

Birmingham City Council

Planning Committee

02 March 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	8	<p>2016/02717/PA</p> <p>Former North Worcestershire Golf Club Land off Frankley Beeches Road/Hanging Lane/Elan Road/Josiah Road/Tessall Lane Northfield Birmingham B31 5LP</p> <p>Outline planning application with all matters reserved except access, for the demolition of club house and the development of up to 1,000 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure</p>
Approve - Conditions	9	<p>2016/09170/PA</p> <p>Former Flight Shed Yard Land at the corner of Lowhill Lane & Groveley Lane Longbridge Birmingham B45 8UN</p> <p>Submission of reserved matters (appearance, landscaping, layout and scale) in association with outline planning permission 2013/06429/PA for the erection of 95 dwellings</p>
Approve - Conditions	10	<p>2016/09468/PA</p> <p>Unit 5 Avery Dell Trading Estate Lifford Lane Birmingham B30 3DZ</p> <p>Change Of Use from business and general industry (Use Classes B1/ B2) to gymnastics club (Use Class D2 assembly and leisure) and creation of parking spaces.</p>

Approve - Conditions

11

2016/09442/PA

60 York Road
Kings Heath
Birmingham
B14 7RZ

Erection of 2 no. two and three storey blocks
accommodating 12 no. flats with associated
parking and landscaping

Committee Date:	02/03/2017	Application Number:	2016/02717/PA
Accepted:	01/04/2016	Application Type:	Outline
Target Date:	31/01/2017		
Ward:	Longbridge		

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

Outline planning application with all matters reserved except access, for the demolition of club house and the development of up to 1,000 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure

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

Recommendation

Refuse

1. Proposal

- 1.1. This application seeks Outline planning permission for development of up to 1,000 dwellings, public open space, primary school, multi-use community hub, new access points, the demolition of club house and associated infrastructure. All matters are reserved apart from access.
- 1.2. The indicative master-plan shows how the residential areas and other land uses would be arranged on the 32.35ha site. In summary this shows the following;
 - Development sites, of around 20ha, providing land for up to 1,000 dwellings (50 dwellings per hectare)
 - Public Open Space of 9.73ha (including an ecology park and green corridors linking through the site and around the periphery). The Ecology Park, would include new wetland areas, species rich grassland, woodland and informal recreation space.
 - 3G Sports Pitch (all weather artificial surface) and equipped children's play areas
 - Land for a two form primary school
 - Land for a Community Hub building (1,000sqms) that would provide flexible space with the potential for a church, meeting rooms, GP surgery and changing facilities for the 3G sports pitch.
- 1.3. Vehicle and pedestrian access is shown from;
 - Frankley Beeches Road/Egghill Lane roundabout,

- Frankley Beeches Road (adjacent to Guardian Close), and
- Tessall Lane.
- Separate access to the Community Hub, School and sports facilities from Frankley Beeches Road.

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



Indicative master plan

- 1.5. The application has been accompanied with a Transport Assessment, Planning Obligation and Affordable Housing Statement, Open Space Assessment Statement of Community Involvement, Site Investigation, Arboricultural Survey, Flood Risk Assessment and Environmental Impact Assessment (Environmental Statement). The Environmental Statement includes assessments of landscape and visual impact, historic, ecology, air quality, noise and vibration, socio-economics, ground conditions, water environment, waste, transportation and site construction.
- 1.6. The Statement of Community Involvement explains that two public events were held at the Hollymoor Community Centre (10/7/14, 12/7/14, 28/1/16) and 200 people attended the most recent event.
- 1.7. The applicants have offered the following heads of terms;
- 37.8% affordable housing
 - 2ha of land allocated for a two form entry primary school and community hub.
 - 9.73ha of public open space including a 3G pitch and children's play equipment
- 1.8. Site Area 32.35 ha, the development zones amount to 20ha, and therefore the proposed density of housing would be up to 50dph.

- 1.9. A telecommunications mast is located within the site, adjacent to Frankley Beeches Road and the junction with Egghill Lane. The applicant has confirmed that this is operated by EE and is subject to a lease with 10 years to expire.
- 1.10. A revised Master Plan, Environmental addendum, Transport Assessment addendum and revised S106 offer has been submitted recently, indicating the applicant's wish to explore a revised scheme with the Local Planning Authority (LPA). However, the applicant has not made a formal application to amend the planning application, has failed to formally request whether or not the LPA is willing to accept these revised details and has accepted that they represent a material change from the current application. The Council is advised it must take into consideration the interests of third parties, who have expressed an interest in this application, together with a national policy aspiration to deal with applications as expeditiously as possible. These are all factors which must be taken into account in the round in reaching a decision as to how to respond to this further information. It is the view of the LPA that the proposed changes are a material change from the current application and does not accept the amended details at this time. This view is consistent with *Wheatcroft v SoS* where, in terms of amended plans, the judge commented that "in deciding whether or not there is a substantial difference.. the LPA... will be exercising a judgement.. with a main criterion [of] ...whether the development is so changed that to grant consent would deprive those who should have been consulted on the changed development of the opportunity of such consultation". In this case, the change would be subject to substantial re-consultation and put residents at a disadvantage because the amended details would be likely to confuse them as to which scheme (and supporting documents) they are now considering. As a result of this confusion fewer objections may be raised; despite the fact that all objections received to date relate (at least in part) to the principle of residential development. Conversely a new planning application, bolstered with comprehensive community consultation, would be required to properly consider the revised details and the implications for the material considerations identified in this report.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The North Worcestershire Golf Course is located in the south of the City within the Longbridge Ward. The Golf Club closed on 31st March 2016 and the site is now closed.
- 2.2. The 32.35ha site is bounded by Frankley Beeches Road, Hanging Lane, Elan Road, Josiah Road and Tessall Lane. The clubhouse, located in the northeast corner of the site, is accessed from Hanging Lane, 10m from the junction with Frankley Beeches Road. Most of the site is adjacent to roads, by exception residential properties of Guardian Close (to the north), Josiah Road (east) and parts of Tessell Lane (south) and Hanging Lane (east) have rear gardens that are adjacent to the boundary of the site. Those in Hanging Lane have a rear access that provides access to both the houses and a storage yard to the golf course. The site is located within an established residential area.
- 2.3. Bus services run adjacent to the north (Frankley Beeches Road) and west (Elan Road/Tessall Lane) boundaries of the site and include the no.s 18, 18A, 29, 29A, 39H, 49, 878 and 61, several of these travel into the City Centre. Northfield Station is 1.5kms to the northeast and Longbridge Station 1km to the southeast.

- 2.4. In terms of local amenities, there is the Northfield District Centre (780m to the northeast), Great Park; retail and leisure (1.5kms to the southwest) and, Longbridge District Centre (1kms to the southeast). Also more locally there is a parade of shops to the immediate west (including Tesco Express, day nursery and takeaway). In terms of formal parks, Cofton Park is located 1.5kms to the south, Senneleys Park 3.4kms to the north, and Victoria Common (Northfield Park) 1.5kms to the northeast, there are other numerous small pockets of open space around and nearer to the site.
- 2.5. In terms of schools, there are number of primary schools within 0.5km of the site, including Merrits Brook, St Brigids RC, Forrestdale, and the Meadows. In terms of secondary schools, the nearest is Balaam Wood (1.6kms west), Turves Green Boys (1.5kms southeast), Turves Green Girls' (1.6kms southeast), St Lawrence Church (1.5kms northeast), Bellfield (1km northeast) and Colmers (1.2kms south). These are, however, full to capacity.
- 2.6. The site consists of large woodland areas within landscaped grounds. Several watercourses run through the site, including an unnamed watercourse which surfaces within the centre of the site and flows eastwards. This watercourse joins the River Rea, 1km to the east.
- 2.7. In terms of levels the site slopes from 205m above ordinance datum (above ordnance datum- AOD) in the southern part of the site, to its lowest point (177 AOD) in the centre and eastern area of the site, and rises back up to the north to a final height of 197m AOD on the northern boundary. The opposing east to west contour, slopes down from 200 AOD (on the west boundary) down to 180 AOD on the east boundary.

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

4.1. Consultation Responses

- 4.2. Transportation – The Transport Assessment lacks sufficient justification and further analysis is required.
- 4.3. Regulatory Services – No objection, subject to conditions to secure; extraction and odour control details for the kitchen in the community hub, noise levels for plant and machinery, noise and vibration assessment, contamination remediation scheme, the provision of a vehicle charging point, travel plan (to reduce use of cars) and for the football pitch and community hub to be used for school use only.
- 4.4. Leisure Services – Objection due to;
- The loss of private open space. The loss of recreational space of this magnitude, that serves a sports use, would compound the lack of public and private playing fields in the ward which is currently standing at 0.23 Ha per 1,000 population, well below the target of 1.2 ha (per 1000 population).
 - The offer of 9.73 Ha of public open space (POS) is of limited interest as Longbridge ward currently meets the target of 2ha of public open space provision (per 1000 population) at 3.72Ha.

- The proposed zonal arrangement of POS falls far short of what we would expect for such a significant intervention of new housing. The emphasis should be on good quality, over-looked, accessible open space that people want to use and feel safe to use. The proposed open space provides only one grass football pitch. The development zones would have a negative impact on the area.
- In policy terms the development of 1,000 homes would generate a POS compensation requirement of 1000×2.5 (average number of persons per dwelling) $\times 20,000/1000$ (2Ha per 1000 population) = 5Ha of POS. This would be achieved via the on-site provision.
- The loss of playing field to development is proposed as 20.62 Ha. This would generate a compensation sum of £3,093,000 for sports, recreation and community facilities which would be set against the provision set out in the design and access statement.

4.5. Sport England – Sport England objects to the application and considers that the application conflicts with its Objectives to *Protect, Enhance and Provide* sporting facilities in that there is no compensation package for the loss of the golf course and there is insufficient detail and justification for the sports provision provided. In light of the above, and the lack of evidence of any exceptional circumstances. The following compensation is required for the loss;

- A suitable contribution to be invested in a local golf course where the remaining membership would relocate to.
- Funding for sports facilities, due to the increase in population towards Sports Halls (of £539,058), Swimming pools (£648,429), Artificial grass pitches (£112,348) and Indoor bowls (£59,211); creating a total sum of £1.4M (£1,359,046).

4.6. Education – makes the following comments;

- The housing mix proposed would be expected to yield; 38 nursery aged pupils, 263 primary aged pupils and 188 secondary aged pupils. This corresponds with the applicants calculations and is the equivalent to 38 pupils a year group or 1.25FE.
- Local primary schools do not have any surplus spaces to accommodate additional primary school children. The applicant's assessment of school places is flawed as the capacity cannot be considered by total for each school. Instead it needs to be considered in relation to each individual year group. The 'Education Sufficiency Requirements' report, publish by the City's education Department this shows the need for additional Reception places this academic year (p13), and in 2017/18 (p20) to ensure current pupils in the area have sufficient places for the future.
- The offer of only land for a 2FE primary school is insufficient as the construction of a primary school (and associated infrastructure) is essential to be provided on site by the applicant as part of the applicant's proposed infrastructure to mitigate the impact of the scheme on the local area.

- The primary school must include nursery provision and to be viable to the operator should be a 2FE.
 - The proposal's population also generates a requirement of £3,359,049 for secondary provision, to be invested in additional places in local secondary schools.
- 4.7. West Midlands Ambulance Service – No response received.
- 4.8. West Midlands Police – No objection, but strongly advise that this proposal is developed to enhanced security standards as set out by the crime reduction initiative; 'Secured by Design'.
- 4.9. West Midlands Fire Service – No objection providing sufficient water supplies are available for fire-fighting action.
- 4.10. Lead Local Flood Authority – No objection subject to a condition requiring a sustainable drainage strategy and operation and maintenance plan.
- 4.11. Environment Agency – Objects as a flood model (including the technical report and model log) is required for the Environment Agency to review. The applicant should also confirm that the 1 in 20 year flood extents have been determined (reference is only made in the FRA to the 1 in 30 year event) and that the latest climate change allowances have been used. If our objection as detailed above can be overcome the following items also require consideration; Biodiversity, Groundwater/contamination and pollution prevention.
- 4.12. Centro – No response received.
- 4.13. National Grid – The proposal is in the vicinity of National Grid's High Pressure Gas Pipelines and require an agreed safe method of work to ensure the integrity of the pipeline.
- 4.14. Severn Trent – No objection subject to drainage details secured by condition.
- 4.15. Natural England - No objection.
- 4.16. The Wildlife Trust – object for the following reasons;
- The site contributes a significant amount of natural capital to this south west corner of Birmingham. The scale of this development will result in a significant loss of this capital and a decrease in the value of the capital that remains and a decrease in the benefits that it provides in south west Birmingham.
 - The site lies within the Birmingham & Black Country Nature Improvement Area, designated in 2012. The application appears to fail to acknowledge this important status. This should be rectified.
 - The development will have significant negative impacts on biodiversity
 - The Environmental Statement identifies this site as a Potential Site of Importance for ecology. It is crucial that the site's ecological and geological importance is properly and fully evaluated as part of the work preparing the Environmental Statement. In carrying out this evaluation, it is critical that the methodology used is that provided and used by the Birmingham & Black

Country Local Sites Partnership. There is a need to know the value of the site's ecological habitats and features and geological interest, and to understand the total impact of the development on the site's ecological value.

- Further ecological survey and assessment should be carried out.
- The impact of development on the retained open space, habitats, features and protected and key species is underestimated and underplayed.
- The proposed mitigation of these impacts is uncertain, there is no confirmed detail about mitigation.
- The Trust recommends that this application is refused according with the City Council's planning policy.

4.17. Public Participation

4.18. Site Notices, including reference to the Environmental Assessment, were erected at 8 locations around the site (being Frankley Beeches Road x 3, Hanging lane x 2, Josiah Road, Tessel Lane, and Elan Road), and Press Notice advertised.

4.19. Residents, Resident Associations, commercial occupiers, EE (telecom operator), Councillors of Weoley, Northfield and Longbridge Wards and Richard Burden MP, notified. Responses are summarised as follows:

4.20. Councillor Andy Cartwright - Longbridge Ward has had its fair share of new housing developments. The road infrastructure and local community assets will not cope with this proposal. The area is known for flooding which causes concern for residents that back on to this area. I would like to speak at the planning committee meeting.

4.21. Councillor Ian Cruise- With the following concerns;

- The road network around the proposed development site is currently not fit for purpose and takes a great deal of traffic at peak times. The addition of another 1000 homes and potentially 1500 vehicles minimum to the area at peak times will impact the locality greatly. Any modifications to the road network will also have to cut into a large wooded area of the proposed development site, thus displacing many different species of wildlife.
- Homes around the site flood, any further erosion of this natural soak-away could have a disastrous effect on many residents in the immediate area.
- Any further development in the area will put further strain on services accessed by local people, including health centres. The development could bring an extra 1000-2000 young children for whom school places are required, who would fund/maintain the school. The development will put further strain on an already stretched Fleet and Waste department.
- The site is an area of Natural Beauty, home to many species of wildlife that will be displaced from their natural habitat of over 100 years.
- Birmingham can fulfil its housing obligation using the duty to cooperate with other local authorities in the West Midlands Combined Authority area and should continue to follow this path.

- Councillor Cruise has also provided an e-petition objection with 6 names.
- 4.22. Councillor Peter Douglas Osborn - The infrastructure surrounding the area will not be able to carry a further 1000 dwellings. Frankley Beeches Road is already congested and Hanging Lane will not be able to handle the extra traffic safely. Getting an appointment at Northfield Clinic is already a mission in its self. The shops in the direct vicinity are also not going to be able to handle the extra influx of residents.
- 4.23. 130 letters of objection have been received, and a petition of objection with 546 names.
- 4.24. 45 letters of support have been received, and a petition of support with 9 letters.

4.25. OBJECTION

- 4.26. The petition of objection was submitted by Councillors Cartwright and Cruise, and ex-Councillor Phillips, in February 2014, on behalf of 'residents surrounding the golf club'. It asked the golf club 'to stop the sale of a local heritage site'.
- 4.27. The 130 objections raise the following concerns;
 - Pollution and traffic congestion. There are no plans for improving the road infrastructure in the area this will add to the major congestion already caused by the development of Longbridge and Egghill, Schools and Doctors surgeries are stretched now so this can only make matters worse. With the ambulances, trying to move out of the way is near impossible now especially on Frankly Beaches Rd. Traffic impact. The traffic 2014 survey does not take into account the increase in traffic from Egghill and surrounding developments. The increase of traffic would worsen the traffic congestion. Impact on air quality
 - Wildlife will be pushed out of the area as its habitat will be destroyed.
 - Impact on Infrastructure - Local Doctors surgeries and other public services will be affected by the increased demand. Impact on school places.
 - loss of green space
 - impact on wildlife (birds, bats, moorhens, ducks and foxes). Residents have noted a kestrel, a sparrowhawk and buzzards and a woodpecker coming off the land.
 - Construction disturbance, especially in regard to dust, noise and smell.
 - Loss of privacy and overlooking from multi-storey development.
 - loss of trees.
 - concern about the impact of social housing on the area.
 - Flooding. The flooding statements are misleading. Hanging Lane has a little stream running down it when there is heavy rain The groundsman used to keep the grating clear where the water enters the pipe but with no one there anymore

it's likely to fill up with rubbish and cause flooding. The gardens along Josiah and West Park Road have a stream (some have a trench) and the gardens already flood. Filling the land with concrete will only make matters worse. The pictures of the Hanging Brook drainage system (including its source) that are shown in the flood documents, are from July 2015, with very little water shown. This is far from the truth after heavy or sustained rainfall, when the channel fills up quickly. Indeed, in the late 1990's Hanging Brook burst its banks, causing my rear garden to flood. Others in Pineview were not so lucky and the water got in to their houses and outbuildings.

- security of residents living near the new park
- floodlighting causing light intrusion, anti-social behaviours brought by the 3G pitch and school.
- fear of crime, potential increase in the chance of being burgled.
- concerned about the access and parking spaces. The access off Frankley Beeches Rd is marked as school access only, which it will not be if the 'community hub' is as indicated as being in the same part of the overall plot. Further, the flow of traffic is not clear at this point and one only has to go to other parts of Birmingham to see the impact on the local area around school start and end times when there is nowhere to park and wait and then safely get away from the area. An access would be in a dangerous position right at the brow of a very fast road which has become more of a race track.
- This application would change the character of the area

4.28. SUPPORT

4.29. The petition of support is on the basis that the signatories consider new houses are needed in the area.

4.30. The 45 letters of support make the following comments;

- The area is in dire need for new homes, the community centre and school is very important.
- Affordable housing would help young people get on the property ladder.
- the site could otherwise be a target of anti-social activity. The community use room and primary school would also be very welcome.
- Support the scheme, provided that the traffic impact is properly considered and traffic control measures are put in place.
- Pleased that the footpaths and accesses have been well thought out.
- The land should be made use of rather than become derelict.
- The club has been trying to sell the site for years and it is now time to be realistic about the future and a housing estate would be the best use for the site.
- The scheme brings community benefits and would bring a new lease of life to Northfield.
- The plans are better than the alternative and become a site of problems, noise or nuisance, such as a fairground or youths using it at night.
- The community benefits, and offered open space, is highly attractive. Applications with this level of community benefit do not often get lodged with the Council, as we have seen in recent years and other developments not far from Northfield.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Unitary Development Plan (saved Policies) 2005; Places for Living (2001) SPG; Public Open Space in New Residential Development (2006) SPD; Car Parking Guidelines (2012) SPD, Affordable Housing (2001) SPG, Mature Suburbs (2008) SPD.
- 5.2. Education Sufficiency Requirements (primary and secondary mainstream) November/December 2016. Playing Pitch Strategy (2011).
- 5.3. NPPF (2012), NPPG (2014), Playing Pitch Strategy Guidance – Sport England (2013)
- 5.4. Lomas Drive (Tree Preservation Order 144) to the south of the site and 235-239 Tessall Lane (Tree Preservation Order 387) to the east.

6. Planning Considerations

- 6.1. The proposal raises three key policy issues in regard to the principle of redevelopment for residential use;
 - conformity with the development plan,
 - the loss of the private open space and,
 - Sustainable development
- 6.2. Otherwise, there are a range of issues to address, including ecology, site layout, master plan design principles, drainage, trees, planning obligations, and transportation matters.
- 6.3. Paragraph 14, of the National Planning Policy Framework (NPPF), states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless “*any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted*”. The application site is not identified in the Birmingham Development Plan as an ‘allocated’ site and it would therefore be considered as a ‘windfall’ site.
- 6.4. Paragraph 2, of the NPPF, states that “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

6.5. Principle – conformity with the development plan

- 6.6. The Birmingham Development Plan (BDP) was adopted in January 2017. Prior to adoption, North Worcestershire Golf Club was put forward by the landowners as a site for new housing, this submission was considered by the Planning Inspector during the BDP Examination in Public in 2014. The Inspector’s Report (March 2016) considered the site and stated that it was a sustainable location outside the Green Belt in the south of the city and could potentially accommodate around 800 dwellings. He also remarked that there is no public access to the course, and it is likely that provision of open space as part of any development, could compensate for the loss of public views from the site perimeter. However, he concluded that as

there had been no detailed analysis of the impact of the extra traffic on the local highway network or on local residential amenity, the site's allocation for development "would not be justified". Therefore, having specifically and so recently declined to allocate the site for new housing, and with a city-wide five-year housing supply confirmed by the Inspector, the current application to develop the site for housing is contrary to the BDP and so is objectionable in principle.

6.7. Principle – loss of private open space

6.8. Paragraph 74, of the NPPF states that *"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."*

6.9. In terms of Open Space, Policy TP9 of the BDP, states *"Planning permission will not normally be granted for development on open space except where:*

- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1,000 population and the accessibility and quality criteria listed below.*
- The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.*
- Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.*
- The development is for alternative sport or recreation provision, the benefits of which clearly outweigh the loss"*

6.10. Policy TP9 also states that all residents should have access to an area of Public Open Space (POS) of; 0.2ha within 400m, 2ha within 1km and at least 2ha (with a wide range of facilities and features) within 3km of their home. It also states that new developments, of 20 dwellings or more, should provide on-site POS, at a rate of 2ha per 1000 population. This should be good quality, accessible and safe to use.

6.11. In order to meet both the BDP and the NPPF the applicants need to demonstrate, through an open space assessment, that the site is surplus to golf use, is surplus for other forms of open space use, and that any identified gaps (in the above three POS thresholds) can be addressed through the proposal.

6.12. Assessment of site being surplus to golf

- 6.13. The applicant has shown to my satisfaction that the golf course is surplus, there are alternative golf courses within the local area such as Harborne (public and Members only), Edgbaston, Lickey Hills, Hagley, Halesowen and Wast Hills. Sport England has also confirmed that it considers the function of the golf course to be surplus. It is therefore recognised that there is no demand for a golf course in this area. This satisfies Policy TP9 and the NPPF, but also has to be considered in light of Policy TP11, dealt with separately at paragraph 6.18 below.
- 6.14. Assessment of site being surplus to all forms of open space and considering identified gaps in local POS provision
- 6.15. The applicant's open space assessment considers the adequacy of supply, quality and accessibility of open space in the area. The assessment includes a quantitative assessment, gap identification and an assessment of the impact of the scheme on public open space provision. The quantitative assessment has considered the availability of alternative public open space of 0.2ha within 400m, of 2ha within 1 km and of 2ha (with facilities) within 3kms of the site. It has found sites that achieve these requirements in each category. In terms of identifying gaps, the report has discovered gaps in the provision of open space to the east of the site and gaps in the provision of children's play to the north. In terms of large areas of open space (greater than 2 ha), it has discovered that the majority of adjacent residents have access to 2 or more areas of such open space. Senneleys Park, Victoria Park and Cofton Park are all within the catchment of the site and the provision, in terms of distance, is met.
- 6.16. In conclusion, as the proposal includes the provision of public open space, of over 2ha, it would contribute towards the identified gaps within the surrounding 3kms area. The scheme consists of 9.73ha of on-site public open space, a 3G pitch and a community hub of 1,000sqm. 5ha of the offered open space would be required by Policy TP9 (2ha per 1000 population), the remaining 4.73ha is offered as partial compensation for the loss of open space and would increase the local quantum of existing public open space. The proposal would provide an area of new public open space to meet the needs of the new residents and provide further public open space, to meet current deficiencies within the 1km and 3km catchment criteria identified by the Open Space Assessment. Consequently I consider that the scheme has satisfied Policy TP9 of the BDP and paragraph 74 of the NPPF and proven the site is surplus to requirements provided that the local POS gaps are filled by identified land within the proposal.
- 6.17. However, I note that Leisure Services has objected partly on the basis that the offered open space, at the site's far north-eastern corner within the Master Plan, is not overlooked and the green space would be poorly arranged. I share this concern. As such, I consider that the current Master Plan is flawed, as even though it provides 9.73ha of POS, it is not arranged in a manner to be best used by residents. It would not, therefore, make a strong contribution to the quality of local public open space. This is explored further in the Design section at paragraph 6.35.
- 6.18. Loss of sports facilities
- 6.19. Policy TP11, of the BDP, states that "Sports and Physical activities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust assessment". Sport England and I accept that the site is surplus to requirements for golf. However, TP11 goes on to say that "Where there is an identified need for particular sports and physical recreation facilities, the loss of

existing sporting facilities for these sports will not be allowed unless an equivalent or better quantity and quality replacement provision is provided”.

- 6.20. The compensation offered by the applicants consists of a 3G pitch, a community hub (of 1000sqm) and informal recreational ground of 4.73ha (although some of this would also have the dual purpose of filling the POS gaps identified in the POS Assessment). Sport England has objected to the scheme on the basis that it fails to set out an adequate compensation package for the loss of sporting facilities or provide funding for new sports facilities for residents of the scheme. Whilst a non-statutory consultee it is well placed to comment on the availability of local sporting activity, comment on the applicant's offer and provide a view as to the local need. Sport England has commented that a sum of nearly £1.4M is required to enable investment in local sport and there is only a limited compensation package for the loss of the golf course.
- 6.21. Furthermore Leisure Services has comments that if the loss is agreed in principle compensation of £3,093,000 is required to compensate for the loss of land used for sports.
- 6.22. Correspondence from the Football Association and Sport England indicates that there is a local need identified for 3G football pitches. But rather than provide one on-site it should be created off-site as two 3G pitches, as one 3G pitch is unsustainable to run on its own, because an associated changing room and other supporting infrastructure is generally too expensive to maintain without at least two pitches providing revenue.
- 6.23. The golf course does not qualify within the definition of a playing pitch, but when considering alternative sporting needs the Playing Pitch Strategy considers local needs. The Playing Pitch Strategy identifies that the Northfield constituency has a severe net deficiency of football pitches. It identifies, at Policy N1-N7, that improvement should be sought in the quality and use of Cofton Park (with a focus on improving cricket and football), The Hayes and local school playing fields. There should also be investment for football at Kings Norton Playing Fields and Wast Hills Playing Fields.
- 6.24. In summary, it is considered that the current compensation package should focus on a substantial football enhancement package but also pay regard to the comments of Sport England, the FA and Leisure Services. Therefore the current compensation offer is considered to be inadequate and would fail to meet local needs, failing both Policy TP11 and the objectives of the playing pitch strategy.

6.25. Principle - Sustainable development

- 6.26. Policy TP27, of the BDP, requires all new developments to demonstrate that it is meeting the requirement of creating sustainable neighbourhoods. This is characterised by a wide choice housing types, access to facilities (being shops, schools, leisure and work), access to sustainable travel, a strong sense of place with a high design quality and promote environmental sustainability. Policy TP3, of the BDP, requires new development to be designed and constructed to sustainable standards which maximise energy efficiency, conserve water and reduce flood risk, consider the source of materials, minimise waste and maximise recycling during construction, have flexible and adaptable spaces and enhance biodiversity. Furthermore, Policy TP7 of the BDP, seeks to expand and maintain the City's Green Infrastructure network and expects new development to address green infrastructure in an integrated way and conserve and enhance the City's woodland resource.

- 6.27. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed sites (brown-field land) and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.28. As such, considering the NPPF's three dimensions of sustainable development;
- a. In Social terms, the scheme fails to provide the required infrastructure to satisfy the new population, especially in terms of education requirements and compensation for the loss of private open space (see justification for these comments later in the report).
 - b. In Economic terms, the site is within an established residential area in a suburb in close proximity to Bristol Road, with access to multiple bus routes, Longbridge and Northfield railway stations, and sizeable local centres (offering retail, leisure and employment).
 - c. In Environmental terms, the site is in flood zone 1 (least likely to flood) and is not contaminated to an extent in cannot be remediated. However, the scheme fails to take sufficient account of the ecological and arboricultural constraints or provide a coherent Master Plan to integrate the proposal into the local area (see justification for these comments later in the report).
- 6.29. In summary, the proposal would fail important aspects of the Social and Environmental dimensions of sustainable development. The proposal is contrary to the Development Plan, and I do not consider that the benefits of the scheme (primarily the significant supply of new housing) outweigh the primary established principles of conformity with the Plan and consisting of sustainable development.
- 6.30. Transportation**
- 6.31. Policy TP38, of the BDP, requires development proposals to support and promote sustainable travel. Policy TP45, of the BDP, requires new development to support the delivery of a sustainable transport network. Paragraph 32, of the NPPF, requires new development to take account of sustainable transport modes, safe and suitable access and improvements to the network that limit the impacts of the development.
- 6.32. The scheme proposes up to 1000 dwellings. Access would be gained into the site from Frankley Beeches Road/Egghill Lane roundabout, Frankley Beeches Road (adjacent to Guardian Close), and Tessall Lane. Separate access to the Community Hub, School and sports facilities from Frankley Beeches Road.
- 6.33. The Transport Assessment (TA) identifies that traffic counts took place in 2014 as part of an initial site feasibility study. The applicant states that two further junctions (Tessall Lane/Rubery Lane Roundabout and Rubery Lane/Park Way junction) are being surveyed and the results will be submitted shortly. The TA showed that a

permeable site road layout can be achieved which would distribute traffic efficiently onto the local highway network. The Assessment also notes that the local population has relatively sustainable movement patterns with 25% travelling to work on either bus or train and a further 10% walking/cycling. TRICS data shows that the site would generate 300-500 two-way movements during an hour. As the scheme shows 3 principle access points, this would result in an average of 100-167 car movements at each in a peak hour. Existing flows, on local roads, are a maximum of 400-700 two-way movements per peak hour (on Frankley Beeches Road and Tessall Lane). The TA concludes that the proposal would raise the peak traffic flow by 8% at the A38/Frankley Beeches Road junction and 4.5% at the A38/Tessall Lane junction.

- 6.34. The submitted Transport Assessment lacks required information and analysis. More information is required in regard to traffic flows, traffic counts, traffic associated with the new school, accident statistics, consideration of the Longbridge Connectivity package, further junction analysis, and an assessment of rat running prevention measures. The applicant has been given a prolonged period to provide the required information but has not yet responded to this requirement. As such the analysis has failed to illustrate that the impact of the predicted traffic, associated with the proposal, can be accommodated by the local infrastructure without detriment to highway safety. As such the current proposal fails to illustrate and/or provide justification for the traffic impacts of the scheme and therefore fails to offer any required associated mitigation, in terms of highway improvements. The scheme is therefore contrary to Policy TP43, of the BDP and the NPPF.

6.35. Design and Layout

- 6.36. Policy PG3, of the BDP, seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 6.37. Design guidance within Places for Living (SPG) encourages good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.38. Mature Suburbs (SPD) states that new housing can have a significant impact on local distinctiveness on the character of an area and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. It states that design should determine density and not vice versa. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.39. The application includes an indicative master plan and development zones. This shows the proposed school/community hub in the northeast corner, the eco-park to the south of this and the residential development zones throughout the remainder of the site. The Development Zones illustrate that the proposal could deliver a

'perimeter block' arrangement of houses with back gardens mostly adjacent to other back gardens and with front elevations of new houses mostly facing onto new roads and green space. The development zones represent 20ha of the 32ha site and this proposes that these zones would accommodate up to 1000 dwellings, with a resultant maximum density of 50dph. Policy TP29, of the BDP, requires new housing to be provided at target densities responding to the site, its context and the housing need, with densities of 100 dph in the City centre, 50 dph in areas well served by public transport, and 40 dph elsewhere. The site is relatively well served by public transport with the no. 18, 18a, 29, 29a, 39h, 49, 878 and 61 buses using nearby roads. Bristol Road is 1km to the southeast from the centre of the site and with Northfield Station being 1.5km to the east. As such I consider that a density of 50dph is broadly appropriate on this application site.

6.40. However, in design terms the proposal raises four areas of concern;

- The extent of loss of important landscape features, which at present combine to create a strong and positive character on this site
- The relationship of the development to the surrounding area / context
- Connectivity within the site
- Insufficient evidence showing that the proposal could be developed into an acceptable detailed scheme, in urban design terms. The number of dwellings proposed is a major factor in this.

6.41. Loss of existing landscape features / special character of the site.

6.42. A key design objective, for any successful scheme on this site, should be to retain what is positive and unique about the site, create a sense of place and enhance the future living environment. I do not consider that the areas of Green Infrastructure, proposed to be retained, would preserve enough of the site's unique green and spacious character, or have a great enough impact overall. Also, it is questionable whether the natural features proposed to be retained at present would be sustainable and defensible in the long term. For example in some areas, insufficient space would be created in the layout to actually keep the mature trees and vegetation shown for retention, both during construction and when occupied by residents. In many areas there is an insufficient set back from the canopy edge to the building face, for light penetration into rooms and to allow for future tree growth. Retained vegetation is shown indicatively. Tree canopy extents and root protection areas are not shown, which would help determine how close buildings and proposed hard surfacing could actually come to retained vegetation. The indicative sketches, particularly the one on page 85 of the design and access statement, suggest a more spacious arrangement than shown on the Master Plan.

6.43. Relationship of the development to its surroundings

6.44. The Master Plan fails to integrate well with its surroundings and would not sufficiently address the policies set out in Places for Living 'Moving around easily' or 'Safe places, private spaces'. The Design and Access Statement emphasises that the proposed development not being visible to the surrounding area, and the perceived benefit this would have for existing residents in reducing the visual impact of change in their neighbourhood. This has been achieved by the retention of a continuous woodland strip to the site perimeter. Although the amenity of local residents is very important, retaining all the perimeter trees to the extent proposed

would create a very inward looking development, which would not engage positively with the surrounding areas. The opportunity for improved natural surveillance of the existing roads would be lost. There would be only three vehicular access points into the site, which would limit how well the development would be connected into the surrounding road network. Similarly, few pedestrian and cycle links to the surrounding road network are shown. Many of the residential streets would end in culs-de-sacs at the site perimeter and would not connect effectively to Frankley Beeches Road, Elan Road, and Tessall Lane.

