

Birmingham City Council

Planning Committee

21 July 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2016/03558/PA 23 - 25 Baldwins Lane Hall Green Birmingham B28 0PT Demolition of Nos. 23 and 25 Baldwins Lane and erection of two apartment blocks to provide 13 residential units with associated parking, landscaping and access
Approve - Conditions	9	2016/04325/PA Sir Herbert Austin Way and Vineyard Road (land at junction of) Northfield Birmingham B31 Erection of coffee shop with drive through facility (Use Classes A1/A3) with associated parking and landscaping.
Approve - Conditions	10	2016/03861/PA University Of Birmingham Munrow Sports Centre Edgbaston Birmingham B15 2TT Retention of 115 car parking spaces and the creation of a further 15 car parking spaces (totalling 130 car parking spaces)

Approve - Conditions	11	<p>2016/01260/PA</p> <p>University of Birmingham 47 and 53 Edgbaston Park Road Edgbaston Birmingham B15 2RS</p> <p>Proposed new 172 bed Hotel and Conference Centre (9,244sqm GEA), Proposed extension (490sqm GEA) and demolition of two extensions to Hornton Grange. Demolition of existing hotel blocks 400 and 500. Proposed new energy centre (464sqm GEA) and associated flue to rear of Gisbert Kapp.</p>
Approve - Conditions	12	<p>2016/01280/PA</p> <p>University of Birmingham 47 Edgbaston Park Road Edgbaston Birmingham B15 2RS</p> <p>Listed Building Consent for various works to a Grade II* Listed Building including external repairs and internal changes including removal of non-original fabric</p>
Determine	13	<p>2016/01219/PA</p> <p>Hall Green Stadium York Road Hall Green Birmingham B28 8LQ</p> <p>Outline planning application for the demolition of Hall Green Stadium and residential development of up to 210 dwellings with all matters reserved except access.</p>
Approve - Conditions	14	<p>2016/04383/PA</p> <p>126-138 Dawlish Road Land to the rear Selly Oak Birmingham B29 7AR</p> <p>Demolition of existing buildings and erection of six residential dwellings with associated car parking and landscaping</p>

Committee Date:	21/07/2016	Application Number:	2016/03558/PA
Accepted:	28/04/2016	Application Type:	Full Planning
Target Date:	28/07/2016		
Ward:	Hall Green		

23 - 25 Baldwins Lane, Hall Green, Birmingham, B28 0PT

Demolition of Nos. 23 and 25 Baldwins Lane and erection of two apartment blocks to provide 13 residential units with associated parking, landscaping and access

Applicant:	Romford Land Ltd c/o Agent
Agent:	The Tyler-Parkes Partnership Ltd 66 Stratford Road, Shirley, Solihull, West Midlands, B90 3LP

Recommendation

Approve Subject To Conditions

1. **Proposal**

- 1.1. The proposal is for the demolition of Nos. 23 and 25 Baldwins Lane and their replacement with two apartment blocks accommodating a total of 13 apartments, associated parking and landscaping, and a new vehicular access off Baldwins Lane. The proposed apartment blocks would accommodate twelve 2-bed apartments and one 1-bed apartment.
- 1.2. The proposed front block, which would be three storeys in height, would measure a maximum of 18.7m in length, a maximum of 18.2m in width, 8.6m in height to the flat roof and 9.6m in height to the butterfly roof. The rear element of the block, which would not have a butterfly roof, would measure 8.3m in height to its flat roof. The proposed front block would be sited a minimum of 10m back from Baldwins Lane.
- 1.3. The proposed rear block, which would be two storeys in height and flat roofed, would measure a maximum of 18.1m in length, 11.2m in width and 5.9m in height. It would be sited a minimum of 18m distance from the front block.
- 1.4. The predominant external facing material of the proposed blocks would be white render, with vertical timber boarding above and below windows. Roofs would comprise of profiled metal, with the front block incorporating two low angled butterfly roofs with vertical timber boarding fascias. Windows and doors would be constructed of powder coated aluminium. External treatment of the entrance hall elements of each block would comprise of glazed curtain walling. External balconies, with glass balustrading, would be incorporated on the front elevations of each block.
- 1.5. Each proposed apartment would accommodate a living room/kitchen area, a double bedroom with en-suite, a second double bedroom (with the exception of one of the apartments), a bathroom, a lobby, and a storage cupboard. Ten of the apartments

would have a small external balcony. Both apartment blocks would accommodate a communal entrance hall, through which access to each flat would be provided. I have calculated that there would be approximately 367sqm of communal amenity space located to the rear of the rear block, and 46sqm of communal amenity space located to the rear of the front block. There would also be four rear patio areas (each approximately 11sqm in size) allocated to four respective ground floor flats.

- 1.6. Fifteen car parking spaces are proposed on the site, one space for each apartment and two spaces for visitor parking. This would equate to 115% on-site car parking provision. Four spaces would be located on the site frontage and eleven located between the apartment blocks. A cycle store, to be integrated on the rear elevation of the front block, would accommodate 14 cycles. A bin store would also be integrated to the rear of the front block.
- 1.7. Six individual trees (T1, T2, T3, T4, T13 and T18) and six groups of trees (G7, G9, G17, G19, G20 and G21) are proposed to be removed as a result of the proposed development. These are either Category C or Category U trees. Three individual Category B trees (T12, T14 and T16) and three groups of Category B and Category C trees (G9, G11 and G15) located on the rear part of the application site would be retained. Four new trees would be planted on the site and new landscaping throughout including new hedge/shrub planting.
- 1.8. A Design and Access Statement; Planning Statement; Ecological Appraisal and Bat Survey; Arboricultural Impact Assessment; Flood Risk Assessment and Sustainable Drainage Assessment; and Transport Statement, have been submitted in support of the application.
- 1.9. The application site is 0.18ha in size. The density of development on the site would be 72 dwellings per hectare.
- 1.10. The proposed development does not attract a CIL contribution.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently occupied by Nos. 23 and 25 Baldwins Lane - a pair of substantial, 2.5 storey, semi-detached buildings which were originally built as dwellinghouses but last occupied by Baldwins Lane Veterinary Surgery with the upper floors forming three privately let flats. The veterinary business has subsequently relocated and the buildings have remained vacant and in a state of disrepair since. The rear garden contains several trees, and there are also some positioned on neighbouring land but close to site boundaries. The site is generally level. Tree Preservation Order (TPO) 1197 covers the application site and extends beyond to the south up to No. 31 Baldwins Lane. Tree Preservation Order 1 covers the adjoining Stanley Close site.
- 2.2. The site is located within a residential part of Hall Green, very close to just outside the Robin Hood Hall Green Neighbourhood Centre. Immediately adjoining the site to the north is Stanley Close, a cul-de-sac that provides access to a private parking/garage court serving 14 flats, within two blocks of three storey to the front and two storey to the rear. The parking court and garage is centrally located dividing the two buildings. The access drive extends parallel to the application site. Immediately adjoining the site to the south is No. 27 Baldwins Lane, a single family

dwellinghouse. Immediately adjoining to the west are the rear gardens of properties fronting Primrose Lane. Opposite the site to the east, on the other side of Baldwins Lane, are two storey dwellinghouses.

2.3. [Site Location Map](#)

3. [Planning History](#)

Application Site

3.1. 29th November 1973 – 20729002 – Veterinary Surgery – Approved

3.2. 4th April 2016 - 2016/00101/PA - Demolition of No's 23 & 25 Baldwins Lane and erection of two apartment blocks to provide a total of 14 no. apartments, with associated parking, landscaping and access – Withdrawn by Applicant

Application Site Plus Adjoining Site (Nos. 23-31 Baldwins Lane)

3.3. 22nd August 2007 - 2007/03303/PA - Demolition of existing buildings and redevelopment of 3 storey building to provide 48 No. apartments, associated communal facilities, car parking and landscaped amenity areas for use by frail elderly people – Refused (on grounds of size of the footprint of the proposed building, its design, scale and mass and the resultant loss of mature rear garden space, and inadequate public open space contribution) - Appeal Dismissed 27th February 2008.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – No objection – Subject to conditions requiring heavy duty footway crossing to be constructed, pedestrian visibility splay of 3.3m x 3.3m x 600mm high to be incorporated into the access, and secure and sheltered cycle storage to be installed in line with the Council's minimum standards.

4.2. Regulatory Services – No objection – Subject to conditions requiring a scheme of noise insulation to windows/doors fronting Baldwins Lane, and electric vehicle charging points.

4.3. Lead Local Flood Authority (LLFA) – No objection – Subject to condition requiring submission of revised Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.

4.4. West Midlands Fire Service – No objection

4.5. West Midlands Police – No objection

4.6. Severn Trent Water – No objection – Subject to condition requiring submission of drainage details.

4.7. Education – No response received

4.8. Birmingham Public Health – No response received

4.9. Local residents, Ward Councillors, Residents Associations and M.P. notified. Advertised by press and site notice. Nine letters of objection, one letter of general comment, and three letters of support received from local residents; one petition of objection received from local residents with 68 signatures; and one letter of objection received from Councillor Bowles.

4.10. The following concerns were raised by local residents, as summarised:

- Both blocks should be 'standard oblong' shape
- Both blocks should be moved forward and reduced in height
- The rear block would result in loss of light
- Suggest a boundary fence of 3m in height to hide rear block
- Residential care home for elderly would be more favourable on site
- The site is not large enough to accommodate the development – over-intensive use of site. Developer is trying to squeeze as many flats as possible on the site
- Devaluation of properties
- Overlooking and loss of privacy
- Negative impact on road safety and would increase the amount of traffic on an already busy road/pinch point
- Adverse effects on the water table from increased hardstanding and loss of trees in already easily flooded gardens on Primrose Lane
- Number of car parking spaces proposed insufficient
- Bat roost within trees at rear of site
- Proposed buildings would be a severe eyesore and extremely unsightly in an area that is full of greenery and is pleasant to view. Apartment blocks would not be in keeping with aesthetics of other houses in immediate area
- Rear block would tower over gardens in Primrose Lane and reduce/block light
- Overlooking and loss of privacy to gardens in Primrose Lane
- Negative impact on natural surroundings and wildlife – no assessment to establish if there are habitats that should be protected
- Limited amount of parking – motorists and residents in the area already have difficulties with the limited availability of parking spaces
- No backland development – there should not be a rear block
- Demand on schools and health care provision would be adversely affected as a result.

4.11. Councillor Bowles – Objects – On grounds referred to in the submitted petition.

4.12. The following comments in support were raised by local residents, as summarised:

- This derelict building being replaced by an aesthetically pleasing design, is needed on Baldwins Lane and it will only serve to improve the road

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (UDP) 2005
- Pre-Submission Birmingham Development Plan (BDP) 2031
- Car Parking Guidelines SPD
- Places for Living SPG
- Mature Suburbs SPD

- Tree Preservation Order 1197
- Tree Preservation Order 1

- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)

6. Planning Considerations

Background

- 6.1. Planning Application 2016/00101/PA for the erection of two apartment blocks accommodating 14 apartments was withdrawn earlier this year by the Applicant following concerns raised over the design, scale and massing of the proposed development and its layout on the site. Subsequent pre-application discussions have been held with the Applicant, involving the City Design Officer, and the scheme has been modified accordingly in order to address these concerns. The main modifications include:

- Omission of a third storey and one apartment from the rear block
- Improvements to the design/appearance of the blocks and reduction in their height through omission of pitched roofs
- Reduced parking/hardstanding and increased soft landscaping
- Siting of the proposed rear block further away from the boundary with Nos. 7-14 Stanley Close and siting of the parking areas further away from site boundaries
- The inclusion of patios and French doors serving ground floor bedrooms at the rear
- Relocation of bin store from the frontage
- Re-siting of the front block further forward
- Omission of habitable room windows in side elevations to avoid overlooking

The Council's City Design Officer explains that the revised scheme now addresses the majority of her concerns and she raises no objection to the application.

Principle of Residential

- 6.2. I consider that Nos. 23-25 Baldwins Lane, although representative of the local vernacular, are not of such architectural merit as to resist their demolition and replacement on the site with new residential, particularly as they have been unsympathetically extended in the past to the side and rear. In addition, I consider a residential use on the site would be more appropriate to the character and appearance of the surrounding area than the previous commercial use.
- 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. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed land and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling.
- 6.4. The Government's ambition is to "boost significantly the supply of housing" as stated at the beginning of Paragraph 47 of the NPPF. It goes on to require local planning

authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional 5% to 20% buffer depending on past performance on delivery.

- 6.5. The Pre-Submission BDP identifies that a figure of around 51,800 dwellings needs to be found within Birmingham during the Plan period (ending 2031). The recent Inspector's Report into the BDP found that a five-year supply of housing land will be available when the Plan is adopted, and can be maintained. The figures for 2015-20 are a five-year requirement of 13,860 dwellings, and a deliverable five-year supply of 14,536 dwellings (5.2 years' supply). The application site (together with Nos. 27-31 Baldwins Lane) is identified as a housing site within the Council's Strategic Housing Land Availability Assessment (SHLAA) 2015, and as such a site which could help meet the City's housing requirement over the Plan period.
- 6.6. The Birmingham UDP supports a more sustainable pattern of development by re-using brownfield sites in suitable locations. The UDP requires that new housing developments should provide an appropriate environment (Paragraphs 5.20-5.20A), a suitable housing density and mix (Paragraph 5.40) and encourages a full range of housing types and sizes including those for people with disabilities and other specific needs (5.35 and 5.37). Paragraph 5.38 identifies that densities of at least 40 dwellings per hectare would be required in this location. Policy TP29 of the Pre-Submission BDP recommends similar such housing densities.
- 6.7. Policy TP26 of the Pre-Submission BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.8. With respect to the location of new housing, Policy TP27 of the Pre-Submission BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.9. Paragraphs 3.14D-E of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP26 of the Pre-Submission BDP also confirm the importance of place making and creation of sustainable neighbourhoods. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.10. I consider the principle of residential on this site would be acceptable given this site is allocated as a housing site, and it is located both within an established residential area and in a sustainable location within easy walking distance of public transport links and shops/facilities at the nearby Robin Hood Hall Green Neighbourhood Centre.

Layout

- 6.11. The NPPF does not seek to resist residential backland development per se, but Paragraph 53 does explain that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The Council's Mature Suburbs SPD sets out guidelines for such types of development within the City's mature suburbs and residential areas. It sets out key design issues for housing intensification. It states that building plots should be of an appropriate size to reflect the typical form of plots in the area and the urban grain; the frontage width and depth, and massing of new buildings should be in keeping with those in the area; new buildings should respect established building lines and setbacks from highways; and large gardens that are of high quality and make a significant contribution to the character of the suburb should not be lost.
- 6.12. Typical buildings plots in this locality are long and narrow, with semi-detached or terraced houses being set back slightly from the highway and having long rear gardens. On the western side of Baldwins Lane building plots generally increase in size until the largest plot is reached which comprises of Stanley Close – this plot accommodates both a front block and a rear block, developed in the early Post-War period. This is a different form of development, and which sets an important precedent. Given this neighbouring backland type redevelopment at Stanley Close I consider, on balance, that it would be difficult to resist the principle of backland development on the site.
- 6.13. I consider the siting of the front block to be acceptable, following the established building line along this part of Baldwins Lane, with each building from No. 31 Baldwins Lane up to Stanley Close being sited in a staggered configuration forward of its neighbour. Concerns have been raised by a local objector that the front block should be sited further forward. However, this block would then appear anomalous in terms of the building line/street scene and its relationship to its immediate neighbours. I consider the siting of the rear block to be acceptable in principle and its impact upon residential amenity and trees shall be discussed later in this report.

Density

- 6.14. I note the concerns of local objectors that the proposal would represent an over-intensive development of the application site. At 72 dwellings per hectare the density of the development on the site would admittedly be much greater than that of surrounding residential development including Stanley Close (50 dwellings per hectare), as well as exceeding the minimum of 40 dwellings per hectare recommended in the Birmingham UDP and Pre-Submission BDP. However, Paragraph 5.38 of the Birmingham UDP explains that the main emphasis should be on the quality of the development and its impact on surroundings rather than simply focusing on density. It explains that higher densities should not be confused with poorer quality development. Therefore assuming all other factors are acceptable in the determination of the application, I do not consider the proposal could be refused solely on the fact that it is of high density.

Scale

- 6.15. Nos. 1-6 Stanley Close, which immediately adjoins the site, comprises of a three storey block of flats. Nos. 23-25 Baldwins Lane is also three storeys in height, albeit the third storey is accommodated within roofspace. At its tallest point the proposed

front block would only be 0.6m taller in height than Nos. 1-6 Stanley Close, whilst it would be 0.6m lower in height than the roof ridge of No. 27 Baldwins Lane. Therefore I am satisfied that the front block is of a scale which appears in keeping with the streetscene. The proposed rear block, at two storeys in height, would be of a similar scale to the neighbouring rear block at Nos. 7-14 Stanley Close. The use of a flat roof on the rear block, and use of a low butterfly roof on the front block, would help to reduce massing and scale on the respective blocks.

Appearance

- 6.16. Each of the proposed blocks has been designed to ensure interest and articulation to facades with the use of balconies, recessed glazed entrances, and timber boarding above and below windows. There is a balance and symmetry to the appearance of front facades. I consider the proposed façade treatment would appear contemporary (e.g. the use of timber boarding, curtain walling, butterfly roof) yet also responds comfortably to the local vernacular (e.g. white rendered facades).

Living Conditions

- 6.17. The gross internal floor areas of each proposed 2-bed apartment, being 73sqm in size, would exceed the minimum gross internal floor area of 70sqm per apartment as recommended in the Government's Nationally Described Space Standard document. The gross internal floor area of the proposed 1-bed apartment, at 55sqm in size, would exceed the minimum gross internal floor area of 50sqm per apartment as also recommended in the document. Bedroom sizes would exceed the minimum respective size guidelines set out in the document. Whilst the proposed built-in storage of 0.7sqm for each apartment would be less than the 1.5-2m built-in storage recommended in the document I do not consider this aspect to be of material significance.
- 6.18. I have calculated that each proposed apartment would benefit from 32sqm of communal amenity space on the site (not including individual patio areas or balconies), which would exceed the minimum communal amenity space of 30sqm per apartment as recommended in the Council's Places for Living SPG.
- 6.19. The separation distance of 18m between the proposed front and rear blocks does not meet the minimum 21m separation distance as recommended in Places for Living SPG. However, this separation distance is more applicable where new development may affect existing windows, rather than the situation as proposed where both blocks are new and future occupiers will be aware of the situation before renting or purchasing. As such I am satisfied that the 18m separation distance between blocks would not harm the amenity of future occupiers from loss of privacy or outlook.
- 6.20. Given the above, I am satisfied that the proposed apartments would provide acceptable living conditions for future occupiers.

Residential Amenity

- 6.21. I note the concerns of objectors residing at Stanley Close in respect of the proposed apartments resulting in loss of light, loss of outlook and overlooking. However, the proposed front block would be in the same position as the existing properties at Nos. 23-25 Baldwins Lane, so would have a similar relationship to Nos. 1-6 Stanley Close. As such I do not consider there would be loss of light to habitable room windows on the rear elevation of Nos. 1-6 Stanley Close as a result of the proposed

development. The three windows positioned at first/second floor on the proposed front block serve bathrooms/en-suites and so there would be no overlooking issues from these windows into the communal amenity area to the rear of Nos. 1-6 Stanley Close. I recommend a condition be attached to any consent that these windows are obscurely glazed and top hung. In addition, I recommend a condition be attached to any consent restricting the insertion of any new windows within the side elevations of both proposed blocks, in order to prevent overlooking into the adjoining amenity areas at both Stanley Close and No. 27 Baldwins Lane.

- 6.22. The proposed rear block would 'overlap' the front elevation of Nos. 7-14 Stanley Close by 1.4m, but at a distance of 10.8m. The nearest windows at Nos. 7-14 Stanley Close are small non-habitable or secondary windows positioned approximately 4m in from the southern front corner of the building. The nearest front habitable room windows are sited approximately 11m in from the southern front corner of the building, positioned on the opposite side of the entrance door. I have calculated that the north western corner of the proposed rear block would be located at a 45 degree angle and some 14m distant from these nearest habitable room windows on the front elevation of Nos. 7-14. I note that the proposed rear block would also be sited at least 1.5m in from the boundary with Stanley Close. Given this degree of separation and angle of view I am satisfied that there would be no loss of light or outlook to these nearest habitable room windows at Nos. 7-14 Stanley Close. The nearest floor window located on the rear elevation of the proposed rear block would look directly out on to an area of blank wall on the front elevation of Nos. 7-14.
- 6.23. In terms of any impact on the amenity of the neighbouring occupier at No. 27 Baldwins Lane, the proposed front block would be sited further away from No. 27 (at least 5m from the boundary) when compared to the existing situation. First and second floor windows located on the side (south) elevation of the proposed front block would either overlook the front garden (which is not private) or the flank wall of No. 27 and so would not result in overlooking for this neighbouring occupier. The proposed rear block would be sited at least 2.2m in from the rear garden boundary of No. 27, and the former would be sited some 20m down the length of this neighbouring rear garden. Therefore I am satisfied that the proposed rear block would not appear so dominant in views from habitable room windows on the rear elevation of No. 27 or when standing in the rear garden of No. 27 as to materially adversely affect the amenity of this existing occupier such as to warrant refusal of the application. There are no windows positioned on the side (south) elevation of the rear block adjacent to the rear garden of No. 27. There would also be a reasonable degree of screening from boundary trees located within the rear garden of No. 27.
- 6.24. I note the concerns of local residents along Primrose Lane in respect of overlooking and loss of outlook as a result of the proposed rear block. However, the proposed rear block would be sited 27m from the end of rear gardens of houses on Primrose Lane, well in excess of the 10m setback distance recommended in Places for Living SPG and as such I am satisfied that there would be no loss of outlook or overlooking/loss of privacy for occupiers at Primrose Lane. In addition, the numerous protected trees located at the rear of the application site would be retained and would help to provide a reasonable level of screening of the proposed rear block from these neighbouring gardens.
- 6.25. The proposal would comply with the minimum separation and setback distances in relation to existing buildings as recommended in Places for Living SPG and as such

I am satisfied that the proposal would not result in any loss of privacy, loss of light, or loss of outlook to adjoining residential occupiers.

Traffic and Parking

- 6.26. Paragraph 32 of the NPPF advises that 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, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.27. Paragraph 6.39 of the Birmingham UDP continues that matters such as environmental impact, safety, access control, pedestrian and cyclist needs and the function of the road will be key factors in determining planning applications for all roads that do not form part of the Strategic Highway Network.
- 6.28. Policy TP43 of the Pre-Submission BDP is concerned with traffic and congestion management. It states that the efficient, effective and safe use of the existing transport network will be promoted through a series of measures including targeted construction of new accesses to provide access to development/redevelopment sites, and ensuring that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.29. The Council's Car Parking Guidelines SPD recommends a maximum of two parking spaces per dwelling in this location. The proposal would comply with the SPD, providing 115% parking provision.
- 6.30. I note the concerns of local residents in respect of insufficient parking. However, Transportation Development have raised no objection to the proposal and advise that an adequate level of parking would be offered at 1 space per flat, plus visitor provision. They explain that whilst some additional traffic would be generated it is not expected to be significantly greater than the previous mixed veterinary surgery and residential use. Parking on-street is noted to be unrestricted along this stretch of Baldwins Lane, so in the unlikely event that overspill parking is required I am satisfied that this could be accommodated on-street. The site is accessible to public transport, within easy walking distance of regular buses running along Stratford Road.
- 6.31. The Council's Car Parking Guidelines SPD recommends a minimum of 1 cycle space per apartment. The submitted plans show that the cycle store, located on the rear elevation of the front block, would accommodate parking for 14 cycles using a twin rack system. I recommend attaching a condition to ensure that this is implemented.
- 6.32. Transportation Development have recommended that conditions be attached to any consent requiring incorporation of an appropriate pedestrian visibility splay and reinstatement of the redundant footway crossing with full height kerbs.

Ecology

- 6.33. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net

gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Planning for biodiversity at a landscape scale is encouraged and the preservation, restoration and re-creation of priority habitats, ecological networks and priority species populations is promoted (Paragraph 117).

- 6.34. Paragraphs 3.37-3.39 of the Birmingham UDP explain the importance of safeguarding and enhancing the natural environment of the City, improving the protection of existing areas of nature conservation importance and measures to improve the diversity and quality of wildlife habitats throughout the City.
- 6.35. Policy TP8 of the Pre-Submission BDP explains that the maintenance, enhancement and restoration of sites of national and local importance for biodiversity and geology will be promoted and supported. All development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets. Biodiversity and geodiversity enhancement measures should be appropriate to the nature and scale of the development proposed. Development proposals should clearly identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured.
- 6.36. The submitted Ecological Appraisal includes a bat survey which found no evidence of roosting bats within the buildings on the site, and low to negligible potential for roosting. Notwithstanding, the report recommends a precautionary approach to demolition (i.e. roof structure removed by hand). I note the concerns of a local objector who believes there to be a bat roost located within trees at the bottom end of the site, although no specific details have been provided as to the exact location of the purported roost. The Council's Ecologist advises that the two trees with seemingly the greatest potential for bat roosts would be the two oak trees that are situated off-site on Stanley Close (Category A Pedunculate Oaks - T22 & 23). The Arboricultural Survey notes some minor dead wood within these trees but no larger features that would offer greater potential for bats. He also advises that a number of trees at the bottom end of the site (Category B trees - T12, T13, T16 and G15) could potentially hold features, although again the Arboricultural Report does not highlight anything other than some minor dead wood. Given that all these trees are proposed to be retained under the proposal, and the Applicant is aware that bats are a protected species under separate national legislation, I am satisfied that the proposal would not result in any harm to bats.
- 6.37. The Ecological Appraisal found that the site contains some bird nesting and foraging habitat, and signs of mammal activity (although this was not related to a specific species). There were no obvious borrows or holes that related to mammal activity on the site. In relation to habitat for birds the Appraisal recommends that vegetation should be cleared outside of the nesting period.
- 6.38. The Council's Ecologist has raised no objection to the proposal. As some habitat would be lost as a result of the proposed development he recommends that a condition should be attached to any consent requiring submission and implementation of an ecological enhancement strategy for the site.

Trees

- 6.39. Paragraph 3.16A of the Birmingham UDP states that developers will be encouraged to give priority to the retention of trees, hedgerows and natural features on

development sites. It also sets out the need for additional tree planting, focusing on providing a variety of species that are appropriate to the locality.

- 6.40. Six individual trees (T1, T2, T3, T4, T13 and T18) and six groups of trees (G7, G9, G17, G19, G20 and G21) are proposed to be removed as a result of the proposed development. These are either Category C or Category U trees. Three individual trees (T12, T14 and T16) and three groups of trees (G9, G11 and G15) located on the rear part of the application site would be retained. Four new trees would be planted on the site and new landscaping throughout including new hedge/shrub planting.
- 6.41. The Council's Arboricultural Officer has raised no objection to the proposed development. He notes that the proposed drainage layout shows a new drainage run and a surface water manhole would be located within the root protection area of T22 – a Category A Pedunculate Oak, which is located on the grassed verge of Stanley Close, just outside of the application site boundary. He advises that any new drainage here would need to be achieved with care and by hand and he advises that a revised Arboricultural Impact Assessment (including methods and tree protection plan) would need to be submitted by way of condition, particularly given the changes to the site layout since the submission of the previous application. There would be minimal incursion of the proposed front block and rear car parking area into the root protection areas of the two Category A Pedunculate Oaks - T22 and T23 (particularly given the footprint of the existing building on the site already falls well within these root protection areas) such as to cause no harm to these existing trees providing appropriate tree protection measures, no dig solutions or use of permeable paving for parking are introduced.
- 6.42. The submitted site plan shows new tree and hedge planting on the site frontage and to site boundaries at the rear. Four new trees are shown to be planted on the site, which would offer some mitigation for the trees which would be lost as a result of the proposal. The Council's Landscape Officer has raised no objection to the proposed development, subject to conditions being attached to any consent requiring further details of planting, hard works, boundaries, landscape management and levels.

Drainage

- 6.43. Paragraphs 3.71-3.76 of the Birmingham UDP explain that proposals for new development will be expected to take account of any effects they might have upon water and drainage. Policy TP6 of the Pre-Submission BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.44. The application site and surrounding land is located within Flood Zone 1 and is at the lowest risk of flooding. The submitted Flood Risk and Sustainable Drainage Assessment concludes that the foul and surface water sewerage system in the public highway outside the site has capacity for the development. It explains that ground conditions are not suitable for soakaways, there is no watercourse immediately adjacent, and therefore surface water would have to be discharged to a sewer. It explains that infiltration testing of the ground would be carried out prior to construction to confirm the unsuitability of the ground conditions and that a fully designed surface water drainage system will be provided as part of any condition and that the flow from site will need to be controlled by a proprietary flow control unit

with the excess water temporarily stored in underground tanks or pipes. Storage of around 55m³ in pipes, manholes and an underground storage tank would be required. The Assessment explains that SuDS in the form of permeable pavements, an underground storage tank and flow control from site, and rainwater harvesting would be utilised.

- 6.45. The Lead Local Flood Authority (LLFA) have raised no objection to the proposed development but recommend that a condition be attached to any consent requiring submission of a revised sustainable drainage assessment which provides further information/details on a number of aspects including infiltration testing, drainage layout to reflect the site layout, revised pipe schedule, finished floor levels of the proposed buildings, exceedance flow paths, SuDS features, and ownership/maintenance.
- 6.46. I note the concerns of local residents that an increase in hardstanding on the site and loss of trees would worsen the situation with regard to drainage issues/build-up of surface water in the rear gardens of Primrose Lane. However, any areas of hardstanding would be located some distance from Primrose Lane rear gardens, and trees at the bottom of the site would be retained. I am satisfied that the proposed development would have no additional drainage impact on the surrounding existing properties, subject to ensuring that the surface water run-off is retained on site and directed into a fully designed surface water system, and this can be adequately dealt with by way of condition.

Other Matters

- 6.47. I note local objectors concerns in relation to the impact of the proposal on local services e.g. G.P, schools etc. However, I consider the additional number of new residents generated as a result of 13 dwellings would not be so great as to cause a material difference to the ability of such services to cope, such that it would be a reason for refusal of this application.
- 6.48. Regulatory Services have requested that a condition be attached to any consent requiring each residential unit to have an electric vehicle charging point. However, I consider it reasonable to request that each block has an electric vehicle charging point by way of condition, given this would help with sustainability and carbon reduction.

7. Conclusion

- 7.1. I consider that substantial weight in the determination of the application should be afforded to the fact that this is a designated housing site and the proposed development would positively assist in meeting the City's housing needs. It is sustainably located within an established residential neighbourhood within easy walking distance of shops, local services and public transport. I consider that the layout, scale and appearance of the proposed development would be in keeping with the character and appearance of the surrounding area and could be accommodated without adverse impacts on existing residents, the local highway network, drainage, ecology or trees. As such I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

8.1. Approve Subject to Conditions

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|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission a noise study to establish residential acoustic protection |
| 4 | Requires the prior submission of a revised Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 5 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 6 | Requires pedestrian visibility splays to be provided |
| 7 | Heavy duty footway crossing to be constructed and redundant footway crossings to be re-instated as footway |
| 8 | Requires the prior submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of hard surfacing materials |
| 10 | Requires the prior submission of boundary treatment details |
| 11 | Requires the prior submission of a landscape management plan |
| 12 | Requires the prior submission of level details |
| 13 | Requires that cycle store be completed prior to occupation |
| 14 | Arboricultural Method Statement - Revised Submission Required |
| 15 | Requires the prior submission details obscure glazing for specific areas of the approved front block |
| 16 | Prevents the insertion of new windows within side elevations |
| 17 | Requires the provision of vehicle charging points |
| 18 | Limits the approval to 3 years (Full) |
-

Case Officer: Andrew Conroy

Photo(s)



Figure 1 – Front elevations of Nos. 23-25 Baldwins Lane (left) and 1-6 Stanley Close (right)

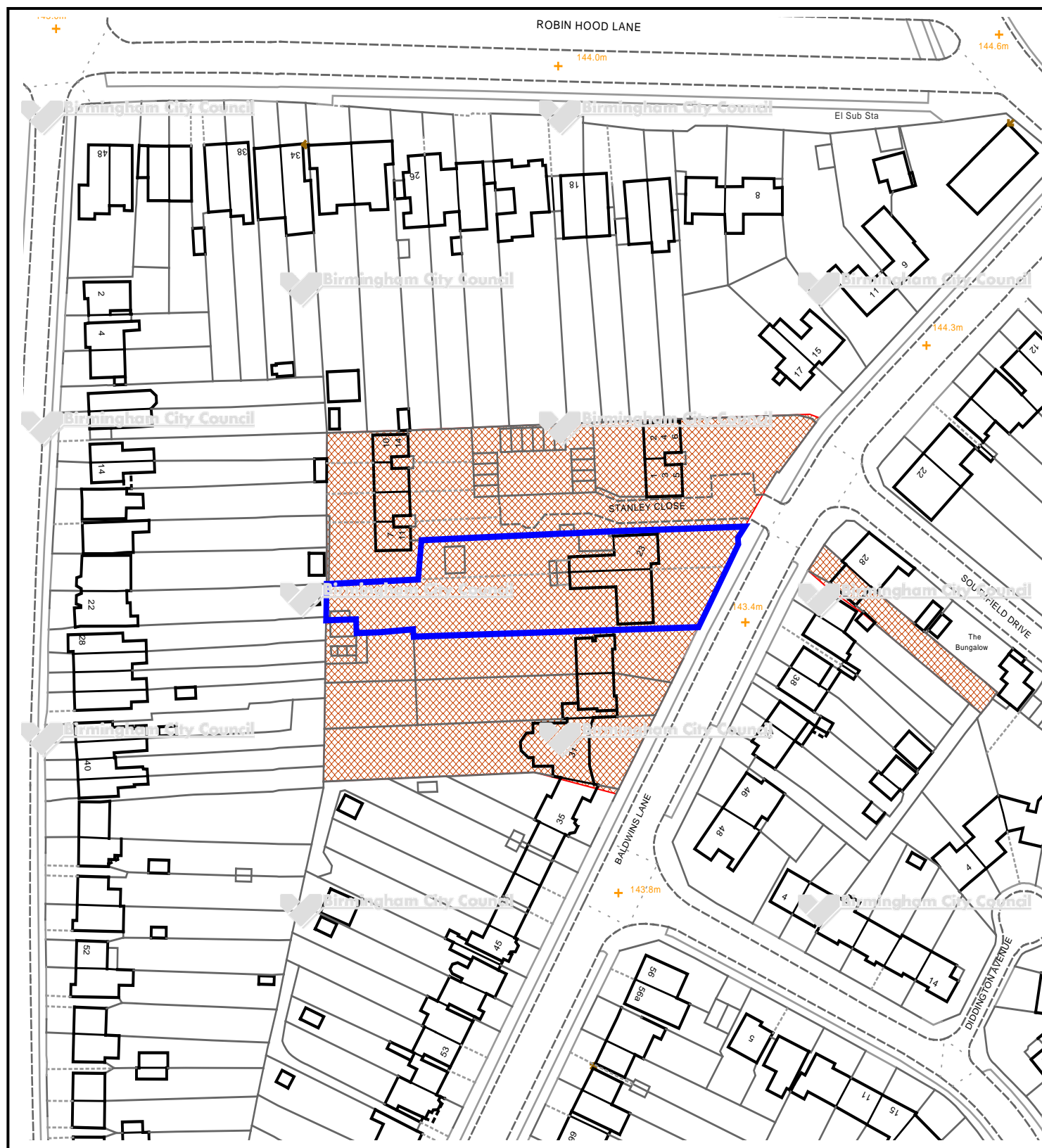


Figure 2 – Front elevations of Nos. 23-25 Baldwins Lane (left) with Nos. 7-14 Stanley Close at far right



Figure 3 – Front elevation of Nos. 7-14 Stanley Close

Location Plan



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Committee Date:	21/07/2016	Application Number:	2016/04325/PA
Accepted:	19/05/2016	Application Type:	Full Planning
Target Date:	18/08/2016		
Ward:	Weoley		

Sir Herbert Austin Way and Vineyard Road, (land at junction of),
Northfield, Birmingham, B31

Erection of coffee shop with drive through facility (Use Classes A1/A3)
with associated parking and landscaping.

