

Birmingham City Council

Planning Committee

13 October 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2016/02927/PA 12 Hallowell Road Edgbaston Birmingham B16 0LR Retention of change of use of a dwellinghouse (Use Class C3) to a house in multiple occupancy (Sui Generis).

Committee Date:	13/10/2016	Application Number:	2016/02927/PA
Accepted:	08/04/2016	Application Type:	Full Planning
Target Date:	03/06/2016		
Ward:	Soho		

12 Hallewell Road, Edgbaston, Birmingham, B16 0LR

Retention of change of use of a dwellinghouse (Use Class C3) to a house in multiple occupancy (Sui Generis).

Applicant:	Mr N Simon c/o Agent
Agent:	ACP Architects Roma Parva, Level Two, 9 Waterloo Road, Wolverhampton, WV1 4DJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The applicant proposes the retention of a change of use of the application premises which has been converted from a house (Use Class C3) to a house in multiple occupancy (Sui Generis). The premises is occupied by up to 8 people even though I note that some bedrooms have double beds. The HMO license issued by the council restricts occupation to no more than 8 and the agent confirms that the property management company, that is employed to manage the site, does not rent to couples. The agent confirms the building has been rented out as a HMO since February 2016.
- 1.2. The submitted plans show that the ground floor provides two bedrooms, hallway as well as a communal kitchen, bathroom and lounge/TV room. The first floor provides 4 bedrooms as well as a communal bathroom. The attic space (second floor) provides two further bedrooms.
- 1.3. The site provides for a rear communal garden which measures approximately 145 sq.m.
- 1.4. No on site parking would be provided.
- 1.5. The site benefits from a small garden to the front of the premises.
- 1.6. The applicant has provided a copy of the licence to operate the premises as a HMO as supporting information.
- 1.7. [Link to documents](#)

2. Site & Surroundings

2.1. The application premises is semi detached two storey building (with attic space forming a second floor). The application site is set in a residential road which is part of a wider area predominantly residential area. The road is tree lined with other dwellings on this road being semi detached houses with small gardens to the front.

2.2. [Site location](#)

3. [Planning History](#)

3.1. Nil.

4. [Consultation/PP Responses](#)

4.1. Surrounding occupiers, local councillors, local MP as well as local community groups notified and site notice displayed- 2 letters of objection received from the same resident with the names and addresses of 12 other residents listed (some with signatures). The objections can be summarised as follows:-

- * they state they strenuously object to the scheme and wish to speak at planning committee if the application is presented in front of the committee;

- * the road is split roughly 50/50 between HMO/Multi-Let and family owned homes,

- * many family homes have gone through significant investment and redevelopment in recent years, family owned homes have strong friendships and regularly support each other,

- * the council has brought back a number of empty houses on the road in the past to family occupation and made significant investment in the road,

- * fear the community will begin to disappear,

- * already too many HMO/Multi let properties on Hallewell Road,

- * no off street parking capacity to accommodate potential parking demand,

- * the development of 138 dwellings approved on Rotton Park Road adjacent Hallewell Road should be converted to HMO's instead,

- * HMO/Multi Let properties have led to health and safety issues through the unmanaged wheelie and recycling bins associated with such properties, question how it will be ensured that wheelie bins will be returned to the rear gardens for storage as stated by applicant,

- * conversion will affect property values on the road,

- * crime/disturbance have been an issue on the road which the Police have had to attend to particularly in relation to HMO's on the road and, incidents of vandalism including that of a neighbouring premises by a resident of one of the HMO's have occurred in the past (which lead to a family to sell and move out of the area)

* and finally as the property has already been converted and is fully let without first obtaining permission this gives little confidence how the landlord will respect the property, its neighbours and the community particularly as property.

- 4.2. Transportation Development- No objection subject to securing cycle storage.
- 4.3. Regulatory Services- No objection.
- 4.4. West Midlands Police- The proposal could result in strangers living in close proximity and sharing basic amenities can be a recipe for discord and offer opportunity for crime and disorder, required to conform with approved document Q (security) of the Building Regulations 2010, request that if the application is approved the works including doors for each residential room are undertaken to the standard for external doors in Secured by Design 'Homes 2016' guide, recommend a suitable CCTV system is installed, concerns about parking impact of proposal.

5. Policy Context

- 5.1. UDP (2005); Draft Birmingham Development Plan, Specific Needs Residential Uses (SPG) and the NPPF.

6. Planning Considerations

- 6.1. Policy background- Adopted SPG Specific Needs Residential Uses states in part 1.2 "It is recognised that dwellings intended for occupation by a single household, and houses in multiple paying occupation, have a role to play in meeting the housing needs of certain groups in society in addition to types of residential premises such as hostels and care homes which are developed with the needs of specific groups in mind". This guidance (also contained within the adopted UDP) highlights the important role that HMO's can play in meeting the City's residential needs. Members are also reminded that the Draft Birmingham Development Plan currently subject to a holding direction by the Secretary of State and the NPPF seek to increase the provision of residential accommodation particularly in existing urban settings whilst having regard to all other relevant material planning factors. I therefore consider the principle of the proposed use is acceptable in this location and a more detailed assessment of it is carried out below in line with the assessment criteria set out in adopted SPG Specific Needs Residential Uses as well consideration being given to crime and fear of crime and objectors comments (where not covered by earlier assessment).
- 6.2. Effect on residential amenity- Regulatory Services raise no objection. I concur with this view. The application property shares a party wall with an adjoining house in single family use as the application property is semi detached. Communal areas are restricted to the ground floor of the property, with a staircase and corridor separating the majority of first floor bedrooms from the party wall. I consider the level of noise and potential disturbance generated by up to 8 people would not be significantly greater than single family use. Therefore, no adverse impact from direct noise transmission is expected. I also note that the application site is set within a residential setting and therefore the use is considered a compliant land use. In summary, no adverse noise or disturbance impact identified.

- 6.3. Size and character of the property- I note that the adopted UDP and SPG Specific Needs Residential Uses policy seeks to resist the use of small terraced or small semi detached houses for multi paying occupation. In this case, I do not consider the relatively large size semi detached property application premises conflicts with this general policy guide.
- 6.4. The floorspace standards of the accommodation- I consider the general layout of the building and bedroom sizes to be acceptable. With respect to the garden area, the external amenity area of the rear garden measures approximately 145 sq.metres which I also consider to be acceptable.
- 6.5. The facilities available for car parking- Transportation Development raise no objection to the proposal in principle. I concur with this view. Whilst I note that the application premises does not provide for any off site car parking capacity, I do not consider that the use is resulting in any adverse parking or highway safety impact. I acknowledge that the lawful use as a large dwelling would create parking demand on street and do not consider that the HMO use is significantly increasing that demand. The property has relatively good access to public transport and local facilities and is also within walking distance of Dudley Road local centre. This is expected to reduce the need for residents to travel by car. In summary, no adverse parking or highway impact identified.
- 6.6. The amount of provision in the locality- The City Council has previously identified areas within the City that have been designated as areas of restraint which seek to prevent the further establishment of flats, HMO'S or other institutional uses. The application premises does not fall within an area of restraint. From my officer site visit, it was noted that some other properties in Hallowell Road have been converted to flats. However, I do not consider the use of this property as a HMO in this location would result in a level of cumulative impact which would justify the refusal of consent.
- 6.7. Crime/fear of crime- West Midlands Police state the proposal could result in strangers living in close proximity and sharing basic amenities which can be a recipe for discord and offer opportunity for crime and disorder. However, I must acknowledge that this would be the case with the types of shared accommodation falling within the C3 residential use class. I have no evidence that HMO uses are having a disproportionate effect on levels of crime in the area and therefore do not consider that the likelihood of crime and fear of crime could be justified as a reason to withhold consent in this case. I have referred the detailed comments made by the police to the applicants agent in order for secured by design recommendations to be actioned
- 6.8. Objections received to the development- I note the objections and concerns about the scheme raised by objectors. I consider that those matters have been satisfactorily addressed through the assessment of the proposal carried out above and I do not consider the issues raised warrant refusal of the scheme. With respect to the particular issue of bin storage and management raised by the objectors, the applicants agent has confirmed that the bins are stored in the front garden and that the property management company cleaners take the bins back into the site if left outside the site by bin collectors. They confirm that extra recycling bins have been installed on site by the property management company and that the cleaners attend

the property on a weekly basis. I consider such assurances provided by the applicant satisfactorily addresses concerns raised with respect to refuse by the objectors.

7. Conclusion

- 7.1. The development provides for a residential accommodation in a residential setting. The development is not expected to give rise to any adverse impact subject to safeguarding conditions.

8. Recommendation

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

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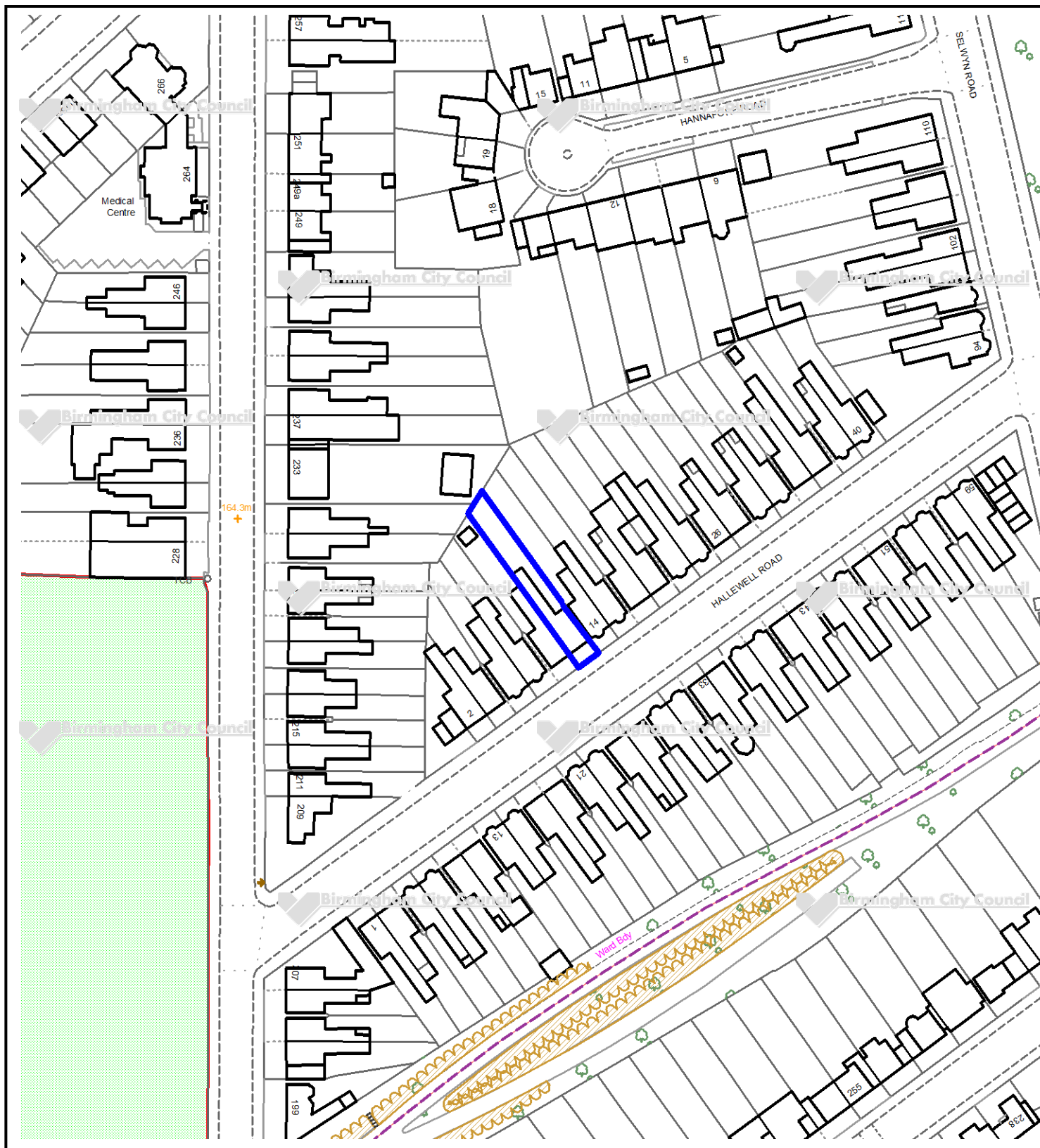
Case Officer: Wahid Gul

Photo(s)



Front of application property

Location Plan



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Birmingham City Council

Planning Committee

13 October 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	9	2016/02112/PA Land at the Manor House Bristol Road South Northfield Birmingham B31 2AE Demolition of existing buildings and erection of 138 new dwellings with associated access, parking, attenuation and external works
Defer – Informal Approval	10	2016/05595/PA Punch Bowl PH 153 Wolverhampton Road South Quinton Birmingham B32 2AX Demolition of the existing building and redevelopment with 43 retirement apartments (consisting of 30 one bedroom and 13 two bedroom) including communal facilities, access, car parking and landscaping.
Approve - Conditions	11	2016/01232/PA Selly Oak Hospital Raddlebarn Road Selly Oak Birmingham B29 6JD Reserved Matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 3 of outline approval (2012/02303/PA) for 125 no. new build units with associated parking and external works

Determine	12	<p>2016/04450/PA</p> <p>Former Harborne Lane Reservoir Site, Selly Oak, B29 and Plot 6, Former BBC Sports and Social Club Site at Pebble Mill off Pershore Road Selly Oak Birmingham B5 7RL</p> <p>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.</p>
Approve - Conditions	13	<p>2016/06930/PA</p> <p>Chad Vale Primary School Nursery Road Edgbaston Birmingham B15 3JU</p> <p>Erection of single and two storey extensions</p>
Approve - Conditions	14	<p>2016/06790/PA</p> <p>26 Moorcroft Road Moseley Birmingham B13 8LX</p> <p>Erection of single storey and first floor rear extensions, alterations to first floor front elevation and front porch.</p>

Committee Date:	13/10/2016	Application Number:	2016/02112/PA
Accepted:	25/04/2016	Application Type:	Full Planning
Target Date:	31/10/2016		
Ward:	Weoley		

Land at the Manor House, Bristol Road South, Northfield, Birmingham, B31 2AE

Demolition of existing buildings and erection of 138 new dwellings with associated access, parking, attenuation and external works

Applicant:	The University of Birmingham & Crest Nicholson Chiltern c/o Agent
Agent:	RPS Planning & Development Highfield House, 5 Ridgeway, Quinton Business Park, Birmingham, B32 1AF

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. The proposal is for the demolition of existing buildings remaining on site (Manor House itself has already been demolished following a fire) and the erection of 138 new dwellings with associated access, parking, attenuation and external works. The 138 dwellings would comprise 59 new build apartments, 26 new build apartments in the re-instatement of the original Manor House and 53 houses.

1.2. The mix of accommodation would be as follows:

- 36, 1 bedroom apartments,
- 47, 2 bedroom apartments,
- 2, 3 bedroom apartments,
- 6, 2 bedroom houses,
- 17, 3 bedroom houses,
- 21, 4 bedroom houses; and
- 9, 5 bedroom houses.

Demolition

1.3. It is proposed to demolish the remaining existing buildings across the site. This would include substantial 3 and 4 storey wing extensions to the former Manor House (constructed in the 1980's, when the property was in use as student accommodation); a 'courtyard' of 2 storey buildings to the west side of the site and two small cottages (Rose and Windmill) located in the north-west corner of the application site.

1.4. The original Manor House building (Grade A locally listed) has already been demolished following a major fire that left the remaining structure unsafe.

Proposed Manor House re-build (Block A)

- 1.5. The proposed apartments within the Manor House rebuild would be spread over 4 floors (including accommodation for units 21 and 22 within the roofspace). The building would be built to look like the original Manor House and would mirror the original in design and scale. Access would be from the main entrance on the south-west side, opening onto a lobby area with a ground floor courtyard in the middle of the building off which 5 of the 10 ground floors units would be directly accessed. A new staircase to serve the upper floors would be accessed from the lobby and courtyard area.
- 1.6. The 10 units at ground floor would comprise 4, 1 bedroom apartments and 6, 2 bedroom apartments and would vary in size from 47 to 55sq.m for the one bedroom units and 59 to 94sq.m for the two bedroom units. Bedroom sizes would range from 11.91sq.m upto 18.61sq.m for bedroom one and 6.93sq.m to 12.38sq.m for bedroom two. All of the units would have an open plan living/dining/kitchen area and bathroom, with the two bedroom units also having an en-suite bathroom/shower room.
- 1.7. The 9 units at first floor would be accessed off the main stairs and lobby area and central courtyard. The units would comprise 1, 3 bedroom unit; 5, two bedroom units and 3, one bedroom units. They would vary in size from 49sq.m to 52sq.m for the one bedroom units and 60sq.m to 75sq.m for the two bedroom units and 90sq.m for the three bedroom unit. Bedroom sizes would range from 13sq.m to 17.95sq.m for bedroom one, 7.54sq.m to 10.76sq.m for bedroom two and 12sq.m for bedroom three. All of the units would have an open plan living/dining/kitchen area and bathroom with two of the units also having an en-suite bathroom/shower room.
- 1.8. The main staircase and lobby would serve the second floor comprising 6 units. These would be 2, one bedroom units; 2, 2 bedroom units; 1, three bedroom unit along with the 'ground floor' element of a two bedroom duplex unit and a private staircase for a two bedroom unit on the third floor. They would vary in size from 49sq.m to 53sq.m for the one bedroom units and 67sq.m to 86sq.m for the two bedroom units and 86sq.m for the three bedroom unit. Bedroom sizes would range from 8.77sq.m to 14.69sq.m for bedroom one, 8.5sq.m to 10.53sq.m for bedroom two and 8.42sq.m for bedroom three. All of the units would have an open plan living/dining/kitchen area and bathroom with two of the units also having an en-suite bathroom/shower room.
- 1.9. The application seeks to re-instate the external appearance and proportions of the original Manor House on its original position within the wider site. This would include the construction of the building out of traditional red brick with black timber Tudor detailing, sash windows, chimneys, clay roof tiles and metal rainwater goods.
- 1.10. 36 parking spaces would be provided to the north/northwest of the proposed building with the provision for 21 cycle hoops located adjacent to its north elevation.

New Apartment Block B adjacent to Manor House

- 1.11. Block 'B' would be located fronting the proposed 'Main Street' and to the rear (east side) of the Manor House rebuild block 'A'. The block would be four storeys in height and would be broadly located in the same position as one of the existing student accommodation blocks. 30 apartments would be located within block B and would comprise 23, two bedroom units and 7, one bedroom units.

- 1.12. 8 units would be at ground floor, 9 units at first floor, 9 units at second floor and 4 units at third floor. The units would vary in size from 50sq.m to 67sq.m for the one bedroom units and 64sq.m to 84sq.m for the two bedroom units. Accommodation within the units would generally comprise an open plan kitchen/dining/living room, 1 or 2 bedrooms, bathroom and in the majority of units, an en-suite. All bedroom sizes comply with the guidelines in Places for Living.
- 1.13. The block would be dual-fronted, to address both the road and the open space on the south-west side. The building would step down (to the south) in reflection of the significant changes in level on this part of the site and would reduce from four storey to three. There would be 2 entrance points from 'Main Street' into communal corridors and these would be timber framed to emphasise their location. In addition, the ground floor units would have patio doors onto a semi-private area to the rear. The northern corner of the block would back onto the Manor House rebuild with a proposed separation distance of 5.5m however, no windows on either the Manor House rebuild or block B would be located on this elevation in this corner.
- 1.14. The block would be of modern design with a part flat and part mansard roof. Two differing bricks are proposed to break up the mass of the block. Large glazed windows are proposed with glass Juliette balconies to living space windows above ground floor. The majority of units located within the third floor would have zinc dormer windows reflecting the contemporary nature of the design and juxtaposition to the block A Manor House rebuild.
- 1.15. 14 cycle hoops would be provided within a secure room at ground floor within the proposed block. A further 16 hoops would be provided within the block B parking area to the north of the block. 30 parking spaces would be provided to the north of the block (along with a bin store) with a further four spaces proposed to the front of the block on 'Main Street'.

Detached Apartment Block – Block C

- 1.16. A second (stand-alone) apartment block is proposed on the south-east side of the site, adjacent to the site entrance. It is situated at the bottom of the existing substantial sloping area of open space to the south and east of the (elevated) Manor House position.
- 1.17. The block would be 3 storeys in height, with 9 units on the ground floor and 10 units on floors one and two above. The ground floor would comprise 3, two bedroom units and 6, one bedroom units ranging in size from 51sq.m to 63sq.m for the one bedroom units and 73sq.m to 78sq.m for the two bedroom units. The first and second floors would comprise 3, two bedroom units and 7, two bedroom units ranging in size from 51sq.m to 56sq.m for the one bedroom units and 66sq.m to 78sq.m for the two bedroom units. Accommodation within the units would generally comprise an open plan kitchen/dining/living room, 1 or 2 bedrooms, bathroom and in the two bedroom units, an en-suite. All bedroom sizes comply with the guidelines in Places for Living.
- 1.18. The upper floor units would have Juliette glass balconies to living room and some bedroom windows. The ground floor units would have double-width glazed doors onto landscaped space beyond.
- 1.19. The communal entrance to the block would front the site entrance and all of the units would be accessed via the central stairway core with lift. The entrance would be timber framed to emphasise its location and importance. The block would be

rectangular in shape with a flat roof. The block has a contemporary feel and mirrors the design and materials of block B.

- 1.20. 36 parking spaces would be provided to the north of the proposed building with the provision for 25 cycle hoops located within the car parking area along with a bin store.

New Houses

- 1.21. 53 houses are proposed comprising 6, 2 bedroom houses, 17, 3 bedroom houses, 21, 4 bedroom houses; and 9, 5 bedroom houses. 20 of these houses would front onto the main access road along the east side of the site (facing the Manor House and apartment blocks). Beyond this, as the road continues westwards (at the northern end of the site), further houses would form a frontage on both sides of this route, which would culminate in a perimeter block at the north-west corner. The circular route around this block would also serve a series of small 'private drives', each having 2 or 3 units. A new pedestrian connection to St Denis Road would also be provided in this north-western corner.
- 1.22. Eleven different house-types are proposed. The majority are substantial 3 and 4 bedroom, detached or semi-detached properties. Typical accommodation comprises: kitchen, dining room and lounge (combined in some cases), utility room and WC at ground floor, with bedrooms (some en-suite) and bathroom above. Some larger units also have a study and/or snug. The bedrooms would range in size from 10.94sq.m to 24.66sq.m for bedroom one; 8.95sq.m to 14.44sq.m for bedroom two; 6.47sq.m to 13.97sq.m for bedroom three; 6.61sq.m to 10.98sq.m for bedroom four and 9.25sq.m for bedroom five. The houses would range in unit size from 70sq.m to 74sq.m for the two bedroom units; 88sq.m to 107sq.m for the three bedroom houses; 118sq.m to 160sq.m for the four bedroom houses and 218sq.m for the five bedroom units.
- 1.23. The majority of the proposed houses would be two storey apart from one house type that would be three storey. These would be located opposite the four storey block B apartments. All of the houses would be of contemporary design in contrast to the rebuild of the Manor House which is a traditional replacement of brick, Tudor detailing and clay roof tiles.
- 1.24. The houses would all have private gardens to the rear which would range in size from 46sq.m to 108sq.m for the two bedroom houses; 60sq.m to 387sq.m for the three bedroom houses; 110sq.m to 895sq.m for the four bedroom units and 177sq.m to 396sq.m for the five bedroom properties.

Access/Parking

- 1.25. The proposed main access road – Main Street, which forms a continuation of New House Farm Drive (to the south), would broadly follow the line of an existing route (Manor House Drive) along the east and north sides of the site. All properties would be accessed off this road.
- 1.26. There is an existing fork in Manor House Drive adjacent to the entrance to the site. The secondary route, Manor House Avenue (on the west side) would access block A - Manor House and its associated parking areas along with an existing private house. The secondary access would be located to the west of the site, broadly following the existing route, linking the site access to the car parking area for block A – Manor House.

- 1.27. A pedestrian route would link the site (at its northwest corner) with St Denis Road beyond. This route existed in the past, but has been closed off in recent years. A footpath link is also to be maintained from Weirbrook Close, to the east. This route crosses the site at its south-east corner, to an existing entrance to Manor Farm Park.
- 1.28. All proposed houses would have at least 200% in-curtilage parking (most with garages). The new block of apartments in the rebuild of Manor House (block A) would have a car parking provision of 36 spaces (138%), block B would have a provision of 34 spaces (113%) whilst block C would have a provision of 36 spaces (124%).

Open Space/Landscaping

- 1.29. An existing extensive area of open space to the front of the rebuild block A Manor House would be retained at the centre of the development. It is proposed that this would be made available for use by the general public. In addition, there are further areas within the site which it is proposed will remain un-developed, including a tree belt along the north-west boundary and triangle of woodland adjacent to the fork in the road. This would equate to 1.61ha of public open space on site.
- 1.30. The proposal would necessitate the removal of 200 trees from 662 individual trees comprising 1, A category tree; 30, B Category trees; 138, C Category trees and 31, U category trees. The submitted detailed Landscape Master Plan and landscape details show 147 new trees to be planted as part of the proposals. These would include Copper beech, Maple, Silver Birch, Cherry, Rowan, Oak and Horse Chestnut.
- 1.31. The submission has been amended and additional/updated information provided during the consideration of this application. Amendments have included alterations to the layout, amendments to individual house-types, re-siting of the free-standing apartment block to address trees and levels issues along with amendments to block B siting and parking areas.
- 1.32. The Applicants propose Planning Obligations of approximately 1.77ha of on-site open space; an off-site, index linked financial contribution of £95,000 towards the provision and/or improvement and maintenance of a junior play area at Manor Park Farm; an off-site index linked financial contribution of £50,000 towards the provision of affordable housing within Northfield Ward and Adjoining Wards and the provision of 20 on-site affordable housing units comprising 4 x 1bedroom flats, 11 x 2bedroom flats, 3 x 2bedroom houses and 2 x 3bedroom houses with the tenure to be open subject to offers from RSL's. This equates to a 15% affordable housing provision.
- 1.33. The proposed development would also be CIL liable of £922,254.
- 1.34. The application submission was supported by a Design and Access Statement, Ecological Survey and supplementary Badger and Bat Surveys, Flood Risk Assessment, Tree Survey (Arboricultural Impact Assessment and Method Statement) and Tree Report, Transport Assessment/Travel Plan, Planning Statement, Desk Top Study and Site Investigation Report and a Viability Assessment.
- 1.35. A screening opinion has been undertaken for the proposal and concluded that an environmental impact assessment was not required in this instance.

- 1.36. Site area: 5.99Ha. Density: 24 dwellings per hectare (34 dwellings per hectare on a net site developable area).

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located approximately 8km to the south east of the City centre, along the A38 Bristol Road South. The site extends to 5.99ha and currently accommodates a number of existing buildings including two small dwellings, Rose Cottage and Windmill Cottage, which are in a current state of disrepair.
- 2.2. To the centre of the site stood the original Manor House, built in 1820, which was a home of George and Elizabeth Cadbury and their family until Elizabeth's death in 1951. The Manor House and wider grounds were subsequently acquired by the University of Birmingham in 1952, whereupon a number of halls of residence buildings were constructed. The University facilitated the construction of the Wolfson Wing and subsequently in the 1990's they constructed the Joyce Cadbury Wing. The use of the site as student accommodation ceased in 2007. The original home, Manor House, was destroyed by fire in 2014 and, due to structural and safety concerns, was subsequently demolished.
- 2.3. The site is accessed from Manor House Drive, via New House Farm Drive and the A38 Bristol Road South.
- 2.4. The northern boundary comprises residential properties and Northfield Manor Primary School, and to the eastern and western boundaries are residential properties. The southern boundary comprises modern residential development constructed by Crest Nicholson in 2006. To the south west is Manor Farm Park, an area of public open space which is linked to the site by a Public Right of Way.
- 2.5. Griffins Brook runs through the south east portion of the site towards the Bristol Road. Part of the on-site woodland forms part of Manor Farm Park SLINC (Site of Local Importance for Nature Conservation), whilst Manor Farm SINC (Site of Importance for Nature Conservation) abuts the site.
- 2.6. The site generally slopes from north to south and there is extensive and mature tree cover punctuated by grassed areas and some hard surfaced parking areas.

[Site Location Map](#)

3. Planning History

Application Site

- 3.1. 22 March 1979. PA No. 07698/17. Planning permission granted for 3 storey blocks of student accommodation as addition to existing halls of residence.
- 3.2. Other minor extensions/alterations, including cycle store and external staircase.
- 3.3. 22 October 2015. 2012/07097/PA. Application withdrawn for the retention and conversion of Manor House to create 20 apartments. Refurbishment of Rose

Cottage and Windmill Cottage. Demolition of other remaining structures, and erection of 103 dwellings (following demolition of remaining buildings) with associated access, parking and external works.

Adjoining Sites

- 3.4. 17/9/2002. PA No. 2001/04307/PA. Demolition of student accommodation, new residential development comprising 104 houses and 182 apartments with associated access and parking at Griffin Close/Bristol Road South – approved.
- 3.5. 16/12/2002. PA No. 2001/04307/PA. Amendments to blocks 4 and 5, parking, boundary treatment and access at Griffin Close/Bristol Road South – approved.
- 3.6. 5/4/2012. PA No. 2012/01056/PA. Installation of new culvert and construction of low earth bund to control water flow in Griffins Brook at Woodbrooke Grove – approved.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors (for Weoley, Selly Oak, Bournville and Northfield), MP (for Northfield and Selly Oak) and resident associations notified. Five site notices and a press notice posted. Site notices were posted in Abdon Avenue, Hornbeam Close, St Denis Road, Ramsden Close and at the site entrance on Middle Park Drive.
- 4.2. 336 notification letters were sent to neighbouring residents. 33 letters of comment/objection have been received from occupiers in Middle Park Drive, Whitehill Lane, Woodbrooke Grove, Long Mynd Road, Bristol Road South, New House Farm Drive, Oakville Drive, Selly Oak Road, Belmont Crescent, Witherford Way, Griffin Close and Ramsden Close. Three further letters of comment have been received from Friends of Manor Farm Park, Weoley Hill Village Council and Northfield Manor Junior and Infants School. A petition of 115 signatures has also been received objecting on the grounds detailed below.
- 4.3. The comments and objections received from local residents relate to the following issues:

Highway Issues

- the proposed development requires more than one access point;
- the existing access through Middle Park Drive is already heavily congested;
- emergency access is not certain as they have recently been unable to get through Middle Park Drive due to parking on-street;
- the existing pedestrian access route between Manor Farm Park and Weirbrook Close is invaluable and well used and must be maintained;
- construction access?
- requires a further access point into the adjacent housing estate at Weirbrook Close;
- no provision has been made for cycling;
- area is already busy and dangerous with existing levels of traffic;
- increase in traffic generated by the development;
- insufficient on-site parking and provision for alleviating existing on-street parking;

Amenity Issues

- 138 dwellings on the site will destroy the local atmosphere;
 - Object to listed building being demolished;
 - Too many dwellings and development does not reflect importance of site;
 - Object to loss of site for housing;
 - Noise and disturbance caused by construction and construction traffic;
 - The proposed development will not integrate with its surroundings;
 - Proposed design is out of character with traditional 'Bournville' style;
 - Impact on ecology and wildlife;
 - Drainage and flooding – increased flood risk;
 - Removal of any trees is unacceptable;
 - Covenant restricting development of block C;
 - Appalled that the University neglected the site for years, removed security on-site in favour of video surveillance and effectively allowed the building to be burnt down.
 - Development would devalue adjacent properties;
 - Impact on adjacent schools, doctors etc.
 - Object to block C as it is out of keeping, proportions are wrong; too tall and sited in the wrong place.
- 4.4. Northfield Manor Junior and Infant School – comment on what provision has been made in local schools for the increase pupil numbers generated by the development?
- 4.5. Friends of Manor Park – raise concerns regarding impact on badger and fox dens; impact on bats – request full EIA given site ecology; no tree survey submitted; objects to block C as will be visible from the park; drainage and flooding; requires a second access point; pleased to see access remaining into park; welcome adequate cycle parking on site and the pedestrian access onto St Denis Road; request funding for the 'Barn' conversion in Manor Farm Park to convert it into a community facility and an outdoor gym.
- 4.6. Weoley Hill Village Council – support in principle to the creation of a replica Manor House as the proposal fulfils the University's pledge to recreate the building; the design and layout of the site respects the park in front of Manor House; reservations regarding the loss of the stable and cottage buildings at the top of the site.

Consultation Responses

- 4.7. Local Lead Flood Authority – raise no objection subject to a sustainable drainage condition.
- 4.8. Transportation – no objection subject to conditions relating to construction management, visibility splays, emergency service link and a road safety audit.
- 4.9. Severn Trent Water – no objection subject to a drainage condition.
- 4.10. Regulatory Services – no objection.
- 4.11. Natural England – have no comments to make.
- 4.12. Education – request a financial contribution towards the provision of school places locally.
- 4.13. West Midlands Fire Service – no objection.

- 4.14. Local Services – request an off-site financial contribution of £279,600 towards the provision, improvement and maintenance of off-site public open space and children’s play.
- 4.15. Environment Agency – no objection subject to a condition requiring the implementation of the flood risk assessment.
- 4.16. Ecology – no objection subject to conditions relating to a further bat survey, boundary treatment for hedgehog access points, lighting scheme and an ecological construction management plan.
- 4.17. Birmingham and Black Country Wildlife Trust - Birmingham and the Black Country is identified as a Nature Improvement Area (B&BC NIA), one of only 12 NIAs in England and the government’s flagship initiative to improve nature. The Trust is concerned about development on this site:
 - the development results in the loss of areas of the Manor Farm Park SLINC, woodland and associated habitat, and impacts significantly on protected species, notably badgers and their setts, and potentially bats.
 - difficult to support the re-location of the main sett given that the site is large enough for development to be located so as not to disturb the main sett.
 - though bat survey work for roosts has been undertaken for the buildings, no surveys for tree roosts appears to have been undertaken.
 - the Trust can support elements of the proposed landscaping and mitigation such as further native tree and shrub planting, the creation of more species-rich grassland (both dry and wet), the attenuation of water via a swale with a biodiversity value, and the incorporation of badger access points to the wider landscape.
 - Hedgehog friendly fences should be included within residential developments to allow endangered hedgehogs to forage wider areas.

5. Policy Context

- 5.1. NPPF; Pre-submission Birmingham Development Plan 2031; UDP (2005); Places for Living SPG (2001); Places for All SPG (2001); Mature Suburbs SPD (2008); Nature Conservation Strategy, Manor Farm Park SINC, Manor Farm Park SLINC and Wildlife Corridor; Nature Conservation Strategy SPG; Public Open Space and New Residential Development SPD (2007); Manor House and Griffin Close archaeological sites; Car Parking Guidelines SPD (2013).

6. Planning Considerations

Policy

- 6.1. The National Planning Policy Framework (NPPF) emphasises that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development – economic, social and environmental – and that these are mutually dependant, so that gains in each should be sought jointly and simultaneously. Under the heading of *‘the presumption in favour of sustainable development’*, Paragraph 12 confirms that the NPPF *‘...does not change the statutory status of the development plan as the starting point for decision making’*.

Thus, Paragraph 12 states that: ‘...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise’.

- 6.3. 12 core planning principles are identified in paragraph 17 and these include the need to “*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; promote mixed use development and take full account of flood risk.*” It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.
- 6.4. The NPPF, at Paragraphs 47-50, also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities. It goes on to require local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a five year supply of housing against their housing requirements.
- 6.5. The Pre-submission Birmingham Development Plan (BDP) has been through a series of public hearings in 2014 and a schedule of proposed modifications was published in July 2015. The Inspector’s Final Report and Modifications to the BDP were published on the 21 April 2016. On Thursday 26th May 2016 the Secretary of State issued a direction under section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by section 145(5) of the Housing and Planning Act 2016) to Birmingham City Council not to take any step in connection with the adoption of the Birmingham Development Plan 2031. The direction will remain in force until it is withdrawn by the Secretary of State or the Secretary of State gives a direction under section 21 of the 2004 Act in relation to the Birmingham Development Plan 2031. The Plan is due to be adopted by Full Council later this year. The Pre-submission BDP therefore affords very significant weight and the current adopted UDP subsequently has very limited weight. As such, in regard to the determination of the application, the UDP policy is considered out of date.
- 6.6. The application site is identified within the Council’s Strategic Housing Land Availability Assessment (SHLAA) as site ‘S587 – *other opportunity not in BDP Growth Area*’ and is identified as being able to accommodate approximately 130 units.
- 6.7. Policy TP8 (Biodiversity and Geodiversity of the Pre-submission BDP advises that “*The maintenance, enhancement and restoration of sites of national and local importance for biodiversity and geology will be promoted and supported. These include...Sites of Importance for Nature Conservation (SINCs) and Sites of Local Importance for Nature Conservation (SLINCs)...*
Development which directly or indirectly causes harm to local sites of importance for biodiversity and geology (LNRs, SINCs and SLINCs), priority habitats and important geological features, species which are legally protected, in decline, are rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that:
 - *The benefits of the proposal outweigh the need to safeguard the designated site, or important habitat, species or geological feature.*
 - *Damage is minimised and measures can be put in place to mitigate remaining impacts.*
 - *Where damage cannot be avoided or fully mitigated, appropriate compensation is secured...*”

- 6.8. Policy TP9 of the Pre-submission BDP deals with open space and identifies that *“new developments, particularly residential, will place additional demand upon all types of open space and children’s play areas. New residents, visitors to Birmingham and people working within the City all place varying demands upon open space. The City Council’s Public Open Space in New Residential Development SPD requires, in most circumstances that, residential schemes of 20 or more dwellings should provide on-site public open space and/or children’s play provision. In new residential developments provision of new public open space will be required broadly in line with the standard of 2 ha per 1000 population.”*
- 6.9. Policy TP26 of the Pre-submission BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.10. With respect to the location of new housing, Policy TP27 of the Pre-submission BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.11. Policy TP30 covers affordable housing and states that *“the City Council will seek a developer contribution of 35% towards the provision of affordable housing on residential developments of 15 dwellings or more. The level of developer subsidy will be established taking account of the above percentage and the types and sizes of dwellings proposed. The City Council may seek to negotiate with the developer in order to revise the mix of affordable dwellings (for instance to secure additional larger dwellings) or to adjust the level of subsidy on individual dwellings (a higher subsidy may be required in high value areas). Where such negotiations impact on the number of affordable dwellings secured the level of developer subsidy should be unchanged. There will be a strong presumption in favour of the affordable homes being fully integrated within the proposed development. However the City Council may consider off site provision, for instance to enable other policy objectives to be met, subject to an equivalent level of developer contribution being provided. Off site provision could be either by way of the developer directly providing affordable dwellings on an alternative site, or by making a financial contribution which would enable provision either through new build on an alternative site, by bringing vacant affordable dwellings back into use or through the conversion of existing affordable dwellings to enable them to better meet priority needs.”*
- 6.12. The Birmingham UDP supports a more sustainable pattern of development by re-using brownfield sites in suitable locations. The UDP requires that new housing developments should provide an appropriate environment (Paragraphs 5.20-5.20A), a suitable housing density and mix (Paragraph 5.40) and encourages a full range of housing types and sizes including those for people with disabilities and other specific needs (5.35 and 5.37). Paragraph 5.38 identifies that densities of at least 50

dwellings per hectare will be expected in local centres and corridors well served by public transport, with 40 dwellings per hectare elsewhere. Policy TP29 of the Pre-submission BDP recommends similar such housing densities. Policy 3.16A of the UDP emphasises the importance of landscaping and provides a commitment to tree protection.

- 6.13. In addition, 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and makes reference to minimum design and amenity standards. Particular emphasis is given to assessing context and responding positively to local character.

Principle of Residential Development

- 6.13. The principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. The site was originally developed as a private residence and was used most recently for student accommodation. It is within an established residential area, close to public transport links and with easy access to local services. The proposed development would deliver a choice of 138 homes through the effective re-use of this brown-field site identified for approximately 130 dwellings in the Strategic Housing Land Availability Assessment (SHLAA).
- 6.14. The proposed density of 24 dwellings per hectare is below the normal policy requirement. However, this is partly the result of the significant area of land required for retention as open space/trees (the density increasing to 34 dwellings per hectare if the open space area is removed from the calculation). This level of provision would also reflect the character of this location and allow for the provision of a wider mix of house-types, including larger family units, to meet the needs of different groups in the community.
- 6.15. The proposed development incorporates 15% on-site affordable housing alongside a financial contribution of £50,000 towards off-site provision. The 15% on-site provision would comprise 4, 1 bedroom flats; 11, 2 bedroom flats; 3, 2 bedroom houses and 2, 3 bedroom houses with tenure to be agreed once a Registered Social Landlord (RSL) has been appointed. This provision has been independently verified through a financial assessment following which the £50,000 financial contribution towards off-site provision was secured.
- 6.16. My Housing colleague considers this approach acceptable and considers the provision to be acceptable against policy requirements. I concur with this view. The proposed development site is identified as suitable for residential development in the SHLAA with the proposal delivering slightly more residential units than the SHLAA envisaged. As such, the principle of development is accepted and I consider the affordable housing provision to be acceptable and in line with policy requirements of TP30 of the Pre-submission BDP.

Design, Scale and Layout

- 6.17. The design and layout of the scheme has been developed in consultation with Planning, Arboricultural and Design Officers through a series of meetings following formal submission of the application. Amendments to the proposal have been made following these discussions including changes to separation distances and siting of units; car parking layouts; changes to block C relating to trees, retaining structures, levels and car parking.

- 6.18. The proposed development would be located following the approximate road layout that currently exists on site providing a perimeter development to the eastern and northern site edges, a new perimeter block to the north western corner and the retention of the parkland setting to the front of block A – the rebuild of Manor House (as previously existed).
- 6.19. Following demolition of the original Manor House, advice was sought and provided to the applicants regarding its rebuild. As, the re-build would see a pastiche of the original Grade A locally listed building, the applicants were advised to seek planning permission for a modern interpretation of the original building along with a modern contemporary residential development alongside. Notwithstanding this, the proposal seeks permission for a modern contemporary scheme, the Manor House replacement would be a complete rebuild externally as was.
- 6.20. The proposed dwellings are well designed and modern in their architectural interpretation with the use of differing materials compared to the local vernacular. Whilst this interpretation would not be characteristic of the local vernacular, I do not consider this would be sufficient to raise an objection or warrant refusal on design grounds where Mature Suburbs SPD states *“proposals are not expected to be a copy or pastiche of existing design styles in an area. Innovative and contemporary designs that respect their context are encouraged.”*
- 6.21. The replacement of Manor House was informally discussed with the Conservation and Heritage Panel (CHP) prior to formal submission. As the development does not meet the criteria for CHP, it was not formally presented to them following submission. However, my Conservation Officer advises that the Panel were mindful that the building should not be replaced like-for-like as there was no value in doing this, but had real concerns over the message this would present to the wider city over the future security of other locally listed buildings. They acknowledged that the building could be rebuilt as per the building lost (externally) but remained to be convinced this was a worthy use of resources and noted that the real value was the internal fabric that will not be replaced.
- 6.22. My Conservation Officer considers that it is disappointing to see the loss of the original half-timbered lodge building as well as the late 19th century workers cottage which were contemporary to the vernacular revival phase of development at the Manor House. As such, he considers it ironic that these are to be demolished and the already lost Manor House recreated. However, whilst this approach cannot be wholly supported from either a design or conservation integrity approach, the loss of Manor House has already occurred, the loss of all remaining buildings on site cannot be resisted and whilst attractive, they are not locally listed and are in poor condition. Also given the contemporary nature of the design of the new dwellings; the retention of the cottages would not sit comfortably within the scheme. The contemporary design is supported by my design and conservation officers and I concur with this view. The difference in architectural styles between the contemporary new build and the traditional rebuild of Manor House provides a juxtaposition that allows the Manor House rebuild to become the main focus of the development. Whilst I note local residents’ objections and comments regarding the contemporary design, a refusal on design grounds because it is not proposed as traditional architecture could not be supported.
- 6.23. The proposals address the principles in Places for Living in order to achieve a high standard of urban design in context with the immediate surroundings. The proposed new dwellings would have an acceptable relationship to retained properties adjacent to the site. The layout would be in accordance with the requirements of Places for

Living in this respect, thereby protecting existing residential amenity. The development proposals would meet separation distances new to new apart from plots 7 through to 14 which are three storey properties fronting Block B (a four storey block) where a 27.5m separation distance is provided as guideline. During submission, this is one of the key areas where amendments have been made to increase this distance separation and at this point would now be approximately 21m. This shortfall is considered acceptable when the development is considered as part of an overall urban design approach to the site and where the guideline has greater flexibility given it relates to new to new.

- 6.24. All of the houses and flats proposed meet or exceed the national space standards for the size of one, two, three, four and five bedroom units and most of the bedroom sizes meet or exceed the guidelines in Places for Living. With respect to garden sizes for the houses, most of the plots except four (plots 5, 10, 13 and 19) meet or exceed the guidelines for garden sizes in Places for Living at 46sq.m for a two bedroom unit and 60sq.m for three bedroom units. Where they fall below the guidelines, a condition removing permitted development rights is proposed.
- 6.25. I note the objections to block C located at the entrance to the application site given its siting within the historic landscaped parkland setting. The design, scale and siting of the building have been carefully assessed during the application and amended accordingly to ensure the minimum impact on the parkland setting. The block has been moved a number of times during the application process to ensure protection of trees to remain and the number to be removed is kept to a minimum. The retaining structures to the rear of the block for car parking have also been significantly reduced. On this basis, my Design and Arboricultural Officers consider the block design, scale and siting to be acceptable and I concur with this view.
- 6.26. I consider the proposed design and layout to be acceptable and in accordance with local and national policy.

Trees/Landscaping

- 6.27. The application submission is supported by detailed hard and soft landscaping plans, landscape strategy and maintenance plans, a soft landscape management and maintenance plan, soft landscape specification along with tree protection and reference plans; an arboricultural impact assessment, arboricultural method statement and a tree survey.
- 6.28. The proposed site layout has been developed with advice from your Arboricultural Officer, to enable the retention of the majority of existing trees. The site contains 662 individually assessed trees. Of the 200 trees proposed for removal, only one tree falls within category A and a further 30 fall within Category B. The remaining 169 trees proposed for removal fall within Category C and U. The Category A tree is a Common Lime whilst the 30 Category B trees are identified as 5 Horse Chestnut, 9 Sycamore, 4 Ash, 1 Oak, 6 Lime, 1 Black pine, 1 larch, 1 Maple and 1 Beech tree. A full hard and soft landscape scheme has been submitted and has been amended during the course of the application. The scheme incorporates 147 new trees including Copper Beech, Maple, Silver Birch, Cherry, Rowan, Oak and Horse Chestnut. The wider landscape scheme has been designed around the protection of as much of the original parkland as possible and as such, the requirement for front gardens with trees has been reduced to allow for the parkland setting to be retained.
- 6.29. Your Arboriculturalist and Landscape Officers have been engaged in the application process and the site layout and landscape proposals are a result of this involvement.

Both Officers consider the scheme to be acceptable from a arboricultural and landscape perspective and I concur with their view. Conditions are recommended to ensure the submitted and agreed landscape and tree proposals are undertaken.

Ecology

- 6.30. Part of Manor Farm Park SLINC falls within the site boundary, covering the main area of woodland in the south and extending towards the centre of the site, as well as the woodland belt around the northern boundary. Beyond the redline boundary, the SLINC extends south-west and south-east into Manor Farm Park and Griffin's Brook Corridor. Manor Farm Park SINC is immediately to the south of the site, but would not be affected by the proposals.
- 6.31. An ecological assessment was submitted in support of the application, comprising an updated extended Phase 1 habitat survey/baseline ecological audit (from the original 2011 report), bat survey and badger survey. The proposals will result in the loss of part of Land at Manor Farm SLINC. Of the total area of the SLINC (c. 10.5ha), just over 3ha falls within the redline boundary and approximately 5% of the total SLINC area (c. 0.5ha) will be lost to development. The most significant loss, of SLINC-designated woodland, is associated with the construction of block C and its access road and car parking, and, on the eastern boundary, the construction of plots 1-6. Smaller-scale encroachments into the SLINC are also likely to affect the woodland on the western boundary and centre of the site (plot 44, block A access road and parking bays), and along the northern boundary (plots 13/14-20 and plots 21-26), although some of these SLINC-designated woodland areas would be retained as rear gardens.
- 6.32. The Nature Conservation Strategy SPG requires the City to protect and increase SLINC's where possible, as part of the City's stock of Constant Natural Assets (CNA). However, it recognises that CNAs may be subject to local changes, and these may occur when losses can be compensated for by the creation of new resources of at least equal value. This compensation could be secured by implementing a combination of measures, e.g. both on-site and off-site habitat creation and enhancement.
- 6.33. To compensate for this loss of SLINC (and to ensure no net loss of biodiversity), a variety of ecological mitigation and enhancement measures are proposed, including the preparation and implementation of a Management Plan for Biodiversity (MPB).
- 6.34. The updated badger survey, completed in March 2015, confirms that badgers continue to be active within the site. There is an active main sett and an active subsidiary sett in the woodland. A number of active outlier setts were also recorded. The relatively undisturbed woodland, scrub and amenity grassland throughout the site provide good quality habitat for both sett excavation and foraging.
- 6.35. The proposed layout requires the closure of the main and subsidiary sett (as well as any active outliers), to facilitate the construction of block C and associated access and car parking. The applicant proposes to compensate for the loss of these setts by constructing a replacement artificial sett in the woodland to the north-west of block C. A Natural England badger licence will be required prior to closure of any active setts. In addition, the development will reduce the amount of foraging habitat available; therefore measures will be required to improve the quality of the remaining areas of habitat. Impacts associated with increased human and vehicular activity are also likely; again mitigation measures are required to reduce these impacts to an acceptable level.