6.45. Connectivity within the site

- 6.46. The development would not follow the guidance in Places for Living 'Moving around easily'. It is important that streets are well linked to make it easier for people to find their way around and to encourage walking and cycling. However, the two sides of the site, west and east, either side of the brook, would be poorly connected. The proposed scheme shows only one vehicular route connecting the two sides, and only one additional footpath link across the brook. The Green Lane sketch on page 83 of the Design and Access Statement suggests that additional footpath links should be possible. Along frontages, and particularly to the site perimeters, there would be many disconnected private drives serving a few houses each, rather than the connected streets promoted in Places for Living. The sketch on page 85 of the DAS suggests a continuous street but this is not borne out by the indicative plan.

6.47. The design of the development

- 6.48. Street character- Dimensions are not shown, but the sections in the DAS and the indicative plan suggest a very shallow depth of frontage on primary streets, secondary streets and 'green lanes'. This would indicate an urban character not in keeping with the suburban context, throughout the scheme. This is contrary to guidance in Places for Living 'Build on local character'.
- 6.49. Parking- I am concerned about how parking could be accommodated in the development, and the impact this could have on the quality of place. Whilst the indicative layout does not show the detail, it is clear that most frontages would be mostly too shallow to accommodate parking on plot in front of the building line. This need not be a problem in itself, as long as other acceptable ways of parking are proposed – however insufficient detail is provided to show how it would be done in practice. Rear courtyard parking, and in-curtilage parking to the rear of dwellings, as shown on page 68 of the Design and Access Statement, are unlikely to be acceptable solutions, as set out in Places for Living.
- 6.50. Separation distances- The Design and Access Statement suggests a predominant scale of 2-3 storeys. Although the use of some taller buildings is hinted at in this Statement, a 12m height to ridge line would suggest that 3 storeys is probably the limit. Separation distances advised by Places for Living need to be adhered to, particularly at the rear. There is limited detail at present to assess this properly, but some of the smaller blocks do not appear to meet the distances required for either 2 storeys (21m) or 3 storeys (27.5m). Some perimeter blocks look contrived in order to try to get around potential issues of overlooking, resulting in long exposed rear and side garden boundaries.
- 6.51. Landscaping- In terms of landscaping, the master plan shows that the proposed/retained Green Infrastructure comes in many forms, from modest street trees to broad country parks. Ideally primary Green Infrastructure would be that which is wide enough to accommodate belts of larger growing, replacement trees,

structural under-canopy and woodland edge planting, linear recreational paths, water courses & their associated margins and surface water management. This would be particularly important in the centre of the site where a strong link is needed between the Eco-park area and the watercourses and retained woodland in the south west corner of the site and their onward links to the perimeter woodland and hedgerows that surround much of the site. However, the narrow sections of Green Infrastructure proposed in the centre of the site would not be able to accommodate all those components that would make them successful physical, and visual, amenity corridors.

- 6.52. In summary, the current submission is harmful to good design principles, as the Master Plan has failed to illustrate how the proposal for 1,000 dwellings can be delivered without providing a solution with fundamental design failures.

6.53. Ecology

- 6.54. Policy TP8, of the BDP, states that “development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured”. This is also reinforced at paragraph 118 of the NPPF.

- 6.55. Various ecological surveys have been completed in support of the application; Extended Phase 1 habitat survey and desk study, Hedgerow survey/assessment, Great crested newt (GCN) habitat suitability index (HSI) assessment, Environmental DNA testing for GCN, GCN presence/absence surveys, Potential bat roost assessment, Tree climbing aerial inspection (bats), Dusk emergence and dawn return surveys (bats), Bat transect surveys and static monitoring survey, Breeding bird survey, Reptile survey, and Badger survey.

- 6.56. My ecologist is concerned that the currently submitted proposals lack justification in the following areas;

- the assessment of ecological value,
- the impacts on protected species and
- the impacts on habitats' ecological function.

- 6.57. Assessment of ecological value

- 6.58. The golf course has been listed by EcoRecord as a Potential Site of Importance (PSI). The Ecological Impact Assessment (ES, chapter 8) mentions the site's PSI listing, but comments that this does not confer any formal nature conservation status. Therefore, for the purposes of the ecological impact assessment, the site's habitats are considered to be of importance to nature conservation at the Site level only. PSIs are sites that are known to contain or potentially contain biological or geological interest, but are yet to be evaluated against Birmingham and Black Country 'Local Site' criteria and /or are yet to be formally adopted as a Site of Importance for Nature Conservation (SINC) or a Site of Local Importance for Nature Conservation (SLINC). Because of the site's PSI listing, it should be assessed against the Local Site criteria to determine its nature conservation importance (ie ecological value), and consequently, the significance of ecological impacts arising

from the development proposals. Without this evaluation against the Local Site criteria, the ES's assessment of the site's habitats as important at the site level only, is flawed.

6.59. Impacts on protected species

6.60. The ecological surveys confirmed the presence of roosting and foraging bats, badgers, and a variety of breeding birds:

- Bats – Common pipistrelle roosts in clubhouse, Commuting and foraging activity by at least five species (common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle (possible), noctule, indeterminate *Nyctalus* species, indeterminate *Myotis* species and brown long-eared), concentrated along linear green features (hedgerows, tree lines etc) and the southern pond. 13 trees considered to retain residual potential for roosting bats.
- Badger – active main sett in woodland adjacent to southern pond, and associated annex setts in banks of grassy depression/hollow to east/north-east of main sett. Subsidiary / outlier setts on eastern boundary, south-eastern corner and northern boundary.
- Breeding birds – variety of notable species recorded using the site for breeding and foraging, including song thrush, mistle thrush, linnet, bullfinch, and house sparrow; no Wildlife and Countryside Act 1981 (as amended) Schedule 1 species recorded breeding.

6.61. The scheme does not allow for retention of the common pipistrelle bat roosts in the existing clubhouse, however there is scope to provide replacement roost sites in new buildings. The ES reports that a low diversity of bat species was recorded during the 2015 nocturnal surveys. However, my ecologist considers that this statement does not reflect the value of the site in the context of Birmingham and the Black Country – the presence of five, possibly six species, albeit relatively commonly occurring species, is of note. The loss of foraging habitat and reduced habitat connectivity is likely to adversely affect the site's value for the local bat population as a whole, but my ecologist is particularly concerned about the scheme's impacts on the light-sensitive species recorded – brown long-eared bat and at least one *Myotis* species. Increased light levels and reduced habitat connectivity would reduce the value of the site for these species, which are not typically recorded in residential gardens.

6.62. Although the scheme allows for retention of the main badger sett, loss of a number of setts would occur. To compensate for these losses, construction of a replacement, artificial sett in the Eco-Park, is proposed. This is some distance from the existing foci for badger activity, and my ecologist questions the effectiveness of providing an alternative sett location in a part of the site where there is currently no evidence of badger activity. Overall, my ecologist is concerned about the level of impacts on the site's badger group, arising from a reduction in the extent of available habitat (for sett building, foraging etc) and connectivity between habitat patches and an increase in the level of disturbance.

6.63. Impacts on habitats' for birds, reptiles and other wildlife

6.64. The scheme is located on a significant area of open space in south-west Birmingham, which has been identified as a Potential Site of Importance (for nature conservation). The development proposals would result in the loss of a significant proportion of this area. Although the principal habitat loss is of intensively managed

amenity grassland, which has limited intrinsic ecological value, more valuable, semi-natural habitats / features including woodland, semi-improved grassland, hedgerows and mature trees would also be lost. The presence of 1,000 new homes would subject these retained habitats (and the faunal species which they support) to greater pressures than they are currently experiencing. Increased levels of disturbance, loss of “buffer” zones adjacent to “core” habitat areas and increased habitat fragmentation would adversely affect the intrinsic value of the retained habitats and their ecological function.

- 6.65. In summary, the scheme lacks an assessment for a PSI, there would be an adverse impact on bat and badger habitat, and an adverse impact on ecological value of the site as a whole. Therefore the Master Plan has failed to illustrate how the proposal, for up to 1,000 dwellings, can be delivered without harm to ecological interests.

6.66. Trees

- 6.67. Policy TP6, of the BDP, (in regard to flood management) states that “trees and woodland can provide significant benefits in terms of water management and flood alleviation...in addition to their wider landscape value. The provision of additional trees and woodland will therefore be encouraged”.
- 6.68. The Arboricultural Report identifies that there are 90 trees (41 category A, 33 category B, 15 category C and 1 category U), and 69 tree groups within the site. The report comments that the majority of Group trees are high quality with the majority of groups being category A2. Two Tree Preservation Orders cover sites adjacent to the application site; Lomas Drive (TPO 144) to the south of the site and a plot created by 235-239 Tessall Lane (TPO 387) to the east, but these are not affected by the development proposals.
- 6.69. The site has tree coverage of around 40%, which represents 12.8ha of the site. The application proposes the removal of around 75% of the tree cover; retaining around 3.2ha and removing around 9.6ha of land covered by trees. Due to the scale of the site it is very difficult to quantify this as a count of actual trees but it is clearly a substantial level of tree clearance.
- 6.70. This degree of tree loss has been considered by my tree officer and he comments that it would be unreasonable to expect to retain the approximately 40% of tree coverage that currently exists as these are dispersed throughout the site. The arboricultural survey has identified a very large proportion of high quality, A and B category, individual trees and groups. Around 25% of the category A and B trees would be retained (once poplars and goat willow are excluded), retaining 10% across the whole site. An estimation of the overall tree coverage in a similar housing estates in the city, as an average, would be around 17%. Further tree planting would need to provide 7% more than the currently retained 10% to meet this average, which cannot be achieved with the size of development zones shown on the current Master Plan.
- 6.71. Given the high quality existing stock within the site, more opportunity should be made to integrate the retained trees within residential blocks to provide mature amenity in the streets from the outset. New planting would also be necessary but the current development zones rely almost exclusively on new trees in these areas. The high quality of the trees within the existing landscape of excellent tree stock provides the potential for a well-considered master plan to create a development/open space layout that emphasises the best of the retained tree stock. My arboriculturalist recommends that the application should be refused in its current

form due to the proposed loss of approximately 75% of the Category A and B trees (excluding poplar or goat willow). Therefore, the Master Plan has failed to illustrate how the proposal for up to 1,000 dwellings can be delivered without harm to arboricultural interests.

6.72. **Conclusion on Design, Ecology and Trees.**

- 6.73. In conclusion, the proposed Masterplan fails to pay sufficient regard to the site constraints and opportunities created by ecology, trees, water features and contour and as such the currently defined proposed development zones and access details fail to find the correct balance between green/open space and built form. The current Master Plan is therefore flawed and contrary to PG3 of the BDP, paragraph 3.14 of the (saved) UDP and fundamental design considerations as set out in paragraph 56 of the NPPF.

6.74. **Community Infrastructure Levy and Planning Obligations**

- 6.75. In terms of Community Infrastructure Levy, the site is within an area defined as 'low' residential value meaning that a zero charge is set.
- 6.76. Policies 8.50-8.54, of the UDP (Saved Policies), relates to the use of Planning Obligations. This states that the Council will take all appropriate opportunities to negotiate planning obligations and will determine the type, scale and mix based on several factors including Policy, local commentary and any specific local needs. Furthermore Paragraph 204, of the NPPF, states that Planning obligations should be sought when they meet the following tests;
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 6.77. The above is replicated from the 2012 Community Infrastructure Levy and these regulations resulted in the City Council creating its Infrastructure Levy Charging Schedule (ILCS) which is designed to providing funding for infrastructure within the Regulation 123 list. The ILCS sets out the City Council's infrastructure requirements to enable collected CIL money to be spent in a consolidated and considered way, this includes reference to education payments. When the ILCS was drafted it was subject to examination in public, in terms of education the Examination Inspector agreed the list but also stated that large sites, would need to consider whether a specific education provision was required to meet a an expected peak in localised demand. Large sites, such as this, generate a specific education requirement which would be required as a direct result of the development this approach would satisfy the CIL tests.
- 6.78. **Education provision**
- 6.79. Policy TP36, of the BDP, States that "as the City's population grows there will be a need for additional Primary, Secondary and Special Needs school and college provision".

- 6.80. The applicants have used the City's pupil yield calculation to determine the number of school places expected to be created by the proposal. In terms of primary school places this would generate a requirement for 262.5 school places and 187.5 secondary school places. The applicants have not considered nursery school places. In terms of primary schools they have used the Department of Education's – Edubase Public Portal. This database identifies that, for a period including May 2014, there was a surplus (i.e. spare capacity) of 246 spaces in schools within 2 miles. For secondary schools the dataset showed a 797 for the same period and searching within 3 miles. This data does not explain how this surplus is spread across the year groups. The applicants consider that there is significant local supply of available school places, but recognise that the calculated requirement of primary school places minus the local surplus provision results in the need for 16.5 primary places to be found. The applicant conclude that "given the limited impact of the proposed development on primary school places it is clearly not necessary for [them] to bear the cost of construction of the new primary school".
- 6.81. In terms of secondary school provision, the applicants consider that there is adequate local provision with adequate surplus spaces, with 797 spaces. However, the majority of secondary school surplus places appear to be at one school (Ark Kings Academy) with 555 places. This was formerly Kings Norton High School and became an academy between 2011 and 2014, it was judged as requiring improvement in 2014. As such the vacancy level at this school may not reflect an ability to accommodate new pupils from the application site, rather a reflection of the school's performance. I also note that Ark Kings Academy is not particularly close to the application site.
- 6.82. Consequently, the applicants propose to set aside land on-site for a 2 form entry (2FE) primary school but would not be constructing the building or associated infrastructure (access road, car park, etc), the applicants suggest that the City Council built the school. There is no offer for contributions towards secondary schools or nursery places.
- 6.83. Education colleagues have taken a very different view to the applicants and make the following comments;
- The housing mix proposed would be expected to yield; 38 nursery aged pupils, 263 primary aged pupils and 188 secondary aged pupils. This corresponds with the applicants calculations and is the equivalent to 38 pupils a year group or 1.25FE.
 - Local primary schools do not have any surplus spaces to accommodate additional primary school children. The applicant's assessment of school places is flawed as the capacity cannot be considered by total for each school. Instead it needs to be considered in relation to each individual year group. The 'Education Sufficiency Requirements' report, publish by the City's education Department this shows the need for additional Reception places this academic year (p13), and in 2017/18 (p20) to ensure current pupils in the area have sufficient places for the future.
 - The offer of only land for a 2FE primary school is insufficient as the construction of a primary school (and associated infrastructure) is essential to be provided on site by the applicant as part of the applicant's proposed infrastructure to mitigate the impact of the scheme on the local area.

- The primary school must include nursery provision and to be viable to the operator should be a 2FE.
 - The proposal's population also generates a requirement of £3,359,049 for secondary provision, to be invested in additional places in local secondary schools.
- 6.84. As the applicant is currently only offering the land for 2FE Primary school and offers no contribution towards secondary school or nursery provision, the proposal fails to satisfy the Council's requirements for adequate provision to education and is therefore contrary to Policy TP36, of the BDP, and Policy 8.50-8.54, of the UDP, (Saved Policies) and paragraph 204 of the NPPF.
- 6.85. Affordable Housing
- 6.86. Policy TP31, of the BDP, requires affordable housing at a rate of 35% for schemes of 15 dwellings or more. The applicants have offered an on-site affordable housing provision of 37.8% with the following mix;
- 11.4% Social Rent - 1bed, 2bed, 3bed and 4bed (15:26:14:44 split)
 - 21.6% Affordable Rent – 1bed, 2bed, 3bed and 4bed (17:46:25:5 split).
 - 4.8% Shared Ownership – 1bed, 2bed, 3bed and 4bed (23:25:46:1 split)
 - zero% Low cost
- 6.87. Colleagues in Housing Strategy have welcomed a scheme which provides more than 35% affordable housing, with 33% being rented accommodation and comment further that it may be that the developer would be able to provide Affordable Home ownership through Help to Buy or other government initiatives (outside of a S106 obligation). As this is an outline application there would be no need to refer to specific numbers, type of tenure or size, however for the purposes of calculating site viability, Housing Strategy has offered the following desired mix:
- 33% Social Rent and/or Affordable Rent – 2 bed, 3 bed, 4 bed+ (in a 40:20:40 split). Mainly houses but can include some low rise 1 and 2 bed flats (90:10 split).
 - 4.8% Shared Ownership – 1 bed flats and 2 and 3 bed houses (10:50:40)
- 6.88. The affordable housing provision is considered satisfactory to my colleagues in Housing Strategy.
- 6.89. Public Open Space Provision – The proposal would result in the loss of private open space and by providing up to 1000 new dwellings would create a Policy requirement for 5ha of new public open space. The applicants have offered 9.73ha of POS and consequently the requirement for new on site POS is exceeded on site.
- 6.90. A play area is proposed, this would need to be delivered to the City's specification and maintained by the landowner or a resident trust. The play area and wider POS would not be adopted by the City Council and would need a management agreement for its maintenance and upkeep. This could be secured through an annual service charge for new residents, if a favourable recommendation was being made.
- 6.91. Compensation for the loss of private open space

- 6.92. Section 6.8 (above) explores the loss of private open space and requirement for compensation. The applicants have offered;
- 9.73ha of public open space including a 3G pitch and children's play equipment.
- 6.93. This provision would not satisfy Sport England or Leisure Services and is therefore considered to be inadequate compensation for the loss of 32.35ha of private open space. The compensation fails to off-set the loss and as such is contrary to Policy TP9 of the BDP.
- 6.94. Community Hub – A Community Hub is being offered. The applicant suggests that this could be used for a range of activities including GP Surgery, Church Hall, meeting space and/or changing facilities for the 3G Pitch. This is described as being up to 1,000sqm but there is no information as to how the space would function or who would maintain or use it. As part of a balanced range of benefits this kind of facility has some merit but no obvious need for a GP surgery has been illustrated by the applicants and there are no other details regarding any other potential uses of the building. More certainty and clarity would be required for this to 'offer' to make a strong contribution towards the compensation package.
- 6.95. Conclusion on Planning Obligations
- 6.96. In summary, the proposal fails to provide adequate education provision and fails to provide sufficient compensation to off-set the loss of open space. These two shortcomings result in a failure to satisfy Policy TP9 of the BDP (in terms of open space), Policy 8.50-8.54 of the UDP (in terms of S106 obligations) and Paragraphs 74 (open space) and 204 (obligations) of the NPPF resulting in an unsustainable form of development.
- 6.97. Drainage
- 6.98. Policy TP3, of the BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the draft BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.
- 6.99. The proposal includes 9.73ha of public open space, which would include balancing ponds, swales and other sustainable drainage features, principally within the wetland area within the north east corner of the site.
- 6.100. The proposal includes development on a site which is mostly permeable (being mostly grass/trees apart from the club house) and as such 'greenfield' in character. The proposal would include the retention of green space (in the on-site POS and new gardens), but also includes a substantial quantity of hard-surfacing in the form of new road ways, roofs, driveways and other incidental areas of hard-surfacing. The applicants need to demonstrate how the proposal would retain all surface water outflow on site as a first objective.
- 6.101. The Flood Risk Assessment (FRA) shows that the site is within flood zone 1, least likely to flood. I note that the Environment Agency have raised an objection on the basis that they consider that a flood model (including the technical report and model

log) is required for the Environment Agency to review. It also request that the applicant confirms that the 1 in 20 year flood extents have been determined (reference is only made in the FRA to the 1 in 30 year event) and that the latest climate change allowances have been used. The applicants have seen this objection but have so far failed to provide any further information. As such the applicant has failed to demonstrate that the proposal can accommodate its flood impact potential to within the site. However, this appears to be a technical objection. There appears to be ample space on site to accommodate surface rainfall and consequent flood impacts and I therefore do not consider this issue would constitute a robust reason for refusal of the scheme and a technical solution could be generated in due course.

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

6.103. Minerals

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

7. Conclusion

- 7.1. The proposed scheme is contrary to the Development Plan as illustrated through the recent Plan adoption and the Inspector's comments in his concluding report March 2016. The site for housing development is contrary to the adopted BDP and the principle is not established. Furthermore, material considerations illustrate that the proposal fails to provide adequate compensation for the loss of 32.35ha of private open space, fails to provide adequate provision of essential education infrastructure and fails to illustrate, through an indicative Master Plan, how the proposal would satisfactorily address the identified constraints and integrate into the local context.
- 7.2. The Master Plan, and development zones identified, has failed to properly identify and sympathetically arrange development blocks to pay suitable regard to the ecological and arboricultural site constraints and established design principles, to

illustrate how up to 1000 dwellings could be accommodated on site without detriment to these very important interests.

- 7.3. Finally, the applicant has failed to undertake a Potential Site of Importance (PSI) assessment within the Environmental Assessment or address the highway impacts through a robust Transport Assessment process and as such both areas of analysis are incomplete and the assessment process flawed.
- 7.4. For the six reasons outlined above, the proposal would not constitute sustainable development and so cannot be supported.

8. Recommendation

- 8.1. That the application be refused;

Reasons for Refusal

-
- 1 The application site was specifically not allocated for new housing in the recently-adopted local plan. The principle of development is unacceptable and the material considerations have failed to indicate otherwise. As such, the proposed housing represents unsustainable development and is contrary to Section 38 (6) of the Planning and Compensation Act (2004), Policy PG1 of the BDP and provisions of the NPPF (Paragraphs 2, 14-17, 47-49).
 - 2 The proposal fails to provide sufficient compensation to off-set the loss of 32.35ha of sporting facility. The offered compensation package of 9.73ha of public open space, a community hub and 3G pitch is considered to be insufficient to satisfy the Development Plan. This proposal is consequently contrary to Policy TP11 of the BDP and Paragraph 74 of the NPPF.
 - 3 The proposal fails to provide adequate education provision. The offer of 2ha of land on site for a primary school fails to provide the required infrastructure to accommodate the impact of the proposal leading to an unsustainable pressure on existing local schools. This proposal consequently fails to satisfy Policy 8.50-8.54 (saved policies) of the UDP, Policy TP36 of the BDP and Paragraph 204 of the NPPF.
 - 4 The Master Plan fails to pay sufficient regard to the identified site constraints of ecology, trees and important landscape features or the local context. As such the Master Plan, and proposed development zones, fail to properly provide a suitable balance between green areas and open space, and fails to properly consider connectivity, context and internal layout. The Master Plan is therefore flawed and contrary to Policy PG3 of the BDP, paragraph 3.14 to 3.14D of the (saved) UDP and contrary to fundamental design considerations as set out in paragraph 56 of the NPPF.
 - 5 The applicant has failed to undertake a Potential Site of Importance (PSI) assessment within the Environmental Assessment, the analysis is therefore incomplete, and the assessment process flawed resulting in harm to Protected Species, and to the overall habitat and ecological function. The proposal is consequently contrary to Policy TP8 of the BDP, and paragraph 118 of the NPPF.
 - 6 The analysis within the Transport Assessment has failed to illustrate that the impact of the predicted traffic, associated with the proposal, can be accommodated by the local
-

infrastructure without detriment to highway safety. As such the current proposal fails to illustrate and/or provide justification for the traffic impacts of the scheme and therefore fails to offer any required associated mitigation, in terms of highway and/or other improvements. The scheme is therefore contrary to Policy TP43 of the BDP and paragraph 32 of the NPPF.

Case Officer: Ben Plenty

Photo(s)



Fig 1 looking North



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



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

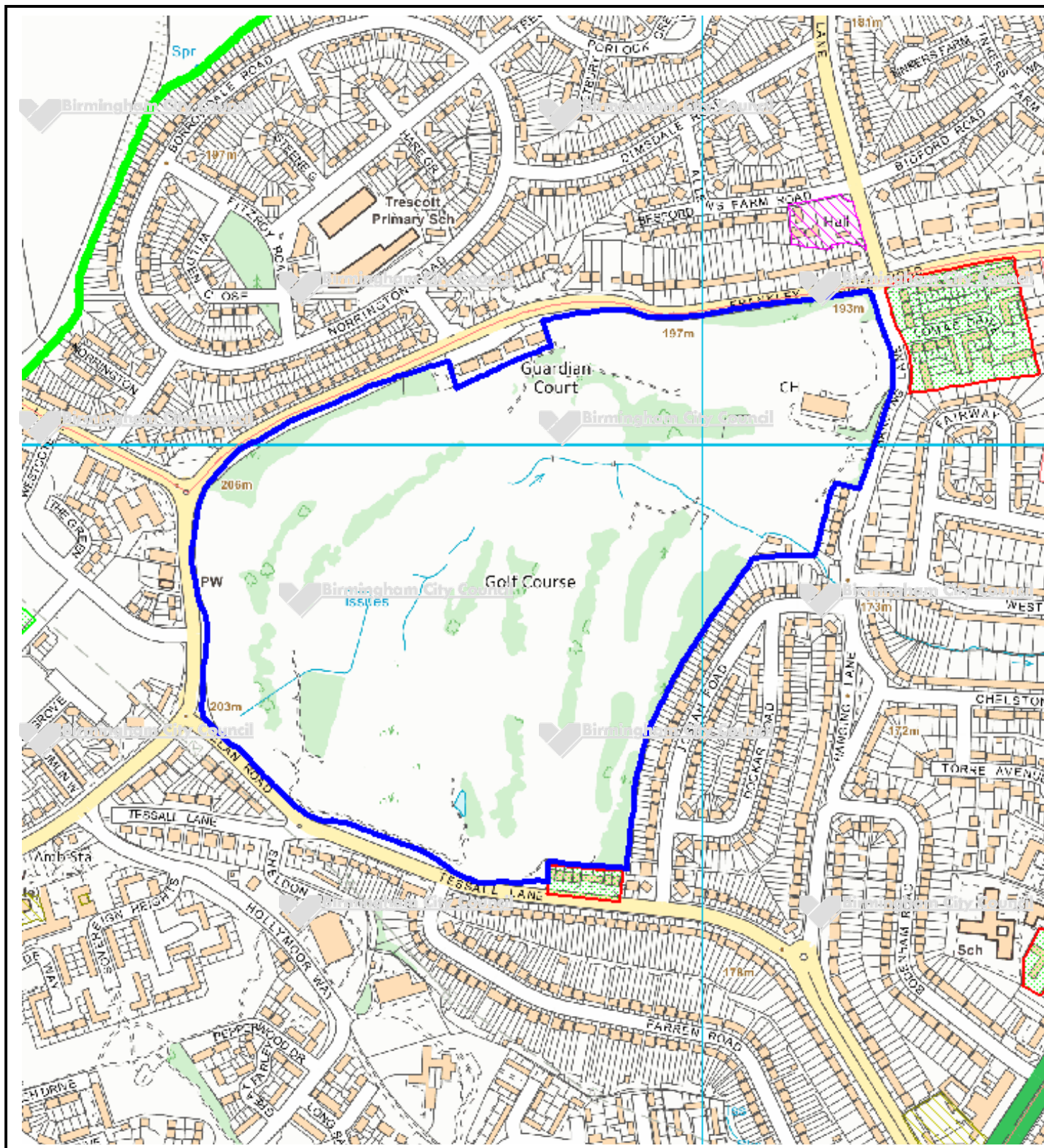


Fig 4 : proposed site access point, at roundabout at Egghill Lane, Frankley Beeches Road, looking east



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

Location Plan



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Committee Date:	02/03/2017	Application Number:	2016/09170/PA
Accepted:	04/11/2016	Application Type:	Reserved Matters
Target Date:	03/03/2017		Development
Ward:	Longbridge		

Former Flight Shed Yard, Land at the corner of Lowhill Lane & Groveley Lane, Longbridge, Birmingham, B45 8UN

Submission of reserved matters (appearance, landscaping, layout and scale) in association with outline planning permission 2013/06429/PA for the erection of 95 dwellings

Applicant: Taylor Wimpey UK Ltd and St Modwen Developments Ltd
C/o agent
Agent: Barton Willmore
Regent House, Princes Gate, 4 Homer Road, Solihull, B91 3QQ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This is a reserved matters submission which seeks approval for details relating to appearance, landscaping, layout and scale for the erection of 95 dwellings in conjunction with outline approval 2013/06429/PA.
- 1.2. The proposed mix of units would comprise:
 - 23, 2 bedroom units;
 - 39, 3 bedroom units; and
 - 33, 4 bedroom units.
- 1.3. The houses and flats would be traditional in design with pitched gabled roofs constructed from brick or brick and render. They would incorporate design features including projecting gables, bay windows, canopies above front doors and integral garages. All houses would be two storey in height with the proposed apartment block being three storey with balconies at first and second floor.
- 1.4. Two access points, agreed under the original outline, are utilised to provide access to the proposed housing from both Lowhill Lane and Groveley Lane. These two access points would link in the middle of the site however; vehicle access is not proposed to run through, only pedestrian access via a shared space that would also provide access to a number of the proposed houses. All of the properties would front the internal road layout and perimeter roads of Lowhill Lane and Groveley Lane.
- 1.5. All of the development would generally meet or exceed the National Space Standards of 61sq.m for a two bedroom apartment, 70sq.m for a two bedroom house, 84sq.m for a three bedroom house and 97sq.m for a four bedroom house. The two bedroom flats would measure 60.2sq.m with the two bedroom house being

89.4sq.m; three bedroom units ranging in size from 89.3sq.m to 96.1sq.m and the four bedroom houses ranging from 100sq.m to 137.5sq.m.

- 1.6. The majority of the proposed development would meet or exceed the separation distance guidelines in Places for Living of 21m between building faces and 12.5m from windowed elevations to flank walls. Front to front distances would be short in a few instances, being 9m at its narrowest point at plots 6 and 13. Rear and flank wall distances would generally meet the guidelines, with a few instances where such distances would be shorter. For example windows to flank walls would be a minimum of 11m at plots 43 to 45.
- 1.7. All garden sizes would comply with the guidelines in Places for Living apart from 7 properties that would be slightly below the 50/70sq.m guideline. The two bedroom houses would have gardens ranging in size from 47.9sq.m to 108.3sq.m; the three bedroom units would range from 69.5sq.m to 122.5sq.m whilst the four bedroom units would have gardens ranging from 78.8sq.m to 175.6sq.m. The two bedroom apartments would have no amenity space provided but would have balconies at first and second floor and terraces at ground floor measuring 4.6sq.m each.
- 1.8. Boundary treatments proposed include 1.8m high close boarded fencing for rear boundaries; 1.8m garden walling for corner properties and a 0.9m railing around the perimeter road frontage. A native Cherry/Laurel hedge is also proposed around the perimeter road frontage boundary. 64 new trees are proposed within the development.
- 1.9. Parking is proposed at 200% to be provided by a mix of garages and parking spaces to the front/side of each property. A number of the units would have their allocated parking within a private forecourt which all the relevant units would front/access from/to. The apartments would have 100% parking with a further 2 visitor spaces whilst plots 45 and 52 would have 400% provided through a double garage and 2 spaces in front of the garage.
- 1.10. The application is accompanied by a Design and Access Statement. Amended plans have been submitted during the course of the application that have altered the proposed mix of units, house types proposed, layout and car parking provision.
- 1.11. Site area: 2.41Ha. Density: 39 dwellings per hectare.
- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located at the junction of Lowhill Lane and Groveley Lane, adjoining the administrative boundary of Birmingham City with Bromsgrove District and Cofton Hackett. The site formerly housed a large building known as the 'Flightshed', which, was built in 1937 and during the Second World War was used to manufacture aircraft engine parts and assemble aircraft along with the former East Works site.
- 2.2. The site has its frontage to both Lowhill Lane and Groveley Lane and also adjoins the existing MG Motors site to the rear but MG Motors are at a significantly higher level behind an extensive and densely wooded embankment. The car plant remains operational however this change in level makes this site distinct and separate from the existing works.

- 2.3. Cofton Park is located opposite the site across Lowhill Lane.
- 2.4. Across Groveley Lane is the former Longbridge East Works site. The site has planning permission for residential development and a new park and is currently under construction. Lowhill Lane at this point is now characterised by housing, both the new housing under construction on the Longbridge East site and also long established housing further along Groveley Lane at Cofton Hackett. Also across from the application site sits the Cofton Centre, an existing B2/B8 design and build employment site.
- 2.5. [Site Location Map](#)
3. Planning History – Extensive History including:
- 3.1. 2 August 2011. 2011/04633/PA. Demolition granted with no prior approval required for the demolition of existing building at Former MG Motors Site, Lot 21 - Building No. 70.0 & 91.1 Flight Shed & VEC Energy Centre, Groveley Lane.
- 3.2. 22 November 2013. 2013/06430/PA. Planning permission granted for the re-profiling and re-modelling of site levels, remediation works and creation of two vehicular access points.
- 3.3. 3 February 2014. 2013/06429/PA. Outline planning permission (with all matters reserved, except access) granted for the erection of up to 95 dwellings.
- 3.4. 3 February 2014. 2013/06476/PA. Detailed planning permission granted for a residential development comprising 18 no. 2, 3 and 4 bedroom houses and 64, 1 and 2 bedroom apartments, access, parking and landscaping (Phase 3 Housing).
- 3.5. 3 February 2014. 2013/06311/PA. Outline planning permission granted for residential development (up to 215 dwellings), access, parking and landscaping (Phase 4 Housing).
- 3.6. 24 March 2016. 2014/09251/PA. Outline planning permission granted for residential development (up to 215 dwellings), access, parking and landscaping (Phase 4 Housing).
4. Consultation/PP Responses
- 4.1. Local residents, Ward Councillors, MP and Resident Associations notified. Site and Press notices posted. 1 letter of objection and 9 letters of comment (from surrounding residential and much further afield) including letters from Councillor Cartwright and MG Motors.
- 4.2. The letter of objection is from a resident of Cofton Hackett who objects on the grounds that no thought has been given to existing road infrastructure; the East Works access requires further investment and improvement; is the land free of petrol and other contamination issues? And what happened to the large fuel storage tank under the site?
- 4.3. The letters of comment raise issues relating to the historical use of the site during the war to manufacture aircraft. As such, the residents and Councillor Cartwright consider that a plaque should be provided on site highlighting the site's importance during the war; that a sculpture of a life sized propeller should be provided on site

and the roads should be named in a commemorative fashion relating to its former use. One resident also comments that the site had an underground winch mechanism that used to winch aircraft up the hill to the airfield that is still there – it would be a good tribute to uncover it and display it within the development.

- 4.4. Councillor Cartwright also requested to speak at Planning Committee whilst MG Motors comment that the residential development may impact on the 24hour operation of the MG Motors site; the site has historical contamination issues and a solid boundary fence is required to prevent trespassing.
- 4.5. Regulatory Services – no objection.
- 4.6. Transportation – no objection subject to conditions relating to pedestrian visibility splays.
- 4.7. Environment Agency – no objection.
- 4.8. West Midlands Fire Service – no objection.
- 4.9. LLFA – originally raised concerns however, these have subsequently been dealt with through a discharge of condition application in relation to drainage and subsequently raise no objection.

5. Policy Context

- 5.1. Birmingham Development Plan 2031 (2017), NPPF, Longbridge Area Action Plan (AAP) 2009, Saved Policies of the Birmingham UDP, Car Parking Guidelines SPD, Places for Living SPG, Affordable Housing SPG, Loss of Industrial Land to Alternative Uses SPD, Public Open Space in New Residential Developments SPD.

