

Birmingham City Council

Planning Committee

10 November 2016

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	8	2016/08029/PA 2-10 Constitution Hill City Centre Birmingham B19 3LY Change of use to bar (Use Class A4) at ground floor level with associated toilets, glasswash, storage and staff area at first floor level.
Defer – Informal Approval	9	2016/07978/PA 3 Arena Central Plot D Broad Street City Centre Birmingham B1 2DR Full planning permission for the erection of a 14 storey office development (Use Class B1) and ancillary retail/commercial (Use Classes A1/A2/A3) with associated landscaping and public realm, access, car parking and servicing proposals

Committee Date:	10/11/2016	Application Number:	2016/08029/PA
Accepted:	23/09/2016	Application Type:	Full Planning
Target Date:	18/11/2016		
Ward:	Ladywood		

2-10 Constitution Hill, City Centre, Birmingham, B19 3LY

Change of use to bar (Use Class A4) at ground floor level with associated toilets, glasswash, storage and staff area at first floor level.

Applicant:	Lone Wolf Pubs c/o Agent
Agent:	GW Planning Limited 21 Norfolk Road, Sutton Coldfield, Birmingham, B75 6SQ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning consent is sought for the change of use of the ground floor and first floor of 2-10 Constitution Hill to an A4 drinking establishment use.
- 1.2. Entrances to this proposed use are from both Constitution Hill and Water Street. The ground floor would comprise a bar and seating area for proposed patrons and an accessible WC.
- 1.3. Access to the first floor would be gained via an existing stairwell adjacent to the Water Street entrance. Toilets for patrons are proposed at first level within this corner of the building, the remainder of the first floor is proposed as being accessible to staff only. Submitted plans show the staff area to include a glass wash and store room and the remainder of the floor as vacant. The applicants' agent has confirmed that this "vacant area" would be likely to be used for staff changing, ancillary office space and storage area.
- 1.4. The proposal seeks to generate 1 full time and 7 part time job opportunities.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the ground floor and part of the first floor of 2-10 Constitution Hill and is located on the corner of Water Street and Constitution Hill.
- 2.2. The application site is a sub-section of the overall Bismillah Building (covering numbers 2-26 Constitution Hill) and is grade A locally listed building. The site is located within the Viaduct locality of the Jewellery Quarter Conservation Area which is characterised primarily by medium/ large scale 19th and early 20th century metalworking manufactories, many of which have now been sub-divided and

changed use into a mixture of retail and other commercial uses as ground floor level. Uses in the immediate vicinity of this site include an A2 office use on the opposite corner of Water Street and Constitution Hill and a restaurant and shop uses on the opposite (northern side) of Constitution Hill.

- 2.3. The ground floor of the application site is currently vacant. The majority of the remainder of this building is in use as residential flats operated by Midland Heart Ltd.

3. Planning History

14 Constitution Hill

- 3.1. 26/06/2001 - 2000/03462/PA - Change of use of part ground floor to offices – Approved Subject to Conditions

2-26 Constitution Hill

- 3.2. 16/12/1993 - 1993/03187/PA – Demolition of inner wings and change of use and erection of extensions to form 151 residential units, warden's flats and 4 retail units – Approved subject to conditions.

Site location

4. Consultation/PP Responses

- 4.1. Transportation Development – It is unlikely that the proposed development would have any significant impact in terms of highway safety and free flow of traffic. The site is situated within the Jewellery Quarter and benefits from excellent links by all modes of transport.
- 4.2. Regulatory Services – No objection to this proposal subject to a number of safeguarding conditions.
- 4.3. West Midlands Police – CCTV and intruder alarms should be considered by the applicant. The appropriate control of hours to protect existing occupiers should also be considered. It is noted that there is no designated smoking area; noise from patrons outside of the site can cause issues to local residents.
- 4.4. 168 local occupiers and ward councillors have been notified. Site and press notices have been displayed. 6 local occupiers have raised objection to this proposal on the following grounds:

A bar in this location would exacerbate noise and disturbance issues to local residents due to the structure of the building;

The proposal would worsen anti-social behaviour experienced by existing residential tenants;

The proposal would result in parking congestion;

The Housing Association have not consulted local residents regarding this proposal; and

Residents in this building are social housing tenants and there are a number of tenants within the building with drug and alcohol addictions and with mental health issues, the opening of another bar without consideration of local residents will increase social problems.

In relation to the comments received above consultation has been carried out for this application in accordance with the Planning (Development Management Procedure)

Order 2015 and with the councils own registration manual. Consultation between Midland Heart and their tenants is not a material consideration in assessing this application. Material planning considerations raised by local occupiers will be considered within the planning considerations below.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 Saved Policies (UDP); Draft Birmingham Development Plan (post examination); Jewellery Quarter Conservation Area Character Appraisal and Management Plan (2002) (JQCACAMP) adopted SPD and the National Planning Policy Framework 2012 (NPPF).

6. Planning Considerations

Principal of the proposed drinking establishment use

- 6.1. This site falls within the mixed commercial and residential area of the Viaduct locality of the Jewellery Quarter Conservation Area. There are a number of restaurants, bars and shops in the near vicinity of this site. The JQCACAMP describes the character of this area to include a mixture of uses and as such the change of use of part of this building to a drinking establishment is broadly acceptable with regard to the character of the conservation area, and would introduce a vibrant economic use into this mixed commercial area.

Impact on existing residential amenity

- 6.2. Objection has been raised that this proposal would result in a loss of residential amenity to occupiers in the upper floors of the Bismillah building both in terms of impact from noise and disturbance and in terms of anti-social behaviour associated with a bar use.
- 6.3. The main proposed bar area would be located within the ground floor of this building with only the toilet area at first floor being accessible to patrons. The remainder of the first floor would be only accessible to staff creating a buffer area from the main bar area to existing residential floors within this building.
- 6.4. Regulatory Services have considered this proposal and raised no objection subject to the inclusion of a number of safeguarding conditions to protect residential amenity. Suggested safeguarding conditions include restricting the hours of use until 2300 during the week and until midnight at the weekend. Noise insulation between the commercial floor and residential floors above is also recommended, as is the control of any amplified music. This site is in a busy commercial location with a reasonably high back ground noise level. I consider that with the inclusion of appropriate safeguarding conditions that this proposal would be unlikely to have a significant impact on existing residential noise amenity.
- 6.5. I note that there is no specific smoking area for this use which may result in proposed patrons smoking on the street outside of the site. Whilst patrons may smoke on the street adjacent to the building I consider that there is a reasonable distance from the street level to the nearest residential flats at second floor level. I also consider that by limiting the hours of use any noise from patrons outside of the site will also be limited.
- 6.6. With regard to anti-social behaviour I note that the police have raised no specific objection to this proposal in relation to crime. The proposed bar use would have

separate accesses to the residential apartments above preventing patrons of the bar from entering the overall residential complex. The site is located in a mixed commercial location close to other bars and shops selling alcohol, I do not consider that the approval of this drinking establishment would result in harm to the social well-being of existing tenants given the established mixed character of this area.

Transportation

- 6.7. Objection has been raised by a local resident that this proposal would result in parking congestion in the area. Transportation Development have considered this proposal and raised no objection. The site is located in a sustainable location close to a number of good public transport links and within close proximity of the city centre. There are parking restrictions immediately outside of the application site. I do not consider that this proposal is likely to result in harm to the free and safe flow of traffic in this area.

7. Conclusion

- 7.1. This proposal would result in the economic use of the lower floors of this building without harming the character of the Conservation Area or existing residential amenity subject to the imposition of necessary safeguarding conditions.

8. Recommendation

- 8.1. Approve subject to the following conditions:

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- | | |
|---|--|
| 1 | Limits use of vacant space at first floor level to staff use only |
| 2 | Requires the prior submission of noise insulation between commercial use and existing residential units |
| 3 | Requires the prior submission of noise limiting device details to control amplified sound |
| 4 | Limits the hours of operation between the hours of 0800-2300, Monday - Thursday and 0800-0000 Fridays and Saturdays. |
| 5 | Limits delivery time of goods to or from the site between 0800 - 1900 Monday - Saturday and 1000 - 1600 Sundays |
| 6 | Requires the prior submission of details of refuse storage |
| 7 | Requires the scheme to be in accordance with the listed approved plans |
| 8 | Limits the approval to 3 years (Full) |
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Case Officer: Victoria Chadaway

Photo(s)



Fig 1. View of site from Constitution Hill

Location Plan



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Committee Date:	10/11/2016	Application Number:	2016/07978/PA
Accepted:	29/09/2016	Application Type:	Full Planning
Target Date:	29/12/2016		
Ward:	Ladywood		

3 Arena Central, Plot D, Broad Street, City Centre, Birmingham, B1 2DR

Full planning permission for the erection of a 14 storey office development (Use Class B1) and ancillary retail/commercial (Use Classes A1/A2/A3) with associated landscaping and public realm, access, car parking and servicing proposals

Applicant:	Arena Central Developments LLP c/o Agent
Agent:	Miller Developments Ltd Miller House, 2 Lochside View, Edinburgh Park, Edinburgh, EH12 9DH

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

Uses and Building Layout

- 1.1. This application is for a 14 storey building with offices above ground floor retail / restaurant uses or ancillary office spaces. The building delivers approximately 28,132sqm gross internal area, excluding basement and rooftop plant. The building is approximately 58.5m long by 40.5m at its widest point and 62.45m high.
- 1.2. The ground floor is split-level, with the reception and a retail unit facing onto and level with Bank Court. The retail/restaurant/office space to the south is set 1m lower, facing onto and level with The Terrace. A colonnade with a ramped floor links the two levels providing a direct link between the public spaces surrounding the building. The core is located along the eastern elevation, facing Crowne Plaza, such that all of the ground floor, except the core, benefits from active frontages.

Vehicular Access, Parking and Servicing

- 1.3. Underneath the building are three levels of basement car parking. Levels B4 and B3 are aligned with the existing levels of the Britannia Car Park, which is situated under the Crowne Plaza and is to be retained and refurbished. Above, a further B2 level of car park is proposed beneath the landscaping scheme around the building.
- 1.4. The basement levels are accessed via the existing entrance to the Britannia Car Park off Holliday Street. The basement contains car parking, delivery zones, refuse stores, plant areas and cycle parking. Deliveries would be through the Bank Court basement, with access off the Bridge Street ramp. Cyclists would enter from the Alpha Plaza.

- 1.5. The building provides 384 parking spaces, of which 3 are designated as accessible spaces. 67 of these car parking spaces are allocated to 3 Arena Central and the rest are shared with the other parties of the Arena Central development. In addition 80 cycle parking spaces, with associated lockers and showers are included.

Elevations

- 1.6. The cladding would be brushed look metallic rainscreen assembled as flat metal panels, with recessed windows offering depth. The building's facade is constructed of a repetitive pattern of hexagons wrapping around all of the facades. Each of the hexagons is delineated with a constant border either framing the 3m-wide window or the metallic rainscreen. Above each window a profiled 'eyelid' matching the metallic finish of the hexagonal frame provides solar shading.
- 1.7. A colonnade wraps around three sides of the building with hexagonal columns to reinforce the building's strong geometry. The base of the metal columns would be clad in stone to complement the hard landscape material palette. The recessed ground and first floor facades are fully glazed to allow active frontage.
- 1.8. The principle of the cladding design is that signage should be located on or behind the glazed panels and not fixed on the solid cladding panels. This is to protect the overall legibility of the cladding pattern.
- 1.9. The window module for the top layer of hexagons would be substituted with a perforated metal screen to hide the rooftop plant behind. Louvred panels are also proposed serving potential restaurant units. In addition a ventilation grille is contained flush within the landscape towards the south-east of the site adjacent Crowne Plaza.

Public Realm

- 1.10. The landscape design seeks to create different character areas within a unified sense of place, including:
- Bank Court - a formal hard-paved plaza located towards the north of the site acting as the principal space for the Arena Central development. The space would create a contemporary setting for 1, 2 and 3 Arena Central along with the future potential access to the rear of 301 Broad Street, creating a public space with activated edges;
 - The Terrace - to the south of the site a diamond shaped terraced space is proposed that provides a setting for 3 Arena Central offices and southern retail unit and Holliday Inn Express. The character of this space would flow from the north-south link, with a more informal sense of place; and,
 - The East West Colonnade - proposals include developing an east west axis using a hard paved route within a broad Colonnade that passes to the south of Bank Court.
- 1.11. A palette of granite, composite pavers, timber decking and resin bound gravel would give a distinctive identity to the variety of new places within the Masterplan.

Masterplan, Supporting Documents and Planning Obligation

- 1.12. Since the Masterplan was consented alongside 2 Arena Central, the scheme has evolved to create a larger footprint for Plot D (now called 3 Arena Central), and to

change Plots E1 and E2 (now called 4 and 5 Arena Central) from residential use to office use. The main changes are as follows:-

- Bank Court doubled in size;
- double-height colonnades to 3 and 4 Arena Central to define the east-west route through the site and open up a visual link between the canal and Alpha Plaza;
- the southern public space, The Terrace, is smaller in scale, conceived as a widening of the serpentine north-south path;
- 4 and 5 Arena Central are planned as two office buildings with a public route between at the point where Bridge Street pavement is at a similar level to the north-south path; and
- building heights step up from the lower buildings fronting Centenary Square to the tallest, 5 Arena Central, on the southern corner. Building heights shown are: 3 Arena Central: Ground + 13 storeys + rooftop plant; 4 Arena Central: Ground + 14-17 storeys + rooftop plant and 5 Arena Central: Ground + 19-22 storeys + rooftop plant. (the last 2 buildings will be the subject of separate planning applications).

1.13. In addition the following support statements have been submitted:

- Planning & Impact Statement;
- Design and Access Statement (including Landscape);
- Heritage Statement;
- Transport Assessment and Travel Plan;
- Energy & Building Services Sustainability Statement;
- Contaminated Land Desktop Study;
- Drainage Report;
- Noise Impact Assessment;
- Wind Study; and,
- Statement of Stakeholder Engagement.

1.14. The applicant is willing to make a S106 financial contribution of £1.5m toward city centre public transport and / or public realm improvements in the vicinity. In addition they have agreed to carry out footpath improvement works around the Arena Central development site along Broad Street, Suffolk Street Queensway, Holliday Street and Bridge Street.

1.15. An Environmental Statement Screening opinion has been undertaken and confirmation provided to the applicant that an Environmental Statement is not needed.

1.16. [Link to Documents](#)

2. Site & Surroundings

2.1. The proposed development site is located in the heart of Birmingham City Centre, south west of Birmingham New Street Station and forms part of the wider Arena Central mixed use regeneration area totalling 5.63 hectares. The site is located centrally within the Arena Central site. It adjoins the Grade II listed Municipal Bank at 301 Broad Street to the north, 2 Arena Central and the Crowne Plaza Hotel to the east. To the south is the recently constructed Holiday Inn Express fronting Holliday Street and to the west are future development Plots along Bridge Street.

- 2.2. Arena Central forms the southern side of Centenary Square, one of the primary civic squares in the city. The northern side of the square is formed by the Grade II listed Baskerville House, the Library of Birmingham and REP. The Grade I listed Hall of Memory sits in the centre of the east side of the square. To the west is the 1990s Symphony Hall and ICC complex. The south-west corner is marked by the mirror-clad Hyatt tower and the south-east corner by the recently listed 1970s Alpha Tower. The Paradise Circus redevelopment is located to the east side of Centenary Square.
- 2.3. Centenary Square itself is also about to be transformed. Late in 2014, Birmingham City Council launched an international design competition for the redesign of the square and planning permission was granted earlier this year. Broad Street will be closed to private traffic and the metro tram system (approved under the Midland Metro Extension Transport Works Act Order 2005), already under construction, will link Centenary Square to New Street station and Snow Hill to the east and, in a future phase, Edgbaston to the west. Removing the road creates the opportunity to redesign Centenary Square as a high-quality public realm from building frontage to building frontage.
- 2.4. The wider Arena Central site comprises two pieces of land. The main portion of the site, an Enterprise Zone site, is bounded by Broad Street, Suffolk Street Queensway, Bridge Street and Holliday Street. It contains the existing Grade II listed Alpha Tower, the Crowne Plaza Hotel, the Grade II listed Former Birmingham Municipal Savings Bank and the Arena Central Car Park. The other part of the site, located to the south of Holliday Street, comprises the Centenary Plaza residential and hotel development.
- 2.5. Centenary Plaza was the first plot of the wider Arena Central site to be developed. Further consents have been granted for a 250 bedroom Holiday Inn Express Hotel to the west of the Crowne Plaza Hotel, an 8 storey office development with ancillary retail at ground floor and temporary landscaping at the former House of Sport and landscaping along Bridge Street. Last year planning consent was granted for two residential towers to the south east of Alpha Tower and offices for HSBC fronting Broad Street.
- 2.6. A railway tunnel is located beneath the Broad Street / Suffolk Street corner of the wider site, below the northern edge of Alpha Tower and the former Masonic Hall fronting Broad Street. Across the Arena Central site ground levels fall by about 11m from Broad Street down to Holliday Street.

[Site Location](#)

3. Planning History

- 3.1. 24 February 2000 Application 1997/04238/PA. Following a call-in inquiry, outline planning permission was granted by the Secretary of State for redevelopment, including a new tower of up to 175 metres in height, pedestrian areas and links to provide a mixed use scheme comprising leisure/entertainment uses, health and fitness and/or conference and exhibition/museum facilities, retail, financial and professional services, food and drink, business, hotel and residential including car parking, on land bounded by Broad Street, Suffolk Street Queensway, Bridge Street and Holliday Street and land south of Holliday Street. All detailed matters were reserved except for access, but the application was accompanied by extensive illustrative details.

- 3.2. The consent included floorspace maxima for the proposed uses, circulation space, servicing and plant areas. A maximum total new build floor space of 213,677sqm was conditioned. The Secretary of State restricted by condition the maximum number of parking spaces to 2500, the location of the proposed tower to the Suffolk Street Queensway/Holliday Street corner and the height of the tower to no more than 175 metres. Conditions also included the requirement for an illustrative Masterplan to be maintained at all times for the Arena Central site, together with a phasing plan.
- 3.3. The planning obligation attached to this application allowed for phased contributions to public transport services in the city core of £1 million, £2 million and £2 million triggered by the development of floorspace thresholds of 100,000sq.ft, 200,000sq.ft and 300,000sq.ft other than development on the former Municipal Bank site and the NCP site.
- 3.4. 5 April 2001 Application 2000/05569/PA. Reserved matters approval given, except for landscaping, for the erection of a new building comprising 383 apartments with the use of part of ground floor as a health club and/or uses within Classes A1, A2, A3, B1 and D1(a), including parking and access points on land south of Holliday Street (Centenary Plaza).
- 3.5. 4 August 2003 Application 2003/02159/PA. Approval for landscaping reserved matter associated with erection of 383 apartments on land south of Holliday Street.
- 3.6. 3 February 2004 Application 2003/07235/PA. Planning permission granted for extension of range of uses approved under Application 2000/05569/PA for part ground floor to include retail, non-residential institutions and assembly and leisure.
- 3.7. 9 December 2004 Application 2004/04693/PA. Extension of time to submit reserved matters pursuant to Application 1997/4238/PA until 24 February 2010 granted. The consent included an additional condition relating to aerodrome safeguarding. It requires any part of the development that would exceed 242 metres in height above ordnance datum to be accompanied by an aerodrome safeguarding impact assessment, including any necessary mitigation measures. The measures and programme for implementation are required to be agreed by the Local Planning Authority and Birmingham Airport in advance of any construction above 242 metres.
- 3.8. 6 July 2006. Your Committee were advised that an aerodrome safeguarding impact assessment had been submitted in relation to a tower of up to 175 metres in height on the Arena Central site. The assessment demonstrated that although a tower of up to 175 metres would significantly breach the obstacle limitation surface for the city centre area of 242 metres in height, it would be acceptable in aerodrome safeguarding terms, subject to compliance with construction management requirements and lighting guidance issued by the Civil Aviation Authority. Birmingham Airport consequently withdrew a previous objection lodged to the tower element of the scheme and agreed that the aerodrome safeguarding condition attached to Application 2004/04693/PA, as it related to the proposed tower, could be discharged. Your Committee gave authority for that discharge.
- 3.9. 4 October 2007 Application 2007/03635/PA. Reserved matters approved for the erection of a new tower to include flats, restaurants and bars together with landscaping, car parking and means of access on land between Suffolk Street Queensway and Holliday Street. The tower had 50 levels (147m high) and contained 706 apartments at Plot G.

- 3.10. 4 October 2007. Your Committee gave approval to the updated Masterplan for the Arena Central Site, this was submitted in accordance with condition 3 attached to Application 1997/04238/PA (as amended by Application 2004/04693/PA) and included the reduction in the scale of the proposed tower and adjustments to its footprint together with increases to the scale of some buildings in later phases.
- 3.11. 10 December 2008. Amended planning obligation completed to allow amendment to the contributions to public transport services in the City Core (including the Birmingham Gateway scheme) to £1.5 million, £2 million and £1.5 million which would be triggered by the development of floorspace thresholds of 100,000sq.ft, 200,000sq.ft and 300,000sq.ft other than development on the former TSB site and the NCP site.
- 3.12. 24 February 2010 Application 2009/03622/PA. Extension of time granted in relation to Application 2004/04693/PA for submission of reserved matters until 24/02/2015.
- 3.13. 12 April 2011 Application 2010/06462/PA. Application approved to vary conditions 10 and 14 attached to Application 2009/03622/PA to include re-phasing of Section 106 payments and Section 278 highway works.
- 3.14. 17 May 2012 Application 2012/01429/PA. Reserved matters granted for erection of 210 bed hotel with associated guest amenities health/sports facilities and atrium link at Plot F.
- 3.15. 21 December 2012 Application 2012/08331/PA. Application to determine the details of conditions 3 and 4 attached to planning approval 2010/06462/PA – approved.
- 3.16. 19 April 2013 Application 2013/00363/PA. Reserved matter granted for erection of 250 bed hotel with associated guest amenities, and retail unit at Plot F.
- 3.17. 8 July 2014 Application 2014/02475/PA. Variation of condition 14 (Section 278 highway works) attached to Application 2010/06462/PA to include the re-phasing and scope of works/payments in response to the approved Paradise Circus redevelopment.
- 3.18. 7 August 2014 Application 2014/04004/PA. Reserved matters granted for the erection of a 7/8 storey office building with ancillary retail/restaurant and associated parking, servicing and public realm at Plot A.
- 3.19. 7 August 2014 Application 2014/04345/PA. Reserved matters granted for landscaping works to form a linear park/pedestrian walkway for plots E1 and E2 and surroundings and associated infrastructure.
- 3.20. 6 March 2015 Application 2014/08220/PA. Reserved matters granted for residential development consisting of 322 residential apartments, 673sqm commercial floor space, circa 150 car parking spaces, cycle parking spaces, landscaping & public realm improvements & plant & equipment at Plot G.
- 3.21. 1 May 2015 Application 2015/01113/PA. Reserved Matters granted for a 27,000sqm office (Use Class B1) and ancillary retail/commercial floorspace [Use Class A1 (Retail), Use Class A2 (Financial and Professional Services) and Use Class A3 (Restaurants/Cafes)] with associated access, car parking and servicing arrangements, landscape and public realm proposals at Plot C.

4. Consultation/PP Responses

- 4.1. In line with Birmingham City Council's Statement of Community Involvement, the applicant has undertaken a programme of consultation that has engaged representatives of the Council, statutory consultees, key stakeholders and neighbours of the site.
- 4.2. As part of the formal consultation process adjoining occupiers, residents associations, amenity societies, Broad Street Business Improvement District, Birmingham City Centre Management, local ward councillors and M.P. have been notified. Site and press notices have also been displayed.
- 4.3. In response one letter has been received from the Westside BID fully supporting the scheme, which would enhance the built environment and promote business for them and their area. A letter has also been received from an occupier of the Wharf, Bridge Street, supporting the development project and hoping that it does not disturb the community and the local residences/offices.
- 4.4. BCC Transportation Development – no objection subject to conditions to secure the proposed turning and parking areas, a commercial travel plan, cycle parking, delivery vehicle management scheme and a construction management plan.
- 4.5. BCC Regulatory Services - no objections subject to conditions to decontaminate the site; restrict hours of use of the proposed restaurant, deliveries to the site and hours of use of the restaurant terrace; limit noise from plant and machinery; secure fumes extraction details; and measures to reduce vehicle emissions and reliance on the private motor vehicles.
- 4.6. BCC Employment Access Team – request that local employment and training be secured.
- 4.7. Local Lead Flood Authority – a condition should be attached to secure a Sustainable Drainage Operation and Maintenance Plan.
- 4.8. Historic England – recommend that the application be determined in accordance with national and local policy guidance, and on the basis of the City Council's specialist conservation advice.
- 4.9. Canal and River Trust – the Masterplan proposes a clear vista from the Gas Street canal basin through the high rise developments to the east. This proposal sits in line with this overarching plan and is welcomed. The prevention of any spills or other events during construction that could result in pollution of the waterway should be prevented / mitigated via a Construction Environmental Management Plan.
- 4.10. West Midlands Fire Service – no objections subject to the necessary water provisions.
- 4.11. West Midlands Police – any comments will be reported.
- 4.12. Severn Trent Water – any comments will be reported.
- 4.13. Network Rail – any comments will be reported.
- 4.14. Centro – any comments will be reported.
5. Policy Context

- 5.1. Birmingham UDP 2005 Saved Policies; Pre-Submission Birmingham Development Plan 2031; Places for All SPG; Car Parking Guidelines SPD; Access for People with Disabilities SPD; Lighting Places SPD and National Planning Policy Framework.
- 5.2. The Grade II Former Birmingham Municipal Savings Bank at 301 Broad Street is adjacent. Nearby listed buildings include the Grade II Alpha Tower and the Grade I Hall of Memory.

6. Planning Considerations

Principle of Development and Economic Benefits

- 6.1. Following the 2000 call in inquiry the Secretary of State approved a mixed use scheme on the Arena Central site. The consent was subject to conditions to limit the maximum floorspace across the entire development site to 213,677sqm, with the amount of B1 offices limited to 80,000sqm. The time limit for submission of reserved matters applications lapsed in February 2015. This application is therefore a “standalone” detailed application and although not bound by the previous outline planning permission for the site, the proposals are consistent with it.
- 6.2. In addition the proposals are also broadly consistent with the Masterplan, linked to the outline permission, which has guided development proposals on the site to date. Although separate from the outline permission, this full application provides a further update to the Masterplan that incorporates the new proposals whilst maintaining the overall design character and setting created through previous iterations of the document.
- 6.3. The proposal would also help bring forward significant economic benefits. Arena Central is one of the 26 sites that make up the Birmingham City Centre Enterprise Zone. The EZ confirms that to accommodate growth in the financial and professional services sector, the central business district within the city core needs to expand in various directions including westwards to take in the Arena Central development site.
- 6.4. 3 Arena Central represents the third phase of office development at Arena Central, following on from the consented schemes at 1 and 2 Arena Central, the latter of which is currently under construction and due to be occupied by HSBC’s UK Retail Operations Headquarters upon completion in August 2017. In construction costs alone the 3 Arena Central proposals would deliver circa £59.3m of investment in Birmingham City Centre and would form the next stage in the comprehensive regeneration of a prominent brownfield site in the heart of Birmingham City Centre. In addition to construction jobs the scheme could directly create in the region of 1,805 jobs.
- 6.5. In principle therefore, the proposed development would be consistent with the Birmingham UDP, Pre Submission BDP 2031 and National Planning Policy Framework, in that it would be an appropriate use of a brownfield site in a highly accessible sustainable location.

Building Design

- 6.6. The City Councils adopted Places for All SPG provides design guidance for new developments. It provides 5 main principles against which new developments should be assessed:-

- a) creating diversity – although the building would be primarily for office use it includes retail, restaurant and office uses at ground floor. In addition, the wider Arena Central site includes residential and hotel uses, along with other office buildings. The proposal would therefore complement the mix of uses within the Arena Central development site.
- b) moving around easily – the development seeks to re-establish the east-west route across the site, connecting from the Gas Street canal basin through to Alpha Plaza. This new route would tie into the previously approved north-south link to provide good routes through the site. The footprint of 3 Arena Central is cut back on two opposing corners to create meaningful public realm. To the south, the building pulls back to create a widening of the north-south route. To the north-east, the chamfered corner creates a breathing space at the top of the steps leading down to Alpha Plaza.
- c) build on local character - the height of 3 Arena Central mediates between the lower buildings fronting Centenary Square and the taller buildings planned for the south of the site. The Masterplan for Arena Central aims to create a varied cluster of buildings, each with its own identity but related within a campus setting. The height forms a transition from 2 Arena Central up to 4 and 5 beyond. I consider that the proposed building height of 3 Arena Central and principle of stepping up in building heights across the wider Arena Central site appropriate. Seen at the heart of the Arena Central cluster, 3 Arena Central is a simple, strong, striking form. The clear straight edge to the west gives definition to the North-South link cutting through the site. The chamfered side to the east provides space between 2 Arena Central and avoids crowding it.
- d) Safe Places / Private Spaces - it is intended that the office entrance and the ground floor retail units and office space would provide lively, attractive and welcoming frontages for pedestrians circulating around the building. The office core is located on the eastern side of the building facing the Crown Plaza Hotel. This would help create a more “private” space along this side of the building.
- e) Building for the Future – the applicant's intention is for an energy efficient building to achieve a BREEAM “Excellent” rating. Their approach seeks to maximise the reduction of CO2 emissions, whilst minimising energy consumption. This would be through the use of advanced building modelling software and passive construction techniques; incorporation of high efficiency systems and effective controls throughout the design; and incorporation of renewable energy sources where necessary to achieve CO2 targets or provide desirable benefits.

