

Birmingham City Council

Planning Committee

21 December 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	8	2017/08357/PA 212 -223 Broad Street City Centre Birmingham B15 1AY Full planning application for the demolition of existing buildings and development of a 42 storey residential building with 14 storey shoulder and 3 storey podium, containing 481 no. residential apartments (Use Class C3), 1,663 sq m of retail floorspace (GIA) (Use Class A1,A2,A3,A4 and A5), 1,512 sq m of flexible office work space (Use Class B1), plant, storage, reception, residential amenity areas, site access, car parking, cycle parking and associated works

Committee Date:	21/12/2017	Application Number:	2017/08357/PA
Accepted:	25/09/2017	Application Type:	Full Planning
Target Date:	25/12/2017		
Ward:	Ladywood		

212 -223 Broad Street, City Centre, Birmingham, B15 1AY

Full planning application for the demolition of existing buildings and development of a 42 storey residential building with 14 storey shoulder and 3 storey podium, containing 481 no. residential apartments (Use Class C3), 1,663 sq m of retail floorspace (GIA) (Use Class A1,A2,A3,A4 and A5), 1,512 sq m of flexible office work space (Use Class B1), plant, storage, reception, residential amenity areas, site access, car parking, cycle parking and associated works

Applicant:	Moda Living (Broad St) c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

Use and Amount of Development

1.1. This application is for a mixed-used development incorporating a residential building and shoulder block with associated development comprising:

- demolition of existing buildings on site;
- a residential building of 42 storeys, with 14 storey shoulder element along Tennant Street and 3 storey podium (including mezzanine level);
- 481 apartments (Use Class C3);
- 7 retail units totalling 1,663 net sqm (Use Class A1, A2, A3, A4 and A5) floorspace at ground floor and mezzanine level;
- 48 car parking spaces (10% provision) and 9 motor cycle spaces within the podium;
- concierge / reception, storage and secure cycle parking facilities within the podium;
- residential amenity areas and 1,512sqm of office work space (Use Class B1a), and hard and soft landscaping; and,
- vehicular access from Tennant Street to the car park and delivery area.

1.2. The proposed development accommodates a variety of apartment sizes, to be delivered, managed and retained within the Private Rented Sector (PRS) as a long term rental product. The proposed development incorporates the following mix -

- studio 30 (6%)

- 1 bed 163 (34%)
- 2 bed 260 (54%)
- 3 bed 28 (6%)

1.3. The Moda Living business model is to deliver a single landlord high quality PRS product based on the following key elements:

- a focus on long term property asset ownership;
- active neighbour focused management via the specialist on-site 24/7 Moda team;
- animated and active ground floor mixed use accommodation including ModaWorks for the use of residents and members of the public alike;
- integrated public realm investment and pedestrian connectivity;
- high quality and carefully designed apartments with a focus on communal living;
- a diverse offer of apartments to accommodate a range of household sizes from people living alone to families;
- a range of flexible tenancy options which include the ability to stay long term; and,
- the integrated provision of a range of business, social, and health related facilities alongside the residential accommodation to create inclusive communities.

1.4. Central to the proposed development is an extensive offer of managed communal amenity spaces for use by the residents. These include:

- a triple storey entrance foyer occupied by an on-site service team available 24 hours a day;
- a residents 'move in zone';
- dedicated residents storage area (comprising 96 lock-up storage cages for residents to rent);
- a residents lounge and dining space;
- dedicated cycle hub;
- outside terrace and 200m running track above the podium deck; and
- residents gym.

1.5. The proposed development would provide approximately 10 sqm of amenity space per new apartment, which compares highly favourably to the adjacent Leftbank scheme (currently under construction) that provides 1.4 sqm per apartment.

Layout

1.6. The ground floor would have 7 retail units fronting Broad Street with parking and cycle hub fronting onto Tennant Street. These uses are punctuated by residential entrances on both sides opening up into a triple height residential reception lobby.

1.7. The first floor would have mezzanine level retail units fronting Broad Street and parking to Tennant Street, alongside the sales and marketing suite located within the triple height lobby.

1.8. The second floor is primarily dedicated to the provision of "ModaWorks" a flexible work space along the whole Broad Street frontage and part of Tennant Street, allocating over 100 workstations and approximately 600sqm of lounge / flexible working space and two meeting rooms. The workspace would be available to

residents and open to wider public use. Also on the second floor would be 96 resident's storage lockers wrapping around the core.

- 1.9. Resident's amenity space is located on the third floor with residents lounge, gym, dining and entertainment space as well as a 200m running track. Levels 4-41 comprise the residential apartments either side of a central core. At Level 40 the corner units include a 3m deep terrace.

External Appearance

- 1.10. The building has two distinct elements – the podium and main building. At podium level the Broad Street façade comprises fully glazed retail and commercial units set within a masonry frame. The residential entrance is also glazed but recessed to provide a defensible space and shelter from the elements. The Tennant Street elevation has the same masonry frame with glazing to the active uses and perforated metal to the non-active uses.
- 1.11. The main body of the building comprises a continuous unitised façade system that skins the building. The articulation of the façade comes from extruded aluminium fins that sit over the body of the building as a veil. The fins are paired and their position shuffles every second floor up the building to add a different dynamic to the façade. The top three levels of the building have a different treatment with more vertical emphasis to create a crown. The scheme proposes darker toned panels with the fins in a lighter tone.
- 1.12. The design of the proposed development has been the subject of positive and extensive pre-application discussions with the City Councils Head of Design and the Planning Team.

Access and Parking

- 1.13. Vehicular access is proposed to the site from Tennant Street leading to the on-site car parking facilities and delivery areas. The ground floor would be mainly for deliveries and moving-in and comprises 4 car parking spaces, 2 wider spaces suitable for people with disabilities, as well as provision for nine motorcycle spaces. The first floor contains the majority of the parking spaces and is accessed via an in / out ramp from the ground floor. It comprises 37 car parking spaces and 5 wider spaces suitable for people with disabilities.
- 1.14. Also at ground floor level a cycle hub is proposed comprising 429 cycle spaces and 60 folding bike lockers. The cycle store has direct access from Tennant Street and through the core of the building.

Supporting Documents

- 1.15. Prior to submission of the application an Environmental Impact Assessment Screening Opinion was submitted and in response the City Council confirmed that an EIA was not required. Thus, as required by the City Council's planning validation criteria the following supporting documents have been submitted:-
 - Planning Statement (including S106 Heads of Terms);
 - Design and Access Statement (including Lighting Strategy);
 - Townscape and Visual Impact Assessment;
 - Statement of Community Engagement;

- Transport Assessment and Framework Travel Plan;
- Noise Impact Assessment;
- Air Quality Assessment;
- Historic Environment Assessment;
- Ecology and Biodiversity Report;
- Drainage Strategy;
- Ground Investigation Report;
- Heritage Statement;
- TV and Radio Baseline Survey;
- Communications Impact Assessment;
- Wind Assessment Report;
- Daylight, Sunlight and Overshadowing Report;
- Aviation Safeguarding Assessment; and,
- Energy Statement.

1.16. The proposed development is liable for CIL with a significant amount payable of approximately £2,580,000. In view of this payment the applicant is not able to meet in full the City Councils affordable housing or public open space requirements. The applicant has submitted a Viability Statement with the application, which has been independently assessed by the City Council's assessor, and that justifies a contribution of £200,000. This payment will be used for the purposes of providing affordable housing.

1.17. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is situated on the south side of Broad Street opposite Sheepcote Street and covers approximately 0.33 hectares. Broad Street forms the main A456 and is one of the main arterial routes linking the centre to the west of the city. Broad Street has an established character for leisure and tourist activities with a large number of restaurants, bars, hotels and leisure uses, including a cinema complex.

2.2. The street itself has a varied character with a number of buildings representing different architectural styles and phases of development. The southern side of Broad Street is punctuated at various intervals with tall buildings such as the Hyatt Hotel, Jurys Inn, Cumberland House and Auchinleck House (at Five Ways). The northern side has the ICC and later Brindley Place development with earlier buildings like the old Orthopaedic Hospital and church. All the buildings closely follow the existing street pattern.

2.3. Part of the site extending back to Tennant Street has been cleared and some of this is used for car parking. The remainder of the site is used for a variety of retail/commercial purposes fronting Broad Street with parking and service areas to the rear off Tennant Street. Ground levels are generally level with no substantive planting or tree cover.

2.4. The site is within the Westside and Ladywood Quarter and the Westside Business Improvement District. The application premises are located within a commercial frontage with the Grade A locally listed three storey Lee Longlands furniture store to one side and the four storey Transport House to the other. To the north on the opposite of Broad Street is the Grade II listed former Barclays Bank and former Royal Orthopaedic Hospital. To the south on the opposite side of Tennant Street are public and private car parks, with a residential apartment block known as Trident

House beyond. The car park to the south east accommodates nine London Plane trees that are protected under TPO 1379. The nearest licenced premises to the site are located to the west at Velvet Rooms and Sugar Suite and across Broad Street to the north at Zara's Bar (the Grade II listed former Royal Orthopaedic Hospital).

Site Location

3. Planning History

Application Site

- 3.1. Several applications for advertisement hoardings and temporary use of the site for car parking.
- 3.2. 2 October 2006 Application 2006/04149/PA Planning consent granted for a 40 storey building with ground floor commercial uses, podium car parking and 342 residential apartments. Approval subject to a legal agreement to secure £1m towards the Broad Street Business Improvement District, public realm improvements, public transport improvements and shop mobility.
- 3.3. 13 December 2011 Application 2011/06063/PA. Planning consent granted to extend the period of time to implement the above consent for a further 3 years.
- 3.4. 9 November 2017. The current application was reported to your Committee as an Issue report, when members made the following comments:-
 - Issue 1 - Land Use Planning Policy– a Member made reference to the substantial three storey podium and welcomed the elegant design which he considered would be appropriate for the location and comprised a good mix of apartments;
 - Issue 2 – Urban Design and Tall Building - a Member considered that, when compared with some buildings in other countries, the proposed height was modest. In response to questions from Members, the architect explained the proposed location of the stairwells and confirmed that all apartments would be fitted with sprinklers. A Member suggested that the development should include a green area for residents;
 - Issue 3 – Noise - no comments were received;
 - Issue 4 – Apartment Sizes - the Chairman expressed concern that some of the apartment sizes were below the minimum standard and as a consequence might be difficult to let. The applicant pointed out that he was confident that all apartments would be let and advised that a management team would be on site. The Head of Planning Management added that the development was a 'lifestyle choice';
 - Issue 5 – Impact on Listed Building - no comments were received;
 - Issue 6 – Parking and Servicing– a Member welcomed the inclusion of a cycle hub;
 - Issue 7 – Planning Obligations – no comments were received; and,
 - Other Issues – Members queried waste disposal and maintenance of the building.

Adjacent Lee Longlands' site

- 3.5. 6 June 2011 Application 2011/01279/PA Outline planning consent granted with all matters reserved for a tower between 40m (8 floors) and 72m (20 floors) in height

above retained façade of Lee Longlands' buildings, with basement car park, up to 16,125 sqm office space and 2,200 sqm retail / leisure, or 310 bedroom hotel, or 338 bedroom student accommodation and 2,200 sqm retail / leisure. Approval subject to a legal agreement to secure a financial contribution towards public transport and public realm improvements.

Left Bank Development Site (opposite side of Broad Street)

- 3.6. 8 April 2011 Application 2009/04215/PA. Planning consent granted for 56 storey mixed use building, to include ground floor retail, 289 bed hotel and either 256 serviced apartments or additional hotel accommodation and 1,280sqm of residential accommodation with one level of basement car parking.
- 3.7. 27 November 2015 Application 2014/09348/PA. Planning permission granted for a 22 storey residential building containing 189 apartments including ground floor restaurant and retail space and a 18 storey hotel building with ancillary retail and leisure uses, including a ground floor restaurant. Approval subject to a legal agreement to secure financial contributions towards off-site affordable housing and public realm improvements at Centenary Square.
- 3.8. 27 November 2015 Application 2014/09350/PA. Listed building consent granted for demolition of rear extensions with the exception of the wing adjoining Sheepcote Street, reinstate brickwork, insertion of windows and external staircase at 78 - 79 Broad Street.
- 3.9. 30 March 2016 Application 2015/10462/PA. Planning consent granted for removal of Condition No. 18 (phasing of development) attached to approval 2014/09348/PA to allow the residential and hotels towers to be constructed separately. Approval subject to a legal agreement to secure refurbishment of the listed Left Bank building; removal of advertisement hoardings on the site; public realm works and financial contributions towards off site affordable housing and public realm improvements. Construction is underway on the 22 storey residential tower.
- 3.10. 19 April 2017 Application 2016/08890/PA. Planning consent granted for a 31 storey residential building (in lieu of the 18 storey hotel building) containing 205 apartments including ground floor restaurant use. Approval subject to a legal agreement to secure financial contributions towards off site affordable housing and a car club. Construction is due to commence shortly.

Tennant Street Car Park (opposite side of Tennant Street)

- 3.11. 23 December 2015. Application 2015/03050/PA. Outline planning consent granted for a building of up to 6 storeys to provide 13 car parking spaces and 40 residential apartments. Subsequent reserved matters application approved 26 May 2017. Construction is underway.

4. Consultation/PP Responses

- 4.1. An extensive series of pre-application meetings have been held with the City Council. The meetings have involved constructive discussions with the applicant and their agent and have resulted in a collaborative approach being adopted to the design of the development.
- 4.2. The applicant held a two day public exhibition on Tuesday 13 June 2017 and Wednesday 14 June 2017 between the hours of 15:00 and 20:00 at the Hilton

Garden Inn Hotel, Birmingham. Approximately 450 invitations were distributed to local residents and businesses by post.. Invitations were also extended to the Leader of the Council, Cabinet Members and local Councillors.

- 4.3. The public exhibition was attended by approximately 50 people. The feedback was generally supportive with respondents positively commenting on the height, design, active frontages, landmark quality, regeneration benefits, serviced apartments, materials and re-use of land.
- 4.4. Following submission of the planning application formal consultations have been undertaken with nearby occupiers, residents associations, local ward Councillors, M.P. and Westside BID. Site and press notices have also been displayed. Four letters have been received from:-
 - Westside BID supporting the proposals as it would be a welcome addition to the built environment, making the area more attractive and promoting business;
 - an adjoining occupier supporting the principle of residential development in this area but concerned about drainage and damp problems; overshadowing and loss of light to their shopfront; security risk from users of the rooftop podium trespassing onto the flat roof of the adjoining building; and general disturbance during construction;
 - an occupier of a narrow boat moored at Gas Street Basin objecting on grounds of loss of light and impact on television reception; and,
 - a resident in Witton in support of skyscrapers within the city centre.
- 4.5. BCC Transportation Development – no objections subject to conditions to secure a package of highway measures, parking areas to be laid out, a travel plan, completion of the delivery and service area, cycle parking and a construction management plan.
- 4.6. BCC Regulatory Services – concerned about the impact of the night time economy on Broad Street on the amenity of the future residents of this development. On this basis they would normally recommend refusal. However should this application be approved they recommended conditions to secure a noise insulation scheme, ventilation details, noise insulation between the commercial and residential elements, limiting noise from plant and machinery, details of fume extraction equipment, a scheme for decontamination of the site, charging points for electric vehicles and a travel plan condition.
- 4.7. BCC Employment Access Team – request local employment and training obligations be secured.
- 4.8. BCC Education Department – based on the number of dwellings and impact on the provision of places at local schools they request a financial contribution of circa £1,58m.
- 4.9. BCC Housing – any comments will be reported.
- 4.10. BCC Leisure Services – no objections. In line with BDP policy, as there is no on-site public open space they request £1,04m towards public open space including infrastructure at St Thomas Peace Garden and/or Edgbaston Reservoir.

- 4.11. Historic England - concerned by the tall buildings height and bulk, which impact on the highly-listed buildings in the city centre, such as Alpha Tower and the Town Hall. They also think the tall blocks are not set back far enough from the facade of the podium block, causing harm to the listed buildings close by. In addition, they do not see evidence that exemplary standards in design have been set. They recommend:-
- the scale of the new building should be reduced to reduce the level of visual impact and harm that may ensue;
 - recording should take place of the historic building on the site and its curtilage; and,
 - measures be secured to protect the flanking buildings, both of which they consider to be non-designated heritage assets.
- 4.12. West Midlands Police – the successful security of the differing aspects of these proposals will be the strict control of the interaction between the uses, ensuring that the various uses are kept apart. They recommend:-
- the apartments be to the standards laid out in the Secured by Design 'Homes 2016' guide;
 - a lighting plan be submitted;
 - the retail units be subject to an intruder alarm and designed to Secured by Design 'Commercial 2015' guide;
 - the site, especially the post room and cycle storage is covered by CCTV;
 - all doors to be to an appropriate security standard and access controlled;
 - management of the refuse storage area;
 - an additional door is installed to provide an airlock style entrance to the main lobby and internal access control be installed
 - the vehicle access to the car park area has a secure shutter / gate with appropriate access control; and,
 - the 24 hour concierge facility would provide an opportunity for an on-site presence to monitor the CCTV scheme and to provide a first response to any issues that occurs within the complex.
- 4.13. Local Lead Flood Authority – no objections subject to conditions to secure a drainage scheme and Sustainable Drainage Operation and Maintenance Plan.
- 4.14. Severn Trent Water - no objections subject to a condition to drainage plans. The applicant should also be aware that there is a public sewer within the site.
- 4.15. West Midlands Fire Service – no objections. Vehicle access will be required within 18m of dry riser inlets and suitable water supplies for firefighting should be provided.
- 4.16. Birmingham Airport – awaiting comments.
- 4.17. Civil Aviation Authority – awaiting comments.
- 4.18. Midland Metro Alliance – support the development in principle, in detail:-
- as part of the Midland Metro Edgbaston Extension amendments will be made to local traffic orders and any traffic modelling associated with this application should be considered in line with these changes;
 - the proposed development is likely to benefit from the connectivity improvements and the floor space value uplifts from the Metro scheme and a financial contribution to these works should be sought;

- development works must be aligned to ensure that they do not conflict with the Metro delivery;
- it is important that the needs of cyclists and pedestrians are provided for;
- amendments to the existing bays on Tennant Street must be in line with the Metro proposals for provision of suitable parking / loading along this route;
- provision for servicing from HGV's should be from Tennant Street; and,
- use of private taxi companies and the expectation of any services they provide must be in line with the Metro Traffic Orders that will be implemented in this area.

5. Policy Context

- 5.1. Birmingham UDP 2005 Saved Policies; Birmingham Development Plan 2017; High Places SPG; Places for Living SPG; Places for All SPG; Access for People with Disabilities SPD; Car Parking Guidelines SPD; Lighting Places SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG and the National Planning Policy Framework.
- 5.2. Opposite the site is 78-79 Broad Street a Grade II Listed Building, whilst further along Broad Street is the Grade II Listed Royal Orthopaedic Hospital. Adjacent to the site is the locally listed Lee Longlands building at 224-228 Broad Street, and on the opposite side of Granville Street is O'Neill's Public House, both of which are categorised at Grade B.

6. Planning Considerations

Background Information and Land Use Policy

- 6.1. In 2006, planning consent was granted for redevelopment of the application site for a 40 storey building with ground floor retail and commercial uses, podium car parking, hotel and 342 residential apartments. This application was renewed in 2011, but has subsequently expired.
- 6.2. On the opposite side of Broad Street, is the Left Bank development site, which has recently obtained planning consent for two towers of 22 and 31 storeys respectively. Both towers include residential apartments above ground floor commercial uses and are under construction.
- 6.3. In January 2017, the City Council adopted the Birmingham Development Plan (BDP). The BDP is intended to provide a long term strategy for the whole of the City and will replace the saved policies of the Birmingham Unitary Development Plan 2005, with the exception of the City Wide policies contained within Chapter 8 of that plan. These policies will continue in force until the adoption of the Council's proposed Development Management DPD.
- 6.4. Policy PG1 advises that over the plan period significant levels of housing, employment, office and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements. Policy GA1.1 adds that residential development will be continued to be supported in the City Centre where it provides well-designed high quality living environments. With regard to Westside and Ladywood it aims to create a vibrant mixed use area combining the visitor, cultural, commercial and residential uses.

- 6.5. In respect of housing need the BDP states that its objectively assessed need is 89,000 homes across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only plans to provide 51,100 homes with 12,800 earmarked for the City Centre. This scheme would deliver 481 apartments on a site that has had a previous residential consent. The development of the site for residential use will significantly contribute towards the Housing Market Assessment shortfall in a sustainable location. It will also bring significant investment into this part of the City Centre, which has a number of vacant sites and units. Redevelopment of this highly accessible City Centre brownfield site is therefore acceptable in principle.
- 6.6. The mix of the proposed residential units is: 30 studio apartments (6%) and 163, 1 bedroom apartments (34%) and 260, 2 bedroom apartments (53%) and 28, 3 bedroom apartments (6%). By comparison the Birmingham Strategic Housing Market Assessment (January 2013) sets the following for market dwellings: 1-bed 13%, 2-bed 24%, 3-bed 28%, and 4-bed 35%. Although the proposed development is skewed toward 1 and 2 bedroom apartments, given the site's City Centre location, I consider that a higher proportion of smaller house types is appropriate.

Urban Design and Tall Building

- 6.7. As the proposed building would be 42 storeys in height the City Council's SPG on tall buildings "High Places" applies. It advises that this site falls within the Central Ridge Zone where tall buildings may be appropriate. High Places advises that tall buildings should:-
- respond positively to the local context and be of the highest quality in architectural form, detail and materials;
 - not have an unacceptable impact in terms of shadowing and microclimate;
 - help people on foot to move around safely and easily;
 - be sustainable;
 - consider the impact on local public transport; and
 - be lit by a well-designed lighting scheme.

a) Design and Local Context

- 6.8. The scale of the 42 storey tower is similar to the previous building granted consent in 2006 and 2011 and reflects the importance of the site's location on the city ridge. There are also other tall buildings in the locality, including the Left Bank scheme, which is currently under construction. The tower sits asymmetrically on the podium, terminating a key vista to the end of Ozells Way, and allows the possibility of future development on neighbouring plots. The 3 storey podium follows the established low rise buildings along Broad Street and fills the site footprint to reinstate the edge of both street frontages. At 14 storeys the shoulder responds to the various mid-rise developments along Broad Street.
- 6.9. The scheme provides a generous ground floor active frontage, responding positively to its local context and reinforcing the evolving regeneration of Broad Street. It also includes active frontages along Tennant Street, which would help animate activity along this street. In particular, I welcome the provision of entrances to the residential apartments from both Broad Street and Tennant Street.
- 6.10. The façade of building seeks to take on a "modern classic" with a unified treatment to each elevation. By using an efficient modular design, a high quality and elegant

finish can be achieved. The double order expression also emphasises the verticality of the building. The building also includes a “crown” to highlight the top of the building. A subtle colour has been chosen for the building, which complements the masonry base, the overall material palette of the street and the industrial past. It should also be noted that there is a costed construction programme which will ensure that the scheme is capable of being built and delivered in the short term. Overall, I consider that the scheme is well designed and conditions are attached to secure high quality building materials.

b) Microclimate and Shadowing

- 6.11. A Wind Assessment Report has been submitted to assess the wind microclimate for the proposed development. The study demonstrates that wind conditions in and around the proposed development are generally suitable in terms of pedestrian safety; whilst wind conditions at the majority of the assessed locations on ground level and podium are generally suitable.
- 6.12. Where exceptions exist, primarily on the podium, various mitigation measures are to be tested to ameliorate these impacts. The final form of mitigation measures will be informed by the final configuration of the podium and once a comprehensive landscaping scheme has been finalised. A condition is to secure further details.
- 6.13. A Daylight, Sunlight and Overshadowing report has been submitted to assess the impact of the development at key habitable rooms of adjacent existing residential properties closest to the proposed development.
- 6.14. The results of the Daylight assessments show that after development good levels of daylight would remain at nearby residential properties. There would be some minor daylight level reductions at Trident House and Cutless Court, but the majority of windows tested would meet and exceed the BRE recommendations. At No. 78-79 Broad Street there would be moderate daylight reductions to tested windows at second and third floor level, however the majority of tested windows would meet the BRE criteria.
- 6.15. The results of the Sunlight assessments taken at habitable rooms of existing surrounding residential properties show that after development at Broad Street, there would be good levels of sunlight remaining at all tested residential properties with windows that face within 90 degrees of due south.
- 6.16. The Overshadowing analysis of the Broad Street development shows that there would be no permeant or adverse overshadowing impact to existing nearby residential gardens or amenity areas adjacent to the development site.
- 6.17. With regard to the proposed Left Bank development, with the proposed development at Broad Street in place, the daylight and sunlight levels to proposed habitable rooms would continue to meet and exceed the BRE and BS recommendations.
- 6.18. Turning to the consented Tennant Street development, there are currently a number of kitchen/living rooms and bedrooms within the consented scheme which face the Broad Street site that receive low levels of daylight as a starting point. Of the 65 rooms that have been tested, 20 rooms currently receive daylight levels that do not meet the BRE and BS recommendations for their room type. Five of these 20 non-compliant rooms are bedrooms and there are 15 non-compliant kitchen/living rooms. Following development at Broad Street, there would be an additional 6 kitchen/living rooms affected. Twenty-five additional bedrooms would be affected between first

floor level to fifth floor level. The BRE guide considers bedrooms to be the least important of all the habitable rooms in a dwelling. For sunlight, the south-west facing windows would all continue to meet the BRE criteria following development at Broad Street. Therefore, the BRE's sunlight criteria is met at this property.

c) Helping People Move Around

- 6.19. The proposed development would see the redevelopment of an underdeveloped brownfield site with a landmark building, aiding the legibility of the city centre. It would also form part of a cluster of tall buildings to signal the "Westside" of the city and act as a gateway location. In the future the building would also be close to a new tram stop on Brindleyplace. At a local level, the building includes active frontages to both Broad Street and Tennant Street, to help bring activity to these streets. In addition, as recommended by the Police conditions are attached to secure a lighting scheme and CCTV, making the development site and street frontages feel safer.

d) Sustainability

- 6.20. The BDP supports the Council's commitment to a 60% reduction in total carbon dioxide (CO₂) emissions produced in the city by 2027 from 1990 levels (Policy TP1) and a number of policies in the plan seek to contribute to achieving this.
- 6.21. Redeveloping this brownfield city centre site, which is highly accessible for pedestrians, cyclists and by public transport, contributes toward the overall goals for sustainable forms of development. To meet the City Council's planning policies, the proposed energy strategy adopts a "fabric first" approach to reduce the energy demand for the building. It is also proposed to use high efficiency heating and cooling systems and for lighting. To meet the heating and hot water requirements for the residential accommodation, it is proposed to provide a centralised heating distribution network comprising of CHP module as a lead heat source supplemented by gas fired boilers. In addition provision would be made in the design of the central heat generating plant to allow connection to any future expansion of the City Council's district heating network along this section of Broad Street.
- 6.22. To restrict surface water drainage flows two options are proposed; to provide the attenuation via a blue roof system that holds the water at the podium level or to utilise a storage tank at the ground level. Severn Trent Water and the Local Lead Flood Authority have raised no objections to the scheme and as recommended conditions are attached.

e) Impact on local public transport

- 6.23. There are regular and frequent bus services within convenient walking distance of the site that provide access to the surrounding areas. In addition to this, the site is located within 1.8km of all three of the Birmingham railway stations. In 2021, the site will also benefit from the Metro Line 1 extension which will run along Broad Street connecting Birmingham New Street with Five Ways. The applicants are aware of the comments made by the Midland Metro Alliance and the need to work in partnership with them to ensure that the Metro works are not affected.

f) Lighting

- 6.24. As the exterior of the building and podium are largely glazed, the external appearance after dark would be largely derived from the interior lighting.

Nevertheless, it is proposed to positively illuminate the main entrances and entrance to the car park and service area. There is also an opportunity to illuminate the top of the building through the perforation of the metal element that wraps around the crown of the building. A condition is attached to secure lighting details.

Noise

- 6.25. Officers from Planning Management and Regulatory Services have previously visited this section of Broad Street to assess the noise environment on a Friday night / Saturday morning. The noise experienced along this section of Broad Street is dominated by loud music arising from Sugar Suite and Velvet Bar on the south side of Broad Street and from Zara's on the north side of the Broad Street.
- 6.26. In addition, this part of Broad Street is very vibrant with heavy traffic, the occasional soundings of horns, some music from passing cars, sirens from emergency vehicles, noise from pedestrians / revellers and buskers. It is clear that Broad Street maintains its reputation as being a lively and functional centre for the night time economy in Birmingham. Indeed, this section of Broad Street is typical for the greater Broad Street experience, with entertainment venues on both sides of the road and pedestrians, revellers and traffic continually passing this point to move between the two sides.
- 6.27. The applicant has appointed noise consultants to undertake a noise assessment. The assessment concludes that acceptable internal noise levels should be achievable within apartments with suitably specified windows and ventilators to facades. Those facing Broad Street bars/clubs are likely to require mechanical ventilation and high acoustic performance glazing systems.
- 6.28. During the day time, there is less activity and the street has suffered from a number of vacant units and lack of daytime uses. There is an aspiration to see a number of sites along this street being invested in, introducing a range of uses, which could include more residential. In 2021, the extended Metro route will run along the street to Five Ways facilitating a significant reduction in through traffic and associated noise.
- 6.29. In the shorter term, introducing residential along this part of Broad Street could affect resident's amenity from late night noise and disturbance, and the entertainment venues themselves, to the extent that these types of uses may have to alter the way they operate. In common with other Cities, it could also be the case that key entertainment areas shift and evolve. It should be noted that Broad Street and its surrounding area is a Special Policy Area in terms of licensing, which acknowledges the high concentration of licensed premises and the cumulative impact this can have on crime, disorder and anti-social behaviour. This may impact on new or altered licenses.
- 6.30. Whilst I note the concerns of BCC Regulatory Services, redevelopment of this site together with other similar potential development sites, could provide a significant number of new residential apartments to meet the City's housing needs. Although conditions as suggested by Regulatory Services are attached, Members should be aware that it would be impossible to completely remove all noise to the apartments. However, prospective residents ought to be aware of the current character of Broad Street as a late night entertainment area. Members should also be mindful of the previous consent for residential development on this site and recent approval for residential development on the opposite side of the road at Sheepcote Street, which set a precedent.