6. Planning Considerations

- 6.1. The application site sits within the Longbridge Area Action Plan (AAP) Framework, which forms part of the Development Plan for the purposes of determining planning applications. The AAP contains a shared vision for Longbridge:
“Longbridge will undergo major transformational change redeveloping the former car plant and surrounding area into an exemplar sustainable, employment led mixed use development for the benefit of the local community, Birmingham, Bromsgrove, the region and beyond. It will deliver new jobs, houses, community, leisure and educational facilities as well as providing an identifiable and accessible new heart for the area. All development will embody the principles of sustainability, sustainable communities and inclusiveness. At the heart of the vision is a commitment to high quality design that can create a real sense of place with a strong identity and distinctive character. All of this will make it a place where people will want to live, work, visit and invest and which provides a secure and positive future for local people.”
- 6.2. Following the demolition of the Flightshed building in 2011/2012, outline planning permission was granted in February 2014 for the erection of up to 95 dwellings with all matters reserved except access. This approval was tied to and inter linked with housing delivery on both Phase 3 and Phase 4 Lickey Road (2013/06476/PA and 2013/06311/PA). These approvals proposed up to 392 dwellings across the three sites with 60 affordable units provided on Phase 3 funded by off-site contributions from the development of this application site (equating to 15% across the three sites).

Policy

- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.
- 6.4. The BDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. Policy GA10 identifies Longbridge as a growth area and states *"an AAP is in place for the area to secure comprehensive regeneration and guide future development over a 15-20 year period. The AAP has planned for the following levels of growth; 1450 new homes, one Regional Investment Site, 13,500 sq.m. gross of retail floorspace and 10,000 sq.m. office floorspace. A total of 28,626 sq.m. of retail floorspace has been committed to date, reflecting changing circumstances since the AAP was adopted. Proposals for further retail development will only be permitted where it can be demonstrated through a full retail impact assessment that there will be no significant adverse impact on investment in, and on the viability of centres in the catchment area."*
- 6.5. The BDP also aims to create a more sustainable pattern of development by re-using brown field sites in suitable locations with good access to jobs, shops and services by modes other than the car. It requires that that new housing developments should provide an appropriate environment (Policy TP27), a suitable housing density and mix (Policy TP30) and encourages a full range of housing types. Policy TP30 identifies that densities of at least 50 dwellings per hectare will be sought in areas well served by public transport, with 40 dwellings per hectare elsewhere. The saved Paragraph 3.14 (inclusive) of the saved policies of the UDP identifies that new housing development should be designed in accordance with good urban design principles.
- 6.6. The BDP (Policy TP9) outlines the requirement for the provision of public open space generated by new residential development. It encourages provision within site boundaries and aims to achieve the provision of children's play facilities within 400 metres safe walking distance of all dwellings. This advice is reflected in 'Public Open Spaces in New Residential Development' (adopted as SPD in 2007).
- 6.7. The Longbridge Area Action Plan (AAP) designates the site under Policy EZ2 for employment uses however the BDP has not identified the site as a Core Employment Area as outline planning permission for residential development has previously been granted. The AAP also acknowledges that land occupied by MG Motors UK would become surplus to requirements and that it would be likely redeveloped for other future uses despite the land allocation for employment. On this basis, the principle of residential was agreed by your Committee as being in accordance with policy and planning permission was granted.

Scale, Layout and Design

- 6.8. The AAP identifies that *“new homes will provide a mix of type, size and tenure including affordable housing”* (Objective 14). This reserved matters submission would see the site developed for 95 dwellings on a 2.41 hectare site. This would provide a density of 39 dwellings per hectare. Given the sites location opposite Cofton Park and some walking distance from the main Longbridge development and District Centre, I consider the density proposed to be acceptable and in general accordance with policy.
- 6.9. The mix of dwelling types and sizes proposed would meet the aim of the BDP for a variety of housing. The housing mix for the development comprises:
- 24% 2 bedrooms (23 units);
 - 41% 3 bedrooms (39 units); and
 - 35% 4 bedrooms (33 units).
- 6.10. The scheme proposes houses that would be 2 storeys in height with an apartment block on the corner of Lowhill Lane Groveley Lane that would be 3 storeys. New residential development is currently under construction on the former Longbridge East Works located diagonally opposite the application site and this would predominantly be 2-2.5 storeys in height. I and my City Design advisor are satisfied that the proposed scale would be appropriate for the local context.
- 6.11. The layout demonstrates the provision of 95 units with a mix of 2, 3 and 4 bedroom properties with two access points off Groveley Lane and Lowhill Lane. The new housing would front the existing perimeter roads and the new internal roads creating a clearly defined public realm with private gardens that would be framed by buildings. This would create a successful ‘back to back’ relationship providing a logical and coherent sense of place. The development would see a density of 39 dwellings per hectare. This density was what was expected following the indicative layout at outline. The outline application also included the large woodland embankment to the rear of the site, which is now excluded from this Reserved Matters submission, as the embankment remains in the ownership of St Modwen. I am satisfied that the proposed density is acceptable, in accordance with policy in the BDP, AAP, NPPF and Places for Living.
- 6.12. The proposed 95 dwelling development would have separation distances and rear amenity areas that would generally comply with the guidelines in Places for Living. 7 of the houses proposed would have rear garden areas that would fall short of the 50/70sq.m guideline. Permitted development rights have already been removed across the site through the Outline planning permission due to the requirements of the former contaminated nature of the site. As such, no further conditions are required in relation to this aspect of the development. Whilst the apartments have no amenity space proposed aside from a terrace/balcony measuring 4.6sq.m; their location is opposite Cofton Park and as such, I consider this to be acceptable.
- 6.13. The proposed layout generally meets the rear to rear and windowed elevation to flank wall separation guidelines, with a few exceptions in places where it would fall slightly short of the guidelines. However, I consider such exceptions would be acceptable in order to achieve the necessary design and layout for the site. The narrowest point would be 9m front to front between plots 13 and 6. However, this is a front to front situation across a street and I consider this acceptable in design to promote a form of enclosure for the proposed enclave of 8 houses and has been considered acceptable on other Longbridge redevelopment sites.

- 6.14. All of the units would either meet or exceed the national space standards for rooms and overall dwelling sizes, which although not yet adopted by the Council, do provide a useful yardstick to judge the adequacy of accommodation size.
- 6.15. The proposed development aims to be sensitive to the context of the surrounding area and appropriate to its character. The architectural style would be traditional in design utilising brick and render as the primary materials. Buildings are designed to include details such as front door canopies and ground floor bay windows. A pallet of three primary types of brick is proposed - two red multi and a sandstone Buff (to be used on properties incorporating rendered façade). Roof profiles would include front gables on some houses. A palette of two roof tiles/colours would be used.
- 6.16. Extensive discussions have been undertaken with Officers during the course of the application and the layout now proposed represents the result of these discussions. The layout identifies that the requirements of Places for Living would be met. As such, my Design Officer raises no objections on design, scale and layout issues. I concur with this view and recommend an obscure glazing condition for all dwellings with side facing windows.

Access

- 6.17. Vehicular access would be afforded by two points; one from Groveley Lane and one from Lowhill Lane as per the Outline planning permission. Pedestrian access would also be via these points. The layout would create two cul-de-sac roads from these two access points. A shared pedestrian access/dwelling access bollarded to prevent a vehicular through road would be created in front of plots 17-18 and 58-59. This arrangement is considered acceptable in layout and design terms. The road layout has been tracked for use by large vehicles and Transportation have raised no objections. I concur with this view.
- 6.18. Car parking provision on site would be provided at 200% for the housing, 100% for the apartments and for plots 52 and 45 would be 400% due to the inclusion of a double garage for both of these units. Given that Lowhill Lane has significant on street parking adjacent to Cofton park and that Groveley Lane is a bus route, I consider the car parking provision as proposed acceptable. Transportation has raised no objections and I concur with this view.

Landscaping

- 6.19. The outline planning permission included land (namely the wooded embankment) that does not form part of this Reserved Matters submission. That embankment was subject of a number of planning conditions attached to the outline permission and these conditions have been agreed under separate submissions. The embankment will remain in the control and ownership of St Modwen.
- 6.20. The existing site was covered by hard standing and was heavily contaminated. As such, the existing site had no flora or fauna of note. The proposal would see the inclusion of a native hedge along the road frontages of Groveley Lane and Lowhill Lane.
- 6.21. 64 new trees are proposed along with other native and ornamental shrub planting. My landscape officer considers the scheme acceptable and I concur with this view.

Other Issues

- 6.22. Air Quality, Ecology, Flood Risk, Noise and Contaminated Land were all considered during the outline planning application and led to a number of planning conditions being attached to the outline approval. The majority of these conditions have been agreed through separate condition submissions. As such, the Environment Agency, Regulatory Services and the City Ecologist consider the scheme acceptable and raise no objection.
- 6.23. I note the objections received in relation to this submission. In relation to highways and East Works, improvements have previously been undertaken at the junction of Lowhill Lane and Lickey Road in response to this site being handed back to St Modwen from MG Motors. This was reviewed as part of the outline planning permission and no further highway works are required. Issues relating to the East Works access sit with Worcestershire County Council. In relation to contaminated land issues, the site has been cleaned over the past three years in accordance with the agreed strategy. This has included removal of a significant quantity of petrol and the large fuel storage tank. I note the letter of comment from MG Motors however the site received outline planning permission for residential where it was concluded that the operation of MG would not be affected by this development. With regards to commemorative measures requested by local residents and Councillor Cartwright; the applicant has approached Councillor Cartwright to understand what is sought. The amended plans highlight an area where an information board could be located but no detail has been provided. This issue is also being discussed internally with Councillor Cartwright and the Longbridge Project Manager in relation to provision as part of the Longbridge AAP public art and infrastructure tariff money. As such, I consider it relevant to condition details of commemorative plaque/board to be submitted.

Community Infrastructure Levy (CIL) and Section 106 Requirements

- 6.24. The proposed development does not attract a CIL contribution.
- 6.25. In terms of affordable units, as the development would provide over 15 dwellings, an element of affordable housing would be required on-site or as an off-site contribution. When outline planning permission was granted, this site was tied to and inter-linked with the development of Phase 3 and Phase 4 Lickey Road seeing the development of 392 dwellings in total. At that time, the outline planning permission secured 60 affordable units to be provided on the Phase 3 site and funded by off-site contributions from this application site. This affordable housing has subsequently been provided within the Phase 3 development and the RSL has taken 72 of the 82 units provided in Phase 3. Based on this, the affordable housing requirement from the site has been met as part of the outline planning permission.
- 6.26. A £237,500 Longbridge Infrastructure Tariff contribution was also secured on the outline planning permission.

7. Conclusion

- 7.1. The redevelopment of the site for housing accords with both national and local planning policy. The proposal is consistent with the key objectives of the BDP and the Longbridge AAP and would continue to deliver the attractive, quality neighbourhoods envisaged. The proposed mix of dwellings and house types would help to provide a balanced community and widen the choice of property available within the Longbridge redevelopment area. The scale, layout and design are acceptable and appropriate for the area and would deliver a significant contribution to meeting the City's housing needs.

7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the redevelopment of a former heavily contaminated industrial site within the Longbridge AAP area for new residential development and which would in turn provide economic and social benefits for the existing and new residential occupiers, whilst supporting the provision of local employment in construction and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

8.1. That approval is given to the reserved matters of appearance, landscaping, layout and scale as they relate to outline planning permission 2013/06429/PA, covered by reserved matters application 2016/09170/PA, subject to the conditions set out below.

-
- | | |
|---|---|
| 1 | Requires the prior submission of obscure glazing for all side facing windows |
| 2 | Requires the prior submission of details of a communal satellite dish for the apartment block |
| 3 | Requires the prior submission of commemorative plaque/art feature/information board details |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: Pam Brennan

Photo(s)

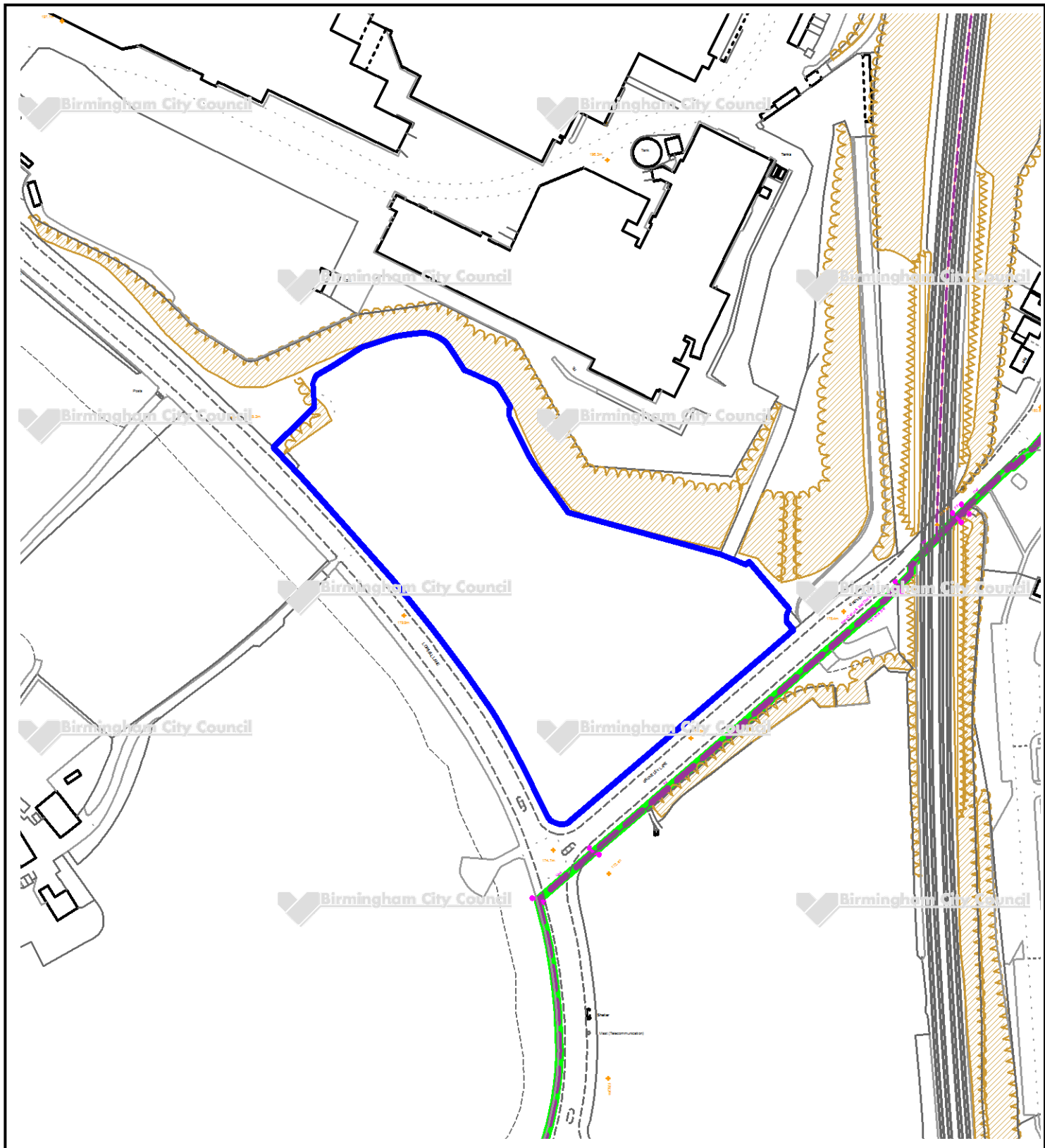


Photo 1: View from the corner of Groveley Lane and Lowhill Lane



Photo 2 : View looking north east towards the wooded embankment

Location Plan



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Committee Date:	02/03/2017	Application Number:	2016/09468/PA
Accepted:	21/11/2016	Application Type:	Full Planning
Target Date:	02/02/2017		
Ward:	Bournville		

Unit 5 Avery Dell Trading Estate, Lifford Lane, Stirchley, Birmingham, B30 3DZ

Change Of Use from business and general industry (Use Classes B1/B2) to gymnastics club (Use Class D2 assembly and leisure) and creation of parking spaces.

Applicant:	Revolution Gymnastics Club 105 Rea Valley Drive, Northfield, Birmingham, B31 3XN
Agent:	D P Design 130 Bromford Road, West Bromwich, B70 7JB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the change of use of the existing building at Unit 5 Avery Dell Trading Estate from business and general industry (Use Classes B1/B2) to assembly and leisure (Use Class D2), for occupation by a gymnastics club.
- 1.2. No additional floorspace or external alterations are proposed to the building.
- 1.3. The unit would retain its full internal height and floor area (approx. 870sqm) to accommodate the very specific requirements of the club, including minimum clear height of 5.5m for high bar/rings/asymmetric bars/trampoline and rebound equipment; floor area, pommel horse and parallel bars and the creation of 2m deep pits for dismount from apparatus. Office space would also be provided at first floor, with ancillary facilities including toilets, and waiting area, utilising an existing mezzanine.
- 1.4. A schedule of classes indicates a range of activities taking place throughout the day with the number of participant's dependant on the activity. (Maximum 28 at any one time).
- 1.5. Plans indicate a total of 29 car parking spaces available for use by the club.
- 1.6. The proposed use as expanded would provide 49 job opportunities (10 full time, 39 part time), plus an additional 20 places for volunteers and training coaches (who are going through their badges) who assist with the younger groups. Although some of these would be transferred from the existing operations.

- 1.7. Opening hours proposed 9am to 11pm Monday to Friday, and 9am to 8pm weekends and Bank Holidays.
- 1.8. The application was supported by a 'Sequential Site Assessment and Leisure Impact Assessment' and 'Statements of Support' from professionals within the sport and community (including British Gymnastics and the University of Birmingham).

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to Unit 5, Avery Dell Trading Estate, off Lifford Lane, a purpose-built industrial warehouse building, which is currently vacant. It was most recently occupied by a manufacturing company, its use ceasing in June 2016.
- 2.2. The site sits within an industrial estate. Rush Trampoline Park is located within Unit 6 to the south. Other units, both to the north and south of the application site, remain in a range of industrial uses, including a confectionary company (Kids Kandy) and a range of car workshops, manufacturing and engineering operations, with one other unit currently vacant.
- 2.3. The site is accessed from Lifford Lane, on the south side of Pershore Road, via an access road to the estate running beneath the main road. The Wharfside Leisure Complex adjacent to the Lifford Lane entrance contains a music venue, children's indoor playground and a gym.
- 2.4. The Worcester and Birmingham Canal runs along the eastern edge of the site with further industrial/warehouse units and retail premises (Magnet and Tool Station) beyond. The main line railway line lies to the west of the site with residential development beyond.
- 2.5. The site is close to, but not located within the defined boundary of the Stirchley District Centre.

[Location map](#)

3. Planning History

Application Site

- 3.1. 7th September 2016. PA No. 2016/07109/PA. Pre-application enquiry for change of use to sports and recreation facility.

Adjacent Site (Unit 6 Avery Dell)

- 3.2. 1st April 2010. PA No. 2009/05396/PA. Change of use of industrial unit to Go-Kart manufacturing, maintenance, testing and racing centre. Approved subject to conditions.
- 3.3. 10th December 2015. PA No. 2015/07501/PA. Change of use of existing building from sui generis (go-kart manufacturing, testing and race centre) to class D2 (Assembly and Leisure) for use as a trampoline park. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection. The wider car parking issues on this private industrial estate are noted. With a distance of approximately 450m to the nearest Lifford Lane highway, the anticipated parking issues in relation to this use are unlikely to have a highway impact.
- 4.2. Regulatory Services – No objection.
- 4.3. Canal and River Trust – No objection.
- 4.4. Sport England – Support the application.
- 4.5. Letters of notification have been sent to surrounding occupiers; local residents associations and local Ward Councillors. A site notice has also been posted.
- 4.6. One letter of objection has been received from a nearby commercial occupier, objecting to the proposal for the following reasons.
 - Nowhere for lorries to turn.
 - Worried regarding the security of the site.
 - Lack of parking at the site.
- 4.7. A letter in support of the application from Cllrs Francis; McKay and J Alden (Harborne Ward) and Cllr D Alden (Edgbaston Ward) has been submitted. They note that unit has not been actively marketed for two years. However, the applicant (Revolution Gymnastics Club) urgently needs a new home for its elite and recreational competitive gymnasts. They support the use of this unit as;
 - It is within south Birmingham.
 - Accessible by both bus and car
 - It is a large space which can be equipped to suit the gymnasts' needs and will be able to accommodate a tumbling track.
 - Will help increase training time available,
 - Will be a community business venture which would offer proper gymnastics training, including trampolining, to children from south Birmingham (and indeed to some from the wider Birmingham area) as presently occurs.
 - Traffic considerations have been carefully considered, with an offer of parking management.
 - There a serious threat the club will lose all premises and there would be nowhere for non-competitive gymnasts to go, it will be disastrous for the elite and recreational competitive gymnasts.
 - Jobs could be lost
 - Impact to the health and wellbeing of local residents.

5. Policy Context

- 5.1. The following local policies are relevant.
 - Birmingham Development Plan (BDP) 2017.
 - The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
 - SPD: Loss of Industrial Land to Alternative Uses (2006)
 - SPD: Car Parking Guidelines (2012)
- 5.2. The following national policy is relevant.

- The National Planning Policy Framework (2012)

6. Planning Considerations

Background

- 6.1. The applicant (Revolution Gymnastics Club) is a non-for-profit sports club, providing gymnastics experiences to all ages and levels of ability (including multi-sports and disabilities). The club has over 1350 paying members and has produced 3 British champions, with 9 squad members selected for the GB national team. The club currently operates from Metchley Lane Gymnastics Centre in Harborne, with activities also at The Munroe Sports Centre (University of Birmingham), The Blue Coat School, Harborne and National Sports Centre in Shropshire. Existing facilities at Metchley Lane and Munroe Sports Centre are scheduled for closure in 2017, following your Committee's approval of the wider master plan for the wider University campus, creating an urgent need for space to ensure the continued operation of the club and business.
- 6.2. The application proposal is for a leisure use in an edge-of-centre location, within an existing unit on an industrial park, most recently occupied for B1/B2 purposes. As such, issues of principle for consideration include the loss of the existing industrial premises and the acceptability of the site for leisure in sequential terms.

Sequential Test/Impact Assessment

- 6.3. Policy TP11 of the adopted BDP deals with the provision and availability of sports facilities and notes the contribution such facilities can make to healthy lifestyles. The policy seeks to protect existing facilities from development (unless it can be demonstrated that they are surplus to requirements) and states that proposals for new facilities, in accessible locations, will be supported subject to compliance with other relevant policies.
- 6.4. Policy TP21 of the Birmingham Development Plan supports the positive promotion and enhancement of existing shopping centres. Policy TP24 identifies that wherever possible proposals for new leisure development should be accommodated within local centres. This policy also acknowledges that there may be exceptional circumstances where this is not possible and in such circumstances support could be given provided that a sequential approach has been undertaken.
- 6.5. The National Planning Policy Framework at Annex 2 defines leisure uses as 'main town centre uses' and establishes circumstances in which it is sequentially acceptable for them to be located in out of centre locations. The site is 75m from the edge of Stirchley District Centre, albeit separated by the canal, however the access is to the south via the estate road and then north along Pershore Road amounting to some 500m from the centre. Given this, it is therefore considered this is an edge-of-centre site.
- 6.6. Paragraph 24 of the NPPF identifies that a sequential approach should be taken for main town centre uses that are not in-centre. When considering edge and out of centre sites, preference should be given to accessible sites that are well connected to the town centre.
- 6.7. The application is supported by a Sequential Assessment. This demonstrates that a significant number of other sites have been considered within Birmingham, but

concludes that no other suitable site is available, largely due to the very specific requirements of the proposed operator. These requirements include premises of specific dimensions (scale, height and layout, such as a minimum clear height of 5.5m for high bar/rings/asymmetric bars/trampoline and rebound equipment; floor area of between 800sqm to 1000sqm; and ability to create 2m deep pits for dismount from apparatus. In addition, it is essential for the viable operation of the club that the premises be in south Birmingham and that the site has adequate parking facilities, with good road and rail links.

- 6.8. The submission shows that more than 50 sites in and around south Birmingham have been appraised. The vast majority of properties were found to be too small or have eaves heights too low to accommodate a gymnastic club and, as such, were discounted. Other units, which although of an appropriate size, were ruled out for a variety of reasons, including:- their location was no better than the application site (in sequential terms); they were in employment use and the landlord would not entertain a D2 use; the premises were occupied/no longer on the market; or parking was inadequate. The submission concludes that Unit 5 Avery Dell is the most suitable, available and sequentially preferable site in the wider Birmingham area.
- 6.9. This approach is consistent with the requirements of NPPF for a sequential assessment. A gymnastics club by its nature has very specific requirements in terms of ceiling heights etc., which are not to be found in retail units within centres. As such, I am satisfied that the application provides sufficient justification for an out-of-centre location.
- 6.10. The NPPF states that an impact assessment is required for proposed town centre uses on out-of-centre sites only where the proposed floorspace is more than 2,500sqm and, as such, the requirement does not apply to this proposal (approximately 870sqm).

Loss of Industrial Land

- 6.11. The NPPF emphasises the importance of planning in supporting sustainable economic growth in order to create jobs and prosperity. It recommends that local planning authorities have strategies in place to support businesses and to meet anticipated needs. Notwithstanding this, it also advises, at paragraph 22, that “planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”.
- 6.12. The BDP sets out the principles on which industrial land release policies are based at policy TP17. The policy requires provision of a portfolio of ‘readily available’ employment land (categorised as ‘best quality’, ‘good quality’ and ‘other quality’), with a 5 year minimum reservoir of 96ha to be maintained throughout the plan period (including 31ha of ‘good quality’ land, which the application site is considered to be).
- 6.13. TP20 (Protection of employment land) notes that employment land and premises are a valuable resource to the Birmingham economy and will be protected where they contribute to the portfolio of employment land and are needed to meet the longer term employment land requirements. Outside Regional Investment Sites and Core Employment Areas there may be occasions where employment land has become obsolete and can no longer make a contribution towards the portfolio of employment land. In such cases change of use proposals from employment land to other uses will be permitted where it can be demonstrated that either:

- The site is considered a non-conforming use; or
 - The site is no longer attractive for employment development having been actively marketed, normally for a minimum of two years, at a price which accords with other property of a similar type in the area. Where it is argued that redevelopment for employment purposes would be commercially unviable, a viability assessment may also be required which should include investigations into the potential for public sector funding to overcome any site constraints.
- 6.14. The City's 'Loss of Industrial Land to Alternative Uses' SPD highlights the pressure on industrial land from other activities and emphasises the need to ensure a balance of uses to meet the City's economic and other aspirations. Section 5 of the SPD sets out the information required when submitting a planning application involving the loss of industrial land. Three criteria are identified. The first (non-conforming uses) and third (where high redevelopment costs make industrial development commercially unviable) are not arguments put forward in this case. The second, 'Active Marketing', applies where lack of demand for a particular industrial site is being argued, as is the case here. Paragraph 5.3 sets out the form such marketing should take. The fundamental requirement is active marketing for a reasonable period, (normally a minimum of 2 years).
- 6.15. The applicant has provided a history of the building, noting that the unit was last up for sale in September 2012, at which time no offers were made. However, a new 6 year lease was signed with a company who remained on the site until June 2016.
- 6.16. My Strategic Employment Land Advisor has expressed concerns. He notes that the only recent marketing period that has taken place equates to approximately 7 months and the point of the two year test is to demonstrate that an appropriate period of marketing has shown the site to not be of interest to the market. The occupation of the unit June 2016 means that the applicant cannot meet the tests set out in policy TP20 of the adopted BDP and the loss of industrial land SPD.
- 6.17. Notwithstanding the above, it is considered that there are exceptional circumstances in this instance. The Club has specific requirements that this building provides for including a concrete floor, 6m eaves height, 43m length, has capacity for 3 foam filled landing pits and 2 pits for specialised sunken equipment, all of which could not be provided in a space that is rented from another club, or a school hall, or in most buildings of a non-industrial nature.
- 6.18. The Club's role in UK wide gymnastics is also noted, with a number of Club members competing on a national and international level, in addition to its wider community provision for all ages/abilities, with associated health benefits. Sport England is in full support of the application, indicating that the proposal meets a gap in gymnastic provision within the city. The Club faces an uncertain future if alternative premises are not secured, which would be a loss to the local community and the wider sport.
- 6.19. In addition, whilst not strictly an 'employment use', I consider that the use would bring economic benefits, bringing approximately 49 job opportunities (10 full time, 39 part time), plus an additional 20 places for volunteers and training coaches. As a result the proposal can be seen as 'employment generating'.
- 6.20. As such, although the applicant has not demonstrated two years active marketing; the site is not within any strategic area for industrial purposes and, on balance, I

consider that the proposal would deliver wider social, economic and environmental benefits that would outweigh harm caused by the loss of industrial land.

- 6.21. However, in normal circumstances, the approval of this industrial unit to a leisure use falling with Use Class D2 would not be supported. It is considered that given the very special circumstances in this case, that a condition of any approval be that the permission is personal to the applicant.

6.22. Impact on Residential Amenity

The application site is an existing vacant building and is located on an industrial site. The nearest residential properties are located approximately 33m away to the west. However, a railway line, line of hedge/vegetation and an access road runs between the application site and these properties on York Close. Regulatory Services consider that the proposed use would not adversely affect the amenities of residential occupiers in the vicinity in terms of noise and disturbance and I concur with this view. I do not consider safeguarding conditions in relation to noise would be required as the use would be expected to generate less noise output in comparison to its current lawful use.

6.23. Transportation Issues

Transportation Development have reviewed the application and made a number of observations. They note that a total of 29 car parking spaces are proposed. A timetable of classes has been provided that detail class sizes that establish expected parking demand and compare to the parking provision offered. As acknowledged within supporting documents, the vast majority of those visiting the site would do so by car. Most attending are not from within the local area and public transport is not a particularly attractive option, with the nearest stops approximately 600m walk, through an industrial estate.

- 6.24. Concern was initially expressed that at times the parking offer may be insufficient, for example, when classes overlap. However, it is unlikely that all users would arrive individually (it is likely that many would travel with more than 1 visitor per vehicle, including mini-buses for some classes), and older participants are often dropped off/picked up without the need for a parking space to be used.

- 6.25. In addition, my Transportation colleagues note that, with a distance of approximately 450m to the nearest public highway, any parking issues are unlikely to have an impact on the highway (with any overflow having to be accommodated within the industrial estate) and, as such, there are no Transportation grounds to object.

- 6.26. There are wider concerns with parking on the estate as a whole, particularly with the opening of 'Rush' trampoline park (in the adjacent unit) and the intensity of their operation. These issues are being investigated by Transportation Development and Planning Officers. However, based on this unit and use alone, I consider that the current proposal is unlikely to impact further on the operation of the wider estate given the 29 parking spaces on offer.

- 6.27. It is however strongly suggested that the operators of the club do all they can to encourage alternative modes of travel, including providing secure and sheltered cycle storage. The Club are also investigating the potential for the introduction of 10-15 minute gaps between classes in order to reduce the impact of parking demand at the end and start of classes and to have marshalled parking. To this end, it is

recommended that a condition of approval be that a car park management plan be submitted.

7. Conclusion

- 7.1. The proposed development would make use of a vacant premises in a sustainable location, promote growth and employment and the use of the property as a gymnastics club would not have any detrimental impact on the amenities of surrounding residents. Given the special circumstances, there is no objection to the loss of industrial land and the proposal meets the sequential policy tests. Therefore, on balance, it is recommended that the application be approved subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the prior submission of a parking management strategy |
| 2 | Requires the prior submission of cycle storage details |
| 3 | Prevents the use from changing within the use class |
| 4 | Permission to the Applicant only |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Implement within 3 years (Full) |
-

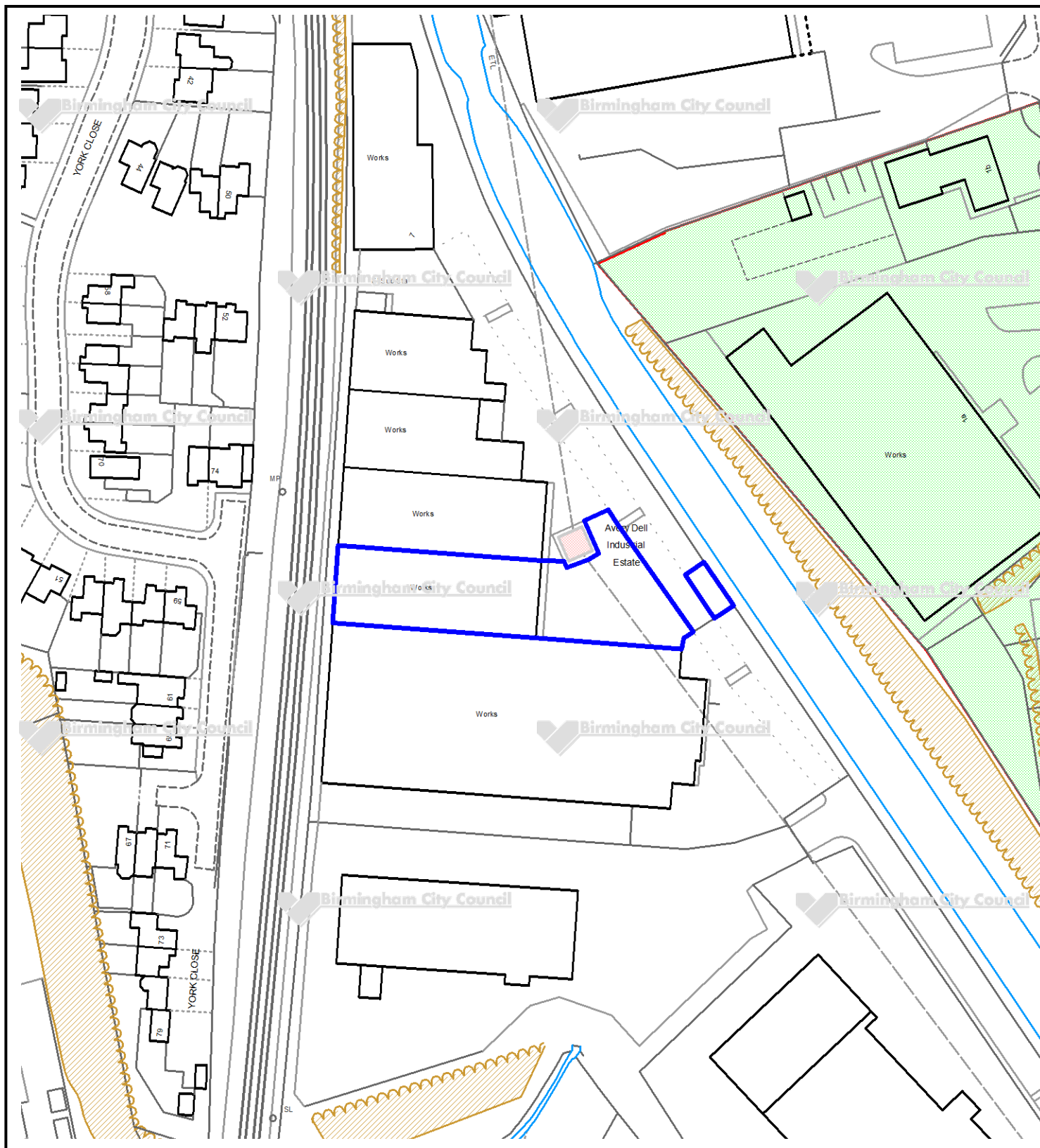
Case Officer: James Mead

Photo(s)



Photograph 1: View of application site and building looking west.

