

Birmingham City Council

Planning Committee

14 September 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2017/05890/PA 334 Lordswood Road Quinton Birmingham B17 8AN Erection of single storey side, single storey rear and two storey rear extensions and installation of three dormers to rear
Defer – Informal Approval	9	2017/04978/PA 50 Selly Hill Road Selly Oak Birmingham B29 7DL Demolition of existing building and erection of part 2 and part 3 storey building comprising 24 student bedspaces
Approve - Temporary 4 years	10	2017/06247/PA Tennis Courts Edgbaston Park Road Edgbaston Birmingham B15 2RE Retrospective Consent for siting of temporary changing rooms and toilet modular units
Approve - Temporary	11	2017/02926/PA Roundabout at Junction of Metchley Lane/Greenfield Road/Barlows/Abbey Road, Harborne B17 0HY Display of 3 non-illuminated freestanding roundabout signs

Committee Date:	14/09/2017	Application Number:	2017/05890/PA
Accepted:	04/07/2017	Application Type:	Householder
Target Date:	29/08/2017		
Ward:	Quinton		

334 Lordswood Road, Quinton, Birmingham, B17 8AN

Erection of single storey side, single storey rear and two storey rear extensions and installation of three dormers to rear

Applicant:	Mr Jasbir Kudhail 334 Lordswood Road, Quinton, Birmingham, B17 8AN
Agent:	Archi-tecture Design Studio Ltd. 17 Coleshill Road, Hodge Hill, Birmingham, B36 8DT

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Erection of a two storey rear, single storey rear and single storey side extensions and the installation of 3 No. dormer windows to the rear. The proposed ground floor extensions would provide a cinema room, an extension to the existing living room and a new garage. The existing garage would be converted to a study/office. At first floor level two existing bedrooms would be extended with en-suite bathrooms also being installed. The works to the roof space would provide an extension to the existing second floor bedroom and en-suite.
- 1.2. The proposed two storey rear extension would project off part of the original rear wall of the dwelling and be sited adjacent to the boundary with No.332 Lordswood Road. The proposed development would have a depth of 3.5m and a width of 7.9m. The three dormer windows would be located within the roof of the two storey extension. Each dormer would have a width of 1.2m and a maximum height of 1.3m to the ridge of its pitched roof.
- 1.3. The proposed single storey cinema room extension would project off the existing two storey rear extension with a depth of 4.5m and a width of 9.4m. The extension would have a flat roof design with a height of 3.3m.
- 1.4. The proposed garage extension would be built off part of the northern elevation of the property and sited in line with the front wall of the building. It would have a depth of 7.93m and a width of 5.63m. It has been designed with a crown roof with a ridge height of 3.6m and 2.5m to eaves level.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a large detached property with a gable end roof design. The property has an existing two storey rear extension and a rear dormer window. The dwelling is set within a predominantly residential area with a mixture of property ages and designs within the street scene. A number of other dwellings within Lordswood Road benefit from generously sized extensions. The property has a large lawn area to the rear with mature trees at the rear of the site.

2.2. [Site Location](#)

3. [Planning History](#)

- 3.1. 17/01/1994 – 1993/04973/PA – Permission granted for two storey pitched roof extension to form extended dining room, new kitchen, master bedroom & en-suite and extended bedroom.
- 3.2. 14/03/2002 – 2002/00506/PA – Permission granted for erection of first floor side and rear extension and new single storey garage.
- 3.3. 05/06/2017 – 2017/03212/PA – Permission refused for erection of two storey rear, single storey rear and single storey side extensions and installation of 3 no. dormer windows to rear.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours and local ward councillors were consulted for the statutory period of 21 days. A letter of objection has been received from the owner of No.332 Lordswood Road on the following grounds:
- Loss of light and outlook.
 - Loss of privacy.
 - The scale and design of the proposed development.
 - Noise issues.
 - The felling of trees to the rear of the site.
 - Drainage issues.
 - Party wall issues.
- 4.2. A response has been received from Cllr Francis who has stated their support for the objections submitted by the owner of No.332 Lordswood Road. A request has been made by Cllr Francis that the application be determined by the Planning Committee rather than under delegated powers.

5. [Policy Context](#)

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

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale, design and siting of the proposed development, and the impact on the architectural appearance of the property, the general street scene and neighbouring properties amenities.
- 6.2. The scheme is a resubmission of application reference 2017/03212/PA which was refused earlier this year on the grounds of an unacceptable scale. The scheme has been revised with a previously proposed glazed single storey rear extension adjacent to the boundary with No.332 being removed from the scheme.
- 6.3. The initial set of plans showed an increase in the footprint of the single storey side extension from the last application, however, amended plans were submitted by the agent removing this increased scale. A further set of amended plans have been submitted as the existing and proposed layout and elevation plans did not show the first floor and second floor Juliette style balconies which are in place as part of the rear elevation of the building.
- 6.4. Another set of proposed elevation plans have been submitted removing the proposed timber cladding from the front elevation.
- 6.5. The proposed two storey rear extension would breach your Committee's 45 Degree Code Policy to the rear lounge window of No.332 Lordswood Road when plotted from the quarter point of the neighbouring window by 0.4m. However, it is noted that this window is not the sole source of light to this room with an additional source in the front elevation and two further windows in the side elevation of the property. It must also be taken into account that there would be a distance of 8.5m between the quarter point of the neighbouring window and the section of the proposed first floor extension which would breach the code. The affected ground floor window at No.334 is recessed under a canopy where the first floor of the property overhangs this section. This rear window at No.334 is already compromised in terms of light entering by the design of the original property itself. Whilst there would be some change in daylight levels, there would be no effect in terms of the amount of sunlight entering through to the room as this property is located southerly of the position of the proposed extension. With these factors taken into account I do not consider that the proposed development would have a material adverse impact upon the occupiers of the neighbouring dwelling in terms of loss of light or loss of outlook to sustain a refusal of the application on these grounds.
- 6.6. The proposed development complies with the required numerical guidelines as contained within 'Places For Living' and 'Extending Your Home'. The proposed development would not have a harmful impact upon adjacent properties in terms of overlooking and loss of privacy.
- 6.7. Following the revisions made to the scheme after the refusal of application reference 2017/03212/PA on the grounds of the scale of the proposal I consider the scale, mass and design to now be acceptable. Lordswood Road is characterised by large dwellings, many of which have previously been extended on a substantial level. I do not consider that the resulting property would be out of keeping with the character of the surrounding area. A sizeable rear garden would be maintained as part of the development. Whilst the overall size of the scheme is generous the resulting dwelling would sit comfortably within this plot. I do not consider that the proposal would represent an over development of the site.

- 6.8. The proposed three individual dormer windows would replace a single wider dormer window. These features would not dominate the appearance of the roofline of the dwelling which is in accordance with the guidance contained within 'Extending Your Home'. The majority of the proposed works would be contained to the rear of the dwelling with any impact upon the street scene being relatively limited. I do not consider that any impact of the proposed development could be considered to be sufficiently adverse that a refusal of the application could be sustained on appeal. The proposed development would not have a harmful impact upon the architectural appearance of the property or the visual amenity of the surrounding area.
- 6.9. Concerns have been raised by a neighbour relating to noise issues. However, any noise created as a result of a development would be that relating to a single family dwelling and therefore there are no grounds upon which to recommend refusal in respect of this matter.
- 6.10. Comments have been received relating to the felling of trees to the rear of the site. However, these trees are not covered by a Tree Preservation Order and therefore no consent would be required in order to prune or fell them.
- 6.11. The owner of No.332 has raised concerns regarding possible drainage issues. This would be dealt with as part of a building regulations application.
- 6.12. Concerns have also been received in relation to party wall issues. However, this is a civil matter between the two property owners and not a material planning consideration.
- 6.13. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Notwithstanding the objections raised by the neighbouring occupiers, I consider that there are no sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

- 8.1. Approval is recommended subject to the following conditions:

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- | | |
|---|--|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Removes PD rights for new windows |
| 4 | Implement within 3 years (Full) |
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Case Officer: George Baker

Photo(s)

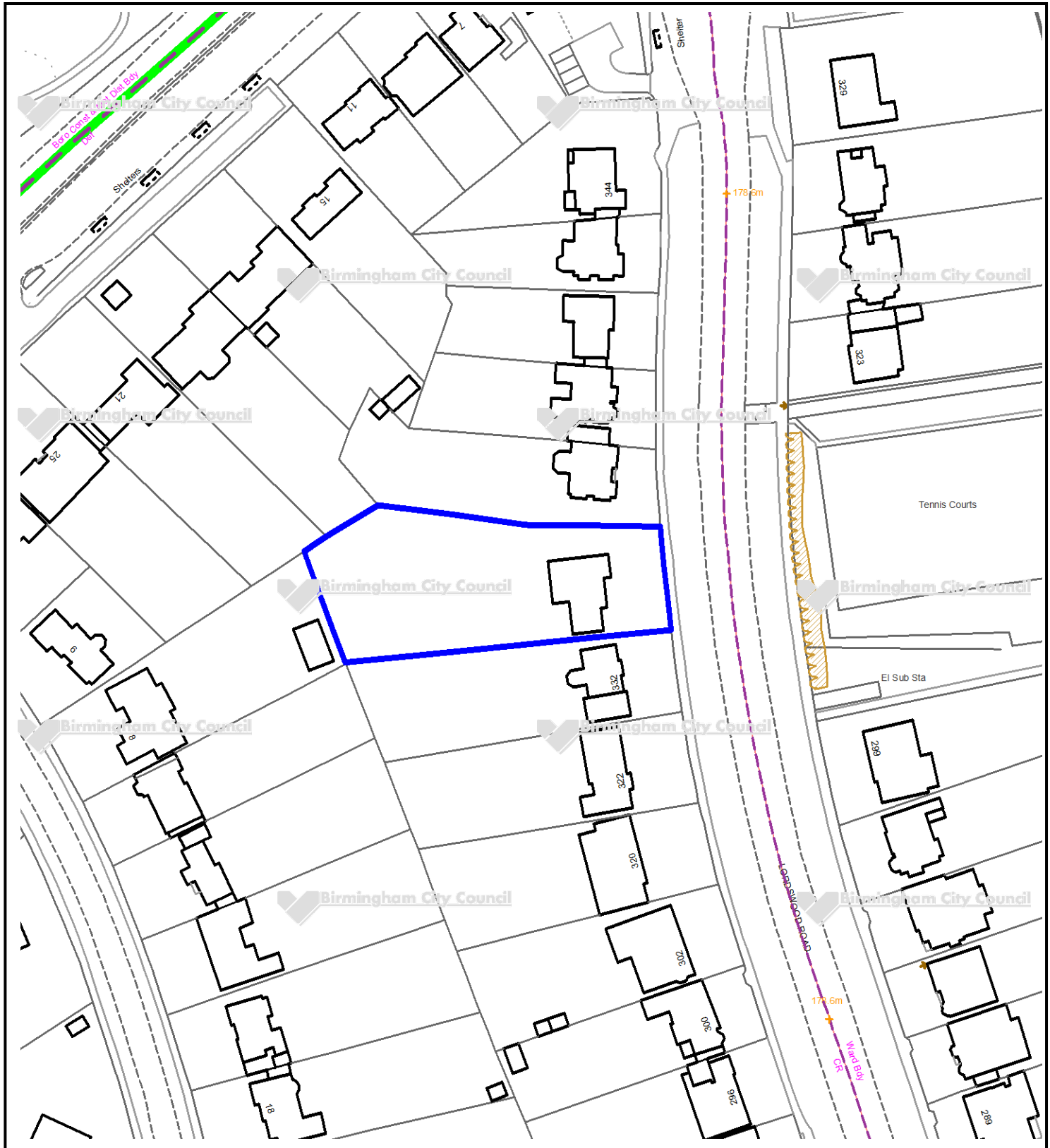


Figure 1 – Front elevation of property



Figure 2 - Rear elevation of property

Location Plan



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Committee Date:	14/09/2017	Application Number:	2017/04978/PA
Accepted:	13/06/2017	Application Type:	Full Planning
Target Date:	30/09/2017		
Ward:	Selly Oak		

50 Selly Hill Road, Selly Oak, Birmingham, B29 7DL

Demolition of existing building and erection of part 2 and part 3 storey building comprising 24 student bedspaces

Applicant:	Selly Hill Enterprises Ltd c/o Agent
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application is for the demolition of an existing industrial warehouse building used for tyre repairs, and redevelopment of the site with a purpose-built student accommodation building comprising of 24 bedspaces. The scheme proposes a three storey main block and two storey rear wing, accommodating eight 'cluster units'.
- 1.2. The proposed building would be sited 4.1m from the highway. It would measure 27m in length and 20m in maximum depth. The proposed three storey element would measure 9m in height, whilst the proposed two storey rear element would measure 6m in height. The proposed student accommodation building would provide 678sqm of internal floorspace.
- 1.3. The proposed building would be of a contemporary design, with flat roofed sections. The frame of the building would be constructed of red facing brickwork, punctuated by large cut-out sections comprising of vertical bronze coloured aluminium framed windows, bronze coloured perforated aluminium mesh, and bronze and gold coloured solid aluminium spandrel panels. The lower panel of every other window would be opaquely glazed. From the street the proposed building would appear as two distinct halves, with a slightly lower communal staircore/lobby element located in the centre between. The staircore/lobby element would comprise of glazed curtain walling.
- 1.4. Internally, the proposed accommodation would comprise of eight clusters accessed from the glazed main entrance lobby area. Each cluster would accommodate an internal corridor providing access to three double bedrooms and a shared diner/kitchen/lounge. Bedrooms would be provided with an en-suite shower room and storage space, and achieve room sizes of between 13.7sqm - 15.9sqm (inclusive of en-suite). Study areas would be located by the windows to take advantage of the full height openings. The shared diner/kitchen/lounge areas would be located on the end elevations to offer a dual aspect with views of the street and courtyard garden.

- 1.5. The landscaped communal amenity space for residents' to the rear would measure approximately 230sqm. In addition, Cluster Flats 1.2 and 2.2 would provide semi-enclosed balcony areas at the rear, each of 11sqm in size.
- 1.6. There would be two access points for residents' within the staircore/lobby – the main entrance on to the street, and an exit into the rear communal garden area. An integral bin store and cycle store would be incorporated on the rear elevation of the building at ground floor level.
- 1.7. No parking would be provided on site.
- 1.8. This application is supported by a Planning Statement, Student Needs Assessment, Design and Access Statement, Student Housing Management Plan, Noise Survey, Site Investigation Report, Travel Plan, Sustainable Drainage Assessment, and Arboricultural Report.
- 1.9. The proposed development is liable for a CIL contribution of £43,545.87.
- 1.10. The Applicant has also confirmed that they will provide a S106 contribution of £7,584 to be spent towards parking surveys, environmental enhancement measures (including paving, landscaping, lighting, and minor highway works and maintenance), resident parking schemes and/or traffic regulation orders in Selly Hill Road, Harrow Road, Coronation Road, Dawlish Road, St Edwards Road and Rookery Road.
- 1.11. The site area is 0.07ha in size.
- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of an L-shaped, single storey and two storey, industrial warehouse building, used for tyre repairs. There is also a single storey flat roofed enclosure located in the north west corner of the site. The main building fronts on to Selly Hill Road with a single storey forward element, and facades largely comprising of corrugated metal. The remainder of the site is hard surfaced and used for parking/storage. There is a vehicular access from Selly Hill Road into the site at its north east corner. Palisade fencing and metal gates define the site boundary to Selly Hill Road.
- 2.2. Immediately adjoining the site to the north is Kenning and Blyth vehicle repairs garage building. Immediately adjoining the site to the west is a steep wooded embankment leading down to Hope Place – a row of Victorian terraced houses which have their front elevations/front gardens facing the site, and are located on land that is approximately 4m lower than the application site. Immediately adjoining the site to the south is No. 58 Selly Hill Road – a two storey flatted block built in the 1980s. Located opposite the site, on the other side of Selly Hill Road, are two storey houses.
- 2.3. The application site is located in a predominantly residential part of Selly Oak, comprising of two storey Victorian terraced houses largely occupied by students. The application site and buildings located immediately to the north are the exception, with these accommodating industrial units used for vehicle repairs.

- 2.4. Parking is unrestricted and on-street along Selly Hill Road. Selly Oak District Centre is located a five minute walk to the north.

2.5. [Site Location Map](#)

3. [Planning History](#)

- 3.1. 29.01.10 - 2008/04897/PA - Certificate of Lawfulness for the use of the premises as a tyre bay - Approved

4. [Consultation/PP Responses](#)

Consultation Responses

- 4.1. Transportation Development – No objection – Subject to conditions requiring reinstatement of redundant footway crossing to City specification (including the removal of the 'H bar') and submission of an amended Travel Plan
- 4.2. Regulatory Services – No objection – Subject to condition requiring submission of a scheme of noise insulation to windows, glazed areas and external doors and vents.
- 4.3. West Midlands Police – No objection – Subject to condition that all interior bedroom doors and the communal front door is to PAS 24 standard.
- 4.4. Severn Trent Water – No objection - Subject to condition requiring drainage details.
- 4.5. Lead Local Flood Authority (LLFA) – No objection - The LLFA accept, in principle, the development proposals subject to conditions requiring submission of revised sustainable drainage assessment and sustainable drainage operation and maintenance plan.

Public Participation

- 4.6. Adjacent occupiers, Councillors, M.P. and residents associations notified and site/press notices posted. Four letters of objection received from local residents and Selly Oak Branch Labour Party raising the following concerns:
- Site is located well outside areas identified as suitable for a student hall of residence
 - Grossly over-intensive with near complete development of a small site except for a rear amenity area.
 - Three-storey front elevation is out of scale with existing two-storey residential properties in Selly Hill Road opposite and to the south of the site
 - Front of the property is well forward of the existing two-storey flats at no 58 Selly Hill Road.
 - Two storey elevation at the rear site boundary would overshadow houses in Hope Place to the west and at a lower level.
 - No parking provision, which for 24 flats, is totally inadequate. Streets are totally clogged up with parked cars
 - Area is overrun with multi-occupied dwellings and students already. They cause countless problems for local residents including noise from all night

parties, vandalism and mess. Proposal would further imbalance the local community

Councillor Karen McCarthy – Has forwarded on objection of her constituent

5. Policy Context

- 5.1. Birmingham UDP Saved Policies (2005), Birmingham Development Plan (2031), Car Parking Guidelines SPD (2012), Places for All SPG (2001), Specific Needs Residential Uses SPG (1992), Loss of Industrial Land to Alternative Uses SPD (2006), Wider Selly Oak SPD (2015), NPPF.

6. Planning Considerations

- 6.1. Pre-application discussions have been held with the Applicant and the number of units and siting of the proposed building have been modified in line with Officer advice.
- 6.2. I consider the key planning issues in the determination of this application are: loss of industrial land; the principle of student accommodation on this site; the siting, scale and appearance of the proposed building; living conditions for prospective occupiers; impact on parking and highway safety; noise impact; impact on neighbouring residential amenity; impact on trees and landscape; and impact on drainage.

Loss of Industrial Land

- 6.3. The application site is not designated for any particular use in the BDP and is not within one of the Core Employment Areas identified by the BDP. Policy TP20 'Protection of employment land' is therefore relevant to the site. This policy seeks to protect employment land which is not within a Regional Investment Site or Core Employment Area. However, the policy also acknowledges that there may be occasions where employment land has become obsolete and can no longer make a contribution to the portfolio of employment land. The policy states:

"In such cases change of use proposals from employment land to other uses will be permitted where it can be demonstrated that either:

- The site is considered a non-conforming use*
- or*
- The site is no longer attractive for employment development having been actively marketed, normally for a minimum of two years, at a price which accords with other property of a similar type in the area. Where it is argued that redevelopment for employment purposes would be commercially unviable, a viability assessment may also be required which should include investigations into the potential for public sector funding to overcome any site constraints."*

- 6.4. The Loss of Industrial Land to Alternative Uses SPD provides more detail on the information required with planning applications and defines a non-conforming site as: *"Non-conforming sites will mostly consist of small (generally less than one acre) isolated industrial sites within predominantly residential areas, although larger sites may come forward from time to time"*. The application site is 0.16 acres in size, and

along with the only other adjoining industrial uses (vehicle repairs) at No. 46 and 46a, forms a small isolated pocket of industrial use on a residential road, in a residential area. As such, I am satisfied that the site can be justified as a non-conforming use and that the loss of industrial land at this location can be supported.

Principle of Student Accommodation

- 6.5. Paragraph 14 of the National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay. Paragraph 17 states “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”
- 6.6. The Birmingham Development Plan (BDP), at Policy TP33, has a set of criteria for off-campus development which includes; a demonstrated need for development; a good location in relation to the educational establishment, local facilities and public transport; that the development would not have an adverse impact on the local neighbourhood or residential amenity; the scale, massing and architecture of the development is appropriate for the location; and that the design and layout of the accommodation would create a positive living experience.
- 6.7. The application site does not have any land use designation within the Wider Selly Oak SPD, and is located outside of the defined District Centre. The Wider Selly Oak SPD acknowledges the attractiveness of Selly Oak for student accommodation and identifies some (larger) sites for potential purpose-built provision. However, there is no policy preventing purpose built student accommodation being developed on other windfall sites within the Selly Oak Area, subject to compliance with the criteria set out at Policy TP33 of the BDP, as re-iterated in the Wider Selly Oak SPD – in particular for accommodation to be well related to the educational establishment that it serves.
- 6.8. There are high concentrations of students living in Houses in Multiple Occupation (HMOs) in Bournbrook. This puts pressure on this area and both the quality of life for existing residents and the residential environments have been adversely affected as a result. The Wider Selly Oak SPD acknowledges that whilst purpose built accommodation can still bring large numbers of students into an area, it can help minimise adverse impacts on areas that are over-populated with students by freeing up HMOs for potential reversion to family housing, thereby restoring a more balanced community and helping with certain local services such as take up of school places.
- 6.9. The application is supported by a Student Needs Accommodation Survey. The Report, using 2016 data from the Higher Education Statistics Agency (HESA) identifies that the University of Birmingham (UoB) has a total of 27,195 full time students, 7,620 of which are overseas students. First-year undergraduate and post-graduate international students are guaranteed University-supplied living accommodation. As of September 2017 there would be 6,446 purpose built student bedspaces available on campus, and 2,670 purpose built bedspaces accommodated in private sector purpose built student halls of residence provide within a cluster around Selly Oak. Therefore a total of 9,116 student accommodation rooms can be provided in halls of residence either university let or directly.

- 6.10. In addition to the existing, the Survey indicates that there are an estimated 1,460 purpose-built student accommodation bedspaces in the development pipeline south of the City Centre. In total, existing and proposed on campus and off campus purpose built student accommodation accounts for 10,576 bedspaces, leaving 16,619 full-time students at the University of Birmingham to find alternative means of accommodation, leaving 66% of full-time students to find alternative means of accommodation. With additional numbers from consented sites in the development pipeline for student accommodation taken into account, it would still leave 61% of full-time students to find alternative means of accommodation.
- 6.11. The Survey notes that the demand for purpose-built student accommodation is in-part driven by increasing numbers of applications to the City's higher education institutions, with the University of Birmingham seeing a strong increase in recent years, particularly from international students. HESA statistics show that the total student numbers at the University of Birmingham has increased from 28,240 in 2008 to 33,830 in 2016, a 20% increase over the identified 8 year period. In that same time, overseas students have increased by 49% from 5,125 in 2008 to 7,620 in 2016. This group has a high tendency to choose purpose-built accommodation, including for reasons of security, location, facilities and a managed environment where bills and maintenance are included in overall charges.
- 6.12. I note local objectors' concerns regarding a purported over-supply of student accommodation (and associated impacts in creating an unbalanced community). However, I am satisfied that, existing and currently consented developments for student accommodation fall short in terms of providing sufficient residential accommodation to meet the identified need for student accommodation to serve the University of Birmingham. Even if all the current permitted schemes come forward, a significant undersupply of purpose built student accommodation in the areas serving the University of Birmingham will remain. The increasing trend in full-time students at the University, and in particular overseas students, means there is a demonstrated demand for this type of purpose built accommodation. Bournbrook will always likely be a popular location for students to live in because of its close proximity to the University. Whilst acknowledging that there may or may not be some adverse cumulative impacts from the proposed development on those non-student residents remaining in Bournbrook, I do not consider it would not be possible to refuse the application on these grounds, given the proposal is for a relatively small purpose-built hall sited in an area that is already predominantly student occupied.
- 6.13. Whilst this site is not immediately adjacent to the University campus, it is an 8 minute walk from the edge of the campus, and also easily accessible by cycling or public transport. In addition, it has a similar relationship (in terms of distance) to other recently approved student schemes, such as the Birmingham Battery site. As such, I consider the application site is in a suitable location to provide for purpose built student accommodation, being a brownfield site in close proximity to the University and local services/amenities, including Selly Oak District Centre and would, consequently, achieve sustainable benefits. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle, and the need for additional student accommodation has been demonstrated in accordance with Policy TP33 of the Birmingham Development Plan.

Siting, Scale and Appearance

- 6.14. Policy PG3 of the BDP explains that *“All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.”* It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.15. 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.”* Saved Policies 3.14-3.14D in the Birmingham UDP, Places for Living SPG and Places for All SPG also give significant weight to achieving high quality design which recognises local character and distinctiveness.
- 6.16. The existing tyre repairs building on the application site is of no architectural merit. It is of a utilitarian design with windowless facades of corrugated metal sheeting. As such, its removal would be welcomed, as it currently appears as an incongruous feature in the streetscene.
- 6.17. Pre-application discussions were held with the Applicant and my City Design Officer. The original proposal was for 30 student units contained within a single, three storey block. However, it was considered that the proposal would have had an unacceptable relationship with houses on Hope Place to the rear. The proposed development as now submitted follows the suggested approach of a 2 storey rear wing to the main block, with windows orientated to the side, reducing the number of bed spaces.
- 6.18. The siting of the proposed development would not be wholly dissimilar to that of the existing L-shaped tyre repairs building. However, I consider it better respects the building line along the western side of Selly Hill Road by being further setback from the highway than is the situation with the current building. The distance setback of the building from the highway reflects the setback distances of houses opposite on Selly Hill Road.
- 6.19. Properties along Selly Hill Road are generally two storeys in height. Whilst the proposed development would front the street with a three storey flat roofed design, the submitted street scene plan illustrates that the roof of the proposed development would only be 1.2m taller than the roof ridge of No. 58 which adjoins to the south, and broadly similar in height to the gable of No. 46, which is the nearest two storey building to the north. Therefore I am satisfied that it would not appear unduly taller than its immediate neighbours, particularly given it would be viewed as a detached building with some separation from its immediate neighbours. There is also less continuity in storey height along this western side of Selly Hill Road, than the eastern side which comprises of two storey terraced houses all the way along.
- 6.20. I consider the massing of the proposed development would be successfully broken up through the use of a slightly lower centrally located fully glazed staircore/lobby between the two brick halves, large cut-out sections in the building frame to articulate facades and provide interest, and use of vertical windows and mesh panels to break up the horizontal form of the building.

- 6.21. I consider the appearance of the proposed development would be acceptable, being of a clean, contemporary architectural design which would utilise a warm and mixed palette of modern materials including bronze coloured aluminium framed windows, bronze coloured perforated aluminium mesh, and bronze and gold coloured solid aluminium spandrel panels. However, the proposed development would still be sympathetic to the local vernacular of surrounding Victorian houses, through utilising vertical windows and red facing brickwork. Facades would provide interest and articulation through the use of different materials and windows set back in from the brick framework and the proposed development has been designed to provide surveillance/activity to the street.
- 6.22. Amended plans have been submitted during the course of the application in light of my City Design Officer's comments to break up the large expanses of brickwork on the rear and side elevations through the use of vertical windows or cut-outs.
- 6.23. In light of the above, I am satisfied that the proposal meets policy requirements on providing good design and the siting, scale and appearance of the proposed development would be appropriate and sympathetic to the surrounding area, and an improvement on the incongruous industrial building that is currently located on the application site.

Living Conditions

- 6.24. The Council's Specific Needs Residential Uses SPG (1992) recommends that a single bedroom within purpose built student accommodation should measure a minimum of 6.5sqm in size. Each proposed cluster flat bedroom would have an internal floorspace of between 13.7sqm - 15.9sqm (inclusive of en-suite). The communal areas within the clusters, each being 26sqm in size, are relatively generous, with furniture layouts provided to demonstrate the accommodation of kitchen, dining and lounge facilities. I concur with my City Design Officer that the overall internal layout is logical and works well. The front door is in the right place and circulation space is fairly generous.
- 6.25. A communal garden area (approximately 230sqm) is proposed to the rear of the block. This area is considered sufficient to provide a suitable setting for the building and opportunities for occupiers to take advantage of the outdoor space. In addition, Cluster Flats 1.2 and 2.2 would provide semi-enclosed balcony areas at the rear, each of 11sqm in size.
- 6.26. In light of the above, I am satisfied that the proposal meets policy requirements in terms of creating a positive living experience for future occupiers.

Parking and Highway Safety

- 6.27. Policy TP38 of the BDP states that *"The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported."* One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.28. Paragraph 32 of the NPPF states that 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 limits 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.”

- 6.29. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation. There is no minimum parking provision requirement. The proposal providing six cycle spaces and no off-street car parking would comply with the SPD.
- 6.30. The site is located within a five minute walking distance of Selly Oak District Centre and the local facilities that exist here. The nearest bus stops to the site are located along Selly Hill Road and Coronation Road (approximately 180m from the site) and the route of the 76 bus service links the site to Selly Oak, QE Hospital/University of Birmingham. The frequency of this service is every 20/30 minutes. There are further bus stops located along Bristol Road at approximately 460m walking distance. Bus services that use these stops are very frequent and travel into the City Centre. Selly Oak Rail Station is located approximately 570m distant from the site, and again provides frequent rail links to the City Centre. I am therefore satisfied that the site benefits from good public transport links, and is located within easy walking/cycling distance of the University of Birmingham and local facilities at Selly Oak District Centre.
- 6.31. The Applicant has submitted a Travel Plan which promotes sustainable travel by recommending a number of measures aimed at its future student occupiers including: marketing and sales information to identify the available sustainable transport opportunities and Travel Plan initiatives; marketing and sales staff to be made aware of and promote the available sustainable transport opportunities; preparation and provision of Travel Information Packs (TIP) for each future occupant (to be kept up to date); provision of a notice board within the communal entrance area; and monitoring and maintenance of cycle storage.
- 6.32. Transportation Development have raised no objection to the proposal noting that the development is car free, but incorporates secure cycle storage. They note that the intended measures outlined within the Travel Plan would make residents fully aware of the non-car opportunities of travel. Furthermore, it is understood that the lease agreement would prevent students from parking along local roads and within a certain distance of the site. The submitted Student Management Housing Plan sets out procedures for drop-off/pick up at the start/end of each tenancy agreement to ensure that this is carried out on a phased basis.
- 6.33. Transportation Development advise that there are no parking restrictions on street and therefore student drop off/pick up in term time could be accommodated. They acknowledge that Selly Hill Road can experience a high level of on street parking and as such recommend a condition requiring submission of a student management plan to aid students with loading/unloading their belongings.
- 6.34. Transportation Development have also requested that a condition be attached to any consent requiring the redundant footway crossing be reinstated to prevent errant parking.
- 6.35. Notwithstanding the above I recommend, in line with other approved purpose built student schemes in the Selly Oak area, that a S106 contribution be sought for

potential parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Selly Hill Road, Harrow Road, Coronation Road, Dawlish Road, St Edwards Road and Rookery Road.

Noise

- 6.36. 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.
- 6.37. The submitted Noise Report explains that noise monitoring carried out on the site in close proximity to the adjacent Kenning and Blyth garage revealed that activity at the garage, when its roller shutter doors were open, was inaudible at the site boundary. It explains that although there were occasional audible clashes and bangs, significantly higher noise levels were observed from intermittent traffic passing along Selly Hill Road. On the basis of the above, the Report concludes that the impact of the adjacent garage on the proposed development would be 'low' in comparison to that of existing noise levels from Selly Hill Road and other roads in the local vicinity. Notwithstanding, it recommends a condition be attached to any consent that all habitable rooms should be fitted with glazing with a minimum manufacturer's rating of $R_w + C_{tr} 25$ and that all such vents should, when open, have a minimum rated sound reduction of $D_{n,e,W} 31$. Regulatory Services have raised no objection to the proposed development and concur that this condition should be attached to any consent.

Amenity of Existing Residential Occupiers

- 6.38. There are four existing habitable room windows located within the side (north) elevation of the adjoining flatted block at No. 58 Selly Hill Road – two at ground floor and two at first floor. These windows immediately face out on to the application site. However, I am satisfied that the proposed development would lead to no greater loss of light or outlook to these existing windows/rooms than is the current situation, given the siting and scale of the proposed development would be similar to the existing two storey garage building on the application site, which is already located very close to the boundary.
- 6.39. First floor windows located on the side (south) elevation of the proposed development would serve a corridor and would be obscurely glazed in order to prevent any direct overlooking into existing first floor windows at No. 58 and overlooking into the rear communal garden of No. 58.
- 6.40. In respect of the proposed development and its relationship with properties on Hope Place to the west of the site, I note that the application site is located at a ground level which is 4m higher than the terraced properties in Hope Place. The steep embankment between the two is tree'd. The Hope Place properties are unusual in that their front elevation and front gardens face eastwards towards the application site and front on to a footway, rather than a road. The most likely properties to be affected are Nos. 10 and 12 Hope Place - from the ground floor window and first floor window located on the rear elevation of the two storey element of the proposed development.

