

# **Birmingham City Council**

## **Planning Committee**

**15 September 2016**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	8	<p>2016/04450/PA</p> <p>Former Harborne Lane Reservoir Site, Selly Oak, B29, and Plot 6, Former BBC Sports and Social Club Site at Pebble Mill off Pershore Road Selly Oak Birmingham B5 7RL</p> <p>A hybrid planning application consisting of: detailed planning permission for the construction of a flood risk management scheme on land off Harborne Lane and at and near Plot 6 (the former BBC Studios Sports and Social Club site) on the Pebble Mill Medical Park, alteration of an existing and the provision of new highway access onto Pershore Road with outline planning permission for student accommodation (Sui Generis) and food and drink facilities (A3/A4 &amp; A3 with ancillary A5) and the construction of two pedestrian bridges at the Former BBC Studios Sports and Social Club site.</p>
Approve - Conditions	9	<p>2016/03240/PA</p> <p>University Of Birmingham Birmingham B15 2RT</p> <p>Erection of 3 storey education building called 'Central Teaching Labs' of 6,700sqm, including Wet (chemistry) Laboratory, Dry (electronics/earth Sciences) and E-laboratory (virtual Teaching Laboratory) and car parking (7 spaces on-site and 105 spaces on the former Munrow Sports Centre site), associated landscaping, engineering works and access onto the loop road to the rear of the site.</p>

Approve - Conditions

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2016/05494/PA

87 Addison Road  
(land adjacent)  
Kings Heath  
B14 7EN

Erection of two three-bedroom dwellings

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Committee Date:	15/09/2016	Application Number:	2016/04450/PA
Accepted:	24/05/2016	Application Type:	Outline
Target Date:	30/09/2016		
Ward:	Selly Oak		

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

A hybrid planning application consisting of: detailed planning permission for the construction of a flood risk management scheme on land off Harborne Lane and at and near Plot 6 (the former BBC Studios Sports and Social Club site) on the Pebble Mill Medical Park, alteration of an existing and the provision of new highway access onto Pershore Road with outline planning permission for student accommodation (Sui Generis) and food and drink facilities (A3/A4 & A3 with ancillary A5) and the construction of two pedestrian bridges at the Former BBC Studios Sports and Social Club site.

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

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Recommendation

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

1. Proposal

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

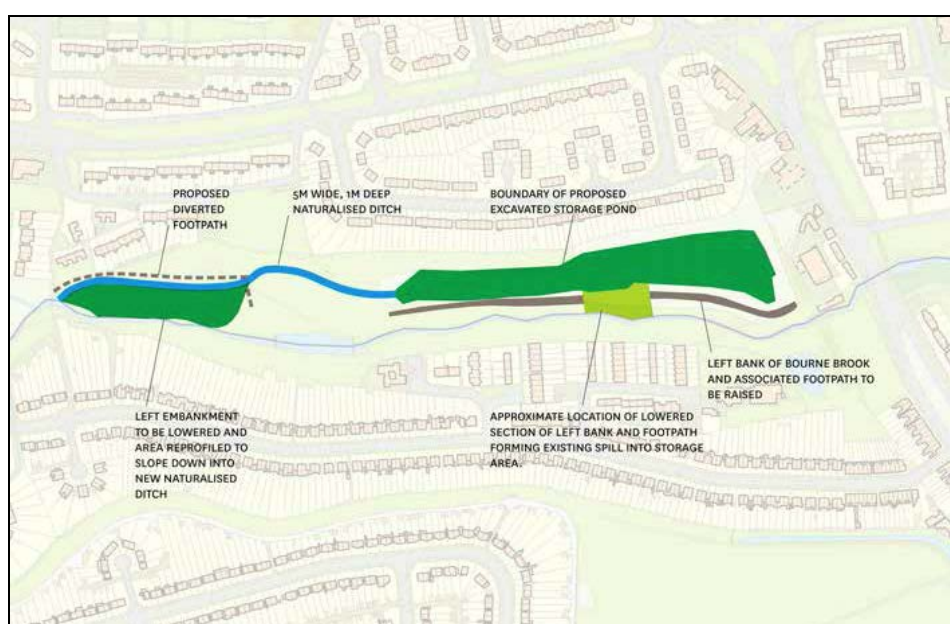
This planning application is a hybrid submission that seeks both outline and detailed planning permission. In more detail, the works proposed are:

1.3. Harborne Lane flood defence works, full application

1.4. This consists of flood risk mitigation measures at the site of the former Harborne Reservoir, Harborne Lane. The additional flood storage capacity secured under a 2004 planning consent has proved insufficient, demonstrated by new climate change modelling and actual flood events in the dozen or more years since the 2004 development was designed. It is now proposed to further excavate the existing storage area (created in 2004 under application 2004/02885/PA) on the left bank of the Bourn Brook, forming an increased flood water storage capacity. The alignment of the Bourn Brook off Harborne Lane would remain unaltered as the proposal only relates to increasing the capacity of the existing storage area within the former reservoir area. This would include lowering the ground level by up to 2m in places.

1.5. The proposed works to the former Harborne Reservoir would require the removal of 56 individual/groups of trees (6 Category B, 37 Category C and 13 Category U). These trees include Lime, White Willow, Goat Willow, Silver Birch, Oak, Hawthorn, Sycamore, Ash, Field Maple and Black Poplars. The 6 Category B trees comprise 5 Oaks and a Sycamore tree.

1.6. The plan below shows the proposed works at the former Harborne Reservoir site.



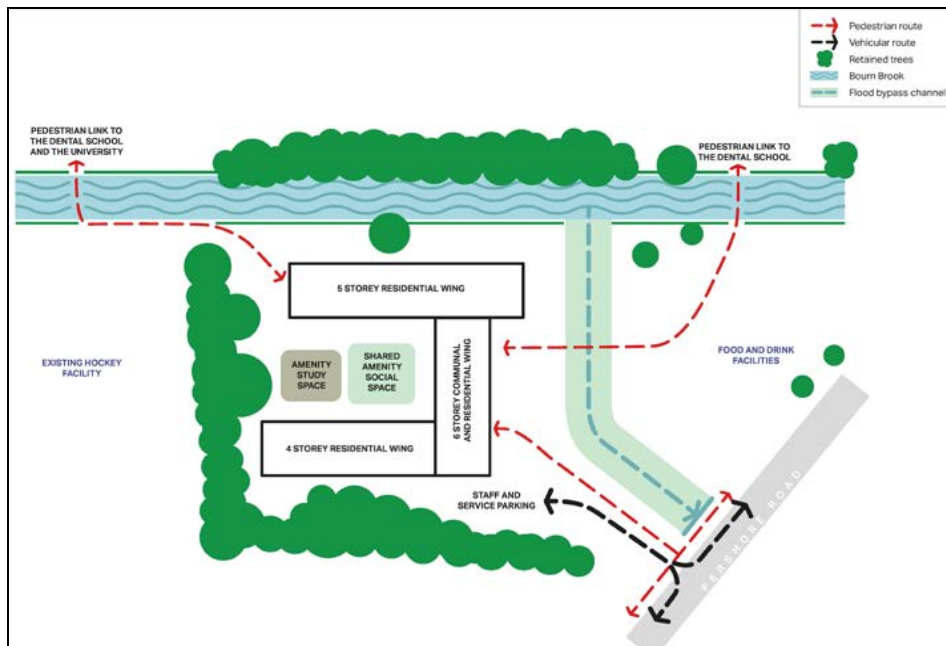
Harborne Lane Scheme

1.7. Pebble Mill area, flood defence works, full application

1.8. Flooding occurs at the Selly Park Avenues-Pebble Mill area because of the bottleneck formed by the Bournbrook's culvert under Pershore Road. This restriction is too expensive and/or physically impossible to rectify to the required standard, largely because of statutory infrastructure (gas, electricity). Instead, the application proposes a new, parallel river link from the Bourn Brook to the River Rea, to significantly reduce the pressure on the existing river channel. The link would be formed 320m upstream of the existing confluence. It would run through

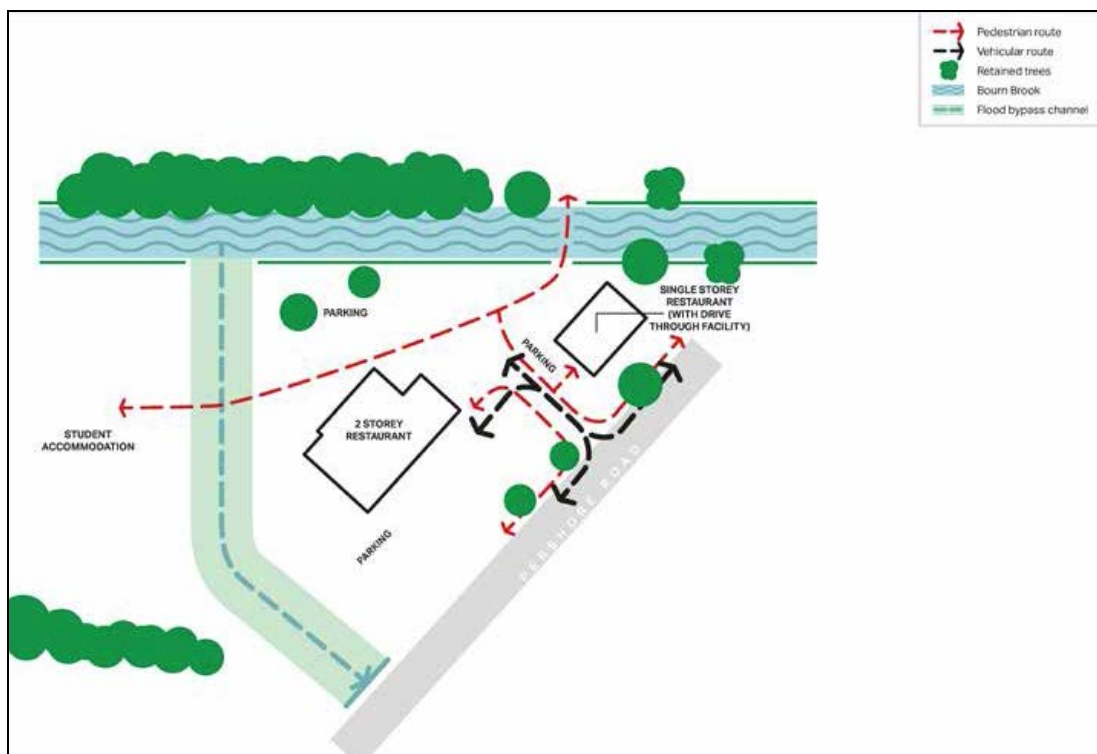
Plot 6 in an open channel, then under Pershore Road and the Cannon Hill Road access road ('Zoo Lane') in two culverts. Otherwise, the alignment of the existing Bourn Brook would not be altered. Either side of the new channel at Plot 6, the site levels would be raised by between 1.8m and 2m to form development platforms raised out of the floodplain. A maintenance setback of 8m would be provided along the new channel. The volume of floodplain lost at Plot 6 would be substantially less than the extra volume created at Harborne Lane, and the new channel/culvert has been modelled to accommodate measured and predicted flows. The combined works are designed to very significantly mitigate local flood risk (i.e. the 115 properties at risk in a 1 in 100-year event).

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



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

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



Pebble Mill Plot 6 Eastern layout – Class A units

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

## 2. Site & Surroundings

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

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



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

2.10. [Site Location Map](#)

3. Planning History

- 3.1. The former Harborne Reservoir was part developed with housing and part given over to public open space – the Harborne Walkway. The former BBC Sports and Social Club (Plot 6), was included within an outline planning permission for the wider Pebble Mill campus.
- 3.2. 8 October 2003. 2003/00992/PA. Outline planning permission granted for the construction of a technology and science park with revised accesses on Bristol Road and Pebble Mill Road and re-configured sporting facilities (all matters reserved except access). The access road and new junction onto Bristol Road was implemented.
- 3.3. 30 September 2004. 2004/02885/PA. Planning permission granted for the creation of a flood compensation area at Harborne Lane - former Harborne Reservoir.
- 3.4. 16 October 2009. 2009/03738/PA. Outline planning permission granted for the erection of a Medical facility providing up to 15,000 square metres of accommodation for Class B1(b) Research and Development, and/or Class C2 Hospital, and/or Class D1 Clinic and/or Medical School and/or Dental School. All matters reserved except site access.
- 3.5. 19 August 2011. 2011/03010/PA. Planning permission granted for a package of advanced infrastructure, inclusive of internal access road, associated drainage, services, security gates and parking, substation and security kiosk, promenade, wildlife planting, area of open space, and footbridge link. This work has been partially implemented.
- 3.6. 18 November 2011. 2011/05676/PA. Outline planning permission granted for the erection of Dental Hospital and School of Dentistry on plots 2 and 3, with associated research & development and teaching facilities, ancillary office and support facilities for up to 447 staff and some 631 post graduate students (which include dentists, dental nurses and hygienists), access, parking and landscaping. Outline consent for 16,000m<sup>2</sup> gross internal floor space (three to six storeys (which is equivalent to 8 residential storeys)), with all matters reserved.
- 3.7. 7 December 2012. 2012/03743/PA. Reserved matters consent granted for Dental Hospital and School of Dentistry. This permission has been implemented and opened to the public on 2 April 2016.
- 3.8. 18 October 2013. 2013/06099/PA. Planning permission granted for the construction of a 62 bedroom, part three and part two storeys, care home including secure landscaped gardens and on-site parking with ancillary earthworks. Work is scheduled to commence on this aspect of the site in the autumn of 2016. Plot 1 site.
- 3.9. 6 March 2014. 2013/09519/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 5,000m<sup>2</sup> for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 4 site.

- 3.10. 4 April 2014. 2014/00203/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 15,000sqm for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 5 site.
- 3.11. 17 September 2015. 2015/05000/PA. Reserved Matters permission granted for access, appearance, landscaping, layout and scale for a C2 hospital in conjunction with outline approval (2014/00203/PA) for the erection of a building up to 15,000sqm for the use as B1 (research and development), C2 (hospital) and/or D1 (non-residential institutions). All pre-commencement conditions have been discharged and the site is currently being hoarded in advance of construction work commencing on site. Plot 5 site.
- 3.12. For completeness, not all of the now-named Plot 6 was part of the original Pebble Mill consent – the site of the Social Club building was not included, the grassed area to the rear (west) was included. This more or less corresponds to the proposed Retail developments to the east, and the Student accommodation to the west.

#### Other relevant applications

- 3.13. 18 August 2016. 2016/04625/PA. Detailed planning application approved for the construction of a flood defence wall, flood defence bund, incorporating a realigned cycle path and maintenance access ramp, along with a realigned section of the River Rea and landscaping scheme at Selly South Park at land at Dogpool Lane, Stirchley.

#### 4. Consultation/PP Responses

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

##### Flooding:

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

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

#### Highways:

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

#### Other Issues:

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

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

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

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

## 5. Policy Context

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

## 6. Planning Considerations

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

### **Policy - NPPF**

- 6.2. The National Planning Policy Framework (NPPF) emphasises that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.3. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development – economic, social and environmental – and that these are mutually dependant, so that gains in each should be sought jointly and simultaneously. Under the heading of *‘the presumption in favour of sustainable development’*, Paragraph 12 confirms that the NPPF *‘...does not change the statutory status of the development plan as the starting point for decision making’*. Thus, Paragraph 12 states that: *‘...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise’*.
- 6.4. 12 core planning principles are identified in paragraph 17 and these include the need to *“proactively drive and support sustainable economic development to deliver*

*the homes, business and industrial units, infrastructure and thriving local places that the country needs; promote mixed use development and take full account of flood risk.”*

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

*location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:*

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

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

#### **Policy – Pre-submission Birmingham Development Plan**

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

changing demands and preferences. It also states that Sports facilities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust and up to date assessment of need. Where there is identified need for particular sports and physical recreation facilities, the loss of existing sports facilities for these sports would not be allowed unless an equivalent or better quantity or quality replacement provision is provided, as identified in Paragraph 74 of the NPPF.