Location Plan



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Committee Date:	02/03/2017	Application Number:	2016/09442/PA
Accepted:	07/12/2016	Application Type:	Full Planning
Target Date:	08/03/2017		
Ward:	Moseley and Kings Heath		

60 York Road, Kings Heath, Birmingham, B14 7RZ

Erection of 2 no. two and three storey blocks accommodating 12 no. flats with associated parking and landscaping

Applicant:	B N Kaushal Ltd 145-150 Brighton Road, Moseley, Birmingham, B12 8QN
Agent:	Axis Design Architects Ltd Crosby Court, 28 George Street, Birmingham, B3 1QG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for the erection of two apartment blocks (Blocks A and B) accommodating a total of 12 two-bed flats, with associated landscaping and 12 car parking spaces to be built on the site of a former Snooker Hall at No. 60 York Road, which is currently being demolished. Block A would take the form of a two storey building fronting on to York Road and accommodating four, two bed flats. Block B would take the form of a three storey building located to the rear (north east) of Block A and would accommodate eight, two bed flats.
- 1.2. Block A would measure 13.5m in length, a maximum of 12.4m in width, 5.1m in height to eaves and 8.9m in height to roof ridge. It would be set back a minimum of 1.8m from York Road. It would accommodate two flats at ground floor (Units 1 and 2) and two flats at first floor (Units 3 and 4). It has been designed to appear as a short terraced row from the front, with rectangular footprint and pitched roof. It would be constructed of red facing brickwork, UPVC windows, composite panelled/glazed doors, and the roof of interlocking concrete tiles. Bay windows would be incorporated on the front elevation at ground floor.
- 1.3. Each flat within Block A would accommodate a living/dining/kitchen area, a hallway, a bathroom, a single bedroom (7.7sqm or 8.1sqm), a double bedroom (13.5sqm) and storage space (2sqm). Units 1 and 2 would have their own front doors out on to the street, whilst Units 3 and 4 would be accessed via centrally located stairwells, with their front doors located centrally on the front elevation and rear elevation respectively.
- 1.4. Block B would measure a maximum of 22.3m in length, a maximum of 13.7m in width, a maximum of 8.1m in height to eaves and a maximum of 10.5m in height to roof ridge. The main part of the building would be three storeys in height, with a two storey wing element to the rear. Roofs would be pitched but cut back on parts of the building. It would accommodate three flats at ground floor (Units 5, 6 and 7); three flats at first floor (Units 8, 9 and 10) and two units at second floor (Units 11 and 12).

The proposed building would be constructed of red facing brickwork, UPVC windows, composite panelled/glazed doors, and the roof of interlocking concrete tiles. Dormer elements would be incorporated on the front elevation and vertical white rendered elements to highlight window groupings. Balconies with metal balustrading would be incorporated on the front elevation at first and second floor.

- 1.5. Each flat within Block B would accommodate a living/dining/kitchen area, a hallway, a bathroom, a single bedroom (8.2sqm, 9.3sqm or 9.5sqm), a double bedroom (13.8sqm, 14.7sqm or 15.3sqm) and storage space (2sqm). Units 6, 8 and 11 would have small private balconies. All flats would be accessed via a communal entrance door located on the side (north west) elevation of the building. This leads into a communal hallway and staircase.
- 1.6. A distance of 18m would separate Blocks A and B, with communal amenity space and parking for five cars in between. To the rear of Block B would be a smaller communal amenity space and parking for seven cars. I have calculated that the total communal amenity space on site (excluding balconies) would be 115sqm. Twelve car parking spaces would be provided on site, equating to 100% on-site parking provision.
- 1.7. The site area is 0.14ha in size, and the density of development would be 85 dwellings per hectare.
- 1.8. A Daytime Bat Survey and Ecological Scoping Report, Design and Access Statement, Ground Investigation Report, Noise Survey and Sustainable Drainage Assessment have been submitted in support of the proposed development.
- 1.9. The proposed development would not attract a CIL contribution.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises of an L-shaped plot of level ground, accommodating a large former Snooker Hall extending back into the site, ancillary buildings and hard surfaced car parking area. The site fronts on to York Road, between its junction with Grange Road and Waterloo Road. The surrounding area is residential in character.
- 2.2. The former Snooker Hall is two storeys in height and comprises of a brick building with a pitched roof, and a short, flat roofed, two storey, white rendered, front extension. The building historically formed part of the Midland Dairy site and was converted into a snooker hall in 1982. The Snooker Hall has been closed and the site vacated for a number of years. The building is currently being demolished. Immediately to the north of the former Snooker Hall is a vehicular access which is used by delivery vehicles serving the rear of No. 74-80 High Street (now Poundland & More), this store having right of access via the application site to their rear yard.
- 2.3. Immediately adjoining the site to the north is No. 62 York Road, a 2.5 storey Victorian single family dwellinghouse, the rear garden of which extends along the northern site boundary, itself defined by timber close boarded fencing and tall brick boundary wall. The eastern site boundary to Poundland & More is defined by timber close boarded fencing, with metal access gates located in the centre of the fencing. Immediately adjoining the site to the south is No. 20 Kings Gate, a three storey apartment block built in the last ten years as part of the Kings Gate complex. This

complex has its own cul-de-sac off York Road adjacent to the application site. Nos. 44 and 46 York Road, also part of the Kings Gate development, are two storey terraced houses fronting on to York Road. The southern site boundary is defined by tall concrete fencing and the southern (side) elevation of the former Snooker Hall building.

- 2.4. The application site is located within easy walking distance of Kings Heath District Centre and shops/services on York Road.

2.5. [Site Location Map](#)

3. Planning History

- 3.1. 16.12.82 - 10126006 – Alterations and change of use of ground floor of former dairy premises to private members snooker club – Approved-conditions
- 3.2. 28.11.16 - 2016/08189/PA - Application for prior notification of proposed demolition of former snooker hall – No Prior Approval Required

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Subject to conditions requiring re-instatement of redundant footway crossing as footway, and one cycle storage space per flat
- 4.2. Regulatory Services – No objection – Subject to conditions requiring noise insulation to external windows/doors, submission of contamination remediation scheme, submission of contamination verification report, and requirement for vehicle charging point
- 4.3. Education and Skills – No objection
- 4.4. West Midlands Police – No objection
- 4.5. West Midlands Fire Service – No objection
- 4.6. Severn Trent Water – No objection - Subject to drainage condition
- 4.7. Lead Local Flood Authority – No objection – Subject to condition requiring submission of an amended Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
- 4.8. Birmingham Public Health – No response received
- 4.9. Local residents, Ward Councillors, M.P. and Business/Residents Associations notified. Advertised by press and site notice – Seven letters of objection and three letters of general comment received from local residents raising the following relevant planning concerns:
- Needs to be more than one parking space per flat – will create extra parking congestion on York Rd

- Refuse vehicle or delivery vehicles cannot use access without causing significant problems in York Rd – bin lorries currently have difficulty accessing Kings Gate
- Three storey flats would be out of keeping with two storey terrace housing of residential area
- Potential additional noise to existing residents from York Rd once acoustic buffer of existing building removed
- Communal/living room areas of first floor flats in Block A would look directly into upstairs bedroom window of York Road property opposite
- Front facades of Block A need to better mimic terraced houses along York Rd – better window proportions
- Noise from live music at Hare & Hounds Public House would affect amenity of future occupiers – generate noise complaints which may affect existing businesses in Centre
- Greater amount of planting along access road and buffer to No. 62 would soften development
- What design measures are being taken to improve security of site and flytipping
- Bin store would be better relocated away from No. 62 for odour reasons
- Site should be community site and not utilised for private residential development

4.10. Councillor Spencer - Pleased to see this unused site converted into homes, of a size and nature that are much in demand in Kings Heath. However, would like to be assured about adequate access for refuse collection and recommend improvements to façade. Pleased to see provision for cycle storage and would be useful for local community to get involved in greening of site.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living SPG
- Car Parking Guidelines SPD
- Kings Heath Local Action Plan SPD

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

Background

6.1. Pre-application discussions have been held with the Applicant and the Council's City Design Officer, and the scheme has subsequently been modified through the omission of two flats, reduction in building footprint and splitting of one continuous building into two separate blocks, reduction in scale, increase in internal flat sizes, and façade alterations to improve design and prevent overlooking.

6.2. The main planning considerations in the determination of this application are: the principle of residential development on the site; the design of the proposed building

i.e. its siting, scale, appearance, density and living conditions for future occupiers; and the impact of the proposal on traffic and parking; residential amenity of neighbours; noise; ecology; drainage; and contamination.

Principle of Residential

- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed land and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.
- 6.4. The Government's ambition is to *"boost significantly the supply of housing"* as stated at the beginning of Paragraph 47 of the NPPF. The BDP identifies that a figure of around 51,100 dwellings needs to be found within Birmingham during the Plan period (ending 2031).
- 6.5. Policy TP27 of the BDP states that *"New housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods."* It goes on to explain that sustainable neighbourhoods are characterised by: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood; environmental sustainability and climate proofing measures; attractive, safe and multifunctional public spaces such as squares, parks and other green spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.6. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.7. There is no site specific policy allocation in the Kings Heath Local Action Plan SPD for the application site. However, I note Policy E6 states that *"Any future proposals for non-conforming uses in residential areas will be discouraged. Removal of existing non-conforming uses and replacement with residential uses will be encouraged as and when they come forward for development."*
- 6.8. The existing former Snooker Hall is currently in the process of being demolished, subsequent to prior approval for its demolition being granted last year under 2016/08189/PA. It is a non-conforming use located within a residential area and its removal is therefore welcomed. I consider its replacement with new residential apartments, which would be located on a brownfield site within an established residential area, to be acceptable in principle and in compliance with Policy E6 of the Kings Heath Local Action Plan SPD. The site is also in a sustainable location for new residential, being located within very close walking distance of public transport

and local shops/services at Kings Heath District Centre. The site is located within a low flood risk zone, is capable of land remediation and the development would be sympathetic to historic, cultural and natural assets, as required by Policy TP28. The development of the application site for residential use would help to meet the City's housing requirement over the Plan period.

Design

- 6.9. Policy PG3 of the BDP explains that *"All new development will be expected to demonstrate high design quality, contributing to a strong sense of place."* It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.10. Saved Paragraphs 3.14D-E of the UDP explains that new housing development should be designed in accordance with good urban design principles. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.

a) Siting

- 6.11. Block A, the proposed front block, would follow the established building line along the north eastern side of York Road. Block B, to the rear of the site, would correspond to the building line of the adjoining flatted block at No. 20 Kings Gate, which has set a precedent for development at the rear. The proposed vehicular access into the site would be sited in a similar location as the existing vehicular access into the site. The total footprint of buildings on the site would actually be reduced by 150sqm when compared to the existing former Snooker Hall building and ancillary building on the site. Therefore I am satisfied with the siting of the proposed development.

b) Scale and Massing

- 6.12. Existing buildings in the vicinity of the site, and fronting on to York Road, are generally two storeys in height. Block A at two storeys in height, would follow the scale and massing of existing traditional two storey terraced houses along York Road, designed to appear as a pair of terraced houses with a centrally located covered passageway between. The roof ridge, eaves and fenestration of Block A would line up with the neighbouring property at No. 46 York Road.
- 6.13. Block B, at three storeys in height, has been designed to replicate and complement the adjoining flatted block at No. 20 Kings Gate. Although its roof ridge would be 0.5m taller than that of No. 20 this slight variation in heights between blocks would not appear unnatural, and in any case Block B would be largely hidden from the public realm behind the existing terraced properties, and as such would preserve the two storey character and appearance of the streetscene. The use of dormer elements, cut-away balconies and render treatment around windows would all help add interest and articulation to facades and break up the massing of the building.

c) Appearance

- 6.14. I consider Block A would successfully replicate the appearance of existing brick facing terraced houses on York Road, with plan revisions having been made to increase the height of windows, introduce stone cills/lintels and incorporate bay windows to front elevations. The proposed development would be much more in keeping with the appearance of the streetscene than the incongruous and unsympathetically extended former Snooker Hall.
- 6.15. The rationale and precedent for using a more contemporary architectural style for Block B has been set by the adjoining building at the rear, No. 20 Kings Gate. I consider Block B would successfully replicate the style of this building, and the use of rendered sections, dormer elements, cut-away balconies and large windows on its front elevation would provide interest and articulation.
- 6.16. The City's Landscape Officer has raised no objection to the proposed development but recommends that the expanse of hard surfacing needs pulling in and softening with planting (and space for it) along site boundaries. It may be possible to increase soft landscaping on the site depending on vehicular manoeuvrability along the access road, and I consider this issue can be adequately dealt with under a landscaping condition.

d) Density

- 6.17. Policy TP30 of the BDP seeks to secure a density of at least 40 dwellings per hectare in this location. It explains that in assessing the suitability of new residential development full consideration will need to be given to the site and its context. The surrounding area has a relatively high density character (for example the density of development on land on the opposite side of York Road I have calculated to be 77dph). The density of the adjoining Kings Gate development is 78dph. I consider the proposed development, at 85dph, would therefore be largely commensurate with surrounding density levels, and would make the most efficient and effective use of this sustainably located site.

e) Living Conditions

- 6.18. The gross internal floor area of each proposed 2-bed, 3-person flats within Block A would measure 64sqm in size, and within Block B would measure 61sqm in size. Each flat would therefore exceed or comply with the minimum gross internal floor area of 61sqm per flat as recommended in the Government's Nationally Described Space Standard (NDSS). Double bedrooms (ranging in size from between 13.5sqm - 15.3sqm) and single bedrooms (ranging in size from between 7.7sqm - 9.5sqm) would all exceed the minimum bedroom size guidelines of 11.5sqm and 7.5sqm respectively, as set out in the NDSS. Storage space sizes would also comply with the NDSS.
- 6.19. The proposed development would provide communal amenity space of 115sqm located between Blocks A and B, and private balconies to Units 6, 8 and 11 within Block. This does not meet the recommended 360sqm of communal amenity space set out in the Council's Places for Living SPG. However, the site is located within a five minute walk of Kings Heath Park.
- 6.20. Given the above, I am satisfied that the proposed development would provide acceptable living conditions for future occupiers.

Residential Amenity

- 6.21. There are existing habitable room windows located at ground and first floor on the north west elevation of Nos. 46/44 York Road and No. 1 Kings Gate which would face Block A. The side (south east elevation) of Block A has therefore been designed without windows in order to avoid any overlooking or loss of privacy to these adjoining occupiers.
- 6.22. The north west elevation of Block B has been designed so that it does not contain any habitable room windows at first floor and therefore I am satisfied that there would be no overlooking issues into the rear garden of the adjoining house at No. 62 York Road. The proposed development would not result in any loss of outlook or loss of light to the occupiers of this adjoining property, given the proposed development would be of similar siting and scale to the former Snooker Hall building.
- 6.23. Block B would be sited slightly forward of No. 20 Kings Gate. However, it would comply with the 45 Degree Code in relation to the nearest habitable room windows located on the front elevation of No. 20 and would not result in any loss of light to these adjoining occupiers. The nearest habitable room windows located on the rear elevation of No. 20 would actually benefit from the proposed development in terms of increased light and improved outlook, with the footprint of Block B being staggered away from these windows, as opposed to the current situation where the flank wall of the former Snooker Hall is hard up against the site boundary.
- 6.24. I note a local objector has raised concerns in respect of loss of privacy as a result of the proposed first floor living room windows looking directly into the first floor bedroom windows of properties located opposite the site on York Road. However, the 21m separation distance between windowed elevations, as recommended in the Council's Places for Living SPG, would not be applied front to front across a reasonably generous street – this type of relationship between front windowed elevations (that are also visible from the public realm) is the normal.

Traffic and Parking

- 6.25. Paragraph 32 of the NPPF advises that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.26. Policy TP38 of the BDP states that "*The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.*" One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.27. The Council's Car Parking Guidelines SPD recommends a maximum of two parking spaces per dwelling in this location. The proposal would comply with the SPD, providing one space per dwelling, or 100% parking provision. Transportation

Development have raised no objection to the proposal and I concur that on-site parking provision would be adequate. In the unlikely event that there would be overspill on-street parking, I do not consider this would be at a level which would be material. It is likely that not all occupiers of the proposed development would own a car, given the site's sustainable location within close walking distance of local shops, services and bus stops. Whilst I note local objector's concerns and recognise that on-street parking opportunities are scarce along York Road, the re-instatement of redundant footway crossing as public footway in front of the site would provide much needed additional on-street parking opportunities for 2-3 cars.

- 6.28. Transportation Development recommend that a condition be attached to any consent requiring one cycle space per flat as per the Council's Car Parking Guidelines SPD.
- 6.29. I note local objectors concerns in respect of delivery and refuse vehicles using the proposed access and potential conflict with parked cars on York Road. The Applicant is proposing to relocate the boundary gates to the Poundland & More rear yard further to the north and also install wider 6m gates in order to assist safe manoeuvring of delivery vehicles. I understand the owner of this adjoining site has agreed the position of these revised gates. An amended vehicle tracking plan has been submitted in support of the application which demonstrates that the existing 7.5 tonne wagon that serves Poundland & More can either enter the access in a forward manner or reverse down the access, with some cars being parked along York Road. If desired the delivery vehicle could manoeuvre within the rear car parking area when this car parking area is fully occupied.
- 6.30. I do not consider that the proposed development would be any worse, in terms of highway safety/congestion, than is the current situation when a delivery vehicle accesses the site. A delivery vehicle currently manages to access the site once a week with cars parked along York Road. If anything, because the proposed vehicular access would be wider than the existing vehicular access, delivery vehicles would find it easier to manoeuvre and access the site under this proposal.
- 6.31. Refuse lorries would not need to enter the proposed vehicular access providing that a bin store is located within 25m of the highway. I consider it would be possible to erect a bin store in a suitable location on the site within 25m of the highway, and as such I do not consider there would be any issues with regard to highway safety or congestion in this respect.

Noise

- 6.32. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.33. The submitted Noise Survey considered noise from nearby commercial uses (specifically fans and deliveries associated with Poundland & More), and road traffic. The main noise source for both front, side and rear façades was found to be road traffic noise in the surrounding area. The noise from the cooling fans at Poundland & More was considered to have a low noise impact. Regulatory Services have raised no objection to the proposed development and concur with the recommendations of the Survey in respect of attaching conditions requiring the relevant specifications for glazing and ventilation insulation to building facades.

- 6.34. The Survey advised that delivery vehicle noise was found to be 38 dB above the background noise level. This was considered to potentially be a significant adverse impact *"depending upon the context"*. The Survey considers that the impact could be lower as there is only one delivery per week which takes place during the daytime when the residents of the proposed dwellings would likely be at work. Regulatory Services, who have raised no objection to the proposal, conclude that if it is the case that there is only one day time delivery per week then the impact may be acceptable. The Applicant has confirmed, having liaised with Poundland & More, that all deliveries to the store, except one, are made to the front of the store. The only delivery made to the rear of the store is the chiller items on mainly 7.5 tonne wagons once per week. They usually back into the site and push a wheeled trolley from the lorry into the rear store area and into the store. This is normally on a Monday morning between 6am and 10am. I am therefore satisfied that this weekly delivery regime would not harm the amenity of existing residential occupiers through noise and disturbance and that the application could not be successfully refused on potential harm to residential amenity as a result of any future speculative increase in the number of deliveries.
- 6.35. Regulatory Services have pointed out that the Noise Survey did not consider entertainment noise from the Hare and Hounds Public House, which has late night entertainment on several nights per week, and which is located 100m to the south east of the site. However, they have checked their records and there are no noise complaints regarding the venue from existing residents in York Road, or in Kings Gate, which is nearer to the premises. In the last five years there has been only one noise complaint from a property in Milford Place, which is much closer than the development site, and this was resolved without any enforcement action. I am therefore satisfied that living conditions for future occupiers would unlikely be harmed as a result of entertainment noise from the Hare and Hounds Public House, or vice versa that residential development at the application site would be more likely to affect viability/entertainment provision at the Public House.

Ecology

- 6.36. Policy TP8 of the BDP explains that all development should, where relevant, support the enhancement of Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.
- 6.37. The submitted Daytime Bat Survey and Ecological Scoping Report found no evidence of bat activity within the former Snooker Hall building or adjoining workshop building and considered that both buildings offered negligible suitability for bat roosts. The former Snooker Hall building was found to support nesting feral pigeons and the building is currently being demolished before the nesting season. No evidence of any other protected species was found on the application site.
- 6.38. The City's Ecologist has raised no objection to the proposal. He concurs with the findings of the Survey and considers that the buildings and site as a whole are of negligible ecological value.

Drainage

- 6.39. Policy TP6 of the BDP requires that as part of their Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be

managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.

- 6.40. The application site and surrounding land is located within Flood Zone 1 and is at the lowest risk of flooding. The submitted Sustainable Drainage Assessment advises that surface and foul water would discharge to the existing combined public sewer in York Road, that permeable paving would be used for the car parking areas, that flow control devices would be used, and that an underground attenuation tank of 33sqm could be located underneath the communal amenity area between the blocks.
- 6.41. The Lead Local Flood Authority (LLFA) have raised no objection to the proposed drainage strategy. They recommend that conditions should be attached to any consent requiring submission of a revised Sustainable Drainage Assessment and revised Sustainable Drainage Operation and Maintenance Plan to deal with the detailed drainage aspects. Severn Trent Water have also raised no objection to the proposed development, subject to a condition being attached to any consent requiring details of foul and surface water drainage.

Land Contamination

- 6.42. The submitted Ground Investigation Report advises that elevated levels of lead contamination were found in soils at the site. It recommends additional investigation following demolition of the existing building to determine the extent of lead contamination. Regulatory Services concur with the findings of the report and recommend that conditions be attached to any consent requiring submission of a contaminated land assessment and contaminated land verification report.

Other Matters

- 6.43. I concur with Regulatory Services that a condition should be attached to any consent requiring the proposed buildings to each have an electric vehicle charging point, given that this would help with sustainability and carbon reduction objectives.
- 6.44. I note local objector's concerns in respect of the siting of the bin store and recommend attaching a condition to any consent to ensure that this is located in the most appropriate place in terms of impact on noise/odour for future occupiers and adjoining residential occupiers and ease of access for wheeling to refuse vehicles.

7. Conclusion

- 7.1. I consider that the proposed development would positively assist in meeting the City's housing needs. The proposed development would be sustainably located on a brownfield site, within an established residential neighbourhood, close to local facilities at Kings Heath District Centre, and would result in the removal of an existing non-conforming use. I consider that the siting, scale and appearance of the proposed development would be in keeping with the character and appearance of the surrounding area. Living conditions for future occupiers would be acceptable. The proposed development could be accommodated without any adverse impacts on the amenity of existing residents, the local highway network, drainage, ecology or contamination. As such I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

8.1. Approve Subject to Conditions

-
- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the prior submission of a contaminated land verification report |
| 5 | Requires the development to be in accordance with the external glazing and trickle ventilation insulation specifications set out in the Noise Survey |
| 6 | Requires the prior submission of a sustainable drainage scheme |
| 7 | Requires the submission of a Sustainable Drainage Operation and Maintenance Plan |
| 8 | Requires the prior submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of boundary treatment details |
| 10 | Requires the prior submission of level details |
| 11 | Requires the prior submission of cycle storage details |
| 12 | Requires the re-instatement of redundant footway crossing on York Road as public footway |
| 13 | Requires the prior submission of cross section drawings through front facade |
| 14 | Requires the prior submission of details of refuse storage |
| 15 | Requires the provision of vehicle charging points |
| 16 | Implement within 3 years (Full) |
-

Case Officer: Andrew Conroy

Photo(s)



Figure 1 – Site viewed in streetscene



Figure 2 – Rear and side (north west) elevations of former Snooker Hall

Location Plan



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Birmingham City Council

Planning Committee

02 March 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	12	2016/08890/PA Land Bounded By Sheepcote Street/Broad Street/Oozells Way City Centre Birmingham B15 1AQ Full planning permission for the development of a 31 storey residential building (Class C3) containing 205 apartments including ground floor restaurant use (Class A3), internal and external residential amenity space, associated hard and soft landscaping, infrastructure and engineering works
Defer – Informal Approval	13	2016/08279/PA Former Westminster Works Alcester Street Birmingham B12 0PU Demolition of existing buildings and erection of 5-7 storey buildings to provide 141 no. residential apartments, car parking and associated development.

Committee Date:	02/03/2017	Application Number:	2016/08890/PA
Accepted:	03/11/2016	Application Type:	Full Planning
Target Date:	02/02/2017		
Ward:	Ladywood		

Land Bounded By, Sheepcote Street/Broad Street/Oozells Way, City Centre, Birmingham, B15 1AQ

Full planning permission for the development of a 31 storey residential building (Class C3) containing 205 apartments including ground floor restaurant use (Class A3), internal and external residential amenity space, associated hard and soft landscaping, infrastructure and engineering works

Applicant:	Regal (West Point) Ltd Forward House, 17 High Street, Henley-in-Arden, B95 5AA
Agent:	WYG 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

Amount of Development and Layout

- 1.1. In November 2015, planning consent was granted for a 22 storey residential building with ground floor restaurant and retail and a 18 storey hotel building with ancillary retail and leisure uses, including a ground floor restaurant space. The development also included part demolition and refurbishment of the Grade II listed 78 - 79 Broad Street, together with associated hard and soft landscaping. Work has started on the residential tower (Tower 1) but the applicant no longer wishes to proceed with the previously consented hotel tower (Tower 2) and is now seeking planning consent to construct a second residential tower instead.
- 1.2. The proposed 31 storey residential building would contain 205 apartments, providing 86 one bed, 118 two bed and 1 three bed apartments, with broadly 7 apartments per floor, together with a ground floor restaurant. The density of development would be 1,708 dwellings per hectare. The breakdown of accommodation over each floor is as follows:
 - Ground floor- restaurant unit (318sqm) to Broad Street & Oozells Way, apartment lobby complex to Sheepcote Street, cycle and refuse storage space and substation;
 - Upper ground floor mezzanine- resident's amenity lounge above entrance lobby;

- First floor- 1 one bedroom, 3 two bedroom apartments and a 162sqm internal resident's amenity area;
 - Second and third floors (repeating) - 2 one bedroom, 3 two bedroom and 1 three bedroom apartment (12 in total); and;
 - Fourth to thirtieth floors (repeating) - 3 one bedroom and 4 two bedroom apartments (189 in total).
- 1.3. The proposed ground floor commercial use would open out onto Oozells Way and Broad Street, maximising active frontages and natural surveillance. Access into the lobby for the upper floor residential apartments would be from Sheepcote Street, creating an 'address entrance' to the street.
- 1.4. All of the proposed unit sizes are in excess of requirements within the Nationally Described Space Standards. They range in size from 43sqm to 45sqm for the one bedroom apartments, 56sqm to 75sqm for the two bedroom apartments and 112sqm for the 3 bedroom apartment. The majority of apartments are dual aspect corner units. Single aspect units to the northern elevation are positioned away from the closest point of Tower 1, whilst single aspect units on the southern elevation would overlook a first floor green roof area, the Left Bank Building and Broad Street beyond.

External Appearance and Materials

- 1.5. Materials follow a common palette with regard to the previously approved Tower 1 utilising metals in reference to the industrial heritage of the site as a silverworks and tube, clock, chandelier and bedstead works. At ground floor/podium level Tower 2 would be constructed in black brick with a dark mortar. Upper floors are finished in dark silver metallic panels with a brushed silver frame. The brushed silver frame increases in density at five storey intervals to create a distinctive crown structure. The crown would also screen the rooftop plant area. Aluminium framed glazing are positioned in line with the dark silver metallic cladding to give the building a vertical emphasis.

Public Realm

- 1.6. The revised Tower 2 includes public realm and private amenity space. These works consist of high quality hard paving within public areas around the site and a new resident's garden between Towers 1 and 2 to create a secure private outdoor amenity space. In addition, within the building communal space for residents is proposed at mezzanine and first floor levels.
- 1.7. As part of the wider works around the site a new high quality pavement is proposed, improving the public realm and pedestrian environment. Other wider pavement and highway works as part of the original residential and hotel tower proposals such as the service bays on Sheepcote Street and Oozells Way would be part of the combined construction with the approved Tower 1 development.
- 1.8. No vehicular access is proposed with servicing via on street laybys on Sheepcote Street. As with the previous approval for the Tower 1 residential and Tower 2 hotel scheme, the proposed residential development of Tower 2 would not provide designated car parking spaces within the development. 64 cycle spaces are proposed at ground floor level as part of this application.

Supporting Information

1.9. In support of the application the following documents have been submitted:-

- Planning Statement (including Tall Building Assessment);
- Design and Access Statement (including 3D models and visuals);
- Heritage Statement Addendum;
- Viability Assessment;
- Air Quality Report;
- Aviation Safeguarding Assessment;
- Daylight / Sunlight Assessment;
- Façade Lighting Report;
- Flood Risk and Sustainable Drainage Strategy;
- Contamination Remediation Assessment;
- Ground Investigation Report;
- Noise Impact Assessment;
- Preliminary Ecological Appraisal;
- Radio Frequency Impact Assessment;
- Transport Statement and Framework Travel Plan;
- Ventilation Strategy (Apartments);
- Wind Micro-climate Study;
- Tower 2 Delivery and Construction Statement; and,
- Fume Extraction Strategy.

1.10. The current application is supported by a Viability Report, which demonstrates that taking into account the CIL contribution £1.029m, the scheme cannot sustain the full affordable housing and public open space requirements. However, the applicant has offered £100,000 towards off site affordable housing and £100,000 for the provision of a resident's car club to be reasonable. These contributions would need to be secured via a legal agreement.

1.11. The applicant has submitted an Environmental Statement screening request and the City Council have confirmed that an ES is not required.

1.12. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site (approx. 0.12 hectares) is located approximately 1km west of the city centre between Broad Street, Oozells Way and Sheepcote Street. It is currently used as a building compound in connection with the construction of the Phase 1 residential tower at the corner of Oozells Way and Sheepcote Street.

2.2. Broad Street and the Grade II listed 78-79 Broad Street are to the south east. Broad Street is one of the City's key entertainment venues with a number of restaurants and bars as well as offices. To the north is Oozells Way, which provides a short link road from Broad Street to Sheepcote Street serving the adjacent Brindley Place and NIA developments and the Ladywood residential district immediately to the south of the site. To the west is the consented Phase 1 residential tower. To the south is Sheepcote Street which is partly pedestrianised and has restricted vehicle access. Across Sheepcote Street to the west and facing the site is the now vacant Brasshouse language college and the rear buildings of the Grade II Listed Royal Orthopaedic Hospital, which fronts onto

Broad Street, and is being used as a bar/restaurant/sheesha lounge known as Zara's.

- 2.3. Existing properties around the site generally comprise a mixture of commercial and hotel premises with residential properties to the north west on Essington Street. The nearest licenced premises to the site are located to the south west at Zara Bar and to the south across Broad Street at Velvet Rooms, Sugar Suite and the Bierkeller.

[Site Location](#)

3. Planning History

- 3.1. 8 April 2011 Application 2009/04215/PA. Planning consent granted for 56 storey mixed use building, to include ground floor retail, 289 bed hotel and either 256 serviced apartments or additional hotel accommodation and 1,280sqm of residential accommodation with one level of basement car parking.
- 3.2. 27 November 2015 Application 2014/09348/PA. Planning permission granted for the development of a 22 storey residential building containing 189 apartments including ground floor restaurant and retail space and a 18 storey hotel building (C1) with ancillary retail and leisure uses, including a ground floor restaurant space (A3). The development included part demolition of the Grade II listed 78 - 79 Broad Street and also includes hard and soft landscaping, infrastructure and engineering works. The application was subject to a S106 legal agreement to secure financial contributions towards off-site affordable housing and public realm improvements at Centenary Square.
- 3.3. 27 November 2015 Application 2014/09350/PA. Listed building consent granted for demolition of rear extensions with the exception of the wing adjoining Sheepcote Street, reinstate brickwork, insertion of windows and external staircase at 78 - 79 Broad Street.
- 3.4. 30 March 2016 Application 2015/10462/PA. Planning consent granted for removal of Condition No. 18 (phasing of development) attached to approval 2014/09348/PA to allow the residential and hotels towers to be constructed separately. Application subject to a S106 legal agreement to secure:-
- a) A financial contribution of £566,000 (index linked from 28 May 2015) towards off-site affordable housing to be paid prior to first occupation of the residential element of the scheme;
 - b) A financial contribution of £184,000 (index linked from 28 May 2015) toward off-site public realm improvements at Centenary Square to be paid prior to first occupation of the residential element of the scheme; or, in the event that the hotel building is occupied first, £100,000 (index linked from 28 May 2015) toward off-site public realm improvements at Centenary Square to be paid prior to first occupation of the hotel building and £84,000 (index linked from 28 May 2015) toward off-site public realm improvements at Centenary Square to be paid prior to first occupation of the residential element of the scheme;
 - c) The public realm works, removal of the two unauthorised adverts (one at the corner of Broad Street and Oozells Way and the second on Oozells Way near the roundabout junction with Sheepcote Street), the

removal of the existing car park and refurbishment of the listed Left Bank Building be carried out prior to first occupation of any part of the development; and,

- d) An undertaking by the applicant that they will not make a S106 A/B application to reduce the financial contribution of £750,000 secured toward public realm improvements and affordable housing.

3.5. 8 December 2016. The current planning application was considered by your Committee as an Issues Report, when the following comments were made:-

- some members concurred with the views of Regulatory Services and considered Broad Street an inappropriate location for residential apartments. Members were concerned about noise from nearby entertainment/commercial venues which might create a disturbance for residents;
- The scale of the proposed development was very large when compared with existing properties on Broad Street and it was suggested that the building should be stepped upwards away from the listed building.
- there was concern that the development might overshadow existing buildings. It was important to ensure that any impact the development might have on listed buildings would be minimal.
- some members noted that no on-site car parking was proposed and pointed out that parking was very limited in the area. and,
- some members were concerned that there was no affordable housing proposed.

