

Birmingham City Council

Planning Committee

09 November 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>
Refuse	8	2017/06642/PA 385 Ladypool Road Sparkbrook Birmingham B12 8LA Change of use from retail shop (Use Class A1) to restaurant (Use Class A3), erection of single storey rear extension, alterations to shop front, creation of rear patio area and installation of extraction flue to rear
Approve - Conditions	9	2017/07706/PA Former DVSA Site Garretts Green Lane Birmingham B26 2HR Change of use from storage and distribution (Use Class B8) to wood waste recycling facility (Sui Generis) and erection of 6 metre fence to rear and 3 metre fence to side
Approve - Conditions	10	2017/06786/PA Ward End Park Road (Former Depot) Land off Birmingham B8 Demolition of two dwelling houses and erection of 16 dwelling houses with associated car parking and landscaping works
Approve - Conditions	11	2017/03740/PA 1 Bangor Road Bordesley Green Birmingham B9 4TX Retention of change of use from business (Use Class B1c) to vehicle repairs and MOT testing centre (Use Class Sui Generis)

Prior Approval required - Approve - Conditions	12	<p>2017/07947/PA</p> <p>Kingsbury Road Outside 416 Erdington Birmingham B24 9NQ</p> <p>Application for prior notification for the installation of a 17.5 metres high monopole with 3 no. shrouded antennas, 3 no. equipment cabinets and 1 no. meter pillar.</p>
Prior Approval required - Approve - Conditions	13	<p>2017/08050/PA</p> <p>140 & 142 Shard End Crescent Birmingham B34 7AD and 435 - 441 Heath Way B34 6QN Shard End Birmingham</p> <p>Application for prior notification of proposed demolition of a mix of semi-detached dwelling houses, flats and a bungalow</p>

Committee Date:	09/11/2017	Application Number:	2017/06642/PA
Accepted:	26/07/2017	Application Type:	Full Planning
Target Date:	20/09/2017		
Ward:	Sparkbrook		

385 Ladypool Road, Sparkbrook, Birmingham, B12 8LA

Change of use from retail shop (Use Class A1) to restaurant (Use Class A3), erection of single storey rear extension, alterations to shop front, creation of rear patio area and installation of extraction flue to rear

Applicant:	Mr Safdar Zaman 385 Ladypool Road, Sparkbrook, Birmingham, B12 8LA
Agent:	Design House 580 Moseley Road, Moseley, Birmingham, B12 9AA

Recommendation

Refuse

1. Proposal

- 1.1. Consent is sought to change of use from retail unit (Use Class A1) to restaurant (Use Class A3), erection of single storey rear extension, alterations to shop front, creation of rear patio area and installation of extraction flue to rear of 385 Ladypool Road, Sparkhill.
- 1.2. The proposed development includes the erection of a single storey rear extension to facilitate the change of use of the premises. The proposed extension would be designed with a flat roof and would be constructed out of brickwork. There are also alterations proposed to the display windows in the front elevation to incorporate a separate access to the existing first floor flat.
- 1.3. The proposed opening hours would be 1100 hours to 2300 hours daily. The total number of seated covers proposed would be 86. There would be 6 full-time staff and 6 part-time employment positions created.
- 1.4. The proposed internal floor plans show a restaurant area of 38 covers, WC facilities, kitchen, preparation and wash up area and a private function room comprising 24 covers on the ground floor. An outdoor patio area would provide a further 24 seated covers to the rear of the application premise.
- 1.5. The first and second floor would be retained in residential use.
- 1.6. No off-road parking provision is proposed.
- 1.7. The application as submitted shows that an extraction flue would be located to the rear and the discharge terminal would be 1.5m above eaves level.

1.8. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application premise is a mid-terraced retail unit (Use Class A1) in operation as an optician's with residential accommodation above. The application site is located on the western side of Ladypool Road, within the Primary Shopping Area of Ladypool Road Neighbourhood Centre. The application site frontage is subject to TRO's in the form of zig-zag lines associated with a nearby pelican crossing to the south. There are also on-street parking availability to the south of this frontage.
- 2.2. The application premise is located within a commercial frontage with residential properties above adjoining commercial and to the rear of the application site, along Newport Road. The neighbouring properties comprise a doctor's surgery (Use Class D1) to the south (1 Newport Road) and a retail shop to the north (No. 383 Ladypool Road).
- 2.3. This frontage of 16 units between Newport Road and Brighton Road, consists of the following A3/A5 uses:
- Fargo's Food Factory – 377/379 Ladypool Road (Class A3)
 - Heavenly Desserts – 371/373 Ladypool Road (A3)
 - TRU Burger – 369 Ladypool Road (A3)
 - Toro's Steakhouse - 365/367 Ladypool Road (A3)
 - Ice Stone Gelato - 353/355 Ladypool Road (A3)
 - Roti Mahal – 351 Ladypool Road (A5)
 - Fish Bar – 343 Ladypool Road (A5)
- 2.4. The following sites are also relevant:
- 357 - 363 Ladypool Road (planning ref: 2015/04949/PA) was approved as a restaurant in August 2015 which is currently under construction.
 - 341 Ladypool Road - (planning ref: 2014/03915/PA) was approved as a restaurant in July 2014 which is currently under construction.

2.5. [Site Location](#)

3. [Planning History](#)

- 3.1. No planning history.

4. [Consultation/PP Responses](#)

- 4.1. Local Ward Members, Resident Associations and local residents consulted – One response has been received from Access Birmingham who suggests that the applicants adapt one of proposed toilets to a disabled/multi use toilet and may want to consider at least one table layout which could be easily used by disabled people such features could help compliance with Equality act 2010.

- 4.2. Transportation Development – No objections, subject to conditions to prevent A5 sales and delivery services.
- 4.3. Regulatory Services – Advise that they have concerns with the proposed 24 covers to be used in the rear patio area and they recommend this area is only used for lunch time meals. They also recommend conditions to restrict hours of operation, details of extraction and odour equipment, noise insulation between residential and commercial premises to be provided and for the residential accommodation above to be solely used in conjunction with the ground floor use as a restaurant.
- 4.4. West Midlands Police – No objections.

5. Policy Context

- 5.1. Relevant National Planning Policies:
- National Planning Policy Framework.
- 5.2. Relevant Local Planning Policies:
- Birmingham Development Plan (2017);
 - UDP (saved policies) (2005);
 - Places for All – SPG (2001);
 - Car Parking Guidelines – SPD (2012);
 - Shopping and Local Centres SPD (2012).

6. Planning Considerations

- 6.1. The main considerations in the determination of this planning application are the principle of the proposal in this location, the effect upon residential amenity and highway implications and the impact on the vitality and viability of the centre.

Policy

- 6.2. Policy TP21 (the network and hierarchy of town centres) identifies Ladypool Road as a Local Centre and as a preferred location for retail and office development. Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged, particularly where they can help bring vacant building back into positive use.
- 6.3. Policy TP24 (promotion of diversity of uses within centres) encourages a mixture of uses in centres which includes restaurant uses. However, it also stipulates the importance of maintaining the retail function of a centre, so that it is not undermined by an over concentration of non-A1 uses.
- 6.4. Saved Policies 8.6 and 8.7 of the UDP states the criteria to be used when deciding where new hot food shops, restaurants and cafes can acceptably be located and, states that the City Council will use those criteria when considering planning applications for such development. The criteria stated in Policy 8.7 includes the following:
- Due to amenity issues usually associated with such development (late night opening, noise, disturbance, smell and litter) and their impact on traffic

generation, hot food shops and cafes/restaurants should be generally confined to shopping areas of mixed commercial development.

- Within such areas and wherever similar facilities exist, account will be taken of the cumulative impact of such development particularly in terms of impact on the amenity of the area and traffic generation. Where concentrations of facilities exist that are already causing such problems planning consent may well be refused if the additional use causes further demonstrable harm.
- When considering a proposal, and particularly the change of use from an existing shop, account will be taken of the impact that it will have on the viability and vitality of the frontage and centre which it forms part. Where a primary retail frontage has been identified within a shopping centre, the change of use of existing retail premises to a hot food shop/restaurant or café will not be permitted. Elsewhere, within shopping areas or areas of mixed commercial development, a proposal will be considered on its merits with account being taken of the character and prosperity of the centre (e.g. as evidenced by the number of vacant units) and subject to the other specified criteria.
- The availability of public transport, convenient on/off street car and cycle parking provision and impact on highway safety will be important considerations. Where insufficient car parking or likely traffic movement are such as to create a traffic hazard planning consent is likely to be refused.

6.5. Shopping and Local Centres Supplementary Planning Document (2012) is consistent with the NPPF and identifies and defines Birmingham's Town, District and Neighbourhood centres and the Primary Shopping Area within these centres. Retail development and other town centre uses, including those that generate significant numbers of people will be encouraged in centres. These include: shops, offices, assembly and leisure, health, religious building, restaurants, pubs and hot food takeaways.

6.6. Policy 1 of this SPD states that within a Primary Shopping Area at least 50% of all ground floor units in the Neighbourhood Centre should be retained in retail (Class A1) use. Applications for change of use out of A1 will normally be refused if approval would have led to these thresholds being lowered, unless exceptional circumstances can be demonstrated in line with policy 3. Policy 3 allows applicants in some cases to demonstrate that exceptional circumstances merit the change of use of an A1 property; for example the property has remained vacant despite being continuously marketed for retail purposes and is no longer viable for retail purposes.

6.7. Policy 2 – In considering applications for a change of use from retail (Class A1) to non-shopping uses in the Primary Shopping Area, regard will also be had to the following factors:

- The need to avoid an over concentration or clustering of non-retail uses such as to create a dead frontage.
- The type and characteristics of other uses in proximity to the application site.
- The size and type of unit. For example, the retention of larger retail units would be encouraged.
- The impact of the proposal on the character and function of the centre including; opening hours, window displays, and footfall generated.

6.8. Policy 5 states that applications for new A3, A4 and A5 uses are encouraged within the Centre Boundary of Town, District and Neighbourhood Centres, subject to avoiding an over concentration or clustering of these uses that would lead to an

adverse impact on residential amenity. Some exceptions to this policy may be permitted in centres that have a recognised tourism role such as the Balti Triangle (Ladypool Road). Account will also be taken of other factors including the type and characteristics of other uses within proximity to the application site, the size and type of unit and the proximity of the site to dwelling houses and the impact on any upper floor restaurant or pub uses.

- 6.9. Policies 4 and 6 refer to considerations in relation to hot food takeaway (Class A5) uses.

Principle of Use

- 6.10. The application site is located within the Primary Shopping Area of Ladypool Road Neighbourhood Centre. Consequently, I consider that the proposed use is acceptable in principle, subject to detailed assessment of impact on the vitality and viability of the centre.

Impact on Residential Amenity

- 6.11. The proposed development as submitted shows that an extraction flue would be located to the rear and the discharge terminal would be located to the rear and the discharge terminal would be 1.5m above eaves level. Regulatory Services advises that they have concerns with the 24 covers to be in the rear patio area and they recommend this area is only used for lunch time meals. They also recommend conditions to restrict hours of operation, details of extraction and odour equipment, noise insulation between residential and commercial premises to be provided and for the residential accommodation above to be solely used in conjunction with the ground floor use as a restaurant. I consider that the use of conditions, such as details of extraction and odour control details, restrictions on the hours of operation and details of noise insulation, the proposal is unlikely to have an adverse impact upon the amenity of residential occupiers and other commercial uses within the immediate vicinity of the site above and beyond that as existing. I consider that restricting the use of outdoor patio area to be only used for lunch time meals would be difficult to enforce and therefore use of the outside patio area would have an adverse effect the amenity of nearby residential occupiers at 5 Newport Road in terms of noise and disturbance.

Impact on Highway Safety

- 6.12. Transportation Development have assessed the scheme and raised no objections subject to preventing A5 sales. I concur with this view. On balance, the proposal would not result in demonstrable harm to the operation of surrounding highways and the safety of highway users. The application site is located within the Primary Shopping Area of Ladypool Road Neighbourhood Centre that is well served by public transport networks and there are nearby side roads which offer some unrestricted parking opportunities within close proximity to the application premise, although it is acknowledged these are subject to high demand.

Impact on vitality and viability of the centre

- 6.13. The 'Shopping and Local Centres' SPD Policy 1 & 2, advocates that 50% of all ground floor units within the Neighbourhood Centre should be retained in retail (Use Class A1) and the need to avoid an over concentration or clustering of non-retail uses to ensure that proposals resulting in the loss of retail uses do not have a negative impact on the viability and vitality of existing centres. The application site is

located within the linear Ladypool Road Neighbourhood Centre and I note that survey data (2016/2017) identifies 180 units within the Primary Shopping Area of this Neighbourhood Centre as a whole and there are 113 units (62.8%) retained within retail (Use Class A1) including vacant units. It is also acknowledged that the primary retail frontage extends for a considerable distance along both sides of the road and offers a diverse range of goods and services to the local community. The proposed change of use would result in the loss of an A1 retail unit, representing 62.2% of retail units retained in A1 use which is compliant with the required threshold advocated within Policy 1 of the SPD.

6.14. Notwithstanding the above, Policy 2 of the Shopping and Local Centres SPD states that when considering applications for change of use from retail (Class A1) to non-shopping uses in the Primary Shopping Area, account will also be taken of other factors, which includes the type and characteristics of other uses within proximity to the application site. There are a total of 16 units out of which there would be 5 units (approximately 31.25%) retained within retail use (Class A1) within this frontage, between Newport Road and Brighton Road. This frontage already contains a number of A3/A5 uses, which include the following sites to the north of the application premise:

- Fargo's Food Factory – 377/379 Ladypool Road (Class A3)
- Heavenly Desserts – 371/373 Ladypool Road (A3)
- TRU Burger – 369 Ladypool Road (A3)
- Toro's Steakhouse - 365/367 Ladypool Road (A3)
- Ice Stone Gelato - 353/355 Ladypool Road (A3)
- Roti Mahal – 351 Ladypool Road (A5)
- Fish Bar – 343 Ladypool Road (A5)

6.15. The following sites are also relevant:

- 357 - 363 Ladypool Road (planning ref: 2015/04949/PA) was approved as a restaurant in August 2015 which is currently under construction.
- 341 Ladypool Road - (planning ref: 2014/03915/PA) was approved as a restaurant in July 2014 which is currently under construction.

6.16. Consequently, I consider that the cumulative impact of proposal to the convert the ground floor retail unit to a restaurant (Class A3 Use) would result in an over concentration and clustering of non-retail uses within this frontage of commercial units and a further A3 use in this location would be unacceptable, detrimental to the vitality or viability of this parade and contrary to policy 2 of the Shopping and Local Centres SPD.

6.17. It is acknowledged that Policy 5 of the 'Shopping and Local Centres' SPD makes some exceptions and recognises the Balti Triangle (Ladypool Road) as playing a tourism role within the City. However, in this particular instance, I consider that the loss of this retail unit within this particular frontage would result in a cluster of non-retail uses and it would have a cumulative impact on the existing parade it forms part of. Therefore, the proposal is unacceptable.

7. Conclusion

7.1. The proposal does not comply with the objectives of the policy context as set out above, and would result in an over concentration and clustering of non-retail uses and further reduce the availability of A1 retail uses within this frontage of commercial units. The proposed use of the outside patio area would also adversely affect the amenity of occupiers of dwellings within the vicinity. Refusal is recommended

8. Recommendation

8.1. Refuse

Reasons for Refusal

-
- | | |
|---|---|
| 1 | The proposal for a non-retail use would undermine and reduce the availability of A1 retail uses and would lead to a concentration of A3 restaurant uses which would adversely affect the vitality and viability of the primary retail frontage of which it forms part. As such it would be contrary to Policy TP24 of the Birmingham Development Plan 2017, saved Paragraph 3.14C and 8.7 of the Birmingham UDP 2005, Policy 2 of Shopping and Local Centres adopted as a Supplementary Planning Document and the National Planning Policy Framework. |
| 2 | The use of the outside patio area for dining would adversely affect the amenity of occupiers of dwellings/premises in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 8.7 of the Birmingham UDP 2005 and the National Planning Policy Framework. |
-

Case Officer: Chantel Blair

Photo(s)

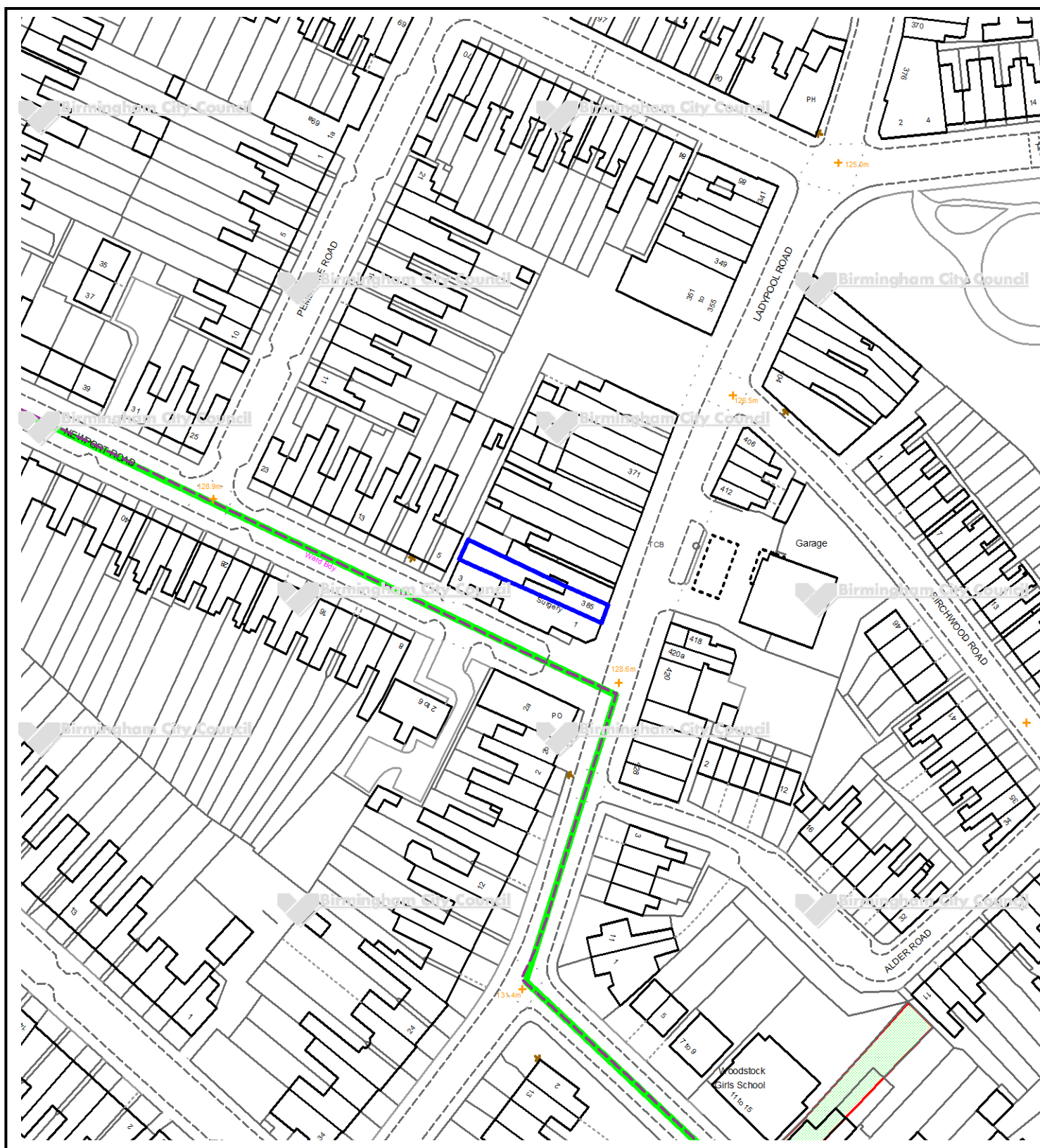
Figure 1: Application Site



Figure 2: Rear view



Location Plan



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

Committee Date:	09/11/2017	Application Number:	2017/07706/PA
Accepted:	18/09/2017	Application Type:	Full Planning
Target Date:	18/12/2017		
Ward:	Sheldon		

Former DVSA Site, Garretts Green Lane, Sheldon, Birmingham, B26 2HR

Change of use from storage and distribution (Use Class B8) to wood waste recycling facility (Sui Generis) and erection of 6 metre fence to rear and 3 metre fence to side

Applicant:	Wood Waste Recycling Ltd
	C/o Agent
Agent:	Turley
	9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use of an existing, vacant HGV testing centre site which comprises of an industrial style building and large yard/car park area (sui generis) for use as a wood waste recycling facility (Sui Generis) and the erection of 3m and 6m high fencing to site boundaries at Garrets Green Lane Industrial Estate, Birmingham, B26 2HR.
- 1.2. The proposed change of use application proposes no changes to the existing site layout or any form of built development other than the provision of new boundary fencing. The existing building is located centrally within the site and is a mix of one and two storeys in scale in an irregular shape and measures at its maximum points 75m x 37m with a gross internal floor area of approximately 1980sq.m. The overall site area measures approximately 1.37ha with a double leaf vehicular access gate on the sites northern boundary and accessed from Firwood Road. The site's existing car parking provision would be retained which provides 21 no. parking spaces.
- 1.3. The primary activity of the proposed use is the collection, processing and dispatch of wood products which are brought onto site, weighed and put through a chipping process inside the existing building. In addition, 40% of the operation is to recondition wood pallets which are delivered to site, reconditioned and then resold and dispatched to customers. The proposal would employ 20 FTE members of staff. The applicant seeks the flexibility to operate with no operating restrictions although they have indicated that their standard hours would be 06:00-18:00 Mon-Fri and 007:00-12:00 Sat only.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The existing site is currently vacant and was previously used as a Heavy Goods Vehicle testing centre by to it becoming vacant. The site is located within a wider industrial estate in the Garretts Green area of east Birmingham, and is surrounded by a variety of building types encompassing a variety of industrial and commercial uses.
- 2.2. The nearest located residential development to the application site is located approximately 150m away in a southerly direction (the rear of properties along Clopton Road) and is separated from the site by intervening industrial uses and built development. Access to the site is from the local highway network from Firwood Road which provides a circular access within the wider industrial estate which itself is accessed from Garretts Green Lane.
- 2.3. [Site Location](#)

3. Planning History

- 3.1. 2016/01234/PA – Change of use to storage/distribution use (Use Class B8) – Approved, subject to conditions – 19/05/16.

4. Consultation/PP Responses

- 4.1. Letters of notification have been sent to surrounding occupiers; local residents, residents associations and Ward Councillors with no comments received.
- 4.2. Transportation Development – No objection, subject to conditions;
 - Commercial Travel Plan – A detailed travel plan shall be submitted to and approved in writing by the Local Planning Authority. This should include clear objectives to influence and encourage reduced dependency on the private car with a package of measures to meet this objective. The development shall thereafter be undertaken in accordance with the approved travel plan
 - Cycle Storage – Within 6 months from the sites first occupation details for the provision of secure, covered storage for cycles and motorcycles shall be submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.
- 4.3. Regulatory Services – No objection, subject to conditions;
 - Maximum Noise Levels – The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing Laeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification
 - Electric Charging Points – Requires the provision of on-site vehicle charging points (10% of on-site parking provision).
- 4.4. West Midlands Police – No objection.

4.5. Lead Local Flood and Drainage Authority – Given the context of this application and that no external changes are proposed to the existing development, it is assumed there is no impact on the existing drainage system as such the LLFA have no comment.

4.6. Severn Trent Water – No objection.

5. Policy Context

5.1. Birmingham Development Plan (2017), Birmingham Unitary Development Plan – Saved Policies (2005), Car Parking Standards SPD (2012), Places for All SPG, Loss of Industrial Land to Alternative Uses SPD, NPPF (2012).

6. Planning Considerations

Principle of Use

6.1. The Birmingham Development Plan (BDP) identifies the wider Garretts Green industrial estate, within which the application site is located, as a 'Core Employment Area' wherein employment generating uses falling within 'B' use class and other uses appropriate for industrial areas such as waste management activities are supported. Policy TP18 on Core Employment Areas states "*Core Employment Areas will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities likely to come forward during the plan period. For this purpose, economic development is defined as B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Warehousing and Distribution) and other uses appropriate for industrial areas such as waste management activities*".

6.2. The proposed use would be located within an established industrial area and also within an area designated as a core employment area away from residential neighbours and as such is considered to be an appropriate use in this location and accords with policy TP18 in this regard and the principle of development is considered to be acceptable. I consider that the proposed extension and change of use would accord with the core employment policy within the adopted BDP along with the aims and objectives of the NPPF. The proposal would result in the site becoming a waste management activity and as such would accord with employment and industrial land policies within the adopted BDP.

Residential/Neighbour Amenity

6.3. The proposed change of use does not seek to provide any additional buildings on site although new boundary fencing is proposed that encompasses new 3m high security fencing along the site's north-eastern (Granby Avenue) and north-western (Firwood Road) boundary coloured dark green and which is considered to be an acceptable addition within an industrial environment with similar treatments within the wider streetscene. In addition, a 3m high concrete push wall to the site's south western boundary with an adjacent industrial site (kitchen manufacturer) and a 6m high concrete push wall to the site's south eastern boundary with an airport car park operator are proposed so as to facilitate storage areas for the unprocessed timber storage. They are also considered to be an appropriate boundary treatment in this location for the purposes they would serve whilst also being of a similar scale and appearance to adjacent boundary treatments along Firwood Road.

- 6.4. The nearest residential properties are located approximately 150m to the south west of the site along Clopton Road. However, the application site is separated from these dwellings by existing industrial sites that comprise of large open yard areas and industrial buildings along with a separate area of green space positioned between the rear of the dwellings along Clopton Road and the wider industrial area. No objections from nearby commercial occupiers have been received and Regulatory Service raises no objection to the sites change of use subject to the provision of conditions ensuring that maximum noise levels associated with on-site plant and machinery are imposed and that electric vehicle charging points are provided at a rate of 10% of overall parking provision. Whilst I agree with the provision of maximum noise levels associated with onsite plant and machinery it is not considered reasonable or necessary to request that electric charging points are provided within a site that does not seek to provide any further built development and for a use that would actually result in a decrease in associated vehicle movements associated with its current authorised use.
- 6.5. It is also noted that site would be the subject of a waste processing permit issued by the Environment Agency, in which there are controls over the emissions, odours and noise and vibrations from the site. The site currently has no restrictions regarding hours of use and servicing arrangements and given its location and separation from residential properties by intervening uses and buildings I do not consider restrictions are necessary in relation to this application.

Highways Impacts

- 6.5. The application site is located within a predominantly industrial area and is serviced by public highway and a suitable access for HGV movements from the site on its northern boundary. Transportation Development has been consulted on the proposal and has assessed the proposal as equating to approximately 50 no. daily 2-way HGV trips and has stated that historical knowledge of the HGV test centre operation suggests that its typical levels of daily HGV movements would have regularly exceeded the level of movements specified within the application. In this instance, it is considered that there is unlikely to be a material increase in vehicle trips over the historical use of the site.
- 6.6. The internal layout of the site appears to be adequate for the proposed use and does not result in any potential concerns regarding knock-on highway impact. The built area of the site (i.e. existing buildings) does not represent a significant proportion of the site as a whole and there are generous HGV manoeuvring and circulation areas on all elevations with a sufficient level. The level of on-site staff parking provision would appear reasonable with the potential to accommodate additional informal parking provision on-site if required due to the large expanse of hard surfacing throughout the site.
- 6.7. The Transportation Development officer has requested that a Commercial Travel Plan condition is attached to any consent issued, together with a cycle storage condition so as to provide appropriately covered, secure cycle store facilities together with staff changing/shower facilities to encourage sustainable travel options. Whilst I agree with the provision of adequate cycle storage provision I consider that the requirement to provide a commercial travel plan is unnecessary and unreasonable for a site that would have a low level of on-site staff (approx. 20 persons), itself located within an existing industrial area that has sufficient levels of on-site parking to accommodate such staff. Furthermore, proposed use would likely result in a lower number of staff movements when assessed against the existing unrestricted B8 use.

6.8. Also, given the urgent nature of the operator's relocation from a site subject to a CPO process to accommodate the provision of HS2 development it is considered pragmatic to request that cycle storage details are provided within 6 months of first occupation of the site. Subject to this condition the proposal is not likely to cause detriment to highway safety.

7. Conclusion

7.1. The proposed development would meet policy objectives and criteria set out in the Birmingham Development Plan and the NPPF. The scheme is considered acceptable subject to the provision of conditions as outlined within this report and as such the proposal represents a reuse of an existing building and site located within a core employment area for employment generating uses associated with a waste management activity. In addition, the proposal would result in the potential of new employment offers in the locality and is considered to be sustainable and appropriate development in this location.

8. Recommendation

8.1. Approve, subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the noise levels for Plant and Machinery |
| 3 | Requires the prior submission of cycle storage details |
| 4 | Prevents storage except in authorised area |
| 5 | Only wood/timber to be stored and/or processed at the site |
| 6 | Implement within 3 years (Full) |
-

Case Officer: Mohammed Nasser

Photo(s)

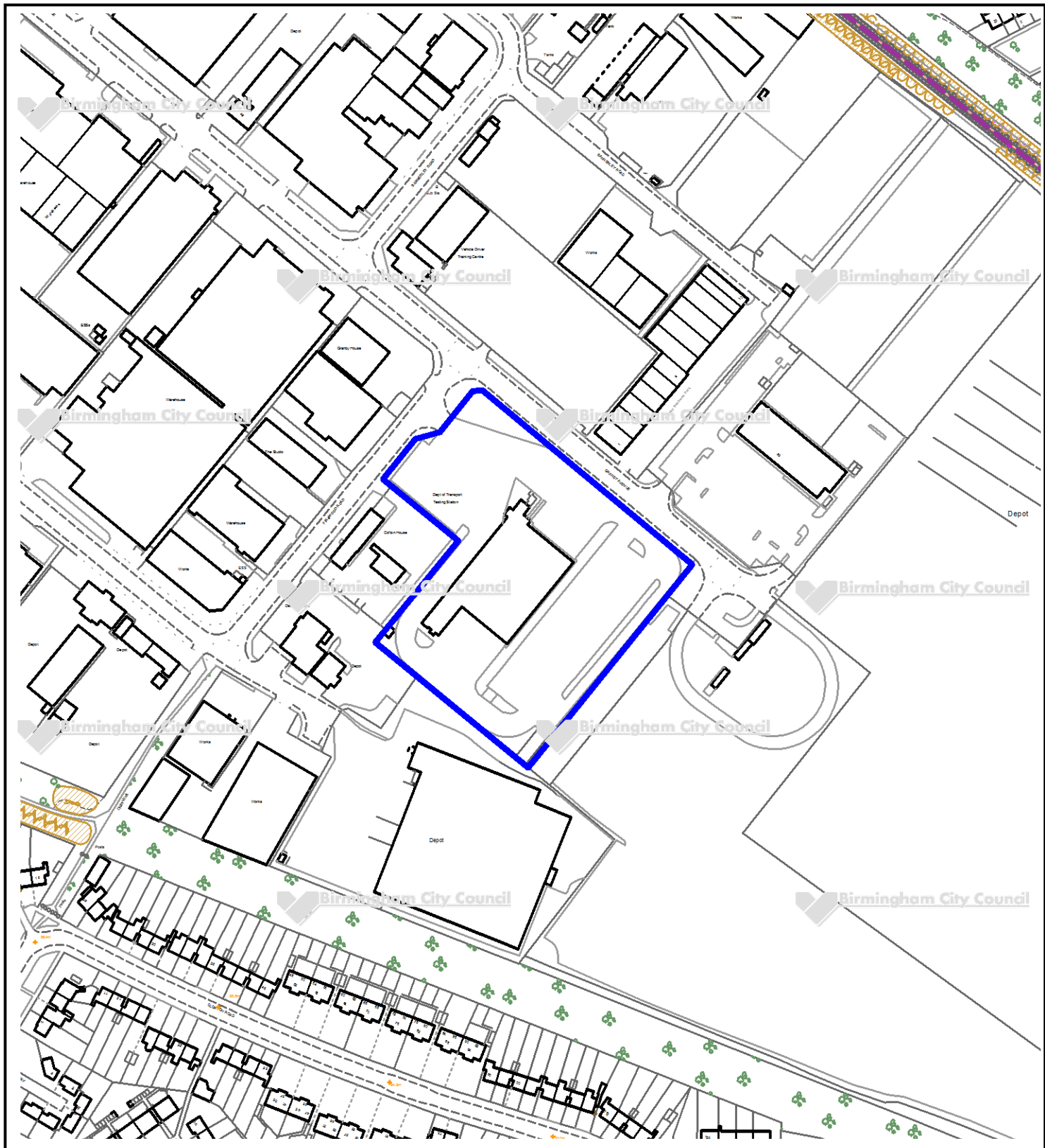
Photograph 1: View of application site from Firswood Road



Photograph 2: View of rear of the application site



Location Plan



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

Committee Date:	09/11/2017	Application Number:	2017/06786/PA
Accepted:	22/08/2017	Application Type:	Full Planning
Target Date:	21/11/2017		
Ward:	Washwood Heath		

Ward End Park Road, (Former Depot), Land off, Washwood Heath, Birmingham, B8

Demolition of two dwelling houses and erection of 16 dwelling houses with associated car parking and landscaping works

Applicant:	Birmingham City Council BMHT, 1 Lancaster Circus Queensway, Birmingham, B4 7DJ
Agent:	BM3 Architecture Ltd 28 Pickford Street, Birmingham, B5 5QH

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the demolition of two dwellings and erection of 16 dwelling houses, with associated car parking and landscaping works at land rear of Ward End Park Road (former depot), Washwood Heath. Residential dwelling houses No's 59 and 61 Ward End Park Road would be demolished as part of this proposal to provide adequate access. The proposed dwellings would be located to the rear of 1-73 Ward End Park Road. The proposal would be provided by BMHT for affordable rent.
- 1.2. The proposed dwellings would largely be two storeys in height, with two properties being 2.5 storeys in height (plots 9 & 10). The dwellings would comprise of terraced (plots 7 to 12, inclusive) and semi-detached (plots 1 to 6 inclusive, plots 13 to 16 inclusive) properties arranged within a cul-de-sac. The proposed development would provide a mix of two, three, four and five bedroom dwellings, as set out below:
- 1.3. House type A (4 properties), would comprise of living room, store (1.0sqm), kitchen/dining room, utility and WC on the ground floor and two bedrooms (13.4sqm and 13.7sqm), bathroom, store (1.2sqm) and airing cupboard at first floor level. There would be a bay window on the ground floor and a canopy over the entrance door. Two options of the external finishes have been provided; option 1 has brickwork to all elevations and option 2 includes render finish with a gable end to the front elevation.
- 1.4. House type B (2 properties), would comprise kitchen/diner, WC, living room and external store on the ground floor and two bedrooms (11.7sqm and 12.2sqm), bathroom, store and airing cupboard at first floor level. There would be a bay window on the ground floor and a canopy over the entrance door. The external finishes would include brickwork and render with a gable end to the front elevation.

