy colleagues considered complied with Policy TP3.

#### Heritage

- 8.9. The application site is partly situated within the Barnsley Road Conservation Area, alongside being situated within the setting of the Grade II Listed Sandon Road Methodist Church. The former, now removed garages on site were considered to be in a poor condition and did not contribute to the significance of the Conservation Area, as such their demolition is considered acceptable.
- 8.10. The proposed building is two storeys in height and sits back from the boundaries of the Conservation Area and as such this is not considered to have a harmful impact upon the setting of either the Conservation Area or the nearby Listed Church. The only part of the proposed development that would be situated within the Conservation Area would be the proposed gates and bin store, details of which have been submitted. These have been considered acceptable by the Conservation Officer and as such the development is considered to make a neutral impact upon the setting of the nearby Listed Church and Conservation Area and is not considered to harm their significance.

#### Design

- 8.11. The building is located in the southern part of the site, with a small car park to the north. The 'bungalow' units positioned on the southern and western elevations have enclosed private gardens, while the first floor is accommodated within the roof space, in order to reduce the building's scale and keep it below the height of surrounding houses, creating a large expanse of sunken flat roof which has been utilised to provide PV panels. The siting, scale and massing minimises impacts on residents of existing houses and is considered acceptable. It should also be noted that this remains lower when compared to the former approval on site.



Image 4: CGI of aerial shot of proposed development in site context.

- 8.12. The building has a coherent, well-proportioned appearance with red and buff bricks, a standing seam metal roof and dormers, and dark grey uPVC window surrounds. Additional interest is created by detailing of brick work around the windows, alongside vertical and horizontal brick banding. The design approach is considered acceptable.



Image 5: details of proposed materials.

- 8.13. Detailed landscape proposals have not been provided at this stage, but there remains scope to provide trees and other planting for visual and biodiversity interest that will benefit the amenity of both the users of the proposed housing and existing residents of adjacent homes. Suitable conditions to secure details for the proposed: landscaping, materials and architectural details are attached.

Residential Amenity



- 8.14. There are a number of residential dwellings in close proximity. In terms of overlooking, the development is considered to achieve sufficient distances from existing nearby dwellings, in order to avoid any undue overlooking concerns and would meet the distance separation guidelines for ground floor and first floor habitable room openings, as set out within the Spaces for Living SPG. It is noted that 2no. openings do not meet this distance at first floor level for flats 5 and 6, however these do not overlook a private rear garden and are thus found to be acceptable.



Image 6: CGI showing relationship between proposed development and neighbouring dwellings.

- 8.15. The development is not considered to result in any new undue loss of light or overbearing concerns, for nearby existing residential occupiers, given the low-lying scale of the development and flat roof.
- 8.16. Regulatory services have no concerns with reference to noise and nuisance, however, given the close proximity of residential occupiers, a condition to secure a construction method statement and management plan has been recommended. This will help safeguard the amenity of neighbouring residential occupiers during demolition and construction.
- 8.17. Furthermore, in order to further maintain the privacy and amenity of neighbouring land users a condition for boundary treatment details, will be attached, which will ensure at least a 1.8m perimeter is erected across the site.
- 8.18. In addition, a condition to secure a suitable lighting scheme to minimise and site lights in such a manner which causes the least level of harm to neighbouring adjoining occupiers will be attached. This will minimise any light pollution/spill into the garden areas of neighbouring occupiers.
- 8.19. A further condition to limit the number of occupants will be attached to safeguard the amenity of neighbouring residents.

#### Amenity for Future Occupiers

- 8.20. Regulatory services have no objections.
- 8.21. The floor plans show all apartments as having a good level of light and outlook for future occupiers. 2no. bedrooms have been fitted with obscure glazing; however, these will also feature roof lights and would have openings which are top hung, above 1.8m, from internal floor level.

- 8.22. It is noted that the apartments do not meet the standards as set out within the Nationally Prescribed Space Standards for 1 bed apartments. This would be circa 37sqm, whereas the proposed units are roughly on average circa 28sqm. However, the type of accommodation is not a typical C3 use, and as such a degree of flexibility is required, when dealing with supported living style accommodation, such as that proposed. As such, it is considered that although the apartments and bungalows do not meet the guidelines, these are considered suitable for the type of accommodation on offer. Given their short-term use and the needs of future residents, on balance, this level of space is deemed acceptable.
- 8.23. Places for Living requires 30sqm of private amenity space per apartment, equating to 510sqm for the proposed development. The applicant is proposing circa 100sqm of private amenity space in the form of a private terraces and shared amenity areas. However, as this is not a typical form of C3 development, a degree of flexibility is required, and it is noted that the needs of residents will be very different to those of typical residential schemes. Lightwood Park remains a short distance away, available for the use of future residents.
- 8.24. Bearing this in mind, the level of private amenity space on offer is considered acceptable. A condition to ensure that the development remains a specialist form of supported living accommodation will be attached to ensure that the development does not become standard C3 accommodation for which a different type of outdoor amenity space is required.

#### Highway Safety / Parking

- 8.25. 10no. car parking spaces are proposed on site, these are likely to be used by staff and visitors, as the proposed residential occupiers are unlikely to own or use a private vehicle, given the type of accommodation. Transportation Development have no objections and recommend conditions, which include: the gates to be setback from the highway, vehicle visibility splays to be provided and for the parking spaces to be made available, prior to first use. These conditions are considered both appropriate and reasonable and are attached.

#### Ecology

- 8.26. The Council's Ecologist raises no objections and recommends the conditions relating to bird and bat boxes and an ecological enhancement scheme.
- 8.27. Although comments have been made regarding Japanese Knotweed presently on site. The applicant has confirmed that this is presently being removed and the Ecologist has raised no objections. The submitted survey work, further did not identify any flora risks associated with the scheme for existing wildlife that may be using the site.

#### Trees

- 8.28. The site has had a number of trees removed from it previously which the current proposal does not adequately demonstrate how these would be replaced on site. As such the Tree Officer has recommended a condition to secure high quality tree planting at the site be attached. The applicant is proposing to retain all trees on site which lie on the site periphery and the trees which have been removed were not protected under a TPO and were outside the Conservation Area boundary and as such had no level of protection. Future tree planting will however be a key component for the redevelopment of the site and a carefully worded condition to ensure high quality planting is attached.

#### West Midlands Police

- 8.29. West Midlands Police have not raised any objection with reference to the proposals and have not recommended the use of any specific conditions, however, have made a number of security related recommendations, which have been passed onto the applicant. Following the review of these comments it is considered that a suitable CCTV system, alongside a detailed lighting strategy is needed at the site for the security of proposed residents as well as those nearby. Suitable conditions are included.

#### Contaminated Land

- 8.30. Regulatory services recommend conditions which require the submission and approval of a ground investigation report and remediation scheme, prior to any works commencing on site. Appropriate conditions are included.

#### Flood Risk and Drainage

- 8.31. Severn Trent Water raise no objections subject to a condition to safeguard against foul water. The condition is attached accordingly.
- 8.32. The LLFA raise no objections subject to conditions to secure the prior submission of a sustainable drainage scheme and the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan. These conditions are attached.

#### Planning Obligations

- 8.33. The City Council require 35% affordable housing upon all residential schemes in excess of 15no. residential units unless a financial viability assessment demonstrates that the site is incapable of making this offer. This is alongside a financial contribution to support the provision of off site public open space.
- 8.34. In this case, the applicant has submitted a supporting statement which sets out that the development as proposed is not a typical residential scheme, but one for assisted living, providing specialist care for residents. The applicant has thereby stated that they are not able to make any contribution towards affordable housing or public open space, as it would make the scheme unviable and further argue any such requirement should not be made, given its end intended use, differing it from a typical residential scheme.
- 8.35. A condition will be added restricting the use to a specialist care provider only, which will mean the development would not be able to form standard residential development. As such, it is therefore considered that given the clear difference it has from a standard residential scheme, that an affordable housing contribution or any other s106 contribution should not be sought from this development and instead a means to prevent this from becoming a typical residential scheme be attached.

#### Other Matters

- 8.36. Matters relating to land ownership, devaluation of nearby dwellings and suggestions around alternative uses are not material planning considerations and cannot be considered as part of this application.
- 8.37. All necessary public consultation, in line with Council's statutory requirements were carried out as part of this application and the representations received have been accurately set out above.

- 8.38. The applicants have confirmed that the supporting statements are accurate. The Council's Tree Officer, Conservation Officer, Ecologist, Flooding and Drainage Officer and Regulatory Service Officers have no comments with reference to the accuracy of the information submitted.
- 8.39. In terms of the level of care and safety of future residents, Eden Futures is an established and known provider of assisted living accommodation and known to offer a suitable level of care and support to those who require it; the scrutiny of this service is however not a planning matter.
- 8.40. There is no evidence to suggest that the development would increase antisocial behaviour within the area and the Police have raised no objections. It is not a matter for planning to consider the backgrounds of any future residents. A balanced judgement on the level of accommodation has been made and its likely impacts upon the wider area and given the consultation with the Police and other consultees the proposals are considered acceptable.
- 8.41. Matters relating to fly tipping, the removal of trees and clearance works which have taken place cannot prejudice the determination of this application.
- 8.42. Finally, representations also note that the applicant has not considered the use of other buildings, that the applicant will bring residents to the site who are not from the city, alongside matters relating to conversations between neighbours and the applicant. The site has been considered appropriate for the form of development proposed. The other matters raised are not material planning considerations.
- 8.43. Furthermore, for clarity, the site is brownfield development and not greenfield as set out within the various representations.

## 9. Conclusion

- 9.2. The application proposals would see the development of a brownfield site, in order to provide a high quality and highly sustainable new supported living residential development. The development would see the erection of 17no. transitional units for residents with different degrees of care requirements. The development is further seen to rationalise the site area and provide a good range of on-site private amenity space, while also maintaining the privacy of nearby existing residential occupiers. The proposals are further considered to offer a suitable level of car parking and the development would further use sustainable technology for onsite energy generation and offer EV charging points for the use of visitors and staff. As such, the development proposals are recommended for approval and are considered to make a positive contribution to the city's aim of creating sustainable communities, in line with the BPD and the relevant sections of the NPPF.

## 10. Recommendation

- 10.2. Approve subject to the below conditions:

- 
- |   |  |
|---|--|
| 1 | Implement within 3 years (Full)  |
| 2 | Requires the submission of sample materials                            |
| 3 | Requires the submission of architectural details                       |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
-

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- |    |  |
|----|--|
| 5  | Requires the prior submission of a contamination remediation scheme                    |
| 6  | Requires the submission of a contaminated land verification report                     |
| 7  | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 8  | Requires the prior submission of a sustainable drainage scheme                         |
| 9  | Prior submission of foul and surface water flows                                       |
| 10 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures   |
| 11 | Requires the prior submission of details of bird/bat boxes                             |
| 12 | Requires the submission prior to occupation of hard and soft landscape details         |
| 13 | Requires the submission of a lighting scheme   |
| 14 | Requires the submission of a CCTV scheme   |
| 15 | Requires the submission of boundary treatment details                                  |
| 16 | Restricts the use of the site to Assisted Living only                                  |
| 17 | Requires the provision of a vehicle charging point                                     |
| 18 | Requires gates to be set back  |
| 19 | Requires the submission of cycle storage details                                       |
| 20 | Requires pedestrian visibility splays to be provided                                   |
| 21 | Requires the parking area to be laid out prior to use                                  |
| 22 | Construction Management Plan   |
| 23 | Limits the maximum number of residents to 17   |
| 24 | Prevents the use of the flat roof area as amenity space                                |
| 25 | Communal amenity space   |
- 

Case Officer: Idris Gulfraz



## Photo(s)



Picture 1 – showing site internally facing accessway off Barnsley Road.



Picture 2: Site access when viewed from Barnsley Road.



## Location Plan



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Committee Date:	07/04/2022	Application Number:	2022/01117/PA
Accepted:	08/02/2022	Application Type:	Full Planning
Target Date:	10/05/2022		
Ward:	Perry Barr		

Galey Park, Walsall Road, Perry Barr, Birmingham, B42 1TP

Proposed mixed use container park (E(a), E(b), E(c), E(d), E(g), F1(a) and SG uses) for a temporary period of 7 years.

Applicant:	Steel Life Group Ltd/Birmingham City Council Abbey Stadium, Lady Lane, Blunsdon, Swindon, SN25 4DN
Agent:	AAD Architects 11-12 South Street, Park Hill, Sheffield, S2 5QX

#### Recommendation

#### **Approve Temporary**

#### 1. **Proposal:**

- 1.1 Site & Application is for the erection of a total of 86 steel containers for a range of speculative commercial and leisure uses within 2 phases on plot 10 of the previously approved Perry Barr Residential site. Phase 1 would comprise a total of 14 containers (circa 330sq m) delivered pre games whilst phase 2 would comprise a further 72 containers (circa 2008 sq m) being delivered post games. The containers would be 30 or 40ft with linked units available to create larger offerings, stacked as single or double storey units. External seating areas, including a play area, display screens and associated facilities would also be included.
- 1.2 Hours of operation would be 0800-0000 Mon-Sat and 0800-2200 Sundays and bank holidays with deliveries to site between 0700-2100 Mon-Sat and 0900-2100 Sundays and bank holidays.