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

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

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

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

- All other brownfield sites.*

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

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

- 6.16. Policy TP24 on Tourism and Tourist Facilities states *“Proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism will be supported. This will include supporting the City's existing tourist facilities and enabling new or expanded provision where it contributes to the City's continued success as a destination for visitors. This provision will not just be focused on major sporting, business tourism and visitor attractions but*

*also on protecting and promoting the City's strong industrial heritage and the smaller scale venues and attractions that are an important part of creating a diverse offer. The provision of supporting facilities such as hotels will be important and proposals for well-designed and accessible accommodation will be supported."*

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

### **Flood Risk and Proposed Flood Defence Works**

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



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

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

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

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

#### Selly Park North FRMS

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

#### Plot 6 Development FRMS

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

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

- 6.32. Pershore Road would be relocated outside of the 1 in 100-year river/stream floodplain as a result of the proposed FRMS. Although the development plots would be removed from risk, Pershore Road would still be at flood risk in events which exceed the capacity of the bypass culverts, which could affect access and egress. During the 1 in 100-year event with a 30% allowance for climate change the resultant flooding on Pershore Road would generally pose a 'Low' to 'Moderate' hazard, but a small area of 'Significant' hazard is also predicted. To help mitigate the potential inundation of Pershore Road, the development proposals include pedestrian footbridges between the elevated parcels as well as to the opposite bank of the Bourn Brook, which is outside of the floodplain. These are to be set above the flood levels and would allow safe dry access and egress for pedestrians in the event of Pershore Road becoming impassable.
- 6.33. The proposed development on the raised parcels of land within Plot 6 would introduce impermeable surfaces which would be accompanied with a surface water drainage strategy. To mitigate the development's impact on the current runoff regime it is proposed to incorporate surface water attenuation and storage as part of the development proposals for the elevated parcels of land. The existing greenfield and brownfield areas of the site falls towards the Bourn Brook on the northern boundary, and storm water currently falling on the site would drain to this watercourse via sheet runoff. The clayey nature of the soil conditions precludes the use of infiltration techniques in the development. Therefore, it is proposed to retain the Bourn Brook as the discharge location for the development. The existing annual average runoff rate (QBAR) from the combined greenfield and brownfield areas of the site has been calculated as 17l/s. It is proposed to offer a 43% reduction in runoff rates from the development by restricting the outfall from each development plot to 5l/s. This is also recognised as the minimum acceptable discharge rate in DEFRA and EA guidance<sup>12</sup>. Storm water storage would be provided on-plot (outside of the floodplain) up to the 1 in 100-year critical storm, including an allowance for climate change.
- 6.34. In response to local residents' concerns regarding the recent flood event and the proposed FRMS, the EA's Area Flood Risk Manager has submitted the following in support of the proposed scheme:
- "The detailed hydraulic computer model, initially created in 2009/10, has been improved and updated over the past three years to include a series of improvements. This includes the addition of new survey data and making sure flow calculations are in line with recognised best practice for urban catchments. The model has been calibrated and verified with gauged data and anecdotal evidence collected during discussions with local residents. During the appraisal and design of the flood alleviation scheme, the computer model has been reviewed by three different Environment Agency framework consultants to provide confidence in the approaches taken.*

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

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

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

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

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

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

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

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

### **Principle of Retail Development**

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

### **Principle of Student Accommodation**

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

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

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

#### **Principle of Loss of Sporting Facility**

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

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

### **Layout and Scale**

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

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

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



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

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

### **Access and Parking**

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

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

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

### **Other Issues**

#### **Ecology**

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

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

#### Trees

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

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

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

#### Conservation

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

#### Community Infrastructure Levy

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

#### Section 106 Obligations

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

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

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

## 7.0. Conclusion

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

## 8. Recommendation

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

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

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

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

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

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

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

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

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

- 
- 1 Requires the submission of reserved matter details following an outline approval
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Requires the prior submission of a phasing plan
  - 4 Requires the implementation of the Flood Risk Assessment in a phased manner
  - 5 Requires the prior submission of a drainage scheme
  - 6 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan in a phased manner
  - 7 Requires submission of a Water Framework Directive Assessment
  - 8 Requires the prior submission of a safe access and egress statement
  - 9 Requires submission of a scheme of ownership of the flood defence assets
  - 10 Requires submission of pedestrian footbridge details
  - 11 Requires the prior submission of a method statement for the removal of invasive weeds
  - 12 Harborne Lane landscape management plan
  - 13 Former BBC Studios Sports and Social Club Site landscape management plan
  - 14 Requires the prior submission of unexpected contamination details
  - 15 Limits the maximum gross internal floorspace of the development
  - 16 Requires an archaeological watching brief
  - 17 Secures noise and vibration levels for habitable rooms
  - 18 Requires the prior submission of extraction and odour control details (student accommodation)
  - 19 Requires the prior submission of extraction and odour control details (public house with ancillary restaurant)
  - 20 Requires the prior submission of extraction and odour control details (restaurant with ancillary takeaway facility)
  - 21 Limits the noise levels for Plant and Machinery
  - 22 Limits the maximum number of storeys for each building
  - 23 Requires the prior submission of boundary treatment details in a phased manner
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- |    |                                                                                                                |
|----|----------------------------------------------------------------------------------------------------------------|
| 24 | Requires the prior submission of a lighting scheme in a phased manner                                          |
| 25 | Requires the prior submission of hard surfacing materials                                                      |
| 26 | Requires the prior submission of sample materials in a phased manner                                           |
| 27 | Requires the prior submission of a construction method statement/management plan for each phase of development |
| 28 | Requires the prior submission of a CCTV scheme                                                                 |
| 29 | Requires prior submission of an employment policy for construction works                                       |
| 30 | Requires prior submission of an employment policy                                                              |
| 31 | Removes PD rights for telecom equipment                                                                        |
| 32 | Requires the prior approval of the siting/design of the access                                                 |
| 33 | Requires the prior submission of vehicle parking and turning details                                           |
| 34 | Requires the prior submission of a student parking management strategy                                         |
| 35 | Requires the prior submission of a parking management strategy for the A3/A4, and A3 with ancillary A5, units  |
| 36 | Requires the prior submission of a student travel plan                                                         |
| 37 | Requires the prior submission of details of parking                                                            |
| 38 | Requires vehicular visibility splays to be provided                                                            |
| 39 | Requires the prior submission of cycle storage details in a phased manner                                      |
| 40 | Requires the prior submission of details of a delivery vehicle management scheme                               |
| 41 | Requires provision for additional sustainable transport options                                                |
| 42 | Requires the prior submission and completion of works for the S278/TRO Agreement                               |
| 43 | Tree Survey and Arboricultural Implication Assessment                                                          |
| 44 | Requires tree pruning protection                                                                               |
| 45 | Limits the approval to 3 years (outline)                                                                       |
- 

Case Officer: Pam Brennan



## Photo(s)



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



Photograph 2: Former Sports and Social Club at Plot 6





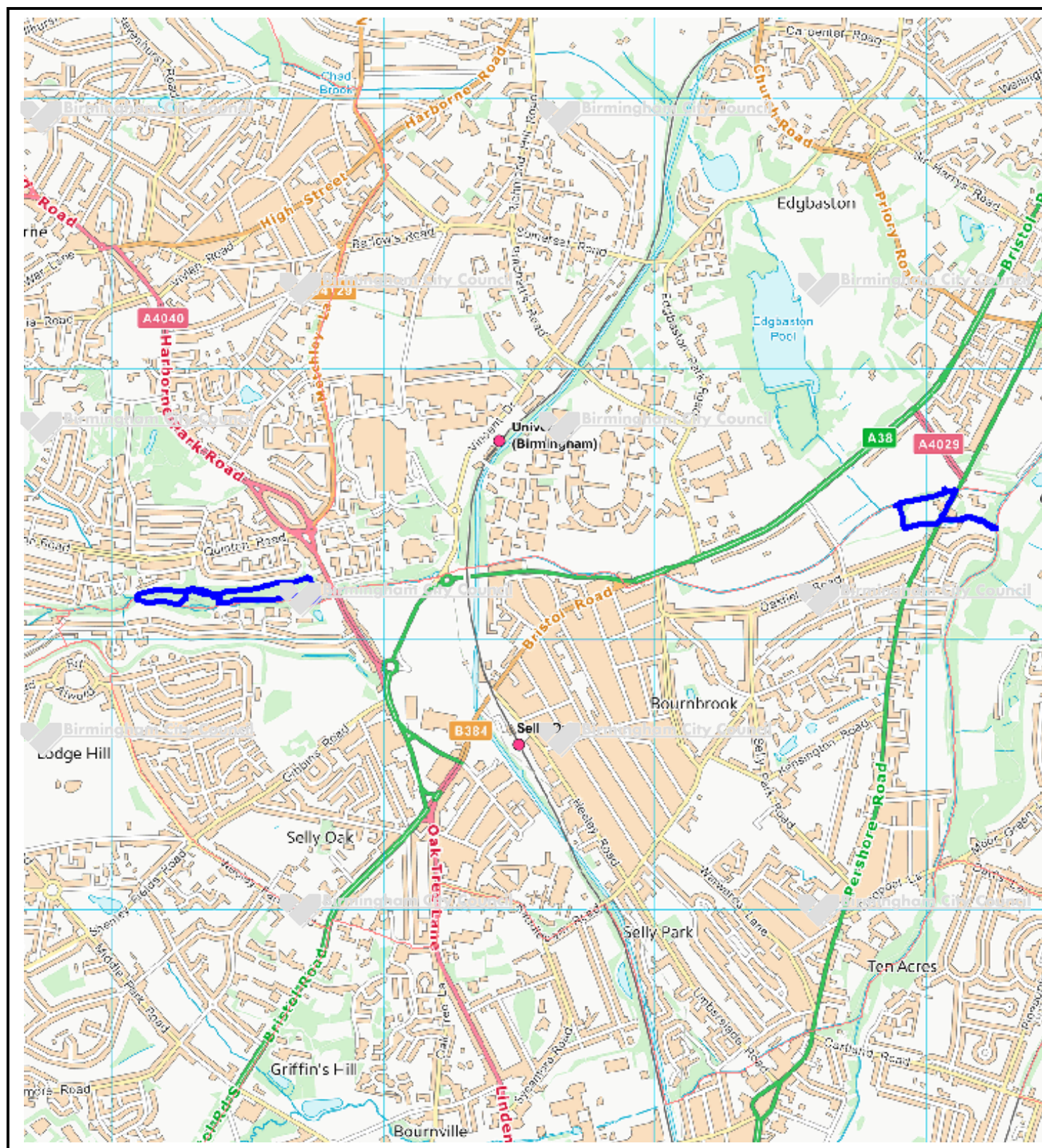
Photograph 3: Former Harborne Reservoir Site – and houses in Water Mill Close