- 6.36. The updated badger survey report provides details of the mitigation/compensation required to minimise harm to badgers and to ensure compliance with the legal protection afforded to badgers and their setts through the Protection of Badgers Act 1992. Additional mitigation measures are also shown on the landscape strategy plan and soft landscape proposals. The City Ecologist has raised no objections in principle to the proposed badger mitigation measures and recommends that a condition should be attached to any approval to secure the submission and implementation of a detailed mitigation plan.
- 6.37. An updated daytime inspection of the site's buildings was undertaken in March 2015 to identify any changes in the potential of these structures to support roosting bats. The status of the majority of the site's buildings were found to be unchanged (some features with low potential for roosting bats were identified); the fire-damaged main building was assessed as unsuitable, and parts of this building were in the process of asbestos removal and demolition. The daytime inspection was supported by one dusk emergence survey (August 2015) and one dawn re-entry survey (September 2015). No bats were recorded emerging from, or returning to, any of the buildings during these surveys, although low levels of activity by common pipistrelle bats was recorded. Based on these results, there is no evidence that bats are roosting in any of the buildings, and therefore no specific mitigation is required in relation to demolition. However, the bat report recommends that good practice precautionary measures should be adopted during demolition to ensure compliance with the legislation protecting bats. If demolition is delayed beyond summer 2017, a further bat assessment/survey should be completed before building works take place to ensure bats have not occupied any of the buildings in the intervening period. Additional recommendations are made in the bat survey report to minimise impacts arising from artificial lighting at night and to enhance the habitat value of the site for foraging and roosting bats; these requirements are partially addressed as part of the landscaping proposals. The City Ecologist recommends that conditions are imposed to secure these recommendations and further survey work is undertaken along with an assessment of trees for their potential for roosting bats.
- 6.38. The City Ecologist also identifies that as well as the specific impacts in relation to the SLINC and badgers, a range of more general ecological impacts arising from the proposals are identified in the Baseline Ecological Audit. The report identifies a variety of good practice mitigation measures to minimise adverse impacts during site clearance, construction and post-development. The City Ecologist has raised no objection to the site-clearance/construction phase mitigation measures recommended in the supporting reports, which reflect recognised good practice approaches and advises that these should be secured by condition. I concur with this view and relevant conditions are recommended below.
- 6.39. Some of the recommendations in the ecological audit report have been incorporated into the scheme design including:
- Construction of SuDS attenuation pond, to be planted with native marginal species
 - Enhancement (over-seeding with native wild flower seed mixes) and beneficial maintenance of grassland areas
 - New tree and bulb planting adjacent to southern vehicular access
 - Native hedge planting along northern and western boundaries
 - Internal site (amenity) planting to include native trees, "wildlife-friendly" ornamental shrubs and "pollinator-friendly" climbing plants

- Provision of new habitat features - 10 house sparrow boxes on new houses, 10 bat boxes on retained mature trees, 5 log piles in woodland areas.
- 6.40. The City Ecologist has advised that these measures are adequate but further details still need to be agreed including bird, bat and insect box specifications and insect box locations; which can be secured by condition. A landscape maintenance plan has also been submitted with the application. Whilst this provides generic details of proposed maintenance of landscaped areas, further details of habitat management and monitoring, within the retained woodlands, SuDS attenuation pond and Griffin's Brook corridor are still required. As such, conditions are recommended below to secure the relevant details.
- 6.41. The site also provides suitable habitat for hedgehogs. Whilst this species is not subject to any legal protection of relevance to planning or development activities, it is listed as a species of principal importance in England under Section 41 of the Natural Environment and Rural Communities Act 2006 because of a consistent, long-term decline in the national population. Implementation of good practice mitigation measures during site clearance and construction works would safeguard hedgehogs, along with badgers and other terrestrial mammals. The areas of open space will provide suitable habitat post-development. In addition, permeable boundary treatment (eg hedgehog-friendly fencing between new gardens) should be included in the scheme design to enable hedgehogs to move between gardens and other suitable habitat in an unrestricted way. A boundary treatment condition is recommended below that includes measures to provide for hedgehog activity.
- 6.42. I note the concerns from local residents regarding the impact of development on the site ecology, particularly given its SLINC designation. Extensive survey work has been undertaken along with many ecological mitigation measures being recommended by the submitted supporting documents. These measures can be secured via conditions as recommended below. The City Ecologist has raised no objections to the proposed development and Natural England has stated that they do not wish to comment. I concur with the City Ecologist and consider that the ecological implications of development can be appropriately dealt with and mitigated to allow development to proceed.

Flooding

- 6.43. The application is supported by a detailed Flood Risk Assessment. The assessment indicates that risk to the development site is low from all sources. However, the access road to the site falls within Flood Zone 3 of Griffins Brook which runs (in a broadly east-west direction) across this area. As such, a hydraulic flood model exercise was undertaken. Results of this show that the access road would not flood in events up to and including the 1 in 20 year return period. In events greater than this, the road would flood but to a depth no greater than 300mm for a short period of time. As such, the assessment concludes that the flood hazard is low. The assessment proposes no mitigation measures but recommends the installation of a gauge board to alert residents and those trying to access the site if the access is flooded.
- 6.44. I note that local residents have raised significant concerns regarding flood risk, highlighting problems that have occurred in the past. The submitted FRA identifies that in order to prevent the development having an adverse effect on the wider catchment, a surface water drainage scheme attenuating events up to and including the 1 in 100 year plus climate change to the site's greenfield rate is proposed. It is

noted that this could be achieved through the use of a balancing pond and beneath ground cellular storage.

- 6.45. The Environment Agency has commented on the application and raises no objections subject to conditions relating to the implementation of the flood risk assessment and its relevant mitigation measures of:
- Finished floor levels are set no lower than 150mm above average surrounding ground level.
 - A permanent level gauge board should be erected and maintained on the Manor House Drive. The Manor House Drive section within the floodplain of the Griffins Brook should be clearly marked e.g. by posts. Signage should also be provided to inform residents to use the secondary pedestrian access on Tugford Road on receipt of a Flood Alert from the Environment Agency.
- 6.46. With regards to the site access not being a dry route; the Environment Agency comment that whilst a completely dry route for emergency vehicles is not possible as depths are never greater than 300mm and for a short duration, the flood hazard is considered acceptable.
- 6.47. The LLFA have raised no objections and has recommended that a sustainable drainage condition is attached to any approval whilst Severn Trent Water also raise no objections subject to a drainage condition. I concur with this view and the relevant conditions are recommended below.
- 6.48. Based on the submitted information and relevant Environment Agency and LLFA responses, whilst I note the local residents' concerns regarding risk of flooding to the original phase of development at Middle Park Drive and Woodbrooke Grove, this risk is considered to be low and the surface water impact generated by the development can be adequately addressed on site. As such, no objections are raised to the proposed development on drainage or flood risk grounds.

Groundwater and Contamination

- 6.49. The application is supported by a desk top study and site investigation report. The report concludes that given the site history of long standing residential and parkland use, the site has limited potential for contamination. The site is located on Triassic Sherwood Sandstone and Mercia Mudstone strata which are designated a 'Principal' and 'Secondary (B) Aquifer' respectively by the Environment Agency. Superficial deposits of Glacial Till and Alluvium are indicated for the site which are designated as a 'Secondary (Undifferentiated)' and 'Secondary (A) Aquifer' respectively. The Griffin's Brook is located adjacent to the southern part of the site. Samples of the soils of the site have been collected and analysed for a general suite of contaminants. This analysis has identified the presence of limited concentrations of contamination which are unlikely to pose a significant risk to 'Controlled Waters' receptors. Based on the submitted report both the Environment Agency and Regulatory Services raise no objection to the proposed development on contaminated land issues. I concur with this view.

Transportation Issues

- 6.50. The site lies close to Bristol Road South that serves as the major transport corridor into Birmingham City centre which is well frequented by public bus services. The means of access to the site is proposed to be via an access road from the northern end of New House Farm Drive. The main access will form a loop road serving the

proposed development and the corresponding parking areas. Some of the dwellings will be accessed from the loop road. Manor House itself will be served by the existing driveway that spurs off the main access road into the site shortly after leaving New House Farm Drive. There will be a fire access link provided between the two main accesses. An additional pedestrian and cycle access is proposed at the northern end of the development onto St Denis Road. This route existed in the past, but has been closed off in recent years. A footpath link is also to be maintained from Weirbrook Close, to the west. This route crosses the site at its south-east corner, to an existing entrance to Manor Farm Park.

- 6.51. The transportation implications (local highway network impact) are fully explored by the Transport Assessment produced by WSP that accompanies this application. This concludes that the proposed development will not have a detrimental impact on the surrounding highway network. In addition to the Transport Assessment, WSP has also produced a Residential Travel Plan for the development. The overarching objective of this Plan is to minimise the impact of the development on the environment and the local community by encouraging those that live or visit the site to travel by sustainable transport modes, through the promotion of the choice of transport available to them. In practical terms this will involve providing every new resident with a Welcome Pack that will include information on public transport, services and facilities and information on walking/cycling initiatives. Further, it is proposed that the developer would fund one public transport four-week travel card per household upon initial occupation. The mechanism for this would require a householder to complete an application form (to be included in the Welcome Pack).
- 6.52. All proposed houses would have at least 200% in-curtilage parking (most with garages). The new block of apartments in the rebuild of Manor House (block A) would have a car parking provision of 36 spaces (138%), block B would have a provision of 34 spaces (113%) whilst block C would have a provision of 36 spaces (124%).
- 6.53. Transportation has reviewed the transport assessment and relevant plans. They identify that tracking analysis for refuse vehicles confirms that Manor House Drive is necessary to accommodate turning movements into Manor House Drive/Woodbrooke Grove/Middle Park Drive. On this basis, they recommend that a Road Safety Audit (to include a pedestrian/quality audit) is undertaken prior to commencement of the development. This may identify modification/adjustment to the current (private) road junctions (referred to above). They raise no objection to the proposed development subject to safeguarding conditions relating to construction management, visibility splays, an emergency service link and the required road safety audit.
- 6.54. I note the objections raised by local residents regarding the proposed one point of access; emergency vehicle access and construction access. Transportation considers the one point of access to be acceptable and the transport assessment has shown that the proposed development would have limited impact on the local highway network and the site is well located for public transport use. Construction access has yet to be agreed and is recommended to be secured via a construction management plan safeguarding condition as suggested below. The Fire Service has also been consulted with regards to the proposed development and has also raised no objections regarding access. As such, taking into consideration the consultation responses from the relevant parties of the Fire Service and the local highway Authority, I consider the proposal to be acceptable from a transportation perspective.

Planning Obligations and Viability

- 6.55. The Applicants propose Planning Obligations of:
- A financial contribution of £95,000 towards the provision/improvement of a junior play area in Manor Farm Park.
 - Provision of on-site affordable housing comprising 4 x 1bedroom flats; 11 x 2bedroom flats; 3 x 2bedroom houses and 2 x 3bedroom houses with tenure to be open subject to offers from RSLs.
 - Off-site index linked financial contribution of £50,000 towards the provision of affordable housing within Northfield Ward and Adjoining Wards.
 - Public access to, and ongoing maintenance of, on-site public open space of 1.61 hectares.
- 6.56. The application is also liable for a CIL payment equating to £922,254.
- 6.57. The on-site 'Public' Open Space would remain in private ownership but would be maintained by the owner and would be secured free from development in the legal agreement and therefore available for the everyday recreational enjoyment by the general public.
- 6.58. As the application proposes less than the policy compliant 35% affordable housing, the application is supported by a viability assessment that has been independently reviewed by Lambert Smith Hampton (LSH). The Financial Viability Assessment includes two appraisals, one as a policy compliant level of affordable housing of 35% together with a CIL payment of £922,254 and a second appraisal at 15% affordable housing and a CIL payment of £922,254.
- 6.59. LSH consider that the adopted land value used in the appraisal is in line with recent land transactions and reflects the nature of the development. LSH also consider that the professional fees at 7%, is in line with current market practice; the property finance costs at 6% debit rate is reasonable and the contingency allowance of 4% is in line with current market practice. They are also content that the adopted development timeframe is reasonable as too are the adopted marketing costs and sales agents and legal fees.
- 6.60. The appraisal considers a target rate of return of 20% on cost and this is considered by LSH to be appropriate for a development of this nature. This equates to approximately 16.5% profit on value. LSH identify that the development is not viable with a policy compliant 35% affordable housing provision but is viable with a 15% affordable housing provision, together with a CIL payment of £922,254. Following negotiations with the applicant, it was agreed that in addition to the proposed 15% affordable housing and CIL contribution, an additional payment in lieu of affordable housing of £50,000 would also be provided.
- 6.61. The inclusion of the commuted sum of £50,000 into the appraisal, and based on the value and cost assumptions detailed above, a profit on cost of 19.90% is produced. This reflects a profit on value of 16.59%. LSH are content that this level of profit is reasonable having regard to current market conditions.
- 6.62. Given the independent review of the submitted viability appraisal and the planning obligations that have been offered, I consider that the proposal meets the policy requirements of the Pre-submission BDP regarding open space, play facilities and affordable housing taking into consideration the viability of the scheme.
- 6.63. I note residents' comments regarding funding for the 'barn' conversion for a community facility and a gym trail in Manor Farm Park. I also note that Education

have identified that funding is required towards the provision of school places locally. With regards to the barn and gym trail, 15% of the CIL contribution is available to the Ward. As such, the Ward could determine to part fund the conversion of the barn and provide the gym trail from its CIL contribution. With regards to Education, school places are subject to provision from the CIL as such, funding cannot be secured through a Section 106 Agreement in this instance. Leisure Services also requested funding for off-site POS however, the 1.61 hectares on site significantly exceeds the required 0.4hectares for which off-site funding was sought. On this basis, only funding for the provision of play equipment/improvement has been secured.

7.0. Conclusion

- 7.1. The redevelopment of the site for housing accords with both national and local planning policy. The proposed development would provide new housing within the City boundary; would not have an adverse impact on the adjacent residential amenity or on the character and amenity of the surrounding area.
- 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 see the redevelopment of a former student accommodation site for new residential development which, would in turn, provide economic and social benefits for the existing and new residential occupiers, whilst supporting the provision of local employment in construction and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8.0. Recommendation

- 8.1. That planning application 2016/02112/PA be deferred pending the completion of a suitable legal agreement to secure the following:
- a) A financial contribution of £95,000 (index linked to construction costs from the date of the Committee Resolution to the date on which payment is made) towards the provision/improvement of a junior play area in Manor Farm Park.
 - b) Provision of on-site affordable housing comprising 4 x 1bedroom flats; 11 x 2bedroom flats; 3 x 2bedroom houses and 2 x 3bedroom houses with tenure to be open subject to offers from RSLs.
 - c) Off-site index linked financial contribution of £50,000 towards the provision of affordable housing within Northfield Ward and Adjoining Wards.
 - d) Public access to, and ongoing maintenance of, on-site public open space of 1.61 hectares.
 - e) £5,075 monitoring fee.
- 8.2. That, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority by 27 October 2016, favourable consideration will be given to application 2016/02112/PA subject to the conditions listed below.
- 8.3. That the City Solicitor be authorised to prepare, seal, and complete the appropriate agreement.

8.4. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 27 October 2016, planning permission be refused for the following reasons:

a) In the absence of any suitable planning obligation to secure the proposed development conflicts with Paragraphs 3.53B, 3.61, 5.37D and 5.37E of the Birmingham UDP, Policies TP9 and TP30 of the Pre-submission BDP and the NPPF.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of roof materials |
| 3 | Requires the prior submission of sample walling/render panel/stonework/brickwork |
| 4 | Requires the prior submission of roof light details |
| 5 | Requires the prior submission of dormer window/window frame details |
| 6 | Requires the prior submission of external doors/garage doors |
| 7 | Requires the prior submission of fixtures and fittings Details |
| 8 | Requires the prior submission of a schedule of new internal joinery details |
| 9 | Requires the prior submission of Ramps and Step details |
| 10 | Requires the implementation of the Flood Risk Assessment |
| 11 | Requires the prior submission of a drainage scheme |
| 12 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 13 | Requires the prior submission of a legally protected species and habitat protection plan |
| 14 | Requires the prior submission of an additional bat survey |
| 15 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 16 | Requires the prior submission of a construction ecological mitigation plan |
| 17 | Requires the prior submission of a habitat/nature conservation management plan |
| 18 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 19 | Requires the prior submission of details of a communal satellite dish |
| 20 | Requires the prior submission of boundary treatment details |
| 21 | Requires the prior submission of a lighting scheme |
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| 22 | Requires the prior submission of a construction method statement/management plan |
| 23 | Requires the prior submission of sample materials |
| 24 | Removes PD Rights for Garage Conversion |
| 25 | Removes PD Rights for hard surfacing of front garden |
| 26 | Removes PD rights for boundary treatments |
| 27 | Removes PD rights for extensions |
| 28 | Requires the prior approval of details to prevent mud on the highway |
| 29 | Prevents occupation until the service road has been constructed |
| 30 | Prevents occupation until the turning and parking area has been constructed |
| 31 | Requires the prior submission of details of pavement boundary |
| 32 | Requires vehicular visibility splays to be provided |
| 33 | Requires the prior submission of cycle storage details |
| 34 | Requires pedestrian visibility splays to be provided |
| 35 | Requires the prior submission of a Road Safety Audit |
| 36 | Requires the prior submission of an Emergency Access Point |
| 37 | Requires the provision of vehicle charging points |
| 38 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 39 | Limits the approval to 3 years (Full) |
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Case Officer: Pam Brennan

Photo(s)



Photograph 1 – Main access route into site

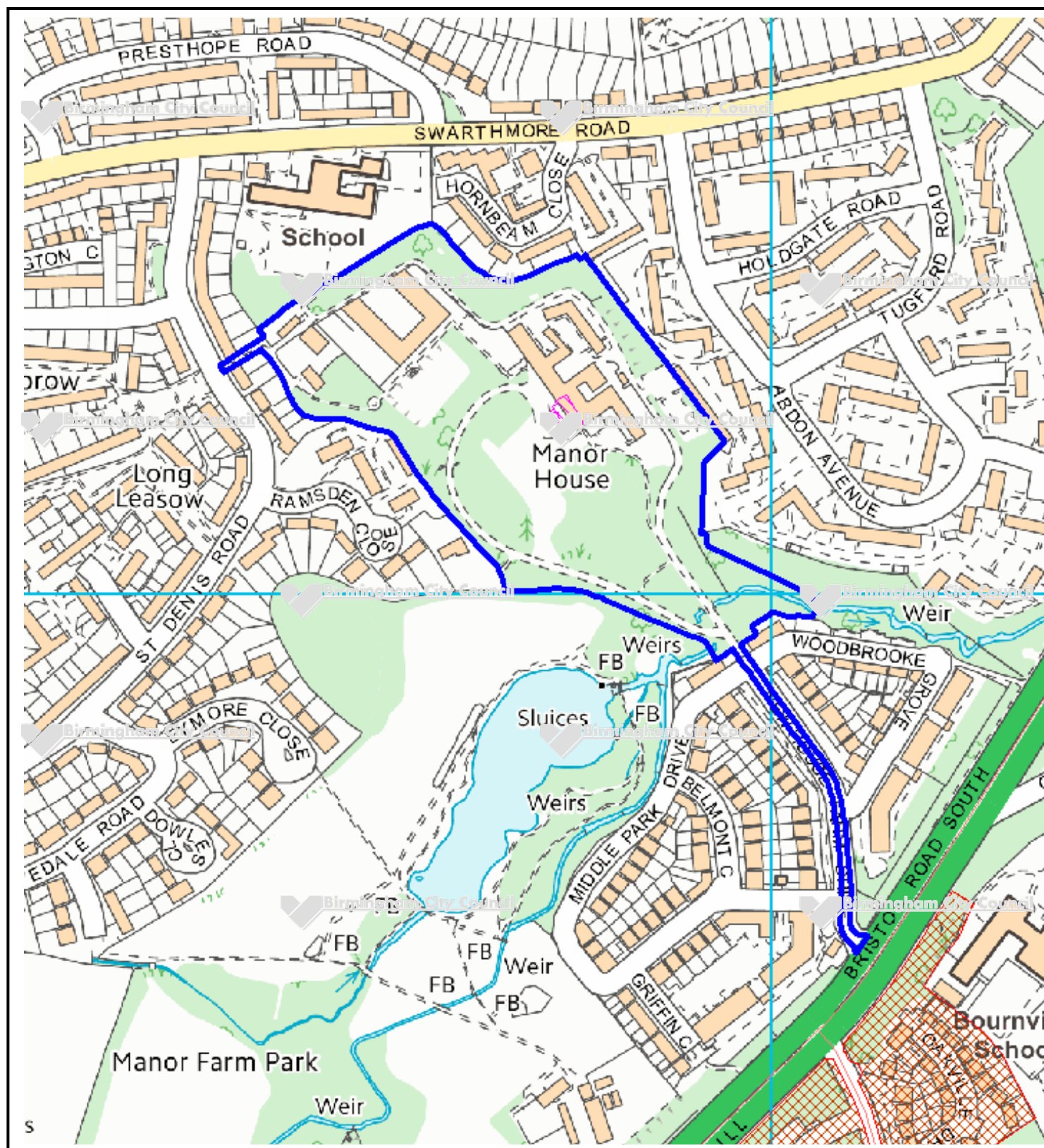






Photograph 5 – Footpath link into site from St Denis Road

Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/05595/PA
Accepted:	26/07/2016	Application Type:	Full Planning
Target Date:	25/10/2016		
Ward:	Quinton		

Punch Bowl PH, 153 Wolverhampton Road South, Quinton,
Birmingham, B32 2AX

Demolition of the existing building and redevelopment with 43 retirement apartments (consisting of 30 one bedroom and 13 two bedroom) including communal facilities, access, car parking and landscaping.

Applicant:	Churchill Retirement Living c/o Agent
Agent:	Planning Issues Ltd Millstream House, Parkside, Ringwood, BH24 3SG

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application seeks planning permission for the demolition of the existing building and redevelopment with 43 retirement apartments. This would consist of 30 one bedroom and 13 two bedroom flats. The ground floor includes including communal facilities, such as a lounge, management suite (reception and office), guest flat and coffee bar.
- 1.2. Access would be gained for vehicles from Quinton Lane and this would lead to 19 car parking spaces for residents (including one disabled space). Pedestrian access would be gained from Quinton Lane and Wolverhampton Road South. A small store for electric buggies is also located adjacent to the car park. Existing boundary walls to the rear of the site, and adjacent to neighbouring rear gardens, would be retained.
- 1.3. The proposed building would have an 'L-shaped' footprint with the short elevation fronting onto Wolverhampton Road and long elevation fronting onto Ridgeacre Road. A small 'extended' section of the footprint would continue the block off Ridgeacre Road and would front onto Quinton Lane. The car park would be located to the Northwest of the building and private amenity space would be located to the rear (north) of the building. Due to the level changes the car park and main entrance to the building would be at first floor level of the building. The ground floor would address Ridgeacre Road and Wolverhampton Road South, whilst the first floor would address part of Quinton Lane.
- 1.4. The scheme includes the provision of 1217sqm of garden area, 370sqm to the rear and the rest at the side and front behind decorative railings and landscaping.
- 1.5. In terms of scale, the proposed building would have 3 and 4 storey sections, with the roof dropping lower in some areas creating some sections of 2 ½ storeys and

dormer windows. The 4 storey section is located on the corner of Ridgeare Road and Wolverhampton Road South and addresses the roundabout to the Southeast of the site. As the footprint moves from the corner to the north, the land rises, and the proposed building reduces in scale. As such the scale diminishes, heading north, from 4, to 3 ½, to 2 ½, and then to 2 storeys, adjacent to the neighbour's house of 149 Wolverhampton Road South.

- 1.6. The site is currently occupied by the vacant Punchbowl Public House, a two storey building with 4m ground floor height. This building sits on a raised area of land as the building has a substantial basement. The proposal seeks to remove the front retaining wall and land and build up from the basement level, resulting in a building that similar in total height to the existing building with a more 'natural' setting with the footpath and road.
- 1.7. The proposed building would be traditional in design with tiled pitched roofs, brick elevations with some brick banding and substantial articulation of the architecture to break up the mass and add interest and variety to the form.
- 1.8. In terms of use the application consist of one and two bed flats targeted at the retirement market. As such the applicants, Churchill Retirement Living, provide purpose built flats for the Elderly to meet the needs of independent retired people and provide self-contained flats for sale. The flats are sold with a lease containing an age restriction which ensures that only people over the age of 60, or those over this age with a partner over 55, can live in the building. The applicants state that retirement housing provides a range of benefits including helping to reduce the demands placed on Health and Social Services as residents generally remain in better health and as care providers can visit several occupiers at once. The application therefore has the characteristics of self-contained flats rather than those of a care home.
- 1.9. Submitted documents consist of a Design and Access Statement, Landscape Strategy, Planning Statement, Ecological Appraisal, Drainage Strategy, Community Engagement report, Transport Statement, Noise Impact Assessment and Affordable Housing Statement (Financial Appraisal).
- 1.10. The Financial Appraisal has illustrated that the proposal can only sustain a reduced affordable housing contribution of 4% (as an off-site contribution of £68,500).
- 1.11. Amended plans have been submitted during the consideration of the scheme resulting in the following design improvements;
 - Reduction in the number and height of retaining walls and replacement with land re-grading.
 - The Wolverhampton Road South elevation has been reduced adjacent to the neighbour; the three storey element, to a two and a half storey feature and have dropped the roof line.
 - Further windows in the communal areas to create an improved visual relationship with Quinton Lane.
- 1.12. The site is 0.27ha, density 159dph.
- 1.13. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site consists of the former Punch Bowl public house, which ceased trading in 2010. The site is currently occupied by a caretaker. The building is considered weatherproof but beyond practical use as a public house. The building is two storeys but has very generous room heights, at ground floor, resulting in a building which is more three storey in scale terms. The front boundary consists of a brick wall which is a retaining structure where located adjacent to Ridgacre Road. The site has three vehicular access gates.
- 2.2. The site is within a non-defined shopping area, with a two small parades of shops on the adjacent Court Oak Road and the Quinborn Centre opposite the site 20m west along Ridgacre Road. Quinton Lane Medical Centre is to the immediate northwest of the site. Woodhouse Primary School is located 200m to the south of the site, with access from West Boulevard.
- 2.3. The site consists of a pub garden and a hard-surfaced area to the three frontages around the building. The site varies in height from 188 AOD at the northern most point to 184 AOD on the southern boundary. The building has a ground floor slab level of 186 AOD. The site therefore varies in height by 4m, although the front boundary includes a retaining wall of 1.5m and as such the front portion of the site includes made ground, presumably created when the basement of the public house was created, resulting in a mostly level site.
- 2.4. The surrounding area is otherwise residential in character consisting mostly of semi-detached properties. The nearest houses are to the north of the site and No.149 Wolverhampton Road South shares its side boundary with the rear boundary of the site, the house itself is a metre away from the north boundary of the site and its rear garden is adjacent to the existing courtyard and delivery area at the rear of the public house. Further houses are located to the west of the site across the end of Quinton Lane, the nearest residential property to the west being a two storey 'L-shaped' block of maisonettes (No.s 2 to 18).
- 2.5. The site is located on the corner of Wolverhampton Road South and Ridgacre Road. Quinton Lane also forms a boundary on the western side of the site.

2.6. [Site Location Plan](#)

3. Planning History

- 3.1. 5th May 2006. Pa No. 2006/00793/PA. Single storey rear extension and the creation of a new car park access. Approved.
- 3.2. 7th August 2014. Pa no. 2014/02550/PA. Outline planning application for demolition of an existing disused public house and erection of Retail (A1) at ground floor and 14 Residential (C3) dwellings above, with vehicular access from Wolverhampton Road South and Quinton Lane. All Matters for consideration except Landscaping. Approved.
- 3.3. 20th August 2015. Pa no. 2015/02438/PA Erection of a mixed use building with two retail units at ground floor and 17 flats (11 one bed flats and 6 two bed) at first and second floor. Approved with a S106 for 29% (5) affordable housing units.

4. Consultation/PP Responses

4.1. Consultation Responses

- 4.2. Transportation – No objection subject to conditions for the redundant footway crossings to be reinstated, Proposed footway crossing to be constructed to City specification, a Pedestrian visibility splay (of 3.3m x 3.3m x 600mm high) to be incorporated into the new vehicular access and for the applicants to provide plans that widen the vehicle access to 4m to allow improved pedestrian movement by reducing potential conflict.
- 4.3. Regulatory Services – No objection, subject to conditions requiring a contamination survey, verification report and glazing attenuation.
- 4.4. Leisure Services - No objection. This scheme of retirement apartments would not qualify for off-site POS or play area contributions.
- 4.5. Lead Local Flood Authority – No objection subject to conditions requiring a sustainable drainage plan and an Operation and Maintenance Strategy.
- 4.6. Severn Trent – No objection subject to the submission of a drainage plan.
- 4.7. Centro – awaited
- 4.8. West Midlands Police – awaited.

4.9. Public Participation

- 4.10. Residents, Resident Associations, Councillors and the MP notified. Press Notice made and Site Notice erected.
- 4.11. One resident asks if the developer could upgrade the telephone cabinet to fibre as this would also benefit the community on Wolverhampton Road South.

5. Policy Context

- 5.1. National Planning Policy Framework (2012)
- 5.2. Birmingham UDP, Draft Birmingham Development Plan, Car Parking guidelines SPD, Places for Living SPG, Loss of Public Houses SPG, Nature Suburbs SPD.

6. Planning Considerations

6.1. Previously approved scheme

- 6.2. This application is similar to the scheme approved in 2014 and 2015 for 14 flats and retail and then 17 flats and retail respectively. The retail element has since been removed from the scheme and replaced with further flats.
- 6.3. The principle of residential use and the loss of the public house (as a community facility) was considered and approved through the previous extant approvals. There has been no change to Policy since those decisions were made and as such the principle of redevelopment of the form proposed is already established.

6.4. Design

- 6.5. Design guidance, within Places for Living (SPG), encourages good quality accommodation in attractive environments. It contains a series of urban design principles with emphasis on assessing context and responding positively to local character.
- 6.6. Mature Suburbs (SPD) states that new housing can have a significant impact on local distinctiveness on the character of an area and that new development must be of 'good design' resulting from a good understanding of the local character and circumstances. It states that design should determine density and not vice versa. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.7. In terms of scale, the proposed building would principally be 3 storeys with a fourth floor as a corner feature overlooking the adjacent roundabout and acting as a strong feature to the building. The proposed building would be fenestrated on the front elevations with a combination of dormer windows and glazed elements that vary in size (largest at ground floor level). This is of a similar scale as to the approved schemes and would have slightly greater height (the ridge being 1m higher at the peak of the four storey roof, adjacent to the corner than that approved of 14m) at 15m. The existing building is of a substantial bulk as the ground floor has significant height and as such, even though the existing building has only two levels, it is nearer to the scale of a three storey building (with a corner ridge height of 12.9m). The local character consists of two storey houses, consisting mostly of terraced and semi-detached properties. Some larger buildings are evident such as the Medical Centre to the north (being around three storeys) and the care home at 80 Ridgeacre Road (being three storeys). Furthermore, the site is a prominent landmark location where additional bulk and height is welcomed to provide an important visual focal point. This proposal would deliver a suitable replacement of the existing building on the site. I am consequently satisfied that the scale and height of the proposal is appropriate for the context.
- 6.8. In terms of architecture, the proposed building is of a traditional design with brick elevations and tiled roofs. Interest would be added to the roof through the additional of dormer windows and the corners are enlivened with projecting gables which on Quinton Lane hides an otherwise awkward obtuse corner of the building. Interest would also be added through the addition of brick band detailing and soldier courses. The changes to the scheme, compared to the approved scheme in 2014, complement the previously chosen architectural style and maintain a ground floor active frontage.
- 6.9. In terms of internal layout, the bedroom sizes, of the 43 flats, exceed Places for Living guidelines and provide adequate storage and living space for an occupant to have a comfortable living environment.
- 6.10. In terms of external layout, the scheme includes the provision of 1217sqm of garden area, 370sqm to the rear and the rest at the side and front, behind decorative railings. Places for Living SPG seeks 30sqm of amenity space per flat, the scheme would provide 28.3sqm per flat, in this case this provision is considered acceptable based on the site constraints and the nature of the specific type of residential use being provided.
- 6.11. The National Standards for the recommended sizes of flats and houses have established the minimum size expectations for new development, these standards have not yet been officially adopted by the City but they establish a useful guide for general size expectations. For a one bed flat the National Standards seek a

minimum size of 39sqm (for a 1 person flat) and 50sqm (for a 2 person flat). The smallest proposed one bed flat is 43sqm, but the majority of one bed flats are between 50 and 60sqm. For a two bed flat, the National Standards seek 61sqm (for a 3 person) and 70sqm (for a 4 person); the standards do not take account of a 2 person 2 bed flat (such as proposed here). The smallest two bed flat 64.9sqm, but the majority are over 70sqm. I am satisfied that the proposed flats are of a decent size when considering this proposal is for retirement living (and therefore limited person 'per flat' occupancy). I am satisfied that the scheme meets National Standards for 1 and 2 person occupation.

- 6.12. Dedicated outdoor amenity area is provided for residents at a ratio of 28sqm per flat. As such, I am satisfied that residents of the flats would have a good standard of accommodation and this would satisfy guidance within Places for Living.

6.13. Impact on Residential Amenity

- 6.14. Places for Living SPG also considers the impact of proposals upon adjacent residential amenity, again through guidelines relating to separation distances. These require a separation distance of 5m per storey to avoid overlooking. To the rear of the site is a row of semi-detached houses, the nearest house and garden being 149 Wolverhampton Road South (149WRS). This property is to the north of the site and has a southwest facing rear garden. The proposed footprint of the building would place a main building parallel to Ridgeacre Road and have a wing running north overlooking Wolverhampton Road South, adjacent to the corner. As such 149WRS would be 4m to the north of a 2 storey flank wall of the proposal. Due to the change in levels the eaves of the two storey section would have a similar eaves height to the ridge of the garage roof of 149WRS. The main section of the building, facing onto Ridgeacre Road, is three storey and is off-set from the rear boundary by 14.7m. This distance, coupled with the fact that the garden of 149WRS is 2m higher than proposed ground level and the site is currently occupied by a substantial building, would result in an acceptable relationship. Gardens and houses to the north of 149WRS are affected to a lesser degree as they are progressively at higher levels and further from the proposal.

- 6.15. There is a side window in the flank wall of the proposal that serves a corridor, in between units 14 and 15. It is recommended that this be obscurely glazed to prevent overlooking into the rear garden of 149WRS, even though the view would be partly obscured by the retained boundary wall and garage.

- 6.16. The proposed 19 space car park would be level with the end of gardens of 149-143 WRS. There is an existing 2m brick boundary that would be retained in this location. Furthermore a planting buffer is shown in-between the car park and the retained boundary wall. I am therefore satisfied that residents would not be affected by noise from the use of the car park.

6.17. Noise and Environmental issues

- 6.18. The site is adjacent to relatively noisy roads; Wolverhampton Road and Ridgeacre Road. Regulatory Services have raised no objection to the application subject to conditions that the applicants provide a contamination survey and remediation if necessary and that the noise mitigation measures outlined in the submitted Noise Report are implemented. I concur with these recommendations.

6.19. Transportation

- 6.20. Policy TP37 of the draft BDP requires development proposals support and promote sustainable travel and TP43 requires new development to support the delivery of a sustainable transport network.
- 6.21. The application proposes 43 flats, consisting of 30 one bedroom and 13 two bedroom flats, and 19 car parking spaces; 44% provision. The submitted Transport Assessment has provided surveys to justify the level of proposed parking. This considers several Churchill Retirement Living apartment schemes. Each of these examples has a parking provision of around 50%. The Transport Assessment concludes that this type of use, with this ratio of parking, creates no overspill parking on the surrounding roads, and this should also be the case for the proposal. Furthermore, Transportation recognise that on street parking is available in the unlikely chance that need arises. The parking provision is also considered to be acceptable based on the location of the proposed development. The site is in close proximity to shops with access to regular bus services.
- 6.22. The vehicular access would be from Quinton Lane via a new proposed access point, approximately 10m north from the existing access point on Quinton Lane. Transportation Officers have suggested that the pedestrian access into the site should be widened to 4m to allow pedestrians and vehicles to pass each other more easily, I am satisfied that this can be secured by condition.
- 6.23. The Transport Assessment states that the vehicular access to Wolverhampton Road would be closed. The two other redundant access points would also need to be reinstated, these can be agreed through a S278 and secured by condition.
- 6.24. The scheme is for retirement accommodation provided by Churchill Retirement Living. The applicants have stated that the flats would be sold with a lease containing an age restriction to ensure that only people over the age of 60, or those over this age with a partner over 55, can live in the building.
- 6.25. Transportation have raised no objection to the scheme subject to conditions for the redundant footway crossings to be reinstated, the proposed footway crossing to be constructed to City specification, a pedestrian visibility splay (of 3.3m x 3.3m x 0.6mm high) be incorporated into the new vehicular access and for the applicants to widen the vehicle access to 4m. I concur with Transportation that the proposed development would generate few daily trips and there would be no detrimental impact on the local highway network. It is recommended that a condition is included that refers to the age of occupants, to limit the level of car ownership. Subject to the above conditions there are no highway objections to the proposals.
- 6.26. Ecology
- 6.27. Policy TP8, of the draft BDP, states that “development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured”. This is also reinforced at paragraph 118 of the NPPF.
- 6.28. The site has been subject to a number of ecological assessments over the last few years. On the whole all of the assessments have returned the same results, being that the existing building has the potential for bat roosting but none have been seen to be utilising the structures. There was however an early record of bat droppings

but as the property began to deteriorate conditions for roosting probably became suboptimal.

6.29. In June 2015 a bat assessment was undertaken which concluded that the site was not being used by bats but there was some low levels of commuting activity, this report was valid until June 2017, the most recent ecology report backs this view. As noted in the report should demolition be delayed beyond June 2017 then an updated bat survey will be required.

6.30. The surveys present an accurate representation of the site's ecological value, a number of recommendations are made in the report that would mitigate against the loss of habitat, these are for native landscaping, the provision of a bat roost in the roof space, and for demolition to take place outside of the breeding season. My ecologist has recommended a condition that requires ecological enhancement measures and for the submission of a further bat survey if work has not commenced by June 2017. I concur with these conclusions and raise no objection from an ecological perspective subject to these conditions.

6.31. Drainage

6.32. The Lead Local Flood Authority (LLFA) have commented that the current proposed discharge rate of 21l/s is unacceptable to the LLFA as it requires all sites to be attenuated to greenfield runoff rates unless proven to be unviable at which point the most significant betterment is still required. The proposed drainage strategy incorporates a storage system but underground attenuation structures should only be considered if above ground attenuation is proven to be unviable. Further evidence is required to demonstrate that a Sustainable Urban Drainage Strategy (SuDS) has been explored and implemented where possible. The LLFA recommends conditions are applied that require a sustainable drainage plan and a methodology for its operation and maintenance. I concur with this view.

6.33. Heads of Terms and CIL

6.34. This site is within the low residential value, as identified in the Community Infrastructure Levy (CIL) calculation document, as such no CIL payment would be required.

6.35. The Financial Appraisal, submitted with the application, has been reviewed by Lambert Smith Hampton. It originally stated that a planning contribution would make the scheme unviable but discussions between the parties has concluded that a sum of £68,500 has been identified that can be tolerated by the scheme without creating an unviable return. This would amounts to the equivalent value of an off-site affordable housing contribution of 4%, As such whilst this percentage is below Affordable Housing Policy expectations, of 35%, it is the maximum available for the scheme principally due to site reclamation costs and local values.

6.36. As such the applicant has offered to enter into a S106 to provide 4% Affordable Housing, as an off-site contribution of £68,500 (£34,250 subsidy per unit).

7. Conclusion

7.1. The proposed scheme for 43 flats would deliver new housing in an area with good access to public transport. The proposal would provide sustainable development in an existing residential area with access to a local (undefined) centre and within close proximity to the city centre.

- 7.2. The proposal would not affect residential amenity.
8. Recommendation
- 8.1. I. That consideration of Application No. 2016/05595/PA be deferred pending the completion of a suitable Section 106 Legal Agreement to require:
- 8.2. a) 4% Affordable housing, (2 units) as an off-site contribution of £68,500 (£34,250 per unit). To be paid prior to first occupation of the first dwelling.
- 8.3. b) Payment of a monitoring and administration fee associated with the legal agreement of £2,397.
- 8.4. II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 23rd October 2016 planning permission be REFUSED for the following reason:-
- 8.5. a) In the absence of affordable housing, as an off-site contribution, the proposal conflicts with TP30 of the draft BDP.
- 8.6. III. That the City Solicitor be authorised to prepare, complete and seal the appropriate Section 106 legal Agreement.
- 8.7. IV. In the event of the Section 106 legal Agreement being completed to the satisfaction of the Local Planning Authority on or before 23rd October 2016, favourable consideration be given to Application Number 2016/05595/PA, subject to the conditions listed below;

-
- | | |
|----|--------------------------------------------------------------------------|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Requires the prior submission of windows and window frame details |
| 4 | Requires the prior submission of external doors |
| 5 | Requires the prior submission of hard and/or soft landscape details |
| 6 | Requires the prior submission of boundary treatment details |
| 7 | Requires the prior submission of a landscape management plan |
| 8 | Requires the prior submission of hard surfacing materials |
| 9 | Requires the prior submission of a lighting scheme |
| 10 | Requires the prior submission of sample materials |
| 11 | Requires the prior submission of level details |
| 12 | Sets a minimum age of residents |
-

-
- | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 14 | Requires the prior submission of an additional bat survey if works commences after June 2017 |
| 15 | Requires obscure glazing to side window |
| 16 | Requires the prior submission of a sustainable drainage scheme |
| 17 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 18 | Requires provision of charging points for an electric vehicle. |
| 19 | Requires amended access details |
| 20 | Requires pedestrian visibility splays to be provided |
| 21 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 22 | Requires the scheme to be in accordance with the listed approved plans |
| 23 | Limits the approval to 3 years (Full) |
-

Case Officer: Ben Plenty

Photo(s)



Fig 1 Application site looking North

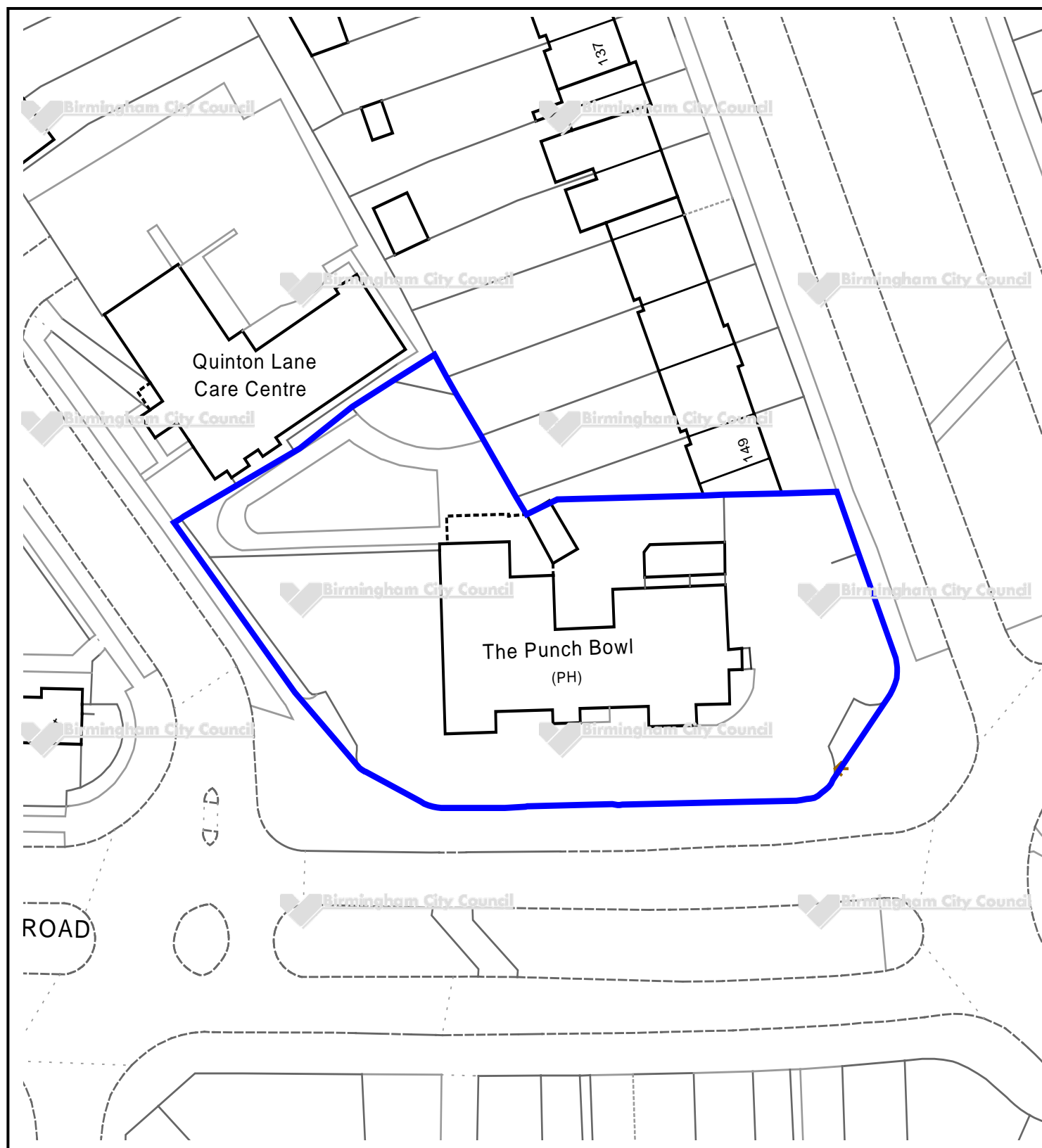


Fig 2 view from Quinton Lane junction showing retaining front wall



Fig 3 View looking North showing change in gradient and 149 Wolverhampton Road South

Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/01232/PA
Accepted:	04/08/2016	Application Type:	Reserved Matters Development
Target Date:	03/11/2016		
Ward:	Selly Oak		

Selly Oak Hospital, Raddlebarn Road, Selly Oak, Birmingham, B29 6JD

Reserved Matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 3 of outline approval (2012/02303/PA) for 125 no. new build units with associated parking and external works

Applicant: Persimmon Homes Central
Persimmon House, Tameside Drive, Castle Bromwich, Birmingham, B35 7AG

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is a reserved matters submission for the third phase of the redevelopment of the Selly Oak Hospital site. An outline application (ref 2012/02303/PA) for demolition of existing structures and construction of a maximum of 650 dwellings, in addition to A1, A3, A4, B1(a) and D1 uses on the hospital site was approved on 14th October 2013. The application included consideration of access, with all other matters reserved. The submission included a series of parameter plans, which established a number of principles for development, including land use, residential densities, scale/massing, access/movement strategy and building retention.
- 1.2. This third phase - at the north-west end of the wider hospital site, to the north of Raddlebarn Road, adjacent to its junction with Oak Tree Lane – is for residential development (with no commercial element). All remaining buildings on the site would be demolished and 125 no. 1bed/1person apartments would be constructed, all for private sale. This phase of development proposes no affordable provision.
- 1.3. The apartments would be contained within a series of blocks, the majority of which would be laid out in 2 perimeter arrangements, fronting Raddlebarn Road and new internal roads, with amenity space and parking to the rear. These 6 blocks would be 2 ½ storeys in height, with accommodation spread across 3 floors.
- 1.4. In addition, a more substantial (5 storey) block would be sited at the south-west corner adjacent to the main entrance to the hospital site. This building would be approximately 46.5m in width, fronting Raddlebarn Road, and 14m in depth, set behind existing trees on Oak Tree Lane. The block would have an open, grassed frontage and would screen an extensive parking area to the rear.

- 1.5. Accommodation within the units would generally comprise of a kitchen/living/dining room, bathroom, WC and one double bedroom. Apartment sizes would vary but would all be in excess of the 50sqm recommended in the Nationally Described Spatial Standards, with bedrooms between 12.6sqm and 19.6sqm (the larger ones incorporating 'dressing areas').
- 1.6. A total of 4,161sqm amenity space would be provided overall (equating to 33sqm per unit). However, of this, approximately half is only semi-private, being visible from the public realm. The scheme has been designed with the buildings set back from the west and south boundaries to enable the retention of existing open areas and a significant number of mature trees along the Raddlebarn Road and Oak Tree Lane frontages, with these areas incorporated into the development. No tree removals are proposed.
- 1.7. The units would be of a simple design, constructed in brick with tiled roofs. The smaller blocks would incorporate dormers projecting above eaves level to serve upper floor units, with rooflights also to the rear elevations above stairwells. The majority of ground floor units would have individual front doors. The blocks would also incorporate small canopies over entrances, chimneys and 'stone' cills/headers to windows.
- 1.8. The 5 storey block would be of a more contemporary design. It would also be predominantly of brick construction, and would be flat-roofed, with a recessed central section around the main entrance on the Raddlebarn Road frontage, with an over-sailing roof at this point. The block would step up slightly at its west end at the corner adjacent to the road junction, and a projecting element has been introduced to the elevation facing Oak Tree Lane. Windows would be in a contrasting grey colour and slightly recessed, with feature grey cladding proposed between some openings to provide interest and assist in breaking up the elevations. The design would also incorporate Juliette balconies serving the main living space for each of the units.
- 1.9. Vehicular access would be from a single point off Raddlebarn Road on the east side of the site, beyond 'West Lodge' (a retained building with consent for conversion to apartments). The primary route from this point would run across the north side of the site, with a central spur extending southwards off this and culminating in a turning head to the east side of the proposed corner block. There would be no through-route at this point, although allowance has been made for an emergency access from Raddlebarn Road (bollarded).
- 1.10. 125 no. car parking spaces are proposed (100% provision), predominantly contained within two substantial rear courts and along road frontages. Secure cycle storage would be provided at the rear of the blocks.
- 1.11. Site area: 1.42 ha. Density 87 units per hectare.
- 1.12. The application submission included a Planning Statement, Design Statement, and Statement of Community Involvement.



1.13.

1.14. [Outline Master Plan](#)

1.15. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. This current application relates to part of a wider development site at Selly Oak Hospital. The hospital is located approximately 3.5 km south-west of Birmingham City Centre and just to the south of the A38 (Bristol Road). The hospital site lies at the southern end of Selly Oak, abutting the northern edge of Bournville Village Conservation Area. To the east the site is bordered by the Worcester and Birmingham Canal and the Cross City Rail Line. To the west are The Acorns Hospice and Selly Oak School. Raddlebarn Road bisects the site and provides all existing vehicular access to it. There is established housing to the north and west, and development sites to the north on Elliott Road. Raddlebarn Road forms the boundary between Selly Oak and Bournville Wards.
- 2.2. The wider hospital site extends to 17.4 ha overall, the majority (11.3 ha) of which lies to the north of Raddlebarn Road which was, for the most part, developed with a range of buildings used for hospital related activities. Buildings vary extensively in age, size (predominantly substantial two and three storey) and design, ranging from the original 1870's workhouse buildings to modern built hospital accommodation. The northern portion of the site also includes extensive surface car parking areas, a helipad and a significant amount of tree cover in formal groups and principally along the boundaries and edges of the site.
- 2.3. Following relocation of most services to the QE Hospital much of the site is now vacant, in particular the part to the north of Raddlebarn Road. Buildings that are

vacant, but are to be retained, refurbished and converted, have been secured to prevent vandalism and parts of the site have been enclosed with green weld mesh security fencing. Elsewhere there has been extensive demolition and the first two phases of redevelopment are well underway, with a number of units already occupied.

- 2.4. The area to the far north-west corner of the development site is the subject of this current application. It is occupied by buildings (of varying ages/styles) associated with the former hospital use and is currently fenced off whilst clearance/building works are ongoing in the immediate vicinity. It is largely hard surfaced, with the exception of a number of mature trees within grassed areas to its south and west boundaries with the Raddlebarn Road and Oak Tree Lane road frontages.
- 2.5. There are healthcare buildings opposite across Raddlebarn Road, beyond which, to the east is phase 1 of the redevelopment site (under construction). Immediately adjacent to the north-west is a 2 storey former healthcare building fronting Oak Tree Lane, which is proposed for retention and potential commercial use as part of a later phase. To the north are predominantly residential streets (traditional terraces) up to the main Selly Oak Centre around Bristol Road. There are also houses opposite across Oak Tree Lane, a significant number of which are occupied as HMOs.
- 2.6. There are a number of Grade B locally listed buildings across the former hospital site. One of these - 'West Lodge' – is located immediately adjacent to this site and is intended to form part of this phase 3 development (although outside of this current application boundary).

