

Birmingham City Council

Planning Committee

23 November 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2017/07848/PA 149 Mulberry Road Bournville Birmingham B30 1SS Erection of single storey rear extension
Refuse	9	2017/06779/PA Royalty Bingo Hall High Street Harborne Birmingham B17 9PU Variation of Condition No. 2 attached to planning application 2017/03785/PA to allow opening on Sunday from 0900 to 1700 hours.
Approve – Conditions	10	2017/07151/PA Plot 5, Former Pebble Mill Studios Site Pebble Mill Road Edgbaston Birmingham Full planning application for the development of up to 19,000sq.m hospital (Use Class C2) with associated access, car parking, landscaping and engineering works.
Approve - Conditions	11	2017/07187/PA Land off Bean Croft Quinton Birmingham B32 3TG Erection of 6 dwelling houses with associated car parking and landscaping

Approve - Conditions	12	<p>2017/07188/PA</p> <p>Land off Fleming Road Quinton Birmingham B32 1ND</p> <p>Erection of 4 dwelling houses with associated car parking and landscaping</p>
Approve - Conditions	13	<p>2017/06426/PA</p> <p>University House Edgbaston Park Road Edgbaston Birmingham B15 2TY</p> <p>Erection of four storey extension with associated landscaping and works</p>
Approve - Conditions	14	<p>2017/06482/PA</p> <p>University House Edgbaston Park Road Edgbaston Birmingham B15 2TY</p> <p>Listed Building Consent for internal alterations and the erection of a four storey extension.</p>
Approve - Conditions	15	<p>2017/08197/PA</p> <p>8 Druids Lane Kings Heath Birmingham B14 5SN</p> <p>Demolition of existing offices and construction of coffee shop (Use Classes A1/A3) with drive-through facility, associated car parking and landscaping</p>
Approve - Conditions	16	<p>2017/08893/PA</p> <p>1 Whitebeam Croft Kings Norton Birmingham B38 8NY</p> <p>Erection of single storey side extension</p>

Committee Date:	23/11/2017	Application Number:	2017/07848/PA
Accepted:	08/09/2017	Application Type:	Householder
Target Date:	03/11/2017		
Ward:	Bournville		

149 Mulberry Road, Birmingham, B30 1SS

Erection of single storey rear extension

Applicant:	Mr Jamie Melia 149 Mulberry Road, Birmingham, B30 1SS
Agent:	Easyplan Birmingham Brackenfield, Leasowes Lane, Halesowen, B62 8QE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a single storey rear extension at 149 Mulberry Road. The application seeks to extend the lounge and kitchen, with internal alterations to the washroom area at the back of the garage.
- 1.2. The proposed rear extension would measure approximately 5.5m in width and 2.9m in height. The proposed extension would form an 'L shape', it would measure 3.2m at its longest, and 1.4m at its shortest.
- 1.3. The proposed extension would be constructed of brick walls, white UPVC glazed windows and doors. The roof would be flat and would consist of tiles to match the existing dwelling.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a semi-detached two-storey residential dwelling, with a single storey garage to the north-east of the property. It has a pitched-roof design with a gable end. The property is set back from the main road.
- 2.2. There is parking space to the front and private amenity space to the rear of the property. The property has not been previously extended. The rear garden is split over two levels, the site increases in height towards the rear boundary with 108 Hole Lane.
- 2.3. The adjoining property, No. 151 is attached to the application dwelling and is similar in scale and style to the application site dwelling. Private amenity space between the two properties is separated by 1.85m high fencing. The garage has been converted and is currently used as office space, a utility and washroom. There are two side

facing windows in the converted garage that overlook the property's garden and the boundary treatment with the application property.

2.4. The neighbouring property, No. 147, is also similar in scale and style to the application property. The garage for property 147 is attached to the garage of the application dwelling. Boundary treatment between No. 147 and the application dwelling consists of 1.5m high fencing.

2.5. The application dwelling sits within an area which is residential in character. It comprises a mix of housing types; the majority are two storey family dwellings. Directly opposite the front of the application dwelling are three storey apartment blocks, consisting of similar building materials.

2.6. [Site Location Map](#)

3. [Planning History](#)

3.1. No relevant planning history.

4. [Consultation/PP Responses](#)

4.1. Neighbours and local ward Councillors were notified. One response was received from a local resident who objected on the grounds of;

- Significant loss of light, and outlook
- Poor design,
- Concern that the proposed extension would be out of keeping with surrounding area, most extensions build above the garage rather than increase the building footprint
- Concern over construction work, and possible maintenance issues
- Concern regarding encroachment onto neighbouring property,
- Potential reduction on house price.

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Birmingham Development Plan 2017
- Birmingham Unitary Development Plan (saved policies) 2005
- Places for Living (Adopted Supplementary Planning Guidance 2001)
- Extending your Home (2007)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)

5.2. The following national policy is applicable:

- NPPF – National Planning Policy Framework (2012)

6. [Planning Considerations](#)

6.1. The application has been assessed against the objectives of the policies as set out above.

- 6.2. The main issues in the consideration of this application are the scale, mass and design of the proposed development and the impact upon the amenities of neighbouring dwellings.
- 6.3. The scale, mass and design of the proposed rear extension would be acceptable. The extension would be subservient to the existing property. It is a modest extension that does not project past the rear wall of the existing wing. The resulting building would not be out of scale or character with other properties within the locality, and would not result in an over development of the site.
- 6.4. The proposal would not have a significantly harmful impact upon the architectural appearance of the property and the visual amenity of the surrounding area. The proposal would be located to the rear of the site, and would therefore have no impact on the forward street scene. The proposed extension would consist of materials that match the existing property. As such, the proposed development would be in accordance with the principles contained within 'Extending your Home' (SPD).
- 6.5. A neighbour has objected in regard to loss of light. However, the proposed development complies with your Committee's 45 Degree Code Policy with the neighbouring property's Living Room. As such, I consider there would be no impact on neighbouring occupiers by way of loss of daylight.
- 6.6. The proposal fails to comply with the distance separation guidelines. Extending your Home (SPD) requires a minimum distance of 12.5m between windowed elevations and flank walls opposite. In this instance, it would be from the converted former garage at no. 151, looking across to the side elevation of the proposal. However, I note that the existing property as built already fails to comply with these distances by 1.5m. The distance between the proposed extension and the wing at No. 151 would be approximately 5.6m. The wing of property No. 151 has a half-glazed door and window which would face the side extension. These windows currently face the boundary treatment of 1.85m fencing. The proposed extension would measure 2.9m in height, so 1.05m of the proposed extension would be visible above the existing boundary treatment, for the length of this first element of the extension at 1.4m. I do not consider the proposed extension would significantly worsen the outlook as such to warrant a refusal. Overall, I do not consider that there are sufficient grounds upon which to recommend refusal of the application on the grounds of outlook to the neighbouring dwelling.
- 6.7. I note the neighbour's comments regarding encroachment. Amended plans have been provided that brings the extension in from the boundary by 10cm. Notwithstanding this, encroachment issues are not material planning considerations and cannot be taken into account. I do not consider the other remaining objection points amount to issues which warrant the withholding of consent.

7. Conclusion

- 7.1. The application is recommended for approval as the proposal largely complies with the objectives of the policies that have been set out above. The proposed extension would not meet the separation distance of 12.5m. However, the proposal would not significantly worsen the existing outlook for neighbouring property No. 151. As such, there are no sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

8.1. Approve subject to conditions.

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|---|------------------------------------------------------------------------|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Implement within 3 years (Full) |
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Case Officer: Alice Jones

Photo(s)



Photo 1: Rear of application property, No. 149 Mulberry Road

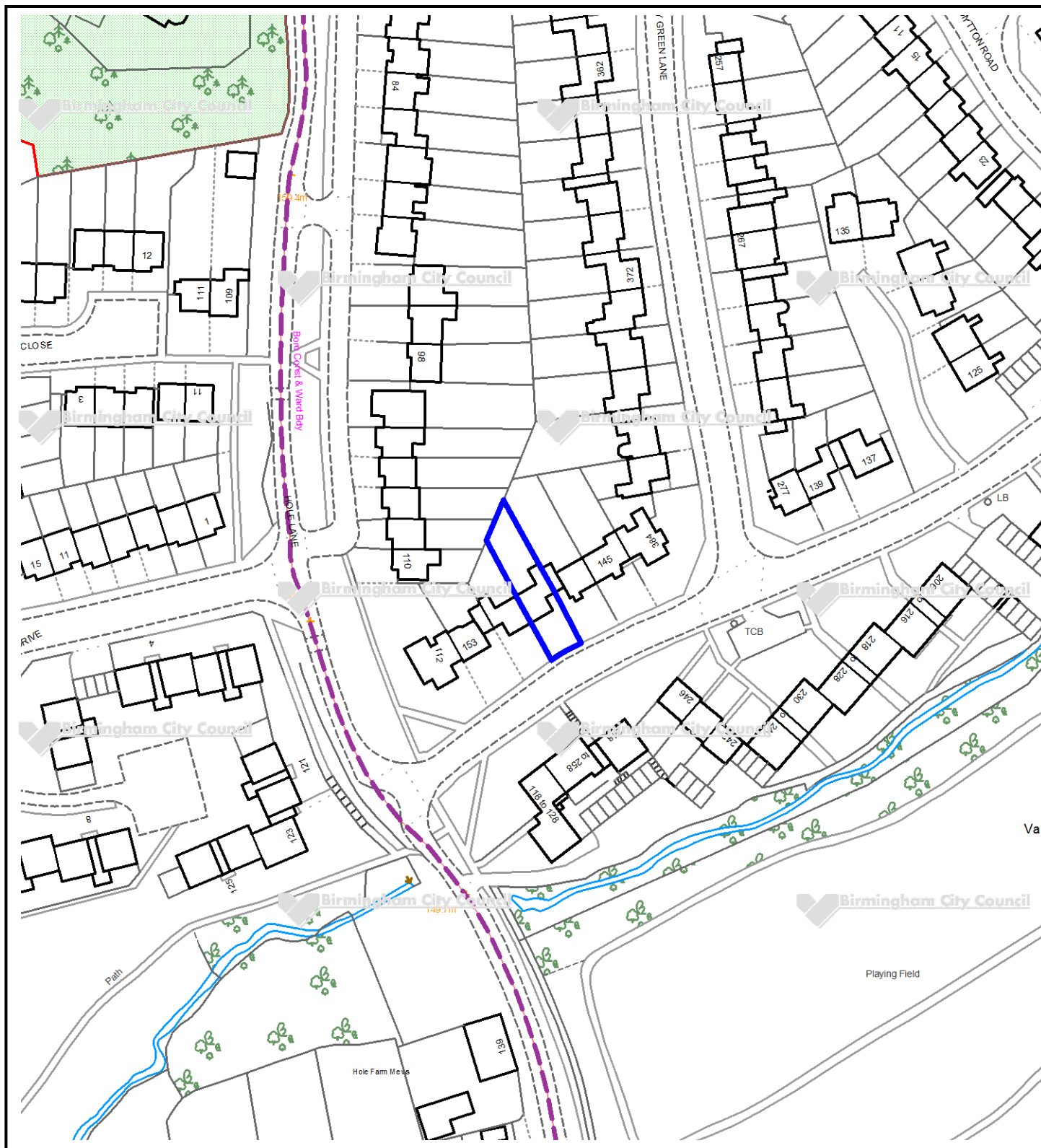


Photo 2: Rear of wing at No. 151 Mulberry Road



Photo 3: View of boundary treatment from No. 151 Mulberry Road

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/06779/PA
Accepted:	14/09/2017	Application Type:	Variation of Condition
Target Date:	09/11/2017		
Ward:	Harborne		

Royalty Bingo Hall, High Street, Harborne, Birmingham, B17 9PU

Variation of Condition No. 2 attached to planning application
2017/03785/PA to allow opening on Sunday from 0900 to 1700 hours.

Applicant:	Hagley Road Motors 602 Hagley Road West, Oldbury, B68 0BS
Agent:	a.i.architecture 66 Barlich Way, Lodge Park, Redditch, B98 7JP

Recommendation

Refuse

1. Proposal

- 1.1. This application is for the variation of condition No 2 attached to planning approval 2017/03785/PA to allow operation of the approved car wash on a Sunday between the hours of 09:00 and 17:00 at the Royalty, High Street, Harborne.
- 1.2. Planning application 2017/03785/PA gave temporary planning permission until June 2020 for a hand operated car wash and associated buildings and equipment. Condition 2 restricted the operation of the use to 08:00 to 19:00 Monday to Friday and 08:00 to 17:00 on Saturdays. This was to safeguard the amenities of occupiers of premises/dwellings in the vicinity.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located to the side (east) and front (north) of The Royalty; a vacant Grade II Listed Building. The Royalty was originally a cinema (built 1930 by designs of Horace G Bradley), but was operated by Gala Bingo between 1963 and 2014, when the use ceased and the building put on the open market. The application site was used as a car park in association with The Royalty and since 2014 has been made available as a pay and display car park.
- 2.2. The site consists of two areas of land. The first is rectangular and runs (north/south) to the side of The Royalty, the second is also rectangular (east/west) and is located in front of the Royalty. Both of these areas share a boundary with the public highway and the junction with High Street and Greenfield Road.
- 2.3. The site is adjacent to a row of terraced houses (5-13 Greenfield Road), an office behind this row, residential rear gardens 102-106 Vivian Road, the service yard of a taxi booking office (at 100 Vivian Road) and part of the Vine car park (a public house

to the west of The Royalty). There is a block of flats opposite the site with a commercial use (restaurant) at ground floor.

[Location map](#)

3. Planning History

- 3.1. 2013/0905/ENF Unauthorised use of site as car wash. The investigating officer considered that the use seemed to be being operated without harm to residential amenity, application invited but use ceased.
- 3.2. 2014/0570/ENF Unauthorised works and neglected condition to Grade II Listed Building. The case was raised by the City, when the building was found to be for sale and the interior photos showed neglect and water encroachment. A Section 330 Notice was served to identify all people with an interest in the building as a precursor to prosecute. File closed once building was sold (February 2015) as new owners made a strong commitment to repair the building. This work was undertaken as a repair in the middle of 2015.
- 3.3. 2015/0083/ENF Unauthorised use of site as a car wash. Use ceased when new owner took over site February 2015.
- 3.4. 2016/0492/ENF Alleged operating a car wash on site. Use ceased due to complaints from local residents and as an effort of the new owners to cooperate with the local community.
- 3.5. 2017/1204/ENF Alleged use of land for storage of static caravan. Ongoing investigation,
- 3.6. 16/06/2017 – 2017/03785/PA Proposed temporary (hand) car wash and associated site office, bays and tank room. Approved subject to conditions.

Being considered

- 3.7. 2017/08520/PA Replacement of existing flagpole antenna supporting 3 new antennas and installation of new equipment cabinet and ancillary works.
- 3.8. 2017/08565/PA Listed Building Consent for replacement of existing flagpole antenna supporting 3 new antennas and installation of new equipment cabinet and ancillary works.

4. Consultation/PP Responses

- 4.1. Local residents, Resident Associations and Ward Councillors consulted. A site and press notice has also been posted.
- 4.2. Letters of objection have been received from two nearby occupiers. Objections are as follows;
 - This use on the edge of a conservation area and in the midst of a residential area should not be permitted on a Sunday.
 - There is noise from machinery, loud music and shouting
 - A static caravan has been positioned directly behind our back garden fence where workers disrupt with constant shouting.
 - Theft from gardens.

- There is anti-social behaviour associated with the building.
- 4.3. Councillor James McKay – Notes the objections above and requests the application be determined at planning committee as there “are strong feelings on both sides of this”.
 - 4.4. Transportation – No objection.
 - 4.5. Regulatory Services – Recommend refusal. There have been a number of complaints received by Regulatory Services from local residents regarding the use of the site as a car wash over the past few years. To allow further disturbance from the use is not considered acceptable.
 - 4.6. Lead Local Flood Authority – Given this application is not considered to be a major application, the LLFA has no comment.
 - 4.7. Environment Agency – No comments.
 - 4.8. West Midlands Police - No objection.
 - 4.9. West Midlands Fire Service – No objection.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Adjacent to Greenfield Road Conservation Area
- Shopping and Local Centres SPD
- Places For All (2001)
- The Royalty, Grade II Listed Building (listed in 2011)

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. The principle of the car wash was established by the approval of planning application 2017/03785/PA in June 2017.
- 6.2. The main issue to consider within this variation of condition application is the impact on the residential amenities of surrounding residential occupiers.
- 6.3. The nearest residential properties are those at 5-13 Greenfield Road (a row of 5 terraced houses) and 102-104 Vivian Road. There is also another group (of 5 terraced houses) at 84-92 Vivian Road.
- 6.4. The proposed car wash replaced the lawful use of the site as a car park; as such a degree of commercial activity was already established on this site. However, the use has the capacity to create noise through the use of high pressure water jets, the sound of the vacuum, through vehicle noise and customers’ and employees’ voices. It was considered that the latter two would be unlikely to cause high noise levels and

would not be appreciably different to the lawful use. The former two could cause disturbance, especially the wash area. To mitigate this impact the wash area was to be enclosed within glass screens to limit noise and general disturbance and the vacuum area located adjacent to the side of no.5. In addition, operating hours were conditioned to ensure residents were undisturbed on Sundays and Bank Holidays.

- 6.5. Notwithstanding the above, the site has not been laid out as approved, with no screens to help mitigate noise and disturbance. A caravan has also been erected to the rear of the site. There is an on-going enforcement investigation into this matter. Furthermore, complaints from local residents have been received regarding the noise and disturbance from the site and my Regulatory Services Officer also raises concerns, noting the applicant has made no mention or attempt to quantify any noise impacts, despite concerns raised previously. No information or supporting documentation to show how Sunday operations can be carried out without causing disturbance to local residents or indeed any mitigation measures to remedy any noise impacts has been provided.
- 6.6. Residents to the rear have cited 'piercing sound of the power jet compressor' and 'continuous noise from the compressors' which has completely destroyed the enjoyment of their gardens. Restricting Sunday operations is considered a legitimate control measure in this instance, to ensure local residents are given some 'respite' from jet washing machine and spray noise (amongst other potential impacts) on Sundays.
- 6.7. Overall, I consider that to allow Sunday opening of the car wash would not be acceptable, as this would create and increase noise and disturbance over and above what could be expected on a Sunday when ambient noise levels could be expected to be lower.

7. Conclusion

- 7.1. Although, the car wash is well located, within a local centre, I consider Sunday opening would have a detrimental impact on surrounding residential occupiers and as such would be contrary to guidance within the Birmingham Development plan and NPPF.

8. Recommendation

- 8.1. Refuse.

Reason for Refusal

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- | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | The proposed Sunday operating hours would adversely affect the amenities of occupiers of residential properties in the vicinity due to noise and disturbance, contrary to Policy PG3 of the Birmingham Development Plan (2017) and guidance contained within the National Planning Policy Framework (2012). |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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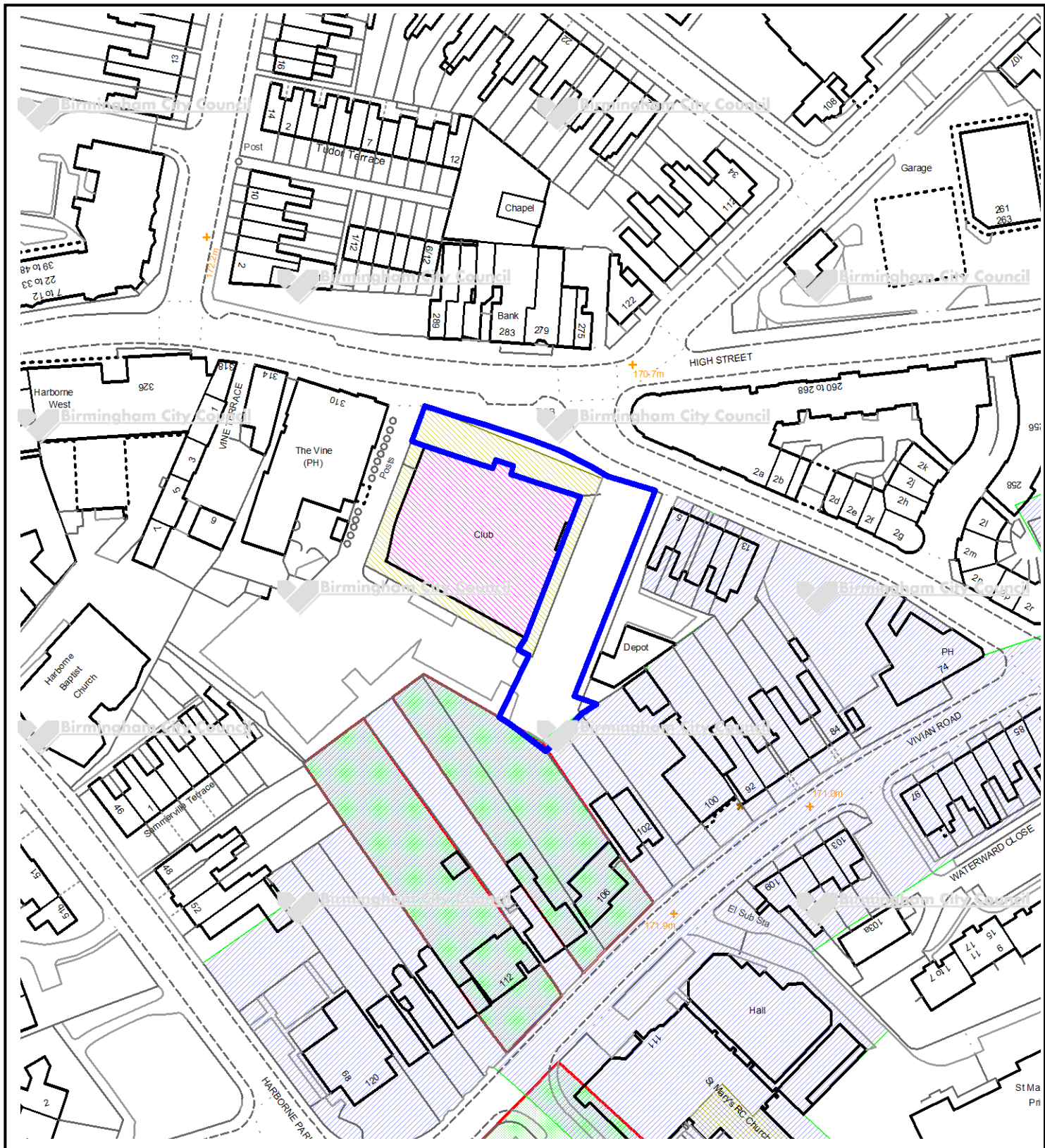
Case Officer: James Mead

Photo(s)



Photograph 1: View of application site

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/07151/PA
Accepted:	14/08/2017	Application Type:	Full Planning
Target Date:	24/11/2017		
Ward:	Edgbaston		

Plot 5, Former Pebble Mill Studios Site, Pebble Mill Road, Edgbaston, Birmingham,

Full planning application for the development of up to 19,000sq.m hospital (Use Class C2) with associated access, car parking, landscaping and engineering works.

Applicant:	Circle Health Birmingham Limited c/o Agent
Agent:	David Lock Associates 50 North Thirteenth Street, Central Milton Keynes, Milton Keynes, MK9 3BP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Outline planning permission was granted in 2014 for the erection of a building up to 15,000sq.m for the use as B1b (research and development); C2 (hospital) and/or D1 (non-residential institution). This was followed by a reserved matters approval in 2015 for a 14,938sq.m Gross External Area (GEA) C2 hospital. This hospital is currently under construction.
- 1.2. Following the reserved matters consent, a further occupier for the hospital 'came on board' to provide an in-patient rehabilitation centre with patients staying for treatment following surgery. This occupier requires up to a further 4,000sq.m of floor space, increasing the size of the building to up to 19,000sq.m in total. A decked car park adjacent to the hospital building is now also proposed.
- 1.3. The building is proposed to be on the same footprint as the previously approved and under construction hospital building. Some floors, as proposed, have expanded and would result in a reconfiguration of the internal layout and new floor areas are also proposed to accommodate the additional rehabilitation space. The hospital building would continue to be developed in two phases. The submitted information seeks approval for both phases of development.
- 1.4. The first phase of development would provide a 13,831sq.m (GEA) facility and associated car parking including surface-level and under-croft parking to provide 260 spaces (147 of which would be at surface level (including 16 disabled bays) located between the building and Mill Pool Way (the wider development's estate road)). The first phase would include a clinical wing housing operating theatres, recovery areas and a diagnostic imaging centre and a hospitality wing with a single storey consulting block, administration offices, physiotherapy department, 41 inpatient

bedrooms at second and third floor and a café area at the ground floor. The second phase would bring the floor space to 18,884sq.m (GEA) with 315 car parking spaces and a further 6 cycle spaces (of which 88 spaces would be located within the proposed decked car park) comprising 50 inpatient bedrooms on both the second and third floors above the clinical wing and a further 21 inpatient bedrooms in the hospitality wing at fourth floor. 113 of the 315 car parking spaces along with 24 cycle spaces would be provided in a basement car park. This car park would be located beneath the clinical wing and would be approximately 48.6m wide and 76.5m long.

- 1.5. The proposed decked car park would have an approximate area of 32m in width and 67m in length and would be located on the corner of the Plot 5 site with Mill Pool Way. It would comprise of the surface level spaces and one deck of car parking. The parapet wall to the deck would have a maximum height of 4.34m. It is proposed that the car park would be screened through the use of climbing plants/green wall.
- 1.6. At Phase 1, the building would consist of a 4 storey hospitality wing and a double storey clinical wing compared to what was previously to be a 3 storey hospitality wing and a part single storey and part double storey clinical and consulting wings at Phase 1. The main lift core and fin wall would be constructed to full height at Phase 1. Phase 2 would add a further storey to the hospitality wing and two storeys to the clinical wing fronting Pebble Mill Road forming a five storey hospitality wing and a four storey clinical wing as per the previously approved scheme. The additional floor space would be accommodated in the form of a second and third floor over the clinical wing to the rear towards the delivery yard creating an internal courtyard.
- 1.7. The clinical area, in Phase 1, would extend along Pebble Mill Road for 70.4m and along the new estate road by 46m. The hospitality wing at ground floor would be 27.7m long towards the garden facing south-east and 12.2m wide facing Pebble Mill Road, while the consulting room block, which would be rotated by 25 degrees to the rest of the building, would be 60.1m long towards Pebble Mill Road and 13.1m wide. Above this, the hospitality wing would be 63.9m long facing the garden and 18.6m wide. At phase 1, the lift core and fin wall of the staircase would have a height of 20.2m whilst the hospitality wing would have a height of 15.7m, the clinical wing 8.5m and the consulting room block would have a height of 4.5m.
- 1.8. Phase 2 of the development would see the clinical wing expand to accommodate more inpatient bedrooms arranged around an internal courtyard with some rooms looking into it, on the north and west sides. This accommodation would see the clinical wing expand to 60.7m in length and 42.8m in width. The previously approved Phase 2 hospital would have resulted in a new rectangular block that would have been 54.5m long and 10.9m wide. The lift core and fin wall of the staircase are completed in Phase 1 and as such, would stay at 20.2m in height at the end of phase 2. The hospitality wing would increase in height to 19.2m, the clinical wing would increase to 15.7m and the consulting block would stay at 4.5m.
- 1.9. The Phase 2 hospital would be set back from the rear garden boundaries of properties on Bristol Road by 50m and would be over 30m from the front boundary to Pebble Mill Road. At its closest point, the building would be 5m from the boundary with Pebble Mill Road. The separation distance to the residential properties located on the other side of Pebble Mill Road would be approximately 80m.
- 1.10. When viewed from the site entrance, the ground floor building entrance would be framed by an angled consultants' wing on the left and the façade of the proposed day case area on the right. Above this at first floor, a band of glazing would wrap around both the hospitality wing and the clinical wing, which would step in under the

2nd floor bedrooms. The stepping of the glass façade would accentuate the cantilevered bedroom block above. Once through the entrance, the angled consultant block would continue within and through the building into the garden area to the rear. Beyond reception, the ground atrium hall, café and waiting areas would be fully glazed and would look into the garden area.

- 1.11. The elevation facing towards the garden area would be dominated by the distinctive bedroom block. The first floor band would continue round the reception and would form a double storey glazed element. The existing trees and brook, together with the new brook promenade, would screen the view to Pershore Road and direct views from the upper floors of the proposed development towards Cannon Hill Park.
- 1.12. Access to the site would be via the two existing access points; the primary public one from Pebble Mill Road and a secondary service entrance from the Mill Pool Way estate road. It is intended that patients, staff and visitors would use the primary entrance from Pebble Mill Road to both enter and leave the site. A dedicated drop off area would be provided at the front of the hospital to allow patients to be dropped off/collected as close to the main entrance to the hospital as close as possible. Access to the proposed decked car park and basement car park would also be from this area off Pebble Mill Road. A service entrance to the delivery yard would be located at the boundary with Plot 4 to the rear.
- 1.13. The building would be set back from Pebble Mill Road to ensure the protection of the existing London Plane street trees on Pebble Mill Road. The existing Category A Oak tree would become a landscape feature within the drop off area in front of the main entrance. Low level fencing with a new Yew hedge would form the main boundary to the Pebble Mill Road frontage. Along the new estate access road through the wider Pebble Mill site, a line of new Hornbeam trees would be provided.
- 1.14. The development would comprise of a number of differing materials that would emphasise each element of the hospital. Alucobond aluminium cladding panels would be used in the main façade with the ability to fold the cladding around the bedroom blocks and continue into the building at ceiling level. The hospitality wing would have a dark metallic finish on the façade and window reveals. The bedrooms above the clinical wing would have the same finish to link the two blocks. For the angled consultants block, a cladding with a clay slip coating applied to give it a shiny terracotta colour is proposed. For the day case façade at ground floor, the lift core and the vertical fin wall to the staircase, terracotta is proposed. The material would be installed as large modules which would be ribbed with a natural finish colour. An anodised aluminium cladding in two differing shades of grey is proposed to be used on the top two storeys of the north and west facades (the new courtyard elevations). Black insulated wall panels would be used to the covered service wall at ground floor. The proposed decked car park would have a green wall to the northern and western single storey facades that would be attached to a powder coated metal mesh. The rear of the proposed car park, facing the delivery yard, would have an exposed grille.
- 1.15. It is proposed that the clinical wing roof at the rear of the building (west) fronting Plots 2 and 3 (the adjacent dental hospital) car park would be covered in photovoltaic panels.
- 1.16. The proposed Phase 1 hospital would have 39 inpatients bed-spaces, 15 day-case bed-spaces, 4 ambulatory recovery stretchers, up to 280 outpatients per day and 255 total staff of which 175 would be present on site at peak times. The completed hospital at Phase 2 would increase the Phase 1 figures to 201 inpatients bed-

spaces, 27 day-case bed-spaces, 4 ambulatory recovery stretchers, up to 450 outpatients per day and 365 total staff of which 330 would be present on site at peak times.

- 1.17. The application is accompanied by a planning statement; statement of community involvement; design and access statement; transport statement including travel plan and parking management strategy; air quality assessment; ecological appraisal; flood risk assessment and drainage statement; arboricultural report; construction method statement, external lighting environmental impact assessment report; acoustic and odour control statement; site contamination report, utilities statement and a local employment policy statement.
- 1.18. The submission has been screened at pre-application stage regarding the requirement for an Environmental Impact Assessment and the LPA determines that one is not required.
- 1.19. Site area: 1.37Ha.
- 1.20. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site fronts Pebble Mill Road and is adjacent to the recently approved Plot 4 site. The site is located within the wider Pebble Mill site and is defined by Pebble Mill Road to the east, Plot 4 and the three/six storey dental hospital to the south west; the proposed Bourn Brook promenade to the south and the internal estate road and rear gardens of the houses on Bristol Road to the north and west.
- 2.2. The BBC site was vacated in 2003, and cleared during 2003/2004. Pebble Mill Road has, principally, non-restricted parking bays along two of its kerb-lengths, and double-yellow lines along the other two (it is a dual-carriageway). Close to Pebble Mill Road, Pershore Road has single-yellow lines, and Bristol Road is double yellow lined in this vicinity.
- 2.3. The immediate area surrounding the Pebble Mill site primarily consists of a mix of two, three and occasionally four storey late nineteenth and twentieth century houses. Playing fields lie to the south and west. The main leisure uses in the area are Cannon Hill Park to the south east and Edgbaston Golf Course and King Edward's School to the north, adjacent to which is the University of Birmingham's main campus.
- 2.4. Less than half a kilometre from the site along Pershore Road is the 8 storey West Midlands Police Training Facility, and a series of 1960's twenty storey local authority flats. The urban character of this area is varied including: Edwardian villas, early twentieth century detached homes, and more recently with the increased commercialisation and redevelopment of some sites, larger and taller buildings being built along some of the main roads of this part of Birmingham, such as Edgbaston Mill.
- 2.5. Bourn Brook and its tributary Chad Brook are important features in the local landscape and they run through and link within Pebble Mill. These two Brooks along with the retained bands of semi-mature trees divide the Pebble Mill site into distinct areas.