Photograph 4: Former Harborne Reservoir Site

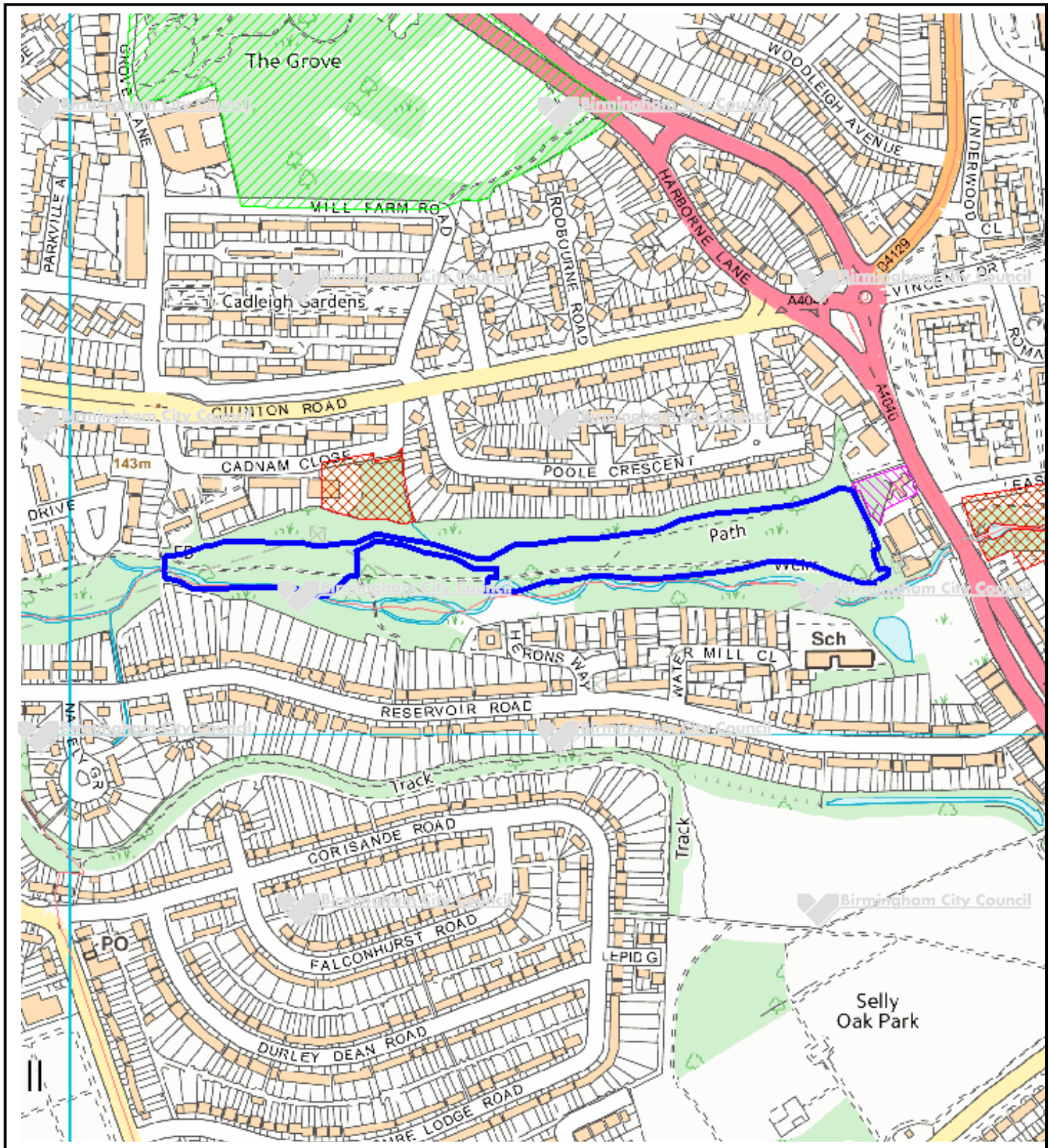


## Location Plan



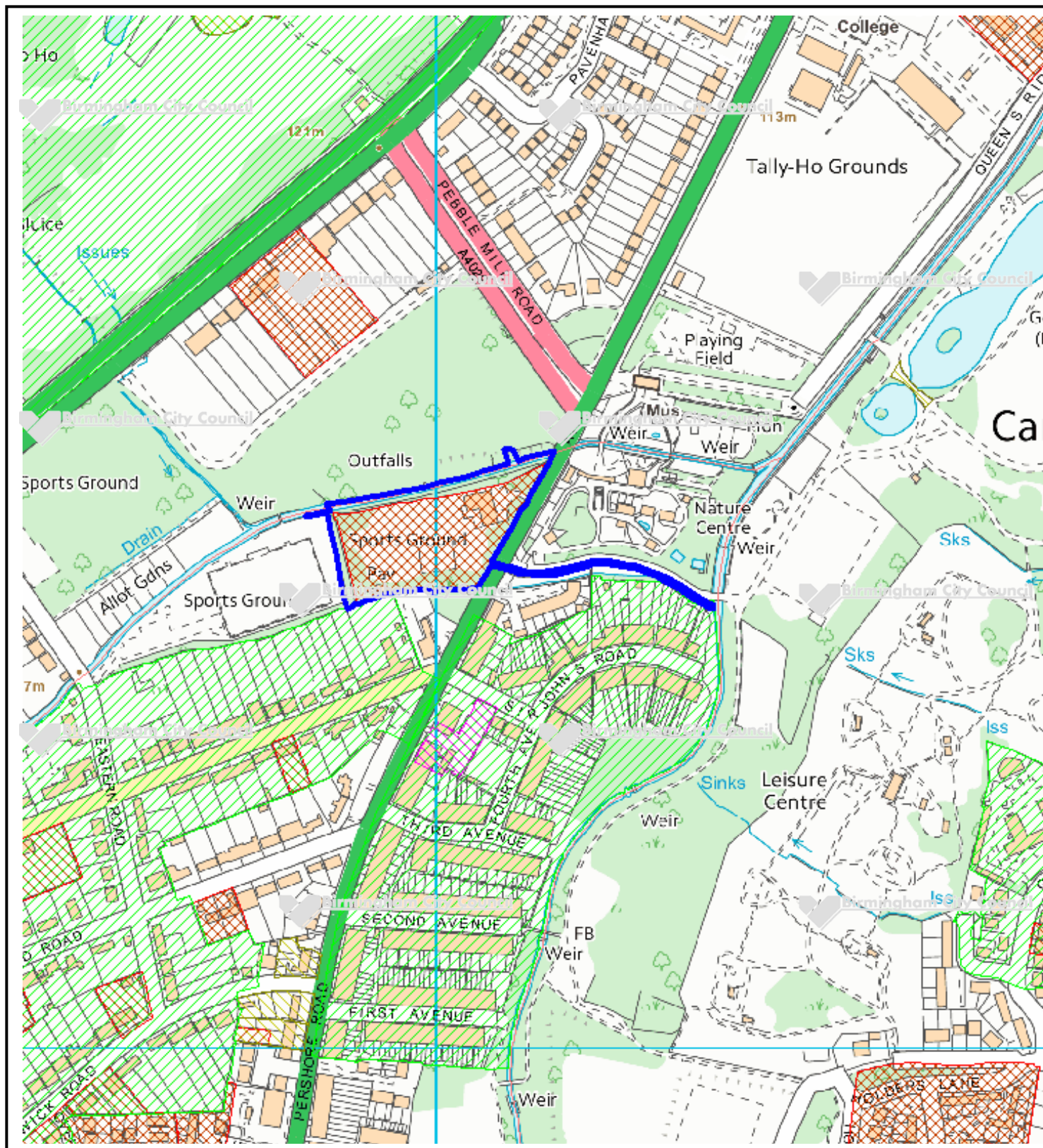
Location of both parts of application site





Location of flood defence works at Former Harborne Lane Reservoir Site





Location of flood defence works and outline development at Pebble Mill

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Committee Date:	15/09/2016	Application Number:	2016/03240/PA
Accepted:	21/06/2016	Application Type:	Full Planning
Target Date:	20/09/2016		
Ward:	Edgbaston		

### University Of Birmingham, Birmingham, B15 2RT

Erection of 3 storey education building called 'Central Teaching Labs' of 6,700sqm, including Wet (chemistry) Laboratory, Dry (electronics/earth Sciences) and E-laboratory (virtual Teaching Laboratory) and car parking (7 spaces on-site and 105 spaces on the former Munrow Sports Centre site), associated landscaping, engineering works and access onto the loop road to the rear of the site.

Applicant: The University of Birmingham  
Estates West, Edgbaston, Birmingham, B15 2RT

Agent: Sheppard Robson  
27th Floor City Tower, Picadilly Plaza, Manchester, M1 4BT

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#### Recommendation

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

#### 1. Proposal

- 1.1. This application seeks planning permission for the erection of a 3 storey education building called 'Central Teaching Labs'. It would have 3 learning levels, and include a plant floor above. The building would have a total floor-space of 6,700sqm (GEA). The building is a result of the University's desire to bring together the core Science, Technology, Engineering and Mathematics fields within a new shared facility. The building would provide laboratories for the whole campus covering the following specialisms;
  - Wet (chemistry) Laboratory,
  - Dry (electronics/earth Sciences), and
  - E-laboratory (virtual Teaching Laboratory)
- 1.2. The University intends to relocate their existing laboratories from across the campus into this new purpose-built facility for efficiency gains and provide contemporary facilities. Existing laboratories, across the campus, would be gradually closed and relocated into the building.
- 1.3. The building would be 22m high, 29m wide (east/west) and 77m deep (north/south). The second floor and large plant room above would be wider and deeper, by 3.4m, than the ground and first floor with a cantilevered north and west elevation. The south elevation would include the main entrance to the building leading to a large lobby area which would face onto the main thoroughfare of the pedestrian route from the centre of the campus to the railway station. The front (south) elevation includes a cantilevered large glass bay that spans the majority of the width of the frontage at second floor level, with a glazed projection that varies from 2m to 4.2m deep.

Materials would include grey brickwork (mostly at ground and first floor and mostly on the south, east and west elevations), gold/bronze anodised aluminium shingle panels (mostly at second floor, plant room level above and the north elevation), curtain walling with anodised aluminium panels and doors and windows with aluminium frames. The south elevation would include vertical gold fins and horizontal edging within the cantilevered front projecting feature. Three flues would project above the roofline each being 3.4m high, these would be located in a row in the centre point of the building's roof.

- 1.4. The building would be built to a BREEAM 'Excellent' standard, and would include roof mounted photovoltaic panels and would connect to the University's existing Combined Heat and Power system.
- 1.5. The proposed building would be located next to The Murray Learning Centre (4 stories high to the west of the site) and BioSciences (4 and 10 stories high) to the east of the site. In footprint terms the building would be rectilinear and would provide an 11m wide pedestrian side passage to the rear of the site. A second floor glazed link would connect this building through into BioSciences to the east of the proposed building.
- 1.6. The proposal including parking provision with 4 accessibility spaces, to the west of the proposed building, 3 (including 2 accessible spaces) to the south-east of the building and a further 105 spaces on an adjacent site to the north on the footprint of the current Munrow Sports Centre. Vehicle access would be provided to both proposed car parks from University Road West. The proposal also includes provision for 27 cycle parking spaces.
- 1.7. The application has been made with a Design and Access Statement, Transport Statement, Ecological Assessment, Arboricultural Report, Drainage and Flood Risk Assessments, GeoEnvironmental desktop studies, and a Site Investigation Assessment.
- 1.8. The proposal would result in the loss of an informal car park, accommodating 70 spaces and the removal of 15 trees; 7 trees as part of a group of 16 and 8 other trees across the remainder of the site. A group of 9 trees would be retained. 19 replacement trees are also proposed.
- 1.9. The scheme has been amended with an alteration to the small 'east car park' and redesigned to reduce the car parking area from the 18 spaces originally proposed to 4 accessibility spaces. The lost spaces have been relocated into the larger proposed car park at Munrow which has consequently increased from 91 spaces to 105. The three spaces proposed to the south-east of the building would remain unchanged.
- 1.10. Site area 0.64ha.
- 1.11. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application consists of two sites. The main site is the site of the proposed building (Site A) and the second site is the location of the proposed 105 parking spaces (Site B).
- 2.2. Site A consists of a single storey flat roofed building (The Insectary being 152sqms), a loose gravel surfaced car park with 70 spaces, an access road to the rear of the



Murray Learning Centre and a group of 16 trees in a landscaped area. In terms of levels, the site frontage slopes from west to east falling downhill by 3m and from south down to the north end of the site by 1m.

- 2.3. To the south side of site A, is the pedestrian link running from Aston Webb to the railway station and West gate. The rear (north) of the site is West Gate Road connecting Pritchatts Road from the north to the railway station and The QE Plaza to the west. To the west is the Murray Learning Services building, being a maximum of 4 storeys. To the east is the BioSciences building, being a maximum of 10 storeys. To the immediate south are three buildings; Computer Science (4 storeys), Chemistry West (3 storeys) and Haworth (6 storeys) from west to east.
- 2.4. Site A is within 80m of the scheduled ancient monument of Metchley Fort.
- 2.5. Site B, to the north of Site A and over West Gate Road, is currently the site of the Munrow Sports Centre and its associated car park. West Gate Road runs to the south and east of the site. To the west of the site are tennis courts and the north is a cleared site formerly part of the now abandoned running track.
- 2.6. In terms of levels, site B once cleared of the Munrow Sports Centre, would reveal a flat level surface for the laying out of 105 spaces. The site is adjacent to a group of trees to the north and northwest.
- 2.7. The Worcester and Birmingham Canal is approximately 60m to the west and north of the Site A and Site B, on a southwest/northeast axis.

### 3. Planning History

#### 3.1. Campus wide

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

#### 3.3. To the north (of site A) and west (of site B)

- 3.4. 7<sup>th</sup> July 2016. Pa no. 2016/03861/PA Retention of 115 car parking spaces and creation car park area with a further 15 car parking (totalling 130 car parking spaces) use as temporary car park. Approved.

### 4. Consultation/PP Responses

#### 4.1. Consultation Responses

- 4.2. Transportation - No objection, subject to conditions to secure that the car park at Munrow Sports Centre is available prior to the Central Teaching Lab's use first commencing, the submission of a detailed travel plan, cycle parking details, car park management plan and an updated campus car park master plan.
- 4.3. Regulatory Services – No objection subject to conditions requiring a contamination survey and a vehicle charging point.



- 4.4. Lead Local Flood Authority – No objection subject to a condition requiring a sustainable drainage plan and an operation and maintenance strategy.
- 4.5. West Midlands Fire Service - No objection.
- 4.6. West Midlands Police - No objection, the Police met with the Architects in September 2015 where security of the building and end users was thoroughly considered. This project has been registered with 'Secured by Design' and could potentially achieve this.
- 4.7. Canal and River Trust – No objection subject to the addition of a condition that would prevent any surface water run-off being drained into the canal system.
- 4.8. Severn Trent – No objection subject to a condition for details of foul and surface water discharge.
- 4.9. Access Birmingham – Some concerns expressed in regard to design details and accessibility issues.
- 4.10. Public Participation
- 4.11. Resident Associations, Councillors and the MP consulted. Three Site Notices erected, press notice made. No response received.
- 5. Policy Context
- 5.1. Birmingham UDP, Draft BDP, Car Parking Standards SPD, Places for All SPD.
- 5.2. NPPF, NPPG.
- 6. Planning Considerations
- 6.1. **Principle**
- 6.2. Policy 16.12, of the UDP, states that "The University of Birmingham is a major academic and research institution. Proposals to expand its teaching and research facilities will increase its attractiveness nationally and will be encouraged provided that they are consistent with other policies in the Plan". Policy TP35, of the draft BDP, reaffirms a commitment to supporting the expansion of the City's Universities, where links between the institutions and other research and development establishments. Also Policy GA9, of the draft BDP, provides specific support for the University of Birmingham where further educational and associated uses that maintain and enhance the University facilities will be supported.
- 6.3. The scheme proposes a major new education building within the centre of the campus. As such there is no objection to the principle of the use subject to the consideration of the following material considerations;
- 6.4. **Design**
- 6.5. In terms of design, paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states

that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

- 6.6. The proposed building would effectively be a four storey cuboid shape, presenting its narrow side to the main pedestrian street to the front (south) and a long side elevation to the east and west. This shape would be articulated with various materials including grey brick and gold/bronze anodised aluminium gold shingle panels. The rear and higher parts of the building would be expressed by a bold and contrasting shape (in the shingle panels), creating the impression that the building consists of two cuboids which have been fused together.



Southeast view, on pedestrian route Univeristy Road West



North view from West Gate Road

- 6.7. The design is a contemporary solution that clearly would create its own identity. The scale is fitting in height and mass for the local context and the chosen materials would create a distinctive and interesting building. I am content that the scheme would meet a high standard of design and complement recently approved new buildings on campus such as the new library, the New Sports Centre, the Post Grad School of Economics, the new (unbuilt) Hotel and Conference Facility and the multi-storey car park (on Pritchatts Road).
- 6.8. The creation of the proposed car park for 105 spaces, would commence with the demolition of the Munrow Sports Centre. This would reveal a 6m high retaining wall to the rear (north) boundary and other smaller retaining features to the east boundary. The proposed car park would extend a recently approved (2016/03861/PA) car park for 130 spaces to the immediate west of this site. This area of land would, in combination with existing and proposed car parking, appear rather stark and without the benefit of landscaped pockets. However, these car parks are considered short term and are intended, in due course, to be replaced with a multi-storey car park. Site B is consequently part of a much larger potential development site which reaches to Pritchatts Road to the north, to the west side of the 'Green Heart' to the east and to the Worcester and Birmingham canal to the west. It is consequently anticipated that within the next 5-10 years the City will be discussing further master-plan work and growth in this area.

## 6.9. **Transportation**

- 6.10. Policy 6.49B, of the UDP, seeks new development to make adequate parking provision to meet all transport needs. The NPPF states that “when setting parking levels LPA’s should take into account the accessibility of the site, the type, mix and use, access to public transport, local car ownership and the overall need to reduce high emission vehicles” Policy TP37 of the draft BDP requires development

proposals support and promote sustainable travel and TP43 requires new development to support the delivery of a sustainable transport network.

- 6.11. The site is within area 2, as defined by the car parking SPD, being 150m from University Railway Station. Parking guidelines in area 2 for education space confirm policy compliance for the provision of upto 1 parking space per 3 staff and upto 1 space per 22.5 students. The Transport Statement informs that the proposal "...would involve the relocation of approx. 24 existing staff and the teaching of up to 754 students, from around the campus...". The proposed development would therefore achieve policy compliance with the provision of 42 spaces.
- 6.12. In addition to the above as the proposal would remove 70 spaces overall provision of 112 spaces (70+42) is included within the proposal, comprising of 7 spaces (on-site) and 105 new parking spaces nearby, on the site of the existing Munrow Sports Centre. It should be noted that The Munrow Sports Centre is being replaced with a new Sports Centre, on the junction of Bristol Road and Edgbaston Park Road, that is due to open Autumn 2016. The new Sports Centre was approved as part of a hybrid planning application in 2012 (2012/02047/PA) and that approval included a condition requiring the Munrow Building to be demolished within 6 months of the new Sports Centre opening. As a consequence the Munrow site will be available for parking, as proposed, well in advance of the Central Labs building, the subject of the current application becoming operational.
- 6.13. As stated above the proposal includes parking provision with 7 spaces on-site and 105 spaces adjacent to the site. The proposal also includes provision for 27 cycle parking spaces. The Transport Assessment makes the following points;
- The Central teaching Laboratories (CTL) would be a replacement of existing laboratory space within campus and not an addition to current facilities, meaning students and staff will transfer from their current locations to the CTL.
  - The CTL would involve the relocation of existing staff approx. 24 and the teaching of up to 754 students, from around the campus to one space.
  - Whilst the CTL, in itself, is not predicated on the basis of creating additional educational space, it is acknowledged that the timing of the development will result in an increase in floor space until redundant buildings can be decommissioned and removed.
  - An additional 27 spaces have been proposed to be added to the University Campus site wide cycling facilities. A further 27 lockers will be available nearby.
  - There is a high level of public transport serving the University Campus. Both bus and rail transport service the campus, which with a high frequency of services makes the University highly accessible via public transport.
  - The CTL has a dedicated delivery area to the North of the site. Access has been configured for material deliveries, the bin store, the gas bottle store and various plant areas. The service yard can accommodate numerous vehicles up to a refuse lorry size. It is important to note that there will be no increase in the deliveries to campus, just an additional drop off point on route.
- 6.14. Transportation have considered the Transport Statement and submitted details and raised no objection, subject to conditions to secure that the car park at Munrow

Sports Centre is available prior to the Central Teaching Lab's use first commencing, the submission of a detailed travel plan, cycle parking details, car park management plan and an updated campus car park master plan. I concur with Transportation and recommend that most of these conditions should be included. However, their requested condition in regard to an updated campus master-plan is not reasonable as the scheme proposes a self-contained car parking solution without an adverse impact on the wider car parking strategy established through the car parking master-plan agreed in the Hybrid application of 2012.

