

# **Birmingham City Council**

**Planning Committee**

**17 September 2015**

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                 | 2015/06080/PA<br><br>46 Maney Hill Road<br>Sutton Coldfield<br>Birmingham<br>B72 1JR<br><br>Change of use from dwellinghouse (Use Class C3) to a Children's care home (Use Class C2) for 4 children aged between 10 and 16 with up to 4 staff members at any one time providing 24 hours of care and associated car parking. |

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| Committee Date: | 17/09/2015   | Application Number: | 2015/06080/PA |
| Accepted:       | 03/08/2015   | Application Type:   | Full Planning |
| Target Date:    | 28/09/2015   |                     |               |
| Ward:           | Sutton Vesey |                     |               |

46 Maney Hill Road, Sutton Coldfield, Birmingham, B72 1JR

Change of use from dwellinghouse (Use Class C3) to a Children's care home (Use Class C2) for 4 children aged between 10 and 16 with up to 4 staff members at any one time providing 24 hours of care and associated car parking.

|            |                                                                                      |
|------------|--------------------------------------------------------------------------------------|
| Applicant: | Meadows Care Ltd<br>Egerton House, Wardle Road, Rochdale, OL12 9EN                   |
| Agent:     | GHP Architects<br>Empire House, Mulcture Hall Road, Halifax, West Yorkshire, HX1 1SP |

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#### Recommendation

#### **Approve Subject To Conditions**

1. Proposal
  - 1.1. Planning permission is sought to change the use of a vacant five bedroom detached dwelling house (Use Class C3) into a children's care home (Use Class C2) for 4 children aged between 10 and 16 with up to 4 carers providing 24 hour care, and provision for two off street car parking spaces.
  - 1.2. The children's care home would be operated by the applicant Meadows Care Limited. Meadows Care Limited is a long standing childcare organisation with 17 other children's homes in Lancashire and Yorkshire. They state that their overarching goal is to provide safety, nurture, and consistency and give disadvantaged children a hope of future success and life opportunities they may have been denied as their needs have previously been disregarded or missed. They provide high staffing levels to ensure that all children are well supervised and that they act as corporate parents. As a children's home the property would be registered with and closely regulated by Ofsted.
  - 1.3. The children placed at the home are in care with Birmingham City Council and would be given a risk assessment prior to being placed at the care home to ensure their needs can be met and to ensure they are compatible with other children placed at the care home. The children would attend a mainstream school and would receive therapeutic care and/or educational support where necessary.
  - 1.4. Staffing would comprise 1 registered or deputy manager (working 9am to 5pm daily) and 3 care workers during the daytime and 2 care workers during the evenings. Care workers would work either a 12 hour or 24 hour rota with shift handover between 10am and 12noon.

- 1.5. Visitors would include health/educational professionals and parents of children in care.
- 1.6. The layout of the ground floor of the property would remain unchanged and comprises a lounge, family room, dining room, reception hallway, utility room, kitchen and shower room. The layout of the upper floors also remains unchanged and comprises three bedrooms and two bathrooms at first floor and two bedrooms in the rooms within the roofspace. It is proposed that the fifth bedroom would be used by one Care Worker during the evenings. The basement would remain as storage rooms. The outdoor space to the rear of the property measures 195sqm however due to the changes in site levels and planting areas, the useable outdoor amenity space measures 112sqm (28sqm per resident).
- 1.7. The existing garage and driveway provides 2 off-street car parking spaces.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site relates to a 0.044 hectare rectangular residential plot, which contains a two storey detached dwelling house with a single storey rear extension, basement and rooms within the roof space. The site also contains a private rear garden and garage with vehicular access off Maney Hill Road. The site is located on the south side of Maney Hill Road and the house sits on higher ground level above the garage, driveway and adjoining footpath and road. The rear garden rises south to north and is tiered along the rear boundary of the site. The front boundary provides a retaining wall to the site and the side and rear boundaries comprise a 1.8 metre high boundary fence. The property is vacant. To the rear of the site is a substation which is enclosed by a 1.8 metre high timber boarded fence.
  - 2.2. The surrounding area is residential in character comprising mainly large single family dwelling houses with off-street car parking. There are bungalows in close proximity of the site located on Maney Hill Road, Sandy Croft and Moss Drive and a block of flats (St Peter's Close) located on the corner of Birmingham Road and Maney Hill Road. Maney Hill Road is a relatively busy road that connects Birmingham Road (A5127) with Wylde Green Road, which provides access to Walmley Road (B4148).
  - 2.3. The site is located in a highly accessible location. It lies approximately 300 metres from Birmingham Road where there are a number of bus stops providing regular bus services to other parts of the City. Sutton Coldfield Town Centre lies approximately 314 metres to the northwest of the site and a small shopping parade known as Beeches Walk lies 340 metres to the west of the site. Sutton Coldfield Railway Station lies to the north of Sutton Coldfield Town Centre. There are a number of primary and secondary schools within the vicinity of the site including Maney Hill Primary School, Plantsbrook Secondary School and Sixth Form College, Bishop Walsh Catholic Secondary School and Sutton Coldfield Grammar School for Girls. Maney Hill Primary School has extended to a two-form entry school this school year 2015-2016 following the approval of a planning application for a temporary classroom building. St Peter's Church of England school also lies on Maney Hill Road.
  - 2.4. [Site Location](#)
3. Planning History

- 3.1. 12 December 1963 - 56111004 - Planning permission approved for extension.
- 3.2. 21 June 1963 - 56111005 - Planning permission approved for extension of bathroom, bedroom and WC.
- 3.3. 29 June 1992 - 1992/02289/PA - Planning permission approved for erection of extension comprising sitting room over garage and widening of footpath crossing, subject to conditions. This consent was not implemented.
- 3.4. Related planning application at Maney Hill Primary School
- 3.5. 3 September 2015 - 2015/04313/PA - Temporary permission granted for a two-year period for the installation of one temporary modular building and access ramp (for a two year period) to create two classrooms for thirty additional children, subject to conditions.
4. Consultation/PP Responses
  - 4.1. Ward Councillors, Residents Associations and nearby occupiers were notified.
  - 4.2. During this application the applicant has provided a letter to all nearby residents introducing their company and providing further information about the proposed use and their intentions of being open and transparent as possible.
  - 4.3. Andrew Mitchell MP supports a number of responses received by email and letter which express deep concern and dismay at the wholly unsuitable location being suggested for this sort of activity and that such a development could be entertained in an entirely residential area. It is recommended that a more suitable property is found for this purpose.
  - 4.4. Councillor Pocock - Concern with the specific proposed use, but also more widely with the basic proposal to re-designate the use class of this property to the whole range of possible C2 uses that could be permitted. This would fundamentally alter the existing residential characteristics of the area. The environment is not suited to the different range of uses that would be permitted. The physical nature of the site is also not appropriate for these uses. It lies on a steep slope and different levels that would be unsuited to care services for people with physical mobility limitations or children in any educational setting.
  - 4.5. A Petition with 244 signatures has been submitted which requests that the planning application is rejected (no reasons given).
  - 4.6. 143 letters of objection received from nearby occupiers, objecting on the following grounds:
    - a. Inappropriate and out of character with the area:
      - No other commercial businesses, only householders and this application will dramatically change the nature, character and make up of this well established, quiet and safe residential area;
      - The business would require lorry's and vans for servicing laundry, which is not in keeping with a residential area;
      - Unsuited to run a 'for profit' business in a wholly residential area.
      - Inappropriate location for a business;
      - Sutton Coldfield needs more houses not less;

- The effect of this proposal will be that no one will want to live here and no one will want to eat, drink around this area; and
- Signage will seem unsightly against what are well maintained "period" properties.
- Impact on community facilities.
- Irreversibly change the nature of the community;
- Adversely affect the area of built up residential area of good quality housing stock for private families;
- Storage of commercial refuse would be unsightly and if not emptied frequently would overflow, smell and represent an eyesore and lead to vermin scavenging;
- Very inappropriate to open such a care home in a populated residential area;
- The change of use means that the inhabitants have no investment in property for the area, literally and figuratively; and
- It cannot be expected that children who have lowered inhibitions (due to their behaviour challenges), and no knowledge of neighbourly etiquette, to observe neighbourly practices.

b. Fear from parents over the safety of their children, anti-social behaviour and crime:

- This proposal would result in fear of crime;
- This proposal would result in anti-social behaviour;
- Children walking past the site would be subject to inappropriate and/or threatening language/behaviour and potential abuse;
- Local residents, in particular young children and elderly would feel vulnerable, threatened, intimidated and may potentially be bullied by residents living at the property;
- Existing residents will live in fear and will be too frightened to leave their home or use their garden, making them feel more isolated and housebound;
- Areas around the site (including Sutton Park, grass areas, garage courtyards, rear driveways to nearby properties) would be targeted by the proposed residents and used for anti-social behaviour;
- Increase in crime would put more pressure on police resources;
- Loss of right to enjoy a quiet and safe residential environment; and
- Loss of amenity;
- Most residents are young families and retired/older people who want a safe and clean environment to live in and such disturbance is grossly unfair to the residents of your city who in relative terms pay the most amount of council tax to the council;
- The children in care will attract other undesirable children/young people into this area;
- Impact safety and security of the local community; and
- It is not possible to supervise the children 24 hours a day, 7 days a week;
- A bail hostel on Birmingham Road near to the junction with Maney Hill Road increased house burglaries and after it closed there have been hardly any burglaries, but this application could increase the number of burglaries again in the area; and
- Children in care could easily access adjoining residential gardens and cause damage to our property if looking for some stimulation when spending time outside.

c. Noise and disturbance:

- Increase in traffic noise;
  - Children with behavioural problems would create noise;
  - Noise will travel to surrounding properties more easily as the building and garden is elevated on higher ground; and
  - Difficult to enforce shift handover times by condition, which could cause noise and maximum disruption at the most sensitive times to adjoining residents.
- d. Loss of privacy and views.
- Property overlooks surroundings properties.
  - An adjoining house may have to obscure their bedroom window to prevent overlooking from the application property, which would result in the loss of their view of their rear garden and as they have no garden at the front it would be a great loss.
- e. Inadequate parking and impact on highway safety and increased reliance on cars:
- Increase traffic congestion which is already compromised due to the close proximity of a number of schools, town centre, cinema and Sutton Coldfield Football Club. Traffic problems would be exacerbated when Manor Hill Primary School expands to a two-form entry school;
  - Inadequate parking provision, which would interrupt traffic flow and impair the already compromised visibility at the road junction increasing the risk of road accidents. This would be made worse during the winter months when the roads are subject to ice and snow and low sunlight;
  - Many local children would stop walking to school, which would comprise their needs for exercise, fresh air and sense of safety and cause further traffic problems;
  - Parking on footpaths would create a hazard for people with pushchairs and the elderly;
  - Staff and children residing in the property would need to travel to the site by car as the site is not within easy walking distance of public transport services, shops and amenities; and
  - A previous application to change the use of a small dwellinghouse into a day nursery on this road was refused on the grounds that the proposal would increase traffic and would be a road hazard.
- f. Unsuitable use of property and site:
- Poor standard of living for people with disabilities as it has no levelled access, no lift, only one bathroom at first floor and a steep rear garden;
  - Safety risk to proposed residents as there is no fire exit, no boundary treatment preventing children from running out onto the road, jumping from the front door step onto the road or playing around the sub-station to the rear of the site;
  - Rear garden is too small, and is built into a steep hillside, bordered by an electric substation and would provide poor outdoor space for the proposed residents;
  - There are no security measures inside or around the property.
  - The cost of supporting 2 or 3 children and teenagers in this setting would be very high;
  - Lack of local amenities and school places at nearby schools;

- The location of the site in close proximity to Sutton Town Centre and a bus stop at the end of the road would assist in children in care running away;
  - Future alterations to the property to provide external fire escape would harm the appearance of the building and would enable children in care to run away; and
  - Property is not large or set within its own grounds.
- g. Difficult to control and prevent intensification and would set a precedent:
- Would not be difficult to change the property into other uses within C2 Use Class, such as a nursing home, which would require additional parking, servicing requirements and further impact the character of the area and amenities of nearby occupiers;
  - Easy to change the use into Use Class C2a (secure residential accommodation, including uses such as a young offenders institution), which would be disastrous to the local area; and
  - Set a precedent for similar institutions or the expansion of the proposed home, which would result in further damage to the local community and character of the area and reduce the availability of much needed family houses in the area.
- h. Damage community cohesion:
- Fail to make a positive contribution to the local neighbourhood;
  - No value to the community; and
  - No one wants a residential Institution in this area and this would create a poor residential environment for the children residing in the property.
- i. Reduction in property values, which would impact economic recovery.
- j. Inappropriate and lack of public consultation:
- Application was consulted during the school holidays when residents are on holiday and important stakeholders such as the nearby school's management, governors or parents would be away;
  - Inadequate amount of time has been allocated for the voicing of opposition to this application; and
  - No public consultation undertaken.
- k. Poor and misleading information submitted:
- No clarity as to how this property would be policed, managed or how the children would be monitored and what levels of freedom the children would have;
  - No evidence has been provided to show that there is an overriding local need or that the use would meet local need;
  - Conflicting information has been submitted about the proposed children and staff numbers;
  - No evidence has been provided to show that there is an overriding local need or that the use would meet local need; and
  - The change in the children and staff numbers during this application shows a lack of precision and detail which is imperative in the correct operation of this type of facility.
- l. Suitability of Meadows Care Limited:
- Principle staff and offices are based outside the Midlands;

- Job advertisements by Meadows Care Limited suggest that the staff they employ need to have little to no experience of working with children with behaviour problems;
- Commercial venture rather than a charitable venture, which may result in the venture being run to make profit rather than for the benefit of the children who are likely to need additional assistance and support; and
- Meadow Care Limited is situated in Rochdale, which has been subject to significant scrutiny over child grooming allegations;
- Meadow Care Limited is from Rochdale and has no local base or infrastructure and no commitment to the local community;
- Applicant only leases the property which gives little evidence of commitment and, in the event of this organisation deciding to leave, any change granted now could open the way for other C2 institutional uses not under consideration of this application; and
- Meadow Care Limited is not a charitable organisation and exists purely to make a profit.

m. Increase litter.

n. Contrary to local planning policies:

- Contrary to policies 3.8, 3.10 and 8.29 of the Birmingham UDP 2006, Specific Needs Residential Uses SPG and the NPPF; and
- Contrary to Specific Needs for Residential Uses SPG in terms of the property not being set in its own grounds as the building is only 2 metres from the pavement, has little garden frontage and due to its elevated position the property is considerably more overlooked by surrounding properties.

- 4.7. 1 letter of support from a nearby resident stating that the parking problems caused by Maney Hill Primary school do not extend to this part of the road and that the site has off-road parking and there is parking available on the road to serve the proposed use. It is also stated that the number of people living in the house could be the same as that of a family with three or four children and therefore there is no loss of amenity. The resident is happy to give young people the opportunity to experience a safe, secure and pleasant environment. It is expressed that they would like their opinion to be considered as representative of those people who appreciate the luxury of living in an extremely pleasant neighbourhood and who are happy to share it with those who have experienced disruption in their lives. Lastly, it is advised that this proposed scheme could in reality improve community cohesion and enrich the local community.
- 4.8. Transportation Development - No objection subject to conditions to restrict the number of children to be accommodated at any one time to 4 and to secure cycle storage.
- 4.9. Regulatory Services - No objection to this application.
- 4.10. West Midlands Police - Objects to the planning application on the grounds that the proposal has a high probability of increasing crime, the fear of crime, anti-social behaviour and calls to service from the police.
- 4.11. Birmingham Public Health - No comments or issues to be made on this application.
5. Policy Context



- 5.1. Birmingham's Unitary Development Plan 2005, Draft Birmingham Development Plan, Car Parking Guidelines SPD, Specific Needs Residential Uses SPG and the National Planning Policy Framework (NPPF).
6. Planning Considerations
- 6.1. The main considerations are the impact of the care home use on the amenities of existing residents, on highway safety and community safety.
- 6.2. Policy Context
- 6.3. The NPPF contains a presumption in favour of sustainable development. Paragraph 152 states that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued.
- 6.4. Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions should (but not limited to) aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Paragraph 123 advises that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and identify.
- 6.5. The adopted UDP 2005 aims to protect and enhance what is good in the City's environment and to improve what is less good. Policy 5.7 aims to ensure that there is a variety of housing to meet the full range of needs throughout the City.
- 6.6. Policy 5.19A of the adopted UDP 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. Policy 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 policies 8.28 and 8.29 of the adopted UDP applies to residential care homes as defined by Class C2 (Residential Institutions). The SPG and policy 8.29 of the adopted UDP states 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. Also, 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. Furthermore, that proposals should not prejudice the safety and free flow of traffic in the adjoining highways and that adequate outdoor amenity space (minimum 16sqm of space per resident) should be provided to ensure a satisfactory living environment for residents.

- 6.8. One of the objectives set out in the draft Birmingham Development Plan is to develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character. Paragraph 3.23 states that in delivering the principles of sustainable neighbourhoods a wide choice of housing sizes, types and tenures will be provided to meet community needs.
- 6.9. Background Information
- 6.10. On 1st June 2015, the City Council awarded a contract to Meadows Care Limited to provide 19 Children's Residential Home places (equivalent to 5 houses) within Birmingham.
- 6.11. The proposed scheme would be the first children's care home in Birmingham provided by Meadows Care Limited. It would meet a local need for children's residential home places following the expiry of a previous contract between Birmingham City Council and another care provider.
- 6.12. The Council has a duty to safeguard and promote the welfare of looked after children, including the provision of sufficient accommodation capable of meeting children's needs in the city.
- 6.13. Principle of Use
- 6.14. The site is located within a residential area with good accessibility to local shops and services including frequent bus and train services. Children living at the care home would benefit from good quality local services and have the opportunity to participate in community, leisure, sporting or cultural activities. The proposed use would allow children to feel safe and part of a residential community, which would support social inclusion.
- 6.15. The application property is a large detached five bedroom dwelling house set within its own grounds, which is considered to be the most appropriate type of house for use as a care home as outlined in Specific Needs Residential Uses SPG and policy 8.29 of the adopted UDP 2005. No external alterations are proposed and the appearance of the building would remain as a dwellinghouse. The site includes two off-street car parking spaces for staff members and a useable outdoor lawn and terrace area that would provide 28sqm of outdoor amenity space per resident, which exceeds the minimum guidelines set out in Specific Needs for Residential Uses SPG and Policy 8.29 of the adopted UDP 2005. I consider that the application site is a suitable location for a children's care home in principle subject to the following site specific considerations.
- 6.16. Impact on Existing Residential Amenity
- 6.17. I consider that the day to day activity associated with the proposed children's care home would be similar to that of a large five 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 is not significantly greater than the number of cars that could be owned by residents of a dwellinghouse of this size.
- 6.18. I further note that the shift handover time for staff members and the coming and going of visitors likely to attend the care home would be during the daytime when traffic and pedestrian movement in Maney Hill Road is relatively high due to people

travelling to/from Maney Hill Primary School and Bishop Walsh Catholic School and using Maney Hill Road as a through route between Birmingham Road (A5127) and Wylde Green Road, which provides access to Walmley Road (B4148). I therefore do not consider that the level of activity associated with the coming and going of staff members and visitors to the site would be significantly greater than that expected from single family occupation.

- 6.19. 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 have more than 4 children. The proposed use would be subject to a management and supervision regime for the children in care and the applicant has advised that a high level of supervision and support for the children in care would be provided. Regulatory Services raise no objection to the planning application and advise that the noise generated by the proposed change of use is unlikely to be significantly different to that of a typical residential property, providing it is well managed. I am 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.
- 6.20. I note that nearby residents raised objection in terms of overlooking and loss of privacy. The application site occupies a reasonably large plot and has no residential properties directly to the rear of it. The neighbouring property to the west at 44 Maney Hill Road is located 13 metres from the application property and well screened by trees. The neighbouring properties to the east at 46b Maney Hill Road and 3 Moss Drive are separated by a high boundary fence and I am of the view that the proposed use would not result in additional overlooking or loss of privacy compared to the existing use as a dwellinghouse. I further note that the first floor rear-facing window at 3 Moss Drive is fitted with obscure glazing, which would further safeguard the existing residents from overlooking.
- 6.21. I acknowledge that nearby residents are concerned that the proposed use would set a precedent for other residential institutional uses to operate in the area and that no restrictions would be enforced to prevent the use from intensifying or changing to any one of the other uses within C2 (such as a Hospital, Nursing Home or Residential School). I note that any other application for a use within C2 Use Class would be considered on its own merits and if mindful to approve this application, I have recommended conditions to limit the number of children and to prevent the use from changing into other uses within Use Class C2 in order to control the level of activity and to safeguard the amenities of nearby residents and highway safety.
- 6.22. Impact on Community Safety
- 6.23. It is recognised that the site is located within a residential area. I note that views have been strongly expressed by local residents, Andrew Mitchell MP and Councillor Pocock about the fear of crime and increased anti-social behaviour/crime and damage to community cohesion.
- 6.24. West Midlands Police have objected to the application on the grounds that they consider that the proposal has a high probability of increasing crime, the fear of crime, anti-social behaviour and calls to service from the police. It is advised by West Midlands Police that there have been 25 offences committed since 31st August 2014 within Maney Hill Road, Moss Drive, Elms Road and Maple Road, of which 10 were burglary and 3 were attacks on motor vehicles. The police consider that the children in care, due to their immaturity and/or possible previous criminal history may have a temptation to commit crime and cause anti-social behaviour

particularly in close proximity to Sutton Coldfield Town Centre. They note that the site is located in an affluent area, such areas, they comment, can attract offenders from other areas who tend to target higher value houses and vehicles. They also note that vulnerable children in and around the area has the potential to attract a criminal element or increase any current criminal activity.

- 6.25. With appropriate management and supervision by staff members and a condition limiting the number of children to a maximum of 4, I do not consider that this small children's 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 existing children's homes in this part of Sutton Coldfield that have created 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 anti-social behaviour and crime. I therefore consider that in this case, there is an insufficient evidential basis to justify refusal of consent on crime grounds.
- 6.26. Impact on Highway Safety
- 6.27. The Council's car parking standard for a residential care home of this size is two parking spaces. This parking provision can be provided within the garage and on the front driveway. Maney Hill Road and the surrounding roads have unrestricted on-street parking available and I do not consider that any increase in on-street parking demand would undermine the free flow of traffic or highway safety on the surrounding roads. In addition, due to the availability of on-street parking I do not consider that staff members or visitors are likely to park in illegal or inconsiderate locations to the detriment of highway safety. I am therefore satisfied that the site can provide adequate car parking provision for the proposed use.
- 6.28. Transportation Development raises no objection to the proposed development and advise that any additional traffic to the site would not have a significant adverse impact on the free flow and safety of traffic in the surrounding roads. It is recognised that the visibility of the site's vehicular access point is restricted due to the bend in the road, however, this is an existing situation and the proposed children's care home is unlikely to intensify the use of this access significantly.
- 6.29. Overall, I do not consider that the proposed children's care home would create a materially greater risk to highway safety than if the building remained in use as a large five-bedroom dwellinghouse. I have recommended a condition to secure cycle storage as suggested by Transportation Development to encourage more sustainable modes of travel.

## 7. Conclusion

- 7.1. I consider that the proposed children's care home would be suitably located within a residential area, with good accessibility to local shops and services including public transport services. The proposed use would meet a need to provide children's residential places within Birmingham and would support social inclusion. The use would not have a significantly greater impact on the amenities of existing residents and on highway safety than the existing use of the property as a dwellinghouse.
- 7.2. I acknowledge the high level of opposition from public consultation and West Midlands Police in relation to the potential for increasing crime, the fear of crime and anti-social behaviour associated with the proposed use. However, I recognise that a 24 hour scheme of management and supervision would be put in place and that the

number of children accommodated would be no more than 4. I must also acknowledge that no evidence has been provided that a care home use in this location would automatically increase crime. I therefore consider that the application should be supported.

8. Recommendation

8.1. I recommend approval subject to the following conditions:

- 
- |   |                                                                                                                             |
|---|-----------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the prior submission of cycle storage details                                                                      |
| 2 | Limits the number of people living at the property to a maximum of 4.                                                       |
| 3 | Prevents the use from changing within the use class                                                                         |
| 4 | Prevents the parking area and garage from being used for any purpose other than parking, loading and unloading of vehicles. |
| 5 | Requires the scheme to be in accordance with the listed approved plans                                                      |
| 6 | Limits the approval to 3 years (Full)                                                                                       |
- 

Case Officer:       Helen Hawkes

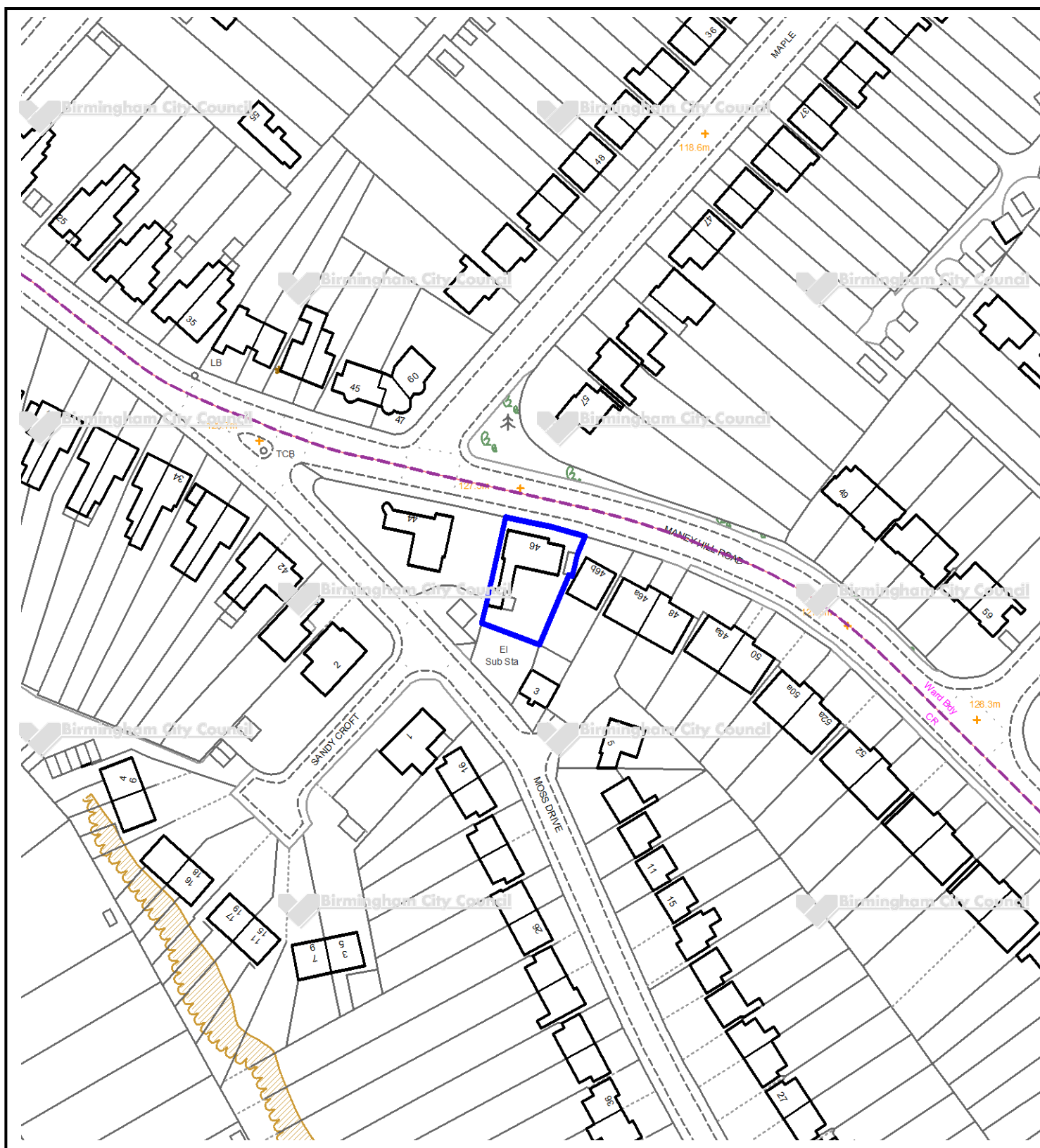
**Photo(s)**



**Application Site**



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**17 September 2015**

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  | 9                 | 2015/05552/PA<br><br>Westside Two<br>20 Suffolk Street Queensway<br>City Centre<br>Birmingham<br>B1 1LW<br><br>Variation of Condition C8 attached to planning approval 2001/03880/PA to amend opening hours of cafe/ bar from 09:00 - 23:30 Monday to Sunday to 09:00 - 00:00 Sunday to Thursday and 09:00-01:00 on Fridays and Saturday                                                                                 |
| Approve - Conditions  | 10                | 2015/05010/PA<br><br>Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, Congreve Passage, Parade and Paradise Street<br>Birmingham<br>B3 3HJ<br><br>Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for phase 1 public realm (including Chamberlain Square) and basement car park/servicing areas       |
| Approve - Conditions  | 11                | 2015/05009/PA<br><br>Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, Parade and Paradise Street<br>Birmingham<br>B3 3HJ<br><br>Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of a part eight, part nine storey office and retail building (Building E) and associated development |



|                          |    |                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approve - Conditions     | 12 | <p>2015/05012/PA</p> <p>Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, Parade and Paradise Street Birmingham B3 3HJ</p> <p>Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of an eight storey office and retail building (Building D) and associated development</p> |
| Defer- Informal Approval | 13 | <p>2015/00687/PA</p> <p>Land at junction of St Vincent Street &amp; Lighthorne Avenue City Centre Birmingham B16 8ER</p> <p>Erection of 92 one and two bed apartments with associated landscaping and parking</p>                                                                                                                                                                                          |
| Approve - Temporary      | 14 | <p>2015/06283/PA</p> <p>Lee Bank Middleway (before junction Ryland Road) City Centre Birmingham B15 2BW</p> <p>Installation of double-sided digital advertising totem</p>                                                                                                                                                                                                                                  |
| Approve - Temporary      | 15 | <p>2015/06285/PA</p> <p>Smallbrook Queensway City Centre Birmingham B5 4HP</p> <p>Installation of double-sided digital advertising totem</p>                                                                                                                                                                                                                                                               |
| Approve - Temporary      | 16 | <p>2015/06281/PA</p> <p>Lee Bank Middleway (S Side) City Centre Birmingham B15 2BW</p> <p>Installation of double-sided digital advertising totem</p>                                                                                                                                                                                                                                                       |

Approve - Temporary

17

2015/06282/PA

Dale End (NW Side)  
City Centre  
Birmingham  
B4 7LN

Installation of double-sided digital advertising totem

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|                 |            |                     |                        |
|-----------------|------------|---------------------|------------------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/05552/PA          |
| Accepted:       | 10/07/2015 | Application Type:   | Variation of Condition |
| Target Date:    | 04/09/2015 |                     |                        |
| Ward:           | Ladywood   |                     |                        |

Westside Two, 20 Suffolk Street Queensway, City Centre, Birmingham, B1 1LW

Variation of Condition C8 attached to planning approval 2001/03880/PA to amend opening hours of cafe/ bar from 09:00 - 23:30 Monday to Sunday to 09:00 - 00:00 Sunday to Thursday and and 09:00-01:00 on Fridays and Saturdays

Applicant: Mr Homan Choi  
12 Bishbury Close, Birmingham, B15 3NU

Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

1.1. This application seeks permission to vary condition C10 attached to planning application 2001/03880/PA to extend the café/bar opening hours from 0900-2330 seven days a week to 0900-0000 Sunday-Thursday and 0900-0100 Fridays and Saturdays at Westside Two 20 Suffolk Street/Beak Street.

1.2. Condition C10 currently states:

The café/bar use hereby permitted shall not be open to customers outside the following times: 0900 - 2330 hours, seven days a week.

1.3. The condition was attached in order to ensure an adequate level of amenity for residents.

1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site relates to vacant premises on the ground floor of a multi storey building. The premises, which have never been occupied since the development was completed, are on the corner of Suffolk Place and Beak Street. The application premises are adjoining by a letting agency, whilst above are residential properties that were granted planning permission under the same planning consent. To the south of the site on the opposite side of Suffolk Place is the Alexandra Theatre.

[Location Plan](#)

3. Planning History

- 3.1. 26/03/2004 - 2001/03880/PA - Erection of part 7 and part 12-storey building for mixed use, residential at upper floors to provide 118 residential units, retail/cafe bar at ground floor, basement parking with vehicular access of Beak Street – Approved Subject to Conditions
- 3.2. 2012/07612/PA - Variation of condition C10 attached to planning approval 2001/03880/PA to extend the opening hours from 09.00pm - 23.30pm to 09.00pm - 04.00am hours seven days a week – Withdrawn
- 3.3. 05/03/2013 - 2013/00289/PA - Variation of condition C10 attached to planning approval 2001/03880/PA to extend opening hours from 0900-2330 seven days a week to 0900-2330 Sunday to Thursday and 0900-0100 Fridays and Saturdays – Approve Temporary for 1 year but not implemented.

4. Consultation/PP Responses

- 4.1. Local Councillors, Birmingham City Centre Management, Retail Birmingham Business Improvement District, residents associations and nearby occupiers notified. Site notice posted. 16 letters of objections and a petition with 12 signatures have been received from residents above and near to the premises on the grounds of noise, the proposal is a bar and lounge and not a café, the bar is directly below residents, smell, litter, anti-social behaviour and the site notice was removed.
- 4.2. West Midlands Police – Recommends the installation of an alarm and CCTV
- 4.3. Birmingham Public Health – No response received.
- 4.4. Regulatory Services – No objections subject to temporary consent to monitor impact.
- 4.5. Transportation Development – No objection.

5. Policy Context

- 5.1. The Birmingham Plan (2005), Draft Birmingham Plan 2031, National Planning Policy Framework

6. Planning Considerations

- 6.1. Attached to the original 2004 planning consent was a condition restricting opening hours to 0900-2330 daily. This condition was attached to ensure an adequate level of amenity for residents. In 2013, an application was submitted for a variation of the condition to extend the opening hours to 0900-2330 Sunday to Thursday and 0900-0100 on Fridays and Saturdays. The application was approved on a temporary basis of one year to monitor impact, however, the use has not yet commenced. The determining issue in this application is the impact the change of proposed opening hours would have on the amenities of surrounding residents.
- 6.2. Policy 8.7 of the Birmingham UDP provides guidance to hot food takeaways and restaurants/cafes advising conditions be attached restricting opening hours,

normally requiring such uses to be closed by 2330 to ensure that they do not cause noise and disturbance to occupiers of nearby dwellings.

- 6.3. The comments from nearby occupiers have been noted. The premises were granted planning permission to be used as a café/bar at the same time as the residential apartments above. Over 100 residents were notified of this application, a notice sent to the building manager and a site notice displayed outside of the site. Another site notice was displayed shortly after the Department was notified that the original site notice had been removed. Therefore the only issue that can be considered is the extended opening hours and not the use of the premises.
- 6.4. Following comments from Regulatory Services, the proposed opening hours were reduced from 0900-0230 Monday to Saturday and 0900-0100 Sundays to 0900-0000 Sunday to Thursday and 0900-0100 on Fridays and Saturdays. Regulatory Services have no objections subject to a 12 month temporary consent to monitor impact. There are a number of restaurant and bar uses within the immediate area, Brewdog and Turtle Bay are open until 0100 on Fridays and Saturdays and Meer Restaurant and The Victoria until 0200 on Fridays and Saturdays within 80m of the site. In addition, Cherry Reds, approximately 35m to the north of the site was granted permission in 2013 with opening hours of 0700-0100 daily. On this basis, it is considered the proposed opening hours would be in line with existing nearby uses and given the ambient noise levels from the nearby busy Suffolk Street Queensway, it is considered the extended hours of 30 minutes Sunday to Thursday and 1hr 30 minutes Fridays and Saturdays would not have a significant additional adverse impact on the amenity of residents and nearby occupiers. It is therefore considered a temporary consent is not necessary.
- 6.5. Comments from West Midlands Police have been noted, however given that this is for a variation of condition and the installation of an alarm and CCTV are management issues, it is considered unreasonable to attach these conditions.
- 6.6. Transportation Development considers there would be additional vehicle movements, however, it would not be detrimental to the operation of the highway network, and therefore they have no objections to the proposal. I concur with this view and consider the proposal would not have a detrimental impact to highway users.
7. Conclusion
- 7.1. The proposed opening hours would be acceptable in this predominantly commercial location in line with other nearby restaurant and bar uses and in close proximity to the busy Suffolk Street Queensway.
8. Recommendation
- 8.1. Approve Subject to Conditions

- 
- |   |                                                                                    |
|---|------------------------------------------------------------------------------------|
| 1 | Requires the agreed mobility access to be maintained                               |
| 2 | Requires the agree cycle storage to be maintained                                  |
| 3 | Requires sound insulating material                                                 |
| 4 | Limits the hours of use of the retail use to 0800-2000 Monday - Saturday and 1000- |
-

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1700 Sundays

5 Limits delivery time of goods to or from the site 0800-1800 Monday - Saturday

6 Limits the hours of use to 0900-0000 Sunday to Thursday and 0900-0100 Friday and Saturdays

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Case Officer: Anh Do

## Photo(s)



Suffolk Place Elevation

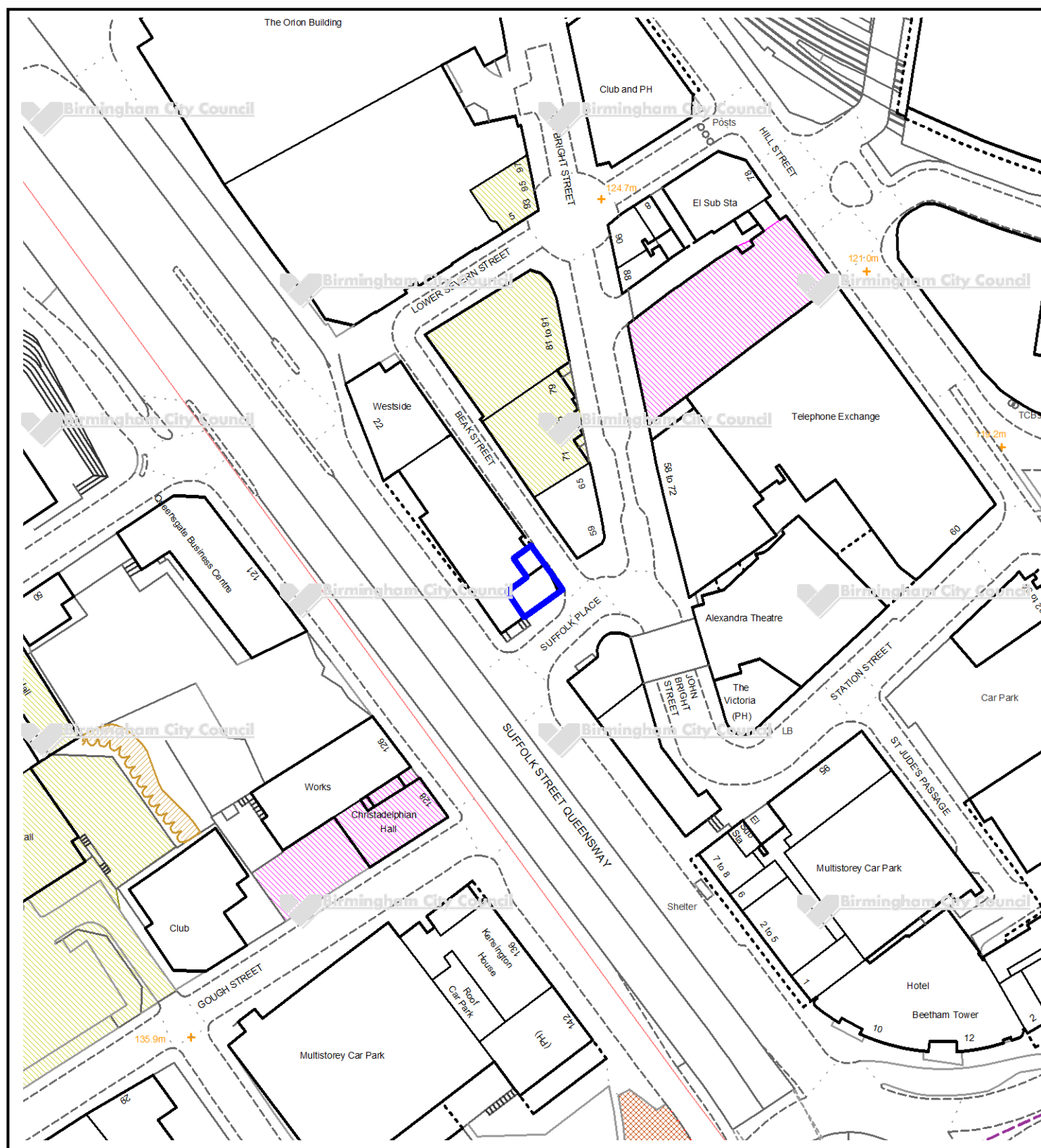




Beak Street Elevation



## Location Plan



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|                 |            |                     |                              |
|-----------------|------------|---------------------|------------------------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/05010/PA                |
| Accepted:       | 23/06/2015 | Application Type:   | Reserved Matters Development |
| Target Date:    | 22/09/2015 |                     |                              |
| Ward:           | Ladywood   |                     |                              |

Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, Congreve Passage, Parade and Paradise Street, City Centre, Birmingham, B3 3HJ

Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for phase 1 public realm (including Chamberlain Square) and basement car park/servicing areas

|            |                                                                   |
|------------|-------------------------------------------------------------------|
| Applicant: | Paradise Circus Ltd Partnership<br>c/o Agent                      |
| Agent:     | Deloitte LLP<br>P O Box 500, 2 Hardman Street, Manchester, M3 3HF |

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application proposes the remodelling of Chamberlain Square, the delivery of public realm within Phase 1 of the Paradise Circus redevelopment and the creation/remodelling of the basement area to create part of the approved basement car park. Collectively, there are three current applications under consideration which comprise the first phase of the on-site redevelopment works – two buildings and this application.

CHAMBERLAIN SQUARE

- 1.2. The proposed development aims to build upon the strengths of this existing public space and improve its overall design quality. Therefore the amphitheatre arrangement has been retained in part with feathered seating curving around the retained fountain. Level access would be retained in a similar form to existing, curving around the remodelled amphitheatre seating. Stepped access through the square would be more clearly defined to maximise seating opportunities. The seats and steps around the square would be formed from granite, whilst York Stone would form the principal surface material for the public realm.
- 1.3. A similar concept of seats and steps would wrap around the proposed Building D to the north which sits higher than this part of the new east-west public route. This would lead pedestrians into Congreve Passage with the new at grade pedestrian crossing towards the Jewellery Quarter beyond.

- 1.4. A seating and stepped edge would define the southern end of the square, helping to address the change in levels on this part of the site, just to the north of the Town Hall.
- 1.5. Soft planting has been the subject of extensive discussion. The application proposals show formal (Yew) hedge planting at the square's northern and southern edges to provide a softer transition. The Tree Strategy for this phase shows three 'signature' (larger) Honey Locust trees arranged roughly in a triangular pattern around the square to ensure that key views of the surrounding listed buildings are maintained. Six smaller trees would be provided in planters along Congreve Passage (Snowy Mespilus).
- 1.6. The relocation of the existing statues is controlled through the Section 106 agreement attached to the outline consent. However, the existing statue of Thomas Attwood would be located in a similar location to its existing position to the rear of the Town Hall. The two statues on plinths adjacent to the library building would ultimately be relocated to west of the Town Hall once Ratcliffe Passage has been formed as part of a subsequent phase of the development.

#### CENTENARY WAY

- 1.7. The new east/west route through the scheme connecting Chamberlain Square to Centenary Square would also be paved in high quality natural York Stone. The route would provide an open-air pedestrian/cycle connection through the scheme measuring between 16.5 and 17.5m wide. This allows space for retail uses to 'spill out' onto this key pedestrian thoroughfare. A line of smaller Ginko trees in planters (with integrated seating) are proposed along this route to introduce a human scale and soften the route, but still retaining key views. This phase of the development would deliver the Centenary Way from its connection to Edmund Street to the east to a point just beyond the western end of the proposed Phase 1 buildings.

#### BASEMENT CAR PARK

- 1.8. The specific details of the parking, cycle storage and refuse storage provided as part of each phase of the development is controlled by conditions of the outline consent. However, this application seeks reserved matters consent to establish the zones within the basement for these uses as part of an upgrade and extension to the existing basement car parks. The outline consent limits the overall development to a maximum of 550 parking spaces, with the current phase of development providing 330 spaces over two levels. It should be noted that since the grant of outline consent the City Council car park underneath Chamberlain Square and Congreve Street has been incorporated into proposals for the basement of the proposed development.
- 1.9. This application would also deliver a strip of high quality pavement around the entire perimeter of both Phase 1 buildings.
- 1.10. This application is supported by detailed plans, a Landscape Design Statement, a Preliminary Lighting Concepts Report, and a Planning Statement (incorporating an Economic Statement and a Statement of Community Involvement).
- 1.11. [Link to Documents](#)
2. [Site & Surroundings](#)

- 2.1. The application site consists of Chamberlain Square, a public space which transitions between the lower level of Victoria Square and the pedestrian concourse through the former Birmingham Central Library. The square forms an amphitheatre which is defined by curved steps around the (Grade II) listed Chamberlain memorial and fountain. Statues of Joseph Priestly and James Watt are situated directly in front of the former library. The square is within the Colmore Row and Environs Conservation Area. This phase of public realm development also includes a section of the new public open-air route connecting Chamberlain Square to Centenary Square, the remodelled Congreve Passage and part of the basement to be remodelled for parking and servicing. Buildings D and E also form part of this wider phase of the Paradise Circus redevelopment.
- 2.2. Highway works associated with the removal of the gyratory are ongoing, and limited demolition works have taken place.
- 2.3. The wider 7 hectare Paradise Circus site is located between Centenary Square and Chamberlain Square. It is surrounded by the Paradise Circus Queensway gyratory system with the A38 tunnel below. The site includes a number of existing uses including the Central Library complex, Birmingham Conservatoire, office uses, retail and the Copthorne Hotel. The site is on a number of different levels and sections and is crossed by a series of private pedestrian walkways, steps and passages.
- 2.4. To the west of the site, across the Queensway is Centenary Square which contains the Grade I listed Hall of Memory and is fronted by the Grade II listed Baskerville House, the International Convention Centre, the Repertory Theatre and the new Library of Birmingham. To the south west is the Grade II listed Alpha Tower and the wider Arena Central development site. To the north across Summer Row are commercial /properties and UCB which are within the wider Jewellery Quarter Conservation Area. To the east of the site are a large number of civic buildings, many listed and within the Colmore Row Conservation Area, including the Council House (Grade II\*), museum/art gallery (Grade II\*) and Town Hall (Grade I). To the south of the site across Paradise Street are a mixture of commercial and residential premises including the listed (Grade II) Queens College Chambers.
- 2.5. The site is an identified Enterprise Zone site.

#### [Site Location](#)

### **3. Planning History**

- 3.1. 11 January 2011- Certificate of Immunity from listing issued for the Central Library for 5 years.
- 3.2. 21.12.2012 - 2012/05118/PA – Approval – Application for Listed Building Consent for the demolition of Congreve House (the two-storey bridging structure between the Paradise Circus complex and the Grade II\* Council House Extension), and restoration works to the first and second floor facade of the Council House Extension.
- 3.3. 08.02.2013 – 2012/05116/PA – Approval - Outline planning application (all matters reserved save for access) for demolition of all buildings on the site (save for the Joseph Chamberlain Memorial) and commercial led mixed use redevelopment of up to 170,012 square metres gross internal floorspace, comprising offices (Use Class B1a), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), concert hall (D2), energy centre (Sui Generis), together with a hotel of up to 250 bedrooms (Use

Class C1), car parking, highways works (to include the closure of eastern arm of Paradise Circus gyratory), public realm improvements and associated works including alterations to public rights of way.