- 2.6. Edgbaston is known for its 'green and leafy' image, the wider site reflects this with its mix of mature and semi-mature trees. The historic use of the site as a campus with one large building on about a third of the site with sporting facilities on the remainder has resulted in a treescape which follows former field boundaries within the site.
- 2.7. [Site Location Map](#)
3. [Planning History](#)
- 3.1. The wider Pebble Mill site benefits from outline consent for a science and technology park with revised accesses onto Bristol Road and Pebble Mill Road and reconfigured sporting facilities, dating from the first consent (2003/00992/PA). Extensive history including:
- 3.2. Awaiting determination. 2017/08495/PA. Reserved matters submission for the approval of appearance and landscaping details for food and drink facilities (A3/A4 and A3/A5) in conjunction with outline planning permission 2016/04450/PA.
- 3.3. 28 April 2017. 2017/00242/PA. Reserved matters granted for the submission of matters covering appearance and landscaping for the erection of student accommodation (Sui Generis) in association with outline planning permission 2016/04450/PA.
- 3.4. 10 November 2016. 2016/04450/PA. Planning permission granted for a hybrid planning application consisting of: detailed planning permission for the construction of a flood risk management scheme on land off Harborne Lane and at and near Plot 6 (the former BBC Studios Sports and Social Club site) on the Pebble Mill Medical Park, alteration of an existing and the provision of new highway access onto Pershore Road with outline planning permission for student accommodation (Sui Generis) and food and drink facilities (A3/A4 & A3 with ancillary A5) and the construction of two pedestrian bridges at the Former BBC Studios Sports and Social Club site.
- 3.5. 17 September 2015. 2015/05000/PA. Reserved matters granted for the approval of access, appearance, landscaping, layout and scale for a C2 hospital in conjunction with outline approval (2014/00203/PA) for the erection of a building up to 15,000sqm for the use as B1 (research and development), C2 (hospital) and/or D1 (non-residential institutions).
- 3.6. 4 April 2014. 2014/00203/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 15,000sqm for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions).
- 3.7. 6 March 2014. 2013/09519/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 5,000sqm for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 4 site.
- 3.8. 17 October 2013. 2013/06099/PA. Planning permission granted for the Construction of a 62 bedroom, part three and part two storeys, care home including secure landscaped gardens and on-site parking with ancillary earthworks.
- 3.9. 6 December 2012. 2012/03743/PA. Permission granted for reserved matters for Dental hospital and school of dentistry.

- 3.10. 28 August 2012. 2012/03756/PA. Permission granted for the landscaping of land adjacent to Dental Hospital site and proposed Bourn Brook pedestrian footpath.
- 3.11. 17 November 2011. 2011/05676/PA. Permission granted for the erection of Dental Hospital and School of Dentistry on plots 2 and 3, with associated research & development and teaching facilities, ancillary office and support facilities, access, parking and landscaping. Outline consent for 16,000sq.m gross internal floor space (three to six storeys), with all matters Reserved.
- 3.12. 18 August 2011. 2011/03010/PA. Permission granted for a package of advanced infrastructure, inclusive of internal access road, associated drainage, services, security gates and parking, substation and security kiosk, promenade, wildlife planting, area of open space, and footbridge link.
- 3.13. 16 October 2009. 2009/03738/PA. (Site fronting Pebble Mill Road) Permission granted for the erection of a Medical facility providing up to 15,000 square metres of accommodation for Class B1(b) Research and Development, and/or Class C2 Hospital, and/or Class D1 Clinic and/or Medical School and/or Dental School. Detailed consent for site access.
- 3.14. 6 April 2006. 2006/00518/PA. Permission granted for a Section 73 application to vary and remove B & C conditions of 2003/00992/PA to allow for phased implementation for up to 10 years of outline planning permission for construction of technology and science park with revised accesses on Bristol Road and Pebble Mill Road and reconfigured sporting facilities.
- 3.15. 8 October 2003. 2003/00992/PA. Permission granted for the construction of a technology and science park with revised accesses on Bristol Road and Pebble Mill Road and re-configured sporting facilities (outline application - only access determined).

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and Residents Associations notified. Site and Press notice posted. No response has been received.
- 4.2. Regulatory Services – No objection.
- 4.3. Local Lead Flood Authority – No objection subject to drainage conditions.
- 4.4. Severn Trent Water – No objection recommend a drainage condition.
- 4.5. Environment Agency – No objection.
- 4.6. Transportation – No objection.
- 4.7. West Midlands Police – No objection.
- 4.8. West Midlands Fire Service – No objection. Vehicle access will be required within 18 m of dry riser inlets able to support 15 tonnes. Approach to allow minimum 3.1 m width and 4.1 m high clear space.

5. Policy Context

- 5.1. NPPF, Birmingham Development Plan, Saved Policies of the Birmingham UDP, Places for All SPD, Nature Conservation Strategy for Birmingham SPG, Car Parking Guidelines SPD, Site of Local Importance for Nature Conservation.
6. Planning Considerations
- 6.1. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling.
- 6.2. The Pebble Mill site is identified in the BDP as being located within the Selly Oak and South Edgbaston Area, albeit outside of the growth area boundary identified in Plan 13 and Policy GA9; as being suitable for a broad range of technology and medical and health uses. The supporting text identifies in Paragraph 5.102 that the area will see significant investment. It goes on to state *“The aims are to maximise the potential of the University and Hospitals, promote economic diversification and to secure significant spin off benefits from new development. In particular the area will provide the focus for the clustering of activities associated with medical technology in the Life Sciences sector. This recognises the potential to marry growth in the Life Sciences sector with the unique spatial opportunities offered in this location. This will further enhance the City’s future economic competitiveness and attract investment and jobs.”*
- 6.3. Outline planning permission was granted in 2014 for the erection of a building up to 15,000sq.m for the use as B1b (research and development); C2 (hospital) and/or D1 (non-residential institution). This was followed by reserved matters approval in 2015 for a 14,938sq.m (GEA) C2 hospital. This hospital is currently under construction.
- 6.4. Following the reserved matters consent, a further occupier for the hospital ‘came on board’ to provide an in-patient rehabilitation centre with patients staying for treatment following surgery, requiring a further 4,000sq.m of floor space increasing the size of the building to up to 19,000sq.m in total. A decked car park adjacent to the hospital building is now also proposed.
- 6.5. The proposal would continue to provide a new C2 medical hospital facility, some 5,000sq.m larger than that currently approved and under construction. The Dental Hospital/School of Dentistry is located on Plots 2 and 3 whilst a private BUPA care facility is under construction on Plot 1.
- 6.6. Given the fall-back position of the original hospital approval and that that development is currently under construction; I consider that the proposed larger hospital would continue to sit comfortably within the wider site, which has been established as a medical park, through the uses on site and with the benefit of planning permission. The proposed larger hospital facility would continue to support the policy focus of the BDP for the clustering of activities associated with medical technology. On this basis, I consider that the proposal remains in accordance with the development plan policy subject to the proposed design and transportation impacts that the larger facility would have.

Design

- 6.7. Pre-application discussions have been undertaken with your planning, design and landscape officers following the approval of reserved matters in 2015 and the subsequent commencement of development. These discussions have primarily focused around the impact of the proposed additional 4,000sq.m of floor space on the overall appearance of the building and how this would be achieved as the building is being constructed in two phases.
- 6.8. In 2015, your Committee considered the concept of the three blocks (clinical, hospitality and consulting) that can be increased in scale at Phase 2, to be acceptable. The design concept, for this proposal continues to allow for the provision of a fully operational hospital from day one with high quality functional spaces with the potential to expand with minimal disruption to its everyday functioning. As such, the lift core and fin wall of the staircase would be constructed to full height at phase one. The use of differing, striking but complementary materials to highlight the three individual elements whilst forming one overall use clearly identifies each wing and aids legibility within the site.
- 6.9. The building is proposed to be on the same footprint as the previously approved and under construction hospital building.
- 6.10. At Phase 1, the building would consist of a 4 storey hospitality wing and a double storey clinical wing compared to what was previously to be a 3 storey hospitality wing and a part single storey and part double storey clinical and consulting wings at Phase 1. Phase 2 would add a further storey to the hospitality wing and two storeys to the clinical wing fronting Pebble Mill Road forming a five storey hospitality wing and a four storey clinical wing as per the previously approved scheme. The additional floor space would be accommodated in the form of a second and third floor over the clinical wing to the rear towards the delivery yard creating an internal courtyard.
- 6.11. The proposed hospital building would primarily be of the same dimensions as the previously approved and under construction hospital. The changes proposed relate mainly to the clinical wing which, in Phase 1, would extend along Pebble Mill Road for 70.4m and along the new estate road by 46m. Phase 2 of the development would see the clinical wing expand to accommodate more inpatient bedrooms arranged around an internal courtyard with some rooms looking into it, on the north and west sides. This accommodation would see the clinical wing expand to 60.7m in length and 42.8m in width. The previously approved Phase 2 hospital would have resulted in a new rectangular block that would have been 54.5m long and 10.9m wide.
- 6.12. The scale of the building, at four and five storeys in height, remains in accordance with the hospital that your Committee previously approved, and continues to maintain and improve the street scene along the internal access road. The proposal would also continue to bridge the building scale and height from the three/six storey Dental Hospital and School of Dentistry to the south west and four/five storey Plot 4 development whilst generating a suitable presence on Pebble Mill Road. I consider that the scale of the development proposed continues to compare favourably with the former BBC site, which had an intensive urban form with many buildings of 2 or 3 storeys height, and one 11 storey block.
- 6.13. The distance of the hospital building (at Phase 2) from rear garden boundaries on Bristol Road is at 50m, which is not considered close especially given the previous development, the length of Bristol Road gardens (84m), and tree and other vegetation screening on the boundary and in the gardens. Therefore, given the setbacks from the estate road and other site boundaries, the significant avenues of

tree cover on and around the site, and the previous development form, I am satisfied that the proposed 4,000sq.m larger hospital building can be accommodated on the site without undue effects on local character and residential amenity.

- 6.14. I and my City Design advisor consider that the proposed development in terms of design is acceptable and would, both at Phase 1 and Phase 2 for the completed hospital; form a striking gateway to the Pebble Mill development.

Landscaping, Trees and Ecology

- 6.15. The proposed landscaping and ecology impacts and proposals would remain as per the previous planning approval. As such, the Category A Oak tree that sits towards the front of the site would continue to be retained as a landscape feature outside the main entrance to the hospital. The London Plane trees on Pebble Mill Road sit within the public footpath but their roots spread into the development site however, the site layout, car parking areas and landscaping proposed are considered acceptable by your Arboricultural Officer in relation to the protection of the London Plane trees.
- 6.16. The hospital building would be set back from the estate road by 30m and from Pebble Mill Road by 30m (for the clinical wing) and 5-10m for the consulting and hospitality wings allowing for tree protection and the inclusion of a Yew hedge behind a boundary treatment of 1.1m high estate fencing in keeping with local character.
- 6.17. Other boundary treatment proposed for the development site include 1.8m vertical bar railings to the Pebble Mill Road/Pershore Road; Hawthorn trees and hedging to the estate road; a dwarf wall with sandstone finish with 1.1m estate railing above to the promenade boundary to the south east of the site. These treatments have previously been agreed with your officers and as such, are considered to remain acceptable under this application.
- 6.18. The proposed deck car park would introduce a new element into the scheme than the previous approval and would be located on a prominent corner. It is proposed that the deck be screened through the use of a green wall/climbing plant system. My landscape officer considers that it is notoriously difficult to get plants to climb up metal fencing in a reliable and consistent way and if the designers are serious about creating a green wall, a more bespoke structural / architectural solution is likely to be more suitable in the long term. On this basis, I consider it appropriate to secure details of this feature via a condition which is recommended below.
- 6.19. With regards to ecology, your Ecologist has raised no objections to the proposed increase in floor space and identifies that this phase of the wider Pebble Mill site development will take place on a previously developed area where the biodiversity value is currently at a low level. The submitted landscape master plan indicates that there will be a range of soft landscaping which will include swales and appropriate wildflower grassland. External lighting has been detailed in a specific plan and types and locations of luminaries set out, the key forage and commuting route along the line of the Bourne Brook will remain relatively un-lit and following the enhancement works along this line from previous phases will continue to be of value. I note that your Ecologist also considers that a green roof would be beneficial to local biodiversity however, the solar panels would occupy the majority of the available flat roof and alongside this, the applicants are concerned regarding about infection control and contamination for patients. On this basis, I consider that a green roof would not be an appropriate form of increasing biodiversity in relation to this site development.

Access

- 6.20. As per the previous reserved matters approval for the hospital building; access to the site would be via the two existing access points; the primary public one from Pebble Mill Road and a secondary service entrance from the estate road (Mill Pool Way). Patients, staff and visitors would use the primary entrance from Pebble Mill Road to both enter and leave the site. A dedicated drop off area would be provided at the front of the hospital to allow patients to be dropped off/collected as close to the main entrance to the hospital as close as possible. Access to the decked car park and basement car park would also be via the access off Pebble Mill Road. A service entrance to the delivery yard would be located at the boundary with Plot 4 to the rear.
- 6.21. The first phase of development would see surface level and undercroft parking to provide 260 spaces (147 of which would be at surface level (including 16 disabled bays), whilst the second phase would bring the car parking to 315 car parking spaces (+55). 113 of the 315 car parking spaces along with 24 cycle spaces would be provided in a basement car park.
- 6.22. A revised and updated transport statement and travel plan have been submitted as part of this revised application that details car parking provision, trip generation, cycle storage, travel plan and parking management. The Transport Statement has indicated that the parking demand from the combined Circle and completed VAMED (rehabilitation) facility is predicted to peak at 260 spaces around midday. The total parking provision of 315 spaces for the completed scheme is therefore ample to meet the likely demand, with a reserve of 17% of capacity. The statement confirms that, as with the previous Reserved Matters approval, the levels of traffic likely to be generated by the development are still well below the accepted levels of traffic that were accepted at the Outline consent stage in 2014. The traffic demand is expected to be up to 119 vehicle movements per hour below the Outline levels and 738 vehicle movements over a weekday. As such, Transportation concurs with the conclusions of the Transport Statement.
- 6.23. Transportation also notes that the previous outline planning permission required a Section 278 Agreement however, this condition is not required as part of this application as the applicants have already entered into the said agreement. As such, Transportation raises no objections to the proposed 4,000sq.m larger hospital development in terms of access and car parking provision.
- 6.24. Transportation goes on to note that local residents are complaining of on street parking issues apparently associated with the dental hospital. This appears to be down to the dental hospital implementing parking charges. Whilst I understand this issue, the proposed development would provide sufficient on-site car parking to provide for its own needs and I do not consider that the impact of car parking would be significant when compared to previous consents and the former intensive use of the site as television studios. Whilst the site may have been dormant in the past, it has been allocated for significant development since the BBC closure. Pebble Mill Road is also an extensively used road, bridging Bristol Road and Pershore Road. Based on this, I do not consider that a refusal of permission could be justified on car parking issues relating to the wider site development including short term contractor parking.

Other Issues

- 6.25. The application is also accompanied by a flood risk assessment and drainage strategy, air quality assessment; site contamination report, acoustic survey report, utilities statement, acoustic and odour control statement, external lighting assessment, construction method statement and a local employment policy statement. This information has been assessed by the relevant consultees who have raised no objections to the proposed development and supporting information. As such, I consider it acceptable to condition the approval of these documents alongside the approved plans.
- 6.26. I note the issues raised by the West Midlands Fire Service regarding vehicle access and dry riser inlets and can confirm that access accords with the relevant distances to dry riser inlets and that the structural loading of all areas accessible to a fire engine have been calculated and will support 15 tonnes.
- 6.27. With regards to drainage and flooding, the LLFA consider the proposed development to be acceptable subject to two bespoke drainage conditions. I note that Severn Trent Water has requested a standard drainage condition to be attached to any approval however, I do not consider this to be a necessary or relevant condition as the drainage conditions have previously been agreed and the hospital is under construction with all necessary licences for drainage with Severn Trent having been obtained. On this basis, I consider that attaching a further pre-commencement drainage condition to be unnecessary.

7. Conclusion

- 7.1. Approval has previously been granted for a private hospital on this site, which is currently under construction. As such, the principle of development has been previously reviewed and accepted. The development would continue to meet policy objectives and criteria set out in the Birmingham Development Plan and the NPPF. The scheme is considered acceptable in design, access and parking, and landscaping, trees and ecology. It continues to represent a significant economic investment and will further the regeneration objectives for this area of the City.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would provide significant economic and social benefits, would provide further local employment and does not have an environmental impact that could be regarded as significant, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That planning permission is granted subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the agreed mobility access to be maintained |
| 3 | Requires the implementation of the Flood Risk Assessment |
| 4 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 5 | Limits the noise levels for Plant and Machinery |
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- 6 Requires the submission prior to occupation of green wall details
 - 7 Removes PD rights for telecom equipment
 - 8 Requires the parking area to be laid out prior to use
 - 9 No-Dig Specification required
 - 10 Implement within 3 years (Full)
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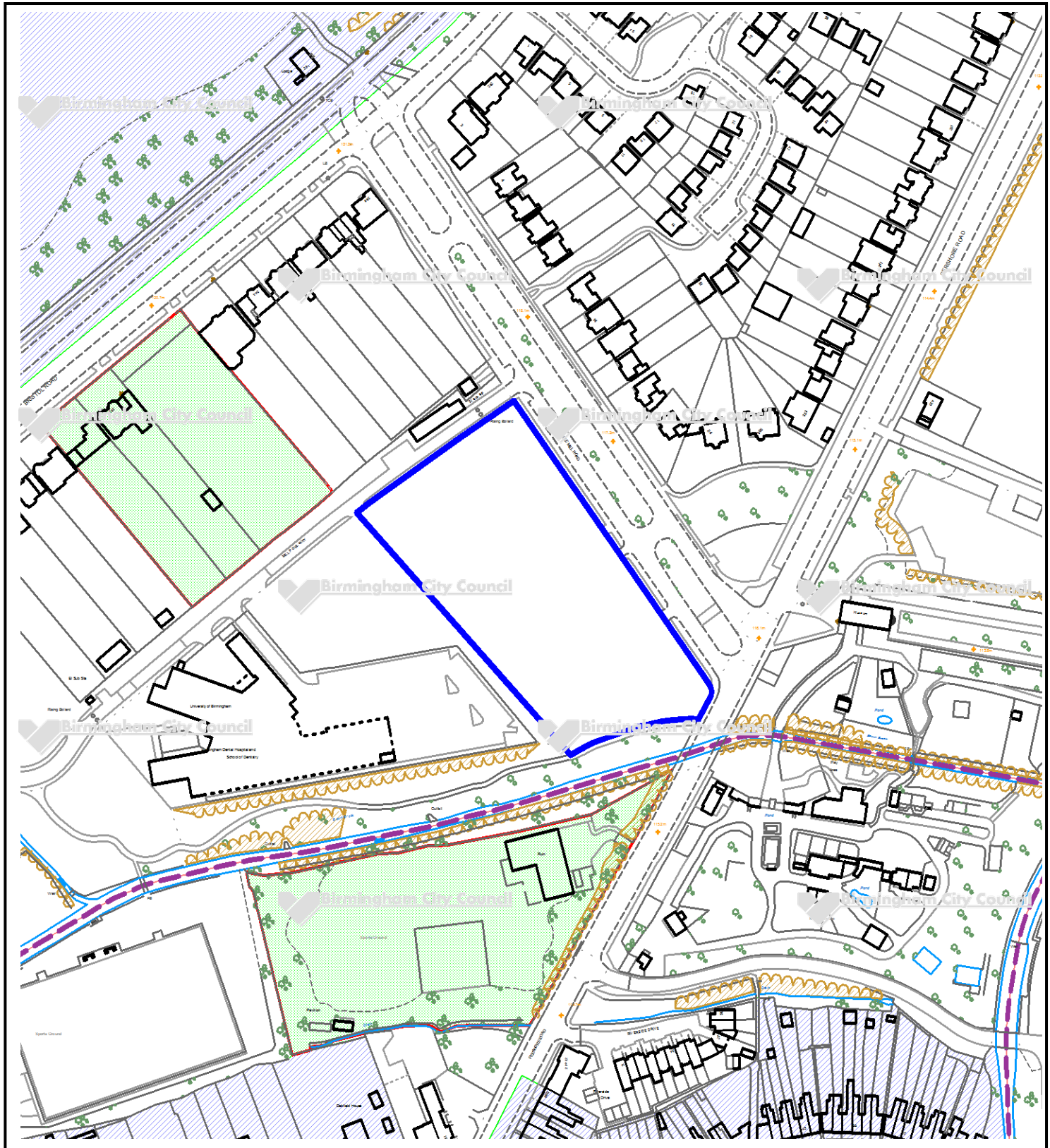
Case Officer: Pam Brennan

Photo(s)



Photograph 1: View of development site currently under construction looking south from Mill Pool Way

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/07187/PA
Accepted:	15/08/2017	Application Type:	Full Planning
Target Date:	10/10/2017		
Ward:	Bartley Green		

Land off Bean Croft, Quinton, Birmingham, B32 3TG

Erection of 6 dwelling houses with associated car parking and landscaping

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

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the erection of six 2 bed houses with associated car parking and landscaping. 3 houses would front Sommerfield Road, with individual footway crossings serving 2 driveway parking spaces and the third from Bean Croft. The remaining would be served via a shared access road off Bean Croft, also benefitting from 200% parking provision. The application is for the erection of 6no. social rented residential units owned by the City Council and it is proposed to develop the sites as part of the Council's Stock Replacement Programme, on behalf of Birmingham Municipal Housing Trust (BMHT).
- 1.2. The site has three sides that face either public highway or public realm; only the south side is adjacent to existing building (a newsagent with flat above at 321 Sommerfield Road).
- 1.3. Three house-types are proposed;
 - The Bordesley, 91.4sqm (Bedroom One 17.2sqm, Bedroom Two 12.3sqm)
 - The Brandwood, 85.7sqm (Bedroom One 15.8sqm, Bedroom Two 12.3sqm)
 - The Birchfield (bungalow) 74.1sqm, (Bedroom One 13.9sqm, Bedroom Two 12.2sqm).
- 1.4. The Brandwood and Bordesley house types would include dormers in the roof space. The Birchfield would not use the roofspace.
- 1.5. All gardens exceed 52sqm.
- 1.6. All boundary details are provided; showing a 1.8m side boundary wall (between plots 1 and 6 adjacent to Bean Croft), wooden fencing between rear gardens and 0.9m metal railings in front of plots 4-6 (Sommerfield Road frontage) and alongside the private drive (serving plots 1-3).

- 1.7. The houses would be contemporary designs, with brick and tile roofs, but with flat roof dormers and an accentuated eaves line (3.5m above ground) to add interest.
- 1.8. The scheme includes the removal of 2 trees, consisting of an Oak (category B) and a silver birch (category C).
- 1.9. The application is supported by a design and access statement, contamination survey and tree survey.
- 1.10. Site area 0.16ha, density of 37.5dph.
- 1.11. A small section of public footpath, to the northeast corner of the site, is proposed to be stopped up as part of the scheme.
- 1.12. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. This application relates to a site occupying the corner plot at the junction with Sommerfield Road & Bean Croft, previously providing a public house use (Coopers Arms). The building has been demolished in the last 12 months, having gained demolition consent, and the site is now enclosed with palisade fencing.
 - 2.2. Parking on street is unrestricted, within the vicinity of the site. It is noted the no.23 bus service runs along Sommerfield Road throughout the day.
 - 2.3. A newsagent is to the south of the site, adjacent to the vacant pub building, the area is otherwise residential in character. The housing stock is mostly 2 and 3 storey 1970's terraced housing.
 - 2.4. The site slopes from the southern side (adjacent to 321 Sommerfield Road) down by 3m to Bean Croft to the north.
 - 2.5. [Site Location Plan](#)
3. Planning History
 - 3.1. 30/11/16 2016/09224/PA Application for Prior Notification of proposed demolition of Coopers Arms Public House. Approved.
4. Consultation/PP Responses
 - 4.1. Resident Associations, Residents, Councillors notified and the MP. A Site Notice has been erected.
 - 4.2. One objection has been received from a local resident with concerns that the application fails to consider flood risk. The resident comments that *"...the first 8 houses in Bean Croft are on the environment agency flood warning list which all prospective buyers can see. These houses have been flooded extensively 3 times as a result of inadequate drainage. They are the subject of an ongoing project by highways drainage with flood defences existing and to be enhanced. The land to be built on was a prime cause of this flooding due to the downward slope and concrete drive. Flood water is extremely deep in this area and residents were evacuated for months last year when flooded. Highways Drainage has specified that these plans*

must be submitted to them for inspection and modification. The lapel canal tunnel immediately under this site is another cause of local flooding". The resident has requested complete assurance to residents that it is suitable to build over this hazard without increasing flood risk.

- 4.3. Lead Local Flood Authority - Woodgate Valley has multiple records of historic flooding, including records of flooding in Bean Croft, most recently occurring in June 2016. However, the LLFA is willing to request further details through condition to secure a drainage plan and its operation and maintenance strategy in this case.
- 4.4. Severn Trent – No objection subject to drainage condition.
- 4.5. Regulatory Services – No comments received.
- 4.6. Transportation – No objection subject to conditions to require the footway to be constructed to City Specification and for pedestrian visibility splays to be provided.
- 4.7. West Midlands Police – No objection.
- 4.8. West Midlands Fire Service – No objection.

5. Policy Context

- 5.1. The following local policies are relevant.
 - Birmingham Development Plan (BDP) (2017);
 - The Birmingham Unitary Development Plan (UDP) (2005) (saved policies)
 - Places for Living SPG (2001);
- 5.2. The following national policy is relevant.
 - The National Planning Policy Framework (2012)

6. Planning Considerations

6.1. Background

- 6.2. The proposal is for 6 dormer bungalows to be developed for Birmingham Municipal Housing Trust (BMHT). The scheme is part of the Council's ongoing initiative to provide new high quality housing development in the City through BMHT.
- 6.3. The initiative would result in the Council receiving 6 new houses for social rent purposes. All the dwellings would be built to Code for Sustainable Homes Level 4, as part of the Government agenda to reduce carbon emissions in new housing.
- 6.4. This application raises considerations in regard to design, transportation, trees, drainage and residential amenity.

6.5. Design

- 6.6. The scheme proposes a contemporary design of five dormer bungalows and one bungalow (being 2 detached and 4 semi-detached). The dormer bungalows would have only one dormer in the roof space, looking out towards the east and west perimeters. The scheme would be in scale with local houses and of an appropriate density. As such I have no objection to the scheme from a design perspective.

6.7. Transportation Issues

- 6.8. Transportation Officers have raised no objection to the proposed development of. It is not expected traffic and parking demand associated with this residential use would be any greater than that of the former public house use. A good level of off street parking is offered with 2 spaces per dwelling. The vehicular accesses would need to be provided to City specification with any redundant crossings to be reinstated with full height kerbs. Adequate pedestrian vicinity would also need to be incorporated at all access points. These matters can be addressed with appropriate conditions.

6.9. Trees

- 6.10. The scheme would result in the loss of 2 trees and replacement tree planting in the form of 3 trees. The oak on the frontage with Sommerfield Road has been reduced before and is considered by my arboriculturalist to be too close to the adjacent house (321) to be considered a constraint. The second tree, a birch, is within the turning head of the driveway of plot 3 and makes a limited contribution to the street. A replacement tree is proposed on the corner of Sommerfield Road to off-set the loss of these two trees. The adjacent boundary trees on the southwest corner are proposed to be retained and can be protected through the use of appropriate conditions.

6.11. Residential Amenity

- 6.12. The scheme has roads and public space to its west, north and eastern boundaries, presenting only limited overlooking into adjacent existing residents windows in the distance. There are buildings beyond the south boundary of the site. These consist of the two storey side wall of 321 Summerfield Road (shop with flat above) having a side window that serves a bathroom; and being 6m from the blank side elevation of plot 4. Also beyond the southern boundary of the site is a pair of semi-detached houses (3 and 5 Plough Avenue). These two storey houses have 10-14m long gardens and the blank side elevation of plot 3 would create a separation distance of 20m.
- 6.13. Within the site, separation distances between new-to-new rear elevations would be between 10m and 14m. The proposed houses would be single storey to the rear (albeit with a high eaves line of 3.5m), with dormer widow on the front elevations only and as such this relationship is acceptable. I recommend that Permitted Development Rights are removed to prevent extension or alteration to the dwellings due to the limited size of rear gardens and the close proximity of rear elevations to each other.
- 6.14. The Contamination survey found the site to contain made ground and gas and commented that groundwater investigation work was ongoing. I recommend that conditions are applied to require a contamination report and verification report upon completion.
- 6.15. I note the concerns raised by the objector, in terms of flood risk. The Lead Local Flood Authority have discussed the scheme with the applicant and have raised no objection subject to a condition requiring a drainage plan be provided and agreed. This drainage scheme would seek to improve the existing on-site water management, which currently consist of hard-surfacing draining to a storm-water drain. The required final technical solution would retain surface water on-site through an attenuation system and subsequently reduce current rainwater run-off rates. As such an approved drainage scheme would improve the local situation. Equally any

existing flooding problems, in the local area, would need to be resolved by the Lead Local Flood Authority and Severn Trent and is therefore beyond the scope of this current application.

6.16. Community Infrastructure Levy

6.17. The proposed development does not attract a CIL contribution.

6.18. Lapal Canal

6.19. The site is over the route of the former Lapal canal. The canal was abandoned in 1917 following partial collapse and the current housing estate built over and around the line of the tunnel through Woodgate Valley in the 1970's. The proposed development of 6 dwellings would have no real impact on the ground and I consider that ground disturbance would be no greater than the previous public house on site.

6.20. Stopping-up Order

6.21. The scheme includes the proposed stopping up of a small section of footway, but retains a standard width of footpath (2m wide) around the corner, and removes an otherwise wide section of pavement that is required to create space between the bungalow of plot 6 and the highway. I have no objection to this proposed stopping-up.

7. Conclusion

7.1. The proposed scheme for residential development accords with both national and local policy. The scheme would constitute sustainable development, and add to the Council's stock of social rented housing for which there is a significant need. The proposed mix, layout and design are appropriate for the area and can be accommodated without any adverse impact on existing residents or the local highway network. The proposals would provide a high quality development, which would make a positive contribution to the area.

8. Recommendation

8.1. I. That no objection is raised to the stopping-up of a section of footway, on the corner of Bean Croft and Somerfield Road, and that the Department of Transport (DFT) be requested to make an order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

8.2. II. That planning permission be given, subject to the following conditions;

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| 1 | Requires the prior submission of hard and/or soft landscape details |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 5 | Requires the prior submission and completion of works for the S278/TRO Agreement |
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- 6 Requires pedestrian visibility splays to be provided
 - 7 Arboricultural Method Statement - Submission Required
 - 8 Requires tree pruning protection
 - 9 Requires the prior submission of a contamination remediation scheme
 - 10 Requires the prior submission of a contaminated land verification report
 - 11 Removes PD rights for extensions
 - 12 Implement within 3 years (Full)
-

Case Officer: Ben Plenty

Photo(s)

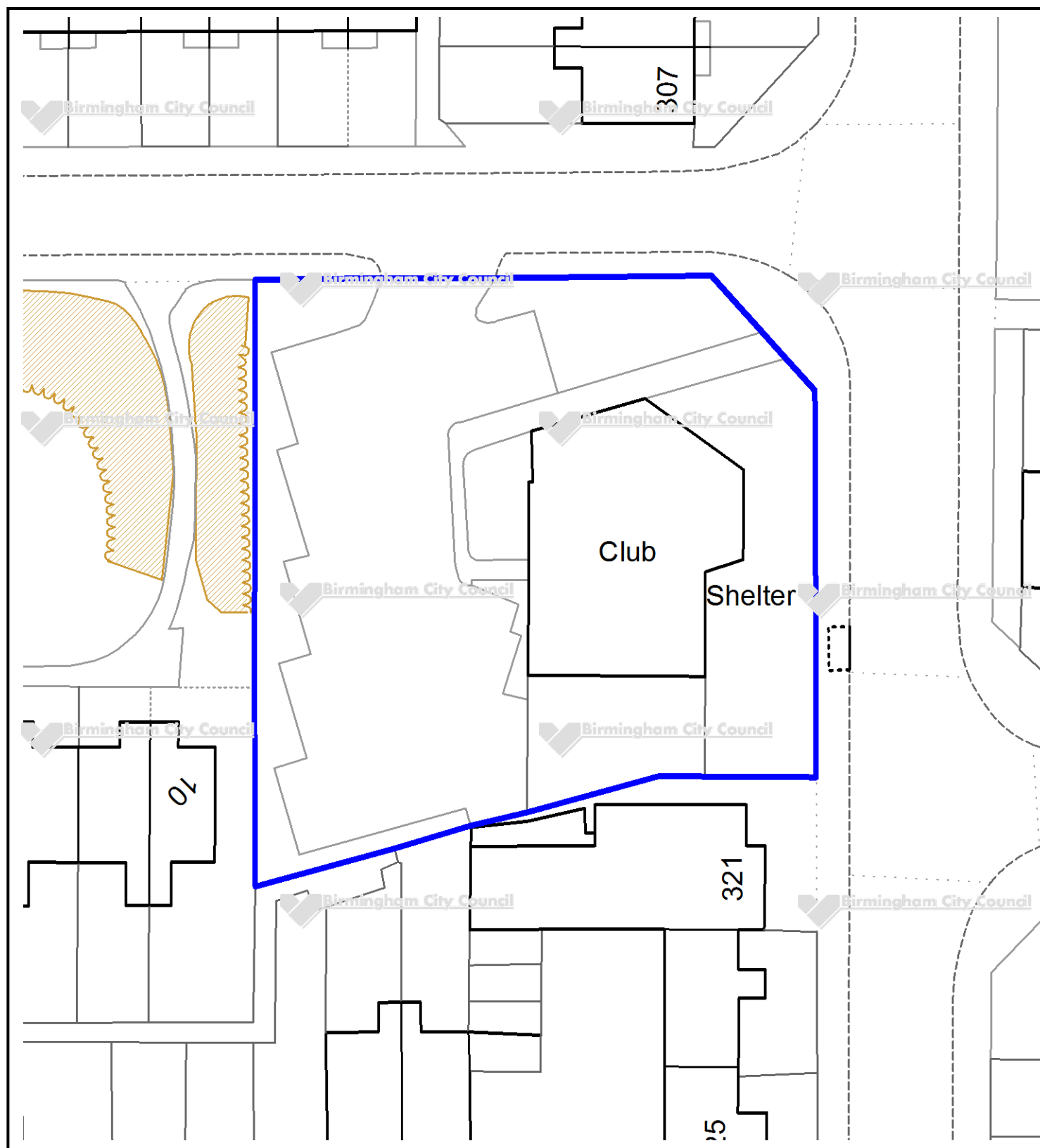


Fig 1 south view, looking towards 321 Summerfield Road



Fig 2 south view, corner of site

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/07188/PA
Accepted:	15/08/2017	Application Type:	Full Planning
Target Date:	10/10/2017		
Ward:	Quinton		

Land off Fleming Road, Quinton, Birmingham, B32 1ND

Erection of 4 dwelling houses with associated car parking and landscaping

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

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the erection of four 2 bed dormer bungalows with associated car parking and landscaping. These would face northwards looking to the side of 72 Fleming Road. The dwellings would have one parking space each. The proposed dwellings would be for social rented, owned by the City Council and developed as part of the Council's Stock Replacement Programme, on behalf of Birmingham Municipal Housing Trust (BMHT).
- 1.2. The site has three sides that face existing residential rear or side gardens.
- 1.3. The fourth boundary, to the north, consists of an existing vehicular access (in the northwest corner) and a public footpath beyond the northern boundary; leading from Fleming Road to Edison Grove.
- 1.4. Two house-types are proposed;
 - The Bordesley, being 91.4sqm (Bedroom One 17.2sqm, Bedroom Two 12.3sqm)
 - The Brandwood, being 85.7sqm (Bedroom One 15.8sqm, Bedroom Two 12.3sqm)
- 1.5. All proposed gardens exceed 52sqm, being 96-112sqm.
- 1.6. All proposed boundary details are provided; showing a 1.8m-2.1m high wooden fence between rear gardens and 0.45m trip rail on the north boundary facing the footpath adjacent to the site.
- 1.7. The bungalows would be a contemporary design, with brick walls and tiled roofs and flat roofed dormers. Each would have one dormer window in the roof-space, facing north. No rear dormers are proposed.