Apartment Sizes

- 6.31. The quality and liveability of the residential accommodation is central to the applicants private-rented sector philosophy and business strategy i.e. the tenant is renting the whole of the building rather than just an individual apartment.
- 6.32. In terms of the amenity provision, the scheme includes 2,205 sqm of resident's amenity space (residents lounge, dining room, gym and outdoor heated area) and a further 2,623 sqm of ancillary space (including flexible workspace, resident's storage, bike store/workshop). In total this is an additional 4,828 sqm of space or approximately 10 sqm per apartment, which will set a new standard within the City.
- 6.33. All of the apartments will be managed by the applicant. 88% of all of the apartments meet or exceed the national space standards. When assessed against the nationally prescribed housing standards:-
- the proposed studios (at 33.3sqm) fall below the minimum standard of 39 sqm;
 - the proposed 1 bedroom apartments (41.4sqm to 53.1) exceed the minimum standard of 39sqm for one person but only 1 apartment complies with the minimum standard of 50sqm for two persons;
 - the proposed 2 bedroom apartments (64.8sqm to 67.3sqm) exceed the minimum standard of 61sqm for three persons; and,
 - the three bedroom apartments (86.2sqm) exceed the minimum standards of 74 sqm and 86sqm for four and five persons respectively.
- 6.34. Applying the above minimum occupancy assumptions, the 30 studio apartments fall below the standards. However, the applicant has indicated that the 1 Bedroom Type B apartments may be occupied by two persons and therefore a further 30 apartments potentially fall below the minimum standards. Studio apartments represent only 6% of the overall provision, whilst the 30 1 Bedroom Type B apartments also represent only 6% of the overall provision.
- 6.35. Apartment layouts have also been submitted to show that the apartments can function satisfactorily. The design minimises the number of internal walls, maximises space saving storage and has taken into account the final furniture package offered to tenants.
- 6.36. The applicant states that the inclusion of studio and 1 bedroom apartment types responds to specific market demand for smaller units, and should also be viewed in the context of the significant amenity space being offered through the development which at over 10 sqm per apartment is considerably more than other comparable schemes in the city. The proposed residents amenity space helps to outweigh concerns about the apartment sizes and would be secured via a S106 legal agreement to ensure that is available to residents of the development for its lifetime.

Impact on Listed Building

- 6.37. The application site is not within a conservation area and there are no designated or non-designated heritage assets within the site. There are however listed buildings within the surrounding area. Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a

designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

- 6.38. At a local level Policy TP12 of the Birmingham Development Plan, states that applications for development affecting the significance a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.39. Broad Street is a primary arterial route into and out of the centre of Birmingham that has experienced considerable change since it was laid out in the 18th century and this change is particularly pronounced to the south of the street. It is lined by a mix of buildings of varying heights, styles and ages which are typically in hotel, office, leisure or residential uses and this has created a mixed townscape. The high rise buildings near the site include the Jury's Inn, Travelodge, Trident House to the rear of the site and the Hilton (Cumberland House). Most of the tall buildings along Broad Street adopt a similar form and are comprised of a podium incorporating active ground floor uses fronting Broad Street, with a tower element above.
- 6.40. The nearest statutorily listed buildings are the Grade II listed Orthopaedic Hospital and Barclays Bank. However, these buildings are on the opposite side of Broad Street and I do not consider that their setting would be substantially harmed as demonstrated by the supporting Heritage Statement. Whilst the proposed building would significantly taller than these two listed buildings the application site is an area already characterised by a mix of low rise and tall buildings. The composition of the proposed development with a podium and tower is characteristic of the taller buildings in this part of Birmingham City Centre and the podium has been designed to correspond with the height of the adjoining locally listed Lee Longlands building and Transport House to the south.
- 6.41. The application site falls outside of any conservation area, but sits within the setting of several conservation areas and listed buildings. A strategic Visual Impact Assessment from various points around the city, including from sensitive sites such as Victoria Square and St. Philips (cathedral gardens) have been undertaken. Also a detailed Heritage Statement has been prepared identifying the location, setting and impact the proposal will have on surrounding listed buildings. Historic England have raised concerns over the scale of the buildings on the setting of a number of heritage assets, however the City Council's conservation officer considers that taking into account the context of the site, the evolving cluster of tall buildings, the clear contrast being made between historic and modern buildings in Broad Street and the impact that tall buildings already have on the historic civic core (from Alph tower leading west) this scheme cannot be seen to generate anything more than less than substantial harm.
- 6.42. In such instances the National Planning Policy Framework at paragraph 134 advises that where a development leads to less than substantial harm to the significance of designated heritage assets, that harm should be weighed against the public benefits of the proposal, including securing its optimum use. In this case the public benefits include redevelopment of an unsightly underused brownfield site with a high quality tall building, which will help meet housing needs. I therefore consider that the public benefits outweigh the less than substantial harm caused to nearby heritage assets, I therefore consider that the scale of the proposed is appropriate for this site. Furthermore, I do not consider it necessary to record the existing buildings on site as

they are not designated heritage assets, however, a condition is attached to secure a construction management plan, which together with the Party Wall Act would protect the flank walls of the adjoining buildings.

Parking and Servicing

- 6.43. The site is well located in a highly accessible location to all modes of travel. There are excellent opportunities for pedestrians and cyclists to travel to and from the surrounding areas from the site. There are regular and frequent bus services within convenient walking distance of the site that provide access to the surrounding areas. In addition to this, the site is located within 1.8km of all three of the Birmingham railway stations. In 2021, the site will also benefit from the Metro Line 1 extension which will run along Broad Street connecting Birmingham New Street with Five Ways. As part of the proposed Travel Plan measures, the walking, cycling and public transport opportunities available to the site would be promoted to residents.
- 6.44. Given the highly accessible city centre location it is proposed to provide 48 car parking spaces, which equates to 10% provision. These spaces would be provided through a rent-only basis to residential, staff of the retail units or the management company on a monthly basis from the developer. Residents who choose not to rent a parking space would be provided with Uber Credits to assist with door to door journey planning. There are also several frequent bus and metro services available from stops located within 400 metres of the application, providing services into Birmingham City Centre, in addition to surrounding areas. Local and national rail services are also provided within a short walk of the application site at Birmingham New Street and Five Ways railway stations.
- 6.45. Managed servicing is available within the development at ground floor level for residents during their moving-in day. Service deliveries for large vehicles would be made on street adjacent to the main entrance for resident's convenience. Refuse collections are scheduled to be taken twice per week, with bins transported through the car park area via the service route to the collection point, for on street collection.
- 6.46. Covered and secure cycle parking would also be provided as part of the proposals, as a cycle hub situated at ground floor level and accessible from Tenant Street. The cycle hub contains 489 spaces. The development also includes nine motorcycle parking spaces. This level of provision is in accordance with BCC cycle and motorcycle parking standards.
- 6.47. BCC Transportation Development have raised no objections to the development proposals. They consider that the level of parking is in line with BCC maximum parking levels and adjacent roads are all protected by parking controls. They note that the scheme provides an internal servicing area with space for LGV's to turn and enter/leave in forward gear, with HGV's needing to use a new loading bay TRO on Tennant Street to service the site. The access alterations to the car park result in one pay and display bay needing to be removed which the applicants will need to cover the costs of lost revenue. Conditions as recommended by BCC Transportation Development are attached.

Consultation Comments

- 6.48. As detailed above, where appropriate, conditions are attached as suggested by the various consultees. Comments are still awaited from Birmingham Airport/ Civil Aviation Authority, as the proposed building at 278m above Ordnance Datum (AOD), would be 36m above the aerodrome safeguarding height of 242m AOD. However,

neither raised objections to the previous 2006 and 2011 planning consents for a tall building subject to limiting the overall height of the building (including any antenna etc) to 280m AOD and requiring details of a craneage strategy, obstacle lighting scheme and building materials. Similar conditions are suggested to this application.

- 6.49. Turning to the objection from the adjoining occupier, whilst the City Council has policies to protect residential amenity from overshadowing and loss of light, there is not the same level of protection given to commercial premises. I do not therefore consider that planning consent could be refused on grounds that the proposal would result in loss of light to an adjoining commercial building. It is inevitable that demolition of the existing building and construction of a new 42 storey building would cause some disruption. However to minimise disruption a condition is attached to secure a construction management plan. Conditions are also attached to secure appropriate drainage. With regard to security, there would be a 24 hour concierge facility and conditions are attached to secure lighting and CCTV.
- 6.50. With regard to the objection from a narrow boat owner/resident, I do not consider that the residents of the Basin would be adversely affected by the proposed tower at Broad Street in terms of daylight, sunlight, or overshadowing. The proposed tower is some considerable distance away from Gas Street Basin and beyond many other buildings, including The Jurys Inn hotel which is approximately 20 storeys in height and much closer than the proposed tower. Furthermore, residents of Gas Street Basin would benefit from sunlight from the south and south-east. In terms of overshadowing, a shadow path analysis shows that shadows from the proposed tower at Broad Street do not extend to Gas Street Basin. To address concerns about television reception a condition is attached to secure a post completion assessment and any necessary mitigation measures.
- 6.51. When the Issues Report was reported to your Committee, Members queried the fire safety and waste collection strategies. In response the agent has confirmed that a detailed Fire Strategy has been developed for the proposals by JGA Fire Consultants, and this has been informed by early engagement with West Midlands Fire Service. As set out in the submitted technical note, the retail units, office, car park and back of house areas would be provided with a commercial sprinkler system, and the residential levels will be provided with an enhanced residential standard sprinkler system.
- 6.52. Turning to the Commercial Waste Strategy, retail units Nos. 01-05 are serviced from Tennant St, via the car park entrance to a proposed loading bay. The location of units 06 and 07 within the building require a separate strategy via Broad Street and onto Granville Street, where an existing loading bay is located. Retail units 01-05 are to be serviced from the rear and the waste is gathered in the commercial waste store. Retail units 06-07 will utilise an on-street commercial waste collection strategy alongside an operational management regime. The residential strategy is based on a vertical refuse chute design that serves every floor. Two chutes are proposed to allow for general waste and recycling. Eurobins within the refuse store will then be managed and rotated by MODA building maintenance personnel and presented within the ground floor loading bay area on collection day.

Planning Obligations and Community Infrastructure Levy

- 6.53. The site lies within the CIL Charging zone and based on the amount of residential floorspace a payment in the region of £2,600,000 would be required. In addition, the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. Given the significant CIL payment, the applicant is

not able to meet in full the affordable housing or off-site public open space requirements. The applicant has submitted a Viability Statement with the application, which has been independently assessed by the City Council's assessor, and that justifies a contribution of £200,000. The City Council's independent consultant considers that this is a fair and justifiable offer.

- 6.54. BCC Education and the Midland Metro Alliance have requested contributions towards the school places and the Midland Metro extension, respectively. School places and the Midland Metro are funded through CIL payments. Significant public monies are also being spent on improving the nearby public realm at Centenary Square. I therefore consider that in this instance the full contribution should go toward the provision of affordable housing.

7. Conclusion

- 7.1. In principle, redevelopment of this underused unsightly brownfield city centre site with a high density residential led mixed use development complies with local and national land use planning policies. The proposed tall building complies with High Places SPG and is designed to a high standard. The site is also in a highly accessible location and level of car parking is in line with BCC maximum car parking guidelines. Although noise from nearby late entertainment venues is an issue, safeguarding conditions are attached to secure suitable glazing and soundproofing.
- 7.2. In addition to a significant CIL contribution of circa £2,580,000, the City Council's independent assessor has identified a payment of £200,000 toward affordable housing, giving a total contribution of circa £2,780,000. The proposal would therefore have significant public benefits that outweigh the less than substantial harm to heritage assets. I therefore consider that the application is acceptable subject to safeguarding conditions and completion of a S106 agreement.

8. Recommendation

- 8.1. That consideration of application 2017/08357/PA be deferred pending the completion of a legal agreement to secure the following:-
- a) a financial contribution of £200,000 (adjusted in accordance with any increase or decrease in the current CIL payment of £2,578,673) index linked to construction costs from the date of this resolution towards the provision of off-site affordable housing with the Birmingham City Council administrative boundary;
 - b) provision of the residents communal facilities; and,
 - c) a financial contribution of 3.5% of the affordable housing sum up to a maximum of £10,000 for the administration and monitoring of this deed to be paid upon completion of the agreement.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 28th December 2017, planning permission be refused for the following reasons:
- a) In the absence of a legal agreement to secure a financial contribution toward affordable housing, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan, Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and Affordable Housing SPG.

- b) In the absence of a legal agreement to secure a financial contribution toward affordable housing, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan, Policy GA1.1 City Centre Role and Function of the Birmingham Development Plan 2017 and the National Space Standards.
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 28th December 2017, favourable consideration be given to this application, subject to the conditions listed below.

1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Limits the hours of operation of the ground floor commercial uses 0700-midnight daily.
4	Limits delivery time of goods to or from the ground floor commercial uses 0700-1900 Mondays to Saturdays and 0900-1900 Sundays.
5	Requires the prior submission of a drainage scheme
6	Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
7	Limits the noise levels for Plant and Machinery
8	Requires the prior submission of noise insulation
9	Requires the scheme to be in accordance with the glazing specification
10	Requires the prior submission of a ventilation strategy
11	Requires the prior submission of a internal noise validation report
12	Requires the prior submission of a lighting scheme
13	Requires the prior submission of an obstacle lighting scheme
14	Requires the prior submission of sample materials
15	Requires the prior submission of a construction method statement/management plan
16	Requires the prior submission of a CCTV scheme
17	Requires the prior submission of extraction and odour control details
18	Requires further details of wind mitigation measures
19	Requires the prior submission of a construction employment plan.
20	Requires a post completion telecommunications reception assessment

-
- 21 Removes PD rights for telecom equipment
 - 22 Requires the provision of cycle parking prior to occupation
 - 23 Requires the delivery and service area prior to occupation
 - 24 Requires the prior submission of a car park management and travel plan
 - 25 Requires the parking area to be laid out prior to use
 - 26 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 27 Requires the scheme to be in accordance with the listed approved plans
 - 28 Requires the scheme to be in accordance with the listed approved plans
 - 29 Requires the scheme to be in accordance with the listed approved plans
 - 30 Broad Street late night noise
 - 31 Limits the approval to 3 years (Full)
-

Case Officer: David Wells

Photo(s)



View along Broad Street



View along Tennant Street

Location Plan



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Birmingham City Council

Planning Committee

21 December 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	9	2016/08285/PA Rookery House, The Lodge and adjoining depot sites 392 Kingsbury Road Erdington Birmingham B24 9SE Demolition of existing extension and stable block, repair and restoration works to Rookery House to convert to 15 no. one & two-bed apartments with cafe/community space. Residential development comprising 40 no. residential dwellinghouses on adjoining depot sites to include demolition of existing structures and any associated infrastructure works. Repair and refurbishment of Entrance Lodge building.

Committee Date:	21/12/2017	Application Number:	2016/08285/pa
Accepted:	12/01/2017	Application Type:	Full Planning
Target Date:	04/10/2017		
Ward:	Erdington		

Rookery House, The Lodge and adjoining depot sites, 392 Kingsbury Road, Erdington, Birmingham, B24 9SE

Demolition of existing extension and stable block, repair and restoration works to Rookery House to convert to 15 no. one & two-bed apartments with cafe/community space. Residential development comprising 40 no. residential dwellings on adjoining depot sites to include demolition of existing structures and any associated infrastructure works. Repair and refurbishment of Entrance Lodge building.

Applicant:	Cameron Homes St Jude's House, High Street, Chasetown, WS7 3XQ
Agent:	BHB Architects Georgian House, 24 Bird Street, Lichfield, WS13 6PT

Recommendation **Determine**

Report Back

1.0 Background

- 1.1 Members may recall that this application and associated application ref: 2016/08352/PA for the listed building consent were reported to your committee on the 6th July 2017. At the Planning Committee meeting, resolution was passed that this application be deferred subject to the completion of Section 111 and 106 Agreement to secure repair, restoration and conversions works to Rookery House (Grade II Listed Building), a financial contribution of £80,000 towards public open space provision and management and community use agreement for community/ café use within Rookery House and open areas to include the existing access road from the Kingsbury Road frontage. There has been no decision issued as the applicant has continued to negotiate terms for the Draft S.111/ S.106 Agreement.

2.0 Issues

- 2.1 The only issue that has arisen since your Committee considered this application back in July 2017, is the developer now seeks to vary the resolution passed to reduce the agreed public open space sum within the Section 106 agreement, for financial viability reasons.

- 2.2 An amended cost plan (prepared by Greenwoods) has been submitted to the Local Planning Authority that provides in-depth and detailed analysis for the repair, restoration and conversion of Rookery House (Grade II Listed Building). The amended cost plan (Greenwoods) has been reviewed by LSH on behalf of the Local Planning Authority. LSH confirms that the amended cost plan (Greenwoods) is reasonable and well-supported. LSH have amended their own appraisal to take a more commercial and pragmatic view of these higher envisaged costs which would naturally affect the viability of the proposed scheme. They consider that a reduction of £20,000 is justifiable in light of the costs for the refurbishment of the listed building (Rookery House) and conclude that a revised total contribution sum of £60,000 for public open space to S.106 Agreement is reasonable in this instance.
- 2.3 My Leisure Services are disappointed that the agreed sum for POS has been reduced to £60,000. However, they accept LSH's review to the reduction of the amount. I consider that the listed building that forms part of this application site to include adjoining depots and land sales has been designed to deliver this comprehensive form of development to deliver the triple aims of providing for housing needs, heritage restoration and land sale. The listed building is at risk of further deterioration and I consider that the reduction from £80,000 to £60,000 is acceptable. The proposal will provide public benefits and help facilitate repair and restoration works and renewed occupation of the listed building (Rookery House). There are also significant qualitative benefits to the adjoining Rookery Park through improved site surveillance and the provision of community/ café uses within Rookery House.

3.0 Recommendation

3.1 Determine

1. That consideration of Application No. 2016/08285/PA be deferred pending the completion of a suitable Legal Agreement under Section 111 of the Local Government Act 1972 which requires the applicants to complete a Section 106 Planning Obligation simultaneously with the completion of the land sale. The Section 106 Agreement shall require:
 - i) Rookery House (listed Building) is substantially repaired and restored (demolition and complete repair of external envelope) prior to the occupation of 50% of the new dwelling on adjoining depot sites in accordance with Listed Building Consent ref: 2016/08352/PA.
 - ii) All repairs, restoration and conversion works to Rookery House (Listed Building) must be completed prior to occupation of 90% new dwellings on adjoining depot sites in accordance with Listed Building Consent ref: 2016/08352/PA.
 - iii) The payment of **£60,000** (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision, improvement and/ or maintenance of public open space, recreational and/ or children facilities at Rookery Park within the Erdington Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
 - iv) Management plan and community use agreement for community / café use within Rookery House to include maintenance, management and public access and to be maintained in perpetuity.
 - v) Management plan and community access agreement for open areas to include the existing access road from the Kingsbury Road frontage as highlighted in green on Drawing No: 2137/03 Rev. M (Proposed Site Layout)

- to remain as public open space and be publicly accessible, managed and maintained in perpetuity.
- vi) Payment of a monitoring and administration fee associated with the legal agreement of £2,800. To be paid prior to the completion of the S.106 Agreement.
2. In the event of the above Section 111 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 26th January 2018 planning permission be REFUSED for the following reason:
- i) In the absence of a suitable planning obligation to secure repair and restoration works to listed building and a financial contribution towards public open space, the proposed development conflicts with policy TP9 and TP12 of the Birmingham Development Plan 2017, with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005, with policy 74, 132 and 134 of the National Planning Policy Framework (2012) and Public Open Space in New Residential Development SPD.

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

Previous Report

1. Proposal

- 1.1. Consent is sought for the demolition of existing extension/ stable block/ structures, repair and restoration works at Rookery House (a Grade II Listed Building) to convert to 15no. one & two-bed apartments with café/ community space and residential development comprising 40 no. residential dwellinghouses on adjoining depot sites with associated works. In addition, repair and refurbishment works to the Entrance Lodge Building. This application is accompanied by a separate Listed Building Consent ref: 2016/08352/PA for the demolition of existing single storey extension, chimney stack, stable block and repair and restoration works to include alterations to convert Rookery House to residential apartments and community / cafe use.
- 1.2. Restoration/ conversion of Rookery House
- 1.3. The proposal would result in the demolition of an existing single-storey rear extension and stable block associated with Rookery House a Grade II Listed Building. The proposal would involve repair and restoration works to convert the majority of Rookery House to provide 15 no. apartments (14 no. one-bed apartments and 1no. two-bed apartment). Internal floor area for one-bed apartments would range from 39 sq. metres to 67 sq. metres and 98 sq. metres for two-bed apartment. Bedroom sizes would range from 10.3 sq. metres to 22 sq. metres). Communal courtyard/ amenity space to the northeast elevation of the building adjacent to the proposed car park would be approximately 140 sq. metres.
- 1.4. The remaining part of the ground and first floor of Rookery House would be converted to provide community and café space. The demolition of a single-storey extension, chimney stack and stable block to the north-west and north-east elevations would allow new double access doors to the community/ cafe use, separate to the proposed residential use. The community/ cafe use would have an external courtyard area that would provide outdoor seating for up to 40 covers. Internal layout comprises an open plan area that can be used for community use or

seating area for up to 24 customer covers, kitchen and two w/c areas (one disabled w/c) on the ground floor with overspill community room at first floor level. The ground floor would operate as a café but the applicants seek flexibility to operate as a community room to enable the room to be rented out for functions and meetings if and when required. The proposed operating hours for the community rooms would be 1000-2200 hours Monday to Saturday and 1000-1630 on Sundays and Bank Holidays. The operating hours for the café would be restricted from 1000-1800 hours Monday to Saturday and 1000-1630 hours on Sundays and Bank Holidays but the applicants have indicated that the operating hours are likely to be reduced within the winter months. Supporting statements confirm that the community/ café use would be managed by the Hollyfields Centre (based on Holly Lane, Erdington), which is also known as Gas Club. Supporting statements also confirmed that the planned use for the community rooms would range amongst others to include toddlers club, day nursery, workshop for the retired/ elderly in painting, computer classes etc.

Residential development on depot sites

- 1.5. There would be a total of four structures and walls to be demolished within the depot sites that includes the sub-station building to the rear of adjoining property no. 2R Spring Lane.
- 1.6. The proposed redevelopment of these sites would involve the erection of 40 dwellinghouses on two depot sites that are be situated to the south of Western Road and west of Spring Lane. The proposed breakdown of accommodation as follows:
 - 28 no. three-bed four person or five person dwellings (Each unit ranging from 79 sq. metres to 120 sq. metres). Bedroom sizes ranging from 11.5 sq. metres for the first double, 10.24 sq. metres for second double and 6.56 sq. metres for single.
 - 12no. four bed five/ six or seven person dwellings (Each unit ranging from 99 sq. metres to 124 sq. metres in size). Bedroom sizes ranging from 19 sq. metres for first double, 10.3 sq. metres and 9.6 sq. metres for second and third double and 6.6 sq. metres for single.
- 1.7. The design of the dwellings would vary across the two depot sites. They would all be two-storey in height and built from a multi red brick or render elements above with grey or brown roof tiles, with generously sized windows. The proposal would incorporate a number of design features to create interest including bay windows, a mixture of hipped and gable roofs, entrance canopies, sills, lintels and brick on edge arches. Multiple dual aspect dwellings have been designed to help the scheme address corners. The private amenity area sizes for all of the three and four bed family dwellings would range from approximately 70 sq. metres to 100 for smaller unit and 90 sq. metres to 185 metres for larger units.

The Entrance Lodge and other works

- 1.9 The Entrance Lodge would be refurbished and works include replacement of timber windows and doors, eaves height raised to the rear single-storey wing and any other repair to any other exterior elements. Internally, there would be two chimneys removed and an existing wall demolished to create an enlarged kitchen and breakfast room.
- 1.10 Amended plans have been submitted with the refuse storage building re-sited adjacent to the secondary access road that leads to the existing car park. The building would be single-storey brick built with hipped end roof with total floor area of approximately 28 sq. metres.

- 1.11 Other works include relocation of the sub-station adjoining to the rear of no. 2R Spring Road to the south side of the proposed primary access road into the application site from Spring Lane.

On-site traffic circulation and parking

- 1.12 The proposed new vehicular access point from Spring Lane would provide access arrangements to the majority of the proposed dwellings, apartments and community/ café use. A total of 9no. dwellings would front onto (and would have direct access) from Spring Lane and Western Road. A further 5no. dwellings would be served by a new private driveway accessed from Western Road frontage. The proposal also includes works to the existing access road to the east of the Entrance Lodge that would involve replacement of existing bollards and hard surfacing areas. The access arrangements from Kingsbury Road would remain for pedestrians and cyclists.
- 1.13 All dwellings would either have parking bays to the front or to the side of the property. A total number of 103 car parking spaces are proposed across the depot site for the proposed residential dwellings. The proposed 4-bed dwellings would have 300% (3 spaces to include garage) parking provision with exception of plot 34 that would have 200% parking provision. The parking provision for all 3-bed dwellings would range between 300% (including garages) to 200% (2 spaces some including garages). Amended plans have been provided which have removed the “square” right angle opposite side Plot 8 in order to deter inconsiderate parking within the proposed access road and increase parking provision for Rookery House. As part of this development, it is proposed to provide a secondary access road to the existing communal car park to the southeast of Rookery House. A total of 25 spaces would be provided within two parking courtyards associated with the apartments and community use within Rookery House.

Landscaping and boundary

- 1.14 The proposal would result in the loss of 28 existing trees across the overall site. There would a buffer of trees retained that includes trees protected under Tree Preservation Order to the north of existing carriageway and east of Rookery House. Detailed landscaping plans have been submitted that includes 45 replacement trees across the entire site. The plans also show new planting beds to all sides of Rookery House with the exception at the northwest elevation, where there would be two external courtyards (outdoor seating or communal amenity area) associated either with the community/ café use or residents.
- 1.15 Detailed plans have also been submitted that show a range of boundary treatments proposed for residential dwellings including walls around corner properties, fencing, railings etc. There would also be replacement bollards and wall with railings and brick piers on either side of the existing carriageway adjacent to the Entrance Lodge that forms pedestrian/ cyclist access to Rookery Park. Other works include removal of wall and hedge to the southern side of access road with 1.2 metre high railings (Spring Lane Highway depot) and 1.8 metre high open trellises adjacent to south-east elevation of Rookery House.
- 1.16 Total Site area: 1.67 Hectares. Density: 46 dwellings per hectare.
- 1.17 The following documents have been submitted in support of the proposal:
- Design and Access Statement
 - Planning Statement

- Statement of Community Involvement
- Updated Heritage Assessment
- Archaeological Assessment
- Schedule of works for Rookery House
- Flood Risk Assessment
- Structural Condition Survey for Rookery House
- Phase I and II Land Contamination Assessment
- Transport Statement
- Operational Statement for café/ community use
- Preliminary Ecological Appraisal including Preliminary Roost Assessment for Bats
- Tree Survey Report/ Plan

- 1.8. The supporting statements confirm that the key requirements for the Council to include neighbouring depot sites within the disposal is to fund, repair and restore Rookery House (Grade II Listed Building). This would ensure long term preservation together with sustainable beneficial occupation of Rookery House. A Financial Viability Assessment has been submitted as part of the supporting statement on the application.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site includes the Grade II Listed Building (Rookery House), two highways and parkland depots and The Entrance Lodge, which are in the process of being sold as they are surplus to Council requirements. Total site area is 1.67 hectares comprising Rookery House (0.38 hectares), Western Road Parkland Depot (0.42 hectare) and Spring Lane Highways depot (0.87 hectare).
- 2.2. Rookery House was built around 1724/5 and is a white three-storied Georgian mansion with a slated roof sitting within a parkland setting. There are some Victorian additions that include a number of stable outbuildings and a 20th Century extension. The stable block lies immediately adjacent to the north-east wing of the original house. Rookery House is situated within the grounds of Rookery Park and is accessed from Kingsbury Road frontage at the junction of Spring Lane. The building is set well back from the highway and is largely screened by trees, vegetation and boundary walls. The building is orientated southeast, where it overlooks the carriageway, with a second principal elevation to the south-west, overlooking formal parterre garden within the park. Rookery House is currently vacant; it is extremely dilapidated and boarded-up and in need of substantial refurbishment works. It was most recently used for Council offices for Social Services until 2008. There is an existing car park to the east of the building. Rookery House and Birches Green to the south on the opposite side of the internal carriageway within Rookery Park are known archaeological sites.
- 2.3. The two vacant depots are situated to the north of Rookery House. The larger vacant former lighting depot site (known as Spring Lane depot) is situated to the north of Rookery House and west of Spring Lane. It has been a corporation yard since early 1900. It is a largely cleared site that was previously developed with industrial/ storage buildings and measures approximately 0.87 hectares. The site is relatively flat and was declared surplus in 2007. The smaller parkland depot includes a woodland area and is situated to the north west of the site, fronting onto a car park and is adjacent to the car park with associated Rookery Park. The parkland depot is

approximately 0.4 hectares and provides equipment for the parks maintenance, where there was a park keeper, and various structures.

- 2.4. The Entrance Lodge building is a 19th Century non-designated heritage asset and is situated to the south east of the site adjacent to the main access from the Kingsbury Road frontage. Currently, the Lodge building is occupied and within residential use.
- 2.5. The surrounding area is predominantly residential in character. Ardenleigh Hospital is situated to the south of the application site on the opposite side of Kingsbury Road.

[Location Map](#)

3. Planning History

Rookery House

- 3.1. 24-04-1996 – 1995/01608/PA – Repairs and alterations to external façade and repairs to structural floor – Approved subject to conditions
- 3.2. 17-04-1997 – 1996/01133/PA - Change of use to community uses and further education with ancillary offices – Approved subject to conditions.
- 3.3. 27-11-2013 - 2013/04424/PA - Listed Building Consent for the removal of existing timber emergency fire escape and installation of a steel emergency fire escape – Approved subject to conditions.
- 3.4. 27-11-2013 - 2013/04833/PA - Removal of existing wooden steps and installation of metal steps to first floor level – Approved subject to conditions.

The Entrance Lodge

- 3.5. 24-09-1990 – 1990/00687/PA – Demolition and subsequent rebuilding of part of boundary wall – Approved subject to conditions.
- 3.6. 24-09-1990 – 1990/00688/PA – Change of use of park Lodge from house to office – Approved subject to conditions.

Vacant Spring Lane Depot

- 3.7. 03-01-1980 – 165620 – Erection of six portakabins for use as mess rooms, stores and offices – Approved subject to conditions.
- 3.8. 30-06-1983 00890016 – Erection of storage building – Approved subject to conditions.