Applicant:	Ziran Land (Northfield) Ltd First Floor, Mulberry House, John Street, Stratford-upon-avon, CV37 6UB
Agent:	Hitchman Stone Partnership 14 Market Place, Warwick, CV34 4SL

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. Planning permission is sought for the erection of a coffee shop with drive through facility (Use Class A1/A3) with associated parking and landscaping.
 - 1.2. The proposed coffee shop would be single storey, located to the rear of the site adjacent to the boundary with Bellfield schools and would front Sir Herbert Austin Way.
 - 1.3. The coffee shop building would have a mono-pitch roof with a maximum height of 5.1m. An external bin store would be located to the north of the building but has been designed and located to be part of the main coffee shop building. The building would have a maximum width of 25.5m and depth of 10m. The building would be constructed from brick, Trespa cladding panels and an aluminium curtain walling system. The bin store, proposed to be attached to the main building, would be 5m in width and 6m in depth.
 - 1.4. Vehicular access would be off Vineyard Road (in only) and egress would be onto Sir Herbert Austin Way (out only). The site's existing access on Sir Herbert Austin Way would be closed off, with wall and railings provided to match the existing frontage treatment. 27 parking spaces are proposed – these would include 2 spaces for people with mobility difficulties and 4 staff spaces. 8 cycle spaces are also proposed.
 - 1.5. 10 full time and 12 part time jobs are proposed as part of this development.
 - 1.6. Proposed opening hours are Monday to Saturday 0600 to 2300, and Sundays and Bank Holidays 0800 to 2000.

1.7. Site area: 0.25ha.

1.8. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is located at the junction of Sir Herbert Austin Way and Vineyard Road in Northfield. The site was formerly used for residential purposes but was cleared for the construction of the A38 Northfield Relief Road.

2.2. The site has been vacant for a number of years but was used as a contractor's compound during the construction of the relief road. The site is approximately 0.25ha in size and has now formed as self-seeded grassland. There is a mature oak tree at the site's south-western corner, with its trunk in the school grounds and the canopy overhanging into the application site.

2.3. The site has one vehicular access point, on Sir Herbert Austin Way, which is a dual carriageway and forms part of the strategic highway network.

2.4. A public footpath is located alongside the southern boundary. The existing boundary treatment at back of footpath is a brick dwarf wall and metal railings with full height brickwork piers. Behind the wall is a 3m high timber acoustic fence, which was constructed to reduce traffic noise from the relief road. Existing boundaries would be retained. A traffic-light, pedestrian crossing is sited towards the north of the site frontage. Vineyard Road has the Bellfield School buildings, with dwellings on its northern side, the Neighbourhood Office is sited on the northern corner of Vineyard Road with Sir Herbert Austin Way.

2.5. [Site Location Map](#)

3. Planning History

3.1. 2016/01174/PA. Application withdrawn by the applicant for the erection of a coffee shop with drive through facility (A1/A3), associated parking and landscaping.

3.2. 3 August 2015. 2015/05989/PA. Positive pre-application advice on the principle of development provided for the erection of a drive through café.

3.3. 26 March 2015. 2015/01382/PA. Positive pre-application advice on the principle of development provided for the erection of a drive through restaurant with associated parking, landscaping and modified highway access.

3.4. 16 September 2011. 2011/03155/PA. Reserved matters consent granted for appearance and landscaping pursuant to outline permission 2009/00376/PA for the erection of a petrol filling station, office building (B1a) and associated car parking.

3.5. 8 June 2009. 2009/00376/PA. Outline planning permission granted for access, layout and scale of a petrol filling station, office building (B1a) and associated parking.

3.6. 28 June 2001. 2001/02858/PA. No prior approval required for the demolition of 7, 3 storey blocks of flats and associated works.

- 3.7. 13 July 2000. 1998/04410/PA. Planning permission granted for the construction of a new highway (Northfield Relief Road) to form a relief road to Northfield Centre.

4. Consultation/PP Responses

- 4.1. Transportation - It is noted that the principle of vehicular access to the site from Vineyard Road was approved under 2009/00376/PA and (reserved matters) 2011/03155/PA. The proposed development includes a similar vehicular access from Vineyard Road, with a dedicated vehicular egress onto Sir Herbert Austin Way. This detail has been the subject of a Stage 1 Road Safety Audit (including a note relating to "Items outside the scope."). In view of the above information I would raise no objection to the current proposal subject to safeguarding conditions relating to Section 38 Agreement, car park, delivery and construction management, access and egress and a commercial travel plan.
- 4.2. City Ecologist – No objection subject to safeguarding conditions relating to method statement for site clearance and landscaping.
- 4.3. Regulatory Services – No objection.
- 4.4. West Midlands Police - No objections. Request that CCTV is installed in the public and outside areas of the Coffee shop and car parking areas to deter and detect incidents of crime and anti-social behaviour. Any CCTV installed should be to evidential standards.
- 4.5. Local occupiers, Ward Councillors, MP and resident associations notified, Site notice displayed. 8 letters of comment/objection received, including from Bellfield Infant School, Bellfield Junior School and Councillor Johnson, three letters of support. These are summarised as follows:
- 4.6. 8 Letters of objection/comment:
- highway safety, impact on the school and safety of children, adverse impact on free flow of traffic, traffic congestion, accident waiting to happen, not necessarily object to the use just to the location of the entrance.
- 4.7. Councillor Julie Johnson objects:
- due to proposed entrance on Vineyard Road, impact on the safety of children attending the adjacent Bellfield Schools. This is supported by comments relating to the validity of the Road Safety Audits undertaken as the first report recommended that an alternative location for the vehicle entrance should be investigated whilst the second audit has no recommendation regarding an alternative location. The report acknowledges that Vineyard Rd is a narrow two way dual carriageway. It acknowledges that pedestrian flow is high during the AM/PM school pick up and drop off times and that the line for the pedestrians will be across the egress on the A38 and across the access on the Vineyard Rd associated with associated school (walking right past the entrance to the proposed coffee shop). In 5 years it is noted there have been 2 reported collisions with slight injury, in my opinion that is 2 too many. It is not noted if these incidents involved children.

Also, the road speed on Sir Herbert Austin Way (A38) is 30mph but the speed averages recorded in the speed surveys indicated between 31-39mph, and the Keep Clear box located on Sir Herbert Austin Way at the very top of Vineyard Rd is very

rarely kept clear when traffic volumes are high. Accumulation of the traffic at the top here causes the volume of traffic to accumulate which is compounded by the school traffic.

- The site has an adjacent protected oak tree and consideration for the roots has to be included in any proposals for future planning; there would also need to be consideration to bird activity and nesting with all ground clearance work undertaken outside the main bird nesting season (March -Sept inclusive). Also the site contains species of interest - Hares foot clover and buddleja. Bumble bees are under the threat of decline due to the change in habitat. They need the wildflowers along with butterflies and this land has been home to some of these species. The report states the site has been disturbed recently but I understand the site has been secure for many years and un-disturbed? On my visit I saw evidence of either fox or badgers.
- we have no assurances that the jobs will be locally created.
- does Northfield need another take away/fast food outlet? We have 21 fast food outlets on the High Street within a 10 minute walk of the site
- This outlet is right next to a school and markets high sugar products, contrary to local programme.

4.8. Bellfield Infant School objects:

- A coffee shop would be a welcome addition to the community but object to the proposed drive-through plan as it impacts on the safety of the very young children who attend the school. The proposed plan has the entrance directly adjacent to one of the pedestrian walkways onto the school site. The children range in age from three years old to seven years old and consequently have not fully developed their understanding of the dangers around busy roads and traffic and the need to hold hands with an adult. They would not see an entrance as a danger as to them it would be part of the pavement and they would not anticipate vehicles being in there.

The exit of the proposed plan is adjacent to another well used pedestrian walkway used by school children. Again, children coming and leaving school site would be in greater danger from a vehicle access that was not there previously. From the corner of Vineyard Road down beyond the school there are safety barriers to prevent the risk of children running into the road; these would have to be removed if the development were to go ahead. I know they are to be adapted to allow an entrance into the drive through but children will still be able to go round these into the path of on-coming traffic. Yellow zig-zag lines stretch from the corner of Vineyard Road to beyond the school. These would have to be traversed to gain entrance to the proposed site and if there were a queue their purpose as a 'keep clear' sign would be negated. The distance from the corner of the road to the proposed entrance is very short and the congestion already caused at certain times at the beginning and end of the school day would be exacerbated.

4.9. Bellfield Junior School objects (Governors and Staff):

- The entrance is on Vineyard Road. This extremely narrow road gets very congested at certain times of the day to the point that it already poses a road safety risk to pupils. The proximity of the proposed siting of the entrance to the school will increase this risk in terms of both the increase in the number of and size of vehicles using the road. We do not oppose the building of the drive through coffee shop but do oppose the siting of the entrance on Vineyard Road.

4.10. Three letters of support:

- a very welcome use of the site, hope it goes through, would turn disused land into something useful which would be good for jobs and good for customers. A well-considered and exciting new addition to Northfield. The investment will raise the profile of Northfield and be a real asset to the community.

5. Policy Context

- 5.1. NPPF, Birmingham UDP, Pre-submission Birmingham Development Plan 2031, Shopping and Local Centres SPD, Places for All SPD, Archaeological Sites: Northfield Roman Pottery and Ulwine Drive Roman, Medieval and Post-Medieval features.

6. Planning Considerations

Principle

- 6.1. Planning permission is sought for the erection of a coffee shop with drive through facility (Use Class A1/A3) with associated parking and landscaping. The site is located within the Northfield District Centre boundary as identified in the Shopping and Local Centres SPD.
- 6.2. The National Planning Policy Framework (NPPF) emphasises that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.3. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development – economic, social and environmental – and that these are mutually dependant, so that gains in each should be sought jointly and simultaneously. Under the heading of *‘the presumption in favour of sustainable development’*, Paragraph 12 confirms that the NPPF *‘...does not change the statutory status of the development plan as the starting point for decision making’*. Thus, Paragraph 12 states that: *‘...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise’*.
- 6.4. Paragraphs 23 to 27 of the NPPF deal with the need to promote the vitality of town centres and are particularly relevant to this proposal. Paragraph 23 states that planning policies should promote competitive town centre environments and should define shopping areas and set policies that make clear which uses will be permitted in such locations.
- 6.5. The UDP advises at paragraph 7.23 that proposals for additional retail development/redevelopment in existing centres will normally be encouraged provided:
- the scale of the new development is appropriate to the size and function of the centre;
 - it is well integrated;
 - it has no significant adverse effect on the continued vitality/viability of an existing shopping centre as a whole, and;
 - it maintains a range of shops to meet the needs of local communities.

- 6.6. The Pre-Submission Birmingham Development Plan was published for consultation in December 2013 and was subject to examination in Autumn 2014. Policy TP20 of the Submission Plan seeks to establish a network and hierarchy of centres. The City Centre is at the top of the hierarchy, followed by Sutton Coldfield Town Centre and then the three District Growth Centres at Perry Barr, Selly Oak and Meadway. Below these centres is a network of 70 District and Local Centres that includes Northfield.
- 6.7. Policy TP20 states that *“the vitality and viability of the centres within the network and hierarchy identified below will be maintained and enhanced. These centres will be the preferred locations for retail, office and leisure developments and for community facilities (e.g. health centres, education and social services and religious buildings). Proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged. Alongside new development, proposals will be encouraged that enhance the quality of the environment and improve access. The focus for significant growth will be the City Centre, Sutton Coldfield, Selly Oak, Perry Barr and Meadway but there is also potential for growth in several of the District centres, notably Erdington, Mere Green and Northfield. The scale of any future developments should be appropriate to the size and function of the centre.”*
- 6.8. The Northfield Regeneration Framework identifies that there is scope to encourage coffee houses and cafes into the centre to help *“bolster the diversity of the centre during the day and generate evening activity.”* It goes on to state that *“Sir Herbert Austin Way forms part of Birmingham’s Strategic Highway Network with a purpose to effectively and efficiently distribute traffic along this key transport corridor. This function of the road must be retained when development options are considered.”* (Section 12 development Principles). Page 22 of the document identifies the site as *“Opportunity C”* which has a prominent frontage but is long and narrow restricting the possible form of development. It identifies potential uses to include A3 restaurant or A3/A5 restaurant with ancillary takeaway.
- 6.9. As the development proposed would see a new A1/A3 use within the local centre boundary, outside of the primary shopping area, and located on the A38 frontage which forms part of the Strategic Highway Network that separates the site from the main district centre shops, I consider that the proposed development is in accordance with policy and the principle of development of this nature on this site is accepted.

Highway Safety and Transportation Issues

- 6.10. I note the concerns raised by the adjacent Bellfield Schools and Councillor Johnson regarding the access into the site from Vineyard Road and the potential conflict that this may generate with parents and school children and in turn, an impact on highway safety. The previous application was withdrawn on the advice of officers so that the applicant could undertake further discussions with the schools and undertake a further road safety audit. This has subsequently been undertaken.
- 6.11. Your Transportation Officers have assessed the proposal and reviewed the proposed access arrangements against the 2011 planning consent and the revised road safety audit. The concerns raised by the schools and Councillor Johnson relate to Vineyard Road and the access from it. The road safety audit has assessed this and concluded that the only safe access into the site is off Vineyard Road, with an egress onto Sir Herbert Austin Way due to the speed and flow of the A38. Transportation has subsequently raised no objections to the proposal and I concur with their view. A number of highway related safeguarding conditions are recommended below including the requirement for a Section 278 and 38 Agreement

to cover the access into the site off Vineyard Road, ensuring measures are put in place relating to the highway safety of children and parents of the adjacent Bellfield Schools.

Design

- 6.12. The building would be of a non-imposing scale and position, which combined with its design and materials, would provide an appropriate addition to the streetscene. New landscaping is indicated and would be required by condition.

Ecology and Trees

- 6.13. The submitted ecological assessment completed in September 2015 found no evidence of badger setts or activity (such as foraging signs (snuffle holes) or latrines), nor does the report note signs of activity by other mammals, such as foxes. I note the concern raised by Councillor Johnson and agree that it is quite possible that there is occasional use of the site by foxes, as evidenced by signs of digging, droppings or foxes' distinctive odour. There are records of badgers along Merritt's Brook corridor, c. 500m to the north. However, given the site's distance from this area of semi-natural open space and lack of habitat connectivity between the two locations, the City Ecologist considers that there is a low risk of badgers using the site since the survey last September.
- 6.14. The ecology report identifies appropriate mitigation measures that should be implemented to ensure ground clearance works do not affect nesting birds. The City Ecologist suggests a condition is attached to require submission of a method statement for site clearance to ensure the recommended mitigation for nesting birds is actioned, and, additionally, to ensure appropriate precautionary measures (eg ecological walk-over survey prior to commencement of clearance works) are put in place to minimise the risk of harm to other wildlife (such as foxes or badgers) during these works.
- 6.15. The grassland habitats present appear to be fairly recent in origin. However, the flowering plants and grasses that have become established will provide useful habitat resources (nectar and pollen sources, egg laying sites and larval food plants) for bumblebees, butterflies and other insects. The proposed site layout indicates shrubs and other planting will be provided around part of the site boundary. The planting mix selected should concentrate on native shrubs and trees, and ornamental varieties that are suitable for pollinators. Planting of this type will complement the work of the 'Urban Buzz' project, which is enhancing habitats for pollinators along the A38 corridor in south Birmingham.
- 6.16. I concur with the views of the City Ecologist and consider that the imposition of safeguarding conditions as recommended will adequately safeguard the onsite ecology when the development occurs and addresses objections/concerns raised by Councillor Johnson.
- 6.17. The arboricultural officer has identified that the mature oak tree located adjacent to the site is located on land that is under City Council ownership and as such is not covered by a Tree Preservation Order. The officer has identified that sufficient regard to the tree roots has been taken into consideration in the design and layout of the car park and as such raises no objection subject to a safeguarding condition relating to protection during works. I concur with this view and the condition is recommended below.

Other Issues

- 6.18. The site has the potential for archaeological remains. As such, and in consultation with your conservation officers, a safeguarding condition relating to the prior submission of a programme of archaeological works is recommended below.

Community Infrastructure Levy

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

7. Conclusion

- 7.1. The proposed development would be in accordance with and would meet policy objectives and criteria set out in the Birmingham UDP, Pre-submission BDP and the NPPF. The scheme is considered acceptable in design, scale, layout, access and landscaping along with car parking provision on site. It represents an economic investment into Northfield District Centre and will further the regeneration objectives for this area of the City whilst reusing a vacant site within the Northfield Centre boundary.

- 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 continue to provide economic and social benefits; would provide new employment opportunities within the District Centre 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 programme of archaeological work |
| 3 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 4 | Requires prior submission of a method statement for site clearance |
| 5 | Requires the prior submission of extraction and odour control details |
| 6 | Limits the hours of use to 0600-2300 hours on Mondays to Saturdays and 0800-2000 hours on Sundays |
| 7 | Requires the prior submission of hard and/or soft landscape details |
| 8 | Requires the prior submission of sample materials |
| 9 | Requires the prior submission of a construction method statement/management plan |
| 10 | Requires the prior submission of a CCTV scheme |
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- 11 Requires the prior submission of a lighting scheme
 - 12 Requires the prior approval of details to prevent mud on the highway
 - 13 Requires the prior installation of means of access
 - 14 Prevents occupation until the turning and parking area has been constructed
 - 15 Requires the prior approval of the siting/design of the access
 - 16 Requires the prior submission of details of pavement boundary
 - 17 Requires the prior submission of entry and exit sign details
 - 18 Requires the prior submission of a parking management strategy
 - 19 Requires the prior submission of a commercial travel plan
 - 20 Requires the provision of cycle parking prior to occupation
 - 21 Requires the delivery and service area prior to occupation
 - 22 Requires the dedicated use of access and egress points
 - 23 Requires the prior submission of details of a delivery vehicle management scheme
 - 24 Requires the prior submission of a car park management plan for disabled spaces
 - 25 Requires the prior submission and completion of works for the S278/TRO/S38 Dedication Agreement
 - 26 Arboricultural Method Statement - Submission Required
 - 27 Limits the approval to 3 years (Full)
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Case Officer: Pam Brennan

Photo(s)



Photograph 1: Site frontage on Sir Herbert Austin Way.

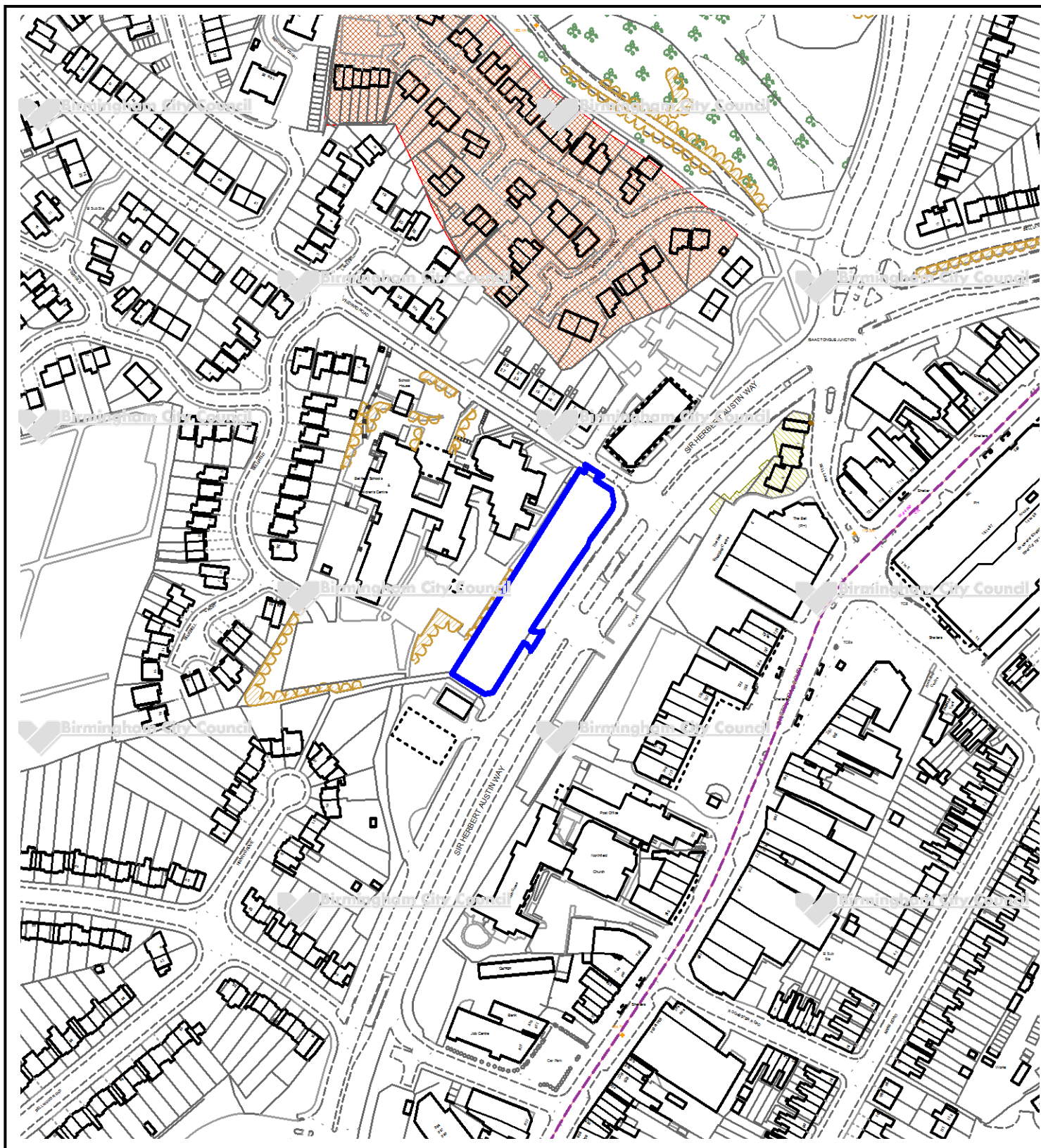


Photograph 2: View from public footpath, looking north across the application site



Photograph 3: Application site and adjacent school gate on Vineyard Road

Location Plan



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Committee Date:	21/07/2016	Application Number:	2016/03861/PA
Accepted:	06/05/2016	Application Type:	Full Planning
Target Date:	01/07/2016		
Ward:	Edgbaston		

University Of Birmingham, Munrow Sports Centre, Edgbaston, Birmingham, B15 2TT

Retention of 115 car parking spaces and the creation of a further 15 car parking spaces (totalling 130 car parking spaces)

Applicant:	Munrow Sports Centre c/o Agent
Agent:	Glancy Nicholls The Engine Room, 2 Newhall Square, Birmingham, B3 1RU

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the retention of 115 car parking spaces, and the creation of a further 15 car parking spaces, resulting in a total of 130 car parking spaces.
- 1.2. The car park is proposed to support a new development proposed at 47 Edgbaston Park Road, which is subject to a planning application for a hotel and conference facility (reference 2016/01260/PA) and found elsewhere in this agenda.
- 1.3. The application site is adjacent to the Munrow Sports Centre, within the campus of the University of Birmingham. The University are completing a new Sports Centre, adjacent to Bristol Road (on the former Gun Barrels site) and this is due for completion September this year. The new sports centre was given planning permission in 2012, within the 'hybrid consent' which was part of a suite of 21 different projects across the campus. Once the new Sports Facility is open, the University originally intended to demolish Munrow and clear the site of buildings and its associated 115 space car park to become the site for a running track. However, it appears that the running track is no longer likely to be provided as shown on the approved hybrid master-plan and the University now propose to retain the car parking here add a further 15 spaces instead. This would satisfy the requirements for further parking generated by the current planning application for a new hotel and conference facility, reported elsewhere in this agenda (2016/01260/PA).
- 1.4. The existing car park would be retained in its current form, within established landscaped areas. The extra 15 spaces would require the partial demolition of Munrow and it is anticipated that all of Munrow would be demolished to deliver the 15 extra spaces rather than undertake a partial demolition. In fact a condition of the hybrid application requires Munrow to be demolished within 12 months of the first use of the new Sports Centre. The Sports Centre is due to open September 2016,

and as such Munrow must be removed by September 2017 at the latest. The car park, the subject of this application, would consequently be available prior to the first use of the Hotel and Conference facility, which the applicant states would be around June 2018.

1.5. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The site is located mostly adjacent to the current Munrow Building and includes an existing car park with 115 spaces.

2.2. The site is within the centre of the campus, to the west of the new library and to the east is the Birmingham and Worcester canal to the northwest.

2.3. [Site Location Plan](#)

3. [Planning History](#)

3.1. [On Campus](#)

3.2. 29/10/12. Pa no 2012/02047/PA Hybrid application for various works including new sports centre, new library, halls of residence, library store, repositioned running track, pedestrian route to the vale. Demolition of the existing library and the Munrow Sports Centre. Approved subject to S106 to secure parking surveys and funding for on street parking restrictions.

3.3. [47 Edgbaston Park Road](#)

3.4. Pending. Pa no 2016/01260/PA erection of a 172 bed Hotel and Conference Centre, Refurbishment of Grade II* Listed Garth House. Proposed part demolition, refurbishment and extension to Hornton Grange. Demolition of existing hotel blocks 400 and 500. Proposed new energy centre (464sqm GEA) and associated flue to rear of Gisbert Kapp. Elsewhere on this agenda.

3.5. Pending. Pa no 2016/01280/PA. Listed Building Consent for various works to a Grade II* Listed Building including external repairs and internal changes including removal of non-original fabric. Elsewhere on this agenda.

4. [Consultation/PP Responses](#)

4.1. Resident Associations, Councillors and MP consulted. Site Notice erected. No comments received.

4.2. Transportation – No objection. The additional car parking demand for conference and function facilities is proposed to be accommodated in this 130-space car park. This would help manage parking being displaced from Pritchatts Road multi-storey car park, and allows parking to be co-ordinated and managed by the conference facility.

4.3. Regulatory Services – No objection.

5. [Policy Context](#)

5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014). Car Parking SPD, Car Parking Design Guide SPG.

5.2. Birmingham UDP (2005); Draft Birmingham Development Plan

6. Planning Considerations

6.1. The scheme proposes 130 car parking spaces in the centre of the University campus. This proposal seeks to meet an identified demand created by a separate planning application at 47 Edgbaston Park Road.

6.2. Policy for the creation of new car parking is set out in the car parking design guide SPG. This requires parking to be attractive and convenient, maximises personal safety, makes a positive contribution to the area and provides facilities which can be operated and maintained efficiently and effectively.

6.3. The proposal principally reuses an existing car park. The car park is flat, marked out, is well maintained and is well used. However, it is currently partly obscured by the projecting corner of Munrow and once this is demolished it will improve natural surveillance of the rear part of the car park from the road. The existing car park is bounded by landscaping, there is scope for further landscaping around the frontage and adjacent to the additional 15 spaces. This can be secured by condition.

7. Conclusion

7.1. The retention of the car park would meet the parking demand created through the proposal for the hotel and conference facility. This proposal enables the University to improve its conferencing facilities without an adverse impact on local parking pressures.

8. Recommendation

8.1. Approved subject to the following conditions;

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

2 Requires the prior submission of hard and/or soft landscape details

3 Requires the prior submission of a lighting scheme

4 Limits the approval to 3 years (Full)

Case Officer: Ben Plenty

Photo(s)

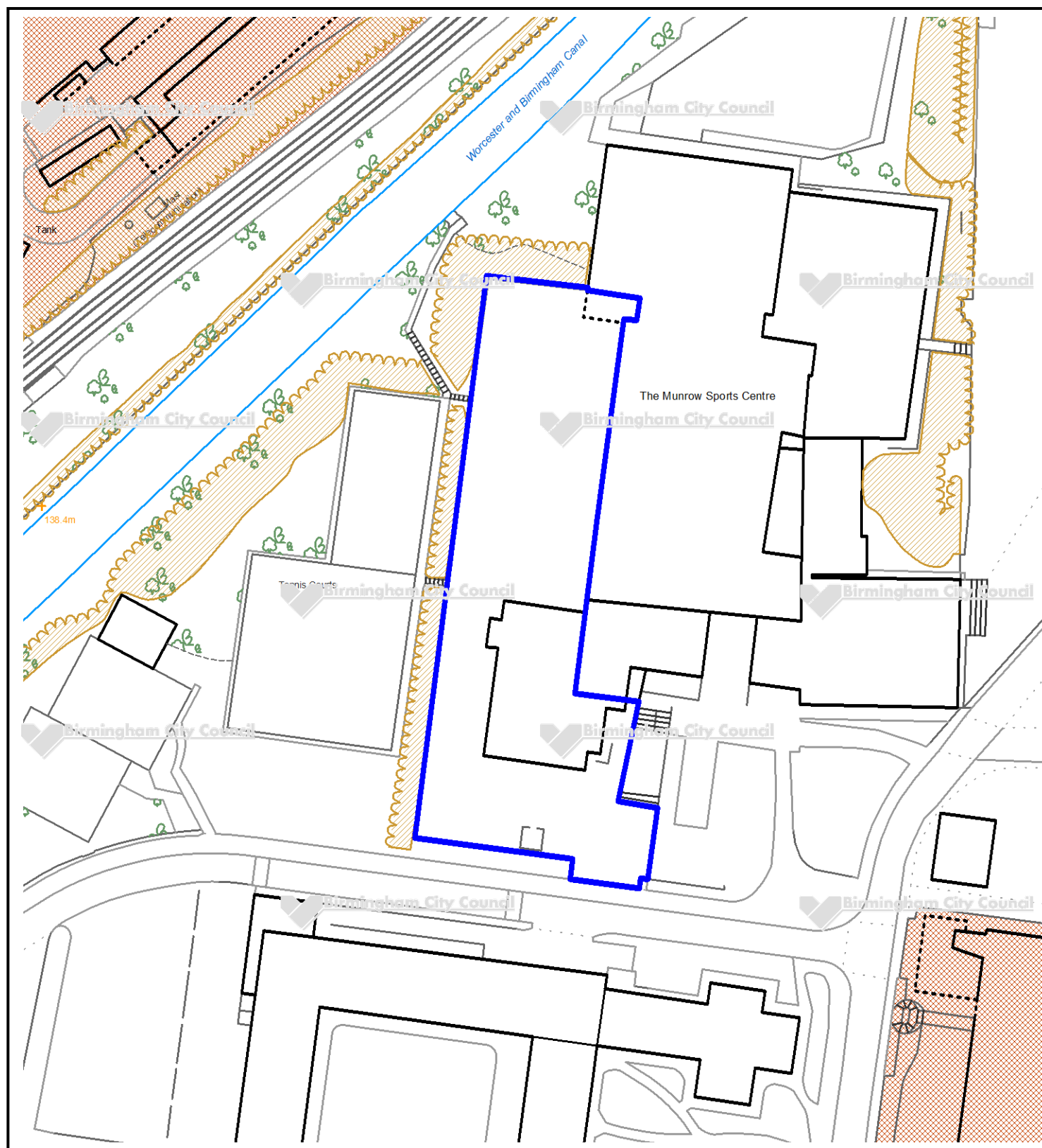


Fig 1 existing car park (front corner) looking north



Fig 2 existing car park (rear area) looking north east

Location Plan



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Committee Date:	21/07/2016	Application Number:	2016/01260/PA
Accepted:	20/06/2016	Application Type:	Full Planning
Target Date:	19/09/2016		
Ward:	Edgbaston		

University of Birmingham, 47 and 53 Edgbaston Park Road, Edgbaston, Birmingham, B15 2RS

Proposed new 172 bed Hotel and Conference Centre (9,244sqm GEA), Proposed extension (490sqm GEA) and demolition of two extensions to Hornton Grange. Demolition of existing hotel blocks 400 and 500. Proposed new energy centre (464sqm GEA) and associated flue to rear of Gisbert Kapp.

Applicant:	University of Birmingham Estates Office Estates West, Edgbaston, Birmingham, B15 2TT
Agent:	Glancy Nicholls Architects The Engine Room, 2 Newhall Square, Birmingham, B3 1RU

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the erection of a 172 bed Hotel and Conference Centre, the part demolition and extension to Hornton Grange, the demolition of two existing accommodation buildings, known as buildings '400' and '500' and the erection of an energy centre (464sqm GEA) with flue.
- 1.2. The site currently consists of 47 Edgbaston Park Road, known as Garth House (a Grade II* Listed Building) and 53 Edgbaston Park Road, known as Horton Grange, both buildings used principally as conference space, both with some hotel accommodation provided at first floor. Within the curtilage of Garth House are two hotel blocks (with a total of 32 bedrooms) and are known as buildings 400 and 500, these are located in between Garth House and Horton Grange.
- 1.3. The scheme consequently consists of four key components; a new hotel and conference centre, the demolition of buildings 400 and 500, an energy centre and an reconfiguration of Horton Grange including a new rear extension and the demolition of two extensions.
- 1.4. Hotel and Conference Centre
- 1.5. The proposed hotel and Conference Centre would have 172 bed rooms and have a total floor area 9,244sqm Gross external area (GEA). It would have components that would be 4 and 2 storeys. It would be located to the centre of the site; southwest of the current location of buildings 400 and 500.