- 1.8. The scheme includes the removal of 2 conifer trees (Category C) and the planting of one replacement tree.
- 1.9. The application is supported by a design and access statement and tree survey.
- 1.10. Site area 0.11ha, density 54dph.
- 1.11. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. This application relates to a site of a former Council operated depot with associated offices. The site was cleared in the past and has now become overgrown.
 - 2.2. The site slopes from the western side (adjacent to 80 Fleming Road) down by 2m to the east (adjacent to 112 Edison Grove).
 - 2.3. The site is adjacent to existing residential dwellings, in the form of two storey semi-detached houses.
 - 2.4. [Site Location Plan](#)
3. Planning History
 - 3.1. 05/11/53. Pa no. E/C/09641001. Erection of maintenance depot. Approved.
 - 3.2. 12/06/2014 Pa no. 2014/03583/PA. Application for prior notification of proposed demolition of various buildings. No Prior Approval required.
4. Consultation/PP Responses
 - 4.1. Resident Associations, Residents, Councillors notified and the MP. A Site Notice has been erected.
 - 4.2. One resident has raised asked questions about the height of the houses, boundary heights and fire access.
 - 4.3. A second resident asked about annotations on the plan, safety around the access, the refuse collection strategy, overlooking to neighbours gardens if the palisade fence were removed from the top of the retaining wall, impact of additional parking requirements and construction disturbance.
 - 4.4. Severn Trent – As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.
 - 4.5. Regulatory Services – No response received.
 - 4.6. Transportation – No objection subject to condition for footway to be constructed to city specification.
 - 4.7. West Midlands Police – No objection.

4.8. West Midlands Fire Service – No objection provided that the road is at least 5.5 m wide.

5. Policy Context

5.1. The following local policies are relevant.

- Birmingham Development Plan (BDP) (2017);
- The Birmingham Unitary Development Plan (UDP) (2005) (saved policies)
- Places for Living SPG (2001);

5.2. The following national policy is relevant.

- The National Planning Policy Framework (2012)

6. Planning Considerations

6.1. Background

6.2. The proposal is for 4 new residential units to be developed for Birmingham Municipal Housing Trust (BMHT). The scheme is part of the Council's ongoing initiative to provide new high quality housing development in the City through BMHT.

6.3. The initiative would result in the Council receiving 4 new houses for social rent purposes. All the dwellings would be built to Code for Sustainable Homes Level 4, as part of the Government agenda to reduce carbon emissions in new housing.

6.4. This application raises considerations in regard to design, transportation, trees and residential amenity.

6.5. Design

6.6. The scheme proposes a contemporary design of four bungalows. The local area is two storey in character, but the site is constrained (by size and levels) and if two storey houses were proposed separation distances would be breached. As such I consider that the proposed scale is acceptable and the dwellings are of an appropriate density. As such I have no objection to the scheme from a design perspective.

6.7. Transportation Issues

6.8. The proposed dormer bungalows would each be provided with single driveway parking spaces. Beyond the site parking on street is noted to be unrestricted. Regular buses run within short walking distance if this site throughout the day.

6.9. Traffic and parking demand, associated with this level of development, would be expected to be reduced from that generated by the former use as a Council depot and office use. While off street parking is only 100% there are options for unrestricted overspill parking within the access drive and beyond the site.

6.10. Transportation colleagues have raised no objection, I concur with their conclusion.

6.11. Trees

6.12. The scheme includes the removal of 2 conifer trees (Category C) and the planting of one replacement tree. My arboriculturalist considers that the proposed layout is

agreeable and notes the group of 4 birch trees proposed to be retained on the northern boundary. He comments that if they are to be successfully retained then tree protection and methods for the formation of the access road will be required. The application can be accepted with conditions for an arboricultural method stated and details of tree pruning. I concur with these comments.

6.13. Residential Amenity

6.14. The site is adjacent to existing residential dwellings, in the form of two storey semi-detached houses, with a footpath between residential plots to the northern boundary. To the rear (south) the proposed bungalows would present a single storey aspect (no rear dormers). These would be 7.5m from the rear boundary and neighbouring rear windows would be a minimum of 15m from the rear boundary to create a total minimum separation distance of 22.5m.

6.15. To the frontage, the proposed row would look towards the side elevation of no.72 Fleming Road. This would have a minimum distance of 13m. Plot 4, in the far east side of the site, has a dormer window that would look towards the rear garden of no.72. The separation distance to the side fence of the neighbour's garden would be 10.5m. The land also falls by one metre from the ground floor of plot 4 to the level of the neighbour's garden. However, trees on the northern boundary of the site are proposed to be retained and the neighbour's garden includes an outbuilding that combined would obscure views into the garden of no.72. Taking the context into account I am satisfied that overlooking opportunities would be limited.

6.16. Both no.112 Edison Grove and no.72 Fleming have first floor side windows serving non-habitable rooms, I do not consider that future occupiers of the site would have their privacy adversely affected.

6.17. In summary, I consider that residential amenity would not be adversely affected by the scheme, I recommend that Permitted Development Rights are removed to prevent dormer windows being added to the rear roof due to the limited garden length.

6.18. The questions raised by the two residents have been answered direct to them by the case officer, no further comments have been received.

6.19. Community Infrastructure Levy

6.20. The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. The proposed scheme for residential development accords with both national and local policy. The scheme would constitute sustainable development, and add to the Council's stock of social rented housing for which there is a significant need. The proposed mix, layout and design are appropriate for the area and can be accommodated without any adverse impact on existing residents or the local highway network. The proposals would provide a high quality development, which would make a positive contribution to the area.

8. Recommendation

8.1. That planning permission be given, subject to the following 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 hard and/or soft landscape details
 - 4 Requires the prior submission of sample materials
 - 5 Requires the scheme to be in accordance with the listed approved plans
 - 6 Arboricultural Method Statement - Submission Required
 - 7 Requires tree pruning protection
 - 8 Removes PD rights for extensions
 - 9 Footway to be constructed to city specification.
 - 10 Implement within 3 years (Full)
-

Case Officer: Ben Plenty

Photo(s)



Fig 1 Site entrance, northwest corner of site, facing east.



Fig 2 footpath adjacent to northern boundary, looking east.

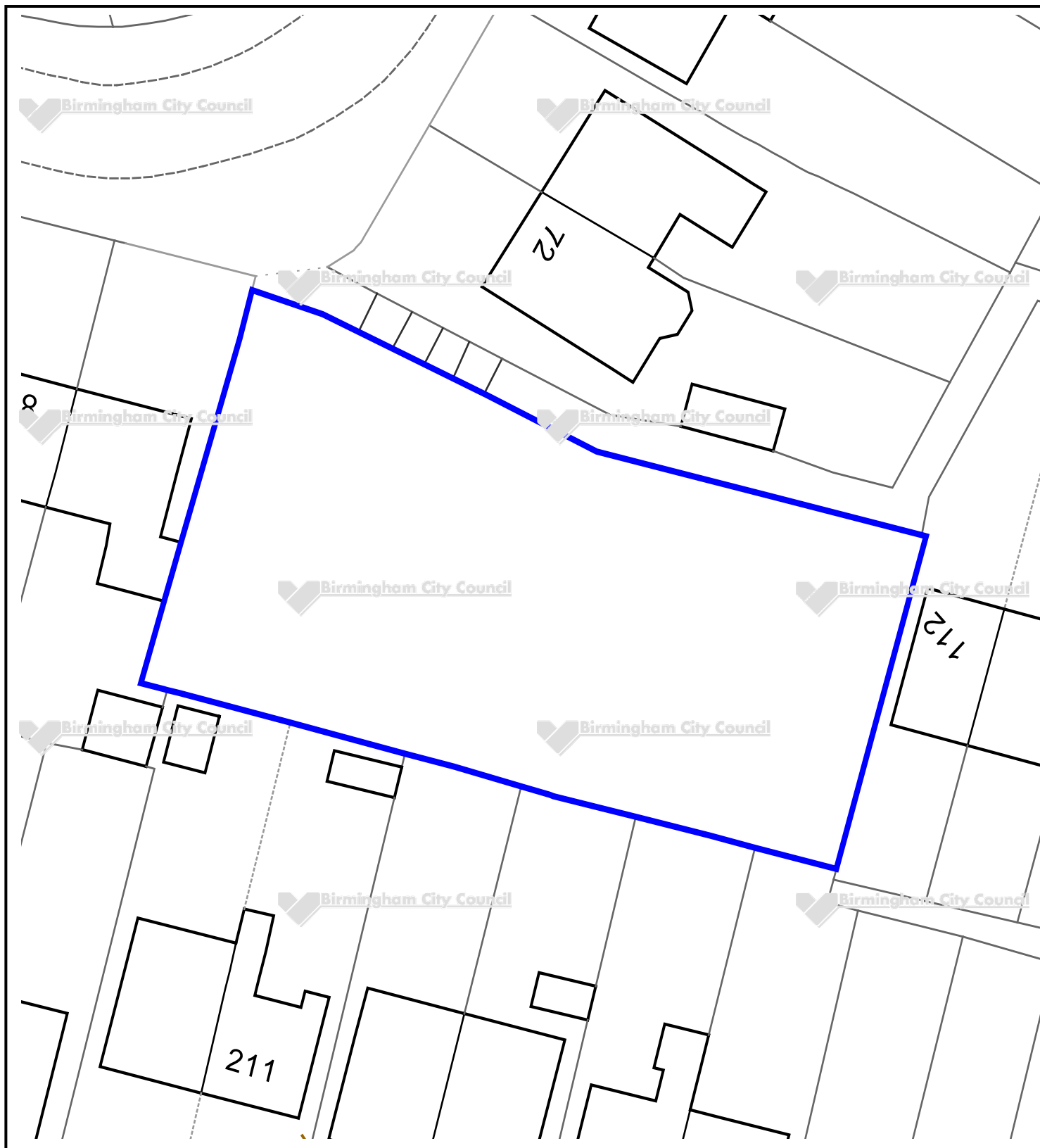


Fig 3 south looking view through site to rear of houses of Quinton Road West.



Fig 4 looking west along footpath with no.72 Fleming Road to the right and site to the left.

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/06426/PA
Accepted:	25/07/2017	Application Type:	Full Planning
Target Date:	24/10/2017		
Ward:	Edgbaston		

University House, Edgbaston Park Road, Edgbaston, Birmingham, B15 2TY

Erection of four storey extension with associated landscaping and works

Applicant:	Univeristy of Birmingham Estates Estates Office, Edgbaston, Birmingham, B15 2TT
Agent:	Glancy Nicholls Architects 2 Newhall Square, Birmingham, B3 1RU

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the erection of a four storey extension to the south of University House together with associated landscaping. The extension would be 3,135sqm (GEA) and would provide additional office space for the existing building, used for the Business School. The Business School is currently split across five buildings: University House, JG Smith, the new Alan Walters Building, Ash House and the ground floor of Elm House due to the insufficient capacity within the existing building. This currently creates a difficult teaching environment to logistically provide. This proposal would re-locate 103 existing staff from some of those buildings into a single consolidated location.



Fig 1 . Looking at western elevation of proposed extension

- 1.2. The footprint of the proposed extension would consist of two parts in layout form; the first being perpendicular to the existing building, the second being at a 30 degree angle to the first, following the line of the southern boundary. The design would be contemporary with the proposal arranged with grouped components; the lower three levels handled separately to the top floor with a visual recess that separate the 2nd and 3rd floors, furthermore the proposed elevations show a grid formation, defined by projecting stonework bays. Key materials would consist of stone, brick and bronze fins. In terms of scale the 1908 original building is three storeys, with a mansard roof and dormer windows within; creating a four storey presence. The scale of the proposal sits at a lower level behind the older building creating a subservient form, and being partially submerged (see fig 1).
- 1.3. The proposed extension would be attached to the listed building using an 8.5m wide, two storey flat roofed link. Apart from this link, there would be a 2m gap to be maintained between the existing building and the proposed.
- 1.4. Internally, the proposal would make minor changes to the existing building to remodel the dining area, create improved break-out areas and a new welfare hub. Works to the listed building are consequently limited to;
 - In the 2002 extension, the application proposes the removal of an internal wall and external window for G13, this would be repeated above in room 111, and would together create the linking node between the existing building and the proposal.
 - In the 1908 part of the original building, an internal partition in room G31, is proposed to be removed.
- 1.5. A new condenser is also proposed adjacent to the rear (east) elevation of the 1908 part of the building, this would be enclosed by landscaping and located within a corner of the newly created courtyard to the rear of the principal building.
- 1.6. The proposal also includes a new screen to the roof top plant, above the 2002 extension, using new metal panelling and bronze fins to soften and harmonise its impact.
- 1.7. The application is supported by a design and access statement, tree survey, preliminary ecological appraisal, Heritage Assessment, Transport Statement and Travel Plan, Drainage Strategy and ground investigation report.
- 1.8. The scheme includes the removal of some trees. It is proposed to remove 3 category B (T41, T42 [both London plane] and T83 [wellingtonia]), 38 category C and 3 category U. The removals are proposed to create the site for the extension and re-level surrounding land. The removals are proposed to create the development site for the extension and to re-model the levels of the surrounding land. The landscape scheme includes the planting of 14 semi-mature trees and new hedgerow.
- 1.9. A substation is also proposed in a landscaped space within the adjacent 'Edgbaston Park' business park. This would result in the removal of two trees; a birch (category C) and a pine (category B). The substation would be a brick building with a pitched roof and would be softened with accompanying landscaping.

- 1.10. Two further applications have been made in support of this scheme; an application for listed building consent and an application for the provision of 42 parking spaces (within the former Munrow Sports Centre site).
- 1.11. The building currently accommodates 91 staff, the proposal would increase the capacity by 63 additional staff, to 154.
- 1.12. Amended plans have been received that have made the proposed extension 0.6m lower, the roof top balustrade design has been simplified, the gable end wall (east facing) has been redesigned with windows that now replicate the proportions of the listed building, revised landscaping to better relate to the listed building, improved boundary details to show the relationship to the Chief Master's House, revised south elevation to prevent office windows from overlooking to the south and a relocated substation. Also a substation has been removed from the proposal.
- 1.13. Site area 1.65ha.
- 1.14. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. University House is a Grade II Listed Building. It has been extended previously with a large three storey rear extension to the north and east of the original building in 2002. The site is within the Edgbaston Conservation Area.
 - 2.2. University House, was built in 1908 as a student hall of residence to the designs of Herbert Buckland and is a large block in the Queen Anne style with considerable presence on the site. The Beale wing was added to the north-east in 1913, and has been substantially extended over the years, most recently in 2002-4 when the building was converted to a business school for the University. The site lies within a conservation area and adjoins the King Edward's School with its Grade II* chapel.
 - 2.3. University House faces onto Edgbaston Park Road, the area affected by the proposal is to the rear (east) and south of the original building on an area of landscaped land which has trees to its south and east perimeters. To the north of the site is King Edward VI School. To the south is Edgbaston Park; being four University buildings within landscaped grounds with car parking. To the east of the site are the recreation grounds of King Edward VI school, with the Chief Master's House to the immediate south of the application site. Edgbaston Park is subject to a Tree Preservation (group) Order (TPO 563).
 - 2.4. The wider area consists of a range of education uses with Bristol Road 250m to the south.
 - 2.5. 270m to the northeast is Edgbaston Pool; a Site of Significant Scientific Interest (SSSI) and Edgbaston Golf Course Site of Interest in Nature Conservation (SINC).
 - 2.6. In terms of levels, the site slopes by 2m from the top (northwest) to the lowest point in the southeast.
 - 2.7. [Site Location Plan](#)
3. Planning History

- 3.1. 19/09/02. Pa no. 2002/02264/PA. Proposed refurbishment of University House (1908 building) with limited demolition of the 1964 extension and the 1913 Beale Wing to facilitate new build extension to form new teaching accommodation to house Birmingham Business School. Approved.
- 3.2. Pending pa no.2017/06482/PA. Listed Building Consent for internal alterations
- 3.3. 14/11/17 pa no.2017/08603/PA. Creation of 42 parking spaces on the former Munrow centre site. Approved.
- 4. Consultation/PP Responses
- 4.1. MP, Councillors, Resident Associations and Calthorpe Estates consulted. Site Notice erected. Press Notice made. Two objections received.
- 4.2. One objection, from an adjacent office occupier, was concerned that the proposed sub-station would remove car parking. (the substation has since been removed from the scheme).
- 4.3. One objection, from King Edward's School, has raised concerns that parts of the proposed extension would overlook the school's games area and Chief Master's rear garden. It is also concerned that the scheme includes the removal of trees. They also say they have raised these concerns with the University and would not want to delay the applications process, as such they ask for conditions to deal with the issues raised.
- 4.4. Transportation – No objection subject to a condition that requires the proposed car parking to be provided.
- 4.5. Regulatory Services – No objection subject to a condition that requires details of noise from plant and machinery.
- 4.6. Lead Local Flood Authority – No objection
- 4.7. Severn Trent – No objection subject to drainage condition.
- 4.8. Historic England - Whilst the principle of extending the building in this location is not objectionable, the scale and nature of what is proposed is not in keeping with the character of the listed building and the site as a whole. The wayward placing of the office range at an angle, in front of what is an effective 'building line' established by the main facade of the listed building is intrusive and detrimental to the character of the listed building. A scheme which paid more respect to the historic planning of the site with orthogonal blocks respecting the line established by the forward projecting wings of the main building would be much preferable.
- 4.9. Conservation Heritage Panel – No objection.
- 4.10. West Midlands Police – No objections subject to a good lighting scheme to improve personal security.
- 4.11. West Midlands Fire Service – No objection. The emergency vehicle access route is a minimum of 3.7 m wide and able to support 15 tonnes. Access to the route for emergency vehicles in the southwest corner of the site from Edgbaston Park Road must be available 24 hours a day.

5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014).
- 5.2. Birmingham Development Plan (2017); Birmingham UDP (2005) saved policies, Edgbaston Conservation Area. University House Grade II Listed Building. Car Parking Standards SPD. Edgbaston Pool SSSI, Edgbaston Golf Course SINC. TPO 563 (to south of application site).

6. Planning Considerations

- 6.1. This proposal raises 5 key issues; design and impact on the conservation area, overlooking and amenity, traffic impacts, impact on ecology and impact on trees.

6.2. Design and impact on the conservation area

- 6.3. Paragraph 128, of the NPPF states that "...In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets (HA's) affected". Paragraph 129 states that the LPA should identify and assess the particular heritage asset that may be affected (including setting) and take this assessment into account when considering the impact to avoid or minimise conflict. Paragraph 137 seeks LPA's must look for new opportunities to enhance the setting of the conservation area and reveal their significance. Proposals that preserve those elements that make a positive contribution should be treated favourably. Paragraph 138 states that not all parts of a conservation area will necessarily contribute to its significance.
- 6.4. The Planning (Listed Buildings and Conservation) Act 1990 (The Act) includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 72, of the Act, states that "*In the exercise, with respect to any buildings or other land in a conservation area,... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*" Also Section 66, of the Act, states that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". These requirements have been carried into the Development Plan through Policy TP12.
- 6.5. 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."
- 6.6. The applicant's Heritage Assessment comments that the 2002 extension, identified as 'big boxy extension', has had a major impact on the character, appearance and setting of the original building and relegates it to a subservient role and 'annex'. It also considers the proposal and notes that the south wing of the proposal would have an impact on the historic building as it would be prominent in views from the south terrace and the garden. However, the Assessment concludes that the impact

would be less than substantial harm; passing the tests of paragraph 129 of the NPPF, Policy TP12 and Section 66 of the 1990 Act.

- 6.7. The proposal would be four storeys and consist of a wing, perpendicular to the 2002 extension and then turning to include a smaller component 'cranked' from the wing pointing towards the southern garden (on a SW/NE axis).
- 6.8. Historic England have raised concerns that whilst not objecting to the principle, it considered that the proposal was out of scale, was not in keeping with the character of the listed building and should have orthogonal (grid) block formation. Amended plans have since been received that I consider have addressed this issue through the reduction in height and elevation changes.
- 6.9. The application site comprises a Grade II listed building in the Edgbaston Conservation Area. The building comprises a large symmetrical composition of 1908 (with forward set wings either end of the south lawn elevation). It was sympathetically extended in 1913 on the eastern flank (rear-set to the north). In the Millennium a significant extension was granted and constructed, impacting around the North-eastern corner of the building (shrouding the 1913 extension). However, this modern extension falls short of sound architectural quality and causes harm to the setting of the listed building.
- 6.10. My conservation officer visited the site, prior to submission of the current application, to discuss the principle of further development and supported a development that would screen over (build off) the modern extension forming an Oxbridge-like quad. However, my Conservation officer was concerned that the proposed extension would breach the building line of the front elevation of the eastern wing of the 1908 range. There were also concerns with regards to the juxtaposition with materials and the proposed scale. The setting consists of a brick palette but proposed the use of concrete forms/frames rather than would have contrasted with the listed buildings. Stone is now proposed instead of concrete.
- 6.11. The Conservation Heritage Panel (CHP) noted that the proposal was partially cranked but also partly parallel to the Listed Building which they supported. The Listed Building has vertical cohesion. It was felt cross sections would be helpful as it was not totally clear how the vertical contained the edges with the plan dimension. They also needed to understand the levels. The Panel also supported the courtyard design and considered that it was an important feature. There was also some discussion with regards to the new block and how it would join the existing.
- 6.12. Amended plans were received following a site meeting and my conservation officer has commented that the reduction in height, the simplifying of the gable end and the use of stone have satisfied his concerns.
- 6.13. From a design perspective, the amended plans now show a proposed extension that would sit comfortably with the existing building and would create a pleasant new courtyard enclosed on three sides by buildings. The proposal is considered to be subservient to the original 1908 building. The angled linear block adds interest to the form and creates an interesting focus to the wing. The proposal is a contemporary design, but suits the very special character of the listed building and is considered to be of good design. The stone grid arrangement, evident on the elevations, takes cues from the rhythms and solid to void proportions of the existing historic building.
- 6.14. I consider that the proposal is of good design, includes high quality materials and would both stand as an interesting separate building as well as showing strong

palette links to its parent building (being brick and stone). On this basis, and mindful of the support of both the conservation officer and CHP and benefits of shielding the 2002 extension at the rear of the original building, I am satisfied that the proposed extension would enhance the listed building and wider conservation area.

- 6.15. In conclusion, I am also satisfied that the proposal would have an impact that would be of less than substantial harm; passing the tests of paragraph 129 of the NPPF, Policy TP12 and Section 66 of the 1990 Act. I am also satisfied that the scheme would enhance the conservation area and as such satisfy the same tests (including Section 72 of the 1990 Act).
- 6.16. Overlooking and amenity
- 6.17. The proposed extension would be close to its east and southern boundaries; beyond which is the grounds of King Edwards School (KES).
- 6.18. The southernmost part of the 4 storey wing would be off-set from the south boundary by 6.5m. Beyond the south boundary is the Chief Master's House of KES. The house is 24.5m from the shared boundary and presents a two storey side elevation to the north. The main outlook of the house is to the east (front) and west (rear). The side elevation of the house has no windows. The side garden, of 24.5 m, is supplemented by a substantial rear garden and the side garden contains substantial and mature trees that are also evident on the side boundary. This relationship is unconventional and raises concerns regarding overlooking and over-domination. Places for Living SPG, seeks a separation distance of 20m to prevent overlooking when dealing with a residential to residential relation, but is also a useful guide when considering these issues generally. The fact that the garden of the KES house, is extensive and located to both the side and rear and that tree screening is substantial, allows for some flexibility in the consideration of this relationship. The applicants have considered this relationship and have amended the proposed elevation to dramatically reduce the perception of overlooking by adding oriel windows that only look out to the southwest (away from the garden). The applicant also proposes to enhance the tree screening to reduce to impact of over-domination. I consider that both of these measures, and taking the context into account, satisfy my concerns. I note King Edwards School have requested to address these matters, which I consider has now been satisfactorily achieved.
- 6.19. The eastern elevation also looks towards the grounds of KES, through substantial tree screening. Beyond this boundary are playing fields and a multi-use games area (MUGA). Some overlooking of the school could occur which would raise safeguarding concerns. The proposed extension consists of two section; a section perpendicular to the side of the 2002 extension and a section that is cranked away from the first section that follows the southern boundary line. The perpendicular section of the proposal would have four stories of windows looking towards the east boundary, consisting of 5 offices per storey, with a boundary ranging from 15-17m from the proposal. The boundary is heavily screened by mature trees and land form is level between both ownerships, as such I consider this relationship to be acceptable in mind of the context. The second part of the proposal, the cranked section, would be nearer to the east boundary ranging from 10-10.5m and would have three windows per storey. The windows, to the cranked wing, would serve a corridor and offices (being secondary windows). It is proposed for the secondary office windows to be obscurely glazed and for the corridor window to be obscure at eye-line level. These details can be secured by condition. Taking the context into account, and the proposed obscure glazing, I am comfortable with this relationship and raise no objection.

- 6.20. I further notice that King Edward's School have considered this relationship and whilst raising concerns have stated that it is comfortable for the matter to be resolved with conditions securing additional screening.
- 6.21. Traffic impacts
- 6.22. 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.
- 6.23. The building is proposed to provide offices for 154 staff and has no teaching rooms. The site is adjacent to the main University campus and additional car parking has recently been approved at the Munrow Sports Centre site to create a further 42 spaces (under application 2017/08603/PA) to complement this application.
- 6.24. The Munrow site will be available for additional car parking following the demolition of the current redundant building. Application 2017/08603/PA would add a further 42 spaces onto a site that has received four previous approvals for car park extension, following approval of the adjacent Hotel and Conference Facility, Central Teaching Labs, extension to 52 Pritchatts Road and the Buried Infrastructure building. Therefore, the logic of this proportionate infrastructure growth, keeping pace with new development, is well established. It is further recognised that the objective is to raise the total level of car parking across the campus rather than to attempt to regulate who parks where.
- 6.25. Colleagues in Transportation have considered this proposal and note that it is proposed to develop the site to accommodate 166 staff, 103 of which would be relocated from elsewhere on the campus. Mobility parking would be available on site, using existing parking provision at the adjacent building. It is not proposed to provide additional cycle parking on site, but it is considered that there is a range of suitable cycle parking facilities within a short walk of the development site, including at the adjacent University building. Pedestrian access to the site would be provided from the existing access to the site, with way finding signage to ensure links to public transport and surrounding University buildings and facilities is clear. Emergency Service and Service Vehicles would utilise a new access road provided to the south-west of the main building, with access onto Edgbaston Park Road.
- 6.26. I concur with the conclusion of the Transport Statement that the development proposals would not have a significant impact on the local highway network.
- 6.27. Transportation officers have raised no objection to the proposal subject to the provision of the proposed additional car parking. I concur and recommend that a condition is attached that requires the identified car park expansion (shown by 2017/08603/PA) be built and made operational prior to the first use of the proposed building.
- 6.28. Impact on trees
- 6.29. The scheme includes the removal of some trees. It is proposed to remove 3 category B (T41, T42 [both London plane] and T83 [wellingtonia]), 38 category C and 3 category U. The removals are proposed to create the site for the extension and re-level surrounding land. The landscape scheme includes the planting of 14 semi-mature trees and new hedgerow.

- 6.30. The London plane tree T41 is the most significant removal along with T42 and these are required to be removed to facilitate the development. They are located within the private university landscape and away from significant public views. Various smaller tree removals are also required around the edges of the garden enclosure; being only C and U category trees. The young Wellingtonia T83 is proposed to be removed from the position of the new steps to Elm House. Conditions are recommended for tree pruning details and an arboricultural method statement. The Wellingtonia T83, on the southern boundary, is not included on the TPO plan and it is just outside the boundary of the TPO location plan. However, it is considered that this would not be a constraint in this case as it is relatively young, easily replaced and is not a significant public amenity.
- 6.31. My tree officer has raised no objection subject to conditions to require a tree protection plan and an arboricultural method statement. I concur with this request.
- 6.32. Ecology
- 6.33. The ecological value of the proposed development area of the application site (amenity grassland, scattered semi-mature trees, species-poor hedgerow, ornamental planting) affected by the proposals is generally low, although the loss of a mature London Plane (T41) is more significant. Trees, hedges and other vegetation along the southern and eastern boundaries in particular form part of a habitat corridor around the edge of the site, providing a habitat link to the Site of Special Scientific Interest (SSSI) and Edgbaston Golf Course Site of Interest of Nature Conservation (SINC). Vegetation around these boundaries should be retained; where losses occur, new planting is provided as compensation. As this vegetation provides suitable habitat for nesting birds, clearance works should adhere to the good practice mitigation measures described in the Preliminary Ecological Assessment (PEA): removal should avoid the bird breeding season or should only take place following an inspection by a suitably qualified/experienced ecologist.
- 6.34. The southern and eastern boundaries would be reinforced with new informal tree and hedge planting and the existing boundary hedge in the south-east corner would be replaced with a new native hedge. This should include a wide range of native shrub species (eg hawthorn, holly, blackthorn) included as part of any replacement / supplementary hedge planting which can be secured by condition.
- 6.35. Evidence of badger foraging activity was noted on the lawn where the new blocks are proposed. This is not unexpected, given the presence of at least one active main sett in the local area. Areas of formal landscaping (lawns, shrub beds etc) across the UoB estate as well as more semi-natural areas of green space provide foraging resources for the local badger population. The proposals will not result in the loss of a significant area of this habitat, and a variety of foraging resources will continue to be available in, and adjacent to, the site. Therefore I do not consider the proposals will have a significant impact on the local badger population. Good practice mitigation measures will need to be implemented during construction works to reduce the risk of harm to badgers and other terrestrial mammals that may access the site during works. Appropriate recommendations are set out in the PEA.
- 6.36. The proposals would have limited impacts on bats, and no further surveys for bats are required. The main building does include features with bat roost potential, but the minor internal refurbishments proposed would not impact on these features. The 2002 extension does not contain any features suitable for roosting bats. Existing

trees are all in generally condition, and the PEA did not identify any features with bat roost potential. Vegetation around site boundaries will provide opportunities for foraging and commuting bats; retention / replacement / reinforcement of this vegetation will ensure these habitat resources are maintained. Recommendations are made in the PEA in relation to new lighting, to ensure adverse impacts on bats are avoided / minimised.

- 6.37. The measures recommended in section 7 of the PEA, to mitigate ecological impacts, reflect published good practice guidance and are proportionate to the level of impacts anticipated. A condition should be attached to secure implementation of these mitigation measures. The PEA includes further biodiversity enhancement measures to be incorporated in the landscaping scheme in order to maximise the ecological value of the site. Such measures should include, for example, “wildlife-friendly” planting, provision of nesting and roosting habitat, creation of deadwood habitat. A condition should be attached to secure further details. My ecologist is satisfied subject to the use of conditions.
- 6.38. In summary, I am satisfied that the proposal would not harm any identified habitat and that there is scope for the local ecology to be enhanced with mitigating conditions in line with the recommendation of the ecological appraisal and a scheme for ecological enhancement measures.

7. Conclusion

- 7.1. The proposal respects the existing listed building and would screen the less successful 2002 extension. The scheme represents good design and suits the character of the listed building and the character of the wider conservation area. The scheme considers ecology and tree impacts, and with suitable mitigation, would be acceptable. The proposal takes into account the residential amenity impact to the south and safeguarding concerns to the east and with mitigation, provides an acceptable solution. The scheme accommodates additional parking (at the former Munrow site) resulting in sustainable development. The University would benefit from the consolidation and improvement of the business school and this would in turn support the ongoing success of the University’s growth strategy with proportionate infrastructure growth.