[Location/Street view](#)

3. Planning History

- 3.1. 14th October 2013. PA No. 2012/02303/PA. Outline application for demolition and construction of a maximum of 650 dwellings and construction of up to 1000m² (maximum) Use Class A1 (Shops); 500m² (maximum) Use Class A3 (restaurants and cafes) and Use Class A4 (drinking establishments); 1500m² (maximum) Use Class B1(a) (offices)/Use Class A2 (financial & professional services) and Use Class D1 (non-residential institution); together with access, associated public open space, roads, car parking and landscaping. Approved subject to a legal agreement.
- 3.2. 30th April 2015. PA No. 2015/00535/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 1 of outline approval (ref 2012/02303/PA) for 96 new build dwellings (Use Class A3), provision of open space (incorporating cricket pitch and pavilion), associated parking and external works. Approved.
- 3.3. 12th June 2015. PA No. 2015/01313/PA. Conversion of former (Woodlands) nurses' home to 15 residential apartments (Use Class C3), with associated external alterations and landscaping works. Approved (with subsequent amendments/additional units).
- 3.4. 17th September 2015. PA No. 2015/04617/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale in respect of Phase 2 of outline approval (2012/01232/PA) for 67 new dwellings (Use Class C3) with associated parking and external works. Approved.

- 3.5. 7th September 2016. PA No. 2016/04337/PA. Conversion of West Lodge into 10 apartments (Use Class C3) with associated car parking facilities. Approved.
- 3.6. PA No. 2016/05990/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 4 of outline approval (2012/02303/PA) for 125 units with associated parking and external works and laying out of public open space. Current application.
- 3.7. PA No. 2016/06550/PA. Conversion of water tower into 6 apartments (Use Class C3) with associated car parking facilities and landscaping. Current application.
- 3.8. PA No. 2016/06553/PA. Conversion of infirmary entrance building into 11 apartments (Use Class C3) with associated car parking facilities and landscaping. Current application.

4. Consultation/PP Responses

Consultations

- 4.1. Transportation – no objection subject to a condition to require a S278 for reinstatement of crossing and continuation of TRO (double yellow lines).
- 4.2. Education – confirmed no comments.
- 4.3. Housing – no concerns that no affordable provision here (as would prefer houses to apartments), as long as 17.5% provision achieved overall.
- 4.4. Regulatory Services – no objections.
- 4.5. Drainage – additional surface water information requested.
- 4.6. West Midlands Fire Service – no comments received.
- 4.7. West Midlands Police – confirmed no objections/comments.
- 4.8. Environment Agency – confirmed no comments.
- 4.9. Severn Trent – no comments received.
- 4.10. Local Services – no objections in respect of this application.

Public Participation

- 4.11. Adjacent occupiers, Councillors for Selly Oak and Bournville Wards, M.P. and residents associations notified. Site and press notices posted.
- 4.12. No response received.

5. Policy Context

- 5.1. NPPF 2012, Birmingham UDP 2005, Pre-Submission Birmingham Development Plan (2031), Places for Living SPG (2001), Wider Selly Oak SPD (2015), Selly Oak Hospital Draft Supplementary Planning Guidance (2008), Nature Conservation

Strategy for Birmingham (1997), Car Parking Guidelines (2012), West Lodge Locally Listed Building.

6. Planning Considerations

Background

- 6.1. This application is a reserved matters submission for the third phase of the redevelopment of the Selly Oak Hospital site. An outline application (2012/02303/PA) for demolition of existing structures and construction of a maximum of 650 dwellings, in addition to A1, A3, A4, B1(a) and D1 uses was submitted by the University Hospital Trust in April 2012, and was subsequently approved (subject to a S106 agreement) on 14th October 2013.
- 6.2. The outline submission included consideration of access, with all other matters reserved. It included a series of parameter plans, which established a number of principles for development, including land use, residential densities, scale/massing, access/movement strategy and building retention.
- 6.3. This third phase of the development relates to the north-west corner of the wider site, on a 1.42 ha area of land to the north side of Raddlebarn Road, adjacent to its junction with Oak Tree Lane. The proposal is for residential development, with all remaining buildings to be demolished and 125 no. new apartments constructed.

Established Principles/Parameters

- 6.4. The proposed uses reflect those considered appropriate for this part of the hospital site in the consideration of the outline application and the current proposals broadly reflect the indicative layout which formed part of the outline submission in terms of the different elements and their positioning on the site.
- 6.5. Vehicular access was approved at the outline stage and remains unchanged in this reserved matters submission and the proposals reflect the principles established in the 'Access and Movement Strategy Parameter Plan' considered at the outline stage.
- 6.6. This phase of development would have an average density of 87 units per hectare. This figure is in excess of the target density identified on the original parameter plan (which indicated up to 70 dwellings per ha on this part of the site). However, this is a result of the provision of all 1-bed units in the revised submission, and is considered acceptable in this location, immediately adjacent to Selly Oak centre, which is characterised by higher density development including apartments/student accommodation blocks.
- 6.7. The apartments within this 3rd phase are predominantly contained within 2 ½ storey blocks, with the exception of the corner block, which would be 5 storeys high. This is in accordance with the outline parameter plan, which indicates a maximum of 2 ½ storeys across the majority of the site, with up to 9 storeys at the corner. The applicant has explored the potential for a taller corner block, however, further units could not be accommodated on the site without compromising overall parking and amenity space provision.
- 6.8. The outline application also included a Parameters Plan for a 'Building Retention Strategy', in reflection of the existence of a number of locally listed buildings across

the wider site. There are no locally listed buildings within the application site. However, 'West Lodge' is immediately adjacent on its east side and the conversion of this building into apartments would form part of this phase 3 (with consent already granted under planning application no. 2016/04337/PA).

- 6.9. In the light of the above, I am satisfied that the current submission for the third phase of development is broadly in accordance with the approved parameters established at the outline stage in terms of access, land use, residential density, scale/massing, access/movement and building retention.

Transportation

- 6.10. Your Transportation Officer was involved in extensive pre-application discussions and raises no objection to the current proposal, subject to a S278 agreement in respect of an existing footway crossing and TRO. The submission originally included a number of 2-bed units, but the mix was amended to address your Transportation Officer's concerns about the level of parking provision. On balance, taking into account the site's highly sustainable location, with good access to local services and public transport facilities (including buses along Bristol Road/Oak Tree Lane and Selly Oak station), my colleague is satisfied that 100% parking provision is sufficient in this instance.
- 6.11. Cycle storage facilities are proposed to the rear of the individual blocks and access for pedestrian and cyclists is provided from both the east and west sides of the wider hospital site, including linear routes through proposed open space, eventually linking Oak Tree lane/Raddlebarn Road onto the canal on the far west side.

Layout and Design

- 6.12. The submitted layout generally reflects that shown on the indicative Master Plan considered at the outline application stage, including the road layout, incorporation of perimeter blocks and feature corner block.
- 6.13. A series of meetings took place with City Council Officers prior to this formal submission and during the consideration of the application, which have resulted in amendments to the scheme. I am satisfied that the current proposal now reflects the advice provided at that time in terms of the design of the detailed elements and the overall character of this phase of the development.
- 6.14. The proposal follows the design principles supported in 'Places for Living' SPG, in particular, with regards to context. This phase of the development relates to the north-west end of the hospital site, which sits adjacent to Selly Oak centre, with adjacent streets being characterised by traditional Victorian/Edwardian terraces. The approved Master Plan envisaged this part of the hospital site to be redeveloped with the highest density, which has been achieved through the provision of an entirely flatted development.
- 6.15. The blocks have been designed to pick up on features typical of adjacent terraces, being 2 ½ storeys (with small dormers) and incorporating individual front doors to break up frontages.
- 6.16. The proposed development has no direct relationship with any existing residential properties, with the exception of houses fronting the west side of Oak Tree Lane, which are approximately 36m (front-to-front) from the closest 2 ½ storey block. The 5 storey corner block would have windows in its end elevation, also facing towards

these houses (approximately 33m away), but these would be partially screened by existing mature trees and viewed across 3 lanes of traffic at this junction. I consider that this would be an acceptable relationship.

- 6.17. To the north of this phase is a further part of the hospital redevelopment site, with houses (shown indicatively) facing this development across the new access road and an existing former health building on the Oak Tree Lane frontage (for potential commercial use). Directly opposite, to the south side of Raddlebarn Road are retained healthcare buildings. I consider that the proposal would have an acceptable relationship to these existing buildings.
- 6.18. The development has been designed predominantly in the form of two perimeter blocks with communal parking and amenity space to the rear. Distance separations within the new blocks vary, the shortest distance being 16.6m between the rear elevations of Blocks B and H. Block C (the taller, corner block) is dual-fronted, and is approximately 22.3m from the front windows of Block H. Whilst 'Places for Living' recommends 27.5m between windows on buildings 3 storeys and above, I consider that the proposed provision is acceptable given that this is a relationship internal to the scheme.
- 6.19. West Lodge, an original gatehouse building, is situated immediately adjacent to the east, between the proposed Block G and the new access into the site. West Lodge is a Locally Listed Building, which has consent for conversion into 10 apartments (under P.A. no. 2016/04337/PA) as part of Phase 3.
- 6.20. Your Conservation Officer is satisfied that the current proposals are in-line with previous advice given in relation to the locally listed building and emphasises that materials used in the new-build will play a key part in the success of the development. A schedule of materials has been provided, with bricks and tiles to match those approved and utilised in earlier phases adjacent to the conservation area.
- 6.21. All bedroom sizes comply with the guidelines in 'Places for Living' and the unit sizes meet the requirements of the Nationally Described Spatial Standards.
- 6.22. A total of 4,161sqm amenity space would be provided (equating to 33sqm per unit), but approximately half of this would be visible from the public realm (i.e. not private). This situation results from the need, identified through the masterplanning process, to retain existing open areas and a significant number of mature trees along the Raddlebarn Road and Oak Tree Lane frontages, which necessitates the blocks being set back further into the site with these areas incorporated into the development. The proposed level of provision is considered acceptable, particularly taking into account the intended provision of an area of open space immediately adjacent (to the north of West Lodge) and linear open space/cricket pitch to be provided as part of Phase 1 (to the south).

Trees, Landscaping and Ecology

- 6.23. Landscaping is a matter for consideration as part of this current application. No tree removals are proposed and the protection of retained trees has been secured through conditions attached to the outline approval. The submitted landscape plans show additional tree planting, including 26 specimens in protected areas between parking bays and 33 new trees along the Raddlebarn Road frontage and within the new communal garden areas. In addition, wildlife planting and grassed areas are proposed around the bases of existing trees, with shrub and hedge planting to new

road frontages and within amenity areas. The plans also indicate potential boundary treatment, including low railings to delineate frontage amenity space from the public realm and 1.8m railings to enclose rear communal areas.

- 6.24. Your Landscape Officer has provided advice on the detailed planting scheme, which was shared with the applicant, and this prompted the submission of amended drawings to address the points raised.
- 6.25. Your Ecologist notes the approach to be adopted towards landscape and public realm in this phase, with all existing trees to be retained and additional trees/low level planting proposed. She supports the use of locally native species and ornamental varieties with recognised wildlife value in order to maximise biodiversity gains.

Planning Obligation Requirements/CIL

- 6.26. A S106 was attached to the outline approval, which secured a series of provisions including on-site open space/play facilities, new cricket pitch/pavilion, a contribution towards pitches at Selly Park Recreation Ground, and towpath works. None of these matters relate directly to this phase of development.
- 6.27. In addition, the S106 included a requirement for 17.5% affordable housing provision across the hospital site as a whole (which is owned by the applicant in its entirety). This current phase offers no affordable provision.
- 6.28. An Affordable Housing Strategy for the overall development was submitted and approved by the Council's Housing Team part of the Phase 1 reserved matters application. A summary has been provided of the affordable housing secured to date through Phases 1 and 2. Phase 1 included 18 of 96 units as affordable – a mix of 2, 3 and 4 beds – equating to 18.75% provision. Phase 2 included 19 of 67 units – a mix of 1 bed apartments and 2 and 3 bed houses – equating to 28%.
- 6.29. As such, provision up to this point is significantly above the end target (currently 22.7%) and, if Phase 3 is factored in, the level would be approximately 12%. The applicant has acknowledged that the shortfall would have to be made-up in later phases (in order to comply with the requirements of the S106) and I am satisfied that this could easily be achieved. In addition, this phase is made up entirely of 1 bed apartments, which would make only a limited contribution to the overall affordable mix.
- 6.31. The agreement also secured a contribution of £1,744,678 based on 565 residential units towards increasing school capacity. The financial contribution figure would be linked to the numbers of residential units and would therefore increase in line with any increase in housing number above the 565 units. The required contribution secured at outline equated to £3,087 per unit, with phased payments linked to occupation of the properties. The applicant understands this requirement, which would necessitate a payment here totalling £385,875 (index linked from January 2013).
- 6.32. This is a reserved matters submission and, as such, the development would not be liable for CIL.

Other Issues

- 6.33. Drainage – the LLFA have requested additional information in respect of surface water, including discharge rates, attenuation storage and exploration of suitable SUDS. However, conditions have already been attached to the outline approval to secure this information.

7. Conclusion

- 7.1. The principle of development for the purposes currently proposed, along with the access to the site, was established through the determination of an outline application for the wider hospital site in 2013. The current proposals relating to layout, scale, appearance and landscaping in respect of this third phase of development are broadly in accordance with the parameters established at the outline stage and are considered acceptable.
- 7.2. The site is in a highly sustainable location and the proposed scheme would deliver high density living in an area identified as appropriate for such development, immediately adjacent to Selly Oak centre and, as such, would assist in achieving the City Council's wider housing objectives. I consider that the development would sit comfortably within its surroundings, would have no unacceptable impact on existing occupiers or the highway network, and would provide an attractive living environment for residents.
- 7.3. In the light of the above, I recommend approval of this reserved matters submission.

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 and completion of works for the S278/TRO Agreement

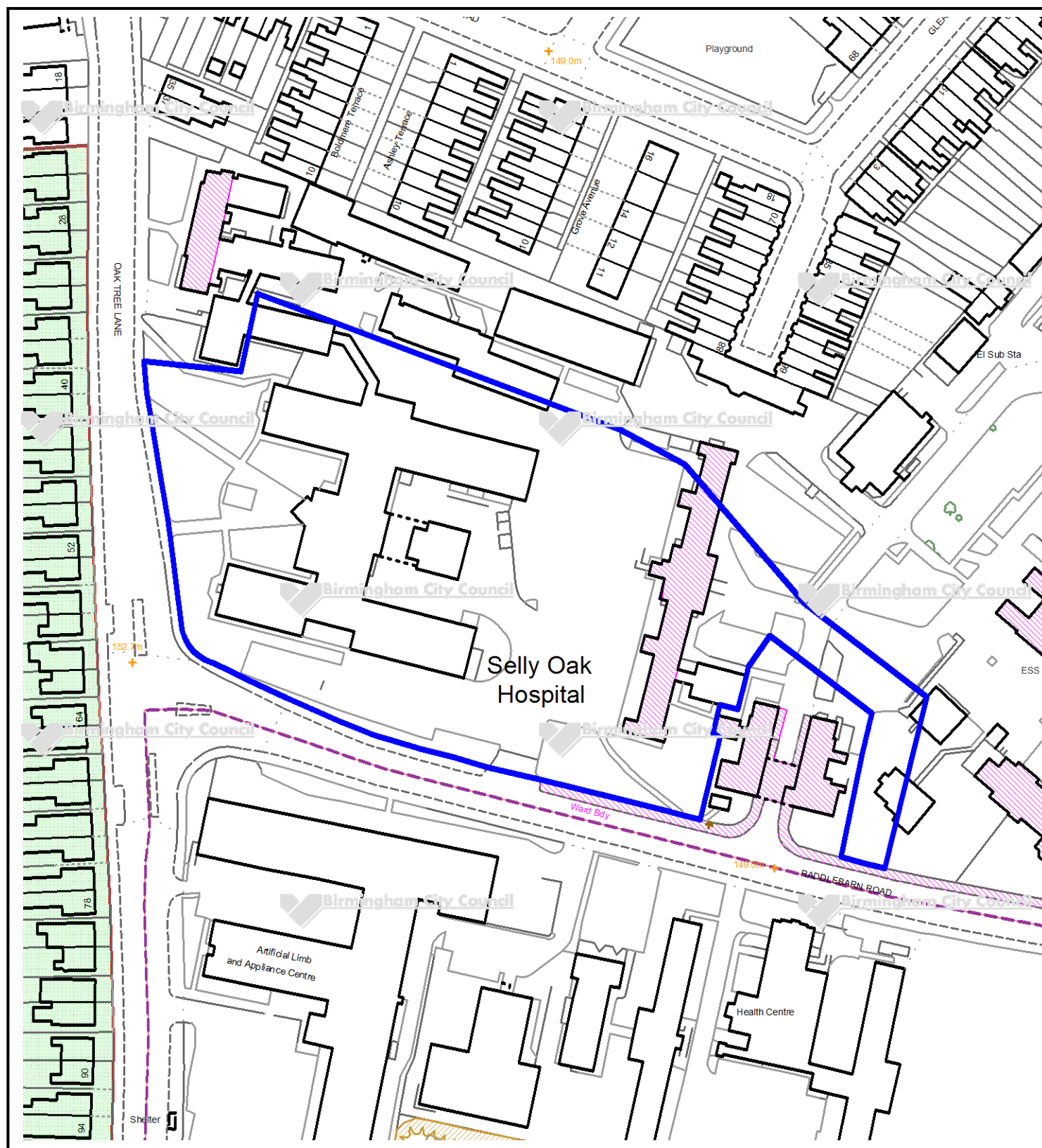
Case Officer: Alison Powell

Photo(s)



Raddlebarn Road Frontage

Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/04450/PA
Accepted:	24/05/2016	Application Type:	Outline
Target Date:	31/10/2016		
Ward:	Selly Oak		

Former Harborne Lane Reservoir Site, Selly Oak, B29, and, Plot 6, Former BBC Sports and Social Club Site at, Pebble Mill off Pershore Road, Selly Oak, Birmingham, B5 7RL

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.

Applicant:	Pebble Mill Investments Ltd 76 Hagley Road, Edgbaston, Birmingham, B16 8LU
Agent:	David Lock Associates 50 North Thirteenth Street, Central Milton Keynes, MK9 3BP

Recommendation
Determine

1. Report Back

- 1.0. Members will recall that the above application was reported to Planning Committee on 15th September. Members resolved to defer the application for further information regarding the scale of the student accommodation proposed as part of the application and further clarification from the Environment Agency regarding whether the flood defence works proposed will work.

Scale of the proposed student accommodation

- 1.1. Further work has been undertaken by the applicants to provide details of the scale of the proposed student accommodation when compared to the adjacent residential properties in Selly Park and what would be seen from public vantage points. Eight views have been provided that show the outline of the proposed student accommodation from the following vantage points:
- a) View from adjacent to the Dental Hospital and School of Dentistry.
 - b) View towards the site from outside Birmingham Wildlife Conservation Park.
 - c) View looking towards the A3 uses with student outline behind from the Pershore Road.
 - d) View from 'Zoo Lane'.

- e) View from flats opposite the site at 566 Pershore Road.
- f) View from opposite bayc at 581 Pershore Road adjacent to the site.
- g) View looking towards the four storey block from outside 581 Pershore Road.
- h) View of student accommodation between existing houses on Oakfield Road.

1.2. All of the views show that the building would be heavily screened by extensive tree cover as exists at present and that the four, five and six storey blocks would not appear overly dominant particularly when viewed from residential properties on Oakfield Road.



View 1: View towards site from outside Birmingham Wildlife Conservation Park



View 2: View opposite the site at 581 Pershore Road



View 3: View of student accommodation between existing houses on Oakfield Road – Dental hospital and flue behind.

- 1.3. The scale of the proposed student accommodation has been the subject of extensive pre-application discussions with your Officers. The scale has been designed to bridge the differences from the Victorian two storey “Bayc organisation” property on Pershore Road and residential properties on Oakfield Road to the 9 storey dental hospital (with a significantly larger floor to ceiling height than now proposed) to the rear of the application site on Pebble Mill. The proposed development would achieve

this through a development of a four and a five storey block. The six storey block proposed at the front of the development was conceived as being able to provide a visual entrance to the accommodation from Pershore Road as the site is heavily screened and the development set back off the road entrance.

Flood Works

- 1.4. Members raised concerns as to whether the flood scheme proposed would address the flooding issues in Selly Park and those specifically raised during the public speaking by Ms Thompson of Sir Johns Road and Councillor McCarthy. The Environment Agency, following deferral of the application of the 15th September, has had further discussions with Severn Trent who are also part of the River Rea Catchment Partnership.

- 1.5. The Environment Agency have submitted an update following Planning Committee and in relation to the June 2016 flood event have stated the following:

“Following the flood event on 16 June 2016, significant analysis has been undertaken to ensure that the computer model used as the basis for the flood alleviation plans is robust. The storm has been re-created based on local rain gauge records and then applied to the model to replicate the June event. Flood extents and depths have been verified.

The same event has been simulated with the flood alleviation proposals included, to ensure that the scheme would have prevented the spill of flood water from the Bourn Brook onto the Pershore Road and into the Avenues that ultimately resulted in flooding to properties. It should be noted that the flood alleviation scheme has been designed to deal with flood events larger than those witnessed in 2008 and 2016.

The use of highly detailed computer models is standard for both the assessment of flood risk and the design of alleviation schemes. The model in this location has been calibrated and verified against previous flood events and accurately reflects flooding dynamics in this area.”

- 1.6. With regards to surface water, the statement identifies that *“under existing conditions the development site could generate surface water runoff into the floodplain of 58 l/s (litres per second) in a 1 in 100 year event (an event with a 1% chance of occurring in any given year). As part of the development it is proposed to restrict this back to 10 l/s and store the excess within the development. As such, during a large storm, the development will actually reduce the amount of water running off the site and into the floodplain by up to 48 l/s.”*

- 1.7. Within the public speaking at Committee on the 15th September, issues were also raised regarding foul water drainage proposals. The EA have discussed their proposals with Severn Trent Water and their submitted statement states:

“Based on design peak flow rates, specified by industry guidance, it is estimated that a peak flow of 5.24 l/s (litres per second) could be discharged to the sewer network by the combined student population on the proposed development plot. This figure is based on daily average water usage multiplied by the number of proposed student residents. Severn Trent Water have confirmed that the discharge point for any foul drainage will be downstream of the Selly Park area. Further, once drainage proposals have been produced as part of the detailed application, these will be assessed by Severn Trent Water to ensure that they are appropriate for the sewer network. To set this in context, in a 1 in 100 year flood event (an event with a 1% chance of occurring in any given year) the flow over the Pershore Road from the Bourn Brook (under current conditions) is 10,400 l/s.”

- 1.8. Members also raised issues regarding previous works to the former Harborne Reservoir site. The EA statement identifies that they have not undertaken any flood alleviation works in the Bourn Brook catchment. Previous works at Harborne Lane were undertaken to provide compensatory storage for development plots on the former Battery site. Whilst these works satisfied development requirements, they were not designed to deal with flooding at a catchment scale. The works proposed as part of this application would substantially increase the volume of available storage that would result in a significant decrease in flood risk across the Bourn Brook catchment.

- 1.9. The supporting statement from the EA goes on to state:

“Changes to government funding in 2011, mean most flood defence schemes attract a percentage of capital money relative to the benefits proposed. However, external funding must also be sought to secure government funds and reach the total required. The scheme that has been developed is currently estimated at £4.3 million. Partnership discussions have resulted in a significant proportion of the costs being taken on by Calthorpe Estates, with an agreement of around £2 million in kind and direct cash contributions. Other public funding sources have been investigated but are not sufficient to close the identified funding gap.

Based on discussions with local planning officers there are no other large developments earmarked within the Local Plan, in this catchment, that will be able to provide the funding required to deliver a scheme for the community of Selly Park north and Selly Oak. It should also be noted that the Pebble Mill site is integral to a flood risk management solution, with the development proposals being designed to enable the alleviation works.

The Selly Park north scheme offers a unique opportunity to reduce flood risk and provide environmental and amenity enhancements for the Selly Park and Selly Oak area of South Birmingham. By working together to deliver multiple outcomes, the Environment Agency, and members of the Rea Catchment Partnership, have been able to secure a substantial monetary and land contribution, without which a scheme in this location would simply not be possible. Birmingham City Council’s horizon scanning analysis has confirmed that this is likely to be the only large scale development in this area for the coming years and as such is an opportunity that we cannot afford to miss.”

Other Matters

- 1.10. Following publication of the original report and following the deferral on the 15th September, the LPA received a number of further representations as detailed below.
- 1.11. Councillor Lisa Trickett has written in support of the application and states: *“I am supportive of the work of BCC officers and the Environment Agency, over a number of years, that has resulted in a partnership approach to dealing with the flooding issues in the Avenues (Sir Johns Road, 1st, 2nd, and 3rd Avenues), Selly Park. The flooding mechanism is that the Bourn Brook breaks its banks on the former BBC Sports and Social Club grounds and flows across the Pershore Road into the Avenues. The Pebble Mill development will effectively cut off this flow route diverting the flows and improve the resilience of the Avenues to a more appropriate standard.*

In my role on the Regional Flood and Coastal Committee I know that putting together funding packages that enable flood defence works to be undertaken is difficult and

the flood defences that form part of this hybrid application are a case in point. Only by working with Calthorpe Estates to attract their financial contribution to this work are we able to deliver flood defences to the Avenues. Put simply if the development proposals are refused the flood defences cannot be afforded and we lose both developer contribution and the Governments Flood Defence Grant in Aid

My understanding is that there have been a number of objections to the proposals but I am also aware that BCC officers and those of the Environment Agency have spoken with many flood victims (you will be aware that they flooded as recently as June this year) who are supportive. Unfortunately the vocal minority is making more effective representation than the majority who will be happy to receive relief from the stress that every bout of heavy rainfall brings.”

- 1.12. Local Lead Flood Authority (LLFA) – A further representation has been received from the Resilience, Drainage and Flood Risk Manager that states:

“Flood Defence Grant Aid used to be provided nationally on the basis of the highest cost benefit projects would be prioritised for funding and funding would be provided to lower and lower cost benefit schemes until the funding was fully committed. This set an artificial cost benefit horizon below which scheme received no funding. The horizon, in the last years of that approach, was rising higher and higher meaning that programmes below the horizon were never going to get funded.

The Government brought in a new funding for outcomes approach whereby only a select few schemes would receive full funding (but still be directed to find some third party contributions). However below these few schemes the horizon is now a slope whereby the top projects will predominantly be funded from grant and at the bottom of the slope they will be required to predominantly fund from contributions. In the current medium term flood risk management plan the Pebble Mill scheme sits near the middle meaning it must attract both grant and third party contributions.

Flood risk management teams are not high finance companies and so building these funding packages has been problematic. In Birmingham, building on existing partnership arrangements the principal flood risk management partners (BCC, EA, Severn Trent) have been working together as the Rea Partnership to try to identify funding opportunities to support a range of potential flood risk management schemes. In order to widen the knowledge base we have drawn in stakeholders with business and land holding knowledge in the catchment. Companies like Bournville Village Trust, Calthorpe Estates etc. have offered their support. It is through this process that the opportunity at Pebble Mill has been identified.

Flood defences for the Avenues in Selly Park is one of my top three target schemes. By talking with stakeholders we have identified, with Calthorpe Estates, a process by which we can achieve the necessary flood defences. This is a windfall scheme for both Calthorpe and EA/BCC. Calthorpe had not considered the site developable and we had not been able to find funding or suitable land for the defences. The reason that we have been clear about the linkage between the flood defences and the development on this site is that by constructing flood defences to protect the Avenues land is taken out of functional floodplain. This then creates a developable site and that release a contribution to the flood defence scheme. It has taken around 8 years to reach this point. It is unlikely that should this scheme fail another option will come along in another 8 years.

We have around 150 properties at risk at this location and you will see that the works on two sites (Harborne Reservoir to detain some of the flood flows before they move

down to Pebble Mill) are extensive. They are not affordable from grant alone. Furthermore it is not possible to solve the problem at Harborne Reservoir as there are more sources of flow coming in downstream of this location with no space for water to be stored in other locations.

So both practically and financially the proposed works are 'the only show in town' to protect residents in Selly Park. Whilst I am aware that you have had some objections I am confident that the silent majority of residents will be in favour of the flood defence works. We had many positive contributions at the consultation meetings and surprisingly few objections at that time. The objections that we did get were generally not in relation to the flood defences.

As Flood Risk Manager I can see no other way forward and fear that we will not be able to put another package together without the cooperation and contribution that is currently on the table."

- 1.13. A further letter of representation from Steve McCabe MP has been received, the content of which was reported verbally to Planning Committee on 15th September and is summarised as comments relating the proposed drainage requirements and that the EA and Severn Trent need to be satisfied that the plumbing arrangements include storage tanks of sufficient capacity to deal with 'dirty water' and its controlled release otherwise the development may well have the effect of adding to the flood risk in the area.
- 1.14. A further letter from a resident in Arosa Drive and supported by Councillor McKay was also reported verbally to Planning Committee and related to construction access into the former Harborne Reservoir site in order to undertake the works. The residents of Arosa Drive object to access to the site being via Arosa Drive but the objection notes that this is not confirmed and that the EA have discussed with the residents other possible access points.

Conclusions

- 1.15. The proposed development of student accommodation and A3/A4/A5 development along with detailed flood defence works complies with both local and national policy. The scale of the development proposed is considered acceptable for the site and would have no detrimental impact on neighbouring occupiers or the character and appearance of the local area. The height of the proposed buildings is considered acceptable for the application site and is of a considered scale when taking into account the scale of the former BBC development on the main Pebble Mill site, the scale of buildings developed and approved on the main Pebble Mill site and the residential scale that borders the site along the Pershore Road and Oakfield Road. The submitted visual assessment identifies that the scale of development would be appropriate.
- 1.16. With regards to the proposed flood works, the EA have provided further clarification on why the development of student accommodation and A3/A4/A5 development is required in order to provide third party funding for the flood defence works. They also confirm that the proposed works would remove 115 properties from flood risk. This is further supported by Councillor Trickett and the Local Lead Flood Authority. All relevant parties also clearly identify that the flood defence scheme can and would only go ahead with the third party funding proposed by this application and it is highly unlikely that funding would be found elsewhere.

- 1.17. Further neighbour representations refer to construction access and this has yet to be agreed and is covered by a safeguarding condition requiring the submission of a construction management plan.

Recommendation

- 1.18. On this basis of the submitted visual information and further clarification from the Environment Agency and the LLFA, I consider that the application should be approved subject to a Section 106 Agreement as per the original recommendation of 15th September.
- 1.19. Additionally, I propose the following amendments to the proposed conditions:
- Deletion of condition 3 (Phasing Plan) – details have been provided due to the timescale of the flood works which need to be completed before the end of the financial year.
 - Deletion of condition 8 (Safe access and egress statement) – duplicate of condition 4.
 - Deletion of condition 9 (flood defence assets) – falls outside of the remit of the LPA.
 - Deletion of condition 16 (archaeology) – no further work is required as such the condition is unnecessary.
 - Deletion of condition 38 (visibility splays) – information has already been provided.
 - Amendment of condition 11 (invasive weeds) – the condition requires amendment of the wording to require control rather than removal as the invasive weeds in question are not located within the red line application site boundary.

ORIGINAL REPORT

2. Proposal

- 2.1. This application is made in order to address flooding in the Selly Park Avenues area, which occurred in 2008 and again just three months ago. It is designed to protect 115 properties which currently flood in a 1 in 100-year event. The Environment Agency has been working for some time, in partnership with BCC, Severn Trent and major landowners to address these problems in the River Rea area and its tributaries. These works must be match-funded by landowner contributions, which would be realised by commercial development at Plot 6 Pebble Mill – this would provide £2m of the £4m total cost of river/flood works at Harborne Lane and at/near Pebble Mill.
- 2.2. The principal works proposed within the application are summarised as:
- a) Extra flood storage capacity at land off Harborne Lane;
 - b) New, parallel river connection between Bourn Brook and River Rea near Pebble Mill;
 - c) Raised ground levels at Plot 6 at Pebble Mill, to enable development of student accommodation, Class A3/A4 (restaurant/bar), and A3 (restaurant) with ancillary A5 (takeaway).

This planning application is a hybrid submission that seeks both outline and detailed planning permission. In more detail, the works proposed are:

2.3. Harborne Lane flood defence works, full application

- 2.4. This consists of flood risk mitigation measures at the site of the former Harborne Reservoir, Harborne Lane. The additional flood storage capacity secured under a 2004 planning consent has proved insufficient, demonstrated by new climate change modelling and actual flood events in the dozen or more years since the 2004 development was designed. It is now proposed to further excavate the existing storage area (created in 2004 under application 2004/02885/PA) on the left bank of the Bourn Brook, forming an increased flood water storage capacity. The alignment of the Bourn Brook off Harborne Lane would remain unaltered as the proposal only relates to increasing the capacity of the existing storage area within the former reservoir area. This would include lowering the ground level by up to 2m in places.
- 2.5. The proposed works to the former Harborne Reservoir would require the removal of 56 individual/groups of trees (6 Category B, 37 Category C and 13 Category U). These trees include Lime, White Willow, Goat Willow, Silver Birch, Oak, Hawthorn, Sycamore, Ash, Field Maple and Black Poplars. The 6 Category B trees comprise 5 Oaks and a Sycamore tree.
- 2.6. The plan below shows the proposed works at the former Harborne Reservoir site.

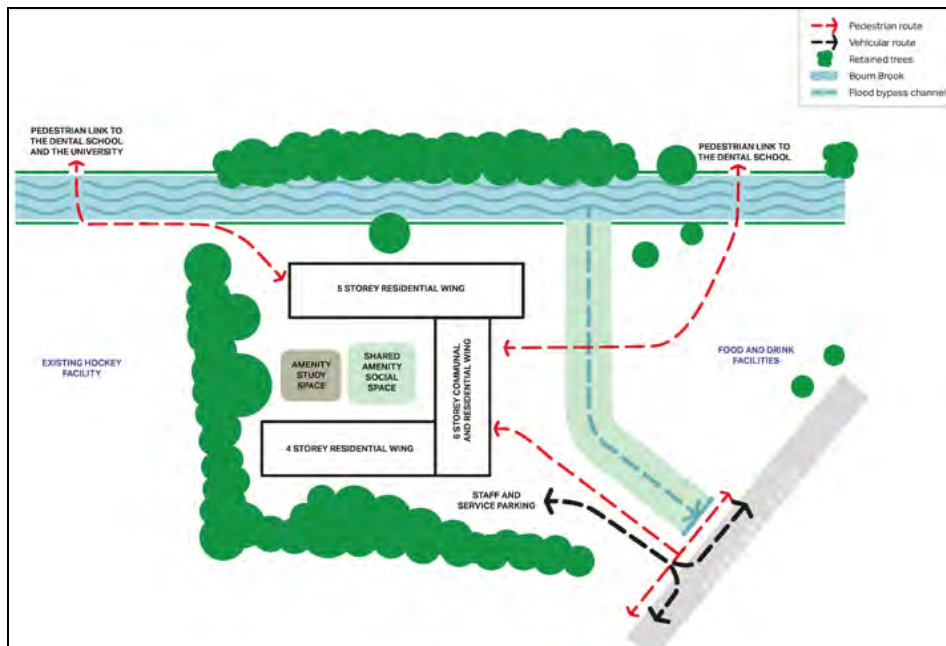


Harborne Lane Scheme

- 2.7. Pebble Mill area, flood defence works, full application
- 2.8. Flooding occurs at the Selly Park Avenues-Pebble Mill area because of the bottleneck formed by the Bournbrook's culvert under Pershore Road. This restriction is too expensive and/or physically impossible to rectify to the required standard, largely because of statutory infrastructure (gas, electricity). Instead, the application proposes a new, parallel river link from the Bourn Brook to the River Rea, to significantly reduce the pressure on the existing river channel. The link would be formed 320m upstream of the existing confluence. It would run through Plot 6 in an open channel, then under Pershore Road and the Cannon Hill Road access road ('Zoo Lane') in two culverts. Otherwise, the alignment of the existing Bourn Brook would not be altered. Either side of the new channel at Plot 6, the site levels would be raised by between 1.8m and 2m to form development platforms raised out of the floodplain. A maintenance setback of 8m would be provided along the new channel.

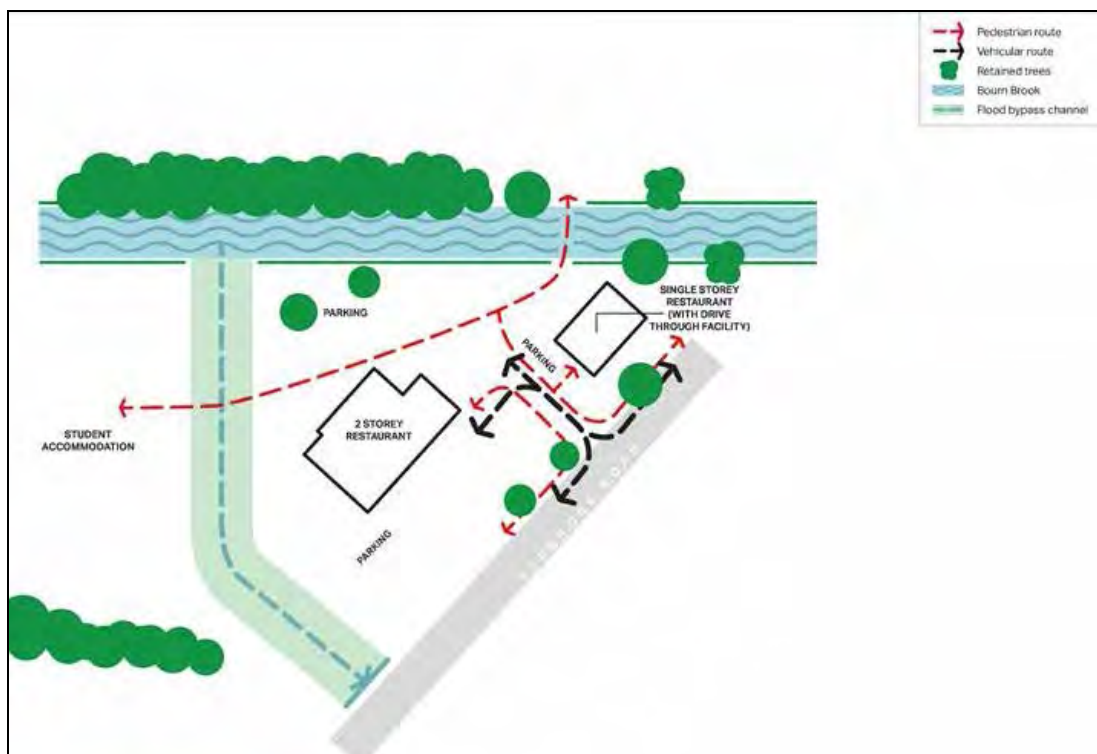
The volume of floodplain lost at Plot 6 would be substantially less than the extra volume created at Harborne Lane, and the new channel/culvert has been modelled to accommodate measured and predicted flows. The combined works are designed to very significantly mitigate local flood risk (i.e. the 115 properties at risk in a 1 in 100-year event).

- 2.9. Pebble Mill Plot 6, Student accommodation and Class A developments, Outline application
- 2.10. Outline planning permission is sought, with Access, Siting and Layout to be determined at this stage. Therefore, Appearance and Landscaping would be Reserved Matters. The proposals comprise of:
- a) up to 11,153sq.m of accommodation for 340 students (Sui Generis) with an ancillary servicing area. The buildings would be 4 to 6 storeys high;
 - b) the erection of up to 595sq.m public house (A4/A3), parking and gardens. The building would be up to 2 storeys high;
 - c) the construction of up to 175sq.m of single-storey restaurant (A3) with an ancillary hot food and drink take away facility (A5) and parking;
 - d) a bridge over the proposed flood bypass channel to link the student development to the A4/A3 And A3/A5 developments; and
 - e) a replacement pedestrian bridge over the Bourn Brook, replacing the old BBC staff bridge link from the BBC site north of Bourn Brook to their ex social club land (Plot 6) south of the brook.
- 2.11. The creation of the development platforms and the proposed development for student accommodation, pub-restaurant and A3 coffee shop with ancillary A5 would result in the loss of the derelict tennis courts and the surrounding area of informal recreational grassland which was previously denoted within the Pebble Mill Master Plan as being used for rugby training.
- 2.12. The proposed student accommodation would lie to the west of the new flood bypass channel and comprise three wings that together would form a 'C' shaped building. The element closest to the Bourn Brook would be up to five storeys high. The element facing the flood bypass channel would be up to six storeys high and the remaining wing to the rear of the 3 storey properties facing Pershore Road would be up to four storeys high. The proposed Student site layout is shown on the plan below.



Pebble Mill Plot 6 western layout – student accommodation and flood bypass channel

- 2.13. To the east of the flood bypass channel, facing Pershore Road would be the proposed pub-restaurant and coffee shop. The public-restaurant (A4/A3) would be up to two storeys in height. The restaurant/coffee shop with ancillary hot food and drink take away facility (A3/A5) would be a single storey building. The proposed buildings on the site would be separated from adjacent dwellings by a minimum of 50m. The location of these units in relation to the flood bypass channel between Bourn Brook and the Rea is shown on the plan below.



Pebble Mill Plot 6 Eastern layout – Class A units

- 2.14. A new vehicular and pedestrian access on Pershore Road would link the student development to the public realm, while the site's existing Pershore Road access would serve the proposed A4/A3 and A3/A5 developments.
- 2.15. The proposed works at the former BBC Studios Sports and Social Club site (Plot 6) would require the removal of 49 trees (3 Category B, 35 Category C and 11 Category U). 9 of the trees proposed for removal are covered by a Tree Preservation Order – these include 2 Category B Lime trees and 1 Category C Lime, 2 Category C Oak, 3 Category C Ash and 1 Category C Alder. The other tree removals include Willow, Lime, Ash, Hawthorn, Goat Willow, Sycamore, Laburnum, Alder, Poplar and Horse Chestnut.
- 2.16. The application is accompanied by a Planning, Design and Access Statement (including a Statement of Community Involvement); Flood Risk Assessment (revised); Sustainable Drainage Statement; Ecological Appraisal and Phase 2 Habitat Surveys; Arboricultural Report and Mitigation Assessment; Heritage Asset Assessment; Landscape Management Plan and Planting Schedules; Transport Assessment (revised) and CIL Form and Statement.
- 2.17. The submitted plans for the detailed element of the scheme (flood defence works) have been amended during the course of the application to provide the new water channel through Plot 6 Pebble Mill with a more natural and landscaped appearance rather than the originally proposed engineered solution.
- 2.18. The application has been screened regarding the requirement for an Environmental Impact Assessment and the LPA determines that EIA is not required.
- 2.19. Site area: 4.4ha comprising:
- the existing 2.62 hectare Harborne Lane water storage area;
 - the 1.53 hectare former BBC Sports and Social club (Plot 6), and;
 - along the existing alignment of the Cannon Hill access road ('Zoo Lane') between the Pershore Road and the River Rea in Cannon Hill Park.
- 2.20. [Link to Documents](#)

3. Site & Surroundings

- 3.1. Bourn Brook is a tributary of the River Rea. The Bourn Brook flows eastwards through Woodgate Valley Country Park, and then the suburbs of California, Selly Oak and Edgbaston before it joins the River Rea at Cannon Hill Park. Much of the water course has a semi natural appearance until it reaches Selly Oak and Edgbaston where a more canalised form is found. Within the former Pebble Mill Studio site, the brook has been completely canalised with a man-made / engineered water course. It is this final aspect of the brook between the former BBC Sports and Social Club and the confluence with the River Rea that the proposed works to provide another channel are proposed.
- 3.2. Upstream of Pebble Mill, the Harborne Lane water storage area is proposed for the area adjacent to the Bourn Brook Valley Walkway – a former reservoir. This is situated between Simmons Drive to the north and Somerfield Road to the south. The area is in a natural shallow dip which is abutted by natural tree cover.

- 3.3. The 1.53 hectare former BBC Sports and Social Club site was, until 2003, leased to and used by the employees of the BBC, for ancillary leisure to their workplace adjacent at the BBC Headquarters. When it closed, the Social Club was the last remnant left of use of the wider Pebble Mill site after the BBC had relocated to the MailBox. The site is largely flat and to the north directly abuts the Bourn Brook. To the south east is Pershore Road. The site is predominantly bounded by trees and mature hedgerows, (covering a prevailing height of 13m). As a consequence, visibility into the site is very limited in the summer months, and still reasonably limited in the winter months.
- 3.4. In the thirteen years since the site was last used; the building and the former tennis courts have fallen into disrepair. Indeed, the building is no longer usable, following bouts of theft, vandalism and squatting, and flooding, where for health and safety, Calthorpe Estates had to remove the roof and remaining fixtures and fittings. The social club contained a bar, function room, games area, toilets and kitchen. The adjacent site to the Social Club, where vehicular access was off Eastern Road, features a playing field, known for its use as a Rugby Pitch by both the BBC and the University of Birmingham, and a clubhouse with changing rooms. The pitch and club house/changing facilities were upgraded in 2012, following a new lease to King Edward Sixth School in 2011. This saw the creation of a new international standard hockey pitch, club house and changing room, some 200m west of the former BBC Social Club.
- 3.5. Natural vegetation has grown through the abandoned pair of tennis courts. The remainder of the site is made up from unkempt grassland and the former car park. In 2008 a site wide master plan was adopted by the City Council for the entire Pebble Mill site. This acknowledged that the tennis court was no longer viable and had only ever been capable of private use by employees of the BBC. Consequently, when the BBC vacated the premises, this personal use to them ceased. The master plan allocated this part of the Pebble Mill site for occasional rugby training on a substandard sized junior pitch, but the master plan also recognised the whole of this site was a functional flood plain. In the intervening period of time this use has never occurred and it is now overgrown.
- 3.6. The western edge of the site, separating this and the Hockey Pitch is formed from a tree screen and a number of semi mature trees that wrap around the southern edge of the site up to the point where it abuts Pershore Road.
- 3.7. The sites south western corner adjoins rear gardens along Oakfield Road. The Selly Park Avenues Conservation Area and residential gardens lie just to the south of the proposed eastern stretch of culvert proposed under 'Zoo Lane' and the Selly Park Conservation Area, as designated in 2009.
- 3.8. 'Zoo Lane' is situated between Riverside Drive and the Birmingham Wildlife Conservation Park. It links Pershore Road to the west with Cannon Hill Park to the east. This is a tree lined tarmacked road which permits pedestrian and cyclists access and vehicular access when the barrier is removed. The road rises up from Pershore Road and then there is a shallow gradient to the River Rea. On the southern side of the road is a ditch. Either side of the road and its ancillary ditch there are 2m high walls and fences that form the rear garden boundaries of the Riverside Drive and Sir John's Road homes and the side boundary of the Birmingham Wildlife Conservation Park.
- 3.9. Whilst the main body of the Pebble Mill site sits within the Edgbaston Ward and Constituency, Plot 6 and Zoo Lane sit within the Selly Oak Ward and Constituency.

The Harborne Lane element sits within the Harborne Ward and Edgbaston Constituency.

3.10. [Site Location Map](#)

4. Planning History

- 4.1. The former Harborne Reservoir was part developed with housing and part given over to public open space – the Harborne Walkway. The former BBC Sports and Social Club (Plot 6), was included within an outline planning permission for the wider Pebble Mill campus.
- 4.2. 8 October 2003. 2003/00992/PA. Outline planning 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 (all matters reserved except access). The access road and new junction onto Bristol Road was implemented.
- 4.3. 30 September 2004. 2004/02885/PA. Planning permission granted for the creation of a flood compensation area at Harborne Lane - former Harborne Reservoir.
- 4.4. 16 October 2009. 2009/03738/PA. Outline planning 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. All matters reserved except site access.
- 4.5. 19 August 2011. 2011/03010/PA. Planning 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. This work has been partially implemented.
- 4.6. 18 November 2011. 2011/05676/PA. Outline planning 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 for up to 447 staff and some 631 post graduate students (which include dentists, dental nurses and hygienists), access, parking and landscaping. Outline consent for 16,000m² gross internal floor space (three to six storeys (which is equivalent to 8 residential storeys)), with all matters reserved.
- 4.7. 7 December 2012. 2012/03743/PA. Reserved matters consent granted for Dental Hospital and School of Dentistry. This permission has been implemented and opened to the public on 2 April 2016.
- 4.8. 18 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. Work is scheduled to commence on this aspect of the site in the autumn of 2016. Plot 1 site.
- 4.9. 6 March 2014. 2013/09519/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 5,000m² for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 4 site.

- 4.10. 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). Plot 5 site.
- 4.11. 17 September 2015. 2015/05000/PA. Reserved Matters permission granted for 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). All pre-commencement conditions have been discharged and the site is currently being hoarded in advance of construction work commencing on site. Plot 5 site.
- 4.12. For completeness, not all of the now-named Plot 6 was part of the original Pebble Mill consent – the site of the Social Club building was not included, the grassed area to the rear (west) was included. This more or less corresponds to the proposed Retail developments to the east, and the Student accommodation to the west.

Other relevant applications

- 4.13. 18 August 2016. 2016/04625/PA. Detailed planning application approved for the construction of a flood defence wall, flood defence bund, incorporating a realigned cycle path and maintenance access ramp, along with a realigned section of the River Rea and landscaping scheme at Selly South Park at land at Dogpool Lane, Stirchley.

5. Consultation/PP Responses

- 5.1. Local residents, Ward Councillors (for Harborne, Edgbaston and Selly Oak), MP's (for Edgbaston and Selly Oak) and local resident associations notified. Site notices and press notice posted. Two letters of support and forty letters of objection received from local residents, primarily located in Selly Park.
- 5.2. The two letters of support provide comment that they wholeheartedly agree with the scheme.
- 5.3. Councillors Matt Bennett and Deirdre Alden raise no objection to the flood defence works but strongly object to the proposal for more student accommodation. They state that the proposal would be out of keeping with medical facilities on site and no parking would be provided. Councillor James McKay has written in support of Arosa Drive residents' concerns relating to vehicular access for the works on Harborne Reservoir via Arosa Drive.
- 5.4. Residents' objections are based on the following grounds;

Flooding:

- Improvement to flood risk welcomed but what evidence is there that this will decrease the risk.
- The site is in flood plain and holds water – what happens to the water when the site is built on?
- Flood alleviation plan should not be done to the detriment of a residential area. Calthorpe Estates should be funding the local flood alleviation works.
- Extra culvert provision unlikely to cope with flood issues.
- Land proposed for development is a flood plain. Any development should be restricted and should definitely not be student accommodation.

- Want local residents to agree to a wholly inappropriate and unnecessary development of student accommodation. Flooding should be dealt with outside of system – not blackmailed into it. The Pebble Mill development should have already dealt with local residents flooding issues.
- No confidence in the modelling calculated. What impact did existing development on Pebble Mill have on residential flooding.
- Increase in water run-off.
- Flood plan inadequate.
- Recent flood was so large that the proposed culvert would not have stopped it.
- If this is the only way to get flood measures then it's a compromise. Could they fund a residents parking scheme in the Avenues?
- Request for an independent inquiry into recent floods.

