

Birmingham City Council

Planning Committee

09 June 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	8	2014/06660/PA Knightlow Road Land off (Former Ravenhurst Playing Fields) Harborne Birmingham B17 8PB Application for residential development of 63 dwellings. Formation of public open space (of 2.2ha), provision of access via Knightlow Road & associated engineering works and demolition of former pavilion.
Approve - Conditions	9	2016/01736/PA 2 Middle Meadow Avenue Quinton Birmingham B32 1NU Erection of two storey and single storey side and rear extensions and installation of canopy to front
Approve - Conditions	10	2016/02674/PA Land at Former Battery Site off Aston Webb Boulevard Selly Oak Birmingham Reserved Matters application following outline consent 2013/02178/PA for the layout, scale, appearance, landscaping, pedestrian and cycle access, and vehicular access within the site for Student Accommodation

Approve - Conditions	11	<p>2016/02242/PA</p> <p>82 Barton Lodge Road Hall Green Birmingham B28 0RJ</p> <p>Change of use from 6 bedroom bungalow (Use Class C3), to childrens' home (Class C2) for the accommodation of a maximum of 4 children aged from 10 to 18 years</p>
Approve - Conditions	12	<p>2016/03279/PA</p> <p>71 Wychall Lane Kings Norton Birmingham B38 8TB</p> <p>Change of use from detached dwellinghouse (Use Class C3), To a residential children's home (Use Class C2) for accommodation for a maximum of four children aged between 10 to 18 years of age.</p>
Approve - Temporary 6 months	13	<p>2016/03586/PA</p> <p>Cob Lane Park Griffins Brook Temp Cob Lane Bournville Birmingham B30 1QR</p> <p>Retention of existing 28m tall mast and associated antennas and equipment cabinet and associated works for a temporary six month period</p>

Committee Date:	09/06/2016	Application Number:	2014/06660/PA
Accepted:	17/09/2014	Application Type:	Full Planning
Target Date:	17/12/2014		
Ward:	Harborne		

Knightlow Road, Land off (Former Ravenhurst Playing Fields),
Harborne, Birmingham, B17 8PB

Application for residential development of 63 dwellings. Formation of public open space (of 2.2ha), provision of access via Knightlow Road & associated engineering works and demolition of former pavilion.

Applicant:	Redrow Homes Ltd/The Trustees of the Oratory of St Philip Neri Redrow House, Kinsall Green, Wilnecote, Tamworth, Staffordshire, B77 5PX
Agent:	GVA PDR and GVA Financial Consulting, 3 Brindley Place, Birmingham, B1 2JB

Recommendation

Approve Subject To A Section 106 Legal Agreement

1.1. Background

1.2. Members may recall that I withdrew this application from the published agenda for Planning Committee of the 18th February 2016. At that time the proposal was for 73 dwellings and included 1.6ha of public open space. The scheme was being recommended for refusal on the grounds that it would result in the loss of playing field land/open space (with inadequate compensation for the loss) and also would remove essential badger habitat.

1.3. It was withdrawn from the agenda as the applicant, having reflected on the officer's report, felt that they could fully meet officer's concerns by increasing the on-site open space and funding the delivery of a defined package of off-site sports improvement measures, of an appropriate scale and in an appropriate location to meet the Policy tests of the NPPF. Officers were satisfied that there was sufficient assurance given by the applicant to continue discussing the merits of the case, and provide the applicants with sufficient time to provide further revisions and enable the City and its consultees to react to further amended plans, to postpone making a final decision.

1.4. Proposal

1.5. The amended application seeks planning permission for the erection of 63 dwellings and the provision of 2.2ha of public open space. Vehicle and pedestrian access would be gained from Knightlow Road, which connects on to Gillhurst Road and Lordswood Road. The dwellings would consist of 11 x five beds, 24 x four beds, 20 x three beds and 8 x two beds. Most bedrooms and garden areas meet the size guidelines in Places for Living. All dwellings meet the National Space Standards

apart from bed 3 and bed 4 of the Tweed, which has bedrooms of 7.3sqm and 6.2sqm respectively rather than 7.5sqm. The Tweed house-type occurs twice on the site.

- 1.6. The road layout would consist of a spine road that includes two loop spurs. The layout would be a perimeter block development with houses facing onto new roads and with rear gardens mostly adjacent to existing and proposed neighbouring gardens. All dwellings would be two storey.
- 1.7. The proposed dwellings would consist of a traditional design with a strong 1930's influence. The principal materials would be brick with some render areas and having tiled roofs. Many of the styles have two storey projecting gables and integrated garages (both double and single). Car parking ranges from 100% to 400% depending on the size of the dwelling.
- 1.8. The application has been supported by a Design and Access Statement, an Arboricultural Report, an Ecological Report, A Flood Risk Assessment, Landscape Design Statement, Planning Statement, Playing Pitch Assessment, Site Investigation Report, Statement of Community Involvement and a Transport Assessment.
- 1.9. Design and Access Statement identifies the character of the area consisting of two storey detached and semi-detached houses. Many of these are red brick with some render areas and many with large two storey bay windows and being of an inter-war style. The proposed dwellings would replicate this style with dwellings arranged around perimeter block developments creating a strong delineation between public and private realm.
- 1.10. The Arboricultural Report identifies that there are 163 trees, 13 groups and 9 hedge groups within the site. The application proposes the removal of 21 trees, 2 tree groups and 2 hedges. The landscape scheme proposes the planting of 69 new trees.
- 1.11. The Ecological Appraisal comprises Phase 1 Habitat Survey, preliminary protected species survey (bats, badger) and desk study/records search (Jan 2014), Nocturnal bat emergence and activity surveys (during July-Sept 2014 with three visits) and a Badger survey, (Aug 2014- Jan 2015, with five visits and 14th March 2016) and concludes that there is a badger group on-site, that Japanese Knotweed is present, that the Pavilion is a low/moderate potential bat roost and the site generally has many trees that are suitable for nesting and foraging birds. Survey work has concluded that the badger group is smaller than the applicants first anticipated. The bat surveys have found no bats emerging from the Pavilion or on-site trees during the three survey visits.
- 1.12. The Flood Risk Assessment (revised 10th June 2015) shows that the applicants propose an on-site water storage system that would limit the outflow to 22.5 litres per second, through the provision of 891 cubic metres of water storage. It is proposed for the drainage system to be adopted by Severn Trent Water.
- 1.13. The Transport Assessment identifies that in the last 5 years the local roads have experienced 17 road accidents (1 serious and 16 slight). This report also summarises the location of local bus routes. The Transport Assessment (TA) and supplementary notes identify that, based on 63 dwellings, the predicted trip generation would be; AM Peak (0800 to 0900) 10 arrivals and 26 departures. In the afternoon the PM Peak (1700 to 1800) would be; 23 arrivals and 14 departures.

Furthermore, the predicted trip generation within the TA would, in reality, be slightly lower as detailed in the Technical Note appended to the TA.

- 1.14. The applicant's Playing Pitch Assessment considers that the site is surplus to requirements and the applicants have offered compensation for the loss. The applicants comment that there is a sufficient supply of pitches in quantitative and qualitative terms to meet predictive demand for football, cricket and rugby in the area. They also comment that no significant demand has been identified through consultation with the National Governing Bodies and clubs.
- 1.15. The Site Investigation Report does not show significant levels of contamination. The investigations have shown that the site is affected by some limited land contamination. Some made ground has been found to have elevated levels of only slightly soluble compounds. These substances are commonly encountered at such concentrations on many brownfield sites and ought not to present a significant development constraint.
- 1.16. The Statement of Community Involvement illustrates that a public consultation event was undertaken in early August 2014 prior to the application being submitted in September 2014. The event was visited by 107 people, representing 90 households, 53 comments forms were made. Traffic was raised as the biggest concern followed by concerns (inter alia) in regard to density, access, impact on local services and loss of playing fields.
- 1.17. A Planning Contribution offer has been made by the applicants with the following components;
 - 25.4% Affordable Housing on site, consisting of 16 dwellings (6 x two beds, 8 x three beds, 2 x four 4 beds)
 - 9.52% Affordable housing, consisting of 6 units, as an off-site contribution of £205,500 (£34,250 per unit)
 - On-site Public Open Space, of 2.2ha, to be accessible to the public in perpetuity and to include a children's play area of a value of £90,000.
 - Off-site contribution for the loss of the playing fields £795,000
- 1.18. The site is 4.5 ha. The scheme has a density of 27 dph, excluding the area of public open space. This application has been amended three times. The scheme was originally submitted for 121 dwellings, this was later amended to 103 dwellings, then 73 and amended again to the current scheme of 63 dwellings.
- 1.19. A screening opinion was undertaken 12/11/14 and it was determined that an EIA was not needed.
- 1.20. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is known as Ravenhurst Playing Fields, it covers an area of 4.5 hectares and has a locked vehicular access from Knightlow Road. The majority of the site is flat and consists of long grass. Other than the access point the site is

surrounded by residential rear gardens. Existing houses, on the perimeter, front onto Knightlow Road, Gillhurst Road and Ellesboro Road.

- 2.2. The site includes steep banks to the north and west boundaries as the land outside the site falls away to a lower land level in these directions. The bank is a result of land remodelling in the past to create a flat area for playing field use. The north western corner consists of made ground. The site is relatively flat ranging from 177 (Above Ordnance Datum) AOD in the west to 172AOD in the east of the site. The bank on the north and west boundaries is steep in places and falls down off site to rear gardens on Knightlow Road and Ellesboro Road. This variant represents a maximum level change of 9m between the top of the bank and parts of adjacent gardens. The southern and eastern boundaries are generally at the same height as neighbouring gardens.
- 2.3. There are substantial trees and hedges around the perimeter of the site. A Tree Preservation Order (TPO) covers the site as a group order, a second TPO covers one tree next 135 Knightlow Road and there is another TPO on the properties of 119-123 Knightlow Road.
- 2.4. The surrounding area is principally residential in character. Houses consist of detached and semi-detached properties; built largely in the inter-war period. A small parade of shops are located on the junction of Knightlow Road and Gillhurst Road. Three houses (119-123 Knightlow Road) are located adjacent to the existing entrance to the playing fields, just off Knightlow Road itself.
- 2.5. Colleagues in Leisure Services have confirmed that the City Council originally maintained a lease for the land but sold this 1959 lease to the Oratory in 1993. The land was then leased by the Oratory to South Birmingham College and then sub-leased to Old Dixonians Rugby Club in 2001 to 2003/4. The site then fell into disuse.
- 2.6. [Site Location Plan](#)

3. Planning History

- 3.1. 16/05/12. Pa no. 2012/02174/PA Demolition of existing two storey former sports pavilion of traditional masonry construction. Prior Approval given.
- 3.2. Sandon Road Playing Fields and City Road sites
- 3.3. 22/01/16. Pa no 2015/02983. Development of playing pitches (2 x rugby, 1 x all weather pitch with lighting), changing rooms, w/c's and parking (phase 1), and club room with kitchen and bar, additional changing rooms, and ancillary office, stores and wc's (phase 2).
- 3.4. 22/01/16. Pa no. 2015/02982/PA. Residential development of 116 dwellings, access, parking and landscaping. Approved subject to a S106 Legal Agreement to secure;
 - an agreed timetable for the delivery of the Sandon Road development (2015/02983/PA)- valued at £1M,
 - Provision of 18 affordable housing units within the development, to be 50% affordable rent, and 50% shared ownership in accordance with the approved layout plan,

- A financial contribution of £445,650 (index linked) towards reconstruction of the tennis courts and improvements to the changing room at Summerfield Park, and provision of an outdoor gym trail, path/bank restoration, signage, seating and bins at Edgbaston Reservoir,
- A financial contribution of £295,400 (index linked) towards restoration of the bandstand and enhancement of the play areas at Summerfield Park and restoration of the entrances, car park, promenade railings and path/bank restoration at Edgbaston Reservoir,
- A financial contribution of £248,400 (index linked) towards the provision of primary school places at Harborne School Annex at Lordswood Girls School in Knightlow Road.

4. Consultation/PP Responses

4.1. Consultation Responses

- 4.2. Transportation – No objection subject to conditions to secure; Construction Management Plan, S278 works for the junction works onto Knightlow Road, Residential Travel Plan, pedestrian visibility splays of 3.3m x 3.3m x 600mm high to be incorporated into the driveways and the footway to be reduced to 1.85m on each side for the first 25m of the access allowing the carriageway width to be increased to 7.3m.
- 4.3. Centro - The site is served by the number 10 bus service providing a half hourly service to Birmingham City Centre. More frequent services are located on Hagley Road. The developer should ensure that walking links from the development site to the public transport network is direct, convenient and safe and secure. If the developer requires any assistance on the future development of the travel plan. Centro's sustainable Travel Team can provide support.
- 4.4. Regulatory Services – No objection. In terms of contamination, the findings of the Site Investigation report do not show significant levels of contamination. The investigations undertaken by RSK have shown that the site is affected by land contamination to a degree. In particular samples of made ground have recorded elevated levels of only slightly soluble compounds. These substances are commonly encountered at such concentrations on many brownfield sites and ought not to present a significant development constraint. RSK propose to mitigate the risks posed by the contamination by providing 600 mm clean soil cover in the affected areas. This is an accepted and widely adopted method for dealing with such substances, and ought to be sufficient to reduce exposure of future site occupiers. The information submitted is considered sufficient to enable the planning application to be determined, subject to the imposition of conditions to require further investigations and the submission of a remediation scheme for approval. In terms of remediation, the proposal would need to provide a clean soil cover in all gardens. Also, having considered the comments from some residents saying there are buses buried in the ground, the contamination team is sceptical that this could actually have been achieved on-site. The site appears to have been raised and the surrounding houses established by the 1930s. The maximum recorded depth of fill is only just over 3 metres, not enough to bury a bus.
- 4.5. Education – There is a lack of school places for both primary and secondary education in the area as such a financial contribution is necessary. The proposal would generate the need for an off-site education contribution of £652,736.

- 4.6. Local Services – Our service has previously reported that we strongly object to the loss of the Ravenhurst Playing Field but if exceptional circumstances are demonstrated and accepted by the Planning Committee then significant compensation would be required in line with UDP policy. This includes POS provision on or adjacent to the development as well as an off-site sports, recreation and community facilities sum in compensation for the loss of the playing field along the lines set out below: The loss of playing field sum, would generate a playing field off-site contribution requirement for £15.00 x 24,300 = £364,500. The money should be directed towards Senneleys Park, with a schedule of works valued at £795,000. They would wish to prioritise the improvements as follows:-
- Demolish and relocate the changing facilities nearer the car park either at the Senneleys Park Road or Stonehouse Lane car park entrances. The former being the most likely. Proposed facilities: Club House including bar, kitchen, committee room, 4x changing rooms, 2x umpire rooms, office/first aid, toilets, disabled toilets, storage and table tennis court.
 - Provision of new high quality 11-a-side (100.6m x 64m) grass pitch on existing site including preliminaries, re-grading, pipe drainage, sand slits, outfall and potential attenuation (SUDS), application of fertilizer, seeding and making good, establishment.
 - Restoration of existing 2 x 11-a-side Youth Football (91 x 55m) grass pitches (100.6m x 64m): including preliminaries, removal of vegetation and goal post sockets, top soil importation, cultivation and grading, sand amelioration, applying fertilizer, seeding, and establishment.
- 4.7. Rugby Football Union – The RFU have spoken to Dixonians RFC to discuss the Ravenhurst site. The club have told us that they see their long-term future at Rowheath Pavilion (their current base) and therefore no longer hold aspirations to relocate back into Edgbaston. That said we have other nomadic clubs that are looking to secure a site to enable them to continue to develop. Bournville RUFC have a large playing base and currently operate out of the university. They are looking to locate to a site that can accommodate their needs and provide them with a long term home.
- 4.8. English Cricket Board – No comments received.
- 4.9. The Football Association – Clubs have expressed an initial desire to use the site for football.
- 4.10. Harborne Youth FC - We as a club, and in effect the young people of Harborne, would benefit enormously if we could access this facility.
- 4.11. Sport England – Sport England have made a series of positions known since this scheme was first submitted in October 2014. There are 5 key letters received from Sport England over this period from October 2014, July 2015, November 2015, February 2016 and May 2016. In summary they have stated that;
- October 2014. Sport England is a non-statutory consultee in this case as the playing fields have not been used for over 10 years. The City Council's playing pitch strategy identifies that the site should be brought back into use for rugby or cricket. The scheme fails to meet the Sport

England summary of exceptions for the release of playing field land. The current PPS is considered to be robust. A solution offered by Sport England, to meet local needs would be to replace the loss of Ravenhurst with improvements at Lightwoods Park as an 'equivalent or better provision'. It is the view of Sport England that the site is not surplus but in fact identifies a need to bring it back into use. Sport England object, but this objection would be overcome if the playing field area which is to be lost was replaced.

- July 2015. The English Cricket Board considers that there should be provision for Cricket on site, but no club is identified. The site was previously used by the Dixonians RUFC who now play at Rowheath Pavillion, the RFU would expect to see an off-site contribution to improve Sandon Road, Rowheath Pavillion and Billesley Common. In terms of football, there has been a loss of football pitches with no gain in replacement pitches yet (until Lordswood School and Sandon Road become available). The current playing pitch strategy is now 4/5 years old and this needs to be refreshed. The applicants have not properly investigated how the site can be brought back into use as per Policy E6 of the PPS. The site may contribute to the shortfall of football places across the city. The applicant has failed to demonstrate that this site is surplus and has failed to offer any compensation for the loss.
- November 2015. Sport England does not agree with the applicants that there is a sufficient supply of pitches but has agreed with the applicants that off-site mitigation of £490,000, to improve/create City wide Strategic football hubs, would satisfy all local need and satisfy Sport England's exception policy E4 (better quality replacement) as such would remove their objection if compensation was secured in this form. Sport England also welcome the provision of £45,154 towards a new sports hall which could be provided at Lordswood Boys' school.
- February 2016. Sport England notes that the City wide Strategic football hub project has been abandoned/postponed and as such the compensation can no longer be targeted to a specific project. With this in mind Sport England objects again. However, it acknowledges that the Playing Pitch Strategy identifies that Sennellys Park requires investment and on that basis Sport England suggest that they would withdraw their objection subject to the provision of; a compensation sum of £490,000, the money targeted to a specific sports improvement plan at Sennellys Park, a feasibility study for sports provision in the area, a scheme for playing field/changing room improvement and a review of the scheme 18 months after planning permission is given.
- May 2016, The City has identified a priority list of sporting improvements at Senneleys Park. This includes a 4 team changing room pavilion, provision of new grass pitch and improvements to two other grass pitches. The assessment undertaken and works listed are in line with Policy E2 in the Birmingham Playing Pitch Strategy and if the work is carried out would meet the needs of paragraph 74 of the NPPF. Sport England has no objection to the proposal subject to the applicants entering into a S106 Agreement to secure a sum of £795,000 to fund the identified improvements at Senneleys Park. Sport England also request that the Agreement includes the Sennelys Park improvement scheme, with an implementation schedule and a review within 18 months.

- 4.12. Environment Agency –No objection. They recommend consultation with the Lead Local Flood Authority (LLFA) and/or Local Land Drainage section, to provide information to support the review of FRAs where surface water flooding is/may be an issue.
- 4.13. Lead Local Flood Authority – No objection subject to the submission of a revised sustainable drainage scheme and the submission of an operation and maintenance plan.
- 4.14. Severn Trent – No objection subject to a drainage condition.
- 4.15. Natural England - This does not serve as a formal response on badgers by NE and that Standing Advice is our response. Natural England is only duty-bound to provide a bespoke response by the Habitats Regulations. However, we are in agreement that the City's Ecologist has come to some reasonable conclusions on the suitability of survey work and the impact upon badgers – i.e. her conclusions are justifiable and further detail could be provided in support of the application. The concerns that she has raised about habitat size, quality and the disturbance impact from dogs, people and the access roads are all valid and which should be detailed within the planning submission. Certainly the mitigation strategy needs to address these impacts and without reading any of the application information, it appears that these haven't been assessed. The Natural Environment and Rural Communities Act 2006 establishes a clear duty on LPAs to conserve and enhance biodiversity. Badgers should not just be displaced from this site. There should be suitable habitat made available for them when they will be displaced/disturbed.
- 4.16. Wildlife Trust - The network of open spaces also support a population of badgers. This particular development will have direct impacts on the local badger population and indirect impacts on bat populations. The application site has a large and significant badger sett and provides an important area of foraging habitat. To enable an appropriate mitigation strategy, further badger surveys should be conducted to assess the population size and exact impacts of the development. Neighbouring gardens may also play a role in providing further foraging habitat and external access for the badger population (Fig 21 in the Habitat Survey Report). This role appears to have not been examined. In our view, to mitigate the development's severe impact on the site's stepping stone function in the wider ecological network, the amount and location of open space should be increased and have a strong element of semi-natural habitat to retain ecological linkages which will contribute to the wider ecological network in this part of Harborne. This will also benefit the local badger population and also foraging habitats for bats. The Trust would like to emphasise strongly that the implementation of a landscaping approach which achieves these objectives is vital. In achieving this, and to strengthen the city's ecological network the City Council should seek to secure resources from the developer to invest in the improvement and management of the semi-natural quality of other open spaces within this corridor.
- 4.17. West Midlands Fire service – No objection.
- 4.18. West Midlands Police – No objection. In terms of security, this current proposal is well laid out affording good levels of natural surveillance, although in terms of security, recessed gates and alleyways at the sides and rear of properties in particular Plots 6 -23 make those houses more vulnerable than others to burglary. Boundary treatments and gated alleyways meet the standards set by 'Secured by Design'. Subject to Planning approval, I would recommend that each dwelling is built

to enhanced security standards recommended by Police Crime Reduction initiative 'Secured by Design'.

4.19. Public Participation Responses

- 4.20. Residents, residents associations, councillors and MP notified. Site Notices erected, press notice made. The application has undergone four rounds of consultation; on 18/9/14 for the original 121 dwellings, on 14/02/15 for 103 dwellings, on 25/06/15 for 73 dwellings and on 7/4/16 for 63 dwellings.
- 4.21. First consultation (18/09/14 – 13/02/15) responses (121 dwellings);
- 4.22. Gisela Stuart MP – extremely concerned that the scheme would result in a significant increase in traffic. It seems highly likely that there would be gridlock along Croftdown Road, Gilhurst road and Knightlow Road, particularly in the mornings.
- 4.23. Councillor John Alden – Objects, as the land is a playing field and A considerable part of the area was land fill after the 2nd World War and by the admission of the agents for Redrow Homes there are some potential nasty deposits on the site. Also, the site is an area of nature. It has the largest Urban Badger Set in the UK, in the corner of the site, according to naturalists. A further badger set is in the area that the plans indicate it is to build on. The land has two large areas of "Japanese Knott Weed".
- 4.24. Councillor James McKay – Objects, due to the anticipated impact on highway safety, loss of green space, and loss of wildlife. He encourages the efforts of 'the Friends of Ravenhurst' to find middle ground with some development and some playing field retention. However, if the Planning Committee is minded to approve the application some S106 money should be use to fund access improvements to Lordswood Girls' School.
- 4.25. Councillor Elaine Williams – Objects in support of Cllr James McKay's comments.
- 4.26. Councillor Deirdre Alden – Objects, the scheme would result in the loss of an area of green space that contributes towards a diminishing supply of green spaces in the area.
- 4.27. Moor Pool Residents Association – Objects due to the loss of sporting facilities and the loss of open space. It also remarks that if Planning Committee are minded to approve then the scheme should be subject to a S106 Agreement and include a package of mitigation measures that have been agreed with the local community.
- 4.28. Friends of Ravenhurst Association (Resident Group) – Objects on the grounds of highway safety, Ecology, and lack of parking. It has also undertaken a formal traffic survey that has shown the current traffic levels.
- 4.29. Calthorpe Estates – Object on highway safety grounds.
- 4.30. Lordswood Girls' School – Objects due to serious concerns regarding the safety of Lordswood students to and from the two Lordswood schools. Knightlow Road is not safe due to its over-capacity usage in peak hours; the volume of traffic, coupled with residents' parking and the irresponsible parking of some parents make the road totally unsafe for our children. More volume will make the road completely perilous in the peak times, and without on street parking restrictions or a means for us to improve, and divert to an alternative main access into the site. We must lodge our

objection and concerns about the proposals on account of the safety and risk to our students. Safety would, without doubt, be compromised were this to be approved.

4.31. 273 letters of objection from residents with concerns regarding;

- Loss of open space/playing fields. There is a severe shortage of playing fields in this area, either for use by schools, sports clubs, or residents. The playing fields provide an opportunity to develop sporting facilities for football, cricket, tennis etc. in a safe environment and should not be built upon.
- Loss of Ecological habitat including badger setts. Foxes and bats have been seen on the site and in the area. The issue of how to deal with Japanese Knotweed has not been clearly outlined.
- Traffic Impact causing obstruction, noise pollution and risk to pedestrians. The only proposed access is via a road which feeds onto Knightlow Road. There is parking at the Gillhurst Road end of Knightlow Road which routinely causes this to become a “single track” route. In addition estimates of traffic numbers from the development appear to be significantly different to estimates from other similar development. The single access to site is totally unacceptable. The average car ownership in Gillhurst Road is about 2.5 per house, and at that level there could be about 300 cars on the estate. If only half of those tried to leave the estate between 8 a.m. and 9 a.m. it would grid-lock Gillhurst Road and probably the surrounding roads as well.
- Construction traffic disturbance created by the number of lorries taking away and delivering building materials will be overwhelming.
- Drainage which is already at capacity. The ground falls in a northerly direction from approximately 10m. These gardens have already been subject to flooding after heavy rainfall from the existing bank. It is very well known that Harborne has a very high water table and the proposals by Redrow homes regarding how they will deal with water run-off are inadequate given the amount of water involved. Water run-off is likely to have a significant impact on surrounding properties.
- Impact on infrastructure, the sewerage system locally would not be adequate.
- Impact on local services, there are not sufficient local resources in terms of schools, GPs etc to support this population influx. The local primary schools of Harborne Primary and St Peters are two of the most oversubscribed schools in Birmingham.
- The impact of social housing as local house prices will be affected.
- Impact on trees. The proposed removal of trees on the Northern Boundary would reduce screening and have a significant effect on properties on Knightlow Road. The Poplar trees at the perimeter of the site have a preservation order. These trees provide screening and are an environmental asset.
- Density too high, architecture not in character with the surrounding houses in terms of scale and style. The gardens are too small. The proposed development is totally out of character for a residential area.

- Lack of permeability of the site. There are a group of 9 retail units at the end of Knightlow Road which are important to the local community. There is no easy walking access from the proposed development to these shops or the bus stops on Gillhurst Road.
- Loss of privacy and overlooking. Residents are already over-looked by neighbouring properties. The view from the rear of existing dwellings would be seriously compromised. Overlooking as the site is 11m higher than the rear gardens of houses on Knightlow Road. Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. Residents believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. With the close proximity of the proposed houses to the rear of houses on Knightlow Road their occupants would overlook and affect privacy.
- Traffic creating air pollution
- Existing ground contamination and stability. Residents have concerns about the impact of the proposed development on surrounding properties in terms of drainage as well as ground stability. It is understood the site was originally a refuse tip. Parts of the proposed building site contain PAH's (Polycyclic Aromatic Hydrocarbons) which are by definition carcinogenic, mutagenic and teratogenic and as such a 'risk to human health'. The report states that remediation of the area would be required to enable its development for a residential end use. Contaminated areas have been found in the north west of the site and an area alongside houses in Gillhurst Road opposite to the site's entrance.
- Public Access - Residents have an established Right of Way by prescription, having walked the fields for 48 years, repeatedly, openly and without landowner's consent. There is a clearly defined path which they walk every day.
- The security risk caused by the 3m badger run. After the houses have been built this will become a dumping ground / an area for potential hooliganism and a general safety risk to resident's properties.

4.32. Second consultation (14/02/15 – 24/06/15) responses (103 dwellings);

4.33. 71 letters of objection with the following different/additional concerns;

- Councillor Elaine Williams has stated that her previous objections remain the same.
- Petition with 240 Signatures objecting to the loss of the playing field and impact on local wildlife (Bill Oddie has also signed this)
- A second petition with 1279 signatures "stop the bulldozers destroying yet more open space in the suburb of Harborne".

- The amended plans do not address the fundamental issue of the loss of playing field and the changes are not enough to reduce the negative impact of the development on the local area. Although the size of the development has reduced it is still far too intensive
- Requests for a site visit by committee are made.
- The affordable homes should be fully integrated into the development as a whole. They should be located throughout the site and not developed as an estate within an estate.
- The developers do not seem to be solving the problem of Japanese Knotweed that is over-taking the site.
- The Updated Badger reports is clearly mis-representing the true situation, there are far more badgers on the site than the report suggests.

4.34. Third consultation (25/06/15 – 6/4/16) responses (73 dwellings);

4.35. 74 letters of objection with the following different/additional concerns;

- Applaud the increase in POS with the revised plans, however the change doesn't overcome the loss of POS and impact to badgers and increase in traffic that development would cause.
- The rent of playing field should be reduced so people can use it for its designated purpose.
- TPO's on the site cannot be ignored.
- Impact on existing property prices.
- Concerns still expressed in regard to the previous use of the site as landfill and the potential harmful effects on new residents if the scheme goes ahead.

4.36. Gisela Stuart MP and Cllr James McKay consider that the comments and concerns that they have already raised are still valid. The reduction in dwellings is insufficient, and the City should not be losing open space when there is a recognised shortage within the wider area.

One letter of support from a resident who identifies a chronic shortage of affordable family sized housing in Harborne.

4.37. Fourth consultation (7/4/16 – present) responses (63 dwellings);

4.38. The Friends of Ravenhurst Playing Fields - Their basic objections with regard to the loss of a playing field still stand. However, although we have accepted that appropriate mitigation is a possible solution, we believe that this has yet to be achieved. While appreciating the attention given to the badgers' needs in the design of the open space on the larger field, the smaller field badger activity has been ignored. The houses would overlook existing houses and gardens to the extent that many, in both Knightlow Road and Gillhurst Road, will lose their privacy. The extremely short gardens exacerbate this effect. Traffic congestion and lack of school places still stand, likewise local GP provision. Although the fourth revision of the

Redrow plan goes some way in addressing our concerns over the development of Ravenhurst Playing Fields, more thought needs to be given to improving the layout of houses and the size of gardens.

4.39. 64 letters of objection with concerns relating to;

- Impact on resident's privacy and security. Overlooking as houses at 196-135 are up to 2m lower than the proposed houses leading to a loss of privacy and security of existing houses. Existing homes would be overlooked and affected by light pollution by the new houses and associated street lights. Noise generated by 63 new households.
- The noise and traffic associated with this development including the impact of construction traffic. Traffic congestion and the proposed single access would be dangerous and add to air pollution.
- The Public Open Space needs to be easily accessible for all residents. Loss of green space is contrary to a healthy lifestyle. The applicants have not demonstrated exceptional circumstances and as such the scheme would be contrary to policy. Sports provision is required on site. The new on-site park would not be used by local existing residents. Reason 2 of the draft refusal are still valid, loss of playing field, loss of badger habitat, housing density.
- The affordable housing is being clustered in the same area rather than being spread across the estate.
- The scheme is out of character, new dwellings small gardens, within the area. Density too high and too intensive. The scheme would have an adverse impact on the local character. The smaller houses (TAVY, TWEED & BCU3) are out of keeping with the surrounding locality.
- The influx of residents will significantly affect the schools, health and road infrastructure of Harborne.
- There are now clear signs of quite extensive badger activity along the eastern perimeter of the eastern field and along the southern perimeter of the eastern field. These are not mentioned in the badger report and show that badger activity is significantly wider than estimated in that report and extends across both fields with maybe up to 15 badgers. Negative effect on the wildlife of the area, including badgers. The badgers would have limited land for foraging.
- Impact of the scheme on drainage and run-off
- The site for the proposed development was previously a waste site. The development will put the whole population of surrounding houses at risk. Digging and excavating could unearth all kinds of hazardous material.
- Residents have regularly walked their dogs around these fields for the last 33 years openly and have never been challenged. There is a clearly defined pathway round the fields and this can be claimed as a right of way. This would be contravened by building.
- Object to the proposal to remove trees.