8. Recommendation

- 8.1. That Planning Permission be granted subject to the following conditions;

-
- | | |
|---|------------------------------------------------------------------------|
| 1 | Requires the prior submission of window frame details |
| 2 | Requires the prior submission of external doors |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of sample materials |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Requires the prior submission of details of refuse storage |
| 7 | Requires the scheme to comply with the Ecological Appraisal |
-

-
- 8 Requires the prior submission of a scheme for ecological/ biodiversity/ enhancement measures
 - 9 Limits the noise levels for Plant and Machinery
 - 10 Requires the prior submission of a sustainable drainage scheme
 - 11 Requires the prior submission of extraction and odour control details
 - 12 Requires the prior submission details obscure glazing for specific areas of the approved building
 - 13 Requires the prior submission of a lighting scheme
 - 14 Requires the prior submission of material connection details
 - 15 Sets trigger for off-site car park delivery
 - 16 Arboricultural Method Statement - Submission Required
 - 17 Requires tree pruning protection
 - 18 Implement within 3 years (Full)
-

Case Officer: Ben Plenty

Photo(s)



Fig 2 overview of site, looking north.



Fig 3. Looking at southern elevation of 2002 extension

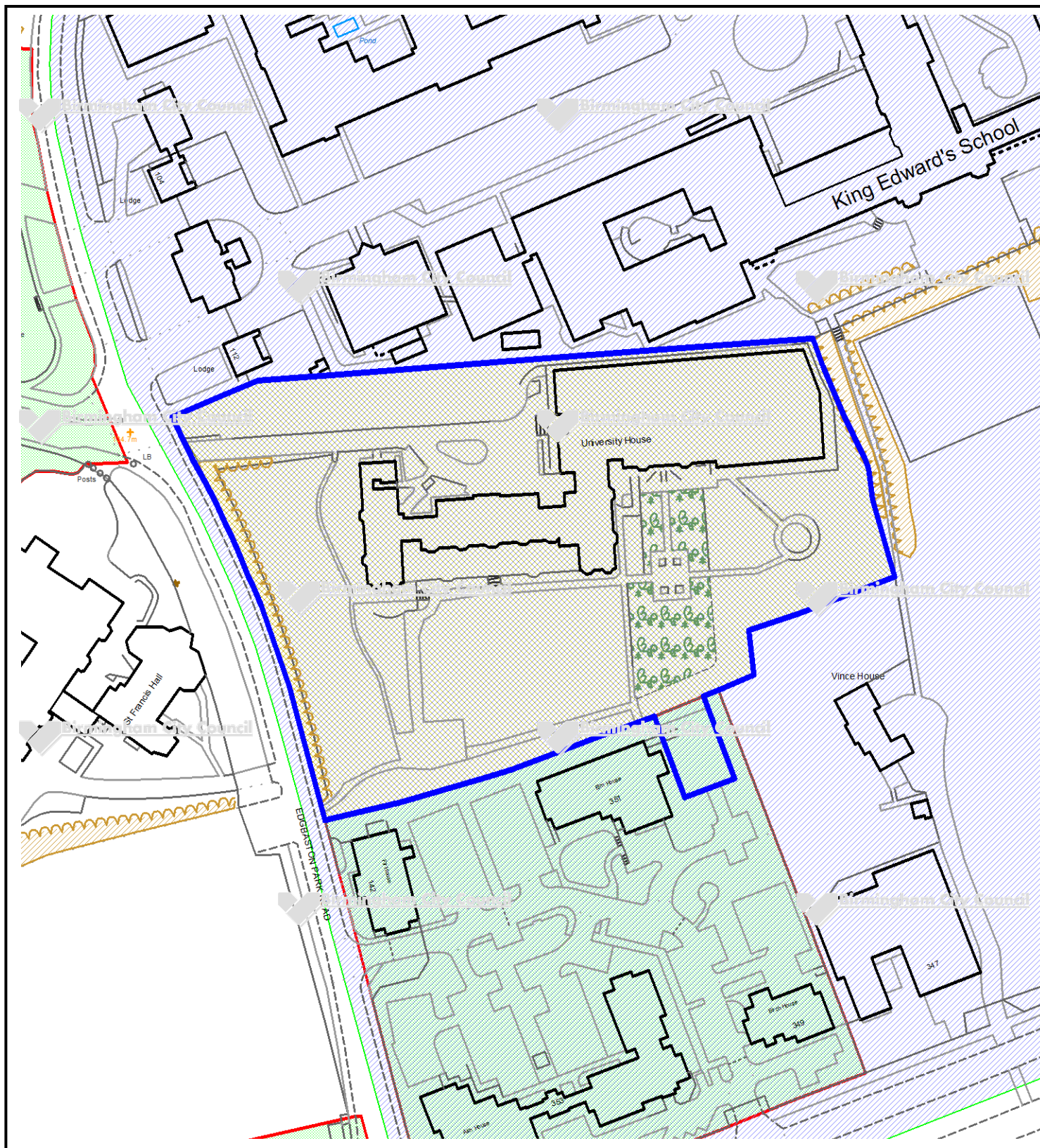


Fig.4 East elevation of original and southern elevation of 2002 extension



Fig 5. Application site, looking south with 2002 extension behind and east elevation of 1908 building to the right

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/06482/PA
Accepted:	25/07/2017	Application Type:	Listed Building
Target Date:	19/09/2017		
Ward:	Edgbaston		

University House, Edgbaston Park Road, Edgbaston, Birmingham, B15 2TY

Listed Building Consent for internal alterations and the erection of a four storey extension.

Applicant:	University Of Birmingham Estates Estates Office, Edgbaston, Birmingham, B15 2TT
Agent:	Glancy Nicholls Architects 2 Newhall Square, Birmingham, B3 1RU

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks Listed Building consent for internal alterations and the addition of a four storey rear extension to University House.
- 1.2. The proposal would make minor changes to the existing building to remodel the dining area, create improved break-out areas and a new welfare hub. Works to the listed building are consequently limited to;
 - In the 2002 extension, the application proposes the removal of an internal wall and external window for G13, this would be repeated above in room 111, and would together create the linking node between the existing building and the proposal.
 - In the 1908 part of the original building, an internal partition in room G31, is proposed to be removed.
- 1.3. There are no external changes to the existing building other than the interface with the proposed extension.
- 1.4. The application is supported by a Heritage Assessment.
- 1.5. Two further applications have been made in support of this scheme; an application for planning permission for the extension and an application for the provision of 42 parking spaces (within the former Munrow Sports Centre site). The planning application considers the proposed extension and its impact on the listed building.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. University House is a Grade II Listed Building. It has been extended previously with a large three storey rear extension to the north and east of the original building in 2002. The site is within the Edgbaston Conservation Area.
- 2.2. University House, was built in 1908 as a student hall of residence to the designs of Herbert Buckland and is a large block in the Queen Anne style with considerable presence on the site. The Beale wing was added to the north-east in 1913, and has been substantially extended over the years, most recently in 2002-4 when the building was converted to a business school for the University. The site lies within a conservation area and adjoins the King Edward's School with its Grade II* chapel.
- 2.3. University House faces onto Edgbaston Park Road, the area affected by the proposal is to the rear (east) and south of the original building on an area of landscaped land which has trees to its south and east perimeters. To the north of the site is King Edward VI School. To the south is Edgbaston Park; being four University buildings within landscaped grounds with car parking. To the east of the site are the recreation grounds of King Edward VI school, with the Chief Master's House to the immediate south of the application site.
- 2.4. The wider area consists of a range of education uses with Bristol Road 250m to the south.
- 2.5. [Link to Documents](#)
3. Planning History
 - 3.1. 19/09/02. Pa no. 2002/02264/PA. Proposed refurbishment of University House (1908 building) with limited demolition of the 1964 extension and the 1913 Beale Wing to facilitate new build extension to form new teaching accommodation to house Birmingham Business School. Approved.
 - 3.2. 14/11/17. Pa no. 2017/08603/PA. Creation of 42 parking spaces on the former Munrow centre site. Approved.
 - 3.3. Pending. Pa no. 2017/06426/PA Erection of four storey extension with associated landscaping and works.
4. Consultation/PP Responses
 - 4.1. Councillors, MP, Resident Associations and Calthorpe Estates consulted. Site Notice erected. Press Notice made.
 - 4.2. Historic England - Whilst the principle of extending the building in this location is not objectionable, the scale and nature of what is proposed is not in keeping with the character of the listed building and the site as a whole. The wayward placing of the office range at an angle, in front of what is an effective 'building line' established by the main facade of the listed building is intrusive and detrimental to the character of the listed building. A scheme which paid more respect to the historic planning of the site with orthogonal blocks respecting the line established by the forward projecting wings of the main building would be much preferable.
 - 4.3. Conservation Heritage Panel – No objection.
5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014).
- 5.2. Birmingham Development Plan (2017); Birmingham UDP (2005) saved policies, Edgbaston Conservation Area. University House Grade II Listed Building.
6. Planning Considerations
 - 6.1. Paragraph 128, of the NPPF states that "...In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets (HA's) affected". Paragraph 129 states that the LPA should identify and assess the particular heritage asset that may be affected (including setting) and take this assessment into account when considering the impact to avoid or minimise conflict. Paragraph 137 seeks LPA's must look for new opportunities to enhance the setting of the conservation area and reveal their significance. Proposals that preserve those elements that make a positive contribution should be treated favourably. Paragraph 138 states that not all parts of a conservation area will necessarily contribute to its significance.
 - 6.2. The Planning (Listed Buildings and Conservation) Act 1990 (The Act) includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 66, of the Act, states that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". These requirements have been carried into the Development Plan through Policy TP12.
 - 6.3. 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."
 - 6.4. The applicant's Heritage Assessment comments that the proposed works would be less than substantial harm; passing the tests of paragraph 129 of the NPPF, Policy TP12 and Section 66 of the 1990 Act.
 - 6.5. Historic England has raised concerns about the proposed extension but raised no objection to the listed building works. My conservation officer has also raised no objection to the proposed internal works.
 - 6.6. I am satisfied that the proposed internal works would have a limited impact on the listed building.
7. Conclusion
 - 7.1. The scheme satisfied listed building policy and would have a neutral impact on the character of the listed building.
8. Recommendation

8.1. That Listed Building Consent be given subject to the following conditions;

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the prior submission of sample materials
 - 3 Requires work schedule/repair details to the listed building
 - 4 Implement within 3 years (conservation/listed buildings consent)
-

Case Officer: Ben Plenty

Photo(s)

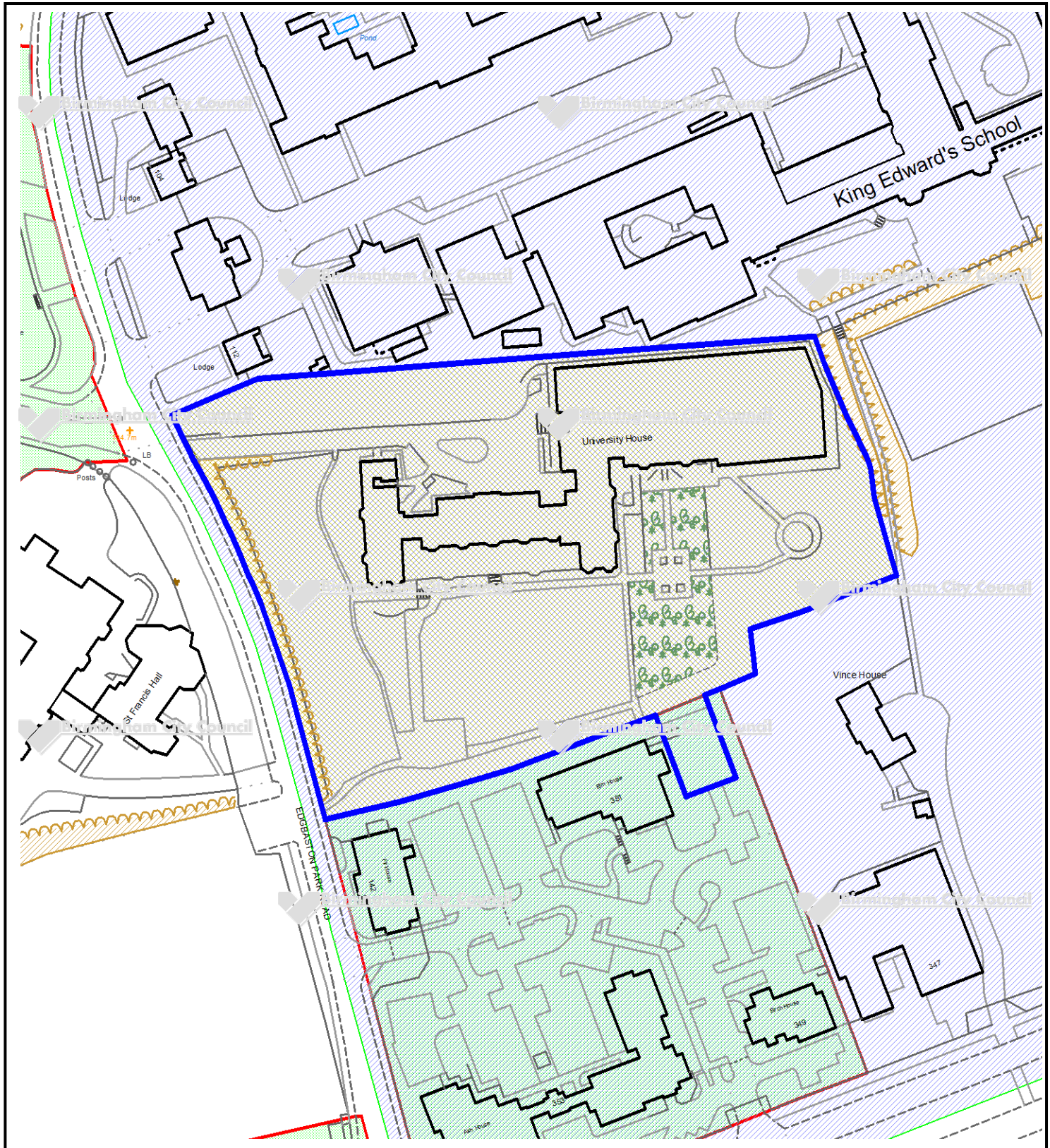


Fig. 1 Overview of site



Fig 2 partition to be removed (left coloured pink)

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/08197/PA
Accepted:	22/09/2017	Application Type:	Full Planning
Target Date:	17/11/2017		
Ward:	Brandwood		

8 Druids Lane, Kings Heath, Birmingham, B14 5SN

Demolition of existing offices and construction of coffee shop (Use Classes A1/A3) with drive-through facility, associated car parking and landscaping

Applicant:	Deeley Properties Ltd & Starbucks Coffee Company (UK) Ltd George House, Herald Avenue, Coventry, CV5 6UB
Agent:	Hitchman Stone Partnership 14 Market Place, Warwick, CV34 4SL

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the demolition of an existing office building and replacement erection of a coffee shop with drive-through facility (Use Classes A1/A3) with associated parking and landscaping.
- 1.2. The proposed coffee shop would be single storey, located on the eastern half of the site and fronting on to the Maypole roundabout, with the western part of the site retained as car parking area.
- 1.3. The proposed coffee shop building would have a flat roof, with a parapet rising to a height of 5.6m. The building would have a maximum length of 18.8m and a maximum width of 12.7m. It would have a part enclosed bin store/plant element attached to its west (rear) elevation. The proposed building would be faced in horizontal dark grey cladding, and grey aluminium curtain walling/windows, with the bin store/plant element to be faced in blue brick. A grey, powder coated, brise soleil canopy would be created above the glazed curtain walling on the front elevation.
- 1.4. The existing vehicular access into the site, off Druid's Lane, would be retained. Vehicles would either park up in the car parking area located along the western part of the site (11 car park spaces plus 2 disabled spaces) or drive in a clockwise direction around the proposed building to the order/collection points. Two cycle stands (accommodating four cycles) would be located on the forecourt adjacent to the building entrance. Two motorcycle spaces would be located in the car park. A new pedestrian entrance to the site would be created on the Alcester Road South frontage.
- 1.5. New soft landscaping strips would be created around the site boundaries on the eastern half of the site. Three trees are proposed to be removed as a result of the proposed development – these being a Category B Silver Birch, and two Category C

Cypress. The former tree is located adjacent to the access off Druids Lane and would be removed to allow for a splayed access to improve visibility/manoeuvrability. The latter trees, on the Alcester Road South frontage, would be removed to allow for clearer views of the proposed building.

- 1.6. 10 full time and 12 part time jobs are proposed to be employed as part of this development.
- 1.7. Proposed opening hours would be 0600-2300 hours Mondays to Saturdays, and 0800-2000 hours on Sundays and Bank Holidays.
- 1.8. A maximum of 60 covers would be accommodated within the proposed coffee shop.
- 1.9. The site area is 0.15ha. The development would not attract a CIL contribution.
- 1.10. An Arboricultural Report, Transport Assessment, Bat Survey, Ecological Assessment, Ground Investigation Report, and Design and Access Statement have been submitted to support this planning application.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the junction of Alcester Road South (A435) and Druids Lane. It fronts on to the large Maypole roundabout located at the edge of the City boundary. The site is located within Maypole Neighbourhood Centre, although the main part of the Centre is located on the opposite side of the road and to the north.
- 2.2. The existing two storey, detached, L-shaped, brick built offices are located on the eastern half of the site, with the main entrance fronting on to Druids Lane. The western half of the site comprises of a tarmac parking area, which is accessed off Druids Lane. Low hedgerows generally define the site boundaries, with lawned areas behind. There are two mature Category A Sessile Oak trees located within the grass verge that faces on to Druids Lane. The site comprises of level ground.
- 2.3. Immediately adjoining the site to the north, but not physically separated from the application site, is Maypole Dental Surgery, which to the rear also has six staff car parking spaces allocated to it as part of the shared car park with the application site. The Surgery has a right of access over the application site to these staff parking spaces. The north west corner of the site immediately adjoins a nursing home and Maypole Surgery. Immediately adjoining the site to the west is a two storey end terrace house (No. 12 Druids Lane). Located opposite the site, on the other side of the roundabout is a Sainsbury's supermarket, Aldi supermarket, and shops with a Travelodge hotel.
- 2.4. [Site Location Map](#)

3. Planning History

- 3.1. There is no relevant planning history for this site.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Subject to conditions requiring submission of a delivery management plan, and implementation of 'Keep Clear' markings within carriageway in order to manage traffic entering/exiting the site. While traffic associated with the site is expected to increase, it is not expected the impact at this location would be significant.
- 4.2. Regulatory Services – No objection – Subject to conditions requiring a limit on cumulative noise levels from all plant and machinery, and a restriction on customer opening hours of 06:00-23:00 Mondays to Saturdays and 08:00-20:00 Sundays and Public Holidays.
- 4.3. West Midlands Police - No objection – Subject to a condition that CCTV be installed to cover the site
- 4.4. Birmingham Public Health – No response received
- 4.5. Severn Trent Water – No objection – Subject to a condition requiring details of drainage
- 4.6. Local occupiers, Ward Councillors, MP and resident associations notified. Site notice displayed - 13 letters of objection received from local residents raising the following concerns as summarised:
- Increase traffic congestion, when congestion is already bad
 - Pose highway safety risk, when accidents are known to have occurred at the traffic island
 - Pedestrian safety risk from cars blocking footpath turning into site
 - Increased pollution
 - Increased noise
 - Increased litter
 - Potential increase in anti-social behaviour
 - Invasion of privacy
 - Enough coffee shops and takeaways already in this area
 - Would adversely affect existing coffee shop businesses in this area
- 4.7. Maypole Dental Surgery – If further information cannot be, or is not, submitted to satisfactorily address the concerns raised then the application proposals should not be allowed. The following concerns are raised as summarised:

Visual amenity – 1) The demolition of the existing buildings will open up the southern boundary of our property - unobstructed views from within the site into the windows of Surgery and nothing to prevent people from walking into and/or across our property; 2) The application site would be more visually open and more intensively used; 3) The proposed drive-through circulation lane also forces vehicles to pass along the southern elevation of our property.

Lighting - A luminaire would be installed in close proximity to our property. Would appreciate further details to understand how it might impact on the first floor windows of property in relation to light pollution

Noise - The proposals do not specifically consider the potential noise impact at the boundary of our property. The increase in noise and exhaust emissions will

adversely impact upon dental procedures and will be disruptive to the comfort of patients, further decreasing the likelihood that we will be able to open windows during surgery opening hours

Transport – 1) The proposals do not highlight any measures for preventing café customers from parking within the surgery staff car parking spaces; 2) Fails to identify how safe access can be maintained to the existing staff car parking spaces whilst construction is taking place and how weekly deliveries and hazardous and commercial waste collections from the rear of our property can be achieved; 3) The Transport Assessment does not consider the impact of the proposal, and in particular the site vehicular access/egress arrangements, on pedestrian safety in any detail; 4) The internal vehicular circulation shown is considered to be confusing and could result in accidents occurring. Cars are conceivably faced with oncoming vehicles in the same lane. This part of the site is where our staff car parking spaces are located and where any emergency vehicles serving our property would pull in.

Construction and Waste Management – 1) No Construction Management Plan or otherwise, to set out how the demolition and associated noise and dust will be controlled; 2) Does not identify the proposed location of waste bins or how the occupiers propose to deal with and minimise litter.

Loss of Offices - The marketing period/pricing information is not sufficiently detailed to make clear how the proposal could accord with BDP Policy T20.

- 4.8. Steve McCabe M.P. – Maypole roundabout is extremely busy and congested at peak times with traffic often backing up along Druids Lane. The addition of a busy entrance/exit so near the roundabout would increase congestion. Not against redevelopment of the site and would welcome any development that would bring jobs to the local area, but cannot support this application as it would have a negative impact on local residents, increase congestion and potentially make this junction more dangerous.

5. Policy Context

- 5.1. NPPF; Birmingham Development Plan (BDP) 2031; Birmingham Unitary Development Plan (UDP) Saved Policies 2005; Shopping and Local Centres SPD; Places for All SPD; Car Parking Guidelines SPD; TPO 597.

6. Planning Considerations

- 6.1. Pre-application discussions were held with the Applicant earlier in the year and the design of the proposed development has been modified as a result. I consider the key planning issues to be assessed under this proposal are: the principle of an A1/A3 use in this location; the design of the proposed development; traffic and highway safety; noise; ecology; and tree and landscape issues, including with respect to the operation of the adjacent dental surgery.

Principle of Use

- 6.2. The Applicant has confirmed that Moss Construction were the main tenant of the application premises until 6 years ago when they moved out. Since then the Applicant has been unable to secure a tenant or sale of the building to retain its existing B1 use. Only 10% of the building is now occupied. Active marketing of the

site for one year and eleven months has been undertaken on behalf of the Applicant, with no positive enquiries received. I concur with the Applicant's Marketing Agent that there is not a demand for this type of office accommodation at this location. There is no policy requirement in the BDP for retention of existing office accommodation (the existing office use is not an 'employment use' as identified in Policy TP20 of the BDP). Therefore I am satisfied that the loss of B1 use in this location would be acceptable.

- 6.3. Policy TP21 of the BDP explains that local centres will be the preferred locations for retail, office and leisure development and for community facilities. The application site is located within Maypole Neighbourhood Centre and therefore the proposed development would be policy compliant.
- 6.4. Policy TP24 of the BDP encourages new A3 uses within Neighbourhood Centres subject to avoiding an over-concentration or clustering of such uses as to have an adverse impact on residential amenity. There are no adjoining A3/A4/A5 uses to the site and therefore no cumulative adverse impact would arise as a result of clustering of such uses. I note the concerns of local residents in respect of there being no need for further coffee shops/takeaways in the area, and that the proposal would adversely affect existing coffee shop businesses in the area. However, the remit of the planning system is not to restrict consumer choice or protect existing commercial operators.
- 6.5. As the development proposed would see a new A1/A3 use within the local centre boundary, outside of the Primary Shopping Area, and located on the A435 frontage which forms part of the Strategic Highway Network that separates the site from the main Neighbourhood Centre shops, I consider that the proposed development is in accordance with policy, and the principle of development of this nature on this site is accepted.

Design

- 6.6. Policy PG3 of the BDP explains that *"All new development will be expected to demonstrate high design quality, contributing to a strong sense of place."* It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.7. The existing two storey office building is of no particular architectural merit and therefore I have no concerns regarding its proposed demolition.
- 6.8. The proposed drive-thru building has a smart, contemporary design, acknowledging recently completed developments to the east and south-west of the adjacent traffic island, with a large glazed café element presented to the public realm on the Druids Lane and Alcester Road South frontages. This visually reinforces the customer entrance facing the traffic island. A new pedestrian access linking the proposed building to Alcester Road South would provide improved linkages between the application site and the rest of Maypole Neighbourhood Centre.

- 6.9. Whilst the proposed drive-thru building would be noticeably smaller in scale in comparison to those other commercial buildings fronting the traffic island, the Applicant does not have an operational requirement for a first floor. However, a parapet has been included within the design to give the proposed building some additionally needed height as per Officer advice. As such I am satisfied with the scale of the development and consider this would not have a detrimental impact on the streetscene. The increased separation distance of the proposed building to the adjacent Dental Surgery would similarly not have an adverse impact on the streetscene.
- 6.10. My City Design Officer has raised no objection to the proposal. She advises that the proposed cladding material needs to be carefully chosen to avoid looking too industrial. I am not convinced that the cladding proposed would make for a building of sufficiently high quality design and the Applicant is looking at alternative cladding materials in light of this advice.
- 6.11. I consider that the siting, scale and appearance of the proposed building would be acceptable, and in keeping with the character of the surrounding area.

Traffic and Highway Safety

- 6.12. Policy TP38 of the BDP states that "The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported." One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.13. The submitted Transport Assessment explains that the existing office use generates 8 two way movements in the morning peak (08:00-09:00) and 6 two way movements in the afternoon peak (17:00-18:00). The proposed development would likely generate 38 two way movements within the morning peak and 14 two way movements in the afternoon peak. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 6 covers for A3 uses in this location. Therefore, 10 spaces given the suggested 60 covers. With a provision of 13 on-site spaces, Transportation Development do not expect any overspill parking demand to occur beyond the site as a result of the proposal. They go on to explain that with a good queue length provided, they do not expect traffic will back up beyond the drive-through area. The Applicant has advised that 'Keep Clear' markings would be provided within the carriageway fronting the access, in order to ensure access/egress is possible when traffic is queuing back from the junction. Transportation Development have requested that a condition be attached to any consent requiring this to be carried out to City specification prior to occupation of the development, and I have attached the condition.
- 6.14. I note the highway and pedestrian safety concerns raised by local residents in respect of the busy roundabout junction, where they note at times queuing occurs. While this is noted, as already outlined, Transportation Development have advised that the addition of this A1/A3 use would not be expected to significantly alter the existing situation. The 'Keep Clear' markings should help ensure any impact upon traffic flow is kept to a minimum. The Transport Assessment confirms that a total of nine road traffic collisions are reported to have occurred within the last five years at the traffic island, but the majority of these incidents were as a result of driver error

rather than highway design and none were related to the site access. As such I am satisfied that the proposed development does not raise any material highway/pedestrian safety concerns.

- 6.15. In relation to servicing, the tracking of both a large refuse vehicle and a large van has been submitted, which involves overrunning into a number of the parking spaces within the site. As such Transportation Development have requested a delivery management plan be submitted by way of condition.

Noise

- 6.16. The submitted Noise Assessment confirms that continuous noise level measurements were made at the site over a weekend period from a Friday-Monday in August of this year to determine the lowest background sound levels. The measurement system was located to the rear of the existing office building overlooking the car park. The three main noise sources that would be generated as a result of the proposal are from plant/machinery noise, cars using the drive through lane, and cars parking in the car park.
- 6.17. The nearest residential properties are located to the north of the site on Alcester Road South at a distance of approximately 17m from the northern coffee shop facade, and west of the site on Druids Lane at a distance of approximately 30m from the western coffee shop façade.
- 6.18. The Noise Assessment found that plant noise limit levels for the proposed development would achieve a condition of 'low impact' at the nearest noise sensitive receptor subject to compliance with the limit criteria given in the Assessment. It found that noise from vehicle movements entering and moving around the site would not be expected to have any significant impact upon the nearest dwellings, with activities masked by general ambient traffic noise at all times. In respect of potential vehicular noise from the car park the nearest dwelling façade to the site (No. 12 Druids Lane) is blank with habitable windows looking out over Druids Lane to the front, and gardens to the rear. The Noise Assessment explains that vehicular noise from cars parking at the site would be expected to be not dissimilar to those of the existing office use and would be masked by general traffic noise at all times. Furthermore, it is noted that this area of the site is already in use as a car park for users of the office building and Dental Surgery, and therefore, noise from the users of the car park would not constitute a new noise source to the area.
- 6.19. Regulatory Services have raised no objection to the proposed development and have recommended conditions be attached to any consent to safeguard the amenity of adjoining residential occupiers. Recommended conditions would restrict cumulative noise levels from plant and machinery on the site, and a restriction on customer opening hours of 06:00-23:00 Mondays to Saturdays and 08:00-20:00 Sundays and Public Holidays. I am therefore satisfied that the proposed development would have no adverse noise impacts on the nearest residential occupiers.
- 6.20. I am also satisfied that the proposed development would have no material adverse noise impact on the commercial operation of the Dental Surgery. The Applicant has confirmed that a new boundary wall or fence of 2.1m in height would be erected on the site boundary to the Surgery, which should reduce the impact of any new noise from the adjacent drive-through lane.

Ecology

- 6.21. Policy TP8 of the BDP seeks to secure that all development should, where relevant, support the enhancement of Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.
- 6.22. An Ecological Appraisal and nocturnal bat survey have been completed in support of the application. The Appraisal explains that the majority of the site consists of the existing office building and associated hardstanding. Towards the site boundaries are small areas of amenity landscaping – regularly mown grassland, ornamental shrubs/hedging with a few trees scattered across the site.
- 6.23. My Ecologist advises that the site's location on a well-lit, busy road junction and limited extent of vegetated habitats restricts its ecological value. Mature trees and areas of denser shrubby vegetation provide suitable habitat for nesting birds and provide some limited foraging resources for birds, hedgehog and invertebrates. There is negligible suitability for other protected/notable species.
- 6.24. In respect of bats the Ecological Appraisal confirms that the site offers very little in the way of foraging habitat for bats, and none of the trees contain features that could be used by roosting bats. The building is generally in good condition, although there are a few features which would provide access for roosting bats. The building was assessed as having low suitability for roosting bats. No bats were recorded emerging from the building during the nocturnal survey and very limited bat activity, restricted to Common Pipistrelle, was picked up. Based on these results, my Ecologist advises that there is no evidence that bats are using the building as a roost, and therefore no specific mitigation for bats is required at this time. If the building is not demolished by August 2019, my Ecologist advises an updated Preliminary Roost Assessment would be required, to ensure that the building's suitability for bats has not altered.
- 6.25. My Ecologist advises that a condition be attached to any consent requiring that the good practice mitigation measures set out in the Ecological Appraisal, be implemented during site clearance and construction to minimise the potential for adverse impacts to nesting birds and terrestrial mammals.
- 6.26. The Ecological Appraisal includes recommendations to minimise the impact of the development proposals by providing new habitat resources to replace those which will be lost, for example through the installation of bird nest boxes, or provision of semi-natural nesting habitat such as dense hedging/shrub/scrub. As such my Ecologist recommends a condition is attached to secure further details of habitat replacement/enhancement measures to be provided, in line with the recommendations in the Appraisal.

Trees and Landscape

- 6.27. The site is covered by Tree Preservation Order 597, but the only protected trees on the site are the two mature Category A Sessile Oak trees fronting Druids Lane (T3 and T9), which would be retained in the proposal. The existing boundary hedging would also be retained. Three trees are proposed to be removed as a result of the proposed development – these being a Category B Silver Birch (T8), and two Category C Cypress (T11 and T12). My Arboricultural Officer has raised no objection to the removal of these lower quality trees.

- 6.28. The submitted Arboricultural Impact Assessment and accompanying drawings confirms that a small section of the car park would be extended westwards on to the existing grass verge in order to create a motorcycle parking area. This would fall within the root protection area of Tree T3, but a no-dig solution is proposed, whereby the ground level would be slightly raised and a 100mm cellular confinement system would be introduced underneath the finished hard surface. Similarly, a section of the proposed drive-through lane would be constructed within the root protection area of Tree T9. Again, a similar no-dig solution and cellular confinement system would be used here. My Arboricultural Officer is satisfied that the proposed development would not have an adverse impact on these two Category A trees, subject to conditions requiring submission of an Arboricultural Method Statement and Tree Protection Plan, and that any tree pruning is carried out in accordance with BS 3998.
- 6.29. New soft landscaping would be introduced around the frontages to Alcester Road South and Druids Lane, and when combined with the retained mature Oak trees and existing hedge, would complement the edge-of-City location and green space to the south

Other Issues

- 6.30. A drainage scheme has been submitted in support of the application. The site is located within a low flood risk area. Surface and foul water would continue to discharge into the existing combined sewer, and soakaway crates are proposed to be installed within a section of the car park. Severn Trent Water have raised no objection to the proposed development subject to a condition being attached to any consent requiring detailed drainage proposals.
- 6.31. West Midlands Police have raised no objection to the proposed development, subject to a condition that CCTV be installed to cover the site and that any images produced meet the relevant standards. They have recommended additional designing out crime measures which I will forward on to the Applicant accordingly. I note local residents concerns in respect of anti-social behaviour occurring on the site. However, I consider this would be no more unlikely that to occur than is currently the case, given the premises would not sell alcohol and there would not be any 'traditional' hot food takeaway element. The site would actually be staffed for longer hours than is currently the case making for increased site surveillance.
- 6.32. I note local residents and Dental Surgery concerns in respect of litter and recommend a condition be attached to any consent requiring details of litter bins. I also note concerns raised in relation to increased air pollution. However, whilst there may well be an increase in air pollution on the site, I do not consider this would be of a level to warrant refusing the application on this basis and note that Regulatory Services have raised no concerns in this respect.
- 6.33. I note local residents and Dental Surgery concerns regarding the proposed development being an invasion of privacy. However, given the site boundaries to neighbouring residential properties are already defined by 1.8m high close boarded fencing, and the proposed drive-through building would only be single storey in height there would be no opportunities for overlooking into neighbouring sites and therefore no loss of privacy. The Applicant has subsequently confirmed that they would erect a 2.1m high new fence or wall along the boundary with the Dental Surgery and this would protect privacy for staff/patients and coffee shop customers walking on to their premises. I am satisfied that these details can be agreed by way of a boundary treatment condition.