Highways:

- Inadequate parking provision
- How will access be gained to the reservoir site? If it is via Arosa Drive then this would be unacceptable to residents.
- The proposal should include the provision of cycle paths along the Brook to where it crosses the Bournbrook at Bournbrook Road.
- Pebble Mill development has already led to increased traffic management and parking problems. Development of this site will lead to further problems without adequate free on-site parking and residents parking permits.
- Pedestrian bridges are unsightly and unlikely to be used.
- Accidents on Pershore Road – access not a sensible proposition.

Other Issues:

- The student accommodation is too big for the small site with its size and mass being inappropriate for a site sitting between two conservation areas.
- No need for more food and drink outlets.
- Student accommodation is unnecessary.
- How will excavated material be removed from the reservoir site? Object to vehicle movements, noise and vibration from the works.
- No details provided on A3/A4/A5 uses – noise, safety and public realm cleanliness.
- Impact on Conservation Area.
- Impact on flora and fauna at Harborne reservoir site.

- 5.5. Severn Trent Water – No objection subject to a drainage condition.
- 5.6. West Midlands Fire Service – No objection.
- 5.7. Local Services – The proposal would not be subject to off-site public open space or play contributions. No objection.
- 5.8. City Ecologist – No objection subject to a condition relating to the control of Japanese Knotweed.
- 5.9. Regulatory Services – No objection subject to safeguarding conditions relating to plant and machinery noise, extraction and odour control details and contaminated land.
- 5.10. Environment Agency – No objection subject to safeguarding conditions relating to pedestrian footbridge details; compliance with the Flood Risk Assessment; landscape

management plan, submission of a Water Framework Directive Assessment and contaminated land.

- 5.11. Local Lead Flood Authority – No objection subject to a sustainable drainage condition and a condition requiring the submission of a safe access and egress statement.
- 5.12. Transportation – No objection subject to conditions, and securing a financial bond for potential highway works, parking surveys and the provision of two electric vehicles for use by the student accommodation. Conditions should address the construction period, access design, parking and turning, management of student and retail parking, student travel plan, vehicular visibility, cycle storage, delivery management, S.278/TRO.
- 5.13. Sport England – No objection to the loss of the existing sports provision subject to satisfactory compensation being provided.
- 5.14. West Midlands Police – No comments received.

6. Policy Context

- 6.1. NPPF, Birmingham UDP, Pre-submission Birmingham Development Plan 2031, Car Parking Guidelines SPD (2012), Places for All SPG (2001), Specific Needs Residential Uses SPG (1992), Selly Park Conservation Area (designated 2010), Mature Suburbs SPD (2008), TPO 367 (Land Adjacent to Pebble Mill Studios, Pershore Road, Edgbaston)

7. Planning Considerations

- 7.1. The proposal raises key policy issues in regard to the principle of redevelopment of Plot 6 (former sports and social club site) for student accommodation/retail use; the loss of the open space/playing field land and the appropriateness of the student accommodation/retail development. Otherwise, there are a range of issues to address on both the Harborne Lane site and the Plot 6 site, including ecology, layout, design, drainage and flooding, trees, planning obligations and transportation matters.

Policy - NPPF

- 7.2. The National Planning Policy Framework (NPPF) emphasises that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.3. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development – economic, social and environmental – and that these are mutually dependant, so that gains in each should be sought jointly and simultaneously. Under the heading of *‘the presumption in favour of sustainable development’*, Paragraph 12 confirms that the NPPF *‘...does not change the statutory status of the development plan as the starting point for decision making’*. Thus, Paragraph 12 states that: *‘...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise’*.
- 7.4. 12 core planning principles are identified in paragraph 17 and these include the need to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; promote mixed use development and take full account of flood risk.”*

- 7.5. Paragraphs 23 to 27 of the NPPF deal with the need to promote the vitality of town centres and are particularly relevant to this proposal. Paragraph 23 states that planning policies should promote competitive town centre environments. Paragraph 24 then sets out the sequential test that applies to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Paragraph 24 states that *'...applications for main town centres uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered.'* In considering edge and out-of-centre proposals, Paragraph 24 states that *'...preference should be given to accessible sites that are well-connected to the town centre'.*
- 7.6. Paragraph 26 of the NPPF then sets out the impact tests for applications for retail, leisure and office development that is located outside town centres and which is not in accordance with an up-to-date Local Plan. Paragraph 26 requires applications for such development, which are over 2,500sq.m (or a locally set threshold), to include an assessment of:
- *'the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
 - *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'*
- 7.7. Paragraph 65 on Design identifies that *"Local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape."*
- 7.8. Development on existing sports facilities is covered in Paragraph 74 which states that *"existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."*
- 7.9. Flood risk is covered under Paragraph 94 which states that *"Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations."* Paragraph 100 goes on to state that *"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:*
- *applying the Sequential Test;*

- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.”

- 7.10. *“If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding; the Exception Test can be applied if appropriate. For the Exception Test to be passed:*
- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
 - *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.” (Paragraph 102)*
- 7.11. Paragraph 103 goes on to indicate that *“when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*
- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
 - *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*

Policy – Pre-submission Birmingham Development Plan

- 7.12. The Pre-submission Birmingham Development Plan (BDP) has been through a series of public hearings in 2014 and a schedule of proposed modifications was published in July 2015. The Inspector's Final Report and Modifications to the BDP were published on the 21 April 2016. On Thursday 26th May 2016 the Secretary of State issued a direction under section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by section 145(5) of the Housing and Planning Act 2016) to Birmingham City Council not to take any step in connection with the adoption of the Birmingham Development Plan 2031. The direction will remain in force until it is withdrawn by the Secretary of State or the Secretary of State gives a direction under section 21 of the 2004 Act in relation to the Birmingham Development Plan 2031. The Plan is due to be adopted by Full Council later this year. The Pre-submission BDP therefore affords very significant weight.
- 7.13. Policy TP11 of the pre-submission draft BDP (in line with the NPPF), states that the City Council will keep the provision of sports facilities under review in light of the changing demands and preferences. It also states that Sports facilities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust and up to date assessment of need. Where there is

identified need for particular sports and physical recreation facilities, the loss of existing sports facilities for these sports would not be allowed unless an equivalent or better quantity or quality replacement provision is provided, as identified in Paragraph 74 of the NPPF.

- 7.14. Policy TP6 states *“as part of their Flood Risk Assessment (FRA) developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. This will include*

** Restrictions to the greenfield run-off rate for:*

- Greenfield sites.*
- Brownfield sites at flood risk.*
- Brownfield sites where there are run-off impacts on a community at flood risk.*

**A minimum of a 20% reduction in peak flows between the existing and developed scenarios for:*

- All other brownfield sites.*

To minimise flood risk, improve water quality and enhance biodiversity and amenity all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS). Wherever possible the natural drainage of surface water from new developments into the ground will be preferred. Where ground conditions are not suitable for infiltration then expected and direct flows into sewers and watercourses will be controlled in order to lessen the impact of flash floods and decrease the risk of flooding. All SuDS must protect and enhance water quality by reducing the risk of diffuse pollution by means of treating at source and including multiple treatment trains. All SuDS schemes should be designed in accordance with any relevant national standards and the long-term maintenance arrangements must be agreed with the relevant risk management authority. Rivers and streams are liable to natural flooding and will be managed in ways which will ensure that this can take place in locations which will not place built development or sensitive uses at risk. The Sustainable Management of Urban Rivers and Floodplains SPD (SMURF) provide more detailed guidance. River corridors are also important elements of the City’s green infrastructure network. The management of floodplains will also need to take into account the potential to increase benefits to wildlife.”

- 7.15. Policy TP20 on the Hierarchy of Centres states *“The vitality and viability of the centres within the network and hierarchy identified below will be maintained and enhanced. These centres will be the preferred locations for retail, office and leisure developments and for community facilities (e.g. health centres, education and social services and religious buildings). Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged. Alongside new development, proposals will be encouraged that enhance the quality of the environment and improve access. Proposals for additional retail, office, leisure and entertainment outside of the network of centres will not be supported unless they satisfy the requirements set out in national planning policy. An impact assessment will be required for proposals greater than 2,500sq.m. (gross).”*

- 7.16. Policy TP24 on Tourism and Tourist Facilities states *“Proposals which reinforce and promote Birmingham’s role as a centre for tourism, culture and events and as a key destination for business tourism will be supported. This will include supporting the City’s existing tourist facilities and enabling new or expanded provision where it contributes to the City’s continued success as a destination for visitors. This provision will not just be focused on major sporting, business tourism and visitor attractions but also on protecting and promoting the City’s strong industrial heritage and the smaller scale venues and attractions that are an important part of creating a diverse offer.*

The provision of supporting facilities such as hotels will be important and proposals for well-designed and accessible accommodation will be supported.”

- 7.17. Policy TP32 on student accommodation states *“Proposals for purpose built student accommodation provided on campus will be supported in principle subject to satisfying design and amenity considerations. Proposals for off campus provision will be considered favourably where:*
- There is a demonstrated need for the development.*
 - The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.*
 - The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.*
 - The scale, massing and architecture of the development are appropriate for the location.*
 - The design and layout of the accommodation together with the associated facilities provided will create a positive living experience.”*

Flood Risk and Proposed Flood Defence Works

- 7.18. Detailed permission is sought for the creation of flood risk mitigation measures at the former Harborne Lane reservoir and Pebble Mill Plot 6, as described in the proposals section.
- 7.19. The application is supported by a Flood Risk Assessment (FRA) and a subsequent update to the original submission. The FRA identifies that the submitted Flood Risk Management Scheme (FRMS) has been proposed to offer flood relief to the Selly Park North residential area. It has been developed in partnership with the Environment Agency and Birmingham City Council as part of the River Rea Partnership, and represents the ‘preferred’ solution from an Environment Agency feasibility and cost benefits assessment.
- 7.20. The Selly Park North area currently falls within the high risk floodplain and is potentially at risk during events as low as the 1 in 10-year flood. During historic events (2008) Pershore Road Bridge was seen to act as constriction on the Bourn Brook, forcing water to back up and overtop the channel onto Plot 6 of the Pebble Mill Medical Park and from there on to Pershore Road. Once on the road, flow progressed towards Sir John’s Road before continuing down Fourth Avenue and Third Avenue, prior to discharging into the River Rea. The Selly Park North residential area was subject to another significant flood event on 16th June 2016. The observed flooding, as well as detailed hydraulic modelling, has identified that Plot 6 is located at the start of the flow path into the residential area. A wide variety of potential flood relief options have been reviewed by the River Rea Partnership, and most recently the EA have completed a cost benefit analysis to identify the optimal solution within the constraints of the urbanised catchment. This is being used to inform a Business Case for Flood Defence Grant in Aid (FDGiA) funding.
- 7.21. During a review of the flood risk in Selly Park North area in May 2016, the Environment Agency identified the number of properties currently at risk from river/stream flooding:

Return Period (yrs)	Number of Properties at Risk
1 in 10-year	10
1 in 50-year	96
1 in 75-year	106
1 in 100-year	115

- 7.22. The preferred FRMS from the EA Business Case includes the following:
- (i) The increased capacity of a flood storage area on the banks of the Bourn Brook upstream of Harborne Lane to reduce the peak flows passing downstream.
 - (ii) The formation of two raised parcels of land within Plot 6 Pebble Mill to restrict the flow route onto Pershore Road, and hold flood water back within the upstream floodplain.
 - (iii) The construction of a bypass flood channel and culvert between Plot 6 and the River Rea to divert flood water which would otherwise flow onto Pershore Road.
- The FRMS would offer significant betterment to the current level of flood risk within the downstream Selly Park North residential area.
- The scheme also includes for the removal of the River Rea weir adjacent to Fourth Avenue and the removal of 2 weirs on the Bourn Brook by Harborne Lane however, this is to be delivered separately by the EA under their own statutory powers and is not included within the planning application.
- 7.23. As part of their feasibility assessments for the FRMS, the EA utilised the 'South Birmingham' hydraulic model (SBM) to establish existing floodplain conditions, and develop the preferred FRMS. The SBM takes the form of a model of the River Rea and a number of its larger tributaries, including the Bourn Brook and Chad Brook. For the purpose of the submitted supporting FRA, the SBM was also utilised, but it was amended to extend the Chad Brook up to Edgbaston Reservoir, and incorporate additional detail of the River Rea adjacent to the Selly Park North residential area.
- 7.24. The SBM identifies a critical storm duration of 3.75 hours on the Bourn and Chad Brook. This event produces the worst case flood levels and flows on the watercourses. Therefore, flood events from this storm duration were adopted to inform this assessment. Floodplain extents under the existing conditions have been extracted from the SBM. The existing floodplain extents demonstrate that only a small proportion of the Harborne Lane site currently falls within the floodplain. The modelled results also illustrate the extent of floodplain around Selly Park North, and in the Plot 6 Pebble Mill site. The current width of the flow route on to Pershore Road and the preferential flow route into the Selly Park North residential area can also be seen. The flow route into Selly Park North is first initiated in a 1 in 10-year event. The flow route from the River Rea into the Selly Park North residential area is identified to occur at floods in excess of the 1 in 50-year event.
- 7.25. The FRA has shown that the proposed FRMS is at a high risk from river/stream flooding, surface water and groundwater sources. Sewer flooding could pose a medium risk, and canal or reservoir failure poses a residual flood risk. However, by its very nature the FRMS needs to be located in the floodplain to operate effectively, therefore this level of risk is considered acceptable.
- 7.26. The FRMS would create two parcels of land within Plot 6 which would be elevated above the river/stream floodplain and would therefore be removed from direct flood risk. This would remove the land from within the floodplain and relocate these areas in to Flood Zone 1. It is proposed to develop on these plots. This approach releases a significant funding contribution from the partnership developer, and is key to the delivery of the FRMS. The funding contribution is legally contracted between the EA

and Calthorpe Estates as landowner and partnership developer. The loss of flood plain storage at Pebble Mill would be more than offset by the works to Harborne Reservoir providing flood relief to Selly Park. As such, there would be no further loss or impediment of flood plain.

- 7.27. The FRMS would not alter the amount of impermeable surfaces within the Harborne Lane site, and would not therefore affect the local surface water runoff regime. The Plot 6 development would introduce new impermeable surfaces which could increase surface water runoff from the area, unless mitigated within the development proposals. This mitigation would be assessed at reserved matters stage but to ensure its delivery, safeguarding conditions are recommended.

Selly Park North FRMS

- 7.28. The SBM was updated with the aforementioned proposed FRMS to identify its level of betterment. The proposed floodplain extents show that as a result of the proposed works, the Harborne Lane floodplain would be activated at lower return periods, and that much more of the site would be utilised as floodplain. The SBM conditions also show that the floodplain extents within the Selly Park North residential area are greatly reduced, and that 115 properties would be removed from river/stream flood risk up to the 1 in 100-year event. Due to the limited space within the constrained urbanised catchment, the scheme cannot remove the residential area from more extreme flood events (such as the 1 in 1000-year), but it does still provide betterment when compared to the equivalent present day conditions. Although the FRMS was formulated to provide flood relief to the Selly Park North residential area, the impact analysis indicates that betterment would be provided over a much wider area.

Plot 6 Development FRMS

- 7.29. New developments, in accordance with policy should be designed to provide adequate flood risk management, mitigation, and resilience against the 'design flood' for their lifetime. The design event is generally taken as the 1 in 100-year event for river/stream flooding.
- 7.30. The updated SBM was used to identify peak flood levels around the proposed development plots. In addition to the 'standard' events, sensitivity tests were undertaken on climate change allowance, as well as blockages of the adjacent hydraulic structures. In accordance with the latest guidance a 30% and 50% increase to the 1 in 100-year flood flows were investigated to identify the potential impacts of climate change. To identify the potential residual risk posed to the development a blockage scenario of Pershore Road Bridge was undertaken at the design flood event. The bridge flow area was reduced by 75% to represent a significant blockage. A second blockage scenario was also undertaken on the proposed bypass culvert, again assuming a 75% blockage. The results show that all of the modelled flood levels are below the proposed plateau level of 116.0mAOD. Therefore, the Plot 6 development plots would be removed from direct river/stream flood risk as a result of the FRMS.
- 7.31. Setting the plateau level to 116.0mAOD provides approximately a 200 to 300mm clearance to the 1 in 100-year design event with a 50% allowance for climate change. The elevated nature of the parcels would also mitigate the flood risk posed from groundwater and surface water sources, as well as any remaining residual risk posed by the local sewer network. To provide further resilience, and to mitigate the residual flood risk posed by a potential upstream canal or reservoir failure event, it is proposed to set finished floor and threshold levels a minimum of 600mm above the

adjacent 1 in 100-year design event with a 50% allowance for climate change. This approach would also result in finished floor and threshold levels being set above surrounding ground levels which will help to mitigate any flood risk posed by surface water runoff from the development itself.

- 7.32. Pershore Road would be relocated outside of the 1 in 100-year river/stream floodplain as a result of the proposed FRMS. Although the development plots would be removed from risk, Pershore Road would still be at flood risk in events which exceed the capacity of the bypass culverts, which could affect access and egress. During the 1 in 100-year event with a 30% allowance for climate change the resultant flooding on Pershore Road would generally pose a 'Low' to 'Moderate' hazard, but a small area of 'Significant' hazard is also predicted. To help mitigate the potential inundation of Pershore Road, the development proposals include pedestrian footbridges between the elevated parcels as well as to the opposite bank of the Bourn Brook, which is outside of the floodplain. These are to be set above the flood levels and would allow safe dry access and egress for pedestrians in the event of Pershore Road becoming impassable.
- 7.33. The proposed development on the raised parcels of land within Plot 6 would introduce impermeable surfaces which would be accompanied with a surface water drainage strategy. To mitigate the development's impact on the current runoff regime it is proposed to incorporate surface water attenuation and storage as part of the development proposals for the elevated parcels of land. The existing greenfield and brownfield areas of the site falls towards the Bourn Brook on the northern boundary, and storm water currently falling on the site would drain to this watercourse via sheet runoff. The clayey nature of the soil conditions precludes the use of infiltration techniques in the development. Therefore, it is proposed to retain the Bourn Brook as the discharge location for the development. The existing annual average runoff rate (QBAR) from the combined greenfield and brownfield areas of the site has been calculated as 17l/s. It is proposed to offer a 43% reduction in runoff rates from the development by restricting the outfall from each development plot to 5l/s. This is also recognised as the minimum acceptable discharge rate in DEFRA and EA guidance¹². Storm water storage would be provided on-plot (outside of the floodplain) up to the 1 in 100-year critical storm, including an allowance for climate change.
- 7.34. In response to local residents' concerns regarding the recent flood event and the proposed FRMS, the EA's Area Flood Risk Manager has submitted the following in support of the proposed scheme:
- "The detailed hydraulic computer model, initially created in 2009/10, has been improved and updated over the past three years to include a series of improvements. This includes the addition of new survey data and making sure flow calculations are in line with recognised best practice for urban catchments. The model has been calibrated and verified with gauged data and anecdotal evidence collected during discussions with local residents. During the appraisal and design of the flood alleviation scheme, the computer model has been reviewed by three different Environment Agency framework consultants to provide confidence in the approaches taken.*
- Following the flood event on 16 June 2016, significant analysis has been undertaken to ensure that the computer model used as the basis for the flood alleviation plans, is robust. The storm has been re-created based on local rain gauge records and then applied to the model to replicate the June event. Flood extents and depths have been verified.*

The same event has been simulated with the flood alleviation proposals included, to ensure that the scheme would have prevented the spill of flood water from the Bourn Brook onto the Pershore Road and into the Avenues that ultimately resulted in flooding to properties.

This analysis comprehensively demonstrates that the proposals would have been sufficient to prevent this flooding from occurring. It should also be noted that the analysis undertaken, demonstrates that the flood alleviation proposals would have been able to cope with a larger event than that experienced in June 2016. The scheme is designed to protect up to a 1% annual probability event (1 in 100 years) and the June 2016 event was significantly smaller than this.

The Environment Agency and our framework consultants are confident that the proposed scheme is the best option for managing flood risk in this area."

- 7.35. The Environment Agency, when consulted on the planning application as a Statutory Consultee has raised no objections to the proposed development, both in terms of the FRMS proposal and the proposed student accommodation and A3/A4/A5 development subject to a number of safeguarding conditions. They have commented that *"the Pebble Mill Plot 6 site is currently shown to be located in the functional floodplain (Flood Zone 3b) and development classified as 'less' or 'more' vulnerable (such as that proposed) is not compatible with this Flood Zone. However, a Flood Risk Management Scheme (FRMS) at Harborne Lane combined with the raising of ground levels on Plot 6 will take the proposed developable area outside of the 1 in 1000 year flood extent i.e. into Flood Zone 1. As well as this, the FRMS will provide significant flood risk reduction benefits to approximately 115 properties in the Selly Park North residential area. We therefore consider that these benefits outweigh any flood risk planning policy concerns.*

The Council should also be aware that dry vehicular access/egress from the Pershore Road is not viable in the 1 in 100 year plus climate change event. The flood hazard in this location is 'significant – danger for most people' for a duration of 3.5 hours meaning emergency vehicular access would not be permissible. A high level pedestrian bridge is available to the north of site which allows for access/egress on foot. We therefore recommend that a flood warning and response plan is prepared (and conditioned) for this site in consultation with your Emergency Planning team and the Emergency Services."

- 7.36. The LLFA has raised no objections to the proposed scheme. The flood defence works have been developed in accordance with the LLFA as part of the River Rea Catchment Partnership. With regards to the outline elements, safeguarding conditions are requested regarding sustainable drainage and the submission of a safe access and egress statement.
- 7.37. Based on the submitted FRA and extensive modelling that has occurred over the last three years alongside recent flood events, I consider that the proposed FRMS is acceptable. I note a number of objections relating to whether the proposed flood works would actually remove properties in Selly Park from flooding. I am satisfied that the model is robust and correctly modelled the flood events that occurred in June 2016. I am also satisfied that the works, when inputted into the flood model, would remove approximately 115 residential properties from the 1 in 100 year flood event.
- 7.38. The proposed FRMS would remove the development sites of Plot 6 from functional flood plain (zone 3b) and would place them into flood zone 1. The submitted FRA identifies that the application site can satisfactorily address its own required

drainage/flood requirements alongside the FRMS. The LLFA and EA support this approach. Conditions are recommended below to address this issue as this part of the application remains in outline form. I note objections in relation to the dental hospital creating an impact that added to the flood event in June 2016 however, the Dental Hospital development addressed its own drainage/flood issues and would not have contributed to the flood event in June.

Principle of Retail Development

- 7.39. The application seeks outline planning permission for the development of a two storey, 595sq.m public house (A3/A4) and a 175sq.m restaurant (A3) with an ancillary hot food and drink take away facility (A5). The application site is not located within an identified centre nor is located on the edge of one. As such, in retail policy terms, the application site is identified as being out of centre. Paragraph 26 of the NPPF identifies that proposals for out of centre development that propose in excess of 2,500sq.m of floor space should be accompanied by an impact test. The pre-submission BDP policy TP20 accords with the NPPF policy, so no impact test is required.
- 7.40. The surrounding area is primarily residential in nature with commercial uses being mixed in along the Pershore Road. The site is located opposite Cannon Hill Park, the Midland Arts Centre and the Birmingham Wildlife Conservation Park, all of which attract a large number of visitors. Whilst these attractions have eating and drinking facilities within them, the provision of further eating and drinking facilities adjacent to them would only be of benefit and attraction to tourists and local visitors alike. The site is also located on a busy arterial road which has a high volume of traffic passing by. The proposed facilities would also serve these users.
- 7.41. Other facilities in the area include a number of commercial uses along Pershore Road including a petrol filling station and the Selly Park Tavern, located within walking distance of the site. Slightly further afield lies Edgbaston Mill located opposite Warwickshire Cricket Ground, where two hotels and a number of restaurant and leisure uses have been granted planning permission (outside of an identified centre). Further commercial floorspace has been consented at the cricket ground.
- 7.42. With regards to provision on the Pebble Mill site itself, the Dental Hospital and School of Dentistry have already relocated and opened on site. The only visitor/patient facility within the hospital is a small coffee shop. A care home, private hospital and other medical uses (yet to be identified) have also been approved on site. I consider that the proposed A3/A4/A5 uses would serve the visitors and patients to those uses on Pebble Mill alongside the other potential users. As such, whilst the proposal is out of centre, the proposed development would provide a sustainable supporting facility to the existing/approved uses on site in a highly accessible location that does not require an assessment of impact. Whilst I note comments from local residents regarding need, this is not a requirement of policy. I would not expect a material impact on the viability or vitality of nearest centres, being Moseley, Selly Oak and Stirchley to occur. I consider the proposal to be acceptable in principle and in accordance with relevant Government policy in the NPPF and local policy in the Pre-submission BDP.

Principle of Student Accommodation

- 7.43. In accordance with policy TP32 of the Pre-Submission BDP, an up to date student needs assessment has been prepared by the Applicant. The report identifies that Birmingham is home to six University campuses comprising Birmingham,

Birmingham City, Aston, Newman, University College Birmingham, and Ulster University's Campus. The 2014/15 figures indicate that Birmingham had 61,246 full time students with 22.3% international students and 20.1% postgraduates. This is broken down further in relation to all of the Universities. In relation to the University of Birmingham, 27,302 students were on roll in the same year with 27.9% being international students and 30.4% being postgraduates. Across Birmingham, 8.7% of students lived in private sector halls whilst 26.5% lived in other rented accommodation and 18.9% in University provided properties. So across Birmingham, 27.6% lived in purpose built student accommodation. The report highlights that 63% of students live within 1km of their study site and a further 23% live between 2 and 4km away.

- 7.44. The report identifies that of the 61,246 students, 22,438 live with parents or in their own accommodation leaving 38,808 as potential occupiers of purpose built student accommodation. When this figure is compared against the amount (existing and consented) of purpose built accommodation in the City of 24,536 bed spaces, a considerable number of students remain without access to purpose built accommodation. Whilst it is acknowledged that many students do not wish to live in purpose built accommodation, there appears to remain a demand, which is for a type of accommodation that is usually well-located and managed.
- 7.45. Based on the findings of the updated student needs assessment, I consider that the requirements of Policy TP32 of the Pre-submission BDP have been met in terms of need for the student accommodation proposed as part of this application.
- 7.46. With regards to the principle of student accommodation being located on this site; the application site sits adjacent to the Dental Hospital and the University School of Dentistry. As a result, it is anticipated but cannot be enforced as such, that a significant proportion of students wanting to locate in the proposed student accommodation would attend the School of Dentistry. Otherwise, the site is approximately a 10 minute walk to the main university campus, making it closer than University provided accommodation at The Vale. The site is located in a highly accessible location and within walking distance of the University. As such, I consider that the principle of student accommodation in this location would be acceptable and would accord with policy.
- 7.47. I note that residents have objected on the grounds of being 'blackmailed/held to ransom' to accept student accommodation in return for funding for flood relief works. Whilst the student accommodation and/or A4/A3 and A3/A5 development proposed would generate the match funding required by the EA in order for the proposed FRMS to be undertaken, I consider the proposed commercial development acceptable in principle in this location even without the match funding stream proposed.

Principle of Loss of Sporting Facility

- 7.48. Paragraph 74 of the NPPF and Policy TP11 of the BDP states that "*existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
 - *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*"

- 7.49. The former BBC Sports and Social Club site was, until 2003, leased to and used by the employees of the BBC. In the thirteen years since the site was last used the building and the former tennis courts have fallen into disrepair. The adjacent site to the Social Club, where vehicular access was off Eastern Road, features a playing field, known for its use as a Rugby Pitch by both the BBC and the University of Birmingham, and a clubhouse with changing rooms. This, pitch and club house/changing facilities were upgraded in 2012, following a new lease to King Edward Sixth School in 2011. This saw the creation of a new international standard hockey pitch, club house and changing room, some 200m west of the former BBC Social Club.
- 7.50. Natural vegetation has grown through the abandoned pair of tennis courts. The remainder of the site is made up from unkempt grassland and the former car park. In 2008 a site wide master plan was adopted by the City Council for the entire Pebble Mill site. This acknowledged that the tennis court was no longer viable and had only ever been capable of private use by employees of the BBC. The master plan allocated this part of the Pebble Mill site for occasional rugby training on a substandard sized junior pitch, but the master plan also recognised the whole of this site was a functional flood plain. In the intervening period of time this use has never occurred.
- 7.51. In accordance with the NPPF policy, in order to release the sporting provision for development, one of the criteria must be met. In this instance, the second criteria would apply *“the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.”* In consultation with Sport England, the applicants propose an off-site financial contribution of £104,375. This would be invested in increasing the capacity of pitches at the new Harborne Rugby Union Football Club site at Westhill Playing Fields, West Hill Close, Selly Oak through the improvement of the grass pitch quality and/or providing floodlighting, allowing greater use of the adult pitch and training area/junior pitch at the site and therefore providing capacity to develop junior rugby at the club.
- 7.52. Sport England and Local Services have raised no objection to the proposed loss of tennis courts/substandard junior rugby pitch as agreed in the original master plan; subject to securing the off-site financial contribution as detailed above. Given that the current site is located in functional flood plain which would, at times, make the sports pitch unusable; I consider that the off-site financial contribution would ensure that the loss would be replaced by better provision in terms of quantity and quality. As such, I consider that the proposal complies with relevant Government and local policy (TP11 of the Pre-submission BDP) in relation to loss of sports facilities.

Layout and Scale

- 7.53. Outline planning permission is sought for student accommodation and retail development on the former Plot 6 Pebble Mill site. As part of the outline, permission is sought for the submitted details of access, layout and scale. Access is discussed below. The proposed details indicate that a single storey A3/A5 unit and a two storey A3/A4 unit would be located on half of the Plot 6 site whilst student accommodation of 4, 5 and 6 storey would be located on the other half of Plot 6.
- 7.54. Ground levels within the site fall between 113.5m and 114.0m Above Ordnance Datum (AOD), and there is a general fall towards the north and the Bourn Brook. Pershore Road is set above the site at an elevation in the region of 114.8m AOD. Taking into consideration the creation of development platforms of between 1.8m and

2m higher than the existing site AOD, the proposed development would sit approximately 0.5m to 0.7m AOD higher than the Pershore Road AOD level.

- 7.55. The student accommodation would comprise three wings that together form a 'C' shaped building. The element closest to the Bourn Brook would be up to five storeys high. The element facing the flood bypass channel would be up to six storeys high and the remaining wing would be up to four storeys high (storey heights would be 2.8m, compared to the 4.9m storey height of the adjacent 6 Storey Dental Hospital.) These would give approximate building heights of 11.2m (4 storey), 14m (5 storey) and 16.8m (6 storeys) against a dental hospital height of 29.4m. The trees surrounding the Plot 6 site have a prevailing height of 13m. As such, the four storey element sat behind existing properties on Pershore Road would be hidden from view even when the development platforms are taken into consideration and, would be a minimum 55m from the rear of the existing properties on Oakfield Road, that are located within Selly Park Conservation Area. The five storey element would be visible but would front the existing Bourn Brook channel and would be a minimum of 95m from the rear of the existing residential properties. The six storey element would front the new access from Pershore Road and has been scaled to provide a focal entrance as the site is primarily hidden from public view. Its nearest point to 581 Pershore Road (currently occupied by a Youth Charity) is approximately 45m from the rear of the property.
- 7.56. There would not be an issue of inter-visibility or loss of privacy with adjacent buildings. Nor would the proposed buildings cause shadowing of adjacent gardens. The retained trees and path of the sun will be used to inform the detailed design of the student accommodation to be dealt with at reserved matters.
- 7.57. The layout and scale of the proposed outline element has been developed following discussions with your Planning and City Design officers to ensure that the visual impact of the development is in keeping with the scale of the surrounding approved and existing buildings. As a result, the main vehicular access from Pershore Road is proposed to lead to a cycle and disabled student and staff parking area. From here clear views would be provided of the entrance to the building and its communal areas.
- 7.58. The proposed shared amenity areas to the student accommodation would be provided at ground floor in the wing overlooking the flood bypass channel on the eastern half of the site, with residential accommodation above. This would enhance the building's legibility and provide an ease of access to the two other wings of student residential accommodation. The western part of the proposed student accommodation would provide a landscaped courtyard for residents use only; providing shared amenity for both social activities and study, within a safe and secure environment which would be readily accessible from the communal facilities in the building.
- 7.59. The proposed food and drink buildings would be the same height or smaller than the surrounding buildings on Pershore Road and as such would be in keeping in scale. They would be located with a landscaped setting that would include new planting areas, replacement and new tree planting and space for vehicles to safely manoeuvre and park. The design of these buildings would be dealt with during later reserved matters submissions.
- 7.60. My City Design Advisor considers that the scale and layout of the proposed development is acceptable. Amended plans have been received that provide a more natural top of bank profile to the flood relief channel through Plot 6 and in turn provide

a more appropriately sized area for landscaping of the proposed uses when reserved matters are received for future consideration. Parking for the two retail units may pose a concern for landscaping and visual amenity but this is for review at a later stage.

- 7.61. On the basis of the submitted information, extensive pre-application discussions, and the extent of details sought for approval as part of this application, I consider the scale and layout of the proposed uses to be acceptable.

Access and Parking

- 7.62. The submitted transport assessment identifies that the site is located within a sustainable location where opportunities for sustainable travel are good, with pedestrian, cycle and public transport available within short distance of the site. It also identifies that there is no existing concern regarding accidents on the highway network adjacent to the site and no existing road safety issues.
- 7.63. With regards to the proposed A3/A4 development, the proposed access to the site on Pershore Road can be provided safely with the required visibility splay and the site can be safely and adequately serviced outside of opening hours. It also identifies that the proposed A3 uses would require 1 parking space per 6 covers and the A4 use, 1 space per 4.5sq.m drinking area. Based on the proposed size of the units (which are only seeking outline permission) car parking requirements would indicate 41 spaces. It is likely that in future reserved matters submissions for this part of the proposal, a maximum of 93 spaces would be provided, alongside the required 1 space per 18 covers cycle parking.
- 7.64. In relation to the proposed student accommodation, 2 parking spaces are proposed on site that would be for use by students with mobility difficulties only. The Car Parking Guidelines indicate a maximum requirement of 1 space per 5 bedrooms equating to 68 spaces but in areas of high accessibility, lower levels may be acceptable. The submitted transport assessment identifies that the site is located in a highly accessible location and that car parking provision of the maximum or above guidelines would result in an unnecessary car dominated scheme.
- 7.65. The Applicant states that all students applying for the accommodation would be notified that they would not be allowed to bring any motor vehicles with them and subsequently bound by a legal tenancy agreement prohibiting bringing a car and parking it within 1km of the site. This would be reinforced by their tenancy agreement which would prevent students from bringing cars and any student who contravenes this clause will be in breach of their agreement and action would be taken against them. Only students with special mobility requirements would be allowed to bring a car. This would be further enhanced by the legally binding restriction to prevent on street student parking imposed by Calthorpe Estates as freeholder of the site. The student accommodation tenancy agreement terms are mirrored in the land lease agreement for Plot 6B between the student operator and Calthorpe Estates which retains Calthorpe Estates prohibition on parking along with a requirement for the tenant (student accommodation provider) to use all reasonable endeavours to enforce the latter.
- 7.66. Cycle parking would be considered as part of future reserved matters submissions but provision would be based on the SPD requirements of 1 space per 4 bedrooms equating to 88 spaces. However, the student accommodation provider proposes to introduce a cycle rental scheme at this facility. The price of using the cycles would be

an inclusive element of the student's tenancy cost. They would be booked via a phone application akin to using an 'Uber' taxi only no payment is required.

- 7.67. The student accommodation operator already has a number of schemes across the country that have no student parking provision. As such, the operator has a clear traffic management plan for the site operation. It is recognised that the peak period in car demand would be at the beginning of the University term, with students moving into the accommodation. This generally occurs over two weekends in September/October with a small proportion arriving during the week. As such, the management plan could include the use of an area adjacent to the two disabled bays for pick up and drop offs accommodating four vehicles. These would not be marked spaced but would be marshalled on the day with each student being allocated a time slot for arrival. The time slots would be half an hour each and would be between 0800 and 2000 hours for the two main weekends. Based on the 340 rooms proposed, the four spaces available, the half hour slot and a 12 hour move in period across two weekends, all 340 rooms could be served. This system has been successfully implemented on other student schemes.
- 7.68. However, to address local concern; the applicant has confirmed that two electric cars would be provided on site for use by the occupiers of the student accommodation. The applicant has also confirmed a willingness to undertake a parking survey of local roads within 1km of the student accommodation every six months for three years after opening. A financial bond of £20,000 for the provision of highway works including traffic regulation orders is also proposed which would be returnable after the three years if it has been evidenced that the student accommodation has no impact on parking availability in local roads. Based on the above, and the submission of a road safety audit for the new access point, Transportation raise no objections to the proposal subject to securing the provision outlined above and the imposition of safeguarding conditions relating to cycle storage, parking management, Travelwise and a Section 278 agreement. I concur with their view and these are recommended below.
- 7.69. I note the concerns raised by residents of Arosa Drive (adjacent to the former Harborne Reservoir site) and Councillor McKay in relation to using Arosa Drive for access purposes to allow the flood mitigation works at Harborne Lane to be undertaken. At present, access for construction management purposes has not been determined and is recommended to be secured by condition. I am aware that the EA will be undertaking discussions with these local residents outside of the planning system to determine how the works will be undertaken on site.

Other Issues

Ecology

- 7.70. The application is accompanied by an Ecological Appraisal and a Phase 2 survey. The appraisal identifies that the site (Harborne Reservoir and Pebble Mill) is not subject to any statutory ecological designations. The Harborne Lane site forms part of the Woodgate Valley Site of Local Nature Conservation Importance, while the Bourn Brook, which flows through the site, is identified as a Wildlife Corridor in the Birmingham and Black Country Nature Conservation Strategy. Impacts from the proposed development are likely to be minor and temporary in the medium term with significant scope for longer term enhancement. The Bourn Brook Valley Potential Site of Importance forms the northern boundary of Plot 6, Pebble Mill. Again, impacts from the proposals are likely to be minor and over the longer term would result in enhancements. Importantly, the appraisal identifies that in the longer term, there is no anticipated detriment to the Bourn Brook wildlife corridor.

- 7.71. The sites support a range of habitats including semi-improved grassland, scrub and woodland. Habitat losses at the Harborne Lane site would be temporary, other than the loss of a number of mature and semi-mature trees, with opportunities for the creation of new habitats of similar or greater ecological value. Habitat loss at plot 6 would largely comprise loss of species poor amenity grassland, together with a number of trees.
- 7.72. The sites offer some opportunities for protected species. The submitted Phase 2 surveys were undertaken for crayfish, water vole, reptiles and bats. The surveys undertaken identify that faunal interest of both Plot 6 and the Harborne Lane site is modest. Water Vole and Crayfish species are absent from both sites. There is no evidence of reptile presence either. The bat surveys undertaken indicate that both sites are utilised by modest numbers of common and widespread bat species particularly associated with built development and urban environments.
- 7.73. My ecologist considers that the planting species and landscape management plan is acceptable for the Pebble Mill site. The existing brook course has many mature trees that have been retained within the other Pebble Mill plots and there would be some retained trees around the perimeter of plot 6. As such, further tree planting would not be required as too much tree planting would eventually overshadow the developing wetland meadow leading to loss of a habitat that is not common in this part of the city.
- 7.74. In relation to the Harborne lane site, the proposal would provide significantly improved function and habitats. The City is currently implementing a plan to reduce the tree cover along various brook courses that form parts of the upper Rea catchment (including this one) to benefit Water vole amongst other species. The previous enhancements of the reservoir had too much inappropriate tree planting that will cause future management issues. The level of planting and choice of species, if well planted and establishment is good, would provide the right level of tree cover for this scheme. There is and will still be significant tree cover forming a woodland edge to the houses on Poole Crescent and those on Watermill Close. The site is also identified as containing Japanese Knotweed. As such, a safeguarding condition is recommended below to secure its removal.
- 7.75. Local Services and the City Ecologist have raised no objections and have no issues with the re-routing of the path or the line of the proposed overflow channel.
- 7.76. I concur with the views expressed by Local Services and the City Ecologist and consider that the proposed works have the ability to provide an improved habitat for ecology.

Trees

- 7.77. The proposed development would require the removal of a large number of trees, some of which are covered by a Tree Preservation Order. My Arboricultural officer identifies that the former reservoir site is subject of a difficult assessment. There would be an extensive loss of trees to achieve the flood alleviation scheme but, while trees play a vital part in transpiring and intercepting rain water before it reaches the area in question, it is lower vegetation that is the main functional component of the swales. Wetland is slowly dried and colonised by trees progressively less tolerant of submersion until woodland is formed. My Arboricultural Officer considers that if the environmental and practical arguments for the flood alleviation are good then the trees in this location would have to give way to the new wet landscape. Given the City Ecologist views; the intention of the Parks Department for this area and the over-

riding flood mitigation that this scheme forms part of, I consider that the loss of trees in this location would be acceptable.

- 7.78. With regards to the loss of trees on the former BBC Studios Sports and Social Club (Plot 6); the main impact to amenity views of trees is the frontage to Pershore Road and this is also where the TPO (TPO 367) is best supported. My Arboricultural Officer considers that the protection is, however, not well supported by the condition of T53 to T60 which are mostly C category (1 B category tree, T23 of the TPO). B category T66 would also be removed to accommodate access. For retained trees T61 to T66 on the frontage the proposals are reasonable through in the use of an 'arborcraft' system to attain the raised levels.
- 7.79. This is, again, a situation where the desirability of the flood alleviation scheme must be weighed against the removal of the B category trees on the site. My Arboricultural officer considers that there would not be an alternative way of achieving the flood protection that would retain those trees that have been proposed for removal. As such, My Arboricultural Officer raises no objections to the loss of the trees subject to safeguarding conditions and I concur with this view.

Conservation

- 7.80. The former BBC Studios Sports and Social Club site (Plot 6) sits adjacent to both the Selly Park Conservation Area and the Selly Park Avenues Conservation Area. Given the significant level of tree cover around the site boundaries, the site cannot be seen from adjacent public realm whether in or outside of the Conservation areas. The proposed student accommodation would sit above the tree-line at its six storey height but very little would be visible. As such, my conservation officer has raised no objection to the proposal in relation to impact on conservation areas and I concur with this view.
- 7.81. The plot 6 site is within a known area of archaeology as the site was formerly one of many mills (Pebble Mill) along this stretch of the River Rea and its tributaries. An archaeological assessment has been submitted in support of the application and at the request of my conservation officer, a written scheme of investigation condition is recommended however, the condition only relates to where piling foundations are proposed due to the raising of land levels on this site rather than the 'digging into' the ground. The condition is recommended below.

Community Infrastructure Levy

- 7.82. The student accommodation element of the proposal would generate a CIL requirement of £655,086 with 15% (£98,263) of this being provided to the Selly Oak Ward. The proposed flood defence works form part of the CIL 123 list whereby CIL money could be spent on flood defence infrastructure works. As such, in order to allow the flood defence works to proceed with the requirement of 50% private investment, I consider it appropriate to commute payment of the 85% CIL (£556,823) direct to the Environment Agency. This payment would form part of a larger 50% private investment sum from Calthorpe Estates of £2m against the FRMS cost of circa £4m. The remaining 15% would still be payable to the City and provided to Selly Oak Ward.

Section 106 Obligations

- 7.83. The proposed development would impact on playing field land that currently contains a derelict clubhouse and tennis courts. As part of the approved master plan for Pebble Mill it was intended that the site be laid out with a junior rugby pitch, to

compensate the loss of other playing fields arising from the wider Pebble Mill redevelopment proposal some years ago. That junior rugby pitch has never been marked out or used, primarily due to wet ground conditions. The proposed development would resolve those drainage issues but would facilitate the redevelopment of this part of the site. The proposed development would not impact on any pitches that are currently in use but would lead to the loss of planned playing field area/capacity. As such, compensation is required in accordance with policy.

- 7.84. On this basis, a planning contribution of £104,375 is sought. This would be invested in increasing the capacity of pitches at the new Harborne Rugby Union Football Club site at Westhill Playing Fields, West Hill Close, Selly Oak through the improvement of the grass pitch quality and/or providing floodlighting, allowing greater use of the adult pitch and training area/junior pitch at the site and therefore providing capacity to develop junior rugby at the club.

8.0. Conclusion

- 8.1. The proposed development would be in accordance with and would meet policy objectives and criteria set out in the Birmingham UDP, Pre-submission BDP and the NPPF. The loss of the sporting provision on site can be replaced via an off-site financial contribution towards junior rugby provision that would be of better quality and quantity than that proposed to be lost. The proposed retail development does not require an assessment of impact and whilst would be out of centre, the proposed uses would serve the uses on the wider Pebble Mill site, visitors to local tourist attractions and would be located on a main road in a mixed use area. The principle of student accommodation in this location is also considered acceptable.
- 8.2. The scheme is considered acceptable in scale, layout and access. Whilst the loss of trees is unfortunate, the wider benefits of the proposed flood defence and new planting are considered to outweigh their loss.
- 8.3. The private investment required in order to deliver flood defence schemes in partnership with the Environment Agency establishes that the works are brought forward in partnership with a development proposal. In this instance, the funding would be established through the development of the site for student accommodation and A3/A4/A5 development. The proposed uses are considered acceptable in principle for this location however, in this instance; the uses also have an important enabling development role to play. The uses would provide the £2m match funding to the Environment Agency that would allow delivery of the proposed £4m flood defence scheme and would remove approximately 115 private residential properties that were severely flooded in June this year from future flood events.
- 8.4. 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 continue to provide economic and social benefits; would provide new employment opportunities and does not have an adverse environmental impact that could be regarded as significant; I consider the proposal to be sustainable development and on this basis, should be approved.

9. Recommendation

- 9.1. That consideration of application number 2016/04450/PA is deferred pending the completion of a suitable legal agreement to secure the following:

- a) An off-site financial contribution of £104,375 for improving the pitches at the new Harborne Rugby Union Football Club site at Westhill Playing Fields, West Hill Close, Selly Oak through the improvement of the grass pitch quality and/or providing floodlighting, allowing greater use of the adult pitch and training area/junior pitch at the site and therefore providing capacity to develop junior rugby at the club.
- b) A financial bond of £20,000 to be paid prior to the occupation of the approved student accommodation. The fund would be used for any minor highway works and maintenance thereof; traffic regulation orders and/or local highway improvement measures in Oakfield Road, Eastern Road, Sir John's Road and 'The Avenues' that are deemed necessary following the parking surveys below.
- c) 6 monthly parking survey to be undertaken or commissioned by the applicant of all roads within 1km of the former BBC Studios Sports and Social Club site for a period of three years from first occupation of the student accommodation. The scope of the survey shall be agreed with the Local Planning Authority. The surveys shall be submitted to the Local Planning Authority following community engagement with local residents groups, the scope of which is to be agreed in writing with the Local Planning Authority.

If, after three years, no parking impact from the student accommodation has been evidenced through the submitted parking surveys, the financial bond shall be returned to the applicant.

- d) Payment of a monitoring and administration fee associated with the legal agreement of £3,653.

9.2. That the City Solicitor be authorised to prepare, seal and complete the appropriate agreement.

9.3. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 29 September 2016, planning permission be refused for the following reasons:

- a) In the absence of any suitable planning obligation to secure a financial contribution of £104,375 for improving the pitches at the new Harborne Rugby Union Football Club site at Westhill Playing Fields, West Hill Close, Selly Oak through the improvement of the grass pitch quality and/or providing floodlighting, allowing greater use of the adult pitch and training area/junior pitch at the site and therefore providing capacity to develop junior rugby at the club, the proposed development conflicts with Paragraph 74 of the NPPF, Paragraph 3.57 of the Birmingham Unitary Development Plan and Policy TP11 of the Pre-submission BDP.
- b) In the absence of any suitable planning obligation to secure - a financial bond of £20,000 for any minor highway works and maintenance thereof; traffic regulation orders and/or local highway improvement measures in Oakfield Road, Eastern Road, Sir John's Road and 'The Avenues' that are deemed necessary following the 6-monthly parking surveys - the proposed development conflicts with Paragraphs 39 and 40 of the NPPF, and Paragraph 6.39 of the Birmingham Unitary Development Plan.

9.4. That in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 29 September 2016, favourable

consideration would be given to application 2016/04450/PA subject to the conditions listed below.