Figure 1: Applicant's phase 1 visual





Figure 2: Image of phase 1 from the north



Figure 3: Visual phase 1 and 2

- 1.3 10 accessible car parking spaces, 12 service/delivery bays and 16 cycle parking spaces would be provided within phase 2 off the existing access.
- 1.4 Information submitted in support of the application includes a Noise Assessment, TS and Design and Access Statement.
- 1.5 [Link to documents](#)

## 2 **Site and Surroundings**

- 2.1 The application site is triangular in shape and positioned at an intersection between the A34 Walsall Road (West) and Aldridge Road (East), approx. 4km north of Birmingham City Centre. It currently comprises of road/footpath and a site compound for highways works.
- 2.2 A wide mix of uses are located in the immediate area with bus/train interchange to the south/west, One Stop shopping centre to the west, Greyhound Stadium to the north east and residential to the north west and south east.

2.3 The site is approx. 1 hectare.

2.4 [Site location](#)

### **3 Planning History**

3.1 19th October 2018 – 2018/07955/PA - Application for Prior Notification for proposed demolition of various existing buildings. Prior approval granted subject to conditions.

3.2 20th December 2018 - 2018/06313/PA - Erection of a mixed use residential led development to first serve as the commonwealth games athletes village, and later converted to, 1,146 residential units (C3), 268 extra care units (C2) and 1,237 sq m of commercial floorspace and community centre (D2) with associated parking, landscaping and infrastructure. Approved subject to conditions.

3.3 19th March 2020 – 2019/10558/PA - Section 73 application to vary Condition Nos. 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 16, 21, 22, 25, 26, 34, 35, 37, 40, 42, 43, 44, 46, 48, 49 and 50 and the removal of Condition Nos. 17 and 24 attached to approval 2018/06313/PA to reflect design changes to the scheme. Approved subject to conditions.

3.4 17th July 2020 - 2020/02963/PA - Section 73 application to vary condition 14 (approved plans) to change house types/sizes/layout within plots 3, 4 and 5 approved by 2019/10558/PA. Approved subject to conditions.

### **4 Consultation Responses**

4.1 LLFA – No comments received

4.2 Public Rights of Way – No objection subject to appropriate stopping up of public highway in relation to phase 1.

4.3 Regulatory Services – No objection subject to conditions to control hours of operation, hours of delivery, limit live and recorded music, noise levels for plant and machinery, extraction details, land contamination, screen restrictions and lighting details.

4.4 Transportation Development – No comments received.

4.5 Urban Design – No objections subject to conditions re siting of containers and hard and soft landscaping.

4.6 West Midlands Police – No objection subject to conditions with regard parking, lighting, cctv and operating security strategy.

### **5. Third Party Responses:**

5.1 Local residents' associations, neighbours and Ward Councillors have been notified. Site and press notices have also been displayed. No comments have been received.

### **6 Relevant National & Local Policy Context:**

#### **National Planning Policy Framework**

The following chapters are particularly, but not exclusively, relevant;

Chapter 2: Achieving Sustainable Development

Chapter 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well designed places

## **6.2 Birmingham Development Plan 2017**

Policy PG3: Place making  
Policy GA3: Aston, Newtown and Lozells  
Policy TP1: Reducing the cities carbon footprint  
Policy TP3: Sustainable construction  
Policy TP21: The network and hierarchy of centres  
Policy TP23: Small shops and independent retailing  
Policy TP24: Promoting a diversity of uses within centres  
Policy TP27: Sustainable neighbourhoods  
Policy TP39: Walking  
Policy TP40: Cycling

## **6.3 Development Management DPD**

DM1 Air Quality  
DM2 Amenity  
DM3 Land affected by contamination instability and hazardous substances  
DM4 Landscaping and trees  
DM5 Light pollution  
DM6 Noise and vibration  
DM14 Transport access and safety  
DM15 Parking and servicing

## **6.4 Supplementary Planning Documents & Guidance**

Place for All (2001)  
Birmingham Parking SPD (2021)  
Perry Barr Masterplan 2040 (2022)

## **7 Planning Considerations:**

- 7.1 The site is located within Perry Barr local centre and the application site will be brought forward in phases in order to maximise opportunities presented by the City's hosting of CWGs and site availability. The proposed container park would be present for a max period of 7 years prior to the site's permanent residential redevelopment (previously approved). The proposed use would utilise existing shipping containers to provide a meanwhile use which would be acceptable in principle. Key issues for consideration are therefore external appearance, noise and disturbance and traffic.

External appearance

- 7.2 The steel containers would be stacked single or double storey in height and positioned in a 'u' type shape within the site with internal and external seating/play areas. External facades facing towards the site boundaries would incorporate a mix of living wall panels, glazed openings and decorative lighting. Phase 2 would include provision of a children's play area and planting would be incorporated within and to the sites boundary where possible. A marketing suite (for residential plots 8 and 9, opposite) would be positioned closest to the main pedestrian route along Aldridge Road frontage in both phases. As such I consider the proposed use would result in a visually acceptable development of appropriate scale which would provide activity, natural surveillance and a sustainable use in accordance with policy.

- 7.3 The container positioning is detailed within the plans and no further information is required however a condition requiring positioning of glazed openings to be agreed is attached to ensure appropriate areas of natural surveillance are provided across both phases.

#### Noise and disturbance

- 7.4 The noise assessment submitted in support of the application is not complete however in terms of phase 1 Reg Services consider that provided conditions with regard hours of operation and delivery, plant compliance and prevention of external speakers are attached the amenities of residents' in the vicinity would be safeguarded. Phase 2 would replicate phase 1 in format but would also include the provision of an external stage with a max capacity of 1500 people. The noise generated by the hosting of external events could be significant and therefore given the proximity of residential properties Reg Services require a full noise assessment before this element of the phase is installed. I concur with Reg Services and appropriate conditions are therefore recommended.
- 7.5 4 digital display screens would be contained within the double height openings on both phases facing south west and north east. The screens would primarily be viewed from the internal courtyard areas and would run content such as sports events and movies. The screens could work independently or in conjunction with each other with a view to enhancing the activities on the site as opposed to streaming digital marketing. Reg Services have requested additional information in terms of noise and light spillage. Noise conditions are recommended (as above) however I consider that the position of the screens, the orientation of the nearest residential properties and illuminance restrictions required to safeguard road users means that the screens would not create glare sufficient to adversely affect amenities of future residents contrary to policy and no additional information in this respect is therefore necessary. A condition restricting the level of advertisement content is however recommended.
- 7.6 A lighting condition is recommended to ensure the decorative container lighting and internal site lighting will not adversely affect the amenities of nearby residents.

#### Traffic

- 7.7 The police have raised concerns with regard the level of parking however the site is within Perry Barr centre with excellent links to public transport and the site is well connected to existing residential communities. I therefore consider the parking level appropriate.
- 7.8 Transportation Development have not commented. However, the site is within a local centre and no new accesses are proposed. Therefore, subject to the submission of a service/management plan and a condition to restrict the illuminance levels of the digital screens I consider the proposed use would not adversely affect the safety or free flow of the highway in accordance with policy.

#### Other

- 7.9 To secure satisfactory development of the site a condition requiring the stopping up of the existing public highway is attached (phase 1) and a condition restricting the level of food and drink operators across the phases. Conditions with regard cctv, boundary treatment and site security to include the car park area are also recommended to ensure the site is operated effectively and opportunities for anti-social behaviour are minimised.

- 7.10 No comments have been received from the LLFA however the site is not in flood zone 2 or 3, is currently all hard standing and presents an opportunity to introduce landscaping in advance of its permanent redevelopment. I do not therefore consider the proposal would present increased surface run-off sufficient to warrant refusal of the scheme.
- 7.11 Given the nature of the proposed development extensive soil disturbance is not required and jacks and 'lightweight' aprons will be used to provide level surfaces upon which the containers would sit. However, remediation would be required before landscaping was introduced and standard land contamination conditions are therefore attached.

## **8 Conclusion**

- 8.1 The proposed use would introduce a mixed-use container venue for a temporary period. The development is to be phased and conditions are recommended to secure additional information and safeguard amenities of existing and future occupiers, where necessary, enabling, the site to provide social, economic and environmental benefits in advance of its permanent redevelopment. As such the proposal would accord with policy and should be approved.

## **9 Recommendation:**

- 9.1 Approve Temporary

- 
- 1 Extraction and Odour Control Details
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires highway stopping up
  - 4 Requires the building be removed and use discontinued by April 2029
  - 5 Limits the hours of operation 0800-0000 Mon-Sat and 0800-2200 Sun
  - 6 Limits the hours that materials can be delivered
  - 7 Prevents external noise amplification phase 1
  - 8 Requires Noise assessment/mitigation phase 2
  - 9 Limits the noise levels for Plant and Machinery
  - 10 Requires the prior submission of a contamination remediation scheme - phased
  - 11 Requires the submission of a contaminated land verification report - phased
  - 12 Restricts food and drink occupiers
  - 13 Requires the submission of a lighting scheme in a phased manner
  - 14 Prevents use of screens for digital marketing only
  - 15 Limits the intensity of the digital screen
  - 16 Requires site security plan
-

- 
- 17 Requires the submission of hard and/or soft landscape details each phase
  - 18 Requires the submission of boundary treatment details in a phased manner
  - 19 Requires the submission of details of a delivery vehicle and parking management scheme - phased
  - 20 Requires the submission of a CCTV scheme
  - 21 Requires details of glazed openings
- 

Case Officer: Joanne Todd



Photo(s)

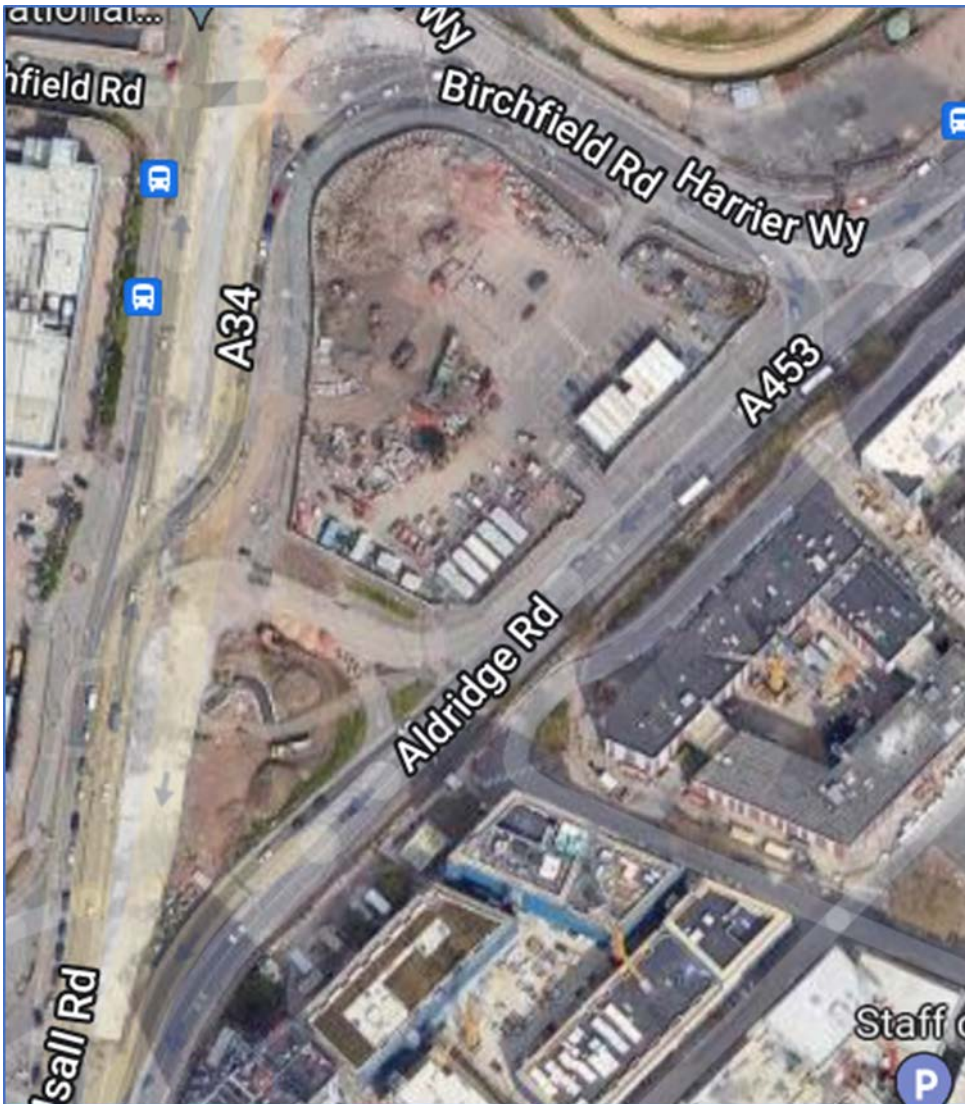
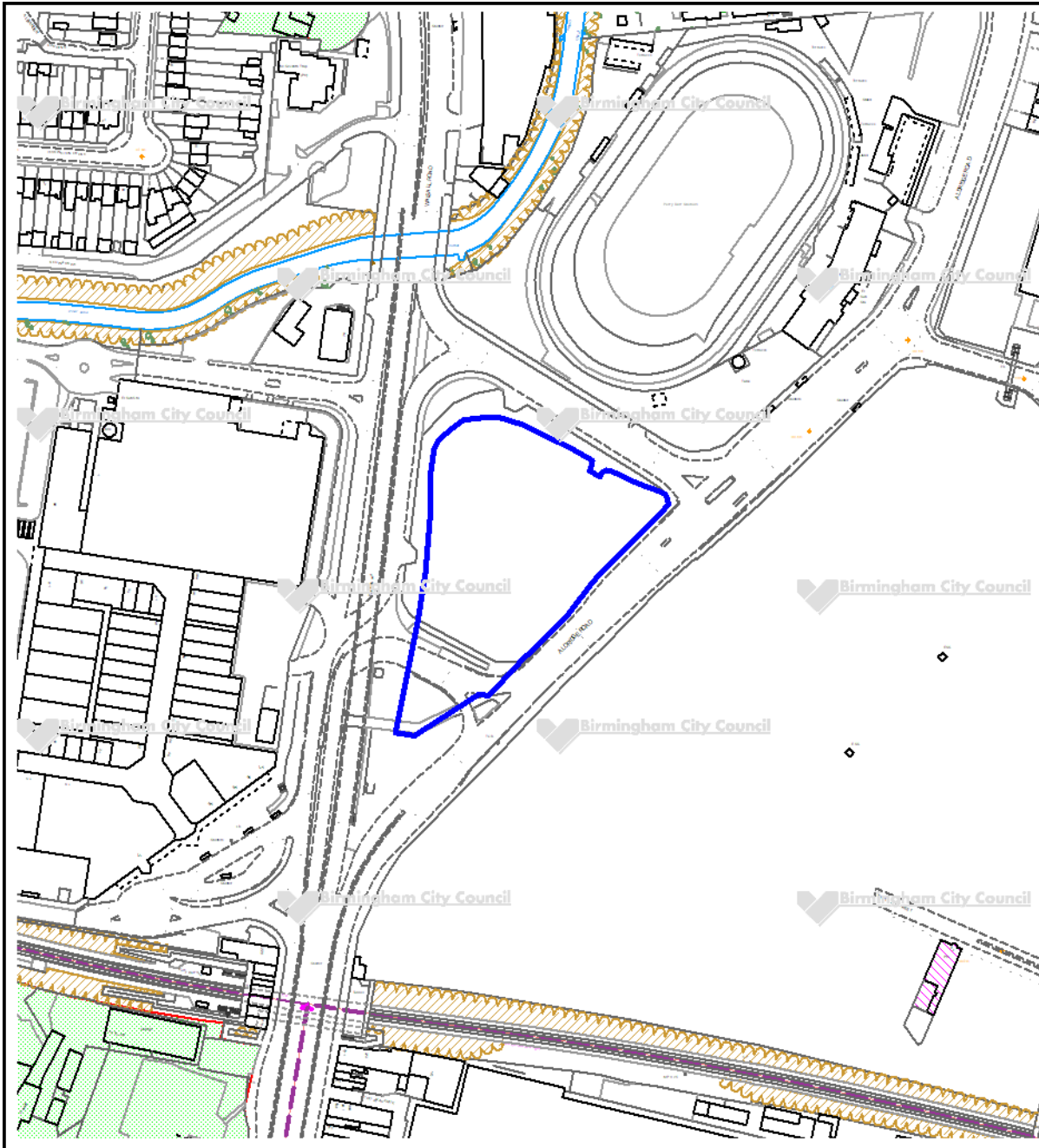