**6.15. Trees**

- 6.16. Paragraph 3.38, of the UDP, states that "...new developments, particularly those on open land, will be expected to respect, and where possible enhance, the local environment... through the retention of existing trees and through... landscaping schemes". Policy TP7, of the draft BDP, reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains.
- 6.17. The tree survey identifies that Site A has a group of 16 trees and 8 other trees spread across the remainder of the site. There are also various hedges throughout the site. The application proposes the removal of 15 trees, 7 as part of a group of 16 trees and 8 other trees across the remainder of the site. This includes 3 category A, 2 category B and the rest (10) category C. All of the category A and B trees are located in the single group of 16 trees to the west side of the proposed building where the 4 space car park is proposed to be created. This group consists of a combination of birch, pine and ash. This area has been redesigned to reduce the car parking area from 18 spaces to 4 accessibility spaces. The lost spaces have been relocated into the larger proposed car park at Munrow which has consequently increased from 91 spaces to 105. This redesign has allowed for the majority of category A trees to be retained (consisting of 7 category A and two category C) with scope for additional replacement tree planting to the west boundary. A group of 9 trees would be retained.
- 6.18. My tree officer is satisfied that the proposal retains a good proportion of the most important trees and has adequate scope to accommodate replacement tree planting. He has raised no objection subject to the applicants providing an Arboricultural Method Statement and Landscape Scheme. I concur with these comments.

**6.19. Ecology**

- 6.20. Paragraph 3.37, of the UDP, states that the importance of safeguarding and enhancing the natural environment of the City is recognised. Paragraph 3.38 continues that "...schemes...on open land, will be expected to respect, and where possible enhance, the local environment.. with the objective of maximising wildlife value". The NPPF, at paragraph 109, requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline. The draft BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment.
- 6.21. An ecological assessment has been submitted in support of the application. It explains that the site comprises of a combination of hard-standing and areas of amenity grassland with scattered trees and ornamental planting, a species-poor hedgerow and a building (Insectary). The Insectary and adjacent greenhouse were inspected and found to contain no features with that could be used by roosting bats

or nesting birds. My ecologist considers that the vegetated habitats present have low species diversity and as such can be considered to have limited ecological value.

- 6.22. The trees and areas of denser vegetation provide suitable habitat for nesting birds. Where such vegetation is proposed for removal, the ecology report recommends good practice mitigation measures should be adopted to minimise potential impacts on nesting birds.
- 6.23. The ecology report also notes that 100sqm of 'wildlife planting' would be provided. The proposed landscaping plan shows new tree planting around the edge of the parking area, together with thin strips of planting along the eastern and western sides of the new building. To maximise the biodiversity value of these areas of planting, the planting mix should focus on locally native species and 'wildlife-friendly' ornamental varieties. The applicant states that planting between the Murray Learning Centre and CTL would need to be tolerant of full-shade conditions, with planting elsewhere a mixture of wild flower meadow and ornamental shrubs, and tree planting a mixture of standard and semi-mature, low maintenance native species such as silver birch and rowan. The ecology report includes recommendations for additional ecological enhancement features, including bird and bat boxes and 'bee-friendly' planting. The proposed cycle shelters could also incorporate ecologically sensitive design features, for example, green roof, green walls, habitat panels.
- 6.24. My ecologist recommends that the implementation of the recommended mitigation measures. I concur with the conclusions of my ecologist and concur that these ecological enhancement measures should be secured by condition.

**6.25. Drainage**

- 6.26. Policy TP3, of the draft BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the draft BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a core principle of the NPPF (paragraph 7) to take full account of flooding issues in decision making.
- 6.27. The proposed discharge rate of 5l/s for all events up to and including the 100 year plus climate change (30%) event is acceptable in principle to the Lead Local Flood Authority (LLFA).
- 6.28. In terms of sustainable drainage, it is noted that the proposed surface water strategy allows for permeable paving and an attenuation pond. However an attenuation tank, instead of an attenuation pond, is shown in the layout plan. Underground attenuation structures should only be considered if above ground attenuation is proven to be unviable. There is limited opportunity to achieve the potential biodiversity and amenity value within the proposed strategy, therefore the LLFA strongly encourage incorporation of green SuDS (e.g. rain gardens) within the landscaped area adjacent to the car park. Furthermore, it is noted that runoff from the access road would not pass through the permeable paving and therefore there is limited quality benefits. Clarification on the attenuation feature and drainage layout is required. The LLFA have raised no objection subject to the provision of a condition requiring a sustainable drainage assessment. I concur with this request.

- 6.29. The Canal and River Trust have requested a condition to ensure that run-off is diverted away from the canal, I am satisfied that this can be fully satisfied through the proper consideration of a sustainable drainage condition.

**6.30. Sustainability**

- 6.31. Policy 3.14E, of the UDP, includes a range of principles for sustainable design/development. These include promoting modes of transport other than use of the private car, re-use of buildings where possible, re-use of materials where possible, design to benefit landscaping and biodiversity, the use of renewable energy where possible, thermally efficient buildings, higher densities, reduced water consumption, adaptable buildings and contamination remediation to bring sites back into active use. Policy TP1, of the BDP, includes a similar range of measures to promote sustainable design.
- 6.32. The building would be built to a BREEAM 'Excellent' standard, and would include roof mounted photovoltaic panels and would connect to the University's existing Combined Heat and Power system.

**6.33. Other Matters**

- 6.34. The proposed building would be located 80m to the east of the Metchley Fort (Scheduled Ancient Monument), my Conservation Officer recommends an archaeological condition to address possible site artifacts or other features.
- 6.35. The Accessibility Committee has raised a series of technical concerns in regard to mobility and accessibility around the proposed building and especially around bollards and gradient changes. These concerns have been passed to the applicants who have responded as follows: *"the design team liaised with the University's Estates Accessibility officer, the officer sits on the wider accessibility group within the University, our discussions have returned no adverse comments from the officer. The University is committed to accessibility for staff and students, the University implements a personal accessibility plan for students who have additional needs. The plan includes measures which need to be adopted to increase the accessibility of the principle environment in which the student would be working within. Alternations are made to buildings as required on a basis of individual requirements when they manifest."* I am satisfied that this addresses the concerns raised by the Accessibility Committee.
- 6.36. Regulatory Services have requested a condition that specifies the location of bin stores, these are included within the building in the rear elevation facing onto West Gate Road and as such no such condition is necessary.

**7. Conclusion**

- 7.1. The proposal is acceptable in scale and design and satisfies issues of principle, is located in a sustainable location. The scheme provides adequate parking and provides good access to alternative forms of access such as by bus, cycle and rail as well as the rest of the University campus. The scheme represents sustainable development, and would enable the University to grow with a suitable level of commensurate car parking to provide comparable infrastructure to support the use.

**8. Recommendation**

- 8.1. That planning permission be granted with the following conditions;

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1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Requires the prior submission of a sustainable drainage scheme
4	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
5	Requires the prior submission of details of the sound insulation for plant/machinery
6	Requires the prior submission of extraction and odour control details
7	Requires the prior submission of sample materials
8	Requires the prior submission of a parking management strategy
9	Requires the prior submission of a University Travel Plan
10	Requires the provision of cycle parking prior to occupation
11	Requires the provision of vehicle charging points
12	Requires the 105 space car park to be available prior to first use of the building
13	Arboricultural Method Statement - Submission Required
14	Requires the prior submission of hard and/or soft landscape details
15	Requires the prior submission of hard surfacing materials
16	Requires the prior submission of boundary treatment details
17	Requires the prior submission of a landscape management plan
18	Requires the scheme to comply with the ecological assessment recommendations
19	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
20	Requires the prior submission of a programme of archaeological work
21	Requires the scheme to be in accordance with the listed approved plans
22	Limits the approval to 3 years (Full)

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Case Officer: Ben Plenty



## Photo(s)

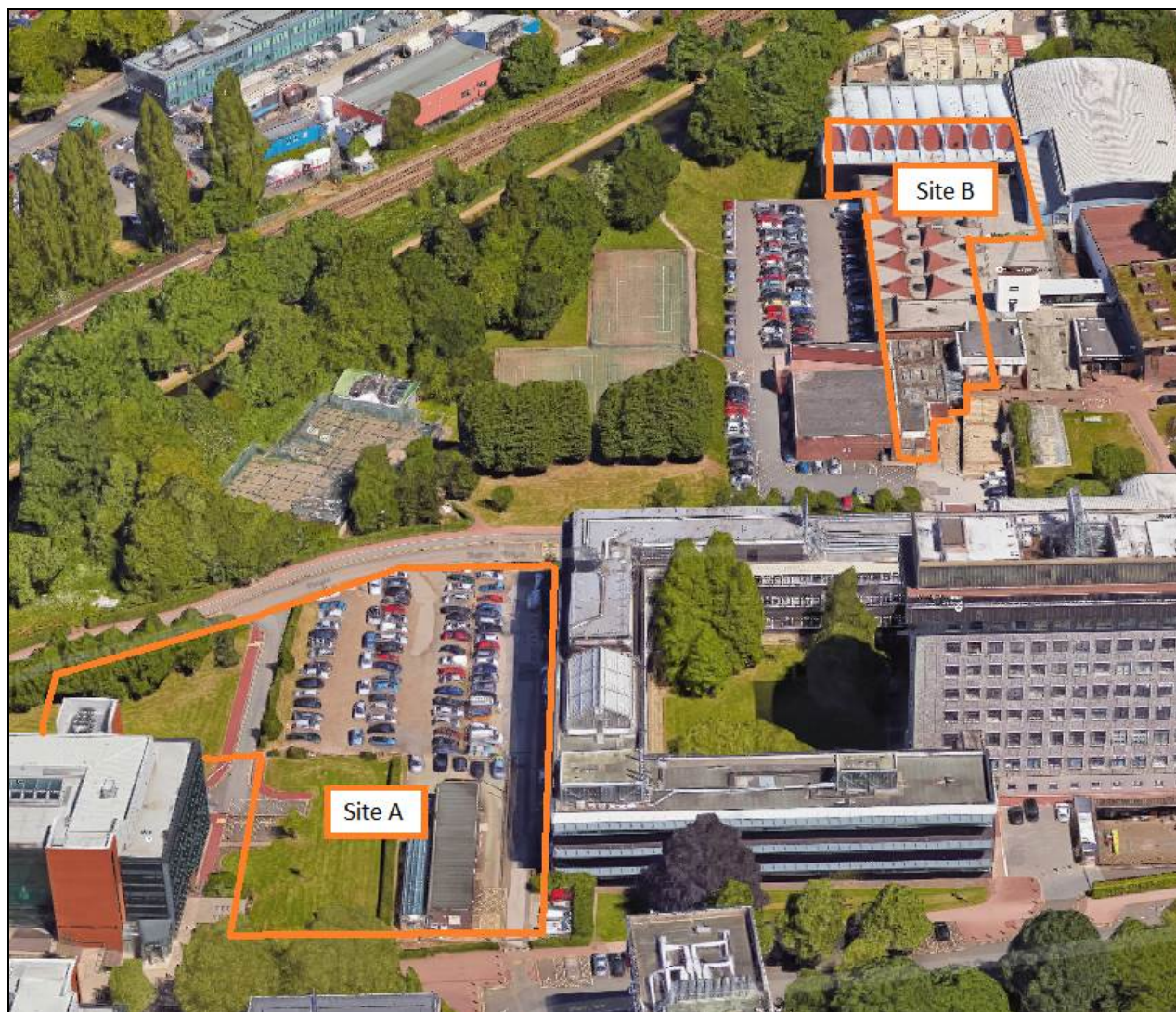


Fig 1 looking north, site in orange outline.



Fig 2 BioSciences Building east of site, looking northeast





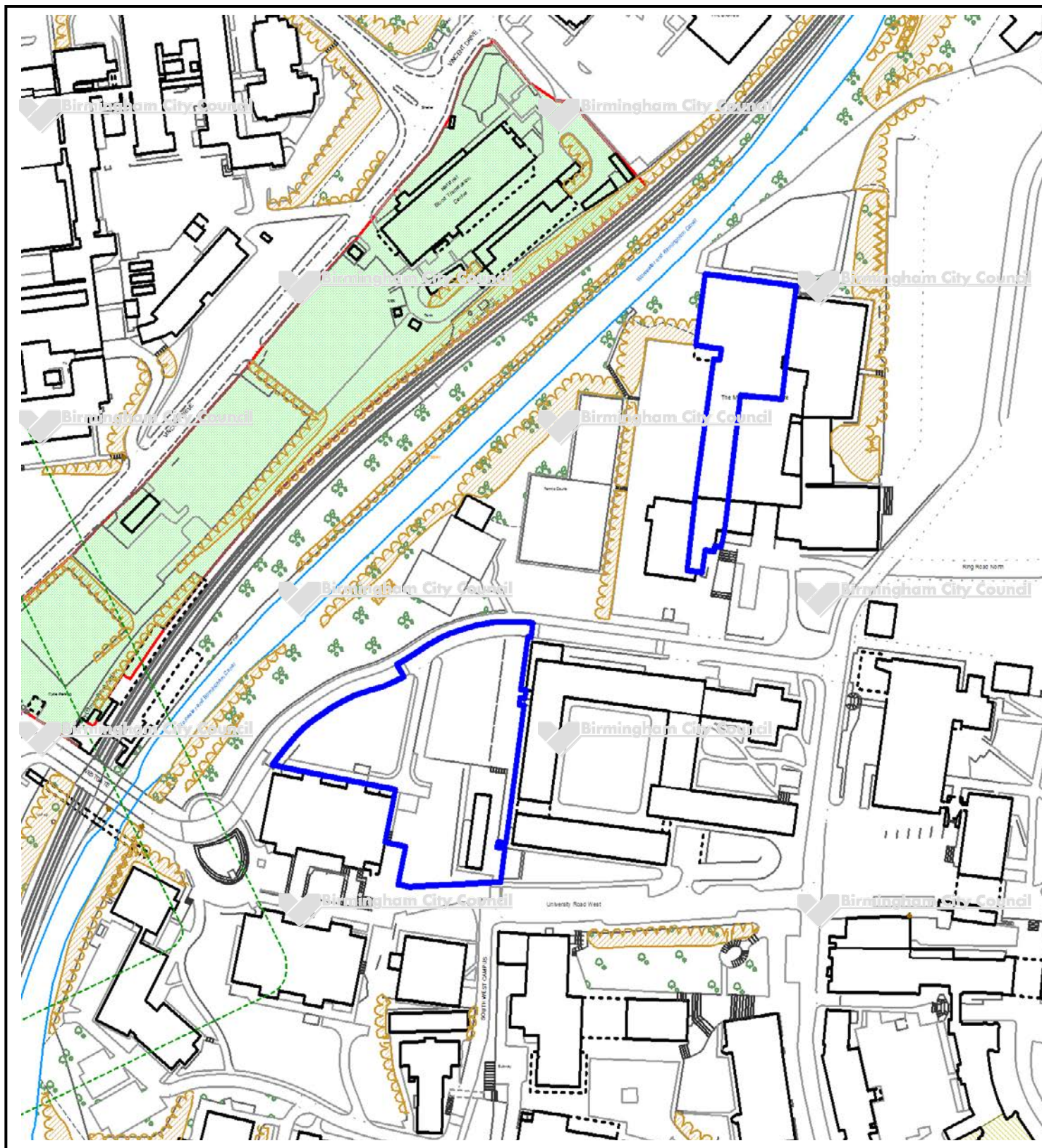
Fig 3 On-site trees, to north of Murray Learning Centre; looking north.