Public Open Space (Parkland depot site)

- 3.9. No relevant planning history

4. Consultation/PP Responses

- 4.1. Press and site notices displayed. Adjoining neighbours, Resident Association, Ward Councillors and MP consulted. There has been 12 letters of representation received

on the application. Four letters of support received from residents on the following grounds:

- This is a great proposal for the conversion as Rookery House and stable block, which have long been left to rot.
- The proposed apartments and housing on the old depot sites will enhance the area.
- Full agreement with the use of depot and nursery site for residential purposes and with the enabling development of part of the Rookery House site for residential purposes.
- Welcome that almost all of the proposed dwellings are detached and of substantial size.

4.2. Friends of Rookery Park and House are pleased that the planning application description/ plans have been amended to include a café within the community facility as this would be a welcome addition for park users. The six letters of representation outline following concerns/ questions/ suggestions that include some points that are highlighted within support letters and from the Friends of Rookery House:

Design and Density

- The new build residential aspect of the proposal on depot sites represents a very dense form of development.
- The proximity of plots to the boundary of Rookery Park, most notably in the vicinity of the privet hedge and footpath (Plots no. 25-29), will appear overly dominant and have an adverse impact on the parkland setting.
- The absence of any open space retained within the depot sites (siting of new dwelling) will exacerbate the above issue and potential for additional landscaping to screen the development is limited.
- Suggest that Plot 26 should be removed as a minimum as the elevations of the house would be too close to the park and appear intrusive. Residential amenity would also be compromised to this dwelling by lack of privacy and noise from users of the park using the adjoining footpath.
- Concerns raised to the removal of timber windows and replaced by unsympathetic UPVC glazing at the Entrance Lodge. Suggest that the UPVC windows are replaced with hardwood versions which replicate the original and increase the Entrance lodge's value as a heritage asset.
- Suggestion that 50% roof types of the proposed dwellings would benefit from the addition of chimney stacks, in order to break up the massing of the development and introduce visual interest

Affordable Housing

- To the type of properties proposed, almost all of the proposed dwellings are detached and of substantial size; this does little to address the housing needs of Erdington. Expectation that any associated planning agreement to include either a significant number of affordable houses on site or a substantial commuted sum for affordable housing purposes in the district.

Trees

- The Tree Protection Plan and Tree Survey Report seem to contradict some of the trees to be removed/ retained. Seek clarity if the London Plane and Cedar trees to the north-west and mature magnolia on the southern elevation are retained as they contribute to the setting of the listed building.
- Concerns raised to the categorisation that the arboriculturalist applied to some of the trees in particular to the removal of Horse chestnut tree situated to the

north of the carriageway and Rookery House as it contributes to setting and should be retained.

- Concerns raised to the reduction of mature lime trees that exist along the footpath around the perimeter of the children's play area, which are not required and do not need to be managed in the same way as trees along a public highway. Clarity is required as the park is not within the application site boundary and therefore any works to its trees could not be captured through the imposition of standard planning conditions.
- Concerns raised to the removal of several trees, part of the gardens and a much used path that forms part of the children's play area as the cafeteria seating area extends beyond the boundary of the house into the park.

Community and Parkland Depot

- Concerns raised to the community use and suggest options to create a cafe rather than just a "space" for the community, which would be used much more and would be a positive benefit to the local community. The café/ community use made available open throughout the day and open to public at all times.
- Community access agreement for the use of cafe to include a child friendly area and access/ provision made available to toilets open to the public and disabled users.
- Café, kitchen and toilet facilities Suggest that Rookery House, Lodge and nursery should remain part of the park and a group (e.g. Friends of Rookery House and should be allowed to run the house/ café/ community/ heritage museum include providing toilets, lighting and security for benefit of the community.
- Concerns that if the community space is not used to its full capacity potential, then the owners would have the ability to disregard the community element of the building.
- Concerns raised to the potential of reduced access to the community space as there could be competing demands which could cause contention between park users and residents of the flats proposed in the house. Suggest that proper consideration needs to be taken to the sound proofing between the community use and residential areas.
- Expectation that the community use in this development allows for at least two of the major rooms on the ground floor (plus the room on the first floor) to be made available. Suggest that the community spaces are accessible, open and staffed and local groups /community can book at reduced rates for any a permanent exhibition of local history and anti-slavery campaigns.
- Suggestion that the community centre/ cafe would provide a service to park users/ community and help to provide income for the upkeep of the park.
- Question - whether kitchen and café has any facilities or extraction fitted. Suggest that the kitchen needs to be fully fitted and ventilated and comply with any regulations for public access.
- Quote from Public parks (2016) document that local authority leadership should 'consider the use of parks and green spaces and to guide investment, funding, staffing, skills, community engagement' and not to sell off the only usable buildings and enforce rules on visitors.
- The community centre would provide patrons for the cafe and help to provide income for the upkeep of the park and the building's rooms could be 'hired' to provide educational/business/community opportunities to diversify it's funding and promoting 'active partnerships', such as those involved with health.
- Community room at first floor does not appear to have disabled access

- The rooms adjacent to the houses formal garden were originally used as a ballroom and it would be much better used as community room or as part of café rather than converted to apartment.
- Critical of the proposal “at a time when park budgets are decreasing the natural future is to have self-funding parks this dash to sell off all the buildings before further cuts stinks”. Question “whether this is where I get to use Cameron's Localities Act (2011)”.

Parkland depot

- The proposal includes demolition of park keepers storage for tools and equipment with no alternative options proposed for future maintenance of the park or growth and effectiveness of the Friends Group.
- No mention of any contribution to the range of equipment and quality of landscaping in the Park itself. Expectation that some contribution to improvements is offered here, including the provision of secure space for Park maintenance personnel.
- If the park keeper does not have a base then we may be at risk of losing this valuable member of staff who maintains the park
- Critical of park and Council services as “they already have a building that contains staff toilets while the park patrons are expected to defecate and urinate anywhere where they can find privacy”.
- Critical of park and Council Services as current problems within the park such dog mess.

Rookery House/ Rookery Park

- Concerns raised to the restoration of the House to ensure that is done to the best quality. Suggestion that the conservation officers of the Council to be fully involved in overseeing the design and construction work relating to the House and its surrounds.
- It is unclear what the future maintenance of Rookery House and communal/ community areas will be following the development.
- Question - if Rookery House in Rookery Park is going to be 15 apartments, does this mean part of Rookery Park will change and be used as private area for those residents?
- Question - whether part of Rookery Park will become a private area and not part of a Public Park as Rookery House is being converted to 15 residential apartments.

Crime and public safety

- No objection to the application but considers that Rookery House together with park could lead to increased litter and potential social problems dependent on opening hours.

Highways

- Concerns raised to the access to the main housing development from Spring Lane upon highway and pedestrian safety, with potential of 80+ vehicles access/ egress the site at the same time, traffic congestion during busy times as it is situated close proximity to the Kingsbury Road junction with two schools within the immediate vicinity. Suggest that the access onto Western Road would be both safer and would ease traffic flows exiting the site.
- Disappointed to see that there are no plans to re-surface the proposed community car park off Western Road.

Ecology

- Question - What will happen to the colony of Bats living at Rookery House?

Other issues

- One representation was received from residents living within the Entrance Lodge to discuss options of purchasing the property as they already lived there and are protecting it from vandalism and falling into disrepair. They have also carried out substantial works internally to make it liveable.

- 4.3 Severn Trent – No objection subject to drainage condition for the disposal of foul waste and surface water flows.
- 4.4 Environment Agency – No objections subject to a modified land contamination condition in order to protect controlled waters at all times, notably the underlying Secondary “A” aquifers.
- 4.5 West Midlands Police - No objections subject to access to the proposed flats and community room is controlled with Police approved access controlled systems and Secure by Design Police Crime Reduction initiatives.
- 4.6 Education & Skills Infrastructure – Awaiting comments
- 4.7 BCC Local Lead Flood Authority – initially raised objection to the proposal as the Flood Risk Assessment and Drainage Strategy provided did not meet the requirements of the LLFA with regards to surface water flooding, greenfield/ brownfield runoff rates for all return periods up to the 1 in 100 year plus climate change event, and the proposed finished floor levels, and the Operation and Maintenance of the proposed SuDS features etc. Further supporting information was submitted and the LLFA are now content with the current proposals subject to a modified condition for the completion of sustainable drainage and a drainage system operated in accordance with the approved sustainable drainage operation and maintenance plan.
- 4.8 Leisure Services – Supportive of the proposal subject to the following:
 - There is no proposed development on the land to the north and east of the existing access drive to Rookery House and therefore this should be excluded from the site boundary otherwise the open space may be used for a contractor's compound which would not be supported. It is noted that this will continue to form a main pedestrian/ cyclist access to the park and will not be fenced off.
 - The public open space land to the north and east of the drive will not be lost and therefore will retain its function as public open space.
 - The Parkland depot incorporating the wooded area adjacent to Western Road is historically integral to the Rookery Park estate and formed a function in the running of the park. It is irrelevant that the Parks Service has declared it surplus to its function as POS and this loss of POS land should therefore be adequately compensated for under the policy. They have requested financial contribution figure of £171,400. The financial contribution for the loss of parkland depot should be spent on the provision, improvement and /or maintenance of POS and play at Rookery Park.
 - Off-site financial contribution based on number of dwellings to serve the new residents would be £149,000 (£90,000 cost of junior play area and £59,000 POS). The financial contribution should be spent on the provision, improvement and /or maintenance of POS and play at Rookery Park.

- 4.9 City Ecologist – The preliminary ecological assessment identifies two of the five buildings as having good potential to hold bat roosts and the remainder of the site holds good potential for bird nesting and foraging. The Bat Roost Characterisation Survey in relation to the stable building has identified previously it did not hold any roosting bats, which was mainly due to the condition of the building deteriorated to an extent that it is no longer favoured. No objections to the proposal subject to conditions that take into consideration the following:
- Submission of Ecological mitigation plan for construction amongst other things to include “Wildlife Protection Zones” where construction activities are restricted, timetable to show phasing of construction activities, details of protective measures, where EPS licence is required and what operation etc.
 - Submission of Bird/ bat boxes to be integral boxes built into the fabric of the buildings
 - Lighting scheme to ensure use low lux/ directional lighting.
 - Ecological/ biodiversity enhancement measures to ensure planting schemes should seek to incorporate species listed on the RHS “Perfect for Pollinators” list, Internal close boarded fencing to gardens should provide a gap of 150mm by 150mm allow for hedgehog access to and from and between gardens.
- 4.10 Sport England – No objections as the proposed development does not fall within statutory or non-statutory remit as it does not involve loss of or new any sports facility and would not provide over 300 additional homes.
- 4.11 Historic England – They recognises the good opportunity this application provides to deliver a number of demonstrable public benefits, including securing a long term sustainable use for the Grade II listed Rookery House. They remain of the view that they do not concur with the conclusions reached within the Desk Based Assessment that the proposed development of 40 residential dwellings would enhance the setting of the Grade II listed house. They maintain of the view that due to its close proximity there is potential for harm to be caused to the setting of Rookery House. The extent of this impact will be greatly dependent upon the introduction of further natural screening. If the principle of development here is considered acceptable by the local authority then careful attention should be given to mitigating and reducing this impact.
- Concerns have been raised to the intended installation of a standard steel square section fence or trellis as practical solution. The treatment of the boundary to the south west will affect a principle elevation of Rookery House facing the formal gardens. They recommend that condition be imposed to require for an alternative, more sympathetic boundary treatment.
- 4.12 Conservation and Heritage Panel - Concerns were raised over the loss of trees and immediate relationship of the Listed Building with the new housing on site.
- 4.13 West Midlands Fire Services – No objections.
- 4.14 Regulatory Services – No objections subject to including land contamination investigations/ mitigations, provision of an electric charging point, extraction/ ventilation details, restricting noise levels from plant and machinery and noise insulation scheme between commercial and residential premises.
- 4.15 Transportation Development – Initially requested amendments to the design of the highway to the west of Unit 7 and south of unit 9 with the removal of “square” feature that featured right angles that would provide opportunities for inconsiderate parking in close proximity to vehicular access to Rookery House and reduced visibility splays.

The road would also be unsuitable for adoption by the Council. Suggestions to amend were:

- To reduce carriageway width and increase parking/ circulation within Rookery House.
- Increase cycle storage for Rookery House. Minimum requirement applies of 1 space per residential unit, in a conveniently located, fully secure and covered facility, plus additional visitor provision for the community use.
- A footway link to be provided on the south side of the main access road from Spring Lane.
- Submission should clarify how Rookery House parking would be allocated / managed between residential and community / café uses, and how public parking demand for Rookery Park would be addressed or deterred.

- 4.16 Further supporting documents/ plans submitted to address the above concerns. Transportation Development have raised no objections subject to conditions to include construction management/ method statement, siting/ design of means of access, pavement boundary details, parking management strategy, pedestrian visibility splays, S.278 highway works, delivery vehicle management scheme, cycle storage and parking areas to be laid out prior to use.

5 Policy Context

- 5.1 NPPF (2012), NPPG (2014), Birmingham UDP (Saved Policies) (2005), Birmingham Development Plan (2017), Places for Living SPG (2001), Places for All (2001), Car Parking Guidelines (2012), Affordable Housing SPG (2006), Public Open Space and New Residential Development SPD (2007), Regeneration through conservation: Birmingham Conservation Strategy (1999), Sustainable Management of Urban Rivers and Floodplains SPD (2007), Access for people with disabilities SPD (2006): Archaeology Strategy SPD (2004), DCLG – Technical Housing Standards – Nationally Described Space Standards (2015)

6 Planning Considerations

- 6.1 The main considerations within the determination of this application are:

- 6.2 **Background/ Planning Policy** – A Cabinet Report was approved with the application site to be disposed by the Council in 2013 as it was declared surplus to requirements. The Council's overall objective to include the adjoining depots was to bring forward a comprehensive development opportunity with the intention of securing sustainable beneficial occupation and future use for Rookery House (heritage deficit) without generating a revenue shortfall that the Council would be expected to fund.

- 6.3 Paragraph 7 and 14 of the National Planning Policy Framework (NPPF) sets out that the presumption in favour of sustainable development in its triple economic, social and environmental roles. Paragraph 17 supports sustainable economic development to deliver new homes and encourage the effective use of land by re-using land that has been previously developed (brownfield land). Paragraph 19 states that significant weight is placed on economic growth within the planning system, with paragraph 47-50 highlighting that windfall sites may consistently become available and will continue to provide a reliable source of housing land supply. Local planning authorities should deliver a wide choice of high quality homes and residential development should reflect local demand and create mixed and balanced communities.

- 6.4 Chapter 12 of National Planning Policy Framework deals with Historic Environment and directs local planning authorities to give great weight to the conservation of heritage asset and to refuse development that would lead to substantial harm or total loss. Paragraph 128 requires the applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. Paragraph 132 states that, when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 134 then states that where the harm would be less than substantial the harm should be weighed against the public benefits of the proposal, including securing the optimum viable use.
- 6.5 At the time the planning application was submitted, Policy 11.20A of the superseded UDP was relevant and states that *“Land at Spring Lane Depot and the adjacent nursery and parks depot may become available for new housing development (H44A). Details of this and appropriate future uses for the adjacent Rookery House are set out in a development brief”*. Since then, the Council has adopted a new local plan, the Birmingham Development Plan on 10th January 2017, which replaces the UDP (2005) with exception of the Saved Policies contained within Chapter 8 and paragraphs 3.14 to 3.14D, which will remain until the adoption of a Development Management DPD.
- 6.6 Policy PG3, TP27, TP30 and TP31 of the BDP seeks to provide an appropriate environment and identify sites for allocation using a sequential approach with the re-use of previously developed land and buildings and reinforce positive sense of place and local distinctiveness that includes heritage assets and appropriate use of innovation in design. One of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. A suitable housing density and mix as encouraged and a full range of housing types and sizes to include affordable housing.
- 6.7 Policy TP26 and TP27 of the BDP states that the location of new housing should be accessible to jobs, shops and services by other modes of transport, sympathetic to historic, cultural and natural assets and not conflict with other development policies in relation to employment land, green belt and open space. Policy PG1 of the BDP also identifies that within the urban area there is capacity for some 51,100 homes including bringing vacant property back into active use and utilising some open space that no longer performs its original function. Policy TP30 of the BDP identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport with 40 dwellings per hectare elsewhere. The NPPF, saved policies within the Adopted UDP and the Birmingham Development Plan are material considerations.
- 6.8 Policy TP12 of the Birmingham Development Plan, states that applications for development affecting the significance a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.9 **Principle of Use** – As specified above, the two depot sites were allocated within the superseded UDP as potential housing development. However, Rookery House and adjoining depots remain unallocated in the adopted BDP. Although Rookery House is vacant and in declining condition, it should also be noted it is a significant heritage asset, and in order to ensure the upkeep of the building it is important that it is bought back into active use and continued to be kept in use. In assessing the merits of a re-use of a building the impact on that heritage asset is also material to the decision on the application. The impact on the setting of the heritage asset is considered below. However, subject to the proposal having an acceptable impact on the listed building

and its setting given that it has remained in dilapidated condition for a number of years it is considered that the proposed conversion to residential with community/ cafe use would be appropriate for this building.

- 6.10 Although the application site; including Rookery House, falls outside the Strategic Housing Land Availability Assessment (SHLAA). The adjoining Spring Lane Highways Depot is previously developed (brownfield land) that contained a number of industrial and storage, which the NPPF and BDP encourages the re-use for redevelopment within urban areas. The Western Road Parkland depot is a windfall site as defined by the NPPF. The redevelopment of both sites and would make a valuable contribution to identified housing need for the Birmingham area for present and future generations. The depot sites, Rookery House and the Entrance Lodge Building are all in a sustainable location and lie within an established residential area, close to transport corridors that have good public transport links. The application site also has a range of local services within walking distance of the site with Kingsbury Road neighbourhood centre and Erdington District Centre within approximately 750 metres of application site. The proposed community/ café use within Rookery Park would be an improvement to community/ social facilities within the immediate area. Consequently, it is considered that the residential development together with community/ café use would comply with aspirations laid within BDP and NPPF and is acceptable in principle.
- 6.11 It is noted that alternative uses for the building (Rookery House) have been suggested by neighbours such as community use for the entire building or more rooms within the building. However, this application has to be considered on the basis of the proposal as submitted.
- 6.12 **Restoration of Listed Building** – As specified above, Rookery House is in a dilapidated state and urgent need of repairs. The adjoining depots have been included as part of sale agreement together with Rookery House, where the residual profit from which would be used to cross-subsidise the repair and restoration of Rookery House. The costing submitted as part of the financial viability appraisal report for the repair and restoration of Rookery House would be substantially more than the end economic value and Rookery House cannot be considered in isolation. The Council's position in relation to the viability appraisal is set out in detail below within the Planning Obligation section.
- 6.13 **Loss of heritage asset (demolition)** - The proposal would include the demolition of single-storey extension, chimney and stable block to Rookery House, where detail of works to the buildings has been considered in assessing the listed building consent application. In terms of the alterations to Rookery House itself, I consider that the proposal represents the best attainable option for protecting the building and would ensure high quality design is achieved. The proposal to return the vacant building into self-contained flats is to be welcomed with a sympathetic conversion retaining the character of the property and some period features. The proposal would result in some beneficial changes such as new access doors to the café/ community rooms, which is regarded as an impressive space within the building. The City Conservation Officer and Historic England consider that the demolition to include stable block are of limited significance together with some alterations would cause less than substantial harm that would be outweighed by wider public benefits offered by the development, including repair and upkeep of the building.
- 6.14 **Impact on the setting of the Listed Building by the new-built residential development** – An updated Heritage Assessment/ Statement of Significance have been submitted as part of supporting documents, prepared in line with Historic

England's *"The setting of Heritage Assets – Historic Environment Good Practice Advice in Planning"*:3. Paragraph 4 of the GPA states that *"the setting of a heritage asset is the surrounding in which it is experienced"*. The setting of Rookery House has changed as its surrounding have evolved from its early use as farmhouse in 18th Century, then a gentleman's house set in a park and associated gardens, up to Council office use until 2008. Currently, Rookery House has two quite distinct and different settings as follows:

- To the south of the park including natural vegetation in particular a formal sunken garden that makes a positive contribution to the setting and significance of the house.
- To the north two areas that comprise waste land were a former highways depot (Spring Lane) and parkland maintenance depot (Western Road) which makes a negative contribution to its setting and significance.

- 6.15 Currently, there are restricted views of Rookery House from the public realm. The only public views of the rear of Rookery House arise from the vehicle access arrangement to the Spring Lane depot. The proposed development will have an impact on the setting of the listed building through two elements. The most significant impact would be from the new residential development on Spring Lane and Western Road depot sites. In addition to this, there also proposed changes to the layout of the site where there is a new road and car park proposed which will also impact on the setting.
- 6.16 The proposed siting of new housing to the north and northeast (depot sites) of Rookery House was considered to be the "service" part of the property, providing outbuildings, glasshouses etc. The new residential development on both depot sites will replace existing structures and hard standing areas to the north and northeast of the building. Both of the depots lies outside of the historic curtilage of the building, the boundary of which appears to have formed by the wall that currently separates the "stables" from Rookery House. Rookery Park is not on the Historic Park and Garden Register. To the north-west and west, the main aspects of Rookery House to its grounds historically were parkland (and are now the public park) and to the south-west (side) and south-east (front) elevations of the house, where the grounds were formal and informal garden areas. The removal of existing walls and the proposed residential would block views of the current view of the lower part of Rookery House although its upper levels and roofline will partially remain visible above the proposed dwellings. However, this view is recent as it has only been available since the removal of the former Council depot buildings in 2008. The removal of the derelict stable buildings would increase views of Rookery House to being fully visible from where the new access road enters the site. The surrounding area is also fully urbanised with modern housing adjoining and on the opposite side of Spring Lane.
- 6.17 Within context of views of Rookery House from the park, the new residential development would be visible behind it and partly screened by the wall and trees to the north of Rookery House. Although there would be removal of a few trees that currently affect structural integrity of the building, similar views would largely be retained from the Italian formal sunken gardens to the south-west of the site. Similar views would also be retained from the driveway from Kingsbury Road frontage, which is heavily screened by a wall and retained trees, and the new dwellings are unlikely to be visible. There are views of existing housing on Spring Lane that can be seen over the wall from Rookery Park, but the new build element on depot sites would be situated in close proximity and more prominent as the walls would be reduced to plinth level with railings on top which will reduce the screening effect. Further amendments have been provided which improve the setting of Rookery Park by

retaining some trees, removal of cycle storage building within courtyard area and re-siting of the bin storage building from the car park to the secondary access road.

- 6.18 In addition to the new build element it is also proposed to include a number of interventions into the historic curtilage of the property. This includes additional car parking to the northeast of Rookery House, a new access road and existing car park to the southeast of Rookery House. It is noted that works to the southeast of the building do replace hardstanding areas to the existing car park and carriageway from Kingsbury Road frontage. Although the parking and access road to the northeast of Rookery House and new built are new elements, which will have some impact on the setting, I agree with the supporting statement that the current depots make a negative contribution and their redevelopment would be of beneficial significance to Rookery House. Historic England and my Conservation Officers have raised concerns at the proximity of new build elements and potential harm to the setting of Rookery House, but advise that the extent of this impact will be greatly dependent upon the introduction of further natural screening. The Landscape Officer is content with the amended landscaping proposals that show additional planting to include trees and hedging, which would reduce some impact on the setting of the heritage asset. Concerns were also raised by Historic England with regards to the open trellis on south-east elevation and impact it would have on principle elevation of Rookery House overlooking onto formal sunken garden. As such a condition would be imposed to require for an alternative, more sympathetic boundary treatment. Further amendments have been provided, where the applicants have taken on board the Tree Officer's advice and retained a number of significant trees to the north and northeast elevation of Rookery House. Consequently, the proposal as amended is considered to comply with national and planning policies in respect of the historic environment.
- 6.19 **Loss of open space** – NPPF paragraph 74 identifies that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.20 Policy TP9 of the adopted BDP sets out open space will be protected and will only be considered for development where it is either shown that it is surplus for open space use, taking account of the minimum standard of 2 hectares per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size. It goes further on to state that *"where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout.....proposals that would result in the loss of a small part of larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area"*.
- 6.21 Concerns have been raised by Leisure Services, Friends of Rookery Park and residents with regards to the loss of parkland depot and future maintenance of Rookery Park. The proposal would result in loss of parkland depot that includes a

wooded area fronting onto Western Road, which is historically integral and incidental to Rookery Park. It contains structures, portacabins, containers that are transitory facilities for the park keepers' office and essential equipment for the parks maintenance. The decision to dispose of this parkland depot was made by the Council to help fund restoration works to Rookery House and the BDP recognises and can potentially allow this in principle, where the balance of the site is improved. There will need to be a justification for the loss and financial contribution to satisfy policy requirements as the Ward provision is 1.65 hectares, which is well below target 2 hectares per 1,000 populations. The proposal would provide a well-laid out residential development on the parkland depot that would provide a qualitative improvement to the park through improved site surveillance. It would make an open space a safer and more welcoming place and encourage good recreational use, which can also benefit health. Public Open Space with regard to Planning Obligations is discussed later in this report. Consequently, I consider that the benefits of the current proposal through site surveillance, heritage asset terms and wider housing delivery aims would demonstrably outweigh this loss of public open space. The adverse financial viability of the scheme is also discussed later in this report.

- 6.22 Leisure Services have raised concerns to the parcel of land to the north and east of the existing carriageway to Rookery House that is included within the application site and may be used as contractors' compound. A number of trees within this parcel of land are protected under Tree Preservation Orders. I consider that it is reasonable to impose a condition for construction method statement and management plan to require details of construction/ contractor parking areas/ vehicle routing to ensure protection of trees and this parcel of public open space area within the application site.

- 6.23 **Balancing Exercise** – The proposal for new build on the depot sites adjacent to Rookery House has to be balanced against the public benefit of the development. As stated above there is clearly a benefit in the repair, refurbishment and continued occupation of the listed building, and the sensitive conversion to residential will facilitate the continuing and long term maintenance of the building. Whilst it is unfortunate that it is not possible to retain the stable block, the condition of which has deteriorated substantially over the years and is now of limited significance, it would provide public benefit by allowing communal private amenity area to the future residents together with a new access point to be created to a community and café use within Rookery House. The proposal would also provide a mix and balance of additional housing in a sustainable location, which would contribute positively to meeting the city's housing targets. The new residential would also provide a qualitative improvement to the Park through improved site surveillance.

- 6.24 **Design and character of the new residential development** – Paragraph 56 of NPPF attaches great importance to the design of the built environment, emphasising that good design which is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraphs 58 of the NPPF states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping. The design policies of the Adopted BDP, saved policies within UDP and SPD reiterate these requirements.

- 6.25 There would be demolition of existing structures and a sub-station on depot site, which are not considered to be of significant interest architecturally. The overall appearance of the Spring Lane highways depot site is largely hardstanding following

demolition of all building/ structures in 2008. There is limited landscaping and there is an opportunity to improve the overall character of this and adjoining parkland depot sites. There is a wooded area within the Parkland depot site and existing walls around both depots that include adjoining footpath to the children's play area and car park associated to the park that turns its back on Rookery House and Rookery Park. Given the limited contribution that the existing buildings have to the character and appearance of the area, I have no objection to the demolition of these buildings. The buildings/ structures/ walls within both depot sites are not statutorily or locally listed and no objection is therefore raised to their demolition. I consider that the redevelopment of this site would improve the appearance of street scene, tidy up this area and contribute to the enhancement of the wider environment.

- 6.26 There have been significant negotiations on the detailed design of the proposed in order to achieve the current iteration of the scheme. There have been concerns about ground levels to proposed dwellings on the Spring Lane frontage, changes to house types, installation of chimneys to certain properties and the mixture of materials proposed conflicting with the appearance of the listed building. Further clarifications were required to the location and height of proposed retaining structures/ walls for part of the dwellings/ garages, etc. within the depot site, which are discussed below.

- 6.27 The palette of materials has been modified to reflect the tone and appearance of the listed building and adjoining properties, without seeking to copy or pastiche it. While the quality of the finished scheme will depend on the quality of the detailing, it is considered that this quality can be achieved through appropriate conditions.

- 6.28 The proposed layout is mainly informed by the proposed access road from Spring Lane frontage and the relationship with adjoining residential properties is considered acceptable. The location, size and shape of the depot sites together with the number of units proposed imposes some constraints upon the potential layout of the development with regards to Rookery House (Listed Building), good natural surveillance of Rookery Park and adjoining dwellings on Western Road and Spring Lane. All of the dwellings would be two-storey in height. There is a range of building heights in the local area from modern semi-detached/ terrace to large bungalows and I do not consider that the height of the proposed dwellings would be harmful to the overall character of the area or adjoining Listed Building. I consider that the amended design effectively breaks up elevations and create some visual interest. The rear secondary access roads to include one from the Western Road frontage have been designed to ensure that all dwellings to include corner turning dwellings have habitable windows that address street/ park frontages and provide good natural surveillance.

- 6.29 I note concerns have been raised by representation received to the proximity of plots to the boundary of Rookery Park. I have specified within the impact on setting of listed building section that this view from the park is recent as it has only been available since the removal of the former Council depot buildings in 2008. I acknowledge that the development on these depot sites will inevitably alter its existing character and relationship with the park, but the BDP, Saved Policies within UDP and SPG's aim is to create a development that overlooks the park to improve surveillance/ security rather than turning its back on it (as with existing development). There have been amendments that have changed the house type for Plot 26 to a smaller unit, which enables a greater, set back from adjoining park boundary to be achieved. There are existing trees along this boundary within the Rookery Park adjacent to footpath/ children's play area that would be retained coupled with high

quality boundary treatment would help achieve this, whilst achieving an element of screening between the Rookery House and the depot sites.

