

Birmingham City Council

Planning Committee

29 March 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	9	2017/09557/PA 2 Addison Road Kings Heath Birmingham B14 7EW Change of use from retail (Class A1) to restaurant (Class A3) with ancillary take away, and installation of extraction flue to rear
Approve - Conditions	10	2017/10748/PA Cotteridge Park Franklin Road Cotteridge Birmingham B30 2HG Erection of a single storey community building and associated landscaping works
Refuse	11	2017/10596/PA Land to the rear of 68 Wellington Road Edgbaston Birmingham B15 2ET Erection of two residential dwelling houses with associated access.
Approve - Conditions	12	2017/10321/PA Land at former Yewcroft Centre Court Oak Road Harborne Birmingham B17 9AB Erection of (one form entry) primary school and associated parking, landscaping and access from Court Oak Road. Removal of protected trees.

University of Birmingham
Learning building
North of New Library
Edgbaston
Birmingham
B15 2TT

New three storey teaching and learning building for the University of Birmingham including 2 lecture theatres, 10 seminar rooms and ancillary spaces and associated external works.

Committee Date:	29/03/2018	Application Number:	2017/09557/PA
Accepted:	13/11/2017	Application Type:	Full Planning
Target Date:	08/01/2018		
Ward:	Moseley and Kings Heath		

2 Addison Road, Kings Heath, Birmingham, B14 7EW

Change of use from retail (Class A1) to restaurant (Class A3) with ancillary take away, and installation of extraction flue to rear

Applicant:	Mr T Hussain 2 Addison Road, Kings Heath, Birmingham, B14 7EW
Agent:	Planning, Design & Build Ltd 864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Refuse

1. Proposal

- 1.1. Planning Consent is sought for a change of use from retail (Class A1) to restaurant (Class A3) with ancillary take away and installation of extraction flue to rear at No.2 Addison Road, Kings Heath.
- 1.2. The proposed ground floor consists of a waiting area and reception counter, 56 seating covers, customer toilets, kitchen with a counter, and storage areas to the rear. The extract flue would be sited at the far rear (south) of the premises.
- 1.3. The applicant states that the proposal seeks to operate breakfast, lunch and dinner menus. The restaurant would serve hot and cold food and 'would meet local tastes with preferences that complement the local offerings within the area'. The proposal would also provide a home delivery services via telephone and online ordering to all customers including the elderly and homebound individuals in the immediate area.
- 1.4. The proposed opening hours would be 08:00 to 23:30 daily. The proposal would employ 2 full time and 3 part time staff members.
- 1.5. No off street parking is provided.
- 1.6. The applicant was informed during the pre-application stage that there would be an issue of impact on residential amenity and therefore planning permission would be unlikely to be forthcoming. As Officers continued to express concerns during the course of the application, the Applicant has responded on the various points, principally: he has noted that the highway and parking conditions are relatively normal and manageable at this location and with this proposed use, that the takeaway element would account for no more than 10% of sales, conditions would address noise and odour issues with the extraction system, that residents living on the edge of a local centre should expect a higher level of noise and that businesses should not be prejudiced, that the proposal would bring the premises back into

productive use with employment and complementing the wider centre, and that a café on nearby Drayton Road was approved recently.

1.7. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The site consists of a two storey building with a second floor in the roof-space and front dormer windows. The building has a single-storey rear extension filling the rest of the premises. It has a large ground floor retail area (last used as a furniture shop) with office at first floor level and storage in the roof space.
- 2.2. The site is located on Addison Road, a predominantly residential street of terraced houses, on the edge of, but within, Kings Heath District Centre. The site is within the Primary Shopping Area. The site adjoins retail premises to the west and residential properties to the east.
- 2.3. An on street loading bay directly fronts the site and a bus stop is located next door outside 2C Addison Road. Parking on street on the site side is unrestricted and generally parked at capacity. On the opposite side, parking restricted Monday-Saturday 08:00-18:30.

[Site Location Map](#)

3. [Planning History](#)

- 3.1. 25/08/2006 2006/03058/PA Demolition and proposed replacement of existing retail/warehouse premises with ground floor retail unit, first floor office and second floor storage. Approved with conditions.
- 3.2. 24/10/2017 – 2017/08358/PA Pre Application advice for the proposed change of use to takeaway (Use Class A5) and restaurant (Use Class A3). Advised that consent would be unlikely due to impact on residential amenity.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection, it is not expected traffic and parking demand associated with a café use would differ notably to that of some consented A1 retail uses. However, the takeaway element could not be supported as there are concerns that the inclusion of hot food to takeaway would create an increase in the likelihood of illegal/inconsiderate parking due to the short stay nature of trips to the takeaway use.
- 4.2. Regulatory Services – Object, due to the anticipated impact on local residential amenity from both the restaurant and the take away. The restaurant and takeaway would raise concerns due to the anticipated disturbance caused by the parking of cars used by patrons. The take away may cause disturbance to local residents, due to existing parking regulations reducing the availability of parking and the consequent lack of available space being exacerbated by busy conditions. Additionally they are concerned that the take away (even if home delivery only) would cause vehicle-related disturbance to existing residents (delivery vehicles revving engines, beeping horns etc.). Also, they are concerned in regard to patrons exiting the building in the late evening and the general use in the evening due to the proximity of residential properties. Furthermore, the use may cause traffic congestion that could lead to subsequent impacts on the High Street especially in

regard to traffic movement, where congestion is already leading to breaches of air quality objective levels.

However, they also comment that if the Planning Authority is minded to approve, they recommend conditions to manage: the hours of use (0800 – 2300); that there be no hot food preparation outside 0800 - 2200 hours; that noise levels for plant and machinery are defined; that extraction and odour details are provided; that there be no amplification equipment; there be no private hire, parties, weddings or other such functions; that there be no takeaway use and no home food delivery service; that the maximum covers are limited to 56; and that deliveries are limited to 0800 - 1800 hours on Monday to Saturday, and 0900 - 1300 hours Sunday.

4.3. West Midlands Police – No objection.

4.4. Public Health – no reply received.

4.5. Neighbours, local Ward Councillors, residents associations have been notified. Site notice displayed. 5 Objections have been received and the following relevant concerns were raised as summarised:

- Noise, disturbance, light pollution and bright light and disturbance from cars and patrons of the restaurant use;
- Smells and noise as the Kitchen and extract flue are proposed at the rear next to the garden and decking area of no.4 Addison Road;
- Increase in traffic, congestion and lack adequate parking;
- Noise impact from the activities, congregation of restaurant patrons around the area and potential for antisocial behaviour;
- Loss of privacy;
- Increase in litter;
- Detriment to the visual amenities of the area;
- Not in line with the council's retail policy threshold (55% of all the units within the Primary Shopping Area should be retained in A1 use).

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017.
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies);
- Supplementary Planning Document for Shopping and Local Centres (2012);
- Car Parking Guidelines SPD (2012).

5.2. The following national policies are applicable:

- NPPF- Delivering Sustainable Development (2012).

6. Planning Considerations

6.1. **Principle-** Policies of the NPPF require local planning authorities to pursue policies which support the viability and vitality of town centres. They also seek to secure a good standard of amenity for existing and future occupants of buildings. The NPPF contains a presumption in favour of sustainable development where one of the NPPF's core planning principles is that planning should "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*" (Paragraph 17).

- 6.2. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.3. Saved policies 8.6 and 8.7 of the UDP states that, in the determination of applications for hot food uses the level of off-street parking and proximity to residential accommodation is to be considered. Furthermore, where there are late opening times these should be confined to areas of mixed commercial use, and account should be taken of the impact the proposal would have on the vitality and viability of the frontage of which it forms, the proximity of residential properties (both the use and any associated parking), the extent of nearby residential accommodation, the nature and character of the centre, and ambient noise levels.
- 6.4. Policy TP21 of the BDP also notes that the vitality and visibility of centres will be maintained and enhanced and policy TP24 notes that it is important to ensure that centres maintain their predominantly retail function and provide shops (Class A1 uses) to meet day to day needs.
- 6.5. The Shopping and Local Centres SPD sets out the detailed policies that are applicable to development within centres to protect and enhance their vibrancy and viability whilst managing impact on residential amenity. Of these, policies 1, 2 and 5 are applicable to the proposed development.
- 6.6. Policy 1 seeks to protect the retail function of centres and states that within the Primary Shopping Area at least 55% of all ground floor units in the District Centre should be retained in retail use.
- 6.7. Policy 2 states that in considering changes out of A1 retail use, regard will also be had to the following; need to avoid an over concentration or clustering of non-retail uses as to create a dead frontage, the type and characteristics of other uses in proximity to the application site, size and type of unit (the retention of larger retail units will be encouraged) and the impact of the proposal on the character and function of the centre including opening hours, window displays and footfall generated.
- 6.8. Policy 5 seeks to manage the concentration/clustering of A3, A4 and A5 uses, within a Centre that may lead to an adverse impact on residential amenity. The Policy states that applications for new A3, A4 and A5 uses are encouraged within the Centre Boundary of Town, District and Neighbourhood Centres, subject to avoiding an over concentration or clustering of these uses that would lead to an adverse impact on residential amenity. The Policy notes the consideration needed to be given to the proximity of proposed A3, A4, A5 uses to houses.
- 6.9. The main planning considerations for this application are: whether the proposal would impact on the vitality or viability of the Centre; whether the proposal would impact on the residential amenity of neighbouring occupiers; whether the proposed flue would have an impact on visual amenity; and whether the proposal would impact on parking and highway safety.

Vitality and Viability of Centre

- 6.10. The application premises are sited within the District Centre of Kings Heath, as defined in the Shopping and Local Centres Supplementary Planning Document. The

premises are within the 'Primary Shopping Area' and have been defined as a 'retail use' (Use Class A1).

- 6.11. The most recent survey of Kings Heath (April 2017), show that the percentage for A1 uses in the Primary Shopping Area currently stands at 60.8% (a total of 242 units, of which 147 units are in A1 use). To allow a further property to change from A1 would reduce this figure to 60.3%, which would still be above the minimum policy threshold of 55%, and so and would not significantly diminish the retail function of the Kings Heath District Centre. As such the proposals accord with the Policy 1 and it is considered that there would not be a detrimental impact on the sustainability of the district centre.
- 6.12. In terms of the requirements for Policy 2 above, the nearest frontages on the High Street have a healthy predominance of Class A1 uses, and only one Class A3 use. Turning the corner into Addison Road, on the application side, there are Class A1 units. Therefore, there would not be a concentration of non-retail uses, so this policy would also not be offended.
- 6.13. Policy 5 is concerned with avoiding an adverse impact on residential amenity. This Policy overlaps with Policy 8.6 and 8.7 of the UDP (saved policies), which includes the need to assess a range of amenity considerations. I shall address that in the following section.

Impact on Amenity

- 6.14. Policy 8.7, of the UDP (saved policy) states that *"...the Council will be particularly concerned to ensure that proposed hot food shops and cafes/restaurants do not give rise to additional problems of noise and disturbance, such as to cause demonstrable harm for the occupiers of nearby dwellings"*. I note that no noise Report has been submitted by the applicant on how the proposals would impact on residential amenity, especially considering the immediately adjoining residential dwelling no.4 Addison Road and the proposed 56-seat restaurant service with ancillary takeaway A5 use being proposed to be open until 11.30pm daily. I note that the existing commercial units in the area are in keeping with a relatively quieter residential character of this part of Kings District Centre as it turns into Addison Road – 55 High Street (the corner premises) is a Birmingham Age UK charity shop, 2B Addison Road is the British Red Cross, and there is a Frozen Food Shop at 2C.
- 6.15. The pre-application advice drew attention to concerns about residential amenity. That concern is now augmented with Regulatory Services' objections.
- 6.16. I also note the number of objections received from local residents, many of whom immediately adjoin, or are close to, the application site. Objectors are concerned about the impact of the proposal in terms of light pollution, litter, noise and disturbance, traffic, loss privacy and outlook. Whilst some of their concerns in respect of noise and disturbance could be attributed to Kings Heath High Street traffic, more acute and close-by noise and disturbance would be likely to be attributed to the application premises if the scheme were approved, because of its very close proximity to family dwellings. I note that Regulatory Services and local objectors have referred to the anticipated increased vehicle movement and concerns that customers of the restaurant would create increased noise and disturbance to the nearby dwellings. Noise from patrons would be due to comings and goings, with potential loud voices and other high spirits in the late evening, especially were alcohol to have been consumed. I also concur with the concerns that parking noise

on a congested street, especially with takeaway element, would also be likely to cause noise disturbance.

- 6.17. It is also noted that the current building was built following consent being given for it in 2006 (reference 2006/03058/PA). During the consideration of that application residential amenity was an issue and as such a condition was attached in regard to opening hours (*that the premises be closed between 0800-2000 on Mondays to Saturdays and 1000-1700 on Sundays*) in order to safeguard the amenities of adjoining residential dwellings.
- 6.18. I am therefore very concerned that the proposal would significantly harm local residential amenity, especially at late evening times when ambient noise levels are expected to be low, even near the local centre and the Alcester Road South.
- 6.19. I consider noise amenity with respect to the extraction system could have been adequately controllable by conditions, if approval were forthcoming.

Visual Amenities

- 6.20. The use would require the installation of flue and extraction equipment. The flue would be to a height of 8.3m, but set against the flank wall of a large commercial building to the south (69 Alcester Road South). The flue would extend 1m above the flat roof of this adjacent building. Although there may be upper storey flats on Alcester Road South, and the gardens and windows of Addison Road gardens would have views of the flue, it would be seen in the context of/against the large building backdrop, and so I do not consider the flue would unduly affect outlook and visual amenity.

Highway Safety

- 6.21. Transportation Development have raised no objection to the proposal and I concur that the proposal would not have a notable impact upon traffic generation, traffic and parking demand being far lighter during these hours than earlier in the day. That, however, does not mean to say that noise nuisance from traffic and parking caused by the proposed use would be absent, for the reasons I have already set out.

Response to applicant's comments

- 6.22. The applicant has made further submissions during the course of the application: principally that residents living on the edge of a local centre may expect a higher level of noise, and that the proposal would bring the premises back into productive use. However, I note that the combination of an evening use with real potential for outside noise, right next to housing, is very sensitive and, in my opinion, the strong likelihood is that residential amenity would be adversely and unacceptably affected. The premises do not appear to have been empty for a long period, and I do not consider the benefit of filling an empty unit outweighs the harm to amenity that would be caused. The example the Applicant provided at Drayton Road is not particularly comparable, as there was no takeaway element proposed, hours were limited to 9pm closing, there is a slightly bigger gap to the nearest dwellings, and no residential objections were received. The Applicant states the takeaway element would be no more than 10% of sales, I note that is not a cap that could be reasonably/effectively controlled by condition, and takeaway sales could be higher than the 10% stated and still be considered to be ancillary. In short, the Applicant's points have not persuaded me at all that the application should be approved.

7. Conclusion

- 7.1. I consider that the nature and character of the application site's location is that of predominantly residential street with relatively less noisy commercial activities located close to family dwellings, therefore any A3 Restaurant use with or without ancillary Hot food takeaway in this location would not be acceptable, as it would have a significant adverse impact on the amenities of nearby residential accommodation. The application is therefore recommended for refusal.

8. Recommendation

- 8.1. That the application be refused for the following reason;

Reason for Refusal

-
- | | |
|---|---|
| 1 | The proposed change of use from retail (Class A1) to restaurant (Class A3) with ancillary take away would adversely affect the amenities of occupiers of residential properties in the vicinity particularly No.4 Addison Road due to noise and disturbance, contrary to policy PG3 of the Birmingham Development Plan (2017); saved policies 8.6 and 8.7 of the Unitary Development Plan (2005); guidance contained within the 'Shopping and Local Centres' Supplementary Planning Guidance (2012), and the National Planning Policy Framework (2012). |
|---|---|
-

Case Officer: Stephen Ssejjemba

Photo(s)

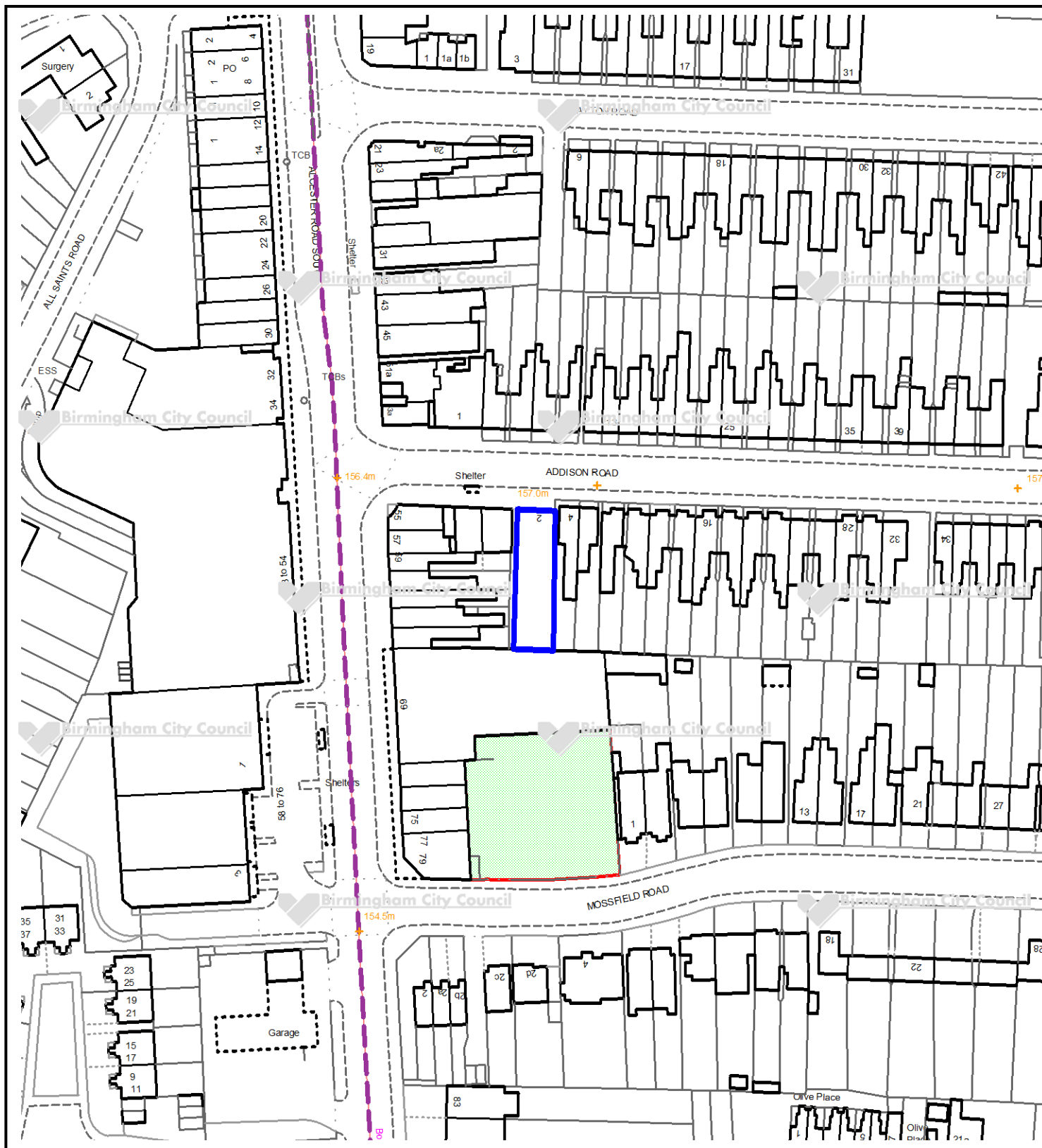


Fig 1. Frontage of Application Site, with 4 Addison Road to the immediate left.



Fig 2. Looking east along Addison Road, application site on the right hand side, selling furniture.

Location Plan



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

Committee Date:	29/03/2018	Application Number:	2017/10748/PA
Accepted:	28/12/2017	Application Type:	Full Planning
Target Date:	22/02/2018		
Ward:	Bournville		

Cotteridge Park, Franklin Road, Cotteridge, Birmingham, B30 2HG

Erection of a single storey community building and associated landscaping works

Applicant:	Friends of Cotteridge Park 44 Franklin Road, Cotteridge, Birmingham, B30 2HG
Agent:	Axis Design Architects Ltd 20a Church Hill, Penn, Wolverhampton, WV4 5PW

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a single storey community building measuring 5m in depth by 9.7m in width with a height of between 3.2m to 4.1m. The building would provide a seating area, small kitchen area and 2. No. WC. A raised decking area is to be installed to the west of the building to provide additional external seating, with a steel frame structure above. An area of hard standing is also proposed to the north of the building to provide cycle racks and to the south and west to provide access to the building. Planting and raised bedding is proposed to surround the building.
- 1.2. The building would be positioned alongside an existing path to the east side of the park and adjacent to the railway line. To the west of the site lies the existing children's playground and skate ramp.
- 1.3. The building would be clad in a standing seam metal and timber cladding, with aluminium clad windows and doors and a sedum planted roof. The steel frame structure would be coloured mustard yellow.
- 1.4. The building would be run by Friends of Cotteridge Park, a registered charity and would be open when volunteers are available at high footfall times, for example after school, school holidays, weekends and Spring/Summer evenings, and when there are organised sessions.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises Cotteridge Park, an area of public open space set within a residential area. The main entrance to the site is accessed from Franklin Road, with additional pathways leading to surrounding residential streets; Heathcote

Road, Park Avenue, Ashmore Road and York Close. There is an existing car park to the main entrance off Franklin Road with space for approximately 10-15 vehicles. The park is an approximate 10 minute walk from the centre of Cotteridge and is close to several transport links including the Kings Norton and Bournville train stations and several bus routes.

2.2. The park is close to several schools, with Cotteridge Junior and Infant School approximately 170 metres southeast of the site, Kings Norton Boys and Girls School.

2.3. The proposed siting of the building is positioned with existing pedestrian paths to the north and east and is approximately 34 metres to the skate ramp and 49 metres to the children's play area beyond. The site is currently an area of open grass with an existing pedestrian path to the east lined with trees. The site gently slopes down from east to west.

2.4. [Site Location Plan](#)

3. Planning History

3.1. 27/05/2004 - 2004/02237/PA – Erection of proposed skate board area – Approved with conditions

4. Consultation/PP Responses

4.1. Councillors, Resident Associations, The Bournville Village Trust and Local Community Groups have been consulted and a site notice has been displayed. The following responses have been received:

- 70 in support;
- 94 objecting;
- And 6 neutral comments.

4.2. Comments In support

- Building would be an asset to the park
- Building would benefit the community through access to toilets and drinking facilities
- Able to spend longer at the park with these facilities
- Would support the number of volunteers already helping in the park

4.3. Comments In objection

- Lack of consultation from Friends of Cotteridge Park with neighbours
- Would result in litter, vandalism and anti-social behaviour
- Would spoil the look of the park
- Lack of parking
- Concern over security at night
- Not clear how the building would be run
- Noise and disturbance from café
- Building is not needed as there are other local facilities

4.4. A response has been received from Councillor Mary Locke giving her support for the application.

4.5. Two responses have been received from Member of Parliament Steve McCabe. In the first, he supports the application as he considers it would greatly benefit the local community and other park users and provide a fantastic community resource. He considers great care has been taken in choosing the building materials which balance the need for a secure and easily maintained building with the desire for an aesthetically pleasing structure. In his second letter, the MP expresses his surprise at the number of objections, he understood that the Applicants had undertaken extensive local consultation prior to submitting the application and there was wide support, set out as follows: 86% of 534 respondents considered the building would help improve community development, 59% said they do not use the park due to lack of toilets, shelter and a community meeting place. The Applicants held a widely-publicised public consultation event and provided local residents with a report from their Planning Consultant.

4.6. Transportation – No objections

4.7. Leisure Services - Fully aware and supportive of this application. Have been consulted previously and our Property section has provided the Friends with guidance for future management and has already drafted a delegated authority regarding the future lease arrangements. Although the proposal will technically involve a small permanent loss of public open space we would not expect compensation as part of the usual planning process as the application is a registered charity and the building will be of positive value to the park. The only proviso is the expectation that the group will indemnify the city against any costs associated with the building.

4.8. Environmental Pollution Control – No objection. It is noted there are playground and tennis courts / sports activities within the locality, the proposal is unlikely to provide any additional noise impacts from those current. Request two conditions: any retail activities at the café be restricted to an Class A1 retail use (sandwiches / snack food) thus negating the need for detailed ventilation / extraction specifications to be submitted, and; Hours of use be set (to no later than 8pm) to ensure the premises do not cause any night time disturbance from internal or external use or hire.

4.9. West Midlands Police – no objection.

Initial concerns raised, based on calls to service to, and crimes recorded in, the park, concerning a variety of offences including anti-social behaviour, assaults and robbery and other serious crimes. Was a concern that the proposal could generate a magnet for anti-social behaviour, crime and disorder. The Police considered the proposal could provide a valuable space for the local community to use, subject to CCTV, lighting, a building alarm, compliance with the design guidance of 'Secure by Design', any external seating area and external litter bins be secured to the ground and be away from the building to reduce the risk of arson. Requested information on any storage of valuables, hours of operation, staffing and management.

After receipt of the further information requested, have a position of no objection. Noted the supporting letter from the local Neighbourhood Police Sergeant of the Bournville Neighbourhood team, who has advised that she has no objections. She has commented that from her experience and knowledge Cotteridge Park is a well-attended and looked after park and the proposed building should not give rise to further incidents of anti-social behaviour.

5. Policy Context

- 5.1. Relevant Local Planning Policy:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
 - Places for Living SPG (2001)
- 5.2. Relevant National Planning Policy:
- National Planning Policy Framework (NPPF) 2012
6. Planning Considerations
- 6.1. *Policy context*
- 6.2. As the proposal would involve existing open space, Policy TP9: Open space, playing fields and allotments, would apply. The policy advises that:
- 6.3. Planning permission will not normally be granted for development on open space except where:
- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1,000 population and the accessibility and quality criteria listed below.
 - The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.
 - Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.
 - The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.
- 6.4. The proposal would be providing leisure facilities for use by members of the public using the park. Currently the park has no recreational facilities such as toilets or enclosed places to sit, with the nearest facilities of this type available along Cotteridge High Street. Whilst I acknowledge that the proposal would result in a loss of existing open space, the benefits gained from the provision of the facilities within the proposed building and the benefits that would be felt by the users of the park and the wider community as a whole would outweigh this loss of land. The facilities would mean members of the public would be able to use the park for prolonged periods of time and would encourage more community involvement. I therefore consider that the proposal complies with the guidance contained within the 3rd and 4th points of Policy TP9 and is therefore acceptable.
- 6.5. *Design and scale*
- 6.6. Policy PG3 advises that 'all new development will be expected to demonstrate high design quality, contribution to a strong sense of place' and should 'reinforce or create a positive sense of place and local distinctiveness, with design that responds

to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.'

6.7. The proposed building is of a functional design to accommodate the facilities within, but with a modern appearance to create a visually interesting building within the park and a focal point within the area as a whole. The use of metal cladding would create a striking appearance with the use of the plain metal cladding intended as a canvas for an organised graffiti finish as a future project. The proposal incorporates planting and raised bedding to link the building to the surrounding park. The scale of the building is proportionate to the overall size of the park and the building scale would not result in a dominant feature. I consider the design to be appropriate for the setting and be an appropriate reaction architecturally, to the context.

6.8. *Impact of Residential Amenity*

6.9. The proposal would be located alongside the railway line to the east of the site, with approximately 65 metres to the nearest rear gardens to properties along Dell Road and York Close to the north east approximately 57 metres away. Therefore whilst I recognise the concern raised by neighbouring properties, I do not consider the proposal would have an undue impact given this distance.

6.10. A number of concerns have been raised by local residents over the opening hours of the building, use as a café and how the building would be run. The agent has advised that the Friends of Cotteridge Park, a registered charity, would be running the building and the building would be open when volunteers are available at high footfall times for example after school, school holidays, weekends and Spring/Summer evenings, and when there are organised sessions. Regulatory Services have raised no objections to the proposal subject to conditions to restrict the use of the building to A1 use (sandwiches, snack food etc) and restricting the opening hours. I agree with the recommendation and have attached the relevant conditions.

6.11. *Parking*

6.12. Concern has been raised by some objectors with regards to parking associated with the proposed building. Transportation has raised no objections and the proposal would not impact upon the existing car parking within the site. I would anticipate most users of the facility would be local residents who would mostly walk and I would not anticipate this modest sized facility would materially affect traffic or parking.

6.13. *Concern regarding under-consultation*

6.14. Concern has also been raised with regards to the consultation process for the building, both from Friends of Cotteridge Park before the application was submitted and as part of the application process. Whilst public consultation with neighbouring property is encouraged prior to an application being submitted, the onus is on the applicant at that stage. As part of the application process a site notice has been displayed at the main entrance to the park adjacent to the car park which is the minimum statutory requirement for public consultation.

6.15. *Crime and Anti-social Behaviour*

6.16. In response to the concerns raised by the Police, the applicant and agent provided additional information to assist in the determination of the application. The building is

proposed on the site of a previous community building with nearby drainage connections and the path alongside is regularly used by park visitors. CCTV and an alarm system will be installed in the building and monitored by the resident group. The proposed planting frame is set some distance away from the roof of the building and should provide no greater access to the roof than simply attempting to climb any single storey structure. The structure would also be powder coated metal work and would cause no extra arson risk. The external seating indicated on the decking area would be moved into the building when not in use and any permanent bench would be secured to the ground.

- 6.17. No lighting is proposed as this can exacerbate problems in park spaces by highlighting a possible point for congregation. This position is supported by Birmingham City Council's Parks Service.
- 6.18. With the extra information received, the Police's initial concerns have been resolved. In consideration of the above information I consider that subject to suitable mitigation measures as highlighted above, the proposed building would not give rise to any additional undue noise and disturbance, and can be supported. Conditions would be attached to secure the various matters, including CCTV and an alarm system

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the objectives of the policies as set out above.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of sample materials |
| 4 | Requires the prior submission of hard and/or soft landscape details |
| 5 | Requires the prior submission of details of refuse storage |
| 6 | Limits the hours of use - not open between 20:00 - 08:00 |
| 7 | Limits the function of the A1 use |
| 8 | Requires the prior submission of a CCTV and alarm scheme |
-

Case Officer: Leah Russell

Photo(s)

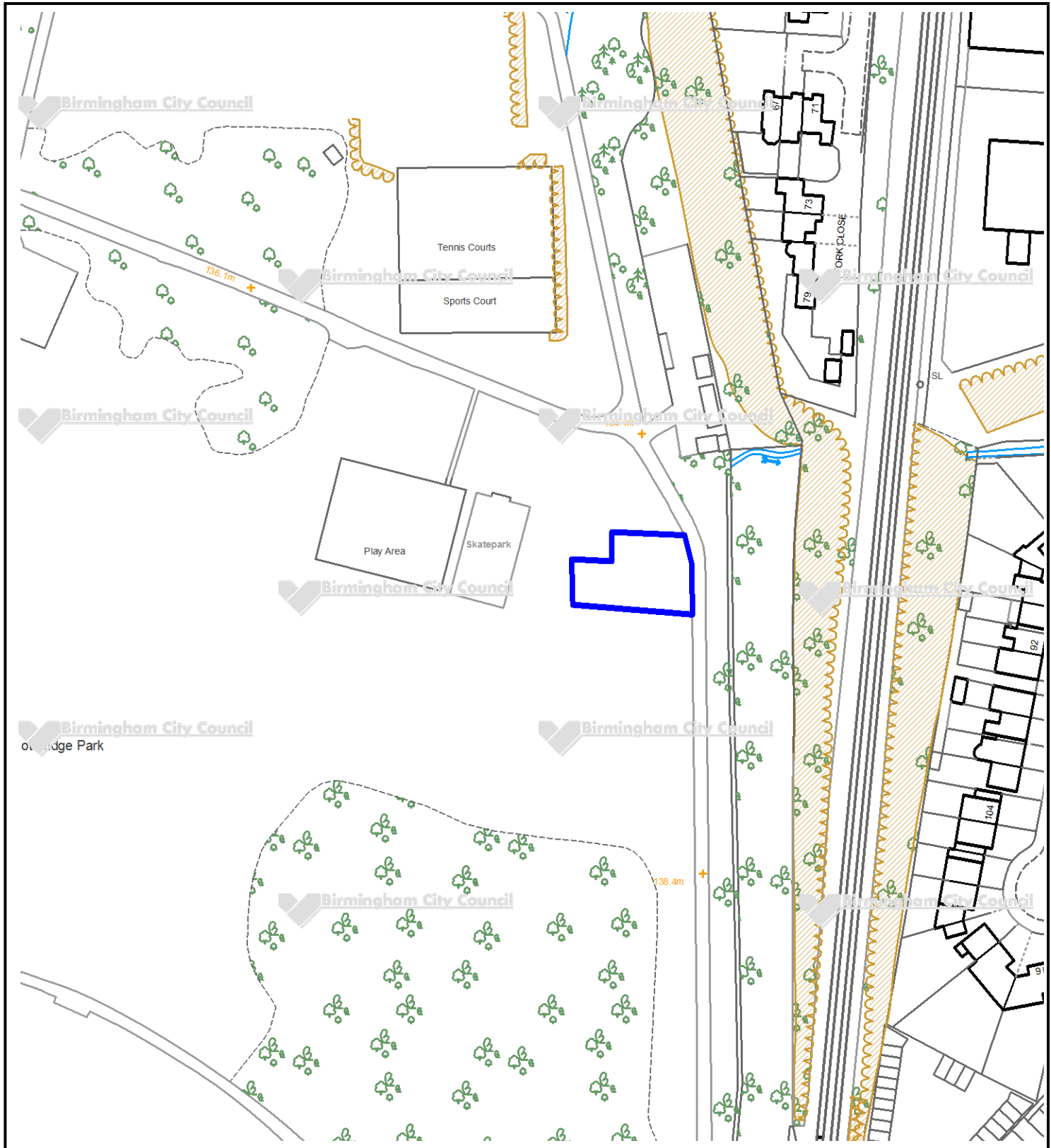


Photo 1:View of site from footpath looking south



Photo 2: View of site through the park looking east

Location Plan



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

Committee Date:	29/03/2018	Application Number:	2017/10596/PA
Accepted:	21/12/2017	Application Type:	Full Planning
Target Date:	15/02/2018		
Ward:	Edgbaston		

Land to the rear of 68 Wellington Road, Edgbaston, Birmingham, B15 2ET

Erection of two residential dwelling houses with associated access.