6.7. Overall, I consider that the building is well designed meets the five main principles as set out in Places for All SPG.

Landscaping

6.8. In landscape terms the proposals represent the final, central phase of the Arena Central Masterplan drawing together the North-South Link, as previously approved, with a new East-West Colonnade, completing the pedestrian circulation framework for the site. The proposals also extend Bank Court, currently under construction as part of 2 Arena Central, to the south. A reconfiguration of the Bank Court space is proposed that would tie in with the infrastructure currently under construction to deliver a more substantial “signature” piece of public open space for the site and wider area.

- 6.9. The revised Bank Court would be a formal hard paved plaza located towards the north of the site acting as the principal signature space for the Arena Central Masterplan. The space would create a contemporary setting for 1, 2 and 3 Arena Central along with the future potential access to the rear of the listed former Municipal Bank at 301 Broad Street, creating a public space with activated edges.
- 6.10. This more formal, harder Bank Court acts as a centre piece that would balance with the softer and more informal North-South Link and the Office Terrace space. The Office Terrace would provide a setting for 3 Arena Central southern retail unit and Holliday Inn Express commercial/retail unit. The proposals also include developing an east west Masterplan axis using a hard paved route within a broad Colonnade that passes to the south of Bank Court.
- 6.11. A palette of granite, composite concrete pavers (with granite aggregate), timber decking and resin bound gravel is proposed to give a distinctive identity to the variety of new places within the Masterplan. A landscape condition is attached to secure further details to ensure that the detailed design works with the adjacent phases submitted under separate planning applications.

Impact on Listed Buildings

- 6.12. Under the National Planning Policy Framework 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. It adds that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.13. The key heritage issue is the effect of the proposal by virtue of its height, materiality and siting on the special interest and setting of nearby listed buildings, namely the Former Municipal Bank, Alpha Tower and the Hall of Memory.

- a) Former Municipal Bank, 301 Broad Street - the setting of the Former Municipal Bank has significantly changed over time through redevelopment of the surrounding area, including the application site located to its south. The proposed development would be situated within this heavily altered context and would form part of the wider Arena Central Masterplan. As part of the Masterplan, immediately to the south a new square is proposed, Bank Court, this would provide an enhanced setting for the listed building.

The Former Municipal Bank would remain dominant in views from Broad Street and Centenary Square where it is best appreciated. Furthermore, the positioning of the proposed development further south and the creation of a centralised landscaped square help to reduce its mass in views from Broad Street and Centenary Square. It is not therefore considered that the proposed development would diminish the significance of the listed building.

- b) Alpha Tower - although the proposed development would be partially seen from Paradise Circus and Chamberlain Square to the east, Alpha Tower would remain dominant due to its height, width and light cladding. To its immediate east, the experience of Alpha Tower would be unchanged,

allowing for a continued appreciation of the listed buildings height and width from the piazza which surrounds it. Alpha Tower is also clearly visible from the elevated pedestrian link between Centenary Square and Paradise Forum. The proposed development would be largely screened in these views by 2 Arena Central which is currently under construction.

The Proposed Development would sit alongside Alpha Tower, particularly when viewed from Centenary Square and Broad Street. It would form part of a wider backdrop of buildings within Arena Central and would not compete or challenge with the listed building. The height and prominence of Alpha Tower would remain unchanged.

Due to the topography of the land, the proposed development would conceal views of Alpha Tower from Bridge Street, however, much of the building is already screened by the construction of the Holliday Inn Express and the existing Crowne Plaza Hotel. There would, however, be glimpsed views of Alpha Tower from the front of the proposed development due to the splayed edge of the colonnade to the north east.

- c) Hall of Memory - The application site is situated to the south of the Hall of Memory and is separated from it by Broad Street, the Former Municipal Bank and the site of 2 Arena Central. Views of the Hall of Memory from its immediate surroundings within Centenary Square would not therefore be affected. The proposed development would be partially visible from the Hall of Memory forming part of a backdrop to the south of Centenary Square. Whilst this would result in change to part of the setting in which the building is experienced, it is not an element of setting that contributes to its significance.

- 6.14. Overall, I consider that the special interest of the Former Municipal Bank, Alpha Tower and the Hall of Memory would be sustained by the proposed development and would preserve those elements of setting that contribute to the significance of these listed buildings. Furthermore no adverse comments have been received from Historic England or my Conservation Officer.

Transportation and Parking Issues

- 6.15. The site occupies a city centre location within 5 minutes walking distance of Birmingham New Street Railway Station and the central shopping area and is highly accessible by various modes of public transport. The sustainability of this location in terms of its proximity to key transport nodes would also be enhanced further through proposals to provide the Birmingham Metro extension at the north and east of the site.
- 6.16. As part of the long term Masterplan (the outline consent for which provided for up to 2,500 spaces across the Arena Central development) the application includes an expansion of the existing Britannia Car Park to serve the development and adjacent users, which would be accessed through the established access onto Holliday Street. From the 384 spaces being created or reconfigured as part of this application, only 67 of these would be allocated to 3 Arena Central. Parking spaces that are not allocated to the 3 Arena Central building would be committed to adjacent developments including Alpha Tower, Crowne Plaza, and the Dandara development. The BCC parking guidelines notes a maximum 462 spaces. The level of parking is commensurate with other office developments in the city centre, and accords with sustainable principles seeking to reduce reliance on the private car where public transport provision is extremely good.

- 6.17. 80 cycle parking spaces with showers and lockers would be provided at B2 basement level. Additional visitor cycle spaces could also be provided within the public realm of Arena Central. The minimum guidelines seek 54 spaces so this is a positive measure.
- 6.18. It is proposed that Heavy Goods Vehicles and refuse vehicles would service the site via the vehicle turning facility off Suffolk Street Queensway, adjacent to Alpha Tower and the proposed Dandara building. Refuse bins and bulky deliveries would be trollyed from 3 Arena Central via shared corridor space to the north of the building. This is the same servicing arrangement as for the consented 2 Arena Central building. Smaller deliveries to 3 Arena Central would use the Bank Court Car Park accessed from Bridge Street.
- 6.19. There would be a minimal level of impact of traffic on the highway from this proposal and the wider outline approval resulting from the appeal decision has covered the wider traffic impact in its analysis.
- 6.20. BCC Transportation Development have raised no objections and as recommended conditions are attached to prevent occupation until provision of: the required car park; cycle parking and the turning and parking areas. Also attached are conditions to secure a construction management plan, delivery vehicle management scheme, and a commercial travel plan. 3 wider spaces are shown for people with disabilities whereas guidelines would seek a minimum of 8 spaces and amended plans have been requested.

Ground and Environmental Impacts

- 6.21. In support of the application a noise report has been submitted. It notes that full details of the mechanical plant are not yet finalised but are understood to comprise of primarily ventilation plant at ground floor level and ventilation and cooling plant at roof level. The nearest existing residential dwellings are within the apartment building on the south side of Holliday Street, approximately 30m south of the boundary of the wider Arena Central site. The report concludes that with due attention to noise mitigation, the noise generating elements of the proposed development would comply with the standard planning requirements of the City Council.
- 6.22. A Wind Assessment has also been submitted in support of the application. It concludes that the wind environment of the site and immediate surrounding area is likely to remain suitable for the intended use. Some localised areas have been identified to experience increased windiness, however these are minor increases. Therefore the effect of the proposed changes to the scheme on the wind environment of the site and the surrounding area is considered to be moderate to minor. However, the report recommends further wind testing and accordingly a condition is attached to secure this together with appropriate mitigation measures.
- 6.23. BCC Regulatory Services and the Local Lead Flood Authority have suggested a number of conditions. Accordingly, safeguarding conditions are attached.

Planning Obligations

- 6.24. The previous outline application for the wider Arena Central secured £5m toward public transport improvements including Birmingham Gateway. It was agreed that the transport sum would be phased £1.5m, £2m and £1.5m when gross internal

floorspace in the whole Area Central Development exceeds 27,871sqm, 55,742sqm and 83,613sqm. The applicant has paid the first instalment and the second instalment is due upon commencement of the Dandara residential scheme at Plot G.

- 6.25. Although the current scheme is a standalone application, the applicant is willing to offer £1.5m to reflect the third transportation contribution as set out in the S106 legal agreement attached to the outline planning consent. However, now that New Street Station is complete, rather than using all the money toward public transport some of the money could be put toward enhancements of public realm in the vicinity such as environmental improvements along Holliday Street including tree planting and improving the Britannia Car Park elevation. It is proposed that the scope and cost of the Holliday Street improvements be agreed with the City Council with the majority of the £1.5m then put toward public realm and public transport improvements.
- 6.26. In addition, the applicant is willing to carry out footpath improvement works around the whole of the Arena Central site, with the works linked to each phase of development. For this phase it is proposed to improve footpaths along Suffolk Street Queensway and Holliday Street. The phasing of the works would be secured through the S106 legal agreement. The proposed development does not attract a CIL contribution.

Proposed Revised Masterplan

- 6.27. In support of the current planning application a Revised Masterplan for the wider Arena Central site has been submitted. One of the key changes is moving 3 Arena Central further back into the site, which helps to create a clear east-west route through Arena Central. Additionally doubling the size of Bank Court would help create a new “signature” space for Arena Central. Whilst the southern public space is smaller it is now designed as a widening of the North South link and an outdoor terrace space.
- 6.28. In terms of future buildings, 4 and 5 are now shown as two office buildings (rather than a single residential block) with a public route between them. This should mean that the buildings relate better to ground levels along Bridge Street. In addition building heights now step up in height from the lower buildings fronting Centenary Square to the tallest, 5 Arena Central, on the southern corner.
- 6.29. Overall, I consider that the changes to the proposed Masterplan are an improvement to the consented Masterplan. It should be noted that if 4 and 5 Arena Central are built out as offices, the overall amount of office floorspace within the Arena Central development would exceed that previously granted outline permission but the overall amount of development would still be below the maximum total new build floor space.

7. Conclusion

- 7.1. In principle, redevelopment of this site for offices is consistent with the previous outline planning application and Masterplan. It is also consistent with local and national planning policy. Furthermore the scheme would help to bring forward significant economic benefits by providing Grade “A” office space to accommodate growth in the financial and professional services sector.
- 7.2. The building height responds to the lower buildings fronting Centenary Square and the taller buildings planned for the south of the site. Not only does the scheme provide for a simple, strong and striking building, it also delivers the final, central

phase of the Arena Central Masterplan drawing together the North-South Link with a new East-West Colonnade and extended Bank Court. Overall the scheme would preserve the setting of nearby listed buildings.

- 7.3. There would be a minimal level of impact of traffic on the highway from this proposal and the level of car parking is well below the maximum guideline. In addition, the S106 agreement would secure a significant contribution to public transport and public realm improvements, as well as improvements to footpaths around the Arena Central site. I therefore recommend approval subject to completion of a suitable legal agreement and safeguarding conditions.

8. Recommendation

- 8.1. That consideration of application 2016/07978/PA be deferred pending the completion of a legal agreement to secure the following:-

- A financial contribution of £1.5m index linked from the date of this resolution to City Centre public transport improvements and / or public realm improvements in the vicinity. The money to be paid upon commencement of development;
- Phased delivery of footpath improvement works around the Arena Central development site along Broad Street, Suffolk Street Queensway, Holliday Street and Bridge Street; and
- A financial contribution of £10,000 for administration and monitoring of the legal agreement.

- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 22 December 2016, planning permission be refused for the following reasons:

- In the absence of a legal agreement to secure a financial contribution toward public transport, the proposal conflicts with Policy 6.20A of the adopted Unitary Development Plan and Policy TP31 of the Pre-Submission Birmingham Development Plan 2031; and,
- In the absence of a legal agreement to secure a financial contribution toward public realm improvements the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan and Policies PG3 and TP39 of the Pre Submission Birmingham Development Plan 2031.

- 8.3. That the Chief Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

- 8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 22 December 2016, favourable consideration be given to this application, subject to the conditions listed below.

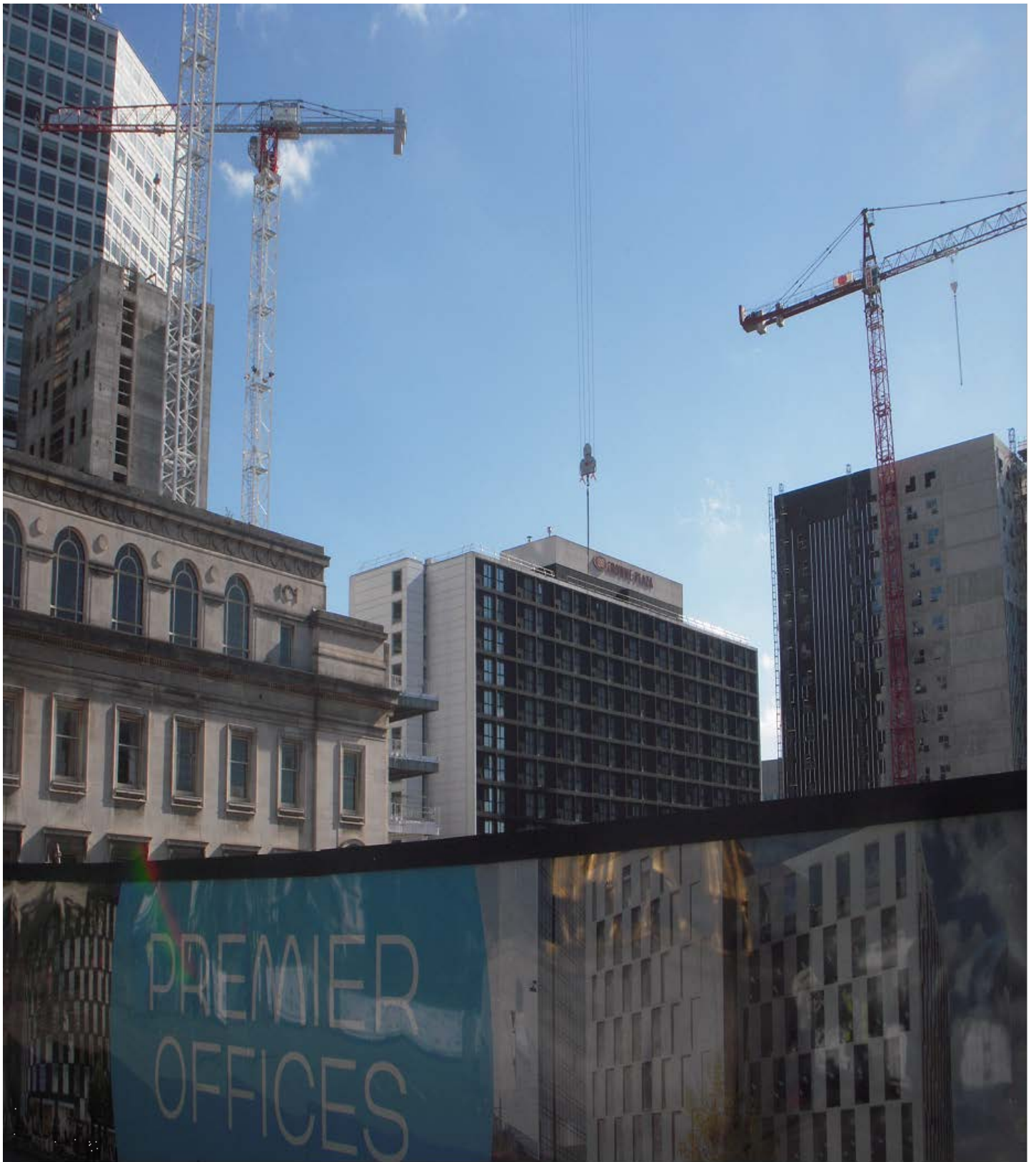
1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the prior submission of a sustainable drainage scheme
4	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan

-
- 5 Requires the prior submission of a contamination remediation scheme
 - 6 Requires the prior submission of a contaminated land verification report
 - 7 Shop Front Design
 - 8 Limits the hours of restaurant operation 0700 to 2300 Sundays to Thursdays, 0700 to 2400 Fridays and Saturdays
 - 9 Limits the hours of operation of the outdoor terrace 0800 to 2300
 - 10 Limits delivery time of goods to or from the site 0700 to 1900 Mondays to Saturdays, 1000 to 1700 Sundays and Public Holidays
 - 11 Requires the prior submission of extraction and odour control details
 - 12 Limits the noise levels for Plant and Machinery
 - 13 Requires the prior submission of wind mitigation measures, CCTV pole positions and public art works
 - 14 Requires the prior submission of a lighting scheme
 - 15 Requires the prior submission of a construction method statement/management plan
 - 16 Requires the prior submission of sample materials
 - 17 Requires the prior submission of a CCTV scheme
 - 18 Requires the prior submission of a further wind assessment and wind mitigation measures
 - 19 Requires the prior submission of temporary landscape and boundary details
 - 20 Removes PD rights for telecom equipment
 - 21 Requires the prior submission of an operational employment plan
 - 22 Requires the prior submission of a construction employment plan
 - 23 Prevents occupation until the turning and parking area has been constructed
 - 24 Requires the prior submission of a commercial travel plan
 - 25 Requires the provision of cycle parking prior to occupation
 - 26 Requires the prior submission of details of a delivery vehicle management scheme
 - 27 Limits the approval to 3 years (Full)
-

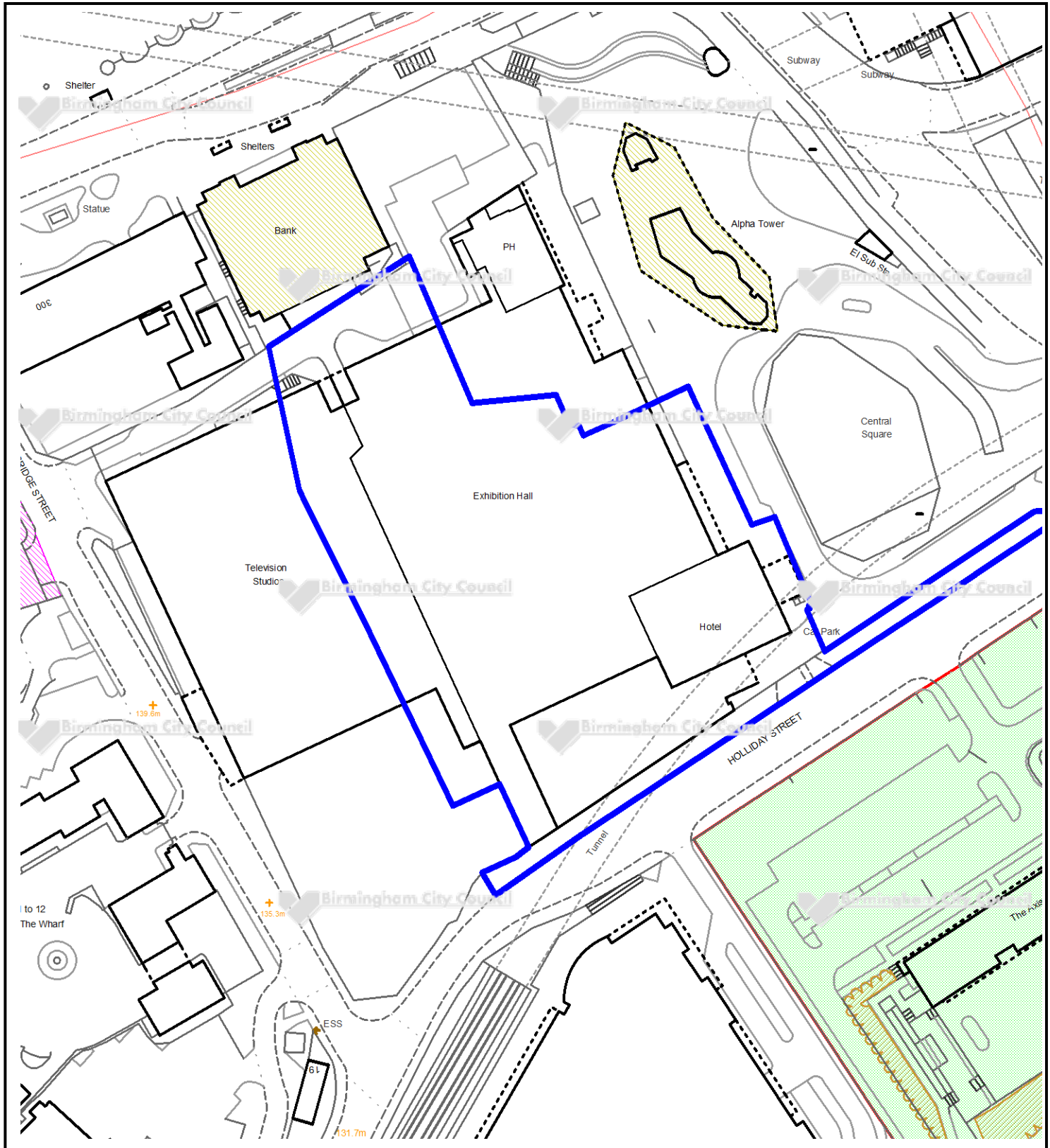
Case Officer: David Wells

Photo(s)





Location Plan



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Birmingham City Council

Planning Committee

10 November 2016

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	10	2016/05697/PA 401-416 New John Street West Newtown Birmingham B19 3PE Demolition of existing building fronting Bridge Street West and renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation, erection of two new student accommodation blocks and associated landscaping works.
Approve – Conditions	11	2016/05775/PA 401-416 New John Street West Newtown Birmingham B19 3PE Listed building consent for renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation
Approve – Conditions	12	2016/06022/PA Maney Hill School Maney Hill Road Sutton Coldfield Birmingham B72 1JU Erection of single storey and 2 storey extensions to existing school to include 6 classrooms, group rooms, staff room, studio and ancillary spaces, additional parking and playground area

Approve – Temporary
until 21st April 2018

13

2016/07164/PA

Maney Hill Primary School
Maney Hill Road
Sutton Coldfield
Birmingham
B72 1JU

Retention of temporary modular building and
access ramp approved under planning application
2015/04313/PA until 21st April 2018 and increase
occupancy from 30 to 60 children.

Committee Date:	10/11/2016	Application Number:	2016/05697/PA
Accepted:	06/07/2016	Application Type:	Full Planning
Target Date:	11/11/2016		
Ward:	Aston		

401-416 New John Street West, Newtown, Birmingham, B19 3PE

Demolition of existing building fronting Bridge Street West and renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation, erection of two new student accommodation blocks and associated landscaping works.

Applicant:	Uncles Properties Ltd Branston Court, Branston Street, Hockley, Birmingham, B18 6BA
Agent:	Glancy Nicholls Architects 3 Greenfield Crescent, Edgbaston, Birmingham, B15 3BE

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. The proposal includes the demolition of the existing flat roofed industrial building fronting Bridge Street West, renovation of the existing Grade II Listed Brandauer Works and its conversion to student accommodation and the erection of two new blocks, one fronting New John Street West and turning the corner into Summer Lane and another at the rear part of the site fronting onto Bridge Street West. It is proposed to convert the existing listed boiler house into a café on 2 levels.
 - 1.2. The proposed accommodation would provide a maximum of 308 bedrooms in 194 units comprising 169 studios and 25 cluster units (providing a total of 139 bedrooms in 4 -6 bedroom clusters). Communal space would be provided including laundry room, games room, party room, café/dining area in the boiler house, dinner party kitchen, cinema room, gym and lounge/study areas. The main entrance and reception would be on the corner of New John Street West and Summer Lane in the new build. The applicants have indicated that as they are currently talking to a number of student operators, so at this stage it is not known if there will be a 24 hour staff presence on the site.
 - 1.3. The majority of the studio units comprising bed, study/living area, en-suite and kitchen facility would be located in the converted listed building due to the narrow depth within the building (proposed works to the listed building are described in the report on 2016/05775/PA on this agenda). Cluster flats would be located in the new build elements.
 - 1.4. The new structure on the corner of New John Street West and Summer Lane would be linked to the listed building by a slim lightweight recessed structure which would stop just above the eaves of the existing building to create a clear visual break. The proposed building which would be largely constructed of red and blue brick would

step up at the junction with Summer Lane from 6 to 7 storeys to create a strong sense of place and with a single aspect rear wing parallel to the New John Street West frontage buildings also at 7 storeys. The building would be broken down by varying the roof height and elevation depth so the massing reads as a number of interlocking blocks. Vertical and horizontal emphasis is accentuated in the fenestration including floor to ceiling heights to the New John Street West/Summer Lane elevation to give more vertical emphasis.

- 1.5. The proposed rear block has been redesigned and comprises a 4 storey frontage block fronting Bridge Street West connected to a 6 storey rear block. The proposed building would again be constructed of red and blue brick with the elevation fronting Bridge Street West having more horizontal emphasis and a scale which would fit in with the street scene. The rear part of this block has increased to 6 storeys and would use a system of recessed windows designed so that only oblique views are possible to avoid direct overlooking of the adjoining sites. The 6 storey element would be set off the boundary with the adjoining sites by 3.75m. There would be a pedestrian entrance from Bridge Street West to the rear block.
- 1.6. Vehicular access for parking and servicing would be off Summer Lane close to the junction with New John Street West and opposite a splitter island. 7 car parking spaces and 2 disabled spaces would be available within the site.
- 1.7. Landscaping is proposed throughout the site including benches, grassed areas and an external dining area/grassed area with benches outside the proposed café in the existing boiler room.
- 1.8. The application is supported by a Planning Statement (including Statement of Need), Design and Access Statement, Noise Assessment, Air Quality Assessment, Transport Statement, Protected Species Survey Report, Heritage Statement, SUDS and Drainage Strategy Report.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises the vacant and derelict Brandauer Works building range and associated curtilage yards and outbuildings (Grade II Listed), plus some additional land and buildings that adjoin the listed building at the corner of New John Street West and Summer Lane, and land to the rear of the building that fronts onto Bridge Street West. This land contains some insignificant industrial units.
- 2.2. Nearby on the corner of Summer Lane and Bridge Street West is a locally listed Grade B 1930's Police Station, the setting of which is unaffected by the proposed development.
- 2.3. The works building has an 'E' shaped configuration with two internal courtyards and with the base of the 'E' forming the front elevation to New John Street West. The original pen manufactory dates from circa 1850, with a series of extensions circa 1870 and 1898 and is part three and part four storeys. The building has suffered fire damage in the past.
- 2.4. The site is located within an area of mixed uses on the ring road frontage, with commercial and industrial uses to the north and west, residential properties to the

east and a petrol filling station and a school to the south on the south side of New John Street West.

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

3. [Planning History](#)

- 3.1. Planning permission and listed building consent were approved on 2nd October 2003 for the conversion and extension of the listed building for use as a Hotel with associated parking (PA 2001/06498/PA and 2003/02258/PA).
- 3.2. Applications to renew these consents were subsequently approved on 14th October 2008 (PA 2008/04587/PA and 2008/04586/PA), but neither have been implemented.
- 3.3. Planning permission and listed building consent were approved on 25th October 2012 for the conversion and extension of the listed building to form new business space (B1), conversion and extension of boiler house to form micro-brewery (B1), restaurant (A3), public house (A4), erection of 5 storey hotel (C1) associated basement and surface parking.
- 3.4. 10/11/2016. 2016/05775/PA. Listed building consent for renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation. (Report elsewhere on this agenda).

4. [Consultation/PP Responses](#)

- 4.1. Press and Site notice erected. MP, Ward Members, Residents Associations and neighbouring occupiers notified.
- 4.2. 1 letter has been received on behalf of the Chief Constable of the West Midlands Police in response to the original proposals objecting to the proposal on the following grounds;
- Implications for operational policing, Newtown Police Station is a 24 hour response station.
 - Security of the Police Station.
 - Overdevelopment of the site, overshadowing and overbearing impact.
 - Structural concerns in relation to boundary wall.
 - Potential blight of the police site.
 - No shadowing information.
 - Lack of noise attenuation information.
 - Newtown Police Station is a Grade B Locally Listed Building.
- 4.3. West Midlands Police – comment that parking is inadequate, details of moving out, moving in required, no reference to staff on site 24 hours a day, no reference to CCTV, lighting or access control to building, refuse areas could be vulnerable if doors left open.
- 4.4. Transportation Development – raised concern with the proximity of the proposed vehicular access to the site to the junction with New John Street West and the existing splitter island opposite the proposed access on Summer Lane. A road safety audit has been requested and final comments awaited. Condition are required

relating to cycle storage, residential travel plan and management plan for pick up and drop off of students at beginning and end of term.

- 4.5. Regulatory Services – no objections subject to conditions relating to contamination and verification, submission of a noise study and air quality assessment in relation to the extract system at adjoining premises and a glazing and ventilation plan for the whole site.

- 4.6. West Midland Fire Service – no objections.

5. Policy Context

- 5.1. Adopted UDP, Draft Birmingham Development Plan, Draft Birmingham Development Plan, Aston, Newtown and Lozells Area Action Plan, Places for All, Birmingham Conservation Strategy, Grade II Listed Building.

- 5.2. The site is identified in the AAP as part of a larger mixed-use development site (MU1) which includes provision for new residential, health, education/training, cultural and community uses, light industry, leisure, ancillary offices and enhanced open space.