- 6.34. I understand the concerns raised by Maypole Dental Surgery with regard to proposed lighting affecting their amenity. The Applicant has subsequently confirmed that they would remove the luminaire shown to be located nearest the Surgery and replace this with less intrusive wall/fence lighting. Such details can be agreed by way of a lighting condition.
- 6.35. I understand the impact that demolition of the existing office building and site works in connection with the proposal might have on the day to day running of the Surgery, and therefore I recommend attaching a condition requiring submission of a construction and demolition management plan. In any case I understand that the Applicant will discuss these issues further with the Dental Surgery in order to agree a mutually acceptable solution. Such discussions would also include how best to demarcate the existing staff parking spaces allocated to the Surgery.

7. Conclusion

- 7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. I consider the scheme would be acceptable in terms of its design, scale, layout, access and landscaping along with car parking provision on site. It represents an economic investment into Maypole Neighbourhood Centre. There would be no adverse impacts on traffic and highway safety, amenity of adjoining occupiers, existing trees or ecology. Therefore I consider the proposal would constitute sustainable development and recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve Subject to Conditions

-
- | | |
|----|---------------------------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Requires the prior submission of a litter bin |
| 5 | Limits the hours of use to 06:00-23:00 Mondays to Saturdays and 08:00-20:00 Sundays and Public Holidays |
| 6 | Requires the prior submission of details of a delivery vehicle management scheme |
| 7 | Requires 'Keep Clear' markings on the highway prior to occupation |
| 8 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the prior submission of details of bird boxes |
| 10 | Arboricultural Method Statement - Submission Required |
-

-
- 11 Requires tree pruning protection
 - 12 Requires the prior submission of a drainage scheme
 - 13 Requires the prior submission of hard and/or soft landscape details
 - 14 Requires the prior submission of boundary treatment details
 - 15 Requires the prior submission of a lighting scheme
 - 16 Requires the prior submission of a CCTV scheme
 - 17 Requires the development to be implemented in accordance with the recommended ecological mitigation measures
 - 18 Requires the prior submission of a construction and demolition method statement/management plan
 - 19 Implement within 3 years (Full)
-

Case Officer: Andrew Conroy

Photo(s)

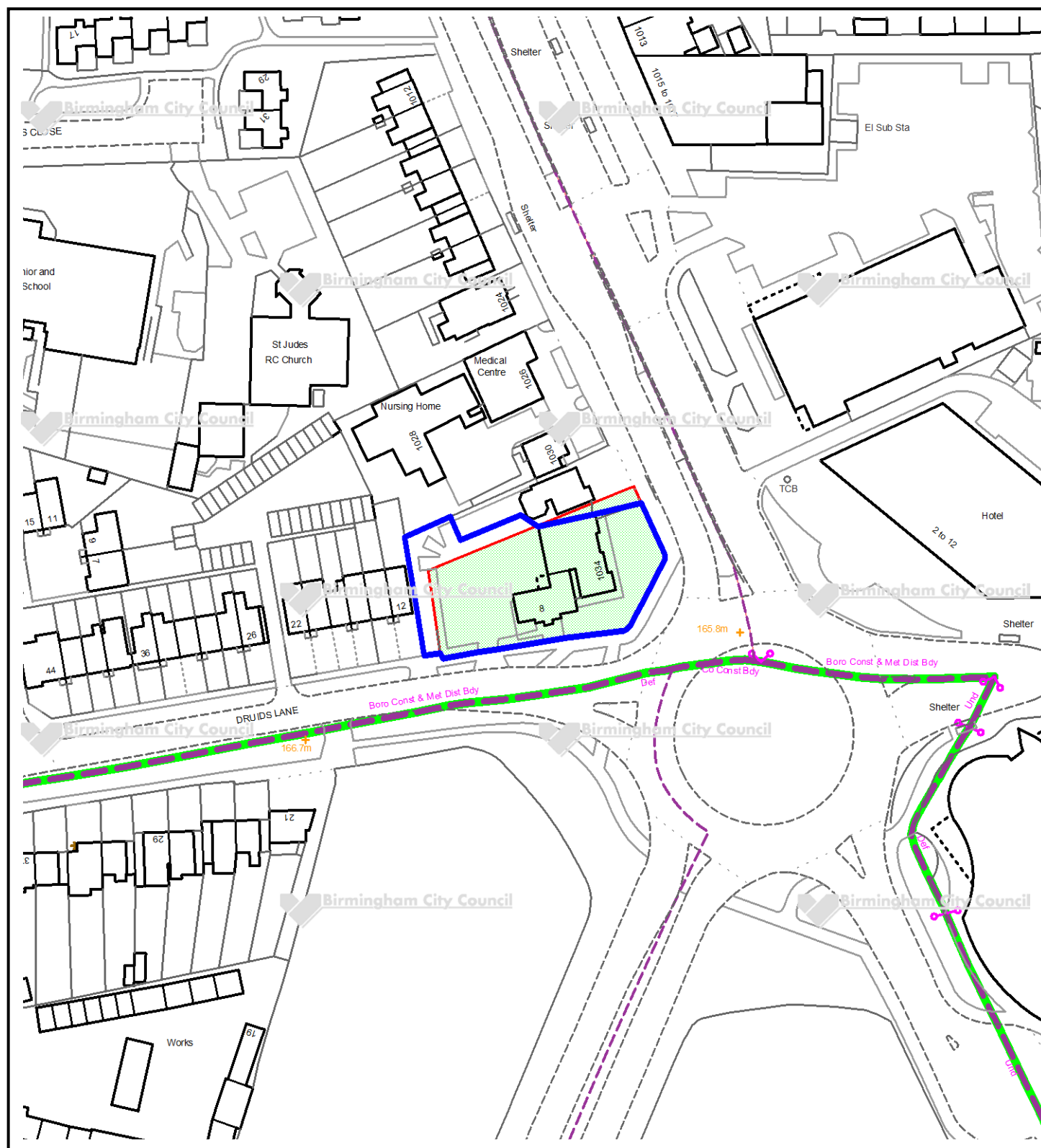


Figure 1 – Site car park at western end adjacent to No. 12 Druids Lane (Tree T3 to left)



Figure 2 – Rear (west facing) elevation of application premises. Rear of Maypole Dental Surgery to far left

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/08893/PA
Accepted:	16/10/2017	Application Type:	Householder
Target Date:	11/12/2017		
Ward:	Kings Norton		

1 Whitebeam Croft, Kings Norton, Birmingham, B38 8NY

Erection of single storey side extension

Applicant:	Mr Peter Griffiths 1 Whitebeam Croft, Kings Norton, Birmingham, B38 8NY
Agent:	Mr Joshim Ahmed 66 Golden Hillock Road, Small Heath, Birmingham, B10 0LG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a single storey side extension at 1 Whitebeam Croft, Kings Norton.
- 1.2. The extension would measure 3.5m (width) x 9m (depth) with an overall floor area of 31.5sqm. The extension would be to the north eastern elevation of the existing property extending to within 1m of the boundary. The extension would have a flat roof to a height of 2.4m. Internally, a bedroom with en-suite would be provided. It would be constructed with brickwork to match the exiting house, with UPVC windows and doors and timer flat roof.
- 1.3. The application is referred to planning committee as the applicant is an elected member of the Council.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of an linked detached bungalow located on a corner plot fronting Whitebeam Close, a residential cul de sac of similar styled properties, Kings Norton. The side elevation of the property faces towards Grovewood Drive. The property has a private garden area to the side and rear, with a front garden area bounded by a 500mm high stone wall. There is a driveway and car port to the side. The property is elevated from street level, with a retaining wall and fencing forming the boundary of the site along Grovewood Drive.

[Location map](#)

3. Planning History

- 3.1. There is no relevant planning history associated with this site.

4. Consultation/PP Responses

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. No comments have been received.

5. Policy Context

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

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.
- 6.2. The principal matters for consideration are the scale, design and siting of the proposed extension, and the impact on the architectural appearance of the property, the general street scene and the amenities of neighbouring occupiers.
- 6.3. As the extension is to the side of the property adjacent the boundary with Grovewood Drive, the proposal complies with your Committee's 45 Degree Code policy and therefore would not have an adverse impact upon the occupiers of adjacent dwellings in terms of loss of light.
- 6.4. The development would accord with the minimum distance separation guidelines as outlined within 'Places for Living' and 'Extending Your Home'. As such, there would be no overlooking issues or adverse impacts upon the amenities of the occupiers of neighbouring properties.
- 6.5. The scale, mass and design of the proposal is acceptable. The extension would be located to the side and therefore visible within the streetscene. The flat roof nature of the extension would be characteristic of the wider street scene and in particular the properties within Whitebeam Close. As such, I do not consider there would be any detrimental impact upon the street scene. The extension would comply with the design guidance contained within 'Extending Your Home'.
- 6.6. The proposed development does not attract a CIL contribution.

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. Approval subject to the following conditions:

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

Case Officer: James Mead

Photo(s)



Photograph 1: Front elevation of 1 Whitebeam Close



Photograph 2: Side elevation of 1 Whitebeam Croft

Location Plan



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Birmingham City Council

Planning Committee

23 November 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	17	2017/03398/PA The Hare and Hounds PH Marsh Hill Erdington Birmingham B23 7HG Demolition of existing public house and erection of part three storey and part four storey 82 bed care home (Use Class C2) with access and parking from Ivyfield Road and any associated works (AMENDED SCHEME)

Committee Date:	23/11/2017	Application Number:	2017/03398/PA
Accepted:	15/05/2017	Application Type:	Full Planning
Target Date:	24/11/2017		
Ward:	Stockland Green		

The Hare and Hounds PH, Marsh Hill, Erdington, Birmingham, B23 7HG

Demolition of existing public house and erection of part three storey and part four storey 82 bed care home (Use Class C2) with access and parking from Ivyfield Road and any associated works (AMENDED SCHEME)

Applicant:	Macc Care Ltd 23 Yelverton Drive, Edgbaston, Birmingham, B15 3NT
Agent:	A P Architecture Ltd E-Innovation Centre Suite SE 219, Telford Campus, Priorslee, Telford, Shropshire, TF2 9FT

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the demolition of the existing public house building and the erection of a part three and part four storey (and basement) 82-bedroom care home (Use Class C2) with associated parking and landscaping works. The site is currently vacant with the public house having ceased operation in 2017. The proposal is for a care home that provides nursing and residential care to include care for dementia sufferers.
- 1.2. The building's footprint would form an approximate L-shape, with its longer southern wing measuring approximately 53 metres long, set back minimum of 3.5 metres on Marsh Hill frontage and 2 metres on Ivyfield Road. The area between the building and the highways would provide a soft landscaped area. The return north-western wing (rear) would be approximately 28 metres long together with secure landscaped garden areas to the rear. The building's wings would measure between 14 metres and 20 metres deep respectively. The building would largely be three-storeys in height above ground level with the exception of a four-storey element at the junction of Ivyfield Road and Marsh Hill junction. A basement level is proposed to part of the rear wing and four-storey element at the junction of Ivyfield Road and Marsh Hill through utilising changing ground levels. The highest point of the development would be on the southeast elevation at the corner junction of Ivyfield Road and Marsh Hill.
- 1.3. The proposed building would be of modern, flat-roofed design, with the wings broken up into individual bays through the use of recesses and projections, and a mixture of brick, render and cladding finishes and a regular fenestration arrangement. The main entrance to the building would be from the main car park on the Ivyfield Road frontage. The entrance lobby would be marked by a projecting, single-storey

rendered element, and the four-storey element by a full-height window on each floor serving the staircase and lifts, topped by a slightly higher roof element.

- 1.4. Internal layout would comprise:
 - 82 bedrooms with en-suites. Bedroom sizes would be approximately 20 sq. metres (to include en-suite).
 - Communal lounge and dining facilities are proposed at each floor with additional facilities such as a hair salon, chapel, library, cinema, activity room, private dining, and café and staff facilities provided throughout the development.
 - Community elderly hub and meeting/ activity area
 - Large reception area and family meeting room
- 1.5. Externally a secure communal garden of approximately 1,000 sq. metres (to include planting beds) would be provided to the rear and side, with direct access from some of the bedrooms.
- 1.6. Supporting statements confirm that there would be facilities such as a gym, library, café, chapel/ prayer area etc. within the care home that would be available to members of the general public over the age of 65 to meet, socialise and result in significant positive impact on their wellbeing.
- 1.7. Amended plans have been submitted that have resulted in the existing access from the Marsh Hill frontage being removed as the entire building has been moved forward to address the street frontage. The proposed access arrangement would be from the Ivyfield Road frontage and provide a single in/out access junction. The redundant footway crossings on the Marsh Hill frontage would be reinstated. The total number of car parking spaces across the site would be 24 spaces for visitors and staff at the rear of the site (Ivyfield Road frontage), of which two would be disabled spaces adjacent to the main entrance. The proposal also includes a covered a cycle store (9 spaces) and service delivery and ambulance parking bay within the main car park.
- 1.8. The proposal would result in the loss of 6 existing trees but would retain the majority of trees and hedging on the perimeter boundaries with the adjoining day nursery, residential properties, public open space area and Marsh Hill frontage.
- 1.9. The applicant confirms that they operate four care homes in Birmingham with two in Erdington, one in Handsworth and one in Northfield that is under construction. The proposed care home would provide 24 hour care for the residents, and would be registered with the Care Quality Commission (CQC). The development would generate significant investment of £8 million through the redevelopment of the site and is likely to generate in the region of 70 full time jobs on site at any one time with further opportunities for apprenticeships, training and placement. The proposed development would operate on two shift times with changeover times from 0800, 1400 hours and 2000 hours.
- 1.10. Total site area: 0.34 hectares.
- 1.11. The following documents have been submitted in support of the proposal:
 - Planning Statement and Supplementary Planning Supporting Statement
 - Design and Access Statement
 - Drainage Strategy/ Sustainable Drainage Maintenance Schedule
 - Phase I Land Contamination Assessment
 - Transport Statement

- Travel Plan
- Phase 1 Ecological Appraisal and Phase 2 bat surveys
- Tree Survey Plan

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a part two and part single-storey former vacant public house building known as Hare and Hound Public House with associated car park to the western part of the site and a small private amenity area to the north adjacent to No.4 Ivyfield Road. The former public house is situated at the junction of Marsh Hill and Ivyfield Road. Marsh Hill is a dual carriageway with two lanes eastbound and a single lane westbound within the immediate vicinity of the site. The ground levels fall along Marsh Hill frontage to the rear of the site and there is a similar cross fall diagonally across the site from Ivyfield Road towards Witton Lakes and Marsh Hill day nursery. The total site is approximately 0.344ha.
- 2.2. The original public house dates back to 1889, albeit the location and form of building differs completely from that found today. The current public house building within the application site at its current location dates back to the 1930's, and has since undergone substantial change through extensions and alterations with the most recent in 2016. Local residents have nominated the former Hare and Hounds to be registered as an Asset of Community Value, which has been refused nomination and is discussed in detail below.
- 2.3. The surrounding area is predominantly residential in character comprising single dwellings and two and three-storey flatted developments. Immediately adjoining the application site are two day nurseries to the west (Marsh Hill day nursery) and east on the opposite junction of Marsh Hill and Ivyfield Road (Little Ripley day nursery). Marsh Hill Primary School is situated approximately 100 metres east of the application site on Marsh Hill. The area has a mature landscape setting consisting of established trees within private land as well as street trees within the public highway. The application site is situated within 500 metres of Gravelly Hill Train Station, 650 metres of Slade Road Neighbourhood Centre and 700 metres from Erdington District Centre. There are a number of public houses within the immediate area including:
 - Village Green (operated by same brewery company Greene King that previously owned Hare and Hounds) and is situated 500 metres from the application site.
 - The Safe Harbour PH on Moor Lane adjacent to Witton Cemetery is situated approximately 500 metres away from application site.
 - Highcroft Community Centre Social Club on Slade Road in close proximity to junction with Marsh Hill, which is approximately 800 metres from the application site.
 - The Royal Oak PH and Red Lion PH on Marsh Lane, which are situated approximately 1.5 kilometres away from the application site.

3. Planning History

- 3.1. 14/02/2013 - 2012/08015/PA - Retention of external modular play equipment to rear of premises – Approved subject to conditions.

- 3.2. 09/01/2013 - 2012/07682/PA - Display of 12 no. non illuminated signs, 3 no. externally illuminated signs, 1 no. internally illuminated sign and associated signage – Temporary Approval.
- 3.3. 23/10/2012 - 2012/05947/PA - Erection of single storey extension and new entrance porch to rear, smoking shelter to side elevation, landscape works and new lighting to car park – Approved subject to conditions.
- 3.4. 08/11/1984 – 17179002 – Construction of car park extension formation of play area, fencing, porch alterations – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Site notices displayed. Adjoining residents, Resident Associations and Ward Councillors consulted. The following representation was received from first round of consultation:

Two letters of support from local residents on the following grounds:

- There have been constant problems with the public house that have never improved despite the public house changing hands a number of times.
 - Very few immediate neighbours used the public house because of anti-social behaviour (i.e. noise late at night, cars parking on pavement outside the pub, drugs sold, children screaming in the play areas, broken glass/bottles on pavement, litter etc.). They ignore laws constantly despite a ban on drinking in a public place.
 - Welcome a care home use at the site.
 - Supports the closure of pub and the proposed care home use. However, concerns are raised to the time period the pub would be left vacant before being demolished as it has not been boarded up properly. It is likely to attract unwanted attention with windows being smashed and things could get worse. Suggest also that works during demolition process takes place during day time as young children are living within the adjoining properties.
 - Support the proposal for the care home use but only concern is level of parking provision proposed on site. Suggest more parking available to the rear.
- 31 letter of objections received (to include joint letter of objection from Councillor Penny Holbrook, Councillor Josh Jones and Councillor Mick Finnegan and from adjoining Marsh Hill Nursery School) and a petition comprising 137 signatures received from Councillor Penny Holbrook objecting on the following grounds:

Loss of public house and Asset of Community Value

- The pub has been part of Erdington for 100 years that has historic interest and is a strong part of the community. Object to the proposed care home use and loss of public house on historic character grounds.
- A need for the public house within the area and Hare & Hounds PH is heart of the community and provides social amenities for all residents such as young couples, growing families, which will be excluded by the proposed care home use.
- It would be criminal to knock down this public house and lose part of Erdington History.
- No public facility that cares for the community

- Supporting statement about additional public houses is false as the only public house in the area is the “Village Green” that serves food and is focused on sport and not family friendly public house.
- All other public houses are situated at least a 30 minute walk from the site and not within Stockland Green Ward.
- Local community have applied for an Asset of Community Value protection order and are exploring alternative public house providers and the option of a co-operative company. The planning application should not to be determined until Asset of Community Value nomination has been determined.
- Local community have submitted an ACV as it is a local landmark feature very much loved by the local community and should be a listed building and not demolished.
- The public house was closed with pre-existing arrangement for sale as local members of community were told by previous staff that it was sold with future use as a care home.
- It was not vacant possession despite what it states on the date of sale agreement.
- Question applicants supporting statement that there are other amenities nearby such as restaurant, which one is this? There is no suitable public house with restaurant nearby?
- The closest pub – Village Green is eatery not sociable meeting place with no family friendly facilities.
- New planning rules covering public houses comes into effect on the 23rd May and this application has been rushed to try and ensure these rules are not applicable to this application.

Proposed care home use and sale of public house

- Dispute the need for this facility as there is already high degree of housing options for older residents in the area such as supported living, a number of nursing homes and an extra care facility.
- Stockland Green has a high level of supported living, private rented properties and low social housing options and adding a large care home will not help rebalance the area. Suggest that we hold onto the family housing and continue to provide leisure activities that remain for the wider community.
- Suitable area should be found such as brownfield sites around Birmingham, which are vacant/ not active as the pub was trading well.
- Object to the demolition and loss of public house use as there are several care homes within the immediate vicinity. Suggest that if it can't be a public house, then B & B with meal option for Joe Public as well.
- Question whether there is need for care home for the elderly as applicants own supporting statements states that there are multiple care homes nearby?
- Not informed about the sale and were excluded from expression of interest to acquire the site that would benefit local community as there is shortage of nursery places and increase of population within the area.
- Disgusted how Greene King (pub chain/ brewer) sold the pub simply because they don't want competition for the Village Green pub (run by Greene King) which they bought after the Hare and Hound (application site).

Design/ character and residential amenity grounds

- Scale and massing as three or four-storey building would not be in keeping with the local surrounding area
- The size and design of three-storey building would fundamentally change the local environment and street scene.
- Overdevelopment of the site
- The proposed building is characterless and will be detrimental to the value and outlook of the area. Suggest retention and conversion of the original public building to care home.
- Design grounds as extension to residential properties on Boulton Walk have been refused on second gable ends and the same should apply to the current pub building style. Suggest that the building should remain on site.
- Privacy concerns as the development would overlook onto the back of residential gardens on Ivyfield Road.
- Increased noise from construction traffic.

Parking, access and safety grounds

- Total of 24 car parking will be inadequate for the proposed use as staffing levels on site are likely to be high with shift work and visitor numbers that would result in more staff driving to work.
- Question – how alternative transport such as bus and by foot would be promoted?
- Increased parking and traffic congestion on Ivyfield Road, Marsh Hill and surrounding area.
- The proposed use would bring extra traffic at peak times
- Pedestrian safety especially children crossing roads as there is school and two day nurseries adjoining the site.
- Increased traffic and parking from construction activity.
- Parking and traffic congestion from proposed use and cumulatively from the existing uses such as schools and day nurseries. It would have detrimental impact on pedestrian safety and emergency vehicles accessing all adjoining roads.
- Installation of barriers to pub car park preventing parental use for drop-off and collection of children from the day nursery. This was mutually agreed parking arrangement between pub and day nursery (documented by planning department). Any loss would result in blocked roads and pavements and increase in inconsiderate parking and road traffic incidents.
- Suggestion that parking permits should be put in place if this development is to go ahead.
- Suggestion that traffic surveys are undertaken to assess current safety risks

Lack of consultation

- Lack of consultation as no one in the community was aware that the public house was for sale under Communities and Local Government Act 2008, where residents are supposed to be informed of any changes in planning and/ or use. Suggest application be withdrawn and pub begin trading again.
- Lack of consultation as members of the general public were informed of the plans through social media forum and question if all letters were sent out to local residents as some would still not be aware of the proposed plans for the site.
- The residents feel mislead and let down by local Councillors.

- Existing residents on Ivyfield Road were not informed.
- Second round of consultation – one letter of support from the adjoining neighbour but wants reassurance to see swift progress of the development as the existing buildings are becoming increasingly dilapidated and vandalised.
- 3 letters of objection received from neighbours and Marsh Hill Day Nursery on the following grounds:
 - Increased parking and traffic congestion that may result in more collisions as the care home would be situated between three schools and day nurseries
 - The proposed building would be an eyesore and not add value to the area
 - Installation of barriers to pub car park preventing parental use for drop-off and collection of children from day nursery. This was previously mutually agreed parking arrangement between pub and day nursery and the end of this arrangement has resulted in inconsiderate parking on adjoining roads to the detriment of pedestrian safety.
 - Shortage of day nursery and school places and Marsh Hill Day Nursery were excluded from expression of interest for the site.
 - Proposed care home would exacerbate existing parking problems as staffing level would be high.
 - Shortage of car parking spaces for proposed care home and suggest at least 50 spaces be provided.
 - Suggest traffic surveys are undertaken to assess current safety risks
- 4.2. Transportation Development – Initially, raised no objections subject to additional information/ amendments in relation to ambulance/ servicing area and access details.
- 4.3. Amended site layout was submitted with building set forward that fronts onto Marsh Hill with the proposed access arrangements and parking from Ivyfield Road frontage. The applicants submitted further supporting statements including parking surveys, parking accumulation analysis, vehicle swept path analysis etc. Transportation Development reviewed the additional information and raised no objections subject to conditions to include S.278/ highway works for the removal/ reinstatement of redundant footway crossings, means of access construction, details of boundary treatment and landscaping along Marsh Hill and Ivyfield Road, Measures to prevent mud on highway, construction method statement/ management plan, commercial travel plan, parking management strategy and parking and servicing areas to be laid out.
- 4.4. West Midlands Fire Services – No objections.
- 4.5. Employment Access Team - No objections subject to a condition that local employment is considered.
- 4.6. West Midlands Police – No objections subject to Secure by Design to include quality access control system, doors windows, and CCTV cameras to be installed to cover the main entrance, service areas and perimeter of the building.
- 4.7. Severn Trent – No objections subject to drainage condition for the disposal of foul and surface water flows.

- 4.8. BCC Lead Local Flooding Authority – No objections subject to a modified condition for the completion of sustainable drainage and a drainage system operated in accordance with the approved sustainable drainage operation and maintenance plan.
- 4.9. City Ecologist – Initially requested a daytime assessment for bats to be submitted in order to determine whether there are any ecological impact of this proposal. Phase I Ecological Appraisal and Phase II Bat Survey were submitted by the applicant and no objections were raised subject to conditions for a further bat survey to be submitted if the demolition has not taken place within 12 months from the date of the approved Phase I Ecological Appraisal and Phase II Bat Survey and an ecological enhancement strategy to be carried out with approved recommendations contained within Phase I Ecological Appraisal and Phase II Bat Survey.
- 4.10. Regulatory Services – No objections subject to conditions to include extraction/ventilation system, air quality assessment, restrict noise levels from plant and machinery, vehicle electric charging points, construction method statement/management plan, noise insulation scheme to glazing, doors and ventilation and land contamination.
- 4.11. Birmingham Public Health – Awaiting comments.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Saved Policies within Birmingham Unitary Development Plan (2005); Places for All (2001) SPG; Places for Living (2001) SPG; Car Parking Guidelines (2012); Specific Needs Residential Uses (1992); The 45 Degree Code (2006); and the National Planning Policy Framework 2012.

6. Planning Considerations

- 6.1. The main considerations within the determination of this application are:
- 6.2. **Policy** – The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Paragraph 14). Paragraph 50 of the NPPF explains that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as older people.
- 6.3. The NPPF requires all new developments to be considered with the presumption in favour of sustainable development. Paragraph 17 of the NPPF has as one of its core principles the requirement to seek high quality design. Paragraph 56 of the NPPF reiterates the requirements confirming that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 58 states that planning decisions should (amongst other things) aim to ensure that developments:
- add to the overall quality of the area;
 - establish a strong sense of place;
 - respond to local character and reflect the identity of local surroundings and materials; and
 - are visually attractive as a result of good architecture and appropriate landscaping.

- 6.4. Paragraph 64 advises that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. Paragraph 159 states that Local Planning Authorities should prepare Strategic Housing Market Assessment that addresses the need for all types of housing including affordable housing and the needs of different groups in the community such as older people.
- 6.5. Policy PG3 of the Birmingham Development Plan states all new development will be expected to be designed to the highest possible standards, noting it should reinforce or create a positive sense of place. Furthermore saved policy 3.14 of the Birmingham Unitary Development Plan seeks to ensure that the development would be in keeping with the existing building and sympathetic to the appearance of the surrounding area.
- 6.6. Policy TP27 of the BDP states that new housing is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. Policy TP28 states that new residential development should be adequately serviced by existing or new infrastructure, which should be in place before new housing for which it is required and, be accessible to jobs, shops and services by modes of transport other than the car.
- 6.7. Policy 8.28-8.29 of the Saved Policies within UDP relating to residential care homes highlights that they are normally most appropriately located in large detached properties set in their own grounds. Other considerations include the cumulative impact, residential amenity, appropriate parking provision and outdoor amenity space.
- 6.8. Specific Needs Residential Uses SPG requires no adverse impact on highway safety and satisfactory internal living space and outdoor amenity space for the future residents of care homes.
- 6.9. **Principle of use** - The proposal would result in the demolition of an existing public house and erection of purpose-built care home to include residents that suffer from Dementia. There is an increased demand for suitable accommodation for elderly persons within Birmingham and nationwide as a whole. The application is accompanied by needs assessment which confirms that there is an increasing aged population in the UK and the requirements for care are becoming ever acute with funding for appropriate accommodation becoming critical at national and local level. There is also a lack of step down accommodation that creates bed shortages within the NHS that adds further pressures on hospital trusts. The applicant operates four existing care homes within the Birmingham area with two in the Erdington area. The applicant states that they operate a care home model to develop facilities that exceed the requirements of the Care Quality Commission and the costs of the accommodation are also significantly lower than national providers as majority of their residents are social funded.
- 6.10. The supporting evidence confirms that there are 21 care homes within 2 mile radius of the site providing 784 registered beds. However there is a gap in the market as a number of care homes are outdated with less than half of the bedrooms offer at these care facilities providing en-suites facilities. The statistical demand for 2017 through to 2020 shows a growth from 764 beds up to 806 beds. This illustrates a current under supply of en-suite bedrooms of 453 to 495 in 2020. It concludes that there is more than sufficient demand within the market catchment area for the type of proposed care home within this area of the city.

- 6.11. Notwithstanding the above conclusion, a high number of concerns have been expressed locally regarding the amount and cumulative impact of care homes within the Stockland Green area. The existing residential care homes in Stockland Green/ Erdington area include facilities at Anchor-Highfields on Underwood Close on the opposite side of Marsh Hill, Sycamore Lodge and Bethany House, which are situated on Slade Road approximately 500 metres and 900 metres respectively from the application site. All of these homes provide a variety of level of care. For example Anchor-Highfield on Underwood Close offers an independent way of living for older persons compared to that proposed under this application which would provide accommodation for people with personal care needs, nursing needs and those living with dementia. The level of proposed care would provide for older people with the full range of care needs.
- 6.12. National Planning Policy Guidance (NPPG) states that “Older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (Use Class C2)”, which is being proposed here. Whilst it cannot be guaranteed that any person moving into a care home would be a resident of Stockland Green and Erdington, it can be assumed that this would normally free up a home. Whilst the site is not allocated for housing, the development would help address a general need for older person’s accommodation and also help to free up family accommodation within the city. I also consider that the proposal represents sustainable development, within the three strands identified being economic through a significant level of investment and temporary and permanent jobs, as well as social and environmental in providing strong, vibrant and healthy communities by providing an 82 bed purpose built well designed care home in a sustainable location with appropriate landscaping in accordance with NPPF and BDP.
- 6.13. **Loss of public house and Asset of Community Value** – Paragraph 17 of the NPPF sets out the 12 ‘core planning principles’ that should underpin decision making. The final such ‘principle’ states that planning should “*take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*”
- 6.14. Paragraph 70 of the NPPF says that amongst other things, to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”.
- 6.15. There are also existing policies contained within the NPPF (2012) and Birmingham Development Plan (2017) which seek to guard against the loss of local services and facilities which are important in sustaining the social life of the community. Therefore, in context of this application, it needs to be established if the former Hare and Hounds Public House is a valued community facility and secondly, would the permanent loss of the public house reduce the community’s ability to meet its daily needs.
- 6.16. It is worthwhile pointing out that recent cases such as Alexandra Pub, Haringey were considered an Asset of Community Value by the Planning Inspectorate following refusal, where it was overturned on grounds that the “*relevant ACV legislation sets out specific tests which are narrower than the planning considerations..... The primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent otherwise acceptable development. Accordingly, whilst I afford it some weight in this case it is not*

determinative." In this instance, the public house ceased trading in early 2017 and is already sold to the applicant for comprehensive redevelopment of the site as part of this application to provide a care home.

- 6.17. There have been supporting documents provided by Lambert Smith Hampton on behalf of the applicants that confirms that options to protect the use were limited as the brewery company (Greene King) marketed the site on viability grounds due to a fall in sales and profits together with ongoing costs in relation to staff living/ minimum wages, low volume/ food menu, on-going refurbishment costs and above inflation increase in business rates. The supporting documents also confirms that marketing of the site commenced in July 2016 to a selective group of parties that comprised a number of pub/ restaurant operators with no expression of interest from any of them. Subsequently, the property was marketed on online and was fully exposed to the wider market in August 2016, where there were a large number of enquiries (46 in total) but only five offers for alternative uses and none for licensed public house use. The marketing of the site also provided the opportunity for local community groups to express interest, but no interested party came forward during the active marketing period. The applicant acquired the site as a going concern business in April 2017. It is therefore considered that the property has been marketed appropriately.
- 6.18. A petition and a number of objections have been received from the public participation process that state that prior to its closure the Hare and Hounds PH was a valued and well-used facility serving as a meeting place for community groups and as a venue for local and family events for many years, particularly by residents who reside in the immediate area. The Hare & Hounds Public House provided a bar and restaurant. Officers maintain the view that the loss of the public house is regrettable and understand the concerns felt by both Ward Members and local residents. However, Officers consider that there are no grounds to resist the loss under current planning policy grounds. The nomination by the local residents to list the former Hare & Hounds as an Asset of Community Value (ACV) and its subsequent refusal on 13th October 2017 adds more weight to that argument. This ACV decision by the City Council considered that the property did not meet the statutory requirements. It acknowledged that there is support for the continuation of the site as a leisure venue. However, the majority of testimonial evidence suggests that the site was enjoyed principally as a generic public house. They considered that the site was in close proximity to Slade Road neighbourhood centre (Stockland Green) and community support could be found locally at alternative premises such as St. Barnabas Church.
- 6.19. With regards to alternative premises, the Village Public House is situated approximately 500 metres east of the application site. The Village Public House is within reasonable walking distance of residential properties and within Short Heath neighbourhood centre, and therefore serves a similar catchment area to the former Hare and Hounds PH and serves food. There are also three further public houses The Safe Harbour and The Royal Oak/ Red Lion that are situated 500 metres and 1 kilometre away from the application site, providing further choice for local residents. Highcroft Social Club on Slade Road is also licensed premises that provide an alternative choice for local residents and is situated approximately 750 metres away from the application site. I also consider that there would seem to be a degree of overlap between the service offer which was provided at the former Hare and Hound PH and The Village PH as the same brewery company owned and operated on both sites.
- 6.20. I consider that the loss of the public house is regrettable. However, refusing this application for a care home would not result in the public house being bought back into

use, which was highlighted within the decision letter for ACV nomination. In addition, there is significant viability issues associated with public house use. There is also availability of other premises within close proximity of the site which are considered suitable alternatives to serve the needs of the local community in accordance with the guidance contained within NPPF and BDP. I also consider that significant weight be given to the care home need within the area, together with the additional dwellings that would become available as a result of this care home, the reduction in noise and anti-social behaviour for the neighbours due to the provision of a viable care home use and wider community benefits.