- 1.6. The hotel would be 4 storeys and in footprint consist of a curved block at the rear (west) of the site, measuring 87m long and 15m wide connected to the conference facility with an 11m long linking corridor. Each of the 4 floor plans are similar with three stair cores and two lifts. In design terms the hotel would appear as a four storey flat roofed shape, with strong vertical emphasis (created by the repetition of tall (2.4m) windows grouped in widths of 0.5m and 0.8m) and a combination of perforated panels and brick 'columns'. Visually, the top three floors are grouped into one form with a large white concrete 'frame'. The ground floor would be slightly recessed and consists of brick and the same style of vertical windows as above. The roof would have approximately 50% available for photovoltaic cells and 50% for biodiversity in the form of a green roof. Materials would consist of brick and render vertical panels with long windows, being a combination of 5m tall (and 1.5m wide) and 9m tall (and 1.7m wide).
- 1.7. The conference facility would be linked to the hotel by a corridor and would consist of a building with a two storey double pitched slate roofed buildings. The building would be 32m deep, with a northern element 57m wide and the southern being 49m wide. Plans show the ground floor consisting of three main areas; a main conference room (with 200 covers), a bar/lounge area (with 185 covers) and a restaurant (with 128 covers). The ground floor also includes a large commercial kitchen to service these spaces. Three sets of stairs would provide access to the first floor. At the first floor, the layout includes three further conference rooms. Overall, the building would be able to accommodate a maximum of 528 delegates.
- 1.8. Demolition of buildings 400 and 500
- 1.9. These buildings are two storey accommodation blocks (with a total of 32 bedrooms), rectangular in footprint, arranged end to end in a line running northwest/southeast. The nearest block is 4m from the south corner of Garth House.
- 1.10. Energy Centre
- 1.11. The energy centre would be a single storey building (25m wide and 22m long), located in the south west corner of the site and adjacent to the southern boundary. It would include a boiler room, external chiller compound, a tank room, a switch room and three flues being 31m high. The flues would be disguised by being mounted on the side elevation of Gisbert Kapp (50 Pritchatts Road). Gisbert Kapp is a 7 storey building and with a plant building on the roof and the proposed flue would stand 2m higher than this building. The Energy Centre would contain 3 gas fired condensing boilers and a gas fired Combined Heat and Power (CHP) engine and there would be 2 air cooled chillers in the chiller compound. The building would be a simple block with brick/block walls and a flat roof. It would be enclosed by hedging and have a green (bio-diverse) roof.
- 1.12. Extension and demolition to Horton Grange
- 1.13. Horton Grange is proposed to accommodate a reduced number of delegates (140 from 227) and add 6 bedrooms. The proposed changes to Horton Grange would have two extensions removed and add a new extension. The first extension, proposed to be demolished, is on the north corner of the building (front right-hand side) and is a large single storey feature. The second extension, proposed to be demolished, is to the rear (south), and is also single storey. The scheme proposes to replace both extensions with a rear extension, extending to the south and east of the existing building with a single structure of 417sqm (GEA). The proposed rear extension would connect to the southeast rear corner of the main building and

extend to the rear and side, limiting its connection to the main house. The rear extension would consist of two separate designs. The main conference room would have brick walls with floor to ceiling windows and a run of high level fan lights creating the impression that the roof is 'floating'. The roof for this part, in cross section would be similar to an inverted flattened funnel shape, it would be a combination of flat roof at the two sides and a steep rise over the central section ending at its peak at a high level roof-light. The second part of the rear extension would be a flat roofed kitchen area with zinc clad walls. The two existing extensions, proposed to be demolished are single storey and of limited architectural interest.

- 1.14. Car Parking would be reconfigured from around 64 spaces to the proposed provision of 63 spaces and storage for 20 bicycles. Additional parking (of 130 spaces) would be made available for this conference and hotel facility, in the adjacent multi-storey car park, which serves the wider campus. The transfer of 130 spaces, from the multi-storey car park, from wider campus provision to the conferencing facility would be offset by new parking in the form of a surface level car park (for 130 spaces) adjacent to the Munrow Sports Centre. This is proposed by application reference 2016/03861/PA and reported elsewhere in this agenda.
- 1.15. The wider proposal also includes internal works to Garth House, these works are described in the associated listed building application and reported later in this agenda.
- 1.16. The site contains very substantial tree cover. The tree survey identifies that in total there are 274 trees, 275 tree groups and 263 shrub groups. The scheme proposes the removal of 131 trees, the majority being category C or U (79 and 39 trees respectively). The remaining 13 trees proposed for removal are category B trees, and consist of 3 Turkey Oaks, 3 Beech, a Western Red Cedar, English Oak, Yew, Lawson Cypress, Lime and two Silver Birch. The scheme also proposes replacement planting of around 99 trees and further numerous plants and shrubs.
- 1.17. This application has been made with the following supporting statements; Design and Access Statement, Planning Statement, Phase One habitat Assessment including bat survey and badger survey, arboricultural survey, Drainage Strategy, Heritage Assessment and Transport Statement.
- 1.18. Site area 3.29ha.
- 1.19. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located to the north of the University's main campus. The site consists of Garth House (at number 47 Edgbaston Park Road), which is Grade II* listed and dates to 1901 whilst the second (Horton Grange – at number 53 Edgbaston Park Road) dates from 1928 and is not listed. There are also two 1970's accommodation blocks in between Garth House and Horton Grange; buildings 400 and 500, which provide 32 hotel bedrooms in total.
 - 2.2. The site currently functions as a conference facility and includes parking for 64 vehicles located in two areas; the frontage has 44 spaces and an area behind building 400 and building 500 has 20 further spaces. Horton Grange currently provides conference space for a maximum of 227. Garth House provides space for

58 delegates and 10 bedrooms. Building 400 and 500 currently provides 32 bedrooms (collectively).

- 2.3. The application site is generally triangular in shape with a boundary formed by Edgbaston Park Road (northeast boundary), the rear of education buildings of Pritchatts Road (on the southern boundary) and the Vice Chancellors house (at 43 Edgbaston Park Road) and gardens (to the northwest boundary). There is a multi-storey car park to the immediate south of the site with 400 spaces.
- 2.4. In terms of levels, the site is generally the shape of an equilateral triangle, the site rises by two metres from the southeast corner (137AOD) to the north corner (139 AOD), and rises by 7m from the north corner (139AOD) to the southwest corner (146AOD) and rises by one metre from the southeast corner (137AOD) to the southwest corner (146 AOD).
- 2.5. The site contains many mature trees, especially on the wide frontage.
- 2.6. The site consists of two pieces of land; the curtilage of Garth House and the curtilage of Horton Grange.
- 2.7. Garth house and curtilage is a rectangular piece of land in the northern section of the site. This area consists of a small car park and a large garden to the front. Garth House itself is set back from the road by 40m and includes a small access drive to a private courtyard for two vehicles. Buildings 400 and 500 are also within the land and are alongside Garth House, set slightly further back into the site with a distance of 65m from the highway. There is a car park (44 spaces) in front of building 400 (the southern most of the two buildings). To the rear of Garth House is a second garden 20m deep and 80 wide, which also extends behind building 500. To the rear of building 400 is a further car park with 20 spaces. Behind the rear garden and car park is a line of trees, 95m back from the main road, with woodland beyond to the rear of the site around 175m from the Edgbaston Park Road. Within the woodland is a ditch and small pond. Beyond the rear boundary is part of the University campus in the form of a small access road and the Materials and Metallurgy Listed building 10m beyond.
- 2.8. Horton Grange a triangular piece of land to the south of Garth House and curtilage. The building itself is located in the centre of this parcel of land, and located 40m from Edgbaston Park Road. This area includes the principal access into the wider site, with a bellmouth entrance and an access road that leads in front of the building to the north and into the Garth House plot with the two car parks beyond. To the side (southeast) and front (northeast/east) of the Horton Grange building is a large landscaped garden. To the rear (south) is a formal lawn area and woodland beyond to the west. The woodland is approximately one metre above the lawn with a retaining wall alongside a pathway that leads away from Horton Grange and the car parks to the south. This footpath then connects to the access road serving the multi-storey car park that faces onto Pritchatts Road.
- 2.9. The site is within the Edgbaston Conservation Area and 280m from the Edgbaston Pool; A Site of Special Scientific Interest (SSSI).
- 2.10. [Site Location Plan](#)
3. [Planning History](#)

- 3.1. Pending. Pa no. 2016/01280/PA Listed Building Consent for various works to a Grade II* Listed Building including external repairs and internal changes including removal of non-original fabric. Elsewhere on this agenda.
- 3.2. On Campus
- 3.3. Pending. Pa no. 2016/03861/PA Retention of 115 car parking spaces and creation car park area with a further 15 car parking (totalling 130 car parking spaces) to be used as temporary car park. Elsewhere on this agenda.
- 4. Consultation/PP Responses
- 4.1. Consultation
- 4.2. Transportation – No objection, subject to conditions to secure that the car park at Munrow Sports Centre is available prior to the conference/hotel use first commencing, the submission of a detailed travel plan, cycle parking details, car park management plan, event management plan and an updated campus car park master plan.
- 4.3. Regulatory Services – No objection subject to the provision of a charging point for 10% of the spaces, decontamination assessment and mitigation strategy.
- 4.4. Severn Trent – No objection subject to a drainage condition.
- 4.5. Local Lead Flood Authority – No objection subject to conditions to secure a sustainable drainage strategy and an operation and maintenance strategy.
- 4.6. West Midlands Police – No objection.
- 4.7. Historic England – Initially some concern about the proposed development in the garden and setting of this exceptional Grade II* listed Arts and Crafts house by WH Bidlake. However, following a site visit and re-consultation Historic England is of the view that it supports the revised layout of the garden to Garth House and the scheme as a whole.
- 4.8. 20th Century Society – In terms of Horton Grange, they have no objection to the demolition of the extension. They are concerned in regard to the impact of the proposed extension on the setting of the building. The proposed extension is extremely large in its massing, and significantly exceeds the Horton Grange in plan size. As such, they believe that it would dominate the original building and have a harmful effect on the composition of the setting. In terms of materials, they consider that extensive use of glass for the link element and long bands of clerestory glazing, together with the external cladding of the kitchen and store are unsympathetic with the existing building. They believe that there is potential for a sympathetic extension, however for the reasons outlined above, the Twentieth Century Society wishes to object to the planning application.
- 4.9. Conservation Heritage Panel – This item was seen by the panel at a pre-submission stage (11/1/16). No objection raised to the planning application which is considered to be acceptable in its impact on the character of the conservation area and the setting of the listed building.
- 4.10. Public Participation

- 4.11. Resident Associations, Councillors and MP consulted. Site Notices posted and press notice made.
- 4.12. Councillor Matt Bennett - objects to this application on the grounds that this area of Edgbaston is already heavily congested with inadequate parking facilities in place due to council policies restricting the parking provision for new developments. The travel plans in place here are inadequate and will have a detrimental impact in terms of congestion and parking, both of which are already a serious issue in Edgbaston. The needs of residents should be given far greater consideration when determining this application than they have been in the past as he is very concerned about the cumulative impact these developments are having on the area.
- 4.13. Councillor Deidre Alden – Objects and considers that it is totally inappropriate in an area which is already clogged with parking problems and busy roads because of the University and QE Hospital etc. She considers that there is not the capacity for all the extra traffic this would generate, and it is in a road which loads of students walk down as it joins The Vale, the University and Guild. It would add to the dangers for students walking and cycling to have all this extra hotel traffic. It is not appropriate to have such a facility between the student accommodation and the University. It's also far too big a proposal for this building.
- 4.14. Calthorpe Estates – Objects on the basis that there is no coordination, cross referencing or overall assessment reflecting the Travel Plan (transport impact assessment) prepared by Atkins. There is also no obvious correlation with previous assessments or those undertaken by the Hospitals. The Travel Plan is inadequate. We cannot find the change in impact on an annual basis to reflect the increased utilisation but suspect it would be dramatic. The minimum BCC car parking standard requires 95 car parking spaces, consequently greater than is being provided on site. The Travel Plan does not address this shortfall, the applicants suggest that visitors use the Gisbert Knapp but if they do so the University will struggle to maintain the spaces available for the university itself. The suggestions of delegates cycling or using the bus have no credibility.
- 4.15. Metchley Park Residents Association – They are concerned in regard to the additional traffic and object to the principle of the University virtually taking over the whole of Edgbaston and secondly traffic and car parking.
- 4.16. Edgbaston Residents Association – The proposal is for a very large increase to the existing accommodation on site, yet the transport assessment in the planning application is woefully inadequate. We have made clear our concerns about Edgbaston's poor infrastructure, parking and congestion on numerous occasions, but these are invariably ignored and the situation deteriorates by the day. It is patently clear to residents and our local political representatives that the University and QE Hospitals have been able to secure consent to expand without hindrance or requirement to address transportation issues in a meaningful way, which is completely unacceptable. It is difficult to see any case for granting planning consent for this application as there is no need for the accommodation, nor is there the local infrastructure and car parking to support it. We trust that this will be recognised and that the application refused.
- 4.17. Calthorpe Residents Society - The proposed expansion is not required in order to meet the development needs of the university. By its statutes, the university is a place of learning, research, advancement, dissemination and application of knowledge and an institution of fellowships and scholarships not of marriages. The provision of a facility which can 'hold two weddings simultaneously' should not be a

badge of honour for a university. It should confine its ambitions to enhancing its teaching and learning environment. This development is unnecessary and cannot be justified. The access to Garth House from Edgbaston Park Road is not safe or suitable. This is purely a commercial development and is the wrong type of development for the community. Sadly the university seeks no meaningful engagement and collaboration with the neighbourhood as promoted in the National Planning Policy Framework (para 8). This is something that the Calthorpe Residents' Society plans to address because the misery inflicted on residents is steadily increasing and can no longer be tolerated.

4.18. Objections have also been received from two residents with the following concerns;

- Existing traffic congestion and the impact of the proposal further increasing traffic in the area resulting in accidents.
- The hotel would not just be used by University related delegates/staff but would provide a facility available to all sectors for events, functions and parties.

5. Policy Context

5.1. Birmingham UDP, Draft BDP, Edgbaston Conservation Area Character Appraisal, Car Parking Standards. Places for All SPD.

5.2. NPPF, NPPG.

6. Planning Considerations

6.1. Principle of use

6.2. Policy 16.12, of the UDP, states that "The University of Birmingham is a major academic and research institution. Proposals to expand its teaching and research facilities will increase its attractiveness nationally and will be encouraged provided that they are consistent with other policies in the Plan". Policy TP35, of the draft BDP, reaffirms a commitment to supporting the expansion of the City's Universities, where links between the institutions and other research and development establishments will be promoted. Also Policy GA9, of the draft BDP, provides specific support for the University of Birmingham where further educational and associated uses that maintain and enhance the University facilities will be supported.

6.3. Paragraph 8.18 and 8.19, of the adopted UDP, provides guidance in regard to the location and issues surrounding hotels and guest houses. This states that any scheme must have regard to local planning, amenity and highway considerations.

6.4. The NPPF defines hotels as a town centre use. Paragraph 7.27, of the adopted UDP states that proposals for new town centre uses should be accommodated in centres. It also states that the City Council may be prepared to support town centre uses which are not within a centre, provided that a need for the proposal has been clearly demonstrated; and the principles of the sequential approach have been followed. This means that it must first be demonstrated that no suitable in-centre locations are available which could accommodate the proposed activity. This approach is also set out in the NPPF.

6.5. The applicants have considered this Policy and have identified a number of key points;

- “The application site and its immediate area is already a popular University focussed conference facility (known as Venue Birmingham) which includes Winterborne Gardens, Lucas House, Peter Scott House, Horton Grange and Garth House. This area provides a focus for conferencing and associated accommodation associated with delivering academic excellence associated with the University.
- The overall quality of the existing accommodation is poor and does not appeal to the delegates associated with this major academic and research institution.
- The largest conference room currently can only accommodate 64 people and as such the University currently has to host many large events at the University of Warwick.
- The proposed facility would address the above issues and would allow the University to create a more focussed, consolidated and organised conference centre, which would be both easy to locate and offer a more flexible range of conference space. There are no sequentially preferable sites for the proposed use within the University campus. The proposal would also allow the regeneration of Garth House and Horton Grange- both of which has suffered some neglect and unsympathetic extension (in regard to Horton Grange).
- The proposal fits with the University’s broader aspirations for academic expansion which would raise the profile of the University and this would help secure funding for new research.
- In terms of the hotel component, the University, hotel and conference model exists already at Nottingham and Loughborough. The University of Loughborough now operates two hotels; one on campus and one nearby...The University of Nottingham has recently built a 220 bed DeVere hotel on campus adjacent to the existing east midlands Conference Centre. The University of Essex has built a new hotel to both to serve its conference trade but also to act as a training base for students on a Hotel Management degree course.”

6.6. I acknowledge the above points and recognise that the University functions in a manner which is similar to a centre, having shops and bars, intensive accommodation on the periphery and being a major attraction of users (students/staff/visitors). I also note that the campus has access to excellent public transport in the form of trains (University Station) and buses and provides a significant amount of cycle parking. As such the campus shares similar characteristics of a centre. I also note that the University have explained that the facility would function as an integrated resource, imbedded in daily university activity and would not be a separate entity, as such its location is partly driven by its proximity to the campus rather than relying on passing trade or guests to the City who have no business with the University. I also note that the nearest centre, Selly Oak High Street, has no sites readily available to accommodate the proposal (the Battery site now subject to approval without a hotel) and in any event such a site would fail to consolidate the conference hub already located on Edgbaston Park Road. The University have made it clear that the conference and hotel facility would mostly be used in support of the University activity but, mindful of some of the comments made by local residents, it is also acknowledged that the facilities would

be occasionally made available for non-university business such as for weddings. I do not consider these extra activities would take precedence to the dis-benefit of core University activity and so would remain as an ancillary and secondary function.

- 6.7. I also recognise that the hotel is an essential component of a successful conference facility as evidenced by other similar models that the University have identified in other cities. I also do not consider that the hotel would function in competition with any function available in Selly Oak local centre, resulting in no adverse impact being identified.

6.8. Design and Conservation

- 6.9. The Planning (Listed Buildings and Conservation) Act 1990 [The 1990 Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 66, of the Act, states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” Section 72, of the Act, states that “In the exercise, with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” These requirements have been carried into the Development Plan through Policies 3.25 (listed Buildings) and 3.27 (Conservation Areas).
- 6.10. Policy 3.25, of the UDP, states that “any development affecting a listed building should preserve and enhance its character”. This also states that the setting of a listed building will be preserved and enhanced by the exercise of appropriate control over the design of new development in their vicinity. Policy 3.27, of the UDP, seeks that “...development [within conservation areas] should preserve or enhance the character or appearance of the area...the removal of trees or other landscape features which make a positive contribution to the area’s character or appearance will be resisted.”
- 6.11. Policy TP12, of the draft BDP, states that “great weight should be given to the consideration of the City’s heritage assets. New development affecting a designated or non-designated heritage asset or its setting, including alterations or additions, will be expected to make a positive contribution to its character, appearance and significance”.
- 6.12. Paragraphs 126-141 of the NPPF, discuss conservation matters. Paragraph 131 requires the LPA to “sustain and enhance heritage assets”, to appreciate “the positive contribution that conservation of heritage assets can make to sustainable communities”, and for new development “to make a positive contribution to local character and distinctiveness”. Paragraph 137 states that “local planning authorities should look for opportunities for new development within conservation areas....and within the setting of heritage assets, to enhance or better reveal their significance”.
- 6.13. In terms of design, paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible

from good planning, and should contribute positively to making places better for people.” Policy GA3, of the draft BDP, states that “all new developments will be expected to be designed to the highest standard, contributing to a strong sense of place.”

- 6.14. The proposal consist of four key elements; the hotel and conference facility, the energy centre and extraction system, the demolition of buildings 400 and 500 and the demolitions and new rear extension at Horton Grange. These components have the potential to impact on the conservation area and upon the setting of the listed Garth House and non-designated heritage asset of Horton Grange.
- 6.15. Impact on the character of the Conservation Area
- 6.16. The hotel and conference building is a contemporary response to the arts and crafts tradition in the area through the use of a series of steep gables on an asymmetrical plane. The building’s mass is modest to the front, to relate to Garth House and Horton Grange, and be taller (4 stories) and of a greater mass to the rear as a reaction to the modern lab buildings further across the campus including the Metallurgy & Materials listed building and the rear of Gisbert Kapp and 52 Pritchatts Road. I am satisfied that the building responds well to its very special context, respecting the smaller buildings to the front and the larger campus building behind. The site, whilst within the conservation area is a transitional site and on that basis can accommodate scale that would generally be inappropriate further into the conservation area. On this basis I have no objection to the siting, design, scale or appearance of the proposed hotel and conference building.
- 6.17. The Energy Centre would be a single storey flat roofed building partly submerged into the ground and with hedging and bio-diverse roof screening the walls and roof. As such this building would be ‘lost’ in the landscaped areas and would have no real visual impact on the surrounding area. As such I consider that this building would be the right design response, preserve the character of the conservation area.
- 6.18. The removal of the existing front and rear extensions to Horton Grange is welcomed and would remove 357sqm of extensions to the original house (of 323sqm) which are harmful to the existing building and its setting. The proposed rear extension, of 417sqm, whilst large would consolidate the new build into a single event space to the rear of the building and is consequently considered to be a sound approach to sensitive development. The footprint of the extension is large and the scale is confident, a clear division is made between new and old architecture and the design of the extension is an imaginative and identifiable solution that is welcomed. My conservation officer fully supports the scheme and its impact on the conservation area. I concur with my conservation officer. As such, on balance, I consider that the proposed rear extension would preserve the character of the building and as such the character of the conservation area.
- 6.19. The 20th Century Society has objected to the proposed rear extension to Horton Grange. Horton Grange is a non-designated heritage asset within the Conservation Area. Clearly the 20th Century Society recognises the improvements proposed to this building including the demolition of the unsympathetic front extension but are concerned nonetheless that the proposed rear extension is too large and dominates the rear elevation and aspect. The front extension is to the right hand side of the front elevation of the building as seen on figure 3 below, this is both unsympathetic and obtrusive. I note that the footprint of Horton Grange is 690sqm, demolitions would take this back to its original footprint of 323sqm and the proposed extension would add 417sqm. As such the proposed extension would be similar in scale to the

existing unsympathetic extensions but located in a less intrusive location. I also note that the proposed rear extension would be single storey, but with a significant contemporary pitched roof. A refusal would result in Horton Grange remaining in its current form, with no scope to enhance the building. On balance between both options I strongly favour the improvements proposed to the front and rear of the building. I also recognise that my conservation officer supports this approach.

6.20. Impact on the setting of Garth House (Grade II* Listed)

6.21. The new convention centre and hotel would be located behind Horton Grange and extends partially into the rear garden of Garth House. The building would sit at an angle splayed away from Garth House, only just touching the rear corner of the original plot (of Garth House) The building would be set 40m to the south of Garth House creating a far better sense of space around the listed building than is currently evident with buildings 400 and 500.

6.22. The new conference centre angles away from the listed building and responds to its scale and design, using contemporary materials to suit the chosen design. The distance between the new structure and Garth House is a significant improvement to the existing buildings and open up the rear and side of the building so that it can have a much improved relationship with its gardens. The demolition of the two 1970's accommodation blocks is a significant benefit to the setting of Garth House which are built very close to and compete with when viewed from the rear and side. The landscaping solution arrived at allows for the listed building to have formal gardens reinstated around it, which at present are limited to a communal lawn to the rear, a terrace and lawn to the side and a driveway to the front.

6.23. I recognise that Historic England were originally concerned that the rear garden of Garth House would be compromised by the conference building as the rear corner of the garden would be intruded into. I recognise that this area of land is currently set out as car parking and the existing buildings 400 and 500 are within this corner and much nearer to the listed building. I note that Historic England have reconsidered the scheme, following a site visit and being in receipt of the amended plans, it now accepts that the Garth Garden design has been much improved (with the removal of the gazebo and the missing part of the pergola being reinstated) and have asked for the bin store to be removed from the plan to further improve the setting of the gardens. The applicant has responded to this request with the submission of another revision to the garden removing the bin store and accepting that a new location will be agreed through conditions later in consultation with officers.

6.24. My conservation officer fully supports the scheme and its impact on the setting of Garth House. I concur with my conservation officer.

6.25. Demolition of Buildings 400 and 500

6.26. The demolition of the two 1970's accommodation blocks is a significant benefit to the conservation area and the setting of Garth House as it allows the original space between the two houses to be restored and removes two very crude and utilitarian structures from this special early 20th century townscape of affluent houses and villas in large plots.

- 6.27. In summary, the separate components; hotel and conference facility, energy centre and extension to Horton Grange, would preserve and enhance the character of the conservation area. The proposed demolition; of buildings 400 and 500 and the two extensions to Horton Grange would also enhance the character of the conservation area. The design of the hotel and conference facility, energy centre and rear of Horton Grange would meet best design practice being contemporary and using high quality materials in most cases and being subdued and subtle, in the case of the energy centre. Furthermore the arrangement of proposed buildings and demolitions would reveal a more respectful setting for Garth House- enhancing its setting and resulting in a significant improvement to the existing context.

6.28. Transportation

- 6.29. Policy 6.49B, of the UDP, seeks new development to make adequate parking provision to meet all transport needs. The NPPF states that “when setting parking levels LPA’s should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles” Policy TP37 of the draft BDP requires development proposals support and promote sustainable travel and TP43 requires new development to support the delivery of a sustainable transport network.
- 6.30. The site is within area 3, as defined by the car parking SPD, being 0.7kms from University Railway Station. Parking guidelines in area 3 for hotels require 1 parking space per 3 bedrooms. The conference facilities would require 1 cycle space for every 50 seats and 1 parking space per 5 seats. The hotel would therefore require a maximum of 70 spaces and the conference facilities a maximum of 141 spaces, for (totalling 211 spaces). The scheme also generates the requirement for 13 disabled spaces and 20 cycle parking spaces. However, this does not take into account linked trips which in reality would reduce the parking expectation due to the symbiosis of hotel and conference activity functioning together with shared trips/users.
- 6.31. The scheme includes 63 car parking spaces, including 13 disabled and 20 cycle parking spaces, within the site. A further 130 spaces would be provided off-site at the adjacent multi-storey car park, resulting in offset parking (for 130 cars) being provided at the Munrow sports centre site. This extra car parking is subject to a separate planning application, reported elsewhere on this agenda (reference 2016/03861/PA). This creates a total new provision of 193 spaces.
- 6.32. The applicants consider that visitors to the facility would be most likely to park on site or use the adjacent multi-storey car park. But the University also recognise that the commandeering of 130 spaces from the multi-storey car park would need to be off-set with additional parking elsewhere. As such additional parking is proposed, further into the campus, adjacent to the Munrow Building (the existing Sports Centre). The Hybrid planning application of 2012, approved 21 separate projects on the campus and rationalised parking with new parking provided and older surface level parking decommissioned, resulting in an overall minimum provision of 3400 spaces required to be provided and maintained by condition. The car park adjacent to Munrow, and Munrow itself, was previously proposed to be removed as part of the comprehensive rationalisation of car parking across the campus. However, in light of the current application, it is now proposed to retain the car park and expand it instead. This would provide 130 spaces above the 3400 spaces. The Munrow Sports Centre is required, by a condition of the Hybrid application, to be demolished within 6 months of the occupation of the new Sports Facility on the corner of Edgbaston Park Road and Bristol Road, which itself is due for completion September 2016.

- 6.33. Turning back to the application site, the spaces required for hotel use would be provided within the on-site car parking and within the adjacent multi-storey. The University has stated that all parking demand can be accommodated without the need for on-road parking, or by displacing existing parking generated by the University activities. Likely trip generation would be easily accommodated within the local highway network and the Transport Assessment concludes that all highway impacts were not significant, and that junction capacity modelling would not be required.
- 6.34. Transportation Officers have carefully considered the Transport Assessment and have considered existing and proposed parking levels, proximity to public transport and availability of off-site car parking. Nationally recognised traffic hourly trip rate data (TRICS) has been used to establish the arrival and departure profiles, along with a parking accumulation profile for the hotel element of the proposal. The trip profiles show that most arrivals occur in the evening, and most departures occur in the morning, as expected for this type of land use in isolation. However, the accommodation element is to be marketed alongside the conference elements and therefore there it is anticipated that arrivals to the hotel (in the evening) will be associated with conference attendance. These “linked-trips” would therefore reduce the number of vehicle trips to/from the site. The vehicle trip generation for the hotel element is considered to represent a robust scenario without any reduction from linked trips with the conference elements. Transportation officers consider that the parking levels proposed are acceptable and that there is capacity in the multi-storey car park to accommodate the anticipated demand, especially in mind of the increase in parking proposed at Munrow. In terms of the access onto Edgbaston Park Road, they comments that an Automatic Traffic Count (ATC) was undertaken at the existing vehicular site access onto Edgbaston Park Road and concluded that the required visibility can be achieved.
- 6.35. Transportation Officers have raised no objection to the level of parking provided on-site or the impact on the local highway, provided that the additional car parking (adjacent to Munrow) is made available prior to the hotel and conference use first commencing and for that 130 space car park to be maintained for the duration of the use. They have also requested conditions to require; cycle parking details, car park management plan, car park management plan for major events, a detailed travel plan and a revised campus wide car park plan. I concur with their assessment and am satisfied that these can be secured by condition.
- 6.36. Reaction to comments raised by residents and resident groups
- 6.37. Considering the comments raised by local residents associations, residents and Calthorpe Estates it is clear that residents are concerned that the scheme would result in additional traffic and put further pressure on on-street parking. This concern was also raised by officers and in reaction the University have proposed further parking on site (in the form of 130 additional spaces adjacent to the Munrow Sports Centre). The Transport Assessment includes a junction analysis and concludes that the adjacent junctions function well and the anticipate increase would be negligible in impact terms.
- 6.38. Trees**
- 6.39. Paragraph 3.38, of the UDP, states that “...new developments, particularly those on open land, will be expected to respect, and where possible enhance, the local environment... through the retention of existing trees and through... landscaping

schemes". Policy TP7, of the draft BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains.

- 6.40. The tree survey identifies that in total there are 274 trees, 275 tree groups and 263 shrub groups. The scheme proposes the removal of 131 trees. Of these the majority are category C or U (being 79 and 39 respectively). The remaining 13 trees for removal are category B and consist of 3 Turkey Oaks, 3 Beech, a Western Red Cedar, English Oak, Yew, Lawson Cypress, Lime and two Silver Birch. The scheme also proposes replacement planting of around 99 trees and numerous plants and shrubs.
- 6.41. My arboriculturalist comments that he is in agreement with the detail and conclusions of the arboricultural impact assessment submitted for this application. A relatively small number (13, considering the size of the site) of moderately valued trees would need to be removed. No trees of high value and, importantly, no trees with views to the frontage where the most contribution is made to the conservation area, are to be removed. The main areas of impact are in the centre and the South of the site joining the university campus. Trees in these areas are either young self-sets or in low value groups. Special construction methods are proposed in the area of the Beech T156 which is a C category tree but substantial mature feature in the internal landscape. The greatest impact is the removal of the B category group T95 to T98. These trees are in a position where avoiding them with a development would be a prohibitive constraint and the trees are not a current amenity being behind the existing buildings and in a dense and fairly inaccessible area.
- 6.42. I consider that the proposal would retain the most important landscape features in the site with acceptable impacts on the trees and avoids affecting the most significant specimens. My arboriculturalist has raised no objection subject to the inclusion of two conditions to secure details of trees works and for the work to be undertaken in accordance with the respective BS Standard. I concur with his view.
- 6.43. Ecology**
- 6.44. Paragraph 3.37, of the UDP, states that the importance of safeguarding and enhancing the natural environment of the City is recognised. Paragraph 3.38, of the UDP, continues that "...schemes...on open land, will be expected to respect, and where possible enhance, the local environment.. with the objective of maximising wildlife value". The NPPF, at paragraph 109, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline. The draft BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.45. Various ecological surveys have been completed in support of the application: including an extended Phase 1 habitat survey / Preliminary Ecological Appraisal, October 2014, a daytime building inspection for bats, a dusk emergence and dawn re-entry bat surveys, great crested newt presence/absence surveys of two on-site ponds and off-site ponds at The Elms Day Nursery, 54 Pritchatts Road and grounds of Park House, an Initial badger survey, badger sett monitoring survey (sett A), and updated initial badger survey, sett monitoring (setts A and B) and wider walkover survey.
- 6.46. The various surveys identified some habitats within the built structures, amenity grassland, scattered trees, dense scrub, and two water bodies. The site's habitats provide opportunities for invertebrates, birds, "common" amphibians and reptiles,

hedgehog and other small mammals, bats and badger. In terms of bats a maternity roost was found in building 500 and a day roost in building 400, Garth House, has a soprano pipistrelle day roost, the Garth House, workshop has common and soprano pipistrelle day roosts. Also Hornton Grange has a high potential for roosting bats, but no confirmed roosts. And three bat species were recorded foraging and commuting across the site.