Fig 4. Murray Learning Centre, application site to the right-hand side (east)



## Location Plan



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Committee Date:	15/09/2016	Application Number:	2016/05494/PA
Accepted:	18/07/2016	Application Type:	Full Planning
Target Date:	12/09/2016		
Ward:	Moseley and Kings Heath		

87 Addison Road, (land adjacent), Kings Heath, B14 7EN

Erection of two three-bedroom dwellings

Applicant:	Allmid Ltd 222 Alcester Road, Birmingham, B13 8EY
Agent:	ADC Ltd Britannia House, Britannia Way, Lichfield, WS14 9UY

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Permission is sought for the erection of two semi-detached dwellings on the vacant plot of land adjacent to 87 Addison Road, Kings Heath. The two proposed dwellings would be three bedroom, two and a half storey, semi- detached dwellings.
- 1.2. The proposed dwellings would each have a pitched roof and a rear-wing footprint. Each property would have a maximum width of 4.8m, a maximum height of 8.2m and a maximum eaves height of 5.7m. The length of the two storey element of both properties would be 10.1m and the overall length including the single storey element would be 14.6m. The front elevations of each property would include a bay window at ground floor. The rear elevation of each property would include a rear facing dormer window. The properties would be finished with red clayburn civic bricks and grey cement slate tiles. A ramp from the pavement would allow pedestrian access from the street to the front doors of each property.
- 1.3. On the ground floor each property would have a living area, a toilet, a dining area and a kitchen. At first floor there would be two bedrooms and a bathroom, with an additional bedroom on the second floor. The proposed bedrooms would measure 8.5sq.m., 14.1sq.m. and 16.1sq.m respectively. The proposed rear gardens would measure 95sq.m. and 104sq.m. respectively.
- 1.4. The proposed semi- detached dwellings would front onto Addison Road and would be set back from the footpath by 2.6m, in line with existing properties on Addison Road. No off-street parking provision would be proposed within the scheme. Each property would have a short front garden enclosed by a brick boundary wall.
- 1.5. The proposed development would not attract a CIL contribution.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is located on the northern side of Addison Road, adjacent to No. 87 Addison Road. The site is overgrown and has been vacant for a number of years having previously been the site of a church. There is an alleyway to the east of the site which allows rear access to properties on Goldsmith Road.

2.2. The surrounding area is predominantly residential in character comprising of mainly Victorian style terrace properties. To the west of the site is No.87 Addison Road which is currently in use as a residential dwelling. To the east of the site are the rear gardens of No. 89 Addison Road, and nos. 48-58 Goldsmith Road, which are a mix of commercial and residential. The surrounding terraced houses characteristically have small front gardens with no private parking. The site is located approximately 260m from Kings Heath High Street.

2.3. [Site Location Map](#)

### 3. Planning History

- 3.1. 27/04/1995- 1994/05005/PA- Erection of 2 semi- detached houses, construction of parking and access- refused due to nearness to residential boundaries, loss of light to neighbouring properties, over intensive use of the site, lack of parking, out of character with surrounding properties, poor design and visual amenity and over dominant height of the proposed development.
- 3.2. 29/04/1999- 1998/00048/PA- Demolition and rebuilding of church- Approved subject to conditions.
- 3.3. 09/04/2003- 2002/0032/ENF- Untidy/neglected state of church site- Case closed.
- 3.4. 15/07/2004- 2004/01887/PA- Erection of church building- Approved subject to conditions.
- 3.5. 14/12/2015- 2015/10012/PA- Pre-application advice for the erection of 2 semi-detached dwellings- likely acceptable in principle.
- 3.6. 18/04/2016- 2016/01701/PA- Erection of two three-bedroom dwelling houses- withdrawn by applicant.

### 4. Consultation/PP Responses

- 4.1. Transportation Development- No objection but the applicant should be encouraged to include secure and sheltered cycle storage within the scheme.
- 4.2. Regulatory Services- No objection subject to a condition for a noise insulation scheme to be submitted.
- 4.3. Severn Trent Water- No objections subject to a condition requiring the submission of drainage plans for the disposal of foul and surface water flows.
- 4.4. West Midlands Police- No objection.



- 4.5. Neighbouring occupiers, Residents Associations, Ward Members and MP notified and a Site Notice displayed. Two letters of objections received, as summarised below:
- Resident on Goldsmith Road raising concern about lack of parking allocation in the scheme;
  - Landlord of No. 87 Addison Road objecting due to loss of light to habitable room windows and overlooking issues.

## 5. Policy Context

### 5.1. Local Planning Policy:

- UDP (2005),
- Pre-submission Birmingham Development Plan 2031,
- Places for Living SPG,
- Mature Suburbs SPD,
- Car Parking Guidelines SPD,
- 45 Degree Code.
- King's Heath Local Action Plan SPD

### 5.2. National Planning Policy:

- NPPF (2012).

## 6. Planning Considerations

- 6.1. The main considerations in the determination of this application are whether the principle of residential use would be acceptable on the site, siting, scale and appearance of the proposal, the impact of the proposal on the amenity of existing and future residents, and the impact of the proposal on highway safety and parking.
- 6.2. The proposed erection of two semi-detached dwellings on the application site was previously refused under planning application Ref. 1994/05005/PA. However, a significant period of time has passed since and the site has remained vacant and overgrown, even resulting in an enforcement case being opened due to poor visual amenity of the site. Additionally, since this time Birmingham has experienced a housing shortage with local and national policy encouraging the use of brownfield sites to boost the housing supply. Therefore, I do not consider that significant weight should be attached to the previous refusal for residential use of the site, particularly if the design is acceptable and the previous (1995) reasons for refusal can be addressed satisfactorily.
- 6.3. Following the withdrawal of Planning Application 2016/01701/PA the Applicant has sought further pre application advice regarding the design of the properties prior to the submission of this current proposal.

### *The Principle of Development*

- 6.4. The NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development" (Paragraph 49) and every effort should be made to meet the housing needs of an area (Paragraph 17). Furthermore, it states planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" (paragraph 17). This is reflected in paragraph 5.20 of the Birmingham

UDP which acknowledges the existing good quality residential environments as one of the City's greatest assets which should be maintained and protected, stating that "Proposals for new residential development should therefore be carefully designed, so that they do not detract from the character of the surrounding area". Additionally, the Birmingham UDP supports a more sustainable pattern of development by re-using brownfield sites in suitable locations. There are no specific policies relevant to this application in the King's Heath Local Action Plan SPD.

- 6.5. The surrounding area is mainly residential in character comprising of Victorian terraced houses with pitched roofs and single storey rear wings. I consider that the proposed footprint of the dwellings would be in keeping with the character of the surrounding area and the existing pattern of development. The application site is an area of brownfield land that has been left vacant for a number of years and currently has a detrimental impact on visual amenity of the area. Therefore, the redevelopment of the site, which is sustainably located close to local facilities at Kings Heath District Centre and good public transport links, is to be encouraged. As such, the erection of two semi-detached dwellings on this site is acceptable in principle, subject to its design and impact upon the surrounding area and neighbouring residents, which is detailed further below.

*Siting, scale and appearance*

- 6.6. Supplementary Planning Document Mature Suburbs states that building plots should be of an appropriate size to reflect the typical form of plots in the area and the urban grain; the frontage width and depth, and the massing of the main building should be in keeping with those in the area; and new buildings should respect established building lines and setbacks from highways.
- 6.7. The siting of the proposed dwellings would follow with the established building line on Addison Road, respecting the existing set back distance. The surrounding area is characterised by two and three storey terraced houses with single storey rear elements and long narrow rear gardens. I consider that the proposed plots in terms of size and shape would be in keeping with those in the surrounding area, complying with guidance in Mature Suburbs SPD. As stated above, I consider that the footprint of the proposed dwellings would be in keeping with the surrounding pattern of development.
- 6.8. The frontage width of the proposed dwellings would be approximately 4.8m which is generally in keeping with the surrounding area, with Nos. 87-79 Addison Road ranging between 3.9-5.3m in width. The overall height of the proposed dwellings would be lower than the adjacent properties by approximately 0.6m. However, I do not consider that the lower roof ridge height and the lower eaves height would be particularly obvious from the street scene. In regards to appearance from the street scene, the ground floor level is slightly lower than the adjacent property at No. 87 Addison Road which results in the door, bay window, first floor windows and eaves being also set lower than adjacent properties. However, the proposed dwellings are not a continuation of the terrace and are instead semi-detached dwellings that appear in proportion and have an appropriate appearance which mimics the local Victorian vernacular e.g. ground floor bay windows, stone window cills and brick window arches. Additionally, along Addison Road there are a number of changes in overall height and floor to ceiling heights and therefore I consider that the proposed dwellings would be in keeping in the street scene in terms of scale and massing.

### *Residential Amenity*

- 6.9. The proposed western-most dwelling would contravene the Council's 45 Degree Code SPG in relation to the existing ground floor dining room window located on the rear elevation of No. 87 Addison Road. Additionally, the proposed rear single storey element would be located only 4.4m from the side kitchen window of No. 87 Addison Road and therefore the amount of light available and outlook from this room would be reduced. Direct sunlight in the mornings would also be cut-out to the neighbour. However, I note that this pattern of development is the normal arrangement of rear wings on Victorian terraces, as is visible within this area. Many of the existing wings would break the 45 Degree Code and the proposed breach is less significant than many others in the surrounding area. Additionally, the distance separation between the single storey wings is wider than in many of the surrounding terraced properties. Finally, given the past siting of a church building at this location, and its approved replacement in 1998 and 2004 (although not built), the effect of the new proposals would be broadly similar to the previous development. As such, although daylight, sunlight and outlook would be reduced for no. 97, I am satisfied that the amenity of the neighbouring occupiers at No. 87 Addison would not be so significantly or unreasonably impacted by virtue of a loss of light or outlook to their ground floor dining room or kitchen window such that this application should be refused.
- 6.10. The proposed eastern most dwelling would not comply with the separation guidelines for new flank walls in relation to existing windowed elevations of Nos. 56-58 Goldsmith Road as specified in the Council's Places for Living SPG. Separation guidelines recommend 12.5m minimum distance but the proposal is located approximately 8.7m and 8.8m respectively from the rear, ground floor habitable windows of Nos. 56-58 (thought to be kitchens). However, again, given the past siting of a church building at this location, and its approved replacement in 1998 and 2004 (although not built), and the prevailing development pattern locally, such a relationship is to be expected. The window at no. 58 is arguably equally affected by outbuildings within its own curtilage, and the window at no. 56 would be facing the end corner of the single-storey rear wing only. I consider the relationships and effect on amenity not to warrant a refusal. Additionally, I have discussed the proposal with residents at No. 58 Goldsmith Road who have confirmed that they are keen to see the scheme be approved due to the untidy state of the application site and do not have any issue with the distance set back of the proposed dwellings. No objections have been received from No. 56 Goldsmith Road.
- 6.11. The property at No. 89 Addison Road appears to be a vacant commercial property on the ground floor, with an obscured bathroom window on the first floor rear facing elevation, and an outbuilding window at ground floor. Therefore, there would be no detrimental impacts on residential amenity.

### *Living Conditions*

- 6.12. The submitted plans show there would be two double bedrooms in each dwelling, one at first floor and one at second floor measuring 14.1sq.m. and 16.1sq.m respectively in each dwelling. There would also be an additional single bedroom at first floor measuring 8.5sq.m. in each dwelling. All bedrooms, and the overall internal floor spaces, would exceed the minimum floor space recommended in the Government's 'Nationally Described Space Standards'. Rear gardens measuring 95sq.m. and 104sq.m. respectively are proposed for the new dwellings, which would far exceed the 70sq.m. minimum private amenity required for family accommodation in Places for Living SPG.

### *Highway Safety and Parking*

- 6.13. The proposed development would have no off- street parking provision as is the case with the majority of properties in this location. Transportation Development raises no objection to the proposal, noting that parking on street on the opposite side of the carriageway is unrestricted and that the area is well serviced by public transport. Transportation Development note that there would be adequate space with the rear gardens for bicycle storage if the Applicant decided to provide secure cycle storage facilities.

### *Other matters*

- 6.14. Severn Trent Water have raised no objection to the proposed development subject to a condition requiring the submission of drainage plans for the disposal of foul and surface water flows. I concur with this view and have attached the condition accordingly.
- 6.15. Regulatory Services have raised no objection, subject to a condition for a noise insulation scheme to be submitted for the elevation adjacent Addison Road. As this is not a noisy environment, and Building Regulations achieves a certain degree of sound attenuation for windows, I do not consider the requested condition can be justified.

## 7. Conclusion

- 7.1. The proposal would contribute to meeting the City's housing need whilst making effective use of brownfield land. I consider that the siting, scale and appearance of the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed dwellings would provide satisfactory living accommodation for future occupiers, would have limited material adverse impact on the amenity of adjoining occupiers or on highways safety and parking. Therefore, I consider that the proposal constitutes sustainable development and recommend the application is approved subject to conditions.

## 8. Recommendation

- 8.1. Approve subject to conditions.