6. Planning Considerations

- 6.1. **Background** - Planning permission and listed building consent has previously been granted for conversion and extension of the Brandauer Works for business space, hotel, restaurant and micro-brewery. Although none of the planning permissions have been implemented, restoration and refurbishment works to the listed building have progressed.

- 6.2. **Principle** - The proposal for student accommodation accords with the relevant policies in the UDP and Aston, Newtown and Lozells AAP and would secure the re-use of a listed building in poor condition. The proposals have been discussed at length at the pre-application stage and are fully supported by the Conservation and Heritage Panel.

- 6.3. **Policy** - Policy TP32 of the draft BDP refers specifically to student housing, advising that proposals for off campus provision will be considered favourably where:-

- there is a demonstrated need for the development;
- the proposed development is well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport;
- the proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity;
- the scale, massing and architecture of the development is appropriate for the location; and
- design and layout of the accommodation together with the associated facilities provided will create a positive living experience.

- 6.4. **Need and Principle of Location** - The applicant has submitted a statement of need in support of the application. It notes that there are approximately 60,000 full-time

students within Birmingham. Of these, 13,000 (21.4%) are in university halls of residence and a further 7,900 (13%) are in private sector purpose-built student accommodation. In addition there some 3,888 bedspaces in purpose-built student housing schemes in the pipeline although not all these are likely to proceed.

- 6.5. The statement notes that 66% of students are not in purpose-built accommodation. Although all students do not necessarily need such accommodation, there is a significant potential demand for private sector student accommodation. I am therefore satisfied that there is demand for further student accommodation.
- 6.6. I consider the location is appropriate for student accommodation with Birmingham City and Aston Universities located within 15 minutes walking and 5 minutes cycling distance from the application site with Birmingham University readily accessible by frequent bus services.
- 6.7. **Design and Impact on Listed Building** – The design, scale and massing of the proposed new build elements of the scheme has been developed in conjunction with advice from officers and is fully supported by the Conservation Officer. The proposed new build element on the corner of New John Street West is of an appropriate scale at 7 storeys which addresses the corner in a suitable manner. It relates well to the existing listed building on the New John Street West frontage in terms of materials, detailing and proportions and the lightweight glazed link which separates the new from existing is an important feature.
- 6.8. The new build element at the rear of the site fronting Bridge Street West has been completely redesigned during the course of this application. This was following concerns that the previous 5 storey block which included windows to bedrooms in the side facing elevations on all 5 storeys in close proximity to site boundaries would not provide a building of suitable scale and appearance fronting Bridge Street West, would potentially prejudice the future development of the adjoining sites and would result in an unacceptable level of overlooking to the adjacent police station car park.
- 6.9. The amended scheme includes a 4 storey element fronting Bridge Street West with a more active full width front elevation. This element is dual aspect but does not include windows in the side elevations. The frontage block would be linked to a narrower 6 storey element at the rear which would be set approximately 3.75m off each side boundary. This element of the scheme has been designed to include recessed oblique windows in the side elevations which would avoid direct overlooking of the adjoining sites and provide a more acceptable solution than was previously proposed.
- 6.10. I consider this element of the scheme is now acceptable providing a building that responds better in terms of scale and appearance to Bridge Street West and the adjacent Grade B Locally Listed Building, would have less potential to influence the possible redevelopment of the adjoining sites and reduce the direct overlooking of the police station and its car park.
- 6.11. The heritage assessment provides a detailed record of the history of the building, and demonstrates that a sensitive approach is proposed to the conversion involving minimal external alterations. The proposed external gantries provide a suitable means of providing access into sub-divided floor space and the alterations to the building to add new door openings is sensitively designed.

- 6.12. The applicant proposes to replace non original windows returning the fenestration to original window types, replacing stolen fireplaces and balustrades on the principal staircase, repairing cast iron windows and renewing where removed, repairs using original materials and copy detailing using reclaimed materials and removing metal and asbestos cement sheet roofing and repairing the window ventilators, with re-roofing in slates or clay tiles as appropriate. The structural report demonstrates that the building will require extensive repairs. I consider that the proposal will have a positive impact on the listed building.
- 6.13. The proposals are comprehensive and involve the conversion and re-use of the rear wings and boiler house as well as the frontage building and provide a significant opportunity to secure the future of a listed building at risk.
- 6.14. The proposals were presented to Conservation Heritage Panel at the pre-application stage and the refurbishment and re-use of the listed building was fully supported. The Conservation officer fully supports the proposal.
- 6.15. **Standard of accommodation** – I consider the proposal would provide a high quality student living environment. The accommodation is a mix of studios and cluster flats with the studio units concentrated in the retained listed building elements which lends itself more readily to this type of unit and requires less intervention in the listed building. Studios would all be in the region of 15-20 sq.m including a bed, study/living area en-suite and a cooking facility with some of the units being of duplex type due to the high ceilings with beds on raised platforms. Communal and shared facilities including the gym games room and café/dining area in the converted boiler house would provide a high level of amenity for residents.
- 6.16. **Highways** - The Transport Statement submitted in support of the application confirms that Birmingham City and Aston Universities are located within 15 minutes walking and 5 minutes cycling distance from the application site with Birmingham University readily accessible by frequent bus services. Cycle use will be encouraged and a travel plan will be produced to maximise sustainable travel. Conditions are recommended requiring the provision of cycle parking and a travel plan.
- 6.17. A limited amount of parking is provided on site (7 spaces and 2 disabled spaces). It is envisaged that most staff and servicing trips to the site will occur outside peak times and will only generate small vehicle flows which will have no impact on background traffic. The key impact will be that created by student arrivals and departures with their possessions at the start and end of terms. A move in/move out procedure has been submitted with the Transport Statement that allocates a 15 minute time slot for each student. As the student operator is not yet known, a suitable condition is recommended to require the submission of a move in/move out strategy.
- 6.18. Transportation Development acknowledge the above but have raised concern regarding the proximity of the proposed access off Summer Lane to the junction with New John Street West and the splitter island opposite the access on Summer Lane. Although they accept that the access would not be heavily used they have requested the applicants submit a Road Safety Audit in respect of the proposed access. This is being prepared and any further comments will be reported.
- 6.19. **Environmental** - The applicants have submitted Noise and Air Quality Assessments in support of the application.

- 6.20. With regard to noise, the assessment concludes that the primary and dominant noise source in the vicinity is road traffic noise from New John street West and the police station located nearby with potential for noise from sirens at various times during the day and night. The assessment acknowledges that the Brandauer building is Grade II Listed and glazing in this building should be upgraded by a secondary pane. Windows in the new build elements will also require acoustic attenuation in line with the recommendations of the assessment. Regulatory Services recommended conditions requiring a comprehensive glazing and ventilation plan to be submitted in line with the recommendations of the noise assessment and a further noise assessment is required in respect of the extract system at JHS Plating and Polishing adjacent the site on Summer Lane which is not operational currently. This would impact on the revised new build block at the rear where the amount of glazing has been drastically reduced and all windows would be sealed.
- 6.21. The principal air quality impact would be from traffic emissions on New John Street West and the air quality assessment concludes that due to the poor air quality windows at ground and first floor level fronting New John Street West should be sealed with alternative means of ventilation. Regulatory Services are also recommending a further air quality assessment in respect of the extract system at JHS Plating and Polishing adjacent the site on Summer Lane which is not operational currently.
- 6.22. Due to the nature of the previous uses of the site conditions requiring a site investigation and verification report are also recommended.
- 6.23. **Objection from Chief Constable of West Midlands Police** - The objections submitted in respect of the impact of the proposal on Newtown Police Station as described in paragraph 4.2 are noted. The amendments to the form and layout of the rear block are intended to address these concerns. The previous proposal included 5 storeys of side facing windows overlooking the Police Station and yard to the rear while the amendments have reduced this impact by splitting the block into 4 storey and 6 storey elements. The only side facing windows are now in the 6 storey block and are recessed with an oblique glazing system to prevent direct overlooking and minimise any views into the Police Station or its car park. The glazing would be non-opening and provide acoustic attenuation to address any noise that may be generated by the 24 hour operation of the Police Station.
- 6.24. I consider the proposed rear block which would now be 4 storeys fronting Bridge Street West would sit more comfortably in the street scene adjacent to the 3 storey Police Station which is Grade B locally listed. I do not consider the proposal as amended would blight any future development of the Police Station site and any overshadowing to the yard or Police Station would be minimal due to the orientation of the proposed new build to the west of the Police Station with any overshadowing likely to be restricted to late afternoon/evening and not to a degree as to warrant refusal of planning permission.
- 6.25. **Ecology** – The Planning Ecologist raises no objection subject to the mitigation measures included in the Protected Species Report being implemented including bird/bat boxes.
- 6.26. **Drainage** – The Lead Local Flood Authority recommend conditions requiring the implementation of a sustainable drainage scheme.

- 6.27. **Community Infrastructure Levy (CIL)** - CIL liable development - The development may now be liable for CIL, (following its adoption on 4th January 2016). The submitted application forms specify that the floor area of the development would be 4,466 sqm GIA new floorspace. This would equate to a payment of £308,160.21.

7. Conclusion

- 7.1. In principle, I consider that redevelopment of this vacant listed building and industrial site with a purpose built student housing scheme is acceptable and in accordance with relevant policy including the Area Action Plan. Furthermore I am satisfied that there is a need for additional student housing within the City.
- 7.2. The proposed student housing scheme would be well located within walking distance of the City Centre and Birmingham City/Aston Universities. It is also readily accessible by public transport.
- 7.3. The scheme as amended is well designed and would make a positive contribution to the street scene of New John Street West, Summer Lane and Bridge Street West without prejudicing the future redevelopment of adjoining sites or impacting adversely on adjoining occupiers including Aston Police Station. It would also create a good living environment for students.

8. Recommendation

- 8.1. Approve Subject To Conditions.

1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Requires the prior submission a noise study to establish residential acoustic protection
4	Requires the submission of a glazing and ventilation plan
5	Requires the prior submission an air quality assessment
6	Requires the prior submission of a sustainable drainage scheme
7	Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
8	Requires the prior submission of hard and/or soft landscape details
9	Requires the prior submission of boundary treatment details
10	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
11	Requires the prior submission of sample materials
12	Requires the prior submission of window/window frame details

-
- 13 Requires the prior submission of level details
 - 14 Requires the prior submission of a lighting scheme
 - 15 Requires the prior submission of a CCTV scheme
 - 16 Units shall only be occupied by students in full time education.
 - 17 Requires the prior submission of a residential travel plan
 - 18 Requires the prior submission of cycle storage details
 - 19 Requires the prior submission of a car park management plan for the start / finish of term
 - 20 Requires the scheme to be in accordance with the listed approved plans
 - 21 Limits the approval to 3 years (Full)
-

Case Officer: John Davies

Photo(s)



Figure 1 – Front elevation to New John Street West

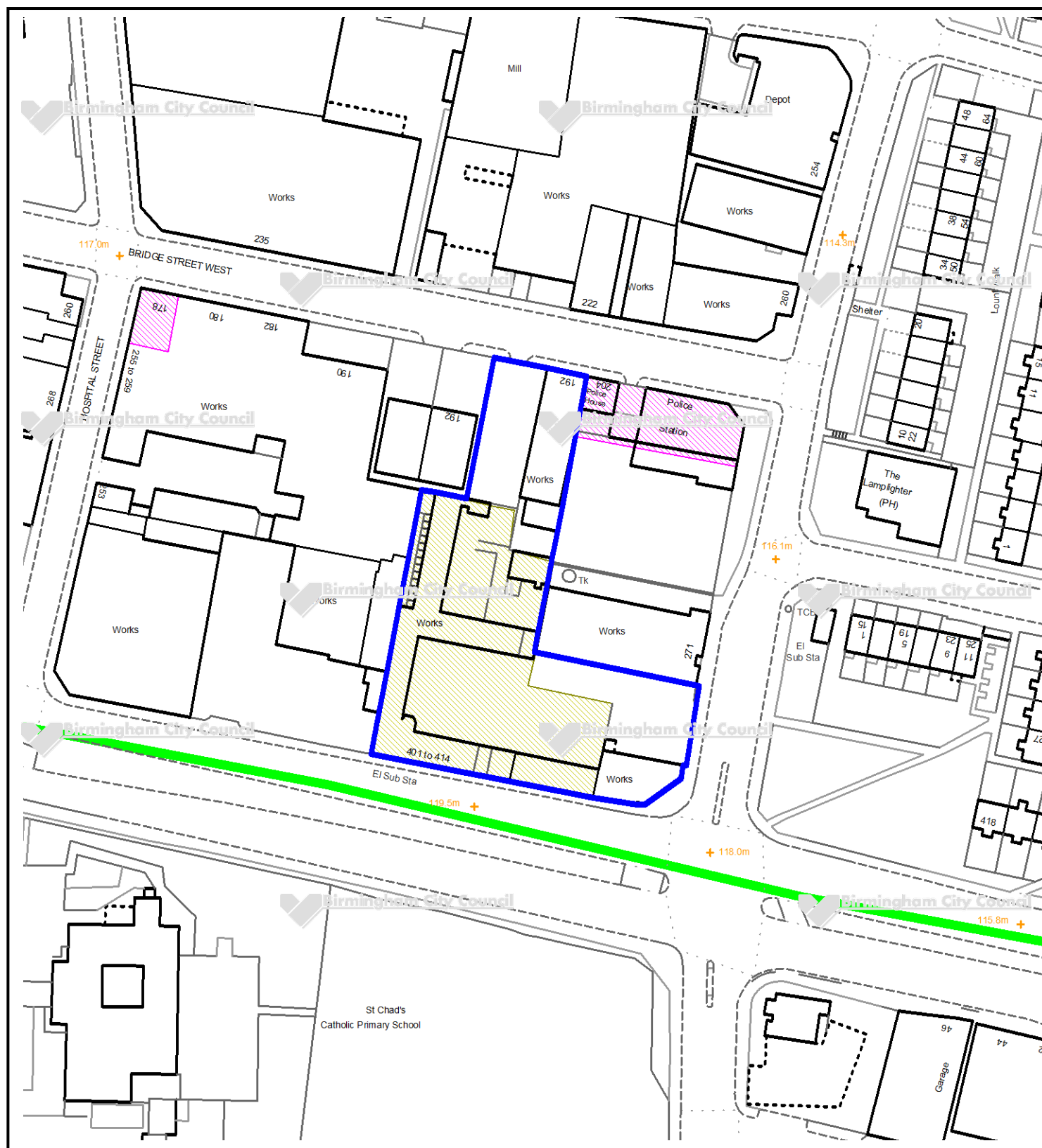


Figure 2 – View from Bridge Street West



Figure 3 – View from Summer Lane

Location Plan



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Committee Date:	10/11/2016	Application Number:	2016/05775/PA
Accepted:	06/07/2016	Application Type:	Listed Building
Target Date:	11/11/2016		
Ward:	Aston		

401-416 New John Street West, Newtown, Birmingham, B19 3PE

Listed building consent for renovation of existing Grade II Listed
Brandauer Works and conversion to student accommodation

Applicant:	Uncles Properties Ltd Branston Court, Branston Street, Hockley, Birmingham, B18 6BA,
Agent:	Glancy Nicholls Architects 3 Greenfield Crescent, Edgbaston, Birmingham, B15 3BE,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks listed building consent for refurbishment of a Grade II listed building including internal and external alterations for use as student accommodation.
- 1.2. In respect of the conversion of the listed building, the application proposes the renovation of the building to bring it back into habitable condition for student accommodation, involving minimal alterations to the building. In order to facilitate an economically viable scheme, the proposal includes the addition of two new blocks, one turning the corner of New John Street West and Summer lane and the second at the rear of the site fronting Bridge Street West.
- 1.3. The conversion proposes to sub-divide the building on existing grid lines using a lightweight partition system to ensure minimal interruption to the building. The proposed studio units would span the full width of the existing building and the proposed partition unit divisions will be fitted to solid brickwork areas between the windows.
- 1.4. To provide circulation and independent access without compromising the listed structures, external gantry walkways are proposed which would be simple industrial style minimalist structures to provide flexibility for access and fire escape requirements. Compartmentalisation of the floorspace, together with lobbies and fire doors is proposed with careful positioning of staircases and fire lobbies to minimise the impact on the interior of the building. Some minor alterations to add door openings on rear elevations are proposed, with no alterations to the front elevation.
- 1.5. Works to repair and restore the listed building includes, replacing non-original windows and returning the fenestration to the original window types, replacing stolen fire places and balustrades on the principal staircase, replacing cast iron windows and general repairs with appropriate materials. Some work has already been carried out to replace the fire damaged section of the building with reclaimed building

materials, removing the metal and cement sheet roofing, re-roofing with original slate and rebuilding chimneys.

- 1.6. The boiler house and chimney would be restored and converted to a café/dining facility including the insertion of new floors and window detailing to match the main building.
- 1.7. The application is supported by a planning statement, design and access statement, heritage assessment, and structural report,
- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises the vacant and derelict Brandauer works building range and associated curtilage yards and outbuildings (Grade II listed), plus some additional land and buildings that adjoin the listed building at the corner of New John Street West and Summer Lane, and land to the rear of the building that fronts onto Bridge Street West. This land contains some insignificant industrial units.
- 2.2. Nearby on the corner of Summer Lane and Bridge Street West is a locally listed Grade B 1930's Police Station, the setting of which is unaffected by the proposed development.
- 2.3. The works building has an 'E' shaped configuration with two internal courtyards and with the base of the 'E' forming the front elevation to New John Street West. The original pen manufactory dates from circa 1850, with a series of extensions circa 1870 and 1898 and is part three and part four storeys. The building has suffered fire damage in the past.
- 2.4. The site is located within an area of mixed uses on the ring road frontage, with commercial and industrial uses to the north and west, residential properties to the east and a petrol filling station and a school to the south on the south side of New John Street West.
- 2.5. [Site Location and Street View](#)

3. Planning History

- 3.1. Planning permission and listed building consent were approved on 2nd October 2003 for the conversion and extension of the listed building for use as a Hotel with associated parking (PA 2001/06498/PA and 2003/02258/PA).
- 3.2. Applications to renew these consents were subsequently approved on 14th October 2008 (PA 2008/04587/PA and 2008/04586/PA), but neither have been implemented.
- 3.3. Planning permission and listed building consent were approved on 25th October 2012 for the conversion and extension of the listed building to form new business space (B1), conversion and extension of boiler house to form micro-brewery (B1), restaurant (A3), public house (A4), erection of 5 storey hotel (C1) associated basement and surface parking.

- 3.4. 10/11/2016. 2016/05697/PA. Renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation, erection of two new student accommodation blocks and associated landscaping works. Report elsewhere on this agenda.

4. Consultation/PP Responses

- 4.1. Press and Site notice erected. MP, Ward Members, Residents Associations and neighbouring occupiers notified. No representations received.
- 4.2. Conservation Heritage Panel – No objections.

5. Policy Context

- 5.1. Adopted UDP, Draft Birmingham Development Plan, draft Birmingham Development Plan, Aston, Newtown and Lozells Area Action Plan, Places for All, Birmingham Conservation Strategy, Grade II Listed Building.
- 5.2. The site is identified in the AAP as part of a larger mixed-use development site (MU1) which includes provision for new residential, health, education/training, cultural and community uses, light industry, leisure, ancillary offices and enhanced open space.

6. Planning Considerations

- 6.1. The principle of the proposed development is fully supported, bringing heritage buildings back into positive use. The design approach is sensitive to protection and repair of the historic asset and the layout, scale, massing and elevations drawings are acceptable.
- 6.2. The heritage assessment provides a detailed record of the history of the building, and demonstrates that a sensitive approach is proposed to the conversion involving minimal external alterations. The proposed external gantries provide a suitable means of providing access into sub-divided floor space and the alterations to the building to add new door openings is sensitively designed.
- 6.3. The applicant proposes to replace non original windows returning the fenestration to original window types, replacing stolen fireplaces and balustrades on the principal staircase, repairing cast iron windows and renewing where removed, repairs using original materials and copy detailing using reclaimed materials and removing metal and asbestos cement sheet roofing and repairing the window ventilators, with re-roofing in slates or clay tiles as appropriate. The structural report demonstrates that the building will require extensive repairs. I consider that the proposal will have a positive impact on the listed building.
- 6.4. The proposals are comprehensive and involve the conversion and re-use of the rear wings and boiler house as well as the frontage building and provide a significant opportunity to secure the future of a listed building at risk.
- 6.5. The proposals were presented to Conservation Heritage Panel at the pre-application stage and the refurbishment and re-use of the listed building was fully supported. The Conservation Officer fully supports the proposal.

7. Conclusion

- 7.1. The proposals accord with the relevant policies in the UDP and Aston, Newtown and Lozells AAP, and would secure the re-use of a listed building in poor condition, thereby securing its long term future. Subject to appropriate conditions, I consider that the proposal is therefore acceptable.

8. Recommendation

- 8.1. Approve Subject To Conditions.

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- | | |
|----|--|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires any damage to the listed building to be made good |
| 3 | Requires details of protection works to listed Building features |
| 4 | Requires the prior submission of details for the protection of architectural details |
| 5 | Requires the prior submission of roof materials |
| 6 | Requires the prior submission of sample walling/render panel/stonework/brickwork |
| 7 | Requires the removal of brick pointing to be undertaken by hand tools only |
| 8 | Requires the prior submission of dormer window/window frame details |
| 9 | Requires the prior submission of external doors/garage doors |
| 10 | Requires the prior submission of details of balconies |
| 11 | Requires the prior submission of fixtures and fittings Details |
| 12 | Requires the prior submission of Ramps and Step details |
| 13 | Requires the prior submission of details of works to the existing surfaces |
| 14 | Requires the scheme to be in accordance with the listed approved plans |
| 15 | Limits the approval to 3 years (conservation/listed buildings consent) |
-

Case Officer: John Davies

Photo(s)



Figure 1 – Boiler House



Figure 2 – Rear of frontage buildings

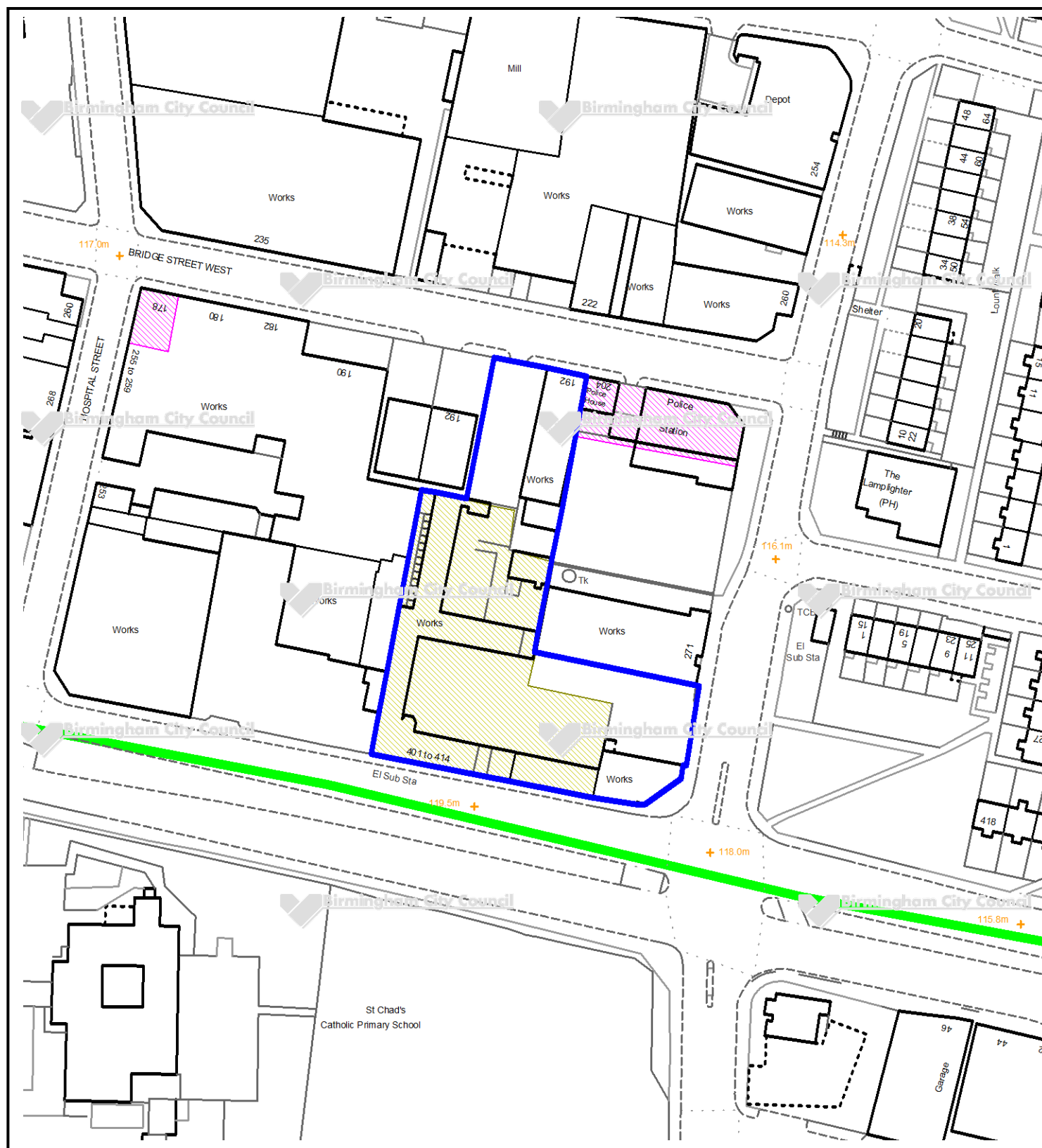


Figure 3 – View from Summer Lane



Figure 4 – Front elevation

Location Plan



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Committee Date:	10/11/2016	Application Number:	2016/06022/PA
Accepted:	18/07/2016	Application Type:	Full Planning
Target Date:	12/09/2016		
Ward:	Sutton Trinity		

Maney Hill School, Maney Hill Road, Sutton Coldfield, Birmingham, B72 1JU

Erection of single storey and 2 storey extensions to existing school to include 6 classrooms, group rooms, staff room, studio and ancillary spaces, additional parking and playground area

Applicant:	Birmingham City Council EDSI, 1 Lancaster Circus, Queensway, Birmingham, B4 7DG,
Agent:	Acivico 1 Lancaster Circus, Queensway, Birmingham, B4 7DG,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is to extend the existing school from the current 1 form entry to a 2 form entry primary school with nursery provision expanding from 240 pupils to 450 over the next 5 years. Existing staff numbers are 39 and this will increase to 53 (includes 10-14 lunch time supervisors).
- 1.2. The current application comprises a 6 classroom block to the rear which would be part single and part 2 storey, a single storey studio extension to the front of the building, an external covered play area to the side of the building, new infant play area adjacent the proposed classroom extension and additional parking provision, increasing the number of spaces from 20 to 40.
- 1.3. The proposed new classroom block would be located at the rear between the existing school and the early years block and be part single and part two storey. It would be constructed of buff facing brickwork with grey aluminium windows and a flat parapet roof. The building elevations would include vertical and horizontal brise soleil to window openings. The accommodation would include 6 new classrooms with ancillary facilities.
- 1.4. The proposed new studio area to the front of the building would be single storey with a flat parapet roof and rendered. It would contain full height grey aluminium windows on the front elevation. As a result of this element of the proposal 2 new ventilation stacks would be required for the main school hall.
- 1.5. The proposed covered play area would be located on the side elevation of the existing building and comprise a polycarbonate roof on a metal frame. A new hard surfaced play area is proposed adjacent the proposed classroom block and refurbished early years block at the rear.

- 1.6. The proposed extension to the staff/visitor parking area would increase parking provision from 20 to 40 spaces.
- 1.7. The applicants have advised that the breakfast and after school club at the school should commence in January 2017 offering 30 places in the breakfast club and 60 after school.
- 1.8. The application is supported by a Design and Access/Planning Statement, Transport Statement, School travel Plan, Tree Survey, Ecological Report and Daytime Assessment for Bats and Breeding Birds, Ground Investigation Report, Noise Report and Structural Survey.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. Maney Hill Primary School is located on the north-east side of Maney Hill Road opposite the junction with Mottrams Close in a suburban residential area. The existing school buildings are predominantly single storey with a 1.5 storey main hall within the centre of the school. A single storey building to the rear is currently occupied by the Lollipop Day Nursery and behind this is a single storey temporary classroom building.
 - 2.2. The school has a number of hard surfaced playgrounds and a large playing field. The main vehicular access to the school is from Maney Hill Road leading to a staff/visitor car parking area.
 - 2.3. [Site Location and Street View](#)
3. Planning History
 - 3.1. 03/09/2015. 2015/04313/PA. Installation of one temporary modular building and access ramp (for a two year period) to create two classrooms for thirty additional children. Approved temporary until 6th August 2017 with a restriction on occupancy to 30 children.
 - 3.2. 10/11/2016. 2016/07164/PA. Retention of one temporary modular building and access ramp (for a further 2 year period) to provide two classrooms and increase capacity from 30 to 60 children. Report elsewhere on this agenda.
4. Consultation/PP Responses
 - 4.1. Transportation Development – no objections subject to conditions.
 - 4.2. Regulatory Services – no objections.
 - 4.3. Sport England - no objections.
 - 4.4. West Midlands Police – no objections.
 - 4.5. West Midlands Fire Service – no objections.