4. Consultation/PP Responses

4.1. Nearby occupiers, residents associations, Westside BID, local ward Councillors and MP notified. Site and Press notices displayed. Seven letters of objection received from nearby residents raising the following comments:-

a) Housing Need

- in the short term Birmingham city centre does have a shortage of housing but in the next 10 years it will be saturated by apartments and we may be left with a modern day tower block with no residents;
- Ladywood has traditionally been an area of mixed housing and there does not appear to be any affordable housing thus making the city centre the preserve of the wealthy which is not good for the long term survival & diversity of the city centre;
- Beetham Tower also built on the side of a roundabout has become quite run down inside the building as discerning buyers and renters do not want to live on a main road network. The plush interior of Beetham Tower is now looking decidedly tired and often many apartments remain empty for longer than average periods between tenancies.

b) Residential Amenity

- Broad Street is the entertainment and nightlife area of Birmingham city centre and introducing residential accommodation could confuse the identity of the area;
- to put residential apartments so close to bars, restaurants & nightclubs could cause tension between venues on Broad Street and result in complaints by residents over noise, which in turn may lead to these venues closing down;
- over the last 12 months there has been an increase in activity within the local area from night clubs opening and this has created a lot of noise and anti social behaviour for residents in the early hours of the morning. To add another restaurant in a residential area that may be open until late night/early hours of the morning would add to current problems.

c) Building Height and Design

- the city has no skyscrapers, and there is no history of such. Why change the face and heritage of the city by building monstrous tower blocks. Birmingham should learn from the mistakes of other UK cities, which are now demolishing 60s and 70s blocks;
- a 31 storey building is out of proportion in this area and will dwarf existing buildings, detracting from the local buildings of quality and de-humanising the area. Its size would mean it dominates but is of poor architectural merit, devaluing the quality of this important central area, and damaging the image of the city.

d) Loss of Light, Outlook and Privacy

- the tower would block sunlight and overlook nearby apartments;
- the tower would block light to the east elevation of Sherborne Lofts which has had an uninterrupted view down Sheepcote street to Broad street for over twenty years.

e) Parking and Traffic

- the current building work has already caused massive delays and disruption and the construction of a large number of apartments on such a small site would further disrupt and create issues for parking and traffic;
- at peak times the roads in and around Sheepcote Street and Broad Street can become heavily congested especially if events are being staged at the NIA or Symphony Hall, and an additional 200 residents would significantly add to the pressure on surrounding roads;
- the lack of any additional parking for such a huge development is not reasonable. Nearby roads suffer from lack of parking and the proposed development would make the situation worse. This is already having a negative effect on local business, and quality of life of residents.

f) Other Matters

- why are local residents only now being asked about planning when the build has already begun;
- whereas the developers are currently advertising a 7-10 storey building on their hoardings, the current proposal is for a taller tower.

4.2. Westside BID – support the application. Welcome the proposed redevelopment of this high profile site. As the second phase of the scheme it would continue to act as a catalyst for further investment and regeneration of the area. There are a number of other residential schemes proposed along Broad Street and residential is therefore here to stay.

4.3. BCC Transportation Development – no objections subject to amendment and conditions applied to the previous consent for the whole site. The plan shows the retail unit with a service access that appears to only link to Broad Street. This frontage is restricted with parking controls and will be subject to a Metro stop, service access therefore needs to be confirmed direct to Sheepcote Street only. Conditions should be attached to secure a S278 Highway Agreement and TRO changes; delivery vehicle management plan, cycle parking and construction management plan.

*the applicant has subsequently confirmed that servicing would take place from Sheepcote Street only.

4.4. BCC Regulatory Services – recommend refusal. The applicant's noise consultant argues the internal environment would be typical for a city centre development in close proximity to an often busy road at night and surrounding entertainment uses if the windows are closed. However, the focus of concern from EPU is the environment for residents if the windows are not closed, and it is their view that this would not be considered sustainable and would be a detriment to the amenity of the occupancy. The only way to achieve acceptable indoor noise levels would be for the windows to remain closed. Given the above point it is extremely difficult to suggest conditions which would protect residents and avoid the scenario of residents opening windows, being unhappy with what they are hearing and making complaint to Environmental Health, or Licensing to seek a remedy. The only way this could be done would be through the provision of sealed glazing to the roadside frontages, which is contrary to the position of EPU as in their view this does not meet the test of sustainable development as per the NPPF. Notwithstanding the above, they have suggested the following conditions to secure:-

- glazing performance specified by the applicants noise consultant;
- no external openable windows, doors or vents to be provided to habitable rooms on roadside frontages. Habitable rooms to be ventilated by alternative means;
- submission of a ventilation scheme and validation report;
- land decontamination;
- a limit on noise levels for plant and machinery;

- noise insulation between the commercial and residential;
 - a restriction on the commercial unit opening hours and delivery times
 - details of fume extraction and odour control details and refuse storage for the commercial unit; and,
 - the use of low emission vehicles and a travel plan to reduce the reliance on the private motor vehicle.
- 4.5. BCC Leisure Services - no objections. As the development is over 20 dwellings it would generate an off-site POS contribution of £422,500. This would be spent on the provision, improvement and /or maintenance of Chamberlain Gardens within the Ladywood Ward. As the site is situated within the City Centre it is not classed as family accommodation and would therefore not be liable for a Play area contribution.
- 4.6. Birmingham Airport – no objections subject to the maximum height of the development not exceeding 241.54m AOD, and a crane management plan.
- 4.7. Severn Trent Water – no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.8. Historic England – the height and proximity of the proposed tower would have a major negative impact on the setting of the listed building and also impact on that of the adjacent listed buildings. As the 18-storey tower previously permitted has been raised to 31 storeys this increased height has the potential to affect more heritage assets than has been considered. Therefore the assessment of the impact on heritage assets should broaden its scope and include more heritage assets across the city, including the various conservation areas. They recommend that further information be sought and in its absence they recommend refusal of the application. A Supplementary Heritage Note has been submitted and any further comments will be reported.
- 4.9. Local Lead Flood Authority – a drainage scheme was approved against the previous application for both towers, and the current application has negligible impact on this scheme. They therefore recommend a condition to secure the previously agreed Sustainable Drainage Scheme.
- 4.10. West Midlands Fire Service - no objections.
- 4.11. West Midlands Police -
- the scheme should be to the standards laid out in Secured by Design 'Homes 2016' guide and Secured by Design 'Commercial 2015' guide;
 - any lighting plan should follow the guidelines and standards as indicated in 'Lighting Against Crime' and CCTV cameras should be installed to cover the site. A police response alarm system covering the retail unit should also be installed;
 - the design of the entrance to the block with the two sets of double doors and a further door into the core lobby would allow for greater control of

access into the building, and is supported. The gates controlling access into the rear yard between this block and the Left Bank would, similarly, allow for greater control of movement into this area, and is also supported;

- both the cycle storage area and the refuse area have doors that lead from more public areas into those areas, and other doors leading to the interior of the residential areas. This could lead to easier access into the residential areas by offenders. Both the exterior and interior doors to the two areas be to a Secured by Design standard.

4.12. Midland Metro Alliance –

- acknowledging the committed Metro extension schemes to Centenary Square and Edgbaston, consideration needs to be given to permanent access arrangements, buried services, co-ordination of construction programmes and urban realm design;
- consideration also needs to be given to co-ordination of construction programmes to include Sprint stops construction and subsequent Sprint operation, and;
- the Site Travel Plan co-ordinator should actively promote Sprint, Metro and bus service options and ticketing products both.

5. Policy Context

- 5.1. Birmingham UDP 2005 Saved Policies; Birmingham Development Plan 2017; High Places SPG; Places for Living SPG; Places for All SPG; Access for People with Disabilities SPD; Car Parking Guidelines SPD; Lighting Places SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG and the National Planning Policy Framework.
- 5.2. Adjacent is 78-79 Broad Street a Grade II Listed Building, whilst further along Broad Street is the Grade II Listed Royal Orthopaedic Hospital. Nearby locally listed buildings include Lee Longlands, 224-228 Broad Street, and O'Neills Public House, Broad Street, both of which are categorised at Grade B.

6. Planning Considerations

Background and Land Use Planning Policy

- 6.1. In November 2015, planning consent was granted for a 22 storey residential building with ground floor restaurant and retail and a 18 storey hotel building with ancillary retail and leisure uses, including a ground floor restaurant space. The development also included part demolition and refurbishment of the Grade II listed 78 - 79 Broad Street, together with associated hard and soft landscaping.
- 6.2. A condition attached to this consent required the residential element of the scheme not to be occupied until occupation of the hotel. The reason for the condition was that the supporting financial appraisal indicated that the residential tower was more profitable than the hotel tower and therefore the scheme was assessed on the basis of the two buildings being delivered together.

- 6.3. Following the grant of planning consent, the applicant sought to vary this condition as the residential and hotel towers were being funded separately. Planning consent was subsequently granted in accordance with application 2015/10462/PA subject to a revised legal agreement. Although development has commenced on the residential tower the applicant has decided not to pursue the hotel tower and is now seeking to construct a second residential tower instead.
- 6.4. Redevelopment of this highly accessible city centre brownfield site is acceptable in principle. However, it does raise issues with regard to introducing residential along this part of Broad Street, residential amenity, scale and form of development, impact on listed buildings, parking provision and planning obligations.

Land Use Planning Policy

- 6.5. In January 2017, the City Council adopted the Birmingham Development Plan. The BDP will provide a long term strategy for the whole of the City and replaces the saved policies of the Birmingham Unitary Development Plan 2005, with the exception of the City Wide policies contained within Chapter 8 of that plan. These policies will continue in force until the adoption of the Council's proposed Development Management DPD.
- 6.6. Policy PG1 of the BDP advises that over the plan period significant levels of housing, employment, office and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements. Policy GA1.1 adds that residential development will be continued to be supported in the City Centre where it provides well-designed high quality living environments. With regard to Westside and Ladywood it aims to create a vibrant mixed use area combining visitor, cultural, commercial and residential uses.
- 6.7. In respect of housing need the BDP states that its objectively assessed need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only plans to provide 51,100 homes with 12,800 earmarked for the City Centre. Considering housing mix, the BDP sets the following for market dwellings: 1-bed 13%, 2-bed 24%, 3-bed 28%, and 4-bed 35%. By comparison the proposed housing mix for the 205 unit scheme would be 42% 1 bedroom apartments, 57% 2 bedroom apartments and 1% 2, 3 bedroom apartments. The housing figures are not ceilings, particularly given the city's overall housing requirement. There is a need however to ensure that the right type and mix is provided in the city as a whole. Although this development has a relatively high number of 1 bedroom units, given the overall housing needs of the city, it is considered acceptable, particularly given the site location. It is accepted that in the City Centre a higher percentage of 1 and 2 bedroom apartments are going to be delivered. There would be 58% of larger 2/3 bedroom units provided which is welcomed. The contribution to the City's overall housing needs is positive.
- 6.8. When the Issues Report was considered by your Committee, some members raised concerns about Broad Street as an appropriate location for residential accommodation by reason of noise and disturbance from late night entertainment venues.
- 6.9. In response to these concerns the 2 bedroom apartment at first floor level on the corner of Broad Street and Oozells Way has been omitted and replaced with an extended resident's amenity space. This means that there would be no

residential properties at lower levels fronting directly on to Broad Street. The first level of apartments fronting Broad Street would be around 9m above ground floor level and set back between 8m and 15m from the Broad Street frontage behind the ground floor podium area. The majority of lower level apartments on this elevation are also screened from Broad Street by the retained Left Bank building. With the enhanced glazing measures proposed (see below) this is considered to address your Committees concerns.

- 6.10. The Westside BID have also expressed their support for the proposals. Their letter states that the Broad Street area continues to evolve and change with new developments such as Arena Central, Paradise and the established Brindley Place making the area one of the most prominent business and leisure destinations outside of central London. They add that more high quality landmark buildings are required, along with new homes, with the Westside BID believing that Tower 2 achieves both of these aims.
- 6.11. The build programme for Tower 2 envisages first occupation circa 2020. With new residential schemes coming forward in the Broad Street area, such as the Seven Capital scheme at Broadway House (under construction) and potentially the MODA living scheme on the former Richardson Tower site opposite (pre-planning), the nature of Broad Street is expected to comprehensively change during the build period for Tower 2, with a significant number of new homes planned for the area.

Residential Amenity

a) Noise

- 6.12. Prior to submission of the application, officers from Planning Management and Regulatory Services visited the site to assess the noise environment on a Friday night / Saturday morning. The noise experienced towards the Broad Street end of Sheepcote Street was dominated by loud music arising from the external, covered amenity area at Zara's, the adjacent bar / restaurant / sheesha lounge. However, the external canopy on that premises, where the amplified music is played, does not have planning consent and is the subject of planning enforcement action. It therefore gives unreasonably high noise readings in this area. Notwithstanding Zara's dominance, music noise from Sugar Suite and Velvet Bar on the opposite side of Broad Street was noticeable on the street fronting Zara's. It was difficult to determine the impact these premises may have on the development site, given Zara's, but they are vibrant bars in their own right and they dominate the noise in their vicinity on the south side of Broad Street.
- 6.13. In addition, this part of Broad Street is very vibrant with traffic noise, some music from passing cars, sirens from emergency vehicles, noise from pedestrians / revellers. It is clear that Broad Street maintains its reputation as being a lively and functional centre for the night time economy in Birmingham.
- 6.14. The applicant's acoustic consultants have undertaken a noise survey, which identifies noise around the site and confirms the increase in noise on Friday and Saturday nights from 2300 through to 0400 attributable to entertainment related noise. The consultants suggest that based on the levels measured on a typical night, a standard of glazing can be suggested which can reduce external noise levels to an acceptable standard internally. This may include glazing that needs to be kept shut, with alternative means of ventilation.

- 6.15. However, BCC Regulatory Services consider that residential development in this location is unsuitable on the grounds of noise arising from nearby entertainment premises and associated pedestrian footfall, traffic and from ad hoc, less predictable sources e.g. buskers. Additionally, the replacement of the tower nearer to Broad Street from hotel to residential removes any noise buffer the hotel would have provided. Accordingly, they recommend refusal, but if approved they recommend that the apartments on the roadside frontages have sealed glazing to habitable rooms with alternative means of ventilation to these areas.
- 6.16. Broad Street is currently one of the main entertainment streets within the City, much of which is based around the evening and night time economy. During the day time, there is less activity and the street has suffered from a number of vacant units and lack of daytime uses. There is an aspiration to see a number of sites along this street being invested in, introducing a range of uses, which could include more residential and more active daytime uses. The extended Metro route will run along the street to Five Ways, with a subsequent reduction in through traffic and associated noise. In the shorter term, introducing new residential units along this part of Broad Street could affect residents' amenity, and the entertainment venues themselves, to the extent that these types of uses may have to alter the way they operate. In common with other City's, it could also be the case that key entertainment areas shift and evolve, for example the John Bright Street area that has changed over the last few years, and areas around Digbeth which have attracted the night time economy. It is likely that the nature of Broad Street will also change, evolving into a more mixed use area, that attracts a wider range of people.
- 6.17. Policy GA1.3 of the Birmingham Development Plan sets out the policies for the various quarters in the City Centre. The Westside and Ladywood quarter will create a vibrant mixed use area combining visitor, cultural, commercial and residential offer. There are a number of sites on Broad Street that are likely to come forward for redevelopment, including for residential led mixed uses. Together these sites could provide a significant number of new residential apartments to help meet the City's housing needs. High standards of acoustic glazing and some limited sealed glazing units would enable residents to have a satisfactory internal living environment. Whilst providing sealed glazed apartments is not desirable, this type of apartment has been approved in other Cities and recently at Smallbrook Queensway. I consider that bringing forward redevelopment of this highly accessible city centre site is sustainable and outweighs the concerns raised by BCC Regulatory Services. Conditions as suggested by Regulatory Services are attached.

b) Air Quality

- 6.18. Following concerns raised by BCC Regulatory Services about the original Air Quality Assessment, an updated Air Quality Assessment has been undertaken, which notes that there are no exceedances of the National Air Quality Objectives at any of the identified sensitive receptors on site by the projected completion year of 2019. The report concludes that it is not necessary to include mitigation measures for the proposed development. As recommended by BCC Regulatory Services a condition is attached to secure travel plan.

c) Amenity

- 6.19. The scheme includes a resident's lounge above the entrance lobby and a first floor internal amenity area of 162sqm, which could be used for a residents lounge

or gym. In addition between Tower 1 and Tower 2 is a shared private amenity space of approximately 250sqm. Taken together, I consider that the proposed scheme provides a reasonable amount of private amenity space. In addition the scheme is within walking distance of the many City Centre attractions.

d) Light and Outlook

6.20. Places for Living SPG advises that there should be 12.5m minimum distance between windowed elevations and opposing 1 and 2 storey flank walls and 15.5m for 3 storey flank walls. When assessed against these guidelines the majority of windows comply, however, there are the following shortfalls:-

- Level 1 – a window to a second bedroom corner apartment would be 2m from the rear corner wing of the Left Bank building;
- Levels 2 and 3 – three bedroom windows to a corner apartment (one apartment per floor) would be 6.5m, 7.5m and 10m from the rear of the Left Bank building;
- Levels 2 – 21 – the living / kitchen window and bedroom window to a one bedroom apartment (one apartment per floor) would be between 8m and 10m to the flank wall of Tower 1; and,
- Levels 2 - 21 – the second bedroom to a corner apartment (one apartment per floor) would be 11m to the flank wall of Tower 1.

6.21. The first two of the above instances relate to bedroom windows facing the rear of the listed Left Bank Building. The Left Bank building includes commercial uses and there would therefore be no loss of privacy to any existing residential accommodation. In addition the proposed apartments have main living windows facing Sheepcote Street providing them with a good outlook.

6.22. The latter two instances, relate to apartments facing the flank wall of Tower 1. Within the flank wall of Tower 1 there is only a small kitchen window to one apartment per floor. There would therefore be no significant loss of privacy and the new apartments would be afforded satisfactory privacy. Only one apartment per floors 2-21 would have a significantly restricted outlook, however, the flank wall of Tower 1 is narrow and set at an angle to Tower 2. These apartments would therefore have oblique views. On balance therefore I consider that the shortfalls in the distance separation guidelines do not warrant refusal of the application for these reasons. The footprint of the tower follows that approved for the previous hotel scheme and any change to this would result in the reduction of apartments making the scheme less viable.

Impact of the Scale and Massing on the Skyline

6.23. As the proposed building would be 31 storeys in height the City Council's SPG on tall buildings "High Places" applies. It advises that this site falls within the Central Ridge Zone where tall buildings may be appropriate. The maximum height of the building would be 241.5m AOD just below the Aerodrome Safeguarding limit of 242.2m AOD. The guidance goes on to say that tall buildings will not normally be acceptable next to listed buildings unless there are exceptional circumstances. It advises that tall buildings should:-

- respond positively to the local context and be of the highest quality in architectural form, detail and materials;
- not have an unacceptable impact in terms of shadowing and microclimate;
- help people on foot to move around safely and easily;
- be sustainable;
- consider the impact on local public transport; and
- be lit by a well-designed lighting scheme.

a) Design and Local Context

- 6.24. The footprint of the proposed residential tower is similar to the previously approved hotel building. To make the most of this “island site” the towers have been positioned to respond to the road frontages and the Left Bank building. The proposed Tower 2 is angled toward Broad Street to give views of the gable wall of the listed Left Bank building. The key difference is therefore the proposed building height. Whereas the consented hotel building is 18 storeys the proposed residential tower is 31 storeys and the additional height helps to create a clear distinction between the two towers.
- 6.25. The scheme seeks to follow the design ethos of the previously approved hotel tower on the site, which complements the approved 22 storey residential tower to the north (Tower 1) and has a common architectural language. However, in order to clearly de-mark and differentiate the two towers the architects have designed Tower 2 around a silver ‘exoskeleton’ frame, with increased density of the frame spindles and bars towards the crown of the structure. This distinguishes Tower 2 from the brass clad Tower 1 building and also gives it distinctive bottom, middle and top sections.
- 6.26. I note that your Committee felt that the previous consent which stepped up in height from the listed Left Bank building to an 18 storey hotel tower and then to a 22 residential tower was better. However, there is a strong argument for the revised scheme stepping up in height to Broad Street, which is a main route into the City Centre. In addition, it should be noted that even the current proposed 31 storey tower would be significantly lower than the 56 storey tower approved on this site in 2011.

b) Microclimate and Shadowing

- 6.27. I note the concerns of local residents about loss of light and overshadowing, however, a Daylight and Sunlight Report has been submitted, which notes that there would be no significant loss of sunlight to nearby properties. There would be a minor loss of sunlight to 5 and 7 Essington Street, however, the two windows to each property affected are secondary windows and the primary windows on the main front façade receive good levels of daylight.
- 6.28. With regard to overshadowing, the report notes that there would be no extra overshadowing to any residential property, or amenity space, during mid-winter. In March there would be small areas of extra shadow to the Essington Street and Grosvenor Street West properties first thing in the morning, but these would be short lived. In June there would also be some extra overshadowing to these properties but, due to the shape of the towers these would again be short lived. Part of the façade of the consented tower development at 212-223 Broad Street would also be overshadowed as the sun sets in June. The report concludes that the impact of the development on the existing surrounding residential properties

and amenity space is not material and fully accords with guidance on daylight and sunlight.

- 6.29. I note the objection from a resident in Sherbourne Lofts about loss of the view down Sheepcote Street to Broad Street. However, Sherbourne Lofts are some distance away and their outlook would not be significantly adversely affected.
- 6.30. The applicant has also submitted a Microclimate study with the application. The report concludes that wind conditions across the proposed development site and the immediate surrounding area are generally rated as suitable, in terms of pedestrian safety and comfort for their intended usage by the general public throughout the year. Exceptions to this occur, principally in the channel between the two towers, at the southern and western corners of buildings and at the majority of entrances into the proposed development
- 6.31. With the introduction of wind mitigation measures, wind conditions at all assessed location in and around the site remain suitable, or are improved such that they are rated as suitable, in terms of pedestrian safety and comfort, for usage by the general public throughout the year. However, exceptions to this persist, at the entrance located in the channel between the two proposed development towers. Furthermore, the comfort criteria is marginally exceeded at the entrance to the south of the building. These exceedances occur in winter months only and wind conditions are suitable throughout the remainder of the year. Wind mitigation measures (such as landscaping, localised screening and canopies) are secured via a condition.

c) Helping People Move Around

- 6.32. The scheme provides a dramatic feature corner acting as a focal point on the approach to the site along Broad Street. When approaching the site from the City Centre, the scheme also provides views of the Left Bank building and Brasshouse Language Centre. The ground floor commercial unit and large foyer to the residential apartments would help provide active ground floor frontages.
- 6.33. Pedestrian and cycle access to the site would be provided through a designated 2m wide pedestrian footway around the whole perimeter of the site. A new footway would be provided on the south western side of Oozells way along the north eastern boundary of the site. This would link into the existing footways on Broad Street to the east and the existing section of footway along Sheepcote Street that extends to the roundabout junction. As recommended by the Police conditions are attached to secure CCTV and lighting around the building.

d) Sustainability

- 6.34. In addition to being in a highly accessible sustainable location, the proposed building would incorporate a series of sustainability measures in its construction and operation, such as:-
- achieving Level 3 Code for Sustainable Homes;
 - use of renewable technology to significantly reduce the energy consumption;
 - individual Mechanical Ventilation Heat Recovery; and
 - Zero Carbon technologies incorporated within the detailed design of the building.

- 6.35. As recommended by the Local Lead Flood Authority, a condition is attached to secure implementation of the previously approved Sustainable Drainage Scheme.

e) Impact on local public transport

- 6.36. The site is well located in a highly accessible location to all modes of travel. There are excellent opportunities for pedestrians and cyclists to travel to and from the surrounding areas from the site. There are regular and frequent bus services within convenient walking distance of the site that provide access to the surrounding areas. In addition to this, the site is located within 1.8km of all three of the Birmingham railway stations. In the future the site will also benefit from the Metro Line 1 extension which will run along Broad Street connecting Birmingham New Street with Five Ways. The applicants have been made aware of the need to liaise with the Midland Metro Alliance. In addition, as part of the proposed Travel Plan measures, the walking, cycling and public transport opportunities available to the site would be promoted to residents.

f) Lighting

- 6.37. The applicants are proposing a comprehensive lighting scheme, integrated into the overall design. This takes into account issues of glare, light spillage, energy usage and sky glow. The concept is for the colour selection of the luminaries and lighting sources to be coordinated with the external building finishes. Thus the base of the building would have a saturated blue wash, whilst the upper part of the building would be illuminated with a cool white light fins, As a general rule of thumb this would mean the lighter the surface colour, then the more intense the lighting effect becomes. Low level lighting bollards would also be used on the areas connecting the two towers, including the approaches from Sheepcote Street and Oozells Way. A condition is attached to secure a lighting scheme.

Impact on Listed Building

- 6.38. Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 6.39. At a local level Policy TP12 of the BDP, states that applications for development affecting the significance a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.40. An Addendum to the Heritage Assessment has been submitted with the application. It notes that the proposed scheme retains the 22 storey residential tower from the original scheme, and retains the footprint of the second tower block, with retail usage relocated to the Broad Street/Oozells Way corner of the block. The principal differences in the proposed scheme are the change of use from hotel to residential, and the height of tower, which has been extended from 18 storeys to 31 storeys in height. Whilst the height extension proposed clearly

alters the impact of the proposals on the historic environment through change within their settings, in the case of the buildings most directly affected, namely the Left Bank building and the Orthopaedic Hospital, the views in which their historic and architectural special interest is most legible would in effect be similar to the consented scheme.

- 6.41. At ground and lower storey level the Heritage Statement Addendum notes that the scale and massing of the proposals would read as the approved scheme, and therefore continue to present a moderate to minor adverse level of harm. In longer views, such as those along Broad Street which incorporate the Church of Christ Scientist, the increased height of the proposed scheme would be more clearly apparent, but would still be read in the context of later twentieth-century urban development which predominates, and now largely defines the character of Broad Street. In views along Sheepcote Street, the retention of the environmental and design quality of the approved scheme, identified as having a low beneficial impact would be somewhat offset by the greater height proposed, with the resultant level of impact being of a negligible beneficial degree. As previously identified, in longer glimpsed views of the assets, their historic and architectural special interest is largely illegible in the wider townscape context, and the consequent level of impact of the proposals on the assets' significance is considered to be neutral.
- 6.42. In summary the Heritage Statement Addendum concludes that the proposals do not affect key elements of the significance of the assets concerned, having no detriment to the legibility of the architectural special interest or associative historical values they exhibit, and are therefore considered to constitute "less than substantial harm" in terms of impact, either individually or cumulatively. In such cases paragraph 134 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.43. I note that English Heritage recommend refusal of the application on the basis of insufficient information. However, my Conservation Officer considers that the Heritage Statement Addendum submitted with the application acknowledges the full impact of the proposals on the immediate heritage assets and strategic views along Broad Street in the context of its post war scale and massing. It concludes that the additional scale of the tower causes 'less than substantial harm' (Para 134 of the NPPF) to the heritage assets. My Conservation Officer considers that this is a reasonable conclusion. In addition a Supplementary Heritage Note has been submitted.
- 6.44. Clearly any building of the scale being proposed would impact on the setting of these buildings, as indeed the originally consented 56 storey tower and more recently approved 18 storey tower would have done. The applicant argues that whilst the proposed residential block provides a considerable contrast in character to nearby listed buildings at ground-level, where the special interest of the asset is most readily experienced, it is the proximity and massing of the proposals, rather than the height, which generate the contrast. From more distant vantage points the proposals sit within the developed character of Broad Street, and are legible in the context of post-war architecture opposite and adjacent, rather than in a historic town-scape context. Consequently the impacts, in terms of the heritage asset most heavily affected, remain broadly the same as the consented scheme.

- 6.45. Overall, I am of the view that there are public benefits that outweigh the less than substantial harm to the setting of the adjacent Left Bank or other nearby listed buildings. Under the most recent consent for the two towers, works to the listed building have already taken place. A poor quality rear wing and unsightly ductwork have been removed and the brick work on the rear elevation made good. A repairs schedule to the listed building has been agreed and the work already undertaken. The scheme has already therefore helped to bring forward enhancement works to the listed Left Bank.
- 6.46. In addition, replacement of the previously approved hotel tower with a residential; tower would ensure the comprehensive redevelopment of this underdeveloped brownfield site with a significant residential development in a highly sustainable City Centre location. The scheme also includes public realm improvements to the pavements around the site, including the street frontages to the listed building.

Access, Servicing and Parking

- 6.47. I note the concerns of local residents about traffic generation and lack of parking. However, the principle of development of a tower on this site has been accepted with the previous planning permission, albeit for a hotel rather than residential. It is proposed that this site is served on-street from Sheepcote Street. In addition, internal refuse areas are provided for the residential and commercial elements, which can be accessed from the service bay on Sheepcote Street.
- 6.48. The Transport Assessment predicts the net traffic generation from the proposed development would be less than the consented scheme. The proposed development is forecast to result in a net reduction of 15 and 16 two-way vehicle trips during the AM and PM peak hour periods when compared to the previously consented hotel use. The proposals do not have any effects on the proposed Metro extension along Broad Street to Five Ways which indicates a stop on Broad Street set between Oozells Way and Sheepcote Street. Traffic movements are still permitted along these latter roads to provide general access and servicing.
- 6.49. BCC adopted parking guidelines specify maximum parking levels of provision would for 205 apartments equate to 309 car parking spaces. However, the SPD also states that in areas with high levels of accessibility by public transport, lower levels of car parking provision would be acceptable. Given the highly accessible location of the site and the excellent transport infrastructure in the vicinity, the application (as per the previous scheme) is proposing no on-site car parking. There are public and private car parks within a 5 minute walk of the site, which visitors rather than residents may use. The adjacent roads are protected by parking controls and these are well managed and enforced. The nearest available space to park freely would be on Ryland Street, Sherborne Street or Essington Street where some free on-street parking is available, though parking controls may be developed for this area and they are heavily used already.
- 6.50. The applicants are proposing a contribution towards a car club, similar to that agreed at the Beorma residential scheme in Digbeth, which had limited on-site parking. There is a 'car-club' bay proposed on Essington Street as part of the Ladywood CPZ proposal. This is currently being re-consulted on and the aim is for this scheme to be implemented in April. The City Council is also seeking to agree a car-club provider for the City. This would include providing a series of 'floating' bays across the City, which will mean the approved car-club branded vehicle can be parked in the on-street parking bays anywhere in the city centre.

These are being permitted on Granville Street and Berkley Street, so again in close proximity to the development.

- 6.51. The applicant is also in discussion with local car park operators who have indicated that they would offer long term parking leases for prospective residents who wish to have a car parking space.
- 6.52. When assessed against BCC adopted cycle parking guidelines a minimum of one space per dwelling is required, which for this development equates to 205 cycle parking spaces. The scheme provides a total of 64 cycle spaces, which the applicant states is similar to that approved at other Birmingham City Centre sites. Furthermore, they suggest it would be monitored as part of the Travel Plan to ensure the proposed provision is adequate.
- 6.53. BCC Transportation Development note that the plans have amended the provision of an 18 storey hotel with 180 bedrooms in the last consented scheme, with a 31 storey residential tower with 205 apartments. There is no on-site parking provision which is the same as the consented application. As previously noted there is no minimum parking provision as per BCC guidelines and the on-street parking is all restricted so it is unlikely any noticeable demand would be created by the residents. They add that a cycle parking area is provided within the building with circa 60 spaces dedicated to this block. Guidelines seek a minimum 100% but this level is quite high compared to previous residential consents. BCC Transportation Development therefore raise no objections and as recommended safeguarding conditions are attached.

Planning Obligation

- 6.54. Given the number of proposed apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. Under the previous consent development of Tower 1 secures £566,000 toward off site affordable housing, £184,000 toward public realm improvements at Centenary Square, refurbishment of the listed Left Bank building (costed at £100,000) and on site public realm works (costed at £275,000). This scheme for Tower 2 would deliver a further £100,000 toward affordable housing and £100,000 toward a car club. In addition, CIL is now payable and based on the amount of residential floorspace within Tower 2 a payment of approximately £1.029m would be required. Towers 1 and 2 would therefore provide an overall contribution of £2.35million.
- 6.55. The current application is supported by a Viability Report, which demonstrates that taking into account the CIL contribution £1.029m, the scheme cannot sustain a greater S106 contribution. Independent consultants have assessed the appraisal and confirmed that the contributions of £100,000 towards off site affordable housing and £100,000 for the provision of a resident's car club to be reasonable. These contributions would need to be secured via a legal agreement.

7. Conclusion

- 7.1. The BDP encourages residential development in the City Centre where it provides well-designed high quality living environments. Broad Street is changing and the proposed development of this significant new building would help its further regeneration, providing much needed housing units and a large investment on this site. It signals a confidence in Broad Street, as a location for a wider mix of uses, an aspiration that the City is supportive of.

- 7.2. Regulatory Services amongst other have objected to the development on grounds of noise and disturbance from late night entertainment venues. To address this objection, conditions are attached to secure sealed glazed apartments (to affected apartments on roadside frontages) with alternative means of ventilation.
- 7.3. The proposed tower falls within the Central Ridge Zone where tall buildings are acceptable in principle. Furthermore the building is well designed with an active ground floor and distinctive crown, which would add to the City's skyline. Whilst the building would clearly have an impact on nearby listed buildings, this impact is "less than substantial harm" and I consider the schemes public benefits outweigh the harm caused. In addition as demonstrated by supporting reports there would be no significant loss of light or daylight to any nearby residential properties.
- 7.4. Given the sites highly accessible location and excellent public transport infrastructure no on-site parking is proposed. I note the concerns raised about traffic generation and lack of parking, however, Transportation have raised no objections. I therefore recommend approval subject to safeguarding conditions and completion of a suitable S106 agreement to secure £100,000 towards off site affordable housing and £100,000 for the provision of a resident's car club.

8. Recommendation

- 8.1. That consideration of application 2016/08890/PA be deferred pending the completion of a planning obligation agreement to secure the following:-
- a) a financial contribution of £100,000 index linked from 2 March 2017 towards off-site affordable housing to be paid prior to first occupation of the building;
 - b) financial contribution of £100,000 index linked from 2 March 2017 towards a car club to be paid prior to first occupation of the building; and,
 - c) payment of a monitoring and administration fee associated with the legal agreement of £7,0000.
- 8.2. In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 2 April 2017 planning permission be refused for the following reason(s):
- a) in the absence of any suitable legal agreement to secure a financial contribution towards off site affordable housing the proposal conflicts with the Affordable Housing SPG and Policy TP30 of the Birmingham Development Plan 2017; and
 - b) in the absence of a legal agreement to secure car club funding, the proposal conflicts with TP37 of the Birmingham Development Plan 2017.
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the S106 legal agreement.

- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 2 April 2017, favourable consideration be given to this application, subject to the conditions listed below.