- 1.5. House type C (2 properties), would comprise kitchen, dining room, living room, WC and stores on the ground floor and three bedrooms (7.5sqm, 11.6sqm and 14sqm) one with en-suite, bathroom and airing cupboard at first floor level. There would be a canopy over the entrance door and the external finishes would be brickwork.
- 1.6. House type D (2 properties), would comprise of living room, hall, stores, kitchen/dining room and WC on the ground floor and three bedrooms (8.2sqm, 11.5sqm and 12.5sqm), bathroom and airing cupboard at first floor level. Two options of the external finishes have been provided; option 1 has brickwork to all elevations and option 2 includes render finish with a gable end to the front elevation.
- 1.7. House type E (4 properties), would comprise of lounge, stores, WC, kitchen/dining room and utility on the ground floor and four bedrooms (7.3sqm, 10.1sqm, 13.1sqm and 15.5sqm with en-suite), bathroom and airing cupboard at first floor level. There would be a canopy over the entrance door and a car port to the side. The external finishes would be brickwork and render with a gable end to the front elevation.
- 1.8. House type F (2 properties), would comprise living room, kitchen and dining room, W.C, utility and store on the ground floor. There would be four bedrooms (7.3sqm, 7.5sqm, 12.7sqm and 15.2sqm), a bathroom and airing cupboard at first floor level. A further bedroom (19.7sqm) with en-suite would be provided within the roof space. There would be a canopy over the entrance door, a ground floor bay window, roof lights and a car port to the side. The external finishes would be brick work.
- 1.9. Each dwelling would be provided with a private garden which would be enclosed by 1.5m high close boarded timber fence with 300mm trellis above, together with 1.8m high close boarded fence to the rear. There would be 900mm metal railings to the front of dwellings. Plot No. 16 (to the north) would have a 1.8m high brick wall which would be set back from the principal elevation. The private amenity space provided for each dwelling would range between 57sqm and 231sqm.
- 1.10. A new access would be provided by the demolition of 59 and 61 Ward End Park Road. Amended plans have been provided to increase the width of the road to 5.5m. The parking provision on site would comprise of 26 car parking spaces which includes bays and car ports.
- 1.11. Landscaping works include tree planting to rear gardens, together with ornamental shrubs to both side of the access route in and the frontage of the proposed dwellings would have low hedge planting and ornamental plating behind.
- 1.12. A Design and Access Statement, Arboricultural and Tree Survey dated April 2017 produced by BM3 Architecture, Drainage Strategy Dated August 2017 produced by Patrick Parsons, Transport Statement dated August 2017 by Stilwell Partnership, Affordable Housing Statement and a Desk Top Geo-environmental Appraisal dated October 2014 produced by Patrick Parsons have been submitted with this application.
- 1.13. Site Area: 0.53Ha.
- 1.14. Density: approx. 30.19 dwellings per ha.
- 1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently a vacant, back land site and was a former Council owned depot. The site is relatively flat but falls 1m (approx.) from the south to north. The site area is 0.53Ha. There are a number of trees within the application site boundary, especially on the east and west of the site. There is a raised railway line (approx. 8m high) to the north and to the east is a culverted brook with 2m bank on both sides that runs under the railway. Ward End Park is on the opposite side of the brook. The surrounding area is largely residential in nature. There are two existing right of ways, one to the north and one to the south.
- 2.2. There are two dwellings that would be demolished as part of this proposal. No. 59 Ward End Park Road is a mid-terraced dwelling house and No. 61 Ward End Park Road is an end-terrace dwelling.
- 2.3. To the south and west are rear gardens of residential dwelling houses which front onto Ward End Park Road.

2.4. [Site Location](#)

3. Planning History

- 3.1. None.

4. Consultation/PP Responses

- 4.1. Liam Byrne MP, Ward Members, Resident Associations and local residents consulted. Site and Press Notice displayed – 3 letters of objection have been received, as summarised below:
- Noise pollution and dust during construction would impact negatively on health
 - Building works would impact on foundations of existing properties – party wall
 - Loss of privacy
 - Loss of light/outlook
 - Security issues
 - Noise, air and light pollution caused by the new houses
 - Interest in purchasing land to the north of the site
- 4.2. Network Rail – Advises that the culvert runs under the railway, and it appears to flow northwards, which means that the surface water from the railway will drain under the railway with potentially increased volumes. This would not be acceptable to Network Rail as all surface water and foul water must drain in the direction away from the railway. The proposed 1.5m high close boarded fence would not be appropriate at this location and they suggest that the boundary fence should be a minimum of 1.8m high trespass proof fence. Network Rail would need to review and agree the methods of construction works on site within 10m of the railway boundary to ensure that there is no impact upon critical railway infrastructure. A Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations and

a BAPA (Basic Asset Protection Agreement) should be provided and agreed with Network rail. The agent confirms that the outfall of the surface water system has been adjusted to flow in the direction of the watercourse. The site is not only downstream but is also at a significantly lower vertical level than the railway and they will engage with the Asset Protection Team to discuss the proposals.

- 4.3. Education School Places – No objections.
- 4.4. Local Flood Authority and Drainage team – It is noted that the site falls within Flood Zone 1 and there is an ordinary watercourse which presents an unknown risk. An assessment of the adjacent watercourse, surface water flood risk and a holistic assessment of the combined potential flood risk is required to identify potential flood risk prior to any further consideration of this application. The Agent has provided further details including a schematic drainage layout of the proposal and state that the surface water risk has been assessed for hazards and there is minimal/no risk. They suggest a detailed hydraulic modelling of the entire water course is not a proportionate level of design work for 16 dwellings in a flood zone 1 area.
- 4.5. Environment Agency - No objections, subject to a condition for a remedial strategy to include detailed risk assessment and verification plan to assess the presence and significance of contamination to controlled water receptors.
- 4.6. Regulatory Services – No objections, subject to conditions for a noise insulation scheme, contamination remediation scheme and land verification report and the provision of vehicle charging points.
- 4.7. Transportation Development – Raise concerns regarding practicality of proposed turning head at southern end of site, ability of 5.0m carriageway width to accommodate on-street parking and allow practical passage of larger vehicles. They request additional swept path analysis regarding: site entry / exit manoeuvres by large refuse vehicles. Recommendations for the 100% parking provision for plots 13-14 to be increased; due to width and bend constraints on carriageway. In addition, consideration to be given to horizontal alignment deflections to reduce vehicle speeds within the new street. The agent has provided a further swept path plan of the proposed access arrangement, sightlines and large refuse vehicles which includes double yellow line waiting restrictions across the access. The agent has provided an amended access plan.
- 4.8. Severn Trent Water – No objections, subject to a drainage condition.
- 4.9. West Midlands Fire Service – Advises that firefighting access and water supplies should comply with National Guidance Document on the Provision for Firefighting and dead-ends/cul-de-sacs roadways should be a minimum of 5.5m in width. Further details have been provided showing a 5.5m wide access into the site
- 4.10. West Midlands Police – No objections.
- 4.11. Leisure Services – Confirms that a scheme of below 20 dwellings does not generate any off site POS or play area contributions. No objections. Any trees along this boundary must be protected and retained in accordance with BS 5837.

5. Policy Context

- 5.1. Relevant National Planning Policies:
 - National Planning Policy Framework;

- Technical housing standards – nationally described space standard (2015).
- 5.2. Relevant Local Planning Policies:
- Birmingham Development Plan (2017);
 - UDP (Saved Policies) (2005);
 - Places for Living – SPG (2001);
 - Places for All – SPG (2001);
 - Car Parking Guidelines – SPD (2012).
6. Planning Considerations
- 6.1. The main considerations in the determination of this application are:
- 6.2. **Principle of Development** – The application site is a vacant piece of land which was a former Council depot. The application site is a back-land development that is classed as brownfield land which is advocated for redevelopment within TP28 of the BDP and paragraph 48 and 111 of the NPPF. The NPPF states at paragraph 49 that planning applications to deliver housing should be considered in the context of the presumption in favour of sustainable development (paragraph 14).
- 6.3. Policies TP27 and TP28 of the Birmingham Development Plan relates to sustainable neighbourhoods and the location of new residential development. Policy TP27 goes on to state that all new residential development will need to demonstrate that it is meeting the requirements of creating a sustainable neighbourhood, characterised by: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources; attractive, safe and multifunctional public spaces; and long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.4. Policy TP28 advocates that new residential development should: be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability; and be sympathetic to historic, cultural or natural assets.
- 6.5. The application site is located with a large residential catchment area within a sustainable location that has good access to public transport networks, and a number of public services accessible within a reasonable walking distance. The site located within flood zone 1 and the surface water risk has been assessed for hazards and there is minimal/no risk identified. The proposals comprise a mix of two, three, four and five bedroom dwellings, which seek to meet a range of affordable housing needs within the locality. The surrounding area is predominantly residential in nature and the proposal would fit appropriately within this residential context. Consequently, I consider that principle is acceptable and would comply with aspirations laid out within BDP and NPPF.
- 6.6. Guidance within Places for Living states that new development should also provide good quality residential accommodation that builds on local character, whilst not detrimentally impacting on the character and quality of the residential environment to existing residents in the area.

- 6.7. Policy TP30 of the BDP indicates that new housing should be provided at a target density responding to its context. The density of the proposed development at 30.19 dwellings per hectare is below the density target for new houses; however, I consider that the proposal acceptable on the grounds that the site is well served by public transport, with a number of bus services available within a short walking distance of the application site. The proposed 16 dwellings would address a significant need within the City to deliver housing for affordable rent and overall improve the existing environment which is in poor condition at present. I consider that the proposals would have an overwhelmingly positive impact on the quality of the environment and would make effective use of this vacant site.
- 6.8. **Layout and Design** – The application site forms part of a back-land development which has no existing public street frontage. The proposed dwellings would front onto Ward End Park. The site would be accessed by vehicles via a new road which would be accessed off Ward End Park Road, between No. 57 and 63 Ward End Park Road. The proposed layout incorporates a strong built form within a cul-de-sac, with private landscaped gardens and off- street parking provision.
- 6.9. The residential development along Ward End Park Road is typically Victorian terraced dwellings along narrow streets. The residential properties located on Ward End Park Road and Nansen Road are of an inconsistent character that do not make a positive contribution to the existing environment. The proposed dwellings would improve on the existing appearance of the immediate surroundings and would be of a contemporary design and would have a uniform appearance which is enhanced by additional details which add visual interest. Features include bay windows, and canopies above entrance doors that would reflect the character and appearance of residential style of the wider area. I note that the area also comprises modern housing development sites around Washwood Heath Road and the proposals would result in a strong frontage which contributes towards a good quality residential environment. It is acknowledged that with two properties would be 2.5 storeys in height (plots 9 & 10); however, the proposed development would not compromise the existing character or have a detrimental impact on the general street scene. Consequently, I consider that, subject to approval of materials, landscaping and boundary treatments, the proposal would be an improvement to the visual amenity of the area, particularly when compared to its current vacancy.
- 6.10. **Landscape and Ecology** – The proposal would remove trees from the rear of two existing gardens (No. 59 and 61 Ward End Park Road) to form the access road through the land. The application proposals would include tree planting to rear gardens, together with ornamental shrubs to both sides of the access route and the frontage of the proposed dwellings would have low hedge planting and ornamental plating behind to add height and texture to frontages. The planting plan and formation of tree potential in new private garden spaces would compensate for the limited removals. The new trees would provide screening in future years to both existing and proposed properties which would enhance privacy for all. The tree planting would be of a fruiting nature to enhance biodiversity within the area and create new foraging grounds for local fauna. I consider that the proposed landscaping would have a positive impact on the existing environment and create a sense of arrival with a series of ornamental shrubs along the access route. The City Ecologist and my Tree Officer raise no objections, subject to an advisory note to protect all wild birds and conditions to protect the removal of trees and for tree protection during construction. I concur with these views and consider them to be appropriate in the context of the scheme.

- 6.11. **Residential Amenity** – The application proposals seek to deliver 16 residential dwellings for affordable rent. The proposed dwellings would comply with the Nationally Described Space Standards, exceeding the minimum floor spaces for each dwelling type and meeting the bedroom standards set out within the document. The indicative layout of the dwellings includes furniture layouts that would be functional and would be conducive to the creation of a good living environment and an acceptable standard of residential amenity.
- 6.12. The proposed garden sizes largely exceed the guidelines set out within Places for Living SPG of a minimum of 52sqm for 2 bedroom dwellings and a minimum of 70sqm for larger dwellings, although Plot No. 04 would have a garden size of 57sqm for a 3-bed house which would be below the suggested guidelines, however, I consider that the proposed development would not have an adverse impact on residential amenity, as Ward End Park is located around 130m away, which provides recreation and functional activities. Each dwelling would be provided with bin store space and a shed. Boundary treatments are proposed to secure the privacy of residents, which are considered appropriate and consistent with the surrounding residential character of the area.
- 6.13. Places for Living SPG sets out the recommended separation distances between residential dwellings, requiring 21m between windowed elevations and 12.5m between windowed elevations and flank walls. Gardens should be a minimum length of 10m. Most plots achieve the minimum separation distances required, albeit Plot 4 is below the guidelines due to its arrangement within the street at the head of the cul-de-sac, however, the adjoining private amenity of No 27 and 29 Ward End Park Road is relatively sizeable being 21m in length. It is also acknowledged Plot 13 and 14 would have windows overlooking each other and the new residential garden space of Plot 12 due to the proposed orientation of the dwellings but this is an internal site layout arrangement only.
- 6.14. With regard to neighbouring residential amenity, the proposed orientation of the dwellings would not breach the 45 Degree Code to existing residential properties. The proposed development would not therefore have an adverse impact on outlook, overlooking or loss of privacy.
- 6.15. I consider that the application proposals would secure a good level of residential amenity for prospective residents and would be unlikely to have an adverse impact on neighbouring residential amenity. However, in order to maintain a good level of residential amenity, a condition is recommended to remove permitted development rights for new extensions.
- 6.16. **Highway Safety** – Car Parking Guidelines SPD specify a maximum parking provision of 2 spaces per residential unit, totalling 32 spaces for the proposal. The proposals comprise 26no. parking spaces in total, of which 4 x 2 - bed dwellings; 4 x 4-bed dwellings and 2 x 5-bed dwellings would have one space per dwelling (100% parking provision) and the remaining dwellings (house type B, C and D) would have 200% parking provision. This is considered to be appropriate in the context of the scheme and its proposed tenure.
- 6.17. Transportation Development raised concerns regarding practicality of proposed turning head at the southern end of site, and ability of a 5.0m carriageway width to accommodate on-street parking and allow practical passage of larger vehicles. The agent has provided an additional swept path analysis regarding the site entry / exit manoeuvres for large refuse vehicles. The carriageway width has now also been increased to 5.5m throughout the site and the turning head has been enlarged which

would comply with National Guidance Document on Provision for Firefighting. Transportation Development recommends a condition for a highway agreement for the proposed highway construction including details of retaining features, boundary and vehicle restraints. There is likely to be a requirement for TRO introduction within the site at the S38 adoption stage, with the extent of restrictions within the site to be agreed at that future stage. With regard to the application proposals, new vehicular accesses and footway crossings are proposed to facilitate the development, and it is recommended that conditions are attached to any grant of planning permission to secure the completion of such works at the applicant's expense. I consider this it would be appropriate to attach a condition to secure the construction of the road prior to occupation of the residential dwellings. A condition to secure pedestrian visibility splays is recommended alongside this.

- 6.18. I consider that the application proposals would be unlikely to have an adverse impact on highway safety given the likely trip generation and orientation of the site access.
- 6.19. **Other Matters** – Due to the scale of the application proposals, the scheme does not generate a requirement for public open space contribution under Policy TP9 of the BDP. The application site is located within a low residential value area and accordingly no CIL contribution is required.
- 6.20. Policy TP31 of the BDP relates to affordable housing, requiring schemes of 15 dwellings or more to provide policy compliant affordable housing (35% of the scheme). Given that the application forms part of the Birmingham Municipal Housing Trust programme for the delivery of housing for affordable rent, the scheme proposes 100% affordable housing (affordable rent) and the requirement is consequently satisfied, subject to the BMHT personal consent.
- 6.21. Regulatory Services recommend a condition to secure electric vehicle charging points for the use of the development. As each of the proposed dwellings would benefit from allocated, dedicated parking to the front/side of the premises, I would consider that provision would be in place for electric vehicles to be charged via the mains electricity source from the dwelling and it would therefore be unnecessary to require such a condition as parking is not communal.
- 6.22. Severn Trent Water have assessed the scheme and raised no objections, subject to a drainage condition. I concur with this view and the appropriate drainage condition is attached. In addition, an assessment of the adjacent watercourse, surface water flood risk and an holistic assessment of the combined potential flood risk is required to identify potential flood risk. As such a sustainable drainage condition is also attached.
- 6.23. I note the security concerns raised by local occupiers, whilst I appreciate the concerns raised, West Midlands Police have raised no objections to the arrangement of the proposed dwellings which would reflect Secured by Design Principles.
- 6.24. With regards to noise associated with building works, this is likely to be for a short period of time overall and is unsuitable as a reason for refusal.

7. Conclusion

- 7.1. The application proposals seek to secure the provision of 16no. houses available for affordable rent through the Birmingham Municipal Housing Trust programme. The proposals are acceptable in principle and would result good quality residential living accommodation.
- 7.2. For the reasons set out above, the application is recommended to be approved subject to conditions.

8. Recommendation

8.1. Approve with conditions

-
- | | |
|----|--|
| 1 | Requires the prior submission of level details |
| 2 | Requires the prior submission a noise study to establish residential acoustic protection |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the prior submission of a contaminated land verification report |
| 5 | Requires the prior submission of a sustainable drainage scheme |
| 6 | Requires the prior submission of drainage plans for foul sewage and surface water |
| 7 | Requires the prior submission of sample materials |
| 8 | Requires the prior submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of hard surfacing materials |
| 10 | Requires the prior submission of boundary treatment details |
| 11 | Prevents occupation until the service road has been constructed |
| 12 | Requires pedestrian visibility splays to be provided |
| 13 | Requires the prior installation of means of access |
| 14 | Requires the proposed access to be installed to BCC specification |
| 15 | Grants a personal permission to Birmingham Municipal Housing Trust |
| 16 | Arboricultural Method Statement - Submission Required |
| 17 | Requires the implementation of tree protection |
| 18 | Requires tree pruning protection |
| 19 | Removes PD rights for extensions |
| 20 | Removes PD rights for new windows |
-

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

22 Implement within 3 years (Full)

Case Officer: Chantel Blair

Photo(s)

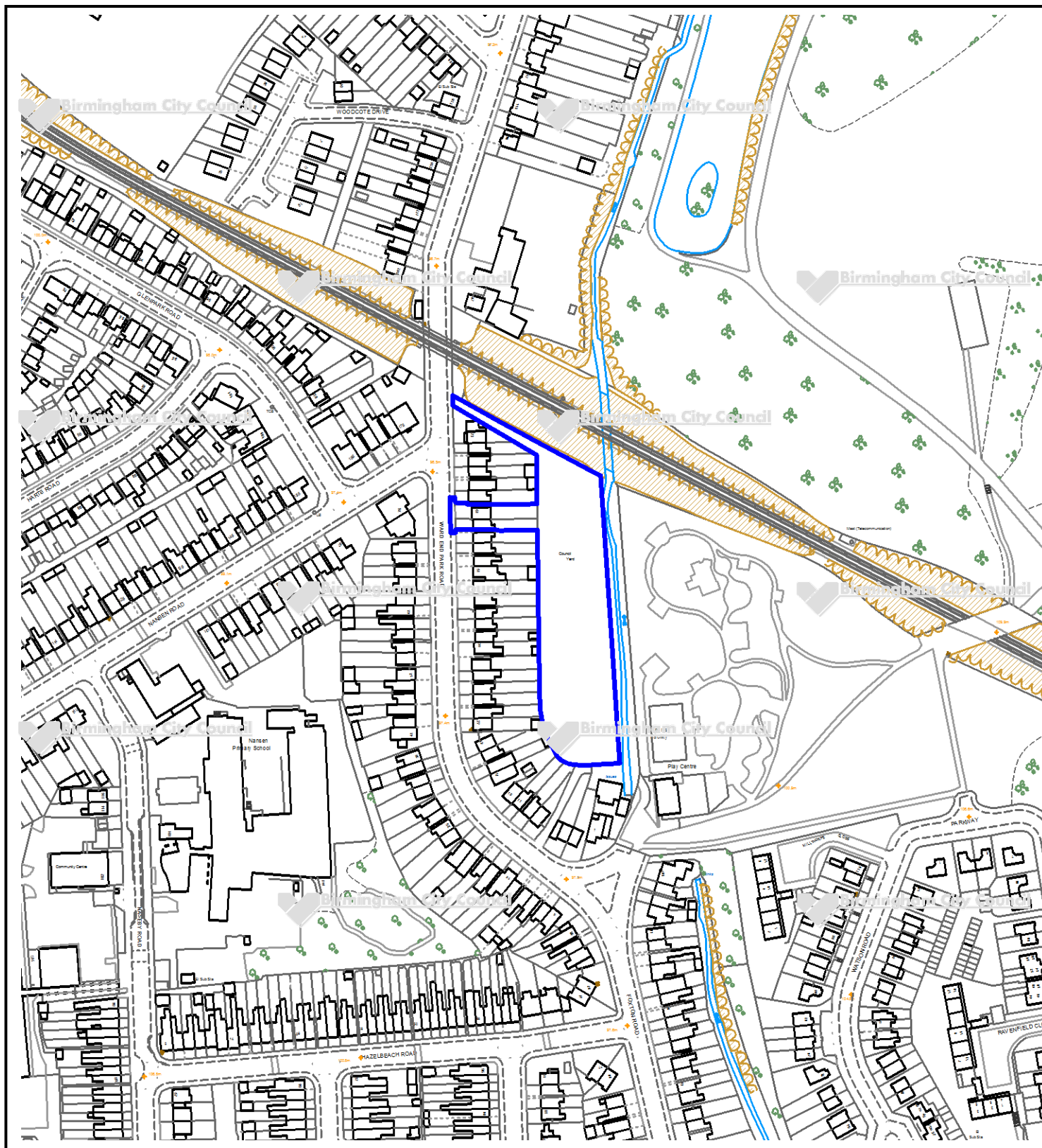


Figure 1: Proposed Access Route, demolition of No 59 and 61 Ward End Park Road



Figure 2: Application Site

Location Plan



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

Committee Date:	09/11/2017	Application Number:	2017/03740/PA
Accepted:	27/09/2017	Application Type:	Full Planning
Target Date:	22/11/2017		
Ward:	Nechells		

1 Bangor Road, Bordesley Green, Birmingham, B9 4TX

Retention of change of use from business (Use Class B1c) to vehicle repairs and MOT testing centre (Use Class Sui Generis)

Applicant:	In & Fix Autos Ltd 1 Bangor Road, Bordesley Green, Birmingham, B9 4TX
Agent:	Stephens McBride 1 Swan Courtyard, Coventry Road, Birmingham, B26 1BU

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application relates to the retention of the change of use from B1a light industrial use to B2 car repairs use and Sui Generis MOT testing use at 1 Bangor Road, Bordesley Green. It is understood that the change of use took place in January 2017.
- 1.2. The application premises comprise approximately 600sqm which is currently in use by the applicant as a vehicle repairs and MOT testing centre business. The internal layout comprises 1 x MOT bay, 1 x 4 poster ramp, and 2 x 2 poster ramps. 4no. Internal parking spaces are currently in place. A small office, reception / waiting area and 2no. toilets are also located within the building.
- 1.3. No external alterations or extensions are proposed to the unit. The access shutters in situ are proposed to be retained as vehicular and pedestrian access. A further 4no. car parking spaces are identified immediately outside the building and proposed to be allocated for customer use. it is understood that this land forms Highway Maintainable at Public Expense (HMPE).

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large single storey brick built industrial unit with a dual pitched corrugated metal roof. The side elevation of the building comprises two large shutters. Advertising panels are located on the side elevation with one large fascia advertisement displayed. Four car parking spaces are located within the building, with areas of on street parking immediately to the front of the building.

- 2.2. The site surroundings comprise a mix of industrial, commercial and residential uses, with the nearest residential property located 30m (approx.) to the east at 1-7 Crown Road. Bordesley Green Neighbourhood Centre is located immediately to the east of Bangor Road.

2.3. [Site Location](#)

3. [Planning History](#)

- 3.1. 26.09.2013 - 2013/05706/PA – Continued use as car wash & valeting centre (Sui Generis) – Approved subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – recommend amendments to the proposed parking layout to be secured by condition and recommend a temporary planning permission to enable the necessary monitoring of the operation.
- 4.2. Regulatory Services – recommend conditions to secure hours of operation.
- 4.3. Site Notice posted. Ward Members, residents association and neighbours notified. 30 letters of objection received, however it is noted that this includes 8 duplicate letters. The objections are based on the following concerns:
- Likely increase in traffic, congestion, noise, and air pollution;
 - Impact on existing car parking provision;
 - Loss of industrial premises and impact on Bordesley Park Area Action Plan;
 - Contrary to Policy TP19 of the Birmingham Development Plan: Core Employment Areas;
 - Likely increase in vehicular accidents; and
 - Over-concentration of MOT test centres on Bangor Road (there is one existing MOT test centre located opposite the application site).

5. [Policy Context](#)

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Car Parking Guidelines SPD (2012); Bordesley Park Area Action Plan Pre-Submission Draft (2017)

6. [Planning Considerations](#)

- 6.1. **Principle of Development** – The application site lies within the Bordesley Park Area Action Plan area. The draft proposals for the Wheels Site and Environs (of which this site forms part) were subject to public consultation in May 2017 and seek to promote new industrial and employment opportunities B1 (b) & (c), B2 & B8 and ancillary facilities. The existing industrial areas also have great development potential, ranging from the improvement of existing premises and access through to redevelopment linked to the proposals for the Wheels site, Metro and proximity to the local centre.

- 6.2. Given the surrounding industrial character of the area, I am of the view that the general principle of vehicle servicing, tyre fitting and an MOT centre would be acceptable. It would also accord with the provisions contained within the emerging Bordesley Park Area Action Plan, which supports employment led uses. On this basis, I consider that it would be appropriate to grant planning permission for the retention of the existing use.
- 6.3. **Impact on Loss of Employment Land** - One letter of objection received alleges that the site forms part of a core employment area as specified within Policy TP19 of Birmingham Development Plan, and that the proposed change of use would undermine this policy. The application site is not allocated as a core employment area and accordingly this policy would not apply.
- 6.4. The established industrial character of the site is however noted. Given that vehicle repairs would fall under use class B2 general industrial, I would maintain that the site would predominantly relate to an industrial and employment generating use, as defined by this use class. The MOT testing element would be Sui Generis use and I understand that this is where the concerns of the objection lie. I am of the view that the MOT testing would be ancillary to the vehicle repairs use and would consequently be an appropriate use within this established commercial area.
- 6.5. I note the comments regarding the over-concentration of MOT testing centres in the area with one located on the opposite side of Bangor Road. Given the commercial surroundings, I do not consider that such a concern is detrimental to the character of the area. I do not consider that the application proposals would have an adverse impact on the loss of employment land.
- 6.6. **Residential Amenity** – The application site is located within a predominantly commercial area with the closest residential dwelling south of B4128 Bordesley Green, located at 7-9 Storrs Close. Given the significant physical barrier of the highway between the application site and the closest residential dwelling, and the established commercial nature of the surrounding area, I do not consider that the proposed retention of the change of use would have an adverse impact on residential amenity.
- 6.7. I note that objections raised refer to concerns regarding noise, disturbance and pollution generated by the application proposals. Given the commercial surroundings and significant distance between the application site and nearest residential dwellings, beyond the physical barrier of B4128 Bordesley Green, I do not consider that the objections would warrant a reason for refusal. Furthermore, Regulatory Services have not objected to the scheme.
- 6.8. **Highway Safety** – The application site comprises an existing commercial location within Bordesley Green. Based on the existing 4no. working bays, 16 parking spaces are required in accordance with the Car Parking Guidelines SPD. The application proposals set out that the unit benefits from 4no. internal parking spaces and 4no. external parking spaces, however it is noted that this area forms part of the public highway.
- 6.9. Transportation Development has been consulted on the application proposals and note that the current parking is insufficient, particularly given the current use of public highway for allocated parking for customers. It is recommended that a condition to secure an amended internal parking layout is attached to any grant of planning permission. Initial discussions with Transportation colleagues have identified that up to 14no. car parking spaces could be provided internally with

appropriate management, which would significantly address the existing shortfall at the site. I consider that such a condition would be appropriate in the circumstances and recommend that details be provided within 1 month and implemented within 3 months.

- 6.10. Transportation Development also raise no concern with regards to the objection made by interested parties that the retention of the change of use would be likely to lead to an increase in vehicular accidents, although they suggest a temporary consent might be beneficial. Bangor Road however is generally subject to low parking demand, and I consider that informal parking would be likely to continue to take place without creating an adverse impact on highway safety in the vicinity of the site such that a temporary consent would be unnecessary.

7. Conclusion

- 7.1. The application proposals seek to retain the use of an existing commercial building as a Sui Generis vehicle repairs and MOT testing centre. The application site is located within an established commercial location and forms part of the Wheels and Environs site allocated within the emerging Bordesley Park Area Action Plan. It is considered that the application proposals would be appropriate in the context of its surroundings and policy context and as such is considered acceptable.

8. Recommendation

- 8.1. Approve, subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the approval of an amended car park layout within 1 month and implemented within 3 months |
| 2 | Limits the hours of operation to 0830-1800 Monday to Saturday |
| 3 | Prevents the use from changing within the use class |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
-

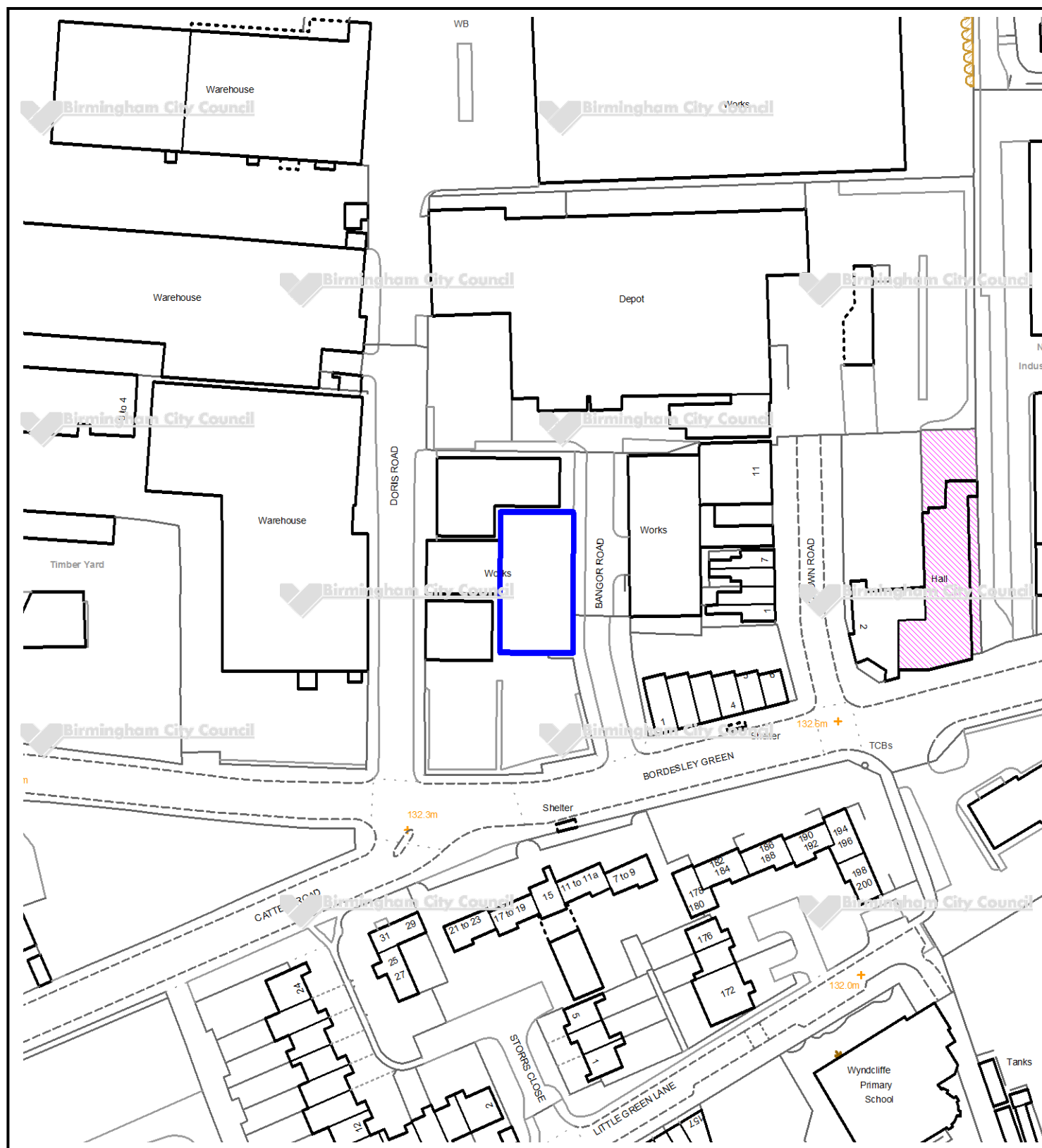
Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application Site

Location Plan



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

Committee Date:	09/11/2017	Application Number:	2017/07947/PA
Accepted:	11/09/2017	Application Type:	Telecommunications
Target Date:	10/11/2017		Determination
Ward:	Erdington		

Kingsbury Road, Outside 416, Erdington, Birmingham, B24 9NQ

Application for prior notification for the installation of a 17.5 metres high monopole with 3 no. shrouded antennas, 3 no. equipment cabinets and 1 no. meter pillar.

Applicant: Vodafone Ltd and CTIL
c/o Agent
Agent: Mono Consultants Ltd
Steam Packet House, 76 Cross Street, Manchester, M2 4JG

Recommendation

Prior Approval Required And To Approve With Conditions

1. Proposal

- 1.1. This is a prior notification application for the installation of a 17.5 metre high telecommunications monopole with 3no. shrouded antennae, 3no. associated telecommunications equipment cabinets and a meter pillar located on a grass verge adjacent to access junction to Arden House, 416 Kingsbury Road and opposite the junction of Firtree Road and Kingsbury Road.
- 1.2. The monopole with cylinder shroud would be galvanised steel and painted Fir green (RAL6009). The cylinder shroud on top would accommodate three antennas for Vodafone and Telefonica.
- 1.3. The 3no. equipment cabinets and meter pillar would be galvanised steel and painted Fir green. The three equipment cabinets would vary in size with the larger two cabinets on site would have a width of 0.75 metres and a depth of 0.77 metres and would measure 1.9 metres in height. The smaller cabinet would range from a width of 0.6 metres by 0.6 metres in depth by 1.4 metres in height. The meter pillar would be 0.65 metres in width by 0.26 metres in depth by 1 metre in height. Each of the equipment cabinets would be less than 2.5 cubic metres. The cabinets would be located on concrete base.
- 1.4. The proposed development would upgrade local telecommunications to meet coverage and capacity requirements and provide multiple technology platforms for 2G, 3G and 4G by Vodafone and Telefonica.
- 1.5. The applicant has submitted a declaration that the proposal would meet the ICNIRP requirements.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site forms part of a grass verge close to the access junction to Arden House, 416 Kingsbury Road opposite the junction of Firtree Road and Kingsbury Road. Other tall features within the streetscene include street lights, bus stop, road signs. The main habitable windows to adjoining residential property (Arden House) are located approximately 14 metres from the application site. Birches Green infant school is situated approximately 130 metres, Queensbury School is situated approximately 530 metres and Erdington Academy approximately 500 metres away from the application site. Rookery Park is located approximately 90 metres west of the site. The wider area is predominantly residential.

[Location Map](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Site and Press notices displayed. Adjoining neighbours, Resident Associations, Ward Councillors and MP consulted. Two letters of objections received. One from Head Teacher at Birches Green Junior School, who objects to the application but no grounds specified within the objection. The other letter from a neighbour objects on the following:

- Loss of light and outlook as the front elevation consists of lounge window associated to the flat as the monopole would be situated adjacent to the boundary of the property;
- Loss of property value as 416 Kingsbury Road are privately owned flats;
- Pedestrian and highway safety concerns as there is a bus stop and school manned patrol within 5 metres, footway crossing and access to 416 Kingsbury Road, two schools and Rookery Park within close proximity to the site. Further expansion of JLR combined with school traffic would compromise pedestrian and highway safety.
- There is plethora of communication equipment within the immediate locality and no problems have been received with regards to reception and therefore the proposal would not provide any benefit to local residents

- 4.2. Regulatory Services – No objections

- 4.3. Transportation Development – Requested amendments as the equipment cabinets is situated the edge of the recommended vehicle visibility splay at the access junction to the parking area of Arden Court, cabinets are situated in front of a street name plate sited at the back of pedestrian footway and cabinet foundation construction may be within root protection zone (RPZ) for street tree.