5. Policy Context

- 5.1. Birmingham UDP (2005); Draft Birmingham Development Plan; Places for Living (2001) SPG; Public Open Space In New Residential Development (2006) SPD; Car Parking Guidelines (2012) SPD, Affordable Housing (2001) SPG, Mature Suburbs (2008) SPD. TPO 1127 (adjacent to 135 Knightlow Road), TPO 38 (covering properties 119-123 Knightlow Road) and TPO 1158 (covering the application site).
- 5.2. NPPF (2012), NPPG (2014), Playing Pitch Strategy Guidance – Sport England (2013)
6. Planning Considerations
 - 6.1. The proposal raises two key policy issues in regard to the principle of redevelopment for residential use; the loss of the open space/playing field land and the appropriateness of residential development. Otherwise, there are a range of issues to address, including ecology, layout, design, drainage, trees, planning obligations, transportation matters.
 - 6.2. Principle - loss of playing field land
 - 6.3. The site is considered as playing field land, if following assessment, it is considered that the playing field is no longer required, the proposal would need to be assessed as a proposed loss of open space.
 - 6.4. POLICY CONTEXT
 - 6.5. The draft Birmingham Development Plan (BDP) has been through a series of public hearings in 2014 and a schedule of proposed modifications was published in July 2015. The Inspector's Final Report and Modifications to the BDP were published on the 21 April 2016, and the Plan is due to be adopted by Full Council in July. The draft BDP therefore affords very significant weight and the current adopted UDP subsequently has very limited weight. As such, in regard to the determination of the application, the UDP policy in regard to open space and playing fields is considered out of date.
 - 6.6. This is reinforced in the core principles of the National Planning Policy Framework (NPPF). Paragraph 14, of the NPPF, states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless *"any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or specific policies in this Framework indicate development should be restricted"*.
 - 6.7. Paragraph 74, of the NPPF states that *"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
 - *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."*

- 6.8. In terms of Open Space, Policy TP9 of the draft BDP, states *“Planning permission will not normally be granted for development on open space except where:*
- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1,000 population and the accessibility and quality criteria listed below.*
 - The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.*
 - Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.”*
- 6.9. Policy TP9 also states that all residents should have access to an area of Public Open Space (POS), of at least 2ha within 3km. It also states that new developments, of 20 dwellings or more, should provide on-site POS, at a rate of 2ha per 1000 population. This should be good quality, accessible and safe to use. This Policy also states that playing fields should be protected and would only be considered for development where they are either shown to be surplus for playing field use, taking into account the minimum standard of 1.2ha per 1000 population, are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size. This Policy fully aligns with paragraph 74 of the NPPF.
- 6.10. In terms of Playing Field Land, Policy TP11 of the draft BDP (in line with the NPPF), states that the City Council will keep the provision of sports facilities under review in light of the changing demands and preferences. It also states that Sports facilities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust and up to date assessment of need. Where there is identified need for particular sports and physical recreation facilities, the loss of existing sports facilities for these sports would not be allowed unless an equivalent or better quantity or quality replacement provision is provided, as identified in Paragraph 74 of the NPPF.
- 6.11. Paragraph 73, of the NPPF, states that *“...planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision”*. This therefore requires Local Planning Authorities to produce and keep up to date assessments of need for open space, sports and recreation facilities and opportunities for new provision. Whilst the current Playing Pitch Strategy (PPS) was considered up to date by the Inspector in preparation of background documents for the BDP in 2015, as it is now more than 3 years old, it is in need of review. However, for football it identified that quality rather than quantity was the key issue. Policy E2, of the PPS, identifies that Senneleys Park is the key multi-pitch site in the Edgbaston constituency with a requirement for improved changing room provision. Also Policy E6, of the PPS, identified that Ravenhurst Playing Fields would be suitable for cricket or rugby and advised that the Oratory be approached to encourage them to reinstate sports on the site. However, it also comments that rugby provision is over-supplied and cricket provision raised no significant quantity or quality issues, presumably mindful that the application site had been inaccessible for sport since 2005. As such Policy E6

seems to be a desirable objective, rather than being essential for cricket or rugby provision in the area.

6.12. THE APPLICANT'S CASE

6.13. The Applicant considers that the site is neither a playing field, nor a playing pitch (having regard to various definitions) and as such development would not lead to the loss of a functioning playing pitch. They advocate the site should be considered as open space/former playing fields and that the site is surplus to requirements. They have offered compensation for the loss of former playing fields. The applicants comment that there is a sufficient supply of pitches in quantitative and qualitative terms to meet predicted demand for football, cricket and rugby in the area. They also comment that no significant demand has been identified through consultation with the National Governing Bodies and clubs. They state that the playing fields have been out of use for 10 years and have common characteristics to the Martineau Centre and Portland Centre where off-site contributions were sought for the loss of those playing fields. In terms of mitigation, for the loss, the applicant has offered a contribution designed to meet an identified priority in the Playing Pitch Strategy and have offered £795,000 to fund the creation of new changing facilities at Senneleys Park, a new grass pitch, and improvements of two other pitches and on-site POS of 2.2ha.

6.14. The applicant's Playing Field Assessment uses the established principles of the City Council Playing Pitch Strategy of 2012 and consider that a number of key changes have occurred locally. In summary these are;

- Cape Hill Brewery, becoming available for cricket field for Warwickshire County Cricket Club (WCCC). A replacement changing pavilion and changing rooms have been built, WCCC have now taken occupation.
- A new Artificial Grass Pitch is proposed at Lordwood Boys' and Girls' schools, fully funded by the loss of a playing field at the Martineau Centre.
- Sandon Road Playing Fields is becoming a rugby academy consisting of 2 rugby pitches, 1 junior football pitch and an all-weather pitch.
- Selly Oak (former hospital) approved plans for a reinstated cricket square and new changing facilities. This approved scheme included new housing which triggered the payment of £70,000 towards local sports provision.
- Loss of Portland Centre former school playing fields and compensation payment to a local school of £100,000 to improve local sports provision.
- In summary the applicants have identified a surplus in cricket provision, an over-supply of adult football pitches (except in Harborne Ward where there is a slight deficit) and that the Sandon Road site would meet local rugby needs. As such the applicants consider that the site is surplus to requirements.

6.15. The applicant has also stated that they have approached the National Governing Bodies for sports and have found no specific interest in the site.

6.16. REACTION TO THE APPLICANTS CASE AND SUMMARY OF FINDINGS

6.17. The City considers that the site is still playing fields, irrespective of the applicant's position and that its lack of use, and inability to be accessed, does not negate this designation. I note that Sport England do not agree with the applicants that the playing fields are surplus to requirements but they do agree with the applicants that the offered off-site mitigation would be an equivalent or better provision. I note that limited interest has been raised from the protracted consultation process and no club

have expressed a strong desire to use the site. In any event, putting the issue of need to one side, the paragraph 74 of the NPPF is clear that the test of being 'surplus' is exclusive to the second test of 'adequate compensation'.

- 6.18. The area subject to development represents 2.3ha. I consider that it is of limited use for sports pitches as it is an awkward shape (at its eastern half) and could only accommodate 2 to 3 pitches (100m x 64m) depending on how it could be laid out (taking into account shape, levels and landscaping). I also acknowledge that many of the arguments set out by the applicant have some merit, namely that the Playing Pitch Strategy (PPS) is out of date and in need of review, and that sporting provision and planning decisions have altered the context. Whilst some playing fields have been lost at sites such as Martineau Centre, Portland Centre and City Road playing fields, I also note that these inaccessible areas have been/will be replaced with access to new and improved sporting facilities. I understand that a new PPS is being prepared in collaboration between the City and Sport England and should be available for adoption later in the year. In advance of the outcome of this review your officers have been considering the type of improvements required at Senneleys Park, to satisfy Policy E2 of the current PPS. Colleagues in Local Services and Acivico have investigated the provision at Senneleys Park, considered the current facilities and listed the level of investment required to upgrade this facility. They have concluded that the current changing rooms are beyond use and need to be replaced with a new 4 team changing room, they have also identified that significant pitch improvement is necessary to bring former pitches back into active use to a club standard. The costs associated in the delivery of this infrastructure are generally agreed between Local Services, Sport England and the applicants, at £795,000, and this could fund the delivery of an important football focussed sporting provision. I agree with Sport England that this represents a better provision of sporting facilities in quantity and quality than is currently available on the application site for the local community.
- 6.19. This approach is fully endorsed by Sport England which supports the benefits being offered and is confident that the proposal would improve access to sporting facilities. I also note that Local Services colleagues have calculated that the basic compensation sum for the general loss and compensation for playing field, being a sum of £15 per sqm, would generate a sum of £364,500. However, the calculated sum pays no real regard to the actual cost of providing replacement facilities and fails to address where or what would be required off-site. The actual offered sum is significantly greater, targeted to fund the list of enhancements identified by Local Services and, is thus, considered to be sufficient to off-set the loss of playing pitches on-site and offers the provision of an enhanced off-site alternative.
- 6.20. Nearly half (2.2ha) of the application site is proposed to be converted from playing field land to public open space (POS). The Harborne Ward has a POS provision of 1.48ha per 1000 population; below the policy objective of 2ha per 1000 population. Furthermore the playing field provision is 0.4 per 1000 population in the ward, also below the policy objective of 1.2ha per 1000 population. Considering Policy TP9, of the draft BDP, it is considered that there is no identified local need for the playing fields, considering the increased sporting opportunities identified by the applicants in the area, the lack of interest revealed through the planning consultation process, the position of the out of date PPS and the support given to the latest proposal by Sport England. As such I am content that the site is probably not required as playing field land, despite the deficiency in the ward, although I note that Sport England consider there may be some unmet demand. As adequate compensation is offered it is not necessary to come to a definitive view on 'need'.

- 6.21. I consider that there are two significant planning benefits of an approval. Firstly, the proposal would enable the site to be publicly accessed through the provision of a new on-site neighbourhood park (of 2.2ha). This would create access to new publicly accessible open space, improving the local provision of parks and meeting a BDP objective to provide greater access to public open space. Secondly, the proposal would enable the funding of significant improvements to Senneleys park (3.5kms to the southwest) for improvements to football pitches with an offer of £795,000. I consider that these two significant benefits would outweigh the proposed loss of 2.3ha of playing field land and create positive benefits for the local and wider community.
- 6.22. I am satisfied that the offered level of financial contribution would mitigate the loss of the playing field land on site and the associated sum would fund a local facility that would be “equivalent or better in terms of quantity and quality” than the on-site playing pitch provision of 2.3ha and therefore satisfies the tests of paragraph 74 of the NPPF and Policy TP9 and TP11 of the draft BDP. I also consider the site to be relatively unique being in a ward in need of new sites that can contribute towards the identified public open space deficit being of a sufficient size to provide a neighbourhood park of over 2ha.
- 6.23. Principle – the appropriateness of residential development.
- 6.24. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.25. Policy TP27, of the draft BDP, requires new housing to be; outside flood zones 2 and 3*; be served by new or existing infrastructure; be accessible to jobs, shops and modes of transport other than the car; be capable of remediation; be sympathetic to historic, cultural or natural assets; and not conflict with other specific policies of the plan.
- 6.26. The site is in flood zone 1 (least likely to flood) and is not contaminated to an extent in cannot be remediated. The site is within an established residential area in a suburb in close proximity of the city for cycling. The site also provides good access to public transport on both Gilhurst Road and Lordswood Road. I consider that the principle of residential use for this site is acceptable in locational terms.
- 6.27. Design and Layout
- 6.28. Design guidance within Places for Living (SPG) encourages good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.

- 6.29. Mature Suburbs (SPD) states that new housing can have a significant impact on local distinctiveness on the character of an area and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. It states that design should determine density and not vice versa. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.30. The scheme would deliver a 'perimeter block' arrangement of houses with back gardens mostly adjacent to other back gardens and with front elevations of new houses mostly facing onto new roads and the proposed new park. The area of public open space would be located to the west area of the application site and new houses would face onto this space. Equally new rear gardens would be located adjacent to existing off-site gardens where possible- allowing for the badger corridor that runs to the rear of 21 proposed rear gardens. Consequently, the layout is acceptable and satisfies master-plan principles of legibility and creating a good sense of place. The design and proposed materials are well-considered and acceptable to the local context.
- 6.31. In November 2015, the Government introduced National Space Standards and explained to Local Planning Authorities that these Standards could only be used if adopted through a formal Development Plan adoption process. It also stated that Local Authorities could no longer use local internal space standards. As such the bedroom size guidelines in Places for Living can no longer be officially used to gauge the acceptability of bedrooms, but they can still indicate (informally) the LPA's minimum threshold for a decent standard of living. Most of the proposed dwellings would satisfy the bedroom sizes guidelines previously set out in Places for Living. All dwellings meet the National Space Standards apart from bed 3 and bed 4 of the Tweed, which has bedrooms of 7.3sqm and 6.2sqm respectively rather than 7.5sqm. The Tweed house-type occurs twice on the site. These are compact 4 bedroomed properties and are provided as part of the affordable housing provision. These shortfalls are considered minor and would not, in itself, warrant a reason for refusal of the application.
- 6.32. Garden Sizes are achieved for all dwellings with respect to Places for Living. In terms of separation distances most new houses would sit on relatively large plots, Places for Living requires 21m back to back and 12.5m rear to blank side elevation, but stresses that good design should drive a layout rather than numerical requirements. In regard to the proposal, on corner plots, separation distances are generally met but provide a separation distance of 12 m from a rear elevation to the blank side elevation of the nearest house in three locations (for plots 58 and 2). I do not consider that two minor shortfalls, for new residents rather than for existing houses and across a sizeable development site, constitutes a reason for refusal. In terms of front to front distances these would be a minimum distance of 18m and back to back distances are generally 22-24m, Places for Living seeks a distance of 21m between principal elevations. This distance is reduced at one location to 20m, between plots 70 and 73, due to a design-lead solution for a part of the site which is an awkward shape. I am satisfied that the layout and separation distances are acceptable.
- 6.33. Impact on Residential Amenity
- 6.34. Places for Living SPG also considers the impact of proposals upon adjacent residential amenity, again through guidelines relating to separation distances. The proposed houses are also considered to be relatively generous in terms of

separation from boundaries. This is partly created by the location of a badger corridor that would run to the rear of approximately half the proposed dwellings and also due to the generally low density proposed. Furthermore, existing off-site rear gardens are on average 30m long, the shortest existing gardens are 20m, the longest are 50m. The pinch points are in the eastern section of the site, where the higher density affordable housing would be located and the site narrows. This has resulted in some areas where the proposed houses are close to the boundaries (and no badger corridor is proposed). A row of 5 terraced two storey houses (plots 10-14) are proposed in the north eastern corner of the site. The eastern most terraced house would have a garden length that ranges from 9.5m to 10.5m. The house beyond (157 Knightlow Road) has a garden length of 27m and as such I do not consider that significant overlooking or over-domination would take place onto rear windows or the most private area to the immediate rear of existing houses.

- 6.35. The second area where new houses would be located close to a boundary occurs in regard to plots 15 and 16, to the southeast section of the site. Part of the rear garden length of plot 15 is 9.5m to the rear boundary fence. Rear gardens beyond are between 38m (96 Gillhurst Road) and 48m (90 Gillhurst Road) long and some existing trees are located on the edge and within these rear gardens providing some screening. As such I do not consider that over-looking or over-domination would be evident. The perimeter of the site also has housing proposed to adjacent to rear gardens of 78 to 104 Gilhurst Road. This row of 8 proposed houses (plots 21-28) would have rear garden lengths of 10-12m and be adjacent to neighbouring existing gardens which are around 45m long, with some tree screening on the boundary. As such I also do not consider that this relationship would affect existing residents' amenity.
- 6.36. Transportation
- 6.37. Policy TP37 of the draft BDP requires development proposals support and promote sustainable travel and TP43 requires new development to support the delivery of a sustainable transport network.
- 6.38. The scheme proposes 63 dwellings with parking ranging from 200-400% parking provision (including garaging). Access would be gained into the site from Knightlow Road, a relatively narrow road, which in turn feeds onto Lordswood Road and Gillhurst Road.
- 6.39. The original submission proposed 121 dwellings, which was then amended to 103 and finally to the current proposal of 63 dwellings. The amended application is supported by an updated Technical Note (14th March 2016) produced by Phil Jones Associates. The previous layout gave concern with the emergency service accessibility. Discussions with the fire service, secured amendments to the layout which now satisfy these concerns. Transportation colleagues have also confirmed that the Highway Tree Asset Officer does not object to the removal of the street tree adjacent the access on Knightlow Road. Tracking has been provided for refuse and fire tenders.
- 6.40. The original Transport Assessment (TA) assessed the impact of a residential development of up to 130 houses, with a sensitivity test that 20% could be either 1 or 2 bed apartments. In addition, for further robustness the TA assumed the development would not contain any "affordable housing", therefore modelling a very high car ownership as opposed to the anticipated actual car use levels. Based on 63 dwellings the predicted trip generation was: AM Peak (0800 to 0900) = 10 arrivals and 26 departures. PM Peak (1700 to 1800); 23 arrivals and 14 departures.

It is noted that the current development layout has 63 dwellings. The predicted trip generation within the TA will, in reality, be slightly lower as detailed in the Technical Note.

- 6.41. The network distribution (informed by Census data) indicates that approximately 60% of trips will route along Knightlow Road westbound and 40% along Knightlow Road eastbound. These equate to relatively insignificant numbers. Junction analysis has been undertaken at the proposed priority junction site access on Knightlow Road and also the priority junction of Knightlow Road/Lordswood Avenue (including development traffic and future year growth) this indicates that future years with the proposed scheme's traffic can be satisfactorily accommodated. Base line (2014) traffic counts provided by both the applicant (within the PJA Transport Assessment) and from "Friends of Ravenhurst" (submitted October 2014) indicate similar local network "baseline" flows.
- 6.42. Transportation colleagues consider that the Transport Assessment and additional technical note is robust and they have raised no objection to the scheme subject to conditions to secure conditions to secure; Construction Management Plan, S278 works for the junction works onto Knightlow Road, Residential Travel Plan, pedestrian visibility splays of 3.3m x 3.3m x 600mm high to be incorporated into the driveways and the footway to be reduced to 1.85m on each side for the first 25m of the access allowing the carriageway width to be increased to 7.3m. I concur with the conclusions drawn by Transportation.
- 6.43. Trees
- 6.44. Policy TP6, of the BDP (in regard to flood management) states that "trees and woodland can provide significant benefits in terms of water management and flood alleviation...in addition to their wider landscape value. The provision of additional trees and woodland will therefore be encouraged".
- 6.45. The Arboricultural Report identifies that there are 163 trees, 13 groups and 9 hedge groups within the site. The application proposes the removal of 21 trees, 2 tree groups and 2 hedges. All trees and groups for removal are category C (low quality) apart from a horse chestnut (category B) and two ash trees (both category U-dead/dying/diseased). The horse chestnut is subject to a Tree Preservation Order (TPO) (1127) and is located in the access way, 20m from Knightlow Road and would prevent the site coming forward for development. My tree officer has stated that he has no objection to the proposed tree removal and scheme generally subject to the submitted arboricultural method statement being strictly followed and replacement planting being provided. He considers that provided the proposed tree protection and methods as proposed are followed he has no objection. I concur with his comments.
- 6.46. The site is also subject to a larger TPO (1158), this is a group order that covers the entire application site and was made in 2006 following previous market interest in the site. Furthermore, TPO 38 covers three properties at 119-123 Knightlow Road, which are adjacent to the site entrance. The trees proposed for removal are included within TPO 1158 and 1127. This order prevents removal of these trees without the consent of the Local Planning Authority. These have been reviewed by my tree officer and he is satisfied that the trees affected are mostly of low quality and does not object to the removals subject to replacement planting.

- 6.47. The replacement tree planting is proposed to off-set the proposed loss of 21 trees, in the form of 108 new trees. I am satisfied that the proposed landscaping scheme would off-set the proposed tree removal.
- 6.48. Ecology
- 6.49. Policy TP8, of the draft BDP, states that “development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured”. This is also reinforced at paragraph 118 of the NPPF.
- 6.50. Current guidance on LPAs’ legal obligations in respect of protected species is set out in *Circular 06/2005: Biodiversity and geological conservation – Statutory obligations and their impact within the planning system*. Paragraphs 98 and 99 provide general guidance in relation to legally protected species. Paragraphs 123 and 124 provide specific advice in relation to badgers. The Protection of Badgers Act 1992 provides legal protection for badgers and their setts. Under the Act, it is an offence to: wilfully kill, injure or take a badger, or attempt to do so; cruelly ill-treat a badger; intentionally or recklessly interfere with a badger sett by damaging or destroying a sett obstructing access to any sett entrance, causing a dog to enter a sett or disturbing a badger when it is occupying a sett. Natural England has issued standing advice and advise that plans should first attempt to avoid affecting badgers, and that mitigation measures should be used to reduce impacts.
- 6.51. The proposal for 63 houses allows for increased open space/habitat provision: approximately 2.2ha of public open space (POS), including badger corridors. This represents an increase of approximately 0.59ha in the area of land set aside for open space/badger habitat compared with the previously submitted scheme for 73 houses and 1.6ha of POS, which was proposed for refusal based partly on this issue.
- 6.52. An updated Badger Survey report has been submitted, which sets out the results of a further survey visit by the scheme ecologist on 14th March 2016. The impact of the revised proposals on badgers is assessed in the context of this latest survey, as well as previous surveys completed in August, September and November 2014.
- 6.53. The update survey report notes the focus of the badger group’s activity continues to be the western half of the western field, although some new evidence of foraging activity in the north-west corner of the eastern field, adjacent to the access road, was also recorded. Mr ecologist’s site visit found additional signs of foraging activity around the edge of the eastern field, with a mammal access path leading into the site over a mound of dumped garden waste in the extreme north-western corner where the boundary fence has been broken down. It seems possible that this activity is connected with an off-site badger group rather than the group occupying the setts at the western end of the site. In addition, she found signs of foraging along the southern boundary, with a particular concentration of activity to rear of 70-76 Gillhurst Road. She also understands a representative from the Badger Trust’s West Midlands group also recently visited the site at the request of local residents, and noted evidence of badgers accessing the site from rear gardens on the south-eastern boundary, as well as the north-western corner of the eastern field (consistent with the signs she found). The increase in activity in the eastern field, although possibly attributable to badgers from another (off-site) group, adds weight

to the need to review the mitigation measures proposed in First Environment's Updated Badger Survey report to include, for example, road calming measures within the development (to reduce the potential for badger road casualties) and low level lighting.

- 6.54. From my ecologists recent site visit, she can confirm that the setts along the western and northern embankments of the western field continue to be used as the badger group's main sett. Two subsidiary/outlier setts are present within the open grassland area adjacent to the top of the embankments. The northern sett has two entrances, and shows signs of recent use. Close to this sett there is also a group of four, fox-sized excavations, which do not appear to have been used recently. The southern sett (one entrance) also does not appear to be in current use and the end of the sett tunnel has partially collapsed.
- 6.55. None of the setts (main or subsidiary/outlier) would be directly affected by the built development element of the proposals. The updated badger survey report concludes a licence from Natural England would not be required as none of the occupied holes would be disturbed. In the context of the two subsidiary/outlier setts, my ecologist does not agree with the applicant's conclusion that the impacts associated with these two setts are clearly addressed in the mitigation reports. The northern sett would be located in the species-rich grassland "zone" (drg 1443.LD.02 rev. A), and is likely to be subject to a greater level of disturbance than at present due to increased use of the open space by residents of the new development. To avoid disturbing badgers using this sett, it may be necessary for it to be temporarily closed while works associated with the laying out of the open space take place. Post-development, there is a possibility that badgers' use of this sett would decline; the use of subsidiary/outlier setts would, however, be expected to fluctuate naturally, influenced by seasonal variations in badger activity. The southern sett would be located in the retained habitat "zone", where it could be screened by new tree and native shrub planting. Continued monitoring of both setts (and the fox earths) is required to determine their status prior to works commencing, and hence the precautionary working practices that would need to be implemented, as well as the requirement for a NE licence. Standard, good practice mitigation measures (as outlined in First Environment's Updated Badger Survey report) would need to be implemented to minimise site clearance and construction phase impacts; this requirement should be secured by condition.
- 6.56. A key concern with previous proposals related to the impact of habitat loss on the long-term survival of the badger group. In coming to a view about what scale of development is acceptable, whilst ensuring that sufficient habitat continues to be available on-site to sustain the badger group, my ecologist has reviewed published research and good practice guidance, and discussed the matter with ecologist colleagues. She can find no published evidence which defines the threshold (in terms of habitat area) above which loss of territory has a significant impact on an individual badger group. The quality and functionality of the retained habitat and its connectivity to other suitable habitat off-site appears to be more important than the size of the area retained. On this basis, she has concluded that 2-2.5ha of open space should be retained as one block at the western end of the site in order to maintain an adequate level of habitat resources to support the badger group and not significantly affect its long-term ability to survive. A badger corridor is also required to maintain access to off-site gardens, and the open space should incorporate new planting to improve the quality of the foraging resources available to the badgers.
- 6.57. The currently submitted proposals, which include 2.2ha of open space, and a badger corridor around the northern and southern boundary of the western field, do meet

these requirements. On this basis, she considers that this scheme is acceptable in providing sufficient open space to deliver the foraging habitat required to sustain the badger group, thus overcoming her objection to previous proposals and therefore the reason for the previously recommended refusal.

- 6.58. The Open Space Masterplan indicates the open space would be “zoned” to include different habitats – open amenity grassland, species-rich grassland and existing retained habitat. New tree planting is proposed within each “zone”, with native shrubs to provide defensive planting to help screen and discourage access to the main sett and southern subsidiary/outlier. There should be flexibility in these proposals to allow for the northern outlier to be screened in a similar way. All three open space “zones” would provide foraging opportunities for the badgers, and management of the space should maximise these opportunities, eg by allowing for areas of short mown grass and longer grass margins. New tree and shrub planting should focus on native and fruit bearing varieties, for example, hawthorn, blackthorn, elder, cherry plum, crab apple and bramble. Brief details about the design and management of the open space and badger corridor are contained in First Environment’s Updated Badger Survey report. My ecologist has no objection in principle to the approach proposed, further details of the design and management of the open space, including badger corridors, should be secured by condition.
- 6.59. There is no detail about the programming/phasing of the open space habitat enhancement works. Undertaking these works, especially the tree and shrub planting, at the start of development works, and phasing construction from east to west so that works closest to the setts are completed last, should help to reduce adverse impacts, allowing time for the new planting to become established and for the badgers to adapt to increasing disturbance. It is not clear whether the boundary between the open space and built development would be permeable, therefore allowing the possibility that badgers would range more widely through the development site. Because of this, traffic calming measures should be installed to reduce the risk of vehicle collisions. Lighting adjacent to the edge of the open space should also be low level, to minimise disturbance. These matters should be addressed via conditions.
- 6.60. The scheme design includes a retained badger corridor (3m wide) along the southern boundary (rear of 50 Gillhurst Road to 76 Gillhurst Road) and a badger corridor/ecological connectivity corridor around part of the northern boundary (rear of 89-123 Knightlow Road). Although there is no clear guidance about the minimum width requirements for such corridors, my ecologist considers that a wider corridor would be of greater benefit, however, I am satisfied that 3m is sufficient to provide this foraging route. The entrances to the badger corridors should be gated (with badger access gates installed) to discourage public access, and appropriate management is required to ensure the corridors remain accessible to badgers and unobstructed by garden waste and other debris. Brief details of long-term management of the open space (including the habitat corridors) is included in First Environment’s Updated Badger Survey report; a condition should be attached to secured further details of long-term management arrangements.
- 6.61. In relation to other ecological issues, my ecologist considers that the conclusions from the 2014 ecological assessment (relating to ecological receptors apart from badgers) are still valid. Standard, good practice mitigation measures to address site clearance and construction-phase impacts are recommended in First Environment’s Ecological Appraisal report. A condition should be attached to secure further details.

- 6.62. As a good practice, precautionary measure, the pavilion should be re-surveyed for bats prior to demolition. All mature trees proposed for felling should also be re-inspected prior to tree works commencing. If the presence of roosting bats is confirmed as a result of these update surveys, details of proposed mitigation and compensation measures would need to be agreed, and a Natural England European Protected Species licence may be required. A condition should be attached to secure this requirement.
- 6.63. The site provides suitable habitat for hedgehog. This species is not subject to any legal protection of relevance to planning or development activities, but it is listed as a species of principal importance in England under Section 41 of the Natural Environment and Rural Communities Act 2006 because of a consistent, long-term decline in the national population. Implementation of good practice mitigation measures during site clearance and construction works would safeguard hedgehogs, along with badgers and other terrestrial mammals. The open space / retained habitat at the western end of the site would also provide suitable habitat post-development. In addition, permeable boundary treatment (eg hedgehog-friendly fencing between new gardens) should be included in the scheme design to enable hedgehogs to move between gardens and other suitable habitat in an unrestricted way.
- 6.64. The proposed open space would also provide habitat opportunities for other wildlife, including birds, bats and pollinating insects, complementing existing habitat resources available in neighbouring gardens and adjacent areas of open space. A condition to secure ecological enhancement measures should be attached to secure further details.
- 6.65. Subject to the imposition of a number of ecological conditions, my ecologist is satisfied that the revised proposals for 63 houses and 2.2ha of open space complies with relevant planning policy and guidance. I concur with her conclusions.
- 6.66. Flood Risk and Site Drainage
- 6.67. Policy TP3, of the draft BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the draft BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.
- 6.68. The proposal includes development on a site which is currently fully grass and as such 'greenfield' in character. The proposal would include the retention of green space (in the on-site POS and new gardens), but also includes a substantial quantity of hard-surfacing in the form of new road ways, roofs, driveways and other incidental areas of hard-surfacing. The applicants need to demonstrate how the proposal will retain all surface water outflow on site as a first objective.
- 6.69. The Flood Risk Assessment (FRA) (revised 10th June 2015) shows that the site is within flood zone 1, least likely to flood, and demonstrates that the proposed development can be achieved with no risk of flooding and without increasing flood risk to third parties. In terms of groundwater flooding, a site investigation revealed that the site is underlain by significant areas of variable thickness of made ground over Glacial Till. This identifies that there is a low risk of groundwater flooding. The drainage strategy proposes on-site attenuation and water run-off. Drainage would be

designed to ensure that surface water is intercepted before it is able to flow uncontrolled into adjoining land. The favoured method of sustainable drainage, surface infiltration through balancing ponds, cannot be used on this site due to the need to retain the open spaces for ecological habitat. Furthermore the existence of made-ground prevents infiltration due to the danger of leaching contaminants preventing the use of soak-aways. The applicants propose an on-site water storage system that would limit the outflow to 22.5 litres per second, through the provision of 891 cubic metres of water storage. It is proposed for the drainage system to be adopted by Severn Trent Water.