- 6.41. The Council's Places for Living SPG recommends a separation distance of 21m between windowed elevations in new two storey development and windows in existing dwellings, and the separation distance increases to 27.5m where this relates to new three storey development. It states that the separation distance should be increased by 2m for every 1m rise in ground level between new and existing. It also states that this standard will be more strictly applied at the rear rather than the front.
- 6.42. Taking into account the aforementioned ground level difference, the recommended separation distance to Hope Place windows would be 35.5m for windows in the three storey element and 29m for windows in the two storey element. The proposed development would only achieve a separation distance of 24.5m for windows in the three storey element and 13.5m for windows in the two storey element. Whilst this falls far short of the guidance, the guidance is clear that the standard should be more strictly applied in a rear-rear situation, rather than a front-rear situation, as is the case here. I also note that the wooded embankment (which does contain some evergreen species) would continue to provide some screening for six months of the year between the application site and Hope Place to mitigate overlooking. Finally, given the ground level difference and angle of view it may be that the three storey element of the proposed development is not even visible from Hope Place. In the absence of any objections being received from any of the occupiers of Hope Place I am satisfied with the relationship between the proposed development and Hope Place (with the fronts of Hope Place being less sensitive than private backs) and I do not consider the amenity of these occupiers would be harmed as a result of overlooking to such an extent that the application could be successfully refused.
- 6.43. Places for Living SPG also recommends a separation distance of 5m per storey set back where new development with main windows overlooking existing private space is proposed. The proposed development would not meet the recommended 10m separation distance from windows in the two storey element to the front gardens of Nos. 10 and 12 Hope Place. However, whilst these front gardens are more private than normal front gardens facing on to a highway, I would not describe the front gardens of Hope Place as private space, given these properties benefit from having private rear gardens, and it was clear from my site visit that the front gardens are not regularly used/maintained by occupiers for sitting outdoors.
- 6.44. Whilst the front to front separation between with the opposite houses on Selly Hill Road is only 17m, I consider this to be acceptable, as the proposed development block would follow an established building line, and as set out above Places for Living SPG allows more flexibility with a front to front relationship.
- 6.45. I am therefore satisfied that the proposed development would not result in material loss of light, outlook or privacy to existing residential occupiers at No. 58 Selly Hill Road, Hope Place, or occupiers residing opposite the site at Selly Hill Road.

Trees and Landscaping

- 6.46. Policy TP7 of the BDP seeks to conserve and enhance Birmingham's woodland resource and states that all new development schemes should allow for new tree planting.
- 6.47. There are no trees or features of landscape value within the site, which is predominantly hard surfaced around the existing building. There are mature trees adjacent to the western boundary (outside the site on the embankment), which the

submitted Arboricultural Report identifies as Category B trees. These are predominantly sycamore and horse chestnut.

- 6.48. The City's Arboricultural Officer concurs with the submitted Arboricultural Report that the concrete raft on which the existing buildings stands will have excluded roots of these neighbouring trees entering the site, or diverted them much deeper than the effects of the new foundation. He advises that the existing boundary fencing to the rear would provide adequate tree protection, and that some pruning of overhanging branches may be required.
- 6.49. My Landscape Officer has raised no objection to the proposed development and I concur with his recommendation to attach landscaping and boundary treatment conditions to any consent.

Drainage

- 6.50. Policy TP6 of the BDP requires suitable management of flood risk and promotes the use of sustainable drainage systems within new development. The application site and surrounding land is located within Flood Zone 1 and is at the lowest risk of flooding. There is no evidence to suggest that development on this brownfield site would lead to flooding elsewhere. If anything, installation of modern drainage infrastructure on the site, including SuDs, could improve local drainage.
- 6.51. The submitted Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan proposed that surface water would discharge into the existing storm public sewer and would be attenuated to 3.0 l/s for various storm events. Attenuation is proposed to be provided in the form of a storage tank to be located within the rear garden utilising a flow control device prior to discharging into the storm sewer. The drainage system would contain the storm events up to 1 in 100 event plus the 40% climate change. Any exceedance of surface water system would be routed away from the building. The design would ensure that there would be no flooding from the system to downstream property or access routes for the 1 in 100 year plus 40% climate change event.
- 6.52. The LLFA have raised no objection to the principle of the drainage strategy described above, subject to further detailed drainage proposals being submitted by way of condition in the form of a revised Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan. The LLFA recommend further exploration of the potential to integrate bio retention features (e.g. rain gardens), drainage calculations, typical cross-sections and details of the proposed drainage features, final drainage layout plans, and details of operation and maintenance amongst other things.

Other Issues

- 6.53. The City's Ecologist has raised no objection to the proposed development. He notes that the existing buildings at the site at present offer negligible opportunities for wildlife. He notes the Applicant's commitment to include bird and insect boxes within the overall development and considers this is something that should be taken forward as a way to improve the site for biodiversity (ideally integrated in to the fabric of the building rather than as add on units post-development). He also advises that there is an opportunity to enhance the communal landscape areas with beneficial planting. To cover these points I recommend attaching a condition requiring ecological enhancement measures.

- 6.54. West Midlands Police have raised no objection to the proposed development. They have requested that a condition be attached to any consent requiring bedroom doors and the communal front door to be to PAS24 standard. I consider it would be unreasonable to attach such a planning condition, but I have forwarded this information on to the Applicant.
- 6.55. The development would be liable for Community Infrastructure Levy (CIL), which I calculate to be in the region of £43,545.87

7. Conclusion

- 7.1. I consider the development of this site for purpose built student accommodation would be acceptable in principle, given this is a brownfield site in a highly sustainable location within walking distance of the University of Birmingham campus. There are unlikely to be any material increases in traffic and parking on nearby residential roads and in a worst case scenario the s.106 financial contribution would adequately mitigate such an impact. The siting, scale and appearance of the proposed development, would be acceptable and would sit comfortably in the streetscene. There would be no adverse impact on the amenity of neighbouring residential occupiers and the development would provide an acceptable living environment for future occupiers. The proposal would support the function of the University of Birmingham as a key provider of employment, culture, and learning in the City. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve subject to a Section 106 legal agreement.
- I. That consideration of application no. 2017/04978/PA be deferred pending the completion of a suitable Section 106 legal agreement to require:
- a) A contribution of £7,584 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) to be paid prior to the implementation of the approved development. The fund would be used towards parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Selly Hill Road, Harrow Road, Coronation Road, Dawlish Road, St Edwards Road and Rookery Road.
- b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- II. In the event of the above Section 106 Legal Agreement not being completed to the satisfaction of the Local Planning Authority on or before 30th September 2017, planning permission be REFUSED for the following reason:-
- a) In the absence of a financial contribution towards parking and traffic monitoring and/or minor highway works and maintenance thereof and/or traffic regulation orders and/or local highway improvement measures in Selly Hill Road, Harrow Road, Coronation Road, Dawlish Road, St Edwards Road and Rookery Road the proposal would conflict with Paragraphs 8.51-8.53 of the Saved Birmingham

UDP 2005, Policy TP43 of the Pre-Submission Birmingham Development Plan, the Wider Selly Oak SPD and the National Planning Policy Framework.

- III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 legal agreement.
- IV. In the event of the S106 Legal Agreement being completed to the satisfaction of the Local Planning Authority on or before 30th September 2017 favourable consideration be given to application no. 2017/04978/PA, subject to the conditions listed below:

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission a noise study to establish residential acoustic protection
3	Requires the prior submission of sample materials
4	Redundant footway crossing reinstated to City specification
5	Requires the prior submission of hard and/or soft landscape details
6	Requires the prior submission of boundary treatment details
7	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
8	Requires the prior submission of a sustainable drainage scheme
9	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
10	Requires the prior submission of level details
11	Development to be implemented in accordance with the submitted Travel Plan
12	Development to be implemented in accordance with the submitted Student Housing Management Plan
13	Implement within 3 years (Full)

Case Officer: Andrew Conroy

Photo(s)



Figure 1 – Looking north down Selly Hill Road (No. 58 on left, application site to centre left)

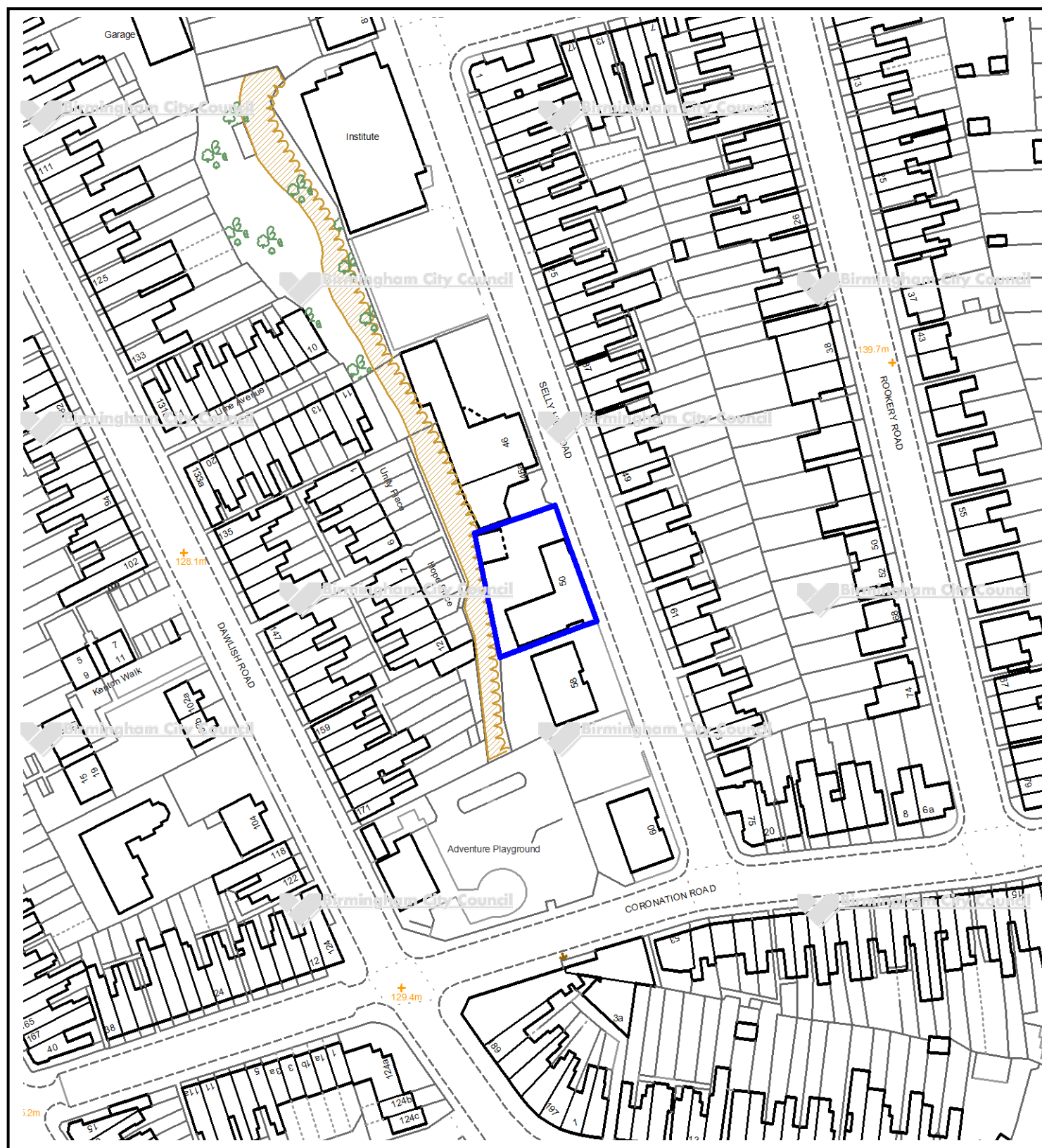


Figure 2 – Looking south east from front of No. 7 Hope Place towards application site (existing two storey building on site in grey)



Figure 3 – Looking east towards application site from front of No. 7 Hope Place (red container within application site)

Location Plan



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Committee Date:	14/09/2017	Application Number:	2017/06247/PA
Accepted:	13/07/2017	Application Type:	Full Planning
Target Date:	07/09/2017		
Ward:	Edgbaston		

Tennis Courts, Edgbaston Park Road, Edgbaston, Birmingham, B15 2RE

Retrospective Consent for siting of temporary changing rooms and toilet modular units

Applicant: University of Birmingham Estates Office
 Estates West Building, Edgbaston, Birmingham, B15 2TT
 Agent:

Recommendation
Approve Temporary

1. Proposal

- 1.1. Retrospective Consent is sought for siting of three temporary changing rooms and toilet modular units housed in three cabins. These units provide a temporary solution for the University of Birmingham (UoB) until a permanent structure (granted planning permission in 2016 reference 2016/07041/PA) is built (as part of the construction of a new athletics track, floodlighting and changing/club house facility).
- 1.2. 2No. of cabins are changing rooms, each of which measures 7.3m (width) x 3.1m (depth) and creates an internal floorspace of 20.16 square metres. 1No. of the cabins is for male/female/unisex WC toilet unit which measures 2.7m (height) x 4.8m (width) x 3.1m (depth) and has an internal floorspace of 13.11 square metres.
- 1.3. The units are made of steel, all painted midnight green (nearest to RAL6035). These have been installed already and as such the scheme is retrospective.
- 1.4. [Links to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of an area of hard surfaced ground to the east of the existing rough surfaced access road for the approved running track. It is located on the southern edge of the Tennis Courts Complex, a group of student accommodation blocks associated with the University of Birmingham. There are numerous small residential car parking areas in front of the eastern Tennis Court blocks. There is a group of trees adjacent the southern edge of the application site. Immediately to east of the site, is an existing single storey detached structure (water tank) which is adjacent the boundary of the application site alongside a few young trees and hedges.
- 2.2. The site is within the Edgbaston Conservation Area.

2.3. [Site Location](#)

3. [Planning History](#)

- 3.1. 24/11/2016 – 2016/07041/PA – Construction of a new athletics track, floodlighting and changing / club house facility. Approved subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Resident Associations and Ward Councillors notified. Site Notices displayed.

One letter of objection to the scheme has been received, raising the following concerns:

- The irresponsible act by the University of Birmingham (UoB) of erecting the cabins before consulting;
- There has been a lot development taking place at the UoB and any further development would be detrimental to the environment;
- Should be refused because it is retrospective (carried out unlawfully);
- The units appear unsightly;
- Permanent similar facilities have been permitted and should be built instead of allowing the temporary structures.

Cllr Deirdre Alden Objects - Request that if minded to approve, the application should be determined by the Planning Committee.

Cllr Matt Bennett – Objects.

- 4.2. Transportation – No objection.

- 4.3. Regulatory Services – No objection.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:

- Birmingham Development Plan (2017);
- Saved policies of the Birmingham Unitary Development Plan (2005);
- Edgbaston Conservation Area Character Appraisal SPG;
- Places for All SPG.

- 5.2. The following national policies are applicable:

- National Planning Policy Framework (2012);

6. [Planning Considerations](#)

- 6.1. Planning permission was granted in 2016 under 2016/07041/PA for the construction of a new athletics track, floodlighting and changing/club house facility. This permission has recently been implemented, although the associated new changing/club house facility is not due to be constructed imminently. The Applicant has explained that it remains their ultimate intention to build the permanent sports changing room pavilion next to the new athletics track within the next 5 years. As such, the retention of the above proposed units would not be required, beyond that time on a permanent basis.

Conservation and Design

- 6.2. My Conservation Officer has raised no objection to the proposed modular units and has stated that:

“The application is for temporary changing rooms which are modest in their size and design in an area of mid-20th century Radburn Style Housing layout which is of little value within the surrounding conservation area.”

- 6.3. Given that the units would only be in situ for a temporary period I concur, as these are demountable and enable the adjacent running track to be used until the permanent building is constructed.
- 6.4. The development retains the existing trees around the site and these provide reasonable screening to the units. Although the cabins are made of steel, given their temporary nature, located furthest away from Edgbaston Park Road and the fact that the Tennis Courts site has an adjacent single storey detached permanent structure/building of a similar height, I do not consider that the visual amenity of the surrounding area would be harmed as a result of the temporary retention of the above cabins, which are not visible from the public realm i.e. Edgbaston Park Road.
- 6.5. Objectors have commented that the units should not have been erected before any planning submission; any further development is detrimental to the area’s character; and that the existing permitted permanent structures should be constructed now instead of being temporary. I note that the Applicant took a risk of erecting the cabins prior to obtaining planning permission. However, the application can only be determined on the basis of its planning merits. In regard to the development being detrimental to the character of the area, I note that this is only a temporary measure to facilitate the use of the running track before permanent changing rooms/toilet facilities are built and the site would return to its former state at the end of the temporary period. Whilst these concerns have been noted, I do not consider that they would constitute a reason to justify the refusal of this application.

Traffic and Parking

- 6.6. The location of the units does not impact highway matters. Transportation Development have commented that: *“the units are located on a grassed area therefore not affecting parking provision.”* I concur that there are no highway safety or parking issues arising.

Residential Amenity

- 6.7. I consider that the proposed development would be sited far enough from the nearest residential block, not to adversely affect the amenity of students, through loss of outlook, loss of light or noise/disturbance. Regulatory Services have raised no objection. I concur that residential amenity would not be harmed as a result of the development.
- 6.8. Although the permanent retention of the proposed units would be inappropriate, I consider their temporary siting for a four year period would be acceptable, particularly given the overall aim of the University is to construct a permanent structure within the next five years.

7. Conclusion

7.1. I consider the retention of these facilities would have no detrimental impact on the character and appearance of Edgbaston Conservation Area, traffic and parking, and residential amenity. I recommend that planning permission be granted for a temporary period of four years.

8. Recommendation

8.1. Approve Temporary

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a scheme to show how the units would be removed within 4 years |
-

Case Officer: Stephen Ssejjemba

Photo(s)

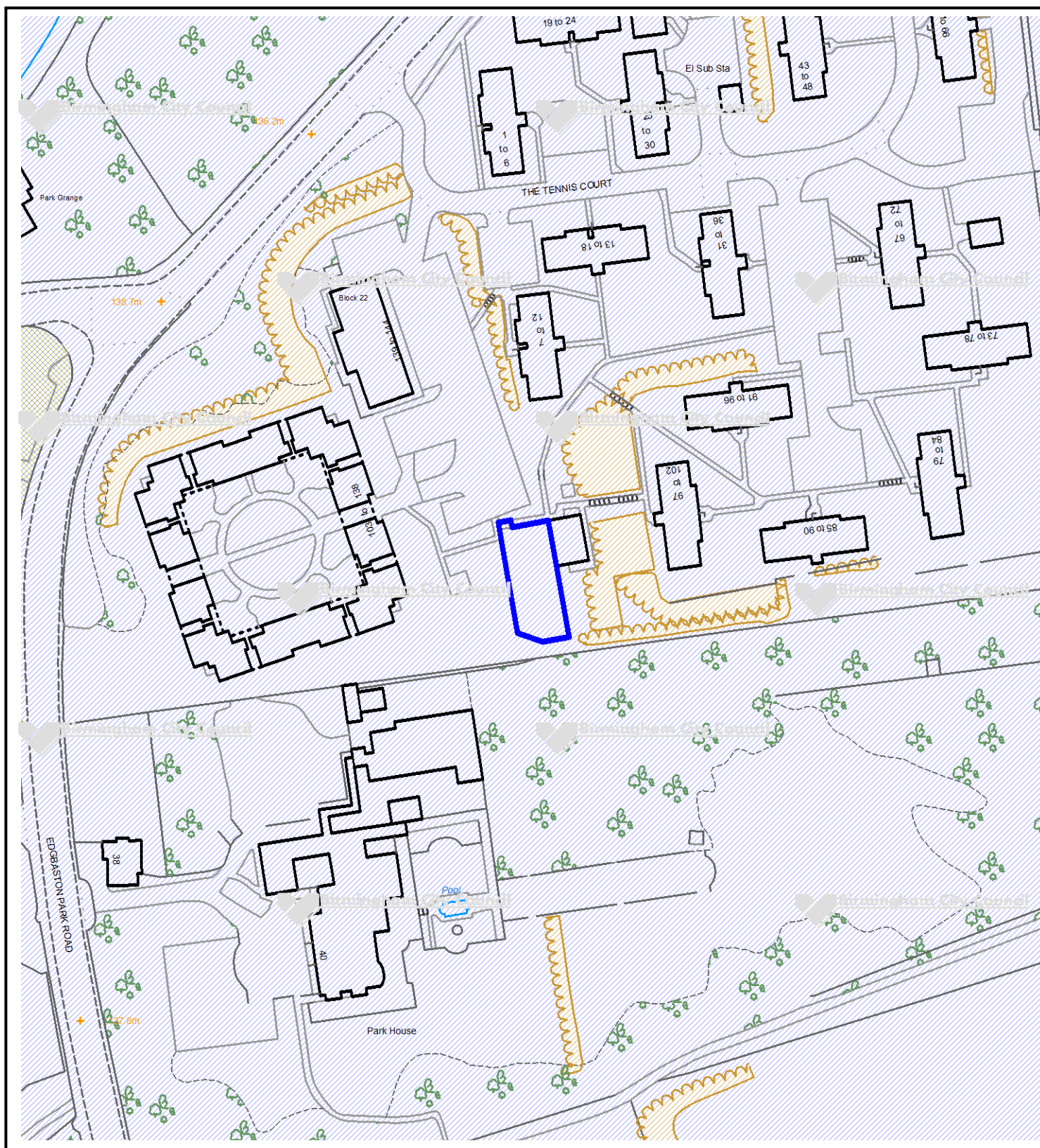


Figure 1: South View of the application site



Figure 2: East view of the application site

Location Plan



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Committee Date:	14/09/2017	Application Number:	2017/02926/PA
Accepted:	04/04/2017	Application Type:	Advertisement
Target Date:	30/05/2017		
Ward:	Harborne		

Roundabout at Junction of Metchley Lane/Greenfield Road/Barlows/Abbey Road, Harborne, B17 0HY

Display of 3 non-illuminated freestanding roundabout signs

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

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 3 no. non-illuminated post-mounted signs on the roundabout junction at Metchley Lane / Barlows Road/Greenfield Road/Abbey Road, Harborne. The proposed signs would each be located close to the edge of the roundabout in the following locations:
- the south-eastern end of the roundabout/Barlows Road
 - also the north-western end of the roundabout/Greenfield Road
 - the southern end of the roundabout/Metchley Lane
- 1.2. The proposed signs would each have a length of 1m and height of 0.5m and would be mounted on posts giving an overall height of 0.6m above ground level. The signs would be made of aluminium and the posts would be steel.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the whole of the roundabout which forms the junction between Metchley Lane/Barlows Road/Greenfield Road/Abbey Road, and is located within a residential use area. The street features currently located on the roundabout includes directional highway signage and lighting columns.
- 2.2. The application site appears as a small grassed roundabout with the western edge of it located within Greenfield Conservation Area. The area is predominantly residential.

[Site Location Map](#)

3. Planning History

- 3.1. 28/04/2015 – 2015/03048/PA - Pre-application advice for the display of free-standing post mounted signs. Signs would be acceptable in principle.

4. Consultation/PP Responses

- 4.1. Transportation Development - No objection.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017);
 - Saved policies of the Birmingham Unitary Development Plan (2005).
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF) (2012);

6. Planning Considerations

- 6.1. The NPPF restricts Local Planning Authorities to consider only amenity and public safety when determining applications for consent to display advertisements (paragraph 67).
- 6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally it states that the cumulative impact of advertisements should be considered.
- 6.3. The applicant had originally proposed 4no. signs which would each have had a width of 1.5m and height of 0.5m and would have been mounted on posts giving an overall height of 0.65m above ground level. I advised the Applicant to remove one sign and also reduce the size of each sign to that which is now proposed given the residential character of the area and small size of the roundabout.

AMENITY

- 6.4. The proposed adverts would be situated at appropriate locations on the roundabout and, as there are no other adverts currently situated on the roundabout, I consider they would not over-burden it with advertising. The proposed adverts would be of a modest size, in keeping with the surroundings and would not have a dominant visual impact. The adverts would read as part of the highway infrastructure and are primarily aimed at motorists rather than pedestrians. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable. A very small part of the roundabout would be located within Greenfield Road Conservation Area. However, I am satisfied that the proposed signage would not adversely affect the significance of the Conservation Area.

HIGHWAY SAFETY

- 6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an

unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction. Transportation Development have raised no objection to the proposed signage.

7. Conclusion

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

8. Recommendation

- 8.1. Temporary consent subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the approval to 5 years (advert) |
-

Case Officer: Stephen Ssejjemba

Photo(s)

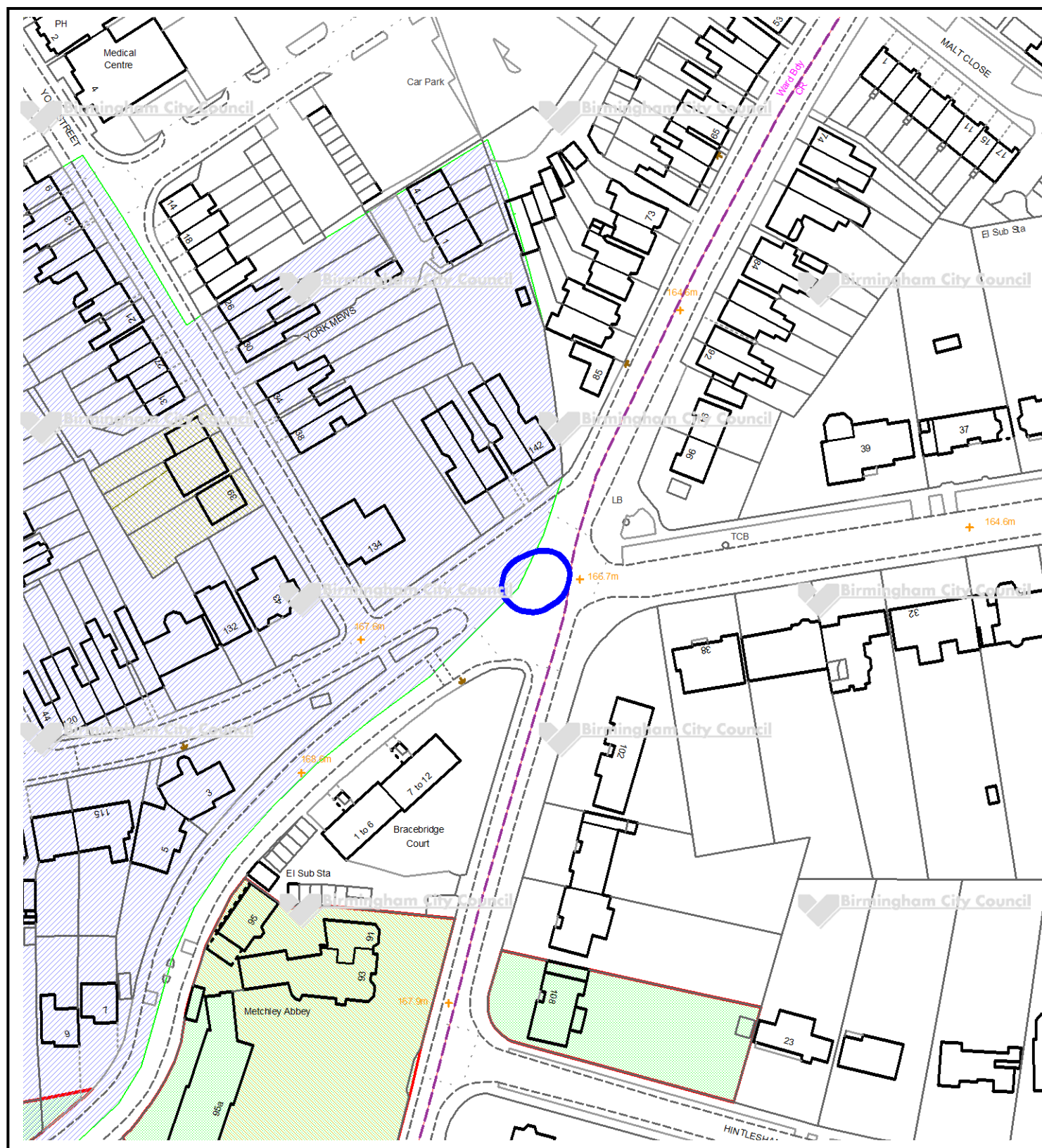


Photo1: View from Abbey Road



Photo2: View from Metchley Lane

Location Plan



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Birmingham City Council

Planning Committee

14 September 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	12	2017/00663/PA Land at Hagley Road, Duchess Road & Beaufort Road (New Garden Square) Ladywood Birmingham B16 8LB Outline planning application (all matters reserved) for site clearance and demolition of all structures and buildings (save for listed buildings and directly attached extensions) and commercial-led mixed use redevelopment providing up to 57,500sqm (GIA) of Office/Research & Development space (Use Class B1a and B1b), up to 2,400sqm (GIA) of retail (Use Class A1), Professional and Financial Services (Use Class A2), Restaurants and Cafes (Use Class A3), Drinking Establishments (Use Class A4), a hotel of up to 100 bedrooms (Use Class C1), up to 400 new residential apartments units (Use Class C3), up to 900 new car parking spaces through the creation of a new multi-storey car park and other car parking areas, alterations to the site access arrangements for Hagley Road and Duchess Road and strategic landscaping.

Committee Date:	14/09/2017	Application Number:	2017/00663/PA
Accepted:	27/01/2017	Application Type:	Outline
Target Date:	13/10/2017		
Ward:	Ladywood		

Land at Hagley Road, Duchess Road & Beaufort Road, (New Garden Square), Ladywood, Birmingham, B16 8LB

Outline planning application (all matters reserved) for site clearance and demolition of all structures and buildings (save for listed buildings and directly attached extensions) and commercial-led mixed use redevelopment providing up to 57,500sqm (GIA) of Office/Research & Development space (Use Class B1a and B1b), up to 2,400sqm (GIA) of retail (Use Class A1), Professional and Financial Services (Use Class A2), Restaurants and Cafes (Use Class A3), Drinking Establishments (Use Class A4), a hotel of up to 100 bedrooms (Use Class C1), up to 400 new residential apartments units (Use Class C3), up to 900 new car parking spaces through the creation of a new multi-storey car park and other car parking areas, alterations to the site access arrangements for Hagley Road and Duchess Road and strategic landscaping.

Applicant:	Calthorpe Estates and the U + I Group PLC c/o Agents
Agent:	CBRE Ltd 55 Temple Row, Birmingham, B2 5LS

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. This is an outline application with all matters reserved for a mixed use development comprising various elements :

- Demolition of the unlisted buildings on the site (Edgbaston House already has prior approval for demolition)
- A commercial-led mixed use development involving between 41,100 square metres (GIA) and 57,500 square metres (GIA) office/research and development (Use Class B1a and B1b).
- Between 1000 square metres (GIA) and 2400 square metres (GIA) of retail, professional and financial services, restaurants and cafes and drinking establishment uses (Use Classes A1-A4)
- A hotel of up to 100 bedrooms (which would be in lieu of some of the office floorspace)
- Between 200 and 400 residential dwellings

- Between 800 and 900 car parking spaces to be provided in a new multi-storey car park, and other parking areas including undercrofts
 - Alterations to site access arrangements from Hagley Road and Duchess Road
 - Strategic landscaping including the creation of a garden square public space within the centre of the development
- 1.2. The application is accompanied by an illustrative masterplan and a series of parameter plans to guide and inform future proposed reserved matters. The application plans and supporting documents have been revised and updated since they were originally submitted to address various issues that I have raised in the process of assessing the application.
- 1.3. The illustrative masterplan proposes 4 office buildings (buildings A, B, D and E). Buildings A and B would be situated within the central part of the site on its northern side with access from Duchess Road to their undercroft parking areas. Building D would be situated on the Hagley Road frontage to the east of 93-95 Hagley Road. Building E would be located to the west of building A with access from Duchess Road. The western part of the site would contain three new residential blocks (F1-F3) with undercroft access from Duchess Road. The multi-storey car park (building C) would be situated at the eastern side of the site with access from Duchess Road. The buildings would range between 6 and 12 storeys.
- 1.4. Between 109 and 115 Hagley Road a new entrance pavilion building would be developed within the central arrival plaza. A drop-off area is indicated at the site frontage adjacent to Hagley Road. This space then permeates west and eastwards within the heart of the development to provide a series of new landscaped garden spaces which are more fully described later in the report. A shared surface perimeter route around the proposed gardens would provide internal circulation space for the users of the development.

Building A - New Garden Square 1

- 1.5. This is intended to be the first completed and will be an office building of around 12,077-13,006 square metres net internal area (nia)(130,000-140,000 sq ft) overall with a target floorplate of 1672 – 1858 square metres (18,000-20,000 sq ft) each. The ground floor would include retail use with active frontage onto the central square along with the main office entrance. The footprint is stepped at the rear to follow the curvature of Duchess Road and to break up the massing. The height of this block would be 8 storeys (ground plus 7 floors) plus plantroom screen with the top two floors set back. This building would have a single level undercroft accessed from Duchess Road. A double height colonnade has been incorporated along the southern elevation fronting garden square.

Building B - New Garden Square 2

- 1.6. This building is intended to be the second completed and will be an office building of around 10,220-11,150 square metres (nia) (110,000-120,000 sq ft), overall, with a target floorplate of 1207-1393 square metres (nia) (13-15,000 sq ft) each. The ground floor will include retail use with active frontage onto the gardens along with the main office entrance. The minimum height of the building would be 10 storeys (ground plus 9 storeys) plus plant room screen, with the top two floors set back, with the maximum parameter of a further two storeys (ground plus 11 storeys), representing the tallest building proposed for the site. The building would have a

single level undercroft for parking, which is accessed directly off Duchess Road, and it is anticipated that the undercrofts of New Garden Square (NGS) 1 and NGS2 would be linked for the most efficient use of space. Similarly to NGS 1, a double height colonnade has been incorporated along the southern elevation.