- 6.30 The efficient use of land is integral to creating sustainable patterns of development and this is central to the focus on sustainable development in the NPPF. The NPPF does allow Local Planning Authorities to set their own approach to housing density to reflect local circumstances. Policy TP30 of the BDP sets a minimum development density of 50 dwellings per hectare. The proposal would equate to 46 dwellings per hectare that includes apartments within Rookery House and would comply with Policy TP30 of the BDP. Concerns have been raised to the dense nature of the development. I acknowledge that the new development is more akin to the modern development at Spring Lane/ Brueton Drive than the wider vernacular post war houses. However, this approach supports the BDP density range, which is comparable to other elements of prevailing character of the area and makes more efficient use of the site plus the fact that there is adequate space, parking (away from street) and separation distance between existing and proposed dwellings on site. The scheme represents an appropriate response to the constrained nature of the depot and Rookery House sites and surroundings. I am satisfied that the development achieves appropriate layout, provides a mix of housing generally meeting NPPF objectives and BDP and UDP policies.
- 6.31 The refurbishment of the non-designated heritage asset to include replacement of UPVC with timber windows to the Entrance Lodge building is considered to be acceptable and addresses concerns raised by City Conservation Officer and within public participation process.
- 6.32 **Impact on residential amenity** - Paragraph 56-58 of NPPF, saved policies within the UDP, PG3 and TP27-28 of the BDP seeks to create good design and quality living accommodation, which contribute positively to making places better for people. *Places for Living* SPG provides guidance on how to achieve high quality living accommodation. The "*Nationally Described Spacing Standards*" provides guidance on the provision of internal space that is considered to be acceptable for residential occupancy. However, it must also be recognised that the conversion of a listed building has to work with the existing fabric of the building and this does not always convert to modern space requirements.
- 6.33 The proposal would bring forward a mix of 14no. one-bed and 1no. two-bed flats within Rookery House and 3 and 4 bedroom dwellings on the Highway and Parkland Depot sites. The plans provided shows all of the house types within the depot sites would comply with Nationally Described Spacing Standards. All internal double (minimum of 11.5 sq. metres) and single bedrooms (minimum of 7 sq. metres) to the proposed dwellings would achieve adequate size provision contained within the *Nationally Described Spacing Standards*. Besides internal alterations, repair and refurbishment of the entrance Lodge building, it would continue to remain in residential use.
- 6.34 With regards to apartments within Rookery House, the majority would comply with the exception of five apartments (Units 5, 6, 10, 11 and 15), which would fall short of the minimum gross floor area guidelines by either approximately 2 sq. metres for either one-bed one person or 5 sq. metres for one-bed two person flats. The bedroom sizes within a number of apartments (Units 3, 4, 6, 10, 11 and 14) within Rookery House would fall short of the minimum standard of 11.5 sq. metres by approximately 1 to 2 sq. metres. It is acknowledged that the layout of all of the flats takes into account of the constrained nature of the building. The internal works with agreement of the City Conservation Officer would have minimal impact as the

character or appearance of Rookery House (Listed Building). I also do not consider that there are sustainable reasons to refuse the application on these guidelines as internal furniture layout plans have been provided that ensures that a good standard of accommodation is being provided for future residential occupiers on site. All habitable rooms would also be served by a window.

- 6.35 In terms of existing residents in the area, it should be noted that the changes to Rookery House or The Entrance Lodge would have no impact on neighbours to the site in terms of visual amenity or loss of light due to separation distance and their setting within Rookery Park.
- 6.36 In terms of impact on privacy, a distance of 21 metres as set out within SPG Places for Living has been accepted as a reasonable distance to achieve an acceptable level of privacy between windows of habitable rooms, although this has to be adjusted for significant changes in levels. There have been amended plans to address City Design and Landscaping Officer's comments that include cross sectional plans that demonstrate how the proposal would respond to level changes through particular areas of the site, along Spring Lane and from new highways such as Plots 1-7, Plots 8-12 and Plot 21-25. As there are different land levels within the Spring Lane depot site in the context of proposed and existing residential properties, it is considered reasonable to impose earthworks and site level conditions in order to protect the privacy of adjoining residents.
- 6.37 The proposal with regards to existing dwellings on Western Road and Spring would largely exceed the minimum 21 metre separation distance as recommended in SPG "Places for Living". The closest relationship to the new build element (Plot 12) to the existing residential property no. 2P Spring Lane is approximately 18 metres. However, due to orientation to the existing and proposed dwelling (Unit 12), any overlooking from an obscure angle would be minimal to the rear habitable windows of the existing and proposed dwellings. The proposal would also make improvements in terms of light/ outlook to the rear of existing property no. 2P Spring Lane by removing the existing sub-station that is currently situated on higher ground. Internal site separation distances to all other proposed dwellings within the site would also meet SPG Places for Living guidelines.
- 6.38 There are non-habitable windows within the side elevation of Plots 12, 18 and 24, which are situated approximately 2 to 4 metres from the adjoining residential boundaries. There are also ground level differences between Plots 1-2 and 12. A condition is therefore recommended requiring that the side window to the first floor of Unit 12 is obscurely glazed in order to safeguard privacy to the gardens of the adjoining residential dwellings.
- 6.39 The private amenity areas within the proposed dwellings on both depot sites would largely exceed the minimum 70 sq. metres for family dwellings as recommended within SPG "Places for Living". The private amenity area within the plots would average 10 metres in depth and are considered appropriate. A condition would however be attached removing permitted development rights for extensions and outbuildings to all residential dwellings preventing the loss of rear garden space.
- 6.40 There would be communal amenity area proposed for the apartments to the side of Rookery House that would equate to approximately 140 sq. metres. Although this is a shortfall in communal amenity space provision, flexibility can be applied in this instance as Rookery House is situated within a 6.8 hectare public park that would ensure good level of public amenity areas is provided to future occupiers of Rookery House and proposed dwellings on the depot sites. The proposal would also provide a

qualitative improvement to the park through site surveillance. The site is also in a sustainable location close to neighbourhood centres and shopping parades.

- 6.41 **Impact on highway safety** – The advice contained within paragraph 32 of the NPPF states that, amongst other matters, plans and decisions should take account of *“whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site”*. It goes on further to state that *“development should only be provided or refused on transport grounds where the residual cumulative impact of the development are severe”*. Policy TP38 and TP44 of the BDP and SPD Car Parking Guidelines requires that all new development supports the delivery of a sustainable transport network and development agenda.
- 6.42 There have been extensive pre-application discussions that have addressed a number of concerns such as the removal of vehicular access from the Kingsbury Road frontage on safety grounds. Amended plans have been submitted that have removed the square feature within the proposed primary access road adjacent to Plot 8 and increased parking provision for community and residential use at Rookery House. Transportation Development have reviewed the proposal together with subsequent amendments and are satisfied with the suitability of access positions and parking provision (ranging from 200-300%) on site for the proposed dwellings. The access drives that would serve Units 26-30 and 31-35 are considered acceptable given the low number of dwellings that the access drive would serve. A total of 25 parking spaces (including 2no. disabled bays) would serve the café/ community use and apartments at Rookery House. There is adequate cycle storage provision for the residential units and visitors for the community/ café use at Rookery House. Transportation Development have raised a number of concerns and recommended a number of conditions with regards to usage/ management of parking areas for Rookery House, and pedestrian visibility splays at some of the access points etc. The application site is situated within sustainable location with public transport available on Kingsbury Road and Erdington train station within 500 metres from the application site. Consequently, the proposal, subject to conditions, is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.
- 6.43 **Noise, land contamination and emissions** – There is a café and community use proposed alongside residential apartments within Rookery House. Regulatory Services have raised no objections subject to a number of conditions in relation to extraction/ ventilation, noise levels from plant and machinery and noise insulation scheme between residential and commercial uses in order to achieve a reasonable level of noise amenity and odour protection to all units within Rookery House. I concur with this view as it would coincide with concerns raised by City Conservation Officer to the siting of extraction ducting/ flue within existing chimneys and impose such a condition accordingly.
- 6.44 Paragraph 121 of the NPPF states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Regulatory Services have reviewed the submitted Phase 1 and 2 land contamination reports, where they have concluded that contamination is present and remediation is required. They have also confirmed that there is no information provided for full remediation or a mitigation plan. Consequently, they have recommended that land contamination conditions be imposed as further investigations need to be undertaken post demolition of the buildings to assess the risk of potential on-site contamination. The Environment Agency have also reviewed the report and raise no objections

subject to the imposition of a modified land contamination condition to ensure that the development protects all controlled waters. I concur with this view.

- 6.45 Policies TP1 and TP43 within the Birmingham Development Plan, seeks to assist in reducing the City's carbon footprint and improve air quality. Regulatory Services have recommended imposing a condition in relation to electric vehicle charging points on site. This condition would be imposed in relation to proposed communal parking forecourts for the apartments and café/ community use at Rookery House. Consequently, the proposal would allow the potential to reduce vehicle emissions and improve air quality associated with the development.
- 6.46 **Impact on landscaping, trees and ecology** – Amended plans have been received with the internal service road linking the two communal car parks to Rookery House re-sited further east to address Tree Officer concerns in relation to the ground levels and root protection areas of trees to the southeast of Rookery House. One representation has raised concerns to the removal of horse chestnut tree (T88). Whilst it is unfortunate that the horse chestnut tree would be removed, the justification for re-siting the secondary access road would allow better quality trees to be retained adjacent to Rookery House and made provision for SuDS storage area rather than siting it nearer to other retained trees which could also be risk potential damage.
- 6.47 The City Tree Officer states that the group of trees on the southern section of proposed access road from Spring Lane up to the Kingsbury Road junction would have good public visibility and a number are in good condition and of good form. There are a number of trees protected under a Tree Preservation Order that would continue to remain part of the park but in private ownership. There is also a London Plane (T30) protected under Tree Preservation Order that is adjacent to the courtyard area to the north of Rookery House.
- 6.48 Concern has been raised by a neighbour with regards to the removal of trees outside the site boundary, adjacent to Rookery House and the adjoining footpath within Rookery Park. This would remain part of Rookery Park in Council ownership and would fall outside the application boundary.
- 6.49 The proposal shows removal of 28 trees and hedging on site to accommodate the residential development, with opportunity for 45 replacement trees together with shrub planting as a form of mitigation throughout the site. It is regrettable that the proposal would result in loss of existing trees and hedge, particularly those on the Parkland Depot and around Rookery House, but it is acknowledged that these trees are not protected and some affect the structural integrity of the Listed Building. Through negotiation amended plans have been provided and the opportunity to retain some and provide replacement planting within the front, rear gardens of the proposed dwellings and along access road has been taken. The landscaping plans also show significant amendments to include planting strips to the ground floor apartments and to the proposed car parking area adjacent to the primary access road in order to soften the impact to the listed building and provide adequate screening, safety and security to the future occupiers of Rookery House. On balance the benefits of bringing the depot sites forward for redevelopment to repair, restore and provide public benefits to heritage asset (Rookery House) together with planting scheme is considered to outweigh the loss of some trees.
- 6.50 Updated landscaping plans have provided and been reviewed by my Landscape Officer and concerns have been addressed regarding levels, houses/ garden pulled back to free up more space for the paths, and lack of variety of mixed tree, shrub and

hedge planting on site. The Landscape Officer recommends that conditions be imposed to include landscaped implementation of the agreed plans, site levels, etc. that would ensure that the proposal makes a substantial contribution to the site and overall area in amenity and biodiversity terms.

- 6.51 An Preliminary Ecological Appraisal that includes preliminary roost assessment for bats together with a Bat Roost Characterisation Survey have been submitted, which identify key habitats on site such as the buildings and trees on site. The preliminary ecological assessment identifies two of the five buildings as having good potential to hold bat roosts and the remainder of the site holds good potential for bird nesting and foraging. There was also potential for hedgehogs to be present within the scrubs and heavily vegetated areas. The City Ecologist has reviewed the surveys and the Bat Roost Characterisation Survey in relation to the stable building, which was identified previously as having potential to contain bat roosts. However due to the condition of the building having deteriorated to an extent that it is no longer favoured by bats, none are present. The Ecologist has raised no objections subject to a number of conditions to include construction ecological mitigation plan in line with the bat survey that shows Rookery House does holds roosts in two separate locations, and where a European Protected Species (EPS) mitigation licence and method statement will be required. The Ecologist notes that recommendations were made in the surveys to include inclusion of bat and bird boxes on site, which need to be integral boxes built into the fabric of the buildings. Other specific recommendations include a planting scheme that incorporates pollinator species, provide 150mm by 150mm gap to be left within close boarded fencing for hedgehogs between residential plots and low lux/ directional lighting to ensure that there is no overspill onto adjoining gardens and the open space area. I concur with this view and conditions would be imposed accordingly.
- 6.52 **Impact on archaeology** – Archaeology policies within the NPPF and BDP require archaeological investigations for development affecting sites of archaeological importance. The Historic Environment Records show that the site is located within an area, or is in close proximity to, an area of some archaeological importance - Rookery House and Birches Green. Birches Green itself was an open area immediately to the south of Rookery House, which falls outside the application boundary. The desk-based investigations conclude low potential for archaeological remains and uncertain reference to possible medieval occupation at Birches Green and Rookery House. The proposal would involve demolition of a single-storey extension and redundant derelict stable block associated with Rookery House and excavation works on depot sites including removal of foundations, topsoil and preparatory ground works to formation depths required for roads etc. These may have potential to damage any underlying remains. The supporting documents conclude that a further field evaluation needs to be undertaken to provide the Local Authority with required information as to the presence, character, state of preservation and significance of any remains that are present. My Conservation Officer agrees with the recommendations and a condition would be imposed requiring submission of archaeological investigation for observation and recording to safeguard any potential archaeology at the site.
- 6.53 **Impact on flooding and drainage** - A Flood Risk Assessment and Drainage Strategy has been submitted as part of supporting documents as the site covers an area of approximately 1.67 hectares. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. The Environment Agency have raised no objections to the proposal. The Lead Local Flooding Authority has also recommended a modified condition which requires the completion of

Sustainable Drainage to be operated and maintained in accordance with the Drainage Operation and Maintenance Plan. I concur with this view.

- 6.54 **Other matters** – Concerns raised with regards to crime and anti-social behaviour, the proposal would bring back a vacant building into active use and reduce the height of boundaries to provide surveillance of the site and the adjoining park and highways. As part of the Listed Building Consent, there would be security measures conditions imposed that would take into consideration vulnerable areas of the site around Rookery House. West Midlands Police have raised no objections to the proposal.
- 6.55 Concerns have been raised by a neighbour that the first floor community room would not provide disabled access and a w/c facility. The supporting statements have confirmed that the ground floor of the Community space/ cafe would be fully accessible with a level access provided to the main entrance and a new disabled WC facility. There would be no facilities provided on the first floor as it would be an overspill space that would be managed by the tenant, and has access/ capacity constraints.
- 6.56 **Planning Obligations** – The application is currently a City Council-owned site and the Council cannot enter into a S106 with itself. The alternative, appropriate mechanism in these circumstances would be for the use of a S.111 agreement, which commits the applicant to enter into a S106 agreement upon the sale of the application site.
- 6.57 **Listed Building** – The Council's overall objective reflecting in the sale price was to include the adjoining depots and bring forward comprehensive development opportunity with the intention to fund restoration and long term preservation and to ensure sustainable beneficial occupation and use of the listed Rookery House.
- 6.58 The financial viability appraisal has been accompanied with a Condition Schedule and cost appraisal that includes the purchase price of the site, development for repair/ restoration of Rookery House and residential new build external costs etc. together with revenue from sale values of residential new build and conversion units. Independent Valuers have confirmed that the appraisal for repair/ restoration/ conversion costs appears sensible and realistic. The financial viability appraisal calculated a substantial negative Gross Development Value Profit margin for Rookery House as a standalone development. It should be noted that the adjoining depots included for residential element calculate an appropriate level of return for a developer to ensure that the scheme is deliverable on site.
- 6.59 The proposal would be supported from a heritage perspective subject to the requirement within the legal agreement to split the development into phases with the occupation of the respective dwellings only being permitted once the works on that phase have been completed. In particular, the focus is to ensure that the restoration and repair of Rookery House (demolition and complete repair of external fabric of the building) is substantially complete prior to the occupancy of 50% of the new dwellings. This will then assist in the funding of the remaining works on the site. The second part of phasing would then ensure that all restoration and repair works are completed prior to occupation of 90% of the new dwellings on the adjoining depot sites.
- 6.60 A community use agreement/ management plan would also be a requirement within the legal agreement for community / café use within Rookery House to include maintenance, management and public access.

- 6.61 **Affordable Housing** - Policy TP31 of the Birmingham Development Plan, and the Council's Affordable Housing SPG, requires that 35% of the total residential accommodation provided on site to be affordable. Paragraph 50 of the NPPF explains that *"where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified... such policies should be sufficiently flexible to take account of changing market conditions over time"*.
- 6.62 The applicant has appended two financial development appraisals with the first referring to the guidance on "Vacant Building Credit" contained within the National Planning Practice Guidance (NPPG) with no S.106 contributions, and the second as nil affordable housing and no S.106 contributions. Both the appraisals use the submitted scheme of 56 residential dwellings (15 apartments, 40 new and 1 refurbished dwelling). The first appraisal highlights guidance indicating that a credit against potential affordable housing contributions should be given for all vacant floor areas to be brought back into use, or demolished and replaced by a new building. In the case of first appraisal, accordingly to the methodology, a 26.8% (equivalent to 5 dwellings) reduction of the normal affordable housing contribution with nil S.106 contribution is identified. The applicant's financial viability appraisals confirm that the development proposal would not be able to fund any further contributions or provide affordable housing on site.
- 6.63 A suggestion has been made by my Housing colleagues that an appropriate contributions 'overage' clause be entered into should the viability of the scheme have improved at implementation stage and during construction as there is no affordable housing provided on site. In light of applicant's evidence through the financial viability appraisal, however it would be unreasonable to impose such an overage clause as it would be contrary to the overall approach of NPPF and NPPG to unlock redundant and brownfield/ windfall development sites and facilitate restoration works to convert the listed building. The use of an overage clause on could also potentially undermine the basis of competitive return to enable the development to be deliverable as envisaged by the NPPF by introducing uncertainty and funding gaps to the scheme.
- 6.64 **Public Open Space requirements arising from new residential development** - The proposal exceed the 20 residential unit thresholds in relation to public open space provision. Public Open Space in New Residential Development SPD seeks, where practical to do so, that new public open space is provided on site. In addition, there are circumstances where it may be preferable for the public open space to be provided as an off-site monetary contribution. Leisure Services have requested an off-site public open space monetary contribution of £149,000, which is based on number of dwellings proposed on site.
- 6.65 **Loss of open space** – As discussed in paragraph 6.21 above, the proposal would result in the loss of parkland depot that includes a wooded area. Leisure Services are seeking a monetary contribution figure of £171,400 for its loss.
- 6.66 Leisure Services together with representation from a neighbour have raised concerns to the parcel of land to the north and east of the existing access road from Kingsbury Road carriageway to Rookery House being included within the application site on grounds that it forms part of the park and pedestrian/ cyclist access to the park. This parcel of land although forthcoming in private ownership but would continue to remain part of the park and it is reasonable as part of S.106 Agreement to require community use agreement/ management plan and ensure that this public open space area remain open, public accessible, managed and maintained in perpetuity.

- 6.67 **Education** - No comments have been received however any Education funding via the planning system is now derived from city-wide CIL monies (Community Infrastructure Levy).
- 6.68 **S.106 Summary** – Paragraph 173 of the NPPF places significant emphasis on ensuring viability and deliverability, adding that the costs of any requirements likely to be applied to development when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 6.69 Whilst the provision of affordable housing and any off-site public open space contribution are a strong material consideration for development of this scale, the overriding benefits of this development towards repair, restoration and preservation to provide long term sustainable use of the listed building (Rookery House) are considered sufficient justification for departing from these requirements in full. As specified above, Leisure Services have requested monetary contribution towards loss of parkland depot and off-site public open space. However, the applicants' financial viability appraisals have been independently assessed, where it has been accepted by the Council's Independent Valuer a figure of £80,000 is deliverable in this instance. The independently assessed financial viability appraisal supports findings that the scheme would not be able to fund any further financial contributions or to provide affordable housing on site. The agreed sum of money is recommended to be allocated to off-site public open space arising from the new dwelling proposal in accordance with local policy TP9 of the BDP with the suggested recipient being for the provision, improvement and/ or maintenance of the adjoining Rookery Park. It would be necessary to ensure that these requirements are delivered through an appropriate S.106 (Planning Obligations) / S.111 agreement.

7 Conclusion

- 7.1 The proposal would result in the erection of 40 dwellings on adjoining brownfield/ windfall depot sites, which would also facilitate the repair/ restoration/ conversion of the existing listed building to 15no. apartments and community/ cafe use within a sustainable residential location. The land sales has been designed to deliver this comprehensive form of development to deliver the twin aims of providing for housing needs and heritage restoration. It is considered that the principle of residential with community/ café use would also provide public benefits to the residents of Erdington and users of Rookery Park. The residential with community/ café uses would also deliver significant qualitative benefits to the park through increased site surveillance making the Park a safer and more welcoming place and encouraging good recreational use, which can benefit public health. The design and layout of the proposals has been subject to significant negotiations that have addressed a number of concerns. The proposed scheme is well-designed; scale, massing and appearance is considered acceptable and would accord with the general character and appearance of the surrounding area. The housing offers a good choice of house types with good size private amenity areas that would meet recognised need. The proposal is considered acceptable in highway safety and residential amenity terms.
- 7.2 The applicants' financial viability appraisals have been assessed by Council's Independent Valuer and concluded that as the proposal would fund the repair, restoration and conversion of the Listed Building a contribution figure of £80,000 is deliverable in this instance.

- 7.3 I therefore consider that the application is acceptable subject to conditions and subject to the satisfactory completion of a Section 111 Agreement with a draft 106 Legal Agreement to secure repair, restoration and conversion of listed building and £80,000 for off-site public open space allocated towards the provision, improvement and/ or maintenance of public open space, recreational and children's facilities at Rookery Park.

8 Recommendation

8.1 Deferral

3. Pending no call-in for decision by the DCLG for the associated listed building consent application (2016/08352/PA), and,
4. That consideration of Application No. 2016/08285/PA be deferred pending the completion of a suitable Legal Agreement under Section 111 of the Local Government Act 1972 which requires the applicants to complete a Section 106 Planning Obligation simultaneously with the completion of the land sale. The Section 106 Agreement shall require:
 - vii) Rookery House (listed Building) is substantially repaired and restored (demolition and complete repair of external envelope) prior to the occupation of 50% of the new dwelling on adjoining depot sites in accordance with Listed Building Consent ref: 2016/08352/PA.
 - viii) All repairs, restoration and conversion works to Rookery House (Listed Building) must be completed prior to occupation of 90% new dwellings on adjoining depot sites in accordance with Listed Building Consent ref: 2016/08352/PA.
 - ix) The payment of £80,000 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision, improvement and/ or maintenance of public open space, recreational and/ or children facilities at Rookery Park within the Erdington Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
 - x) Management plan and community use agreement for community / café use within Rookery House to include maintenance, management and public access and to be maintained in perpetuity.
 - xi) Management plan and community access agreement for open areas to include the existing access road from the Kingsbury Road frontage as highlighted in green on Drawing No: 2137/03 Rev. M (Proposed Site Layout) to remain as public open space and be publicly accessible, managed and maintained in perpetuity.
 - xii) Payment of a monitoring and administration fee associated with the legal agreement of £2,800. To be paid prior to the completion of the S.106 Agreement.
5. In the event of the above Section 111 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 6th September 2017 planning permission be REFUSED for the following reason:
 - ii) In the absence of a suitable planning obligation to secure repair and restoration works to listed building and a financial contribution towards public open space, the proposed development conflicts with policy TP9 and TP12 of the Birmingham Development Plan 2017, with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005, with policy 74, 132 and 134

of the National Planning Policy Framework (2012) and Public Open Space in New Residential Development SPD.

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

That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 6th September 2017, favourable consideration will be given to the application 2016/08285/PA subject to the conditions listed below:

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| 1 | Requires the prior submission of a phasing plan |
| 2 | Requires the prior submission of sample materials for each phase of the development. |
| 3 | Requires the prior submission of investigation for archaeological observation and recording for each phase of development. |
| 4 | Requires the prior submission of a contamination remediation scheme for each phase of the development |
| 5 | Requires the prior submission of a contaminated land verification report |
| 6 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures for each phase of development. |
| 9 | Requires the prior submission of details of bird/bat boxes for each phase of development. |
| 10 | Requires the prior submission of a lighting scheme for each phase of development. |
| 11 | Requires the prior submission of a construction method statement/management plan for each phase of the development |
| 12 | Requires the prior submission of a construction ecological mitigation plan for each phase of the development. |
| 13 | Requires the prior submission of a parking management strategy for Rookery House. |
| 14 | Requires the prior approval of the siting/design of the access for each phase of the development. |
| 15 | Requires pedestrian visibility splays to be provided to residential units on depot sites. |
| 16 | Requires the prior submission of details of a delivery vehicle management scheme for Rookery House. |
| 17 | Requires the parking area to be laid out prior to use for each phase of the |
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	development.
18	Requires the prior submission and completion of works for the S278/TRO Agreement
19	Requires the prior submission of cycle storage details for each phase of the development.
20	Requires the scheme to be in accordance with the approved landscape details
21	Requires the prior submission of boundary treatment details for each phase of the development.
22	Requires the scheme to be implemented in accordance with approved hard surfacing materials for each phase of development.
23	Requires the prior submission of earthworks details for each phase of new residential development on depot sites.
24	Requires the prior submission of level details for each phase of new residential development on depot sites
25	Requires the prior submission details obscure glazing for specific areas of the approved building (Plots 12, 18 and 24)
26	Requires the scheme to be in accordance with the listed approved plans
27	Removes PD rights for new windows
28	Removes PD rights for extensions for new residential development.
29	Limits the hours of operation for community/ cafe uses (1000-2200 hours Monday to Saturday & 1000-1630 hours Sundays & Bank Holidays)
30	Requires the prior submission of noise insulation for Rookery House
31	Requires the prior submission of extraction and odour control details for community/ cafe use.
32	Limits the noise levels for Plant and Machinery.
33	Provision of designated electric vehicle charging point(s) within communal car park(s) of Rookery House.
34	Prevents the use from changing within the use class (Community/ cafe use)
35	Implement within 3 years (Full)

Case Officer: Mohammed Akram

Photo(s)



Figure 1: Rookery House (View from existing car park)



Figure 1: Rookery House (View from footpath adjacent to Italian sunken garden)



Figure : View from Rookery Park (Footpath adjoining children's play area)



Figure 2: View from Spring Lane (Highways depot)

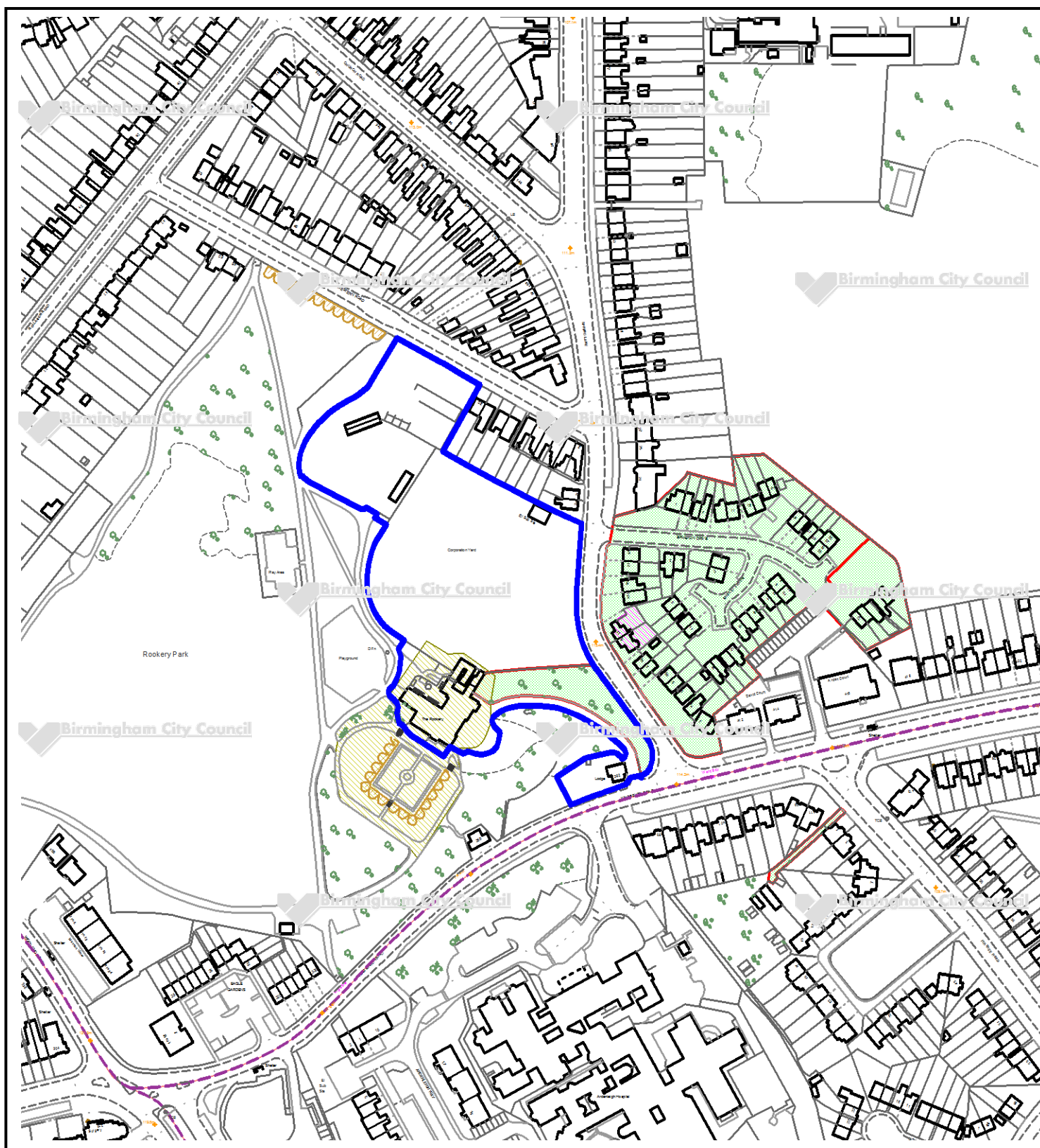


Figure 3: View from Western Road (Parkland depot)



Figure: Entrance Lodge Building

Location Plan



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Birmingham City Council

Planning Committee

21 December 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	10	2017/07621/PA Land off Lickey Road (Phase 4) - adjacent to Austin Avenue, Cooper Way and Dalmuir Road Longbridge Birmingham B45 Reserved Matters submission (to include access, appearance, layout, scale and landscaping) for erection of 215 dwellings and associated infrastructure pursuant to outline planning permission 2014/09251/PA
Approve - Conditions	11	2017/09739/PA Selcroft Avenue Site A: land adjacent No 77 Site B: land adjacent No 85 Quinton Birmingham B32 2BX Site A: Erection of 3 no. Dormer bungalows and 2 no. semi-detached two storey houses; Site B: Erection of 4 no. semi-detached two storey houses.
Approve - Conditions	12	2017/09201/PA 50 Fashoda Road Selly Park Birmingham B29 7QJ Change of use from dwellinghouse (Use Class C3) to HMO (House in Multiple Occupation) (Use Class C4)

Approve - Conditions	13	2017/02611/PA Land off Ridgeway Quinton Business Park Quinton Birmingham Erection of building for employment purposes (Use Class B1 (excluding offices), B2 and/or B8), access, relocation of business park entrance gates, parking, landscaping and associated development infrastructure including surface water attenuation
Approve - Conditions	14	2017/09295/PA 28 Newborough Grove Hall Green Birmingham B28 0UX Erection of single storey rear extension and alterations to porch at front

Committee Date:	21/12/2017	Application Number:	2017/07621/PA
Accepted:	01/09/2017	Application Type:	Reserved Matters
Target Date:	31/12/2017		Development
Ward:	Longbridge		

Land off Lickey Road (Phase 4) - adjacent to Austin Avenue, Cooper Way and Dalmuir Road, Longbridge, Birmingham, B45

Reserved Matters submission (to include access, appearance, layout, scale and landscaping) for erection of 215 dwellings and associated infrastructure pursuant to outline planning permission 2014/09251/PA

Applicant: Persimmon Homes Ltd
 Aspen House, Birmingham Road, Studley, Warwickshire, B80 7BG
 Agent:

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 the erection of 215 dwellings in conjunction with outline approval 2014/09251/PA.
- 1.2. The proposed mix of units would comprise:
 - 48, 1 bedroom apartments,
 - 38, 2 bedroom apartments;
 - 30, 2 bedroom houses; and
 - 99, 3 bedroom houses.
- 1.3. The houses and flats would be traditional in design with pitched gabled/hipped roofs constructed from brick or brick and render. They would incorporate design features including roof gardens, bay windows, canopies above front doors, Juliette balconies and car ports/integral garages. The three bedroom houses would be three storeys in height and the two bedroom houses would be two storeys in height with the proposed apartment blocks being three or four storeys. A number of the proposed apartments would be single aspect and would be located above proposed car ports providing parking facilities for a number of the three bedroom properties. These buildings would be two storeys in height and would front a number of the shared surface access roads.
- 1.4. The vehicle access would be from the completed traffic signalled junction at Lickey Road and runs west to east adjacent to the application site. This road, known as the Dalmuir Road, would form the main access infrastructure with a side street access running alongside the railway line. The Dalmuir Road links to Austin Avenue and then out to Lickey Road or into Longbridge Town Centre. Austin Avenue forms the site's western boundary. Cooper Way runs north-west to south-east along the site's

northern boundary, serving the retail centre. Dalmuir Road runs north-west to south-east along the site's southern boundary, with five internal roads within the development forming six blocks. There is a wide central pedestrian avenue. These roads have already been provided on site under previous planning permissions. Within the development, it is proposed to provide "urban green streets" from which the residential development would be directly accessed.