- 4.4. Amended plans submitted that shows cabinets would be situated outside vehicle visibility splays. Transportation Development raised no objections subject to a condition for the street name plate to be relocated to BCC Highways Specifications at the expense of the applicants.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Telecommunications Development: Mobile Phone Infrastructure SPD (2008); Places for All (2001); National Planning Policy Framework (2012); The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.
6. Planning Considerations
- 6.1. **Policy Context** - The prior approval procedure was amended in November 2016 and applies to the construction, installation, alteration or replacement of a ground based mast of up to and including 25 metres in height (or 20 metres on a highway) on unprotected land (Paragraph A.1 (1) (c) of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016. The prior approval procedure allows the local planning authority to only consider the siting and appearance of the proposal.
- 6.2. Paragraphs 42-46 of the National Planning Policy Framework (NPPF) relate to the installation of telecommunications equipment. Paragraph 43 advises that local planning authorities should support the expansion of electronic communications networks but should aim to keep the numbers of telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. It explains that existing masts, buildings and other structures should be used, unless the need for a new site has been justified and that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
- 6.3. Policy TP46 (Connectivity) of the Birmingham Development Plan (2017) covers digital communications and makes no specific policy reference to telecommunications development. The saved Telecommunications Policy (Paras. 8.55-8.55C) in the Birmingham UDP (2005) and the Telecommunications Development SPD both state that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, the Council's SPD advises that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they are the only option they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual impact.
- 6.4. **Siting and appearance** - The proposed installation is required in order to provide enhanced 2G, 3G and 4G coverage for Telefonica and Vodafone. The applicant has provided existing and proposed coverage plots which demonstrate the need for the proposed installation within this catchment area. The applicant carried out a study of alternative sites within the area and discounted them as they did not meet the operators' requirements. The alternative site assessment is robust and the current site provides the most suitable location to provide improvements to the existing and proposed network coverage and meet capacity requirements.
- 6.5. In terms of siting, the application site is on a grass verge that contains street trees between the highway and public footpath, and in close proximity lays street furniture in the form of lighting columns, bus stop, guard railings and litter bins. The proposed height of 17.5m does exceed the height of the surrounding trees and existing infrastructure however it is acknowledged that the height is required to secure the

telecommunications reception and reach of the mast through the existing trees and other infrastructure. The proposed monopole, cabinets and fencing that would be painted fir green which would blend in with the surrounding tree cover and would be in keeping with the street lighting on Kingsbury Road. The plans also confirmed that graffiti resistant paint would be applied to the proposed cabinets and monopole. Consequently, I consider that the fundamental principles have been applied by the applicant to minimise the contrast between the proposal and its surroundings through appropriate siting and design and would therefore have a less significant impact on the surrounding residential properties or visual amenity of the area.

- 6.6. I note concerns have been raised by a neighbour with regards to light and outlook. The proposed monopole and cabinets would be approximately 14 metres from the nearest habitable window to the adjoining flats at Arden House. I acknowledge that the proposed monopole will be visible but consider that it would largely have similar light/ outlook as street lighting columns when viewed from the flats and other residential dwellings on Kingsbury Road.
- 6.7. The proposal on balance is considered acceptable and strikes a good balance between technical constraints and environmental considerations.
- 6.8. **Impact on public health** - Paragraph 46 of the NPPF states that the Local Planning Authority must determine applications on planning grounds. The applicant has demonstrated, by way of an appropriate certificate, that the proposed installation would meet the standards of the ICNIRP for public exposure as recommended by Paragraph 46 of the NPPF and a fully compliant certificate has been submitted. Consequently, I consider the application is acceptable on the grounds of public health.
- 6.9. **Other concerns** – Amended plans have been provided that shows equipment cabinets are now situated outside recommended vehicle visibility splays at the access junction to Arden Court, 416 Kingsbury Road. The existing street sign would be obscured from view by the proposed equipment cabinet. Transportation Development have raised no objections subject to imposition of a condition for the street sign to be relocated appropriately on Kingsbury Road.
- 6.10. With regards to existing street tree adjacent to the proposed cabinets, the applicants have confirmed that National Joint Utilities Group (NJUG) in relation to tree protections would be applied to any work on site. My Tree Officer is happy that appropriate measures would be applied to protect street tree and no objections have been raised to the proposal.
- 6.11. The devaluation of existing property is not material planning considerations and as such is not considered as part of this proposal.

7. Conclusion

- 7.1. I consider that siting and design of the proposal is acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality. The proposed development would comply with NPPF (2012), TP46 of the BDP, Policy 8.55 of the Birmingham Unitary Development Plan 2005 and Telecommunications Development: Mobile Phone Infrastructure SPD 2008, which has been adopted as a Supplementary Planning Document.

8. Recommendation

8.1. Prior approval required and approve subject to a condition.

1	Requires the prior submission of a package of highway measures for the relocation of existing street sign.
---	--

Case Officer: Mohammed Akram

Photo(s)



Figure 1: View from Firtree Road junction



Figure 2: View from Kingsbury Road (westbound direction)



Fire 3: View from Kingsbury Road (eastbound direction)

Location Plan



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

Committee Date:	09/11/2017	Application Number:	2017/08050/PA
Accepted:	26/09/2017	Application Type:	Demolition Determination
Target Date:	10/11/2017		
Ward:	Shard End		

140 & 142 Shard End Crescent, Birmingham, B34 7AD, and, 435 - 441 Heath Way B34 6QN, Shard End, Birmingham,

Application for prior notification of proposed demolition of a mix of semi-detached dwelling houses, flats and a bungalow

Applicant:	Birmingham City Council Clearance Team, Lancaster Circus, PO Box 16579, Birmingham, B2 2GQ
Agent:	Acivico Building Consultancy Louisa House, P O Box 17212, 92-93 Edward Street, Birmingham, B2 2AQ

Recommendation

Prior Approval Required And To Approve With Conditions

1. Proposal

1.1. This application seeks prior approval determination for the demolition of a mix of semi-detached dwellings, flats and a bungalow at 140 & 142 Shard End Crescent and 435-441 Heath Way, Shard End.

1.2. The proposed properties for demolition include:

- Property 140 Shard End Crescent, a small vacant bungalow with enclosed garden area to the front bounded by a well-established 1.5m high hedge and an enclosed rear garden area. An access drive runs to the southern elevation of the bungalow leading to a vehicle lock up garage area;
- Property 142 Shard End Crescent, a vacant three storey pitched roof block of 6 flats, located on a prominent corner plot bounded by Shard End Crescent to the east/south east and Heath Way to the north/north east. To the front lies an enclosed grassed area bounded by 1.8m high ornate railings and to the rear lies enclosed amenity areas; and,
- Properties 431-441 Heath Way, a pair of two storey semi-detached properties with pitched roof, containing four residential units. To the front lies an enclosed garden area bounded by 1m high picket fencing and to the rear lies enclosed amenity areas. To the north western edge of the site lies a sub-station.

1.3. None of the buildings proposed to be demolished are of any architectural significance. Demolition is required due to the property's condition. Once demolition is complete it is unknown what future development may occur on the site.

- 1.4. Demolition of the buildings is permitted development, subject to the submission of a prior approval application to consider the method of demolition and the means of restoring the site.
- 1.5. Demolition method would be by use of a 360-degree mechanical machine with suitable attachments. Dust and noise levels would be kept to a minimum. All debris/rubble would be recycled where possible and any hazardous materials would be disposed of at an appropriately licenced waste site.
- 1.6. Once demolition is complete the site would be graded flat or to adjoining levels to the site boundary. Timber trip rail to a height of 400mm would be located to back of pavement and 1.8m high chain link fencing erected set back 2m from the public footpath with 1.8m high timber fencing to the adjoining land to the rear.
- 1.7. The projected demolition dates are from 20.11.2017 to 22.12.2017.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The properties are located fronting a prominent corner bounded by Shard End Crescent to the east/south east and Heath Way to the north/north east. The properties consist of a small bungalow at 140 Shard End Crescent, a three storey block of 6 flats at 142 Shard End Crescent and a pair of semi-detached properties containing 4 residential units at 431-441 Heath Way. None of the properties proposed for demolition are of any architectural significance. The sites are bounded by an access drive leading to lock up garages to the southern edge adjacent to 140 Shard End Crescent, a sub-station to the north western edge adjacent to properties 435 and 437 Heath Way and a block of lock up garages to the rear west of the site.
- 2.2. Directly adjacent to the site lies the Shard End Neighbourhood Centre. The surrounding area is generally residential in character.

[Location plan](#)

3. Planning History

- 3.1. None of relevance.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections.
- 4.2. Transportation Development – No objections subject to condition requiring the prior submission of a demolition method statement/management plan.
- 4.3. Wayleaves (Western Power) – Awaiting response.
- 4.4. Requisite site notices displayed and Ward Councillors notified, with no responses received.

5. Policy Context

5.1. Birmingham Development Plan (2017) and Birmingham Unitary Development Plan 2005 (Saved Policies); Town and Country Planning (General Permitted Development) Order 1995 (as amended), National Planning Policy Framework (2012).

6. Planning Considerations

6.1. The issues to be considered with this type of application are solely the method of demolition and means of restoring the site.

6.2. The application forms state that the proposed demolition works are to three vacant residential buildings, including a bungalow, three storey block of flats and a pair of semi-detached properties, which are no longer fit for purpose. No details of future development of the site are known at present.

6.3. It is considered that the works proposed can be undertaken without any adverse impacts on surrounding buildings or the surrounding area. The buildings are of no architectural or historic merit and there are no unusual or constrained site conditions that would result in a difficult or unusual demolition process. Once the properties/buildings have been demolished, the site would be graded and secured through 400mm high trip rail, 1.8m high chain link fencing and 1.8m high timber fencing.

6.4. In terms of amenity, Regulatory Services raise no objection and no responses have been received resultant from the requisite site notices displayed.

6.5. In terms of highway/pedestrian safety, Transportation Development state that no issues arise to the principle of demolishing the buildings. However, it is advised that some additional method statement detail should be provided regarding how it is proposed to manage the demolition in terms of facilitating and controlling plant/vehicle access to the site. The location on a prominent junction, in close proximity to a district shopping centre, would generate the potential for conflict between pedestrians, vehicles and demolition plant/vehicle activity. I concur with the above view and accordingly attach a condition for the provision of a Demolition Management Plan/Method Statement.

6.7. I consider the principle of the demolition works, site security and method of site restoration measures acceptable.

7. Conclusion

7.1. The application will result in an appropriate scheme of demolition, subject to a Demolition Management Plan given the extent of works and proximity to residential properties and the adjacent Shard End Neighbourhood Centre.

8. Recommendation

8.1. That prior approval is required and approved subject to a condition.

1	Requires the prior submission of a Demolition Management Plan/Method Statement
---	--

Case Officer: Keith Mellor

Photo(s)



435 - 441 Heath Way



140 & 142 Shard End Crescent 1

Location Plan



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

Birmingham City Council

Planning Committee

09 November 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>
Authorise	14	2007/04491/PA Aldi, Berkeley Precinct Alcester Road South Maypole Birmingham B14 5JE Construction of food retail store, 22 apartments and parking and service areas and alteration and construction of means of Access to and from highway
Approve - Conditions	15	2017/08136/PA 92 Rotton Park Road Edgbaston Birmingham B16 0LH Erection of outbuilding

PLANNING COMMITTEE 9TH NOVEMBER 2017

AUTHORISE

2007/04491/PA

District: South Selly Oak

Location: Aldi, Berkeley Precinct, Alcester Road South, Maypole, Birmingham B14 5JE

Proposal: Construction of food retail store, 22 apartments and parking and service areas and alteration and construction of means of access to and from highway

Applicant: Aldi Stores Ltd, Holly Lane, Atherstone, Warwickshire CV9 2SQ

List of Background papers:

Report to Planning Committee – 10th April 2008

Background

- 1.1 This report proposes a Deed of Variation to the Section 106 Agreement to remove the affordable housing obligation, due to changed financial viability.
- 1.2 The above planning application was granted planning permission on 22nd May 2008, following the completion of a legal agreement to secure 8 of the 22 units as on-site affordable housing, and a financial contribution of £32,000 towards public open space provision. Payment was received in respect of the public open space provision on 28th May 2008. This was payment in full and the works have been completed.
- 1.3 The development is complete, except for the 22 apartments located above the foodstore, which have only been completed to 'shell' condition and have not been fitted out.
- 1.4 The S106 Agreement stipulates that no more than 50% of the open market dwellings shall be occupied prior to the affordable housing units being completed. The proposed Deed of Variation would delete the requirement for affordable provision, as set out below:

Observations

- 1.5 A Financial Viability Appraisal was submitted by the Applicant to the Local Planning Authority in June 2016 to underpin pre-application discussions with regard to the removal of the affordable housing

obligation to allow the 22 apartments to be completed and sold on the open market. A subsequent Addendum to their Appraisal was submitted to the LPA in September 2017 to reflect the inclusion of the foodstore element (as requested by Planning Officers) and to reflect market changes occurring since submission of their original Appraisal due to the passage of time.

- 1.6 The Applicant's Financial Viability Appraisal (original Appraisal plus their Addendum) has appraised the profit margin based on open market sale of the 22 apartments. In their Appraisal they explain that they do not consider there is foundation within relevant RICS and PPG Guidance, or the NPPF, to justify incorporation of annual operational trading profits from the foodstore within a planning viability assessment. They go on to explain that were this ever to have been a requirement, it would have undermined the financial case for opening the foodstore as it would have jeopardised the requisite trading margin hurdle to justify investment. However, for completeness, they have included both the residential element and the foodstore element as a single development proposition.
- 1.7 Their Appraisal explains that the cost of constructing the apartments to shell condition have to date been £1,003,672 and that the remaining construction costs to fit out to habitable standard are estimated to be £1,371,892. The foodstore cost £1,981,555 to build. The total costs incurred (including additional professional and disposal fees) would be £4,857,539. The gross development value of the scheme would be £5,495,723. Therefore the total profit made as a result of the development would be £638,184, a profit on gross development value of 11.61%. The LPA's retained valuers Lambert Smith Hampton (LSH) consider a target rate of return of 17-20% on gross development value would be envisaged for a scheme such as this.
- 1.8 The Appraisal has been independently reviewed by LSH on behalf of the LPA. Their Valuation Analysis concludes that the scheme cannot sustain any affordable housing provision without prejudicing the proposed completion of the residential apartments, because a logical/rational developer will not construct to a less than standard profit rate. LSH advises that the location is very secondary and low value, and selling the completed apartments would be difficult. The low value nature of the residential element also negatively influences the viability position. They therefore concur with the Applicant that there is no scope for the scheme to support any affordable housing provision.
- 1.9 The recession that occurred shortly after the construction of the foodstore depressed residential values and this, together with the affordable housing obligation, was one of the main reasons as to why the residential element was not viable for the Applicant to pursue at the time. Since 'mothballing' of the residential element nine years ago the Applicant has explored various options to sell the residential apartment

element to social housing/care operators to fit out. However, they explain that they have not received a viable offer to date.

- 1.10 No condition was attached to the planning permission which required the residential apartment element to be occupied or completed prior to the opening of the foodstore. In hindsight this was unfortunate, but given the rarity of such circumstances whereby residential would be situated above a large foodstore, arguably this scenario could not have been foreseen. Neither was the global financial crisis widely foreseen. If the Applicant decided not to complete the residential element in perpetuity this would be entirely legal and they would not be in breach of planning.
- 1.11 My colleagues in Housing are disappointed that the previously agreed affordable housing provision has to date not been delivered in this location. However, they reluctantly accept that based on the Appraisal the high cost of bringing these units into use means that the affordable housing cannot be provided.
- 1.12 In conclusion, the choice for Members to weigh up is: whether to allow a major retailer operator not to deliver on a key component of their approved scheme which would have had public benefit in the form of both private market and affordable housing provision *or* accept that without deletion of the affordable housing obligation the apartments may remain 'mothballed' in perpetuity - when they could be fitted out and sold on the open market now, helping to meet the City's housing needs and providing relatively low cost housing opportunities. Whilst acknowledging that neither scenario is ideal, on balance, I give greater weight to the need for the affordable housing obligation to be deleted to allow for the apartments to be fitted out and sold on the open market.

Recommendation

1. That the City Solicitor be authorised to prepare, seal and complete the appropriate Deed of Variation.
2. Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

AUTHOR: Andy Conroy

Committee Date:	09/11/2017	Application Number:	2017/08136/PA
Accepted:	19/09/2017	Application Type:	Householder
Target Date:	14/11/2017		
Ward:	Edgbaston		

92 Rotton Park Road, Edgbaston, Birmingham, B16 0LH

Erection of outbuilding

Applicant:	Dr Khan
	c/o Agent
Agent:	B P Services
	6 Radford Rise, Solihull, West Midlands, B91 2QH

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a detached outbuilding to the rear of the application site. The proposed outbuilding would be constructed as a domestic storage area.
- 1.2. The proposed detached structure would measure 5.96m (width) x 5m (depth) with an overall floor area of 29.83 square metres. The proposed structure would be sited approximately 22m away from the rear of the main dwelling. The outbuilding would be positioned 1m away from the boundary with No.94 Rotton Park Road and 0.15m away from the boundary with No.90. The distance of the location of the building to the boundary with No.18 Jacey Road would vary between 1m and 3.6m as the boundary is set at an angle to the proposed position of the structure. The proposed outbuilding would have a gable end roof design with a ridge height of 4.32m and an eaves height of 2.4m. Due to a gentle increase in the ground level of the garden towards the rear of the site, the ground would be cut into by approximately 50cm to enable a level floor for the outbuilding.
- 1.3. The proposed outbuilding would be constructed from brickwork. There would be two windows and a door in the eastern elevation of the structure which would face towards the rear elevation of the main dwelling. There is a small window in the western elevation facing the boundary with No.18 Jacey Road.

1.4. Link to Documents

2. Site & Surroundings

- 2.1. The application site consists of a semi detached dwelling with a gable end roof design and a bay window column and gable feature to the front. The property has a two storey rear wing. The dwelling is located within a predominantly residential area comprising of properties of varying designs. The property is used as a Small HMO following a Certificate of Lawful Development being issued last year (application

reference 2016/07932/PA) for a change of use from a residential dwelling house. The property benefits from a generously sized lawn area to the rear. There is various vegetation along the rear boundary of the site with No.18 Jacey Road which provides a certain level of screening.

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. 18/11/2016 – 2016/07932/PA – Lawful Development Certificate issued for the proposed change of use from residential dwelling house (Use class C3) to HMO (Use class C4).

4. [Consultation/PP Responses](#)

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. 8 letters of objection have been received from residents and Cllr Deirdre Alden, on the following grounds:
- Loss of privacy, impact upon private views within neighbouring gardens
 - Loss of light
 - Scale, dominant impact upon the rear garden of the property and neighbouring gardens.
 - Out of keeping with the character of the surrounding area.
 - The use of the structure and its potential use as residential accommodation, trenches already dug, perhaps for utilities. No need for rear window for example, too large for storage. Already turned the main property into flats.
 - The removal of trees towards the rear of the garden.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan 2005 (Saved Policies).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

6. [Planning Considerations](#)

- 6.1. This application has been assessed against the objectives of the policies as set out above.
- 6.2. The principal matters for consideration are the scale, design, siting and use of the proposed detached structure, its impact upon the character of the area, and the impact upon neighbouring properties amenities.

- 6.3. The proposal complies with your Committee's 45 Degree Code policy and therefore would not have an adverse impact upon the occupiers of adjacent dwellings in terms of loss of light.
- 6.4. The window in the rear elevation of the proposed outbuilding would fail to meet with the required 5m separation distance as contained within 'Places For Living' and 'Extending Your Home' from the boundary with No.18 Jacey Road. This window can be conditioned to be fitted with obscure glazing in order to protect the privacy of the occupiers of the neighbouring dwelling (should any views be possible over the garden fence).
- 6.5. The remaining garden space would exceed the minimum requirement as contained within 'Places For Living' and 'Extending Your Home' by a significant amount with a remaining garden area of approximately 180 square metres. A distance in excess of 20m would be maintained between the rear of the property and the proposed structure.
- 6.6. The scale, mass and design of the proposal is acceptable. As the development would be located to the rear of the site there would be no impact upon the street scene. There are several examples of existing detached outbuildings of a relatively generous scale within close proximity to the application site in Rotton Park Road and Portland Road. I therefore do not consider that the construction of the proposed outbuilding would be out of keeping with the character of the surrounding area. The proposal would not dominate the appearance of the rear garden of the site or have a significantly adverse impact upon the character and visual quality of the surrounding area. The proposed development complies with the guidance contained within 'Extending Your Home'. I do not consider that a refusal of this application could be sustained on appeal.
- 6.7. It should be noted that by changing the pitched roof to a flat roof, an outbuilding of the same footprint and eaves height could be built as permitted development and would therefore not require planning permission.
- 6.8. A number of concerns have been received from neighbours with regard to the potential use of the outbuilding as a separate unit of accommodation in view of the property being used as a HMO. Notwithstanding these concerns, the applicant has confirmed that the outbuilding would be used for residential storage purposes and therefore the application must be assessed on this basis. A set of amended plans have been submitted confirming this use of the structure. The use of the building can be controlled by means of a condition attached ensuring that the approved development remains incidental to the main use of the host property.
- 6.9. A CIL form has not been submitted, however, the proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Notwithstanding the objections raised by the neighbouring occupiers, I consider that there are no sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

8.1. Approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires that the approved scheme is incidental to the main use |
| 4 | Implement within 3 years (Full) |
-

Case Officer: George Baker

Photo(s)

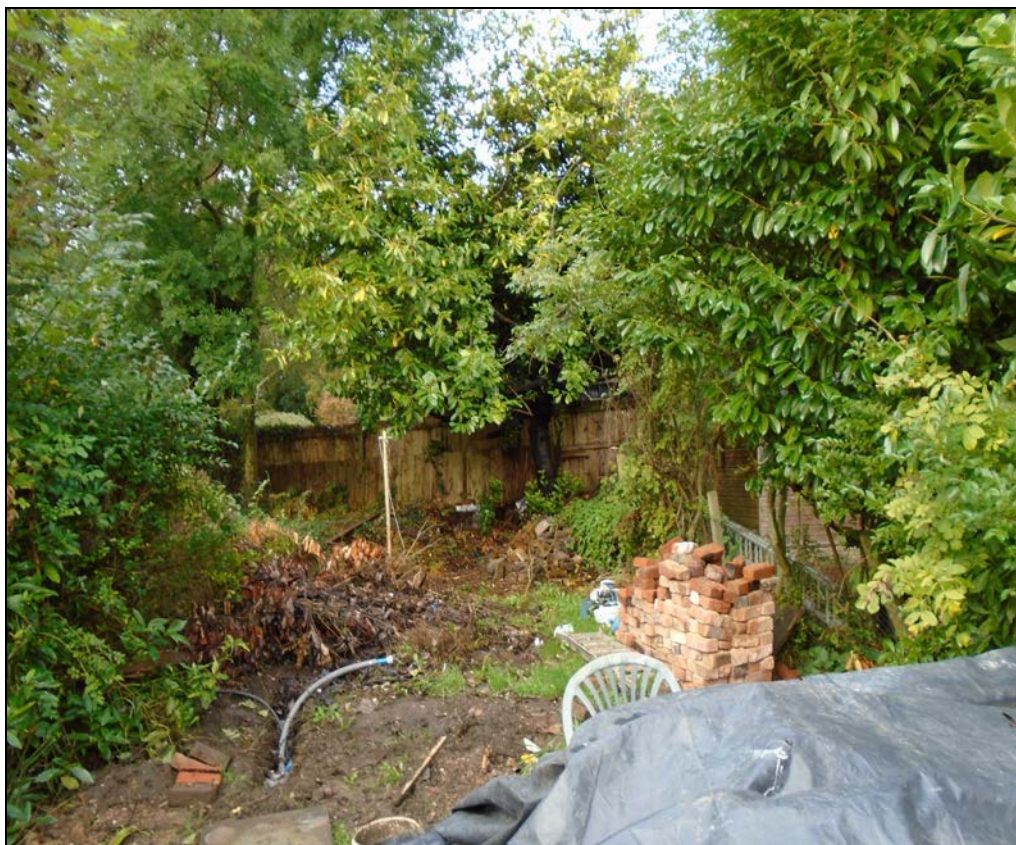
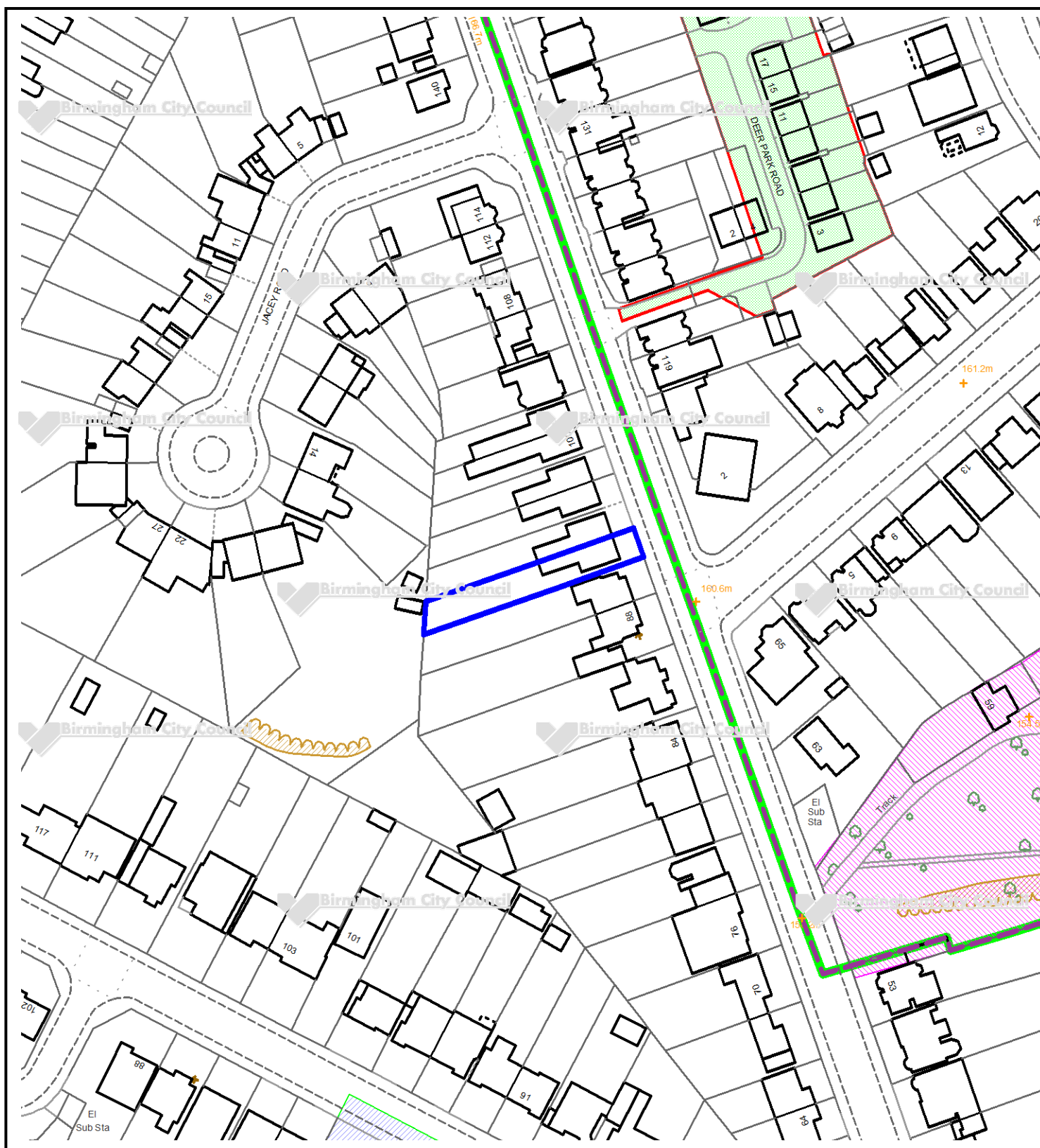


Figure 1 – Rear of application site.



Figure 2 – Rear of property.

Location Plan



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

Birmingham City Council

Planning Committee

09 November 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	16	2017/06358/PA Land to the rear of 30/32 Reservoir Road fronting Reservoir Retreat (former warehouse) Edgbaston Birmingham B16 9EG Demolition of former warehouse and erection of 3 dwellings using part of rear garden of No. 30 Reservoir Road to create garden space whilst providing additional garden space for No. 32 Reservoir Road
Approve – Conditions	17	2017/06404/PA Land to the rear of 30/32 Reservoir Road fronting Reservoir Retreat (former warehouse) Edgbaston Birmingham B16 9EG Listed Building Consent for demolition of former warehouse in association with the erection of 3 dwellings using part of rear garden of No. 30 Reservoir Road to create garden space whilst providing additional garden space for No. 32 Reservoir Road
Approve – Conditions	18	2017/05113/PA Benson Community School Benson Road Hockley Birmingham B18 5TD Proposed demolition of single storey toilet block and corridor link and single storey teaching block, erection of new two storey extension to provide additional teaching accommodation

Approve – Conditions	19	<p>2017/05163/PA</p> <p>Benson Community School Benson Road Hockley Birmingham B18 5TD</p> <p>Listed Building Consent for proposed demolition of single storey toilet block and corridor link and single storey teaching block, erection of new two storey extension to provide additional teaching and ancillary accommodation</p>
Determine	20	<p>2017/06231/PA</p> <p>Former Hardy Spicer Sports Ground and Land between Signal Hayes Road and Weaver Avenue Walmley Sutton Coldfield Birmingham B76 2QA.</p> <p>Deed of Variation to the Section 106 Legal Agreement attached to Outline Planning Approval 2009/04661/PA for a youth/community facility, grass pitch, public open space and residential use.</p>
Approve – Conditions	21	<p>2017/06899/PA</p> <p>Plot 6A The Hub Nobel Way Witton Birmingham B6 7EU</p> <p>Reserved Matters application in order to determine access, appearance, landscaping, layout and scale in relation to the erection of Use Classes B1 (b,c), B2 and B8 industrial/warehouse units in relation to outline approval 2016/00969/PA.</p>
Approve – Conditions	22	<p>2017/07923/PA</p> <p>321 Birmingham Road Sutton Coldfield Birmingham B72 1EH</p> <p>Change of use of existing dwelling (Use Class C3) to a children's day nursery for 40 children on the ground floor (Use Class D1) and a single residential flat above (Use Class C3)</p>

No Prior Approval Required

23

2017/08131/PA

Concorde House
Union Drive
Sutton Coldfield
Birmingham
B73 5TE

Prior notification for the installation of a replacement 15 metre monopole with 3 antennas and associated equipment

Committee Date:	09/11/2017	Application Number:	2017/06358/PA
Accepted:	19/07/2017	Application Type:	Full Planning
Target Date:	13/11/2017		
Ward:	Ladywood		

Land to the rear of 30/32 Reservoir Road, fronting Reservoir Retreat (former warehouse), Edgbaston, Birmingham, B16 9EG

Demolition of former warehouse and erection of 3 dwellings using part of rear garden of No. 30 Reservoir Road to create garden space whilst providing additional garden space for No. 32 Reservoir Road

Applicant:	Mr and Mrs N Watson 32 Reservoir Road, Edgbaston, Birmingham, B16 9EG
Agent:	Michael Edwards Associates Unit 5, Birchy Cross Business Centre, Broad Lane, Tanworth-in-Arden, B94 5DN

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the demolition of a former warehouse building (used as nursery annexe) and for the erection of three, 3bed dwelling houses at land rear of 30/32 Reservoir Road, Edgbaston. It is also proposed to use part of the rear garden of No. 30 Reservoir Road to create private amenity space for the proposed dwellings.
- 1.2. The proposed dwelling houses would be arranged in a linear pattern along the existing road up to back edge of footway with Reservoir Retreat. They would be two storeys in height with accommodation within the roof. Each dwelling would comprise a kitchen, WC, store and living/dining room on the ground floor and two bedrooms (14sqm and 10sqm) and a bathroom at first floor level. A further bedroom (16sqm) would be provided on the second floor. The proposed dwellings would have gross internal floor areas of 103sqm.
- 1.3. A pitched roof design is proposed and the materials would be brick with slate roof tiles to match the adjacent terraced properties. There would be roof lights within the roof slope to the front and rear of the proposed dwellings. A four-course brick corbel would be at eaves level. The windows would be recessed by 90mm with stone sills and the front doors would have four-panels with a fanlight window above together with three course gauged brick above the windows and doors. To the rear, there would be a single storey rear projection with patio doors.
- 1.4. Each dwelling house would have private amenity space of approx. 55sqm. There would be side gates and alley to the side of the proposed dwellings to allow access to the garden area.
- 1.5. No off street parking provision would be provided.

- 1.6. The proposed development as submitted indicates that 5 car parking spaces would be retained to the rear of 32 Reservoir Road to be used as part of the day nursery use. Alterations are proposed to the access to include fencing and inward opening gates and the existing footway crossings fronting the proposed dwellings would be reinstated to full kerb height.
- 1.7. No. 30 Reservoir Road would remain as a single family dwelling house.
- 1.8. A Design and Access Statement has been submitted which includes a Heritage Statement. Within this document it states that the number of children at the day nursery would be reduced in proportion to the loss of floor area of the annexe and this reduction would result in a less intensive use of the site. It also states that the proposal would not directly affect the Listed Building status of 30 and 32 Reservoir Road; although part of the garden area would be affected.
- 1.9. There is a current application on this agenda for Listed Building Consent for the demolition of the former warehouse in association with the current application (planning ref: 2017/06404/PA).
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is occupied by a large single storey, former warehouse building, which is currently used as an annexe to the established day nursery at 32 Reservoir Road. No. 32 Reservoir Road is a Grade II Listed Building and the former warehouse is located within its curtilage. The application as submitted encompasses part of the rear garden of No. 30 Reservoir Road, which is also a Grade II Listed Building. The application site fronts onto Reservoir Retreat which has unrestricted parking capacity within a narrow cul-de-sac. There are Traffic Regulation Orders in the form of double yellow lines at the junction with Reservoir Road and Reservoir Retreat.
- 2.2. The surrounding area is predominantly residential in nature with some commercial uses within close proximity.
- 2.3. [Link to Site Location](#)

3. Planning History

Various applications with the most recent/relevant being:

Land rear of 32 Reservoir Road

- 3.1. 25/01/2007 - 2006/07533/PA - Demolition of former warehouse building (last used as nursery annexe) and the erection in its place of 3 houses which would also utilise part of the rear garden of no.30 Reservoir Road to create garden space whilst providing additional garden space for no.32 Reservoir Road – Refused. Allowed with conditions on appeal (05/11/2007).
- 3.2. 25/01/2007 - 2006/07534/PA - Listed Building Consent for demolition of former warehouse building (last used as nursery annexe) and the erection in its place of 3

houses which also utilise part of the rear garden of Grade II listed No.30 Reservoir Road to create garden space whilst providing additional garden space for Grade II listed No. 32 Reservoir Road – Refused. Allowed with conditions on appeal (05/11/2007).

- 3.3. Current - 2017/06404/PA - Listed Building Consent for demolition of former warehouse and erection of 3 dwellings using part of rear garden of No. 30 Reservoir Road to create garden space whilst providing additional garden space for No. 32 Reservoir Road – Awaiting determination.

32 Reservoir Road

- 3.4. 11/03/2010 - 2010/00185/PA - Variation of condition 10 on planning approval 1994/00746/94/PA to allow an increase in the number of children from 18 to 38 in warehouse annexe – Refused as the car parking facilities proposed are inadequate and would lead to unacceptable levels of additional parking in nearby roads.

4. Consultation/PP Responses

- 4.1. Shabana Mahmood MP, Local Ward Councillors, Resident Associations and local residents consulted. Site Notice displayed. 6 letters of objection have been received from local residents who object to the proposal, on the following grounds:

- Parking issues and traffic congestion, particularly drop off and collections of day nursery children including commuters working nearby leaving cars; reduced on-street parking availability, concerns regarding accommodating building lorries and vehicles and impact on the proposed residential parking scheme
- Increase in noise and disturbance from building works
- Impact upon historical character and appearance of the area
- Environmental issues – rubbish/litter and anti-social behaviour
- Reduction in size of nursery/garden areas
- Out of keeping with existing Victorian properties
- Loss of light
- Overlooking issues
- Reference made to the previously refused applications
- Health and safety issues during construction
- Extra outdoor play area created to rear gardens of No 28 and 30 Reservoir Road without consent
- Devaluation of properties
- Reference made to future use of No. 30 Reservoir Road as a day nursery

- 4.2. Regulatory Services – No objections. There are no contaminated land issues.
- 4.3. Transportation Development – No objections, subject to conditions relating to boundary treatment, gates and access arrangements to parking area; reinstatement of redundant footway crossing and laying out of parking areas.
- 4.4. WM Police – No objections and comments in relation to Secured by Design and noted that no parking provision is proposed and additional parking within Reservoir Retreat would add to the demand for on-street spaces, which include vehicles bringing children to the adjacent nursery.
- 4.5. Severn Trent Water – No objections, subject to a condition for drainage plans.

4.6. Historic England – No objection.

5. Policy Context

5.1. Relevant National Planning Policies:

- National Planning Policy Framework;
- Technical housing standards – nationally described space standard (2015);
- Planning (Listed Buildings and Conservation Areas) Act (1990)
- Grade II Listed Building: 30 and 32 Reservoir Road.

5.2. Relevant Local Planning Policies:

- Birmingham Development Plan;
- UDP (Saved Policies);
- Places for Living - SPG;
- Car Parking Guidelines - SPD ;
- Conservation Strategy – SPD;
- 45 Degree Code - SPD.