Applicant:	Ameiki Ubhoo c/o Agent
Agent:	Mike Lapworth Burnhill, Lineholt Lane, Ombersley, Droitwich, WR9 0JU

Recommendation

Refuse

1. Proposal

1.1. This application proposes two new dwellings in the rear garden of No.68 Wellington Road facing into Michael Drive.

1.2. Each plot would comprise a dwelling with a forward projecting garage set within an open plan front garden, a two storey house with basement and a rear garden. Internal layouts would be almost identical and the floorspace very similar – Plot 1 at 355sqm and plot 2 at 374sqm. The following accommodation would be provided:

Basement: games room, cinema, stores, wine cellar, shower room.
Ground floor: garage, utility, kitchen/family room, living room, dining room, hallway and cloakroom.
First floor: 5 bedrooms (2 with ensuite bathrooms), and a family bathroom.

1.3. Externally, the dwellings would be similar in appearance to the existing 1960s properties in Michael Drive. Projecting garages would have flat roofs and the main roofs would be gabled. Elevations would be finished in brick and the roofs would be tiled.

1.1. Access to the site would be across the grass verge with a 7.4m wide access centrally positioned to serve both properties.

1.2. Total of 20 tree removals:

3 trees: T6 – Yew – C category
T11 – Laburnum – C category
T14 – Horse Chestnut in grass verge of Michael Drive – U category

2 groups: G1 – group of 8 Holly and Lawson Cypress – C category
G2 – group of 9 Beech and Lawson Cypress – C category

- 1.3. Site area: 0.09ha Density: 22dph Parking: 200%
- 1.4. The application is accompanied by a Design and Access Statement, Heritage Statement, Arboricultural Report. Also submitted are supporting letters from Preet Kaur Gill MP (Edgbaston) and a local resident both dated October 2017 and referring to a previous application 2017/05381/PA, and a petition of 73 signatures entitled 'Local Residents Who Express Their Support For The Application To Date' and dated December 2017.
- 1.5. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site is located on the west side of Michael Drive with No. 68 Wellington Road to its north and No. 17 Michael Drive to its south. Wellington Road comprises large detached villas set within generous, well-landscaped plots. Michael Drive is an infill development of the 1960s and 1970s on land formerly occupied by large villas. The land slopes down into Michael Drive from Wellington Road and there is a distinct change of character between the two roads. Both roads fall within the Edgbaston Conservation Area.
- 2.2. The application site is separated from the Michael Drive highway by a grass verge. There are mature street trees planted within the verge, mostly beech, and more mixed vegetation on the site itself.
- 2.3. [Site location plan](#)
3. Planning History
- On site:*
- 3.1. 24/07/2017 - 2017/03313/PA - Erection of two new dwellings with associated access and parking – Withdrawn.
- 3.2. 07/09/2017 - 2017/05381/PA - Erection of two residential dwelling houses with associated access – Withdrawn.
- Rear of 24-25 Wellington Road:*
- 3.3. 12/06/2014 - 2013/00941/PA – Erection of 1 dwellinghouse – Refused and appeal dismissed. Reasons for refusal:
- Subdivision of existing plots, loss of views from Charlotte Road, and relatively cramped appearance within the streetscene.
 - Insufficient information has been provided to establish the impact of the proposal on retained trees on the site.
4. Consultation/PP Responses
- 4.1. Transportation Development: No objection. Note Michael Drive is privately maintained. Sufficient off street parking would be provided and it is not considered traffic and parking demand at this location would differ notably to the existing situation. A footway to link to the existing pavement fronting No.17 Michael Drive should be provided. It is understood the access passes over land in the ownership of Calthorpe Estates.
- 4.2. Regulatory Services: No objection.

- 4.3. Lead Local Flood Authority: No objection.
- 4.4. West Midlands Police: No objection. Recommend compliance with Secured By Design standards.
- 4.5. Severn Trent Water: No objection.
- 4.6. Site and press notices posted; local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application; the following responses received:
- Cllrs Deirdre Alden and Matt Bennett: Object on the basis that the proposal would be too dense, out of scale with neighbouring properties, would cause a loss of privacy for No. 17 Michael Drive, cutting into the grass verge would spoil the streetscene, and would cause a loss of trees.
 - Calthorpe Residents' Association: Objects to the loss of 17 trees, other landscaping, grass verge and wildlife habitat. Inadequate parking. Scale of the dwellings would be disproportionately large relative to the plot size and to neighbouring dwellings, especially due to the basement. Concern about inaccuracies in the application documents.
 - Lee Crescent Residents' Association: Objects because infill development spoils the historic nature of Wellington Road, high density post-war housing should not set a precedent for current development, loss of trees, and two expensive houses will not alleviate the City's need for affordable housing.
 - The Victorian Society: Objects because it would set a precedent for further rear garden development on Wellington Road, eroding the characteristic urban grain of individual houses in substantial gardens. Also concerned about the impact on the future of No. 68 Wellington Road and the ecological effect.
 - Petition of 285 signatures submitted by Calthorpe Residents' Society objecting to the loss of 17 trees in order to facilitate the development.
 - E-petition of 133 signatures lead by Calthorpe Residents' Society objecting to the loss of 17 trees and threat to root protection areas of retained trees.
 - Letters from 53 local residents objecting on a number of grounds summarised as follows:
 - scale, mass and design of the dwellings would be out of keeping with the character of the area and detrimental to the Conservation Area;
 - the development would appear cramped;
 - the proposal would have a negative impact on No. 68 Wellington Road;
 - position of the dwellings in the street would affect driver visibility and therefore highway safety;
 - inadequate off-street parking would be provided;
 - loss of trees, other vegetation and the grass verge;
 - loss of wildlife habitat;
 - the development would cause drainage problems; and
 - the proposal would set a precedent for further development of large plots.

5. Policy Context

- 5.1. BDP 2017; UDP 2005 (saved policies); SPG Places for Living 2001; SPD Mature Suburbs: Guidelines to Control Residential Intensification 2008; Edgbaston Conservation Area Character Appraisal 1998; SPG Regeneration Through Conservation 1999; SPG Nature Conservation Strategy for Birmingham 1997; SPD Car Parking Guidelines 2012; NPPF; NPPG.
- 5.2. In addition, S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that, in the exercise of planning functions “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

6. Planning Considerations

- 6.1. Members will note that there is support for (submitted with the application) and objection to this proposal and consideration of the appropriateness of development at this location demands a finely balanced judgment.
- 6.2. In very broad terms, new dwellings in this entirely residential area could be acceptable in principle. The site is sustainably located, being within walking distance of bus services on Bristol Road (400m east) and close to the city centre, and the two large family dwellings proposed would make a small contribution towards meeting the city’s housing need. However, it can only be considered truly sustainable if it can be justified within the specific context.
- 6.3. For example, the following factors stand in favour of the proposal: it would be viewed in the context of Michael Drive, a significant infill development of the 1960s and 1970s, rather than in a wholly historic setting; the proposed plots would be of a similar size to others in Michael Drive, laid out in a similar manner with a forward-projecting garage and with dwellings of a similar architectural style to those already built in Michael Drive; and the remaining garden area for No. 68 would still be generous (and exceed minimum garden sizes).
- 6.4. However, the location of the site within the Edgbaston Conservation Area is a material consideration to which I consider great weight should be attached. Approval of this proposal would, in my view, undermine one of the fundamental characteristics of the traditional parts of the Conservation Area: large dwellings set within substantial, well-landscaped plots, with a combined sense of openness and landscape.
- 6.5. Wellington Road has experienced much change since it was originally cut between 1810 and 1825. While some of the early villas remain, a number of dwellings also date from the 1930s, when the initial 99 year leases were renewed, and there has been modern development at Kesteven Close, Pixall Drive, Michael Drive and at the junction with Spring Road close to Bristol Road. These modern interventions in the vicinity of the application site are not typical of the original and overarching character of the Conservation Area which has been partially eroded by incremental densification, most significantly due to post-war pressure for higher density residential development, and prior to designation of the Conservation Area in 1975.
- 6.6. Amidst much change, No. 68 Wellington Road remains as a good example of the original character and plot size and its preservation in this altered part of the Conservation Area informs an understanding of the historic context. This view is supported by the Conservation Officer who has recommended refusal on the basis

that the application site forms part of the garden to a large house in a substantial plot and that this is a characteristic of the Conservation Area and forms the key part of the character and townscape of that Area.

6.7. The specific harm this proposal would cause to the character of the Conservation Area would be as follows:

- Subdivision of a historic plot: The Edgbaston Conservation Area Character Appraisal (ECACA) notes that Wellington Road illustrates particularly well the deliberate policy to increase plot sizes as the townscape moves towards the heart of the Calthorpe estate at Edgbaston Hall and Church (pg.12).

“Plots at the bottom of this road on the eastern fringe of the building estate are comparatively small ... while the large detached villas built towards the top of the road in the 1830s are in plots of an acre or more.”

No. 68 is in the middle of the road and is 0.68 acres (0.27ha). With surrounding plots it plays an important role in demonstrating the carefully planned and hierarchical nature of building plots on the estate. Its subdivision would be particularly noticeable as it occupies a prominent corner position and the opposite corner has already been intensively developed.

- Loss of trees/vegetation: The proposal would involve the removal of the following trees:

T6 – Yew – C category

T11 – Laburnum – C category

G1 – group of Holly and Lawson Cypress – C category

G2 – group of Beech and Lawson Cypress – C category

T14 – Horse Chestnut in grass verge of Michael Drive – U category

The Tree Officer is satisfied with the recommendations of the tree survey, as the proposed losses are all low quality specimens, and with the tree protection measures set out in the Arboricultural Report. However, development of the end of the garden of No. 68 would remove the space for significant tree cover which the ECACA states is “perhaps its most definitive characteristic, drawing the diversity of building types and of architectural styles within its boundaries into a unified whole.” (pg.13) The ECACA notes the continuing loss of tree and shrub cover and states that the overall result is a loss of unity and coherence, a more apparent diversity within the estate (due to significant architectural variations) and less distinctive character in relation to surrounding suburbs. In the case of the application site, as a corner plot the garden gives a view of the tree cover at the end of a long stretch of rear gardens. Building on this site would block that important view and fill in a gap in the building line which could be occupied by the existing trees or better quality trees in the future. Increasing the built-up nature of Michael Drive would by definition reduce the green spaciousness which is central to the character of the Conservation Area.

- Loss of the quasi-rural outlook from properties on Wellington Road: The ECACA notes the contrast between the secluded and enclosed nature of streets within the Conservation Area and the open aspect from the rear of many properties and states that,

“The quasi-rural private impression is created by the extensive garden ground which traditionally lay behind the dwelling houses and is heightened where the houses stand on a slope or the gardens back onto open land” (pg. 15).

Aerial photographs show that No.68 Wellington Road and the 13 properties to the west occupying similar sized plots all have heavily treed gardens. The land falls away from Wellington Road in a southerly direction so Nos. 54-68 sit in an elevated position with a view from rear elevations of a dense green expanse. Development beyond is far enough away and at a low enough level to be hidden. The proposed dwellings would encroach into this view, eroding the impression of a semi-rural setting from the vantage of Nos. 67a and 68 Wellington Road and possibly other nearby properties.

- 6.8. Turning to the detailed design, this is heavily influenced by the style of existing dwellings in Michael Drive, although on a slightly larger scale. The Conservation Officer has concerns about scale and encroachment into the current gap between the historic and post-war development. Many of the public participation responses express similar concerns, and especially with the inclusion of a large basement in both properties. The Heritage Statement includes a comparison of the dimensions of the proposed properties against a number of nearby properties. While most dimensions are a little more generous on the proposed plans, notwithstanding their more elevated position in the road I do not consider the dwellings would appear unduly large in the streetscene. While they would offer a larger floorspace than many of the surrounding neighbours, they would still be significantly smaller than the grander houses on Wellington Road and the sense of a hierarchy between the principal and subsidiary road would be maintained. A gap of 40m would be retained between the rear elevation of No. 68 Wellington Road and the side wall of Plot 2 which would provide some separation between the different phases of development. The basement space would not add visibly to the scale of the dwellings and would have no effect on the streetscene. Very minor amendments have been made to the windows on the front elevation to omit uncharacteristic features, including a Juliette balcony.
- 6.9. In summary, while there is some merit in a development of new houses in this location, this is largely because it would be close to existing development which is already at odds with the special character of the area. Both the BDP and the NPPF acknowledge that development which is out of character should not set a precedent for further anomalous development.
- 6.10. The NPPF also requires an assessment of the harm a proposed development would cause to the significance of a heritage asset (para.132). The ECACA sets out the significance of the Conservation Area as being of both national and local importance. Nationally, it is one of only a handful of similar estates of early planned suburban development and locally, it is the largest and most tightly controlled estate with the widest range of building style and landscapes in the City. I conclude that the harm to the Conservation Area caused by the proposal would be ‘less than substantial’; No.68 Wellington Road is not a listed building and there are other similar preserved historic plots in the vicinity. However, there would still be harm, as set out above, and the NPPF requires that this be weighed against the public benefits of the proposal (para.134). Two new dwellings would make a contribution towards meeting the City’s housing need however to only a very limited degree. Furthermore, the site is currently appropriately used as domestic garden land: it does not harm the character of the Conservation Area and is not an eyesore which needs removing. On balance, I can find no compelling reason in favour of the development to outweigh the harm it would cause. Consequently, I recommend the

proposal is refused on the basis of the harm caused by the development to the spacious green character and sense of openness in this part of the Conservation Area.

- 6.11. The LPA took a similar approach to an application at the rear of 24-25 Wellington Road in 2013 (2013/00941/PA), refusing an application for one dwelling at the end of rear gardens facing into Charlotte Road. In dismissing the subsequent appeal, the Inspector agreed that subdivision of the plot would “increase the built form and density of development across the site ... significantly eroding from the sense of spaciousness that is of significance to the Edgbaston Conservation Area.” He also noted the loss of mature trees which he considered “contribute positively to the character and appearance of the area and have high visual amenity value”. In assessing harm, the Inspector concluded that there would be harm but it would be less than substantial and that there were no public benefits which would outweigh that harm, notwithstanding the sustainable location and the contribution towards housing supply.
- 6.12. Residential amenity: The scheme complies with the 45 Degree Code and the government’s Technical Housing Standards. There are two windows on each of the side elevations overlooking the rear gardens of Nos. 68 Wellington Road and 17 Michael Drive – to the living room at ground floor and an ensuite bathroom at first floor. Both could be obscurely glazed by condition and consequently the impact on future occupiers and on adjoining residents would be acceptable.
- 6.13. Parking and highway safety: Transportation Development has no objection to the scheme. The development would provide a good level of off-street parking and is unlikely to significantly increase traffic or parking demand.
- 6.14. Community Infrastructure Levy: The site is within the charging zone but would be exempt if proven to be a self-build project.

7. Conclusion

- 7.1. This proposal would fail to preserve or enhance the character and appearance of the Conservation Area. Consequently, it would fail to comply with local and national planning policy.

8. Recommendation

- 8.1. Refuse

Reason for Refusal

-
- | | |
|---|--|
| 1 | By virtue of the subdivision of an existing plot and the consequent loss of the contribution it makes to the open and sylvan character of the area, the proposed development would fail to preserve or enhance the character of the Edgbaston Conservation Area. It would therefore be contrary to policies PG3 and TP12 of the Birmingham Development Plan 2017; Edgbaston Conservation Area Character Appraisal SPG, Places for Living SPG, Mature Suburbs SPD and the NPPF. |
|---|--|
-

Case Officer: Amy Stevenson

Photo(s)

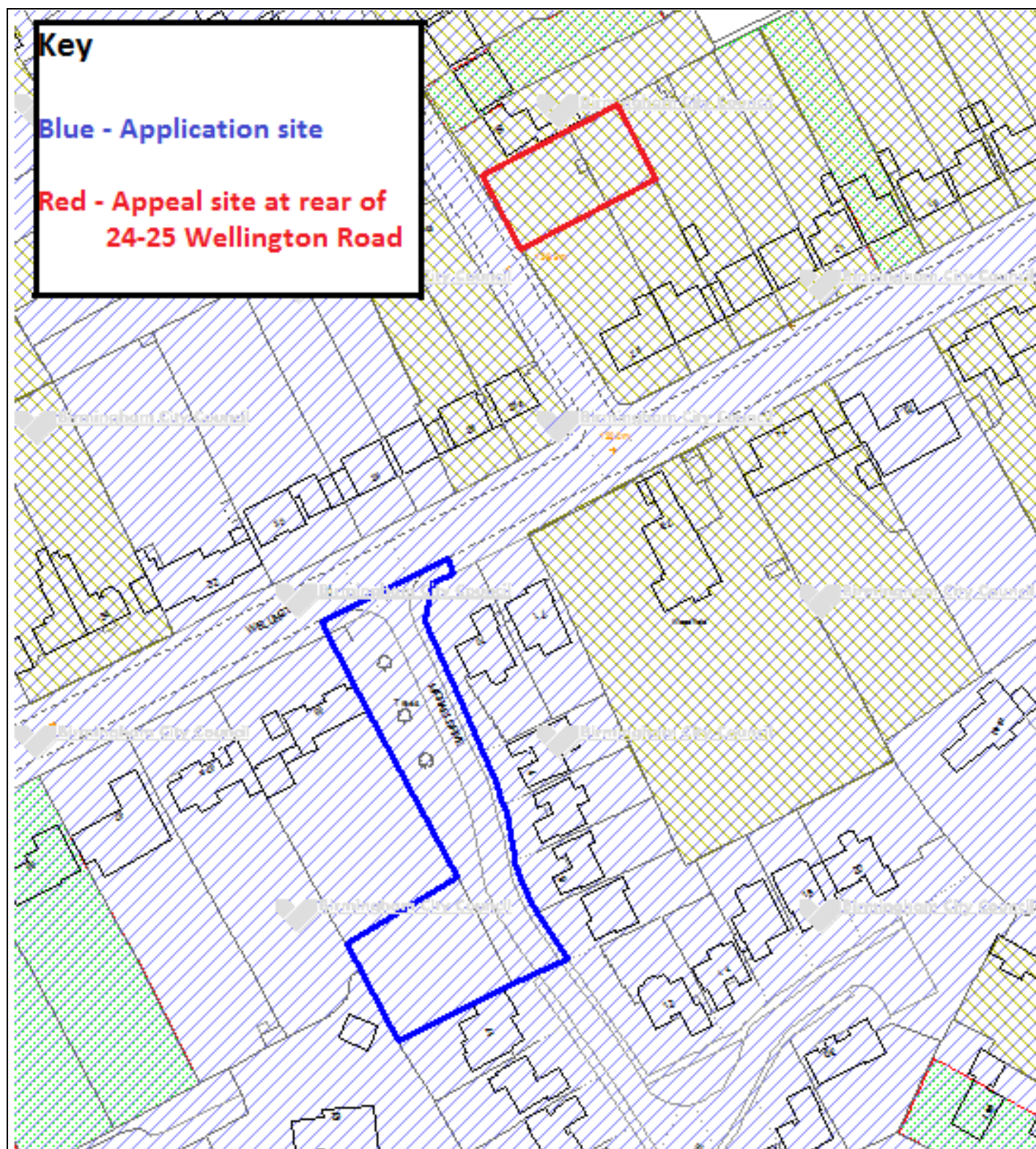


Photograph 1: Application site from south on Michael Drive. Winter view.



Photograph 2: Entrance to Michael Drive. Application site at end of row of trees. Summer view.

Location Plan



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

Committee Date:	29/03/2018	Application Number:	2017/10321/PA
Accepted:	05/12/2017	Application Type:	Full Planning
Target Date:	06/03/2018		
Ward:	Harborne		

Land at former Yewcroft Centre, Court Oak Road, Harborne, Birmingham, B17 9AB

Erection of (one form entry) primary school and associated parking, landscaping and access from Court Oak Road. Removal of protected trees.

Applicant:	Birmingham City Council Education and Skills Infrastructure, 1 Lancaster Circus, Queensway, Birmingham, B4 7DJ
Agent:	Atkins Ltd The Axis, 10 Holliday Street, Birmingham, B1 1TF

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the erection of a one form entry primary school, parking space associated landscaping and minor alterations to the access onto Court Oak Road.
- 1.2. The site is 'L-shaped' with a relatively narrow site width (27m wide) adjacent to Court Oak Road (at its northern point) and widening after 60m to become 98m wide for the southern half of the depth of the site. The building would be set back from Court Oak Road by 52m to benefit from the wider section of the site and create a frontage area for a car park, mini-roundabout, manoeuvring space and arrival space for pedestrians. The road access would include a footpath to its western side.
- 1.3. The building would also have an 'L-shaped' footprint, being a maximum length (north/south) of 41m and a maximum width (east/west) of 34m. The building would be part single storey and part two storey. Two storey components would be principally focussed to the southern and western areas of the building, serving classrooms and the school hall respectively. The building would be of a contemporary style with two colours of brick separating the two storey and single storey sections. The single storey section, running north/south for around 30m, would be a light buff brick with a pitched roof. The two storey main hall and classrooms, to the west and south of the single storey section, would have a flat roof and be of a darker blended brick of red and blue. A single storey, flat roof glass link would connect the single storey section to the two storey sections. A 4m deep canopy would cover half of the rear south facing elevation and the half of the eastern side of the building.

- 1.4. The school would accommodate 210 children and 25 staff. The scheme includes the provision of 11 parking spaces arranged around a turning circle and includes cycle parking for 20 cycles.
- 1.5. A sprinkler tank, associated pump house and enclosure, is proposed to the east side of the entrance drive. The tank would be 3.5m high and enclosed by 3m high wooden panel fencing.
- 1.6. The scheme includes the proposed removal of 3 protected trees. These consist of a (category B) birch, a holly and lime (both cat. c) and are located adjacent to the access road and the boundary of 140 Court Oak Road. A further 5 trees are proposed to be removed consisting of a black pine (cat. A), a twisted willow, sycamore, red oak, lawson cypress (all 4 cat. C). A TPO removal order was recently approved for the removal of 5 other trees and two groups to the south and sides of the existing building. The scheme includes the planting of 16 replacement trees.
- 1.7. The scheme includes highway works consisting of;
 - minor realignment of the kerb edge to provide a safe visibility splay around the vehicle entrance,
 - a new puffin crossing (a pedestrian crossing with traffic lights which go green again only when no more pedestrians are detected on the crossing by infrared detectors and mats) and tactile paving,
 - time limited parking restrictions around the entrance to the site (preventing parking between the hours of 08:00-09:00 and 15:00-16:00 Mon-Fri.),
 - new road side railings (around the school entrance and up to the puffin crossing to the east),
 - new road markings to mark resident's driveways and the puffin
 - new road signage saying 'school' and 'slow'
 - the relocation of the south side bus stop by 5m (moved to the west).
- 1.8. The proposal includes using some of Baskerville School's playing field and reassigning it to the proposed primary school, for their playing field use.
- 1.9. The application is supported with a design and access statement, transport statement, travel plan, tree survey, a phase one habitat survey, a Flood Risk Assessment and Drainage Strategy.
- 1.10. The Travel Plan sets out a series of measures to encourage children to cycle to school with 'Bikeability' cycle proficiency lessons and Road Safety lessons to encourage sustainable travel and encourage walking and cycling to school. The Plan also sets out initiatives to discourage parents from driving to the site and to park responsibly when they do.
- 1.11. Amended plans have been received that have made the following changes;
 - Increased parking from 8 to 11 spaces, upgrading of the proposed zebra crossing to a puffin crossing.

- Removal of first floor side window (looking east), increase in size of front facing ground floor window (looking north)
- Removal of pedestrian walkway through the woodland area (from Court Oak Road)
- Addendum to the Transport Assessment

1.12. Site area 0.8ha.

1.13. [Link to Documents](#)

2. Site & Surroundings

2.1. The site was used by the Birmingham and Solihull Mental Health NHS Foundation Trust as a day centre and offices. This use ceased in October 2016. The site was originally used as a school site firstly as an annex to Baskerville School and later as part of a separate Yewcroft School. More recently, the building was leased to NHS mental health trust, as an adult mental health resource centre, for a number of years. The building on site recently gained demolition consent and demolition is now about to take place.

2.2. The site is within a residential area. To the west is 140 and 142 Court Oak Road; two separate buildings both being three storey blocks of flats. A three storey block of flats is also to the east of the site (80-94 Court Oak Road). There are detached and semi-detached houses opposite the site entrance and a small cul-de-sac (Beech Road) to the east of the site, which is accessed from Fellows Lane.

2.3. To the south of the site is Baskerville School; a special school for autistic children.

2.4. Beyond the western most boundary is Queens Park. The site gradually slopes down from Court Oak Road by around 3m from north to south,

2.5. There are bus stops close to the entrance to the site and 2 bus services pass the site being the 24 and 10H services. There is a puffin crossing 180m to the east of the site and a zebra crossing 220m to the west. The road is 9.3m wide and there are currently no parking restrictions in the immediate vicinity other than around the two crossing points, the bus stops and around the junctions of Fellows Lane, Wood Lane and Grosvenor Road.

2.6. [site location](#)

3. Planning History

3.1. 26/10/17. Pa no 2017/07919/PA Application for Prior Notification for proposed demolition of Yewcroft Centre Building. Approved.

3.2. 06/02/18 TPO application to remove trees T103 (lime), T144 (Beech), G16 and G17 (group of 6 and 3 trees respectively), T63 (holly), T62 (Norway spruce), T65 (pear). Agreed for removal.

4. Consultation/PP Responses

- 4.1. Residents, Resident Associations, Councillors (Quinton and Harborne) and MP consulted. Site Notice (x4) erected. Press Notice made.
- 4.2. Public Participation Responses
- 4.3. **Preet Gill MP** – Whilst supporting the principle she considers that the application in its current form contains serious flaws, which would cause the development to have a detrimental impact on the local community especially in regard to traffic and parking issues. She welcomes any efforts to reconsider how the proposed catchment area could be reconsidered in order to address the concerns.
- 4.4. **Councillor James MacKay** – objects, concerned about the tree loss and in particular the loss of two Category A trees on the site, (T001 and T019). Given the health and quality of the trees, he suggests this is something that needs to be looked at again. He considers there to be an inconsistency between the tree report and the proposal to remove certain trees.
- 4.5. **Councillor Jayne Francis** - agrees with Councillor McKay's concerns, and requests that the inconsistency between the site plan and the tree report is re-considered before a decision is made and requests that officers (and Committee members) make a site visit.
- 4.6. **Councillor Matthew Gregson** - recognises that the City needs more school places locally and should be looking to build a new school as opposed to building an annex for Harborne Primary School. He is particularly concerned that the catchment area for the annex will be the area around the School's primary site. Therefore, building an annex at Yewcroft would not deal with the lack of school places for children in Quinton Ward.
- 4.7. **Queen Alexandra College** - The College are concerned in regard to traffic associated with the proposed use as it has 244 special need students aged 16-25; 30 of which live on site for 36 weeks of the year. The college teaches them mobility skills in the streets surrounding the college to enable independent travel. The proposed primary school would be dangerous for all parties at peak times. In the interests of significant concerns for the services provided to vulnerable clients in this area, many of whom are visually impaired, the undoubted traffic management and hazardous situations that all will be exposed to, they have no alternative but to object to this proposal.
- 4.8. **The Harborne Society** - fully supports the provision of additional educational facilities in Harborne. However, the Society objects to the planning application as it would cause disruption and inconvenience to local residents and traffic management in the area as a direct result of parents driving pupils to school and dropping off/picking up children. The present Harborne Primary School has suffered congestion for over thirty years. The proposals pass the inevitable problems directly on to local residents. The proposals appear to ignore Policy TP36 by failing to provide safe drop-off and pick-up provisions. The Traffic Assessment fails to recognise the existing peak morning rush hour traffic issues relating to Court Oak Road. The only reference in the Traffic Assessment to this daily event is to say "some queuing was observed during the am peak on Court Oak Road in the eastbound direction associated with the queuing at the A4040/High Street/ Lordswood Road junction". Sufficient on street parking is not available. The Traffic Assessment fails to take into account the impact on parking caused by three major institutions in the area. All three have high staff/student ratios resulting in heavy all-

day parking locally together with large numbers of vehicles (minibuses, taxis and cars) dropping off and collecting.

- 4.9. The scheme has generated 6 letters of support and 41 letters of objection from local residents. Whilst many letters of objection open that they have no objection to the principle of a new school, there are significant concerns in regard to the specific details being proposed.
- 4.10. The 41 letters of objection raise the following concerns;
- 4.11. ***“Impact of Parking Congestion.*** *A primary school would bring more traffic to this already difficult area. Residents have for years tried to get speeding restrictions, traffic calming measures and an island put at the relevant junction. Another source of parking problems, delivery vehicles and pedestrians trying to negotiate a difficult junction on a main bus route into and out of the city raises concerns.”*
- 4.12. ***“Lack of on-site parking.*** *Lack of proposed car parking spaces for the school. There are expected to be 25 employees, however the proposed number of car parking spaces is 7. This would make parking on the road during the day already more difficult than it is. Reliance must not be placed on “Green Travel Plans” to provide an alternative resolution to the problems.”*
- 4.13. ***“Noise and Disturbance*** *Another school would create a lot of extra noise in what we consider to be a peaceful area.”*
- 4.14. ***“Impact on adjacent residential amenity.*** *The development would have a direct impact on Beech Road properties due to the loss of privacy to rear habitable rooms and the visual intrusion to rear habitable rooms”*
- 4.15. ***“Insufficient response to the lack of school places locally.*** *The School proposed is too small and too far to help the school places problems in neighbouring Quinton. A new school is needed in Quinton. This proposed school will have too little playground/parking and delivery space. With only 4 classes, staffing numbers will be too small and problems will regularly occur.”*
- 4.16. ***“Concerns about the documentation.*** *The Transport Assessment’s estimation of the transport of habits of children attending the Annex is based on the current transport habits of Children attending the main site. The drop-off facilities are not designed to accommodate this level of traffic, which will lead to families parking on a busy and at times dangerous Court Oak Road.”*
- 4.17. ***“Lack of pick up/ drop off facilities.*** *There is also insufficient space provided to accommodate the expected number of parents who will wish to drop children off which will cause vehicle congestion on Court Oak Road and other adjoining roads. The effect of the proposed road markings and pavement adjustments on current traffic levels and the expected additional traffic volumes using Court Oak Road has not been assessed. Pupil Drop Off and Pick Up - Court Oak Road (A4123) is a very busy road, especially in the morning and afternoon rush hours. Existing congestion and parking would make it difficult for parents/staff to park nearby, it is already difficult for buses to pass. Parking in the surrounding roads is already a serious problem for residents and causes congestion for commuters including buses.”*
- 4.18. ***“Loss of Trees.*** *The removal of trees appears excessive. Concern also in regard to the construction work on the roots and the crown of the remaining tree. Especially the proposed removal of the 18m high Oak tree adjacent to Court Oak Road, the*

23m high Black Pine and the 21m high Beech tree adjacent to 21 Beech Road. These 3 trees are among the finest trees on the site and make a very significant contribution to the amenity of the area.”

- 4.19. **“Highway safety.** In the last five years there have been more than nine accidents on the Court Oak Road/Wood Lane/Fellows Lane crossroads. To turn right from Wood Lane onto Court Oak Road, or go straight across to Fellows Lane at rush hour, and in general, is already a dangerous manoeuvre due to the current volume of traffic on all three roads and particularly the speed of traffic on Court Oak Road which often exceeds the 30 mph speed limit. To increase the volume of traffic by the amount suggested would make this crossroads even more dangerous, will place a further burden on highway safety and is likely to lead to a fatal accident. If the volume of traffic is to be further increased due to the new development it will place a further burden on Highway safety.”
- 4.20. **“Transport Catchment issues** The current plans apply the current proportional modes of transport for a school with a 400m catchment area to the proposed new site which will be a mile away from the original site with no change to catchment area. This is overly simplistic and not true to reality whereby people are more likely to drive for a journey of a mile than for a few metres. The traffic projections do not take account of the increase in journey distance in the scenario which would dramatically increase the amount of pupil’s being driven. The hub of this school for admissions purposes will be Harborne Primary School on Station Road. Local residents will suffer the inconvenience of increased traffic and parking issues and the disruption of the actual build itself without benefitting from the school in any way as we live outside the Station Road catchment area.”
- 4.21. **“Pollution/environmental impact.** Traffic flow would increase with cars stuck in traffic while waiting for people to cross the new pedestrian crossing and for parents to drop off or collect their children. Increased pollution and removal of trees will have an adverse impact on the overall area and reduce the quietness of the surrounding roads. Families would have to drive to reach the new site. This is not an environmentally sound policy. It also encourages the increased traffic to an area which is already congested at rush hour.”
- 4.22. **“Inadequate consultation.** The City has not consulted particularly widely on this development. Given the likely impact, they ask that the City informs all of the residents of Wood Lane of this development as it will have a likely effect on their environment.”
- 4.23. **“Impact on wildlife** which support a number of species of wildlife resulting in a loss of feeding and nesting sites. Replacement planting would not be considered an equal replacement for mature shrubs and trees regularly used. The trees and shrubs to the south, behind the building, are a habitat for a range of birds. This is also the area where the bats fly around and feed on the insects from these trees. This is an important feeding area. Also inappropriate lighting could interfere with foraging bats. All efforts must be made to maintain the dark corridors which they rely on.”
- 4.24. The 6 letters of support make the following comments;
 - “This would fulfil a much needed demand for an increase in primary school places in Harborne to help better serve families who reside in the west side of Harborne too. The whole area lacks a Primary school and the nearest is over a km away and all are oversubscribed.”

- *“There is a bus-stop next to the proposed development offering good transport links -There are lots of residential flats currently being built in the area”*
 - *“They would prefer the Yewcroft land to be used for a community purpose rather than private housing”*
- 4.25. Re-consultation (mid February), following receipt of amended plans (showing increased on-site parking, removal of side window, further highway details) the following further responses were received;
- 4.26. **The Harborne Society** - wishes its objections to the original application to stand. The Society fully supports the provision of additional educational facilities in Harborne but the amended application fails to address the Society's concerns.
- 4.27. A further 17 objections have been received making the following comments;
- 4.28. **“Overall comments** - *While the amended plans have addressed some issues, they have ignored many others, particularly the issue of increased traffic on surrounding residential roads. Despite a minor improvement to the previous plans there are still fundamental problems which need to be addressed.”*
- 4.29. **“Highway related comments.** *The addition of a pedestrian crossing would produce excessive problems at the old crossing at the entrance to Queens Park, being on a bend. The suggested white lines at dropped kerbs in the vicinity of the school are welcomed but there is no mention of these on surrounding roads. The lack of provision for car parking remains a problem and the lack of on-site infrastructure to accommodate the drop-off and collection traffic. The revised plans and additional information submitted has not addressed this. The resubmitted documents do not address the effects of a large increase in traffic at what is already a problematic road and junction.”*
- 4.30. Consultation Responses
- 4.31. Transportation – No objection, subject to conditions; for access to be constructed prior to first use; the turning and parking area to be constructed prior to first use; an amended car park layout showing drop-off/pick-up parking; the delivery and service area to be provided prior to first use; S278 agreement for the highway works; cycle parking details and compliance with the submitted travel plan.
- 4.32. Regulatory Services – No objection subject to a condition noise levels of plant and machinery and for a car charging point to be provided.
- 4.33. Lead Local Flood Authority – No objection subject to conditions to require a surface water drainage plan and an operation and maintenance plan.
- 4.34. Severn Trent – No objection subject to a drainage condition.
- 4.35. West Midlands Police – No objection subject to conditions to secure CCTV and external lighting. It also recommends that the applicant gives full consideration to the principles adopted in the enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design' for schools as detailed in the below link.
- 4.36. West Midlands Fire Service – No comments received.