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- | | |
|----|---|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Limits the hours of operation of the ground floor commercial uses 0700-midnight daily. |
| 4 | Limits delivery time of goods to or from the restaurant (A3) unit 0700-1900 Mondays to Saturdays and 0900-1900 Sundays. |
| 5 | Requires implementation of the approved Sustainable Drainage Scheme |
| 6 | Limits the noise levels for Plant and Machinery |
| 7 | Requires the prior submission of noise insulation |
| 8 | Requires the scheme to be in accordance with the glazing specification |
| 9 | Requires no external openable windows, doors or vents to habitable rooms and alternative means of ventilation |
| 10 | Requires the prior submission of a ventilation strategy |
| 11 | Requires the prior submission of a noise and ventilation validation report |
| 12 | Requires the prior submission of hard and/or soft landscape details |
| 13 | Requires the prior submission of a lighting scheme |
| 14 | Requires the prior submission of sample materials |
| 15 | Requires the prior submission of a construction method statement/management plan |
| 16 | Requires the prior submission of extraction and odour control details |
| 17 | Requires the prior submission of details of refuse storage for the commercial unit. |
| 18 | Removes PD rights for telecom equipment |
| 19 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 20 | Requires the prior submission of details of a delivery vehicle management scheme |
| 21 | Requires the prior submission of cycle storage details |
| 22 | Requires the prior submission of a residential travel plan |
| 23 | Requires the scheme to be in accordance with the listed approved plans |
| 24 | Requires the prior submission of roof top plant screen details |
-

Case Officer: David Wells

Photo(s)

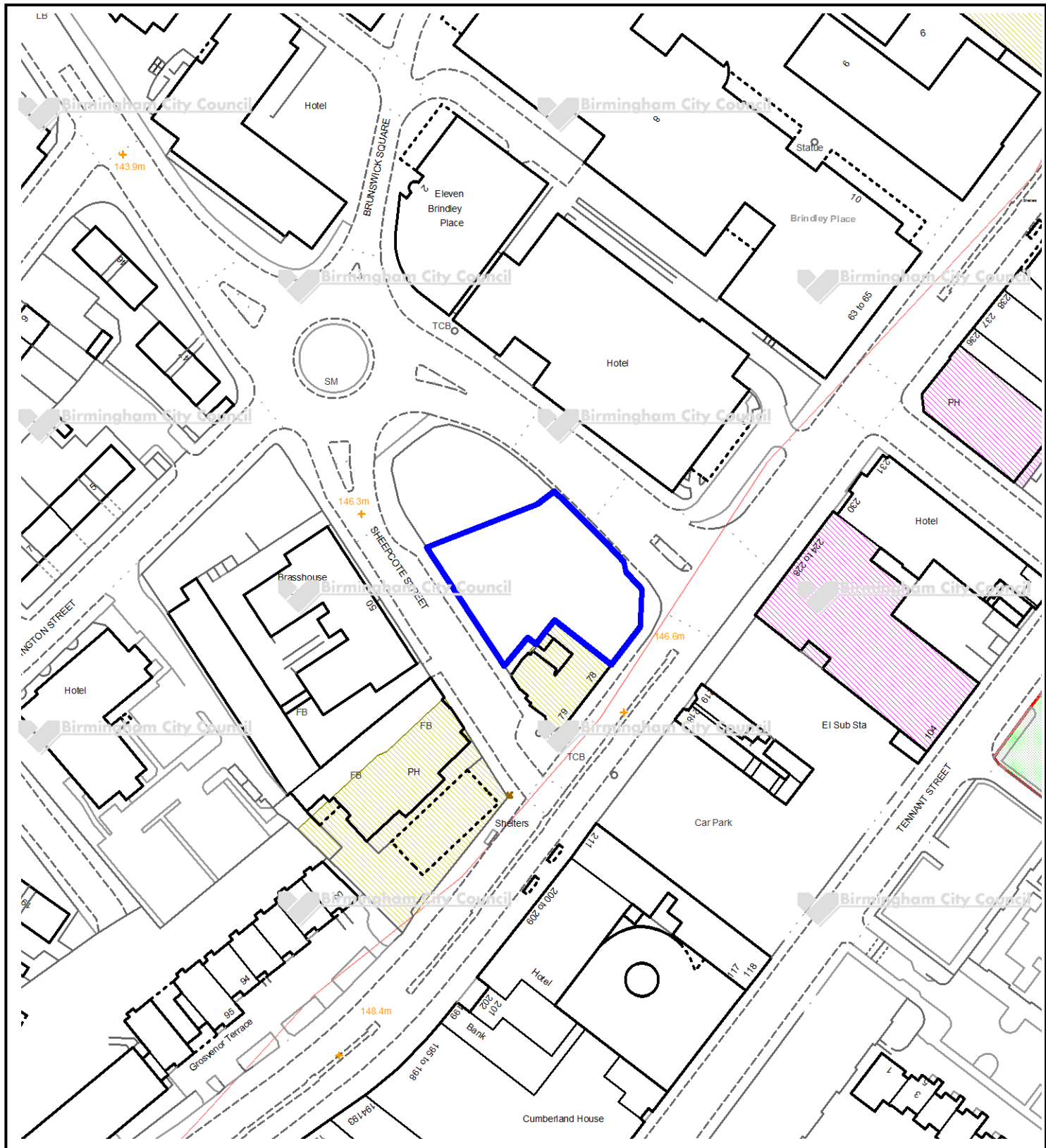


View from junction of Broad Street and Oozells Way



View from Sheepcote Street

Location Plan



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Committee Date:	02/03/2017	Application Number:	2016/08279/PA
Accepted:	07/10/2016	Application Type:	Full Planning
Target Date:	31/03/2017		
Ward:	Nechells		

Former Westminster Works, Alcester Street, Digbeth, Birmingham, B12 0PU

Demolition of existing buildings and erection of 5-7 storey buildings to provide 141 no. residential apartments, car parking and associated development.

Applicant:	Fortnum Group Limited 31 Stallard Street, Trowbridge, Wiltshire, BA14 9AA
Agent:	WYG 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes the complete demolition of all buildings on the application site and the erection of a 5 - 7 storey development providing 141 no. residential apartments, car parking and associated development.

Demolition

- 1.2. This irregular shaped application site would see the complete demolition of the existing mid-20th Century workshops/warehousing. The existing two storey hot food shop occupied by 'B My Chip', the three storey (with industrial shed beyond) part retail / part tyre fitting / part residential building fronting Alcester Street and the large retail/apartment scheme on the corner of Cheapside / Alcester Street are not within the application site.

Overview of the Proposed Replacement Development

- 1.3. It is proposed to erect a wholly residential apartment scheme that would front Alcester, Moseley Street and Cheapside with a 'J' shaped block running along the site's eastern boundary and an 'L' shaped block immediately to the north of the 'B My Chip' building running into the site.
- 1.4. A total of 110 on-site parking spaces are proposed, with 56 reserved for the use by the Paragon Hotel, as a replacement for the existing parking facilities currently on site. The proposed blocks would surround the car parking which would be over two levels (73 spaces at the lower level, 37 on the open air upper level).
- 1.5. Overall the proposed development would provide 141 apartments with the following breakdown:

Apartment Type	Number	Percentage	Min. Size	Max. Size
1 Bedroom	80	57%	42.2 sq.m	60.7 sq.m
2 Bedroom	61	43%	60.9 sq.m	75.6 sq.m

- 1.6. During the course of determination officers have secured amendments to the design, massing, number and mix of dwellings proposed. The original application proposed 164 units of which 74% were one bedroom units.

Detailed Proposals

- 1.7. The smaller 'L Shaped' block fronting Alcester Street would comprise of part 5 / part 7 storeys to the street frontage and a (single aspect) 3 storey wing to the rear. The frontage element would accommodate single aspect apartments to the front and rear, whereas the wing would have an active frontage onto the central courtyard only. Access to the lower level of parking would be provided from a car park access immediately adjacent to the 'B My Chip' building.
- 1.8. The Cheapside elevation would comprise of 6 floors of accommodation together with a car park access immediately adjacent to the neighbouring apartment development. The wing connecting the Cheapside frontage element to the Moseley Street elevation would be six storeys in height above one level of subterranean car parking. This part of the development would be single aspect, facing into the central courtyard area. The other 'L Shaped' element would be 6 storeys with the majority of the lower floor level along Moseley Street being at least partly below street level.
- 1.9. Architecturally, the proposed building would be flat roofed and of brick construction. The amended plans show a grid layout framing large industrial style windows. Glazed brickwork would provide interest to the front facades, with its application (colour and position) varying up the building frontage of the 5/7 storey elements on Alcester Street to differentiate between base, middle and top.
- 1.10. The red brick building on the corner of Alcester Street and Moseley Street would include chamfered corner detail with glazed brickwork and large windows punched into the brick façade. Balconies would be provided on the two longer elevations. Direct (stepped) access would be provided to each of the duplex units fronting Cheapside. The overall height of this part of the development has been guided by the height of the Paragon Hotel on the opposite side of Cheapside.
- 1.11. More broadly, access to the apartments is largely provided via three circulation cores accessed directly off the street or a further core just off the Cheapside frontage. However, where levels allow, individual ground floor apartments have their own direct access from the street.
- 1.12. This application is accompanied by detailed plans; a Planning Statement (incorporating a Statement of Community Involvement); Design and Access Statement; Air Quality Assessment; Noise Assessment; Heritage, Transport Assessment; Interim Travel Plan; Heritage and Archaeological Assessment; Drainage Strategy; Contamination Study; and Phase 1 Habitat Study.
- 1.13. [Link to Documents](#)
2. [Site & Surroundings](#)

- 2.1. The application site, totalling 0.4ha and currently used as a covered car park, is an irregular shaped plot that is totally covered with existing buildings. The plot has frontages to Alcester Street, Cheapside and Moseley Street and wraps around a two storey building fronting Alcester Street occupied by a hot food takeaway and a relatively modern apartment scheme on the corner of Alcester Street and Cheapside. The Westminster Works that previously occupied the site was a manufacturer of steel tubes, with various industrial (varnish and brass) uses together with residential back to back properties preceding the current buildings.
- 2.2. Buildings on site consist of a collection of industrial buildings with corrugated roofing with the exception being the low-level brick buildings on Alcester Street, with the building to the north of 'B My Chip' having the appearance of a fire station, with concrete/stone window surrounds.
- 2.3. The Grade II Listed Paragon Hotel is situated on the opposite side of Moseley Street. This is an imposing Edwardian re-brick building that is richly detailed and a prominent local landmark. 112 Moseley Street, a Grade II listed former police barracks, is situated immediately behind the Paragon Hotel. In the wider Area the Moseley Arms is Grade II listed as is 82-84 Moseley Street. The Digbeth, Deritend and Bordesley High Street Conservation Area is situated some 300m to the north.
- 2.4. The Fountain public house is situated on the corner of Alcester Street and Cheapside on the opposite side of the road together with low-level industrial buildings, which is the principal use in the area.
- 2.5. The wider area can be considered as an area of transition, with a broad trend of commercial and industrial uses being replaced with residential schemes.
- 2.6. [Site Location](#)
3. [Planning History](#)
 - 3.1. Various applications relating to alterations and changes of use within the buildings, the most relevant are as follows:
 - 3.2. 24.07.2006 - 2006/02932/PA – Approval - Demolition of vacant industrial building and redevelopment of the site to provide 22 residential units, retail unit and car parking.
 - 3.3. 08.10.2007 – 2006/03869/PA – Approval - Development of the site to provide 134 residential dwellings 3 live/work units, 4 x A1/A2/A3/B1 units, (shops, financial and professional services, restaurant and café business) associated landscaping and car parking
 - 3.4. 10.01.2011 – 2010/01475/PA – Approval - Application to extend the time limit for implementation of extant approval 2006/03869/PA for 134 residential dwellings, 3 live/work units, 4 A1/A2/A3/B1 units, associated landscaping and car parking.

Paragon Hotel

- 3.5. 02.02.2017 – 2016/08528/PA – Approval - Erection of four storey extensions to the north and south facing internal courtyard elevations (creating additional 99 bedrooms), creation of secondary entrance and conversion of conference rooms, bar and cloakroom to 16 additional bedrooms in association with the existing hotel (use class C1).

Bradford Street

- 3.6. Current application – 2016/08444/PA - Part demolition, refurbishment and erection of 293 residential units varying between 4 and 8 storeys and 6 ground floor commercial units (Use Class A1) together with 61 car parking spaces and associated works
- 3.7. Current application – 2016/08443/PA - Demolition of existing buildings and erection of 148 residential units varying from 4-9 storeys and 3 ground floor commercial units (Use Class A1) together with 11 car parking spaces and associated works
Moseley Road / Cheapside

Cheapside / Moseley Road

- 3.8. Current application – 2016/06827/PA - Erection of part 6 / part 7 storey 95 bed student residential building with ground floor retail unit and associated development

4. Consultation/PP Responses

- 4.1. Transportation Development – Raise no objection subject to conditions requiring a S278 agreement, that parking areas are laid out prior to use, the provision of cycle parking and provision of a construction and demolition plan.
- 4.2. Regulatory Services – Raises no objection subject to conditions requiring noise insulation details; further contaminated land studies; that the glazing specification is in accordance with the supporting noise assessment; adequate refuse storage; and the provision of electric vehicle charging spaces.
- 4.3. BCC Drainage Team – Raise no objection subject to conditions requiring further drainage details and a sustainable drainage operation and maintenance plan.
- 4.4. Leisure Services – No objection and request a contribution towards public open space of £267,800.
- 4.5. Environment Agency – No objection.
- 4.6. West Midlands Fire Service – Notes that the proposal requires a rising main (commenting on the original scheme).
- 4.7. West Midlands Police – Supports the gating of the vehicular accesses and the provision of cycle parking. Recommends that the development follows Secured by design principles, that adequate lighting is proposed together with CCTV, refuse storage and security measures at access points.
- 4.8. Network Rail – Have no comments to make on the application
- 4.9. Severn Trent Water – No objection subject to conditions requiring the prior approval of drainage details and that the development is carried out in accordance with any approved details.
- 4.10. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted with the following representations received.

4.11. Two letters of support (commenting on the original scheme) with the following additional comments received:

- Need to ensure that adequate parking spaces are provided.
- There are too many one bedroom apartments; there should be an emphasis on family living with the correct balance between 1/2/3 bedroom units.
- There should be other facilities on site such as a communal gym.

5. Policy Context

5.1. Birmingham Unitary Development Plan (saved policies) 2005; Birmingham Development Plan 2017; Places for Living SPG; Car Parking Guidelines SPD; and the National Planning Policy Framework 2012. Also the Big City Plan. The proposals will affect the setting of the Grade II Listed Paragon Hotel.

6. Planning Considerations

POLICY

Local

6.1. The application site is within the Southern Gateway area of transformation as set out in the Big City Plan. The Southern Gateway seeks to expand the City Core southwards with the redevelopment of the wholesale markets providing the opportunity for creating a new destination in Birmingham. A whole range of uses including new residential neighbourhoods are envisaged.

6.2. The Birmingham Development Plan sets out the ambitious growth of the City Centre and identifies five strategic allocations for the centre, including the Southern Gateway which is situated to the east of the site, with the Smithfield Masterplan acting as a centerpiece. The plan states that new investment in office, retail, cultural and residential provision will be supported.

6.3. The Big City Plan, referenced in the BDP, sets out the aspirations for development within the City Centre. The Big City Plan identifies Bradford Street as a key connection within the City Centre. The plan also sets out the city's approach to the historic environment, the scale of need (51,100 to be delivered in the city over the plan period), location and type of new housing and connectivity issues. The approach to developer contributions is set out in policy TP47, with Policy TP31 setting out that in developments of 15 or more dwellings a contribution of 35% of the scheme as affordable housing will be sought. Policy PG3 sets out the requirement for place making, setting out the key considerations that contribute to a successful place.

6.4. The site is within the Southern Gateway Area of Transformation which will form the focus for the expansion of the City Centre Core southwards through comprehensive redevelopment including the Wholesale Markets site.

6.5. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and policy 3.14, emphasise the need to secure high quality design and set out the circumstances when Planning Obligations may be sought.

National

- 6.6. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.
- 6.7. In particular, Policy 128 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance should be assessed. At 132 the NPPF states that significance can be harmed through development within a heritage asset's setting.
- 6.8. Chapter 6 sets out the need to deliver a wide choice of high quality homes. Chapter 7 puts good design at the heart of the definition of sustainable development.
- 6.9. Key issues for consideration are therefore the principle of the development, design, heritage implications, residential amenity, highway impact, sustainability, and viability/S106 issues.

PRINCIPLE

- 6.10. In respect of housing need the BDP states that its objectively assessed need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only plans to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 141 apartment scheme would be 57% 1-bedroom and 43% two bedroom apartments. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. Although the development is more skewed toward the 1 and 2 bedroom units, given the overall housing needs to the city it is considered acceptable, particularly given the site's location.
- 6.11. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver residential accommodation in a sustainable city centre location. My Strategic Planning Officer raises no objections and considers the scheme to be an appropriate form of regeneration for this site. The proposal would result in the redevelopment of a number of buildings that are detrimental to the visual amenity of the area and setting of the listed Paragon Hotel. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

DESIGN

- 6.12. Both at pre-application stage and during the course of determination of this application Officers have secured significant changes to the scale and design of the proposed development. Massing has been redistributed to provide a more comfortable relationship with the adjacent listed building and the development has been rearranged to have a more direct relationship with the surrounding streets. The height of the rear wing has been significantly reduced. In terms of architecture, where balconies have been retained, these are integral to the overall design rather than bolt on Juliette style. The top/middle/bottom approach to the principal

elevations have been further reinforced with brick on edge detailing at the top of the building and the redistribution of the white and green panels of glazed ceramic bricks.

- 6.13. The six storey scale to Cheapside is consistent with parts of the development on the opposite side of the road. It is hoped that the street will be completed when the cleared site to the east is brought forward for redevelopment.
- 6.14. The part 5 / part 6 storey scale along Moseley Street respects the setting of the adjacent Paragon Hotel, with the tower situated on the corner remaining taller than the application proposals.
- 6.15. In respect of the tallest block fronting Alcester Street, at 7 storeys this would contrast with the adjacent 'B My Chip' building, which at 3 storeys, would be modest compared with the scale of future development in and around this area. The amended design shows how a five storey element adjacent to the three storey news agent with residential above directly to the north would successfully manage the transition between these buildings.
- 6.16. As above, architecturally the scheme has been simplified with a strong industrial aesthetic which is appropriate in this context. The glazed brick, which is traditional in the city, would provide visual interest through texture and reflection. The large metal windows are a defining characteristic of traditional industrial buildings within Digbeth, and the amended plans demonstrate how they can be used to good effect to produce high quality large scale residential development.
- 6.17. The use of brickwork as the primary facing material is supported, as this is a traditional material for this part of the city. The use of a contrasting brick for the two elements of the proposal is supported to provide further interest. The use of a high quality red brick opposite the Paragon Hotel is appropriate.
- 6.18. The resultant scheme is acceptable within both its existing context, and with the scale and nature of the large-scale redevelopment envisaged by the BDP and Big City Plan as part of the Southern Gateway Area of Transformation.
- 6.19. The proposed development would not prejudice the adjacent sites being brought forward for redevelopment.
- 6.20. Subject to appropriate safeguarding conditions to ensure an appropriate design quality is secured I raise no design based objections and this conclusion is supported by my City Design Officer.

HERITAGE IMPLICATIONS

- 6.21. The proposed development impacts upon the setting of the adjacent Grade II listed Paragon Hotel together with 112 Moseley Street, situated immediately behind the Paragon is a Grade II listed former Police Barracks. Further afield 82-84 Moseley Street is Grade II listed. St Anne's Church is situated to the north, which is Grade A locally listed.
- 6.22. The Digbeth, Deritend and Bordesley High Streets Conservation Area is around 300m to the north beyond High Street Digbeth.

- 6.23. The supporting Heritage Assessment states that the development would remove buildings that make no contribution to the setting of these listed buildings and the Conservation Area. I concur with this conclusion.
- 6.24. The report adds that whilst the proposals would result in an alteration to the setting of the Paragon and 112 Moseley Street, the impact would not affect any element identified as providing input to the significance of these buildings. In relation to the amended scheme, I concur with this conclusion and consider that the scale, massing, design and materials are all respectful of the setting of these buildings that are listed as being of architectural/historic significance.
- 6.25. The report also concludes that the impact on any elements of significance in relation to 82-84 Moseley Street. I concur with this conclusion and note that the site is around 70m from this building. I am also satisfied that the setting of the Grade A locally listed St Anne's Church would also be safeguarded. There would be no material impact upon the setting of the more distant Grade II listed Moseley Arms.
- 6.26. I also concur with the report's conclusion that the proposed development, whilst of a greater scale than the existing buildings on site, would result in no change to the significance of the Conservation Area and thus would preserve its setting.
- 6.27. In conclusion, the development would see the loss of buildings that make no impact on the significance of surrounding heritage assets and their replacement with a well-considered development of an increased scale. I therefore conclude that the development would have an overall neutral impact upon the setting of the nearby listed buildings and Conservation Area and raise no heritage-based concerns.
- 6.28. My Conservation Officer raises no objection and supports the amended plans as they lessen the impact upon the adjacent listed building. Recommends that a condition be imposed requiring an archaeological watching brief, which is attached.

AMENITY

- 6.29. Following on site monitoring and a noise modelling exercise, the Noise Assessment submitted with this application concludes that provision of standard double glazing will be suitable for the majority of the development, with an enhanced glazing standard required on bedrooms onto road frontages. Alternative means of ventilation is required throughout the development, in order to ensure that adequate ventilation is provided when the windows are closed.
- 6.30. Regulatory Services raise no objection subject to safeguarding conditions, including that the glazing specification is carried out in accordance with the submitted report and that ventilation details be provided. I therefore conclude that an adequate noise environment can be created subject to suitable safeguarding conditions.
- 6.31. Further conditions in relation to contaminated land, refuse storage and electric vehicle parking are recommended and attached, although I do not consider a provision of 10% of parking spaces with electric vehicle charging points justified and have recommended that 3 spaces be provided which is broadly consistent with other City Centre consents.
- 6.32. Whilst there is no adopted local policy the proposed dwellings are largely in accordance with the Nationally Described Space Standard, with only two units not compliant. One bedroom units would range from 42.2 sq.m to 60.7 sq.m, two bedroom units would be between 60.9 sq.m and 71.4 sq.m with duplexes of 75.6

sq.m. The one non-compliant two bedroom unit is only 0.1 sq.m short of the standards and the proposed plans demonstrate that adequate furniture layouts can be provided. I therefore raise no objection to the proposed unit sizes.

- 6.33. I am satisfied that the proposed development will have access to adequate levels of light and outlook.
- 6.34. A condition requiring the provision of a car park management plan that includes how the hotel parking will be managed is recommended.
- 6.35. Considering the amenity of occupiers of adjacent dwellings, the majority of the rear of the existing block on the corner of Alcester Street and Cheapside is blank and therefore there are no loss of light issues. There is an element of the building with bedroom windows to the eastern end facing back towards Alcester Street, however I am satisfied that the amended scheme has an acceptable relationship in this City Centre context.
- 6.36. There appears to be residential use in the upper floors of 161/162 Alcester Street, although the extent and internal configuration of this property are unknown. I consider that given the City Centre context of the site, and noting the large scale development previously permitted on the application site, this relationship is acceptable. It is unclear whether there is any residential use above the 'B My Chip' building; however the proposed development represents an improvement in terms of outlook to the rear when compared with the previous approval.
- 6.37. I therefore conclude that the development would not materially harm the residential amenity of adjoining occupiers and consider that on balance the impact of the proposals are justified.
- 6.38. Subject to the aforementioned conditions I raise no amenity-based objections.

HIGHWAY IMPACT

- 6.39. The supporting Transport Statement acknowledges that the site is well served by existing public transport. The Statement notes that the Car Parking Guidelines SPD sets a minimum of 100% cycle storage spaces and a maximum parking level of 1.5 spaces per dwelling. The Statement concludes that based upon the site's assessable location the level of parking and cycle storage provision is appropriate. I concur with this conclusion and consider that the on-site provision of 54 parking spaces for the residential part of the development (equating to 38%) is an acceptable amount in this location.
- 6.40. In terms of predicted traffic flows, the Statement anticipates a marginal increase of vehicular movements to and from the site during peak hours (compared with the existing permitted uses) and concludes that this would have a negligible impact.
- 6.41. The supporting Interim Travel Plan proposes a number of measures including appointing a travel plan co-ordinator, providing a public transport travel information pack to occupiers in order to reduce the reliance upon private cars.
- 6.42. Transportation Development raises no objection subject to safeguarding conditions. I concur with this conclusion and appropriate conditions are recommended.

ECOLOGICAL IMPACT

- 6.43. The Extended Phase 1 Habitat Survey that supports this application concludes that the existing site has little potential for roosting bats although there is potential for nesting birds. As such it is recommended that either demolition takes place outside of the nesting season, or that prior to demolition works starting the site is re-surveyed for nesting birds and a buffer installed around any active nests.
- 6.44. The City's Ecologist recommends that a fascia board identified as having limited potential for bat roosting that could not be assessed be inspected, that demolition be carried out outside of the bird breeding season (or supervised by an appropriate expert) and that ecological enhancement through green/brown roofs be secured. I concur with this recommendation and appropriate conditions are recommended.
- 6.45. I consider that the proposed building could offer bird and bat boxes/bricks to mitigate for the loss of any current bird nesting potential and provide potential bat roosting habitat and an appropriate condition is recommended.

DRAINAGE / FLOODING

- 6.46. The supporting Drainage and Flood Risk Assessment concludes that the drainage strategy is to utilise existing drainage connections for the redeveloped scheme with a large attenuation tank to slow water from reaching mains drainage. The report also concludes that the flood risk to the site is low
- 6.47. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of further drainage details. The Environment Agency raises no objection. I concur with these recommendations/conclusions and appropriate conditions are recommended.

SECTION 106 / FINANCIAL VIABILITY

- 6.48. Following the detailed independent assessment of the applicant's Financial Appraisal the applicant has agreed to offer a sum of £80,000 towards public realm improvements within the area. The city's independent assessor considers this reasonable in the context of the scale and nature of the development and I consider that such a sum is consistent with CIL legislation.
- 6.49. Given the relatively small amount I consider that directing the resource to wholly public realm is reasonable, even in the context of a nil affordable housing contribution, particularly in light of pooling restrictions.

7. Conclusion

- 7.1. The proposed development offers a high quality residential scheme within the Southern Gateway Area of Transformation and represents a sustainable brownfield development. The changes secured to scale and massing results in a proposal that will relate to both its existing and future contexts. I consider that the proposals constitute sustainable development in NPPF terms and therefore conclude that this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

8. Recommendation

- 8.1. Approve application number 2016/08279/PA subject to the conditions listed below and a Section 106 Legal Agreement to secure the following:

- i) a financial contribution of £80,000 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision and/or improvement of public realm in the Digbeth locality
 - ii) a commitment to local employment and training during the construction of the development; and
 - iii) a financial contribution of £2,800 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 28th March 2017, planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment to local employment / training and public realm the proposal conflicts with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005 and policy PG3 of the Birmingham Development Plan 2017
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 28th March 2017 favourable consideration be given to this application, subject to the conditions listed below.

-
- 1 Requires the prior submission of investigation for archaeological observation and recording
 - 2 Requires the prior submission of a contamination remediation scheme
 - 3 Requires the prior submission of a contaminated land verification report
 - 4 Requires the prior submission of noise insulation
 - 5 Requires the development to be carried out in accordance with the supporting Noise Assessment and the prior approval of the ventilation strategy
 - 6 Requires the prior submission of a sustainable foul and surface water drainage scheme
 - 7 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 8 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 9 Requires the prior submission of details of bird/bat boxes
 - 10 Requires the prior submission of hard and/or soft landscape details
 - 11 Requires the prior submission of a lighting scheme
 - 12 Requires the prior submission of a construction/demolition method
-

	statement/management plan
13	Requires the prior submission of sample materials
14	Requires the prior submission of level details
15	Requires the prior submission of a CCTV scheme
16	Requires the submission of a car parking management strategy
17	Requires the prior submission and completion of works for the S278/TRO Agreement
18	Requires prior submission of balcony details
19	Requires the prior submission of window details
20	Requires the prior submission of boundary treatment and railing details
21	Requires the prior submission of details of green/brown roofs
22	Controls the time/method of demolition
23	Requires a minimum of 3 no. electric vehicle charging points
24	Requires the provision of cycle parking prior to occupation
25	Requires the parking area to be laid out prior to use
26	Removes PD rights for telecom equipment
27	Requires the scheme to be in accordance with the listed approved plans
28	Requires the scheme to be in accordance with the listed approved plans
29	Implement within 3 years (Full)

Case Officer: Nicholas Jackson

Photo(s)



Figure 1 – Moseley Street (Paragon Hotel to the right of the image)

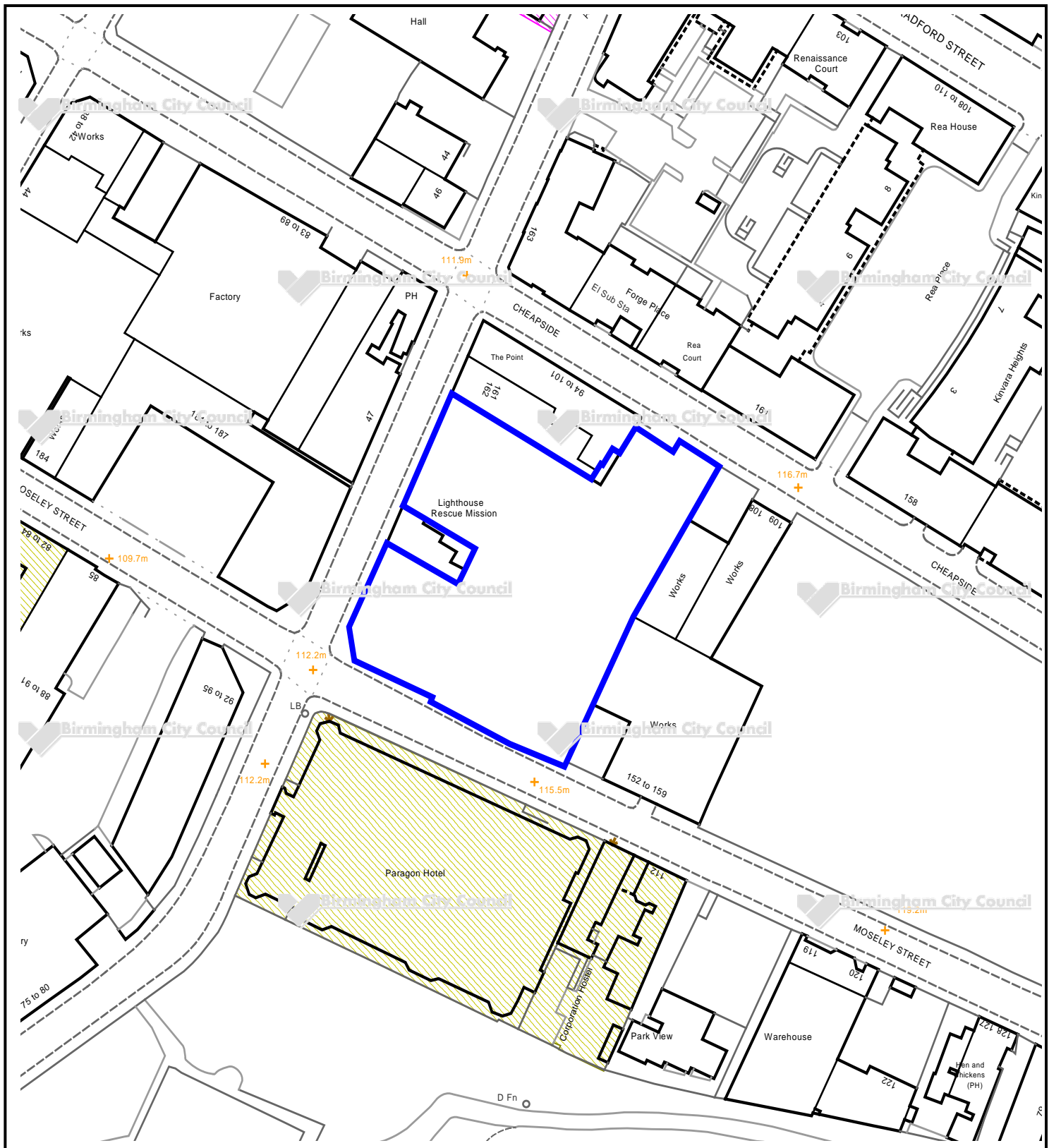


Figure 2 – Application Site – Corner of Moseley Street and Alcester Street



Figure 3 – Alcester Street

Location Plan



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Birmingham City Council

Planning Committee

02 March 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	14	2017/00034/PA 155 New Coventry Road Sheldon Birmingham B26 3DX Application for Minor Material Amendment to 2015/08621/PA for larger rear extension, change to roof design to rear of the building, amended car park layout and allow use for all Eid prayer.
Approve - Conditions	15	2016/09609/PA Land adjacent 7 Osborne Road South Erdington Birmingham B23 6TT Removal of Condition Nos 1 (Minimum Invasion Type Construction Method), 2 (Arboricultural Implications Study, Construction Works Method Statement and Root Investigation Report), 3 (Pruning of the overhanging canopies shall only be carried out during the months between September through to March), and variation of condition 7 (Listed Approved Plans) attached to approval 2013/06552/PA
Approve - Temporary	16	2017/00515/PA R66 A45 Coventry Road Heybarnes Circus Fordrough Road Birmingham B10 0UA Display of 4 non-illuminated post mounted signs

Committee Date:	02/03/2017	Application Number:	2017/00034/PA
Accepted:	04/01/2017	Application Type:	Variation of Condition
Target Date:	01/03/2017		
Ward:	Sheldon		

155 New Coventry Road, Sheldon, Birmingham, B26 3DX

Application for Minor Material Amendment to 2015/08621/PA for larger rear extension, change to roof design to rear of the building, amended car park layout and allow use for all Eid prayer.

Applicant:	Manarat Foundation 2051 Coventry Road, Sheldon, Birmingham, B26 3DY
Agent:	Catalyst Regeneration Ltd Branston Court, Branston Street, Hockley, Birmingham, B18 6BA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Variation of condition application to planning permission 2015/08621/PA relating to the change of use from a garage/tyre workshop (sui generis) use to a community, educational and prayer centre (D1) use and erection of a single storey extension to form an ablution area. The current proposal includes a larger rear extension, change to the roof design, amended car park layout and to allow use for all Eid Prayer (twice a year between 0830-1100hours). The original submission also sought the use of the main hall for wedding ceremonies but this has subsequently been omitted from the application.
- 1.2. The applicant advises that the larger extension would make better use of the space and improve internal circulation. Amongst others, the entrance would give direct access to the prayer hall / community hall with more easily accessible ablution areas. Furthermore, a larger kid's activity area would be provided within the rear extension, with direct access to the secure rear car park, which would be used as an outdoor activity space when not required for parking.
- 1.3. The extension would also have a pitched roof that would tie-in with the existing roof design of the main building. The previously approved rear single storey extension had a flat roof design. The extension would have an increased floorspace of some 18sqm.
- 1.4. Changes to the approved car park layout are proposed reducing the number of marked-out spaces from 25 to 24 (including 2 disabled spaces) with a capacity for 42 managed parking spaces during Friday Prayers. The applicant suggests that the layout has been simplified. There would be a new security fence running between the sub-station, the application premises and the rear boundary. The applicant advises that the rear car park will only be used during peak times (i.e. Friday prayers) and would be kept as a secure area at other times. Parking would be

provided directly off the shared private access way. The existing New Coventry Road frontage would not alter.