- 1.5. Five access points would be provided off the existing Dalmuir Road. These five access points would link shared surface roads and create two loops that would front Cooper Way and the rear of retail units and the town centre multi-storey car park. All of the properties would front the internal road layout and perimeter roads of Austin Avenue, Cooper Way and Dalmuir Road (albeit significantly higher than road level at Cooper Way).
- 1.6. All of the development would meet or exceed the National Space Standards of 50sq.m for a 1 bedroom apartment, 61sq.m for a two bedroom apartment, 70sq.m for a two bedroom house and 90/99sq.m for a 4/5 person three bedroom house respectively. The one bedroom apartments would measure between 50 and 69.5sq.m; two bedroom flats would measure between 61 and 65.2sq.m with the two bedroom house being between 70 and 70.2sq.m 89.4sq.m; three bedroom units would range in size from 96.3sq.m for a four person house and between 104.4sq.m to 122.1sq.m for a five person house.
- 1.7. The majority of the proposed development would not meet the separation distance guidelines in Places for Living for front to front or rear to rear. Front to front distances would generally range from 15m to 22m against guidelines of 21m (for two storey) and 27.5m (for three storeys). Rear to rear distances would range from 12m to 26.5m against guidelines of 5m per storey. The 12.5m guideline of windowed elevations to flank walls would be met.
- 1.8. All garden sizes would comply with the guidelines in Places for Living apart from plot 21. The two bedroom houses would have gardens ranging in size from 52.1sq.m to 108.1sq.m whilst the three bedroom units would range from 60.4sq.m to 131.3sq.m. The two bedroom apartments would have no private amenity space provided but would have 30sq.m per unit around each block.
- 1.9. Boundary treatments proposed include 1.8m high close boarded fencing for rear boundaries some with a 300mm trellis above; 1.8m garden walling for corner properties and a 1.1m railing around the perimeter road frontage. New hedges are proposed for front boundary treatment. 138 new trees are proposed within the development.
- 1.10. Parking is proposed at approximately 200% to be provided by a mix of garages and parking spaces to the front/rear or side of each property. Some of the car parking is provided within rear car ports that would have single aspect flats located above. The one bedroom apartments would have 100% car parking whilst the two bedroom apartments would have 200%. The overall parking provision for the 215 dwellings would be 388 spaces, a 188% provision overall.
- 1.11. The application is accompanied by a Statement of Compliance with the Design and Access Statement agreed under the outline planning permission. Amended plans have been submitted during the course of the application that have altered the house types proposed and their design.

- 1.12. Site area: 5.02ha. Development area excluding roads: 3.63Ha. Net Density excluding roads: 59.2dph. Development area including roads: 4.7Ha. Net density including roads: 45.8dph.

1.13. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located in Longbridge, immediately east of Lickey Road and to the north of Phases 1, 2 and 3 Lickey Road housing, occupying an area of 5.02ha. The site was formerly part of the MG Rover works at Longbridge. The site now forms part of the Longbridge North redevelopment area.
- 2.2. The site is bounded by the Lickey Road housing Phase 1 (113 dwellings) and Phase 2 (19 dwellings) and Phase 3 (82 dwellings) to the south. To the west, the site is bordered by Lickey Road and the Extra Care village. To the north, the site is bordered by Longbridge town centre including Marks and Spencer, retail units and the multi-storey car park. The town centre is serviced via the access road to the north of the site (Cooper Way) and the site sits opposite service yards to the retail units. The application site sits on a raised platform above the adjacent town centre development of approximately 2-3m.
- 2.3. Long established residential development is located in the vicinity opposite the site on Lickey Road and comprises a mix of scale, type and design of housing.
- 2.4. To the East, Cross-City railway line, with housing further to the east. To the South, MG Motors.
- 2.5. Cofton Park and the new town centre park are within walking distance of the site.

[Site Location Map](#)

3. Planning History – Extensive History including:

- 3.1. 31 August 2017. 2017/05633/PA. Detailed planning permission granted for Site preparation and construction of premises for cinema (Use Class D2), gym (Use Class D2), and food and beverage activities (Use Classes A3/A4/A5), landscaping, access and associated works.
- 3.2. 13 April 2017. 2017/00471/PA. Reserved Matters Approval for appearance, layout, scale and landscaping in association with outline planning permission 2013/06429/PA for the erection of 95 dwellings (Former Flightshed Site).
- 3.3. 24 March 2016. 2014/09251/PA. Outline planning permission granted for residential development (up to 215 dwellings), access, parking and landscaping (Phase 4 Housing).
- 3.4. 3 February 2014. 2013/06429/PA. Outline planning permission (with all matters reserved, except access) granted for the erection of up to 95 dwellings (Former Flightshed Site).

- 3.5. 3 February 2014. 2013/06476/PA. Detailed planning permission granted for a residential development comprising 18 no. 2, 3 and 4 bedroom houses and 64, 1 and 2 bedroom apartments, access, parking and landscaping (Phase 3 Housing).
- 3.6. 3 February 2014. 2013/06311/PA. Outline planning permission granted for residential development (up to 215 dwellings), access, parking and landscaping (Phase 4 Housing).
- 3.7. 22 November 2013. 2013/06430/PA. Planning permission granted for the re-profiling and re-modelling of site levels, remediation works and creation of two vehicular access points.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and Resident Associations notified. Site and Press notice posted. 1 letter of objection and 1 letter of support received from local residents. The letter of support was received from a resident of Windsor Avenue (Lickey Road Phase 3 Housing Scheme) who considers that the development would be good for the area. The letter of objection has been received from residents of an apartment within the Extra Care Village located opposite the application site. The objection is based on the issues of
- extra traffic and noise;
 - a cinema, gym and restaurants have already recently been approved on the adjacent site adding further traffic and noise;
 - unable to sit on apartment balcony due to traffic and noise;
 - concerned regarding the mess, noise and danger to people crossing roads from all the building work and lorries delivering.
 - The residents also request that the site be used as a Crown Green Bowling Club with an indoor bowling centre for the winter or the site should be used for a park.
- 4.2. Regulatory Services – no objection. Recommend a safeguarding condition relating to noise and vibration levels.
- 4.3. Transportation – no objection all issues have been resolved. Request a construction management plan condition.
- 4.4. Severn Trent Water – no objection. Request that the drainage condition is not agreed at this stage.
- 4.5. West Midlands Fire Service – No adverse comments. Suitable water supplies for firefighting should be provided. This shall be subject to consultation with West Midlands Fire Service once a Water Scheme plan has been produced and approved by the relevant Water Company. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010
- 4.6. Lead Local Flood Authority (LLFA) – originally raised concerns regarding the drainage proposals however, these have been removed from this reserved matters submission and will be dealt with through a separate discharge of condition application. The LLFA subsequently raise no objection to this reserved matters submission.
- 4.7. West Midlands Police - no objection but raise several concerns. Longbridge neighbourhood is subjected to high levels of crime and disorder. In the six month

period between February and July 2017 there have been numerous calls for service from the police, including 109 burglaries, 350 incidents of anti-social behaviour and 207 reported vehicle crimes.

The proposal is part of a regeneration programme to the area involving a new shopping area, a retirement village, cinema complex, gym and eateries. Part of this is already in use and is already attracting criminality. The shopping area that includes amongst others, Marks and Spencer and Boots has already suffered 59 incidents of shop theft since 1st September and I believe that a new housing development could raise interest and attract more criminality to the area. The following are recommended to reduce crime and disorder:

- Low level bollard lighting is often in-effective, producing inadequate light levels, which can lead to road traffic collisions and can be a magnet for vandalism. Bulk head or column mounted lighting should be used in its place. Good lighting can significantly reduce crime and the fear of crime.
- Consideration to access control should be given to the communal pedestrian gates, for example, in between plots 210-211.
- Dividing boundary treatments between rear gardens, those facing on to public open space and to the dwellings that have carports (making them more porous) should be 2.1 metres in height to provide added security from trespass; this can be 1.8 meters with an additional trellis topping.

5. Policy Context

- 5.1. Birmingham Development Plan 2031 (2017), NPPF, Longbridge Area Action Plan (AAP) 2009, Saved Policies of the Birmingham UDP, Car Parking Guidelines SPD, Places for Living SPG, Affordable Housing SPG, Loss of Industrial Land to Alternative Uses SPD, Public Open Space in New Residential Developments SPD.

6. Planning Considerations

- 6.1. The application site sits within the Longbridge Area Action Plan (AAP) Framework, which forms part of the Development Plan for the purposes of determining planning applications. The AAP contains a shared vision for Longbridge:
"Longbridge will undergo major transformational change redeveloping the former car plant and surrounding area into an exemplar sustainable, employment led mixed use development for the benefit of the local community, Birmingham, Bromsgrove, the region and beyond. It will deliver new jobs, houses, community, leisure and educational facilities as well as providing an identifiable and accessible new heart for the area. All development will embody the principles of sustainability, sustainable communities and inclusiveness. At the heart of the vision is a commitment to high quality design that can create a real sense of place with a strong identity and distinctive character. All of this will make it a place where people will want to live, work, visit and invest and which provides a secure and positive future for local people."
- 6.2. Outline planning permission was granted in March 2016 for residential development (up to 215 dwellings), access, parking and landscaping. This approval was tied to and inter linked with housing delivery on both Phase 3 and Flightshed (2013/06476/PA and 2013/06429/PA). These approvals proposed up to 392 dwellings across the three sites with 60 affordable units provided on Phase 3 funded by off-site contributions from the development of this application site (equating to 15% across the three sites). Reserved matters approval was subsequently granted earlier this year by your Committee for 95 dwellings on the former Flightshed site.

Phase 3 has already been completed with a significantly higher level of affordable housing than initially secured by the S106 agreement.

Policy

- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.
- 6.4. The BDP 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. Policy GA10 identifies Longbridge as a growth area and states *"an AAP is in place for the area to secure comprehensive regeneration and guide future development over a 15-20 year period. The AAP has planned for the following levels of growth; 1450 new homes, one Regional Investment Site, 13,500 sq.m. gross of retail floor space and 10,000 sq.m. office floor space. A total of 28,626 sq.m. of retail floor space has been committed to date, reflecting changing circumstances since the AAP was adopted. Proposals for further retail development will only be permitted where it can be demonstrated through a full retail impact assessment that there will be no significant adverse impact on investment in, and on the viability of centres in the catchment area."*
- 6.5. The BDP also aims to create a more sustainable pattern of development by re-using brown field sites in suitable locations with good access to jobs, shops and services by modes other than the car. It requires that that new housing developments should provide an appropriate environment (Policy TP27), a suitable housing density and mix (Policy TP30) and encourages a full range of housing types. Policy TP30 identifies that densities of at least 50 dwellings per hectare will be sought in areas well served by public transport, with 40 dwellings per hectare elsewhere. The saved Paragraph 3.14 (inclusive) of the saved policies of the UDP identifies that new housing development should be designed in accordance with good urban design principles.
- 6.6. The BDP (Policy TP9) outlines the requirement for the provision of public open space generated by new residential development. It encourages provision within site boundaries and aims to achieve the provision of children's play facilities within 400 metres safe walking distance of all dwellings. This advice is reflected in 'Public Open Spaces in New Residential Development' (adopted as SPD in 2007).
- 6.7. The Longbridge Area Action Plan (AAP) designates the site under Policy EZ2 for employment uses however the BDP has not identified the site as a Core Employment Area as outline planning permission for residential development has previously been granted. The AAP also acknowledges that land occupied by MG Motors UK would become surplus to requirements and that it would be likely redeveloped for other future uses despite the land allocation for employment. On this basis, the principle of residential was agreed as being in accordance with policy and planning permission was granted.

Scale, Layout and Design

- 6.8. The AAP identifies that *“new homes will provide a mix of type, size and tenure including affordable housing”* (Objective 14). This reserved matters submission would see the site developed for 215 dwellings on a 3.63 hectare development area excluding roads. This would provide a density of 59.2 dwellings per hectare. Given the sites location adjacent to the Longbridge District Centre and Longbridge Railway Station I consider the density proposed to be acceptable and in accordance with policy.
- 6.9. At outline stage, it was envisaged that the buildings would generally be of 2.5 storeys, with 3 and 4 storeys around the perimeter of the site and would have differing forms of private amenity space including balconies, courtyards and roof terraces. The layout and design concepts satisfied that Places for Living could be suitably met and this included private amenity space for the houses along with separation distances which were indicatively shown as 15m front to front and 21m back to back. Amenity space for the proposed apartments was indicatively shown as balconies only, with houses likely to have a mix of ground floor gardens, roof gardens, terraces and balconies. At that time, your Committee agreed that the development, at reserved matters stage, required flexibility in amenity space design, location and size along with separation distances in order to achieve a layout that satisfied the AAP requirements for a high quality, well design, high-density urban residential development. These design principles and approximate layout were secured via the design and access statement and subsequent safeguarding condition.
- 6.10. The mix of dwelling types and sizes proposed would meet the aim of the BDP for a variety of housing. The proposed mix of units would comprise:
- 48, 1 bedroom apartments,
 - 38, 2 bedroom apartments;
 - 30, 2 bedroom houses; and
 - 99, 3 bedroom houses.
- 6.11. Whilst the proposed development is not as modern in design and layout as was originally perceived or expected, it aims to be sensitive to the context of the surrounding area and appropriate to its character. The houses and flats would be traditional in design with pitched gabled/hipped roofs constructed from brick or brick and render. They would incorporate design features including roof gardens, bay windows, canopies above front doors, Juliette balconies and car ports/integral garages. The three bedroom houses would be three storeys in height and the two bedroom houses would be two storeys in height with the proposed apartment blocks being three or four storeys.
- 6.12. A number of the proposed apartments would be single aspect and would be located above proposed car ports providing parking facilities for a number of the three bedroom properties. These buildings would be two storeys in height and would front a number of the shared surface access roads. The proposed car ports would provide car parking provision for the flat above them and the houses to the rear of them. Access to the houses from the respective car port is provided by way of an access door in the rear elevation. No enclosure to the car ports is proposed however, I note that their very likely enclosure by future occupiers would lead to a mix of garage doors and/or other forms of enclosure, which would detract from the overall quality of the street scene. Any that remain unsecured would be obvious targets for

criminal behaviour. As such, I recommend a safeguarding condition below regarding the enclosure of the car ports.

- 6.13. The residential units fronting Cooper Way would overlook the delivery/servicing areas of the large retail units located within the town centre and the service yards themselves are located at first floor to the retail units. The development platform of the application site is located approximately 3m above the service yards and as such the outlook from these properties would be above the roofline of the retail units looking north towards the City centre. The 3m level difference would also locate the residential units above the service yard noise source. This level difference between the application site and Cooper Way would be addressed by a new set of stairs and ramp located at the end of the proposed central walkway.
- 6.14. I and my City Design advisor are satisfied that the proposed scale would be appropriate for the local context.
- 6.15. The layout demonstrates the provision of 215 units with a mix of 1, 2 and 3 bedroom properties with access points off Dalmuir Road. The new housing would front the existing roads and the new internal roads creating a clearly defined public realm with private gardens that would be framed by buildings as perimeter blocks. This would create a successful 'back to back' relationship providing a logical and coherent sense of place. The development would see a density of 59 dwellings per hectare. This density was what was expected following the indicative layout at outline and the requirement to secure high density 'urban' development in this location. I am satisfied that the proposed density is acceptable, in accordance with policy in the BDP, AAP, NPPF and Places for Living.
- 6.16. The proposed development would not meet the separation distance guidelines in Places for Living for front to front or rear to rear. Front to front distances would generally range from 15m to 22m against guidelines of 21m (for two storey) and 27.5m (for three storeys). Rear to rear distances would range from 12m to 26.5m, with the same guidelines applicable. The 12.5m guideline of windowed elevations to flank walls would be met. However, the layout and separation distances are in accordance with what was expected at reserved matters following the indicative layout at outline stage which showed separation distances of 15m front to front and 21m back to back. Places for Living acknowledges that front to front distances can be lessened in order to achieve an acceptable layout and as such, I and my design advisor, consider the proposed separation distances to be acceptable in design in order to promote a form of enclosure and secure a high density 'urban' development scheme.
- 6.17. All garden sizes would comply with the guidelines in Places for Living apart from plot 21. The two bedroom houses would have gardens ranging in size from 52.1sq.m to 108.1sq.m whilst the three bedroom units would range from 60.4sq.m to 131.3sq.m against the Places for Living guidelines of 52sq.m for a two bedroom house and 70sq.m for a three bedroom house. Plot 21 would be a three bedroom property and would have a rear garden of 60.4sq.m. The two bedroom apartments would have no private amenity space provided but would have 30sq.m per unit (the Places for Living guideline) around each block, whilst the apartments located above car ports on three of the streets, would have no amenity space. Whilst this is unfortunate, the application site is located within walking distance of both the Longbridge town centre park to the north and the larger Cofton Park to the south. I and my City Design Advisor consider this to be acceptable, in order to secure an appropriately designed high-density layout for the site.

- 6.18. All of the development would meet or exceed the National Space Standards of 50sq.m for a 1 bedroom apartment, 61sq.m for a two bedroom apartment, 70sq.m for a two bedroom house and 90/99sq.m for a 4/5 person three bedroom house respectively, which although not yet adopted by the Council, do provide a useful yardstick to judge the adequacy of accommodation size. The one bedroom apartments would measure between 50 and 69.5sq.m; two bedroom flats would measure between 61 and 65.2sq.m with the two bedroom house being between 70 and 70.2sq.m 89.4sq.m; three bedroom units would range in size from 96.3sq.m for a four person house and between 104.4sq.m to 122.1sq.m for a five person house.
- 6.19. Extensive discussions have been undertaken with Officers during the course of the application and prior to submission and the layout and design of the dwellings now proposed represents the result of these discussions. The layout identifies that the requirements of Places for Living would generally be met. As such, my design officer raises no objections on design, scale and layout issues. I concur with this view and recommend an obscure glazing condition for all dwellings with side facing windows.

Access

- 6.20. The vehicle access would be from the completed traffic signalled junction at Lickey Road and runs west to east adjacent to the application site. This road, known as the Dalmuir Road, would form the main access infrastructure with a side street access running alongside the railway line. The Dalmuir Road links to Austin Avenue and then out to Lickey Road or into Longbridge Town Centre. These roads have already been provided on site under previous planning permissions. Within the development, it is proposed to provide “urban green streets” from which the residential development would be directly accessed.
- 6.21. Five access points would be provided off the existing Dalmuir Road. These five access points would link shared surface roads and create two loops that would front Cooper Way and the rear of retail units and the town centre multi-storey car park. All of the properties would front the internal road layout and perimeter roads of Austin Avenue, Cooper Way and Dalmuir Road (albeit significantly higher (3m) than road level at Cooper Way).
- 6.22. The internal road layout has been tracked for use by large vehicles. Pedestrian visibility splays have been detailed on the submitted application plans as requested by Transportation.
- 6.23. In terms of pedestrian connections, a main pedestrian route to the town centre is shown to continue along the line of the storm and foul water sewer than runs north to south through the site. This footpath would be at grade with the proposed development however, due to the 3m level change between the site and the connecting point on Cooper Way, a set of steps and a ramp are proposed.
- 6.24. Parking is proposed at approximately 200% to be provided by a mix of garages and parking spaces to the front/rear or side of each property. Some of the car parking is provided within rear car ports that would have single aspect flats located above. The one bedroom apartments would have 100% car parking whilst the two bedroom apartments would have 200%. The overall parking provision for the 215 dwellings would be 388 spaces, a 188% provision overall. I consider the car parking provision as proposed acceptable.

- 6.25. Following receipt of amended plans, Transportation has raised no objections subject to a construction management plan safeguarding condition, which was attached to the original outline planning permission, and I concur with this view.

Landscaping

- 6.26. The application site was remediated and a development platform created a number of years ago. Since then, the application site has been used as contractor compound for the town centre development, Phase 3 housing and the Extra Care Village. As such, the existing site has no flora or fauna of note.
- 6.27. Boundary treatments proposed include 1.8m high close boarded fencing for rear boundaries some with a 300mm trellis above; 1.8m garden walling for corner properties and a 1.1m railing around the perimeter road frontage. New hedges are proposed for front boundary treatment.
- 6.28. 138 new trees are proposed within the development including Field Maple, Alder, Silver Birch, West Himalayan Birch, American Sweetgum, Sweet Cherry, Rowan, Whitebeam and Lime. 3255 new shrubs are proposed across the site including Laurel, Daisy Bush, Mexican Orange Blossom, Californian Lilac, Dogwood, Hebe, St John's Wort, Honeysuckle, Lavender, Box and Barberry. A further 4284 Laurel, Silver Berry and Privet plants would form new hedgerows around the site.
- 6.29. My landscape officer considers the scheme acceptable whilst my Ecologist considers that the proposed range of tree, shrub and herbaceous plant species would provide a reasonable level of biodiversity across the scheme. I concur with their views.

Other Issues

- 6.30. Air Quality, Ecology, Flood Risk, Noise and Contaminated Land were all considered during the outline planning application and led to a number of planning conditions being attached to the outline approval. The majority of these conditions have been agreed through or are current separate condition submissions. As such, the Environment Agency, Regulatory Services, Severn Trent Water and the LLFA consider the scheme acceptable and raise no objection. I note Regulatory Services have requested a noise condition and Ecology have requested a biodiversity enhancement condition be attached to any approval however, these conditions were attached to the original outline planning permission and as such, are not required to be attached to this approval.
- 6.31. I note the comments raised by the police and a number of these recommendations have been included in the submitted amended plans, with the remainder of the recommendations being outside of the control of planning but have been provided to the applicant. The boundary treatment concerns have been addressed and lighting remains an outstanding condition of the original outline planning permission. With regards to the objection received from occupiers of the adjacent Extra Care Village, outline planning permission was granted for residential development on the application site prior to planning permission being granted for the Extra Care Village – as such, all residents of the extra care facility would have known that housing would be developed opposite the village. The residents would have also known that the village was located in a new town centre and that the village would be located on one of the two access routes into the centre. The traffic and uses proposed would have been known and established at the point where the extra care facility was constructed and subsequently occupied. With regards to the suggested use of the

site for the purposes of a Crown Green Bowling Club, this is not what planning permission has previously been granted for on the site and does not form part of planning proposals for the site.

Community Infrastructure Levy (CIL) and Section 106 Requirements

- 6.32. The proposed development does not attract a CIL contribution.
- 6.33. As noted in Paragraph 6.2 above, the outline planning permission was interlinked with the development of Phase 3 Lickey Road and the Former Flightshed site – both of which have been delivered/under construction. The Section 106 agreement on the revised outline planning permission 2014/09251/PA (for which reserved matters approval is now sought) continued to secure the payment of £537,500 with a spend purpose as outlined below:
- i) £252,500 towards the improvement of and/or expansion of the following schools:
 - The Meadows Primary School, Bristol Road South, Birmingham B31 2SW
 - Rednal Hill Infant School, Irwin Avenue, Rednal, Birmingham B45 8QY
 - Rednal Hill Junior School, Irwin Avenue, Rednal, Birmingham B45 8QYand/or the provision of primary and secondary facilities within a three mile radius of the development;
 - ii) £200,000 towards the provision and/or improvement of children's play facilities at Lickey Hills Country Park;
 - iii) £20,000 towards footpath refurbishment of public right of way from Groveley Lane to Lickey Road;
 - iv) £15,000 towards the development of a wetland area including boardwalk in Cofton Park; and
 - v) £50,000 towards access improvements for less able to link key areas in Cofton Park.
- 6.34. The spend purposes outlined above have been agreed with Education and Parks and remain in accordance with the spend priorities outlined in the Longbridge AAP. Affordable housing and local employment provisions would remain as per the legal agreement for Phase 4 development, attached to the outline planning approval.

7. Conclusion

- 7.1. The redevelopment of the site for housing accords with both national and local planning policy. The proposal is consistent with the key objectives of the BDP and the Longbridge AAP and would continue to deliver the attractive, quality neighbourhoods envisaged. The proposed mix of dwellings and house types would help to provide a balanced community and widen the choice of property available within the Longbridge redevelopment area. The scale, layout and design are acceptable and appropriate for the area and would deliver a significant contribution to meeting the City's housing needs.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the redevelopment of a former contaminated industrial site within the Longbridge AAP area for new residential development and which would in turn provide economic and social benefits for the existing and new residential occupiers, whilst supporting the provision of local

employment in construction and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. 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 2014/09251/PA, covered by reserved matters application 2017/07621/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 2014/09251/PA:
- Condition 9 – landscaping
 - Condition 10 – hard surfacing materials
 - Condition 12 – boundary treatment
 - Condition 15 – materials

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 3 | Requires the prior submission of car port enclosure details |
| 4 | Removes PD rights for extensions |
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: View looking east towards the multi-storey car park



Photograph 2: View looking north into the district centre

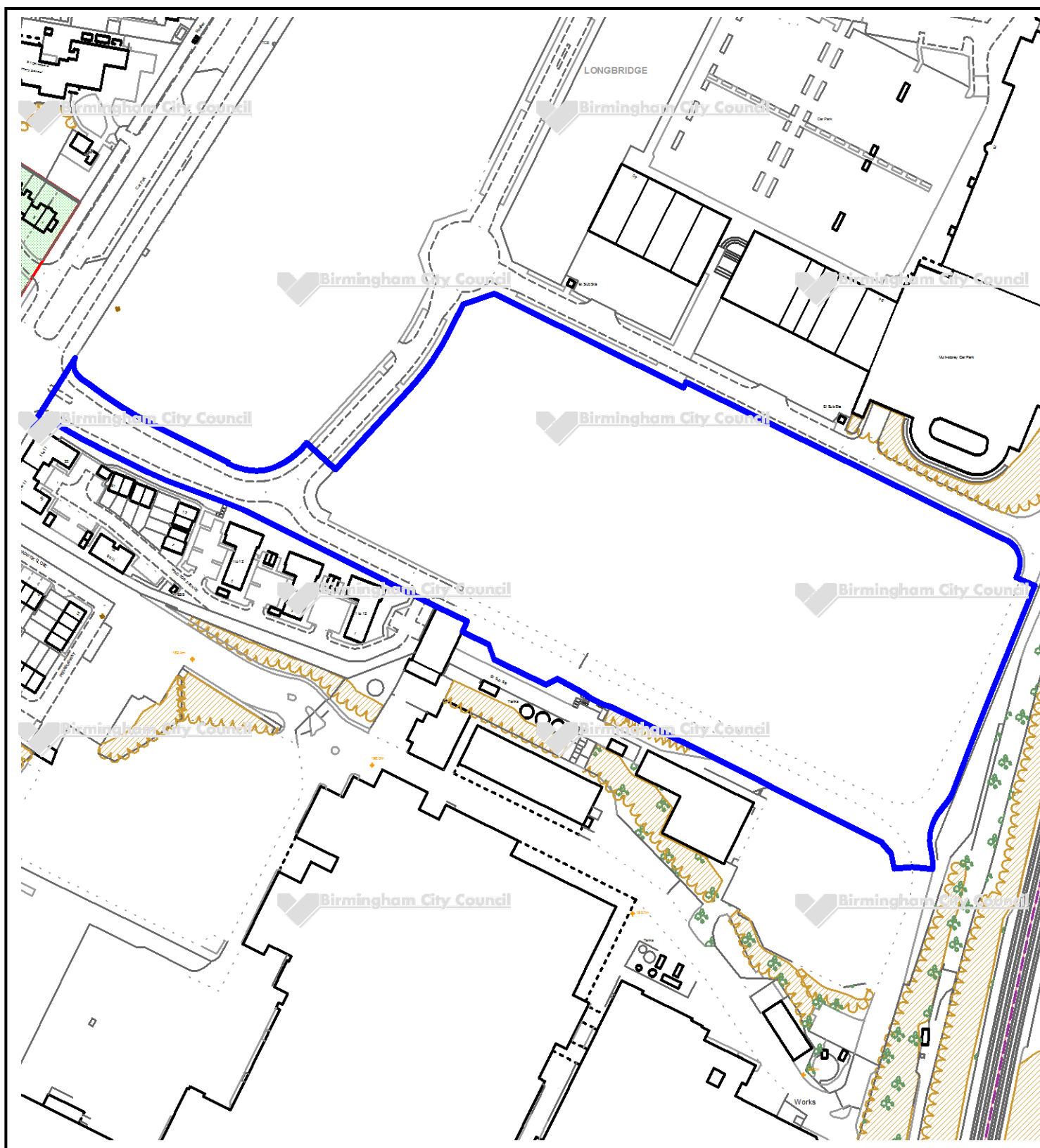


Photograph 3: View looking north east – towards multi-storey car park



Photograph 4: View looking north towards Bournville College

Location Plan



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Committee Date:	21/12/2017	Application Number:	2017/09739/PA
Accepted:	14/11/2017	Application Type:	Full Planning
Target Date:	09/01/2018		
Ward:	Quinton		

Selcroft Avenue, Site A: land adjacent No 77, Site B: land adjacent No 85, Quinton, Birmingham, B32 2BX

Site A: Erection of 3 no. Dormer bungalows and 2 no. semi-detached two storey houses; Site B: Erection of 4 no. semi-detached two storey houses.