- 6.47. The surveys also discovered that the ponds in the grounds of Hornton Grange and The Elms Day Nursery (Pond off Edgbaston Park Road SLINC) are assessed as having good habitat suitability for the Great crested newt. The surveys recorded breeding smooth newts in Horton Grange pond, and ponds at 54 Pritchatts Road and 40 Edgbaston Park Road. No great crested newts were recorded. In terms of Badgers an active sett (sett A) in the rear area and a second active outlier sett (sett B) was also found.
- 6.48. Badgers
- 6.49. Construction of the new hotel and conference centre would result in the direct loss of the main badger sett (sett A). To compensate for this loss, the applicants propose the creation of a new artificial sett in the rear garden of 43 Edgbaston Park Road (the Vice chancellor's residence to the immediate north of the application site). This location is close to the sett A, adjacent to the outlier sett (sett B) and within the current home range of the resident badger group. The new sett should benefit from reduced disturbance as it would be located in a University owned private garden; a new hedgerow is proposed to provide a screen from the garden's adjacent maintenance area. The new sett would be constructed prior to any works to close the main sett, to allow time for the badgers to find and occupy the new sett.
- 6.50. Various options for addressing impacts on the sett A, including sett retention and alternative locations for a replacement sett, are discussed in the submitted Badger Method Statement. My ecologist has discussed the various alternatives with the applicants ecologists (Middlemarch), and reviewed the submitted information, she concurs with Middlemarch's conclusion that the option proposed is the most acceptable in terms of addressing adverse impacts and ensuring the long-term viability of the badger group. The Method Statement sets out a satisfactory approach to mitigation and compensation, notably creation of the artificial sett in advance of works to close sett A; protection of the main sett prior to damaging works; exclusion of badgers from the main sett; closure and destruction of the main sett once it has been confirmed as no longer in use. As the proposed works would otherwise contravene the legal protection afforded to badgers and their setts (Protection of Badgers Act 1992), a Natural England badger licence would be required before any works take place to exclude badgers and close the sett.
- 6.51. The proposed layout would allow for the retention of the outlier sett (and the surrounding laurel shrubs which screen the sett), although there is a risk that construction works could cause damage/disturbance to this sett, in contravention of the provisions of the Protection of Badgers Act 1992. The Badger Method Statement sets out the mitigation measures that would be implemented to ensure works safeguard badgers and do not result in breaches in wildlife legislation. The precautionary measures identified reflect good practice guidance, and my ecologist has no objection to the approach proposed.
- 6.52. In the short term, construction activities may result in additional impacts on badgers by reducing the availability of foraging habitat and creating hazards (eg open trenches) which could cause harm. However, there is a well-connected network of

open spaces surrounding the site which would continue to provide suitable foraging habitat for the duration of the construction period while on-site opportunities are reduced. In addition, good practice site mitigation measures are described in the Method Statement to address construction-phase impacts. In the longer term, the new sett would provide a more secure location for the badger group due to its position in a private garden, where a lower level of disturbance can be expected. The outlier sett would continue to be screened by the retained laurel scrub, and access between the outlier and new sett would be maintained. In addition, new landscaping should enhance the foraging resources available for the resident badgers.

- 6.53. In summary my ecologist has raised no objection to the proposed approach to mitigation and compensation set out in the Badger Method Statement, which has been designed to address adverse impacts on badgers and ensure compliance with wildlife legislation. Implementation of the measures described in the Method Statement, should be secured by condition.

6.54. Bats

- 6.55. In addition to the Bat Survey report, the Applicants have produced a so-called 'Reasoned Statement', which also addresses bat issues. The proposed demolition of the two accommodation blocks (buildings 400 and 500) would result in the destruction of a common pipistrelle maternity roost and a common pipistrelle day roost. A Natural England European Protected Species licence (NE EPSL) would be required before works to these buildings can go ahead. In addition to the various bat survey reports, the planning application is supported by an outline bat mitigation and enhancement strategy and a reasoned statement. The initial mitigation and enhancement strategy contains details of the proposed mitigation and compensation measures to ensure no detriment to the maintenance of the population of common pipistrelles at a favourable conservation status. In summary, the measures proposed ensure works to buildings 400 and 500 comply with the legal protection afforded to bats and their roosts through the provisions of The Conservation of Habitats and Species Regulations 2010 (as amended). This includes 6 bat boxes and 1 no. Miramare bat box on mature trees in a tree belt, Installation of 2 Habitat boxes, Installation of 3 pairs of roof crevice units, new lighting to be directed away from new roost features; dark corridors to be retained around the site and between new roost locations and surrounding vegetation and new landscaping planting to provide enhancement for foraging bats.

- 6.56. As the presence of an European Protected Species (EPS) has been confirmed on the site, the Council, as a local planning authority, must consider the three tests in Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) before determining planning applications that may affect EPS (ODPM Circular 06/2005, paragraphs 99, 112 and 116). Regulations 53(2) and 53(9) define the circumstances where a derogation (officially stating that the rule no longer needs to be obeyed) is allowed for an affected EPS and a licence could be issued by Natural England. These are;

- Test 1: the derogation is in the interests of public health, public safety and an imperative reason of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test 2: there is no satisfactory alternative.

- Test 3: the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 6.57. To comply with its statutory duty, the Council needs to demonstrate that a decision has been reached in a manner that takes account of, and is consistent with, the requirements of the Regulations. This means that the LPA needs to consider the planning application in light of the three tests. Development that does not avoid harm to EPS and/or does not satisfy the three tests will be in conflict with the Regulations. LPAs must demonstrate their regard for these issues, and where they fail to do so, any planning consent granted for such a project may be in breach of the duty placed on LPAs by the Habitats Regulations.
- 6.58. Test 1 - Section 62, of the Conservation of Habitats and Species Regulations 2010, states that 'over-riding public interest' can be either a social or economic interest. It also states that the social and/or economic reasons must relate to either human health, public safety or beneficial consequences of primary importance to the environment or any other reasons, having due regard to the European Commission, consider to be imperative reasons of over-riding importance.
- 6.59. The proposed scheme would deliver both social and economic benefits to the University and as an additional consequence the wider community. The applicant comments in the Reasoned Statement that it would provide a primary benefit to the wider economy and other benefits on a secondary basis (such as an improved setting within the conservation area and to the setting of the adjacent listed building). It is also stated that the proposal would make use of a single site for all hotel and conference needs rather than the current facility, which requires delegates to cross Edgbaston Park Road to visit multiple venues. It has also been stated that the proposals would allow Horton Grange and Garth House to form part of an integral part of the overall development. The University have also confirmed that the hotel would employ 40 full time equivalent staff and has a wage bill of over £1million thereby contributing significantly to the local economy. The conference facility itself would raise the profile of the city, encourage collaborations and help secure grant funding for research. The University also explain the regional and national benefits including reference to the University's new Sports Centre which would attract national sporting activity, such as the World University Squash Championships, and the hotel accommodation would allow the University to bid for this and other events.
- 6.60. Test 2 – In regard to the second test (That there is no satisfactory alternative), the LPA has considered not demolishing buildings 400 and 500, and moving the footprint of the proposed hotel and conference facility. This would then be pushed further back into the site (affecting other important trees) but this would fail to deliver one of the several key benefits of the proposal; the removal of two unsightly buildings in the conservation area and harming the setting of Garth House.
- 6.61. The applicant comments that the existing accommodation and conferencing facilities have several functional problems and cannot be resolved within the confines of the existing layout. Edgbaston Park Road currently bisects the facility and as such many delegates must cross the road to access the catering facilities. The current facilities are very dated and do not meet the current standards, quality and technological support demanded from current conferencing and hotel clients. They comment that facilities are generally poor quality and fall short of daily booking demand. They conclude that alternatives were considered, off campus would not deliver co-location benefits required and on campus alternatives were not close enough to the existing conferencing use to be coordinated. They also consider the refurbishment of the buildings, rather than demolition, but have concluded that the number of bedrooms

would still fall well short of what would be needed for the scale of University attached.

- 6.62. I consider that the first two tests are also satisfied in so much as it is considered that the proposal is in the public interest, through enhancing the University and its facilities which is generally considered to be of benefit to the City, and in terms of the second that there is not a satisfactory alternative.
- 6.63. Test 3, that the derogation would not result in harm to the bat population, is satisfied as my ecologist deems that the development should have no detrimental effect on the favourable conservation status of an EPS. She considers that this development, if implemented in accordance with the outline bat mitigation and enhancement strategy and other supporting ecological information, would conserve and enhance the local bat population present – ie compensate for the loss of two roosts, and provide habitat enhancement for bats. Therefore, the third test would be met.
- 6.64. If all three tests can be met, then an application for a European Protected Species Licence (EPSL) would probably be successful. Therefore, it is possible to consent the application in accordance with the LPA's obligations of Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended). To assist this process, the applicant has submitted a EPSL reasoned statement and EPSL reasoned statement annex document, which set out the justification for the proposal in the context of the first two tests.
- 6.65. Based on the results of the bat surveys of Hornton Grange, the proposed works to this building should not directly affect any identified features with bat roost potential. As indirect impacts (as a result of noise, vibration etc) are possible, it is recommended, as a precautionary measure, that demolition of internal walls is completed during the winter, when bats are unlikely to be present. In addition, update surveys should be completed of all trees and built structures where no bat impacts have currently been identified, if works to these features has not commenced by February 2017. These requirements should be secured by condition.
- 6.66. As discussed above, in connection with the outline bat mitigation and enhancement strategy, new external lighting would need to be appropriately designed to avoid affecting bats using the site. Details of proposed new external lighting should be secured by condition.
- 6.67. In regard to other ecological matters, the development proposals would impact on other identified ecological receptors, including mature trees and hedgerows and breeding birds and, potentially, "common" amphibians and reptiles and hedgehog. Good practice mitigation measures are set out in the Preliminary Ecological Appraisal and in the Great Crested Newt Survey report to minimise adverse impacts; submission and implementation of a Construction Ecological Management Plan should be secured by condition.
- 6.68. Invasive plant species identified on site should also be subject to controls to avoid their spread during development. A condition should be attached to secure further details.
- 6.69. In conclusion, although the proposals would result in habitat loss, including some areas of trees and shrubs and the areas of disturbed ground associated with the green waste composting facility, the affected habitats generally have low intrinsic ecological value. Much of the existing landscaping within the eastern half of the site and around site boundaries, and the pond in the garden of Hornton Grange, would

be retained. The scheme provides significant scope to mitigate for these habitat losses, and to enhance the site's biodiversity value, through enhancement of the existing landscape, new landscape planting/habitat creation, integration of biodiversity features within the design of the new buildings, and appropriate management of retained and new landscape features. Inclusion of planted SuDS features would also create new habitat features. My ecologist has subsequently raised no objection in principle to the range of enhancement measures proposed by Middlemarch. Further details should be secured by condition, and should be developed in conjunction with the detailed landscaping proposals. A condition to secure appropriate long-term management of these measures is also required.

6.70. Drainage

- 6.71. Policy TP3, of the draft BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the draft BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.
- 6.72. The proposed discharge rate of 15.5l/s for all events up to, and including, the 100year plus climate change (30%) event is acceptable to the Local Lead Flood Authority (LLFA). Suitable Sustainable Urban Drainage Systems (SuDS) should be explored to achieve the three key principles of SuDS. The LLFA accept that there are constraints on this site, however they have identified potential opportunities for green traditional features. Infiltration testing is required to determine if there is potential for infiltration on this site. Further evidence of exploring the potential of accommodating the required attenuation above ground in green/traditional SuDS features is required (e.g. through implementing swales adjacent to the access road and replacing the tanked area with a grassed depression/basin feature). Finally, while some consideration has been given to the Operation and Maintenance of the proposed surface water features the following information is still required; this and the need for a revised drainage strategy can be secured by condition.

6.73. Sustainability

- 6.74. Policy 3.14E, of the UDP, includes a range of principles for sustainable design/development. These include promoting modes of transport other than use of the private car, re-use of buildings where possible, re-use of materials where possible, design to benefit landscaping and biodiversity, the use of renewable energy where possible, thermally efficient buildings, higher densities, reduced water consumption, adaptable buildings and contamination remediation to bring sites back into active use. Policy TP1, of the BDP, includes a similar range of measures to promote sustainable design.
- 6.75. The hotel and conference facility would be located adjacent to the campus that it would principally serve. The building would be built to good sustainability principles including the inclusion of a green/brown roof on the hotel and the energy centre. The scheme is well located to benefit from existing local sustainable public transport and it is therefore considered that the proposal would result in sustainable development.

6.76. Community Infrastructure Levy (CIL)

6.77. The proposal would attract a zero charge as only hotels within the City Centre are subject to a CIL charge.

7. Conclusion

7.1. The proposal is acceptable and satisfies issues of principle, is located in a sustainable location. The hotel and conference facility provides a facility required as essential for the scale and importance of this University.

7.2. The scheme provides adequate parking and provides good access to alternative forms of access such as by bus, cycle and rail.

7.3. The proposal satisfies tests in regard to respecting its very special setting within the Edgbaston Conservation Area and being located within the setting of a Grade II* listed building.

7.4. The scheme also respects its sensitive location adjacent to wildlife interests, achieves the requirements of the Habitat and Species Regulations 2010 and protects those trees deemed to be of high importance to the setting and character of the conservation area.

8. Recommendation

8.1. Approve subject to the following conditions;

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| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Prevents demolition prior to a redevelopment contract being entered into |
| 4 | Requires the prior submission of extraction and odour control details |
| 5 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures |
| 6 | Requires the prior submission of a construction ecological mitigation plan |
| 7 | Requires the prior submission of a habitat/nature conservation management plan |
| 8 | Requires the prior submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of boundary treatment details |
| 10 | Requires the prior submission of a lighting scheme |
| 11 | Requires the prior submission of details of green/brown roofs |
| 12 | Requires the prior submission of sample materials |
| 13 | Requires the prior submission of sample walling/render panel/stonework/brickwork |
| 14 | Arboricultural Method Statement - Submission Required |
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- 15 Requires tree pruning protection
 - 16 Sets trigger point for the off-site car parking to be available (prior to first use)
 - 17 Requires the prior submission of a sustainable drainage scheme
 - 18 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 19 Requires the prior submission of windows, lantern, soffit and link area for Horton Grange
 - 20 Requires details of repair to re-exposed parts of the external walls of Horton Grange
 - 21 Requires provision of charging points for electric vehicles.
 - 22 Requires details of windows, parapets, cladding for the hotel and conference centre
 - 23 Requires the prior submission of details of refuse storage
 - 24 Requires the prior submission of details of a delivery vehicle management scheme
 - 25 Requires the prior submission of a travel plan
 - 26 Requires the prior submission of a car park management plan
 - 27 Requires the prior submission of a car park management plan for major events
 - 28 Requires the prior submission of cycle storage details
 - 29 Requires the prior submission of campus car park masterplan
 - 30 Requires the scheme to be in accordance with the listed approved plans
 - 31 Requires the scheme to also be in accordance with the listed approved plans
 - 32 Limits the approval to 3 years (Full)
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Case Officer: Ben Plenty

Photo(s)



Fig 1 Garth House, looking north.



Fig 2 Buildings 400 and 500, looking east.

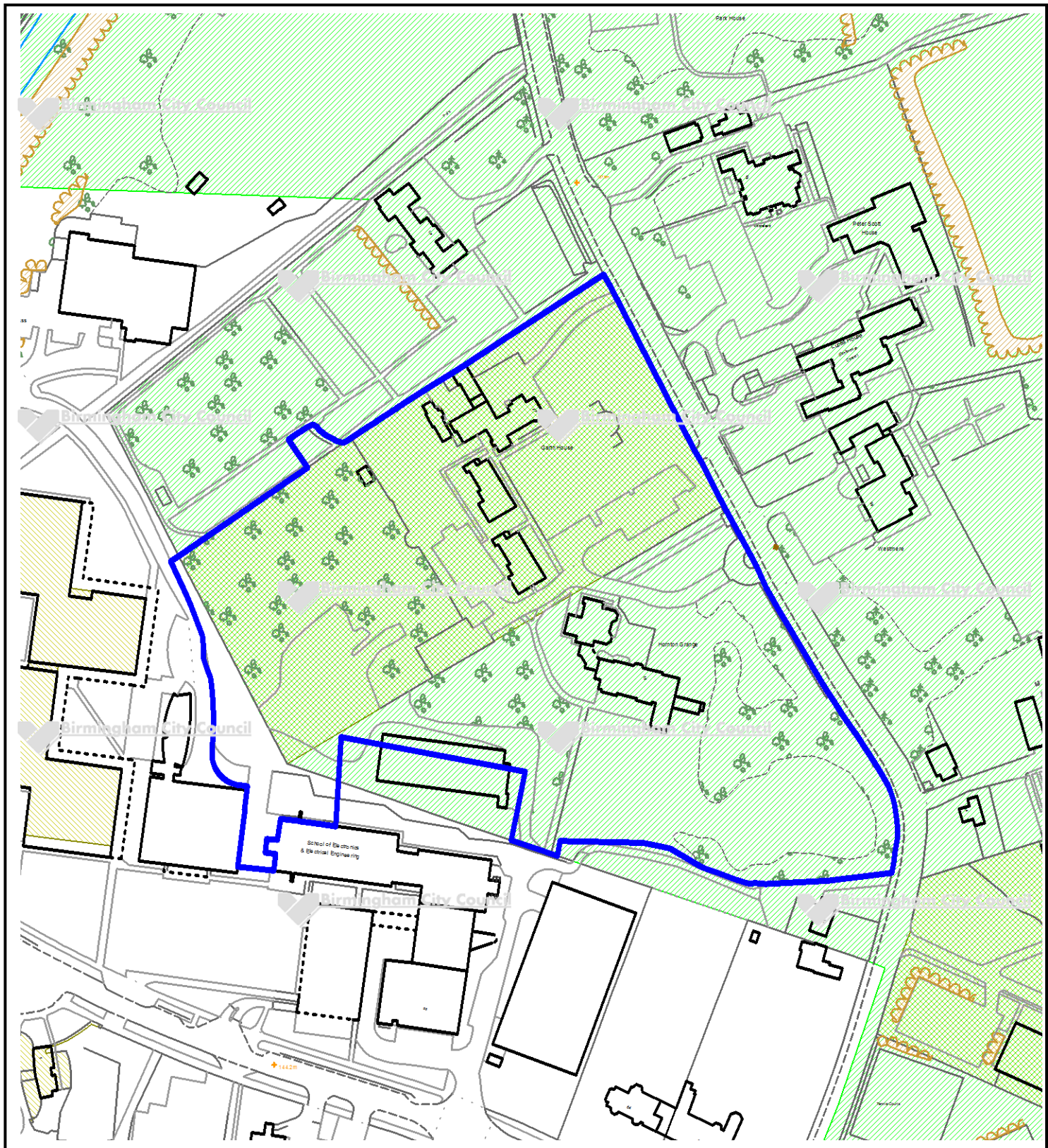


Fig 3 Horton Grange, looking east.



Fig 4 land to the rear of the site, Looking NE at the rear of buildings 400 and 500 from the woods

Location Plan



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Committee Date:	21/07/2016	Application Number:	2016/01280/PA
Accepted:	30/06/2016	Application Type:	Listed Building
Target Date:	25/08/2016		
Ward:	Edgbaston		

University of Birmingham, 47 Edgbaston Park Road, Edgbaston, Birmingham, B15 2RS

Listed Building Consent for various works to a Grade II* Listed Building including external repairs and internal changes including removal of non-original fabric

Applicant: University of Birmingham Estates Office
Estates West, Edgbaston, Birmingham, B15 2TT
Agent: Glancy Nicholls Architects
The Engine Room, 2 Newhall Square, Birmingham, B3 1RU

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. The application seeks the restoration of the Grade II* listed building which secures its future condition and maintenance as well as bringing it back into good long term sustainable use. In detail the works include;

- the removal of modern partitions,
- route new utilities,
- repair the roof,
- repair the rainwater goods, and
- fully redecorate the building in response to its original design and the wider arts and crafts movement.

1.2. This application is part of a wider proposal, reported elsewhere in this agenda, to build a new hotel and conference facility behind Garth House, remove existing and modern buildings in the conservation area and in close proximity to the Grade II* listed building and improve Horton Grange, to the south of Garth House.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is located within the Edgbaston Conservation Area. Garth House is Grade II* listed and dates to 1901

2.2. The site is adjacent to two 1970's accommodation blocks and Horton Grange (a former residence now used as a conference facility).

- 2.3. Extensive areas of parking are located forwards of these buildings and Horton Grange and the rear part of the site is used as the compost to the university estate and is largely overgrown. The buildings are partially screened from the street as the street boundary is densely planted with trees and shrubs.
- 2.4. [Site Location Map](#)
3. [Planning History](#)
 - 3.1. Pending. Pa no 2016/01260/PA erection of a 172 bed Hotel and Conference Centre, Refurbishment of Grade II* Listed Garth House. Proposed part demolition, refurbishment and extension to Hornton Grange. Demolition of existing hotel blocks 400 and 500. Proposed new energy centre and associated flue to rear of Gisbert Kapp. Elsewhere on this agenda.
4. [Consultation/PP Responses](#)
 - 4.1. Councillors, Resident Associations, Amenity Groups consulted and the MP notified. Site Notice erected, press notice made. No comments received.
 - 4.2. Historic England – No objection, the amendments have addressed our concerns about the demolition proposed, particularly in the 'back of house' areas and on the first floor.
 - 4.3. Conservation Heritage Panel – This item was seen by the panel at a pre-submission stage (11/1/16). The panel recognised the importance of Garth House as the finest example of an Arts & Crafts house in Birmingham and that it has international importance. Discussion was also had with regards to the simple and naturalistic architectural style of the Arts and Crafts movement and how this would be interpreted both in the exterior and interior design, including landscaping. A request was asked for paint scrapes to see what paint colours were originally used in Garth House. Historic evidence for landscaping detail should also be researched and considered for planting schemes. Also the university should take this opportunity to address the parapet to the tower as this has had later 20th century brickwork which would benefit from rebuilding. Generally, positive comments were expressed regarding the whole scheme. It was also suggested that once completed there should be some public access to Garth House as it is a heritage asset and the University of Birmingham should be encouraged to recognise it as such.
5. [Policy Context](#)
 - 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014). Historic England guidance for '*The setting of Heritage Assets*' (2015).
 - 5.2. Birmingham UDP (2005); Draft Birmingham Development Plan; Regeneration through Conservation (1999).
 - 5.3. Edgbaston Conservation Area. Grade II* Listed Building.
6. [Planning Considerations](#)
 - 6.1. Policy 3.25, of the UDP, states that "any development affecting a listed building should preserve and enhance its character". This also states that the setting of a listed building will be preserved and enhanced by the exercise of appropriate control over the design of new development in their vicinity.

- 6.2. Policy 3.27, of the UDP, seeks that “..development [within conservation areas] should preserve or enhance the character or appearance of the area...the removal of trees or other landscape features which make a positive contribution to the area’s character or appearance will be resisted.”
- 6.3. Policy TP12, of the draft BDP, states that “applications for development affecting the significance of a designated or non-designated heritage asset...will be required to provide information to demonstrate how the proposal would contribute to the asset’s conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.4. Section 66, of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act), states that In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.5. Paragraph 131, of the National Planning Policy Framework (NPPF), states that “..in determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.6. Paragraph 132, of the NPPF states that 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 6.7. Guidance has also been published, by Historic England in March 2015, to guide applicants and the Local Planning Authority when considering the issue of ‘*The setting of Heritage Assets*’.
- 6.8. Garth House is a Grade II* listed house dating to 1901 and was designed by WH Bidlake. The proposals are to bring the entire building back into use including currently vacant attic rooms and the large coach house and staff accommodation.
- 6.9. My Conservation Officer has attended several extensive meetings to advise and develop the scheme and he now offers his full support for the approach being taken to bring the building into use as accommodation for the university and its assorted conferencing facilities. The Heritage Statement has considered the historic significance of all aspects of the building and a sensitive scheme is proposed which would remove modern partitions, carefully route new utilities, repair the roof addresses rainwater goods and fully redecorate the building in response to its original design and the wider arts and crafts movement.

6.10. Some debate has been had over the justification of removal of modern walls and new openings at first floor and amended plans have been submitted that respond to this. Historic England have met with the applicants on site and amended plans have been received that retain more of the original fabric and provided further clarification this has resulted in Historic England now fully supporting the listed building application.

6.11. My conservation officer supports the conservation work being proposed to this highly significant listed building. I concur with his conclusions.

6.12. Ecology

7. Bat roosts have been identified in the main section of Garth House and the associated extension and outbuilding. My ecologist is concerned that works to restore and refurbish Garth House may impact on these identified roosts. The bat survey report, associated with this element of the proposals, advises that it may be possible to undertake the proposed works without contravening the legal protection afforded to bats and therefore without requiring a European Protected Species License (EPSL). However, works would need to be controlled by a bat protection strategy. This is the preferred approach, and my ecologist recommends that a condition is attached to secure the submission and implementation of bat protection method statement to control the restoration/refurbishment works.

8. Conclusion

8.1. The works would preserve and enhance the listed building in accordance with Paragraphs 3.25 and 3.27 of the UDP, paragraphs 131 and 132 of the NPPF and TP12 of the draft BDP.

9. Recommendation

9.1. That Listed Building consent be granted subject to the following conditions;

-
- | | |
|----|--|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires new brickwork to match historic bonding. |
| 3 | Sets the Lime/Mortar mix |
| 4 | Requires the use of hand tools only |
| 5 | Requires the prior submission of rainwater goods details |
| 6 | Requires the prior submission of all joinery details |
| 7 | Requires the prior submission of plasterwork repair details |
| 8 | Requires the prior submission of insulation details |
| 9 | Requires the prior submission of utility details |
| 10 | Requires the scheme to be in accordance with the listed approved plans |
-

-
- 11 Requires the prior submission of a bat protection management plan
 - 12 Limits the approval to 3 years (listed buildings consent)
-

Case Officer: Ben Plenty

Photo(s)



Fig 1 Northwest view of Garth House, looking north

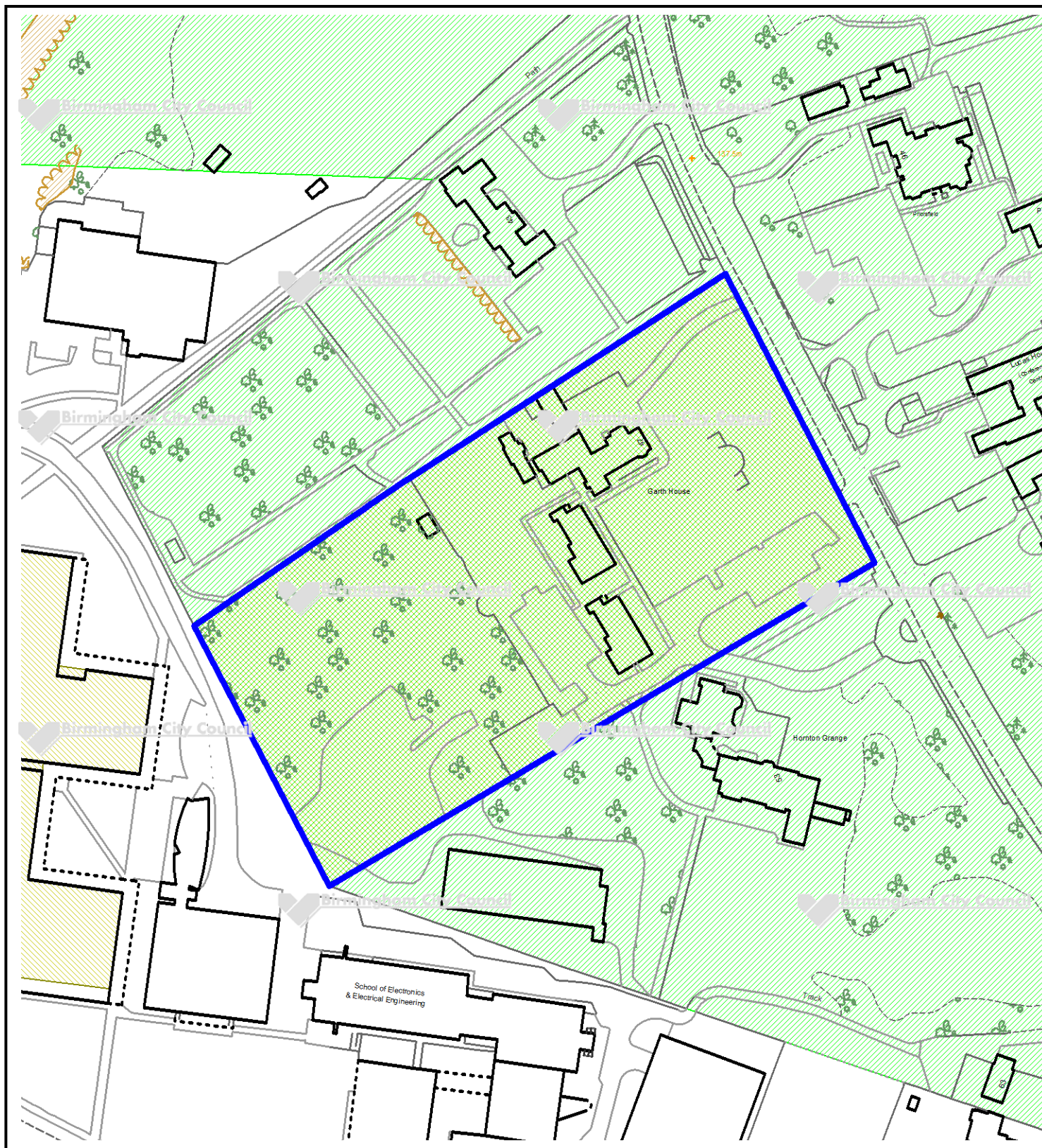


Fig 2 Northeast view of rear elevation, looking northeast



Fig 3 looking west, rear garden of Garth House, end of pergola in the distance

Location Plan



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Committee Date:	21/07/2016	Application Number:	2016/01219/PA
Accepted:	17/02/2016	Application Type:	Outline
Target Date:	11/07/2016		
Ward:	Hall Green		

Hall Green Stadium, York Road, Hall Green, Birmingham, B28 8LQ

Outline planning application for the demolition of Hall Green Stadium and residential development of up to 210 dwellings with all matters reserved except access.

Applicant:	Euro Property Investments Ltd and Wulff PDM LLP c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

Recommendation
Determine

Report Back

At your Committee meeting of 23rd June, Officers recommended the above application for Approval. Members did not agree with the Recommendation and determined that they were minded to Refuse the application. The Committee identified three areas of concern, as follows:

1. Loss of the community/social facility of the greyhound stadium;
2. Loss of employment;
3. Inadequate level of Affordable Housing.

1. Loss of the Community/Social Facility of the Greyhound Stadium

The Officer Report of 23rd June set out the local and national policy context for this matter, and the rationale for reaching the officer recommendation. Members were concerned about the loss of the community/social facility and considered its loss would conflict with policy. I provide a Reason for Refusal, as follows.

The proposed development requires the closure of the greyhound stadium, which is a community/social facility valued by the local community. The development, therefore, conflicts with Paragraph 5.25C of the Unitary Development Plan, Policy TP24 of the Pre-Submission Birmingham Development Plan, and Paragraphs 17 and 70 of the National Planning Policy Framework.

2. Loss of Employment

Members were concerned about the number of job losses were the Stadium to close due to the proposed housing development. Letters and petitions of objection cited 200 or more jobs at risk. Councillor Azim asked at your meeting of 23rd June for some greater detail on this number, Officers replied that no party had provided further details. Principally, it was not

clear if the 200 jobs cited included many part-time jobs, probably related to the race meetings particularly, and people who may have just an element of their employment generated by the Hall Green site.

The Applicant confirms that details on employment were requested from the site lessee (the Greyhound Racing Association) prior to application determination but that none was forthcoming. The Applicant, at the Local Planning Authority's request post-Committee, has again asked for this information, but states none has been forthcoming.

However, the Applicant has been able to obtain the Greyhound Racing Association (GRA) Report and Financial Statements from 2014 via Companies House. The Applicant states that in 2014 the GRA employed a total of 73 Full Time members of staff and 423 'meeting' staff across the GRA's four venues - Hall Green and Perry Barr Stadiums in Birmingham, Belle Vue Stadium in Manchester and Wimbledon Track in London (which has since closed but was operating in 2014). The Applicant understands that the hotel at Hall Green Stadium is also run by the GRA so have assumed that these figures include staff employed at the hotel.

The Applicant has assumed that at least a proportion of the 'meeting' staff may be part-time positions such as bar and waiting staff, track stewards, ticket office staff, etc. who work on race nights. The Financial Statement does not differentiate between the four venues in terms of staff, but if the number of total employees are divided equally between the four venues, this would equate to c.106 'meeting' staff at Hall Green Stadium.

With regards to the total full-time GRA staff of 73, the Applicant believes these are likely to be based in managerial/administrative functions. As Hall Green Stadium includes the GRA Head Office and the Hotel, the Applicant has not assumed a straight four-way split but has estimated that the likely number of full time positions at Hall Green Stadium is probably between 18-40. I assume that the GRA Head Office jobs would not be lost altogether, as presumably they would transfer to another site but I do not know if that would be to Perry Barr or elsewhere.

The Applicant does not have access to any data regarding the number of jobs associated with dog training or kennels.

Whether the figure is indeed in the region of 200 people having their employment either terminated or reduced, or is a lower number being so affected, your Committee may decide the effect is still significant and unacceptable. If so, I can offer the Reason for Refusal set out below. However, I have a concern that the weight given to the loss of employment is not the same as could be given to a formally-recognised 'employment' site, which in respect of Planning policy typically consists of commercial-industrial enterprise(s) and which has much greater employment numbers for a similar-sized site. Such employment sites may be afforded considerable protection by local and national policy, due to the significant employment they provide and their contribution to the wider city economy. As such, I advise Members that the weight given to a Reason for Refusal based on loss of employment at this site is not substantial.

The proposed development requires the closure of the greyhound stadium, which provides a significant degree of employment. This loss of employment conflicts with Paragraphs 2.8, 4.14 and 4.15 of the Unitary Development Plan, Paragraphs 2.18, 3.5, 7.1 and 7.2 of the Pre-Submission Birmingham Development Plan 2031, and Paragraphs 18 and 19 of the National Planning Policy Framework.

3. Inadequate Level of Affordable Housing

Members were concerned that the 15% Affordable Housing proposed is too low, noting that the Council's policy is for 35%. This matter was set out in the Report for the 23rd June meeting, when it was also discussed. I re-visit the matter again below:

Council policy is indeed to seek 35% Affordable Housing, as set out in Paragraph 5.37B of the Birmingham UDP, Policy TP30 of the Pre-Submission BDP, and the Council's Affordable Housing SPG. However, Paragraph 50 of the NPPF explains that affordable housing policies set by LPAs should be sufficiently flexible to take account of changing market conditions over time. TP30 of the Pre-Submission BDP also explains: "Where the Applicant considers that a development proposal cannot provide affordable housing in accordance with the percentages set out above, either for example due to abnormal costs or changing economic conditions, the viability of the proposal will be assessed using a viability assessment tool as specified by the City Council. The use of a standard assessment tool for all development proposals will ensure that viability is assessed in a transparent and consistent way. The level of provision will only be revised where viability has been assessed using the specified tool..."

In accordance with the above policies, when an Applicant proposes a below-policy provision of Affordable Housing, the Council requests a Financial Viability report. This document sets out the financial circumstances of the proposed development and so attempts to justify the level of Affordable Housing proposed. These reports are assessed by independent financial consultants contracted by the City Council.