- 4.37. Birmingham and the Black Country Wildlife Trust – No objection subject to the production of, and adherence to, a long-term management and enhancement plan, a sensitively designed lighting scheme, and the retention of mature trees wherever possible, particularly those that are native or wildlife attracting as these are features of ecological importance that cannot readily be replaced.

5. Policy Context

- 5.1. Birmingham Development Plan, Birmingham UDP (saved policies), Car Parking Standards SPD, Nature Conservation Strategy SPG, Places for All SPD.

- 5.2. NPPF (2012), NPPG (2014)

- 5.3. Tree Preservation Order 541.

6. Planning Considerations

- 6.1. The key areas of interest relate to the principle of use, impact on the highway, residential amenity, design, ecology, trees and drainage.

6.2. Background

- 6.3. Members will know that the City as a whole is struggling to provide an adequate number of school places, meaning that as a result, many parents have to travel outside their local catchment area to find a school place. Harborne is under particular pressure and Primary Schools within it have been expanded in recent years to attempt to meet this demand. A site for a new school has been sought, by Education colleagues, for a number of years. Nearby alternative sites were considered and several sites were explored around Lordswoods Girls' school, but these failed to gain the support of the Planning Department at a pre-application stage and were abandoned.

- 6.4. The current scheme is proposed to function as an annex to Harborne Primary School on Station Road (approximately 1km to the east of the site). The existing primary school is a 3 form entry school and the annex would provide a 4th form for the school. The existing school is very popular and has had a shrinking catchment area for a number of years. The school have stated that parents have moved into the area with the expectation of attending the school and many have failed to gain a place, as such the school is under pressure to meet unmet demand. The existing school is on a comparatively small site with no playing fields or staff parking, as such it is unable to be expanded to accommodate the additional demand. However, the school has committed to take another 30 children into its Sept 2018 reception class as an effort to help deal with the demand for further school places in the area.

- 6.5. The Yew croft site provides an opportunity to place a primary school annex within 1km of Harborne Primary School to help deal with demand. It is recognised that the way that this school would function (and its proposed catchment area) has generated some objection from residents local to the site. This will be explored further in the Transportation chapter.

6.6. Principle of use

- 6.7. Policy TP27, of the BDP, requires all new development to demonstrate that it is meeting the requirement of creating sustainable neighbourhoods. This is characterised by a wide choice of housing types, access to facilities (being shops,

schools, leisure and work), access to sustainable travel, a strong sense of place with a high design quality, and promoting environmental sustainability. Policy TP3, of the BDP, requires new development to be designed and constructed to sustainable standards which maximise energy efficiency, conserve water and reduce flood risk, consider the source of materials, minimise waste and maximise recycling during construction, have flexible and adaptable spaces and enhance biodiversity.

- 6.8. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed sites (brown-field land) and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.
- 6.9. Furthermore Policy TP36, of the BDP, States that “as the City’s population grows there will be a need for additional Primary, Secondary and Special Needs school and college provision”.
- 6.10. I recognise that the site was historically in use as part of Baskerville School and therefore not an entirely new activity for the site. Furthermore, I consider the site is well located to serve a local (if not adjacent) residential community and is located on a road with good access to frequent and various buses. The proposal is considered to be in a sustainable location and can be supported, in principle, subject to consideration of the identified material considerations.
- 6.11. Transportation
- 6.12. The scheme proposes the use of an enhanced existing access (for cars and pedestrians) from Court Oak Road and provides 11 parking spaces and 20 cycle spaces.
- 6.13. Policy TP36, of the BDP, states that as the city’s population grows there will be a need for additional school provision. It also states that proposals for new schools, in locations where additional provision is required, will be supported subject to the following criteria;
- it should have safe access by cycle and walking and incorporate a school travel plan,
 - should have safe drop-off and pick up provision, provide outdoor facilities for sport and recreation, and
 - it should avoid conflict with adjoining uses.
- 6.14. Policy TP45, of the BDP, requires new development to support the delivery of a sustainable transport network. Policy TP38, of the BDP, requires development proposals to support and promote sustainable travel. Paragraph 32, of the NPPF, requires new development to take account of sustainable transport modes, safe and suitable access and improvements to the network that limit the impacts of the development.

- 6.15. The Transport Assessment has considered how the existing Harborne Primary School functions, as useful baseline data. It shows that 48% of pupils walk, 44.3% come by car (including 9.1% 'park and stride' and 1.6% car sharing), 1% use the bus, 1.8% cycle and 4.5% scooter. Of staff, 60.3% drive with the remainder car sharing (8.6%), walking (20.7%), cycling (1.7%) and using buses (8.6%). Whilst I recognise that the existing school travel modes may not be completely reflective of future travel modes at Yewcroft, it does nevertheless show a strong commitment to walking from staff and pupils and it is anticipated that most of this behaviour would be evident at Yewcroft (albeit 500m from the edge of the existing catchment area of the school). The Assessment also considers the impact of additional traffic on local junctions, local accident rates and comments that parking in relation to pick up and drop off could be accommodated on local roads. The Assessment concludes that the site is in a highly sustainable location and estimated trips can be accommodated within the existing highway network without significant adverse impact.
- 6.16. The amended scheme proposes 11 parking spaces, these would principally be for staff and visitors. Parents in cars would be expected to use safe road side parking on local Roads, although a turning circle is provided within the site for drop off if parents chose to enter the site. The school would accommodate 210 pupils and 25 FTE staff. Car Parking Standards indicate that a school should provide parking at a ratio of 1 space per 2 staff (requiring 13 spaces) and requires a management strategy to meet the needs of short and long terms users and states that drop off facilities are encouraged.
- 6.17. Considering, the survey results from the existing school a 50% provision of on-site parking seems comparable with both the City's parking guidelines and the survey results. On this basis I consider that staff parking would effectively be met by the on-site parking provision, with the potential of one of two cars parking on local roads if required.
- 6.18. Turning to pupil attendance and parents arriving by car, I note that the survey indicates that around 45% of pupils arrive by car to the existing school. The applicants have looked at local roadside parking availability and have proposed parking control measures and safety measures to manage congestion and safety around the entrance to the site. The highway measures include minor realignment of the kerb edge to provide a safe visibility splay around the vehicle entrance, a new puffin crossing, time limited parking restrictions, new railings, new road markings to mark residents driveways, the puffin and new road signage and the relocation of the south side bus stop by 5m (west).
- 6.19. Furthermore, your highway engineer has asked for an alteration to the layout plan to show space within the turning area for 6 car drop off spaces along the south side of the circulatory and on the left heading north whilst allowing cars to still circulate to the bays in use. The timing of the use of these bays versus access for deliveries etc would need managing by the school. This activity can be managed by a Parking Management Strategy condition, which is also recommended.
- 6.20. In response to the objections raised, I am sympathetic to many of the concerns raised by residents both in terms of the anticipated traffic and parking demand, that the proposal would generate, and to the 'catchment area' concerns (of a school being proposed that would not provide places for residents living adjacent to the site). The submitted survey work and the proximity of the catchment illustrates that the annex would be within walking distance of many pupils and as such parking and congestion pressures would not be appreciably greater than around other school

sites. Furthermore the road itself is a relatively straight, wide (30mph) road with limited access drives (especially on the southern side of the road) and has parking capacity especially alongside Queens Park, which would cause limited disturbance to existing residents. This issue has been considered by your Highway Engineers who have the following observations;

"In terms of drop-off and collection, taking account of local characteristics, using all data presented in the Transport Assessment, including numerous peak-hour site visits undertaken by the applicants transport consultant (Atkins) and acknowledging local parking demand via parking beat surveys (associated with terraced housing, Queen Alexandra College and other institutions) it is considered that provision for safe on-street drop-off/collection can be accommodated within a reasonable walking distance of the proposed site entrance".

- 6.21. Turning to the second resident's concern, regarding the school being outside of its catchment area; this is not directly a planning matter. However, it is recognised that objectors are concerned that the admission criteria for the annex appears to be unfair and less sustainable. The proposed catchment area would be taken from the catchment of the existing school and this could dissuade parents from walking their children to the school, because it would be further to travel. The applicants have responded to this point by clarifying that;
- 6.22. *"The criteria for admissions is approved by Cabinet. Starbank School is an example of a school that has three sites but the admissions criteria of distance is measured from the original school location. Birmingham City Council operates the method of measuring the straight line distance from multi-site schools as reflected in the determined Admission Arrangements 2018 and specifically the Admission Arrangements for Starbank School. These arrangements including those related to Starbank school were formally agreed by Cabinet Committee on 20th February 2017"*
- 6.23. Your highway engineer considers that the travel distance concerns and has commented that; *"In reality, there is already a population of primary school aged pupils that live in the local area, in excess of the current capacity of existing schools. These, pupils currently have to travel further to schools in neighbouring areas. Therefore, it is accepted that these trips are already on the local highway network".*
- 6.24. In conclusion, I have no objection to the proposal from a highway safety perspective subject to conditions recommended by Transportation including that the highways works are fully provided prior to the use commencing, for a revised car park layout, for a parking management strategy, for the occupiers of the school annex to comply with the provided Travel Plan and for the proposed cycle parking, access, delivery area and car parking to be provided.
- 6.25. Impact on residential amenity
- 6.26. The nearest residential buildings are 140 Court Oak Road to the west and north of the site boundaries and to the east there is an estate of two and three storey modern terraced houses and flats accessed from Beech Road.
- 6.27. 140 Court Oak Road is a three storey block of 15 flats. It has a rear outlook, looking south and has a rear garden that is 18m deep, which gradually slopes downhill, by around 3m. Beyond its rear boundary the proposed building would be set in by 11m from the boundary and as such the separation distance would be a total of 29m from the existing three storey flats to the proposed two storey building (serving a stairwell

and 'breakout space'). There is a change in levels, which would place the ground floor of the proposed building approximately 2m lower than the ground floor of the flats. As such, taking the change in levels into account; the distance between the buildings; the extent of mature planting in this space and the fact that the majority of the outlook would remain unobscured, I find this relationship to be comfortable.

- 6.28. Considering houses of Beech Road, the nearest affected houses would be numbers 18, 20 and 21. With no.21, being a corner plot and nearest to the proposed building, being the most affected. Number 21 has a rear outlook to its north and west. The rear garden boundary cuts diagonally SW/NE, resulting in a garden that is effectively formed by two triangles. The north looking elevation looks onto a garden that varies in depth from 4m to 9m. The northern outlook would be unaffected by the proposal, the western outlook would look towards part of the single storey section of the building and part of the two storey section. Considering the western elevation, there are 5 windows with 3 that serve habitable rooms (the other two being a first floor study and midpoint staircase). The three habitable rooms serve a lounge and dining room at ground floor and bedroom '2' at first floor. All three habitable rooms have two windows. The proposed building would create a separation distance of 11m (to the single storey section) and 16m (to the two storey section) from the west elevation of the adjacent house. The existing (at the time of writing) single storey building is immediately beyond the rear boundary of the house and as such greater separation would be apparent as the proposal would be set 5m away from the boundary. Considering the 2 storey section of the proposed building and the east looking elevation, it is noted that the elevation is 15m wide and mostly blank, with three windows, only one of these at first floor. The originally proposed first floor side window would have overlooked private gardens and has been removed from the amended plan, which has addressed a key concern raised by a resident in this area. Also amended plans now show a privacy fence being placed adjacent to the eastern boundary which would prevent any loss of privacy, from the playground to the side and rear of the proposed school, to rear gardens of houses on Beech Road.
- 6.29. Considering the separation distance, particularly to the two storey section of the proposed school, the limited width of this flank elevation and the removal of the first floor window from the proposal, I have no objection to this separation distance and relationship to neighbouring properties.
- 6.30. The proposed school would generate activity within the frontage that would be busier but not substantially different to the previous use. The use of the playing field would not change in use, again whilst likely to be used more than its previous use, it would not be substantially different to the use currently used by children who attend Baskerville School.
- 6.31. Design
- 6.32. Policy PG3, of the BDP, seeks to create a positive sense of place with design that responds to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of

sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

- 6.33. The proposed building would be contemporary, with brick used as the principal material, to help ground it into the local vernacular, and using flat roof sections to reduce its impact. I consider that the proposed school is well designed and respectful of its surrounding with varying roof heights and materials, principally using brick, that would help blend it into the local vernacular. I have no objection to the design of the proposal.

6.34. Trees

- 6.35. An application was recently made and agreed for the removal of 5 trees and two groups protected by the TPO 541. These trees were required to be removed to enable the development to proceed and would be unable to be removed during bird nesting season (February to August). To prevent a potentially significant delay the applicant decided to apply to remove these trees in advance. Without prejudice to the outcome of any planning application, your arboriculturalist considered the proposed removals and concluded that the majority were of limited value (the original TPO having been made in 1989) and that the two most important trees; a (cat A) beech and (cat C) lime were growing so close to the existing building that he would be unable to object to their removal purely based on their proximity to the existing building. As such the City agreed to their removal.
- 6.36. The TPO (cat A) oak tree on the frontage was originally proposed to be removed but has now been agreed to be retained until and unless works around the access can prove that its long term retention would be unviable. This would enable its future to be subject to full arboricultural assessment methods. This position can then be revised through a tree works application or, in a more urgent situation, with an emergency notice if removal is essential.
- 6.37. Three further protected trees are proposed for removal to enable development as part of this application, these are a (cat. C) holly, (cat. B) birch and a (cat. C) lime. The birch and holly would be located within the widened access drive and the lime is adjacent to the side of the proposed sports hall. 5 further (non-protected) trees are also proposed to be removed. These trees are a black pine (cat. A), yew and red oak (both cat. B) and twisted willow and lawson cypress (both cat. C).
- 6.38. In summary the scheme includes the proposed removal of 3 protected trees and 5 further non TPO trees, the majority of which are around the access drive and hard-surfaced areas on the frontage. Your arboriculturalist considers that the layout of the access driveway has been discussed and determined as necessary to allow suitable tracking of vehicles from Court Oak Road, considering the use of the site as a school. This would require the removal of several trees in order to create a suitable access. He comments that “the statutory tree protection within the site has ensured that proper consideration of the quality and constraints of the trees in the site (not only those included in the order) be weighed against the benefits of the development through the required use of the BS5837 procedure (and, of course, the planning procedure). This evaluation has been applied specifically on a property regarding individual quality, public amenity (contribution to the public realm) and expediency”. Your arboriculturalist is satisfied that the trees can be removed without harm to the wider amenity value, he recommends conditions to require an arboricultural method statement and tree pruning to be undertaken in accordance with the relevant British standard.

- 6.39. To off-set the loss of 8 trees and provide some new screening, replacement planting of 16 trees is proposed. On this basis, after careful consideration of the trees affected by the proposal, I am satisfied that the scheme can be supported from a tree impact perspective.
- 6.40. Ecology
- 6.41. Policy TP8, of the BDP, states that “development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured”. This is also reinforced at paragraph 118 of the NPPF.
- 6.42. The Ecology Impact Assessment (EclA) has been informed by an extended Phase 1 Habitat Survey of the site and adjacent grounds of Baskerville School and more detailed surveys for badger, great crested newt and bats.
- 6.43. My ecologist advises that works within the woodlands should be kept to a minimum and that a Construction Ecological Management Plan should be prepared to ensure these areas and other ecological receptors are adequately safeguarded during site works, and ensure the various construction-phase mitigation measures set out in the EclA are implemented. A condition should be attached to secure this requirement.
- 6.44. Of the trees proposed for removal, one (red oak) has been assessed as having moderate potential for roosting bats. Two trees with low bat roost potential (oak and beech) may be removed, dependent on further site investigation. The EclA recommends the three trees with low-moderate bat roost potential should be subject to a climbing inspection before any works take place. The wooded areas within the main site provide opportunities for foraging bats, with the adjacent Baskerville School grounds and Queens Park providing more extensive areas of foraging habitat. My ecologist recommends that the boundary vegetation (trees, shrubs, hedging) should be retained wherever possible and supplemented with additional planting so that commuting routes around the site are maintained. New external lighting should be kept to a minimum and directed away from vegetated boundaries so that dark corridors for foraging and commuting bats are maintained.
- 6.45. Active badger setts are present in dense shrubbery to the edge of the site although limited evidence of badger activity was found within the site. The EclA states a 30m fenced exclusion zone would be established around the two active setts. This should ensure the badgers and their setts are protected from damage and disturbance during development works. My ecologist advises that any works that are required within the exclusion zone would need to be assessed by the scheme ecologist, and may require a Natural England badger licence. This pre-clearance check is especially required before any works which impact on the existing area of dense scrub along the north-west boundary adjacent to the rear gardens of 140 – 142 Court Oak Road, adjacent to where the existing setts are located. My ecologist has raised no objection to the various badger mitigation measures set out in the EclA; implementation should be secured by condition.
- 6.46. Trees, hedges, areas of dense vegetation and the derelict building provide ample opportunities for nesting birds. Four species were recorded during the site survey. Notable species present on and adjacent to the site include song thrush, dunnock, bullfinch and tawny owl. In the short term, vegetation clearance and site works

would cause disturbance and reduce habitat opportunities for birds, although suitable habitat would continue to be available on-site in the adjacent Woodland. During development, the EclA recommends the implementation of good practice mitigation measures to reduce the risk of harm to nesting birds and to ensure compliance with the legal protection afforded to wild bird and their nests. In the longer term, alternative nesting opportunities will be available as new planting matures, and through the installation of nest boxes (suggested designs provided in the EclA). My ecologist recommends that the implementation of the EclA recommendations should be secured by condition.

6.47. My ecologist concludes that she has no objection to the scheme or recommended mitigation measures and that implementation should be secured by condition. The proposed site plan includes new landscape planting and other design features that would provide habitat resources for birds, bats, invertebrates and other wildlife post-development. Further details of ecological enhancement measures should be secured by condition.

6.48. Overall I have no objection to the scheme, from an ecological standpoint, subject to conditions to secure a construction ecological management plan, ecological enhancement measures, bird and bat boxes and for a lighting scheme

6.49. Drainage/Flood management

6.50. Policy TP3, of the BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the draft BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.

6.51. The Lead Local Flood Authority has considered the scheme, and raised no objection subject to conditions for a drainage scheme and an operation and management plan.

6.52. Reaction to criticism of lack of consultation

6.53. I note that some objectors have complained that the scheme has not be subject to sufficient consultation. In response, the application was subject to a press notice, four site notices and letters were sent to 150 residents/neighbours. Furthermore re-consultation also occurred where the 150 residents were written to again. As such, I am satisfied that the consultation process has exceeded the procedural requirements.

7. Conclusion

7.1. The proposed one form primary school would enhance education provision within the area. The majority of attendees would be from a local area and as such it is anticipated that a significant proportion would be pedestrian. Proposed on street parking controls would manage congestion around the immediate access into the site and diffuse any traffic disturbance to a distance that would be blended with existing traffic flows, mitigating any immediate focus of activity. The impact upon adjacent residents, in terms of overlooking and loss of privacy has been considered and is considered to be limited. The loss of protected trees, proposed for removal, would be adequately mitigated with replacement planting.

8. Recommendation

8.1. That planning permission be granted subject to the following conditions;

-
- | | |
|----|--|
| 1 | Requires the prior submission of a sustainable drainage scheme |
| 2 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of a lighting scheme |
| 6 | Requires the prior submission of sample materials |
| 7 | Requires the prior submission of a construction ecological mitigation plan |
| 8 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the prior submission of details of bird/bat boxes |
| 10 | Requires the prior submission of boundary privacy screening details |
| 11 | Requires the prior submission of a CCTV scheme |
| 12 | Limits the noise levels for Plant and Machinery |
| 13 | Requires a car charging point to be provided |
| 14 | Requires the prior installation of means of access |
| 15 | Prevents occupation until the turning and parking area has been constructed |
| 16 | Requires the prior approval of an amended car park layout |
| 17 | Requires the prior submission of a parking management strategy |
| 18 | Requires the prior submission of a School Travel Plan |
| 19 | Requires the provision of cycle parking prior to occupation |
| 20 | Requires the delivery and service area prior to occupation |
| 21 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 22 | Arboricultural Method Statement - Submission Required |
| 23 | Requires tree pruning protection |
-

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

25 Implement within 3 years (Full)

Case Officer: Ben Plenty

Photo(s)



Fig 1 looking south towards the existing 'Yew croft' building, about to be demolished at the time of writing.



Fig 2 looking northwest to the rear and side of 140 Court Oak Road



Fig 3 looking south to the rear of 15 to 21 Beech Road



Fig 4 looking north at the back of the existing entrance gates.

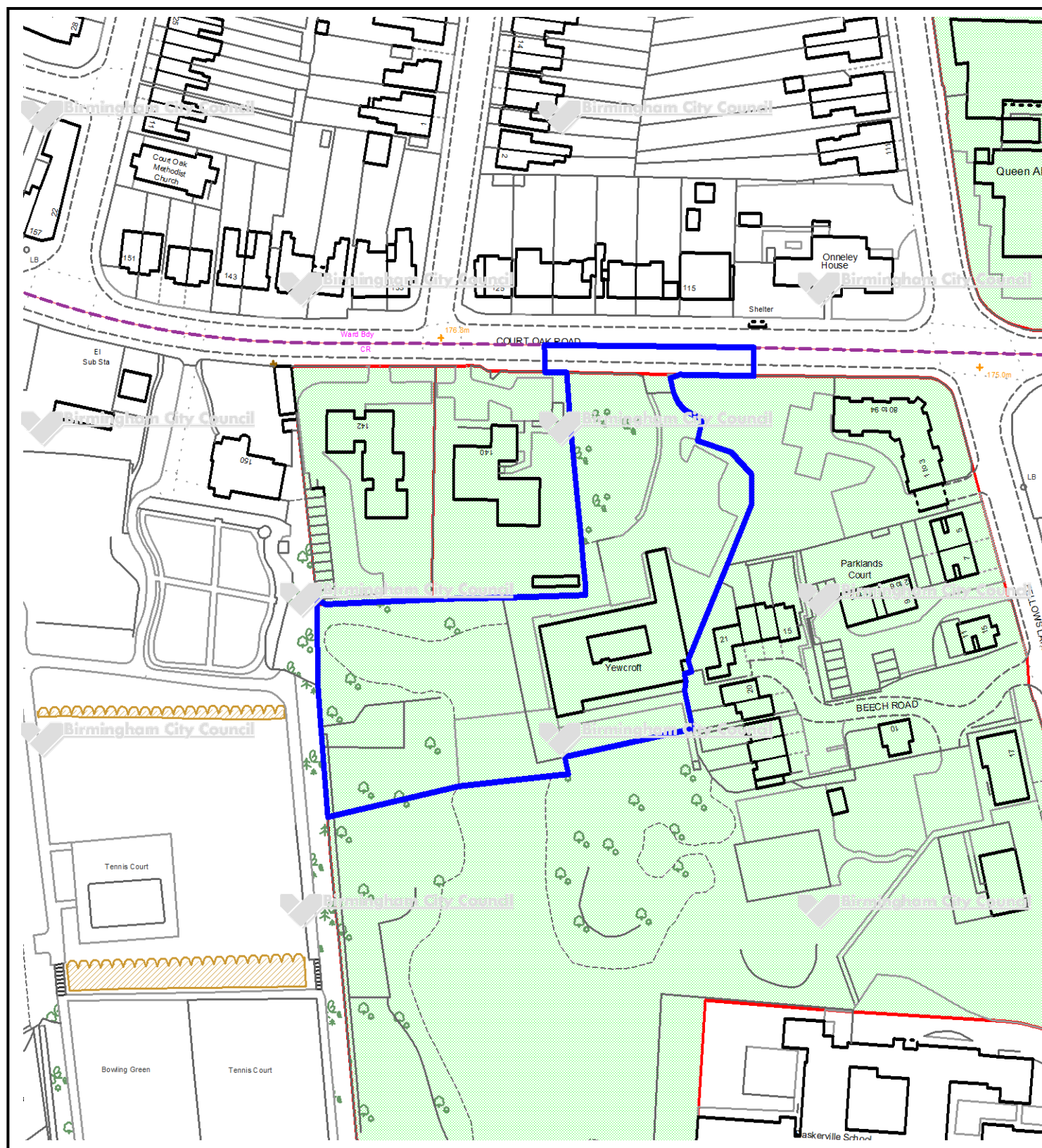


Fig 5 showing Court Oak Road, looking west and showing site access



Fig 6 showing Court Oak Road, looking east and showing site access

Location Plan



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

Committee Date:	29/03/2018	Application Number:	2017/09816/PA
Accepted:	16/11/2017	Application Type:	Full Planning
Target Date:	15/02/2018		
Ward:	Edgbaston		

University of Birmingham, Learning building, North of New Library, Edgbaston, Birmingham, B15 2TT

New three storey teaching and learning building for the University of Birmingham including 2 lecture theatres, 10 seminar rooms and ancillary spaces and associated external works.

Applicant:	University of Birmingham Estates Office, Estates West Building, Edgbaston, Birmingham, B15 2TT
Agent:	BDP 158 Edmund Street, Birmingham, B3 2HB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for a three storey teaching and learning building, on a recently cleared area of land, within the centre of the University campus. The building would be used for teaching space providing 2 lecture theatres, 10 seminar rooms and break-out spaces. The scheme also includes hard and soft landscaping around the building; connecting to the new access road to the west, a new area of open space to the east (known as the 'Green Heart'), and with the recently completed new library to the south.
- 1.2. The proposed building would be rectilinear in form being 52m in length (north/south), 42m in depth (east/west) and being varying heights of 17m and 14m due to the level changes across the site, creating a constant roof line. A hexagonal 'cone' would stand in the centre of the building and be slightly proud of the roof by 2.5m, creating the main lecture rooms. In terms of materials, the applicants propose the use of sandstone cladding (laid in alternating vertical panels) and aluminium panels. The scheme would also include aluminium window frames, doors and curtain walling. Cycle parking would be located within two areas around the building, no dedicated vehicle parking is proposed.
- 1.3. The building would have a total floorspace of 5,122sqm (GEA).
- 1.4. The hexagonal cone would include two, tiered seating levels over a three storey space, providing two large lecture theatres and seating for a combined total of 750 students. The 'cone' would be surrounded and enveloped by a conventional three storey building. The proposed cycle and bin store would include green roofs that would provide a mix of wildflowers, herbs, sedums and perennials to provide drought tolerance and enhance biodiversity.

- 1.5. External lighting is proposed around the edges of the site in the form of 4 x 12m street multi-light columns, 20 x 3m and 5m light columns and 22 uplighters within the proposed trees.
- 1.6. The scheme is supported with a substantial landscape scheme including the planting of 31 trees. The applicants explain that the landscaping scheme is based on the planting styles and types used within the new adjacent open space; The Green Heart, and on the western side of the New Library, which would ensure consistency between the three schemes.
- 1.7. The application is supported with a design and access statement, noise assessment, planning statement, transport statement, sustainable travel action plan, campus wide travel survey, phase one habitat assessment, ground investigation report and drainage assessment.



East Elevation of proposed building with Green Heart in the foreground

- 1.8. Site area 0.5ha.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site is within the University of Birmingham's main campus.
 - 2.2. The site is a cleared piece of land, partially including land formally occupied by the University's running track. The running track site was replaced partly by a new link road, to the west of the site and connecting north to Pritchatts Road. The site is located to the north of the new library (that itself opened about two years ago). The site is also west of The Green Heart; created following the demolition of the former library, and removal of the embankment and car park which was to the north of the

old library. There is a small vacant development site to north of the application site, with Pritchatts Road beyond this to the further north.

- 2.3. The site slopes from the highest point in the north, by 3m to the lower southern part of the site.

- 2.4. Two Grade II listed lodges, gates, piers and walls are located approximately 20m to the northeast of the site.

- 2.5. [Site Location Plan](#)

3. Planning History

- 3.1. 29/10/12. Pa no. 2012/02047/PA Hybrid application for the redevelopment of elements of the University Campus buildings and infrastructure including: Outline application for a multi-storey car park, erection of student residences and sports pavilion, erection of new library and Full details for the erection of a new sports centre and the construction of a new pedestrian/cycle route to the Vale, Demolition of various buildings. Approved with conditions.

4. Consultation/PP Responses

- 4.1. Councillors, MP and resident associations consulted. Site Notice erected, Press Notice made. No comments received.
- 4.2. Transportation – No objection, the site is located within the campus and not close to any public highway. The wider context for this proposal is set against the area Green Travel District proposals for the University, Hospital and other Selly Oak developments which would provide significant transport improvements in due course.
- 4.3. Regulatory Services – No objection
- 4.4. Lead Local Flood Authority – No objection subject to conditions to secure drainage scheme and management and maintenance strategy.
- 4.5. Severn Trent - No objection subject to a drainage condition
- 4.6. West Midlands Police - No objection provided that CCTV is installed, covering communal space, bin/cycle storage area, access and egress points and that the external lighting scheme complements the CCTV.
- 4.7. West Midlands Fire Service – No objection, it recognises that dry risers are to be provided within each internal staircase and that suitable hard standing will be provided for attending emergency appliances and that appropriate signage would identify points. They advise that the proposed drop down bollards (that would enable access by emergency vehicles) should be of a type that would not cause damage to wheeled traffic. Management procedures would need to ensure these bollards are lowered in an emergency situation.

5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014). Historic England guidance for '*The setting of Heritage Assets*' (2015).

- 5.2. Birmingham Development Plan (2017); Birmingham UDP- saved policies (2005)
- 5.3. Grade II listed lodges, gates, piers and walls.
6. Planning Considerations
- 6.1. This scheme raises issues in regard to transportation, design, conservation, ecology and drainage.
- 6.2. Design and conservation
- 6.3. In terms of design, I note that this application was made following extensive pre-application discussions relating to the design principles. A transparent glass cladding material is proposed for the lecture theatre, which adds a contrasting material to the external finishes; being principally brick and stone. The applicant has advised that the design intention is to develop a modern interpretation of the traditional materials used on the Aston Webb buildings. The proposed cladding is a grey colour which is similar to a weathered grey zinc cladding of the Aston Webb domes and as such considered to be appropriate.
- 6.4. The mass of the proposal is considered to be appropriate for the setting, reinforcing the new central avenue through the historic part of the university campus. The building's design is based on deconstructionist principles, where the core function is revealed, by a glazed slot and elevated roof. The proposed window reveals are relatively deep and therefore would create successful articulation of the elevations.
- 6.5. The landscaping scheme is considered to be comprehensive and appropriate for the building and would connect well with the adjacent Green Heart. The bin store would be well screened within planted areas with the doors away from the street. Further details are required in regard to the appearance and materials proposed for the bin store which can be secured by a condition recommended below.
- 6.6. There are two Grade II listed lodges, located either side of the north gate, approximately 20m to the northeast of the site. Policy TP12 of the BDP, states that in regard to the historic environment "the Council will seek to manage new development in ways which will make a positive contribution to its character". In terms of development that affects the significance of a designated or non-designated heritage asset or its setting will be determined "in accordance with national policy" and for proposals including removal "will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its setting."
- 6.7. The setting of the listed lodges would be affected by the proposal but the local context of the buildings is and has been dramatically changed through recent approvals lead by a considered Masterplan (as part of the 2012 hybrid planning application). As such removing the car park and embankment to the south of the lodges, removing the old library and creating the green heart returns the setting to its original vision from the north gates down (south) through the campus with the clock tower and Aston Webb buildings reinstated in this important vista. Equally enclosing the green heart with new development blocks reinforces the importance of the central space and collectively enhance this setting. Your conservation officer and urban designer are satisfied that the proposal would make a successful contribution to the public realm and would not harm the setting of the listed lodges. Therefore, I consider that the proposals as part of the wider Masterplan would have a positive impact on the setting of the listed buildings satisfying Policy TP12.

6.8. Transportation

6.9. Policy TP44, of the BDP, seeks the City to make optimum use of infrastructure across all modes. Managing travel through a number of measures including the availability and pricing of car parking and ensuring the delivery of sustainable transport network.

6.10. The application is for a new teaching block that will provide additional teaching space for existing cramped and booked facilities shared across the UOB campus. It provides a 500 seat and 250 seat lecture theatres along with ten 30 seat seminar rooms. The UOB and supporting statements confirm there will be no new staff or students generated as a result of the development but as existing facilities operate above an 80% occupancy rate these are necessary to provide a suitable service. Given this confirmation, transportation colleagues have stated that there is no requirement for parking provision to be reviewed or for there to be any likely transport impacts. The site is located within the campus and not close to any public highway. Transportation colleagues conclude that the wider context for this proposal is set against the area Green Travel District proposals for the University, Hospital and other Selly Oak developments which would provide significant transport improvements in due course.

6.11. I recognise that the site is adjacent to the main University campus and within 500m of University Station. I also note that car parking policy seeks a maximum of 4 spaces per member of staff and one space per 30 students. However, the building is proposed to provide improved lecture theatres and the University has confirmed that it is not expanding but improving existing facilities. The University further states that;

"It is important to emphasise that the creation of [the proposal] will not result in other spaces becoming vacant and therefore available for new students; a key issue facing the University is the demand for teaching space which are suitable for group work and interactive sessions, plus space which can accommodate larger groups"

6.12. On sustainable transport the University has stated;

"The University remains committed to encouraging the use of sustainable transport.. and has invested substantially in recent years and in July 2017 were winners of the 'Birmingham Connected Sustainable Travel Award'. A Travel survey is regularly undertaken, the result of which inform the University's Sustainable Travel Plan and Action Plan (2010-2015; 2017). The next travel survey is due to take place later in 2018. The University employs a Sustainable Travel Coordinator who leads and manages the implementation of the Travel Plan. Key initiatives which have recently been put in place include; Smart Mover twitter account (to share sustainable travel initiatives), improvements to the canal towpath and access, additional cycle parking installed on campus, over 1000 staff have applied to join the bike purchase scheme, two additional bus services created to serve the nearby halls of residence, promotion of car share scheme and dedicate spaces for car share users and stricter controls to combat illegal parking on campus."