6. Planning Considerations

Background

- 6.1. Planning permission was previously refused for a near identical proposal on this site (planning reference: 2006/07534/PA and 2006/07533/PA) on inadequate amenity grounds and impact on the setting and character of the listed building. The proposed development was subsequently allowed on appeal on 5th November 2007. It was considered by the Planning Inspector that the existing warehouse building is an unattractive utilitarian structure that detracts from the street scene of Reservoir Retreat and also the setting of the listed 32 Reservoir Road. The proposal for 3 terraced properties of traditional appearance would reflect the character, scale and design of their surroundings and would secure a marked improvement in the street scene; it would also enhance the setting of No. 32 Reservoir Road as a listed building. It was also considered that a significant amount of garden area would remain at No. 30 Reservoir Road and the setting of the listed building would not be materially harmed. It was also noted that the proposed gardens would not have an adverse effect on the character of the area. These have subsequently expired.
- 6.2. Since that decision, the National Planning Policy Framework (2012) and the Technical housing standards – nationally described space standard (2015) have been introduced, together with the adoption of the Birmingham Development Plan.
- 6.3. The main considerations in the determination of this planning application are the principle of the use in this location, the effect upon the visual amenity of the site and surrounding area and highway implications and whether the proposal would cause harm to the setting of listed buildings and the street scene generally.

Policy

- 6.4. The NPPF advises that heritage assets are irreplaceable resource and should be conserved in a manner appropriate to their significance. In determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and

distinctiveness. Under section 12 of the NPPF any harm or loss requires clear and convincing justification.

- 6.5. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 6.6. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 6.7. Policy TP12 of the BDP 2017 states that the historic environment (which includes locally significant assets and their settings in addition to designated and statutorily protected features) will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in ways which will make a positive contribution to its character.
- 6.8. Great weight is given to the conservation of the City's heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions will be determined in accordance with national policy.

Principle of use

- 6.9. The general principle of residential development has been previously established under an allowed appeal (2006/07534/PA and 2006/07533/PA) which lapsed on 5th November 2010. The application site is classed as brownfield land which is advocated within TP28 of the BDP and paragraph 48 and 111 of the NPPF encourages the effective use of land by re-using land that has been previously developed (brownfield land). The proposed houses would be on previously developed land within a predominately residential area and would contribute to the local housing supply. As such, the proposal would fit appropriately within this residential context. Consequently, I consider that the proposal would comply with the policy aspirations laid out within the BDP and NPPF and therefore would be acceptable in principle.

Impact on setting of Heritage Assets

- 6.10. It is considered that the impact on the setting of heritage assets is formed of two distinct elements, the loss of the former warehouse building and the affect on the setting of the listed building of the erection of 3 dwellings. In this case, it is considered that the loss of the former warehouse annexe would not have an adverse impact. No's 30 and 32 Reservoir Road form a pair of semi-detached mid-19th Century villas that are listed Grade II and the warehouse annexe is not listed. There have been a number of alterations to the rear of these properties over the years and the single storey warehouse which is used in conjunction with the day nursery at 32 Reservoir Road would be demolished as part of this proposal. The warehouse annexe is an unattractive utilitarian structure that detracts from the street scene of Reservoir Retreat and also from the setting of the listed 32 Reservoir Road. Therefore, the proposed demolition of this warehouse building would be acceptable.
- 6.11. It is considered that the proposal for 3 terraced dwelling houses would be of a traditional appearance and would reflect the character, scale and design of their surroundings and would secure a marked improvement in the street scene. They would also enhance the setting of No. 32 Reservoir Road as a listed building.

Although, the proposal would result in the reduction of the rear garden of No. 30 Reservoir Road; it is considered that the proposed development would not materially harm the setting of the listed building as significant garden area would remain. It is noted that part of the area that would be lost is current occupied as an unsightly storage building and the consequences for the listed building would be beneficial. I consider that the proposed development would not cause harm to the setting of No's 30 and 32 Reservoir Road as listed buildings and the proposed dwellings would have beneficial consequences for their setting and also for the wider street scene.

- 6.12. The proposed dwellings would sit on the same building line as the adjacent terraced dwellings. The proposed dwellings would include a four-course brick corbel at eaves level, glazed fanlights above front doors, windows with reveal depths of 90mm and sill projections together with three course gauged brick above the windows and doors to match those at the adjacent houses. The proposal therefore takes into account the character of the area. The proposed dwellings would have a pitched roof design and the materials used in the exterior would be brick with slate roof tiles. I consider that the scale, mass and design is acceptable. The proposed development would not compromise the existing character or have a detrimental impact on the general street scene.

- 6.13. Historic England and the Conservation Officer raise no objections.

Residential Amenity

- 6.14. The bedroom sizes range between 10sqm to 16sqm and are well above the recommended guidelines in the National Technical Housing Standards. In terms of the proposed internal space standards, the National Technical Housing Standards requires 99sqm for a 3 bedroom, 5 person dwelling over three storeys. The proposal would provide gross internal floor areas of 103sq.m with built-in storage of at least 2.5sqm.
- 6.15. The proposal would provide approx. 55sqm for each dwelling. Places for Living sets out guidance of 70sqm for a family dwelling house. However, taking into account the previous appeal decision, the character of the properties and garden sizes in the area and the proximity of Edgbaston Reservoir; I consider the garden sizes to be acceptable.
- 6.16. I note the objections raised from local occupier in respect of loss of light and overlooking. The proposed development would comply with the 45 Degree Code Policy and the numerical guidelines contained within 'Places for Living' would be met; there would be no adverse impact on the residential amenities of the occupiers of the adjacent properties by virtue of loss of light, outlook or overlooking.
- 6.17. Notwithstanding the objections relating to increased noise and disturbance, I consider that any increase in noise and disturbance from building works is likely to be in the short-term and given the proposed demolition of the annexe building which is currently used as part of the day nursery, I consider that the proposed dwellings are unlikely to produce additional noise and disturbance above and beyond than that of the former use as a nursery annexe.

Highway Impact

- 6.18. Transportation Development have assessed the scheme and raise no objections, subject to conditions for amendments to boundary treatment, gates and access arrangements to parking area; for the redundant footway crossing to be reinstated

and for parking areas to be laid out. I concur with this view and note the objections raised above regarding the existing parking problems and traffic congestion within the area and the increase in parking demand as a result of this proposal. It should be noted that the number of children at the nursery would be reduced, which would result in a reduced number of vehicular trips associated with children drop-off/pick-ups and associated parking demand. As such, with the layout plan showing 5 car parking spaces within the curtilage of the nursery site at 32 Reservoir Road, the proposal is not likely to significantly increase traffic generation to the area.

Other Matters

- 6.19. With regard to the objections raised above regarding the future use of No. 30 Reservoir Road as a day nursery. The future use of No. 30 would require a separate planning application which would be assessed on its own merits.
- 6.20. The comments relating to devaluation of properties is not a material planning consideration that can be taken into account in the determination of this planning application.
- 6.21. Any health and safety issues during construction would be controlled under separate legislation.

7. Conclusion

- 7.1. The proposed dwellings would be an appropriate use for this site. The proposal would be visually acceptable and in keeping with the character and appearance of the locality and there would be no adverse impact on highway safety or visual/residential amenity, subject to the attached conditions. The proposed development would not cause harm to the setting of No's 30 and 32 Reservoir Road as listed buildings and the proposed dwellings would have beneficial consequences for their setting and also for the wider street scene.

8. Recommendation

- 8.1. Approve with conditions.

-
- 1 Requires the prior submission of sample materials
 - 2 Removes PD rights for extensions
 - 3 Requires the prior submission of hard and/or soft landscape details
 - 4 Requires the prior submission of boundary treatment details
 - 5 Requires further details of architectural details and finishes
 - 6 Requires the parking area to be laid out prior to use
 - 7 Requires pedestrian visibility splays to be provided
 - 8 Requires the prior submission of a drainage scheme
 - 9 Requires the prior submission and completion of works for the S278/TRO Agreement
-

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

11 Implement within 3 years (Full)

Case Officer: Chantel Blair

Photo(s)

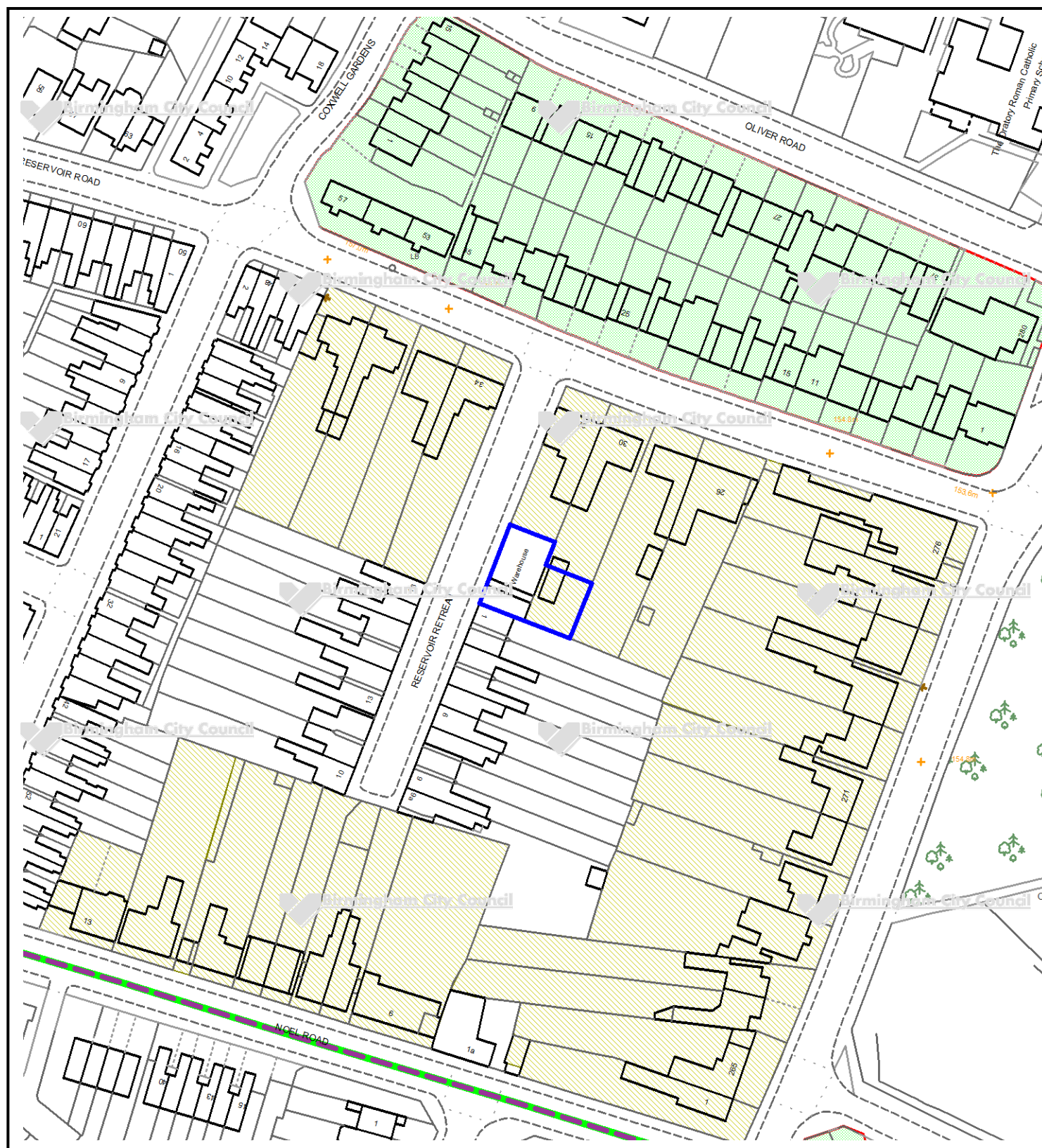
Photo 1: Nursery Annexe to be demolished



Photo 2: Rear of Nursery at No. 32 Reservoir Road



Location Plan



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

Committee Date:	09/11/2017	Application Number:	2017/06404/PA
Accepted:	19/07/2017	Application Type:	Listed Building
Target Date:	13/11/2017		
Ward:	Ladywood		

Land to the rear of 30/32 Reservoir Road, fronting Reservoir Retreat (former warehouse), Edgbaston, Birmingham, B16 9EG

Listed Building Consent for demolition of former warehouse in association with the erection of 3 dwellings using part of rear garden of No. 30 Reservoir Road to create garden space whilst providing additional garden space for No. 32 Reservoir Road

Applicant:	Mr and Mrs N Watson 32 Reservoir Road, Edgbaston, Birmingham, B16 9EG
Agent:	Michael Edwards Associates Unit 5, Birchy Cross Business Centre, Broad Lane, Tanworth-in-Arden, B94 5DN

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Listed Building consent is sought for the demolition of a former warehouse building (used as nursery annexe) in association with the erection of three dwelling houses at land rear of 30/32 Reservoir Road, Edgbaston. It is also proposed to use part of the rear garden of No. 30 Reservoir Road to create private amenity space for the proposed dwellings.
- 1.2. The single storey warehouse annexe is used in conjunction with the established day nursery (Use Class D1) at 32 Reservoir Road and would be demolished as part of this proposal.
- 1.3. A Design and Access Statement has been submitted which includes a Heritage Statement. It states that the proposal would not directly affect the Listed Building status of 30 and 32 Reservoir Road; although part of the garden area would be affected.
- 1.4. There is a current planning application on this agenda for the demolition of the former warehouse and erection of 3 dwellings using part of rear garden of No. 30 Reservoir Road to create garden space whilst providing additional garden space for No. 32 Reservoir Road (planning reference: 2017/06358/PA).
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is occupied by a large single storey, former warehouse building, which is currently used as an annexe to the established day nursery at 32 Reservoir Road. No. 32 Reservoir Road is a Grade II Listed Building and the former warehouse is not listed. The application as submitted encompasses part of the rear garden of No. 30 Reservoir Road, which is also a Grade II Listed Building. The application site fronts onto Reservoir Retreat which has unrestricted parking capacity within a narrow cul-de-sac. There are Traffic Regulation Orders in the form of double yellow lines at the junction with Reservoir Road and Reservoir Retreat.
- 2.2. The surrounding area is predominantly residential in nature with some commercial uses within close proximity.
- 2.3. [Link to Site Location](#)

3. Planning History

Various applications with the most recent/relevant being:
Land rear of 32 Reservoir Road

- 3.1. 01/06/2006 - 2006/02401/PA - – Listed Building Consent for demolition of former warehouse site last used as a nursery annex to rear of 32 Reservoir Road (adjoining 1 Reservoir Retreat) and use of part of rear gardens to 28 and 30 Reservoir Road to allow the erection of 5 houses with associated rear parking – Refused.
 - 3.2. 25/01/2007 - 2006/07533/PA - Demolition of former warehouse building (last used as nursery annexe) and the erection in its place of 3 houses which would also utilise part of the rear garden of no.30 Reservoir Road to create garden space whilst providing additional garden space for no.32 Reservoir Road – Refused. Allowed with conditions on appeal (05/11/2007).
 - 3.3. 25/01/2007 - 2006/07534/PA - Listed Building Consent for demolition of former warehouse building (last used as nursery annexe) and the erection in its place of 3 houses which also utilise part of the rear garden of Grade II listed No.30 Reservoir Road to create garden space whilst providing additional garden space for Grade II listed No. 32 Reservoir Road – Refused. Allowed with conditions on appeal (05/11/2007).
 - 3.4. Current - 2017/06358/PA - Demolition of former warehouse and erection of 3 dwellings using part of rear garden of No. 30 Reservoir Road to create garden space whilst providing additional garden space for No. 32 Reservoir Road – Awaiting determination.
- 32 Reservoir Road**
- 3.5. 11/03/2010 - 2010/00185/PA - Variation of condition 10 on planning approval 1994/00746/94/PA to allow an increase in the number of children from 18 to 38 in warehouse annexe – Refused.

4. Consultation/PP Responses

4.1. Local Ward Councillors and Resident Associations consulted. Site and Press Notice displayed - 3 letters of objection have been received from local residents who object to the proposal, as the locality bounded by Reservoir Road, Reservoir Retreat and Monument Road is of a special and historical quality that will be entirely disrupted by the introduction of three modern houses. Practical issues of parking and access are also in a critical state in Reservoir Retreat which will be crucially affected by the addition of three extra households. Further concerns have been raised in relation to noise, dust and pollution.

4.2. Historic England - No objections,

5. Policy Context

5.1. Relevant National Planning Policies:

- National Planning Policy Framework;
- Planning (Listed Buildings and Conservation Areas) Act (1990);
- Grade II Listed Building: 30 and 32 Reservoir Road.

5.2. Relevant Local Planning Policies:

- Birmingham Development Plan;
- UDP (Saved Policies);
- Places for Living - SPG;
- Conservation Strategy – SPD.

6. Planning Considerations

Background

6.1. Planning permission was previously refused for a near identical proposal on this site (planning reference: 2006/07534/PA and 2006/07533/PA) on inadequate amenity grounds and impact on the setting and character of the listed building. The proposed development was subsequently allowed on appeal on 5th November 2007. It was considered by the Planning Inspector that the existing warehouse building is an unattractive utilitarian structure that detracts from the street scene of Reservoir Retreat and also the setting of the listed 32 Reservoir Road. The proposal for 3 terraced properties of traditional appearance would reflect the character, scale and design of their surroundings and would secure a marked improvement in the street scene; it would also enhance the setting of No. 32 Reservoir Road as a listed building. It was also considered that a significant amount of garden area would remain at No. 30 Reservoir Road and the setting of the listed building would not be materially harmed. It was also noted that the proposed gardens would not have an adverse effect on the character of the area. These consents have subsequently expired.

6.2. Since that decision, the National Planning Policy Framework (2012) has been introduced, together with the adoption of the Birmingham Development Plan.

6.3. The main consideration in the determination of this application is the degree of harm caused to the Heritage assets, 30 and 32 Reservoir Road, by the demolition of the former warehouse building.

Policy

- 6.4. The NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In determining planning applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness. Under section 12 of the NPPF any harm or loss requires clear and convincing justification.
- 6.5. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 6.6. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 6.7. Policy TP12 of the BDP 2017 states that the historic environment (which includes locally significant assets and their settings in addition to designated and statutorily protected features) will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in ways which will make a positive contribution to its character.
- 6.8. Great weight is given to the conservation of the City's heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be determined in accordance with national policy.
- 6.9. The general principle of residential development and associated demolition of the former warehouse has been previously established under an allowed appeal (2006/07534/PA and 2006/07533/PA) which lapsed on 5th November 2010.

Impact on setting of Heritage Assets

- 6.10. The impact on the setting of heritage assets subject to this application is the loss of the former warehouse building. In this case, it is considered that the loss of the former warehouse annexe would not have an adverse impact. No's 30 and 32 Reservoir Road form a pair of semi-detached mid-19th Century villas that are listed Grade II and the warehouse annexe is not listed. The warehouse annexe is an unattractive utilitarian structure that detracts from the street scene of Reservoir Retreat and also from the setting of the listed 32 Reservoir Road. Therefore, the proposed demolition of this warehouse building would be acceptable.
- 6.11. Historic England and the Conservation Officer raise no objections to the loss of this building.

7. Conclusion

- 7.1. The loss of the former warehouse annexe in association with the erection of 3 dwellings would not cause harm to the setting of No's 30 and 32 Reservoir Road as listed buildings.

8. Recommendation

- 8.1. Approve with conditions.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Implement within 3 years (conservation/listed buildings consent)
-

Case Officer: Chantel Blair

Photo(s)

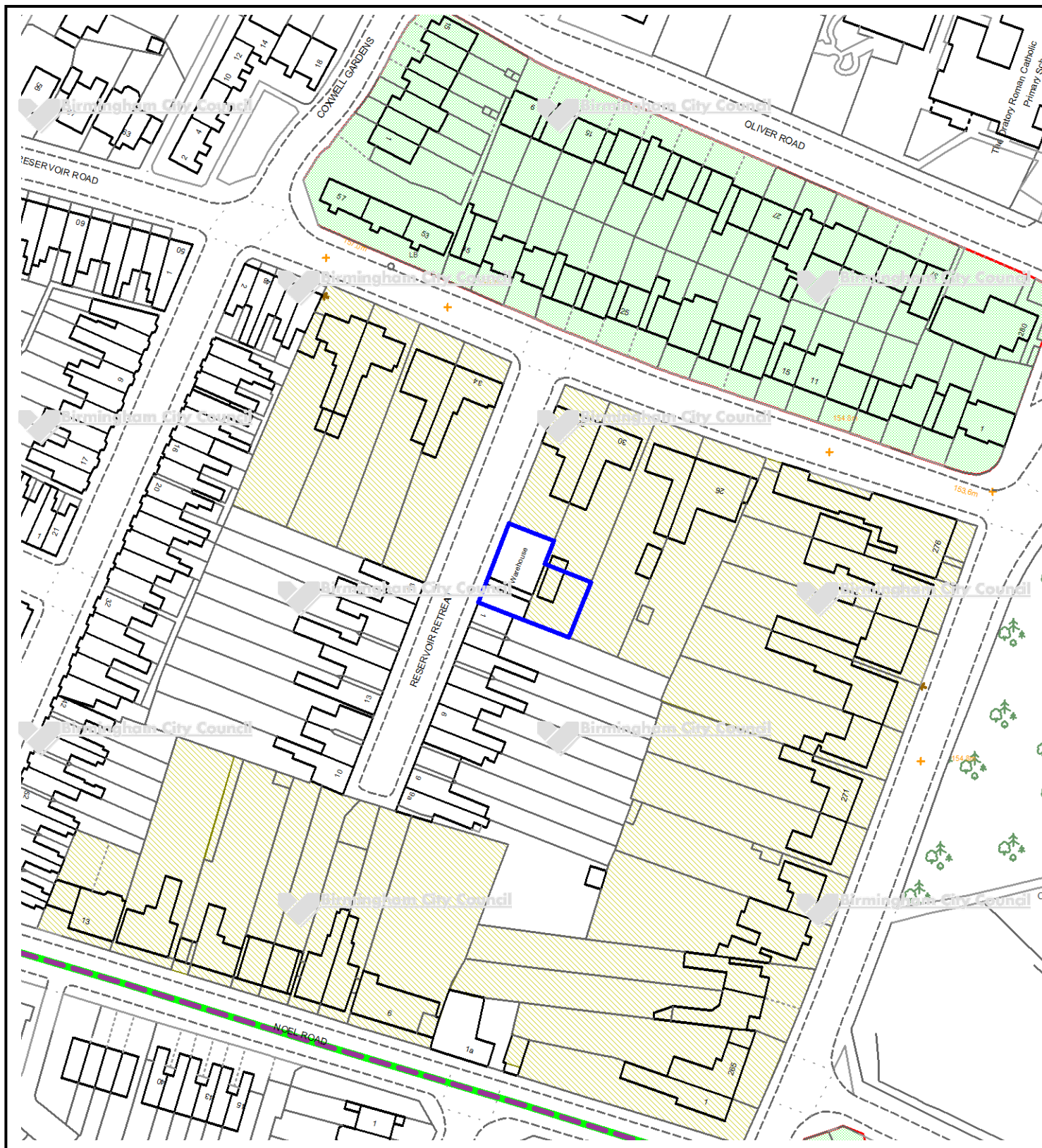
Photo 1: Nursery Annexe to be demolished



Photo 2: Rear of Nursery at No. 32 Reservoir Road



Location Plan



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

Committee Date:	09/11/2017	Application Number:	2017/05113/PA
Accepted:	14/06/2017	Application Type:	Full Planning
Target Date:	13/09/2017		
Ward:	Soho		

Benson Community School, Benson Road, Hockley, Birmingham, B18 5TD

Proposed demolition of single storey toilet block and corridor link and single storey teaching block, erection of new two storey extension to provide additional teaching accommodation

Applicant:	Balfour Beatty Regional Construction c/o Agent
Agent:	Tweeddale Limited 265 Tettenhall Road, Wolverhampton, West Midlands, WV6 0DE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the proposed demolition of a combined single storey toilet block and corridor link and also for the demolition of the single storey detached teaching block. A new two storey extension to provide additional teaching accommodation is proposed. The School has 610 pupils in the age group 3 to 11 years old and is currently operating on a 2.5 form entry basis and the additional six classrooms would not result in an increase in pupil numbers but would enable the school to function more appropriately. There would be no increase in staff levels from the total present of 95 (of which 26 are teaching staff).
- 1.2. The demolition of the single storey block and corridor link would be replaced with a two storey flat roof extension with a combined footprint (ground and first floor) of 559m². This extension would be located on the north-east elevation, facing the hard play area. The internal layout on the proposed ground floor would consist of three classrooms, pastoral room, plant room, toilets, break-out space, lift and a link corridor. The proposed first floor would consist of three classrooms, media room, office, toilets and lift.
- 1.3. The single storey teaching block which is located on the north-east elevation within the exiting play area is to be demolished and that space would then be utilised as additional hard play area and finished in tarmacadam.
- 1.4. This application is accompanied with a Flood Risk Assessment and Drainage Strategy, Pre-Development Arboricultural Survey, Preliminary Bat Roost Assessment, Preliminary Ecological Appraisal.
- 1.5. Concurrent Listed Building Consent application (2017/05163/PA).

1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site refers to Benson Community School which is a Grade II Listed Building. The site fronts Benson Road and adjoins Bacchus Road Park at the rear of the site. The immediate surrounding area is predominantly commercial in character with residential dwellings located beyond this.

2.2. [Site Location](#)

3. Recent Planning History

3.1. 2017/05163/PA Listed Building Consent for proposed demolition of single storey toilet block and corridor link and single storey teaching block, erection of new two storey extension to provide additional teaching and ancillary accommodation. Accompanying application – decision pending.

3.2. Numerous applications relating to extensions and alterations, the most recent being:

3.3. 22.01.2015 2014/07281/PA Retention of temporary single storey detached building to form a new teaching block consisting of three classrooms (90 places) and W.C's. Temporary 4 year approval granted (expires on: 22.01.2019).

4. Consultation/PP Responses

4.1. Neighbours, local Councillor's and M.P consulted and site and press notice displayed. No objections received.

4.2. Transportation Development – No objection and conditions should be imposed to (1) update the school travel plan, (2) details of vehicle parking and circulation areas, (3) cycle storage

4.3. Network Rail – No objection.

4.4. West Midlands Fire Service – No objection.

4.5. Environment Agency – No objection.

4.6. West Midlands Police – No objection and conditions should be imposed to ensure a CCTV, lighting and an alarm is installed.

4.7. Historic England – Support the proposed demolition element and object to the new build because it would be taller, have a larger footprint making it more prominent. It would also abut and conceals one of the distinctive gables on this elevation, more so than the existing twentieth century extensions which are to be demolished. However, if approved, the application would not need to go to the Secretary of State.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Birmingham Unitary Development Plan 2005 (saved policies), Car Parking Guidelines (SPD), National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The NPPF makes specific reference to 'Heritage Assets', which includes Listed Buildings and Conservation Areas. Paragraph 128 requires that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any assets affected. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.2. Paragraph 129 of the NPPF refers to the need for Local Planning Authorities to assess the significance of a proposal on any heritage asset. Paragraph 131 advises that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.
- 6.3. Paragraph 133 states that where a proposal will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent.
- 6.4. Paragraph 134 states when a development proposed will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
- 6.5. Policy TP12 of the Birmingham Development Plan states that new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance. Applications for development affecting the significance of a designated or non-designated heritage assets 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.
- 6.6. The main considerations are whether this proposal would be acceptable development in principle and whether any harm would be caused to the Grade II Listed Building, surrounding amenity or highway safety.
- 6.7. The proposed demolition of the single storey block and corridor link on the north-east elevation would be replaced with a two storey flat roof extension, creating a combined floor space area of 559m². Its design would consist of a flat roof building and its purposes would be for six additional classrooms along with supporting facility rooms. Historic England raise no objection to the proposed demolition works but object to the new build on the grounds that its larger footprint and height would make it more prominent. In addition, it would abut and conceal one of the distinctive gables on this elevation, more so than the existing twentieth century extensions which are to be demolished. However, Historic England also commented that if the Council was to approve this application, then it would not need to be referred to the Secretary of State.

6.8. In response to the objection raised from Historic England, I am satisfied that this proposal would have less than substantial harm or irreversible impact on the Listed Building or its associated historic fabric. Whilst in a prominent position, I consider that its design is typical of many other similar examples around the city and offers a modern alternative for the expansion of the school which would be a positive benefit to the public. In assessing this application, I attach significant weight to paragraph 134 of the NPPF which states that *“when a development proposed will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use”*. The Council’s Conservation officer supports this proposal and recommends that conditions are imposed to ensure that details of materials including the windows, roof, eaves and rainwater goods are submitted and agreed by the Council and that the detached building should be demolished and removed prior to the implementation of the new extension, which I agree with.

6.9. The single storey teaching block which is located on the north-east elevation within the exiting play area is to be demolished and that space would then be utilised as additional hard play area and finished in tarmacadam. Given that Historic England have raised no objection to this, the additional hard play area would be a positive benefit to the school and is acceptable.

6.10. Impact on amenity

6.11. The immediate surrounding area is predominantly commercial in character and in this context, I am satisfied that the proposed extension would not harm the amenities of neighbouring occupiers or surrounding amenity and is acceptable.

6.12. Highway Safety

6.13. Transportation Development have assessed this proposal and raise no objections, subject to conditions being imposed to include up-dating the school travel plan and to provide details of vehicle parking and circulation areas. I agree that these conditions should be imposed. Cycle storage provision is not deemed necessary because of no further increase in the numbers of children.

6.14. Other matters

6.15. The Council’s ecologist, tree officer and the Environment Agency have all assessed this proposal and raised no objections.

6.16. West Midlands Police have assessed this proposal and recommend that a condition is imposed to ensure that CCTV, lighting and an alarm is installed. I consider this would be a positive benefit to the safety of the school and concur with the views of the police.

7. Conclusion

7.1. The key issue for consideration is the impact of the proposal on this Grade II Listed Building. Whilst Historic England have objected, it is considered that the proposal would lead to less than substantial harm. Furthermore, the Council’s Conservation officer raises no objection and the proposal would offer significant public benefit. Applying the planning balance exercise, it is considered that the application is acceptable and planning permission should be granted.

8. Recommendation

8.1. Approve with conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the updating of the School Travel Plan |
| 3 | Requires the outbuilding to be demolished and site cleared |
| 4 | Requires the prior submission of vehicle parking and turning details |
| 5 | Requires the prior submission of sample materials |
| 6 | Requires the prior submission of a package of security measures |
| 7 | Implement within 3 years (Full) |
-

Case Officer: Daniel Ilott

Photo(s)



Photo 1: Showing position of two storey extension and single storey building to be demolished

Location Plan

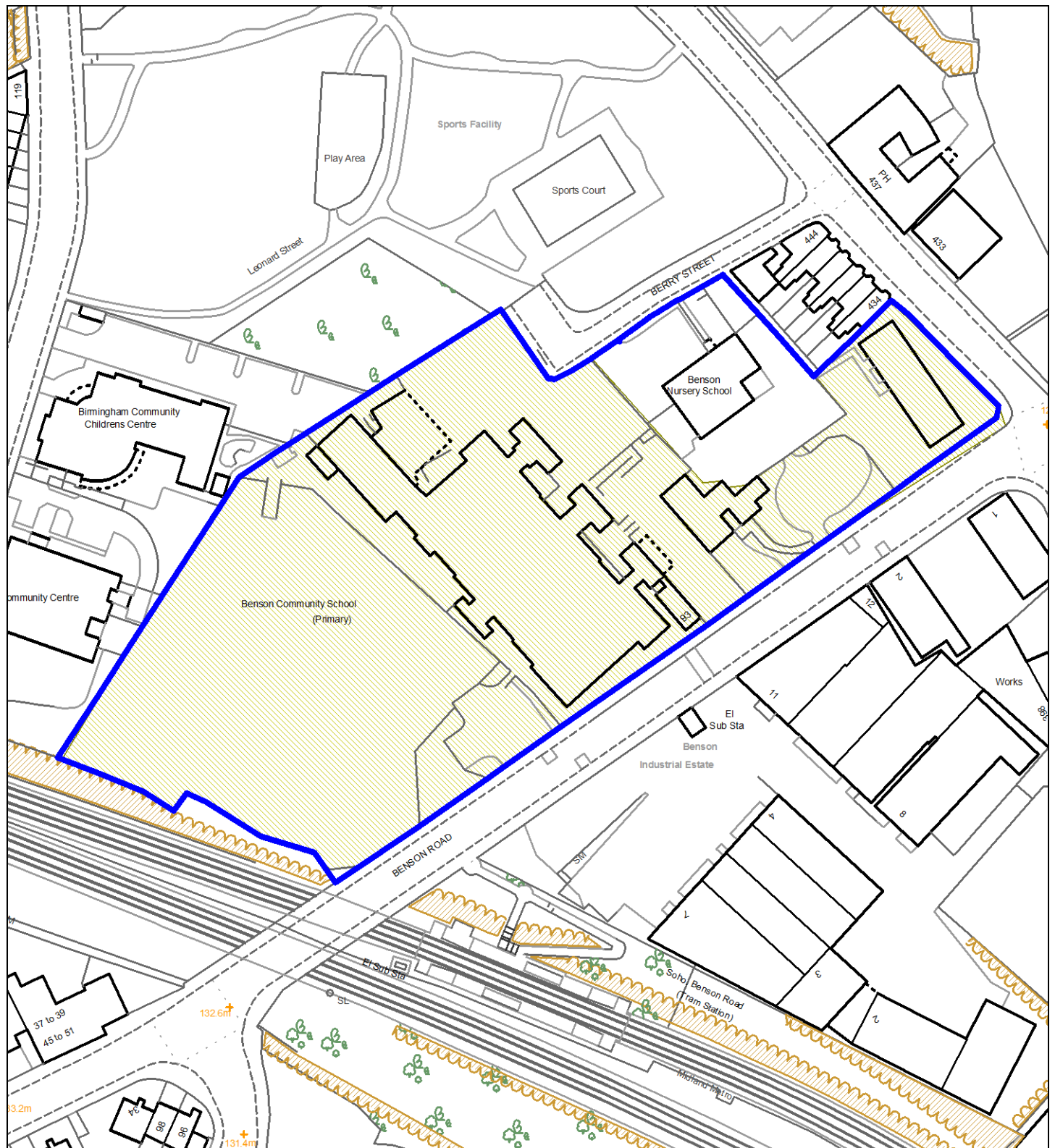


Figure 2: Location Plan

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

Committee Date:	09/11/2017	Application Number:	2017/05163/PA
Accepted:	14/06/2017	Application Type:	Listed Building
Target Date:	09/08/2017		
Ward:	Soho		

Benson Community School, Benson Road, Hockley, Birmingham, B18 5TD

Listed Building Consent for proposed demolition of single storey toilet block and corridor link and single storey teaching block, erection of new two storey extension to provide additional teaching and ancillary accommodation

Applicant:	Balfour Beatty Regional Construction c/o Agent
Agent:	Tweedale Limited 265 Tettenhall Road, Wolverhampton, West Midlands, WV6 0DE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This Listed Building consent application is for the proposed demolition of a combined single storey toilet block and corridor link and also for the demolition of the single storey detached teaching block. A new two storey extension to provide additional teaching accommodation is proposed. The School has 610 pupils in the age group 3 to 11 years old and is currently operating on a 2.5 form entry basis and the additional six classrooms would not result in an increase in pupil numbers but would enable the school to function more appropriately. There would be no increase in staff levels from the total present of 95 (of which 26 are teaching staff).
- 1.2. The demolition of the single storey block and corridor link would be replaced with a two storey flat roof extension with a combined footprint (ground and first floor) of 559m². This extension would be located on the north-east elevation, facing the hard play area. The internal layout on the proposed ground floor would consist of three classrooms, pastoral room, plant room, toilets, break-out space, lift and a link corridor. The proposed first floor would consist of three classrooms, media room, office, toilets and lift.
- 1.3. The single storey teaching block which is located on the north-east elevation within the exiting play area is to be demolished and that space would then be utilised as additional hard play area and finished in tarmacadam.
- 1.4. Concurrent full planning application (Ref. 2017/05113/PA).
- 1.5. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site refers to Benson Community School which is a Grade II Listed Building. The site fronts Benson Road and adjoins Bacchus Road Park at the rear of the site. The immediate surrounding area is predominantly commercial in character with residential dwellings located beyond this.

2.2. Site Location

3. Planning History

3.1. 2017/05113/PA Proposed demolition of single storey toilet block and corridor link and single storey teaching block, erection of new two storey extension to provide additional teaching accommodation. Accompanying application – decision pending.