- 4.6. Councillors, Residents Associations and nearby occupiers notified. Statutory site notice posted. 16 letters have been received objecting to the proposal on the following grounds;
- Travel Plan states school will be starting a breakfast club and after school facility to help stagger arrivals and pick-ups after Lollipops Day Nursery closes at end of December but this has not been put in place.
 - Maney Hill Road will be impassable at busy school times.
 - Catchment area will increase and more children will travel by car.
 - Parking has worsened since the 2 form entry started and many parents park in Mottrams Close in private parking areas and on grass verges.
 - Needs a more practical parking solution.
 - Lollipops Day nursery should be retained, its loss will have a detrimental effect on the local community..
 - Re-build and expansion is excessive.
 - Existing 20mph area has road markings to ensure no vehicles should use the middle section but in practice vehicles park on either side of road and only section of the road that can be used is middle section.
 - Site plan is incorrect.
 - Where will additional children come from? Application states three quarters of current 240 pupils live within 1km of the school, where do rest come from.
 - Staff of school and Nursery Park on road.
 - Congestion causes safety problems and may prejudice children's safety.
 - 2 storey element will cause overlooking and loss of light to gardens.
 - Cause traffic noise and nuisance to residents.
 - Drop-off and pick up should be from East View Road.
 - Traffic Survey is inadequate as it is based on one form entry with a small catchment area and many children walk to school. The catchment area for the new pupils will be wider and more likely that children will travel by car.
 - Damage to grass verges caused by inconsiderate parking is devaluing the area.
- 4.7. Councillor Pocock has commented that conditions need to be attached to this application to deal with the consequences of the additional traffic generated and troublesome parking problems experienced by residents in Mottrams Close. Further consideration needs to be given to on-site parking within the school premises to ensure no employees are parking on surrounding residential roads. Further yellow lines in Mottrams Close and physical measures to protect residents private parking areas and a refresh of the 20mph area on Maney Hill Road to reduce road safety risks from the additional traffic to be generated.

5. Policy Context

- 5.1. UDP (adopted 2005), Draft Birmingham Development Plan, Places for All, Car Parking Guidelines, NPPF.

6. Planning Considerations

6.1. Policy Context

- 6.2. The NPPF contains a presumption in favour for sustainable development and advises that the Government attaches great importance to ensuring that a sufficient

choice of school places is available to meet the needs of existing and new communities. One of the principles contained within the NPPF is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. It also requires consideration of whether the opportunities for sustainable transport modes have been taken up and safe and suitable access to the site can be achieved for all people. The NPPF also seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 6.3. Policy 3.8 of the UDP 2005 seeks to ensure the need to protect and enhance what is good in the City's environment, and to improve what is less good. Policy 3.10 advises that proposals which would have an adverse effect on the quality of the built environment would not normally be allowed.
- 6.4. Policy TP35 of the draft Birmingham Development Plan states that as the City's population grows there will be a need for additional Primary school provision. Proposals for the upgrading and expansion of existing schools in locations where additional provision is required will be supported subject to schools having the following: safe access by cycle, walking and car; a school travel plan; safe drop off and pick up provision; acceptable provision of outdoor facilities for sport and recreation; and avoiding conflict with adjoining uses.
- 6.5. The draft Birmingham Development Plan also advises in the Education Chapter that the current forecasts on population growth suggests that in the next 10 years approximately 20,000 additional school places will be required at primary and secondary levels. It further highlights that this population growth is not uniform across the City with some areas experiencing growth beyond existing provision while others have a surplus in capacity.
- 6.6. Background Information
- 6.7. The City Council published the Birmingham Education Sufficiency document in November 2013 and February 2015 detailing the impact of increased birth rates and cohort growth areas of Birmingham. In response a planned programme of additional primary school places is being implemented to enable the City Council's to meet its statutory duty to provide sufficient school places for its children.
- 6.8. The expansion of Maney Hill Primary School is part of the City Council's additional places programme for schools.
- 6.9. The school was a single form entry school with 240 pupils until it increased to a two form of entry school in September 2015, where 30 additional pupils were accommodated in the temporary modular building (2015/04313/PA).
- 6.10. In September 2016, the school continued as a two form of entry school with 30 additional pupils being accommodated in the temporary modular building (see report on 2016/07164/PA on this agenda)..
- 6.11. The current application would enable the school to permanently expand into a two-form entry school, which would increase the school roll to 450 pupils in total over the next five years.
- 6.12. Principle of Development

- 6.13. The expansion of the school is part of the City Council's additional places programme for schools and the NPPF and the draft BDP promote the provision of new or expanded schools.
- 6.14. The proposed development would be sited over informal grass and hard surfacing areas that do not form part of the school playing fields or playgrounds. The development would not result in the reduction or loss of any outdoor playing facilities. I am satisfied that adequate outdoor provision would be available to meet the additional demand following the expansion of the school.
- 6.15. I therefore consider that the principle of development is acceptable subject to the following site specific considerations in terms of the impact on highway safety, visual amenity, amenities of adjoining residents, trees and ecology.
- 6.16. Highway Issues
- 6.17. The main issue in relation to this proposal is the impact of the proposed increase in pupils and staff on the highway network in the vicinity of the school, highway safety and the adequacy of the proposed additional car parking for staff and visitors.
- 6.18. The applicants have submitted a Transport Statement and School Travel Plan in support of the application. The Transport Statement concluded that the proposed expansion of the school will lead to an increase in demand for drop off, pick up, on-street parking and pedestrian activity outside the site. The parking survey noted that the majority of on-street parking associated with the school was observed to be legal and appropriate, however, some illegal or inappropriate parking was observed on Maney Hill Road. It also noted that none of the accidents in the vicinity in the last 5 years involved children at the primary school or occurred during school times. The Transport Statement further concluded that if mitigation measures such as extending the school day with a breakfast and after school club, an increase in the number of pupils walking to school through "park and stride" facilities and better management of on-street parking were implemented then the impact of the expansion would not be so severe as to warrant the refusal of planning permission.
- 6.19. The School Travel Plan makes reference to encouraging parents to park further away and walk to the school, increase cycle parking provision, introduction of a breakfast and after school club, encourage car sharing, look at introducing car free days and encouraging the use of sustainable travel.
- 6.20. Part of the current proposal is to increase the number of car parking spaces within the site from 20 to 40. The proposed increase in staff would be from 39 to 53 (including 10-14 lunchtime supervisors). Current parking guidelines specify a maximum of 1 space per 2 staff for schools, therefore, for 53 staff, 27 spaces would be required. The proposed provision would be well in excess of the maximum provision but would reduce the potential of staff parking on surrounding highways and enable some visitor car parking to be accommodated within the site. Transportation Development raise no objection to the increase in parking provision on the site but also want to see an increase in cycle storage provision. A suitable condition is attached to secure this.
- 6.21. Transportation Development acknowledge that the proposal is likely to increase vehicular movements and on-street parking associated with drop offs/pick-ups on surrounding highways. They agree with the Transport Statement in respect that the school finishing time does not coincide with the highway network pm peak period, however, the drop-off traffic in the am peak period would coincide with the network

am peak. The Transport Statement states that a further 65 trips in the am peak period would be generated when the school reaches full capacity, however, some of these trips may already be on the highway network and would be diverted trips by parents dropping their children to the school on the way to work.

- 6.22. Transportation Development have observed traffic and parking activities at the school in the am and pm peak periods (assuming pupil numbers have already increased by 60 with additional form entries in September 2015 and September 2016) and noted that traffic and parking associated with school drop-off and pick up increased for a short period at the school start and finishing time similar to any other school, however, it was observed that these did not result in significant issues related to highway safety and traffic conditions. Parking was observed to be high (higher during pm period) on Maney Hill Road, Mottrams Close and within the private car park opposite the school. Vehicles were parked on both sides of Maney Hill Road with some parked partly on the pavement which allowed vehicles to pass each other in some sections with vehicles having to give way in other sections. Parked vehicles were not obstructing drives but some short term waiting on yellow lines was observed. Transportation Development also note that there was some spare capacity for on-street parking on Maney Hill Road at a slight distance from the school near the junction with Pilkington Avenue and Rowan Road. The Transport Statement also stated that there was capacity available to accommodate the likely increase in on-street parking demand, post the proposed expansion, within 5 minutes walking distance from the school.
- 6.23. Transportation Development conclude that as the available on-street parking capacity was further away from the school, illegal/inconsiderate parking might increase close to the school without the implementation of appropriate mitigation measures. The mitigation measures required include a review and implementation of any changes and enforcement as/when required to the Traffic Regulation Orders in the vicinity of the school as well as double kerbing to prevent vehicular access to grass verges in the vicinity of the school. These measures would need to be funded by the applicant and a suitable condition is attached. Conditions are also recommended which require the School Travel Plan to be updated and reviewed and cycle/scooter parking to be increased. On this basis Transportation Development raise no objections to the proposal and I concur with this view.
- 6.24. Design/Appearance/Layout
- 6.25. The design, scale and layout of the proposed extensions to the school have been developed in conjunction with advice from officers. The classroom block to the rear of the school would help to amalgamate existing detached blocks into the main school and the part 2 storey block would be appropriate in this location without dominating the existing school buildings or having any adverse impact on near residential dwellings. The design is simple in form and the brick facades would be complemented by detailing such as metal windows and brise-soleil to break up the façade.
- 6.26. The proposed single storey studio at the front of the school would infill an existing recessed area and be rendered with full height windows on its front elevation facing Maney Hill Road. Its design and appearance are acceptable and would complement the existing school building.
- 6.27. Residential amenity

- 6.28. The proposal would not have any adverse impact on residential amenity. The windows to classrooms in the 2 storey element on the south-east elevation of the classroom block would be 40 metres from the boundary with gardens in East View Road and the classroom block would be 15 metres away from the boundary with the nearest garden in Maney Hill Road, however, there would be no windows in the south-west elevation facing the rear of properties in Maney Hill Road.
- 6.29. Due to the orientation of the proposed 2 storey element of the classroom block to the north of gardens to properties in Maney Hill Road no significant overshadowing or loss of light to nearby gardens would result.
- 6.30. Trees and Ecology
- 6.31. The Tree Officer has confirmed that she has no objection to the loss of a small number of trees of little significance. 7 semi-mature trees are proposed on the site frontage as part of a comprehensive landscape plan.
- 6.32. The Planning Ecologist has no objections but would like to ensure any lost shrubbery/planting and bird boxes are replaced within the school grounds.
- 6.33. Other issues
- 6.34. The proposal would not involve any loss of playing fields. Sport England raise no objections.
- 6.35. The Lollipop Day Nursery is closing on 31st December 2016. The Education department are currently assisting the owners with relocation.
- 6.36. Community Infrastructure Levy (CIL) – Not CIL liable development.

7. Conclusion

- 7.1. The proposed development would enable the school to provide additional school places which is supported by local and national planning policy. The proposed extensions would complement the scale, massing and design of the existing school building and would have no detrimental impact on the character of the area. It would be sited a sufficient distance from neighbouring residential properties and would not appear particularly prominent given the low scale of development.
- 7.2. The main objections that the application has attracted relate to parking and traffic congestion. In my view, the proposed development would not have a significantly detrimental impact on highway safety subject to mitigation measures required by conditions as outlined above. On-site parking for staff/visitors would be increased significantly and there is capacity for on-street parking further away from the school. I therefore consider that the proposed development would comply with policies set out in the adopted UDP 2005, Car Parking Guidelines SPD and the NPPF.

8. Recommendation

- 8.1. Approve Subject To Conditions.

-
- 1 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 2 Requires the prior submission of hard and/or soft landscape details
 - 3 Requires the prior submission of hard surfacing materials
 - 4 Requires the prior submission of boundary treatment details
 - 5 Requires the prior submission of a landscape management plan
 - 6 Requires the prior submission of sample materials
 - 7 Requires the prior submission of level details
 - 8 Requires the applicant to enter into an agreement with the Highway Authority to review Traffic Regulation Orders
 - 9 Requires the prior submission of cycle storage details
 - 10 Requires the School Travel Plan to be reviewed annually.
 - 11 Requires the scheme to be in accordance with the listed approved plans
 - 12 Limits the approval to 3 years (Full)
-

Case Officer: John Davies

Photo(s)



Figure 1 – Site of proposed studio extension

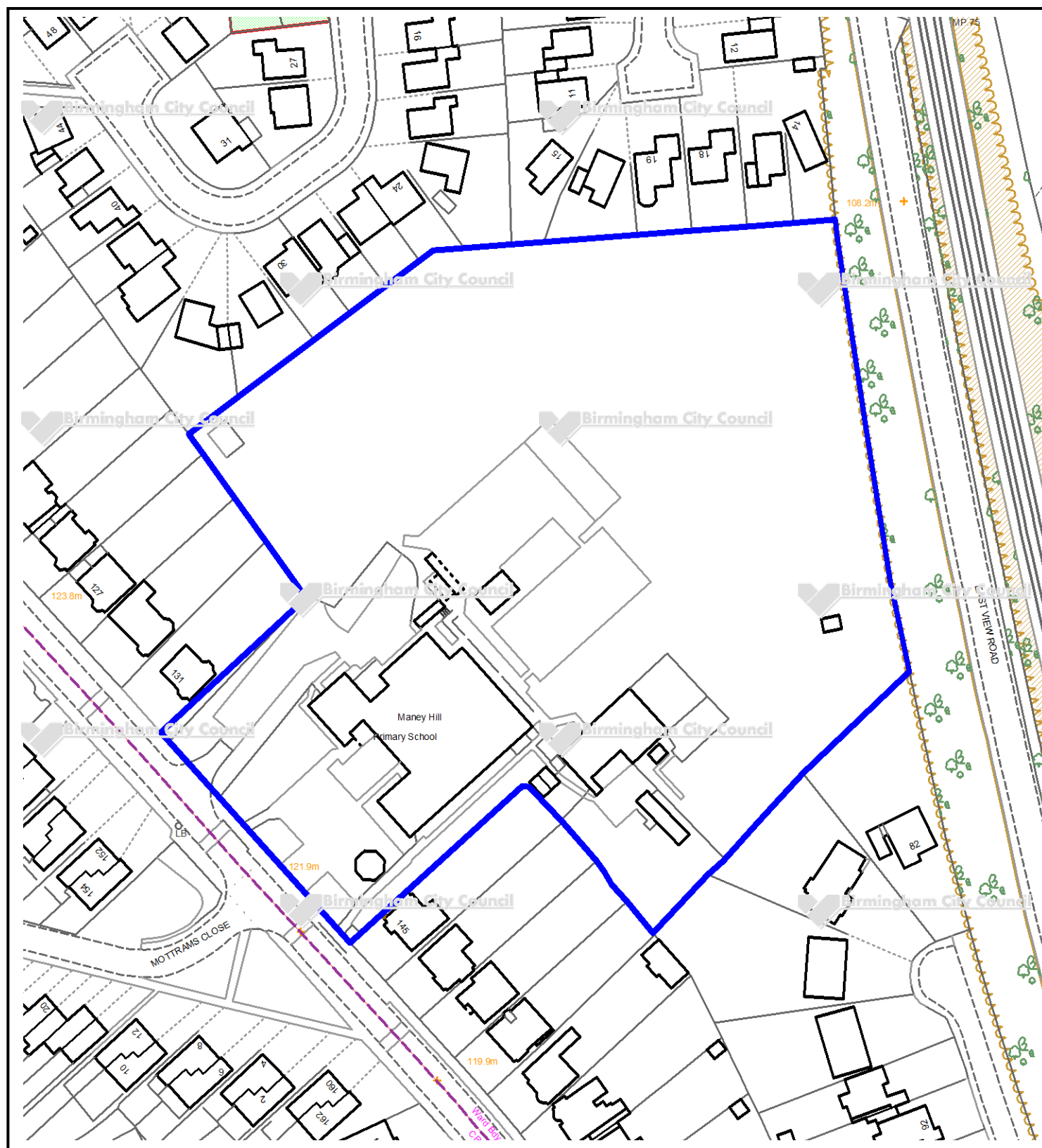


Figure 2 – Site of proposed 2 storey classroom extension



Figure 3 – Site of proposed car park extension

Location Plan



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Committee Date:	10/11/2016	Application Number:	2016/07164/PA
Accepted:	26/08/2016	Application Type:	Full Planning
Target Date:	21/10/2016		
Ward:	Sutton Trinity		

Maney Hill Primary School, Maney Hill Road, Sutton Coldfield, Birmingham, B72 1JU

Retention of temporary modular building and access ramp approved under planning application 2015/04313/PA until 21st April 2018 and increase occupancy from 30 to 60 children.

Applicant:	Birmingham City Council EDSI, 1 Lancaster Circus, Birmingham, B4 7DY
Agent:	Acivico Ltd Po Box 2062, 1 Lancaster Circus, Birmingham, B4 7DY

Recommendation
Approve Temporary

1. Proposal

- 1.1. This proposal is for the retention of the temporary modular building and access ramp until 21st April 2018 and to permit an increase in the occupancy from 30 to 60 children. This is required in association with the school becoming a 2 form entry school instead of 1 and the temporary accommodation is required pending permanent extensions to the school if approved (see report on application 2016/06022/PA for the permanent extensions to the school elsewhere on this agenda). The first year of the 2 form entry involved 30 additional pupils starting at the school in September 2015 and a further 30 additional pupils started in September 2016. The total number of pupils at the school presently is 270.
- 1.2. The building is sited at the rear of the main school and behind the detached annex. It would measure approximately 19 metres in length by 8 metres in width by 3.1 metres in height. Internal provisions would include two classrooms, two store rooms, toilets and cloakroom.
- 1.3. A Transport Statement and School Travel Plan have been submitted with application 2016/06022/PA.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site refers to Maney Hill Primary School. The temporary modular building is located behind the detached annex at the rear. Beyond this, is a large playing field and the surrounding area is predominantly residential in character.

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

3. [Planning History](#)

- 3.1. 03/09/2015. 2015/04313/PA. Installation of one temporary modular building and access ramp (for a 2 year period) to create two classrooms for 30 additional children. Approved temporary until 6th August 2017.
- 3.2. 10/11/2016. 2015/06022/PA. Erection of single storey and 2 storey extensions to existing school to include 6 classrooms, group rooms, staff room, studio and ancillary spaces, additional parking and playground area. Report elsewhere on this agenda.

4. [Consultation/PP Responses](#)

- 4.1. Councillors, residents associations and nearby neighbours consulted. 13 letters have been received objecting to the proposal on the following grounds;
- traffic congestion in Maney Hill road and Mottrams Close
 - highway safety issues
 - increase in parking on road, pavements and grass verges
 - nothing has been done since the temporary classroom was built
 - staff park on Maney Hill Road
 - council should provide school transport
 - land within school should be used for pick up/drop off
 - cars block driveways
 - fire engine or ambulance could not access Mottrams Close at pick up/drop off times
 - building already being used for 2 classrooms.
- 4.2. Transportation Development – No objection subject to conditions being imposed for limiting the number of children, School Travel Plan should be updated and cycle parking provision should be increased.
- 4.3. Regulatory Services – No objections.

5. [Policy Context](#)

- 5.1. National Planning Policy Framework (2012); Birmingham Unitary Development Plan (2005), Draft Development Plan.

6. [Planning Considerations](#)

- 6.1. The principle of the siting of the temporary modular building in terms of siting and appearance for a temporary period to accommodate 30 additional pupils was previously agreed by your Committee in September 2015. These 30 children form the first year intake of the 2nd form entry and a further 30 children have been accommodated in the building in September 2016 forming the second year intake of 2nd form entry. The building is now required until April 2018 pending the development of permanent extensions to the school which are discussed in the report on application number 2016/06022/PA which is elsewhere on this agenda.

- 6.2. The principle issue is the impact of the additional 30 children on the highway network, highway safety and car parking. Transportation Development have commented on this application and have taken account of the permanent proposals to extend the school from 240 to 450 pupils (2016/06022/PA).
- 6.3. Transportation Development have observed traffic and parking activities at the school in the am and pm peak periods (assuming pupil numbers have already increased by 60 with additional form entries in September 2015 and September 2016) and noted that traffic and parking associated with school drop-off and pick up increased for a short period at the school start and finishing time similar to any other school, however, it was observed that these did not result in significant issues related to highway safety and traffic conditions. Parking demand was observed to be high (higher during pm period) on Maney Hill Road, Mottrams Close and within the private car park opposite the school. Vehicles were parked on both sides of Maney Hill Road with some parked partly on the pavement which allowed vehicles to pass each other in some sections with vehicles having to give way in other sections. Parked vehicles were not obstructing drives but some short term waiting on yellow lines was observed. Transportation Development also note that there was some spare capacity for on-street parking on Maney Hill Road at a slight distance from the school near the junction with Pilkington Avenue and Rowan Road. The Transport Statement also stated that there was capacity available to accommodate the likely increase in on-street parking demand post the proposed expansion within 5 minutes walking distance from the school.
- 6.4. In relation to the permanent proposals, Transportation Development conclude that as the available on-street parking capacity was further away from the school that illegal/inconsiderate parking might increase close to the school without the implementation of appropriate mitigation measures. The mitigation measures required include a review and implementation of any changes and enforcement as/when required to the Traffic Regulation Orders in the vicinity of the school as well as double kerbing to prevent vehicular access to grass verges in the vicinity of the school. These measures would need to be funded by the applicant and a suitable condition is attached to application 2016/06022/PA. Conditions are also attached to that application which require the School Travel Plan to be updated and reviewed and cycle/scooter parking to be increase. On this basis Transportation Development raise no objections to the main proposal.
- 6.5. With regard to this application to extend the time period and occupancy of the temporary modular building to 60, Transportation Development raise no objections subject to a review of the School Travel Plan and the provision of additional cycle/scooter storage facilities. I concur with this view.

7. Conclusion

- 7.1. I consider the proposal to retain the temporary building until 21st April 2018 and increase its occupancy to 60 children is acceptable. The additional classrooms are needed pending the permanent extension of the school as the school is expanding from a one to two form entry. Transportation Development are seeking mitigation for the increase in pupil numbers and consequent impact on the highway and parking demand as part of the application for permanent extensions to the school (2016/06022/PA. This would include reviews/implementation and enforcement of Traffic Regulation Orders in the vicinity of the school and double kerbing to prevent parking on grass verges. In the short term they are requesting that as part of this

application that the School Travel Plan be updated and additional cycle/scooter storage is provided.

8. Recommendation

8.1. Approve Temporary.

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- | | |
|---|--|
| 1 | Requires the prior submission of a scheme to show how the building would be removed by 21st April 2018 |
| 2 | The School Travel Plan shall be updated |
| 3 | A maximum of sixty children. |
| 4 | Requires the provision of cycle and scooter storage |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
-

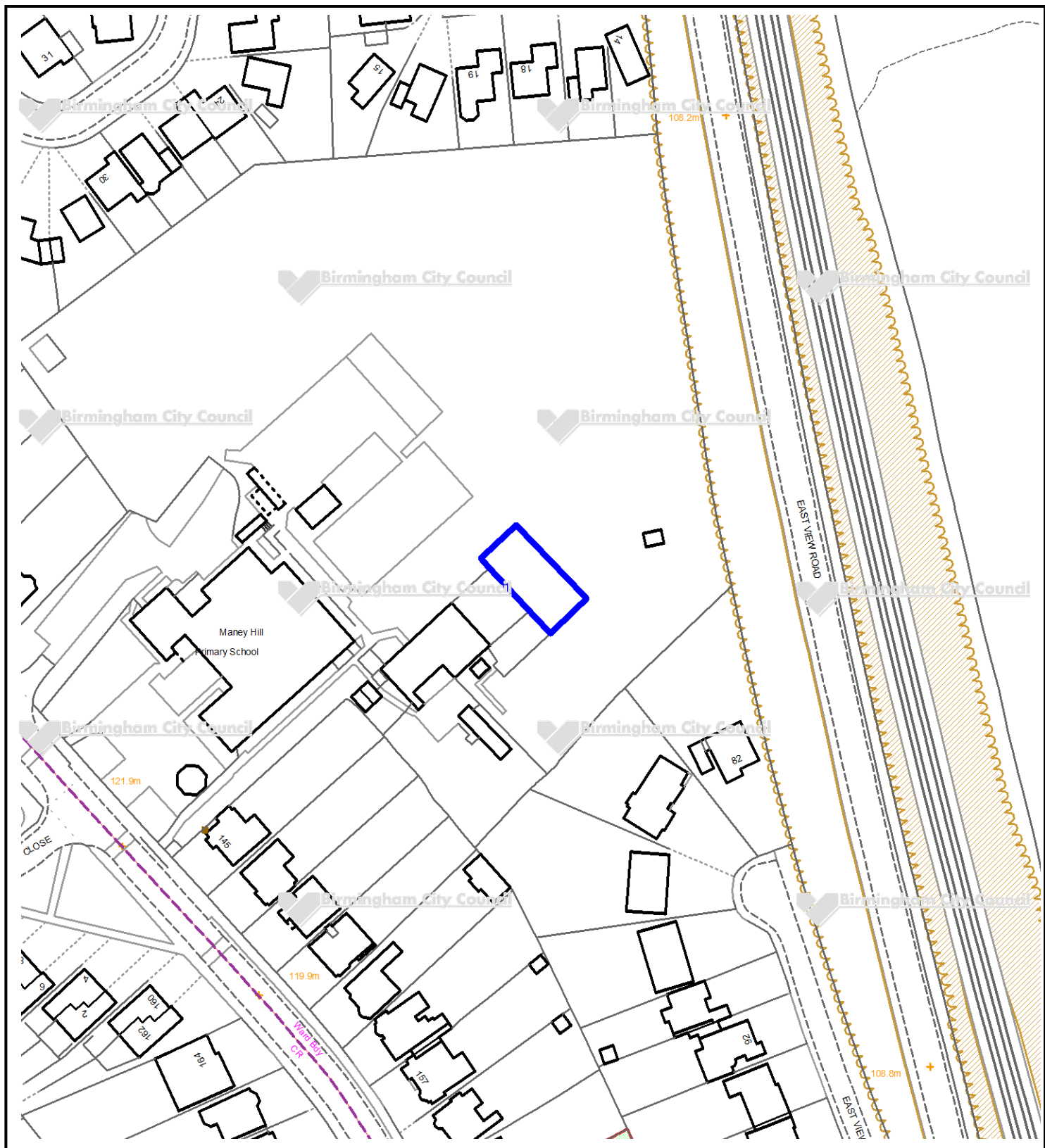
Case Officer: John Davies

Photo(s)



Figure 1 – Existing temporary modular building

Location Plan



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Birmingham City Council

Planning Committee

10 November 2016

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>
Defer – Informal Approval	14	2016/07099/PA Unit 5 1298 Warwick Road Acocks Green Birmingham B27 6PL Outline planning application for the erection of up to 48 residential units (with means of access to be determined and all other matters reserved)
Approve - Conditions	15	2016/08031/PA 152 Church Road Yardley Birmingham B25 8UT Change Of Use from retail (Use Class A1) at ground floor and flat (Use Class C3) at first floor to hot food takeaway and restaurant (Use Class A5/A3) at ground and first floor and installation of extraction flue to front.
Defer – Informal Approval	16	2016/07194/PA Bromford Lane/Bromford Road Bromford PH and vacant site Washwood Heath Birmingham B8 2SD Variation of Condition numbers 1(Land contamination), 2 (Verification Report), 4(Noise insulation), 8(Landscaping), 9 (Hard surfacing), 10 (Boundary treatment), 11 (Lighting), 12 (Ecological/ biodiversity), 13 ((Bird/ bat boxes), 14 (Sample materials), 16 (Levels), 23 (Approve plans), 28 (Parking Management Strategy), 29 (Means of access) and 32 (Residential travel plan) attached to Planning Approval 2014/02025/PA to allow phasing of development and amend house types and plot sizes.

Approve - Conditions	17	<p>2016/06867/PA</p> <p>Fordrough Webster & Horsfall South Yardley Birmingham B25 8DW</p> <p>Creation of an automated low carbon refuelling station with support facilities, 2 no. 20m high silent revolution wind turbines and new link road onto Energy Way</p>
Defer – Informal Approval	18	<p>2016/07232/PA</p> <p>Stechford Retail Park Flaxley Parkway Stechford Birmingham B33 9AN</p> <p>Application for a variation of condition no. 6 attached to planning permission 2016/02969/PA to amend wording to the minimum unit size where the retailer is predominantly selling food from 1,000sq.m to 900 sq.m</p>
Approve - Conditions	19	<p>2016/06787/PA</p> <p>McDonald's Restaurant 1151 - 1159 Chester Road Erdington Birmingham B24 0QY</p> <p>Removal of condition number 7 attached to previous application E/C/37068/9 to enable the McDonald's Restaurant to trade 24 hours a day, seven days a week</p>

Committee Date:	10/11/2016	Application Number:	2016/07099/PA
Accepted:	22/08/2016	Application Type:	Outline
Target Date:	21/11/2016		
Ward:	Acocks Green		

Unit 5, 1298 Warwick Road, Acocks Green, Birmingham, B27 6PL

Outline planning application for the erection of up to 48 residential units
(with means of access to be determined and all other matters reserved)

Applicant:	Mr John Cullen 1-17 Silver Street, Kings Heath, Birmingham, B14
Agent:	Brooke Smith Planning Consultants The Cloisters, 12 George Road, Edgbaston, Birmingham, B15 1NP,

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal
 - 1.1. Outline planning application, with only means of access to be determined at this stage, for up to 48 residential units. The application includes a new main access/junction from Warwick Road and Gospel Lane that has also been subject to a Stage 1 Road Safety Audit. This includes a dedicated 'give way' position on Gospel Lane to enable vehicles wishing to enter the application site to wait for safe passage across the Warwick Road southbound carriageway, whilst also clear of moving traffic turning left or right onto Warwick Road. These works also include changes to kerb lines and road markings.
 - 1.2. An indicative plan has been submitted in support of the application to demonstrate that the site could accommodate up to 48 residential units in an appropriate manner. This layout consists of 14no. 2-bed house 8no. 3-bed houses as well as 2 and 3-storey apartment blocks containing up to 26no. apartments. The plan shows a total of 83 parking spaces representing a provision of 173%.
 - 1.3. The main access off Warwick Road would serve the majority of the proposed dwellings and the indicative layout shows a perimeter block form of development that faces onto a central square containing communal parking as well as landscaping. Houses and apartment blocks are shown surrounding this central square creating a good sense of enclosure with an off-street parking space and front garden to each house, and with rear-parking to the apartment blocks located to the rear corners of the site. 2 and 3-storey apartment blocks flank the main access to the north and south respectively with built frontages facing Warwick Road as well as turning the corner into the application site. The 2-storey block of apartments to the north of the new access has parking to the frontage whilst the 3-storey block of apartments to the south of the new access has parking contained within a secure rear parking court. The indicative plan also shows 2 new houses facing, and with a vehicular access off, Lincoln Road. This access also retains the right of way for the commercial properties at nos. 1322-1328 Warwick Road.