6.13. On this basis I am satisfied that, whilst relatively large, this scheme would not in itself have an impact on infrastructure or result in increased traffic, students or staff attending the campus. Where previous additions to the campus have led to

increased traffic, the University have enhanced on site car parking levels and contributed to off-site parking control. For example this has led to the recent provision of additional car parking to provide for the hotel and conference facility, the University House extension and the Central Teaching Labs building. Also, it is anticipated that future schemes (currently being discussed at a pre-application stage) will also contribute towards infrastructure improvements where considered by the City to be appropriate and necessary.

6.14. Ecology

6.15. A Preliminary Ecological Appraisal (PEA) (Middlemarch Environmental, July 2017) has been submitted in support of the application. This appraisal extends north beyond the redline boundary to include the area up to Pritchatts Road.

6.16. The site is dominated by hard standing and bare ground; vegetated habitats comprise a Leyland Cypress hedgerow along the eastern boundary, grass embankments along the northern and eastern boundaries and scattered trees at the northern end of the site. These areas of vegetation provide limited habitat resources, most notably potential nesting sites for birds (trees and hedge) and food plants for invertebrates, including Cinnabar moth (a “priority” species). The PEA recommends various good practice mitigation measures to minimise the risk of harm to wildlife such as nesting birds and terrestrial mammals during site clearance and construction. A condition is recommended to secure implementation of these recommendations.

6.17. The site is to the west of the Green Heart; landscape planting associated with the current proposals should complement the planting scheme for the Green Heart. Notable features are the planted bank along the northern boundary, cycle and bin stores with green roofs in the north-west corner and rain gardens to the south of the new building. To maximise its ecological value, the planting scheme should reflect the biodiversity enhancement principles in recommendations in the PEA, to focus on the use of native and ornamental species of value to wildlife. As the approved Green Heart planting proposals were developed in liaison with ecological consultants, extending this planting palette to the planting around the new Teaching and Learning Building is strongly encouraged. Further details of the design of the cycle and bin store green roofs are required and can be secured by condition.

6.18. New external lighting is proposed around the edges of the site. This lighting should be designed so that it does not result in increased light levels that cause disturbance to nocturnal wildlife such as foraging and commuting bats. Dark corridors need to be maintained between roost features in the Green Heart (bat boxes on mature trees close to entrance lodges; crevices and voids in the new retaining wall) and core areas of foraging habitat (eg Worcester and Birmingham Canal corridor). Your ecologist recommends that the proposed uplighters, within the proposed trees, be removed from the scheme to maintain bat foraging corridor from the canal to the Green Heart. I concur and can secure this within the condition requiring lighting details.

6.19. Overall, I have no objection to the scheme from an ecological perspective subject to conditions requiring an ecological enhancement plan, to comply with the ecological report, to have details of lighting and to require details of a brown/green roof.

6.20. Drainage

6.21. In terms of drainage, ground investigation work has shown the site to be underlain by sand deposits and sandstone bedrock, both typically present reasonable conditions for Infiltration. Testing has shown that the ground is suitable for infiltration with good permeability rates. Consequently, the drainage scheme consists of permeable paving and two attenuation tanks with hydro-brakes to limited run off to acceptable rates. The Lead Local Flood Authority has raised no objection subject to conditions for a Sustainable Drainage Assessment and Operation & Maintenance plan, this can be secured by condition.

6.22. West Midlands Fire Service comments

6.23. Comments raised by the Fire Service have been passed to the University to take into account. The issues raised are beyond the scope of the planning application process.

7. Conclusion

7.1. The scheme would enable the University to improve the quality of its teaching facilities and enclose the Green Heart by built form as originally envisaged in the approved master-plan of 2012.

7.2. The proposal would be a sustainable addition to the campus and would enhance the ecological value of the site. Furthermore, the scheme would enhance the setting of the adjacent listed buildings through the addition of contemporary and sympathetic development, framing the lodges at the northern top of the Green Heart.

8. Recommendation

8.1. Approve subject to the following conditions

-
- | | |
|----|--|
| 1 | Requires the prior submission of a sustainable drainage scheme |
| 2 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 3 | Requires the prior submission of sample materials |
| 4 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 5 | Requires the prior submission of a lighting scheme |
| 6 | Requires the prior submission of hard and/or soft landscape details |
| 7 | Requires the prior submission of details of brown (ballast) roof |
| 8 | Requires the applicant to comply with the ecological report |
| 9 | Requires the prior submission of a CCTV scheme |
| 10 | Requires the prior submission of details of refuse storage |
| 11 | Requires the scheme to be in accordance with the listed approved plans |
-

12 Implement within 3 years (Full)

Case Officer: Ben Plenty

Photo(s)



Fig 1 looking south

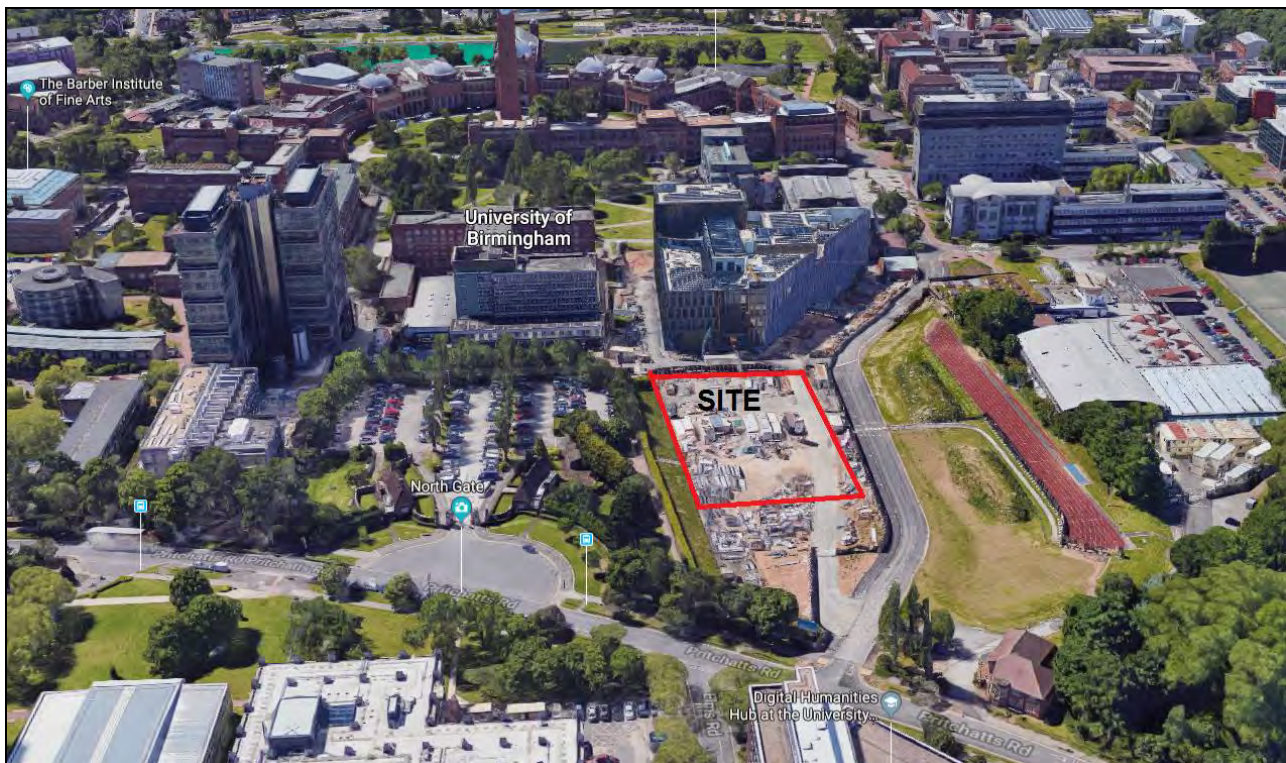
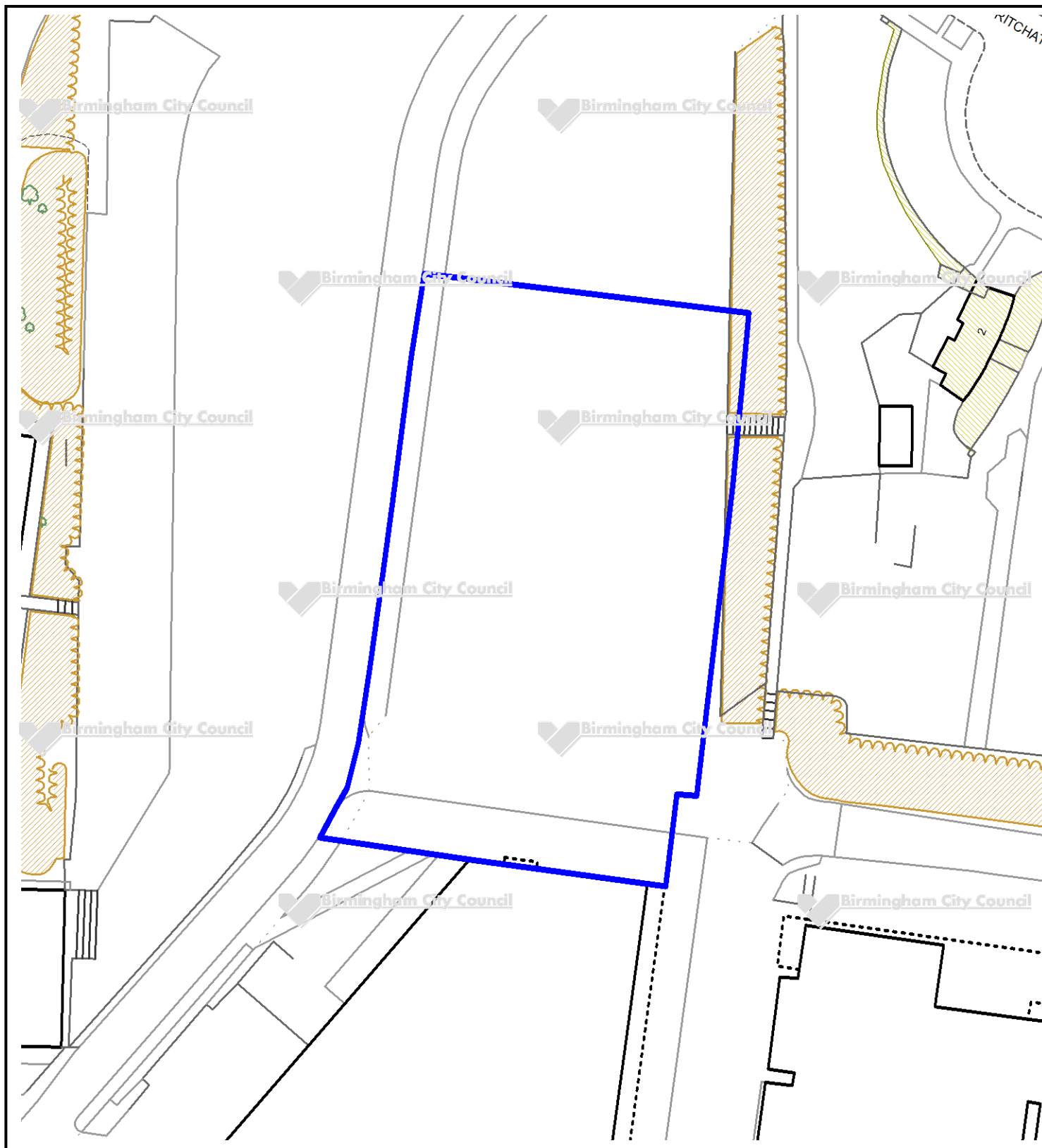


Fig 2 Ariel view looking south (library in the middle has since been demolished)

Location Plan



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

Birmingham City Council

Planning Committee

29 March 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	14	2017/09879/PA 29-31 Broadway Avenue Bordesley Green Birmingham B9 5LY Demolition of derelict C2 Day Care Centre and erection of 14no. 1 bed flats (Use Class C3b) to provide residential care and supported living services with associated works and landscaping

Committee Date:	29/03/2018	Application Number:	2017/09879/PA
Accepted:	28/11/2017	Application Type:	Full Planning
Target Date:	27/02/2018		
Ward:	Bordesley Green		

29-31 Broadway Avenue, Bordesley Green, Birmingham, B9 5LY

Demolition of derelict C2 Day Care Centre and erection of 14no. 1 bed flats (Use Class C3b) to provide residential care and supported living services with associated works and landscaping

Applicant:	CAS Behavioural Health 22 Barkham Terrace, Lambeth Road, London, SE1 7PW
Agent:	AR2 Architects Ltd Unit 17, Brough Business Centre, Skillings Lane, Brough, East Yorkshire, HU15 1EN

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application seeks consent for the demolition of existing derelict Use Class C2 Day Care Centre on grounds of existing Class C2 facility and erection of 14No. 1 bedroom flats Use Class C3(b) residential care facility and supported living services located on Broadway Avenue, Bordesley Green. It would be associated with (albeit proposed to be operated independent to) the adjoining Cambrian Cedars facility for people with Learning Difficulties. The former Bordesley Green Day Centre has not been in use for over 5 years and has been boarded up during that time.
- 1.2. The proposed development would comprise 7no. two storey buildings which have the appearance of contemporary dwellinghouses, with a mixed material palette of white render and cedar cladding; and pitched tiled roofs. Each building would accommodate 2no. one bedroom flats. The buildings would be linked at ground floor with an extended hallway to accommodate a wheelchair user and an independent access to the first floor flat.
- 1.3. Each individual flat consists of an en-suite bedroom, open plan lounge / dining room and a kitchen. The flats at ground floor would achieve approximately 54sqm, including a 13.1sqm bedroom with a 4sqm en-suite bathroom. Ground floor flats would also benefit from an extended hallway to accommodate a wheelchair user. The flats at first floor would achieve approximately 49.7sqm, including a 13.1sqm bedroom with a 4sqm en-suite bathroom.
- 1.4. The proposals would serve 14 adults as an independent living service which is to be operated as separate entity to the existing CAS facility. The application proposal seeks to provide administration facilities alongside a central communal garden and small private garden areas for the use of the flats.

- 1.5. The gardens amount to an average size of 80sqm each and would be shared by 2no. flats (ground floor and first floor). A small front garden would be located to the front of each of the buildings which would be walled and gated, and would accommodate bin stores for each of the residential units.
- 1.6. The proposed development is to provide a total of 29 parking spaces within the application site and the adjacent Cambrian Cedars care facility, including two existing disabled bays. 3 existing parking spaces are to be removed under the proposals, ultimately providing 11 additional parking spaces including 7 proposed disabled spaces.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a former day centre and associated landscaped areas. The building is in poor condition and amounts to a one / two storey building which would appear to be of mid-late 20th century architectural design, comprising of a flat roof on the single storey element and a pitched roof on the two storey element of the building, arranged in an irregular layout. The buildings are constructed of brick with windows at ground and first floor. A vehicular entrance was previously in place from Broadway Avenue which would have provided drop-off for visitors to the Day Centre. A landscaped external courtyard was located at the centre of the building.
- 2.2. The surroundings of the application site are predominantly residential in character, comprising a mix of mid-century two storey terraced dwellings, and late 20th century two storey semi-detached and detached dwellings in cul-de-sac arrangements. Immediately adjacent to the application site is the Cambrian Cedars facility for people with Learning Difficulties, and existing two storey care home. The application site lies in close proximity to the Ideal Village Conservation Area. The adjacent Cambrian Cedars facility is also subject to an extant Tree Preservation Order.
- 2.3. The application site is located 0.2 miles to the south east of Bordesley Green, where bus services are available between Birmingham and Solihull, alongside the facilities associated with a well-established retail parade.
- 2.4. [Site Location](#)

3. Planning History

- 3.1. 21.08.2017 - 2017/05429/PA - Demolition of vacant derelict day centre and erection of single storey 12 bedroom care home (Use Class C2) – Approve subject to conditions.
- 3.2. 01.12.2011 - 2011/06802/PA - Alterations to elevational treatment to include new timber panels and cream render elements – Approved subject to conditions.
- 3.3. 10.11.2009 – 2009/04735/PA - Demolition of elderly persons home and day centre – No Prior Approval Required.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection subject to conditions relating to parking management plan; cycle parking provision; redundant vehicular accesses to be removed and reinstated with full height kerbed footway; and parking areas to be provided for use and marked out on site prior to occupation.
- 4.2. Regulatory Services – recommend conditions to secure a noise insulation scheme for the residential use; electric vehicle charging points; and contaminated land remediation.
- 4.3. Local Lead Flood Authority – raise concerns in terms of the proposal and the need for sustainable drainage to be explored at the site.
- 4.4. Severn Trent – no objection subject to condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.5. Site Notice posted. Ward Members, residents associations and neighbours notified. 11no. letters of objections received however it is noted that 7no. objections comprise a copy of the same email. The objections raise concerns with regards to the following:
 - Medical conditions of prospective residents;
 - Safeguarding concerns of children living in the area;
 - Noise and disturbance generated by prospective residents;
 - Impact on house values in the immediate area;
 - Safety concerns as a result of the prospective residents in the area;
 - Use is at odds with the residential character of the area;
 - Increased traffic generated by the proposed use;
 - Proposed appearance of the development is out of character with the surrounding area;
 - Loss of privacy as a result of the proposals; and
 - Insufficient consultation.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Places for Living SPG (2001); Car Parking Guidelines SPD (2012); Specific Residential Needs SPG (2005)

6. Planning Considerations

- 6.1. **Background** – Planning permission was granted on the site in August 2017 for the erection of a single storey 12no. bedroom care home (Use Class C2) under application reference 2017/05429/PA.
- 6.2. This planning application relates to the same site and the current planning application proposal would supersede the previously granted planning consent for the care home.

- 6.3. The proposed development of the site is understood to have evolved through the identification of emerging care needs and accommodation requirements for patients.
- 6.4. **Principle of Development** – The application site relates to a former day centre, which was operated under Use Class D1 as a non-residential institution. I consider that the proposed demolition of the former day centre is acceptable, given its redundant nature and its poor physical condition at present.
- 6.5. The proposed development on the application site relates to the erection of a single storey care home which would operate as a “Step Down” facility, independent from the adjacent Cambrian Cedars Learning Difficulties facility. Birmingham Development Plan refers to health care facilities in Policy TP37, stating that health care facilities should be promoted within centres and endeavours should be made to provide safe residential environments.
- 6.6. The Birmingham Unitary Development Plan Saved Policies 8.28 – 8.30 relates specifically to Residential Care Homes and sets out 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, adequate outdoor amenity space to provide a satisfactory living environment for residents should be provided.
- 6.7. I note the objections raised which consider that the proposed use would be at odds with the residential character of the area. Considering the use of the site as residential accommodation where care is provided for residents, I consider that the proposal would positively address the requirements of BDP Policy TP37 and UDP Saved Policies 8.28 – 8.30 and would predominantly be used as a dwellinghouse. On this basis, I consider that the application proposals would be acceptable in principle.
- 6.8. **Layout and Design** – The proposed development comprises a terrace of linked detached two storey buildings which would be contemporary in their design and appearance with a mixed material palette of white render and cedar cladding; and pitched tiled roofs. The proposed design and appearance is considered to be acceptable in accordance with Policy PG3 of the Birmingham Development Plan, which relates to place making and the quality of design.
- 6.9. The proposed layout reflects the broadly residential character of the area which comprised a mix of flats, maisonettes and terraced, semi-detached, and detached houses. The residential plots proposed are of a domestic scale with small gardens to the front and private gardens to the rear. The gardens would be subject to boundary treatments consistent with the existing dwellinghouses in the area.
- 6.10. The proposed layout would comprise 7no. disabled vehicle parking spaces and 7no. non-disabled vehicle parking spaces to the front of the proposed flats, to provide one parking space per dwelling. Pedestrian access would be provided from the parking space in the form of brick paviors to the footpath in front of the residential units. I consider this frontage parking to be broadly reflective of the character of the surrounding residential properties, with many dwellinghouses benefiting from driveway parking to the front. Given the circumstances of the prospective occupiers of the residential units, I consider that this would be appropriate.
- 6.11. Pedestrian access to the residential units is proposed by wide pavement access off Broadway Avenue with a footpath to the front of the buildings. The footpath and

pavement would be formed of brick paviors, which is considered to be acceptable in urban design terms.

- 6.12. I note the objections received from neighbours which consider that the proposed residential units would not reflect the character of the surrounding residential properties. I am of the view that the surrounding residential properties are of a mixed character and appearance, and whilst the proposed buildings would accommodate flats, they would have the appearance of single dwellinghouses, reflective of the site's immediate environs. The proposed contemporary design of the buildings would be appropriate in the context of the surroundings.
- 6.13. The proposed development scheme requires a drainage connection to the public sewer. The Council's Local Lead Flood Authority (LLFA) has been consulted on the proposals and raised concerns with regards to the proposals and the impact that this would have upon the existing drainage network. Discussions were undertaken between the applicant and the LLFA to secure an acceptable way forward. A revised Drainage Strategy was accordingly prepared and the LLFA withdrew their objection, recommending a condition to secure the prior submission of a sustainable drainage scheme and associated operation and maintenance plan.
- 6.14. The application proposals would have an overwhelmingly positive impact on visual amenity and the streetscene, given the condition of the vacant single storey building which is located on the site.
- 6.15. **Residential Amenity** – The proposed care home seeks to provide “Step Down” accommodation for individuals which require support to live independently following time spent within a more traditional residential care environment.
- 6.16. The proposed accommodation is considered to provide an adequate level of residential amenity and a good quality living environment for prospective residents, with open plan kitchen / living / dining room and independent en-suite bedrooms. Given the use of the units within C3b Use Class, the criteria for an acceptable living environment are set out within the SPG Specific Residential Needs.
- 6.17. The proposed small residential units secure an appropriate scale of accommodation which would address the very specific needs of the residents to be accommodated. I consider that the proposed accommodation would be consistent with the guidance set out within Birmingham Development Plan Policy TP27 and TP28, which seek to secure sustainable neighbourhoods and meet the criteria for the location of new housing, and Saved Policies 8.28 – 8.30 of the Birmingham UDP which addresses the impact of care homes on neighbouring residential amenity and for prospective residents. Furthermore, the proposed residential units would operate predominantly as independent residential units, and I would consider that the flats would reflect the dominant residential character of the area.
- 6.18. The proposed external gardens would be subject to appropriate boundary treatments and would achieve a tranquil and serene external environment which would be conducive to the support of the prospective residents.
- 6.19. I note the objections regarding noise and disturbance generated by prospective residents. Regulatory Services have been consulted on the application and recommend a condition to secure a noise insulation scheme for the appropriate acoustic protection for residents. Considering the unique circumstances of the prospective residents, I consider that such a condition would be reasonable despite the residential character of the area.

- 6.20. There is a 23m distance between the proposed care home building and the existing residential properties located on Bordesley Close to the rear of the application site. The existing properties to the east on Bromwich Walk would be approximately 14.8m from the windowless flank wall of the proposed buildings. Each of the gardens proposed would be a minimum of 12m deep. In the context of Places for Living SPG, I consider that this separation distance would be acceptable and the proposals would be unlikely to have an adverse impact on neighbouring residential amenity. Due to the orientation of the proposed residential units, I do not consider that the proposals would result in overlooking of properties on the opposite side of Broadway Avenue, which are a minimum of 30m away. I consider that the proposed layout would adequately mitigate any impact on neighbours.
- 6.21. I consider that the application proposals would have an acceptable impact on neighbouring residential amenity, and would achieve an acceptable living environment for prospective residents.
- 6.22. **Highway Safety** – The application site is located within a predominantly residential location, with the principle of the care facility established on the site at the adjacent Cambrian Cedars and through the former use of the site as a Day Centre. The application proposals seek to provide 29no. parking spaces, including 7no. disabled parking spaces. The proposed parking would be accessed via the existing accesses off Broadway Avenue. Car Parking Guidelines SPD sets out that a minimum of 1 space per 3 bed spaces would be required for C3b use. It is therefore considered that the application proposals would exceed the parking requirement for the use class.
- 6.23. Objections received refer to a likely increase in traffic as a result of visitors and care professionals coming and going from the site. Transportation Development has been consulted on the application. They raise no objection to the application proposals in principle, and do not consider that the proposed development would result in an adverse impact on highway safety. A number of conditions have been recommended to secure redundant vehicular accesses to be removed and reinstated with full height kerbed footway, and proposed vehicular accesses to be constructed to BCC specification at the applicant's expense. As the application proposals seek to provide additional car parking accessible from the Highway Maintained at Public Expense, I consider that such a condition would be reasonable.
- 6.24. Furthermore, conditions are recommended to ensure that parking areas are provided for use and marked out on site prior to the occupation of the Care Home; and the provision of covered, secure cycle parking for use of residents and visitors. I consider that such conditions would be reasonable and justified. Whilst I acknowledge the circumstances of the prospective residents of the care home, I consider that the provision and support for cycling by management would be conducive to fostering greater independence within the users of the site.
- 6.25. I consider that the application proposals would have an acceptable impact on highway safety and consider that the recommended conditions would be reasonable and necessary in this instance.
- 6.26. **Other Matters** - Regulatory Services has recommended that conditions are attached to any grant of planning permission to address any instances of contaminated land. Given that the application proposals seek to demolish the existing day centre and erect the proposed flats on its footprint at a reduced scale,

retaining the same floorspace as the external amenity space, I do not consider that the scheme would warrant such conditions.

- 6.27. A condition to secure electric vehicle charging points has been recommended by Regulatory Services, to relate to 10% of non-allocated parking spaces. This would amount to the requirement for 3no. vehicle charging points. Notwithstanding Regulatory Services comments, I would not consider that such a requirement would be justified in this instance, given the specific circumstance of the prospective residents and the likely use of such parking spaces at the application site.
- 6.28. It is noted that objections were received in respect of the medical conditions of prospective residents. This is not a material planning concern and we are not in a position to disclose the conditions of prospective residents. This would not affect the determination of the planning application. Related to these objections, concerns have been raised with regards to safeguarding and safety of children and residents in the area. These concerns have been taken into account however given the level of care and supervision likely to be provided to prospective residents, I would expect that these concerns would largely be unfounded. Furthermore, the residential units would be proposed to incorporate appropriate levels of internal security in terms of domestic locks and regular visitors to the premises.

7. Conclusion

- 7.1. The application proposals seek consent for the erection of 7no. buildings to accommodate 14no. one bedroom flats which would be occupied on a C3(b) use basis in association with the adjacent care home.
- 7.2. The proposals are in accordance with adopted planning policy. The proposals would have an acceptable impact on the character of the area and neighbouring residential amenity. No objection has been raised with regards to highway safety or drainage matters. The proposals would make a positive contribution towards visual amenity and improve on the current condition of the site.
- 7.3. For the reasons set out above, the application is recommended to be approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Requires the prior submission of a sustainable drainage scheme and associated operation and maintenance plan
4	Requires electric vehicle charging points to be provided
5	Requires the prior submission a noise study to establish residential acoustic protection

-
- 6 Requires the prior submission of sample materials
 - 7 Requires the prior submission of boundary treatment details
 - 8 Requires the prior submission of level details
 - 9 Requires the prior submission of hard surfacing materials
 - 10 Requires the prior submission of hard and/or soft landscape details
 - 11 Requires the parking area to be laid out prior to use
 - 12 Requires the prior submission of cycle storage details
 - 13 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 14 Requires the implementation of tree protection
 - 15 Prevents the use from changing within the use class
 - 16 Requires the scheme to be in accordance with the listed approved plans
 - 17 Implement within 3 years (Full)
-

Case Officer: Claudia Clemente

Photo(s)

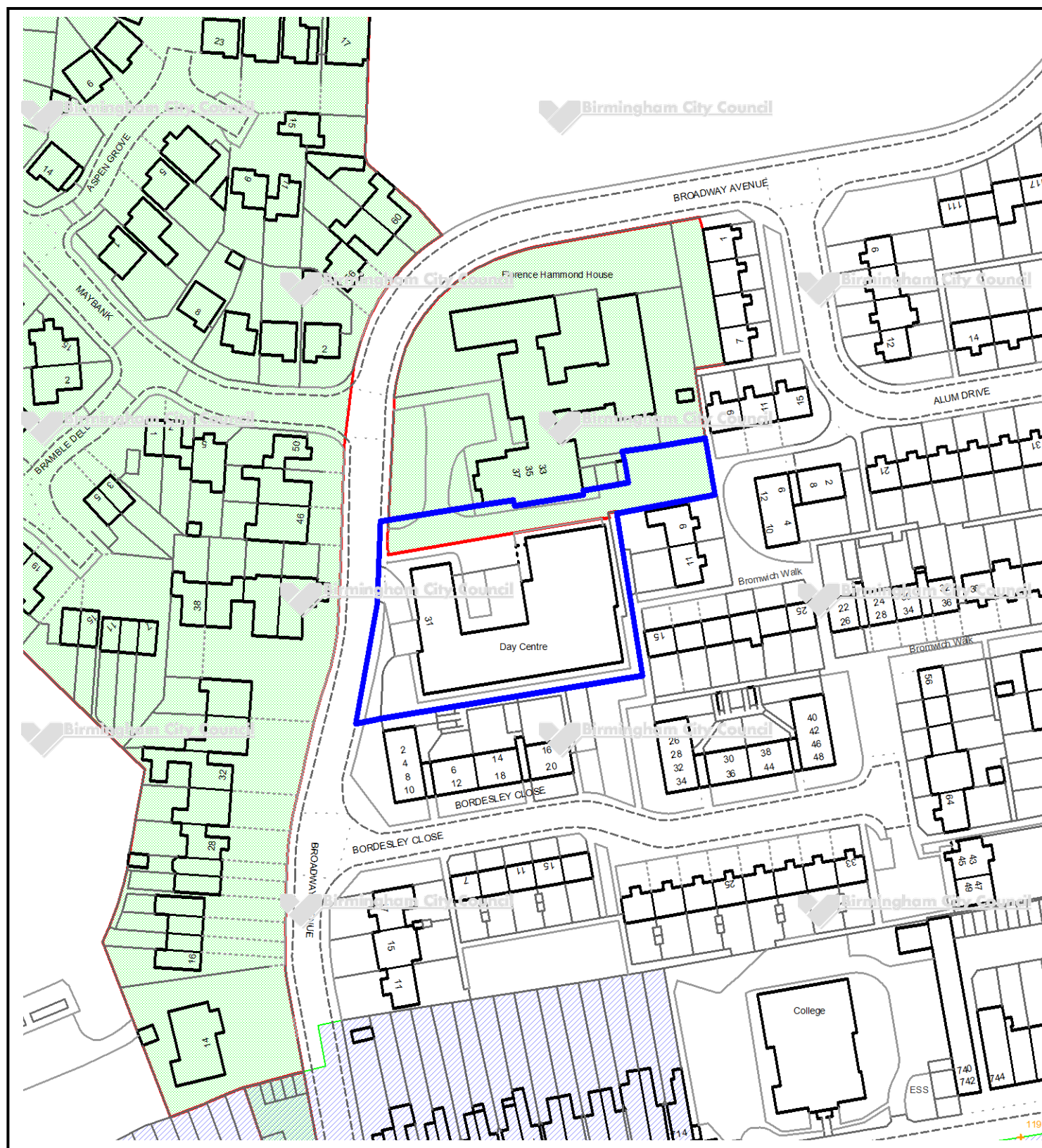


Figure 1: Application Site



Figure 2: Existing buildings to be demolished

Location Plan



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

Birmingham City Council

Planning Committee

29 March 2018

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>
Endorse	15	2017/09673/PA Moor Lane Industrial Estate Land in the south-east corner Moor Lane Witton Birmingham B6 Display of two LED digital advertisement hoardings on a free-standing tower
Endorse	16	2017/09554/PA Brookvale Trading Estate Moor Lane Witton Birmingham B6 Display of 2 internally illuminated digital LED display panels
Approve – Temporary	17	2018/01155/PA R50 Minworth Island Kingsbury Road Sutton Coldfield Birmingham B76 9RQ Display of 5 no. non illuminated freestanding post mounted signs

Committee Date:	29/03/2018	Application Number:	2017/09673/PA
Accepted:	16/11/2017	Application Type:	Advertisement
Target Date:	11/01/2018		
Ward:	Oscott		

Moor Lane Industrial Estate, Land in the south-east corner, Moor Lane, Witton, Birmingham, B6

Display of two LED digital advertisement hoardings on a free-standing tower

Applicant: Wildstone Estates Limited
c/o Agent
Agent: Wildstone Planning
22 Berghem Mews, Blythe Road, Brook Green, London, W14 0HN

Recommendation

Non-Determine Appeal

Endorse reasons for refusal

Background

This application for advertisement consent was registered on the 16th November 2017 and a decision was not made within the 8-week time period (11th January 2018). After this period the applicant has the right to make an appeal against non-determination, which they have done on this occasion. Consequently the decision has now been taken from the Local Planning Authority and now rests with the Planning Inspectorate. The purpose of this report is to seek endorsement of the recommendation if the Local Planning Authority had been in a position to determine the application and will form the basis for the Council's appeal case.

1. Proposal

- 1.1. This application proposes the display of two double sided, LED digital advertisement hoardings on a free standing tower and 2 logo boxes. The display panels would be mounted on a composite concrete pillar with metal cladding features and a total maximum height of approximately 13 metres. Each display panel would measure 12 metres in length by 3 metres in height, internally illuminated (static), with illumination levels of 300 cd/m. The display panels would be positioned at a height of 1.98m above the carriageway of the adjoining elevated section of the M6. The advert screens would be north and south facing so as to be viewable from the north and south bound carriages of the M6.

1.2. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is land on the south-east side of Moor Lane Industrial Estate immediately adjacent to an elevated section of the M6. The M6 motorway network is

elevated south of the site and the surrounding Trading Estate consists of commercial building with associated parking provision.

2.2. [Site Location](#)

3. [Planning History](#)

3.1. A number of applications and subsequent appeals relating to similar installations along the length of the M6 within Birmingham. Those within the immediate vicinity include:

3.2. Brookvale Industrial Estate:

3.3. 2017/09554/PA – Display of 2 internally illuminated digital LED display panels and 2 logo boxes. Current appeal against non-determination which can be found elsewhere on this agenda.