In this instance, the Applicant has submitted a Financial Viability Appraisal which demonstrates that a scheme offering 35% affordable housing provision would be unviable. The Appraisal shows that when the affordable housing provision is remodelled to 15% it would result in a viable scheme. The Council's Viability Consultant has reviewed the Applicant's Financial Viability Appraisal. He concurs that the scheme would be unviable on the basis of 35% affordable housing provision. Having undertaken his own development appraisal, the LPA's Viability Consultant advises that the scheme would indeed become viable on the basis of 15% affordable housing provision (together with a revised higher value affordable housing tenure mix of 23 social rent units and 9 shared ownership units). The Council's Viability Consultant calculates that 15% affordable housing provision would achieve a reasonable level of profit for the developer having regard to current market conditions.

I am satisfied that the Financial Viability Appraisal submitted by the Applicant has been thoroughly considered by our independent consultants. The lower level of affordable housing offered in order to make the scheme viable does accord with both national and local planning policy in terms of being both flexible and realistic. I also note that levels of affordable housing below 35% have been approved on a number of occasions by this Committee. As such, Officers respectfully advise that a reason for refusal would be a difficult area to defend at appeal and should not be advanced. If Members nevertheless insist upon this as a reason for Refusal, the following wording is offered:

The proposed development would not provide an appropriate level of affordable housing and therefore conflicts with Paragraphs 5.37 A-G and 8.50-8.53 of the Birmingham UDP 2005, Policy TP30 of the Draft Birmingham Development Plan, Affordable Housing SPG, and Paragraph 50 of the National Planning Policy Framework.

Other matters

Concerning the value of the community/social facility, different parties have cited the number of visitors the greyhound facility attracts - a figure of up to 200,000 per annum has been quoted. The Applicants have questioned this figure. They have reviewed the Greyhound Racing Association's (GRA) 2014 accounts, which show 428,000 spectators per annum at the GRA's four venues. If the total spectator numbers are divided by four, the annual attendance at Hall Green would be in the region of 107,000, which the Applicants note is considerably less than the 200,000 figure cited by other parties. The Applicants also note that the figure of 428,000 includes events beyond greyhound racing, namely stock car racing and speedway which take place at Perry Barr.

The Applicants note that race events at Perry Barr take place on the same nights as at Hall Green – Fridays and Saturdays. On that basis, they assume that should races cease at Hall Green, attendees could visit Perry Barr instead. They also note that Perry Barr provides other race days (Tuesdays and Sundays).

The Applicants agree with your Officer's analysis of land use and locality – Hall Green stadium is a non-conforming use in a residential area, while Perry Barr Stadium is in a mixed use area better suited for late night activity and traffic movements. The Applicants also note the policy protection afforded to the Perry Barr site, by the Aston, Newtown and Lozells Area Action Plan.

Original Report

1. Proposal

- 1.1. This application seeks outline planning permission for the demolition of the existing greyhound racing stadium and associated 48-bed hotel and the re-development of the site for up to 210 dwellings. The application has all matters reserved apart from access.
- 1.2. An illustrative masterplan has been submitted demonstrating how up to 210 dwellings could be accommodated on the 4.3ha site. A density of 49 dwellings per hectare would be provided through a mixture of two, three and four bedroom houses and apartments, with parking and amenity space provision. The illustrative masterplan has been provided for indicative purposes only and details of the layout, scale and appearance of the dwellings to be provided on the site would be agreed at the reserved matters stage, along with site landscaping.
- 1.3. The proposal would provide 3188sqm of public open space, including a junior play area and attenuation pond, on the application site. In addition an off-site commuted sum would be provided through means of Section 106 Agreement to be spent towards the improvement and maintenance of existing public open space at Fox Hollies Park.
- 1.4. Two vehicular access points are shown off York Road, one towards the north east corner of the site, and the other towards the north west corner of the site. Further, a private access drive for properties fronting York Road would also be provided. A

pedestrian/cycle access off Silverlands Close is shown in the south west corner of the site.

- 1.5. The Applicant is proposing 15% affordable housing be provided on the application site (if the maximum of 210 dwellings were built this would equate to 32 affordable dwellings) and this would be secured through means of a Section 106 Agreement. A Viability Appraisal has been submitted by the Applicant explaining why they cannot provide the full affordable housing requirement.
- 1.6. A Planning Statement, Design and Access Statement, Statement of Community Engagement, Transport Assessment, Travel Plan, Ecological Assessment, Arboricultural Survey, Flood Risk Assessment, Sustainable Drainage Statement and Strategy, Foul Water and Utilities Report, Ground Investigation Report, Air Quality Assessment, Noise Assessment, and Archaeological Survey have been submitted in support of the application.
- 1.7. 45 trees are proposed to be removed on the application site. All are either Category U or Category C, with the exception of two Category B groups of trees (G7 and G8) which are early mature leylandii. 23 trees are proposed to be retained on the site. New tree planting is shown indicatively on the illustrative masterplan, amounting to some 70 specimens across the site, and alongside the western boundary.
- 1.8. A Screening Opinion has been provided by the Council confirming that an Environmental Impact Assessment is not required for the proposed development.
- 1.9. The proposed development does not generate a CIL contribution.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of Hall Green Stadium, an operational greyhound racing track leased to the Greyhound Racing Association (GRA). The Stadium itself opened in 1927 and forms one of 28 licensed stadiums in the UK and one of two greyhound racing stadiums located within Birmingham. Hall Green Stadium is a purpose built greyhound stadium with a capacity to accommodate 2,700 spectators, and with ancillary conference facilities, restaurant, bar, the 48-bedroom Lodge Hotel, and 600 space perimeter car parking. The site is generally level, but with a 2.7m ground level difference across the site between south western and north eastern site corners, the latter being at a higher land level.
- 2.2. The application site is located in a predominately residential part of Hall Green. It is bounded to the east and south by houses on Brooklands Road. It is bounded to the west by a builder's merchants, comprising of two large warehouse buildings with yard/storage area in between these buildings. There is a small local parade of eight shops fronting York Road (Nos. 153-169), which immediately adjoins the north east corner of the site. Vehicular access to the site is currently off York Road. Hall Green Train Station is located 300m to the south west of the site and is served by trains which depart to Kidderminster, Stratford-upon-Avon, Worcester and Birmingham. The Parade, Hall Green Neighbourhood Centre is also located 300m to the south west of the site.
- 2.3. There is a row of young/semi-mature trees located adjacent to the northern site boundary, and further back from this boundary a row of tall Leylandii. Aside from

these trees, there are few trees located on the site itself, but there are some trees located alongside southern and eastern boundaries within the rear gardens of neighbouring residential properties.

2.4. [Site Location Map](#)

3. [Planning History](#)

- 3.1. The application site has an extensive planning history that relates to its current use as a greyhound stadium. However, there is no planning history which I consider to be relevant to the determination of this current planning application.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection – Subject to a condition requiring a S278 Agreement for works to the public highway
- 4.2. Regulatory Services – No objection – Subject to conditions requiring submission of a contaminated land remediation strategy, contaminated land verification report, electric vehicle charging points for dwellings, and noise and vibration assessment.
- 4.3. Local Lead Flood Authority - No objection - Subject to a condition requiring a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.
- 4.4. Education – No objection - A S106 contribution of £1,552,625.43 is required towards education provision for primary school, secondary school and nursery school places.
- 4.5. Leisure Services - No objection – A S106 contribution for off-site public open space contribution is requested, deducting the on-site public open space and junior play area proposed. The sum would be dependent on the final housing mix and should be directed towards the provision, improvement and/or maintenance of existing public open space at Fox Hollies Park. The Parks Service would not be interested in taking on the maintenance or management of the on-site public open space.
- 4.6. Employment and Skills – No objection – Request that employment obligations are included within the S106 Agreement
- 4.7. Sport England – No objection
- 4.8. West Midlands Police – No objection
- 4.9. Severn Trent Water – No objection – Subject to a condition requiring submission of drainage details.
- 4.10. Environment Agency – No objection – Subject to conditions requiring submission of a land contamination remediation strategy (and updating should contamination not previously found on site be present), and a restriction on piling or any other foundation designs using penetrative methods.
- 4.11. Centro – No response received.

- 4.12. Network Rail – No objection - In light of the Travel Plan highlighting the proximity of Hall Green Railway Station to the development and the very convenient route between the site and Station, a financial contribution of £60,000 for spending on Hall Green Railway Station, whether via CIL, S106 or unilateral undertaking would be appropriate.
- 4.13. West Midlands Fire Service – No response received.
- 4.14. Birmingham Public Health – No response received.
- 4.15. Sandwell and West Birmingham Clinical Commissioning Group – No response received.
- 4.16. Birmingham and Black Country Wildlife Trust – No objection
- 4.17. Local residents, Ward Councillors, Residents Associations and M.P. notified. Advertised by press and two site notices. A range of objection and support submissions have been made as set out below:
- 4.18. 21 letters of objection received, including one from the 'Friends of Hall Green Stadium', raising the following concerns as summarised:
- Council is able to demonstrate a five year housing land supply
 - Site not identified within the Strategic Housing Land Availability Assessment or within the Development Plan
 - Stadium offers better racing facilities and is more frequently used than Perry Barr Stadium
 - Insufficient open space would be provided on site. S106 contribution not acceptable
 - Demolition of a community asset
 - The site is now formally designated as an Asset of Community Value, which is a material consideration for the determination of the planning application
 - Third party groups/community use function rooms – low cost, local entertainment facility for community
 - Car park is regularly full proving it is popular facility
 - Stadium supports local community in terms of charity events and fundraising
 - Over 200 jobs would be lost, many employees live locally
 - GRA did not confirm wish to invest and focus on Perry Barr
 - Loss of outlook for surrounding residential occupiers
 - Loss of cultural heritage – Stadium opened in 1927
 - Losing too many leisure facilities in City
 - Overlooking and loss of privacy to surrounding residential occupiers
 - Unnecessary public open space would attract gangs/drug dealers
 - Closure of Stadium would result in more dogs requiring shelter from charities/RSPCA
 - Increase in noise
 - Loss of local 'buzz' from Stadium on Friday/Saturday nights
 - Housing as designed is of poor quality
 - Closure of Stadium would have drastic effect on sport of greyhound racing and huge impact on kennels/staff in greyhound industry
 - Security risk to adjoining residential properties
 - Cars from local garage currently use Stadium car park

- Flooding problem in neighbouring garden on Brooklands Road – recent changes in level of water table
 - Poor visibility on York Road where bridge crosses railway line – unsafe for increased number of pedestrians/cyclists
 - Two local primary schools already oversubscribed
 - Trains using Hall Green Station already overcrowded
- 4.19. 'Save Hall Green Greyhound Stadium' - Petition of objection with 2642 signatures plus 2048 online signatures (as of 13th June 2016) with comments
1305 duplicate letters of objection received with individual signatures. The letter raises the following concerns:
- Stadium is profitable and prosperous - the jobs of 200+ plus people who work there should be protected.
 - Stadium supports local businesses and charities which would be adversely effected were it to close
 - The proposed development would impact on traffic flow as local road network is already heavily congested at peak times
 - Strain on local infrastructure such as schools and medical services
 - Stadium attracts 150,000-200,000 visitors each year
 - Protection of Perry Barr stadium from development should set a precedent and be applied in the case of Hall Green Stadium
 - Plans to build 3000 new homes nearby negates the need for additional housing in the area
- 4.20. Petition of objection from 20 dog trainers at Hall Green Stadium – Raises concerns that the closure of the stadium would have a negative financial impact on the trainers, their staff and their families. It would not be possible to relocate trainers to another stadium and all would lose their jobs and income.
- 4.21. Roger Godsiff M.P. – Objects – Existing stadium should be retained as a leisure facility and that people go there on a regular basis, including families, have an enjoyable experience. It is a profitable business that employs over 200 people, most of whom live locally, and would lose their jobs. Not opposed to building more housing but sensible balance has to be struck between retaining public open space and amenities like stadium and addressing the housing need. Stadium is a community asset and would constitute huge loss to the sporting facilities of Birmingham. The sporting and amenity heritage of Birmingham should be preserved.
- 4.22. Jess Phillips M.P. – Concerns from constituents that new houses would impose additional strain on local services, in particular health and education. The local road network would struggle to cope with additional traffic on a daily basis, rather than the existing temporary surge. The constituents note that the facility is an established and profitable leisure business attracting visitors from across the region. There would be a loss of over 200 jobs across the site.
- 4.23. Then-Councillor Jerry Evans – Objects – City has need for diverse leisure facilities and there is only one other greyhound stadium in the City. This is a prosperous business employing over 200 staff and attracting 200,000 visitors a year. The Ward has few leisure facilities and loss of the Stadium would make it even more of a dormitory suburb. Increase in traffic problems as a result of the proposed development.

4.24. 41 letters of support have been submitted (some of which are duplicate letters with individual signatures). The following points were raised, as summarised:

- Desperate for new homes due to housing shortage
- Already another greyhound stadium at Perry Barr, don't need two
- Building new housing is good for economy/Birmingham
- Racing industry abuse with dogs being poorly treated – outdated/cruel sport
- Brownfield site in sustainable location
- Opportunity to deliver range of housing types including family and affordable
- Would improve access to Hall Green Station through site
- Redevelopment prioritises access for cyclists and pedestrians through new footpath/cycle path
- In keeping with residential character of area
- Would create much needed public open space and play area
- Would introduce new trees and vegetation around site
- Removes noise and disruption that blights area on race days
- Construction jobs
- Supports shops and services in Hall Green through additional spending by new residents
- Stadium is not a leisure facility for local community
- Stadium is an eyesore

4.25. People for the Ethical Treatment of Animals (PETA) – Petition of support with 7398 signatures. The following comments are raised in the covering letter:

- Dog racing is a cruel sport
- Would provide much needed new homes
- Would reduce noise and disruption on race days
- Would create new public open spaces and play facilities

4.26. The Applicant has submitted a Statement of Community Engagement which details that a community consultation newsletter was sent to c.764 households within the local community surrounding the Stadium and was supported by a dedicated project website alongside two public exhibitions held at South and City College, Birmingham in December 2015. A press advert was also placed on the Birmingham Mail website advertising the public exhibitions and project website. The Applicant states that a total of 34 people responded to the question “*Do you support the proposed redevelopment of Hall Green Stadium site?*” – 31 people were in support, 12 people were opposed, and 1 person was undecided.

5. Policy Context

5.1. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

5.2. The following local policies are applicable:

- Birmingham Unitary Development Plan (UDP)
- Draft Birmingham Development Plan (BDP)
- Car Parking Guidelines SPD
- Places for Living SPG
- Affordable Housing SPG
- Public Open Space in New Residential Development SPD
- Nature Conservation Strategy for Birmingham SPG

- Mature Suburbs SPD
- Asset of Community Value (ACV)

6. Planning Considerations

- 6.1. The Applicant has been in pre-application discussions with the Local Planning Authority (Ref. 2015/07852/PA) and the proposed scheme has been modified to take on board officer comments made. The Applicant also held consultation events/created a webpage for the public to attend/feedback on at pre-application stage.
- 6.2. I consider the key planning issues to be assessed under this outline application are the impact of the proposed development on:
- the loss of the existing leisure/community facility;
 - the loss of employment;
 - the principle of residential development on the site;
 - access to/from the site;
 - broad design issues (the remaining reserved matters);
 - transport;
 - the amenity of existing residential occupiers;
 - ecology;
 - trees,
 - drainage;
 - air quality;
 - noise;
 - ground conditions;
 - planning obligations.

Loss of Existing Leisure/Community Facility

- 6.3. Sport England confirmed at pre-application stage that they considered greyhound racing to be a leisure/recreational use, rather than a sport. As such they have raised no objection to the loss of the stadium, which was purpose built for greyhound racing, given it would not involve the loss of an existing sporting facility.
- 6.4. 'Friends of Hall Green Stadium' recently applied to the Council for the Stadium to be nominated as an Asset of Community Value (ACV). The Council listed the Stadium as an ACV on the 8th June 2016. The LPA considers that the loss of the ACV is a material consideration in the determination of the application and the application should be assessed against those planning policies relating to the loss of an existing leisure/community facility as set out below.
- 6.5. Paragraph 17 of the NPPF sets out the 12 'core planning principles' that should underpin decision making. The final such 'principle' states that planning should *"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."*
- 6.6. Paragraph 70 of the NPPF states: *"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should*
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings,*

public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services"*

- 6.7. There are no relevant planning policies in the Birmingham UDP relating to loss of leisure/community facilities. Policy TP24 of the Draft BDP relates to tourism and cultural facilities and states: *"Proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism will be supported. This will include supporting the City's existing tourist and cultural facilities and enabling new or expanded provision where it contributes to the City's continued success as a destination for visitors. This provision will not just be focused on major sporting, business tourism and visitor attractions but also on protecting and promoting the City's strong industrial heritage and the smaller scale venues and attractions that are an important part of creating a diverse offer. The provision of supporting facilities such as hotels will be important and proposals for well designed and accessible accommodation will be supported."*
- 6.8. The Stadium is currently leased by the Applicant to the Greyhound Racing Association (GRA) and greyhound racing events are attended by the general public mainly on Friday and Saturday evenings. The GRA also operate a second greyhound racing stadium in Birmingham at Perry Bar, as well as stadia in Manchester (Belle Vue), and London (Wimbledon). Other greyhound racing stadia run by different organisations exist in the Midlands, including at Monmore (Wolverhampton), Nottingham and Towcester (Northamptonshire).
- 6.9. I understand that Hall Green Stadium is currently a profitable operation for greyhound racing and that there is no current need to consolidate two stadiums down to one in Birmingham from an operational/business point of view. I understand that from an operational/business point of view Hall Green track is not favoured over Perry Barr track, or vice versa. I also understand that one track does not offer a better of level of customer facility over the other. Birmingham is unusual in that it currently has two greyhound racing stadiums (the other being Perry Barr), which no other major City, outside of London, has. Arguably though the Birmingham catchment area is large enough to support two tracks. The north west part of the West Midlands conurbation would appear to be served by the Wolverhampton facility.
- 6.10. Perry Barr Stadium is located eight miles from Hall Green Stadium. The freehold of this site is owned by City Council, with a long leasehold to St. Francis Group, who sub-lease to the GRA. Like Hall Green Stadium it hosts racing events on Friday and Saturdays evenings, and additional racing events open to the general public on Tuesday mornings and Sunday afternoons. Perry Barr Stadium also has a dual use by an additional sporting group in that it hosts the Birmingham Brummies speedway team and associated speedway events.
- 6.11. Perry Barr Stadium is located within Perry Bar District Centre. Policy GA3 of the Draft BDP refers to the Aston, Newtown and Lozells Growth Area and the Aston,

Newtown and Lozells Area Action Plan (AAP) 2012. Policy LC1 of the AAP states *"In regard to the Perry Barr Greyhound Stadium there is an opportunity to enhance the existing leisure offer and develop complementary uses on land surrounding the Stadium. If the Stadium was redeveloped equivalent provision should be made at least as accessible to current and potential users as the existing facility."* In addition, the LPA is at the early stages of preparing a masterplan for Perry Barr District Centre (that includes the Perry Barr Stadium site) to guide significant development opportunities in the Centre. The masterplan is intended for public consultation later this year.

- 6.12. As set out earlier, Paragraph 17 of the NPPF seeks to deliver sufficient community and cultural facilities and services to meet local needs and Paragraph 70 seeks to guard against the unnecessary loss of valued social, recreational and cultural facilities and services. Whilst regrettably Hall Green Stadium would be lost as such a leisure/community facility, a visitor/tourist attraction for the City, and a venue which has some cultural/social heritage value, non-compliance with these particular policies needs to be weighed up in any determination of the application against the positive aspects of the proposed development in meeting a range of other national and local planning policies (to be discussed later in this report). It also needs to be taken into account that a similar such facility is easily accessible at Perry Barr Stadium which could continue to meet the day to day cultural, leisure and community needs of the City.
- 6.13. Notwithstanding the above, I consider it is important that the City does not lose both greyhound racing tracks. It is reasonable to argue that of the two stadia, Perry Barr Stadium is the more important stadium to retain given it is more intensively used than Hall Green Stadium because of its dual use, and it is also a use that is more suited to its surroundings, i.e. located within a District Centre, alongside a major road and adjacent to commercial uses, when compared to Hall Green Stadium which is located within a predominately residential area and arguably as such is a non-conforming use.
- 6.14. Whilst I note the concerns of local objectors that the City could also lose Perry Barr Stadium at some point in the future (and therefore both facilities for greyhound racing) Policy LC1 of the Aston, Newtown and Lozells AAP does state that should any redevelopment of the Perry Barr Stadium site take place in the future a replacement stadium of equivalent provision would need to be provided. As such I am satisfied that there is adequate planning policy protection to ensure that, subject to market conditions, the City can retain a facility for greyhound racing in the future.
- 6.15. There would be no objection to the loss of the Lodge Hotel were the Stadium to be demolished, since the former facility is intrinsically linked to, and serves, the latter, and there would be no reason for a hotel to otherwise exist within this residential location.

Loss of Employment

- 6.16. I note objectors concerns about the loss of employment at the existing Stadium, citing around 200 job losses. Whilst any loss of employment associated with the Stadium would be regrettable, I consider this would be balanced out to some degree by the employment opportunities created within the construction sector as a result of developing the site, and jobs created in the longer term as a result of bringing approximately 600 new residents on to the site, some of which are likely to originate from outside the area/City. Additional residents to the area as a result of the

proposed development would also provide greater economic support to local shops, businesses and facilities than is currently the case.

Principle of Residential

- 6.17. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF, at Paragraphs 47-50, also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.18. The Government's ambition is to "*boost significantly the supply of housing*" as stated at the beginning of Paragraph 47 of the NPPF. It goes on to require local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional 5% to 20% buffer depending on past performance on delivery. The Draft BDP identifies that a figure of around 51,800 dwellings needs to be found within Birmingham during the Plan period (ending 2031). The recent Inspector's Report into the BDP found that a five-year supply of housing land will be available when the Plan is adopted, and can be maintained. The figures for 2015-20 are a five-year requirement of 13,860 dwellings, and a deliverable five-year supply of 14,536 dwellings (5.2 years' supply). The Inspector's Report notes that additional "headroom" is likely to be provided by further windfalls coming forward in line with historic trends.
- 6.19. The application site is not identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) and would constitute a windfall housing site. I note the concerns of objectors that there is no need for housing on the application site given the Council is able to demonstrate a five year housing land supply and the site is not identified within the SHLAA or allocated for residential use within the Development Plan. However, the housing need figures include a windfall allowance for some 7,600 dwellings over the remainder of the BDP period, so there is also a general need for windfall housing, which this site could help fulfil. The Government currently places great emphasis on housing provision, and the recent Inspector's Report on the Draft BDP modified Paragraph 8.13 to add "*Whilst the trajectory sets out annual provision rates, they are not ceilings. Housing provision over and above that set out in the trajectory will be encouraged and facilitated wherever possible.*" I am therefore satisfied that the proposed development could positively assist in meeting the City's housing needs and should be given significant weight in the determination of the application.
- 6.20. The Birmingham UDP supports a more sustainable pattern of development by re-using brownfield sites in suitable locations. The UDP requires that new housing developments should provide an appropriate environment (Paragraphs 5.20-5.20A), a suitable housing density and mix (Paragraph 5.40) and encourages a full range of housing types and sizes including those for people with disabilities and other specific needs (5.35 and 5.37). Paragraph 5.38 identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport, with 40 dwellings per hectare elsewhere. Policy TP29 of the Draft BDP recommends similar such housing densities.

- 6.21. Policy TP26 of the Draft Birmingham Development Plan explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.22. With respect to the location of new housing, Policy TP27 of the Draft BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 6.23. I consider that the principle of re-developing this brownfield site for housing would comply with national and local policy. The application site is located in a low risk flood zone. A mix of housing types and sizes are proposed, including affordable housing. The density of development on the site at 49 dwellings per hectare, would be similar to that recommended in the UDP/Draft BDP for this location i.e. between 40-50 dwellings per hectare (40 dwellings per hectare on that part of the site away from Hall Green Train Station, and 50 dwellings per hectare on that part of the site nearest Hall Green Train Station). The application site is located within an existing residential neighbourhood in a sustainable location that is located close to bus stops on York Road and Fox Hollies Road, and Hall Green Train Station. It is also located within walking distance of local shops and facilities at The Parade, Hall Green Neighbourhood Centre and a small parade of shops immediately adjoining the site on York Road, schools, public open space (Fox Hollies Park) and leisure facilities (Fox Hollies Leisure Centre). Given the above, I consider this is an ideal site, which benefits from a good level of existing infrastructure, for a sustainable residential development of the type that is being proposed. With respect to 'cultural assets' I have already addressed this matter in previous sections of this report.
- 6.24. I note objectors concerns over the additional strain that new residents would create on public services such as local schools and health care facilities. However, the City future plans its education resources according to its future population projections, and City-wide CIL money generated from new development, as well as funding from other sources, can be used to meet this additional demand on education resources. Similarly, the NHS (via Sandwell and Birmingham Clinical Commissioning Group) have been made aware of this planning application and would be able to plan accordingly for any additional demand on health resources.
- 6.25. I consider the additional numbers of new residents generated as a result of the proposed development would not be so great as to cause a material difference to the ability of such services to cope, such that it would be a reason for refusal of this application.

Access

- 6.26. In terms of vehicular access into the application site two simple priority controlled vehicle access junctions are proposed along York Road. It is also proposed that a vehicle crossover is provided along York Road, and a pedestrian/cycle access is provided at the end of Silverlands Close. Transportation Development have raised no objection to the proposed accesses which would serve the application site, and these would have no detrimental impact upon highway/pedestrian safety. They recommend that a condition be attached to any consent requiring completion of a Section 278 Agreement for public highway works to include re-instating the existing access as footway (adjacent to the builder's merchant), the proposed bell mouth, footway crossing to the proposed private drive, and any alteration to the existing bellmouth currently serving the hotel.

Broad Design Issues (Layout, Scale, Appearance and Landscaping - Reserved Matters)

- 6.27. Paragraphs 3.14D-E of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP26 of the Draft BDP also confirm the importance of place making and creation of sustainable neighbourhoods. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.28. Notwithstanding that the layout, scale, appearance and landscaping would be considered in detail under any future reserved matters application, and that the illustrative masterplan shows an indicative layout only which is likely to change at reserved matters stage, the illustrative masterplan nonetheless provides a useful indicator at outline stage of the type of development that could be accommodated on the application site. For example it shows that proposed new housing would front on to the public realm/public open space in order to encourage natural surveillance and create safe and useable open space, and that rear gardens would generally back on to other rear gardens, providing an appropriate level of security. It shows a permeable perimeter block structure could be achieved with a hierarchy of streets, meeting separation distances, and providing a pedestrian and cycle link through the development and linking to Hall Green Station. It also shows adequate space would be provided on the site to accommodate new soft landscaping to the front of dwellings and to the rear, as well as room for new tree planting across the site.
- 6.29. The Council's City Design Officer notes that many of the broad principles established at pre-application stage have been followed as a result of revised iterations of the illustrative masterplan. Whilst not objecting to the scheme, she notes that it appears dense in comparison to the local context (49 dwellings per hectare whereas the local area has a density of approximately 35 dwellings per hectare) and is not convinced that up to 210 dwellings can be comfortably accommodated on the site whilst creating a high quality place to live, and that the numbers of dwellings may need to be reduced somewhat. She has also provided detailed comments on the layout and notes that many of the issues with the layout shown on the illustrative master plan are symptomatic of a development which is too dense. However, whilst I concur that there are some detailed design concerns with the proposed layout as shown on the indicative masterplan, the layout is indicative only and I am confident that under any future reserved matters application, either the layout could be revised to address the design issues raised, the number of dwellings could be reduced, or the dwelling mix changed in order that up to 210 dwellings could be comfortably accommodated on the site, in line with the density of development sought by the UDP/BDP.

- 6.30. In relation to the inclusion of public open space within new residential developments, Paragraph 3.53A of the Birmingham UDP states that the overall objective should be to provide an area of safe, attractive and useable public open space, accessible to all sectors of the community including carers with pushchairs and people with disabilities within reasonable walking distance (400m) of all dwellings. The illustrative masterplan shows that the area of proposed public open space would be located centrally on the site and within 150m of all the dwellings proposed on the site.
- 6.31. Paragraph 3.61 of the UDP states that play areas will normally be expected to be provided within 400m safe walking distance of all dwellings and that careful attention is to be given to the design and location of these areas. The illustrative masterplan shows that a junior play area would be located relatively centrally on the site, and sited to ensure it would be overlooked by residential properties.

Transport

- 6.32. Paragraph 32 of the NPPF advises that *“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. 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, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.33. Paragraph 6.39 of the Birmingham UDP continues that matters such as environmental impact, safety, access control, pedestrian and cyclist needs and the function of the road will be key factors in determining planning applications for all roads that do not form part of the Strategic Highway Network.
- 6.34. Policy TP37 of the Draft Birmingham Development Plan states that *“The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.”* It sets out a series of measures which would require the delivery of a sustainable transport network. Policies TP38 and T39 of the Draft BDP encourages the incorporation of pedestrian routes and cycle routes within new development respectively. Policy TP43 of the Draft Birmingham Development Plan is concerned with traffic and congestion management. It states that the efficient, effective and safe use of the existing transport network will be promoted through a series of measures including targeted construction of new accesses to provide access to development/redevelopment sites, and ensuring that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.35. Policy TP44 of the Draft BDP explains that major developments should aim to provide an appropriate level of public transport provision to main public transport interchanges at the most relevant times of day, associated public transport stop(s), with shelters and seating, within 80m of the main focal point(s) for the location, real time information as appropriate, good cycle access with cycle storage, and good pedestrian access. It goes on to explain that proposals for residential development should demonstrate that they are accessible to a range of local services such as

General Practitioners (GPs), Primary and Secondary Schools, local shops and open space.

- 6.36. The submitted Transport Assessment observed that when greyhound racing is held at the stadium on Friday and Saturday evenings there is a steady arrival of vehicles from around 0600 hours and the 600 space car park is usually full by around 0730 hours. It was observed that there is a steady departure of vehicles from the site from around 1000 hours. It was also observed that patrons park along local roads. Whilst the Transport Assessment did not observe an independent event at the banqueting facility it has assumed that a venue with a capacity of 500 people available for a variety of events, with parking for up to 600 vehicles, would present the potential to generate a significant number of vehicle trips. On the basis that junction capacity assessments for the site access junctions and immediate off-site junctions demonstrate that the assessed junctions would operate within capacity for a design year of 2020, the Transport Assessment concluded that the determination of the current and potential vehicle trip generation of the existing development within the site is not necessary.
- 6.37. The Transport Assessment explains that the proposed development is forecast to generate 103 vehicular movements in the AM peak period, 119 movements in the PM peak period and 892 movements over a 12 hour period. The Transport Assessment concludes that due to the permeability of the local highway network, traffic flows generated by the proposed development would disperse and are unlikely to cause and/or significantly contribute to any highway capacity issues across the local highway network. Transportation Development have raised no objection to the proposal and I concur that whilst the nature of traffic to/from the site would be different when compared with the current situation, i.e. where currently traffic peaks at certain times, rather than being spread out more evenly during the day as proposed, the proposal would not have a significant adverse impact on the capacity of the local highway network. They have also provided detailed comments on the illustrative masterplan. However, these are not relevant to this outline application, because layout is a reserved matter, to be considered in due course.
- 6.38. The Transport Assessment explains that the distribution and nature of recorded accidents and attributed causation factors do not suggest there to be any inherent highway safety issues. Taking into account the increases in traffic movements across the local highway network, it explains that no future highway safety issues are envisaged as a result of the development proposals.
- 6.39. Whilst the proposed layout of the site would be the subject of a future reserved matters application, the illustrative masterplan shows that all proposed dwellings would be provided with allocated off-road parking in accordance with the Council's Car Parking Guidelines SPD i.e. a maximum of 1.5 spaces per dwelling for that part of the site located nearest to Hall Green Station and a maximum of two spaces per dwelling for the remainder of the site. It is proposed that all properties would also be provided the opportunity for secure cycle storage.
- 6.40. I consider that the site is sustainable in terms of its links to the existing public transport network. Both Hall Green Station and bus services are located within easy walking distance of the site. The proposed pedestrian/cycle access through to Silverlands Close would provide a useful connection to Stratford Road and Hall Green Station for pedestrians and cyclists.
- 6.41. A Residential Travel Plan has also been submitted in order to reduce reliance on the private car by residents through promoting and encouraging the use of sustainable

travel modes. A target shift of a reduction of sole occupancy car journeys by 8.8% is set and the travel plan sets out various measures, the implementation of which would support this objective.

Amenity of Existing Residential Occupiers

- 6.42. The nearest residential properties to the application site are those which immediately adjoin the site's southern and eastern boundaries and front on to Brooklands Road. These properties generally have long rear gardens (20m-45m in length) some with mature trees or outbuildings located immediately adjacent to the site boundaries. The illustrative masterplan shows that where two storey dwellings are proposed to adjoin existing residential properties along Brooklands Road, the proposed dwellings would meet the 10m set back distance to neighbouring rear gardens, recommended in the Council's Places for Living SPG. It also demonstrates, as per the recommended guidelines in Places for Living SPG, that the 21m separation distance between the rear windowed elevations of the proposed dwellings and those of existing dwellings would also either be met or exceeded, as would the 12.5m separation distance between the flank walls of any proposed dwellings and windowed elevations of existing dwellings. Given the above I am satisfied that the amenity of existing residential occupiers is unlikely to be adversely affected as a result of loss of privacy from overlooking, loss of outlook or loss of light.
- 6.43. Whilst I note objectors concerns in relation to increased noise and disturbance arising as a result of the proposed development, I consider that whilst there may be some temporary noise and disturbance as a result of construction, in the long term noise and disturbance to existing occupiers is likely to be less than the existing stadium use. I recommend that a condition be attached to any consent requiring submission of a Construction Management Plan to ensure that the amenity of any local residents is protected during the construction phase.

Ecology

- 6.44. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Planning for biodiversity at a landscape scale is encouraged and the preservation, restoration and re-creation of priority habitats, ecological networks and priority species populations is promoted (Paragraph 117).
- 6.45. Paragraphs 3.37-3.39 of the Birmingham UDP explain the importance of safeguarding and enhancing the natural environment of the City, improving the protection of existing areas of nature conservation importance and measures to improve the diversity and quality of wildlife habitats throughout the City.
- 6.46. Policy TP8 of the Draft BDP explains that the maintenance, enhancement and restoration of sites of national and local importance for biodiversity and geology will be promoted and supported. All development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets. Biodiversity and geodiversity enhancement measures should be appropriate to the nature and scale of the development proposed. Development proposals should

clearly identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured.