Figure 4: Google ariel photo of site

## Location Plan



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# **Birmingham City Council**

**Planning Committee**

**07 April 2022**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	8	2021/06838/PA  Land at the corner of Tennant Street and Granville Street Birmingham B1  Construction of 12-storey building comprising 198 room aparthotel (Use Class C1)

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Committee Date:	07/04/2022	Application Number:	2021/06838/PA
Accepted:	03/08/2021	Application Type:	Full Planning
Target Date:	07/04/2022		
Ward:	Ladywood		

Land at the corner of, Tennant Street and Granville Street,  
Birmingham, B1

Construction of 12-storey building comprising 198 room aparthotel  
(Use Class C1)

Applicant: Tennant Street Partnership on behalf of Soller Seven Ltd and the  
Minerva SIPP James Adam Palmer (7252), 4th Floor 30 Broadwick  
Street, Soho, London, W1F 8JB

Agent: PJ Planning  
Cradley Enterprise Centre, Box No 15, Maypole Fields, Cradley, B63  
2QB

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#### Recommendation

#### **Approve Subject to a Section 106 Legal Agreement**

#### 1. **Proposal:**

- 1.1 Permission is sought for a 12-storey plus mezzanine apart hotel (named the Lead works) offering temporary visitor accommodation. A hotel entrance/reception, restaurant/café and gallery lounge would be provided at the ground floor mezzanine with floors 1-11 comprising of 198 rooms.



Figure 1. Elevations A and B – Tennant Street.



1.3 Figure 2. Ground floor layout plan.

- 1.4 The building would be set in off each street frontage with a recessed entrance area and would involve the removal of 9 protected and 2 unprotected trees; the building would be predominantly of red brick with vertical stretcher bond brickwork used to express the bands between floors. Titanium panels are proposed for the windows (to reflect the old lead works) along with the use of teal glazed bricks for the entrance.



1.5 Figure 3. CGI view from the corner of Tennant Street and Granville Street.

- 1.6 Public access is off the Tennant/Granville Street corner with side and rear access to service areas. A small area for some landscaping is proposed to the front and side.
- 1.7 In terms of security, lifts will be accessed by a key card and most services would rely on controlled access. CCTV will also be provided at key points within and outside the building.
- 1.8 Submitted with the application are the following documents, in response to comments made via the consultation process some of these have been revised and updated.
- 1.9 Air Quality Assessment, BRE AAM 2018 Pre-Assessment Report, BRE Daylight and Sunlight Report and supporting letter, Design and Access Statement. Ecological Appraisal, Energy/Sustainability Statement, Ground Investigation Report, Heritage Statement, Updated Sustainable Urban Drainage Assessment, Gas Monitoring Addendum, Noise Assessment, Planning Response Report dated October 2021 (design revisions), Planning Response Report dated March 2022 (loss of trees justification), Planning Statement, Sustainable Urban Drainage Report, Transport Plan, Travel Plan, Tree Survey and Wind Microclimate Report March 2022 Rev 2.
- 1.10 A Fire Statement is not required.

1.11 [Link to Documents](#)

## 2. **Site & Surroundings:**

- 2.1. The site is a 35-space rectangular tarmac car park (owned by Lee Longlands) located at the corner of Tennant Street and Granville Street and south of Broad Street. Eleven London Plane Trees (Platanus x hispanical) position around the edge of the car park.
- 2.2 Lee Longlands is a furniture flagship store that has operated from Broad Street for around 120 years. However, over the last 10-15 years changes to Broad Street has meant the stores turnover falling by 50% in the last 5 years; the stores existing location for retail is no long a viable one. Lee Longlands are therefore seeking to relocate its premises to another site within Birmingham, they would like to sell the car park to assist with the relocation strategy and operation of the business.
- 2.3 To the rear (south east) of the application site is a large (2-3m high) red brick wall of Trident House, a large 1970s residential 19 storey tower block with landscaping fronting onto Granville Street. Windows on Trident House, due its layout are between 20-35m from the application site boundary. Either side of the application sitates 6 storey residential blocks named Cutglass Court and Tennant Street Lofts.
- 2.4 North west of the site lies the 1970's Travel Lodge Hotel and further along are new towers of Broad Street including the 42-storeys Moda Living Tower (212-221 Broad Street). In close proximity are locally listed buildings at Lee Longlands 224-228 Broad Street, O'Neill's public house and at 82 Granville Street.
- 2.5. The topography of the immediate area is broadly level. The surrounding site comprises a mix of commercial and residential premises.
- 2.6. [\(Site Location\)](#)

## 3. **Planning History:**

- 3.1. 08/06/2011 – 2011/01519/PA - Outline application with all matters reserved for erection of a building up to 36 metres in height (10 storey) with 135 bedroom hotel (C1) or 128 bedroom student accommodation (C3) and up to 450 sq. metre retail and leisure (A1 - A5 & D2) at ground floor. Approved subject to conditions and S106.
- 3.2. South west of the site – Tennant Street Lofts/98 Tennant Street
- 3.3. 23/12/2015 – 2015/03050/PA - 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 13 car parking spaces and up to 40no. residential self-contained apartments. Approved subject to condition
- 3.4. 26/05/2017 – 2017/01595/PA - Reserved matters application for appearance, landscaping, layout scale following outline permission 2015/03050/PA for the erection of a residential development of up to 6 storeys to provide 13 car parking spaces and up to 40 residential self-contained apartments. Approved subject to conditions.
- 3.5. North of the site – 22-34 Granville Street/Cutglass Court
- 3.6. 06/04/2005 – 2002/03356/PA - Erection of six-storey block, with seven-storey rear wing of residential accommodation comprising of 126 apartments (79 one-beds, 45, two-beds and 2 studios) and provision of 76 parking spaces with associated landscaping, amenity space and means of access. Approved subject to conditions
4. **Consultation Responses:**
  - 4.1. Employment Access Team- No objection, subject to conditions relating to a construction employment plan
  - 4.2. Severn Trent Water- No objection, subject to conditions relating to details of foul and surface water drainage details
  - 4.3. BCC City Design and Landscape- No objection, subject to conditions including the submission of details relating to materials, design details (windows doors, reveals, brick binding, metal cladding, its profile and fixing) and landscaping (which for the avoidance of doubt shall have paving in natural stone clay pavers).
  - 4.4. BCC Conservation- No objection, the Heritage Statement soundly assesses the architectural and historic significance of the locally listed buildings and their settings. The impact upon the identified heritage assets of Lee Longlands building, O'Neill's and 82 Granville Street is neutral.
  - 4.5. BCC Trees - Object to the loss of trees.
  - 4.6. BCC Ecology- No objection, subject to conditions relating to ecology enhancement measures, bird/bat boxes, implementation of mitigation measures, construction environmental management plan, landscape management plan, lighting, and a requirement for a biodiverse roof.
  - 4.7. Regulatory Services – No objection subject to a C1 use class restriction and contaminated land condition.
  - 4.8. West Midlands Fire Service- No objection. Recommend compliance with Building Regulations
  - 4.9. West Midlands Police – No objection, subject to conditions relating to CCTV and

access control.

4.10. Lead Local Floor Authority- No objection, subject to conditions.

5. **Third Party Responses:**

5.1 The application has been publicised by sending letters to neighbouring properties a site notice has also been displayed and an advert in the local press.

In February and March this year neighbours were re-notified regarding design changes and updated microclimate wind study.

5.2. 15 objections have been received making the following comments (some objection letters were received more than once):

- Loss of light. Moda building has already reduced light to Tennant Street Lofts
- Enough light is especially important to those with mental health issues
- Noise disturbance, noise impact assessment is out of date
- Each flat in Trident House only has one window and the proposal will block this light
- Air pollution and construction dust will have adverse impact upon existing residents
- Area is already crowded
- Pollution is already high
- No parking provision, parking in area is already limited and the proposal will generate traffic
- There is a high to medium risk to human health during construction, highlighted in assessments. Contrary to TP37
- Residents already suffered four years of construction in area
- Natural daylight and sunlight does not comply with BRE guidelines
- Loss of TPO trees
- Overlooking
- Doesn't take into account servicing or loading
- Lots of apartments in area which are constantly empty, bought as investments
- City should expand in other ways
- Building is too tall and out of keeping
- Building will block view
- Construction causes nuisance when working from home
- Whilst supportive of development, concerned about loss of daylight to the Mercian//Moda building (under construction currently)
- Queries and seeks clarification regarding both sunlight daylight and wind microclimate reports

5.3. 1 letter of support has been received making the following comments

Hotel plan is great idea but ideally a shop with cash point at ground floor would be ideal with luxury apartments above.

5.4. **Comments from Shaban Mahmood MP**

-The neighbour letter is dated 15<sup>th</sup> February but was not received until the 21<sup>st</sup> February giving little time for consultation responses.

-Residents have stated that they are concerned that there will be a significant loss of light into Trident House and also due to the height of the building, a wind tunnel could be formed along Tennant Street.

**6. Relevant National & Local Policy Context:**

**6.1 Revised National Planning Policy Framework**

6.2 The following paragraphs are particularly, but not exclusively, relevant to the proposal

Chapter 2: Achieving Sustainable Development – paras. 7, 8, 11

Chapter 4: Decision-making – paras. 56, 57

Chapter 8: Promoting healthy and safe communities – paras. 92, 98

Chapter 9: Promoting sustainable transport – para. 110

Chapter 11: Making effective use of land – paras. 120, 124,

Chapter 12: Achieving well-designed places – paras. 126, 130,

Chapter 14: Meeting the challenge of climate change, flooding and coastal change  
paras.152

Chapter 15: Conserving and enhancing the natural environment – paras. 174, 180,  
183, 185, 186

Chapter 16: Conserving and enhancing the historic environment – paras. 194, 195,

**6.3 Birmingham Development Plan 2017:**

6.4 The application site falls within the City Centre Growth Area identified in policy GA1 in the Local Plan and within the Ladywood and Westside area of the City Centre, just off Broad Street which is a key provider of the 'night-time economy'.