Building D - New Garden Square 3

- 1.7. This building will be an office building of around 10220-11150 square metres (nia) (110-120,000 sq ft) with a target floorplate of 1200 square metres (13,000 sq ft). The ground floor will include active office frontage onto the gardens along with the main entrance of the building. The proposed minimum height would be 11 storeys (ground plus 10 storeys) plus plant room screen, with a shoulder of 7 storeys on Hagley Road frontage. The maximum parameter allows for an additional storey to both elements. A double height colonnade has been incorporated along the western elevation fronting the park.

Building E - New Garden Square 4

- 1.8. This would be an office building of between 10,220-11,150 square metres (nia) (110,000-120,000 sq ft) with a target floorplate of 1200-1672 square metres (13,000-18,000 sq ft). The ground floor would include active office frontage onto the gardens along with the main entrance of the building. The proposed minimum height would be 6 storeys (ground plus 5 storeys) plus plant room screen. The maximum parameter allows for three additional storeys overall (ground plus 8 storeys) with the top three floors stepped down towards Duchess Road. Similarly to the other office plots, a double height colonnade has been incorporated along the southern elevation fronting the park.

Residential Blocks

- 1.9. The indicative masterplan comprises three individual blocks (F1, F2, and F3), providing between 200 and 400 residential dwellings. Indicatively, a scheme for 293 units has been suggested. The footprint of the block F3 follows Duchess Road and Beaufort Road, but is stepped back from the pavement to maintain a number of mature trees that line the street's edge. The minimum height would vary from 5 storeys (Ground plus 4) to 9 storeys (ground plus 8), with the maximum height adding an additional storey so that this would then vary from 6 storeys (ground plus 5) stepping up to 10 storeys (ground plus 9) to provide a bookend to the site. This block would also have an undercroft car park. The layout of the blocks is intended to create a private courtyard enclosed by the rear boundary of the Plough and Harrow Hotel, and has been set off the site boundary to give some space to the setting of this listed building, and to retain some existing trees.
- 1.10. The residential blocks are intended to be provided as Private Rented Sector (PRS) housing.

Multi-storey car park

- 1.11. The intention for this building is to provide three uses; a multi-storey car park, a retail unit with active frontage onto garden square and a centralised plant room which will ultimately serve all buildings on the site, maximise energy efficiency and reduce the carbon footprint of the development. The car park will provide approximately three-quarters of the car parking spaces for the overall development with the remainder in the undercrofts below NGS1, 2 and 4. The height proposed equates to 10.5 decks on a split deck arrangement.

Hotel

- 1.12. The proposed hotel of up to 100 bedrooms would be in lieu of some of the office space. The use is proposed for flexibility and its location within the site is not identified at this stage within the masterplan.
- 1.13. The applicant advises that the quality of space and public realm is seen as a fundamental component to the success of the overall development. The scale of the proposed garden square is significant, comparable in size to Centenary Square and Eastside Park.
- 1.14. The overall landscape and public realm strategy for the development is to create a central garden square made up of a series of interlinked and usable public spaces, each with a different character and identity to provide a variety of choice of space for users. These include :
 - The Square – the main focal point centred around the entrance pavilion building to be a flexible hard surfaced space that can hold events, markets, pop-up stalls and exhibitions. Intended to become the vibrant heart of the development space and will include a water fountain, benches around the edges of the space with large specimen tree planting to green the square and help organise the space. This space is to be of an equivalent size to Central Square in Brindleyplace
 - Bosco garden – A place away from the main square for smaller scale events. Existing mature trees will provide the canopy which frames and shelters this space beneath which are grassed terraces to create an amphitheatre that may be used for audiences to watch and listen to live performances and events
 - Walled gardens – These will be smaller spaces each designed to be found or explored, and will provide a variety of features providing pocket spaces for relaxing and meeting people. These will include a tall grass garden with winding paths and sweeping planting beds interspersed with herbaceous planting and benches, a water garden to include a large lily pond and a large lawn area beside it, a flower garden to give spectacular display of colour throughout the seasons, incorporating an existing mature pear tree as a highlight of the garden
 - Rain Gardens – each building will include features that make the water cycle visible utilising design features that show how water moves through the landscape including green/blue roofs, and roof terraces for community and kitchen gardens, as well as useable amenity space for residents.

Parameter Plans

- 1.15. Several parameter plans have been submitted for approval to guide and inform future reserved matters. Parameter Plan 1 relates to proposed land use as described above.
- 1.16. Parameter plan 2 relates to area of potential building development, specifying the limits of horizontal deviation for each of the building plots described above. The purpose of the plan is to indicate the development line around the site periphery and the flexibility sought regarding the extent of each plot of development. The applicant explains that this will allow for architectural expression and the need to cater for end user requirements through the refinement at detailed design stage. The applicant

explains that the limits of deviation have been defined through the consideration of the relationship between the development and adjacent buildings, gardens, squares and the need to create suitable pedestrian permeability through the site. They consider that even with the maximum deviation, there are still appropriate minimum distances between new buildings and retained heritage buildings.

- 1.17. Parameter plan 3 provides details of minimum and maximum building heights. The applicant explains that the limits of vertical deviation allow for architectural expression whilst ensuring that the height of buildings is appropriate to their surrounding context. In some instances, building set backs are employed within the minimum and maximum levels. The minimum heights are designed to ensure that the development is not uniform in its height or appearance on the skyline.
- 1.18. Parameter plan 4 deals with access and movement. This plan identifies the key pedestrian/cycle connections, indicative vehicle access points and minimum widths of streets and key spaces.
- 1.19. The application is accompanied by a supporting planning statement (including economic statement and draft s106 heads of terms), design and access statement, landscape and public realm strategy, office and hotel town centre uses report, proposed building massing in the context of Birmingham office market report, A1-A4 uses statement, affordable housing statement, financial viability assessment, arboricultural report, sustainability statement, statement of community involvement, and utility services report.
- 1.20. The applicant has also submitted an Environmental Assessment, which includes assessment of transport, air quality, noise and vibration, daylight, sunlight and overshadowing, wind microclimate, ecology, socio-economics, built heritage and townscape and visual impacts.
- 1.21. Following consideration of the applicant's viability assessment by independent advisors, the proposed section 106 contribution offer has been improved to be £600,000 towards affordable housing, public open space contribution to be spent on improvements at Chamberlain Gardens park, and a contribution for sport and recreation enhancements at Edgbaston Reservoir.
- 1.22. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises a previously developed commercial estate of 3.84 hectares located adjacent (and outside of) Edgbaston (Five Ways) District Centre to the west of the City Centre. The boundary of Ivy Bush Local Centre is formed by Plough and Harrow Road to the west of the site.
- 2.2. The site is bounded by the A456 Hagley Road to the south, Duchess Road and Beaufort Road.
- 2.3. The site comprises a series of buildings which include 93-95, 97-107, 109, 11, 115-117, 119, 123, 125, & 127 Hagley Road, and 1, 2 and 3 Duchess Place (Edgbaston House).

- 2.4. The existing buildings on the site range in height from two/three storey up to 18 storey Edgbaston House. The site contains several Grade II listed buildings along the frontage to Hagley Road, although the development does not include any works that require listed building consent.
- 2.5. Enhanced listing descriptions have been obtained for some of these buildings, specifically only the front façade of 97-107 Hagley Road is within the listing, and the non-original rear extensions to 93-95 Hagley Road are no longer part of the listing.
- 2.6. Certificates of immunity from statutory listing have been obtained from the Secretary of State in April 2016 for the remaining non-listed buildings on the site including the John Madin designed buildings (123, 125 and 127 Hagley Road), which date from 1960's and 1970's.
- 2.7. The site includes various areas of hardstanding, which are predominantly used for car parking associated with the various buildings on the site. This has affected the curtilage setting of the listed buildings with only the former rear garden areas of 109 and 119 Hagley Road surviving. Overall, the site currently provides for up to 893 car parking spaces.
- 2.8. The site contains mature trees that were once planted as part of the residential plots and were incorporated into the Madin designed office layout of the site. There is an existing TPO on part of the site adjacent to Duchess Road in the vicinity of Edgbaston House.
- 2.9. The site is surrounded by a mix of uses. There are two and three storey residential dwellings to the north of the site in Duchess Road along with a pay and display car park. The eastern boundary of the site is formed by Cobalt Square (a 17 storey office building) and the rears of listed two storey commercial properties on Francis Road. The site also adjoins the Grade II listed Plough and Harrow Hotel to the west. St Georges Church of England Primary School and Kendrick House are situated to the west in Beaufort Road, beyond which is Chamberlain Gardens park. On the southern side of Hagley Road, and opposite the site are a number of substantial commercial office buildings including 54 Hagley Road and Lyndon House.
- 2.10. The site is also located within the setting of other built heritage assets, including Grade II* listed Oratory and Edgbaston Conservation Area, the nearest part of which is situated to the south west of the site on the opposite side of Hagley Road.
- 2.11. Hagley Road forms part of the Strategic Highway Network as defined in the BDP, and forms part of the network of public transport routes into and out of the City Centre with existing bus stops fronting the site. A potential new bus rapid transit service (SPRINT) would operate from the City Centre, along Hagley Road to Quinton. The extension of Midland Metro Line One would take the metro service from Centenary Square and then onto Five Ways/Hagley Road, with the anticipated metro terminus opposite the application site in front of 54 Hagley Road.
- 2.12. [Site location and street view](#)

3. Planning History

- 3.1. Recent site planning history relates mainly to relatively minor planning applications for alterations and additions to certain buildings at the site. Most recently, an application for prior notification of proposed demolition of Edgbaston House and the

adjacent decked car park was submitted under reference 2016/08603/PA, which was approved on 21st November 2016 as not requiring prior approval.

- 3.2. Within the vicinity of the site, particularly around Five Ways, over recent years a significant amount of office accommodation has been lost to other uses including One Hagley Road (Metropolitan House), Broadway House, Auchinleck House and 104-106 Hagley Road. In addition, a scheme for a new 18 storey residential tower known as Landsdowne House has been approved and has commenced.

4. Consultation/PP Responses

- 4.1. Press and site notices erected. MP, Ladywood and Edgbaston ward members, residents associations and neighbouring occupiers/residents notified, of both the original plans and documents and the subsequent amendments. I have set out the representations separately below.
- 4.2. The proposals were reported to Conservation and Heritage Panel on 14th November 2016, prior to their formal submission as a planning application. Panel members were asked to consider the impact on the setting of listed buildings and the relationship with Edgbaston Conservation Area. The panel discussed the loss of the unlisted John Madin buildings. The panel felt that lots of unsatisfactory elements of the existing site would be substantially improved. The panel were also concerned with key views across the site, how the taller elements of the proposal would sit to the back of the site. They were encouraged that the lower storey listed buildings would be integrated as part of the proposal and that the new open space was welcomed.

Original Consultation/Publicity

- 4.3. 3 representations received. A representative for Ladywood Housing Liaison Board comments made as follows :
- Concerns about demolition and clearance works, including the impact of dust, noise and other pollution
 - Concerns about dispersal of rats by the demolition process, which should be confined and dealt with on the site
 - Waste materials should be removed via Hagley Road and not Duchess Road or Beaufort Road which are residential streets. Access for the development should also be from Hagley Road only.
 - Duchess Road is in poor condition which would be made worse by commercial vehicles accessing the site from this street
 - The public rights of way on the site should be kept open as long as it's safe to do so
 - The mature trees should be appropriately protected during demolition works.
 - There should be appropriate provision for lighting
 - The roads, pavements and public areas should be kept clean for public access during demolition and construction periods.
 - It would be appropriate for Planning Committee to visit the site
 - Residents have previously campaigned for a residents priority parking scheme which was provided from the Broadway Plaza development. The benefits of this should not be lost through the building of a 900 space car park.

- There is a blue plaque commemorating Tolkien's living on Duchess Road, affixed to the Hagley Road side of the site. It would be good if Calthorpe Estates recognised the historic importance of this site and created a Tolkien legacy with the support of the Tolkien Trust.
- Ladywood Ward is committed to providing cycling and recreational facilities, and the development should provide opportunity for cyclists to move through the site to link up with Chamberlain Gardens park.
- The development could also take its name from Joseph Chamberlain as the park does currently to continue this legacy.
- A plaque to the late Andy Hamilton who lived in Ladywood could also be provided.
- With these comments we welcome this development.

4.4. A further representation from the same resident comments :

- That they have concerns about the proposed number of car parking spaces proposed and the consequential impact on air quality.
- They add that the former AA building should be retained given its unique design.
- He comments that the proximity to St Georges School and Chamberlain Gardens park makes it appropriate for Planning Committee to consider a section 106 agreement for improvements to the park to enhance the amenities for the occupants of the new development.
- In addition, money could also be put into improving the state of the local roads including Beaufort Road, Francis Road and Duchess Road.
- The heights of the buildings should not exceed the height of Edgbaston House.
- The buildings should be carefully designed to complement the listed buildings.
- There is some concern of noise and disturbance from the proposed new open space which should be controlled to limit the impact of nearby housing.

4.5. A resident comments that they support the application as new housing is needed in this area.

4.6. A letter of objection has been received on behalf of the leasehold owners of 115/117 and 119 Hagley Road whose land is included within the application for which it is proposed to remove the curtilage parking that they currently benefit from to create the proposed central garden space. The letter advises that this would have a severe and unacceptable impact on their client's premises. They advise that as the applicant has not discussed this with their client it is unclear how they intend to implement the development and that until there have been meaningful discussions with them they must object to the application.

4.7. Transportation Development – Further information required. Requests a detailed breakdown of the existing car parking spaces on the site. Refers to the information in the TA regarding provision of car parking within the proposed multi-storey car park and undercrofts and asks for a breakdown of how these would be allocated to the proposed uses. In particular, would the multi-storey car park be private non-residential, public or both ? Makes some detailed comments regarding the approach taken to constraining parking demand to influence trip generation. It would be appropriate to make a contribution towards infrastructure and subsidy of vehicle/membership of a car club in line with similar contributions for other recent developments eg. Beorma, Sheepcote St/Broad St/Oozells way along with facilities

for Electric Vehicle charging. Further information regarding the impact on Five Ways junction is required or a detailed justification for not assessing the impact should be provided. Information to assess the distribution of traffic and how this affects the Ladywood Road/Monument Road junction should be provided. Comparison of proposed parking levels to current guidelines and the existing provision on the site, details of cycle parking provision, tracking analysis for the largest vehicle likely to visit the site. Clarification of what is meant by restricted vehicle access from Hagley Road and how this would be maintained/enforced, including prevention of car parking in the drop-off area to the frontage. Traffic associated with the retail and hotel uses does not seem to have been considered.

- 4.8. Regulatory Services – Objects on air quality grounds. Comments that the air quality report identifies both existing and proposed residential receptors would be subject to NO₂ concentrations above legal limits. The report suggests that mitigation (re-routing traffic by allowing cars to exit eastwards when exiting the multi storey car park at the eastern end of Duchess Road) could prevent the exceedances. However it is noted that :
- The objective is predicted to only just be achieved and confidence in model results is not absolute; errors up to 10% could cause exceedances.
 - Defra emissions factors for NO₂ modelling are currently considered too low and are likely to be increased in the near future, which would reduce the likelihood that the proposed mitigation will achieve the exposure requirement.
 - The potential traffic route changes do not form part of the application.
 - No calculation of damage costs have been provided.
- 4.9. Regulatory Services have subsequently clarified that even with traffic re-routing on Duchess Road, this would not change their objection. Regulatory Services originally raised objections on noise grounds due to a concern that the impact of entertainment noise from the Plough and Harrow Hotel would have on proposed residents, although subsequently this was amended to them only raising concerns, following discussions with the venue to confirm that they do not have licensable activities outside, which does not tend to be used beyond afternoons, but that future residential properties may impose a constraint on future business flexibility at the hotel.
- 4.10. Leisure Services – No objections. Comments that the development would be liable for both public open space and play area contributions, and estimates that for a scheme of 400 dwellings this would generate a contribution of £473,675. Comments that it would be most appropriate to invest this in Chamberlain Gardens park given the close geographical relationship of the site to this park, where there is a masterplan prepared and a number of currently unfunded elements that could be delivered, including rationalization and renewal of children's play area, new historical interpretation entranceways and paths, the provision of a community orchard, and re-configuration and improvements to the park layout in general. This would convert a much used local piece of public open space into a functioning and coherent neighbourhood park.
- 4.11. Lead Local Flood Authority – Overall, the LLFA have no objections subject to further clarification of the flow control mechanism. It is noted that 70% betterment is proposed over the 1 in 30 year and 1 in 100 year plus climate change events. A 70% betterment over the 1 in 1 year event is also required, which would result in a higher maximum cumulative peak discharge rate, so clarification is required to ensure that

70% betterment is achieved for all events up to the 1 in 100 year plus climate change event.

4.12. Transport for West Midlands – Supports the development in principle and provides various detailed comments :

- Vehicle access from Hagley Road should be avoided where possible, to avoid conflicts with public transport movements including bus and future SPRINT services. Currently there are three access points shown though further information on expected traffic volumes is required to understand the impacts of these access points.
- We are currently proposing a bus and SPRINT stop outside the development near to 111 Hagley Road, near to the proposed drop-off/pick-up area. Provision of sufficient space for these shelters is required to ensure that these proposals work together.
- In the inbound direction, SPRINT will use the Five Ways underpass. If the SPRINT stop is to be moved we would suggest that options be explored to amend/reconfigure the inbound carriageway to provide dedicated stops and priority measures together with improved crossing facilities.
- The opportunity to widen the eastbound carriageway to provide bus priority should be considered.
- A pedestrian crossing point towards the centre of the site to follow natural desire lines should be considered, which could include providing a central reserve by realigning the Hagley Road northwards.
- It is important to ensure that cyclists and pedestrians are provided for with clear and enhanced pedestrian way-finding to promote linkages to the development with its surroundings. Currently, pedestrian route penetration from the rear of the site looks limited.
- There is potential to provide good quality cycle parking facilities including a community bike hire scheme to tie in with future city hire schemes.
- Providing 900 car parking spaces seems a high number, provision and pricing should be in line with our Strategic Transport Plan approved in 2016 by the West Midlands Combined Authority. There is a concern that predicted traffic levels will impact on recommended public transport journey times.
- There is a Highway Improvement Line to the south side of Hagley Road that extends beyond the current Sprint proposals. This could potentially be used for a future Sprint widening scheme or Metro scheme to extend the Edgbaston route beyond the current terminus along Hagley Road. Although this does not have a direct impact on the proposals, utilisation of the HIL in the future could impact on crossing points, traffic flows etc and should be considered in the scheme design.
- We would encourage the developers to make a financial contribution (or in kind to land for the stop fronting No. 111) to the proposed Metro scheme or Sprint as the proposed development is likely to benefit from connectivity improvements.

4.13. Historic England – Objects on the grounds of the impact on the settings and curtilages of the Grade II listed buildings on the site, on the Grade II listed building adjoining (Plough and Harrow Hotel), because of the potential impact on the Grade II* listed Oratory close by and because of the demolition of three undesignated heritage assets. Historic England considers that the proposed new buildings would visually encroach further into the settings of the listed buildings within the site and to dominate them to a greater degree than the existing do. The proposed new gardens will disrupt the existing rear plots of nos 119 and 109 Hagley Road which are

survivors (albeit incomplete) of the domestic gardens of these former dwellings. We consider that these gardens contribute to the significance of the listed buildings, therefore greater consideration should be afforded to their retention and enhancement. We are concerned about the impact of the greater scale and massing of the proposed development on the views of the Plough and Harrow hotel. We are also concerned about the impact on the Oratory which has not been sufficiently considered. With regards to nos 123, 125 and 127 Hagley Road, we consider them to be undesignated heritage assets. These three buildings designed by John Madin included John Madin House (no 123) which was the first to be built and was formerly called John Madin House as his practice occupied three floors of the building. His masterplan for Calthorpe Estate resulted in a pleasant juxtaposition of old and new buildings that forms part of the area now and is a significant layer of the Edgbaston Conservation Area. They refer to the report submitted in respect of the certificate of immunity from listing which describes the buildings of having some local interest and they therefore feel they should be retained.

- 4.14. Sport England – Objects to the development on the basis that no provision has been made for indoor or outdoor sports infrastructure to meet the additional need associated with new residential development. The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within the area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. The site falls on the boundary of the Greater Icknield Masterplan, Edgbaston Reservoir and Icknield Port Loop Development Framework and the wider Botanical Gardens Area Framework which all identify requirements for social infrastructure involving sports provision. In terms of pitch sports provision this should be made in accordance with the City Council Playing Pitch Strategy. In terms of other outdoor sports facilities commensurate contributions should be made in accordance with the priorities set out in the masterplans/frameworks listed above. In terms of built sports provision, contributions should be secured with reference to Sport England's Sports Facilities Calculator to include contributions towards sports halls, swimming pools and artificial grass pitches. For the development proposed this should be £318,372. They also promote the use of active design principles to maximise the value of the development to health and well-being. In summary, Sport England objects to the application in the absence of proposals that make provision for outdoor sport commensurate with the size of the development, and reflecting the identified local priorities and in the absence of financial contributions of circa £320,000 towards built sports facilities in accordance with identified local priorities. This could include contributions towards the swimming pool programme, the objective to open up Perry Beeches Academy for community use, and the need to provide the clubhouse/recreation centre at Edgbaston Reservoir.
- 4.15. West Midlands Police – Makes various detailed comments. Recommends a lighting strategy is provided and encourages a uniformity of lighting levels across the site to reduce shadowed areas where crime and anti-social behaviour can be more prevalent. Recommends a comprehensive CCTV system is installed to include coverage of the exterior sides of buildings, an external view of all entrances, internal views of all entrances/fire exits, all lifts, reception areas, public garden areas, pathways, vehicle access routes, all car parking areas and other communal spaces, the car park should limit the maximum height of vehicles permitted to enter, access control, lighting, painting of walls and ceilings and CCTV. There should be hostile vehicle mitigation measures to appropriate standards for all phases, recommends glazing standards are met. Comments that the back of house areas along Duchess Road appear to have potential to be poorly overlooked and more vulnerable to crime

and anti-social behaviour, the pedestrian route to Beaufort Road is quite isolated, Development should be designed and constructed to Secured by Design standards.

- 4.16. Natural England – No comments.
- 4.17. Severn Trent Water – No objections. Recommends Drainage condition.
- 4.18. Environment Agency – Makes detailed comments and recommends conditions relating to ground contamination remediation and verification, and for no infiltration of surface water drainage without LPA approval.
- 4.19. Wildlife Trust for Birmingham and Black Country – Welcomes the ecological recommendations set out in support of the application which has incorporated many of our recommendations and recommends the applicant to connect natural environment features within the development and also to connect to those beyond the development.
- 4.20. Education – Seeks a section 106 contribution for 2 bedroomed properties and assuming there were 200 2 bedroomed units this would generate a contribution of £1,382,397 which incorporates both contributions towards primary and secondary school place provision.
- 4.21. Employment Access Team – Recommends that the development be subject to section 106 obligations/conditions relating to construction employment for apprentices, graduates, new entrants or work placements.

Publicity/consultation comments – revised scheme

- 4.22. Historic England – Maintains their objection on grounds of the impact on the setting and curtilages of the Grade II listed buildings on the site, on the Grade II listed building adjoining, because of the potential impact on the Grade II* listed Oratory close by and because of the demolition of three undesignated heritage assets on the site. They consider that it should be possible to retain nos 123 and 127 Hagley Road and convert them into residential blocks. Maintains the view that the development fails to pay closer attention to the retention of the existing rear plots of 119 and 109 Hagley Road. Concludes that the proposals do not accord with paragraphs 128, 129, 132, 135 and 137 of the NPPF.
- 4.23. Sport England – Maintains their objection. Note that the section 106 offer has been increased to £600,000 and that the applicant identifies that this could be spent on affordable housing, open space and sports facilities, education and transport measures. Expresses concerns that the contribution seems insufficient to deliver all of these to provide sustainable communities and promote healthy communities in line with the NPPF. Reinforces earlier advice and makes the point that the applicant has not demonstrated that existing sporting provision has capacity to absorb the increase in demand from the proposed development.
- 4.24. They have subsequently provided further advice regarding the priorities for sports investment with reference to the Birmingham Playing Pitch Strategy, concluding that the priority in relation to outdoor sport should be to invest to improve/provide more capacity in playing field provision in the local area within Summerfield Park and Lordswood schools. Recommends a contribution of circa £70,000 for this purpose. In addition, they support the suggested investment in Edgbaston Reservoir for watersports development suggesting a sum of £50,000 for this purpose. In terms of built sports provision, they recommend provision of a contribution of circa £185,000

towards the delivery of a new swimming pool at Ladywood Leisure Centre. In total, they recommend that they would be able to support the application if a sports contribution of £303,708 was secured to provide essential community infrastructure for sport.

- 4.25. Leisure Services – Comments that if following independent assessment there are insufficient resources generated by the development to fund all policy requirements we would accept a lower contribution but currently we have a costed plan of £569,000 which is currently funded to the sum of £164,000 leaving a shortfall of £405,000. It would be desirable for this development to fund 50% of the shortfall, namely £203,000 which would deliver the following works to Chamberlain Gardens Park: new paths and circulation routes, heritage interpretation signage, land modelling and soft landscaping and children's play provision. In terms of sporting provision we would support a proportion of the available Section 106 contributions in addition to and not in lieu of the above POS contribution being directed towards sport, recreational and community facilities at Edgbaston Reservoir, for which there is an emerging development plan currently being prepared for consultation locally.
- 4.26. Transportation development – No objections subject to conditions and s106 obligation. Comments that BCC policy seeks 1 space per 45 sq.m of offices and 1.5 spaces per residential unit giving a maximum total of 1278 spaces for the offices and 600 spaces for the residential. The transport assessment refers to a maximum of 800 spaces for offices (1 space per 71.9 sq.m assuming the maximum floorspace of 57,500sq.m) and 100 spaces for residential units (25% provision assuming the maximum 400 units). Some concerns are raised that the recent City Centre parking study identifies an oversupply of parking in the City Centre, particularly in Fiveways where it is recommended that a reduction of 1300 spaces is required. The study also identifies that between 10:00 and 16:00 hours on average only 60% of City Centre total capacity is used. Given this underlying issue, there is a concern that the multi storey car parking proposed will generate further trips into an already congested area and create further air quality issues. Notwithstanding these concerns, it is acknowledged that the level of parking proposed is comparable with the existing parking on site but with more floorspace. Comments that the analysis regarding trip generation is agreed and that the level of increase of 52 two trips in the am peak and 64 two way trips in the pm peak would be unlikely to have significant impact on surrounding highways/junctions. Comments that details of the accesses will be considered at reserved matters stage, but are likely to affect existing residents parking bays along Duchess Road, so amendments to the TRO's would need to be agreed. Also comments that it is recommended that there is provision of car club bays and operation within the site, or a contribution of £40,000 for 4 car club bays on the public highway to cover the cost of TRO's etc. They also recommend a contribution to fund membership of car club for all residents at £50 per unit per year for first 5 years of occupation. Recommends conditions relating to S278 works, travel plan, vehicular and pedestrian visibility splays, cycle storage, tracking analysis for deliveries, electric vehicle charging points, construction traffic management plan and the s106 contribution towards the car club.
- 4.27. Natural England – No objections.
5. Policy Context
- 5.1. BDP, adopted UDP (saved policies), Big City Plan, Places for All SPD, Places for Living SPD, High Places SPG, Shopping and Local Centres SPD, Affordable Housing SPG, Public Open Space and New Residential Development SPD, Car

Parking Guidelines SPD, Archaeology Strategy : Building the future, protecting the past, Conservation Strategy : Regeneration through Conservation, Nature Conservation Strategy for Birmingham, Lighting Places SPD, Car Park Design Guide, NPPF, National Planning Policy Guidance. Listed Buildings within the site : 93-95 Hagley Road (Grade II), Regency House, 97-107 Hagley Road (Grade II), The Birmingham Mint Collection, 109 Hagley Road (Grade II), Barkley House, 119 Hagley Road (Grade II). TPO 660.

6. Planning Considerations

6.1. The planning considerations in this case include :

- the appropriateness of the quantum of proposed floorspace (particularly the proposed growth of office floorspace), taking into account the relevant policies for town centre uses,
- the appropriateness of residential development within the proposed mix of uses,
- the design and layout of the development as shown on the indicative masterplan and parameter plans and its impact on local townscape, including the impact on statutory listed buildings, the Edgbaston Conservation Area and non-designated heritage assets,
- the impact of the proposed development on surrounding uses including residential properties to the north, particularly with regarding to sunlight and daylight,
- transport and parking issues including the impact on the surrounding highway network and its relationship with planned improvements in the locality including SPRINT and Metro,
- various environmental matters as set out in the Environmental Statement including the impact on surface water drainage, trees, ecology, noise and air quality, the sustainability credentials of the development including the role in reducing the City's carbon footprint,
- public open space and sports facilities provision to meet the needs of the development generally and the residential use in particular,
- and the extent to which an appropriate section 106 obligation is being offered taking into account the viability of the scheme.

Quantum of development, sequential approach and impact of proposed town centre uses.

6.2. There are several policies that are relevant to these matters. The BDP, Shopping and Local Centres SPD and the guidance in the NPPF are particularly relevant.

BDP

- 6.3. Policy PG1 sets the overall levels of growth in the City over the plan period. This includes 51,100 additional homes, a minimum of 745,000 sq.m gross of office floorspace in the network of centres primarily focussed on the City Centre. The policy explains that the City's objectively assessed housing need is 89,000 for the period 2011-2031 and so this will be met through the Duty to Co-operate with neighbouring authorities.
- 6.4. Policy GA1.1 relates to the role and function of the City Centre. The policy sets out that the City Council will continue to promote the City Centre as the focus for retail,

office, residential and leisure activity. New development should make a positive contribution to improving the vitality of the City Centre and should aim to improve the overall mix of uses. The policy goes on to explain that the role of the City Centre as a major hub for financial, professional and business services will continue to be supported. The primary focus for additional office development will be within and around the City Centre Core including the Snow Hill District and Westside. The area of Brindleyplace, around the proposed HS2 station in Eastside and along Broad Street and around Five Ways will provide further focus for these uses.

- 6.5. Policy GA1.2 relates to growth and wider areas of change. This identifies that the City Centre has potential to accommodate 700,000 sq.m gross of office floorspace and identifies those areas of the City Centre that will be the focus of the proposed growth, these include Eastside, Southern Gateway, New Street Southside, Westside and The Snow Hill District.
- 6.6. Policy TP21 addresses the network and hierarchy of centres. The policy states that the vitality and viability of the centres within the network and hierarchy identified in the policy will be maintained and enhanced. These centres will be the preferred locations for retail, office and leisure developments and for community facilities. Proposals which make a positive contribution to the diversity and vitality of these centres will be encouraged, particularly where they can help bring vacant buildings back into use. Alongside new development, proposals will be encouraged that enhance the quality of the environment and improve access.
- 6.7. The policy sets out that 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 policy includes a table that includes the level of proposed office floorspace growth in the period 2013-2031 for each of the identified centres. This includes the City Centre (700,000 sq.m). The nearest centre to the site is Edgbaston District Centre. The policy states within District Centres, levels of comparison retail and office floorspace growth should be appropriate to the size and function of the centre, but should not normally exceed 5000 sq.m gross in either case. However, the policy also states that higher levels of office development will be supported in Edgbaston District Centre because of its close links to the City Centre.
- 6.9. Policy TP21 then goes on to explain that except for any specific allocations in the plan, proposals for main town centre uses outside the boundaries of the network of centres identified in the policy will not be permitted unless they satisfy the requirements set out in national planning policy. An impact assessment will be required for proposals greater than 2500 sq.m gross.
- 6.10. Policy TP22 relates to convenience retail provision. The policy explains that proposals that are not within a centre will be considered against the tests identified in national planning policy and other relevant planning policies set at a local level.
- 6.11. Policy TP24 addresses the promotion of diversity of uses within centres, cross referring to policy TP21 in meets people's needs for a range of uses within centres including offices, restaurants, pubs and bars, and tourist-related uses including hotels.

- 6.12. Policy TP25 provides further policy on tourism and cultural facilities. In respect of hotels it states that they will be important to support tourism in the City and proposals for well-designed and accessible accommodation will be supported.

Big City Plan

- 6.13. The Big City Plan (BCP) is a non-statutory document, although it sits alongside the BDP to provide a vision for the City Centre. New Garden Square lies outside of the BCP boundary, however within it there is a growth vision to extend the office core for the City Centre to beyond the BCP boundary, up Broad Street to Five Ways. This aspiration is also supported by the tall buildings zone identified in the BCP, which is a revised larger area to that shown in High Places SPG.

Shopping and Local centres SPD

- 6.14. The SPD supplements policies in the BDP, particularly policy TP21 which lists the City's established District and Local Centres, and providing policies to protect their primary shopping function. In particular, the SPD includes plans to define the boundaries of Edgbaston (Five Ways) District Centre with the boundary on the western edge being Francis Road, and Ivy Bush Local centre, the eastern edge being Plough and Harrow Road. The site sits between these two centres.