- 6.21. **Changes to permitted development rights involving public houses** – I note concerns have been submitted by the Ward Members and residents that the application was submitted prior to changes to permitted development rights involving public houses. The amendments to the Town and Country Planning (General Permitted Development Order) that came into force on 23 May 2017 and removed permitted development rights for the demolition and change of use of pubs to other 'A' class uses to include mixed use with A3 use class. This is to ensure that planning permission is required for the change of use, demolition or alterations to any public house. These changes would not be applicable in this instance as express planning permission is being sought for the demolition and redevelopment to include change of use of the site.
- 6.22. **Loss of non-designated heritage asset** – One of the core planning principles of the NPPF is to "conserve heritage assets in a manner appropriate to their significance so they can be enjoyed for the contribution to the quality of life of this and future generation. Paragraph 135 of the NPPF goes on to state that "in weighing applications that affect directly or indirectly non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset". BDP policy T12 states that, "New development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance."
- 6.23. The former Hare and Hounds is not listed (either at national or local level). Although it can be considered as a "non-designated heritage asset" under the terms of the NPPF. The supporting statements confirm that the original building dates back to 1889, albeit the location and form of the building differs completely from that which is present on site today. The applicant confirms that the existing building has been established in 1937, extensively remodelled and enlarged over a period of time, to create the present building with most recent alterations in 2016. The building has architectural merit and does make a positive contribution to the history and local distinctiveness of the area, despite only a remnant of the original public house, which was situated to the rear of the site remaining. An alternative option would involve conversion of the existing public house building, and the applicant has made an assessment of the viability of this option in their supporting statement. It has been demonstrated that a simple conversion could not accommodate the proposed type of use and quantum of development required without a degree of extension and significant internal/ external alterations, which would in any event compromise the character and appearance of the building. The applicant's supporting statement maintains that the scale and form of the existing building together with on-site constraints does not lend itself to the conversion of a modern specialist care home such as existing floor and site levels and the need to provide level access throughout the building, room sizes and location would prevent CQC registration viability grounds, energy performance and building regulation requirement etc.

- 6.24. The scale of harm in this instance is loss of this non-designated heritage asset. It is recognised that the former Hare and Hounds building may have had a significant social history and its loss is regrettable. Options to protect the building are limited and Lambert Smith Hampton is supporting planning document confirms that the brewery company (Greene King) marketed the site on viability grounds due to fall in sales and profits together with ongoing costs in relation to staff wages, low volume/food menu, on-going refurbishment costs and business rates.
- 6.25. In conclusion, the applicant has considered conversion but this is not practical or viable. Furthermore, if the building is continued to be left vacant, it has and continues to suffer from problems of vandalism, arson and neglect, which would impact on the character and appearance of the building and surrounding area. However, the proposal would result in the removal of a vacant building and the provision of an 82 bed care home to meet the needs of the area as well as 70 full time equivalent jobs for the local area. Consequently, on balance, the loss of the Hare and Hound PH building is acceptable in planning terms. My Conservation Officer has raised no objections to the proposal as the building is not statutory or locally listed and not within a conservation area.
- 6.26. **Design and Character** – The design of the development has been the subject of detailed negotiation and amendments that have been carried out following submission of the application that has resulted in the building moved forward and fronting onto Marsh Hill, revised roofspace, removal of octagonal block on corner element, removal of the large glass balustrade around the terraced area as corner feature, and amended design of three and four storey element etc. The location, site levels, size and shape of the site together with the number of units proposed impose some constraints upon the potential layout of the development with regards to the shape and form of the building.
- 6.27. The revised plans show the building moved forward to ensure that a satisfactory relationship is created with the Marsh Hill frontage. The proposed building would be arranged over two blocks which creates a cluster of bedrooms and communal areas situated to one side of the building. It is also set back a sufficient distance to ensure adequate space is retained for landscaping on Ivyfield Road and Marsh Hill frontage. Whilst concerns have been expressed regarding the scale, massing and potential overdevelopment of the site, it is considered that the footprint of the site ratio of the care home building would not be out of keeping with the immediate area and allows sufficient amenity space around the building for landscaping with private courtyard gardens appropriate for future occupiers. The proposal also takes advantage of the existing level changes across the site. All of the habitable rooms to include communal lounges would address street frontages and provide good natural surveillance into and out of the site. The corner feature is read as one element and positively contributes to the overall design of the building. The third-storey has been set back and integrated into the building. The projecting bay elements together with modified palette of material along Marsh Hill and Ivyfield Road frontages establishes design and rhythm that help to reduce the building's overall scale and mass that is carried through the return onto Ivyfield Road. While the quality of the finished scheme will depend on the specifics of the detailing, it is considered that this quality can be achieved through appropriate conditions. As there are different land levels within the site in the context of existing residential properties, it is considered reasonable to impose site level and earthworks conditions in order to protect the amenity of adjoining residents.
- 6.28. **Residential amenity** – In terms of future residents of the nursing home, UDP policy 8.29 only sets out a numerical standard for outdoor amenity space of 16 sq. metres

per resident. A secure private garden area for residents has been designed to the northwest of the building which will be landscaped. A total of approximately 1,000 sq. m of amenity space would be provided to the rear and side of the proposed care home. This would fall short of the standard for the proposed number of residents by approximately 4 sq. metres per resident. However I note that Witton Lakes is adjacent to the application site and provides a generous sized recreation space. The amount and quality of amenity areas proposed is acceptable to meet the needs of the care home. There is no recommended standard within the policy for bedroom sizes in nursing homes, but I note that all the rooms within the proposed care home would be 20 sq. metres (including en-suite) and above, which would exceed minimum guidelines as set out within nationally described space standards, which are not yet formally adopted, but provide a benchmark.

- 6.29. With regards to privacy and outlook issues, amended plans have been provided that have re-sited the building from the rear to front onto Marsh Hill and Ivyfield Road junction to address separation distances. I note that the distance between the first and second floor rear window of the rear wing (northeast) and habitable windows adjoining boundary of residential dwelling at no. 4 Ivyfield Road would be approximately 27 metres to first floor and thereby complying with guidelines as recommended in SPG "Places for Living" for a three-storey building. Also the rear windows within the front wing facing onto the rear car park would be over 27 metres from the side boundary to no. 4 Ivyfield Road and exceeds the 15 metre (5 metres per floor) separation distance recommended in SPG "Places for Living" SPG. In respect of No. 4 Ivyfield Road, there are no side-facing windows proposed and I am satisfied that there would be no overlooking detrimental to the occupiers' amenity.
- 6.30. The proposed ground levels, boundary treatments and areas identified for planting should minimise any overlooking to no. 18 Ivyfield Road's rear garden. With regards to the adjoining day nursery, there would be windows within the side elevation that are set approximately 5 metres from the boundary. The nursery building together with line of trees are situated adjacent to the site, which would act as a buffer to the associated play area that is situated adjacent to Witton Lake public open space. There are no formal adopted policies that provide guidelines for distance separation for commercial premises such as day nurseries in terms of outlook and privacy. Consequently, I consider that the proposal is unlikely to have an adverse impact on the amenity of adjoining residential properties within the vicinity of the site.
- 6.31. There are secondary lounge windows to all three floors and side glazing to the balcony on the rear elevation that overlook onto the private amenity area of no. 18 Ivyfield Road. A condition is therefore recommended requiring that the secondary windows and side glazing to the balcony is obscurely glazed in order to safeguard privacy to the gardens of the adjoining residential dwellings.
- 6.32. Concerning general noise and disturbance raised by adjoining neighbours, Regulatory Services have been consulted and raised no objections subject to conditions. I note that there were no restrictions to operational hours/ days of use of the current use as public house. I acknowledge more residents may generate more comings and goings but the proposed building/ site is detached with access/ parking from Ivyfield Road. There are a number of conditions imposed to restrict noise levels from plant and machinery, noise insulation and extraction and ventilation system. I do not consider these would have such an effect on residential amenity that refusal for this reason could be justified.
- 6.33. **Air Quality** - The proposal is identified as a site which may create, or may potentially create relevant exposures to future occupants at concentrations above

the EU limit values in particular to exceedances of the annual mean EU limit values for Nitrogen Dioxide (NO₂) and Particulate Matter. No air quality assessment has been submitted as part of supporting document towards the application. Regulatory Services have requested that a condition is imposed for a detailed air quality assessment to ascertain potential exposure levels of future occupants of this residential scheme. I concur with this view.

- 6.34. Policies TP1 and TP43 within the Birmingham Development Plan, seeks to assist in reducing the City's carbon footprint and improve air quality. Regulatory Services have recommended imposing a condition in relation to electric vehicle charging points on site. Consequently, the proposal would allow the potential to reduce vehicle emissions and improve air quality associated with the development.
- 6.35. **Land contamination** – The land contamination report accompanying this application concludes that there is a low risk that significant contamination exists at the site from the former uses, but there are some uncertainties that may arise from when the buildings are demolished and site cleared. Consequently, conditions would be imposed to require further ground investigations to take place to establish if there is any presence of any contamination and appropriate mitigation.
- 6.36. **Highways and car parking** – There have been concerns raised by adjoining neighbours with regards to inadequate parking on site and traffic congestion on adjoining roads. Amended plans with supporting statements have been provided with the proposed new access arrangement from Ivyfield Road. The proposal includes 24 parking spaces to include covered cycle storage. All on site car parking spaces are considered to be practical. Vehicle swept path plans have been provided that demonstrate all vehicles including refuse and delivery vehicles can be accommodated within the site. In terms of traffic generation, the proposed care home has potential to attract significant fewer vehicle trips to the site compared to the former use as public house. It is recognised however that all the traffic generated by the former public house used Marsh Hill access as their primary access. In addition, on-street parking is unrestricted and there is good access to public transport such as buses. Transportation Development do not raise any objections to the proposal subject to imposition of conditions to include construction management plan/ method statement, siting of design/ access, travel plan, S.278/ highway works and parking management strategy. The application site is situated within a sustainable location with public transport available on Marsh Hill, Slade Road and Streetly Road with Witton and Gravelly Hill train stations within 1kilometres from the application site. Consequently, the proposal, subject to conditions, is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.
- 6.37. **Impact on flooding** - A Drainage Strategy has been submitted as part of the supporting documents. It identifies the site (being 0.344 ha) as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. The Council as Lead Local Flooding Authority has recommended a modified condition which requires the completion of Sustainable Drainage to be operated and maintained in accordance with the Drainage Operation and Maintenance Plan. I concur with this view.
- 6.38. **Impact on landscaping, trees and ecology** – A Phase 1 Ecological Appraisal and Phase 2 bat survey have been submitted as part of the supporting statement and concluded that there is no evidence of protected species within and around the application site. The City Ecologist has raised no objections subject to imposition of conditions to ensure that the development is implemented with recommendations outlined within the ecological appraisal and bat survey, namely the inclusion of bat and bird boxes, no illumination to the western side of the car park and a landscaping

scheme to incorporate native species trees and hedgerows. They have also specified a condition that further bat surveys are to be carried out if the demolition has not commenced within 12 months from the submitted and approved Phase 1 Ecological Appraisal and Phase 2 bat survey.

- 6.39. An updated Tree Survey has been submitted that shows the number of trees to be retained and removed on site. The proposal would result in loss of 6 trees around the centre and perimeter of the site. The Tree Survey concludes that all other buffers of trees and hedges would largely be retained to the rear boundaries with residential properties, Witton Lake POS, day nursery and the Marsh Lane frontage. My Tree Officer has raised no objections subject to the landscape scheme to include suitable trees within the site boundary and tree protection for retained trees. The proposed site layout plan shows the building set back between 3.5 metres to 7 metres from back of pavement on Marsh Hill frontage and between 2 metres and 3.2 metres on Ivyfield Road frontage, which is adequate to accommodate perimeter landscaping and boundary treatment to include trees. There is also an adequate landscape buffer proposed between the car park and adjoining side boundary to No. 4 Ivyfield Road. The Landscape Officer recommends that conditions be imposed to include a landscaping scheme, boundary treatment, site levels, earthworks etc. that would ensure that the proposal makes a substantial contribution to the site and overall area in amenity and biodiversity terms.
- 6.40. **Employment** – The proposed care home would offer approximately 70 full time equivalent jobs covering the running of the care home that would include managers, carers, caterers, administrators etc. There would also be construction jobs created from the redevelopment of the site as a care home. In order to secure wide ranging benefits from the development the Employment Access Team have recommended that a condition be attached in order to secure jobs for local residents living in the area to include apprenticeship, graduates, training and placement opportunities. I concur with this view.
- 6.41. **Community Infrastructure Levy** - The proposed development would not attract a CIL contribution.

7. Conclusion

- 7.1. Whilst the loss of the Hare & Hounds Public House is regrettable, there are limited grounds on which to resist the proposed redevelopment of the site for a care home use. National and local policies include considering proposals affecting public houses within the context of community facilities and I consider that there are adequate alternative facilities available within reasonable walking distance of the application site to meet the every day needs of the community in accordance with paragraph 70 of the NPPF. Following receipt of this application and confirmation of the disposal of the property, the Hare & Hound Public House has been refused nomination as an Asset of Community Value, which adds weight to this argument. The development of the site would properly address the fundamental strands of the NPPF, namely meeting social, economic and environmental objectives. The scale, massing, design, effects on neighbours' amenities, living conditions for occupiers, transportation and ecology matters would all be acceptable. The proposal constitutes sustainable development for which planning permission should be granted subject to the imposition of conditions.

8. Recommendation

- 8.1. Approve subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission of sample materials
3	Requires the prior submission of a contamination remediation scheme
4	Requires the prior submission of a contaminated land verification report
5	Limits the noise levels for Plant and Machinery
6	Requires the prior submission a noise study to establish residential acoustic protection on southwest facade adjacent to day nursery.
7	Requires the prior submission a noise study to establish residential acoustic protection on Marsh Hill and Ivyfield Road elevations.
8	Requires the submission of extraction and odour control details prior to occupation
9	Requires prior submission of an Air Quality Assessment.
10	Provision of designated electric vehicle charging point(s) within communal car park.
11	Requires the prior submission details obscure glazing for specific areas of the approved building
12	Requires the prior submission of a drainage scheme
13	Requires the prior submission of level details
14	Requires the prior submission of earthworks details
15	Requires the submission of boundary treatment details prior to occupation
16	Requires the submission of hard and/or soft landscape details prior occupation.
17	Requires the submission of hard surfacing details prior occupation.
18	Requires the prior submission of a landscape management plan
19	Requires the prior submission of a lighting scheme
20	Requires the prior submission of an additional bat survey if demolition has not commenced within 12 months of Phase I Ecological appraisal & Phase 2 Surveys for Bats.
21	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
22	Requires the prior submission of a Sustainable Drainage Operation & Maintenance Plan
23	Requires the implementation of tree protection

-
- 24 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 25 Requires the prior submission of a CCTV scheme
 - 26 Requires the prior submission of a construction method statement/management plan
 - 27 Requires the prior approval of details to prevent mud on the highway
 - 28 Requires the prior installation of means of access
 - 29 Requires the prior submission of details of pavement boundary
 - 30 Requires the prior submission of a parking management strategy
 - 31 Requires the prior submission of a commercial travel plan
 - 32 Requires the provision of cycle parking prior to occupation
 - 33 Requires the parking area to be laid out prior to use
 - 34 Requires the prior submission of a construction employment plan.
 - 35 Implement within 3 years (Full)
-

Case Officer: Mohammed Akram

Photo(s)



Figure 1: View from Marsh Hill



Figure 2: View from Marsh Hill

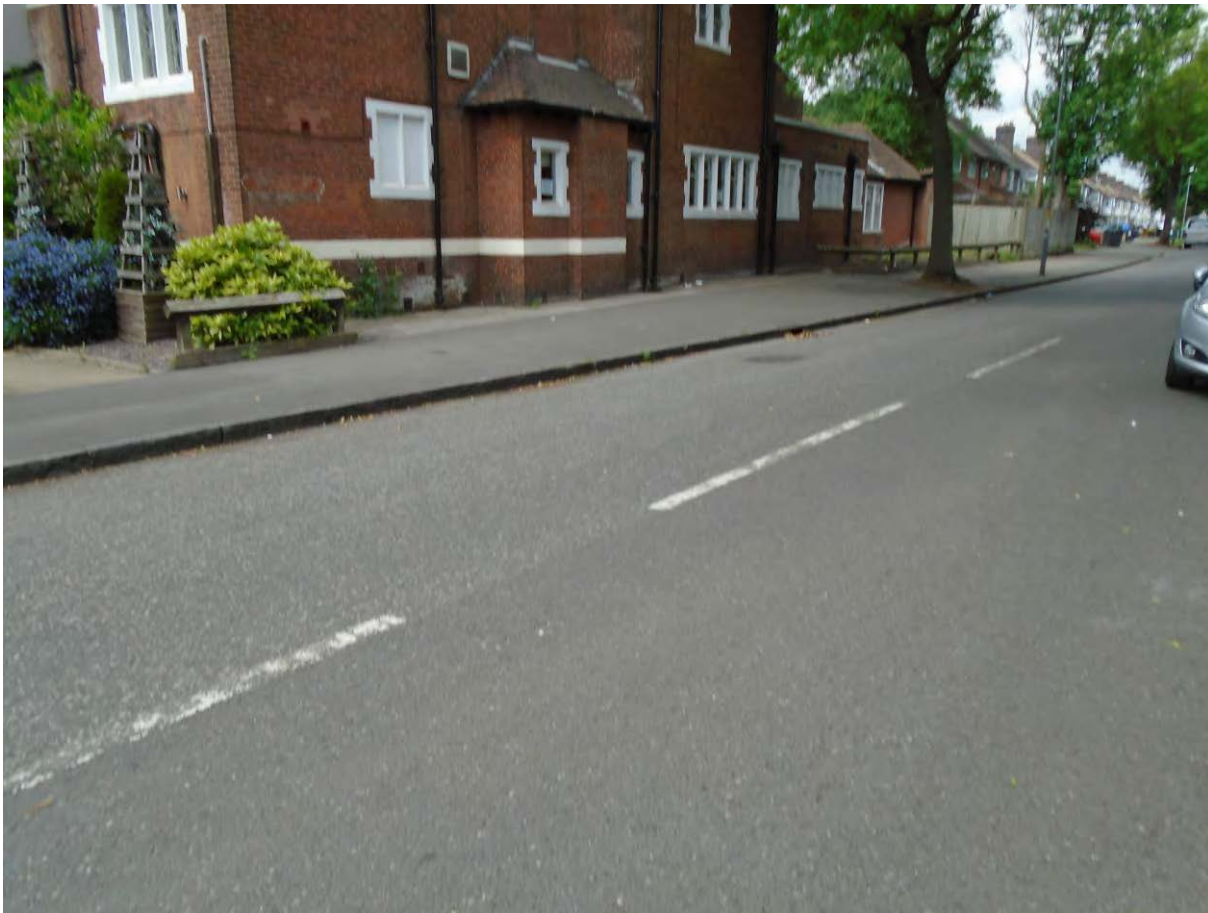
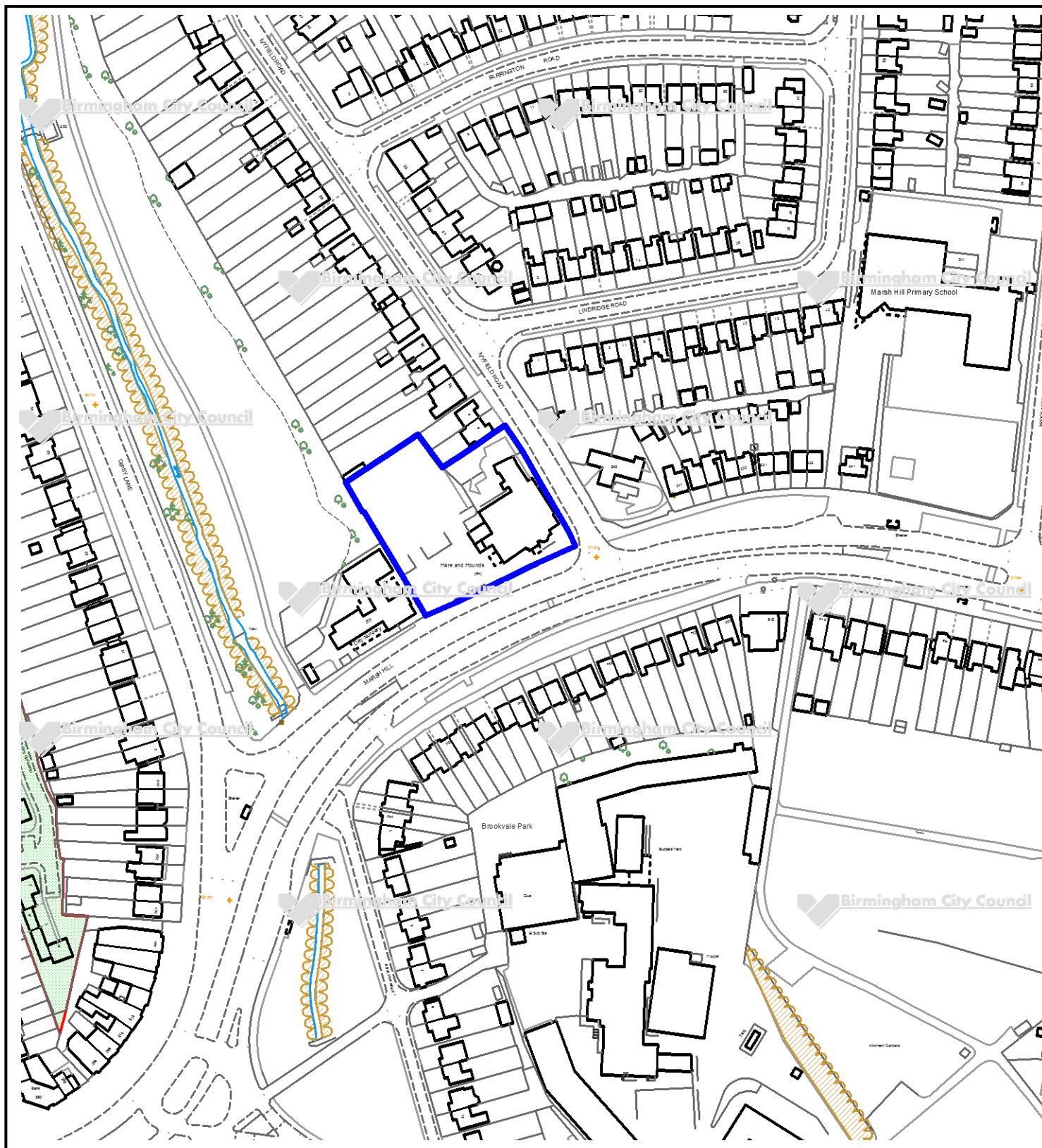


Figure 3: View towards Ivyfield Road



Figure 4: Adjoining day nursery

Location Plan



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Birmingham City Council

Planning Committee

23 November 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	18	2017/06696/PA Corner of Essex Street / Bristol Street Southside Birmingham B5 7AA Demolition of existing buildings and erection of a part 7, part 18 storey tower to provide two ground floor (A1, A2, B1(a), D1) commercial units and 68 no. apartments above
Defer – Informal Approval	19	2017/06418/PA Land at Florence Street, Windmill Street and Bow Street Holloway Head City Centre Birmingham B1 1NS Variation of condition 12 (approved plans) attached to 2014/09582/PA to allow a new building position, internal alterations and a change to the 1/2 bed mix, a reduction in car parking, external alterations and the provision of a sub station

Committee Date:	23/11/2017	Application Number:	2017/06696/PA
Accepted:	14/08/2017	Application Type:	Full Planning
Target Date:	08/12/2017		
Ward:	Nechells		

Corner of Essex Street / Bristol Street, Southside, Birmingham, B5 7AA

Demolition of existing buildings and erection of a part 7, part 18 storey tower to provide two ground floor (A1, A2, B1(a), D1) commercial units and 68 no. apartments above

Applicant:	The Sandpiper Group
	3b Tournament Court, Edge Hill Drive, Warwick, CV34 6LG
Agent:	PJ Planning
	Regent House, 156-7 Lower High Street, Stourbridge, West Midlands, DY8 1TS

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application proposes the complete clearance of the existing site and the erection of a part 7 / part 18 storey tower building. The ground floor would be occupied by two commercial units (A1, A2, B1(a) and D1 Use Classes are sought) with 68 no. residential apartments above.
- 1.2. The replacement building would comprise of a tower element situated on the corner of Essex Street and Bristol Street, with its narrower element fronting Bristol Street. The surrounding 'shoulder' element would be 7 storeys high and have frontages to both streets. At ground floor level there would be a double height colonnade to Bristol Street, with the potential for the ground floor units to spill out onto the street shown. This increased scale is carried through to the residential entrance with a double height lobby area.
- 1.3. Above the large retail/commercial openings and colonnade at the lower levels the remainder of the elevations would be constructed of brickwork, with vertically stacked bricks providing string courses at each level. Window openings would have deep reveals (between 479mm and 180mm) with a narrow metal fin emphasising the verticality of the building. At the top of the tower the top three floors would be grouped to clearly define the 'crown' of the building.
- 1.4. Across the elevations living room windows are generally larger, whereas bedroom windows would be smaller, as a method of expressing the layout of the building externally.
- 1.5. Back of house facilities including the bin store, bike store and plant room would be situated at ground floor level accessed from Essex Street. Their impact upon the street frontage has been minimised, with the active commercial frontages maximised

as far as possible. A further plant room (for sprinklers etc) would be provided in a basement level. Amended plans have been provided that show green roofs on the development.

- 1.6. Each apartment would have separate bedrooms (no studio apartments are proposed), a number of which benefit from en-suite bathrooms. Where possible the opportunity to create dual aspect units has been taken. Two of the units situated at seventh floor level would benefit from private roof terraces (above the 'shoulder' elements). A third communal roof garden is provided accessed from the central circulation core.

- 1.7. The proposed housing mix is as follows:

Type	Number	Percentage	Min. Size	Max. Size
1 Bed 1 Person	23	34%	43 sq.m	44 sq.m
1 Bed 2 Person	11	16%	50 sq.m	50 sq.m
2 Bed 3 Person	12	18%	63 sq.m	67 sq.m
2 Bed 4 Person	22	32%	70 sq.m	74 sq.m

- 1.8. In recognition of its sustainable location, and due to the constrained nature of the site, no on-site parking facilities are provided.

- 1.9. This application is supported by detailed plans; Planning Statement; Design and Access Statement; Transport Statement; Travel Plan; Sustainable Drainage Report; Noise Assessment; Daylight Assessment; Contamination Report; Air Quality Report; Heritage Statement; Key Views Assessment; Financial Viability Assessment; and a Bird and Bat Survey Report.

- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is occupied by what was once four Victorian properties dating from the late 19th century (partly with a stone ground floor treatment from the early 20th century). Since their construction the properties have been amalgamated, and altered and ultimately fallen out of use. The properties are currently in a neglected state, with part of the building fronting Bristol Street having cracking/missing render and an incongruous modern ground floor frontage. The buildings are three storeys in height, with dormers. Single storey outbuildings/wings are situated to the rear. There is an undeveloped part of the site fronting Essex Street that is overgrown.
- 2.2. The corner building appears to have last been in use as a bank with retail/commercial/restaurant units to either side on Essex Street and Bristol Street.
- 2.3. The wider area houses a wide range of uses. Essex Street includes a Night Club (opposite) with what appears to be residential use above, a karaoke bar/restaurant and a late night bar/club. Further east are the Southside and iLand large scale residential apartment developments. Immediately behind the site is a car showroom

with parking associated with vehicle hire (fronting Bristol Street) beyond. This part of the Bristol Street frontage also includes a hairdresser, solicitors, bank and further clubs and food businesses.

- 2.4. Bristol Street – the A38 – runs directly in front of the application site. This 8 lane highway forms the key arterial route into the city core from the south and dominates the pedestrian environment around the site. Beyond Bristol Street there is the O2 Academy music venue and a multi-storey car park.

[Site Location](#)

3. Planning History

- 3.1. None relevant

4. Consultation/PP Responses

- 4.1. Transportation Development – Notes that whilst there is no on site car parking provision proposed, the site is in a sustainable city centre location where all neighbouring roads are protected by parking restrictions within the vicinity of the site. Therefore raise no objection subject to conditions requiring a construction management plan and that the cycle and refuse storage facilities are provided prior to the occupation of the proposed building.
- 4.2. Regulatory Services – Raise no objections subject to conditions requiring extraction details for the ground floor A3 use; a detailed contamination study; noise insulation between commercial and residential premises; limits for plant and machinery noise; noise insulation scheme for apartments; and further details of the air quality mitigation measures.
- 4.3. Lead Local Flood Authority (BCC) – Accept the principles within the submitted SuDS assessment but require further details of the proposed drainage scheme, and therefore recommend a condition to secure these additional elements.
- 4.4. Leisure Services – No objection. Requests a Section 106 contribution of £132,600 to be spent on the enhancement and maintenance of public open space within the Nechells Ward.
- 4.5. Severn Trent – No objection subject to the imposition of a condition requiring further surface and foul water drainage details.
- 4.6. West Midlands Police – Provide specific advice and guidance regarding lighting, security etc.
- 4.7. Site and Press Notices displayed. Neighbouring occupiers, Ward Members, Southside BID, Civic Society and Resident's Associations consulted with the following representations received.
- 4.8. 8 objections citing the following reasons:
 - Loss of existing buildings which are of historic merit/architectural quality
 - Noise, dust and air quality issues

- Highway disruption during the construction of the building
 - Lack of parking
 - Lack of local school and healthcare facilities
 - Building is too tall, would create an urban canyon effect
 - Loss of privacy / loss of light / loss of views
- 4.9. One notification of support has been received that cites the well thought out contemporary design and notes the scheme would remove buildings that have fallen into disrepair.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (Saved Policies); Birmingham Development Plan (BDP) 2017; Places for All 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 (BCP).

6. Planning Considerations

POLICY

Local

- 6.1. The BDP sets out the scale of housing 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.
- 6.2. The application site lies within the Southside and Highgate wider City Centre area of change as set out in the BDP. In support of the city's ambitious growth agenda, this wider area is recognised as an opportunity for cultural, entertainment and residential development. The Smithfield and Southern Gateway Areas of Transformation are situated to the east/northeast – which are part of the plan's ambition to see the expansion of the City Centre Core southwards. The Big City Plan identifies Bristol Street as a poor pedestrian environment and a barrier to east/west movement.
- 6.3. The saved policy 3.14 of the Birmingham UDP provides specific guidance in relation to how to achieve good urban design.
- 6.4. High Places, the city's guidance for development including a tall building, sets out the detailed requirements and the potential impacts of tall buildings within the city. It requires the impact upon key views to be tested and sets key design principles, such

as ensuring the building has a positive relationship with the immediate street environment. It also sets out appropriate locations for such buildings, which is supplemented by the more recent Big City Plan.

National

- 6.5. 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.
- 6.6. Chapter 4 encourages development that promotes sustainable transport. 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/townscape impacts; amenity; highway impact; sustainability; and viability/S106 issues.

PRINCIPLE

- 6.8. In respect of housing need the BDP states that its objectively assessed need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only plans to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 68 apartment scheme would have a 50% split between one and 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. I note that 11 out of 34 of the one bedroom units meet the minimum standard for 2 person occupancy. 22 out of 34 of the two bedroom units meet the minimum size requirements for four person occupancy. Given the overall housing needs of the city and the site's location the mix is considered acceptable.
- 6.9. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver residential accommodation in a sustainable city centre location whilst maximising the level of commercial activity on the street frontages. My Strategic Planning Officer raises no objections to the principle of the residential-led redevelopment of the site. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

DESIGN / TOWNSCAPE

Design

- 6.10. The incorporation of deep reveals, recessed mullions, and projecting fins within the window openings all provide visual interest. The use of a limited palette of brickwork and aluminium framed windows is supported, and this is representative of the existing context. The shoulder height of 7 storeys on Essex Street would provide a successful transition to both the iLand development further along the street (8

storeys, although levels fall in this direction). The 7 storey shoulder on Bristol Street provides a transition to the existing three storey development and accentuates the tower element.

- 6.11. The supporting Design and Access Statement recognises that the adjacent terrace may be redeveloped and concludes that the development would not impact upon the redevelopment potential of this plot. I note that there are windows on the shoulder element to the rear and within the tower element of the scheme looking south. The windows on the tower are set back from the boundary, and are secondary to the principal openings onto Bristol Street (in addition to non-habitable stairwell windows). The remaining windows would not prejudice the satisfactory redevelopment of the adjacent site, although it is accepted that any proposals on that site will need to respond to the proposals.