- 
- |   |                                                                        |
|---|------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials                      |
| 3 | Requires the prior submission of window frame details                  |
| 4 | Requires the prior submission of hard and/or soft landscape details    |
| 5 | Requires the prior submission of boundary treatment details            |
| 6 | Requires the prior submission of level details                         |
| 7 | Requires the prior submission of drainage plans                        |
-



- 
- 8 Removes PD rights for new windows to eastern-most side elevations
  - 9 Removes PD rights for extensions and windows/dormer windows
  - 10 Limits the approval to 3 years (Full)
- 

Case Officer: Sophie Long

**Photo(s)**



**Figure 1- Application site from Addison road and side elevation of No. 87 Addison Road**



Figure 2- Application site from Addison Road including rear of properties on Goldsmith Road



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**15 September 2016**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	11	2016/04711/PA  Stockland Green School Slade Road Erdington Birmingham B23 7JH  Installation of all-weather sports pitch, 8m high lighting columns and associated landscaping works
Approve - Conditions	12	2016/05723/PA  Unit 1, Stratford Trading Estate Evelyn Road Birmingham B11 3JJ  Change of use from light industrial (Class B1) to a foodbank (Sui Generis)
Approve - Temporary	13	2016/06392/PA  The Radleys Sheldon Birmingham B33 0QY  Display of 4 non illuminated free standing signs
Approve - Temporary	14	2016/05957/PA  Garrison Lane Nechells Birmingham B9 4HF  Display of 4 no. freestanding non illuminated post mounted signs

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Committee Date:	15/09/2016	Application Number:	2016/04711/PA
Accepted:	28/07/2016	Application Type:	Full Planning
Target Date:	22/09/2016		
Ward:	Stockland Green		

Stockland Green School, Slade Road, Erdington, Birmingham, B23 7JH

Installation of all-weather sports pitch, 8m high lighting columns and associated landscaping works

Applicant:	Stockland Green School Slade Road, Erdington, Birmingham, B23 7JH
Agent:	Pennycuik Collins 54 Hagley Road, Edgbaston, Birmingham, B16 8PE

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the installation of all-weather sports pitch, 8m high lighting columns and associated landscaping works at Stockland Green School, which provides secondary education for Year 7-11 groups (11-16 years old).
- 1.2. The new all-weather pitch would be situated to the south-west corner of the site and west of the existing school buildings. The all-weather pitch would measure 42 metres wide by 66 metres deep. The surface would be artificial grass pitch construction using long pile artificial grass with rubber crumb infilling dressing within the pile. It would be enclosed by dark green 2.4 metre high steel weldmesh fencing adjoining school buildings with a 3 metre section to the southern and western boundaries to prevent balls over-sailing onto adjoining residential properties on Kings Road and Hillyfields Road. The proposed all-weather pitch would include 6 no. 8 metre high floodlight columns with a column in each corner and a further two posts located each side of the halfway line. The floodlighting columns would be formed from galvanised steel and would support dual directional lights. All floodlighting will be internally shielded and be directed towards the pitch.
- 1.3. The remaining area to the northwest adjacent to the proposed all-weather pitch would either be laid out as a long jump track and pit or a goal storage space enclosure (1.2 metres wide by 1.2 metres depth).
- 1.4. The supporting statements have confirmed that during school hours the all-weather pitch would be exclusively used by the school during weekdays from 0830 to 1700 hours and that may include before and after school clubs. After school hours between 1800 to 1900 Monday to Friday during term times as well as 0900 to 1900 hours in school holidays, 0900-1700 hours on Saturday and Sundays, the facilities would be available for community booking that could include local primary schools and Stockland Green School students. The Local Sports Partnership that runs the adjacent sports hall would manage operations on site during evening, weekend and

school holiday hire periods. There would be no changing facilities available during community hire period.

- 1.5. 4-6 metre wide planted mounds comprising dense trees and shrubs are proposed adjacent to the southern boundary (rear of dwellings no. 79-101 Kings Road) and the western boundary (rear of no. 70-96 Hillyfields Road) of the site. The mounds would be 1 metres in height and retain 1.5 metre wide clearance to adjoining residential boundaries and to the proposed all-weather pitch for maintenance purposes. Amended plans have been submitted that proposes 1.5 metre high welded mesh to protect planting and prevent access onto the mounds. The plan also shows tree planting on the existing grass embankment between the rear of school building and rear of 63-77 Hillyfields Road (subject to third party agreement).
- 1.6. The existing car park accessed from Slade Road would be made available after school hours and provides 60 spaces that includes 4no. disabled spaces and 12no. cycle storage bays.
- 1.7. Since the initial submission of the planning application spectator seating for up to 150 people has been omitted from the proposal.
- 1.8. The applicant has provided a Lighting assessment which details type, projected luminaires of the proposed floodlighting and light spillage plans.

[Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is a cleared rectangular piece of land that is adjacent to Stockland Green School. Previously, there were buildings and a grassed informal play area that were associated to the former Josiah Mason College. The school site comprises modern building and a sports hall that are situated to the eastern half of the site. The main access to the school site is from Slade Road with secondary access from Stockland Road.
- 2.2. The wider site comprises The Pines Specialist School and an indoor recreation centre operated by Action Indoor Sports Ltd. to the northern half of the site. There are residential dwellings to the south (Kings Road) and west (Hillyfields Road) of the site. A key characteristic of the site is a significant line of trees along the rear boundary of dwellings no. 72-76 Hillyfield Road (northwest of the site). The residential dwellings on Hillyfields Road are partially screened by the existing line of trees. The residential dwellings on Hillyfields Road are also situated on lower ground level approximately 2.5 metres than the application site. Ground levels rise by approximately 1 metre from the application site to residential dwellings on Kings Road. The adjoining residential boundaries on Hillyfields Road and Kings are enclosed by approximately 1.8 metres to 2 metre high palisade fencing or close boarded fencing.
- 2.3. The school's main access is from the Slade Road frontage and there is a car park available for 60 spaces and 12 cycle storage facility. There is recent planning consent granted under ref: 2015/07575/PA but not implemented for a new access from Stockland Road with modified car park for up to 88 spaces associated with The Pines Specialist School.

[Location Plan](#)

### 3. Planning History

- 3.1. 14-03-2016 – 2015/07575/PA – Demolition of existing dwelling, formation of new car park with associated landscaping and boundary treatment, upgrading/alterations of existing netball courts and car park - Approved subject to conditions.
- 3.2. 14-05—2015 – 2015/02074/PA – Refurbishment works to existing building to include installation of external wall insulation and windows to north building, erection of a circulation core, screening to service yard, extension of the car park, and hard and soft play areas – Approved subject to conditions
- 3.3. 03-02-2011 – 2010/06861/PA – Variation of condition C9 attached to previous planning approval 2009/01314/PA to extend the time limit to submit a Community Use Scheme for approval and its implementation – Approved subject to conditions.
- 3.4. 07-10-2010 – 2010/04007/PA – Erection of 3 storey young peoples centre (sui generis) comprising: Connexions shop, community facilities, offices for local authority and NHS Children and Young Peoples Services – Approved subject to conditions.
- 3.5. 17-07-2009 – 2009/02357/PA – Provision of two temporary car parks for use by Josiah Mason College and Stockland Green Technology College – Temporary Approval.
- 3.6. 11-06-2009 – 2009/01314/PA – Demolition of college and ancillary buildings, erection of 2 new school buildings, the Academic building, Sports building (and ancillary buildings), external landscape, car parking & access improvements – Approved subject to conditions.
- 3.7. 27-03-2007 – 2007/00638/PA – Installation of wind turbine to top of 15mtr steel tower – Approved subject to conditions.
- 3.8. 08-03-2007 – 2006/07493/PA –Outline application for comprehensive new build school (Class D1) with demolition of existing buildings (access to be determined) - Approved subject to conditions.
- 3.9. 17-12-2004 – 2004/07073/PA – Erection of dance studio and fitness centre adjacent to school gym (resubmission of N/04664/04/BCC) - Approved subject to conditions.
- 3.10. 31-05-2003 – 2003/01525/PA – Single storey temporary building to provide office accommodation for college staff - Temporary Approval

### 4. Consultation/PP Responses

- 4.1. Site notices displayed. Adjoining neighbours, Resident Association, Ward Councillors and MP consulted - Nine letters of objections received from neighbours, who object on the following grounds:
  - The adjoining dwellings belong to retired couples, working couples and shift workers who need to sleep during daytime hours.
  - Noise from the all-weather pitch with children screaming, shouting, whistle blowing etc.
  - Football pitches and lights infringement on life of residents within the immediate vicinity of the site.
  - The area would be used until 9pm weekdays and weekends.



- Concerns raised about light pollution and noise levels up to 9pm in the evenings.
  - Glare especially into bedroom windows causing lack of sleep and deprivation.
  - Young people unsupervised and security concerns to the rear of the properties.
  - Assurances required that the facility will be completely vacant at the end of the evening and securely locked.
  - Close proximity (approximately 10 metres) of the development to the rear gardens.
  - The mound to form acoustic screen does not run the full length with 10 metres to the rear of certain gardens being left exposed.
  - Mound needs to be extended to include the whole length of the boundary up to no. 74 Hillyfields Road and be sufficient height to act as barrier for security and partial noise containment.
  - Outlook as lights would be visible from the rear of the dwellings particularly bedrooms.
  - Privacy at the rear of our dwellings particularly some bedrooms will be visible from the pitches.
  - Quality of life with all above issues and to the quiet use of the rear gardens and rear of homes.
  - No amount of landscaping, increased planting or provision of dirt mound will successfully reduce noise pollution to an acceptable level.
  - The use of the facility as an income generation project for the school by selling time slots to non-school organisations effectively destroying residents' quality of life.
  - Light pollution as the occupiers of adjoining dwelling have removed trees from their rear garden as they were extracting nutrients from the garden. Any additional landscaping would need to take account of this matter.
  - Suggestion that acoustic barrier should be erected along the boundary to Hillyfields Road.
  - Suggestion that basic prefabricated metal building should be erected instead of outdoor all-weather pitch that would result in cost savings to the school from floodlighting, energy costs, landscaping to include tree replanting and fencing. Other benefits include no maintenance requirements, sport facility used all year around to include inclement weather and noise/ nuisance minimised.
- 4.2. Transportation Development – No objections subject to construction method statement/ management plan.
- 4.3. West Midlands Police – No objections subject to observation/ comments that the fence needs to be substantial height to prevent balls leaving the field of play and cause damage/ nuisance to nearby residents and access to the playing fields controlled to prevent unauthorised use and potential anti-social behaviour.
- 4.4. Local Services – No objections.
- 4.5. City Ecologist – No objections.
- 4.6. Regulatory Services – The hours of operation have been reduced to 1900 hours Monday to Friday. Further lighting details provided, which are within the Institute of Lighting Engineers guidelines. The community use at the weekends would be restricted to 1700 hours. They have raised no objections subject to operational hours/ days of use condition to restrict floodlighting until 1900 hours Monday to Friday and 0900-1700 hours on Saturday and Sundays.

- 4.7. Sport England – Generally supportive of the scheme subject to community use agreement. They have request a revised design and layout information to ensure that full size pitch is explored in accordance with FA technical design guidance and further information on the usage plan for the proposed facility to ensure that it does not displace demand from existing funded facilities.

5. Policy Context

- 5.1. NPPF (2012), Adopted Birmingham UDP (2005), Draft BPD (2013), SPG Places for All (2001), SPD Car Parking Guidelines (2012), Floodlighting of Sport Facilities, Car Parks and Secure Areas (2000).

6. Planning Considerations

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

- 6.2. **Policy** - National Planning Policy Framework sets out Government's overarching planning policies on the delivery of sustainable development through the planning system and promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 70 & 72 of the NPPF seeks to promote healthy communities and advises that sport and recreation facilities can make an important contribution to the health and well-being of communities and planning decisions should help to allow existing facilities to develop and modernise in a way that is sustainable, and retained for the benefit of the community. Paragraph 125 notes that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.3. Planning Practice Guidance (ID:31) advises: *"Artificial light provides valuable benefits to society, including through extending opportunities for sport and recreation, and can be essential to a new development. Equally, artificial light is not always necessary, has the potential to become what is termed 'light pollution' or 'obtrusive light' and not all modern lighting is suitable in all locations. It can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. For maximum benefit, the best use of artificial light is about getting the right light, in the right place and providing light at the right time".*
- 6.4. Policy 3.8 of the UDP 2005 seeks to ensure the need to protect and enhance what is good in the City's environment, and to improve what is less good. Policy 3.10 advises that proposals which would have an adverse effect on the quality of the built environment would not normally be allowed.
- 6.5. Policy 3.58 encourages the dual use of school playing fields by members of the general public. Policy 3.60 states that the quality of sports pitches is important and that the Council would continue to encourage improvements for example to changing facilities and the provision of all-weather pitches, which can be used more intensively than grass pitches. The UDP considers that an all-weather pitch is equivalent to 2 grass pitches. The dual use of educational facilities by the general public is also encouraged.
- 6.6. The Use of Floodlighting of Sports Facilities, Car Parks and Secure Areas (Light Pollution) SPG advises that *"the height and size of floodlighting columns and equipment should be kept to the minimum needed for operational purposes. Landscaping measures should where appropriate screen the lighting installation*

*from neighbouring residential property and adjoining green belt, green wedges or areas of nature conservation”.*

- 6.7. **Principle for 3G all-weather pitch and floodlighting** - The proposed all-weather pitch would be located on land previously occupied by buildings and play areas that were associated to the former Josiah Mason to the west of Stockland Green School. At present there are no sports facilities to the rear of the school site. The location of an all-weather pitch has been chosen due to its close proximity to Stockland Green School, sports hall and the adjoining Leisure Centre. The applicants considered all on-site constraints with other locations that included land adjacent to the school frontage, which was discounted as there was presence of below ground services in a large duct that contains extensive asbestos. The applicant proposes no loss of existing facilities but an enhancement through upgrading, with an all-weather pitch, fencing and flood lighting which achieve the Stockland Green School's vision to raise standards for pupils and enable greater access to sporting facilities out of school hours by the local community. The proposal would provide beneficial improvement to the existing sporting provision on site. Local Services and Sport England support the application as the proposal represents significant benefit to the school and local community, subject to various conditions.
- 6.8. **Impact on residential amenity** - Concerns have been raised by a number of residents that the proposed pitch and floodlighting would result in noise and disturbance due to close proximity of the pitch, and operation hours up until 2100 hours. It is acknowledged that the application site is a cleared site but previously formed part of Josiah Mason College that would have generated some noise and disturbance. Currently, the site forms part of Stockland Green School, who were very mindful of the potential implications of the proposals on neighbouring properties and as such undertook a consultation exercise with local residents to address their concerns prior to the application's submission. This proposal would not result in an increase in pupils and staff present at the school. I acknowledge that the proposed floodlights would allow all-weather sports pitch to be used for outdoor sport during late autumn, winter and early spring months. The applicant/ agent have agreed to reduce the hours of operation for floodlighting and all-weather pitch up until 1900hours Monday to Friday and 1700 hours on Saturday and Sundays. Outside normal school hours and term time the all-weather pitch would be available for booking by the wider community. Regulatory Services are satisfied with the details and have raised no objection subject to floodlighting hours of use condition. Consequently, I do not consider that the impact on residential amenity would be significant enough to warrant refusal given reduction in operational hours. I also consider that the increased use of the existing parking areas within the school grounds accessed from Slade Road or Stockland Road during the evening or weekends is unlikely to have a significant increased impact on residents within the wider area as the adjoining Action Indoor Sports operates up until 2100 hours. A further condition would be attached to ensure no solid walls or kick boards are installed to the all-weather pitch to control noise.
- 6.9. Concerns have been raised by a number of residents that the proposed pitch and floodlighting would result in light spillage, noise and disturbance, sleep deprivation and that the lighting would be visible from people's home, including bedroom windows. The position of columns together with proposed down lighting luminaire with internal shielding would direct light towards the pitch and control light spillage. The all-weather pitch with associated floodlights would be located 7 metres to the nearest residential boundary and 25 metres away from the rear elevation with no. 94 Hillyfields Road residential properties respectively. The separation distance between the residential properties and the proposed floodlights complies with the minimum

guidelines set out in the Use of Floodlighting of Sports Facilities, Car Parks and Secure Areas SPG which requires 12.5 metres between habitable room windows and proposed floodlighting in order to secure satisfactory outlook from residential properties. The target lighting levels for the floodlighting are based on Sport England Design Guide Note: Artificial Sport Lighting. The applicant has submitted plans which show the resultant lux levels of the proposed all-weather pitch and the surrounding area, including adjoining residential properties in the context of the proposed flood lights. The submitted plans demonstrate that the existing residential properties would not receive high levels of light pollution from the proposed floodlighting. The lux levels at the rear elevation properties on Hillyfield Road would comply with Institute of Lighting Engineers guidelines for environmental zone E2 (Relatively dark urban location). The predicted glare rating is significantly below typical threshold and this does not take into account screening effects from trees, fences and outbuildings. The applicant has agreed to reduce the hours of operation and operate up until 1900 hours, which is not considered unduly late and not at a time when most people are likely to be sleeping. There are additional landscaping mounds proposed to plant trees and shrubs that would screen it further on Hillyfield Road and Kings Road, details to be secured by condition.