- 6.70. The Local Lead Flood Authority (LLFA) has considered the proposed discharge rate of 22.5l/s (5 l/s/ha), for all events up to and including the 100yr plus climate change (30% climate change allowance) and conclude that this is acceptable in principle to the LLFA. However, it is noted that the proposed surface water strategy allows for oversized pipes and underground storage only. There is no use of any quality control measures within the proposed strategy. The LLFA strongly encourage incorporation of permeable paving and hydrocarbon separators to improve the quality of runoff, particularly as this will ultimately discharge to a watercourse in close proximity to the site.
- 6.71. Proposed finished floor levels (FFL's) should be designed to mitigate risk of flooding to people and property. As noted in this FRA, the LLFA support the recommendation that all property FFLs should be set to a minimum of 150mm above surrounding ground levels. Finally, while it is noted that some consideration has been given to the Operation and Maintenance of the proposed surface water features, further information is required, particularly as a number of these systems are to be placed in private or off highway areas.
- 6.72. In summary, the LLFA has raised no objection subject to the submission of a revised sustainable drainage scheme and the submission of an operation and maintenance plan. The Strategy is generally considered acceptable and satisfies the requirements Policy TP6 of the draft BDP, 3.71 of the UDP and paragraph 7 of the NPPF. If the scheme were being recommended for approval a condition would be required to secure a detailed drainage Strategy and maintenance plan.
- 6.73. I note the comments raised by residents in regard to existing off-site flooding and the potential run-off already occurring from the site – especially potentially in the northwest corner- due to the natural land level gradient. However, the FRA has illustrated that water run-off would not be exacerbated by the proposal and groundwater storage tanks and natural soak-aways would prevent rapid run off from those areas shown as hard-surfacing.
- 6.74. Sustainability
- 6.75. The scheme would locate new residential development within an area with good public transport linkages and not distant for local centres such as at Bearwood and Harborne. The drainage strategy would ensure that the scheme would not contribute to off-site flooding. However, the proposal would also result in the loss of the playing fields without adequate compensation and would fail to adequately protect the identified ecological assets on-site or maintain the biodiversity found on the site. As such the proposal is not a sustainable solution and cannot be supported on this basis.
- 6.76. CIL Calculation and Heads of Terms

- 6.77. This site is within the high residential value, as identified in the Community Infrastructure Levy (CIL) calculation document, attributing a rate of £69 per sqm. The total floor-space of the development is 7005sqm (excluding free-standing garages) and as such this development generates a CIL sum of £483,353. The applicant has identified that they note that under CIL an education sum cannot be secured by S106 as this would be specifically funded through CIL. Conversely, the remaining offered heads of terms are not specifically identified through CIL, are required mitigation to satisfy policy and are consequently still offered through a S106 mechanism.
- 6.78. The applicant has offered to enter into a S106 to achieve the following objectives;
- 25.4% Affordable Housing on site, consisting of 16 dwellings (6 x two beds, 8 x three beds, 2 x four 4 beds)
 - 9.52% Affordable housing, as 6 units and in the form of an off-site contribution of £205,500 (£34,250 per unit)
 - On-site Public Open Space of 2.2ha including a children's play area of a value of £90,000
 - Off-site contribution for the loss of the playing fields £795,000.
- 6.79. These sums collectively would satisfy several key Policy goals. Policy TP30, of the draft BDP, requires affordable housing at a rate of 35% for schemes of 15 dwellings or more. The applicants have offered an on-site affordable housing provision of 25%, and an off-site contribution of £205,500 representative of a further provision of 10% affordable housing. The affordable Housing sum and affordable housing on-site provision is considered satisfactory to my colleagues in Housing Strategy. They have confirmed that the additional 10% commuted sum (of £205,500) equates to 6 additional units at £34,250 which compares well with the current grant rate of £20-25,000 per unit. The commuted sum would be used to contribute to the delivery of family sized affordable housing through the BMHT development programme in other parts of the city.
- 6.80. A play area is required. This would be provided on-site, due to the lack of nearby alternative open space. This would need to be delivered to the City's specification and maintained by the landowner or a resident trust. The play area and wider POS would not be adopted by the City Council and would need a management agreement for its maintenance and upkeep.
- 6.81. The contribution offered for the loss of playing field land would adequately compensate for the loss of 2.3ha of playing field land and as such the package as a whole would satisfy Policy of the NPPF and the draft BDP.

7. Conclusion

- 7.1. The proposed scheme for 63 dwellings and 2.2ha of public open space would deliver new housing to help meet the city's needs in an area with good access to public transport. The proposed scheme provides compensation for the loss of 2.3ha of playing field land/open space and the scheme provides adequate foraging land to satisfy the requirements of the identified badger colony found on site.

- 7.2. The proposal would provide sustainable development in an existing residential area and is appropriate in terms of layout, scale and design.
- 7.3. The proposal would not unduly affect residential amenity.
- 7.4. The badger habitat and wider wildlife interests would not be compromised by the development subject to the proposed mitigation measures.
8. Recommendation
- 8.1. I. That consideration of Application No. 2014/06660/PA be deferred pending the completion of a suitable Section 106 Legal Agreement to require:
- 8.2. a) 25.4% Affordable Housing on site, consisting of 16 dwellings (6 x two beds, 8 x three beds, 2 x four beds) in the form of shared ownership and rent.
- 8.3. b) 9.52% Affordable housing, (6 units) as an off-site contribution of £205,500 (£34,250 per unit). To be paid prior to first occupation of the first dwelling.
- 8.4. c) The delivery of on-site Public Open Space, of 2.2ha, to include landscaped areas, footpaths, incidental furniture, badger and other wildlife foraging enhancement areas, Children's play area (at a value of £90,000) and a commitment that the Public Open Space be managed to ensure it is maintained to an 'adoptable' standard and be made available in perpetuity for the public to gain unfettered access. To be laid out and ready for use prior to the occupation of the 36th dwelling.
- 8.5. d) Off-site contribution for the loss of the playing fields £795,000 (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be paid prior to the commencement of development. To be spent towards the enhancement of football facilities (pitches and changing rooms) at Senneleys Park and sports provision within the Edgbaston Constituency.
- 8.6. e) Payment of a monitoring and administration fee associated with the legal agreement subject to a maximum contribution of £5,000.
- 8.7. II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 23rd June 2016 planning permission be REFUSED for the following reason:-
- 8.8. a) In the absence of affordable housing, both on-site and as an off-site contribution, the proposal conflicts with TP30 of the draft BDP.
- 8.9. b) In the absence of compensation for the loss of the playing fields and the delivery of new on-site POS, the proposal conflicts with Paragraph 74 of the NPPF and Policy TP9 and TP11 of the draft BDP.
- 8.10. III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 legal Agreement.
- 8.11. IV. In the event of the Section 106 legal Agreement being completed to the satisfaction of the Local Planning Authority on or before 23rd June 2016, favourable consideration be given to Application Number 2014/06660/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 prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 5 Requires the prior submission of a legally protected species and habitat protection plan
 - 6 Requires the prior submission of a method statement for the removal of invasive weeds
 - 7 Requires the prior submission of an additional bat survey
 - 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 prior submission of a habitat/nature conservation management plan
 - 11 Requires the prior submission of the Public Open Space hard and/or soft landscape details
 - 12 Requires the prior submission of hard and/or soft landscape details outside the area of the Public Open Space
 - 13 Requires the prior submission of hard surfacing materials
 - 14 Requires the prior submission of boundary treatment details
 - 15 Requires the prior submission of a landscape management plan
 - 16 Requires the prior submission of a lighting scheme
 - 17 Requires the prior submission of sample materials
 - 18 Requires the prior submission of a construction method statement/management plan
 - 19 Prevents occupation until the service road has been constructed
 - 20 Requires the prior submission of a residential travel plan
 - 21 Requires pedestrian visibility splays to be provided
 - 22 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 23 Requires the prior submission of revised carriageway width details
 - 24 Requires the prior submission and completion of works for the S278 Agreement
-

-
- 25 Arboricultural Method Statement - Submission Required
 - 26 Requires tree pruning protection
 - 27 No consent given for landscaping or boundary details
 - 28 Requires the scheme to be in accordance with the listed approved plans
 - 29 Limits the approval to 3 years (Full)
-

Case Officer: Ben Plenty

Photo(s)



Fig 1 East View from NW corner



Fig 2 North view looking towards Knightlow Road



Fig 3 North view looking over embankment towards rear gardens of Knightlow Road



Fig 4 East view from Northwest corner of the site

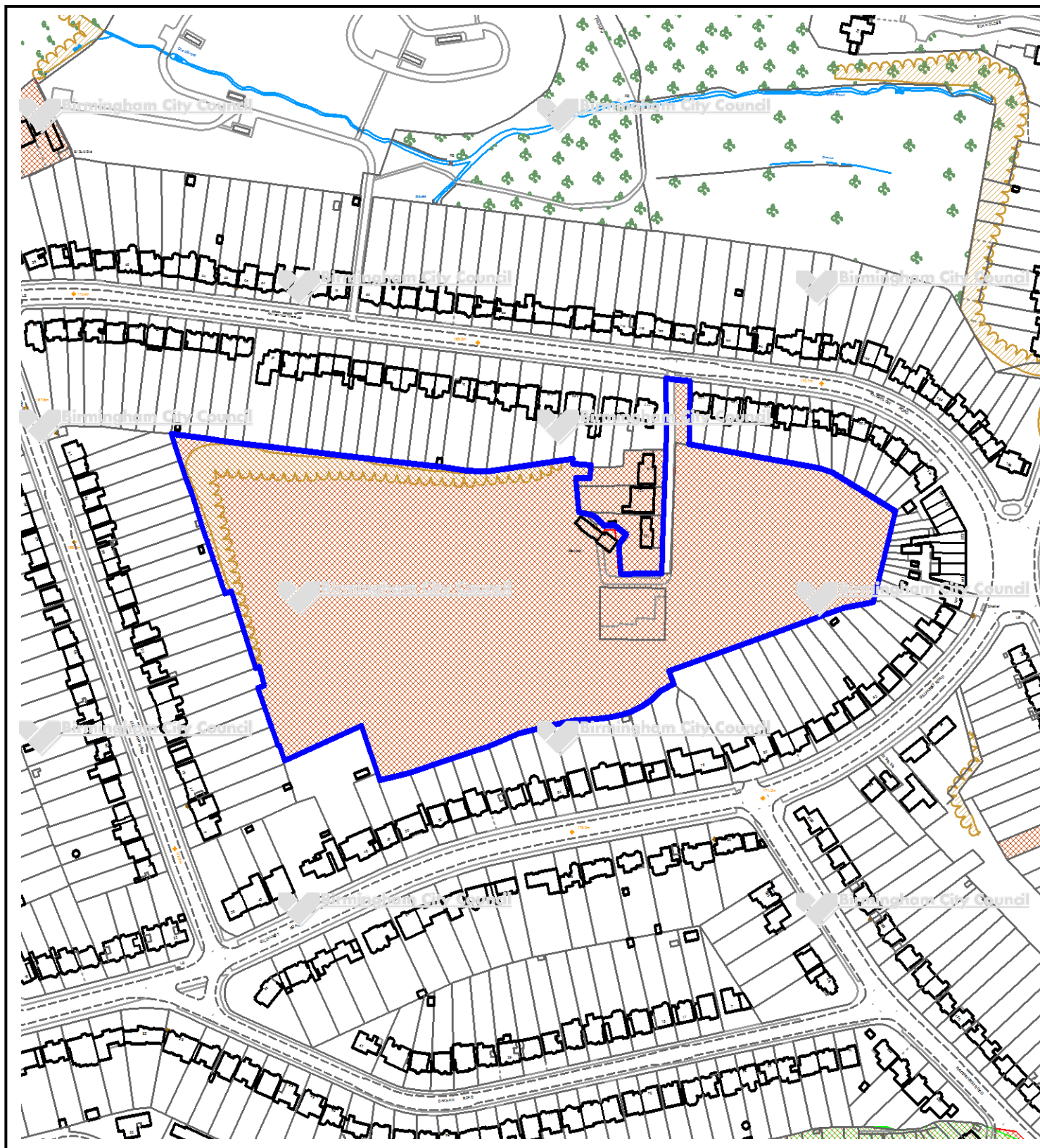


Fig 5 South view looking towards rear gardens of Gillhurst Road



Fig 6 The old Pavillion (on site)

Location Plan



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Committee Date:	09/06/2016	Application Number:	2016/01736/pa
Accepted:	29/02/2016	Application Type:	Householder
Target Date:	25/04/2016		
Ward:	Quinton		

2 Middle Meadow Avenue, Quinton, Birmingham, B32 1NU

Erection of two storey and single storey side and rear extensions and installation of canopy to front

Applicant:	Mr Inderpaul Channa 2 Middle Meadow Avenue, Birmingham, B32 1NU
Agent:	Bharya & Co. 76 Poplar Avenue, Edgbaston, Birmingham, B17 8ES

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the proposed erection of a two storey and single storey side and rear extension and the installation of a canopy to the front. The proposed development would provide an extended kitchen along with a new dining room, utility room and shower room at ground floor level. Two new bedrooms with en-suite bathrooms would be provided at first floor level. A rooflight is shown on both of the side and rear new extension roof slopes, and three on the side-facing roof slope to the single-storey side extension.
- 1.2. The proposed development would involve the removal of an existing, flat-roofed single storey side extension which provides the existing kitchen and a study. The proposed two storey side and rear extension would have a maximum width of 3.9m and would span almost the full depth of the existing dwelling with a 3m deep projection past the main rear wall of the property which would give the extension a total depth of 9.55m. The proposed development would have a hipped roof design which would be set down from the ridge line of the main roof of the dwelling to be subservient to the original property. An additional single storey side extension would project off the side wall of the proposed two storey extension with a width of 2.13m. The proposed single storey side extension would have a mono pitch roof with a ridge height of 3.37m and 2.46m to eaves level. A further 0.45m deep single storey extension would be located in front of the proposed two storey and single storey side extension with a bay window and canopy projecting forward of it. This extension would also have a ridge height of 3.37m and 2.46m to eaves level with a hipped design.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a semi detached property with a hipped roof design and a bay window column to the front. The property has an existing flat roofed garage to the side. The dwelling is set on a corner location within a predominantly residential area. The street scene comprises of similar dwellings. The front boundary of the site is defined by picket fencing of approximately 1m in height.

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. 23/12/2015 – 2015/09561/PA – Erection of two and single storey rear and two storey side extensions and canopy to front – Withdrawn.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours and local councillors were consulted for the statutory period of 21 days. Letters of objection were received from the owners of 4 properties in Middle Meadow Avenue, 7 properties in Upper Meadow Road and Cllr Gregson. Objections were submitted on the following grounds:

- Loss of light.
- Loss of privacy.
- The scale and design of the proposed development.
- The proposed works would be out of keeping with the character of the surrounding area.
- The materials to be used for the development.
- Parking issues and highway safety.
- The potential use of the development as a HMO.
- Loss of trees and garden space.
- Drainage issues.
- Structural issues and the level of detail submitted regarding this matter.
- Noise and traffic created as part of the proposed works.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005.
 - Draft Birmingham Development Plan (2013).
 - Places For Living 2001.
 - Extending Your Home 2007.
 - 45 Degree Code SPD.

- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

6. [Planning Considerations](#)

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the general street scene and neighbouring properties amenities.

- 6.2. A previous application (reference 2015/09561/PA) which was submitted for the proposed erection of a two storey and single storey side and rear extension and a canopy to the front was withdrawn towards the end of last year. The proposed scheme has been revised with the previously proposed single storey rear extension adjacent to the boundary with No.4 Middle Meadow Avenue being omitted from the scheme. The width of the proposed first floor side extension has been reduced by 2m and the depth of the proposed two storey rear extension reduced by 300mm.
- 6.3. As part of the current application, a set of amended layout plans have been submitted due to minor inaccuracies on the original plan regarding the fenestration detail.
- 6.4. The proposal complies with your Committee's 45 Degree Code Policy and the numerical guidelines as contained within 'Places For Living' and 'Extending Your Home'. Concerns have been raised by neighbours in relation to the loss of garden space, however, the existing garden would be maintained in excess of the minimum required area of 70 square metres.
- 6.5. The scale, mass and design of the proposal is acceptable. The proposed side and rear extension would replace an existing structure to the side of the dwelling with the new development only resulting in a relatively modest increase in the footprint of the dwelling. Although the existing single storey structure was originally built without planning consent it has been in place for a sufficient amount of time whereby enforcement action could not be taken against it and therefore its presence and replacement must be taken into account as part of the assessment. Neighbours have raised concerns regarding the proposed development breaching the building line. With the demolition of this existing structure the new proposed side extension would be set further away from the boundary with Upper Meadow Road. I therefore do not consider that the proposal would further breach any building line along this stretch of road.
- 6.6. The proposed two storey side extension has been designed to be subservient to the main dwelling which is in accordance with the guidance contained within 'Extending Your Home'. There are other examples within the surrounding area of other dwellings with existing two storey and single storey side extensions including No.23 Upper Meadow Road which is located directly across from the application site. I do not consider that the proposed development would be out of keeping with the character of the surrounding area. The proposal would not have a harmful impact upon the architectural appearance of the dwelling or the visual amenity of the surrounding area. I therefore do not consider that there are sustainable grounds upon which to recommend refusal of the application.
- 6.7. Comments have been received from a neighbour in relation to the materials used for the proposed works. A standard condition is to be attached stating that materials used to match the existing dwelling in terms of colour, form and texture.
- 6.8. A number of objecting neighbours have stated their concerns in relation to the use of the property as a House in Multiple Occupation. However, the application has been submitted on the basis of the property being used as a single family dwelling and therefore this must be taken on face value. Should the property be used as a HMO in the future and require a change of use then an application would need to be submitted and assessed on its own merits.
- 6.9. Concerns have been raised by a neighbour in relation to possible parking issues. However, the existing off street parking spaces would be retained to the front of the

dwelling therefore I do not consider that there are sustainable grounds upon which to recommend refusal of the application in relation to this issue.

- 6.10. Neighbours have raised concerns in relation to structural issues and drainage issues. Any issues of this nature would be dealt with as part of a Building Regulations application and are not a material planning consideration.
- 6.11. Concerns have been submitted in relation to the proximity of existing trees to the main dwelling. However, these trees are not covered by a Tree Preservation Order therefore the applicant would not require any consent to remove them if they wish to do so.
- 6.12. Objections have been raised in relation to the disruption caused in relation to noise and traffic during construction works. However, any building works carried out would only be for a limited time period and therefore I do not consider that the development could be reasonably resisted on these grounds.
- 6.13. No CIL form has been submitted, however the proposed development does not attract a CIL contribution.

7. Conclusion

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

8. Recommendation

- 8.1. Approval is recommended subject to the following conditions:

-
- 1 Requires that the materials used match the main building
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Limits the approval to 3 years (Full)
-

Case Officer: George Baker

Photo(s)

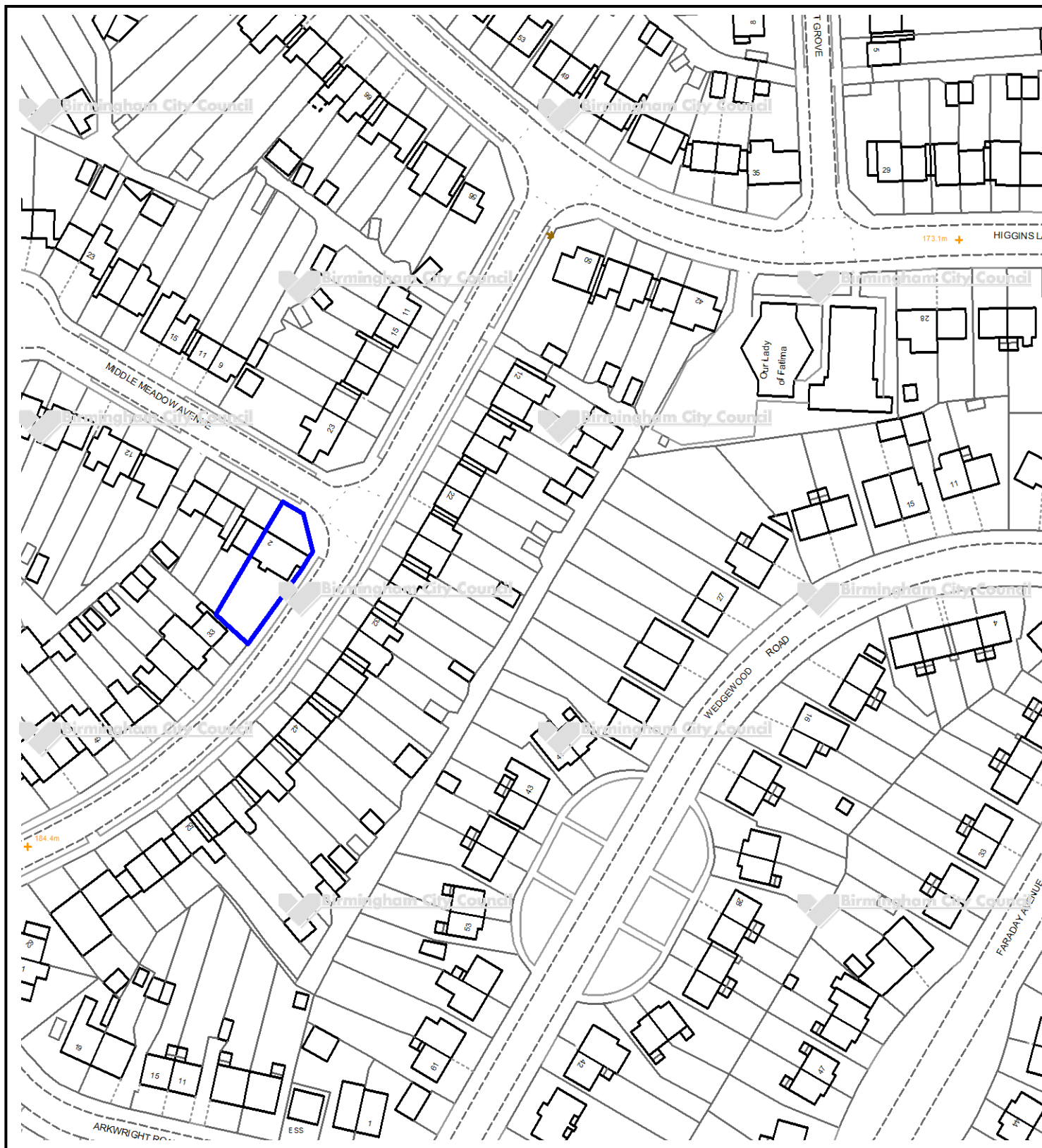


Figure 1: Front Elevation



Figure 2 Side/Rear Elevation

Location Plan



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Committee Date:	09/06/2016	Application Number:	2016/02674/PA
Accepted:	31/03/2016	Application Type:	Reserved Matters Development
Target Date:	30/06/2016		
Ward:	Selly Oak		

Land at Former Battery Site, off Aston Webb Boulevard, Selly Oak, Birmingham

Reserved Matters application following outline consent 2013/02178/PA for the layout, scale, appearance, landscaping, pedestrian and cycle access, and vehicular access within the site for Student Accommodation

Applicant: Harvest 2 Selly Oak Ltd
c/o The Agent
Agent: Turley
The Charlotte Building, 17 Gresse Street, London, W1T 1QL

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Members will recall the Reserved Matters application (2015/04902/PA) considered at your meeting of 17th December last year, which secured detailed consent for a mixed-use scheme, principally consisting of the Supermarket, other Retail, a Petrol Filling Station, and Student Accommodation. A new Reserved Matters application has now been submitted for a smaller area - just the Student Accommodation part of the wider site, on the western side of the Worcester & Birmingham (W&B) Canal.
- 1.2. This new submission has been made for a number of reasons: the Applicant has now contracted with an Occupier (Unite Living) to provide the Student Accommodation, who seeks a range of internal changes described below in due course, to increase separation to the nearby overhead electricity cables running north-west to south-east, in order to improve safety during construction, and to concurrently provide a larger plaza to the immediate north of the building. The northern edge of the building would be moved by 13m to the south, compared to the recent consent. The south-eastern corner of the building would remain as per last year's application, 19m from Bristol Road. The new building would be 82m long, still 15m deep, and still sited mostly approximately 8 – 9 m from the canal edge (whose towpath varies in width/route).
- 1.3. Last year's consent provided 15,000 sqm (Gross Internal) of Student Accommodation, within a building of three principal elements of, from south to north, 18, 10 and 12 storeys respectively (maximum height 54m). The now-proposed reduced footprint would be partially compensated for by increasing the height of the two northern tower elements, by one and two storeys respectively: the scheme now shows 18, 11 and 14 storeys. Floorspace would be reduced, to 13,949 sqm. Last December's Consent provided 424 student bedrooms, 418 are now proposed

- 1.4. Externally, aside from the changed overall dimensions, the building would retain the same architecture and materials as approved last December: the two principal elevations (east and west) would present a strong grid pattern of brick punctuated by full-height window apertures, with perforated or louvred, recessed, metal ventilation panels alongside. Window frames would be set-back by c. 42cm from the brick elevation, ventilation panels by c. 22cm. A continuous, vertical 'bookend' of masonry uninterrupted by windows, would sit at either end of the two main elevations, spanning ground to parapet level. Each pair of floors would be separated from the others by a continuous, horizontal band of brick courses. The three building elements would be separated visually by two recesses of 3.7m width and 0.9m depth. A slightly different window arrangement would be presented on the slimmer gable elevations (north and south), but within the same, overall fenestration-masonry grid pattern set over two storeys for each element. Three stainless steel flues (maximum 1.8m above parapet) would be sited on the southern tower. The stairs/lifts core, on the rear (west) elevation would present recessed masonry panels instead of windows, but of matching aperture size and order.
- 1.5. Aside from the changed overall dimensions, the principal elevational change would be the re-positioning and new design of the main entrance. It would now be sited approximately one-quarter of the building's length from the southern end, within the 0.9m principal recess. It would be marked by a 3.7m wide by 2.8m deep aluminium canopy, of 0.45m thickness.
- 1.6. The Occupier seeks a range of changes to the communal and access arrangements at Ground and First Floor, and to the mix of 'cluster flats' and individual 'studios'. A similar range of communal and administrative facilities would be provided, albeit principally of different configuration. The Ground Floor would provide a Foyer and Reception, a double-height 'Common Area' room, Office/Management, staff and post rooms, refuse rooms, plant room, bicycle storage (104 spaces), store and electrical rooms. There would be two sets of lifts and stairs. A double-height frontage space with stairs would still be provided, leading up the First Floor, with a second, large Common Room (available for sub-division), meeting rooms, Study Space, laundry room, more storage, and toilets. Last December's approval had some cluster flats and studios on the First Floor, these have been removed from the new proposals.
- 1.7. The development would provide 348 cluster flats of 4 or 5 bedrooms, sharing a common kitchen-living room, and 70 individual studio flats (with kitchen-bed-study, and ensuite). All cluster flat bedrooms would have an ensuite, and measure 10.5 sqm (ensuite excluded). The studio flats would measure between 21 and 29 sqm (ensuite excluded). All exceed the standards (6.5 sqm single bedroom) set out in Specific Needs Residential Uses.
- 1.8. The building would still be sited with a 5m gap to the rear elevation of the Supermarket. Access to the Supermarket's undercroft would be available from the back of the Student Block. This rear area between the two buildings would allow for servicing of the Student Accommodation (waste/recycling especially), access to the students' cycle store, and for students to come-and-go to the Supermarket. Dropping-off/collection of students at the start/end of terms would also operate from this area, managed by the building's Operator (and controlled by Outline consent condition). Ten disabled parking spaces would still be provided in the Undercroft adjacent to the Student Block, to serve the accessible studios.
- 1.9. The building's reduced footprint allows for a larger plaza at its northern end, now measuring approximately 63m north to south (beyond this applications red edge),

and 23m east to west (excluding the towpath). It is shown open at its northern end, with concrete block paving stones and lines of granite setts. To the centre and south, it is shown with pleached trees set around and amongst ornamental shrubs and seating (concrete benches and individual cubes). An artwork feature/signage location is indicated, to be connected to 'local art strategy'. Another such feature is shown at the southern end of the Student Block, close to the junction of the future Lapal Canal with the W&B Canal.

- 1.10. Attention is paid to Accessibility: eighteen fully wheelchair-accessible studio flats are proposed (eleven were approved previously), and access throughout the building particularly for visually-impaired people and wheelchair users. For Sustainability, matters including the following are set-out: recycled/recyclable materials, locally-sourced construction materials where possible, maximise natural light, minimise solar gain, high efficiency lighting, potential combined heat and power engine, natural ventilation. Energy efficiency is controlled by a combination of architecture, technical systems, construction and occupiers' behaviour. Externally, the Student Block would be accessed as per the previous consents, via the towpath from the north and south, stairs and bridges from the east (Bristol Road), and via the main Retail and Supermarket area to the immediate west.
- 1.11. The remainder of the Outline and previous Reserved Matters consents would remain unchanged, with their various conditions and obligations (S.106 Legal Agreement).
- 1.12. Once completed, the Applicant estimates the building would employ in the region of eleven Full-Time Equivalents.
- 1.13. The application is accompanied by the following supporting documents:
Planning and Consultation Statement
Design and Access Statement
Addendum Environmental Statement Update
Drainage Management Plan
- 1.14. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 0.35 ha of land alongside the W&B Canal. It consists of the towpath and towpath-edge banking and associated trees along its eastern edge, but otherwise consists principally of recently-cleared and de-contaminated land on the eastern edge of the former Battery Site. The site lies at some 4m lower ground level than the street level of the Bristol Road canal bridge. The canal towpath varies in height, due to the remnant of the former junction to the Lapal Canal.
- 2.2. Land to the west will be the future Supermarket and Retail development, while the land to the east on the opposite side of the W&B Canal has planning consent for commercial uses as part of the Outline Consent (2013/02178/PA). The two will be connected by a future bridge over the W&B Canal. The cross-city railway line passes to the north and east. Western Power Distribution has extensive electrical equipment (Switching Station, including pylons) to the north, with overhead power lines running across the application site across the canal towards Selly Oak train station. Beyond the electricity infrastructure to the north will be the Life Sciences Campus.