3.2. Numerous applications relating to extensions and alterations, the most recent being:

3.3. 2017/05163/PA Listed Building Consent for proposed demolition of single storey toilet block and corridor link and single storey teaching block, erection of new two storey extension to provide additional teaching and ancillary accommodation. Accompanying application – decision pending.

4. Consultation/PP Responses

4.1. Local Councillor's, residents associations and M.P consulted, site and press notice displayed – No Response.

4.2. Historic England – Support the proposed demolition element and object to the new build because it would be taller, have a larger footprint making it more prominent. It would also abut and conceals one of the distinctive gables on this elevation, more so than the existing twentieth century extensions which are to be demolished. However, if approved, the application would not need to go to the Secretary of State.

5. Policy Context

5.1. Birmingham Development Plan (2031), Birmingham Unitary Development Plan (saved policies), National Planning Policy Framework (2012), The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Planning Considerations

6.1. Paragraph 129 of the NPPF refers to the need for Local Planning Authorities to assess the significance of a proposal on any heritage asset. Paragraph 131 advises that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.

6.2. Paragraph 133 states that where a proposal will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent.

6.3. Paragraph 134 states when a development proposed will lead to less than substantial harm to the significance of the heritage asset, this harm should be

weighed against the public benefits of the proposal including securing its optimum viable use.

- 6.4. Policy TP12 of the Birmingham Development Plan states that new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance. Applications for development affecting the significance of a designated or non-designated heritage assets 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.
- 6.5. The main considerations are whether this proposal would preserve the Grade II Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 6.6. The proposed demolition of the single storey block and corridor link on the north-east elevation would be replaced with a two storey flat roof extension, creating a combined floor space area of 559m². Its design would consist of a flat roof building and its purposes would be for six additional classrooms along with supporting facility rooms. Historic England raise no objection to the proposed demolition works but object to the new build on the grounds that its larger footprint and height would make it more prominent. In addition, it would abut and conceal one of the distinctive gables on this elevation, more so than the existing twentieth century extensions which are to be demolished. However, Historic England also commented that if the Council was to approve this application, then it would not need to be referred to the Secretary of State.
- 6.7. In response to the objection raised from Historic England, I am satisfied that this proposal would have less than substantial harm and no irreversible impact on the Listed Building or its associated historic fabric. Whilst in a prominent position, I consider that its design is typical of many other similar examples around the city and offers a modern alternative for the expansion of the school which would be a positive benefit to the public. In assessing this application, I attach significant weight to paragraph 134 of the NPPF which states that *"when a development proposed will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use"*. The Council's Conservation officer supports this proposal and recommends that conditions are imposed to ensure that details of materials including the windows, roof, eaves and rainwater goods are submitted and agreed by the Council and that the detached building should be demolished and removed prior to the implementation of the new extension, which I agree with.
- 6.8. The single storey teaching block which is located on the north-east elevation within the existing play area is to be demolished and that space would then be utilised as additional hard play area and finished in tarmac. Given that Historic England have raised no objection to this, the additional hard play area would be a positive benefit to the school and is acceptable.

7. Conclusion

- 7.1. The key issue for consideration is the impact of the proposal on this Grade II Listed Building. Whilst Historic England have objected, it is considered that the proposal would lead to less than substantial harm. Furthermore, the Council's Conservation officer raises no objection and the proposal would offer significant public benefit.

Applying the planning balance exercise, it is considered that the application is acceptable and listed building consent should be granted.

8. Recommendation

8.1. Approve with conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires any damage to the listed building to be made good |
| 3 | Requires the prior submission of sample materials |
| 4 | Implement within 3 years (conservation/listed buildings consent) |
-

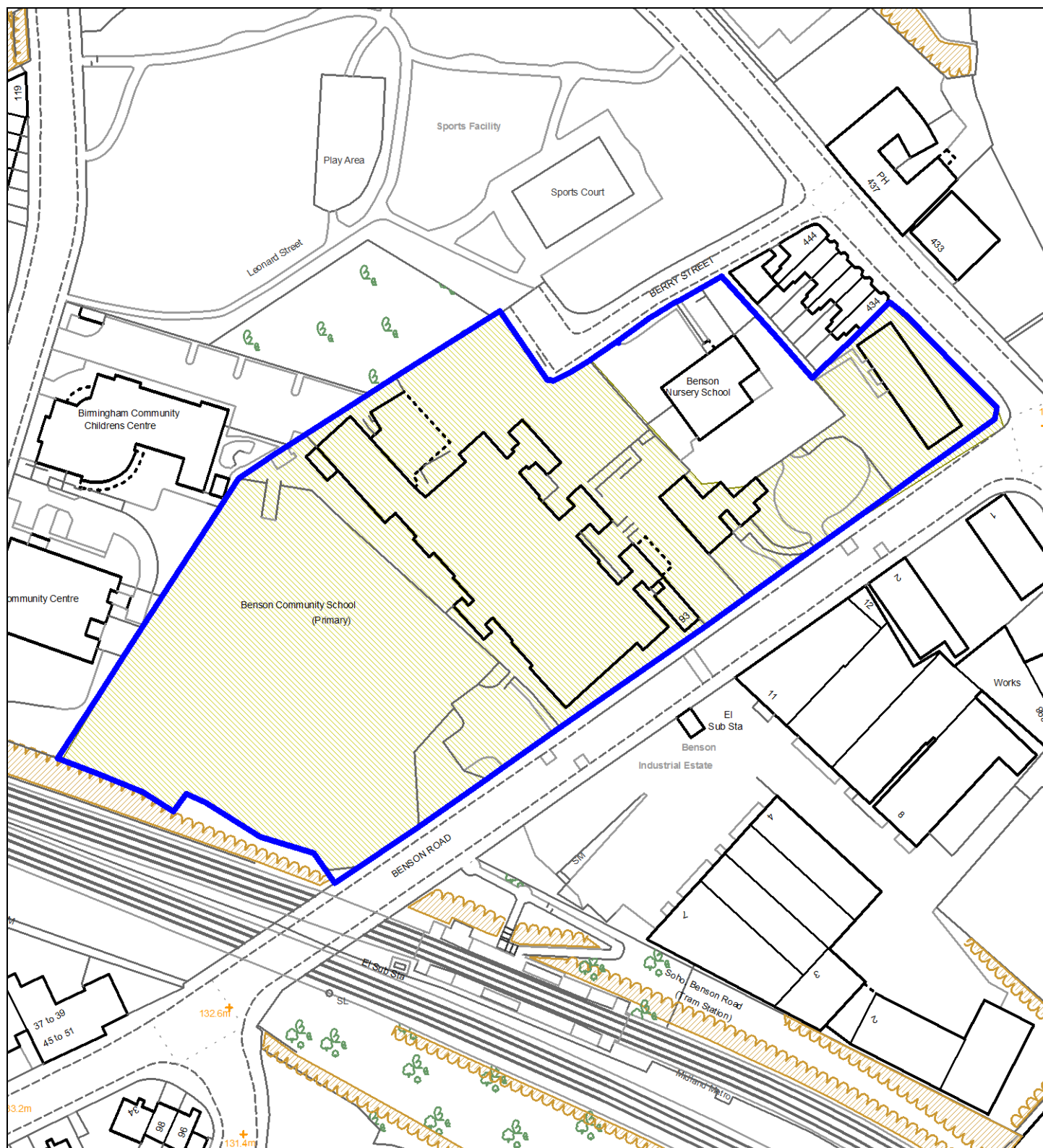
Case Officer: Daniel Ilott

Photo(s)



Photo 1 - Showing position of proposed extension and the detached building which is to be demolished

Location Plan



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

Committee Date: 09/11/2017 Application Number: 2017/06231/PA
 Accepted: 13/07/2017 Application Type: Outline
 Target Date: 07/09/2017
 Ward: Sutton New Hall

Former Hardy Spicer Sports Ground, and Land between Signal Hayes Road, and Weaver Avenue, Walmley, Sutton Coldfield, Birmingham, B76 2QA.

Deed of Variation to the Section 106 Legal Agreement attached to Outline Planning Approval 2009/04661/PA for a youth/community facility, grass pitch, public open space and residential use.

Applicant: Kier Ventures Limited, Rubery Owen Holdings Limited
 6 Cavendish Place, London, W1G 9NB

Agent:

Recommendation

Determine

Report Back

This proposed deed of variation was considered by your Planning Committee on the 12th October 2017 wherein the Committee resolved to refuse the application. The purpose of this report back is to present Members with suggested detailed wording for the reasons for refusal.

Reason 1

“The proposed Deed of Variation does not require the developer to provide the Community Facility and associated playing pitch in its previously agreed form for the benefit of the YMCA and any subsequent delivery of the community facility would be in a ‘watered down’ and worse form”.

While the proposed Deed of Variation does not deliver the community facility and associated playing pitch for the YMCA specifically it has been confirmed that the policy requirement for the community facility and associated pitch could still be delivered by another party (and could technically still be offered to the YMCA). As this would achieve the planning objectives of providing a policy compliant development, this reason for refusing to accept the Deed of Variation is likely to be very vulnerable if an appeal is pursued with the prospect of defending the City Council’s position extremely poor.

Reason 2

“The proposed Deed of Variation does not require the developer to provide the policy requirement of a community facility and associated playing pitch specifically for handover to the YMCA as indicated in the original legal agreement.”

I would reiterate that the YMCA do not have a legal interest in the land and are not signatory to the legal agreement. Whilst the original intention was that the YMCA would utilise and administer the community facility and associated playing pitch as a community benefit the planning policy requirement remains for the provision of the community facility and associated playing pitch, irrespective of the end user/responsible body. This planning policy requirement would still be achieved with the proposed Deed of Variation. On that basis, this reason for refusal of the Deed of Variation is unlikely to be capable of being successfully defended if an appeal is pursued.

Of particular relevance is paragraph 205 of the NPPF, which reads “Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate be sufficiently flexible to prevent planned development being stalled”.

Furthermore, paragraph 173 of the NPPF reads “To ensure viability, the costs of any requirements likely to be applied to development such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.

The viability report produced by the applicant, which demonstrated that the community facilities would compromise the viability of the scheme, has been independently audited and its findings have been verified.

The further advice of Counsel has been sought in this matter, and we are advised that our position is a correct interpretation and that the City Council would be vulnerable to an appeal. If such an appeal were to be successful, there is the potential for a significant claim of costs against the City Council. Whilst the risk of an appeal is not a material consideration in the determination of this application it should obviously be borne in mind that the Applicant has already indicated their intention to pursue an appeal. This should obviously focus the Committee’s mind so as to ensure that the decision is being made for rational and sound reasons based solely in the application of planning law.

Recommendation

Determine

Original Report

1. Proposal

- 1.1. The proposed Deed of Variation to the Section 106 Agreement attached to planning approval 2009/04661/PA is submitted under Section 106A(1)(a) of the Town and Country Planning Act 1990 following a financial reappraisal of the scheme and would remove the obligation on the owner (Kier/Rubery Owen) to construct and transfer the approved youth/community facility and sports pitch to the YMCA prior to the commencement of construction of more than 75 dwellings.
- 1.2. It would be replaced by an obligation which requires the owner (Kier/Rubery Owen) to submit a commuted sum of £3.5 million to Birmingham City Council together with transfer of the land allocated for the community facility and sports pitch to enable the Council to develop a community facility and sports pitch on the land within 7 years of the completion of the Deed of Variation. Any surplus from the commuted sum following the completion of the community facility and sports pitch would be put

towards the provision or improvement of leisure or community facilities within the Sutton Newhall Ward.

1.3. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The site is located off Weaver Avenue and Horsfall Drive, Walmley and forms part of the wider site comprising the former Hardy Spicer Sports Ground and land off Signal Hayes Road, and Weaver Avenue, part of which is currently being developed for residential use by Taylor Wimpey. The site is currently open land bounded by hedgerows and the new residential development. The surrounding area is predominantly residential in nature

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

3. [Planning History](#)

- 3.1. 09/05/2011. 2009/04661/PA. Outline application for a youth/community facility, grass pitch, public open space and residential use. All matters reserved apart from means of access (to be via Squires Croft, Weaver Avenue and Signal Hayes Road). Approved subject to condition with Section 106 agreement securing 16 affordable housing units (a mix of intermediate rent and shared ownership), provision of 0.106ha public open space (Thimble End Park extension), an education contribution of £164,000, provision of a community facility (YMCA) with community access agreement, a highway contribution of £116,000 and ecological enhancements within the woodland area (Enhanced Wildlife Habitat area). Approved with conditions.
- 3.2. 17/04/2014. 2014/00399/PA. Reserved Matters application for appearance, landscaping, layout and scale in accordance with Condition No. 2 attached to Outline planning approval 2009/04661/PA for a youth/community facility, grass pitch, public open space and residential use. Approved with conditions.
- 3.3. 17/12/2015. 2015/07790/PA. Variation of condition 1 (plans schedule) attached to reserved matters planning approval 2014/00399/PA to allow for substitution of house types and minor alterations to site layout. Approved with conditions.
- 3.4. 05/05/2016. Deed of variation relating to Section 106 Agreement dated 9th May 2011 (attached to planning approval 2009/04661/PA) relating to Land at Former Hardy Spicer Sports Ground/Land off Squires Croft and land between Signal Hayes Road and Weaver Avenue, Walmley, Sutton Coldfield, Birmingham. The Deed allowed for a variation to the trigger points for commencing development on the community facility and playing pitch prior to the commencement of construction of no more than 30% (33 units) and its transfer to the YMCA prior to the commencement of construction of no more than 68% (75 units) of the residential units.

4. [Consultation/PP Responses](#)

- 4.1. MP, Local Councillors, Royal Sutton Coldfield Town Council, Residents Associations, YMCA and nearby occupiers notified.
- 4.2. Councillor David Barrie supports the proposed Deed of Variation and writes on behalf of 13 local residents who also support the proposed Deed. 2 petitions of support have been received, 1 with 199 signatures and another with 86 signatures

wishing to see a community garden and exercise area on the site of the unwanted YMCA

- 4.3. 5 further letters of support have been received.
- 4.4. 4 letters making the following comments have been received;
- The developers have not yet provided the woodland area.
 - Site of community centre should be left as it is.
 - Area would be better if it was landscaped to attract birds and animals with some benches.
 - Could a skate park be provided.
- 4.5. 33 letters have been received objecting to the proposal on the following grounds;
- Deed only represents the economic interests of the developer.
 - No requirement for a further community centre in Walmley.
 - Land should be retained as open space and landscaped with benches.
 - Youth centre would lead to noise and disturbance,
 - Planning application too vague and would like to put objections to the Planning Committee.
 - Nothing in the Deed to guarantee the facility would be built.
 - Deed will delay the delivery of the community centre.
 - Statement put out by Ward Councillors is influencing residents.
 - No explanation why the current agreement should not go ahead.
 - New community centre will cause traffic problems.
 - New plans may impact on residential amenity.
 - Developer took on responsibility of building Community Centre and is going back on that promise, Kier/Rubery Owen should be made to fulfil their obligation.
 - In these times of financial cutbacks elsewhere, it is very important that the City Council insist on these agreements being enforced when there is little opportunity for other funding streams to make available facilities for young people with disabilities.
 - This firm of builders is deliberately trying to manipulate the planning process and is concerned only with its profit. Supporting the lack of a facility for young people is only encouraging problems to move onto neighbourhood streets and cause disruption elsewhere.
 - YMCA is a charity and not intent on making a profit, facilities are desperately needed for young people in the community.
 - The area is well served by community facilities and it is not appropriate to put the building next to residential properties, new purchasers were not made aware of this.
 - People who are objecting to the YMCA not being constructed do not live in the area.
 - Young people have few places where they can go and socialise and participate in leisure activities which is safe, this is a much needed facility for youngsters in our community.
 - Developers are trying to buy off the Council and local community.
 - It is wrong that a centre that was promised to a charity as part of a legal agreement can be taken away not only from the residents but also from disadvantaged children that would benefit from the YMCA services.
- 4.6. The YMCA have requested a copy of the draft Deed which they have been sent and have contacted the Interim Chief Executive, Councillors, members of the Planning

Committee and the Royal Sutton Coldfield Town Council. Their main objections can be summarised as;

- YMCA has provided support to services and the North Birmingham Community for 117 years and for the last 10 years have been involved in the promotion of a Community Centre in Walmley encouraged by Birmingham City Council and Sport England.
 - Planning permission was granted through an “Enabling Planning Application” with the 110 houses funding the community facility. Without the community facility, residential development would be unacceptable in policy terms.
 - Guidance on enabling development given by Historic England states that requests by developers to relax S106 obligations on viability grounds should be resisted. Developer profit should be set to reflect risks and public benefits, partly securing here the community facility which provides the rationale for the enabling development.
 - Rubery Owen and Kier are at 75% of building the homes they informed the YMCA they can no longer afford to build the facility and transfer the land to the YMCA and are seeking a Deed of Variation at the expense of the YMCA. This will lead to the provision of a smaller community facility and then they will apply to build more houses making more profit. The original land was designated community land and playing fields for the former Hardy Spicer Sports ground. Sport England also has an interest and the playing field and sports hall was agreed with them.
 - Our own financial assessment concluded that the enabling development is clearly viable and can fund the cost of the community facility. Land value paid by Taylor Wimpey can easily fund the community facility still leaving a significant profit for the developer. Developer profit should not be enhanced at the Community’s expense.
 - YMCA have been advised that they retain a legal interest in the land and an interest in seeing the obligations in the S106 Agreement are honoured. Rather than being excluded from the process the YMCA contends that it should be immediately invited to lead the detailed design of the community facility as originally planned. YMCA would be prepared for Kier and Rubery Owen to transfer the land and full cost of the Community Centre to the Council and we would then work with the Council to deliver the Centre
 - The YMCA request that the City Council do the correct thing and ensure the wealthy landowners do not make more profit but build what they promised the local community and especially the children with disabilities that the YMCA work with that have already seen services cut by the Council due to budgets.
 - The YMCA do not want to put their charity and the City Council through an expensive judicial review.
- 4.7. The Walmley Residents Association have commented that at a meeting to discuss the proposed Deed of Variation attended by some 40 residents, the vast majority expressed in favour of the Deed of Variation.
- 4.8. Sport England – have submitted a holding objection on the basis that the proposed variation is not precise, leaves it uncertain whether a pitch and sports hall will be

delivered and it is not clear on what specification the sports facilities will be and where they will be located. The spending of any surplus is also unprecise as it is not specified what this will be spent on. Sport England request details of what the community facility will comprise, where it will be located and how it will be managed, details of the pitch, how a future planning application will be obtained, what certainty will it be approved and details of the facilities any surplus will be spent on.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, UDP 2005 (saved policies), National Planning Policy Framework 2012.

6. Planning Considerations

- 6.1 **Background** - Outline planning permission (2009/04661/PA) was granted on 9th May 2011 for 110 dwelling houses, a youth/community facility (YMCA), a playing pitch, an extension to Thimble End Park and a habitat area with all matters reserved apart from means of access (to be via Squires Croft, Weaver Avenue and Signal Hayes Road). Without the community facility and playing pitch elements of the scheme, residential development of the site would have been unacceptable in planning policy terms. As part of the outline permission the applicants entered into a Section 106 Legal Agreement requiring the provision of 16 affordable housing units, provision of 0.106ha of public open space, provision of a community facility accessible to local residents, ecological enhancements to the woodland area, an education contribution of £164,000 and a highway improvement contribution of £116,500.
- 6.2. As well as these contributions, the cost of the youth/community facility and playing pitch was estimated at £3.3 million at the time. The Section 106 Legal Agreement also contained trigger points for the commencement of development of the youth/community facility and playing pitch prior to the commencement of construction of no more than 25%, (27 units) of the residential units and its transfer to the YMCA prior to the commencement of construction of no more than 49% (54 units) of the residential units.
- 6.3. Following the granting of Outline planning permission, 2 Village Green applications in respect of the application site were made by local residents including a judicial review to the High Court and a formal public inquiry. This process lasted 4 years and led to a considerable delay in the development of the site and costs to the applicants. The Inspector at the public inquiry recommended that Birmingham City Council did not register either of the two parcels of land as village greens and this recommendation was endorsed by the Licensing Committee on 18th March 2015.
- 6.4. The reserved matters application (2014/00399/PA) for appearance, landscaping, layout and scale in accordance with Condition 2 attached to the Outline planning approval 2009/04661/PA was approved by your Committee on 17th April 2014 and included a detailed design for the youth/community facility and playing pitch.
- 6.5. Subsequent to the approval of the reserved matters application in April 2014, part of the site was acquired by Taylor Wimpey and amendments including the substitution of house types, minor alterations to the layout and associated alterations to the landscape scheme as a result of amendments to the layout were approved.

- 6.6. A Deed of Variation to the Section 106 Agreement was agreed in May 2016 under delegated powers to extend the trigger points in relation to the commencement of development of the youth/community facility and playing pitch prior to the commencement of construction of no more than 30% (33 units) and its transfer to the YMCA prior to the commencement of construction of no more than 68% (75 units) of the residential units. This was to allow for continuity of development and secure the residential element of the scheme which had been delayed as a result of the unsuccessful Village Green application whilst giving more time for the applicants and the YMCA to develop the youth/community facility and the playing pitch element of the scheme. The residential development has commenced with phase 1 (up to 33 units) nearing completion and phase 2 (Up to 75 units) underway. Phase 2 is allowed to proceed on the basis of a material start being made on the construction of the youth/community and playing pitch by the insertion of a hammerhead at the access point. Legal Services have confirmed these works constitute a material start and Taylor Wimpey are permitted to proceed with phase 2 of the development.
- 6.7. Subsequent to the Deed of Variation agreed in May 2016, the applicants have requested a further Deed of Variation which is the subject of this report. They have advised that following a financial reappraisal of the scheme they cannot afford to construct the youth/community facility in its approved form, the costing of which would be £5.9 million as opposed to £3.3 million at the time of the planning approval in 2011. Prior to the formal submission of the Deed, the applicants were requested to submit a financial appraisal of the cost of the construction of the youth/community facility and the wider scheme which they have done and this appraisal has been independently assessed, the conclusions of which are discussed below.
- 6.8. A consequence of the current proposed Deed of Variation is that the applicants are no longer working in partnership with the YMCA who although being joint applicants on the original application were not a signatory to the Section 106 Legal Agreement. The YMCA have been consulted by the City Council on the proposed Deed of Variation although they have not been involved in any of the negotiations between the City Council and the applicants.
- 6.9. **The Deed of Variation** – The Deed of Variation proposed by the applicants would remove the obligation for them to construct and transfer the youth/community facility to the YMCA and be replaced by a commuted sum of £3.5 million to enable the City Council to develop the community facility and playing pitch within a 7 year time frame. The Deed of Variation is accompanied by an Option Agreement to enable the land to be transferred to the City Council at the appropriate time. Your Committee agreeing to the proposed Deed of Variation would enable the applicants to sell the remaining land to Taylor Wimpey and for them to proceed with phase 3 (75-110 units) of the residential development.
- 6.10. The commuted sum of £3.5 million offered by the applicants is based on the original costing of the proposed youth/community facility in 2011 and the viability of the residential element of the scheme. The applicants have submitted a financial appraisal in support of the Deed of Variation which looks at the viability of the wider residential element of the proposal as well as the costings of the delivery of the youth/community facility in 2011 and at present.
- 6.11. The independent assessment of the financial appraisal was based on a residual approach taking into account the sale price of the land, reasonable development costs and other factors such as the cost of the Village Green application which significantly delayed the development of the site from 2011 to 2015 and professional fees.

- 6.12. The independent assessment concludes that after the inclusion of the proposed commuted sum of £3.5 million the developer's profits are considered well below the target level of return usually expected and that any greater cost liability would prejudice the schemes viability and the delivery of the final phase of development. Thus, by agreeing to the proposed Deed of Variation, the Council can ensure that the final phase of development will come forward. Failing to agree to the Deed could credibly result in the final phase not coming forward and were this to happen neither the residential development nor the commuted sum would be provided for. Accordingly, agreeing to the proposed Deed of Variation clearly serves a planning purpose – ie. ensuring the delivery of the scheme (albeit in an amended form).
- 6.13. **Planning Considerations** – The original outline planning approval was granted on the basis that the residential element of the scheme would subsidise the delivery of the youth/community facility and playing pitch and would also compensate for the loss of private playing fields (former Hardy Spicer Sports Ground). The provision of the youth/community facility and playing pitch made the proposal policy compliant. It is evident from discussions with the applicants that for reasons outlined above and included in the financial appraisal that the youth/community facility cannot be delivered by the owners in its approved form and transferred to the YMCA as originally intended. This has led to the breakdown of the partnership between the applicants and the YMCA.
- 6.14. The Deed of Variation is submitted under Section 106A(1)(a) of the Town and Country Planning Act 1990 and the test for whether it should be allowed is whether it serves a useful planning purpose. The key planning purpose of the proposed Deed of Variation is that it would ensure the delivery of the scheme. The conclusion of the independent assessment of the viability appraisal submitted by the applicant is that if your Committee do not agree to the proposed deed there is a credible risk that phase 3 of the residential development will not come forward which in turn would result in there being no delivery of a community facility and playing pitch. The proposed Deed of Variation ensures that phase 3 of the residential development will enable a community facility and playing pitch to be delivered in some form, thus serving a legitimate planning purpose.
- 6.15. In response to the comments made by Sport England, the nature of the revised community facility will be determined in consultation with the local community and Sport England and will be subject to a new full planning application. Leisure Services have confirmed that they consider an appropriate community centre including sports facilities can be provided for £3.5 million within the required timeframe and are fully supportive of the proposed Deed of Variation. It is not possible to be more precise about the specification of the revised community facility at this stage and the proposed Deed of Variation is clear that the commuted sum would be spent on the community facility and playing pitch and only if there is any surplus would this be spent on providing or improving other leisure and recreational facilities within the Sutton Newhall Ward.
- 6.16. The above approach is fully supported by paragraph 205 of the NPPF which states that "Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled".
- 6.17. The YMCA have objected to the Deed of Variation and the methodology used for assessing the viability appraisal on the basis that, as the residential development is enabling development, current viability issues should not be considered as a reason

for accepting the proposed Deed. They make reference to Historic England guidance which states that viability issues should not be taken into account in relation to enabling development. The YMCA also state that they have a legal interest in the land.

- 6.18. Whilst I would not argue against the view that the residential element of the scheme is enabling development, the Historic England guidance is not relevant in this instance as the scheme does not relate to a heritage asset. It is clear from the above Government advice that changes in the viability of delivering a scheme are required to be taken into account in assessing the merits of reviews to planning obligations. Ultimately, the decision whether to accept the deed of variation should be based on whether this is being exercised to further the aims of the statutory scheme, that is to say for planning purposes, and must not be exercised in a manner that is irrational. The decision to accept the deed clearly does satisfy a planning purpose, namely that it would ensure delivery of the entire scheme. Indeed, even if the more stringent test suggested by Historic England were applied, as suggested by the YMCA (ie. that variations to a s.106 should normally be resisted), the test would still be satisfied. Indeed, absent the deed, the community facility (ie. the development being 'enabled') would not come to fruition. Thus, allowing the deed is seemingly the only mechanism to realistically ensure the deliverability of the scheme (as amended).
- 6.19. As stated earlier in this report (paragraphs 6.11-6.12), the viability of the development has been robustly and independently assessed with the conclusion that the scheme cannot accommodate a greater cost liability than the £3.5 million on offer.
- 6.20. In response to the YMCA's claim that they have a legal interest in the land, the applicants have sent written confirmation via their solicitors that the YMCA do not have any legal interest in the land allocated for the community facility and playing pitch which would be transferred to City Council through the Option Agreement attached to the Deed of Variation.
- 6.21. Counsel's advice has been sought on the above issue and confirmation received that consideration of viability issues is inherent to determining whether the proposed Deed serves a legitimate planning purpose and thus, it can be relied upon as a justification for the Council entering into the proposed Deed.

7. Conclusion

- 7.1. I therefore conclude, that the proposed Deed of Variation is the best way forward in ensuring the community facility and playing pitch are delivered and new housing secured. The City Council will have 7 years in which to develop the facility and playing pitch with any surplus sum being used to provide or improve leisure facilities within the Sutton Newhall Ward. Any new scheme for the community facility will require a new full planning application and any scheme would be developed in conjunction with consultation with the local community and Sport England.
- 7.2. Counsel's advice confirms that the proposed Deed of Variation is lawful.

8. Recommendation

- 8.1. That your Committee endorse the Deed of Variation to the existing S106 Legal Agreement.

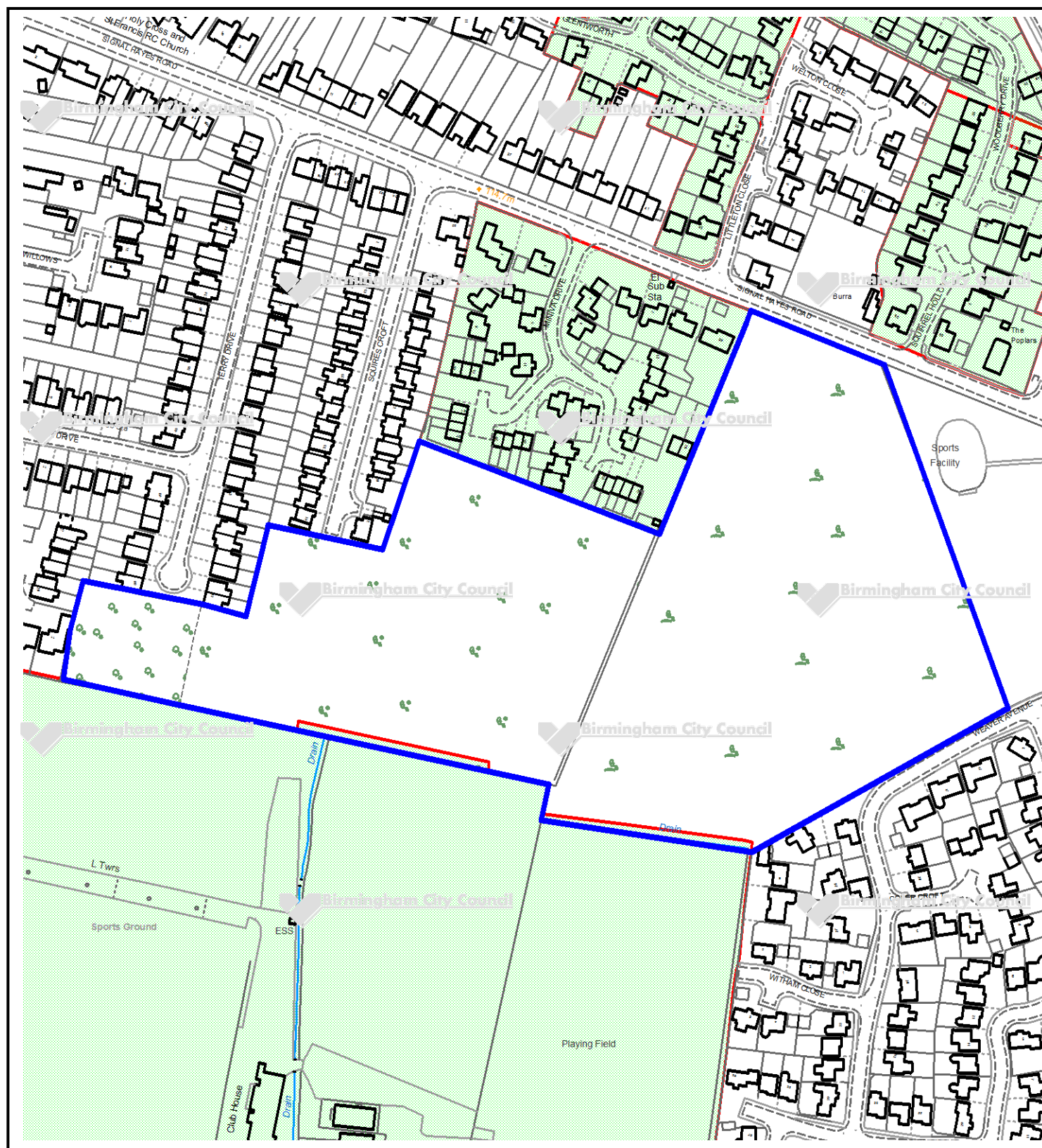
Case Officer: John Davies

Photo(s)



Figure 1 – Site of proposed community centre and playing pitch

Location Plan



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

Committee Date:	09/11/2017	Application Number:	2017/06899/PA
Accepted:	11/08/2017	Application Type:	Reserved Matters Development
Target Date:	10/11/2017		
Ward:	Perry Barr		

Plot 6A The Hub, Nobel Way, Witton, Birmingham, B6 7EU

Reserved Matters application in order to determine access, appearance, landscaping, layout and scale in relation to the erection of Use Classes B1 (b,c), B2 and B8 industrial/warehouse units in relation to outline approval 2016/00969/PA.

Applicant:	IM Properties Developments Ltd
	c/o Agent
Agent:	Quod
	Ingeni Building, 17 Broadwick Street, London, W1F 0AX

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This reserved matters application for the erection of 12 industrial units (Use class B1 (b,c), B2 and B8) on land within The Hub Employment estate seeks confirmation of the access, appearance landscaping, layout and scale of the proposed scheme.
- 1.2. This reserved matters application follows the approval of an outline consent (2016/00969/PA) with all matters reserved.
- 1.3. The aforementioned outline application covered two parcels of land set within the wider Hub employment estate. One of those parcels of land sat to the north of a central service road (Nobel Way) running through the Hub estate whilst the other sat to the south of it. This reserved matters application seeks development solely of the southern parcel of land of the outline scheme.
- 1.4. The floorspace of the units would range from 982 sq.m to 7966 sq.m creating a total floorspace of 36,700 sq.m.
- 1.5. Though the floorspace of each of the units would vary, they would be of a regular shape (rectangular) and be of a similar design as they would incorporate shutter bay openings and powder coated aluminium windows and doors to their exterior elevation. The main exterior façade would comprise horizontally laid profiled silver coloured cladding panels interspersed with vertically laid profiled grey colour cladding with horizontally laid white colour panels running below the eaves and the roof formed out of goosewing grey cladding.
- 1.6. The internal layout of each unit would follow a similar pattern in providing for a large expanse of open plan warehouse/industrial floorspace together with ancillary office floorspace and W.C's on the ground and first floor.

- 1.7. Each of the units would be provided with its own car parking, ranging from 8 spaces for the smallest unit (836sqm) to 85 spaces for the largest unit (7,525sqm) and servicing areas.
- 1.8. The site layout of the development would have the two largest units (unit 1 and unit 8), which would be detached units, set almost parallel with the service road within the estate. The remainder of the units would be set in two blocks of terraces that would sit perpendicular to the service road within the Hub estate. These terrace units would sit either side of a new central shared service road that would be created as part of this development.
- 1.9. The site layout drawing shows that other works would be undertaken which include the provision of two attenuation ponds, one next to unit 1 and one next to unit 8, as well as a Swale along the northern part of the plot to be occupied by unit 2. The development would provide for waste areas to each unit whilst the submitted drawings indicate the provision of smoking/cycle shelters and an external condenser to units 1 and 8 (the largest units). Two electric sub stations would be provided to the west of unit 8 and one to the west of unit 2.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is split into two, north and south of Nobel Way, within the Hub employment estate. The estate has already been largely built out with various warehouse and industrial units whilst the new wholesale markets building is currently nearing completion in the south west corner of the Hub. To the south of this part of the application site (southern parcel of land) runs a railway line, to the north across Nobel Way is the northern parcel of land that forms the remainder of the application site which is nearing completion in terms of the build out of two units on it (for TNT and Argos) having been approved under a separate reserved matters application relating to the wider outline consent that covered the entire Hub estate and to the east are other commercial premises within the Hub.
 - 2.2. [Site Location](#)
3. Planning History
 - 3.1. 09.06.2016- 2016/00969/PA- Outline application for erection of industrial/warehouse units (Use Classes B1 (b,c), B2 and B8) with associated roads, parking areas and landscaping with all matters reserved- approved with conditions.
4. Consultation/PP Responses
 - 4.1. Surrounding occupiers, community group, local MP and local councillors notified as well as site and press notices displayed- no response received.
 - 4.2. Transportation Development- no objection subject to conditions relating to the provision of parking and circulation areas, vehicular visibility splays, Travel Plan and cycle storage.
 - 4.3. Regulatory Services- No response received.

- 4.4. LLFA- no objection (drainage condition covered in the outline consent).
- 4.5. WM Fire Service- No objection.
- 4.6. WM Police- No objection – observation with regard to a CCTV system and Secured by Design.
- 4.7. Environment Agency- They state they have reviewed this application and a parallel discharge of condition application 2017/07435/PA which includes a request to discharge a flood mitigation condition (condition 20) associated with the outline approval. They request further evidence and calculations for the discharge of condition application are submitted to support the flood mitigation proposed in relation to the layout and level of development proposed to ensure that the development does not increase flood risk and demonstrate that flood plain compensation has been taken into consideration before they comment on this reserved matters application.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Birmingham UDP (Save Policies) 2005, SPD Car Parking Guidelines, Places for All SPG and the NPPF.