- 6.10. With regards to overlooking concerns from the proposed landscaping mounds, the applicants have agreed to install additional 1.5 metre high perimeter fencing surrounding the all-weather pitch around existing buffer of trees and landscaping mounds, which would prevent access to the landscaping mounds and protect privacy of residents on the adjoining roads.
- 6.11. Residents' concerns have been raised with regards to quality of life, however the application site is within an existing school site and I consider that the reduced hours together with landscaping mounds would strike a fair balance between the rights of residents to quietly enjoy their own homes and garden, with the right of others such as school users and the local community to enjoy enhanced sporting facilities.
- 6.12. **Impact on visual amenity** – The application site is a cleared site that previously comprised of buildings and incidental play areas. The proposed floodlighting would be located to the rear of the school and leisure centre buildings and would not be visible from the public realm. The application site is an existing educational facility, which is enclosed by a mesh and close boarded fence around the perimeter of the school site. With regards to the height of floodlights columns at 8 metres, it is considered by virtue of their distance from residential properties together with the proposed landscaping mound only partial views of these from the neighbouring residential properties on the opposite side of Hillyfields Road and Kings Road would be possible. Consequently, I do not consider that the proposed all-weather pitch and floodlighting scheme would have a detrimental impact on the character of the area.
- 6.13. The proposal includes installation of two 1 metre high earthwork mounds adjacent to residential boundaries on Hillyfields Road and Kings Road. The City Ecologist and Landscaping Officer are supportive of the proposed planting and boundary details subject to the imposition of a condition to ensure an appropriate planting scheme and mounds are implemented in accordance to the approved plans to address residential amenity issues.
- 6.14. There are a number of trees to the western boundary adjacent to the rear boundaries of the residential dwellings on Hillyfields Road. The supporting statements confirm that no trees would be felled. My Tree Officer has raised no objections subject to a condition to ensure mitigation measures are applied during

construction stage to protect trees within the site and adjoining residential boundaries.

- 6.15. **Impact on highway safety** – The supporting statement confirms that 60 car parking spaces would be available to include 4 disabled and 12 cycle spaces. The site would be accessed from Stockland Green School and Stockland Road. The lighting assessment also states that there would be no light spillage to the nearby roads. Transportation Development have raised no objection to the proposal subject to construction method statement condition to control construction traffic, on-street parking and traffic flow on Slade Road. I largely concur with this view but consider that it is reasonable to attach a further condition to ensure that the car park is readily available during out of hour's community use of the proposed all-weather pitch. The level of parking provision to serve out of hours community use is considered acceptable. Consequently, the proposal is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.
- 6.16. **Impact on crime and public safety** – With regards to concerns raised by neighbours relating to the increased anti-social behaviour within the immediate area. West Midlands Police have raised no objections to the proposal subject to controlled access of playing fields in order to prevent unauthorised use and potential anti-social behaviour. I concur with this view and consider that it is reasonable to attach a condition requiring prior submission of a scheme of management and maintenance to include management responsibilities for the all-weather pitch by the school/ community use.
- 6.17. **Other concerns** – Sport England have requested information and a usage plan for the proposed facility to ensure that the proposal does not displace demand from existing funding facilities. In this instance, demand for existing facilities within the area and funding resources would not be a consideration within the determination of this application. Furthermore, the proposed all-weather pitch and floodlighting would be entirely funded by the school and not Sport England in order to meet anticipated demand and needs of their pupil and local community.
- 6.18. Sport England have also specified that they prefer the full size pitch to FIFA and FA technical design guidance rather than the proposed 7 v 7 football size pitch. However, the size of the pitch is determined by the constrained nature of the site and would mainly be used by secondary school children.
- 6.19. Sport England have also requested a condition be imposed for a community use agreement. Leisure Services and Strategic Sport have viewed the information submitted and condition requested by Sports England and raise no objections to its inclusion, commenting that the conditions would provide a sport facility outside of core school hours for community use.
7. Conclusion
8. The proposal would enhance the existing land as useable space for sporting purposes meeting school/ community needs and has potential to be used all year round. It is recognised that the proposal could have implications on the amenity of residential neighbours above and beyond the current situation. However, the application demonstrates how such factors would be mitigated to an acceptable level and Regulatory Services and Transportation raise no objection subject to the imposition of conditions. The proposal is in accordance with relevant policy and guidance and planning permission is recommended for approval subject to conditions.



9. Recommendation

9.1. Approve subject to conditions

- 
- |    |                                                                                                                                                    |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | Requires the implementation of tree protection                                                                                                     |
| 2  | Requires the prior submission of a construction method statement/management plan                                                                   |
| 3  | Requires the scheme to be in accordance with the listed approved plans                                                                             |
| 4  | Limits the use of the all-weather pitch and floodlighting to 0830-1900hours Monday to Friday, 0900-1700hours Saturday and Sunday and Bank Holidays |
| 5  | Requires earthworks and levels details to be implemented prior to occupation.                                                                      |
| 6  | Requires hard and/or soft landscape details to be implemented prior to occupation.                                                                 |
| 7  | Requires boundary treatment details to be implemented prior to occupation.                                                                         |
| 8  | Requires the car park provided and made available for all weather pitch for out of school hours, community and private use.                        |
| 9  | Requires the prior submission of a Management and Maintenance Scheme                                                                               |
| 10 | There shall be no solid walls or kick boards surrounding the all-weather pitch approved by this permission.                                        |
| 11 | Requires the submission of a Community Use Agreement.                                                                                              |
| 12 | Requires floodlighting to be implemented as approved.                                                                                              |
| 13 | Limits the approval to 3 years (Full)                                                                                                              |
- 

Case Officer:           Mohammed Akram

## Photo(s)



Figure 1: Application Site (View towards Kings Road)



Figure 2: Application Site (View towards Leisure Centre)



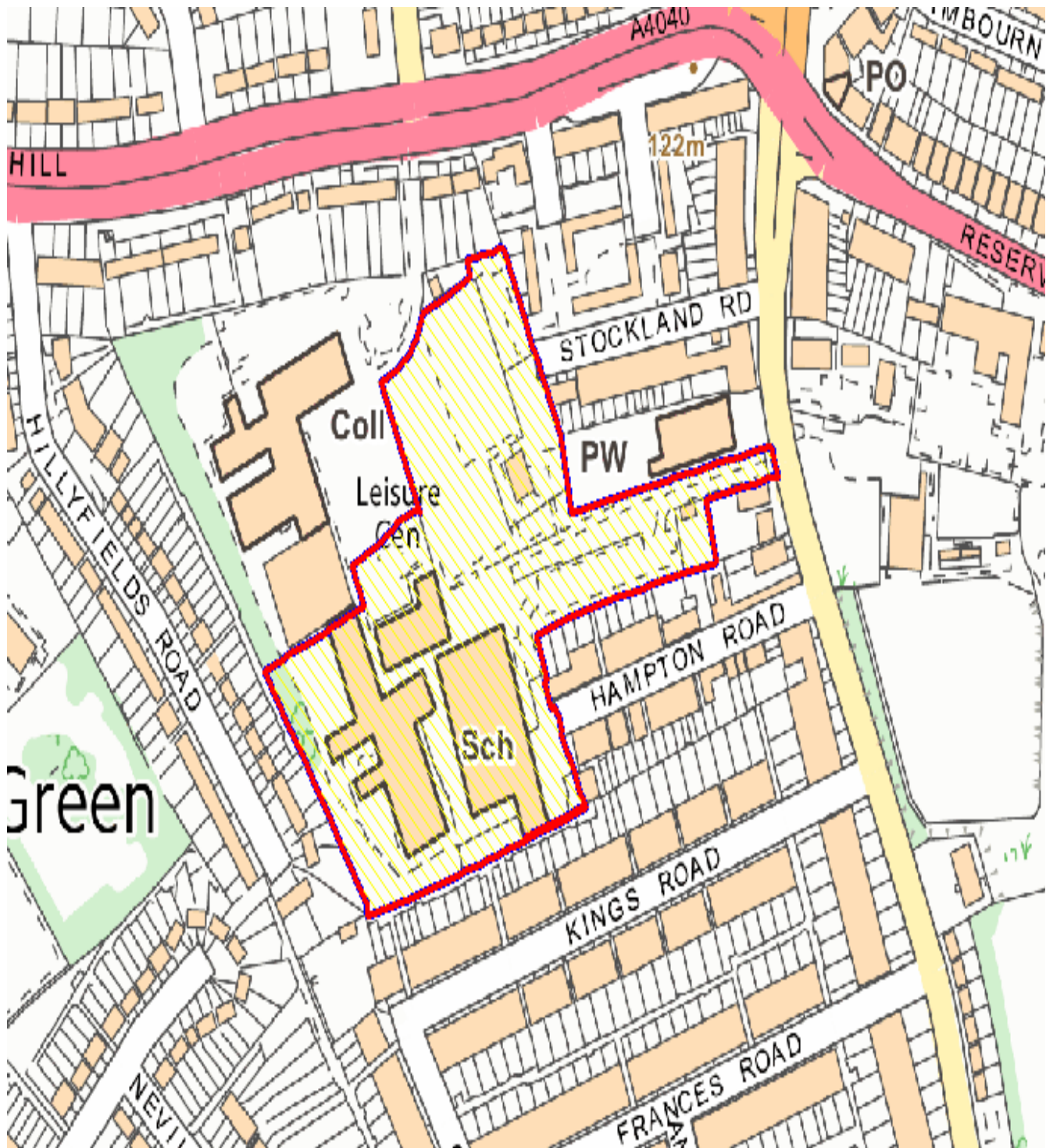
Figure 3: Application Site (View towards Hillyfields Road)



Figure 4 : Application Site (View towards Stockland Green School)



## Location Plan



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Committee Date:	15/09/2016	Application Number:	2016/05723/PA
Accepted:	18/08/2016	Application Type:	Full Planning
Target Date:	13/10/2016		
Ward:	Springfield		

Unit 1, Stratford Trading Estate, Evelyn Road, Birmingham, B11 3JJ

Change of use from light industrial (Class B1) to a foodbank (Sui Generis)

Applicant:	Narthex Sparkhill Narthex Centre, St Johns Church, St Johns Road, Sparkhill, Birmingham, B11 4RG
Agent:	Nick Joyce Architects Ltd 5 Barbourne Road, Worcester, WR1 1RS

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Recommendation

**Approve Subject To Conditions**

1. Proposal
  - 1.1. [Link to Documents](#)
  - 1.2. Planning permission is sought for the change of use of a building located at Unit 1, Stratford Trading Estate, Evelyn Road, Birmingham, B11 3JJ from light industrial use (B1(c) Use Class) to a foodbank (Sui Generis Use Class).
  - 1.3. The foodbank would be run by Nathex, a faith based charity, to support low income families, children, young people, single parents, refugees and asylum seekers in the Sparkbrook, Sparkhill and Springfield areas with St Johns Church, located nearby on St John's Road, Sparkhill remaining as the operational hub for the charity.
  - 1.4. The foodbank would provide a temporary "stopgap" food supply for a minimum of 3 no. days as emergency support until welfare benefits can be secured by the individual concerned.
  - 1.5. The food would be donated by individuals and organisations within the community, then sorted and stored within the building. It is understood that the majority of donations would be collected by employees from local businesses/residents with the ability for donors to also bring donations directly to the application site.
  - 1.6. The proposed use would employ 6 no. members of staff (2 no. full time and 4 no. part time) and members of the public would be able to visit the site to collect food parcels between the hours of 09:00 and 17:00 Monday to Friday only, by appointment only, with recipients referred to the foodbank via other organisations.
  - 1.7. The applicant has indicated that the size of the buildings internal footprint would remain as existing at 650sq.m and would continue to provide 4 no. off street parking spaces whilst also providing 4 no. new cycle storage spaces within the building.



## 2. Site & Surroundings

- 2.1. The application site comprises of a two storey vacant industrial building fronting onto Percy Road but which is accessed via an existing driveway from Evelyn Road. The main building access would be gained from Evelyn Road only.
- 2.2. There is a mix of uses in the surrounding area. Immediately to the east is an industrial unit which has been subdivided into various commercial uses, beyond which lies a place of worship and terraced residential dwellings along Evelyn Road whilst to the west, an open storage yard beyond which lies Percy Road and Percy Road Park.
- 2.3. To the south lies a small vehicle repair operation beyond which are further terraced residential properties on Percy Road and Avondale Road.
- 2.4. On-street parking is unrestricted along Evelyn Road, adjacent to the site's entrance and also along a section of Percy Road adjacent to the building frontage.

## 2.5. Site Location

## 3. Planning History

- 3.1. 07176007 – Reconstruction of demolished industrial building by Lucas Batteries Ltd – Approved – 12/01/78.

## 4. Consultation/PP Responses

- 4.1 Local ward members, residents association and surrounding occupiers notified with 6 no. letters of objection received from local residents/businesses on the following points;
  - Storage of food and increased waste would increase potential pest issues,
  - Traffic congestion from the use would increase,
  - Parking demand will increase as a result of the use,
  - The proposal would attract anti-social behaviour in the area,
  - Pedestrians would use the shared access driveway with other vehicles resulting in a safety hazard.
- 4.2 Transportation Development – No objection, subject to a condition securing marked out pedestrian access from Evelyn Road within shared access road.
- 4.3 Regulatory Services – No comments received.
- 4.4 Environment Agency – No objection.

## 5. Policy Context

- 5.1. Draft Birmingham Development Plan (BDP), Adopted UDP (2005), Places for All (SPG), Car Parking Guidelines (SPD), Loss of Industrial Land (SPG), NPPF.

## 6. Planning Consideration

### *Background to the Proposal*

- 6.1. St Johns Church, which is located at the junction of St John's Street and Stratford Road, is approximately 550m from the application site and currently operates as the operational hub of the food bank with people referred to the foodbank by the Church and third party care providers on an appointment basis.
- 6.2. An existing foodbank facility operates from 6A Bard Street, Sparkhill which has been operational at this site since 2011. However, the lease on this premises is due to expire this year (2016) and the charity is therefore seeking consent to move their operation to this address which has been chosen due to its close location to St Johns Church, but also the community it serves.

#### *Planning Policy*

- 6.3. The application site is currently vacant but was last used as an engineering supplies business under use class B1. UDP policy at paragraph 4.31 opposes the loss of industrial premises/land to non-industrial uses except in cases where the site is a non-conforming use.
- 6.4. Although I note that there are residential properties in close proximity to the site to the north, south and west, I do not consider the current use non-conforming as there are several industrial units along Evelyn Road and Percy Road.
- 6.5. The loss of Industrial Land SPD states that sui generis uses can also be located on industrial land but are generally appropriate on good and other urban industrial land but less likely to be supported on best urban sites.
- 6.6. In this instance, given the scale of the application site being only 0.05ha and also located within a mixed use area, with several vacant industrial units along Evelyn Road, I consider the site to be "other urban industrial land".
- 6.7. Furthermore, it is considered that the proposed use would also be industrial in nature as it would involve the storage and distribution of food. I therefore raise no objections to the proposed change of use in principle.
- 6.8. I therefore regard the main planning considerations to be the impact of the proposal in terms of residential amenity and highway safety.