- 3.4. 10.10.2014 - 2014/05319/PA – Approval - Variation of Conditions 2, 5, 6, 7, 10 , 11, 12, 13, 15, 16, 18, 22, 24, 25, 26, 27, 29, 30, 32, 36 and 55 attached to planning permission 2012/05116/PA to reflect the proposed phasing of development
- 3.5. Current Applications – 2015/05009/PA and 2015/05012/PA - Reserved matters applications (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of eight/nine storey office and retail buildings (Buildings D and E) and associated development
4. Consultation/PP Responses
  - 4.1. Transportation Development – Raises no objection and considers pavement widths are satisfactory given the significant number of pedestrians in the area.
  - 4.2. Leisure Services – Welcomes the creation of a new high quality public realm.
  - 4.3. BCC Drainage Team – Raises no objection and notes that sustainable drainage measures are a requirement of the outline consent.
  - 4.4. Historic England – Raises no objection. Considers that this large and important development addresses its context, which includes a number of very important heritage assets, effectively.
  - 4.5. Environment Agency – Consider that as the Lead Local Flood Authority responsible for on-site surface water drainage arrangement they will leave consideration of sustainable urban drainage arrangements to the City's Drainage Team.
  - 4.6. West Midlands Police – Note that they have commented upon the original outline application and this application follows recent meetings with the design team. Confirms that the developments are to be the subject of Secured by Design applications.
  - 4.7. National Grid – Raises no objection but provide specific advice to the applicant regarding implementing the development.
  - 4.8. Push Bikes – Comment that the provision of wide routes through the scheme that would be available to cyclists is welcomed. They would prefer to see a dedicated cycle route through the scheme and add that a more user friendly access to the cycle storage within the building would encourage more visitors to cycle.
  - 4.9. Site and Press Notices posted and Ward Members, the MP, Residents' Associations and neighbouring occupiers consulted. One local occupier responded, commenting that he is pleased to see such a high quality scheme to replace the dated red brick finish and the prominence of cycle parking in high-visibility areas.
  - 4.10. Conservation Heritage Panel - The panel was pleased with the views created along the new east/west route through the scheme to the art gallery. The panel commented that there was a need to ensure that trees can be planted due to the underground car park and that retaining the pools around the memorial is important. They were keen that the existing amphitheatre still works in this space and noted

that materials will be important. Finally, some members had concerns regarding the new tree planting in terms of maintenance and blocking key views.

5. Policy Context

- 5.1. The Birmingham Unitary Development Plan (2005); submission draft Birmingham Development Plan; Colmore Row and Environs Conservation Area Character Appraisal SPG; Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG; Places for All SPG; Car Parking Guidelines SPD; and the National Planning Policy Framework 2012. Also the non-statutory Big City Plan and the Snow Hill Masterplan.

6. Planning Considerations

BACKGROUND

- 6.1. This reserved matters application is pursuant to an extant outline consent that included a detailed Design Protocol which sets out both mandatory and recommended parameters for the development to respond to. In addition an approved Parameters Plan sets limits for the height and siting of buildings and protects key pedestrian routes through the development. The key parameters are set out below:

Design Protocol

- 6.2. Key mandatory requirements for Chamberlain Square are as follows:

- Provide amphitheatre seating – retaining the existing character, essence and curving layout
- Provide open space at lower level for continuation of flexible use for events
- Respect the setting of the Chamberlain Memorial
- Maintain existing levels close to the Town Hall, Council House Extension and the Museum and Art Gallery
- Limited visual interference with the Listed Buildings
- Commercial signage must be respectful towards the existing heritage assets around the site.

Wider Public Realm

- Allow for the relocation of the existing statues within the development
- Provide step free access to any upper level
- Be free of clutter
- Be legible and aid wayfinding
- New east-west route must allow for 'spill-out' from buildings

Recommended measures include:

- Mitigate scale with tree planting
- Have a predominantly hard surface in response to and in proximity to the historic buildings

Congreve Street (recommended and considered)

- Make a feature of the level change between existing and proposed Building D with the use of seating style steps

#### Parameters Plan

6.3. Relevant requirements of the parameters plan are that:

- The east-west primary pedestrian route to be between 15m and 22m wide excluding any colonnades
- Congreve Street to be at least 8m wide

6.4. It should be noted that since the original grant of consent the highway works have been split into two phases and the phasing of the delivery of the development has changed (the southern part of the site was originally phase 1).

6.5. Together with the application proposals, this phase of development includes Buildings D and E. The office building to the north of the wider site, together with the Copthorne hotel would be the only remaining buildings following the completion of this phase. The Central Library, Fletcher's Walk including the Conservatoire and Chamberlain House would be completely demolished. The illustrative plans show a temporary pedestrian access maintained through to Easy Row/Arena Central. The new basement parking would be accessed from the approved access points to the north and southwest of the site, with a temporary on-site arrangement and landscaping shown. The length of time the development is in this arrangement is unknown and depends upon how soon the subsequent phases of the development are progressed.

6.6. Key considerations are the design and operation of the remodelled public realm and the highway impact of this phase of the development.

#### CHAMBERLAIN SQUARE and PUBLIC REALM

6.7. At pre-application stage the application proposals were presented to the Design Council panel who commented that the master plan offers the opportunity to create an interesting visual sequence through the development. They questioned whether the hierarchy of routes was expressed adequately and were concerned that the application boundaries for the buildings ran along the centre of the new principal route through the development which could lead to delivery of only half of this route in the interim. They added that the well-considered lighting strategy has the potential to create a special ambience in the public realm and the breadth of this work should be expanded to include building frontages.

6.8. In response the applicant has outlined how the master plan acknowledges the historic layout and grain of the area taking into account important views with the importance of Chamberlain Square reinforced by the selection of paving (grain, scale and materials). They add that it is in their interest to deliver as much of the high quality public realm as early as possible with the phased approach focused on providing the public with a fully functioning piece of public realm that will deliver dynamic and exciting new spaces and streets. They add that the lighting strategy is being developed alongside the internal lighting strategy for the proposed buildings.

6.9. I consider that the proposed design, which has been the subject of extensive development with key stakeholders, represents a high quality and appropriate



response to this key civic location, retaining its function as an area to sit, walk through and hold events.

- 6.10. The use of York Stone as the principal paving material is appropriate with its warmer tones working well with the surrounding listed buildings. The granite steps, seating areas and planters could provide a contrast with the York Stone depending upon the particular type of granite used.
- 6.11. The new Centenary Way route though the scheme would offer a visual and actual high quality connection between two of the city's most important public squares. At between 16.5m and 17.5m wide this is comparable with the width of New Street, which is 16.8m wide at its western end.
- 6.12. Tree siting and species selection has been the subject of detailed discussions, with the application proposals representing an appropriate balance between proving a human scale to the public realm whilst maintaining key views of the heritage assets and safeguarding legibility of routes. The scale of the signature trees helps to reinforce the primacy of Chamberlain Square over the secondary routes. Due to constraints below ground, trees will be in pits.
- 6.13. My Conservation Officer concludes that the new high quality and simple landscaping of Chamberlain Square allows the buildings to command attention and better presents the city's finest architectural masterpieces and therefore fully supports the application. I concur with this and conclude that the proposal will preserve or enhance the setting of nearby listed buildings and listed Chamberlain Memorial and the character of the Conservation Area.
- 6.14. Historic England raises no objection and considers that the proposals, in conjunction with the wider development, respond to its context effectively.
- 6.15. My Landscape Officer acknowledges the extensive pre-application and application meetings and is pleased with the design evolution that has taken place. He concludes that the public realm interfaces very successfully with both the existing and proposed buildings.
- 6.16. The City's Ecologist raises no objection and notes that the species selection for planting proves ecological benefits such as nesting and pollen/nectar opportunities.

#### LIGHTING

- 6.17. The Preliminary Lighting Concepts Report analyses the existing lighting condition and notes that Chamberlain Square and the surrounding public realm is illuminated via a mixture of building mounted floodlights, highway columns and public realm lanterns. Building mounted lighting provides both general and accent lighting. Subject to a suitable lighting level being achievable using upgraded lights from the Council House and its extension there would be no freestanding lampposts within the square. The final detail of the lighting scheme is secured by a condition of the outline consent.
- 6.18. I therefore raise no design based objections and consider that the proposals would have a transformational impact upon this public square and surrounding pedestrian routes.

#### BASEMENT CAR PARK



- 6.19. The proposed expansion and enhancement of the current basement car parks is acceptable and in line with the outline consent. This phase of the development would provide sufficient and satisfactory space for cycling, parking, refuse, and servicing of the buildings. The links to the permanent access points are acceptable as a first phase to these works. Whilst the finer details of the basement car parking are captured by conditions, in addition to 330 parking spaces over two levels, the details show dedicated refuse storage, good lifts, cycle storage and shower facilities for each building. The basement beneath Building E would also accommodate plant associated with the Town Hall that is currently located beneath Chamberlain Square/the library.

## HIGHWAY MATTERS

- 6.20. Transportation Development raises no objection and considers that the proposal allows for suitable pavement widths accommodating the significant number of pedestrians in the area. I concur with this conclusion and note that the proposal also provides satisfactory space and levels to accommodate existing and future service traffic for the Council House and Town Hall.
- 6.21. Comments made by the Push Bikes Team are noted, however a dedicated cycle route is not proposed, with the proposed streets being adequate width to allow a shared use of the public realm.
- 6.22. Following the progression of the design of the public realm since the grant of outline consent the boundaries of the Highway Maintained as Public Expense require further refinement. This would allow the boundaries to correspond with the remodelled pedestrian links and revised amphitheatre design. An appropriate resolution is recommended.

## 7. Conclusion

- 7.1. These carefully considered application proposals would deliver a world class public realm environment that respects its location within the civic heart of the city and successfully bridges the existing high quality historic fabric and the new Paradise Circus development.
- 7.2. The materials, design and layout would allow the square to continue to perform a variety of functions including hosting events, whilst enabling significant levels of pedestrian and cycle traffic to pass through efficiently. The scheme makes a positive contribution to the setting of neighbouring heritage assets and represents an enhancement to the character and appearance of the Colmore Row Conservation Area.
- 7.3. I therefore recommend that this application is supported.

## 8. Recommendation

- 8.1. That no objection be raised to the stopping up of parts of both Paradise Circus Queensway and Chamberlain Square and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990; and
- 8.2. That the application is approved subject to the following conditions:

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the provision and agreement of a sample panel of building materials
  - 3 Requires the prior submission of street furniture details
  - 4 Requires the prior submission of further details of the junction between the public realm and the Chamberlain Memorial Fountain
- 

Case Officer: Nicholas Jackson

**Photo(s)**



Figure 1 – Chamberlain Square



Figure 2 – Congreve Passage

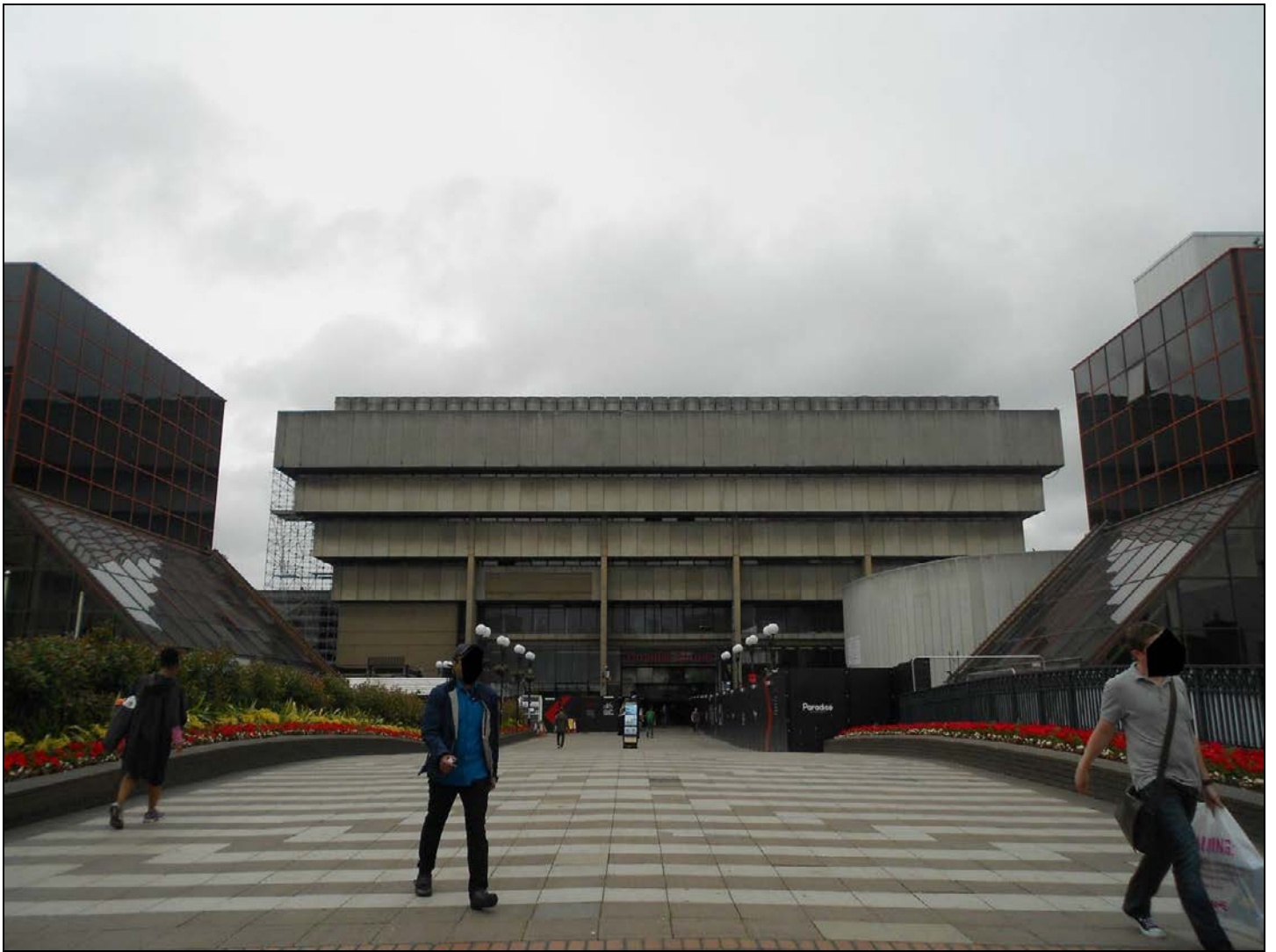


Figure 3 – Birmingham Central Library – Proposed alignment for new east/west route through the scheme



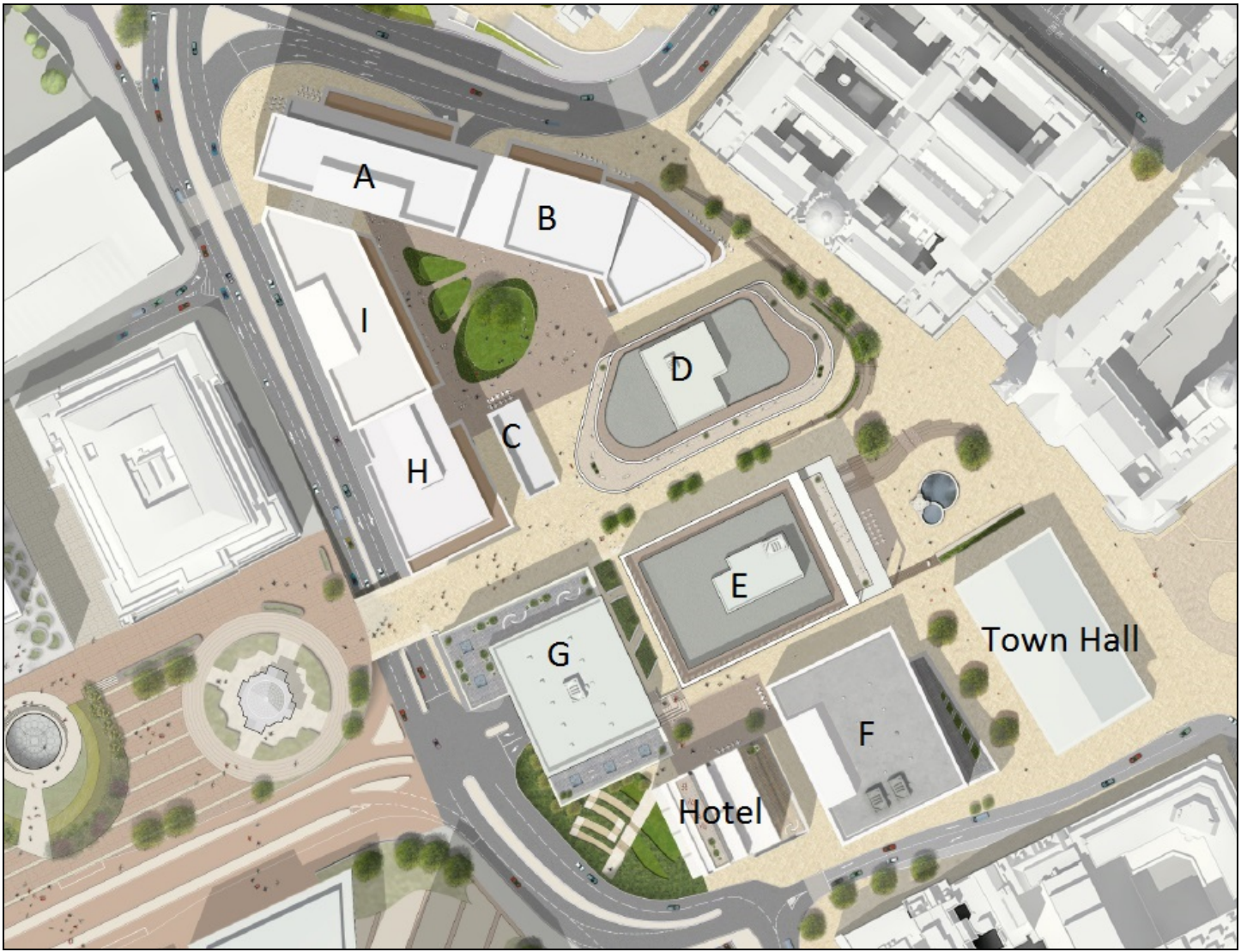
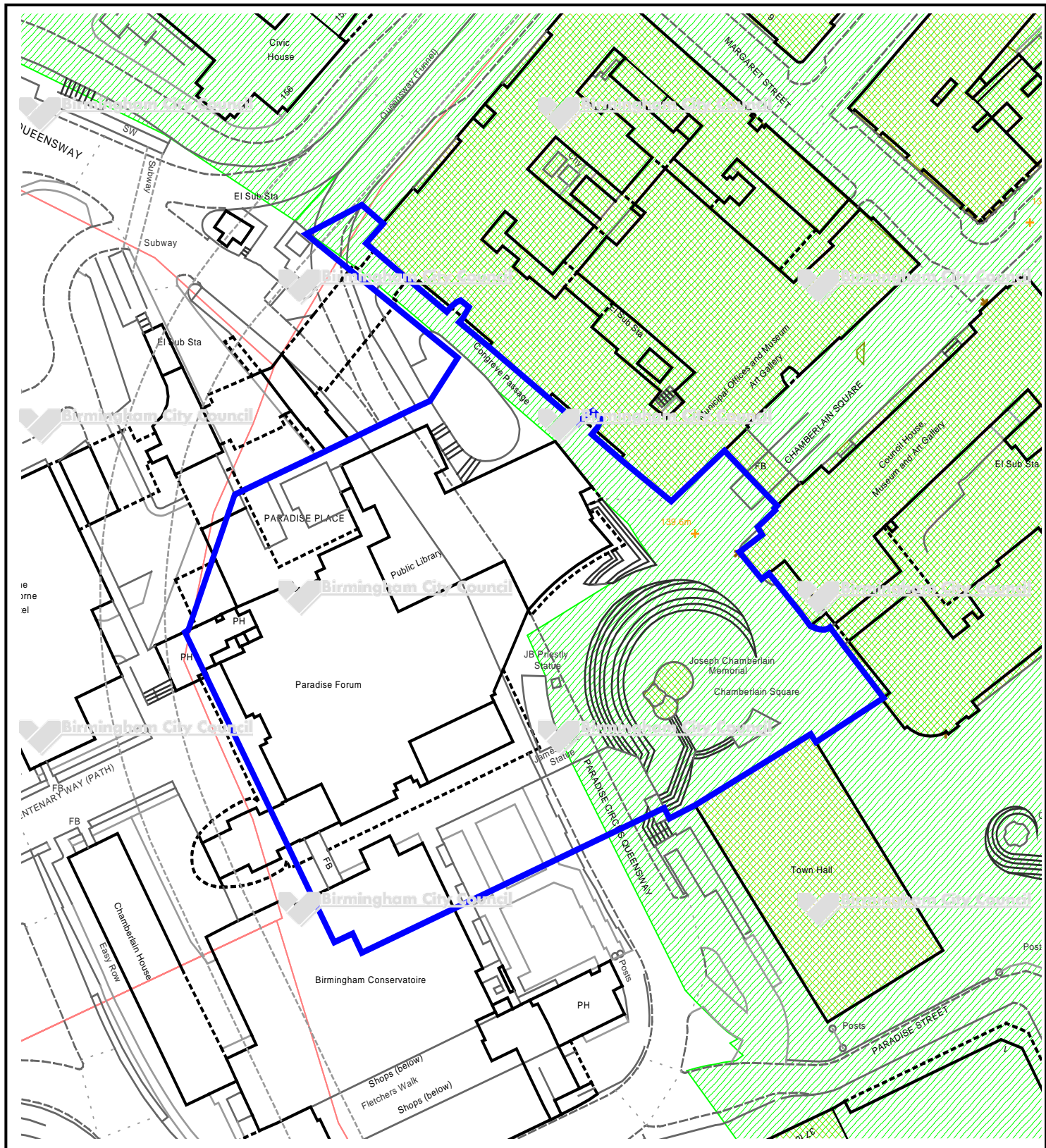


Figure 4 – The Updated Master Plan

## Location Plan



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| Committee Date: | 17/09/2015 | Application Number: | 2015/05009/PA                |
| Accepted:       | 23/06/2015 | Application Type:   | Reserved Matters Development |
| Target Date:    | 22/09/2015 |                     |                              |
| Ward:           | Ladywood   |                     |                              |

Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, Parade and Paradise Street, City Centre, Birmingham, B3 3HJ

Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of a part eight, part nine storey office and retail building (Building E) and associated development

|            |                                                                   |
|------------|-------------------------------------------------------------------|
| Applicant: | Britel Fund Trustees Ltd<br>c/o Agent                             |
| Agent:     | Deloitte LLP<br>P O Box 500, 2 Hardman Street, Manchester, M3 3HF |

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

1.1. This application is for the remaining reserved matters (scale, appearance, layout and landscaping) associated with the erection of a mixed use office-led building with principal retail frontages to the north and south as part of the first phase on the Paradise Circus redevelopment. These proposals are designed to be complementary to the remainder of the phase 1 which includes the delivery of an altered highway layout, re-modelled public realm and a further office-led building on Plot D to the north.

1.2. Outline consent was granted subject to various parameters established through a 'Parameters Plan' and a 'Design Protocol' that sets certain limits for the siting, scale, materials and design of the buildings across an approved master plan.

#### AMOUNT OF DEVELOPMENT

1.3. Due to the change in levels across the site, Building E comprises of a part 8 / part 9 storey building that provides retail space to the north and south elevations at ground floor levels with offices above. Part of the east facing elevation onto Centenary Square would also accommodate retail use. The building extends partly below ground into a wider basement car park that is the subject of a separate application. The building would have a total GIA of 21,182 sq.m, with some 15,630 sq.m of office space and 1,325 sq.m of retail space.



- 1.4. Whilst the intention is for the primary use of the ground floor for retail use (A1-A5 Use Classes), the Parameters Plan allows additional flexibility for B1, D1 and D2 uses at ground floor level.
- 1.5. A separate current application on this agenda includes provision for a shared 330 space car park for phase 1 of the Paradise development, of which 6% (20 spaces) would be allocated for disabled parking. Electric vehicle charging points will also be provided on each level. Servicing of both phase 1 buildings would be via the basement car park which is accessed from the approved access points from the north (Great Charles Street Queensway) and west (opposite the head of Broad Street).
- 1.6. The extant outline consent permits a total of 170,012 sq.m GIA excluding the hotel of which up to 161,651 sq.m can be office and 4,645 sq.m can be retail floorspace. The outline consent limits any single retail unit to be no greater than 650 sq.m in size.

## DESIGN

- 1.7. The proposed building responds to the design parameters established at outline stage. The building is sited so that it manages the transition between the new east/west route through the development (Centenary Way) and the lower level of Chamberlain Square together with the future 'southern square' immediately to the south of the proposed building.
- 1.8. As required by the Design Protocol, the proposed building incorporates a colonnade on its frontage with Chamberlain Square, which has become the key architectural feature on this elevation and extends to some 27m in height. The columns would be 750mm wide with a regular spacing of 5.25m between them. From the Chamberlain Square level there would be six floors of accommodation (with a double height space within the vicinity of the office and retail entrance accessed directly from the square) with the building's top two floors set back by 13m in accordance with the approved design protocol. Part of the roof of this section would be utilised as a terrace area for use by the office occupiers, however it is set back from the portico edges by a minimum of 3m. The upper two floors would also have a more slender version of the larger colonnade below extending to roof level.
- 1.9. Set back some 4m behind the colonnade the Chamberlain Square façade of the building would have a simple architectural approach with glazing providing the principal material. Lightweight anodised aluminium framing would be used in conjunction with frameless joints.
- 1.10. The columns and roof structures would be constructed from concrete / reconstituted stone to relate to the Anglesey Limestone used on the Town Hall.
- 1.11. The remaining three elevations would have a consistent approach with the structural grid expressed as windows in deep reveals behind projecting concrete / reconstituted masonry piers. The masonry elements are set out with a regular spacing of 3m. In order to control solar gain the glazing on the south east and south west elevations would incorporate infill panels behind ceramic fritted glazing, with these features omitted on the north west elevation along the new central street. There would be no significant set-backs on these three elevations.
- 1.12. Along the new central street this regimented layout of masonry piers will be retained although at ground level the retail units will have windows projecting almost to the

building frontage to aid visibility of the shop displays. Entrances and some of the shop fronts would be recessed within the piers to help relate to the heavily grounded civic buildings within the vicinity.

- 1.13. The elevation fronting the southern square is the other exception to the regimented grid like pattern on these three elevations, with a solid treatment around the smaller retail unit and the car park entrance / public lift. The lift would provide access both to the parking below and the level associated with the new central street to the north.
- 1.14. The above results in a building that has a defined base, middle and top.
- 1.15. Plant would be divided between basement and roof level, with a polycarbonate screen proposed set back at roof level to shield the plant from long views. The mandatory brown roof will be provided around the plant area adjacent to the building's edge (occupying 24% of the flat roof area).
- 1.16. Internally, the office floors would have 'soft spots' built in such that if in the future a major occupier utilising multiple floors could introduce light wells/additional circulation between floors.
- 1.17. Comprehensive plans, a Supporting Statement incorporating an Economic Statement and Statement of Community Involvement and a Design Statement have been provided in support of this application. The outline application was the subject of an Environmental Impact Assessment and an Environmental Statement was submitted. The current application is within the parameters tested and no residual adverse impacts were identified.
- 1.18. A pre-BREEAM assessment concludes that the development is likely to achieve an 'Excellent' rating for environmental impact and energy efficiency which would place the development within the top 10% of non-domestic buildings in the UK.
- 1.19. It is anticipated that the wider phase 1 will be complete by late 2018.

1.20. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site is currently occupied by part of Birmingham Central Library and partly the upper terrace of Chamberlain Square, a public space which transitions between the lower level of Victoria Square and the pedestrian concourse through the former Birmingham Central Library. The square forms an amphitheatre which is defined by curved steps around the (Grade II) listed Chamberlain memorial and fountain. Statues of Joseph Priestly and James Watt are situated directly in front of the former library. Chamberlain Square is situated within the Colmore Row and Environs Conservation Area. This phase of development also includes a section of the new public open-air route connecting Chamberlain Square to Centenary Square, the remodelled Congreve Passage and part of the basement to be remodelled for parking and servicing and the erection of Building D to the north of the application site. There is a fall in levels of 5.45m from north to south across Building E's site
- 2.2. Highway works associated with the removal of the gyratory are ongoing, and limited demolition works have taken place.

- 2.3. The wider 7 hectare Paradise Circus site is located between Centenary Square and Chamberlain Square. It is surrounded by the Paradise Circus Queensway gyratory system with the A38 tunnel below. The site includes a number of existing uses including the Central Library complex, Birmingham Conservatoire, office uses, retail and Copthorne Hotel. The site is on a number of different levels and sections and is crossed by a series of private pedestrian walkways, steps and passages.
- 2.4. To the west of the site, across the Queensway lies Centenary Square which accommodates Baskerville House (Grade II listed), the Hall of Memory (Grade I Listed), the International Convention Centre, the Repertory Theatre and the new Library of Birmingham. To the south west is the Grade II listed Alpha Tower and the wider Arena Central development site. To the north across Summer Row are commercial properties and UCB and the wider Jewellery Quarter Conservation Area. To the east of the site are a large number of civic buildings, many listed and within the Colmore Row Conservation Area, including the Council House (Grade II\*), museum/art gallery (Grade II\*) and Town Hall (Grade I). To the south of the site across Paradise Street are a mixture of commercial and residential premises including the (Grade II) listed Queens College Chambers.
- 2.5. The site is identified as an Enterprise Zone site.

#### [Site Location](#)

### 3. Planning History

- 3.1. 11 January 2011- Certificate of Immunity from listing issued for the Central Library for 5 years.
- 3.2. 21.12.2012 - 2012/05118/PA – Approval – Application for Listed Building Consent for the demolition of Congreve House (the two-storey bridging structure between the Paradise Circus complex and the Grade II\* Council House Extension), and restoration works to the first and second floor facade of the Council House Extension.
- 3.3. 08.02.2013 – 2012/05116/PA – Approval - Outline planning application (all matters reserved save for access) for demolition of all buildings on the site (save for the Joseph Chamberlain Memorial) and commercial led mixed use redevelopment of up to 170,012 square metres gross internal floorspace, comprising offices (Use Class B1a), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), concert hall (D2), energy centre (Sui Generis), together with a hotel of up to 250 bedrooms (Use Class C1), car parking, highways works (to include the closure of eastern arm of Paradise Circus gyratory), public realm improvements and associated works including alterations to public rights of way.
- 3.4. 10.10.2014 - 2014/05319/PA – Approval - Variation of Conditions 2, 5, 6, 7, 10 , 11, 12, 13, 15, 16, 18, 22, 24, 25, 26, 27, 29, 30, 32, 36 and 55 attached to planning permission 2012/05116/PA to reflect the proposed phasing of development
- 3.5. Current Applications – 2015/05010/PA and 2015/05012/PA - Reserved matters applications (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of an eight storey office and retail building (Building D) and associated development and for phase 1 public realm including chamberlain square and the basement car park/servicing areas.

### 4. Consultation/PP Responses

- 4.1. Transportation Development – Raises no objection and notes that car park / servicing and cycle storage facilities are required to be provided prior to occupation by conditions of the outline consent.
- 4.2. Regulatory Services – No objection
- 4.3. BCC Drainage Team – No objection. Note that details of sustainable urban drainage systems will be considered in connection with conditions attached to the outline planning consent.
- 4.1. Historic England – Raises no objection. Considers that this large and important development addresses its context, which includes a number of very important heritage assets, effectively.
- 4.2. Natural England – This application falls outside the scope for consultation with them and therefore provide no further comment.
- 4.3. Canals and Rivers Trust – This application falls outside the scope for consultation with them and therefore provide no further comment.
- 4.4. Environment Agency – Consider that as the Lead Local Flood Authority responsible for on-site surface water drainage arrangement they will leave consideration of sustainable urban drainage arrangements to the City's Drainage Team.
- 4.5. Push Bikes – Comment that the provision of wide routes through the scheme that would be available to cyclists is welcomed. They would prefer to see a dedicated cycle route through the scheme and add that a more user friendly access to the cycle storage within the building would encourage more visitors to cycle.
- 4.6. Site and Press Notices posted and Ward Members, the MP, Residents' Associations and neighbouring occupiers consulted, no representations received.
- 4.7. Conservation Heritage Panel - The majority of the panel members welcomed the proposed design. Some members expressed concerns about the scale of the proposed building. They understood the use of pillars but questioned whether they are structural and whether being slender is the correct approach. They questioned whether the setback could be more integrated into the building.

## CONSULTATION

- 4.8. The Statement of Community Involvement sets out the extensive pre-application discussions that have taken place, which has been consistent for all three reserved matters proposals. This includes specific consultation with Historic England. The proposals were considered by the city's Conservation Heritage Panel and an independent Design Review by the Design Council. Key stakeholders including adjoining occupiers, special interest groups, residents' groups, Ward Members and business groups were invited to a series of presentations and previews of public exhibitions. A public exhibition was held following advertisement in the local press, a leaflet drop and on the scheme's dedicated website. 121 people attended the public exhibition with a total of 64 responses received by the design team of which between 80% and 90 % were wholly positive.
- 5. Policy Context

- 5.1. The Birmingham Unitary Development Plan (2005); submission draft Birmingham Development Plan; Colmore Row and Environs Conservation Area Character Appraisal SPG; Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG; Places for All SPG; High Places SPG; Car Parking Guidelines SPD; and the National Planning Policy Framework 2012. Also the non-statutory Big City Plan and the Snow Hill Masterplan.

6. Planning Considerations

- 6.1. The remaining reserved matters for consideration are scale, appearance, layout and landscaping.
- 6.2. At pre-application stage the application proposals were presented to the Design Council panel who commented that the scheme would have a strong presence on Centenary Square and that the elevations are well thought through. They fully support the overall design approach. The panel considered that the range of design ideas explored during design development is commendable. The panel recommended that the design teams should continue to refine the ground level elevation using colour or filigree panels to announce entrances and enliven shop fronts. In addition the panel suggested that the staircase flank wall on the north east corner be revisited to achieve a better transition in the building plinth. They add that the building should allow internal flexibility to accommodate a broad configuration of occupiers. The details of the portico roof, terrace railing, roof drainage and how the columns meet the ground should be the subject of planning conditions.
- 6.3. In response the applicant comments that the recessing of the entrances would be a key architectural feature as provide additional wind mitigation. A signage strategy showing protruding blade signs has been developed to help identify entrance locations. The joining of the internal and external steps on Chamberlain Square has been explored however this would impact upon the capacity of the basement and would remove the flexibility to accommodate different retail tenants at Chamberlain Square and Centenary Way levels in this corner of the building.

SCALE

- 6.4. Masterplan parameters limits the overall height of the building to between (a typical) 6 and 8 storeys, although this varied across the site due to a change in ground levels of over 5m. The maximum height permitted by A.O.D is 184.25 with a set back at a maximum height of 168.525. The application proposals are comfortably within these maximums tested at outline stage (Building E is 180.45 with a set back at 168.525).
- 6.5. These parameters were rigorously tested at outline stage to ensure that the scale of the development was appropriate in this historically sensitive location. This included verified views to ensure that the impact of the proposed massing was accurately depicted.
- 6.6. I consider that the proposed building would have a satisfactory relationship with its neighbours, with the proposals representing a refinement of the details approved at outline stage. The stepping back of the upper floors, in accordance with the approved parameters plan and protocol, ensures that the proposed building would not have a detrimentally dominant impact upon Chamberlain Square and the Conservation Area. I therefore raise no objections to the scale of the proposed development.

## APPEARANCE

- 6.7. Again, the proposals are consistent with the approved Masterplan in terms of proposed materials and general approach. The design responds in a positive way to the surrounding civic buildings without attempting to visually compete. The scheme avoids architectural 'gimmicks' and proposes a restrained palette of high quality materials that are designed to stand the test of time.
- 6.8. The extension of the colonnade to a full 27m height is a bold architectural statement that draws upon its historic neighbours. The proportions and setting out of the columns follows an extensive design exercise. The resulting slender proportions of the proposed portico columns in combination with the simple but well detailed curtain walling behind would provide an appropriate backdrop to the Chamberlain memorial. The building would also help to define Chamberlain Square and introduce an element of overlooking that is currently absent.
- 6.9. The key elevation onto the east/west route through the scheme would provide retailing at ground floor level resulting in an animated street scene whilst maintaining continuity with the treatment of the upper floors. The proposals allow a flexible approach to the ground floor level in terms of the positioning of entrances and shop fronts in a way that would not impact upon the regimented framing that is the defining feature of the proposed building.
- 6.10. The treatment of the south-facing elevation is consistent with the other three non-Chamberlain Square elevations at the upper floors; however the treatment of the ground floor with a more solid treatment is acceptable and will help, in time, to give the future southern square a distinct identity.

## HERITAGE IMPLICATIONS

- 6.11. The proposed building would neighbour a number of the city's most important heritage assets including the Grade I listed Town Hall and the Grade II\* Council House and its extension opposite. This building would also have a close relationship with the listed Chamberlain Memorial. As discussed above, the proportions of a building on this plot were given significant consideration at outline stage and parameters were established. In addition, materials and broad architectural approach (such as requiring a colonnade) were also established at that stage. I consider that the scheme would deliver a high quality contemporary building that would respect and not compete with its neighbours. The choice of materials is acceptable; however the finer detail of the key material (the aggregate mix) continues to be refined.
- 6.12. My Conservation Officer consider that the building offers a simple and robust elevation towards the city centre proper, commanding a significant prospect over the Conservation Area and enclosing Chamberlain Square. He adds that Building E in particular contributes well to its context of grand municipal listed buildings, employing giant order columns freestanding in an open arcade making a contemporary statement to a classical solution. In conclusion my Conservation Officer fully supports this application.
- 6.13. Historic England raises no objection and considers that the proposals, in conjunction with the wider development, respond to its context effectively.
- 6.14. I therefore consider that the proposed development would enhance the setting of the adjacent listed buildings as well as the views to and from the adjacent Conservation

Areas. I recommend conditions requiring the provision of a sample panel of materials on site, further details of the portico structure (drainage, hand rails etc) and details of the junction between the frontage columns and the new public realm.

#### LAYOUT / LANDSCAPING

- 6.15. The proposed development is consistent with the approved parameters in terms of layout. In recognition of the site's location adjacent to some of the city's most important heritage assets, the most recently approved Parameters Plan (May 2015) allows limited variation in the position of this building and its set-back upper storeys.
- 6.16. The proposed building respects the zones reserved for pedestrian circulation around the development which include the priority route along the new central street, a connection between the new 'Southern Square' and Chamberlain Square and between the 'Southern Square' and the new central street.
- 6.17. Positioning of various uses around the development is also controlled by the approved Parameters Plan. The proposal, with retail to the north, east and south and offices above is consistent with this document and will enable activity to be concentrated on the key routes around the building, including the new central street which will be a key new retail offer for the city centre.
- 6.18. Levels are also controlled by the parameters set at outline stage, and the proposed building is in accordance with these. The building would benefit from level access from the new central street, Chamberlain Square and the new Southern Square whilst providing a publically accessible link between the two key levels at its south-western corner.
- 6.19. No landscaping is proposed as part of this application as this is detailed in the accompanying application for the wider public realm works.
- 6.20. The proposed development represents a refinement of the information approved at outline stage and is consistent with the parameters previously imposed. I conclude that the scale, layout, appearance and landscaping are acceptable and consider the proposed building to enhance the setting of neighbouring heritage assets and views to and from nearby Conservation Areas.

#### ECONOMIC BENEFITS

- 6.21. The construction of phase 1 represents an investment of around £180m generating 539 jobs over a four year period. Once fully occupied Building E is likely to accommodate over 1,400 jobs, the majority of which would be in Grade A office space. Post completion of the whole Paradise Circus redevelopment 11,300 jobs would be generated. With a re-arranged highway network phase 1 will also deliver a further breaking down of the 'concrete collar' around the city centre helping to spread the economic benefits of the scheme further afield to sites such as Arena Central and Baskerville Wharf.

#### HIGHWAY MATTERS

- 6.22. Transportation Development raises no objection, and notes that the parking and servicing areas must be provided prior to the use of the proposed buildings. I concur with this conclusion and consider that the proposed car park of 330 spaces over two levels is an appropriate level of provision for the proposed two buildings forming



phase 1 of the development. The outline consent limits the total number of parking spaces within all phases to 550 overall.

## SECTION 106

- 6.23. The outline planning consent secures a significant package of planning obligations including £1,100,000 towards the metro scheme; £400,000 towards public transport (bus shelters etc.) and wayfinding; £1,000,000 towards the provision of new northern square amenity area and strategy for statue removal and reinstalling; £20,000 shopmobility contribution; local employment contribution; £150,000 towards Easy Row subway enhancements in addition to the provision of the remodelled Chamberlain Square and Town Hall public realm (£1,650,000).

### 7. Conclusion

- 7.1. The development would deliver a mixed-use office / retail building of the highest quality at the civic heart of the city. The building, in conjunction with the remainder of phase 1 of the development, would set a very high benchmark for the remainder of the Paradise Circus redevelopment. The development of the colonnade has been rigorous to ensure that the relationship with the adjacent heritage assets, and the town hall in particular, is positive. Phase 1, of which the application building is a key element, will deliver transformational redevelopment that responds to the historic context in a contemporary way.