- 1.4. The application site measures some 0.87ha and a total of 48 dwellings equates to a density of 54 dwellings per hectare.
- 1.5. The application seeks to be fully policy compliant in terms of affordable housing provision (35%) and make a contribution towards off-site public open space and play equipment in accordance with the relevant formula contained within the 'Public Open Space in New Residential Development' SPD.
- 1.6. The application has been accompanied by a Planning Statement, Design & Access Statement, Ecology Report, Noise impact Assessment, Tree Survey, Geo Environmental Assessment, SUDS Report and Transport Assessment.
- 1.7. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is a 0.87ha cleared parcel of land bounded by residential properties to the north (Culham Close and Olton Croft), east (Lincoln Road) and west (Warwick Road). Immediately to the south is a small parade of commercial units containing a day nursery, takeaway and a retail unit. Beyond that is the junction/gyratory of Warwick Road, Olton Boulevard and Lincoln Road and a number of larger commercial units including a petrol filling station and restaurants.
 - 2.2. There are two existing vehicular accesses off Warwick Road and Lincoln Road. Ground levels across the site slopes to the south, following the fall of Warwick Road. Changes in ground levels are up to 2m and partly due to retention of some demolition material on the site. There are noticeable lines of mature trees along the northwest and eastern boundaries to houses on Culham Close and Lincoln Road.
 - 2.3. [Site location](#)
3. Planning History
 - 3.1. None of relevance.
4. Consultation/PP Responses
 - 4.1. Transportation Development – No objection subject to conditions relating to a Construction Management Plan, measures to prevent mud on the highway, siting / design means of access, pavement boundary, visibility splays and S278/TRO Agreement.
 - 4.2. Regulatory Services – No objection subject to noise assessment, contamination remediation scheme and verification report, and electric vehicle charging points.
 - 4.3. Lead Local Flooding Authority – No objection subject to conditions relating to a sustainable drainage scheme and sustainable drainage operation and maintenance plan.
 - 4.4. Severn Trent Water – No objection subject to condition relating to the disposal of foul and surface water flows.
 - 4.5. Leisure Services – No objection subject to a financial contribution to be spent on the provision, improvement and/or maintenance of POS and Play facilities at Fox Hollies Park.

- 4.6. Education – Request a contribution towards the provision of primary and secondary education provision.
- 4.7. West Midlands Police – No objection and an ideal new build development eligible for Secured by Design Accreditation.
- 4.8. West Midlands Fire Service – No objection.
- 4.9. Natural England – No objection.
- 4.10. Local residents, business premises, residents groups, Councillors and MP consulted with site and press notices posted.
- 4.11. Representation received from Councillor Roger Harmer raising no objection to the land being used for housing but raising concern over the access off Warwick Road. An alternative arrangement needs to be found or the Gyratory redesigned.
- 4.12. Representation received from Councillor John O'Shea supporting housing on the site but raises the following highway safety concerns relating to the access from Warwick Road:
- The existing arrangement is already dangerously complex and adding vehicles crossing from Gospel Lane is a recipe for serious collisions.
 - Proposal does not include any physical prevention in place to stop drivers making a left turn into the site.
 - Cause problems with long vehicles turning from Gospel Lane into Warwick Road northbound.
 - Likely to increase traffic congestion and add to the delays on the busy bus route that uses this junction.
 - Anxious to avoid diverting more traffic up Olton Boulevard east as this is likely to create further rat runs.
 - Appreciate that a Lincoln Road access may be difficult but would highly recommend vehicle access and egress be considered only through Lincoln Road.
 - Any use of Warwick Road is likely to be dangerous.
- 4.13. Representation received from Acocks Green Focus Green who are not opposing the residential redevelopment of the site but concerned over the number of units on the site and there should be an alternative access.
- 4.14. Representation received from Acocks Green Neighbourhood Forum expressing that they are pleased to see an application for the site but concerned about the access on Warwick Road. Access onto Lincoln Road is possibly better, but far from ideal.
- 4.15. 11 representations from local residents and business premises raising the following issues/concerns:
- Highway safety and increase in cars using the area will worsen the situation.
 - Already hazardous for pedestrians.
 - Covenant on part of the site.
 - Question whether all of the site is in the applicant's ownership.
 - Loss of privacy and residential amenity – worsened by elevated site.

- Needs to consider Human Rights Act (Protocol 1, Articles 1 and 8) – a person has the right to peaceful enjoyment of all their possessions and the substantive right to respect for their private and family life.
- No spare parking capacity on nearby streets.
- Extra strain on local amenities and services.
- Bats use the site.
- Too many houses proposed.
- Loss of trees.
- Inadequate parking within the development.
- Continual use of right of way for pick-up / drop-off arrangement and deliveries is integral to existing business.
- No objection to site being used for housing.

5. Policy Context

- 5.1. Birmingham UDP 2005, Draft Birmingham Development Plan 2031, Places for Living SPG, Loss of Industrial Land to Alternative Uses SPD, Car Parking Guidelines SPD, Affordable Housing SPG, Public Open Space in New Residential Development SPD and the NPPF 2012.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF and the Draft Birmingham Development Plan are material considerations. The Draft Birmingham Development Plan is at an advanced stage and as such holds significant weight. The proposal raises a variety of planning-related matters, these being the loss of industrial land and the provision of new housing, highway safety,

visual amenity, residential amenity and S106 Planning Obligations, which are discussed below.

6.4. Principle – loss of industrial land and provision of new housing:

- 6.5. **Loss of industrial land:** The NPPF emphasises that planning policies should avoid long-term protection of employment sites where there is no reasonable prospect of the site being used for that purpose. Applications for alternative uses should be treated on their merits having regards to market signals and the relative need for different land uses to support sustainable communities. Within the UDP and ‘Loss of industrial land to alternative uses’ SPD there is a general presumption against the loss of industrial land. For operational purposes the City’s industrial land portfolio has been divided into six sub-markets and is intended to ensure that desirable employment development is not lost due to a lack of site availability. It is considered that the application site is classed under ‘Good Urban Sites’, which are generally between 0.4-10ha in size and suitable for locally-based companies. It is recognised that the quality of the location of such sites can vary significantly. Paragraph 4.31 of the UDP highlights that opportunities for industrial development in the built up area of the City are diminishing and to reduce pressure on greenfield sites the loss of industrial land will be resisted except in cases where the site is a non-conforming use. The SPD incorporates a number of criteria and include non-conforming uses, active marketing, viability of industrial development, strategic land swaps and other strategic planning factors. The SPD also recognises that there will be occasions where it can be demonstrated that there are good planning grounds to depart for the general presumption against the loss of industrial land. The application site is not classed as Core Employment Land within the Draft Birmingham Development Plan. Whilst the applicant advises that the site has been placed on the market for over six years with no interest, the key consideration is its non-conforming use in relation to its predominantly residential neighbours and as such the loss of the industrial land is justified and policy-compliant.
- 6.6. **New housing:** A key objective of the NPPF (paragraph 47) is to boost significantly the supply of housing. The Draft Birmingham Development Plan reflects this and it is predicted that by 2031 the City’s population will rise by 150,000 resulting in an increase of 80,000 households. Policy PG1 seeks to deliver 51,000 homes over the plan period. It is expected that a minimum of 80% of all new homes provided will be built on previously developed land.
- 6.7. Regarding the location of new housing, the UDP (paragraph 5.25C) and the Draft Birmingham Development Plan (Policy TP27) seeks, amongst others, that they should be accessible to jobs, shops, and services by modes of transport other than the car. The site is located within an established mixed use area and existing housing backs onto the site on three sides with access to local shops, services and public transport links. As such the proposal would make a notable contribution towards the City’s housing need in a sustainable location and is an appropriate alternative use within the site’s context.
- 6.8. **Design/Layout:**
- 6.9. The indicative layout demonstrates good urban design principles, creating perimeter blocks with strong building lines creating a sense of enclosure achieving high levels of natural surveillance and security. Proposed rear gardens would back onto existing neighbouring gardens, creating secure and unexposed rear boundaries. The majority of the buildings would be 2-storey, reflecting the neighbouring properties, whilst due to the topography of the site and the 2.5-storey nature of the

adjacent parade of commercial units, the apartment block to the south of the Warwick Road access is shown to be 3-storey. The proposed parking is shown as a mix of on-plot and unallocated on-street, whilst not dominating the streetscene and allowing sufficient space for front gardens and landscaped areas. The indicative layout would also allow the retention of significant mature trees along the north western and north eastern boundaries. The submitted tree survey identifies trees of high landscape value, including Oak, Sycamore, Lime, Plane and Ash trees. These trees are within the neighbouring gardens but their canopies and Root Protection Area do extend into the application site and would require protection measures during construction.

- 6.10. Whilst the indicative layout is for illustrative purposes, and matters of appearance landscaping, layout and scale would be subject to a separate reserved matters application, it demonstrates that a relatively high density scheme in a sustainable location providing a good mix of house types can be adequately accommodated on the site.
- 6.11. **Residential amenity:**
- 6.12. It is recognised that since the demolition of the previous buildings on the site in 2008, that current ground levels will require further levelling to accommodate the site's redevelopment. The indicative layout demonstrates that adequate setback distances (5m per storey, as per 'Places for Living' SPG) could be achieved to existing neighbouring garden boundaries. Furthermore due to the depth of existing neighbouring gardens, in particular those along Lincoln Road, there is sufficient space to meet the separation distances, given in 'Places for Living' SPG, including taking into account any difference in final ground levels. The proposed residential development is compatible with its residential neighbours and would have no adverse impact on neighbour amenity in terms of noise and disturbance.
- 6.13. The indicative layout further demonstrates that the majority of the new houses and block of flats facing the central square have rear gardens or outside communal amenity space that meets the standards given in 'Places for Living'. The 2 blocks of flats flanking the access off Warwick Road has communal amenity to the rear that do not meet with the 30sqm per flat guideline. However, these blocks have significant landscaped frontages due to adhering to established building lines and the inability to provide frontage parking to Warwick Road and it is considered that such a positive contribution to the public realm would outweigh this shortfall. In addition the 2 houses shown to the Lincoln Road frontage fall short of minimum garden sizes. It is recognised that these plots are constrained and share a rear right of way / access with the adjoining parade of commercial and as such these houses' contribution to the Lincoln Road built frontage outweigh the garden size shortfalls.
- 6.14. The findings of a noise survey on the site contained within the submitted Noise Impact Assessment identifies that Warwick Road was the main source of noise by a considerable margin with some intermittent noise from children from the nursery at 1322 Warwick Road. The noise climate of the site was mostly stable as there was continuous traffic noise. The report concludes that almost all of the site is exposed to noise levels which would require some mitigation measures. With regard to the indicative layout, the block of apartments fronting Warwick Road would provide some screening to the properties behind and a further assessment is required once the final layout is known to confirm the necessary levels of mitigation. Regulatory Services raise no objection subject to conditions including a noise assessment to determine the correct levels of mitigation.

6.15. Highway Safety:

- 6.16. The proposed changes to the Warwick Road/Gospel Lane gyratory are a result of pre-application discussions over an extensive period of time involving Transportation Development Officers. A Transport Assessment has been submitted in support of the application. This includes details of an options appraisal for the optimum location for the proposed means of access to the site. The appraised arrangements included:
- Main point of access via Lincoln Road;
 - In via Lincoln Road and Out via Warwick Road; and
 - Main point of access via Warwick Road.
- 6.17. The TA highlights that any main point of access from Lincoln Road was discounted following a modelling process, which revealed significant queuing along Lincoln Road. The queues were not associated with the development access off Lincoln Road but a result of difficulty encountered by motorists existing onto Warwick Road via a poor junction layout. The TA concludes that vehicles would be unable to exit the proposed residential development due to the length of the queues on Lincoln Road.
- 6.18. The TA also identifies that an 'in-only' access from Lincoln Road was discarded due to legal issues covering the existing arrangement which allows the day nursery on Warwick Road the facility to enable drop-off /pick-up of children on the land to the rear. The assessment also revealed safety issues resulting from reduced road width and parked cars.
- 6.19. The TA explains that it was determined that the optimum access location should be from Warwick Road. Site visits were undertaken including representative from the applicant's highway consultant and Transportation Development Officers to consider access arrangements and limit the weaving conflicts on Warwick Road. Furthermore, a Stage 1 Road Safety Audit (RSA1) was undertaken, the findings of which have been considered in the final access arrangement. These works include the changes to existing kerb lines to provide a dedicated 'waiting area' (approximately 10m in depth) for traffic wishing to cross Warwick Road from Gospel Lane. This would not obstruct traffic turning north or south onto Warwick Road from Gospel Lane.
- 6.20. The TA also includes details of the trip generation rates for the proposed development using the TRICS database. This anticipates that for a worst case scenario a total of 31 vehicles in the AM peak would be generated with 9 vehicles arriving, and 21 vehicles departing. During the PM peak, 36 vehicles would be generated, with 22 vehicles arriving and 15 vehicles departing. The TA also notes that the trip generation was produced for 60 dwellings, whereby the proposal is for up to 48 dwellings. Regarding traffic impact of the development, the TA concludes that the impact on the A41 gyratory in terms of queuing, delays and journey times, is marginal and in some instances provide benefit to operational performance of the junction. Furthermore, the residual cumulative impact of the proposal cannot be considered severe and would not materially affect the existing highway network.
- 6.21. Details have also been submitted showing that the indicative layout can accommodate the current refuse vehicle in operation in Birmingham as well as a Fire Service Vehicle.

- 6.22. The indicative layout illustrates that the parking provision would be provided in a variety of manners. This takes the form of rear courtyard parking as well as frontage parking and unallocated on-street parking bays, providing a total provision of 173%, which is considered an appropriate provision for the number of type of properties shown on the indicative layout.
- 6.23. Transportation Development considers that the proposed access arrangements are satisfactory for up to 48 units subject to the agreed scheme of modifications to the gyratory being delivered. They acknowledge that there are on-going operational issues relating to the design and operation of the gyratory, and the modifications represent a cost-effective solution to the most significant impact of the development. This impact being the potential for vehicles approaching either from Olton Boulevard or Gospel Lane, carrying out lane merging manoeuvres followed by sudden braking and turning left into the application site. The proposed modification would address this by creating a defined storage/waiting space for a vehicle entering the application site whilst giving way to southbound traffic travelling along the Warwick Road. Vehicles travelling southbound on the Warwick Road would turn left into the application site. Transportation Development raise no objection to the planning application subject to conditions, which are attached to the recommendation.
- 6.24. **S106 Contributions:**
- 6.25. The application is required to deliver planning gain in relation to affordable housing as well as public open space and play facilities. Policy contained within 'Affordable Housing' SPG seeks a minimum 35% provision. The applicant has advised that the proposal would be policy compliant and this would be secured by means of a S106 Legal Agreement.
- 6.26. 'Public open space in new residential development' SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Such circumstances include new development being in close proximity to existing public open space or it may not be practicable to provide on-site. Due to the proximity of Fox Hollies Park, some 550m to the south west, as well as the relatively constrained nature of the 0.87ha site it is considered that an off-site financial contribution would be appropriate in this case. Fox Hollies Park is the largest area of public open space in this part of the City with facilities and attractions that have a large catchment. Leisure Services raise no objection to the application and support this approach. Again, this financial contribution would be secured by means of a S106 Legal Agreement in accordance with formula contained within the SPD.
- 6.27. It is noted that Education has advised that a financial contribution should be secured towards education facilities. Whilst no figure has been given, contribution towards education facilities is now raised from Community Infrastructure Levy (CIL) liable developments. The proposal is a non CIL liable development and as such does not attract a CIL contribution.
- 6.28. **Other Matters:**
- 6.29. An Extended Phase 1 Habitat Assessment and Bat Scoping survey has been submitted in support of the application, which concludes that the site and surrounding area to be of low value for commuting and foraging bats. Furthermore, shrubs and trees have the potential to support nesting birds, whilst no evidence was found of Great Crested Newts, Invertebrates or Reptiles and the site lacks potential

to support these species. Regarding biodiversity enhancements, it is suggested that the scheme incorporates additional tree and shrub planting, grassland, bird and bat boxes and log piles. The City Ecologist raises no objection and recommends a condition relating to ecological enhancements.

- 6.30. The accompanying Sustainable Drainage Statement states that currently it is not known whether infiltration would be suitable for surface water disposal. If not possible, the on-site surface water drainage system could connect to the existing surface water sewer subject to suitable attenuation and storage, including permeable paving, a bio retention rain garden in the central green space and tree pits. Surface water would be discharged into a cellular storage system which would be discharged into the existing surface water public sewer located on Lincoln Road. The Lead Local Flooding Authority raises no objection subject to suitable conditions.
- 6.31. Matters relating to any covenant that may be on part of the site as well as ownership and private right of ways are ultimately non-planning related matters that have no bearing on the determination of this application. However, the issue of ownership has been raised with the applicant's agent who has advised that the application site reflects the land registry boundary plan.
- 6.32. With regard to reference to human rights, it should be noted that the rights of the objectors need to be balanced with the rights of the applicant. This consideration is in essence an extension of the planning balancing exercise which already forms the heart of the UK planning system's approach to decision-making.

7. Conclusion

- 7.1. The proposed residential redevelopment of this non-conforming and vacant industrial site within a sustainable location represents an appropriate alternative use. The proposed means of access, most notably the alterations to the gyratory which has been subject to a Stage 1 Road Safety Audit, would enable a main means of access from Warwick Road that would not detract from highway safety and, in certain circumstances, improve the operation of the gyratory. The application has also demonstrated that a good house type mix of up to 48 dwellings could be accommodated on the site in a manner that would improve the character and quality of the area, provide appropriate parking within the site as well as safeguard existing neighbour amenity and also provide an appropriate level of amenity for future occupiers. The scheme is also policy compliant in terms of affordable housing provision and a financial contribution towards Public Open Space and Play Equipment at the nearby Fox Hollies Park.

8. Recommendation

- 8.1. Approve subject to a Section 106 Legal Agreement
- 8.2. I. That application 2016/07099/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:
 - a) 35% of dwellinghouses on the site being 15% affordable / social rent, 10% shared ownership and the remaining 10% being allocated for low cost.
 - b) A financial contribution (index-linked to construction costs from the date of the committee resolution to the date on which payments are made) calculated using Appendix B of 'Public Open Space in New Residential Development' SPD to be spent towards the provision, improvement and / or maintenance of public open

space and play facilities at Fox Hollies Park, to be paid prior to first occupation of the housing.

- c) Payment of a monitoring and administration fee of £1,500 associated with the legal agreement. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 17th November 2016 planning permission be REFUSED for the following reason;

- a) In the absence of any suitable legal agreement to secure the provision of on-site affordable housing the proposal conflicts with Paragraph 5.37 A-G of the Birmingham UDP 2005, TP30 of the Draft Birmingham Development Plan 2031 and the National Planning Policy Framework (2012).
- b) In the absence of any suitable legal agreement to secure a financial contribution towards off-site public open space the proposal conflicts with 3.53B of the Birmingham Unitary Development Plan 2005, Public Open Space in New Residential Development SPD, Policy TP9 of the Draft Birmingham Development Plan 2031 and the National Planning Policy Framework (2012).

III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 17th November 2016, favourable consideration be given to Application Number 2016/07099/PA, subject to the conditions listed below;

-
- | | |
|----|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 5 | Requires the prior submission of a scheme of foul and surface water flows |
| 6 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Secures noise and vibration levels for habitable rooms |
| 8 | Requires the prior submission of boundary treatment details |
| 9 | Requires the prior submission of a lighting scheme |
| 10 | Requires the prior submission of level details |
| 11 | Requires the prior submission of sample materials |
-

-
- 12 Provision of designated electric vehicle charging points
 - 13 Requires the prior submission of an Arboricultural Method Statement
 - 14 Requires the prior submission of a construction method statement/management plan
 - 15 Requires the prior approval of details to prevent mud on the highway
 - 16 Requires the prior approval of the siting/design of the access
 - 17 Requires the prior submission of details of pavement boundary
 - 18 Requires vehicular visibility splays to be provided
 - 19 Requires pedestrian visibility splays to be provided
 - 20 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 21 Limits the maximum number of residential units to 48
 - 22 Limits the layout plans to being indicative only
 - 23 Requires the scheme to be in accordance with the listed approved plans
 - 24 Requires the submission of reserved matter details following an outline approval
 - 25 Limits the maximum density
 - 26 Limits the approval to 3 years (outline)
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Warwick Road frontage



Figure 2 – Warwick Road / Gospel Lane Gyratory

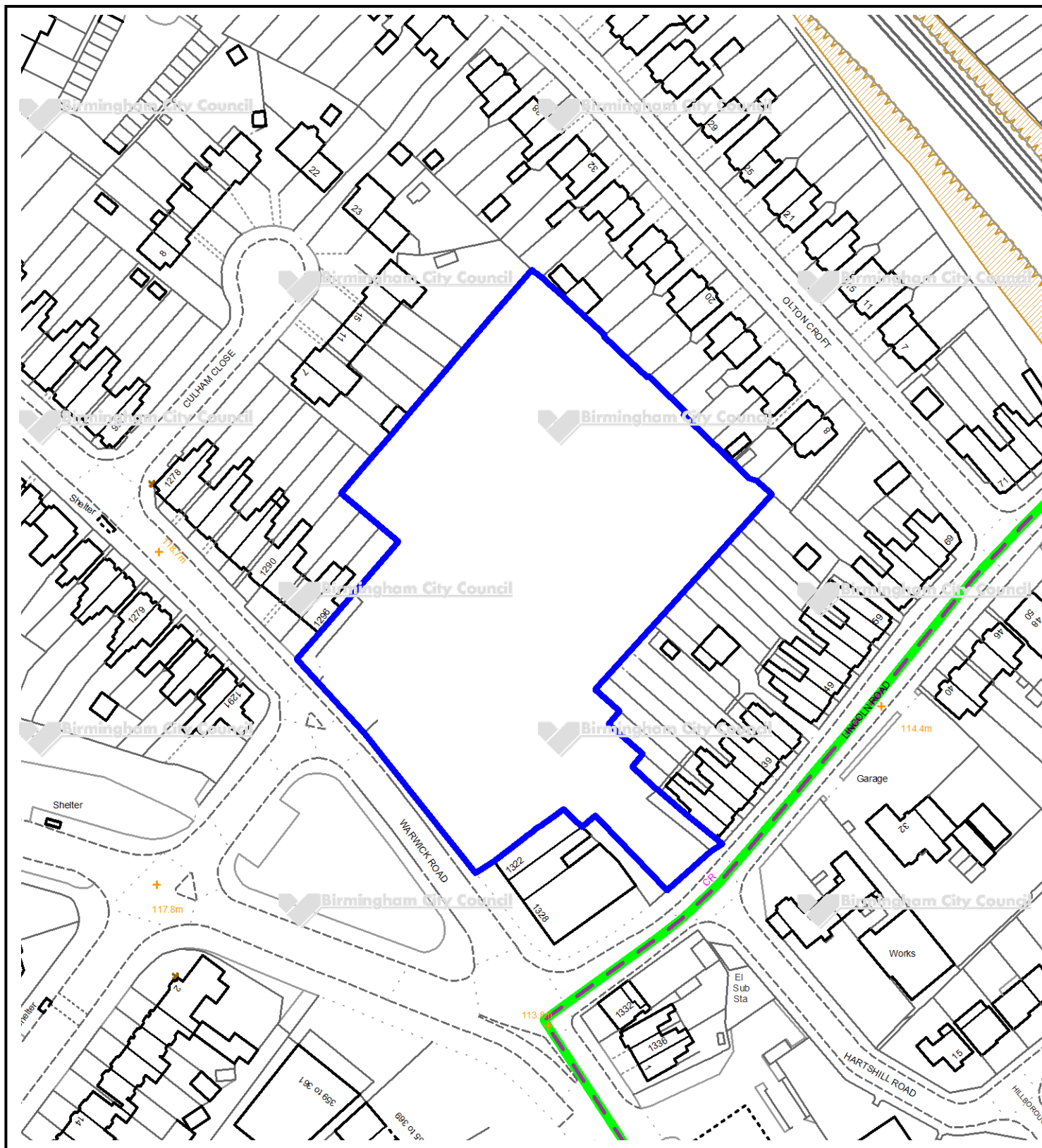


Figure 3 – Lincoln Road frontage



Figure 4 – Site's rear boundary with Olton Croft

Location Plan



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Committee Date:	10/11/2016	Application Number:	2016/08031/PA
Accepted:	23/09/2016	Application Type:	Full Planning
Target Date:	18/11/2016		
Ward:	Stechford and Yardley North		

152 Church Road, Yardley, Birmingham, B25 8UT

Change Of Use from retail (Use Class A1) at ground floor and flat (Use Class C3) at first floor to hot food takeaway and restaurant (Use Class A5/A3) at ground and first floor and installation of extraction flue to front.

Applicant:	Mr Narshad Loan
	152, Church Road, Yardley, Birmingham, B25 8UT
Agent:	Planning, Design & Build Ltd
	864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application seeks consent for the change of use from a retail shop (Use Class A1) to a hot food takeaway (Use Class A5) at ground floor level with the conversion of a one bedroom apartment at first floor level to a restaurant (Use Class A3).
- 1.2. The internal floor plans show a shop floor area with a serving counter, rear food preparation and storage area to the rear along with a W/C and waste recycling facility at ground floor level. The total floor area would be approximately 166sq.m (6m width x 15m depth maximum).
- 1.3. The proposed restaurant at first floor level would be accessed internally via a staircase from the ground floor shop floor area and would provide a seating area for 50 covers and male and female/disabled toilets to the rear.
- 1.4. The proposed use would seek to operate between the hours of 08:00 to 23:00 hours daily with two full-time employees and two part time employees employed at the site.
- 1.5. The submitted Planning Statement states the proposal would provide a home delivery service via telephone and online ordering to all customers within the immediate area.
- 1.6. The applicant has not submitted any existing or proposed parking details.
- 1.7. Whilst the applicant has indicated that the provision of an extraction system is proposed, no details related to extraction and odour control have been submitted.
- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a three-storey end property which has operated as a retail unit on the ground floor (Use Class A1) with a one bedroom apartment at first floor level (Use Class C3) and an office at second floor (Use Class B1a).
- 2.2. The access arrangement to the existing first floor flat is from the front of the property from the Church Road frontage. Parking of vehicles is prohibited by a Traffic Regulation Order which restricts parking on double yellow lines other than in prescribed parking bays along the Church Road frontage which limits parking between the hours of 07:45 to 18:45 to 1 hour only with no return within 1 hour.
- 2.3. The application premises are located within a parade of 13 no. units, with a variety of uses, from the application site (an A1 retail use) at the north east end of the parade at the junction with Croft Road to a hair salon (Use Class A1) at the south west end of the parade at the junction of Yew Tree Lane.
- 2.4. The surrounding area is mixed with both commercial and residential activities undertaken along Church Road. The application site is located within the Primary Shopping Area of the Yew Tree Neighbourhood Centre as defined within Birmingham City Council's Shopping and Local Centres SPD and forms part of a centre that stretches along Hob Moor Road and Stoney Lane to the west of the application site and Yew Tree Lane and Church Road to the south west of the application site.
- 2.5. The nearest school to the application site is Yardley Primary School which is situated on Church Road within 400m of the application site in a southerly direction, and is located outside the Yew Tree Neighbourhood Centre.
- 2.6. [Site location](#)

3. Planning History

- 3.1. 2003/05865/PA: Change of use from retail (A1) to hot food take-away (A3): Refused: 04/11/2003. Reasons for refusal:
 - The car parking facilities are inadequate.
 - The proposal would cause harm to the amenities of the occupiers of dwellings in the vicinity by reason of noise and disturbance associated with the comings and goings of customers in the late evening.
- 3.2. 2003/07421/PA: Resubmission of (C/05865/03/FUL) a previous refusal for hot food takeaway and home delivery service: Refused: 17/01/2004. Reasons for refusal:
 - The car parking facilities are inadequate.
 - The proposal would cause harm to the amenities of the occupiers of dwellings in the vicinity by reason of noise and disturbance associated with the comings and goings of customers in the late evening.