- 1.5. The application also seeks to vary condition 3 of 2015/08621/PA, which currently restricts the use of the premises for festivals, funerals, weddings or civil partnership, to allow for Eid prayer twice a year between 0830 and 1100 hours.

- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises are a single storey structure with a small area of accommodation at first floor level fronting New Coventry Road. The site has surface car parking to the rear and front, accessed off a service road fronting an adjoining parade of shops and a private service road to the side of an adjoining electricity sub-station which serves the rear of the shops as well as other businesses.
- 2.2. The premises are located to the western fringe of the Primary Shopping Area of the Sheldon District Centre. To the north is an Aldi food store, to the east is the adjoining parade of shops containing the applicants' current centre as well as other commercial uses and to the south are residential properties (Wells Green Road). To the immediate west of the application premises is a dental practice and beyond that are residential properties.
- 2.3. The stretch of New Coventry Road fronting the application premises is a red route and parking is available to a service road fronting a parade of shops. Unrestricted on-street parking is available to the nearby residential street (Keswick Road).

- 2.4. [Site location](#)

3. Planning History

- 3.1. This site:
- 3.2. 21/01/16 – 205/08621/PA. Change of use from garage/tyre workshop (sui generis) use to community, educational and prayer centre (D1) use and erection of single storey rear extension to form ablution area. Approved.
- 3.3. 2051 Coventry Road (applicants' existing premises):
- 3.4. 20/03/14 – 2014/00456/PA. Variation of condition 1, 3, 4 attached to planning approval 2012/05571/PA for increase in hours, increase in people attending and to allow the use as a mosque facility and education centre. Approved.
- 3.5. 27/09/2012 – 2012/05571/PA. Change of use from sauna/massage parlour (use class sui generis) to education centre with ancillary prayer facility (use class D1) approved subject to conditions restricting total capacity for educational purposes with ancillary prayer only to 65 between 9am and 9pm daily. Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to previously agreed parking and access conditions.
- 4.2. Regulatory Services – No objections.

- 4.3. West Midlands Police – No objections.
- 4.4. West Midlands Fire Service – No objections.
- 4.5. Neighbouring premises, local residents groups, Ward Councillors and MP consulted.
- 4.6. Representation received from Cllr Paul Tilsley highlighting that wedding ceremonies was removed from the original application due to a lack of on-site and higher attendance and that there are traffic problems at Friday Prayers which would be exacerbated with large numbers attending weddings ceremonies.
- 4.7. Representation received from Cllr Sue Anderson objecting on the grounds of parking/highway safety problems associated with large numbers of people visiting the premises.
- 4.8. Representation received from Solihull MBC who have no observations on the assumption that consideration will be given to highway safety and residential amenity.
- 4.9. Representation received from Cllr Tony Ludlow (Ward Cllr for Lyndon Solihull MBC) expressing concern on the following grounds:
- Parking has proven to be inadequate with the need for marshalling.
 - Illegal parking has occurred.
 - Previous application approved on the proviso that weddings were not performed.
 - Lead to tension and the need for police involvement.
- 4.10. 34 representations received objecting to the application on the following grounds:
- Insufficient parking
 - Existing traffic/highway safety problems on the A45 which are getting worse
 - Noise and disturbance
 - Illegal, dangerous and inconsiderate parking
 - Conflict between residents and visitors to the centre.
 - Roof design would be out of keeping.
 - Residents' views are being ignored.
 - Gender segregation within the building.
 - Other similar facilities nearby.
 - The safety of the majority of Sheldon residents and drivers and the enforcement of the law including parking regulations must and by far outweigh the concern of political correctness.
 - Application shows disingenuous intent by the applicant.
 - Loss of privacy
 - Affect upon house prices
 - Includes land outside of their ownership.
 - Works have been undertaken at the property.
 - Visitors to neighbouring commercial premises being prevented from parking on the shared service road or rear access.
 - Local businesses are suffering.
 - Community centre is not available to everyone.

5. Policy Context

- 5.1. Birmingham UDP 2005 (Saved policies), Birmingham Development Plan 2017, Shopping and Local Centres SPD, Places of Worship SPD, Car Parking Guidelines SPD, Places for All SPG and the NPPF.
6. Planning Considerations
- 6.1. In determining variation of condition/minor material amendment applications the DCLG advises Local Planning Authorities to focus on national or local policies or other material considerations which may have changed since the original grant of permission, as well as the changes sought. Since the granting of the previous consent the Birmingham Development Plan 2017 has been adopted.
- 6.2. The principle of the use of the premises as a community, education and prayer centre has been established under 2015/08621/PA. The issues for consideration are the impact of the changes to the rear extension with a different roof design, the amended car park layout and use of the premises for Eid prayer twice a year between 0830 and 1100hours.
- 6.3. Visual amenity:
- 6.4. The increase in the size of the extension is modest and the internal configuration does achieve an improved layout with clear routes to the main hall from the main New Coventry Road entrance as well as the secure rear car park entrance, in addition to a larger kid's activity area. Furthermore, the new roof to the extension would be a continuation of the existing building's single roof span, offering more cohesion to the roof design.
- 6.5. Neighbour amenity:
- 6.6. The overall size of the main prayer area / community hall is the same as previously approved, which consisted of the main area as well as 3 classrooms/overflow areas. As such overall capacity is not expected to be larger than previously assessed. Under the current consent the busiest time would be Friday Prayers. The proposed use of the premises for Eid prayer would occur twice a year and at a time where background noise would already be high. Regulatory Services raises no objection.
- 6.7. Furthermore, the new layout would encourage the majority of visitors to use the main New Coventry Road entrance, with the limited users of the secure rear car park using the rear entrance during the busiest periods (i.e. Friday Prayers). This would focus the majority of noise and disturbance with people visiting the premises to the noisier New Coventry Road frontage rather than the rear, which does share a rear boundary with residential gardens. It is considered that the use of the rear secure area as an outdoor children's activity area when not in use as a car park would have a minimal impact on neighbour amenity in this busy mixed use area. The immediate adjoining neighbour (151 New Coventry Road) is in use as a dental surgery and the extension would have no adverse impact in terms of the 45 degree code.
- 6.8. Highway safety:
- 6.9. Members may recall that a high volume of representation was received in relation to the original application, and a significant proportion of these referred to existing parking problems associated with the existing facility as well as other premises/uses in the centre and the likely increase in parking demand in the locality as a result of the larger premises. Surveys undertaken and submitted in support of the application

indicated that a maximum of around 150 people visit the applicant's existing premises at 2051 Coventry Road. The new premises at 155 New Coventry Road are shown to have a capacity of 200 prayer mats, but experience has shown that at peak times 3 people can occupy 2 prayer mats. This equates to a realistic potential, taking into account the ladies prayer area, to accommodate in excess of 300 people. In considering the previous application it was felt that within the context of the existing consent at 2051 Coventry Road with no off-site parking and the new premises with a potentially double capacity but with over 40 managed parking spaces, the new premises represented an improvement in terms of parking and highway safety. Issues such as the revocation of the place of worship consent at the applicant's existing premises, as well as the capacity of the building being restricted were considered unjustified in planning terms. In general terms, capacity is not restricted by condition within centres but by the size of the physical building and other legislation.

- 6.10. The current proposal does not alter the size of the main community hall / prayer area and as such capacity is not expected to increase to that previously approved. The busiest time would remain Friday Prayers whilst the use of the premises for Eid Prayer is also likely to attract high numbers. However, this occurs on an infrequent basis (twice a year between the hours of 0830-1100). The application premises are located within a designated District Centre, with good public transport links, and in an appropriate location, in terms of sustainable development, for uses that have the potential to attract large numbers of visitors. Transportation Development raises no objection acknowledging that the amended car park layout appears to have a similar capacity as that previously approved and the impact of the changes sought with this application on highway safety and the free flow of traffic would be acceptable.

7. Conclusion

- 7.1. The proposed enlarged rear extension and altered roof design would have an acceptable impact on visual amenity, whilst the overall capacity of the building is not expected to increase. The minor increased in use of the premises for Eid prayer, which occurs twice a year would be minimal in this busy mixed-use area. The amended car park layout is acceptable with no distinguishable impact on highway safety to that previously approved. As such the proposal is in accordance with policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

1	Prevents the use from changing within the use class
2	Prevents the use of amplification equipment
3	Prevents weddings and other major events to take place on site with the exception of Eid prayer
4	Requires the prior submission of extraction and odour control details
5	Limits the noise levels for Plant and Machinery
6	Requires the prior submission of cycle storage details

-
- 7 Requires that the materials used match the main building
 - 8 Requires the prior submission of a car park management plan
 - 9 Requires the scheme to be in accordance with the listed approved plans
 - 10 Limits the approval to 21st January 2019
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – New Coventry Road frontage

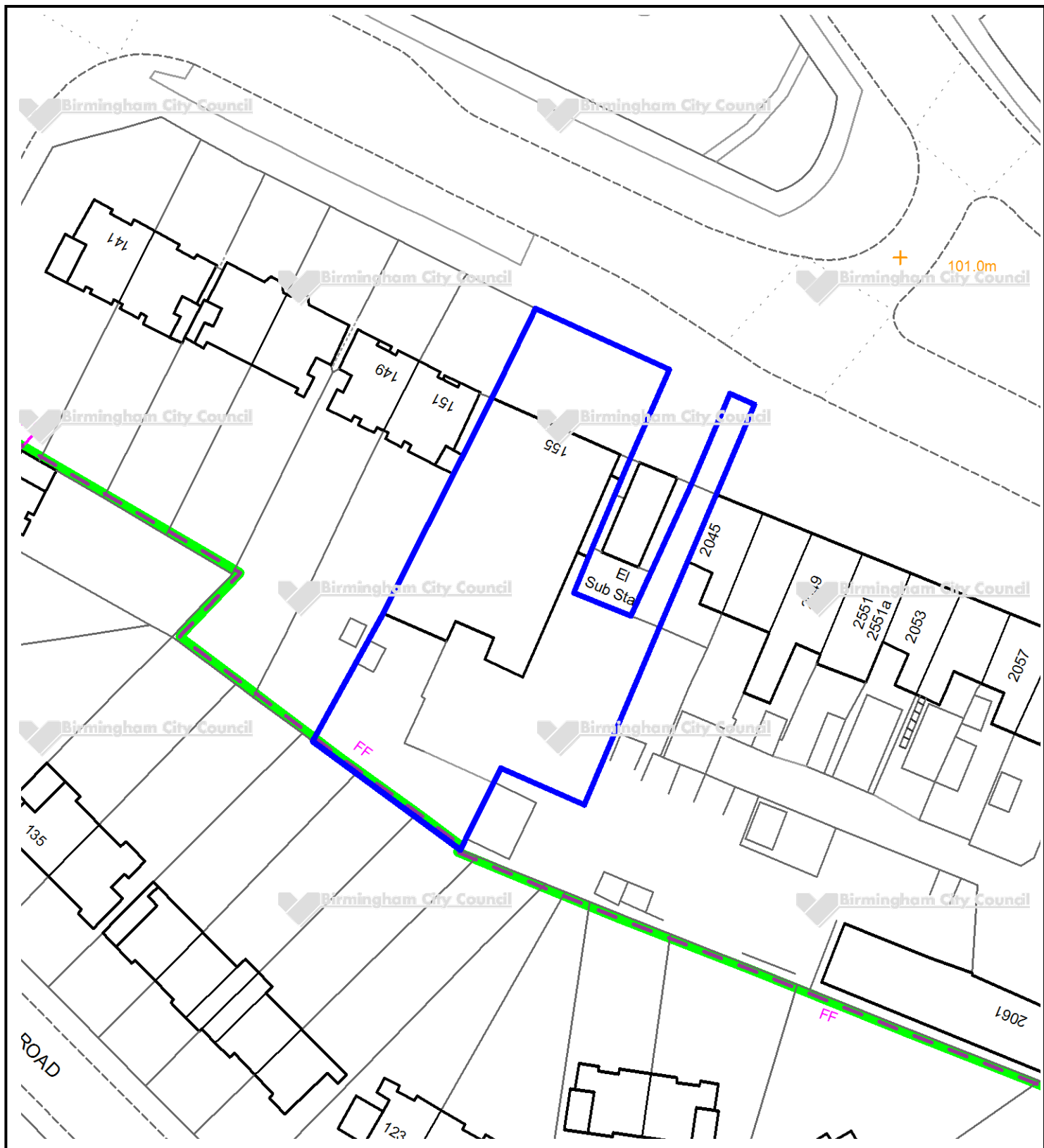


Figure 2 – View of shared private access way looking towards New Coventry Road



Figure 3 – View of rear car park from the shared private access way

Location Plan



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Committee Date:	02/03/2017	Application Number:	2016/09609/PA
Accepted:	03/01/2017	Application Type:	Variation of Condition
Target Date:	28/02/2017		
Ward:	Erdington		

Land adjacent, 7 Osborne Road South, Erdington, Birmingham, B23 6TT

Removal of Condition Nos 1 (Minimum Invasion Type Construction Method), 2 (Arboricultural Implications Study, Construction Works Method Statement and Root Investigation Report), 3 (Pruning of the overhanging canopies shall only be carried out during the months between September through to March), and variation of condition 7 (Listed Approved Plans) attached to approval 2013/06552/PA

Applicant: Mr Hair Baxhija
Flat 6, Hill Hook House, Clarence Road, Sutton Coldfield,
Birmingham, B74 4DX
Agent: HG Design Ltd
4 Sutton House, Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This application seeks the removal of conditions 1 (Minimum Invasion Type Construction Method), 2 (Arboricultural Implications Study, Construction Works Method Statement and Root Investigation Report), 3 (Pruning of Protected Trees to be carried out during the months between September to March) and, the variation of condition 7 (Listed Approved Plans), attached to planning approval 2013/06552/PA, which was granted permission for the erection of 1 No.2 bed dwelling house on the 15 November 2013.

1.2. Condition 1 of planning approval 2013/06552/PA stated:

- No development shall take place until details of the construction method, to be of a minimum invasion type, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved construction method.

1.3. Condition 2 of planning approval 2013/06552/PA stated:

- The development hereby approved shall be implemented in accordance with the details contained within the Arboricultural Implications Study (prepared by Brealey Associates November 2012), Root Investigation Report (prepared by Brealey Associates July 2013) and Construction Works Method Statement (prepared by Brealey Associates 24/08/13).

- 1.4. Condition 3 of planning approval 2013/06552/PA stated:
- The approved pruning of the overhanging canopies shall only be carried out during the months between September through to March.
- 1.5. The above conditions are requested for removal as five protected Field Maple trees have been removed from the site during construction, with only two, a Field Maple and Sycamore remaining, the conditions can therefore no longer be complied with.
- 1.6. Condition 7 of planning approval 2013/06552/PA is requested to be amended to include an amended tree protection plan and arboriculture method statement.
- 1.7. An enforcement investigation (2016/0545/ENF) due to works starting on site before discharge of conditions relating to approved application 2013/06552/PA and, the removal & damage to Protected Trees remains live. Investigations in relation to protected tree legislation, and potential outcomes, would be completed separately to the outcome of this condition removal/variation application.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a strip of land attached to No.7 Osborne Road South measuring 4.8m in width to the north western edge and 6.8m in width to the south eastern edge. The site was previously disused garden land that was fenced off from the main property. To the south western boundary lies a small strip of land measuring between 2.7m and 500mm in width adjacent to Swan Gardens, that included a number of protected trees under TPO1460, however these trees have been removed without the relevant permissions.
- 2.2. 7 Osborne Road is a two storey semi-detached property, being one of 8 similar properties, a small footpath runs between the properties to the front with 4 properties fronting each other either side. The surrounding area is predominantly residential with a telephone exchange and sorting office located to the south west. Erdington District Centre is located a short distance away to the south west.

[Location plan](#)

3. Planning History

- 3.1. 15.11.2013. 2013/06552/PA, Erection of 1 No. 2 bed dwelling house, approved
- 3.2. 13.07.2009. 2009/01864/PA, Change of use from off license (A1) to 1 dwelling house (C3), approved.
- 3.3. 07.11.2060. 2006/04475/PA, Erection of a single storey side extension, refused.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections
- 4.2. Transportation Development – No objections
- 4.3. West Midlands Police – No objections

- 4.4. West Midlands Fire Service – No objections
- 4.5. Site notice posted, nearby residents, residents associations, local MP and Ward Councillors notified, with the following response received: -
- Ward Councillor Gareth Moore has requested the application be heard before planning committee due to its impact on trees and residential amenity
5. Policy Context
- 5.1. Birmingham Unitary Development Plan 2005 (Saved Policies) and Birmingham Development Plan (2017); Places for All SPG (2001); National Planning Policy Framework 2012; TPO .1460
6. Planning Considerations
- 6.1. Paragraph 206 of the National Planning Policy Framework (NPPF) advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 6.2. Your Tree Officer assessed the impact of approved planning application 2013/06552/PA and its impact upon the existing trees on the site, which were protected under TPO1460. The Tree Officer advised that the trees had a strong public amenity value to Swan Gardens and could be seen from Sutton New Road, this however only applied to one side of the canopies only and on the development side there is virtually no public amenity as the trees affected by the proposal are already hidden by the existing property (no. 7). The Tree Officer assessed the submitted supporting information (which included a construction works methodology statement based on the findings of a root survey) and suggested remedial tree pruning to a number of the protected Field Maple's canopies back to the site boundary. In considering the method of construction of the approved property the Tree Officer accepted that the new house would be constructed using flanking wall construction, which required construction to be carried out from within the site without the benefit of any external scaffolding, and that masonry construction, including facing brickwork and pointing was to be carried out overhand with safe work platforms provided on the inside of the site. The construction of the foundations of the approved property were to be constructed using 'no-dig principles' and, if appropriate, the installation of a lintel over affected tree roots. The Tree Officer raised no objections, subject to the following conditions: -
- *Condition 1 - Requires the prior submission of the minimum invasion type construction method;*
 - *Condition 2 - The scheme to be in accordance with the approved Arboricultural Implications Study, Construction Works Method Statement and Root Investigation Report; and,*
 - *Condition 3 - The approved pruning of protected trees to be carried out during the months between September to March.*
 - *Condition 7 - Requires the scheme to be in accordance with the listed approved plans including the document entitled 'Construction Works Methodology Statement'*

- 6.3. This application seeks the removal of conditions 1, 2 and 3 and the variation of condition 7 listed above. The reason for the removal/variation of the above conditions is due to five of the protected trees on the site being removed, in contravention of TPO1460. This is currently being dealt by the Council's Legal Section as a separate matter. The remaining Field Maple (T7) to the front north western corner and a Sycamore (T6) to the rear south eastern corner of the site remain protected and any works to them would need consent under the TPO in the usual way.
- 6.4. Subsequently dialogue has taken place between the owner of the site, the appointed agent, appointed arboriculturalist and the Council's Tree Officer. Without prejudice to any legal action it has been agreed that a new beech hedge and two new trees should be planted along the boundary with Swan Gardens. The remaining protected trees, new tree planting and new hedge are to be safeguarded during construction and thereafter with legal protection from a revised TPO.
- 6.5. Objection has been received from Ward Councillor Gareth Moore who considered the proposed removal/variation of conditions would have a negative impact on trees and residential amenity. In response, it is considered the amended scheme would not result in any significant loss of residential amenity sufficient to warrant refusal of the application, and the consequences of unauthorised protected tree removal continue to be addressed separately from the outcome of this application.
- 6.6. The scheme has been assessed by Transportation Development, Regulatory Services, West Midlands Police and West Midlands Fire Service, who raise no objections, and no objections have been received through public participation.
7. Conclusion
- 7.1. It is considered the amended arboriculture report and tree protection plan provide for satisfactory replacement tree/hedge planting. Therefore, the removal of conditions 1, 2 and 3, and variation of condition 7, of approved planning application 2013/06552/PA is considered acceptable.
8. Recommendation
- 8.1. Approve subject to the following conditions.

-
- | | |
|---|--|
| 1 | Removes PD rights for extensions |
| 2 | Requires the prior submission of a drainage scheme |
| 3 | Requires the prior submission of sample materials |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: Keith Mellor

Photo(s)

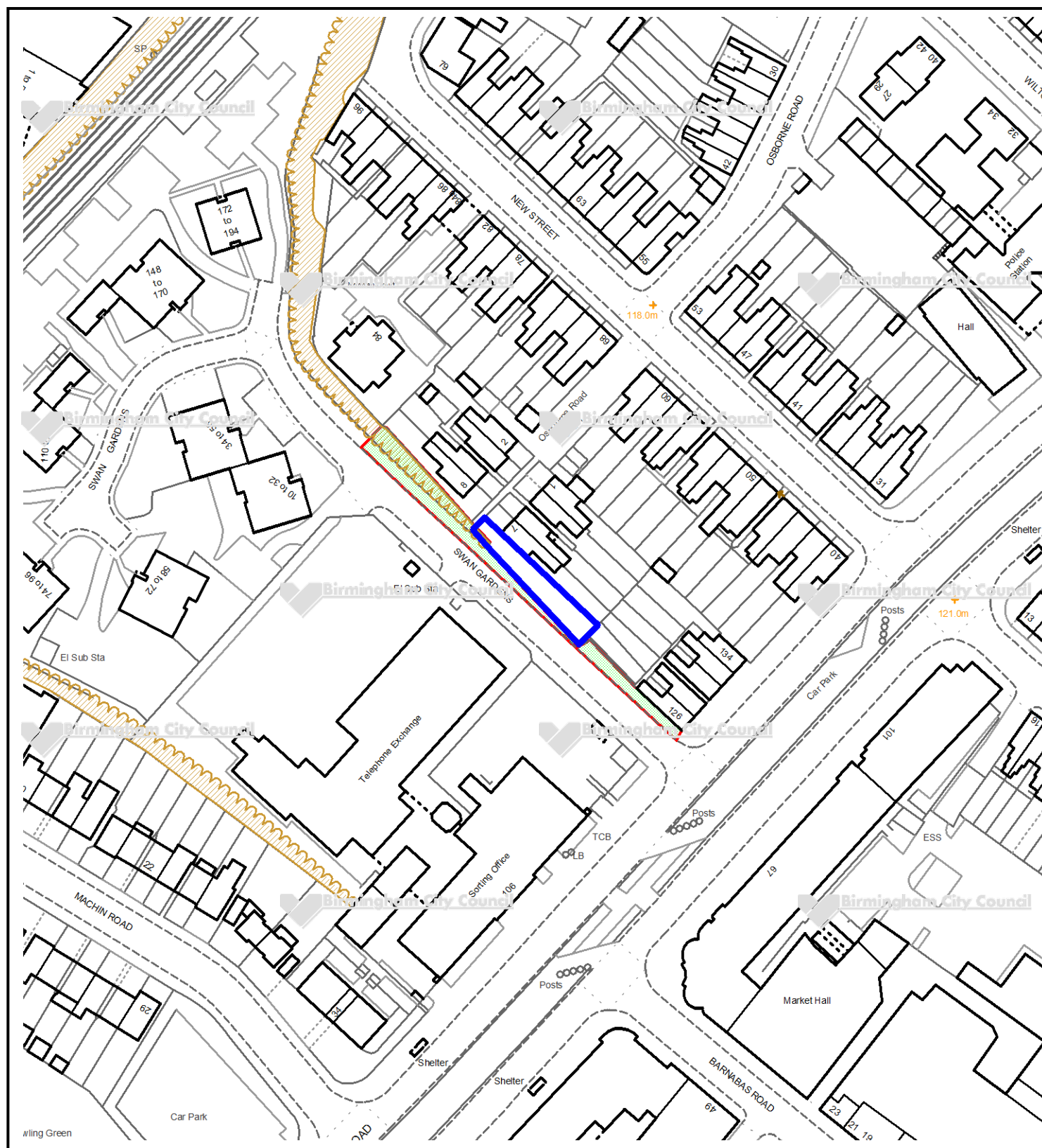


Current site



Existing property and site

Location Plan



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Committee Date:	02/03/2017	Application Number:	2017/00515/PA
Accepted:	24/01/2017	Application Type:	Advertisement
Target Date:	21/03/2017		
Ward:	Bordesley Green		

R66 A45 Coventry Road, Heybarnes Circus, Fordrough Road, Small Heath, Birmingham, B10 0UA

Display of 4 non-illuminated post mounted signs

Applicant: Birmingham City Council
Procurement, 10 Woodcock Street, Aston, Birmingham, B7 4GB
Agent: Immediate Solutions
D221, D Mill, Dean Clough, Halifax, HX3 5AX,

Recommendation

Approve Temporary

1. Proposal

1.1. This advertisement application relates to the proposed installation of 4no. non-illuminated post mounted signs on Heybarnes Circus. The proposed signs would be located close to the edge of the roundabout in the following locations:

- Near the junction with Coventry Road, at the eastern end of the roundabout;
- Near the junction with Fordrough, at the southern end of the roundabout;
- Near the junction with Small Heath Highway, at the western end of the roundabout;
- Near the junction with Coventry Road, at the north-western end of the roundabout.

1.2. The proposed signs would each have a width of 1.8m and height of 0.5m and would be mounted on posts giving an overall height of 0.65m above ground level. The signs would be made of aluminium and the posts would be steel.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises the whole of the roundabout which lies between Coventry Road, Small Heath Highway and Fordrough. The roundabout is grassed with landscaping. Other street furniture currently located at the edges of the roundabout includes directional highway signage and 11 x 10m high flagpoles with flags.

2.2. The immediate surroundings relate predominantly to commercial uses. The River Cole is located to the south of the roundabout. Bus stops are located on Coventry Road near the roundabout junction.

2.3. [Site Location](#)

3. [Planning History](#)

- 3.1. 16.07.2015 - 2015/04177/PA - Display of 11 x 10 metre high static flag poles with flags – Approve temporary.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to signage located within the public highway being in receipt of a suitable licence from BCC Highways.

5. [Policy Context](#)

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan (Saved Policies) (2005)

6. [Planning Considerations](#)

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

Amenity

- 6.3. The proposed adverts would be situated at appropriate locations on the roundabout. Whilst there are existing advertising flag poles located on the eastern side of the roundabout, I consider the proposal would not over-burden the roundabout with advertising due to the differentiation in the height and scale of the advertisements. The proposed adverts would be of a modest size, and would not dominate the highway environment.
- 6.4. The proposed signage is set alongside landscaping however this is considered an appropriate setting and would not result in the loss of any landscaping. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

Public Safety

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

6.6. Transportation Development raise no objection, stating that the proposed signage conforms to acceptable specifications, with a setback of 3m – 3.5m from the roundabout inner kerb noted to be achieved, and the signage dimensions being acceptable.

6.7. Transportation Development note that no signage should be installed until a suitable licence from BCC Highways has been provided.

7. Conclusion

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

8. Recommendation

8.1. Temporary consent subject to conditions.

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

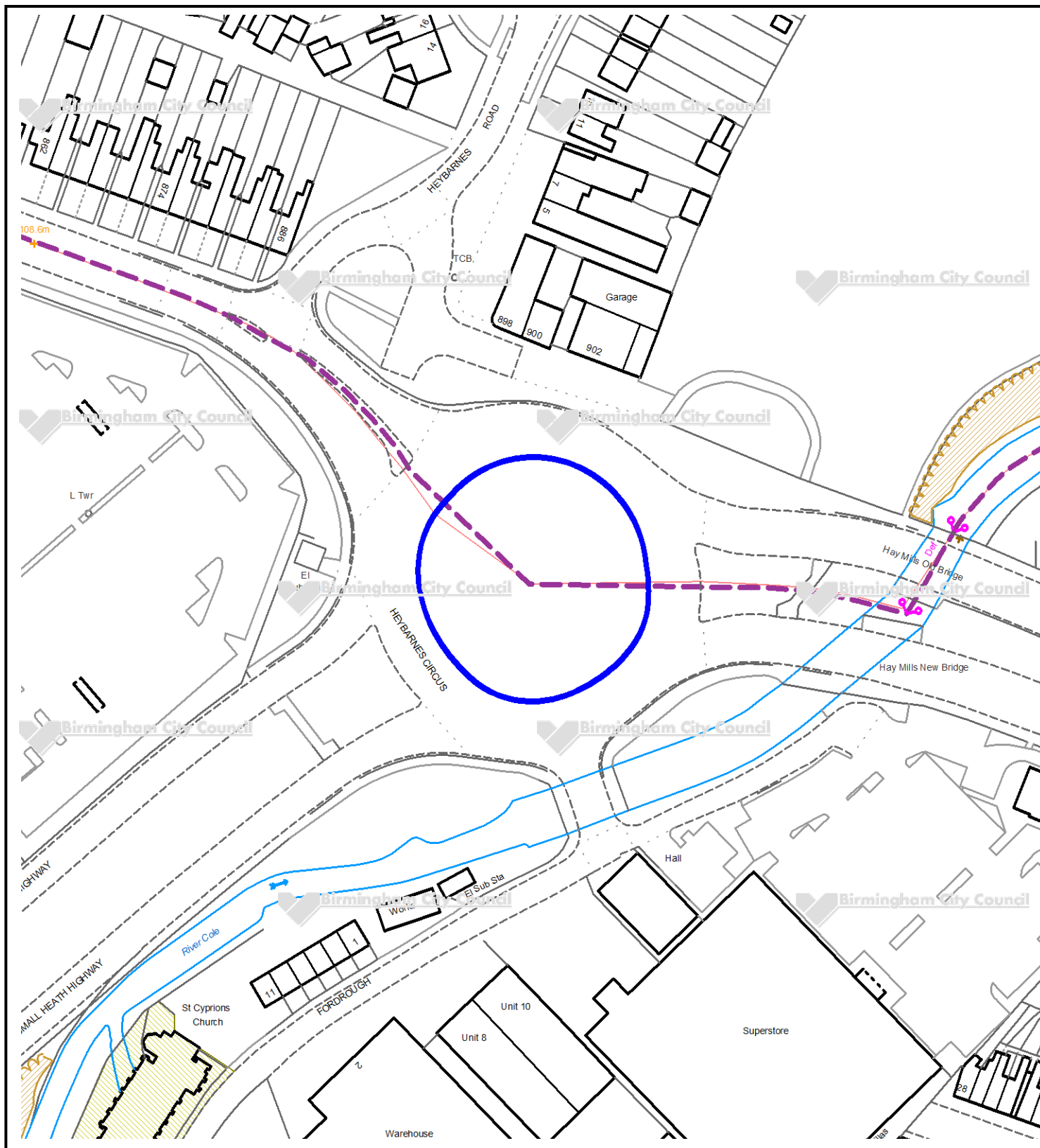
2 Limits the approval to 5 years (advert)

Case Officer: Claudia Clemente

Photo(s)



Location Plan



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Birmingham City Council

Planning Committee

02 March 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	17	2016/09859/PA Blakelands House 400 Aldridge Road Great Barr Birmingham B44 8BH Change of use from vacant offices (Use Class B1) (basement and ground floor) and nursery (D1) on first floor to a place of worship (Use Class D1).
Approve – Conditions	18	2016/09988/PA College Road/Dean Close Land at Kingstanding Birmingham Erection of residential development of 28 self-contained units providing supported living with associated landscaping, amenity area and parking
Prior Approval Required - Approve Conditions	19	2017/00688/PA Boldmere Education Centre & Sutton Nursery School St Michael's Road Boldmere Sutton Coldfield Birmingham B73 5SY Application for Prior Notification of proposed demolition of former education centre and nursery school

Committee Date:	02/03/2017	Application Number:	2016/09859/PA
Accepted:	05/12/2016	Application Type:	Full Planning
Target Date:	06/03/2017		
Ward:	Oscott		

Blakelands House, 400 Aldridge Road, Great Barr, Birmingham, B44 8BH

Change of use from vacant offices (Use Class B1) (basement and ground floor) and nursery (D1) on first floor to a place of worship (Use Class D1).

Applicant:	Sri Guru Singh Sabha Gurdwara Derby c/o Agent
Agent:	Reade Buray Associates Peak House, Farm House Way, Great Barr, Birmingham, B43 7SE

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This application proposes the change of use from offices and nursery to a place of worship (Use Class D1).
 - 1.2. This is a new establishment being set up for local Birmingham communities, which would be affiliated to the applicant based in Derby who would be sponsoring them until they can find their own feet.
 - 1.3. The proposed hours of use would be 0400-2100 Monday to Friday and 0400 Saturdays through to 2100 Sundays and Bank Holidays.
 - 1.4. The peak use would be on Sundays between 10:00 and 14:00 when up to 375 people are likely to attend. On Mondays to Saturdays, it is anticipated that approximately 50 people would use the building during the day and evenings up to 21:00.
 - 1.5. No dual purpose use is planned for the proposed ground and first floor, the usage of each of these floors being confined to users of the dining facilities and worship accordingly. The entrance foyer would be as existing with lift and staircase access to the upper floor and basement. The proposed ground floor would provide wedding and dining facilities for particular functions quite separate from the first floor accommodation.

- 1.6. The typical number of people that would normally use the premises each day from Monday to Friday would be as follows:
- Monday 04:00 – 21:00 50 people
 - Tuesday 04:00 – 21:00 50 people
 - Wednesday 04:00 – 21:00 50 people
 - Thursday 04:00 – 21:00 50 people
 - Friday 04:00 – 21:00 50 people
- 1.7. The maximum number of people that would attend the place of worship would be at weekends and the following peak flows would be achieved:
- Saturday and Sunday 04:00 – 10:00 20 people
 - Saturday and Sunday 10:00 – 13:00 375 people
 - Saturday and Sunday 13:00 – 15:00 275 people
 - Saturday and Sunday 15:00 – 21:00 20 people
- 1.8. There are 5 special days on the Sikh calendar that would attract more than the average number of worshippers between Monday – Friday. However, the number would not exceed the largest number stated above as worshippers would attend the temple throughout the whole day commencing at 04:00 and finishing at 21:00 hours. Therefore if a maximum of 375 people attend over a 17-hour day, there would be an average of approximately 22 worshippers attending per hour.
- 1.9. It is proposed to provide living accommodation for a priest at ground floor level. The priest would also double up as a security guard for the building to ensure that it is occupied at all times for health & safety reasons.
- 1.10. In the Sikh faith, free hot food is served to worshippers together with the wider community irrespective of faith. The food would be prepared in fully compliant kitchens that are inspected by the Local Authority Environmental Health Department on a regular basis to ensure that health and hygiene standards are satisfactory. Toilets, changing and cleansing areas together with clothing and footwear storage areas would be provided within the building for workers within the kitchen and wash-up areas. The food would be eaten in the dining hall and toilet facilities are provided as food and drink (non-alcoholic) would be served on the premises.
- 1.11. No amplified sound would be used outside the building. Internally amplified sound would be used within the two prayer halls to address the congregation. The floors above and below the prayer halls are solid concrete and the external windows are double-glazed.
- 1.12. The external appearance of the existing building would not be altered under this proposal other than the part demolition of an existing retaining wall located to the rear side of the building, which would be rebuilt at a splayed angle.
- 1.13. Worshippers would travel to the premises mostly from Sutton Coldfield, Great Barr, Perry Barr, Erdington, Tyburn, Stockland Green, Kingstanding, Oscott, Witton, Walmley, Pipe Hayes and Perry Common. Given that the majority of these districts are served with good transport links, it is anticipated a high proportion of the worshippers would use public transport. A Green Travel Plan Coordinator would be appointed to coordinate with the worshippers.