### 8. Recommendation

- 8.1. Approve subject to the following conditions:

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- |   |                                                                                                                             |
|---|-----------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the prior submission of further portico details                                                                    |
| 2 | Requires the prior submission of details of the junction between the columns and the new public realm on Chamberlain Square |
| 3 | Requires the provision and agreement of a sample panel of building materials                                                |
| 4 | Requires both car park accesses to be in place and available for use prior to the occupation of the building                |
| 5 | No obstruction, displays or signage fitted to shop front.                                                                   |
| 6 | Allows the flexible location of building entrances on Centenary Way                                                         |
| 7 | Requires the scheme to be in accordance with the listed approved plans                                                      |
- 

Case Officer: Nicholas Jackson

## Photo(s)

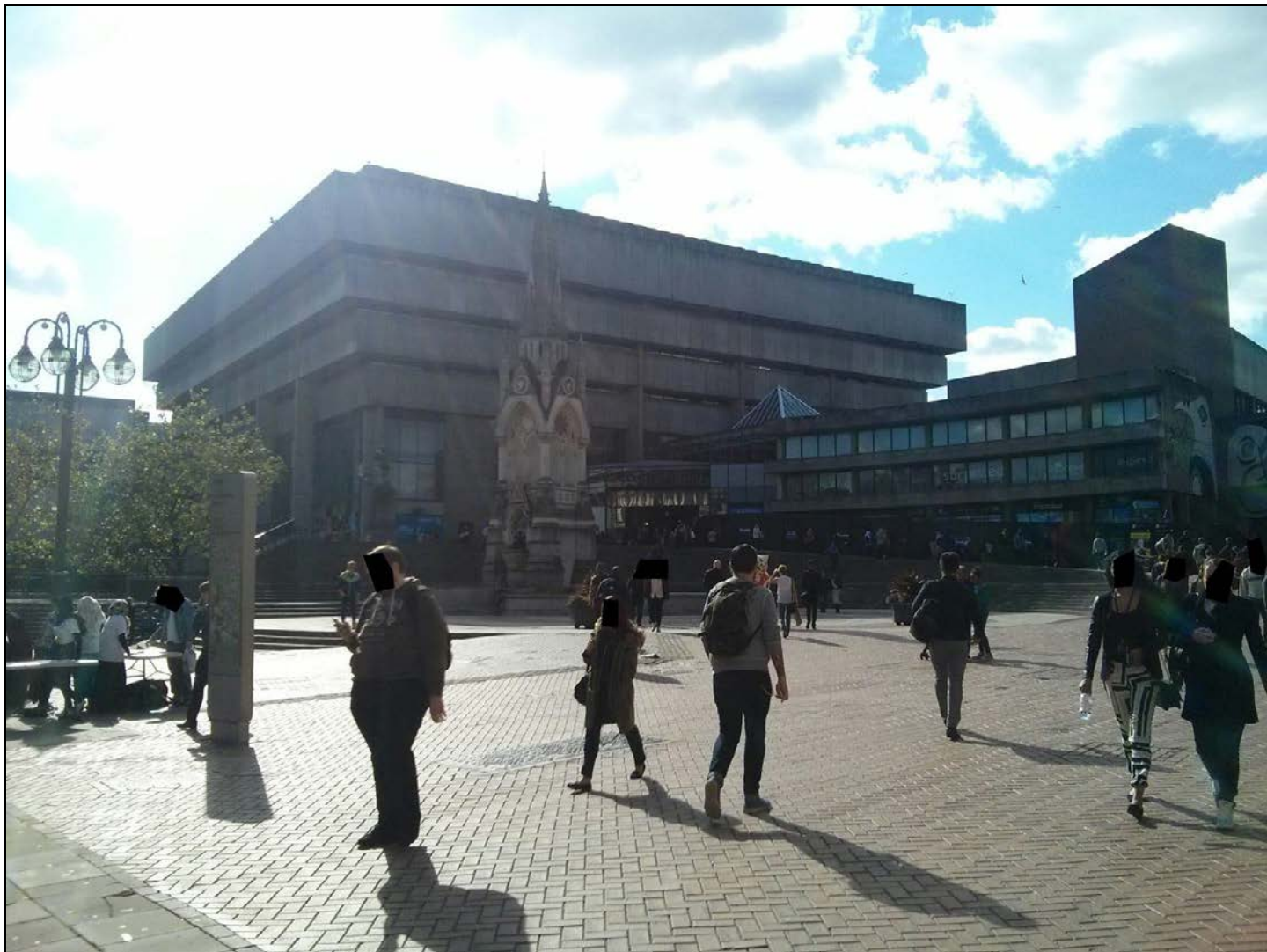


Figure 1 – the application site – currently occupied by the former Birmingham Central Library

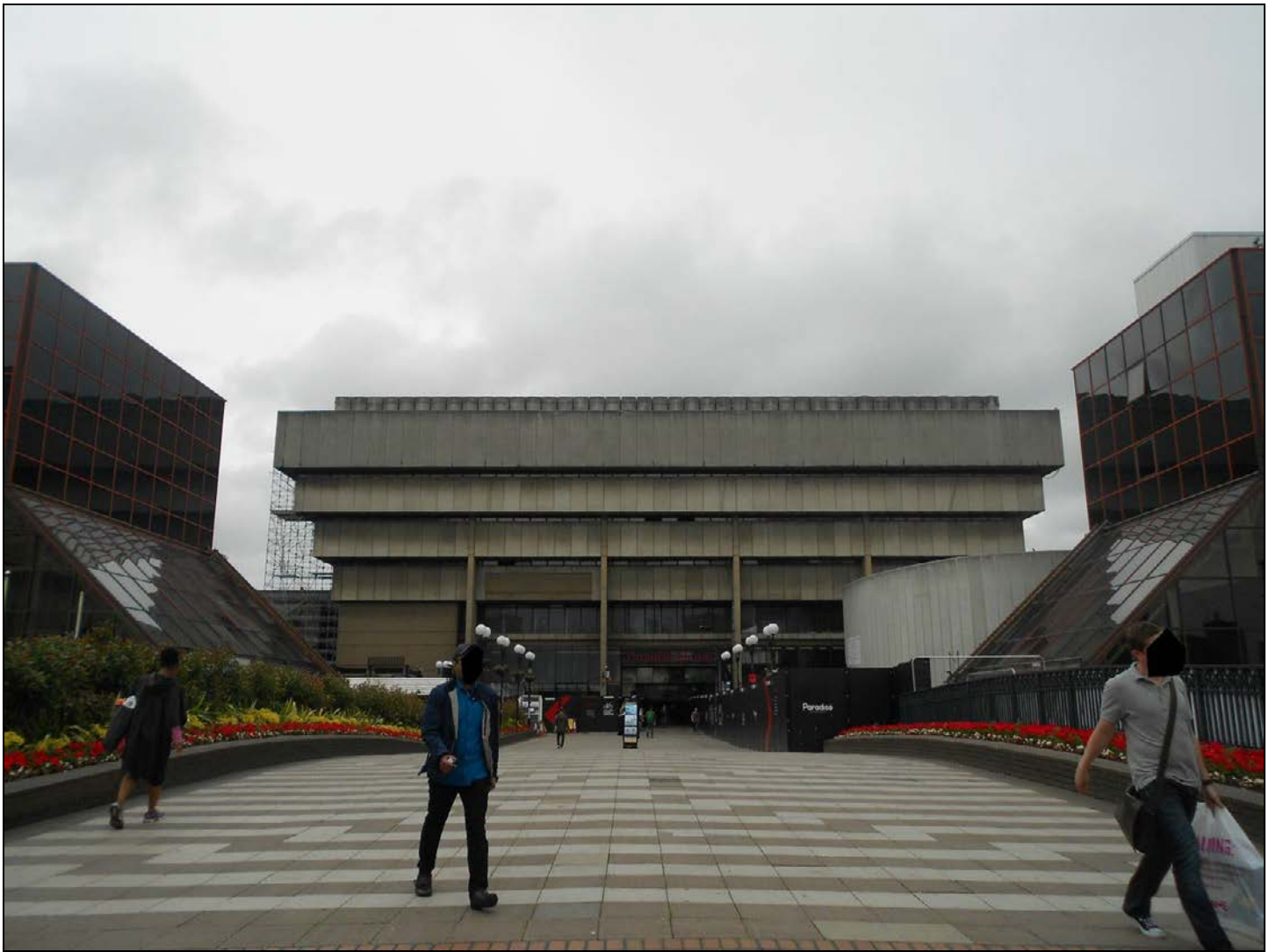


Figure 2 – The former Birmingham Central Library from Centenary Square



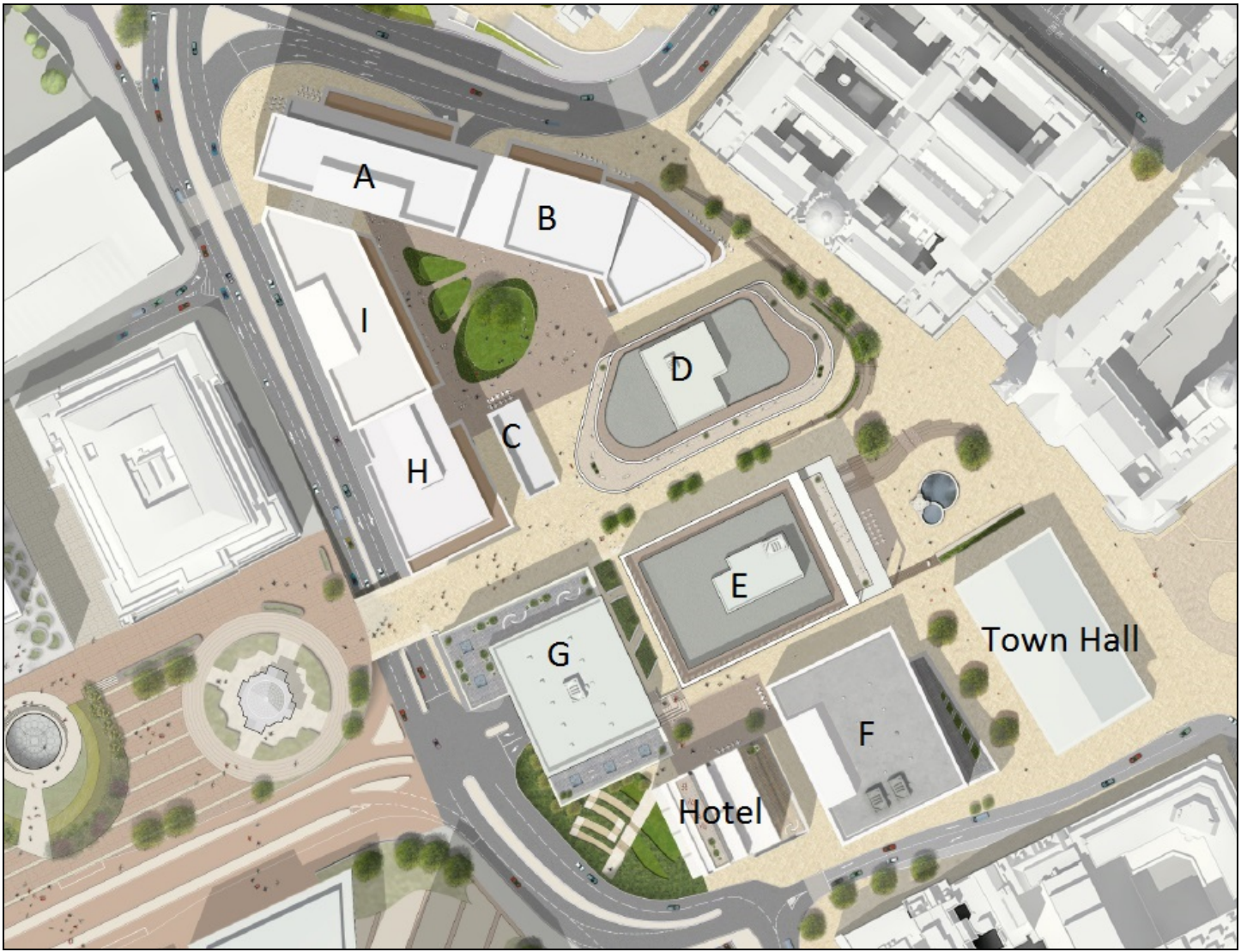
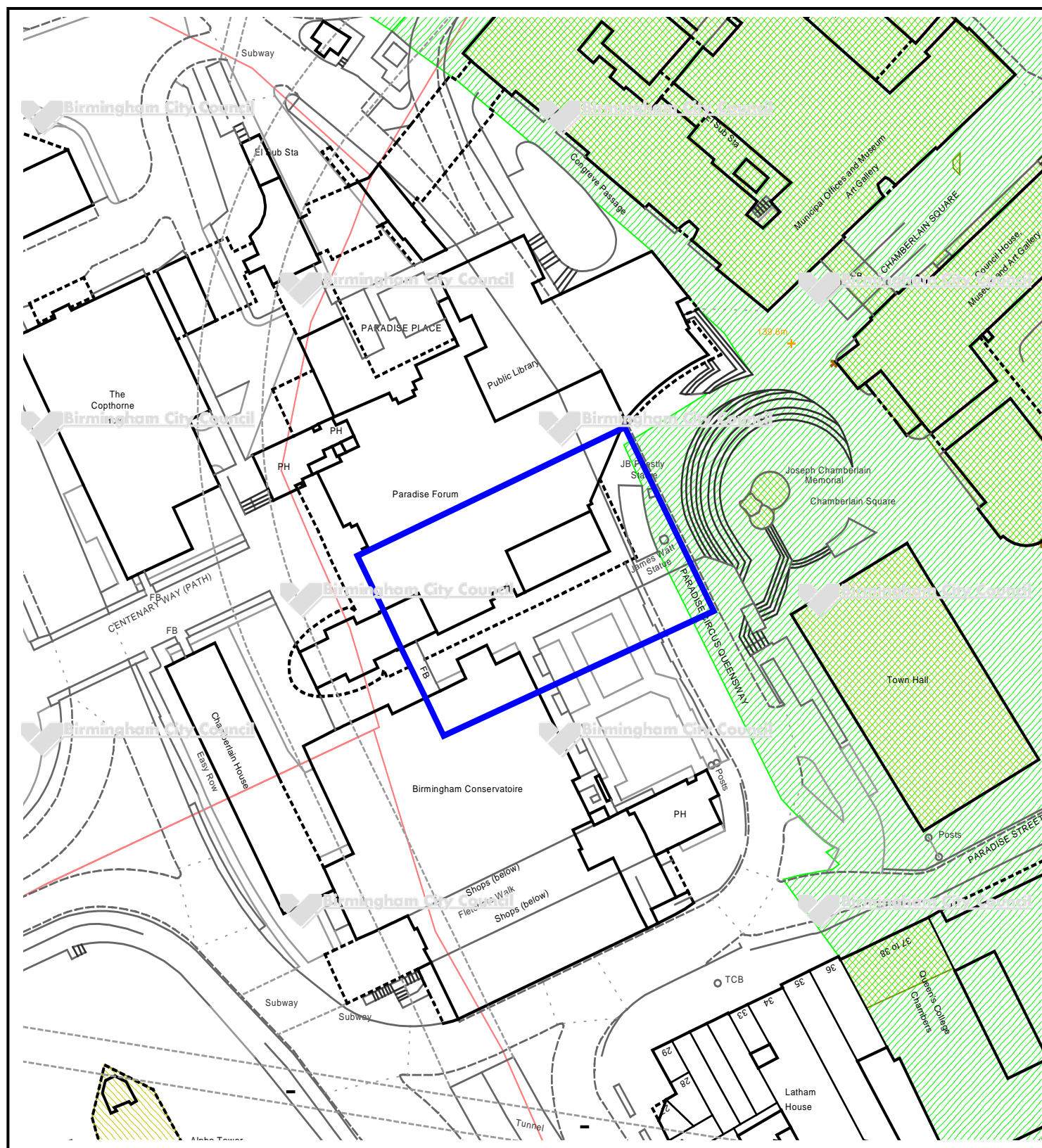


Figure 3 – The Updated Master Plan

## Location Plan



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|-----------------|------------|---------------------|------------------------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/05012/PA                |
| Accepted:       | 18/06/2015 | Application Type:   | Reserved Matters Development |
| Target Date:    | 17/09/2015 |                     |                              |
| Ward:           | Ladywood   |                     |                              |

Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square, Parade and Paradise Street, City Centre, Birmingham, B3 3HJ

Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of an eight storey office and retail building (Building D) and associated development

|            |                                                                   |
|------------|-------------------------------------------------------------------|
| Applicant: | Britel Fund Trustees Ltd<br>c/o Agent                             |
| Agent:     | Deloitte LLP<br>P O Box 500, 2 Hardman Street, Manchester, M3 3HF |

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## Recommendation

### **Approve Subject To Conditions**

#### 1. Proposal

- 1.1. This application is for the remaining reserved matters (scale, appearance, layout and landscaping) associated with the erection of a mixed use office-led building with retail frontages at ground floor level as part of the first phase on the Paradise Circus redevelopment. These proposals are designed to be complementary to the remainder of the phase 1 which includes the delivery of an altered highway layout, re-modelled public realm and a further office-led building on Plot E to the south.
- 1.2. Outline consent was granted subject to various parameters established through a 'Parameters Plan' and a 'Design Protocol' that sets certain limits for the siting, scale, materials and design of the buildings across an approved master plan.

#### AMOUNT OF DEVELOPMENT

- 1.3. Building D comprises of an eight storey (plus two basement levels) building that provides retail space at ground floor level with offices above. The building extends partly below ground into the basement car park, which is the subject of a separate application. The building would provide a total GIA of 19,747 sq.m, with some 13,916 sq.m of office space and 1,905 sq.m of retail space (notionally split into four units on the proposed plans – although flexibility of the subdivision of the retail units is sought).
- 1.4. Whilst the intention is for the primary use of the ground floor for retail use (A1-A5 Use Classes), the Parameters Plan allows additional flexibility for B1, D1 and D2 uses at ground floor level.

- 1.5. A separate current application on this agenda includes provision for a shared 330 space car park for phase 1 of the Paradise development, of which 6% (20 spaces) would be allocated for disabled parking. Electric vehicle charging points will also be provided on each level. Servicing of both phase 1 buildings would be via the basement car park which is accessed from the approved access points from the north (Great Charles Street Queensway) and west (opposite the head of Broad Street).
- 1.6. The extant outline consent permits a total of 170,012 sq.m GIA excluding the hotel of which up to 161,651 sq.m can be office and 4,645 sq.m can be retail floorspace. The outline consent limits any single retail unit to be no greater than 650 sq.m in size.

## DESIGN

- 1.7. The proposed building responds to the design parameters established at outline stage. The building is sited to address the new east/west principal route through the scheme, Congreve Passage and the future 'northern square immediately to the north of the proposed building.
- 1.8. The proposed building is an evolution of the building envisaged at outline stage with its curvilinear form a key design feature. Since outline stage the footprint of the building has been amended to increase the level of light reaching the new Northern Square by exaggerating the curve on the south-western corner of the building and returning at a 45-degree angle. The building's plan shows curved 'inflections' into the building on the eastern and southern elevations which, in combination with the curved edges to the building, provide the building with a rounded overall form.
- 1.9. As required by the Design Protocol, the proposed building incorporates a set back at the sixth floor level on the eastern, southern and western elevations forming a generous terraced area ranging from 3.4m to 10.3m deep. These two set-back levels also mirror the curved plan form of the main body of the building beneath. The plant level would be further recessed by a minimum of 3m increasing to 9.9m on the south eastern façade in order to protect key views.
- 1.10. In terms of façade treatment, the ground floor would consist of polished precast concrete piers forming bays around recessed aluminium shop front backing panels with retail windows within. The retail windows would project from the backing panel with the surrounds treated with an antique bronze metal fascia material. Where the building curves glazing of the same profile would be installed at ground level. The design allows for flexibility for the placement of shop front windows and entrances, however the principal office entrance located within the centre of the building on the east/west street will be fixed and provide access to the main circulation cores within. This main entrance will feature a further inwardly curved inflection formed with curved glazing.
- 1.11. The façade of the upper floors would be consistent around the entire building. Fritted glazing panels (including spandrels) would be framed by vertical twice fired glazed ceramic fins of a broadly triangular profile projecting out by 450mm. These would be a lighter colour with the firing providing a slightly mottled effect. The glazed terracotta material would also be used to form the cornice above and cill below these fins. Aluminium Brise Soleil would provide further horizontal features at each floor between the fins. It is proposed that these are treated with a dichromatic paint, providing further visual interest as the building is viewed from different angles.



- 1.12. The roof-top plant screen would be formed by a perimeter of unglazed terracotta rectangular 'baguettes' following the curve of the building beneath. Behind which there would be both enclosed and open plant areas. Between the parapet and the plant area there would be a brown roof in accordance with a condition of the outline consent (occupying 10% of the flat roof space).
- 1.13. The proposed building is designed to offer interest when viewed from any angle. Whilst having a consistent approach to the façade, the elevation fronting the Northern Square is more angular in plan without inflections in response to the more angular geometry shown on the approved master plan.
- 1.14. Together with the Council House Extension the building would enclose Congreave Street which will form a new level pedestrian link from Chamberlain Square to the Jewellery Quarter to the north.
- 1.15. There would be approximately a 3m difference in level between the Northern Square and Congreave Street below.
- 1.16. The above results in a building that has a defined base, middle and top, which is consistent with the detailed proposals for Building E elsewhere on your committee's agenda.
- 1.17. The building would sit above two basement levels, details of which are contained with the reserved matters application for the public realm also elsewhere on your committee's agenda, with further details submitted in connection with the relevant conditions of the outline consent. These basement levels beneath the building would provide retail servicing/delivery areas, refuse stores, plant space together with cycle storage and shower facilities.
- 1.18. Comprehensive plans, a Supporting Statement incorporating an Economic Statement and Statement of Community Involvement and a Design Statement have been provided in support of this application. The outline application was the subject of an Environmental Impact Assessment and an Environmental Statement was submitted. The current application is within the parameters tested and no residual adverse impacts were identified.
- 1.19. A pre-BREEAM assessment concludes that the development is likely to achieve an 'Excellent' rating for environmental impact and energy efficiency which would place the development within the top 10% of non-domestic buildings in the UK.
- 1.20. It is anticipated that the wider phase 1 works will be complete by late 2018.

1.21. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently occupied by the northern-most part of Birmingham Central Library and is adjacent to Chamberlain Square, a public space which transitions between the lower level of Victoria Square and the pedestrian concourse through the former Birmingham Central Library. The square forms an amphitheatre which is defined by curved steps around the (Grade II) listed Chamberlain memorial and fountain. Statues of Joseph Priestly and James Watt are situated directly in front of the former library. This phase of development also includes a section of the new

public open-air route connecting Chamberlain Square to Centenary Square, the remodelled Congreve Passage and part of the basement to be remodelled for parking and servicing and the erection of Building E to the south of the application site. The existing library building sits on a podium with parking and servicing beneath. From a water garden to the rear (north) a series of steps and underpasses provides pedestrian access from the library to Summer Row.

- 2.2. Highway works associated with the removal of the gyratory are ongoing, and limited demolition works have taken place.
- 2.3. The wider 7 hectare Paradise Circus site is located between Centenary Square and Chamberlain Square. It is surrounded by the Paradise Circus Queensway gyratory system with the A38 tunnel below. The site includes a number of existing uses including the Central Library complex, Birmingham Conservatoire, office uses, retail and Copthorne Hotel. The site is on a number of different levels and sections and is crossed by a series of private pedestrian walkways, steps and passages.
- 2.4. To the west of the site, across the Queensway lies Centenary Square which is fronted by Baskerville House (Grade II listed), the Hall of Memory (Grade I Listed), the Repertory Theatre, the International Convention Centre and the new Library of Birmingham. To the south west is the Grade II listed Alpha Tower and the wider Arena Central development site. To the north across Summer Row are commercial properties and UCB and the wider Jewellery Quarter Conservation Area. To the east of the site are a large number of civic buildings, many listed and within the Colmore Row Conservation Area, including the Council House (Grade II\*), museum/art gallery (Grade II\*) and Town Hall (Grade I). To the south of the site across Paradise Street are a mixture of commercial and residential premises including the (Grade II) listed Queens College Chambers.
- 2.5. The site is identified as an Enterprise Zone site.

#### [Site Location](#)

### 3. Planning History

- 3.1. 11 January 2011- Certificate of Immunity from listing issued for the Central Library for 5 years.
- 3.2. 21.12.2012 - 2012/05118/PA – Approval – Application for Listed Building Consent for the demolition of Congreve House (the two-storey bridging structure between the Paradise Circus complex and the Grade II\* Council House Extension), and restoration works to the first and second floor facade of the Council House Extension.
- 3.3. 08.02.2013 – 2012/05116/PA – Approval - Outline planning application (all matters reserved save for access) for demolition of all buildings on the site (save for the Joseph Chamberlain Memorial) and commercial led mixed use redevelopment of up to 170,012 square metres gross internal floorspace, comprising offices (Use Class B1a), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), concert hall (D2), energy centre (Sui Generis), together with a hotel of up to 250 bedrooms (Use Class C1), car parking, highways works (to include the closure of eastern arm of Paradise Circus gyratory), public realm improvements and associated works including alterations to public rights of way.

- 3.4. 10.10.2014 - 2014/05319/PA – Approval - Variation of Conditions 2, 5, 6, 7, 10 , 11, 12, 13, 15, 16, 18, 22, 24, 25, 26, 27, 29, 30, 32, 36 and 55 attached to planning permission 2012/05116/PA to reflect the proposed phasing of development
- 3.5. Current Applications – 2015/05010/PA and 2015/05009/PA - Reserved matters applications (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of a part eight / part nine storey office and retail building (Building E) and associated development and for phase 1 public realm including chamberlain square and the basement car park/servicing areas.
4. Consultation/PP Responses
  - 4.1. Transportation Development – Raises no objection and notes that car park / servicing and cycle storage facilities are required to be provided prior to occupation by conditions of the outline consent.
  - 4.2. Regulatory Services – No objection
  - 4.3. BCC Drainage Team - No objection. Note that details of sustainable urban drainage systems will be considered in connection with conditions attached to the outline planning consent.
  - 4.1. Historic England – Raises no objection. Considers that this large and important development addresses its context, which includes a number of very important heritage assets, effectively.
  - 4.2. Natural England – This application falls outside the scope for consultation with them and therefore provide no further comment.
  - 4.3. Canals and Rivers Trust – This application falls outside the scope for consultation with them and therefore provide no further comment.
  - 4.4. Environment Agency – Consider that as the Lead Local Flood Authority responsible for on-site surface water drainage arrangement they will leave consideration of sustainable urban drainage arrangements to the City's Drainage Team.
  - 4.5. West Midlands Fire Service – No objection.
  - 4.6. Push Bikes – Comment that the provision of wide routes through the scheme that would be available to cyclists is welcomed. They would prefer to see a dedicated cycle route through the scheme and add that a more user friendly access to the cycle storage within the building would encourage more visitors to cycle.
  - 4.7. Site and Press Notices posted and Ward Members, the MP, Residents' Associations and neighbouring occupiers consulted without response.
  - 4.8. Conservation Heritage Panel – The majority of the panel members welcomed the proposed design. Some members expressed concern that the master plan overwhelms the art gallery, given the scale of the new buildings. Concerns were raised about the setback levels and questioned whether the materials should be civic or more commercial.

## CONSULTATION

- 4.9. The Statement of Community Involvement sets out the extensive pre-application discussions that have taken place, which has been consistent for all three reserved matters proposals. This includes specific consultation with Historic England. The proposals were considered by the city's Conservation Heritage Panel and an independent Design Review by the Design Council. Key stakeholders including adjoining occupiers, special interest groups, residents' groups, Ward Members and business groups were invited to a series of presentations and previews of public exhibitions. A public exhibition was held following advertisement in the local press, a leaflet drop and on the scheme's dedicated website. 121 people attended the public exhibition with a total of 64 responses received by the design team of which between 80% and 90 % were wholly positive.

5. Policy Context

- 5.1. The Birmingham Unitary Development Plan (2005); submission draft Birmingham Development Plan; Colmore Row and Environs Conservation Area Character Appraisal SPG; Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG; Places for All SPG; High Places SPG; Car Parking Guidelines SPD; and the National Planning Policy Framework 2012. Also the non-statutory Big City Plan and the Snow Hill Masterplan.

6. Planning Considerations

- 6.1. The remaining reserved matters for consideration are scale, appearance, layout and landscaping.
- 6.2. At pre-application stage the application proposals were presented to the Design Council panel who commented that the design has the makings of a distinctive and appealing building and is successful in achieving the appropriate scale without competing with its neighbours in this sensitive location. They encouraged the design to incorporate a curved glass façade on all four sides. The extent of the plant was questioned, as was whether additional space could be made for more green and brown roofs.
- 6.3. The panel commended the clarity in articulating the elevation with high quality detailing highlighting that the finely detailed shopping bays at the ground level and vertical fins for the superstructure would offer a positive experience for people walking along the new central street. Further detailed work on the ceramic cill and soffit detail was suggested. The architectural language with deep columns for the base and vertically extruded fins is compelling, although the response of the elevational treatment to its orientation was questioned. They conclude that success of the building will depend in part on the quality of the materials and the elevation details should be subject to planning conditions.
- 6.4. Finally the panel added that the interface with the future phases of the development to the north and managing interim uses / servicing arrangement poses an interesting challenge. They suggested that levels along Congreve Street were further developed to increase the attractiveness of the ground floor to retailers and that the pedestrian experience of the new central street be considered as a whole including shop fronts, building entrances and street furniture.
- 6.5. In response the applicant has confirmed that the inclusion of curved glass on all elevations is not economically viable, and therefore the curved glass has been concentrated to the elevations with the biggest impact. In addition a more angular shape to the north is consistent with the angular Masterplan for this part of the

scheme. In light of the panel's comments the roof design has been reviewed and the external plant area has been reduced. This has enabled the plant screen to be set back further away from the building's edge minimising its visual impact upon Chamberlain Square.

- 6.6. The applicant adds that reducing the ceramic fin depth on the northern elevation in response to orientation was explored; however it was considered that it was important to maintain the quality and depth of façade to all elevations. An amended soffit detail was explored; however the raised parapet options would be economically unviable without compromising other areas of the building.

#### SCALE

- 6.7. Masterplan parameters limit the overall height of the building to between (a typical) 6 and 8 storeys. The maximum height permitted by A.O.D is 180.25 with a set back at a maximum of 169.75. The application proposals are within these maximums tested at outline stage aside from a very limited section of the core and a boiler flue that sit within the centre of the roof and exceed this height by 0.85 and 1m respectively. These minor changes have been approved as a non-material amendment to the Parameters Plan, and do not have any significant impact on heritage assets.
- 6.8. These parameters were rigorously tested at outline stage to ensure that the scale of the development was appropriate in this historically sensitive location. This included verified views to ensure that the impact of the proposed massing was accurately depicted. These verified views have been updated with the detailed application proposals to show the relationship between the proposed building and its surroundings, including designated heritage assets. These views illustrate that the proposed development, working within the approved parameters, would deliver a building that would enhance the setting of adjacent heritage assets and frame key views such as of the Hall of Memory and Clock Tower along the new central pedestrian route and along Congreve Passage towards the Town Hall. Together with later phases of the development, this building would frame views of the museum and art gallery's dome on its west facing façade.
- 6.9. I consider that the proposed building would have a satisfactory relationship with its neighbours, with the proposals representing a refinement of the details approved at outline stage. The stepping back of the upper floors, in accordance with the approved protocol, ensures that the proposed building would not have an overly dominant impact upon Chamberlain Square and the Conservation Area. I therefore raise no objections to the scale of the proposed development.

#### APPEARANCE

- 6.10. The proposals are consistent with the concept approved as part of the master plan in terms of proposed materials and the building's curvilinear form. The design responds in a positive way to the surrounding civic buildings without attempting to visually compete. The curved design will allow for gradual revealing of views and reference points as pedestrians travel around the building. The inflections along the two key elevations help to provide interest and work with the building's curved edges to realise a complete design.
- 6.11. Active frontages are provided at ground level around the building with the use of the features such as bronze window surrounds and curved glass welcome details along these key areas of the city centre's public realm. The design of the building and

public realm allows ample space for the retail uses to 'spill out' onto the street such as providing seating areas.

- 6.12. The proposed materials are high quality and designed to give a 'crafted' feel to the building. The terracotta fins would accentuate the curved form of the building with the lighter mottled colour providing a sympathetic and appropriate response to the light stone used on the civic buildings/memorial, the light colour of the proposed Building E to the south and the York Stone proposed for the surface finishes. The use of the dichromatic paint on the Brise Solei will create visual interest, including creating bright reflections onto the ceramic fins.
- 6.13. Continuing the tiered effect to the upper storeys and the plant enclosure is appropriate, proving continuity to the design.

#### HERITAGE IMPLICATIONS

- 6.14. The proposed building would adjoin or be seen in context with a number of the city's most important heritage assets including the Grade I listed Town Hall and the Council House and its extension (occupied by the museum and art gallery) directly adjacent. The height of the setback levels and the position of the street to the north of the proposed building linking Congreve Passage to the northern square have been guided by the dome of the Council House extension. As discussed above, the proportions of a building on this plot were given significant consideration at outline stage and parameters were established. This setback minimises the impact upon the surrounding heritage assets whilst maximising the levels of direct sunlight into the new northern square. In addition, materials and broad architectural approach were also established at that stage.
- 6.15. I consider that the scheme would deliver a contemporary building of the very highest quality that would respect and not compete with its neighbours. The choice of materials is supported, with the glazed ceramic a particularly sympathetic approach.
- 6.16. My Conservation Officer notes that the new building has been the subject of extensive discussion and refinement and offers a simple and robust elevation to the city centre. In conclusion he fully supports this application.
- 6.17. Historic England raises no objection and considers that the proposals, in conjunction with the wider development, respond to its context effectively.
- 6.18. I therefore consider that the proposed development would enhance the setting of the adjacent listed buildings as well as the views to and from the adjacent Conservation Areas. I recommend a condition requiring the provision of a sample panel of materials on site to ensure that the high quality shown within the application details is carried through to delivery.

#### LAYOUT / LANDSCAPING

- 6.19. The proposed development is consistent with the approved parameters in terms of layout. In recognition of the site's location adjacent to some of the city's most important heritage assets, the most recently approved Parameters Plan (May 2015) allows limited variation in the position of this building and its set-back upper storeys.
- 6.20. The proposed building respects the zones reserved for pedestrian circulation around the development which include the priority route along the new central street, a

connection between the new this street and the 'Northern Square' and between the square and Congreve Passage.

- 6.21. Positioning of various uses around the development is also controlled by the approved Parameters Plan. The proposal, with retail to all elevations on the ground floor and offices above is consistent with this document and will enable activity to be concentrated on the key routes around the building, including the new central street which will be a key new retail offer for the city centre.
- 6.22. Levels are also controlled by the parameters set at outline stage, and the proposed building is in accordance with these. The building would benefit from level access from all sides. However, a terrace of seating, planting and steps resolves the transition from Congreve Street/Centenary Square to the building, a difference of up to 2m, beyond the public realm immediately adjacent to the building. However, the landscaping of the public realm is not proposed as part of this application as this is detailed in the accompanying application for the wider public realm works.
- 6.23. The proposed development represents a refinement of the information approved at outline stage and is consistent with the parameters previously imposed. I conclude that the scale, layout, appearance and landscaping are acceptable and consider the proposed building to enhance the setting of neighbouring heritage assets including the character of and views to and from nearby Conservation Areas.

#### ECONOMIC BENEFITS

- 6.24. The construction of phase 1 represents an investment of around £180m generating 539 jobs over a four year period. Once fully occupied Building D is likely to accommodate over 1,200 jobs, the majority of which would be in Grade A office space. Post completion of the whole Paradise Circus redevelopment 11,300 jobs would be generated. With a re-arranged highway network phase 1 will also deliver a further breaking down of the 'concrete collar' around the city centre helping to spread the economic benefits of the scheme further afield to sites such as Arena Central and Baskerville Wharf.

#### HIGHWAY MATTERS

- 6.25. Transportation Development raises no objection, and notes that the parking and servicing areas must be provided prior to the use of the proposed buildings. I concur with this conclusion and consider that the proposed car park of 330 spaces over two levels is an appropriate level of provision for the proposed two buildings forming phase 1 of the development. The outline consent limits the total number of parking spaces within all phases to 550 overall.

#### SECTION 106

- 6.26. The outline planning consent secures a significant package of planning obligations including £1,100,000 towards the metro scheme; £400,000 towards public transport (bus shelters etc.) and wayfinding; £1,000,000 towards the provision of new northern square amenity area and strategy for statue removal and reinstalling; £20,000 shopmobility contribution; local employment contribution; £150,000 towards Easy Row subway enhancements in addition to the provision of the remodelled Chamberlain Square and Town Hall public realm (£1,650,000).

#### 7. Conclusion



7.1. The development would deliver a mixed-use office / retail building of the very highest quality at the civic heart of the city. The building, in conjunction with the remainder of phase 1 of the development, would set a very high benchmark for the remainder of the Paradise Circus redevelopment. The development of the shape and façade of the building is designed to ensure that the relationship with the adjacent heritage assets is positive. Phase 1, of which the application building is a key element, will deliver transformational redevelopment that responds to the historic context in a contemporary way.

8. Recommendation

8.1. Approve subject to the following conditions:

- 
- |   |                                                                                                              |
|---|--------------------------------------------------------------------------------------------------------------|
| 1 | Requires the provision and agreement of a sample panel of building materials                                 |
| 2 | Allows the flexible location of building entrances on Centenary Way                                          |
| 3 | Requires both car park accesses to be in place and available for use prior to the occupation of the building |
| 4 | Requires the scheme to be in accordance with the listed approved plans                                       |
| 5 | No obstruction, displays or signage fitted to shop front.                                                    |
- 

Case Officer:        Nicholas Jackson

**Photo(s)**

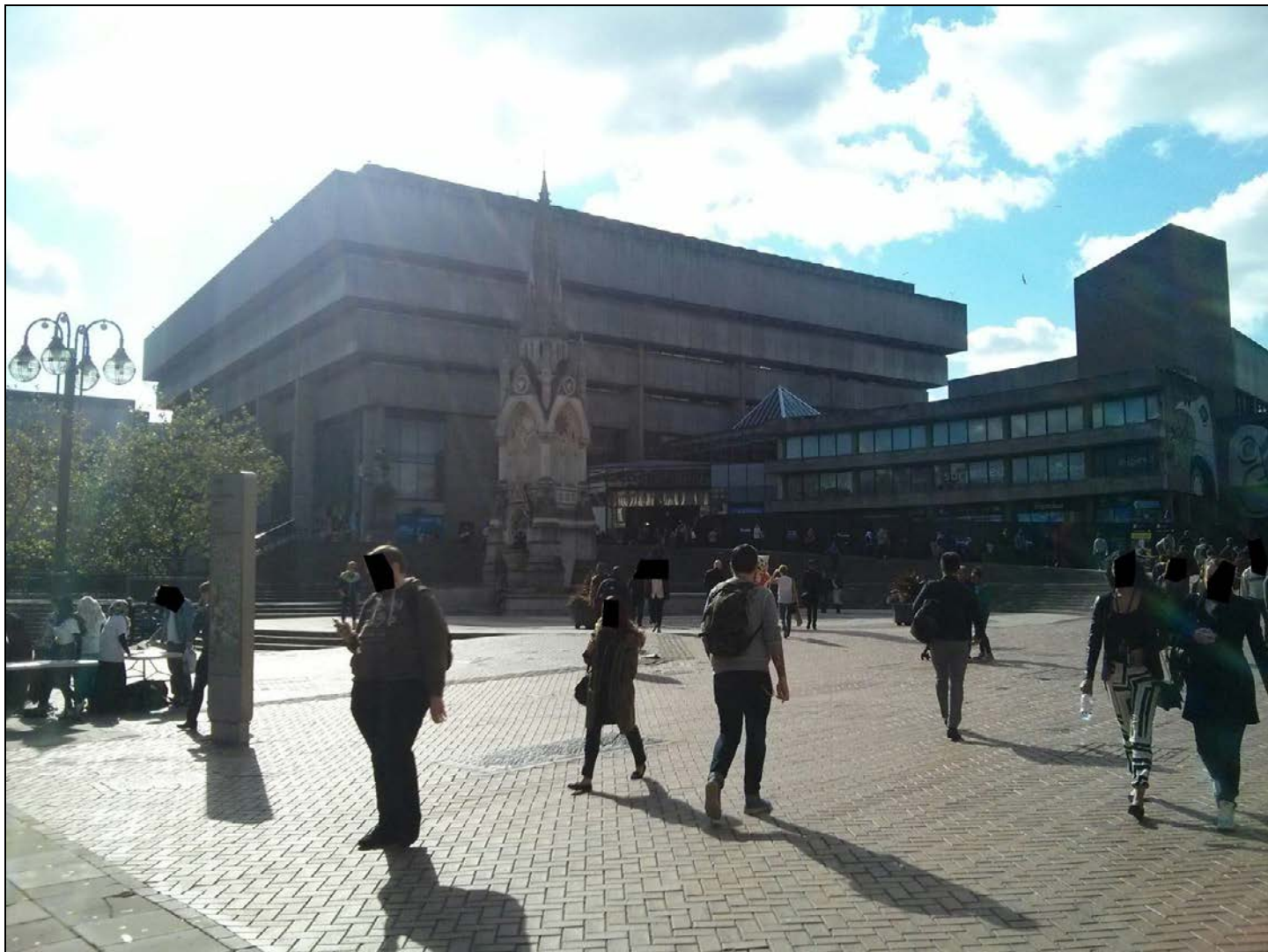


Figure 1 – the application site – currently occupied by the former Birmingham Central Library

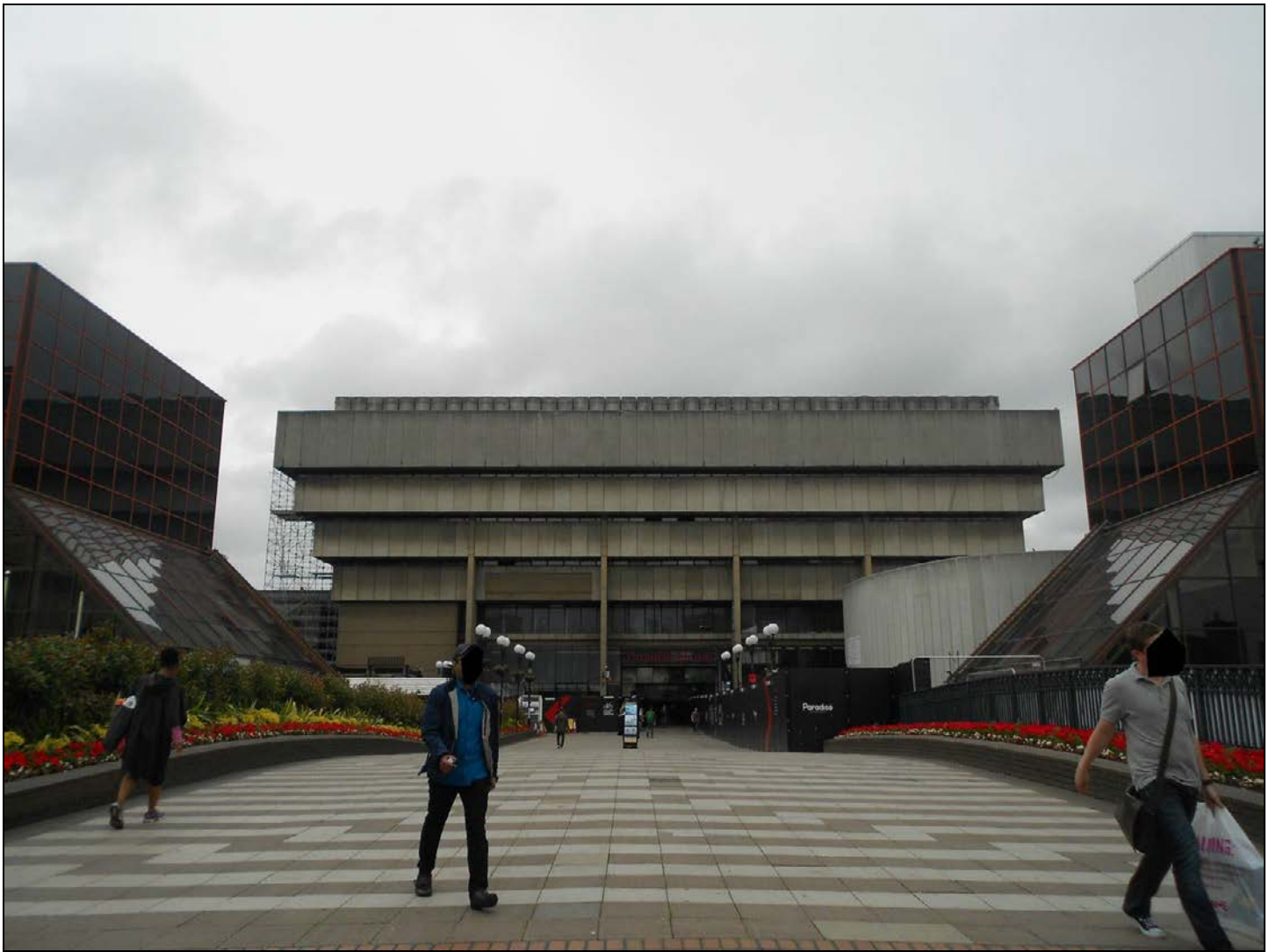


Figure 2 – The former Birmingham Central Library from Centenary Square



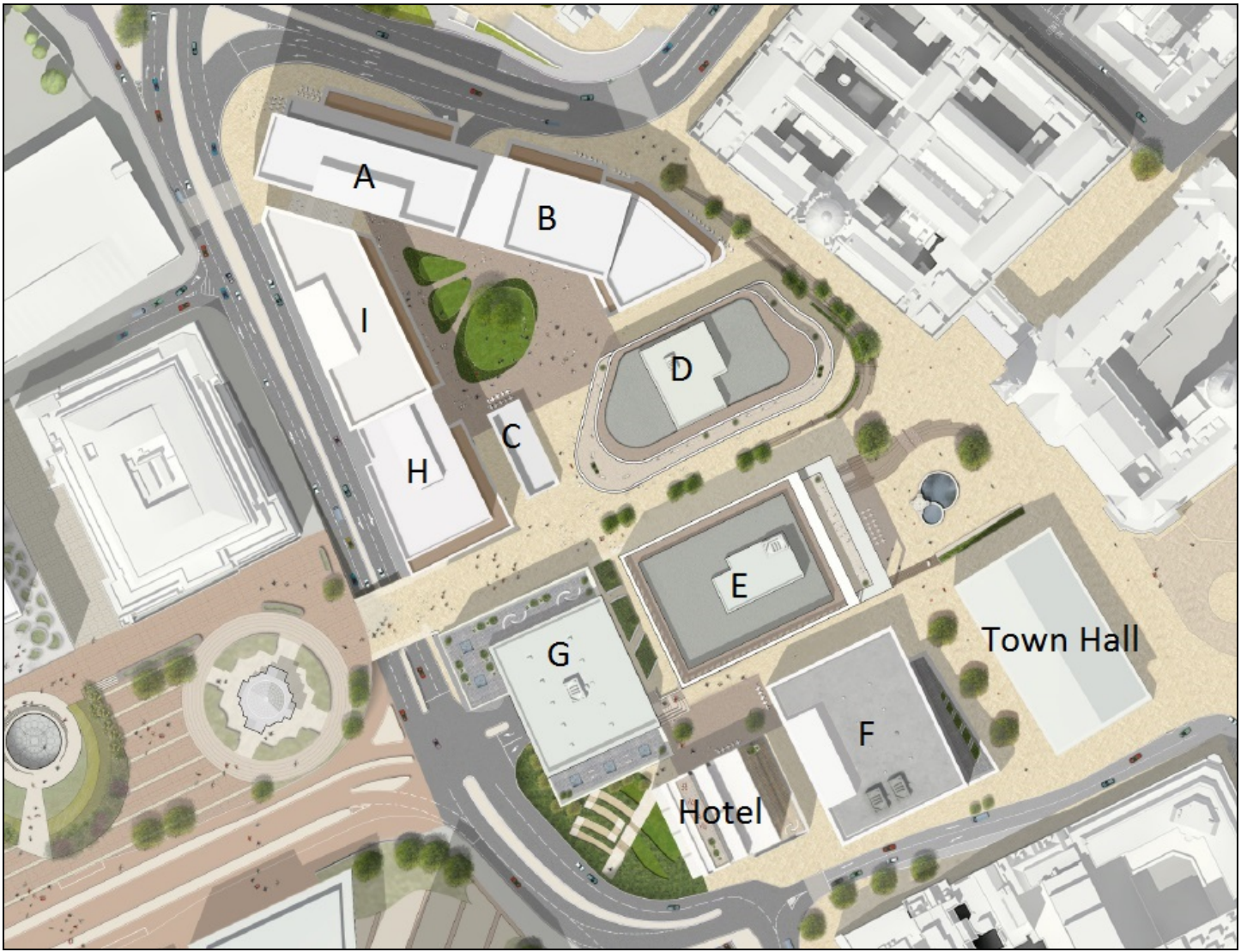
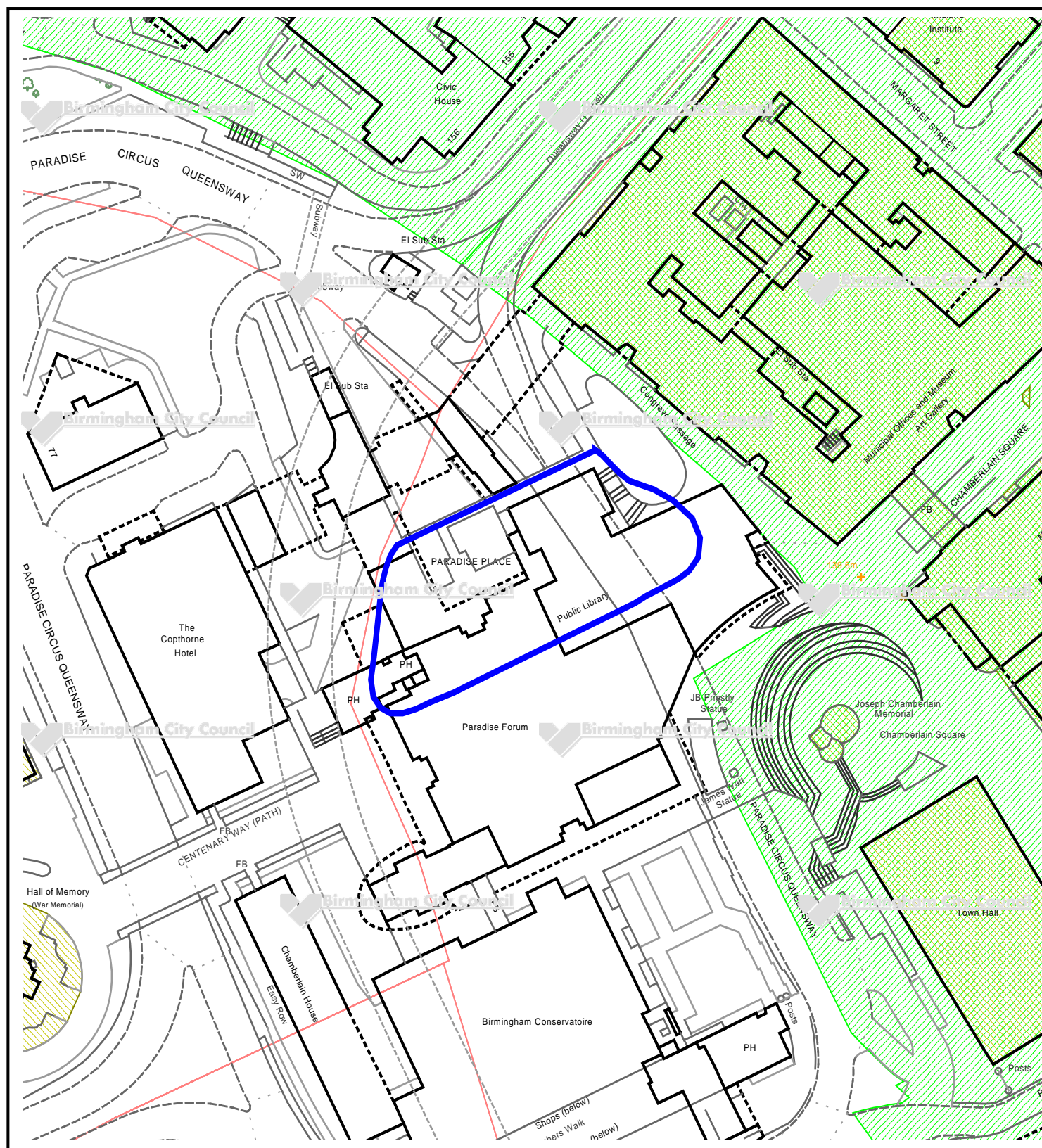


Figure 3 – The Updated Master Plan

## Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/00687/PA |
| Accepted:       | 12/08/2015 | Application Type:   | Full Planning |
| Target Date:    | 11/11/2015 |                     |               |
| Ward:           | Ladywood   |                     |               |

Land at junction of St Vincent Street & Lighthorne Avenue, City Centre, Birmingham, B16 8ER

Erection of 92 one and two bed apartments with associated landscaping and parking

|            |                                                                              |
|------------|------------------------------------------------------------------------------|
| Applicant: | Birmingham City Council<br>1 Lancaster Circus, Queensway, Birmingham, B4 7DQ |
| Agent:     | BM3 Architecture Ltd<br>28 Pickford Street, City Centre, Birmingham, B5 5QH  |

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#### Recommendation

#### **Approve Subject To A Section 106 Legal Agreement**

##### 1. Proposal

- 1.1 For reasons of probity, this report is on behalf of the Deputy Chief Executive rather than the Director of Planning and Regeneration, who in this instance is the applicant.
- 1.2 The application proposes the erection of an L shaped block of 92 apartments on a plot of land at the junction of St Vincent Street and Lighthorne Avenue. The site is currently vacant and was previously occupied by an elderly person's home which has since been demolished. This former building was set back from the St Vincent Street frontage behind a hedgerow and several trees, whereas the proposed building would be located closer to the road frontages requiring the removal of the hedgerow and three trees but would still allow six existing trees to be retained.
- 1.3 It is intended that the proposed building would deliver 92 one and two bed apartments for rent in the form of a privately managed, purpose built, rental sector development (PRS). This would be the first PRS scheme developed by the City Council. The accommodation would comprise of 24 one bed units and 68 two bed units. The apartments would be of four slightly different sizes with the one bed units having floor areas of approximately 42, 45 and 53 square metres and the two bedroom types having a floor area of approximately 72 square metres. All the main bedroom sizes exceed the 12.6 square metres recommended in Places for Living.
- 1.4 The proposed building has been designed to address both road frontages and would provide 6 floors of accommodation on the more prominent St Vincent Street frontage and on the road junction and would then step down in height to five storeys on the remainder of the Lighthorne Avenue frontage. As there is a difference in levels across the site a small basement area would be provided for use as a bike and bin storage area. The elevations to the main road frontages incorporate balconies which would curve around the corner to address the road junction. The ground floor units would each have an external terrace enclosed by a brick wall and glass balustrade.