3.4. 04/12/17 – 2017/08458/PA – Display of 1no. internally illuminated high level free standing double sided digital advertisement panel. Refused on the grounds of visual amenity and public safety.

3.5. 13/04/11 – 2011/00809/PA – Display of 2no. internally illuminated digital advertisement panels. Refused on the grounds of visual amenity and public safety.

4. [Consultation/PP Responses](#)

4.1. Highways England – Recommend refusal on public safety grounds.

5. [Policy Context](#)

5.1. Birmingham Development Plan 2017, UDP 2005 (saved policies), Location of Advertisement Hoardings SPG and the NPPF.

6. [Planning Considerations](#)

Planning Policy

6.1. The NPPF states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

6.2. Policy PG3 of the Birmingham Development Plan 2017 requires that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context.

6.3. Paragraphs 3.14C-D of the UDP 2005 (saved policies) states that the City Council will have particular regard to the impact that the proposed development would have on the local character of an area, including views, scale and massing.

6.4. Location of Advertisement Hoardings SPG advises that in amenity terms, advertisements in wholly commercial areas will only be acceptable if it can be demonstrated that they would have no adverse effect on the visual amenity of the area and do not detract from the objective of improving the image of the City as a whole. The same criteria applies to transport corridors and ensuring that

advertisements do not adversely affect the image of the City along an important approach to the City.

- 6.5. With regard to public safety the SPG states that the siting of advertisement hoardings will not normally be acceptable where visible from the M6 motorway where they are purposefully designed to be read from the roadway and the attention of drivers is likely to be detracted to an unacceptable degree. Also the siting of advertisement hoardings near to any road sign that assists traffic movement will not normally be acceptable unless there is long range visibility to enable drivers to read the signs. Freestanding signs clearly separated from buildings will not normally be acceptable.
- 6.6. General design and locational criteria included in the SPG advises that freestanding advertisement hoardings clearly separated from buildings will not be acceptable. Advertisement hoardings should also respect the scale of adjacent buildings and the character of an area and will not be acceptable when they create dominant skyline features when viewed against the immediate surroundings.

Amenity

- 6.7. The principal objective of the proposal is to attract the attention of users of the M6. The display panels and column would be located adjacent to existing commercial units. The advertisements would be mounted on a composite concrete pillar which would be 9.43 metres in height. Each display panel would extend above this measuring 3 metres in height by 12 metres in width, extending above the M6 motorway.
- 6.8. The proposed supporting structure and advertising screens would constitute an isolated, visually dominant structure of significant scale. The structure would not be viewed against a backdrop of any proportionately sized buildings and would create a skyline feature which would be detrimental to visual amenity. This impact would be accentuated at night with the illumination of the advertising screens on the M6 corridor.
- 6.9. National guidance within the NPPG requires the local characteristics of an advertising site to be considered in any assessment of the impact on amenity. Mindful of this, as per the detailed guidance on assessing general design impacts of hoardings as set out in the Location of Advertisement Hoardings SPG, I consider the proposed advertisement structure (and associated advert panels) represents a feature that would clearly sit separately from any buildings and would not respect the scale of nearby buildings. It would lead to the establishment of a dominant skyline feature when viewed against the immediate surroundings.
- 6.10. It is noted that the proposal would be viewed against the wider backdrop of Witton Cemetery, from both directions, which offers a pleasant and mature green outlook within the wider urban context. The proposal would introduce an unduly obtrusive commercial feature within this outlook to the detriment of visual amenity and the image of the City in this location.
- 6.11. In terms of visual impact, I therefore conclude the consideration of this application has taken in to account the local characteristics of the site and I consider the proposed supporting structure and advertising screens to be totally out of character with the surrounding area. This would have an adverse visual impact which would not only undermine the visual amenity of the immediate locality but also the wider city as a whole give the location of the proposed advertising unit would be near to

the M6 motorway. This would be in conflict with part 5.7 of adopted SPG Location of Advertisement Hoardings which states “The UDP recognises that positive action to improve the quality of the environment will be required. Transport corridors are identified as priority areas. Advertisement hoardings will only be acceptable where they do not detract from the visual amenity of the area and do not adversely affect the image of the City along an important main approach to the City”.

Public Safety

- 6.12. Highways England recommend refusal of the application on the grounds of distraction of motorists on the M6 and on the grounds of impact on public safety.
- 6.13. I concur with the above views of Highways England. SPG Location of Advertisement Hoardings states in part 6.2 “The siting of advertisement hoardings will not normally be acceptable from the M6 motorway, or A38 Aston Expressway where they are purposefully designed to be read from the roadway and the attention of drivers is likely to be distracted to an unacceptable degree”. Bearing this guidance in mind, I note that the advertisements to be displayed would be installed so as to attract the attention of drivers both south and north bound on the M6. The height and design of the units would not be reflective of the surrounding built environment which would exclude them from sightlines of motorists, causing them to raise their gaze from the road ahead.
- 6.14. The signs would appear at broadly the same height as signs attached to overhead gantries on this section of the M6 visible in both directions of travel. The advertisements would be directly adjacent to the viaduct and just above at eye level requiring the driver to look away from the carriageway and other signage.
- 6.15. Unobscured visibility would not accord with DMRB requirements for a 70mph carriageway. The screens would be viewed with the downstream gantries and partial views will be available to motorists travelling northeast through the lattice structure of the gantry.
- 6.16. The proposal is adjacent to a section of the M6 that is a decision making zone prior to M6 Junction 6 and the advertisement would be located in close proximity (approximately 80m) to a downstream gantry on the southeast bound carriageway, just over half a mile from junction 6, and this contains decision critical information in the form of lane designation, advanced direction and dynamic speed limit signs.
- 6.17. The location of the nearby Smart Motorway gantry coincides with the commencement of the lane drop for junction 6 and it is important that motorists focus on the task of driving. It follows that this is in an area where external distractions should be reduced rather than increased and therefore the location is considered to be fundamentally unacceptable for the display of such an advertisement visible to motorists on the M6 motorway.
- 6.18. There is lengthy planning history of advertisement proposals along the M6 and running through Birmingham, spanning many years. A similar advert located between junction 6 and 7 (2012/01926/PA) was refused and appealed, where the Inspector concluded “... I find that the large size and close proximity of the illuminated sign would result in a clear distraction to motorway drivers, in an area where there are local conditions which have resulted in a higher accident rate, and that this would not be in the interests of road safety. Further, I consider that such distraction is likely to be increased with the introduction of additional over-carriageway signage with Managed Motorways”.

6.19. I therefore conclude that the proposed advertisements would be distracting to motorists on the nearby M6 to a degree that would undermine the safety of motorists using it.

7. Conclusion

7.1. It is considered for the reasons given above relating to amenity and public safety that the proposal would conflict with policy guidance contained in the Birmingham Development Plan (2017), the UDP (saved policies), Location of Advertisement Hoardings SPG and the NPPF.

8. Recommendation

8.1. That had the Planning Committee had the opportunity to determine 2017/09673/PA, it would have been refused for the following reasons:

Reasons for Refusal

-
- 1 The advertisement hoarding would present an unduly obtrusive feature in the street scene, adversely affecting the visual amenity of the area and wider impact on the image of the city. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Location of Advertisement Hoardings, adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
 - 2 The advertisement hoarding would present an unduly distracting feature in the street scene, adversely affecting public safety on the adjoining highway. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in Location of Advertisement Hoardings adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
-

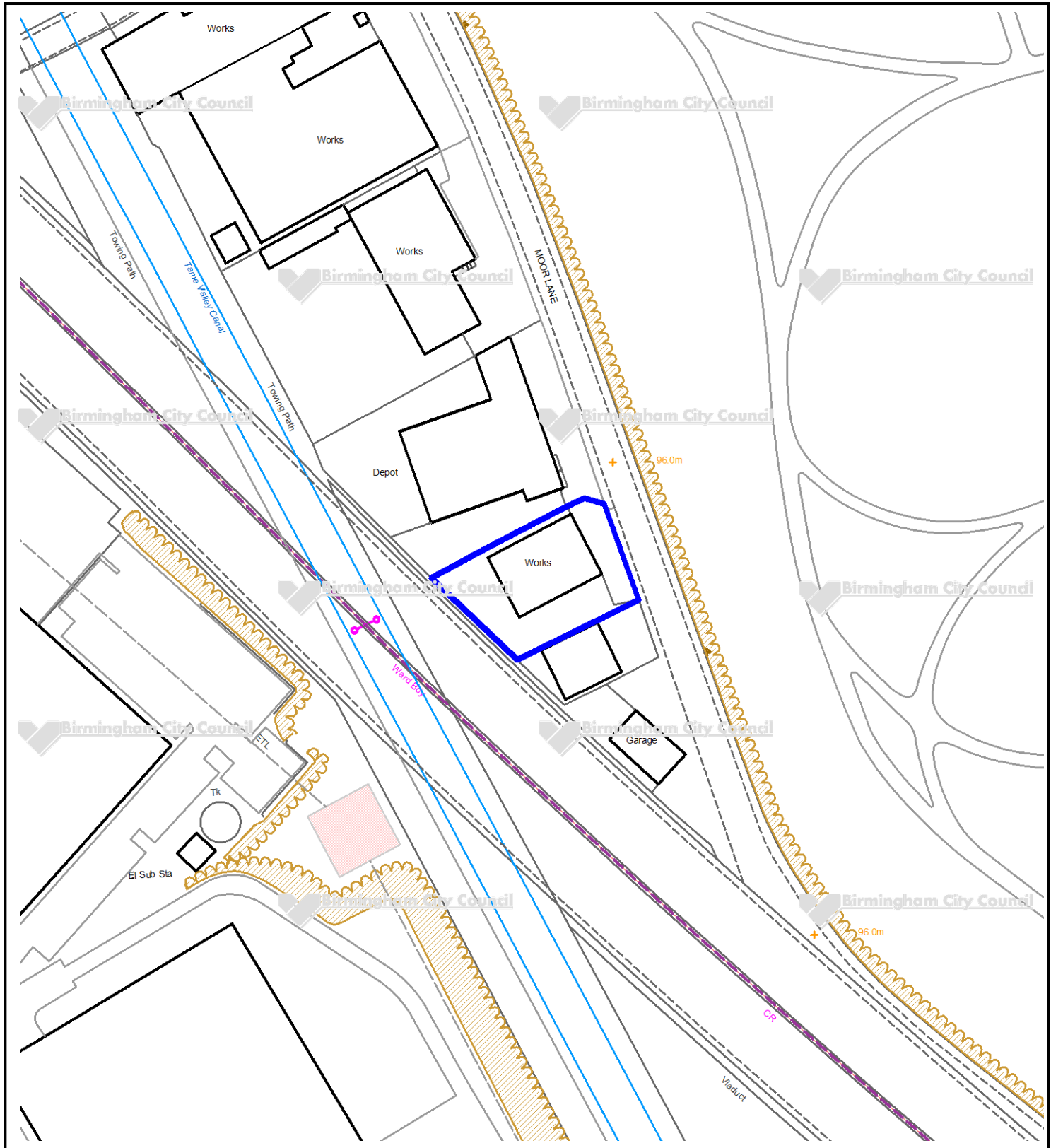
Case Officer: Daniel Illott

Photo(s)



Photo 1 – View from Moor Lane towards the elevated section of the M6

Location Plan



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

Committee Date:	29/03/2018	Application Number:	2017/09554/PA
Accepted:	07/11/2017	Application Type:	Advertisement
Target Date:	02/01/2018		
Ward:	Perry Barr		

Brookvale Trading Estate, Moor Lane, Witton, Birmingham, B6

Display of 2 internally illuminated digital LED display panels

Applicant:	Wildstone Estates c/o Agent
Agent:	Wildstone Planning 22 Berghem Mews, Blythe Road, Brook Green, London, W14 0HN

Recommendation

Non-Determine Appeal

Endorse reasons for refusal

Background

This application for advertisement consent was registered on the 7th November 2017 and a decision was not made within the 8-week time period (2nd January 2018). After this period the applicant has the right to make an appeal against non-determination, which they have done on this occasion. Consequently the decision has now been taken from the Local Planning Authority and now rests with the Planning inspectorate. The purpose of this report is to seek endorsement of the recommendation if the Local Planning Authority had been in a position to determine the application and will form the basis of the Council's appeal case.

1. Proposal

- 1.1. This application proposes the display of 2 internally illuminated digital LED display panels and 2 logo boxes. The display panels would be mounted on a composite concrete pillar which would be 15.84 metres in height. Each display panel would extend above this measuring 7.5 metres in height by 5 metres in width. Both display panels would be illuminated with an LED digital screen, with static illumination of 300.00 cd/m. The adverts would be positioned at a height of 5.36m above the carriageway of an elevated section of the M6 and at a distance of 4.54m. The advert screens would be north and south facing so as to be viewable from the north and south bound carriages of the M6.

1.2. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is land to the north of Brookvale Trading Estate immediately adjacent to an elevated section of the M6. This area of land is currently used as a car park which is secured by large metal gates. The M6 motorway network is elevated to the east of the site and the surrounding Trading Estate consists of commercial building with associated parking provision.

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. A number of applications and subsequent appeals relating to similar installations along the length of the M6 within Birmingham. Those within the immediate vicinity include:
- 3.2. Brookvale Industrial Estate:
- 3.3. 04/12/17 – 2017/08458/PA – Display of 1no. internally illuminated high level free standing double sided digital advertisement panel. Refused on the grounds of visual amenity and public safety.
- 3.4. 13/04/11 – 2011/00809/PA – Display of 2no. internally illuminated digital advertisement panels. Refused on the grounds of visual amenity and public safety.
- 3.5. Moor Lane Industrial Estate:
- 3.6. Land to the South-East corner: 2017/09673/PA – Display of two double-sided led digital advertisement hoardings on a free-standing tower. Current appeal against non-determination, which can be found elsewhere on this agenda.

4. [Consultation Response](#)

- 4.1. Highways England – Recommend refusal on public safety grounds.

5. [Policy Context](#)

- 5.1. Birmingham Development Plan 2017, UDP 2005 (saved policies), Location of Advertisement Hoardings SPG and the NPPF.

6. [Planning Considerations](#)

Planning Policy

- 6.1. The NPPF states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 6.2. Policy PG3 of the Birmingham Development Plan 2017 requires that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context.
- 6.3. Paragraphs 3.14C-D of the UDP 2005 (saved policies) states that the City Council will have particular regard to the impact that the proposed development would have on the local character of an area, including views, scale and massing.
- 6.4. Location of Advertisement Hoardings SPG advises that in amenity terms, advertisements in wholly commercial areas will only be acceptable if it can be demonstrated that they would have no adverse effect on the visual amenity of the area and do not detract from the objective of improving the image of the City as a whole. The same criteria applies to transport corridors and ensuring that

advertisements do not adversely affect the image of the City along an important approach to the City.

- 6.5. With regard to public safety the SPG states that the siting of advertisement hoardings will not normally be acceptable where visible from the M6 motorway where they are purposefully designed to be read from the roadway and the attention of drivers is likely to be detracted to an unacceptable degree. Also the siting of advertisement hoardings near to any road sign that assists traffic movement will not normally be acceptable unless there is long range visibility to enable drivers to read the signs. Freestanding signs clearly separated from buildings will not normally be acceptable.
- 6.6. General design and locational criteria included in the SPG advises that freestanding advertisement hoardings clearly separated from buildings will not be acceptable. Advertisement hoardings should also respect the scale of adjacent buildings and the character of an area and will not be acceptable when they create dominant skyline features when viewed against the immediate surroundings.

Amenity

- 6.7. The principal objective of the proposal is to attract the attention of users of the M6. The display panels and column would be located adjacent to existing commercial units, within an existing car park. The advertisements would be mounted on a composite concrete pillar which would be 15.84 metres in height. Each display panel would extend above this measuring 7.5 metres in height by 5 metres in width by 3.65 metres in depth, extending above the M6 motorway.
- 6.8. The proposed supporting structure and advertising screens would constitute an isolated, visually dominant structure of significant scale. The structure would not be viewed against a backdrop of any proportionately sized buildings and would create a skyline feature which would be detrimental to visual amenity. This impact would be accentuated at night with the illumination of the advertising screens on the M6 corridor.
- 6.9. National guidance within the NPPG requires the local characteristics of an advertising site to be considered in any assessment of the impact on amenity. Mindful of this, as per the detailed guidance on assessing general design impacts of hoardings as set out in the Location of Advertisement Hoardings SPG, I consider the proposed advertisement structure (and associated advert panels) represents a feature that would clearly sit separately from any buildings and would not respect the scale of nearby buildings. It would lead to the establishment of a dominant skyline feature when viewed against the immediate surroundings.
- 6.10. In terms of visual impact, I therefore conclude the consideration of this application has taken in to account the local characteristics of the site and I consider the proposed supporting structure and advertising screens to be totally out of character with the surrounding area. This would have an adverse visual impact which would not only undermine the visual amenity of the immediate locality but also the wider city as a whole give the location of the proposed advertising unit would be near to the M6 motorway. This would be in conflict with part 5.7 of adopted SPG Location of Advertisement Hoardings which states "The UDP recognises that positive action to improve the quality of the environment will be required. Transport corridors are identified as priority areas. Advertisement hoardings will only be acceptable where they do not detract from the visual amenity of the area and do not adversely affect the image of the City along an important main approach to the City".

Public Safety

- 6.11. Highways England recommend refusal of the application on the grounds of distraction of motorists on the M6 and on the grounds of impact on public safety.
- 6.12. I concur with the above views of Highways England. SPG Location of Advertisement Hoardings states in part 6.2 “The siting of advertisement hoardings will not normally be acceptable from the M6 motorway, or A38 Aston Expressway where they are purposefully designed to be read from the roadway and the attention of drivers is likely to be distracted to an unacceptable degree”. Bearing this guidance in mind, I note that the advertisements to be displayed would be installed so as to attract the attention of drivers both south and north bound on the M6. The height and design of the units would not be reflective of the surrounding built environment which would exclude them from sightlines of motorists, causing them to raise their gaze from the road ahead.
- 6.13. Highways England highlight that the proposal is in an area of the Strategic Road Network which is considered to be complex, sensitive to risk and where motorists are required to pay particular attention to the task of driving. Adding that driving conditions are very busy with vehicles changing lanes, merging, diverging and adjusting speed. Furthermore this section of the M6 is a Smart Motorway with overhead gantries approximately 110m upstream and 500m downstream of the site, requiring drivers to pay attention to the dynamic driving environment.
- 6.14. In terms of visibility, the signs would not accord with DMRB requirements for a 70mph carriageway. The screens would be viewed with the gantries and would appear to partially obscure the variable message signage in place with only partial views available to motorists travelling southbound through the lattice structure of the gantry.
- 6.15. The proposal is adjacent to a section of the M6 that is a decision making zone prior to M6 Junction 6 and the advertisement would be located in close proximity (approximately 110m) to a Smart Motorway gantry, just over half a mile from junction 6, and this contains decision critical information in the form of lane designation, advanced direction and dynamic speed limit signs.
- 6.16. The location of the nearby Smart Motorway gantry coincides with the commencement of the lane drop for junction 6 and it is important that motorists focus on the task of driving. It follows that this is in an area where external distractions should be reduced rather than increased and therefore the location is considered to be fundamentally unacceptable for the display of such an advertisement visible to motorists on the M6 motorway.
- 6.17. There is lengthy planning history of advertisement proposals along the M6 and running through Birmingham, spanning many years. A similar advert located between junction 6 and 7 (2012/01926/PA) was refused and appealed, where the Inspector concluded “... I find that the large size and close proximity of the illuminated sign would result in a clear distraction to motorway drivers, in an area where there are local conditions which have resulted in a higher accident rate, and that this would not be in the interests of road safety. Further, I consider that such distraction is likely to be increased with the introduction of additional over-carriageway signage with Managed Motorways”.

6.18. I therefore conclude that the proposed advertisements would be distracting to motorists on the nearby M6 to a degree that would undermine the safety of motorists using it.

7. Conclusion

7.1. It is considered for the reasons given above relating to amenity and public safety that the proposal would conflict with policy guidance contained in the Birmingham Development Plan (2017), the UDP (saved policies), Location of Advertisement Hoardings SPG and the NPPF.

8. Recommendation

8.1. That had the Planning Committee had the opportunity to determine 2017/09554/PA, it would have been refused for the following reasons:

Reasons for Refusal

-
- | | |
|---|---|
| 1 | The advertisement hoarding would present an unduly obtrusive feature in the street scene, adversely affecting the visual amenity of the area and wider impact on the image of the city. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Location of Advertisement Hoardings, adopted as Supplementary Planning Guidance, and the National Planning Policy Framework. |
| 2 | The advertisement hoarding would present an unduly distracting feature in the street scene, adversely affecting public safety on the adjoining highway. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in Location of Advertisement Hoardings adopted as Supplementary Planning Guidance, and the National Planning Policy Framework. |
-

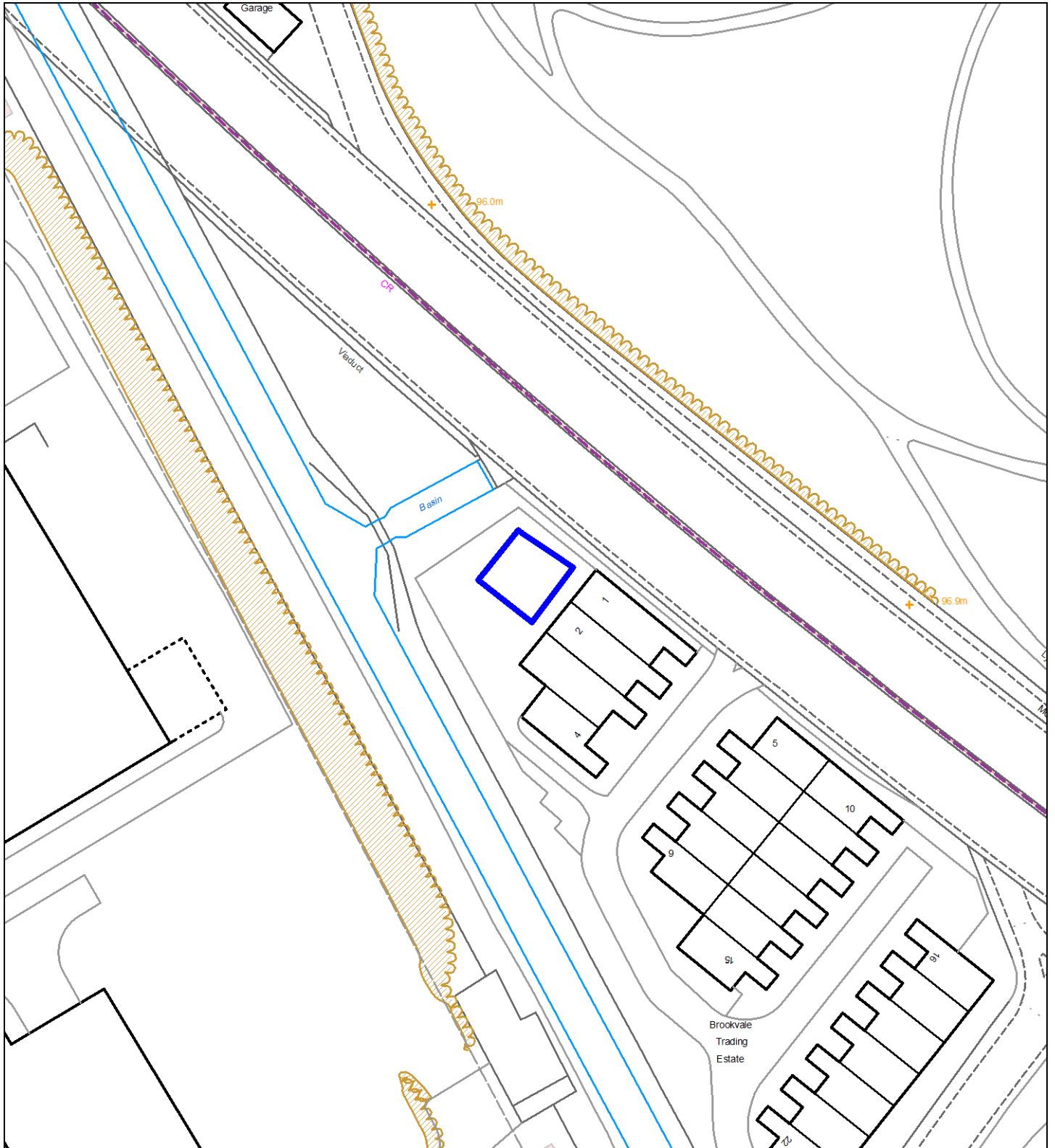
Case Officer: Daniel Illott

Photo(s)



Figure 1: View of site looking towards the M6

Location Plan



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

Committee Date:	29/03/2018	Application Number:	2018/01155/PA
Accepted:	15/02/2018	Application Type:	Advertisement
Target Date:	12/04/2018		
Ward:	Sutton New Hall		

R50 Minworth Island, Kingsbury Road, Sutton Coldfield, Birmingham, B76 9RQ

Display of 5 no. non illuminated freestanding post mounted signs

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

Recommendation

Approve Temporary

1. Proposal

- 1.1. Advertisement consent is sought to display five, non-illuminated and static, free standing signs on Minworth Island, located at the junction of Kingsbury Road, Walmley Ash Road, Lindridge Drive and the Sutton Coldfield Bypass (A38).
- 1.2. The proposed signs will be a minimum of 2m from the edge of the roundabout, set behind the line of the existing chevron signs and traffic lights. The advertisement signs will be lower to the ground and lower in height than the chevron signs. Each will measure 1800mm wide, have a total height of 700mm with the sign being 500mm sited 200mm above ground level.
- 1.3. The details of the content of the advertisements are not submitted for approval. Parameters are proposed within the application to control maximum font size to 50cm and to ensure that the finish material is non-reflective. However, the final advert will depend on the client's requirements. The application is submitted by Birmingham City Council. Photomontages have been provided to assist in the consideration of the proposal.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to an existing four arm roundabout. It is currently grass with a group of well established trees in the centre. The trees prevent any views across the roundabout focusing views of drivers towards oncoming traffic. There are existing chevron road signs and traffic lights around the roundabout.
- 2.2. The immediate area is a mix of residential and commercial with Wickes and Screwfix to the northwest and west, allotments to the north east and residential to the east and south. The allocated Langley Sustainable Urban Extension (SUE) and

Peddimore Employment allocation are to the north and northeast with Green Belt beyond.

2.3. [Site location and street view](#)

3. [Planning History](#)

3.1. No relevant planning history.

4. [Consultation/PP Responses](#)

4.1. Transportation – No Objections.

5. [Policy Context](#)

5.1. The following policies are applicable:

- Development Plan (BDP) 2017;
- Unitary Development Plan 2005 (saved policies 3.14-3.14D and Chapter 8);
- Planning Practice Guidance; and
- National Planning Policy Framework 2012.

6. [Planning Considerations](#)

6.1. The display of advertisements is subject to a separate consent process within the planning system set out in the Town and Country Planning (Control of Advertisement) (England) Regulations 2007. Regulation 3 requires that authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are materials, and any other relevant factors.

6.2. Paragraph 67 of the NPPF reiterates this stating that ‘advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts’ and advises that ‘poorly placed adverts can have a negative impact on the appearance of the built and natural environment.’

6.3. Planning Practice Guidance advises that ‘amenity’ is “...usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by would be aware of the advertisement”. Public safety is not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport, including pedestrians, on land, over water or in the air.

6.4. Policy PG3 of the BDP seeks to ensure that all development demonstrates a high design quality which take into account context, are safe, attractive and sustainable. Policy TP44 promotes investment into the highway network. Saved policies 3.8 and 2.10 of the 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.

- 6.5. In line with the above local and national planning policies, the only issues against which the application can be considered are the impact of the proposed advertisements on amenity and public safety.

Impact on amenity

- 6.6. The proposed signs would not exceed the height of the existing chevron signs, are set back from the edge of the carriageway, are subservient in scale to the chevron signs and non-illuminated. The island has a large group of mature trees within the centre, however the proposed signs will not affect the trees and the view of the trees will still be prominent above the signs. As such I consider that the proposal signs would be acceptable and would not result in visual harm or clutter.

Impact on public safety

- 6.7. As noted above the proposed signs would be below the 1.05m height benchmark and stands 700mm in height with the base 200mm from the ground. Transportation Development raise no objection accepting that the signs will be visible to motorist approaching the roundabout but advise that the signage will not encroach any pedestrian or vehicular visibility splay.

7. Conclusion

- 7.1. The design, scale and location of the proposed signs are acceptable and would not result in an adverse impact on amenity or public safety. Accordingly the proposal complies with the Birmingham Development Plan (2017), saved policies of the Unitary Development Plan (2005) and with the principles of the National Planning Policy Framework (2012).

8. Recommendation

- 8.1. Approve, temporary::

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the approval to 5 years (advert) |
-

Case Officer: Karen Townend

Photo(s)

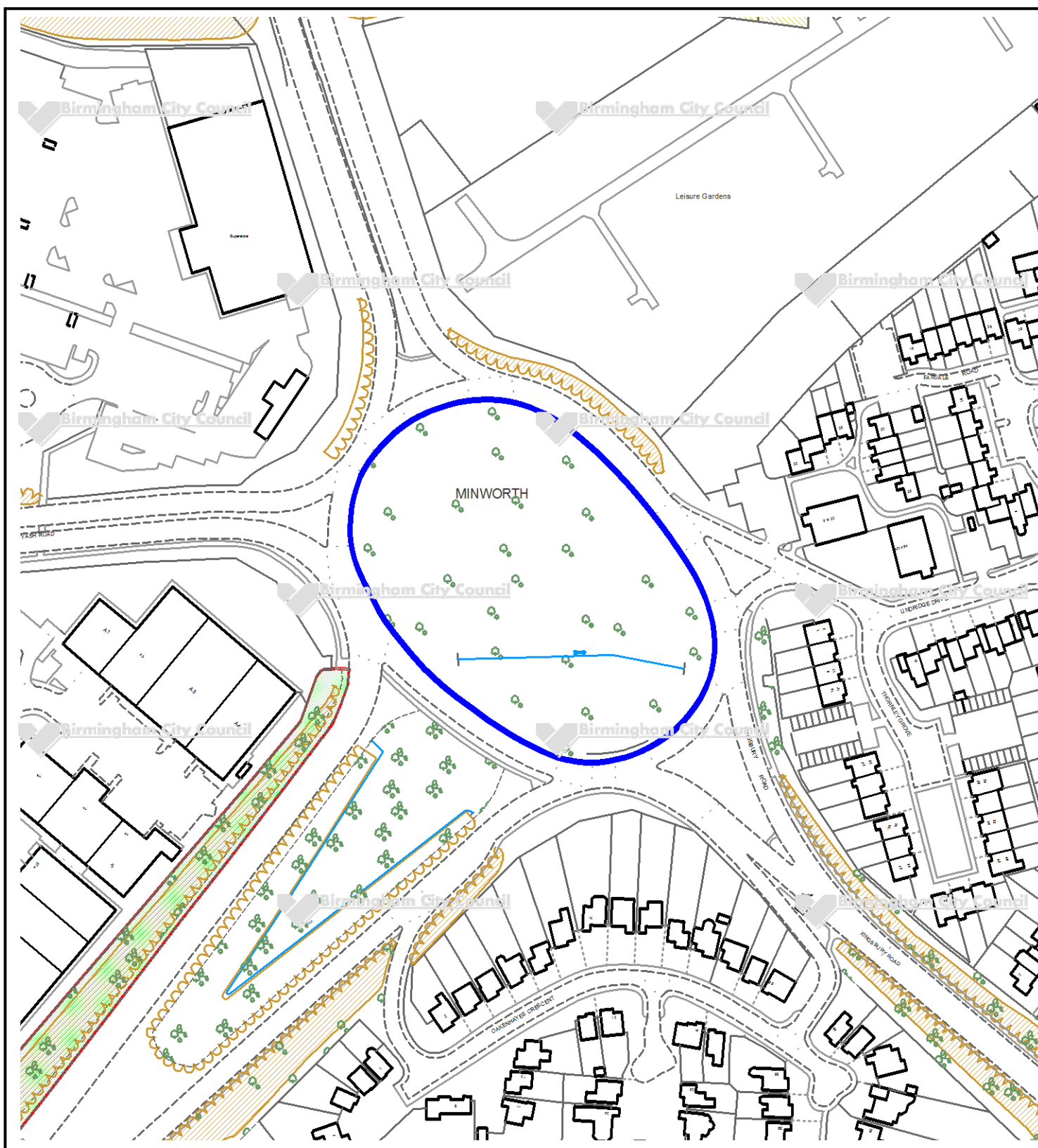


View from west Kingsbury Road junction



View from south Kingsbury Road junction

Location Plan



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

Birmingham City Council

Planning Committee

29 March 2018

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	18	2017/09434/PA Former Kent Street Baths Land bounded by Bromsgrove Street, Gooch Street North, Kent Street and Henstead Street Southside Birmingham B5 6QB Clearance of site and erection of a residential mixed use development comprising of 504 dwellings (Use Class C3), 955 Sq.m (Gross Internal Area) of flexible retail, restaurant, leisure and office uses (Use Class A1/A2/A3/D1/D2/B1(a)), car parking and associated developments.
Defer – Informal Approval	19	2017/10701/PA 150-159 Moseley Street Digbeth Birmingham B12 0RY Demolition of existing buildings and erection of a 6 storey building providing 67 no. apartments and associated parking and landscaping
Approve – Conditions	20	2017/09263/PA 28 Vittoria Street Birmingham B1 3PE Change of use of ground floor to live/work unit and upper floors to 3 residential apartments with associated external works including replacement stairwell and demolition of single storey rear addition

28 Vittoria Street
Birmingham
B1 3PE

Listed Building Consent for the demolition of single storey rear addition including replacement external stairwell and internal and external alterations

Committee Date:	29/03/2018	Application Number:	2017/09434/PA
Accepted:	27/11/2017	Application Type:	Full Planning
Target Date:	20/04/2018		
Ward:	Nechells		

Former Kent Street Baths, Land bounded by Bromsgrove Street, Gooch Street North, Kent Street and Henstead Street, Southside, Birmingham, B5 6QB

Clearance of site and erection of a residential mixed use development comprising of 504 dwellings (Use Class C3), 955 Sq.m (Gross Internal Area) of flexible retail, restaurant, leisure and office uses (Use Class A1/A2/A3/D1/D2/B1(a)), car parking and associated developments.