4. Consultation/PP Responses

- 4.1. Adjoining neighbours, Neighbourhood Forum and Ward Councillors have been consulted with the following responses received.

4.2. 22 no. letters of objection from local residents/business owners on the following points;

- There is already a high level of hot and cold food takeaway outlets in the area.
- The proposal's late opening times and location too close to residential dwellings and businesses and will cause major odour, litter, noise, waste disturbance and anti- social behaviour (lack of CCTV cameras) issues that affect local residents and businesses.
- There are already existing inconsiderate parking and congestion issues which will intensify during deliveries and due to the proposal being sited on a busy corner, limited parking during daytime and evening and no additional parking is proposed.
- The first floor restaurant's seating area will present overlooking/loss of privacy issues.
- The proposed A5 use would reduce the retail offering in the area.
- Existing vermin problems in the locality likely to be exacerbated by the proposed hot food takeaway use.
- The premises are highly unsuitable for such a venture.

4.3. Yardley Neighbourhood Forum objected on the following grounds:

- There is already a high level of hot and cold food takeaway outlets in the area.
- Increased parking and congestion problems due to limited parking in the surrounding area.
- Odour and waste disposal issues

4.4. Councillor Neil Eustace objected on the following grounds:

- Noise and disturbance to residents on Church Road, Croft Road and Newcroft Grove.
- Customer cars parked in these roads will cause more late night disturbance.
- Loss of a retail outlet.
- Yew Tree shopping centre has too many restaurants and takeaways.
- Odour

4.5. Transportation Development – Reservations regarding the hot food take away use and if minded to approve suggest a temporary consent for this element.

4.6. Regulatory Services – No objection, subject to the suggested conditions relating to;

- extraction/odour infrastructure
- noise insulation scheme and
- Hours of opening restricted between hours of 08:00 – 23:00

4.8 West Midlands Police – No objection

5. Policy Context

5.1. National Planning Policy Framework (2012), Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2013), Supplementary Planning Document for Shopping and Local Centres (2012), Supplementary Planning Document on Car Parking Guidelines (2012).

6. Planning Considerations

Principle of Development

- 6.1. The 'Shopping and Local Centre' SPD defines existing Local Centres within Birmingham. The site falls within the Primary Shopping Area of the Yew Tree Neighbourhood Centre. The surrounding area is mixed use in character. Consequently, I consider that the proposed use at this location is acceptable in principle.
- 6.2. Policy 1 within the Shopping and Local Centres SPD states that at least 55% of all ground floor units within the primary shopping area of a Neighbourhood Centre should be retained as A1 retail use. These uses include A1 to A5 in addition to Sui Generis, D1 and D2 uses. The most recent survey of the centre (June 2016) identifies that 63% of existing A1 retail uses exist within the primary shopping area of this centre. The proposal would reduce this to 61% and not result in a fall below the 55% threshold.
- 6.3. Policy 4, of the 'Shopping and Local Centre' SPD, seeks no more than 10% of units within the centre or frontage shall consist of hot food takeaways (use class A5) in order to avoid an over concentration of units with an A5 use class. At present there are 6.66% of A5 units within the Yew Tree Neighbourhood Centre and the proposal would increase this to 8%, thus not exceeding the 10% threshold for the overall Neighbourhood Centre. Regarding the extent of the frontage the application site falls within, in this case the frontage runs from 152 Church Road to 180 Yew Tree Lane, which consists of 13 units including no existing hot food takeaways (Use Class A5). The proposal would introduce an A5 presence on the frontage at 7.69% which is considered acceptable and in accordance with Policy 1 and 4 of the 'Shopping and Local Centres' SPD.
- 6.4. It is noted that the previous refusals for a hot food takeaway at the premises were refused prior to the currently adopted Shopping and Local Centres SPD. It should also be noted that the proposal is for a mixed A3/A5 use with the restaurant at first floor and the takeaway at ground floor level.

Residential and Visual Amenity.

- 6.5. The proposed uses would be located within a designated neighbourhood centre whereby a variety of retail, commercial and service uses along with residential uses are located. Whilst the application premises are located in close proximity to residential properties, it is within a designated centre where such uses are appropriate in principle. Furthermore, it is recognised that the proposal would attract comings and goings, including in the evenings, but it is considered that the nature of proposal within this busy local centre context would be acceptable.
- 6.6. A number of concerns have been raised by local residents regarding the provision of the A5 use at ground floor level specifically related to the litter, odour, noise, anti-social behaviour and vermin issues. Whilst it is acknowledged that the proposal would have the ability to generate litter from customers frequenting the business, there are existing litter bins along the frontage. The issues of vermin problems are also mentioned and refuse waste facilities could also be secured via planning condition and poor hygiene practices of the proposal (and those elsewhere in the locality) could be managed under separate legislation.

- 6.7. Regulatory Services have raised no objections to the proposal but have requested a number of planning conditions seeking the provision of details for extraction and ventilation and their implementation and the provision and implementation of a noise insulation scheme to the first floor residential accommodation of the neighbouring unit.
- 6.8. I concur with Regulatory Services viewpoint and consider that subject to the imposition of necessary planning conditions 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. The applicant has not indicated that any external changes to the front elevation would occur. However, they have indicated that an external extraction system would be installed which would be visible when placed externally upon the building. However, a condition requiring further technical and design details' regarding the proposed extraction system is recommended that would ensure that a suitable system is implemented.
- 6.9. Concerns have been raised by local residents on Church Road that customers seated within the proposed first floor restaurant would provide new opportunities for overlooking which would result in loss of privacy and overlooking onto adjacent residential properties. However, the proposed restaurant window would be positioned in the original space of the existing first floor residential accommodation to the front of the site and would be located more than 21m from neighbouring residential ground and first floor windows. Given the distance involved it is considered that the proposal would not result in levels of overlooking and loss of privacy that would adversely impact upon nearby resident's enjoyment of their property. The proposal would also provide natural surveillance and security to this part of the Neighbourhood Centre.

Highway Safety.

- 6.10. Transportation Development have reservations regarding the hot food takeaway element and that operational car parking demand associated with this is generally expected to be high and concentrated within the network PM peak. Furthermore Transportation Development consider that the customers of the take away element would be very likely to disregard the restrictions and park in hazardous positions for short periods in order to collect take away meals. In addition, they consider that the location of the premises is such that the use would lead to regular breaches of the parking restrictions to the detriment of highway safety. However if minded to approve, they recommend that the take away element is given a 1 year temporary approval.
- 6.11. Concerns have been raised by local residents regarding the lack of parking provision for customers of the A5 use. However, the proposal is located within a designated neighbourhood centre and a sustainable location which offers a variety of services within walking distance along with a variety of bus routes. Whilst the frontage offers no parking provision for users of the A5 use, there is on-street parking available to the opposite side of Church Road as well as side streets, though it is recognised that demand for these is high.
- 6.12. It is noted that both planning applications 2003/05865/PA and 2003/07421/PA were refused for inadequate car parking facilities and harm to the amenities of occupiers of dwellings in the vicinity of the site by reason of noise and disturbance associated with the comings and goings of customers in the late evening. As noted above, there are sufficient levels of parking in the vicinity of the site with a variety of car parks within walking distance to the unit and the site is situated within a sustainable

Neighbourhood Centre location, well serviced by public transport with both pedestrian crossings and parking facilities.

- 6.13. Within the context of current planning policy relating to designated local centres and A3 and A5 uses, it is considered that the proposal could not sustain a reason for an outright refusal. However, in light of Transportation Development's concerns detailed above it is considered reasonable to apply a 1 year temporary consent in relation to the takeaway element only.

7. Conclusion

- 7.1. The NPPF, adopted UDP and Shopping and Local Centres SPD seeks to prevent an over concentration of takeaways within both a retail frontage and district centre.
- 7.2. The proposed hot food takeaway would not exceed the maximum allowance of 10% for hot food takeaways within a centre or frontage, and as such would not adversely affect the vitality and viability of this neighbourhood centre. Furthermore the proposal would have no adverse impact on neighbour amenity or highway safety and as such is in accordance with relevant policy and guidance and planning permission should be granted.
- 7.3. Transportation Development's concerns relating to short term inappropriate parking associated with the takeaway element are acknowledged, but in light of its sustainable location within a designated centre with good public transport links and car parking, it is considered reasonable to apply a temporary 1 year temporary consent to this particular element only to allow its impact to be assessed.

8. Recommendation

- 8.1. Approve subject to conditions.

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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the hours of use between the hours of 08:00-23:00 |
| 3 | Requires the prior submission of extraction and odour control details |
| 4 | Requires the prior submission of noise insulation |
| 5 | Limits the approval to 3 years (Full) |
| 6 | Requires the takeaway use to discontinue on or before 18/11/17 |
-

Case Officer: Harjap Rajwanshi

Photo(s)

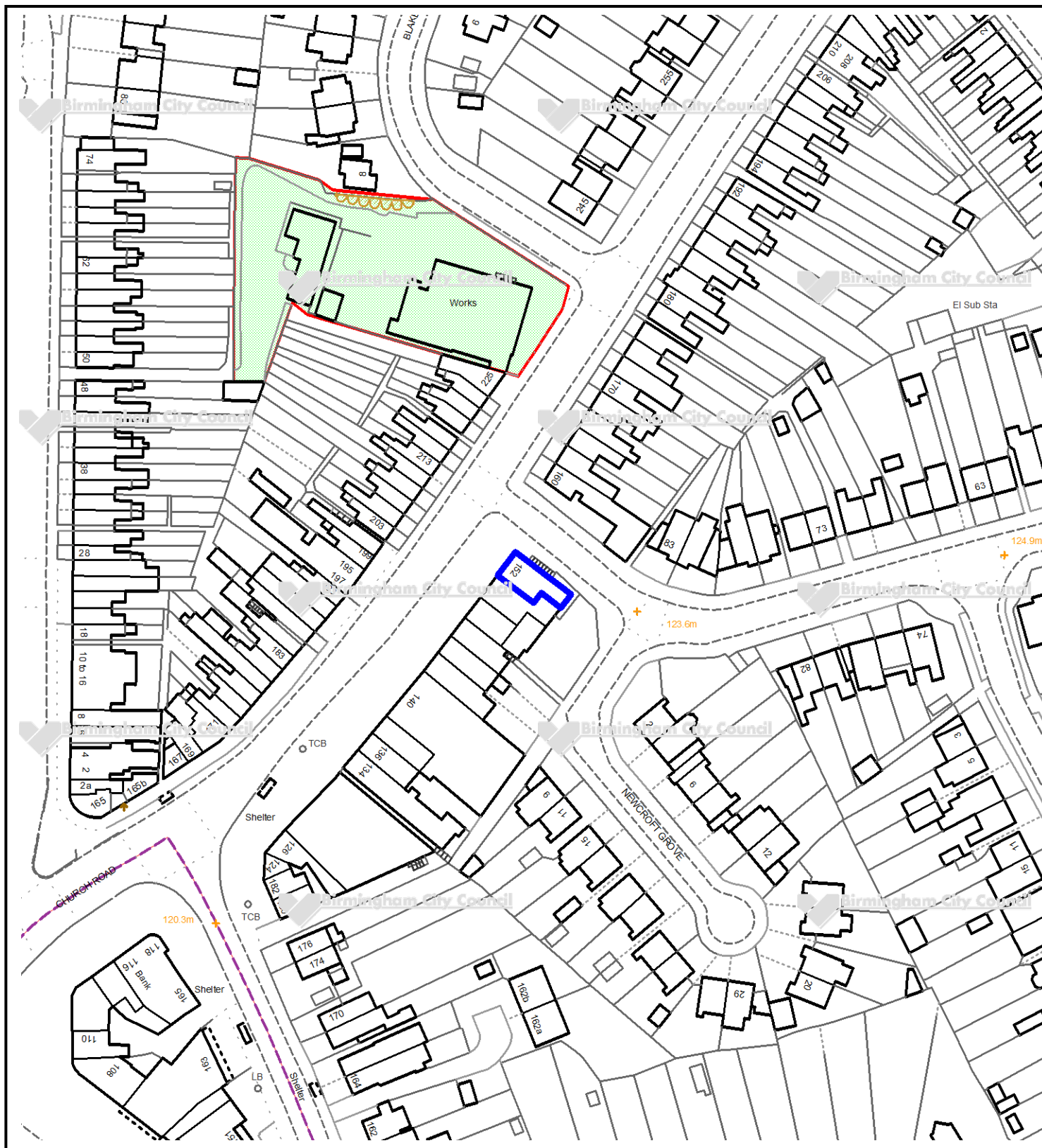


Fig 1 – Front Elevation of Property.



Fig 2- Immediate Frontage along Church Road

Location Plan



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Committee Date:	10/11/2016	Application Number:	2016/07194/PA
Accepted:	24/08/2016	Application Type:	Variation of Condition
Target Date:	23/11/2016		
Ward:	Hodge Hill		

Bromford Lane/Bromford Road, Bromford PH and vacant site, Washwood Heath, Birmingham, B8 2SD

Variation of Condition numbers 1(Land contamination), 2 (Verification Report), 4(Noise insulation), 8(Landscaping), 9 (Hard surfacing), 10 (Boundary treatment), 11 (Lighting), 12 (Ecological/ biodiversity), 13 ((Bird/ bat boxes), 14 (Sample materials), 16 (Levels), 23 (Approve plans), 28 (Parking Management Strategy), 29 (Means of access) and 32 (Residential travel plan) attached to Planning Approval 2014/02025/PA to allow phasing of development and amend house types and plot sizes.

Applicant:	Harker Homes 3 Hagley Court North, The Waterfront, Dudley, DY5 1XF
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS, United Kingdom

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Planning consent is sought for the variation of conditions to enable the development to proceed in two separate phases. In addition, the applicant seeks material minor amendments to house type and plot sizes.
- 1.2. The proposed amendment is sought as the entire site would be developed by two separate owners – Upward (Property Estates) Ltd., who are currently developing the former Bromford Inn site for affordable assisted living units and commercial hub/ uses and Harker Homes would take ownership of the former Palmers Croft site, which relates to 21 residential dwelling houses, which has not yet been implemented. The two phase conditions are required as the current consent relates to the whole site and it is not possible to meet the requirements of those conditions or the S.106 Agreement as it currently stands.
- 1.3. The supporting statement confirms the following conditions would be phased without changing their requirements or substance:
 - Condition 1 – Land contamination and remediation scheme.
 - Condition 2 – Land contamination verification report
 - Condition 4 – Noise insulation scheme

- Condition 8 – Hard and/ or soft landscape
- Condition 9 – Hard surfacing materials
- Condition 10 – Boundary treatment
- Condition 11 – Lighting scheme
- Condition 12 – Ecological/ biodiversity/ enhancement measures
- Condition 13 – Bird/ bat boxes
- Condition 14 – Sample materials
- Condition 16 – Site levels
- Condition 24 – Construction method statement/ management plan
- Condition 28 – Siting/ design of the means of access

1.4. With regards to material minor amendments, the following housing types and plot sizes would be varied are as follows:

- Increase from 2 bed to 3 bed dwelling houses for Plots 17-20 [Type F]. The floor area would be increased to 82 sq. metres for each of the units (68 sq. metres was previously approved). These changes are required following a review of approved house types and to meet the needs of the housing market within this part of Birmingham.
- Increases or decreases in private amenity areas:
 - The proposed private amenity area would range from 50.4 to 58 sq. metres sq. metres for Plots 10, 14 & 15 [two-bed dwellings] (the previously approved range was 52-58 sq. metres).
 - The private amenity area would be increased (and range from 68 sq. metres to 157 sq. metres) for Plots 2, 3, 6, 7, 9, 12, 13, 17, 18 & 19 [three-bed dwellings] (the previously approved range was from 54 sq. metres to 186 sq. metres).
 - The size of Plot 20 would increase from a two-bed to three-bed dwelling and continue to provide a private amenity area of 61 sq. metres. There would be no change to the private amenity for Plot 21 [three-bed dwelling], where private amenity of 54 sq. metres would remain.
 - The proposed private amenity area would range from 70 sq. metres to 116 sq. metres for Plots 1, 4, 5, 8, 11 and 16 [four bed dwellings] (the previously approved range was from 70 sq. metres to 110 sq. metres).

[Link to Documents](#)

2. Site & Surroundings

2.1. The application site is approximately 1.11ha and is situated at the junction of Bromford Lane, Bromford Road and Farnhurst Road. The application site comprises two sites previously amalgamated including the former Bromford Inn to the west, where consent has been implemented and the building is under construction for commercial use with affordable assisted living units. The former Palmers Croft care home site to the north and east has been cleared and is relatively level and is currently used for contractor parking and storage of materials. Currently, there are access points off Bromford Lane, Farnhurst Road and Bromford Road. The site is covered by a TPO and the mature trees are predominantly located along adjoining boundaries to residential dwellings or Bromford Lane.

2.2. The surrounding area is a mix of commercial and residential uses. Bromford Lane to the west is a major transport corridor and to the opposite side are predominantly

commercial uses, and beyond the former cleared LDV site and proposed site of the HS2 maintenance depot. To the north are inter-war two-storey houses facing Bromford Road and an area of public open space, and beyond that lies the River Tame, an industrial estate, the West Coast Main Line and an elevated section of the M6. To the east are inter-war two-storey houses lining Farnhurst Road and a number of 1960s bungalows facing Bromford Road. To the south, facing Bromford Lane is a small parade of commercial units and beyond that a modern 3-storey care home and the vacant and cleared former Amber Windows site.

[Site Map](#)

3. Planning History

- 3.1. 07/06/07 – 2006/03962/PA - Redevelopment of former Bowling Green and surrounding land with construction of 3 storey residential care home with 50 bedrooms, 18 residential flats in 3 storey block and associated vehicle access and car parking. Approved subject to conditions.
- 3.2. 16/09/2014 - 2014/02025/PA - Demolition of existing public house and construction of 69 dwellings comprising 20 houses and 49 apartments (including 37 units assisted living / sheltered accommodation), with 2 no retail units (Use Class A1), 1 no clinic health centre, veterinary surgery, creche or day nursery (Use Class D1) and community hub (Use Class D1/D2) with car parking and amenity space – Approved subject to conditions and S.106 Agreement.
- 3.3. 20/01/2015 - 2014/09459/PA - Non material amendment to approval 2014/02025/PA for the erection of one additional dwelling house – Approved.
- 3.4. 13/07/2015 - 2015/02800/PA - Non Material Amendment attached to approval 2014/02025/PA for the properties to Bromford Road moved east to avoid sewer, site access to Farnhurst Road moved west to avoid BT box and trees – Approved

4. Consultation/PP Responses

- 4.1. Site and press notices displayed. Adjoining residents, Ward Councillors and MP consulted - Two responses received from adjoining neighbours, who were unclear to what was being proposed at the site. Further correspondence sent with plans and supporting documents to clarify what the proposed modifications are to the scheme. No further representations have been received on the application.
- 4.2. Transportation Development – No objections.
- 4.3. Natural England – No objections.
- 4.4. Housing Regeneration and Development – No objections.
- 4.5. Regulatory Services – No objections.

5. Policy Context

- 5.1. NPPF (2012); Birmingham UDP (2005); Draft BDP (2013); Places for All SPG (2001); Car Parking Guidelines SPD (2012); Places for All SPG (2001), Places for Living SPG (2001), Affordable Housing SPG, Development Involving Former Public Houses SPG, Public Open Space and New Residential Development SPD, DCLG – Nationally Described Spacing Standards (2015).

6. Planning Considerations

- 6.1. **Background** - Planning consent was previously granted under application ref: 2014/02025/PA for the development of the site for 69 dwellings comprising 20 houses and 49 apartments (including 37 units assisted living / sheltered accommodation), with a number of commercial uses to include retail units, a community hub, health clinic, and veterinary surgery. There have been two non-material amendment applications approved for one additional dwelling and for an amended layout to the Bromford Road frontage in order to avoid utilities, sewer and trees. Part of the development is under construction with scheduled works to complete in 2017 for the affordable assisted living and commercial block on the Bromford Lane frontage. The key considerations for this application are:
- 6.2. **Phased conditions** - The content of the conditions would not be amended and would ensure that information is only required when needed for the two separate phases. The commercial block and affordable assisted living units is under construction with scheduled completion for occupation by February 2017. The remainder of the site (the former Palmers Croft site) has not yet commenced and the phasing would still satisfy the requirements of the original conditions on the approved consent and S.106 Agreement and therefore the deliverability of that residential scheme. Housing Regeneration and Development have raised no objections to the application.
- 6.3. **Impact on residential amenity** – modifications are proposed to increase internal footprint of the units and provide one additional bedroom to 3 bed dwellings on Plots 17-20. All of the bedrooms range from 12.6 sq. metres for first double bedrooms to 10.7 sq. metres with widths of at least 2.55 metres for second double bedrooms, and the overall size of the unit being approximately 82 sq. metres, which would largely comply the minimum standards as laid out within the Nationally Described Spacing Standards. The single-bedroom would be approximately 7 metres, which is slightly below the recommended standards of 7.5 sq. metres. However, the 2.25 metre width of the single-bedroom would exceed the minimum standards and internal layout plans have been provided to demonstrate a single-bed with a wardrobe can be adequately accommodated within the single-bedroom.
- 6.4. The modification to increase or decrease rear private amenity spaces for four bed units (Plot 1, 4, 5, 8, 11 and 16) to ranges between 70 sq. metres and 110 sq. metres would comply with the recommended sizes contained within SPG Places for Living. There would be a shortfall of private amenity area of approximately 9 sq. metres for 1 no. three-bed unit on Plot 20 and 2 sq. metres for the 2 no. two-bed dwellings on Plot 14 & 15. However, these are small in number compared to the overall scheme and the three-bed units and their layouts achieve good urban design principles in relation to perimeter blocks and active frontages.
- 6.5. With regards to separation distances between rear building facades to Plots 11-16 and Plots 17-20, there were shortfalls ranging from 3 to 4 metres on the previous approved consent 2014/02025/PA, which therefore did not meet the numerical guidelines as set out within SPG Places for Living. This current proposal would have similar minor shortfalls ranging 3 to 4 metres between the various plots. However, again these are small in number compared to the overall scheme and their layout achieves wider good urban design. Within the wider scheme, the separation distances would be acceptable as it would continue to exceed the minimum 21 metres standards between existing and proposed dwellings.

6.6. **Impact on design/ character and visual amenity** – The only modification would be to Plots 17-20 [House Type F], where there would be additional two-storey hipped end wings to the rear of the proposed semi-detached dwellings [House F]. The additional two-storey rear wings would be subservient to the proposed dwellings. There would be no modifications to the elevations of these plots on the Bromford Road frontage, which reflects their traditional architectural features including hipped roofs and double height bay windows. Consequently, the proposal is unlikely to undermine the character, appearance or visual amenity of the area.

6.7. **Impact on highway safety and residential amenity** – Transportation Development and Regulatory Services have raised no objections to the proposed variation of conditions to allow phased development, or to proposed modifications to plot and dwelling sizes. All Plots [17-20] front onto Bromford Road and would continue to have 200% parking provision, which would comply with SPD Car Parking Guidelines. There would be no modifications to the internal access road or parking associated to the remainder units within the site. Consequently, the proposal is unlikely to have an adverse impact on highway safety or the amenity of adjoining residential occupiers within the immediate vicinity of the site.

7. Conclusion

7.1. The proposals would enable the development to be delivered in accordance with two phases. The amended conditions would not change the substance of their requirements. The proposed amendments to the approved house type and layout are acceptable and will facilitate the completion of each phase of the development. I therefore recommend that this application is approved and the conditions varied as recommended. A Deed of Variation would be required as set out below to continue to apply the previous Section 106 legal agreement to the current planning application.

8. Recommendation

8.1. Approval subject to the completion of a suitable Deed of Variation to the existing Section 106 Agreement relating to application ref: 2014/02025/PA to enable the development to be carried out in accordance with either 2014/02025/PA or 2016/07194/PA, subject to the existing planning obligations, and subject to the following conditions:

- i. A financial contribution of £1,500 for administration and monitoring to be paid upon completion of the legal agreement.
- ii. That the City Solicitor be authorised to prepare seal and complete the Deed of Variation.

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- | | |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme on a phased basis. |
| 2 | Requires the prior submission of a contaminated land verification report on a phased basis. |
| 3 | Requires the implementation of the Flood Risk Assessment |
| 4 | Requires the prior submission of a scheme of noise insulation for each phase of the development. |
-

5	Limits the noise levels for Plant and Machinery
6	Limits the hours of operation to the commercial and community uses to 0700-2300 hours on any day.
7	Limits delivery time of goods to or from the site associated with the commercial uses to 0800-2200hours on any day
8	Requires the prior submission of hard and/or soft landscape details for each phase of the development.
9	Requires the prior submission of hard surfacing materials for each phase of the development.
10	Requires the prior submission of boundary treatment details for each phase of development.
11	Requires the prior submission of a lighting scheme for each phase of the development
12	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis.
13	Requires the prior submission of details of bird/bat boxes for each phase of the development
14	Requires the prior submission of sample materials for each phase of the development
15	No consent is given for the shopfronts to the commercial/community units.
16	Requires the prior submission of level details for each phase of the development
17	Protects retained trees from removal
18	Requires the implementation of tree protection
19	Requires the prior submission of an arboricultural method statement
20	Prevents the community hub from changing within use classes D1 and D2
21	Prevents the clinic health centre, veterinary surgery, creche or day nursery unit from changing within the use class D1
22	Prevents the assisted living units associated with the community hub from changing within use class C3
23	Requires the scheme to be in accordance with the listed approved plans
24	Requires the prior submission of a construction method statement/management plan for each phase of the development
25	Requires the prior submission of an amended residential cul-de-sac layout
26	Requires the prior submission of amended details of the internal access road alignment

-
- 27 Requires the prior submission of a parking management strategy
 - 28 Requires the prior approval of the siting/design of the access for each phase of the development
 - 29 Requires the dedicated use of access and egress points
 - 30 Requires pedestrian visibility splays to be provided
 - 31 Requires the prior submission of a residential travel plan
 - 32 Requires the prior submission and completion of works for the S278/TRO Agreement
-

Case Officer: Mohammed Akram

Photo(s)

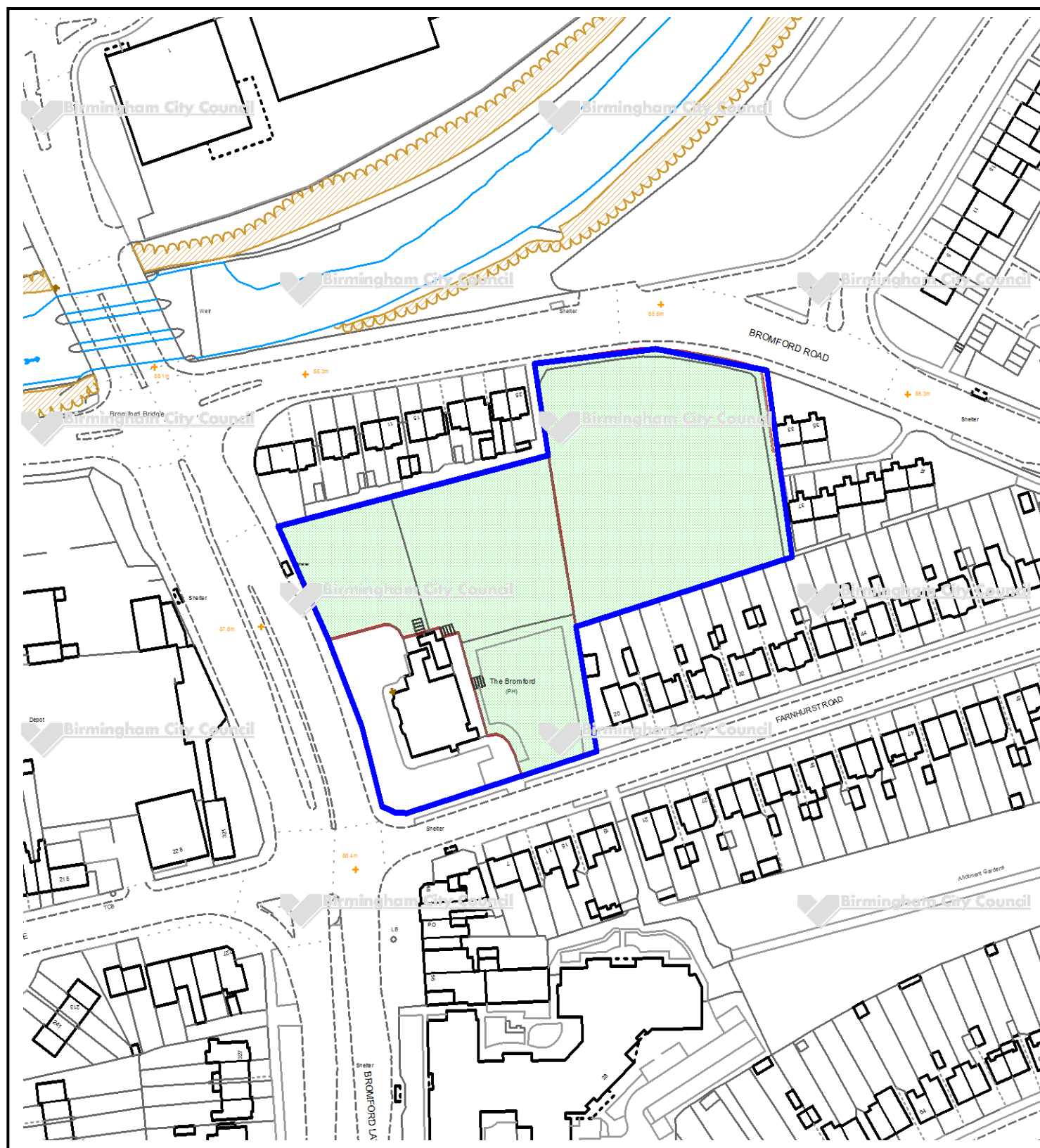


Figure 1: View from Bromford Drive – Former Bromford Inn Site



Figure 2: Former Palmers Croft Site

Location Plan



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Committee Date:	10/11/2016	Application Number:	2016/06867/PA
Accepted:	12/08/2016	Application Type:	Full Planning
Target Date:	11/11/2016		
Ward:	South Yardley		

Fordrough, Webster & Horsfall, South Yardley, Birmingham, B25 8DW

Creation of an automated low carbon refuelling station with support facilities, 2 no. 20m high silent revolution wind turbines and new link road onto Energy Way

Applicant:	Webster & Horsfall
	Fordrough, South Yardley, Birmingham, B25 8DW
Agent:	DACH Planning
	Webster And Horsfall, Hay Mills, Birmingham, B25 8DW,

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This full planning application represents Phase 2 of the redevelopment of the Tyseley Energy Park and consists of a number of elements:

- Creation of a new road entrance off Energy Way to provide direct access from the site onto the A45 Small Heath Highway. The new road would cross the existing Mill Stream and would not only serve Phase 2 but also the recently completed Phase 1 Biomass Power Plant, which currently utilises an existing access off Speedwell Road, as well as the future development of Phases 3 and 4.
- An automated low carbon refuelling station with support facilities that would have the capacity to accommodate up to 500 vehicles per day. There would be seven islands within the forecourt with two dispensers per island. The pumps would be fully automated, self-service operated by means of customer key fob authorisation only, and would be open for use 24 hours a day, seven days a week. It would consist of a number of different low carbon fuels:
 1. Compressed Natural Gas - used primarily by waste collection vehicles and HGVs. An intermediate pressure gas line is located alongside the site adjacent to the grand Union Canal and a new connection would be constructed to supply gas to the new facility. Gas from a natural gas pipeline is compressed using on-site compressors and then dispensed into trucks.
 2. Hydrogen - used by fuel cell electric vehicles (e.g. cars and buses). The proposal includes the construction of a hydrogen generation, storage and vehicle refuelling system.
 3. Biodiesel – made up of predominantly fats, oils and grease and would also include an AdBlue pollution reduction agent / or equivalent.
 4. Liquefied Petroleum Gas (LPG).