- 2.3. Residential areas lie to the west particularly, along with Selly Oak Park, and allotments and other open space and the Bourn Brook are to the north-west. To the north beyond the Life Sciences Campus site are the Queen Elizabeth Hospital, the Birmingham & Solihull Mental Health Trust site, and University of Birmingham. Selly Oak (Bournbrook) Centre is to the east. Just to the east of the railway line are two Grade II Listed Buildings: Selly Oak Library, and the large Electricity Sub Station at the rear of 659 Bristol Road. The site to the south-east on the opposite side of the canal is the Sense site for the Deaf-Blind, currently under construction.
- 2.4. The site is well-served by bus and train, with the many frequent bus services running on Bristol Road and Harborne Lane, and on Aston Webb Boulevard. University train station is some 550m to the north of the site, along the canal towpath.
- 2.5. The wider Battery site is affected by a number of land/planning designations: Site of Local Importance for Nature Conservation (SLINC), covering approximately half of the site (central area, but now redundant due to site remediation); Wildlife Corridors, on the railway, canal, and line of the former Lapal Canal; 'Linear open space walkways', along the line of the former Lapal Canal, and across the site to link the W&B Canal and Bournbrook Walkway; Gas pipeline, western side of railway and canal; Flood Zones 2 and 3, in the north-western part of the site; The Birmingham (Tip rear of Birmingham Battery, Bristol Road, Selly Oak) Tree Preservation Order 601, 1992 (long-redundant at the application site due to major infrastructure works – construction of the Selly Oak New Road, then site remediation).
- 2.6. [Site Location](#)
3. [Planning History](#)
 - 3.1. Extensive. Most relevant and recent includes:
 - 3.2. 17/12/15, 2015/04902/PA, Reserved matters application following outline consent 2013/02178/PA for the layout, scale, appearance, landscaping, pedestrian and cycle access, and vehicular access within the site for the supermarket and other retail development, student accommodation and petrol filling station. Approved.
 - 3.3. 28/11/13, 2013/02178/PA, Outline planning application for mixed use development comprising of life sciences campus (Use Classes B1a, B1b, B1c), supermarket (Use Class A1), non-food retail units (Use Class A1), financial and professional units (Use Class A2), cafe and restaurant units (Use Class A3), drinking establishments (Use Class A4), hot food take-away (Use Class A5), leisure (Use Class D2), student accommodation (Sui Generis), petrol filling station (Sui Generis), a linear open space walkway 'greenway', vehicular Access to the site, car parking (including multi storey car parking), landscaping, retaining walls, and associated works including demolition of existing buildings. Matters Reserved: Scale, Layout, Appearance, Landscaping, pedestrian and cycle Access, and vehicular Access within the site. Approved.
4. [Consultation/PP Responses](#)
 - 4.1. Transportation – No objection. Previous conditions should address the cycle parking and car parking drop-off provision and associated management plan.
 - 4.2. Centro – no response received.

- 4.3. Fire Service – no response received.
- 4.4. Birmingham Airport – no response received.
- 4.5. Police - no response received.
- 4.6. Birmingham Civic Society – no response received.
- 4.7. Canal & River Trust:

Landscaping – unable to make a substantive response due to absence of supporting information, i.e. lack of details on landscaping, including mooring and boundary details, and on relative levels of the student ground and adjacent towpath. Currently, shows different levels, red line boundary does not cover key areas, is not holistic approach for design and connectivity. Landscaping at southern end must not frustrate future implementation of the Lapal Canal, including a swing bridge. Design and canalside activity – ground floor design is less successful than previously, due to omission of open reception and sitting areas overlooking canal. Should have door openings in fenestration facing north to plaza, to allow activity to spill outside, especially if a café or entrance provided. Architectural articulation not as good as previously. Grateful for opportunity in due course to participate in discharge of conditions.
- 4.8. National Grid – High pressure gas pipeline is sited in the canal towpath. Institute of Gas Engineers Standards states that no habitable buildings be constructed within 49 metres Building Proximity Distance of the pipeline, furthermore, we strongly advise that you seek guidance from the Health and Safety Executive.
- 4.9. Health and Safety Executive - The site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline, therefore at present HSE does not need to be consulted on any developments on this site.
- 4.10. Western Power Distribution – no objection in principle to the student accommodation scheme and related public open space. It is noted that extra high voltage power line over sails the proposed open space, this network is essential to the supply of the wider Selly Oak/south Birmingham area and must not be compromised. Therefore, the proposals and any associated works must not infringe the safety clearances under the power line. WPD records indicate that there are high voltage cables within the Worcester and Birmingham Canal towpath, therefore WPD should be contacted prior to any works on or under the towpath.
- 4.11. Regulatory Services – noise conditions from previous Reserved Matters consent should be applied again..
- 4.12. Environment Agency - no comments to make.
- 4.13. Severn Trent Water – no response received.
- 4.14. Owners of Battery Retail Park, Local Councillors, MP, Residents' Associations, Lapal Canal Trust, and the city's five universities notified, two Site Notices and a Press Notice displayed. One letter of objection, and one letter of comment, received, as set out below:

- 4.15. Selly Oak Branch Labour Party – object. The proposed block is huge and massively out of scale with every building in the area, we cannot understand how the proposal gained outline consent and hope the council will change its view. There is an over-supply of this kind of student accommodation in the area, students who prefer to live in houses will not be attracted by the provision of extra flats. We are concerned that if this proposal is approved Selly Oak will become a general student housing area for other academic institutions in other parts of the city.
- 4.16. Comments from Steve McCabe MP:
- I have previously expressed concern about building height but this matter was approved last December. I note the 12m reduction in footprint to create more public space, I welcome any links to connect the accommodation development to the rest of the development and create a community space.
 - Will students be permitted to use the Sainsbury's and Other Retail car park?
 - The developer previously promised a high-end scheme aimed at visiting academics and post-graduate students. I am pleased there appears to be a good mix of shared flats and studio apartments, what assurances can be given that it will not become a de-facto Halls of Residence?

5. Policy Context

- 5.1. Principal documents include: Unitary Development Plan (UDP), Draft Birmingham Development Plan (BDP), Wider Selly Oak Plan Supplementary Planning Document (SPD), Places for All Supplementary Planning Guidance (SPG), Places for Living SPG, Specific Needs Residential Uses SPG, National Planning Policy Framework (NPPF).

6. Planning Considerations

- 6.1. The principal matters for consideration are the Reserved Matters of Layout, Scale, Appearance, Landscaping and Access, as well as amenity offered for the future inhabitants. A range of conditions attached to the Outline Consent address important matters of detail, including building materials, landscaping (aside from the principles as part of this Reserved Matters submission), boundary treatments, lighting.

6.2. LAYOUT AND ACCESS

- 6.3. This Reserved Matters submission follows the Layout and Access Parameters established in the Outline Consent, and Site Layout and Access would remain broadly similar to last year's Reserved Matters consent - the Student Block would be sited parallel to the W&B Canal, with the same setback from the canal and distance from Bristol Road. I shall address later in this report the larger landscaped plaza area at the north of the Student Block, created by the reduction in building footprint proposed. Access to the site would remain as per the previous consent. Pedestrians and cyclists would access the site from the towpath, the future bridge across the W&B Canal, and the main body of the adjacent Retail development. Vehicle access for servicing and refuse collection would still be achieved via the Retail Parade's delivery access to the north. Disabled students, and parents carrying-out start/end of term drop-off/collection, would access the rear of the building on foot, parking their vehicles in the adjacent Supermarket undercroft. The re-sited building entrances (front and rear) bring the rear entrance closer to the

disabled parking area than with the previous consent, enabling more convenient and better-overlooked parking and access.

6.4. SCALE AND APPEARANCE

6.5. The proposed amended building continues to be within the maximum height, footprint and floorspace parameters established by the Outline Consent. The Applicants propose to construct a building of three elements, of 18-11-14 storeys - changed from the 18-10-12 approved last December. The City's Supplementary Planning Guidance 'High Places' remains applicable. Principal points of 'High Places' include:

- (i) A building that is tall in relation to its surroundings and outside the city centre will not generally be favoured, it will only be appropriate in defined or exceptional circumstances. Nevertheless, proposals will be considered on their merits.
- (ii) A tall building outside of the set locations (City Centre) will be acceptable if it marks an important public facility or institution, such as a place of worship, civic building or major educational institution, major hospital.
- (iii) Tall buildings must be of the highest architectural form, details and materials. The design of the top will be particularly important. Tall buildings must respond positively to the local context. The design, particularly at the bottom, should reinforce and evolve local characteristics.
- (iv) Well-located buildings can successfully contribute towards the overall form and legibility of the city. It is essential to establish that the proposed location for a tall building is acceptable before consideration is given to detailed design issues.

Other points:

- (v) The design must not have an unacceptable impact in terms of shadowing and microclimate.
- (vi) Move about, on foot particularly.
- (vii) Must be sustainable. Building management.
- (viii) If they include residential accommodation, they should be in good places to live – privacy, security, views, amenity space (eg balconies), access
- (ix) Local public transport
- (x) Safety standards
- (xi) Well-designed lighting
- (xii) Antennae must be accommodated elegantly.

6.6. The guidance principally directs 'tall buildings' to the city centre. Outside the city centre, the policy states such buildings "will not generally be favoured", they "will only be appropriate in defined or exceptional circumstances. Nevertheless, proposals will be considered on their merits." This last point is key, as it notes a proposal of high quality may be permissible.

6.7. Although the Student Block would not mark a public facility or institution, it would in my opinion provide a good, strong landmark feature in the centre of Selly Oak, opposite the train station. The building would be visible from many viewpoints locally and from further afield and so, if of good enough overall form and detailing, would form a positive landmark. I will return to quality of architecture shortly. In the immediate area, the building would be particularly helpful as a landmark from the western side of the site, providing vertical emphasis behind the otherwise more horizontal form of the retail terrace and Supermarket. From this western side, it would inform passers-by and visitors that the Selly Oak - Bournbrook centre is just

behind the Supermarket, and encourage people to come through the site on foot and bicycle to reach the canal, the station, the Sense site, and wider local centre.

- 6.8. The building would be large, but its limited depth relative to its length and height would give it a certain elegance from many viewpoints. How to also best express the consented floorspace with building height has been carefully considered, with different permutations of height and form. It was agreed between Officers and the Applicant that a building of three principal elements, of three different heights, would provide the best overall form - breaking up the massing to a degree yet still providing a coherent whole. This was achieved last year by two taller 'shoulders' of different heights (12 and 18 storeys) at either end of the building, with a lower central element (10 storeys). It is now proposed to increase the two lower elements from 10 and 12 storeys, to 11 and 14, combined with a 13m reduction in building length. Other amendments have been carried out to the main entrance and the main recesses. In combination, the three building elements and the corresponding main recesses between them continue to very effectively break up and model the overall form and character of the building. I consider the overall form, as described above, is successful, and provides a good basis upon which to develop the detailed architecture
- 6.9. Turning to detailed design:
- 6.10. This has been developed very carefully by the Applicant, in close coordination with your officers. The overall organisation of fenestration and brick forms a strong, regular grid pattern, which is then appropriately broken down further by a hierarchy of individual window and ventilation apertures. The building's base is marked by double-height columns on Floors 0 and 1, while the top two-floors on the 18 storey element have an additional ventilation aperture, purely as a subtle extra architectural detail (which 'High Places' seeks). The entrance is marked by a canopy projection. The two principal vertical recesses are also distinguished by the horizontal metal louvres set in front of the curtain wall glazing. Finally, the gable ends have a slight variation on the main fenestration-brick pattern, with an additional ventilation aperture to the windows. It was considered that brick cladding, rather than composite panel cladding and/or render, would best refer to the local vernacular of the nearby Victorian redbrick terraces, as well allow for elevational detailing. Overall, I consider the proposal would provide a highly successful balance of form and detailing, making a positive contribution to the immediate environment and as an interesting landmark for this part of south Birmingham.
- 6.11. Returning to the 'High Places' policy, I address the other criteria not discussed already or later in this report, that of Shadowing and Microclimate. The placing of the building adjacent to the Supermarket avoids shadowing of public realm to the Student Block's rear. To its front, the towpath area would continue to receive direct sunlight for the first half of the day. It would then be in shadow for the afternoons, but this would happen whether the building were of any scale above three or so storeys, given its proximity to the canal. The quality of architecture, lighting and hard landscaping will, I consider, be the most important factors affecting quality of public realm. The land for future consideration east of the canal would receive more direct sunlight than the towpath and continue to receive good general daylight. I do not consider the microclimate would be so affected, due to the presence of a large building on only one side of the canal, i.e. no 'urban canyon' wind effect would be created. Lighting: this will be developed via a condition attached to the Outline Consent. Safety standards: the building has been/will be designed to comply with the Building Regulations, takes account of adjoining utility constraints, and with relevant building security measures (eg CCTV, lighting, staffing, locks, passes, etc.).

The Applicants, Officers and the Police worked closely to ensure site and building security was properly addressed.

- 6.12. In conclusion, your Committee decided last December that the previous scheme was of appropriate Scale and Appearance. This amended scheme has two of the three building elements one and two storeys higher than the consented scheme, but with a reduced building footprint and reduced overall floorspace. There are also relatively minor elevational changes (recesses and main entrance). I conclude that overall scale and character would not be much changed from last year's approved scheme, the building would remain of good quality, form a good local landmark, and so would conform with policy.
- 6.13. Student Amenity
- 6.14. Given the relatively short distance between the rear of the Student Building and the Supermarket (5m), cluster-flat bedrooms situated on the 2nd and 3rd floors would have fore-shortened outlook and reduced natural light. This is the same relationship as approved last December, but now the bedrooms previously shown on the 1st floor (which were the most affected) have been removed, reducing the total number of affected bedrooms from 44, to 36.
- 6.15. Rather than continuing the timber cladding treatment of the rest of the Supermarket, the Applicant secured consent for an alternative finish in the centre of the elevation facing the Student Accommodation - a form of white and green woodland imagery which would provide a lighter and more interesting outlook for occupiers' amenity. Given there were site-wide constraints which produced the best overall development layout at Outline stage, it has always been clear that the scheme would need to show some flexibility on certain, mostly more detailed, matters, and this is one of them. The numbers of rooms affected would be a limited proportion (8.6 %, down from 10% previously) of the total student rooms, and a good attempt has been made to maximise the quality of outlook available. As such, I consider this matter to be a necessary and acceptable concession. I note that the bedrooms are of a good size, and the extensive choice of common rooms and 'social spaces'.
- 6.16. The proximity of the Supermarket Delivery Yard to the Student Accommodation necessitated the Yard be provided with a roof in the last application (2015/04902/PA), to contain delivery noise. I attach the same conditions as last December, as requested by Regulatory Services.
- 6.17. Sustainability
- 6.18. As set out above in Paragraph 1.10, the Applicants propose a range of measures to deliver a resource and energy-efficient development. As well as those measures, I note the good level of bicycle storage, the adherence to a Green Travel Plan, the proximity to excellent public transport, and the proximity to the University of Birmingham and the local centre, encouraging walking, cycling and use of public transport.
- 6.19. The Environmental Statement Update concludes that the effects of the Reserved Matters proposals, as addressed in this report and also in the Outline Consent, would be of no greater significance than the Outline Consent. I concur.
- 6.20. Setting of Listed Buildings

- 6.21. Selly Oak Library and the large Victorian sub-station are the two Listed Buildings closest to the application site, both are sited to the east of the Worcester & Birmingham Canal. The library is 70m north-east of the northern end of the proposed Student Accommodation building, while the Victorian sub-station is 90m to the north-east. English Heritage raised no objections to the Outline application, when Site Layout and Height Parameters were established. Therefore, the matter to consider at this Reserved Matters stage is the effect of the proposals' appearance on the setting of the listed buildings. Briefly re-visiting commentary earlier in this report, I consider the Student Accommodation to be very well-designed in overall form and detail, with the use of brick responding to the local context, including of the listed buildings. The Student Accommodation would form a significant backdrop to the library especially, from certain viewpoints, but is not too close to the listed buildings, and the raised railway line forms a significant visual intervention between the listed buildings and the application site. As such, and as per last December's broadly similar scheme, I consider the proposals would preserve the settings of the heritage assets.
- 6.22. LANDSCAPING / QUALITY OF PUBLIC REALM, AND ECOLOGY
- 6.23. The public realm created along the W&B Canal is particularly important, in creating a high-quality urban environment. With the reduced building footprint now proposed, the Applicant proposes a larger public plaza to the north side of the Student Block. It is shown divided into two approximate halves: to the north - hardstanding and open, to the south - soft landscaping and seating. The Applicants have considered people's movement through the site and landscape layout and type, and overall sense of place. I consider the proposals show an appropriate broad layout, providing an open area available for public events, and a softer, planted area with seating. An extra access point adjacent is shown into the Supermarket undercroft parking area, for better site accessibility/'permeability'. I consider the area to be of sufficient size to provide real impact and sense of place, and the proposals are promising. A wide range of conditions were attached to the Outline Consent, including Hard/Soft Landscaping, Levels, Public Realm Strategy, Boundary treatment, Lighting and Wayfinding. Important work remains to be completed with the Applicant on these matters but I am satisfied that Landscape as an overall Reserved Matter can be approved.
- 6.24. The Canal & River Trust (CRT) raise a number of concerns, focussing on landscape, levels, public realm and architecture. I agree that the information submitted for landscape, levels, public realm is not fully detailed at this stage. This is no different to the previous Reserved Matters application, where I explained that an extensive range of conditions attached to the Outline consent will properly control these matters. Aside from landscape, levels, public realm, these conditions also address lighting, CCTV, materials, wayfinding. The Applicant is fully aware of the need to engage various Officers in this Department (Planning, Design, Landscape, Ecology), the Canal & River Trust, the Lapal Canal Trust and the Police for this conditions work, in order to properly and further develop these important aesthetic and functional matters. Conditions submission is imminent. I do not agree with CRT that the architecture is less successful than previously - while building dimensions would change, architectural details are essentially unchanged. CRT have asked if the Common Room facing the plaza could have opening doors, but the Police wished to avoid such an arrangement during the last application, due to compromising the security of the building/occupiers.
- 6.25. Other matters

- 6.26. The Selly Oak Branch Labour Party objects, concerning building scale, and over-supply of purpose-built student accommodation. Scale was approved at Outline stage, both in terms of height and floorspace, and the proposal sits within the maximum height Parameter, and well within the maximum floorspace Parameter. Building form and architecture was approved last December, and this amended scheme does not differ significantly from the recent approval. With respect to supply of purpose-built student accommodation – again, the principle and amount of accommodation was approved at Outline stage and so cannot be re-visited.
- 6.27. Steve McCabe MP has commented on building height, scale and community space. Otherwise, he has asked two questions: 1. 'Would students be permitted to use the Sainsbury's and Other Retail car parks?' The answer is only to the extent as any other member of the public – for a maximum three hour period (apart from the ten disabled bays at the rear of the building); 2. 'The developer previously promised a high-end scheme aimed at visiting academics and post-graduate students. I am pleased there appears to be a good mix of shared flats and studio apartments, what assurances can be given that it will not become a de-facto Halls of Residence?'. The answer is that the building is a student halls of residence, albeit with a mix of cluster flats and individual 'studio flats' as the MP notes. I consider it will be of overall good quality and attraction – architecturally, different room sizes and typologies available, canal-side location close to many amenities, transport and the University, and social spaces within.
- 6.28. CIL (Community Infrastructure Levy) matters are still being considered at the time of writing.

7. Conclusion

- 7.1. This application seeks detailed approval for the Student Accommodation's Reserved Matters, with these matters set out in accordance with the Parameters agreed at Outline stage. The scheme is not significantly changed in overall effect from that approved just last December, with acceptable amendments to building form and design, public realm and landscape, and access. As such, I consider the proposals would make a positive addition to the local environment, would constitute Sustainable Development, and would comply with local and national policies.

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 | Noise report required |
| 3 | Noise validation report |
-

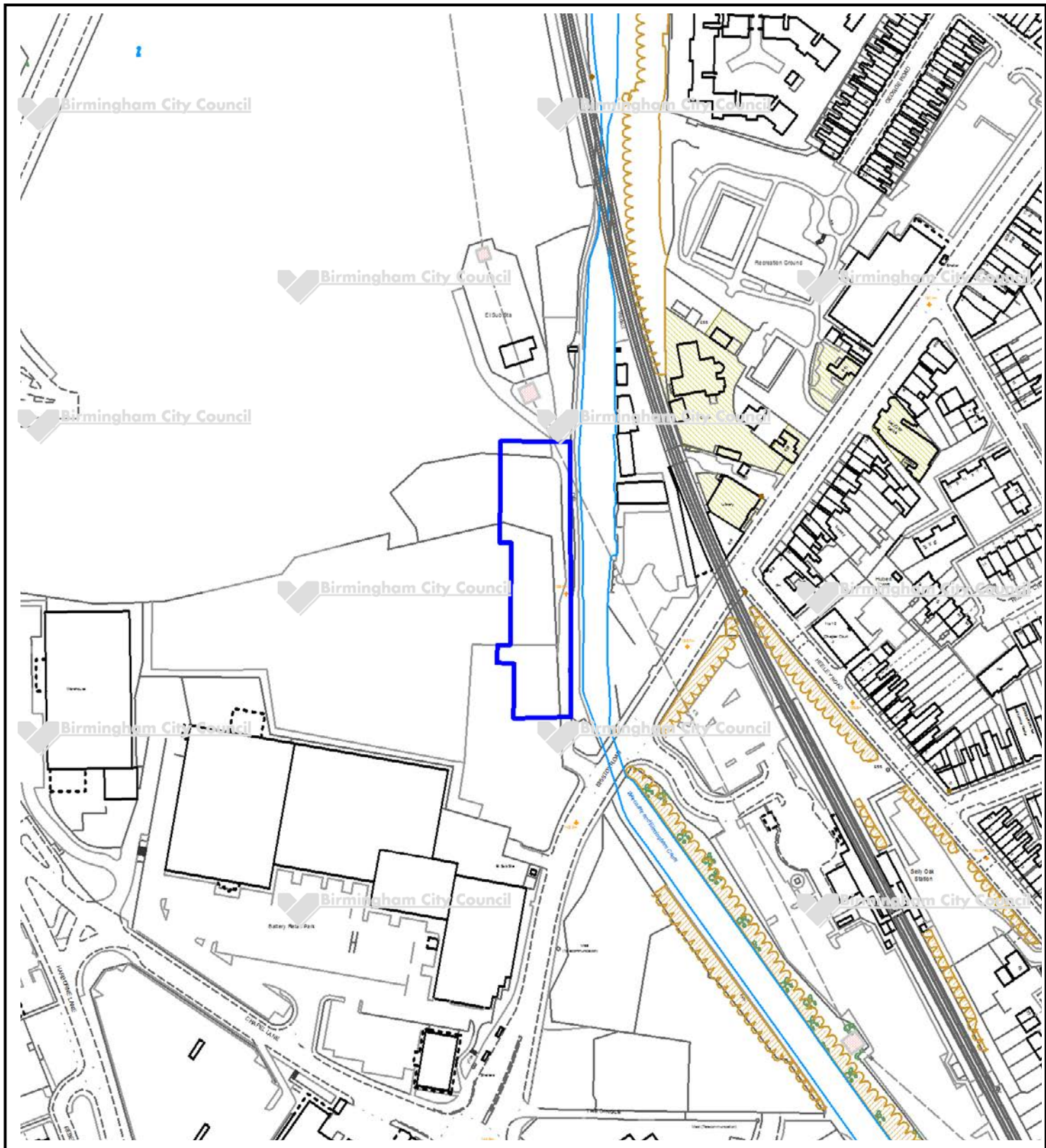
Case Officer: Simon Turner

Photo(s)



Figure 1: View of site from the east - Bristol Road

Location Plan



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Committee Date:	09/06/2016	Application Number:	2016/02242/PA
Accepted:	29/03/2016	Application Type:	Full Planning
Target Date:	24/05/2016		
Ward:	Hall Green		

82 Barton Lodge Road, Hall Green, Birmingham, B28 0RJ

Change of use from 6 bedroom bungalow (Use Class C3), to childrens' home (Class C2) for the accommodation of a maximum of 4 children aged from 10 to 18 years

Applicant: Meadows Care Ltd
 Egerton House, Wardle Road, Rochdale, OL12 9EN
 Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought to change the use of 82 Barton Lodge Road, Hall Green from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2).
- 1.2. The premises would be used as a young persons care home operated by the applicant Meadows Care Limited. Meadows Care Limited is a specialist provider of care, therapy and education operating 19 small homes around the country housing 3 to 4 children and their care staff. They state that their aim is to 'provide outstanding domestic settings to provide excellent homes for all our young people'. The children's home would be registered and regulated by Ofsted. Each proposed admission to the home would be subject to a risk assessment which takes account of the environment and local community. Any young person placed in the home would have a plan of integration into the local community.
- 1.3. The care home would be occupied by maximum of 4 young people at any one time, aged between 10 and 18 years. The supporting Planning Statement states that the young people placed in the home may have 'challenging behaviours' (rather than physical or mental disabilities). The young people residing in the care home would attend local schools and clubs.
- 1.4. This facility would be staffed by one Registered Manager, one Deputy Manager, two Senior Care Workers, and Residential Care Workers. The young people would permanently reside at the property. The home would be staffed 24 hours a day and no child would be left within the property on their own. During the day, three members of staff would supervise a maximum of 4 children and would provide all aspects of care. The Registered Manager would also be available on a daily basis to support the staff team. Overnight there would be two care staff remaining within the home.

- 1.5. No external alterations are proposed to the property. Internally, the ground floor would accommodate a lounge, conservatory, kitchen, large utility room, WC, six bedrooms and two bathrooms. A garden area surrounding the property measures over 530sqm providing 133m² per resident.
- 1.6. The application form states that 5 parking spaces would be provided.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a large extended detached bungalow that is located off Barton Lodge Road, Hall Green. The property occupies a large plot with driveway to the front and a large garden to the rear that is defined by fencing and mature trees and planting. It is one of two bungalows located off the access and is surrounded by residential properties of Barton Lodge Road to the south west, Barton Croft to the east and Hilton Avenue to the north west.
- 2.2. The surrounding area is predominantly residential and is characterised by large two storey semi-detached houses of a similar style. The site location provides good access to schools, shops and other services and public transport links.

[Location Map](#)

3. Planning History

- 3.1. 02/06/2005 - 2005/01383/PA – Erection of single storey side extension. Approved subject to conditions.
- 3.2. 11/01/2016 – 2015/10365/PA - Pre-application advice for a change of use to a residential care home (Class C2). Likely to be acceptable in principle.
- 3.3. 2016/01361/PA - Application for a Certificate of Lawfulness for the proposed change of use from private dwelling to a private dwelling occupied as a registered children's home – Withdrawn.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections as adequate off street parking is provided.
- 4.2. Regulatory Services – No response received.
- 4.3. West Midlands Police – No objection.
- 4.4. Neighbouring occupiers, Hall Green Ward Members and Planning Committee members from the Hall Green Constituency have been notified and site notice displayed – 9 individual letters of objection received from surrounding residents have been received. The objections are summarised as follows:
 - Concern that the proposed use would cause noise disturbance and possible anti-social behaviour
 - Inconsiderate parking of staff.
 - Increasing traffic in the area from staff and visitors.

- Problems of drug use in the area.
- Security implications to neighbours
- Inappropriate location for a care home

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan (UDP) (2005).
 - Draft Birmingham Development Plan (2013).
 - Car Parking Guidelines SPD (2012).
 - Specific Needs Residential Uses SPG

- 5.2. The following national policies are applicable:
- NPPF- Delivering Sustainable Development (2012).

6. Planning Considerations

Background information

- 6.1. On 1st June 2015, the City Council awarded a contract to Meadows Care Limited to provide 5 Children's Residential Homes within Birmingham. These are located and approved within in Sutton Coldfield, Handsworth and Hall Green Wards.
- 6.2. The Council has a duty to safeguard and promote the welfare of looked after children, including the provision of sufficient accommodation capable of meeting children's needs in the city.

Policy context

- 6.3. The NPPF confirms there is a presumption in favour of sustainable development. The core planning principles set out at Paragraph 17 state that planning should (amongst other things) always seek a good standard of amenity for all existing and future occupants of land and buildings. In addition Paragraphs 58 and 69 state planning decisions should aim to promote and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 6.4. The UDP (2005) aims to ensure that there is a variety of housing to meet the full range of needs throughout the City (Paragraph 5.7). It also seeks to maintain and protect the existing housing stock and advises that the loss of housing in good condition to other uses would normally be resisted (paragraph 5.19A). Furthermore, paragraph 5.19B advises that some residential areas contain properties which have been converted into "institutional" uses such as hotels, hostels, day nurseries or nursing homes, subdivided into flats or are in multiple occupation. Although these are normally appropriate in residential areas, concentrations of such uses can have an adverse effect upon the essential residential character of a particular street or area.
- 6.5. Specific Needs Residential Uses SPG and paragraphs 8.28 and 8.29 of the adopted UDP apply to residential care homes as defined by Class C2 (Residential Institutions). The SPG and policy 8.29 of the adopted UDP state that proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Residential care homes are normally most appropriately located in large detached properties set in

their own grounds. Furthermore, they state that in areas which already contain premises in similar use, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. Finally, proposals should not prejudice the safety and free flow of traffic in the adjoining highways and adequate outdoor amenity space (minimum 16sqm of space per resident) should be provided to ensure a satisfactory living environment for residents.

- 6.6. The main issues for consideration of this proposal are whether the principle of the proposed use is acceptable in this location and the potential impact on the amenity of existing occupants and on highway safety and parking.

Principle of use

- 6.7. The site is located within a residential area with good accessibility to local shops and services including bus services. Young people living at the care home would benefit from local services and have the opportunity to participate in education, community, leisure, sporting or cultural activities. This would allow the young people to feel part of a residential community, which would support social inclusion.
- 6.8. The application property is a large, six bedroom, detached dwelling set within a large plot. This is considered to be the most appropriate type of house for use as a care home as defined by the Specific Needs Residential Uses SPG and policy 8.29 of the adopted UDP 2005. The existing driveway can accommodate 5 parking spaces for staff members. The rear garden would provide 133m² of outdoor amenity space per resident, far exceeding the 16m² required by the SPG. There would be no cumulative effect of such a use on the residential character and appearance of the area as there are no other care home type uses in close proximity. I therefore consider the application site is a suitable location for a young person's care home in principle, subject to the following site specific considerations.

Impact on amenity of existing occupiers

- 6.9. The supporting Planning Statement states that the character of the application property would remain residential and the house would operate like a 'normal' family home. I consider that the day to day activity associated with the proposed care home would be similar to that of a large six bedroom family dwellinghouse, with people coming and going as children are taken and collected from school and staff and visitors leaving and arriving at the property. The maximum number of cars associated with staff members at any one time would be four which I consider is not a significantly greater number than could be owned by residents of a dwellinghouse of this size.
- 6.10. The Applicants have submitted a Management Plan which sets out the way in which the care home would be operated and how Meadows Care Ltd would engage with the local community. The Management Plan acknowledges the concerns and anxieties that neighbouring residents may have about a care home being located within their community and seeks to address some of those concerns. The Management Plan includes details of how the care home would be registered and regulated by Ofsted and would operate within the policies and procedures of Birmingham City Council. It also includes how the resident young people would be supervised and supported, depending upon their individual requirements and risk assessments; how the resident young people would be involved with the local community; how the potential impact of the care home on neighbouring occupiers

would be minimised, as far as is practicable, and; how Meadows Care Ltd propose to liaise with the local community both prior to the care home opening and once it is operating. I am satisfied that, based on the Management Plan submitted, the care home would be managed and operated in such a way that the amenity of existing occupiers would not be unduly harmed.