NPPE

- 6.15. The NPPE establishes the three threads of sustainable development to include an economic role, a social role and an environmental role. These roles should not be undertaken in isolation because they are mutually dependent. In paragraphs 11-16, the presumption in favour of sustainable development is explained. For decision-making this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole or specific policies in the Framework indicate development should be restricted.
- 6.16. Paragraphs 18-22 deal with building a strong, competitive economy. Paragraph 19 sets out that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 21 states that planning policies should recognise and seek to address potential barriers to investment, including poor environment or any lack of infrastructure. Policies should set out a clear economic vision, set criteria, or identify strategic sites for local and inward investment to match the strategy and anticipated needs, support existing business sectors, and where possible identify and plan for new or emerging sectors likely to locate in the area and be flexible enough to accommodate needs not anticipated in the plan to allow response to changes in economic circumstances. They should plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries and to identify priority areas for economic regeneration.
- 6.17. Paragraphs 23-27 relate to ensuring the vitality of town centres. Paragraph 23 sets out that local planning policies should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. They should define a network of centres and define the extent of town centres and primary shopping areas. They should allocate suitable sites to meet the scale and type of retail, office, tourism and residential development (amongst other uses) needed in

town centres. It is important that the needs for retail, office and other main town centre uses are met in full and are not compromised by limited site availability.

- 6.18. The policy identifies the need to allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. In this case, the site is located outside of the City Centre, Edgbaston District centre and Ivy Bush Local centre, in a location that is considered to be edge-of-centre as defined in Annex 2 of the NPPF. For retail purposes, this is described as a location that is well-connected and up to 300 metres of the primary shopping area. For all other town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange.
- 6.19. Paragraph 24 states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre sites preference should be given to accessible sites that are well connected to the town centre. Applicants and LPA's should demonstrate flexibility on issues such as format and scale.
- 6.20. Paragraph 26 deals with impact. It states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold this is taken to be 2500 sq.m). This should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability, including local consumer choice up to 5 years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should be assessed up to ten years from the time the application is made.
- 6.21. Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of these factors, it should be refused.

National Planning Practice Guidance

- 6.22. This guidance explains that the sequential test should be considered first, and will identify development that cannot be located in town centres, and which would then be subject to the impact test.
- 6.23. It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Local Planning Authorities are encouraged to support applicants in sharing information. The application of the test should be proportionate and appropriate for the given proposal. In regard to the matter of flexibility in format and scale, the guidance explains that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. If there are no suitable sequentially preferable locations, the sequential test is passed.

- 6.24. The guidance explains that the purpose of the impact test is to ensure that the impact over time (up to 10 years for major schemes) of certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test is relevant for retail, office and leisure uses (but not hotels). As with the sequential approach, it is for the applicant to demonstrate compliance and failure to do so could constitute a reason for refusing permission. A proportionate approach is required. It should consider the scale of the proposals, existing vitality and viability of existing centres, cumulative effects of recent developments, whether local centres are vulnerable, likely effects of development on any town centre strategy and the impact on any other planned investment.
- 6.25. The guidance explains that where wider town centre developments or investments are in progress, it will be appropriate to assess the impact on relevant applications of that investment to include the policy status of the investment, the progress made towards securing the investment, and the extent to which an application is likely to undermine planned developments or investments. A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances.

The applicant's case

- 6.26. The applicant's supporting evidence in respect of these policies is contained within their planning statement, and their statements in respect of office, hotel and retail uses. They have considered the policy tests of the sequential approach and impact, and have made their case for why they consider this to be an appropriate location for additional investment in additional floorspace for town centre uses.
- 6.27. The applicant is proposing to demolish 33,000 square metres of office floorspace. The application is seeking approval for a flexible range of floorspace with the minimum parameter of 41,100 sq.m therefore representing an increase of 8100 square metres of gross internal area. At the maximum parameter of up to 57,500 sq.m, there would be an increase of 24,500 square metres of gross internal area, over and above what already exists at the site.
- 6.28. The applicant sets out that the intention of the development is to deliver a significant office-led mixed use regeneration scheme at a key gateway to the City Centre. The office component is fundamental to its overall success and commercial viability. They explain that the development will provide a major qualitative and quantitative improvement in office space at the site compared to existing, where the existing buildings are predominantly vacant and no longer fit for purpose.
- 6.29. They consider the site to be in an edge-of-centre location referencing the supporting justification to policy TP21 where Edgbaston (Five Ways) District Centre and surrounding area is identified as an existing focus for office development on the edge of the City Centre and has the potential for future growth. They therefore consider that the office growth being proposed responds to and supports the spatial growth aspirations in the BDP and the expanded office core promoted in the Big City Plan.
- 6.30. The applicant points out that with reference to the City's aspirations for growth it is also relevant to acknowledge the amount of office space which has been lost in Edgbaston District centre significantly exceeds the additional floorspace that would be provided within the development. Even if applying the proposed maximum development parameters, the amount of office space lost in the vicinity exceeds the proposed floorspace by circa 16,000 sq.m.

- 6.31. They also comment that it is Calthorpe's intention as freehold owners to maintain and enhance the office provision as a key component of the commercial heart of the estate and they see this as important in assisting the delivery of the Council's strategy for new office growth in and around Edgbaston (Five Ways), because of the limited control the Council has to resist the further erosion of existing office space through permitted changes from office to residential uses.
- 6.32. With reference to the proposed increase in floorspace, over and above what already exists, they explain the intended phasing of the development. The 1st and 2nd phases (buildings 1 and 2) could likely provide in the region of 29,200 sq.m of floorspace, which is below the level of existing floorspace to be demolished. It is unlikely that this will be available for occupation before 2021. As such they consider that any material net increase in useable office space will not occur until after that date, pending completion of the third office building.
- 6.33. They consider that the proposed offices will be complementary to other schemes in Birmingham City Centre such as Paradise, Arena Central, and Snowhill. They explain that this will be achieved by the differentiation the scheme is able to offer through comparatively reduced rental costs, lower density development and the ability to appeal to a broader range of occupier market than just financial and professional services which typically consider prime central business district schemes. They state that they are also targeting sectors such as life sciences, technology, media, telecoms and certain other business HQ functions.

Offices – Sequential approach and impact

- 6.34. The applicant's view in respect of the sequential approach is that it is appropriate to confine this assessment to the Edgbaston (Five Ways) District Centre only, however in response to comments I have made, they have also had regard to several sites within the City Centre, with regard to the advice in the NPPF regarding the need to be flexible in scale and format of development in the consideration of alternative sites with regard to their availability, suitability and viability.
- 6.35. In applying flexibility to the site search, the Government's advice is that this does not require a developer to consider the disaggregation of proposals into its different component parts/uses (for example, in this case considering sequentially preferable sites which could accommodate just the proposed hotel or one of the office blocks forming part of the scheme).
- 6.36. I have advised that in considering the alternatives, they should consider sites capable of accommodating the uplift in floorspace arising from the development (ie. the maximum total new development less the existing office floorspace at the site, circa 24,500 sq.m).
- 6.37. In respect of Edgbaston (Five Ways) District Centre no suitable or available sites have been identified. In respect of the City Centre, a total of 16 sites have been assessed across the City Centre growth area including some in the core area such as Arena Central as well as more peripheral sites such as Eastside Locks and Smithfield. The applicant has provided commentary in each case to explain why the 16 sites can be discounted on various grounds such as size, availability, and timing. In respect of other centres identified in the BDP for some office growth, including Sutton Coldfield, Perry Barr, Meadway and Selly Oak, in each case the level of

additional office floorspace proposed is insufficient to be sequentially viable alternatives.

- 6.38. In respect of impact, in line with the guidance in the NPPF, it is only necessary to consider the impact on main town centre uses (retail, office, leisure) and not hotels. Given that only 2,400 sqm of retail floorspace is proposed, this falls under the threshold of floorspace for which a retail impact assessment would be required as set out in the NPPF and the BDP.
- 6.39. Unlike assessing the impacts of retail development, there is no defined or well established methodology for assessing the impacts of office development. In this case the applicant has focussed on a qualitative assessment to consider the potential impacts (if any) on existing and planned office investment, including Arena Central, Paradise, Curzon, Smithfield/Southern Gateway, Axis, Snowhill, Eastside Locks, Typhoo Wharf, Aston Science Park, Bull Ring Trading estate, Children's Hospital, 103 Colmore Row and Beorma. Of these, I have been particularly concerned to consider the impact on Eastside Locks, Curzon sites and Smithfield as in my opinion these are the sites most likely to attract the most comparable office investment and therefore the most likely to be subject to some impact.
- 6.40. The applicant has considered likely rentals and market focus to assess whether it will likely compete with or compliment these other proposals. They have also assessed supply against demand in respect of pipeline supply, the minimum requirements of growth in the BDP and the evidence of take up in Edgbaston.
- 6.41. The applicant considers that it would be appropriate to assess the uplift in floorspace over and above what already exists (ie 24,500 sqm), but has also considered the impacts of the totality of the development (ie 57,500 sq.m).
- 6.42. In terms of timing of impacts, the NPPF advises that it is appropriate to consider the impact of the development over a 10 year time period. The applicant advises that it is unlikely that the existing quantum of office development currently at the site will be exceeded until 2021 at the earliest and so any impacts arising from the growth in office floorspace would be experienced between 2021 and 2027. They have considered the potential impacts across the Central Birmingham Office Market area which includes the City Centre and Edgbaston (Five Ways).
- 6.43. The assessment considers that the proposed development will be unlikely to draw investment away from other locations because of the substantial level of new office space needed for the City. They point out that the proposed net additional floorspace (24,500 sq.m) equates to approximately 3% of the overall minimum BDP target of 745,000 sqm over the plan period, and the maximum gross floorspace (57,500 sq.m) would represent around 7.5% of the target. They comment that taking existing committed and potential future pipeline supply into account, even with the proposed development there will still be a large shortfall of new office floorspace for the City when compared to the BDP target.
- 6.44. In respect of rentals they provide a commentary that explains that for Grade A office space in the City Centre core, rentals are typically in the region of £30 per square foot, whereas rentals achieved in Edgbaston are in the region of £12.50-£20 per square foot. Taking into account the intended high quality of the development and the introduction of SPRINT and Metro they consider that rentals may yet exceed these typical levels, but that there would still be a marked differentiation to City Centre rental levels.

- 6.45. In this context, the applicant takes the view that the proposal will complement rather than compete with many City Centre sites. In addition, they have set out that many of the identified City Centre schemes (such as Arena Central, One and Two Chamberlain Square, 3 Snow Hill) will be completed/part completed/commenced before 2021, and even if New Garden Square were to occur at a more rapid pace than anticipated, it would provide a complementary offer as it would most likely cater for different types of occupier.
- 6.46. In respect of Eastside Locks they comment that this is a site that is similarly peripheral to the City Core and the consented development is of a similar density and build, however its location makes it attractive to businesses on the eastern/south-eastern side of the conurbation, and is attracting significant interest from educational/learning institutions which is in line with the Curzon masterplan to have a learning, technology and Research and Development focus.
- 6.47. In respect of Curzon sites including Beorma, the analysis suggests that the area is attractive to smaller companies who seek cheaper rents including creative and industries and small to medium enterprises. They comment that fragmented ownerships and likely disruption from HS2 means that large scale office sites are unlikely to come forward before the majority of New Garden Square has been completed and so they will not be competing at the same time.
- 6.48. Finally, in terms of Smithfield, they comment that the site is more advanced than Curzon but not advanced enough to draw a relevant comparison and is therefore too early to consider what the level of impact could be.
- 6.49. The applicant has demonstrated that there are no available sequentially preferable sites for the proposed development either within Edgbaston District Centre, the City Centre nor Sutton Coldfield, Perry Barr, Meadway or Selly Oak District Centres; the sequential test is therefore passed. The applicant has also assessed the potential impact the proposed office floorspace would have on existing, committed and planned investment in office developments in the City Centre. This assessment shows the proposal would have no significant adverse impact on existing or future office developments, therefore complying with this policy requirement.

Retail and Hotel Uses

- 6.50. As noted above, it is not necessary for the sequential test to consider disaggregating a proposed development, and as such, a separate sequential test for each of the main town centre uses is not required. In addition, national policy does not require an impact assessment for hotel uses and the proposed retail floorspace is below the 2,500 sq.m threshold for impact assessment (BDP policy TP21).
- 6.51. It is considered that the proposed hotel and retail floorspace can reasonably be considered to be ancillary to the proposed office development. In particular, ground floor retail uses would provide facilities for office workers and residents and would contribute to creating a sense of place by providing active frontages across the site, as shown in the parameter plans. Therefore, given the proposed office development is considered acceptable following the application of the sequential test and impact assessment, the hotel and retail uses can also be considered acceptable.
- 6.52. Taking all of the above into account I consider that the proposal will accord with the relevant policies on main town centre uses including policies TP21-TP22, and TP24 of the BDP and the guidance in the NPPF.

Appropriateness of the proposed residential development

- 6.53. In respect of the proposed residential element of the scheme, there are a number of policies in the BDP and the NPPF that are of relevance.

BDP

- 6.54. The BDP promotes the development of sustainable neighbourhoods in policy TP27 to include a wide choice of housing sizes, types and tenures to ensure balanced communities. These sites should have access to facilities such as shops, schools, leisure and work, and have convenient options to travel by foot, cycle and public transport. The application site offers this accessibility.
- 6.55. Policy TP28 goes on to set out that sites will be suitable for residential development if they are located outside of flood zones 2 and 3, be adequately serviced and accessible and not conflict with any other specific policies in the plan. The site is located relatively closely to the Greater Icknield growth area in policy GA2, and will therefore be complementary to the planned housing growth in this part of the City.
- 6.56. Policy TP30 deals with the type, size and density of new housing. This stipulates that account will be taken of the strategic housing market assessment, current and future demographics and market signals. Densities in the City Centre should be at least 100 dwellings per hectare and at least 50 dwellings per hectare in areas well served by public transport. The development proposals accord with this policy being located on the edge of the City Centre and Edgbaston District Centre, and taking into account recent high density residential schemes such as Landsdowne House nearby.
- 6.57. Policy TP31 relates to affordable housing, setting out that the Council's policy target is for 35% provision for developments of 15 or more dwellings. The policy sets out the Council's requirements where scheme viability prevents this level of contribution being delivered. The policy acknowledges that the different characteristics of developments which look to longer term returns rather than short term 'market' gains, such as multiple units of private rented sector housing in a single ownership intended for long term rental (as is likely to be the case here) will be taken into account when assessing viability.

Affordable Housing SPG

- 6.58. This SPG gives further detailed guidance on the Council's affordable housing policy. This sets out that the scale of expected contribution will vary on the particular circumstances of the site and the precise mix of dwellings to be provided will vary depending on local needs and individual site circumstances.

NPPF

- 6.59. Paragraphs 47-55 of the NPPF relate to delivering a wide choice of high quality homes. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable sites. The NPPF is consistent with the BDP policies set out above in respect of promoting a wide choice of homes to meet local needs.

- 6.60. The NPPG provides further guidance on the consideration of viability and in particular private rented sector housing.

The Housing and Planning Act 2016 and Housing White Paper 2017

- 6.61. The Act makes provision for starter homes, to be available to first time buyers between the ages of 23 to 40 and with a discount of at least 20% subject to a price cap of £250,000. The Government advises that affordable housing should not be sought on starter homes. Implementation of the Act's provisions in relation to starter homes requires secondary legislation which has not yet progressed, and so the requirement for starter homes as set out in the Act is not yet triggered.
- 6.62. The Housing White Paper includes within it proposals to broaden the definition of affordable housing, to include starter homes and other forms of affordable housing such as affordable private rented. These would be taken forward in a forthcoming update to the NPPF.
- 6.63. The inclusion of an element of residential use within the scheme is considered to be positive, as this helps create a healthy mix of uses within the development, and promotes the benefits of living in a location accessible to the office uses on the site and to the City Centre. The development will complement the surrounding Chamberlain Gardens estate with good accessibility to local facilities including the park.
- 6.64. The applicant proposes that the residential development could come forward, subject to market demand, alongside the office development with no specific identified proposals for phasing at this stage. The quantum of units will also be driven by market demand, but is anticipated to be somewhere between 200-400 units which are the minimum and maximum parameters.
- 6.65. The applicant has submitted an affordable housing statement to address the requirements of policy TP31, and alongside this has provided an economic viability appraisal which has been independently assessed on behalf of the Council. This is covered further later in this report.
- 6.66. The statement includes some analysis of build to rent developments in the City including those at Silverblades, Soho Loop, Exchange Square and Landsdowne House.
- 6.67. The applicant explains that for the purposes of considering affordable housing, the level of units proposed in the illustrative masterplan (293 units) has been taken to test viability as the most likely option to be delivered, although at this stage this is not confirmed, hence the minimum and maximum parameters sought. For a scheme of 293 units, a policy compliant affordable housing scheme would require 102 units to achieve 35%, of which 58 units (20%) would be affordable rent, 12 units (4%) shared ownership and 32 units (11%) social rent. The assessment then goes on to refer to reduced contributions having been previously agreed for other PRS schemes and for these to be provided in the form of a commuted sum.
- 6.68. The applicant has made an affordable housing offer (which could alternatively be used to meet other s106 aspirations if they were deemed appropriate priorities) which has been subject to viability testing, and as explained below this is considered to be robust and is accepted as reasonable.

- 6.69. My Housing officer comments that a commuted sum would be appropriate, calculated with regard to scheme viability, with the potential for phased payments to reflect that there is no immediate return. In my view the proposal will therefore accord with the Council's affordable housing policies, including policy TP31 of the BDP and the guidance in the NPPF.

The design and layout of the development and its impact on local townscape, including the impact on statutory listed buildings, the Edgbaston Conservation Area and non-designated heritage assets

- 6.70. High quality urban design is a key policy in the BDP and the NPPF, as are the impact of developments on heritage assets. In addition, there is a statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

BDP

- 6.71. Policy PG3 relates to place making. This sets out that all new developments will be expected to demonstrate high design quality, contributing to a strong sense of place. They should respond to site conditions and the local context, including heritage assets and appropriate use of innovation in design. They should create safe environments that design out crime, provide attractive places that encourage people to move around by walking and cycling, ensure that private external spaces, streets and public areas are attractive, functional, inclusive and managed and make efficient use of land.
- 6.72. Policy TP12 sets out the policy on the historic environment. This sets out that great weight will be given to the conservation of the City's heritage assets, with development proposals determined in accordance with national policy. The policy requires assessment to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or enhancing its significance and setting. Where it grants consent for the loss of all or part of a heritage asset historic building recording will be required. The City Council will support development that conserves the significance of non-designated heritage assets.

UDP (saved Policies)

- 6.73. Paragraphs 3.14-3.14D of the UDP are saved policies pending the preparation and adoption of the Development Management DPD. These paragraphs provide detailed design guidance that cross relate to Places for Living, Places for All and High Places SPG's/SPD's. The consistent theme is that developments are expected to provide high quality innovative solutions that respect and enhance their settings following established good urban design principles.

NPPF

- 6.74. Paragraphs 56-68 relate to requiring good design. Paragraph 56 explains that good design is a key aspect of sustainable development, is indivisible from good planning. Paragraph 57 sets out that it is important to plan positively for the achievement of high quality and inclusive design for all development.

- 6.75. Paragraphs 126-141 relate to conserving and enhancing the historic environment. Paragraph 129 explains that LPA's should identify and assess the particular significance of any heritage asset that may be affected by the proposal. Paragraph 131 explains that in determining planning applications, they should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.76. Paragraph 132 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 assets conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to a grade II listed building should be exceptional. Substantial harm to a Grade II* listed building should be wholly exceptional. Paragraph 133 sets out that where a proposed development will lead to substantial harm to a designated heritage asset, LPA's should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or all of the following apply : the nature of the heritage asset prevents all reasonable uses, no viable use can be found in the medium term, conservation by grant funding is not possible and the harm is outweighed by the benefit of bringing the site back into use.
- 6.77. Where a development proposal will lead to less than substantial harm to a designated asset, this harm should be weighed against the public benefits of the proposal.
- 6.78. Paragraph 135 explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect non designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.79. The applicant's supporting evidence in respect of urban design and heritage matters are set out in their Design and access Statement, Landscape and public realm strategy and in the Environmental Statement chapters on built heritage and townscape and visual impact.
- 6.80. The applicant sets out that the site is located in a complex townscape incorporating early-mid 19th Century domestic properties with late 20th Century high rise commercial buildings within part of Calthorpe estate. The resulting townscape is mixed in quality and historic environment of the site is fragmented. Several of the listed buildings within the site have been reviewed and the list descriptions are now more specific, omitting parts of those buildings that no longer contribute to their special interest. A series of buildings within the site have been assessed and are now subject to certificates of immunity from listing. The site is separated from the Edgbaston Conservation Area by the block of taller commercial buildings located between Hagley Road and Harborne Road within limited intervisibility between. The assessment concludes that given the above context, the development would cause change within the setting of a range of heritage assets, and that those aspects that contribute most positively to the significance of the assets would remain unaffected. The development would simply be experienced as part of the commercial backdrop to the previous 19th Century townscape north of the Conservation Area that was substantially changed during the mid to late 20th Century.

- 6.81. In respect of urban design matters, the masterplan has been subject to detailed discussions at pre-application stage and during the application that has led to various amendments being made to address some issues I have raised, most notably to re-configure residential blocks at the western end of the site to more appropriately relate to the proposed central space and to the Plough and Harrow hotel.
- 6.82. The site layout and scale of development are considered to be appropriate for the site. The heights provide some variation to add interest to the skyline, and are lower than the tallest existing building on the site which is currently 18 storeys, in comparison the tallest building will be 12 storeys maximum. The revisions made to the masterplan provide a more appropriately designed pedestrian connection between the western part of the central square and the wider area to the north-west. The buildings will provide a positive relationship to the central space framing this area to become a high quality space for users of the development to enjoy. The residential blocks are appropriately arranged with provision of a suitable area of private space to the rear of the blocks. There will be a clear definition of public and private spaces.
- 6.83. The separation space between the buildings has been considered. The minimum separation distance between NGS4 office building and F2 residential block would be 15 metres, and 9 metres between the respective office blocks. Whilst a greater degree of space between the buildings would undoubtedly result in a more comfortable relationship between the buildings, on balance I consider that the proposed arrangement is acceptable.
- 6.84. In respect of heritage matters, I note that Historic England have raised objections on several grounds :
- Adverse impact on the setting of the grade II listed buildings on the site as a result of the redevelopment of the former rear garden areas to the rear to provide the new garden space
 - Adverse impact on the setting of the Plough and Harrow Hotel
 - Inadequate information to judge the impact on the Grade II* Oratory
 - Loss of the non-designated John Madin Buildings 123, 125 and 127 Hagley Road.
- 6.85. Taking each of these in turn, my conservation officer does not share the view made that the impact on the setting of the grade II listed buildings within the site is unacceptable. Having assessed the site, and given the existing condition of the plots and their context, he considers that this is a matter which can be dealt with at landscape design stage, where opportunities to reference the historic plot can be made. He agrees with the applicant's assessment that the setting is a diverse townscape and the impact of the proposals on the significance of the designated assets within the site is neutral.
- 6.86. In respect of the relationship of proposals to the Plough and Harrow Hotel, my conservation officer shared the concerns raised by Historic England regarding the impact of its closeness, scale and mass, particularly when viewed from west of Hagley Road, rising up behind the building resulting in harm to the designated asset. The applicant has duly amended the scheme and the resulting building has been re-shaped to have a slimmer footprint, and is positioned further away from the Plough and Harrow, set off the site boundary allowing for the retention of existing

landscape. The impact on the setting of the Plough and Harrow is now much improved, with my conservation officer having no objections and in my view and is considered to be acceptable.

- 6.87. The loss of the John Madin buildings is not considered to warrant refusal of this application. My conservation officer advises that whilst they have not been considered desirable for listing, they are of some local interest and therefore a balanced judgement having regard to the scale of harm or loss and significance of the asset is required in accordance with the guidance in the NPPF. In concluding that the proposed application is supported, appropriate recording of the buildings by condition is adequate mitigation in this case. I note that Conservation Heritage Panel concurred that overall the loss of these buildings was not unacceptable. It is important to note that the objection from Historic England to their loss is a non-statutory comment and that approval of the application does not require referral to Government office.
- 6.88. As such, I do not share the views raised by Historic England in respect of the development not meeting the requirements of the guidance in the NPPF. In having special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest as required by the Act, in my view there are not sufficient grounds to warrant refusal. My conclusion is that the proposal will accord with policies PG3 and TP12 of the BDP and the guidance in the NPPF.

Impact on surrounding uses including residential properties to the north, particularly with regarding to sunlight and daylight

- 6.89. The guidance contained in the BDP, Places for Living and the NPPF refers to providing high quality development, and to ensure an appropriate relationship with neighbouring properties. In this case, a relevant issue is the relationship of the proposed development to those properties to the north of Duchess Road and to a lesser extent to the north east in Francis Road.
- 6.90. The present relationship for these two storey dwellings is generally one of a shadowed street for significant parts of the day in summer and all of the day in the winter as a result of being on the north side of some existing tall buildings on the site, not least the 18 storey Edgbaston House. The Environmental Statement assesses the impact of the proposed development on both daylight and sunlight. The original assessment concluded that there would be significant adverse effect on a substantial number of properties compared to existing.
- 6.91. In negotiating with the applicant I have previously encouraged them to widen the gaps between the buildings to allow more light through, and to remove one of the office buildings. The applicant advises that analysis undertaken on this option concluded only a negligible improvement to the revised scheme now submitted, and in any event the loss of an office building would render the scheme unviable.
- 6.92. A further suggestion was to make the buildings taller and sleeker, to maintain floorspace, whilst widening the gaps between the buildings however this has also been concluded to be unviable commercially. The heights and floorplates of the proposed buildings have been informed by market analysis, and increasing the building heights would mean the buildings would be too large for the regional market place and could not be funded.
- 6.93. Clearly, the buildings could not be set further back from the Duchess Road boundary without encroaching into the proposed garden square, which would significantly

erode the overall concept of providing high quality office buildings around a shared high quality landscaped space.

- 6.94. The applicant's amendments to the masterplan have made some marginal improvements, whilst distance separation remains as originally submitted, NGS2 has been reduced by 2 storeys and the re-configuration of the western end of the site results in a 15 metre gap between the residential and office buildings where previously there was continuous built floorspace. The resulting changes do bring about some improvements, so for instance in some cases where there was a minor impact of 20-30% reduction in light, this is now improved to a less than 20% reduction to meet BRE guidelines. However, where there were the greatest impacts of a 40% or more reduction in light proposed originally, the changes made have little effect on the amount of properties still experiencing a 40% reduction. The assessment still demonstrates that there will be some significant adverse impacts on certain properties in Duchess Road, as inevitably there would be from the scale and mass of the buildings, having larger footplates with less space between them compared to the existing buildings on the site. The front gardens and the front rooms of nos 23-81 Duchess Road will experience significant periods of the day in shade as they do now. The rear gardens of these properties are already in shade from the dwellings themselves being on the north side of the houses.
- 6.95. The applicant makes the case that the BRE guidelines whilst representing good practice is nonetheless advice that is not always attainable in urban environments where it is imperative to deliver higher density schemes with daylight and sunlight levels set to what would be expected with a resulting more dense urban grain. They also refer to the technical calculation method takes no account of existing trees and so the mature trees along Duchess Road will inevitably contribute to shading in any event. They make the case, that whilst the properties in Duchess Road will, to varying degrees, experience reductions in the levels of daylight and sunlight they currently receive, this does not mean that the properties will no longer be suitable for occupation, and that the levels of light will be at a level commonly experienced in many urbanised locations.
- 6.96. Ultimately, the impacts on these properties have to be weighed in the planning balance with the other determining issues for this case, including the benefits of investment in office and residential space in this part of the City, the creation of jobs and so on. My overall view is that this is acceptable, in the context that I concur that to make a more substantive difference for those properties affected would erode the overall quality of the scheme and render it unviable to proceed.

Transport and parking issues

BDP

- 6.97. Policy TP38 of the BDP promotes the development of a sustainable transport network for the City, which will require that land use planning decisions support and promote sustainable travel.
- 6.98. Policy TP39 deals with walking. This sets out that the Council will promote safe and pleasant walking environments by ensuring that new development incorporates high quality pedestrian routes which promote walking as an attractive, convenient, safe and pleasant option for travel. It will also include ensuring good design of pedestrian routes reflecting desire lines and providing adequate way finding facilities where appropriate.

- 6.99. Policy TP40 addresses cycling. New developments are expected to incorporate appropriately designed facilities which will promote cycling as an attractive, convenient and safe travel method.
- 6.100. Policy TP41 relates to public transport and includes a section relating to Midland Metro and Bus Rapid Transit. This states that the development and extension of metro/bus rapid transit to facilitate improvement/enhancement in the public transport offer on key corridors and to facilitate access to development and employment will be supported. This includes an extension of the Midland Metro Tram network from New Street to Centenary Square and Five Ways Edgbaston, and additional SPRINT/Rapid Transit routes with cross city centre links including Birmingham City Centre to Quinton.
- 6.101. Policy TP43 relates to low emission vehicles. Support will be given to ensuring that new developments include adequate provision for charging infrastructure such as electric vehicle charging points in car parks, and measures to encourage low emission vehicles through travel plans and other such initiatives.
- 6.102. Policy TP44 states that traffic and congestion management will be promoted by ensuring that the planning and location of new development supports the delivery of a sustainable transport network and development agenda. The policy also sets out that Highway Improvement Lines will protect land required for highway and public transport schemes from other developments. Developments that would prejudice the proposed highway improvement will not be permitted. This includes Hagley Road section from Lordswood Road to Five Ways (south side).
- 6.103. Policy TP45 provides accessibility standards for new development. All major developments which are likely to generate, either solely or in combination with other related developments, more than 500 person trips per day should aim to provide and appropriate level of public transport provision to main public transport interchanges, associated public transport stop(s) with shelters and seating, within 80m of the main focal points for the location, or otherwise in accordance with Centro's accessibility standards, real time information as appropriate, and good cycle and pedestrian access. Proposals for residential development should demonstrate that they are accessible to a range of local services such as GP's, primary and secondary schools, local shops and open space.

NPPF

- 6.104. Paragraphs 29-41 of the NPPF relate to promoting sustainable transport. Paragraph 29 sets out that transport policies have an important role to play in facilitating sustainable development but also contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. Paragraph 30 goes on to say that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 6.105. Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport nodes 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 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.

- 6.106. Paragraph 34 sets out that plans and decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport nodes can be maximised.
- 6.107. Paragraph 35 promotes giving priority to pedestrian and cycle movements, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, incorporate facilities for charging plug-in and other low emission vehicles, and consider the needs of people with disabilities.
- 6.108. Paragraph 38 states that for larger scale residential developments, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

Other relevant policy documents

- 6.109. Planning Practice Guidance provides further advice on Transport Assessments and Travel Plans. These should be proportionate to the size and scope of the proposed development.
- 6.110. The West Midlands Local Transport Plan 2011-2026 includes five objectives including to underpin private sector led growth and economic regeneration including support for housing development, increased employment and low carbon technologies, to contribute to tackling climate change, improving the health, personal security and safety of people when travelling in the area, to tackle deprivation and worklessness and to enhance the quality of life and the quality of the local environment.
- 6.111. The City's Car Parking Guidelines SPD provides guidance on the City's parking requirements for developments. The site is located within area 2. The relevant maximum parking standards are 1 space per 45 sq.m of B1 floorspace (gross), 1.5 spaces per dwelling, and 1 space per 4.5 bedrooms for hotels over 50 bedrooms.
- 6.112. The application has been subject to detailed discussions with Transportation Officers in respect of the transportation impacts of the proposed development, which include consideration of the impact on the development on the surrounding highway network, and parking provision. A Transport Assessment has been submitted the key conclusions of which are as follows :
- The site benefits from excellent public transport links with bus services available adjacent to the site, whilst proposed public transport scheme (SPRINT and Metro) will further provide connectivity to City Centre interchanges and the wider area.
 - Safe and attractive walking routes are provided to access facilities in the City Centre with existing pedestrian crossing facilities close to the development.
 - The existing configuration of the site does not offer pedestrian or cyclist permeability providing a barrier to movement between Duchess Road and Hagley Road, which is addressed in the proposed masterplan
 - The operation of several junctions within the vicinity of the site has been assessed, taking into account future highway works including the anticipated SPRINT scheme on Hagley Road, with minor impacts noted and is therefore acceptable in highways terms.