6.5 PG1 Overall levels of growth  
PG3 Place making  
TP1 Reducing the City's carbon footprint  
TP2 Adapting to climate change  
TP3 Sustainable construction  
TP4 Low and zero carbon energy generation  
TP6 Management of flood risk and water resources  
TP7 Green infrastructure network  
TP8 Biodiversity and Geodiversity  
TP9 Open space, playing fields and allotments  
TP12 Historic environment  
TP21 The network and hierarchy of centres  
TP24 Promotion of diversity of uses within centres  
TP26 Local employment  
TP27 Sustainable neighbourhoods  
TP37 Heath  
TP38 A sustainable transport network  
TP39 Walking  
TP40 Cycling  
TP44 Traffic and congestion management  
TP45 Accessibility standards for new development  
TP46 Digital communications

**6.6 Development Management DPD:**

6.7 DM1 Air quality  
DM2 Amenity  
DM3 Land affected by contamination, instability, and hazardous substances  
DM4 Landscaping and trees  
DM5 Light pollution  
DM6 Noise and vibration  
DM10 Standards for residential development  
DM14 Transport access and safety

**6.8 Supplementary Planning Documents & Guidance:**

- 6.9 Places for All SPG (2001)
- Places for Living SPG (2001)
- Birmingham Parking SPD (2021)
- Public Open Space in New Residential Development SPD (2007)
- Access for people with disabilities SPD
- Lighting Places SPD
- High Places SPG

**7.0 Planning Considerations:**

- 7.1 Principle
- 7.2 In accordance with Policies PG2, GA1.1 and GA.12 this development would be located within the retail core periphery and contribute to the Birmingham City visitor economy. Furthermore, the location is supported by policy TP21, TP24 and TP25. Therefore, subject to detailed matters below I consider the provision of an apart hotel acceptable in principle. Additionally, the principle of a hotel in this location was established in 2011 by means of an outline application with all matters reserved.
- 7.3 The main areas for consideration are loss of trees, daylight and sunlight and the impact on neighbouring amenity by reason of scale and design.
- 7.4 Layout and loss of trees
- 7.5 There are 11 London Plane trees (*Platanus x hispanical*) currently marking the edge of the site along Granville Street, Tennant Street and the service road leading to Trident House. The trees are not on public land and the application details submitted show that these trees are of B category and are to be removed.
- 7.6 Trees of quality (classified in line with BS5837 as being of categories A or B in quality and of visual value) are considered as worthy of protection whereby development proposals should seek to avoid their loss and minimise the risk of harm. Policy states protected trees should be retained as an integral part of design of development except where their long term survival would be compromised by their age or physical conditions or there are exceptional circumstances such as where the tree is considered to be imminently outweighed by the benefits of the proposed scheme and there are no viable development alternatives.
- 7.7 Policy DM4 of the DPD further states that where development would result in the loss of category B trees adequate replacement planting will be assessed against the existing value of the trees removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology.
- 7.8 Replacement trees should be provided on-site unless the developer can justify why this is not achievable. Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement.

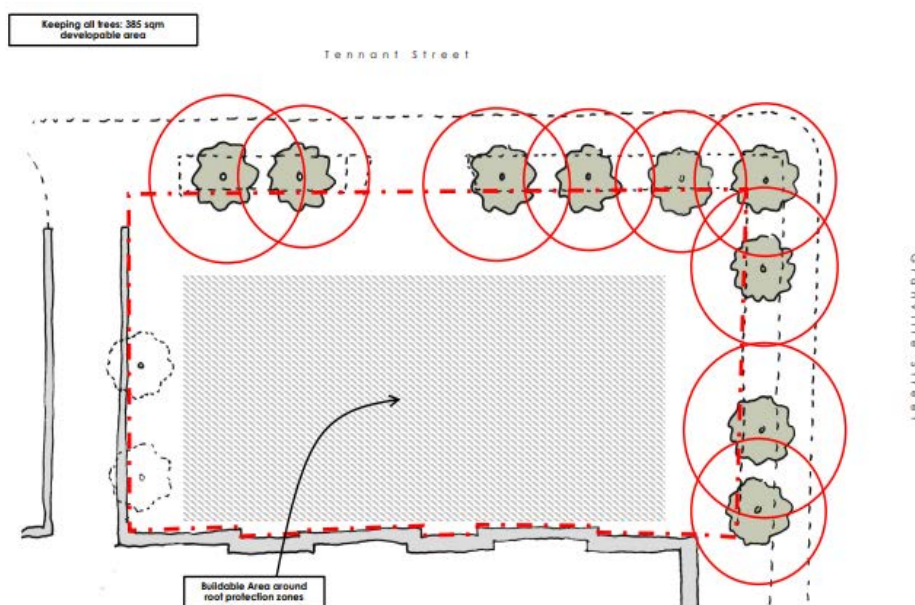




7.9 Figure 4. Photo of existing trees

7.10 Retention would considerably reduce the developable area resulting in an offset of 3m off Tennant Street, 3m off Granville Street and 4m in off the access road to Trident House. When a further metre is offset to allow for foundations it would result in 385sq.m out of a total site area of 897sq.m.

7.11 The diagram below demonstrates with tree retention less than 43% of the site would be developable and the presence of trees around the three open street elevations would make construction difficult and costly. Alternative schemes have been explored which include setting the building in at lower floors and building over the trees however it was concluded that long term overshadowing/shadowing would eventually lead to the demise of the trees. Other options were also considered however these were considered unviable.

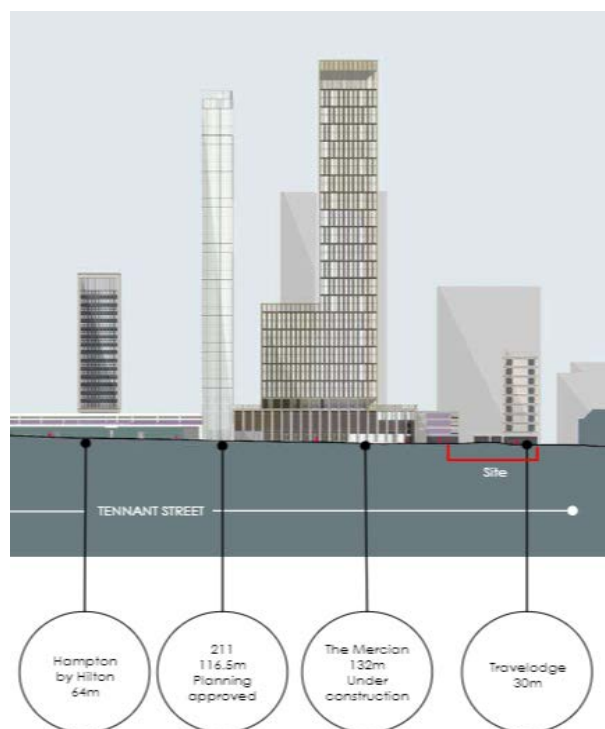


7.12 Figure 5. Image showing a developable area of 385sq.m with trees retained.

7.13 Public Benefits

- 7.14 With regards to public benefits the scheme would provide a hotel in a sustainable location, it would see the efficient use of brownfield land (in line with paragraph 124 of the NPPF), generate further economic spending and investment in the tourism sector, see improvements to the site and local area by means of regeneration along with the creation of jobs via the delivery/construction and operation of the scheme.
- 7.15 Furthermore, the funds generated through the sale of the car park site (as mentioned in paragraph 2.2) would assist Lee Longlands with the relocation of its furniture store and allow it to continue to develop home furniture and provide a furnishing retail offer in a new Birmingham location. It would assist with the protection of 20 sales and head office jobs at Broad Street and 35 support staff roles at the store's distribution centre (also based in Birmingham).
- 7.16 As a direct consequence of the first Covid Lockdown Lee Longlands struggled to get financial support from the banks and were unable to access loans to provide short term liquidity. As a result, Lee Longlands were taken into administration 19<sup>th</sup> June 2020 and then continued to trade. That said as of June 2021 Lee Longlands exited administration in a fully solvent manner with all pre-administration debts paid in full. Since exiting administration Lee Longlands has continued to trade profitably.
- 7.17 In accordance with policy DM4 the agent has justified replacement trees cannot be provided on-site (paragraph 7.10-7.13) therefore, as policy requires, a financial contribution has been calculated via the CAVAT assessment. The method used, and resultant value has been agreed between the agent and tree officers and a financial contribution of £132,254 offered. That said the tree officers have reviewed the application and strongly object to the removal of the trees (despite the financial offer).
- 7.18 Whilst the loss of these trees is regrettable and runs contrary to the Council's actions to tackle the climate change agenda it is evident that a viable and efficient use of the land could not come forward without their removal. Whilst policy prefers to see quality/valuable trees retained and unharmed the application has explored alternative options, demonstrated a list of public benefits and committed to a financial contribution to mitigate the loss and provide off-site replacement planting (through the S106). National guidance (para 124) states that planning decisions should support development that makes efficient use of land, taking into account the availability of land suitable for accommodating it, the availability of existing infrastructure and services, scope to limit future car use and promoting regeneration and change. The application in my mind therefore meets the aims of DM4 of the DPD and TP7 of the BDP.
- 7.19 Whilst I consider the case demonstrated above acceptable, the scheme does in part, fall contrary to some of the requirements set out in policies PG3, TP1, TP2, TP8, TP37, DM1 and DM2. That said, overall, the scheme satisfies some of these requirements through its sustainable location, zero parking, proposed planting, biodiversity measures, method of construction, design and therefore does not warrant refusal of this application.
- 7.20 Scale and Design
- 7.21 The site is situated within the central ridge zone as identified in Birmingham City Council planning policy 'High Places'. Whilst the proposed does not constitute a tall building it does, in terms of massing identify this area as the preferred location for tall building clusters.
- 7.22 Scale of buildings vary within this part of the City with immediate neighbouring blocks being between 6 and 19 storeys. Several metres north east is the Jurys Inn, north the Travel Lodge, west Moda Living Tower (212-221 Broad Street) and Left Bank which

are all buildings of considerable height (see figure 6 below).



7.23 Figure 6. Image representing variations of building scale.



7.24 Figure 7. Visual looking west showing the site in relation to Trident House and the Travel Lodge.



- 7.25 Figure 8. Visual looking south, at the front of the site and Tennant Street Lofts (Trident House in the background).
- 7.26 The proposed 12 storey massing for the Lead Works would step down from the large scale currently and future developments on Broad Street towards the lower level of massing of Tennant Street and Granville Street.

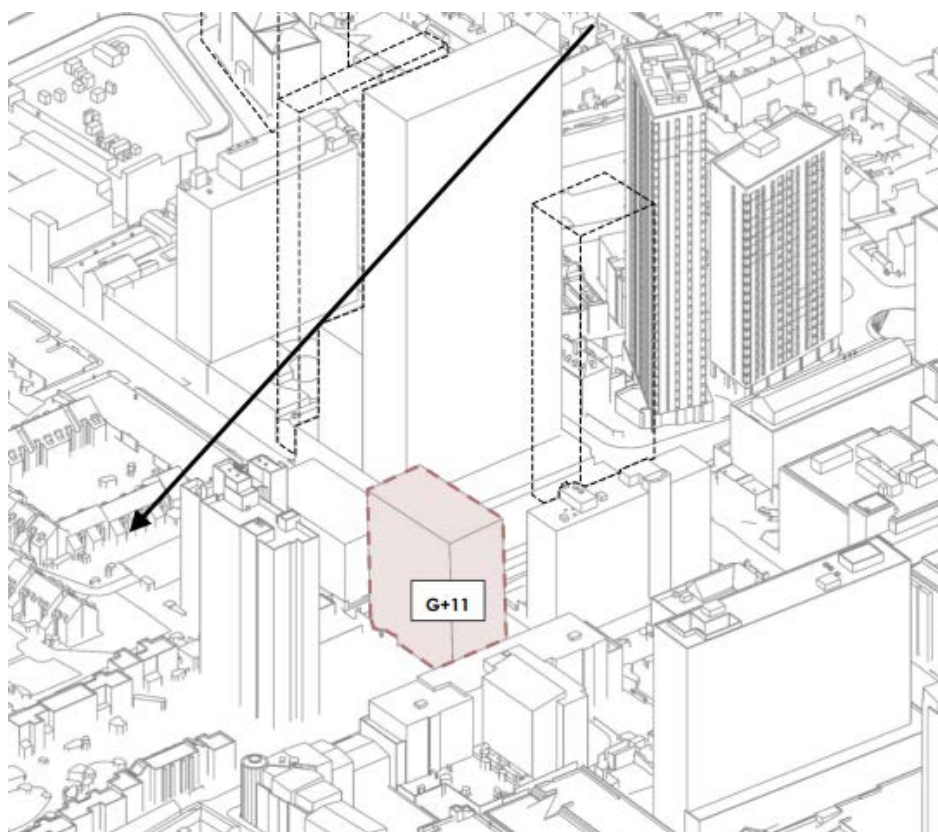


Figure 9. Image showing the position and scale in surrounding context.

- 7.27 Following initial consultation the scheme was amended whereby the top element of the build was simplified with the removal of splayed piers and an open crown component. These revisions resulted in a more unified and coherent design. City

Design raised no objections and the case officer considered the changes made to date acceptable.