The scheme includes projecting bays and floor to ceiling glazing. Juliet balconies would be provided to the units at the rear of the building.

- 1.5 The materials proposed would use a smooth black brick for the ground floor of the building and terrace walling, a platinum white brick to the most prominent road frontage elevations and a smooth red multi brick to the lower wing and other elevations. A number of the windows would be inset adjacent to a recessed brick panel. Window frames would be grey and the flat roof proposed would have a grey aluminium trim. The boundaries of the site would be enclosed with a mix of walls and railings. A replacement hedgerow and 20 new trees would also be provided.
- 1.6 The proposed apartments at the rear of the site would face onto a small landscaped courtyard and parking area. Overall some 1,350 square metres of amenity space is proposed within the courtyard, street frontages and around the retained trees. The car park would provide 50 normal sized parking spaces and 6 small spaces for Smart cars, a 60% provision. Space for 72 bicycles would be provided with the basement of the building a 78% provision. A new access would be provided to the car parking from Lighthorne Avenue in the north west corner of the site.
- 1.7 The application site has an area of 0.47 ha giving a density of 196 dwellings per hectare. The application has also been supported with a Planning Statement, Design and Access Statement, Transport Assessment and Travel Plan, Noise Report, Tree Survey, Ecological Appraisal, Drainage Scheme, Ground/Land Condition Report, Financial Appraisal and Heritage Assessment.

1.8 [Link to Documents](#)

## 2 Site & Surroundings

- 2.1 The application site, which is roughly triangular in shape lies on the north side of St Vincent Street where the road meets Lighthorne Avenue and has frontages to both these roads. The other boundary of the site lies adjacent to the embankment of the adjacent railway line. It was previously occupied by a two storey elderly persons home known as Richard Lorne House which was demolished about 5 years ago and the site is now enclosed with chain link fencing and a hedgerow. The site is now overgrown with self-seeded vegetation and the remains of the planting undertaken when the elderly person's home was built in the 1970's. This includes nine trees of which three are silver maple on the St Vincent Street frontage and with a further silver maple and two silver birch on the on the Lighthorne Avenue frontage.
- 2.2 The surrounding area contains a mix of residential and commercial properties. Opposite the site on the St Vincent Street frontage lies the multi storey car park serving the NIA and a modern block of 5/7 storey apartments known as Brindley Point. Further west along St Vincent Street at its junction with Sheepcote Street lies the Round House complex of buildings including the former stables and stores which are listed Grade II\*, two former dwellings and a former store which are listed Grade II. The complex also includes the Fiddle and Bone Public House.
- 2.3 On the opposite side of Lighthorne Avenue is a development of 3 storey apartments located above ground floor garages. Within the development is a small area of public open space, shop and community centre. These buildings are also set back from the road frontage behind landscaping and trees.
- 2.4 [Site Location Plan](#)



3. Planning History

- 3.1 17/2/15- 2009/00443/PA- No objection raised to demolition of unused care home and associated houses

4. Consultation/PP Responses

- 4.1 Transportation – No objection in principle but requests further information as to why some of the parking spaces are of a substandard size, wishes 100% cycle provision to be provided, requires the site gates to be set back from the highway, clarification regarding the footway, gates, refuse storage and visibility splays. Subject to clarification of these matters requests conditions covering for works on the highway (new footway crossing and remove redundant), new footway, car park gate controls, cycle parking and car parking provided prior to occupation.
- 4.2 Regulatory Services – Expressed concern regarding the noise assessment and that it has not addressed the possibility of noise from the Fiddle and Bone PH and the NIA . If permission is granted requests conditions covering provision of a site investigation and implementation of acoustic glazing and ventilation measures.
- 4.3 Ecology – No objection subject to conditions being imposed to require a Biodiversity method statement and provision of brown roofs to the building.
- 4.4 West Midlands Police – No objections in principle but has the following comments -
- The car parking is on the low side for a development of 92 units, although the site is close to a number of other parking facilities and public transport options. Spaces 51 to 56 also appear very short.
  - Recommends that each flat is treated as a separate dwelling and the development has access controls and meets the standards in the Secured by Design 'New Homes 2014' guide.
  - Recommends installation of CCTV and a lighting plan for the site particularly around the cycle storage facilities and the entrances to the building.
  - Requests clarification regarding the location of and access to the cycle storage and whether there will be 24 hour staff.
- 4.5 Network Rail – have the following comments-
- Requests that the developer submit a risk assessment and method statement (RAMS) for the proposal considering any potential impact on Network Rail land and the operational railway.
  - Requests that a number of planning conditions are imposed requiring submission of drainage details to ensure they are directed away from the railway, details of any vibro-impact works on site and details of any alterations to ground levels, earthworks and excavations that are to be carried out near to the railway boundary.
  - That details of proposed scaffolding works be submitted for their review and approval and that the developer ensures there is a minimum 2 metres gap between the buildings and their boundary fencing.
  - That no trees and only evergreen shrubs are planted next to the boundary with their land and the operational railway.
- 4.6 Severn Trent Water – No objection subject to a drainage condition being imposed.
- 4.7 West Midlands Fire Service – No objection

- 4.8 Conservation and Heritage Panel – Considered the proposals at their meeting on 13 April 2015 and made the following comments:-
- The panel welcomed the scheme and felt the architectural approach in terms of fenestration and choice of materials was appropriate.
  - It was considered by the panel that the proposal was a major improvement to the area and did not conflict with the setting of the listed building.
  - The panel felt that the scale and mass of the building was appropriate and supported the variety in form of the architectural concept particularly the curved elevation fronting onto the junction of St Vincent Street and Lighthorne Avenue.
  - The Heritage Impact Assessment should refer to the Historic Environment Records

- 4.9 Ward Councillors, MP, neighbours and residents associations notified of the application and site/press notices displayed. No comments received.

## 5. Policy Context

- 5.1 Birmingham Unitary Development Plan (2005), Submitted Birmingham Development Plan, Birmingham Big City Plan; National Planning Policy Framework, Supplementary Planning Policies Places for Living SPG; Affordable Housing SPG, Car Parking Guidelines SPD and Public Open Space and New Residential Development SPD.

## 6 Planning Considerations

### 6.1 **Background**

- 6.2 In October 2013, Cabinet approved the Birmingham Housing Growth Plan which supports the Birmingham Development Plan and sets out the challenges faced by the Council in providing enough homes for a growing city. It outlines a number of measures which the Council should take to accelerate the delivery of new homes across the city and recognises the rapid growth of the private market rented sector. The Plan notes that this tenure has the potential to make a significant contribution to the housing targets and that the Council has a role to play in positively supporting the growth of this market. It considers that there is an opportunity for the Council to lead by example and act as a developer of private rented homes which also offers the opportunity to drive up the quality of accommodation in this sector encouraging an improved housing offer. On 28th April 2014, Cabinet therefore approved the establishment of a wholly owned company to assist in the delivery of the Council's housing development and regeneration objectives.

- 6.3 At a subsequent Cabinet meeting on 8 December 2014 a full business case was made and agreed for the development, by the wholly owned company, of the current application site with a scheme of market units for rent. It is not intended that the market rent company would replace development of new homes through the BMHT programme but would complement the programme by enabling mixed tenure options to be developed on Council owned land. It is proposed that the wholly owned company will develop and hold the initial scheme of 92 apartments proposed at St Vincent's Street and that the site will be managed through a residential property management company. Tenancies will be on a shorthold basis at market rents. It is therefore intended that this proposal will create an additional mechanism for the Council to directly provide new homes in the City.

### 6.4 **Main Issues**

- 6.5. The main issues are whether the use of the site for housing is acceptable and if so whether the layout and design proposed is appropriate. Also to be considered is the impact of the development on the nearby listed building and on neighbouring properties and whether adequate parking facilities and affordable housing and public open space are to be provided.

## 6.6 **Policy**

- 6.7 The application site is not specifically identified for development in the UDP but the document emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation of the City. Other UDP policies seek to maximise the replacement rate on cleared sites subject to the provision of high quality accommodation within a high quality environment. The UDP requires that that new housing developments should provide an appropriate environment, a suitable housing density and mix and encourages a full range of housing types and sizes.

- 6.8 The site is identified as a site for housing in the Strategic Housing Strategic Housing Land Availability Assessment (2014) produced in connection with the draft BDP. This document states that proposals for new housing should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. New housing should be provided at a target density responding to the site, its context and the housing need, with densities of at least 100 dwellings per hectare within the City Centre. The NPPF also encourages Local Authorities to approve sustainable development and to create strong, vibrant and healthy communities with a supply of housing required to meet the needs of present and future generations.

- 6.9 The application site is a former housing site located within the city centre and its use for housing is therefore considered to be acceptable in principle. Although there was previously a two storey building on the site a higher density scheme as now proposed is considered to be in keeping with other residential schemes in the immediate area that are predominately apartments. This would also comply with development plan policies, which seeks higher density schemes on sites within the city centre.

## 6.10 **Layout/Design**

- 6.11 The proposed layout has sought to address the key views of the site from St Vincent Street and down Sheepcote Street as well as ensuring the existing trees on the site frontage can be retained. There would be the loss of three trees as a result of the development but one of these is in the centre of the site and the other two are next to the railway embankment and low value category C. The tree officer raises no objection to the loss of these three trees but requests more details of site levels to ensure the retained trees can be satisfactorily kept. This is covered through the recommended conditions.

- 6.12 The layout positions the proposed building to the site frontages and locates the parking for the site at the rear so it is screened from general view and adjoins the noisier boundary with the railway line. In terms of scale, the height of the surrounding buildings vary in height from 4-7 storeys apart from the 2 storey listed buildings at the Round House. The proposed 5/6 storey height of the proposed building is considered to be acceptable and would integrate the development with surrounding buildings.

- 6.13 The design proposed includes a curve on the building to address the road junction which is reinforced by the proposed wrap around corner balconies. The materials

proposed are a relatively subdued pallet of a dark black brick for the ground floor, a red multi brick and a smooth white brick for the upper floors to add interest to the facade. The colour and texture chosen has been designed to help tie the scheme with the existing development so as not to compete with the plain brick facades of the nearby listed buildings. The applicant advises that all doors and windows will comply with Secured by Design.

- 6.14 The sizes of the proposed apartments are considered to be acceptable as all the main bedrooms meet the guidance in Places for Living. The larger units have two similar sized bedrooms and two bathrooms so that they would be attractive to sharers. Most of the apartments would have a terrace or balcony and a shared amenity area is also proposed to the rear of the building. The retained trees would also be set within further landscaped amenity spaces on the site frontages and 20 new trees are proposed which would more than compensate for the 3 trees being removed. Overall the layout and design of the development is considered to be acceptable.

**6.15 Impact on Listed Buildings**

- 6.16 A Heritage Statement was submitted with the application and has since been amended to include reference to the Historic Environment Records as requested by the Conservation and Heritage Panel. The report concludes the present vacant condition of the application site does not benefit the setting of the listed buildings in terms of their historic context or urban form. The proposed development is of a similar height and scale to the existing apartments on the Sheepcote Street/St Vincent Street corner but set further away. It considers that the development would have a beneficial effect on the setting of the listed buildings by further helping to re-establish the urban form in this area. Officers concur with these conclusions.

- 6.17 In addition the application proposals were supported by Conservation and Heritage Panel who welcomed the scheme and felt the architectural approach in terms of fenestration and choice of materials was appropriate. They considered the proposal was a major improvement to the area and did not conflict with the setting of the listed building. They also supported the variety in form of the architectural concept particularly the curved elevation fronting onto the junction of St Vincent Street and Lighthorne Avenue.

**6.18 Impact on Neighbours**

- 6.19 The nearest residential properties to the site are the 5/7 storey apartments at Brindley Point which lie on the opposite site of St Vincent Street. The separation distance between the front facades of the existing and proposed building would be about 16 metres, which is less than the guidance recommended in Places for Living, although the document states that this standard will be more strictly applied at the rear rather than at the front of buildings. The site lies in the city centre where surrounding development comprises of blocks of apartments situated on the back of the footways on the opposite site of the street or on opposite sides of the canal. Reduced separation distances between the fronts of buildings are therefore common in this area. It is therefore not considered that there would be an unacceptable loss of privacy or overshadowing of nearby properties.
- 6.20 On the Lighthorne Avenue frontage the existing flats are set back from the road frontage so the minimum separation distances would be about 25 metres and there is also a row of planting in front of the buildings. The development is therefore not considered to have an adverse impact on neighbouring properties.

- 6.21 It will be noted from the comments received from Regulatory Services that they have concerns that the noise assessment has not considered possible noise from the NIA and Fiddle and Bone public house which are located near to the application site. There is existing residential development closer to these commercial properties than the application site so it is not considered that the presence of these of uses would preclude residential development on the site. The applicants have however been asked to update their noise report to include an assessment of the impact of the NIA and public house on the proposed development. The noise report already recommends the implementation of acoustic glazing and ventilation measures and a condition is recommended to ensure this is implemented either as currently proposed or as amended.
- 6.22 **Parking**
- 6.23 Transportation raises no objections in principle to the development but has requested further information regarding the 6 substandard parking spaces and other minor amendments to the application. Further information has been provided and any additional comments from Transportation will be reported at Committee.
- 6.24 Transportation also comment that the site was previously a residential BCC care home and the supporting Transport Assessment notes a minimal level of additional traffic impact on the highway with 23 two way peak hour trips in the am and pm peak period. They note the plans show 56 parking spaces but as only 6 of these spaces are suitable for Smart type cars they have assumed a provision of 50 spaces which equates to a provision of 54%. BCC guidelines seek an average of 1 space per dwelling but given the location being close to the City centre with on street parking controls they have no objection to this level of parking being provided. Conditions are recommended to require that the highway works requested by Transportation are provided as well as provision of a travel plan and cycle spaces.
- 6.25 **Affordable Housing/Public open space**
- 6.26 As the development proposes more than 15 dwellings the UDP and SPD guidance on affordable housing and public open space apply. No affordable dwellings are proposed and the amenity open space on the site is for the benefit of residents of the development only and would not be available for public use. The SPD guidance on public open space for residential development allows an off-site contribution to be made in lieu of on-site provision. Using the calculations set out in the SPD this would require an off-site contribution of £169,000.
- 6.27 The applicants have submitted a financial appraisal to show that as the development would provide accommodation for private market rent that the scheme represents a longer term investment. Assuming the building is ready for occupation by October 2016 the development would not break even or create a surplus until 2020/21. A further viability assessment has also been prepared on the basis that the development provided market units for sale as a comparison. Both viability appraisals have been independently assessed and it is accepted that the development would only generate a very small profit if it was developed as dwellings for sale. However as a PRS scheme as proposed the development would be financially sustainable and generate a return to the Council over the long term.
- 6.28 Initially the applicants offered a financial contribution of £50,000 towards the provision/improvement of community facilities in Ladywood Ward rather than public open space and off-site affordable housing. The request that some of the contribution

be used towards improvements to Ladywood Health and Community Centre has been suggested as this is a local facility considered to be in need of refurbishment. Following negotiations the contribution offered has been increased to £250,000 which is considered to be acceptable and would accord with policy and the CIL Regulations 2010. It is also more in line with the scale of contributions recently achieved on other apartment schemes in the city centre. The applicants have however asked that the payments be staged so that only £50,000 is paid on first occupation of the development, a further £100,000 is paid on year 3 following first occupation and the final payment of £100,000 is paid on year 5. This would be acceptable as the scheme is to provide rental units and the returns represent a longer term investment, subject to restrictions within the planning obligation to ensure the contributions are paid if the apartments are subsequently sold

## **6.29 Other Matters**

- 6.30 The Council's ecologist has requested that the development provides a brown roof however the applicants have responded that this is not feasible on the grounds of cost and maintenance. In view of this response conditions are recommended to ensure that other ecological enhancements are included within the development such as provision of appropriate wildlife friendly landscaping and bird boxes. It will be noted that Network Rail has requested that a number of conditions be imposed to ensure the development would not cause any adverse impact on the operational railway. The comments from Network Rail have been passed onto the applicants who will need a separate approval from Network Rail.

## **7. Conclusion**

- 7.1 The application site is a brownfield land within the city centre previously occupied by a care home. Its redevelopment with a scheme of apartments is therefore considered to be acceptable in principle. The scale of the development, layout and design of the new building are considered to be appropriate for the location and it is not considered that there would be any adverse impact on neighbouring properties or on the setting of the nearby listed buildings. The parking provision is considered to be adequate for the site which occupies a sustainable and accessible city centre location.
- 7.2. It is therefore considered that the application is acceptable subject to conditions and completion of a Section 106 agreement to secure a financial contribution of £250,000 towards off-site affordable housing and community facilities/public open space in Ladywood ward.

## **8. Recommendation**

- 8.1. That consideration of planning application 2015/00687/PA be deferred pending the completion of a suitable Section 106 legal agreement to secure the following:
- a) A financial contribution of £250,000 (index linked from the date of this resolution) towards off-site affordable housing and/or improvements to Ladywood Health and Community Centre of which £50,000 is paid on first occupation of the development, a further £100,000 to be paid on year 3 following first occupation and £100,000 is paid on year 5 following first occupation.
  - b) That in the event of any of the apartments being sold before financial contributions are made an alternative timetable for payment of the contributions be agreed

c) The payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the financial contribution sum, subject to a maximum of £10,000.

8.2 In the absence of the suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 10th November 2015 then planning permission be refused for the following reasons:

- a) In the absence of any suitable legal agreement to secure a financial contribution towards off site provision of affordable housing the proposal conflicts with Policies 5.37 A-D of the Birmingham Unitary Development Plan 2005, Affordable Housing SPG, Policy TP30 of the draft Birmingham Development Plan 2031 and NPPF.
- b) In the absence of any suitable legal agreement to secure a financial contribution towards community facilities in Ladywood Ward the proposal conflicts with Policies 8.51 and 8.52 of the Birmingham Unitary Development Plan.

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

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 10th November 2015, favourable consideration be given to this application, subject to the conditions listed below.

- 
- |    |                                                                                                                            |
|----|----------------------------------------------------------------------------------------------------------------------------|
| 1  | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 2  | Requires the prior submission of a drainage scheme                                                                         |
| 3  | Requires the prior submission of a scheme for ecological enhancement measures                                              |
| 4  | Requires the prior submission of hard and/or soft landscape details                                                        |
| 5  | Requires the prior submission of hard surfacing materials                                                                  |
| 6  | Requires the prior submission of retaining wall details                                                                    |
| 7  | Requires the prior submission of sample materials                                                                          |
| 8  | Requires the prior submission and completion of works for the S278/TRO Agreement                                           |
| 9  | Requires the prior submission of a lighting scheme                                                                         |
| 10 | Requires the prior submission of a parking management strategy                                                             |
| 11 | Requires the provision of cycle parking prior to occupation                                                                |
| 12 | Requires the prior submission of a residential travel plan                                                                 |
| 13 | Requires the prior submission of substation details                                                                        |
| 14 | Requires the parking area to be laid out prior to use                                                                      |
| 15 | Requires gates to be set back and submission of gate controls                                                              |
-



- 
- 16 Arboricultural Method Statement - Submission Required
  - 17 Requires the implementation of tree protection
  - 18 Requires the prior submission of any tree works
  - 19 Requires the prior submission of a contaminated land verification report
  - 20 Limits the noise levels for Plant and Machinery
  - 21 Requires implementation of noise mitigation measures
  - 22 Requires the provision of refuse storage facilities
  - 23 Requires the scheme to be in accordance with the listed approved plans
  - 24 Limits the approval to 3 years (Full)
- 

Case Officer: Lesley Sheldrake

## Photo(s)



Figure 1-View of site from junction of St Vincent Street and Lighthorne Avenue



Figure 2- View of site frontage to St Vincent Street





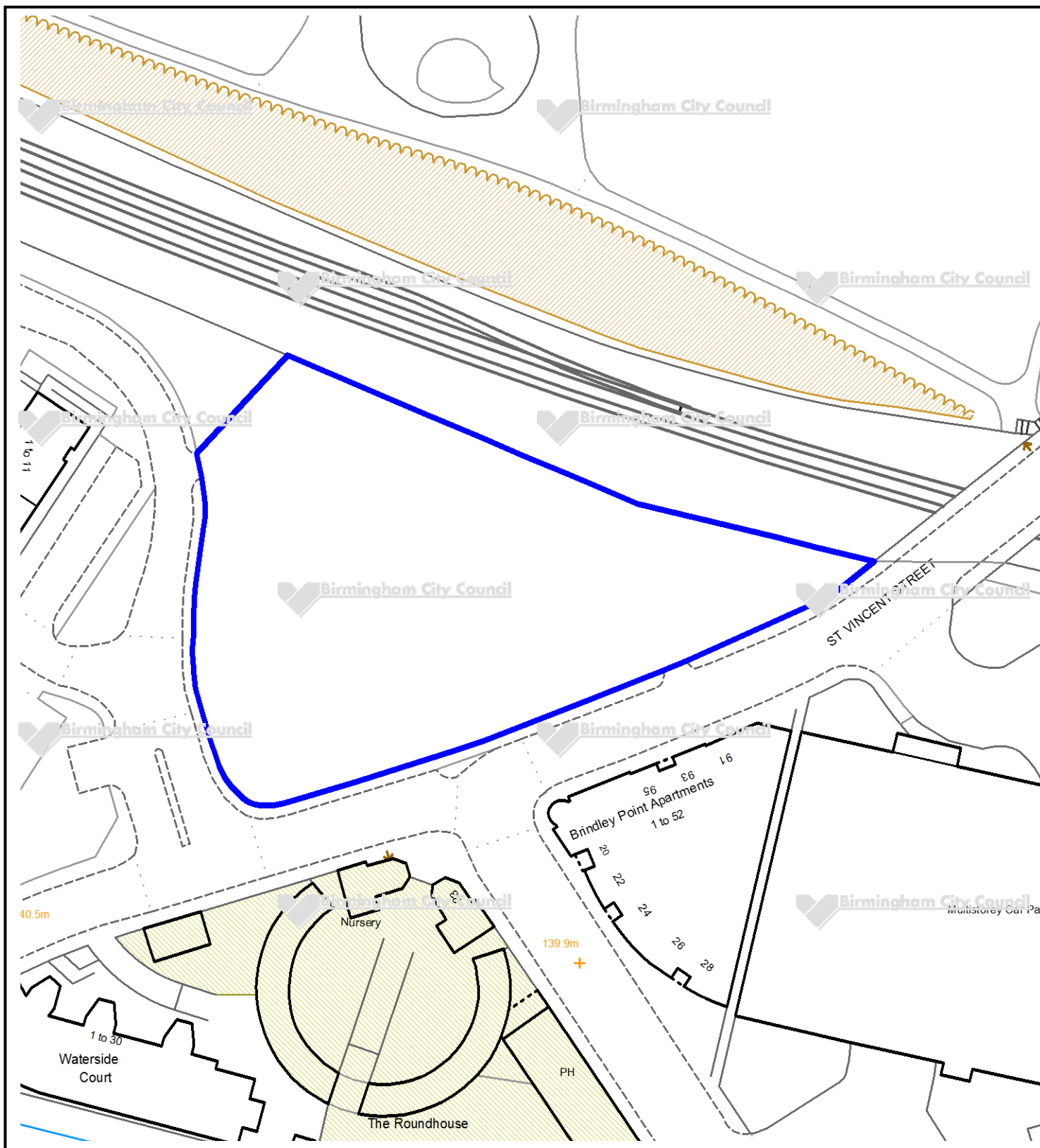
**Figure 3: View from St Vincent Street towards the listed buildings at The Round House**



**Figure 4: Internal site view**



## Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/06283/PA |
| Accepted:       | 05/08/2015 | Application Type:   | Advertisement |
| Target Date:    | 30/09/2015 |                     |               |
| Ward:           | Edgbaston  |                     |               |

Lee Bank Middleway (before junction Ryland Road), City Centre, Birmingham, B15 2BW

Installation of double-sided digital advertising totem

Applicant: Birmingham City Council  
Commercial Development, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

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Recommendation

**Approve Temporary**

1. Proposal

- 1.1. This application seeks advertisement consent for the installation 1 no. internally illuminated double sided freestanding advertising unit on Lee Bank Middleway before the junction of Ryland Road.
- 1.2. The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1m (w). The unit would be digital matrix and stainless steel and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre. The proposed advert would replace an existing internally illuminated freestanding advertising column at the same location.
- 1.3. The proposed advert unit is part of a contract with the City.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a grassed area with a number of trees nearby where there is an existing advertising column before the junction of Ryland Road. To the south east are residential properties.

[Site Location](#)

3. Planning History

- 3.1. 08/11/1990 - 1990/04064/PA - Information columns – Approve Subject to Conditions

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management have been notified. No response has been received.
- 4.2. Transportation Development – No objections subject to conditions that intervals between successive displays are instantaneous, no special visual effects, no fading, swiping or other animated transition methods, no special visual effects, no animated, flashing, scrolling, intermittent or video elements, minimum display time of 8 seconds, the complete screen display must change instantly, there must not be change in light patterns, limited to two dimensional display, must not display messages, emit noise, sound, smoke, smell or odours, default mechanism, not include interactive messages, the advert should include a dimmer control and photo cell to constantly monitor ambient light conditions and adjust sign brightness and illumination shall be no greater than 300 candelas. Additionally, they require the relevant Highway agreement to be in place prior to the unit being installed.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005, Draft Birmingham plan 2031 and National Planning Policy Framework

6. Planning Considerations

- 6.1. The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety.

AMENITY

- 6.2. The proposed advertisement unit would replace an existing advertisement column which measures 6.2m (h) x 2.3m at the widest point. It is considered the proposal would have less of an impact to the amenity of the surrounding area and would be in scale with the surrounding buildings and structures. In addition, my Tree Officer considers there would be no tree issues. It is therefore considered the proposal would have not result in a concentration of advertisements within the surrounding area. On balance, it is considered the proposal would not result in unacceptable clutter and would be acceptable in this location.

PUBLIC SAFETY

- 6.3. Transportation Development have noted that the proposed advertisement would replace an advert tower, therefore would be smaller, is set back from the carriageway on the grass verge and would have no effects on visibility splay requirements. As such no objections have been raised subject to conditions. It has been advised to attach a condition to require the necessary highway agreements to be in place prior to the construction of the advertisement on site. It is however considered that such a condition would duplicate other controls and would therefore be unreasonable. Therefore an informative is proposed to advise as such.

7. Conclusion

- 7.1. I consider the proposal to be acceptable.

8. Recommendation

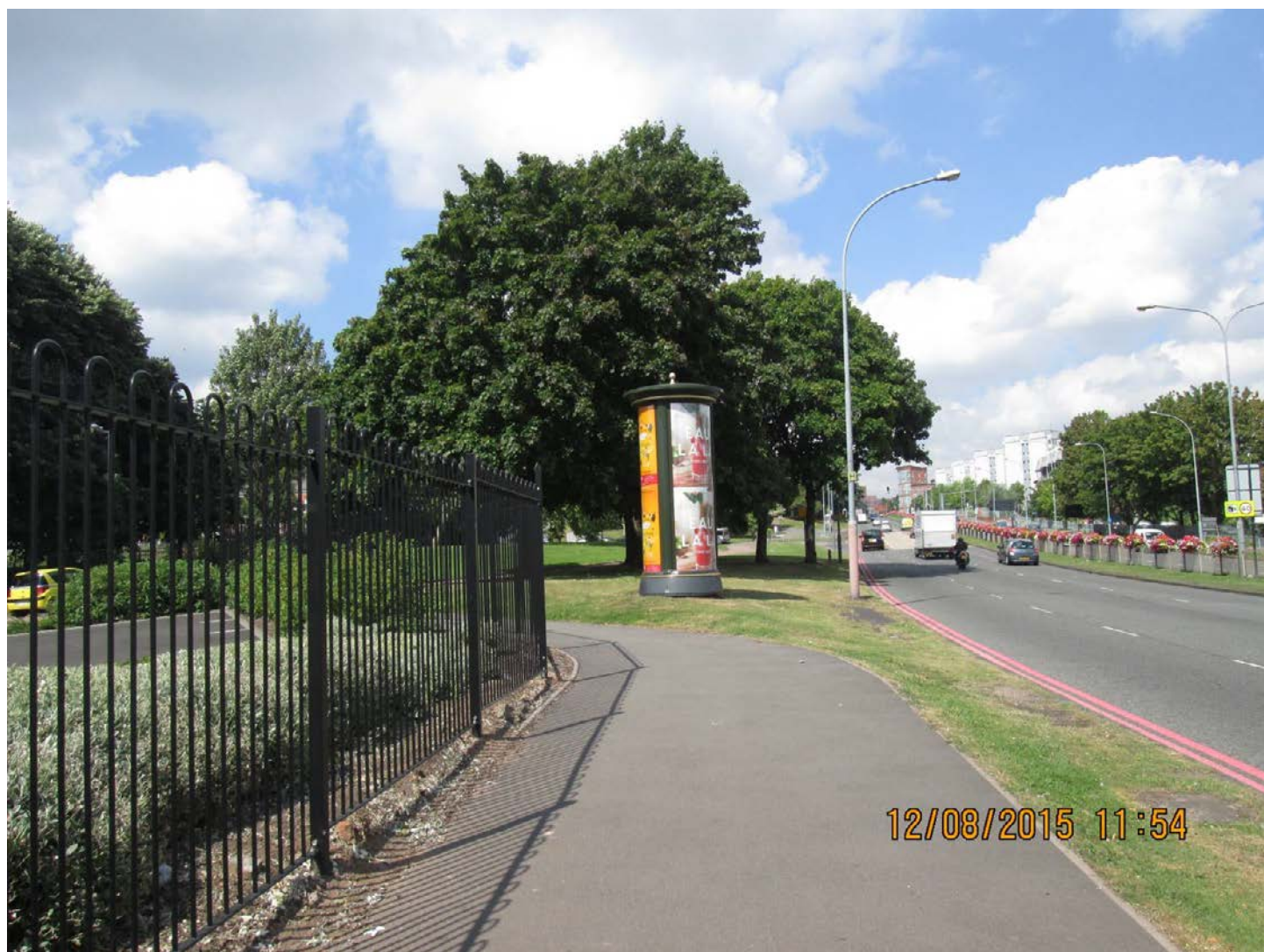
8.1. Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
- 

Case Officer: Anh Do



**Photo(s)**



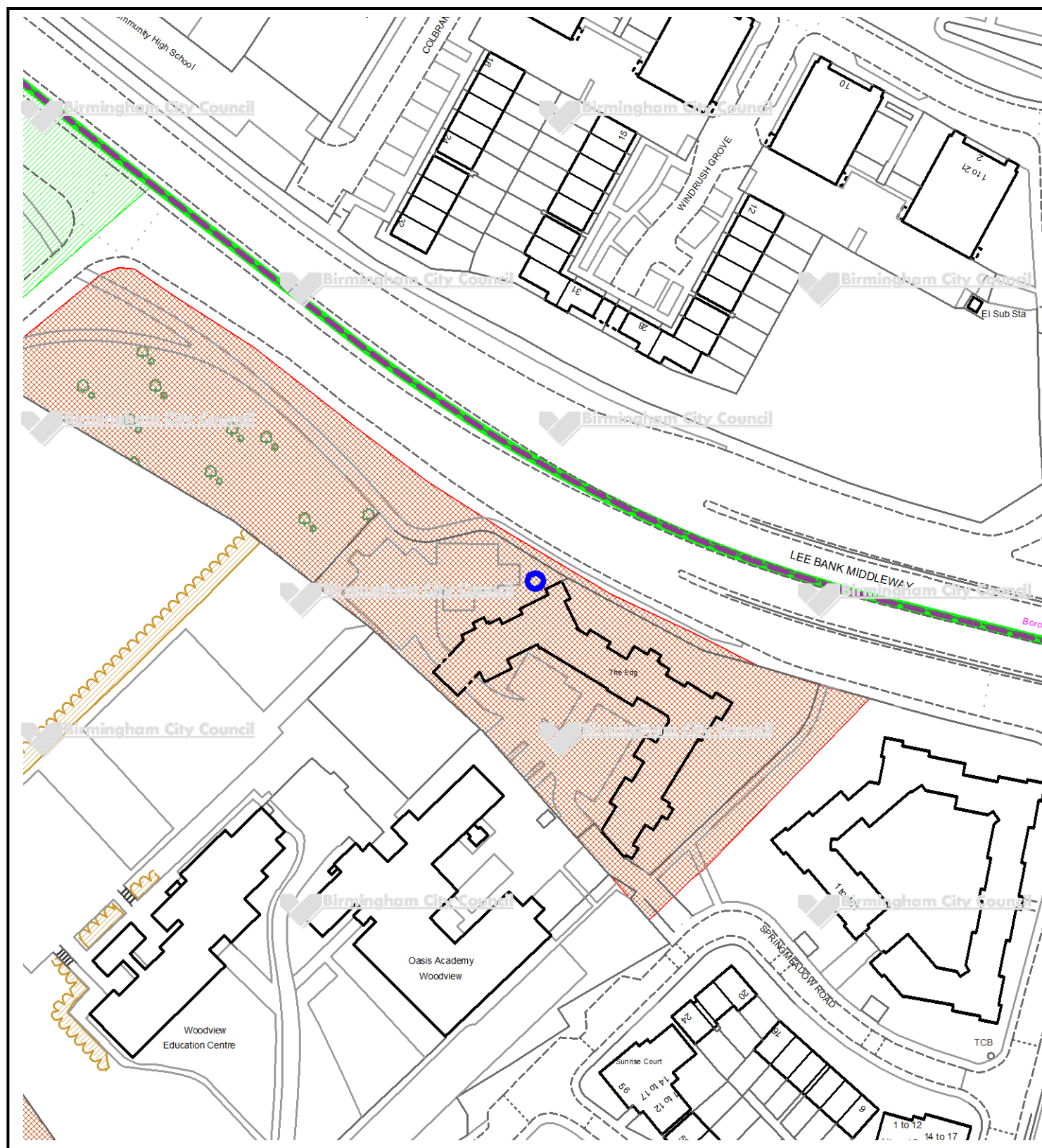
View North West



View South East



## Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/06285/PA |
| Accepted:       | 05/08/2015 | Application Type:   | Advertisement |
| Target Date:    | 30/09/2015 |                     |               |
| Ward:           | Ladywood   |                     |               |

Smallbrook Queensway, City Centre, Birmingham, B5 4HP

Installation of double-sided digital advertising totem

Applicant: Birmingham City Council  
Commercial Development, Room 237, Council House, Victoria  
Square, Birmingham, B1 1BB

Agent:

---

Recommendation  
**Approve Temporary**

1. Proposal

- 1.1. This application proposes the installation of a freestanding double sided digital advert to be located on the north side of Smallbrook Queensway, approximately 15m east of the junction with Hill Street.
- 1.2. The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The unit would be digital matrix and stainless steel and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre. The proposed advert would replace an existing internally illuminated freestanding advertising column at the same location.
- 1.3. The proposed advert unit is part of a contract within the City.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The advertisement would be sited at the point in the 7m wide pavement where it divides into a higher and lower level defined by a row of trees and steps. City Centre House office development provides the frontage to the application site at this location.

2.2. [Location Plan](#)

3. Planning History

- 3.1. 1996/02895/PA - 16 free-standing commercial advertising/council information panels, and 2 free-standing commercial advertising/council information columns – Approved 17.04.1997

- 3.2. 2014/04716/PA - Display of 8 non-illuminated lamppost advertisement banners – Approved 01/07/2014

4. Consultation/PP Responses

- 4.1 BCC Transportation Development – No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit; and finally to require the relevant Highway agreements to be in place prior to the unit being installed.
- 4.2 An objection has also been submitted by Southside BID which firstly raises a concern that the siting of the totem is in direct conflict to the long term plan of providing a wide pedestrian crossing across Smallbrook Queensway as part of the walking route from Grand Central to Southside. Secondly there is an objection to the number of totems and there is a request for a moratorium on new applications for new totems in the area of Grand Central.
- 4.3 Birmingham City Centre Management, BCC City Design Team have also been consulted but no responses received.

5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

6 Planning Considerations

- 6.1 According to paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

AMENITY

- 6.2 The proposed freestanding advert would be sited in an area where there is a considerable amount of street furniture including lighting columns, traffic lights, planters, bins, railings, bollards and trees.
- 6.1 An objection has been submitted with respect to the number of advertisements adding to the clutter of street furniture, however in this case the proposed totem would replace an existing internally illuminated freestanding advertising column reaching an overall height of 6.2m with a width of 2.3m. It is considered that due to the reduction in the height and width of the proposed replacement it would appear less prominent within the street scene and there would be no adverse impact upon amenity.

PUBLIC SAFETY

- 6.2 BCC Transportation Development have noted that the proposed advert would replace an advertising column, and therefore the existing footway width would be retained. Furthermore the proposed advert would be set in the lower level footway area

whereas the majority of pedestrians walk on the upper level, and it would have no effect on visibility splay requirements. No objections have been raised subject to a condition to control the display of the advertisement. It has also been advised to attach a condition to require the necessary highway agreements to be in place prior to the construction of the advertisement on site. It is however considered that such a condition would duplicate other controls and would therefore be unreasonable. Therefore an informative is proposed to advise as such.

## OTHER

- 6.3 The objection from the Southside BID also refers to the conflict with the EZ Connecting Economic Opportunities project, a City Council plan to increase pedestrian connectivity between New Street Station / Grand Central and Southside / the Birmingham Smithfield site. This plan will realise improvements to the junction of Smallbrook Queensway with Hill Street and Hurst Street, although the detailed design of the junction has yet to be finalised. It is considered however that the proposed siting of the advertisement is at a sufficient distance from the junction not to conflict with this forthcoming plan.

## 7 Conclusion

- 7.1 The proposed advert is considered acceptable in terms of the impact upon the amenity of the area and public safety.

## 8 Recommendation

- 8.1 Approve temporary

- 
- |   |                                                                        |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the use of advert                                               |
| 3 | Limits length of the display of advert                                 |
| 4 | Limits the control of the intensity of the illumination                |
| 5 | Limits the approval to 5 years (advert)                                |
- 

Case Officer:            Julia Summerfield



**Photo(s)**

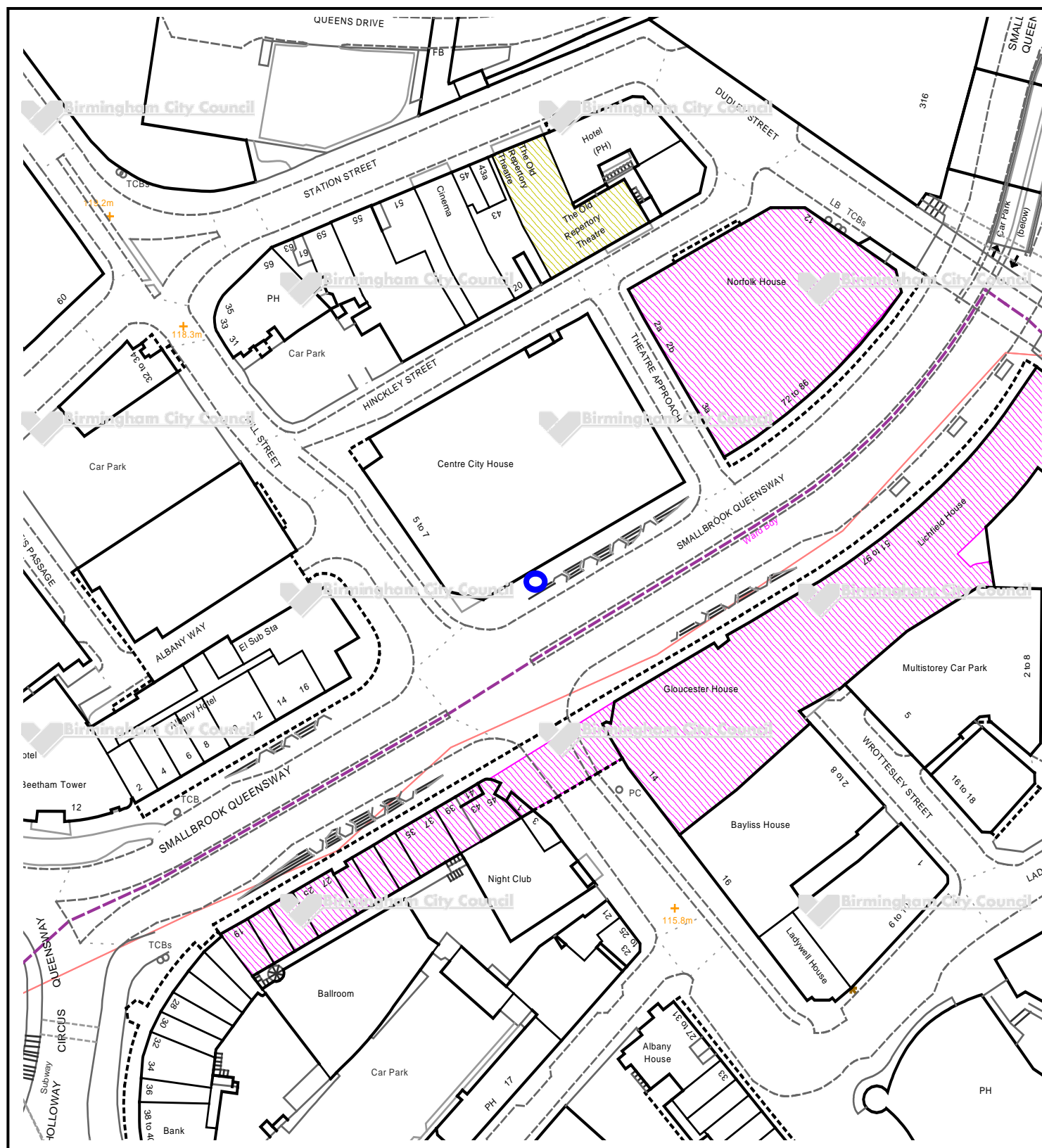


View East



View West

# Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/06281/PA |
| Accepted:       | 05/08/2015 | Application Type:   | Advertisement |
| Target Date:    | 30/09/2015 |                     |               |
| Ward:           | Edgbaston  |                     |               |

Lee Bank Middleway (S Side), City Centre, Birmingham, B15 2BW

Installation of double-sided digital advertising totem

Applicant: Birmingham City Council  
Commercial Development, Room 237, Council House, Victoria  
Square, Birmingham, B1 1BB

Agent:

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Recommendation

**Approve Temporary**

1. Proposal

- 1.1. This application seeks advertisement consent for the installation 1 no. internally illuminated double sided freestanding advertising unit on Lee Bank Middleway.
- 1.2. The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1m (w). The unit would be digital matrix and stainless steel and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre. The proposed advert would replace an existing internally illuminated freestanding advertisement panel at the same location.
- 1.3. The proposed advert unit is part of a contract with the City.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a pavement in close proximity to the junction of Lee Bank Middleway and Bristol Road. To the south of the site is a McDonald's drive thru restaurant. Approximately 60m to the west are residential properties.

[Site Location](#)

3. Planning History

- 3.1. 18/03/1992 - 1990/03462/PA - Erection of council information panels – Approve Subject to Conditions



4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management have been notified. No response has been received.
- 4.2. Transportation Development – No objections subject to conditions that intervals between successive displays are instantaneous, no special visual effects, no fading, swiping or other animated transition methods, no special visual effects, no animated, flashing, scrolling, intermittent or video elements, minimum display time of 8 seconds, the complete screen display must change instantly, there must not be change in light patterns, limited to two dimensional display, must not display messages, emit noise, sound, smoke, smell or odours, default mechanism, not include interactive messages, the advert should include a dimmer control and photo cell to constantly monitor ambient light conditions and adjust sign brightness and illumination shall be no greater than 300 candelas. Additionally, they require the relevant Highway agreement to be in place prior to the unit being installed.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005, Draft Birmingham plan 2031 and National Planning Policy Framework

6. Planning Considerations

- 6.1. The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety.

AMENITY

- 6.2. The application site is adjacent to a busy main road. It is considered the proposal would be in scale with the surrounding buildings and structures. In addition, the proposed advertisement unit would replace an existing advertisement panel. It is therefore considered the proposal would have not result in a concentration of advertisements within the surrounding area. On balance, it is considered the proposal would not result in unacceptable clutter and would be acceptable in this location.

PUBLIC SAFETY

- 6.3. Transportation Development have noted that the proposed advertisement would be a replacement for a sign already in situ, would retain a suitable footway width and would have no effect on visibility splay requirements. As such no objections have been raised subject to conditions. It has been advised to attach a condition to require the necessary highway agreements to be in place prior to the construction of the advertisement on site. It is however considered that such a condition would duplicate other controls and would therefore be unreasonable. Therefore an informative is proposed to advise as such.

7. Conclusion

- 7.1. I consider the proposal to be acceptable.