Applicant:	Birmingham City Council Birmingham Municipal Housing Trust, 1 Lancaster Circus, Queensway, Birmingham, B4 7DG
Agent:	Acivico Ltd 1 Lancaster Circus, Queensway, Birmingham, B4 7DG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The application is for the erection of 9no. social rented residential units on two separate sites owned by the City Council and it is proposed to develop the sites as part of the Council's Stock Replacement Programme, on behalf of Birmingham Municipal Housing Trust (BMHT).
- 1.2. The application is a resubmission of previously approved application 2017/05190/PA for an almost identical scheme. This revised application is a result of changes to the application site boundary to the south eastern part of Site A, which in turn has required the slight repositioning of plots 4 and 5 by 1.2m further into the site.
- 1.3. Site A: Land Adjacent 77 Selcroft Avenue would consist of 5no. dwellings (2no three bed semi-detached and 3no. two bedroom dormer bungalows). The site extends northward from no.77. The properties would be laid out in a row fronting Selcroft Avenue.
- 1.4. Site B: Land adjacent 85 Selcroft Avenue would consist of 2 pairs of two bedroom semi-detached dwellings set out in a linear row all fronting onto Selcroft Avenue.
- 1.5. There are three house-types proposed across the two development sites;
 - Dormer bungalows which would generally comprise: – kitchen, dining room, living room, WC and bedroom at ground floor, with a further bedroom and bathroom within the roofspace.
 - Three bedroom semi-detached two storey properties comprising kitchen/dining room, living room and WC on the ground floor with three bedrooms and a bathroom at first floor.

- Two bedroom semi-detached two storey properties comprising kitchen/dining room, living room and WC on the ground floor with two bedrooms and a bathroom at first floor.
- 1.6. The houses and bungalows would have generously sized gardens (in accordance with 'Places for Living'). All exceeding 70sqm (three bed) and 52sqm (two bed).
 - 1.7. All houses would have in-curtilage parking provision – 100% for the bungalows and 200% for the houses.
 - 1.8. The properties would be of traditional design, within the agreed design and palette of BMHT house types elsewhere in the city. They would be constructed in brick with tiled roofs and incorporating features characteristic of properties in the surrounding area, including porch canopies.
 - 1.9. The development would necessitate the removal of 3no. trees, a Category C Hawthorn and Category U Whitebeam and Lilac all in site B. Six new trees are proposed across the two sites, and all other existing trees would be retained. The Landscaping Plan/Strategy also incorporates a hedgerow at the back of pavement for both sites.
 - 1.10. Site A area 0.13 hectares. Density 38 dwellings per hectare. Site B area 0.15 hectares. Density 26 dwellings per hectare.
 - 1.11. The following information has been submitted in support of the application: Design and Access Statement, Ecological Assessment; Ground Condition Desk Study and Tree Survey.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. Site A: located adjacent to 77 Selcroft Avenue, this is approximately 0.13 hectares of open space, consisting of grassed areas with a small wooden trip rail at the back edge of the footpath. It slopes upwards from south to north being approximately 16m in depth to the boundary with Harborne Day Care Centre for Adults that is situated to the west of the site. Opposite are residential properties and further to the north a Doctors Surgery. The site has been subject to infilling, with archive maps showing a former sand pit and is a known former landfill site.
- 2.2. Site B: located between 85 Selcroft Avenue and 78 Rilstone Road, this is approximately 0.15 hectares of green space, consisting of grassed area and trees, with overgrown bramble. It is relatively flat towards the front of the site, with a slight slope downwards toward the rear (south). Opposite and to both sides are residential properties, with the garden areas of properties on Blandford Road to the south. Two drainage easements run through the site. A power cable requires diversion to the rear of the site.

[Location map](#)

3. Planning History

- 3.1. 03/08/2017 – 2017/05190/PA Site A: Erection of 3 no. Dormer bungalows and 2 no. semi-detached two storey houses; Site B: Erection of 4 no. semi-detached two storey houses. Approved subject to conditions.

3.2. Site A:
13/09/1996 – 1996/03687/PA Installation of passive wells and 11 venting columns to control migrating landfill gas and temporary accesses off Selcroft Avenue and West Boulevard. Approved subject to conditions.

3.3. Site B:
No planning history.

4. Consultation/PP Responses

4.1. Transportation – No objection subject to conditions in respect of the provision of pedestrian visibility splays.

4.2. Regulatory Services (Land Contamination) – Due to the former landfill on the site, it is recommended that a condition for a full contaminated land remediation scheme and verification report is added to any permission.

4.3. Severn Trent – No objection, subject to a condition in respect of drainage details.

4.4. West Midlands Police – No objection. Recommend the development be built to enhanced security standards as advised by Police crime reduction initiative 'Secured by Design'.

4.5. LLFA (Lead Local Flood Authority) – Note, that the proposed development is in close proximity to a significant surface water flow path and recommend that a suitable drainage condition is added to any approval.

4.6. Letters of notification have been sent to surrounding occupiers, local residents associations, Ward Councillors for Quinton and the MP for Edgbaston. A site notice has also been posted. No comments have been received.

5. Policy Context

5.1. The following local policies are relevant.

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

5.2. The following national policy is relevant.

- The National Planning Policy Framework (2012)

6. Planning Considerations

Background

6.1. The proposal is for 9 new residential units on two adjacent plots to be developed for Birmingham Municipal Housing Trust (BMHT). The scheme is part of the Council's ongoing initiative to provide new high quality housing development in the City through BMHT.

6.2. The initiative would result in the Council receiving 9 new houses for social rent purposes. All the dwellings would be built to Code for Sustainable Homes Level 4, as part of the Government agenda to reduce carbon emissions in new housing.

Principle

- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.4. Policy TP27 of the Birmingham Development Plan also states that *“new housing in Birmingham is expected to contribute to making sustainable places...All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods”*. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that *“proposals should be accessible to jobs, shops and services by modes of transport other than the car”*.
- 6.5. Saved 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
- 6.6. The principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. The site is within an established, predominantly residential area, close to public transport links and with easy access to local services. The proposed development would deliver a choice of homes through the effective re-use of this site.
- 6.7. The proposed density of 26 & 38 units per hectare is below the normal policy guidance of 40 dwellings per hectare but would reflect the character of this location and allow for the provision of a wider mix of house-types, including larger family units, to meet the needs of different groups in the community.

Layout and Design

- 6.8. The residential properties on Selcroft Avenue are sited in rows set back from the road with an established building line. The position/width of these proposed dwellings would not appear out of context. In fact, with respect to site B, the proposal fills a gap which is uncharacteristic of this area. In light of this, I do not consider the proposed dwellings would have a harmful impact on the characteristic pattern of development in the surrounding area.
- 6.9. The dwellings would be of an appropriate scale and design that would reflect the character of dwellings in the surrounding area. The eaves of the proposed houses would sit at similar heights of neighbouring properties. All dwellings would be brick built with plain tiled roof, with canopies over the entrances. In the light of the above, I consider that the design of the proposal would enable the creation of a high quality residential environment that would sit comfortably within its surroundings.
- 6.10. The Council’s Places for Living SPG recommends a series of numerical separation standards to ensure existing and future occupiers privacy and outlook. In this

instance, the development has been designed so that the main habitable room windows of the proposed houses are orientated away from existing properties. Windows to habitable rooms are either to the front or rear. All are provided with an appropriate set back from boundaries (5m for single storey development and 10m for two storey development) and 21m is provided between windowed elevations to both the front and rear. As such, I consider that there would not be any overlooking of adjacent properties significant to warrant refusal of the application.

- 6.11. The layout shows that all rear gardens would provide in excess of 70sqm of private amenity space for the three bedroom properties and 52sqm of private amenity space for the two bedroom properties which exceeds the minimum guideline as advocated in "Places for Living".
- 6.12. In addition, the properties would provide an internal layout of suitable size, with bedrooms in the dormer bungalows and 2 bed properties all being 12sqm or above. Two double bedrooms are provided in the three bedroom properties of 12sqm and 14sqm and one single room of 6sqm. All except the single bedrooms would be in accordance with the nationally described space standards, which are not adopted by the Local Planning Authority but provide a suitable benchmark. These standards recommend 7.5sqm for a single bedroom. However, smaller bedrooms are common in many houses across the city and have been delivered on other BMHT schemes and these are only 1.5sqm short, a furniture layout shows that ample storage can be accommodated to meet the expected requirements. As such, I do not consider this a sufficient reason to warrant the refusal of the application.

Impact on residential amenity

- 6.13. Applying the 45 degree code, it is noted that the properties would not breach the code, to any neighbouring property. Therefore, I do not consider there would be any undue loss of light or outlook to any adjacent property. I note that there is a side window to the ground floor of number 85 Selcroft Avenue. This is a secondary window serving a non-habitable room. As such, I do not consider there would be any detriment in terms of overshadowing to the occupiers

Transportation

- 6.14. No objection has been raised by Transportation, who are satisfied that the proposed level of parking is adequate and that there would be no unacceptable impact on the surrounding road network. An overall 133% parking is provided and all spaces are frontage driveway parking directly off Selcroft Avenue. Beyond the site, parking on street is unrestricted and there are regular buses running within reasonable walking distance of this site throughout the day. Conditions are recommended to reflect the requirements of Transportation in respect of pedestrian visibility.

Trees and Landscaping

- 6.15. The development would necessitate the removal of 3no. trees, a Category C Hawthorn and a Category U Whitebeam and Lilac from site B. Six new trees are proposed across the sites, and all other existing trees would be retained. The Tree Officer raises no objection to this scheme subject to conditions including an arboricultural method statement and general good arboricultural working practice. He notes that two off site willow trees, within the grounds of the adjacent Harborne Day Centre, are shown to be retained. However, he recognises that these may not be suitable for retention should the houses be built. In addition, the Landscaping Plan/Strategy also incorporates a hedgerow at the back of pavement.

Ecology

- 6.16. An Ecological Assessment submitted with the application notes that the site offers limited ecological value and the Council's Ecologist is satisfied that there appears to be no significant ecological constraints associated with the proposed development. A number of enhancement measures are recommended including the provision of replacement trees and soft landscaping with species of high value to wildlife and the creation of Hedgehog access points which can be secured through appropriate planning conditions. It is also requested that an advisory note be added to ensure site clearance is carried out at an appropriate time.

Drainage

- 6.17. No surface water information has been provided. Severn Trent Water has not objected to the application subject to a suitable drainage condition. The Lead Local Flood Authority (LLFA) note that the proposed development is in close proximity to a significant surface water flow path. They actively promote and encourage the implementation of SuDS on all developments, as such; they consider that the site drainage should be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be provided to be secured by condition. I concur with this view.

Contamination

- 6.18. The southernmost part of Site A is a former landfill site. The application is supported by a contamination desk top assessment. The Assessment notes that the ground on this site is made with materials generally consisting of a layer of topsoil overlaying loose clayey gravelly sands or soft sandy gravelly clays and pockets of relic topsoil, gravel, bricks and quartzite. This made ground is different to that found in the main area of the former sand pit. Tests undertaken have confirmed that there is no significant chemical contamination on either site that would effect the proposed development or be potentially harmful to future users. However, it notes that ground gases affect site A, and as such some of the proposed properties would require gas protection measures within the foundation design. The Council Regulatory Services officer (Contaminated Land) therefore recommends that a condition for a remediation strategy and verification report is provided. I am satisfied that these conditions would adequately address this matter.

Other Matters

- 6.19. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The development of these sites for housing accords with both national and local policy. The development would constitute sustainable development, and add to the Council's stock of social rented housing for which there is a significant need. The proposed mix, layout and design are appropriate for the area and can be accommodated without any adverse impact on existing residents or the local highway network. The proposals would provide a high quality development, which I consider would make a positive contribution to 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 a scheme for ecological/biodiversity/enhancement measures
3	Requires the prior submission of hard and/or soft landscape details
4	Requires the prior submission of boundary treatment details in a phased manner
5	Requires the prior submission of sample materials
6	Requires pedestrian visibility splays to be provided
7	Arboricultural Method Statement - Submission Required
8	Requires tree pruning protection
9	Requires the prior submission of contamination remediation scheme on a phased basis
10	Requires the prior submission of a contaminated land verification report
11	Requires the prior submission of a sustainable drainage scheme in a phased manner
12	Implement within 3 years (Full)

Case Officer: James Mead

Photo(s)



Photograph 1: Site A – Looking South across the site from Selcroft Avenue

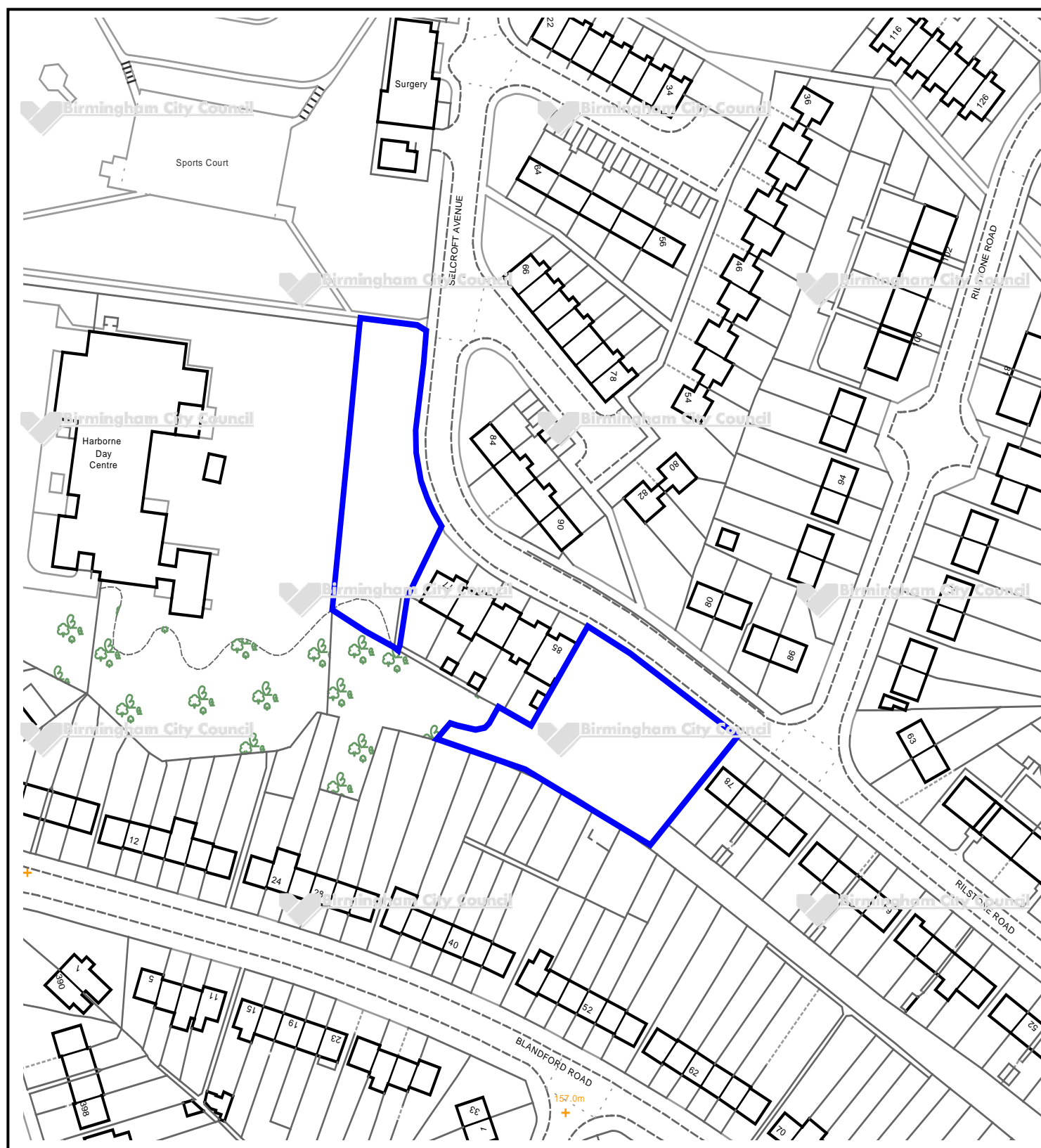


Photograph 2: Site B - Looking east towards 85 Selcroft Avenue



Photograph 3: Looking west towards 78 Selcroft Avenue

Location Plan



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Committee Date:	21/12/2017	Application Number:	2017/09201/PA
Accepted:	02/11/2017	Application Type:	Full Planning
Target Date:	28/12/2017		
Ward:	Selly Oak		

50 Fashoda Road, Selly Park, Birmingham, B29 7QJ

Change of use from dwellinghouse (Use Class C3) to HMO (House in Multiple Occupation) (Use Class C4)

Applicant: Mrs Anita Westley
8 The Greenway, Hagley, West Midlands, DY9 0LT
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the change of use of 50 Fashoda Road from a dwellinghouse (Use Class C3) to small house in multiple occupation (Use Class C4).
- 1.2. The requirement for this application has arisen due to an Article 4(1) Direction, within a defined area within which the application site is situated, which states development consisting of a change of use of a building to a use falling within Class C4 (house in multiple occupation) from a use falling within Class C3 (dwellinghouse) would require planning permission.
- 1.3. No external alterations are proposed. Internally, the ground floor would provide lounge, kitchen, shower room and bedroom. The first floor would provide two bedrooms, one with a new en-suite shower, the other with a small study area and shower room. A further bedroom with shower room would be provided within the roofspace.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the property of 50 Fashoda Road, Selly Park. This is a two storey terraced property situated within a row of similar properties fronting onto Fashoda Road.
- 2.2. The property is currently in use as a dwellinghouse (Use Class C3) and both neighbouring properties of 48 and 52 are in residential use.
- 2.3. The surrounding area has a predominantly residential character, with residential properties opposite and to the east along Manilla Road and south on Dogpool Lane.
- 2.4. The property is within Flood Zone 3 (highest risk).

[Location map](#)

3. Planning History

- 3.1. 17/10/2017 – 2017/08910/PA Pre Application advice for the change of use from residential to house in multiple occupation.

4. Consultation/PP Responses

- 4.1. Regulatory Services - No comments received.
- 4.2. Transportation Development – No objection.
- 4.3. West Midlands Police – No objection, recommend the installation of communal front door and private bedroom doors. They note that more burglaries take place in Selly Oak than any other type of crime and due to the large student population in Selly Oak. It is a reality that the area is one of the more targeted places for this type of crime across the region. In the six month period between April and September 2017 there were 148 burglaries, 192 incidents of anti-social behaviour and 78 pedal cycles stolen from the Selly Oak policing area.
- 4.4. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.
- 4.5. Six letters of objection have been received from surrounding occupiers, objecting to the proposal on the following grounds.
- There is inadequate car parking provided for residents and visitors.
 - Inconsiderate parking already occurs.
 - This site is within the Article 4 area where additional HMOs above 10% should not be permitted. We believe that there are over 10% of HMOs in this area.
 - Impact on local infrastructure in Selly Park Area.
 - Impact on property and insurance prices.
 - Loss of community cohesion.
 - Lack of maintenance
 - Increase in crime and anti-social behaviour.
 - Imbalance of family houses in the area.

5. Policy Context

- 5.1. The following national policy is relevant

- The National Planning Policy Framework (2012)

- 5.2. The following local policy is relevant.

- Birmingham Development Plan (BDP) 2017.
- The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
- Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards (2014).
- Specific Needs Residential Uses SPG

6. Planning Considerations

- 6.1. In normal circumstances, the conversion from a C3 use to a C4 use is permitted development and owners of properties would normally have no need to inform the Local Planning Authority that a dwellinghouse is changing to a small (C4) HMO. However, in November 2014, an Article 4 Direction was brought into effect that removes these permitted development rights within a designated area of Selly Oak, Edgbaston and Harborne wards. The application site falls within this area.
- 6.2. The decision to introduce an Article 4 Direction in this area resulted from an analysis of city wide concentrations of HMOs revealing the particularly high levels found in Bournbrook and the spread to surrounding areas of Selly Oak, Harborne and Edgbaston wards.
- 6.3. The policy accompanying the Article 4 direction 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards' which was adopted by the Local Planning Authority in September 2014 aims to manage the growth of HMOs by dispersing the locations of future HMOs and avoiding over-concentrations occurring, thus being able to maintain balanced communities. It notes that the neighbourhoods included in the confirmed Article 4 area have capacity to accommodate further HMOs in the right locations.
- 6.4. Policy HMO1 states the conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses.
- 6.5. Should the application not cause an over concentration, or the exacerbation of an existing over concentration, the city council will then apply the existing policies that apply to HMOs city wide in determining planning applications for C4 HMOs, as well as large HMOs in the Article 4 Direction area. The proposal would also need to satisfy these criteria in order to be granted planning consent.
- 6.6. Using the most robust data available to the Local Planning Authority, including Council Tax records, Planning Consents and HMO Licensing information it is revealed that within 100m of 50 Fashoda Road there are 172 residential properties. Of these properties and including the application site as a proposed HMO, 7 are identified as being HMO's, equating to 4.06% of houses within the 100m of the application site. As such it is considered that there would not be an overconcentration of HMO's in this particular area.
- 6.7. Local residents have stated that there are further properties in the 100m radius "legally able to be let" as HMO's. However, these cannot currently have HMO licences, or Planning Consent or Council Tax exemption, as they do not appear on the Council's data sources. It is accepted that although these sources provide the most robust approach to identifying the numbers of locations of HMO's in an area, it might not identify all such properties. Notwithstanding, the policy accompanying the Article 4 is clear that the calculation to provide a percentage concentration in any area will only use the Council's data. Therefore, based on the data available to the Council at this time, it is considered that there would not be an overconcentration of HMO's in this particular area.

- 6.8. Saved policy 8.24 of the adopted UDP 2005 advises that when determining applications for houses in multiple paying occupation the effect of the proposal on the amenities of the surrounding area, and on adjoining premises; the size and character of the property; the floor space standards of the accommodation; and the facilities available for car parking should be assessed.
- 6.9. Specific Needs Residential Uses SPG recognises that dwellings intended for multiple paying occupations have a role to play in meeting the housing needs of certain groups in society.
- 6.10 The application site is located within a predominantly residential area. Whilst there appear to be other HMO type uses on Manilla Road to the west, the council's data reveal no other HMO uses on Fashoda Road and the road primarily consists of family dwellings and has a typically residential character. The application premise is a terraced property that currently has four bedrooms and the changes are proposed internally. I therefore consider that the proposal would have a minimal impact upon character.
- 6.11. The property would provide four bedrooms of 21sqm, 13.3sqm, 12.6 and 10.4sqm. These bedrooms would all exceed the minimum recommended size for double and single bedrooms in the national described space standards, which although not formally adopted provide a useful benchmark. A mix of single and double bed short term accommodation such as this would meet the needs of certain groups within society and therefore, I do not consider that the size of bedrooms in this instance would warrant the refusal of the application. Furthermore, the internal layout as proposed would allow easy conversion back to a family dwelling, should the need arise in the future.
- 6.12. The proposed HMO would not have an adverse impact on the amenities of adjoining residents given that few internal alterations are taking place and the property would most likely be lived in, in a similar manner to a family.
- 6.13. The guidance in Specific Needs Residential Uses SPG advises that car parking provision for HMO applications should be treated on its own merits.
- 6.14. My Transportation Development Officer raises no objection to the proposal. It is not considered traffic and parking demand for this four bed HMO would increase notably to that generated currently by the four bedroom family dwelling. It is noted that on street parking is available, although demand is high. In addition there are regular buses running nearby the site throughout the day. It is suggested secure and sheltered cycle storage is installed in order to encourage this alternative mode of travel. A condition to secure this is recommended.
- 6.15. The site is also noted to be in an accessible location, close to Stirchley Centre. It is therefore considered that there would not be any detrimental impact to highway safety as a result of this change of use.
- 6.16. I note the comments of West Midlands Police regarding the high crime rates in the Selly Oak area. However, a high crime rate is not a reason in itself to withhold planning permission for an application such as this and I cannot see that the nature of Class C4 occupation would be so different to Class C3 as to warrant refusal. I note the police have suggested some features to enhance the security of the site including the installation of a communal front door and private bedroom doors. I have passed this information onto the application for them to consider these matters.

6.17. The site is within Flood Zone 3, as the site is not within 20m of a main River Bank and there is no change to the Flood Risk vulnerability of the property, it is not necessary to consult with the Environment Agency.

7. Conclusion

7.1. I consider that the proposed use of the property as a C4 small house in multiple occupation would be acceptable in principle and would help to meet a need for this type of housing in a sustainable location. There would not be an overconcentration of such uses in the area and the proposal would therefore accord with the Article 4 direction policy. In addition, the proposed scheme would not have a detrimental impact on the character of the area, or upon the amenities of adjoining residents and highway safety.

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 cycle storage details |
| 3 | Implement within 3 years (Full) |
-

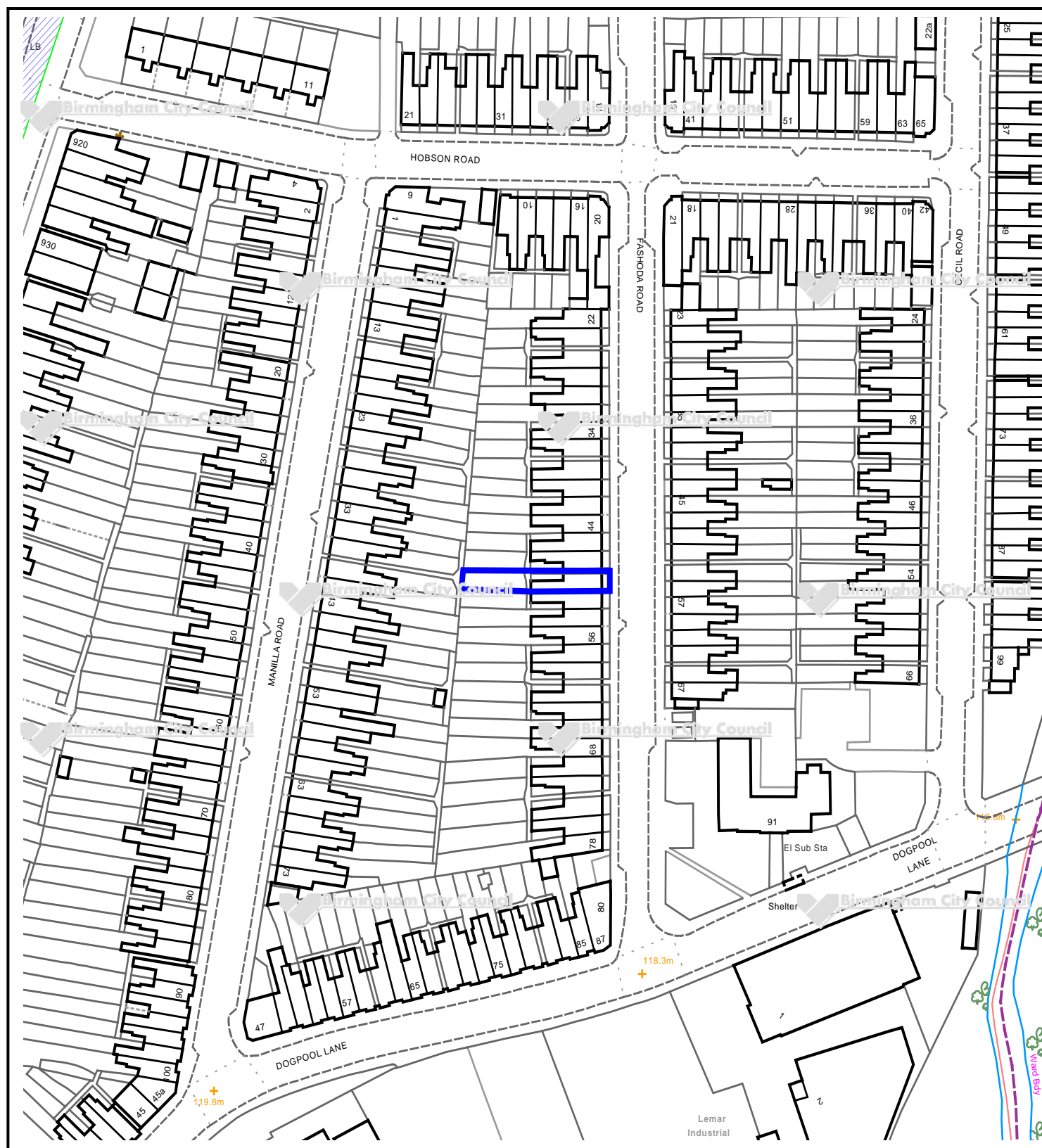
Case Officer: James Mead

Photo(s)



Photograph 1: Front elevation of 50 Fashoda Road

Location Plan



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Committee Date:	21/12/2017	Application Number:	2017/02611/PA
Accepted:	27/03/2017	Application Type:	Full Planning
Target Date:	31/12/2017		
Ward:	Quinton		

Land off Ridgeway, Quinton Business Park, Quinton, Birmingham

Erection of building for employment purposes (Use Class B1 (excluding offices), B2 and/or B8), access, relocation of business park entrance gates, parking, landscaping and associated development infrastructure including surface water attenuation

Applicant:	St Modwen Developments Ltd c/o The Agent
Agent:	Planning Prospects Ltd 4 Mill Pool, Nash Lane, Belbroughton, DY9 9AF

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a building for the purposes of B1 b (research and development) and c (light industrial); B2 (general industrial) and/or B8; (storage and distribution); access; parking; landscaping; associated development infrastructure including surface water attenuation and the relocation of the business park entrance gates. This development represents phase 4 of Quinton Business Park and is the final phase of development.
- 1.2. The building would be 106.6m in length and 58.8m in width with a parapet height of 12.15m and ridge height of 13.2m and would have a gross external area (GEA) of 6,348sq.m and a gross internal area (GIA) of 6,145sq.m. The building would be of a traditional industrial nature with a large span with supporting offices to the front at first floor on the northern elevation. Due to the sloping land down from north to south, the building floor would cut-down into existing land by approximately 2m at its front (north), and would be raised by approximately 4-5m at its rear (south).
- 1.3. The proposed building materials would include a metal roof construction in Goosewing Grey with fascias and soffits in Anthracite Grey; a cladding system comprising horizontal and vertical trapezoidal profiled sheeting in Albatross Grey, with contrasting high level panels in Merlin Grey for the walls with infill panels of White Kingspan Microrib. It is proposed that the facing brickwork would match that of the existing office buildings on the rest of Quinton Business Park. The proposed curtain wall glazing, windows and entrance doors would have powder coated dark grey aluminium frames with grey tinted antisun double glazing.
- 1.4. Two entrances are proposed into the site from the main spine road access (Ridgeway). One access point would provide an entrance to the 68 space car park including 5 spaces for people with mobility difficulties, whilst the second access point

would be for delivery vehicles. This second entrance would access the service yard and 5 loading docks located on the west elevation of the building.