- 6.47. An Ecological Appraisal submitted in support of this planning application concludes that the dominant habitat across the site is hardstanding, with smaller areas of ornamental shrub planting and short mown amenity grassland. It notes that due to limited diversity and intense management these habitats are considered to have little ecological value and their loss has not been identified as an ecological constraint to the development, nor would it have a significant impact on the local ecological resource.
- 6.48. The Ecological Appraisal identifies four potential non-statutory wildlife sites located within 300m of the site boundary, but concludes that the proposed development would unlikely lead to a significant increase in the existing footfall at these sites. The application site is located within the Acocks Green/Hall Green Wildlife Action Area where which is currently lacking in wildlife habitats.
- 6.49. The Ecological Appraisal found no evidence of bats in on the application site. It concludes that existing buildings on the site provide a negligible potential to support roosting bats and there were no features with potential to support roosting bats amongst trees within the site boundary. There are two ornamental water bodies located towards the centre of the race track, which the Ecological Appraisal considered, due to their small size and isolation, there would be a lack of suitable terrestrial habitat to support Great Crested Newts and their presence is considered unlikely. The Appraisal found that the habitats within the site boundary provide limited potential for nesting birds.
- 6.50. The City's Ecologist has raised no objection to the proposed development. However, he notes the presence of an invasive species, New Zealand Stonecrop (*Crasula helmsii*), recorded in one of the two ponds on site. He recommends attaching a condition to any consent requiring submission of an invasive species control plan prior to work commencing on site.
- 6.51. The Birmingham and Black Country Wildlife Trust have raised no objection to the proposed development and consider that it would provide a significant opportunity to deliver nature improvement within the development site itself. They raise some concerns over the lack of detail and landscaping shown on the illustrative masterplan. However, landscaping is a reserved matter and would be assessed under any future reserved matters application.
- 6.52. I consider that the proposed development would improve the ecology of the site, creating new garden habitats, an attenuation pond and an element of public open space, all contributing towards the policy aims of increasing biodiversity. I recommend that a condition be attached to any consent to ensure that the proposed development delivers the ecological enhancement measures set out in the Ecological Appraisal.

Trees

- 6.53. Paragraph 3.16A of the Birmingham UDP states that developers will be encouraged to give priority to the retention of trees, hedgerows and natural features on development sites. It also sets out the need for additional tree planting, focusing on providing a variety of species that are appropriate to the locality.

- 6.54. Four Category A trees are shown to be retained on the site. The City's Arboriculturalist has raised no objection to the proposed removal of Category U or Category C trees on the site, and the two Category B groups of trees (G7 and G8) which are early mature leylandii. I am satisfied that the loss of these low quality trees would be more than mitigated for with new tree planting, indicatively shown across the site in front gardens and within the public open space, as some 70 specimens, and more alongside the western boundary.
- 6.55. The City's Arboriculturalist notes that the illustrative masterplan shows that in some instances large trees located on the boundary of the rear gardens of houses on Brooklands Road would be located close to the nearest proposed dwellings, and because these would be short rear gardens it would make a proportionally large difference to the future occupiers perception of the trees beyond their rear boundary and may result in shading issues. However, as the masterplan is only illustrative I am satisfied that a revised layout could adequately address this issue under a future reserved matters application. The City's Arboriculturalist has requested that a condition be attached to any consent requiring submission of an arboricultural method statement.

Drainage

- 6.56. Paragraphs 3.71-3.76 of the Birmingham UDP explain that proposals for new development will be expected to take account of any of any effects they might have upon water and drainage. Policy TP6 of the Draft BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedence flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.57. The application site and surrounding land is located within Flood Zone 1 and is at low risk of flooding. The submitted Flood Risk Assessment (FRA) explains that the proposed development is not at significant risk of flooding, or of contributing to flood risk elsewhere. The Sustainable Drainage Statement explains that that the drainage design for the development would comply with the relevant local and national standards specifically the hierarchy of discharge, runoff rate and volume criterion. It includes an indicative drainage network design which shows that the site could be successfully drained in a sustainable manner and that there is sufficient space on site to incorporate SuDS features. The design would be further developed at the reserved matters stage.
- 6.58. The Lead Local Flood Authority (LLFA) have raised no objection to the proposal and advise that the proposed peak discharge rate, use of both above ground storage (attenuation pond) and below ground storage (an underground cellular storage tank of 700m³ to be positioned underneath the public open space), use of detention basins, storm water planters, filter drains and silt traps, is acceptable in principle. However, they require further information in respect of some matters and as such have requested a condition be attached to any consent requiring submission of a revised Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan to cover the requested information. I note there may be some localised flooding issues in neighbouring gardens which could be further investigated and mitigated for with any revised Plan. I note Severn Trent Water have raised no objection to the proposed development.

Air Quality

- 6.59. Paragraph 109 of the NPPF states that new development should be prevented from contributing to unacceptable levels of air pollution. Paragraph 3.77 sets out the Council's commitment to improving air quality in the city and in particular through measures such as increasing tree cover and encouraging modes of transport which reduce the impact of travel on air pollution. Paragraph 3.78 of the Birmingham UDP explains *"When assessing planning applications, the implications of new development for air quality will be taken into account."*
- 6.60. Birmingham is currently under a city-wide air quality management area (AQMA). An Air Quality Assessment has been submitted in support of the application. It reveals that air quality at the application site is generally very good. It goes on to explain that construction works could give rise to emissions that may cause some dust soiling effects on adjacent uses, although there are few sensitive receptors in close proximity to the site. It suggests that by adopting appropriate mitigation measures to reduce emissions and their potential impact, there should be no significant residual effects. The Assessment explains that once the site is built out guidance criteria for air pollution is unlikely to be exceeded on significant roads, and that no significant increase in NO₂ or PM₁₀ concentrations are anticipated at any nearby sensitive receptors, nor anywhere within the AQMA.
- 6.61. Regulatory Services have raised no objection to the proposed development and concur that it would not cause any significant residual effects in terms of air pollution. They recommend that a condition be attached to any consent requiring electric vehicle charging points for new dwellings. However, I consider this would be best dealt with at reserved matters stage when the exact dwelling mix/type would be known.

Noise

- 6.62. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.63. A Noise Assessment has been submitted in support of the application. The noise survey carried out identified the main noise sources to be noise from road traffic and noise from the adjoining builder's merchant (this included forklifts manoeuvring and loading/unloading products and people shouting, the use of a grinder or saw at an industrial unit to the immediate west of the builders' merchant, and a radio noted to be playing). The opening/delivery hours at the builders' merchant are restricted by condition to Mondays - Saturdays 0800-1700 hours, and Thursdays 0800-2000 hours, and there are other conditions which relate to wood cutting at the premises. The two builder's merchant warehouse buildings do not contain any windows on their side elevations i.e. facing on to the site.
- 6.64. The Noise Assessment explains that internal noise levels within proposed dwellings should meet the relevant local and national criteria for noise insulation subject to the incorporation of glazing and ventilation with an appropriate level of sound reduction. It goes on to explain that noise levels within the external amenity areas of the proposed dwellings are likely to be acceptable, except for those six dwellings whose rear amenity areas would be sited immediately adjacent to the yard between the two builders' merchant warehouse buildings, where there could be a significant adverse impact in terms of noise and disturbance. The Noise Assessment recommends that

acoustic fencing of up to 7m in height along this small section of the site boundary to the builders' merchant yard may need to be erected to mitigate against noise levels within adjoining rear amenity areas. It is likely that such fencing would have an unacceptable impact upon the visual and residential amenity of the closest new dwellings and therefore the layout of dwellings would need to be further revised at reserved matters stage. As such Regulatory Services, whilst raising no objection to the application, have recommended that a condition be attached to any consent requiring submission of a further noise and vibration assessment to demonstrate that noise and vibration levels for facades containing habitable rooms and for outdoor living spaces do not exceed the criteria provided in the Council's Planning Consultation Guidance Note 1 (Noise and Vibration) and the NPPF.

Ground Conditions

- 6.65. Paragraph 121 of the NPPF explains that new development should be appropriate for its location taking account of ground conditions and land instability including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. Paragraphs 3.14E and 3.73 of the Birmingham UDP advises that any site suspected of being contaminated should be assessed and where necessary a remediation strategy will be required to ensure the site is suitable for its proposed use.
- 6.66. A Phase 1 Geo-Environmental Desk Study has been submitted in support of the application. It notes that based on the age of the existing buildings on the site and information gathered, asbestos containing materials are likely to have been used during their construction. Additionally it confirms that there may be a number of potential contaminants within the made ground that may present a risk to human health. Regulatory Services have raised no objection to the proposal, subject to conditions requiring submission of a contamination remediation strategy and a contamination verification report.
- 6.67. The Environment Agency have raised no objection to the proposed development. They have reviewed the submitted Phase 1 Geo-Environmental Desk Study and concur with its findings in so much as further investigative work is required in order to fully characterise the site and assess any possible risks posed to 'Controlled Waters' and mitigate against any pollution migration that could arise as a result of this application. They therefore recommend that conditions be attached to any consent requiring submission of a contamination remediation strategy and verification report, and that piling or any other foundation designs using penetrative methods shall not be permitted other than with the consent of the LPA.

Planning Obligations

- 6.68. Paragraph 5.37B of the Birmingham UDP, Policy TP30 of the Draft Birmingham Development Plan, and the Council's Affordable Housing SPG, require 35% of the total residential accommodation 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.
- 6.69. The Applicant has submitted a Financial Viability Appraisal which demonstrates that a scheme offering 35% affordable housing provision (73 affordable housing units)

would be unviable. The Appraisal shows that when the affordable housing provision is remodelled to 15% (32 affordable housing units) it would result in a viable scheme. This calculation also takes into account an acceptable figure for off-site public open space contribution and is based on an affordable housing mix of 16 social rent units, 8 shared ownership units and 8 low cost discounted sale units.

- 6.70. The LPA's Viability Consultant has reviewed the Applicant's Financial Viability Appraisal. He concurs that the scheme would be unviable on the basis of 35% affordable housing provision. Having undertaken his own development appraisal, the LPA's Viability Consultant advises that the scheme would indeed become viable on the basis of 15% affordable housing provision together with a revised higher value affordable housing tenure mix of 23 social rent units and 9 shared ownership units.
- 6.71. The Applicant has agreed to a revised affordable housing mix and the LPA's Viability Consultant calculates that this would achieve a profit on cost of 20.01% and a profit on value of 16.67% for the developer which he considers to be a reasonable level of profit having regard to current market conditions. The City's Housing Officer has raised no objection to the proposed affordable housing provision, but would prefer to secure some larger 4-bed units for social rent, which can be agreed at reserved matters stage.
- 6.72. Paragraph 5.20C of the Birmingham UDP, Policy TP9 of the Draft Birmingham Development Plan, and the Council's Public Open Space in New Residential Development SPD states that on sites of over 20 dwellings or more, provision of new public open space will normally be required within the curtilage of the development site. The Applicant's illustrative masterplan incorporates 3188sqm of public open space on the site which includes a junior play area. This is less than the 9600sqm recommended in the SPG based on the dwelling mix as set out in the Applicant's Financial Viability Appraisal. However, I consider it would be impractical to require this amount of public open space on the site as this would render the development unviable. I consider that the Applicant's provision of 3188sqm on-site public open space appears to represent both a reasonable and useable amount of public open space within the scheme. I am satisfied that the shortfall in on-site public open space provision can be mitigated for by means of an off-site public open space contribution and I recommend that such a contribution is calculated in accordance with the methodology set out in Council's Public Open Space in New Residential Development SPD when the dwelling mix (and therefore number of people generated by the development) is confirmed at reserved matters stage.
- 6.73. Leisure Services have raised no objection to the proposal in terms of on-site public open space provision, and are satisfied with the off-site public open space contribution which they advise should be directed towards the provision, improvement and/or maintenance of existing public open space and play at nearby Fox Hollies Park, which is located approximately 650m east of the site. Leisure Services advise that they would not be interested in taking on the maintenance or management of the on-site public open space proposed on the site.
- 6.74. Paragraph 6.20A of the Birmingham UDP explains that new developments can make significant demands on the transport infrastructure of the City and that planning obligations associated with transport infrastructure may be necessary where appropriate. Network Rail, although raising no objection to the proposal, have requested a contribution of £60,000 to be spent on a Ticket Vending Machine purchase, CCTV, Cycle rack and bins amongst other things to improve Hall Green Station in light of the potential increased footfall arising from this scheme. However,

whilst I acknowledge that there would be some increased usage of, and improved linkages to, Hall Green Station as a result of the proposed development I do not consider that this would be of a level sufficient to reasonably require a financial contribution in order to make the proposed development acceptable.

- 6.75. Education have requested a financial contribution of £1,552,625.43 to be spent on education provision for primary school, secondary school and nursery school places. Any Education funding via the planning system is now derived from city-wide CIL monies (Community Infrastructure Levy) (apart from significantly larger residential development sites).

Other Matters

- 6.76. I note the significant level of public support received for the application in respect of animal rights issues. However, this is not a planning issue and therefore cannot be taken into account in the determination of the application.
- 6.77. The submitted desk-based Archaeology Survey concludes that there is low to moderate potential for archaeological remains of unknown date to be present within the site. The City's Conservation Officer has reviewed the Survey and has raised no objection to the proposal. Notwithstanding, he recommends that a condition be attached to any consent requiring submission of a written scheme of investigation for archaeological observation and recording during development.

7. Conclusion

- 7.1. Whilst acknowledging that the loss of Hall Green Stadium as an existing community/recreational facility and loss of existing employment at the site would be regrettable I consider, on balance, that this would be outweighed by the positive aspects of the proposed development. These positive aspects include: contributing towards the City's housing needs with residential development on a brownfield site that is sustainably located within easy access of existing employment opportunities, public transport, shops and facilities, schools and healthcare facilities; the loss of an existing non-conforming commercial use in a residential area; the ecology of the site being improved as a result of the proposal; and the provision of affordable housing and public open space on the site.
- 7.2. I consider that the housing density and a mix of housing would be appropriate for the site, and that a suitable layout could be worked up at reserved matters stage. I am satisfied that there would be no material adverse impact on noise, flooding and drainage, highway safety, traffic congestion, the amenity of existing residential occupiers, trees, air quality, noise and ground conditions as a result of the proposed development. I therefore consider that on balance the proposal would comply with national and local planning policies and would therefore constitute sustainable development. As such I recommend that outline planning permission is granted.

8. Recommendation

- 8.1. I. That application 2016/01219/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:
- a) On-site affordable housing provision of 15%.

b) Off-site public open space contribution based on a sum derived from a pro-rata calculation in the adopted Public Open Space In New Residential Development SPD (detailed at appendix B of that SPD) (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be spent on the provision, improvement or maintenance of public open space and play at Fox Hollies Park. The sum is to be paid prior to the commencement of development.

c) Payment of a monitoring and administration fee associated with the legal agreement subject to a contribution of £4,196. To be paid prior to the completion of the S106 Agreement.

II. In the event of the above Section 106 Agreement not being completed to the satisfaction of the Local Planning Authority on or before 8th July 2016 planning permission be REFUSED for the following reason;

a) In the absence of a financial contribution towards off-site public open space, and the provision of on-site affordable housing the proposal conflicts with Paragraphs 3.53B, 3.61, 5.20B, 5.20C, 5.37 A-G, and 8.50-8.53 of the Birmingham UDP 2005, Policies TP9 and TP30 of the Draft Birmingham Development Plan, and the National Planning Policy Framework (2012).

III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.

IV. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 8th July 2016, favourable consideration be given to Application Number 2016/01219/PA, subject to the conditions listed below;

1	Limits the layout plans to being indicative only
2	Requires the prior submission of sample materials
3	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
4	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
5	Requires the prior submission of a method statement for the removal of invasive weeds
6	Arboricultural Method Statement - Submission Required
7	Secures noise and vibration levels for habitable rooms
8	Requires the prior submission of a contamination remediation scheme
9	Requires the prior submission of a contaminated land verification report
10	Requires the prior submission of investigation for archaeological observation and recording

-
- 11 Limits the maximum number of dwellings to 210
 - 12 Requires the prior submission of level details
 - 13 Requires the prior submission of hard and/or soft landscape details
 - 14 Requires the prior submission of hard surfacing materials
 - 15 Requires the prior submission of boundary treatment details
 - 16 Requires the prior submission of a lighting scheme
 - 17 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 18 Prohibits piling or any other foundation designs using penetrative methods
 - 19 Requires the prior submission of a construction method statement/management plan
 - 20 Requires the submission of reserved matter details following an outline approval
 - 21 Limits the approval to 3 years (outline)
-

Case Officer: Andrew Conroy

Photo(s)

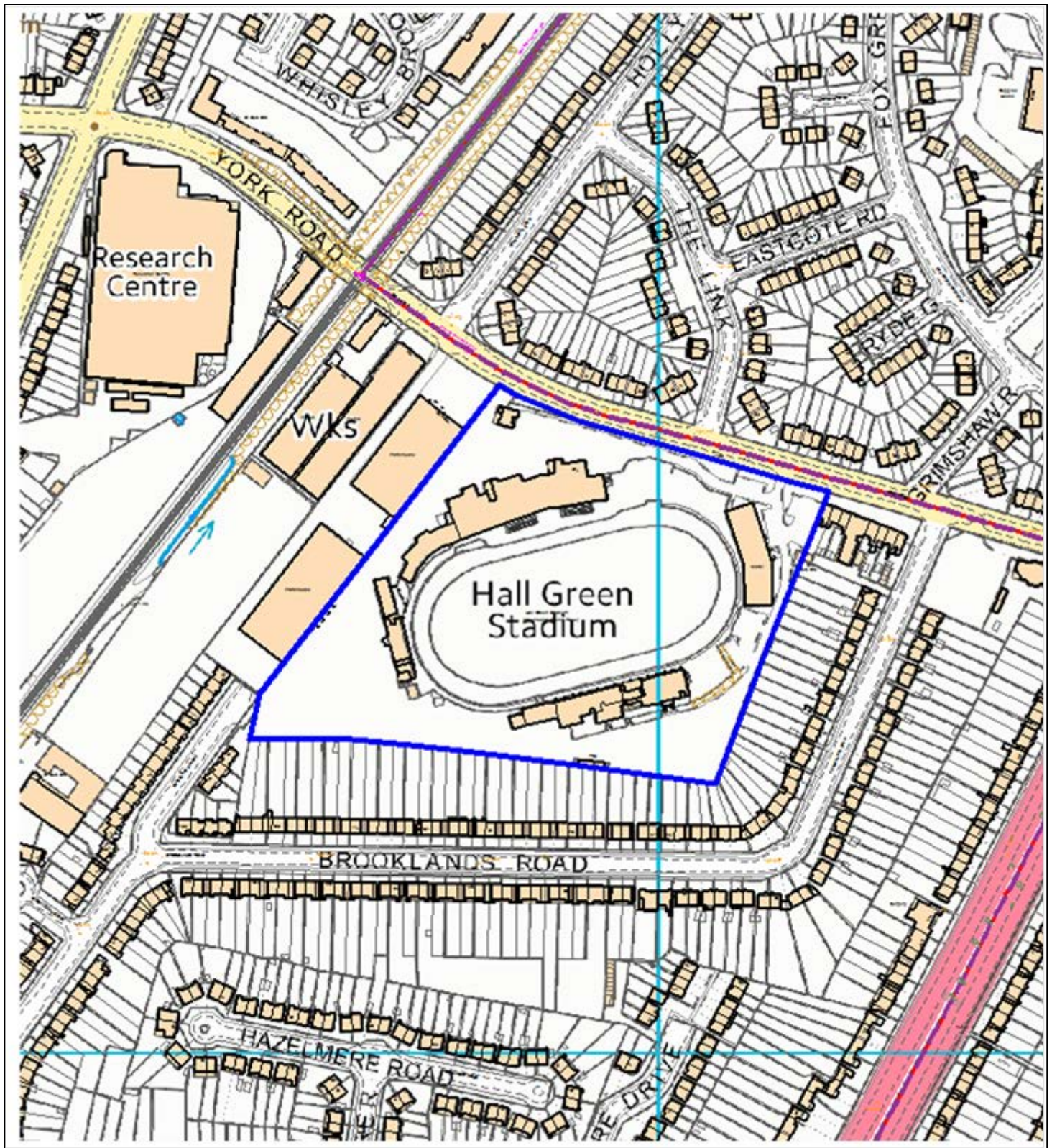


Figure 1 – View looking west along York Road boundary of site



Figure 2 – View looking north east from end of Silverlands Close (Stadium in centre)

Location Plan



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Committee Date:	21/07/2016	Application Number:	2016/04383/PA
Accepted:	26/05/2016	Application Type:	Full Planning
Target Date:	21/07/2016		
Ward:	Selly Oak		

126-138 Dawlish Road, Land to the rear, Selly Oak, Birmingham, B29 7AR

Demolition of existing buildings and erection of six residential dwellings with associated car parking and landscaping

Applicant:	Gentle Properties Ltd C/O The Agent
Agent:	Avaro (Midlands) Ltd Glenfield Farm, Middle Lane, Wythall, Worcestershire, B38 0DG,

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. The proposal is for the demolition of existing garage buildings and erection of 6no three bedroom houses with associated car parking and works at land to the rear of 126-138 Dawlish Road, Selly Oak.

1.2. The six dwellings would be laid out as one pair of semidetached to the northern part of the site; (plots 1 & 2); a terrace of three houses to the southern part of the site (plots 3, 4 & 5) and a single infill house situated between no's 136 and 138 Dawlish Road (plot 6). Vehicular access in to the site would be to the side of 126 Dawlish Road, as existing.

1.3. Plots 1 & 2:

A pair of two storey semi-detached properties with roofspace accommodation, situated to the north of the site. They would be set back from Dawlish Road by approximately 15m and sit adjacent to the vehicular access. Both would be rectangular in shape being 4.4m wide; 8.9m in depth and having a total height of 10m. Both would have bay windows and entrance canopy and dormer window to the front elevation. There would be a small landscaped area to the front set behind new railings which form the boundary of the site. On the ground floor a living room/dining room, kitchen and WC would be provided. At first floor, there would be 2 bedrooms (11.1sqm and 8.2sqm) and a bathroom. Within the roofspace a further bedroom (12.7sqm) and shower room are provided. Gardens to the rear would be 76.4sqm and 70.5sqm respectively being 10.7m in length. One off street parking space per property is offered, one as a layby close to the site frontage, the other adjacent to the rear garden of Plot 2.

1.4. Plots 3, 4 & 5

A terraced row of three 2 storey properties with roofspace accommodation situated to the southern part of the site, perpendicular to the existing properties on Dawlish

Road. All would be rectangular in shape being 4.4m wide; 8.9m in depth and having a total height of 10m. All have bay windows and entrance canopy and dormer window to the front elevation. There would be a tarmacked car parking court to the front with limited landscaping. On the ground floor a living room/dining room, kitchen and WC would be provided. At first floor, there would be 2 bedrooms (11.1sqm and 8sqm) and a bathroom. Within the roofspace there is a further bedroom (12.4sqm) and shower room. Gardens to the rear would be 76.1sqm, 71.1 and 78sqm respectively being 12m in length. A total of 5 parking spaces would be provided, one each for plots 3, 4, 5 and 6 and one visitor space.

1.5. Plot 6

A two storey infill house between 136 and 138 Dawlish Road. It would have a two storey wing to the rear and have a total height of 8.5m. It would have a slight forward projection at ground floor to copy that on adjacent properties. There would be a dormer window to the front roofslope and one to the rear. On the ground floor a living room; kitchen/dining room and WC would be provided. At first floor, there would be 2 bedrooms (12.3sqm and 7.5sqm) and a bathroom. Within the roofspace a further bedroom (12sqm) and shower room would be provided. A garden of 26sqm would be provided, reflective of the size of garden on adjacent properties. The garden would have a total depth of 5.3m from the end of the two storey wing.

- 1.6. All buildings would be constructed in facing brickwork with concrete tiled roofs and UPVC windows and timber doors.
- 1.7. An existing sub-station at the site's access would be demolished and a new sub-station is proposed to the western side of the application.
- 1.8. The site area is 1178sqm and the density of development on the site would be 50 dwellings per hectare.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises approximately 0.11ha of land to the rear of 126–138 Dawlish Road, Selly Oak. The site has a slight change in level, with the northern section being approximately 500-700mm higher, and is currently used for car sales. There are currently two site accesses; one between a substation and no. 126 Dawlish Road; the other between nos. 136 and 138 Dawlish Road.
- 2.2. Dawlish Road is a residential street and characterised largely by two storey Victorian brick built terraced houses set in linear rows with long rear gardens. This character continues on surrounding streets within the Bournbrook Area and many properties are occupied by students due to the sites proximity to Birmingham University.
- 2.3. The site is bounded partly by rear gardens of the neighbouring dwellings to the south, to the north by the parking court associated with the residential accommodation on the corner of Dawlish Road and Exeter Road and an electrical sub-station fronting onto Dawlish Road. Part of the western boundary is formed by the rear of a depot / works unit fronting Tiverton Road.
- 2.4. The site is within 500m of Bristol Road and Selly Oak District Centre which provides local facilities and amenities. Selly Oak train station is also within easy walking distance of the site.

[Location map](#)

3. Planning History

- 3.1. 25/05/2000 – 1999/05584/PA Continued use as storage yard for charity group with associated office and store. Approved temporary.
- 3.2. 10/07/2007 – 2007/02921/PA Construction of 5 dwellinghouses, 2 apartments, parking area and means of access. Refused.
- 3.3. 20/09/2013 – 2013/04921/PA Erection of 6 x 3 bed dwelling houses, associated landscaping and car park. Application withdrawn.
- 3.4. 03/11/2014 – 2014/06502/PA Erection of six residential dwellings with associated landscaping and car park. Application withdrawn.
- 3.5. 23/09/2015 – 2015/03732/PA Demolition of existing industrial building and erection of purpose built student accommodation (including the infilling between 136 & 138 Dawlish Road) creating 30no. studios; creation of amenity area and parking area and other associated works. Application withdrawn.
- 3.6. 08/02/2015 – 2015/10299/PA Demolition of existing buildings and the erection of six residential dwellings with associated car parking and landscaping. Application withdrawn.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection.
- 4.2. Regulatory Services – No objection subject to noise insulation condition, and vehicle charging points.
- 4.3. Severn Trent Water – No objection subject to a drainage condition. Advise there may be a public sewer within the site.
- 4.4. West Midlands Police – No objection. Recommend the proposal is development to enhanced security standards 'Secured by Design'
- 4.5. West Midlands Fire Service – No objection.
- 4.6. Western Power Distribution – response awaited.
- 4.7. Letters of notification sent to surrounding residential; local residents associations; Selly Oak Ward Councillors and the MP for Selly Oak. A site notice has also been posted. Three letters of objection received, as set out below.
- 4.8. The Community Partnership for Selly Oak - Object to the application on the grounds that the infill will exacerbate the already high population density in the area further stressing the water supply and sewerage system. There is insufficient parking for the new properties so parking on Dawlish Rd will be further compromised. The properties may overlook exiting houses and gardens. The scale, mass and design of the development is unsatisfactory. It is likely these properties will be used as HMO's and will not provide a contribution to a balanced community as recommended in local and national planning policy.

4.9. Two letters of objection from local residents:

- too many flats and houses overlooking houses on Dawlish Road and the area will have a big privacy issue;
- my neighbours are unhappy living here due to noise from students, this plan to demolish our homes would be the best decision ever made because at least then we can be moved to a quieter area and not be disturbed by the students any more.

5. Policy Context

5.1. The following local policies are applicable:

- The Birmingham Unitary Development Plan (2005)
- Pre-Submission Birmingham Development Plan (2031)
- Places for Living SPG (2001)
- Car Parking Guidelines SPD (2012)
- Wider Selly Oak SPD (2015)

5.2. The following national policies are applicable:

- National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.2. The Birmingham UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations with good access to jobs, shops and services by modes other than the car. The UDP requires that new housing developments should provide an appropriate environment (Paragraphs 5.20-5.20A), a suitable housing density and mix (Paragraph 5.40) and encourages a full range of housing types and sizes including those for people with disabilities and other specific needs (5.35 and 5.37). Paragraph 5.38 recommends a housing density of 50 dwellings per hectare in this location (i.e. on public transport corridors).
- 6.3. The Wider Selly Oak SPD states that “overall housing objective is to maintain a balance of housing provision, a sustainable and cohesive housing market, and secure a high level of management of the residential environment. This will ensure that Selly Oak remains a desirable residential area for existing residents as well as attracting and retaining employees to the university and hospitals...All proposals must secure a significant uplift in the areas residential offer”.
- 6.4. The proposal would contribute towards housing demand within the City on a brownfield site in close proximity to bus routes and a railway station (Selly Oak) and I therefore raise no objections in principle to the use of this site for residential

development. These 3 bed units would potentially provide family accommodation and the proposed density, at 50 dwellings per hectare, accords with UDP policy and is reflective of the character of this area. However, the details of the proposal should be assessed against the policy considerations set out above.

- 6.5. Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 6.6. Paragraphs 3.14D and 3.14E of the UDP identify that new housing development should be designed in accordance with good urban design principles. In addition, 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and makes reference to minimum design and amenity guidance. Particular emphasis is given to assessing context and responding positively to local character.
- 6.7. A previous application was withdrawn, as the design of the dwellings was not considered appropriate, not taking account of the local vernacular. This new application proposes differently designed houses, and slight layout changes being more in character with the surrounding area.
- 6.8. The proposed dwellings would be sited to the rear of the existing properties to the east on Dawlish Road; they would sit in a linear row maintaining the character of infill and cul de sac development that has formed off Dawlish Road in the surrounding area for example to the north on Kenneggy Mews, Blossom Avenue and Lime Avenue. In light of this, I do not consider the proposed dwellings would impact unduly on the characteristic pattern of development in the surrounding area and would not appear out of context. Furthermore, plot 6 is designed to continue the row of terraces fronting Dawlish Road, with its frontage replicating others on this frontage.
- 6.9. The properties would be of an appropriate scale and design that reflects the character of properties along Dawlish Road and Tiverton Road (to the rear), albeit taller than those on Dawlish Road. The eaves of the proposed properties would sit at 5.2m in height similar to those of existing terrace properties and the properties would still appear as two storey buildings, although having three floors of accommodation. The properties would be brick built with tiled roofs of a pitched design with bay windows at ground floor and dormer windows to the roof slopes. This is reflective of many properties in the area which are predominantly Victorian/Edwardian houses, 2-storey in height many having dormer windows to 'attic' rooms
- 6.10. The layout shows that the rear garden areas of plots 1 – 5 would provide between 70 and 78sqm of private amenity area respectively which is in accordance with the minimum guideline of 70sqm as advocated in "Places for Living". Plot 6 however, provides just 26sqm of space. Whilst the shortfall is significant, it is noted that this is characteristic of the row of terraces within which this property would be situated. The gardens would have no noticeable effect on the character of the area when viewed from the public realm; therefore I do not consider this a matter significant to warrant concern in this particular instance, subject to a condition to remove Permitted Development rights for further extensions from this particular plot.

- 6.11. I note the concerns raised in respect of the proposed development being sited too close to existing houses, resulting in potential overlooking and loss of privacy. The Council's Places for Living SPG recommends a series of numerical standards to ensure existing and future occupiers privacy and outlook. In this instance the development has been designed so that the windows of the proposed houses are orientated away from existing properties, particularly in relation to properties on Dawlish Road and as such I do not consider that the development would result in overlooking/reduced privacy.
- 6.12. Places for Living SPG recommends a minimum distance of 12.5m between existing windowed elevations and new two storey flank walls. The distance between the flank wall (east elevation) of the proposed Plot 5 and the rear wing windowed rear elevations of 134 to 138 Dawlish Road would be 7.3m, but the windows in the existing properties serve secondary kitchen windows at ground floor and bathroom windows at first floor. The separation distance to the habitable room windows on the main elevation of the existing dwellings would be 11.6m, short of the SPG's recommended distance. However, I consider the removal of the non-conforming use would be a greater gain to residential amenity than the effect of the slightly shorter separation distance, and I note the two local objectors are not from any of the three properties affected by this issue. Therefore, I consider this issue alone would not be sufficient to warrant the refusal of the application and in this instance the development would be acceptable.
- 6.13. In addition, all properties would provide an internal layout of suitable size, with all properties providing a double bedroom of at least 11.5sqm in accordance with the nationally described spaced standards, which are not adopted by the Local Planning Authority but provide a suitable benchmark.
- 6.14. My Transportation officer notes many properties on Dawlish Road and the surrounding roads lack off street parking and are generally parked on by existing residents. In this instance, the development provides 1 space per dwelling plus an additional 2 spaces (a vehicle can park in front of plot 6 on Dawlish Road where currently there is a site access) which is considered acceptable for this site, which is within 500m of Selly Oak train station and within reasonable walking distance of Selly Oak District Centre where there are frequent bus services into and out of the city centre.
- 6.15. There is a redundant crossing fronting the 'infill' property on Dawlish Road. This will need to be reinstated to City specification at the applicant's expense. An appropriate condition is recommended, which will assist with available on-street parking.
- 6.16. My Regulatory Services officer raises no objection to the application., subject to a condition in respect of noise insulation. I consider this would be reasonable given the existing commercial use beyond the site's western boundary.
- 6.17. Seven Trent have raised no objection to the application and recommend a suitable drainage condition be added along with an informative noting that there may be a public sewer within the application.
- 6.18. The site is not known to have any ecological value and is not near to any site of importance nature conservation.
- 6.19. Regulatory Services have requested conditions for noise insulation to the Dawlish Road frontage doors and windows, and vehicle charging points. I do not consider either can be insisted upon – noise levels are for an existing residential street, and

houses can more easily make their own arrangements for charging of electric-powered vehicles than flats. In the absence of any specific local crime concerns, I do not consider it appropriate to attach the Police's requested 'Secured by Design' condition, but this request will be passed on to the applicant.

- 6.20. Community Infrastructure Levy - The development may now be liable for CIL, (following its adoption on 4th January 2016). The submitted application plans specify that the floor area of the development would be 550.17sqm GIA with a reduction of 212sqm (existing floorspace) to be deducted under the change of use legislation, the total floorspace liable for CIL would 338.17sqm. This would equate to a payment of £23,333.73.

7. Conclusion

- 7.1. The proposal is recommended for approval as it would be within an existing residential environment in a sustainable location, provide new houses to help meet the city's housing need, and be of appropriate size, siting and design. The proposal would have an acceptable relationship to existing residential properties and have no significant adverse effect on the street scene. The proposal therefore accords with both local and national policy.

8. Recommendation

- 8.1. Approve subject to conditions.