8. Recommendation

- 8.1. Approve Temporary

- 
- 1 Limits the use of advert
  - 2 Limits length of the display of advert
  - 3 Limits the control of the intensity of the illumination
  - 4 Requires the scheme to be in accordance with the listed approved plans
  - 5 Limits the approval to 5 years (advert)
- 

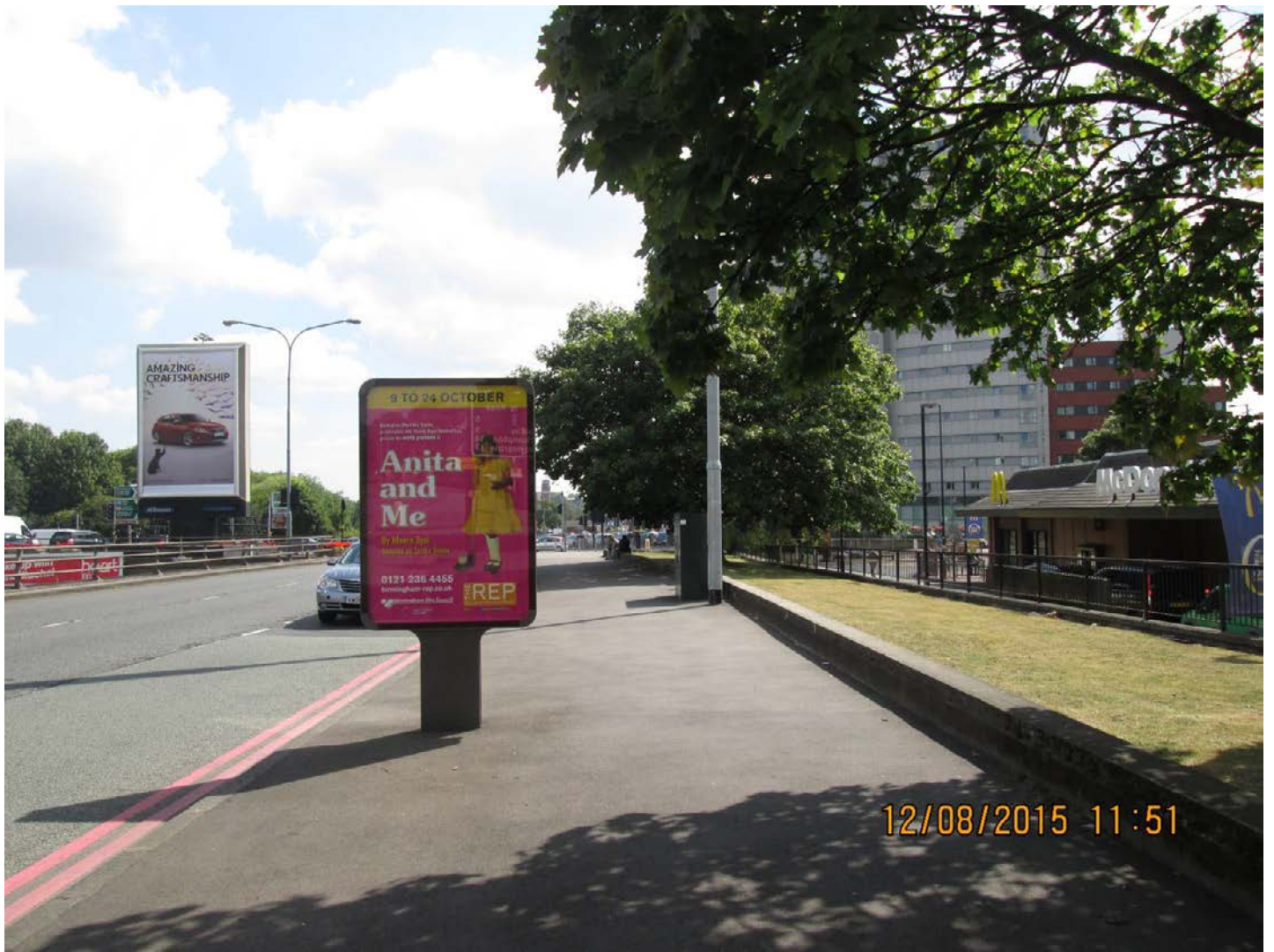
Case Officer: Anh Do

## Photo(s)



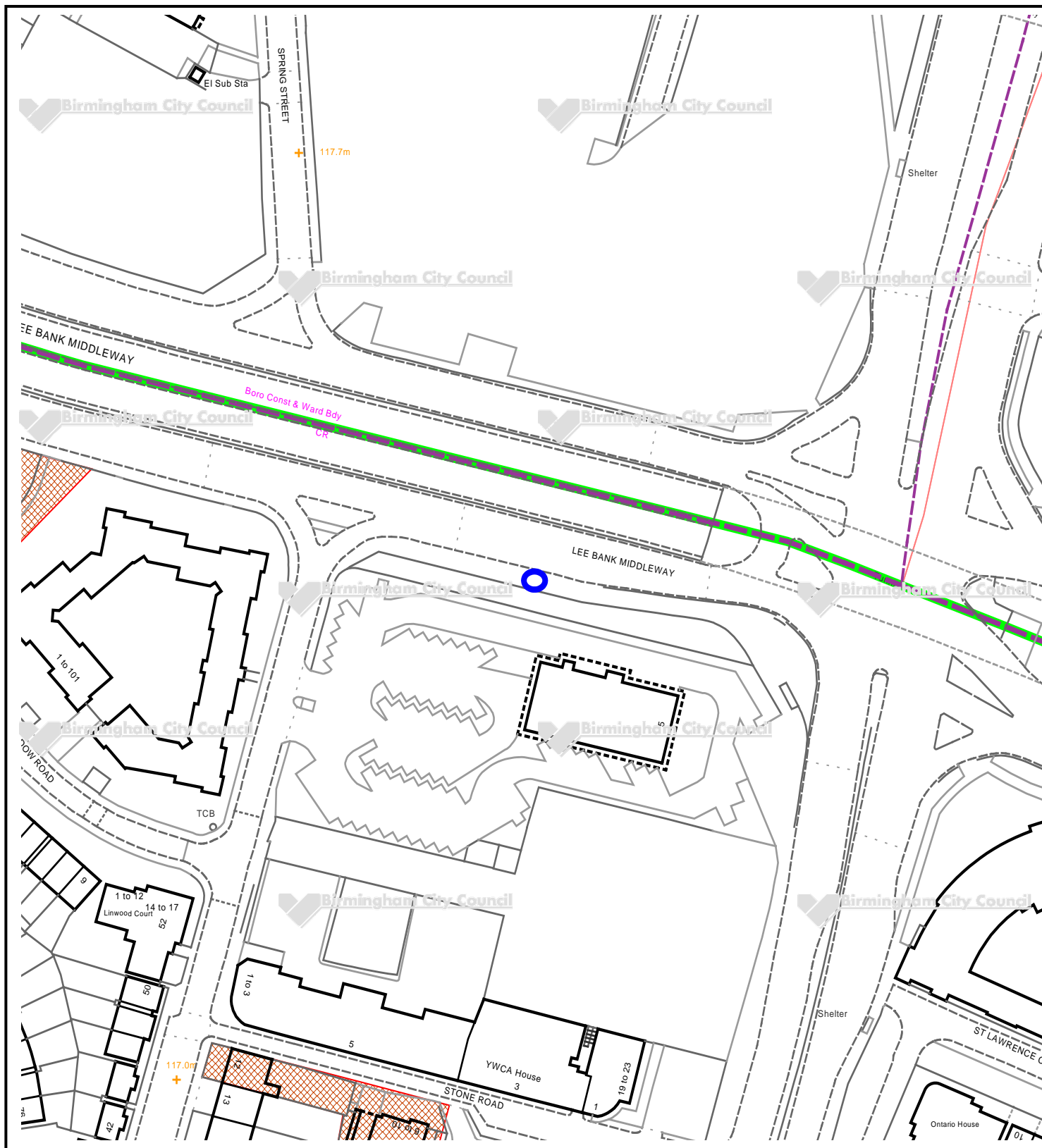
View West





View East

## Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/06282/PA |
| Accepted:       | 05/08/2015 | Application Type:   | Advertisement |
| Target Date:    | 30/09/2015 |                     |               |
| Ward:           | Ladywood   |                     |               |

Dale End (NW Side), City Centre, Birmingham, B4 7LN

Installation of double-sided digital advertising totem

Applicant: Birmingham City Council  
Commercial Development, Room 237, Council House, Victoria Square, Birmingham, B1 1BB

Agent:

---

Recommendation

**Approve Temporary**

1. Proposal

- 1.1. This application proposes the installation of a freestanding double sided digital advert to be located on the north west side of Dale End, approximately 40m north east of the junction of Dale End, Bull Street and High Street. It would be positioned in front of a parade of shops adjacent to the existing taxi rank.
- 1.2. The advertisement unit would measure 2.6m (h) x 1.2m (w) x 0.3m (d). The advertisement area would be 1.8m (h) x 1.1 (w). The unit would be digital matrix and stainless steel and would be internally illuminated at 300cd/m. The design of the advertisement is the same as the Interconnect totems that are displayed within the City Centre. The proposed advert would replace an existing internally illuminated freestanding advertising column at the same location.
- 1.3. The proposed advert unit is part of a contract within the City.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site lies within the retail core of the City Centre. Dale End has a mixture of commercial properties and multi storey car parks fronting the street.

2.2. [Location Plan](#)

3. Planning History

- 3.1. None relevant

4. Consultation/PP Responses

4.1 BCC Transportation Development – No objection subject to conditions to restrict the interval between successive displays, to restrict the display of any special visual effects, to prohibit message sequencing, to prevent the emission of noise, sound, smoke, smell or odours; to include a default mechanism that would freeze the sign in one position if a malfunction occurs; to prevent the display of interactive messages or advertisements; to include controls to monitor ambient light conditions and adjust sign brightness accordingly including a maximum luminance limit; and finally to require the relevant Highway agreements to be in place prior to the unit being installed.

4.2 Birmingham City Centre Management, BCC City Design Team have also been consulted but no responses received.

## 5 Policy Context

5.1 National Planning Policy Framework, Birmingham Unitary Development Plan (2005), Draft Birmingham Development Plan (2031).

## 6 Planning Considerations

6.1 According to paragraph 67 of the NPPF advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

### AMENITY

6.2 The proposed freestanding advert would be sited in an area where there is an abundance of street furniture including lighting columns, traffic lights, benches, bins, railings, bollards and trees. The proposed advert would replace an existing internally illuminated freestanding advertising column reaching an overall height of 6.2m with a width of 2.3m. It is considered that due to the reduction in the height of the proposed replacement advert that it would appear less prominent within the street scene there would be no adverse impact upon amenity.

### PUBLIC SAFETY

6.3 BCC Transportation Development have noted that the proposed advertisement would replace an existing internally illuminated advertising column and therefore it would result in a wider area of footway with no effects on visibility splay requirements. No objections have been raised subject to a condition to control the display of the advertisement. It has also been advised to attach a condition to require the necessary highway agreements to be in place prior to the construction of the advertisement on site. It is however considered that such a condition would duplicate other controls and would therefore be unreasonable. Therefore an informative is proposed to advise as such.

## 7 Conclusion

7.1 The proposed advert is considered acceptable in terms of the impact upon the amenity of the area and public safety.

## 8 Recommendation

8.1 Approve Temporary

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Limits the use of advert
  - 3 Limits length of the display of advert
  - 4 Limits the control of the intensity of the illumination
  - 5 Limits the approval to 5 years (advert)
- 

Case Officer: Julia Summerfield



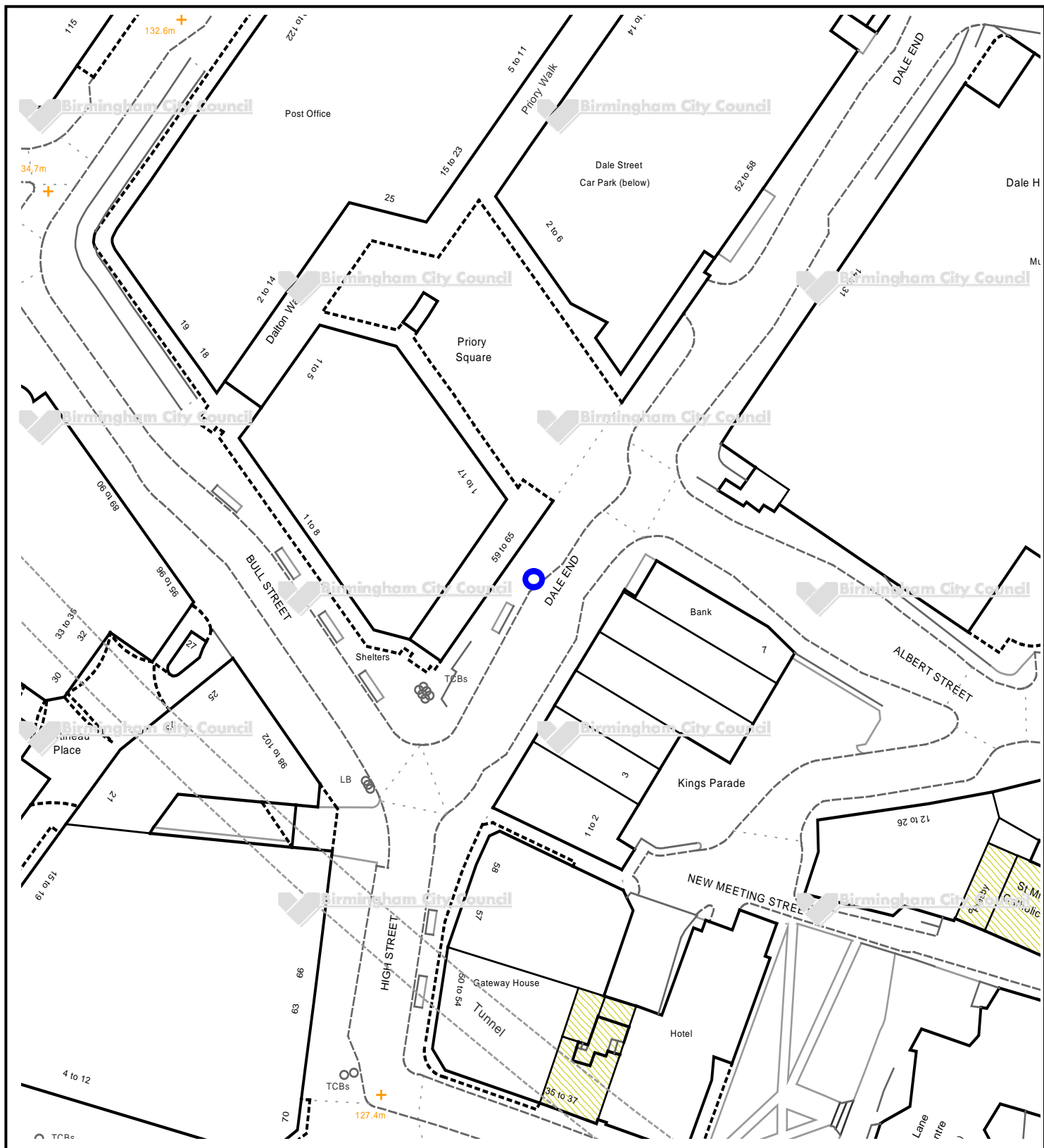
## Photo(s)



View West



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**17 September 2015**

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

| <u>Recommendation</u>     | <u>Report No.</u> | <u>Application No / Location / Proposal</u>                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approve - Conditions      | 18                | 2015/05448/PA<br><br>93A Alcester Road<br>Moseley<br>Birmingham<br>B13 8DD<br><br>Change of use from A2 (Professional Services) and Sui Generis to use Class A3 (Restaurant) and erection of single storey rear extension                                                                                                                                                                                                                                              |
| Approve - Conditions      | 19                | 2015/05000/PA<br><br>Plot 5 - Fronting Pebble Mill Road<br>Site of former Pebble Mill Studios<br>Edgbaston<br>Birmingham<br>B5 7SL<br><br>Reserved Matters submission for the approval of access, appearance, landscaping, layout and scale for a C2 hospital in conjunction with outline approval (2014/00203/PA) for the erection of a building upto 15,000sqm for the use as B1 (research and development), C2 (hospital) and/or D1 (non-residential institutions). |
| Defer – Informal Approval | 20                | 2015/04615/PA<br><br>Unit 1<br>Former Birmingham Battery Site<br>Land at<br>Aston Webb Boulevard<br>Selly Oak<br>Birmingham<br><br>Erection of a unit comprising 1,487sqm GIA to be used for food and ancillary non-food retail purposes ((Use Class A1)                                                                                                                                                                                                               |

|                           |    |                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approve - Conditions      | 21 | <p>2015/04617/PA</p> <p>Selly Oak Hospital<br/>Raddlebarn Road<br/>Birmingham<br/>B29 6JD</p> <p>Reserved matters submission for consideration of details of appearance, landscaping, layout and scale in respect of phase 2 of outline approval (ref:- 2012/02303/PA) for 67 new dwellings (Use Class C3), with associated parking and external works.</p>                  |
| Defer – Informal Approval | 22 | <p>2015/05202/PA</p> <p>Meteor Building<br/>St Mary's Row<br/>Moseley<br/>Birmingham<br/>B13 9EG</p> <p>Minor material amendment to Planning Permission ref:- 2009/05931/PA for reduction in car parking provision by 18 spaces, re-location of scissor lift and roller access door, revision to entrance door positions and provision of external seating area to cafe.</p> |
| Approve - Conditions      | 23 | <p>2015/05544/PA</p> <p>26-32 Aldersmead Road<br/>Northfield<br/>Birmingham<br/>B31 3JG</p> <p>Erection of four one bedroom dwellings with associated landscaping and parking.</p>                                                                                                                                                                                           |
| Approve - Conditions      | 24 | <p>2015/06190/PA</p> <p>21 Poplar Avenue<br/>Land adjacent to<br/>Edgbaston<br/>Birmingham<br/>B17 8ED</p> <p>Erection of a detached dwelling house with associated parking, including demolition of two garages</p>                                                                                                                                                         |

|                            |    |                                                                                                                                                                                                                                                                                             |
|----------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approve - Conditions       | 25 | <p>2015/04438/PA</p> <p>9 Reddings Road<br/>Moseley<br/>Birmingham<br/>B13 8LW</p> <p>Erection of first floor side extension</p>                                                                                                                                                            |
| No Prior Approval Required | 26 | <p>2015/06225/PA</p> <p>Shenley Hill<br/>Northfield<br/>Birmingham<br/>B29 4ER</p> <p>Application for prior notification for the replacement of existing 15m monopole with 14.7m monopole, removal of existing cabinet and installation of 1 no. equipment cabinet and associated works</p> |



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|                 |                         |                     |               |
|-----------------|-------------------------|---------------------|---------------|
| Committee Date: | 17/09/2015              | Application Number: | 2015/05448/PA |
| Accepted:       | 08/07/2015              | Application Type:   | Full Planning |
| Target Date:    | 02/09/2015              |                     |               |
| Ward:           | Moseley and Kings Heath |                     |               |

93A Alcester Road, Moseley, Birmingham, B13 8DD

Change of use from A2 (Professional Services) and Sui Generis to use Class A3 (Restaurant) and erection of single storey rear extension

|            |                                                                        |
|------------|------------------------------------------------------------------------|
| Applicant: | Birmingham Properties Group<br>c/o Agent                               |
| Agent:     | Framptons<br>Oriel House, 42 North Bar, Banbury, Oxfordshire, OX16 0TH |

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Recommendation

**Approve Subject To Conditions**

1. Proposal

1.1. Planning permission is sought for the change of use of 93a Alcester Road, Moseley from A2 (financial and professional services) and Sui Generis to A3 (restaurant) and the erection of a single storey rear extension. 93a Alcester Road is subdivided and the submitted plans show that the application site would be returned to one unit.

1.2. To the rear of the existing building there is a small parking area and raised planting beds which are enclosed by the existing rear elevation of the building, a boundary wall to the north and the fence and access gates to Moseley Park to the west. It is proposed to demolish the existing poor quality timber rear extension and replace with the proposed extension which would also occupy the rear parking area up to the boundary with Moseley Park. The proposed extension would provide an additional 66.5m<sup>2</sup> floorspace, would extend the building by 8m in length and would be the same width (9m) as the existing building. It would have a pitched roof at the same height (7m) and pitch as the existing building and is proposed to be finished in brick and roof slates to match the existing building. The extension would have double doors in its southern elevation on to the access road that runs between 93a and 95 Alcester Road.

1.3. There is no end user identified for the proposed A3 (restaurant) use and so the proposed number of covers and employees are unknown. The opening hours are proposed to be 7am – 11.30pm seven days per week.

1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application unit is currently sub-divided into two units (following planning approval 2001/03824/PA) and are occupied by Thistle Estate Agents (A2 use) and Consol Sun Centre (Sui Generis use). 93a Alcester Road is a single storey building



with a dual pitch roof and a parapet wall to its front elevation which faces Alcester Road. The main access to the building is from Alcester Road. To the rear of the property there are two parking spaces and raised flower beds.

- 2.2. The application site is on the western side of Alcester Road near its junction with Chantry Road. The site lies within the Primary Shopping Area of Moseley Neighbourhood Centre and Moseley Conservation Area. There are commercial premises to the north, south and opposite. Located to the west of the site is Moseley Park which adjoins the rear of the site. An access road to the Park and the rear of other properties fronting Alcester Road runs alongside the southern boundary of the application site.

[Site location map](#)

3. Planning History

- 3.1. Relevant site history includes:
- 3.2. 16/09/1997 - 1996/04665/PA – Conservation Area Consent: Demolition of rear buildings – Approve subject to conditions
- 3.3. 19/04/2002 - 2001/03824/PA - Change of use from Use Class A1 (retail) to Use Class A1 (retail) and Use Class A2 (financial and professional services) (sub-division) and formation of parking to the rear – Approve subject to conditions
- 3.4. 09/01/2003 - 2002/05744/PA - Change of use from retail (class A1) to solarium – Approve subject to conditions

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection. It is not anticipated the number of covers potentially provided would be so great that traffic and parking demand generated by this use would significantly increase from that generated currently.
- 4.2. West Midlands Police – No objection.
- 4.3. Regulatory Services – No objection - Subject to conditions requiring prior submission of extraction and odour control details, limiting noise levels for plant and machinery; and limiting opening hours to 7am – 11.30pm.
- 4.4. Neighbouring occupiers, Ward Members and residents associations notified. Site notice and press notice displayed. Five letters of objection received from the Moseley Society, a resident of Alcester Road, Moseley Park and Pool, St Columba church and Montessori Nursery, and Moseley in Bloom, as summarised below:
- Proposal does not comply with the Local Centres and Shopping policy and policy EA2 of the Moseley SPD
  - Loss of parking and no additional parking provision
  - Access to the park and rear of other properties would be even tighter than it is at present
  - Do not want/need any more eating places in Moseley, there is enough noise and rubbish from existing eating houses

- The applicants state ‘there will be no negative impact on the trees, landscape or biodiversity’. This is incorrect because there is a recently planted community bed where the proposed extension will be located which will be lost. Requests a condition is attached requiring that the plants in the bed are reverted to Moseley in Bloom and that the developers should be required to support Moseley in Bloom to establish another bed elsewhere in the area.
- The ratio of restaurants to retail in the Moseley area far exceeds 50% which is not in line with Moseley’s development plan
- The road leading to Moseley Park and Pool is not suitable or safe for large lorries to deliver goods to the rear of the property
- Moseley does not have the facilities or capacity for extra car parking for a restaurant open 7 days a week
- The potential for road traffic accidents will significantly increase
- Concerned about noise and cigarette smoke from any large open areas at the front and rear of the premises
- The proposed extension will restrict the ability for Moseley Park and Pool to widen the vehicle access gates which is currently being planned
- The extension will interfere with the signal to the Park’s electronic gate system
- The extension will block daylight to the public conveniences in the park
- The extension and access doors will severely restrict access to the park

## 5. Policy Context

- 5.1. NPPF, Birmingham UDP (2005), Draft Birmingham Development Plan, Shopping and Local Centres SPD, Moseley SPD, Moseley Conservation Area

## 6. Planning Considerations

- 6.1. The NPPF contains a presumption in favour of sustainable development. It seeks to promote competitive town centre environments that provide customer choice and a diverse retail offer which reflects the individuality of town centres. One of the NPPF’s core planning principles is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings” (paragraph 17).
- 6.2. Paragraph 3.8 of the UDP recognises the need to protect and enhance what is good and in the city’s environment and improve what is less good. Paragraph 3.10 states that “Proposals which would have an adverse impact on the quality of the environment will not normally be allowed”. Furthermore, development in Conservation Areas should preserve the character and appearance of the area (UDP paragraph 3.27).
- 6.3. Paragraphs 8.6 and 8.7 of the Birmingham UDP set out general guidance as to where A3 uses can be acceptably located and seeks to ensure that they are located in commercial areas where any potential adverse impact on residents, on highway safety and on the vitality and viability of the shopping parade can be minimised. Further to this, Policy 5 of the Shopping and Local Centres SPD encourages applications for new A3, A4 and A5 uses in Local Centres, subject to avoiding an over concentration or clustering of these uses that would lead to an adverse impact on residential amenity. Policy EA2 of the Moseley SPD states that uses within Classes A2-A5 are encouraged within the Primary Shopping Area at ground floor

“...provided the balance of uses complies with the requirements of the Shopping and Local Centres SPD. Where proposals would take the level of A2-A5 uses above the 50% threshold, such change would be resisted”.

#### Residential Amenity

- 6.4. A number of objections state that there are already too many A3 uses in Moseley Neighbourhood Centre and reference is made to the Shopping and Local Centres SPD and Policy EA2 of the Moseley SPD. Survey data of Moseley Neighbourhood Centre from March 2015 shows that A2-A5 uses account for 46.3% of the Primary Shopping Area. The addition of one further A3 use would increase this to 47.36%, below the threshold stated above.
- 6.5. The Shopping and Local Centres SPD policies set percentage thresholds for A1 (Policy 1) and A5 (Policies 4 and 6) uses only. This proposal does not result in the loss of A1 use and it does not propose A5 use and therefore these policies are not applicable to this proposal. Policy 5 of the Shopping and Local Centres SPD is relevant to this proposal. This policy encourages applications for new A3, A4 and A5 uses within Neighbourhood Centres “...subject to avoiding an over concentration or clustering of these uses that would lead to an adverse impact on residential amenity”. The nearest residential properties are to the northwest on Chantry Road and there are some residential properties above other commercial properties in the vicinity of the site. It is acknowledged that there are a number of A3, A4 and A5 uses both along this section of Alcester Road and within the wider Neighbourhood Centre. There would be a small cluster of three such uses including the application site, with a bar (One Trick Pony Club) (A4 use) located next door at No. 93 and a café (Boston Tea Party) (Use Class A3) currently being fitted out at No. 91a. However, I do not consider that the proposed A3 use would result in a clustering or over-concentration of A3, A4 and A5 uses in the Neighbourhood Centre *that would have an adverse impact on residential amenity*, the nearest residential properties being located some distance away. Regulatory Services have raised no objections to the proposal subject to conditions limiting opening hours and noise levels. I concur that the imposition of such conditions would be appropriate to this proposal and would safeguard the amenity of surrounding residents. With regards to the concerns raised by objectors about noise and cigarette smoke from open areas, no external seating is included in this proposal.

#### Visual Amenity

- 6.6. The proposed extension would not be visible within the street scene. My Conservation Officer has raised no objection to the proposal and I concur that it would not result in harm to the Conservation Area. My Conservation Officer has raised no objection to the proposal. The proposed extension would not be out-of-scale with its parent building and whilst being located alongside the boundary with the Park it would not exceed the height or width of the existing building and would be constructed of traditional materials. Concerns are raised about the extension blocking light to the public conveniences in the Park but there is already a substantial boundary fence and dense tree cover in this location that would restrict light to the conveniences currently. As such, I do not consider this would be a reason to withhold consent.

#### Highway Safety and Parking

- 6.7. The concerns regarding access to Moseley Park and the rear of other properties and the loss of parking are noted. However, the owners of the site apparently have a right of way over the existing access, as do others which would have to be respected irrespective of the planning application, there would only be two car parking spaces lost, the site has very good public transport links, there is a Pay and

Display car park located within short walking distance of the site, and large delivery vehicles are unlikely to frequently use the access. Transportation Development have raised no objection to the proposal and I do not consider there would be any material reason to withhold consent.

- 6.8. An objector has raised concerns that the proposed extension would interfere with future widening of the Park gates. Their widening to the north would require access over the Applicant's land, so would be at their discretion, but it is clearly the Applicant's intention to utilise the land for the extension proposed. Their widening to the south would not be affected by the application. The objector also considers the extension would interfere with the Park's electronic gate system. That matter is being considered by the Applicant but, in any event, I do not consider it a planning matter which could justify withholding planning consent.

#### Trees

- 6.9. Adjacent to the site are located mature trees within Moseley Park. As the location of the proposed extension is likely to have been hard standing and made ground for many years, my Tree Officer considers a significant impact to the trees in the Park is unlikely. There is a common law right to prune parts of the trees beyond the Park to the boundary. No detail regarding any potential works to trees has been submitted with this application. However, because the trees are within a Conservation Area, should work to the trees be required, a notice must be submitted for approval by the Local Authority. The Applicant has been made aware of this requirement.

#### Other Issues

- 6.10. Moseley in Bloom has objected to the proposal due to the proposed loss of the recently planted community bed to the rear of the site. The organisation has requested a condition requiring that the plants in the bed are reverted to Moseley in Bloom and that the developers should be required to support Moseley in Bloom to establish another bed elsewhere in the area. The plants are not protected in any way and are not within a designated nature conservation area and so such a condition would not be appropriate. However, the Applicant has confirmed that a discussion has been held with Moseley in Bloom that they can remove the plants and a donation to cover time and materials in doing this would be provided. I note this is outside of the planning process.

### 7. Conclusion

- 7.1. The proposed extension would have no adverse impact on the character and appearance of Moseley Conservation Area or the visual amenity of the area. The proposed change of use to A3 (restaurant) is acceptable in this location and I consider it would have no adverse impact on the amenity of surrounding residents or on the vitality and viability of Moseley Neighbourhood Centre. I therefore consider the proposal would constitute sustainable development and recommend that planning permission is granted subject to conditions.

### 8. Recommendation

- 8.1. Approve subject to conditions

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the prior submission of sample materials
  - 3 Limits the noise levels for Plant and Machinery
  - 4 Requires the prior submission of extraction and odour control details
  - 5 Limits the hours of operation: 0700 - 2330.
  - 6 Limits the approval to 3 years (Full)
- 

Case Officer:       Alexa Williams



## Photo(s)



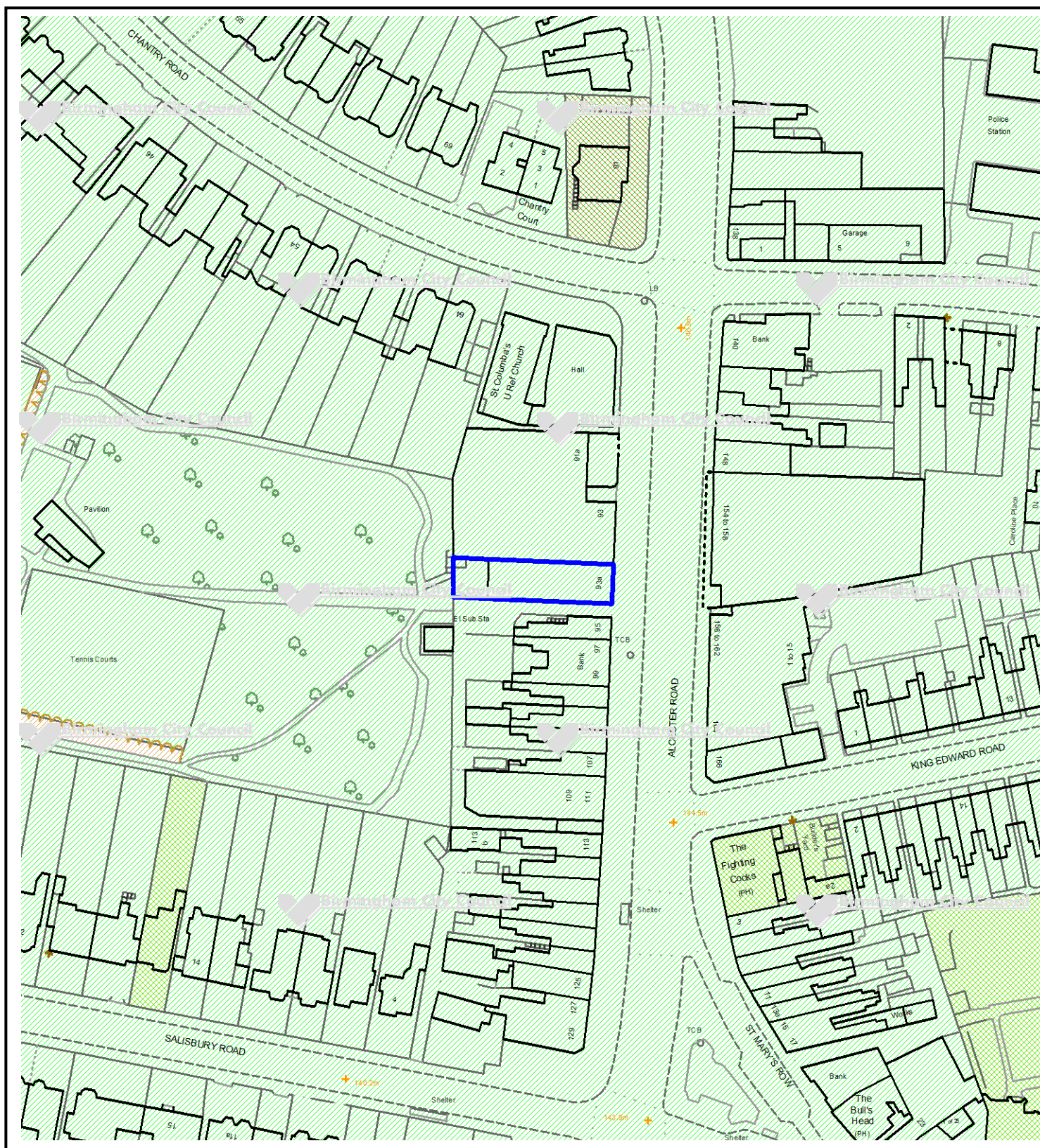
Figure 1 – Location of proposed rear extension



Figure 2 – Front elevation



## Location Plan



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|                 |            |                     |                  |
|-----------------|------------|---------------------|------------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/05000/PA    |
| Accepted:       | 19/06/2015 | Application Type:   | Reserved Matters |
| Target Date:    | 18/09/2015 |                     | Development      |
| Ward:           | Edgbaston  |                     |                  |

Plot 5 - Fronting Pebble Mill Road, Site of former Pebble Mill Studios, Edgbaston, Birmingham, B5 7SL

Reserved Matters submission for the approval of access, appearance, landscaping, layout and scale for a C2 hospital in conjunction with outline approval (2014/00203/PA) for the erection of a building upto 15,000sqm for the use as B1 (research and development), C2 (hospital) and/or D1 (non-residential institutions).

Applicant: Circleheath Birmingham Ltd  
32 Wellbeck Street, London, W1G 8EU  
Agent: David Lock Associates  
50 North Thirteenth Street, Central Milton Keynes, MK9 3BP

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This is a reserved matters submission which seeks approval for details relating to access, appearance, landscaping, layout and scale for a Use Class C2 hospital in conjunction with outline approval (2014/00203/PA) for the erection of a building up to 15,000sq.m (GEA) for use as B1 (research and development), C2 (hospital) and/or D1 (non-residential institution). As part of the submission, 22 of the prior to commencement conditions attached to the outline consent are also sought for agreement.
- 1.2. The submission seeks approval for a C2 hospital totalling 14,938sq.m (GEA) that would be developed in two phases. The submitted information seeks approval for both phases of development. Both phases have been designed to enable the building to function and respond to the context of the local area.
- 1.3. The first phase of development would provide a 10,390sq.m (GEA) 'nucleus hospital' and associated car parking including site-level and under-croft parking to provide 215 spaces (70 of which would be at site level (including 13 disabled bays), of which 36 spaces would be enclosed by a green wall screen, positioned to the point where the completed hospital would extend). The first phase would include a clinical wing housing operating theatres, recovery areas, daycase pods, a physiotherapy department and a diagnostic imaging centre and a hospitality wing with a single storey consulting block, administration offices, inpatient bedrooms and a café area at the ground floor. The second phase would bring the floor space to 14,938sq.m (GEA) with 256 car parking spaces (+41 including 3 further disabled bays) comprising expansion of the physiotherapy department, recovery areas,

theatres and servicing areas in the clinical wing and extra consulting rooms and inpatient bedrooms in the hospitality wing. 145 of the 256 car parking spaces along with 24 cycle spaces would be provided in a basement car park that would be for staff use only. This car park would be located beneath the clinical wing and would be approximately 48.2m wide and 79.4m long.

- 1.4. At Phase 1, the building would consist of a 3 storey hospitality wing and a part single storey and part double storey clinical and consulting wings. The main lift core and fin wall would be constructed to full height at Phase 1. Phase 2 would add a further two stories to the hospitality wing and to the clinical wing fronting Pebble Mill Road forming a five storey hospitality wing and a four storey clinical wing.
- 1.5. The clinical area, in Phase 1, would extend along Pebble Mill Road for 58.3m and along the new estate road by 45.7m. The hospitality wing would be 27.7m long towards the garden facing south-east and 12.2m wide facing Pebble Mill Road, while the consulting room block, which would be rotated by 25 degrees to the rest of the building, would be 41.1m long towards Pebble Mill Road and 13.1m wide. Phase 2 of the development would see the clinical wing expand in width by a further 19.4m along Pebble Mill Road and a further 5.1m extension forming an expansion of the imaging department, adjacent to the delivery yard. The consulting room block would also extend a further 18.5m into the garden towards the brook under the Phase 2 development. The expansion of the inpatient department above the clinical wing in Phase 2 would result in a new rectangular block which would be 54.5m long and 10.9m wide.
- 1.6. The Phase 2 hospital would be set back from the rear garden boundaries of properties on Bristol Road by 50m and would be over 30m from the front boundary to Pebble Mill Road. At its closest point, the building would be 5m from the boundary with Pebble Mill Road. The separation distance to the residential properties located on the other side of Pebble Mill Road would be approximately 80m.
- 1.7. When viewed from the site entrance, the ground floor building entrance would be framed by an angled consultants' wing on the left and the façade of the proposed day case area on the right. Above this at first floor, a band of glazing would wrap around both the hospitality wing and the clinical wing, which would step in under the 2<sup>nd</sup> floor bedrooms. The stepping of the glass façade would accentuate the cantilevered bedroom block above. Once through the entrance, the angled consultant block would continue within and through the building into the garden area to the rear. Beyond reception, the ground atrium hall, café and waiting areas would be fully glazed and would look into the garden area.
- 1.8. The elevation facing towards the garden area would be dominated by the distinctive bedroom block. The first floor band would continue round the reception and would form a double storey glazed element. The existing trees and brook, together with the new brook promenade (currently under construction), would screen the view to Pershore Road and direct views from the upper floors of the proposed development towards Cannon Hill Park.
- 1.9. Access to the site would be via the two existing access points; the primary public one from Pebble Mill Road and a secondary service entrance from the estate road that is currently under construction as part of the advanced infrastructure for the wider Pebble Mill development. It is intended that patients, staff and visitors would use the primary entrance from Pebble Mill Road to both enter and leave the site. A dedicated drop off area would be provided at the front of the hospital to allow patients to be dropped off/collected as close to the main entrance to the hospital as

close as possible. A service entrance to the delivery yard would be located at the boundary with Plot 4 to the rear.

- 1.10. The building would be set back from Pebble Mill Road to ensure the protection of the existing London Plane street trees on Pebble Mill Road. The existing Category A Oak tree would become a landscape feature within the drop off area in front of the main entrance. Low level fencing with a new Yew hedge would form the main boundary to the Pebble Mill Road frontage. Along the new estate access road through the wider Pebble Mill site, a line of new Hornbeam trees would be provided.
- 1.11. The development would comprise of a number of differing materials that would emphasise each element of the hospital. Alucobond aluminium cladding panels would be used in the main façade with the ability to fold the cladding around the bedroom blocks and continue into the building at ceiling level. The hospitality wing would have a dark metallic finish on the façade with a champagne coloured finish for the window reveals. The bedrooms above the clinical wing would have the inverse of this. For the angled consultants block, a copper cladding is proposed. For the day case façade at ground floor, the lift core and the vertical fin wall to the staircase, terracotta is proposed. The material would be installed as large modules which would be ribbed with a natural finish colour. Black insulated wall panels would be used to the covered service wall at ground floor with a powder coated steel grill to screen the rear of the building and associated plant.
- 1.12. It is proposed that the clinical wing roof above the service area and fronting Plots 2 and 3 (the adjacent dental hospital) would be covered in photovoltaic panels.
- 1.13. The proposed Phase 1 hospital would have 19 inpatients bed-spaces, 15 day-case bed-spaces, 4 ambulatory recovery stretchers, and 220 total staff of which 140 would be present on site at peak times. The completed hospital at Phase 2 would increase the Phase 1 figures to 81 inpatients bed-spaces, 27 day-case bed-spaces, 4 ambulatory recovery stretchers and 275 total staff of which 240 would be present on site at peak times.
- 1.14. The application is accompanied by a planning statement, statement of community involvement, design and access statement, transport statement, flooding and drainage strategy, contamination methodology statement, updated ecological assessment and scheme for compensatory habitat creation, ecological mitigation plan, acoustic survey report, utilities statement, acoustic and odour control statement, external lighting assessment, arboricultural report including tree assessment and method statement, landscape report, landscape management plan, construction method statement, transport statement and travel plan and a local employment policy statement.
- 1.15. Amended plans have been submitted during the course of the application. The amendments are as follows:
  - Increased the length of the hospitality wing by extending it south by 1.4m.
  - Moved the hospitality wing 1.3m further back from the trees fronting Pebble Mill Road.
  - Reduced the depth of the clinical wing by 1.2m.
  - Re-orientated a small number of the solar shading units around the bedroom windows to improve patient privacy and solar control.
  - The windows on the day case recovery bays facing Pebble Mill Road now provide more natural light into the building.
  - Increased number of windows in the consulting rooms.



- Inclusion of an external fire door to the consulting block.
  - Main vertical lift core increased in width by 4m so as to add a staircase.
  - Southern fire escape internalised.
  - Rear of the service yard has been stepped instead of splayed.
  - Small area of roof over the chillers in the service yard removed.
  - Louvres added to the basement wall of the car park to allow air into the car park.
  - Amendments to roof material
  - Escape staircase on the north of the hospitality block is now outside of the footprint of the bedroom block on second floor.
  - Portion of the roof over consulting room block has been removed.
  - Two skylights added to one corridor of the clinical wing above some of the day case recovery bays.
- 1.16. The reserved matters submission has been screened regarding the requirement for an Environmental Impact Assessment and the LPA determines that one is not required.
- 1.17. Site area: 1.37Ha.
- 1.18. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The site fronts Pebble Mill Road and is adjacent to the recently approved Plot 4 site. The site is located within the wider Pebble Mill site and is defined by Pebble Mill Road to the east, Plot 4 and the three/six storey dental hospital to the south west; the proposed Bourn Brook promenade to the south and the internal estate road and rear gardens of the houses on Bristol Road to the north and west.
- 2.2. The BBC site was vacated in 2003, and cleared during 2003/2004. Pebble Mill Road has, principally, non-restricted parking bays along two of its kerb-lengths, and double-yellow lines along the other two (it is a dual-carriageway). Close to Pebble Mill Road, Pershore Road has single-yellow lines, and Bristol Road has no parking restrictions.
- 2.3. The immediate area surrounding the Pebble Mill site primarily consists of a mix of two, three and occasionally four storey late nineteenth and twentieth century houses. Playing fields lie to the south and west. The main leisure uses in the area are Cannon Hill Park to the south east and Edgbaston Golf Course and King Edward's School to the north, adjacent to which is the University of Birmingham's main campus.
- 2.4. Less than half a kilometre from the site along Pershore Road is the 8 storey West Midlands Police Training Facility, and a series of 1960's twenty storey local authority flats. The urban character of this area is varied including: Edwardian villas, early twentieth century detached homes, and more recently with the increased commercialisation and redevelopment of some sites, larger and taller buildings being built along some of the main roads of this part of Birmingham, such as Edgbaston Mill.
- 2.5. Bourn Brook and its tributary Chad Brook are important features in the local landscape and they run through and link within the Science Park. They are features which are identified in the adopted development plan as wildlife corridors. These two

Brooks along with the retained bands of semi-mature trees divide the larger Medi park site into distinct areas.

- 2.6. Edgbaston is known for its 'green and leafy' image, the wider site reflects this with its mix of mature and semi-mature trees. The historic use of the site as a campus with one large building on about a third of the site with sporting facilities on the remainder has resulted in a treescape which follows former field boundaries within the site.

2.7. [Site Location Map](#)

3. [Planning History](#)

- 3.1. The wider Pebble Mill site benefits from outline consent for a science and technology park with revised accesses onto Bristol Road and Pebble Mill Road and reconfigured sporting facilities, dating from the first consent (2003/00992/PA).
- 3.2. 4 April 2014. 2014/00203/PA. Outline planning permission granted with all matters reserved for the erection of a building upto 15,000sqm for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions).
- 3.3. 6 March 2014. 2013/09519/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 5,000sqm for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 4 site.
- 3.4. 17 October 2013. 2013/06099/PA. Planning permission granted for the Construction of a 62 bedroom, part three and part two storey, care home including secure landscaped gardens and on-site parking with ancillary earthworks.
- 3.5. 6 December 2012. 2012/03743/PA. Permission granted for reserved matters for Dental hospital and school of dentistry.
- 3.6. 28 August 2012. 2012/03756/PA. Permission granted for the landscaping of land adjacent to Dental Hospital site and proposed Bourn Brook pedestrian footpath.
- 3.7. 17 November 2011. 2011/05676/PA. Permission granted for the erection of Dental Hospital and School of Dentistry on plots 2 and 3, with associated research & development and teaching facilities, ancillary office and support facilities, access, parking and landscaping. Outline consent for 16,000 sqm gross internal floor space (three to six storeys), with all matters Reserved.
- 3.8. 18 August 2011. 2011/03010/PA. Permission granted for a package of advanced infrastructure, inclusive of internal access road, associated drainage, services, security gates and parking, substation and security kiosk, promenade, wildlife planting, area of open space, and footbridge link.
- 3.9. 16 October 2009. 2009/03738/PA. (Site fronting Pebble Mill Road) Permission granted for the erection of a Medical facility providing up to 15,000 square metres of accommodation for Class B1(b) Research and Development, and/or Class C2 Hospital, and/or Class D1 Clinic and/or Medical School and/or Dental School. Detailed consent for site access.
- 3.10. 6 April 2006. 2006/00518/PA. Permission granted for a Section 73 application to vary and remove B & C conditions of 2003/00992/PA to allow for phased implementation for up to 10 years of outline planning permission for construction of



technology and science park with revised accesses on Bristol Road and Pebble Mill Road and reconfigured sporting facilities.

- 3.11. 8 October 2003. 2003/00992/PA. Permission granted for the construction of a technology and science park with revised accesses on Bristol Road and Pebble Mill Road and re-configured sporting facilities (outline application - only access determined).

#### 4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and Residents Associations notified. Site and Press notice posted. 2 letters of comment received from Councillor Deidre Alden and a resident of St Johns Road.
- 4.2. Councillor Deidre Alden commented on the reserved matters submission as follows:  
*"Whatever is built here absolutely MUST have adequate parking and I mean ADEQUATE. I am fed up with being fobbed off with stories that everyone will go by bus and on a bike - and then my postbag is full of residents fed up with their residential roads being jammed up all day with parked cars from these establishments. The dental hospital is already causing problems even while it is just contractors parking. This development MUST contain adequate parking so that people park on site."*
- 4.3. The local resident commented on the following issues:
- Any new building must have a robust, efficient and fit-for-purpose drainage system. I presume the details of the flash flood in Sept 2008 will be examined and taken into consideration.
  - Parking - staff and visitors will mainly travel by car. If there is not sufficient FREE parking at the hospital, drivers will almost certainly look to park at the nearest free spots and therefore there is a high chance that our residential roads will become 'overspill car parks'.
- 4.4. Regulatory Services – No objection.
- 4.5. Local Lead Flood Authority – No objection.
- 4.6. Ecology – No objection.
- 4.7. Severn Trent Water – no comments received.
- 4.8. Environment Agency – No objection.
- 4.9. Transportation – No objection subject to condition: S278 agreement for revised/improved vehicle accesses on Pebble Mill Road, footway improvements around the site along with new paving and lighting.
- 4.10. West Midlands Police – Fully Support the proposals. The project could achieve 'Secured by Design' accreditation.
- 4.11. West Midlands Fire Service – No objection.

#### 5. Policy Context

- 5.1. NPPF, Birmingham Unitary Development Plan 2005, Draft Birmingham Development Plan, Places for All 2001, Nature Conservation Strategy for

6. Planning Considerations

- 6.1. The Pebble Mill site is identified in the UDP as being suitable for a broad range of technology and medical and health uses. The proposal, granted outline planning permission last year would provide a new C2 medical hospital facility. The Dental Hospital/School of Dentistry has already been approved on Plots 2 and 3 and is due to open later this year. Outline planning permission was granted in March last year for a medical facility on Plot 4 and a private dementia care BUPA facility was approved in 2013 on Plot 1. The proposed hospital (C2) would be in accordance with the outline planning permission granted last year and as such the principle of development has been previously established.

Appearance, Scale and Layout

- 6.2. Extensive pre-application discussions have been undertaken with your planning, design and landscape officers following the grant of outline planning permission last year. These discussions have primarily focused around the overall appearance of the building and how this can be achieved when the building would be built in two phases along with siting and layout in relation to tree protection. As such, the application submitted, bar the small amendments undertaken following submission, is a result of these discussions.
- 6.3. Both your planning and design officers consider the concept of the three blocks (clinical, hospitality and consulting) that can be increased in scale at Phase 2 to be acceptable in appearance, scale and layout for Phase 1 alone, and then the completed development. The design concept would allow for the provision of a fully operational hospital from day one with high quality functional spaces with the potential to expand with minimal disruption to its everyday functioning. As such, the lift core and fin wall of the staircase would be constructed to full height at phase one. The use of differing, striking but complementary materials to highlight the three individual elements whilst forming one overall use clearly identifies each wing and aids legibility within the site. Details of materials were required under condition 20 of the outline approval and as such, these details would be agreed under this approval.
- 6.4. At Phase 1, the building would consist of a 3 storey hospitality wing and a part single storey and part double storey clinical/consulting wings. The main lift core and fin wall would be constructed at Phase 1 for practical reasons. They would also create a landmark and indicate the final height of the building. Phase 2 would add a further two stories to the hospitality wing and to the clinical wing fronting Pebble Mill Road forming a five storey hospitality wing and a four storey clinical wing.
- 6.5. The scale of the building, whilst larger at four and five storeys in height than the primarily three storey building with a fourth floor that was assessed at outline stage, maintains the street scene along the internal access road and would bridge the building scale and height from the three/six storey Dental Hospital and School of Dentistry to the south west and four/five storey Plot 4 development whilst generating a suitable presence on Pebble Mill Road. I consider that the scale of the development proposed compares favourably with the former BBC site, which had an intensive urban form with many buildings of 2 or 3 storeys height, and one 11 storey block.