-
- 1 Requires the submission of reserved matter details following an outline approval
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the prior submission of a phasing plan
 - 4 Requires the implementation of the Flood Risk Assessment in a phased manner
 - 5 Requires the prior submission of a drainage scheme
 - 6 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan in a phased manner
 - 7 Requires submission of a Water Framework Directive Assessment
 - 8 Requires the prior submission of a safe access and egress statement
 - 9 Requires submission of a scheme of ownership of the flood defence assets
 - 10 Requires submission of pedestrian footbridge details
 - 11 Requires the prior submission of an invasive weeds method statement
 - 12 Harborne Lane landscape management plan
 - 13 Former BBC Studios Sports and Social Club Site landscape management plan
 - 14 Requires the prior submission of unexpected contamination details
 - 15 Limits the maximum gross internal floorspace of the development
 - 16 Requires an archaeological watching brief
 - 17 Secures noise and vibration levels for habitable rooms
 - 18 Requires the prior submission of extraction and odour control details (student accommodation)
 - 19 Requires the prior submission of extraction and odour control details (public house with ancillary restaurant)
 - 20 Requires the prior submission of extraction and odour control details (restaurant with ancillary takeaway facility)
 - 21 Limits the noise levels for Plant and Machinery
 - 22 Limits the maximum number of storeys for each building
 - 23 Requires the prior submission of boundary treatment details in a phased manner
 - 24 Requires the prior submission of a lighting scheme in a phased manner
-

-
- 25 Requires the prior submission of hard surfacing materials
 - 26 Requires the prior submission of sample materials in a phased manner
 - 27 Requires the prior submission of a construction method statement/management plan for each phase of development
 - 28 Requires the prior submission of a CCTV scheme
 - 29 Requires prior submission of an employment policy for construction works
 - 30 Requires prior submission of an employment policy
 - 31 Removes PD rights for telecom equipment
 - 32 Requires the prior approval of the siting/design of the access
 - 33 Requires the prior submission of vehicle parking and turning details
 - 34 Requires the prior submission of a student parking management strategy
 - 35 Requires the prior submission of a parking management strategy for the A3/A4, and A3 with ancillary A5, units
 - 36 Requires the prior submission of a student travel plan
 - 37 Requires the prior submission of details of parking
 - 38 Requires the prior submission of cycle storage details in a phased manner
 - 39 Requires the prior submission of details of a delivery vehicle management scheme
 - 40 Requires provision for additional sustainable transport options
 - 41 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 42 Tree Survey and Arboricultural Implication Assessment
 - 43 Requires tree pruning protection
 - 44 Limits the approval to 3 years (outline)
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: Aerial view looking south-west, of Cleared Pebble Mill Site before re-development commenced. Plot 6 is the field and building to the left (east)



Photograph 2: Former Sports and Social Club at Plot 6

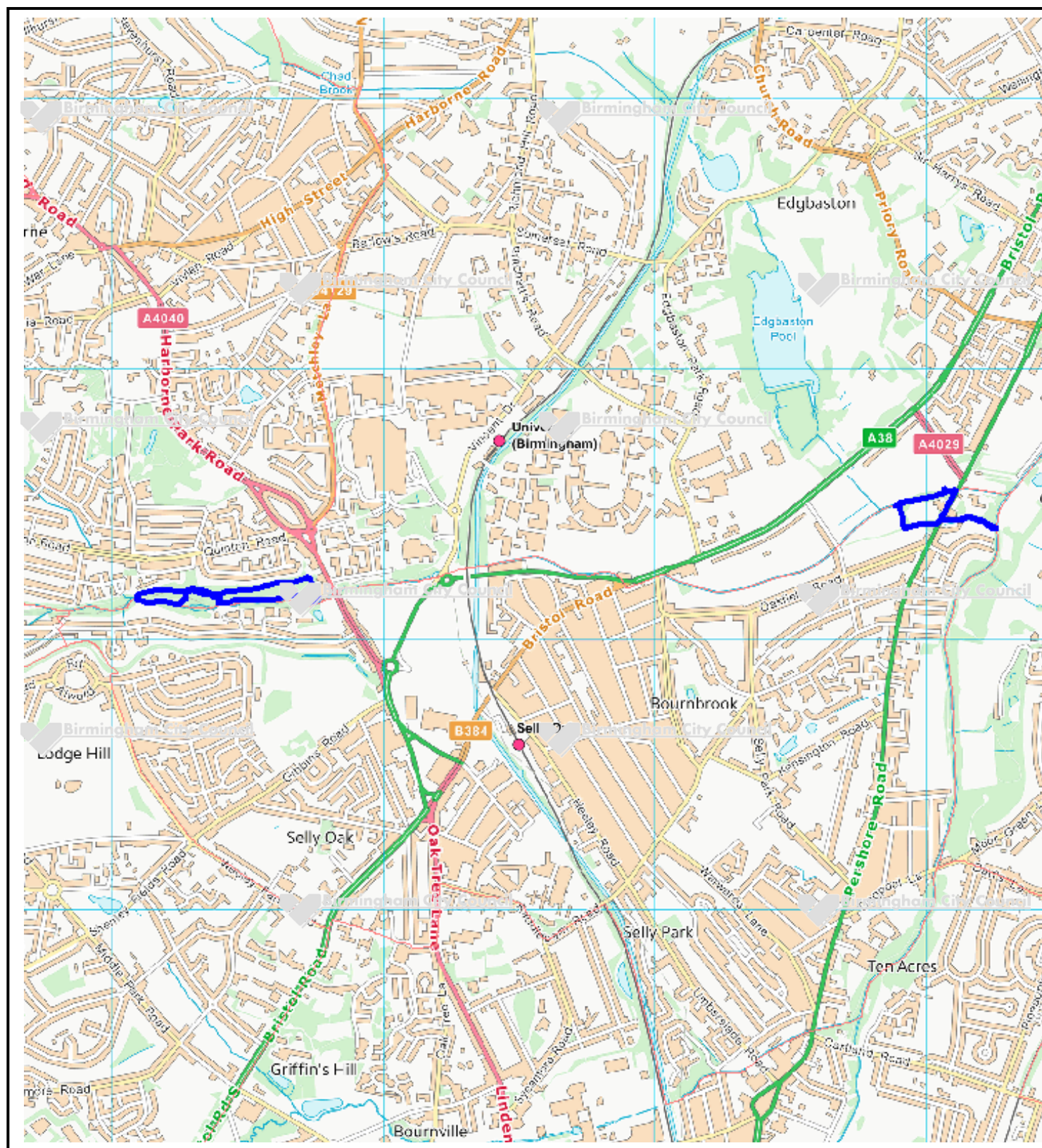


Photograph 3: Former Harborne Reservoir Site – and houses in Water Mill Close

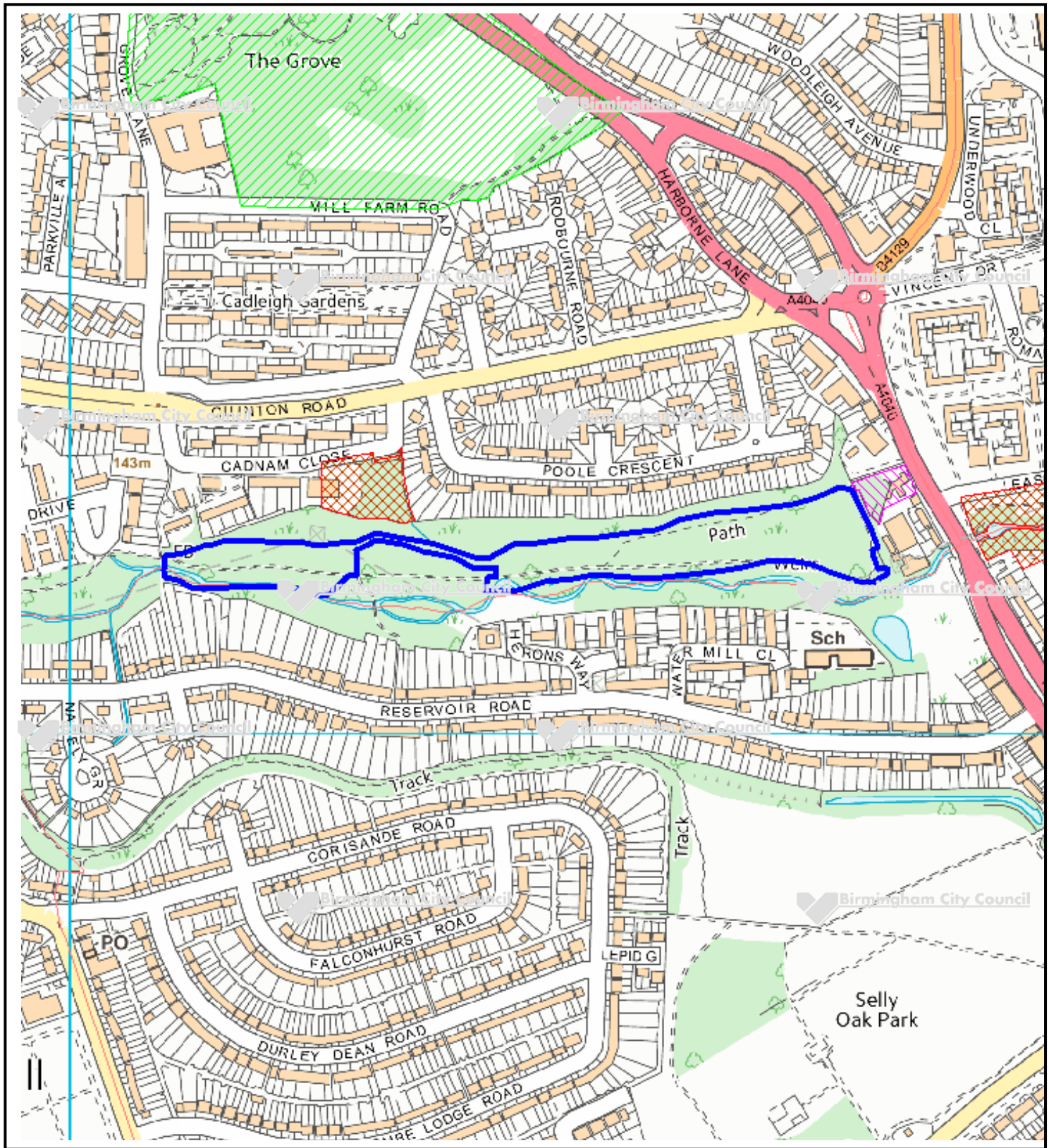


Photograph 4: Former Harborne Reservoir Site

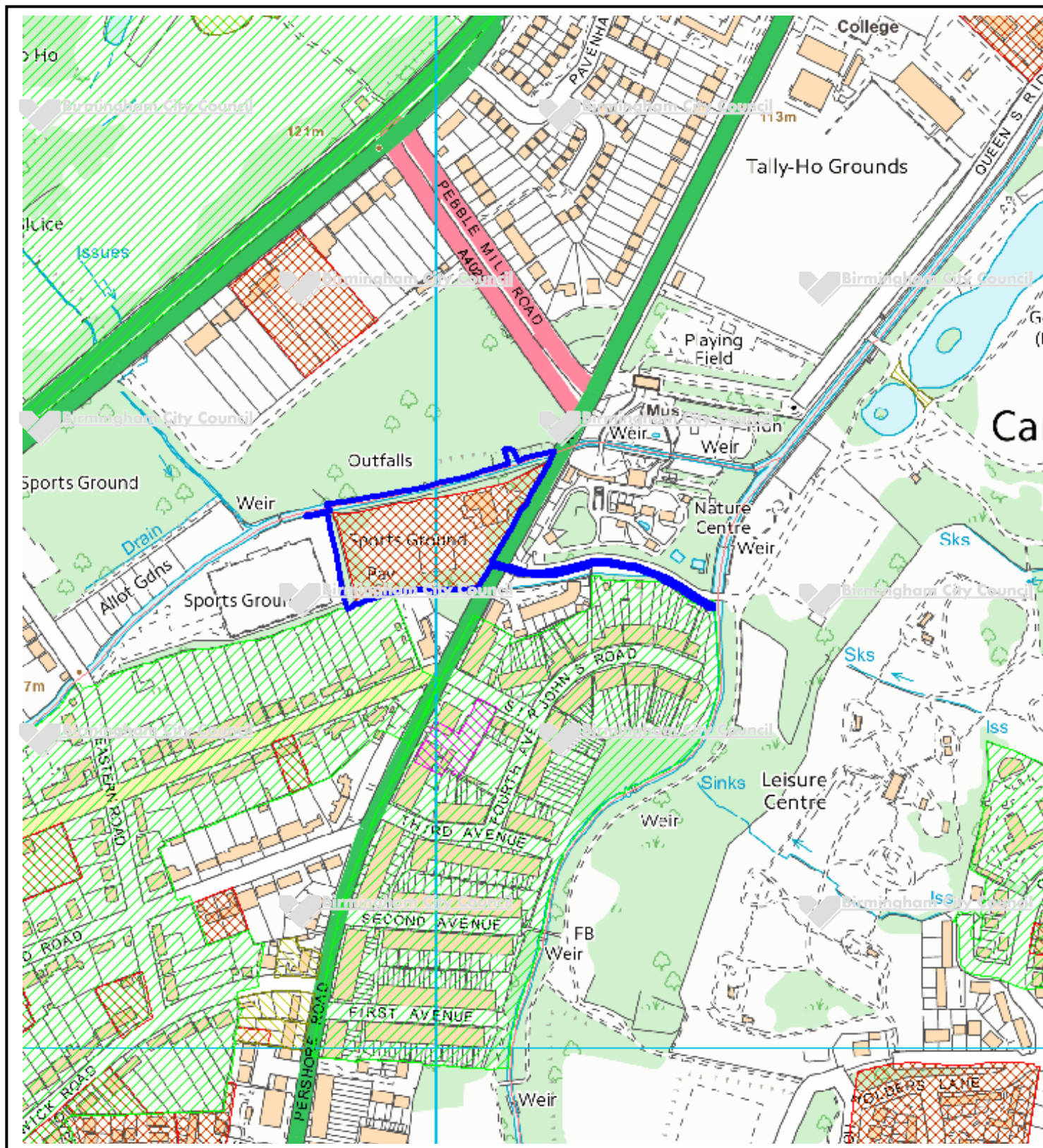
Location Plan



Location of both parts of application site



Location of flood defence works at Former Harborne Lane Reservoir Site



Location of flood defence works and outline development at Pebble Mill

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Committee Date:	13/10/2016	Application Number:	2016/06930/PA
Accepted:	18/08/2016	Application Type:	Full Planning
Target Date:	13/10/2016		
Ward:	Edgbaston		

Chad Vale Primary School, Nursery Road, Edgbaston, Birmingham, B15 3JU

Erection of single and two storey extensions

Applicant:	Balfour Beatty Construction Services UK Trigen House, Central Boulevard, Blythe Valley Park, Solihull, B90 8AB
Agent:	Tweedale Limited 265 Tettenhall Road, Wolverhampton, WV6 0DE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposes the erection of single and two storey extensions to the existing school building.
- 1.2. The two storey extension (identified as Area D on the plans) would be located in the southeast corner of the site and would comprise a library and nurture room on the lower ground floor and a staffroom with toilets and breakout area on the upper ground floor. It would provide a total of 165sqm of new floorspace. Externally it would continue the appearance of the existing extension to which it would be attached with large windows on both the lower and upper ground floors.
- 1.3. The single storey extensions (identified as Area A on the plans) would be located in the northwest corner of the site and would facilitate enlargement of the existing school hall. An existing store on the north elevation would be remodelled with a new external wall and roof to increase the internal floor area of the hall. The store would be reprovided on the west elevation of the hall within a 17sqm single storey extension with a monopitch roof.
- 1.4. Areas B, C and E on the plans relate to internal reconfigurations. Minor alterations around the grounds including the rebuilding of retaining walls and a new ramp to the west of the school building leading to the playing field are also proposed.
- 1.5. The school has been previously extended in order to facilitate its increase from one to two form entry by September 2016 subject to a previous approval. This proposal would provide additional space and allow for some internal adjustments to the layout but it is not intended to facilitate the accommodation of any additional pupils.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The school site is 2.9 acres and comprises of two distinct parts: the existing school building located on the south eastern half of the School site, with landscaping/hard surfaced play areas immediately surrounding it; and playing fields and a multi-use games area located on the north western half of the School site. The site is bounded to the north and east by the rear gardens of residential properties fronting Westfield Road and Nursery Road. To the south an area of woodland separates the site from Chad Brook. A vehicular driveway leads into the site from Nursery Road, between Nos. 81 and 85 Nursery Road.
- 2.2. There are level changes across the application site itself, the site sloping down from northwest to southeast and from northeast to southwest.
- 2.3. [Site location](#)
3. [Planning History](#)
 - 3.1. 02.08.07 - 2006/06084/PA - Creation of play area – Approved with conditions.
 - 3.2. 02.07.08 - 2008/02551/PA - Re-orientation of multiuse games area approved under application S/06084/06/BCC with incorporation of french drain and 3m high fencing surround – Approved with conditions.
 - 3.3. 12.07.10 - 2010/02682/PA - Erection of a portacabin to be used as temporary classroom accommodation and relocation of temporary storage container – Temporary approval.
 - 3.4. 10.02.2011 - 2010/05647/PA - Extension to existing School building to provide 7 no. classrooms, extension to provide extended assembly hall and erection of sprinkler tank in playground – Approved with conditions.
 - 3.5. 02.06.2016 - 2016/02914/PA - Installation of a temporary classroom for a two year period – Temporary approval.
 - 3.6. 12.07.2016 - 2016/04879/PA - Pre-application enquiry for the erection of two additional storeys of accommodation to provide a new library and storeroom with a new staff room and associated facilities above. Advised extensions were likely to be acceptable in principle. Proximity of the proposed breakout window to the boundary with No. 89 Nursery Road was raised.
4. [Consultation/PP Responses](#)
 - 4.1. Transportation Development: No objection. There would be no change to existing parking or to pupil or staff numbers.
 - 4.2. Regulatory Services: No objection.
 - 4.3. Site notice posted, local Councillors, MP, Residents' Associations and the occupiers of nearby properties notified of the application: 2 responses received from local residents commenting as follows:
 - The resulting increase in pupil numbers would affect the volume of traffic in surrounding roads which has already increased significantly. The traffic situation should be carefully considered before planning permission is granted.

- The two storey extension would be better located elsewhere on the site further from residential boundaries. The proposed window to the breakout area would face directly towards the boundary with No. 89 Nursery Road and, irrespective of obscured glass would feel like a loss of privacy. Natural light could be provided via a skylight or light tunnel instead.

5. Policy Context

- 5.1. UDP 2005; Pre-Submission Birmingham Development Plan 2031; SPG Places for Living 2001; SPD Car Parking Guidelines 2012; NPPF; NPPG.

6. Planning Considerations

- 6.1. The school is long-established and the proposal to extend it raises no issues of principle. Instead, the key issues for consideration are the impact of the proposal on visual amenity, on residential amenity and on parking and highway safety.

Visual amenity

- 6.2. The proposed single storey extensions to the existing hall, located at the northwest corner of the site, would not be visible from outside of the school site but in any case they would be in keeping with the general style of the building and would be small scale. Notwithstanding their proximity to the north boundary of the site, adjoining residential garden boundaries on Westfield Road at a minimum distance of 5.7m, the school site is approximately 3m lower than the level of the residential gardens which would prevent any significant impact on residents.

- 6.3. The proposed two storey extension would be located in a more prominent position facing the access drive however its design would be consistent with the existing extension to which it would be attached and in the context of the enlarged school building it would be relatively small in scale. It would not be visible from public land and trees at the end of rear gardens on Nursery Road would offer some screening for residents.

- 6.4. The Tree Officer has no objection to the proposed extensions. He notes the new ramp may affect an oak tree but there is no statutory tree protection affecting the site and he does not intend to make a Tree Preservation Order at this time.

Residential amenity

- 6.5. Due to the significant ground level change, residents on Westfield Road would be unaffected by the proposed hall extensions in terms of light and privacy. Residents on Nursery Road have a lesser change in ground level but would still benefit from being at a higher position relative to the school site with rear gardens in the region of 40m long and a mix of evergreen and deciduous trees on the boundary. One side-facing window is proposed in the upper ground floor of the extension serving the breakout area which would be approximately equivalent to a ground floor window for neighbours. The window would be 5.6m from the rear boundary of No. 89 Nursery Road. The plans indicate this window would be obscurely glazed to protect residents' privacy and, despite an objection to the contrary, I consider a condition requiring this together with non-opening lights would be an adequate and proportionate response for limiting the potential for overlooking.
- 6.6. The school is now operating fully as two form entry and no additional pupils are expected as a result of this proposal. Consequently, Regulatory Services has no objection on the grounds of increased noise or disturbance.

- Parking/highway safety
- 6.7. No changes to parking demand or traffic generation are intended as a result of this proposal and consequently Transportation Development has no objection to the scheme.

7. Conclusion

- 7.1. This application is recommended for approval because it would improve facilities at the school without harm to visual amenity, highway safety or, subject to an obscure glazing, residential amenity. It accords with the definition of sustainable development as set out in the NPPF and should be approved.

8. Recommendation

- 8.1. Approved subject to conditions

-
- | | |
|---|---------------------------------------------------------------------------------------------------|
| 1 | Limits the approval to 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires that the materials used match the main building |
| 4 | Requires the prior submission details obscure glazing for specific areas of the approved building |
-

Case Officer: Amy Stevenson

Photo(s)

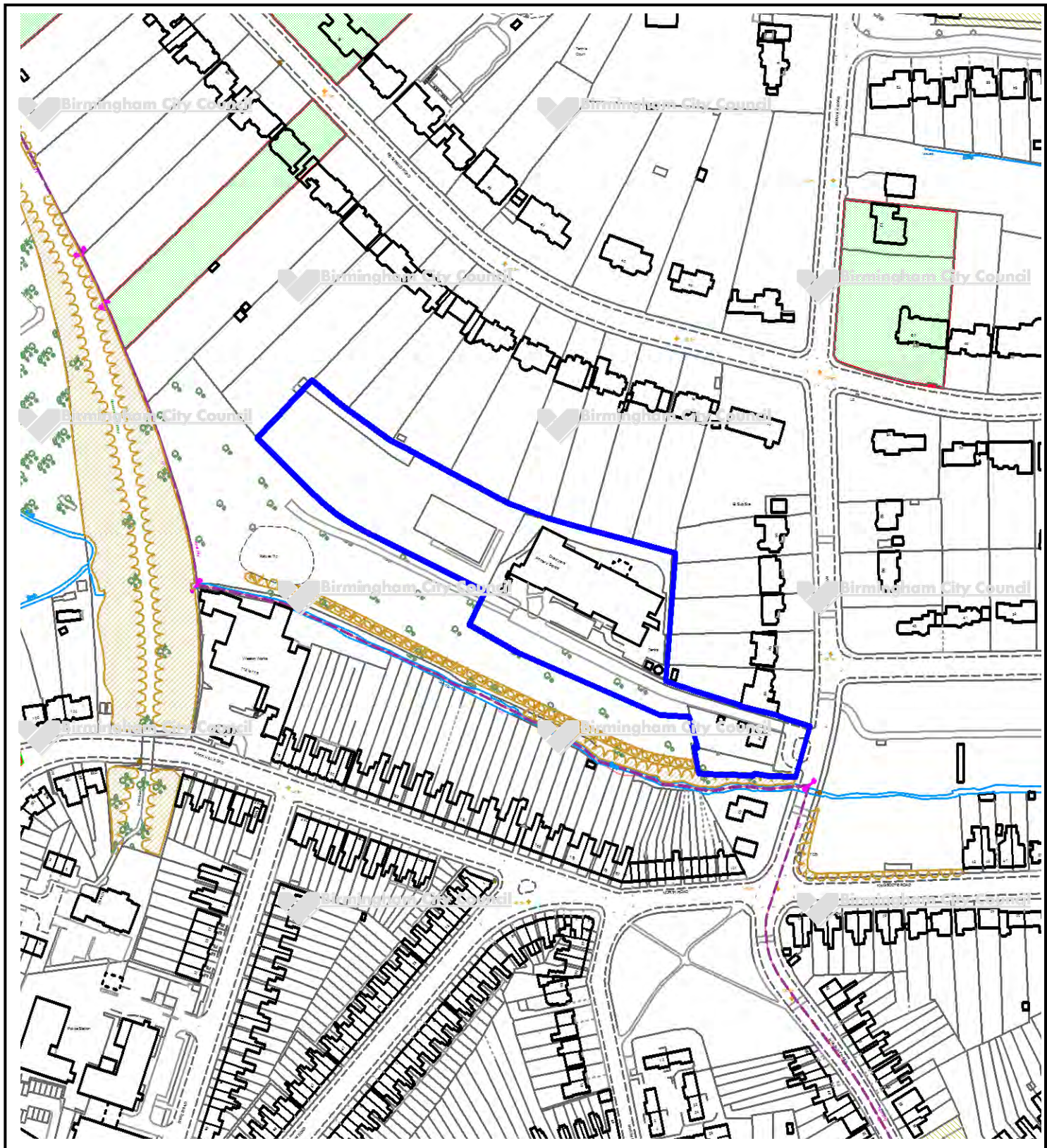


Photo 1: Rear hall extension



Photo 2: Location of proposed two storey extension

Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/06790/PA
Accepted:	10/08/2016	Application Type:	Householder
Target Date:	05/10/2016		
Ward:	Moseley and Kings Heath		

26 Moorcroft Road, Moseley, Birmingham, B13 8LX

Erection of single storey and first floor rear extensions, alterations to first floor front elevation and front porch.

Applicant:	Mr & Mrs Dev 26 Moorcroft Road, Moseley, Birmingham, B13 8LX,
Agent:	Thorne Architecture Limited The Creative Industries Centre, Wolverhampton Science Park, Glaisher Drive, Wolverhampton, WV10 9TG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of single storey and first floor rear extensions, alterations to first floor front elevation and front porch.
- 1.2. The single storey rear extension would be sited to the side (east) boundary of the application site and would be 7.48m in depth, 4.7m in width and 3.4m in height. The extension is designed with a flat roof and a roof lantern.
- 1.3. The first floor rear element would project off the main rear elevation facing the rear garden at 3.2m in depth and 4.4m in width and is designed with a hipped roof over to match existing roof design.
- 1.4. The front porch would project forward by 0.65m from the main front elevation and is designed with rendered elevations and a flat roof design. It would replace an existing porch with a similar footprint.
- 1.5. The first floor front elevation is to be altered with glazed panelling which extends up to the loft and is design with a pitched roof.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This application relates to a detached property located within a residential area. The dwelling house fronts onto Moorcroft Road with Reddings Road located to the West of the application site which forms part of the Moseley Conservation Area and Russell Road running adjacent to Moorcroft Road.

- 2.2. The dwelling houses on this road are of similar scale but differing styles. The application property has brick elevations with a hipped roof over. To the frontage there is a driveway with a small front garden area which is bordered with a low stone wall. To the side of the property there is an original integral garage which is to be replaced by this proposal. The application site benefits from a large rear garden which is encompassed by a 2.5m high brick wall and shrubs exceeding approximately 4.5m in height. To the rear there is an existing single storey and two storey rear extensions. I note there are a number of front porch extensions visible on the surrounding street scene. I also note there are a number of first floor glazed projections visible on the surrounding street scene, similar to the one proposed within this application.
- 2.3. No. 24 Moorcroft Road (to the north) is a similar large detached property with brick elevations and a gable roof over with an integral garage to the side. The side boundary between the two properties is defined by high level mature planting.
- 2.4. No. 28 Moorcroft Road (to the south) is a large detached dwelling house designed with a similar hipped roof design. To the frontage there is a garage to the side. To the rear there is a single storey lean-to structure.

2.5. [Site location](#)

3. [Planning History](#)

- 3.1. 01/03/2004 - 2004/00498/PA - Erection of first floor side extension and part two storey, part single storey rear extension – Approved.
- 3.2. 24/10/2012 - 2012/06729/PA - Pre-application advice for change of use to a Physiotherapy Practice.
- 3.3. 07/10/2015 - 2015/0868/ENF - Use of residential property as a physiotherapy practice – Case closed.
- 3.4. 01/06/2016 - 2016/02895/PA - Erection of single storey front, single storey and first floor rear extensions, installation of front dormer – Refused (out of character with existing house/streetscene).
- 3.5. 2016/0564/ENF - Alleged unauthorised business expansion – Case closed.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours and local Ward Councillors were notified. Objections raised by No. 07, No. 11, No. 19, No. 21, No. 23, No. 25, No. 30, No. 61 Moorcroft Road, Russell Road Association, The Moseley Society, Cllr Claire Spencer of Moseley & Kings Heath Ward, on grounds of;
- Privacy
 - Use of property as physiotherapy practice
 - Inaccurate plans (plans have now been amended)
 - Inadequate changes from previous application
 - Additional physiotherapy treatment room (plans amended to remove this)
 - Scale, mass and design of bi-folding windows to frontage
 - Scale, mass and design of glazed elevation to first floor frontage

- Parking/ congestion
- Safety of residents

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan (Adopted 2005)
 - Draft Birmingham Development Plan (2013)
 - Places For Living (Adopted Supplementary Planning Guidance 2001)
 - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
 - Extending your Home (Adopted Supplementary Planning Guidance 2007)
- 5.2. The following national policies are applicable:
- NPPF- 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. I note the alterations of the garage doors to bi-folding doors can be installed under the property's permitted development rights and therefore does not form part of this application.
- 6.3. This application has been submitted following a recent refusal under reference (2016/02895/PA). Plans have been re-submitted following recommendations from the case officer and City Design Team to alleviate the previous reasons for refusal, including the removal of a front dormer and single storey front extension which formed part of the original submission..
- 6.4. Following discussions with the agent, amended plans have been submitted redesigning the internal arrangement by reducing the size of the treatment room and removing the canopy to the front.
- 6.5. The scale, mass and design of the proposed development is in keeping with the original dwelling house and would not compromise the existing character or architectural appearance of the property or surrounding properties. The rear elements would not be visible within the street scene and would not result in a prominent feature. There are a number of porches evident within the surrounding street scene so the proposed porch would not be out of keeping or result in a prominent feature. I consider the glazed elevations to the first floor frontage to be acceptable as it is in keeping with the architectural style of the original property and similar to others situated on Moorcroft Road. As such the development would comply with the design principles contained within the design guide 'Extending your Home' Supplementary Planning Document.
- 6.6. City Design Team - No objections as the application site backs onto the conservation area and causes no harm to it.
- 6.7. The proposed rear extension breaches your committees 45 Degree Code policy to the rear habitable room window of No. 28 Moorcroft Road. However consideration is given the existing high level boundary treatment between the two properties which

would screen a large proportion of the proposed extension. Furthermore there would be a distance of 8m between the nearest habitable window to No. 28 and the proposed extension. Although there is a technical breach of the 45 Degree Code, when taking into account the current arrangement I do not consider that the impact on the neighbouring occupiers in terms of light would be sufficiently detrimental in order to sustain a refusal of the application.

- 6.8. The proposal complies with minimum separation distances set out within 'Extending your Home' and 'Places for Living' Supplementary Planning Guidance, with no loss of privacy to adjacent occupiers.
- 6.9. Notwithstanding the concerns raised by neighbouring occupiers with regards to the use of the property, amended plans have been received relocating the treatment room to a smaller room within the property as opposed to converting the garage into a large treatment room. As part of the previous application (2016/02895/PA) the applicant confirmed there will only be one treatment room, there will be no increase to the clients that attend the clinic and they do not intend to employ anymore staff. Based on this, the treatment use would be ancillary to the main residential use of the property and therefore change of use application is not required.
- 6.10. Concerns raised over parking, congestion and safety of residents would not be considered material planning considerations and therefore cannot be considered as part of this application.

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. Recommend- Approval subject to the following conditions:

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

Case Officer: Hiteshree Kundalia

Photo(s)

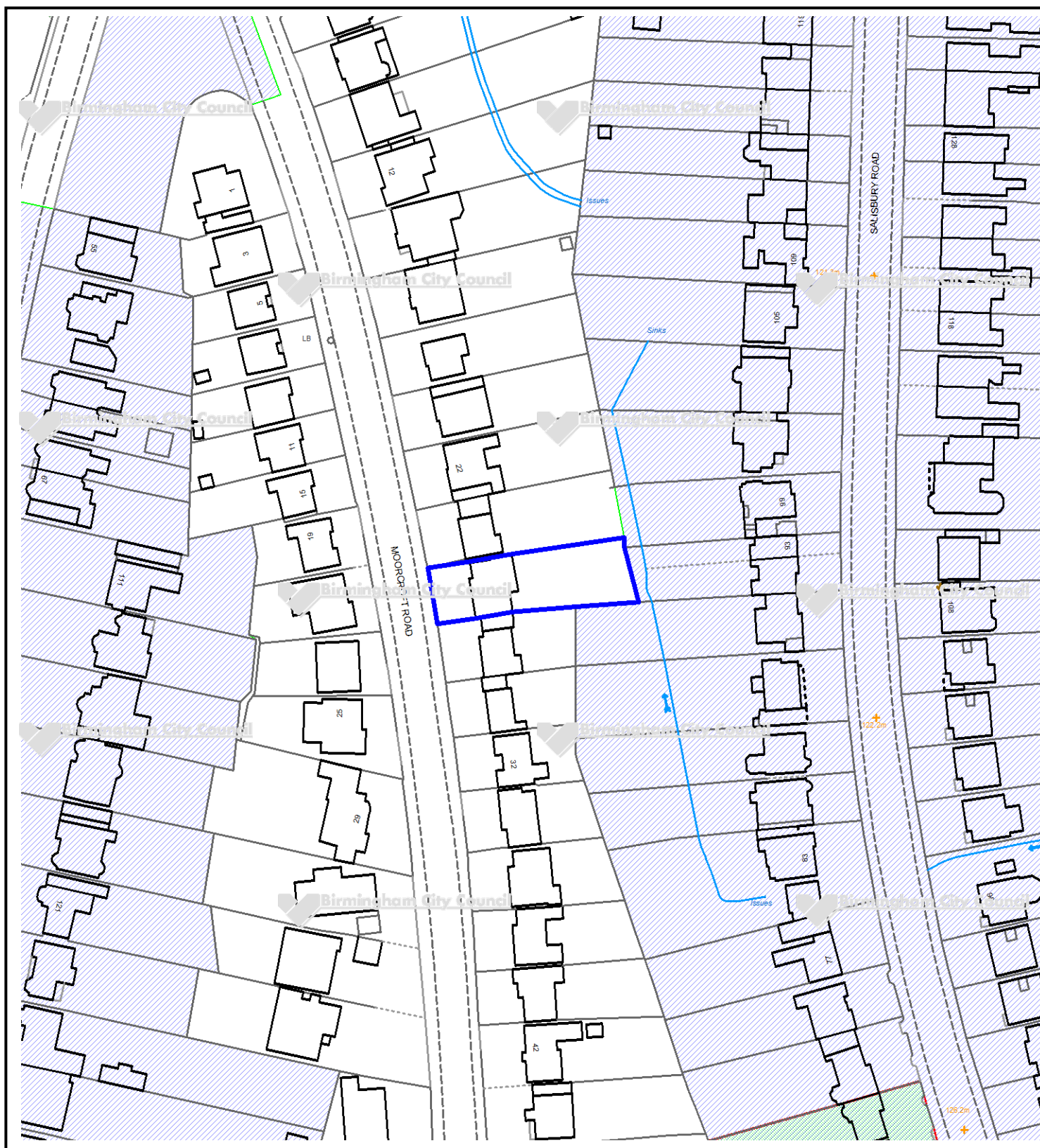


Photo 1: Front elevation



Photo 2: Rear elevation

Location Plan



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Birmingham City Council

Planning Committee

13 October 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	2015/09888/PA 134 Wood End Road Erdington Birmingham B24 8BN Change of use from residential (Use Class C3) to children's day nursery (Use Class D1) and associated parking
Approve - Conditions	16	2016/07341/PA 206 Gravelly Hill Erdington Birmingham B23 7PE Continued use as 7no. flats (use class C3), erection of a single storey side/rear extension and increase in height of a rear flat roof wing
Approve - Conditions	17	2016/07335/PA 27 Queens Road Yardley Birmingham B26 2AA Change of use from residential dwelling (Use class C3) to residential childrens home (Use Class C2) for the accommodation of a maximum of 4 children aged between 10 to 18 years
Approve - Conditions	18	2016/06198/PA Tyseley Wharf Wharfdale Road Tyseley Birmingham B11 2EA Reserved Matters Application following outline consent 2012/08195/PA to include appearance, landscaping, layout and scale for the construction of 3 no. industrial buildings and associated works.

Approve - Temporary

19

2016/06395/PA

Roundabout at the junction of Newport Road,
Coleshill Road and Bradford Road
Hodge Hill
Birmingham
B36 8BG

Display of 3 non-illuminated free standing signs.

Committee Date:	13/10/2016	Application Number:	2015/09888/PA
Accepted:	08/03/2016	Application Type:	Full Planning
Target Date:	14/10/2016		
Ward:	Erdington		

134 Wood End Road, Erdington, Birmingham, B24 8BN

Change of use from residential (Use Class C3) to children's day nursery (Use Class D1) and associated parking

Applicant:	Little Ripley Day Nurseries 4 Goldieslie Road, Sutton Coldfield, Birmingham, B73 5PQ
Agent:	S A Spence Limited 11 Four Oaks Road, Sutton Coldfield, Birmingham, B74 2XP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application seeks consent for the change of use of 134 Wood End Road, a large two storey detached property, from a residential dwellinghouse (Use Class C3) to that of a day nursery (Use Class D1). The proposal includes the demolition of an existing attached garage and single storey outbuilding to allow for the formation of a new vehicle access drive through the site, the formation of a new egress point to the Rollason Road frontage, and associated parking layout.
- 1.2. The internal layout of the premises would provide 4 play rooms, W.C's, pram store, office, kitchen and laundry to the ground floor area and a further 4 play rooms, staff room and W.C's to the first floor. The day nursery would accommodate a maximum of 60 children at any one time, comprising 21 under two year olds (babies), 16 two year olds (toddlers) and 23 three to four year olds (pre-school). An enclosed outdoor play area would be provided to the front/side of the site measuring approximately 430sqm in size.
- 1.3. A new vehicle access/egress arrangement is proposed, with access off the existing entrance on Wood End Road and new vehicle egress constructed onto Rollason Road, allowing vehicles to travel through the site along the south eastern and north eastern parts of the site as part of a one-way drop off/pick up arrangement. The scheme would incorporate 3 staff/visitor parking spaces to the front of the property and 7 spaces to the rear (10 in total) along with 7 drop off zone bays. The proposed egress to Rollason Road would result in the loss of a silver birch tree within the site boundary along Rollason Road frontage. There would be no loss of street trees.
- 1.4. The proposed opening hours are 0700 – 1800 hours Mondays to Fridays. There would be 15 members of staff employed at the site.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on a prominent corner plot bounded by Wood End Road to the south-west and Rollason Road to the north-west. The property is a well-designed, visually attractive large prominent two and a half storey detached dwellinghouse with mature gardens to the front, side and rear, bounded by 1.8m high walling to the Rollason Road frontage and well established hedge to the Wood End Road frontage, within the curtilage of the site lies a number of mature trees which are subject to Tree Preservation Order 1537. Access and egress to the site is off Wood End Road
- 2.2. The surrounding area is predominantly residential in character with Rollason Road to the rear wholly residential. Wood End Road is predominantly residential with a large hotel to the adjacent corner of Wood End Road/Rollason Road with a further day nursery beyond, the Queensbury School directly adjacent to the opposite side of Wood End Road and a medical centre is located nearby.

[Location plan](#)

3. Planning History

- 3.1. 2015/06412/PA, Change of use from residential (Use Class C3) to children's day nursery (Use Class D1), erection of single storey side extension and associated parking, withdrawn to allow for further negotiations with Transportation and Trees.
- 3.2. 08.07.1976. 41866002, Conversion to flats, refused.
- 3.2. 18.12.1975. 41866001, Conversion to flats, refused.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections subject to conditions requiring extraction and odour control details, restricted hours of use 0700-1800 Monday to Friday, restriction of 60 children on site at any one time, outdoor play for a maximum of 8 children between 0900-1700 and adequate refuse storage to be provided within the curtilage of the site.
- 4.2. Transportation Development – No objections subject to condition regarding pedestrian visibility splays.
- 4.3. Housing Regeneration and Development – Would regret the loss of this large family property, however recognise that the property is too large for occupation for certain families and can understand the reasons behind the proposal.
- 4.4. Education/School Places – No objection.
- 4.5. Nearby residents, residents associations and Ward Councillors notified, with the following responses: -
- 4.6. A petition of support received with 10 signatures stating that the proposal would provide further childcare facilities and employment for the local community.
- 4.7. Ward Councillors Alden and Dad object on the following grounds:

- Overconcentration as currently there are a number of day nurseries across Erdington and 4 within close proximity and no more are needed. Family housing is in demand in the area and this is a high quality house which would be lost;
 - The proposal would put further parking pressures on Wood End Road/Rollason Road and the surrounding roads, impacting unfairly on local residents, affecting traffic flow especially as the Queensbury School is located directly adjacent to the site. This scheme would make an already dangerous junction much more dangerous for local residents and traffic. The site has insufficient provision for vehicle parking, with the knock on effect of parking issues within neighbouring roads, which would exacerbate issues due to parents parking for the Queensbury School, leading to inconsiderate parking and access problems for emergency vehicles;
 - The proposal would see a loss of residential amenity and would affect the outlook and character of surrounding roads. The building has significant heritage value and the change of use would lead to the loss of many original features from the external and internal of the building; The property subject to this application is a detached Victorian villa in an attractive garden with mature trees and hedges, the proposed development will change the character of the site and road with a modern extension and new entrance detracting from its visual aesthetics and appeal;
 - The development would be out of keeping with the character of the area;
 - Loss of a family house;
 - Increased noise pollution due to up to 60 children and staff using the outside play area, litter and anti-social behaviour; and,
 - Loss of mature garden area which provides habitat for numerous wildlife and birds, with the potential loss of trees and grassed verges due to parents parking pressures.
- 4.8. A petition of objection received with 109 signatures and 52 letters/emails of objection on the following grounds:
- The site is located on a corner plot with the Rollason Hotel to the adjacent corner, a pelican crossing directly outside, the Queensbury School directly adjacent, a further day nursery a short distance away and a nearby medical centre, this proposal would exacerbate already problematic congestion issues;
 - Parents/teachers/employees of neighbouring uses already park vehicles on grassed verges causing damage;
 - The proposed access/egress would exacerbate already problematic issues which negatively affects the free flow of traffic in the area;
 - The proposed use would be out of keeping with the character of Rollason Road, which is a tree lined residential street;
 - Issues with party walls to neighbouring property;
 - Loss of privacy, overlooking and security issues;
 - Loss of greenery and trees;

- Loss of property values;
- Noise pollution due to children and staff using the outside amenity area;
- A precedent would be set for other residential family properties to change use to non-family businesses;
- Lack of consultation with neighbours; and,
- Negative impact on air quality.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005); Draft Birmingham Development Plan (2013); Day Nurseries SPG (1999) and Places for All (2001) SPG; Car Parking Guidelines (2012) SPD; NPPF (2012).

6. Planning Considerations

- 6.1. I considered that the main issues for consideration are the suitability of the premises as a day nursery, loss of residential accommodation, the number of children/staff to be accommodated, highway safety and impact upon the general amenity/residential character of the area.

- 6.2. **Policy context:** Paragraph 14 of the National Planning Policy Framework states the government's presumption in favour of sustainable development, outlining the 3 dimensions of sustainable development which are economic, social and environmental. The NPPF seeks to deliver sufficient community facilities to meet local needs and it also emphasises the importance of promoting sustainable transport by means of reducing the need to travel and maximising the use of sustainable transport modes. One of the core principles set out in paragraph 17 is to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 advises that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. Paragraph 70 advises that decisions should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

- 6.3. Paragraph 3.8 of the adopted Unitary Development Plan states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good. The keynote is on quality and paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed. Paragraph 8.15 and Day Nurseries SPG advises that day nurseries should generally be confined to detached properties. Properties which may be particularly appropriate are those which have good separation from adjacent residential properties or which are not adjoined on all sides by other residential uses and those which have adequate on-site parking with suitable and safe access and egress. The guidance also states that where a proposal relates to a site in an area which already contains premises in a similar use, properties used for hotels, hostels, residential care homes, self-contained flats and houses in multiple occupation account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area.

- 6.4. **Principle:** I note the large number of objections received, which includes the proposal being out of character with the area, the existing number of nurseries within the Erdington area, a precedent being set and noise/disturbance issues. However, it is also noted that a petition of support has been received, stating that the proposal would provide further childcare facilities and employment for the local community.
- 6.5. The appointed agent has stated that the applicants are the 'Little Ripley Day Nurseries', which is an organisation which successfully operates ten similar Day Nurseries within the Erdington and Sutton Coldfield areas. The existing nurseries are well established and well respected with demand for placements continuing, and that the granting of this permission would enhance a social gain to the area as this group of nurseries has proven to provide a much needed community facility.
- 6.6. The application site consists of a large detached property with generous amenity areas, bounded on two sides by residential properties 1 Rollason Road to the north east and 136 Wood End Road to the south east, a distance separation distance of 5 metres exists between the application property and the boundaries of these residential dwellings. The site is located within a mixed use area which includes the Queensbury School to the adjacent side of Wood End Road, the Rollason Wood Hotel to the adjacent corner of Wood End Road/Rollason Road, the Erdington Medical Centre and a further day nursery to the north west. It is considered that the proposed opening hours of 0700–1800 Monday to Friday are day time hours, during these proposed hours ambient noise levels would already be high due to the close proximity of the adjacent Queensbury School and surrounding uses. I therefore do not consider the proposal would necessarily significantly increase noise and disturbance above or beyond the existing situation. The site is considered sustainable with public transport bus routes located nearby and the opportunity for linked car trips.
- 6.7. The Council continues to consider many planning applications to increase the capacity of primary schools in the city to meet growth in pupil numbers, with similar pressures on places for pre-school children. Whilst there are other nurseries within the area including the 'Nest Nursery' approximately 80 metres to the north west, Education advise there are few vacancies within the Erdington ward and nearby day nurseries are over-subscribed. It is considered that the proposed day nursery would support the economic and social dimensions of sustainable development by contributing to the local economy and offering a wider range of local childcare facilities, and the environmental dimension through enabling sustainable travel choices to be made. The proposal is therefore considered acceptable in principle, adhering to guidance contained within Paragraph 8.15 of the UDP, adopted Day Nurseries SPG and the NPPF.
- 6.8. **Visual amenity:** Concerns have been raised regarding the impact of the proposal on the visual aesthetics of the building, which has significant heritage value, due to the loss of internal and external features. In response, the building does not benefit from any statutory designation such as being locally listed and, no external alterations are proposed to the main building. The proposal includes the demolition of an attached flat roof garage and outbuilding, which are not original features. The loss of these two structures would not warrant the refusal of the application on heritage grounds.
- 6.9. **Residential amenity:** I note concerns raised regarding increased noise and pollution due to up to 60 children and staff using the outside play area, litter, loss of privacy, overlooking and security issues.

- 6.10. The principal source of possible disturbance would be from the comings and goings of users of the facility and children using the proposed outdoor play area. The site is located within a mixed use area where a school, medical practice, hotel and a further day nursery are located nearby. The proposal would see the formation of an access/egress drive through the site along the north eastern and south eastern edges adjacent to properties 1 Rollason Road and 136 Wood End Road. However, the proposed opening hours of 0700 – 1800 Monday to Friday are considered day time weekday only use hours, when ambient noise levels would generally be higher at arrival/departure times for parents and children due to the close proximity of the adjacent Queensbury School when arrivals and departures would be similar. Furthermore, neighbouring residents would be more likely to be away from home during the proposed opening hours of the facility. It is therefore considered that the proposal would not lead to significant detriment to residential amenity sufficient to warrant refusal.
- 6.11. Regulatory Services have assessed the proposal and raise no objections, subject to conditions requiring extraction and odour control details, noise insulation, electric vehicle charging point and safeguarding/restrictive conditions on hours of use, day nursery numbers, outdoor play times and the number of children outside at any one time. In response, the proposal is for a day nursery within a detached building that is of a size and character suited to the proposed use. The kitchen area proposed is of a small domestic scale and no new window openings or doors are proposed, therefore it is considered that noise insulation and odour control details are unnecessary in this instance. In regards to proposed safeguarding/restrictive conditions, I consider that limiting the proposed opening hours and the times/number of children using the outdoor area as well as restricting overall child numbers would further mitigate and restrict noise levels to an acceptable level for neighbouring occupiers. I therefore attach the requested conditions.
- 6.12. **Loss of family dwelling:** Objections have been received regarding the loss of a family dwelling and a precedent being set for other residential family properties to change use to non-family businesses. Housing has assessed the proposal and comments that there is an overwhelming demand for family accommodation in Birmingham and clearly would regret the loss of this property should it be converted to a day nursery. However, the officer further comments that the premises is very large and would not be considered as a home due to its size for someone living on an average salary, therefore it can be understood why the premises would be suitable for non-residential use. The use is considered appropriate for residential area as it would serve the wider needs of the community. Consequently, the community benefits associated with the proposal are considered to outweigh family dwelling policy objectives in this instance.
- 6.13. **Highway safety:** Concern has been raised by nearby occupiers and Ward Councillors regarding parking pressures on Wood End Road/Rollason Road and the surrounding roads, the impact of the proposal on traffic flow especially as Queensbury School is located directly adjacent, the scheme making an already dangerous junction much more dangerous for local residents and traffic, insufficient provision for vehicle parking and inconsiderate parking and access problems for emergency vehicles.
- 6.14. There are traffic regulation orders in the form of zig-zag lines and a pelican crossing fronting the application site on Wood End Road, up to the junction with Rollason Road that would deter any inconsiderate parking and waiting on the Wood End Road frontage. The proposal has been amended numerous times in consultation with Transportation and the Tree Officer, in order to create adequate parking,

manoeuvring and drop off zones within the curtilage of the site. The scheme now proposes access for vehicles off Wood End Road, providing 10 parking spaces and 7 drop off zone bays throughout the site, with the formation of a new egress point/crossing onto Rollason Road. Transportation Development raise no objections to the proposed amended scheme subject to the imposition of a condition requiring pedestrian visibility splays.

6.15. **Other issues:** Concern has been raised regarding the impact of the proposal on existing greenery/trees on the site. Trees on the site are subject to Tree Preservation Order 1537. One tree is to be removed, a silver birch to the Rollason Road boundary to allow for the formation of the proposed egress from the site. My Tree Officer has assessed the proposals and raises no objection, subject to a condition that the submitted tree survey method statement measures are implemented on site.

6.16. In terms of air quality concerns raised by Regulatory Services, the area is not considered to be particularly heavily trafficked other than at school opening and closing times and heavy vehicle traffic is not considered excessive in the area, therefore the proposed air quality condition is considered unnecessary in this instance. Further concerns have been raised in regard to party walls issues, loss of property values and a negative impact on air quality. In response, party wall issues are civil matters and property values are not material planning considerations.

7. Conclusion

7.1. The proposed change of use of the premises to a day nursery would be in accordance with adopted local and national policies. The proposal would provide an increased level of child care provision in a sustainable location, adjacent to an existing school site. Subject to suitable safeguarding conditions it considered the proposal is acceptable.

8. Recommendation

8.1. Approve subject to the following conditions.

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- | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires pedestrian visibility splays to be provided |
| 2 | Limits the hours of use to 0700-1800 Monday to Friday. |
| 3 | Limits the number of children able to attend the day nursery to 60 at any one time. |
| 4 | Limits the number of children allowed to play outside to 8 children at any one time between the hours of 0900-1700 Monday to Friday |
| 5 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 6 | Requires the prior submission of entry and exit sign details |
| 7 | Requires the parking area to be laid out prior to use |
| 8 | Requires footway crossing reinstatement/installation/extension details prior to occupation. |
| 9 | Requires the implementation of tree protection |
-

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- 10 Prevents the use from changing within the use class
 - 11 Requires the proposed access/egress arrangements are implemented and adhered to
 - 12 Requires the scheme to be in accordance with the listed approved plans
 - 13 Limits the approval to 3 years (Full)
-

Case Officer: Keith Mellor

Photo(s)

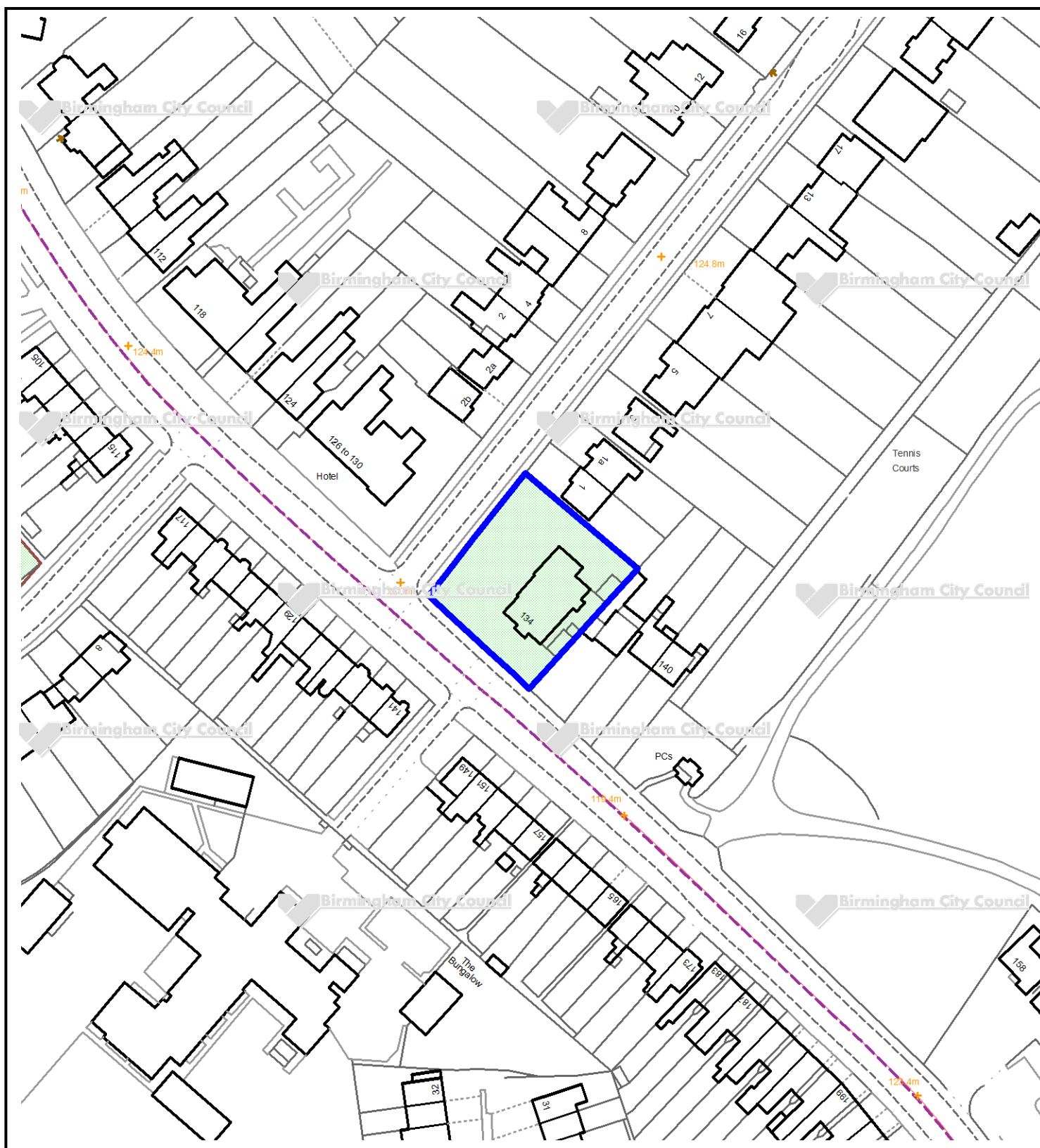


Front elevation 1



Rollason Road boundary 1

Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/07341/PA
Accepted:	30/08/2016	Application Type:	Full Planning
Target Date:	25/10/2016		
Ward:	Stockland Green		

206 Gravelly Hill, Erdington, Birmingham, B23 7PE

Continued use as 7no. flats (use class C3), erection of a single storey side/rear extension and increase in height of a rear flat roof wing

Applicant:	Mr Adalat Khan 33 Billesley Lane, Moseley, Birmingham, B13 9QT,
Agent:	Brophy Riaz & Partners Limited 48a Hylton Street, Jewellery Quarter, Birmingham, B18 6HN

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Consent is sought for the continued use of 206 Gravelly Hill, Erdington as 7 self-contained flats and the erection of a single storey rear infill extension.