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a drainage scheme |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of sample materials |
| 6 | Removes PD rights for new windows to side elevation plot 5 |
| 7 | Removes PD rights for extensions (Plot 6) |
| 8 | Requires reinstatement of footway crossing |
| 9 | Limits the approval to 3 years (Full) |
-

Case Officer: James Mead

Photo(s)



Photograph 1: Site of infill plot 6

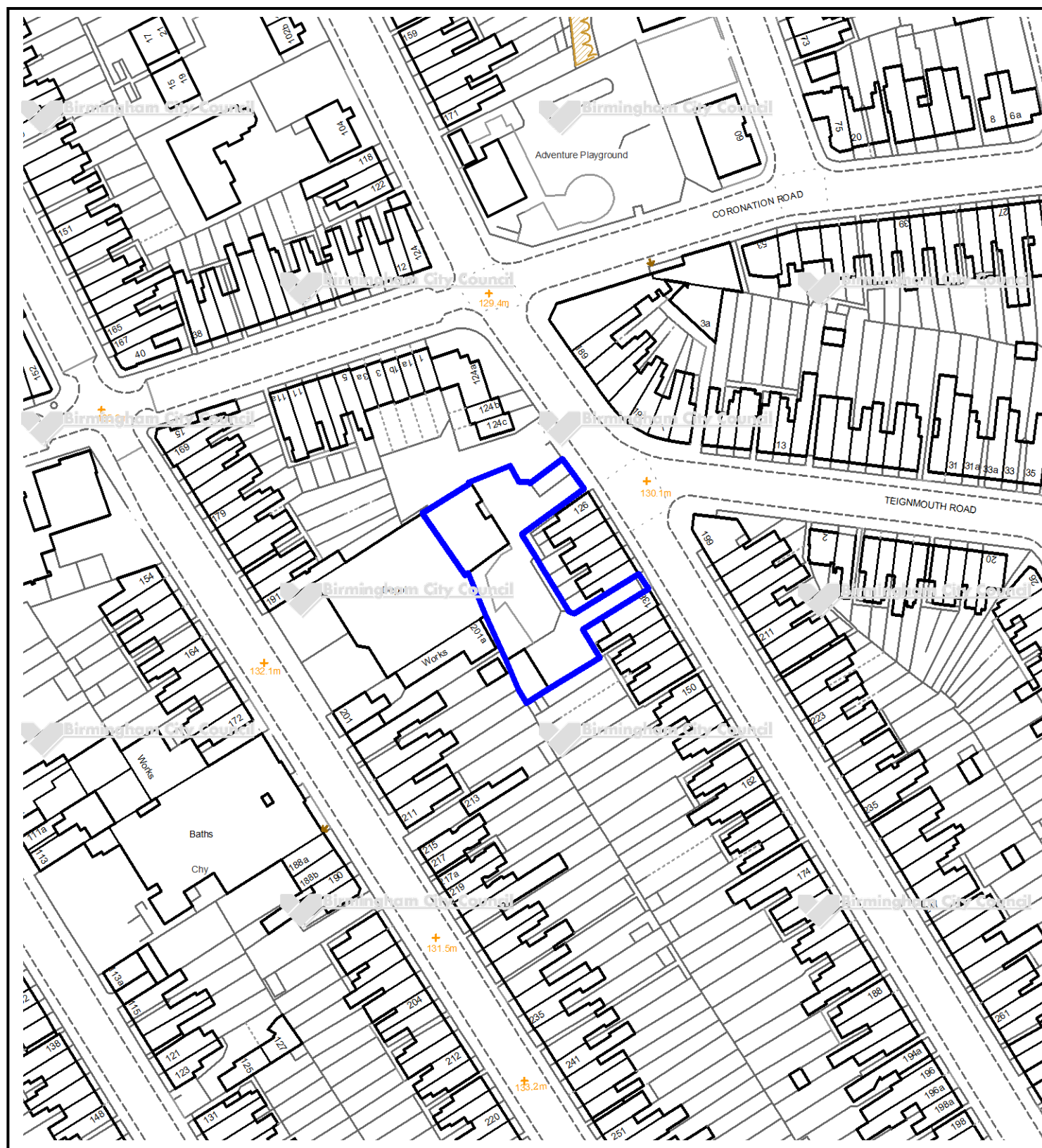


Photograph 2: Access into the site



Photograph 3: View north across the site.

Location Plan



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Birmingham City Council

Planning Committee

21 July 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	2016/03809/PA Royal Angus Hotel St Chad's Queensway Birmingham B4 6HY Construction of two additional storeys to existing building, installation of roof-top plant, changes to reception lobby at front and side, re-caldding of existing elevations, enclosure of open roof terrace and reconfiguration of internal layout (to increase the number of hotel bedrooms from 133 to 226)

Committee Date:	21/07/2016	Application Number:	2016/03809/PA
Accepted:	04/05/2016	Application Type:	Full Planning
Target Date:	03/08/2016		
Ward:	Ladywood		

Royal Angus Hotel, St Chad's Queensway, Birmingham, B4 6HY

Construction of two additional storeys to existing building, installation of roof-top plant, changes to reception lobby at front and side, re-cladding of existing elevations, enclosure of open roof terrace and reconfiguration of internal layout (to increase the number of hotel bedrooms from 133 to 226)

Applicant:	Snow Hill Birmingham Developments LLP c/o Agent
Agent:	Barton Willmore Regent House, 4 Homer Road, Solihull, West Midlands, B91 3QQ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 The application site accommodates the Royal Angus Hotel. The hotel encompasses the seven storey entrance block at the junction of St. Chad's Queensway and Whittall Street and the upper floors of the adjoining infill building that links the entrance block to the 21 storey Kennedy Tower, occupied by Holiday Inn Express.
- 1.2 The application seeks consent for the following development:
- i. a new single storey glazed extension to enclose the existing external terrace at third floor overlooking St. Chad's Queensway for use as part of a 200 cover restaurant;
 - ii. alterations to the existing reception lobby facing St. Chad's Queensway and additional glazing to the side of the reception lobby facing Whittall Street;
 - iii. the re-cladding of the exterior of the existing building under the control of the applicants, i.e. the seven storey entrance block at the corner of St. Chads Queensway and Whittall Street and the fifth to seventh floors of the central link building between the entrance block and Kennedy Tower above the former snooker hall and gym;
 - iv. new roof top plant incorporating two roof top accesses and two lift overruns clad in grey aluminium infill panels and grey lateral louvres;
 - v. replacement double glazed windows to all elevations to provide great thermal efficiency; and

- vi. a two storey extension with a proposed floorspace of 2,090 square metres. The proposed extension combined with the re-configuration of the internal layout would increase the total number of rooms from 133 to 226 bedrooms. The proposed extension would add two storeys to the existing building raising its height from seven to nine storeys and would incorporate tall feature windows to the front and rear.
- 1.2 The current application follows approval earlier this year to upgrade the appearance of the existing hotel building, and the proposed materials of the extension would follow the same design principles utilising a combination of light grey render, graphite coloured aluminium or dark grey terracotta cladding, new window frames and ceramic backed glass spandrel panels. These materials have been chosen in recognition of the recent works to upgrade the adjoining Kennedy Tower, occupied by Holiday Inn Express.
 - 1.3 [Link to Documents](#)
 2. Site & Surroundings
 - 2.1 The application site measures approximately 0.23 hectares and adjoins Kennedy Tower; a 21 storey building converted to a 224 bed Holiday Inn Express following planning consent 2011. Part of the Royal Angus Hotel also lies above a former snooker hall and former petrol filling station where works are ongoing to convert the floorspace to a gym, approved under a planning consent granted in 2015. The hotel has a small drop off area accessed from St. Chad's Queensway that is able to accommodate about five cars and benefits from the existing Royal Angus NCP multi storey car park to the rear.
 - 2.2 The site is located within the Snow Hill district within the City Centre. To the west of the site, beyond Snow Hill Queensway, lies One and Two Snowhill and Snow Hill train station. The hotel faces the existing Whittall Street multi storey car park to the rear. The Grade II* listed Cathedral Church of St. Chad lies opposite the site beyond the St. Chad's Queensway.
 3. Planning History
 - 3.1 2016/02837/PA - Re-cladding of elevations, changes to reception lobby to front and side and enclosure of open roof terrace. Approved 17/05/2016.
 - 3.2 2015/09320/PA - Non-Material Amendment to approval 2015/04892/PA for alterations to front elevation to provide perspex sheet to replace approved screen planting. Approved 30/11/2015.
 - 3.3 2015/04892/PA - Proposed change of use of former snooker hall and petrol filling station on part of ground, first and second floors to a gymnasium (Use Class D2) or conference facility (Use Class D1) with ancillary bar/kitchen and enclosure of part ground floor former petrol filling station to form lobby; alterations to existing elevations. Approved 24/09/2015.
 - 3.4 2011/07890/PA: Non material minor amendment attached to planning approval 2010/06991/PA to allow 15 additional bedrooms and revised entrance detail. Approved 06.12.2011.
 - 3.5 2010/06991/PA: Change of use of Kennedy Tower from office and retail accommodation into a 224 no. bedroom hotel with ancillary bar/restaurant meeting

room and re fenestration. Change of use of part of former petrol filling station and former snooker hall into conferencing facilities with ancillary bar/kitchen including re fenestration, enclosure of part of ground floor petrol filling station to form conference lobby. Amendments to highways access, deliveries and servicing. Approved 10.03.2011.

4. Consultation/PP Responses

- 4.1 Historic England – No objection to the principle of the changes and it is acknowledged that there is much scope for improving the appearance of this hotel and the impact it has on the setting of the Cathedral. However it is advised that conditions are attached to approve the materials of the proposed exterior treatment, the materials and form of the new windows and the alterations to the lobby reception, to ensure they do not detract from the Cathedral nor cause any harm to its significance.
- 4.2 BCC Regulatory Services - No objection subject to the conditions to restrict cumulative noise from all plant and machinery, to require details of extraction and refuse storage.
- 4.3 BCC Transportation Development - No objection subject to a condition to require cycle parking.
- 4.4 Local Lead Flood Authority - no comments.
- 4.5 Severn Trent Water - No objections to the proposals subject to the inclusion of a condition to require a drainage plan for the disposal of foul and surface water flows.
- 4.6 Police – The following is recommended:
- the work be carried out to the standards within the Secured by Design Commercial 2015 guide’;
 - that each individual flat is treated as a separate dwelling for the purpose of the standards of door security;
 - consideration is given to a full Secured by Design application;
 - a lighting plan for the site be produced that follows the guidelines and standards as indicated in 'Lighting Against Crime' guide;
 - a suitable CCTV system be installed providing coverage of the parking for the site, an external view of the all entrances, internal views of all entrances / fire exits to the building, all lifts and any lobby areas; and
 - raising the height of the building from seven to nine storeys could have a detrimental effect on police communications. If this becomes the case with this development, the remedial measures that would be required to rectify this issue can be costly. Therefore a condition requiring the applicant to meet the costs of any remedial work is suggested.
- 4.7 Birmingham Civic Society, Birmingham City Centre Management, Centro, Employment Access Team, Local Action Groups and Neighbourhood Forums, City Design Team, , Local Councillors, MP, Colmore BID, Western Power Distribution, Birmingham Public Health have also been consulted but no responses received.
- 4.8 Neighbours have been notified and a site notice and press notice posted. Again no responses have been received.

5. Policy Context

- 5.1 Birmingham Unitary Development Plan 2005, Draft Birmingham Development Plan 2031, Snow Hill Masterplan, Places For All (SPD), Access for People with Disabilities (SPD) and the National Planning Policy Framework.

6. Planning Considerations

DEVELOPMENT PLAN POLICY

- 6.1 The two principles of the Environment Strategy within the Adopted Birmingham Plan acknowledge the need to improve what is less good and to secondly recognise the key relationship between environmental quality and levels of economic activity. Furthermore the provision of additional hotels and extensions is encouraged by paragraph 8.19 subject to planning, amenity and highway considerations.
- 6.2 The vision within the 2031 Birmingham Draft Plan seeks to ensure that all new development is constructed to a high standard of design, and this is reinforced by Policy PG3 that seeks to create a positive sense of place. Policies GA1.1 and TP23 encourage a range of facilities within the City Centre including hotels, whilst Policy TP24 supports proposals that reinforce Birmingham's role as a centre for tourism, culture and events, and as a key destination for business tourism.
- 6.3 The location of the hotel is most closely aligned with the 'Expanded Office Core' area within the Snow Hill Masterplan where the intention is to extend the City's central business district with high quality office space complemented by a mix of uses supporting strong business growth.
- 6.4 The NPPF also defines a hotel use as a main town centre use, and it is therefore considered that upgrading the existing hotel at this City Centre location is supported in principle.

PROPOSED DESIGN AND LAYOUT

- 6.5 The existing building is seven storeys in height. It has a tired and dated appearance largely due to the brown brick exterior, flat roof and the style of square window set in white rendered panels. The existing elevational treatment has become dis-jointed since the refurbishment of Kennedy Tower and in recognition of the recent works to upgrade the adjoining structure it is proposed to re-clad the entrance block plus the two storey extension above in dark grey to punctuate and provide a corresponding bookend to the development. It is considered that this is an acceptable approach as it would help to tie the whole frontage including Kennedy Tower together.
- 6.6 In contrast to the cladding of the entrance block the proposed horizontal link building including the two additional floors would be rendered with through coloured light grey render complete with dark grey window surrounds. The proposed extension would have double height windows following the vertical alignment of the existing windows below reinforcing the rhythm of the existing elevations.
- 6.7 After suggesting that the proposed render be replaced by an alternative material the agent responded to the earlier re-cladding proposal by stating that although other materials have been explored including the use of a cladding system it would have a detrimental impact upon the viability of the scheme. Furthermore the specification of the render offers a high degree of water repellence with a resistance to algae growth, *"..... to ensure a freshly rendered appearance for a prolonged period of time."* The agent has also explained that the operator would have a maintenance regime in

place, and emphasised that the process of decision making should require careful attention to viability, as advised by paragraph 173 of the NPPF.

- 6.8 Whilst render would not be the preferred material it is acknowledged that it would accentuate the contrasting cladding of the entrance block and Kennedy Tower at either end of the frontage, and enhance the hotel's presence along St. Chad's Queensway.
- 6.9 The proposed alterations to the existing lobby would provide a fully glazed frontage to St. Chads Queensway with an additional window to the side elevation facing the oncoming traffic. These alterations would positively increase the active frontage to these two elevations and is supported. Furthermore the enclosure of the restaurant at third floor level would make this a more usable space increasing the activity overlooking the highway. Whilst the proposed plant would be extensive in terms of its scale it would be set back from the frontages, whilst the choice of the colour of the cladding and louvres enveloping the plant to harmonise with the elevations would assist in reducing its prominence. The proposed changes to the exterior of the building are considered to be acceptable.
- 6.10 The agent has also advised that the hotel would ensure that 11 or 5% of the total number of bedrooms would be suitable for people with disabilities, including roll-in showers. The applicant is also investigating how new hoists could be provided. Overall the scheme is considered to be consistent with the Council's Access for People with Disabilities SPD.

TRANSPORTATION

- 6.11 Whilst the number of bedrooms would increase by 93 the location of the hotel within the City Centre, the proximity to Snow Hill train station and the presence of the adjoining 600 space public car park should be recognised. The Transport Assessment advises that there would be one additional vehicle movement around every four minutes on the local highway network in both the peak hours and therefore impact upon trip generation. BCC Transportation have raised no objections with respect to highway safety subject to conditions to require cycle parking, and this is attached.

IMPACT UPON HERITAGE ASSETS

- 6.12 The site lies opposite the Grade II* Listed Cathedral Church of St. Chads. However it is considered that the due to the separation distance between the buildings the alterations proposed within the current application would not harm its setting or significance. Furthermore conditions are proposed to ensure that the proposed materials and windows will respect the character and appearance of the building and its context. No objections have been received from Historic England or BCC Conservation Officers and it is considered to accord with Heritage Policy TP12 of the Draft Birmingham Development Plan 2031.

ENVIRONMENTAL AND OTHER MATTERS

- 6.13 BCC Regulatory Services have recommended conditions regarding cumulative noise levels from plant and machinery and details of the proposed extraction system and storage of refused. These are considered to be reasonable and are attached. In terms of drainage the site lies outside of flood zones two and three and a drainage condition has been requested by Severn Trent Water. This is also attached.

- 6.14 The comments from the Police ask for consideration to be given to a condition to require a pre-commencement and post completion telecommunication reception assessment, to ensure that there is no impact upon emergency services communication. It is however considered unreasonable to place this requirement on a scheme where the resulting height is only two storeys higher than the existing building, and the site lies adjacent to much taller buildings including the adjoining the 21 storey Kennedy Tower.

7. Conclusion

- 7.1 It is considered that the proposed development would improve the appearance of the existing hotel at a highly visible and busy location and therefore further enhance the City Centre as a destination for business, retail and leisure opportunities.
- 7.2 The development may now be liable for CIL, and as a result of the additional floorspace this is likely to total in excess of £80,000.

8. Recommendation

- 8.1 Approve subject to conditions-

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Requires the prior submission of window details |
| 4 | Limits the noise levels for Plant and Machinery |
| 5 | Requires the prior submission of extraction and odour control details |
| 6 | Requires the prior submission of details of refuse storage |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the provision of cycle parking prior to occupation |
| 9 | Limits the approval to 3 years (Full) |
-

Case Officer: Julia Summerfield

Photo(s)

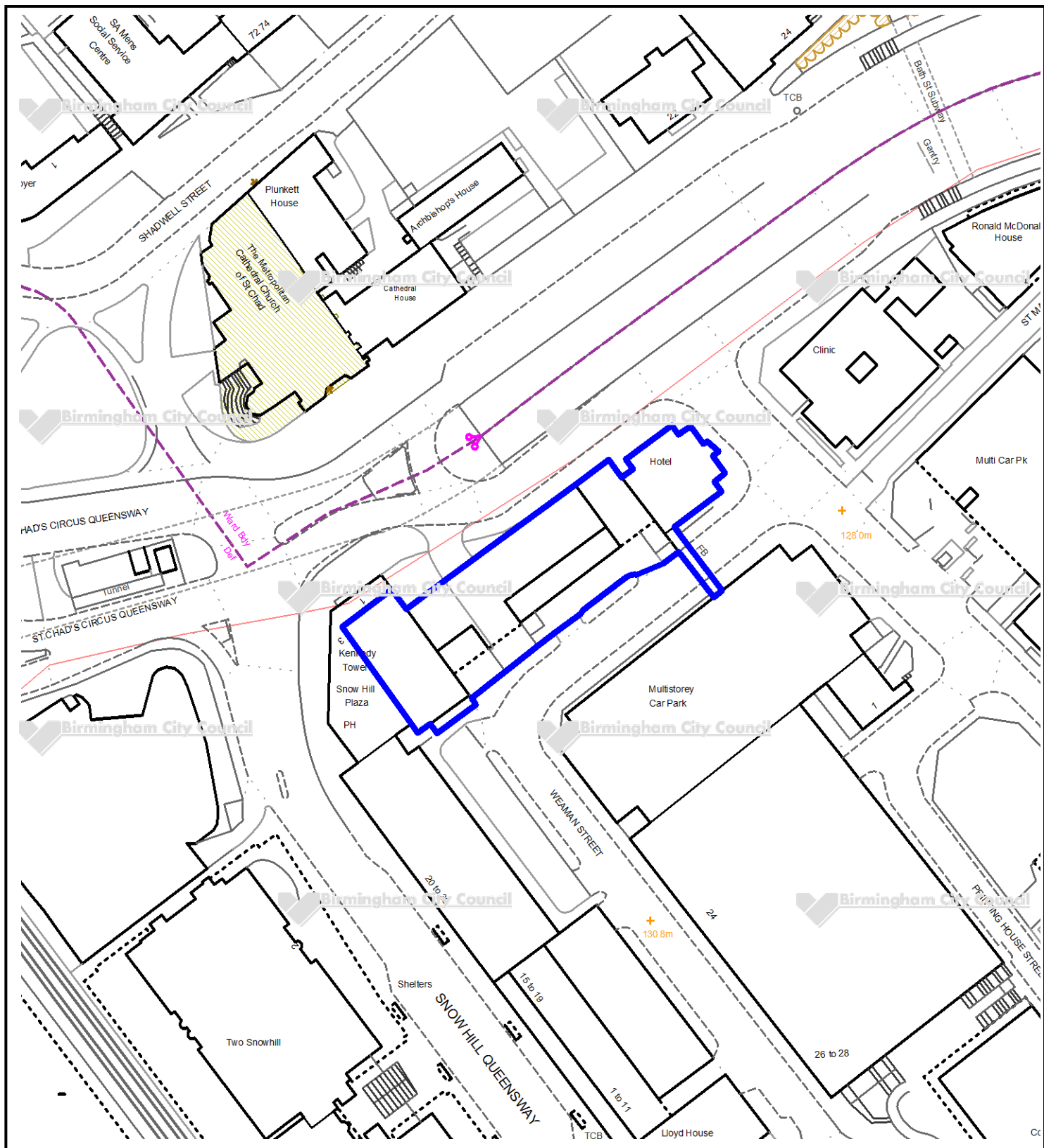


View from St. Chad's Queensway



Rear Elevation Facing Weaman Street

Location Plan



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Birmingham City Council

Planning Committee

21 July 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	16	2016/03495/PA Land adjacent Cascades Swimming Baths Station Road Stechford Birmingham B33 8QN Erection of new leisure centre, including 6 lane, 25 metre main swimming and learner pools, fitness and dance studios and indoor sports hall with car parking and landscaping.

Committee Date:	21/07/2016	Application Number:	2016/03495/PA
Accepted:	28/04/2016	Application Type:	Full Planning
Target Date:	28/07/2016		
Ward:	Stechford and Yardley North		

Land adjacent Cascades Swimming Baths, Station Road, Stechford, Birmingham, B33 8QN

Erection of new leisure centre, including 6 lane, 25 metre main swimming and learner pools, fitness and dance studios and indoor sports hall with car parking and landscaping.

Applicant:	Serco Group PLC Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, Hampshire, RG27 9UY
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, West Midlands, DY8 1TS

Recommendation

Approve Subject To Conditions

1. Proposal
 - 1.1. This is a full planning application for the erection of a new leisure centre consisting of a 6 lane, 25 metre main swimming pool and a learner pool, with poolside seating for up to 100 spectators, a 4 court sports hall, a large fitness suite with 120 stations, dance studio for up to 45 people, a café with community facilities and accompanying changing areas.
 - 1.2. The new leisure centre would be located to the immediate south of the existing Stechford Cascades Leisure Centre on land partially used for car parking as well as public open space including a children's play area.
 - 1.3. The new building would be positioned in-line with the building line of the existing Cascades Leisure Centre and adjoining houses facing Station Road. To the front of the building would be a one-way entrance and exit access arrangement off Station Road with 51 parking spaces (including 3 disabled spaces), a taxi drop-off bay and access to the service yard. The existing bus stop fronting the application site would be extended to provide a layby for coach drop-offs and the bus stop relocated just to the south of its current position on Station Road. The building would be split-level in response to changes in existing ground levels with a ground floor (containing the reception, café, and swimming pools with changing facilities) and first floor (containing the fitness suite, dance studio and changing facilities) to the front (western) section of the building. To the rear (eastern) section of the building is a lower ground floor (containing the 4 court sports hall and changing facilities). The building would have a total gross external floor space of 4,200sqm.

- 1.4. The external appearance of the building would be modern utilising black/grey brick, white, silver and green toned composite cladding, coloured reveals and powder coated aluminium framed glazing.
- 1.5. The entrance and café at ground floor and fitness suite to the first floor would be characterised by dark brick, extensive glazing, white vertically laid cladding panels and green coloured projections, recesses and panels above. This creates a strong and prominent visual focus to the building that fronts Station Road and wraps the corner to provide a frontage to the external terrace off the café and the pedestrian link to the adjoining public open space. The swimming pools and sports hall would have a more subtle form, the former consisting of horizontally laid silver cladding panels, broken with vertical glazing strips with green coloured recesses and panels above and below, whilst the latter would consist of vertically laid green coloured cladding with sporting graphics.
- 1.6. The proposed leisure centre is one of a number of planned replacement facilities to be operated by a third party. The applicant advises that the existing Cascades Swimming Baths are unviable, principally because they do not generate enough revenue without subsidy. The programme of providing these new leisure centre facilities is to provide cross-subsidy through the provision of a range of facilities within the building itself. The applicant adds that the proposal has been designed in accordance with guidance from Sport England, providing an economically sustainable model, meeting local need, in particular, local demand for a fitness suite and the requirement for a large community room/exercise space.
- 1.7. Three possible locations for the replacement children's play area, resulting from the new leisure centre, have been identified in support of the application. These are all within Manor Road Recreation Ground, two of which are in a fairly central location and a third is fronting Manor Road.
- 1.8. The following have been submitted in support of the application: Acoustic Design Report, Bat and Bird Assessment, Construction Method Statement, Design and Access Statement, Preliminary Ecological Assessment, Ground investigation Report, Sequential and Impact Assessment, SUDS Assessment, Transport Assessment, Travel Plan and Tree Survey.
- 1.9. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and there is no requirement for an Environmental Assessment.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The 0.74ha application site is roughly rectangular in shape, consisting of a car park to its western end, a play area to its middle section and public open space to its eastern end. The children's play area and area of public open space within the application site form part of the wider Manor Road Recreation Ground to the east. A MUGA is located to the east of the application site. Ground levels fall from the play area to the MUGA and rise again to the high rise flats to the east.
3. To the north is the existing Cascades Swimming Baths, to the south a pedestrian link within the Manor Road Recreation Ground and residential properties beyond. To the west, on the opposite side of Station Road are terraced residential properties and commercial parades of shops. The application site is adjacent to the Stechford

Neighbourhood Centre, which extends as far as the Cascades Swimming Baths and the shops to the opposite side of Station Road.

4. Planning History

4.1. This site:

4.2. 26/05/66 – 13101002. Layout of POS including Children's Play Areas. Approved.

4.3. Cascades Swimming Baths:

4.4. 09/07/59 – 18027000. Swimming baths. Approved.

4.5. 01/12/83 – 18027004. Use of part of the swimming bath building as a community recreation hall. Approved.

4.6. 17/11/88 – 18027006. Extensions to the existing swimming pools incorporating new leisure pools with a single flume. Approved.

5. Consultation/PP Responses

5.1. Transportation Development – No objection subject to conditions relating to; construction method statement/management plan, interim parking provision during construction, measures to prevent mud on the highway, means of access, pavement boundary treatment, entry and exit signs, parking management strategy/plan, commercial travel plan, cycle parking, provision of delivery / service and parking areas, Travelwise and S278/TRO agreement to cover the new accesses, removal of redundant access, relocation of existing bus stop, associated Road Safety Audits / Pedestrian Audits, all associated highway modification and provision of a TRO funding mechanism to ensure post-development implementation monitoring/modification/introduction of TROs within the vicinity of the site.

5.2. Regulatory Services – No objection subject to conditions relating to noise level for plant and machinery, hours of use, contamination and electric vehicle charging points.

5.3. Leisure Services – Comments to follow.

5.4. Lead Local Flood Authority – No objection subject to SUDS condition.

5.5. Severn Trent Water – No objection subject to conditions relating to the disposal of foul and surface water flows.

5.6. Access Birmingham – Unable to identify toilet changing facilities for people with severe mobility disabilities including a hoist to enable access to the pool.

5.7. Natural England – No objection.

5.8. West Midlands Fire Service – No objections.

5.9. Local residential and commercial premises, residents groups, Councillors and MP consulted with site and press notices posted.

5.10. Support has been received from Councillor Neil Eustace, noting that the replacement of the children's play area.

5.11. Representation received from a city resident making general observations in relation to the extent of facilities to be provided, as well as the awarding of the contract to provide and operate the leisure centres.

5.12. Further representation received from a local resident raising concerns of parking provision and the knock-on impact on highway safety.

6. Policy Context

6.1. Birmingham UDP, Draft Birmingham Development Plan, Places for All SPG, Car Parking Guidelines and the NPPF.

7. Planning Considerations

7.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.

7.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.

7.3. The NPPF and the Draft Birmingham Development Plan are material considerations. The Draft Birmingham Development Plan is at an advanced stage and as such holds some weight. The proposal raises a variety of planning-related matters which are discussed below.

7.4. Principle:

7.5. A core planning principle in the NPPF is to “Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”. This is reinforced at Chapter 8 (Promoting healthy communities), which identifies that the

planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

- 7.6. Policy TP11 of the Draft Birmingham Development Plan 2031 advises sporting facilities which attract large numbers of visitors and incorporate elements of entertainment, retail or leisure uses which operate for many hours of the day should be located in highly accessible locations, preferably in or adjacent to town centres. It adds the importance that community sport and leisure facilities should be located on easily accessible sites, with safe pedestrian and cycle access as well as being close to local public transport routes.
- 7.7. Paragraph 2.14 of the UDP recognises that access to open space, sport and recreational facilities are important in being able to offer opportunities for physical exercise thereby promoting healthier living. It adds that the planning process has a clear and important role to play in helping to tackle health inequalities and promote healthy neighbourhoods. Paragraph 3.63 highlights the increasing demand for a variety of indoor sports facilities, including multi-purpose buildings and encourages a spread of facilities throughout the city. Paragraph 3.63A. states that public swimming provision is important and a chain of leisure pools and traditional local pools will be maintained across the city.
- 7.8. The proposed replacement leisure centre would increase the range of facilities available, in a manner that would not result in a break in provision for users, located adjacent to the existing facilities and Stechford Neighbourhood Centre, with good bus and train public transport links. As such no objection is raised in principle to the proposal.
- 7.9. Loss of public open space:
- 7.10. The NPPF (paragraph 73) recognises that “access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”. It adds that “planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required”. Furthermore, the NPPF (paragraph 74) adds 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 quality and quantity in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”.
- 7.11. The UDP (paragraph 3.52a) advises that “...the loss of open space will only be permitted in exceptional circumstances... the City Council will take account of the availability of public open space nearby, its quality, and how well it meets local needs”. It is unlikely exceptional circumstances will be demonstrated where existing public open space provision falls below the standard 2ha per 1000 population and/or

there would be a loss of land from the open space network. Where exceptional circumstances can be demonstrated "... an appropriate recreational community benefit of equal value to compensate for the open space loss, that is at least as accessible to current and potential users, and at least equivalent in terms of size, usefulness, attractiveness and quality".

- 7.12. Policy TP9 of the Draft Birmingham Development Plan is similar and advises that "planning permission will not normally be granted for development on open space except where:
- It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1000 population and the accessibility and quality criteria listed below.
 - The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.
 - Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a smaller part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.
- 7.13. The application site covers some 0.37ha of public open space, which forms part of the larger Manor Road Recreation Ground, as well as children's play area. As part of the development, the play area will be relocated elsewhere within Manor Road Recreation Ground. This will continue to serve the community and would be in a safe and well overlooked position within the park. The remaining area of public open space is, in general, an open area of grassland with a gradient.
- 7.14. The proposal would not result in the loss of all the 0.37ha of public open space within the application site as the site will not be enclosed and sections around the rear (east) and side (south) of the building would be open landscaped/grassed areas that would join with the remaining public open space. The Ward has a provision of 1.67ha of public open space per 1000 population and the proposal would ultimately worsen this position.
- 7.15. Notwithstanding the above, it is recognised that the proposed leisure centre has a superior range of facilities to offer to the community, above and beyond what is currently provided at the Cascades Swimming Baths. Of significant note is the introduction of a 4 court sports hall. Whilst the existing leisure centre has a gym and dance studio facilities, these have been retro-fitted inside the existing building within vacant rooms/spaces etc. It is evident that the proposal would be purpose-built to provide the range of facilities on offer, including changing facilities to the lower ground floor (sports hall), ground floor (swimming pool) and first floor (gym and dance studio). It is considered that the current proposal meets the third bullet point in the NPPF in that "*The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss*" and as such the loss of public open space is considered policy compliant. Furthermore, by building the new leisure centre on land adjacent to the existing premises means that there would be no break in provision for users. Planning and Growth Strategy concur and raise no objection to the application.
- 7.16. Sequential Test:

- 7.17. The existing Cascade Swimming Baths falls within the boundary of the Stechford Neighbourhood Plan whilst the application site, though immediately adjacent, falls outside the centre boundary. The proposed leisure centre includes elements such as the fitness centre and the swimming pool which represents main town centre uses as defined in the NPPF. It also adds that the sequential tests should be applied for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Furthermore, an impact assessment is required for schemes of 2,500sqm or more. Paragraphs 7.27, 7.28, 7.32 and 7.33 of the Birmingham UDP, Shopping and Local Centres SPD and Policy TP20 and TP23 of the Draft Birmingham Development Plan all reiterate this “town centre-first” principle.
- 7.18. The application has been supported by a Sequential Test and Impact Assessment, which identifies, in addition to availability, a number of fundamental requirements of the proposal. These being viability, size, on-site parking and access by coach. There are no sites within Stechford Neighbourhood Centre that could accommodate the proposal with the exception of the existing Cascades Swimming Baths. However the demolition of the existing premises and construction of the new leisure centre would result in a minimum of 18 months break in the facilities provided and this would have an adverse impact on the local community. In light of the above and the application site constituting an edge-of-centre location, being immediately adjacent to the existing facility with good pedestrian links to the centre and its bus and train public transport links, it is considered that the proposal meets the sequential test.
- 7.19. Regarding impact, the proposal would replace the existing financially unsustainable swimming baths and the alternative to its replacement would be its closure and resulting loss to the detriment of the local community and Stechford Neighbourhood Centre. The proposal would offer a wider and enhanced range of facilities that is highly likely to attract a larger number of people to the leisure centre and thereby have a positive impact on Stechford Neighbourhood Centre.
- 7.20. Design:
- 7.21. The scale and massing of the proposed building is not dissimilar to the existing Cascades Swimming Baths, though the new footprint is smaller. The new building would be closer to nearby residential properties (Station Road and Old Brookside) although a sufficient gap would be retained to provide a clear visual link between Station Road and Manor Road Recreation Ground. There would be a minimum distance of 20m between the side (south) elevation of the new building and the side (north) elevation of the closest residential property (246 Station Road). Appropriate active frontages are provided to Station Road as well as the link to the Manor Road Recreation Ground, providing legibility for users of the building and a good level of natural surveillance and security to the adjacent pedestrian link. It is recognised that providing active frontages to a sports hall is difficult and the proposed green coloured cladding with sporting graphics to the rear of the building would be appropriate to its public open space context.
- 7.22. The appearance of the building is modern, using appropriate materials and architectural features. It is considered that the proposal would enhance the character and quality of the locality and a represent positive addition to the streetscene.
- 7.23. The proposal would result in the loss of two trees, a Lime tree (category C3) to the site’s frontage and a Sycamore (category C3), to the rear of the existing play area.