- A Framework Travel Plan has been prepared to accompany the application, aimed at seeking to minimise car use and encourage more sustainable transport choices.
- 6.113. The masterplan proposes three points of vehicular access from Duchess Road, complemented by drop-off and pick-up points via Hagley Road is supported. The accesses on Hagley Road will not provide access to parking.
- 6.114. In terms of car parking, there are around 890 parking spaces within the site currently, with some of the areas unmarked and used on an ad-hoc basis. The masterplan for the site proposes between 800-900 spaces, with the likelihood being in the region of 837 spaces. Taking into account the Council's parking guidelines, maximum provision for the maximum amount of development proposed would be 1278 spaces for the Class B1 uses and 600 spaces for the residential floorspace providing a maximum total of 1878 spaces overall. The hotel would be in lieu of some of the office space and so is not anticipated to add further to this overall figure.
- 6.115. In essence, the proposal will maintain the overall amount of car parking currently provided or thereabouts. Taking into account the increased floorspace proposed, I consider that the proposed amount of car parking strikes the right balance between providing sufficient parking to meet the needs of the development whilst managing car use to maximise the benefits of the sites accessibility to the bus transport network, cycling and walking opportunities, by limiting supply of car parking. There are also air quality issues that also need to be considered which are dealt with further in this report, and increased levels of car parking would add to the potential negative impacts on pollutant emissions. I note that Transportation raise no objections, commenting that there is some over-capacity of car parking elsewhere in the City Centre. I have recommended a condition to agree details of phased delivery of multi storey car parking, relative to the phasing of the proposed office floorspace, to ensure that there is sufficient parking available prior to commencement of the use of the office floorspace.
- 6.116. I have recommended various conditions, including those relating to section 278 works, electric vehicle charging points, cycle parking, car parking management and travel plans consistent with the advice from Transportation.
- 6.117. In respect of the comments from Transport for West Midlands, I note their overall support for the scheme. Whilst I note their comments in respect of possible contributions towards SPRINT/Metro, either in the form of land to the frontage of Hagley Road to facilitate improvements to proposed stops and pedestrian crossing facilities, or an alternative financial contribution, I do not consider that this is warranted in this case. The proposed development does not impact upon available space on the existing footway/carriageway which therefore allows for future development of the proposed bus and SPRINT passenger facilities. Existing crossing facilities are considered to satisfy demand and therefore additional or relocated crossing points on the Hagley Road are not proposed. I conclude that the proposal is acceptable in highways terms and will accord with policies TP38-TP41 and TP43-TP45 of the BDP and the guidance in the NPPF.

Environmental Matters – Air Quality, Noise, Drainage/Flood risk, Wind, Ecology, Trees and Landscape, and sustainability

- 6.118. The applicant has submitted a comprehensive ES to consider the environmental impacts of the proposed development. This follows the advice provided through the scoping opinion process. In addition, a sustainability statement has been submitted.

Matters relating to heritage, townscape, transport and sunlight/daylight have already been considered and addressed above. Other matters that are considered include air quality, noise, drainage, trees and landscape and ecology which are considered below.

BDP

- 6.119. Policy TP1 is the Council's overarching policy on reducing the City's carbon footprint. This cross relates to several other policies set out below, and states that the City is committed to a 60% reduction in total carbon dioxide (CO₂) emissions produced in the City by 2027 from 1990 levels.
- 6.120. Policy TP2 relates to adapting to climate change. This policy cross relates to those relating to managing flood risk, promoting and enhancing green infrastructure and encouraging greater resilience. The policy states that in order to minimise the impact of overheating, new development and residential schemes should demonstrate how the design of the development reduces the reliance on air conditioning systems, demonstrates how the development integrates green infrastructure, and where feasible, viable and sustainable provides an accessible green roof or walls to aid cooling, add insulation, enhance bio-diversity and promote sustainable drainage.
- 6.121. Policy TP3 deals with sustainable construction. This sets out that new development should be designed in ways which will maximise energy efficiency, conserve water and reduce flood risk, minimise waste, be flexible and adaptable to future occupier needs and incorporate measures to enhance bio-diversity. The policy requires major development to aim to meet BREEAM standard excellent unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.
- 6.122. Policy TP4 addresses low and zero carbon energy generation. This states that new developments will be expected to incorporate the provision of low and zero carbon forms of energy generation or to connect into low and zero carbon energy networks where they exist, wherever practicable, and unless it can be demonstrated that the cost of achieving this would make the proposed development unviable. This goes on to state that in the case of residential developments of over 200 units and non-residential developments over 1000 sq.m first consideration should be given to the inclusion of Combined Heat and Power (CHP) generation or a network connection to an existing CHP facility. However, the use of other technologies such as photovoltaics, biomass heating or ground source heating will be accepted where they have the same or similar benefits and there are no adverse impacts on amenity or the environment. Encouragement will also be given to the development and implementation of new technologies which reduce energy consumption such as SMART Grid and promoting new homes to be SMART grid ready.
- 6.123. Policy TP6 deals with management of flood risk and water resources. This policy sets out the City's requirements for the submission of Sustainable Urban Drainage Assessment and future operation and maintenance plans. For all developments where a SUD's assessment is required, surface water drainage rates shall be limited to the equivalent site-specific greenfield run-off rate for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the development unviable. To minimise flood risk, improve water quality and enhance bio-diversity and amenity all development proposals will be required to manage surface water, wherever possible through natural drainage and close to source in line with the following hierarchy : store water for later use, discharge into the ground, discharge to a surface water body,

discharge to a surface water sewer or discharge to a combined sewer. All SUD's must protect and enhance water quality by treating at source, and be designed with long term maintenance in mind.

- 6.124. Policy TP7 relates to green infrastructure network including trees. New developments will be expected to address green infrastructure issues and take advantage of opportunities such as green and brown roofs. All trees, groups, areas and woodlands will be evaluated for protection and all new development schemes should allow for tree planting in both private and public areas. The importance of street trees in promoting the character of place and strengthening existing landscape will be recognised.
- 6.125. Policy TP9 deals with biodiversity and geo-diversity matters. All development, should support the enhancement of Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological assets.

NPPF

- 6.126. In respect of responding to climate change and flooding, paragraphs 93-108 are relevant. Paragraph 93 advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
- 6.127. In respect of flood risk, paragraphs 99-104 sets out guidance on the sequential test to the location of development away from areas of highest risk and that development is appropriately flood resilient and resistant including safe access and escape routes and give priority to the use of sustainable drainage systems.
- 6.128. Paragraphs 109-125 address conserving and enhancing the natural environment. Paragraph 109 sets out that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 6.129. Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account. Paragraph 123 sets out that planning policies and decisions should aim to avoid noise from giving rise to significant adverse effects on health and quality of life as a result of the development, mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development and recognise that development will often create some noise and existing businesses wanting to develop should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- 6.130. Paragraph 124 states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Other guidance

- 6.131. The NPPG gives further guidance on the assessment of air quality matters, flood risk, health and wellbeing, noise, wind, and how the effects can be mitigated. It also provides advice on renewable and low carbon energy.

Air Quality

- 6.132. The submitted air quality assessment sets out that during the construction phase, the effects on local amenity of fugitive emissions of construction dust are expected to not be significant. In terms of the operational phase, the predicted changes in concentrations show that the changes in nitrogen dioxide are low and are predicted to have a medium effect due to the total concentration of nitrogen dioxide which is not considered to be significant. For the development itself, it will likely be necessary to use mechanical ventilation systems for the proposed residential apartments closest to Hagley Road.
- 6.133. I note the advice received from Regulatory Services who have concerns that the model results are not absolute and subject to a certain degree of error, that there are likely to be changes to emission levels in the future. Notwithstanding this, the evidence presented in the ES demonstrates that the development will result in a level of change that does not warrant refusal of the application as the extent of increase in pollution as a result of increased traffic is not significant. As such, no specific mitigation is proposed, however the travel plan which will include targets to reduce travel by car may therefore bring about some mitigating effect. I have also recommended a condition to agree provision of electric vehicle charging points within the development. I consider that the application accords with the relevant guidance in the NPPF.

Noise

- 6.134. In respect of noise, the applicant's assessment concludes that the site is suitable for the development provided that recommended glazing and ventilation specifications are implemented into the building design and practical measures are taken to minimise noise levels within outdoor living areas. Changes to road traffic noise levels arising from the development are generally not considered to be significant for future residents and workers at the site or for surrounding occupiers. Limits are recommended for industrial and commercial noise and entertainment noise at sensitive receptors such as nearby residential properties that can be addressed by condition. The ES concludes that with mitigation there will be minor impact during construction phase and a negligible impact during operation phase overall.
- 6.135. I note that Regulatory Services have raised some concerns in respect of entertainment noise at the Plough and Harrow and its impact on the proposed residential element of the scheme, however they advise that this is not significant to warrant refusal as licensable activities do not take place outside.
- 6.136. I have recommended appropriate conditions in respect on noise attenuation, plant noise, and extraction details and hours of use for the associated retail/café/restaurant floorspace. With these, I consider that the application will be in accordance with the guidance on noise in the NPPF.

Flood risk/SUD's

- 6.137. The submitted flood risk assessment and surface water strategy (FRA) has been prepared to identify how to address surface water at the site including appropriate mitigation to reduce discharge rates. The main findings are that the site is located within flood zone 1 and at low risk of flooding from rivers and groundwater. The surface water strategy seeks to maximise the use of green SUD's across the site as far as is reasonably possible, including green and brown roofs, blue roofs, permeable paving, rain gardens and bio-retention areas, rills and swales, detention and retention ponds and below ground attenuation tanks. In order to reduce the risk of flooding, and assist in alleviating existing surface water capacity issues, it is proposed to reduce the peak surface water flows to a rate equivalent to 70% of existing surface water run-off. This level of reduction would cater for the 1 in 100 year event, including a 30% allowance for climate change in accordance with policy. The application proposes that all external drainage within Phase 1 and the connection to the public sewer which falls within Phase 2 will be installed as part of the Phase 1 works.
- 6.138. I note the advice from the LLFA who have no objections to the proposed application subject to further information in respect of the proposed flow control mechanisms, further details of which can be agreed by condition. I concur that the proposal would be acceptable and would accord with policy TP6 of the BDP and the guidance in the NPPF.

Wind

- 6.139. The development has been modelled to assess the effects of wind and how this might affect pedestrian comfort levels. The majority of areas within the development will meet specified criteria, with a small number of locations within the development where the criteria will likely be exceeded. Mitigation can be addressed at detailed design stage, through the careful positioning of entrances to the buildings and the use of landscaping in certain locations. As such, the ES concludes that the development will not generate a significant problem of wind. I support and concur with the overall assessment conclusions.

Ecology/Bio-diversity

- 6.140. In order to assess the ecological implications of the development, a preliminary ecological appraisal including inspections of trees and buildings for roosting bat potential has been undertaken. The surveys conclude that the buildings within the site are either of negligible or low potential for roosting bats and that the vast majority of trees are of negligible potential. Subsequently, internal surveys of roof voids of relevant buildings were undertaken where no evidence of roosting bats was detected. The applicant advises that as part of the detailed design of the site, in particular the buildings and the central garden area, there will be an opportunity to provide bio-diversity benefits such as through green/brown roofs and planting of additional native trees, shrubs and grasses within the site.
- 6.141. My ecologist advises that overall he considers there to be no issues with the proposals set out for this development. He comments that there has been a sound baseline ecological survey which has identified any requirements for additional surveys as and when each phase is developed. He advises that this could be set out in a Construction Ecological Management Plan (CEMP) for the entirety of the site and would remain in force throughout the phased development.
- 6.142. The initial landscaping plans identify areas of public realm planting including new trees, aquatic areas, herbaceous/ planted beds, roof top gardens and bio-diverse

roofing. The palette of trees suggested would provide both visual interest and wildlife interest.

- 6.143. I have therefore recommended conditions relating to a CEMP and a scheme of ecological/biodiversity enhancement measures. With these requirements I consider that the application will accord with the relevant BDP policies including policy TP8 and the guidance in the NPPF.

Landscape and Trees

- 6.144. The applicant has provided a detailed landscape and public realm strategy to set out its vision for the creation of the new public garden space, and the general landscaping of the site. My landscape officer is supportive of the approach taken to break this up into a series of spaces each with its own identity and function, but complementary to each other, and the level of detail provided gives confidence that this resulting development will provide a high quality new public space within the City.
- 6.145. In terms of surface finishes, the applicant proposes a mix of materials to include granite setts, natural stone, concrete paving, porous resin bonded gravel and patterned metal rills. This will be complemented by carefully designed lighting, and street furniture. The public spaces will be privately managed and maintained.
- 6.146. With regard to trees, the overarching development principle is to retain the best quality mature trees, with selective removal that concentrates mainly on lower quality trees. There are a substantive amount of trees around the perimeter of the site that are to be retained. In total, the tree survey identifies 354 trees across the site, these include 32 category B, 272 category C and 50 category U trees, ranging from young to mature.
- 6.147. Of these, 200 trees are proposed to be removed to facilitate the development, and for reason of good arboricultural practice. A further 26 trees will have specific works to lift canopies and reduce crown spread. This includes 2 category B trees, 119 category C trees and 45 category U trees.
- 6.148. The loss of trees will be mitigated with replacement planting provided as part of a comprehensive landscape strategy for the development. The planting of new trees will also broaden the age range of trees across the site and to broaden the variety of tree species to add further visual interest.
- 6.149. My tree officer comments that a good level of detail has been provided for the outline application, allowing confidence that the tree retention and protection indicated is realistic and could be carried through to completion of the phases. He advises that he estimates that tree coverage after landscape establishment would be 12% which compares very well to commercial land use tree coverage across the City which averages 8%. He advises that as an outline, the matters of final tree retention and protection should be reserved in order to reflect any changes in detail and as reserved matters progress. He recommends a condition to agree an arboricultural method statement and a tree protection plan. I concur that the development will have an acceptable impact with regard to trees and will accord with policy TP7 of the BDP.

Sustainability

- 6.150. The applicant has submitted a sustainability statement. This appraises the scheme's sustainability credentials. This explains that the buildings will be designed to reduce the demand for energy wherever possible and will include reducing solar gain in the summer through façade design to provide good levels of daylight, using passive design measures to reduce demand for mechanical ventilation, heating and cooling.
- 6.151. There are no heat networks close to the site with the nearest being the Broad Street Heat network, Birmingham Children's Hospital and the University of Birmingham and Birmingham Women's hospital. Based on this, they advise that connection to an existing heat network is not considered to be feasible at the present time.
- 6.152. An initial assessment of the potential for on-site renewable energy generation has been undertaken. Based on this initial screening, the applicant has ruled out biomass, heat pumps and wind power. There is limited roof area for photovoltaics panels, given that the roof space will serve other purposes including biodiversity benefits and as part of the SUD's strategy. Roof terraces will provide a useful amenity for residents with potential for community gardens for growing vegetables and kitchen gardens to supply canteens and cafes within the development.
- 6.153. Waste recycling facilities have been considered for both the construction and operational phases of the development. A site-wide operational waste strategy is being developed and the buildings will incorporate internal facilities to enable and encourage future occupants to recycle.
- 6.154. The assessment demonstrates that the scheme has aimed to meet the requirements of the policy. I conclude that the application accords with the relevant sustainability policies in the BDP including policies TP1-TP5 of the BDP and the guidance in the NPPF.
- 6.155. I have recommended conditions to agree further details of the centralised plant room/energy centre and waste management for both construction and operation of the development.

Provision of public open space and sports facilities to meet the needs of the residential use

- 6.156. The BDP and the NPPF contain relevant policies regarding the provision of public open space and sporting facilities to meet the needs of the proposed residents.

BDP

- 6.157. Policy TP9 of the BDP states that public open space should aim to be provided throughout Birmingham in line with the following standards :
- All residents should have access within 400m to an area of publically accessible open space of at least 0.2 hectares in size which includes children's play facilities
 - Within 1 km of all residents there should be an area of publically accessible open space of at least 2 hectares in size, capable of accommodating differing recreational activities.
 - Within 3 km of all residents there should be access to a publically accessible park which has a wide range of facilities and features including water, children's play facilities, cafes and formal landscaping, being capable of holding local/national events.

- 6.158. New developments, particularly residential, will place additional demand upon types of open space and children's play areas. Provision will be required broadly in line with the standard of 2 hectares per 1000 population. In most circumstances, residential schemes of 20 or more dwellings should provide on-site public open space and/or children's play provision. However, developer contributions could be used to address the demand from new residents on other types of open space such as allotments.
- 6.159. Policy TP11 relates to sports facilities. This sets out that the provision and availability of facilities for people to take part in formal and informal activity, that contributes to healthier lifestyles and can provide a stepping stone into more informal sport, will be supported and promoted. It is important that community sport and leisure facilities should be located in easily accessible sites, with safe pedestrian and cycle access as well as being close to local public transport routes. Proposals for new facilities or the expansion and/or enhancement of existing facilities will be supported subject to compliance with other relevant policies.

NPPF

- 6.160. Paragraphs 69-78 of the NPPF relate to promoting healthy communities. Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity. They should promote safe and accessible developments containing clear and legible pedestrian routes and high quality public space, which encourage the active and continual use of public areas.
- 6.161. Paragraph 70 sets out that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision of shared space and community facilities (including sports venues) and other local services to enhance the sustainability of communities and residential environments.
- 6.162. Paragraph 73 sets out 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. 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 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.
- 6.163. In respect of public open space, I note the comments made by Leisure Services who raise no objections overall, making the case for a suitable contribution towards public open space provision. They acknowledge that the new garden space provided as part of the development would be publicly accessible and therefore provides an on-site public open space provision, however when applying the formula to the proposed maximum residential development of 400 dwellings, this would not be sufficient to fully meet the required contribution, and so an additional off-site contribution is sought.

- 6.164. They make the case for securing an off-site contribution towards improvements at Chamberlain Gardens which I agree would be an appropriate location for this investment being physically close to the site and therefore reasonably related to the development. Other developments have funded some planned improvements to this public open space in the past and a contribution from this development would allow for a 2nd phase of works to be planned for in accordance with the masterplan for the park. I am therefore supportive of this proposal and have recommended a suitable contribution be secured via a section 106 agreement.
- 6.165. In terms of a sporting contribution to meet the needs of the residential development, Sport England has raised objections in the absence of a suitable contribution having been identified and proposed. Their concerns also stem from the applicant's submission which suggests that the £600,000 section 106 offer could be split between affordable housing, education, transportation as well as off-site open space and sports facilities, and so they are concerned that this sum would be inadequate to deliver the necessary range of contributions identified to make the project sustainable and promote healthy communities in line with the guidance in the NPPF. They are also concerned that the applicant has not sufficiently demonstrated that existing provision of open space and sports facilities are sufficient to meet the needs of the development by demonstrating that there is sufficient capacity to absorb additional demand. They have subsequently advised in respect of suggested contributions towards playing field enhancements at Summerfield Park and Lordswood schools, watersports improvements at Edgbaston Reservoir and indoor facilities provision towards delivery of the new Ladywood swimming pool.
- 6.166. Last year, officers began work to prepare a masterplan for Edgbaston Reservoir with the objective to provide a vision for its future development, to build upon existing facilities and activities to maximise its potential for watersports use, encouraging further activities to improve people's health and well-being, as well as conserving the nature conservation value of the site. Working with its partners the Canal and Rivers Trust, Sport England, the LEP, consultants have been appointed to develop an options appraisal that has been subject to discussions and consultations with ward members and the various watersport clubs, and other user groups. The possibility of developing a single Watersports Hub is being considered.
- 6.167. In the autumn later this year, formal consultation is scheduled to take place with the wider community from which the proposals will be refined and then presented for Cabinet member approval.
- 6.168. As part of the vision for the site, some potential phase 1 works have been identified that would constitute 'quick wins' to kick start investment into the site. These include improvements to access footpaths, car parking, signage, seating, bins, information boards, way-finding signage, and safety barriers, which would be suitable for section 106 funding. The sum would also be used for the provision of watersports and other sports and leisure improvements at the reservoir, including works to improve access into the water such as new slipway(s), and pontoons on the water. Whilst the proposals are still to be fully formulated and costed, it is considered that a contribution from this development could assist in bringing some of these works forward.
- 6.169. In my view this would make a reasonable contribution and would address the requirements of policy TP11.

Section 106/CIL and development viability

- 6.170. Policy TP47 of the BDP states that development will be expected to provide, or contribute towards the provision of measures to directly mitigate its impact and make it acceptable in planning terms and provide physical, social and green infrastructure to meet the needs associated with the development.
- 6.171. The development does not generate a CIL contribution being outside of the charging areas in respect of contributions for housing and hotels.
- 6.172. A development viability appraisal has been submitted to support the application, and this has been independently reviewed by the Council's advisor. Initially, the applicant proposed to offer a section 106 package of £217,200, however as a result of the process of independently reviewing the applicant's viability assessment, the applicant has agreed to improve their section 106 package to £600,000. The Council's consultant advises that this is the optimum amount that could be sustained by the development without impacting on viability. The appraisal assumes that the residential element of the scheme will be delivered as Private Rented Sector (PRS) housing with a good quality internal fit-out reflective of the location and the nature of the PRS market.
- 6.173. I concur that the proposed contribution amount is reasonable and acceptable and propose that this is used to deliver a commuted sum for affordable housing provision, improvements to Chamberlain Gardens Park and improvements to the provision of sport and recreation facilities at Edgbaston Reservoir.
- 6.174. Taking these contributions into account, I do not consider it would not be viable to secure a contribution towards education or Metro/SPRINT or a car club.

7. Conclusion

- 7.1. The submitted application raises several planning issues which can be summarised as follows. The site constitutes an edge of centre location in planning policy terms and so the sequential assessment and impact tests are relevant, and have been considered in detail. My conclusion is that there are no alternative sequentially preferable sites and that the development will not have a significant adverse impact on planned office investment in the City Centre and is therefore acceptable in principle.
- 7.2. The masterplan and parameter plans have been revised to address various matters I have raised in respect of its impact in terms of urban design, landscape and heritage. I consider that the proposals represent a high quality development that will have transformational impact on the regeneration of a significant site on the edge of the City. The impact on heritage assets has been carefully considered in accordance with the statutory requirements to pay special regard to their preservation and is considered to be acceptable.
- 7.3. The submitted Environmental Statement has comprehensively considered the potential environmental impacts of the development and any cumulative impacts. The key issues to consider are those relating to daylight/sunlight impact where a significant adverse impact has been identified, albeit there is already a significant impact from the existing buildings on the site in terms of their relationship with existing housing to the north of the site. I have concluded that when weighing all of the benefits, including providing high quality office space, jobs and new housing that these impacts are acceptable. Matters relating to noise, air quality, wind, drainage,

transport, ecology, trees, socio-economics, and townscape have all been assessed and are concluded to be acceptable.

- 7.4. The proposal makes an appropriate section 106 contribution towards affordable housing, public open space and sports facilities/recreation and is therefore concluded to accord with the relevant policies in the BDP and the NPPF. I have therefore recommended approval subject to the satisfactory completion of the section 106 agreement, subject to conditions.
- 7.5. Having taken into account all of the relevant planning issues, and in particular having had regard to the guidance in paragraph 14 of the NPPF (the presumption in favour of sustainable development), in my view the application is acceptable.

8. Recommendation

- 8.1. That consideration of planning application 2017/00663/PA be deferred pending the completion of a suitable 106 legal agreement to secure the following :
- a) A financial contribution of £200,000 (index linked from the date of this resolution) towards off-site affordable housing within Birmingham,
 - b) A financial contribution of £200,000 (index linked from the date of this resolution) towards the provision of improvements and maintenance of Chamberlain Gardens park to include new paths and circulation routes, heritage interpretation signage, land modelling and soft landscaping and children's play provision, or other such works within Chamberlain Gardens park
 - c) A financial contribution of £200,000 (index linked from the date of this resolution) towards provision of improvements and maintenance of Edgbaston Reservoir to include provision of watersports and other sports and leisure improvements
 - d) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.

- 8.2 That the City Solicitor be authorised to prepare, seal and complete the appropriate agreement,

- 8.3 That in the event of the s106 legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 13th October 2017, that planning permission be refused for the following reason :

In the absence of any suitable planning obligation to secure the provision of affordable housing, public open space and sport and recreation contributions the development would be contrary to paragraphs 8.50-8.54 of the adopted UDP (saved policies), Affordable Housing SPG, policies TP9, TP11, TP31 and TP47 of the Draft Birmingham Development Plan and the NPPF.

- 8.2. That in the event of the above s106 agreement being completed to the satisfaction of the Local Planning Authority on or before 13th October 2017, that favourable consideration be given to the application 2017/00663/PA subject to the conditions listed below :

-
- | | |
|---|--|
| 1 | Requires the submission of reserved matter details following an outline approval |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
-

-
- 3 Role of the illustrative masterplan and parameter plans
 - 4 Reserved matters and other details to be in accordance with the illustrative masterplan
 - 5 Requires the prior submission of a phasing plan
 - 6 Requires the scheme to be in accordance with the environmental statement
 - 7 Requires details of a carbon reduction statement for each phase.
 - 8 Requires details of a sustainable waste management plan
 - 9 Requires the prior submission of Structural Recording
 - 10 Requires the prior submission of a construction method statement/management plan
 - 11 Requires the prior submission of a construction employment plan
 - 12 Requires the prior submission of contamination remediation scheme on a phased basis
 - 13 Requires the prior submission of a contaminated land verification report
 - 14 Requires the prior submission level details on a phased manner
 - 15 Requires the prior submission of a sustainable drainage scheme in a phased manner
 - 16 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan in a phased manner
 - 17 Requires the prior submission of sample materials in a phased manner
 - 18 Requires the prior submission of hard surfacing materials
 - 19 Requires the prior submission of hard and/or soft landscape details
 - 20 Requires the prior submission of boundary treatment details in a phased manner
 - 21 Requires details of public realm furniture
 - 22 Requires the prior submission of details of public art
 - 23 Arboricultural Method Statement - Submission Required
 - 24 Requires the prior submission of a construction ecological mitigation plan on a phased basis
 - 25 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 26 Requires the prior submission of a CCTV scheme
-

27	Requires the prior submission of a lighting scheme in a phased manner
28	Limits the hours of use of proposed A Class Uses to between 07:00-23:30 hours Mondays to Sundays.
29	Limits the noise levels for Plant and Machinery
30	Requires the prior submission of extraction and odour control details
31	Requires the prior submission a noise study to establish residential acoustic protection
32	Phasing of car parking
33	Requires the submission of a car parking management plan
34	Requires details of electric vehicle charging points
35	Requires the prior submission and completion of works for the S278/TRO Agreement
36	Requires vehicular visibility splays to be provided
37	Requires pedestrian visibility splays to be provided
38	Requires the prior submission of cycle storage details in a phased manner
39	Requires the prior submission of a commercial travel plan
40	Requires the prior submission of a residential travel plan
41	Implement within 5 years (outline)

Case Officer: Stuart Morgans

Photo(s)



Figure 1 : Aerial View of site



Figure 2 : 123 Hagley Road



Figure 3 : 125 Hagley Road



Figure 4 : 127 Hagley Road



Figure 5 : Edgbaston House

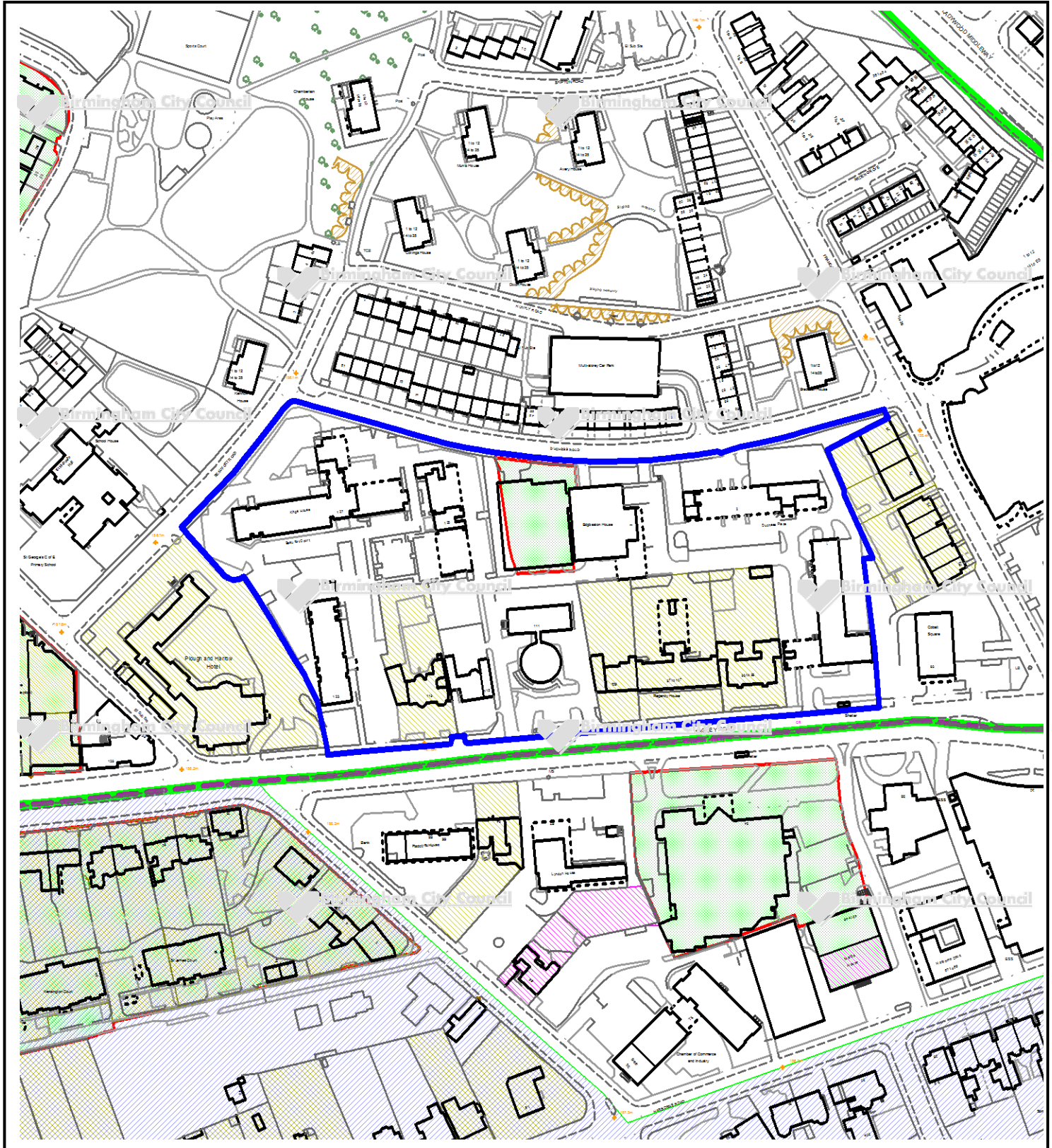


Figure 6 : 111 Hagley Road



Figure 7 : View along Duchess Road looking east

Location Plan



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Birmingham City Council

Planning Committee

14 September 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	13	2017/04315/PA Units 17c 17f and 17g 17 Pitsford Street Ladywood Birmingham B18 6LJ Change of use from light industrial business (Use class B1) to gym (Use class D2)

Committee Date:	14/09/2017	Application Number:	2017/04315/PA
Accepted:	24/06/2017	Application Type:	Full Planning
Target Date:	14/09/2017		
Ward:	Ladywood		

Units 17c 17f and 17g, 17 Pitsford Street, Ladywood, Birmingham, B18 6LJ

Change of use from light industrial business (Use class B1) to gym (Use class D2)

Applicant: Mr Kieran Quinlan
323 Olton Boulevard East, Acocks Green, Birmingham, B27 7DT

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 The application relates to a traditional 2 storey “shopping wing” which lies within a courtyard to the rear of existing commercial properties fronting Pitsford Street. It is proposed to use the building as a gym which would involve the use of the existing open plan floor area for weights equipment on the ground floor with the first floor used as an open training area. On the first floor the unit would extend above an existing ground floor workshop and the space above would be used as an office. No external alterations are proposed to the building although the windows would be repaired where necessary and the broken glass replaced.
- 1.2 The applicant advises that the intention is to run a specialist personal training studio for clients following personal training plans. They would either attend the premises to have individual tuition or be part of a group of no more than 12 persons at any one time. Persons attending the gym for training would be appointment only and they would be escorted on and off the premises before and after their training sessions. All clients would be required to sign up to a training programme prior to coming to the gym and there would not be any passing trade. The training sessions would be run from 6am - 9pm Mondays to Fridays and from 10am – 2pm at weekends. The applicant would run the gym with the assistance of one part time member of staff as required.
- 1.3 There is no vehicle access into the courtyard and pedestrian access into the site is only available from a narrow alleyway from Pitsford Street which runs under the frontage buildings and is secured by a locked gate. The applicant intends to install a buzzer type system so that clients can announce their arrival. As there is no on-site parking any clients visiting the site who do not walk or cycle to the premises could use the on street parking available in Pittsford Street or the multi -storey car park located nearby on Vyse Street. The Jewellery Quarter Station also lies close to the site.

1.4 [Link to Documents](#)

2. Site & Surroundings

2.1 The application site lies within the Jewellery Quarter Conservation Area and comprises of a two storey wing attached to the rear of 17 Pitsford Street. It lies on one side of a shared courtyard opposite to a similar “shopping wing” to the rear of 15 Pitsford Street. The application building has a floor area of 104 square metres and is two storeys high of brick with a pitched slate roof. The site comprises the entire first floor space of the shopping wing but at ground floor level a small part of the wing known, as unit is 17B, is excluded from the site as it is occupied by a separate tenant as a workspace.

2.2 The adjacent terraced properties at Nos 11-23 Pittsford Street comprise of similar workspaces/commercial uses which either front Pitsford Street or form shopping wings to the rear around a central courtyard space. A number of the units are used as workspaces by creative businesses and others are used as retail spaces most of which are jewellery related. Attached to the rear of the application building is a further shopping wing to the rear of No 19 Pitsford Street which was occupied by a fish restaurant but is now vacant. Most of the units have no on-site parking and access for the units within the courtyards is accessed via a narrow pedestrian alley way between buildings.

2.3 In the wider area is Warstone Lane cemetery which lies on the opposite site of Pitsford Street which is listed Grade II on the Register of Historic Parks and Gardens and there are other similar two and three storey commercial properties at Nos 5-9 Pitsford Street and 12-23 Vyse Street which are all listed buildings.

2.4 [Site Location](#)

3. Planning History

3.1 5/2/81 – 5551900 – Planning permission granted for alterations to street frontages and elevations in connection with refurbishment works at Nos 5-17 Pitsford Street and 12 – 23 Vyse Street.