- 6.6. The distance of the hospital building (at Phase 2) from rear garden boundaries on Bristol Road is at 50m, which is not considered close especially given the previous development, the length of Bristol Road gardens (84m), and tree and other vegetation screening on the boundary and in the gardens. Therefore, given the setbacks from the estate road and other site boundaries, the significant avenues of tree cover on and around the site, and the previous development form, I am satisfied that the hospital building can be accommodated on the site without undue effects on local character and residential amenity.
- 6.7. I consider that the proposed development in terms of appearance, scale and layout is acceptable, in accordance with the outline planning permission and would, both at Phase 1 and Phase 2 for the completed hospital; form a striking gateway to the Pebble Mill development.

#### Landscaping

- 6.8. Both during pre-application discussions and following submission, landscaping and tree protection have been an important consideration for the development of the site. A Category A Oak tree sits towards the front of the site and would be retained as a landscape feature outside the main entrance to the hospital. The amendments made following submission have moved the clinical wing of the hospital further away from this tree and in doing so; no development requiring foundations would be constructed within the root protection area of the Oak tree. The London Plane trees on Pebble Mill Road sit within the public footpath however their roots spread into the development site. Extensive on-site discussions have taken place with your Arboricultural Officer and as such the site layout, car parking areas and landscaping proposed are considered acceptable in relation to the protection of the London Plane trees.
- 6.9. The hospital building would be set back from the estate road by 30m and from Pebble Mill Road by 30m (for the clinical wing) and 5-10m for the consulting and hospitality wings allowing for tree protection and the inclusion of a Yew hedge behind a boundary treatment of 1.1m high estate fencing in keeping with local character.
- 6.10. Other boundary treatment proposed for the development site include 1.8m vertical bar railings to the Pebble Mill Road/Pershire Road; Hawthorn trees and hedging to the estate road; a dwarf wall with sandstone finish with 1.1m estate railing above to the promenade boundary to the south east of the site. These treatments have been agreed with your officers and as such, cover the requirements of conditions 14, 15 and 16 relating to landscaping, boundary treatment and landscape management attached to the outline permission.

#### Access

- 6.11. Access to the site would be via the two existing access points; the primary public one from Pebble Mill Road and a secondary service entrance from the estate road that is currently under construction as part of the advanced infrastructure for the wider Pebble Mill development. It is intended that patients, staff and visitors would use the primary entrance from Pebble Mill Road to both enter and leave the site. A dedicated drop off area would be provided at the front of the hospital to allow patients to be dropped off/collected as close to the main entrance to the hospital as close as possible. A service entrance to the delivery yard would be located at the boundary with Plot 4 to the rear.

- 6.12. The first phase of development would see site level and undercroft parking to provide 215 spaces (70 of which would be at site level (including 13 disabled bays), whilst the second phase would bring the car parking to 256 car parking spaces (+41 including 3 further disabled bays). 145 of the 256 car parking spaces along with 24 cycle spaces would be provided in a basement car park that would be for staff use only.
- 6.13. The car parking provision to be provided on site is based upon survey data from the two other hospitals in Bath and Reading that the applicant has. The hospital in Bath is an equivalent size to the Phase 1 development whilst Reading, is the equivalent size to the completed hospital at Phase 2. Based on this data, 256 spaces, in total, are proposed on site which is above the maximum set by the Car Parking Guidelines SPD which seeks 1 space per 2 staff and 1 space per 2 beds (191 spaces). If the SPD guidance were to be followed, a substantial under-provision of the car parking required by the hospital would occur as the proposal has few hospital bed spaces relative to the total floor space, as the majority would be used for consulting purposes, i.e. daytime visits, rather than overnight stays.
- 6.14. Transportation has advised that the proposed development will require works within the public highway relating to the access point off Pebble Mill Road and amendments to parking bays on Pebble Mill Road. As such a Section 278 Agreement would be required and a condition is recommended below to secure this.
- 6.15. A revised transport statement has been submitted with the application that details car parking provision, trip generation, cycle storage, travel plan and parking management (the majority of which required details to be submitted following conditions on the previous outline consent). Transportation has reviewed this and the previous submitted version and raise no objection the proposed development in terms of access, car parking provision or relevant agreement of details relating to conditions.
- 6.16. I note the two letters of comment received from Councillor Deidre Alden and a local resident relating to car parking. The car parking provision provided on site would be over and above that required by your SPD and has been based on useage at the applicant's other two hospitals which are comparable in size. For example, the Bath hospital is located on a business park on the City's outskirts served by a one hourly bus to Bath whilst the Reading hospital is located within a new residential development on a direct bus link with a link to a nearby Park and Ride. As such, I consider that the proposed development would provide sufficient car parking to account for its own requirements.
- 6.17. The dental hospital has yet to open and as such any impacts relating to car parking following occupation are yet unknown and whilst contractor car parking is a known issue in the locality, there are a mixture of traffic regulation orders on local roads affecting on-street car parking. I do not consider that the impact of car parking would be significant when compared to previous consents and the former intensive use of the site as television studios. Whilst the site may have been dormant in the past few years, it has been allocated for significant development since the BBC closure. Pebble Mill Road is also an extensively used road, bridging Bristol Road and Pershore Road. I do not consider that the proposed development would have an impact sufficient to impact on residential amenity. Based on this, I do not consider that a refusal of permission could be justified on car parking issues relating to the wider site development including short term contractor parking.

## Other Issues

- 6.18. The application is accompanied by a flooding and drainage strategy, contamination methodology statement, updated ecological assessment and scheme for compensatory habitat creation, ecological mitigation plan, acoustic survey report, utilities statement, acoustic and odour control statement, external lighting assessment, construction method statement and a local employment policy statement to cover the requirements of a number of conditions attached to the previous outline consent. This information has been assessed by the relevant consultees who have raised no objections to the proposed development and supporting information. As such, I consider it acceptable to agree the approval of details for the conditions listed below.

## 7. Conclusion

- 7.1. The proposed development would be in accordance with the outline planning permission granted last year and as such, the principle of development has been previously reviewed and accepted. The development would meet policy objectives and criteria set out in the Birmingham UDP and the NPPF. The scheme is considered acceptable in design, scale, layout, access and landscaping along with car parking provision on site. It represents a significant economic investment and will further the regeneration objectives for this area of the City.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would provide significant economic and social benefits, would provide further local employment and does not have an environmental impact that could be regarded as significant, I consider the proposal to be sustainable development and on this basis, should be approved.

## 8. Recommendation

- 8.1. That approval is given to the reserved matters of access, appearance, landscaping, layout and scale as they relate to outline planning permission 2014/00203/PA, covered by reserved matters application 2015/05000/PA, subject to the conditions set out below.
- 8.2. That approval is given to the details submitted pursuant to the following conditions of outline planning permission 2014/00203/PA:
- Condition 2 – mobility access scheme
  - Condition 3 – contamination remediation scheme
  - Condition 7 – surface water drainage scheme
  - Condition 8 – flood proofing/tanking measure details
  - Condition 10 – compensatory habitat creation
  - Condition 11 – construction ecological mitigation plan
  - Condition 13 – extraction and odour control details
  - Condition 14 – landscaping
  - Condition 15 – boundary treatment
  - Condition 16 – landscape management plan
  - Condition 17 – lighting
  - Condition 18 – green roof details
  - Condition 19 – construction management scheme
  - Condition 20 – materials
  - Condition 21 – levels

- Condition 22 – public art
- Condition 23 – CCTV
- Condition 25 – local employment policy
- Condition 28 – parking management strategy
- Condition 29 – commercial travel plan
- Condition 30 – parking facilities
- Condition 32 – cycle storage.

- 
- |   |                                                                                  |
|---|----------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans           |
| 2 | Requires the scheme to be in accordance with the listed approved documents       |
| 3 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 4 | Arboricultural Method Statement and Tree Protection Plan - Implementation        |
| 5 | Requires the prior submission of photovoltaic panel details                      |
- 

Case Officer: Pam Brennan

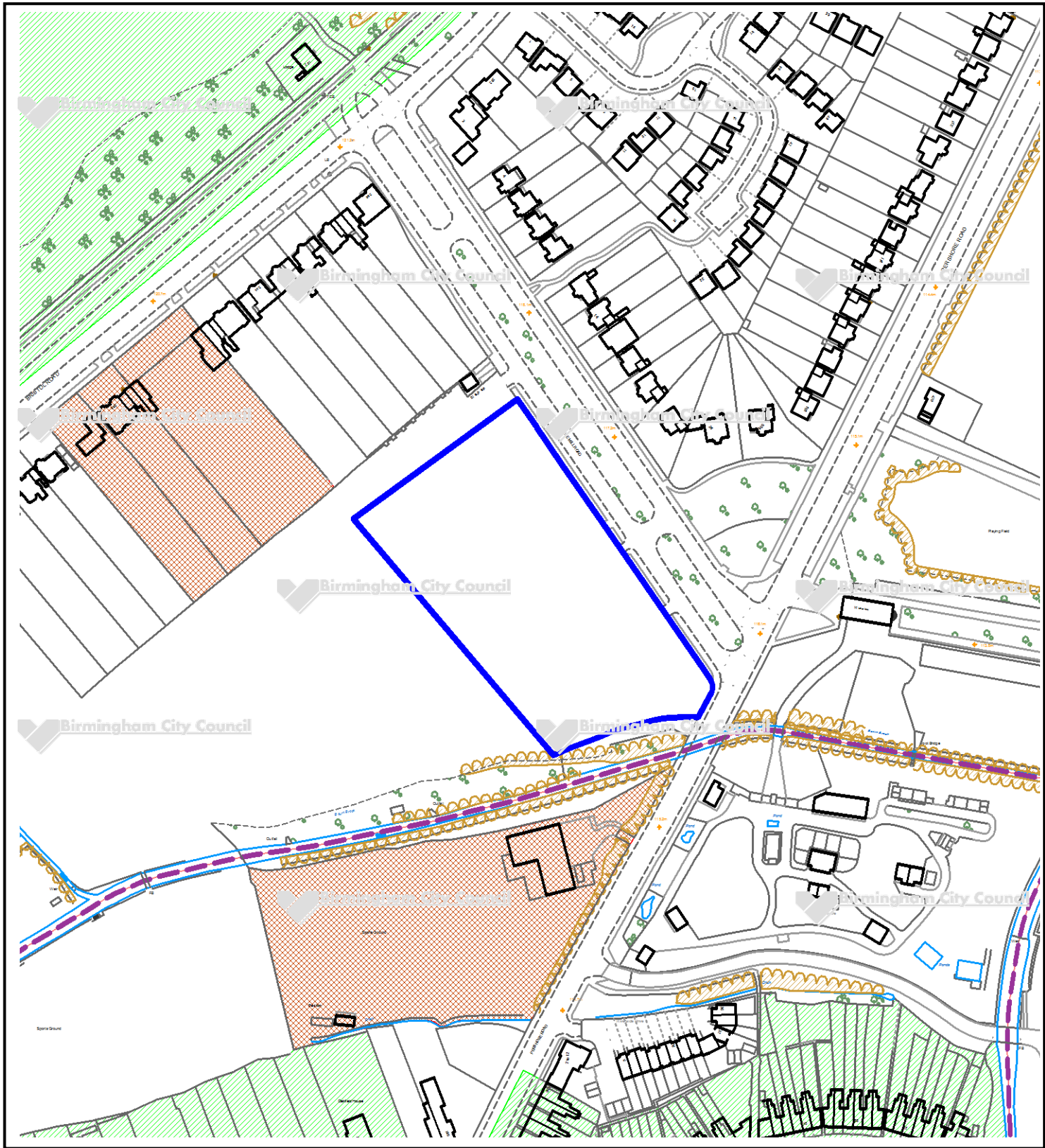


**Photo(s)**



View of site from Pebble Mill Road – Dental Hospital on right of photograph

**Location Plan**



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/04615/PA |
| Accepted:       | 07/07/2015 | Application Type:   | Full Planning |
| Target Date:    | 06/10/2015 |                     |               |
| Ward:           | Selly Oak  |                     |               |

Unit 1, Former Birmingham Battery Site, Land at, Aston Webb Boulevard, Selly Oak, Birmingham

Erection of a unit comprising 1,487sqm GIA to be used for food and ancillary non-food retail purposes ((Use Class A1)

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

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. The Outline consent secured two years ago for the former Battery site (2013/02178/PA) provides for, principally, the Life Sciences Campus, a Supermarket, other Retail units, and Student accommodation. The first Reserved Matters application is currently under consideration (2015/04902/PA), covering the Supermarket, other Retail units, and Student accommodation located in the southern half of the wider Outline site. First, detailed, applications for the Life Sciences Campus will follow in due course.
- 1.2. The Reserved Matters application for the Supermarket, other Retail units, and Student accommodation will come to your Committee in the near future. In advance of that, this application at Unit 1 seeks consent for convenience retail floorspace, i.e. food retail, in order to secure an occupier.
- 1.3. Physically, Unit 1 would sit within the retail 'terrace' running east-west parallel to the site's northern boundary. That retail terrace is sited within the footprint parameters approved as part of the Outline consent. Its height would similarly sit within the Outline parameters. It would provide 1,487 sqm gross internal area, consisting of 1,022 sqm Ground Floor sales space, and a storage/back of house 465 sqm mezzanine floor set at the rear half of the unit. Externally, the unit would measure 28m wide by 39m deep, and be sited at the western end of the retail terrace. It would face south across the surface level car park and the site entrance, and west across a 5.8m wide covered walkway to another retail unit. Delivery access would be provided to the north.
- 1.4. The building would be 10.7m tall to the top of parapet, with the front of the unit marked by the 7.2m tall covered walkway/canopy running along the whole retail terrace. This canopy would be faced in white, powder-coated, pressed-metal panels, while the principal elevations would be faced with ceramic tiles, with signage



zones indicated. The front door faces the main car park and walkway, with large, glazed shopfronts adjacent and extending around the corner to the west elevation. Proposed hours are not stated, the Outline comment did not impose any hours restrictions.

- 1.5. The application is supported by a Planning and Retail Statement, Design & Access Statement, a Transportation Statement, and a Drainage Management Plan.

- 1.6. Site Area: 0.15 ha.

## 2. [Link to Documents](#)

## 3. [Site & Surroundings](#)

- 3.1. The application site lies towards the west-central part of the wider former Battery site, which is bounded to the west by Selly Oak New Road (Aston Webb Boulevard), to the south by the rear flank of the Battery Retail Park, and to the east by the railway line, the Worcester & Birmingham Canal, and Bristol Road. The site was heavily contaminated, significant remediation works began in 2014 and are due for completion in early 2016. Allotments and housing lie to the west of the application site, beyond the Aston Webb Boulevard and Harborne Lane roundabout.

### [Site Location map](#)

## 4. [Planning History](#)

- 4.1. Extensive. The most relevant includes:
- 4.2. 28<sup>th</sup> November 2013, 2013/02178/PA, Outline planning application for mixed use development comprising of life sciences campus (Use Classes B1a, B1b, B1c), supermarket (Use Class A1), non-food retail units (Use Class A1), financial and professional units (Use Class A2), cafe and restaurant units (Use Class A3), drinking establishments (Use Class A4), hot food take-away (Use Class A5), leisure (Use Class D2), student accommodation (Sui Generis), petrol filling station (Sui Generis), a linear open space walkway 'greenway', vehicular Access to the site, car parking (including multi storey car parking), landscaping, retaining walls, and associated works including demolition of existing buildings. Matters Reserved: Scale, Layout, Appearance, Landscaping, pedestrian and cycle Access, and vehicular Access within the site. Approved.
- 4.3. Current application 2015/04902/PA, Reserved matters application following outline consent 2013/02178/PA for the layout, scale, appearance, landscaping, pedestrian and cycle access, and vehicular access within the site for the supermarket and other retail development, student accommodation and petrol filling station.

## 5. [Consultation/PP Responses](#)

- 5.1. Owner of adjoining Battery Retail Park, Local Councillors, MP, Residents' Associations notified, Site Notice and Press Notice displayed. No responses received.
- 5.2. Transportation Development: No objection.

6. Policy Context

- 6.1. Unitary Development Plan, draft Birmingham Development Plan, the Wider Selly Oak Supplementary Planning Document (SPD), Places for All SPD, NPPF.

7. Planning Considerations

- 7.1. I consider the principal matters to be addressed with this application include layout and design, and retail matters.

7.2. LAYOUT AND DESIGN

- 7.3. Although the application is to be determined ahead of the Reserved Matters submission (soon to be presented to your Committee), it dovetails exactly with that submission, i.e. it follows the building line of the rest of the retail terrace proposed, with design and scale according also. If the Reserved Matters is approved this autumn, Unit 1 would be constructed under the same programme as the rest of the retail terrace.

- 7.4. Building position and height sits within the parameters established by the Outline consent, and the scale of Unit 1 is appropriate to that of the wider commercial development. Its design and materials are modern, crisp and attractive, and tie-in with those proposed in the Reserved Matters submission.

7.5. RETAIL MATTERS

- 7.6. The Applicant proposes a convenience retail store *in addition* to the Supermarket. The Outline consent provided for convenience retail only in the Supermarket. Unit 1 would provide 1,022 sqm convenience sales floorspace. However, because the Supermarket proposed in the current Reserved Matters application is smaller than the maximum permitted by the 2013 Outline consent, the joint extra convenience floorspace constructed would only be 280 sqm. Also, while convenience floorspace would be this limited extra (6% more), overall Supermarket and Unit 1 floorspace would be less than the Outline consent (15% less). The above circumstances have been taken into account in the assessment of the application on retail and transportation grounds.

- 7.7. The Applicant has submitted a Planning and Retail Statement to consider the proposal, informed by and building upon the Retail Impact Assessment submitted in support of the 2013 Outline application. The impact of the Outline proposals upon Selly Oak and nearby centres was considered acceptable by the Local Planning Authority in 2013. The extra 280 sqm convenience floorspace now proposed would form a modest further proportional provision, and total Class A1 floorspace would be reduced more significantly. The Applicant has examined population and expenditure figures, relative to the convenience floorspaces of the Outline consent, the current Reserved Matters application, and this application for Unit 1. They conclude there would be a 2.9% increase in turnover for the combined Unit 1 and Reserved Matters proposals, compared to the Outline consent. My Retail Strategy colleague notes that the increase in turnover is based on an average of the main convenience operators, but even if Unit 1 were to be occupied by an operator which attracts above-average turnover, he considers that the additional convenience turnover would still be modest in the context of the total turnover of the overall development.

I concur, considering that local and national policies would not be offended by the modest changes in convenience and overall Class A1 floorspace.

- 7.8. In order to ensure this 280 sqm increase in convenience floorspace cannot be added to later, by a new application for a Supermarket larger than the current Reserved Matters application, the Applicant has agreed to enter into a Legal Agreement. This Agreement would prevent the maximum floorspace of the 2013 Outline consent from being implemented, by allowing only the total and convenience floorspaces of the smaller, current Reserved Matters Supermarket to be provided.

7.9. **TRANSPORTATION**

- 7.10. The Transportation Statement analyses Convenience and Comparison retail traffic generation, for the Outline consent, and for the Reserved Matters and Unit 1 applications combined. The difference between the two are minimal - four more arrivals and departures in the AM peak (2.01%), and ten in the PM peak (1.27%). As such, my Transportation colleague raises no objection and I concur.

7.11. **OTHER MATTERS**

- 7.12. The range of other matters which would usually be considered with a submission of this scale include land conditions, archaeology, drainage, ecology, parking, landscaping, etc.. All of these were addressed with the Outline application in 2013 and are therefore subject to a plethora of conditions. Some of these conditions have already been addressed, some are currently under consideration, and many of these various topic areas are also under consideration with the current Reserved Matters submission.

8. **Conclusion**

- 8.1 The building proposed would be of a scale and position in accordance with the approved Outline parameters, and the corresponding proposals of the current Reserved Matters application. It is of an attractive, modern design and would make a positive contribution to the regeneration of the site. Subject to the legal agreement, the provision of convenience retail floorspace outside of the Supermarket would secure a second 'anchor' store without materially affecting local traffic or the economic health of the wider Selly Oak District Centre. As such, it constitutes Sustainable Development and complies with the local and national policy context.

9. **Recommendation**

- 9.1. That consideration of application 2015/04615/PA be deferred pending the completion an appropriate planning obligation to ensure:
- i) That the Supermarket consented under 2013/02178/PA is not constructed any larger than 11,945 sqm total Gross Internal Area, and 3,903 sqm Convenience Retail Gross Internal Area.
  - ii) A financial contribution of £1,500 for administration and monitoring to be paid upon completion of the legal agreement.



- 9.2. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate planning obligation under Section 106 of the Town and Country Planning Act.
- 9.3. In the event of the planning obligation not being completed to the satisfaction of the Local Planning Authority on or before 2<sup>nd</sup> October 2015, planning permission be refused for the following reason:
- i) In the absence of a planning obligation to ensure no more than 11,945 sqm total Gross Internal Area, and 3,903 sqm Convenience Retail Gross Internal Area is constructed for the Supermarket elsewhere on the application site (2013/02178/PA), the proposed Unit 1 would allow the wider site's maximum Convenience retail floorspace to materially exceed that considered under application 2013/02178/PA without due consideration of the effects of that increased floorspace upon retail and transportation matters.
- 9.4. In the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 2<sup>nd</sup> October 2015, favourable consideration be given to this application, subject to the conditions listed below:

- 
- |   |                                                                                 |
|---|---------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans          |
| 2 | Requires the prior submission of sample materials                               |
| 3 | Removes PD Rights for further mezzanine Convenience floorspace                  |
| 4 | Limits the approval to 12 years and 13 weeks (corresponding with 2013/02178/PA) |
- 

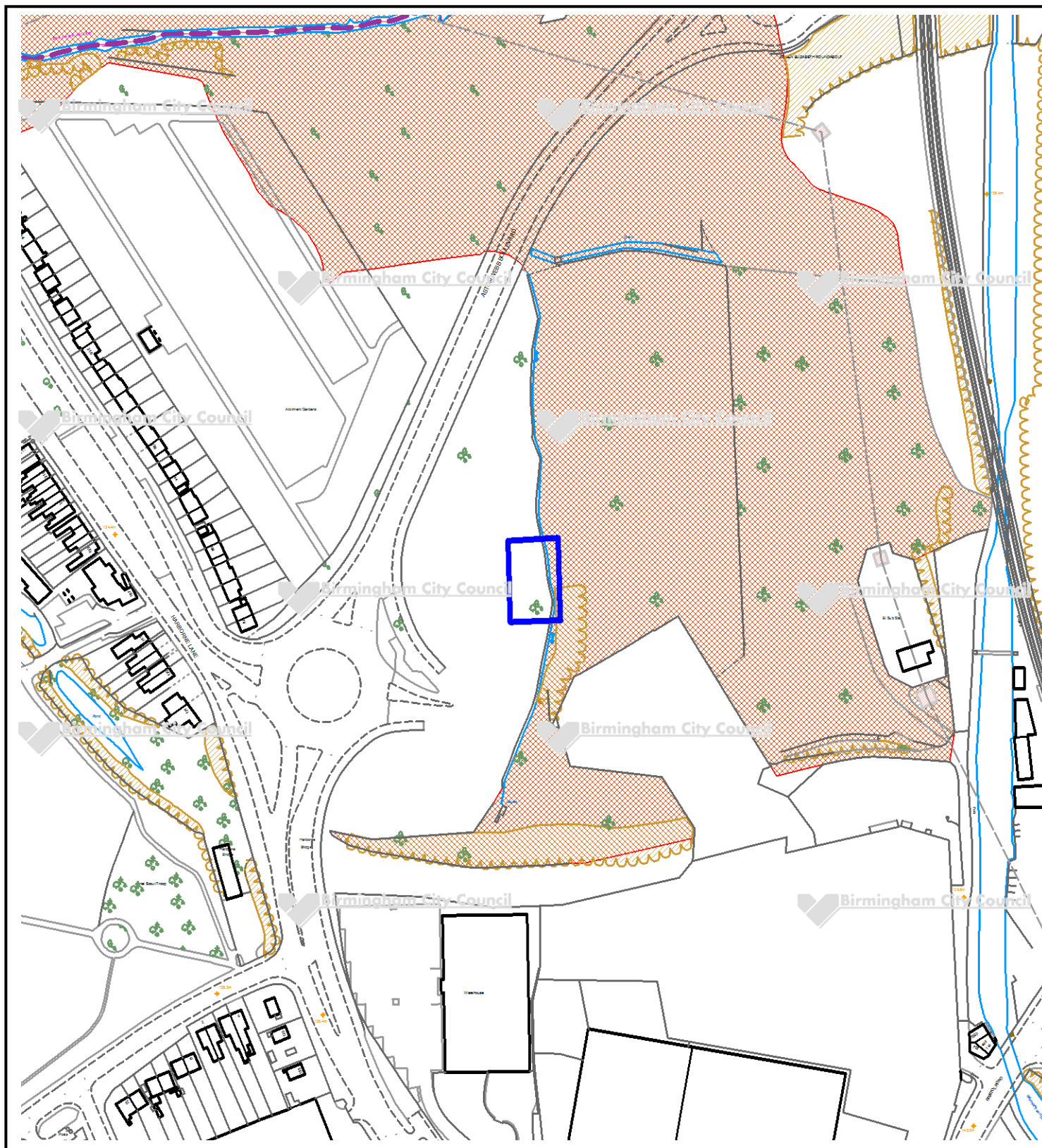
Case Officer:            Simon Turner

**Photo(s)**



Site access from Aston Webb Boulevard, with site of Unit 1 beyond to the north-east

## Location Plan



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|                 |            |                     |                              |
|-----------------|------------|---------------------|------------------------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/04617/PA                |
| Accepted:       | 10/06/2015 | Application Type:   | Reserved Matters Development |
| Target Date:    | 09/09/2015 |                     |                              |
| Ward:           | Selly Oak  |                     |                              |

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

Reserved matters submission for consideration of details of appearance, landscaping, layout and scale in respect of phase 2 of outline approval (ref:- 2012/02303/PA) for 67 new dwellings (Use Class C3), with associated parking and external works.

Applicant: Persimmon Homes Ltd  
Aspen House, Birmingham Road, Studley, Warwickshire, B80 7BG  
Agent: GVA  
3 Brindleyplace, Birmingham, B1 2JB

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application is a reserved matters submission for the second 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 14<sup>th</sup> 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 second phase - at the south-eastern end of the wider site, to the north of Raddlebarn Road – is for residential development (with no commercial element). All remaining buildings on the site would be demolished and 67 no. new dwellings would be constructed, with the mix as follows:

|                         |                                                                                           |
|-------------------------|-------------------------------------------------------------------------------------------|
| <b>Private Units</b>    | 8 no. 4 beds<br>11 no. 3 beds<br>29 no. 2 beds                                            |
| <b>Affordable Units</b> | 3 no. 3 beds (shared ownership)<br>4 no. 2 beds (rent)<br>12 no. 1 bed apartments (rent). |

Total 28% affordable provision.

- 1.3. The houses would be a mix of detached, semi-detached and short terraces. The units would be two storeys in height, with the exception of the apartment block at the north-east corner of the site which would be 3 storeys.
- 1.4. Accommodation within the units varies, but generally comprises:
- 4 bed units - large kitchen/dining room with separate living room, utility and WC at ground floor, with some units also having integral garages. At first floor - 4 no. bedrooms (some en-suite), separate bathroom and study.
- 3 bed units - kitchen/dining room and/or family room, separate lounge, utility and WC at ground floor, with 3 no. bedrooms (some en-suite), bathroom, and office in some cases above.
- 2 bed units - kitchen/dining (or breakfast) room, separate living room (or living/dining) and WC/utility at ground floor, with 2 no. bedrooms (1 no. en-suite), bathroom, and office in some cases above.
- 1 bed apartments – bedroom, bathroom kitchen and lounge.
- 1.5. All bedroom sizes comply with the guidelines in 'Places for Living'.
- 1.6. Garden sizes are generally well in excess of the minimum recommended standards in 'Places for Living' (many being over 100sqm) – these being large houses in spacious plots reflective of the character of the area. Some of the smaller units have more modest gardens, but all accord with 'Places for Living'. The apartments have some communal space to the side/rear (235sqm). This is below the recommended 30sqm per unit in 'Places for Living' (approximately 19.5sqm) but is considered acceptable on balance at this difficult corner of the site because of the block's position overlooking a 'green route' to the front and canal to the rear.
- 1.7. The units would be in brick, with tiled roofs. There are a variety of house-types proposed, the character of which is intended to reflect that of the adjacent Bournville Conservation Area, which has an Arts and Crafts style. The brickwork has been mixed with occasional elements of 'black and white' cladding (below the gable eaves) and some light render to identify key buildings.
- 1.8. Vehicular access would be from a single point off Raddlebarn Road on the east side of the site. The primary route from this point would run through the centre of the site, up to the west side, where it would eventually link into the next phase of development. An indicative layout has been provided for Phase 3 to demonstrate how this would work. In addition, a plan has been provided showing a potential secondary access for emergency vehicles prior to the delivery of later phases.
- 1.9. Internal roads would lead off this primary route to serve perimeter blocks on the south and east sides, and an apartment block at the northern corner (where it would terminate in a cul-de-sac).
- 1.10. A substantial area (just under 1 ha) of open space ('The Infirmary Gardens') would be provided at the south-west end at the corner of Raddlebarn Road, adjacent to the junction with Willow Road, acting a 'green gateway' to the site. Wildflower meadow planting and informal grassed areas would be provided under existing retained trees and the proposal would incorporate a series of footpaths to provide pedestrian/cycle links.



- 1.11. With the exception of some of the smaller units, the majority of the houses would have either integral garages or single garages to the side of the property, set back from the road to allow the incorporation of an additional space in front. The houses generally have between 200% and 300% in-curtilage parking provision, in reflection of the size of the properties proposed. A parking court would be provided at the rear of the apartment block, with 100% provision plus 6 no. visitor spaces (for 12 no. units).
- 1.12. Site area: 2.86 ha. Density 36 units per hectare (excluding public open space).
- 1.13. The application submission included a Planning Statement, Design Statement, and Statement of Community Involvement.

[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 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 site extends to 17.4 ha overall, the majority (11.3 ha) of which lies to the north of Raddlebarn Road which is, 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.
- 2.4. The southern part of the site is traversed by structures related to the Elan Valley aqueduct. The site is surrounded predominantly by established residential areas. To the south of the site is Bournville Conservation Area, characterised by low density semi-detached dwellings with long rear gardens set in tree-lined avenues. To the north and east of the site the residential areas are more traditional, higher density terraced housing. Oak Tree Lane to the west features largely semi-detached properties. To the west of the site fronting Oak Tree Lane/Raddlebarn Road are a range of institutional uses, including the Children's Mental Health Unit and the Artificial Limb Centre (these fall outside the application site and would remain in their current use), Acorns Hospice and Selly Oak Trust School. Land outside the site and



to the north on Elliott Road, has planning permissions for residential development and student accommodation, which is currently under construction.

- 2.5. The area to the far east side of the development site is the subject of this current application. It is bounded to the east by the railway line and canal, beyond which are terraced houses and a small group of shops/public house. To the south, on the opposite side of Raddlebarn Road are houses falling within the Conservation Area. To the west is the phase 1 development site. The application site is still occupied by a number of buildings of varying ages and architectural styles. The site boundaries are characterised by groups of mature trees.
- 2.6. There are a number of Grade B locally listed buildings on the wider site, but none on this phase of development.

### [Location](#)

## 3. Planning History

- 3.1. 14<sup>th</sup> October 2013. PA No. 2012/02303/PA. Outline application for demolition and construction of a maximum of 650 dwellings and construction of up to 1000m<sup>2</sup> (maximum) Use Class A1 (Shops); 500m<sup>2</sup> (maximum) Use Class A3 (restaurants and cafes) and Use Class A4 (drinking establishments); 1500m<sup>2</sup> (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. 11<sup>th</sup> June 2015. PA No. 2015/01313/PA. Conversion of former nurses home to 15 residential apartments (Use Class C3), with associated external alterations and landscaping works. Approved.
- 3.3. 30<sup>th</sup> 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 C3), provision of open space (incorporating cricket pitch and pavilion), associated parking and external works. Approved.

## 4. Consultation/PP Responses

### Consultations

- 4.1. Transportation – access road exceeds 180m. Whilst there is an access continuing into a future phase, an interim arrangement for emergency access is required until later phases come forward (or carriageway increased to 7.3m in width). Acknowledge submission of indicative drawing showing temporary emergency route and satisfied that its provision can be suitably secured (prior to occupation of dwellings) through imposition of an appropriate condition. Parking provision is acceptable.
- 4.2. Regulatory Services – no objections.
- 4.3. Local Services – assume that the public open space being shown as delivered in phase 2 accords with what was stipulated in the S106 agreement attached to the outline approval. Agreement requires a BCC Clerk of Works to supervise the

construction of the open space. Request that applicant engages with LPG regarding this and previous phase.

- 4.4. Education – S106 has already been agreed; no further comments.
- 4.5. West Midlands Fire Service – no comments to make.
- 4.6. Severn Trent – no further comments. Wish to be consulted when drainage details (required through condition attached to outline application) are received.
- 4.7. West Midlands Police – no objections.
- 4.8. Centro - This development is well placed for ease of access to walking and cycle route networks, regular bus services and cross-city train services. However, concerned that the phasing of the development will deny access to these facilities for the first residents on site. The proposed 'green lane' pedestrian/cycle route and access to canal/Elliot Road (which link with Bristol Road bus services and Selly Oak station) should be provided as part of this phase to ensure new residents develop sustainable travel habits. Additional crossing facilities on Raddlebarn Road should also be considered at this stage. All properties without garages should be provided with lockable storage for cycles (detailed advice provided on type of stands appropriate).

#### Public Participation

- 4.9. Adjacent occupiers, Councillors, M.P., and residents associations notified, and (4no.) site and press notices posted. No response received.

#### 5. Policy Context

- 5.1. NPPF 2012, Birmingham UDP 2005, Draft Birmingham Development Plan, SPG Places for All (2001), SPG Places for Living (2001), Wider Selly Oak SPD (June 2015), Bournville Village Conservation Area, Selly Oak Hospital Draft Supplementary Planning Guidance (Dec 2008), Nature Conservation Strategy for Birmingham (1997), Car Parking Guidelines (2012).

#### 6. Planning Considerations

##### Background

- 6.1. This application is a reserved matters submission for the second 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 14<sup>th</sup> 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 second phase of the development relates to the south-eastern corner of the wider site, on a 2.86 ha area of land to the north side of Raddlebarn Road. The proposal is for residential development (with no commercial element). All remaining buildings would be demolished and 67 no. new dwellings 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 36 dwellings per hectare. This figure accords with the target density identified on the original parameter plan (which indicated 35-45 dwellings per ha).
- 6.7. The houses in this second phase would all be 2 storey, with a 3 storey apartment block proposed at the north end of the site. This is in accordance with the outline parameter plan, which indicates a maximum of 2 ½ storeys across the majority of the site, with 3 storeys at the top corner.
- 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 this phase of the development. However, there are two such buildings for retention as part of the adjacent phase (3) – the water tower and infirmary entrance block. These are included on an indicative plan attached to this submission, which demonstrates the relationship of the development to these buildings, in terms of the road layout/positioning of blocks.
- 6.9. In the light of the above, I am satisfied that the current submission for the second phase of development is 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 Officers were involved in pre-application discussions and raise no objection to the current proposal subject to the provision of a satisfactory route for emergency service vehicles. A through-route would ultimately be provided following the delivery of later phases of development. Until this can be delivered, it is proposed to provide a temporary route, linking onto Oak Tree Lane, for emergency use. An indicative drawing of this has been provided and your Transportation Officer is satisfied that this can be appropriately secured through imposition of a condition. West Midlands Fire Service have raised no objection.
- 6.11. Centro have suggested that the proposed 'green lane' pedestrian/cycle route and access to the canal/Elliott Road indicated on the outline 'Master Plan' (beyond the north and north-west boundaries of this site) should be delivered as part of this phase of development to ensure residents have easy access to Bristol Road bus

services and Selly Oak train station from the time they move in. However, the outline consent is specific about when these elements are to be delivered and it would not be practical/safe to introduce them at an earlier stage, to run through what would later become a development site.

- 6.12. Access for pedestrian and cyclists is provided from both the east and west sides of the site, across the open space and linking into a linear route through phase 1 onto Oak Tree Lane.

#### Layout and Design

- 6.13. The submitted layout generally reflects that shown on the indicative master plan considered at the outline application stage, with the road alignment slightly altered to create more regular shaped perimeter blocks.
- 6.14. 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.
- 6.15. 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 southern end of the hospital site, which sits adjacent to Bournville Village Conservation Area. This is recognised in the house-types proposed and their layout, with a significant number of large detached and semi-detached properties within spacious plots, incorporating design features characteristic of the locality.
- 6.16. The scheme complies with the requirements of 'Places for Living' in terms of distance separation in respect of existing residential properties (the site being bounded by roads on two sides, the canal/railway to the west and the remaining hospital site to the north-west).
- 6.17. Within the scheme itself, there are a few minor shortfalls. The front-to-front distance separation between facing properties either side of the internal access road does not meet the recommended 21m (reducing to 19m at the closest point), but is considered acceptable within the development, and I note that Places for Living specifically allows for greater flexibility between building fronts.
- 6.18. Likewise, there are 4 other occasions where the normal distance requirements are not met but the shortfalls are not considered sufficient to create a concern. These include 2 no. gardens in corner positions (with splayed boundaries) being only 8m (not 10m) in length at their shortest point, and only 11.7m (not 12.5m) between main windows and an adjacent blank wall on one unit (again in a corner position).
- 6.19. A condition is recommended requiring that 2 no. secondary windows on the east elevation of the apartment block are obscurely glazed in order to safeguard privacy to the garden of the adjacent housing plot.
- 6.20. All bedroom sizes comply with the guidelines in 'Places for Living'.
- 6.21. The apartments have some communal space to the side/east (235sqm). This is below the recommended 30sqm per unit in 'Places for Living' (approximately 19.5sqm) but is considered acceptable on balance at this difficult corner of the site

because of the blocks position overlooking the 'green route' to the front and canal to the rear.

#### Trees, Landscaping and Ecology

- 6.22. Your Ecologist has provided comments in respect of conditions relating to the phase 1 development on the opposite side of Raddlebarn Road, and requests that the same principles be applied to future phases including the need for opportunities for ecological enhancements to be considered at an early stage in the development of any landscaping scheme.
- 6.23. Landscaping is a matter for consideration as part of this current application. Your Ecologist notes that the soft landscaping proposals include elements of planting (including areas of wildflower meadow, seasonal bulbs, tree, shrub and hedge planting) that will benefit local wildlife by providing food sources (nectar, pollen, seeds, berries), shelter, nesting sites etc. and, as such, raises no objection in principle to the types of planting/habitat creation proposed. She also identified scope to secure additional biodiversity benefits, for example by including a greater proportion of native tree, shrub and hedge species, where there is space to do so and appropriate maintenance can be secured.
- 6.24. Your Landscape Officer also provided advice on the detailed planting scheme, including a recommendation for the incorporation of mown grassed frontages to paths/roads, native hedge planting along the canal and omission of ornamental shrub/hedge planting from the open space.
- 6.25. The landscape/ecology comments were shared with the applicant, and this prompted the submission of amended drawings to address the points raised. This positive response has been welcomed and your Landscape Officer has confirmed that the amended scheme is acceptable. There are conditions attached to the outline approval with regards to ecology and further details will be submitted in a subsequent discharge of conditions application.
- 6.26. Your Tree Officer has been in discussion with the developer, having expressed concerns regarding inconsistencies on the drawings with regards to tree retention. In addition, a revised site plan has been submitted which more accurately reflects tree coverage on site. This demonstrates the relationship of the retained trees to the proposed new housing, which has been set in/back from the boundaries to ensure retention of existing mature trees to the Raddlebarn Road frontage and the railway line/canal.
- 6.27. All trees along the eastern boundary to the canal are to be retained. Tree removals along the Raddlebarn Road frontage reflect those agreed at the outline stage, with the exception of 5 no. additional trees identified for removal 'for reasons of sound arboricultural management' – an approach supported in the accompanying Arboricultural Statement. Your Tree Officer is now satisfied with the information submitted and the development proposals. However, he requests that the conditions imposed at outline in respect of tree protection/tree works remain at this time.

#### Planning Obligation Requirements

- 6.28. A S106 was attached to the outline approval, which secured a series of provisions as follows:

6.29. *A financial contribution of £70,000 to be spent on a new pitch layout or improvements to the pitches at Selly Park Recreation Ground;*

- to be paid upon implementation of phase 1.

6.30. *A financial contribution of £96,000 for tow path surfacing and maintenance to the 583 metre length of tow path between the Selly Oak railway bridge and the Bristol Road bridge;*

This requirement does not relate to this phase of the development.

6.30. *Affordable housing of 17.5%, comprising of social rented units and/or intermediate rent units and/or shared ownership units and/or low cost units;*

There is a requirement for 17.5% affordable housing provision overall across the outline site (which is now owned by the applicant in its entirety). This current phase offers 28% provision (19 units), comprising:

Affordable Rent – 4 no. 2 bed houses and 12 no. 1 bed apartments;  
Shared Ownership – 3 no. 3 bed houses.

An Affordable Housing Strategy for the overall development was submitted with the phase 1 reserved matters application, and its proposals are reflected here. My Housing colleague has confirmed that there is a current demand for one-bed affordable apartments (which form the majority of the units currently offered) and that the proposed houses are acceptable.

6.31. *Provision of a two team sports changing pavilion facility.*

This was secured as part of phase 1, considered by your Committee earlier this year.

6.32. *Public open space (POS) of 3.99 ha in total to be provided, including a toddlers' play space and other play provision (up to age 12) within the overall POS (and maintenance sum);*

The current scheme includes the provision of almost 1 ha of open space at the south-west corner, to link into the cricket pitch and linear open space (with children's play facilities), on the opposite side of Raddlebarn Road, which extends up to Oak Tree Lane (approved in phase 1).

The proposals reflect the Landscape Strategy Plan considered as part of the outline approval. The open space would be laid out by the developer and maintained through a management company.

6.33. *A detailed phasing plan incorporating phased delivery of dwellings, public open space, sports changing facility and landscaping."*

To be submitted prior to implementation (not at this stage).

6.34. *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 £206,829 (index linked from January 2013).

### Other Issues

- 6.35. In addition to consideration of the reserved matters – appearance, landscaping, layout and scale - the information accompanying the submission also seeks to provide the details required through a number of other conditions attached to the outline approval, including;
- Condition 12 (materials) - the current proposals reflect the materials approved on phase 1;
  - Condition 13 (boundary treatment) – predominantly brick walls and timber panel fencing; and
  - Condition 23 (vehicle parking/turning areas) – a mix of tarmac and block paving. (the roads within the scheme are not to be offered for adoption);
  - Condition 24 (cycle storage) – vertical cycle racks within timber shelter;
  - Condition 31 (refuse storage facilities) – wheelie bins within timber shelter.

These proposals are considered acceptable and, as such, are also recommended for approval.

## 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 second phase of development are in accordance with the parameters established at the outline stage and are considered acceptable.
- 7.2. The proposed scheme reflects the principles of good design identified within policy guidance in terms of the creation of a high quality environment which respects the context of the site. The proposed development would be sympathetic to the character of its surroundings, including the adjacent Bournville Conservation Area, in terms of both the scale and design of the houses and the landscaped setting. The layout would also respect the level of amenity currently enjoyed by existing occupiers adjoining the site, and would provide an attractive living environment for future occupiers.
- 7.3. In addition, the development would deliver a significant area of public open space in accordance with the requirements of the S106 agreement attached to the outline consent.
- 7.4. In the light of the above, I recommend approval of this reserved matters submission.

## 8. Recommendation

- 8.1. That approval be given to the reserved matters of appearance, landscaping, layout and scale as they relate to Phase 2 of outline approval 2012/02303/PA, subject to the conditions set out below.

8.2. That approval is given to the details submitted pursuant to the following conditions of outline approval 2012/02303/PA in respect of Phase 2:

- Condition 12 - materials;
- Condition 13 - boundary treatment;
- Condition 23 - vehicle parking/turning areas;
- Condition 24 – cycle storage; and
- Condition 31 – refuse storage facilities.

- 
- |   |                                                                                      |
|---|--------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans               |
| 2 | Requires provision of a temporary route for emergency vehicles.                      |
| 3 | Requires the prior submission details obscure glazing for specific apartment windows |
- 

Case Officer:        Alison Powell

## Photo(s)



Looking south-east on Raddlebarn Rd, approaching Willow Road



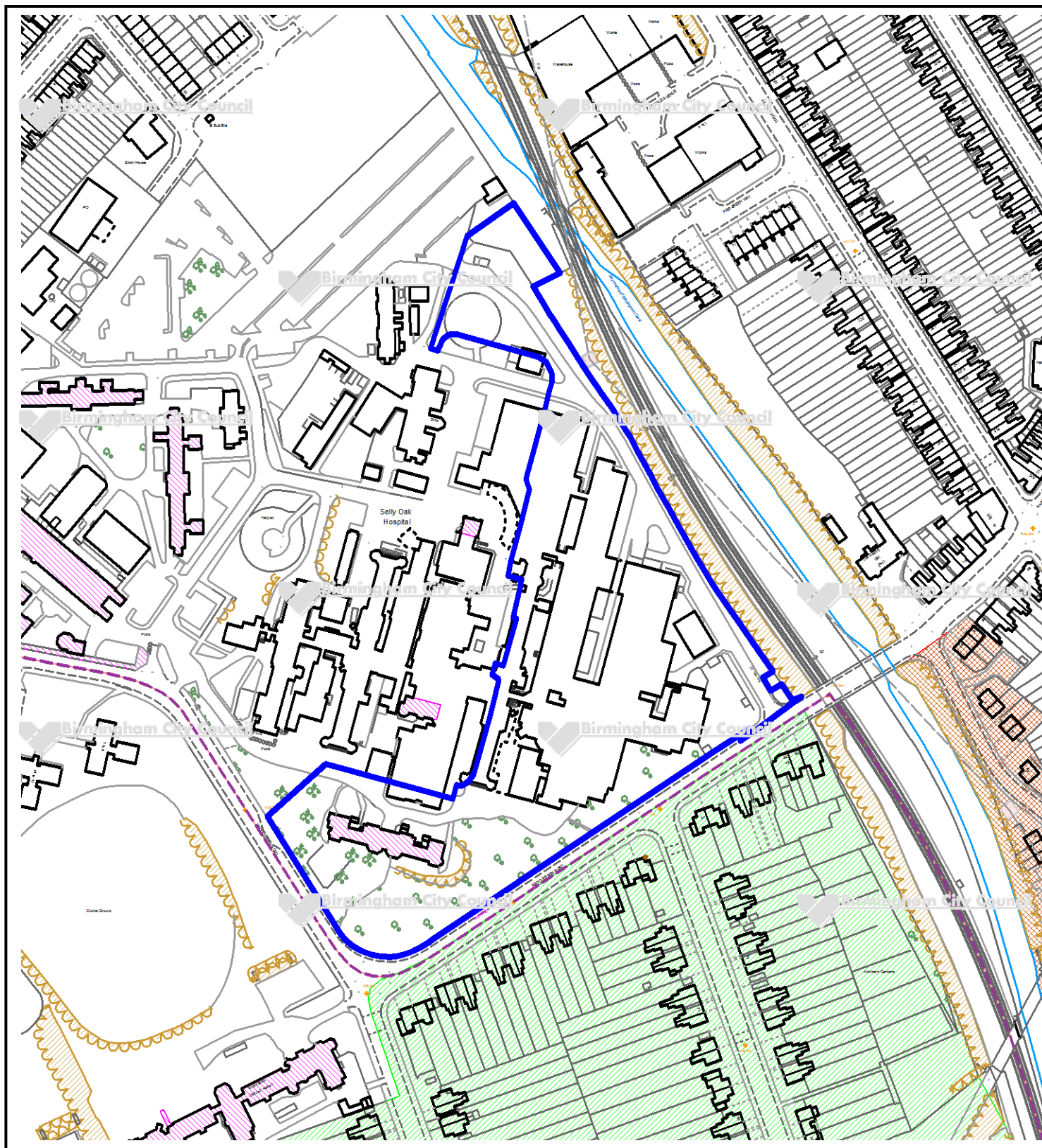
Raddlebarn Road frontage, south side



Eastern boundary to railway line, with post-war building for demolition



## Location Plan



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|                 |                         |                     |                          |
|-----------------|-------------------------|---------------------|--------------------------|
| Committee Date: | 17/09/2015              | Application Number: | 2015/05202/PA            |
| Accepted:       | 29/06/2015              | Application Type:   | Minor Material Amendment |
| Target Date:    | 28/09/2015              |                     |                          |
| Ward:           | Moseley and Kings Heath |                     |                          |

Meteor Building, St Mary's Row, Moseley, Birmingham, B13 9EG

Minor material amendment to Planning Permission ref:- 2009/05931/PA for reduction in car parking provision by 18 spaces, re-location of scissor lift and roller access door, revision to entrance door positions and provision of external seating area to cafe.