5. Electric Charging – to be used by taxis travelling between Birmingham City Centre and Birmingham International Airport by means of rapid chargers. Private charging points are also incorporated. All electricity for the electric charging will come from green energy produced either by the biomass power plant on Phase 1 or solar and wind energy generated within the site.
 - Erection of 2no. 20m high wind turbines adjacent to the heavily vegetated strip to the south of the site that runs parallel to the Grand Union Canal. The turbines would be a vertical axis twin turbine system and would be the first installation of this system in the country. It is claimed that this technology is different to others as it moves without creating noise or shadow flicker. Furthermore, because of the turbines' vertical design it is claimed that it presents less of a collision risk for wildlife.
- 1.2. The following have been submitted in support of the application: Design and Access Statement, Transport Assessment, Archaeological Assessment, Ecological Assessment, Land Contamination Desk Study, Noise Assessment, Air Quality Assessment, Food Risk and Drainage Assessment, and Tree Survey.
- 1.3. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and there is no requirement for an Environmental Assessment.
- 1.4. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site (approx. 2.12ha) refers to part of the south eastern corner of the wider Webster and Horsfall premises. The application site also includes links to the existing gated access off Speedwell Road to the east and a new access road linking to the Energy Way to the northwest. The site as a whole comprises several interconnecting sheds, subsidiary buildings, hard standings and a private watercourse – the mill stream – which flows from the mill pond and runs north east towards and beneath St Cyprians Church before joining the River Cole. It is accessed via the Fordrough and Speedwell Road.
 - 2.2. The site is adjoined to the north by the remainder of the Webster and Horsfall site, including factory buildings, former workers housing on the Fordrough, a former schoolroom and the Grade II listed St Cyprian's Church, which are not affected by the current proposals. Further to the north are industrial premises, a retail park fronting Heybarnes Circus roundabout and an ASDA supermarket. To the east the site is adjoined by Kings Road Industrial Estate and residential properties fronting Speedwell Road. To the south is the Grand Union Canal, beyond which are further industrial premises. To the immediate west is the recently constructed Phase 1 Biomass power plant, and beyond that the River Cole, the existing Tyseley Incinerator and Small Heath Highway.
3. Planning History
 - 3.1. 07/01/2010 – 2009/05541/PA. Outline application with all matters reserved save for access. For the construction of new buildings for uses falling within use classes B1b (research and development), B1c (light industrial process), B2 (general industrial) and B8 (storage and distribution) plus the construction of a new access across Energy Way. Approved.

- 3.2. 01/06/12 – 2012/02976/PA. Demolition of approximately 6,013sq.m of industrial floor space to the south of the site (Phase 1). Prior approval required and approved.
- 3.3. 25/10/12 – 2012/05481/PA. Erection of waste timber resource recovery and combined heat and power biomass plant with associated flue, weighbridge and parking. Approved.
- 3.4. 10/08/16 – 2016/05886/PA. Application for a prior notification for the demolition of former industrial buildings. Prior approval required and approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions relating to the provision of the new link road and service road, no access via Speedwell Road, control vehicle priority and construction management plan.
- 4.2. Regulatory Services – No objection subject to conditions relating to contamination, acoustic barrier and noise assessment relating to the turbines.
- 4.3. Lead Local Flooding Authority – No objection subject to conditions relating to a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan.
- 4.4. Environment Agency – No objection subject to conditions relating to detailed modelling and a remediation strategy.
- 4.5. Severn Trent Water – No objection subject to condition relating to the disposal of foul and surface water flows.
- 4.6. Canal & River Trust – No objection subject to conditions relating to construction management plan and a planting buffer.
- 4.7. Natural England – No objection.
- 4.8. West Midlands Police – No objection.
- 4.9. Neighbouring premises, and local residents groups, Councillors and MP consulted with site and press notices posted. No responses received.

5. Policy Context

- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Places for All SPG, Loss of Industrial Land to Alternative Uses SPD Car Parking Guidelines SPD and the NPPF.

6. Planning Considerations

6.1. **Background:**

- 6.2. The proposed refuelling facility is in response to the initiative being promoted by the Council as set out in the document 'A City Blueprint for Low Carbon Fuel Refuelling Infrastructure'. The document states that:

"Birmingham's Green Commission has committed the city to achieving ambitious carbon reduction targets in the coming decades, as part of a programme of work that aims to make Birmingham a leading green city. The Carbon Roadmap,

launched by the Commission in November 2013, aims to reduce CO₂ emissions by 60% compared to 1990 levels by 2027. Road transport within the city is a priority area for reducing greenhouse gas emissions as well as improving local air quality”.

- 6.3. This Blueprint sets out a strategy for creating a number of depots and charging points across the wider network to accommodate a significant shift by all types of vehicles to electric, hydrogen and gas power. The market for such alternative fuels is evolving and the intention for this particular facility, which is specifically highlighted in the Blueprint, is to provide for early adoption of the strategy. By 2020, it is anticipated that some 240 vehicles on the network would be using these low carbon fuels. It is expected that this number will rise to around 1,000-1,400 vehicles by 2025, with the main focus being on HGVs, buses and taxis.
- 6.4. To meet demand, a new network of refuelling stations will be developed with Hydrogen and Plug-in being available on a local level at 4 or 5 locations, whilst gas stations are proposed at strategic locations including the wider trunk road network. The application site has been specifically identified as meeting all of the locational needs of all the fuel types.
- 6.5. **Policy Context:**
- 6.6. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.7. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.8. The NPPF and the Draft Birmingham Development Plan are material considerations. The Draft Birmingham Development Plan is at an advanced stage and as such holds significant weight. The proposal raises a variety of planning-related matters, these being the loss of industrial land and the provision a low-carbon refuelling station, highway safety, visual amenity and neighbour amenity, which are discussed below.

- 6.9. **Principle – loss of industrial land and provision of a low-carbon refuelling station:**
- 6.10. Within the UDP and ‘Loss of industrial land to alternative uses’ SPD there is a general presumption against the loss of industrial land. The application site is classed as Core Employment Land within the Draft Birmingham Development Plan. The SPD identifies that a number of sui-generis uses, such as waste management processing and treatment facilities, can also be located on industrial land. The SPD recognises that these uses that are suitable to an industrial area are important to the local economy and will be treated on a case-by-case basis. This stance is supported in Policy TP18 of the Draft Birmingham Development Plan.
- 6.11. The NPPF is clear that planning plays an important role in helping to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure.
- 6.12. Policy TP1 of the Draft Birmingham Development Plan reinforces the Council’s commitment to a 60% reduction in total CO2 emission produced in the City by 2027 from 1990 levels. Policy TP5 relating to a low carbon economy supports a number of initiatives including the installation of refuelling recharging stations for electric and hydrogen fuel cell vehicles and hybrid buses.
- 6.13. The application site also falls within the Tyseley Environmental Enterprise District (TEED) which has been identified as a principal location in Birmingham for CO2 reduction as part of a low carbon, low waste economy through encouraging recycling energy production and renewables including manufacturing and supply chain development.
- 6.14. Whilst the proposal sui generis use does not represent a conventional industrial use within this important core employment area, it is considered that it is compatible with the objectives of the TEED as well as the Council’s wider strategies to reduce the City’s carbon footprint. Furthermore, the application site is in a strategically important location, being within a key industrial area of the City and off the main transport corridor between the City Centre and the Airport. As such no objection is raised in principle to the proposed use as it represents an appropriate alternative use of this industrial site.
- 6.15. **Highway Safety:**
- 6.16. A crucial element of this application is the creation of a new link road off Energy Way which currently serves the adjacent Tyseley Energy Recovery Facility. This would give the application site, as well as the already developed Phase 1 and remaining undeveloped phases of the Tyseley Energy Park, direct access to the Small Heath Highway. Tyseley Energy Park, including the application site, currently has access off a gated entrance off Speedwell Road, which is a relatively narrow street with a mix of residential and commercial uses.
- 6.17. The application has been accompanied by a Transport Statement and subsequent addendum. In assessing demand and capacity, it has taken 2025 as a future forecast year for 500 refuels per day. The document identifies in terms of capacity that the 14 dispensers could accommodate around 5-10 vehicles per hour depending on the type of fuel. This would equate to at least 7 vehicles per hour and a peak of around 140 vehicles per hour, which is in excess of the forecast flows with no risk of queuing or other operational issues.

- 6.18. In terms of traffic impact, the Transport Statement has not only analysed the proposed refuelling station, but also Phase 1 and the undeveloped phases of the Tyseley Energy Park using the new link road onto Energy Way. The site lies within an area which has previously obtained, but now expired, planning permission for industrial floorspace up to 15,142sqm and a link road onto Energy Way (2009/05541/PA). It is estimated that the current proposal would replace around 6,500sqm of the total floorspace previously approved.
- 6.19. Regarding existing operations that would use Energy Way, the Tyseley Energy Recover Facility has around 240 HGV per day resulting in a two way flow of around 450-480 HGV movements per day. The majority of outflows are early morning with most vehicles returning to the depot between 1000-1400hours. The Phase 1 Biomass Power Plant generates around 30-40 two way HGV movements today, which is significantly less than the 2009 consent for industrial uses which also included that site. The proposed low-carbon refuelling station is forecast to generate around 1000 movements per day, though this is likely to be substantially lower in the early years. Assuming 10% of movements occur in the peak hours this would generate 50 two way movements an hour. It is estimated that the future phases (3 & 4) of the redevelopment of Tyseley Energy Park have the potential to accommodate some 8,500 sqm of industrial floorspace.
- 6.20. The Transport Statement concludes that the traffic impact of the current proposal would be modest, though in the longer term flows would increase but not dissimilar to the anticipated daily flows of the combined area of Phases 1 and 2 under the 2009 industrial uses consent. The Transport Statement also acknowledges that the implementation of the link road to Energy way would have significant benefits in terms of reduced demand on Speedwell Road.
- 6.21. Transportation Development have assessed the submission and raise no objection subject to a number of conditions, of most note being the refuelling station not being used until the link road to Energy Way is constructed and no access to the refuelling station via Speedwell Road.
- 6.22. **Visual Amenity:**
- 6.23. Within the context of the site's industrial surroundings, including the Phase 1 Biomass Power Plant which has a building and flue measuring 20m and 40m in height respectively, the visual impact of the proposed refuelling station would be minimal. Views from the public realm would be limited and the site would be screened from the Grand Union Canal by a retained and heavily vegetated embankment. The ground level of the proposed refuelling station would be some 3m lower than the canal. The final design of the structures associated with the (e.g. refuelling island, the different fuel compounds, rapid charging points and toilet facilities) are unknown at this stage but due to their small scale and nature it is considered appropriate to cover this by means of a planning condition.
- 6.24. The proposed 20m high wind turbines would be of a vertical design and the first of its kind installed within the UK. In terms of appearance, these turbines are compact with a bulky appearance and have been designed specifically to be accommodated within more built-up environments. At 20m high, it would be similar to the maximum height of the adjoining Phase 1 Biomass Power Plant building and half the height of its flue. Within this industrial backdrop, which also includes the nearby and dominating Tyseley Energy Recover Facility, the location of these turbines is considered acceptable. Furthermore, the turbines would be located close to the

Grand Union Canal and the lower section of the structure would be screened by retained vegetation along this boundary.

6.25. **Neighbour Amenity:**

6.26. The proposed refuelling station would create additional traffic on the site and some of the fuelling equipment would generate a level of noise. The closest noise sensitive properties are the existing houses on the western end of Speedwell Road, adjacent to the site. The submitted Noise Impact Assessment contains the findings from a noise survey and concludes that noise on the site is dominated by the noise emanating from the recycling plant at the Tyseley Energy Recover Facility. Furthermore, during day time, evening and early morning periods there was also a significant level of traffic noise from the A45.

6.27. The application includes a 4m high close boarded timber barrier on the north and east sides of the plant compound, which would screen the equipment for houses on Speedwell Road as well as block a clear view of the new roadway and the refuelling lanes. Furthermore, certain pieces of equipment would also require silencers or effective attenuation to reduce noise levels to an acceptable level.

6.28. Regulatory Services have raised no objection to the proposed refuelling station but requested additional information on noise associated with the wind turbines. In response the applicant has advised that such information is currently not available. There is an operational turbine in Germany, which is due to be tested but the noise assessment has not been completed as it has not yet been subject to high wind condition. The applicant adds that the turbines are really for demonstration purposes and likely to be subject to future funding bids. On this basis it is considered that further noise data from the existing operational turbine in Germany, to be required by planning condition, be provided prior to its installation in order to inform equipment design. The applicant is in agreement with this approach.

6.29. Due to the level of vehicular movements associated with the proposed refuelling station the application has been accompanied by an Air Quality Assessment. This highlights that there are no process emissions to the atmosphere associated with the operation of the facility but only those associated with the vehicles travelling to and from the site. The document demonstrates that there will be significant benefits for local air quality, including annual average NO₂ concentrations where NO_X emissions may be as much as 31% lower with biodiesel powered vehicles and as much as 90% lower for CNG and LPG powered vehicles. There would also be zero emission of pollutants associated with hydrogen and electric vehicles.

6.30. **Other Matters:**

6.31. A Phase 1 Habitat Survey and Bat Survey identified that the habitats present on the site (buildings, scattered trees scrub, tall ruderal and amenity grassland) are collectively typical of urban areas and no species of animals using the site or plants present are likely to be solely dependent on these habitats. There are habitats for nesting birds but no evidence of an active bat roost. The report makes recommendations in relation to habitat enhancements associated with the development and these include bird and bat boxes. The City Ecologist raises no objection subject to conditions relating to an ecological mitigation plan and enhancement measures.

6.32. The City Ecologist has also considered the wind turbines, recognising that they are of a vertical nature rather than of the traditional design with large spinning blades.

Furthermore it is noted that the turbines would be located alongside the Grand Union Canal which provides a commuting and foraging route for bats and birds. Like with the issue of noise discussed above, due to its relatively early stage of development, being a demonstrator and the first of its kind in the country, the City Ecologist has requested post installation monitoring for the first two years to assess if there has been any strikes occurring. This data would be used for information purposes in relation to this as a new technology to the UK. The applicant is happy to oblige with this request and an appropriate planning condition is attached.

- 6.33. The submitted Flood Risk Assessment identifies that there is an extremely low to low risk of flooding exists from the majority of sources. However, a moderate risk has been identified for the flood risk associated fluvial and canal/artificial watercourses. The Environment Agency raise no objection subject to conditions including, amongst others, detailed hydraulic modelling to demonstrate that the new bridge structure will not cause an increase in flood risk to others.
- 6.34. The Drainage Strategy identifies that storage is required to attenuate run-off generated and the proposal also includes the remodelling and reuse of the existing mill pond to attenuate surface water runoff to the site-specific greenfield rate. The Lead Local Flooding Authority raises no objection subject to conditions.
- 6.35. A Desk based archaeology assessment indicates that the site has low potential for prehistoric to medieval remains. Post medieval activity is limited to the construction and expansion of the Webster and Horsfall Wire Works and earlier evidence of activity is likely to have been removed, truncated or obscured by later industrial development. Archaeological deposits may be preserved beneath canal embankments. However, these are unlikely to be disturbed by the development. Therefore it is considered that the proposal would result in negative effects to heritage assets.

7. Conclusion

- 7.1. The proposal represents a suitable alternative use for this industrial site within a core employment land and would make an important contribution to the Council's commitment to reduce the City's carbon footprint, promote low carbon industries and improve air quality. Furthermore, the scheme's impact on visual amenity, neighbour amenity, highway safety, ecology and flood risk is acceptable and as such planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

1	Requires the prior submission of a construction method statement/management plan
2	Requires the prior submission of a contamination remediation scheme
3	Requires the prior submission of a contaminated land verification report
4	Requires the prior submission of a sustainable drainage scheme
5	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan

-
- 6 Requires the prior submission of a scheme for the disposal of foul and surface water flows
 - 7 Requires the prior submission of detailed hydraulic modelling
 - 8 Requires the prior submission of a construction ecological mitigation plan
 - 9 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 10 Requires the submission of post-installation monitoring of any bird / bat strike from the turbines
 - 11 Requires the prior submission of an acoustic barrier
 - 12 Requires the prior submission of a noise assessment for the wind turbines
 - 13 Requires the prior submission of hard and/or soft landscape details
 - 14 Requires the prior submission of boundary treatment details
 - 15 Requires the prior submission of a lighting scheme
 - 16 Requires the prior submission of level details
 - 17 Requires the prior submission of the buildings/structures/plant/compounds
 - 18 Requires the construction of the bridge link and service road off Energy Way
 - 19 Restricts vehicles visiting the refuelling station to use the bridge link and service road off Energy Way
 - 20 Requires the prior submission of measures to control vehicle priority along the site access road and at the entry/exit points to the refuelling station
 - 21 Requires the scheme to be in accordance with the listed approved plans
 - 22 Limits the approval to 3 years (Full)
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – View of Energy Way towards the access point of the new link road



Figure 2 – View of site with the gated Speedwell Road access in the foreground and the Phase 1 Biomass Power Plant in the background

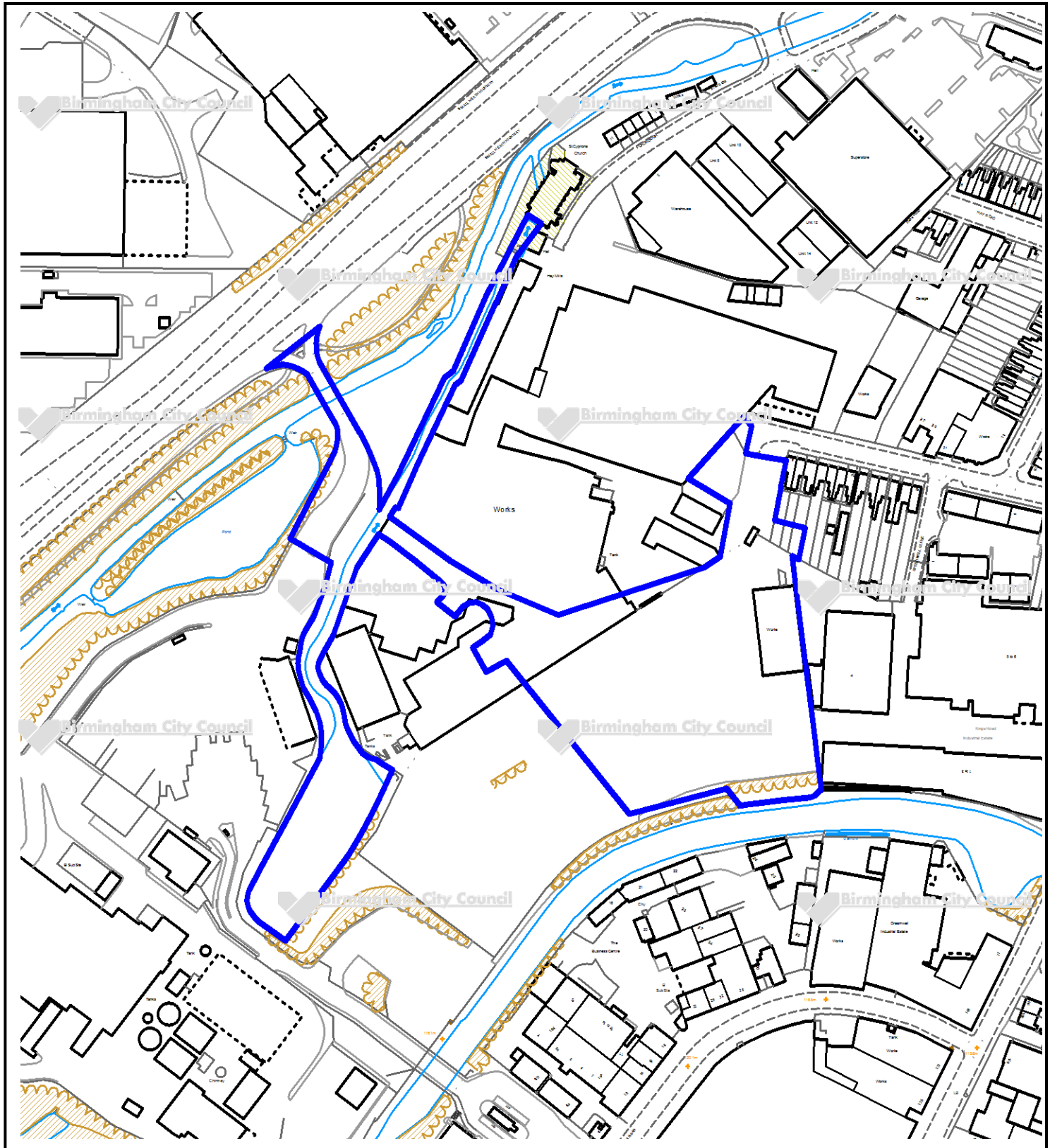


Figure 3 – View along Speedwell Road towards the application site



Figure 4 – View of southern boundary of the site viewed from the Grand Union Canal with the Phase 1 Biomass Power Plant in the background

Location Plan



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Committee Date:	10/11/2016	Application Number:	2016/07232/PA
Accepted:	31/08/2016	Application Type:	Variation of Condition
Target Date:	30/11/2016		
Ward:	Stechford and Yardley North		

Stechford Retail Park, Flaxley Parkway, Stechford, Birmingham, B33 9AN

Application for a variation of condition no. 6 attached to planning permission 2016/02969/PA to amend wording to the minimum unit size where the retailer is predominantly selling food from 1,000sq.m to 900 sq.m

Applicant: ERF Birmingham
c/o The Agent
Agent: Savills (UK) Limited
Belvedere, 12 Booth Street, Manchester, M2 4AW

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Consent is sought to vary condition 6 attached to planning permission 2013/07264/PA, which currently states “ No more than 2,500sqm of the total permitted gross retail floor space may be used for the sale of food goods, and where the retailer is predominantly selling food, the unit size shall be no less than 1,000sqm”. The reasoning for this condition was “In order to control the character of the out-of-centre retail park and to prevent an adverse impact on the vitality of existing shopping centres in accordance with Paragraphs 3.8, 3.10 and 7.27-7.30 of the Birmingham UDP 2005 and the National Planning Policy Framework”. This application seeks to amend the condition to reduce the minimum unit size of a food store from 1000sqm to 900sqm and to read as “No more than 2,500sqm of the total permitted gross retail floorspace may be used for the sale of food goods, and where the retailer is predominantly selling food, the unit size shall be no less than 900sqm”.
- 1.2. This revised wording has actually already been approved under 2016/02969/PA and the matter for consideration under this current application relates to the associated Section 106 Legal Agreement. Currently the planning permission secures £75,000 towards highway improvements in the Stechford and Yardley Ward on the occupation of any unit over 900sqm for the sale of food. The current proposal is to stage the financial contribution in three tranches of £25,000 rather than all payable in one. The following are the proposed revised trigger points for payment:
1. 900sqm to 1,499sqm - £25,000
 2. 1,500sqm to 1,999sqm - £25,000
 3. 2,000sqm or above - £25,000

- 1.3. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and there is no requirement for an Environmental Assessment.
- 1.4. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site comprises of Stechford Retail Park, which is located off Flaxley Parkway at the Station Road / Iron Lane / Flaxley Road junction. The Retail Park comprises of 11 units and provides a total of 9,706 sqm of retail floor space. The retail park is outside of the designated Neighbourhood Centre of Stechford which is located some 200m to the south over a railway bridge.
 - 2.2. The highways adjacent to the retail park's vehicular entrance (Flaxley Road and Iron Lane) are subject to highway improvements, which are due to commence in 2017.
 - 2.3. [Site location](#)
3. Planning History
 - 3.1. 18/04/96 - 1992/03052/PA. Retail warehousing, industrial business units, restaurant, car parking, landscaping and highway works. Approved.
 - 3.2. 27/11/97 - 1997/03183/PA. Reserved matters in respect of siting of buildings, design, external appearance and access in respect of part of the site under Outline Consent 1992/03052/PA for construction of retail warehousing, industrial business units, restaurant, car parking, landscaping and highway works and compliance with conditions 7, 9, 11, 12, 13 and 16 attached to Outline Consent No. 1992/03052/PA. Approved.
 - 3.3. 25/08/06 - 2006/02609/PA. Part removal of condition 36 attached to approval 1992/03052/PA (restricting retail warehousing to non-food only) to allow for up to 279sqm of the total permitted retail floorspace to be for food retail (non-perishable). Approved.
 - 3.4. 28/09/06 - 2006/04265/PA. Erection of two retail warehouse units including mezzanine floors (3505.5sqm / non-food retail)(rebuilding following fire damage). Approved.
 - 3.5. 31/10/06 - 2006/05803/PA. Deletion of condition 10 (minimum of 45% of total area to be retained for industrial purposes and no more than 40% of total area developed for non-food retailing and restaurant from planning permission C/02609/06/FUL. Approved.
 - 3.6. 26/5/11 - 2011/02418/PA. Variation of condition 8 attached to 2006/05803/PA to allow up to a maximum of 453sqm of the total permitted gross retail floor space within the red line boundary. Approved.
 - 3.7. 29/05/13 - 2012/08155/PA. Variation of condition 8 to planning approval 2011/02418/PA to enable the floor space to be used for the sale of all goods. Withdrawn.

- 3.8. 17/10/13 - 2013/05928/PA and 2013/07397/PA. Application for Lawful Development Certificate for confirmation that the existing floor space at the Retail Park can be used for retail food sales. Refused and appeal withdrawn.
- 3.9. 07/04/14 – 2013/07264/PA. Application for a variation of condition no. 8 attached to planning permission 2011/02418/PA to allow no more than 2,500 sqm of the total permitted gross retail floor space to be used for the sale of food goods, and where the retailer is predominantly selling food, the unit size shall be no less than 1,000 sqm. Approved.
- 3.10. 29/07/16 – 2016/02969/PA. Application to allow occupation by a food retailer for variation of Condition No. 6 attached to planning permission 2013/07264/PA to amend the minimum unit size where the retailer is predominantly selling food from 1,000 sq.m. to 900 sq.m. Approved.
- 3.11. 12/10/16 – 2016/06841/PA. Installation of replacement mezzanine floor. Approved.
4. Consultation/PP Responses
- 4.1. Transportation Development – No objections.
- 4.2. Regulatory Services – No objections.
- 4.3. Lead Local Flooding Authority – No objections.
- 4.4. Local residents associations, local Councillors and MP consulted with site and press notices posted. 1 representation received on the grounds that there should be no increase in the size of the food store until the highway improvements are implemented. The road junction is already above maximum capacity at peak times.
5. Policy Context
- 5.1. Birmingham UDP 2005, Draft Birmingham Development Plan 2031, Shopping and Local Centres SPG, Car Parking Guidelines SPD and the National Planning Policy Framework 2012.
6. Planning Considerations
- 6.1. In determining variation of condition Section 73 applications the DCLG advises Local Planning Authorities to focus on national or local policies or other material considerations which may have changed since the original grant of permission, as well as the changes sought. Since the previous planning permissions were granted (2014 and 2016) there has been no change to relevant planning policy and guidance.
- 6.2. On the issue of planning conditions and obligation, the NPPF is clear that planning obligations should only be used where it is not possible to address unacceptable impact through a planning condition. It also advises that they should only be sought where they meet the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

- 6.3. The NPPF also requires, where obligations are being revised, account should be taken of changes in market conditions and, wherever appropriate be sufficiently flexible to prevent planned development being stalled.
- 6.4. In considering 2013/07264/PA, the following was reported to the Planning Committee:

It has been suggested that a financial contribution of £50,000 towards the major scheme which is now subject to a Regional Growth Fund bid through the Strategic Economic Plan be made together with an agreement that the additional land required could be secured at nil cost or part of a land swap. This amount and land would only be required if the current bid is successful and the proposals are implemented. If however, the bid was unsuccessful, and the proposals were implemented, a smaller figure (£10,000) would be sought to allow the traffic lights around the gyratory to be re-sequenced to relieve congestion and an amount towards improving pedestrian linkages from Stechford Centre with the Retail Park. The agents have confirmed that in their view a financial contribution of £75,000 would be appropriate in the circumstances and that our request was overly complicated. It is their view that the latest major planned highway works bid is unlikely to be successful. The £75,000 could be used for general highway improvements as needed within Stechford and also used to improve the pedestrian links between the site and Stechford Centre. Should the bid be successful and the major road works be programmed then it is acknowledged that the applicant and the Council will have to negotiate land swaps. It is considered more appropriate that this is undertaken separately from this application. I am inclined to agree with this view and have accepted this sum. I have instructed Legal Services to draw up a S106 legal agreement to secure this figure.