4. Consultation/PP Responses

4.1 Transportation – No objections subject to a condition requiring secure provision for cycle/motorcycle storage. Considers that it is unlikely that the proposed development would have any significant impact in terms of highway safety and free flow, and the site benefits from good links by all modes of transport.

4.2 Regulatory Services – No objections

4.3 Network Rail – No comments

4.4 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. 3 letters and a petition received. The petition is signed by the occupiers of 15 local businesses in the vicinity of the site and states that “*the undersigned are directly affected by the proposal for the change of use from light industrial (B1) to Gym (D2) and would like to register our objections*” but does not give any reasons for the objections. The 3 individual letters received contain the following objections:-

- The only entry to the proposed gym is via a normally locked door which leads to a large rear courtyard which is overlooked by a number of jewellery associated businesses. The entry to this area is strictly controlled and proposed opening hours of the gym, would compromise the security of businesses during the evening and at weekends.
- The plans submitted with the application are inadequate with no details of access, fire exits, stairs or of the ancillary facilities usually associated with even small gyms such as toilets, showers, changing areas. There are no public facilities in the courtyard itself.
- The site is more suitable for light industrial uses consistent with the JQ management plan and the previous use which an old silver works.
- The proposed first floor layout of the gym has a circuit training area directly above the workshop area at unit 17B, which houses sensitive engraving machinery and the gym use will disrupt the machinery and cause noise and disturbance.
- The building has been used for trades associated with the jewellery quarter and chemicals used in plating and casting such as cyanide may have leached into the fabric of the building so it would not provide a safe environment for members of the public.

5 Policy Context

- 5.1 National Planning Policy Framework, Birmingham Development Plan 2031, Birmingham Unitary Development Plan 2005 (saved policies), The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD. The site is within the Jewellery Quarter Conservation Area and in the designated Golden Triangle Area.

6. Planning Considerations

Principle

- 6.1 The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets each area and for the Jewellery Quarter seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses.
- 6.2 The NPPF in paragraph 131 states that In determining planning applications affecting the historic environment 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.
- 6.3 The site falls within the Golden Triangle area of the Jewellery Quarter as defined by the JQCACAMP. Here the density and integrity of surviving industrial and jewellery related commercial premises within the locality are seen as making an important

contribution to the character of the Jewellery Quarter. Policy 1.3 of the Jewellery Quarter Management Plan states that the Council will not normally permit changes of use to buildings where the new uses would adversely affect its character and appearance or that of the conservation area.

- 6.3 The application building is currently vacant and although it has previously been used for light industrial uses associated with the Jewellery Trade it is not considered that its use as a gym would be inappropriate. The BDP seeks to create an urban village in the Jewellery Quarter supporting the areas unique heritage with the introduction of an appropriate mix of uses. There are already a number of different uses within the traditional buildings in this part of the conservation area including offices, dentist, a restaurant/cafe, letting agency, computer store as well as workshops and showrooms directly related to the jewellery trade. It would not be reasonable to insist that the building was only used by a jewellery related business.
- 6.4 The building is in a reasonable state of repair but has a number of broken windows which are also obscured with paper so that it does not provide any activity into this part of the courtyard. The applicant intends to repair the windows but otherwise the development does not require any alterations to the external appearance of the building. The use can therefore be accommodated without adversely affect its character and appearance or that of the conservation area. The re-use of the building is likely to prevent it deteriorating any further and would bring another activity into the area adding to its vitality. It is therefore considered that in principle the use of the building as a gym is acceptable.

Layout

- 6.5 A number of the objections received relate to the inadequacy of the plans submitted with the application which originally included No's 17 and 17B Pitsford Street, were unclear and provided no details of access, stairs or ancillary facilities such as toilets. The plans have since been amended to exclude 17 and 17B Pitsford Street and the floor plans now show the position of the existing entrance into the building, staircase and toilets which would be retained and used in connection with the development.
- 6.6 In relation to the objection that the first floor layout of the gym has a circuit training area directly above the workshop area at unit 17B, the plans show this area as an office. The applicant has confirmed that the heavy weights and music speakers will be located to the far end of the gym away from neighbouring properties and music will be kept at an appropriate level.

Access/Security

- 6.7 It will only be possible to gain access to the development by foot from Pitsford Street and no on-site parking can be provided. This is no different from the current situation and no objection is raised by Transportation.
- 6.8 Objections have however been raised regarding the pedestrian access for visitors as other business operators are concerned that the use of the alleyway and proposed hours of use would compromise the security of their units during the evening and at weekends. Access into the courtyard is currently controlled via lockable gates at both ends of the alleyway. The applicant advises that clients using the gym would be via appointment only and that he intends to install a buzzer system to allow visitors to announce their arrival and they would be escorted on and off the premises before and after their training sessions. Most training occurs on a one to one basis but

where there is a group no more than 12 clients and 2 members of staff would be using the gym at any one time.

- 6.9 Paragraphs 58 and 69 of the NPPF state that planning decisions should aim to promote and create safe and accessible environments where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion. The proposal makes use of an existing building and however it is used it would require access into the shared courtyard. This proposal is for a small scale activity and with appropriate management and supervision of visitors there should not be any undue additional risk to the security of adjacent business premises. The applicant has already discussed the concerns with occupants of one of the business units and has offered monthly meetings to address any ongoing concerns.

Other matters

- 6.10 Concerns have also been expressed that as the building has previously been used been used for trades associated with the jewellery quarter chemicals may have leached into the fabric of the building making it an unsafe environment for members of the public. No objections to the application have been received from Regulatory Services and most users of the premises would only be on site for an hour at a time. It is not considered that there it likely to be any undue threat to human health.

7.0 Conclusion

- 7.1 The proposed use of this vacant building as a gym does not require any external alterations that would adversely affect its character and appearance or that of the Jewellery Quarter Conservation Area. The gym use would add to the range of uses in the area and bring an empty building back into use. The issues raised by local businesses regarding noise and disturbance, security and access would not have a significantly greater impact on the area or on crime/safety than the authorised use of the property as a light industrial workshop.

8.0 Recommendation

- 8.1 Approve subject to the following conditions

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Prevents the use from changing within the use class |
| 3 | Implement within 3 years (Full) |
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: Front view of building from the courtyard



Figure 2: View of unit 17B which occupies part of the building (the two ground floor windows to the left)

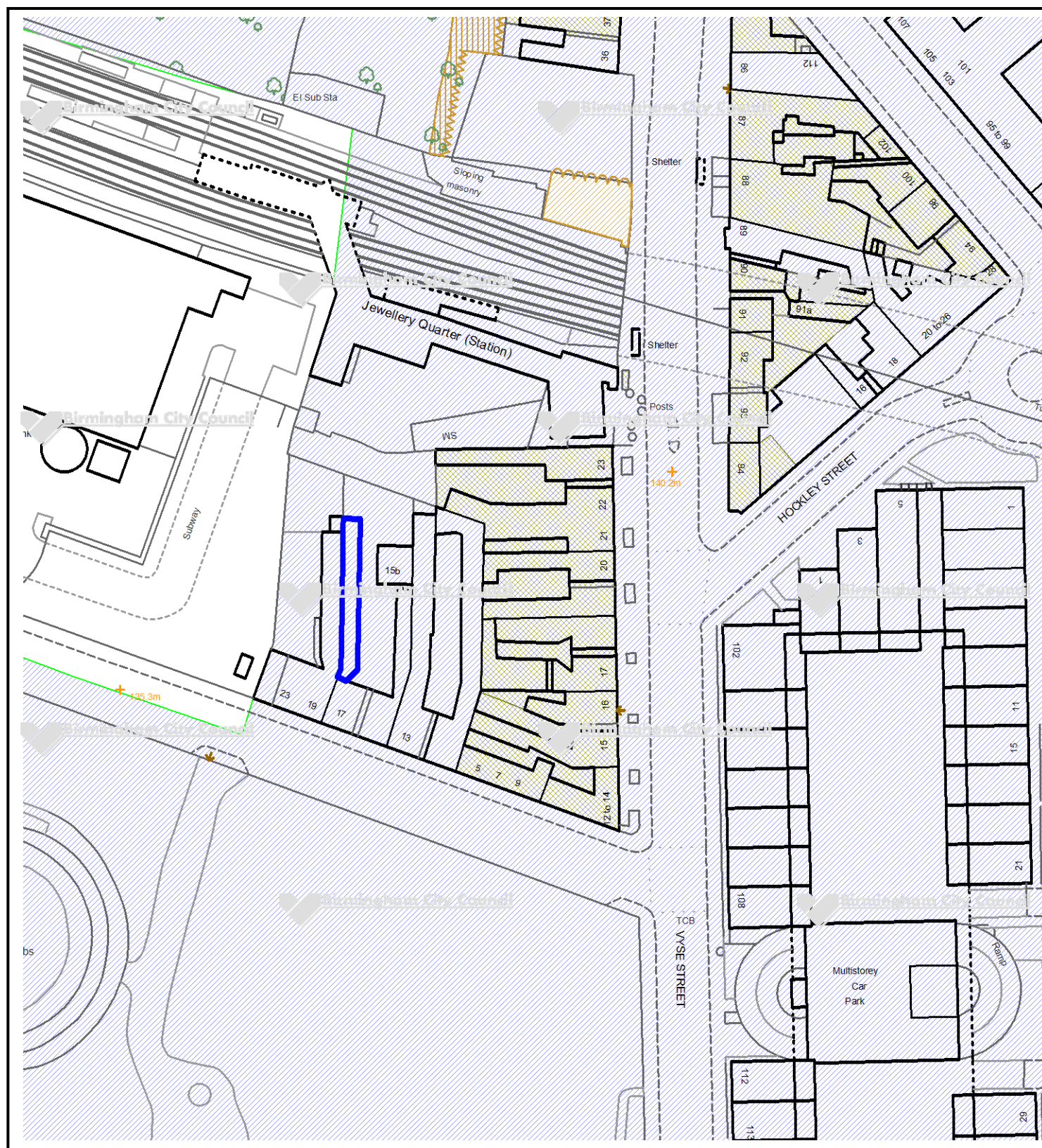


Figure 3: View of access into courtyard (via the green door)



Figure 4: View of access into courtyard from Pitsford Street

Location Plan



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Birmingham City Council

Planning Committee

14 September 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	14	2017/03380/PA Collingbourne Avenue (Former Comet PH) Hodge Hill Birmingham B36 8PE Outline application for erection of 29 dwellings with access, appearance, layout and scale to be determined and landscaping to be reserved for future consideration
Approve - Conditions	15	2017/06609/PA 868 Alum Rock Road Ward End Birmingham B8 2TY Change of use from a MOT/ car repair and sales centre (Sui Generis) at ground and part first floor and residential (Use Class C3) on part first floor to restaurant (Use Class A3), installation of extraction flue, new shop fronts and associated parking.
Approve - Conditions	16	2017/06725/PA Stechford Retail Park Flaxley Parkway Stechford Birmingham B33 9AN Application for removal of condition number 6 (provision of designated vehicle charging points) attached to planning approval 2017/02934/PA for the reconfiguration of the existing car parking layout and existing totem structures, the provision of new landscaping and an amended vehicular and pedestrian access

No Prior Approval Required	17	<p>2017/06189/PA</p> <p>Corner of Ridgeway and Brookvale Road Erdington Birmingham B23 7RT</p> <p>Prior notification for the installation of a 17.5 metre monopole with 3 antennas, 2 dishes and 3 equipment cabinets.</p>
Prior Approval Required -Approve Conditions	18	<p>2017/06969/PA</p> <p>Greenwood Academy Farnborough Road Castle Vale Birmingham B35 7NL</p> <p>Application for prior notification of proposed demolition of Greenwood Academy buildings</p>

Committee Date:	14/09/2017	Application Number:	2017/03380/PA
Accepted:	19/05/2017	Application Type:	Outline
Target Date:	08/09/2017		
Ward:	Hodge Hill		

Collingbourne Avenue (Former Comet PH), Hodge Hill, Birmingham, B36 8PE

Outline application for erection of 29 dwellings with access, appearance, layout and scale to be determined and landscaping to be reserved for future consideration

Applicant:	Mr David Rahal c/o Agent
Agent:	Dutch Architecture Ltd Unit A Parkside Business Centre, Hollyhead Road, Boningale, WV7 3DA

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This outline planning application seeks to secure consent for the development of 29no. dwellings on land at the former Comet Public House on Collingbourne Avenue, Hodge Hill. The outline application seeks approval of the access, appearance, layout and scale of the proposed development with landscaping to be reserved for future consideration.
- 1.2. The proposed layout would comprise of 29no. dwellings (24 houses and 5 flats) and associated car parking provision, rear gardens and an area of public open space in the west of the application site arranged in a small Cul-de Sac with a separate private drive. The proposed dwellings comprise a mix of house sizes and types, with elements of terraced dwellings within the site alongside semi-detached dwellings fronting the site and a block of flats in the north eastern corner of the site.
- 1.3. The residential layout is outward looking with each dwelling overlooking public open space to the rear of the site or the public realm to the front of the site. The residential units on the northern boundary of the site would overlook the existing pedestrian access from Collingbourne Avenue to Kempton Park. The proposed dwellings seek to reflect the arrangement and relationship of the existing houses with the public realm, and would be set back from the road to create an active frontage.
- 1.4. The proposed dwellings comprise a mix of 2 and 2.5 storey dwellings, with a mix of 3 x 1 bed flats; 2 x 2 bed flats; 12 x 2 bed houses; 8 x 3 bed houses and 4 x 4 bed houses. The residential units would feature the following internal arrangement:

- 1 bed flat (min. 47.8sqm) – Open plan lounge / kitchen / diner, family bathroom and one bedroom (13.6sqm)
 - 2 bed flat (min. 71sqm) – Open plan lounge / kitchen / diner, family bathroom, two bedrooms (12.9sqm and 16.4sqm)
 - 2 bed house (min. 70sqm) – Ground floor: hallway, WC, kitchen, open-plan living / dining room, store; First floor: two bedrooms (12.8sqm and 13.5sqm) family bathroom
 - 3 bed house (min. 92sqm) – Ground floor: hallway, WC, utility room, open-plan kitchen diner and living room; First Floor: two bedrooms (10.3sqm and 15.6sqm) and family bathroom; Second Floor: en-suite bedroom (20sqm)
 - 4 bed house (min. 113sqm) – Ground floor: hallway, WC, utility room, breakfast kitchen, lounge, family room; First floor: one en-suite bedroom (16.4sqm); three bedrooms (6.4sqm, 5.4sqm and 10.5sqm) and family bathroom
- 1.5. The proposed appearance of the dwellings would broadly reflect the appearance of the surrounding dwellings, proposing facing brick with elements of render and tiled roof with UPVC windows and doors. The 3 and 4 bedroom dwellings, and the apartment block, would also feature entrance canopies, which would again reflect the appearance of existing dwellings in the area.
- 1.6. The 3 bedroom dwellings would also feature front dormer windows at third storey level. Plots 5 and 6 would also benefit from garages to the side of the dwellings. Plot 7 is proposed to be dual fronted to face on to Collingbourne Avenue and the new access road.
- 1.7. The proposed residential rear gardens range in size from a minimum of 44sqm for a 2 bed dwelling to a maximum of 131sqm for a 3 bed dwelling. The gardens for the 4 bed dwellings range from 62sqm to 66sqm. Each garden would be a minimum of 10m in length and would benefit from independent rear access.
- 1.8. The proposed communal external amenity space associated with the flats would amount to an equivalent of 96sqm per flat. A number of trees are proposed to be retained in this area. It is understood that this area would be subject to boundary treatments to enclose the communal amenity space proposed.
- 1.9. The proposed density of the residential redevelopment of the site would amount to approximately 34 dwellings per hectare.
- 1.10. The primary access to the site is proposed to reflect the former access arrangement of the site when it was in operation as a public house. A private drive is located in the north of the site accessed from Collingbourne Avenue which would serve a pair of semi-detached dwellings overlooking the pedestrian footpath to the north, parking for units 1 – 4, the residential block of flats and a parking court for the flats including 3no. visitor parking spaces. The proposed private drive would be subject to speed reduction and traffic calming measures and would also feature a bin collection point.
- 1.11. Proposed car parking has been arranged in a variety of ways to provide a policy compliant level of parking provision, providing 1no. parking space per 1 bedroom unit, with all other units provided with 2no. parking spaces. Parking spaces are positioned adjacent to the dwelling, at the side or the front, for units 1-14 and 23 – 29. Small landscaped parking courtyards are proposed to address units 15 – 19 in the residential block of flats and units 20 – 23. Areas of soft landscaping are proposed throughout the residential layout to soften the appearance of the

development, including the provision of trees and planting pits between areas of car parking.

- 1.12. An area of public open space is proposed to be provided in the west of the site, adjoining the existing Kempton Park. The area of public open space is subject to quite extreme levels with a 7 metre difference from the centre of the site to the western edge of the site. It is not proposed that these levels would be adjusted as part of the application proposals, given their role in contributing towards public open space. Two large, mature trees are proposed to be retained within this area of public open space. It is understood that the public open space would be distinguished from the land associated with Kempton Park by a line of concrete posts. Matters associated with specific landscape proposals are reserved for future consideration.
- 1.13. Due to the scale of the planning application, financial contributions towards public open space and the provision of affordable housing are required to mitigate the impact of the development.
- 1.14. The following documents were submitted in support of the proposal:
 - Design and Access Statement
 - Tree Survey & Constraints Plan
 - Transport Statement
 - Ground Investigation Report
- 1.15. The Financial Viability Assessment concludes that based on the level of affordable housing (10% as a commuted sum) proposed on site, the proposed development could support a financial contribution of £170,000 towards public open space, including compensation for the loss of the bowling green which was previously present on the site. Due to the site's location within a low value residential area, a contribution to the Community Infrastructure Levy is not required.
- 1.16. The application proposals have been subject to extensive discussion between the applicant and the Council throughout the course of the application, which has resulted in a number of alterations to the scheme in response to comments provided, including the re-arrangement of parking spaces and the addition of traffic calming measures along the road.
- 1.17. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises vacant, derelict and overgrown land which was previously occupied by the Comet Public House. This was a single storey public house with car parking to the front, a bowling green and extensive open space to the rear of the site. It is understood that the building was demolished in early 2009 and has been neglected since then. The remainder of the site is comprised of disused open space. Currently the site is subject to frequent occurrences of fly-tipping and anti-social activity.
- 2.2. The site is broadly rectangular in shape, amounting to approximately 0.5 hectares, however it is noted that there are significant level changes across the site which render some areas within the site undevelopable. The application site is subject to

blanket Tree Preservation Order 1556, with a Scots Pine tree and a Common Ash tree in the west of the site identified to be of moderate quality and in good condition.

- 2.3. To the immediate west of the site is Kempton Park which is accessed from Bromford Drive and Collingbourne Avenue, via an existing pedestrian pathway which is located immediately to the north of the application site.
- 2.4. The surroundings to the site are predominantly residential with a mix of dwelling types present in the area, including two storey mid-century terraced dwellings; low rise tower blocks of flats; two storey extended semi-detached dwellings; and high rise tower blocks of flats. The majority of the existing dwellings in the area date from the development of the Bromford Bridge Estate in the mid-1960s.
- 2.5. A small parade of shops is located opposite the application site which serves a local function, comprising a convenience store and a takeaway with a large car park to the front and flats above. The closest local centre to the application site is Fox and Goose District Centre, located approximately 1 mile to the south west.
- 2.6. The site benefits from good access to the strategic road network, with junction 5 of the M6 located approximately 1.7 miles to the north east of the application site. Bus service 25 runs a limited service between Ward End and Erdington from immediately outside the application site. Frequent bus services between Birmingham and Chelmsley Wood and Solihull are accessible from Chipperfield Road, approximately 0.1 mile to the east of the application site.

2.7. [Site Location](#)

3. [Planning History](#)

- 3.1. 05.01.2017 – 2016/08338/PA - Outline planning application for residential development comprising the erection of 29 dwellings with access, parking and private amenity space – Withdrawn.
- 3.2. 21.03.2016 - 2015/09011/PA - Outline planning application for residential development comprising the erection of 29 dwellings with access, parking and private amenity space – Withdrawn.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – raise concerns but recommend conditions to secure the appropriate development of the site.
- 4.2. Regulatory Services – recommend conditions to secure noise insulation scheme for the acoustic protection; contaminated land and remediation; and the provision of electric vehicle charging points.
- 4.3. City Ecologist – recommend conditions regarding site clearance and to secure ecological enhancements.
- 4.4. BCC Local Lead Flood Authority – requested additional information regarding drainage layout and infiltration rates.

- 4.5. BCC Education – requested financial contribution towards primary and secondary school places.
- 4.6. Leisure Services – object to the loss of public open space and bowling green, and require financial contribution to compensate for the loss.
- 4.7. West Midlands Police – no objection.
- 4.8. West Midlands Fire Service – no objection.
- 4.9. Severn Trent – recommend conditions to secure drainage plans for the disposal of foul and surface water flows.
- 4.10. Site Notice posted. MP, Ward Members and neighbours notified. One letter of representation received, raising concerns regarding the proposed level of car parking and the impact that this could potentially have upon existing parking demand within the immediate area as well as likely disruption as a result of the construction of the proposed development.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Places for Living SPG (2001); Car Parking Guidelines SPD (2012); DCLG Technical Housing Standards – Nationally Described Spatial Standard (2015); Affordable Housing SPG (2001); Public Open Space in New Residential Development SPD (2007)

6. Planning Considerations

Loss of Public Open Space and Bowling Green

- 6.1. NPPF paragraph 74 identifies that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.2. Bowling greens are classed by Birmingham City Council in the Birmingham Development Plan as playing fields. Policy TP9 sets out that playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking account of the minimum standard of 1.2 hectares per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size. There is a third circumstance but not applicable in this instance where an application is for an indoor or outdoor sporting facility that outweighs the loss. The applicant has agreed to

provide compensation to address this loss in accordance with paragraph 74 of NPPF and Policy TP9 of the BDP.

- 6.3. A Bowling Green Sequential Assessment has been submitted in support of the application, which states that the bowling green associated with The Comet public house was not used after 1995, and was used as part of the beer garden during the remaining years that the pub operated until its closure in 2008 and subsequent demolition. It is acknowledged that the bowling green does not currently resemble a bowling green due to it being neglected and overgrown for the last decade. The assessment in terms of quantity identified that there were 25 other bowling greens within the surrounding areas that include 22 within a 3 miles radius with the closest being Ward End Social Club situated approximately 1 mile from the site. The Bowling Green Sequential Assessment confirms that the site continues to remain unused and derelict and that has caused increase problems for the area in the form anti-social behaviour alongside the rest of the application site and provides little in the way of wider benefits.
- 6.4. Leisure Services have been consulted on the application proposals and object to the loss of both the bowling green and the public open space as a result of this development. Leisure Services note that should exceptional circumstances be demonstrated and accepted by the Planning Committee in regard to this loss, then compensation would be required in accordance with BDP policy.
- 6.5. Leisure Services require a financial contribution to compensate the loss of the bowling green to amount to £75,000 to be spent on the provision or improvement of sports, recreation or community facilities within the Hodge Hill Ward. Furthermore, the loss of approximately 2140sq m of POS in the north west half of the site would generate compensation to the amount of £25/m² due to the steep gradient not being of huge value for the siting of POS features. This would total a compensation figure of £53,500 which could also be spent on the provision, improvement and or maintenance of POS and Play facilities at the adjacent Bromford Bridge estate within the Hodge Hill Ward.
- 6.6. The planning application has been subject to a financial viability assessment which has been independently assessed. It has been concluded, taking all matters into account, that the maximum that the development could sustain to ensure that the scheme is viable and deliverable would be a financial contribution of £170,000, with £14,025 to relate to compensation for the loss of the bowling green (considering its condition and redundant nature, having been disused for over 20 years) and £155,975 to relate to compensation for the loss of the public open space and a financial contribution towards public open space on the grounds that the site would seek to deliver more than 20 dwellings, in accordance with Policy TP9 of the BDP.
- 6.7. Within Hodge Hill Ward, the total amount of public and private fields is 0.31 per 1000 population standard, which is significantly below the 1.2 hectares playing field provision per 1000 population in Hodge Hill Ward. However, the application site, due to its limited size and shape, it is unlikely to provide provision for alternative sports. The public open space provision within Hodge Hill Ward is 2.52 hectares per 1,000 populations, which is above the minimum 2 hectares per 1,000 population standard. Consequently, the local provision would be considered acceptable and the financial compensation offered would go towards funding a local facility (that would be "equivalent or better in terms of quantity and quality") and therefore satisfies the tests of paragraph 74 of the NPPF and the BDP.

- 6.8. Furthermore, given the condition of the application site and the disused nature of the existing bowling green and public open space, I am of the view that the proposed residential development of the site would deliver significant benefits in the form of the redevelopment of a site which would secure natural surveillance over the remaining public open space within the site and beyond, and the pedestrian link from Collingbourne Avenue to Kempton Park.
- 6.9. On balance, I consider that the loss of the bowling green and public open space has been appropriately justified and an acceptable level of compensation would be secured through a Section 106 Agreement.

Principle of Residential Development

- 6.10. The application site comprises a brownfield site in a sustainable location. The application site surroundings are predominantly residential, and the proposed development is broadly reflective of the residential character of the surrounding area.
- 6.11. The NPPF states at paragraph 49 that planning applications to deliver housing should be considered in the context of the presumption in favour of sustainable development (paragraph 14).
- 6.12. Policies TP27 and TP28 of the Birmingham Development Plan relate to sustainable neighbourhoods and the location of new residential development. Policy TP27 states that all new residential development will need to demonstrate that it is meeting the requirements of creating a sustainable neighbourhood, characterised by: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; 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; attractive, safe and multifunctional public spaces; and long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.13. Policy TP28 goes on to state that new residential development should: be located outside flood zones 2, 3a and 3b; be adequately serviced by existing or new infrastructure which should be in place before the new housing for which it is required; be accessible to jobs, shops and services by modes of transport other than the car; be capable of remediation in the event of any serious physical constraints, such as contamination or instability; and be sympathetic to historic, cultural or natural assets.
- 6.14. The proposals comprise a mix of dwellings, which seek to meet a range of housing needs. Additionally, the site was identified in the 2016 Strategic Housing Land Availability Assessment under Site E101 as being available in the medium term, and could deliver around 20 dwellings.
- 6.15. The application site is located within a sustainable location with reasonable access to public transport, and a number of public services accessible within a reasonable distance. The site is unconstrained in respect of flood risk, however it is subject to an existing TPO and significant level changes across the site from east to west. Furthermore, the site currently forms public open space which is designated under BDP Policy TP9: Open Space, Playing Fields and Allotments.

- 6.16. BDP Policy TP9 states that planning permission will not normally be granted on areas of open space except unless where it can be shown that the open space is surplus, underused and of poor quality, or appropriate compensation for the loss is agreed. The open space referenced in this context relates to a disused bowling green which was associated with the operation of the site as The Comet public house. Given the demolition of the public house in 2009 and the poor condition of the site, I maintain that the proposed redevelopment of the site would deliver a number of significant benefits to the physical environment and regeneration of a site which is subject to significant levels of anti-social behaviour at present and has a negative impact on the current physical environment of the area.
- 6.17. Policy TP30 of the BDP indicates that new housing should be provided at a target density responding to its context. The density of the proposed development at 34 dwellings per hectare is considered acceptable; whilst a lower density than the surrounding area, the constraints of the site are considered to restrict the maximum density of the site. The site is well served by public transport, with a number of bus services available within a short walking distance of the application site.
- 6.18. Policy TP32 of the BDP relates to housing regeneration which promotes the regeneration and renewal of existing housing areas to ensure that high quality accommodation is provided to comply with the principles of sustainable neighbourhoods, of which the Bromford Estate is identified as a priority. The policy goes on to state that in redeveloping cleared sites, development would also need to identify and provide opportunities to improve open space provision amongst other community facilities, and improving the general quality of the environment. The application proposals seek to redevelop a vacant and disused site which has been subject to a number of instances of anti-social behaviour, whilst seeking to provide a considerable area of public open space associated with the development. Financial contributions have been secured in respect of mitigating the impact of the proposals and addressing the loss of open space.
- 6.19. I consider that the application proposals are acceptable in principle, being broadly compliant with relevant adopted planning policy.

Layout and Design

- 6.20. The application proposals seek to deliver a traditional residential development of 29 dwellings, comprising of 3no. 1-bed flats, 2no. 2-bed flats, 12no. 2-bed houses, 8no. 3-bed houses and 4no. 4-bed houses. The proposed houses are 2-storey and 2.5-storey with a variety of semi-detached and terraced units, together with 2-storey residential block of 5 flats in the north eastern corner of the site. The dwellings are proposed to be constructed of red brick, with elements of render on the building facades. The dwellings would have a pitched roof of slate roof tiles. It is considered that the scheme design would be broadly reflective of the character of the surrounding residential properties. I recommend that a condition to secure the details of the materials used in the development is attached to any planning permission granted.
- 6.21. The layout of the proposed development seeks to provide an active street frontage to Collingbourne Avenue. The proposed access road and private drive would create a safe and secure environment, incorporating speed reduction measures to encourage low vehicular speeds. Off street parking in the form of allocated spaces is proposed throughout the development to accommodate parking demands of prospective residents, with small elements of landscaped courtyard parking proposed to accommodate the flats and a terrace of three houses.

- 6.22. The proposals relate to a cul-de-sac arrangement. Whilst this is reflective of the character in the immediate area, it is not considered that there is an over-riding positive character of the area, and that the proposed arrangement would have an acceptable impact on the appearance and character of the surrounding area. The redevelopment of the site would have a significantly positive impact on the physical environment of the application site. Furthermore, the dwellings have been arranged in an outward looking fashion and this would achieve significant benefits in respect of providing natural surveillance across the public open space and beyond to Kempton Park.
- 6.23. The proposed private drive would provide access to a pair of semi-detached dwellings and the residential block of flats in the north west of the application site. As per the arrangement for the cul-de-sac, the dwellings would overlook the public open space in the form of the pedestrian link. This would achieve considerable benefits to the provision of natural surveillance throughout the site, and would consequently improve the pedestrian link at present which is understood to be subject to recurring instances of anti-social behaviour.
- 6.24. I consider that the proposals would have an overwhelmingly positive impact on the visual amenity of the site, which is currently vacant, in poor condition and subject to regular occurrences of anti-social behaviour. I consider that through introducing residential development on this site, this would improve the appearance of the application site in the context of the surrounding area and its character.

Flood Risk and Drainage

- 6.25. The application site does not fall within a flood plain and does not raise any concerns regarding flooding, given the previously developed nature of the site and proximity to watercourses. The site is however subject to a considerable difference in levels across the site. Whilst a SUD Statement was submitted in support of the application which demonstrates how the application proposals will connect to existing facilities, the Local Lead Flood Authority have requested additional information to demonstrate that infiltration rates are acceptable in the context of the development of the site. This has since been provided in the form of a Drainage Strategy which has been reviewed and commented on by the Drainage Engineer.
- 6.26. Given the support for the development of the site in principle, and the significant benefits that the redevelopment of the site could achieve in respect of removing the opportunity for anti-social activity at the site and delivering 29 dwellings to contribute towards Birmingham's acute housing needs, it is considered appropriate in this instance to secure an acceptable drainage layout based on the information provided by relevant conditions recommended to be attached to any grant of outline planning permission.

Landscape and Ecology

- 6.27. It is noted that the matter of landscaping is reserved for future consideration. Notwithstanding this, the application proposals indicate areas of landscaping within the development, with areas of planting proposed throughout the site to improve the appearance and soften the development scheme overall and reduce the dominance of car parking on the frontages. These matters shall be reserved for future consideration in accordance with the provisions of an outline planning permission.

- 6.28. The application site is covered by a blanket Tree Preservation Order. The proposals seek to retain two category B trees within the site, whilst the twelve other trees in the site are category C or below and they should not be a constraint and have been removed in the proposal. It is considered that alongside the proposed public open space, the proposed development would achieve an environment reflective of the surrounding residential areas. The Council's Tree Officer has been consulted on the proposals and raised no objection, subject to conditions relating to the requirement of an arboricultural method statement and tree protection plan. Given that landscape relates to the reserved matter, it is likely that the delivery of the proposals would be dealt with through the resolution of reserved matters.
- 6.29. Although the application site comprises previously developed brownfield land, the site has been vacant for a number of years, resulting in the site becoming considerably overgrown, potentially providing a wildlife habitat. The applicant has therefore commissioned an ecological survey of the site which identified that there was potential for nesting birds and small mammals (hedgehogs, badgers, etc.) to be found on site.
- 6.30. The Council's Ecologist, based on the likelihood of wildlife being identified on site, recommends that site clearance would need to be undertaken in a sensitive and methodical manner. Timing of site clearance would be most critical to avoid impact to nesting birds whilst dense areas of scrub should be cleared by hand first to check for mammals / birds before larger machinery is used, and it is recommended that this should be done under the supervision of a competent ecologist. A number of conditions are recommended to secure the appropriate mitigation of any impact on biodiversity, in accordance with Policy TP8 of the BDP. This policy states that all developments should, where relevant, support the enhancement of Birmingham's natural environment, with biodiversity enhancement measures being appropriate to the scale and nature of the development. On this basis, I consider that the recommended condition to secure a scheme for ecological / biodiversity enhancement measures is reasonable and necessary.