Applicant: Commercial Developments Projects Ltd (CDP Ltd)  
Marshall House, Huddersfield Road, Elland, West Yorkshire, HX5 9BW

Agent:

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1. Planning permission was granted on 6 May 2011 under 2009/05931/PA for the demolition of the existing car dealership buildings and its redevelopment to provide a mixed use scheme comprising a retail food store, medical practice/surgery and 14 sheltered residential apartments, together with a new access, 102 car parking spaces and landscaping works.
- 1.2. The permission was subject to a Section 106 agreement that secured:
- a contribution of £68,000 for highway studies / works that may arise from traffic issues relating to use of the store / development;
  - a contribution of £25,000 towards public realm / promotional and marketing campaigns / community safety initiatives within Moseley Village;
  - a local employment and training obligation.
- 1.3. The financial contributions have been paid and development has commenced under this previous consent. There have been two subsequent variation of condition applications (2014/01972/PA and 2014/03074/PA), both of which were granted consent in 2014, following the site being sold to the Applicant. The proposed food store operator (Marks and Spencer) has further operating requirements which differ to those of the originally proposed food store operator (Tesco), hence the submission of this minor material amendment application which seeks to make the following changes to the approved consent:
- Reduction in car parking provision of 18 spaces - from a total of 102 spaces to 84 spaces. The parking provision has had to be amended to provide more space for HGV's to access and service the site in a safe manner, and also for the inclusion of refuse storage areas



- Provision of external seating area to the food store's ancillary café (to be located in the north-west corner of the store) and insertion of additional door on the east elevation to allow access from the café to the external seating area
  - Relocation of the food store's main entrance doors 9m to the west on the front elevation
  - Addition of retail refuse areas located to the rear of the food store and non-food store
  - Relocation of scissor lift and roller shutter door on the rear elevation of the food store by 2m to the east
  - Relocation of car park food store entrance on rear elevation 4m to the west and inclusion of internal entrance lobby
- 1.4. Whilst the building footprint of the approved development would remain the same as previously approved, internal layout changes now proposed include sub-division of the original food store (a 1178sq.m. food store) into a food retail unit (a 836.1sq.m. food store) proposed to be operated by Marks and Spencers Simply Food and a smaller non-food retail unit (367.9sq.m) with the operator yet to be determined. Full planning permission is not required for these internal changes and subdivision.
- 1.5. A Transport Note has been submitted in support of this application.

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. This is a prominent corner site located at the edge of Moseley Village shopping centre, at the junction of St. Mary's Row and Oxford Road. The car dealership buildings have been demolished but did formerly comprise of a tall two-storey building set back from the road, facing the corner and surrounded by a single storey showroom and offices. There were taller workshop buildings towards the rear of the site behind the gardens in Oxford Road.
- 2.2. The site occupies a position in an area of transitional character. The main Victorian shopping area to the west is characterised by two, three and some four storey narrow fronted terraced buildings with shops at ground floor and residential above. Directly east of the site is a group of 1930's terraced shops completed in mock-Tudor style and set back from the road with parking in front. Diagonally opposite the site is St. Mary's Church (Grade II Listed) occupying an elevated position. East of this is an area of vacant land straddling the railway line that was previously used as open car storage and which is also owned by the Applicant. Further east along St. Mary's Row opposite the site are large detached houses set back behind a wide verge and mature hedge. Immediately south there are detached Victorian and early Edwardian houses and Moseley Baptist Church (Grade II Listed) opposite in Oxford Road.
- 2.3. The site is adjacent to the boundary of Moseley Conservation Area, the boundary taking in properties west of the railway line and north of St. Mary's Row. The site is located within Moseley Neighbourhood Centre.

[Site Location Map](#)

### 3. Planning History

- 3.1. 11 October 2004. 2003/07757/PA. Demolish garage buildings and construct a new food retail store with 24 residential properties built over with proposed access and car parking. Refused for reasons for design, highway issues and residential amenity.
- 3.2. 1 August 2005. 2005/03178/PA. Demolish garage buildings and construct a new food retail store with 24 residential properties built over with proposed access and car parking. Refused on the grounds of design, highway issues and residential amenity.
- 3.3. 6 May 2011. 2009/05931/PA. Demolition of existing dealership/buildings and redevelopment to provide a mixed use development comprising a medical practice/surgery, retail food store and 14 sheltered residential apartments together with a new access, car parking and associated landscaping. Approved subject to conditions and a Section 106 Agreement.
- 3.4. 1 March 2012. 2012/00883/PA. Non material amendment attached to planning approval 2009/05931/PA. The amendments included changes to the retail element including a reduced plant area, staircases amended to be DDA compliant, roof height lowered and floor to floor height amended. The medical centre was also amended to include changes to the proposed roof pitches and a change in the external material from render to an external cladding system. Approved
- 3.5. 29 July 2014. 2014/03074/PA. Variation of condition 39 attached to approved application 2009/05931/PA to allow additional time for highway works to be completed. Approved subject to conditions
- 3.6. 24 November 2014. 2014/01972/PA. Variation of Condition 7 to allow deliveries between 06:30 and 21:00 Monday to Saturday and 08:00 & 19:00 Sundays and Bank Holidays. Condition 8 to allow a maximum net sales area of 1,159 square metres. Condition 22 to allow the replacement of approved drawings and removal of Condition 40 to allow the occupation of the retail store prior to the medical centre being completed. Approved subject to conditions

### 4. Consultation/PP Responses

- 4.1. Transportation Development - No objection
- 4.2. Regulatory Services – No objection
- 4.3. Local residents, Ward Councillors, M.P. and Residents/Business Associations notified. Advertised by press and site notice – Three letters of objection and six letters of general comment received raising the following matters:

#### Three Objections:

- Reduction in car park spaces would result in increased on-street parking problems for local residents who already experience parking problems. Specific concerns raised that demand for parking spaces would exceed number of spaces available between 10am-2pm, that any parking restrictions proposed in the Transport Note would restrict rights of local residents to park near their

homes, that increased build area yet reduced parking area, and that more free parking is required for residents

- Not clear what the non-food retail unit would be
- Ground floor of St. Mary's Row frontage would be better divided into small independent retail units
- Lack of privacy for customers using external café seating area
- Noise pollution from external café seating area
- May affect re-opening of Moseley railway station

Four Comment:

Moseley Society:

- The application cannot be determined without more detailed information about how the car park would be managed e.g. the food store café would likely increase the length of a customer's stay in the store;
- Concerned about loss of parking spaces as a result of the relocation of the scissor lift and access door;
- Hope that the proposal to remove parking bays opposite the goods entrance will be re-thought and these spaces made available for parking outside of delivery hours;
- Do not know what the non-retail food store would be or how many customers this might attract;
- The number of customers for the food store would not be lower because the retail floor space has been reduced – customers will be attracted by the name and not by the floor space available;
- No mention of site across the road and how that would be incorporated in the traffic arrangements;
- Would prefer that the 14 flats were not restricted for use as 'sheltered' accommodation for people of pensionable age - they would provide very unsuitable accommodation for elderly people and would be more suited to younger people

Moseley Forum:

- Support comments raised by Moseley Society

Moseley Regeneration Group:

- Seek clarification on car park arrangements/access for customers and use of Network Rail site;
- query whether it is necessary to remove those spaces not required by redesigned refuse/delivery arrangements;
- clarification on difference of seven spaces between Transport Note and plans;
- query whether sheltered housing and medical centre would have allocated parking spaces

Councillor Trickett:

- Queries raised in connection with loss of car parking, ownership of Network Rail site opposite, and likely retail operator/whether a supermarket is still proposed (Cllr. Trickett was replied to by the Case Officer, and the matters are addressed in this report).

Two Support:

- the proposed development would bring this vacant site in line with the rest of the Village and bring much needed accommodation and retail space;
- it is very well thought out and aesthetically pleasing.

## 5. Policy Context

5.1. The following local policies are applicable:

- Birmingham UDP
- Draft Birmingham Development Plan
- Places for All SPG
- Moseley SPD
- Shopping and Local Centres SPD
- Car Parking Guidelines SPD

5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

5.3. Additionally, the site is located adjacent to Moseley Conservation Area; near Oxford Road Baptist Church and Church of St. Mary's (both Grade II listed) and several archaeological sites. The site is also within 50m of the Alcester Road Railway Embankment SLINC and Vauxhall to Longbridge Railway Wildlife Corridor.

## 6. Planning Considerations

6.1. The delivery of the approved scheme has been delayed since planning permission was granted in 2011 due to a number of factors including the economic climate, selling of the site by its previous owners (Tesco Stores Limited) to the Applicant, and protracted negotiations with proposed occupiers. This minor material amendment application essentially seeks changes to the approved plans in order to better accommodate the operating needs of the proposed new food store retailer (Marks and Spencer Simply Food).

6.2. A range of issues were assessed in dealing with Planning Permission 2009/05931/PA including retail uses, highway and parking issues, impact on the character of the area and adjoining residents, the scale and design of the development, landscaping/boundary/lighting issues and planning obligations. Whilst I note some concerns have been raised by local residents/amenity groups under the current application relating to these issues the Applicant has already implemented this consent and there is no need to re-visit these issues as there are no changes proposed to them. Therefore I consider the only issues to be assessed under this current minor material amendment application are the proposed reduction of car parking provision on the site and proposed external alterations to the approved elevations.

### *Reduction in Car Parking Provision*

6.3. Parking provision approved under 2009/05931/PA provided a total of 102 parking spaces which were allocated as follows:

- 15 for essential users of the medical centre;
- 82 for users of the medical centre and customers of the food store; and
- 5 for the sheltered housing units.

6.4. Parking provision as now proposed would provide a total of 84 parking spaces which would be allocated as follows:

- 15 for essential users of the medical centre;
- 64 for users of the medical centre and customers of the two stores; and

- 5 for the sheltered housing units.
- 6.5. Of the 64 spaces allocated for users of the medical centre and customers of the two stores, 7 customer parking spaces would be closed off during servicing to assist with the manoeuvring of service vehicles. These spaces would be controlled by the site Banksman as identified in the previously approved Service Management Plan. Servicing would occur during off-peak hours when the parking demand is at its least. These seven spaces were not originally identified as available for any customer parking on the submitted plans when this application went out to public consultation. This explains why some concerns have been raised by local objectors in relation to discrepancies between parking provision as shown on the submitted plans versus parking provision as set out in the submitted Transport Note. Amended plans have now been submitted and the development description amended accordingly to reflect the correct parking provision figures.
  - 6.6. The retail floor area of the food store unit is proposed to be reduced by 341.9sq.m under this current application, a 29% reduction when compared to the retail floor area of the originally approved food store. The non-food store would effectively take-up this floorspace instead.
  - 6.7. The transport modelling undertaken as part of the previously approved scheme was shown to generate a total of 184 vehicular movements during the morning peak hour and 374 vehicular movements during the afternoon peak hour. Based on these movements it was identified that the maximum demand for parking (between 10am and 2pm) equated to 112 spaces (10 spaces more than the 102 spaces approved).
  - 6.8. Turning to the current application and the submitted Transport Note, transport modelling has been undertaken again, utilising the same trip rates for the various elements of the revised food store and additional trip rates for the non-food store. This reveals that the proposal would likely generate a total of 152 vehicular movements during the morning peak hour and 308 during the afternoon peak hour. When comparing the traffic generation of the approved development to the proposed development it shows that there would be a 17% reduction in vehicular movement during the morning and afternoon peak hours respectively.
  - 6.9. The Transport Note explains that the traffic generation figures associated with this current application would likely generate a maximum demand for 92 parking spaces on the site. With 84 spaces to be provided, this would be 8 spaces less than the maximum demand. As with the previously approved application, the period where demand could exceed provision would occur between 10am and 2pm.
  - 6.10. As with the previous planning consent, in order to ensure that there would be no adverse impact on off-site parking in proximity of the site, it is proposed to retain the previously agreed sum to implement parking restrictions on the local highway network if deemed necessary.
  - 6.11. Transportation Development have been in discussions with the Applicant prior to the submission of this application. They have raised no objection to the methodology and modelling set out in the submitted Transport Note and do not consider that there would be any material adverse impact on highway safety or parking as a result of this proposal. In the unlikely event that the proposal does result in traffic problems, Section 106 money could be used to cover the cost of any parking restrictions or works. The Applicant also owns the vacant site adjacent to the railway line on the opposite side of St. Mary's Row should there be a need to use this for overspill

parking at some point in the future. However, Transportation Development do not consider that this site should be linked to the application site at this point in time.

- 6.12. Whilst I note the concerns of local objectors in respect of not having details of how the car park would be managed, there is a condition requiring submission of a car parking management plan as part of this consent.

#### *External Alterations to Elevations*

- 6.13. I consider the proposed external alterations to the building would be minor in nature and would have no adverse impact on the design and appearance of the approved development.
- 6.14. Some concerns have been raised in connection with the external café seating area e.g. lack of privacy for customers and noise pollution. However, customers can choose whether to sit outside or not, and the addition of an external seating area would provide pavement style activity, which would be beneficial to the vibrancy of the Village. I do not consider there would be any noise and disturbance to nearby commercial and residential occupiers sufficient to harm their amenity. I note Regulatory Services have raised no objection to the proposal.

#### *Planning Obligations*

- 6.15. The section 106 legal agreement attached to the original planning permission and the subsequent variation of condition applications secured the following:
- a contribution of £68,000 for highway studies / works that may arise from traffic issues relating to use of the store / development;
  - a contribution of £25,000 towards public realm / promotional and marketing campaigns / community safety initiatives within Moseley Village;
  - a local employment and training obligation

Whilst the first two obligations have been discharged, there remains the local employment and training obligation. A further deed of variation will be required to ensure that this matter is carried forward and secured.

## 7. Conclusion

- 7.1. The proposal would have no adverse impact on highway safety or parking. It continues to meet the retail policy objectives and criteria set out in the Birmingham UDP and the NPPF and continues to provide the opportunity to make a significant contribution to the regeneration of Moseley Village. This brownfield site has lain vacant for several years and its re-use is to be encouraged. I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

## 8. Recommendation

- 8.1 That consideration of Application No. 2015/05202/PA is deferred pending the completion of a deed of variation to the original consent 2009/05931/PA to secure:
- a local employment and training obligation; and,
  - payment of a monitoring and administration fee of £1,500 associated with the deed of variation.



8.2 That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the appropriate deed of variation.

8.3 That in the event of the above deed of variation not being completed to the satisfaction of the Local Planning Authority, on or before 25<sup>th</sup> September 2015, planning permission be refused for the following reason:

In the absence of a financial contribution towards a local employment and training obligation the proposal would conflict with Paragraphs 8.50-8.54 of the Birmingham UDP 2005 and the National Planning Policy Framework.

8.4 That in the event of the above deed of variation being completed to the satisfaction of the Local Planning Authority on or before 25<sup>th</sup> September 2015, favourable consideration would be given to application 2015/05202/PA subject to the conditions listed below.

- 
- |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | Access Ramp Details                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2  | Remediation Strategy                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3  | Requires the prior submission of a contaminated land verification report                                                                                                                                                                                                                                                                                                                                                                                             |
| 4  | Limits the hours of use to 0800 to 2200 on Mondays to Saturdays, and 1000 to 1800 on Sundays and Public Holidays.                                                                                                                                                                                                                                                                                                                                                    |
| 5  | Access to Car Park                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 6  | Limits delivery time of goods to or from the site to no more than two deliveries or collections to the commercial premises between the hours of 06:30 and 08:00 and between 19:00 and 22:00 on Mondays to Saturdays and 09:00 to 10:00 on Sundays and Public Holidays. No other deliveries or collections to the commercial premises shall take place outside the hours of 08:00 to 19:00 on Mondays to Saturdays and 10:00 to 18:00 on Sundays and Public Holidays. |
| 7  | Limits the maximum net sales floorspace of the unit                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 8  | Prevents storage except in authorised area                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 9  | Drainage Details                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 10 | Decommissioning of Redundant Tanks and Pipework                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11 | Bat Survey Implementation                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 12 | Scheme of Noise Insulation                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 13 | Noise Insulation to St Mary's Row                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 14 | Requires the prior submission of a goods delivery strategy                                                                                                                                                                                                                                                                                                                                                                                                           |
| 15 | Cumulative Noise from Plant and Machinery                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|    |                                                                                  |
|----|----------------------------------------------------------------------------------|
| 16 | Communal Satellite Dish                                                          |
| 17 | Landscape Details                                                                |
| 18 | Boundary Treatment                                                               |
| 19 | Requires the prior submission of a lighting scheme                               |
| 20 | Materials                                                                        |
| 21 | Requires the scheme to be in accordance with the listed approved plans           |
| 22 | CCTV                                                                             |
| 23 | Sets a minimum age of residents                                                  |
| 24 | Protects retained trees from removal                                             |
| 25 | Requires the implementation of tree protection                                   |
| 26 | Requires the prior submission of an arboricultural method statement              |
| 27 | Requires tree replacement within 2 years post development                        |
| 28 | Air Quality Assessment                                                           |
| 29 | Details of car parking, servicing strategy and delivery vehicle management       |
| 30 | Construction Vehicle Routing                                                     |
| 31 | Travel Plan                                                                      |
| 32 | Travelwise                                                                       |
| 33 | Delivery and Service Area                                                        |
| 34 | Construction of Vehicle Parking                                                  |
| 35 | Access and Egress                                                                |
| 36 | Cycle Storage                                                                    |
| 37 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 38 | Prevents the future subdivision or amalgamation of retail units on the site      |

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Case Officer:        Andrew Conroy

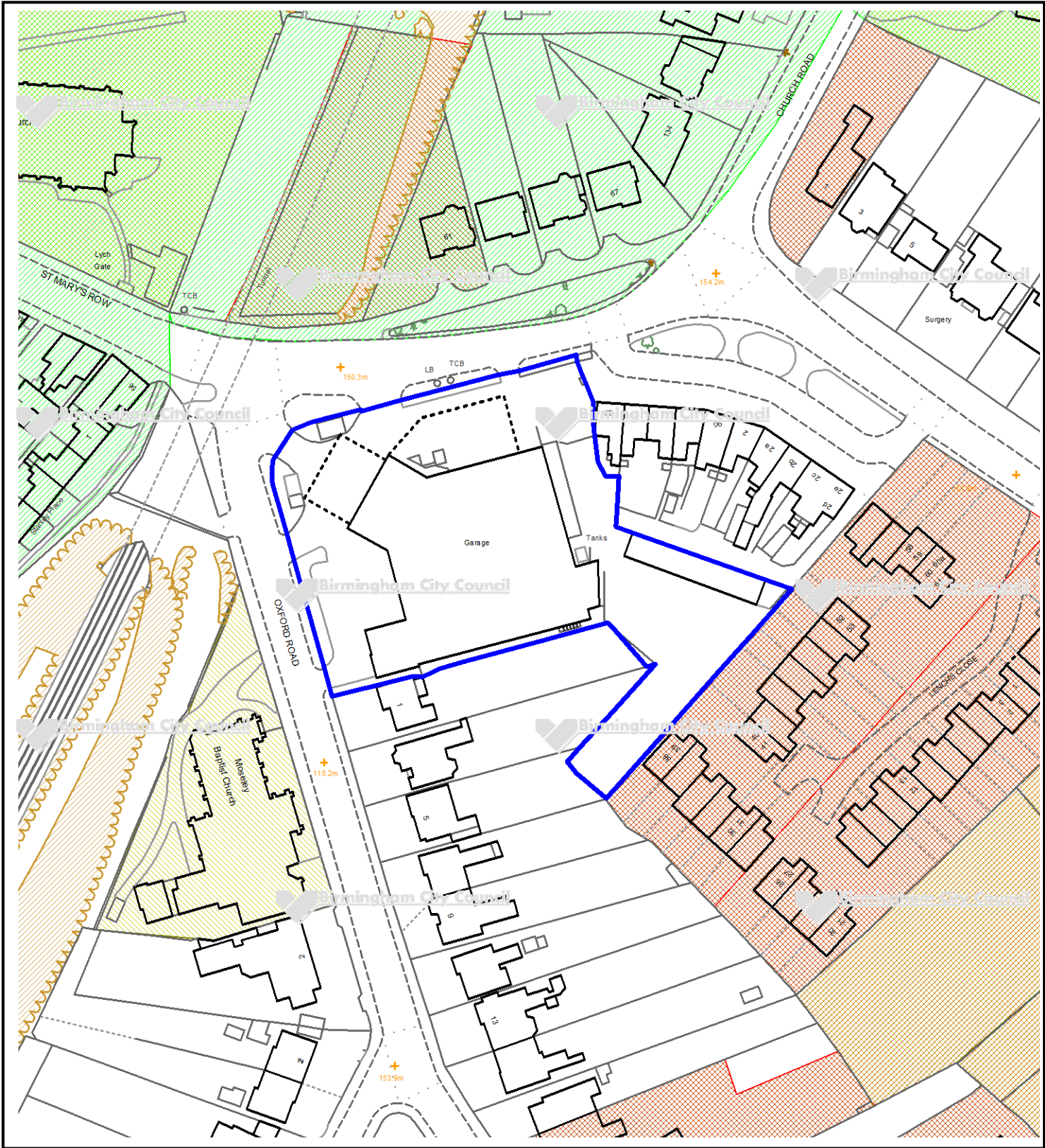
**Photo(s)**



Figure 1 – Site viewed from junction of Oxford Road and St. Mary's Row



**Location Plan**



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/05544/PA |
| Accepted:       | 09/07/2015 | Application Type:   | Full Planning |
| Target Date:    | 03/09/2015 |                     |               |
| Ward:           | Northfield |                     |               |

26-32 Aldersmead Road, Northfield, Birmingham, B31 3JG

Erection of four one bedroom dwellings with associated landscaping and parking.

|            |                                                                                                                       |
|------------|-----------------------------------------------------------------------------------------------------------------------|
| Applicant: | Birmingham City Council<br>Planning and Regeneration Department, 1 Lancaster Circus,<br>Queensway, Birmingham, B4 7DQ |
| Agent:     | BM3 Architecture Ltd<br>28 Pickford Street, Birmingham, B5 5QH                                                        |

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#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. The application is for the erection of four 1-bed flats for affordable rent, in a new two storey building. The application site previously accommodated four flats in a two storey building which suffered fire damage and was recently demolished. The proposal essentially seeks to re-establish a similar number of flats in a similar built form to that which previously existed on the site. The land is owned by the City Council and it is proposed to develop the site as part of the Council's Stock Replacement Programme, on behalf of Birmingham Municipal Housing Trust (BMHT). The site area is 0.064 hectares in size, and the density of development on the site would be 62 dwellings per hectare.
- 1.2. The proposed two storey detached building would be designed to appear as a two storey semi-detached pair of houses. It would front on to Aldersmead Road, being sited 6m in from back of pavement. The northern, corner section of the site, would remain as general public amenity land. The proposed building would measure 15.4m in width, 8.3m in depth, 5.2m in height to its eaves, and 7.8m in height to its roof ridge.
- 1.3. The two ground floor flats would each have a floor area of 51.2sqm, whilst the two first floor flats would each have a floor area of 55.5sqm. Each flat would accommodate a double bedroom, lounge/kitchen area, a bathroom and a hallway. Both first floor flats would be accessed via the front doors of the respective ground floor flats, with a small communal entrance lobby. A communal rear garden of 150sqm would be provided and accessed via side passageways.
- 1.4. The proposed building would be finished in white render, and would incorporate a hipped roof finished in brown interlocking concrete roof tiles. Windows would be of white UPVC. Timber canopies are proposed to be installed over front doors. A chimney would be incorporated at mid-point on the rear roof of the building. The

development has been designed to meet Lifetime Homes, Housing Quality Indicators and Secured by Design standards.

- 1.5. Four car parking spaces are proposed to be incorporated on the site frontage (two groups of two spaces). This would equate to 100% on-site parking provision.
- 1.6. An existing mature sycamore tree, located on public amenity land on the northern part of the site, would be retained. A low timber trip rail would be installed at back of pavement to enclose this general amenity land. New hedging would be provided to enclose the site frontage and rear garden, with 2m high closeboarded timber fencing installed to enclose the rear garden. A new tree and specimen shrub would be planted on lawned areas of the site frontage. A communal bin store would be constructed to the northern side of the proposed building.

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. This is a cleared site, formerly occupied by four Council owned flats accommodated in a two storey detached building, which was recently demolished due to fire damage. The site is located on a residential road within a Post-War housing estate in West Heath. The character of the area is one of predominantly two storey, white rendered, semi-detached, Local Authority/former Local Authority dwellings.
- 2.2. The triangular shaped northern end of the site is grassed general amenity land accommodating a mature sycamore tree. A low retaining wall defines part of the southern boundary of the site. Immediately adjoining the site to the east and south are two storey flatted buildings, with the building located immediately to the south and accommodating Nos. 34-40 Aldersmead Road being positioned at a higher ground level than the application site. Located opposite the site are semi-detached houses.

[Site Location Map](#)

## 3. Planning History

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

## 4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – There is not expected to be a notable impact at this location in terms of the level of traffic and parking demand further to these works. Recommend condition requiring details of pedestrian visibility splay.
- 4.2. Regulatory Services – No objection – Recommend condition requiring vehicle charging point
- 4.3. West Midlands Fire Service – No objection
- 4.4. Severn Trent Water – No objection – Subject to drainage condition



- 4.5. Local residents, Ward Councillors, Residents Associations and M.P. notified. One letter of objection from a local resident and two letters of general comment received from a further two local residents. The following relevant planning concerns were raised:
- There are already too many single bedroom units on this road and these are used as dumping grounds for anti-social and criminal elements. The building of further units of an identical size aimed at a similar clientele would only perpetuate the problem.
  - The provision of additional parking would simply draw additional anti-social elements to the area and add to what is already becoming a congestion problem along this road.

## 5. Policy Context

- 5.1. The following local policies are relevant:
- The Birmingham Unitary Development Plan
  - Draft Birmingham Development Plan
  - Places for Living SPG
  - Car Parking Guidelines SPD
- 5.2. The following national policy is relevant:
- National Planning Policy Framework

## 6. Planning Considerations

### *Principle of Housing*

- 6.1. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF 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.
- 6.2. The Birmingham UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations with good access to jobs, shops and services by modes other than the car. The UDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City.
- 6.3. 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 recommends a housing density of 40 dwellings per hectare in this location.

- 6.4. Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. 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 guidance. Particular emphasis is given to assessing context and responding positively to local character.
- 6.5. Within the Draft Birmingham Development Plan, Policies TP26 and TP27 state that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other policies in relation to employment land, green belt and open space. It also states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities.
- 6.6. The site previously accommodated four flats and as such I consider the principle of re-developing this cleared, brownfield site for similar residential purposes would be acceptable, and in line with national and local policy and its original use as a residential site. The site is within an established residential area, within walking distance of bus services on Staple Lodge Road. The proposed development would provide 100% on-site affordable housing provision at a housing density of 62 dwellings per hectare, higher than the 40 dwellings per hectare recommended in the Birmingham UDP but more importantly in keeping with the character of the surrounding area which is defined by similar two storey buildings of four flats along the road.
- 6.7. Whilst I note the concerns of a local objector in respect of there already being too many single bedroom units in the vicinity and that this type of accommodation attracts anti-social behaviour, I do not agree that it is the type of accommodation that is the issue, and consent could not be withheld on these grounds.

#### *Siting, Scale and Appearance*

- 6.8. The siting and scale of the proposed building has been designed to closely replicate that of the previous building on the site and as such I am satisfied that it would complement the character and appearance of the surrounding area and streetscene, which predominantly comprises of either semi-detached houses or two storey flatted buildings designed to appear as semi-detached houses. The appearance of the proposed building, to be constructed with white rendered facades and a hipped, concrete interlocking tiled roof, would ensure that the architecture of the proposed building appears in keeping with the local vernacular.
- 6.9. The only notable difference between the previous building on the site and the proposed building is that entrance doors would be positioned on the front elevation (i.e. facing Aldersmead Road) under the current proposal, rather than being positioned on the respective side elevations of the former. I consider this makes for a more legible and better designed arrangement.
- 6.10. The Council's City Design Officer has raised no objection to the proposed development and in light of the above I consider that the proposal would enable the creation of a high quality residential environment that would sit comfortably within its surroundings.

#### *Living Conditions*

- 6.11. Bedroom sizes (each bedroom being 14sqm in size) and communal amenity space size (a rear garden of 150sqm) would exceed the minimum respective size guidelines set out in the Council's Places for Living SPG. As such I consider the proposal would provide acceptable living conditions for future occupiers. The proposed dwellings would also be highly sustainable, having been designed to meet Lifetime Homes, Housing Quality Indicators and Secured by Design.

#### *Traffic and Parking*

- 6.12. The Council's Car Parking Guidelines SPD recommends a maximum of two parking spaces per dwelling in this location. The proposed dwellings would accommodate one off-street car parking space per dwelling (100% parking provision) and so would comply with the SPD.
- 6.13. Transportation Development have raised no objection to the proposal, subject to a condition that an appropriate pedestrian visibility splay would be incorporated into the accesses. Parking on street is noted to be unrestricted at this location. The previous dwellings had no off-street parking spaces and so the provision of four off-street spaces is welcomed. I concur with Transportation Development that there is not expected to be a notable impact at this location in terms of the level of traffic and parking demand further to these works.

#### *Residential Amenity*

- 6.14. The setback distance between the first floor bedroom windows on the rear elevation of the proposed building and the immediately adjoining rear amenity space afforded to Flats 22-24 Aldersmead Road would range from between 4.6m-8m. Whilst this would be less than the minimum recommended 10m setback distance set out in the Council's Places for Living SPG, the previous dwellings had a similar such setback distance and therefore this relationship would be no different to previously. In addition the adjoining amenity space is shared communal space rather than private amenity space and so loss of privacy would be less of an issue and I do not consider there would be any material harm caused to the amenity of adjoining residential occupiers as a result of the proposed development.

#### *Trees and Landscaping*

- 6.15. I consider the mature sycamore tree, which would be retained on the northern part of the site, would not be harmed as result of the proposal, given its location 9m distant from the proposed building. The foundations of the previous building occupying the site is likely to have prevented tree roots encroaching in this direction.
- 6.16. The planting of new boundary hedging, a specimen shrub and a new tree is welcomed and I recommend attaching conditions to any consent requiring submission of details of new soft and hard landscaping.

#### *Other Issues*

- 6.17. Severn Trent Water have raised no objection to the proposal and I recommend attaching a condition requiring details of drainage to be submitted.

#### 7. Conclusion

- 7.1. The redevelopment of this brownfield site for housing would accord with both national and local planning policy. It would constitute sustainable development, and add to the Council's stock of affordable housing, for which there is a significant need. The layout and design of the proposed dwellings is appropriate for the area and can be accommodated without any adverse impact on existing residents or the local highway network. The proposal would make a positive contribution towards the regeneration of the area.

8. Recommendation

- 8.1. Approve subject to conditions.

- 
- |   |                                                                        |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of hard and/or soft landscape details    |
| 3 | Requires the prior submission of boundary treatment details            |
| 4 | Requires the prior submission of hard surfacing materials              |
| 5 | Requires the prior submission of sample materials                      |
| 6 | Requires pedestrian visibility splays to be provided                   |
| 7 | Requires the prior submission of a sustainable drainage scheme         |
| 8 | Limits the approval to 3 years (Full)                                  |
- 

Case Officer:        Andrew Conroy

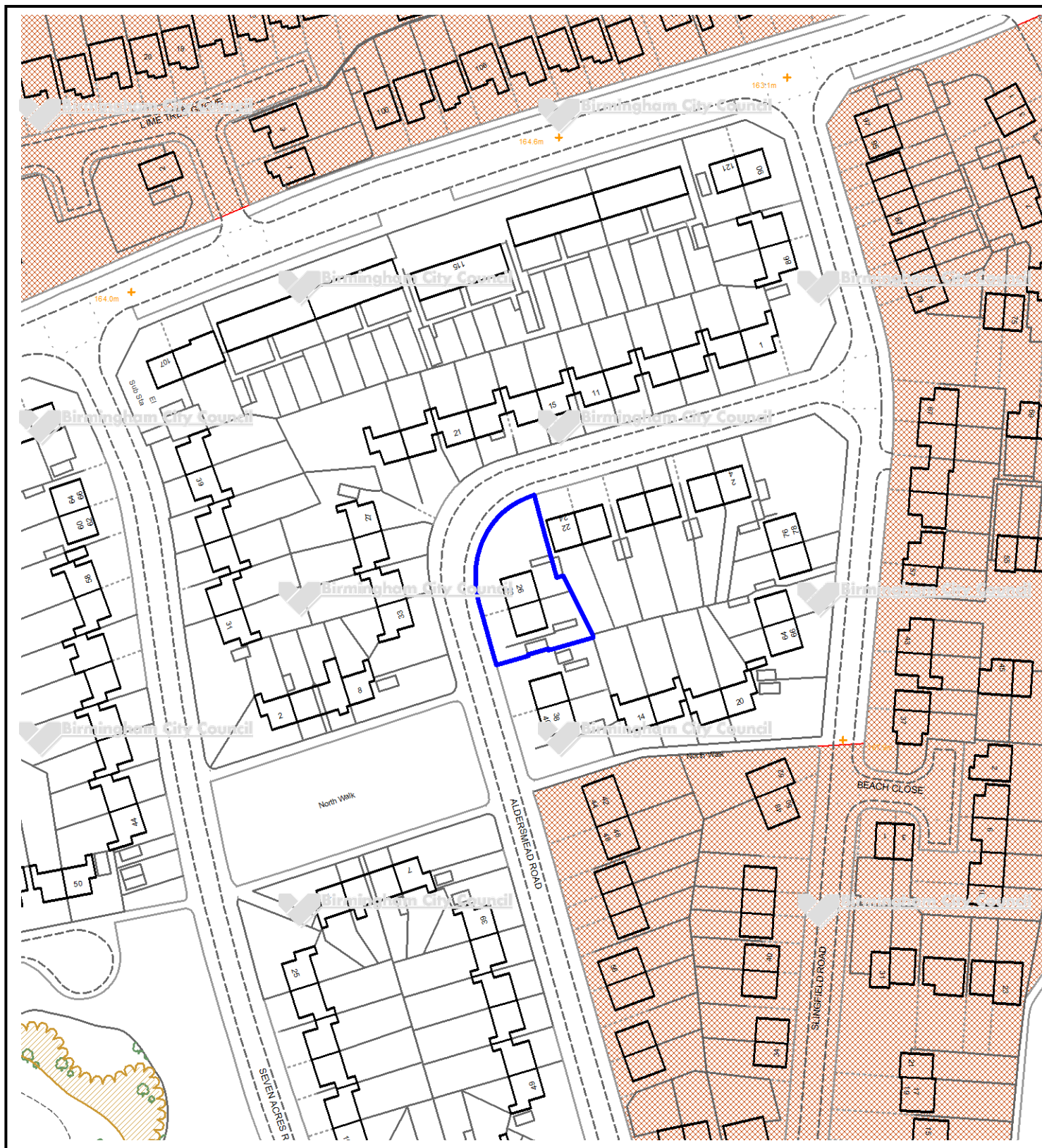
## Photo(s)



Figure 1 – Looking north to application site (Nos. 34/36 Aldersmead Road to right)



## Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/06190/PA |
| Accepted:       | 29/07/2015 | Application Type:   | Full Planning |
| Target Date:    | 23/09/2015 |                     |               |
| Ward:           | Harborne   |                     |               |

21 Poplar Avenue, Land adjacent to, Edgbaston, Birmingham, B17 8ED

Erection of a detached dwelling house with associated parking, including demolition of two garages

|            |                                                                      |
|------------|----------------------------------------------------------------------|
| Applicant: | Mr Arshad Mahmood<br>363 City Road, Edgbaston, Birmingham, B16 0NB   |
| Agent:     | Mr Martin Brown<br>60 Marsham Road, Kings Heath, Birmingham, B14 5HE |

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This planning application seeks approval for the erection of a new dwelling adjacent to 21 Poplar Avenue following the demolition of two garages. The proposed dwelling would be constructed from brickwork and would have a tiled roof. The proposed dwelling would have a gabled roof. A canopy is proposed to the front elevation which reflects the canopy design at 21 Poplar Avenue. A bay window is further proposed to the front elevation. To the side elevation facing 21 Poplar Avenue an obscurely glazed secondary window is proposed at ground floor level which would serve the proposed kitchen.
- 1.2. A low brick planter between the proposed dwelling and 21 Poplar Avenue would define one site boundary. Further landscaping would be provided between the application site and 23 Poplar Avenue. To the front a hard standing is proposed which would provide two parking spaces for the proposed dwelling and reconfigured parking for 21 Poplar Avenue (2 spaces).
- 1.3. At ground floor, the proposed dwelling house would accommodate a porch, entrance hall, living room, open plan kitchen/dining area and WC. At first floor level the proposed dwellings would accommodate four bedrooms and a bathroom.
- 1.4. The proposed dwelling would measure approximately 5.9m in width, 11.5 in depth (12.3m including bay) and a height of 7.6m (5.2m to eaves). The proposed bedrooms would offer room sizes ranging from 15 sqm to 6.8 sqm. Private amenity space of 75 sqm would be provided to the rear of the proposed dwelling. The property would be sited c. 0.23m from the side boundary of 23 Poplar Avenue and 1m from the side wall of 21 Poplar Avenue. The house would be set back 5.6m from the pavement, following the building line of no. 21.

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site contains a detached garage adjacent to 23 Poplar Avenue (but within the ownership of no. 21) and a garage extension at 21 Poplar Avenue.
- 2.2. The site is located in a predominately residential area with mostly detached and semi-detached two storey houses. The local area has a mixture of architectural styles with the immediately neighbouring properties being Post War dwellings.

### [Site Location Map](#)

## 3. Planning History

- 3.1. 12/05/2015 – 2015/03412/PA – Pre-application advice for the erection of a new detached 4 bedroom dwelling house. Officer advice questioned whether the site could accommodate a further dwelling

## 4. Consultation/PP Responses

- 4.1. West Midlands Fire Service – No objection
- 4.2. Regulatory Services – No objection subject to conditions requiring a scheme of noise insulation and an electric vehicle charging point.
- 4.3. Severn Trent Water – No objection subject to a drainage condition
- 4.4. West Midlands Police – No objection
- 4.5. Transportation – No objection subject to the footway crossing being constructed to city specification.
- 4.6. Local occupiers, Ward Councillors, and Residents/Traders Associations notified.
- 4.7. One letter received from a local resident objecting to the proposal and raised concerns relating to future maintenance on his property, loss of light and would be forward of no. 23 resulting in a view of a 2m brick wall.
- 4.8. A petition has been received against the proposal containing 16 signatures from 8 addresses.
- 4.9. Councillor James McKay requested the application be presented to committee on the grounds that the proposed property would undermine the character of the area.

## 5. Policy Context

- 5.1. The following local policies are applicable:
  - Birmingham UDP (2005)
  - Draft Birmingham Development Plan
  - Places For Living (2001)
  - Mature Suburbs (2008)
  - 45 Degree Code (2006)
  - Car Parking Guidelines (2012)

The following national policies are applicable:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

- 6.1. The main issues for considering of this application concern the principle of the development, design and appearance, scale and siting, living conditions, impact on neighbouring properties and the impact on the highway.

*Policy Considerations*

- 6.2. The National Planning Policy Framework seeks a presumption in favour of sustainable development. A key planning principle as set out in Paragraph 17 is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”
- 6.3. Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 6.4. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development”. Paragraph 56 of the NPPF places great importance on the design of the built environment and sees design as being key aspect of sustainable development.
- 6.5. 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.
- 6.6. Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. 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 guidance. Particular emphasis is given to assessing context and responding positively to local character
- 6.7. Within the Draft Birmingham Development Plan, Policies TP26 and TP27 state that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other policies in relation to employment land, green belt and open space. It also states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities.
- 6.8. The Council's Mature Suburbs Residential Development Guidelines SPD states that proposals should be informed by a detailed contextual appraisal to determine the character of the area, including consideration of built form, spatial composition, architectural style, enclosure, density and levels of vegetation. It recommends that the appraisal should be incorporated in a design statement showing how the proposal fits into the character of the area. It goes on to say that plot size, building

form, landscape and boundary treatment, plot access, parking provision and design style will be considered when appraising the design proposals. It also notes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.

#### *Principle of Development*

- 6.9. The proposal would contribute towards housing demand within the City on a brownfield site and I therefore raise no objections in principle to the development of this site for a new dwelling. Furthermore, the site is within an established residential area which further supports the development of the site for residential.

#### *Design and Appearance*

- 6.10. The character of the surrounding area and in particular Poplar Avenue is that of detached and semi-detached with a mixture of architectural styles. Plots sizes are similar and with a varied setback which clearly defines the pattern of development. The Mature Suburbs guidance advises that, amongst other factors, spatial composition can be an important attribute to a mature suburban environment. Plot size is an important design criterion which should reflect the typical form of plots in the area.
- 6.11. The Mature Suburbs SPD sets out the design criteria against which the level of accordance of proposed dwellings with local character will be assessed and includes plot size, building form and massing, building siting, landscape and boundary treatment, plot access and design styles. The proposal is well-designed and in all respects I consider it accords with the character of surrounding development. The design replicates the character of the adjacent terraced property at 21 Poplar Avenue. I consider that the ridge height and roof design would fit in well with the existing street scene character and would not result in an out of place addition to the street scene pattern. Although the house would sit forward of no.23 by 1.4m, it would follow the front building line of no. 21.

#### *Scale and Siting*

- 6.12. I consider that the proposed dwellings would be sited on a similar footprint to the adjacent dwellings and would follow the front building line as it currently exists moving south towards Sandon Road (I note that a new building line is established from 23 Poplar Avenue). The design would include a traditional two storey main house and the gaps between the proposed dwelling houses and neighbouring properties would be consistent with that of the characteristics of the eastern side of Poplar Avenue.
- 6.13. I consider the scale of the proposed dwelling house would be consistent with the scale of the street scene.

#### *Living Conditions*

- 6.14. I am satisfied that living conditions within the proposed dwellinghouse would be acceptable, with bedroom sizes exceeding the minimum size guidelines set out in the Council's Places for Living SPG. The rear garden would provide private amenity space that would exceed the recommended amenity space size as set out in Places for Living.

### *Impact on Neighbouring Properties*

- 6.15. I note that the proposed dwelling would step forward of 23 Poplar Avenue by 1.4m and would project beyond the rear of 21 by 3.1m. I am satisfied that the proposed dwelling house would not breach the Council's 45 Degree Code in relation to ground and first floor habitable room windows on the rear and front elevations of these adjoining properties and would therefore not result in unreasonable loss of light to these occupiers.
- 6.16. I note that an objection from the occupier of 23 Poplar Avenue also raised concerns with the property abutting the boundary. Amended plans have been received which have moved the proposed dwelling 0.23m away from the boundary. There are two first floor windows to the sides of both 21 and 23 Poplar Avenue, which I understand serve a bathroom and landing area within both properties. I am satisfied that these windows do not serve habitable rooms and so the effect of the development on their outlook and light is given limited weight.

### *Highway Safety*

- 6.17. Transportation Development do not object to the proposed development and I do not consider that the proposed dwelling would contribute to a significant increase in traffic. Transportation Development have recommended that conditions be applied that require the footway crossing to serve the new driveway to be installed to City specification at the applicants expense. I consider this condition to be appropriate to this application to ensure acceptable access is provided to the public highway. I note the loss of the integral garage serving 21 Poplar Avenue however the applicant has demonstrated a revised parking provision for two vehicles to the front of 21 which I consider to be acceptable. The garage set back between nos. 21 and 23 is owned by the applicant and clearly is not necessary for the parking requirements of no. 21, either now or post-development.

### *Other Issues*

- 6.18. Regulatory Services do not object to the proposed works have raised no objection to the proposed development subject to a scheme of noise insulation being implemented. I consider that that the proposed dwelling would be located in an established residential road and as such future occupiers are unlikely to be subject to unreasonable noise disturbance. Therefore I do not consider such a condition to be necessary.
- 6.19. Regulatory Services further requested a condition requiring the provision of an electric car charging point. I do not consider such a condition to be either appropriate or necessary.
- 6.20. I note no objections have been received from Severn Trent Water, West Midlands Police or West Midlands Fire Service.

## **7. Conclusion**

- 7.1. The proposed development would make a contribution to the City's housing supply, on a brownfield site which positively responds to the local distinctiveness and character of its surroundings. The siting, scale, design and appearance of the proposed dwelling house would be in keeping with the character and appearance of this suburban location. There would be no material adverse impact on the amenity

of adjoining residential occupiers as a result of this proposal. Therefore I consider the proposal would constitute sustainable development and recommend that planning permission is granted.

8. Recommendation

8.1. Approve with conditions

- 
- |    |                                                                                                   |
|----|---------------------------------------------------------------------------------------------------|
| 1  | Requires the scheme to be in accordance with the listed approved plans                            |
| 2  | Requires the prior submission of a drainage scheme                                                |
| 3  | Requires the prior submission of hard and/or soft landscape details                               |
| 4  | Footway crossing to widened at applicants expense                                                 |
| 5  | Removes PD rights for extensions                                                                  |
| 6  | Requires the prior submission of boundary treatment details                                       |
| 7  | Requires the prior submission of level details                                                    |
| 8  | Requires the prior submission of sample materials                                                 |
| 9  | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 10 | Limits the approval to 3 years (Full)                                                             |
- 

Case Officer:        Martin Mackay



**Photo(s)**



Front Elevation Showing Site To Be Developed, after demolition of the two garages

## Location Plan



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|                 |                         |                     |               |
|-----------------|-------------------------|---------------------|---------------|
| Committee Date: | 17/09/2015              | Application Number: | 2015/04438/PA |
| Accepted:       | 17/06/2015              | Application Type:   | Householder   |
| Target Date:    | 12/08/2015              |                     |               |
| Ward:           | Moseley and Kings Heath |                     |               |

9 Reddings Road, Moseley, Birmingham, B13 8LW

Erection of first floor side extension

Applicant: Mr Allah Dad  
9 Reddings Road, Moseley, Birmingham, B13 8LW,  
Agent: Mr Misbah Sadaf  
72 Cliveden Avenue, Birmingham, B42 1SL,

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Recommendation

**Approve Subject To Conditions**

1. Proposal

1.1. Consent is sought for a first floor side extension.

1.2. The side extension would be set back from the main frontage of the property by 0.3m, and would be above the existing garage. The extension would be 2.7m in width with a gable roof over. Internally, an en-suite to the master bedroom would be created.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises a traditional detached property within the Moseley Conservation Area. The surrounding area is residential in character, with a mix of housing types including large detached housing within generous plots, large semi-detached housing, with some modern infill housing.