6. Planning Considerations

- 6.1. Access- With respect to the expected parking and highway impact the development is expected to generate, I consider the submitted layout satisfactorily demonstrates that the units would be provided with a satisfactory level of on site parking for cars and lorries. The site is set in a well established employment estate which sits adjacent Witton Road. Witton Road is well served by public transport including bus and train services whilst Witton Road local centre which includes access to a large supermarket is within walking distance. The proposal has shown the provision of satisfactory pedestrian and vehicle accesses to the individual units. Transportation Development raise no objection subject to conditions, all of which are attached to the outline consent with the exception of the Travel Plan.
- 6.2. Appearance, scale, layout and landscaping- The design, appearance and scale of the proposed new units and overall development would appear in keeping with the surrounding units on the estate. The units would appear functional in design whilst incorporating a common exterior pallet of materials to provide consistency in the appearance of the overall scheme, whilst those materials would be thoughtfully incorporated along the exterior façade so as to help break up the visual appearance of what would otherwise be large monotonous rectangular units. They would have glazed features and entrance doors that would distinguish the pedestrian frontage from the otherwise main active frontages which would serve as loading bays.
- 6.3. The layout of the development would be logical in that it would provide for a practical and functional development allowing both pedestrians and motorists to access and move within it along largely separated routes for both. The layout allows for the incorporation of attenuation ponds and a swale whilst also providing for greenery throughout the site. A landscape Strategy plan has been provided which indicates the scope to provide for new tree planting to be planted along the site's perimeter.
- 6.4. With respect to the substations and condenser units indicated on the submitted layout plan, these are not expected to give rise to any adverse impact subject to

details of such being agreed under condition which I recommend is attached to this development is approved.

- 6.5. Flood/drainage matters- I note the comments from the Environment Agency that they request further evidence and calculations for the flood mitigations proposed in respect of the layout and level of floorspace proposed under the parallel discharge of condition application 2017/07435/PA (condition 20- flood mitigation measures) before they provide comments on this reserved matters application. In response, I do not consider that the technical flood mitigation details as required by the Environment Agency to determine the requirements of condition 20 under a separate discharge of condition application should prohibit the assessment and evaluation of the reserved matters application. The reason for this is because it is expected that the scope of any modifications to the scheme to accommodate the requirements of the Environment Agency following their assessment of the further information they have requested could be accommodated within the scope of the scheme. Ultimately if an amendment to the layout is required as a result of flood mitigation measures the reserved matters approval could be revised accordingly. The granting of the reserved matters would not override the requirements of the flood mitigation measures condition.
- 6.6. Neighbour amenity- In terms of protecting the amenity of the nearest residential occupiers to the scheme which would be terrace dwellings located to the south of the site, it is proposed to install a 5 metre high acoustic fence to screen them from noise from the development. This is consistent with a 5 metre high acoustic fence to the southern boundary of the adjacent Wholesale market development in order to protect the amenity of the residential dwellings to the south. It is also noted that the outline consent has conditions which require the submission of noise attenuation, a noise assessment and associated noise mitigation measures.
7. Conclusion
- 7.1. The submitted details satisfactorily demonstrate that a scheme in terms of access, appearance landscaping, layout and scale could deliver new industrial development that is in accordance with relevant policy and guidance.
8. Recommendation
- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the applicants to join Travelwise |
| 2 | Requires the prior submission of sub-station details |
| 3 | Requires the prior submission of the proposed smoking shelter details. |
| 4 | Requires the submission of the condensor unit details. |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: Wahid Gul

Photo(s)

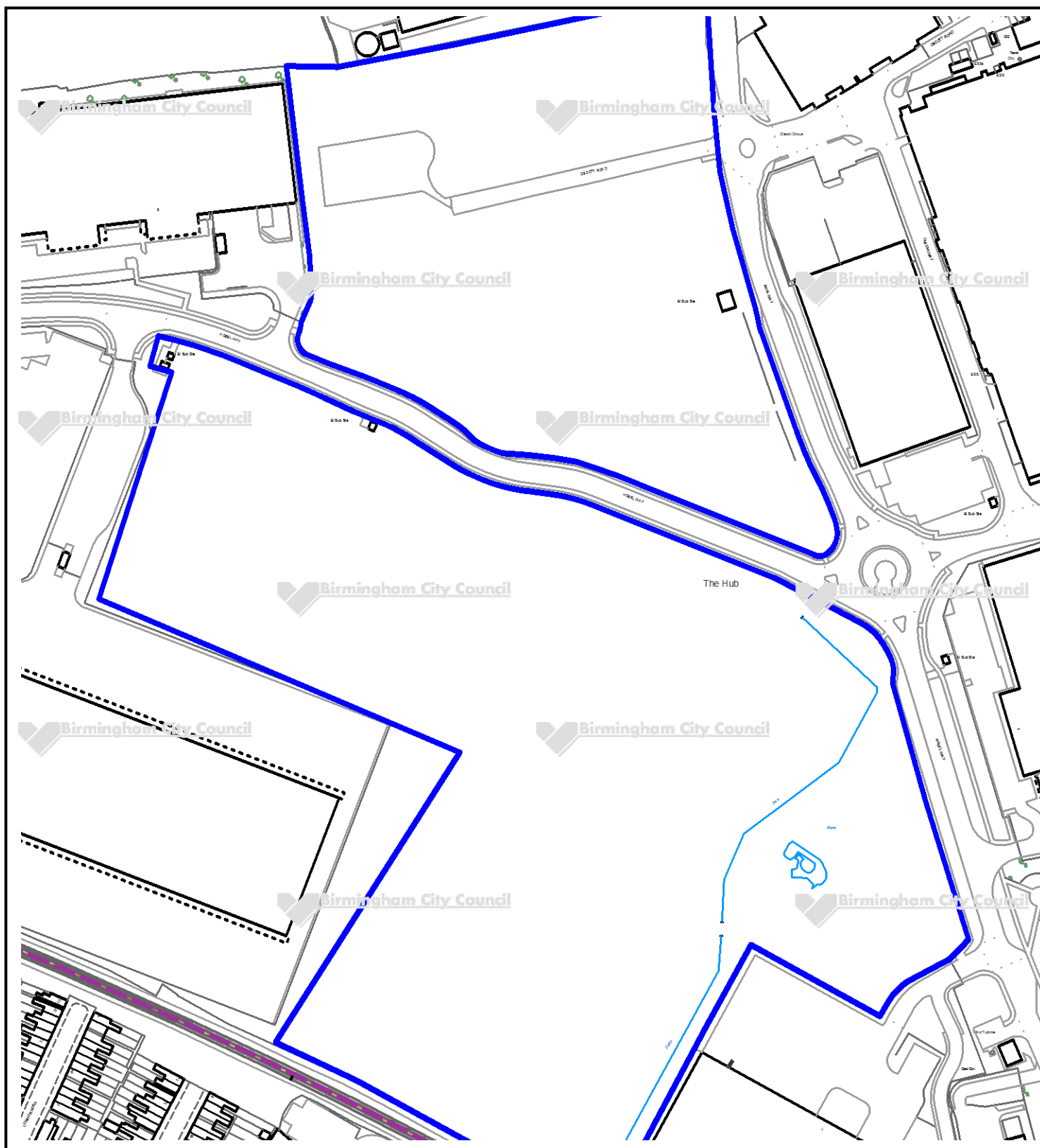


Photo 1 - Front of site



Photo 2 - Rear of site

Location Plan



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

Committee Date:	09/11/2017	Application Number:	2017/07923/PA
Accepted:	21/09/2017	Application Type:	Full Planning
Target Date:	16/11/2017		
Ward:	Sutton New Hall		

321 Birmingham Road, Sutton Coldfield, Birmingham, B72 1EH

Change of use of existing dwelling (Use Class C3) to a children's day nursery for 40 children on the ground floor (Use Class D1) and a single residential flat above (Use Class C3)

Applicant:	Dr Wajid Alishah
	321 Birmingham Road, Sutton Coldfield, Birmingham, B72 1EH
Agent:	FOB Design UK Limited
	72a Water Lane, Wilmslow, Cheshire, SK9 5BB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the proposed change of use of an existing dwelling (Use Class C3) to a children's day nursery for 40 children on the ground floor (Use Class D1) and a single residential flat above (Use Class C3). The ground floor would consist of a babies room, toddlers room, pre-school room, kitchens/ food preparation area, office, cycle rack and wc's. The rear garden would be used for secure play area (345m²).
- 1.2. The first floor would be occupied as a single residential flat. Internal provisions would include 3 double bedrooms (23m², 26m², 23m²), 1 single bedroom (11m²), 2 bathrooms with toilets, 3 separate toilets, living room and dining room.
- 1.3. Supporting information identifies that the applicants would live in the flat above and are experienced and qualified to operate a registered nursery.
- 1.4. 10 members of staff are proposed (5 full time and 5 part time).
- 1.5. 6 parking spaces are proposed.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site refers to a large semi-detached dwelling which was previously used as a residential care home. It has a large open driveway and a rear garden. The dwelling adjoins 323 Birmingham Road which is used as an art studio and gallery. The occupier on the other side (321a) is a residential dwelling. The surrounding area is predominantly residential in character with a number of commercial buildings interspersed between them.

2.2. [Site Location](#)

3. [Relevant Planning History at 321-323 Birmingham Road](#)

- 3.1. 25.05.2006 2006/00812/PA Demolition of residential care home and day nursery and erection of two separate buildings containing 16 apartments and associated works. Approved with conditions.

3.2. [Relevant Planning History at 323 Birmingham Road](#)

- 3.3. 08.11.2002 2002/01560/PA Change of use from a nursing home to form a day nursery and flat above. Approved with conditions. A condition was imposed to restrict the use of the building to the approved use only.

3.4. [Relevant Enforcement History at 321 Birmingham Road](#)

- 3.5. 13.05.2011 2011/01050/ENF Conversion of property into rental accommodation involving in excess of 10 bedrooms. No breach in planning regulations and case was closed.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours, local Councillor's and residents association's consulted and site notice displayed.
- 4.2. 2 letters in support of the proposal on the grounds of having a positive impact on the area and the building is not suitable for normal domestic use.
- 4.3. 1 objection from Sutton Coldfield Town Council on the grounds of highway safety and insufficient parking.
- 4.4. 9 objections from neighbouring occupiers (including a 3 signature petition) raising the following concerns (in summary): highway and public safety, increase in congestion, inconsiderate parking on pavement, a nursery is not needed in this area.
- 4.5. Transportation Development – No objection subject to conditions relating to children numbers, parking provision, cycle storage and pedestrian visibility splay.
- 4.6. Regulatory Services – No objection subject to conditions relating extraction and odour control, noise insulation, hours of operation, maximum of 8 children allowed to play outside at any one time and occupation of the residential unit.

5. [Policy Context](#)

- 5.1. Birmingham Development Plan (2017), Birmingham Unitary Development Plan (saved policies), Car Parking Guidelines (SPD), National Planning Policy Framework (2012).

6. [Planning Considerations](#)

- 6.1. Paragraph 8.15 of the UDP (saved policy) refers to the use of dwellinghouses as day nurseries. The relevant parts of this policy advise (in summary) that: day nurseries should generally be confined to detached houses. Properties which may be particularly appropriate are those which have good separation from adjacent

residential properties or which are not adjoined on all sides by other residential uses and those which have adequate onsite parking with suitable and safe access and egress.

- 6.2. Semi-detached and terraced residential properties due to their proximity to other adjoining residential property are not generally suitable for the location of day nurseries, except where adjoined by non-residential uses. Proposals for semi-detached houses may be considered where it can be demonstrated that the number of children proposed or the location of nursery rooms is unlikely to cause undue noise and disturbance nuisance to adjoining residential occupiers, and no suitable alternative exists in a particular area.
- 6.3. Where a proposal relates to a site in an area which already contains premises in a similar use, properties used for hotels, hostels, residential care/nursing homes, self contained flats and houses in multiple paying occupation account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area.
- 6.4. Proposals for day nurseries in residential frontages should retain a predominantly residential use on the upper floor(s), with rooms facing onto the street being restricted to residential use. The residential use should be should provide a viable residential unit capable of being occupied by a minimum of two people.
- 6.5. Day nurseries will not be accepted in residential roads which have a general absence of non-residential traffic and contain houses capable of single family occupation.
- 6.6. The main considerations are whether this proposal would be acceptable development in principle and whether any harm would be caused to neighbouring occupiers, surrounding amenity or highway safety.
- 6.7. The application site refers to a large semi-detached dwelling which is occupied by the applicant as a single residential unit. The applicant advises that the building was previously used as a care home and this use ceased approximately fifteen years ago and reverted back to a single residential dwelling. The large scale nature of this building, along with the physical internal layout of the first floor remains evident of this previous care home use, with a corridor network leading to numerous bedrooms and bathroom facilities.
- 6.8. The adjoining occupier (323 Birmingham Road) is a commercial building which is being used as an art studio. Given that the adjoining property is in a non-residential use, I am satisfied that the conversion of ground floor element of this semi-detached dwelling in to a children's nursery would be acceptable in principle.
- 6.9. Impact on amenity
- 6.10. The proposed nursery would be for a maximum of 40 children. The Council's Regulatory Service department have assessed this proposal and recommend that a number of conditions are imposed. These conditions include restricting the hours of operation from 7am to 7pm Monday to Friday, restricting the maximum number of children permitted to play outside at anyone time to eight, ensuring that the residential unit shall only be used solely in conjunction with nursery on the ground floor, to provide details of noise insulation between the nursery and residential flat above and to provide details of the proposed extraction unit and odour control. Subject to these conditions and within the context of the property's location on a

heavily trafficked road, I am satisfied that the proposal would not cause unacceptable noise and disturbance nuisance to adjoining residential occupiers and is acceptable.

6.11. Proposed Flat

- 6.12. The upper floor would be used as a single residential flat. The internal provisions consisting of 3 double bedrooms (23m², 26m², 23m²), 1 single bedroom (11m²), 2 bathrooms with toilets, 3 separate toilets, living room and dining room would be used by the applicant's who would be running the nursery. The internal layout would exceed all internal size requirements in terms of living accommodation and bedroom sizes and would provide satisfactory living accommodation for future occupiers.

6.13. Highway safety

- 6.14. The objections regarding public and highway safety are noted. Transportation Development have assessed this proposal and raise no objection subject to conditions being imposed in relation to: restricting the number of children to a maximum of forty, parking spaces to be formally marked out, secure cycle storage provision and a pedestrian visibility splay is to be maintained.
- 6.15. Car parking guidelines SPD states that a maximum parking provision of 1 space per 8 children for day nursery is required. Therefore, the proposed nursery would require 5 spaces. The applicant is proposing 6 parking spaces which exceeds the requirements.
- 6.16. Whilst it is acknowledged that this proposal is likely to generate an increase in traffic, more so than the existing use, it unlikely to have a detrimental impact on the highway and public safety that could sustain a reason for refusal. Subject to conditions being imposed, I am satisfied that this element of the proposal is acceptable.

7. Conclusion

- 7.1. The provision of a day nursery with a residential flat above which is physically attached to a commercial unit would not have an adverse impact on neighbour amenity or highway safety. The application is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve with conditions.

-
- | | |
|---|---|
| 1 | Limits the hours of operation (0700-1900 Monday to Friday) |
| 2 | Prevents the use from changing within the D1 use class |
| 3 | Limits the number of children able to attend the day nursery to 40 |
| 4 | Restircts the maximum number of children to play outside to 8 |
| 5 | Requires the prior submission of extraction and odour control details |
-

-
- 6 Requires the prior submission of noise insulation
 - 7 Requires the flat to be occupied in a manner solely in conjunction with the nursery premises
 - 8 Requires pedestrian visibility splays to be provided
 - 9 Requires the prior submission of cycle storage details
 - 10 Requires the parking area to be laid out prior to use
 - 11 Requires the scheme to be in accordance with the listed approved plans
 - 12 Implement within 3 years (Full)
-

Case Officer: Daniel Ilott

Photo(s)



Photo 1: Front of site

Location Plan

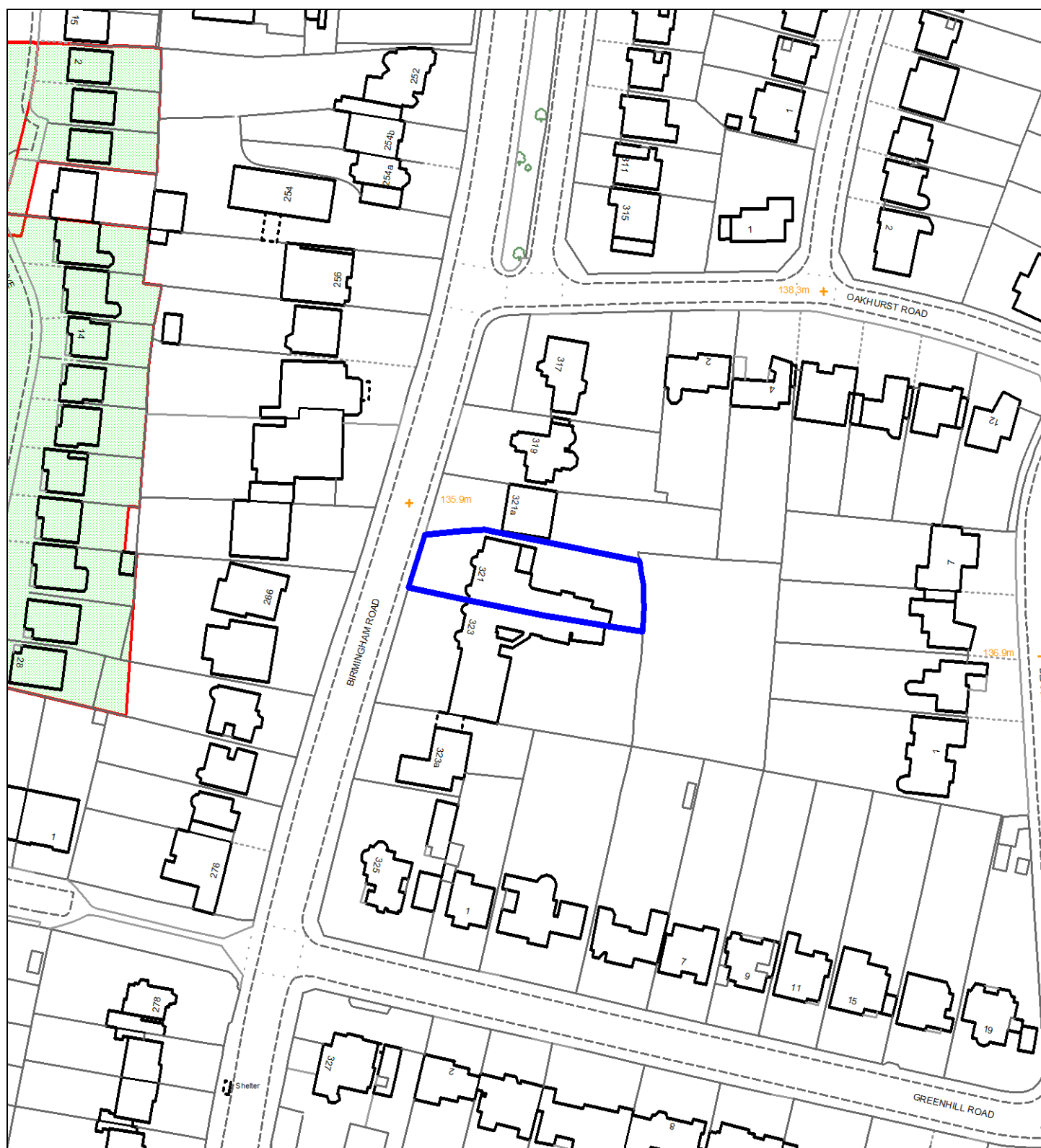


Figure 2

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

Committee Date:	09/11/2017	Application Number:	2017/08131/PA
Accepted:	18/09/2017	Application Type:	Telecommunications
Target Date:	10/11/2017		Determination
Ward:	Sutton Vesey		

Concorde House, Union Drive, Sutton Coldfield, Birmingham, B73 5TE

Prior notification for the installation of a replacement 15 metre monopole with 3 antennas and associated equipment

Applicant: Telefonica Ltd and CTIL
C/o Agent
Agent: Mono Consultants Limited
Steam Packet House, 76 Cross Street, Manchester, M2 4JG

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This is a prior notification application for the installation of a replacement telecommunications monopole (15 metres in height), with three antennas and associated equipment. The existing 15 metres pole and antennas would be removed and replaced at the side of the north elevation, towards the rear of the site.
- 1.2. This application is accompanied with a declaration of conformity with ICNIRP (International Commission on Non-Ionizing Radiation Protection).

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site refers to an existing commercial unit which is accessed from Union Drive which leads from Boldmere Road. The site is within a commercial setting with residential occupiers to the east of the site.

2.2. [Site Location](#)

3. Planning History

- 3.1. None relevant

4. Consultation/PP Responses

- 4.1. Neighbours, local Councillors, M.P and residents associations consulted, site and press notice displayed. 3 objections received, expressing concerns in relation to: emissions and its impact on the school, radiation, children's health and risks for the surrounding area, visual appearance.

5. Policy Context

- 5.1. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Birmingham Development Plan 2017; National Planning Policy Framework (2012); Telecommunication Development: Mobile Phone Infrastructure SPD (2008); Birmingham Unitary Development Plan 2005 (saved policies) and Places for All SPG (2001).

6. Planning Considerations

Principle

- 6.1. The replacement and re-siting of the monopole, antennae and associated equipment would be the same height as the existing. It would be located close to the side elevation of the commercial building and further towards the rear of the site. Given that an existing telecommunication mast exists on site, I am satisfied that the principle of a replacement monopole would be acceptable.

Policy

- 6.2. The prior approval procedure applies to the construction, installation, alteration or replacement of a ground based mast of up to and including 15 metres in height. The prior approval procedure allows the local planning authority to only consider the siting and appearance of the proposal.
- 6.3. Paragraphs 42-46 of the National Planning Policy Framework (NPPF) relate to the installation of telecommunications equipment. Paragraph 43 advises that local planning authorities should support the expansion of electronic communications networks but should aim to keep the numbers of telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. It explains that existing masts, buildings and other structures should be used, unless the need for a new site has been justified and that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
- 6.4. Paragraph 46 advises that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 6.5. The Telecommunications Policy (saved paras. 8.55-8.55C) in the Birmingham UDP (2005) and the Telecommunications Development SPD both state that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, the Council's SPD advises that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they are the only option they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual contrast.

Siting and appearance

- 6.6. The application site refers to the side elevation of an existing commercial building, within a commercial setting. The existing monopole is to be removed and replaced with a similar monopole, antennae and equipment. It would be positioned approximately twenty two metres further way from the existing towards the rear of the building within the recessed section.
- 6.7. Objections have been made by St. Nicholas RC Primary School and two parents of children who attend the school (see above). The replacement monopole would be located approximately eight metres further away from the school boundary and would have slightly less impact than the existing monopole. I consider this application to be acceptable on the grounds of siting and appearance.

Impact on public health

- 6.8. The objections raised in relation to health concerns are noted. The Mobile Phone Infrastructure SPD states that the public frequently express concern about the use and development of telecommunications and the perceived effect on people's health. Paragraph 46 of the NPPF states that if a mobile phone base station meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure, it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them. This application is accompanied with a declaration of conformity with ICNIRP (International Commission on Non-Ionizing Radiation Protection). I therefore consider the application acceptable on the grounds of health.

7. Conclusion

- 7.1. I consider that the siting and appearance of the proposed replacement monopole and new equipment cabinets to be acceptable. In addition, due to the applicant demonstrating ICNIRP compliance, the application is considered acceptable on public health grounds. In the context of national and local planning policies and given that the application site already hosts established and similar telecommunications equipment, I consider the proposal acceptable.

8. Recommendation

- 8.1. No prior approval required.

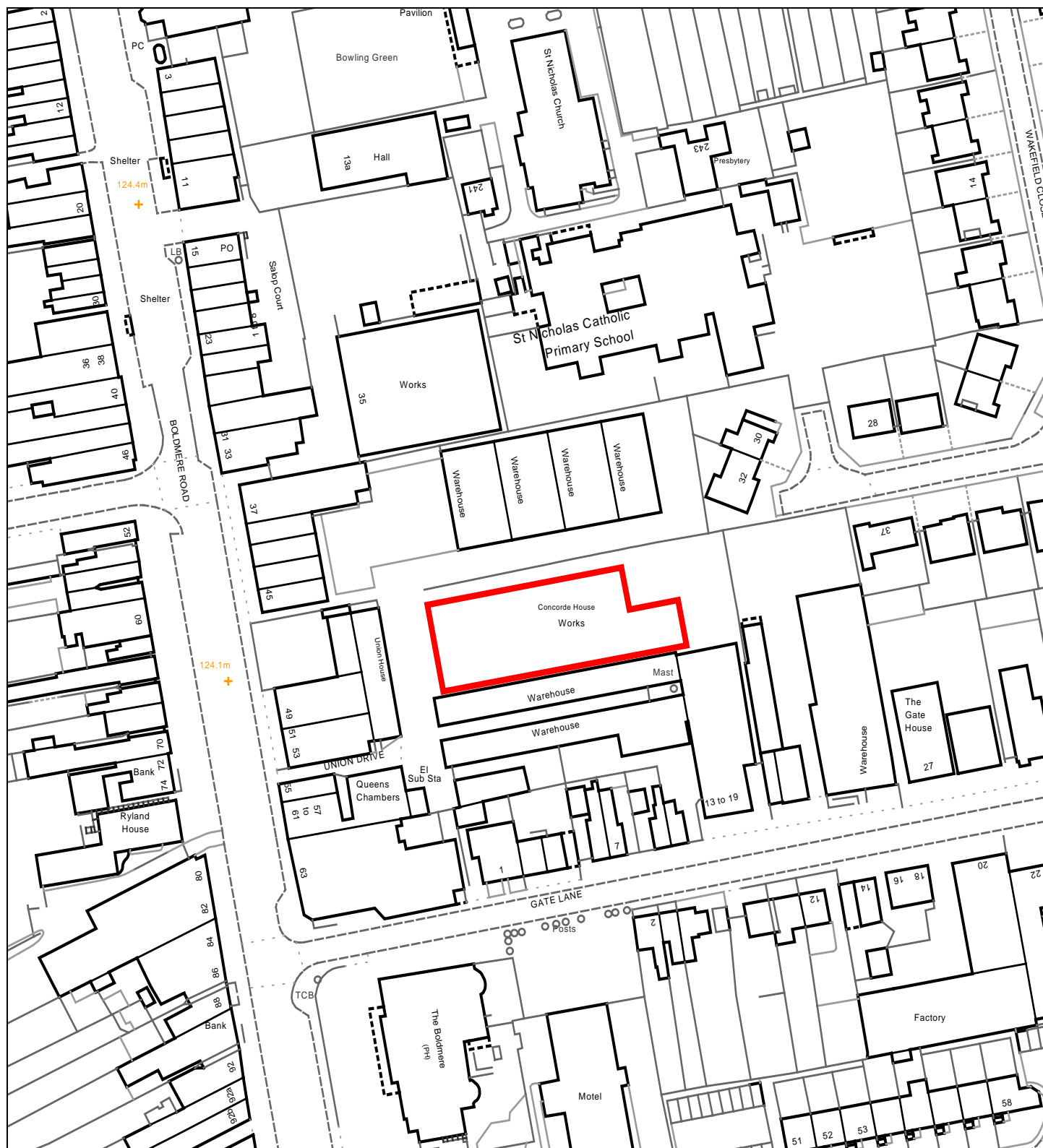
Case Officer: Daniel Illott

Photo(s)



Figure 1 Proposed position of telecommunication monopole

Location Plan



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

Birmingham City Council

Planning Committee

09 November 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>
Approve – Conditions	24	2017/06851/PA 100 Caspar House Charlotte Street City Centre Birmingham B3 1PW Addition of a fifth storey of accommodation to a residential building to provide 10 no. further residential units

Committee Date:	09/11/2017	Application Number:	2017/06851/PA
Accepted:	15/08/2017	Application Type:	Full Planning
Target Date:	14/11/2017		
Ward:	Ladywood		

100 Caspar House, Charlotte Street, City Centre, Birmingham, B3 1PW

Addition of a fifth storey of accommodation to a residential building to provide 10 no. further residential units

Applicant:	Ripemanor Ltd c/o Galliard Homes Limited, 3rd Floor Sterling House, Langston Road, Loughton, Essex, IG10 3TS
Agent:	Weedon Architects 176-178 Newhall Street, City Centre, Birmingham, B3 1SJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks permission for an additional storey to be built onto an existing four/five storey residential apartment block at 100 Caspar House, Charlotte Street.
- 1.2. The proposal would provide a further 10 units in addition to the existing 46 one bed flats, although there would be no additional car parking provided for these units. The application is similar to applications submitted and approved in 2008 and 2014.
- 1.3. The existing building has a pitched roof with a floating glass roof above, covering the atrium and enclosing the space between the two 'halves' of the building. The design of the proposal would reflect the existing roof style over a new floor with a new elevational treatment on this level. The roof would be glazed over with a gap between this and a standing seam roof. Since the 2014 application was approved, the roof has been amended so that the 'solid' elements in between the glazing align with the existing roof and the size of the glazing panels are smaller than that approved. Below the roof, the elevations would be metal clad with window openings and Juliette balconies in line with those on the lower floors.
- 1.4. Each unit would measure 50sqm and contain a separate bedroom and bathroom. The bedroom sizes conform to your committee's minimum standards in Places for Living.
- 1.5. A transport statement was submitted in support of the application highlighting the current usage and capacity of the car park. There are currently 46 car parking spaces for the site giving an 82% ratio, all of which would be retained.
- 1.6. A Design and Access Statement and Heritage Statement have also been submitted in support of the application.

[South Elevation](#)

[West Elevation](#)

2. [Site & Surroundings](#)

- 2.1. The application site relates to a modern residential apartment block with 46 car parking spaces. The building is five storeys high on Charlotte Street and four storeys facing the Birmingham and Fazeley Canal. The blocks are linked by an access courtyard covered by a glazed roof. The surrounding area is predominantly mixed made up of commercial, light industrial and office buildings. To the north are a car park and a hotel beyond. The buildings in the surrounding area are of varying heights. The site falls within the Jewellery Quarter Conservation Area.

[Location Plan](#)

[Street View](#)

3. [Planning History](#)

- 3.1. 27/06/2014 - 2014/02181/PA - Construction of additional storey to provide 10 no. additional 1 bed residential units – Approve Subject to Conditions
- 3.2. 07/01/2008 – 2007/05608/PA - Erection of fifth storey to add a further 10 residential units to existing building – Approve Subject to Conditions
- 3.3. 17/12/1998 - 1998/03496/PA - Construction of 46 new dwellings with associated landscaping and car parking – Approve Subject to Conditions

4. [Consultation/PP Responses](#)

- 4.1. MP, Local Councillors, Birmingham City Centre Management, Jewellery Quarter Business Improvement District, Jewellery Quarter Development Trust, residents associations and nearby occupiers notified. Press and site notice posted.
- 4.2. Councillor Davis has objected to the proposal on the grounds that it would have an unacceptable impact on the surrounding built environment and canal side and would conflict with the average building height established on that side of Fazeley Canal within the Jewellery Quarter Conservation Area.
- 4.3. In addition, 4 letters have been received from residents objecting to the proposal on the grounds that the proposal would result in over development of the site overloading the current waste and recycling facilities, noise during works, if the roof would still allow light in, if the foundation would be substantial, impact of works to quality of life for existing tenants and parking issues.
- 4.4. Regulatory Services – No objections subject to conditions for residential acoustic protection.
- 4.5. Transportation Development – No objections.

5. [Policy Context](#)

- 5.1. Birmingham Development Plan 2017, Birmingham UDP 2005 (Saved Policies), Places for All, Places for Living, Jewellery Quarter Conservation Area Character

6. Planning Considerations

PRINCIPLE

- 6.1. The proposal would result in an additional 10 units creating a total of 56 one bed apartments on the site.
- 6.2. The original development was granted consent in 1998 for the construction of 46 new dwellings with associated landscaping and car parking. A further application was submitted in 2007 for the erection of fifth storey to add a further 10 residential units to the existing building. This application was approved in January 2008 and a similar application was approved again in June 2014, but was not implemented and subsequently expired in June 2017. The current proposal is a similar submission to that approved in 2014, the only change is to the roof, where the 'solid' elements between the glazing would align with the existing roof and the size of the glazing panels would replicate that of the existing roof.
- 6.3. During the 2014 application, policies from the then draft Birmingham Development Plan were considered. There have been no significant policy changes since the previous approval in 2008. The Birmingham Development Plan 2017 has since been adopted. However, there have been no changes in policy in regard to this area of the Jewellery Quarter.

DESIGN

- 6.4. My Conservation Officer considers the building reflects little of the character of the Jewellery Quarter Conservation Area. Its scale is taller than normally allowed and its architectural form takes little reference from the typical design of buildings in the area, incorporating projecting domestic balconies and a central glazed atrium. The scale of the buildings on the south side of the canal falls within the 'City Fringe Character Area' where taller buildings can be supported as they respond more to the commercial district of the city centre.
- 6.5. A number of objections have been received with regard to the increase in height of the proposal. The Jewellery Quarter Design Guide states that building heights in the conservation area should be limited to a maximum of four storeys. Whilst the proposal is strictly contrary to the design guide, the proposal seeks to add an additional storey to a building which is already five storeys in height, thus having already broken the design guide here. Additionally, due to the additional height created from the floating roof design of the existing building, the additional storey now proposed would only result in a 1.7m increase in height overall for the building. Finally, a number of the neighbouring buildings are seven and eight storeys and therefore it is considered the proposal respects the height of buildings within the immediate locality and I do not consider the scale would be out of context with the Jewellery Quarter Conservation Area or result in substantial harm.

IMPACT ON RESIDENTS

- 6.6. A number of objections have been received from local and nearby occupiers. I consider that their concerns relating to design have been dealt with above. I share their concerns regarding the impact of the works on the existing residents and consider that a condition should be placed on any approval restricting the hours of operation for the works.

- 6.7. Regulatory Services have raised no objections to the proposal subject to a condition for residential acoustic protection. This condition was not included on the original 2007 or 2014 applications and would be covered by building regulations. I therefore consider it unreasonable to now attach this condition.

HIGHWAY SAFETY

- 6.8. The current car parking is let to residents for an additional cost or to non residents and local businesses on a contract parking basis. Transportation Development have raised no objections to the parking provision level given the city centre location. I concur with this view and consider the proposal would not have a detrimental impact to highway safety.
- 6.9. A condition from the previous application has been attached for a management plan for the car parking which includes the removal of the contract parking element of the proposal allowing car parking to be utilised by the residential block.

7. Conclusion

- 7.1. The works are very similar in principle to that approved previously on the site, but with a number of improvements to design. Subject to appropriate safeguarding conditions I recommend the application be approved.