Impact on community safety

- 6.11. The application site is located within a residential area and I note the strong views from neighbouring occupiers regarding the potential for increased anti-social behaviour and crime as well as a fear of crime and personal safety. West Midlands Police have confirmed they have no objection to the application, in addition, the Management Plan identifies that the Applicant has engaged with the local Crime Prevention Officer to mitigate the potential risks of anti-social behaviour and crime.
- 6.12. With appropriate management and supervision by staff and a condition limiting the number of young people occupying the property to four, I do not consider that this small care home would, as a matter of course, lead to an increase in anti-social behaviour or crime to the detriment of the character of the area, the amenities of nearby residents or necessarily place additional pressure on police resources. I am not aware of any other existing care homes in this area that have resulted in an increase in anti-social behaviour and/or crime that could be used as reliable evidence to suggest that this application would result in increased crime and anti-social behaviour. I therefore consider that there is no evidence to justify refusal for this reason.

Highway Safety and Parking

- 6.13. The Car Parking Guidelines SPG requires two parking spaces for a residential care home of this size. This can be provided within the large driveway to the front. I note the objections have been raised regarding the increase in parking and potential impact on highway safety and highway obstruction, however, the Transportation Development raise no objection to the proposal as it is recognised that a sufficient level of off-street parking is provided, and acknowledges the unrestricted parking along Barton Lodge Road, and regular buses within reasonable walking distance of the site. As such, I consider that the proposed change of use would not have a greater impact on highway safety and parking than if the property remained in use as a six bedroomed dwellinghouse.

7. Conclusion

The proposed young person's care home would meet a need to provide residential places in Birmingham and would support social inclusion. I consider the proposed care home would be suitably located in a residential area with good access to services and facilities. I do not consider the proposed use would have a materially different impact on the amenities of existing residents or on highway safety than the existing use of the property as a dwellinghouse. As such, I consider the proposal constitutes sustainable development and is therefore recommended for approval.

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the number of children living at the property to a maximum of 4. |
-

3 Prevents the use from changing within the use class

4 Limits the approval to 3 years (Full)

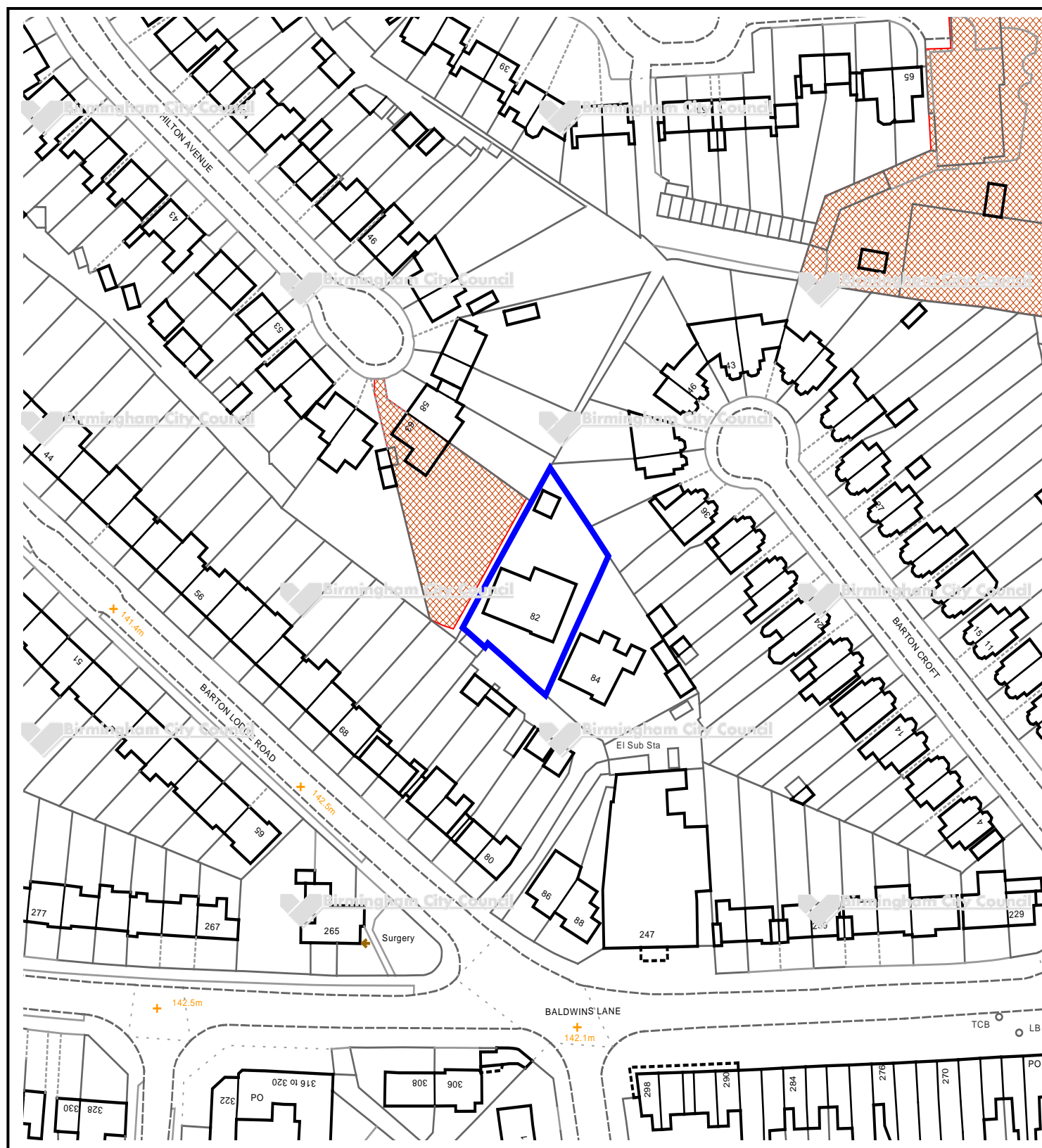
Case Officer: Alexa Williams

Photo(s)



Photograph 1: Front elevation of 82 Barton Lodge Road

Location Plan



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Committee Date:	09/06/2016	Application Number:	2016/03279/PA
Accepted:	19/04/2016	Application Type:	Full Planning
Target Date:	14/06/2016		
Ward:	Kings Norton		

71 Wychall Lane, Kings Norton, Birmingham, B38 8TB

Change of use from detached dwellinghouse (Use Class C3), To a residential children's home (Use Class C2) for accommodation for a maximum of four children aged between 10 to 18 years of age.

Applicant: Meadows Care Ltd
Egerton House, Wardle Road, Rochdale, OL12 9EN
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought to change the use of 71 Wychall Lane, Kings Norton from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2).
- 1.2. The premises would be used as a young persons care home operated by the applicant Meadows Care Limited. Meadows Care Limited is a specialist provider of care, therapy and education operating 19 small homes around the country housing 3 to 4 children and their care staff. They state that their aim is to 'provide outstanding domestic settings to provide excellent homes for all our young people'. The children's home would be registered and regulated by Ofsted. Each proposed admission to the home would be subject to a risk assessment which takes account of the environment and local community. Any young person placed in the home would have a plan of integration into the local community.
- 1.3. The care home would be occupied by maximum of 4 young people at any one time, aged between 10 and 18 years. The supporting Planning Statement states that the young people placed in the home may have 'challenging behaviours' (rather than physical or mental disabilities). The young people residing in the care home would attend local schools and clubs.
- 1.4. This facility would be staffed by one Registered Manager, one Deputy Manager, two Senior Care Workers and six Residential Care Workers. The young people would permanently reside at the property. The home would be staffed 24 hours a day and no child would be left within the property on their own. During the day, three members of staff would supervise a maximum of 4 children and would provide all aspects of care. The Registered Manager would also be available on a daily basis to support the staff team. Overnight there would be two care staff remaining within the home.

- 1.5. No external alterations are proposed to the property. Internally, the ground floor would accommodate two lounges, a dining room, an office, a kitchen, utility, WC and garage. The first floor would accommodate six bedrooms and two bathrooms. The rear garden area measures 545m² providing 136.25m² per resident.
- 1.6. The application form states that 6 parking spaces would be provided.
- 1.7. Site area: 0.1ha

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a large extended detached dwellinghouse that is located on the south side of Wychall Lane. The property occupies a large plot with a large tarmacked 'in and out' driveway to the front and a large mature garden to the rear that is defined by fencing and mature trees and planting.
- 2.2. The surrounding area is predominantly residential and is characterised by large two storey detached and semi-detached houses of a similar style to that of the application property. The Kings Norton Nature Reserve is sited opposite the application property. The site location provides good access to schools, shops and other services and public transport links.

[Site Location](#)

3. Planning History

- 3.1. 26/03/1992 (1992/00365/PA) – Erection of en-suite bathroom over garage – Approved subject to conditions.
- 3.2. 06/09/1999 (1999/03191/PA) - Erection of two storey extension to form granny annex and bedroom – Approved subject to conditions.
- 3.3. 08/05/2000 (1999/04947/PA) - Erection of single storey side extension - Approved subject to conditions.
- 3.4. 29/01/2001 (2000/05701/PA) - Erection of one detached dwelling – Refused on the grounds of the cramped form of development and its impact on the visual and neighbouring amenities.
- 3.5. 2016/03072/PA - Application for a Certificate of Lawfulness for the proposed change of use from private dwelling to a private dwelling occupied as a registered children's home – Withdrawn by applicant.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections as adequate off street parking is provided.
- 4.2. Regulatory Services – No objections.
- 4.3. West Midlands Police – No objections.

4.4. Neighbouring occupiers and Ward Members notified and site notice displayed - 17 individual letters of objection received from Councillor Jevon, Links Residents Association and the residents of Wychall Lane, Woodglade Croft, and Beaks Hill Road. The objections are summarised as follows:

- Concern that could cause possible anti-social behaviour, crime implications and violence
- Noise disturbance, including from door alarms
- Security implications to neighbours
- Increase vulnerability of elderly residents
- The area will be devalued along with property values
- Inappropriate location for care home, out of keeping within a residential area
- The children living in the application property would have a bad influence on children already living in the area, concern that not enough activities and community facilities in the area for the children
- Inability to vet the potential occupiers
- Increase in on-street parking, obstruction to the highway
- Potential drug and alcohol use in the area
- Contrary to restricted covenants on the properties to preventing them from being used for business purposes
- Sets a precedent for business use within a residential area, changing the character of a green suburb, there are more appropriate properties elsewhere around the area.

Three letters of support have been received. The comments are summarised as follows:

- Need to help and support children who find themselves in care
- Smaller children's homes are more beneficial as children can feel like they are a part of a family
- Local community should make everyone feel welcome, so the children grow to be part of the community too.
- There is no evidence that Meadows Care are unable to provide the level of support and control to ensure the children would not be well cared for whilst meeting the needs of the local community in terms of security and behaviour.

Via Richard Burden MP, a resident sought clarification on possible overlapping matters of procedure and decision-making for the then-concurrent applications: the Class C2 Care Home (this application), and the now-withdrawn Lawful Development Certificate. Those questions were answered in writing.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (UDP) (2005).
- Draft Birmingham Development Plan (2013).
- Car Parking Guidelines SPD (2012).
- Specific Needs Residential Uses SPG

5.2. The following national policies are applicable:

- NPPF- Delivering Sustainable Development (2012).

6. Planning Considerations

Background information

- 6.1. On 1st June 2015, the City Council awarded a contract to Meadows Care Limited to provide 5 Children's Residential Homes within Birmingham. These are located and approved within in Sutton Coldfield, Handsworth and Hall Green Wards.
- 6.2. The Council has a duty to safeguard and promote the welfare of children in care, including the provision of sufficient accommodation capable of meeting children's needs in the city.

Policy context

- 6.3. The NPPF confirms there is a presumption in favour of sustainable development. The core planning principles set out at Paragraph 17 state that planning should (amongst other things) always seek a good standard of amenity for all existing and future occupants of land and buildings. In addition Paragraphs 58 and 69 state that planning decisions should aim to promote and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 6.4. The UDP (2005) aims to ensure that there is a variety of housing to meet the full range of needs throughout the City (Paragraph 5.7). It also seeks to maintain and protect the existing housing stock and advises that the loss of housing in good condition to other uses would normally be resisted (paragraph 5.19A). Furthermore, paragraph 5.19B advises that some residential areas contain properties which have been converted into "institutional" uses such as hotels, hostels, day nurseries or nursing homes, subdivided into flats or are in multiple occupation. Although these are normally appropriate in residential areas, concentrations of such uses can have an adverse effect upon the essential residential character of a particular street or area.
- 6.5. Specific Needs Residential Uses SPG and paragraphs 8.28 and 8.29 of the adopted UDP apply to residential care homes as defined by Class C2 (Residential Institutions). The SPG and policy 8.29 of the adopted UDP state that proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Residential care homes are normally most appropriately located in large detached properties set in their own grounds. Furthermore, they state that in areas which already contain premises in similar use, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. Finally, proposals should not prejudice the safety and free flow of traffic in the adjoining highways and adequate outdoor amenity space (minimum 16sqm of space per resident) should be provided to ensure a satisfactory living environment for residents.
- 6.6. The main issues for consideration of this proposal are whether the principle of the proposed use is acceptable in this location and the potential impact on the amenity of existing occupants and on highway safety and parking.

Principle of use

- 6.7. The site is located within a residential area with good accessibility to local shops and services including bus services. Young people living at the care home would benefit

from local services and have the opportunity to participate in education, community, leisure, sporting or cultural activities. This would allow the young people to feel part of a residential community, which would support social inclusion.

- 6.8. The application property is a large, six bedroom, detached dwelling set within a large plot. This is considered to be the most appropriate type of house for use as a care home as defined by the Specific Needs Residential Uses SPG and policy 8.29 of the adopted UDP 2005. The existing driveway can accommodate 6 parking spaces for staff members. The rear garden would provide 136.25m² of outdoor amenity space per resident, far exceeding the 16m² required by the SPG. There would be no cumulative effect of such a use on the residential character and appearance of the area, because there are no other care home uses in the immediate area. I therefore consider the application site is a suitable location for a young person's care home in principle, subject to the following site specific considerations.

Impact on amenity of existing occupiers

- 6.9. The supporting Planning Statement states that the character of the application property would remain residential and the house would operate like a 'normal' family home. I consider that the day to day activity associated with the proposed care home would be similar to that of a large six bedroom family dwellinghouse, with people coming and going as children are taken and collected from school and staff and visitors leaving and arriving at the property. The maximum number of cars associated with staff members at any one time would be four which I consider is not a significantly greater number than could be owned by residents of a dwellinghouse of this size.
- 6.10. In terms of noise and disturbance, the proposed use is unlikely to generate a higher level of noise and disturbance than the existing use as a large dwellinghouse, which could be occupied by more than 4 children. Regulatory Services raise no objection to the proposal. The Applicants have advised that the care home will have a management plan which will set out the supervision and support provided to the residents. I also recommend a condition limiting the number of children living at the property to four. I am therefore satisfied that the proposed use would not result in a significantly greater impact on the amenities of adjoining residents in terms of noise and disturbance than that of a large family dwellinghouse.
- 6.11. The Applicants have submitted a Management Plan which sets out the way in which the care home would be operated and how Meadows Care Ltd would engage with the local community. The Management Plan acknowledges the concerns and anxieties that neighbouring residents may have about a care home being located within their community and seeks to address some of those concerns. The Management Plan includes details of how the care home would be registered and regulated by Ofsted and would operate within the policies and procedures of Birmingham City Council. It also includes how the resident young people would be supervised and supported, depending upon their individual requirements and risk assessments; how the resident young people would be involved with the local community; how the potential impact of the care home on neighbouring occupiers would be minimised, as far as is practicable, and; how Meadows Care Ltd propose to liaise with the local community both prior to the care home opening and once it is operating. I am satisfied that, based on the Management Plan submitted, the care home would be managed and operated in such a way that the amenity of existing occupiers would not be unduly harmed.
- Impact on community safety

- 6.12. The application site is located within a residential area and I note the strong views from neighbouring occupiers regarding the potential for increased anti-social behaviour and crime as well as a fear of crime and personal safety. West Midlands Police has visited the site and they have raised no objections to the proposed change of Use. Furthermore, the Management Plan identifies that the Applicant will engage with the local Crime Prevention Officer to mitigate the potential risks of anti-social behaviour and crime.
- 6.13. With appropriate management and supervision by staff and a condition limiting the number of young people occupying the property to four, I do not consider that this small care home would, as a matter of course, lead to an increase in anti-social behaviour or crime to the detriment of the character of the area, the amenities of nearby residents or necessarily place additional pressure on police resources. I am not aware of any other existing care homes in this area that have resulted in an increase in anti-social behaviour and/or crime that could be used as reliable evidence to suggest that this application would result in increased crime and anti-social behaviour. I therefore consider that there is no evidence to justify refusal for this reason.

Highway Safety and Parking

- 6.14. The Car Parking Guidelines SPG requires two parking spaces for a residential care home of this size. This can be provided within the large driveway to the front. I note the objections have been raised regarding the increase in parking and potential impact on highway safety and highway obstruction, however, the Transportation Development raise no objection to the proposal as it is recognised that a sufficient level of off-street parking is provided, and acknowledges the unrestricted parking along Wychall Lane, and regular buses that run along Wychall Lane throughout the day. As such, I consider that the proposed change of use would not have a greater impact on highway safety and parking than if the property remained in use as a six bedroomed dwellinghouse.

Other issues

- 6.15. Concerns are also raised about the impact the proposed use may have on the value of their property as a reason for objection; however, property values are not a material planning consideration and cannot be taken into account during the assessment of the application.

7. Conclusion

- 7.1. The proposed young person's care home would meet a need to provide residential places in Birmingham and would support social inclusion. I consider the proposed care home would be suitably located in a residential area with good access to services and facilities. I do not consider the proposed use would have a materially different impact on the amenities of existing residents or on highway safety than the existing use of the property as a dwellinghouse. As such, I consider the proposal constitutes sustainable development and is therefore recommended for approval.

8. Recommendation

- 8.1. Approve subject to conditions

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Limits the number of children living at the property to a maximum of 4.
 - 3 Prevents the use from changing within the use class
 - 4 Limits the approval to 3 years (Full)
-

Case Officer: Catherine Golightly

Photo(s)



Figure 1: 71 Wychall Lane Front



Figure 2: 71-75 Wychall Lane Front

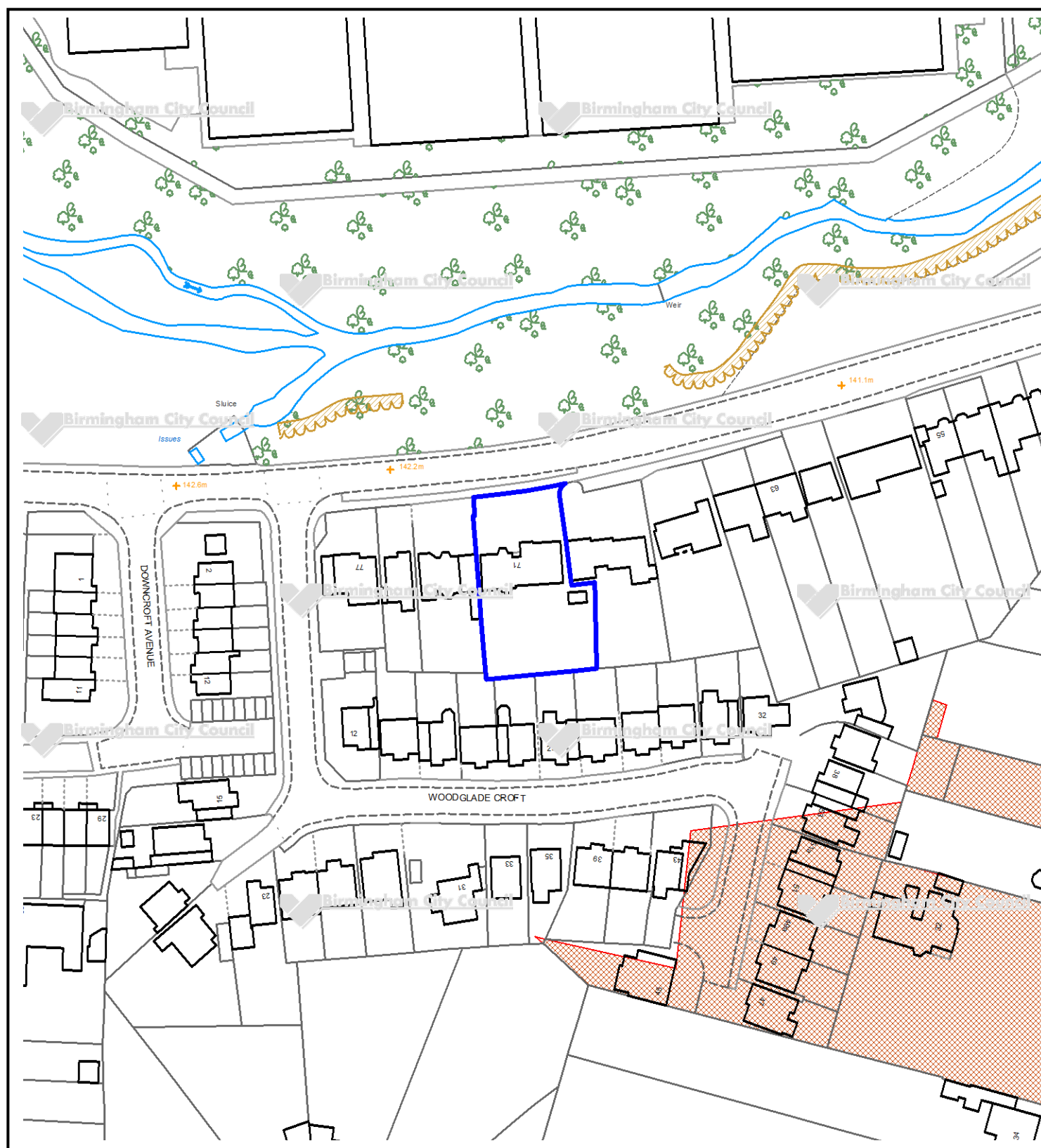


Figure 3: 71 Wychall Lane Rear



Figure 4: 71 Wychall Lane Rear Boundary

Location Plan



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Committee Date:	09/06/2016	Application Number:	2016/03586/PA
Accepted:	26/04/2016	Application Type:	Telecommunications Full PA
Target Date:	21/06/2016		
Ward:	Bournville		

Cob Lane Park, Griffins Brook Temp, Cob Lane, Bournville, Birmingham, B30 1QR

Retention of existing 28m tall mast and associated antennas and equipment cabinet and associated works for a temporary six month period

Applicant:	EE Ltd & H3G UK Ltd C/o agent
Agent:	WHP Wilkinson Helsby The Ponderosa, Scotland Lane, Horsforth, Leeds, LS18 5SF

Recommendation

Approve Temporary

1. Proposal

- 1.1. Planning permission is sought to retain an existing 28m tall temporary telecommunications mast for a six month period while works and negotiations to secure the suitability of the proposed replacement site continue between the applicant and the City Council.
- 1.2. The existing mast was erected in Griffins Brook Recreation Ground in March 2013 using emergency permitted development rights following the decommissioning of a permanent installation at the former Bournville College site opposite the application site. The applicants applied for temporary planning permission for the mast and a six month temporary consent was given in September 2013. Due to ongoing delays, a further temporary consent for a six month period was given in January 2015. In conjunction with Birmingham Property Services, the applicant has identified a suitable location for a permanent replacement installation (at Ascot Court). Unfortunately, the internal Council consent required is taking longer than anticipated to obtain. Roofing repairs at Ascot Court took longer than anticipated and required a complete re-design to the scheme which had to be approved by both the operator and Birmingham City Council. The scheme is currently with City Council legal officers and the operators lawyers and it is anticipated that permissions will be in place within the next six months.
- 1.3. The development includes the 28m tall temporary framework mast, 2 cabinets and a generator within a 166sqm compound enclosed with 2.4m tall security fencing. The installation serves both the EE and H3G networks. The site is located at the northern-most point of an area of open space at the north end of Cob Lane just south-west of Bournville Lane Police Station.

- 1.4. Another temporary mast (23.5m tall) adjoins the application compound and serves the Telefonica O2 network. This mast was also required due to its removal from the former Bournville College site, and is also due to be relocated onto Council owned land (Epsom Court).

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located at the northern corner of an area of public open space at the junction of Cob Lane and Bristol Road South. The north and west boundaries of the open space are marked by mature deciduous trees which are approximately 20m tall. The east boundary which adjoins Cob Lane is marked by one large horse chestnut tree and a dense hedge approximately 1.5m tall.
- 2.2. Bournville Lane Police Station is located to the north-east of the site, the former Bournville College site which is now developed as an elderly persons residential complex is located opposite on the site on the west side of Bristol Road South, and to the south and southwest of the site beyond the open space are dwellings. The site is some 0.6km west of Bournville Village Conservation Area.

[Location map](#)

3. Planning History

- 3.1. 24/09/2013 – 2013/05901/PA Retention of existing 28m tall mast and associated antennas and equipment cabinet for a temporary six month period. Approved temporary
- 3.2. 08/01/2015 – 2014/08628/PA Retention of existing 28m tall mast and associated antennas and equipment cabinet for a temporary six month period. Approved temporary until 8th July 2015

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection.
- 4.2. Regulatory Services – No objection.
- 4.3. Environment Agency – No objection.
- 4.4. Local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. A site notice has also been posted. No comments have been received.

5. Policy Context

- 5.1. The following local policies are relevant.
 - The Birmingham Unitary Development Plan 2005
 - Draft Birmingham Development Plan.
 - SPD Telecommunications Development: Mobile Phone Infrastructure 2008.
- 5.2. The following national policy is relevant.

- National Planning Policy Framework 2012.

6. Planning Considerations

- 6.1. Principle: UDP policy 8.55 recognises the importance of a modern and comprehensive telecommunications system and seeks to direct new installations to areas where they will have least impact on the landscape but will still be technically viable. The Telecommunications SPD advises on the effect of installation in three key areas: the more sensitive locations, residential areas and high quality open spaces, and the less sensitive areas. The application site falls within the residential areas and high quality open spaces category and, in respect of open spaces, the SPD states that proposals should be avoided unless there are no other reasonable alternative sites and the equipment is designed to minimise its impact on visual amenity.
- 6.2. Alternative locations: A permanent replacement for the former Bournville College installation has been identified as the rooftop of Ascot Court, a Council-owned nine-storey tower block approximately 380m southwest of the application site. While the Clearance Land and Property Team obtains the necessary authority to locate the mast on a Council-owned building, a temporary mast remains necessary to provide continuous network coverage. As the mast was initially erected under emergency permitted development rights, the Local Planning Authority had no control over its location and the applicant has offered no explanation for the choice of site or any discounted options. However, it is acknowledged that it is close to both the previous and future permanent installations and is screened in the Bristol Road South streetscene by mature trees. Considering the applicant only expects to need the temporary mast for a further six months, it would be appropriate to retain it in the current location where it has become a feature of the landscape in conjunction with the other temporary mast, rather than risk drawing greater attention to it by relocating it elsewhere.
- 6.3. Visual amenity: Long term retention of the equipment at this site would not be appropriate due to its impact on the appearance of the area and particularly the park. However, in the short term, coverage needs to be maintained locally and the harm to amenity is not excessive on a temporary basis. The mast is located behind a row of deciduous mature trees at the back of the pavement on Bristol Road South which are about 20m in height and provide good screening of the mast from both the north-east and south-west along the main road. A large horse chestnut tree at the boundary of the park with Cob Lane also provides some screening from some views when entering Cob Lane from Bristol Road, as well as there being other trees further to the south-east. There are no houses in close proximity to the site. Given this mitigatory screening, a further temporary period of six months would be reasonable to allow arrangements to be made to position new equipment on Ascot Court.
- 6.4. Mast sharing: UDP policy 8.55B requires operators to share masts wherever possible and the proposal fully accords with this policy.
- 6.5. Sensitive sites: There are no sensitive sites, such as listed buildings, conservation areas, health or educational institutions, within 200m of the site.
- 6.6. The site lies within Flood Zones 2 and 3. Given the limited land coverage and temporary nature of the structure, I consider any effect on local drainage would be negligible.

7. Conclusion

- 7.1. This application is recommended for approval because a further short temporary period would be a sensible solution allowing coverage to continue but without undue or permanent harm to local amenity.

8. Recommendation

- 8.1. Approve temporary

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

2 Requires removal of the installation within 6 months.

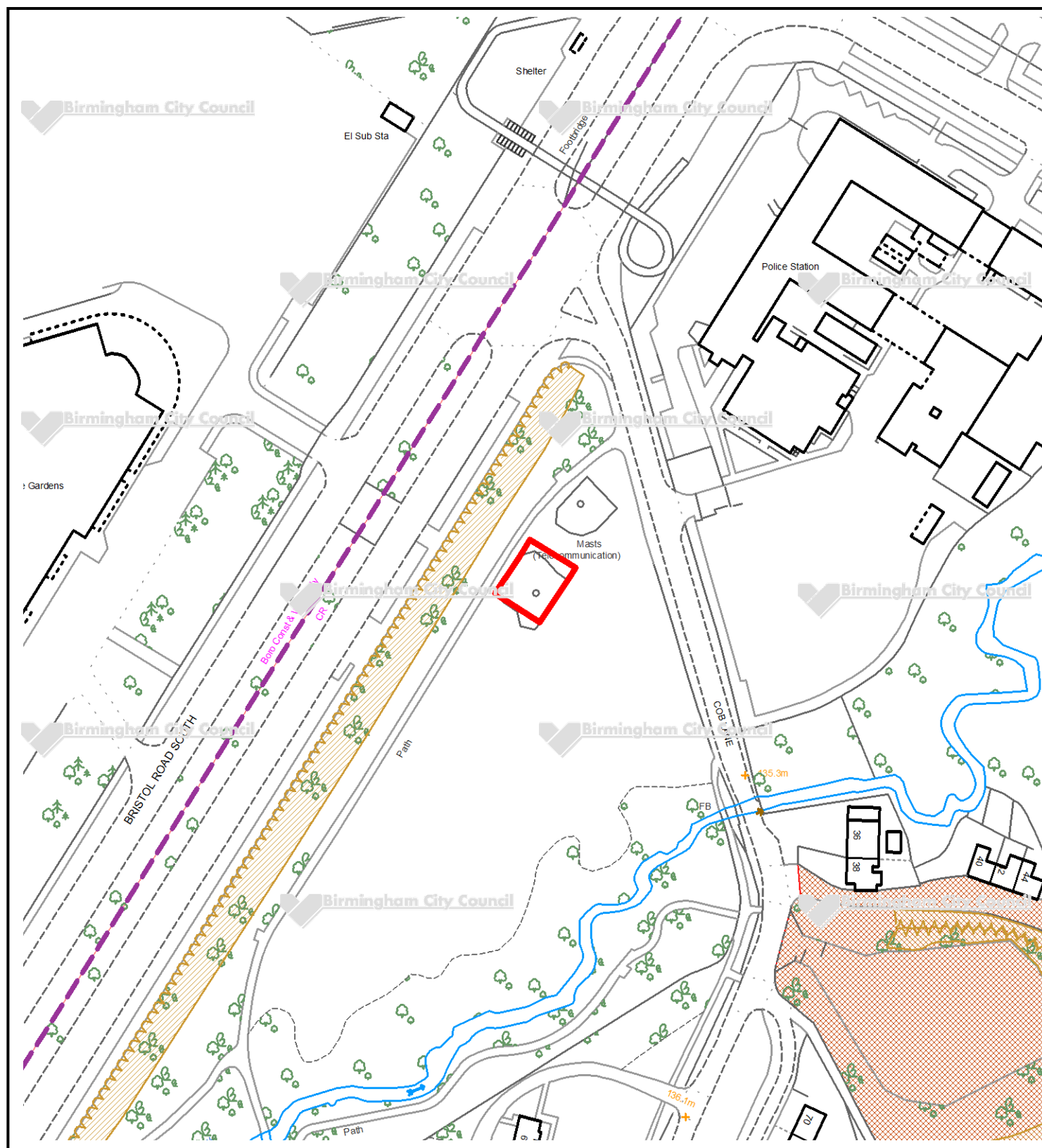
Case Officer: James Mead

Photo(s)



Photograph 1: View of existing mast

Location Plan



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Birmingham City Council

Planning Committee

09 June 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	14	2016/03270/PA Land adjacent to 63 Sunnybank Road Sutton Coldfield Birmingham B73 5RJ Erection of a detached dwelling house and installation of vehicular access to highway
Approve – Conditions	15	2016/00969/PA Land at The Hub Nobel Way Perry Barr Birmingham B6 7EU Outline application for erection of industrial/warehouse units (Use Classes B1 (b,c), B2 and B8) with associated roads, parking areas and landscaping with all matters reserved.
Approve – Conditions	16	2016/02157/PA Land at The Hub Nobel Way Perry Barr Birmingham B6 7EU Reserved matters for plot 7a pursuant to application number 2015/07828/PA including full details of access, appearance, landscaping, layout and scale in connection with the erection of a building for B1, B2 and B8 uses.