Tall Building

- 6.12. 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
- 6.13. The proposed tower falls outside of the designated location for tall buildings ('appropriate locations') set out in High Places but is on the boundary of the extended zone set out in the BCP. 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.
- 6.14. 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
- 6.15. At 18 storeys, the height of the tower has been designed to reinforce the status of Bristol Street as an arterial route into the city centre and respond to the width of the A38. The building would have a visual relationship with existing and proposed tall buildings that will form a small cluster on the Smallbrook Queensway/Hurst Street junction and act as a gateway into the Southern Gateway / Smithfield areas of transformation to the east set out in policies that have emerged since High Places (2003). In addition, the scale is set such that it would not compete with the Holloway Circus junction which is marked by Beetham Tower and the Sentinels and defined as a tall building cluster in the BCP.

- 6.16. Key Views of the proposed building have been provided in support of this application. These demonstrate, through visualisations, the impact of the proposed tower both within this part of the city centre and the wider views set out in High Places. These views show how the proposed building would reinforce the location and skyline of the City Centre from the High Places key views, being sited within wider vistas containing the existing tall City Centre buildings. They also demonstrate how, combined with existing tall buildings, the height of the building would be sufficient to mark this key route into the city. Closer views show that whilst the building is taller than its immediate neighbours, it would not be an overly dominant feature in the street scene. The views tested also show that the tower would be viewed in the context of the built up environment of the city centre, often with other tall buildings sharing the vista.
- 6.17. The supporting statements and plans show a building that successfully integrates with the street environment, creating shelter within a colonnade that also emphasises the base of the building. The top of the tower is architecturally distinct, which will provide interest from longer views. Details provided show deep reveals to key elevations that add shadow and relief.
- 6.18. I therefore consider that it has been demonstrated that the proposed development would deliver a high quality development that would reinforce the location of the City Centre and aid legibility marking a gateway to the Southside Area of Transformation / Smithfield to the east. As such the development complies with the exceptions test set out in the High Places SPD and I conclude that proposed tower, subject to suitable safeguarding conditions, is acceptable.
- 6.19. I therefore conclude that subject to safeguarding conditions ensuring that the quality articulated in the supporting statements is carried through to construction, including the use of high quality materials, the design of the proposal is satisfactory.

HERITAGE

- 6.20. The existing buildings on site, particularly the building on the corner, has some architectural quality and therefore could be considered as a non-designated heritage asset. The supporting Heritage Statement provides a detailed analysis of the site's development and the building's historic merit. The corner property, with elements from the late 19th and early 20th centuries, is red brick and stone with decorative tiles and has a comfortable relationship with the surrounding buildings. Whilst in a generally poor state of repair the building retains architectural interest. The reminder of the properties fronting Bristol Street are much altered at ground floor and have been rendered above (which is in poor condition).
- 6.21. The report states that the buildings have undergone substantial alterations that have eroded the site's special interest. The changes to the immediate context such as modern development to the west and the formation of the A38 have eroded the building's setting. In conclusion the report states that whilst there will be a loss of significance associated with the complete demolition of the existing buildings; the harm is outweighed by the public benefits associated with the residential-led redevelopment of the site.
- 6.22. I concur with the supporting statement's conclusions regarding the significance of these buildings in that they are representative of the rapid expansion of the city in the 19th century. I agree that the total demolition of the buildings would result in the loss of significance and that the public benefits of the proposal outweigh the impact of this loss.

- 6.23. The report also analyses the impact of the proposed development upon the setting of nearby heritage assets – namely the Grade II listed back to back houses situated on the corner of Hurst Street and Inge Street. I concur with report's the conclusion that the application site forms an incidental role in the setting of this building and that the setting of this asset plays a limited role in their significance.
- 6.24. Therefore, whilst I note comments received through the public participation process seeking to retain the existing buildings, I consider that the heritage impacts of the proposal are justified and raise no objection on such grounds.

RESIDENTIAL AMENITY

- 6.25. The supporting contamination desk study has not raised any fundamental issues and recommends that further studies, including on site testing, are carried out.
- 6.26. An Air Quality Assessment has been submitted that concludes that the impact from construction would be negligible. In relation to the future occupiers, due to the proximity of the A38 highway, concentrations of nitrogen dioxide (NO₂) are predicated to exceed UK air quality standards on the first and much of the second floor. The report recommends that mitigation measures are provided up to third floor level. The suggested form of mitigation is that residential units on the first, second and third floor are fitted with active carbon filters to reduce the NO₂ concentrations. Regulatory Services raise no objection to the principle of this approach subject to a condition requiring further details of the filtration equipment. I concur with this conclusion although I recommend that, in addition to the filtration, the windows where air quality standards are exceeded are sealed. This is necessary to prevent exposure to unsatisfactory standards of air quality.
- 6.27. In respect of noise, the supporting Noise Assessment concludes that following on site assessment, the noise environment is dominated by the road traffic on Bristol Street (A38) with additional noise attributable to the night club opposite. In response uprated glazing specification to the Bristol Street and Essex Street frontage is recommended in conjunction with mechanical ventilation to enable residents to close their windows to minimise any noise impacts at peak times. Regulatory Services raise no objection subject to conditions requiring details of these mitigation measures, based upon the submitted report. In addition a condition requiring details of insulation between adjoining commercial and residential uses is requested.
- 6.28. Turning to apartment sizes, the proposals meet the nationally described space standards, with the majority of the two bedroom units meeting the size standard for four person occupancy and around a third of the one bedroom units meeting the standard for two person occupancy. The detailed plans demonstrate that a satisfactory furniture layout can be provided. Additionally the apartments would benefit from a satisfactory outlook.
- 6.29. Whilst I note the comments received regarding loss of light, privacy and outlook, the proposals would not materially harm the residential amenity of occupiers of dwellings within the vicinity. The shoulder element of proposed building would be some 43m from the side of the I-land development which does incorporate a limited number of windows on the upper set-back level on this elevation. The tower would be further away at 50m. These separation distances are acceptable in a City Centre context considering the scale and nature of the proposed development.

- 6.30. I note that the proposal to include A3 (restaurant / café) use within the commercial units has been removed from the proposals, and therefore Regulatory Service's suggested condition relating to extraction is not required.
- 6.31. I therefore raise no objections on residential amenity grounds subject to safeguarding conditions.

ECOLOGY

- 6.32. The City's Ecologist accepts the supporting survey results that the site does not house bats, and recommends that the site clearance of vegetation is undertaken either during the winter or following an inspection by a suitably qualified person to protect any potentially nesting birds. I concur with these conclusions and a suitable condition is recommended.

HIGHWAY MATTERS

- 6.33. The supporting Transport Statement assesses the existing highway and sustainable transport network, provides an analysis of the proposed development and draws overall conclusions on the impact to the network. The report outlines the sustainable location of the site, which is within easy walking distance of amenities and a comprehensive public transport network of busses, trams and trains. The report predicts that few, if any, residents are likely to have private vehicles and that the vast majority of trips are likely to be on foot. The report also highlights that local roads are the subject of parking control measures, which is strictly controlled. It also adds that long term parking is available at the multi-storey car park opposite.
- 6.34. Transportation Development concurs with the conclusions of the Statement and considers that the lack of on-site parking provision is acceptable in this location. I concur with this conclusion and note that the provision of on-site parking would be likely to have a significant impact upon the ability to provide an active ground floor frontage and would be unlikely to be financially viable.
- 6.35. A condition requiring a Construction Management Plan is requested in order to assess the effects on the public highway, however any encroachment on the highway during construction would be dealt with through separate highways legislation and no particularly unusual highway impacts are envisaged. I therefore do not consider such a condition necessary. The conditions recommending that the bin and cycle storage be provided prior to occupation are recommended.
- 6.36. I therefore raise no highway-based concerns subject to the aforementioned conditions.

SUSTAINABILITY & DRAINAGE

- 6.37. Policy TP3 of the BDP requires development to be designed and constructed in ways that maximise their sustainability credentials, limiting the overall impact of the works. This includes maximising energy efficiency, use of low carbon energy, conserving water, reducing flood risk, use of sustainable materials, building in flexibility, minimising waste and maximising recycling in construction and operation, and enhancing biodiversity value.
- 6.38. The proposed development represents the intensive re-use of a brownfield site situated in a sustainable city centre context. The supporting Sustainable Drainage Assessment recommends the inclusion of green roofs and pervious pavements. As

the proposed development would represent 100% site coverage with development, there is no opportunity for pervious pavements and therefore I consider the green roofs shown on the proposed plans are necessary in order to secure the satisfactory development of the site. A suitable condition requiring further detail is recommended.

- 6.39. The applicant has provided a statement to address policy TP3 of the BDP. The statement clarifies that above average levels of insulation would be provided due to the deeply modelled wall on key facades; the scheme would reduce the discharge of water to public sewers by 68%; attenuation and biodiversity value is provided through green roof construction; the materials to be used in construction are all at the higher end of the BRE guidance for sustainable materials; and that the construction would allow adaptation of the building in the future.
- 6.40. Both the Lead Local Flood Authority and Severn Trent raise no objections to the proposals subject to conditions requiring further foul and surface water drainage information.
- 6.41. The site is within Floodzone 1, the category least at risk from flooding, and I am not aware of any critical drainage problems.
- 6.42. I therefore conclude that the development has taken opportunities, where feasible, to introduce sustainable measures and, in addition to the drainage conditions I recommend a further condition requiring the provision of further details of the green roof design.

SECTION 106 / FINANCAIL VIABILITY

- 6.43. The Public Open Space SPD and the BDP set out the requirement for development to contribute towards the provision, improvement and maintenance of public open space and affordable housing.
- 6.44. This application is supported by a Financial Viability Statement that sets out the viability position of the scheme. The original report concludes that the scheme would only become financially viable if all Section 106 obligations were waived.
- 6.45. This report has been the subject of independent assessment on behalf of the city council, and the conclusions reached reference the high build costs associated with a constrained site and a challenging design and the likely residential values that could be achieved in this part of the City Centre.
- 6.46. I concur with the independent assessor's view that the economics of the proposals could not sustain a policy compliant contribution, with the maximum amount that would continue to result in a viable development being £102,000. I consider this a reasonable position in this instance, and note the wider public benefits of the high quality design, and the slender nature of the tower (which is economically less efficient than a bulkier building).
- 6.47. Leisure Services have calculated that the development generates a requirement of £132,600 towards the provision of public open space, which they suggest should be spent in the Nechells Ward, which is below the BDP target of 2ha per 1000 people.
- 6.48. Given that the application site is over 600m to the Nechells Ward boundary, and the suggested potential locations for spending the money (Loxton Park and Bloomsbury Street Recreation Ground) are between 2km – 3km away from the application site, I

do not consider the recommendation to direct this contribution to Nechells sufficiently reasonably related to the proposed development to meet the CIL tests. Residents of the proposed scheme are unlikely to benefit from the proposed improvements. I therefore conclude that the sum secured should be directed to affordable housing.

- 6.49. The Employment Access Team has requested that local employment is secured during the course of construction of the development I concur with this recommendation.
- 6.50. The development does not attract a CIL contribution.

7. Conclusion

- 7.1. This application represents a high quality development that makes efficient use of a brownfield site. The scheme will play a part in meeting the city's housing demand identified over the current plan period. Through rigorous testing and review, I conclude that the site is suitable for a tall building, with the scheme providing a valid contribution to the city's skyline. In addition an affordable housing contribution of £102,000 would be provided via a Section 106 agreement. Therefore, subject to appropriate safeguarding conditions, I recommend that this application be approved.

8. Recommendation

- 8.1. Approve application number 2017/06696/PA subject to the conditions listed below and a Section 106 Legal Agreement to secure the following:
- i) A financial contribution of £102,000 (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
 - ii) a commitment to local employment and training during the construction of the development; and
 - iii) a financial contribution of £3,570 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 1st December 2017, planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment to local employment / training the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies) and Policy TP26 and paragraph 10.3 of the Birmingham Development Plan.
 - ii) 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 2005 (saved policies) and Policy TP31 and paragraph 10.3 of the Birmingham Development Plan

- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 1st December 2017 favourable consideration is given to this application, subject to the conditions listed below.

-
- 1 Requires the prior submission of a contamination remediation scheme
 - 2 Requires the prior submission of a contaminated land verification report
 - 3 Requires the prior submission of shop front design details
 - 4 Requires the prior submission of investigation for archaeological observation and recording
 - 5 Prevents demolition prior to a redevelopment contract being entered into
 - 6 Requires the prior submission of Structural Recording
 - 7 Requires the prior submission of a sustainable and foul water drainage scheme
 - 8 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 9 Requires the prior submission of details of bird/bat boxes
 - 10 Limits the noise levels for Plant and Machinery
 - 11 Requires the prior submission of noise insulation between residential and commercial
 - 12 Requires the prior submission of noise insulation for residential units
 - 13 Requires the prior submission of air quality equipment details
 - 14 Requires the prior submission of details of green roofs
 - 15 Requires the prior submission of sample materials
 - 16 Requires the prior submission of level details
 - 17 Removes PD rights for telecom equipment
 - 18 Prevents the use from changing within the use class
 - 19 No obstruction, displays or signage fitted to shop front.
 - 20 Requires the provision of cycle parking and refuse storage prior to occupation
 - 21 Requires the scheme to be in accordance with the listed approved plans
 - 22 Implement within 3 years (Full)
-

Case Officer: Nicholas Jackson

Photo(s)



Figure 1 – Application site (centre of image) looking east

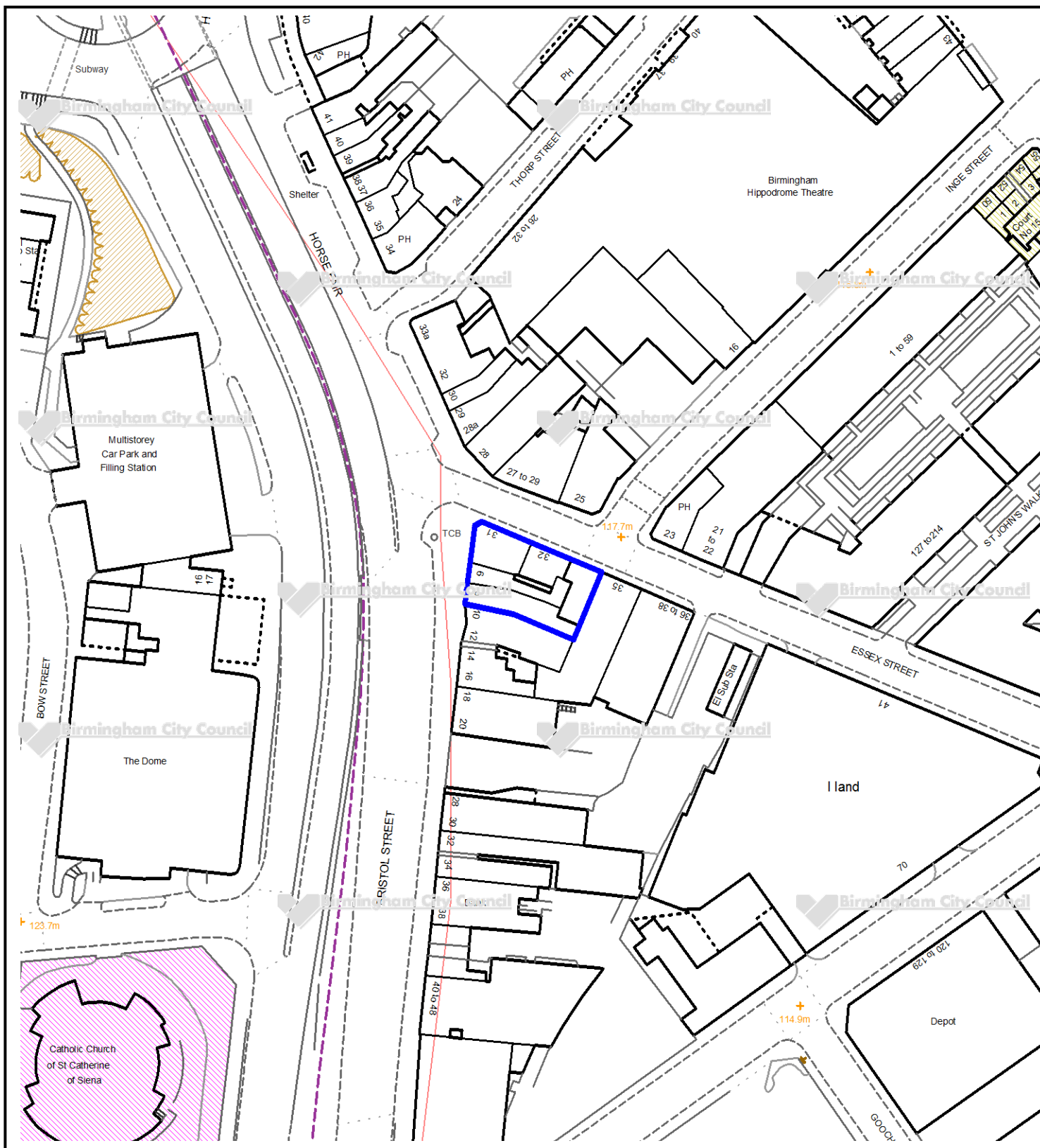


Figure 2 – Inge Street – site in the distance



Figure 3 – Panoramic View of Bristol Street

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/06418/PA
Accepted:	21/07/2017	Application Type:	Variation of Condition
Target Date:	22/12/2017		
Ward:	Ladywood		

Land at Florence Street, Windmill Street and Bow Street, Holloway Head, City Centre, Birmingham, B1 1NS

Variation of condition 12 (approved plans) attached to 2014/09582/PA to allow a new building position, internal alterations and a change to the 1/2 bed mix, a reduction in car parking, external alterations and the provision of a sub station

Applicant: Windmill Street Developments Ltd
c/o Agent
Agent: Brooke Smith Planning
1st Floor Cornerblock, 2 Cornwall Street, Birmingham, B3 2DL

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. This application is for a material minor amendment to planning permission 2014/09582/PA for a residential development of 304 one and two bed apartments, car parking and landscaping works, including road closure. It seeks consent to alter the previously approved plans to allow a new building position, internal alterations including changes to the proposed 1 and 2 bed mix, a reduction in car parking provision, changes to the external alterations and relocation/provision of a substation. There is no change to the number of apartments.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site (0.9125 hectares) is situated to the south of Holloway Head (leading into Bath Row B4127) and is bounded by Florence Street, Windmill Street and Bow Street.

2.2. The whole of the site is currently disused and partially overgrown, it is fenced with hoarding and has a gated entrance off Windmill Street. The site incorporates a road know as Exeter Passage, which is surrounded by what is believed to be footings, concrete bases and cellars of former industrial buildings. Levels fall across the site from east to west by about 3-4m.

2.3. The site is approached from the north past car repair workshops along Florence Street, and workshops/storage units along Ernest Street and Exeter Street. There is also a busy car wash opposite the site entrance in Windmill Street. To the east on Exeter Street, Windmill Street and Bow Street, uses include a newsagents, bar, the

Bethel Presbyterian Church of Wales, the Clydesdale Tower block of flats, a multi-storey car park, a nightclub building, offices and land which is currently being used for car parking. To the south east of the application site is City Walks Apartments, a 5 storey 'L' shaped apartment block on the corner of Irving Street and Bow Street. Adjacent to the south fronting Irving Street is the Ibis Hotel.

- 2.4. The immediate area has a wide mix of uses. Along Holloway Head road itself there are a number of 1960s office buildings, residential accommodation, a petrol filling station, a Chinese supermarket, a gym, a hotel, a kwik-fit tyre replacement garage and various leisure uses. A number of residential permissions have been issued in recent years in the vicinity.

2.5 [Site location](#)

3. [Planning History](#)

- 3.1. 28/08/2015 – 2014/09582/PA Proposed residential development of 304 one and two bed apartments, car parking and landscaping works, including road closure – Approved subject to conditions and S106.

4. [Consultation/PP Responses](#)

- 4.1. Fire Services – no comments.
- 4.2. Leisure Services – no comments.
- 4.3. Regulatory Services – no objections subject to conditions as previously.
- 4.4. Transportation Development – no objections to the reduction in parking, conditions as previously.
- 4.5. West Midlands Police – comments as previously but note that the car parking has been reduced considerably and considers this to be low, that additional security measures are required and that the development should be constructed to the standards laid out in Secured by Design 'Homes 2016' Guide.
- 4.6. Local residents' associations, neighbours, Ward Councillors, MP and the District Director were notified. Site and press notices were also displayed.
- 4.7. 2 letters of objection have been received on the basis that the proposal would result in a reduction in car parking for the proposed development in an area that already suffers with congestion and lack of parking, reduction in green/brown roofing will be less aesthetically pleasing, site access is unsuitable, consultation from developer is necessary and reassurance that ground stability will not be threatened is required.

5. [Policy Context](#)

- 5.1. Development Plan 2031, Birmingham UDP 2005 saved policies, Places for Living SPG, Car Parking Guidelines SPD, and the National Planning Policy Framework.

6. [Planning Considerations](#)

- 6.1. The application site benefits from planning consent 2014/09582/PA for the erection of 304 one and two bed residential apartments, car parking and landscaping works, which was approved in August 2015. However, following the applicant's purchase of

the site the approved plans were reviewed and it was found that due to the use of incorrect topographical data and the non-compliance with building regulations the approved scheme was technically undeliverable. This application therefore seeks to correct the above issues as a minor material amendment to the original consent. The changes sought are therefore as follows:

Reduction in parking

- 6.2 The approved scheme provided 184 parking spaces (60%), of which 161 were within a sizeable basement parking area, split across 3 different levels, created under the building and a section of the amenity space. However, as noted above, recent site survey work has highlighted that some of the calculations used for the original plans were incorrect. As a result some of the approved access ramps are unimplementable and the proximity of the basement to the boundary would adversely impact on retaining walls to adjacent sites.
- 6.3 The current amendments therefore seek to resolve these issues by simplifying the parking by providing one basement level, move the structure away from sensitive boundaries and provide ramps at an appropriate gradient. Consequently there would be a reduction in parking provision to 92 parking spaces (30%).
- 6.4 The site is located in the City Centre within walking distance of a wide range of amenities and it has excellent public transport links. I also note the incorrect use of topographical data in relation to the original application and that the 30% car parking provision is in line with other recent City Centre developments. Consequently, Transportation Development raise no objection to the minor material amendment, subject to conditions, as previously, being attached. I concur with this view and consider this amendment would accord with policies within the Birmingham Development Plan which seek to reduce the dependence on the car.

Building position

- 6.5 A slight alteration to the building position is proposed, 'squaring' off the originally proposed canted corners on the building as well as moving the building away from the boundaries.
- 6.6 The changes would result in a more practical building to construct, manage and live in without fundamentally altering the appearance, scale or mass of the building. I therefore raise no objection to this alteration which would have no adverse impact on the visual appearance of the approved development.

Unit layout and sizes

- 6.7 As a consequence of the realignment of the building the internal layout of the building would become more uniform and efficient. Consent is therefore sought for an amended internal layout which would result in 14 flat types as opposed to the previous 58 flat variations. In addition, in contrast to the previously approved scheme, the units now proposed would comply with the national space standards. In order to retain the apartment numbers, with the larger sized units, there would be a reduction in the number of 2 bed units and an increase in the number of 1 bed units by 16. However, overall the proposal would still result in a provision of 65% 2 bed units and 35% 1 bed units. I therefore consider this alteration acceptable and consider the increase in apartment sizes a significant benefit.

External Alteration

- 6.8 The consented scheme proposed a ground floor brick plinth with a mix of render and brick above to break up the massing of the blocks. Balconies were used to try and tie together the elevations and bring interest to the façade.
- 6.9 The current proposal seeks to maintain the overall massing but to use alternative bricks and brick detailing to give each block its own identity and break down the massing of the scheme. The number of window types would be reduced to two and be of a simple punched opening within a deep recces and repeated rhythmically across the elevations. Projecting balconies would be removed (to prevent oversailing of the boundary) and replaced with structural glass Juliette balconies to add further interest to the elevations. The use of recessed brick panels with increased heights on the ground floor, decreasing up the building, would also be used to provide interest to the elevations.
- 6.10 Detailed images of the proposed external elevations have been provided, including cross sections detailing the different recesses. My City Design Officer is therefore satisfied that the proposed external alterations would result in a building that would be well articulated and detailed and overall improving the visual appearance of the approved building.

Green/brown roofs

- 6.11 The approved scheme identified one 'green roof' area, the details of which were to be controlled by condition. The current scheme proposes five 'green roof' areas and areas for potential solar panels. I consider the alterations proposed would improve the buildings sustainability credentials and I raise no objection but consider the specific details should remain controlled by condition.

Scheme viability

- 6.12 The originally approved scheme was agreed with a financial contribution of £686,146.
- 6.13 However, given the changes proposed as part of this application a new financial appraisal was requested which has been independently assessed. This independent assessment agrees that a policy compliant contribution is not viable but it considers that the scheme could support a financial contribution of £490,000.
- 6.14 The current proposal would result in a reduction in the financial contribution however the previously agreed sum was based on an unimplementable scheme and whilst the Gross Development Value (GDV) may have been slightly higher the scheme was not capable of being built. Therefore, whilst disappointing, I am content that the commuted sum now agreed accurately reflects the revised scheme and is a fair assessment of the viability of the proposed development.
- 6.15 As previously I consider affordable housing is a priority and that the contribution should be used in its entirety for this purpose.
- 6.16 The scheme is not liable for CIL as it is a minor material amendment to a previously approved application which does not increase the floor area of the development.

Other

- 6.17 Two private terraces and one communal terrace have been created as a result of various changes. A substation would be relocated/provided adjacent the building to

the end of Florence Street and will meet operational requirements. I raise no objection to these provisions.

- 6.18 Conditions are recommended as previously with the exception of invasive weeds, bio diversity, remediation and construction statement/management plan which are no longer relevant or the details have previously been agreed and the condition has therefore been adjusted to require compliance.

7. Conclusion

- 7.1. The alterations sought have been explained and would enable a stalled brownfield, sustainable development to recommence in accordance with policy and ultimately add to the City's residential offer. The application should therefore be approved.

8. Recommendation

- 8.1. That consideration of application 2017/06418/PA be deferred pending the completion of a deed of variation to secure the following:

- a) A financial contribution of £490,000 (index linked from the date of resolution) towards affordable housing within the City.
- b) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.

- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local planning authority by 21st December 2017, planning permission be refused for the following reason(s):

- a) In the absence of any suitable legal agreement to secure a financial contribution towards affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan.

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

- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 21st December 2017, favourable consideration be given to this application, subject to the conditions listed below.

-
- 1 Requires the prior submission of a contaminated land verification report
 - 2 Requires the prior submission of a sustainable drainage scheme
 - 3 Requires the prior submission of details of a communal satellite dish
 - 4 Requires the prior submission of hard and/or soft landscape details
 - 5 Requires the prior submission of boundary treatment details
 - 6 Requires the prior submission of a lighting scheme
 - 7 Requires the prior submission of details of green/brown roofs
-

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| 8 | Requires the prior submission of a construction method statement/management plan |
| 9 | Requires the prior submission of sample materials |
| 10 | Requires the scheme to be in accordance with the listed approved plans |
| 11 | Requires the prior submission of entry and exit sign details |
| 12 | Requires submission of glazing ventilation details |
| 13 | Prevents occupation until the turning and parking area has been constructed |
| 14 | Requires the prior submission of cycle storage details |
| 15 | Requires the prior submission of a residential travel plan |
| 16 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 17 | Requires removal of invasive weeds |
| 18 | Contamination Remediation Scheme |
| 19 | Construction method plan |
| 20 | Implement within 3 years of 2014/09582/PA |
-

Case Officer: Joanne Todd

Photo(s)



Photo 1: Looking south west across the site

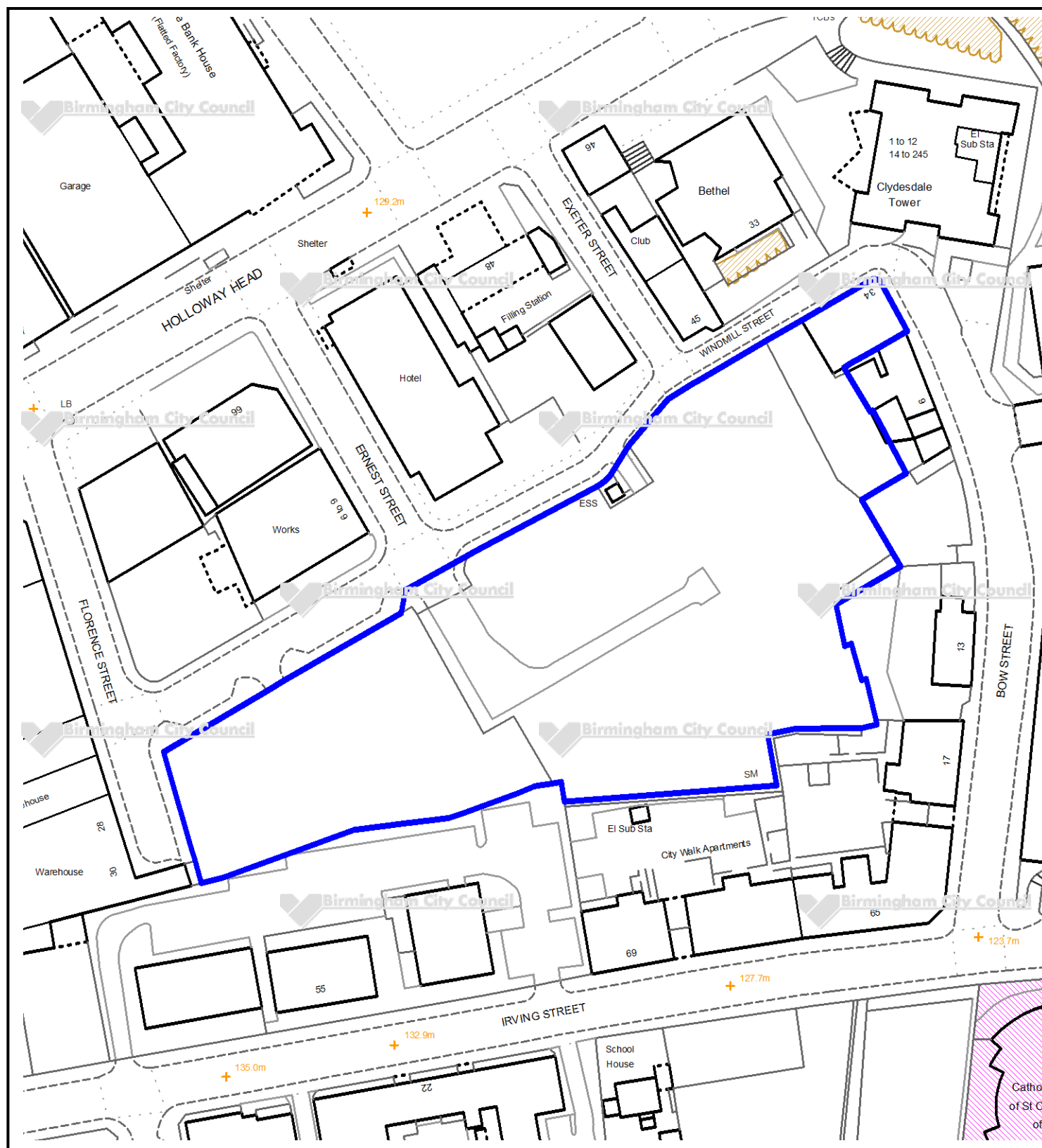


Photo 2: Looking east across the site



Photo 3: Site frontage looking west.

Location Plan



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Birmingham City Council

Planning Committee

23 November 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	20	2017/07185/PA Land off Posey Close Handsworth Wood Birmingham B21 Erection of 8 flats with associated car parking and landscaping
Approve – Conditions	21	2017/07186/PA Land off Cradley Croft Handsworth Wood Birmingham B21 8HP Erection of 3 dwellings (1 pair of semi-detached dwellings and 1 detached dwelling) with associated car parking and landscaping
Approve – Conditions	22	2017/07510/PA 560 Walsall Road Perry Barr Birmingham B42 1LR Change of use from betting shop (Use Class A2) to hot food takeaway (Use Class A5), installation of new shop front and roller shutter, erection of rear ground floor extension, creation of a flat spread over the first and second (roof space) floors and dormer to rear.

Committee Date:	23/11/2017	Application Number:	2017/07185/PA
Accepted:	15/08/2017	Application Type:	Full Planning
Target Date:	10/10/2017		
Ward:	Handsworth Wood		

Land off Posey Close, Handsworth Wood, Birmingham, B21

Erection of 8 flats with associated car parking and landscaping

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

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This application forms part of the Birmingham Municipal Housing Trust (BMHT) programme to build new Council housing within the City. The proposed v-shaped two storey building would contain eight self-contained flats for affordable rent. The ground floor would consist of 2 no. one bedroom flats and 2 no. two bedroom flats. The same would apply to the first floor. The brick and tile building would have a modern appearance based on a traditional architectural style.

1.2. Twelve parking spaces (150%) and landscaped communal amenity space are proposed.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site refers to a plot of land (0.16 hectares) at the end of Posey Close which is a secured long established cleared garage site. The surrounding area is predominantly two storey residential in character with allotments at the rear of the site. The site also adjoins the rear boundary of St. John Wall Catholic School.

2.2. [Site Location](#)

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

4.1. Neighbours, local Councillor's. M.P, residents associations consulted and site notice displayed – No responses received.