8. Recommendation

- 8.1. Approve Subject to Conditions

-
- | | |
|---|---|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires the prior submission of cycle storage details |
| 3 | Requires the prior submission of a parking management strategy |
| 4 | No building works to take place outside 0800-1900 Monday to Saturday No building works (including deliveries) shall take place outside the hours of 0800-1800 Monday to Saturday. |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Implement within 3 years (Full) |
-

Case Officer: Anh Do

Photo(s)

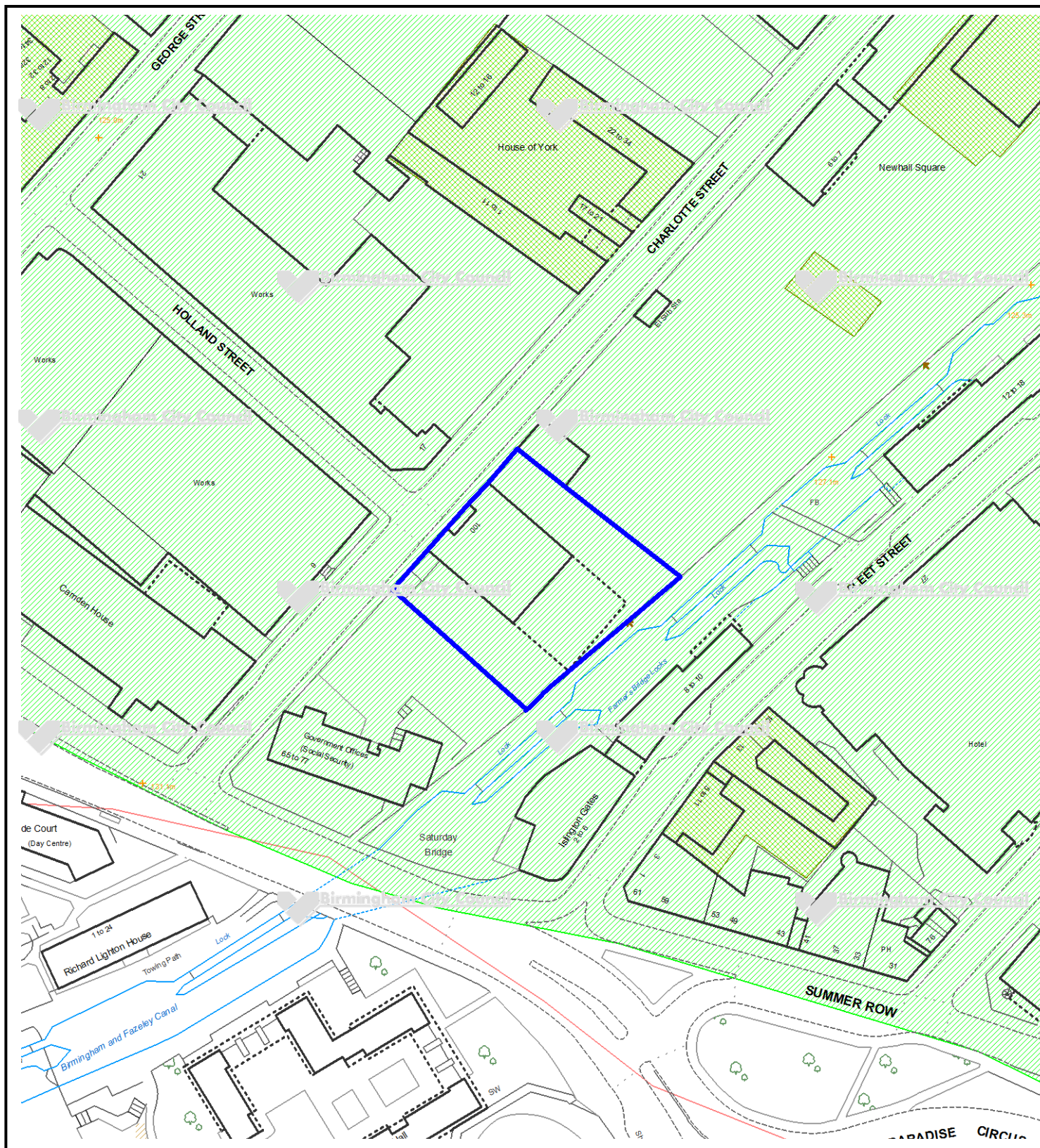


Site from Charlotte Street looking East



Site from Charlotte Street looking West

Location Plan



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

BIRMINGHAM CITY COUNCIL

REPORT OF CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE

9 November 2017

WARD: LADYWOOD

ISSUES REPORT

SUMMARY

This report advises Members of a detailed planning application submitted by Moda Living Ltd, for the demolition of existing buildings and development of a 42 storey residential building with 14 storey shoulder and three storey podium, containing 481 residential apartments, 1,663 sqm of retail floorspace, 1,512 sqm of flexible office work space, plant, storage, reception, residential amenity areas, site access, car parking, cycle parking and associated works at 212-223 Broad Street, City Centre.

This report sets out likely issues to be considered when the proposal returns to your Committee and your views on these issues and other issues that may not be included are sought.

RECOMMENDATIONS

That this report be noted.

Comments of your Committee are requested.

CONTACT OFFICER

David Wells
City Centre Planning Management
Tel. No. 0121-464-6859
Email: david.wells@birmingham.gov.uk

PURPOSE

This report is intended to give Members an early opportunity to comment on this proposal in order for negotiations with the applicants to proceed with some certainty as to the issues Members feel are particularly relevant, require amending, or any additional information that may be sought.

PLANNING COMMITTEE 9. 11. 2017

Application Ref 2017/08357/PA

DISTRICT: CITY CENTRE

LOCATION: 212-223 Broad Street, City, Birmingham, B15 1AY.

PROPOSAL: Full planning application for the demolition of existing buildings and development of a 42 storey residential building with 14 storey shoulder and three storey podium, containing 481 residential apartments (Use Class C3), 1,663 sqm of retail floorspace (GIA) (Use Class A1, A2, A3, A4 and A5), 1,512 sqm of flexible office work space (Use Class B1), plant, storage, reception, residential amenity areas, site access, car parking, cycle parking and associated works.

APPLICANT: Moda Living Ltd. c/o agent.

AGENT: Turley, 9 Colmore Row, Birmingham, B3 2BJ.

POLICY CONTEXT:

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.

Opposite the site is 78-79 Broad Street a Grade II Listed Building, whilst further along Broad Street is the Grade II Listed Royal Orthopaedic Hospital. Adjacent to the site is the locally listed Lee Longlands building at 224-228 Broad Street, and on the opposite side of Granville Street is O'Neill's Public House, both of which are categorised at Grade B.

RELEVANT PLANNING HISTORY:

Application Site

2 October 2006 Application 2006/04149/PA Planning consent granted for a 40 storey building with ground floor commercial uses, podium car parking and 342 residential apartments. Approval subject to a legal agreement to secure £1m towards the Broad Street Business Improvement District, public realm improvements, public transport improvements and shop mobility.

13 December 2011 Application 2011/06063/PA. Planning consent granted to extend the period of time to implement the above consent for a further 3 years.

There have also been several applications for advertisement hoardings and temporary use of the site for car parking.

Adjacent Lee Longlands' site

6 June 2011 Application 2011/01279/PA Outline planning consent granted with all matters reserved for a tower between 40m (8 floors) and 72m (20 floors) in height above retained façade of Lee Longlands' buildings, with basement car park, up to 16,125 sqm office space and 2,200 sqm retail / leisure, or 310 bedroom hotel, or 338 bedroom student accommodation and 2,200 sqm retail / leisure. Approval subject to a legal agreement to secure a financial contribution towards public transport and public realm improvements.

Left Bank Development Site (opposite side of Broad Street)

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.

27 November 2015 Application 2014/09348/PA. Planning permission granted for a 22 storey residential building containing 189 apartments including ground floor restaurant and retail space and a 18 storey hotel building with ancillary retail and leisure uses, including a ground floor restaurant. Approval subject to a legal agreement to secure financial contributions towards off-site affordable housing and public realm improvements at Centenary Square.

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.

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. Approval subject to a legal agreement to secure refurbishment of the listed Left Bank building; removal of advertisement hoardings on the site; public realm works and financial contributions towards off site affordable housing and public realm improvements. Construction is underway on the 22 storey residential tower.

19 April 2017 Application 2016/08890/PA. Planning consent granted for a 31 storey residential building (in lieu of the 18 storey hotel building) containing 205 apartments including ground floor restaurant use. Approval subject to a legal agreement to secure financial contributions towards off site affordable housing and a car club. Construction is due to commence shortly.

Tennant Street Car Park (opposite side of Tennant Street)

23 December 2015. Application 2015/03050/PA. Outline planning consent granted for a building of upto 6 storeys to provide 13 car parking spaces and 40 residential apartments. Subsequent reserved matters application approved 26 May 2017. Construction is underway.

NATURE OF SURROUNDINGS:

The application site is situated on the south side of Broad Street opposite Sheepcote Street and covers approximately 0.33 hectares. Broad Street forms the main A456 and is one of the main arterial routes linking the centre to the west of the city.

Broad Street has an established character for leisure and tourist activities with a large number of restaurants, bars, hotels and leisure uses, including a cinema complex.

The street itself has a varied character with a number of buildings representing different architectural styles and phases of development. The southern side of Broad Street is punctuated at various intervals with tall buildings such as the Hyatt Hotel, Jurys Inn, Cumberland House and Auchinleck House (at Five Ways). The northern side has the ICC and later Brindley Place development with earlier buildings like the old Orthopaedic Hospital and church. All the buildings closely follow the existing street pattern.

Part of the site extending back to Tennant Street has been cleared and some of this is used for car parking. The remainder of the site is used for a variety of retail/commercial purposes fronting Broad Street with parking and service areas to the rear off Tennant Street. Ground levels are generally level with no substantive planting or tree cover.

The site is within the Westside and Ladywood Quarter and the Westside Business Improvement District. The application premises are located within a commercial frontage with the Grade A locally listed three storey Lee Longlands furniture store to one side and the four storey Transport House to the other. To the north on the opposite of Broad Street is the Grade II listed former Barclays Bank and former Royal Orthopaedic Hospital. To the south on the opposite side of Tennant Street are public and private car parks, with a residential apartment block known as Trident House beyond. The car park to the south east accommodates nine London Plane trees that are protected under TPO 1379.

The nearest licenced premises to the site are located to the west at Velvet Rooms and Sugar Suite and across Broad Street to the north at Zara's Bar (the Grade II listed former Royal Orthopaedic Hospital).

DETAILS OF PROPOSAL:

Use and Amount of Development

This application is for a mixed-used development incorporating a residential building and shoulder block with associated development comprising:

- demolition of existing buildings on site;
- a residential building of 42 storeys, with 14 storey shoulder element along Tennant Street and 3 storey podium (including mezzanine level);
- 481 apartments (Use Class C3);
- 7 retail units totalling 1,663 net sqm (Use Class A1, A2, A3, A4 and A5) floorspace at ground floor and mezzanine level;
- 48 car parking spaces (10% provision) and 9 motor cycle spaces within the podium;
- concierge / reception, storage and secure cycle parking facilities within the podium;
- residential amenity areas and 1,512sqm of office work space (Use Class B1a), and hard and soft landscaping; and,
- vehicular access from Tennant Street to the car park and delivery area.

The proposed development accommodates a variety of apartment sizes, to be delivered, managed and retained within the Private Rented Sector (PRS) as a long term rental product. The proposed development incorporates the following mix -

- Studio 30 (6%)
- 1 bed 163 (34%)
- 2 bed 260 (54%)
- 3 bed 28 (6%)

The Moda Living business model is to deliver a single landlord high quality PRS product based on the following key elements:

- a focus on long term property asset ownership;
- active neighbour focused management via the specialist on-site 24/7 Moda team;
- animated and active ground floor mixed use accommodation including ModaWorks for the use of residents and members of the public alike;
- integrated public realm investment and pedestrian connectivity;
- high quality and carefully designed apartments with a focus on communal living;
- a diverse offer of apartments to accommodate a range of household sizes from people living alone to families;
- a range of flexible tenancy options which include the ability to stay long term; and,
- the integrated provision of a range of business, social, and health related facilities alongside the residential accommodation to create inclusive communities;

Central to the proposed development is an extensive offer of managed communal amenity spaces for use by the residents. These include:

- a triple storey entrance foyer occupied by an on-site service team available 24 hours a day;
- a residents 'move in zone';
- dedicated residents storage area (comprising 96 lock-up storage cages for residents to rent;
- a residents lounge and dining space;
- dedicated cycle hub;
- outside terrace and 200m running track above the podium deck; and
- residents gym.

The proposed development would provide approximately 10 sqm of amenity space per new apartment which compares highly favourably to the adjacent Leftbank scheme (currently under construction) that provides 1.4 sqm per apartment.

Layout

The ground floor would have 7 retail units fronting Broad Street with parking and cycle hub fronting onto Tennant Street. These uses are punctuated by residential entrances on both sides opening up into a triple height residential reception lobby.

The first floor would have mezzanine level retail units fronting Broad Street and parking to Tennant Street, alongside the sales and marketing suite located within the triple height lobby.

The second floor is primarily dedicated to the provision of "ModaWorks" a flexible work space along the whole Broad Street frontage and part of Tennant Street, allocating over 100 workstations and approximately 600sqm of lounge / flexible working space and two meeting rooms. The workspace will be available to residents and open to wider public use. Also on the second floor would be 96 resident's storage lockers wrapping around the core.

Resident's amenity space is located on the third floor with residents lounge, gym, dining and entertainment space as well as a 200m running track. Levels 4-41 comprise the residential apartments either side of a central core. At Level 40 the corner units include a 3m deep terrace.

External Appearance

The building has two distinct elements – the podium and main building. At podium level the Broad Street façade comprises fully glazed retail and commercial units set within a masonry frame. The residential entrance is also glazed but recessed to provide a defensible space and shelter from the elements. The Tennant Street elevation has the same masonry frame with glazing to the active uses and perforated metal to the non-active uses.

The main body of the building comprises a continuous unitised façade system that skins the building. The articulation of the façade comes from extruded aluminium fins that sit over the body of the building as a veil. The fins are paired and their position shuffles every second floor up the building to add a different dynamic to the façade. The top three levels of the building have a different treatment with more vertical emphasis to create a crown. The scheme proposes darker toned panels with the fins in a lighter tone.

The design of the proposed development has been the subject of positive and extensive pre-application discussions with the City Councils Head of Design and the Planning Team.

Access and Parking

Vehicular access is proposed to the site from Tennant Street leading to the on-site car parking facilities and delivery areas.

The ground floor would be mainly for deliveries and moving-in and comprises 4 car parking spaces, 2 wider spaces suitable for people with disabilities, as well as provision for nine motorcycle spaces. The first floor contains the majority of the parking spaces and is accessed via an in / out ramp from the ground floor. It comprises 37 car parking spaces and 5 wider spaces suitable for people with disabilities.

Also at ground floor level a cycle hub is proposed comprising 429 cycle spaces and 60 folding bike lockers. The cycle store has direct access from Tennant Street and through the core of the building.

Supporting Documents

Prior to submission of the application an Environmental Impact Assessment Screening Opinion was submitted and in response the City Council confirmed that an EIA was not required. Thus, as required by the City Council's planning validation criteria the following supporting documents have been submitted:-

- Planning Statement (including S106 Heads of Terms);
- Design and Access Statement (including Lighting Strategy);
- Townscape and Visual Impact Assessment;
- Statement of Community Engagement;
- Transport Assessment and Framework Travel Plan;
- Noise Impact Assessment;
- Air Quality Assessment;
- Historic Environment Assessment;
- Ecology and Biodiversity Report;
- Drainage Strategy;
- Ground Investigation Report;
- Heritage Statement;
- TV and Radio Baseline Survey;
- Communications Impact Assessment;
- Wind Assessment Report;
- Daylight, Sunlight and Overshadowing Report;

- Aviation Safeguarding Assessment; and,
- Energy Statement.

The proposed development is liable for CIL with a significant amount payable of approximately £2,600,000. In view of this payment the applicant is not proposing any affordable housing or public open space contributions. A Viability Statement has been submitted to justify this and will be independently assessed by the City Council's assessor.

PUBLIC CONSULTATION

An extensive series of pre-application meetings have been held with the City Council. The meetings have involved constructive discussions with the applicant and their agent and have resulted in a collaborative approach being adopted to the design of the development.

The applicant held a two day public exhibition on Tuesday 13 June 2017 and Wednesday 14 June 2017 between the hours of 15:00 and 20:00 at the Hilton Garden Inn Hotel, Birmingham. Approximately 450 invitations were distributed to local residents and businesses by post.. Invitations were also extended to the Leader of the Council, Cabinet Members and local Councillors.

The public exhibition was attended by approximately 50 people. The feedback was generally supportive with respondents positively commenting on the height, design, active frontages, landmark quality, regeneration benefits, serviced apartments, materials and re-use of land.

The City Council are currently undertaking formal consultations with nearby occupiers, residents associations, local ward Councillors, M.P. and Westside BID notified. Site and press notices have also been displayed.

ISSUES:

Background Information

In 2006, planning consent was granted for redevelopment of the application site for a 40 storey building with ground floor retail and commercial uses, podium car parking, hotel and 342 residential apartments. This application was renewed in 2011, but has subsequently expired.

On the opposite side of Broad Street, is the Left Bank development site, which has recently obtained planning consent for two towers of 22 and 31 storeys respectively. Both towers include residential apartments above ground floor commercial uses.

Issue 1 - Land Use Planning Policy

In January 2017, the City Council adopted the Birmingham Development Plan (BDP). The BDP is intended to provide a long term strategy for the whole of the City and will replace 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.

Policy PG1 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 the visitor, cultural, commercial and residential uses.

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. This scheme would deliver 481 apartments on a site that has had a previous residential consent. The development of the site for residential use will significantly contribute towards the HMA shortfall in a sustainable location. It will also bring significant investment into this part of the City Centre, which has a number of vacant sites and units. Redevelopment of this highly accessible City Centre brownfield site is therefore acceptable in principle.

Considering housing mix, the Birmingham Strategic Housing Market Assessment (January 2013) 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 would be 30 studio apartments (6%) and 163, 1 bedroom apartments (34%) and 260, 2 bedroom apartments (53%) and 28, 3 bedroom apartments (6%). Given, the site's City centre location, then a higher proportion of smaller house types is appropriate.

Your Committee may wish to comment on the principle of residential accommodation and the proposed mix of apartments.

Issue 2 – Urban Design and Tall Building

As the proposed building would be 42 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. High Places 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

The scale of the 42 storey tower is similar to the previous building granted consent in 2006 and 2011 and reflects the importance of the site's location on the city ridge. There are also other tall buildings in the locality, including the Left Bank scheme, which is currently under construction. The tower sits asymmetrically on the podium, terminating a key vista to the end of Ozells Way, and allows the possibility of future development on neighbouring plots. The 3 storey podium follows the established low rise buildings along Broad Street and fills the site footprint to reinstate the edge of both street frontages. At 14 storeys the shoulder responds to the various mid-rise developments along Broad Street.

The scheme provides a generous ground floor active frontage, responding positively to its local context and reinforcing the evolving regeneration of Broad Street. It also includes active frontages along Tennant Street, which would help animate activity along this street. In particular, I welcome the provision of entrances to the residential apartments from both Broad Street and Tennant Street.

The façade of building seeks to take on a “modern classic” with a unified treatment to each elevation. By using an efficient modular design, a high quality and elegant finish can be achieved. The double order expression also emphasises the verticality of the building. The building also includes a “crown” to highlight the top of the building. A subtle colour has been chosen for the building, which complements the masonry base, the overall material palette of the street and the industrial past. It should also be noted that there is a costed construction programme which will ensure that the scheme is capable of being built and delivered in the short term.

b) Microclimate and Shadowing

A Wind Assessment Report has been submitted to assess the wind microclimate for the proposed development. The study demonstrates that wind conditions in and around the proposed development are generally suitable in terms of pedestrian safety; whilst wind conditions at the majority of the assessed locations on ground level and podium are generally suitable.

Where exceptions, primarily on the podium, various mitigation measures are to be tested to ameliorate these impacts. The final form of mitigation measures will be informed by the final configuration of the podium and once a comprehensive landscaping scheme has been finalised. A standard condition will be applied to any future planning permission.

A Daylight, Sunlight and Overshadowing report has been submitted to assess the impact of the development at key habitable rooms of adjacent existing residential properties closest to the proposed development.

The results of the Daylight assessments show that after development good levels of daylight would remain at nearby residential properties. There would be some minor daylight level reductions at Trident House and Cutless Court, but the majority of windows tested would meet and exceed the BRE recommendations. At No. 78-79 Broad Street there would be moderate daylight reductions to tested windows at second and third floor level, however the majority of tested windows would meet the BRE criteria.

The results of the Sunlight assessments taken at habitable rooms of existing surrounding residential properties show that after development at Broad Street, there would be good levels of sunlight remaining at all tested residential properties with windows that face within 90 degrees of due south.

The Overshadowing analysis of the Broad Street development shows that there would be no permeant or adverse overshadowing impact to existing nearby residential gardens or amenity areas adjacent to the development site.

With regard to the proposed Left Bank development, with the proposed development at Broad Street in place, the daylight and sunlight levels to proposed habitable rooms would continue to meet and exceed the BRE and BS recommendations.

Turning to the consented Tennant Street development, there are currently a number of kitchen/living rooms and bedrooms within the consented scheme which face the Broad Street site that receive low levels of daylight as a starting point. Of the 65 rooms that have been tested, 20 rooms currently receive daylight levels that do not meet the BRE and BS recommendations for their room type. Five of these 20 non-compliant rooms are bedrooms and there are 15 non-compliant kitchen/living rooms. Following development at Broad Street, there would be an additional 6 kitchen/living rooms affected. Twenty-five additional bedrooms would be affected between first floor level to fifth floor level. The BRE guide considers bedrooms to be the least important of all the habitable rooms in a dwelling. For sunlight, the south-west facing windows would all

continue to meet the BRE criteria following development at Broad Street. Therefore, the BRE's sunlight criteria is met at this property.

c) Helping People Move Around

The proposed development would see the redevelopment of an underdeveloped brownfield site with a landmark building, aiding the legibility of the city centre. It would also form part of a cluster of tall buildings to signalling the "Westside" of the city and act as a gateway location. In the future the building would also be close to a new tram stop on Brindleyplace. At a local level, the building includes active frontages to both Broad Street and Tennant Street. This will help bring activity to the streets, making them feel safer.

d) Sustainability

Redeveloping this brownfield city centre site, which is highly accessible for pedestrians, cyclists and by public transport, contributes toward the overall goals for sustainable forms of development. To meet the City Council's planning policies, the proposed energy strategy adopts a "fabric first" approach to reduce the energy demand for the building. It is also proposed to use high efficiency heating and cooling systems and for lighting. To meet the heating and hot water requirements for the residential accommodation, it is proposed to provide a centralised heating distribution network comprising of CHP module as a lead heat source supplemented by gas fired boilers. In addition provision would be made in the design of the central heat generating plant to allow connection to any future expansion of the City Council's district heating network along this section of Broad Street.

To restrict surface water drainage flows two options are proposed; to provide the attenuation via a blue roof system that holds the water at the podium level or to utilise a storage tank at the ground level.

The site currently has negligible ecological value due to the site comprising bare ground and buildings. However, there is scope to enhance the ecological value of the site by including green / brown roofs, green walls and bird boxes (swift boxes and peregrine platform).

e) Impact on local public transport

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 2021, the site will also benefit from the Metro Line 1 extension which will run along Broad Street connecting Birmingham New Street with Five Ways.

f) Lighting

As the exterior of the building and podium are largely glazed, the external appearance after dark would be largely derived from the interior lighting. Nevertheless, it is proposed to positively illuminate the main entrances and entrance to the car park and service area. There is also an opportunity to illuminate the top of the building through the perforation of the metal element that wraps around the crown of the building.

Your Committee may wish to comment on the scale and design of the building, its impact on the skyline and character of the area.

Issue 3 - Noise

Officers from Planning Management and Regulatory Services have previously visited this section of Broad Street to assess the noise environment on a Friday night /

Saturday morning. The noise experienced along this section of Broad Street is dominated by loud music arising from Sugar Suite and Velvet Bar on the south side of Broad Street and from Zara's on the north side of the Broad Street.

In addition, this part of Broad Street is very vibrant with heavy traffic, the occasional soundings of horns, some music from passing cars, sirens from emergency vehicles, noise from pedestrians / revellers and buskers. It is clear that Broad Street maintains its reputation as being a lively and functional centre for the night time economy in Birmingham. Indeed, this section of Broad Street is typical for the greater Broad Street experience, with entertainment venues on both sides of the road and pedestrians, revellers and traffic continually passing this point to move between the two sides.

The applicant has appointed noise consultants to undertake a noise assessment. The assessment concludes that acceptable internal noise levels should be achievable within apartments with suitably specified windows and ventilators to facades. Those facing Broad Street bars/clubs are likely to require mechanical ventilation and high acoustic performance glazing systems.

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. In 2021, the extended Metro route will run along the street to Five Ways facilitating a significant reduction in through traffic and associated noise.

In the shorter term, introducing residential along this part of Broad Street could affect resident's amenity from late night noise and disturbance, 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. It should be noted that Broad Street and its surrounding area is a Special Policy Area in terms of licensing, which acknowledges the high concentration of licensed premises and the cumulative impact this can have on crime, disorder and anti-social behaviour. This may impact on new or altered licenses.

Redevelopment of this site together with other similar potential development sites, could provide a significant number of new residential apartments to meet the City's housing needs. Members should be aware that it would be impossible to completely remove all noise to the apartments. However, prospective residents ought to be aware of the current character of Broad Street as a late night entertainment area. Members should also be mindful of the previous consent for residential development on this site and recent approval for residential development on the opposite side of the road at Sheepcote Street, which set a precedent.

Your Committee may wish to comment on the acceptability of residential given the potential noise issues.

Issue 4 – Apartment Sizes

The quality and liveability of the residential accommodation is central to the applicants private-rented sector philosophy and business strategy i.e. the tenant is renting the whole of the building rather than just an individual apartment.

In terms of the amenity provision, the scheme includes 2,205 sqm of resident's amenity space (residents lounge, dining room, gym and outdoor heated area) and a further 2,623 sqm of ancillary space (including flexible workspace, resident's storage, bike store/workshop). In total this is an additional 4,828 sqm of space or approximately 10 sqm per apartment, which will set a new standard within the City.

All of the apartments will be managed by the applicant. 88% of all of the apartments meet or exceed the national space standards. When assessed against the nationally prescribed housing standards:-

- the proposed studios (at 33.3sqm) fall below the minimum standard of 39 sqm;
- the proposed 1 bedroom apartments (41.4sqm to 53.1) exceed the minimum standard of 39sqm for one person but only 1 apartment complies with the minimum standard of 50sqm for two persons;
- the proposed 2 bedroom apartments (64.8sqm to 67.3sqm) exceed the minimum standard of 61sqm for three persons; and,
- the three bedroom apartments (86.2sqm) exceed the minimum standards of 74 sqm and 86sqm for four and five persons respectively.

Applying the above minimum occupancy assumptions, the 30 studio apartments fall below the standards. However, the applicant has indicated that the 1 Bedroom Type B apartments may be occupied by two persons and therefore a further 30 apartments potentially fall below the minimum standards. Studio apartments represent only 6% of the overall provision, whilst the 30 1 Bedroom Type B apartments also represent only 6% of the overall provision.

The applicant states that the inclusion of studio and 1 bedroom apartment types responds to specific market demand for smaller units, and should also be viewed in the context of the significant amenity space being offered through the development which at over 10 sqm per apartment is considerably more than other comparable schemes in the city.

Apartment layouts have also been submitted to show that the apartments can function satisfactorily. The design minimises the number of internal walls, maximises space saving storage and has taken into account the final furniture package offered to tenants.

Your Committee may wish to comment on the proposed apartment sizes and whether the communal facilities outweigh the limited number of small apartments.

Issue 5 – Impact on Listed Building

The application site is not within a conservation area and there are no designated or non-designated heritage assets within the site. There are however listed buildings within the surrounding area. 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.

At a local level Policy TP12 of the Birmingham Development Plan, 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.

Broad Street is a primary arterial route into and out of the centre of Birmingham that has experienced considerable change since it was laid out in the 18th century and this change is particularly pronounced to the south of the street. It is lined by a mix of buildings of varying heights, styles and ages which are typically in hotel, office, leisure or residential uses and this has created a mixed townscape. The high rise buildings near the site include the Jury's Inn, Travelodge, Trident House to the rear of the site

and the Hilton (Cumberland House). Most of the tall buildings along Broad Street adopt a similar form and are comprised of a podium incorporating active ground floor uses fronting Broad Street, with a tower element above.

The nearest statutorily listed buildings are the Grade II listed Orthopaedic Hospital and Barclays Bank. However, these buildings are on the opposite side of Broad Street and I do not consider that their setting would be significantly harmed as demonstrated by the supporting Heritage Statement. Whilst the proposed building would significantly taller than these two listed buildings the application site is an area already characterised by a mix of low rise and tall buildings. The composition of the proposed development with a podium and tower is characteristic of the taller buildings in this part of Birmingham City Centre and the podium has been designed to correspond with the height of the adjoining locally listed Lee Longlands building and Transport House to the south.

Your Committee may wish to comment on the impact of the proposed development on nearby statutorily listed buildings and adjacent locally listed buildings.

Issue 6 – Parking and Servicing

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 2021, the site will also benefit from the Metro Line 1 extension which will run along Broad Street connecting Birmingham New Street with Five Ways. As part of the proposed Travel Plan measures, the walking, cycling and public transport opportunities available to the site would be promoted to residents.

Given the highly accessible city centre location it is proposed to provide 48 car parking spaces. These spaces would be provided through a rent-only basis to residential, staff of the retail units or the management company on a monthly basis from the developer.

Residents who choose not to rent a parking space would be provided with Uber Credits to assist with door to door journey planning. There are also several frequent bus and metro services available from stops located within 400 metres of the application, providing services into Birmingham City Centre, in addition to surrounding areas. Local and national rail services are also provided within a short walk of the application site at Birmingham New Street and Five Ways railway stations.

Managed servicing is available within the development at ground floor level for residents during their moving-in day. Service deliveries for large vehicles would be made on street adjacent to the main entrance for resident's convenience. Refuse collections are scheduled to be taken twice per week, with bins transported through the car park area via the service route to the collection point, for on street collection.

Covered and secure cycle parking would also be provided as part of the proposals, as a cycle hub situated at ground floor level and accessible from Tenant Street. The cycle hub contains 489 spaces. The development also includes nine motorcycle parking spaces. This level of provision is in accordance with BCC cycle and motorcycle parking standards.

Your Committee may wish to comment on the proposed car parking provision and servicing arrangements.

Issue 7 – Planning Obligations

The site lies within the CIL Charging zone and based on the amount of residential floorspace a payment in the region of £2,600,000 would be required. In addition, the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. However, given the significant CIL payment, the applicant is not proposing to provide any affordable housing or make a financial contribution toward off-site public open space. To justify this, a Viability Report has been submitted and the City Council will appoint an independent consultant to assess the appraisal.

Your Committee may wish to comment on the lack of S106 contributions towards affordable housing and public open space, given the significant CIL contribution.

BIRMINGHAM CITY COUNCIL

REPORT OF CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE

9th November 2017

Update of Local Validation Requirements for Planning Applications

1. Subject and Brief Summary of Proposals

- 1.1 Update of Local Validation Requirements – draft for consultation.

2. Recommendations

- 2.1 That Committee note the report.

3. Contact Officer

Uyen-Phan Han
Strategic Planning Manager
Planning and Regeneration
Tel: 0121 303 2765
Email: uyen-phan.han@birmingham.gov.uk

4.0 Background

- 4.1 The list of local validation requirements sets out the information required to register, assess and determine planning applications. The amount of information required will vary depending on the type, scale and location of the proposed development including any site specific constraints.
- 4.2 The Town and Country Planning (Development Management Procedure Order) (England) Order 2015 (DMPO 2015) sets out the national requirements applicable to all planning applications and requires local planning authorities to publish or republish their own list of requirements. The DMPO (2015) requires LPAs to review their local lists at least every 2 years to ensure that the requirements remain robust and justified. Paragraph 193 of the NPPF also states that the local list should be reviewed on a frequent basis. Birmingham City Council last published a local list in April 2015. A link to the existing local validation list (2015) is included in section 9 of this report.
- 4.3 The Birmingham Development Plan 2031 (BDP) was adopted on 10th January 2017, introducing new policies which will result in changes needed to the local validation requirements. In addition the adoption of Community Infrastructure Levy (CIL) on 4th January 2016 has introduced new information requirements.
- 4.4 National guidance states that where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants

and agents, for consultation prior to adoption of the revised requirements. Guidance states that consultation responses should be taken into account by the local planning authority when preparing the final revised requirements.

5.0 Summary of Proposals

5.1 The draft revised Validation Requirements document is attached to this report. The key changes to the list are:

- Update of the policy drivers due to the adoption of the BDP
- Additional information requirements due to adoption the BDP or other policy changes:
 - Coal Mining Risk Assessment - small parts of the City are covered by Coal Mining Development Referral Areas
 - Energy Statement – to demonstrate that requirements of BDP policy TP4 have been met.
 - Health Impact Assessment – to demonstrate that requirements of BDP policy TP37 have been met.
 - Minerals Investigation – specific requirement of BDP policy TP16
 - Loss of Industrial Land Statement – reflects current practice in place already and requirement of BDP policy TP20
 - Site Waste Strategy – specific requirement of BDP policy TP13
 - Sustainable Design and Construction Statement - to demonstrate that requirements of BDP policy TP3 have been met.
 - CIL Additional Form - reflects current practice in place already

5.2 Consultation on the draft revised validation requirements is from 24th October to 5th December 2017. The draft document is available to view on the 'Birmingham Be Heard' website, where comments can also be made. Notification of the consultation has been sent to developers, planning agents, residents associations and statutory consultees. Members are also invited to make comments on the draft revised Validation Requirements during the consultation period.

5.3 Following the consultation period, any responses received will be reviewed and changes made to the local validation list, where necessary, prior to the publication of a final revised local validation list. Planning Committee will be notified when the final revised local validation requirements are published.

6.0 Financial Implications

6.1 Costs of preparing the revised validation requirements and carrying out the consultation will be met from existing Planning and Development budgets.

7.0 Implications for Policy Priorities

7.1 None identified.

8.0 Implications for Equalities

- 8.1 The BDP was accompanied by an Equalities Analysis (EA001298). There were no adverse impacts on any of the protected groups identified.

9.0 Background Papers

- 9.1 Validation Requirements for Planning Applications – Draft for Consultation, October 2017 (attached)

- 9.2 Local Validation Criteria 2015

https://www.birmingham.gov.uk/downloads/file/7362/local_validation_criteria_april_2015



Waheed Nazir
Corporate Director, Economy



**Validation Requirements for
Planning Applications**

Draft for consultation

October 2017

Contents

- 1. Introduction**
- 2. Validation Requirements**
- 3. Planning Application Checklists**
- 4. Validation Requirements List**

Appendix

- 1. Planning Application Transport Information Requirements**

1. Introduction

What is the local information requirements list?

- 1.1 The local information requirements list, also known as a local validation list, sets out the information that Birmingham City Council will require to be able to register, assess and determine planning applications. The amount of information required will vary depending on the type, scale and location of the proposed development including any site specific constraints. Not all the local information requirements will apply to every planning application. The City Council will only ask for what is required to determine the planning application.
- 1.2 The Growth and Infrastructure Act (2013) requires that local information requirements must be:
 - Reasonable, having regard, in particular to the nature and scale of the proposed development; and
 - A matter that it is reasonable to think will be a material consideration in the determination of the application
- 1.3 This reflects the Town and Country Planning (Development Management Procedure) Order 2015 and Paragraph 193 of the National Planning Policy Framework (2012).
- 1.4 Each local information requirement is considered to meet the above statutory tests.

Why is the local information requirements list being updated?

- 1.5 The Birmingham Development Plan 2031(BDP) was adopted on 17 January 2017 and replaces the Birmingham Unitary Development Plan 2005, with the exception of those policies contained within chapter 8 and paragraphs 3.14 to 3.14D of that plan which will continue in force until the adoption of the Council's proposed Development Management Development Planning Document. Adoption of the BDP means that there are new policies which will result in changes needed to the local information requirements list.
- 1.6 National guidance also requires that local information requirement lists are reviewed every two years to ensure that it is reasonable and up-to-date. The current local information requirements list was last updated in 2015 and can be viewed [here](#).

Key changes to the local information requirements

- 1.7 The key changes to the list are:
- Update of the policy drivers due to the adoption of the BDP
 - Additional information requirements due to adoption the BDP:
 - Energy statement;
 - Health Impact Assessment
 - Loss of industrial land statement;
 - Mineral deposits investigation;
 - Sustainable design and construction statement; and Waste strategy
 - CIL Additional Information Form

Consultation on proposed changes to the local information requirements list

- 1.8 This document sets out proposed changes to the current adopted list (2015) to reflect the adoption of the Birmingham Development Plan 2031. Consultation on the proposed changes is from **24 October – 5 December 2017**. The document is available to view and make online comments at <https://www.birminghambeheard.org.uk/economy/birmingham-draft-revised-local-validation-list> . Alternatively you can email comments to planning.strategy@birmingham.gov.uk or post comments to Planning Strategy, Planning and Regeneration, 1 Lancaster Circus, Queensway, B1 1TU. Should you have any questions about the list, please contact Alexa.O'Neill@birmingham.gov.uk or 0121 464 7959.
- 1.9 Following consultation, any responses will be taken into account by the City Council in preparing the final revised list.

2.0 Validation Requirements

- 2.1 The information required to make valid application consists of mandatory national information and local information requirements. Birmingham City Council will not be able to process an application unless all the appropriate information listed has been provided.
- 2.2 In relation to the local requirements, criteria are included, wherever possible, to indicate when local requirements will be triggered. Much however is dependent on the location of development, its size, scale and nature/character and/or its impact on local amenities and the environment and the

requirements are not prescriptive in every case. Links to other sources of information and guidance are provided to assist in determining when additional information is required.