Applicant:	Camborne Land Investments Ltd and Benacre Properties Company c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes the clearance of the remaining buildings and structures on site and the erection of a 7-19 storey apartment-led mixed use scheme that would deliver a total of 504 apartments and 955 sq.m GIA flexible retail, restaurant, leisure and office uses at ground floor level.
- 1.2. The masterplan divides the site into two parcels of land, with the larger rectangular plot (plot 1) consisting of four blocks around a private courtyard within which a central circular hub building is proposed. A pedestrianized route connecting Bromsgrove Street to Kent Street would divide the two plots, with the second triangular plot 2 in the south west corner built out with a largely residential building. This would have an open central atrium area and a small retail unit on the corner of the new pedestrian route and Kent Street.
- 1.3. Level access to the private amenity space is possible from three of the access points, with only the Kent Street access stepped, due to the fall in levels across the site to the south.
- 1.4. Henstead Street would be made more pedestrian friendly with a change in materials, narrowing of the vehicular running lane and change to one way only proposed.

Uses

- 1.5. Overall this residential-led scheme would provide a total of 504 apartments. The larger plot 1 is designed for the private rented sector and includes an 85 space car

park and 406 space cycle parking area within the lower ground level, retail space at ground level fronting the surrounding streets, and a large private podium level amenity space that can be accessed by residents from the surrounding streets. At the centre of the amenity space is a 2 storey drum-shaped resident's hub providing concierge, informal meeting spaces and a communal roof terrace.

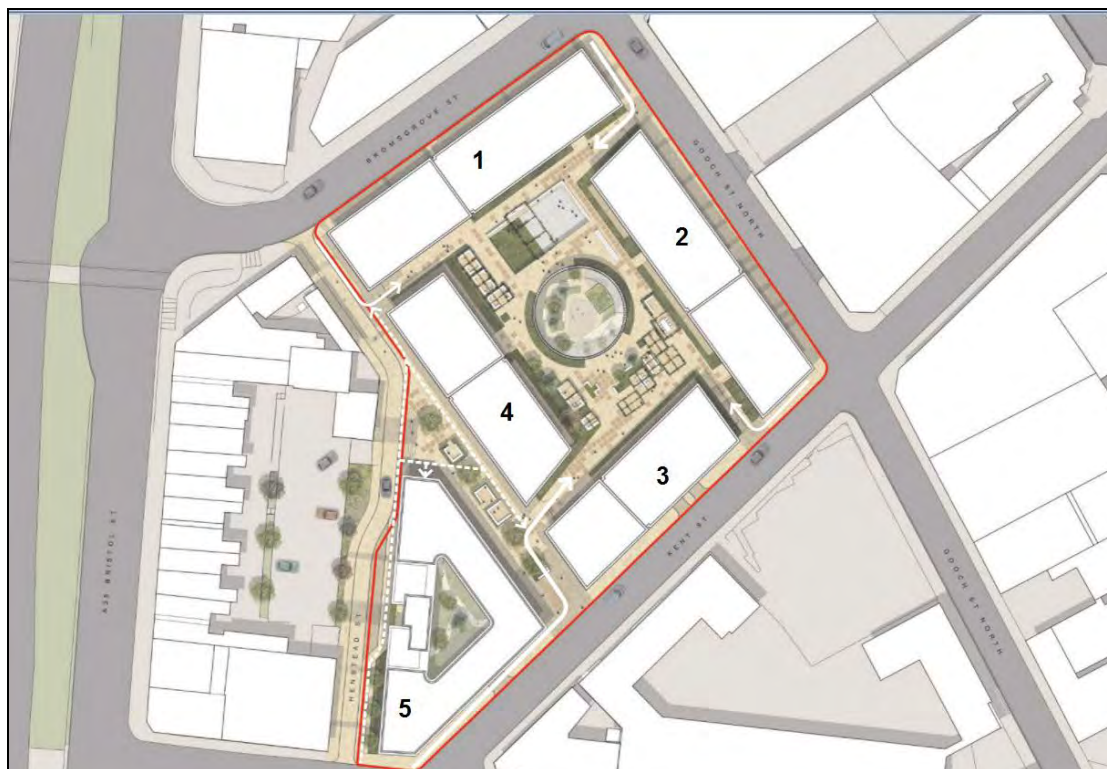


Figure 1 – The Masterplan with building numbers

- 1.6. This plot would also accommodate flexible commercial units, the largest of which would be 570 sq.m fronting Bromsgrove Street.
- 1.7. The triangular block 5 on Plot 2 is designed for market sale and includes a lower ground floor parking area providing 27 parking spaces and 98 cycle spaces in addition to a retail store on the Kent Street frontage.
- 1.8. Overall the development would provide the following mix of residential apartments:

	Number	Percentage	Minimum GIA	Maximum GIA
1 Bedroom 1 Person	238	47.2%	38 sq.m	47.8 sq.m
1 Bedroom 2 Person	12	2.4%	53.5 sq.m	55.7 sq.m
2 Bedroom 3 Person	224	44.4%	61 sq.m	66.8 sq.m
2 Bedroom 4 Person	16	3.2%	72.7 sq.m	101.6 (incl. duplex)
3 Bedroom 4 Person	14	2.8%	77.9 sq.m	N/A

Figure 2 – Housing Mix

Design/Scale/Massing

- 1.9. Plot 1 is designed as a series of four buildings forming a perimeter development around the private amenity area. Building 1, fronting Bromsgrove Street comprises of an 19 storey tower falling to 8 stories towards Gooch Street North.
- 1.10. Building 2 continues the height of 8 storeys rising to 11 storeys at the Kent Street end of the building. Building 3, fronting Kent Street is entirely 8 storeys. Building 4, completing Plot 1 and fronting the new pedestrian route, would be 7 storeys in height. The central Hub building would be 2 storeys tall.
- 1.11. Building 5, on Plot 2, would be part 7 part 8 storeys in height due to the change in ground level around the proposed building.
- 1.12. Architecturally the buildings on Plot 1 have been designed to have general design consistency with an overall theme set by the use of brick as the principal facing material and the strong framing of openings with at least 1 brick depth of reveals.
- 1.13. To provide variety and allow the scheme to be read as a series of buildings the brick colour would vary between buildings with a palette of red, buff, white and grey proposed.
- 1.14. The red brick 19 storey tower, Building 1, would mark the key route of Bromsgrove Street, which will be extended and form a public transport corridor as part of the Southern Gateway redevelopment. The tower element would have full two brick depth reveals on the gables and a brick and a half on the wider frontages. The façade would be built up of brick piers and soffits, terracotta cladding and terracotta sills. At the lower two levels there would be a double order frame around curtain wall glazing providing retail space. At the upper levels, the accommodation would be set back to provide the duplex units with a balcony which would be surrounded by a brick framing and edge protection would be formed by a terracotta balustrade. The rooftop plant level would be contained within the setback area with further terracotta cladding and the brick frame extended to this level. The 8 storey element of this building would be constructed of buff brickwork, with one brick depth reveals, and concrete banding above and below the window openings.
- 1.15. The lower element of Building 2 would be faced with white bricks but continue a similar approach to the façade to the adjacent lower element to Building 1 save that the piers would be wider and the concrete banding narrower. Back of house facilities such as plant and refuse storage would be situated within this building, with recessed brick headers and louvres shown at street level. The use of residential at one end and retail provides activity onto Gooch Street North. The taller red brick part of this building includes the use of profiled rather than flat terracotta cladding.
- 1.16. Building 3 would be faced with a combination of grey and buff brickwork. The lower buff element would accommodate the car park entrance off Kent Street at ground floor level with apartments above. The taller grey part of the building would include a small retail unit on the corner with the new pedestrian street.
- 1.17. The final building on Plot 1, a buff and white building, would step up as ground levels rise towards Bromsgrove Street. It would use a framing design as seen across the wider development with concrete banding of two widths defining each storey.

- 1.18. Plot 1 would provide 85 of the overall 112 on-site parking spaces. Overall this represents an on-site provision of 22%.
- 1.19. The Plot 2 building takes the brick grid façades of plot one but introduces double height 'sky gardens'. These are amenity spaces clad with glazed brickwork that provide light into the interior courtyard area that provide a protected external communal space for future residents. In addition this building has communal deck areas at each floor which extends out to a larger terrace at the top floor on the Henstead Street elevation. Pedestrian access to this building would be from the new pedestrian route which would lead into the communal decked atrium space within the centre of the block. There would also be a 27 space car park accessed from Kent Street.
- 1.20. The resident's hub would be situated within the private amenity space of Plot 1. This circular structure would be 12m wide and 9.5m tall. Timber vertical fins would run around the structure's two floors with entrances recessed within faceted returns. The fenestration would continue up to provide a parapet to the roof terrace area. A variety of potential uses for this communal space have been proposed including a gym, small meeting room/working spaces, screening lounge, dining space and activities/games areas.
- 1.21. The proposals (and impacts) were screened at the pre-application stage and it was determined that the development is not EIA development that would trigger the need for an Environmental Statement.
- 1.22. This application is supported by detailed plans; Planning Statement; Design and Access Statement; Transport Assessment and Travel Plan; Noise Assessment; Land Contamination Assessment; Air Quality Assessment; Sustainability Statement; Heritage Statement; Flood Risk Assessment and Sustainable Drainage Details; Habitat Survey; Statement of Community Involvement; Financial Viability Assessment; Landscape details; Micro-climate Study; Aerodrome Study; and Sunlight/Daylight Assessment. The Viability Appraisal concludes that the development could not support a Section 106 contribution and be financially viable.
- 1.23. [Link to Documents](#)
2. Site & Surroundings
- 2.1. This 0.99ha site is bounded by Henstead Street, Kent Street, Gooch Street North and Bromsgrove Street and is within the Southside area of the City Centre. The majority of the site was cleared sometime between 2009 and 2012 and is used for open air parking. The exception is a former industrial building on the corner of Bromsgrove Street and Henstead Street which currently houses a gym/martial arts/boxing club and a small brick built substation. The majority of the site was occupied by the locally listed, and now demolished, Kent Street Baths. A small element of the façade of this building remains on the Kent Street frontage.
- 2.2. The wider area contains a mix of uses including the refurbished and extended locally listed buildings to the west fronting Bristol Street (student accommodation), a further new build student block to the north on Bromsgrove Street with a mixture of uses and building types fronting Bristol Street beyond, the large i-Land apartment development (Essex Street) to the northeast and office /warehouse including the vacant Priory House (corner of Gooch Street North / Kent Street) to the east and south east. An ongoing residential apartment development is situated to the south

on the opposite side of Kent Street along with the retained Fountain Inn Public House with the cleared former Monaco House site beyond.

- 2.3. The Smithfield area of transformation, focussed on the Wholesale Markets, is situated around 300m to the north east.

- 3. Planning History

- 3.1. None of relevance.

- 4. Consultation/PP Responses

- 4.1. Transportation Development – Raises no objection to the level of parking provision provided, and notes the provision of electric vehicle charging points. Recommends conditions requiring the completion of a highways agreement; the parking area and cycle parking to be provided prior to the commencement of the use; details of the pavement boundary and a construction management plan. Raises concerns regarding the potential impact of short term parking associated with a crèche or nursery.
- 4.2. Regulatory Services – Raises no objection subject to conditions. Conditions in relation to further contamination/verification reports, commercial kitchen extraction details, limiting plant noise, defining the minimum acoustic specification for the glazing and ventilation, provision of refuse storage facilities, limiting the operating hours of the commercial uses, submission of a further glazing and ventilation strategy and limiting the times for commercial servicing vehicles.
- 4.3. Lead Local Flood Authority – Raises no objection and welcomes the inclusion of sustainable roofs within the scheme. Requests further finer detail regarding the implementation and operation of the drainage strategy.
- 4.4. Children, Young People and Families – Request a financial contribution of £1,370,957.70 towards the provision of school places (figure subject to surplus pupil placement analysis).
- 4.5. Leisure Services – Whilst the viability argument is noted, they state that the Nechells Ward has an under provision against the 2ha per thousand population target set out in the BDP. They therefore request a contribution of £1,003,600 towards the creation of new POS in the Southern Gateway or an extension/improvement to Highgate Park.
- 4.6. Severn Trent – No objection subject to a condition requiring detailed ground and surface water drainage details.
- 4.7. Environment Agency – Raises no objection subject to a condition requiring remediation of any contamination discovered during the redevelopment works and provides further detailed comments to the applicant setting out the Environmental Permits that may be required.

- 4.8. West Midlands Fire Service – Following the receipt of additional information, raise no objection.
- 4.9. West Midlands Police – Provide detailed comments in relation to safety and security measures including recommending adherence to Secured by Design standards; provision of alarm systems, CCTV, access controls and provision of on-site security staff.
- 4.10. Natural England – Have no comments to make on this application other than to note that the area could benefit from enhanced green infrastructure provision to provide improved flood risk management, provision of accessible green space, climate change adaption and biodiversity enhancement.
- 4.11. Site and Press Notices displayed. Ward Members, the MP and Residents' Associations consulted with two objections from local residential occupiers received. Concerns raised include:
 - Loss of light / views / development is too tall
 - Traffic / highway impact (including cumulative impacts)
 - Too many 1-bedroom flats
 - One of the objectors commented that the architectural design is supported.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (saved policies); Birmingham Development Plan 2017; Places for All SPG; Regeneration Through Conservation SPG; Car Parking Guidelines SPD; High Places SPG; Public Open Space in new Residential Development SPD; Affordable Housing SPG; Shopfronts Design Guide SPG; Places for Living SPG; and the National Planning Policy Framework 2012. Also the non-statutory Big City Plan and the Smithfield Masterplan.

6. Planning Considerations

POLICY

Local

- 6.1. Policy GA1.3 of the BDP states that Southside will be a focus for further growth of the area's cultural, entertainment, commercial and residential activities which will be complemented by high quality public spaces and pedestrian routes. The plan also sets out the city's ambitious growth proposals to the southeast of the city core, focussed on the Wholesale Markets site and the Southern Gateway area beyond. It also highlights that both the Southern Gateway and Bristol Street and St. Luke's (to the south) are Enterprise Zone sites.
- 6.2. The saved policy 3.14 of the Birmingham UDP provides specific guidance in relation to how to achieve good urban design.

National

- 6.3. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, including:
- 6.4. Chapter 2 requires the development of a network of centres to maintain their vitality and viability. Chapter 4 adds that sustainable transport measures will be supported and that only developments with a severe impact should be refused. Chapter 6 requires a wide choice of homes that meet the authority's objectively assessed needs. Chapter 7 requires high quality design. Chapter 10 provides policies for the sustainable management of flood risk and states that inappropriate development in areas at risk of flooding should be avoided, that development should be safe and that flood risk is not increased elsewhere. Policy 128 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance should be assessed.
- 6.5. Key issues for consideration are therefore the principle of the development; design; heritage; drainage/flooding; residential amenity; highway impact; sustainability; and viability/S106 issues.

PRINCIPLE

- 6.6. The proposed housing mix is set out above in figure 2, and proposes 49.6% one-bedroom, 47.6% two-bedroom and 2.8% three bedroom apartments.
- 6.7. The BDP earmarks 12,800 new dwellings for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered.
- 6.8. A detailed analysis of the unit mix is provided within the supporting Planning Statement, concluding that the proposed mix is financially viable and reflects the needs of the city.
- 6.9. Although the development is more skewed toward the 1 and 2 bedroom units, given the overall housing needs to the city this is considered acceptable, particularly given the site's location in the City Centre.
- 6.10. The ground floor commercial uses will provide the development with activity throughout the day, with the surrounding streets providing commercial facilities for the occupants of the wider area without competing with the core retail area of the city centre.
- 6.11. The proposals would see the loss of a building containing a gym; however the applicant has confirmed that the landowners are in discussions with the gym to move to alternative premises within the immediate vicinity. Given that such facilities

can be located in a variety of buildings and that discussions are ongoing with this particular occupier, I raise no objection to the principle of the loss of this use.

- 6.12. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver a high quality residential-led mixed use development in a sustainable city centre location. My Strategic Planning Officer raises no objections to the principle of the development. I therefore raise no objections to the principle of the proposed development.

DESIGN / SCALE / HERITAGE

- 6.13. This application has been the subject of extensive pre-application discussions with Officers, including the Head of City Design. These discussions have resulted in changes to the massing of the proposals and prompted the submission of plans showing the finer details of the scheme including cross sections of the facades of the proposed buildings including reveal depths.
- 6.14. My Conservation Officer supports the principle of the development and considers the scheme to represent good design quality. He however raises concerns regarding the tall building element, considering there to be insufficient justification for the tall building element situated behind the locally listed frontage buildings to Bristol Street and is concerned that the proposals could set an undesirable precedent for other taller buildings. In response the applicant has provided a statement reiterating that the site is in close proximity to one of the city's largely redevelopment sites (Smithfield) and will act as a taller marker building just off Bristol Street helping to create a gateway to the proposed public square within Smithfield. Further justification for the proposal including highlighting the design quality of the proposal has also been provided by the architect, showing the development in the existing and proposed context.

Tall Building

- 6.15. The High Places SPD sets out the potential benefits of tall buildings as:
- ability to act as landmarks aiding legibility
 - clusters of tall buildings can signal the location of the centre of the city
 - a distinctively designed tall building or group of buildings can assist in giving the city a unique skyline that is easily recognisable in an international context
 - marking important facilities (e.g. civic buildings, universities, etc)
 - high quality tall buildings could help attract more international companies to the city
- 6.16. The proposed tower falls outside of the designated location for tall buildings ('appropriate locations') set out in High Places. The SPD states that where outside of defined locations or the tower is not marking important facilities a case must be made for exceptional circumstances, considering the merits of the particular scheme against the wider policy context.
- 6.17. High Places sets out a series of further requirements for tall buildings to ensure that only high quality design that successfully integrates into its surroundings is supported. These include that the building:
- must be of the highest quality in form, design and materials
 - must response positively to local context

- should contribute to legibility
- should provide a good place to live
- should be sustainable
- must be lit at night by well-designed lighting

- 6.18. Considering the above policy context, I conclude that the scale of the tower is acceptable. This 19 storey building marks Bromsgrove Street from its junction with Bristol Street as a key route into the city centre, with the importance of the route increasing once the street is extended as part of the Smithfield redevelopment. The supporting views demonstrate how the tower would successfully integrate into the city's skyline when viewed from the wider key views set out in High Places. At a local level, the building would present its broader elevation to Bromsgrove Street, which results in the more slender gable presenting to views along the street. Whilst taller than its immediate neighbours, the tower is a similar height to the recently consented tower on the corner of Essex Street/Bristol Street and will add to the emerging sequence of tall buildings on the Bristol Street approach to the City Centre.
- 6.19. Whilst the Conservation Officer's concerns are noted, I consider that the application provides sufficient justification for a tall building in this location. On the issue of precedent, each case is considered on its particular merits, and the scheme would not in itself provide justification for further tall buildings in this vicinity. In relation to non-designated heritage assets, such as locally listed buildings, the NPPF requires a balanced judgement is required considering the scale of any loss or harm. I am satisfied that any harm caused to the setting of the locally listed buildings within the vicinity is more than justified by the public benefit of the development which would provide a significant number of high quality residential dwellings in a sustainable city centre location and repairing the currently fragmented street scene.
- 6.20. The architecture of the tall building is carefully considered, with clearly defined top, middle and bottom elements. The ground floor maximises the opportunity for an active frontage, providing retail space. The upper terrace area not only helps to differentiate the top of the tower but also provides an indication that the residential apartments behind differ to the rest of the scheme (they are duplex style units).

Wider Development

- 6.21. The wider development is generally 7/8 storeys tall with the exception being the 11 storey element at the corner of Kent Street and Gooch Street North. Considering the context set by i-Land (10-8 storeys); Priory House (7 commercial storeys); Latitude (7 storeys); Southside Apartments (8/7 stories); and the new student block on Bromsgrove Street (8 stories) the other proposed heights are acceptable. The current application to the north east between Hurst Street and Pershore Street (7-14 storey) is also noted.
- 6.22. In terms of scale, I am satisfied that the proposals would satisfactorily integrate with the existing and future built form context in this part of the city and represents an appropriate balance between making the best use of land and respecting the context.
- 6.23. Achieving a high design quality is at the heart of both local and national planning policy. I consider that the application demonstrates that the proposed buildings are well thought through and fully resolved. Using a consistent architectural template and materials with subtle variations between buildings results in a clear relationship between the buildings creating interest. The variation in height, materials and

detailing helps the development to read as a series of buildings and a legitimate part of the wider townscape.

- 6.24. Considering the impact upon heritage assets, the locally listed Kent Street Baths has been demolished apart from a small section of boundary wall to Kent Street which has been reduced in height to provide a temporary boundary to the car park. I do not consider this to hold any significant heritage value. The impact upon the setting of nearby locally listed buildings is acceptable and I do not consider their historical significance to be materially affected. This conclusion is shared by the supporting Heritage Statement although the Conservation Officer considered that further justification was required in relation to the setting of the locally listed buildings fronting Bristol Street. I note that further justification has been provided.
- 6.25. Subject to suitable safeguarding conditions I raise no design based objections.

AMENITY

Unit Sizes

- 6.26. All apartments would meet the Nationally Described Space Standards. An Apartment Sizes Report has been provided as part of the Planning Statement. This provides detailed floor plans of the proposed apartment types and demonstrates how the proposals make the most efficient use of the allocated space. In addition to their apartments, future residents would have the benefit of extensive private amenity space, with the majority on Plot 1 also benefitting from the communal hub facility.

Noise

- 6.27. The submitted Noise Assessment recommends glazing and ventilation standards for use around the building in order to provide a suitable living environment. The report notes that the principal sources of noise are traffic and entertainment noise. Kent Street and the southern end of Gooch Street North road-facing facades are most affected by entertainment noise and there are limited times of the day when windows would need to be closed to provide a suitable living environment. For these apartments an alternative means of ventilation (mechanical extraction) will be needed.
- 6.28. I concur with the conclusions of the report and note the significant number of residential apartments within this area. Regulatory Services raise no objections subject to conditions. These include conditions defining and requiring further details of the acoustic specification for the glazing and ventilation details, limiting the operating hours of commercial uses and limiting the hours of commercial servicing vehicles. I therefore raise no noise-based objections subject to suitable safeguarding conditions.

Air Quality

- 6.29. The supporting Air Quality Report concludes that the impact of the construction works can be mitigated through the imposition of suitable conditions. The report also concludes that the operational impacts would not be significant.
- 6.30. In relation to the environment of the proposed apartments, a number of units would be adversely affected by air quality that would not meet the relevant targets. The

supporting report recommends that mitigation measures are required for the first floor apartments in Plot 1 Block A, the ground floor apartments fronting Kent Street on Plot 2 and the first floor apartments on Plot 2 in the south corner. The report suggests that NOx filtration and sealed windows or mechanical ventilation drawing air from areas where the air quality objectives are not exceeded could be appropriate strategies. It suggests that windows could be openable for 'purge' situations such as when painting a room.

- 6.31. Regulatory Services concur with the conclusions of the report and raise no air quality concerns. A condition requiring further details of the ventilation strategy is recommended.

Light and Outlook

- 6.32. An internal Daylight, Sunlight and Overshadowing Report has been provided which demonstrates the penetration of sunlight into the development. The report acknowledges that in densely developed city centre contexts access to uninterrupted sunlight is very difficult to achieve. However the report demonstrates that the scheme will have a degree of light penetration, facilitated by the gaps between buildings and the concentration of taller buildings at the northern end of the site.
- 6.33. The Daylight and Sunlight Assessment notes that as a cleared site, the surrounding buildings benefit from uncharacteristically high levels of sunlight and daylight. The report analyses three neighbouring residential developments, Madison House to the south, i-Land to the north and the small 'old bakery' conversion to the west. Considering the City Centre context, the report concludes that the scheme performs well against BRE criteria, with 336 out of 407 windows (82.6%) meeting those guidelines. I consider that the report demonstrates that whilst there will be some impact, the resultant residual levels of light for the majority of rooms is acceptable and those rooms that are most affected (the lower levels of Madison House) are not yet occupied and therefore no residents are experiencing this existing scenario.
- 6.34. In addition, I raise no objection to the impact upon the two recently built student schemes adjacent to the development, one on the corner of Wrentham Street and Henstead Street (and the earlier phase fronting Bristol Street) and the other to the north of Bromsgrove Street.

Microclimate

- 6.35. An Assessment of the Wind Microclimate has been submitted in support of this application. This report assesses the impact of the proposals upon the wind environment around the scheme. The report concludes that the taller element of Building 1 would be exposed to prevailing south westerly winds and could have the potential to create a downdraught onto the street frontage. In addition, the gap between buildings 1 and 4 could channel wind flow into the rear amenity area. The report recommends that wind tunnel testing is undertaken at an appropriate stage to verify these conclusions and help develop mitigation measures where necessary. The report adds that any adverse effects are expected to be alleviated through the use of conventional enhancement measures such as planting, screening and canopies without requiring alterations to the massing of the proposed development.
- 6.36. I therefore conclude that the amenity implications are acceptable subject to suitable safeguarding conditions.

Ground Conditions

- 6.37. The supporting report outlines the investigations undertaken to date, which includes gas monitoring. Further monitoring is recommended by the report and Regulatory Services concur with this recommendation. Appropriate conditions are recommended.

DRAINAGE

- 6.38. The supporting Flood Risk Assessment and Outline Drainage Strategy concludes that the flood risk to the development from all sources is low, and notes that the site is within Floodzone 1 – the lowest risk category. In terms of sustainable drainage, the proposals would use a combination of green roofs and underground storage to attenuate surface run off.
- 6.39. The BCC Lead Local Flood Authority concurs with the report's recommendations and recommends conditions. Severn Trent also recommends a condition requiring further detailed drainage information. The Environment Agency raises no objection in relation to drainage matters.
- 6.40. Therefore I raise no objections on drainage grounds, suitable to the recommended safeguarding conditions requiring further details of surface and foul water drainage.

SUSTAINABILITY

- 6.41. Energy and Sustainability Strategies for each of the plots has been provided. These set out that in addition to the sustainable drainage measures the buildings would be designed to reduce the energy demand of the development. This includes through the standard of thermal insulation and the specification of the glazing. For Plot 1, a central Combined Heat and Power (CHP) plant is expected to reduce energy demand by 30% when compared with traditional sources of grid electricity and gas boilers.
- 6.42. The report also considers the impacts of waste during the construction of the development, and a Waste Management Plan will be produced for the principal contractor to follow.
- 6.43. Plot 2 does not have the number of apartments to sustain the implementation of CHP; however photovoltaic panels would be installed to help reduce the carbon footprint of this part of the development.
- 6.44. To support the sustainable transport agenda a total of 12 no. electric vehicle parking spaces are proposed within the development (9 on plot 1 and 3 on plot 2).

Ecology

- 6.45. The supporting Initial Considerations for SUDS and ecology sets out the potential measures that could be included in the development. A Preliminary Ecological Appraisal provides a detailed assessment of the current and potential ecological value of the site and recommends practical measures that can be incorporated into the development. The report notes the very low ecological value of the site. The report recommends that planting proposals as part of the development should seek

to maximise biodiversity enhancement and that measures such as bird and bat boxes should be included within the development.

- 6.46. The Preliminary Bat Roost Assessment concludes that there is no evidence of bats roosting on the site. It concludes that opportunities to facilitate bats foraging and roosting within the development should be taken, and therefore recommends that external lighting is designed to limit light pollution on bats, provision of plant species which attract night flying insects and the incorporation of bat boxes.
- 6.47. The City's Ecologist concurs with the conclusions and recommendations of the supporting reports, suggesting that conditions requiring adherence to the report's recommendations, a scheme of ecological enhancement for the soft landscaping and biodiversity roofs, provision of bird and bat boxes, lighting details and further details of the green and brown roofs.
- 6.48. I therefore consider that the development has taken a proportionate and robust approach to sustainability and ecology and suitable conditions are recommended.
- 6.49. The Aviation Safeguarding Assessment concludes that the development is not within the airport's established Outer Horizontal Surface and would not impact upon containment areas for Instrument Flight Procedures or Air Traffic Control. It recommends consultation with Birmingham Airport and the development of wildlife management and construction strategies (cranes etc). Birmingham Airport has not provided comments on the application. Considering the scale of the development and the site's location I do not consider the scheme to have aeronautical implications.

HIGHWAY MATTERS

- 6.50. The supporting Transport Assessment concludes that there are no highway safety or free flow implications from the development. It highlights the accessibility of the site via sustainable modes of transport and notes that the site is within the City Centre. The site is close to national cycle route 5 which is set to be connected to a new 4 kilometre cycle way along the A38 to Selly Oak and the University of Birmingham, with the new route passing directly in front of the proposed development and delivered as part of the Birmingham Cycle Revolution.
- 6.51. In terms of car parking, the development has taken the opportunity to integrate on-site parking where feasible and a total of 112 spaces are provided across the two plots. The Transport Assessment notes the highly sustainable location of the site, being a 10 minute walk to New Street Station, and regular bus services on Smallbrook Queensway and Bristol Street and concludes that the impact of the proposed development can be accommodated within the existing capacity of the highway networks. The surrounding TROs are proposed to be amended to facilitate servicing of the development.
- 6.52. I note that the existing unauthorised surface level parking will be lost as a consequence of the development; however this facility is only a temporary situation between the site being cleared and redevelopment taking place and does not benefit from planning consent. There are numerous other parking facilities within the city centre, many with superior safety and security measures. I therefore raise no objection to the loss of this existing temporary facility.

- 6.53. Transportation Development raises no objections subject to conditions. I concur with this conclusion; however I do not consider that the condition requiring the submission of a Construction Management Plan is necessary as no unusual or problematic impacts are envisaged. I also do not consider that a dwarf wall is required at the back of pavement as the building defines the edge of the development and the amended TRO could impose restrictions on the surrounding roads if necessary. Given the site's city centre location where restrictions are well policed, I do not consider a restriction on nursery/crèche necessary.

SECTION 106 / PLANNING OBLIGATIONS

- 6.54. A Financial Appraisal has been submitted in support of this application, which has been the subject of detailed independent assessment. Following negotiations with officers a total contribution of £1,007,684 has been secured. The city's independent assessors consider this contribution appropriate within the overall viability position of this scheme and the site. The package would comprise of the following:
- £395,000 worth of public realm improvements adjoining the site, including the works to Henstead Street
 - £612,684 off-site contribution which would be split as follows:
 - £200,000 towards wider public realm improvements
 - £412,684 towards off site affordable housing
 - Local employment during construction clause
 - A commitment to provide the residential hub as part of the Plot 1 phase of the development
- 6.55. The City's Employment Access Team has requested the clause that secures employment opportunities for the construction of the development, and I concur that such a request is reasonable and consistent with CIL legislation.
- 6.56. Considering the level of change anticipated within this part of the city I conclude that the above split represents an appropriate balance between securing necessary improvements to the public realm within the area and helping to meet the city's wider affordable housing needs.
- 6.57. The commitment to provide the residential hub is welcomed as this is an integral part of the amenity offer for future occupants of the scheme.

7. Conclusion

- 7.1. The proposed development would deliver a high quality residential-led development with significant public benefits associated with the repair of the urban fabric, delivery of quality homes, ancillary retail, off-site affordable housing and public realm improvements both in the immediate vicinity of the site and the wider area. The impacts of the proposals are acceptable and the application proposals represent sustainable development, in NPPF terms subject to suitable safeguarding

conditions. I therefore recommend that this application is approved subject to the completion of a satisfactory S106 agreement.

8. Recommendation

8.1. That consideration of application 2017/09434/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:

- i) a financial contribution of £200,000 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision and/or improvement of public realm in the Southern Gateway area of change as defined by the Birmingham Development Plan 2017;
- ii) A financial contribution of £412,684 (index linked to construction costs from the date of this resolution to the date on which payment is made), towards off site affordable housing to be paid prior to first occupation of the residential element of the scheme;
- iii) Public realm works within the immediate vicinity of the site, to include the Henstead Street changes shown on the approved plans to a value of no less than £395,000 (index linked to construction costs from the date of this resolution to the date on which payment is made),
- iv) Commitment to provide the communal residential hub facility as part of the Plot 1 phase of the development
- v) a commitment to local employment and training during the construction of the development; and
- vi) a financial contribution of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.