- 7.28 With regards to room size and layout each of the standard rooms would provide a double bed, some wardrobe space, en-suite, kitchen, flexible dining area and fold away workspace. Standard rooms measure 21sq.m and larger accessible rooms 30sq.m. All rooms would be of an accepted size and standard and feature windows allowing an adequate level of light.
- 7.29 I consider the building to be of good quality design that responds well to its context, largely in accordance with PG3 and paragraphs 126 – 130 of the NPPF. To maintain the quality of the façade conditions are attached to secure architectural, lighting and landscaping details. Any of the signage shown would need to be secured via an advert application.
- 7.30 Microclimate
- 7.31 In support of the application the agent has provided a Wind Microclimate study, daylight and sunlight assessment, visuals and a shadow study showing the existing and proposed site in the am, noon, and pm in the various seasons and a model of the proposed building.
- 7.32 The latest Wind Microclimate Study has considered the concerns raised by Moda Living and remains of the view that no dangerous conditions would exist, and pedestrian wind comfort would be satisfactory. Furthermore, the impact of the proposed aparthotel on existing wind microclimate (and other buildings in its vicinity) is low with wind conditions remaining largely unchanged; the wind environment remaining safe and suitable for the existing and intended uses throughout the year. No mitigation measures are therefore needed.
- 7.33 Daylight and Sunlight
- 7.34 A Daylight and Sunlight study has been undertaken to assess the impact of the development at neighbouring properties. It assesses VSC (vertical sky component), DD (daylight distribution) APSH (annual probable sunlight hours) and concludes that the proposed development does not fully comply with the BRE numerical Guidelines. The study reports the following:
- 7.35 Trident House – a number windows fall short of VSC recommendations although by the fourth floor the before ratios for the habitable windows are all in excess of 0.6. Furthermore, it is important to note that the most significantly affected windows appear to affect the non-habitable stair core which runs through the centre of the property. With regards to daylight distribution some of the windows do not surpass the daylight distribution test.
- 7.36 3-17 Stoke way – four isolated windows at these properties do not meet the VSC recommendations and fall short however these are obstructed by overhanging balconies whereby they typically receive less daylight the balcony cuts out light from the top part of the sky.
- 7.37 98 Tennant Street/Tennant Street Lofts - a number of windows directly face the open car park site and as a result existing light levels are high particularly in the context of an urban location. Post development many windows do not meet the VSC recommendations however a greater than normal reduction in daylight is to be reasonably expected given how open the site currently is. In terms of daylight distribution, the only rooms at this property which do not meet the daylight distribution recommendations are some of the bedrooms. That said some are open plan floors



with front and rear facing windows, furthermore the BRE guide explains that daylight distribution in bedrooms is less important than other habitable rooms such as kitchens and living rooms. According to the report all living/kitchen rooms tested meet the recommendations.

- 7.38 212-223 Broad Street/Moda Living Tower - the ground floor is non-domestic. The only habitable windows that do not meet VSC recommendations are on the second floor. All windows at third floor and above meet the VSC requirements. The only room which does not meet the daylight distribution recommendations is the room served by windows 372 to 375. However, this is likely to form part of the non-domestic part of the property. All other rooms meet the recommendations. In terms of sunlight very few windows do not meet the sunlight recommendations.
- 7.39 22-34 Granville Street/Cutglass Court - a number of windows do not meet VSC recommendations however it is important to note this site was built in around 2006 and is close to the boundary of the Lee Longlands car park only separated by Granville street. The vast majority of living/kitchen rooms tested meet the daylight recommendations. A number of windows do not meet the sunlight recommendations however many will still retain a high level of sunlight for this inner-city urban location.
- 7.40 The results confirm that the proposed development does not fully comply with the BRE numerical guidelines. However, in urban locations, areas of non-compliance are not uncommon, especially where there are significant existing and proposed high-rise buildings in the nearby vicinity. Furthermore, the BRE guide explains that the numerical guidelines should be interpreted flexibly, since natural lighting is only one of many factors in site layout design. In addition, the revised NPPF advises that local planning authorities should take a flexible approach to daylight and sunlight to ensure the efficient use of land. On balance, I do not consider that the limited daylight and sunlight impacts justify refusal of this application.
- 7.41 Impact on residential amenity
- 7.42 The proposed building would position directly 17.6 from 22-34 Granville Street/Cutglass Court, 34m from Trident House and 9.9m north of Tennant Street Lofts; neighbour objections were received from these premises as well as from Moda Living. The image below shows the location of these buildings.







7.48

Figure 11. View from neighbouring Cutglass Court.



7.49

Figure 12. Views along Granville Street.

7.50 Whilst the distance separation between the facades of the existing building and new development on Granville Street would be less than the places for living guidelines, I consider that the design of the scheme satisfactory minimises harm to amenity and achieves a reasonable levels of privacy and outlook would remain.

7.51 Trident House

7.52 The separation distance at its closest point is 34m, the residential to residential separation distance for buildings 3 storeys and above are set out in the Places for Living SPG and is 27.5m. The application exceeds this guide therefore I do not have concerns regarding overlooking.

7.53 Tennant Street Lofts/98 Tennant Street

7.54 It is noted that a separation distance of 9.9m would exist between both side facing

facades. These windows are considered secondary windows given there is a principal window within the front façade, that said the secondary window serves existing living and dining areas therefore it is proposed to obscurely glaze the southern side of the aparthotel in order to protect residential amenity. A condition securing such is recommended.

- 7.55 Therefore, notwithstanding the concerns raised it is considered that the proposed, on balance, would provide an acceptable level of residential amenity for neighbouring residents in accordance with policy DM2 and DM10 of the DMD (2021).
- 7.56 Impact on drainage/flood risk
- 7.57 The site lies within Flood Zone 1 and is at low risk of flooding. The revised Sustainable Urban Drainage proposals are considered acceptable by the LLFA subject to drainage conditions.
- 7.58 Impact on heritage assets
- 7.59 Three locally listed 19<sup>th</sup> and 20<sup>th</sup> century buildings being O'Neil's Public House, 224-336 Broad Street (Lee Longlands) and 60-82 Granville Street are located in close proximity to the site. The submitted Heritage Statement concludes that there will be no direct and no indirect impacts affecting the significance of these non-designated heritage assets through a change in their setting. The HS assesses the architectural and historic significance of the locally listed buildings and their settings and attaches a medium heritage value to each asset which is accepted by our conservation officer.
- 7.60 It is accepted that the proposed development will introduce an appreciable change to the built environment within clear visibility of the site (from the rear of Lee Longlands) yet such is unlikely to have any significant effect that would harm this significance.
- 7.61 Therefore the impact on Lee Longlands, O' Neill's and 82 Granville Street is considered to be neutral. Whilst a visual change to the site is acknowledged the attributes to the existing heritage assets would be unaltered with no harm being had to their significance. The proposal in my view therefore complies with TP12 of the BDP and the relevant paragraphs of the NPPF.
- 7.62 Impact on parking and highway safety
- 7.63 This development has no car parking as a result of its sustainable city centre location.
- 7.64 All parking on-street around the site is controlled. The proposed ground floor layout provides a cycle and scooter store for staff, and a refuse store to the rear with doors, with servicing taking place from on-street. Nearby to the site there are several private 24hr secure car parks which can be used for parking, these are within a 3minutes walk from the site. There are also several on street parking spaces as highlighted in the design and access statement.
- 7.65 The zero on site car parking and the 100% provision of cycle storage accords with recently adopted Birmingham Parking SPD. Transportation Development are satisfied with the refuse collection/servicing arrangements and highway safety is not likely to be affected by the development subject to conditions.
- 7.66 Noise and Air Quality
- 7.67 BCC Regulatory Services has no issues with the submitted Air Quality Assessment.
- 7.68 However, with regards to noise they note the site is close to Broad Street which is

home to a large number of night-time entertainment premises, bars, restaurants etc.

- 7.69 Many of these premises are active until 4 or 5 am in the morning (especially at the weekend). The noise assessment submitted with this amplification only considers road traffic noise with a passing mention of a single premises on Broad Street. Based on the information submitted EPU would not support the use of this site for residential (use class C3) however raise no objections to an aparthotel (use class C1) subject to an occupancy (to a maximum of 12 weeks) and use restriction condition, which are included in the recommended conditions.
- 7.70 Sustainability and Energy
- 7.71 The site is located within the urban area in very close proximity to shops, services and tourist type attractions (i.e. the ICC, Birmingham Library, museum and art gallery) that are a 10-15-minute walk away with good public transport links. The Energy statement refers to the use of fabric insulation levels, fabric air permeability to reduce heat loss and low E glass to assist the solar gain to the building. These measures are estimated to achieve a reduction of 24.% in Carbon emissions and 60% in the buildings energy demand.<sup>17</sup> The proposed accords with policy TP4.
- 7.72 The application is accompanied by a BREEAM Pre-assessment which currently targets a score of 49% which translates into a BREEAM rating of good with a potential score of 71.6% which translates to a BREEAM rating of excellent against the BREEAM 2018 New Construction Multi Residential criteria. The scheme therefore accords with the aims of policy TP3.
- 7.73 Biodiversity and Landscape
- 7.74 The ecologist expresses her disappointment in the removal of the existing trees and states they are a valuable green infrastructure asset in this urbanised environment, that said welcomes the contributions to offsite planting.
- 7.75 Aside from the tree removal the ecology report demonstrates other ecological constraints are limited as the remaining habitats are of low quality and the potential for the protected/notable species, other than nesting birds and foraging bats is negligible.
- 7.76 There are very few details in the application documents about how the loss of the sites existing green infrastructure assets will be compensated in terms of new on-site planting. The proposed site plan shows indicative planting along Tennant Street and Granville street frontages and the design and access visuals show how level container planting and the roof plan indicates there will be small areas of biodiverse roof.
- 7.77 Recommendations in the ecology report include references to provision of ecologically beneficial planting, such use of native trees and shrubs and pollinator-friendly non-native species in the detailed planting areas around the new building. It further makes recommendations with regards to good practice precautionary measures to minimise the risk of harm to wildlife and habitat enhancements for birds.
- 7.78 These recommendations will therefore be secured by condition to ensure such is reflected in detail design. To conclude the ecology supports the application subject to conditions.
- 7.79 Other Issues

- 7.80 The public participation comments are largely dealt with above other than that relation to consultation. Following comments made regarding a lack of time to comment residents were sent a further letter in March providing a further 14 days to comment which will have amounted to a total of 21 days. Following that round of consultation, a further letter has been sent updating residents on the improved design revisions, further wind assessment addendum and justification around the loss of trees. Residents have been given a further 10 days to comment.
- 7.81 Planning Obligations
- 7.82 The proposal includes the loss of 11 trees, whereby policy DM6 requires a financial contribution to offset the loss. A CAVAT assessment was carried out and a contribution of £132,254 agreed to be paid. A financial contribution of £4,628.89 for the administration and monitoring of this deed to be paid upon the completion of the agreement.
- 7.83 Community Infrastructure Levy
- 7.84 The application site is within the CIL Hotel City Centre Area and the predicted CIL liability is 154,571.11.

## **7.0 Conclusion**

- 7.1 The redevelopment of this car park site is in accordance with land use planning policies for the area. Notwithstanding some shortfalls in amenity separation standards and the loss of 11 trees, on balance the scheme would provide a well-designed and sustainably located apart hotel bringing economic public benefits, securing local jobs and regeneration to this part of the city.

## **8.0 Recommendation:**

8.1 That consideration of planning application 2021/06838/PA be approved subject to the completion of a planning obligation agreement to secure the following:

- a) A financial contribution of £132,254 to provide off site tree replacement planting.
- b) Payment of a monitoring and administration fee associated with the legal agreement of £4,628.89.

8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 30<sup>th</sup> June 2022, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason.

‘In the absence of a Section106 legal agreement to secure a financial contribution to provide off site replacement tree planting the proposal would conflict with Policies TP7 of the BDP, DM4 of the DPD and the NPPF.’

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

8.4 That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 30<sup>th</sup> June 2022, or such later date as may be authorised by officers under delegated powers, planning

permission for application 2021/06838/PA be APPROVED, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

#### 8.5 List of conditions

- 
- 1 Time Limit
  - 2 Approved Plans
  - 3 Requires details of material samples
  - 4 Required details of design/architectural details (to include windows, doors, reveals, brick binding, metal cladding, its profile and fixing)
  - 5 Requires details of hard and soft landscaping (shall have paving in natural stone clay pavers)
  - 6 Requires the prior submission of a sustainable drainage scheme
  - 7 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
  - 8 Requires Boundary treatment details
  - 9 Requires the redundant footway crossing to be reinstated before the development is occupied. This will need to be done with a suitable highway agreement.
  - 10 Requires submission of cycle storage details
  - 11 Cycle/scooter store is provided before the development is occupied.
  - 12 Requires a Construction Management Plan
  - 13 Requires contamination radiation scheme
  - 14 Limit the noise for plant and machinery
  - 15 Limits occupancy time period
  - 16 Limits/Restrict to use class C1
  - 17 Scheme for ecological/biodiversity/enhancement measures
  - 18 Bird/Bat boxes
  - 19 Implementation of acceptable mitigation/enhancement measures
  - 20 Requires a scheme for biodiverse roof
  - 21 Construction employment plan
  - 22 Requires the developer/occupier to identify local employment opportunities for end user
  - 23 Requires the delivery and service area prior to occupation
-

- 
- 24 Details of foul and surface water details
  - 25 Requires details of CCTV
  - 26 Requires submission of lighting scheme
  - 27 Requires details of refuse storage
  - 28 Removes PD rights for telecom equipment
  - 29 Requires western facade to be obscure glazed
  - 30 BREEAM Certificate of Excellence
- 

Case Officer: Sarah Plant



## Photo(s)



Photo 1. Looking towards the site and Tennant Street Lofts from the corner of Tennant and Granville Street



Photo 2. Other side of Tennant Street, rear of Broad Street showing the Travel Lodge.