Committee Date:	09/06/2016	Application Number:	2016/03270/PA
Accepted:	20/04/2016	Application Type:	Full Planning
Target Date:	15/06/2016		
Ward:	Sutton Vesey		

Land adjacent to 63 Sunnybank Road, Sutton Coldfield, Birmingham, B73 5RJ

Erection of a detached dwelling house and installation of vehicular access to highway

Applicant:	Mr Gregg Warwick 63 Sunnybank Road, Sutton Coldfield, Birmingham, B73 5RJ
Agent:	HG Design Limited Sutton House, 4 Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This application is for the erection of a detached dwelling with new vehicular access to highway, following demolition of the existing garage to 63 Sunnybank Road. It follows a previous planning approval (reference 2013/03520/PA) for a similar scheme involving the erection of a dwelling on the same plot of land in 2013.
 - 1.2. The proposed scheme would subdivide the existing corner plot and erect a new detached dwelling to the north of the existing dwelling (63 Sunnybank Road), with a frontage to Sunnybank Road. It would be two-storeys high and would include a double height bay window within a forward projecting gable and an arched porch and window styles to reflect the traditional vernacular of houses in the local area. Building materials would include facing brickwork to the main elevations and render to the front gable, clay roof tiles, white UPVC windows and doors.
 - 1.3. Internally, the ground floor would comprise a living room, study room, kitchen/dining room, utility and WC/cloakroom. At first floor there would be four bedrooms (one with an en-suite) and a bathroom. The rear garden to the proposed dwelling would measure 115sqm and the remaining rear garden for 63 Sunnybank Road would measure 70.3sqm, which both comply with the minimum guidelines outlined in Places for Living SPG.
 - 1.4. The applicant indicates 200% parking provision for the proposed dwelling and 200% parking provision would be retained for 63 Sunnybank Road.
 - 1.5. No trees are proposed for removal.
 - 1.6. Site Area: 0.04 hectares. Density: 40 dwellings per hectare.
 - 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the garden area and garage to 63 Sunnybank Road, located on the corner of New Church Road and Sunnybank Road.
- 2.2. The site has vehicular access off Sunnybank Road, which provides access to the attached garage. There are shrubs and trees situated around the boundary of the site and the boundary treatment comprises a 1.8 metre high close boarded fence with trellis above.
- 2.3. The character of the area is predominantly residential, which comprises mainly two-storey semi-detached houses set on a regular building line with open front gardens. The dwellings follow a similar design incorporating brickwork, render and two storey gable/bay column features.
- 2.4. The site is within easy walking distance to good public transport, including Wylde Green train station (approximately 212 metres from the site).

2.5. [Site Location](#)

3. Planning History

- 3.1. 11 March 2013 – 2013/00658/PA - Erection of 1no. 4 bedroom detached dwelling house – Withdrawn.
- 3.2. 11 July 2013 - 2013/03520/PA - Erection of detached dwelling house, approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Ward Councillors, M.P, residents associations and nearby occupiers were notified. Site Notice displayed outside site.
- 4.2. 6 letters of objection received from nearby occupiers stating the following:
 - The style of the proposed dwelling would look out of place in relation to the existing houses on the street which are all 1930's style houses and the proposals would therefore spoil the character of the area.
 - The proposed dwelling would extend beyond the building line of houses fronting New Church Road.
 - The existing dwelling would be out of keeping with the area following the removal of its garage and side garden.
 - The site is too small for a four bedroom dwellinghouse.
 - Over-domineering for residents of existing dwellinghouses.
 - Set a precedent.
 - Loss of privacy and light to neighbouring properties.
 - Increase on-street parking problems, which is already a problem due to the rising number of commuters using the nearby Wylde Green train station and any additional parking around the road junction would be very dangerous and would have a negative impact on the general amenity of adjoining and neighbouring properties. The parking situation has got worse for residents in the area due to the introduction of double yellow lines outside of the train station and the station

having inadequate car parking provision. The loss of the garage to 63 Sunnybank Road would also increase on-street parking.

- Inadequate car parking area.
- Impact highway safety as the site is located on the corner and the road is used as a cut through between Boldmere and Wylde Green and for learner drivers.
- Increase existing issues with flooding, drainage and sewage in Sunnybank Road. Nearby houses have had non-returning valves installed by Severn Trent Water and have been warned by Severn Trent Water that any additional burden on the drainage system will cause a repeat flooding of raw sewage. The development would cause an increase in hard surfaced areas, which would increase the surface water run-off and risk of flooding and pressure on the current drainage systems, which would have a direct and negative impact on neighbouring properties. It is also noted by one writer that neighbouring properties are at a 'low point' in the road making them particularly susceptible to back flow of sewerage from the main sewer.
- Insufficient school places and by building another family home in this location will further exacerbate the problem. It is recommended by one objector that all new family home developments in the B73 area should be put on hold until more local primary school places can be found.
- Lack of care for the existing property, which gives the impression that the applicant has little thought or care for the local community. The existing owner has ignored complaints from the Council to put right their overhanging trees which obstruct the pavement for pedestrians and also obscures the street lighting.
- The dwellinghouse would be built and let out to tenants with a high turnaround approximately every six months.
- No landscaping details have been provided.
- It is recommended that a smaller house on this plot would be more acceptable as it would allow more appropriate allocation of sufficient off road parking and larger green/soft area for natural water drainage and a reduced use of domestic water and sewerage facilities.

4.3. Severn Trent Water - No objection to the application subject to a condition requiring suitable drainage of the site and it is advised that there may be a public sewer located within the application site.

4.4. Regulatory Services - No objection subject to a condition requiring a vehicle charging point for electric vehicles.

4.5. Transportation Development - No objection subject to conditions requiring appropriate hard surfacing materials, pedestrian visibility splay and installation of new footway crossing.

4.6. West Midlands Police - No objection and recommends that this proposal is developed to enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design'.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (UDP) 2005, Draft Birmingham Development Plan (BDP), Places for Living SPG, Mature Suburbs SPD, Car Parking Guidelines SPD and National Planning Policy Framework.
6. Planning Considerations
- 6.1. The main issues for consideration are whether the proposed development would be acceptable in principle and whether it would have a detrimental impact on the local character, on the amenities of adjoining residents, on highway safety and flooding.
- 6.2. Policy Context
- 6.3. The NPPF contains a presumption in favour of sustainable development and within the core planning principles it seeks to secure a high quality design, a good standard of amenity for all existing and future occupiers of buildings. It advises that one of the Government's key objectives is to increase significantly the delivery of new homes. The NPPF does not prevent development of residential gardens in principle but does advise Local Planning Authorities to set out policies to resist inappropriate development which would cause harm to the local area.
- 6.4. Policies 3.8 and 3.10 of the adopted UDP seek to protect what is good in the City's environment and states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed. Policy 3.14D advises that the City Council will have particular regard towards the impact that the proposed development would have on the local character of an area, including topography, street patterns, building lines, boundary treatments, views, skyline, open spaces and landscape, scale and massing. It further states that any existing mature trees should be retained where possible.
- 6.5. Policy 3.16A of the adopted UDP advises that trees are important for their visual amenity, benefits to health, historic significance and nature conservation value. Developers will be expected to give priority to the retention of trees, hedgerows and natural features on development sites, and existing landscaping should also be kept and protected where possible.
- 6.6. Places for Living SPG advises that responding to the local context can ensure the unique identity of a place is not harmed as well as avoid any potential adverse impact on neighbouring buildings, landscape and uses. It identifies numerical guidelines for garden, bedroom sizes and separation distances for new residential developments.
- 6.7. Mature Suburbs SPD contains guidelines for residential intensification and sets key design criteria to be used to ensure new residential developments do not undermine or harm the positive characteristics of a mature suburb. The design criteria for developments in mature suburbs includes: building form and massing; siting; boundary treatment; design styles; public realm and landscaping; and cumulative impact.
- 6.8. Policy PG3 for the emerging Birmingham Development Plan (BDP), as modified by the proposed main modification 4 consulted upon last year states 'all new development will be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.
- 6.9. Principle of Development

- 6.10. The application site is sited within a predominantly residential area with good accessibility to local shops, schools and services. The site benefits from a previous planning permission for a similar development involving the erection of a detached three bedroom dwellinghouse, which was approved in July 2013 under application 2013/03520/PA by your committee.
- 6.11. I note the responses from nearby occupiers about recent issues with the public sewers and concern about potential flooding, however, Severn Trent Water have raised no objection to this application subject to suitable drainage of the site.
- 6.12. I consider that the proposed development is acceptable in principle, subject to the following site specific considerations.
- 6.13. Impact on Local Character
- 6.14. The application site relates to a corner plot of an inter-war property which has been given more space to the side to enable a degree of openness at the junction. The surrounding residential properties are generally two-storeys high and are set on a regular building line, set back from the road behind open frontages, which gives an overall impression of a coherent and spacious street scene.
- 6.15. The proposed dwelling would be sited within a new residential plot, located on the corner of Sunnybank Road and New Church Road. It would be set back from the street, respecting the existing building line along Sunnybank Road, with a driveway in front where there is an existing drive way access to the garages.
- 6.16. The proposed dwelling would have a wider footprint compared to the approved dwelling in the 2013 application by approximately 2 metres, however, it would still in my view retain an acceptable level of openness and space to the corner of the road junction and is considered acceptable. I also note that the proposed dwelling would sit forward of the front building line of houses in New Church Road, however, I do not consider that it would appear out of keeping with the local character given that it would be sited at least 14.5 metres away from the nearest dwelling in New Church Road and would be well screened by existing trees along the side and rear boundaries of the site when viewed from New Church Road.
- 6.17. The proposed development differs from the previously withdrawn application (2013/00658/PA) for a four bedroom detached dwelling on this site, which was withdrawn by the applicant in March 2013 following advice from my Officer's that the development would have had a detrimental impact on the character of the area given its design and close proximity to New Church Road. The main difference is that the depth of the main two-storey part of the building has been reduced by 1.8 metres and the single storey side element has been omitted in order to retain the space to New Church Road.
- 6.18. The proposed dwelling would be similar in scale, roof design, window proportions and articulation (such as the front bay windows and porch entrance) as the existing dwellings within this area. It would be built in brick with render to the double height bay windows within the front gable to reinforce the local character. Conditions are attached to ensure building materials, landscaping and hard surfacing details are of a high quality and in keeping with the character of the area.
- 6.19. The City Design Advisor, Tree Officer and the Landscaping Officer raise no objection. I am therefore satisfied that the proposed development would not harm the character of this mature residential suburb and would retain a degree of

openness at the junction. It would comply with policies 3.8, 3.10 and 3.14 of the adopted UDP 2005, the draft BDP, NPPF and guidance contained within Places for Living SPG and Mature Suburbs SPD.

- 6.20. Impact on Existing and Future Residential Amenity
- 6.21. The internal layout would be acceptable and would provide a high quality living environment for future occupiers. The rear garden for both the existing and proposed properties would exceed 70sqm, which is recommended for family size properties outlined in Places for Living SPG. A new 1.8 metre high boundary fence would be erected to separate the rear gardens and both rear gardens would be useable and private. A condition is recommended to ensure appropriate boundary treatment is erected before the proposed dwelling is occupied.
- 6.22. Regulatory Services raises no objection subject to a condition to require a vehicle charging point for electric cars. I do not consider this condition necessary, particularly in the absence of an adopted policy requirement.
- 6.23. The application site backs onto the side boundary shared with the residential dwelling at 48 New Church Road, which has no side facing habitable room windows. There would be no impact on the amenities of adjoining and nearby occupiers in terms of loss of privacy, daylight or sunlight. The development would not breach the 45 Degree Code in relation to the nearest habitable room windows at 63 Sunnybank Road.
- 6.24. Impact on Highway Safety
- 6.25. Nearby occupiers have expressed objection to the application on the grounds: that there is inadequate space for parking within the proposed driveway; that the proposals would exacerbate the on-street parking problems in the area which is currently caused by commuters using Wylde Green railway station and the double yellow lines that have been introduced to Wylde Green Road; and that it would result in on-street parking in close to the road junction which would undermine highway safety.
- 6.26. My Officers have visited the site and checked the measurements of the driveways for the existing and proposed dwelling as shown on the submitted proposed site plan. The proposed development would result in the loss of the double garage for 63 Sunnybank Road and would reduce their parking provision to one car parking space. The proposed dwelling would accommodate one car parking space within the front driveway (which has a depth of 6.5 metres) in a practical layout.
- 6.27. Transportation Development have raised no objections and have advised that 100% parking provision is acceptable for both properties given that the adjoining roads have unrestricted parking available and the site is located in close proximity to Wylde Green railway station. Transportation Development has also advised that any additional traffic generated by the development would be easily accommodated within the area. I concur with this view and I have attached all the conditions recommended by Transportation Development to ensure appropriate pedestrian visibility splays, hard surfacing and a new footway crossing for the proposed dwelling. I therefore do not consider that the proposed development would have a detriment impact on highway safety.
- 6.28. Community Infrastructure Levy (CIL)

6.29. The proposed development does not attract a CIL contribution because the applicant is claiming a self-build exemption for the proposed new dwelling. If the development was to be liable for CIL the levy would be £6,348.

7. Conclusion

7.1. I consider that the proposed development would not have a detrimental impact on the local character and would retain a degree of openness at the junction. The proposed development would provide satisfactory living conditions for future occupiers of the dwelling and would not undermine the amenities of existing residents in the area or upon highway safety. I therefore consider that the proposals would comply with policies 3.8, 3.10, 3.14 and 5.20 of the adopted UDP 2005, the draft BDP, Mature Suburbs SPD and the NPPF, which all seek to protect and enhance what is good in the built environment.

8. Recommendation

8.1. I recommend approval subject to the following conditions.

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| 1 | Requires the prior submission of a drainage scheme |
| 2 | Requires the prior submission of level details |
| 3 | Requires the prior submission of sample materials |
| 4 | Requires the prior submission of dormer window/window frame details |
| 5 | Requires the prior submission of details of obscure glazing for specific areas of the approved building |
| 6 | Requires the prior submission of hard and/or soft landscape details |
| 7 | Requires the prior submission of hard surfacing materials |
| 8 | Requires the prior submission of boundary treatment details |
| 9 | Requires pedestrian visibility splays to be provided |
| 10 | Requires the prior installation of means of access |
| 11 | Requires the scheme to be in accordance with the listed approved plans |
| 12 | Limits the approval to 3 years (Full) |
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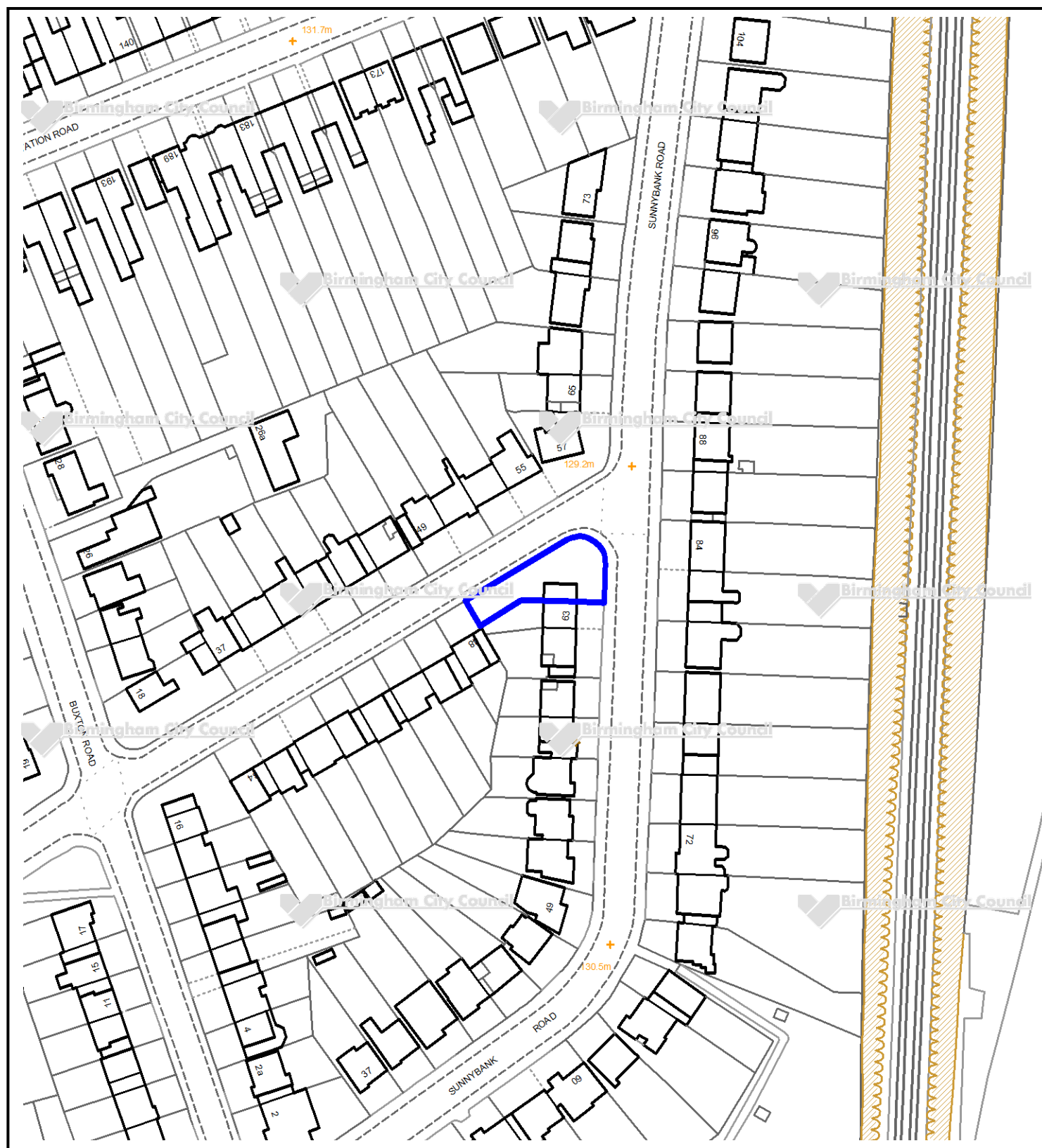
Case Officer: Helen Hawkes

Photo(s)



Application Site

Location Plan



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Committee Date:	09/06/2016	Application Number:	2016/00969/PA
Accepted:	17/02/2016	Application Type:	Outline
Target Date:	18/05/2016		
Ward:	Perry Barr		

Land at The Hub, Nobel Way, Perry Barr, Birmingham, B6 7EU

Outline application for erection of industrial/warehouse units (Use Classes B1 (b,c), B2 and B8) with associated roads, parking areas and landscaping with all matters reserved.

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

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks outline planning consent for the erection of industrial/warehouse units with associated roads, parking areas and landscaping (Use classes B1 (b,c), B2 and B8) with all matters reserved.
- 1.2. The site is split in to two, either side of Nobel Way, located within The Hub employment estate.
- 1.3. Whilst the proposal seeks to establish the principle of B1 (b,c), B2 and B8 industrial/warehouse development, the applicant has submitted an indicative layout that shows 6 commercial units. These units would measure:- Unit 1 (27,870 sq.m); unit 2 (10,684 sq.m), unit A (5,481 sq.m), unit B (4,692 sq.m), unit C (2,508 sq.m) and unit D (3,391 sq.m). The total floorspace to be created would measure 54,626 sq.m.
- 1.4. As a guide, whilst the appearance of and elevational treatment of each of the units would be the subject of future reserved matters applications, the submitted Design and Access statement sets out the framework for the design principles that the applicant seeks at reserved matters stage. In this statement, it is stated that the units are likely to be portal steel frame construction with pitched roofs and profiled metal external cladding. Colours are expected to be mainly a neutral palette with flashing and trims in dark colours. The external elevations of each unit would incorporate loading bays whilst each unit would contain space for ancillary office floorspace.
- 1.5. The units would each have their own on site parking and loading/unloading areas. The amount of car parking for each unit is indicated as follows:- Unit 1 (295); unit 2 (100), unit A (61), unit B (53), unit C (25) and unit D (38). The total number of car parking spaces to be provided would equate to 572 spaces.

- 1.6. The indicative layout makes provision for landscaping and sustainable drainage including the provision of an attenuation pond.
- 1.7. The site area measures 12.4 hectares.
- 1.8. Supporting information provided with this application includes:- site plan; site layout plan, Preliminary ecological assessment, Transport Statement, Water Management Statement-Flood Risk Assessment and Drainage Strategy, Planning Statement, Design and Access Statement and Noise Assessment.
- 1.9. An Environmental Impact Assessment (EIA) screening opinion has concluded that an EIA would not be required for this development proposal.
- 1.10. [Link to documents](#)

2. Site & Surroundings

- 2.1. The application site is split into two, either side of Nobel Way, within the HUB employment estate. The estate has already been largely built out with various warehouse and industrial units whilst the new wholesale markets building is currently under construction in the south west corner of the HUB. To the south of the application site runs a railway line, to the north of the site are other commercial premises, to the east are other commercial premises within the HUB and to the west is the markets site and a commercial unit also situated within the HUB.
- 2.2. [Site location map](#)

3. Planning History

- 3.1. 01.12.2015- 2015/07828/PA- Variation of Condition 31 associated with planning approval 2010/07132/PA in order to allow for a modification in that noise limit condition that applies to development on the HUB employment estate- This application is the outline consent that relates to the overall HUB estate which has now lapsed.
- 3.2. 17.03.2011- 2010/07132/PA- Application to extend the time of extant planning application 2005/01826/PA to allow a further 5 years for the submission of reserved matters in connection with re-development of site for B1, B2 & B8 uses [business, general industry, storage or distribution] thereby also extending the time limit to implement reserved matters approval 2007/07039/PA- approved until the 17 March 2016.

4. Consultation/PP Responses

- 4.1. Surrounding occupiers, local councillors, local MP, resident associations notified as well as site and press notice displayed- no response received.
- 4.2. Transportation Development- No objection subject to amendments and safeguarding conditions.

- 4.3. Regulatory Services- No objection subject to safeguarding conditions.
- 4.4. West Midlands Police- ask that the works be carried out in accordance with secured by design, CCTV to be provided and that the indicative boundary treatment to the site is suitable. Recommends that the development makes use of on site security to respond initially to any incident.
- 4.5. West Midlands Fire Service- no objection subject to suitable water supplies for fire fighting being provided.
- 4.6. Environment Agency- no objection subject to condition.
- 4.7. Network Rail- recommend the applicant gives consideration to alternative routes for lorries/HGV'S/high sided vehicles that will attend the site to avoid going under the railway bridge on Witton Road, the provision of suitable barrier to unit 1 to prevent vehicles hitting the railway line, the provision of a risk assessment (and mitigating measures) to protect railway infrastructure during construction and operation of the development, a risk assessment related to vibro impact works, drainage details to be provided and agreed, ground levels, earthworks and excavations and lighting plan.
- 4.8. Highways England- no objection.

5. Policy Context

- 5.1. UDP (2005); Draft Birmingham Development Plan (BDP), SPD Car Parking Guidelines, NPPF and NPPG.

6. Planning Considerations

- 6.1. Background- The site forms part of the wider HUB employment estate. The most recent outline consent that covered the entire HUB estate for development of B1, B2 and B8 uses has now lapsed, hence the submission of this outline application in order to determine the principle of such uses in this last remaining undeveloped parts of the estate. The HUB site is seen as providing an investment opportunity of regional significance which when fully complete is anticipated to achieve 1.6 million square feet of new employment space and 2100 job opportunities.
- 6.2. The HUB is designated as core employment land within the UDP (2005) and within the BDP. The BDP sets out, amongst other matters, the economic aspirations of the City and how they could be achieved through appropriate land use policies. The BDP sets out one of its key aspirations in part 3.5 as being "To ensure that the City has the infrastructure in place to support its future growth and prosperity". It continues in part 3.11 by stating "the continued revitalisation and modernisation of the City's economy will be central to the growth agenda ensuring that jobs and prosperity are generated for current and future residents". 3.12 states "A continuous supply of land and full range of premises will be made available for all forms of employment development, including for the growth and modernisation of existing companies, the establishment of new business and to attract investment from within the UK and internationally".

- 6.3. The above strategic focus in creating a varied and sustainable employment base also meets the aspirations of the NPPF.
- 6.4. In summary, I consider the policy basis as set out above satisfactorily supports the principle of further B1 (b,c), B2 and B8 employment development on the HUB employment estate.
- 6.5. General indicative layout- Whilst this application seeks to establish the principle of B1 (b,c), B2 and B8 development with all matters reserved, I consider that the indicative layout provides comfort that a high quality scheme with appropriate provision for parking, servicing and landscaping could be achieved. The layout would satisfactorily integrate with existing developed areas of the HUB estate. Any reserved matters application would need to address other specific matters such as landscaping and ecology and such matters can be conditioned. Similarly, comments received from other consultees such as Network Rail can either be accommodated in conditions or as advice to the applicant.
- 6.6. Parking/highway impact- Transportation Development raise no objection subject to amendments to extend footpaths into the site curtilage of each unit and conditions to secure parking and circulation being kept free of obstruction, that pedestrian and vehicular visibility splays are incorporated and maintained and the application of all other relevant conditions attached to the now lapsed outline consent 2015/07828/PA are applied. In response, whilst I concur with the view with respect to attaching relevant safeguarding and site operational conditions related to transport matters as indicated by Transportation Development, this is an outline application with all matters reserved and the detailed matters referred to otherwise would be considered at a later reserved matters stage. Overall, and subject to conditions, the details provided demonstrate that the indicative development could operate without adverse impact from a parking and highway safety perspective.
- 6.7. Impact on amenity- Regulatory Services raise no objection to the proposal subject to safeguarding conditions relating to noise and contaminated land. I concur with this view. I therefore recommend the imposition of conditions relating to site decontamination and control of noise.
- 6.8. Ecology- The Preliminary ecological assessment submitted with this application has been assessed. I recommend that conditions relating to ecological mitigation and biodiversity enhancement, as recommended in the assessment, are attached to the consent.
- 6.9. Flood risk- The Environment Agency raise no objection to the proposal subject to a safeguarding condition to secure satisfactory flood compensation provision and floor levels to the units. I concur with this view. Following an assessment of the submitted Flood Risk Assessment (FRA), the applicant has provided further information showing that for the illustrative layout proposed satisfactory flood compensation provision can be made. An appropriate condition is therefore recommended.
7. Conclusion
- 7.1. The proposed development would provide B1 (b,c), B2 and B8 floorspace in the heart of a dedicated employment estate. The indicative details provide comfort that

suitable development can be provided at reserved matters stage whilst safeguarding conditions would control adverse impacts.

8. Recommendation

8.1. That the application is approved subject to conditions.

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| 1 | Requires the prior submission of a phasing plan |
| 2 | Requires the prior submission of a contamination remediation scheme in relation to each phase |
| 3 | Requires the prior submission of a contaminated land verification report before the occupation of each phase |
| 4 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan before commencement of each phase |
| 5 | Requires the prior submission of a construction ecological mitigation plan before commencement of each phase |
| 6 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures prior to the commencement of each phase of development |
| 7 | Requires the prior submission of hard and/or soft landscape details for each phase of the development |
| 8 | Requires the prior submission of hard surfacing materials in relation to each phase |
| 9 | Requires the prior submission of boundary treatment details for each phase |
| 10 | Requires the prior submission of a landscape management plan in relation to each phase |
| 11 | Requires the prior submission of a lighting scheme in relation to each phase |
| 12 | Requires the prior submission of sample materials for each phase |
| 13 | Requires the prior submission of level details in relation to each phase |
| 14 | Requires the prior submission of cycle storage details for each phase |
| 15 | Requires vehicular visibility splays to be provided for each phase |
| 16 | Requires the parking area to be laid out prior to use of each phase |
| 17 | Requires pedestrian visibility splays to be provided for each phase |
| 18 | Requires the submission of noise attenuation measures for each phase of the development |
| 19 | Requires the prior submission of a noise assessment prior to the occupation of each |
-

phase

- 20 Requires the implementation of the specified flood mitigation measures
 - 21 Requires a scheme of noise insulation for each phase of development
 - 22 Limits the layout plans to being indicative only
 - 23 Prevents the use from changing within the B1 use class
 - 24 Limits the approval to 3 years (outline)
-

Case Officer: Wahid Gul

Photo(s)

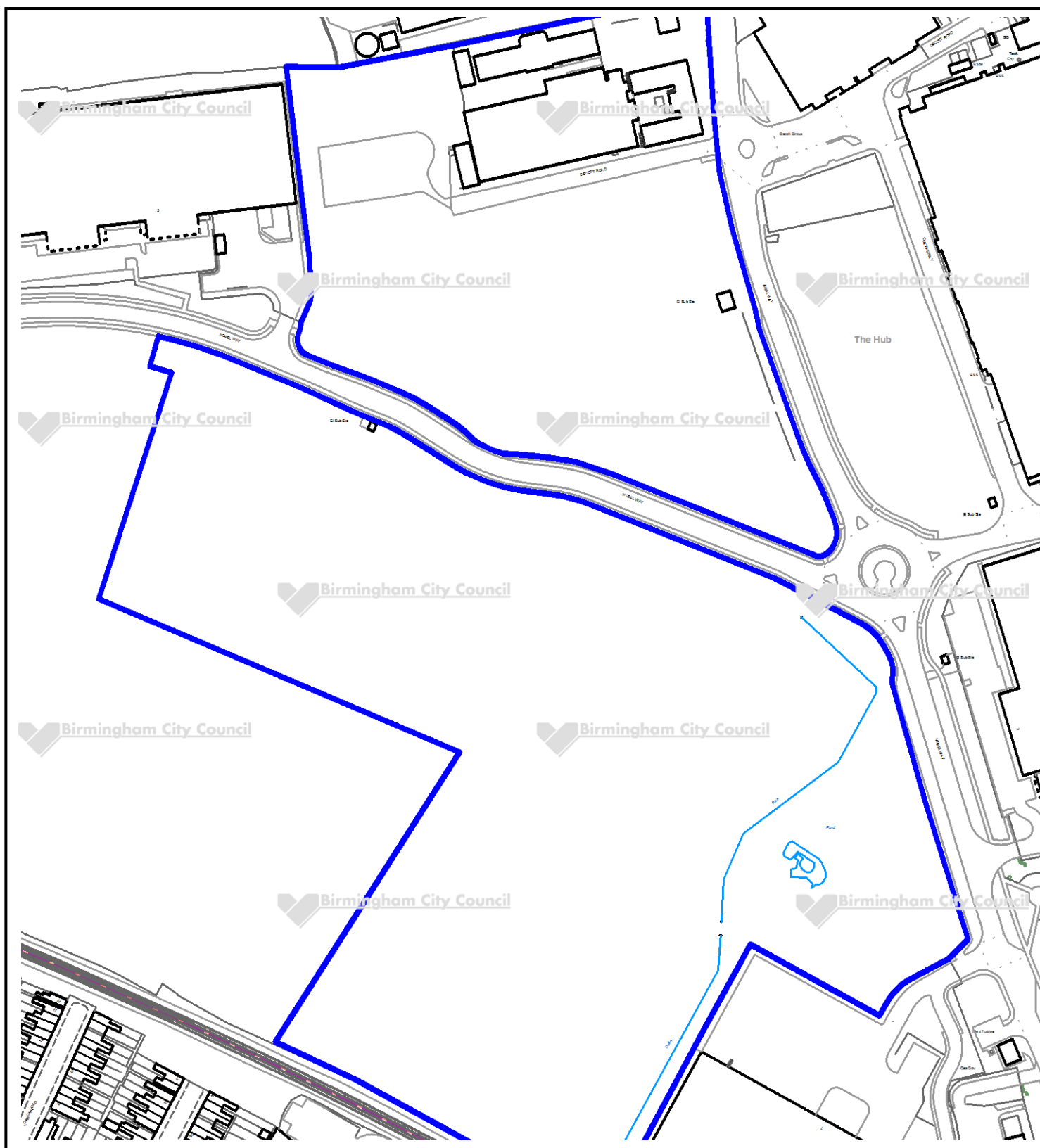


Northern part of site



Southern part of site

Location Plan



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Committee Date:	09/06/2016	Application Number:	2016/02157/PA
Accepted:	16/03/2016	Application Type:	Reserved Matters Development
Target Date:	15/06/2016		
Ward:	Perry Barr		

Land at The Hub, Nobel Way, Perry Barr, Birmingham, B6 7EU

Reserved matters for plot 7a pursuant to application number 2015/07828/PA including full details of access, appearance, landscaping, layout and scale in connection with the erection of a building for B1, B2 and B8 uses.