- 4.2. West Midlands Police – No objection and encourages the applicant to the Secured by Design scheme.
- 4.3. Transportation Development – No objection subject to conditions being imposed: (1) reinstatement of footway crossing, (2) vehicular and pedestrian visibility splay, (3) cycle storage.
- 4.4. Severn Trent Water Limited – No objection, subject to a condition being imposed to ensure the satisfactory disposal of foul and surface water.
- 4.5. West Midlands Fire Service – No objection.
- 4.6. Regulatory Services – No response received.
- 5. Policy Context
- 5.1. Birmingham Unitary Development Plan 2005 (saved policies), Birmingham Development Plan (2017), Places for Living (Supplementary Planning Guidance, 2001), Car Parking Guidelines (2012), National Planning Policy Framework (2012).
- 6. Planning Considerations
- 6.1. The main considerations in the determination of this planning application are the principle of the use in this location, the effect upon the visual amenity of the site and surrounding area, residential amenity and highway implications. The site is a long established vacant site within a residential area and the proposed use is acceptable in principle.
- 6.2. Design and visual amenity
- 6.3. The v-shaped building would be angled towards the side of 23 Wilks Green and also in the direction of the allotments. Its design would be modern in appearance and is typical for this type of development from BMHT. Given the constraints of this site in relation to existing residential occupiers and a sewer easement, the proposal represents an appropriate form of development on this vacant site and would also increase natural surveillance and security.
- 6.4. Residential amenity
- 6.5. Each flat would comply or exceed the Nationally Described Space Standards and the indicative layout of the dwellings includes furniture layouts that would be functional and would be conducive to the creation of a good living environment and an acceptable standard of residential amenity.
- 6.6. The level of shared rear communal amenity space is 265m² which exceeds the 30m² per unit within Council policy.
- 6.7. The proposed flats would meet set back distances in relation to adjoining existing residential properties, with the exception of the two flats nearest 17 to 23 Wilks Green. These would be within four metres of the rear/ side boundary at its closest point. However, the building has been carefully designed and positioned to ensure that the orientation of both the ground floor window (a bedroom) and the kitchen/ dining/ lounge window at first floor would be at an oblique angle and would not overlook the existing outdoor amenity space of these flats to an unacceptable level. I

am satisfied that the proposal would not conflict with the 45 degree code and would not result in any loss of light or outlook and is acceptable.

6.8. Highway safety and parking

6.9. Transportation Development have assessed this proposal and raise no objection, subject to conditions being imposed in relation to the reinstatement of the footway crossing, the implementation of a pedestrian visibility splay and to ensure that cycle storage provision is provided. It is noted that BCC parking guidelines specify a maximum parking provision of two spaces per residential unit which would require sixteen parking spaces. The applicant is proposing twelve spaces (150%) which is considered an appropriate requirement for the accommodation proposed. Therefore, this proposal is not expected to prejudice highway or public safety.

6.10. Other matters

6.11. The Council's Ecologist has assessed this proposal and raises no objection.

6.12. Your Tree Officer highlights that there is a mature tree in the north-east corner, shown to be retained, with sufficient distance to avoid damage during construction. An appropriate tree protection condition is attached.

6.13. The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. The proposal represents the creation of new residential units on a vacant site within an established residential area that would have a positive impact on visual amenity with no adverse impact on neighbour amenity and highway safety. The application is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

8.1. Approve with conditions.

1	Requires the implementation of tree protection
2	Requires the prior submission of hard surfacing materials
3	Requires the prior submission of hard and/or soft landscape details
4	Requires the prior submission of a drainage scheme
5	Requires the prior submission of cycle storage details
6	Requires pedestrian visibility splays to be provided
7	Requires vehicular visibility splays to be provided
8	Requires the prior submission and completion of works for the S278/TRO Agreement
9	Requires the prior submission of sample materials

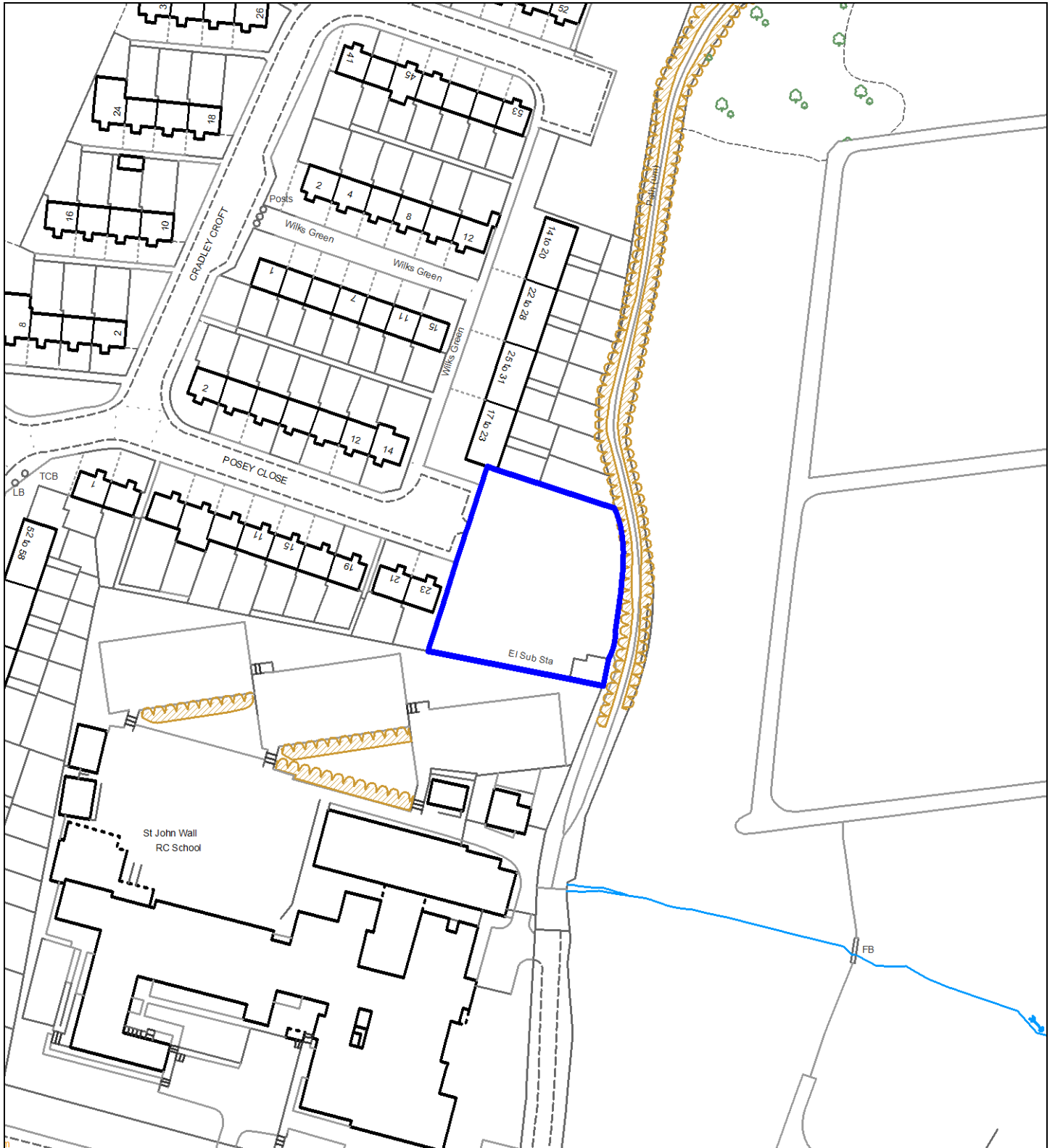
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- 10 Requires the prior submission of boundary treatment details
 - 11 Requires the scheme to be in accordance with the listed approved plans
 - 12 Implement within 3 years (Full)
-

Case Officer: Daniel Ilott

Photo(s)



Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/07186/PA
Accepted:	15/08/2017	Application Type:	Full Planning
Target Date:	10/10/2017		
Ward:	Handsworth Wood		

Land off Cradley Croft, Handsworth Wood, Birmingham, B21 8HP

Erection of 3 dwellings (1 pair of semi-detached dwellings and 1 detached dwelling) with associated car parking and landscaping

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

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application forms part of the Birmingham Municipal Housing Trust (BMHT) programme to build new Council housing within the City for affordable rent. The proposed pair of semi-detached dwellings would be two storey, each containing three bedrooms with rear gardens and parking provision for two cars per dwelling (200% parking).
- 1.2. The two storey detached dwelling would have five bedrooms, a rear garden and two parking spaces on the front driveway (200% parking).
- 1.3. The brick and tile houses would have a modern appearance based on a traditional architectural style.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site refers to a plot of land (0.12 hectares) at the end of Cradley Croft which is a long established cleared garage site. The surrounding area is predominantly two storey residential in character with allotments at the rear of the site.

2.2. [Site Location](#)

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Neighbours, local Councillors, M.P and residents consulted and site notice displayed. No responses received.
- 4.2. Transportation Development – No objection subject to conditions being imposed to ensure the construction of footway crossings, reinstatement of any redundant footway crossings and works to highway, pedestrian visibility splay.
- 4.3. West Midlands Police – No objection and encourages the applicant to the Secured by Design scheme.
- 4.4. Severn Trent Water Limited – No objection.
- 4.5. Regulatory Services – No objection.
5. Policy Context
- 5.1. Birmingham Unitary Development Plan (2005), Birmingham Development Plan (2017), Places for Living (Supplementary Planning Guidance, 2001), Car Parking Guidelines (2012), National Planning Policy Framework (2012).
6. Planning Considerations
- 6.1. The main considerations in the determination of this planning application are the principle of the use in this location, the effect upon the visual amenity of the site and surrounding area, residential amenity and highway implications. The site is a long established vacant site within a residential area and the proposed use is acceptable in principle.
- 6.2. Design and visual amenity
- 6.3. The application proposals seek the erection of three residential dwellings. The pair of semi-detached dwellings would be located next to 52 Cradley Croft and the detached dwelling would be located opposite and angled towards the side of flats 14 to 20 Wilks Green. Their design would be modern in appearance and are typical for this type of development from BMHT. The proposal represents an appropriate form of development on this vacant site responding to its location adjacent to a turning head and also the increases natural surveillance and security.
- 6.4. Residential amenity
- 6.5. Each dwelling would comply with or exceed the Nationally Described Space Standards and the indicative layout of the dwellings includes furniture layouts that would be functional and would be conducive to the creation of a good living environment and an acceptable standard of residential amenity.
- 6.6. The level of rear garden amenity space for all dwellings would exceed the minimum 70m² per dwelling required.
- 6.7. The proposed dwellings would meet set back distances in relation to adjoining existing residential properties. The separation distance is not applicable to the rear of the detached dwelling which is served by a bathroom and landing window at first floor level and is acceptable. This dwelling has been carefully designed and positioned to ensure that its orientation would not cause any overlooking issues into the existing outdoor amenity space of these flats. I am satisfied that the proposal

would not conflict with the 45 degree code and would not result in any loss of light or outlook and is acceptable.

6.8. Highway safety and parking

6.9. Transportation Development have assessed this proposal and raise no objection, subject to conditions being imposed in relation to the reinstatement of the footway crossing, the implementation of a pedestrian visibility splay and to ensure that cycle storage provision is provided. It is noted that BCC parking guidelines specify maximum parking provision of two spaces per residential unit which is achieved with the proposed 6 spaces (200%). Therefore, this proposal is not expected to prejudice highway or public safety and is acceptable in principle.

6.10. Other matters

6.11. The Council's Ecologist has assessed this proposal and raises no objection.

6.12. Your Tree officer has assessed the application and notes that there are a number of trees around and on the site, some of which are mature oaks. Adding that in order to minimise future conflict some removal of lesser trees overhanging or in the garden of proposed plots 1 and 3 should be removed / pruned with the emphasis on retaining the better oak trees. An appropriate tree protection condition is attached to safeguard these better trees.

6.13. The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. The proposal represents the creation of three new residential units on a vacant site within an established residential area that would have a positive impact on visual amenity with no adverse impact on neighbour amenity and highway safety. The application is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

-
- | | |
|---|----------------------------------------------------------------------------------|
| 1 | Requires the prior submission of hard and/or soft landscape details |
| 2 | Requires the prior submission of hard surfacing materials |
| 3 | Requires pedestrian visibility splays to be provided |
| 4 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 5 | Requires the implementation of tree protection |
| 6 | Requires the prior submission of sample materials |
| 7 | Requires the prior submission of boundary treatment details |
| 8 | Requires the scheme to be in accordance with the listed approved plans |
-

9 Implement within 3 years (Full)

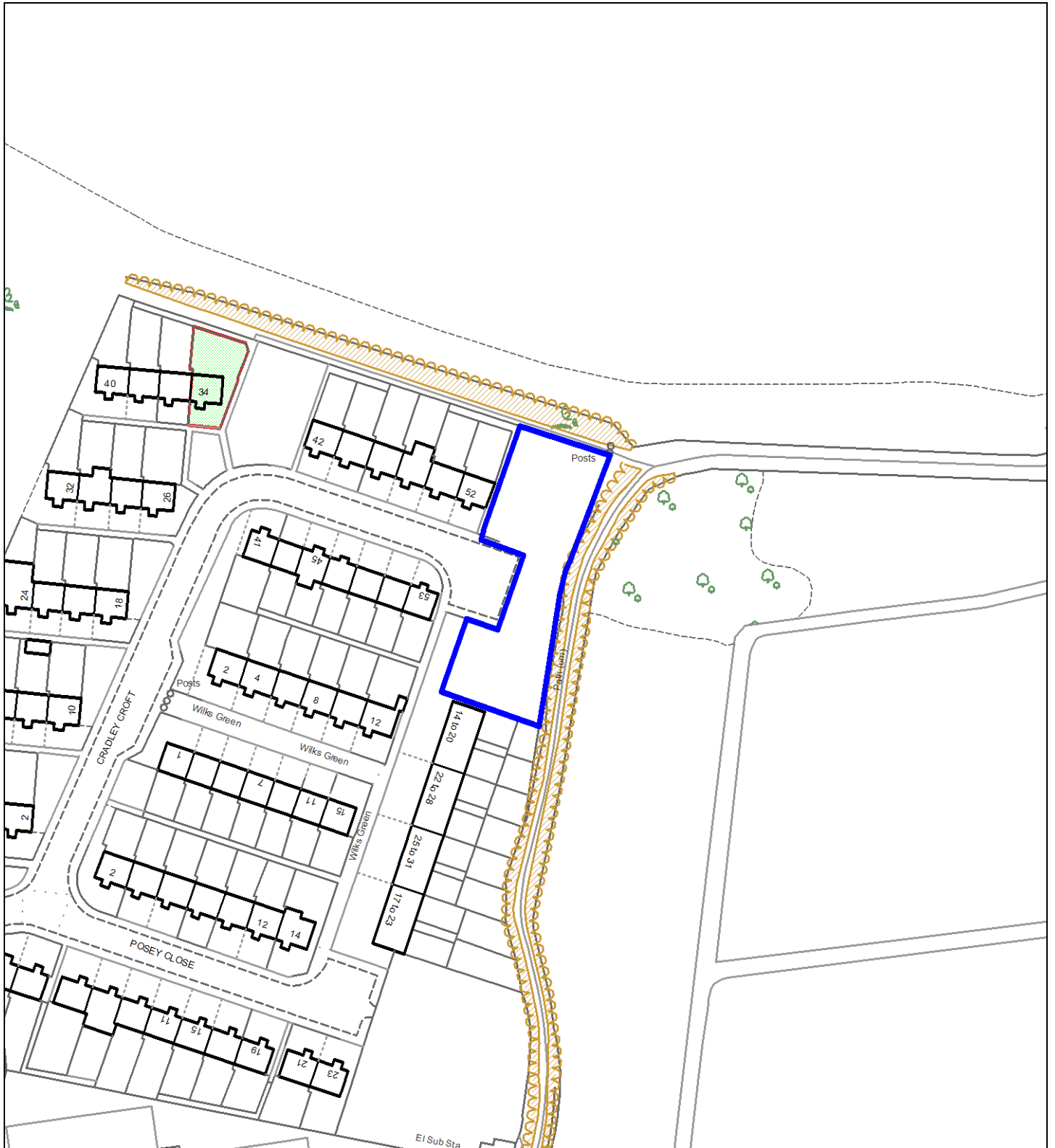
Case Officer: Daniel Ilott

Photo(s)



Photo 1- View from Cradley Croft

Location Plan



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Committee Date:	23/11/2017	Application Number:	2017/07510/PA
Accepted:	05/09/2017	Application Type:	Full Planning
Target Date:	31/10/2017		
Ward:	Perry Barr		

560 Walsall Road, Perry Barr, Birmingham, B42 1LR

Change of use from betting shop (Use Class A2) to hot food takeaway (Use Class A5), installation of new shop front and roller shutter, erection of rear ground floor extension, creation of a flat spread over the first and second (roof space) floors and dormer to rear.

Applicant:	Mr P Singh 560 Walsall Road, Perry Barr, Birmingham, B42 1LR
Agent:	Arcon Architects 250 Walsall Road, Perry Barr, Birmingham, B42 1UB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the change of use from betting shop (Use Class A2) to hot food takeaway (Use Class A5) installation of new shop front and roller shutter, rear ground floor extension and creation of a flat spread over the first and second (roof space) floors and dormer to the rear.
- 1.2. The ground floor rear extension would create an additional 60 sqm floor space to the premises. The proposed hot food takeaway would consist of a customer waiting area, kitchen and food preparation area, washing area and WC.
- 1.3. Above the hot food takeaway a three bedroom flat would be created over the first and second floor. The flat would be accessed by a set of stairs at the rear.
- 1.4. A proposed extraction flue would be attached to the rear elevation of the building, located within the ground floor extension, measuring approximately 3.9m in height and a maximum of 6.9m above ground level. No details have been provided as to the finish/colour of the proposed flue.
- 1.5. The applicant states that the new shop front would include 55% 'perforated' roller shutters.
- 1.6. Proposed opening hours would be 9:00 – 23:00 daily and the business would employ 4 staff working on a full time basis.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a two storey terraced building which fronts Walsall Road. The property sits within a frontage of 6 other commercial units with various A1, A2 and A5 use. Neighbouring property No. 558 is currently occupied by a barber shop (use class A1) with a tanning salon and gym to the rear. Neighbouring property No. 562 is an estate agent (use class A2) with residential accommodation to the rear.
- 2.2. The property is located along a service road with parking bays adjacent to the site. The service road is accessed off the main Walsall Road where there is a red route restriction in place. There are further commercial parades to the North-West on both sides of Walsall Road, beyond the junction with Beeches Road and Tower Hill. This includes, amongst others, a Co-Op convenience store and a large public house. The site does not form part of a local centre as defined in the Shopping and Local Centres SPD.

[Site Location Map](#)

3. Planning History

- 3.1. 11/03/1993 - 1991/00256/PA – Change of use of first floor from residential to office (B1), erection of external staircase, form of car park – Approved.
- 3.2. 05/09/2017 - Change of use from betting shop (Use Class A2) to hot food takeaway (Use Class A5) installation of new shop front and roller shutter, rear ground floor extension and creation of a flat spread over the first and second (roof space) floors – Refused on the ground of 45 Degree Code breach.

4. Consultation/PP Responses

- 4.1. Site notice displayed, local ward councillors/MP and surrounding occupiers notified. No comments received.
- 4.2. Transportation Development – No objection.
- 4.3. Regulatory Services – No objection subject to extraction and odour control details, noise insulation scheme and limiting of hours of operation.
- 4.4. West Midlands Police – No objection, recommend installation of intruder alarm and CCTV.

5. Policy Context

- 5.1. The following local policies are relevant:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Shopping and Local Centres SPD (2012)
 - Shop Front Design Guide SPG (1995)
- 5.2. The following national policies are relevant:

- National Planning Policy Framework 2012.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.
- 6.2. Paragraph 23 of the National Planning Policy Framework (2012) states that development should promote the vitality and viability of town centres and meet the needs of consumers for high quality and accessible retail services.
- 6.3. Saved Policy 8.7 of the Birmingham UDP states that, due to the amenity issues and impact of traffic generation, hot food takeaways, restaurants/cafes should generally be confined to shopping areas or areas of mixed commercial development. The policy seeks to ensure that they do not cause demonstrable harm for the occupiers of nearby dwellings by giving rise to additional problems of noise and disturbance.
- 6.4. The main issues to take into consideration are the impact on the vitality and viability of the retail parade and whether any harm would be caused to surrounding amenity and highway safety.

Impact on Vitality/Viability of Centre

- 6.5. Policy 6 of the Shopping and Local Centres SPD seeks to manage the numbers and concentration of hot food takeaway uses within smaller centres and parades. In smaller parades no more than 10% of units within the Centre or frontage shall consist of hot food takeaways. Applications for a change of use to A5 within the frontage will normally be refused where this figure has been or will be, exceeded.
- 6.6. With the addition of the proposed change of use from a betting shop (use class A2) to a hot food takeaway (use class A5), 2 out of the 6 units within the frontage would be of A5 use (33%). The proposed change of use would exceed the 10% threshold for the frontage, however the proposal is considered acceptable in terms of the vitality and viability of the parade. The proposal would bring back into use a unit that has been vacant since 2014. It is therefore considered that the introduction of an A5 use into the unit would improve the provision of the range of services available and would improve the character and vitality and viability of the parade, rather than weaken it. The proposed change of use would also have other associated benefits as not only will it bring investment into the area, the proposed A5 use would also provide a source of local employment as 4 people will be employed on a full-time basis. It is also noted that there are other commercial parades nearby including a convenience store and a variety of other uses to small parades.

Impact on residential amenity

- 6.7. Regulatory Services have assessed the proposal and raise no objections subject to conditions requiring the submission of extraction and odour control details, noise insulation between the commercial and first floor residential use and limitation of operating hours. I concur with this view and consider that the suggested conditions are appropriate and necessary.
- 6.8. Policies 4 and 5 of the Shopping and Local Centres SPD also require consideration to be given to the impact that clustering/over-concentration of A5 uses may have on residential amenity. Whilst the granting of a further A5 use within this frontage would result in there being two takeaways in the parade, given the proposed operating hours are within normal permitted for such use and that matters relating to noise transmission to the flat and emissions from the flue can be dealt with by condition then I do not consider the establishment of this food takeaway in this established commercial parade would give rise to adverse noise and disturbance
- 6.9. The proposed rear extension complies with the 45 Degree Code. Therefore, there would be no detrimental impact on the neighbours light, outlook or amenity. The proposed dormer window would fall short of the 15m separation distance to the neighbouring boundary. However, the dormer window would overlook a car park, I deem there to be no adverse impact.
- 6.10. The proposed flat on the first and second floor would comply with the Technical House Standards which require a single bedroom and I consider that future occupiers would have an adequate standard of living. The flat would be accessed via a staircase to the rear of the building, which is a common characteristic of first floor flats within this commercial frontage.

Visual amenity

- 6.11. The new shop front would relate well with and be in proportion to other shop fronts in the area and thus would accord with the Shop Fronts Design Guide. There would be no adverse effect on the visual amenity of the surrounding area.
- 6.12. The proposed roller shutters would be situated on the front elevation of the premises across the width of the new proposed shop front. The proposed plans state that the roller shutter would be constructed with powder coated aluminium with the drawings showing 55% perforated shutters. Punched slat openings to roller shutters can achieve 55% transparency whereby perforated shutters achieve lower levels of transparency. As such it is considered appropriate to condition these details.
- 6.13. The scale, mass and design of the proposed dormer window and single storey rear extension are acceptable. The proposed extensions would not detract from the architectural appearance of the property and would be in accordance with the principles contained within 'Extending Your Home' Design Guide.

Highway safety

- 6.14. Transportation Development raise no objection to the proposed development however do state that the proposal is likely to increase on-street parking levels however the hot food takeaway is likely to be mainly busy during the evening time, when some of the surrounding commercial units are closed. The rear development would pose no highway safety issues as it would not encroach any pedestrian or vehicular visibility splay. I concur with Transportation Development that there is no reason for objection to this proposal on the grounds of highway safety.

7. Conclusion

- 7.1. Whilst the 10% threshold would be exceeded, the proposed change of use to a hot food takeaway (Use Class A5) would introduce a use to a long term vacant unit. It is considered the introduction of the use on balance would improve the vitality and viability of the parade and no additional significant harm would arise to either neighbour or visual amenity, crime or highway safety to warrant refusal.

8. Recommendation

- 8.1. Approve subject to conditions:

-
- | | |
|---|----------------------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of extraction and odour control details |
| 3 | Requires the prior submission of noise insulation between the commercial and residential premises. |
| 4 | Requires the prior submission of noise insulation to windows. |
| 5 | Requires that the materials used match the main building |
| 6 | Limits the hours of operation (0900-2300 daily) |
| 7 | Requires the prior submission of roller shutter details |
| 8 | Implement within 3 years (Full) |
-

Case Officer: Laura Reid

Photo(s)

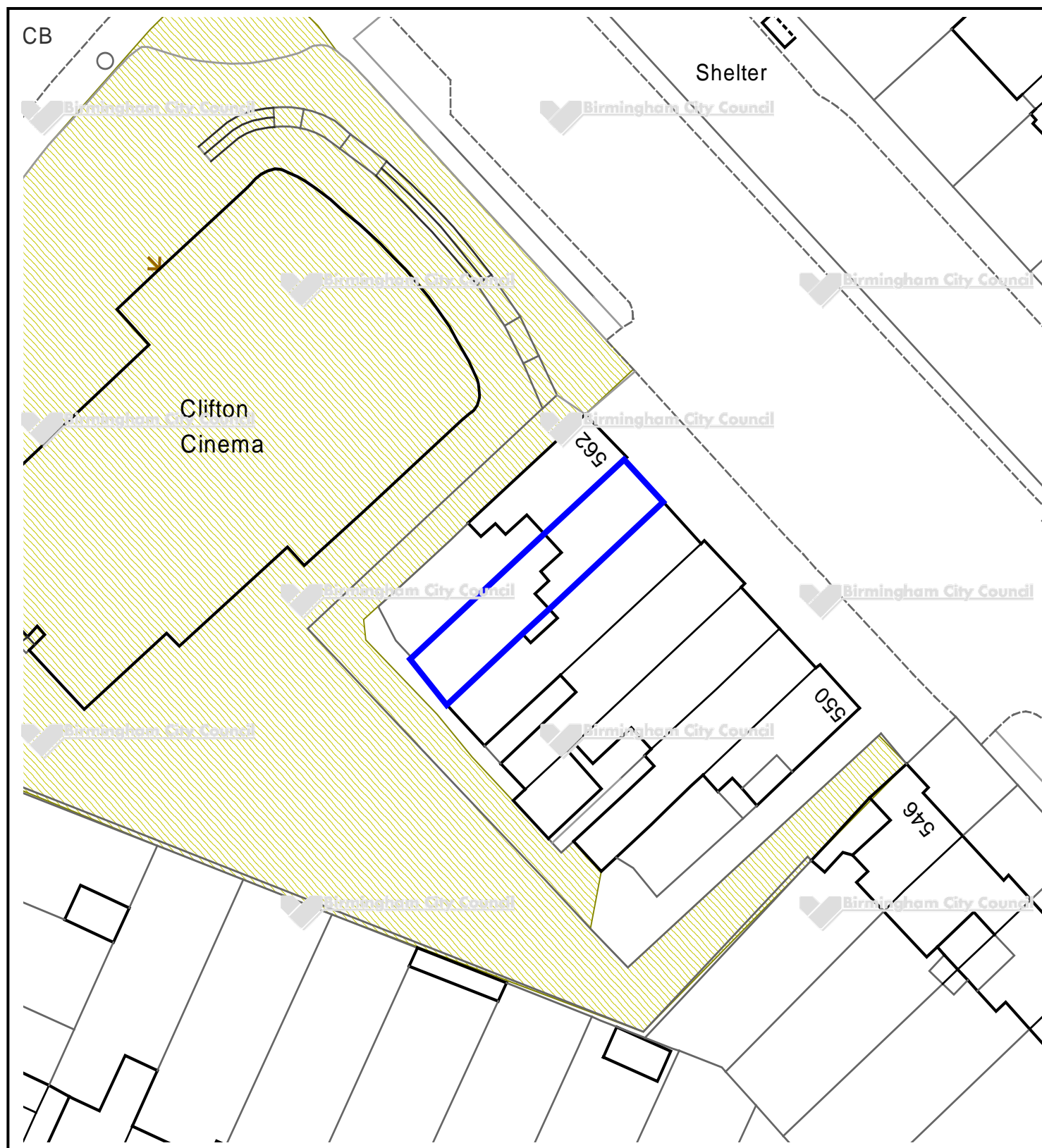


Figure 1 – Front



Figure 2 - Rear

Location Plan



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Birmingham City Council
Planning Committee 23 November 2017

Appeal Decisions Received from the Planning Inspectorate in October 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	Whynot Service Station, Reddicap Heath Road, Sutton Coldfield	Use of rear of the site for vehicle valeting. 2016/0766/ENF	Dismissed	ENF	Written Representations
Householder	9 Farquhar Road, Edgbaston	Erection of canopy to main entrance. 2016/10508/PA	Allowed (see note 1 attached)	Delegated	Written Representations
Householder	124 Willmott Road, Sutton Coldfield	Retention and alterations to existing single storey rear extension. 2017/00186/PA	Dismissed	Delegated	Written Representations
Householder	60 Willmore Grove, Kings Norton	Erection of conservatory to side. 2017/03053/PA	Dismissed	Delegated	Written Representations
Residential	11-15 Sherifoot Lane, Sutton Coldfield	Demolition of the two existing bungalows and erection of five detached dwellings, new access road and landscaping. 2016/08023/PA	Dismissed (see note 2 attached)	Committee	Hearing
Other	Rear of 195-197 Dudley Road, Winson Green	Change of use from existing car park to car wash (Sui Generis) with associated staff and equipment building and 1.8 metre high perspex screen along the boundary. 2017/02118/PA	Dismissed	Delegated	Written Representations
Other	247 Baldwins Lane, Hall Green	Retention of single storey side extension. 2017/01241/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Other	Groveley Lane Service Station, Groveley Lane, Northfield	Retention of an external storage container for the storage of shop and forecourt consumables. 2016/08851/PA	Dismissed	Delegated	Written Representations
Other	47 Woodbridge Road, Moseley	Retention of existing solar panels to rear. 2017/01151/PA	Dismissed	Delegated	Written Representations

Birmingham City Council
Planning Committee 23 November 2017

Appeal Decisions Received from the Planning Inspectorate in October 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	47 Woodbridge Road, Moseley	Listed Building Consent for internal alterations and retention of existing solar panels to rear. 2017/01153/PA	Part Allowed (see note 4 attached)	Delegated	Written Representations
Other	Outside 14 Lower Temple Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00345/PA	Dismissed	Delegated	Written Representations
Other	James Watt Queensway (West Side) Outside Methodist Central Hall, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00339/PA	Dismissed	Delegated	Written Representations
Other	136 Suffolk Street Queensway, Outside Kensington House, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00343/PA	Dismissed	Delegated	Written Representations
Other	Outside Alexandra Theatre, Suffolk Street Queensway, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00341/PA	Dismissed	Delegated	Written Representations
Other	Ludgate Hill, Corner of Great Charles Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00344/PA	Dismissed	Delegated	Written Representations
Other	Junction of Steelhouse Lane and Loveday Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00330/PA	Dismissed	Delegated	Written Representations
Other	Near to 24 Holloway Circus Queensway, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00321/PA	Dismissed	Delegated	Written Representations

Birmingham City Council
Planning Committee 23 November 2017

Appeal Decisions Received from the Planning Inspectorate in October 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	Outside 6-9 New Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00346/PA	Dismissed	Delegated	Written Representations
Other	New Street, Corner of Corporation Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00316/PA	Dismissed	Delegated	Written Representations
Other	Charles House, 148-149 Great Charles Street, Jewellery Quarter	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00342/PA	Dismissed	Delegated	Written Representations
Other	Outside 141 Great Charles Street, Jewellery Quarter	Application for Prior Notification for installation of solar powered telephone kiosk, 2017/00329/PA	Dismissed	Delegated	Written Representations
Other	New Street, Corner of Ethel Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00314/PA	Dismissed	Delegated	Written Representations
Other	Outside 69a New Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00315/PA	Dismissed	Delegated	Written Representations
Other	Outside 26-28 Colmore Row, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00313/PA	Dismissed	Delegated	Written Representations
Other	Junction of Colmore Row and Newhall Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00324/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council
Planning Committee 23 November 2017**

Appeal Decisions Received from the Planning Inspectorate in October 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	Near to Moor Street Station, Moor Street Queensway, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00323/PA	Dismissed	Delegated	Written Representations
Other	Near to Primark, New Street, City Centre	Application for Prior Notification for installation of solar powered telephone kiosk. 2017/00319/PA	Dismissed	Delegated	Written Representations

Total - 27 Decisions: 24 Dismissed (89%), 2 Allowed, 1 Part Allowed

Cumulative total from 1 April 2017 - 82 Decisions: 68 Dismissed (83%), 12 Allowed, 2 Part Allowed

Notes relating to appeal decisions received in October 2017

Note 1 (9 Farquhar Road)

Application refused because 1) The site is within the Edgbaston Conservation Area and the proposed development would have a detrimental impact upon the architectural appearance of the dwelling and be incompatible with the character and appearance of that area. 2) 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 the canopy would not adversely affect the character and appearance of the host dwelling and accordingly would also not detract from the dwelling's appearance in the street scene and hence would preserve the character and appearance of the wider conservation area.

Note 2 (11-15 Sherifoot Lane)

The appellant's application for costs was refused.

Note 3 (247 Baldwins Lane)

Application refused because the development is constructed of poor quality materials and together with its height and siting (along most of the length of the boundary) has an unacceptable impact on the residential amenity of the neighbouring occupier at No. 245 Baldwins Lane by means of loss of outlook and some light.

Appeal allowed because the Inspector considered that the development has added minimally to the height of the boundary and does not have any material effect on the outlook from No.245 or any harmful effect in relation to daylight or sunlight at that property. The boundary is higher than a traditional garden fence, but this was the case before the appeal development took place, and it is to be expected that boundaries for commercial premises are different to those separating gardens.

Note 4 (47 Woodbridge Road)

Application refused because 1) The proposed development by virtue of its design and siting, would adversely affect the character and appearance of this listed building. 2) The proposed development by virtue of its design and siting would not preserve the setting of the listed building at 47 Woodbridge Road.

Appeal allowed in part for the internal alterations because Listed Building Consent was subsequently granted on 29 June 2017. The appeal relating to the retention of solar panels was dismissed.