1.2. Internally the building houses 7 self-contained flats, comprising of:

- Flat 1 – Located to the ground floor front, consisting of a living/dining room, kitchen, bathroom and one double bedroom (19.9sqm), the footprint of the flat is approximately 61sqm;
- Flat 2 – To the ground floor rear, consisting of living/dining room, shower room and one single bedroom (10.2sqm), the footprint of the flat is approximately 43.5sqm;
- Flat 3 - To the ground floor, which includes the proposed extension, would consist of a living/kitchen/dining area, shower room and one single bedroom(12.7sqm), the footprint of the flat would be approximately 38sqm;
- Flat 4 – To the first floor front area consists of a kitchen/living/dining room, bathroom, storage area and 1 double bedroom (15.3sqm) with a footprint of approximately 50sqm;
- Flat 5 – To the first floor middle area, consisting of a living/dining area, kitchen, shower room and one single bedroom (13.2sqm) with an overall footprint of approximately 37.1sqm;
- Flat 6 – To the first floor rear area, consisting of a living/dining area, bathroom, kitchen and one single bedroom (12.2sqm), with an overall footprint of approximately 44.1sqm; and,

- Flat 7 – To the second floor/roof space area consisting of a living/dining area, shower room, kitchen and one single bedroom (15.3sqm), with an overall footprint of approximately 49.8sqm.
- 1.3. The proposed single storey infill extension to the rear of the premises would allow for the enlargement of ground floor self-contained flat 3 to the rear to provide a floor area of 38sqm. The extension would measure approximately 4.2 metres in width x 4.5 metres depth maximum x 2.8m in height to flat roof; the extension would also increase the height of an existing flat roof wing of the building adjoining the proposed extension from 2.5m to 2.8m. Materials used for the construction of the extension would be to match the existing building.
 - 1.4. The applicant has stated that 7 off road parking spaces are provided on a hard standing drive area to the front of the premises, equating to 100% parking provision.
 - 1.5. Private outdoor amenity space of approximately 465sqm is provided to the rear, equating to approximately 66sqm per flat.
 - 1.6. The site is subject to Tree Preservation Order 1399, protecting all trees on the site.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The premises are a large two storey semi-detached property, located on a prominent corner bounded by Wheelwright Road to the north and Gravelly Hill to the west. To the front of the property lies a hard standing area for vehicle parking and to the rear lies a large enclosed amenity area. A footway crossing is located to the Gravelly Hill frontage. The site is subject to Tree Preservation Order 1399, protecting all trees on the site.
- 2.2. The property is located within a predominantly residential area, surrounding properties are a mix of designs, including post war and inter-war housing and post war purpose built flatted developments of differing designs, massing and built form.

[Location map](#)

3. Planning History

- 3.1. 14.06.2016. APP/P4605/C/15/3140079, Enforcement appeal on grounds 'F' and 'G' against an enforcement notice that without planning permission, the premises changed use from 3 self-contained flats to 7 self-contained flats, appeal dismissed on the grounds that no steps could be taken to remedy the breach of planning control that has occurred.
- 3.2. 2016/01744/PA, Alterations to ground floor flat (unit No.3) and erection of single storey rear/side extension, withdrawn.
- 3.3. 30.11.2015. 2015/05187/PA, Continued use as 7no. flats (use class C3) and erection of single storey side/rear extension, refused on the following grounds:
 - *The premises is of an insufficient size, the proposal is over-intensive as five of the flats would provide inadequate internal layout and three of the flats insufficient bedroom sizes, to the detriment of the residential amenity of existing/future occupiers*

- *Inadequate information has been submitted in regards to highway safety and information regarding trees, which are protected under tree preservation order 1399 which would be affected by the proposed car parking and access.*
- 3.4. 15.09.1977. 08477004, erection of 10 aged persons dwellings to the rear of 200-206 Gravelly Hill, approved
4. Consultation/PP Responses
- 4.1. Regulatory Services – No objection subject to condition requiring acoustic noise insulation to windows and doors.
- 4.2. Transportation Development – No objection subject to conditions requiring the parking areas laid out, cycle storage details and pedestrian visibility splays.
- 4.3. Severn Trent Water – No objections subject to condition requiring drainage details.
- 4.4. West Midlands Police – No objection.
- 4.5. Site notice posted, nearby residents, residents associations and Ward Councillors notified, with the following responses received:
- Six letter/emails of objection raising concerns regarding the stress caused to one of the occupiers due to the proposal, the cramped conditions of the flats, previous and proposed works to the property not being sympathetic to this Edwardian property, the safety of tenants due to lack of maintenance and poor living conditions, damage to trees and drainage issues.
5. Policy Context
- 5.1. Birmingham UDP (2005) and Draft Birmingham Development Plan (2013); Car Parking Guidelines (2012) SPD; Places for Living (2001) and 45-degree code SPG; NPPF (2012) and Nationally Described Spacing Standards (2015).
6. Planning Considerations
- 6.1. The main issues for consideration are whether the principle of the sub division of the premises into 7 self-contained flats is acceptable; whether the proposed flats would provide future occupiers with a satisfactory standard of residential accommodation/amenity; and the impact of the proposed single storey rear extension on the architectural appearance of the property, the visual amenity of the locality, the amenities of adjacent occupiers and highway safety.
- 6.2. **Background:** The proposal seeks permission for the continued use of the property as 7 self-contained flats from 3 self-contained flats, in which use the premises appears to have been for a number of years. A previous application 2015/05187/PA for the continued use of the premises as 7 self-contained flats and the erection of single storey side/rear extension was refused on the 30th November 2015, due to the insufficient size of the flats, the over-intensive nature of the proposal and inadequate internal layout. Inadequate information had also been submitted in regards to highway safety and trees.
- 6.3. An enforcement notice was issued on the 3rd November 2015 for a breach of planning control, in that without planning permission a change of use of the premises to 7 self-contained flats had occurred. This notice was appealed under reference

APP/P4605/C/15/3140079, on ground 'F' in that the steps required by the notice, to cease, exceeded what was necessary and ground 'G' in that the time given to comply with the requirements of the notice were too short. The appeal was subsequently dismissed on 14th June 2016 with the Inspector commenting that it was not excessive to require the use of the premises as 7 flats to cease, however the enforcement notice was varied from 2 months to 6 months for the period of compliance.

- 6.4. This current application seeks to overcome the above refusal issues through the erection of a single storey extension and alterations to the internal layout of the building, to provide an acceptable level of internal living environment for occupiers/future occupiers, and the retention of the premises as 7 self-contained flats.
- 6.5. **Policy:** UDP policies relating to flat conversions (8.26 & 8.27) advise that proposals should not have an adverse effect on the residential amenity of adjoining occupiers. The potential for noise and disturbance nuisance will vary according to the size and type of property involved, the number of flats proposed, the existing use of adjoining properties and ambient noise levels in the vicinity. Generally detached properties are most appropriate for flat conversions, semi-detached and terraced properties may be considered suitable but the potential effect on adjoining occupiers will be assessed particularly carefully. Other considerations include the cumulative effect, parking, highway safety and design of any external alterations.
- 6.6. Paragraph 3.8 of the adopted Unitary Development Plan states that the City's environmental strategy is based on the need to protect and enhance what is good in the City's environment and to improve what is less good. The keynote is on quality and paragraph 3.10 of the UDP states that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed.
- 6.7. DCLG Technical housing standards – nationally described space standards (2015) sets out internal space standards and the requirements for gross internal (floor) areas.
- 6.8. **Principle:** This application seeks the retention of the use of the building for 7 self-contained flats from the original 3 self-contained flats. The premises are a large semi-detached property located within an area which is predominantly residential in character, benefiting from off-road parking to the front and a large enclosed rear garden area. The site is not situated within an area of restraint and the proposal does not result in the loss of a single family dwelling. The site is situated within a sustainable location and close to a number of public transport facilities. It is therefore considered that subject to the premises providing an acceptable level of residential amenity/accommodation for existing occupiers/future occupiers, that no detriment arises to neighbouring occupiers residential amenity and no detriment arises to the visual aesthetics of the building or street scene that the principle of the proposal is acceptable.
- 6.9. **Residential amenity:** In terms of internal space, the applicant has amended the internal layout of the flats and proposes a single storey extension to increase the footprint of flat 3 to the ground floor area, to allow for the retention of 7 self-contained flats, comprising of 2 one-bed/two-person flats and 5 one-bed/one-person flats. The Nationally Described Spacing Standards recommends that a one-bedroom/two person flat provides a minimum footprint of 50sqm, both of the one bedroom/two person flats adhere to this guidance. The guidance further states that a one-bedroom/one person flat should provide a minimum footprint of 39sqm if the flat has

a bathroom or 37sqm if the flat provides a shower room, all 5 one bedroom/one-person flats adhere to this guidance. In terms of bedroom footprints, the guidance advocated 11.5sqm for a double bedroom and 7.5sqm for a single bedroom; all flats adhere to this advocated guidance. Internal furniture layout plan has been provided that further demonstrates an adequate living environment for existing/future occupiers

- 6.10. In terms of external amenity space, adopted SPG 'Places for Living' advocates that 30sqm per unit of outdoor communal amenity space should be provided per flat, the premises benefits from a private rear garden area of approximately 465sqm providing approximately 66sqm per unit, significantly exceeding this guidance.
- 6.11. In terms of the residential amenity of neighbouring occupiers, objection from near neighbours has been received raising concerns over the stress caused to one of the occupiers due to the proposal and the cramped/poor living conditions of occupiers of the flats. In response, all 7 flats adhere to national space standard guidance in terms of both internal and external space. Regulatory Services have assessed the proposal and raise no objections, subject to condition requiring noise insulation details. In response, the use is existing and the proposed single storey extension is located to the rear of the site, therefore it is considered that noise insulation is unnecessary in this instance. West Midlands Police raise no objections.
- 6.12. In terms of the impact of the proposed extension on the residential amenity of neighbouring occupiers, the proposed extension is single storey and located to the rear of the premises. It would comply with the adopted 45-degree code and therefore no impact would occur upon the residential amenity of neighbouring occupiers in terms of light and outlook.
- 6.13. **Design and impact on visual amenity:** Objection has been received regarding unsympathetic alterations/works that have been carried out to the building over the last few years. The proposed rear infill extension would allow for an increase in floor space for flat 3 to the rear/side area of the ground floor, from the existing 27.5sqm to 37.8sqm. The extension would be small scale and constructed of materials to match the existing building, being located in an area which is not visible to the public domain. No external alterations are proposed to the main facades of the building. It is therefore considered that the proposed extension subject to sample materials condition being imposed would not cause any detriment to the visual aesthetics of the building or street scene.
- 6.14. **Impact on highway safety:** Transportation Development have assessed the proposals and raise no objections, subject to conditions requiring the parking areas are laid out, cycle storage details and pedestrian visibility splays. I concur with this view and accordingly attach the requested conditions.
- 6.15. **Other issues:** Objection has been received regarding the loss/damage to trees. The site is covered by Tree Preservation Order 1399 and my Tree Officer's conclusions will be reported at the meeting.
- 6.16. Severn Trent Water has assessed the proposal and offer no objections, subject to condition requiring drainage details. In response, the property is connected already, therefore the condition is considered unnecessary in this instance.

7. Conclusion

7.3. I am of the view that the proposal has overcome the refusal reasons of application 2015/05187/PA. The proposed extension would allow flat 3 to the ground floor to meet national space standard guidance and the premises with the addition of the proposed small rear infill extension is of a size acceptable to permit the formation of 7 individual dwelling units of a satisfactory size and layout. The proposed single storey rear infill extension would have no significant impact upon the residential amenity of neighbouring occupiers or visual amenity.

8. Recommendation

8.3. Approve subject to the following conditions.

-
- | | |
|---|------------------------------------------------------------------------|
| 1 | Requires the parking area to be laid out prior to use |
| 2 | Requires the prior submission of cycle storage details |
| 3 | Requires pedestrian visibility splays to be provided |
| 4 | Requires the prior submission of sample materials |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: Keith Mellor

Photo(s)

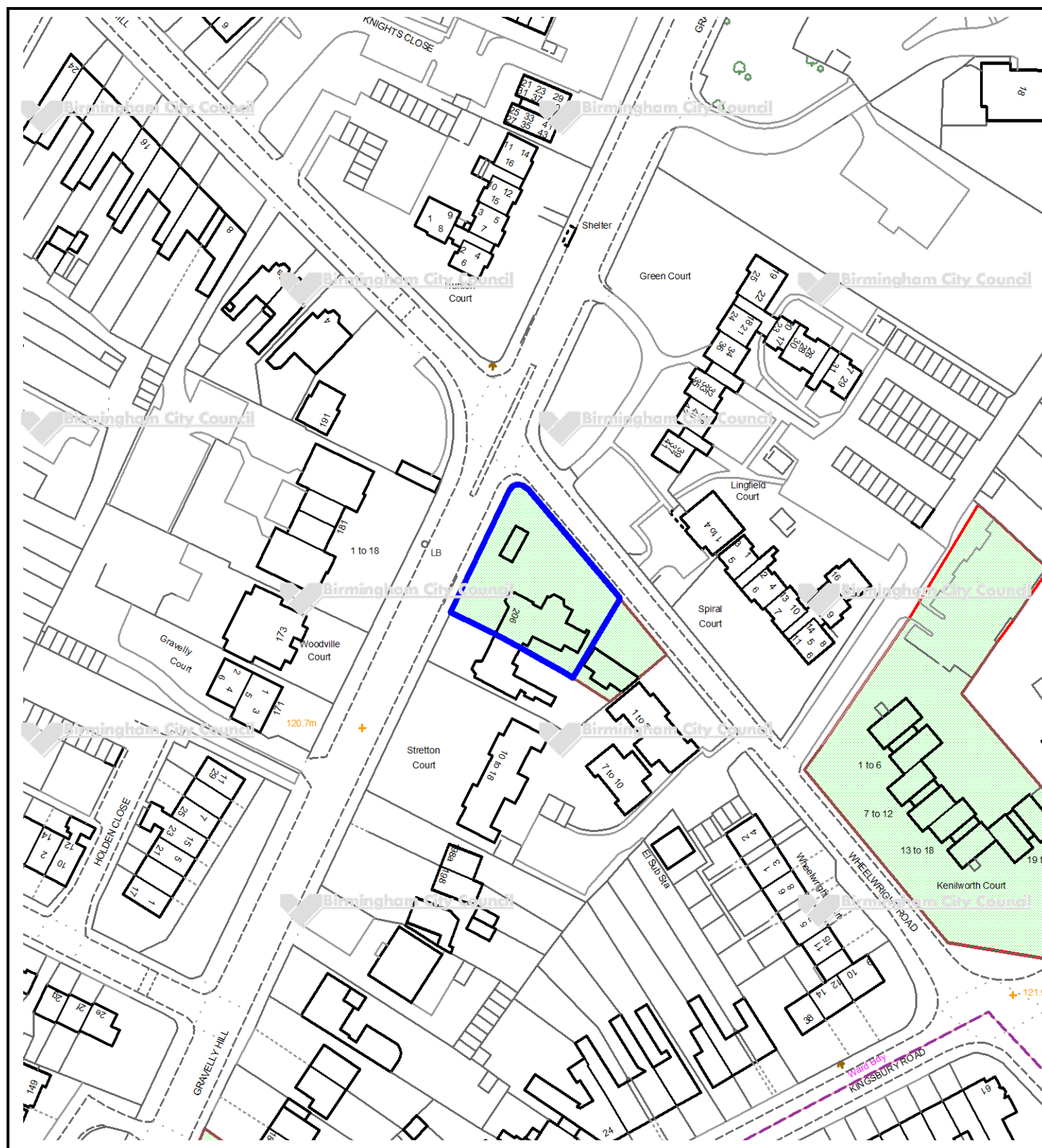


Front elevation 1



Side elevation 1

Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/07335/PA
Accepted:	02/09/2016	Application Type:	Full Planning
Target Date:	28/10/2016		
Ward:	Stechford and Yardley North		

27 Queens Road, Yardley, Birmingham, B26 2AA

Change of use from residential dwelling (Use class C3) to residential childrens home (Use Class C2) for the accommodation of a maximum of 4 children aged between 10 to 18 years

Applicant: Mr Ian Bywater
 Egerton House, Wardle Road, Smallbridge, Littleborough, OL12 9EN
 Agent:

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Consent is sought to change the use from a dwellinghouse (Use Class C3) to a residential care home for up to four children (Use Class C2), aged from 10-18 years and from within the Birmingham area.
 - 1.2. The premises would be managed and run by the Meadows Care Limited, describing themselves as an experienced, well established company who have successfully set up and run 19 other children's homes. They add that all their homes are specifically designed to look like and feel like a family dwelling and specifically selected in areas to encourage the young people to take pride in their surroundings and to enable them to participate in activities within the community.
 - 1.3. Meadows Care has been contracted by Birmingham City Council to develop some of the homes needed to ensure there are enough homes to look after children and young people who are not able to live at home. As part of this contract, one of the homes will be to look after children who have been remanded into the care of the local authority by the Courts or the Police are requiring the local authority to look after a child until they can appear in court. 27 Queens Road is the intended location to carry out this function.
 - 1.4. The care home would be registered and regulated by Ofsted with annual inspections and visits from Ofsted (at least two visits per year). In addition to the requirements of Ofsted's regulatory framework and the internal auditing process, there are also a number of policies, procedures and guidelines to operate within and a number of Birmingham City Council policies. Furthermore, as part of the contracted service Birmingham City Council regularly monitors the service provided through a number of different methods.

- 1.5. It is advised that the care home would be staffed 24-hours a day and no child or young person would be left within the home on their own. In addition they would be supervised whilst out in the community if they cannot manage on their own. During the day there would be three staff supervising, one of whom might be in the house until the following working day to enable them to attend court. Two staff would remain overnight within the home. 24-hour cover would consist of 12 full-time members of staff including the Registered Manager, a Deputy Manager, Senior Support Worker and Residential Support Workers.
- 1.6. A Management Plan for the premises submitted in support of the application, also advises that every child is risk assessed prior to be placed within the home. This looks at all aspects of their needs as well as the impact they may have on other young people already in placement. Both Meadows Care and Birmingham City Council have the right to prevent placement where it is believed to not be in the best interests. The assessment is also updated regularly to ensure the home remains the right placement for them. During each weekday, the children would be expected to engage in education and would be transported to school by staff or supported to get public transport. Once home from school the children would be encouraged to complete homework and also access local youth and sporting clubs. They are also encouraged to make appropriate friendships and have friends round to play or visit friends' houses. This would be based upon an ongoing assessment of their needs and any conditions that have been put in place by the Courts or the Police.
- 1.7. The Management Plan also inform that how closely the children are supervised whilst out within the community would depend upon their level of need level of risk, any conditions that have been placed on them their capability and what their care plan states which is reviewed regularly in conjunction with social workers the Courts, Police and other professional involved within their care. If a child cannot go out of the home on their own without being supervised they would always be accompanied by a member of staff. All external doors would be locked at night and security checks undertaken. Only members of staff would hold the keys to the external doors, which are also fitted with alarms, as are also the bedrooms so staff are aware if any child tries to leave their room during the night.
- 1.8. The existing property is a 7-bedroom house and the proposal would see 2 living rooms, kitchen, utility room, bathroom and office to the ground floor, 4 children's bedrooms (1 with an ensuite), staff bedroom and bathroom to the first floor and a further staff bedroom and a spare room to the second floor. Externally, there are full-height opening doors at first floor to the rear elevation leading onto the kitchen's flat roof. These would be replaced with conventional windows to prevent access onto this space. The rear garden area measures 160m² providing 40m² per resident. The application form states that 4 parking spaces would be provided.
- 1.9. [Link to Documents](#)
2. [Site & Surroundings](#)
- 2.1. The application premises consist of an enlarged detached 2-storey dwellinghouse that is located in an established residential area. There are residential properties to the immediate east, south and west of the application site and to the north, on the opposite side of Queens Road, is Yardley Lawn Tennis Club and beyond that Old Yarley Park, which both fall within the Old Yardley Conservation Area.

- 2.2. The application site has off-street parking to the front of the property with a footway crossing of Queens Road. Queens Road is a tree-lined street with grass verges and no parking restrictions.
- 2.3. [Site location](#)
3. [Planning History](#)
- 3.1. 05/10/10 – 2010/04600/PA. Erection of two-storey side and rear, single-storey rear and single-storey forward extensions and installation of rear dormer and 2 no. Juliette balconies to rear. Approved.
4. [Consultation/PP Responses](#)
- 4.1. Transportation Development – No objection subject to conditions relating to parking layout and cycle storage.
- 4.2. Regulatory Services – No objection subject to condition relating to electric vehicle charging points
- 4.3. West Midlands Police – No objection in principle. The WMP Birmingham CPDA Team have met with representatives of Meadows Care and BCC Children's Services regarding the homes. There has been no adverse feedback from the local West Midlands Police Neighbourhood Team that covers the area. A site visit to the property has identified an issue in relation to the ease of access to the rear single storey flat roof extension from 2 rear first floor bedrooms which have unrestricted access to this area. The bricking up of these doors and install instead small fixed windows on restrictors would prevent access.
- 4.4. Neighbouring properties, residents groups and local Councillors consulted with a site notice posted.
- 4.5. Representation received from Councillor Neil Eustace opposing the application on the grounds of the building being unsuitable and support for the use being inadequate.
- 4.6. 8 representations received from local residents raising the following objections:
- Meadows Care has failed to manage their Sutton Coldfield Home with minimum disruption to residents, with police and fire officers being called out. This home has been a source of anti-social behaviour.
 - Queens Road has a middle-to-elderly aged community and they are frightened how their neighbourhood will be affected.
 - Yardley Old Park is opposite Queens Road and an obvious meeting place and potential source of anti-social behaviour.
 - The neighbourhood has been improving since the redevelopment of the Ring O' Bells PH and this would be a step backwards.
 - Recognise that disadvantaged children have to be supported but it's not the fault of Queens Road's residents that Birmingham have closed their dedicated children's homes and are now desperately looking for accommodation.
 - An established residential area with a makeup of older people is not a suitable location.

- Consent should not be granted until Meadows Care has proved they can manage the Sutton Coldfield home without distress to residents.
- Social implications on the immediate area, including unrest and intimidation to local residents.
- Negative impact on residents' health and wellbeing through stress and anxiety.
- Noise and disturbance during the day when residents who work varying shifts may be sleeping.
- Inadequate parking.
- The house should remain for the purpose it was built for.
- Devalue and greater difficulty to sell property.
- People are trying to make quick money.
- Question the suitability to provide a children's care home for 16-18 year olds as they are adults and would be better off if they had their own place.
- There is a hostel for the homeless and a home rented to vulnerable people in the locality.
- Different people coming and going will cause a break down in the community.
- Queens Road is a busy road and an increase in parking will impact upon highway safety.
- No reference of security arrangements to the rear garden.
- Access to rear flat roof is a security concern.

5. Policy Context

- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Specific Needs Residential Uses SPG, Car Parking Guidelines SPD and the NPPF.

6. Planning Considerations

- 6.1. Background information:

- 6.2. On 1st June 2015, the City Council awarded a contract to Meadows Care Limited to provide Children's Residential Homes within Birmingham. A number of these have already been approved and set-up.

- 6.3. The Council has a duty to safeguard and promote the welfare of children in care, including the provision of sufficient accommodation capable of meeting children's needs in the city.

- 6.4. Policy context:

- 6.5. The NPPF confirms there is a presumption in favour of sustainable development. The core planning principles set out at Paragraph 17 state that planning should (amongst other things) always seek a good standard of amenity for all existing and future occupants of land and buildings. In addition Paragraphs 58 and 69 state that planning decisions should aim to promote and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

- 6.6. The UDP (2005) aims to ensure that there is a variety of housing to meet the full range of needs throughout the City (Paragraph 5.7). It also seeks to maintain and protect the existing housing stock and advises that the loss of housing in good condition to other uses would normally be resisted (paragraph 5.19A). Furthermore,

paragraph 5.19B advises that some residential areas contain properties which have been converted into "institutional" uses such as hotels, hostels, day nurseries or nursing homes, subdivided into flats or are in multiple occupation. Although these are normally appropriate in residential areas, concentrations of such uses can have an adverse effect upon the essential residential character of a particular street or area.

- 6.7. Specific Needs Residential Uses SPG and paragraphs 8.28 and 8.29 of the adopted UDP apply to residential care homes as defined by Class C2 (Residential Institutions). The SPG and policy 8.29 of the adopted UDP state that proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. Residential care homes are normally most appropriately located in large detached properties set in their own grounds. Furthermore, they state that in areas which already contain premises in similar use, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. Finally, proposals should not prejudice the safety and free flow of traffic in the adjoining highways and adequate outdoor amenity space (minimum 16sqm of space per resident) should be provided to ensure a satisfactory living environment for residents.
- 6.8. The main issues for consideration of this proposal are whether the principle of the proposed use is acceptable in this location and the potential impact on the amenity of existing occupants and on highway safety and parking.
- 6.9. Principle of use
- 6.10. The site is located within a residential area with good accessibility to local shops and services including bus services. Children and young people living at the care home would benefit from local services and have the opportunity to participate in education, community, leisure, sporting or cultural activities. This would allow the young people to feel part of a residential community, which would support social inclusion.
- 6.11. The application property is a large, seven bedroom, detached dwelling set within a large plot. This is considered to be the most appropriate type of house for use as a care home as defined by the Specific Needs Residential Uses SPG and policy 8.29 of the adopted UDP 2005. The existing driveway can accommodate 4 parking spaces (in a tandem formation) for staff members. The rear garden would provide 40m² of outdoor amenity space per resident, far exceeding the 16m² required by the SPG. There would be no cumulative effect of such a use on the residential character and appearance of the area, because there are no other care home uses in the immediate area. It is therefore considered that the application site is a suitable location for a children's care home in principle, subject to the following site specific considerations.
- 6.12. Impact on amenity of existing occupiers
- 6.13. The supporting Management Plan states that the character of the application property would remain residential and the house would operate like a 'normal' family home. I consider that the day to day activity associated with the proposed care home would be similar to that of a large seven bedroom family dwellinghouse, with people coming and going as children are taken and collected from school and staff and visitors leaving and arriving at the property. The maximum number of cars

associated with staff members at any one time would be four which I consider is not a significantly greater number than could be owned by residents of a dwellinghouse of this size.

- 6.14. In terms of noise and disturbance, the proposed use is unlikely to generate a higher level of noise and disturbance than the existing use as a large dwellinghouse, which could be occupied by more than 4 children. Regulatory Services raise no objection to the proposal. The care home would have a management plan which sets out the supervision and support provided to the residents. I also recommend a condition limiting the number of children living at the property to four. I am therefore satisfied that the proposed use would not result in a significantly greater impact on the amenities of adjoining residents in terms of noise and disturbance than that of a large family dwellinghouse.
- 6.15. The submitted Management Plan which sets out the way in which the care home would be operated and how Meadows Care Ltd would engage with the local community. The Management Plan acknowledges the concerns and anxieties that neighbouring residents may have about a care home being located within their community and seeks to address some of those concerns. The Management Plan includes details of how the care home would be registered and regulated by Ofsted and would operate within the policies and procedures of Birmingham City Council. It also includes how the resident young people would be supervised and supported, depending upon their individual requirements and risk assessments; how the resident young people would be involved with the local community; how the potential impact of the care home on neighbouring occupiers would be minimised, as far as is practicable, and; how Meadows Care Ltd propose to liaise with the local community both prior to the care home opening and once it is operating. I am satisfied that, based on the Management Plan submitted, the care home would be managed and operated in such a way that the amenity of existing occupiers would not be unduly harmed.
- 6.16. Impact on community safety
- 6.17. West Midlands Police has met with Meadows Care and visited the site and they have raised no objections to the proposed change of Use. Furthermore, the Management Plan identifies that Meadows Care will engage with the local Crime Prevention Officer to mitigate the potential risks of anti-social behaviour and crime. A potential issue was highlighted with the doors onto a flat roof extension from the first floor bedrooms to the rear of the property. It has been agreed with West Midlands Police that this can be addressed by removing the doors and replacement with windows with restrictors to prevent access to this area. This matter is covered by a planning condition.
- 6.18. With appropriate management and supervision by staff and a condition limiting the number of young people occupying the property to four, I do not consider that this small care home would, as a matter of course, lead to an increase in anti-social behaviour or crime to the detriment of the character of the area, the amenities of nearby residents or necessarily place additional pressure on police resources. I am not aware of any other existing care homes in this area that have resulted in an increase in anti-social behaviour and/or crime that could be used as reliable evidence to suggest that this application would result in increased crime and anti-social behaviour. There is supported housing accommodation for the homeless at 330-332 Church Road, approximately 235m to the southwest of the application site. I therefore consider that there is no evidence to justify refusal for this reason.

6.19. Highway Safety and Parking

6.20. The Car Parking Guidelines SPG requires two parking spaces for a residential care home of this size. This can be provided within the large driveway to the front. Transportation Development raise no objection to the proposal though the 4 parking spaces would not all be accessible independently and require some management. It is recognised that a sufficient level of off-street parking is provided, and acknowledges the unrestricted parking along Queens Road and Vibart Road, and regular buses that run along Queens Road throughout the day. As such, I consider that the proposed change of use would not have a greater impact on highway safety and parking than if the property remained in use as a seven bedrooomed dwellinghouse.

6.21. Transportation Development has requested conditions relating to the parking layout to the frontage and cycle storage though these are considered unnecessary as the existing parking arrangement can accommodate the 2 parking spaces required by the Car Parking Guidelines SPG as well as a further 2 spaces which would not be independently accessible. Furthermore, specific cycle storage is not deemed necessary at the property as it has a rear garden that could accommodate a shed and a covered cycle store to the front of the property would detract from the residential character of the property.

Other issues

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

7. Conclusion

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

8. Recommendation

8.1. Approve subject to conditions.

-
- | | |
|---|------------------------------------------------------------------------------|
| 1 | Prevents the use from changing within the use class |
| 2 | Limits the number of children living at the property to a maximum of 4 |
| 3 | Requires the prior submission of details of the new windows with restrictors |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Queens Road frontage



Figure 2 – rear elevation

Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/06198/PA
Accepted:	26/07/2016	Application Type:	Reserved Matters Development
Target Date:	25/10/2016		
Ward:	South Yardley		

Tyseley Wharf, Wharfdale Road, Tyseley, Birmingham, B11 2EA

Reserved Matters Application following outline consent 2012/08195/PA to include appearance, landscaping, layout and scale for the construction of 3 no. industrial buildings and associated works.

Applicant: H20 Urban (No 2)LLP, Ropemaker Properties Ltd
and Canal & River Trust, Second Floor, 35 South Street, London,
W1K 2XE
Agent: PRC
12 Warren Yard, Warren Park, Milton Keynes, MK12 5NW

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This reserved matters application follows on from the approval for the demolition of existing buildings on site and outline consent for the redevelopment of the site for B1 (business), B2 (General industry) and B8 (storage and distribution) including the provision of a new access to Redfern Park Way and alteration of an existing access to Wharfdale Road, Tyseley, Birmingham, B11 2EA.
- 1.2. The principle of development was established at outline stage (2012/08195/PA) along with access requirements whilst all other matters were reserved for future determination.
- 1.3. This reserved matters application seeks consent for the following matters that were reserved at outline stage and relate to Phase 2 of the site only as Phase 1, which included the provision of 1 no. industrial building (known as building no. 1), was dealt within a separate reserved matters planning application (2015/09211/PA). These consist of;
 - Layout,
 - Scale,
 - Appearance,
 - Landscaping.
- 1.4. The current reserved matters application for phase 2 would encompass an area of approximately 4.41ha and would comprise of 3 no. new industrial buildings with each building having a dedicated service area, car park (total of 265 no. spaces) and loading docks along with landscaping within the wider site and the provision of an internal access road that would serve all buildings within the site and connect to

phase 1 and Wharfdale Road to the south and to an existing turning head at Redfern Park Way to the north.

Building No. 2

- 1.5. Building no. 2 would be positioned on the site's southern portion bounded to the south by building no. 1 approved under the 2015 reserved matters consent, bounded to the north east by the rear of residential properties fronting Dorothy Road and existing industrial buildings to the south west outside of the application site.
- 1.6. The proposed building would be set back from the proposed internal access road behind a service yard area with a car park to the building's north western elevation comprising of 58 no. parking spaces (including 2 no. disabled bays), 12 no. cycle parking and 2 no. motorcycle bays all of which would be encircled by 2.4m high weld mesh security fencing.
- 1.7. The building would provide approximately 4150sq.m of internal floorspace, measure 84m x 49.5m and would be erected to a maximum ridge height of 13.55m (12.20m eaves) with a multi pitched roof constructed from profiled metal roof cladding in Goosewing Grey with the building faced with profiled metal and composite cladding in Metallic Silver and Sapphire Blue.
- 1.8. The building would provide industrial/commercial space with a small reception/office area on a mezzanine level to the buildings north western corner with an element of glazing to this corner elevation and would provide four loading bays positioned on the buildings south western elevation facing into the service yard.

Building No. 3

- 1.9. Building no. 3 would be positioned centrally within the phase 2 site area and would be bounded by building no. 2 to the south east, building no. 4 to the north west, the Grand Union Canal to the north and the proposed internal access road to the south west with existing industrial buildings beyond.
- 1.10. The proposed building's side elevation would face onto the proposed internal access road behind with the buildings main entrance positioned on its northern corner boundary facing onto the adjacent canal and car park area.
- 1.11. The service yard area would be positioned on the building's north western elevation fronting onto the site's internal access road with a car park to the building's north western elevation comprising of 178 no. parking spaces (including 4 no. disabled bays), 28 no. cycle parking and 5 no. motorcycle bays all of which would be encircled by 2.4m high weld mesh security fencing.
- 1.12. The building would provide approximately 10,865sq.m of internal floorspace, measure 119.5m x 88m and would be erected to a maximum ridge height of 15.70m (13.60m eaves) with a multi pitched roof constructed from profiled metal roof cladding in Goosewing Grey with the building faced with profiled metal and composite cladding in Metallic Silver and Sapphire Blue.
- 1.13. The building would provide industrial/commercial space with a small reception/office area to the buildings north western corner within an internal mezzanine level with an element of glazing to this corner elevation and would provide twelve loading bays positioned on the buildings western elevation facing into the service yard.

Building No. 4

- 1.14. Building no. 4 would be positioned on the site's northern portion bounded to the south east by building no. 3, to the south west by the proposed internal access road beyond which there are existing industrial/commercial buildings to the north east by the Grand Union Canal and to the north west by existing industrial/commercial buildings.
- 1.15. The proposed building's side elevation would face onto the proposed internal access road behind with the building's main entrance positioned on its north eastern corner facing onto the adjacent canal and car park area.
- 1.16. The service yard area would be positioned on the building's south western (rear) elevation fronting onto the site's internal access road with the car park positioned between the building and adjacent canal and would comprise of 29 no. parking spaces (including 1 no. disabled bay), 6 no. cycle parking and 2 no. motorcycle bays all of which would be encircled by 2.4m high weld mesh security fencing.
- 1.17. The building would provide approximately 2250sq.m of internal floorspace, measure 49.7m x 44.8m and would be erected to a maximum ridge height of 11.20m (9.70m eaves) with a multi pitched roof constructed from profiled metal roof cladding in Goosewing Grey with the building faced with profiled metal and composite cladding in Metallic Silver and Sapphire Blue.
- 1.18. The building would provide industrial/commercial space with a small reception/office area to the buildings north western corner within an internal mezzanine level with an element of glazing to this corner elevation and would provide three loading bays positioned on the buildings western elevation facing into the service yard.

Associated Works

- 1.19. The application also seeks to provide soft landscaping throughout the site with grassed areas along with shrubs and tree planting positioned along the verges of the internal access roads along with tree planting along the canal boundary and a landscape buffer with a minimum width of 5m and maximum width of 20m comprising of tree and shrub planting and a grassed area between building no. 3 and the rear of residential dwellings of Dorothy Road.
- 1.20. [Link to Documents](#)
- 2. [Site & Surroundings](#)
 - 2.1. [Site Location](#)
 - 2.2. The wider development site is located within a predominantly industrial area between the Warwick and Coventry Roads. It comprises of four parcels of land; the former Corus premises, Tudor Industrial Estate, Truck Stop Business Park and land to the rear of Redfern Parkway totalling 5.4 hectares.
 - 2.3. The site is within an industrial regeneration area identified for industrial regeneration within the UDP (IR4). Land to the south and west, off Redfern Parkway has been developed for industrial and warehouse units.
 - 2.4. To the north east of the site there is a pocket of 2 storey residential houses within Dorothy Road and Wharfdale Road. A number of houses on Dorothy Road back

onto the application site and have rear access and garages that use the existing access road that previously served the Truckstop Business Park. Neo Park, a modern industrial estate is located on the opposite side of Wharfdale Road.

2.5. The Grand Union Canal runs along the north eastern boundary of the site which is a designated SLINC (site of local importance for nature conservation) and part of an important wildlife corridor.

2.6. Uses surrounding the premises to the north, south and west are industrial whilst residential houses are located along the site's eastern boundary.

3. Planning History

3.1. 2012/08195/PA – Outline application for the construction of new buildings falling within use classes B1 (business), B2 (general industry), B8 (storage or distribution) together with the demolition of existing buildings, construction of a new vehicular access and alteration of an existing access to Wharfdale Road on land located at land to the north of Wharfdale Road – 08/03/13.

3.2. 2015/09211/PA – Application for all reserved matters related to phase 1 of outline planning consent (2012/08195/PA) – Approved, subject to conditions – 14/03/2016.

4. Consultation/PP Responses

4.1. M.P, local ward members and residents associations were notified with no comments received with site and press notice posted.

4.2. 1 no. local resident objecting to the application on the following points;

- Concerns regarding the amount of dust, noise and parking issues impacting upon neighbouring properties adjacent to Unit 1 which were experienced during demolition works on site.

4.3. Regulatory Services – No objection, subject to adherence to noise assessment assumptions and the imposition of the following conditions;

- Maximum noise levels associated with plant and machinery,
- Provision of low emission vehicle parking (electric vehicle charging).

4.4. Canal and River Trust – No comments to make.

4.5. West Midlands Police – No objection – Building eligible for Secured by Design Accreditation and suggest that intruder alarms are installed.

4.6. Transportation Development – No objection, subject to conditions related to;

- Vehicular visibility splays,
- Parking management strategy,
- Vehicle tracking within service yard areas,
- Cycle storage,
- Also, it is noted that parking activity on Redfern Park Way around the point of access to the site on the existing public highway turning head suggests the need for TROs to be installed at the approved access on Wharfdale Road.

The applicant's may wish to consider the prospective benefits of incorporating into their S278 agreement applications for TROs on Redfern Park Way and potentially along the private estate roads.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (UDP), Draft Birmingham Development Plan (BDP), Places for All (SPG), Places for Living (SPG), National Planning Policy Framework (NPPF), Car Parking Guidelines (SPD).

6. Planning Considerations

Planning Policy

- 6.1 The application site falls into the category of best urban industrial land which is considered suitable for local and inward investment.
- 6.2 The 'Tyseley Wharf' area is specifically identified as being available for development within paragraph 18.9. (Policy I44) and it is also located within an industrial regeneration area (Policy IR4) which identifies Tyseley as an area for priority action and investment in view of its range of physical and economic problems.
- 6.3 The overarching policy framework for the principle of development in this location was established within the outline planning consent and was considered to meet the objectives in providing new industrial development within a designated core employment area and within the Tyseley Environmental Enterprise District.

Layout

- 6.4 At outline stage the overall scheme (which covered all phases) showed a number of indicative layouts for the proposed buildings and associated development. However, the submitted reserved matters related to Phase 2 show the proposed buildings and site layout differently.
- 6.5 The provision of this proposed site layout has resulted in the majority of the service yard area being positioned directly adjacent to the new internal estate road with the proposed building entrances facing to the canal or in relation to unit 2, the southern end of the internal access road adjacent to Unit 1 and the Wharfdale road junction which is considered to be an appropriate layout in providing a legible street line, improvement to the wider public realm and an active frontage as far as practicable throughout the site.
- 6.6 The submitted noise assessment has demonstrated that the layout of the site, with the service areas located away from sensitive boundaries would limit potential noise to acceptable levels.
- 6.7 Regulatory Services have raised no objections to the proposal subject to the proposal being implemented in accordance with the assumptions made in the Noise Impact Assessment, in particular that external plant is located on building facades facing away from the adjoining residential dwellings, and that exterior personnel doors are kept closed to limit noise breakout. In addition they have requested that a planning condition, related to maximum noise levels from plant and machinery on site is attached to any consent issued, a point I concur with. This is consistent with the Phase 1 reserved matters application.

- 6.8 Regulatory Services have also requested that a planning condition requiring low emission vehicle parking (provision of electric vehicle charging points) to be provided within the scheme is attached to any consent granted which is considered to be appropriate given the large amount of new parking proposed which would allow the potential to reduce vehicle emissions for vehicles visiting the site.
- 6.9 The proposed layout would greatly enhance the relationship of the site and the proposed buildings and landscaping with the canal which is considered to be a positive aspect. Whilst the rear elevation of unit no. 3 does face onto the internal access road, the positioning of the unit has been set back from the highway as far as practicable allowing an element of landscaping in the form of grassed areas and tree planting in order to soften the appearance of the building from this elevation whilst glazed window elements to unit no. 2 also faces onto the internal access road providing an element of natural surveillance.
- 6.11 Also, the provision of additional glazed windows to the rear elevation of unit 3 has been explored and discounted by the applicant who states that such provision would reduce the potential storage space through the fitting of racking systems for potential occupiers as they cannot be positioned over windows and would have to be blocked up internally and as such would serve no meaningful purpose other than to add limited visual interest.
- 6.12 Whilst the provision of the new access road and junction from Wharfdale Road was included and approved within the outline planning application, the provision of the internal estate roads within the phase 2 site area along with proposed car parking for units 2, 3 and 4 are to be dealt with within the current reserved matters application as it relates to the layout of the site.
- 6.13 The proposed phase 2 site layout, in accordance with the indicative layout contained within the outline planning consent has also ensured that all vehicle traffic utilises the approved access road which commences from Wharfdale Road in the site's southern section to a newly created access into an existing cul-de-sac, making a through route to Redfern Park Way. It does not make use of the previous access road alongside the site boundary and the rear of residential properties of Dorothy Road which is of benefit to the residents of these properties.
- 6.14 The proposed phase 2 layout in total is seeking to provide 265 no. parking spaces, with 58 no. to be provided for unit 2, 178 no. to be provided for unit 3 and 29 no. to be provided for unit 4.
- 6.15 Car Parking Guidelines SPD is relevant as it outlines maximum parking standards for various uses, including B2/B8 uses. The application site is located within Tyseley and is approximately 525m away from Tyseley rail station and is therefore designated as an 'Area 3' location whereby access to the area other than using the private car is considered to be below average for the city. As such, a maximum of 1 no. parking bay per 60sqm of site area is specified within the SPD and therefore in this case a maximum of 265 no. spaces could be provided and as such, the overall provision of 265 no. spaces is considered to be acceptable.
- 6.16 Transportation Development officers have been consulted on the proposal and have stated that in principle they have no objections to the scheme but have requested further information/clarification on a number of points. These include vehicle tracking, cycle storage, the status of the new road (i.e. adopted or private) and a parking management strategy. The provision of cycle storage and parking management were covered by conditions attached to the existing outline consent.

- 6.17 Also, whilst not a mandatory requirement to make the proposal acceptable, Transportation Development have asked the applicant to consider including within their S.278 agreement application (separate from this planning application) for works associated with the new Wharfdale Road access junction to also include Traffic Regulation Order works along the private estate road and around the existing public highway turning head at Redfern Park Way where it is noted that high levels of on street parking activity (as a result of existing industrial uses) occur so as to maintain appropriate levels of access and reduce potential obstructions through inappropriate on street parking.
- 6.18 The applicant has taken these points on board and acknowledges the potential benefits of such works and is exploring options as to what works could be required along with the possible financial implications. Such discussions are ongoing and fall outside of the remit of the current planning application and instead would be dealt with if necessary through the S.278 application process which was conditioned at outline stage.

Scale

- 6.19 When the outline planning application was submitted and approved, a parameters plan was also submitted which set out the upper eaves height of buildings to be provided on site in the form of two zones, with heights of 12m for the outer zone and 15m in the inner zone.
- 6.20 The eaves to the 3 no. proposed buildings would measure 12.20m (Unit no. 2), 13.6m (Unit no. 3) and 9.70m (Unit 4) whilst building no. 2 and a small section of building no. 3 are over the 12m upper suggestion for the eaves. However, the submitted scheme remains within the spirit of the outline consent and of a scale expected within the wider site context and neighbouring industrial buildings.

Appearance

- 6.21 The appearance of the 3 no. proposed buildings have been designed to be of a similar appearance to other modern industrial buildings found within the wider industrial area but also of a similar design to unit 1 approved as part of the phase 1 reserved matters application.
- 6.22 As such, the external appearance of all 3 no. of the proposed buildings would primarily be of grey profiled cladding with elements of dark blue composite cladding as a contrasting colour and would be arranged with the grey profiled cladding used as the predominant material with a view to providing a modern, industrial building.
- 6.23 Sections of each of the 3 no. buildings, specifically the corner elements of each building where the main pedestrian entrances would be located would utilise the dark blue composite cladding along with projecting metal work detailing to provide a focus to the buildings main entrances and to improve legibility for users of the site which is considered to be an appropriate design solution.
- 6.24 Glazing is also to be provided on all 3 no. buildings, with a large expanse of glazed windows along unit no. 3's principal elevation at ground and first floor levels facing onto the car park and canal whilst the 2 no. smaller units would provide glazed windows at ground and first floor levels facing onto the internal estate roads which is considered to be a positive aspect to the proposed buildings by providing visual interest to the buildings whilst also providing active frontages and greater levels of

natural surveillance within the estate and the wider area, such as the existing canal tow path.

Landscaping

- 6.25 The proposed phase 2 scheme has put forward a landscaping plan that shows a variety of landscaping treatments around the site which include the provision of tree planting, shrubs, grassed areas along with hard landscaping in the form of fencing and surface materials.
- 6.26 Security fencing is not proposed along the site's northern boundary between unit no. 3's car park and the canal. Instead, coloured block paving as a differentiating surface material between the proposed parking bays and the canal edge along with the provision of 19 no. newly planted trees would instead use the canal as a natural barrier rather than additional fencing which is considered to be an appropriate design solution whilst also opening this area of the site towards the canal and providing an active frontage for this section of the canal.
- 6.27 Whilst the provision of weld mesh fencing is considered appropriate throughout the majority of the site, the applicant has indicated their intention to provide 90m of 1.8m high timber fencing along the site boundary of building no. 3's which it shares with the rear garden boundaries of residential dwellings which front onto Dorothy Road.
- 6.28 Such provision is considered to be an appropriate design solution in this location as its lower height would not adversely impact upon residential amenity of those residents whilst the design of such fencing provides an element of privacy not found with wild mesh fencing and is also considered to be an improvement upon existing fencing which comprises of a mix of timber and palisade fencing.
- 6.29 In addition to the proposed fencing treatment along this boundary a concentration of soft landscaping is proposed to provide a soft landscaping buffer which would be a width of between 5m and 20m and comprise of tree planting (39 no. comprising of a variety of species) along with hedge planting along the fence line, the planting of shrubs throughout the buffer and the provision of grassed areas in the wider buffer width which once established will aid the proposed fencing in providing a screen and buffer to the wider industrial estate.
- 6.30 A further concentration of landscaping is also proposed to the rear of building no. 2 which faces onto the existing access track and rear garden boundaries of residential properties that front Dorothy Road. In addition to the weld mesh security fencing already discussed, the soft landscaping would take the form of tree planting (15 no. in total) and the grass seed mix which would provide a clear boundary to the site and which would not screen the building from view but would act to soften its impact over time. This is consistent with the Phase 1 reserved matters application.
- 6.31 The internal access road also provides varying amounts of soft landscaping, in addition to the security fencing with grassed areas along with raised shrub planting and the provision of tree planting along the road side which would be viewed when entering the site. The provision of such landscaping is considered to be a positive factor which provides an element of greenery within a wider area otherwise dominated by commercial and industrial development.
- 6.32 Details of proposed vehicular visibility splays for all car park and service yard accesses were requested by Transportation Development and submitted drawings have demonstrated that appropriate visibility splays, to the required standard of 47m

x 2.4m for a 30mph road, can be provided whilst maintaining the proposed hard and soft landscaping elements which have been designed to maintain visibility from 600mm above ground level and as such is considered to provide sufficient levels of visibility for both pedestrians and vehicles.

7. Conclusion

- 7.1. The proposed development is considered to be acceptable and in compliance with both local and national planning policy. The proposal is considered to be of sufficient design merit and would also help to provide further employment opportunities within the area.

8. Recommendation

- 8.1. Approve, subject to conditions.