- 1.5. A new substation would be required and is proposed to be located adjacent to the proposed car park. No details regarding its size or appearance have been provided.
- 1.6. A new surface water attenuation balancing pond is proposed in the v-shaped area at the site's southern end, beyond a new embankment. This land is part of the adjacent Quinton Meadows Local Nature Reserve. The pond would measure approximately 59m in length by 19m in width. The pond is proposed to be approximately 1,100sq.m in size although much of the margins comprise a 0.3m freeboard with the main pond area from the headwall max water level being approximately 770sq.m. It has been relocated to the east and north from its originally proposed position, to avoid affecting a track to National grid apparatus. The attenuation pond would be set away from the access track – the track is not precisely defined on site by kerbing but the pond would be approximately 1.75m from the edge of the track to top of the freeboard, or some 3.2m to the headwall at its nearest point at the southern end.
- 1.7. The development would necessitate the removal of 10 trees comprising 3 Field Maple, 4 Common Alder and 3 Goat Willow all of which have been identified as Category C trees and approximately 75m of Category C hedgerow comprising Hazel, Blackthorn, Holly, Hawthorn, Crack Willow, Field Maple and Dog Rose; located on the western boundary of the site adjacent to an existing temporary car park. However, the 75m is surveyed as a “hedge like feature” which has several gaps along its length caused by poor or thin planting. This boundary sits adjacent to a significant Woodland Group on the meadows site, primarily oak 12+m high, which is unaffected by the development proposals.
- 1.8. New planting is proposed to the northern boundary where it would interface with the existing estate and would be semi-ornamental to match/maintain continuity. Planting is also proposed to parts of the east/west boundaries and would have a transition into a native mix to compliment the adjacent woodland. It is proposed that the re-graded slopes to the sides of the building are seeded with grass/wildflower to increase diversity. The rear slope would also be supplemented with native trees to increase higher level screening above hedge line. New tree planting within the car park areas would comprise Norway Maple, Ornamental Pear and Oak. These would be under-planted with a variety of ground cover shrubs and other shrub planting including Gorse, Holly, Dogwood and Snowy Mespilus.
- 1.9. The service yard would be enclosed by a 2m high, black powder coated Paladin fence, with gates at the road entrance. The car parking and office area would not be enclosed by fencing.
- 1.10. Also proposed in this application is the relocation of the wider site entrance security gates. The gates are currently located 23.5m from the Quinton Expressway roundabout entrance/exit and it is proposed to move the gates so that they would be located approximately 53m from the roundabout entrance/exit. This is to enable HGV vehicles to stop prior to the access gates and the vehicle to be located fully off the adjacent Quinton Expressway and roundabout.
- 1.11. The application is accompanied by a Design and Access Statement, Transport Statement, Travel Plan, Ecological Assessment, Tree Survey, Flood Risk Assessment, Planning Statement, Ground Investigation Report, Flood Risk Assessment and Drainage Strategy, Noise Impact Assessment and a Historic Environmental Desk Based Assessment.

1.12. Site area: 2.53Ha.

1.13. [Link to Documents](#)

2. Site & Surroundings

2.1. Quinton Business Park is located between the M5 Motorway and Quinton Expressway. It is a total of 17 hectares. The first three phases of the Business Park office development have been completed and nine buildings have been constructed and occupied on the site. The overall site includes a recreation ground to the north, owned by Dudley council; and an area of farmland, hedges and trees to the north, east and south of the application site, categorised as a Local Nature Reserve (LNR); Site of Local Importance for Nature Conservation (SLINC) to the south and a Site of Importance for Nature Conservation to the north. These areas are managed by the Local Services Department as part of Woodgate Valley Country Park. Bourn Brook runs from west to east on the southern part of the site. The land is bounded to the north by residential development, to the south and east by Quinton Expressway and to the west by the M5 motorway. Woodgate Valley Country Park lies to the south east of the Quinton Expressway.

2.2. The application site slopes down from the existing estate road towards the A456 (Quinton Expressway), the difference in level is approximately 13.5m. The Site currently comprises in part unused greenfield land but is also in part used as a temporary car park by users of the office park, without the benefit of planning permission.

2.3. The east and west boundaries of the site abut established existing woodland (primarily Oak) up to 18m high providing good screening. The southern boundary has a maturing native hedge up to 6m high currently. There are 'glimpse' views from the A456 (Quinton Expressway) which lies a further 50m beyond the proposed building's southern edge – this zone contains further native tree/shrub planting.

2.4. There are no footpaths on the site; there is a highway footpath along the opposite side of the estate road. There are footpaths to the east of the site which give access to extensive adjacent public amenity land.

2.5. [Site Location Plan](#)

3. Planning History

3.1. 27 November 1996. 1994/05122/PA and 1995/04802/PA. Outline planning permission granted on appeal for high quality (B1) industrial/business uses on land between Quinton Expressway and the M5 Motorway adjoining Junction 3. This included detailed approval for access to the site and was also subject to a number of conditions.

3.2. 19 January 1999 1998/04635/PA. Planning permission granted for amendments to 1994/05122/PA by relocation of roundabout and the substitution of drawing No C/8100/REV1 in place of original drawing no C/8001/REV1 both in the description of development and the relevant condition numbers 4, 9 and 17.

- 3.3. 16 September 1999. 1999/02806/PA. Planning permission granted for construction of access to the site, including roundabout, traffic signals and footpath.
- 3.4. 14 October 1999. 1999/02099/PA. Planning permission granted for a variation of condition to application 1998/04635/PA to vary condition 1B to allow a further 2 years for the submission of Reserved Matters and Condition 2 to allow the development to be begun either within 3 years of the expiration or 1 year from the date of the last Reserved Matter to be approved.
- 3.5. 15 June 2000. 1999/05222/PA. Approval of Reserved Matters in respect of siting, design, external appearance and access for office development with associated car parking (Phase I).
- 3.6. 24 May 2001. 2001/01479/PA. Approval of Revised submission of Reserved Matters in respect of siting, design, external appearance and access for office development park (Phase I).
- 3.7. 13 December 2001. 2001/04833/PA. Planning permission granted for the variation of condition to 1994/05122/PA as amended by 1998/04635/PA to vary 1B to allow a further 3 years for the submission of Reserved Matters and Condition 2 to allow the development to be begun either within 5 years or the expiration of 2 years from the date of the last Reserved Matters to be approved.
- 3.8. 22 August 2002. 2002/02208/PA. Reserved Matters Approval for landscaping - Phase I.
- 3.9. 3 October 2002 2002/04089/PA. Permission granted for a Variation of Condition 8 of 1994/05122/PA to allow for the submission of the nature conservation management plan within 3 months of the first occupation of the development.
- 3.10. 9 October 2002. 2002/02450/PA. Reserved Matters Approval granted for Phase 2 Office development.
- 3.11. 27 February 2003. 2002/06397/PA. Approval of Discharge of Condition 8 attached to 1994/05122/PA (Nature Conservation Management Plan) and later permissions.
- 3.12. 29 January 2004. 2003/06973/PA. Approval of Variation of condition 1A attached to 1994/05122/PA and subsequent permissions, to permit the submission of reserved matters prior to the commencement of each phase of the development, rather than the development as a whole.
- 3.13. 30 June 2005. 2005/03156/PA. Reserved Matters Approval for siting, design, external appearance and access pursuant to Outline Planning Permission 1999/02099/PA (Phase 3).
- 3.14. 13 April 2006. 2006/00174/PA. Reserved Matters Approval for landscaping pursuant to outline planning permission 1999/02099/PA (Phase 3).
4. Consultation/PP Responses
 - 4.1. Local adjacent commercial occupiers, Resident Associations, MP and Ward Councillors notified. Two site notices and a press notice posted. Site notices were posted near the access gates to the business park and on the pedestrian crossing adjacent to the site on the Quinton Expressway. Amended plans have been received to re-position the attenuation pond and a further round of consultation undertaken.

Four letters of objection/comment were received on the original submission from Quinton Meadows Consultative Committee (QMCC); Woodgate Valley Country Park Consultative Committee and residents in Jackson Way and Woodridge Avenue with a further three letters of objection from Quinton Meadows Consultative Committee (QMCC) being received on the amended plans.

4.2. The letters of objection, to the original submission, relate to:

- the proposed work being undertaken on Quinton Meadows Local Nature Reserve;
- the proposal to move the footpath, which is a National Grid vehicle access;
- insufficient notification/advertising of the application submission including where the site notice has been displayed and that local residents have not received letters regarding the application;
- insufficient time in which to respond to the consultation given the impact on the Local Nature Reserve;
- insufficient consultation undertaken including site notice locations; lack of neighbour consultation and that the QMCC were not originally notified of the application and the following issues:
- The proposed drainage works are located on land outside of the applicant's control within Quinton Meadows Local Nature Reserve.
- The drainage proposals are unacceptable and the park already has problems created by a lack of maintenance of existing drainage ponds; the pond is located on the route of an existing access track for which National Grid have access to the electricity pylons.
- The proposed new access track route would not be suitable due to the contours of the site.
- That the submitted ecological assessment is irrelevant and incorrect.
- Request a whole host of conditions.

4.3. Further representations have been received from QMCC following the receipt of amended plans. These representations are based on the following issues:

- concerned about the future maintenance of the proposed new pond/swale and the funding for same, particularly since there was no such agreement in place regarding the existing swales which formed part of the original development.
- welcome the idea of enhancing the environmental features within the Local Nature Reserve through the creation of an additional pond/swale,
- The access route through the Local Nature Reserve, next to which it is proposed to locate the pond/SUDS drainage system is not only used by pedestrians and cyclists and serves as a vehicular access route to enable the Council to maintain the southern part of the Local Nature Reserve, but it is also the access route for National Grid to maintain the electricity pylon and cables located in this part of the nature reserve. The Committee therefore wonder whether National Grid should be consulted about the proposals.

4.4. Further representations were received from QMCC that raise the following concerns:

- With respect to the revised Proposed Pond Layout we note that the following changes have been made:
 - The layout no longer has a distinct pond and overflow weir.
 - The bottom of the above pond was indicated as 177.510 with a maximum water level of 178.510. The overflow weir level was given as 178.510. The maximum water level for further down the pond was shown as 177.220.

- The bottom of the 'pond' is given simply as 175.720 along its entire length with a maximum water level of 177.200.
 - The width of the pond appears narrower.
 - The location of the incoming flow has been changed from the deeper pond to near the outgoing headwall at the bottom end of the pond.
 - The current proposals for the "pond" are not designed to retain water, and that a certain amount of water (1.5 ft/0.4572m minimum) is required in order to make such a feature environmentally friendly. The outfall needs to be raised in order to ensure that an adequate level of water is retained.
 - The actual width of the 'pond' is not indicated however any pond needs to be wide enough as well as deep enough. The 'pond' may need to be more of a U shape in cross section rather than the current V shape design.
 - Require the proposed attenuation pond to retain water and to function as a pond as far as possible in order to provide maximum biodiversity value to QM LNR. The creation of the proposed pond/SuDS will inevitably result in habitat loss and disturbance to habitats and species within the LNR.
 - The impact on the existing tree/hedgeline bordering the Local Nature Reserve alongside the Quinton Expressway where the ponds are to be located should be kept to a minimum.
 - The slope which is to be created on that side should be re-planted with a hedgerow of native species or small trees (such as rowan) in order to create a barrier between the Expressway and the Local Nature Reserve.
 - QMCC are extremely concerned about BBC taking responsibility for the sustainable drainage proposals because:
 - (i) the requirements as set out above have never been carried out by BCC in relation to the existing SuDS (Ponds 1 + 2 of the earlier phase of development). Indeed there appears to be no maintenance agreement in place at all. In addition to concerns about runoff, the existing SUDS are now suffering dense encroachment of non-water plants and trees and thereby provide limited nature improvement.
 - (ii) In our view BCC does not have and never will have the resources to carry out what is needed regarding the maintenance of such SuDS over the lifetime of the development.
 - (iii) As past experience has taught us, there is absolutely no guarantee that any possible 'commensurate sum' which may be offered by the applicant to BCC for maintenance purposes will be ring fenced.
 - QMCC would like reassurance that the width of the original access route is still accounted for in the proposals and that the access route will still be able to support sufficient weight even given its proximity to the proposed "pond".
- 4.5. A final letter of objection has been received from QMCC on 27 November objecting to the proposed landscaping scheme on the basis that planting should be in harmony both with existing species within the Business Park itself and with the surrounding BCC owned land.
- 4.6. West Midlands Fire Service (on original and amended scheme) – no objection subject to adequate water supplies and access for fire vehicles.
- 4.7. Highways England (on original and amended scheme) – No objection.
- 4.8. Local Services – (original scheme) - We would object to the current layout in relation to the water attenuation scheme which is to be located on the BCC Leisure owned Quinton Meadows Local Nature Reserve. We would echo the comments from the secretary of the Quinton Meadows Consultative Committee in relation to both the

impact of the proposals on the Nature Reserve and the effect on its management which is undertaken by colleagues in the Parks Service. The maintenance and management of the attenuation proposals need to be fully understood by my service and a commuted sum secured as part of this application if they are to be undertaken by BCC going forward. I understand a meeting has subsequently taken place with the applicant at which these concerns have been expressed and a new layout is to be submitted which we will await before passing judgment.

In relation to the permission needed to undertake work on BCC owned land having checked with the Local property management section they are not sure they have received the necessary planning notice..Previous documentation and deeds need to be checked to see if an agreement is in place with the applicant. If no agreement exists or if this needs adapting to suit the current application proposals and take account of the maintenance going forward it would be the subject of new negotiation done through representatives of the Assistant Director of Property.

- 4.9. Local Services - (amended scheme) -As per our discussion on this amended scheme any removal of our objection would be subject to the applicant agreeing to a commuted sum to cover future maintenance and management of the surface water attenuation feature area over a 25 year period. We would suggest that this is incorporated into a legal agreement with the applicant (if none already exists) that would also cover things like future access arrangements and permission to construct the feature on BCC land. This would be done through negotiations with representatives of the Assistant Director of Property. I suggest that the maintenance schedule for the attenuation feature is costed with help from colleagues in mains drainage to help come up with an annual cost that can be then transferred into a commuted sum.

In regards to the revised scheme itself this seems to have taken on board previous comments however the width of the path next the pond needs to be confirmed , it has to be wide enough to maintain vehicle access to the rest of the site, Western Power have a way leave to access power lines on site.

The second point that needs clarifying is the depth of the outfall and if the pond will hold water or not and for what length of period. The consultative committee are keen to retain some sort of water level in the pond, although this could be a health and safety issue for BCC.

- 4.10. Regulatory Services (on original and amended scheme) – No objection subject to a plant and machinery noise levels condition.
- 4.11. Severn Trent Water (on original and amended scheme) – No objection.
- 4.12. Environment Agency (on original and amended scheme) - No objection.
- 4.13. West Midlands Police (on original and amended scheme) – No objection. Recommend CCTV, Alarm System and Lighting and that development is constructed to Secure by Design standards.
- 4.14. Wildlife Trust for Birmingham and the Black Country – cannot support the scheme. Quinton Meadows is a statutory site of importance and declared and protected under the National Parks & Access to the Countryside Act (1949). In addition, Quinton Meadows LNR and the entire area of Birmingham lies within the Birmingham & Black Country Nature Improvement Area (B&BC NIA).

It is clear that the application impacts on and within the adjacent LNR and SINC. The most significant impacts are:

- Surface water attenuation via a SUDS / swale provision is indicated as being located within the LNR and SINC. The planning application boundary plan shows that part of the LNR and SINC, not owned by the applicant, are included within the application. This will result in habitat loss and disturbance to habitats and species within the LNR. Whilst this provision could provide nature improvement, there are no details for the design or construction of it, or how it will operate.
- The access track running along the eastern edge of the LNR and SINC will be impacted on and will need to be re-routed. The track specification will need to take into account the vehicles required in terms of site management of the LNR (Birmingham City Council) and site management by National Grid. The re-routing of the track will have potential habitat and species impacts, and potentially for people accessing the LNR.
- Potential hedgerow boundary impacts are not clear, nor is whether the boundary hedgerows are within the LNR and SINC or the application site, how they will be managed nor who will do it.

Other important Wildlife Trust concerns are:

- Adjoining areas to the application site within the LNR and SINC have not been surveyed. These areas are germane to the ecological nature and value of the application site and the local ecological network, and the impacts that the application will have on these areas.
- The current SUDS provision has not been surveyed. The current SUDS provision is in need of significant management and maintenance, and potentially design and construction re-visited.
- Significantly, the application and ecological assessment makes no mention of the Birmingham & Black Country NIA. This is important because one of the mitigation proposals is to create a wild flower meadow.

The Trust is disappointed by the Ecological Assessment which accompanies the application. The Ecological Assessment provides few details for the suggested surface water attenuation provision, or the mitigation of the re-routing of the access track.

- 4.15. Lead Local Flood Authority – originally objected to the application but following submission of amended plans and further drainage work, now raise no objection subject to conditions relating to detailed design of the attenuation pond and an operation and maintenance plan.
- 4.16. Natural England (on original and amended scheme) – Have no comments that they wish to make.
- 4.17. National Grid (on amended scheme) – No objection.
- 4.18. Transportation (on original and amended scheme) – No objection subject to a cycle storage condition.
- 4.19. Western Power Distribution (on amended scheme) – No comments have been received.
5. Policy Context

- 5.1. Birmingham Development Plan (BDP); NPPF, Saved Policies of the Birmingham UDP; Places for All SPD; Car Parking Guidelines SPD; Quinton Meadows SINC; Quinton Meadows Hedgeline Archaeological Site; TPO680 – Land adjacent to Quinton Expressway and the M5 Motorway; Quinton Meadows Local Nature Reserve; Bourn Brook – Woodgate Valley Wildlife Corridor.

6. Planning Considerations

Principle

- 6.1. Quinton Meadows Business Park is allocated within the Birmingham Development Plan as a Core Employment Area under Policy TP19. Policy TP19 of the Plan states that *“Core Employment Areas will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities likely to come forward during the plan period. For this purpose, employment use is defined as B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Warehousing and Distribution) and other uses appropriate for industrial areas such as waste management, builders’ merchants and machine/tool hire centres. Applications for uses outside of these categories will not be supported unless an exceptional justification exists.”*
- 6.2. Planning permission is sought for the erection of a building for the purposes of B1 b (research and development) and c (light industrial); B2 (general industrial) and/or B8; (storage and distribution); access; parking; landscaping; associated development infrastructure including surface water attenuation and the relocation of the business park entrance gates. This development represents phase 4 of Quinton Business Park and is the final phase of development.
- 6.3. The other buildings constructed on site as part of the previous three phases have all been constructed under the original outline planning permission granted on appeal, which gave consent for B1 uses. However, detailed planning permission is now sought for a wider range of uses in accordance with the new BDP policy for core employment areas which sees B1b, B1c, B2 and B8 uses as acceptable in principle. The proposed building would be suitable for the range of uses sought within this submission, which are in accordance with policy TP19 of the BDP.
- 6.4. Policy TP7 of the BDP identifies Quinton Meadows as a Local Nature Reserve (LNR) and a Site of Importance for Nature Conservation (SINC) which forms part of the City’s green infrastructure network. Policy TP8 on Biodiversity and Geodiversity states that *“development which directly or indirectly causes harm to local sites of importance for biodiversity and geology (LNRs, SINC and SLINCs), priority habitats and important geological features.....will only be permitted if it has been clearly demonstrated that:*
- *The benefits of the proposal outweigh the need to safeguard the designated site, or important habitat, species or geological feature.*
 - *Damage is minimised and measures can be put in place to mitigate remaining impacts.*
 - *Where damage cannot be avoided or fully mitigated, appropriate compensation is secured.”*
- 6.5. The issue of mitigation and ecological damage from the proposals is discussed later in this report, however, in terms of Policy TP7 and the wider land allocation under Policy TP19, I consider that the economic and employment benefits of the proposed development and the proposed SuDs attenuation pond within the LNR and SINC

provides a greater benefit to the City to outweigh the minimal harm that may occur as a result of the SuDs proposals within the LNR/SINC. As such, I consider the principle of the development to be acceptable and in accordance with policy.

Design

- 6.6. Policy PG3 of the BDP identifies that new development should demonstrate high design quality to contribute to a strong sense of place. New development should reinforce or create local distinctiveness with design that responds to site conditions; create safe environments; provide attractive environments that encourage cycling and walking; take opportunities to make sustainable design integral to development and *“make efficient use of land in support of the overall development strategy.”*
- 6.7. The proposed building would be 106.6m in length and 58.8m in width with a parapet height of 12.15m and ridge height of 13.2m and would have a gross external area (GEA) of 6,348sq.m and a gross internal area (GIA) of 6,145sq.m. The building would be of a traditional industrial nature with a large span with supporting offices to the front at first floor on the northern elevation.
- 6.8. The proposed building materials would include a metal roof construction in Goosewing Grey to minimise visibility with fascias and soffits in Anthracite Grey; a cladding system comprising horizontal and vertical trapezoidal profiled sheeting in Albatross Grey, with contrasting high level panels in Merlin Grey for the walls with infill panels of White Kingspan Microrib. It is proposed that the facing brickwork would match that of the existing office buildings on Quinton Business Park. The proposed curtain wall glazing, windows and entrance doors: would have powder coated dark grey aluminium frames with grey tinted antisun double glazing.
- 6.9. My City Design Advisor has reviewed the application and considers that the proposed building is extremely large in footprint and height, compared to the much more modest scale and massing of the other buildings nearby at Quinton Business Park. There is also a large drop from north to south over the site, leading to significant cut and fill to achieve a consistent level over the floor plate. Concern is also raised regarding the proposed office element and that whilst it has been modelled on the offices nearby, she considers that it does not comfortably tie in with the rest of the building, and appears bolted on. She also considers that the main warehouse element is very basic built up cladding on all elevations and due to the elevated position at the south end, and the height (equivalent 4 storeys) this will be very visible, particularly in the winter months.
- 6.10. I would agree with my design advisor that the building is larger in scale and footprint than the adjacent office buildings as the proposed building is not for use as offices but for B1 (b) and (c), B2 and B8 uses requiring a large, open span, internal footprint. Whilst this is different to that of the rest of the business park, the principle of the proposed uses is acceptable following the adoption of the BDP and the site's allocation as part of a core employment area. I also agree that given the building's location, it would be visible from the M5 Motorway slip road and the Quinton Expressway however, any building in this location, as the current other phases are, would be visible from these roads given site levels and the road level of the motorway being above the site level. As such, I consider this to be acceptable. Whilst my design advisor does not consider the use of brick for the offices to be suitable, this element was negotiated as part of the pre-application advice provided by your planning officers to tie the proposed development in with the local vernacular. As such, whilst the bulky 'warehouse' element would not be in accordance with the other buildings, I do not consider that its scale and design is

such that it would warrant a refusal. I consider that safeguarding conditions relating to materials would allow their submission for approval to ensure that the best possible match can be achieved.

Ecology, Landscaping and Trees

- 6.11. Policy TP7 of the BDP identifies Quinton Meadows as a Local Nature Reserve (LNR) and a Site of Importance for Nature Conservation (SINC) which forms part of the City's green infrastructure network. Policy TP8 on Biodiversity and Geodiversity states that *"development which directly or indirectly causes harm to local sites of importance for biodiversity and geology (LNRs, SINC and SLINCs), priority habitats and important geological features.....will only be permitted if it has been clearly demonstrated that:*
- The benefits of the proposal outweigh the need to safeguard the designated site, or important habitat, species or geological feature.*
 - Damage is minimised and measures can be put in place to mitigate remaining impacts.*
 - Where damage cannot be avoided or fully mitigated, appropriate compensation is secured."*
- 6.12. The proposed development would necessitate the removal of 10 trees comprising 3 Field Maple, 4 Common Alder and 3 Goat Willow all of which have been identified as Category C trees and Category C hedgerow comprising Hazel, Blackthorn, Holly, Hawthorn, Crack Willow, Field Maple and Dog Rose. These are all located to the western boundary of the site adjacent to the existing site access road adjacent to the existing temporary car parking area.
- 6.13. New planting is proposed to the northern boundary where it would interface with the existing estate and would be semi-ornamental to match/maintain continuity. Planting is also proposed to parts of the east/west boundaries and would have a transition into a native mix to complement the adjacent woodland. It is proposed that the re-graded slopes to the sides of the building are seeded with grass/wildflower to increase diversity. The rear slope would also be supplemented with native trees to increase higher level screening above hedge line. New tree planting within the car park areas would comprise Norway Maple, Ornamental Pear and Oak. These would be under-planted with a variety of ground cover shrubs and other shrub planting including Gorse, Holly, Dogwood and Snowy Mespilus.
- 6.14. Part of the proposed development would see the creation of a new surface water attenuation pond within the adjacent Quinton Meadows Local Nature Reserve. I note the objections relating to this proposal from the QMCC. Discussions have taken place between QMCC, the applicants and your officers from Local Services and Ecology. These discussions have resulted in the submission of amended plans, which have still not overcome the concerns of QMCC or Local Services (in respect of ownership and maintenance). The 'performance' issues of the attenuation pond and swales are discussed later in the drainage section of the report.
- 6.15. In terms of Ecology, my Ecologist is supportive of the proposed development but not with the swale/attenuation pond as first proposed due to its location and biodiversity ability. Concerns were also raised regarding the path being pushed nearer to the road and that preferably, the path should be closer to the hedge that is on the St Modwen southern boundary with the swale/ attenuation pond closer to the road. My Ecologist considered the landscaping proposals to be acceptable with a reasonable mix of both native and non-native tree and shrub species that would give additional

benefit to the site over its current level. The hedgerow to the east and just outside of their boundary dates back to medieval times and is offered some protection from development as there is a good distance between the proposed new building and the hedge line. However; there will need to be some tree protection measures in place to ensure that no damage occurs within the RPA of this hedge during initial site set out. My Ecologist also suggested that the grassland between the new build and the boundary to the east south and west could be sown with a hedgerow wildflower mix and managed appropriately to provide additional pollinator resource.

- 6.16. Following the meetings with the LLFA, Ecology and QMCC; the amended plans submitted have altered the design and location of the swale/attenuation pond and path. I note the objections raised by QMCC and the Wildlife Trust in relation to the submitted ecological assessment however; my Ecologist has not raised any issues with or regarding the submitted ecological documentation. As such, I consider the submitted documentation to be acceptable. My Ecologist has no overall objection to the proposal, building and landscaping, within the application site is as previous. The real obstacle previously was around the location and design of the proposed SUDS. This has subsequently been altered and this is welcomed however, no details have been provided as to how the swale would be landscaped and given the loss of some moderately diverse wet grassland, I would expect to see some landscaping details for the naturalisation of the constructed swale either through seeding, plug planting or use of pre planted coir matting or some combination of these three. As such, an ecology safeguarding condition to secure ecological enhancement measures and a landscaping condition are recommended.
- 6.17. My Arboricultural Officer has reviewed the tree survey and TPO680 and raises no objections to the proposed tree removals and development proposals subject to safeguarding conditions relating to an arboricultural method statement and tree pruning. These conditions are recommended below. My Landscape Officer has advised that native planting will be important, particularly along the more prominent southerly boundaries where the building would be located on top of an embankment over 6m high in places. Planting along these boundaries needs to be native (and not ornamental derivatives) and combined with additional native screen planting along the south-eastern boundary. A less rigid pond is also needed that is more 'naturalistic' along with planting proposal for this area.
- 6.18. I note the comments received from Ecology, Trees and Landscape along with those raised by objectors to the proposal including QMCC and the Wildlife Trust and I consider that the issues raised can be overcome by the inclusion of safeguarding conditions relating to ecology enhancement, tree protection, attenuation pond design (covered by a sustainable drainage condition) and landscaping on any approval. When assessed against policy TP7 of the BDP, based on the assessment above, I consider that any damage that may be caused to the LNR/SINC can be adequately minimised and any remaining impacts successfully mitigated. The pond design itself is discussed below in relation to the SuDS proposals and the requirement of the LLFA.

Sustainable Drainage

- 6.19. Policy TP6 of the BDP on Management of Flood Risk and Water Resources identifies that applicants should demonstrate that the disposal of surface water will not exacerbate flooding. In relation to sustainable urban drainage the policy states that *“all SuDS must protect and enhance water quality by reducing the risk of diffuse pollution by means of treating at source and including multiple treatment trains where feasible. All SuDS schemes should be designed in accordance with the*

relevant national standards and there must be long-term operation maintenance arrangements in place for the lifetime of the development.”