2.2. The application property has brick elevations with a gable roof over. To the frontage there is a forward projecting gable with a garage to the side. To the rear there is an existing single storey extension (the agent has confirmed that this was recently built under permitted development allowances). The frontage of the site contains an existing driveway with a 1m high wall to the front boundary. No.7 Reddings Road is a detached infill property which has recently been completed within the original curtilage of the application site.

2.3. [Site location](#)

3. Planning History

3.1. Includes:



3.2. 2015/0339/ENF- Complaint received on 30<sup>th</sup> June regarding the landscaping to the frontage of the application property- Case Closed.

3.3. 2015/0975/ENF- Complaint received on 11<sup>th</sup> August regarding the single storey rear extension- Under Investigation.

4. Consultation/PP Responses

4.1. Neighbouring properties and local ward members have been consulted for the statutory 21 days, with a Site & Press notice displayed – six responses were received from residents in Reddings Road, the Moseley Society and the Russell Road Residents Association. Objections can be summarised on the grounds of the design of the proposal, the impact on the surrounding street scene and conservation area and the use of UPVC windows.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (2005)
- Places for Living (Supplementary Planning Guidance, 2001),
- Extending Your Home (Supplementary Planning Document, 2007),
- The 45 Degree Code (Supplementary Planning Guidance 1996)
- Draft Birmingham Development Plan
- Moseley Conservation Area Character Appraisal and Management Plan (2005)

5.2. The following national policy is applicable:

- NPPF - National Planning Policy Framework (2012)

6. Planning Considerations

6.1. This application should be assessed against the objectives of the policies as set out above. I consider that the design of the proposal and the impact upon residential amenities and the character of the area are the principal matters for consideration.

6.2. The plans have been amended by the agent to show the single storey rear extension which has been constructed recently under permitted development allowances. The agent has confirmed in writing that the property is to remain a family dwelling house.

6.3. The proposal would comply with your Committee's 45 Degree Code and the numerical guidelines contained within 'Places for Living' and 'Extending your Home' would be met.

6.4. I consider that the overall scale and design of the proposal is acceptable and would not compromise the character or architectural appearance of the existing property. My Conservation Officer has confirmed that the proposal would cause no detriment to the Moseley Conservation Area or the surrounding street scene. A condition is attached in order to ensure that the development is implemented in accordance with the information submitted. The proposal would comply with the general design principles within Extending Your Home (SPD).

6.5. Notwithstanding the objections raised from the public participation carried out, I do not consider that the proposal would affect residential or local amenity, and as such,

the application should be approved. An objector notes that the windows within the property have recently been replaced with UPVC windows, but this does not require planning consent in this part of the Moseley Conservation Area.

7. Conclusion

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

8. Recommendation

- 8.1. Approve subject to the following conditions:

- 
- |   |                                                                        |
|---|------------------------------------------------------------------------|
| 1 | Requires the prior submission of sample materials                      |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 3 years (Full)                                  |
- 

Case Officer:        Kerry Challoner

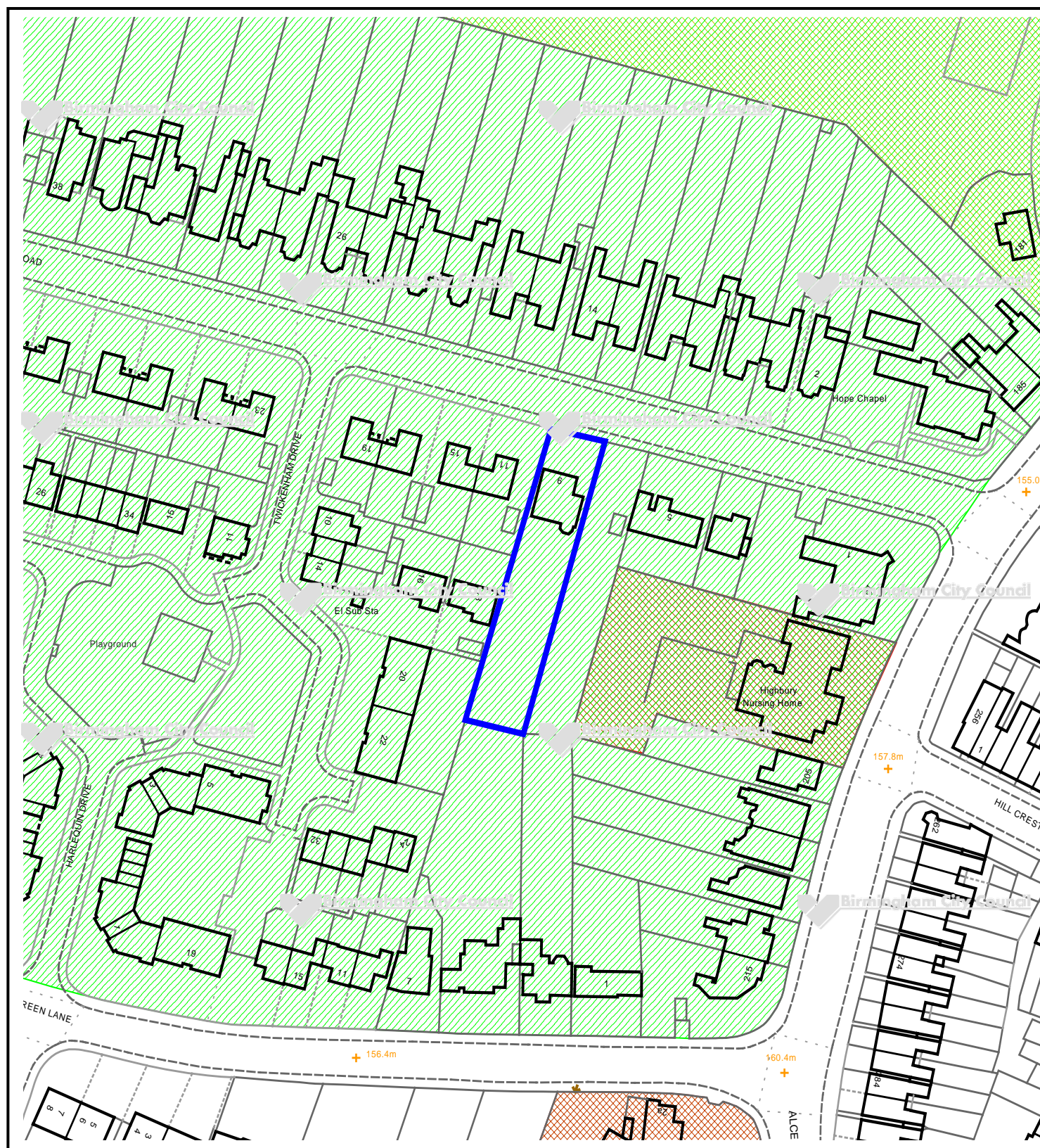
**Photo(s)**



Figure 1. No.9 Reddings Road



## Location Plan



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|                 |               |                     |                    |
|-----------------|---------------|---------------------|--------------------|
| Committee Date: | 17/09/2015    | Application Number: | 2015/06225/PA      |
| Accepted:       | 30/07/2015    | Application Type:   | Telecommunications |
| Target Date:    | 23/09/2015    |                     | Determination      |
| Ward:           | Bartley Green |                     |                    |

Shenley Hill, Northfield, Birmingham, B29 4ER

Application for prior notification for the replacement of existing 15m monopole with 14.7m monopole, removal of existing cabinet and installation of 1 no. equipment cabinet and associated works

Applicant: H3G Ltd & EE Ltd  
c/o agent,  
Agent: JN Planning Consultants  
4 Bledisloe Way, Tuffley, Gloucester, GL4 0WR

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Recommendation

**No Prior Approval Required**

1. Proposal

- 1.1. This application is a prior notification application for the installation of a replacement 14.7m monopole and installation of 1no. equipment cabinet to be located on a grass verge on the northern side of Shenley Hill. The proposed monopole would replace an existing 15m high telecommunications monopole and equipment cabinet. The proposed installation is an upgrade to provide 4G coverage to customers in the area, as well as enhancing the existing 3G coverage to improve overall capacity.
- 1.2. The proposed monopole would accommodate the shared antennae of both H3G Ltd and EE Ltd. It would be constructed of steel, and would have a maximum diameter of 0.28m, with the antennae shroud having a maximum diameter of 0.5m. The pole centre would be located 1m west of the existing pole centre. The pole and shroud would be coloured grey, matching the existing pole which would be removed.
- 1.3. The proposed equipment cabinet would be located 0.75m west of the proposed monopole. It would be constructed of steel and coloured green, to match the existing equipment box which will be removed. The proposed equipment cabinet will measure 1.03m high, 1.23m wide and 0.4m deep.
- 1.4. The Applicant states the proposed equipment would be ICNIRP-compliant (International Commission on Non-Ionising Radiation Protection)

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on a Shenley Hill, on the edge of an area of open space. This wider open space is surrounded by residential properties. The nearest

residential properties to the site are located on Peach Ley Road, approximately 100m to the east. Shenley Academy school is located approximately 300m north of the application site and the school sports ground adjoins the application site immediately to the north.

- 2.2. The boundary between Shenley Academy and the application site is defined by triple point fencing and trees/shrubs of 5m-8m in height. There are a number of 14m high floodlights serving the School's sports ground which are located alongside this boundary. There is a further 15m high monopole and associated equipment cabinets located on the northern side of Shenley Hill, approximately 35m east of the application site. There is an 8m high existing power pole located directly to the south of the application site on the edge of the highway.

#### [Site location map](#)

### 3. Planning History

- 3.1. 10/08/2012 - 2012/05012/PA - Replacement of existing antennas and associated equipment cabinets with same number of antennas and associated equipment cabinets - Seen & Noted by Authority
- 3.2. 06/03/2006 – 2006/00152/PA - Erection of 11.5 metre high combined streetlight/telecommunications mast with associated equipment cabinet
- 3.3. 11/11/2005 – 2005/06030/PA - Installation of proposed electronic communications base station (including 15m high monopole). Refused, allowed on appeal 22/03/2006
- 3.4. 13/11/2003 - 2003/05888/PA - Installation of telecommunications apparatus comprising 12.5m slimline column, equipment cabin and associated equipment - No prior approval required

### 4. Consultation/PP Responses

- 4.1. Transportation Development –Currently under consultation
- 4.2. Regulatory services – No Objection
- 4.3. Local occupiers, Residents Associations, Ward Councillors and the local M.P. notified - No comments received

### 5. Policy Context

- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Telecommunications Development: Mobile Phone Infrastructure SPD, Code of Best Practice on Mobile Network Development, National Planning Policy Framework (NPPF)

### 6. Planning Considerations

- 6.1. This is a prior notification application. As such, the only issues that can be considered when assessing this application are the siting and appearance of the proposed monopole and cabinets.

- 6.2. Paragraphs 42-46 of the National Planning Policy Framework (NPPF) relate to the installation of telecommunications equipment. Paragraph 43 advises that local planning authorities should support the expansion of electronic communications networks but should aim to keep the numbers of telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. It explains that existing masts, buildings and other structures should be used, unless the need for a new site has been justified and that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
- 6.3. Paragraph 46 advises that “Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure”
- 6.4. The Telecommunications Policy (Paras. 8.55-8.55C) in the Birmingham UDP (2005) and the Telecommunications Development SPD state that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, the Council's SPD advises that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they are the only option they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual contrast.
- 6.5. Policy 8.55B requires operators to share masts wherever possible, this proposal fully accords with this policy because both EE and H3G would incorporate antennas on the same monopole, which would replace a monopole previously used by just EE.
- 6.6. In approving application 2003/05888/PA for the existing 12.5m high monopole and cabinet at this location it was considered that the structures would not be harmful to visual amenity or overly dominant in the streetscene because they would be viewed in the context of existing 4m high street lighting columns, 8m high telegraph poles and 14m high floodlighting columns.
- 6.7. Bearing in mind all of the above, although the antennae shroud at the top of the monopole is wider than on the existing antennae, the overall height of the monopole is less than the existing, and subsequently I consider the new monopole would not have a detrimental impact on the visual amenity of the surrounding area. As there is an existing monopole in this site, I also consider the siting of this proposal to be acceptable.
- 6.8. Furthermore, as the equipment box is a direct replacement of an existing box, and is painted green to camouflage with the vegetation behind the application site, I also consider the equipment box would not have a detrimental impact on the visual amenity of the surrounding area.
- 6.9. A fully compliant ICNIRP certificate has been submitted as part of this application and as such consideration is not required to be given to health issues. I am satisfied that there would be no additional health risks posed to students at the adjacent Shenley Academy school.

- 6.10. The nearest residential properties are located some 100m away from the site to the east, so I am satisfied that residential amenity would not be harmed as a result of the changes proposed, and no objections to this proposal from local residents have been received.

7. Conclusion

- 7.1. I consider that the siting and appearance of the proposed replacement monopole and new equipment box would not be detrimental to the visual amenity of the area. In the context of national and local planning policies, and given the application site already hosts established telecommunications equipment, there would be no reasons for refusal of this proposal.

8. Recommendation

- 8.1. No Prior Approval Required

Case Officer: Martin Mackay

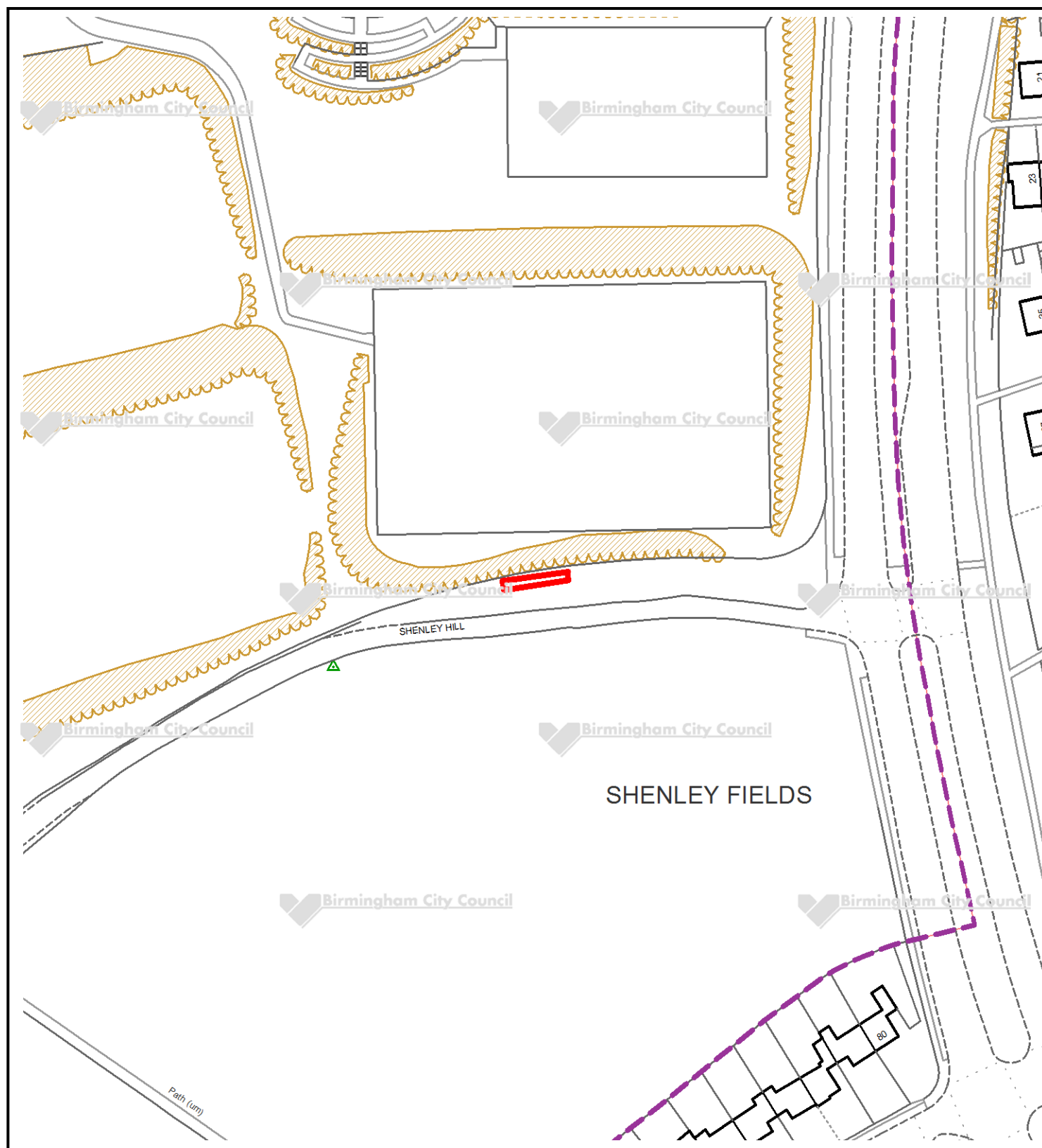
**Photo(s)**



Photograph 1 – view of application site



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**17 September 2015**

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  | 27                | 2014/01608/PA<br><br>Unit 2, 90 Wharfdale Road<br>Tyseley<br>Birmingham<br>B11 2DA<br><br>Continuation of use as tyre fitting depot and car wash/valeting      |
| Approve - Temporary   | 28                | 2015/05583/PA<br><br>Bromford Lane<br>Birmingham<br>B8 2SG<br><br>Display of 4 non-illuminated free-standing post mounted signs                                |
| Approve - Temporary   | 29                | 2015/05664/PA<br><br>Roundabout at Heartlands Parkway<br>Nechells<br>Birmingham<br>B7 4TH<br><br>Display of 4 non-illuminated free-standing post-mounted signs |

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|                 |               |                     |               |
|-----------------|---------------|---------------------|---------------|
| Committee Date: | 17/09/2015    | Application Number: | 2014/01608/pa |
| Accepted:       | 18/03/2014    | Application Type:   | Full Planning |
| Target Date:    | 13/05/2014    |                     |               |
| Ward:           | South Yardley |                     |               |

Unit 2, 90 Wharfdale Road, Tyseley, Birmingham, B11 2DA

Continuation of use as tyre fitting depot and car wash/valeting

|            |                                                                          |
|------------|--------------------------------------------------------------------------|
| Applicant: | Tornado Tyres<br>90 Wharfdale Road, Tyseley, Birmingham, B11 2DA         |
| Agent:     | Fielding Surveyors Ltd<br>19 Sandy Hill Road, Shirley, Solihull, B90 2EP |

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Application for the continued use of the premises as a tyre fitting depot and car wash/valeting.
- 1.2. The tyre fitting, car washing and valeting takes place within Unit 2, which includes 2 working bays (brake pad tester and tracking area/ramp), 4 car parking/tyre fitting spaces, storage for tyres and alloys, and car valeting/washing area. The premises utilises a one-way system with separate in and out accesses. A further 10 parallel parking spaces are provided to the forecourt.
- 1.3. Proposed hours of operation are 0900-1800hours Monday to Saturday and 1030-1500hours Sundays and Bank Holidays. 4 people are employed.
- 1.4. Previous temporary consents have been approved at the premises for the proposed use, these being 2009/03306/PA and 2012/01455/PA with the latter expiring on 5<sup>th</sup> July 2013. These previous temporary consents restricted any hours of operation on Sundays and Bank Holidays.

1.5. [Link to Documents](#)

2. Site & Surrounding

- 2.1. The application site comprises a single storey industrial unit fronting onto Wharfdale Road. It is in use for tyre fitting and car washing/valeting. The forecourt area to the front of the building is used for parking. The adjoining uses to the north, east and west are commercial/industrial. There are residential properties opposite fronting Wharfdale Road.

2.2. [Site location](#)

3. Planning History

- 3.1. 24/06/2010 – 2009/03306/PA. Retrospective change of use of Unit 1 to vehicle sales and use of Unit 2 for tyre fitting and car wash/valeting, with amended layout. Temporary approval expiring 24th June 2011.
- 3.2. 05/07/2012 – 2012/01455/PA. Continuation of use as tyre fitting depot and car wash/valeting. Temporary approval expiring 5<sup>th</sup> July 2013.
- 3.3. Enforcement History
- 3.4. 04/02/2009 – 2009/0028/ENF – Use of premises for car valeting, case closed – not expedient to pursue.
- 3.5. 29/06/2010 – 2009/0560/ENF – Use of industrial premises for tyre sales and car wash, case closed following approval of application 2009/03306/PA.
- 3.6. 26/02/2013 – 2012/0024/ENF – Continuation of use despite expiry of planning application 2009/03306/PA – case closed following approval of 2012/01455/PA.
- 3.7. Current – 2013/01365/ENF - Failure to comply with condition 1 attached to planning approval 2012/01455/PA.
4. Consultation/PP Responses
- 4.1. Transportation Development – Express concern over unresolved details required by conditions attached to previous consents. Same conditions need to be applied.
- 4.2. Regulatory Services – Recommend opening hours of 0900-1800 Monday to Friday, 1030-1500 Saturday and no operations on Sundays.
- 4.3. Local residents, Residents Associations, business premises and Councillors consulted.
- 4.4. Representation received on behalf of John Hemming (MP at the time of submission of comments) querying the extent of consultation to residential areas, the need to refer to enforcement history, and that Planning Committee previously agreed to refuse any subsequent application if conditions were not adhered to.
- 4.5. 4 initial objections received raising the following issues:
- Already breaching planning conditions.
  - Parking.
  - Temporary consent has expired.
  - Incompatible with nearby residential area.
  - Vehicle repairs taking place.
- 4.6. Representation received from Councillor Zafar Iqbal in support of the application and raising the following points:
- Operating in an industrial area and causing no nuisance or parking issues.
  - Other businesses operate similar hours.
  - Previous use operated similar hours.
  - All outstanding issues have been addressed.
5. Policy Context

- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Car Parking Guidelines SPD and the NPPF.
6. Planning Considerations
- 6.1. The proposed use has been subject to a number of planning applications and enforcement investigations. The current application seeks a permanent consent for the tyre fitting and car washing/valeting use as well as the inclusion of Sunday and Bank Holiday opening.
- 6.2. The premises are located within a large and established industrial area where uses such as those proposed are acceptable in principle. To the south, on the opposite side of Wharfdale Road is a terrace of traditional residential properties. The relationship between the industrial use to the north of Wharfdale Road and the residential area to the south is long established. Many of the historic industrial premises in the vicinity are unrestricted, whilst more recent industrial developments do have some restrictions (e.g. 86 Wharfdale Road restrict deliveries/collection to 0800-1900hours Monday to Saturday as well as general industrial activities to the rear of the property).
- 6.3. The application premises have historically been used for industrial purposes and no objection has been raised in principle in relation to the previous applications for the proposed uses. Within this context, no objection is raised in principle to a permanent consent. Therefore, the main issues for consideration are the business operations and its opening hours on neighbour amenity as well as impact on highway safety.
- 6.4. Regulatory Services have raised no objection subject to opening hours of 0900-1800hours Monday to Friday, 1030-1500hours Saturdays and no opening on Sundays. The previous temporary consents restricted operational hours to 0900-1800hours Monday to Saturday only. The applicant is seeking to extend these to include 4.5hours on Sundays between 1030-1500hours. Whilst it is essential to safeguard an appropriate level of amenity to nearby residential properties, this needs to be balanced against reasonable demands of businesses. Within the context of the application site's surroundings, which include industrial/commercial uses and significant HGV movements, it is considered that the proposed hours including those on a Sunday are appropriate and reasonable for the uses in this location. Furthermore, subject to safeguarding conditions attached to the previous temporary consents (limit uses to within the building and prevent panel beating, paint spraying, vehicle repairs etc.) the impact on neighbour amenity would be acceptable and could not support a reason for refusal.
- 6.5. The proposed layout provides an appropriate level of parking but still needs to be fully implemented. Transportation Development raises concern in relation to this and requires that the previous conditions covering parking layout, boundary treatment to the forecourt are attached to any new consent
- 6.6. It is acknowledged that the applicant has operated in breach of conditions attached to previous temporary consents or without planning permission outside of these periods. It is also recognised that in the past this situation has caused significant concern and frustration to local residents and elected members, though complaint level have now ceased. It is considered that the development is acceptable with the imposition of planning conditions and the fact that the applicant has previously breached planning conditions is not a reason to refuse an application. It is understood that specific elements/breaches, such as car washing on the pavement,

are no longer occurring. If there are breaches of planning conditions in the future and it is expedient to pursue, the serving of a breach of condition notice would be a proportionate response.

7. Conclusion

- 7.1. It is considered that subject to the imposition of safeguard conditions, there would be no adverse impact on neighbour amenity or highway safety, and as such a permanent planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

- 
- |   |                                                                                                                      |
|---|----------------------------------------------------------------------------------------------------------------------|
| 1 | Requires details of boundary treatment to forecourt                                                                  |
| 2 | Requires the submission of a sustainable drainage scheme within 2 months                                             |
| 3 | Requires the approve car parking layout to be implemented within 2 months                                            |
| 4 | Limits the hours of operation to 0900 - 1800 hours Monday to Saturday and 1030 - 1500 hours Sunday and Bank Holidays |
| 5 | Restricts to a maximum of 2 working bays                                                                             |
| 6 | All tyre fitting, car washing and car valeting shall take place within the application building                      |
| 7 | Prevents vehicle repairs and car sales from taking place                                                             |
| 8 | Prevents panel beating and other noisy operations                                                                    |
| 9 | Requires the scheme to be in accordance with the listed approved plans                                               |
- 

Case Officer: Tracy Humphreys

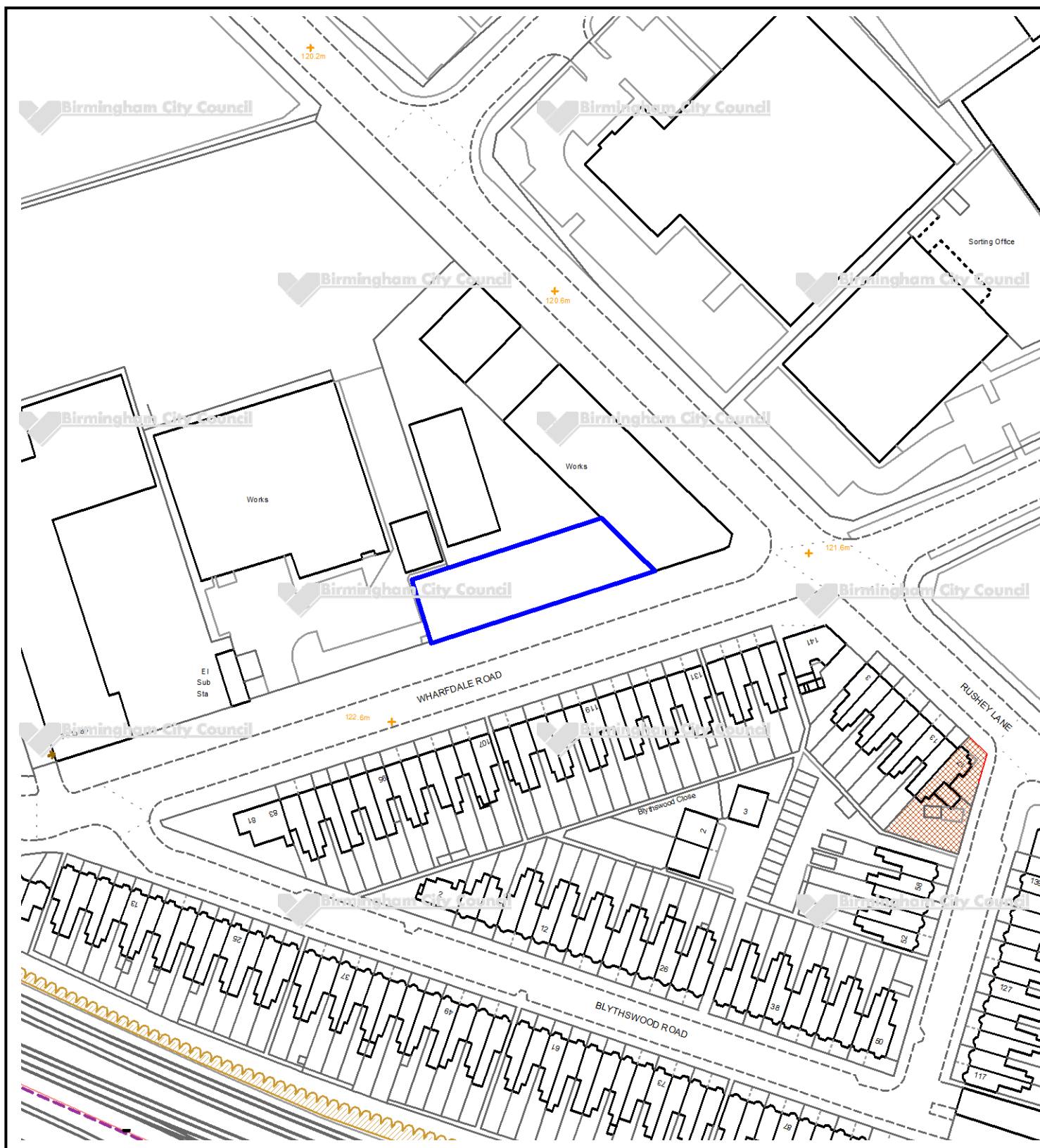


**Photo(s)**



Figure 1 – Wharfedale Road frontage

## Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/05583/PA |
| Accepted:       | 15/07/2015 | Application Type:   | Advertisement |
| Target Date:    | 09/09/2015 |                     |               |
| Ward:           | Hodge Hill |                     |               |

Bromford Lane, Nechells, Birmingham, B8 2SG

Display of 4 non-illuminated free-standing post mounted signs

Applicant: Birmingham City Council  
Room M49, Council House, Victoria Square, Birmingham, B1 1BB,  
Agent: Immediate Solutions  
Dean Clough, Halifax, West Yorkshire, HX3 5AX,

---

Recommendation  
**Approve Temporary**

1. Proposal

1.1. This application proposes the installation of 4 no. non-illuminated post-mounted signs on the roundabout (Bromford Gyratory) at Bromford Lane / Fort Parkway / Heartlands Parkway, Erdington. The proposed signs would be located close to the edge of the roundabout in the following locations:

- Near the junction with Fort Parkway, at the north eastern end of the roundabout;
- Near the junction of the north bound carriageway of Bromford Lane, at the northern end of the roundabout;
- Near the junction with Heartlands Parkway, at the south western end of the roundabout; and
- Near the junction of the south bound carriageway of Bromford Lane at the southern end of the roundabout.

1.2. The proposed signs would each have a width of 1.8m and height of 0.5m and would be mounted on posts giving an overall height of 0.65m above ground level. The signs would be made of aluminium and the posts would be steel.

1.3. Discussions with the applicant since the submission of the planning application have confirmed that the proposed signage would not exceed the dimensions indicated above.

1.4. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site comprises the whole of the roundabout which forms the junction between Bromford Lane, Heartlands Parkway and Fort Parkway. The roundabout is a gyratory which oversails railway lines with the M6 viaduct above. There are several trees and elements of landscaping on the roundabout. Other street furniture currently located at the edges of the roundabout includes directional highway signage and traffic lights. Pedestrian crossings are located on the north and south bound carriageways of Bromford Lane.
- 2.2. The surrounding area is predominantly commercial in character. Business parks are located to the south west and south east of the roundabout, with Bromford Industries' Bromford Gate plant located to the north of the roundabout.

### [Site Location Map](#)

## 3. Planning History

- 3.1. 18/05/2015 – 2015/03310/PA - Pre-application advice for the display of free-standing post mounted signs – Recommended 4 signs likely to be acceptable subject to compliance with Transportation Development comments.

## 4. Consultation/PP Responses

- 4.1. Transportation Development – Not able to support based on the information available. Requested revised site plan to assess the likely impact of the signage on the highway. Additional plans have been supplied by the Applicant since these comments were provided.

## 5. Policy Context

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

## 6. Planning Considerations

- 6.1. The NPPF restricts Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements (paragraph 67).
- 6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that the cumulative impact of advertisements should be considered.

### *Amenity*

- 6.3. The proposed adverts would be situated at appropriate locations on the roundabout and although there are some minor elements of advertising on the roundabout (Fort Self-Storage), I consider the proposal would not over-burden the roundabout with advertising. The proposed adverts would be of a modest size, in keeping with the

commercial nature of the surroundings and would not dominate the highway environment.

- 6.4. The proposed signage would not result in the loss of any landscaping. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

#### *Highway Safety*

- 6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development raised concerns regarding the proposals achieving the required level of visibility along the roundabout. Since the submission of the application, the Agent has confirmed that the required set back distance of 2 metres will be adhered to as part of a condition attached to any advertisement consent, thereby securing the required visibility.
- 6.7. On this basis, I consider that the application proposals are acceptable and would not have a detrimental impact on highway safety.

#### 7. Conclusion

- 7.1. The proposed adverts would not have an adverse impact on amenity or public safety and I therefore recommend consent is granted subject to conditions.

#### 8. Recommendation

- 8.1. Temporary consent subject to the following conditions:
- Approved plans;
  - Time limit; and
  - Agreed distance from the edge of the roundabout.

- 
- |   |                                                                        |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Revised location of signage on roundabout                              |
| 3 | Limits the approval to 5 years (advert)                                |
- 

Case Officer: Claudia Clemente



## Photo(s)



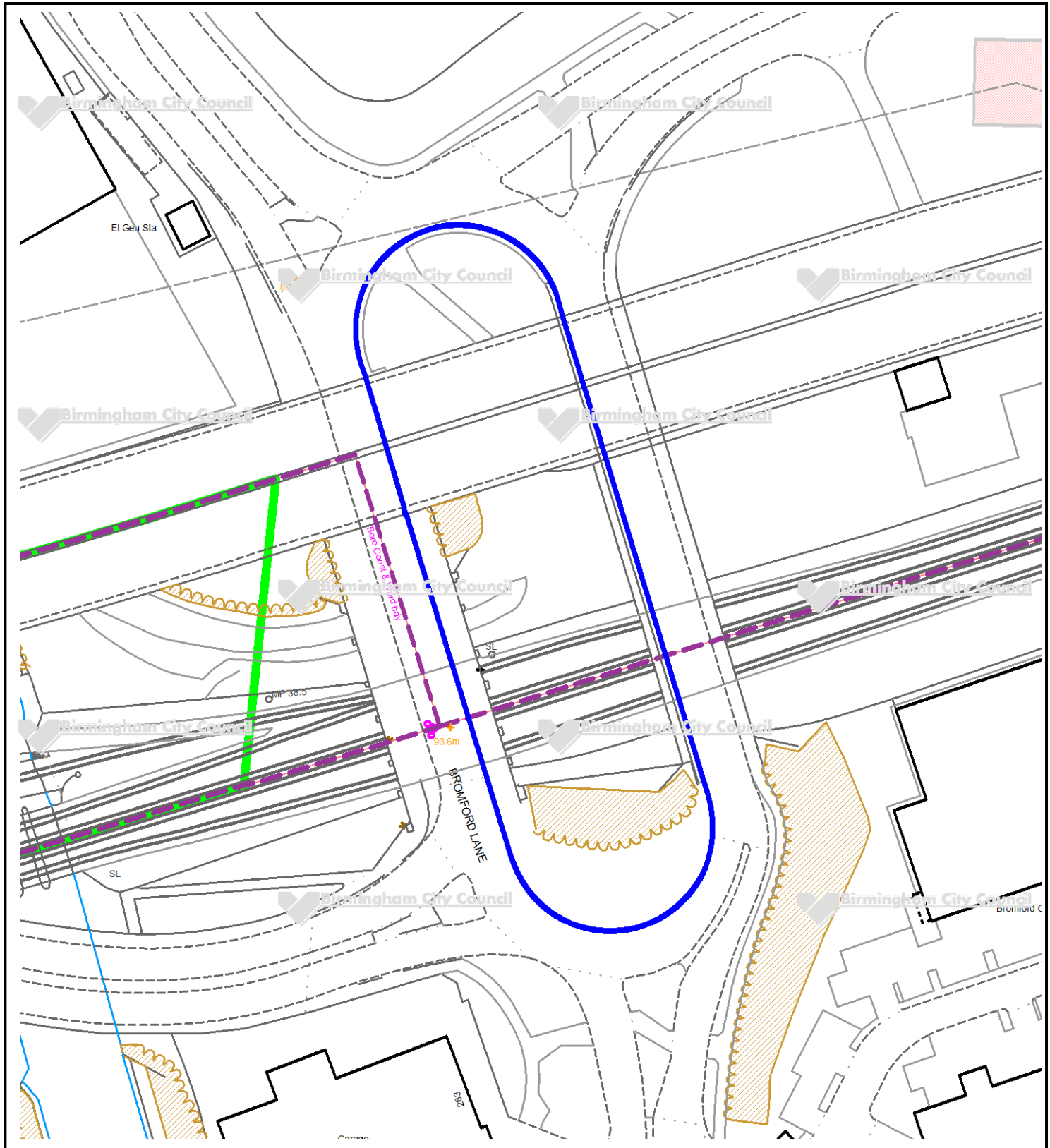
Figure 1 – Roundabout from Bromford Lane



Figure 2 – Roundabout from Heartlands Parkway



## Location Plan



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|                 |            |                     |               |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 17/09/2015 | Application Number: | 2015/05664/PA |
| Accepted:       | 15/07/2015 | Application Type:   | Advertisement |
| Target Date:    | 09/09/2015 |                     |               |
| Ward:           | Nechells   |                     |               |

Roundabout at Heartlands Parkway, Nechells, Birmingham, B7 4TH

Display of 4 non-illuminated freestanding post mounted signs

Applicant: Birmingham City Council  
Room M49, Council House, Victoria Square, Birmingham, B1 1BB  
Agent: Immediate Solutions  
Dean Clough, Halifax, West Yorkshire, HX3 5AX

---

Recommendation

**Approve Temporary**

1. Proposal

1.1. This application proposes the installation of 4 no. non-illuminated post-mounted signs on the roundabout at Heartlands Parkway / Saltley Viaduct / Saltley Road / Mainstream Way, Nechells. The proposed signs would be located close to the edge of the roundabout in the following locations:

- Near the junction with Heartlands Parkway, at the eastern end of the roundabout;
- Near the junction with Saltley Viaduct, at the south eastern end of the roundabout;
- Near the junction with Mainstream Way, at the southern end of the roundabout; and
- Near the junction with Saltley Road, at the western end of the roundabout.

1.2. The proposed signs would each have a width of 1.8m and height of 0.5m and would be mounted on posts giving an overall height of 0.65m above ground level. The signs would be made of aluminium and the posts would be steel.

1.3. Discussions with the applicant since the submission of the planning application have confirmed that the proposed signage would not exceed the dimensions indicated above.

1.4. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises the whole of the roundabout which forms the junction between Heartlands Parkway, Saltley Road, Saltley Viaduct and Fort Parkway. There are several trees and elements of landscaping on the roundabout. Other street furniture currently located at the edges of the roundabout includes directional

highway signage and traffic lights. Pedestrian crossings are located on Heartlands Parkway to the east of the roundabout and Saltley Viaduct.

- 2.2. The surrounding area contains predominantly commercial uses including a number of warehouses and factories. The River Rea and railway lines are located to the south east of the roundabout. A bus stop is located on Saltley Viaduct.

### [Site Location Map](#)

## 3. Planning History

- 3.1. 18/05/2015 – 2015/03351/PA - Pre-application advice for the display of free-standing post mounted signs – Recommended 4 signs likely to be acceptable subject to compliance with Transportation Development comments.

## 4. Consultation/PP Responses

- 4.1. Transportation Development – Recommend refusal as submitted as the proposed signage locations would be likely to be detrimental to the safety of highway users, as sufficient set-back from the roundabout kerb edge has not been provided to allow a satisfactory level of circulatory visibility. Amended plans have been supplied by the Applicant since these comments were provided, and the applicant has confirmed that a minimum of 2m set-back would be achieved as part of the proposals.

## 5. Policy Context

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

## 6. Planning Considerations

- 6.1. The NPPF restricts Local Planning Authorities to considering only amenity and public safety when determining applications for consent to display advertisements (paragraph 67).
- 6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally, it states that the cumulative impact of advertisements should be considered.

### *Amenity*

- 6.3. The proposed adverts would be situated at appropriate locations on the roundabout and as there are no existing elements of advertising on the roundabout, I consider the proposal would not over-burden the roundabout with advertising. The proposed adverts would be of a modest size, in keeping with the commercial nature of the surroundings and would not dominate the highway environment.

- 6.4. The proposed signage is set within the landscaping in parts however this is considered an appropriate setting and would not result in the loss of any landscaping. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

#### *Highway Safety*

- 6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction.
- 6.6. Transportation Development raised concerns regarding the proposals achieving the required level of visibility along the roundabout, recommending refusal of the application as submitted. Since the submission of the application, the Agent for the application has confirmed that the required set back distance of 2 metres would be adhered to as part of a condition attached to any advertisement consent, thereby securing the required visibility.
- 6.7. On this basis, I consider that the application proposals are acceptable and would not have a detrimental impact on highway safety.

#### 7. Conclusion

- 7.1. The proposed adverts would not have an adverse impact on amenity or public safety and I therefore recommend consent is granted subject to conditions.

#### 8. Recommendation

- 8.1. Temporary consent subject to the following conditions:
- Approved plans;
  - Time limit; and
  - Agreed distance from the edge of the roundabout.

- 
- |   |                                                                        |
|---|------------------------------------------------------------------------|
| 1 | Revised location of signage on roundabout                              |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Limits the approval to 5 years (advert)                                |
- 

Case Officer: Claudia Clemente

## Photo(s)

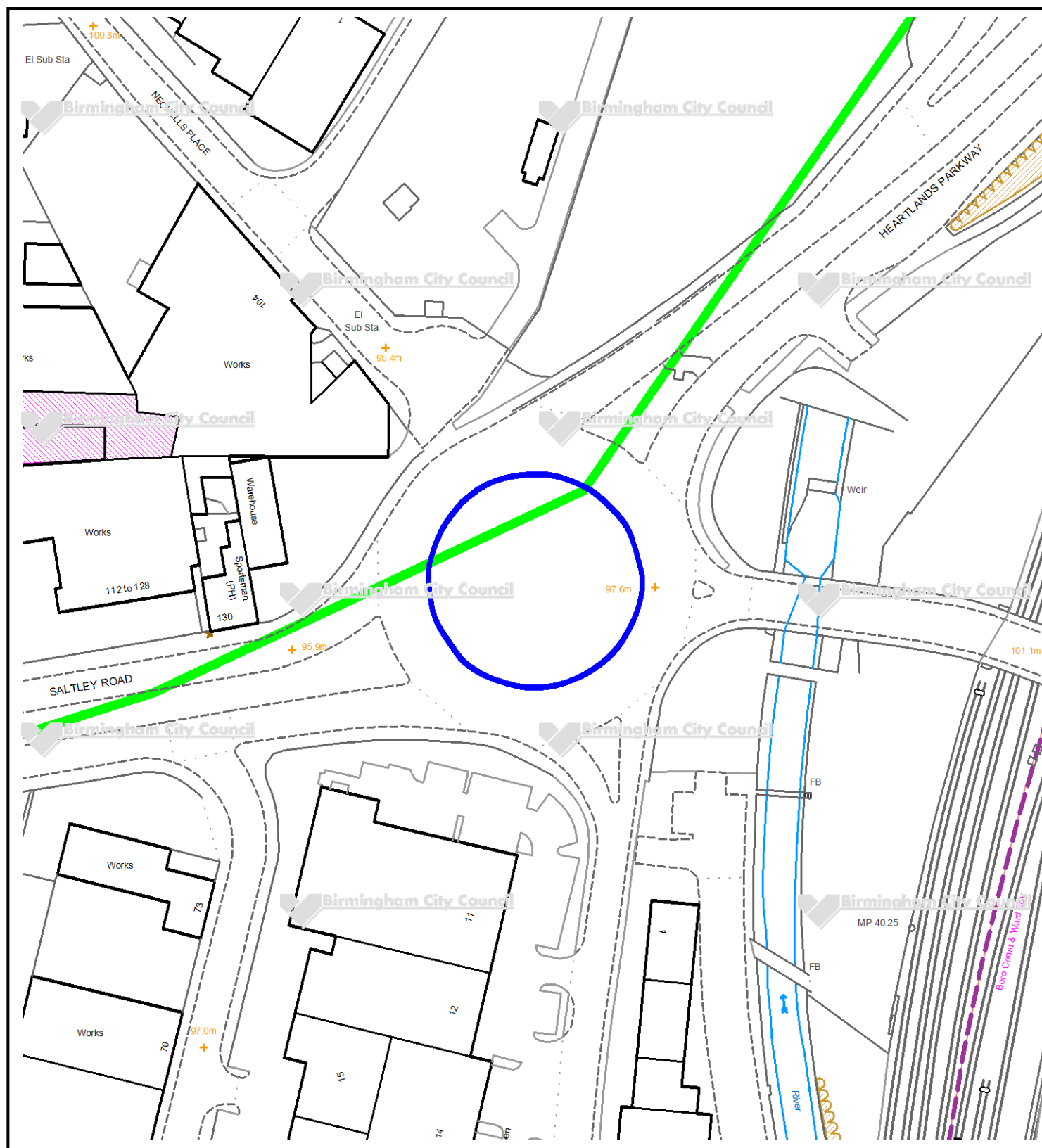


Figure 1 – Roundabout from Mainstream Way



Figure 2 – Roundabout from Saltley Viaduct

## Location Plan



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**Birmingham City Council**  
**Planning Committee 17 September 2015**

**Appeal Decisions Received from the Planning Inspectorate in August 2015**

| <b><u>CATEGORY</u></b>   | <b><u>ADDRESS</u></b>                                        | <b><u>USE</u></b>                                                                                                                                                         | <b><u>DECISION</u></b> | <b><u>TYPE</u></b> | <b><u>PROCEDURE</u></b> |
|--------------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------|-------------------------|
| <b>Householder</b>       | 58 Lozells Street,<br>Lozells                                | Erection of single storey rear extension.<br>2015/02016/PA                                                                                                                | Dismissed              | Delegated          | Written Representations |
| <b>Householder</b>       | 52 Epwell Road,<br>Great Barr                                | Erection of two storey side and single storey rear extension. 2015/00748/PA                                                                                               | Dismissed              | Delegated          | Written Representations |
| <b>Householder</b>       | 17 Rotton Park Road,<br>Edgbaston                            | Erection of orangery.<br>2014/08493/PA                                                                                                                                    | Dismissed              | Delegated          | Written Representations |
| <b>Householder</b>       | 17 Rotton Park Road,<br>Edgbaston                            | Listed Building Consent for erection of orangery.<br>2015/00146/PA                                                                                                        | Dismissed              | Delegated          | Written Representations |
| <b>Residential</b>       | 10 Wentworth Road.<br>Sutton Coldfield                       | Erection of two dwellinghouses with associated coach houses, new access road, landscaping and boundary treatment. 2014/09395/PA                                           | Dismissed              | Delegated          | Written Representations |
| <b>Residential</b>       | 30 Victoria Road,<br>Stechford                               | Change of use from a single dwelling house to two self contained flats.<br>2014/03165/PA                                                                                  | Dismissed              | Delegated          | Written Representations |
| <b>Places of Worship</b> | 962 Alum Rock Road,<br>Ward End Community College, Alum Rock | Removal of Conditions 4(part), 5 & 6 of Application No. 2014/06288/PA relating to car parking, opening hours & temporary consent until 18 December 2015.<br>2014/06288/PA | Dismissed              | Committee          | Written Representations |

**Total - 7 Decisions: 7 Dismissed (100%)**

**Cumulative total from 1 April 2015 - 43 Decisions: 37 Dismissed (86%), 5 Allowed, 1 Part Allowed**