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

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks reserved matters consent in relation to access, appearance, landscaping, layout and scale for the erection of an industrial/warehouse unit that would operate within the scope of use classes B1, B2 and B8. This reserved matters application is linked to outline planning approval 2015/07828/PA.
- 1.2. The proposed unit would measure 111.7 metres long, 56 metres wide by 15.49 metres high. The total floor area would measure 6556 sq.m. The exterior façade would be constructed out of profiled cladding panels to both its main elevations and roof. The external façade would incorporate powder coated aluminium windows, steel doors and roller shutters.
- 1.3. The unit would be served by 72 car parking spaces as well as 7 HGV trailer spaces. Other on site features would include a cycle shelter, smoking shelter, bin store and attenuation pond.
- 1.4. Supporting information submitted in relation to this application includes:- Planning statement; noise assessment, employment and training strategy, tree survey, soft landscape management plan, preliminary drainage and level details and pond layout and tree protection plan.
- 1.5. [Link to documents](#)

2. Site & Surroundings

- 2.1. The application site forms part of the wider HUB employment estate. The application site is located at the northern end of the site. To the north are other commercial premises and a sports ground operated by the City Council. To the west and east are other commercial units within the estate whilst to the immediate south is another currently empty plot that is the subject of a separate current reserved matters application (2016/02156/PA).
- 2.2. [Site location map](#)
3. Planning History
 - 3.1. 01.12.2015- 2015/07828/PA- Variation of Condition 31 associated with planning approval 2010/07132/PA in order to allow for a modification to the noise limit condition that applies to development on the HUB employment estate- approved with conditions- This is the most recent modification of the outline planning consent for the HUB estate.
 - 3.2. Current- 2016/02156/PA-Reserved matters application for plot 7b pursuant to 2015/07828/PA including full details of access, appearance, landscaping, layout and scale in connection with the erection of a building for B1, B2 and B8 uses.
4. Consultation/PP Responses
 - 4.1. Neighbouring occupiers, local councillors, MP and resident associations notified as well as site and press notices displayed- no response received.
 - 4.2. Transportation Development- No objection subject to conditions and amendments.
 - 4.3. Regulatory Services- no objection.
 - 4.4. Environment Agency- no objection.
 - 4.5. West Midlands Police- request that works be carried out to secured by design standards; that an intruder alarm system is installed, unclear as to the refuse collection point and recommend that a CCTV system is installed.
 - 4.6. Network Rail- state have no comment to make.
5. Policy Context
 - 5.1. UDP (2005); Draft Birmingham Development Plan (BDP), SPD Car Parking Guidelines, NPPF and NPPG.
6. Planning Considerations
 - 6.1. The application seeks approval for reserved matters in relation to access, appearance; landscaping, layout and scale. These are considered below.
 - 6.2. The appearance, layout and scale design, scale of the proposed development would be in keeping with the surrounding industrial estate and it would have a positive

visual impact given the plot currently lies vacant. Indicative materials proposed appear acceptable, but would be the subject of a separate discharge of condition application related to the outline application.

- 6.3. I consider the layout and access arrangements to be acceptable with appropriate provision for parking and servicing. The layout would integrate well with the layout of the remainder of the estate.
- 6.4. The Environment Agency raise no objection to the proposal. Detailed drainage matters are the subject of conditions attached to the outline consent.
- 6.5. In terms of the parking and highway impact of the scheme, Transportation Development raise no objection subject to conditions and amendments. I concur with their view and note that a number of the areas referred to are covered by outline planning conditions. I consider that the proposed development would be provided with a satisfactory level of parking and servicing capacity and that the capacity of the wider transport network can accommodate the additional vehicular movements generated. Satisfactory tracking plans have been provided that demonstrate how larger vehicles would be able to access the site, manoeuvre on site and exit in forward gear. On this basis, no adverse parking or highway impact is identified as arising from this reserved matters application.
- 6.6. The applicant has provided landscaping details which include the provision of an attenuation basin. Following review by my ecological advisor, I consider the submitted landscape details, which include the management proposals for the establishment and ongoing maintenance of the wildflower grassland areas and woodland edge planting, are acceptable. As mentioned earlier, the more specific drainage role of the attenuation pond and wider drainage works are being assessed under the relevant drainage condition associated with the outline consent.
- 6.7. Other matters- I note that critical features such as levels, drainage, boundary treatment, car parking, cycle storage, material details require separate discharge of condition agreement. Such matters are being assessed under current discharge of condition applications.

7. Conclusion

- 7.1. The proposed development would fit in with the wider HUB employment estate and subject to safeguarding conditions no adverse impact identified.

8. Recommendation

- 8.1. That the proposal is approved subject to conditions.

1	Requires the scheme to be in accordance with the listed approved plans
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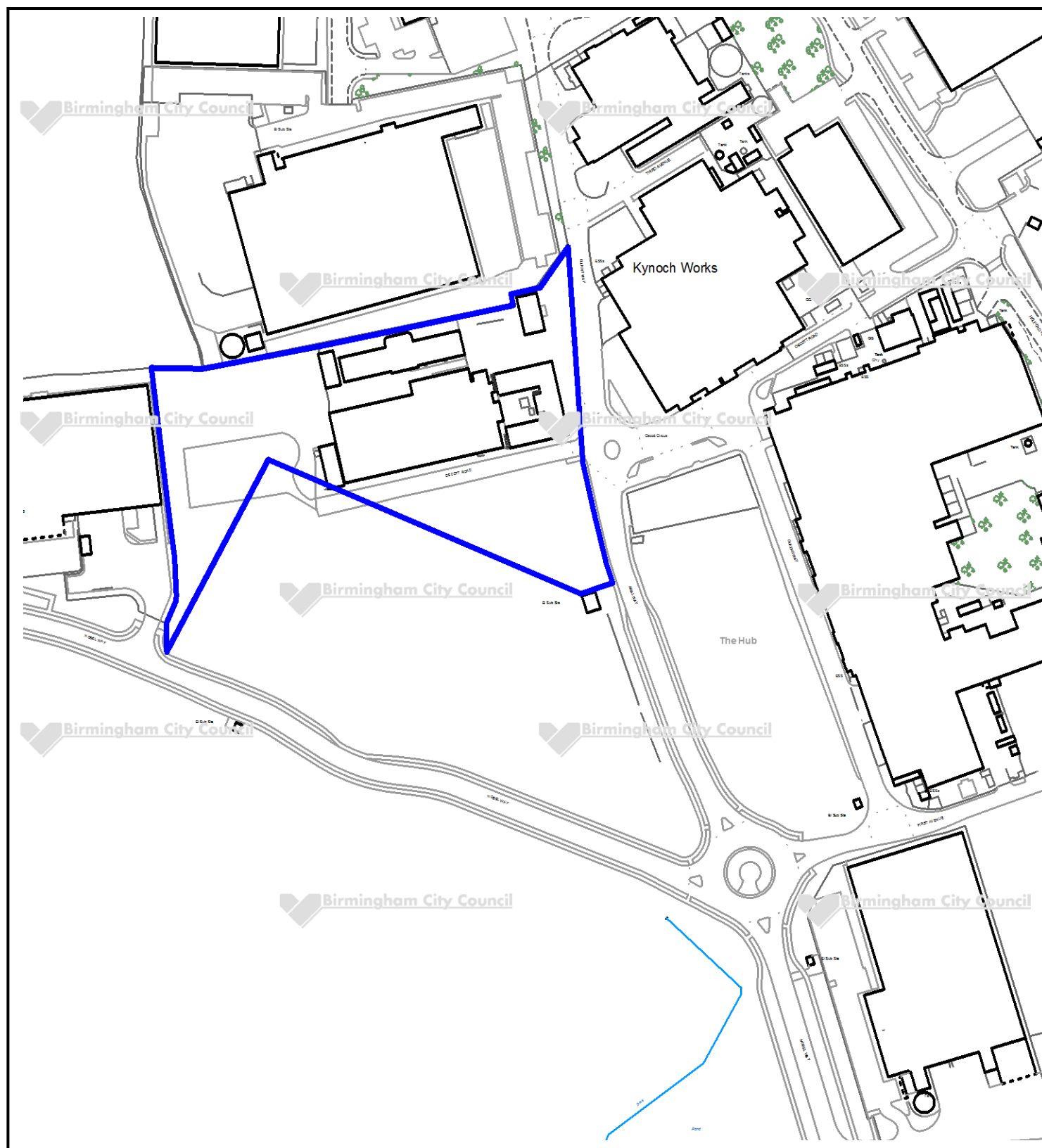
Case Officer: Wahid Gul

Photo(s)



Application site

Location Plan



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Birmingham City Council

Planning Committee

09 June 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	17	2015/07926/PA 30-52 Vittoria Street Jewellery Quarter City Centre Birmingham B1 3NU Alteration, extension and selective demolition works to create 36 residential dwellings and 1 no. commercial unit (A1/A2/B1(a)) and associated landscaping and parking
Approve - Conditions	18	2015/07979/PA 30-46 Vittoria Street Jewellery Quarter City Centre Birmingham B1 3NU Listed Building Consent for the alteration, extension and selective demolition works in association with the conversion to provide 36 residential dwellings and associated parking and landscaping

Committee Date:	09/06/2016	Application Number:	2015/07926/PA
Accepted:	22/10/2015	Application Type:	Full Planning
Target Date:	21/01/2016		
Ward:	Ladywood		

30-52 Vittoria Street, Jewellery Quarter, City Centre, Birmingham, B1 3NU

Alteration, extension and selective demolition works to create 36 residential dwellings and 1 no. commercial unit (A1/A2/B1(a)) and associated landscaping and parking

Applicant:	Stonehurst Estates Danehill Lodge, Tanyard Lane, Danehill, West Sussex, RH17 7JW
Agent:	PCPT Architects Limited 84 Spencer Street, Jewellery Quarter, Birmingham, B18 6DS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposes new build, part demolition and refurbishment of three existing buildings to provide a total of 36 residential apartments. Due to the scale and complexity of the proposed development each building is described separately below.

Vittoria Works

- 1.2. The frontage building and the southern-most shopping wing would be retained whilst an early 20th century shopping wing to the rear running along the Vittoria Works' northern boundary would be demolished.
- 1.3. Single aspect apartments would be created at each level in the retained wing together with a further apartment at each level within the principal frontage building providing a total of 6 apartments. Amended plans to provide a commercial unit within the ground and first floor levels on the frontage have been received.
- 1.4. Despite the existing building's layout, levels constraints and the presence of multiple staircases, amended plans to minimise internal alterations within this part of the building have been received following negotiations with both the city's Conservation Officer and Historic England. The details of these changes are considered within the application for listed building consent elsewhere on your committee's agenda.
- 1.5. The basement of the Vittoria Works would provide storage for bins and services within the basement level from the car park.
- 1.6. In combination with some land to the rear of the Unity Works a private courtyard would be provided beneath which would be a basement car park providing some 15 parking spaces and cycle storage facilities. This car park would be accessed off a

retained cartway entrance at the southern end of the Unity Works, with levels changed so that the access is ramped. The courtyard deck would equate to approximately one half of a story of the retained rear wing with a sloping southern end to maximise light and outlook to the ground floor units in this part of the development.

- 1.7. To the rear of the courtyard a new 4 storey building is proposed. The building is of a modern design including Corten cladding which is designed to reflect a water tank historically present on site. The remainder of the building is to be constructed of dark bricks with brown brick trims to windows and features. This building would provide a further 3 apartments, with the top two floors forming a duplex style unit.

Unity Works

- 1.8. A two storey rear shopping wing ('coal store') would be demolished to make way for vehicular access into the site and provide a basement car park and courtyard area. A roof above an infill area is also proposed to be removed.
- 1.9. The remaining building largely consists of extensive open spaces and therefore internal demolitions are largely limited to staircases that are made redundant by the proposals and limited subdivision, largely at first floor level.
- 1.10. Finally a two storey L-shaped building that extends behind 46-52 Vittoria Street would also be retained, converted and extended following negotiations with the city's Conservation Officer and Historic England.
- 1.11. The proposals show large 'loft-style' residential accommodation within the Unity Works, limiting the degree of subdivision. Fire and acoustic separation between units is proposed directly above the floorboards so that the ceilings and decorative cast iron columns are exposed in the finished units where present.
- 1.12. Within the frontage building basements would be utilised for bedroom and bathroom accommodation with the former window openings onto the street reused. Units on the lower levels would be duplex, whereas those on the first and second floors would be on a single level.
- 1.13. A timber structure that offers external gallery style access between the shopping wings would be recreated in the proposals. This would provide the fourth side to the second courtyard which is a combination of at-grade and roof-top spaces. It is also proposed to rebuild the gable end of an existing single storey structure to incorporate white glazed brickwork along with the introduction of glazed canopies at either end of this courtyard.
- 1.14. A further two small courtyards would be provided on the site's western boundary, one primarily adjoining Albion Court and the other to the rear of 21-22 Frederick Street.
- 1.15. In total the Unity Works would provide 24 apartments.

48-52 Vittoria Street

- 1.16. Externally this former pair of dwellings would be re-rendered with a lime-based product. More historically appropriate cills, lintels and stucco would be incorporated into the replacement front façade. The basement would be utilised as bedroom / utility space.

- 1.17. It is proposed to amend the windows within the rear elevation to those of a modern design (within the existing openings).
- 1.18. Internally the building will be remodelled to allow both front doors to be utilised (one is currently blocked up). The building will provide accommodation for a total of three units (one at each floor, with the basement used in association with the ground floor unit).
- 1.19. The final court yard area would be formed behind this building with 3 no. at grade parking spaces.
- 1.20. Overall this would provide 36 units with the following breakdown:
- 13 no. one bedroom apartments (46 sq.m – 71 sq.m)
 - 19 no. two bedroom apartments (56 sq.m – 128 sq.m)
 - 4 no. three bedroom apartments (105 sq.m – 117 sq.m)
- 1.21. This equates to a development density of 182 dwellings per hectare.
- 1.22. There would be a total of 18 on-site parking spaces, representing 50% provision.
- 1.23. Detailed plans; a Sustainable Drainage Statement; Design and Access and Heritage Statement; Contaminated Land Report; Noise and Vibration Study; and a Financial Viability Statement have been submitted in support of this application. Since submission of this application supplementary Structural and Heritage Statements have been provided to justify the level of demolitions proposed and ensure that the proposed level changes adjacent to listed fabric is structurally feasible.
- 1.24. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application properties consist of three buildings, two of which (Unity Works and Vittoria Works) are Grade II Listed. The site is within the Jewellery Quarter Conservation Area and consists of almost 50% of the terrace on the western side of Vittoria Street. There are many listed buildings within the vicinity of the site including 33-37 Vittoria Street and The Standard Works (opposite), 28 Vittoria Street (adjacent to the south), 54-58 Vittoria Street and 2-3 Regent Street (adjacent to the north), Thomas Fattorini (adjoining the north-western edge of the site) and 12-16 Albion Street (adjoining the western boundary of the site).
- 2.2. Unity Works and Vittoria Works are both primarily three storey buildings with the Unity Works slightly taller accommodating an additional semi basement level. Vittoria Works has been painted pink and includes a cartway entrance at its southern end adjacent to an ornate pedestrian entrance. Unity Works also includes a cartway entrance at its southern end. Both sites are almost 100% covered in built form, with 'shopping' wings to the rear. 48-52 Vittoria Street comprises of a pair of former dwellings which predate the buildings around them. They are not listed and much altered. The buildings are rendered and painted blue. There is a cartway to the north providing access to a small courtyard parking area to the rear. The buildings sit slightly higher than the street with a semi basement level.

- 2.3. All three buildings are currently vacant, with Unity Works having been vacant since its last (industrial) use for some time (20+ years).

Site Location

3. Planning History

30-52 Vittoria Street

- 3.1. 06.05.1982 – 62499/000 – Approval – Extend forecourt to property at pavement level
- 3.2. 12.11.1987 – 62499/001 – Approval – Conversion of existing shop unit to form 3 workshop/studio units (Use Class B1) including the formation of car park
- 3.3. 12.11.1988 – 62499/002 – Approval – Demolition of 2 no. existing buildings at the rear of the site

Unity Works

- 3.4. 27.01.1949 – 01880/000 – Approval – Replacement of roof

Vittoria Works

- 3.5. 21.02.2008 – 2007/07530/PA and 2007/07531/PA – Approval – Change of use of building to form 8 live/work units, 2 studios and 1 apartment (Use Class C3) and ground floor commercial unit (Use Classes A1-3 and B1), alterations to front elevation, external and internal alterations.
- 3.6. 13.04.2011 – 2011/01030/PA and 2011/01031/PA – Approval – Application for a new planning and listed consents to replace an extant planning permission (2007/07530/PA) [EXPIRED]

Current Accompanying Listed Building Application

- 3.7. 2015/07979/PA - Listed Building Consent for the alteration, extension and selective demolition works in association with the conversion to provide 36 residential dwellings and associated parking and landscaping.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions requiring details of boundary treatment to the frontage of the 'blue building', a car park management condition to prevent contract parking, details of the gate opening system and that a suitable highways agreement is in place prior to the insertion of the new light wells for the basement.
- 4.2. Regulatory Services – No objection providing acoustic attenuation levels for glazing shown in the supporting noise assessment are achieved and that the 'gap' in the northern boundary wall to the Fattorini site is plugged. Satisfied that ventilation can be natural rather than via mechanical means.
- 4.3. BCC Lead Local Flood Authority – Requests further information on the implementation of sustainable drainage measures which could be captured through the imposition of appropriate conditions.

- 4.4. Conservation Heritage Panel – Commenting on the original proposals the panel questioned the appropriateness of residential use in an area where small industrial activity takes place, although the use was broadly supported. Concerns were also raised regarding the level of demolition and the scale of the 5 storey new build to the rear.
- 4.5. Environment Agency – No objection but recommend a condition requiring the submission of further remediation measures in the event of previously unidentified contamination being encountered.
- 4.6. Historic England – No objection subject to suitable building recording and support the Conservation Officer's advice that there an audit of internal fixtures be carried out in order to inform a strategy for the retention of the more significant of these. Requests further information relating to the alterations to the interior of the Vittoria Works.
- 4.7. Natural England – The development is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes and therefore has no comments to make on this application.
- 4.8. Severn Trent Water – No objection subject to a condition requiring the prior approval of foul and surface water drainage.
- 4.9. West Midlands Fire Service – No objection subject to the use of a residential sprinkler system.
- 4.10. West Midlands Police – Raises concerns regarding the adequacy of the proposed parking facilities and recommends various additional security measures across the scheme such as controlled entry points, lighting and CCTV facilities.
- 4.11. Site and Press Notices Displayed. Amenity Societies, Ward Members, Residents' Associations, the MP and local occupiers consulted, with three representations expressing support for the scheme received. Comments made include:
- The scheme is well thought out
 - Would remove dereliction
 - Would act as a catalyst for further regeneration
 - Loft-style apartments are welcomed and offer something different to the usual offer
- 4.12. A further representation expressing concern at the level of parking offered has been received.
- 4.13. The adjacent industrial use, Fattorini, raises concerns regarding the potential impact of residential use in close proximity to their business and inaccuracies in the original noise report.
- 4.14. The Victorian Society commenting on the original proposals, object. They have concerns regarding the impact of further residential use in this area on the character of this area, although they are mindful of the poor condition of these vacant listed buildings. Consider the loss of the shopping wing would be contrary to the JQ Design Guide policy and is an unacceptable loss of historic fabric.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005; the submission draft Development Plan; Places for Living (2001) SPG; Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCAAMP) (2002) SPG; Jewellery Quarter Design Guide (2005) SPG; Car Parking Guidelines (2012) SPD; National Planning Policy Framework 2012.

6. Planning Considerations

POLICY

- 6.1. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that Local Planning Authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness. Paragraph 132 places 'great weight' on the impact of development on a heritage asset's significance and 133 refers to developments causing substantial harm to a heritage asset, outlining key points that the applicant should be able to demonstrate in order to justify this harm.
- 6.2. Within the adopted UDP policy 3.27 states that development which fails to preserve or enhance the character of the conservation area will be resisted and any new development should respect the character of the existing architecture, in scale, grouping and materials and should generally reflect the character and appearance of the area. Policy 3.25 refers to the setting of listed buildings and states that appropriate control will be exercised over the design of new development in their vicinity. Policy 3.10 notes that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed and policy 3.8 refers to the City's environmental strategy which is based on protecting and enhancing what is good and improving what is less good in the City's environment, along with recognising the key relationship between environmental quality and levels of economic activity. Policy 3.14D concerns design and provides a set of assessment principles, including impact on local character, views, skyline, scale, massing and neighbouring uses.
- 6.3. The Birmingham Development Plan in Policy TP12 recognises the value of heritage assets and requires new development to make a positive contribution to the asset's character, appearance and significance. The BDP also recognises the demand for additional dwellings within the city and the contribution that the city centre can make towards future provision. Policy TP29 states that city centre schemes should deliver housing densities above 100 dwellings per hectare.
- 6.4. The JQCAAMP identifies the site as within the industrial middle character area where new residential uses are not normally permitted in the interests of safeguarding the existing industrial/jewellery uses that make a positive contribution to the character of the Quarter. Exemptions to this general policy approach are applicable where there are other benefits to the Conservation Area, particularly concerning the refurbishment and re-use of listed buildings.
- 6.5. The Jewellery Quarter Design Guide provides detailed guidance on achieving new development that reinforces the character of this historic part of the city.

PRINCIPLE OF USE

- 6.6. The supporting Design and Access Statement refers to the JQCAAMP refresh exercise completed last year. This draft document was produced as an evidence base for the Townscape Heritage bid and as a basis for future policy review and formation (including the JQCAAMP and the emerging Neighbourhood Plan). Whilst it provides a useful update of the changes within the Jewellery Quarter since 2002 it is not an adopted policy (and is not intended to be formally adopted) and has not been the subject of public consultation. As such the refresh document carries no material weight in decision making.
- 6.7. The emerging Neighbourhood Plan is also referenced in the supporting statement; however this has no material planning status at this time. Finally the statement references the Townscape Heritage scheme which assists in funding schemes with a conservation deficit and notes that a development on this site has been successful as a second round submission and may benefit from funding as a priority scheme.
- 6.8. The supporting statement outlines the benefits of a comprehensive scheme including all three properties such as access to light and the ability to provide on-site parking.
- 6.9. As outlined above, the adopted Unitary Development Plan and NPPF attach great weight to the preservation of heritage assets. I consider that the conversion of the proposed buildings to primarily residential use would be consistent with this aim.
- 6.10. I attach weight to the need to bring these prominent listed buildings back into use after long term dereliction and to avoid further decay which in itself has a negative impact upon the Conservation Area.
- 6.11. In addition to the above I am mindful of the need for additional housing within the City Centre as set out in the BDP, the benefits associated with the small commercial element of the scheme, the financial viability issues associated with any wider commercial uses across this particular scheme and the dependence upon Townscape Heritage funding in order to overcome the 'conservation deficit'.
- 6.12. Therefore, whilst I accept that there would be limited loss of industrial character associated with the residential use I conclude that on balance residential use is appropriate in this instance. I therefore raise no objection to the principle of the residential use. My Conservation Officer concurs with this conclusion.

HERITAGE IMPACT / DESIGN

- 6.13. The impact of the proposals on the listed buildings are considered in detail in the accompanying report relating to the application for listed building consent elsewhere on your committee's agenda. However, in terms of the level of demolition the amended scheme much reduces both the impacts on the physical fabric and the setting of these heritage assets. The amended scheme is well considered and follows careful consideration by the Conservation Officer in order to secure the minimal impact to the significance of these heritage assets.
- 6.14. In respect of the new build elements the scale of these is much reduced. The extension to the element of the Unity Works behind 48-52 Vittoria Street is acceptable and the retention of a traditional at grade courtyard arrangement retains the character of this part of the site. The contemporary approach to the new building to the rear of Vittoria Works is appropriate and supported. The amendment secured reducing its scale has resulted in a structure that will have a positive relationship

with the retained historic fabric around it. The use of Corten is appropriate and, to some extent, reflects the industrial use of the site in the past.

- 6.15. In terms of the level of demolition proposed this is acceptable and is justified by the benefits secured by the wider proposals.
- 6.16. The amended scheme secures the retention of all historic windows where practical, with secondary glazing installed to assist in meeting acoustic and thermal standards. A condition recommended on the associated application for Listed Building Consent allows for a review of each existing window on a case-by-case basis in order to determine the most appropriate approach.
- 6.17. I consider that the restorative works to the existing buildings would, subject to appropriate detailing, have a significant beneficial impact upon the character of the Conservation Area.
- 6.18. The comments of the Victorian Society are noted. Whilst the rear structure referred to ('the coal house') continues to be proposed to be demolished, the amendments to the scheme secure a much greater level of retention of historic fabric. The retention of this structure was given thorough consideration; however its retention would not be practical from a residential layout perspective and would prevent access to the 15 space parking area. The provision of on-site parking is considered vital to the commercial viability of the proposals, particularly the large high quality apartments proposed. The loss of this wing therefore secures a much greater amount of fabric retention across the wider site through the ability to deliver a less intensive scheme.
- 6.19. I therefore consider that the proposals would enhance the character and appearance of the conservation area and would secure the preservation of these listed buildings whilst improving their setting.

AMENITY

Noise

- 6.20. This application is accompanied by two Noise Assessments that identify the primary sources of noise within the vicinity including an extract flue associated with an Italian restaurant fronting Frederick Street and industrial machinery and extracts associated with industrial occupiers within the vicinity. The closest of which is Thomas Fattorini situated on the corner of Frederick Street and Regent Street.
- 6.21. Regulatory Services conclude that based on the additional acoustic work the Vittoria Street façade does not need to be a 'sealed' elevation and can benefit from natural ventilation, albeit with secondary glazing to ensure that the levels anticipated in the supporting reports are met.
- 6.22. In terms of the northern courtyard, the scheme has been amended to remove balconies from the north of the site in close proximity to Fattorini and a gap in the existing boundary wall is to be filled by the proposed development helping to address the noise from plant and machinery associated with this adjacent industrial use.

Adequacy of accommodation

- 6.23. Generally, the proposed residential units are large and well in excess of the Nationally Described Space Standards. Many would be capable of accommodating further deck/mezzanine levels if required (subject to the appropriate consents).
- 6.24. Since submission the application proposals have been amended to improve outlook from a number of units where there was an uncomfortable arrangement between neighbouring apartments. A limited number of units require obscurely glazed glass to prevent overlooking between apartments, details of which can be secured by condition. Whilst the scheme is generally not compliant with Places for Living separation guidelines, it represents an acceptable compromise between residential amenity and safeguarding these buildings listed as having architectural/historic merit and the fine grain character of the Conservation Area described in the Management Plan.
- 6.25. The shared courtyards would provide welcome communal spaces for future occupiers of the development.
- 6.26. I am satisfied that the proposed development would create an acceptable residential living environment and would not unacceptably compromise the activities of existing industrial occupiers within the vicinity subject to the imposition of suitable safeguarding conditions.

HIGHWAY MATTERS

- 6.27. Transportation Development raises no objection subject to conditions all of which are recommended save the car park management plan which I do not consider necessary in this instance given the small scale of parking proposed.
- 6.28. The proposed development would provide 18 spaces for these 36 units representing a 50% provision. I consider this appropriate taking into account the site's city centre location (being accessible via a wide range of sustainable means of travel). Internal and secure cycle storage is shown across the development.

SECTION 106 / FINANCIAL VIABILITY

- 6.29. Due to the costs associated with bringing these derelict buildings back into use the applicant is stating that there is a significant conservation deficit and as a result no affordable housing or Section 106 Contribution can be offered if the scheme is to remain financially viable. A Financial Statement has been provided to support the applicant's claim and this has been independently assessed.
- 6.30. This application is also liable for a Community Infrastructure Levy contribution. An exact figure has not been provided in support of this submission, which would vary according to any exemptions (through any eligible use of the buildings) that may be applicable. A calculation for the proposals based upon both minimum and maximum exemptions has been made for the purposes of assessing the viability of the scheme. The exact figure will be decided outside of the determination of this application.
- 6.31. Notwithstanding the above, the site has been the subject of thorough (multiple) appraisals by independent financial advisors who conclude that whilst the claimed land values could not be supported, if reasonable values for the building, together with the anticipated heritage grant were inputted along with the likely CIL liability (considering a range depending upon exemptions) the scheme would be viable, but

only in the absence of a S106 contribution. Irrespective of the eventual CIL payment the developer's profit margin would be lower than typically expected.

- 6.32. I concur with this conclusion and note that the proposals are viable for a wide range of CIL contributions when a reasonable land value is inputted. I therefore conclude that whilst I cannot endorse the position taken in the original appraisal (on land values) and that the exact CIL contribution is not known at this time, the thorough analysis by the independent expert shows that the scheme is only viable in the absence of any S106 contribution. This conclusion takes into account the conservation deficit, which is captured in the proposed TH funding factored into the appraisal.