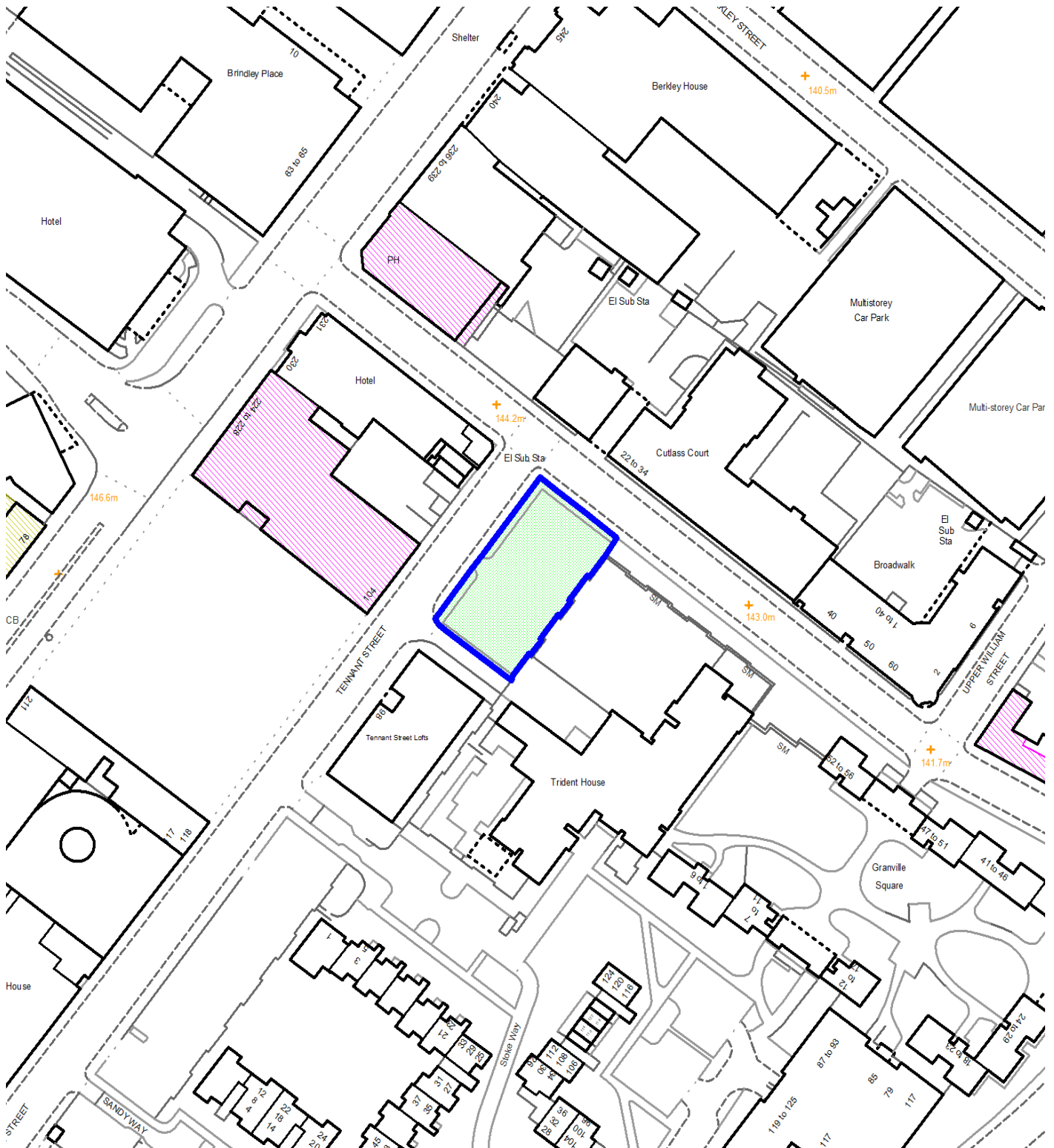
Photo 3. Photo of the site with Trident House.





Photo 4. Showing rear of Lee Longlands and Moda Tower

## Location Plan



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# **Birmingham City Council**

**Planning Committee**

**07 April 2022**

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	9	2021/10836/PA  889 Chester Road Erdington Birmingham B24 0BS  Change of use from care home (Use Class C2) to 14-bed HMO (Sui Generis)



Committee Date:	07/04/2022	Application Number:	2021/10836/PA
Accepted:	29/12/2021	Application Type:	Full Planning
Target Date:	07/04/2022		
Ward:	Erdington		

889 Chester Road, Erdington, Birmingham, B24 0BS

Change of use from care home (Use Class C2) to 14-bed HMO (Sui Generis)

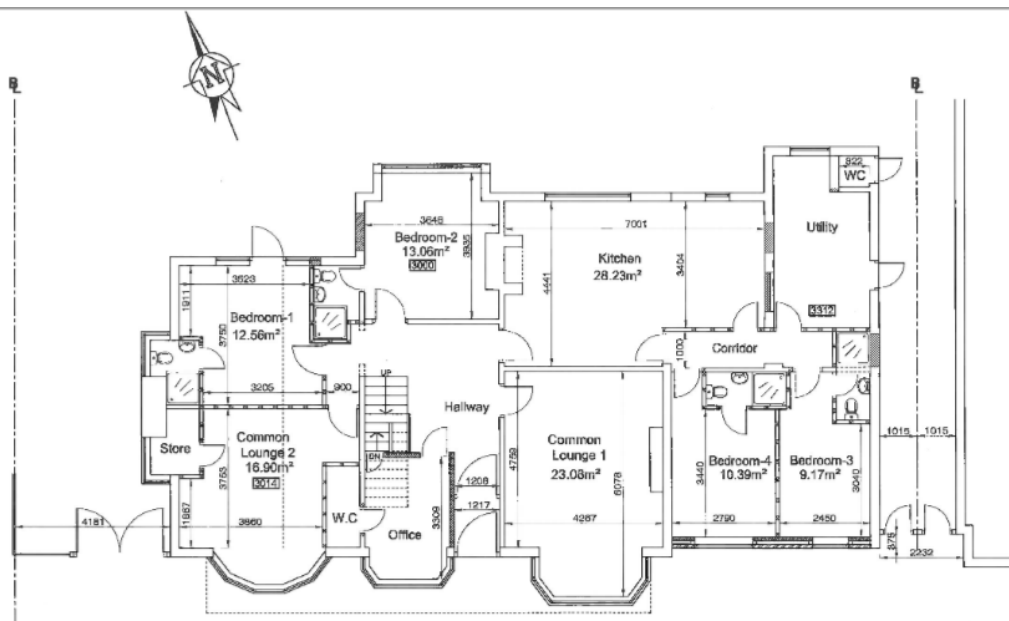
Applicant:	Kensington Investment Hub Ltd 81 Lombard Street, Deritend, Birmingham, B12 0QR
Agent:	ZS Partnership Ltd 469 Coventry Road, Small Heath, Birmingham, B10 OTJ

#### Recommendation

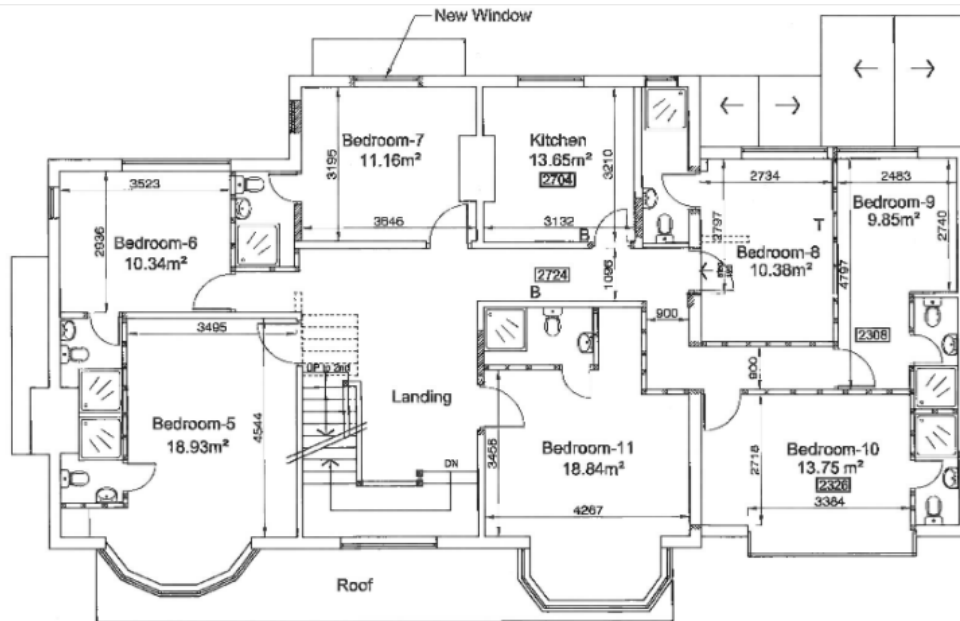
**Approve subject to Conditions**

### **1. Proposal**

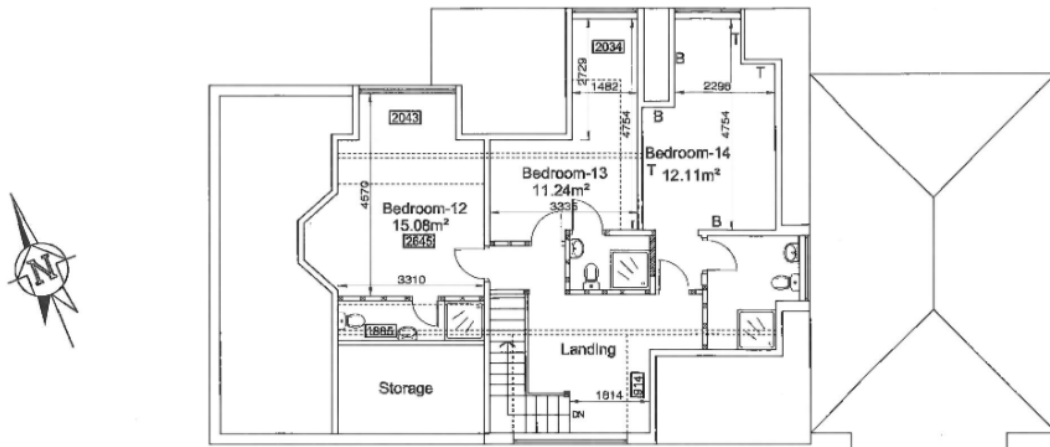
- 1.1. This application seeks permission for a change of use from care home (Use Class C2) to 14-bed HMO (Sui Generis). The proposed ground floor would consist of two lounges measuring 23.08sqm and 16.9sqm, a kitchen (28.23sqm), utility room and four bedrooms ranging from between 9.17sqm and 13.06sqm. The first floor would include a kitchen (13.65sqm) and seven bedrooms ranging from between 9.85sqm and 18.93sqm. The second floor would consist of three bedrooms ranging from between 11.24sqm and 15.08sqm area.
- 1.2. The applicant has advised that the property was in use as a care home until January 2012, after which time it remained vacant.



**PROPOSED GROUND FLOOR PLAN**



**PROPOSED FIRST FLOOR PLAN**

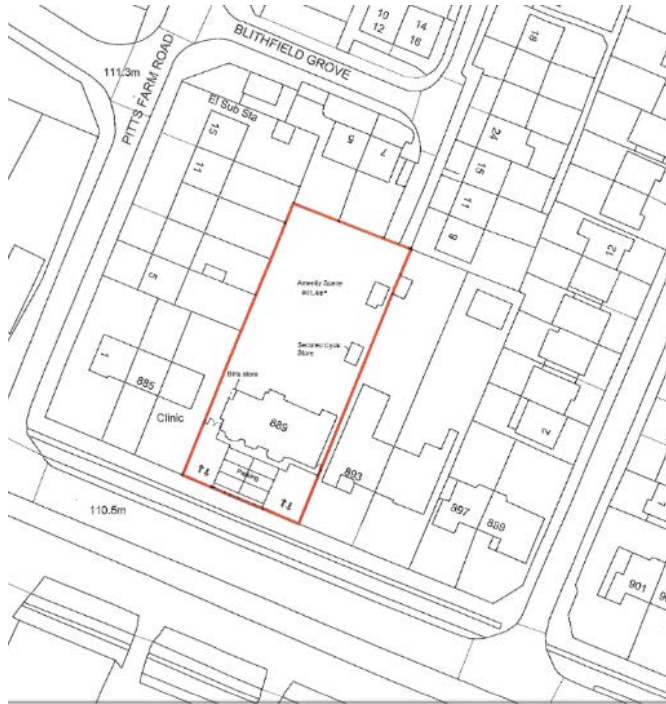


**PROPOSED SECOND FLOOR PLAN**

1.3. [Link to Documents](#)

2. **Site & Surroundings**

- 2.1. The application property is a large detached building located in a residential area which was previously occupied as a 9-bedroom care home. The adjoining properties include 893 Chester Road to the east and 887 Chester Road located to the west, both of which are in use as family dwellings. On the opposite side of the road is a row of three storey flats. The site has a rear garden of approximately 900sqm and a forecourt which includes 6 car parking spaces. The site has a good level of public transport accessibility, being within easy walking distance of bus stops and the Erdington Railway Station.