Residential Amenity

- 6.31. The application proposals relate to the erection of 29no. dwellings, seeking to regenerate a vacant and disused site. I therefore consider that by bringing an active use to the site and improving the security of the site through the redevelopment of the site for residential purposes, there would be a beneficial effect on the immediate area.
- 6.32. The proposed dwellings have been positioned within the site layout to achieve adequate separation distances throughout the new scheme and from existing dwellings, with minimum distances of approximately 21m between plot 27 and 46 Collingbourne Avenue to the south; and approximately 23m between plots 15-19 and 74a Blossom Grove to the north. The dwellings would relate to an outward looking layout which would achieve natural surveillance across public open space, pedestrian links, and the proposed vehicular accesses to the site. I consider that the layout would contribute towards a positive living environment for prospective occupiers of the site.
- 6.33. When assessed against the Technical Housing Standards – Nationally Described Space Standard, the house types broadly meet the minimum gross internal floor areas however it is noted that there are shortfalls in some of the bedroom sizes. In respect of the bedroom sizes, it is noted that the single bedrooms in the four bed units are considerably undersized, providing room for only a single bed and item of

furniture with restricted circulation space. This bedroom size does raise concerns in terms of its impact on residential amenity, however the family living spaces of the living room and dining kitchen are considered to be adequate and would be likely to achieve an acceptable living environment. The one bedroom two person flats would also comprise a minor shortfall against the Nationally Described Space Standard. On balance, I consider that the proposed dwelling types would achieve an adequate living environment overall and prospective occupiers would have a reasonable level of residential amenity. Furthermore, I consider that the redevelopment of the site would achieve good quality residential accommodation and contribute significantly towards housing needs in Birmingham.

- 6.34. It is clear from the submitted floor plans for each of the house types that, whilst there is a minor shortfall which is regrettable, a functional layout is achievable within each of the dwellings, and I consider that these would result in an acceptable living environment which would create an acceptable level of residential amenity. This is demonstrated by the indicative furniture layouts provided.
- 6.35. Each of the houses is proposed to have a private rear garden and parking to the front or side of the dwelling provided. The flats are proposed to have enclosed communal rear amenity space. The gardens vary in size from 44sqm for 2 bed units to 131sqm for 3 bed units, with the 4 bed dwellings benefitting from gardens between 62sqm and 66sqm in size. Places for Living SPG requires a minimum of 70sqm of private garden space for family dwellings (3+ bedroom), and a minimum of 52sqm of private garden space for small dwellings (1-2 bedroom). For flats, an equivalent of 30sqm of communal external amenity space should be provided. It is noted that approximately 96sqm per flat is achieved in the proposed communal external amenity space however this does relate to a level change of approximately 2 metres. Whilst some of the gardens proposed would fall short of the guidelines set out within the SPG, it is considered that this, on balance, would be acceptable.
- 6.36. A large area of public open space, relating to approximately 1,640sqm would be provided within the site boundary, utilising the area of considerable level change. The development seeks to enhance an existing pedestrian link to Kempton Park. I consider that whilst the private external amenity space proposed is not fully policy compliant, it is of a good quality and future occupiers would have easy access to public open space within the site boundary as well as an existing park and recreation area within a short walk.
- 6.37. Given the residential surroundings of the application site, regard has been had towards the residential amenity of neighbouring properties. Due to the proposed orientation of dwellings, there is no breach of the 45 Degree Code with respect of the impact on the existing dwellings immediately adjacent to the application site. The proposed dwellings are located a minimum of 21m from existing dwellings (46 Collingbourne Avenue). Places for Living SPG recommends a distance of 21m between building faces and I consider that the proposals are therefore in accordance with the required guidelines.
- 6.38. Regulatory Services has been consulted on the application proposals and recommend a condition to secure noise insulation and acoustic protection for all windows, external doors and glazed area at the proposed development. I consider that such a condition is reasonable and necessary and has been recommended to be attached to any grant of planning permission.
- 6.39. By regenerating the site from its current dilapidated state, which is understood to have been subject to fly-tipping and anti-social behaviour, I consider that the

proposed scheme would contribute towards the reduction of crime and fear of crime through the removal of a derelict former commercial property and the provision of new residential accommodation will ensure natural surveillance across the site and towards the pedestrian link to Kempton Park. I consider that in this regard, the proposals would have an overall significantly positive effect on neighbouring residential amenity.

- 6.40. I consider that the application proposals would, overall, achieve a reasonable level of residential amenity for prospective occupiers. In order to protect the sizes of the private rear gardens in the long term, I recommend that permitted development rights are removed and have attached a condition to that effect.
- 6.41. In respect of the impact on neighbours and existing properties, and their loss of privacy, I recommend that permitted development rights are removed for new windows, and have attached a condition to that effect.

Highway Safety

- 6.42. The application site seeks to provide a policy compliant level of car parking associated with the residential development of the application site, proposing 58 car parking spaces at a ratio of 1 space per 1 bed unit and 2 spaces per 2 / 3 / 4 bed unit alongside 3 visitor spaces within the parking courtyard associated with the flats proposed in the north west of the site. This parking provision is therefore in accordance with the Car Parking Guidance SPD.
- 6.43. Whilst I note the representation received which raises concerns regarding level of parking provided, I do not consider that vehicles associated with the residential scheme would exceed the parking provision. I do not anticipate that the proposed development would have an unacceptable impact on highway safety, given the relatively low level of traffic in the area.
- 6.44. The application site is located within a sustainable location which is accessible to a public transport services providing access to a variety of destinations between Birmingham and Solihull. The bus stop to the front of the site provides a limited, hourly service between 10:05 and 14:05 Monday – Saturday. No cycle storage is proposed as part of the application proposals however it is recommended that such would be secured for the flats via an appropriate planning condition. It is considered that cycle parking for the dwellings could be reasonably accommodated in rear gardens for the houses.
- 6.45. Transportation Development have been consulted on the application proposals and raised a number of concerns regarding the cul-de-sac access and the need for the relocation of the bus stop to the front of the application site which serves the limited service 25 serving sites between Ward End and Erdington to facilitate this; the arrangement of car parking spaces and presence of parking courtyards throughout the site; the design of the private drive to plots 1-2, 15-19 not being acceptable on the grounds that it would not be adoptable (albeit this would be a matter for consideration by the Highway Authority); no speed reduction for private drive; no proposed refuse store; no turning head is provided for refuse vehicle access; long expanses of vehicle crossing; and no pedestrian visibility splays.
- 6.46. The applicant has been made aware of Transportation Development's concerns and has introduced some minor amendments to the scheme to introduce bin collection points along the private drive to relate to units 1-2 and units 15-19, to meet the permitted distances for residents and waste operatives to drag bins. Furthermore,

the parking provision within the courtyard associated with the flats has been reallocated to accommodate visitor provision and an appropriate allocation for the 1 / 2 bed units. Additionally, speed reduction measures have been proposed along the private drive.

- 6.47. Regarding the outstanding concerns raised by Transportation Development, I am of the view that these could all be sufficiently addressed through relevant pre-commencement conditions being attached to any grant of outline planning permission, including a Section 278 Agreement to secure the relocation of the limited service bus stop. This is consistent with the approach that is taken on many other sites throughout Birmingham for this scale of development, and would not be reasonable grounds for refusal in this instance.
- 6.48. On balance, I consider that the proposed residential development of a significantly problematic site which has been subject to recurrent instances of anti-social behaviour will achieve far-reaching benefits including the effective redevelopment of a vacant and dilapidated site and the delivery of houses to address Birmingham's acute housing need. Whilst Transportation Development's concerns are noted, I remain of the view that these outstanding matters could be addressed through appropriate pre-commencement conditions and the redevelopment of this challenging site should be supported. Transportation Development officers have since agreed that this would be a reasonable approach to take in this instance.

Affordable Housing

- 6.49. The postcode within which the development site is located falls within a Low Value Area Residential Zone and will therefore be subject to a £0 Community Infrastructure Levy charge. However, given the scale of the proposed development, seeking to deliver more than 15 dwellings, 35% affordable housing must be delivered as part of the scheme, in accordance with Policy TP31 of the Birmingham Development Plan.
- 6.50. Other elements which would be required to form part of a Section 106 Agreement is addressed in paragraphs 6.1 – 6.9 of this report, in accordance with the scheme's compliance with Policy TP9 of the BDP.
- 6.51. A Financial Viability Assessment was submitted in support of the proposals and this has been subject to an independent appraisal undertaken by Lambert Smith Hampton. The conclusions of the appraisal found that the site location is a low value residential location. The immediate surrounding locality is generally characterised by fairly typical local authority housing stock.
- 6.52. In order to secure the appropriate regeneration of the application site, it has been concluded that the site could secure a maximum of 10% affordable housing which would be the equivalent of 3 units, alongside the financial contributions required to mitigate the loss of the bowling green and public open space and to address the demand of future residents. Given the scale of this level of provision, it has been agreed that this should be secured as a commuted sum to reflect the discounted value of the affordable housing units, amounting to £105,000 to support the Council's current BMHT building programme to deliver 3 units elsewhere in the city.
- 6.53. Whilst a higher level of affordable housing provision would be welcomed, I accept that the proposed provision to be secured through the Section 106 Agreement would be the maximum that the development could sustain when considering the low value of the area and the financial contributions required to address other issues

associated with the site. When balanced against the prospective benefits of the residential development of the site, in terms of improvements to the physical environment and contributing towards Birmingham's acute housing need, I consider that the proposed level of affordable housing provision as a commuted sum would be acceptable.

Other Matters

- 6.54. Given the former use of the application site, Regulatory Services has recommended conditions for contaminated land investigation to be undertaken. I consider that such conditions would be appropriate and reasonable in the context of the scale of the proposed residential development.
- 6.55. Regulatory Services has also requested a condition to secure vehicle charging points throughout the development. Given the emergent focus on electric vehicles and their contribution towards addressing air quality matters in the UK, I consider that such a condition would be justified. However, I note that a large proportion of the proposed residential units would have driveway parking, I would expect that vehicles can be charged in this manner without the need for a dedicated vehicle charging points. I therefore consider that such a condition could only be applicable to the apartment blocks, which would be likely to operate a more informal parking allocation. I have attached this condition accordingly.
- 6.56. Education has requested a financial contribution towards school places however such contributions are now dealt with under the Community Infrastructure Levy (CIL). As the application site is located within a Low Value Area Residential Zone, no CIL contribution is required.

7. Conclusion

- 7.1. Whilst I acknowledge that the loss of the bowling green would be regrettable, the application has agreed appropriate compensation for the loss of bowling green and public open space together with off-site compensation sum that would provide long-term recreational community benefit for the immediate area.
- 7.2. The application site is an identified site within the 2016 SHLAA that is situated within a sustainable location and would deliver housing, contributing towards the acute housing need of Birmingham, with provision of affordable housing for the city. The density together with mix of housing would be appropriate for the site and integrate positively with the surrounding area. The proposal is considered acceptable in residential amenity terms.
- 7.3. Whilst Transportation Development raises concerns in respect of the access, relocation of the existing bus stop to the front of the application site, and the arrangement of car parking spaces, I consider that these matters can be appropriately dealt with through pre-commencement conditions. On balance, the overall benefits of the residential development of this vacant and dilapidated site which has been subject to recurrent instances of anti-social behaviour and currently makes a negative contribution to the surrounding area would outweigh the concerns of Transportation Development.
- 7.4. I therefore consider that the application is acceptable subject to conditions and completion of a Section 106 agreement to secure a financial contribution for the

compensation associated with the loss of the bowling green and public open space and a commute sum to reflect 10% affordable housing of the development.

8. Recommendation

8.1. Approve subject to a Section 106 Legal Agreement.

1. That consideration of Application No: 2016/03380/PA be deferred pending the completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure the following:-
 - i) 10% affordable housing (3 units) as a commuted sum to the amount of £105,000(index linked to construction costs from the date of the Committee resolution to the date on which payment is made) to support the Council's current BMHT building programme to deliver 3 units elsewhere in the city.
 - ii) The payment of £14,025 to compensate for the loss of the bowling green (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision and improvement of sports facilities within Hodge Hill Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
 - iii) The payment of £155,975 to compensate for the loss of public open space and to address the public open space needs of new residential dwellings (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards the provision, improvement and maintenance of public open space at the adjacent Bromford Bridge Estate POS within the Hodge Hill Ward that shall be agreed in writing between the Council and the party responsible for paying the sum provided that any alternative spend purpose has been agreed by the Council's Planning Committee.
 - iv) Payment of a monitoring and administration fee associated with the legal agreement subject to a contribution of £9,625.
2. In the absence of the completion of a suitable planning obligation to the satisfaction of the Local Planning Authority on or before the 14th September 2017, planning permission be REFUSED for the following reasons:
 - i) In the absence of a suitable planning obligation to secure affordable housing on the site, the proposed development conflicts with Policy TP31 of the Birmingham Development Plan (2017) and with paragraph 50 of the National Planning Policy Framework (2012).
 - ii) In the absence of a financial contribution towards the provision, improvement and maintenance of public open space at the adjacent Bromford Bridge estate POS within the Hodge Hill Ward, the proposed development conflicts with saved paragraphs 8.50-8.53 and 8.54 of the Birmingham Unitary Development Plan 2005, Policy TP9 of the Birmingham Development Plan and with paragraphs 73 and 74 of the National Planning Policy Framework (2012).

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

That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 14th September 2017, favourable consideration will be given to the application subject to the conditions listed below:

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the prior submission of level details
 - 3 Requires the prior submission of a lighting scheme
 - 4 Requires the prior submission of a contamination remediation scheme
 - 5 Requires the prior submission of a contaminated land verification report
 - 6 Requires the prior submission of a drainage scheme
 - 7 Requires the prior submission of a sustainable drainage scheme
 - 8 Requires the prior submission of a construction ecological mitigation plan
 - 9 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 10 Requires the prior submission a noise study to establish residential acoustic protection
 - 11 Limits the maximum number of dwellings to 29 units
 - 12 Requires the prior submission of a construction method statement/management plan
 - 13 Requires the prior submission of sample materials
 - 14 Requires the prior submission of details of refuse storage
 - 15 Requires the provision of a vehicle charging point
 - 16 Removes PD Rights for Garage Conversion
 - 17 Removes PD rights for new windows
 - 18 Removes PD rights for extensions
 - 19 Requires the prior submission and completion of works for the S278/TRO Agreement to secure construction of new accesses, reinstatement of redundant drop kerbs and relocation of street furniture including bus stop, street lighting columns, public refuse bin
 - 20 Requires the prior approval of the siting/design of the access
 - 21 Requires the prior submission of details of pavement boundary
 - 22 Requires the prior approval of an amended car park layout
 - 23 Requires the parking area to be laid out prior to use
-

-
- 24 Requires the prior submission of cycle storage details
 - 25 Requires vehicular visibility splays to be provided
 - 26 Requires pedestrian visibility splays to be provided
 - 27 Requires the prior installation of means of access
 - 28 Prevents occupation until the service road has been constructed
 - 29 Prevents occupation until the turning and parking area has been constructed
 - 30 Arboricultural Method Statement - Submission Required
 - 31 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 32 Implement within 3 years (outline)
-

Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application Site looking west



Figure 2: Application Site looking south



Figure 3: Application Site looking north

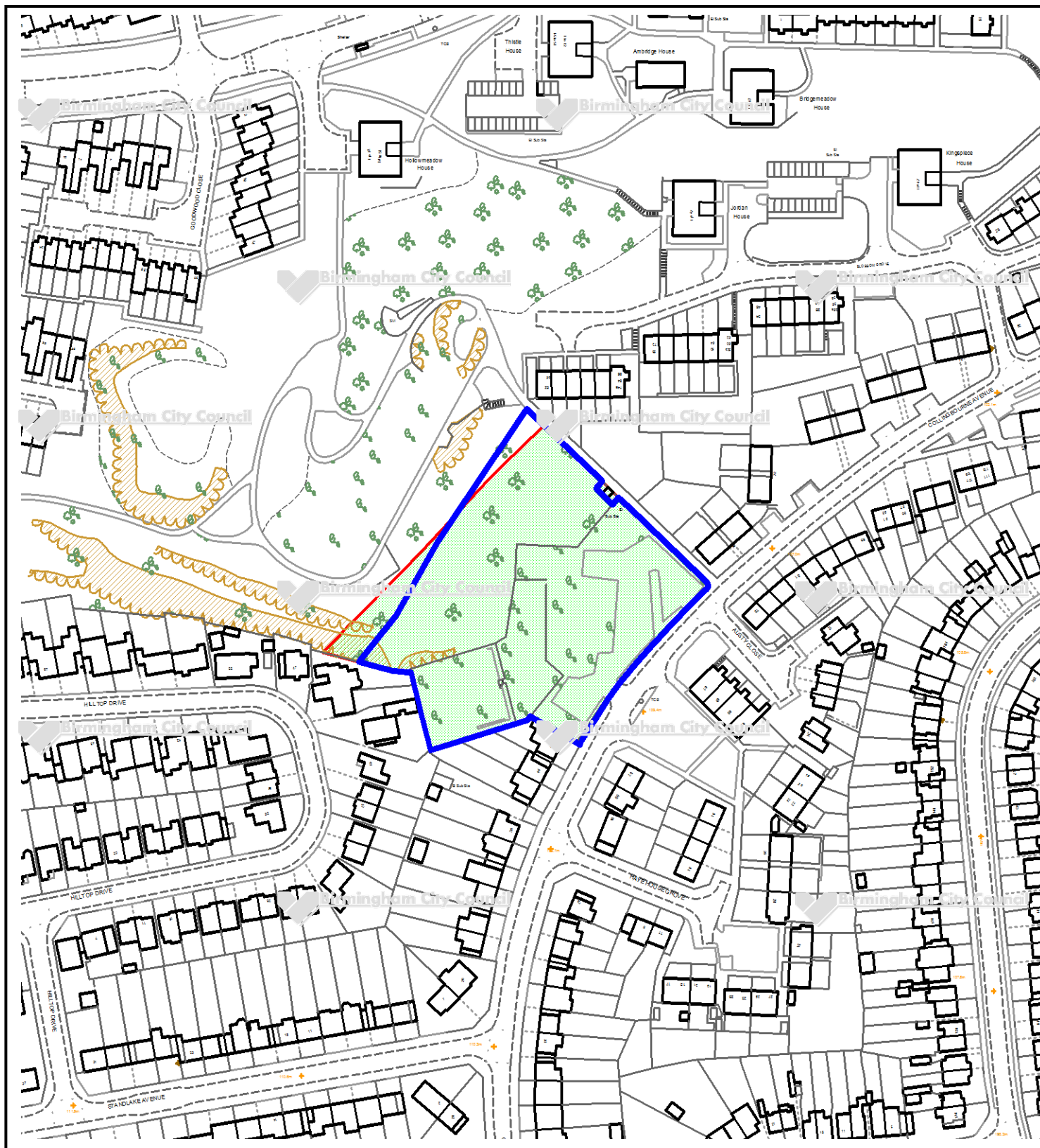


Figure 4: Application Site surroundings to the north



Figure 5: Application Site surroundings to the east

Location Plan



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Committee Date:	14/09/2017	Application Number:	2017/06609/PA
Accepted:	31/07/2017	Application Type:	Full Planning
Target Date:	25/09/2017		
Ward:	Washwood Heath		

868 Alum Rock Road, Ward End, Birmingham, B8 2TY

Change of use from a MOT/ car repair and sales centre (Sui Generis) at ground and part first floor and residential (Use Class C3) on part first floor to restaurant (Use Class A3), installation of extraction flue, new shop fronts and associated parking.

Applicant:	Mr Wasif Akhtar 868, Alum Rock Road, Ward End, Birmingham, B8 2TY
Agent:	Planning, Design & Build Ltd 864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for change of use from a MOT/ car repair and sales centre (Sui Generis) at ground and part first floor and residential (Use Class C3) on part first floor to restaurant (Use Class A3), installation of extraction flue, new shop fronts and associated parking at 868 Alum Rock Road, Washwood Heath.
- 1.2. The proposed opening hours would be 0800 hours to 2330 hours daily. There would be 3 full-time and 3 part-time employment positions created.
- 1.3. The internal floor plans show 32 seated covers, a waiting area, serving counter, kitchen, salad/buffet bar, juice/coffee bar, dessert area and WC facilities on the ground floor. On the first floor there would be a further 38 seated covers, store room and WC facilities.
- 1.4. The application as submitted shows details of air handling and odour control equipment proposed. The proposed extraction flue would be located on the rear of the building and discharge terminal would be 1m above eaves level.
- 1.5. It is also proposed to install new shop front display windows and doors to the side elevation of the building fronting onto Thornton Road.
- 1.6. There would be 10 car parking spaces retained on site, including two disabled parking bays fronting Thornton Road.
- 1.7. The Planning Statement submitted with the application states that the proposal would include a home delivery service via telephone/ online ordering facilities.

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a two storey, end terraced building that is located within the Primary Shopping Area of Pelham Neighbourhood Centre. The application site is located on a corner at the junction with Alum Rock Road and Thornton Road. The premises currently are in operation as a MOT and vehicle repairs centre with residential accommodation above. Part of the rear of the application site is located to the rear of 270 Alum Rock Road. There is a forecourt area, guard railings and footway crossing on both principal elevations.
- 2.2. The application premises are located within a commercial frontage with residential dwelling houses opposite and to the rear of the application premises and on adjoining roads. The neighbouring property at No. 270 and 272 Alum Rock Road are used as a retail shop (Use Class A1) at ground-floor level with residential accommodation above. No. 852 Alum Rock Road, on the opposite site of Alum Rock Road, is also in use as a retail shop (Use Class A1).
- 2.3. Thornton Primary School Annexe is located to the rear of the application premises which is set at the head of a gated driveway. The nearest family dwelling house at no. 46 Thornton Road is located to the north of the application site, just beyond Thornton Primary School Annexe building.
- 2.4. Thornton Primary School itself is located on the opposite site of Thornton Road.

2.5. [Site Location](#)

3. Planning History

868 Alum Rock Road

- 3.1 23/10/1958 – 16412001 - Motor car showroom storeroom & office – Approved.
- 3.2 25/06/1959 – 16412002 – Additional showroom – Approved.
- 3.3 28/04/1960 – 16412003 – Re-siting of petrol pumps etc – Approved.
- 3.4 16/11/1967 – 16412004 - Use of premises for teaching ballet dancing – Approved.

870 Alum Rock Road

- 3.5 No planning history

4. Consultation/PP Responses

- 4.1. Adjoining residents and Ward Councillors consulted – 6 letters of objection have been received, as summarised below:
- Traffic increase/parking issues (people blocking residential driveways)
 - Environmental issues – litter, storage of waste/rubbish, increase in rodents and anti-social behaviour

- Number of similar uses already within the locality
 - Noise and disturbance from comings and goings from premises
 - Smell
 - Hours of operation
 - Impact on healthy eating initiatives including rising levels of obesity
- 4.2. Regulatory Services – No objections, subject to conditions for noise insulation, noise levels for plant and machinery and restrictions on hours.
- 4.3. Transportation Development – No objections, subject to amendments to relocating disabled car parking spaces along Thornton Road.
- 4.4. Local flood Authority and Drainage Team – No objections.
- 4.5. West Midlands Police – No objections.

5. Policy Context

- 5.1. Relevant National Planning Policies:
- National Planning Policy Framework (2012)
- 5.2. Relevant Local Planning Policies:
- Birmingham Development Plan (2017);
 - UDP (saved policies) (2005);
 - Places for Living – SPG (2001);
 - Shopping and Local Centres - SPD (2012);
 - Shop Front Design Guide – SPG (1995).

6. Planning Considerations

- 6.1. The main considerations in the determination of this planning application are the principle of the proposal in this location, the effect upon residential amenity and highway implications.

Principle of Use

- 6.2. Policies 8.6 and 8.7 of the saved policies within the Unitary Development Plan and the "Hot Food Shops and Restaurants/ Café" SPG states that such uses should generally be confined to a shopping area or areas of mixed commercial development. The application site falls within a mixed commercial parade in Pelham Neighbourhood Centre as defined within the "Shopping and Local Centre" SPD. Policy TP24 of the Birmingham Development Plan states that local restaurant trade gives the area its unique characteristics in terms of trade and visitors into the city and any proposal as such should be encouraged to generate increased footfall to the area and halt economic decline. Consequently, I consider that the change of use to a restaurant would be acceptable in principle.

Impact on vitality and viability of the centre

- 6.3. I note objections raised above by local occupiers with regards to number of restaurant establishments in the area. The 'Shopping and Local Centre' SPD Policy 1 & 2 advocates that 50% of units within the Neighbourhood Centre should be retained in retail (Use Class A1) and the need to avoid over concentration of non-retail uses. The application site is located within the linear Pelham Neighbourhood Centre and

there are a total of 76 units out of which there would be 51 units (approximately 67.11%) retained within retail (Use Class A1). The proposed development would not result in a loss of an A1 retail unit and in this particular instance, I do not consider that the proposal would result in an overconcentration of A3 uses within Pelham Neighbourhood Centre as a whole.

Design and Visual Amenity

- 6.4. The proposed extraction flue would be located to the rear of the premises and would not compromise the existing character or have a detrimental impact on the general street scene.
- 6.5. I also consider that the proposed shop fronts along Thornton Road frontage would be compliant with the Shop Fronts Design Guide, with the provision of traditional elements of stallrisers, pilasters and fascia boards, and would be acceptable in the context of Pelham Neighbourhood Centre.

Residential Amenity

- 6.6. I note that Regulatory Services have assessed the scheme and raise no objections, subject to noise insulation, noise levels for plant and machinery and restrictions on hours conditions. I concur with this view, particularly when taking into account the existing commercial use of the premises. I note the concerns raised by local occupiers with regards to noise and disturbance and taking into account the existing relationship between residential accommodation above the adjoining properties, opposite and to the rear of the application premises. Consequently, concern is raised that the proposed change of use would produce additional noise and disturbance that would adversely affect the living conditions of neighbouring occupiers. However, I consider that the recommended conditions attached, including restricting the hours of use to between 0800 hours to 2330 hours daily, would ensure that it would be unlikely that there would be any adverse impact upon residential properties within the immediate vicinity of the site, particularly during night sensitive hours.

Highway Safety

- 6.7. Transportation Development have assessed the scheme and raise concerns regarding the proposed disabled parking bays along Alum Rock Road frontage. I concur with this view and also note the objections raised above. Amended Plans have been received to relocate the proposed disabled parking bays to Thornton Road frontage. There would be 10 car parking spaces including the two disabled parking bays provided within the curtilage of the application site. Consequently, I consider that the proposal is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site. The application site is located within the Primary Shopping Area of Pelham Neighbourhood Centre which benefits from good public transport, and on-street parking availability within close proximity. Subject to safeguarding conditions which include parking areas to be laid out prior to use, and cycle storage provisions; the proposal is unlikely to cause significant detriment to highway safety in a manner that would justify the refusal of the submitted application.

Other Matters

- 6.8. I consider that litter could be satisfactorily controlled through the imposition of a litter bin condition. However, I do not consider it necessary to impose a litter condition as the proposed use is for a restaurant where food would be consumed on the premises. With regards to the increase of rodents and anti-social behaviour within the

area, this would be controlled by Environmental Services. I also note the West Midlands Police raise no objections to the proposal in terms of crime and public safety. I concur with this view.

- 6.9. With regards to the objections relating to the impact on healthy eating initiatives including rising levels of obesity. Thornton Primary School is located approx. 21m away from the application premise and no objections have been received from the school or Birmingham Public Health in respect of the proposed change of use. The proposal is for an A3 restaurant and, as such, would not result in any additional A5 (takeaway) uses within this neighbourhood centre.

7. Conclusion

- 7.1. The proposed development would not compromise the vitality and viability of the existing centre. I am satisfied that the proposed development would not have a detrimental impact on visual or residential amenity or highway safety. Approval is therefore recommended.

8. Recommendation

- 8.1. Approve subject to the following conditions

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- | | |
|---|--|
| 1 | Limits the hours of use between 08:00 hours and 23:30 hours daily |
| 2 | Requires the prior submission of noise insulation (variable) between commercial and residential premises |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Requires the parking area to be laid out prior to use |
| 6 | Requires the prior submission of cycle storage details |
| 7 | Implement within 3 years (Full) |
-

Case Officer: Chantel Blair

Photo(s)

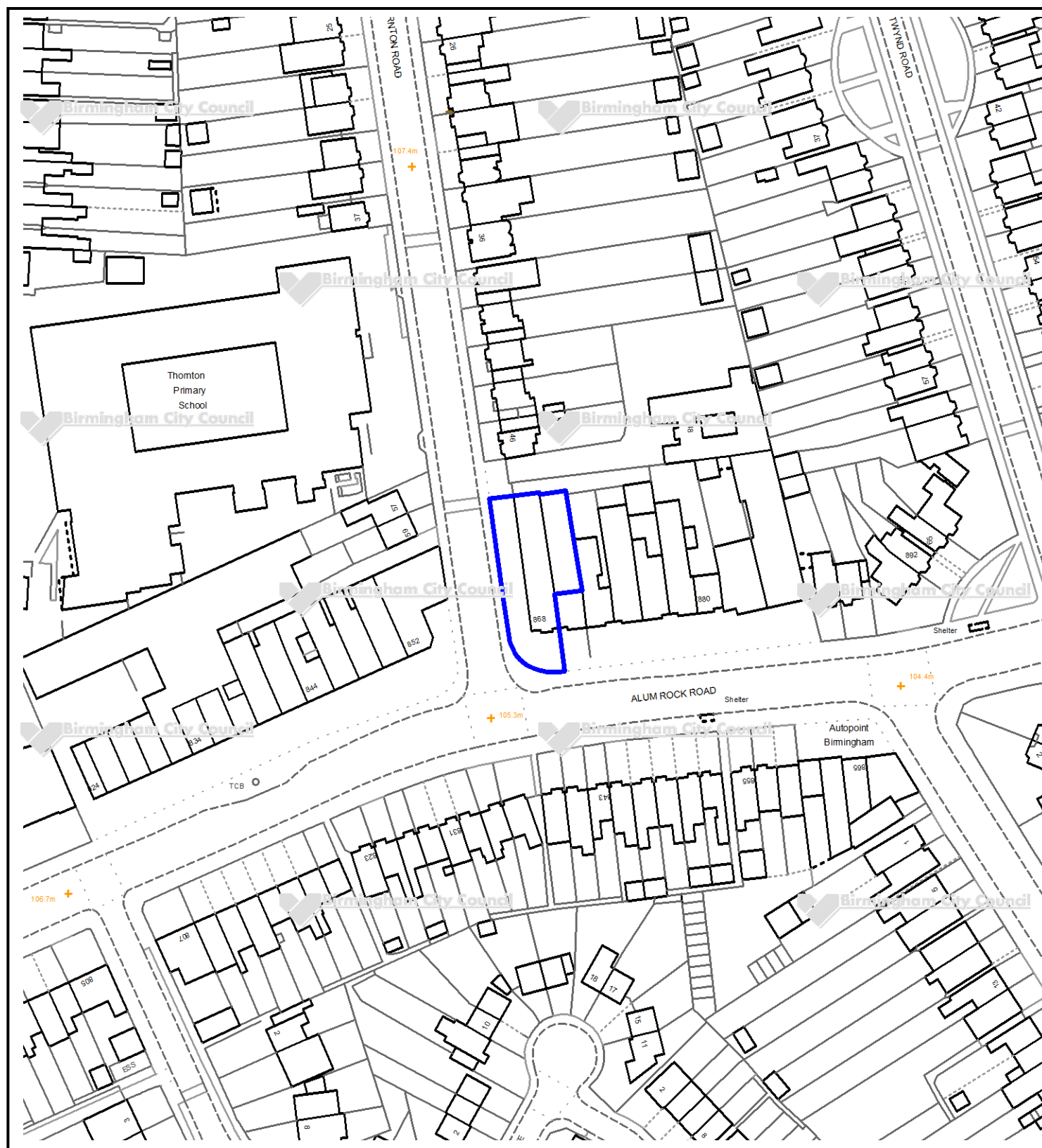


Figure 1: Front view fronting Alum Rock Road



Figure 2: Side view fronting Thornton Road

Location Plan



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Committee Date:	14/09/2017	Application Number:	2017/06725/PA
Accepted:	31/07/2017	Application Type:	Variation of Condition
Target Date:	25/09/2017		
Ward:	Stechford and Yardley North		

Stechford Retail Park, Flaxley Parkway, Stechford, Birmingham, B33 9AN

Application for removal of condition number 6 (provision of designated vehicle charging points) attached to planning approval 2017/02934/PA for the reconfiguration of the existing car parking layout and existing totem structures, the provision of new landscaping and an amended vehicular and pedestrian access

Applicant: Birmingham City Council
Economy Directorate, 1 Lancaster Circus Queensway, Birmingham, B4 7DJ

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This planning application seeks consent for the removal of condition 6 associated with planning reference 2017/02934/PA which granted consent for the reconfiguration of the existing car parking layout and existing totem structures, the provision of new landscaping and an amended vehicular and pedestrian access into Stechford Retail Park.

1.2. Condition 6 relates to the provision of designated electric vehicle (EV) charging points within the new car parking area.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises of the existing retail park, known as Stechford Retail Park, which itself comprises of a variety of modern retail units centre around two distinct surface level car parks with Flaxley Parkway located centrally within the site with access gained from the existing Iron Lane/Station Road/Flaxley Road gyratory into the retail park and which forms a central access through the retail park to other industrial units in Stechford, east Birmingham.

2.2. To the north of the retail park lies Flaxley Road and the gyratory, beyond which are commercial units and residential properties, to the south a railway line, to the east

further residential development (Old Farm Road) and to the west Station Road with ribbon commercial uses.