-
- | | |
|---|-----------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Loading of vehicles to take place within the site |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | The scheme shall be implemented in accordance with the submitted noise assessment |
| 5 | Requires vehicular visibility splays to be provided |
| 6 | Prevents occupation until the turning and parking areas have been constructed |
| 7 | Provision of designated electric vehicle charging points |
-

Case Officer: Mohammed Nasser

Photo(s)



Fig 1 – View Over Site and Rear of Dorothy Road Properties (Looking South East)



Fig 2 – View Over Site (Looking North West)

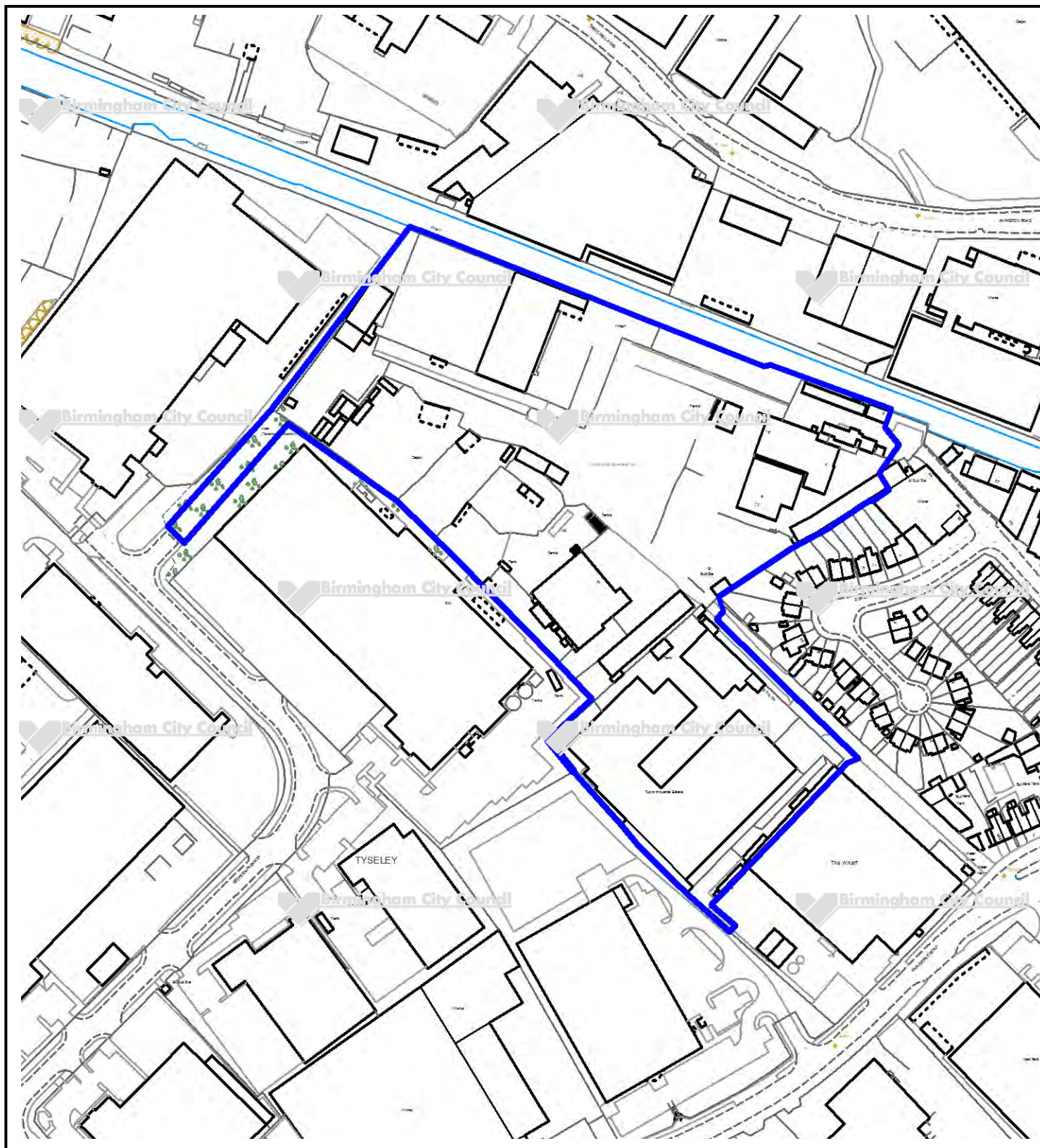


Fig 3 – Grand Union Canal



Fig 4 – Proposed Location of Redfern Park Way Access

Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/06395/PA
Accepted:	12/08/2016	Application Type:	Advertisement
Target Date:	14/10/2016		
Ward:	Hodge Hill		

Roundabout at the junction of Newport Road, Coleshill Road and Bradford Road, Hodge Hill, Birmingham, B36 8BG

Display of 3 non-illuminated free standing signs.

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

Recommendation

Approve Temporary

1. Proposal

1.1. Consent is sought to install 3 freestanding post mounted, non-illuminated signs to be sited within a roundabout at the junction of Newport Road, Coleshill Road and Bradford Road.

1.2. The proposed signs would be sited approximately 2m away from the edge of the roundabout. The freestanding signs would be constructed of Dibond aluminium panels with 3M non-reflective film and 76mm steel posts. Each sign would measure 500mm in height and would be 1800mm wide to a maximum height of 650mm above ground level.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is a roundabout junction connecting Coleshill Road, Newport Road and Bradford Road, adjacent to the former Clock Garage site. The traffic island has a diameter of approximately 42 metres, consisting of landscaped grass with a small copse to the centre and number of highway signs to the periphery. The surrounding area is a mix of open space and residential dwellings, with a petrol filling station located to the west fronting Newport Road and the former now levelled Clock garage site to the south west fronting Coleshill Road.

[Location map](#)

3. Planning History

3.1. None.

4. Consultation/PP Responses

4.1. Transportation Development – No objection.

5. Policy Context

5.1. Birmingham Unitary Development Plan (2005); Draft Birmingham Development Plan (2013); National Planning Policy Framework (2012).

6. Planning Considerations

6.1. The main considerations to be assessed are the impact of the proposal on visual amenity and public safety.

6.2. **Impact on visual amenity:** The three freestanding signs would be modest within the context of this roundabout. Each sign would measure 500mm in height and would be 1800mm wide and would be fixed to 650mm posts. The three signs would be spaced around the roundabout and would have a relatively low height. Consequently, I consider that the size, scale and position of the signs to be acceptable and would not have any significant detrimental impact on visual amenity.

6.3. **Impact on public safety:** Transportation Development raise no objections to the proposed signage. I concur with this view and do not anticipate that the signs would cause a detrimental impact on highway/public safety due to their position and limited height.

7. Conclusion

7.1. It is considered that the design, scale and location of the proposed signs are acceptable and would not undermine the visual amenity of the surrounding area or adversely impact upon public safety. As such, the proposed scheme is in accordance with relevant national and local planning policies and should be approved on a temporary basis subject to the attached conditions.

8. Recommendation

8.1. Approve subject to the following conditions.

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

2 Limits the approval to 5 years (advert)

Case Officer: Keith Mellor

Photo(s)

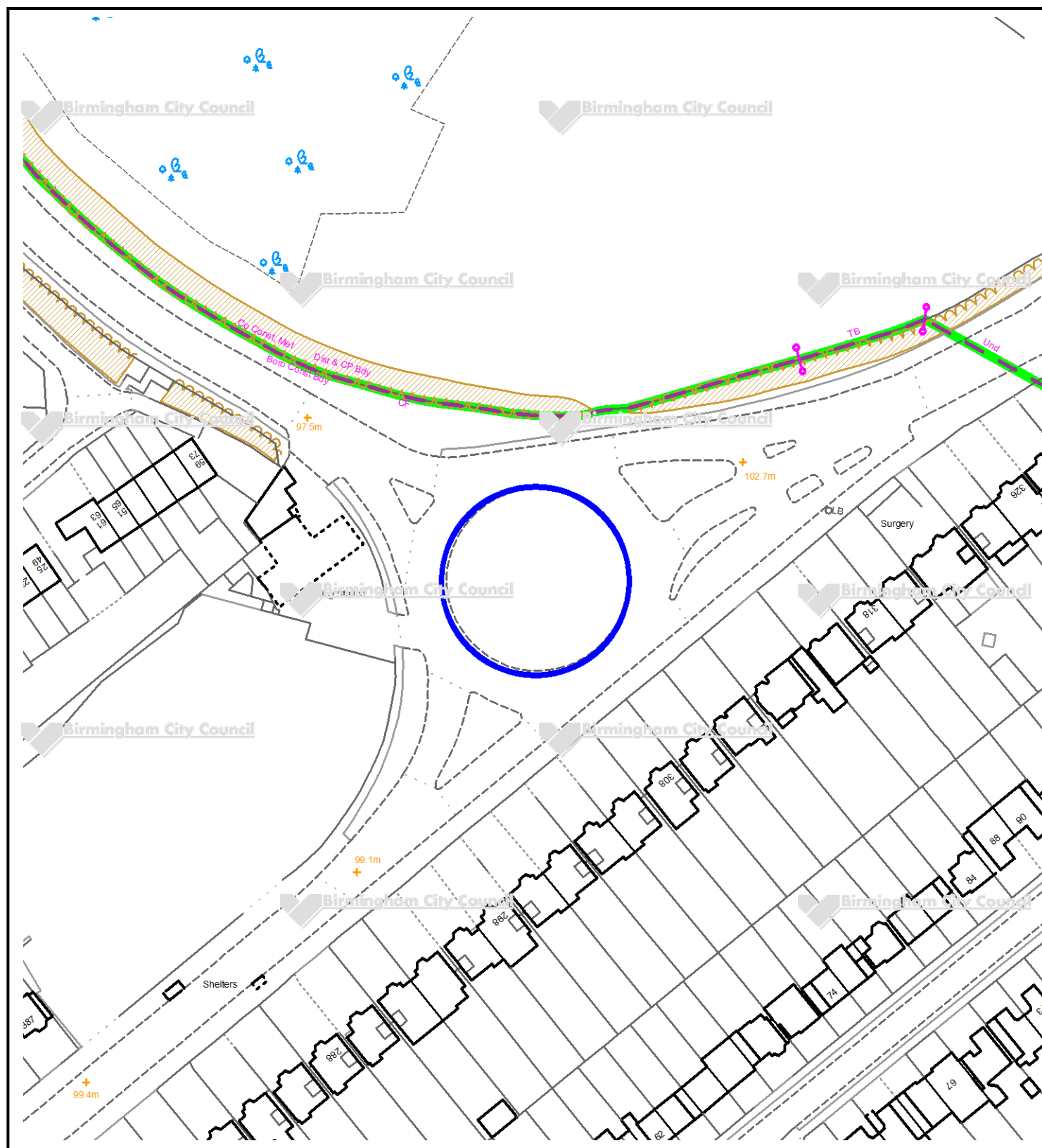


Eastern edge 1



Southern edge 1

Location Plan



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Birmingham City Council

Planning Committee

13 October 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	20	2015/09104/PA 89 -91 Cornwall Street City Centre Birmingham B3 3BY Change of use from office (Use Class B1a) to student accommodation (Sui Generis)
Approve - Conditions	21	2015/09251/PA 89 -91 Cornwall Street City Centre Birmingham B3 3BY Listed Building Consent for change of use from offices (Use Class B1a) to student accommodation (Sui Generis)
Approve - Conditions	22	2016/05380/PA The Roundhouse Sheepcote Street City Centre Birmingham B16 8AE Change of use to provide mixed/flexible use urban discovery and enterprise hub to include use classes B1, D1 (exhibition hall, museum and education and training), D2 (indoor or outdoor sports, recreation and/or gymnasium), A1, A3, A5, associated alterations, erection of link building and works to courtyard.

Approve - Conditions	23	<p>2016/05469/PA</p> <p>The Roundhouse Sheepcote Street City Centre Birmingham B16 8AE</p> <p>Listed Building Consent for internal and external alterations associated with change of use to provide mixed/flexible use, urban discovery and enterprise hub to include use classes B1, D1 (exhibition hall, museum and education and training), D2 (indoor or outdoor sports, recreation and/or gymnasium), A1, A3, A5.</p>
Defer – Informal Approval	24	<p>2016/06238/PA</p> <p>Former Post & Mail Printing Works Building Weaman Street City Centre Birmingham B4 6AT</p> <p>Application for the variation of condition 4 attached to previous planning application 2014/08876/PA to increase gross internal floor space for Phase 2 from 40,000 sqm to 49,800 sqm and increase gross internal floor space for office use (B1a) from 33,180 sqm to 49,800 sqm</p>

Committee Date:	13/10/2016	Application Number:	2015/09104/PA
Accepted:	12/11/2015	Application Type:	Full Planning
Target Date:	13/10/2016		
Ward:	Ladywood		

89 -91 Cornwall Street, City Centre, Birmingham, B3 3BY

Change of use from office (Use Class B1a) to student accommodation (Sui Generis)

Applicant:	Dr Baljit Bhandal c/o Agent
Agent:	Harris Lamb 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks permission for a change of use from offices to student accommodation comprising 26 bedrooms.
- 1.2. Access to the building would be from Cornwall Street. The proposed layout includes a common room and kitchen, plant room, laundry, bin, cycle store, storage areas and two bedrooms with en-suite bathroom on the lower ground floor. The ground and third floors would each have 6 bedrooms, 3 with en-suite shower rooms and 3 with bathroom/kitchenette pod. The first and second floors would each have 6 bedrooms, 4 with en-suite shower rooms and 2 with bathroom/kitchenette pod. Room sizes vary between 13.5sqm to 20sqm.
- 1.3. No external alterations are proposed. Internal works to the building are described in the accompanying listed building consent report, which appears elsewhere on your Committee agenda
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a four storey with basement office building fronting onto Cornwall Street. The building was built in 1904 by C E Bateman in an Arts and Crafts style and subtly asymmetrical in composition made from brick with stone dressings. To the south is Birmingham City University School of Art, a Grade I Listed Building. To the east is The Birmingham Midland Institute, a Grade II* Listed Building. The adjacent buildings are Grade II* Listed Buildings and the building itself is a Grade II* Listed Building located within the Colmore Row and Environs Conservation Area.
- 2.2. [Site Location](#)

3. Planning History

- 3.1. Current – 2015/09251/PA - Listed Building Consent for change of use from B1a (Offices) to Sui Generis (Student Accommodation)

4. Consultation/PP Responses

- 4.1. Local Councillors, Birmingham City Centre Management, Colmore Business Improvement District, Residents Associations and nearby occupiers notified. A letter of objection has been received from the adjacent property on the grounds that the proposed use is out of character for the area and is likely to lead to increased noise levels.
- 4.2. Regulatory Services – No objections subject to glazing/ventilation and noise insulation.
- 4.3. Transportation Development – No objections.

5. Policy Context

- 5.1. Birmingham UDP (2005), Pre-Submission Birmingham Development Plan 2031, Places for All (2001), Places for Living (2001), Specific needs Residential Uses SPG (2005), Grade II* Listed Building, Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies, National Planning Policy Framework.

6. Planning Considerations

Policy & New Legislation

- 6.1. Paragraph 19 of the NPPF places significant weight on economic growth within the planning system, with paragraph 37 supporting a balance of uses within an area which would minimise travel times. Paragraph 32 states that developments should have safe and suitable access for all people. On environmental concerns, the NPPF is unequivocal in its view that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the proposed use (paragraph 122), with paragraph 123 stating that developments should mitigate and reduce other adverse impacts on health and quality of life, including through the use of conditions.
- 6.2. Policy 3.8 of the adopted UDP highlights that there is a need to recognise the key relationship between environmental quality and levels of economic activity and policy 3.10 states that, proposals which would have an adverse effect on the quality of the built environment will not normally be allowed. Policy 3.25 states the change of use of a listed building should not have a detrimental effect on the character or appearance of the building.
- 6.3. Although policy TP33 of the Pre Submission Birmingham Development Plan 2031 relates to purpose built student accommodation, it is considered the policy is still relevant for the proposed change of use. It states that accommodation would be considered favourably where there is a demonstrated need for development, well located in relation to the educational establishment and to local facilities by means of walking, cycling and public transport, would not have an unacceptable impact on the local neighbourhood and residential amenity and the design and layout of the accommodation will create a safe secure and welcoming environment.

- 6.4. Places for All support the re-use of good quality existing buildings. Places for Living encourages higher densities in developments, re-use of good quality existing buildings, active frontages and schemes which reflect local context.
- 6.5. The Specific needs Residential Uses SPG refers to essential facilities for student accommodation including; space for a single bed, storage, a desk and chair and a heating system. The SPG suggests that this should be incorporated in a single bedroom no less than 6.5 sq. m.

Principle of use

- 6.6. A student residential development such as this is considered appropriate for this location within the City Centre and the reuse of the building is welcomed. The application site is considered suitable for access to the City's three main universities via public transport, bicycle or on foot, along with the University College Birmingham (the former College of Food) and the College of Law, both located within the City Centre. A planning statement has been submitted outlining a demonstrated need for the development. In addition, the proposed bedroom sizes are considered to be acceptable. It is therefore considered the proposal is acceptable in principle.

6.7. Layout and operation

- 6.8. The internal layouts provided show individual student rooms would each have a window. Each outlook is deemed acceptable for a high density City Centre location and the proposal would not have an adverse impact on other residential properties in terms of overlooking. Rooms would be cellular in nature and would have breaks between windows. Room layouts and sizes, combined with the communal lounges are considered to provide an acceptable living environment in terms of space and facilities for each student occupying a unit.
- 6.9. The proposed bedroom sizes comply with the requirements outlined in the Specific Needs for Residential Uses SPG and the proposed rooms could accommodate furniture in order to function accordingly. The proposed layout, refuse and communal areas, it is considered operation of the scheme would create an acceptable living environment for students.

Noise and disturbance

- 6.10. Following the submission of an Air Quality Assessment, Regulatory Services have no objections to the proposal subject to conditions for noise insulation and glazing and ventilation. The objection from the adjacent property regarding noise has been noted. Given the small number of student rooms within the premises it is considered the proposal would not be excessively noisier than the existing office use. Therefore a condition for noise insulation has not been attached. This part of Cornwall Street is considered to be a quieter part of the city centre in terms of traffic noise. Changes in the existing glazing would have an impact on the character and appearance of this Grade II* Listed Building. On balance it is considered a condition for enhanced glazing and ventilation would not be required.

Highway Safety

- 6.11. Transportation Development have noted at the start and finish of term, on street pay and display parking bays can be used. In addition, it is noted that cycle parking would be provided. As such no objections have been raised given the city centre

location of the premises. I concur with this view and consider the premises are within a sustainable location and would not have a detrimental impact to highway safety.

7. Conclusion

- 7.1. The proposed use of the building for student accommodation in this location would not have an adverse impact on existing commercial uses or harm the amenity of future occupiers.

8. Recommendation

- 8.1. Approve Subject to Conditions

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

2 Limits the approval to 3 years (Full)

Case Officer: Anh Do

Photo(s)



Cornwall Street Elevation

Location Plan



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Committee Date:	13/10/2016	Application Number:	2015/09251/PA
Accepted:	12/11/2015	Application Type:	Listed Building
Target Date:	13/10/2016		
Ward:	Ladywood		

89 -91 Cornwall Street, City Centre, Birmingham, B3 3BY

Listed Building Consent for change of use from offices (Use Class B1a) to student accommodation (Sui Generis)

Applicant:	Dr Baljit Bhandal c/o Agent
Agent:	Harris Lamb 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks Listed Building Consent for internal alterations to change the use from offices to student accommodation. Details of the proposed accommodation are set out in the accompanying planning application report, which appears elsewhere on your Committee agenda.
- 1.2. The internal alterations include blocking doorways on the lower ground floor, installation of new walls to the hallway and bedroom and blocking doorways on the ground floor, installation of a new wall to create two of the en-suite shower rooms and blocking doorways to the first, second and third floors. Where doorways would be blocked up this would be done by retaining the original door and architrave, blocking and infilling behind. Where possible, existing service runs will be reused and there is an abandoned lift shaft and dumb waiter which can be used as vertical service risers. Self-contained kitchenette/bathroom/shower pods would be fitted that would have the appearance of a piece of furniture. These would not extend the full height within the rooms.
- 1.3. No external alterations are proposed.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a four storey with basement office building fronting onto Cornwall Street. The building was built in 1904 by C E Bateman in an Arts and Crafts style and subtly asymmetrical in composition made from brick with stone dressings. To the south is Birmingham City University School of Art, a Grade I Listed Building. To the east is The Birmingham Midland Institute, a Grade II* Listed Building. The adjacent buildings are Grade II* Listed Buildings and the building itself is a Grade II* Listed Building located within the Colmore Row and Environs Conservation Area.

- 2.2. [Site Location](#)
3. [Planning History](#)
- 3.1. 18/03/1993 - 1992/04863/PA - Internal alterations to ground floor of listed building – Approve Subject to Conditions.
- 3.2. Current – 2015/09104/PA - Change of use from offices (Use Class B1a) to student accommodation (Sui Generis).
4. [Consultation/PP Responses](#)
- 4.1. Local Councillors, Birmingham City Centre Management, Colmore Business Improvement District, Amenity Societies and Residents Associations notified. Press and Site Notices posted. A letter of objection has been received from the adjacent property on the grounds that the proposed use is out of character for the area and is likely to lead to increased noise levels.
- 4.2. Historic England – No objections.
- 4.3. Regulatory Services – No objections subject to conditions for noise insulation and glazing/ventilation.
5. [Policy Context](#)
- 5.1. Birmingham UDP (2005), Pre-Submission Birmingham Development Plan 2031, Grade II* Listed Building, Colmore Row and Environs Conservation Character Appraisal and Supplementary Planning Policies, National Planning Policy Framework.
6. [Planning Considerations](#)
- 6.1. The principle of the use, layout, noise and highway safety together with the objection received from the adjacent property owner and comments from BCC Regulatory Services are addressed in the accompanying planning application report.
- 6.2. Turning to relevant planning policies, paragraph 129 of the National Planning Policy Framework refers to a need to assess the significance of a proposal on any heritage asset. Paragraph 131 states that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.
- 6.3. Paragraph 3.25 of the adopted UDP notes that developments affecting a Listed Building should preserve or enhance its character, with external and internal alterations not adversely affecting its architectural or historic character.
- 6.4. Policy TP12 of the Pre Submission Birmingham Development Plan 2031 states that the Council will seek to manage new development of the historic environment in ways which will make a positive contribution to its character.
- 6.5. Historic England are satisfied that the proposed layout has reused original room spaces and has minimised the amount of demolition. There would be some reinstatement of walls which would enhance the building. It is considered the insertion of pods for kitchenettes/bathrooms would change the spaces but their

configuration as pieces of furniture lower than the ceilings would help to mitigate this. However, they are not convinced that all skirting needs to be removed as this could lead to damage and loss. In addition, internal dry lining is not supported in the building and secondary glazing is recommended instead of double glazing if required. The agent has confirmed that skirting would only be removed where affected by dry rot and as much of the original joinery items will be retained. Internal drylining is not proposed although re-plaster with a lime based product is. I therefore consider the issues raised by Historic England have been resolved. In addition, my Conservation Officer has no objections to the proposal subject to safeguarding conditions for a schedule of repairs, method statement for the installation of all utilities, details of all materials and finishes and details of all new doors and joinery. I concur with these views and consider the proposal would preserve and enhance the character of the Listed Building subject to conditions.

7. Conclusion

- 7.1. The proposed alterations would preserve and enhance the character and appearance of the Listed Building.

8. Recommendation

- 8.1. Approve Subject to Conditions

-
- | | |
|---|------------------------------------------------------------------------|
| 1 | Requires the prior submission of a full schedule of repairs |
| 2 | Requires the prior submission of details of materials and finishes |
| 3 | Requires the prior submission of details of doors |
| 4 | Requires the prior submission of a method statement for the utilities |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Limits the approval to 3 years (conservation/listed buildings consent) |
-

Case Officer: Anh Do

Photo(s)



Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/05380/PA
Accepted:	27/06/2016	Application Type:	Full Planning
Target Date:	13/10/2016		
Ward:	Ladywood		

The Roundhouse, Sheepcote Street, City Centre, Birmingham, B16 8AE

Change of use to provide mixed/ flexible use urban discovery and enterprise hub to include use classes B1, D1 (exhibition hall, museum and education and training), D2 (indoor or outdoor sports, recreation and/or gymnasium), A1, A3, A5, associated alterations, erection of link building and works to courtyard.

Applicant:	Canal & River Trust and the National Trust c/o Agent
Agent:	Canal & River Trust Neptune Street, Fearn's Wharf, Leeds, LS9 8PB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for a change of use to provide mixed/flexible use, urban discovery and enterprise hub to include use classes B1, D1 (exhibition hall, museum, and education and training), D2 (indoor or outdoor sports or recreation and/or gymnasium), A1, A3, A5, associated alterations, erection of link building and works to courtyard at The Roundhouse on Sheepcote Street. A report for the associated Listed Building Consent application appears elsewhere on your Committee agenda.
- 1.2. The site refers to 882 sqm of floor space. The two gatehouses would be used for offices (use class B1) and would operate independently from the Roundhouse building and provide commercial floor space over their two floors. The Roundhouse would provide activity over three floors, the arches on the lower ground floor that face the outer courtyard would be utilised with uses anticipated to include a cycle hire business and welcome kiosk. The Roundhouse itself would provide a flexible mix of uses. It is anticipated the upper ground floor would incorporate an exhibition and welcome space, meeting and event space, restaurant/café and hot food takeaway, retail and workshop space to provide activities such as bike shop and repair business. Toilet facilities and a significant area of flexible space would be used to provide a welcome space for visitors providing a base from which to undertake a variety of activities including exhibitions and presentations. The first floor would be converted to offices. The proposed number of employees is 30.
- 1.3. A weathered steel clad link measuring 4.2m at the widest part, 5.6m at the longest part and 4.6m high would be created between the eastern gatehouse to the Roundhouse. The link would provide access to the Roundhouse off Sheepcote Street and incorporate a lift to provide disabled access into the building. On the

upper ground floor level of the rear façade, a section of brick would be removed for the installation of flush glazed window measuring 2.6m (h) x 0.8m (w) and new projecting oriel window with solid cheek to the west and glazed face onto lower courtyard measuring 2.4m (h) x 1.8m (w). The existing external gates would be removed and replaced. Between the west gatehouse and the Roundhouse an open air waste collection enclosure would be installed.

- 1.4. The works to the inner courtyard includes levelling the surface, repairs and in specific areas create a smooth surface. The existing ramp in the canalside courtyard would be removed and replaced. The cobbled surface would be removed to allow areas to be repaired and then replaced. Cycle stands would also be installed.

- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a vacant part two/part three storey building known as The Roundhouse with two storey gatehouse buildings either side of the entrance, one vacant and the other occupied by a day nursery. The site is accessed on the corner of Sheepcote Street and St Vincent Street. High walls enclose the frontage to the canal. Access to Birmingham Canal is down a centrally located ramp that goes under the building to the canalside courtyard. To the south of the site is The Fiddle and Bone public house. To the north is unused land, to the east is a multi storey car park and the Barclaycard Arena beyond. To the south is a Grade II Listed Building, to the south and west are residential apartments. The Roundhouse is Grade II* Listed and the two buildings on either side are Grade II Listed Buildings.

- 2.2. [Site Location](#)

3. Planning History

- 3.1. 20/07/1994 - 1994/00428/PA - Heritage centre, public house and restaurant with serviced accommodation – Approve Subject to Conditions.
- 3.2. 20/07/1994 - 1994/00512/PA – Listed Building Consent for heritage centre, public house and restaurant with serviced accommodation – Approve.
- 3.3. 13/11/2006 - 2006/00372/PA – Listed Building Consent for internal and external alterations and addition of glazed extension – Approve Subject to Conditions.
- 3.4. 13/11/2006 - 2006/02934/PA - Change of use and extension to provide offices (B1) - resubmission of 2006/00371/PA – Approve Subject to Conditions.
- 3.5. 24/09/2013 - 2013/05752/PA - Change of use of Fiddle and Bone public house to chandlery (use class A1), bar/restaurant, function space and ancillary office (use class A4/A3). Change of use of part of the Roundhouse from storage (use class B8) to storage, workshops (use class B8/B1) parking and boater facilities and erection of canal side building for storage, diesel tank and other boating facilities and associated works – Approve Subject to Conditions.
- 3.6. 24/09/2013 - 2013/05753/PA - Listed Building Consent for alterations in conjunction with change of use of Fiddle and Bone public house to chandlery (use class A1), bar/restaurant, function space and ancillary office (use class A4/A3). Change of use

of part of the Roundhouse from storage (use class B8) to storage, workshops, (use class B8/B1) – Approve Subject to Conditions.

- 3.7. 19/09/2014 - 2014/05257/PA – Variation of Condition No. 10 attached to approval 2013/05752/PA for amended plans to include new office and relocated chandlery – Approve Subject to Conditions.
- 3.8. 25/09/2014 - 2014/05361/PA - Listed Building Consent for alterations to Fiddle and Bone, change of use of Roundhouse for storage (use class B8), workshops (use class B1), chandlery, parking and boater facilities – Approve Subject to Conditions.
- 3.9. Current - 2016/05469/PA - Listed Building Consent for internal and external alterations associated with change of use to provide mixed/ flexible use, urban discovery and enterprise hub to include use classes B1, D1 (exhibition hall, museum and education and training), D2 (indoor or outdoor sports, recreation and/or gymnasium), A1, A3, A5.

4. Consultation/PP Responses

- 4.1. MP, Local Councillors, Birmingham City Centre Management, amenity societies, Residents Associations and nearby occupiers notified. Press and site notice posted. No response received.
- 4.2. West Midlands Police – If approved, conditions should be attached to ensure works are carried out to the standards within the Secured by Design guide, lighting scheme, installation on alarm and CCTV and both windows should be flush with the building to provide natural surveillance
- 4.3. Canal and River Trust – No comments to make.
- 4.4. Leisure Services – No objections.
- 4.5. Regulatory Services – Raised concerns regarding the proposed uses which have the potential to cause significant impact on local occupiers. However, if the application is approved, the following conditions have been recommended, noise levels for plant and machinery, refuse storage, restrict hours of operation, restrict delivery hours, details of noise insulation and restrict uses, extraction details and noise limiting device details.
- 4.6. Transportation Development – No objections subject to conditions for cycle parking and restrict D1 and D2 uses.

5. Policy Context

- 5.1. The Birmingham Plan (2005); Pre-Submission Birmingham Development Plan 2031, Grade II* Listed Building, Grade II Listed Building, Places for All SPF, Conservation through Regeneration, Access for People with Disabilities SPD, National Planning Policy Framework

6. Planning Considerations

- 6.1. Paragraph 129 of the National Planning Policy Framework refers to a need to assess the significance of a proposal on any heritage asset. Paragraph 131 states that local planning authorities should take into account the desirability of sustaining

and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.

- 6.2. Policy 3.25 of the UDP requires that special regard will be given to the desirability of securing the retention, restoration, maintenance and continued use of buildings of special architectural or historic interest.
- 6.3. There is no specific policy guidance for this type of D2 use, however policy 7.32 states the City Council is keen to encourage diversity of uses within centres, and recognises the important role which leisure and entertainment uses can play in achieving this. Leisure and entertainment uses will therefore be encouraged to locate in existing centres and particularly the City Centre.
- 6.4. Policies 8.6 and 8.7 provides guidance on restaurants/cafes that they should generally be confined to shopping areas or areas of mixed commercial development due to amenity issues such as late night opening, noise, disturbance, smell, litter and their impact on traffic generation. The application site is located within the city centre, within an area of mainly residential development, but small scale retail and café uses would be acceptable.
- 6.5. Policy GA1 of the Draft Birmingham Development Plan states that new development should make a positive contribution to improving the vitality of the City Centre and aim to improve the overall mix of uses. New leisure uses will be promoted within and on the edge of the retail core to support the diversification of the City's offer as a top visitor destination. Policy TP23 encourages and supports a diverse range of facilities and uses including leisure uses.
- 6.6. Policy TP12 of the BDP states that applications for development affecting the significance of a designated or non-designated heritage asset, including proposals for removal, alterations, extensions or change of use or on sites that potentially include heritage assets of archaeological interest, will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.7. The site is located within a mixed commercial/residential area of the City Centre. The ground floor of the building is currently vacant and the proposed changes of use would bring this vacant building back into use. Although, my Conservation Officer has raised concerns regarding the viability of the proposal given the location of the premises, it is considered the proposed range of uses would be acceptable and are supported. I concur with this view and consider the proposed changes of use are acceptable in principle.
- 6.8. Regulatory Services raised concerns regarding the proposed uses which have the potential to cause significant adverse impact on the amenity of local occupiers, from activities at the site. Existing and permitted residential premises are very near in all directions and the lack of information about the hours of use and layout does not enable suitable assessment of the impacts. The submitted noise report was carried out on Friday/Saturday which may not be considered appropriate to assess likely worst case impacts and does not discuss night times. However, notwithstanding the concerns, if the application is granted, the following conditions have been recommended, noise levels for plant and machinery, refuse storage, hours of operation 0800-2300 for A1, A3, A5, B1, D1 (exhibition hall, museum and training) and gym use under D2 only, 0800-1900 for A5, and D2 uses (indoor or outdoor sports or recreation, restrict delivery hours up to 1900, noise insulation and restrict

the use classes. Given that the adjacent Fiddle and Bone public house is open 1200-2230 Monday to Thursday, 1200-0000 on Fridays and Saturdays and 1200-2230 on Sundays, it is considered that the proposal would be acceptable, the conditions attached are for 0700-2300 for all uses and would safeguard the amenities of nearby occupiers. A condition for refuse storage has not been attached as a refuse store is already proposed. In addition, the noise insulation condition has not been attached given that residential is not proposed within the building.

- 6.9. The proposed link would provide a lift to provide disabled access into the building. Works also include levelling and creating a smooth surface to the cobbled inner courtyard. Replacement of the existing ramp and linking the new ramp to the smooth surfaces would make getting into the premises more user friendly. It is considered the proposals would improve accessibility to and within the building for people with disabilities.
- 6.10. West Midlands Police have recommended the following conditions if the application were to be approved, work to be carried out to the standards within the Secured by Design 'Commercial' 2015 guide, lighting scheme, installation of alarm and CCTV systems and proposed windows to be fitted flush to provide increased opportunity for natural surveillance of the courtyard and canal. A condition has been attached for the lighting strategy. However, installation of alarm and CCTV systems are considered to be management issues and have not been attached. Also, the proposed oriel window is considered would provide some natural surveillance.
- 6.11. Transportation Development have noted that there is no on site car parking but local roads are subject to parking controls that are well enforced. There are a number of public car parks nearby and the site is close to the City Centre and accessible by other sustainable modes. Servicing would continue to take place from on street. As such, no objections have been raised to the proposal subject to conditions that the cycle parking is provided prior to the uses occupying the building and restrict the proposed D1 and D2 uses as a change of use to these to a school or place of worship would potentially lead to significant drop off and pick up movements that would potentially lead to significant impacts on the local highway network. I concur with this view and have attached conditions accordingly.

7. Conclusion

- 7.1. I consider the proposals would be in keeping with the surrounding area subject to safeguarding conditions whilst bringing the listed buildings back into use.

8. Recommendation

- 8.1. Approve Subject to Conditions

-
- | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Limits delivery time of goods to or from the site to 0700-1900 |
| 2 | Limits the hours of operation for A1, A3, A5 and D1 (exhibition hall, museum, training and D2 (indoor, outdoor sports or recreation and/or gymnasium) between 0700-2300 |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Prevents the use from changing within the use class D1 and D2 |
| 5 | Requires the submission of extraction and odour control details |
-

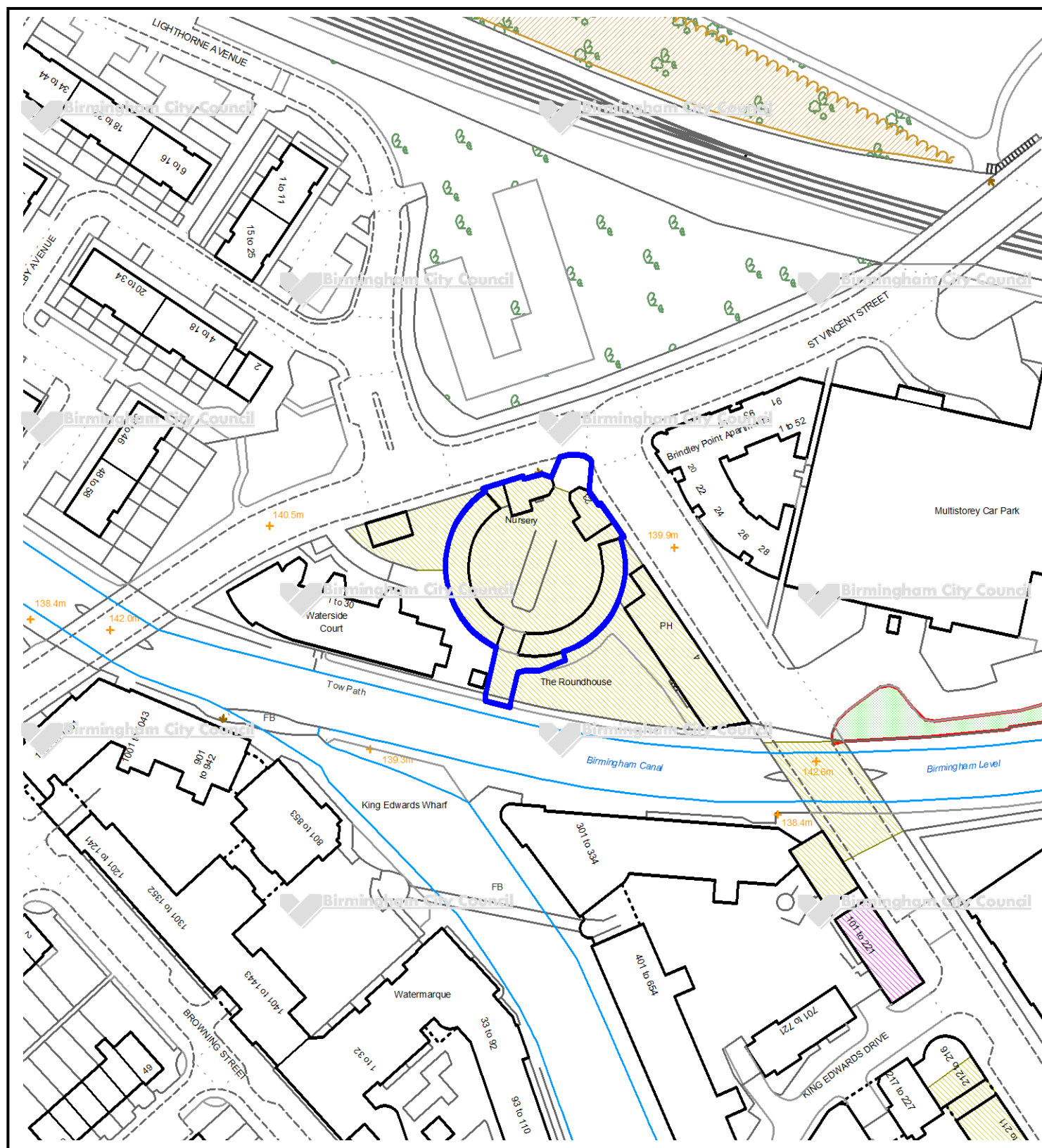
-
- 6 Requires the prior submission of noise limiting device details
 - 7 Requires the prior submission of cycle storage details
 - 8 Requires the prior submission of a lighting scheme
 - 9 Requires the scheme to be in accordance with the listed approved plans
 - 10 Requires the prior submission of extraction and odour control details
 - 11 Limits the approval to 3 years (Full)
-

Case Officer: Anh Do

Photo(s)



Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/05469/PA
Accepted:	23/06/2016	Application Type:	Listed Building
Target Date:	13/10/2016		
Ward:	Ladywood		

The Roundhouse, Sheepcote Street, City Centre, Birmingham, B16 8AE

Listed Building Consent for internal and external alterations associated with change of use to provide mixed/ flexible use, urban discovery and enterprise hub to include use classes B1, D1 (exhibition hall, museum and education and training), D2 (indoor or outdoor sports, recreation and/or gymnasium), A1, A3, A5.

Applicant:	Canal & River Trust and the National Trust c/o Agent
Agent:	Canal & River Trust Neptune Street, Fearn's Wharf, Leeds, LS9 8PB

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This application seeks Listed Building Consent for internal and external alterations associated with the change of use to provide mixed/flexible use, urban discovery and enterprise hub to include use classes B1, D1 (exhibition hall, museum, and education and training), D2 (indoor and outdoor sport and recreation and/or gymnasium), A1, A3, A5 including erection of link building and works to the courtyard at The Roundhouse on Sheepcote Street. A report for the associated planning application appears elsewhere on your Committee agenda.
 - 1.2. The external works include the replacement of the entrance gates into the Roundhouse from Sheepcote Street, a weathered steel clad link building between the east gatehouse and the Roundhouse, a section of brick end façade removed to create a new door access on the two ends of the Roundhouse. The existing ramp in the lower canalside courtyard would be removed and replaced with a new ramp that would connect to a new smooth stone paved access strip approximately 1.2m wide replacing the existing cobbles from the canalside courtyard through the tunnel up to the Sheepcote Street elevation. 9 cycle stands would be installed in the canalside courtyard and outer courtyard. New vent tiles would be installed in the roof on the south elevation, original cast iron windows would be restored, new reproduction metal windows would be installed where required and fixed glazed screens installed to the front of all existing first floor doors to the courtyard. A new 1.1m high handrail would be installed adjacent to the retaining wall.
 - 1.3. At the lower ground floor, a timber screen on one of the arches would be removed and replaced with a glazed kiosk with serving hatch and a glazed screen installed to enclose the larger vaulted arch.

- 1.4. On the upper ground floor level the following would be removed: suspended ceilings, later timber stud partition, inner section of brick internal crosswalls to accommodate new circulation route, existing timber joists removed and trimmed to accommodate new stair and platform lift, section of brick on the rear façade for installation of flush glazed window measuring 2.6m (h) x 0.8m (w), WC's, staircase and opening infilled with new joists, existing doorways enlarged, section of brick on canal façade to allow new projecting bay window, openings for ventilation and timber sash windows. A new staircase, new projecting oriel window with solid cheek to the west and glazed face onto lower courtyard measuring 2.4m (h) x 1.8m (w), timber clad WC and staff areas and glazed internal partition would be installed.
- 1.5. At first floor the following would be removed: existing timber joists and trimmed to accommodate new stair and platform lift, timber stud partition, timber sash windows, all redundant mechanical and electrical services and inner section of brick internal crosswalls to accommodate new circulation route. A new staircase in timber clad stud structure, new platform lift for first floor access, new timber clad WC and staff areas, external walls drylined with reversible stud partitions in private areas and external platform lift to upper ground floor. New openings in the brickwork divisions would be created to enlarge spaces.
- 1.6. Secondary glazing would be applied to all windows.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a vacant part two/part three storey building known as The Roundhouse with two storey gatehouse buildings either side of the entrance, one vacant and the other occupied by a day nursery. The site is accessed on the corner of Sheepcote Street and St Vincent Street. High walls enclose the frontage to the canal. Access to Birmingham Canal is down a centrally located ramp that goes under the building to the canalside courtyard. To the south of the site is The Fiddle and Bone public house. To the north is unused land, to the east is a multi storey car park and the Barclaycard Arena beyond. To the south is a Grade II Listed Building, to the south and west are residential apartments. The Roundhouse is Grade II* Listed and the two buildings on either side are Grade II Listed Buildings.

2.2. [Site Location](#)

3. Planning History

- 3.1. 20/07/1994 - 1994/00428/PA - Heritage centre, public house and restaurant with serviced accommodation – Approve Subject to Conditions.
- 3.2. 20/07/1994 - 1994/00512/PA – Listed Building Consent for heritage centre, public house and restaurant with serviced accommodation – Approve.
- 3.3. 24/09/2013 - 2013/05752/PA - Change of use of Fiddle and Bone public house to chandlery (use class A1), bar/restaurant, function space and ancillary office (use class A4/A3). Change of use of part of the Roundhouse from storage (use class B8) to storage, workshops (use class B8/B1) parking and boater facilities and erection of canal side building for storage, diesel tank and other boating facilities and associated works – Approve Subject to Conditions.

- 3.4. 24/09/2013 - 2013/05753/PA - Listed Building Consent for alterations in conjunction with change of use of Fiddle and Bone public house to chandlery (use class A1), bar/restaurant, function space and ancillary office (use class A4/A3). Change of use of part of the Roundhouse from storage (use class B8) to storage, workshops, (use class B8/B1) – Approve Subject to Conditions.
- 3.5. 19/09/2014 - 2014/05257/PA – Variation of Condition No. 10 attached to approval 2013/05752/PA for amended plans to include new office and relocated chandlery – Approve Subject to Conditions.
- 3.6. 25/09/2014 - 2014/05361/PA - Listed Building Consent for alterations to Fiddle and Bone, change of use of Roundhouse for storage (use class B8), workshops (use class B1), chandlery, parking and boater facilities – Approve Subject to Conditions.
- 3.7. Current - 2016/05380/PA - Change Of Use to provide mixed/ flexible use urban discovery and enterprise hub (use classes B1, D1 (exhibition hall, museum and education and training), D2, A1, A3, A5) associated alterations, erection of link building and works to courtyard.
4. Consultation/PP Responses
 - 4.1. MP, Local Councillors, Birmingham City Centre Management, amenity societies and Residents Associations notified. Press and site notice posted. No response received.
 - 4.2. CHP – Concerns raised over windows however recognised more windows had been approved in previous applications
 - 4.3. Historic England – Supports the application.
5. Policy Context
 - 5.1. The Birmingham Plan (2005); Pre-Submission Birmingham Development Plan 2031, Grade II* Listed Building, Grade II Listed Building, Conservation Through Regeneration SPG, Places for All, Access for People with Disabilities SPD, National Planning Policy Framework
6. Planning Considerations
 - 6.1. Paragraph 129 of the National Planning Policy Framework refers to a need to assess the significance of a proposal on any heritage asset. Paragraph 131 states that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.
 - 6.2. Policy 3.25 of the UDP requires that special regard will be given to the desirability of securing the retention, restoration, maintenance and continued use of buildings of special architectural or historic interest.
 - 6.3. Policy TP12 of the BDP states that applications for development affecting the significance of a designated or non-designated heritage asset, including proposals for removal, alterations, extensions or change of use or on sites that potentially include heritage assets of archaeological interest, will be required to provide sufficient information to demonstrate how the proposals would contribute to the

asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

- 6.4. The Conservation Heritage Panel were concerned over the introduction of new windows in the external walls towards the canal, however it was recognised that more windows had been approved in earlier applications and the design and quality of the proposed windows would be better. It was recommended that design details of these windows should be secured at this time. Details of the oriel windows and new windows have been considered to be acceptable by my Conservation Officer.
- 6.5. Historic England considers the paragraphs 128 and 132 of the NPPF have been fulfilled and the justification provided is clear and convincing. Whilst it is considered there is extensive change proposed, physically and in terms of the use of the building, and some loss of historic fabric, any harm to the significance of the building would be at a very low level on the less than substantial spectrum. In many ways the works would help to preserve the building and would serve to enhance and reveal its significance. On this basis Historic England consider the proposed conversion of the Grade II* Listed Roundhouse and associated Grade II Listed gate lodges to be acceptable and therefore support the application.
- 6.6. Details of the glazing would need to be understood in order to ensure that the works would be neutral against the character of the building. Their position should be recessed and the framing kept to a minimum, this however would be the subject of a condition. The removal of the existing stairs and proposed repositioning of stairs that work better within the building and afford safe access are considered to be acceptable. The arrangements of the rooms at first floor have already been significantly altered and the proposed arrangement does not cause significant harm. The creation of the link building is considered to be modern. As there were buildings in this location, it is considered the impact is acceptable and constitutes less than substantial harm. The new windows are considered necessary in order to ensure that the building has a better and more outward presence towards the canal, the direction that most users are intended to approach from. The historic openings have changed over the years, when many of the original cast iron windows were replaced with timber windows. Details of the new windows have been requested and submitted during the application and are supported. All windows would have secondary glazing to improve thermal performance to meet Part L of the Building Regulations. The openings and additions are considered to be limited and well designed. The secondary window glazing and roof insulation have been well considered, controlled and largely invisible and no objections have been raised. It is noted that a landscaping plan has been provided with the application, however it is considered that this matter is addressed through condition to ensure flexibility is built into the application. A condition has been recommended for a schedule of cleaning to ensure no unnecessary cleaning will take place that would cause harm to the fabric of the building. It is therefore considered the development fully accords with local policy and would result in less than substantial harm in accordance with the NPPF. Conditions have been recommended for building recording, condition survey, method statement, architectural and specification details, mechanical and electrical and water utilities strategy, insulation, materials, mortar, external lighting strategy and landscaping.
- 6.7. I concur with the views of Historic England and my Conservation Officer, the proposal would bring vacant parts of this building back into use that would preserve its heritage. To ensure that the buildings are not damaged as part of the process, the recommended conditions have been attached accordingly.

7. Conclusion

- 7.1. I consider the proposals would preserve and enhance the character and appearance of the Grade II* and Grade II listed buildings and therefore listed building consent can be granted.