- 6.20. A Flood Risk Assessment and Drainage Strategy is submitted with the application and the LLFA originally objected to the application. The LLFA noted that the proposed development boundary contains identified surface water flow paths and as such, evidence that these flow paths have been accommodated by the proposed development is required. Furthermore, given that the proposed pond is located in close proximity to the Bourn Brook, an appropriate assessment is required to demonstrate that the pond remains operational from a surface water perspective, and is not inundated by fluvial flooding in events up to the 1 in 100yr event.
- 6.21. The LLFA also raised the following comments:
- The proposed freeboard of 0.2m should be increased to a minimum of 0.3m.
 - Evidence that the proposed cumulative maximum peak discharge rate of 91l/s is acceptable to the Environment Agency, and does not exacerbate existing flood risk associated with the Bourn Brook.
 - Typical cross-sections and details of proposed SuDS features are required. These should include the proposed pond and associated inlets, outlets and connection to existing swale, proposed permeable paving within the car park and the proposed flow control and outfall into the Bourn Brook.
 - Network calculations, with supporting network layout plan, to demonstrate the proposed network performance (for all events up to and including the 100yr plus climate change event) are required. Evidence of this should include details of design criteria, water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results. Network performance should be evaluated for storm durations of 15, 30, 60, 120, 240, 360, 480, 960 & 1,440 minutes.
 - Confirmation of proposed FFL is required. This is stated to be 185.5m on the Drainage Layout, but 186.1m on the Foul Sewer Diversion.
 - Consideration should be given to exceedance flows (greater than 1 in 100 year plus climate change rainfall events). Evidence (layout/flow plans, calculations and/or simulation results) should be provided, with all applications, to ensure that the surface water flood risk associated with exceedance events has been mitigated on- and off-site as far as reasonably practicable.
 - Consideration should be given to the O&M of all proposed surface water features, which should include:
 - Details of party responsible for the maintenance of each feature to be provided
 - Site-specific specifications for inspection and maintenance actions
 - A plan showing that the proposed access routes for routine O&M
 - Finally, it should be noted that associated permits and consents may be required prior to the construction of the proposed outfall to the Bourn Brook.
- 6.22. The original planning approval for the development of Quinton Meadows included three ponds as part of a SUDS drainage solution which attenuated flow before discharging to the Bourn Brook. The development phasing triggered when the ponds were needed relative to impermeable site area, and to date two of the three ponds have been constructed. The final pond construction is triggered by this application for Phase 4. The attenuation pond is proposed to be located within the adjacent Quinton Meadows Local Nature Reserve. The LLFA have agreed a discharge outflow from the pond at 6.3Lts/sec when combined with the agreed discharge from

the other ponds results in a total discharge rate of 91lts/sec to the Bourn Brook. An area of porous paving has been provided at the low point of the car park. No allowance has been made for any permeability infiltration in to the ground, which would obviously reduce off-site discharge further. The service yard is designed to drain via a channel connected to a petrol interceptor in advance of discharge. An existing foul water sewer crosses the application site and will need to be diverted in agreement with Severn Trent Water.

- 6.23. Extensive discussions have taken place with the LLFA and the EA regarding flood risk and sustainable drainage and further modelling work has been undertaken. These discussions have resulted in amended plans that have altered the location of the proposed attenuation pond and swale and provided the majority of answers to the issues raised by the LLFA in their original consultation response. The pond and swale are proposed at a depth that is acceptable to the LLFA to account for the agreed discharge rate and any flooding that may occur. I note the concerns of the QMCC regarding the pond and its ability to provide for an ecological habitat and that to do this, the pond has to retain a basic water level. The LLFA have identified that the attenuation pond could, through detailed design work (which will be required as a result of safeguarding conditions), be designed to hold a certain level of water as a pond habitat. However, my Ecologist does not consider that this is a specific requirement for the attenuation pond and as such, could not be considered as a reason for refusal. My Ecologist identifies that even holding a minimum amount of water during certain periods of the year would have an ecological benefit, noting that during the dry summer months, the attenuation pond would be dry. On this basis, my Ecologist does not consider it necessary that the attenuation pond is created as a permanent pond. I concur with this view, noting the comments and request from QMCC.
- 6.24. The EA, Severn Trent Water and the LLFA have all raised no objections to the amended plans submitted. I note the original objections relating to the footpath/access track and the amended plans have moved the attenuation pond location and would no longer affect the footpath/access track. National Grid has subsequently raised no objections.
- 6.25. I note the concerns regarding operation and maintenance from my Ecologist, the LLFA and Local Services along with QMCC. My Ecologist considers that the submitted operation and maintenance plan is fairly basic but does cover the main requirements for maintenance of the SUDS whilst the LLFA recommends a safeguarding condition relating to submission of a operation and maintenance plan and preventing occupation of the building until this is submitted and agreed with Planning, Local Services and the LLFA. I consider that this would be an acceptable way forward. This plan would then also cover the requirement for a commuted sum (to be agreed between relevant parties) in order for the City to take on the ongoing management of the pond and swale once constructed. I do not consider that a legal agreement is the correct way of securing the commuted sum as the commuted sum is not a necessary requirement in order to achieve planning permission for the development. As such, I consider that a legal agreement to achieve a commuted sum would fail the tests set out by the Section 106 and CIL Regulations and that a Grampian style condition preventing occupation would be the correct process.

Transport Issues

- 6.26. A transport assessment and draft travel plan have been submitted as part of the application. The application site is currently in use as a temporary car park to accommodate the number of vehicles that the existing phases of development

generate based on B1a office use. As the application is for B1b/c, B2 and/or B8, the requirement for parking provision as a result of this application is below that required for a B1a use. Two entrances are proposed into the site from the main spine road access (Ridgeway). One access point would provide an entrance to the 68 space car park including 5 spaces for people with mobility difficulties whilst the second access point would be for delivery vehicles and would access the service yard and 5 loading docks located on the west elevation of the building.

- 6.27. The existing business park, whilst being well located for access by car/freight, is not as well located for pedestrian/public transport access. The transport assessment identifies that the business park has a single pedestrian footway, approximately 1.5m in width provided along the northern edge of the Ridgeway carriageway within the Quinton Business Park with a pedestrian footway/cycleway, approximately 1.5m in width running alongside the Quinton Expressway to the north connecting onto Jackson Way. Similarly, a footway/cycleway adjacent to the northern site boundary connects to Bournebrook Crescent via an underpass under the M5. The assessment also notes that the closest bus stops to the site are located on Quinton Road West and Stoney Lane, approximately 1.3km and 1.5km to the north and east respectively.
- 6.28. The proposed 68 car parking spaces comply with the requirement of one space per 60sq.m of floor space for proposed B1(b) and B1(c) B2/B8 uses identified in the adopted Car Parking Guidelines SPD. Trip generation figures have established that the worst case scenario would be for a B8 use and as such, this rate has been applied across the whole site. This identifies a total of 70 trips in the AM peak and 86 trips in the PM peak. In relation to the development's impact on the adjacent M5 motorway, the figures identify a maximum of 28 vehicles in the AM and 22 in the PM peak. The assessment then reviews trip generation and forecasts to 2021 base and 2021 base plus development. On all scenarios, the junctions operate within capacity. Transportation does not consider this level of additional movements on the network to be significant.
- 6.29. Neither Highways England nor Transportation has raised objections to the proposal. Transportation identify that parking provision could be up to 102 spaces based on the stated 6150sqm and 1 space per 60sq.m. Cycle standards, which are a minimum, state 1 per 400sq.m and as such, at least 15 secure & sheltered spaces should be secured by condition.
- 6.30. Transportation also notes that the applicant has been working with the Smarter Choices team to produce a Travel Plan, in relation to this specific development but with a wider site view; with the aim of reducing the number of single occupancy car journeys to/from the site. This includes an agreed Action Plan of measures & initiatives. It is hoped with the provision of secure & sheltered cycle storage in line with BCC minimum standards; this alternative mode of travel will be encouraged.
- 6.31. The proposed development also includes the relocation of the business park access gates. Transportation raises no objection to their relocation and I concur with their view.
- 6.32. Based on the above, I consider that the proposed development is acceptable in highway impact terms and car parking provision. Whilst I note that the development would remove an unauthorised temporary car park, the existing users on site will need to address their own car parking requirements/issues following the loss of the temporary car park.

Other Issues

- 6.33. I note the objections received from QMCC and other parties relating to site notice locations; time in which to respond to the consultation; lack of neighbour consultation and lack of notification to QMCC; maintenance of attenuation pond and ongoing maintenance issues and consultation with the National Grid and I will address each in turn.
- 6.34. The site notices were posted near the Business Park entrance gates and at the adjacent pedestrian pelican crossing where pedestrians can cross the Quinton Expressway. The Quinton Expressway has limited footpaths and the notices were posted as close to the site as possible where they would still be visible to the public. In relation to notification periods, all parties notified were given the 21 day statutory time frame in which to respond. QMCC has responded on more than one occasion and has provided detailed comments to the submission and were notified again on receipt of amended plans. As such, I consider their objection on this ground to be ill-founded. The geographical extent of neighbour notifications were undertaken in accordance with the City's published Statement of Community Involvement. On major planning applications this is a 50m consultation zone. As the nearest residential occupiers are located further than the 50m, they were not consulted. On this basis, I consider that the notifications/consultations have been undertaken in accordance with the City's published policy. With regards to notification to QMCC themselves, following changes to the Planning Department's internal consultation database a number of years ago, all interested parties and statutory consultees were notified and advised that they needed to re-register their interest. It would appear that QMCC either did not receive this letter or failed to respond and were subsequently removed from the consultation database. This has subsequently been rectified and QMCC has been re-entered. Consultation with the National Grid has been undertaken and they raise no objections to the proposal.
- 6.35. Both Local Services and QMCC raise issues regarding ongoing maintenance of the existing ponds and swales on the wider business park site and securing maintenance of the proposed attenuation pond. The ongoing maintenance issues are not for consideration as part of this application and I have already confirmed within this report that maintenance of the new attenuation pond is appropriately secured by a Grampian condition preventing occupation until an agreement is in place.
- 6.36. I note other concerns raised by QMCC and confirm that whilst the issues raised are material planning considerations, they are not of significance to attach considerable weight to and outweigh the benefits of the proposal and alter the proposed recommendation. The works to be undertaken for the SuDs attenuation pond are on land owned by Birmingham City Council, and as such, licences from relevant departments would be required and these would control the development on BCC land.
- 6.37. I note the concerns raised by West Midlands Police and their recommendations have been forwarded to the applicant as it would not be appropriate for the Local Planning Authority to condition or insist on the development being undertaken in accordance with Secure by Design principles. A lighting scheme has been submitted as part of the application and I recommend CCTV be secured by a safeguarding condition below.

6.38. My conservation officer has reviewed the submission in relation to archaeology and the medieval hedgerow and raises no objections to the proposal. I concur with this view.

6.39. With regards to CIL, the proposed development does not attract a CIL contribution.

7. Conclusion

7.1. Outline planning permission was previously granted for development of this site for B1a purposes. Following adoption of the BDP, the site is now allocated as a Core Employment Area which has widened the appropriate use classes for the site to include those now sought permission for. As such, the principle of development is accepted. Part of the proposal sits within an allocated LNR but, the proposed economic and employment development benefits are considered to outweigh any harm that the proposal may generate and in any event, I consider that any harm can be adequately minimised and mitigated. As such, I consider that the development would continue to meet policy objectives and criteria set out in the Birmingham Development Plan and the NPPF. The scheme is considered acceptable in design, access and parking, drainage and landscaping, trees and ecology. It continues to represent a significant economic investment and will further the regeneration objectives for this area of the City.

7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would provide significant economic and social benefits, would provide further local employment and does not have an environmental impact that could be regarded as significant, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

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

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a sustainable drainage scheme |
| 3 | Requires the submission prior to occupation of a Sustainable Drainage Operation and Maintenance Plan |
| 4 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 5 | Limits the noise levels for Plant and Machinery |
| 6 | Requires the prior submission of hard and/or soft landscape details |
| 7 | Requires the prior submission of hard surfacing materials |
| 8 | Requires the prior submission of a landscape management plan |
| 9 | Requires the prior submission of sample materials |
| 10 | Requires the prior submission of a CCTV scheme |
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- 11 Requires the prior submission of sub-station details
 - 12 Requires the prior submission of cycle storage details
 - 13 Arboricultural Method Statement - Submission Required
 - 14 Requires the implementation of tree protection
 - 15 Requires tree pruning protection
 - 16 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: View of application site – looking South



Photograph 2: View of existing phase 3 buildings looking North.

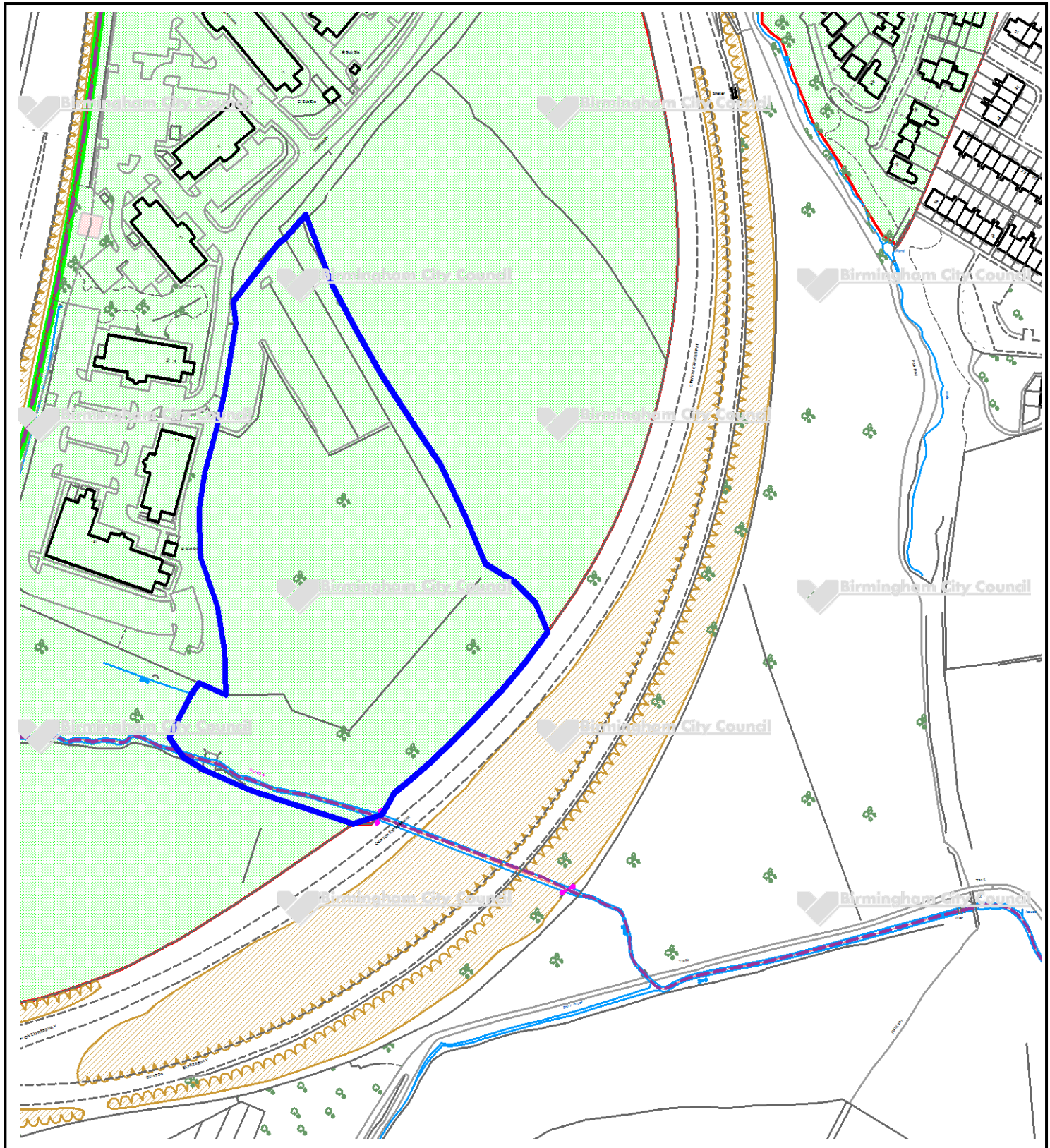


Photograph 3: View of application site looking South – not in use as temporary car park.



Photograph 4: View looking North east along the Ridgeway towards site entrance and existing gate location.

Location Plan



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Committee Date:	21/12/2017	Application Number:	2017/09295/PA
Accepted:	30/10/2017	Application Type:	Householder
Target Date:	25/12/2017		
Ward:	Hall Green		

28 Newborough Grove, Hall Green, Birmingham, B28 0UX

Erection of single storey rear extension and alterations to porch at front

Applicant: Mr & Mrs M & L Russell
28 Newborough Grove, Hall Green, Birmingham, B28 0UX
Agent: Russell Hobbis Architects
114 Church Road, Moseley, Birmingham, B13 9AA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning consent is sought for the erection of a single storey rear extension and alterations to porch at 28 Newborough Grove, Hall Green.
- 1.2. The proposed single storey rear extension will provide additional living space for a new dining area whilst also extending the existing kitchen area. The proposal also includes enclosure of the front porch.
- 1.3. The applicant is an employee of Birmingham City Council – Planning and Regeneration Division.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application property is a two storey semi-detached dwelling with hipped roof design and two storey bay window feature on the front elevation and rear elevation. There is a driveway to the front of the property.
- 2.2. To the rear, there is a small paved area with steps that lead down to grassed garden space. The rear garden is bound by 1.8m high wooden panel fencing.
- 2.3. Neighbouring property No. 30 Newborough Drive is a two storey semi-detached dwelling with hipped roof design and double bay window column feature. This is the adjoining dwelling to the application property and has a significant single storey rear extension.

- 2.4. The street scene is characterised by properties similar to the application site, many of which have previously been extended. The surrounding area is largely residential.

[Site Location Map](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Adjoining residents, and local ward councillors notified. No responses received.

5. Policy Context

5.1. Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG 2001
- Extending Your Home SPD 2007
- 45 Degree Code

5.2. National Planning Policy:

- National Planning Policy Framework (NPPF) 2012

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies as set out above and the principal matters for consideration are the scale, design and siting of the proposed extensions and the impact upon the architectural appearance of the property, the general street scene and neighbour amenity.

- 6.2. The proposed development complies with the 45 Degree Code and the minimum distance separation guidelines as outlined within 'Places for Living' SPG and 'Extending Your Home' SPD. The proposal would not result in overlooking or loss of privacy to the adjacent properties. As such it is considered that the proposed development would have no detrimental impact on neighbours light, outlook or amenity.

- 6.3. The scale, mass and design of the proposed development are acceptable. The proposed development would not detract from the architectural appearance of the property and would be in accordance with the principles contained within 'Extending Your Home' Design Guide. The proposed alterations to front porch would have no significant impact on the character of the existing dwelling.

- 6.4. The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. Subject to conditions, this application is recommended for approval as the proposal complies with the objectives of the policies as set out above.

8. Recommendation

8.1. Approve subject to relevant conditions:

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

Case Officer: Laura Reid

Photo(s)



Figure 1 - Front of No. 28 Newborough Grove



Figure 2 – Rear of No. 28 Newborough Grove

Location Plan



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Birmingham City Council
Planning Committee 21 December 2017

Appeal Decisions Received from the Planning Inspectorate in November 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	20 Ladywood Road, Sutton Coldfield	Erection of detached forward triple garage. 2017/06029/PA	Dismissed	Delegated	Written Representations
Advertisement	Land at 43-45 Small Heath Highway	Display of no. 1 internally illuminated hoarding sign. (Condition 1(8) requiring a scheme for the control of the intensity of the luminance of the digital advertisement). 2017/02840/PA	Allowed (see note 1 attached)	Delegated	Written Representations
A3 / A5	1 West Heath Road, Northfield	Change of use from Use Class A1 (shops) to Use Class A5 (hot food takeaway) and the installation of extraction flue to the rear. 2016/10037/PA	Dismissed	Delegated	Written Representations
A3 / A5	254 Ladypool Road, Sparkbrook	Change of use from retail shop (Use Class A1) to restaurant (Use Class A3) and installation of extraction flue. 2017/03509/PA	Allowed (see note 2 attached)	Delegated	Written Representations
Residential	Regent House, 50 Frederick Street, Jewellery Quarter	Prior Approval for change of use of upper floors from offices (Use Class B1[a]) to 11 no. residential units (Use Class C3). 2017/02536/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Residential	53 Conchar Road, Land to the rear of, Sutton Coldfield	Erection of bungalow. 2016/07899/PA	Dismissed	Delegated	Written Representations
Residential	132 Hamstead Hall Road, Land to the rear of, Handsworth	Erection of two dwellinghouses with associated access and parking. 2016/09559/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council
Planning Committee 21 December 2017**

**Appeal Decisions Received from the Planning Inspectorate in November
2017**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Residential	132 Hamstead Hall Road, Land to the rear of, Handsworth	Erection of one dwelling house with associated parking and landscaping. 2017/02572/PA	Dismissed	Delegated	Written Representations
Other	2J Reddings Lane, Tyseley	Change of use from residential dwelling to 8 bed HMO (house in multiple occupation). 2017/01571/PA	Dismissed	Delegated	Written Representations
Other	82 Stechford Lane, Hodge Hill	Continued use of part of the ground floor as Solicitors Practice (Use Class A2) and retention of shop front. 2016/00647/PA	Allowed (see note 4 attached)	Committee	Hearing

Total - 10 Decisions: 6 Dismissed (60%), 4 Allowed

Cumulative total from 1 April 2017 - 92 Decisions: 74 Dismissed (80%), 16 Allowed, 2 Part Allowed

Notes relating to appeal decisions received in November 2017

Note 1: (Land at 43-45 Small Heath Highway)

Condition 1(8) imposed in order to safeguard the visual amenity of the area and ensure that the advertisement will not cause distraction to drivers using the adjacent highway.

Appeal allowed because the Inspector was satisfied that highway safety and visual amenity would be adequately controlled and mitigated by condition 1(7) and consequently condition 1(8) is neither necessary nor reasonable.

Note 2: (254 Ladypool Road)

Application refused because the proposal would conflict with Policy 1 of the Shopping and Local Centres Supplementary Planning Guidance (2012) in that it would be below the 50% threshold for retained A1 retail uses within this defined parade of commercial development between Brunswick Road and Chesterton Road, in the Primary Shopping Area of Ladypool Road Local Centre. This would further reduce the availability of A1 retail uses and would lead to a concentration of non-retail uses which would adversely affect the vitality and viability of the frontage of which it forms part of.

Appeal allowed because the Inspector was satisfied that the proposed change of use would not lead to an unacceptable concentration or dominance of non-retail uses in the locality, and the vitality and viability of the Ladypool Road Local/Neighbourhood Centre would not be materially harmed. The Centre would retain its predominantly retail function and the proportion of retail uses overall would still exceed 50%.

Note 3: (50 Frederick Street)

Application refused because there would be noise and disturbance caused by the operation of the existing commercial uses, particularly The Button Factory, Ana Rocha Bar and Gallery and the ground floor of the building known as Fredericks Bar with its associated outdoor seating area, their late night opening hours and the comings and goings to these premises at unsociable hours. Should the application be approved the proposed residential use would require a reliance on sealed closed windows to all habitable rooms and mechanical ventilation. Such a reliance on these measures to mitigate against the existing noise sources would create a poor quality living environment.

Appeal allowed because the Inspector considered that the information submitted with the appeal demonstrates that mitigation measures could be put in place to ensure that the internal noise environment is made acceptable for future occupants and that adequate mechanical ventilation could be provided. Accordingly, the impact of noise from commercial premises on the intended occupiers of the development would be acceptable.

Note 4: (82 Stechford Lane)

Application refused because:

- 1) The design and materials of the installed commercial frontage do not reflect the existing character of the building and surrounding buildings within the vicinity of the site, creating a negative visual feature within the street scene.
- 2) The applicant has not demonstrated a comprehensive sequential approach to site selection, as no justification has been submitted as to why the use could not be located within sequentially preferable sites within the Fox and Goose District Centre.
- 3) The proposed development has led to an encroachment of a commercial use into the residential domain, undermining the character and appearance of the existing residential area.
- 4) The development has resulted in the loss of a solely family dwelling in an area where there is high demand and short supply for large family dwelling houses. Furthermore, there have been no justifications submitted to the partial loss of this residential use.
- 5) The proposed use would have an adverse impact on the amenity of occupiers of dwellings/premises within the immediate vicinity of the site by reasons of noise and disturbance.

Appeal allowed because the Inspector concluded that:

- 1) Despite being sited on a forward projecting element, both close up and distant views of the two full height glazed sliding doors are visually associated with and broadly in line with adjoining commercial shop fronts. In this respect, the frontage is a discrete entity within the surrounding street scene.
- 2) The sequential test is proportionate to the proposal and is sufficient in demonstrating that there are currently no available sites that could suitably accommodate the proposal within the district centre. Therefore, the proposal does not have a harmful effect on the vitality and viability of the Fox and Goose District Centre.
- 3) The detached form of the appeal property and its proximity to adjoining commercial properties visually distinguishes it from surrounding semi-detached dwellings and has not led to an unacceptable effect on the local character of the area.
- 4) The appeal property has retained four bedrooms and access to the rear garden area. Consequently, despite the loss of floor space, the appeal site still contains a separate and large four bedroom family dwelling and in this respect the proposal has not resulted in loss of housing stock.
- 5) A condition to control opening hours would ensure that comings and goings are not at anti-social hours and the activity associated with the proposal would not result in a harmful level of noise and disturbance for neighbouring occupants.

BIRMINGHAM CITY COUNCIL

REPORT OF THE CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE 21 December 2017

WARD: LADYWOOD

**The Birmingham (land between the Bowling Green and 66 Wood Lane,
Handsworth)
Tree Preservation Order 2017**

1. Subject And Brief Summary Of The Proposals

Consideration of the Tree Preservation Order at the above location in respect of which one objection has been received.

2. Recommendation

That the Birmingham (land between the Bowling Green and 66 Wood Lane, Handsworth) Tree Preservation Order 2017 be confirmed without modification.

3. Contact Officer

Julie Sadler – Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 4172

Email: julie.sadler@birmingham.gov.uk

4. Background

4.1 The order protects an area of mixed species trees identified as A1 on the order.

4.2 The trees are located on a central linear strip between access and egress to the Bowling Club and Lea Hall Allotments.

4.3 Pre-application advice was sought in respect of redevelopment of part of the allotment land for housing (2017/02327/PA). The site is already caught by TPO 1433 which applies to the land to the east of this currently in use as a bowling green, and TPO 1546 which applies to a group of trees to the rear of the existing Lea Hall.

The trees to which this order applies are in a linear group running north from Wood Lane along the approach to the hall which is a grade II listed building and it may be that the prominent trees in this area are contemporary to the building.

4.4 The TEMPO assessment is as a landscape feature as the trees have not been closely inspected as yet.

TEMPO value 19 = TPO definitely merits TPO

When considering any tree, group, woodland or area of trees for legal protection through a tree preservation order (TPO) the Council has for many years used the systematic evaluation system devised specifically for the purpose. This system is known as Tree Evaluation Method for Preservation Orders or TEMPO, it is used by many local authorities across the country. (<http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>) The system is based on a numerical score. Part 1 deals with the amenity assessment. It makes no attempt to qualify 'amenity' but in general the definition is the contribution the trees make to the landscape, their potential remaining life span and their condition. It is not a requirement of the Town and Country Planning Act 1990 for the Local Planning Authority (LPA) to carry out a condition inspection of the trees to ascertain this. Part 2 addresses expediency. The system gives a score on three levels based on threat to the trees i.e. immediate, foreseeable or perceived but where none of these apply there is a score for precautionary only. The highest immediate threat scoring 5, the precautionary assessment scoring 1. Part 3 is the decision. Scores totalling up to 11 would not merit TPO. Scores of 12+ indicate that TPO is defensible and appropriate.

5. Objections to the TPO

- 5.1 The objection to the order received from Lambert Smith Hampton agents on behalf of the owners of the property can be summarised as follows:

5.1.1 The use of the Area type of order is judged to be inappropriate as there are trees within that area that would not meet the criteria for TPO

5.1.2 It would be more appropriate to protect individual trees.

6. Response to the Objections

- 6.1 The use of the Area designation is used when it is not possible to assess the individual trees either because of access, time or urgency for the order. It is recommended by the legislation that it is used as a temporary measure until a survey has identified individuals or groups enabling the order to be varied or revoked. It may well be that there are a number of trees that would not meet the criteria for TPO as individuals and it is expected that a review will vary the order.

Since the order was served a full tree survey has been received from the pre-applicants' agent which will help to identify individual worthy trees.

A full planning application for development of the land has now been received reference 2017/08883/pa.

It should be noted that the presence of a TPO does not imply that any development that would affect protected trees is out of the question. Rather an order is served to ensure that valuable landscape trees are given due

consideration, protection and management (including mitigation) through the planning and development process and beyond.

7. Financial Implications

None

8. Implications for policy priorities

8.1 Strategic Themes

Birmingham Development Plan TP7.

8.2 Implications for equalities

None

9. BACKGROUND PAPERS

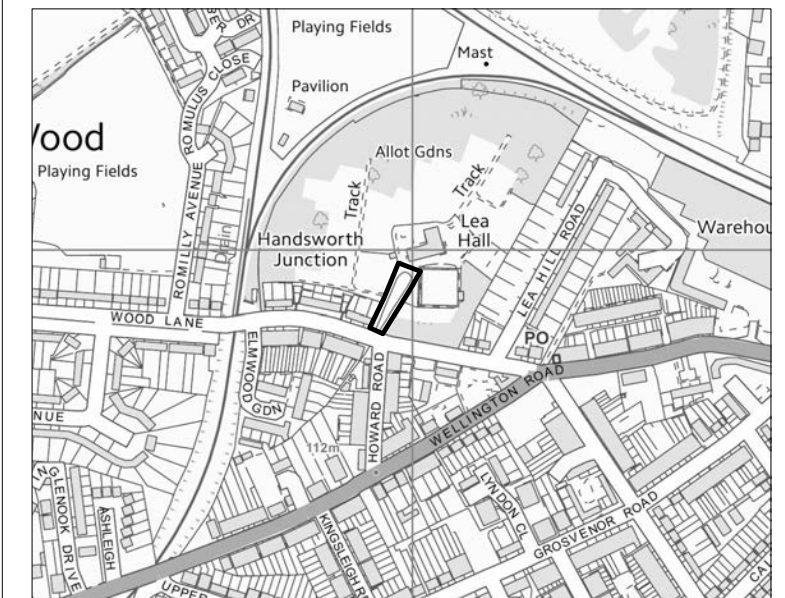
9.1 Letter from Lambert Smith Hampton

9.2 Copy of TEMPO for the Order



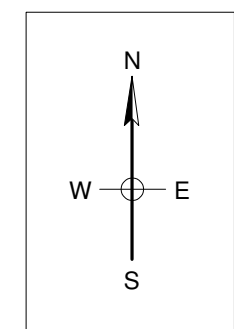
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Corporate Director, Economy

THE BIRMINGHAM (LAND BETWEEN THE BOWLING GREEN AND 66 WOOD LANE, HANDSWORTH) TREE PRESERVATION ORDER 2017



LOCATION PLAN

SCALE 1:2500



Planning & Regeneration
PO Box 28
Birmingham, B1 1TU.
Tel: 0121 464 1930

Drawing No. TPO 1579