2.3. [Site Location](#)

3. [Planning History](#)

- 3.1. 2017/02934/PA – Reconfiguration of existing car parking layout, totem structures and landscaping at Stechford Retail Park, Flaxley Parkway, Birmingham, B33 9AN – Approved, subject to conditions – 06/07/17.

4. [Consultation/PP Responses](#)

- 4.1. Press Notice and Site Notice Published. Local MP, Local Ward Members, resident associations and local residents notified with 1 no. comments received from a local resident querying what the removal of condition 6 entails.
- 4.2. Cllr Neil Eustace – Objects to its removal given the expected increase in electric vehicles.
- 4.3. Transportation Development – No objection. Not specifically requested and priority is the securing of additional levels of cycle, disabled & parent/child parking. The land owner of the retail park is not the applicant in this instance, rather the local Highway Authority providing improvements to the private estates infrastructure in the course of realigning the estate road as part of wider highway improvements. Following investigation it is apparent that the implementation of EV changing points is not viable in this instance.
- 4.4. Regulatory Services – This department did not request this condition but supports the provision of electric vehicle charging infrastructure as this contributes to the council's wider objectives in relation to improving air quality.
- 4.5. Network Rail – No comments to make.

5. [Policy Context](#)

- 5.1. Birmingham Development Plan (2017), Birmingham UDP (Saved Policies), Places for All SPG, Car Parking Guidelines SPD, NPPF.

6. [Planning Considerations](#)

Background to Proposal

- 6.1. A previous planning application (2017/02934/PA) was approved for the provision of amendments to the existing access at Stechford Retail Park and the reconfiguration of the car park, resulting in additional parking provision, which formed part of a package of planned highway improvement works to improve journey times throughout the wider area and to increase vehicle capacity on the local road network through the removal of an existing gyratory system, the widening of Station Road (between Burney Lane and Flaxley Road) and a new road bridge structure over the River Cole.
- 6.2. The overall highway improvement scheme, within which the proposed access arrangements to the retail park are contained, forms part of a £13 million (approx.) scheme which is being funded by the City Council and the Greater Birmingham and

Solihull Local Enterprise Partnership (GBSLEP) in order to unlock economic growth in the area by reducing congestion through improved infrastructure. As part of the project, an upon the granting of planning permission the applicant will move forward with the Compulsory Purchase Order (CPO) process in order to acquire the required land to move the project forward (planning permission being a requirement to initiate that process) and that the scheme layout has been designed in agreement with the landowner of the retail park (Stechford Retail Park) in order to minimise any potential objections to the CPO process at a later date.

Principle of Development

- 6.3. It was considered in the previous consent that the provision of electric vehicle charging points might encourage those who visit the site to do so in an environmentally friendly manner (in conjunction with other sustainable transport modes, e.g. train, bus, walk and cycle) and that the imposition of a condition securing such provision was considered reasonable in this case.
- 6.4. It transpires however that Transportation Development did not specifically request the condition although they acknowledge the over provision of parking spaces at the retail park against maximum parking standards without a clear rationale and suggested that conditions securing additional levels of cycle storage and designated parent/child parking be secured. They are still of this view and that the priority should be securing additional levels of cycle, disabled & parent/child parking on site, which would remain as a result of this current application. Furthermore, they note that the land owner of the retail park is not the applicant in this instance, rather the local Highway Authority providing improvements to the private estates infrastructure in the course of realigning the retail park access road as part of wider highway improvements. In conjunction with the applicant's comments regarding the reasoning behind the removal of condition 6 and investigations it is now apparent that the implementation of EV changing points are not viable in this instance and they therefore raise no objections to the removal of condition 6 in this instance.
- 6.5. It is also noted that Regulatory Services did not previously recommend EV charging points in this instance although they support them in general as the provision of electric vehicle charging infrastructure such as this contributes to the council's wider objectives in relation to improving air quality and towards the expected increase in electric cars use.
- 6.6. The applicant has indicated within their submission that implementing electric vehicle charging points as a result of condition 6 would adversely impact upon the viability of the scheme. This is due to a number of factors, such as inadequate existing infrastructure on site (i.e. services, etc.), the costs associated to the delivery of such provision along with the risk of long term maintenance liabilities associated with such provision.
- 6.7. The applicant has indicated that these issues could adversely impact upon the public purse and possibly upon the wider road improvement scheme as further negotiations between the applicant and landowner would be required, in addition to the CPO process, which could impact upon the deliverability of the wider scheme. They go on to state that one of the mitigating factors of reducing the carbon footprint of the scheme is the associated landscaping which will be provided within Stechford Retail Park (secured under the 2017/02934/PA consent) and the surrounding vicinity as part of the overall road improvement scheme.

6.8. It is considered that whilst the loss of electric vehicle charging points on site is regrettable, the provision of the wider road improvement scheme coupled with improvements to cycle storage, disabled and parent/child parking on site would result in large scale benefits to the wider community. Therefore, on balance the removal of condition 6 is deemed to be acceptable in this instance.

7. Conclusion

7.1. The applicant has stated that the provision of such charging points would adversely impact upon the viability of the scheme. This is due to a number of factors, such as inadequate existing infrastructure on site (i.e. services, etc.), the costs associated to the delivery of such provision along with the risk of long term maintenance liabilities associated with such provision. Transportation Development do not disagree with this stance.

7.2. Therefore it is considered that whilst the loss of electric vehicle charging points on site is regrettable, the provision of the wider road improvement scheme coupled with improvements to cycle storage, disabled and parent/child parking on site would result in large scale benefits to the wider community and the removal of this condition is on balance acceptable.

8. Recommendation

8.1 Approve, subject to conditions.

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Provision of hard and/or soft landscape details |
| 3 | Provision of boundary treatment details |
| 4 | Requires the submission of cycle storage details within 6 months of approval |
| 5 | Requires the submission of a car park management plan for parent and child spaces and disabled spaces within 6 months of approval |
| 6 | Implement on or before 06/07/2020 |
-

Case Officer: Mohammed Nasser

Photo(s)

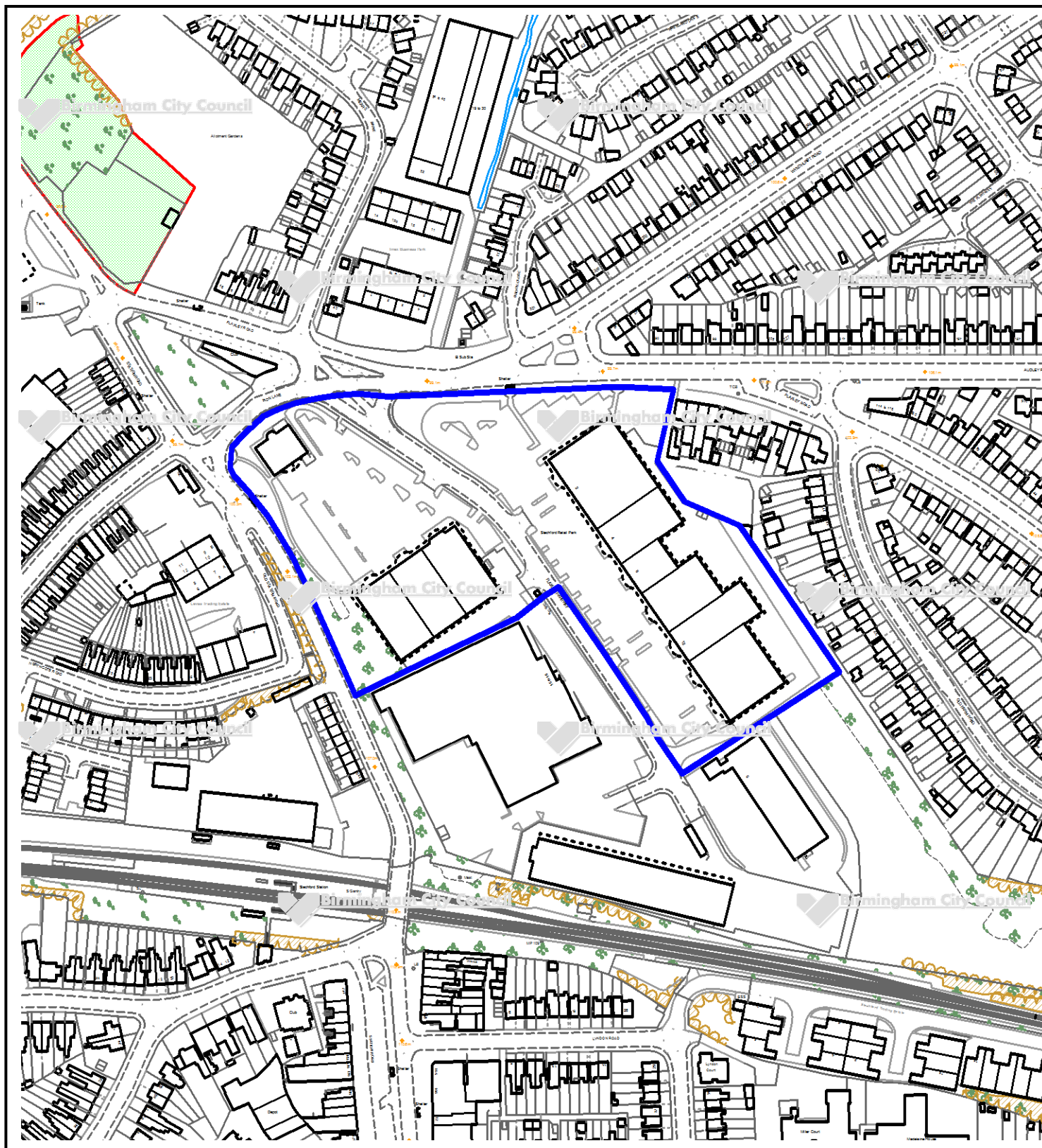


Photo 1 – View into Retail Park along Flaxley Parkway.



Photo 2 – Western Car Park and Drive Thru Access (McDonalds).

Location Plan



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Committee Date:	14/09/2017	Application Number:	2017/06189/PA
Accepted:	12/07/2017	Application Type:	Telecommunications
Target Date:	15/09/2017		Determination
Ward:	Stockland Green		

Corner of Ridgeway and Brookvale Road, Erdington, Birmingham, B23 7RT

Prior notification for the installation of a 17.5 metre monopole with 3 antennas, 2 dishes and 3 equipment cabinets.

Applicant:	Vodafone Ltd & CTIL c/o agent
Agent:	Mono Consultants Ltd Steam Packet House, 76 Cross Street, Manchester, M2 4JG

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This application for prior notification for telecommunications proposes the installation of a 17.5m high telecommunications monopole, incorporating 3no. antennas, 2no. 300mm transmission dishes and 3no. equipment cabinets and ancillary equipment located on the footpath to the front of 270 Brookvale Road, at the junction of Ridgeway.
- 1.2. The proposed development is submitted in order to maintain mobile phone network coverage to this part of Birmingham by EE Limited. Alternative sites have been investigated with various sites being discounted on the grounds of inappropriate siting.
- 1.3. The proposed telecommunications apparatus consists of one 17.5m high monopole containing three antennas within a GRP shroud, and two 300mm transmission dishes, painted grey on a concrete foundation. The 3 no. cabinets would measure 0.6m (d) x 0.6m (d) x 1.2m (h); 0.6m (d) x 0.6m (d) x 1.6m (h); and 0.6m (d) x 0.6m (d) x 1.1m (h) and would be painted grey on a concrete foundation. The cabinets would be located adjacent to the proposed monopole.
- 1.4. The agent has submitted a declaration that the proposal would meet the ICNIRP requirements. Brookvale Primary School is located 225m to the south east of the application site.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a footpath to the south of 270 Brookvale Road which is separated from the highway with an existing guardrail. The footpath is subject to existing street furniture, including existing lamp posts, pedestrian crossing traffic lights, guard rail, bollards and a litter bin. The character of the surrounding area is predominantly residential with small commercial units to serve the daily needs of residents.

2.2. Site Location

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection.
- 4.2. Local Lead Flood Authority – no objection.
- 4.3. Press Notice served. Site Notice posted. Ward Members and neighbours notified. One petition against signed by 26 people received, raising concerns regarding the following:
- Inadequate consultation process;
 - Installation of proposed equipment commenced prior to determination of planning application;
 - Potential for damage to be caused by monopole in inclement weather;
 - Health risk caused by the installation of telecoms equipment;
 - Over-dominance of proposed monopole within the streetscene; and
 - Highway safety with the monopole creating a distraction for drivers.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Places for All (2001) SPG; Telecommunication Development: Mobile Phone Infrastructure SPD (2008)

6. Planning Considerations

Policy Context

- 6.1. The proposal should be assessed against the objectives of the policy context set out above. Given that this is a prior notification application the only issues that can be considered when assessing this application are the siting and appearance of the proposed mast.

- 6.2. The National Planning Policy Framework states that advanced high quality communications infrastructure is essential for sustainable economic growth. Communication networks play a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks. The aim should be to keep the numbers of masts and sites for such installations to a minimum consistent with the efficient operation of the network. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
- 6.3. Saved UDP Policy 8.55 recognises that modern and comprehensive telecommunications systems are an essential element of life of the local community and the economy of the City. In assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties.
- 6.4. Saved UDP Policy 8.55A states that within the City, there are locations that are considered to be more sensitive than others for the siting of telecommunications equipment which includes Conservation Areas and education institutions. Telecommunications equipment will only be acceptable in sensitive areas if the applicants are able to demonstrate that there is no other suitable location. In all cases equipment should be designed to minimise its impact on the visual amenity of the area.
- 6.5. Saved UDP Policy 8.55B states that operators will be expected to share masts and sites wherever this is desirable. Ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. In assessing visual obtrusiveness, views from neighbouring properties and the street will be considered.
- 6.6. The Mobile Phone Infrastructure SPD sets out that areas that are predominantly residential can be very sensitive from the point of view of residents who may perceive the installation of telecommunications equipment to be a significant visual intrusion if they are close to and visible from within their homes or from their gardens. Accordingly, residential areas should be avoided, particularly locations immediately in front of habitable room windows wherever possible, in favour of less sensitive locations.

Siting

- 6.7. Regarding the proposed location, I note that a number of alternative locations have been identified and discounted. It must be appreciated that in order to provide telecommunications coverage for the area, such equipment must be installed within a specific area. I am satisfied that the alternative sites assessment is robust and efforts have been undertaken to identify the most appropriate locations.
- 6.8. It is noted that there is a considerable amount of street furniture at the proposed location, including an existing lamppost, pedestrian crossing traffic lights, guard rail, bollards and a litter bin. Notwithstanding this, I consider that the proposed telecommunications site would have the least impact given that the site is located to the front of the convenience store and would therefore have a less significant impact on the surrounding residential properties.
- 6.9. I note the concerns raised within the petition submitted objecting to the proposals regarding highway safety. I consider such a concern should be assessed in the

context of siting. Transportation Development has been consulted on this basis, and raise no objections stating that as the footway is approximately 9.6m wide, it is unlikely that the location of the proposed monopole would be detrimental to pedestrians. Furthermore, whilst the junction is signal controlled, on street parking is available a short distance away for maintenance vehicles.

- 6.10. The nearest residential property to the application site is approximately 20m to the north-west, at no. 3, The Ridgeway. The monopole would be located 12m to the south of the existing Brookvale Convenience store, which relates to commercial retail use. Whilst this is acknowledged to be a short distance away, I do not consider that this would be significantly different to the installation of lighting columns in terms of its impact on surrounding residents. I consider that the siting of the proposed telecommunication infrastructure would be acceptable.

Appearance

- 6.11. The proposed monopole would be similar in appearance to a lighting column. The proposed height of 17.5m does exceed the height of the surrounding trees and existing infrastructure however it is acknowledged that the height is required to secure the telecommunications reception and reach of the mast through the existing trees and other infrastructure. The proposed equipment cabinets would appear as part of the existing furniture on the footpath and would not appear obtrusive or isolated.
- 6.12. The current siting proposes a less visually intrusive location than the sites identified by the applicant in the alternative sites assessment. The existing surrounding trees and lighting columns also provide a degree of screening to the proposed telecommunications infrastructure to be installed, reducing the scale of the monopole further. On this basis, it is considered that the proposals are acceptable in respect of appearance.

Impact on Health

- 6.13. Whilst I note objections received on this matter, paragraph 46 of the NPPF advises that the Local Planning Authority must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 6.14. The application is accompanied by a valid ICNIRP certificate. The certificate provides assurance that the equipment complies with both national and international emissions standards and that the proposed design and location allows the equipment to operate well within the parameters set by the ICNIRP standard. As such, no further consideration can be given with regard to health issues.

Other Matters

- 6.15. The petition objecting to the proposals raises concerns regarding the consultation process. I can confirm that due process was followed with neighbours notified by letter on the registration of the application alongside a site notice being posted for a minimum of three weeks, with a press notice issued in the local paper.
- 6.16. It is noted that the objector believes that the Council are responsible for the installation of the proposed monopole and associated equipment however I would reiterate that Birmingham City Council is the determining authority and the applicant

are responsible for the proposals. Any work undertaken by the applicant prior to the determination of any application is at their own risk.

7. Conclusion

- 7.1. The application proposals relate to the installation of a 17.5m monopole and associated infrastructure on the footpath to the front of 270 Brookvale Road. The proposals are acceptable in respect of siting, appearance and health implications. For the reasons set out above, no prior approval is required.

8. Recommendation

- 8.1. Prior approval not required.

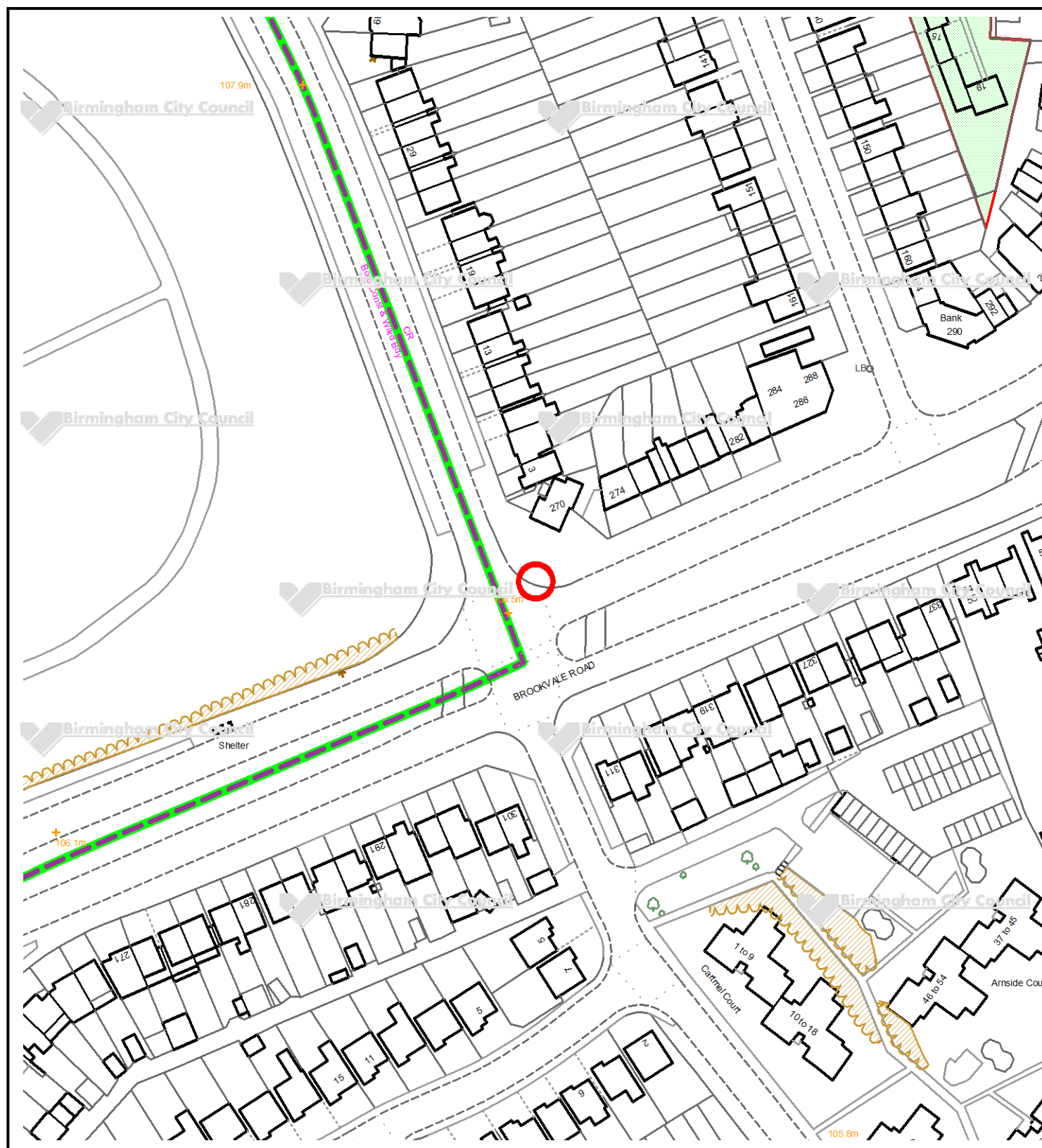
Case Officer: Claudia Clemente

Photo(s)



Figure 1: Application Site

Location Plan



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Committee Date:	14/09/2017	Application Number:	2017/06969/PA
Accepted:	04/08/2017	Application Type:	Demolition Determination
Target Date:	15/09/2017		
Ward:	Tyburn		

Greenwood Academy, Farnborough Road, Castle Vale, Birmingham, B35 7NL

Application for prior notification of proposed demolition of Greenwood Academy buildings

Applicant:	Birmingham City Council Economy Directorate, Clearance Team, PO Box 16579, Zone 11 - Level 2, Lancaster Circus, Birmingham, B1 2GQ
Agent:	Acivico Building Consultancy Ltd PO Box 17212, Louisa House, 92 -93 Edwards Street, Birmingham, B2 2AQ

Recommendation

Prior Approval Required And To Approve With Conditions

1. Proposal

- 1.1. This application seeks prior approval determination for the demolition of the main school building, Recreation Centre and Astral Youth & Community Centre, Greenwood Academy, Farnborough Road, Castle Vale.
- 1.2. The main school building is flat roofed with a mix of heights to a maximum of 4-storays. The recreation centre is flat roof to a height of three stories and the Astral Youth & Community Centre two stories to flat roof. None of the buildings proposed to be demolished are of any architectural significance and are visually tired. Demolition is required due to the building become surplus to requirements due to the development of the new school site to the adjacent side of Farnborough Road. Once demolition is complete it is proposed to develop the site for housing.
- 1.3. Demolition of the buildings is permitted development, subject to the submission of a prior approval application to consider the method of demolition and the means of restoring the site.
- 1.4. Demolition method would be by use of a 360-degree mechanical machine with suitable attachments. Dust and noise levels would be kept to a minimum. The site would be graded to appropriate levels and the existing perimeter fencing retained for security purposes following demolition. All spoil and rubble would be recycled and any hazardous waste disposed of appropriately to licenced waste disposal tips.
- 1.5. The projected demolition dates are from 30.10.2017 to 16.03.2018.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The Greenwood Academy site consists of a large flat roof school building consisting of the main school block and sports hall/recreation centre, the Astral Youth & Community Centre and associated sports facilities, playgrounds and vehicle parking areas, accessed from Farnborough Road, Castle Vale. The site is bounded by residential dwellings to the east, south and west and the Pegasus Primary school to the north. The school site is located on the predominantly residential Castle Vale Estate.

[Location Plan](#)

3. Planning History

- 3.1. None of relevance.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections subject to conditions requiring that the demolition hereby approved shall only take place between the hours of 8am to 6pm Monday to Friday and 8am to 1pm Saturday, no burning shall take place on the site , that no generators to be used through the night and the prior submission of a noise and dust management strategy.
- 4.2. Transportation Development – No objections subject to condition requiring the prior submission of a construction method statement/management plan.
- 4.3. Requisite site notices displayed and Ward Councillors notified, with no responses received.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan 2005 (Saved Policies) and Birmingham Development Plan (2017); Town and Country Planning (General Permitted Development) Order 1995 (as amended), National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The issues to be considered with this type of application are solely the method of demolition and means of restoring the site.
- 6.2. The GPDO 2015 gives local authorities the opportunity to control the method of demolition and site remediation, with the SAVE judgement in 2011 extending the requirement for approval for buildings other than dwellings.
- 6.3. The application forms state that the proposed demolition works are to three buildings within the school site, including the main school building, Sports/recreation centre and Astral Youth & Community Centre, which are surplus to requirements due to the development of the new Greenwood Academy School to the adjacent side of Farnborough Road. The demolition of the buildings would allow for the site to be redeveloped for housing.
- 6.4. It is considered that the works proposed can be undertaken without any adverse impacts on surrounding buildings or the surrounding area. The buildings are of no architectural or historic merit and there are no unusual or constrained site conditions

that would result in a difficult or unusual demolition process. Once the buildings have been dismantled the areas would be graded and the exiting boundary fencing retained for security reasons.

- 6.5. In terms of amenity, Regulatory Services raise no objections subject to conditions requiring that the demolition hereby approved shall only take place between the hours of 8am to 6pm Monday to Friday and 8am to 1pm Saturday, no burning shall take place on the site and that no generators to be used through the night. It is further requested that dust and noise levels details are required due to the proximity of residential properties and Pegasus Primary School, which bounds the site. Given this residential proximity and extent of demolition across the site it is considered that such measures could be required under a Demolition Management Plan condition in this instance.
- 6.6. In terms of highway/pedestrian safety, Transportation Development raise no objections subject to condition requiring the submission of a construction method statement/management plan to include details of parking for site operatives, locations for loading/unloading of plant/materials, hours of demolition/karting off of spoil and requirements for wheel washing/dust attenuation measures which can otherwise have an adverse impact upon road safety. I concur with the above view and accordingly include them within the Demolition Management Plan condition.
- 6.7. I consider the principle of the demolition works, site security and method of site restoration measures acceptable.

7. Conclusion

- 7.1. The application will result in an appropriate scheme of demolition allowing for the re-development of the site, subject to a Demolition Management Plan given the extent of works and residential proximity.

8. Recommendation

- 8.1. That prior approval is required and approved subject to a condition.

1	Requires the prior submission of a Demolition Management Plan/Method Statement
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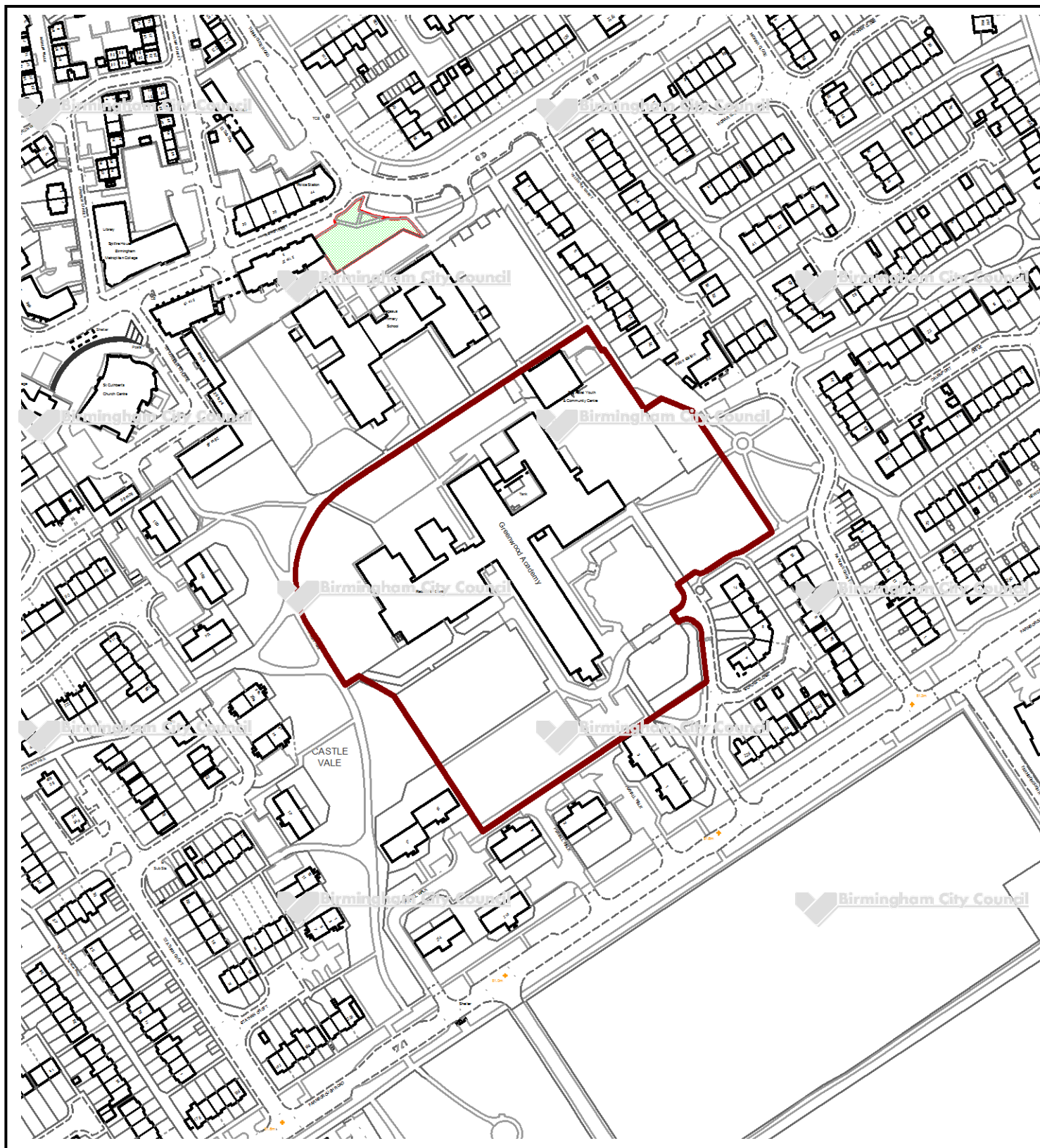
Case Officer: Keith Mellor

Photo(s)



Main school building

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF THE CORPORATE DIRECTOR, ECONOMY

PLANNING COMMITTEE

WARD: SUTTON TRINITY

**The Birmingham (3 Anchorage Road, Sutton Coldfield)
Tree Preservation Order 2017**

1. Subject And Brief Summary Of The Proposals

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

2. Recommendation

That the Birmingham (3 Anchorage Road, Sutton Coldfield) Tree Preservation Order 2017 be confirmed without modification.

3. Contact Officer

Julie Sadler – Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 4172

Email: julie.sadler@birmingham.gov.uk

4. Background

- 4.1 The order protects one mature beech tree.
- 4.2 The tree is located within the curtilage of the property which is situated within the Anchorage Road Conservation Area (Area 28).
- 4.3 A Section 211 notice was received with the intention to fell the beech tree because of its close proximity to the house. The notification was accompanied by a structural engineers report that examined particular physical alterations to the property and the trees but there was no accompanying arboricultural report and the observations about the beech are not qualified by an appropriate expert.
- 4.4 The TEMPO systematic evaluation of the tree returned a score of 16 = TPO defensible.

5. Objection to the TPO

- 5.1 The objection to the Order received from the owners of the property can be summarised as follows:

5.1.1 The structural survey said that the tree is within influencing distance of the property and a potential danger to the house.

5.1.2 There was evidence of subsidence to the garage.

5.1.3 They are finding it impossible to get full buildings insurance.

5.1.4 The beech tree is a forest species.

6. Response to the Objection

- 6.1 The structural survey said that the tree is within influencing distance of the property and a potential danger to the house.

The report states that the beech is located 8m from the left hand (nearest) corner of the building and is considered to be within influencing distance of the property. It does not clarify what influence the tree will have on the building, there is no soil survey nor any of the normal data that is required to support the removal of a protected tree (see para 8(2) 1APP).

- 6.2 There was evidence of subsidence to the garage.

The sycamore tree in the neighbouring council owned property was a matter of centimetres from the garage. The structural report gives no arboricultural evidence to suggest that the tree was the cause of the distortion to the garage. However given the very close proximity to garage and the dwelling there could have been no reasonable objection to its removal. The sycamore has been removed.

- 6.3 They are finding it impossible to get full buildings insurance

Attached to the notification was one Quotation Schedule from an insurance provider. According to the declaration the 'home' has never been monitored for or suffered from 'subsidence, heave or landslip'. There is an exclusion which states that 'we will not pay any claim for loss or damage to buildings resulting from tree root damage from the deciduous tree in the front garden'. The beech is located in the rear garden. The sycamore could have been implicated as the tree in the front garden because of its close proximity to fence and garage (see attached photograph) but as noted above this tree has been removed.

- 6.4 The beech tree is a forest species.

Beech is at best a large, native, deciduous tree. There are many large mature specimens in Birmingham generally and Sutton Coldfield more locally often in gardens, they are characteristic of the wooded appearance of Four Oaks area.

7. Financial Implications

None

8. Implications for policy priorities

8.1 Strategic Themes

Birmingham Development Plan TP7.

8.2 Implications for Women, People with Disabilities, Black and Minority Ethnic People and Race Relations

None

9. BACKGROUND PAPERS

9.1 Letter from Dr Anasuya Dasgupta and Professor Kaushik Mitra

9.2 Defect Report from Allcott Associates

9.3 Quotation Schedule Statement of Fact - Amethyst

9.4 Annex 1 - photograph



.....
Corporate Director, Economy



3 Anchorage Rd

Sycamore to left of garage has been removed - beech is in the background in the rear garden - there are no other deciduous trees in the front garden



Image capture: May 2015 © 2017 Google

Sutton Coldfield, England

Street View - May 2015