## 2.2. [Site Location](#)

### 3. **Planning History**

- 3.1. 3/12/2021 - 2021/08500/PA – Change of use from care home (Use Class C2) to 19-bed HMO (Sui Generis) – withdrawn by applicant as likely to be refused due to the high number of bed spaces proposed.
- 3.2. 29/01/1959 - 17974000 – use as hostel for discharged mental hospital patients – approved.

### 4. **Consultation Responses**

- 4.1. Transportation Development - no objection subject to a secure cycle storage condition.
- 4.2. Regulatory Services – no objection subject to the provision of a vehicle charging point.
- 4.3. Tree Officer – no objection.
- 4.4. West Midlands Police – no objection.

### 5. **Third Party Responses**

- a) Ward Councillors and adjoining neighbours were notified for the statutory period. A site notice was also displayed.
- b) Councillor Alden submitted a petition signed by the occupants of 18 properties. 29 representations have also been received. The following objections have been raised:

- The proposed accommodation is inadequate for the number of residents and would result in overcrowded conditions.
- The lack of parking spaces proposed within the site will lead to parking pressures and more vehicles parking in unsuitable locations such as on the grass verge.
- The proposal would increase crime, anti-social behaviour, and drug use in the area.
- There is a significant lack of large family housing in the Erdington constituency therefore, the property should be used as a family dwelling house as supported by the Birmingham Development Plan and the Mature Suburbs SDP which encourage houses to be restored if they can. The application property is in good condition and there is no reason why this cannot be used as a single occupancy.
- There is no justification on the loss of a family dwelling house or demand for an HMO of this size within the particular part of Erdington.
- Chester Road is characterised as a family neighbourhood, the HMO would not be in keeping with the local area. The Erdington ward is already saturated with family dwellings being converted to HMOs.
- The HMO would result in an increase in comings and goings and general level of activity which are likely to result in increased noise and disturbance to the occupants of the adjoining properties.
- The HMO would have an adverse impact on the character of the wider area and the setting of the adjacent listed building.
- Poor level of outdoor amenity space is provided for fourteen residents and poor outlook from habitable rooms windows.

## 6. **Relevant National & Local Policy Context**

- a) Paragraph 119 of the National Planning Policy Framework
- b) Policy TP27 of the Birmingham Development Plan (2017)
- c) Policy DM11 of the Development Management in Birmingham Development Management Plan (2021)
- d) Places for Living SPG (2001)
- e) Birmingham Parking Supplementary Planning Document (2021)
- f) Technical Housing Standards – Nationally Described Spatial Standards (2015)

## 7. **Planning Considerations**

- a) The Technical Housing Standards requires that in order to provide one bed space, a single bedroom must have a floor area of at least 7.5m<sup>2</sup> and be at least 2.15m wide. In order to provide two bed spaces, a double (or twin bedroom) should have a floor area of at least 11.5m<sup>2</sup>. One double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom at least 2.55m wide.

The main material considerations in this application are as follows.

### b) **Principle of Development**

There are no other HMO's within the immediate vicinity of the site and the proposal would not result in more than 10% of properties located within the 100m radius being in HMO use. As such the proposed HMO would not result in an over-concentration of such use and the proposal therefore complies with criteria a of Policy DM11 of the

The proposal would also not result in a C3 dwellinghouse being sandwiched between two HMOs and would not result in a continuous frontage of three or more HMOs thereby complying with criteria b and c of Policy DM11 of the DMB Development Plan Document.

Given that the property has been previously used as a 9-bed care home it is not considered that there would be a loss of a family dwelling house and therefore, in principle, the change of use to a HMO is acceptable.

**c) Residential Amenity**

The proposed bedroom sizes would comply with the Technical Housing Standards in terms of the floor space to be provided and all bedrooms would have adequate outlook and daylight provision. The ground floor would provide two communal lounges which are of an appropriate size in relation to the number of occupants. Places for Living (2001) requires 30sqm of outdoor amenity space per resident, equating in this case for the need for the development to provide 420sqm. The rear garden is around 900sqm and would therefore exceed policy guidance in terms of amenity space.

Given that the property is detached and located on the busy A452 Chester Road, with high ambient noise levels, it is considered that the proposed use as a 14 bed HMO would not result in adverse noise and disturbance to local residential occupiers. Also, it is considered that the proposed use would not result in any materially greater noise and disturbance impacts than the previous use of the premises as a care home. This care home use would have had regular staff comings and goings, as well as other visitors to the premises.

**d) Visual Amenity**

A new single window is proposed to the rear of the first-floor bedroom. There would be no overlooking issues to the rear of adjoining properties. The ground floor garage would be converted to two separate bedrooms and would include windows providing outlook onto Chester Road. The proposal would not have any detrimental impact on the appearance of the property or the existing street scene within this part of Chester Road.

**e) Highway Safety**

Birmingham Parking Supplementary Planning Document requires 0.5 parking spaces per bedroom for an HMO use. The document acknowledges that HMOs tend to attract occupiers with lower-than-average levels of car ownership compared to the general population. The desirable level of on-site parking provision would be seven spaces and the proposal would provide six spaces to the forecourt. Given that there is un-restricted on street parking available on nearby roads, the amount of parking proposed is considered acceptable and therefore the use would not result in a detrimental impact on highway safety.

**f) Other issues**

NPPF paragraph 130 advises that 'decisions should ensure that developments will function well and add to the overall quality of the area (and)...create places that are safe'. The concerns raised by objectors regarding safety being compromised are therefore a material consideration in the assessment of how a proposal may affect residential amenity. In order to carry weight in the determination of an application fear

of safety must be based on sound reasons and, additionally, there needs to be reasonable evidential basis for that lack of safety. In this regard it is important to note that West Midlands Police have not expressed any concerns in relation to the proposal. There is no substantive evidence that the proposed HMO would attract or be likely to be occupied by persons more likely to commit crimes or to carry out anti-social behaviour. It is not therefore considered that crime/anti-social behaviour or increase in drug use would be a potential consequence of the proposed use, and as such refusal of the application on these grounds would not be justifiable.

I note the concerns regarding the proposed HMO resulting in an over development of the site. There are no extensions proposed as part of this application and the internal layout would comply with all the relevant policies in terms of bedroom sizes, outlook and adequate provision of communal spaces. Given the large detached nature of the property and the previous use it is considered that the proposal would not result in over development of the site. In addition, the application site is not in proximity to listed buildings or in a conservation area.

## 8. **Conclusion**

The proposed change of use is acceptable as it complies with the criteria set out in Policy DM11 of the Development Management in Birmingham DPD, Places for Living and the NPPF.

## 9. **Recommendation**

Approve subject to conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the maximum number of residents to 14                           |
| 3 | Requires the provision of a vehicle charging point                     |
| 4 | Requires the submission of cycle storage details                       |
| 5 | Implement within 3 years (Full)  |
- 

Case Officer:           Sanya Imran

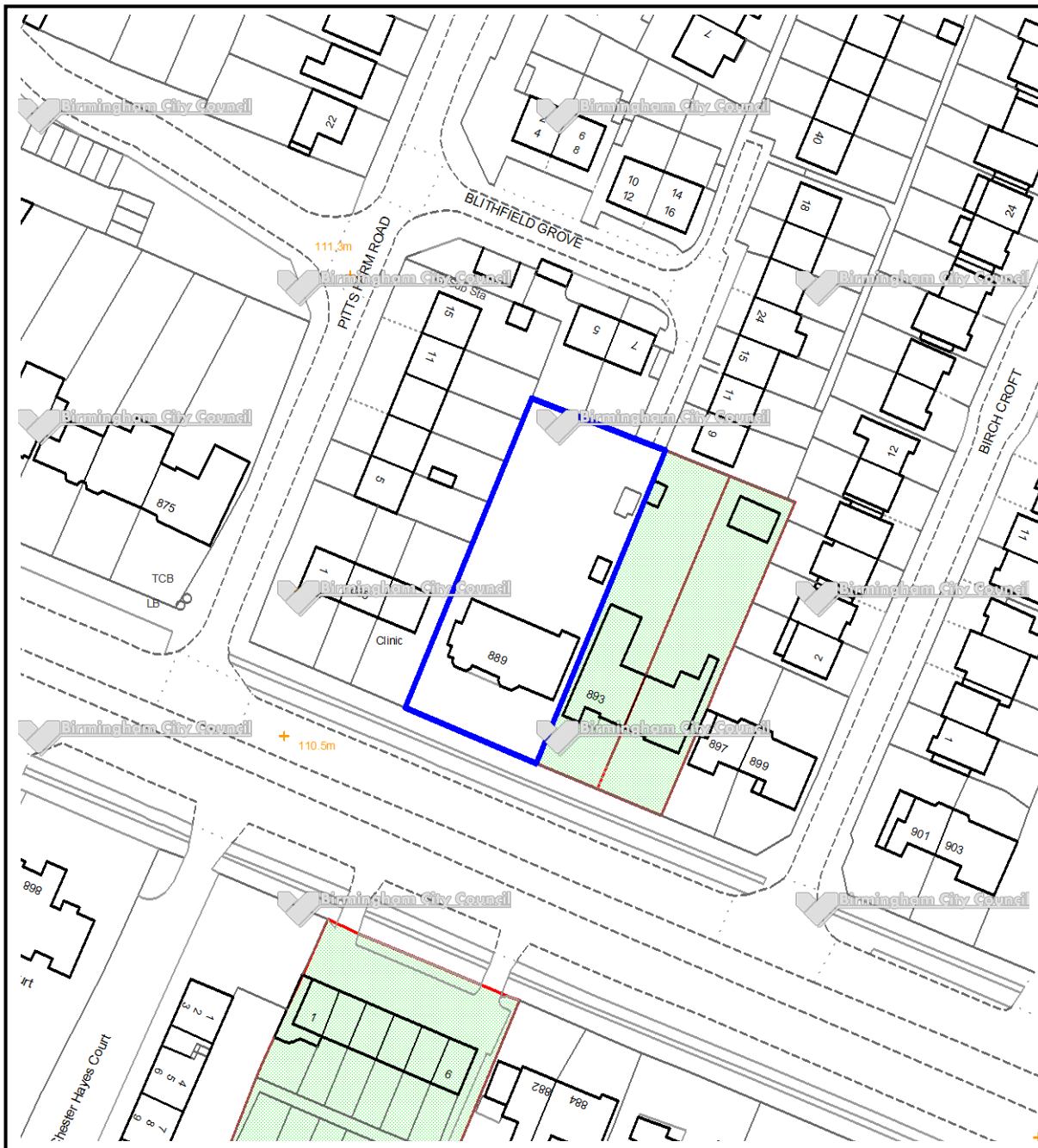


## Photo(s)

The site



## Location Plan



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# **Birmingham City Council**

**Planning Committee**

**07 April 2022**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	10	2021/03811/PA  45 Church Road Edgbaston Birmingham B15 3ST  Listed Building Consent for internal and external alterations and demolition of existing swimming pool.



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Committee Date:	07/04/2022	Application Number:	2021/03811/PA
Accepted:	27/04/2021	Application Type:	Listed Building
Target Date:	22/06/2021		
Ward:	Edgbaston		

45 Church Road, Edgbaston, Birmingham, B15 3ST

Listed Building Consent for internal and external alterations and demolition of existing swimming pool.

Applicant:	Omniterran Ltd 45 Church Road, Edgbaston, Birmingham, B15 3ST
Agent:	Khoury Architects Alpha House, 42 New Road, Stourbridge, DY8 2HQ

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#### Recommendation

#### **Approve subject to Conditions**

#### **1. Proposal:**

##### **1.1. Listed Building Consent is sought for the approval of the following works:**

##### **Ground floor:**

- Installation of kitchen and bathroom pods in bedrooms 7, 8 and 10.
- New walls in existing kitchen and installation of kitchens and bathroom pods and corridor to entry/exit points, communal lounges, staircase to first floor.
- Removal of W.C.
- New door opening to utility/store area.
- Closure of door openings into garage and from kitchen into utility/store area.
- New door openings in and extension of link to existing orangery and pool room apartment.
- Installation of kitchens and bathroom pods, new internal walls and new window openings in existing pool room apartment.
- New internal walls, changes to external walls and windows for studio 36 in existing orangery.

##### **First Floor:**

- Installation of kitchens and bathrooms/bathroom pods in bedrooms 1, 2, 3, 4, 5 and 6 and bathroom.
- New internal walls, installation of kitchen and bathroom pod, new window opening and removal of rooflight in existing games room (above pool room apartment).

Garage conversion including new staircase, new walls to create lounge and kitchen diner at ground floor with two bedrooms, bathroom and en-suite to bedroom 1 at first floor. New window openings and removal of existing roof light.

Single storey extension to existing coach house to create larger living area at ground floor.

##### **1.2. Planning permission is required for the conversion to student accommodation; any new**

build accommodation proposed to the rear, any new build associated with existing ground floor link; coach house extension and any alterations relating to new window openings. The submitted plans include the wider development.