8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 20th April 2018, planning permission be refused for the following reason:-

- i) In the absence of a legal agreement to secure a commitment to local employment / training the proposal conflicts with policy TP26 of the Birmingham Development Plan 2017
- ii) In the absence of a legal agreement to secure a contribution towards public realm improvements the proposal conflicts with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005 and policies PG3 and TP 39 of the Birmingham Development Plan 2017
- iii) In the absence of a legal agreement to secure an offsite contribution towards the provision of affordable housing the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan (saved policies) 2005 and policy TP31 of the Birmingham Development Plan 2017

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

- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 20th April 2018 favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|----|--|
| 1 | Requires the prior submission of contamination remediation scheme on a phased basis |
| 2 | Requires the prior submission of a contaminated land verification report (phased) |
| 3 | Requires the prior submission of a drainage scheme (phased) |
| 4 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis |
| 5 | Requires the prior submission of details of bird/bat boxes (phased) |
| 6 | Requires the prior submission level details (phased) |
| 7 | Requires the prior submission of hard and soft landscape details (phased) |
| 8 | Requires the prior submission of sample materials (phased) |
| 9 | Requires the prior submission of rooftop railing details (phased) |
| 10 | Requires the prior submission of details of green/brown roofs (phased): |
| 11 | Requires the prior submission and completion of works for the S278/TRO Agreement (phased) |
| 12 | Requires the prior submission of balcony/ballustrade details (phased) |
| 13 | Requires the prior submission of microclimate enhancement details (plot 1) |
| 14 | Requires the prior submission of photovoltaic details |
| 15 | Requires the prior submission of shop front design details |
| 16 | Requires the prior approval of the glazing and ventilation strategy |
| 17 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan (phased) |
| 18 | Requires the prior submission of a lighting scheme (phased) |
| 19 | Requires the provision of cycle parking prior to occupation |
| 20 | Requires the noise attenuation measures between the residential and commercial parts of the building to be provided (phased) |
| 21 | Requires the prior submission of extraction and odour control details |
| 22 | Requires the prior submission of a CCTV scheme (phased) |
-

-
- | | |
|----|---|
| 23 | Requires the prior submission a noise study to establish residential acoustic protection |
| 24 | Requires a further bat survey if demolition does not occur before 15th June 2018 |
| 25 | Removes PD rights for telecom equipment |
| 26 | Prevents the use from changing within the use class |
| 27 | Limits the noise levels for Plant and Machinery |
| 28 | Requires the development to be carried out in accordance with the Ecological Appraisal and Bat Assessment |
| 29 | No obstruction, displays or signage fitted to shop front. |
| 30 | Requires a minimum of 24 no. spaces with access to electric vehicle charging points |
| 31 | Requires the parking area to be laid out prior to use |
| 32 | Limits the hours of operation to 0700 and 2300 on Sundays to Thursdays and 07.00 and 2400 on Fridays and Saturdays |
| 33 | Limits delivery time of goods to or from the site to 0700 and 1900 hours on Mondays to Saturdays and 0900 and 1900 on Sundays |
| 34 | Requires the development to be carried out in accordance with the phasing plan |
| 35 | Clarifies the trigger point for other conditions and that the substation relocation works can be carried out in advance |
| 36 | Requires the scheme to be in accordance with the listed approved plans |
| 37 | Limits the approval to 3 years (Full) |
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 3 – Application site from Bromsgrove Street, Gooch St North to the left



Figure 4 – Bromsgrove Street / Henstead Street Junction



Figure 5 – Henstead Street looking south



Figure 6 – Application site looking south towards Wrentham Street/Kent Street

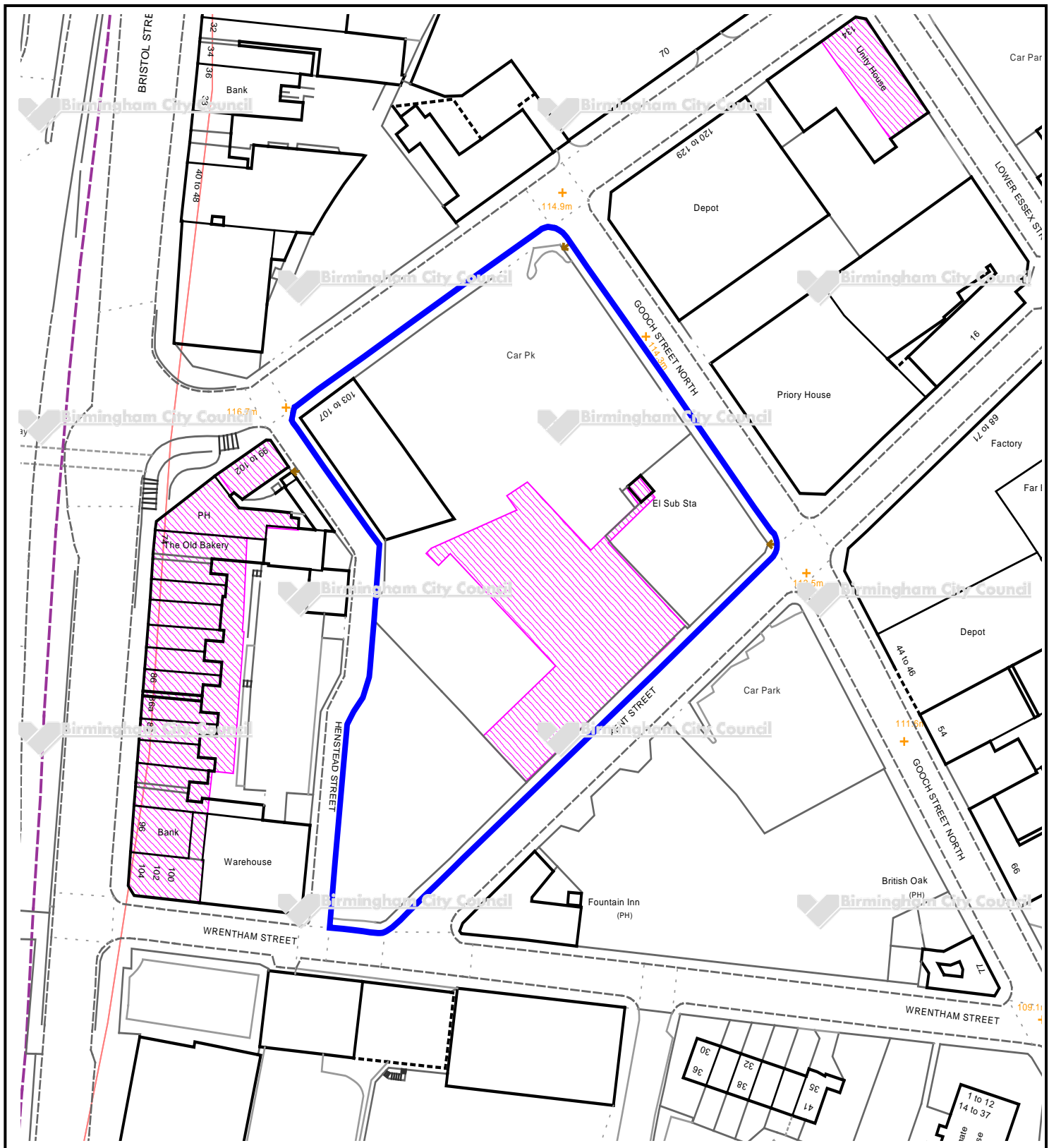


Figure 7 - Application site from Wrentham Street (Henstead Street on the left of the image)



Figure 8 – Looking north along Gooch Street North from its junction with Kent Street, application site to the left

Location Plan



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

Committee Date:	29/03/2018	Application Number:	2017/10701/PA
Accepted:	21/12/2017	Application Type:	Full Planning
Target Date:	06/04/2018		
Ward:	Nechells		

150-159 Moseley Street, Digbeth, Birmingham, B12 0RY

Demolition of existing buildings and erection of a 6 storey building providing 67 no. apartments and associated parking and landscaping

Applicant:	Prosperity Developments 32 George Street, Birmingham, B3 1QG
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes the complete demolition of all buildings on the application site and the erection of a 6 storey building providing a total of 67 no. apartments with associated on-site car parking and landscaping.

Demolition

- 1.2. This rectangular shaped application site would see the complete demolition of these existing mid-late 20th Century industrial buildings. The buildings include a two storey frontage building of brick built construction and a part brick part metal clad industrial/warehouse building beyond. Part of the site is an open air yard.

Overview of the Proposed Replacement Development

- 1.3. It is proposed to erect a wholly residential apartment scheme that would front Moseley Street in a H-Shaped block. The block would have a podium decked amenity area at its western end above a 10 space car park (equating to 15% provision) that includes a secure cycle store providing enough space for some 50 bicycles. To the eastern end a further at-grade communal landscaped area would be accessible from the entrance lobby. The rear elevation of the development would be blank, anticipating further development fronting Cheapside.

Detailed Proposals

- 1.4. This proposed 6 storey apartment block would have both pedestrian and vehicular access from Moseley Street. There would be a principal circulation core accessed directly off the entrance lobby together with a secondary stair core to the rear of the building. The car park would have voids above in the landscape deck to provide ventilation and light. The back of house facilities such as plant, cycle storage and refuse storage would all be provided within the ground floor area off the car park.

- 1.5. Overall the proposed development would provide 67 no. apartments with the following breakdown:

Apartment Type	Number	Percentage	Min. Size	Max. Size
1 Bedroom 1 Person	15	22.4%	40 sq.m	44 sq.m
1 Bedroom 2 Person	10	14.9%	51 sq.m	N/A
2 Bedroom 3 Person	21	31.3%	61 sq.m	N/A
2 Bedroom 4 Person	21	31.3%	70 sq.m	71 sq.m

Figure 1 – Table of proposed accommodation

- 1.6. Architecturally this flat roofed building would have a simple rational approach to the elevations having large aluminium windows with inbuilt ventilation framed by brickwork formed into recessed panels and projecting piers. Textured concrete string courses would define each floor and the parapet level on the front elevation.
- 1.7. Brickwork would be red in colour, as would the concrete string courses. Window frames would be dark grey. The pedestrian access would be framed within the reveal with gold cladding, to help demark the entrance point.
- 1.8. This application is accompanied by detailed plans; a Planning Statement; Daylight Assessment; Design and Access Statement; Ecological Assessment; Contamination Report; Heritage Assessment; Landscaping Details; Transport Statement and Travel Plan; Noise Assessment; Sustainable Urban Drainage Report; and a Financial Viability Appraisal. The Viability Appraisal concludes that the development could not support a Section 106 contribution and be financially viable.

1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This rectangular shaped site, totalling 0.12ha contains a collection of industrial/warehouse buildings and an open yard area. The plot has a sole frontage to Moseley Street and is adjoined by the former Westminster Works on the west, a small former industrial building used for car repairs on the north and a large cleared plot of land awaiting development to the east. The application site was previously occupied by back-to-back housing which was cleared in the late 1920's/30's and replaced with a scrap yard on part of the site and a building associated with the 'Forward Works', a manufacturer of Gears and Metal Pressings. A bulk second hand clothing buyer/exporter currently operates from the site.
- 2.2. The Westminster Works that previously occupied the adjacent site was a manufacturer of steel tubes, with various industrial (varnish and brass) uses together with residential back to back properties preceding the current buildings. Industrial buildings currently occupy the site, with a car park within part of these buildings. This site has planning permission for 141 dwellings, with a further application to increase this currently under consideration.
- 2.3. The Grade II Listed Paragon/Rowton Hotel is situated on the opposite side of Moseley Street running to its junction with Alcester Street. This is an imposing

Edwardian red-brick building that is richly detailed and a prominent local landmark, at 5 generous storeys to eaves level, with further accommodation in feature gables, turrets and roof level dormer accommodation. This building has Planning and Listed Building Consent for extensions within the rear internal courtyard parts of the site. 112 Moseley Street (St. Anne's Hostel), a Grade II listed former police barracks, is situated immediately behind the Paragon Hotel, also opposite the site. In the wider Area the Moseley Arms is Grade II listed as is 82-84 Moseley Street. The Digbeth, Deritend and Bordesley High Street Conservation Area is situated some 300m to the north.

- 2.4. Whilst there are exceptions such as the hotel and the gym to the east (119-120 Moseley Street), the wider area can be considered as an area of transition, with a broad trend of commercial and industrial uses, within low rise buildings being replaced with residential apartment schemes. This change is being driven by the Southern Gateway allocation set out in the Birmingham Development Plan.

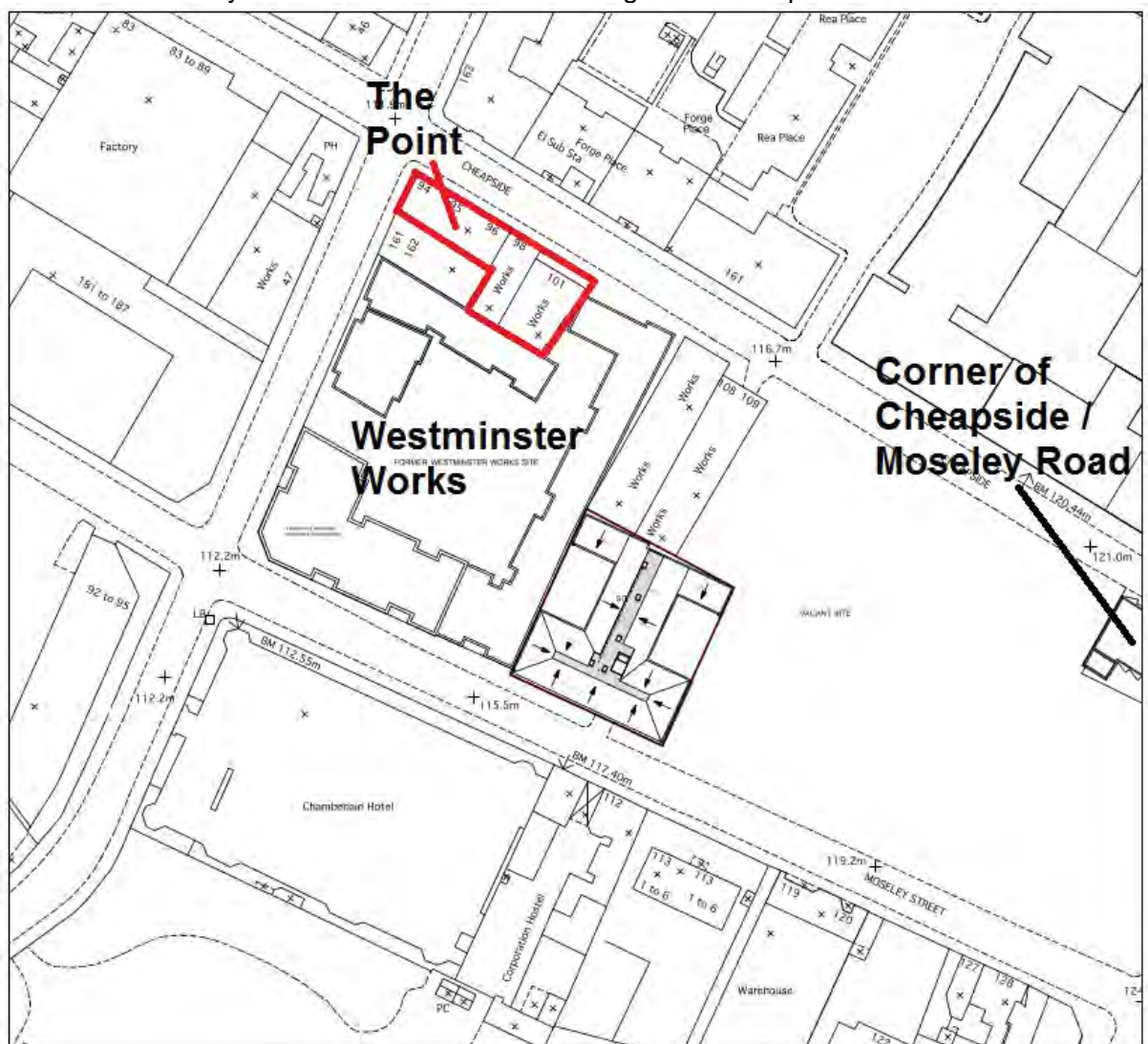


Figure 2 – Site Plan

2.5. [Site Location](#)

3. [Planning History](#)

- 3.1. 19.09.2007 – 2006/06972/PA – Approval – Mixed use development comprising of 57 residential units and 2 commercial/B1 (Business) units with associated parking, courtyards and access.
- 3.2. 10.02.2009 – 2008/06100/PA – Approval (no. 150 only) – Change of use from light industrial (Use Class B1) to warehousing (Use Class B8).
- 3.3. 22.11.2010 – 2010/04884/PA – Approval – Application to extend the time period for implementing approval 2006/06972/PA

Westminster Works (Moseley Street/Alcester Street/Cheapside)

- 3.4. 24.07.2006 - 2006/02932/PA – Approval - Demolition of vacant industrial building and redevelopment of the site to provide 22 residential units, retail unit and car parking.
- 3.5. 08.10.2007 – 2006/03869/PA – Approval - Development of the site to provide 134 residential dwellings 3 live/work units, 4 x A1/A2/A3/B1 units, (shops, financial and professional services, restaurant and café business) associated landscaping and car parking
- 3.6. 10.01.2011 – 2010/01475/PA – Approval - Application to extend the time limit for implementation of extant approval 2006/03869/PA for 134 residential dwellings, 3 live/work units, 4 A1/A2/A3/B1 units, associated landscaping and car parking.
- 3.7. 23.03.2017 – 2016/08279/PA – Approval - Demolition of existing buildings and erection of 5-7 storey buildings to provide 141 no. residential apartments, car parking and associated development.
- 3.8. Current Application – 2017/08666/PA - Demolition of existing buildings and erection of 8 storey building to provide 253 no. apartments, car parking and associated development.

Paragon Hotel/Rowton House (Moseley Street/Alcester Street)

- 3.9. 02.02.2017 – 2016/08528/PA – Approval - Erection of four storey extensions to the north and south facing internal courtyard elevations (creating additional 99 bedrooms), creation of secondary entrance and conversion of conference rooms, bar and cloakroom to 16 additional bedrooms in association with the existing hotel (use class C1).

Bradford Street

- 3.10. 18.07.2017 – Approval – 2016/08444/PA - Part demolition, refurbishment and erection of 293 residential units varying between 4 and 8 storeys and 6 ground floor commercial units (Use Class A1) together with 61 car parking spaces and associated works
- 3.11. 18.07.2017 – Approval - 2016/08443/PA - Demolition of existing buildings and erection of 148 residential units varying from 4-9 storeys and 3 ground floor commercial units (Use Class A1) together with 11 car parking spaces and associated works

Cheapside / Moseley Road

- 3.12. 13.04.2017 – Approval – 2016/06827/PA - Erection of part 6 / part 7 storey 95 bed student residential building with ground floor retail unit and associated development

4. Consultation/PP Responses

- 4.1. Transportation Development – Raise no objection subject to conditions requiring a S278/highways agreement and that parking and cycle storage areas are laid out prior to the occupation of the development.
- 4.2. Regulatory Services – Raises no objection subject to conditions requiring the glazing specification to be in accordance with the supporting noise assessment; the provision of electric vehicle charging spaces and a ground remediation scheme.
- 4.3. BCC Drainage Team – Raise no objection subject to conditions requiring further drainage details and a sustainable drainage operation and maintenance plan.
- 4.4. Leisure Services – No objection and request a contribution towards public open space of £143,000 to be spent on Highgate Park or other priorities within the area.
- 4.5. West Midlands Fire Service – Raises no objection.
- 4.6. West Midlands Police – Recommends that the development follows Secured by Design principles, and makes specific recommendations including that adequate lighting is proposed together with CCTV, refuse storage management plan and security measures at access points.
- 4.7. Severn Trent Water – No objection subject to conditions requiring the prior approval of drainage details and that the development is carried out in accordance with any approved details.
- 4.8. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted without response.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (saved policies) 2005; Birmingham Development Plan 2017; Places for Living SPG; Car Parking Guidelines SPD; Loss of Industrial Land to Alternative Uses SPD; and the National Planning Policy Framework 2012. Also the Big City Plan. The proposals will affect the setting of the Grade II Listed Paragon Hotel and 112 Moseley Street (St. Anne's Hostel).

6. Planning Considerations

POLICY

Local

- 6.1. The application site is within the Southern Gateway Area of Transformation as set out in the Big City Plan and enshrined in the BDP. The Southern Gateway seeks to expand the City Core southwards catalysed by the redevelopment of the wholesale markets which would provide an opportunity for creating a new destination in Birmingham. The redevelopment of the wider markets site is set out in the Smithfield Masterplan. A range of uses are envisaged across the wider Southern Gateway area which is identified in the BDP as one of five strategic allocations for the city

centre with the Smithfield Masterplan acting as a centerpiece. The plan states that new investment in office, retail, cultural and residential provision will be supported.

- 6.2. The Big City Plan, referenced in the BDP, sets out the aspirations for development within the City Centre. The Big City Plan identifies Bradford Street, which is in close proximity to the site to the north, as a key connection within the City Centre. The BDP also sets out the city's approach to the historic environment, the scale of need (51,100 to be delivered in the city over the plan period), location and type of new housing and connectivity issues. The approach to developer contributions is set out in policy TP47, with Policy TP31 setting out that in developments of 15 or more dwellings a contribution of 35% of the scheme as affordable housing will be sought. Policy PG3 sets out the requirement for place making, setting out the key considerations that contribute to a successful place.
- 6.3. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and policy 3.14, emphasise the need to secure high quality design and set out the circumstances when Planning Obligations may be sought.

National

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

PRINCIPLE

- 6.8. Considering the loss of the existing industrial uses, the Loss of Industrial Land to Alternative Uses SPD (paragraph 5.6) recognises that a more flexible approach to change of use to residential is required in the City Centre in order to support regeneration initiatives. Considering the allocation of the site within the Southern Gateway, I conclude that the proposal represents such a circumstance. The site is not allocated as core employment land.
- 6.9. In respect of housing need the BDP seeks to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 67 apartment scheme would be 37% (25 no.) 1-bedroom and 63% (42 no) two bedroom apartments. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is

provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. Although the development comprises wholly of 1 and 2 bedroom units, given the overall housing needs of the city it is considered acceptable, particularly given the site's location. And it is positive that there will be a higher proportion of 2 bedroom units.

- 6.10. The proposed development is consistent with the broad policy context outlined above and there is a previous consent on the site. The scheme would deliver residential accommodation in a sustainable city centre location and represents a continuation of other consented and completed apartment schemes within the locality. The proposal would result in the redevelopment of buildings that are detrimental to the visual amenity of the area and setting of the listed buildings opposite. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

DESIGN

- 6.11. Both through the pre-application and application determination process officers have sought to ensure that the scale and design of the proposed development is respectful to the existing context and is reflective of recent consents in the immediate vicinity. In terms of architecture, the proposal follows a simple restrained approach which is appropriate to its context. The use of deep modelling to the front façade provides visual interest and the main entrance is clearly highlighted.
- 6.12. The six storey scale matches the adjacent 5-7 storey consented scheme (Westminster Works) and will provide a constant scale to the street scene. The relatively limited width of the plot will help add variety to the street scene when combined with further developments either side.
- 6.13. The use of brickwork as the primary facing material is supported, as this is a traditional material for this part of the city. The use of contrasting banding is supported as this will provide further interest. The use of a high quality red brick opposite the listed buildings is appropriate.
- 6.14. The resultant scheme is acceptable within both its existing context, and with the scale and nature of the large-scale redevelopment envisaged by the BDP and Big City Plan as part of the Southern Gateway Area of Transformation.
- 6.15. The proposed development would not prejudice the adjacent sites being brought forward for redevelopment.
- 6.16. Subject to appropriate safeguarding conditions to ensure an appropriate design quality is secured I raise no design based objections and this conclusion is supported by my City Design Officer.

HERITAGE IMPLICATIONS

- 6.17. The proposed development impacts upon the setting of the adjacent Grade II listed Paragon Hotel together with 112 Moseley Street, situated immediately behind the Paragon and is a Grade II listed former Police Barracks. Further afield 82-84 Moseley Street is Grade II listed. St Anne's Church is situated to the north, which is Grade A locally listed.

- 6.18. The Digbeth, Deritend and Bordesley High Streets Conservation Area is around 300m to the north beyond High Street Digbeth.
- 6.19. The supporting Heritage Assessment states that the development, through its increased scale compared to the existing buildings would have a minor negative impact upon the setting of these listed buildings, however this is considered to be at the lower end of 'less than substantial harm' as set out in the NPPF. I concur with this conclusion. Whilst the increased scale would limit wider views, the sense of enclosure along the street would be a neutral/minor positive impact. I therefore concur with the conclusion that overall there would be a very minor negative impact to the setting of these neighbouring listed buildings.
- 6.20. I also do not consider that the proposed development, whilst of a greater scale than the existing buildings on site, would result in any change to the significance of the Conservation Area, and thus would preserve its setting.
- 6.21. The Heritage Assessment states that there is likely to be limited archaeological material of significance on site with potential for evidence of medieval/post-medieval agriculture and the more recent back-to-back housing on this site.
- 6.22. My Conservation Officer raises no objection and does not consider the impact of the proposals upon the listed buildings opposite any greater than the neighbouring approved scheme. A condition requiring an archaeological watching brief is recommended.
- 6.23. Applying paragraph 134 of the NPPF I am satisfied that the public benefits of the proposal, including the provision of homes in a sustainable city centre location in a building of design quality outweighs any harm to the surrounding heritage assets.
- 6.24. I therefore raise no heritage based objections subject to suitable safeguarding conditions.

AMENITY

- 6.25. Following on site monitoring and a noise modelling exercise, the Noise Assessment submitted with this application concludes that the provision of suitable double glazing and ventilation specification is sufficient to provide an adequate noise environment.
- 6.26. Regulatory Services raise no objection subject to safeguarding conditions, including that the glazing and ventilation specification is carried out in accordance with the submitted report. I therefore conclude that an adequate noise environment can be created subject to suitable safeguarding conditions.
- 6.27. Further conditions in relation to contaminated land and electric vehicle parking are recommended and attached.
- 6.28. Whilst there is no adopted local policy the proposed dwellings are in accordance with the Nationally Described Space Standard. One bedroom units would range from 40 sq.m to 51 sq.m, two bedroom units would be between 61 sq.m and 71 sq.m. I therefore raise no objection to the proposed unit sizes.
- 6.29. I am satisfied that the proposed development will have access to adequate levels of light and outlook. A Daylight and Sunlight Assessment for the western courtyard has

been provided, which includes modelling of the consented (adjacent) Westminster Works scheme.

- 6.30. The scheme would not materially impact upon the amenity of occupiers of dwellings within the vicinity (the closest being Rea Place and Kinvara Heights to the north) nor prejudice the delivery of adjacent development sites. The dwellings to the rear are a significant distance from the application site and the occupiers of the buildings on the opposite side of Moseley Street are approximately 13m away, which is a typical street width in this area (such as between the Forge Place and the Point developments).
- 6.31. Subject to the aforementioned conditions I raise no amenity-based objections.

HIGHWAY IMPACT

- 6.32. The supporting Transport Statement acknowledges that the site is well served by existing public transport with the coach station, major railway stations and frequent bus services all in walking distance. The Statement notes that the Car Parking Guidelines SPD sets a minimum of 100% cycle storage spaces and a maximum parking level of 1.5 spaces per dwelling. The Statement concludes that based upon the site's accessible location the level of parking and cycle storage (50 spaces) provision is appropriate. I concur with this conclusion and consider that the on-site provision of 10 parking spaces for the residential part of the development (equating to 15%) is an acceptable amount in this location, being approximately a 15 minute walk to the Bullring shopping centre. The site would also benefit from the future extension to the tram network, with the closest stop being on High Street Digbeth, less than 10 minutes' walk from the site. I also note that much of Moseley Street currently benefits from unrestricted on-street parking.
- 6.33. In terms of predicted traffic flows, the Statement anticipates an increase of vehicular movements to and from the site during peak hours (compared with the existing permitted uses) and concludes that this would have a negligible impact.
- 6.34. The supporting Travel Plan proposes a number of measures including appointing a travel plan co-ordinator and providing a public transport travel information pack to occupiers in an attempt to reduce the reliance upon private cars.
- 6.35. Transportation Development raises no objection subject to safeguarding conditions. I concur with this conclusion and appropriate conditions are recommended.

ECOLOGICAL IMPACT

- 6.36. The Ecological Appraisal that supports this application concludes that the existing site has little potential for roosting bats or nesting birds. As such no further surveys are recommended. The report suggests that consideration for the inclusion of bird nest boxes into the proposal.
- 6.37. The City's Ecologist concurs with the supporting appraisal's conclusions that the site and current buildings are of low ecological value and there are few ecological constraints. Should demolition not take place before March 2019 further surveys may be required, and a condition is recommended to this effect.

- 6.38. The Ecologist adds that the proposals present the opportunity for ecological enhancement including the soft landscaping, green/brown roofs and the provision of bird and bat boxes and conditions are recommended.
- 6.39. I concur with these conclusions and suitable conditions are attached.

DRAINAGE / FLOODING

- 6.40. The supporting Drainage Strategy states that the green/brown roof, landscaped area (rain garden), permeable pavement, and an underground attenuation tank will all work to slow water down when travelling to the mains drainage.
- 6.41. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of further drainage details. I concur with these recommendations/conclusions and appropriate conditions are recommended.

SECTION 106 / FINANCIAL VIABILITY

- 6.42. The original proposal in the applicant's Viability Assessment concluded that the development would not be financially viable if any affordable housing/contributon was provided. Following the detailed independent assessment of the applicant's Financial Appraisal the applicant has agreed to provide a sum of £150,750. The City's independent assessor considers this reasonable in the context of the scale and nature of the development and I consider that such a sum is consistent with CIL legislation.
- 6.43. I consider that to meet policy objectives it is appropriate to split this sum approximately equally between off-site affordable housing and public realm contributions. The site lies in an area of large scale transformation, with significant residential development proposed. The existing infrastructure including public realm within the vicinity of the site, connecting to the city centre, requires improvement with particular schemes proposed for High Street Digbeth (as part of the tramway extension) and the Smithfield development.
- 6.44. The City's Employment Access Team has requested a clause that secures employment opportunities for the construction of the development, and I concur that such a request is reasonable and consistent with CIL legislation.

7. Conclusion

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

8. Recommendation

- 8.1. That consideration of application 2017/10701/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:
- i) a financial contribution of £75,000 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision and/or improvement of public realm in the Southern Gateway area of change as defined by the Birmingham Development Plan 2017;
 - ii) A financial contribution of £75,750 (index linked to construction costs from the date of this resolution to the date on which payment is made), towards off site affordable housing to be paid prior to first occupation of the residential element of the scheme;
 - iii) a commitment to local employment and training during the construction of the development; and
 - iv) £5,276 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 5th April 2018, planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment to local employment / training the proposal conflicts with policy TP26 of the Birmingham Development Plan 2017
 - ii) In the absence of a legal agreement to secure a contribution towards public realm improvements the proposal conflicts with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005 and policies PG3 and TP 39 of the Birmingham Development Plan 2017
 - iii) In the absence of a legal agreement to secure an offsite contribution towards the provision of affordable housing the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan (saved policies) 2005 and policy TP31 of the Birmingham Development Plan 2017
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 5th April 2018 favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|---|---|
| 1 | Requires the prior submission of investigation for archaeological observation and recording |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable foul and surface water drainage scheme |
-

-
- | | |
|----|---|
| 5 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 7 | Requires the prior submission of details of bird/bat boxes |
| 8 | Requires the prior submission of hard and soft landscape details |
| 9 | Requires the prior submission of a lighting scheme |
| 10 | Requires the prior submission of sample materials |
| 11 | Requires the prior submission of level details |
| 12 | Requires the prior submission of a CCTV scheme |
| 13 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 14 | Requires the prior submission of entrance details |
| 15 | Requires the prior submission of details of brown roof |
| 16 | Requires a further bat survey if demolition does not occur before 31st March 2019 |
| 17 | Requires the provision of cycle parking prior to occupation |
| 18 | Requires the parking area to be laid out prior to use |
| 19 | Requires a minimum of 1 no. electric vehicle charging point |
| 20 | Removes PD rights for telecom equipment |
| 21 | Requires the development to be carried out in accordance with the Ecological Appraisal The development shall be implemented in accordance with the recommendations in section 4 of the Ecological Appraisal report (Guma, September 2017) unless otherwise agreed in writing by the Local Planning Authority. |
| 22 | Requires the development to be carried out in accordance with the supporting Noise Assessment |
| 23 | Requires the scheme to be in accordance with the listed approved plans |
| 24 | Implement within 3 years (Full) |
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 3 – Application site from Moseley Street

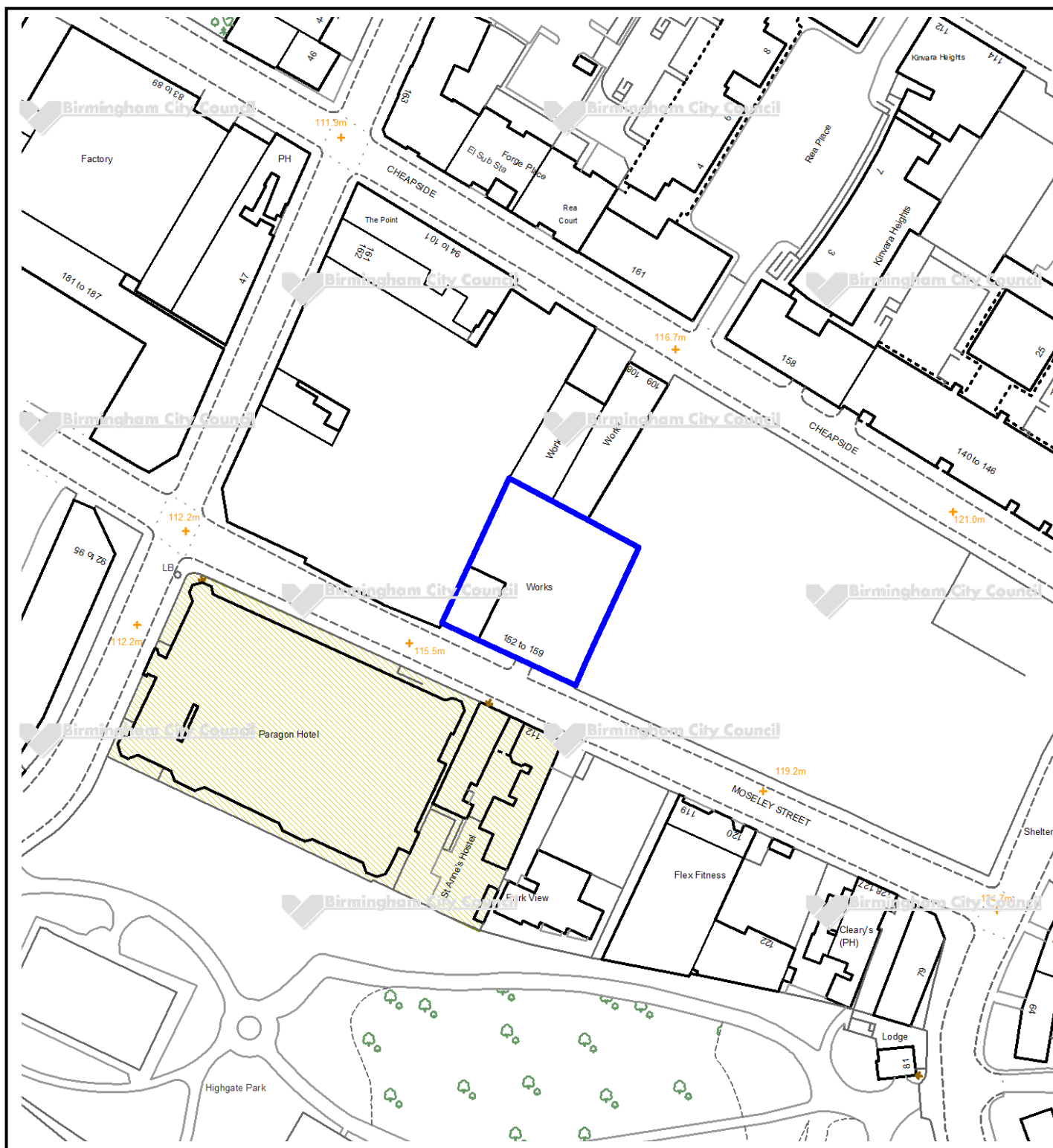


Figure 4 – Moseley Street from its junction with Alcester Street



Figure 5 – The site looking towards the west (City Core)

Location Plan



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

Committee Date:	29/03/2018	Application Number:	2017/09263/PA
Accepted:	24/11/2017	Application Type:	Full Planning
Target Date:	05/02/2018		
Ward:	Ladywood		

28 Vittoria Street, Birmingham, B1 3PE

Change of use of ground floor to live/work unit and upper floors to 3 residential apartments with associated external works including replacement stairwell and demolition of single storey rear addition

Applicant: Mr Simon Rack
 28 Vittoria Street, Birmingham, B1 3PE
 Agent: Archi-tekt Partnership Ltd
 Victoria Works, 21c Graham Street, Birmingham, B1 3JR

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for a change of use of the ground floor to a live/work unit and 3 residential apartments on the first and second floors (floor spaces between approximately 51sqm and 110.21sqm), with associated external works including replacement external stairwell and demolition of single storey rear addition at 28 Vittoria Street.
- 1.2. The application seeks to demolish an existing single storey addition to the rear of the property measuring approximately 13.5m (l) x 3m (w) x 3.5m to the top of the pitched roof and remove an external staircase from a first floor door which extends the length of the rear wing. This would be replaced with a new external staircase.
- 1.3. The ground floor would comprise of a work element that would be used as offices facing the street and a one bedroom living element with en-suite facilities including lounge/kitchen/diner area. On the first floor would be 2 one bedroom apartments, one of which would have access to the proposed external staircase. On the second floor would be a 3 bedroom apartment with lounge, kitchen/diner area and bathroom.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a 3 storey red brick building fronting onto Vittoria Street and backing onto buildings fronting onto Frederick Street. The ground and first floors are vacant and the second floor is occupied by an apartment. The surrounding area is predominantly made up of offices and workshops. The building is a Grade II Listed Building. The site falls within the Industrial Middle part of the Jewellery Quarter Conservation Area.