- 1.14. The following off-street spaces would be provided for various types of transport:
- Car parking 70 no. spaces to rear of site
 - Overspill car parking 14 no. spaces within basement
 - Disabled car parking 3 no. spaces adjacent to entrance
 - Motorcycle 3 no. spaces
 - Bicycle 9 no. spaces
- 1.15. There would be sufficient room within the car park area for a 12-seater mini-bus and taxis to drop off visitors to the site and exit in a forward facing manner. The applicant would provide car parking marshalling facilities so that if the rear car park becomes fully utilised, additional cars would be directed into the overspill car park within the basement.
- 1.16. The proposed use would have 6 full time and 12 part time employees.
- 1.17. Total floor space of the building is 2772sqm.
- 1.18. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently vacant. The main building is freestanding with 2 floors previously in use as offices and a day nursery on part of the first floor with an underground car park. Open land rises steeply to the north up to residential development at Hill Top Close and Brick Kiln Lane. Houses in Elmbridge Road are located to the east, and a complex of single-storey buildings comprising a nursing home is to the south. The opposite side of Aldridge Road has vacant land and offices/workshops at Paper Mill End.
- 2.2. The nearest local centre is the Hawthorn Road Neighbourhood Centre which is approximately 1227m away.
- 2.3. [Site location plan](#)

3. Planning History

- 3.1. 22/05/2014 - 2013/09482/PA - Change of use of part of first floor from Class B1 (a) to mixed use of offices (class B1 (a)) and St John's Ambulance training centre (Use Class D1) - Approved subject to conditions.
- 3.2. 26/08/2009 - 2009/03278/PA - Alternative use of first floor from business (class use B1) as child care centre (class use D1), installation of access ramp to front and play area to rear – Approved subject to conditions.
- 3.3. 16/07/2009 - N/02126/09/FUL - Proposed change of use to childcare centre – application withdrawn by applicant.
- 3.4. 28/07/1988 - E/C/67382/3 - Approved erection of new office building and 8 light industrial units (Class B1).

4. Consultation/PP Responses

- 4.1. Site notice displayed, surrounding occupiers and local members notified – No comments received.
- 4.2. Transportation Development – No objection subject to conditions relating to cycle parking, circulation areas and a green travel plan.
- 4.3. Regulatory Services – No objection subject to conditions relating to extraction and odour control details, noise levels for plant and machinery, no amplification equipment, parking management strategy and provision of a vehicle charging point.
- 4.4. West Midlands Fire Service – No objections.
- 4.5. West Midlands Police – Recommend CCTV, a lighting plan and an intruder alarm.
- 4.6. Lead Local Flood Authority – State no comments.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (saved policies), SPG: Places for All (2001), Places for Worship and Faith Related Community and Educational Uses SPD 2011, NPPF (2012) and the Birmingham Development Plan 2017

6. Planning Considerations

- 6.1. The main issues for consideration are the principle of the use, the impact of the use on other occupiers and highway/car parking matters.
- 6.2. Policy
Paragraphs 8.33 of the UDP 2005 (saved policy) considers the conversion of buildings into Places of Worship, setting out that detached premises in residential areas will normally be considered to be appropriate subject to considering whether the proposal is within an area of restraint, the results of the public participation exercise, local population characteristics, means of pedestrian access, the nature of the immediate surroundings, the likelihood of noise emanating from the premises and the number of non-residential uses in an area.
- 6.3. Paragraph 8.34 of the UDP 2005 (saved policy) sets out that local prayer houses serving only the immediate local or neighbourhood need will generally occupy smaller premises. Weddings, festivals and funerals which attract large numbers of people will not normally be permitted to take place in this type of facility.
- 6.4. The Council's adopted SPD on places for worship dovetails with the policies set out above.
- 6.5. The SPD promotes sites within easy walking distance of a local centre and on the fringe of residential areas as appropriate locations. Policy states that facilities serving a local need should be within a parade of commercial premises and proposals serving a wider need should be located within larger shopping centres. The guidance explains the types of information required to make a judgement about whether a facility is intended to serve a local or wider need.
- 6.6. I acknowledge the requirements of the above policies and in response set out an assessment of the impact of the proposal.

- 6.7. There are no other similar religious premises of this nature within the immediate area.
- 6.8. The applicant has advised that they expect to serve a high proportion of local need with the majority of people using a bus service. I generally concur that this will function as a local facility, although some congregation members would be coming from the wider area for Sunday prayer.
- 6.9. The immediate area contains a mix of residential and non-residential uses. The proposal is therefore a compliant land use in this mixed setting. I conclude that the proposed location is appropriate for the proposed use and therefore compliant with policy in this respect.
- 6.10. No objections were received as a result of the public participation exercise.
- 6.11. Design
Other than the modification to the retaining wall detailed earlier no external alterations are proposed to the existing elevations of the building. No adverse impact on the visual amenity of the surrounding area is expected subject to the agreement of details of that retaining wall rebuild, which can be secured by condition.
- 6.12. Residential amenity
Regulatory Services have raised no objection to the proposed development in principle subject to conditions relating to extraction and odour control details, noise levels for plant and machinery, no amplification equipment, parking management strategy and provision of a vehicle charging point. I concur with this view. I note that a small proportion of worshippers may be attending from 4am, however noise and disturbance is unlikely to affect nearby houses due to the existing distance separation from the on-site parking spaces closest to the building entrance at the rear. During the daytime there would also be existing high ambient background noise levels. It is therefore considered that residential amenity would not be affected with the addition of the safeguarding conditions.
- 6.13. Highway safety
Transportation Development raise no objections to the proposed development subject to conditions relating to cycle parking, circulation areas and a green travel plan. I concur with this view. The application site provides 84 on-site spaces, which is considered sufficient for the proposed use. It is also stated they would provide car parking marshalling facilities so that the rear car park becomes fully utilised additional cars would be directed into the overspill car park within the basement. A high proportion of worshippers would travel to the premises by public transport. The site is served with good public transport with services stopping within a 4 minute walk of the site. The applicant also states a green travel plan co-ordinator would be appointed to coordinate with the worshippers. Based on this there is no objection on highway safety grounds.
- 6.14. Trees
My Tree Officer raises no objection to the proposed development. The application site has no TPOs and is not located within a conservation area, however there are a number of medium/large trees on the site and adjacent land. It has been noted that paragraph 7 of the design and access statement states that there would be no loss of trees or changes to the current landscape. Based on this there is no objection on tree grounds.

6.15. SUDs

Given that all of the proposed works are internal, and are for change of use purposes only, the LLFA have no comments to make. I concur with this view.

7. Conclusion

- 7.1. The proposed use will provide a suitable alternative use for the building and would comply with the relevant saved UDP policies in relation to places for worship and those contained within SPG Places for Worship, the BDP (2017), SPD Car Parking Guidelines and the NPPF. I do not consider that the proposal will raise issues of noise and disturbance or traffic and parking problems subject to the safeguarding conditions that I have recommended.

8. Recommendation

- 8.1. Approve subject to conditions.

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- | | |
|----|--|
| 1 | Requires the prior submission of cycle storage details |
| 2 | Requires the prior submission of a green travel plan |
| 3 | Requires the parking area to be laid out prior to use |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Requires the prior submission of a CCTV scheme |
| 6 | Requires the prior submission of a lighting scheme |
| 7 | Requires the prior submission of extraction and odour control details |
| 8 | Limits the noise levels for Plant and Machinery |
| 9 | Prevents the use of amplification equipment |
| 10 | Requires the prior submission of a parking management strategy |
| 11 | Requires the provision of a vehicle charging point |
| 12 | Requires the prior submission of retaining wall details |
| 13 | Implement within 3 years (Full) |
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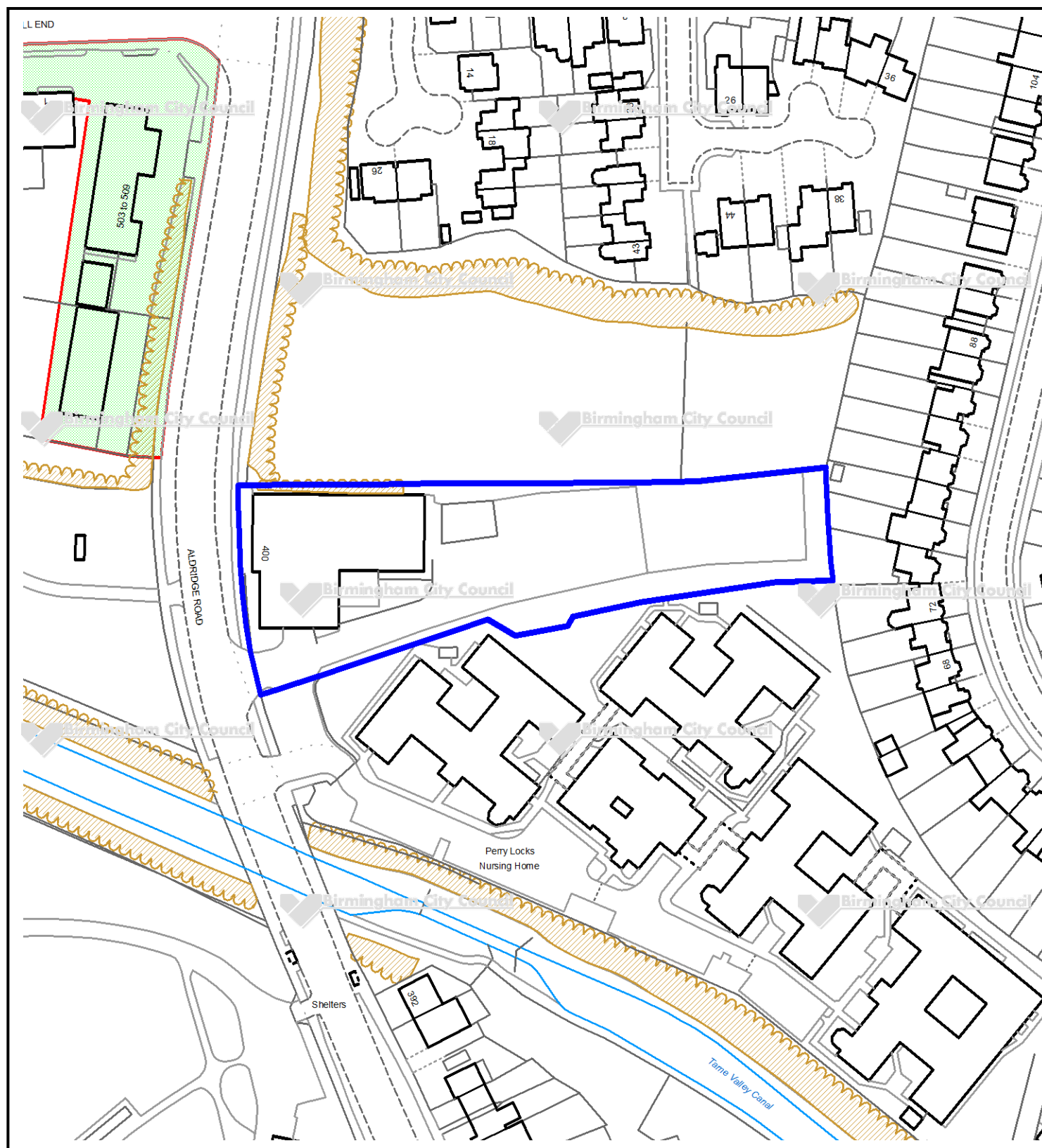
Case Officer: Stephanie Hollands

Photo(s)



Figure 1 – Application site

Location Plan



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Committee Date:	02/03/2017	Application Number:	2016/09988/PA
Accepted:	14/12/2016	Application Type:	Full Planning
Target Date:	15/03/2017		
Ward:	Kingstanding		

College Road/Dean Close, Land at, Kingstanding, Birmingham

Erection of residential development of 28 self-contained units providing supported living with associated landscaping, amenity area and parking (Sui Generis).

Applicant:	HB Villages Developments Ltd c/o Agent
Agent:	Peter Brett Associates Oxford Place, 61 Oxford Street, Manchester, M1 6EQ

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. The applicant proposes the erection of part three storey part two storey new build block that would provide 28 specialised supported living apartments together with associated on site amenity area and car parking.
 - 1.2. The new building would be constructed using red facing brick and grey cladding topped by grey roof tiles and grey roof fascia. The main façade (front) facing College Road would appear as two interlinked buildings connected by a centrally located mainly glazed frontage entrance. The overall exterior façade to the building would incorporate window glazing to all its elevations. The new building would have a staggered roof line reflecting the variations in the overall height of the building. The various roof lines would be hipped. The building footprint would largely follow an 'L' shape.
 - 1.3. The ground floor layout would provide entrance lobby; communal lounge, electric/communication room, 10 apartments and offices/meeting and associated staff shower room.
 - 1.4. The first floor layout would provide 11 apartments; electric/communications room, communal lounge, W.C and office.
 - 1.5. The second floor would provide 7 apartments and staff room.
 - 1.6. Each apartment would provide a double bedroom, shower room and living room/kitchen.
 - 1.7. Each floor would be accessible by either staircase or a lift.

- 1.8. The wider site layout would provide a communal garden to the rear and partly to the side of the new building. The site redevelopment would retain an existing large Mature Oak tree located in the south east corner of the site whilst two other existing trees along the site frontage would be retained. Whilst detailed boundary treatment has not been provided with this application, the applicant has identified that landscaping would be established along the site frontage.
- 1.9. Car parking for 18 cars (including 3 bays for people with disabilities) would be provided within the front of the site. Vehicular access to and from the site would be over an existing dropped kerb along College Road.
- 1.10. A communal garden measuring approximately 892 sq.m would be provided to the rear of the site.
- 1.11. The site is located in flood zone 1. The site area measures 0.4 hectares.
- 1.12. The proposed apartments are intended to promote independent living and, as such, are designed as independent flats. However, they would be operated by the applicant as specialist accommodation for vulnerable adults with disabilities to be managed by Inclusion Housing (a registered RSL). As a result of this there is no requirement to meet affordable housing or public open space policy objectives.
- 1.13. Submitted information includes a Design Statement, Planning Design and Access Statement, Noise Impact Assessment, Drainage information, Ecological Appraisal, Phase 1 Geo-Environmental Desk Study and Tree Survey .

1.14. [Link to documents](#)

2. Site & Surroundings

- 2.1. Other than the three existing trees mentioned above, the site is vacant, having been occupied previously by a care home. To the north is a row of commercial premises and a new build residential development currently under construction (authorised under planning approval 2015/00989/PA). To the west and south are houses on Dean Close. The land sits at a lower level to houses located on Dean Close to the south and west whilst it sits at a higher level to the land to the north.

2.2. [Map location](#)

3. Planning History

- 3.1 27.11.2014- 2014/06480/PA- Demolition of existing buildings and redevelopment of site in order to erect a new build care home together with associated landscaping, amenity space and parking- approved with conditions.

4. Consultation/PP Responses

- 4.1. Surrounding occupiers, local councillors, local MP, Neighbourhood Forum/community group notified as well as site and press notices displayed- no response received.

- 4.2. Transportation Development- raise no objection to the development subject to conditions that would reinstate redundant footway crossings, all alterations to existing crossings/construction of new footway crossing and reinstatement of redundant footway crossing(s) to be carried out department specification, relocation of any street furniture (light columns etc.) statutory apparatus etc. to be carried out to relevant specification/standards and the applicants expense, pedestrian visibility splays to be incorporated and maintained and secure cycle storage to be provided.
- 4.3. Regulatory Services- no objection subject to a condition to secure acoustic glazing and ventilation to habitable rooms and site contamination investigation/remediation as well as the provision of vehicle charging points.
- 4.4. Leisure Services- no objection and state that off site POS or play contributions would not be applicable in the case of this institutional type of development.
- 4.5. WM Fire Service- no objection subject to adequate water supplies and access for fire service vehicles.
- 4.6. Drainage (LLFA)- recommend conditions are applied to any approval to allow the scheme to progress to the next stage of drainage design.
- 4.7. Severn Trent- no objection subject to a condition to secure plans for the disposal of foul and surface water flows and the implementation of any agreed plans. They also advise that there is a public sewer located within the site and that the applicant is advised to contact Severn Trent to discuss the proposals to assist in trying to obtain a solution which protects both the public sewer and building.
- 4.8. WM Police- State the security of the building will need to be paramount and recommend that any boundary treatment to the rear is at least 1.8m high, recommend that any CCTV installed and any images produced meet appropriate standards and that an access control system can be installed to address the problem of unauthorised access and finally recommend that the proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.

5. Policy Context

- 5.1. BDP (2017); saved policies UDP (2015), SPG Places or All, SPD Car Parking Guidelines and the NPPF.

6. Planning Considerations

6.1. Principle

- 6.2. The proposal would see the erection of a new build specialised supported living development on a site that has in the past been occupied by a care home and also having been approved for redevelopment to accommodate a new build care home. The site is located in an area which is predominantly residential. The principle of

establishing a new build specialised supported living development in this location is therefore acceptable.

6.3. Design

6.4. The design of the proposed new build has evolved following advice provided at pre application stage. The new building would, by reason of its setting, ensure that the taller part of the building would be located nearest the junction of Dean Close and College Road. This would help signify the development in this urban setting which is generally characterised by two storey buildings.

6.5. In terms of its visual appearance, whilst the new building would have varying heights, it would appear as one building which would step down in height in a logical manner. The window arrangements and vertically proportioned cladding would help to break up the long elevations of the building.

6.6. The applicant has provided cross section drawings of the proposed development as well as street scene drawings that satisfactorily demonstrate that the scale and mass of the proposed new build would appear in keeping with the street scene.

6.7. The development would entail the retention of three existing mature trees which are located along the site perimeter to College Road and Dean Close. These natural features would be consolidated through the provision of landscaping along the site College Road frontage. The impact of this would be to enhance the visual appearance of the overall development.

6.8. In summary, I consider that the overall design, scale and mass of the proposed development would make a positive visual contribution to the area.

6.9. Parking/highway impact

6.10. Transportation Development raise no objection to the development subject to conditions. I concur with this view. The application site was formerly occupied by a care home. There are no TRO's to control waiting on College road and Dean Close within the vicinity of the site. It is considered that the current proposal for 28 self contained units providing supported living accommodation would be unlikely to increase the traffic to/from the site significantly compared to the previous care home on the site.

6.11. Adopted Car Parking guidelines does not make specific reference to the proposed use (supported living). However, I consider sheltered accommodation would be a similar land use in parking impact terms. By applying the parking standards for sheltered accommodation, the specified maximum parking provision for the proposal would be 15 spaces. Because the applicant is proposing 18 spaces, including 3 spaces for people with disabilities, the level of on site parking proposed is considered to be acceptable.

6.12. The applicant has indicated on the submitted proposed site layout plan that a scooter store would be provided. I recommend a condition is attached in the event the application is approved that requires details.

6.13. The development proposes to utilise one of the existing footway crossings (with modifications) to provide vehicular access to and from the site. I consider this is acceptable subject to any changes to it being carried out to agreed standards and that another existing footway crossing that would become redundant as a result of

the development is reinstated to agreed standards before first occupation of the approved development. To avoid conflict between pedestrians and motorists on site, a dedicated pedestrian access would be provided within the site from College Road.

- 6.14. In summary, the development is not expected to give rise to any adverse parking or highway impact subject to safeguarding conditions.

6.15. Environmental

- 6.16. Regulatory Services raise no objection subject to a condition to secure acoustic glazing and ventilation to habitable rooms, contamination site investigation (and remediation strategy if deemed required) and the provision of electric vehicle charging points. I concur with this view. I note that the surrounding area is predominantly residential in character and therefore the establishment of a residential development on the site would fit into the general character of the area in terms of land use. Because the site lies adjacent to a main highway corridor, College Road, and in order to try and ascertain the impact of noise that future occupiers may be exposed to, the applicant has submitted a noise report with this application. After an assessment of that report, it is recommended that a condition is attached to the development in order to secure appropriate acoustic glazing and ventilation to habitable rooms.

- 6.17. With respect to potential site soil contamination, I note that the applicant has submitted a Phase 1 Geo-Environmental Desk Study which concludes that significant contamination beneath the site is considered low. It does confirm that a phase 2 site investigation was carried out in November 2016 comprising of drilling of bore holes and excavation of trial pits. Furthermore, plate load tests and soakway tests were carried out during the investigation works. It confirms that a separate phase 2 Geo-environmental report will be issued in due course. I therefore recommend that a condition is attached that requires such an investigation to be carried out and the details provided with appropriate remedial measures incorporated if risk to human health and or the environment are identified.

6.18. Quality of amenity for residents

- 6.19. The applicant has confirmed that the units would be occupied by single residents. I consider the bedroom sizes proposed to be acceptable on this basis.

- 6.20. A useable external amenity area measuring approximately 892 sq.m would be provided. This would equate to approximately 31 sq.metres per unit. I consider this level of external amenity area proposed to be acceptable.

6.21. Impact on existing residential amenity

- 6.22. Whilst the new build would be set on land approximately 2.5 metres higher than the land that the new build apartment block to the north is situated on (that was approved under application 2015/00989/PA and is currently under construction), I do not consider that this would give rise to any overlooking impact. The reason for this is that the side of the new build apartment block that would face the application site (the south facing elevation) would be set approximately 19 metres from the northern gable elevation of the proposed development. In addition to this there would be intervening boundary treatment and more importantly there would only be non habitable windows in the southern elevation to the new build apartment block that would serve bathrooms to individual units.

- 6.23. The remaining distance separation of other residential units to the west and south would comply with adopted policy guidance and the 45 Degree code would be complied with.
- 6.24. Ecology
- 6.25. The submitted ecological assessment for the site does not identify any species or habitats of concern and aside for the clearance of any other low level vegetation, which may provide bird nesting opportunity, there are no ecological restrictions. I therefore raise no objections to the scheme on ecological grounds but in order to provide for ecological enhancements I consider there is scope to provide for additional soft landscaping and beneficial tree and shrub planting. I consider this can be achieved through the attachment of a landscape and ecological condition, in the event the application is approved. I therefore recommend such are attached.
- 6.26. Trees
- 6.27. The proposal would retain all mature trees along the site frontage along College Road and Dean Close including the mature Oak on the corner of College Road and Dean Close. This would add visual and nature conservation value to the resultant development. No adverse impact with respect to the matter of trees identified subject to the attachment of an appropriate condition that requires works to be carried out in accordance with the details contained within the submitted Tree Survey. My Tree advisor concurs with this view.
- 6.28. Section 106 community benefits
- 6.29. The proposal would provide for 28 supported living apartments. The City's Affordable Housing policy is normally applicable to developments of 15 units and above. The planning application does not include any formal affordable housing provision, for the reasons outlined below.
- 6.30. The proposed apartments are intended to promote independent living and, as such, broadly reflect any other Class C3 apartment in their layout (albeit with an element of support). However, they would be operated by the applicant as specialist accommodation for adults with a combination of disabilities.
- 6.31. Given the specialist nature of this, the applicant argues that the proposals fall outside the normal interpretation and scope of the Council's affordable housing policy, since the development is designed to meet the specific requirements of this section of the community who at present struggle to find suitable accommodation which caters for their needs. Whilst not falling within the standard definition of 'affordable housing' as set out in the National Planning Policy Framework (NPPF), the applicant contends that supported living accommodation is affordable in nature given that the rents are derived from housing benefits with 'exempt' status and the building would be managed by Inclusion Housing, a Registered Social Landlord.
- 6.32. In the light of the above, I consider that it would be appropriate in this instance to waive any requirement for affordable provision and acknowledge that the proposed use is specialist supported housing falling outside the general housing (C3) use class. My Housing advisor concurs with this view.

6.33. My Leisure Services advisor advises that this type of accommodation would not require the provision of POS or play or any contributions in lieu. I concur with this view.

6.34. CIL

6.35. This proposal does not attract a CIL charge.

7. Conclusion

7.1. The proposed scheme would redevelop a vacant site which was previously occupied by a vacant care home. The new build development would fit in with the surrounding area and would not give rise to any adverse impact subject to safeguarding conditions. The proposal would comply with saved policies contained within the UDP and policies and principles contained within the adopted Birmingham Development Plan (2017), SPG Places for All, SPD Car Parking Guidelines and the NPPF.

8. Recommendation

8.1. That planning permission is granted subject to conditions.

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|----|---|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of hard surfacing materials |
| 5 | Requires the prior submission of boundary treatment details |
| 6 | Requires the prior submission of a lighting scheme |
| 7 | Requires the prior submission of sample materials |
| 8 | Requires the prior submission of details of refuse storage |
| 9 | Requires the prior submission of cycle storage details |
| 10 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 11 | Requires the implementation of acoustic details submitted in relation to glazing and ventilation |
| 12 | Requires the prior installation of means of access and reinstatement of redundant footway crossing before first occupation. |
| 13 | Requires pedestrian visibility splays to be provided |
| 14 | Requires the prior submission of a sustainable drainage scheme |
-

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- 15 Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan.
 - 16 Requires details of foul and surface drainage to be provided and agreed.
 - 17 Requires the works to the trees to be carried out in accordance with the submitted Arboricultural Impact Assessment.
 - 18 Requires the scheme to be in accordance with the listed approved plans
 - 19 Implement within 3 years (Full)
-

Case Officer: Wahid Gul

Photo(s)



Site frontage facing College Road

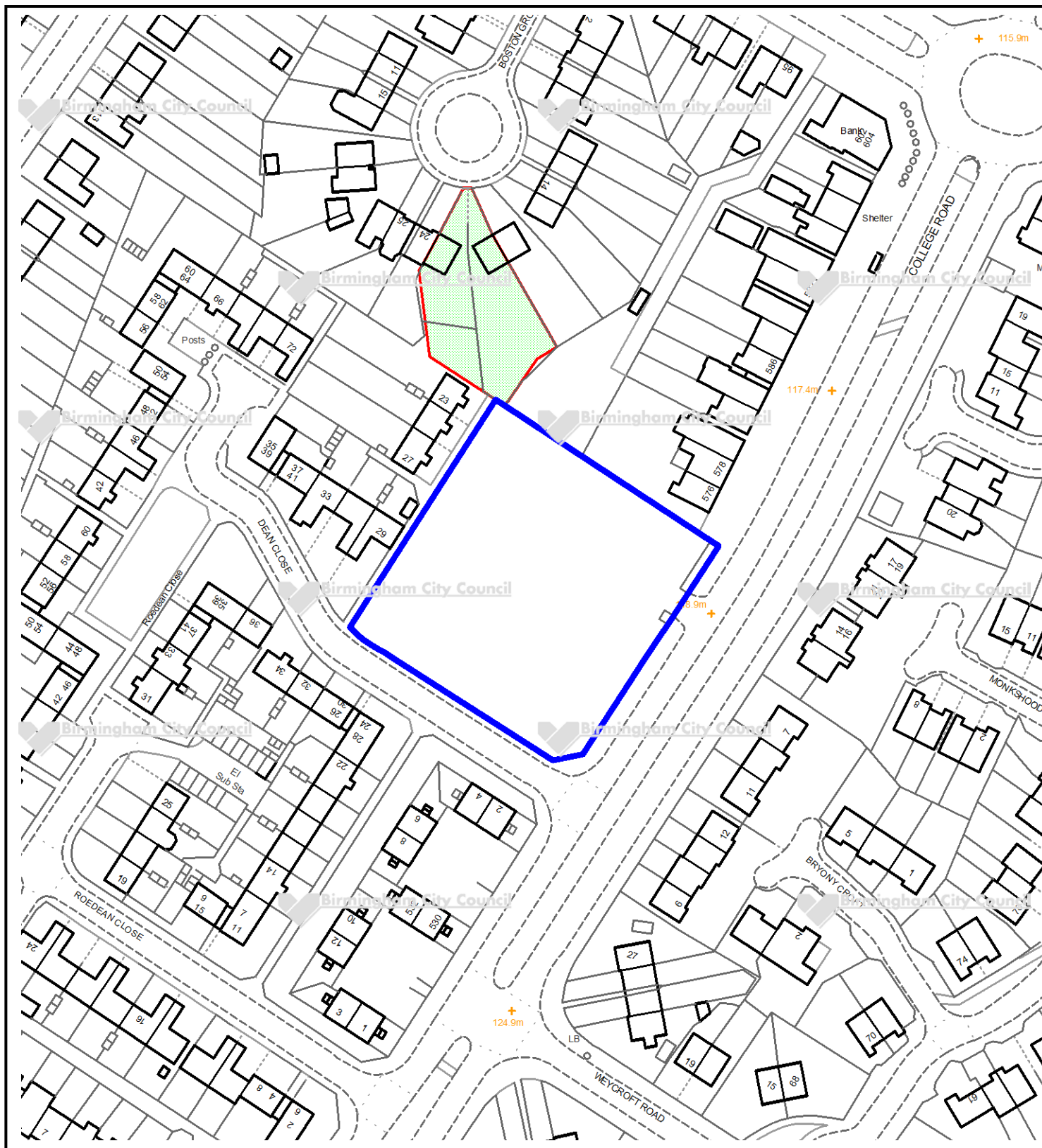


View of site corner of Dean Close and College Road



Rear boundary of site

Location Plan



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Committee Date:	02/03/2017	Application Number:	2017/00688/PA
Accepted:	24/01/2017	Application Type:	Demolition Determination
Target Date:	02/03/2017		
Ward:	Sutton Vesey		

Boldmere Education Centre & Sutton Nursery School, St Michael's Road, Boldmere, Sutton Coldfield, Birmingham, B73 5SY

Application for Prior Notification of proposed demolition of former education centre and nursery school

Applicant: Birmingham City Council
Property Services, PO Box 16255, Birmingham, B2 2WT
Agent: Acivico (Building Consultancy) Ltd
PO Box 2062, 1 Lancaster Circus, Queensway, Birmingham, B4 7DY

Recommendation

Prior Approval Required And To Approve With Conditions

1. Proposal

- 1.1. This application seeks a determination as to whether prior approval is required of the demolition of the former education centre and day nursery, in accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 11, Class B. The order specifies that the purpose of the application is to establish whether or not prior approval is required as to the method of demolition and any proposed restoration of the site.
- 1.2. The buildings on the site are generally single storey of brick construction with a 2 storey flat roofed building occupied by the Sutton Nursery school. The buildings would be demolished by a 360 degree mechanical machine with suitable attachments. The applicants have stated that dust and noise levels will be kept to a minimum and roads and footpaths will be kept clean.
- 1.3. Following demolition it is proposed to grade the site at a level to match the surrounding area. Proposed boundary treatments would include new 1.8m chain link fencing, 1.8m close boarded fencing, 2.0m security fencing, galvanised palisade fencing and retention of elements of the existing metal and timber fencing (the exact positions of the various types of boundary treatments are shown on a plan).
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site which measures approximately 0.67 hectare contains the former Boldmere Adult Education Centre, Boldmere Centre and the Sutton Nursery School Centre which is still occupied. Access is from St Michaels Road and Warden Road.

2.2. The buildings on the site are predominantly single storey flat roofed buildings with a shallow pitched roof and a 2 storey building with a flat roof.

2.3. The application site is in a predominantly residential area and is outside the Boldmere Neighbourhood Centre.

2.4. [Site Location and Street View](#)

3. [Planning History](#)

3.1. None relevant.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – no objections.

4.2. Regulatory Services – no objections.

4.3. Councillors and Residents Associations notified. Statutory site notice posted. 13 letters have been received objecting to the proposal on the following grounds;

- Location should be used for local education needs, selling site for profit does not help the community.
- Loss of a much used nursery, more houses would affect the catchment for the local infant school.
- Area would be left without much needed education and nursery service.
- What are the plans to replace the nursery?
- Why not turn the education centre into a primary school, Council should explore other uses for a building that has been in the community for years.
- Local residents should be involved in discussions for the future use of the site.
- The site has been registered as an Asset of Community Value and as such Boldmere Futures Partnership should have first refusal on the site.
- There is no evidence provided that the building is no longer structurally sound from an independent surveyor. Part of the building is still in current use by a nursery school and the rest was in use until last year by the Adult Education Service. An independent survey should be carried out before such a rash decision is made.
- Sounds like a convenient way of getting more money for the land by demolishing it before any other uses can be found for it.
- BCC have taken far too long to respond to the application for the Asset of Community Value.
- The building could potentially be used as a community hub for the area and Boldmere Futures Partnership have a number of ideas that they are proposing.
- It is possible that the Education Funding Agency may want to express an interest in purchasing the site for a free school subject to recent discussions that have taken place with a national academy trust.
- There are too few school places in Boldmere already, building houses on the doorstep of Boldmere School will exacerbate the problem. People in walking distance to Boldmere School are already unable to get into the school, this would make the situation even worse.

5. [Policy Context](#)

5.1. Town and Country General Permitted Development Order 2015 Schedule 2 Part 11.

6. Planning Considerations

6.1. The application has been submitted in accordance with Condition B2. (b), (i), (aa) of the above regulations seeking prior approval. A site notice has been displayed. The matters to be considered in this prior approval application are the method of demolition and the means of restoring the site

6.2. In terms of the method of demolition, the applicants are proposing a mechanical method which is acceptable in principle. I consider in this instance it is necessary to attach a condition requiring a more detailed demolition method statement to include details of vehicle parking, loading/unloading of plant and materials and working hours as the site is located in a predominantly residential area.

6.3. I consider the means of restoring the site are acceptable. The applicants are proposing to grade the site to a level matching the surrounding area and the proposed boundary treatments to secure the site pending redevelopment are shown on the submitted plans.

6.4. I note the views of local residents with regard to the loss of a community asset and the nursery school. I am advised by the applicant that the lease for the nursery school expires in June 2017. Boldmere Futures Partnership have applied for the site to be registered as an Asset of Community Value, the application is still being considered by Legal Services. Notwithstanding the views of local residents and the outstanding application for the site to be registered as an Asset of Community Value, planning legislation is clear that when considering an application for prior approval only the means of demolition and restoration of the site can be considered.

7. Conclusion

7.1. I have no objection to the method of demolition or the proposed restoration of the site subject to the submission of a detailed demolition method statement/management plan to protect the amenities of local residents during demolition.

8. Recommendation

8.1. Prior approval required and to approve with conditions.

1 Requires the prior submission of a demolition method statement/management plan

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

Case Officer: Daniel Illott

Photo(s)



Figure 1 – View of site from St Michaels Road



Figure 2 – Buildings to the rear of the site

Location Plan



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