- 2.3 Clearly there are some circumstances where applicants will need to discuss the local requirements with the City Council before submitting an application. Applicants are strongly encouraged to do this because failure to provide the information specified under the national and local requirements will make a planning application invalid and will delay the processing of the application until the information is supplied.
- 2.4 Where an application is considered to be invalid, the City Council will write to explain what information is required and indicate a time period within which this must be provided. Where an application is initially considered to be valid but it is later discovered to be invalid, it will be put on hold until such time as the required information is submitted. On receipt of the information the determination period for the application will be restarted.
- 2.5 Once a planning application is submitted and all the necessary information has been provided, the application will be validated and the public will be consulted for 21 days. If documents submitted are revised during or after the consultation period; it is likely that there will be a need to re-consult.

3.0 Planning Application Checklists

- 3.1 To assist applicants, we also produce a series of checklists detailing the information that must be submitted with certain types of application and an explanatory note advising on the circumstances when the information will be required. The Planning Application Checklists will be updated to reflect the final Local Validation list following the consultation.

Birmingham City Council Planning Validation Requirements List

	Validation Item and Location Requirement	Policy Driver	Types of application that require this information	What information is required and links to further advice
National Requirements				
1	Completed Application Form Relevant fee (where required)	The Town and Country (Development Management Procedure) (England) Order 2015 Article	All applications (except applications for discharge of conditions and prior approval applications)	It is recommended that applications are submitted electronically through the Planning Portal. For applications submitted as a paper copy, one complete set of documents must be submitted. Information on fees can be found on the Planning Portal fee calculator.
2	Ownership certificates and notice(s)	The Town and Country (Development Management Procedure) (England) Order 2015 Articles 13 & 14	All applications which an application form is required and where there are owners of the application site other than the applicant	An ownership A, B, C or D certificate must be completed stating the ownership of the property. ‘Owners’ are either freeholders, or leaseholders with at least 7 years of the leasehold left unexpired. A notice to owners of the application site must be completed and served.
3	Agricultural holdings certificates	The Town and Country (Development Management Procedure) (England) Order 2015 Articles	All applications which an application form is required	This certificate is required whether or not the site includes an agricultural holding. All agricultural tenants must be notified prior to the submission of the application.
4	Location plan	The Town and Country (Development	All applications (except applications for Non-Material Amendments and discharge of condition applications)	All applications must include a location plan which should: <ul style="list-style-type: none"> • Be at a scale of 1:1250 or 1:2500; • Show the direction of North and identify sufficient roads and/or

		Management Procedure) (England) order 2015 Article 7		<p>buildings on land adjoining the application site to ensure that the exact location of the application is clear</p> <ul style="list-style-type: none"> • Show the application site outlined in red, which includes all land necessary to carry out the proposed development • Show any other land owned by the applicant, close to or adjoining the application site, outlined in blue.
5	Site plan	The Town and Country (Development Management Procedure) (England) order 2015 Article 7	All applications (except applications for Non-Material Amendments and discharge of condition applications and outline applications, where siting is a reserved matter)	<p>All applications must be submitted with a site plan (sometimes called a block plan) which should:</p> <ul style="list-style-type: none"> • Be at a scale of 1:500 or 1:200; and • Show the direction of North and proposed development in relation to the site boundaries and other existing buildings, both on the site and adjacent to it, with dimensions including those to the boundaries. • The plan should also include the following, unless these would not influence or be affected by the proposed development: • All buildings, roads and footpaths on land adjoining the site including access arrangements; • All public rights of way crossing or adjoining the site; • The position of all trees on the site and those on adjacent land; • The extent and type of any hard surfacing; and • The type and height of any boundary treatment including walls or fencing where proposed.
6	Design and Access Statement	The Town and Country (Development Management Procedure) (England) order 2015 Article 9	<p>All applications for major development (defined as 10 or more dwellings or where the floor space to be built is over 1,000 square metres or where the site is 1 hectare or more)</p> <p>Applications for one or more dwellinghouses in a Conservation Area</p> <p>Applications for the provision of a building / buildings where the floor</p>	<p>The purpose of a Design and Access Statement is for the applicant to explain how the proposed development is a suitable response to the site and its setting, and demonstrate it can be adequately accessed by prospective users.</p> <p>Explain the design principles and concepts that have been applied to the development;</p> <ol style="list-style-type: none"> Demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account; Explain the policy adopted as to access, and how policies relating

			<p>space created by the development is 100 square metres or more within a Conservation Area</p> <p>All Listed Building Consent applications</p>	<p>to access in relevant local development documents have been taken into account;</p> <p>c. State what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and</p> <p>d. Explain how any specific issues which might affect access to the development have been addressed.</p> <p>e. A description of any heritage asset affected, including any contribution made by their setting and the contribution made by the development to local character and distinctiveness</p> <p>It is useful for the document to include visual material such as photographs, sketches, diagrams. The level of detail in a Design and Access Statement should be proportionate to the complexity of the application.</p> <p>For Listed Building Consent applications they must: Explain how the design principles and concepts that have been applied to the works take account of:</p> <p>a. The special architectural or historic importance of the building;</p> <p>b. The particular physical features of the building that reflect and illustrate the significance of the building;</p> <p>c. The building's setting.</p> <p>Further Advice National Planning Practice Guidance</p>
Local Requirements				
1	<p>Affordable Housing Statement</p> <p>City wide</p>	<p>NPPF</p> <p>BDP Policy TP31</p> <p>Affordable Housing</p>	Planning applications for 15 or more dwellings.	<p>Number and mix of residential units (minimum 35% of total provision). Commuted sums in lieu of onsite provision will only be accepted in exceptional circumstances. The statement should include the number and mix of units and floor space of habitable areas of residential units. Plans showing the location and floorspace of units and the number of habitable rooms including bedrooms.</p>

				Further Advice BDP Policy TP31 Affordable Housing
2	Air Quality Assessment	NPPF BDP Policy TP38 A sustainable transport network	<p>For all schemes where there may be relevant exposure to pollutant concentrations above statutory limits (EU or UK).</p> <p>Where the development meets DfT threshold criteria for Transport Assessment.</p> <p>Where development requires an EIA.</p> <p>Where development is likely to increase traffic flows by more than 5% on roads with >10,000 AADT or change average vehicle speeds by > 10 kph/likely to cause increased congestion (DfTCongestion)</p> <p>Where a proposal is likely to increase traffic by more than 5% on road canyons with > 5,000 AADT.</p> <p>Where a development requires a Transport Assessment and HGV movements are ≥ 10% of total trips</p>	<p>The information submitted should be sufficient to enable full consideration of the impact of the proposal on the air quality of the area. Where increased building and/ or transport emissions are likely, reduction/ mitigation measures should be set out in detail.</p> <p>Further Advice Please contact the Council Environmental Protection Unit. Details on Air Quality Assessments may be found within the Low Emissions Towns & Cities Good Practice Air Quality Planning Guide, May 2014. Information on air quality management areas can be found on the UK Air Quality Archive. Air Quality Management Areas</p>
3	Archaeological Assessment City Wide (on or adjacent to a heritage asset of	NPPF UDP saved policy 8.36 BDP Policy TP12	<p>When any proposed development includes new building or ground disturbance on or adjoining a heritage asset of archaeological interest (regardless of the need for a Design and Access Statement).</p>	<p>If a Design and Access Statement is also required, the Archaeological Assessment can be included within it. Applicants are advised to refer to the city's Archaeology Strategy</p> <p>Further Advice See the Institute for Archaeologists for standards and guidance about</p>

	archaeological interest)	Historic Environment		<p>archaeological assessments and evaluation</p> <p>To establish if the site falls within or near a heritage asset of archaeological interest go to Local View (Historic Environment Record)</p> <p>Historic England Advice Notes</p>
4	Biodiversity and Geological Survey and Report	<p>NPPF</p> <p>ODPM Circular 06/2005</p> <p>The Conservation of Habitats and Species Regulations 2010 (as amended)</p> <p>Natural Environment and Rural Communities Act 2006</p> <p>BDP Policy TP8 Biodiversity and geodiversity</p>	<p>Applications in or adjacent to designated sites of national or local importance (Site of Special Scientific Interest [SSSI], National Nature Reserve [NNR], Local Nature Reserve [LNR], Site of Importance for Nature Conservation [SINC] or Site of Local Importance for Nature Conservation [SLINC]), or Potential Sites of Importance (PSI) or other sites which support important habitats or important geological features.</p> <p>Developments which have the potential to affect protected species and other important species.</p>	<p>Ecological / geological assessment should include:</p> <ul style="list-style-type: none"> • A description of the proposal. • Desk study and field survey (extended Phase 1 habitat survey and detailed (species) surveys as necessary) of the development site and any other areas likely to be affected by the proposals. • Evaluation of features and assessment of the likely impacts of the proposal. • Discussion of mitigation, compensation and enhancement measures. The mitigation strategy should be proportionate to the perceived impacts and should include clear, site-specific prescriptions rather than vague, general or indicative possibilities and should be feasible and deliverable. <p>Surveys should be completed at an appropriate time of the year by suitably qualified and experienced ecological consultants and should comply with published guidance and best practice.</p> <p>A protected species is one which receives legal protection through UK or European legislation, including:</p> <ul style="list-style-type: none"> • The Conservation of Habitats and Species Regulations) 2010 (as amended). European protected species of animals are listed on Schedule 2; European protected species of plants are listed on Schedule 5. • The Wildlife and Countryside Act 1981 (as amended). Bird species protected by special penalties are listed on Schedule 1. Protected animal species are listed on Schedule 5. Protected plant species are listed on Schedule 8.

			<ul style="list-style-type: none"> • The Protection of Badgers Act 1992. <p>Important habitats and species are defined as:</p> <ul style="list-style-type: none"> • “Priority habitats or species” - habitats or species of principal importance for the conservation of biodiversity in England (Natural Environment and Rural Communities Act 2006, section 41). • Habitats or species listed as local priorities in the Biodiversity Action Plan for Birmingham and the Black Country. <p>Further Advice</p> <p>Applicants may wish to discuss proposals with the Council’s Ecology Officers.</p> <p>To establish whether a site is located within or adjacent to a designated nature conservation site or PSI, go to Local View (Nature Conservation Sites).</p> <p>If a development is in or near to a SSSI, applicants are also advised to go to Natural England’s Impact Risk Zones for SSSIs to see how their proposal could affect the designated site. Applicants may wish to consult Natural England about the scope of the assessment required,</p> <p>To establish whether a development is likely to affect important habitats or geological features, protected or important species, go to BCC’s Local Requirements for Biodiversity and Geological Conservation.</p> <p>Ecological / geological assessments should include a desk study / data search. Sites, habitats and species records should be obtained from EcoRecord (the ecological database for Birmingham and the Black Country).</p> <p>Further guidance on survey standards, evaluation and impact assessment, and mitigation standards can be obtained from the</p>
--	--	--	--

				Chartered Institute of Ecology and Environmental Management.
5	CIL Additional Information Form City-wide	Birmingham CIL Charging Schedule	All planning applications creating over 100sqm of new floorspace, 100sqm of change of use floorspace or a new dwelling, including prior approvals under permitted development.	<p>Relevant forms can be found on the Planning Portal website.</p> <p>Further Advice Information regarding CIL charges can be viewed at www.birmingham.gov.uk/cil</p>
6	Coal Mining Risk Assessment	NPPF Section 11 paragraph 109 and 121	Full applications (excluding change of use), outline applications and applications for the winning or working of minerals will require a Coal Mining Risk Assessment if they fall within a Coal Mining Referral Area	<p>The Coal Mining Risk Assessment should be prepared by a suitably qualified and competent person). It should:</p> <ul style="list-style-type: none"> • Identify site specific coal mining information (including past/present/future underground mining, shallow coal workings, mine entries (shafts or adits), mine gas, within an area which has a current license to extract coal, geological features, any recorded surface hazards, or within a former or present surface mining [old opencast] area). • Identify what risks these coal mining issues, including cumulative effects, pose to the proposed development. • Identify how coal mining issues have influenced the proposed development and whether any other mitigation measures are required to manage those issues and/or whether any changes have been incorporated into the development. • Any development that involves intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or mine entries will require the prior written permission of The Coal Authority. <p>Further Advice The Coal Authority website: www.coal.gov.uk/services/planning The Coal Authority Planning and Local Authority Liaison Department: Telephone 01623 637 119 (direct) or email planningconsultation@coal.gov.uk The Local Planning Authority has been provided with Coal Mining Development Referral Areas by The Coal Authority.</p>

7	Energy Statement City-wide	NPPF BDP Policy TP4 Low and zero carbon energy generation	All planning applications for major development.	<p>The statement should provide details of:</p> <ul style="list-style-type: none"> • Calculations of the energy demand and carbon dioxide emissions; • Proposals to reduce carbon dioxide emissions through the energy efficient design of the site; • Proposals to further reduce carbon dioxide emissions through the use of decentralised energy where feasible; and • Proposals to further reduce carbon dioxide emissions through the use of on-site renewable energy technologies where feasible. <p>The statement should relate to the particular development proposed for the site and demonstrate the feasibility of installing the particular measures proposed.</p> <p>In cases where the form of renewable energy cannot be fully determined at the time of application. Feasible option must still be presented. It is unlikely to be possible to submit details for the compliance of a conditions regarding energy efficient/ renewable energy where additional permissions may be required (e.g. for flues or buildings not in the original application).</p> <p>In the case of residential developments of over 200 units and non-residential developments over 1,000 sq.m Policy TP4 requires first consideration to be given to the inclusion of Combined Heat and Power (CHP) generation or a network connection to an existing CHP facility. However, the use of other technologies will also be accepted where they will have the same or similar benefits.</p> <p>Smaller developments (as set out by the trigger) should also connect to a District Heating Scheme where such schemes exist, unless it is demonstrated that such a connection is not practicable or viable.</p> <p>Further advice</p>
---	--	--	--	--

				BDP Policy TP4 Low and zero carbon energy generation
8	Environmental Impact Assessment (EIA) City-wide	NPPF Town and Country Planning (Environmental Impact Assessment) Regulations 2017	<p>If the project is listed in Schedule 1 an EIA is required in every case.</p> <p>If the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.</p> <p>If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required.</p> <p>'Screening' is a procedure used to determine whether a proposed project is likely to have significant effects on the environment.</p> <p>The applicant can request a screening opinion from the Local Planning Authority to determine whether an EIA is required. This screening can be</p>	<p>When an EIA is required, the Regulations provide a checklist of matters to be considered for inclusion in the Environmental Statement and require the developer to describe the likely significant effects of a development on the environment and to set out the proposed mitigation measures e.g. air quality assessment, transport assessment etc. and application can be made to the Local Planning Authority for a Scoping Opinion which sets out the Local Planning Authority's opinion as to the information to be provided in an Environmental Statement.</p>

			requested prior to an application being submitted.	
9	Financial Viability Assessment City-wide	NPPF BDP Policy TP31 Affordable Housing BDP Policy TP47 Developer Contributions	Where an applicant is proposing that they cannot provide the full range of Section 106 requirements (including affordable housing), due to financial viability issues	<p>Appendix C of the RICS Guide to Planning and Viability (GN 94/2012) – details what a viability assessment should comprise. The level and detail of information forming the viability assessment will vary considerably from scheme to scheme.</p> <p>You must submit an accompanying report detailing the following information:</p> <ul style="list-style-type: none"> • Executive summary • Contents outline • Introduction and background • Description of site location • Planning policy context • Description of scheme • Market information summary • Build cost and programme • Methodology and approach • Outputs and results • Sensitivity analysis • Concluding statement <p>Any costs incurred as a result of the City Council seeking independent advice regarding the viability assessments will be payable by the applicant.</p>
10	Flood Risk Assessment	NPPF National Planning	A site specific flood risk assessment will be required for all new development (including minor	A flood risk assessments and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere. This should include sustainable drainage systems.

	According to criteria	<p>Practice Guidance</p> <p>BDP Policy TP6 Management of flood risk and water resources</p> <p>Birmingham Strategic Flood Risk Assessment</p>	<p>development and change of use) in:</p> <p>a. flood zones 2 and 3; or</p> <p>b. flood zone 1 that are:</p> <ol style="list-style-type: none"> I. 1 hectare or greater II. in areas of critical drainage (as defined by the LPA or Environment Agency), unless otherwise agreed in writing by the Environment Agency <p>The Birmingham Level 1 Strategic Flood Risk Assessment defines these critical areas as</p> <ul style="list-style-type: none"> Any development proposals at risk of surface water flooding (as defined by the 'locally agreed surface water information') Any development proposals within 250m of an historic flooding location Any development proposals within a 'local flood risk area' defined by the Surface Water Management Plan 	<p>Further Advice</p> <p>Flood Zone maps are available from Flood Map for Planning</p> <p>The National Planning Policy Framework and Planning Practice Guidance (Reference ID: 7) provides comprehensive guidance for applicants in relation to the undertaking of flood risk assessments and the responsibilities for controlling development.</p>
11	<p>Flues & Ventilation extraction details</p> <p>City-wide</p>	<p>NPPF</p> <p>BDP Policy PG3 Place making</p>	<p>All applications relating to the sale or preparation of cooked food, launderettes and other uses where air conditioning or extraction equipment is required.</p>	<p>The submitted plans should include details of the external appearance and written details outlining the technical specification of the proposed plant. The technical specifications shall include:-</p> <ul style="list-style-type: none"> A schematic of the proposed ducting showing the location of all components (fans, filters, silencers, etc.) The noise levels generated by the fan in decibels (dB) at a specified distance (i.e. 1.0m / 3.0m / etc.) Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed

				<ul style="list-style-type: none"> Location, design and appearance of external flues <p>The aim should be to discharge at a high level so as to aid odour dispersion and reduce the noise impact.</p>
12	Health Impact Assessment	NPPF BDP Policy TP37 Health	All planning applications requiring an EIA.	<p>The assessment should consider the environmental impact upon health of the development, as well as the wider impact upon healthy living and the demands that are placed upon health services and facilities arising from the development. The assessment can be incorporated in the EIA.</p> <p>Further advice BDP Policy TP37 Health NPPG Health and wellbeing</p>
13	Heritage Statement City-wide (subject to criteria)	NPPF BDP Policy TP12 Historic Environment	Where the development affects a designated heritage asset (listed building, registered park or conservation area), or non-designated heritage asset (other than a heritage assets of archaeological interest) or their settings (regardless of the need for a Design and Access Statement).	<p>If a Design and Access Statement is also required, the Heritage Assessment must be included within it. The statement should include a schedule of works to the heritage asset(s). An analysis of the significance of the archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the heritage asset, its setting and the setting of adjacent heritage assets may be required. The scope and degree of detail necessary in the written justification will vary according to particular circumstances of each application.</p> <p>Applicants are advised to discuss proposals with either a planning officer or a conservation officer before any application is made.</p>

14	Land Contamination Assessment City -Wide	NPPF	Where the development site is known or suspected to be affected by land contamination (e.g. has previously been used for industrial purposes or is a landfill site). All developments vulnerable to the effects of contamination (residential housing, schools and preschool nurseries).	The assessment should examine the likelihood of the presence of land contamination, its nature and potential risk to the proposed development, and what further measures are required to ensure the site is suitable for use. The minimum required is a report of a desk top study and site walk-over. Prior to the submission of a planning application for a Brownfield redevelopment, applicants are advised to contact the Contaminated Land Team to discuss what may be required to accompany the application.
15	Landscaping Scheme City-wide	NPPF	All major applications, including outline proposals, that include any external space must be accompanied by a landscape strategy plan and a written landscape statement detailing the design approach proposed"	The landscape strategy plan should indicate: extent of existing and proposed planting areas, and the type of planting within them; locations of new trees; areas and type of hard surfacing; location and nature of boundary treatments; and earthworks / ground level changes. Further Advice Places for All SPD , Places for Living SPD .
16	Lawful Development Certificate City-Wide	Part V11 of Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991	Lawful Development Certificates provide for the grant of a certificate only for lawfulness of development carried out, or proposed, in accordance with the planning legislation.	An application must specify in reasonably precise terms what the use, operational development, or other activity is, or is proposed to be. The planning authority need not consider any proposal which does not include specific details of what it involves. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant Planning law or judicial authority A sworn affidavit or written declaration under the Statutory Declarations Act is the preferred form of evidence. This is a document in which the signer swears under oath before a Solicitor or someone authorised to take oaths that the statements in the document are true. Other evidence can include receipts, invoices or rent books.
17	Lighting Assessment	NPPF	Proposals for external lighting including floodlighting and lighting in	Details to be provided of the scheme including hours of illumination, light levels, column heights, specification and colour, treatment for

	City-wide	BDP Policy PG3 Place making	connection with a publicly accessible development or proposal in the vicinity of a residential property, listed building, conservation area or a site of nature conservation value (SINC, SSSI LNR)	<p>lamps and luminaries and beam orientation. Lighting schemes should take account of any possible effects on wildlife that is sensitive to light, the need for full horizontal cut-off; distraction to the drivers; levels of impact on nearby dwellings.</p> <p>Further Advice UDP saved Chapter 8, BDP Policy TP11 Sports Facilities, Lighting Places SPD, Floodlighting of Sports Facilities, Car Parks and Secure Areas SPG</p>
18	Loss of Industrial Land Statement	<p>NPPF</p> <p>BDP TP 20 Protection of Employment Land</p>	All planning applications, which include employment uses and developments which would result in the loss of employment floor space	<p>Proposals for redevelopment of employment sites should include details of existing employment that will be lost. The statement should include justification for the proposals in accordance with Policy TP20 and the Loss of Industrial Land to Alternative Uses SPD.</p> <p>Further Advice BDP Policy TP20 Protection of employment land Loss of Industrial Land to Alternative Uses SPD</p>
19	<p>Mineral Deposits Investigation</p> <p>City-wide</p>	<p>NPPF</p> <p>BDP Policy TP16 Minerals</p>	Planning applications for sites over 5ha	<p>The investigation need to include details of a prior extraction scheme to remove minerals prior to development, or justification for no prior extraction scheme. The investigation will need to include information on:</p> <ul style="list-style-type: none"> • The likely economic value of any present mineral resources (including details on the underlying geology) • The feasibility to extract minerals, including consideration of significant overburden and ground stability, and impacts on neighbouring uses, the local community and important environmental assets • The financial and time benefits / impacts it has on the development • Where mineral extraction is shown to be viable and deliverable, further details (including any EIA) on how the prior extraction will operate, and how the land will be restored. <p>The Investigation should be carried out by a suitable qualified person</p>

				<p>(mineral surveyor or geologist). Further supporting evidence on the extent or quality of the mineral resource and geotechnical issues may be provided by site investigation reports, and other geotechnical reports to be submitted with the planning application.</p> <p>The assessment may be provided as a section in a general supporting statement such as the Planning Statement.</p>
20	<p>Noise impact assessment and sound insulation details</p> <p>City-wide</p>	<p>National Planning Policy Framework, particularly Section 11</p>	<p>Planning applications that raise issues of disturbance, or are considered to be noise sensitive developments. The following developments should include a noise impact assessment / noise mitigation scheme for the impact of noise on nearby residential uses:</p> <ul style="list-style-type: none"> • change of use to A3, A4, A5 • conversion of buildings to residential use • new residential development sited on classified roads • new residential development nearby to licensed premises • new commercial development within Use Classes B2 or B8 adjacent to existing residential development • any application for an entertainment and licensed premise <p>Other developments (including day nurseries, sports facilities, smoking areas, places of worship) can generate noise and may warrant a noise impact assessment / noise mitigation scheme,</p>	<p>The Noise Impact Assessment should outline the potential sources of noise generation, and how these may have a negative effect on local amenity. The assessment should also outline how the developer mitigates any adverse issues identified by the assessment.</p> <p>Any recommendations to mitigate noise should be incorporated into the submitted plans for the application. Full guidance on the assessment of noise and vibration is provided in Planning Consultation Guidance Note: Noise and Vibration.</p> <p>Further Advice</p> <p>Where noise is likely to be an issue, applicants are advised to contact the Environmental Protection Unit part of the Council Regulatory Services section prior to the submission of a planning application. Further information on use classes guide can be found on the Planning Portal website</p>

			this will be determined on a site to site basis.	
21	Open Space and Playing Fields Assessment City-wide	NPPF BDP Policy TP9 Open space, playing fields and allotments	Development involving the loss of open space, playing fields, sports and recreation facilities, bowling greens, allotments, etc.	Plans should show any areas of existing or proposed open space within or adjoining the application site and any mitigating circumstance for the loss of open space. Open space here includes space falling within the definitions of that term in the Town and Country Planning Act.
22	Parking Provision City-Wide	NPPF	All applications where parking is proposed.	Details of any existing and proposed parking spaces (including disabled, electric vehicle and cycle) may be shown on the site layout plan. Further Advice Car Parking Guidelines SPD , Car Park Design Guide SPG
23	Photographs & photomontages City-wide	NPPF	Where the proposal involves the demolition of an existing building or development affecting a heritage asset, telecommunication mast applications, or proposals affecting views of major landmarks	Although not a policy requirement, photographs can provide clarity for development proposals. Further Advice Telecommunications Development : Mobile Phone Infrastructure SPD
24	Plans and Drawings City wide	NPPF BDP Policy PG3 Place making	All planning applications.	<ul style="list-style-type: none"> • Location plan – Preferably on paper size less than A2 and at a typical scale of 1:1250 clearly outlining the site in red. • Site Layout Plans – Preferably on paper size less than A2 and at a typical scale of 1:200 or 1:500 clearly marking on the proposed development • Elevations if required - Preferably on paper size less than A2 and at a typical scale of 1:50 or 1:100, (existing & proposed should be at a similar scale to aid comparative study) scale annotated on the plan. Full elevations showing all sides of the development even if they do not contain windows/door

				<p>openings</p> <ul style="list-style-type: none"> • Internal Layouts - Preferably on paper size less than A2 and at a typical scale of 1:50 or 1:100, (existing & proposed should be at a similar scale to aid comparative study) scale annotated on the plan. Plans showing the proposed internal layout of each unit type • Landscaping if required - Plans showing details of the proposed landscaping scheme • Street Scene Plans if required - Plans indicating or including at least 1 existing house either side of the proposed development • Extraction Details – if extraction details proposed, elevational drawings showing all external ductwork and termination points, if possible include adjacent buildings. Confirmation that the system discharges vertically and showing that it will be one metre higher than the highest residential window or one metre higher than eaves level • Cross-section – for advertisement applications clearly showing method of illumination
25	Planning Obligations Draft Heads of Terms City-wide	NPPF BDP Policy TP31 Affordable housing, TP47 Developer Contributions	Where relevant the City Council requires that a statement of proposed obligations and draft Heads of Terms, be submitted at the time of making a planning application.	<p>Where a Section 106 is required, Draft Heads of Terms should be submitted. This should include details of the financial and non-financial offer and details of your solicitor who will deal with the drafting of the Legal Agreement.</p> <p>Further Advice Further information on Section 106 obligations can be found on the City Council website. Applicants should speak to the Local Planning Authority in pre-application discussions and confirm any planning obligations that may apply.</p>
26	Planning Statement including Statement of	NPPF	A supporting planning statement will be required for all major applications, major change of use applications or listed building applications.	The statement should identify the context and need for a proposed development and should include an assessment of how the proposed development accords with relevant national, regional and local planning policies.

	Community Involvement City-wide			<p>The statement should also include any regeneration and economic benefits from the proposed development, including details of any new jobs that might be created or supported and any community benefits that will result from the development.</p> <p>It should include details of consultations with the Local Planning Authority and wider community/statutory consultees undertaken prior to submission.</p> <p>Further Advice Further guidance is available in the Statement of Community Involvement document and the document mention in the second column.</p>
27	Retail Impact Assessment / Sequential Test City-wide	NPPF BDP Policy TP21 The network and hierarchy of centres, TP22 Convenience retail provision	<p>An impact assessment is required for retail, leisure and office development proposals greater than 2,500sqm which are outside of the hierarchy of centres identified in the BDP and not in accordance with the Local Plan.</p> <p>A sequential test is required where main town centre uses are proposed not in an existing centre and not in accordance with an up to date Local Plan.</p>	<p>Further Advice The NPPG section on ‘Ensuring the vitality of town centres (Reference ID: 2b) contains guidance on the requirements of the impact assessment and sequential test. BDP Policy 21 and the Shopping and Local Centres SPD have details of the network and hierarchy of centres in the City.</p>
28	Site Waste Strategy City-wide	NPPF BDP Policy TP13 Sustainable management of the City’s waste	Applications for sites over 5ha.	The strategy should cover the prevention, minimisation and management of waste.

29	Structural survey City-wide	NPPF	A structural survey will be required, but not limited to the following : i) The demolition of a listed building(s), ii) The conversion of a listed building(s) iii) conversion of rural buildings	This should demonstrate that they are capable of conversion without major alterations or rebuilding of the property, for example for barn conversion applications.
30	Sustainable Design and Construction Statement City-wide	NPPF BDP Policy TP2 Adapting to climate change BDP Policy TP3 Sustainable construction BDP Policy TP13 Sustainable Management of Waste	All planning applications for major development.	<p>This statement should demonstrate that the proposed development will meet the highest standards of sustainable design and construction throughout all stages of the development, including demolition, construction and long-term management. The statement should show how the proposed development:</p> <ul style="list-style-type: none"> • is adapted to climate change through SuDs (reference can be made to SuD Strategy) and reduces overheating • conserves water and reduces flood risk • has considered the procurement of materials which promote sustainability, including by use of low impact, sustainably sourced, reused and recycled materials. • minimises waste and maximises recycling during construction and operation. • is flexible and adaptable to future occupier needs. • incorporates measures to enhance biodiversity value <p>The statement should include, as an appendix, a BREEAM pre-assessment report(s) and include details of the credits proposed to be achieved. The assessment should be carried out using the most up to date versions of the Code or BREEAM.</p> <p>Further Advice Policy TP3 Sustainable Design and Construction</p>
31	Sustainable	NPPF	All planning applications for major	The documents submitted should be in accordance with Birmingham

	Drainage Assessment Sustainable Drainage Operation and Maintenance Plan City-wide	DCLG Written Ministerial Statement HCWS161 BDP Policy TP6 Management of flood risk and water resources	development.	City Council guidance below. Further Advice Sustainable Drainage – Birmingham City Council Guide to Design, Adoption and Maintenance BDP Policy TP6 Management of flood risk and water resources
32	Tall Buildings Report City-wide normally city centre	NPPF	Any building over 15 storeys high.	The report submitted should be in accordance with High Places SPD which sets out the information required. Further Advice High Places SPD
33	Telecommunications information City-Wide	NPPF UDP saved Chapter 8 para. 55A-C	For all prior approval and full planning applications for telecommunications and mobile phone masts.	All prior approval and full planning applications need to provide evidence of consultation with local schools and day nurseries. All applications for masts within 3km of Birmingham International Airport must provide evidence of consultation with Birmingham International Airport. All applications must also be accompanied by a statement that the proposal, when operational, will meet the ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines. Also see section 20 for photomontages. Where new base stations are proposed on non-established telecoms sites, a list of alternative sites considered for the development is also required. Further Advice Telecommunications Development : Mobile Phone Infrastructure SPD UDP saved Chapter 8 para 8.55A-C
34	Transport Assessment and Statements (including Travel	NPPF BDP Policy TP44 Traffic and	Section 4 of the NPPF states that all development which generates significant amounts of movement should be supported by a Transport	These documents will allow the transport implications of proposed development to be properly considered and, where appropriate, will help identify suitable measures to achieve a more sustainable outcome. The information will include analysis of all existing and

	Plans) City-wide	congestion management TP45 Accessibility standards for new development	Assessment or a Transport Statement. The thresholds for the requirement of these are set out in Appendix 1 of this document.	<p>proposed trips by all modes of travel generated by the proposal. It should illustrate accessibility to the site by all modes and the likely modal split of journeys to and from the site. The document should also give details of proposed measures to improve access by public transport, walking and cycling to reduce the need for parking associated with the proposal, and to mitigate transport impacts.</p> <p>It should describe and analyse existing transport conditions, how the development would affect those conditions and any measures proposed to overcome any problems.</p> <p>Loading areas and arrangements for manoeuvring, servicing and parking of vehicles should also be clearly identified. Proposals for major development should aim to provide the accessibility requirements set out in BDP Policy TP45</p> <p>A Travel Plan should be submitted in order to outline the way in which the transport implication of the new development will be managed in order to ensure the minimum environmental, social and economic impacts. Developers should state how new occupiers or customer of the development will use alternative means of travel, which do not involve private car use. The Travel Plan should include details of targets and arrangements for monitoring.</p> <p>Further Advice If any proposals have an impact on the strategic road network you should engage with the Highways Agency at an early stage. NPPG: Transport evidence bases in plan making and decision taking (Reference ID: 54)</p> <p>Circular 02/2013 explains how the Highways England will engage with the planning system BDP Policy TP44 and TP45</p>
35	Tree survey /	NPPF	All planning applications where the	A plan must be provided showing the location of all trees on site and

	arboricultural statement City-wide	Town and Country Planning Act 1990 , (Section 197-198), BDP Policy TP 7 Green Infrastructure Network	application involves works that may affect any trees on or off the site.	<p>within 8m of the proposed work (NB trees further away may be relevant, see below) together with a list of trees which are desired to be removed and a schedule of any pruning to retained trees (see below). Additionally, where trees are protected by Tree Preservation Order or Conservation Area legislation a report in full accordance with BS5837 Trees in Relation to ‘design, demolition and construction – Recommendations must be submitted.</p> <p>Applicants are encouraged to discuss proposals with an Arboricultural Officer before submission.</p> <p>Further Advice www.trees.org.uk https://www.charteredforesters.org/</p>
36	Works to Trees - Specification of Works and Photographic Evidence City-wide	NPPF Town and Country Planning Act 1990 , (Sections 197-198 to 197-214) BDP Policy TP7 Green Infrastructure Network	Where works are required to a protected tree (TPO or tree in Conservation Area).	<p>Give a detailed description of the proposed works, e.g. crown thinning, reduction/topping, lifting, felling or the removal of dead dying trees, and the reasons for it. Digital photographs of the existing tree(s) should be provided together with a sketch plan showing the location of the tree(s)</p> <p>If the reason for the works includes concerns over the condition of the tree e.g. it is diseased or you have fears that it might break or fall you are required to provide written arboricultural advice from an appropriate expert. If the reason for the work is alleged damage to property e.g. subsidence, you are required to provide a report by an engineer or building surveyor and an arboriculturist’s report to support the tree work proposal.’</p> <p>Further Advice NPPG: Tree Preservation Orders and trees in conservation areas (reference ID: 36).</p>

Appendix 1: Planning Application Transport Information Requirements

Use Class	Transport Assessment	Transport Statement	Transport Note
A1-Food Retail	>800 sq.m	>250 sq.m <800 sq.m	<250 sq.m
A1-Non-food Retail	>1500 sq.m	>800 sq.m <1500 sq.m	<800 sq.m
A2-Financial & Professional Services	>2500 sq.m	>1000 sq.m <2500 sq.m	<1000 sq.m
A3-Restaurants and Cafés	>2500 sq.m	>300 sq.m <2500 sq.m	<300 sq.m
A4-Drinking Establishments	>600 sq.m	>300 sq.m <600 sq.m	<300 sq.m
A5-Hot Food Takeaway	>500 sq.m	>250 sq.m <500 sq.m	<250 sq.m
B1-Business	>2500 sq.m	>1500 sq.m <2500 sq.m	<1500 sq.m
B2-General Industrial	>4000 sq.m	>2500 sq.m <4000 sq.m	<2500 sq.m
B8-Storage or Distribution	>5000 sq.m	>3000 sq.m <5000 sq.m	<3000 sq.m
C1-Hotels	>100 bedrooms	>75 <100 bedrooms	<75 bedrooms
C2-Residential Institutions - Hospitals, Nursing Homes	>50 beds	>30 <50 beds	<30 beds
C2-Residential institutions – Residential Education	>150 students	>50 <150 students	<50 students
C2-Residential Institutions – Institutional Hostels	>400 residents	>250 <400 residents	<250 residents
C3-Dwelling Houses	>80 dwellings	>50 <80 dwellings	<50 dwellings
D1-Non-residential Institutions	>1000 sq.m	>500 sq.m <1000 sq.m	<500 sq.m
D2-Assembly and Leisure	>1500 sq.m	>500 sq.m <1500 sq.m	<500 sq.m
Other	Discuss with the City Council prior to submitting a planning application		

Note - Floorspace relates to the Gross Floor Area