Site Location

3. Planning History

- 3.1. 2017/09935/PA - Listed Building Consent for the demolition of single storey rear addition including external stairwell and installation of rear door, windows and balustrade – Reported elsewhere on this agenda.

30-34 Vittoria Street

- 3.2. 06/03/2018 - 2017/10609/PA - Change of Use from industrial to commercial unit and 8 residential apartments, external alterations and partial demolition – Approved Subject to Conditions
- 3.3. 06/03/2018 - 2017/10662/PA - Listed Building Consent for internal and external alterations, repairs and restoration works associated with change of use from industrial to commercial unit and 8 residential apartments and partial demolition – Approved Subject to Conditions

30-52 Vittoria Street

- 3.4. 10/06/2016 - 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 – Approved Subject to Conditions

4. Consultation/PP Responses

- 4.1. MP, Local Councillors, Birmingham City Centre Management, Jewellery Quarter Business Improvement District, Jewellery Quarter Development Trust, amenity societies, residents associations and nearby occupiers have been notified. 4 letters of objection have been received from nearby occupiers on the grounds that the sun terrace would result in loss of privacy to live/work units on Frederick Street, security compromised and potential for noise and aromas.
- 4.2. Victorian Society – Objects on the grounds that the level of residential is far greater than 50% and would therefore be contrary to policy.
- 4.3. West Midlands Police – Recommends Secured by Design ‘Homes 2016’ guidance and recommends main ground floor door has an appropriate self-closing mechanism fitted with a suitable lock to ensure that the potential for unwanted visitors is reduced and doors to individual flats are treated as external doors.
- 4.4. Severn Trent Water – No objections
- 4.5. Regulatory Services – No objections subject to conditions for noise insulation and contamination remediation scheme.
- 4.6. Transportation Development – No objections.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham UDP (Saved Policies) 2005, Grade II Listed Building, Places for Living, Jewellery Quarter Conservation Area Character Appraisal and Supplementary Planning Policies, National Planning Policy Framework

6. Planning Considerations

- 6.1. The Jewellery Quarter Conservation Area Character Appraisal and Management Plan identifies this part of Vittoria Street as being within the Industrial Middle. The Management Plan states that residential uses within the Industrial Middle will not be permitted except in the case of live/work units where they are a component of a mixed used development, where the ratio of living to working space does not exceed 50% of each unit. Paragraph 2.3 states that consideration will be given to mixed uses within properties within the Industrial and commercial uses. It further states that a change of use of a building where the new use would adversely affect the character and appearance of the Conservation Area will not normally be allowed.

IMPACT ON THE LISTED BUILDING AND CONSERVATION AREA

- 6.2. Paragraph 131 of the National Planning Policy Framework (NPPF) states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets and putting them to viable uses consistent with their conservation; and
 - The desirability of new development making a positive contribution to local character and distinctiveness
- 6.3. Policy TP12 of the Birmingham Development Plan states that great weight will be given to the conservation of the City's heritage assets.
- 6.4. The objection from the Victorian Society has been noted. The Conservation Officer recognises that the general condition of this listed building is poor and the proposal is welcomed. I concur with this view, other than the second floor apartment, the building has been vacant since 2005. I therefore attach weight to the need to bring this listed building fully back into use to avoid further decay which in itself has a negative impact upon the Conservation Area it is set within. Therefore, whilst I accept that there would be limited loss of industrial character there would be a commercial element on the ground floor to retain the character of the surrounding area at street level that would create an active frontage. I conclude that on balance, the proposal is appropriate in this instance. I therefore raise no objection to the principle.
- 6.5. In addition, following comments from the Conservation Officer, amended plans and additional information has been submitted setting out the general approach to the development. No objections have been raised subject to conditions. I concur with this view and have attached conditions for materials and external lighting strategy to ensure satisfactory development of the application site.

LIVING ACCOMMODATION

- 6.6. 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. In addition, a boundary wall would screen the ground floor of number 28 to number 26 which are occupied by offices, and the window height differences between numbers 28 and 26 keep overlooking to a minimum.

- 6.7. Following concerns regarding the bedroom sizes, amended plans have been received. Bedroom sizes would range between approximately 8.1sqm and 13.1sqm, it is considered the proposal would provide acceptable living accommodation for future occupiers with bedrooms meeting or exceeding the minimum bedroom space stated within Places for Living. Whilst no amenity space is proposed to serve the living accommodation, the site falls within a wider area characterised by some high density City Living apartments therefore the lack of amenity space is considered as acceptable given the constraints of the site, close to city centre amenities.
- 6.8. The objections from nearby occupiers regarding loss of privacy and security have been noted. The sun terrace that they refer to has since been omitted from the proposal and replaced with an external staircase which would replace the existing external staircase, I therefore do not consider the proposal would harm the amenities of nearby occupiers.
- 6.9. The comments from West Midlands Police regarding the security of the building have been noted. A condition has been attached for details of the doors to be submitted.

NOISE AND DISTURBANCE

- 6.10. Regulatory Services have raised no objections to the proposal subject to conditions relating to a noise insulation scheme and given that the site may be affected by land contamination due to the previous industrial use, a condition for a site assessment would also be required. I concur with this view and have attached conditions accordingly.

HIGHWAY SAFETY

- 6.11. Transportation Development have noted that the site is close to the city centre and is highly accessible by different modes of transport. On street parking is controlled and it is considered that there are no likely differences in servicing requirements. As such no objection has been raised. I concur with this view and consider that the proposal would not have a detrimental impact to highway safety.

7. Conclusion

- 7.1. The proposal would result in the occupation of the whole of this Listed Building within the Jewellery Quarter Conservation Area. Protecting the commercial viability of the Jewellery Quarter Conservation Area is extremely important and the implications of the ground floor commercial element would help to retain this at street level.

8. Recommendation

8.1. Approve Subject to Conditions

-
- | | |
|---|--|
| 1 | Requires the prior submission a noise study to establish residential acoustic protection |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
-

-
- | | |
|---|---|
| 4 | Requires the prior submission of sample materials |
| 5 | Requires the prior submission of doors |
| 6 | Requires the residential element to only be occupied by the occupier of the business premises |
| 7 | Requires the scheme to be in accordance with the listed approved plans |
| 8 | Implement within 3 years (Full) |
-

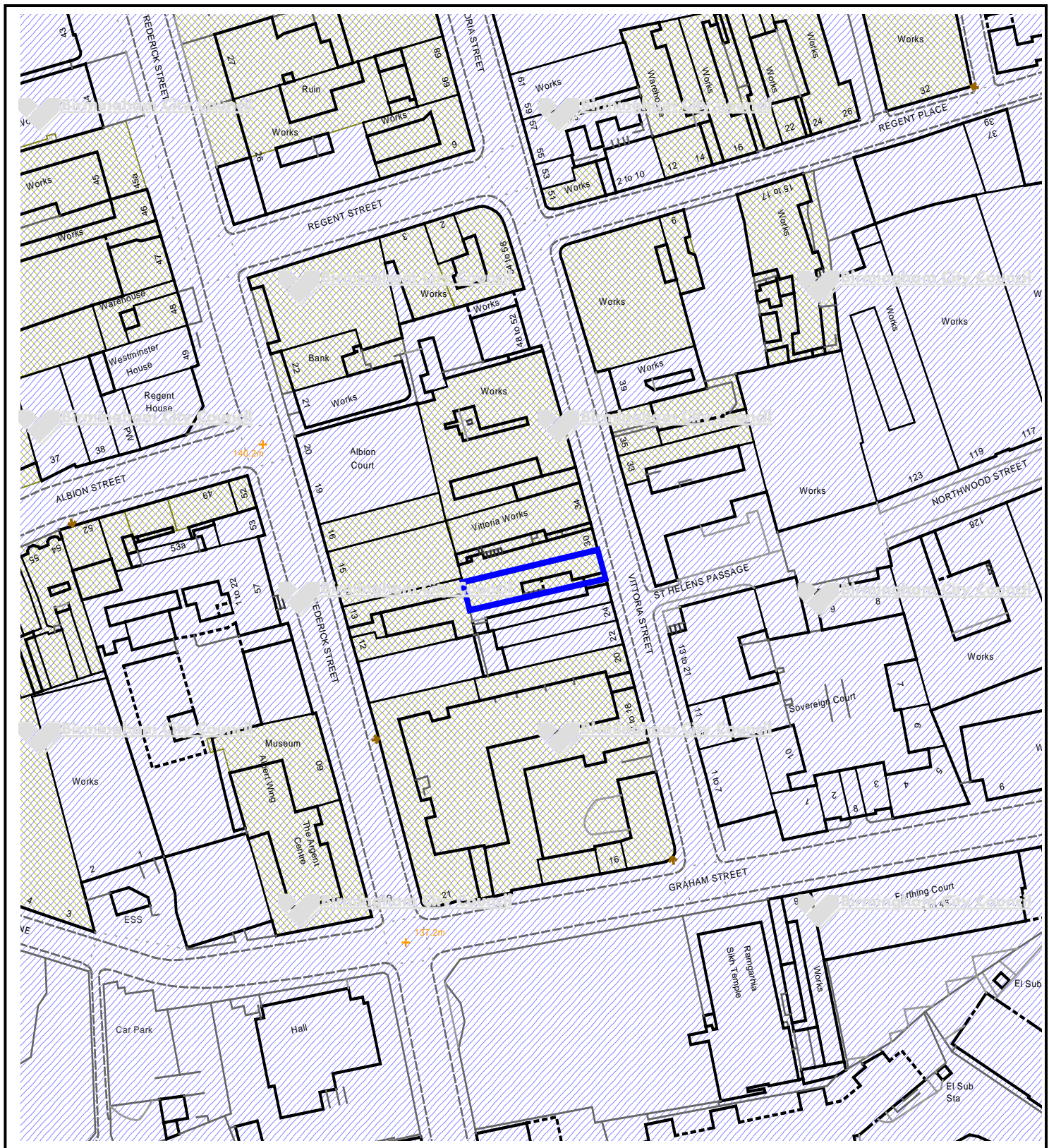
Case Officer: Anh Do

Photo(s)



Figure 1 Vittoria Street Elevation

Location Plan



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

Committee Date:	29/03/2018	Application Number:	2017/09935/PA
Accepted:	24/11/2017	Application Type:	Listed Building
Target Date:	05/02/2018		
Ward:	Ladywood		

28 Vittoria Street, Birmingham, B1 3PE

Listed Building Consent for the demolition of single storey rear addition including replacement external stairwell and internal and external alterations

Applicant: Mr Simon Rack
28 Vittoria Street, Birmingham, B1 3PE
Agent: Archi-tekt Partnership Ltd
Victoria Works, 21c Graham Street, Birmingham, B1 3JR

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks Listed Building Consent for the demolition of a single storey rear addition, replacement external stairwell and internal and external alterations at 28 Vittoria Street.
- 1.2. Externally, the proposal seeks to demolish an existing single storey addition to the rear measuring 13.5m (l) x 3m (w) x 3.5m to the top of the pitched roof creating a courtyard. An external staircase from a first floor which extends the length of the rear wing would also be removed. This would be replaced with a new external staircase.
- 1.3. Internal alterations include the removal of partitions, door and window openings and installation of partitions and door openings on all floors.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a 3 storey red brick building fronting onto Vittoria Street and backing onto buildings fronting onto Frederick Street. The ground and first floors are vacant and the second floor is occupied by an apartment. The surrounding area is predominantly made up of offices and workshops. The building is a Grade II Listed Building. The site falls within the Industrial Middle part of the Jewellery Quarter Conservation Area.

3. Planning History

- 3.1. 2017/09263/PA - Change Of Use of ground floor to live/work unit and upper floors to 3 residential apartments with associated external works including replacement stairwell and demolition of single storey rear addition – Elsewhere on this agenda

4. Consultation/PP Responses

- 4.1. Local Councillors, Birmingham City Centre Management, Jewellery Quarter Business Improvement District, Jewellery Quarter Development Trust, amenity societies, residents associations have been notified. Press and site notice posted. No response received.
- 4.2. Historic England – No objections.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham UDP (Saved Policies) 2005, Grade II Listed Building, Jewellery Quarter Conservation Area Character Appraisal and Supplementary Planning Policies, National Planning Policy Framework

6. Planning Considerations

- 6.1. Paragraph 129 of the National Planning Policy Framework refers to a need to assess the significance of a proposal on any heritage asset. Paragraph 131 states that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.
- 6.2. Policy TP12 of the Birmingham Development Plan states that applications for development affecting the significance of a designated heritage asset.
- 6.3. The lean to at the rear of the property is a modern structure that is in poor condition, its proposed demolition would provide a shared external courtyard with refuse and cycle storage that would be welcomed. Following comments from Historic England and the Conservation Officer, amended plans and additional information have been submitted to address escape and access issues, retention of the timber glazed partitions, manage the relationship with the glazed 'winter garden' on the first floor and details of damp treatment. Historic England have raised no objections to the proposal and have advised that advice is sought from the Conservation Officer regarding building and services details. The Conservation Officer has raised no objections subject to conditions for building recording, condition survey, method statement, details of windows, secondary glazing, doors, rainwater goods, masonry, soffits, roofs, stud walling, internal joiners and plasterwork, mechanical and electrical systems strategy and mortar. I concur with this view and consider the proposals would bring this building, vacant since 2005 and in poor condition fully back into use to preserve and enhance the character and appearance of this Listed Building. Conditions have been attached accordingly.

7. Conclusion

- 7.1. I consider the proposal would preserve and enhance the character and appearance and improve the conditions of the Listed Building. I therefore consider that Listed Building Consent should be granted.

8. Recommendation

8.1. Approve Subject to Conditions

-
- | | |
|---|--|
| 1 | Requires any damage to the listed building to be made good |
| 2 | Requires the prior submission of a building recording survey |
| 3 | Requires the prior submission of a condition survey |
| 4 | Requires the prior submission of a method statement |
| 5 | Requires the prior submission of details |
| 6 | Require details of the mortar mix |
| 7 | Requires the scheme to be in accordance with the listed approved plans |
| 8 | Implement within 3 years (conservation/listed buildings consent) |
-

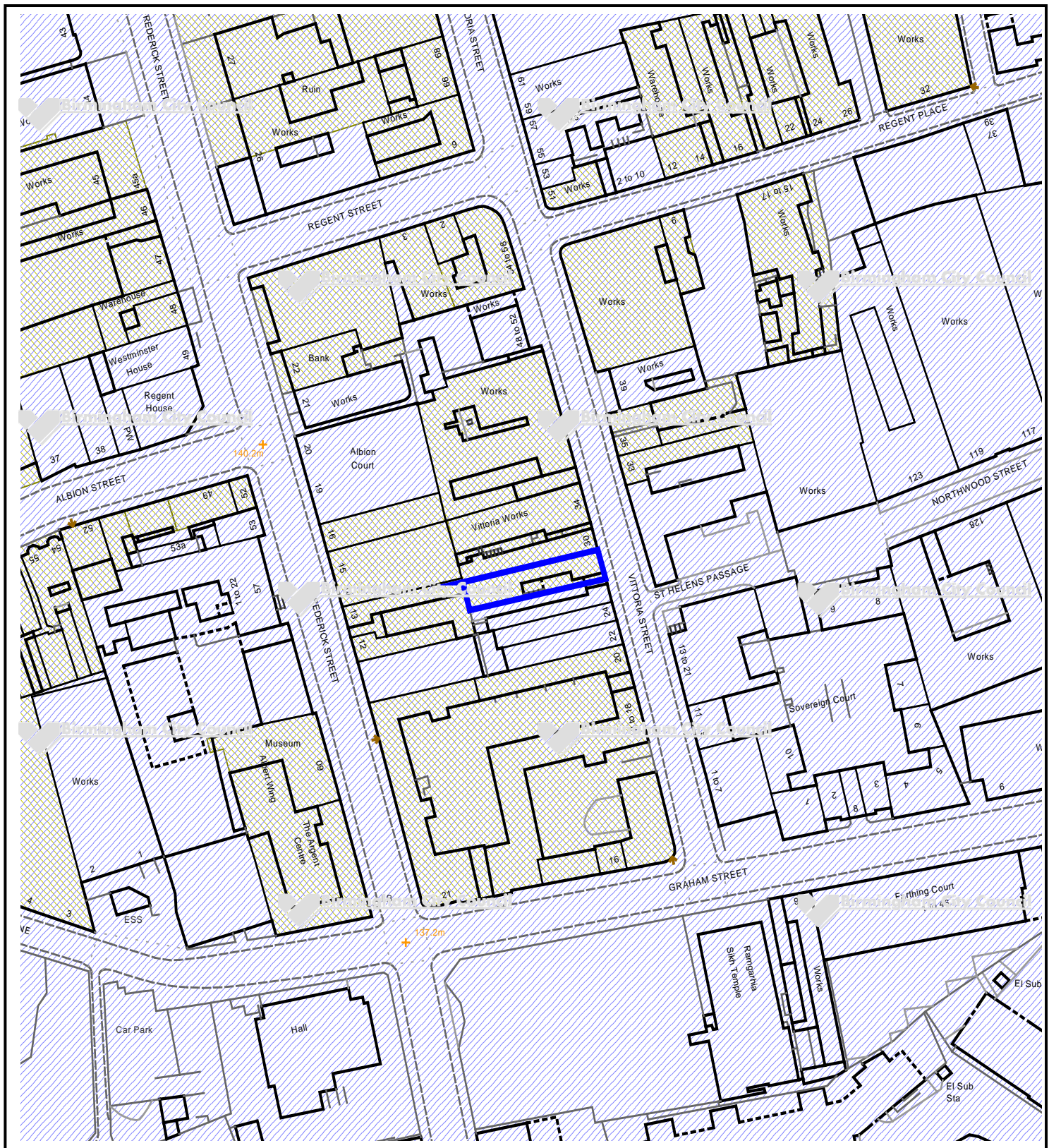
Case Officer: Anh Do

Photo(s)



Figure 1 Front Elevation

Location Plan



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

Birmingham City Council
Planning Committee 29 March 2018

Appeal Decisions Received from the Planning Inspectorate in February 2018

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	12 Word Hill, Harborne	Erection of two storey side extension and alterations to existing single storey front extension. 2017/04853/PA	Allowed (see note 1 attached)	Delegated	Written Representations
Householder	2 Elm Drive, Northfield	Erection of single storey rear extension. 2017/05393/PA	Allowed (see note 2 attached)	Delegated	Written Representations
Householder	33 Moorside Road, Kings Heath	Erection of side extension linking two rear outbuildings. 2017/08422/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Householder	1 Dagnall Road, Acock's Green	Erection of two storey side extension. 2017/08901/PA	Allowed (see note 4 attached)	Delegated	Written Representations
Householder	435 Hagley Road, Harborne	Alterations to front boundary wall, railings and gates and installation of white render to existing brickwork. 2017/08319/PA	Allowed (see note 5 attached)	Delegated	Written Representations
Householder	254 Bristol Road, Edgbaston	Erection of two storey forward and first floor side extension. 2017/05349/PA	Allowed (see note 6 attached)	Delegated	Written Representations
Advertisement	Storage Corporation House, Warstock Road, Kings Heath	Display of 1 non-illuminated fascia sign and 1 internally illuminated freestanding lollipop sign. 2017/03261/PA	Dismissed	Delegated	Written Representations
A3 / A5	364-366 Birmingham Road, Wylde Green	Variation of condition number 1 attached to planning application 2016/06675/PA to extend opening hours between the hours of 10.00-00.00 (midnight) Sunday to Thursday and between 10.00 and 04.00 on Friday and Saturday 2017/01490/PA	Allowed (see note 7 attached)	Delegated	Written Representations
Residential	39 Lydham Close, Land adjacent, Kingstanding	Erection of one residential dwelling house. 2017/02447/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council
Planning Committee 29 March 2018**

Appeal Decisions Received from the Planning Inspectorate in February 2018

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	10 Lathom Grove, Stechford	Application for a Certificate of Lawfulness for the proposed erection of a single storey side extension. 2017/02615/PA	Dismissed	Delegated	Written Representations

Total - 10 Decisions: 3 Dismissed (30%), 7 Allowed

Cumulative total from 1 April 2017 - 119 Decisions: 89 Dismissed (75%), 27 Allowed, 3 Part Allowed

Notes relating to appeal decisions received in February 2018

Note 1: (12 Word Hill)

Application refused because the cumulative impact of the proposed extension, along with previous extensions to the dwelling, would be out of scale with the original house, would dominate its appearance and the street scene and would represent an over-development of the site.

Appeal allowed because the Inspector considered that the proposed extensions, whilst increasing the width of the building further across the plot, continue the form, lines and design of the building and are not of such a scale that they would give rise to an overly dominant dwelling given the size of the plot and retention of a gap with No.10 Word Hill.

Note 2: (2 Elm Drive)

Application refused because the proposed extension does not comply with the 45 Degree Code for House Extensions and would lead to a loss of outlook and light to No.4 Elm Drive and No.102 Sedgebourne Way.

Appeal allowed because the Inspector considered that the modest height of the proposal would mean that it would not protrude a great distance above the boundary fences, and being on the north side of the terrace it would not affect direct sunlight to No.4 Elm Drive and No.102 Sedgebourne Way or seriously affect the outlook from or daylight in those two homes.

Note 3: (33 Moorside Road)

Application refused because the cumulative scale of the proposed outbuilding would be out of scale with the existing house and would dominate its appearance and the street scene.

Appeal allowed because the Inspector considered that overall the development would create a structure that would be of good design, modest height, and not excessive in scale in the context of the size of the host dwelling and the back garden. Whilst the development would be visible from the public open space to the rear, it would not appear prominent or incongruous against the background of the host dwelling and its neighbours.

Note 4: (1 Dagnall Road)

Application refused because the proposed extension does not provide an adequate separation distance to No. 5 Dagnall Road and would lead to a loss of privacy/loss of light.

Appeal allowed because the Inspector considered that although the separation distance is less than required by the Council's guidance, the fact that the proposal would be positioned at approximately 45 degrees would mean that the impact would be significantly less than if there were to be a flank wall directly facing the side windows to No. 5 Dagnall Road. Furthermore, the side windows are limited in size and any outlook from them is currently towards the corner of the appeal property. Being to the north, the proposal would not materially affect the amount of sunlight reaching the garden of No.5.

Note 5: (435 Hagley Road)

Application refused because the site is within the Barnsley Road Conservation Area and the proposed installation of render to the existing brickwork would have a detrimental impact upon the architectural appearance of the dwelling and be incompatible with the character and appearance of that area.

Appeal allowed because the Inspector considered that as the use of render as a facing material is an existing characteristic of the conservation area, the application of white render to the appeal property would preserve and enhance the character and appearance of the appeal site and the part of the conservation area within which it is located.

Note 6: (254 Bristol Road)

Application refused because the Inspector considered the design of the proposed extension would be out of keeping with the design, character and appearance of the existing house.

Appeal allowed because the Inspector considered that overall, the building would be of higher quality design and greater visual interest than at present and the proposal would clearly improve the appearance of the house. Furthermore, the enlarged building would better reflect the scale, design and building line of the adjoining properties.

Note 7: (364-366 Birmingham Road)

Application refused because the proposed opening hours would lead to increased late-night noise and general disturbance to the detriment of the residential amenity of nearby occupiers and would be likely to lead to further incidents of crime and disorder.

Appeal allowed because the Inspector considered that the noise from deliveries would not be discernible above that of passing traffic and therefore would not result in significant harm to the health and quality of life of residents. No residents live close enough to the appeal premises for the noise from customers on foot to be disruptive to living conditions and there is no evidence to suggest that the proposal would result in unacceptable levels of anti-social behaviour.

BIRMINGHAM CITY COUNCIL

REPORT OF THE CHIEF OPERATING OFFICER

PLANNING COMMITTEE

DATE : 29th March 2018

THE BUILDING (LOCAL AUTHORITY CHARGES) REGULATIONS 2010 - ANNUAL SCHEME OF CHARGES.

1.0 SUMMARY

- 1.1 This report informs your Committee about proposed revisions in respect of Building Regulation charges and seeks approval to implement them with effect from 2nd April 2018.

2.0 RECOMMENDATIONS

That your Committee:

- 2.1 Approve the proposed adjustments to the existing fee scheme for domestic (homeowner) and small commercial projects with effect from 2nd April 2018.
- 2.2 Approve the continued negotiation of charges within either volume or higher value commercial projects to the Head of Acivico (Building Consultancy) Ltd.
- 2.3 Approve the recommendation to maintain any other published charges at existing levels to mitigate against an increased threat from competition and a consequential impact on workload.

Contact Officers

Mr Vijay Patel, The Council's Statutory Functions Officer

Tel. No: 0121 303 3916

Email: vijay.patel@birmingham.gov.uk

Marc Crump, Consultancy Services Manager Acivico (Building Consultancy) Ltd

Tel. No: 0121 303 6897

Email: marc.crump@acivico.co.uk

3.0 PURPOSE OF REPORT

- 3.1 This report informs your Committee about proposed revisions in respect of Building Regulation charges and seeks approval to implement them with effect from 2nd April 2018.

4.0 BACKGROUND

- 4.1 Charges were last reviewed by this Committee in April 2016 at which point below inflation increases were sanctioned phased over two successive financial years (2016/2017 and 2017-2018).

- 4.2 For the two years immediately prior to this, 2013-2014 and 2015-2016 there were no increases in the level of charges for Building Regulations.

- 4.2 Building Regulation charges are subject to on-going review and this report takes the following into consideration:

- Corporate charging policy
- Forecast changes in the cost base alongside a statutory constraint for the service area to operate at cost neutral.
- Analysis of service inputs in each charge category for applications received over the preceding twelve months.
- The external competitive environment within which Acivico (Building Consultancy) Ltd operates.

- 4.3 The Building Control Charge Regulations came into force in 1999 and enabled a Local Authority to establish its own level of fees for Building Regulation functions. Prior to this charges had been centrally 'prescribed' by government. The 1999 regulations were substantially reviewed in 2010 to reflect what, was at that time emerging commercial thinking. The primary aims of the over-arching regulations have remained consistent in their objectives of ensuring that;

- a) core Building Control functions are delivered on a cost recovery basis, funded wholly through external charges.
- b) individual charges are transparent and able to demonstrate both value for money and competitiveness. The charge system includes site inspection frameworks which identify the anticipated frequency of visits and stages of construction to which they apply. This information is issued to the homeowner on receipt of an application and is subsequently reinforced with their appointed contractor on site.
- c) charges support an appropriate level of quality to ensure that competition (using price as the only comparator) does not drive standards down.
- d) charges are appropriately flexible to ensure they reflect the multiple sectors they encompass. As a consequence charges incorporate a mix of standard high volume categories alongside individually calculated fees (based on inputs). Be-spoke calculations are used for technically complex developments or those involving high levels of repetitive elements.
- e) contain sufficient capacity to factor in additional charges where inspection inputs exceed the original estimate for 'reasonable provision' of the service.

This ensures clients take an appropriate degree of responsibility for ensuring that service visit requests by their appointed contractor are appropriate.

- 4.4 Since April 2012 the City Council's statutory Building Control functions have been discharged through its wholly owned company Acivico (Building Consultancy) Ltd which has an ongoing contractual responsibility to ensure that client demand is balanced with expenditure. Following successful performance the initial five year contract has been extended a number of times and presently expires in 2023.
- 4.5 The following revisions form the basis of Acivico (Building Consultancy) Ltd's charges to its external clients for the forthcoming financial year 2018/2019.
- 4.6 Clients value the simplicity and ease of use of the application forms/charge tables. Feedback gathered over the proceeding twelve months has been used to inform the following proposals along with minor textual adjustments in the format.

5.0 PROPOSED ADJUSTMENTS FOR DOMESTIC APPLICATION CHARGES

- 5.1 Charges are separated into two principle components to align with core processes and include an initial 'application charge' followed by a site inspection charge, payable once work starts on site. In minor categories of work it has proved to be more cost effective and customer orientated to combine both elements into a single up-front payment.
- 5.2 Having effectively only increased charges by a total of £20 over the last four financial years it is considered prudent to apply an inflationary uplift for the forthcoming year. In order to maintain user friendly charges appropriate rounding has been applied delivering an average increase across all domestic categories of 2.95%.

5.3 Schedule of proposed changes

	Existing	Proposed
Detached structure, garage/store etc.	£420	£435
Extension less than 5m2	£350	£360
Extension less than 10m2	£420	£435
Extension less than 40m2	£540	£555
Extension less than 60m2	£670	£690
Extension less than 100m2	£760	£785
Loft conversion	£425	£435
Garage conversion	£375	£385
Minor building works less than £5k (re-roof, chimney breast removal etc.)	£150	£155
Other work valued less than £15k	£320	£330
Other work valued less than £50k	£520	£535
Other work valued less than £100k	£760	£785

- 5.3 Having analysed inputs and the prevailing market conditions all other published charges in this sector have no adjustments proposed. This is wholly consistent with the principles of the enabling legislation outlined within Section 4.3 above.

6.0 PROPOSED ADJUSTMENTS FOR SMALL COMMERCIAL PROJECTS.

- 6.1 Charges for small commercial projects less than £100,000 (on site value) are structured into three tables capturing the primary volume build scenarios (extensions, refurbishments and other alterations).

For consistency with the domestic sector charges a two stage charge structure applies although there is a greater weighting to the initial application charge to reflect an increased technical input and mandatory liaison with West Midlands Fire Service.

Schedule of proposed changes	Existing	Proposed
Commercial extension less than 40m2	£540	£555
Commercial extension less than 100m2	£765	£785
Internal refurbishment less than 75m2	£300	£310
Internal refurbishment less than 200m2	£500	£515
Internal refurbishment less than 500m2	£675	£695
Other alterations valued less than £15k	£300	£330*
Other alterations valued less than £50k	£500	£535
Other alterations valued less than £100k	£765	£785

*This category has an above inflationary increase in order to correct a disparity between the domestic sector table.

7.0 REGULARISATION CHARGES

- 7.1 Where work is identified as having taken place without the formal involvement of Building Consultancy clients have the option to 'regularise' the matter through a retrospective Building Regulation application. This option is frequently used to resolve compliance problems identified or reported through enforcement processes.
- 7.2 As the option involves assessing a fully built structure there are frequently additional complexities and inputs to ensure that compliance is achieved. In the case of an extension the majority of construction detail required for inspection would be underground or sealed within walls or roof voids.
- 7.3 Regularisation charges are not subject to VAT and have for a number of years been identical to the standard charges. As a consequence there appears to be no 'penalty' assigned for those choosing to evade formal procedures.
- 7.4 In order to address this imbalance and the additional officer time that this option generates it is proposed to increase Regularisation charges by 10% above the standard rates identified above.

8.0 HIGH VALUE COMMERCIAL AND VOLUME APPLICATIONS

- 8.1 Charges for high value (greater than £100,000 on site build cost) and high volume submissions (multi-storey or multi-unit) need to be calculated on an individual basis taking into account complexity, design, duration, value and estimated time inputs. The authority to agree charges in this commercially mature manner was introduced as a fundamental part of the 2010 Charge Regulations.

8.2 This sector is subject to a high degree of market sensitivity and threat from private sector Building Control providers (Approved Inspectors). Each project lost to a competitor represents an erosion of the Council's influence whilst perpetuating an alternative that is 'profit' rather than citizen centric. To respond positively to these pressures Acivico (Building Consultancy) Ltd seeks to deliver a competitive, flexible, technically proficient service that is wholly consistent with The Council's core values.

8.3 Acivico (Building Consultancy) Ltd has been extremely successful in securing projects in this sector where an opportunity to provide a quotation is provided. As a consequence and despite sustained competitor activity it continues to be widely regarded as a regional and national market leader.

9.0 SUPPLEMENTARY CHARGES

9.1 Acivico (Building Consultancy) Ltd provides a comprehensive research and supply service for statutory documents that have been mislaid and are required to support the conveyancing sector. The existing charge that supports this service was derived from an assessment of research, reproduction time and the fast track nature (documents normally provided within 48 hours). Having not been subject to any inflationary increases for in excess of ten years it is proposed to increase the present charge £30 to a more representative £35.

10.0 FINANCIAL IMPLICATIONS

10.1 The Building Regulation service functions under a legislative requirement to operate within a self-contained externally financed 'trading account'. These statutory regulations place a responsibility upon the Council to ensure that wherever practical that income derived from these charges is balanced with the cost of providing the service.

10.2 Throughout its history as a trading entity both inside and now outside the Council, Acivico (Building Consultancy) Ltd has been extremely successful in managing marginal annual variances to ensure that the required break even position is achieved.

10.3 The proposals identified above for the 2018/2019 charge scheme maintain the delivery of a balanced statutory trading account and continue to underline that the service operates in an efficient and cost effective manner.

11.0 IMPLICATIONS FOR PRIORITIES

11.1 **A Modern and Successful City** – it is widely recognised that an effective Building Regulation Service is a fundamental part of the development process whilst at the same time ensuring that buildings support the continued health, safety and welfare of persons who own or use them.

11.2 **Equalities** - the enabling legislation stipulates that a Local Authority is unable to charge a Building regulation fee where the work is directly linked to a person with a disability. As a consequence Acivico (Building Consultancy) Ltd process around one hundred and seventy five applications in this category per annum the costs of which are borne from general funds.

Signed:

Vijay Patel
Council Statutory Functions Officer

for

Angela Probert
Chief Operating Officer