- 1.3. Listed Building Consent is required for the swimming pool building demolition as the building is attached to one of the ancillary listed structures.
- 1.4. The application is supported by a Historic Building Recording report dated Feb 2020; Heritage Assessment dated Feb 2019; Heritage Impact Assessment dated Nov 17; Tree Survey Assessment; Arboricultural Impact Assessment with tree constraints and tree protection plan; Sustainable Lighting Statement; Sustainable Construction Statement; Design and Access Statement; Student Need Statement; Drainage Report; Sustainable Energy Construction Statement and a Contaminated Land Desk Study.
- 1.5. Following concerns raised by conservation, the agent has also confirmed that all bathrooms being inserted into rooms where they do not currently exist would be installed as bathroom pods, all fireplaces would be retained, retention of existing chimney breast in bedroom 7, the arched niche in Bedroom 16 would be retained, the window seat in bedroom 8 would be retained and none of the furniture would be fitted – it would all be freestanding.
- 1.6. Further information and amended plans have been submitted during the application to address conservation concerns. The description of development has also been amended during the application in order to clearly define the elements for which Listed Building Consent is sought.
- 1.7. [Link to Documents](#)

## 2. **Site & Surroundings:**

- 2.1. The application site is a grade II listed early 19<sup>th</sup> century white stucco villa, built c.1830-40 as part of the development of the Calthorpe Estate. The house, known originally as Oakhurst, is set back from Church Road behind a walled frontage in substantial grounds laid out to terrace and gardens.
- 2.2. The house is in the Edgbaston Conservation Area and neighbours several other grade II listed villas to the south on the eastern side of Church Road grade II (Nos. 10, 11, 12, 13 and 14).
- 2.3. Directly adjacent to the curtilage listed grounds of the house is the Vale, a grade II registered Park and Garden
- 2.4. There is a hard-surfaced parking area to the front of the premises with the provision for at least 8 vehicles with 6 front parking spaces and an additional 2 garage spaces.
- 2.5. The site is well served by public transport with availability of bus services on Church Road and Five Ways railway station is within 20 minutes walking distance.
- 2.6. The building was in private residential use until the mid-20<sup>th</sup> century when it was converted to institutional use as the Birmingham School for Speech Training and Dramatic Art (Use Class D2). Following a short use as a primary school from the end of the 20<sup>th</sup> century, the house was converted to flats in the early 2000s. It was converted to a single dwelling following approval of planning application 2006/03704/PA in 2006 and then to an HMO following approval in 2015 (2015/01086/PA).
- 2.7. [Site Location Plan](#)

### **3. Planning History:**

- 3.1. 19 October 2021. 2021/03776/PA. Application withdrawn by the Council following non-registration of proposal to convert existing HMO into student accommodation, proposed demolition of existing swimming pool and replacement with new build accommodation at basement, ground and first floor levels to provide 67 studio apartments, a visiting academics lodge and a managers residence.
- 3.2. 1 May 2015. 2015/01086/PA . Planning permission granted for the change of use from private house (C3) to HMO (Sui Generis).
- 3.3. 20 May 2008. 2008/01753/PA. Listed Building Consent granted for two replacement double-glazed sash windows to front elevation, repair of windows to front and rear elevations, removal of one chimney, rebuilding of two frontage chimneys.
- 3.4. 27 July 2007. 2007/03116/PA. Planning permission granted for the erection of single and two storey side extension with first floor balcony to rear, single storey rear extension, single storey side extension to form enclosed swimming pool and detached structure to side and erection of boundary wall with gates and railings to front and boundary wall to side.
- 3.5. 27 July 2007. 2007/03115/PA. Listed Building Consent granted for the erection of single and two storey side extension with first floor balcony to rear, single storey rear extension, single storey side extension to form enclosed swimming pool and detached structure to side and erection of boundary wall with gates and railings to front and boundary wall to side.
- 3.6. 18 August 2006. 2006/03704/PA. Planning permission granted for the change of use from educational premises (D1 use) to single family dwellinghouse (C3 use).

### **4. Consultation Responses:**

- 4.1. Historic England – No comments.
- 4.2. Canal and River Trust – No comments regarding heritage matters.
- 4.3. Conservation - a Historic Building Recording survey report (Cotswold Archaeology, February 2020) is submitted in support of the application. The report has been carried out to level 2/3 in line with Historic England Guidance. The report is enough to detail the internal plan form and layout of the building and surviving and restored/reinstated internal architectural features through written and photographic evidence, summarising form, function and sequence of development. The document also provides a statement of significance which identifies the more significant elements of the house and those less so. The report also makes recommendations to minimise and/or mitigate harm to special interest to ensure sensitive conversion. Overall, the report recommends that the approach to conversion will need to be reversible with regards to the installation of furniture and equipment, retention of historic fabric, including chimney breasts, historic joinery (skirting boards etc.), window seat and a light touch for the bathroom pods to allow for the on-going appreciation of the grand internal room proportions.

As a later, modern structure, the loss of the pool house in itself (whether through conversion or demolition), is of little consequence to the significance of the listed building or its established landscaped setting. As attached to the listed house through a complex of ancillary structures, listed building consent is required for this demolition.



Following the submission of additional assessments, revised and amended plans; the proposed internal and external alterations to facilitate the buildings conversion would not alter the historic plan form and layout to a degree that would be harmful to significance. Original and historic features and details are retained and division of spaces moderate and reversible. Therefore, in relation to the internal and external alterations the proposal can be supported.

## 5. **Third Party Responses:**

5.1. Ward Councillors, MP and resident associations notified. Site and press notice posted. 27 letters of objection received including those from Councillors Deidre Alden and Matt Bennett and Preet Gill MP and 1 letter of support. Objections are based on the following grounds:

- Over development of the site.
- Further student accommodation is not required.
- Impact on listed building and street scene.
- Not been informed – no letters have been sent to anyone locally.
- No attempt at consultation was made by the applicant pre-application.
- Development will generate extra traffic – impact on adjacent school.
- Highway Safety Impacts from extra traffic.
- Noise.
- Listed Building would not be enhanced by 67 studio flats.
- Detrimental impact on Kelton Court.
- Student accommodation could be let to non-students.
- Effect on character of the area.
- Increase in anti-social behaviour.
- Already have a drug problem locally – this would exacerbate the issue.
- Work is already being undertaken and significant changes have already been undertaken including replacing windows with uPVC ones.
- Development would overlook Kelton Court – loss of privacy.

## 6. **Relevant National & Local Policy Context:**

### a. **National Planning Policy Framework:**

Paragraph 197  
Paragraph 202

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).  
Grade II Listed Building.  
Edgbaston Conservation Area.

### b. **Birmingham Development Plan 2017:**

Policy TP12: Historic Environment

### c. **Supplementary Planning Documents & Guidance:**

Regeneration Through Conservation SPG

## 7. **Planning Considerations:**

7.1. The key consideration in the determination of this application is the impact of the proposed development on the Grade II listed building.

- 7.2. Following significant concerns raised by Conservation, amendments have been made to the proposal since submission. These include the retention of existing features within the building that were originally shown as being removed and that the proposed alterations can be reversible so that the historic fabric of the building is not impacted. These amendments have alleviated the concerns originally proposed and no objections are now raised to the proposed internal and external alterations.
- 7.3. Due to the concerns raised by Conservation, the applicant agreed to amend the description of development for which Listed Building Consent is sought and now only covers the proposed internal and external alterations and the demolition of the swimming pool. No objection is raised to the demolition of the swimming pool building.
- 7.4. The submitted plans cover the wider development and as such, conditions are recommended to ensure that any consent granted relates solely to the internal alterations being agreed. Conditions relating to architectural details, retention of features, a method statement for implementation and a strategy for mechanical and electrical systems and water utilities are also recommended below to ensure that the development is undertaken with minimal impact on the Grade II Listed Building.
- 7.5. Based on the submitted information and plans, I consider that the proposed development would have no impact or harm on the listed building and its significance in accordance with the NPPF and BDP policy and would preserve and enhance the building in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act.

#### **Other issues**

- 7.6. Whilst I note the significant number of objections relating to the proposed development, they primarily relate to a change of use to student accommodation, the potential impacts of student accommodation and the proposed new build element of the proposal – all of which require planning permission and are not for assessment as part of this Listed Building Consent application. A planning application was submitted for the proposed change of use and new build development but was never validated and was returned to the agent. The agent is aware that planning permission is required for the change of use and new build elements.
- 7.7. The impact of noise, extra traffic and impact on privacy and light would all be assessed during the planning application and relate to the wider new-build proposal rather than the current conversion of the listed building. The proposed use is not granted planning permission through this application.
- 7.8. I note objections raised on the grounds that works have already taken place at the property including the replacement of windows. An enforcement case has been opened and an investigation will follow. This issue does not impact on the ability to determine this application and any works undertaken without permission will require a further consent/removal/reinstatement.

#### **8. Conclusion**

- 8.1. The proposed internal and external works to the listed building are considered acceptable and in accordance with NPPF and BDP TP12 policy requirements. The wider scheme including new build student accommodation and the change of use of the existing building require planning permission and the suitability of this would be addressed at that point. The demolition of the swimming pool building where attached to ancillary listed structures is also considered acceptable and in accordance with policy. Safeguarding conditions are recommended below.

9. **Recommendation:**

9.1. That Listed Building Consent is granted subject to the conditions listed below

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Inventory of retention of fixtures
  - 3 Require the submission of a Method Statement for Implementation
  - 4 Requires the submission of full architectural details
  - 5 Requires the submission of a mechanical and electrical (M&E) systems strategy and water utilities strategy
  - 6 Defines Extent of Works Approved by Listed Building Consent
  - 7 Implement within 3 years (conservation/listed buildings consent)
- 

Case Officer: Pam Brennan

## Photo(s)



Photograph 1: View of property from Church Road



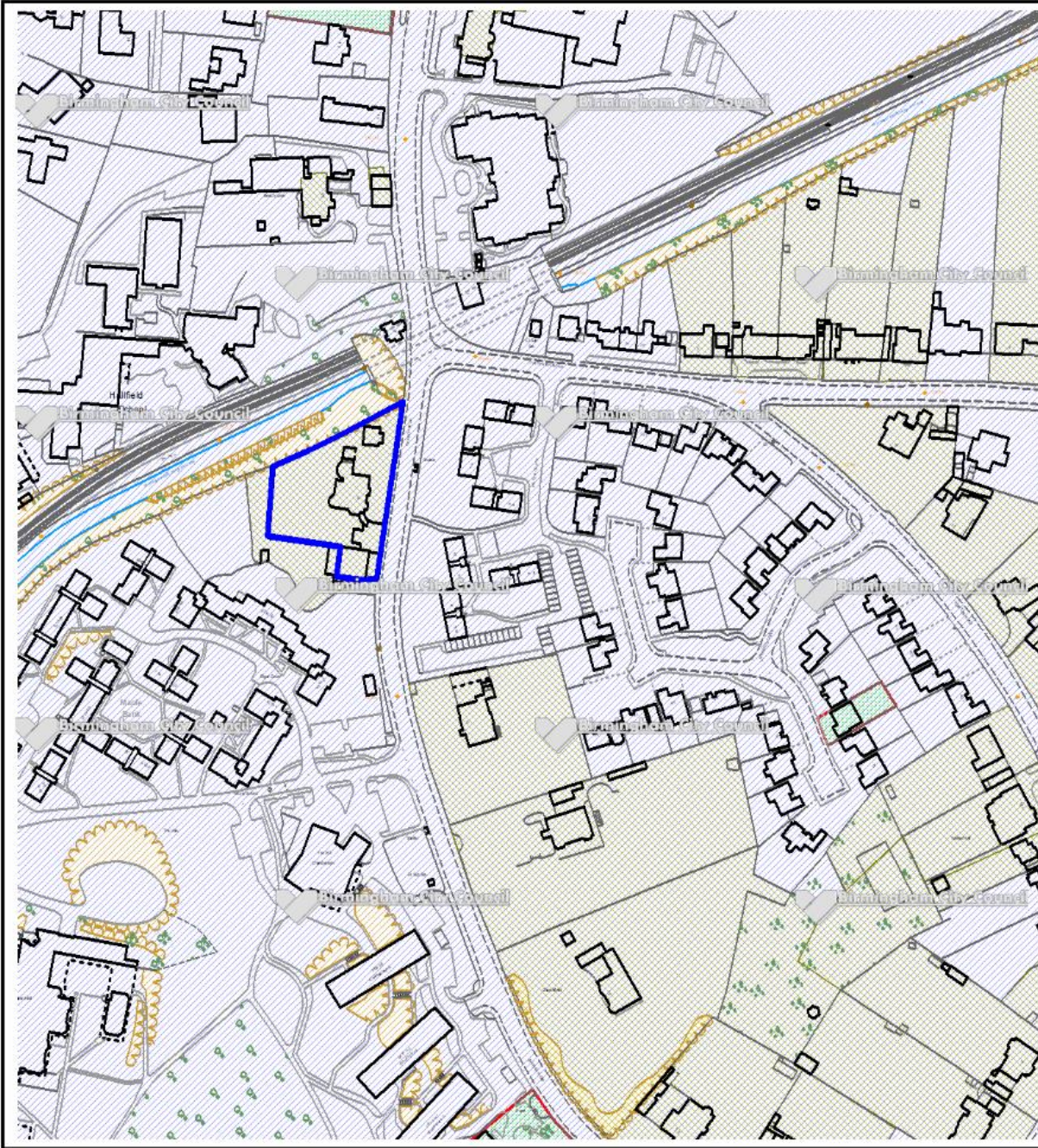
Photograph 2: Google Street View of 45 Church Road frontage



Photograph 3: Rear of property showing modern extension housing swimming pool, orangery and pool house apartment with games room above



## Location Plan



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