- 6.5. The applicant argues that this "... appears to be a relatively flimsy justification for the financial contribution. The amounts justified in planning terms ranged between £10,000 and £50,000. The agreed figure in the current S106 of £75,000 seems difficult to justify, but perhaps reflects a pragmatic approach at that time to achieve a positive resolution, given the uncertainties regarding the outcome of the Regional Growth Fund Bid".

- 6.6. With regard to the previous application (2016/02969/PA), the following was reported to the Planning Committee:

It was concluded that subject to a financial contribution of £75,000 towards general highway improvements as needed within Stechford and also used to improve the pedestrian links between the site and Stechford Centre, there would be no adverse impact on highway safety. The current application does not propose to alter the maximum food retail floor space and thereby would have no impact on the worst-case scenario regarding traffic generation. Transportation Development raises no objection to the proposal and a legal agreement would be required to secure the £75,000 financial contribution.

- 6.7. The applicant states that "... the local planning authority maintained its position that £75,000 was required, seemingly for no more reason than that was what had been agreed previously, even though the payment point would be lowered at 900sqm and the original request... was for just £10,000. It is also relevant to note that highways comments were based on the maximum floor area for the sale of food – a worst case, as being the justification for a £75,000 payment".

- 6.8. With regard to the test for planning obligations, the applicant makes the following points:

- No evidence to suggest that a payment of £75,000 for unspecified works is necessary to make the development acceptable in planning terms.
- The Council has secured funding from the Local Growth Fund for the planned highway works at Iron Lane / Flaxley Road and therefore the original justification no longer stands.
- The original payment has not been clearly justified.
- Not the role of the applicant to fund 'general highway improvements' within Stechford.
- Reference to improved pedestrian links is more arguable, yet no evidence shows why such improvements become necessary upon a change in goods type at 900sqm, or what such improvements might actually be.
- Strong case that the existing 1000sqm trigger point is too low with no highways justification provided for it to be reduced further still.
- No evidence to demonstrate that £75,000 becomes necessary at 900sqm of food floorspace.
- Given the proposal is for up to 2,500sqm of floorspace, a financial contribution that was reasonably related in scale would follow a more pro-rata approach.
- Significant concern at the financial implications for the landlord of this low threshold for full payment, with a relatively small letting of 900sqm where no new retail floorspace is created, would cost the landlord an additional £75,000. A much larger letting for a 2,500sqm food superstore would potentially be able to absorb this additional cost.

6.9. Despite the above, the applicant emphasises that they are prepared to retain the payment and have suggested an alternative solution so that the financial contribution is staged in three tranches of £25,000, with the following trigger points:

1. 900sqm to 1,499sqm - £25,000
2. 1,500sqm to 1,999sqm - £25,000
3. 2,000sqm or above - £25,000

6.10. In response, it is recognised that circumstances have changed since the original application in 2013/2014. At that stage it was understood that a single food operator would occupy a much larger unit and utilise the majority of the 2,500sqm total food retail floorspace. That subsequently did not materialise and another food operator (Iceland) is looking to open a smaller unit (Unit E), which has a floorspace of 929sqm.

6.11. Clarification has also been sought in relation to the highway improvements at Iron Lane / Station Road / Flaxley Road. The Council has secured a Local Growth Fund from the Greater Birmingham and Solihull LEP for these works but it would constitute only part of the full cost and a Full Business Case is still to be approved. Transportation Development has also confirmed that they raise no objection to a phased approach for the contribution.

6.12. It is considered that the financial contribution to highway works is still relevant but also that the circumstances surrounding the original application in 2013/2014 is very different to the current situation. The opening of the Iceland store in Unit E would be significantly smaller than that initially envisage for food retail across the whole retail park and as such it is considered that the applicant's suggested approach is both pragmatic and acceptable. The occupation of Unit E by Iceland would trigger the first £25,000 payment.

6.13. The proposal is a non-CIL liable development and as such does not attract a CIL contribution.

7. Conclusion

7.1. Within the context of the proposed opening of an Iceland store on the retail park and only occupying some 900sqm of the overall 2,500sqm of food retail approved across the whole retail park, it is considered that a phased approach to the financial contributions toward highway works is in accordance with relevant policy and guidance and should be granted.

8. Recommendation

8.1. That application 2016/07232/PA be deferred pending the completion of a suitable Deed of Variation to require:

1. Financial contributions in accordance with the schedule below (index linked to construction costs from 9th January 2014 to the date of which payment is made) towards highway improvements in Stechford and Yardley North Ward:

- i. Occupation by food retail measuring a total of 900sqm to 1,499sqm - payment of £25,000.
- ii. Occupation by food retail measuring a total of 1,500sqm to 1,999sqm – an additional payment of £25,000.
- iii. Occupation by food retail measuring a total of 2,000sqm or over – an additional payment of £25,000.

2. Payment of a monitoring and administration fee associated with the legal agreement of £2620, to be paid on completion of the S106 Agreement.

8.2. In the event that the above Deed of Variation is not completed to the satisfaction of the Local Planning Authority on or before 29th November 2016, planning permission shall be REFUSED for the following reason:

In the absence of a suitable planning obligation to secure contributions towards highway improvements in the Stechford and Yardley North Ward the proposed development conflicts with policies 3.8, 3.10 and 6.20A of the adopted Birmingham UDP and the National Planning Policy Framework.

8.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.

8.4. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 29th November 2016, favourable consideration be given to this application, subject to the conditions listed below:

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Cycleways and pedestrian walkways and crossings to be maintained. |
| 3 | Retail units A-J not to be subdivided |
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- 4 Requirement for window display within units K and L
 - 5 Changes to or addition to plant and machinery require further consent
 - 6 Restriction of 2,500 sqm (gross) for total food sales within the Retail Park and no food unit to be less than 900sqm
 - 7 Notices and signs at entrance/exit to be maintained.
 - 8 All loading and unloading of goods to take place within the application site.
 - 9 No open storage
 - 10 No storage, display or sale of goods/vehicles to take place in the open
 - 11 No burning of refuse within the application site.
 - 12 Parking areas to be used for no other purpose
 - 13 No storage of hazardous materials
 - 14 Limits delivery time of goods to or from the site (0730-1930 Mon-Sat)
 - 15 Limits the approval to 3 years (Full)
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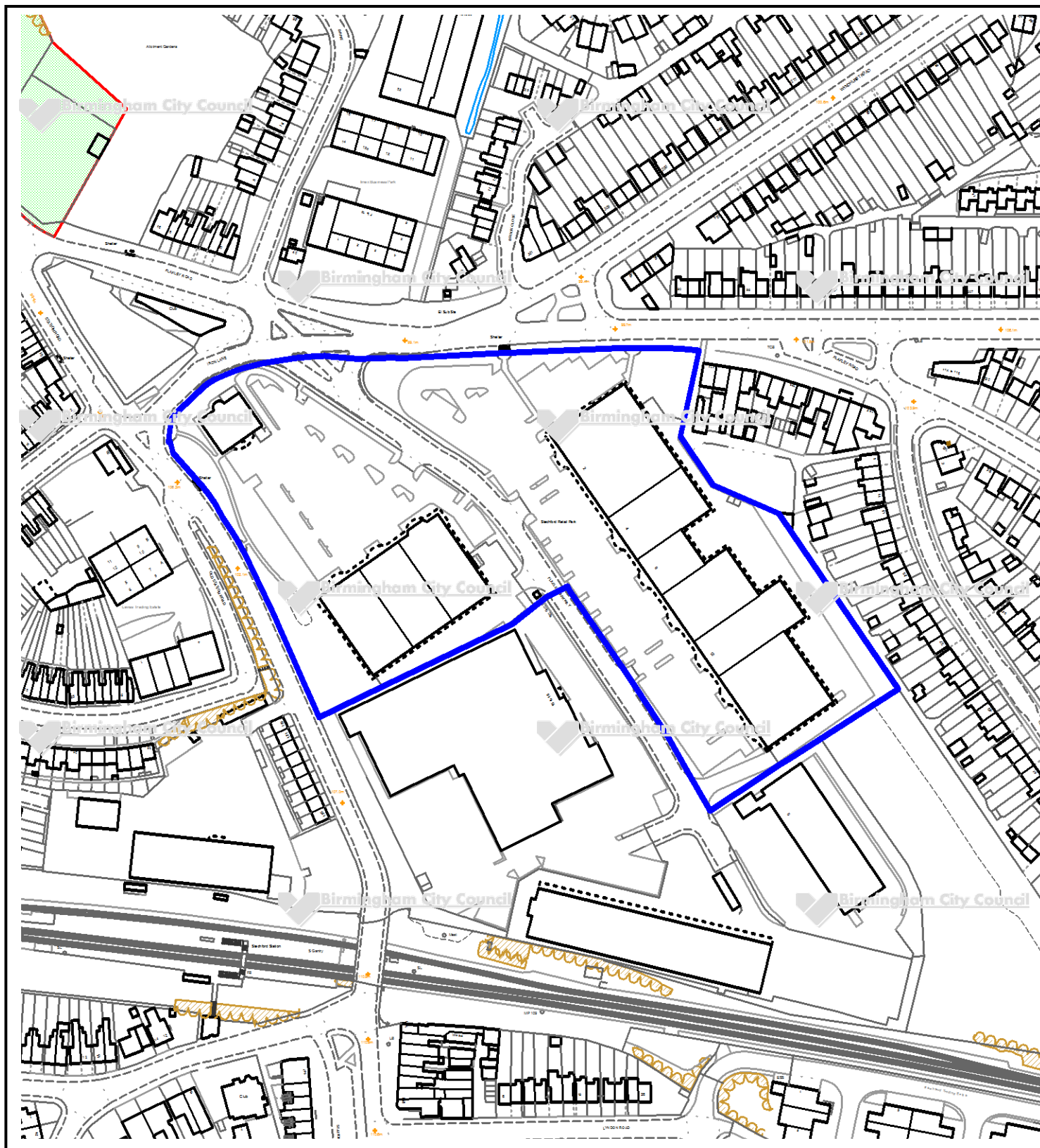
Case Officer: Peter Barton

Photo(s)



Figure 1 – Stechford Retail Park

Location Plan



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Committee Date:	10/11/2016	Application Number:	2016/06787/PA
Accepted:	15/08/2016	Application Type:	Variation of Condition
Target Date:	10/10/2016		
Ward:	Tyburn		

McDonald's Restaurant, 1151 - 1159 Chester Road, Erdington, Birmingham, B24 0QY

Removal of condition number 7 attached to previous application E/C/37068/9 to enable the McDonald's Restaurant to trade 24 hours a day, seven days a week

Applicant:	McDonalds Restaurants Ltd c/o Agent
Agent:	Savills (UK) Limited 33 Margaret Street, London, W1G 0JD

Recommendation

Approve Subject To Conditions

1. Background/Proposal

1.1. **Background:** Approval was granted on the 6th October 1988 under application E/C/37068/9, for the redevelopment of the site to provide a bungalow and purpose built freestanding restaurant with drive thru facility and car park, together with ancillary staff, storage and office accommodation. The following condition number 7 was attached: -

- *The said premises shall be closed and cleared of customers between midnight and 0600 hours and 2300 hours and midnight daily.*

1.2. Subsequently, a Section 73 application was submitted under application reference 2015/08651/PA for the removal of condition 7 of application E/C/37068/9, to allow the business to operate for 24 hours per day 7 days per week. A temporary approval for a one-year period was granted on 8th January 2016. The reason for the temporary one-year permission was to allow for the monitoring of the site in order to ascertain whether the extended hours would adversely affect the amenities of the occupiers of dwellings in the immediate vicinity of the site. However, this temporary permission was not implemented, hence the re-submission of this application.

1.3. **Proposal:** This current application seeks the removal of condition number 7 attached to the originally approved application E/C/37068/9 to allow the restaurant to open 24 hours per day seven days a week for a temporary 12 month period within a three year timeframe. This is required in order for the applicant to deal with other regulatory matters such as licensing.

1.4. Supporting information was provided as part of previous application 2015/08651/PA which the appointed agent has confirmed is to be used in the assessment of this application. The supporting information is in the form of a Planning Statement, a

Noise Impact Assessment, a Community Consultation Statement and a Site Management Plan which states that: -

- In order to maximise security the restaurant has recently upgraded to a fully comprehensive CCTV system which operates 24 hours a day and consists of 20 cameras;
 - There are 6 external and 4 internal litter bins provided. The store has a strict litter collection protocol which includes dedicated litter patrols every 30 minutes around the restaurant and car park;
 - The restaurant is in the process of installing a StaffSafe system which is an audio visual system and will be linked to a remote monitoring station;
 - Signage is located around the restaurant, requesting that customers should be respectful of neighbours and keep noise to a minimum when leaving the premises;
 - All managers are required to complete conflict management awareness courses so managers can deal effectively with any problems faced with customers;
 - In order to ensure that neighbours are not disturbed and to discourage 'boy racers' at the site, the restaurant will close a section of the car park during the extended hours of 2300-0600; and,
 - Any incidents of anti-social behaviour or other crime and disorder issues will be recorded within an incident log book, which will be regularly monitored, reviewed and where necessary, action can take place.
- 1.4. The applicant has stated that the proposed additional opening hours would result in the creation of an additional 15 employees, 85 in total.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the McDonalds Restaurant, 1151-1159 Chester Road, Erdington. The restaurant is located to the north eastern side of the busy A452 (Chester Road) between Humberstone Road and the Tyburn Island. The restaurant is a stand-alone single storey building with a drive-through facility and a large landscaped car parking area to the rear.
- 2.2. The site is located within an area of mixed uses including residential properties to the northwest, industrial units to the south east and industrial units are located to the adjacent (south western) side of Chester Road.

[Location plan](#)

3. Planning History

- 3.1. 08.01.2016. 2015/08651/PA, Removal of condition number 7 attached to previous application E/C/37068/9 to enable the McDonald's Restaurant to trade 24 hours a day, seven days a week, approved for a temporary 12 month period

- 3.2. 14.09.2011. 2011/03510/PA, Refurbishment of restaurant and patio area and associated works to include new customer unit with associated canopy and alterations to elevations, approved.
- 3.3. 28.07.2011. 2011/03511/PA, Replacement of internally illuminated fascia sign/lettering and display of 1 Internally illuminated freestanding totem sign, approved temporary.
- 3.4. 27.07.2011. 2011/03501/PA, Display of 10 various signs, approved temporary.
- 3.5. 06.06.2008. 2008/02461/PA, Variation of condition 7 attached to planning consent E/C/37068/9 to change the opening hours to 0600-2400 Monday to Thursday and 0600-0100 Friday to Saturday, refused.
- 3.6. 08.01.2005. 2004/07439/PA, Variation of condition 7 attached to planning consent E/C/37068/9 to change the opening hours from the approved 0600-2300 to 0600-Midnight, refused.
- 3.7. 28.08.2002. 2002/02370/PA, Installation of ATM in attached enclosure, approved.
- 3.8. 28.08.2002. 2002/02369/PA, Installation of ATM fascia sign, approved temporary.
- 3.9. 22.02.2000. 2000/00136/PA, Erection of extension, approved.
- 3.10. 22.05.1992. 1992/01672/PA, Raising of pole sign from 6m to 8m in height, approved.
- 3.11. 06.10.1988. E/C/37068/9, Redevelopment to provide bungalow and purpose built freestanding restaurant with drive thru facility and car park, together with ancillary staff, storage and office accommodation, approved

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections, subject to conditions requiring compliance with the submitted site management plan, the volume of the Customer Order Display Units (COD Units) should be reduced after 2300 and, that any approval should be for a temporary period to allow assessment of the increased opening hours on residential amenity.
- 4.2. Transportation Development – No objections.
- 4.3. Birmingham Public Health – Object, stating that in order to tackle increasing levels of obesity, especially in children, Birmingham Public Health object to the granting of any additional A5 applications regardless of location.
- 4.4. West Midlands Police – No objections.
- 4.5. Site notice posted, nearby residents, residents associations, local MP and Ward Councillors notified, with the following responses received –
 - Four near neighbours have objected on the grounds that the increased opening hours would result in a loss of residential amenity due to light pollution, increased and noise and disturbance due to people/vehicles using the facility throughout the night disturbing the sleep of local residents, odour pollution, further 24/7 facilities available nearby at Star City that is not located within a residential area, increase in

anti-social behaviour due to people leaving the nearby public houses after closing time, litter, increase in vermin and property devaluation.

5. Policy Context

- 5.1. Birmingham UDP 2005 and Draft Birmingham Development Plan; Car Parking Guidelines (2012) SPD; Places for All (2001) SPG; NPPF

6. Planning Considerations

- 6.1. I regard the main considerations in the determination of this application to be the impact of the proposal on terms of residential amenity, crime and disorder and highway safety.
- 6.2. **Policy:** Paragraph 3.8 of the adopted Unitary Development Plan states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good. The keynote is on quality and paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.
- 6.3. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Para. 14). Stating that the planning system should contribute to building a strong, responsive and competitive economy, and should do everything it can to support sustainable economic growth. Paragraph 123 states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.4. **Impact on residential amenity:** The application site is located within a mixed area, with industrial/commercial uses to the south western side of Chester Road, to the east and neighbouring to the south east. Residential properties in the form of three storey flatted developments on Humberstone Road to the north western boundary and a terrace of three 2 storey properties fronting Chester Road, further residential properties are located to the north eastern rear of the site within Julia Avenue.
- 6.5. Four emails/letters of objection have been received from nearby residents on the grounds that the increased opening hours would result in a loss of residential amenity due to light pollution, increased noise and disturbance due to people/vehicles using the facility throughout the night disturbing the sleep of local residents, odour pollution, further 24/7 facilities available nearby at Star City that is not located within a residential area, litter, increase in vermin and property devaluation.
- 6.6. In response to the above and in line with Paragraph 123 of the NPPF, the applicant submitted a Site Management Plan as part of application 2015/08651/PA which is relevant to this current application, in which it is stated that six external and four internal bins are provided and that the store has a strict litter collection protocol which includes dedicated litter patrols every 30 minutes, signage is placed around the site requesting that customers should be respectful of neighbours keeping noise to a minimum when leaving the premises and, in order to ensure that neighbours are not disturbed the restaurant COD system would be turned down and a section of the car park during the extended hours of 2300-0600 will be closed.

- 6.7. The application site is located on the busy Chester Road in close proximity to the Jaguar Land Rover site and the Tyburn House traffic island, which is very heavily trafficked. Regulatory Services have assessed the proposal and raise no objections, commenting that the noise report submitted (Sustainable Acoustics Report 14-0167-7-R01) indicates that it should be possible to extend the operating hours without an adverse impact on the adjoining residents. For the extension of the operating hours to be implemented without an adverse effect it is necessary to manage the operations. The planning application includes a site management plan, compliance with the plan would be imposed as a condition and any changes to this plan would require agreement with the LPA. The volume of the Customer Order Display Unit (COD Unit) would be reduced after 23:00 as recommend in the noise impact report, which will also be complied with through condition. It is recommended that the amended condition should initially be on a one-year temporary basis to allow the impact of the extension to operating hours to be fully assessed and the applicant to demonstrate that there is no adverse impact on local residents. I concur with these views and accordingly attach the requested conditions.
- 6.8. In response to concerns raised regarding odour and light pollution, it is considered the proposed increase in operating hours would not result in an unacceptable increase in odour/light pollution to justify refusal of the application. Furthermore, the Council's Regulatory Services (pollution control) would be in a position to investigate during the temporary one-year period in the event that these issues should cause significant harm to residential amenity.
- 6.7. **Crime and disorder:** Concern has been raised by near neighbours to a potential increase in anti-social behaviour, due to people leaving the nearby public houses after closing time. In response, the appointed agent has provided a Community Consultation Statement, in which it is stated that the applicant consulted directly with surrounding residents, the local police and elected representatives. Whilst it is noted that two public houses are located within walking distance of the restaurant in question, these public houses close at normal closing times, therefore it is not considered that patrons of these two establishments would be likely to use the facility in the early hours of the morning. Furthermore it is anticipated by the applicant that shift workers, emergency service staff, taxi drivers and passing trade would be the most likely people to use the extended facility, I concur with this view and consider that the proposal would not result in significant adverse impact above or beyond the existing situation. West Midlands Police have assessed the proposal and raise no objections.
- 6.8. **Public Health:** Birmingham Public Health have assessed the proposal and have raised objection, on the grounds that in order to tackle increasing levels of obesity, especially in children, they object to the granting of any additional A5 applications regardless of location. Public Health recommends no A5 should be within 400 metres of any primary school, secondary school/sixth form colleges, youth facilities/community centres, playing fields/parks/children's play spaces, or leisure centres. In response, this application does not seek consent for the addition of new A5 hot food takeaway, rather for the removal/variation of an hour's condition to an existing A3 restaurant. The proposed additional hours are from late evening to early morning, times which have no effect upon school pupils. The submitted objection therefore does not justify the refusal of the submitted application.
- 6.9. **Highway safety:** Transportation Development have assessed the proposal and raise no objections, commenting that there are no highway safety/network performance related concerns relating to this proposal as the use is already permitted to operate

during network peak traffic periods, when it tends to attract peak levels of movement. I concur with this view.

6.10. **Validity of varied condition:** the validity of the proposed variation is considered acceptable with the following wording:

- *The restaurant premises may operate for the sale of hot food and drink 24 hours a day on any day for a single, continuous and uninterrupted limited period of up to one calendar year. The section of car park depicted within the Community Consultation Statement shall be closed during the extended hours of 2300-0600. The temporary period shall not commence until the Local Planning Authority has received 10 days prior written notification of the start and end date of the temporary period, 10 days prior to first commencement of the temporary period. The temporary period must first commence no later than twenty-three months from the date of this permission. The 24 hour use must cease at the end of the temporary period. Upon the expiry of the temporary period, the restaurant may only operate between the hours of 06:00 hours to 23:00 hours on any day as permitted under permission E/C/37068/9*

7. Conclusion

7.1. I consider that the applicant has responded to issues surrounding noise and disturbance, by undergoing an extensive range of noise, litter and social issues mitigation, in an attempt to satisfy concerns regarding residential amenity issues. Consequently, I consider the removal/variation of condition 7 of application E/C37068/9 should be granted permission for an allotted continuous one-year temporary period within a three year time frame, to allow for the assessment of the extended opening hours on the residential amenity of neighbouring occupiers.

8. Recommendation

8.1. Approve subject to conditions, for a one-year continuous time period to be implemented within a three year time-frame.

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| 1 | Requires the submission of reserved matter details following an outline approval |
| 2 | Requires the prior submission of level details |
| 3 | Requires the prior submission of vehicle parking and turning details |
| 4 | Requires the prior submission of a drainage scheme |
| 5 | Requires the prior submission of details of a delivery vehicle management scheme |
| 6 | Requires the prior submission of boundary treatment details |
| 7 | Requires the prior approval of the siting/design of the access |
| 8 | Requires adequate facilities for the parking of vehicles. |
| 9 | Requires the prior submission of entry and exit sign details |
| 10 | Requires the prior submission of a mobility access scheme |
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- 11 Requires the prior submission of details of refuse storage
 - 12 Requires the dwellings hereby permitted to be in accordance with 'Places for Living' SPG
 - 13 Requires boundary treatments to be erected within 6 months from commencement of the development, and thereafter retained.
 - 14 Requires all loading and unloading of goods shall take place within the curtilage of the site.
 - 15 Requires the agreed mobility access to be maintained
 - 16 Requires the approved landscaping scheme to be fully implemented within a period of one year from the date of commencement of the development.
 - 17 Prevents the use from changing within the use class
 - 18 Requires the Customer Order Display system to be reduced in noise level between the hours of 2300-0600
 - 19 No approval is given to the term 'flat slab freestander'
 - 20 Requires the area of car parking to the rear of the site as shown on page 15 of the submitted Community Consultation Statement to be closed between the hours of 2300-0600.
 - 21 Requires the 12 month temporary approval within the three year time frame to discontinue on the pre-commencement date agreed between the applicant and the Local Planning Authority
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Case Officer: Keith Mellor

Photo(s)

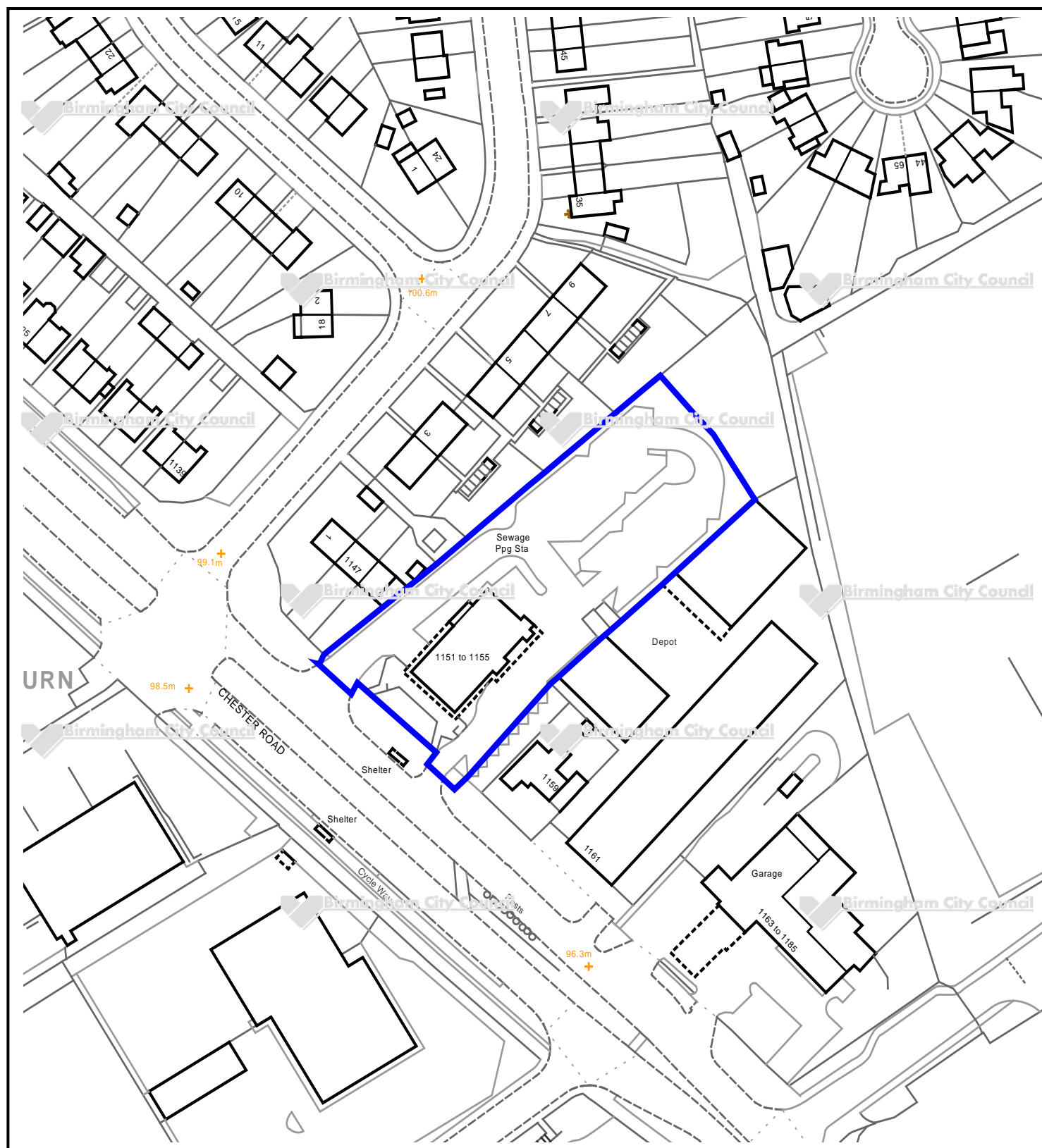


Restaurant building 1



Rear car parking area 1

Location Plan



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