7. Conclusion

- 7.1. After considerable negotiation and amendment I consider this scheme presents a compelling proposition for the reuse of some of the most significant heritage assets in this part of the Conservation Area. The interventions proposed are well thought through and would result in the minimum loss of fabric for the maximum overall conservation gain. The development would also secure their future use and improve their setting, and therefore opportunities to appreciate these important assets.
- 7.2. The accommodation proposed, which has been largely guided by heritage considerations, is generally large and spacious and would provide high quality accommodation.
- 7.3. Protecting the commercial viability of the Jewellery Quarter is extremely important and the implications of establishing the residential use on this site have been thoroughly examined and found to be acceptable.
- 7.4. I therefore consider that the scheme should be approved subject to appropriate safeguarding conditions.

8. Recommendation

- 8.1. Approval subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires the submission of unexpected contamination details if found |
| 2 | Requires the prior submission of a sustainable drainage scheme |
| 3 | Requires the prior submission of a drainage scheme |
| 4 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 5 | Requires the prior submission of an additional ecological survey for Black Redstart |
| 6 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 7 | Requires the prior submission of hard and/or soft landscape details on a phased basis |
| 8 | Requires the prior submission of boundary treatment details |
-

-
- | | |
|----|---|
| 9 | Requires the prior submission of a lighting scheme on a phased basis |
| 10 | Requires the prior submission of sample materials in a phased manner |
| 11 | Requires the prior submission of a construction environmental management plan |
| 12 | Requires the approval and implementation of the infill wall |
| 13 | Requires the prior submission of secondary glazing details |
| 14 | Requires the prior submission of details of the frontage of 48-52 Vittoria Street |
| 15 | Requires the prior submission of details of sprinklers |
| 16 | Requires the submission of gate opening mechanism |
| 17 | Requires the prior submission and completion of works for the S278/TRO Agreement before pavement lights are installed |
| 18 | Requires the provision of cycle parking prior to occupation |
| 19 | Requires the scheme to be in accordance with the listed approved plans |
| 20 | Requires a minimum of 1 no. electric vehicle charging point |
| 21 | Limits the hours of use of the commercial unit to 7:30am - 8pm Mon - Sat / 10am - 4pm Sun |
| 22 | Restricts the commercial unit to Use Classes A1, A2 and B1(a) |
| 23 | Limits the approval to 3 years (Full) |
-

Case Officer: Nicholas Jackson

Photo(s)



Fig 1 – Vittoria Works on left, Unity Works centre/right



Fig 2 – 48-52 Vittoria Street



Fig 3 – Interior Unity Works

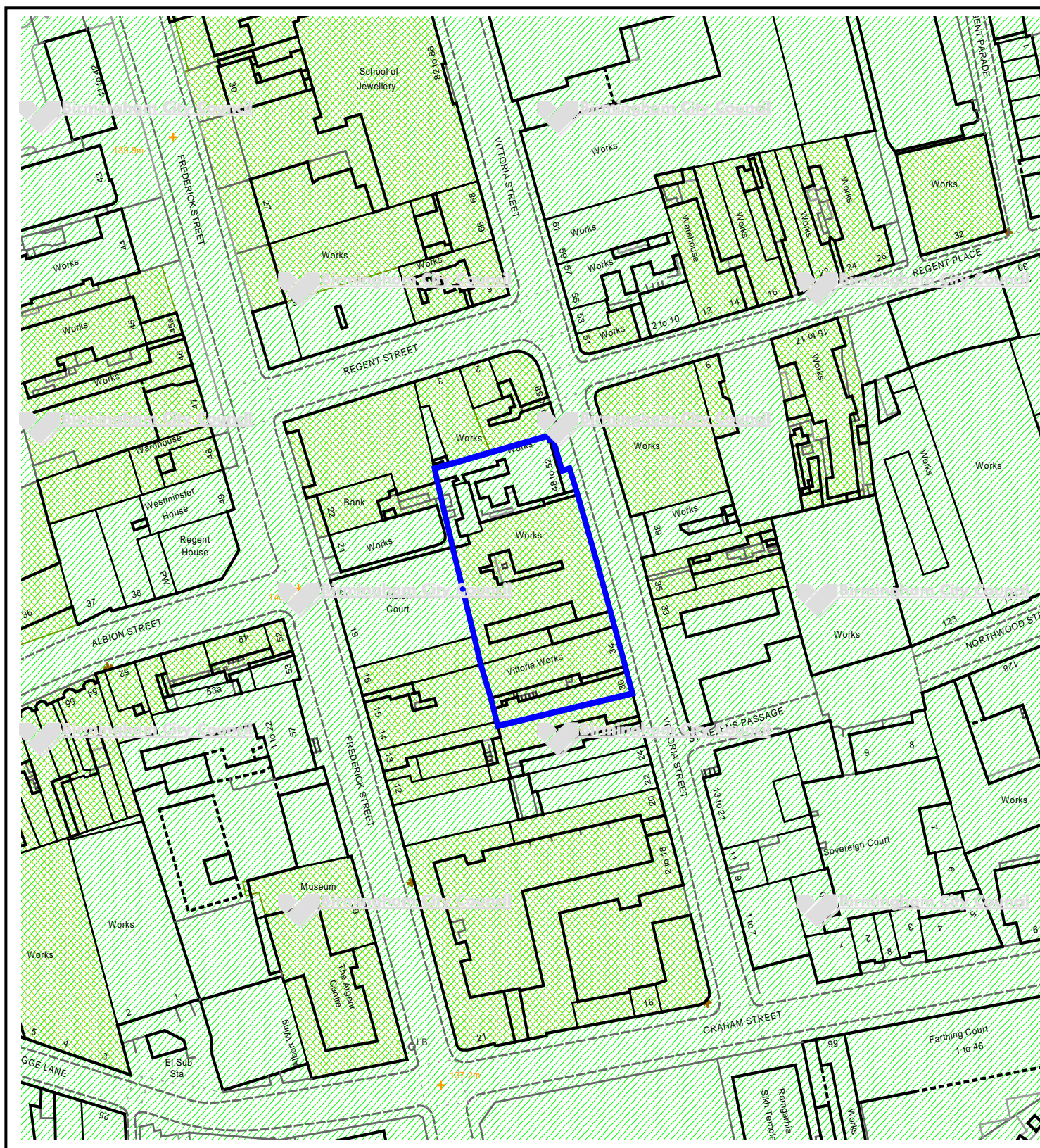


Fig 4 – Shopping Wing to rear of Vittoria Works



Fig 5 – Rear of Unity Works showing 'gallery' (Albion Court beyond)

Location Plan



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Committee Date:	09/06/2016	Application Number:	2015/07979/PA
Accepted:	22/10/2015	Application Type:	Listed Building
Target Date:	17/12/2015		
Ward:	Ladywood		

30-46 Vittoria Street, Jewellery Quarter, City Centre, Birmingham, B1 3NU

Listed Building Consent for the alteration, extension and selective demolition works in association with the conversion to provide 36 residential dwellings and associated parking and landscaping

Applicant:	Stonehurst Estates Danehill Lodge, Tanyard Lane, Danehill, West Sussex, RH17 7JW
Agent:	PCPT Architects Limited 84 Spencer Street, Jewellery Quarter, Birmingham, B18 6DS

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks listed building consent for various changes to the fabric of both the Unity Works and Vittoria Works in order to convert them and the adjacent 48-52 Frederick Street to 36 dwellings and a commercial unit. This application is accompanied by an application for full planning permission for the works. Breaking the works down into parts of the site, the following is a summary of the proposed changes to the fabric of these two listed buildings.

Vittoria Works

- 1.2. The frontage building and the southern-most shopping wing would be retained whilst an early 20th century shopping wing to the rear running along the Vittoria Works' northern boundary would be demolished.
- 1.3. Single aspect apartments would be created at each level in the retained wing together with a further apartment at each level within the principal frontage building providing a total of 6 apartments. Amended plans to provide a commercial unit within the ground and first floor levels on the frontage have been received.
- 1.4. Despite the existing building's layout, levels constraints and the presence of multiple staircases, amended plans to minimise internal alterations within this part of the building have been received following negotiations with both the city's Conservation Officer and Historic England.
- 1.5. The supporting demolitions plan shows that three of the four internal staircases would be retained as would the decorative door onto Vittoria Street. A number of internal walls together with a small part of the basement level would be demolished as part of the proposals. All chimney breasts would be retained.

- 1.6. The remaining basement of the Vittoria Works would provide storage for bins and services with access from the proposed car park.
- 1.7. In combination with some land to the rear of the Unity Works a private courtyard would be provided beneath which would be a basement car park providing some 15 parking spaces and cycle storage facilities. This structure would abut the rear elevation of the Vittoria Works and the retained shopping wing of the Unity Works. An indicative construction detail showing this has been provided in support of this application.
- 1.8. To the rear of the courtyard a new 4 storey building is proposed. The building is of a modern design including Corten cladding which is designed to reflect a water tank historically present on site. The junctions between this new structure and historic fabric would comprise of an external circulation/balcony area to the south and a lightweight glazed structure to the north. The existing chimney stack at the rear of the site would be retained.

Unity Works

- 1.9. A two storey rear shopping wing ('coal store') would be demolished to make way for vehicular access into the site and provide a basement car park and courtyard area. A roof above an infill area is also proposed to be removed.
- 1.10. The remaining building largely consists of extensive open spaces and therefore internal demolitions are largely limited to staircases that are made redundant by the proposals and limited subdivision, largely at first floor level. The principal staircase on the Vittoria Street frontage would be retained and reused within the redevelopment proposals.
- 1.11. Finally a two storey L-shaped building that extends behind 46-52 Vittoria Street would also be retained, converted and extended following negotiations with the city's Conservation Officer and Historic England. Whilst not explicitly mentioned in the list description given its position and that it is likely have formed an ancillary part of the Unity Works in the past, in my view this part of the building should be considered as a listed structure. The existing drop forge benches would be retained internally as a half landing area.
- 1.12. The proposals show large 'loft-style' residential accommodation within the Unity Works, limiting the degree of subdivision. Fire and acoustic separation between units is proposed directly above the floorboards so that the ceilings and decorative cast iron columns are exposed in the finished units where present. A detail showing how the proposed deck mezzanines would interact with the retained windows has also been provided.
- 1.13. Within the frontage building basements would be utilised for bedroom and bathroom accommodation with the former window openings onto the street reused.
- 1.14. A timber structure that offers external gallery style access between the shopping wings would be recreated in the proposals. This would provide the fourth side to the second courtyard which is a combination of at-grade and roof-top spaces. It is also proposed to rebuild the gable end of an existing single storey structure to incorporate white glazed brickwork along with the introduction of glazed canopies at either end of this courtyard.
- 1.15. In total the Unity Works would provide 24 apartments.

- 1.16. It should be noted that the wider scheme shown on the planning application includes 48-52 Vittoria Street, however this building is not listed.
- 1.17. This application is accompanied by detailed plans and a Design and Access and Heritage Statement. Since submission and following negotiations with the city's Conservation Officer and Historic England supplementary Structural and Heritage Statements have also been provided.
- 1.18. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application properties consist of three buildings, two of which (Unity Works and Vittoria Works) are Grade II Listed. The site is within the Jewellery Quarter Conservation Area and consists of almost 50% of the terrace on the western side of Vittoria Street. There are many listed buildings within the vicinity of the site including 33-37 Vittoria Street and The Standard Works (opposite), 28 Vittoria Street (adjacent to the south), 54-58 Vittoria Street and 2-3 Regent Street (adjacent to the north), Thomas Fattorini (adjoining the north-western edge of the site) and 12-16 Albion Street (adjoining the western boundary of the site).
- 2.2. Unity Works and Vittoria Works are both primarily three storey buildings with the Unity Works slightly taller accommodating an additional semi basement level. Vittoria Works has been painted pink and includes a cartway entrance at its southern end adjacent to an ornate pedestrian entrance. Unity Works also includes a cartway entrance at its southern end. Both sites are almost 100% covered in built form, with 'shopping' wings to the rear. 48-52 Vittoria Street comprises of a pair of former dwellings which predate the buildings around them. They are not listed and much altered. The buildings are rendered and painted blue. There is a cartway to the north providing access to a small courtyard parking area to the rear. The buildings sit slightly higher than the street with a semi basement level.
- 2.3. All three buildings are currently vacant, with Unity Works having been vacant since its last (industrial) use for some time (20+ years).

[Site Location](#)

3. Planning History

30-52 Vittoria Street

- 3.1. 06.05.1982 – 62499/000 – Approval – Extend forecourt to property at pavement level
- 3.2. 12.11.1987 – 62499/001 – Approval – Conversion of existing shop unit to form 3 workshop/studio units (Use Class B1) including the formation of car park
- 3.3. 12.11.1988 – 62499/002 – Approval – Demolition of 2 no. existing buildings at the rear of the site

Unity Works

- 3.4. 27.01.1949 – 01880/000 – Approval – Replacement of roof

Vittoria Works

- 3.5. 21.02.2008 – 2007/07530/PA and 2007/07531/PA – Approval – Change of use of building to form 8 live/work units, 2 studios and 1 apartment (Use Class C3) and ground floor commercial unit (Use Classes A1-3 and B1), alterations to front elevation, external and internal alterations.
- 3.6. 13.04.2011 – 2011/01030/PA and 2011/01031/PA – Approval – Application for a new planning and listed consents to replace an extant planning permission (2007/07530/PA) [EXPIRED]

Current Accompanying for planning permission

- 3.7. 2015/07926/PA - Alteration, extension and selective demolition works to create 36 residential dwellings and 1 no. commercial unit (A1/A2/B1(a)) and associated landscaping and parking

4. Consultation/PP Responses

- 4.1. Conservation Heritage Panel – Commenting on the original proposals the panel questioned the appropriateness of residential use in an area where small industrial activity takes place, although the use was broadly supported. Concerns were also raised regarding the level of demolition and the scale of the 5 storey new build to the rear.
- 4.2. Historic England – No objection subject to suitable building recording and support the Conservation Officer's advice that there an audit of internal fixtures be carried out in order to inform a strategy for the retention of the more significant of these. Requests further information relating to the alterations to the interior of the Vittoria Works.
- 4.3. The Victorian Society commenting on the original proposals, object. They have concerns regarding the impact of further residential use in this area on the character of this area, although they are mindful of the poor condition of these vacant listed buildings. Consider the loss of the shopping wing would be contrary to the JQ Design Guide policy and is an unacceptable loss of historic fabric.
- 4.4. Natural England – The development is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes and therefore has no comments to make on this application.
- 4.5. Site and Press Notices posted and Ward Members, MP, Residents' Associations and Amenity Groups consulted with one response from the occupier of the adjacent industrial use, Fattorini, raising concerns regarding the potential impact of residential use in close proximity to their business and inaccuracies in the original noise report.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005; the submission draft Development Plan; Regeneration Through Conservation SPG (1999); Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCAAMP) (2002) SPG; Jewellery Quarter Design Guide (2005) SPG; National Planning Policy Framework 2012.

6. Planning Considerations

POLICY

- 6.1. The NPPF makes specific reference to 'Heritage Assets', which includes conservation areas and listed buildings. Paragraph 129 refers to a need to assess the significance of a proposal on any heritage asset, with paragraph 131 stating that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness. Paragraph 132 places 'great weight' on the impact of development on a heritage asset's significance and 133 refers to developments causing substantial harm to a heritage asset, outlining key points that the applicant should be able to demonstrate in order to justify this harm.
- 6.2. Within the adopted UDP policy 3.27 states that development which fails to preserve or enhance the character of the conservation area will be resisted and any new development should respect the character of the existing architecture, in scale, grouping and materials and should generally reflect the character and appearance of the area. Policy 3.25 refers to the setting of listed buildings and states that appropriate control will be exercised over the design of new development in their vicinity. Policy 3.10 notes that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed and policy 3.8 refers to the City's environmental strategy which is based on protecting and enhancing what is good and improving what is less good in the City's environment, along with recognising the key relationship between environmental quality and levels of economic activity. Policy 3.14D concerns design and provides a set of assessment principles, including impact on local character, views, skyline, scale, and massing and neighbouring uses.
- 6.3. The Birmingham Development Plan in Policy TP12 recognises the value of heritage assets and requires new development to make a positive contribution to the asset's character, appearance and significance. The BDP also recognises the demand for additional dwellings within the city and the contribution that the city centre can make towards future provision.
- 6.4. The principle of the proposed refurbishment of these vacant listed buildings with the aim of securing their future use as a commercial unit and residential apartments is consistent with the preservation of this heritage asset and is therefore supported.

DESIGN/HERITAGE

- 6.5. These proposals follow extensive negotiations involving the specialist advice of both my Conservation Officer and Historic England and aim to minimise the impact upon the fabric of the listed building whilst maximising benefits to the setting and appreciation of these designated heritage assets.
- 6.6. Key impacts to the fabric of these listed buildings include the loss of some internal structures (much of which is later and of limited historic significance), the demolition of the early 19th century wing to the rear of the Vittoria Works and the demolition of the 'coal house'.
- 6.7. The internal alterations across the two buildings have been the subject of intense scrutiny and I consider that the level of intervention shown acceptable. The relatively low density proposals showing large 'loft-style' units greatly assists in the retention of fabric and together with retaining the openness and character of much of the

building. This is also consistent with the 'industrial' aesthetic of the building and the character of the wider Conservation Area.

- 6.8. The early 20th century building to the rear of the Vittoria Works is in an extremely poor state of repair and its physical interaction with the principal building to the frontage is detrimental to the overall significance of this heritage asset. Historic England raises no objection to its loss and both my Conservation Officer and I concur with this conclusion.
- 6.9. The loss of the older 'coal house' is regrettable. Dating from before the turn of the 19th century this structure is of some historic merit. Whilst its retention has been extensively explored, ultimately this has not been compatible with the redevelopment of the site. Its retention would not be practical from a residential layout perspective and would prevent access to the 15 space parking area. The provision of on-site parking is considered vital to the commercial viability of the proposals, particularly the large high quality apartments proposed. The loss of this structure therefore secures a much greater amount of fabric retention across the wider site through the ability to deliver a less intensive scheme. Following the provision of additional justification Historic England no longer object to the loss of this structure. I concur with this conclusion and consider that the wider benefits outweigh the harm to the significance of the heritage asset.
- 6.10. In terms of new internal structures/dividing walls I consider the proposals as shown acceptable subject to conditions controlling the finer details of their implementation.
- 6.11. The amended scheme secures the retention of all historic windows where practical, with secondary glazing installed to assist in meeting acoustic and thermal standards. A condition recommended allows for a review of each existing window on a case-by-case basis in order to determine the most appropriate approach.
- 6.12. It should be noted that a 'zoning' plan breaking the site down into discrete sections has been provided for the purposes of agreeing condition details. The development is not envisaged as a multi-phased development as such, however the zoning of the site will help guide agreeing details across this complicated scheme whilst allowing some degree over flexibility of delivery.

7. Conclusion

- 7.1. After considerable negotiation and amendment I consider this scheme presents a compelling proposition for the reuse of some of the most significant heritage assets in this part of the Conservation Area. The interventions proposed are well thought through and would result in the minimum loss of fabric for the maximum overall conservation gain. The development would also secure their future use and improve their setting, and therefore opportunities to appreciate, these important assets.
- 7.2. The accommodation proposed has been largely guided by heritage considerations, and is generally large and spacious and will provide high quality accommodation.
- 7.3. Subject to appropriate safeguarding conditions I therefore recommend that listed building consent be granted.

8. Recommendation

- 8.1. I therefore recommend that listed building consent be granted subject to the following conditions:

-
- 1 Requires the prior submission of a phasing plan
 - 2 Requires the prior submission of a Building Recording Survey
 - 3 Requires the prior submission of a Method Statement
 - 4 Requires the prior submission of a Condition Survey
 - 5 Requires the prior submission of details on a phased basis (Part 1)
 - 6 Requires the prior submission of details on a phased basis (Part 2)
 - 7 Requires the prior submission of details on a phased basis (Part 3)
 - 8 Requires the prior submission of Mechanical and electrical (M&E) systems strategy and water utilities strategy on a phased basis
 - 9 Requires the prior submission of materials on a phased basis
 - 10 Requires the prior submission of mortar details on a phased basis
 - 11 Requires the prior submission of a Security Strategy on a phased basis
 - 12 Requires the prior submission of an External Lighting Strategy on a phased basis
 - 13 Requires the prior submission of landscaping details on a phased basis
 - 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: Nicholas Jackson

Photo(s)



Fig 1 – Vittoria Works on left, Unity Works centre/right



Fig 2 – 48-52 Frederick Street



Fig 3 – Interior Unity Works

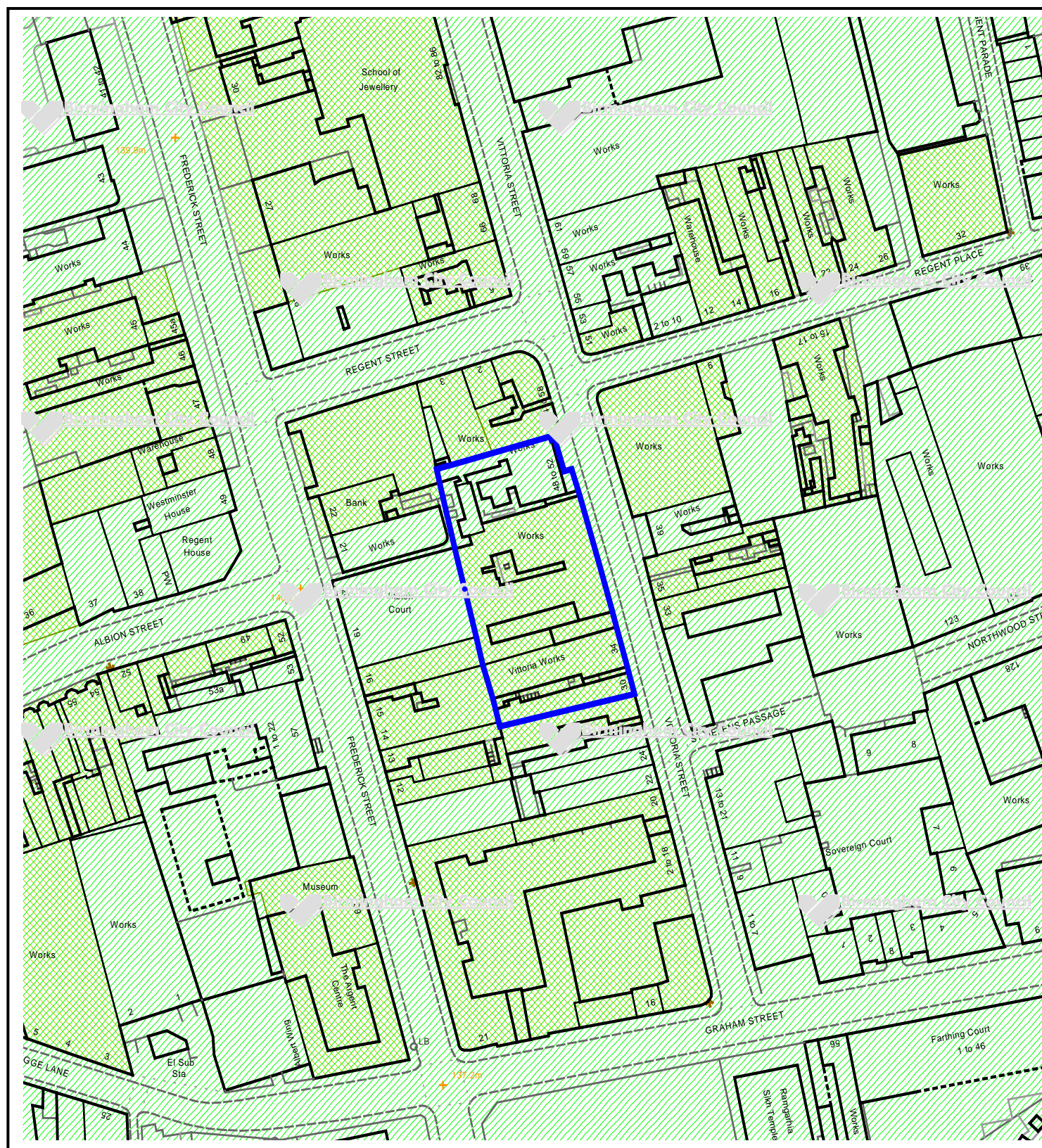


Fig 4 – Shopping Wing to rear of Vittoria Works



Fig 5 – Rear of Unity Works showing 'gallery' (Albion Court beyond)

Location Plan



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REPORT OF THE DEPUTY CHIEF EXECUTIVE

To : Planning Committee

Date : 9th June 2016

Subject : Acivico (Building Consultancy) Ltd - Annual Performance Overview

Period : Financial Year (April 2015 – March 2016 inclusive)

Background

Birmingham City Council launched its wholly owned company Acivico on 2nd April 2012 of which Acivico (Building Consultancy) Ltd was an integral part. This report focuses upon Building Consultancy's performance data for the financial year 2015/2016.

The contractual obligations between Birmingham City Council and Acivico (Building Consultancy) Ltd require that performance is monitored and reported on a quarterly basis to a Performance Management and Monitoring Board (PMMB). This is made up of the Council's Statutory Functions Officer (CSFO) with support from the Contract Management and Performance Team (CMaP).

Based on a consistent level of high performance Planning Committee agreed on 12th June 2014 that Acivico (Building Consultancy) Ltd need only report a performance overview to it on an annual basis.

Performance Context

The services provided by Acivico (Building Consultancy) Ltd are statutory and therefore delivered on behalf of The Council with whom the relevant delegated powers reside. All statutory notices associated with the delivery of the function are authorised by The Council's Statutory Functions Officer (CFSO) operating on behalf of the Deputy Chief Executive.

For many years Acivico (Building Consultancy) Ltd has been successful in focussing service delivery around clients and performance. Additional contractual requirements are in place to ensure that the service's Customer Service Excellence (formerly Charter Mark) and the International Quality standard ISO9001:2008 status are maintained.

In January 2016 Acivico (Building Consultancy) Ltd was subject to its annual external assessment for ISO9001:2008 and was found to be fully compliant with all but one minor aspect of the standard, which has now been addressed. With regard to Customer Service Excellence, the service was assessed in February 2016 and found to be fully compliant with this standard widely regarded as the benchmark for service delivery within the public sector. The assessor was impressed with a number of aspects of the service and cited a number of 'customer plus' exemplars during his visit.

Key Performance Indicators

The service presently has five KPIs governing the contractual performance of the Building Consultancy service, three of which are monitored separately as part of the corporate performance plan. All targets are subject to an annual review for their appropriateness by the Performance Monitoring and Management Board with any changes subsequently reflected in the contract.

Decision Speed Performance - Statutory Target (25 days)

Birmingham City Council has a statutory responsibility to issue Building Regulation decisions within twenty five (working) days. As a consequence Acivico (Building Consultancy) Ltd operates to a contractual obligation to deliver at a 100% level.

Actual (Year End) Performance	100%	Target 100%
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Trend Analysis (Previous five years performance)

2010/11	2011/12	2012/13	2013/14	2014/15
100%	100%	100%	100%	99%

Decision Speed Performance - Internal Target (15 days)

In order to avoid breaching the statutory KPI and meet the expectations of clients the service operates to a more stringent internal KPI of 15 days.

Actual (Year End) Performance	95%	Target 90%
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Trend Analysis (Previous Year end performance)

2010/11	2011/12	2012/13	2013/14	2014/15
87%	98%	96%	92%	82%

Customer Satisfaction

This indicator complements the other quantitative measures to ensure that the quality of service is maintained at an appropriate level. The contract and service specification currently require that at least 90% of clients select 'satisfactory' or above in an end of service questionnaire.

Actual (Year End)Performance	98%	Target 90%
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Trend Analysis (Previous Year end performance)

2010/11	2011/12	2012/13	2013/14	2014/15
76%	77%	77%	78%	80%

Note – the previous five years have been measured against a lower target 80% with the top two categories of choice 'good' and 'very good'. The measurement was adjusted for 2015-2016 to more accurately capture the views of clients selecting satisfactory.

Analysis of end of service questionnaires for this period has also identified the following;

- **90%** of customers indicated that the service represented good value for money.
- **99%** found the building surveyor helpful/willing to offer solutions to the issues encountered on site.
- **81%** indicated that the Building Regulations had been effective in protecting the wider community issues of health, sustainability, access and safety.

Approval Rate - Performance

Acivico (Building Consultancy) Ltd has a performance objective to ensure that a high percentage of first time application decisions are approved or conditionally approved. However, the ability to 'approve' can be dependent upon the technical quality of the plans submitted along with associated legislative factors. The target is a key performance indicator within the service's specification and will be reviewed for its appropriateness on an annual basis.

Actual (Year End)Performance	96%	Target 95%
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Trend Analysis (Previous year end performance)

2010/11	2011/12	2012/13	2013/14	2014/15
73%	72%	93%	93%	96%

Dangerous Structures (Response Times)

This indicator was introduced at the start of 2015-2016 in order to provide a level of assurance regarding Acivico (Building Consultancy) Ltd's response to reports of dangerous structures. Reports are received from a wide variety of sources including, councillors, officers, emergency services and members of the public. The severity of an incident will vary and is assessed from information when reported to determine the target level of deployment of a resource.

In addition to a day time service Acivico also provides a 24/7 365 day a year out of hours service to respond to requests (primarily from the emergency services) through the Council's emergency response centre. During the final quarter of this year Acivico Building Consultancy officers have been called to a number of high profile incidents including, Holloway Head (rectification of a part demolished building), The Service Men's Club at Ward End, Ladywood Road Sutton Coldfield (fire damaged listed building) and Wiggin Street (gas explosion in a domestic residence).

Contractual performance criteria;

Category A (immediate danger) – respond on site within 2 hours

Category B (moderate danger) – respond on site within 6 hours

Category C (low risk) – respond on site by the end of the next working day.

Performance for year	98%*	Target 100% of Category A only.
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** There was only one instance of arrival outside of the required response time. This arose as a consequence of the attending officer arranging to meet the appointed contractor on site at a designated time which exceeded the two hour response time by seven minutes.*

Additional activities

Building Consultancy is also responsible for delivering a number of specialised technical roles to support the Council in the discharge of its statutory responsibilities. Although these functions are not embraced by formal KPIs they are subject to quarterly review and scrutiny by the Performance Monitoring and Management Board. Activities within this area include;

Safety at Sport Grounds – officers attend safety advisory group meetings and inspect events at each of the football clubs and high capacity sporting venues within the City. Specialised technical advice regarding crowd safety, movement and safety systems is provided and reinforced through an agreed inspection regime. The year in question saw a higher than normal number of hours allocated to the function due to the incident at Aston Villa at the close of the 2014-2015 season and the hosting of the Rugby World Cup during the Autumn of 2015.

Contraventions – investigations into reported breaches of Building Regulations. Activity in this area is prioritised in accordance with a pre-determined matrix (those effecting life safety have the highest priority). Resolution may involve either the removal or adjustment of the work, the submission of a formal application or the write off of a project due to the expiry of statutory time constraints.

Implications for Priorities

A Modern and Successful City

An effective Building Control service is integral to the development process ensuring that buildings achieve the required standards of health, safety and welfare for those who own or use them.

Recommendation

That this report be noted.

Paul Dransfield
Strategic Director of Major Programmes and Projects

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