8. Recommendation

8.1. Approve Subject to Conditions

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- | | |
|----|-------------------------------------------------------------------------------|
| 1 | Requires prior submission of building recording survey |
| 2 | Requires prior submission of condition survey |
| 3 | Requires prior submission of method statement |
| 4 | Requires the prior submission of full architectural and specification details |
| 5 | Requires the prior submission of Mechanical and Electrical Strategy |
| 6 | Requires the prior submission of insulation strategy |
| 7 | Requires the prior submission of sample materials |
| 8 | Requires the details of the mortar mix |
| 9 | Requires the prior submission of a lighting scheme |
| 10 | Requires the prior submission of security strategy |
| 11 | Requires the scheme to be in accordance with the listed approved plans |
| 12 | Limits the approval to 3 years (conservation/listed buildings consent) |
-

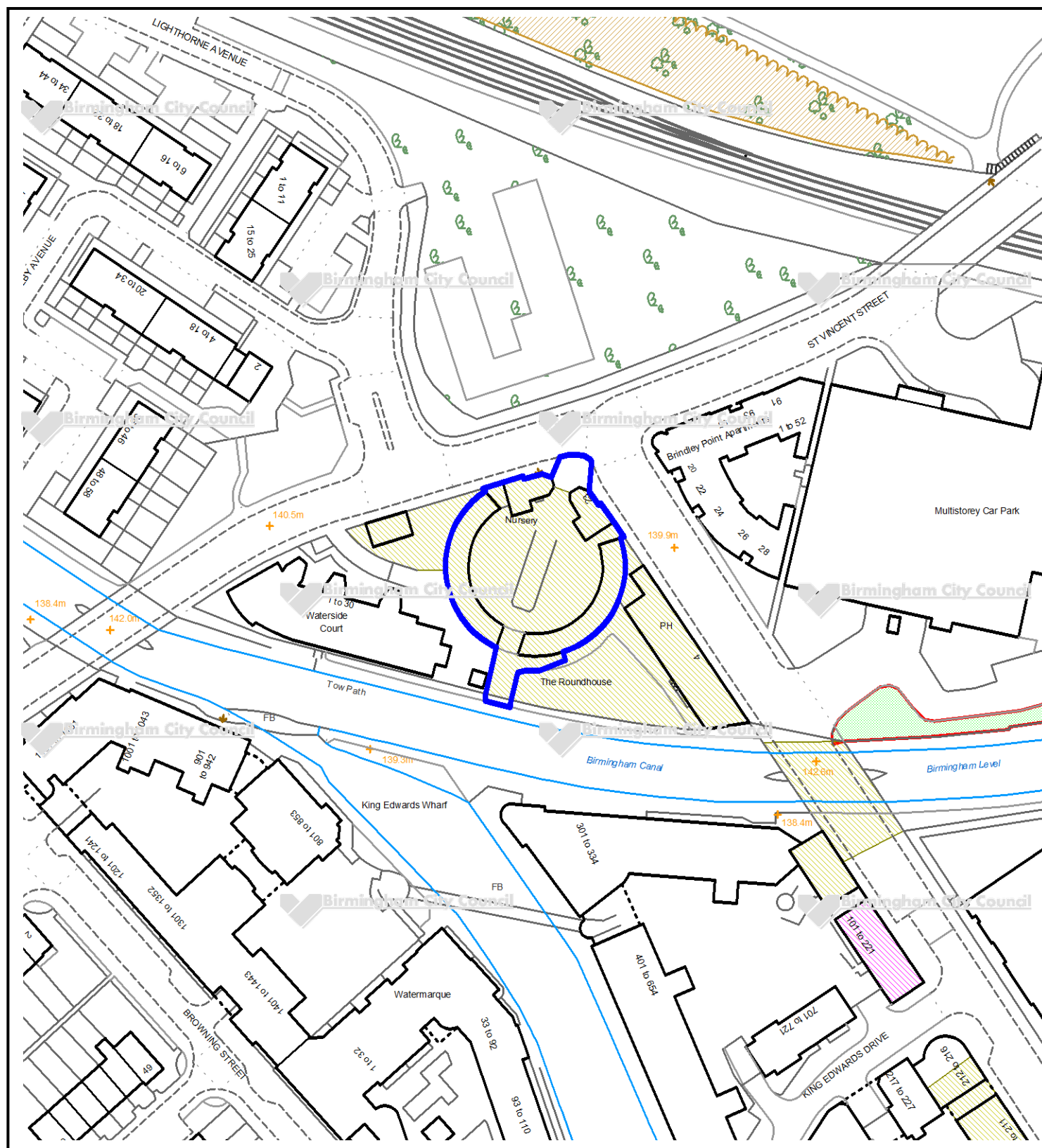
Case Officer: Anh Do

Photo(s)



Entrance into Roundhouse from Sheepcote Street

Location Plan



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Committee Date:	13/10/2016	Application Number:	2016/06238/PA
Accepted:	23/08/2016	Application Type:	Variation of Condition
Target Date:	22/11/2016		
Ward:	Ladywood		

Former Post & Mail Printing Works Building, Weaman Street, City Centre, Birmingham, B4 6AT

Application for the variation of condition 4 attached to previous planning application 2014/08876/PA to increase gross internal floor space for Phase 2 from 40,000 sqm to 49,800 sqm and increase gross internal floor space for office use (B1a) from 33,180 sqm to 49,800 sqm

Applicant:	Chatham Billingham (P&M) Ltd 7 John Feeney Arcade, Post & Mail, Weaman Street, Birmingham, B4 6FE
Agent:	Associated Architects LLP 1 Severn Street Place , The Mailbox, Birmingham, B1 1SE,

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This Section 73 application seeks to vary condition 4 attached to planning application 2014/08876/PA to increase the amount of floorspace. The full condition states that states that:-

The maximum gross (internal) floorspace for Phase 2 shall not exceed 40,000 square metres and the individual maximum gross (internal) floorspace for the individual uses shall not exceed the following:-

- Restaurant (Use Class - A3) - 6,500 square metres
- Offices (Use Class - B1A) - 33,180 square metres
- Residential (Use Class C3) - 15,000 square metres
- Hotel (Use Class C1) - 15,000 square metres
- Medical and Clinical (Use Class D1) - 25,000 square metres

- 1.2. The applicant wishes to increase the gross internal floorspace within Phase 2 from 40,000 square metres to 49,800 square metres and to increase the gross internal floor space for office use from 33,180 square metres to 49,800 square metres. In support of the application an updated Statement of Principles has been submitted to demonstrate that the additional floorspace can be accommodated within the parameters and building height previously approved.

- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is the former Post and Mail printing works building. The Phase 1 works to create basement parking and a double height podium are now complete.
- 2.2. The site is in the heart of the city centre to the north east of the Colmore Business District. It is bounded by Printing House Street to the east with a surface car park on the opposite side of the road. Beyond are Rowchester Court and the locally listed Children's Hospital, both of which fall within the Steelhouse Conservation Area. To the south is a route between the recently completed 14 storey (61m high) Colmore Plaza office building. Further south is the 9 storey (42m high) Wesleyan and General Assurance building. Lloyd House (12 storeys / 54m high) is on the opposite side of Weaman Street to the west; and, to the north is a multi-storey public car park and 6 storey office building at 1 Printing House Street. Further north on the opposite side of Weaman Street is the Thistle Hotel and Kennedy Tower.
3. Planning History
 - 3.1. 16 March 2012 Application 2011/01322/PA. Planning consent granted for part detailed application (Phase 1) for redevelopment involving partial demolition of the former Post and Mail printing works to street level, the insertion of new levels into the existing basement to create a new car park for up to 800 spaces, with a new two storey building above for retail, restaurant and office uses. Part outline application for Phase 2 comprising multi storey building above Phase 1 for restaurant, office, hotel, residential and non-residential institution uses.
 - 3.2. 24 October 2014 Application 2014/05454/PA. Section 73 Application approved to reword condition 5 attached to planning application 2011/01322/PA to state the maximum height of any buildings within the site shall not exceed 205m (including plant) in height when measured from AOD Level.
 - 3.3. 4 March 2015 Application 2014/08876/PA. Planning consent granted for the variation of condition 3 attached to previous planning application 2014/05454/PA to increase gross internal floor space for Phase 2 from 33,180sqm to 40,000sqm and increase gross internal floor space for residential use (C3) from 12,000sqm to 15,000sqm.
 - 3.4. 23 July 2015. Planning Application 2015/02639/PA. Reserved Matters (layout, scale, access, appearance and landscaping) approved for Phase 2 for 14 new storeys above Phase 1 for residential (115 apartments) and office uses.
 - 3.5. 20 October 2015 Snow Hill Masterplan adopted as non-statutory planning guidance.
 - 3.6. 15 April 2016. Planning Application 2016/01702/PA. Reserved Matters (layout, scale, access, appearance and landscaping) approved for Phase 2 for 15 new storeys above Phase 1 for residential (115 apartments) and office uses.
4. Consultation/PP Responses
 - 4.1. Adjoining occupiers, residents associations, local ward councillors and M.P. notified. Site and Press notices displayed. No comments received.
 - 4.2. BCC Transportation Development - no objection subject to conditions as per the previous consent to secure a construction management plan; car park management plan; delivery and servicing plan; cycle parking provision and a travel plan
5. Policy Context

- 5.1. Relevant planning policies include the National Planning Policy Framework; Birmingham Unitary Development Plan (2005) - saved policies, Pre-Submission Birmingham Development Plan 2031, High Places SPG, Lighting Places SPD, Places for All / Places for Living SPG; Car Parking Guidelines SPD and Snowhill Masterplan.
- 5.2. In addition, to the east of Printing House Street and Whittall Street is the Steelhouse Lane Conservation Area, which includes the locally listed Children's Hospital. The site is also an Enterprise Zone site.

6. Planning Considerations

Land Use Policy

- 6.1. This application seeks to vary condition 4 attached to planning consent 2014/08876/PA to increase both the amount of office floorspace and the overall amount of floorspace within Phase 2. For this type of application Government advice is that Local Planning Authorities should focus their attention on updated national and local policies or any other material considerations which may have changed since the original grant of permission, as well as the changes sought.
- 6.2. Since the most recent consent was granted in March 2015 there has been no change in national planning policy. In principle, the proposed development is consistent with the NPPF, which supports sustainable development, especially that of previously developed land in locations that are easily accessible, such as the application site.
- 6.3. In December 2013 the City Council approved the Pre-submission Version of the Birmingham Development Plan (BDP). The BDP is intended to provide a long term strategy for the whole of the City and will replace the saved policies of the Birmingham Unitary Development Plan 2005, with the exception of the City Wide policies contained within Chapter 8 of that plan. These policies will continue in force until the adoption of the Council's proposed Development Management DPD.
- 6.4. The Birmingham Development Plan (BDP) was submitted to the Secretary of State for examination in July 2014 with the hearings taking place in October and November 2014. The Inspectors final report was published on 11 March 2016 and concluded that, subject to a number of minor modifications, the plan is sound. However, on 26th May the Government issued a Holding Notice on the Birmingham Development Plan. The BDP is intended to provide a long term strategy for the whole of the City and will replace the saved policies of the UDP 2005.
- 6.5. Policy PG1 advises that over the plan period significant levels of housing, employment, office and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements. Policy GA1.1 adds that the role of the City Centre as a major hub for financial, professional and business services will continue to be supported. The primary focus for additional office development will be within and around the City Centre Core including the Snow Hill District. With regard to the Snow District policy GA1.3 states that the eastern expansion of the central office core around Snow Hill station will be supported through key office and mixed use developments. Connected routes and incidental spaces throughout the district will be promoted to provide a public realm that will encourage new business activity. In principle, I have no objections to the

whole of Phase 2 being for offices. Furthermore subject to scale and massing I have no objections to increasing the overall floorspace within Phase 2.

Urban Design

6.6. When the original application was submitted in 2011, it was accompanied by a Statement of Principles to guide the development of Phase 2. An updated Statement of Principles has been submitted, which confirms that:-

- the overall height of the building would not exceed 205m AOD;
- on the boundary with Colmore Plaza, the face of Phase 2 would be set back from the boundary line to reduce its impact on occupants of Colmore Plaza by 5m. This would allow for the proposed development to provide a meaningful space between the Post & Mail site and Colmore Plaza, whilst also retaining the aspiration to keep a landmark feature on the southern corner of the site;
- on the boundary with the NCP car park, the face Phase 2 would be set back from the boundary line to allow for the fenestration of the elevation unrestrained by spread of fire issues;
- pedestrian access to Phase 2 would be through the double height entrance space on the corner of Weaman Street and Colmore Circus Queensway provided by the Phase 1 redevelopment. Building users access the circulation cores and lifts at First Floor by using escalators, a passenger lift or stairs;
- cars and other vehicles would access and exit the development at Ground Floor level from Weaman Street and Printing House Street respectively using the basement car park as provided by the Phase 1 redevelopment;
- motor bikes and bicycles would also access and exit the development at Ground Floor level from Weaman Street and Printing House Street respectively using the basement car park as provided by the Phase 1 redevelopment;
- the proposed Post & Mail Phase 2 development would be serviced from the service / loading area accessed from Weaman Street adjacent to the NCP Car Park as provided by the Phase 1 redevelopment;
- Phase 1 has been designed to provide a two-storey base to the multi-storey Phase 2 building above. This base is in two parts: a 'solid' Ground Floor storey with a First Floor storey expressed in virtually continuous glazing. Conceptually this allows the Phase 2 development to 'float' above the solid base and to allow future flexibility for the design and specification of the external cladding treatment for the Phase 2 building;
- due consideration will be given to the roofscape as the 'fifth elevation' of the building; and,
- the lighting of the building will be carefully considered to enhance the appearance of the building after dark.

6.7. The parameter plan within the updated Statement of Principles shows that the footprint of the proposed Phase 2 building would have a maximum Gross Internal Floor Area at each level of approximately 3,364 sqm. Furthermore, it indicates that

the face of the proposed building would be set back by approximately 6.3m along the boundary with Colmore Plaza to create a feature corner volume. It also shows that the proposed building will be set back from the site boundary line adjacent to the Weaman Street NCP car park by approximately 7.1m.

- 6.8. The parameter elevation shows that the total number of floors in the proposed Phase 2 building would be kept within a height of 62.4m above Phase 1 roof level to ensure that the maximum building height of 205m AOD is not exceeded.
- 6.9. The number of floor levels, plan configuration and floor-to-floor heights would remain as a Reserved Matter. However, the parameter plan and elevations confirm that with fifteen floors of accommodation above the Phase 1 roof level the proposed amount of floorspace could be provided without exceeding the 205m AOD building height limit previously approved. I am therefore satisfied that the increased floorspace proposed can be accommodated within the parameters set by the original Statement of Principles.

Transportation Issues

- 6.10. The application seeks to revise details of floor space and allocation of this space for a variety of uses in Phase 2 of the development of the site. Phase 1 was approved under application 2011/01322/PA that agreed conversion of basement space into a 800 space public car park, and parameters for upper floor areas. The supporting notes with this application for Phase 2 notes a possible increase in overall gross internal area from 40,000 square metres to 49,800 square metres, and most significantly an increase in B1 office use from 31,080 square metres up to 49,800 square metres.
- 6.11. BCC Transportation have commented that these changes are not deemed to have any noticeable effect on the highway or transport infrastructure as a previous Transport Assessment was based on a more robust 62,415sqm area of B1 use. The levels of car parking and cycle parking need to be provided when floor uses are known and should be in line with BCC adopted guidelines.
- 6.12. The surrounding s278 Highway agreement has been completed so no off-site works are required. However, careful consideration will be required on the implementation of this Phase 2 building and may require temporary alterations when the construction strategy is known. As recommended safeguarding conditions are attached to secure a construction management plan; car park management plan; delivery and servicing plan; cycle parking provision and a travel plan.

7. Conclusion

- 7.1. The applicant has demonstrated that the overall increase in floorspace can be accommodated within the height and footprint set by the previously agreed Statement of Principles. Furthermore I have no objections to the whole of phase 2 being used for offices. The proposed new floorspace figures are below that tested in the original Transport Assessment and subject to conditions BCC Transportation Development have no objections. The additional floorspace and increase in offices is consistent with both national and local planning policy and I therefore have no objections to the application subject to conditions.
- 7.2. As with the previous Section 73 application, a further Deed of Variation would be required, with increased contributions as set out below.

8. Recommendation

8.1. That consideration of application 2016/06238/PA be deferred pending the completion of a Deed of Variation to secure the following:

- A financial contribution to public realm improvements being a payment of £60,000 plus £2 per sqm above 33,180sqm calculated on the GIA of the floorspace in Phase 2 with the first part of the payment (£60,000) being index linked from the date of the original resolution to grant consent in 2011 and the second part of the payment (£2 per sqm above 33,180sqm) index linked to the date that the current application is reported to Planning Committee. The money to be used firstly for the proposed Whittall Street open space and secondly within 100m of the application site.
- A commitment to local employment and training;
- Public access through the arcade, and;
- A financial contribution of £1,500 for administration and monitoring to be paid upon completion of the legal agreement.

8.2. In the absence of the Deed of Variation being completed to the satisfaction of the Local Planning Authority by the 21 November 2016 planning permission be REFUSED for the following reasons:

- In the absence of a legal agreement to secure a commitment to local employment / training, public realm improvements and access through the arcade, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan and Policies PG3, TP26 and TP39 of the Pre Submission Birmingham Development Plan 2031.

8.3. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the Deed of Variation.

That in the event of the Deed of Variation being completed to the satisfaction of the Local Planning Authority by the 21 November 2016, favourable consideration be given to this application, subject to the conditions listed below.

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- | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the development to be implemented in accordance with previously approved details |
| 2 | Requires the development to be implemented in accordance with previously approved details |
| 3 | Requires the development to be implemented in accordance with previously approved details (extraction and odour control details, lighting scheme and green/brown roofs) |
| 4 | Requires the development to be implemented in accordance with previously approved details (communal satellite dish and microclimate study) |
| 5 | Limits delivery time of goods to or from the site |
-

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- 6 Limits the maximum gross floorspace
 - 7 Limits the building heights
 - 8 Limits the noise levels for Plant and Machinery
 - 9 Prevents the use of amplification equipment
 - 10 Requires the scheme to be in accordance design and access statement
 - 11 Requires the scheme to be in accordance with the listed approved plans
 - 12 Requires a post completion telecommunications reception assessment
 - 13 Requires the prior submission of a construction method statement/management plan in a phased manner
 - 14 Requires the prior submission of sample materials in a phased manner
 - 15 Requires commercial occupiers to join Travelwise
 - 16 Requires the submission of reserved matter details following an outline approval
 - 17 Removes PD rights for telecom equipment
 - 18 Limits the approval to 5 years (outline)
 - 19 Limits the approval to 3 years (Full)
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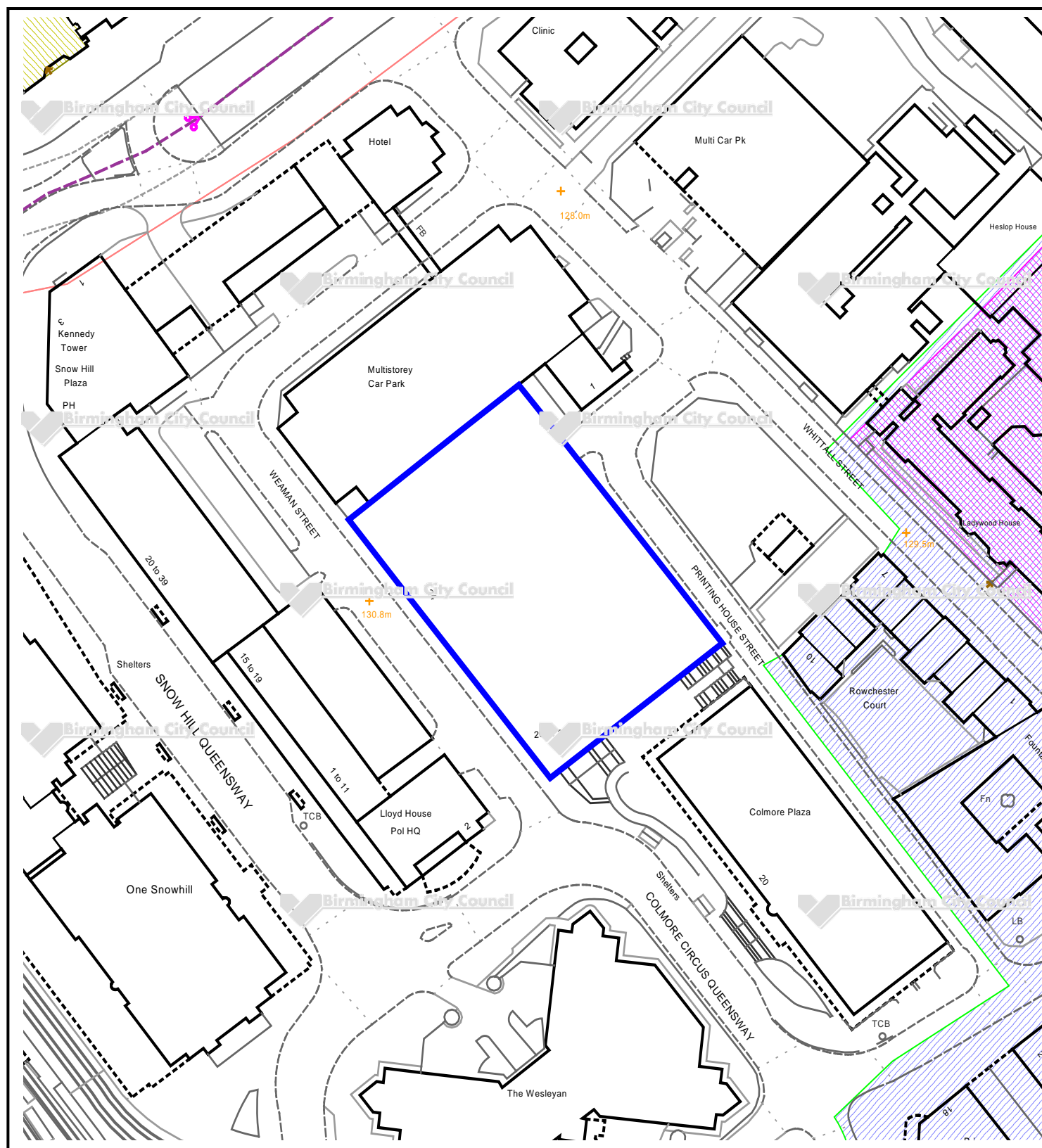
Case Officer: David Wells

Photo(s)



View from Colmore Circus

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

PLANNING COMMITTEE

13 October 2016

WARD: NECHELLS

ISSUES REPORT

SUMMARY

This report advises Members of two detailed planning applications submitted on 4th August 2016, by Commercial Estates Group, for demolition of SBQ 1 and 2 and replacement with a 26 storey tower and 9 storey shoulder building and the stripping back of SBQ 3 and 4 to its concrete frame and recladding and extensions to the roof and rear at The Ringway Centre, SBQ1-4, Smallbrook Queensway, City Centre. This report sets out likely issues to be considered when the proposal returns to your Committee and your views on these issues and other issues that may not be included are sought.

RECOMMENDATIONS

That this report be noted.

Comments of your Committee are requested.

CONTACT OFFICER

Nicholas Jackson
City Centre Planning Management
Tel. No. 0121-675-3754
Email: nicholas.jackson@birmingham.gov.uk

PURPOSE

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

PLANNING COMMITTEE 13 October 2016 Applications 2016/06117/PA & 2016/06118/PA

DISTRICT: CITY CENTRE

LOCATION: The Ringway Centre, SBQ1-4, Smallbrook Queensway, B5 4HP

PROPOSAL: Demolition of building SBQ2; and recladding, refurbishment and extension of building SBQ3&4 to include an increase in height by two storeys, rooftop plant enclosures and rear extension at first floor level. Development to provide Class B1(a) offices on the upper floors, with ground floor entrances; retail/leisure (A1-A5) uses on parts of the ground floor, mezzanine and basement levels; basement car park; and retention of existing nightclub (Sui Generis); and

Demolition of existing buildings SBQ1 and SBQ2; construction of part 9 part 26 storey building, plus rooftop enclosures and basement level; containing 309 residential units on the upper floors with ground floor entrances, retail/leisure uses on ground floor, and basement car parking.

APPLICANT: Commercial Estates Group

AGENT: Nexus Planning, Suite A, 3 Weybridge Business Park, Addlestone Road, Weybridge, Surrey, KT15 2BW

POLICY CONTEXT:

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

Building is Locally Listed Grade B and a Certificate of Immunity from Listing was granted August 2016.

RELEVANT PLANNING HISTORY:

The existing building was constructed between 1958 and 1962 largely to the designs of James A. Roberts following a national design competition. It was conceived as a large-scale mixed use commercial development including shops, offices, a dance hall, service areas and stores to flank the newly constructed inner ring road.

There have been various applications relating to alterations and changes of use within the building, none of which are directly relevant to these applications.

09.08.2016 – Certificate of Immunity from Listing granted (valid for five years).

NATURE OF SURROUNDINGS:

The Ringway Centre occupies a site area of approximately 0.65 hectares running between Scala House which fronts Holloway Circus eastwards across Hurst Street terminating at Dudley Street.

The application site is occupied by a largely 6 storey (plus basement levels) flat roof building with a two storey void where it bridges Hurst Street. The building has a continuous frontage of around 240m. The facades of this concrete framed building incorporate decorative concrete panels, large metal framed glazed windows and projecting concrete uplighters positioned across the frontage. At street level there is little harmony to the treatment of shop fronts, with varying designs evidenced along the building's frontage with Smallbrook Queensway. A former petrol filling station (currently occupied by a locksmith) at the lower level fronts Dudley Street and is set back from the road.

At the Holloway Circus end of the development (SBQ1) the public realm on the frontage is partly split level with steep gradients following alterations to the road junction of Smallbrook Queensway and Hurst Street.

The wider area accommodates a range of uses with the Ringway Centre situated at the junction with one of the city's key night time economies centring on the Hippodrome / the Arcadian. Beetham Tower a residential / hotel building, at 39 storeys being the tallest occupied building in the city is situated on Holloway Circus. The Holiday Inn also provides hotel accommodation on the northern side of the Queensway between Beetham Tower and Hill Street, with retail units at ground floor. Centre City, a tower with a lower level podium marks the opposite corner of Hill Street with ground floor retail with offices above (the Grade B Locally Listed Norfolk House) forming the remainder of this northern edge to the Queensway.

The Bullring Shopping Centre is situated to the east beyond Dudley Street, with a cylindrical tower providing pedestrian access to the lower street level of Dudley Street. In addition to being situated at a lower level the areas to the rear of the site have a different character. A multi-storey car park and route towards the markets (Edgbaston Street) are relatively modern developments to the east. Birmingham's China Town is situated to the south with a vibrant mix of restaurants, entertainment venues including a casino fronting Hurst Street and a multi-storey car park all back onto the site. The Arcadian with its mix of lively entertainment venues, a hotel and serviced apartments are situated beyond. In addition to ground floor retail, food and entertainment uses Albany House (to the south) is a large office development that has been recently refurbished. The Hippodrome theatre is situated beyond Albany House fronting a small pedestrianized section of Hurst Street.

[Location Plan](#)

DETAILS OF PROPOSAL:

Scale and Massing

These applications include an application for a 26 storey residential tower, standing 206m AOD, 92m above Smallbrook Queensway footpath level (including plant). This compares to the existing building which has typical height of around 23m. It has a slightly cranked form along the Hurst Street façade to create interest and break up the massing when viewed from the east/west. The tower would be no taller than the existing tower element of Centre City obliquely opposite the application site.

In addition a 9 storey shoulder element to the replacement building on the site of SBQ1 would be around 31m in height from the street frontage (although the ground level varies along the frontage). The remodelled and extended SBQ 3 and 4 building would add an additional 5.3m to the principal building via a rooftop extension that would include a penultimate level stepped back by 300mm.

Finally an extension to the lower level element at the rear of SBQ 3 and 4 would add an additional floor to the Hurst Street, Wrottesley Street and Dudley Street frontages.

External Appearance and Materials

SBQ1 (site of)

The proposed 26 storey tower is the most striking element of the proposals across the two applications. The scale of the tower is dictated by the height of the existing Centre City building obliquely opposite.

To breakdown the massing of the broadest elevations of the building and provide visual interest, the tower includes a cranked format in plan form. The principal entrance to the residential units has been purposely located directly on the corner of Hurst Street/Smallbrook Queensway to provide interest and aid legibility.

The tower includes a deeply modelled façade with floors paired vertically to express the verticality of the tower element. A limestone grid with deep reveals which incorporate balconies (including full width at level 25) with glass balustrading recessed is the principal approach across the tower's facades. At the top of the tower the limestone grid tapers to a more slender form (as a colonnade) to provide a distinct top to the tower.

At ground level the tower would have a lower plinth clad in dark granite, continuing the grid format used on the levels above. The main residential entrance lobby would be recessed on the corner.

The retail frontages would have a consistent appearance with bronze frames surrounding large display windows, matching those proposed on the accompanying application for SBQ 3 and 4.

At roof level there would be a plant enclosure set back from the building's edges, bounded by an expanded metal screen with bronze fins to match the elevation below and the wider redevelopment.

The 9 storey 'shoulder' element would largely continue the architectural approach and material pallet used on the tower and the wider SBQ redevelopment proposals. The lower two floors would be clad in granite tiling with large windows and horizontal light stone cladding above. To reflect the approach proposed on SBQ 3/4 the upper two floors incorporate projecting bronze fins.

Where obscured glazing is needed fritted glazing utilising the pattern of the existing concrete spandrel panels is proposed. This is also consistent with the approach proposed on SBQ 3/4.

A slightly recessed segment connects the tower to the lower shoulder building which has been designed to reflect horizontality. A recessed level (floor 6) corresponds with the recessed level proposed for the proposals on the SBQ 3/4 site. Elements of the limestone cladding framework would span from the tower to the shoulder building.

Both architecturally and the materials proposed on the rear courtyard elevation would match the front elevation although the setting out of the limestone cladding would be

more akin to the grid format of the tower rather than the horizontal banding on the frontage.

The circulation cores would be situated within the centre of both the tower and shoulder buildings, limiting internal corridor lengths.

SBQ 3 & 4

The key Smallbrook Queensway frontage would be totally transformed into a glass frontage with limestone veneered rain-screen cladding in pale cream stone with deep reveals arranged in bands demarking each floor.

Bronze fins form part of the façade system between each window pane. The lower part of the glazed areas would have a translucent panel to hide the area beneath the desks.

The gable ends of the building would be opened up with new feature glazing providing activity on these prominent ends, surrounded by the stone cladding.

At street level a harmonised approach to shop fronts would be implemented with a single design of bronze metal framed frontages with large glazed display windows, granite stall risers and a clear signage zone. The shopfronts would be brought slightly forward towards the road.

The office entrance would be marked by a large bronze aluminium clad portal structure with large bronze (metallic) fins. The reception areas for each floor will be aligned with this feature. Feature lighting would be provided around this portal feature, including spot lights up-lighting the large fins.

Above the principal building there would be a new two storey roof top extension increasing the height of the building by around 5.3m. This is designed as a glass box with projecting fins (various shades of bronze). The fifth floor would be recessed (by 300mm) with the floor above a double height level cantilevered structure designed to provide interest without disrupting the horizontal form of the wider building's composition. The soffit above the recess would contain feature lighting to pick out and enhance the projection of this top floor. The patterned translucent glazing would be utilised to hide the lower zone underneath desks and junctions with floor levels.

The rear extension would have frontages to Dudley Street, Hurst Street and Wrottesley Street. Dudley Street would see the former petrol filling station remodelled to form a retail unit, with a further retail unit and a floor of office above (the additional floor). This elevation would comprise of dark granite tiling with bronze framed windows in addition to the remodelled gable and rooftop extension. The external spiral staircases at both ends of the building would be retained above the extension.

On Hurst Street the rear extension would add an additional floor of office accommodation matching the height of the casino next door. The unit occupied by Santorini Bar and Gill would be incorporated into the overall design with dark granite tiling and bronze framed glazing. The retained unit occupied by Snobs would be amended to match the wider redevelopment proposals.

The height of the part of the building fronting Wrottesley Street would increase by one floor and the elevation would be remodelled to introduce an active (office) frontage at the upper three levels. The car park/servicing access would be improved with new security shutters. This elevation would be finished in dark grey render with bronze framed windows, some of which incorporating the pattern of the existing spandrel panels.

The circulation core and main plant zone would be situated to the rear of the main reception with cream and bronze aluminium cladding proposed. At roof level the screen enclosure to the external plant would comprise of expanded metal with bronze fins to tie in with the wider facades.

Public Realm

The proposals include the comprehensive refurbishment of the surrounding public realm. Levels to the front of SBQ 1 would be rationalised. However, the existing split-level arrangement at SBQ3/4's western end cannot be rationalised due to the retention of the basement levels the scheme would see the replacement of surfacing materials with light grey granite paving on Smallbrook Queensway and mid grey paving to Hurst Street to match the New Street Station scheme. This would complement and adjoin the wider Ladywell Walk proposals currently in development by the city.

One of the frontage trees on Smallbrook Queensway would be removed due to a conflict with the remodelled entrance, and three new trees are proposed on Hurst Street (net gain of two trees). In addition planting beds are proposed around the retained trees. The proposals show the retention of 10 street trees.

Amount of Development

The proposed development would provide for a 26 storey residential tower and 9 storey shoulder building together with the comprehensive remodelling and extension of SBQ 3 and 4 this would increase the overall floorspace from 28,432 sq.m to 63,221 sq.m (an increase of 34,789 sq.m) GIA.

Use	Amount
Residential	309 Apartments <ul style="list-style-type: none"> - 106 one bed (34%) - 189 two bed (61%) - 14 three bed (5%)
Office B1(a)	13,900 sq.m
Retail Uses A1-A5	2,040 sq.m
Retained Nightclub	1,820 sq.m
Car Parking	191 Spaces
Cycle Storage Spaces	387 spaces

Supporting Information

These applications are supported by a comprehensive suite of documents including a Planning Statement (incorporating a Statement of Community Involvement); Design and Access Statement; Air Quality Assessment; Arboricultural Report; Noise Assessment; Heritage, Townscape/Visual Assessment; Socioeconomic Impact Assessment; Transport Statement; Interim Travel Plan; Archaeological Desk-based Assessment; Drainage and Flood Risk Assessment; Contamination Study; Phase 1 Habitat Study; Lighting Impact Assessment; Waste Management Strategy; Wind Assessment; Civil Aviation Assessment; TV and Radio Telecommunications Report; and Daylight and Sunlight Assessment.

In addition to the extensive public realm works the applicant proposes a S106 agreement that would include a commitment to using local employment during the construction of the proposed building. A Viability Assessment has been provided in support of this application to justify the deviation from policy in respect of Open Space and Affordable Housing contributions. This is currently the subject of an independent assessment by the City's appointed independent assessors.

The application proposals have been screened at pre-application stage where it was concluded that the development would not be EIA development requiring the provision of an Environmental Statement.

[Link to SBQ 1 Documents](#)
[Link to SBQ 3/4 Documents](#)

ISSUES:

Members should be aware that whilst separate applications have been submitted in respect of the SBQ1/2 and SBQ 2/3/4 parts of the building, this Issues Report covers and invites views on both. The applications will be reported separately to Planning Committee in due course.

Issue 1 - Land Use Policy

The application site is in close proximity to the area of transformation covered by the recent non-statutory Smithfield Masterplan. This document proposes the comprehensive redevelopment of 14ha of land within the city centre including the sites of the Wholesale Markets and the Indoor Markets together with neighbouring development blocks. The masterplan proposes the demolition of the majority of the existing buildings within the boundary and their replacement with a mixed use development including leisure, retail and residential elements served by an integrated public realm and public transport provision. SBQ is situated on the opposite side of Dudley Street to the west of the masterplan area and would not be directly impacted upon, although the fundamental change to the character of this large part of the City Centre will have a longer term impact.

The Birmingham UDP highlights existing areas of weakness in the City Centre, such as the need to improve the pedestrian and built environment, loosening the grip of the Queensway from the City core, creating an economically sound City Centre with a wide variety of activities and land uses. The approach is for Birmingham to enhance its role as a regional capital, delivering economic revitalization, urban and social regeneration and environmental quality.

The consultation draft Birmingham Development Plan sets out the aspirations of the City, including the Big City Plan relating to the City Centre. The non statutory Big City Plan identifies Hurst Street as a primary walking route within the City Centre. The BDP sets out the ambitious growth of the City Centre and identifies five strategic allocations for the centre, including the Southern Gateway which is situated to the east of the site, with the Smithfield Masterplan acting as a centrepiece. The plan states that new investment in office, retail, cultural and residential provision will be supported and recognises the difficulty the city will have in meeting its future housing requirements.

The BDP states that a minimum of 745,000 sq.m (gross) of office floorspace is required to meet the needs to Birmingham's growing population in the period up to 2031. Policy GA1 adds that 94% of this provision (700,000 sq.m) would be within and around the City Centre. This policy also identifies the potential of the City Centre to accommodate some 160,000 sq.m (gross) of additional comparison retail floor area.

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 for market dwellings: 1-bed 13%, 2-bed 24%, 3-bed 28%, and 4-bed 35%. The supporting Planning Statement identifies the composition of household size for this locality (rather than the whole City Centre)

as accommodating a greater number of smaller households: 1-person 50%, 2-person 38%, 3-person 8%, and 4 or more –person 4%. The statement argues that against the mix of household size within this part of the City Centre, the proposed mix of 1-bed 34%, 2-bed 61%, and 3-bed 5% is appropriate and will deliver a range of dwellings to support a mixed, balanced and sustainable neighbourhood.

Your Committee may wish to comment on the proposed mix of land uses, including the mix of apartments

Issue 2 – Loss of a non-designated heritage asset

Both applications propose the complete demolition of SBQ2, which is the bridge link above Hurst Street. The principle of the removal of this part of the building has received support from the Design Council (CABE) who felt that its removal opened up long views from Hill Street to Southside and created a clear gateway.

The existing building on the site of SBQ 1 would be totally demolished and replaced with the tower and shoulder building.

SBQ 3 and 4 would be stripped back to its concrete shell before receiving a new façade, rear and roof extensions.

The proposals therefore constitute ‘substantial harm’ to this non-designated asset. The NPPF requires that where there is substantial harm to the significance of the heritage asset a balanced judgement needs to be reached, considering the scale of any harm or loss of significance. The NPPF also states that in determining applications, Local Planning Authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution the conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

In achieving a Certificate of Immunity from Listing the building benefits from a thorough and recent examination of its historic significance from the Department of Culture, Media and Sport (DCMS).

The decisive factors in the decision not to list the building were the lack of architectural quality and the degree of alteration. The decision acknowledged the presence of the building in the cityscape of central Birmingham which is dependent upon its outline and relationship to the road and other surrounding buildings. The degree of architectural quality required of a building of this type and date to be listed is considerable and the detailing of the building is repetitious and, in some instances, is poorly realised. The report added that although the upper floors of the exterior maintain much of their original appearance, the street frontages of a large number of the shops have been altered, as have their interiors. The exterior and interior of the former dance hall have also been altered, as have the reception areas and interiors of the office floors. Therefore whilst the building has undoubted local presence the building lacks the consistently high degree of architectural interest necessary for listing and on balance should not be listed.

The building is designated as a locally listed building at Grade B which acknowledges the contribution that the building makes to the city wide architectural context and the

impact on the local street scene and warrants positive efforts to ensure its preservation.

The Design and Access Statement outlines a number of strategies that were explored including alternative uses and retention of the façade. These were all discounted for viability and/or technical reasons.

The supporting Planning Statement identifies the benefits of the scheme as i) job creation (around 644 office jobs and 163 construction jobs) together with the further multiplier effect on jobs in the wider economy; ii) the generation of circa £8.1m GVA for the local economy during construction and £26.6m per annum once occupied; iii) an improved physical environment (townscape and appearance of the area); iv) development in a sustainable location; v) improved legibility following the removal of SBQ2; vi) effective intensification and decontamination of previously developed land; and vii) on-site biodiversity enhancements.

Your Committee may wish to comment on whether the harm to this non-designated heritage asset is justified

Issue 3 – Impact of the scale and massing on the Skyline

As the proposed building is more than 15 storeys the City Council's SPG on tall buildings 'High Places' applies. It advises that this site falls outside of both the Central Ridge Zone and other specified appropriate locations where tall buildings may be appropriate. Where applications for tall buildings fall outside of these areas a case for exceptional circumstances should be made. The non-statutory 2011 Big City Plan, which is much more recent than the 2003 SPG, proposes an extension to the locations where tall buildings maybe appropriate which including a cluster that incorporates the application site.

The SPG advises that tall buildings should:-

- respond positively to the local context and be of the highest quality in architectural form, detail and materials;
- not have an unacceptable impact in terms of shadowing and microclimate;
- help people on foot to move around safely and easily;
- be sustainable;
- consider the impact on local public transport; and
- be lit by a well-designed lighting scheme.

And where a case for exceptional circumstances is made all such proposals will be considered, on their merits, against current policies in the UDP and Supplementary Planning Guidance such as 'Places for All' SPG.

The Planning Statement argues that a tall building on the corner of Smallbrook Queensway and Hurst Street will:-

- Form a legible cluster of tall buildings with Centre City
- Mark the gateway crossroads between Smallbrook Queensway and the increasingly important route of Hurst Street and Hill Street (connecting New Street with Southside)
- Not compete with the cluster of taller buildings focused around Holloway Head (Beetham Tower and the Sentinals)
- Not prejudice the future development of Scala House with a tall building
- Have a distinctive shape and profile, with its canted main facades, that will be distinctive and recognisable as part of the city centre's skyline

Your Committee will recall the recent approval for a 26 storey hotel led tower scheme located on Hill Street that would have a visual relationship with the proposed tower.

The tower contained within the current application would be 26 storeys tall, being no higher than the height of Centre City obliquely opposite. The two towers are intended to have a visual relationship and mark a key route from New Street Station towards Southside. To breakdown the massing of the broadest elevations of the building and provide visual interest, the tower includes a cranked format in plan form. The top of the tower has been carefully design and whilst utilising the same materials as the main facades the more slender open framing is visually distinct from the rest of the tower. The principal entrance to the residential units has been purposely located directly on the corner of Hurst Street/Smallbrook Queensway to provide interest and aid legibility.

The Rooftop extension to the SBQ 3/4 part of the development is designed to maintain the horizontality of the existing building and result in a scale and massing that corresponds with surrounding buildings. The supporting statement highlights the scale of the distinctive cantilevered upper floor extension is in proportion with the generous width of Smallbrook Queensway.

Your Committee may wish to comment on the scale and massing of the buildings and their impact on the skyline and character of the area

Issue 4 – Impact on the design of the buildings

The proposed changes to SBQ 3/4 are designed to provide a striking and contemporary building that reflects the form and composition of the original buildings. The retention of the sweeping format and incorporation of fritting to the glazing are key design features. The simple pallet of materials of glazing, light stone and bronze cladding responds to the wider City Centre context whilst enabling the modernist principles of the existing building to be carried through into the proposals.

The expression of the roof extension as a distinct feature would create a focal point (even more so at night) and is a signature feature for this element of the proposals.

At ground floor level the retail uses are designed to create activity and vibrancy with glazed frontages to Dudley Street, Hurst Street and Smallbrook Queensway. The termination of Wrottesley Street would benefit from additional glazing associated with the proposed rear extension.

The replacement for SBQ1 includes a tall tower on the corner of Smallbrook Queensway and Hurst Street with a lower shoulder building fronting the Queensway. The tower includes a deeply modelled façade with floors paired vertically to express the verticality of the tower element. The limestone grid with deep reveals incorporate balconies (including full width at level 25) with glass balustrading recessed. The limestone grid tapers to a more slender form on the upper floors to provide a distinct top to the tower.

A slightly recessed segment connects the tower to the lower shoulder building which has been designed to reflect horizontality. A recessed level (floor 6) corresponds with the recessed level proposed for the proposals on the SBQ 3/4 site. In addition the first floor apartments would be recessed and clad in grey granite to correspond to the mezzanine level of SBQ 3/4 site. The fritted glazing element proposed on SBQ 3/4 is also proposed on SBQ1 where obscure glazing is required. Elements of the limestone cladding framework would span from the tower to the shoulder building.

Your Committee may wish to comment on the appearance of the buildings and their impact

Issue 5 – Residential Amenity

Noise

The supporting Noise Assessments consider noise from a variety of sources including noise generated by the plant proposed as part of this development, road traffic noise and entertainment noise. The prevailing noise environment has been established through on-site monitoring. The report finds that the predominant source of noise on the majority of Smallbrook Queensway is road traffic with little variation in conditions between weekdays and weekends. It should be noted that the alterations to the road layout along Ladywell Walk/Hurst Street reducing the level of vehicular traffic in this area had taken place before the survey was undertaken. Hurst Street/Smallbrook Queensway junction was affected by entertainment noise, primarily associated with the Snobs nightclub within SBQ3.

The report concludes that a satisfactory environment can be created subject to the window specification meeting certain minimum requirements. It should be noted that the majority of windows are proposed to be openable, with all apartments having mechanical ventilation. Environmental Health Officers are considering the report. It should be noted that some apartments may experience noise levels such that they need to keep windows closed, particularly during the night time.

Air Quality

The applications are supported by Air Quality Assessments. For the residential parts of the development it is recommended that the lower two floors that would be subject to the worst air quality be sealed and rely upon the mechanical ventilation whereas the remainder would have openable windows.

Amenity Space

A private amenity courtyard would be provided to the rear of SBQ1 measuring some 1,175 sq.m. Pre-application negotiations secured the removal of a part of the residential building to improve the residential environment to the rear of this block. The landscaping scheme for this private courtyard has been designed for both functionality and aesthetic appearance (recognising the importance of views from above). The courtyard includes two water features, a variety of textures including sandstone and granite paving and resin bonded surfacing. Both low level and tree planting is shown together with a pergola structure and high quality benches. A green ivy screen is proposed around the courtyard's boundaries with the adjacent sites.

Light and Outlook

A Daylight and Sunlight analysis has been undertaken as part of the application submission. This analyses the level of overshadowing of open areas, the level of light to windows and the outlook from those windows.

In relation to access to daylight within the proposed development over 98% of bedroom windows and 78% of living/kitchen areas meet the target BRE guidelines. The majority of those units not achieving the BRE guideline standard are on the north facing elevation. In relation to the courtyard, this meets the BRE guideline of at least 50% being sunlit for at least 2 hrs at spring equinox (21st March).

Also in respect of access to daylight, the report analyses 929 windows of nearby buildings, of which 786 would be BRE compliant. Three receptors would not be compliant two of which, the Holiday Inn and Centre City, are classified as medium

sensitivity, with the most significant impact also classified as medium. The third receptor, 25 Hurst Street (which has been assessed as residential) has three windows at the rear which have an impact below BRE criteria, with one of these windows a high impact. The report highlights that the use of this building is unclear and concludes that the impact upon amenity must be considered in the context of a high density city centre context.

The sunlight impact assessment found that 95% of windows of the buildings assessed would meet BRE criteria and those that did not all belonged to non-residential property (Holiday Inn and Centre City) in the medium sensitivity category.

Your Committee may wish to comment on the residential amenity offered by the proposal

Issue 6 – Car Parking

The application includes provision for a total of 191 parking spaces. For SBQ1 (the residential element) a total of 101 spaces would be provided for the proposed 309 proposed dwellings (33% provision). In addition there would be provision for the storage of 223 bicycles within the new building, accessed from the proposed courtyard.

Servicing for this block would continue to take place from the lay-by on Smallbrook Queensway with a new layby on Hurst Street to provide additional capacity.

A total of 90 on-site parking spaces would be provided within the basement levels of SBQ 3/4. In addition 164 bicycle spaces would be provided within the basement car park.

Servicing for this block would be via the basement accessed from Wrottesley Street and a separate area to the rear accessed from Dudley Street.

The accompanying Transport Statements acknowledge the sustainable location of the site, being in close proximity to bus routes, New Street Station and tram stops and conclude that the level of car parking for the proposed development is considered to provide an adequate balance between the need to promote sustainable transport and meeting demands of the future occupants. The reports also concludes that the level of cycle storage is considered to be sufficient to meet the requirements of the development, however its usage will be reviewed annually as part of the ongoing Travel Plan strategy for the site.

Your Committee may wish to comment on the level of proposed car parking.

Issue 7 - Planning Obligations

The Birmingham UDP at paragraphs 8.50-8.54 advises that the City Council will take all appropriate opportunities to negotiate planning obligations to enable development to proceed, and to secure the proper planning of the area. Subsequently, new Community Infrastructure Levy Regulations have been introduced, which set out tests that planning obligations must meet. These tests are that they are necessary, directly related to the development and reasonably related in scale and kind to the development.

As the retail element of the proposals is less than 2,700 sq.m and given that the site is in a low value residential area the applications would be zero rated for CIL and no contribution would be required in accordance with the current charging schedule.

Leisure Services have calculated the off-site Public Open Space and children's play contribution in accordance with the Public Open Space in new Residential Development SPD formula. This generates an overall contribution of £420,800.

No financial contribution is proposed as part of the application proposals, however as part of the application proposals extensive public realm improvements are proposed, these have been valued at £1.278m across the entire development.

In addition the applicant has committed to a local employment clause to ensure that a proportion of the construction labour force is local people, including those in need of employment opportunities.

No affordable housing is proposed. The UDP and emerging BDP both seek a developer contribution of 35%, although the BDP acknowledges that where this target cannot be met this needs to be justified through a Viability Assessment. The developers have provided an assessment to justify their position and this is currently the subject of independent assessment.

Your Committee may wish to comment on the planning obligation offer.



Figure 1 – View from Holloway Circus

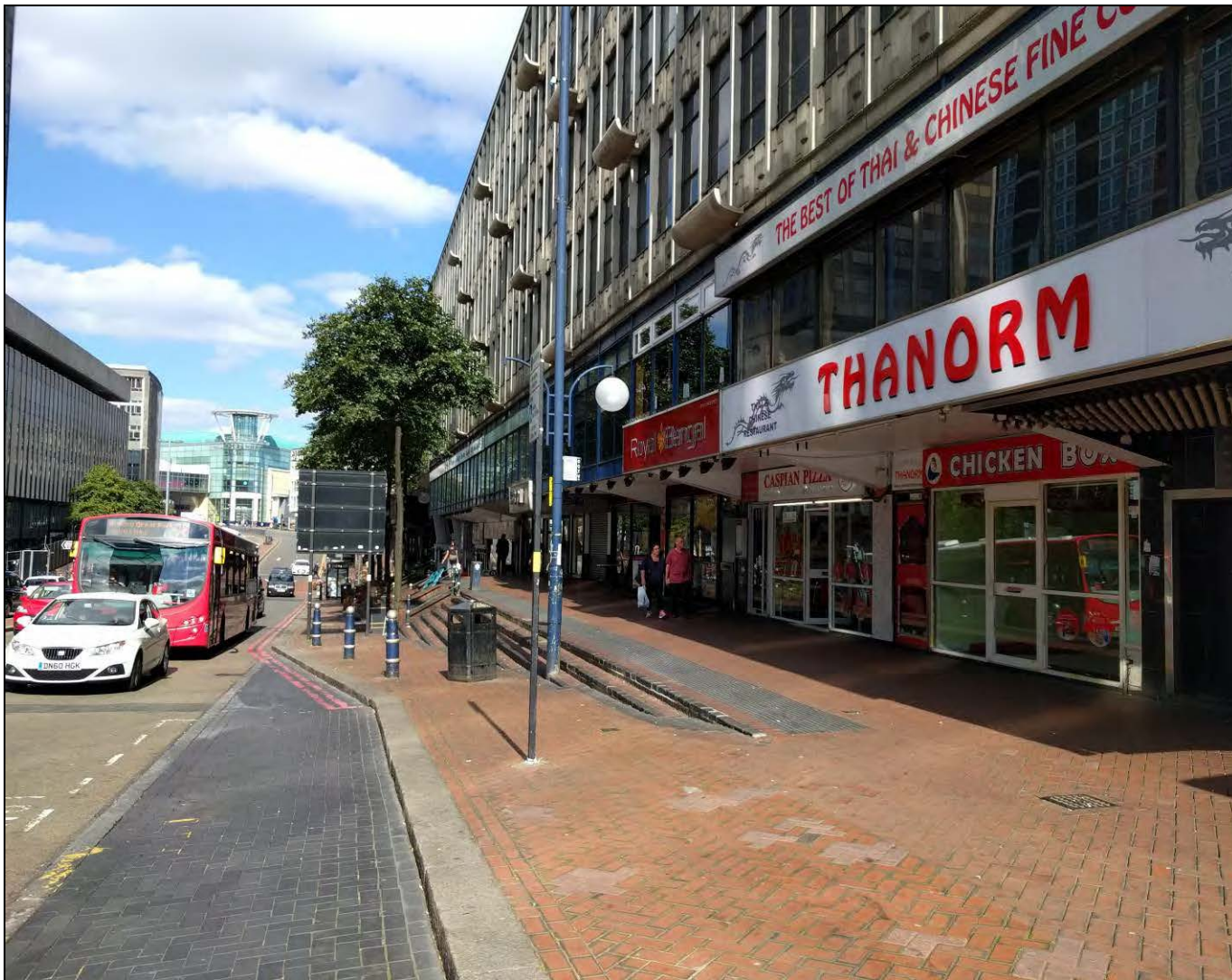


Figure 2 – Smallbrook Queensway frontage



Figure 3 – View of proposed tower location from Hurst Street



Figure 4 – View along Hurst Street towards Hill Street (including SBQ2 over-bridge)



Figure 5 – Wider view from rear



Figure 6 – View from Hill Street entrance to Gateway