The impact of their loss would be minimal to the wider amenity of the area and the proposal would retain three Silver Birch trees (category C3) which would provide a good visual buffer to 246 Station Road to the south. The proposal would also incorporate new planting, including tree planting to the site's frontage. The Tree Officer raises no objection to the application.

7.24. Neighbour amenity:

7.25. The wider locality includes a mix of commercial, community and residential uses and the existing Cascades Swimming Baths already attracts large numbers of visitors. The car park for the new facility would be in the same location as the existing car park but the building itself would move closer to the residential properties to south of Manor Road Recreation Ground. It should also be noted that the public entrance would be at the junction between the building's south and west elevations as well as the terrace off the café would be to the south elevation overlooking the footpath link between Station Road and Manor Road Recreation Ground. Within the context of this mixed use area, fronting the busy Station Road it is considered that the impact of noise and disturbance over and above the existing situation, including the existing play area, would not be sufficiently harmful to neighbour amenity to represent a reason for refusal. Regulatory Services have raised no objection subject to safeguarding conditions.

7.26. There is glazing at ground (café) and first floor (fitness suite) levels, to the south elevation of the new building facing the side boundary of 246 Station Road. The distance between the first floor glazing and the side boundary, side garage and side elevation (no windows to habitable rooms) of 246 Station Road is 14.5-15.5m, 17m and 20m respectively. Furthermore, there is a good level of vegetation along the boundary as well as the retained Silver Birch Tress discussed above. Within this context it is considered that there is adequate separation distance and visual screening, that there would be no adverse impact on the neighbour amenity of occupiers of 246 Station Road that would be sufficient to warrant a refusal.

7.27. Highways and parking:

7.28. A Transport Assessment has been submitted in support of the application. Traffic generation has been estimated using available data and future year traffic forecasts, which also include wider development growth. The document highlights the majority of trips to the site will likely be existing trips on the network as the proposal is the replacement of an adjoining facility.

7.29. Vehicular access and internal arrangement includes two priority T-junctions forming a one way loop in a north-south direction with pedestrian and cycle access through the site. Transportation Development has assessed the proposal and raises no objection subject to conditions, including a funding mechanism to be made available to allow post-development implementation monitoring and modification/introduction of TRO's. It is intended that the temporary car park would be the hardstanding to the immediate north of the existing Cascades Swimming Baths via an existing access off Station Road.

7.30. Other matters:

7.31. With regard to drainage, a SUDS statement highlights that infiltration would not work on the site due to low impermeability and high groundwater levels. There are no known watercourses adjacent to the site and the drainage design would have an appropriate run off with a connection to the existing surface water sewer via an

attenuation tank suitably sized to accommodate a 1:100 year event plus 20% for climate change. The tank would be maintained by the occupier as part of an ongoing regular maintenance regime. The Lead Local Flooding Authority and Severn Trent Water raise no objection subject to conditions.

- 7.32. A Preliminary Ecological Appraisal identified that of the vegetated habitats present on the site, the hedgerows are the most significant in ecological value, none of the trees present contain features suitable for roosting bats and low growing flowering plants present in the amenity grassland sward provide foraging opportunities for pollinating insects. The hedgerow on the southern boundary would be retained, whilst those around the western side of the car park and playground and to the south of the current leisure centre would be removed. The City Ecologist raises no objection and considers that new landscape planting would compensate for the habitat losses and also recommends a condition relating to additional biodiversity enhancement measures.
- 7.33. A representation has been made in relation to changing places toilet/changing facility for people with severe mobility disabilities including a hoist. The new building would provide disabled changing facilities with shower WC and baby changing facilities as well as hoists for both pools.
- 7.34. Regulatory Services have requested electric vehicle charging points (no fewer than 10% of non-dedicated parking spaces). In light of emerging policy, including within the Draft Birmingham Development Plan, relating to reducing the City's carbon footprint and improving air quality this is considered appropriate for this development and covered by a planning condition.

8. Conclusion

- 8.1. The proposal would replace an existing out-dated facility and include additional leisure/recreational facilities in an appropriate sustainable location that would improve the character and quality of the area with no adverse impact on neighbour amenity and highway safety. There would be the loss of public open space but the application meets relevant policy and guidance with regard to the replacement being equivalent or better provision in terms of quality and quantity in a suitable location. Furthermore, the existing play area would be relocated to within Manor Road Recreation Ground, with the final location to be determined through consultation with local Members. It is therefore recommended that planning permission should be granted.

9. Recommendation

- 9.1. Approve subject to conditions.

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|---|--|
| 1 | Requires the prior submission of the location, design and an implementation plan for the play area to be relocated within Manor Road Recreation Ground |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Limits the hours of use (0700-2200hours Monday to Friday and 0700-2000hours Saturday, Sunday and Bank Holidays) |
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- 5 Requires the prior submission of a drainage scheme for the disposal of foul and surface water flows
 - 6 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 7 Require the implementation of the approved ecological mitigation measures
 - 8 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 9 Limits the noise levels for Plant and Machinery
 - 10 Requires the prior submission of an Arboricultural Method Statement
 - 11 Requires the prior submission of hard and/or soft landscape details
 - 12 Requires the prior submission of hard surfacing materials
 - 13 Requires the prior submission of boundary treatment details
 - 14 Requires the prior submission of a lighting scheme
 - 15 Requires the prior submission of sample materials
 - 16 Requires the prior submission of level details
 - 17 Requires the prior submission of a construction method statement/management plan
 - 18 Requires the prior submission of interim parking provision for users of the Cascades Swimming Baths during the construction and demolition phases
 - 19 Requires the prior approval of details to prevent mud on the highway
 - 20 Requires the prior installation of means of access
 - 21 Requires the prior submission of details of pavement boundary
 - 22 Requires the prior submission of entry and exit sign details
 - 23 Requires the prior submission of a parking management strategy
 - 24 Requires the prior submission of a commercial travel plan
 - 25 Requires the delivery and service area prior to occupation
 - 26 Requires the parking area to be laid out prior to use
 - 27 Requires the dedicated use of access and egress points
 - 28 Requires the prior submission of cycle storage details
 - 29 Requires the applicants to join Travelwise
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- 30 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 31 Requires the provision of vehicle charging points
 - 32 Requires the scheme to be in accordance with the listed approved plans
 - 33 Limits the approval to 3 years (Full)
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Station Road frontage with existing car park to foreground

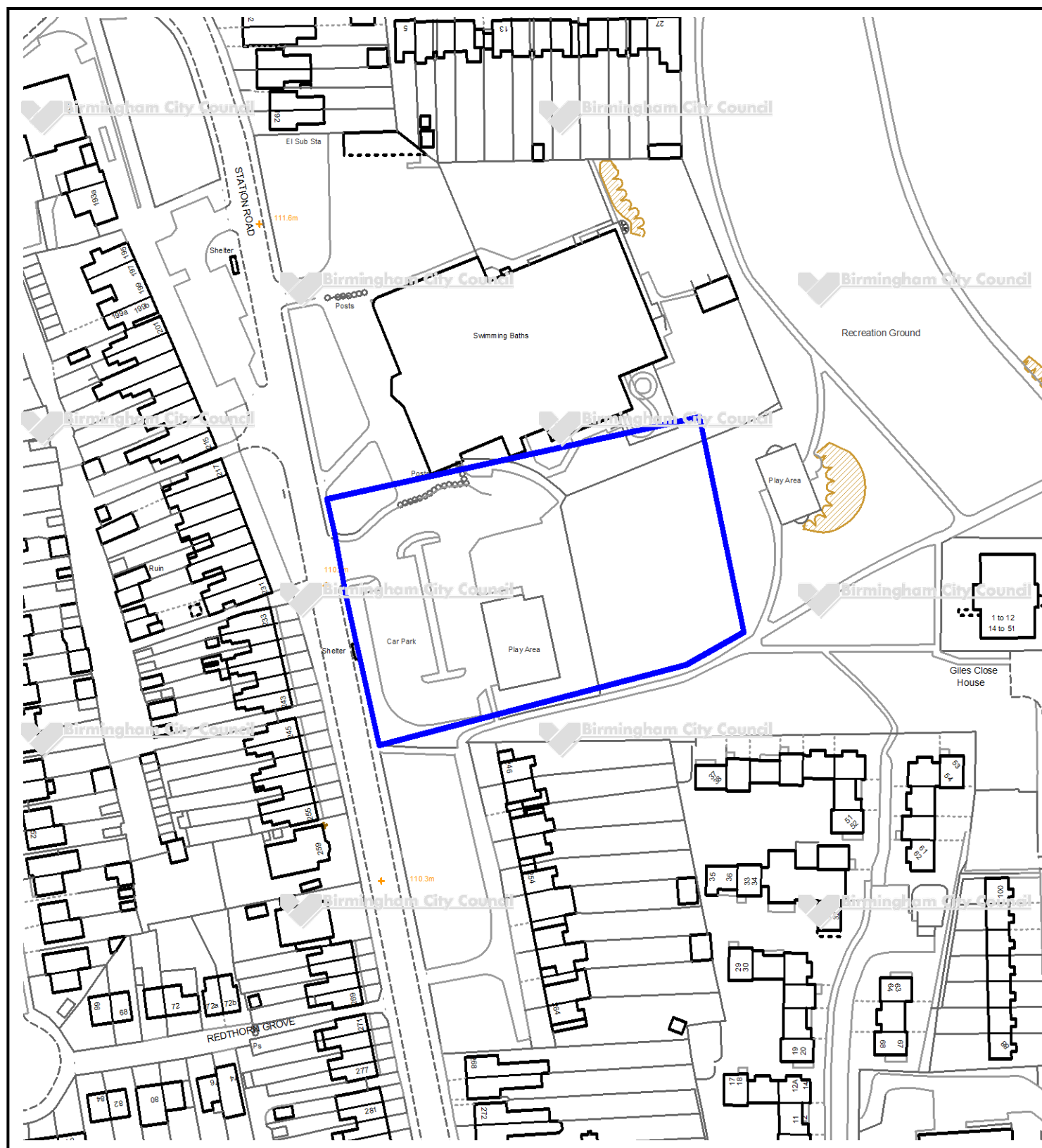


Figure 2 – Manor Road Recreation Ground looking west towards children's play area



Figure 3 – Manor Road Recreation Ground looking east towards the MUGA

Location Plan



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Report back following site visit 14 July 2016

Committee Date:	07/07/2016	Application Number:	2016/03916/PA
Accepted:	11/05/2016	Application Type:	Full Planning
Target Date:	06/07/2016		
Ward:	Acocks Green		

16 Flint Green Road, Acocks Green, Birmingham, B27 6QA

Change of use from residential dwelling (Use Class C3) to residential care home (Use Class C2)

Applicant: New Leaf Recovery CIC
95 The Common, Earlswood, Solihull, West Midlands, B94 5SJ
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the proposed change of use from a residential dwellinghouse (C3 use class) to a residential care home (C2 use class) for people using the applicants' detoxification and rehabilitation services. The applicant advises that detoxification involves trained staff administering medication to clients which will be reduced down and finally stopped. Once clients are fully abstinent from all substances, they will then engage in the rehabilitation programme; accessing group and individual therapy and professional counselling sessions at the premises in order to address the behaviours underlying their addiction.
- 1.2. The property would consist of 7 bedrooms (5 single and 2 double) as well as shared facilities consisting of a lounge, dining room, kitchen, utility room and 4 bathrooms. The property has a large driveway to the side of the property, which the applicant suggests can accommodate up to four vehicles.
- 1.3. The premises would be staffed 24hours a day. During the day there would be at least two support workers on site, who then handover to an evening Support Worker and a Night Worker providing overnight support. There would also be a Registered Manager on the unit on site Monday to Friday, along with office staff, a Catering Manager and a number of volunteers providing Peer Mentor support.
- 1.4. The applicant explains that clients are required to reside under strict house rules; they must refrain from bringing any substances onto the premises, being accompanied when leaving the premises, and adhere to the strict supervised visitation policy. They add that their service is registered and regulated by the Care Quality Commission.
- 1.5. The applicants' current premises are at 24 Flint Green Road (approved under 2014/06818/PA) for up to 7 residents and is a rental property on which they have been given notice. The applicant is in the process of purchasing number 16 in order to replicate the facilities currently on offer at number 24. The applicant has

expressed that they are not proposing to operate from both buildings. The applicants add that they have been at number 24 for over two years and there have been no reported incidents of illegal drug use or dealing, anti-social behaviour or crime associated with the premises.

1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The application premises are a 2.5-storey detached period property, similar in appearance to the applicants' existing premises at number 24. However, the application site is detached with a long side private drive-way. The surrounding area is predominantly residential, many of which are also traditional properties from a similar era. Many properties on Flint Green Road are single-occupied family housing, though a number appear to have been converted to flats or HMOs (nos. 9-17, 23-31, 20, 34-36 and 40). Many properties have on-site parking and on-street parking is also unrestricted except at its junction with Warwick Road.

2.2. [Site location](#)

3. Planning History

3.1. This site: None

3.2. 24 Flint Green Road:

3.3. 08/01/15 – 2014/06818/PA. Change of use from residential dwelling (C3 use class) to residential care home (C2 use class). Approved.

3.4. 22/07/09 – 2009/01546/PA. Erection of single storey building for training accommodation for persons with learning difficulties. Approved.

4. Consultation/PP Responses

4.1. Transportation Development – No objection subject to conditions relating to cycle storage, vehicle parking and turning detail and pedestrian visibility splays.

4.2. Regulatory Services – No objections.

4.3. West Midlands Police – Advise that they have undertaken a site visit, a telephone conversation with the applicant and liaised with the local neighbourhood police team and raise no objections.

4.4. Neighbouring properties and local residents' groups and Councillors consulted with a site notice posted.

4.5. An objection has been received from Councillor Roger Harmer on the following grounds:

- Loss of a family home in area where there is significant representation of C2 uses.
- Important to limit the number of C2 uses in an area to a reasonable number to protect the character of an area.
- Overcrowding with 9 residents and staff.

- Located within proposed Conservation Area.
 - Concerns over the internal plans.
 - Impact of the additional bathrooms on drainage infrastructure in the area, which suffers from low water pressure.
 - Noise and inappropriate discussion from residents when using the garden impact on neighbour amenity.
- 4.6. An objection from Acocks Green Neighbourhood Forum has been received raising the following matters:
- Support the concerns of the residents of Flint Green Road.
 - Loss of a family dwellinghouse.
 - Close proximity to an existing care home (no. 24) and others in the wider area.
 - Concern over certain elements of the internal layout.
 - Suitable facilities required for vulnerable and disabled residents.
 - Drainage problems in the locality.
 - Noise and disturbance from residents when the garden at no. 24 is in use by residents.
 - Within proposed Conservation Area.
 - Request a site visit.
- 4.7. An objection has been received from the Yardley Conservation Association on the following grounds:
- Support the concerns of the residents of Flint Green Road.
 - Loss of a family dwellinghouse.
 - Located within a proposed Conservation Area.
 - Close proximity to other similar uses.
 - Request a site visit.
- 4.8. An objection has been received on behalf of Acocks Green Focus Group who object to the application on the following grounds:
- Area is characteristic of family homes.
 - Recent refusal at 2 Francis Road on the grounds of an over-intensive form of non-family accommodation.
 - Lead to a more transient population.
 - Ample provision of C2 facilities in the locality and call into the question the claim that there is a shortage of provision of services in the area.
 - Concern over certain elements of the internal layout.
 - Add to drainage problems in the locality.
 - Noise and disturbance from residents when garden at no. 24 is in use.
 - Within proposed Conservation Area and predominantly family homes are likely to be better cared for.
- 4.9. A representation has been received from Arden Residents Association objecting to the application on the following grounds:
- Loss of family house and contrary to policies 3.8 and 3.10 of the UDP.
 - Transient nature of the residents.
 - Number of C2 or HMO uses in the locality.
 - Loss of period features to properties.
 - Level of rubbish associated with such uses.
 - Inadequate sewer system.

- 4.10. A petition containing 37 signatures has been submitted objecting to the application (but not to the applicants as a company nor the work that they do) on the following grounds:
- Contrary to Policy 5.19A of the UDP which seeks to maintain existing housing stock especially where there is a high concentration of properties which have been converted into institutional uses.
 - Contrary to Specific Needs Residential Uses SPG in relation to the cumulative effect of such uses as well as amenity space and parking.
 - Fail to make a positive contribution to the local neighbourhood as set out in the NPPF.
 - Inappropriate proximity of garden to neighbouring properties.
 - Transient residents and provide no contribution socially or financially to the area.
 - No evidence that the service meets the needs of local residents.
 - Poor and misleading application and no reference to drug or alcohol rehabilitation.
 - No accurate figures provided relating to the number of staff at any one time.
- 4.11. 15 responses received from neighbouring properties and residents from the wider area objecting on the following grounds:
- With the exception of no. 24, the row of properties has been preserved as large family homes.
 - Detrimental to neighbour amenity / quiet residential street.
 - Contrary to policy 5.19a of the UDP which seeks to maintain existing housing stock especially where there is already a high concentration of properties which have been converted to institutional uses.
 - High concentration of institutional uses in the area including providers of mental health, urgent housing for people aged 16-21 years and nursing homes. Proposal is contrary to Policy 8.25 of the UDP in relation to cumulative effect of such uses.
 - The period of rehabilitation do not give the residents time to positively contribute to the community or feel they are part of it.
 - A commercial property would be far more suitable for the proposed use.
 - Application is misleading and does not mention drug or alcohol rehabilitation.
 - Area is already saturated with such uses/services.
 - Overlooking and loss of privacy and breach of Article 8 of the ECHR to have respect for private and family life, his home and correspondence.
 - Not appropriate that clients should use the garden as a place to relax as neighbours can hear intimate details of clients' personal lives. This breaches patient confidentiality and also Article 1 of Protocol 1 of the ECHR to peaceful enjoyment of property.
 - Contrary to Specific Needs Residential Uses SPG in relation to amenity space and parking.
 - Worsen existing parking problems and congestion. There have been numerous collisions at the road's junction with Warwick Road. Contrary to 3.1, 3.10 and 6.39 of the UDP and the NPPF.
 - Within proposed Conservation Area.
 - Over-intensive form of non-family development contrary to policies 3.8 and 3.10 of the UDP, Places for Living SPG and the NPPF.
 - Residents are generally not local so the services provided do not meet the needs of local residents.

- Contrary to paragraphs 69 and 152 of the NPPF in relation to the planning system facilitating social interaction and creating healthy, inclusive communities.
- Transient residents contribute minimally to the local economy.
- Loss of a 5-bed house would impact on the Council's housing targets.
- Unclear on number of staff.
- On-site parking is inadequate creating hazards for pedestrians and potential issues for emergency vehicles.
- Flint Green Road suffers with low water pressure and not resolved due to excessive demand.
- Need to retain large period properties for family use.
- Impact on young families and children.
- Fail to make a positive contribution to the local neighbourhood.

5. Policy Context

- 5.1. Birmingham UDP, Pre-submission Birmingham Development Plan 2031, Places for Living SPG, Specific Needs Residential Uses SPG, Car Parking Guidelines SPD and the NPPF.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF and the Pre-submission Birmingham Development Plan are material considerations. The Pre-submission Birmingham Development Plan is at an advanced stage and as such holds some weight. The proposal raises a variety of planning-related matters which are discussed below.

- 6.4. Policy:
- 6.5. Paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions should (but not limited to) aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Paragraph 123 advises that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 6.6. The adopted UDP aims to protect and enhance what is good in the City's environment and to improve what is less good. Paragraph 5.7 aims to ensure that there is a variety of housing to meet the full range of needs throughout the City.
- 6.7. Paragraph 8.29 of the Birmingham UDP specifically relates to planning applications for residential homes, highlighting that proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance. It adds that such uses are normally most appropriately located in large detached properties set in their own grounds. Furthermore, where a proposal relates to a site in an area which already contains premises in similar uses, and/or houses in multiple paying occupation and/or properties converted into self-contained flats, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area. Other considerations include highway safety, outdoor amenity space provision and the appearance of any external alterations. The Specific Needs Residential Uses SPG reiterates these policies in relation to proposed residential care homes.
- 6.8. Cumulative Impact:
- 6.9. The provision of a residential care home within an established residential area is appropriate in principle to create a balanced community, though the issue of an over-concentration of institutional uses, as well as flat conversions and HMOs on the residential character and appearance of the area is a relevant consideration and evidently a real concern to local residents. Flint Green Road consists of generously-sized period properties (predominantly semi-detached villas) with some more modestly-sized interwar and post war infill housing.
- 6.10. Many of the period villas to the southeast side of Flint Green Road (odd numbers) have been converted into flats and HMOs. To the northwest side of Flint Green Road (even numbers) however there are a greater proportion of houses in single family occupation, though a small number have been converted to flats or HMOs. This side of the road also contains the applicants' existing C2 use at no. 24. Approximately 50% of properties on Flint Green Road are in single family occupation. Overall, the existing character and appearance of the Flint Green Road is a pleasant green suburban location, lined with sizeable period properties and on-street parking, within close proximity to a major transport corridor (Warwick Road) and a town centre (Acocks Green District Centre).
- 6.11. With the exception of the existing C2 use at no. 24, it appears that the closest other C2 uses are to the northeast at the junction between Flint Green Road, Rockwood Road, Sherbourne Road and Arden Road (Flint Green House – 15 bed registered car home for adults with mental health issues), and at 976-978 Warwick Road (Pathway - supported living for those aged 16-21 years). Whilst these are relatively nearby, it is considered that they do not impact on the existing character and

appearance of Flint Green Road and the application site nor create an unacceptable cluster of C2 uses. Furthermore and in light of the above, whilst the proposal would result in the loss of house suitable for single family occupation, it is considered that an additional C2 use in this location would not have such a harmful impact upon the character and appearance of the locality to justify a reason for refusal, which has been largely retained despite the existing flat, HMO and C2 conversions. As such no objection is raised in principle to the proposed change of use.

- 6.12. Residential amenity:
- 6.13. The proposed accommodation is detached and would provide 7 bedrooms (5 single and 2 double) for a total of 9 residents. Bedroom sizes range from 7sqm to 16.5sqm, though the smallest bedroom also includes a 2.3sqm space/storage making a total size of 9.3sqm. The property would also include a communal lounge, dining room, kitchen, utility room and 4 bathrooms. Internally, it is considered that this space is acceptable and would provide adequate amenity for future occupiers. Externally, there is a rear garden measuring some 210sqm, which equates to 23sqm per resident, exceeding the 16sqm per resident guideline in Specific Needs Residential Uses SPG, and is considered sufficient for residents' needs.
- 6.14. It is recognised that the presence of up to 9 residents as well as varying numbers of staff/volunteers at the property is over and above what might normally be expected from a 5 bedroom single occupation house. However, it is located just off the busy Warwick Road and there are other properties on Flint Green Road which have been converted into flats that see a greater number of residents, and comings and goings, than when used as a single occupation house. Within this context it is considered that noise and disturbance is unlikely to have such an adverse impact on neighbour amenity to support a reason for refusal. Regulatory Services raise no objection to the application.
- 6.15. Concerns raised by residents in relation to noise emanating from the garden, as experienced at no. 24, are noted. However, it is unlikely that noise levels would be significantly different to that of a large family using the garden. Regarding the content of discussions being overheard, this is not a material consideration in the determination of the application.
- 6.16. A neighbouring property has also made particular reference to their kitchen being directly overlooked by the proposed bedroom 4. Whilst this concern is recognised, this arrangement is no different to this room being occupied as a bedroom in the existing single occupation house and as such would cause no greater loss of privacy/amenity.
- 6.17. Highway safety:
- 6.18. The proposal includes the provision of off-street tandem parking. The length of the private drive is around 20m, which is sufficient to accommodate up to 4 cars and suitable for staff parking. Car Parking Guidelines SDP seeks a standard of 1 parking space per 3 bed spaces, which would equate to 3 parking spaces for this development. The site has good access to frequent bus and train services. Transportation Development have assessed the proposal and concluded that the proposed use is unlikely to have a material impact on the surrounding network.
- 6.19. Transportation Development has recommended a number of conditions relating to a parking layout, pedestrian visibility splays and cycle storage. However it is considered that these are not necessary as the existing driveway would be retained

as existing and the premises could accommodate any bike used by a staff members rather than the provision of a shelter, or similar, which would be uncharacteristic of this residential context.

- 6.20. Other matters:
- 6.21. Paragraph 5.19A of the UDP refers to maintaining and protecting the existing housing stock. It highlights that the loss to other uses of housing which is in good condition, or could be restored to good condition at reasonable cost, will normally be resisted. Adding that, such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use. The current proposal would result in the loss of a house suitable for single family occupation, though it is noted that internal works would be relatively minor and ultimately could be restored back at a later time if required. However, the proposed use would relocate an existing service which is currently provided and as such it is considered that there is an identified social need for the proposal.
- 6.22. With regard to reference to human rights, it should be noted that the rights of the objectors need to be balanced with the rights of the applicant. This consideration is in essence an extension of the planning balancing exercise which already forms the heart of the UK planning system's approach to decision-making.
- 6.23. Representation has been made from local residents in relation to existing drainage problems resulting from low water pressure. The existing property is connected to the mains sewer and whilst the proposal might result in increase usage this would not represent a reason for refusal.
- 6.24. The application site falls within an area being investigated by local residents as a potential new conservation area. At present however, it has no formal recognition (e.g. as a draft conservation area). The proposal also does not include any external alterations to the property.
- 6.25. It is recognised that such uses and associated residents might represent a transient population and their contribution to the community and local economy would be influenced by their individual circumstances/needs. The NPPF is clear that the planning system should "... deliver a wide choice of high quality homes ... and create sustainable, inclusive and mixed communities...". Furthermore, Policy TP29 of the Pre-submission Birmingham Development Plan 2031 seeks to deliver a range of dwellings to meet local needs and support the creation of mixed balanced and sustainable neighbourhoods. Policy TP26 identifies that a sustainable neighbourhood is characterised by, amongst others, "a wide choice of housing sizes, types, and tenures to ensure balanced communities catering for all incomes and ages". As discussed elsewhere in this report, whilst there are other C2 uses and similar 'institutional' uses in the locality the impact on the residential character and appearance of the area is considered acceptable. Furthermore, there would not be an over-concentration of C2 uses in the locality that result would have an adverse impact on the balance of the community.
- 6.26. Some representations received on this planning application have made reference to a recent application at 2 Francis Road (2015/08085/PA), which sought to increase the number of bedrooms within a HMO from 8 to 11. This was refused on the grounds of inadequate parking, noise and disturbance on neighbour amenity, unsatisfactory living environment for future occupants and over-intensive form of non-family accommodation. Whilst this scheme raises similar planning issues to the

current planning application it is not comparable as it related to the increase in the number of bedrooms within an existing HMO.

7. Conclusion

- 7.1. The resulting loss of an existing family dwellinghouse to form a care home would not have such an adverse impact on the character and appearance of the locality that could support a reason for refusal. The relocation of this existing facility would continue to meet a demand, contribute to social inclusion and the additional C2 use would not create an unacceptable cluster. Furthermore, there would be no adverse impact on neighbour amenity or highway safety. Therefore, the application is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

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- | | |
|---|--|
| 1 | Requires the prior submission of a management plan |
| 2 | Restricts the number of residents to a maximum of 9 persons. |
| 3 | Prevents the use from changing within the use class |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: Harjap Rajwanshi

Photo(s)

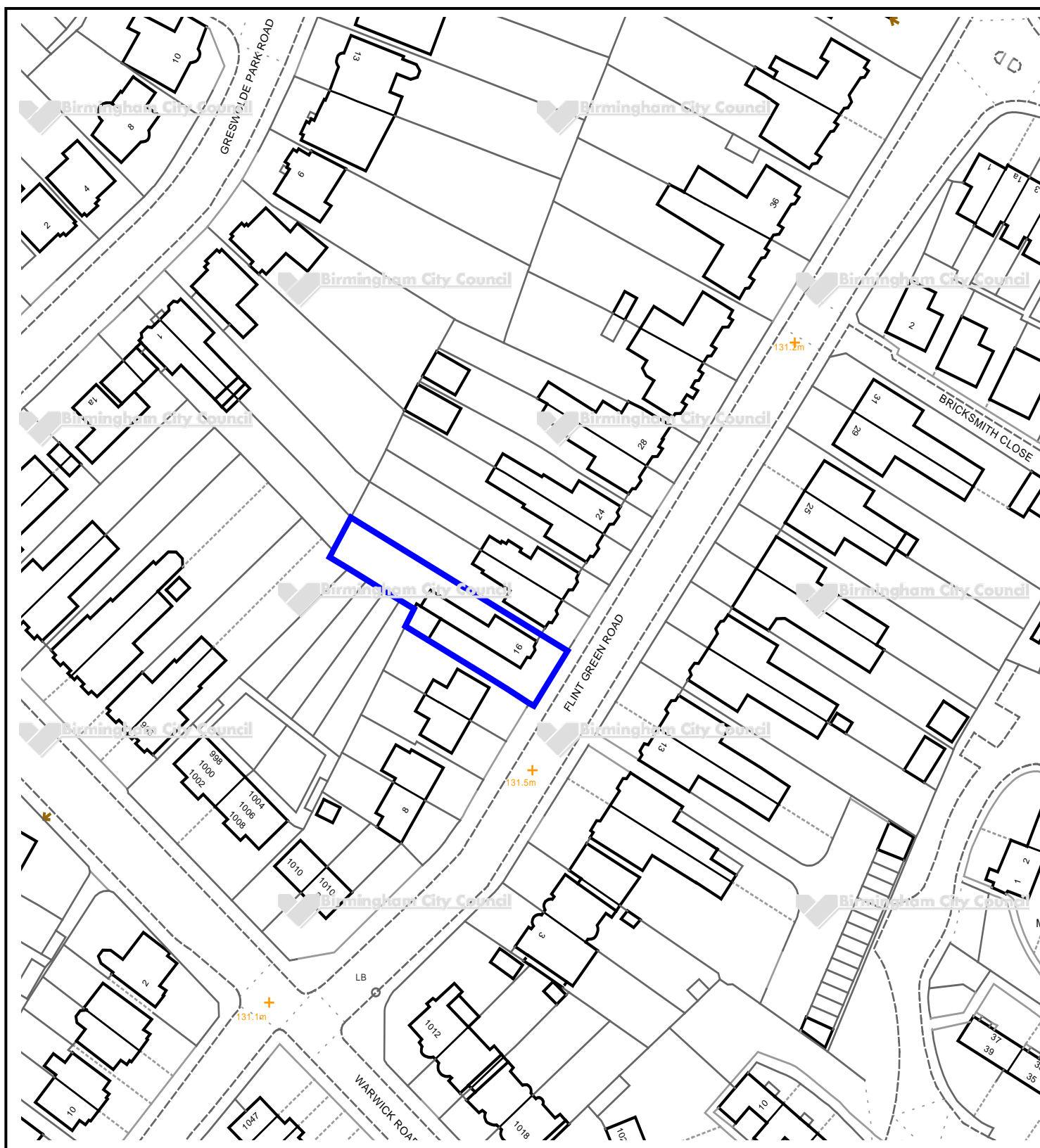


Figure 1 – Flint Green Road



Figure 2 – Frontage of 16 Flint Green Road

Location Plan



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Birmingham City Council
Planning Committee 21 July 2016

Appeal Decisions Received from the Planning Inspectorate in June 2016

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	206 Gravelly Hill, Erdington	Without planning permission, the change of use of the premises from 3 self-contained flats to use as 7 self-contained flats. 2011/1773/ENF	Dismissed (see note 1 attached)	Enf	Written Representations
Householder	12a Hartopp Road, Sutton Coldfield	Erection of two storey and single storey rear extension and single storey detached garage to side. 2014/06989/PA	Allowed (see note 2 attached)	Delegated	Written Representations
Householder	129 Bushmore Road, Hall Green	Retention of two storey side and rear and single storey front and rear extensions and dormer window to side / rear. 2015/07860/PA	Dismissed	Delegated	Written Representations
Advertisement	Great Charles Street Car Park, Great Charles Street Queensway	Display of replacement internally illuminated digital LED screen. 2015/08431/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Residential	112 Southam Road, Land at the rear of, Hall Green	Erection of 1 dwelling house (re-submission application). 2015/09231/PA	Dismissed	Delegated	Written Representations
Residential	20 Boulton Road, Sutton Coldfield	Erection of detached dwelling with access to Porter Close and associated car parking and boundary treatment. 2015/07780/PA	Dismissed	Delegated	Written Representations
Residential	10-12 Regent Parade, City	Change of use from existing business units to residential use comprising 3 apartments and 1 townhouse. 2015/01862/PA	Dismissed	Delegated	Written Representations

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<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Residential	198 Newlands Road, Stirchley	Erection of 1 dwelling house, associated car parking and installation of 1.8m fence. 2015/07029/PA	Dismissed	Delegated	Written Representations
Other	Devonshire Arms, Lodge Road, Hockley	Retention of car wash and valeting service to car park. 2015/06322/PA	Dismissed	Delegated	Written Representations
Other	142-144 Heathfield Road, Handsworth	Demolition of existing building and erection of new building for use as MOT testing and vehicle repairs (sui generis) and new boundary treatment. 2015/07000/PA	Dismissed	Committee	Written Representations

Total - 10 Decisions: 8 Dismissed (80%)

Cumulative total from 1 April 2016 - 20 Decisions: 16 Dismissed (80%), 4 Allowed

Notes relating to appeal decisions received in June 2016

Note 1 (206 Gravelly Hill)

Appeal dismissed with a variation of the compliance from 2 months to 6 months.

Note 2 (12a Hartopp Road)

Application refused because the siting, scale and design of the proposed garage would not preserve or enhance the character of the Four Oaks Conservation Area.

Appeal allowed because the Inspector considered that the proposed garage would not prejudice the open spacious setting of the dwelling and the immediate surrounding area and is unlikely to be visible from the road or from the wider conservation area.

Note 3 (Great Charles Street)

Application refused because: 1) The advertisement hoarding would present an unduly obtrusive feature in the street scene, adversely affecting the visual amenities of the area, which lies within the Jewellery Quarter Conservation Area. 2) The proposed development, by virtue of its scale, location and design, would adversely affect the character and appearance of nearby listed buildings and views into and out of the conservation area.

Appeal allowed because the Inspector considered that apart from the appearance of an LED screen rather than a poster panel and the opportunity to change images, there would be little difference between the proposal and the existing advertisement. The proposal would not block views into or out of the conservation area to any greater extent and it would have no adverse effect on the setting of the listed buildings.