#### *Residential Amenity*

- 6.9. The nearest residential properties to the application site are located approximately 10m away to the south (which front onto Avondale Road) and are separated from the site by an existing vehicle repair operation.
- 6.10. The proposed hours of operation for the food bank would be between the hours of 09:00 – 17:00 hours Mondays to Fridays only and would be undertaken on an appointment basis only.
- 6.11. Concerns have been raised by local residents regarding the potential for pest and vermin issues to increase due to the storage of food on site. The management of food hygiene standards is dealt with under separate legislation that would monitor the business operation.
- 6.12. However, it is considered appropriate to attach a planning condition to ensure that appropriate refuse storage provision is provided for within the site.

- 6.13. Given the overall level of the proposed use, along with intervening uses between the site and residential dwellings, I consider that subject to the imposition of an hours of use condition, limiting the hours to those stated by the applicant, that the proposal would have no greater impact upon residential amenity than the existing use.

#### *Highway Safety*

- 6.14. The site is located within a wide residential catchment area and it is considered that the many of the visitors would attend on foot and would do so on an appointment basis.
- 6.15. The site also has a good level of accessibility to public transport with frequent bus-services accessible from both Stratford Road and Warwick Road, which are within easy walking distance from the site (approximately 400m and 350m respectively).
- 6.16. The applicant has also indicated that the site would provide 4 no. new cycle stands within the building for those who wish to cycle to the site. The proposal would also retain the existing 4 no. off street parking spaces for use by the food bank which would enable vehicles to unload donated goods and also allow for those visitors who are less able bodied to attend appointments via car.
- 6.17. Transportation Development has been consulted on the proposal and considers that the proposals are unlikely to increase traffic generation and parking demand significantly compared to the existing authorised use and raises no objections to the proposal in this regard.
- 6.18. They have however recommended that a planning condition requiring the provision of a marked pedestrian access path through the shared access driveway is provided prior to first occupation so that appropriate, safe pedestrian access is secured, a point also raised within objections received. I concur with this view.

#### 7. Conclusion

- 7.1. I consider the proposed change of use to be policy compliant and acceptable in terms of impact on visual amenity, residential amenity and highway safety.

#### 8. Recommendation

- 8.1. Approve, subject to conditions.

- 
- |   |                                                                           |
|---|---------------------------------------------------------------------------|
| 1 | Limits the approval to 3 years (Full)                                     |
| 2 | Requires the scheme to be in accordance with the listed approved plans    |
| 3 | Limits the hours of use to between 09:00 and 17:00 Monday to Friday only. |
| 4 | Requires the prior approval of the siting/design of the pedestrian access |
| 5 | Requires the prior submission of details of refuse storage                |
- 

Case Officer:            Mohammed Nasser

## Photo(s)

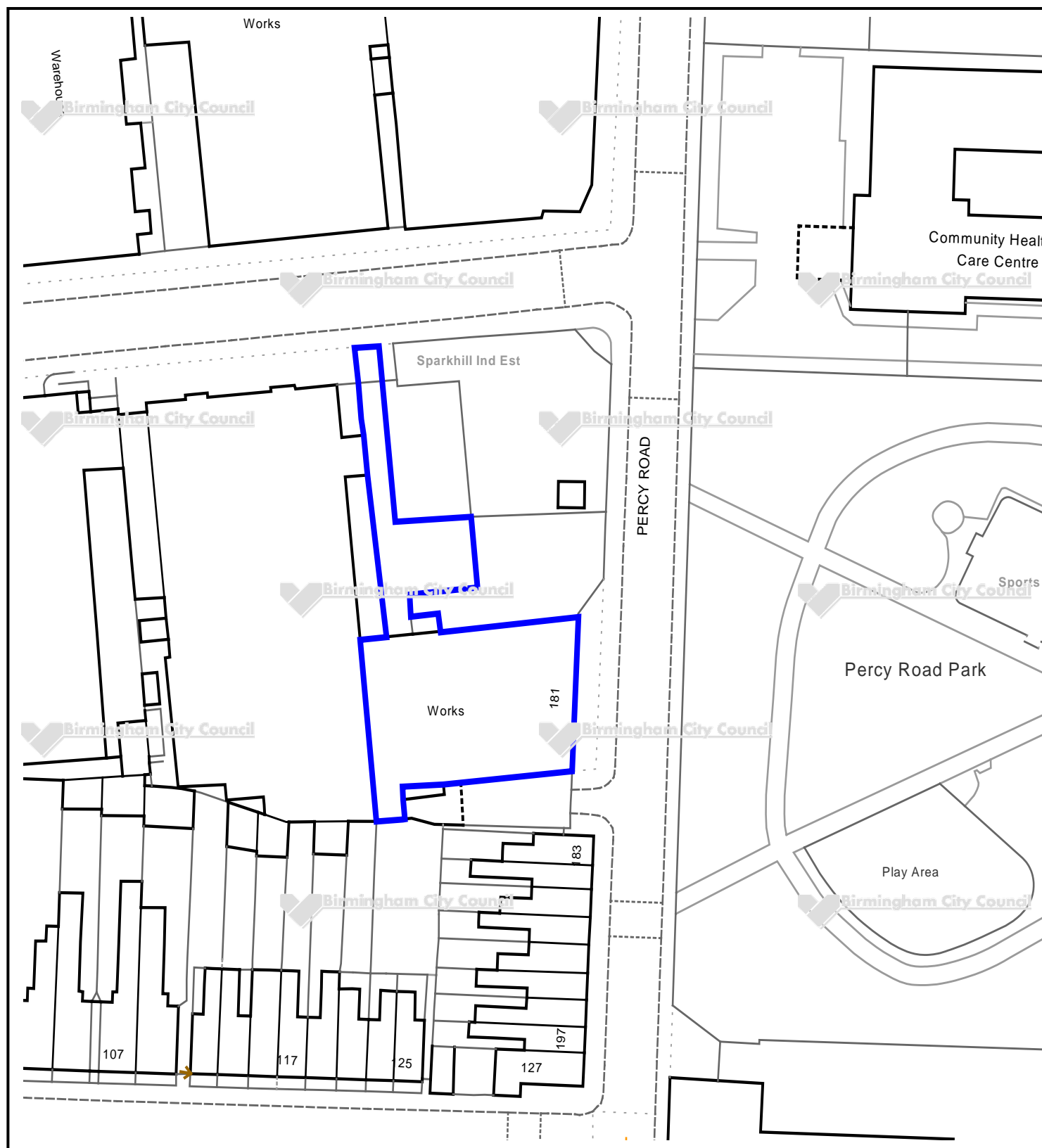
Fig 1 – Existing Building, Parking Area and Access Road from Evelyn Road.



Fig 2 – Percy Road Elevation.



## Location Plan



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Committee Date:	15/09/2016	Application Number:	2016/06392/PA
Accepted:	28/07/2016	Application Type:	Advertisement
Target Date:	22/09/2016		
Ward:	Sheldon		

The Radleys, Sheldon, Birmingham, B33 0QY

Display of 4 non illuminated free standing signs

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

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#### Recommendation

#### **Approve Temporary**

#### 1. Proposal

- 1.1. Advertisement consent is sought to display four non-illuminated free-standing signs on the roundabout island at the junction of Church Road, Sheldon Heath Road, The Radleys and Brays Road within The Radleys Neighbourhood Centre.
- 1.2. The proposed signs would be sited 2m from the kerb edge of the roundabout and would measure 1.5 metres in width by 0.50 metres in height and would be positioned 0.15 metres above ground level. The maximum height to the top of the signs from carriageway level would be 1.05 metres.
- 1.3. [Link to Documents](#)

#### 2. Site & Surroundings

- 2.1. The roundabout has a prominent setting within The Radleys Neighbourhood Centre, consisting of mainly grass with two centrally planted trees and a circular flower bed. Surrounding roads are heavily trafficked and commercial premises face the roundabout.
- 2.2. [Site location](#)

#### 3. Planning History

- 3.1. No relevant planning history.

#### 4. Consultation/PP Responses

- 4.1. Transportation Development – No objection

5. Policy Context

- 5.1. Birmingham's adopted Unitary Development Plan (UDP) 2005, Draft Birmingham Development Plan, Planning Practice Guidance and the National Planning Policy Framework

6. Planning Considerations

- 6.1. Paragraph 67 of the NPPF states that 'Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.' Control over advertisements should be efficient, effective and simple in concept and operation.
- 6.2. The Planning Practice Guidance advises that 'amenity' is "... usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by would be aware of the advertisement".
- 6.3. Policies 3.8 and 3.10 of the adopted UDP seek to protect what is good in the City's environment and states that proposals, which would have an adverse effect on the quality of the built environment, would not normally be allowed.
- 6.4. In line with the above local and national planning policies, I consider that the main issues to be considered are the impact of the proposed advertisements on visual amenity and public safety.
- 6.5. Impact on Visual Amenity
- 6.6. The impact of the proposed signs would be modest within the context of this roundabout set within a busy commercial context. There would be four signs spread around the roundabout and would have a relatively low height. It is considered that they would not add visual clutter or have an unacceptable adverse impact on amenity.
- 6.7. Impact on Public Safety
- 6.8. The height of the signs would not exceed 1.05 metres above the carriageway level to ensure there is no conflict with vehicle visibility. Transportation Development has raised no objection to the application. It is considered that the signs would not have a detrimental impact on highway or public safety.

7. Conclusion

- 7.1. The design, scale and location of the proposed signs is acceptable and would not adversely impact on visual amenity or public safety. It is therefore considered that the proposed advertisement signs would comply with the relevant policies and guidance outlined in the adopted UDP and the NPPF.

8. Recommendation

- 8.1. Temporary approval

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

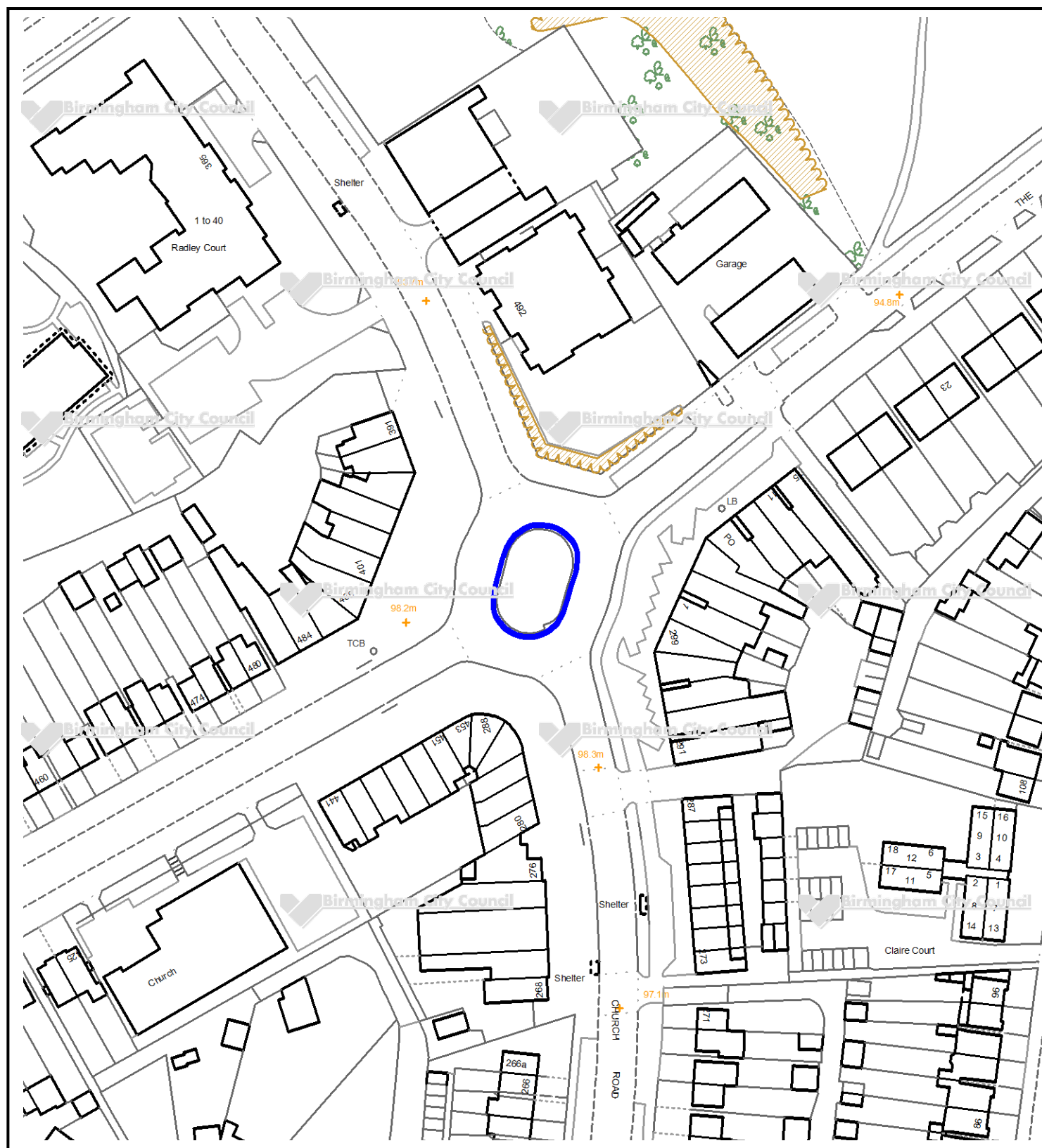
Case Officer: Peter Barton

**Photo(s)**



Figure 1 – Application site viewed from the east

## Location Plan



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Committee Date:	15/09/2016	Application Number:	2016/05957/PA
Accepted:	14/07/2016	Application Type:	Advertisement
Target Date:	08/09/2016		
Ward:	Nechells		

Garrison Lane, Nechells, Birmingham, B9 4HF

Display of 4 no. freestanding non illuminated post mounted signs

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

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Recommendation

**Approve Temporary**

1. Proposal

- 1.1. Consent is sought to install 4 freestanding post mounted, non-illuminated signs to be sited within Garrison Lane Roundabout, Nechells.
- 1.2. The proposed signs would be sited approximately 2m away from the edge of the roundabout. The freestanding signs would be constructed with aluminium composite panels with 3M non-reflective film. Each sign would measure 500mm in height and would be 1500mm wide and would be fixed above 150mm posts.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

The application site is a roundabout junction Garrison Circus, at Garrison Lane/Great Barr Street (Lawley Middleway/Watery Lane Middleway), Nechells. The application site mature trees in the centre of the roundabout and there are existing highway equipment in situ. The surrounding area consists of commercial and industrial properties.

2.1. [Site Location](#)

3. Planning History

- 3.1. None

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections.

5. Policy Context

5.1. Relevant National Planning Policies:

- National Planning Policy Framework (2012)

5.2. Relevant Local Planning Policies:

- UDP (2005);
- Draft Birmingham Development Plan (2013);

6. Planning Considerations

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

6.2. **Impact on visual amenity** - The four freestanding signs would be sited within the existing roundabout and would be constructed with aluminium composite panels with 3M non-reflective film. Each sign would measure 500mm in height and would be 1500mm wide and would be fixed above 150mm posts. The application site is located within a predominantly commercial/industrial area, and the roundabout is substantially covered by trees. I consider that the size, scale and position of the signs to be acceptable and would not have a detrimental impact on surrounding visual amenity.

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

7. Conclusion

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

8. Recommendation

8.1. Approve subject to the following conditions

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

Case Officer: Chantel Blair

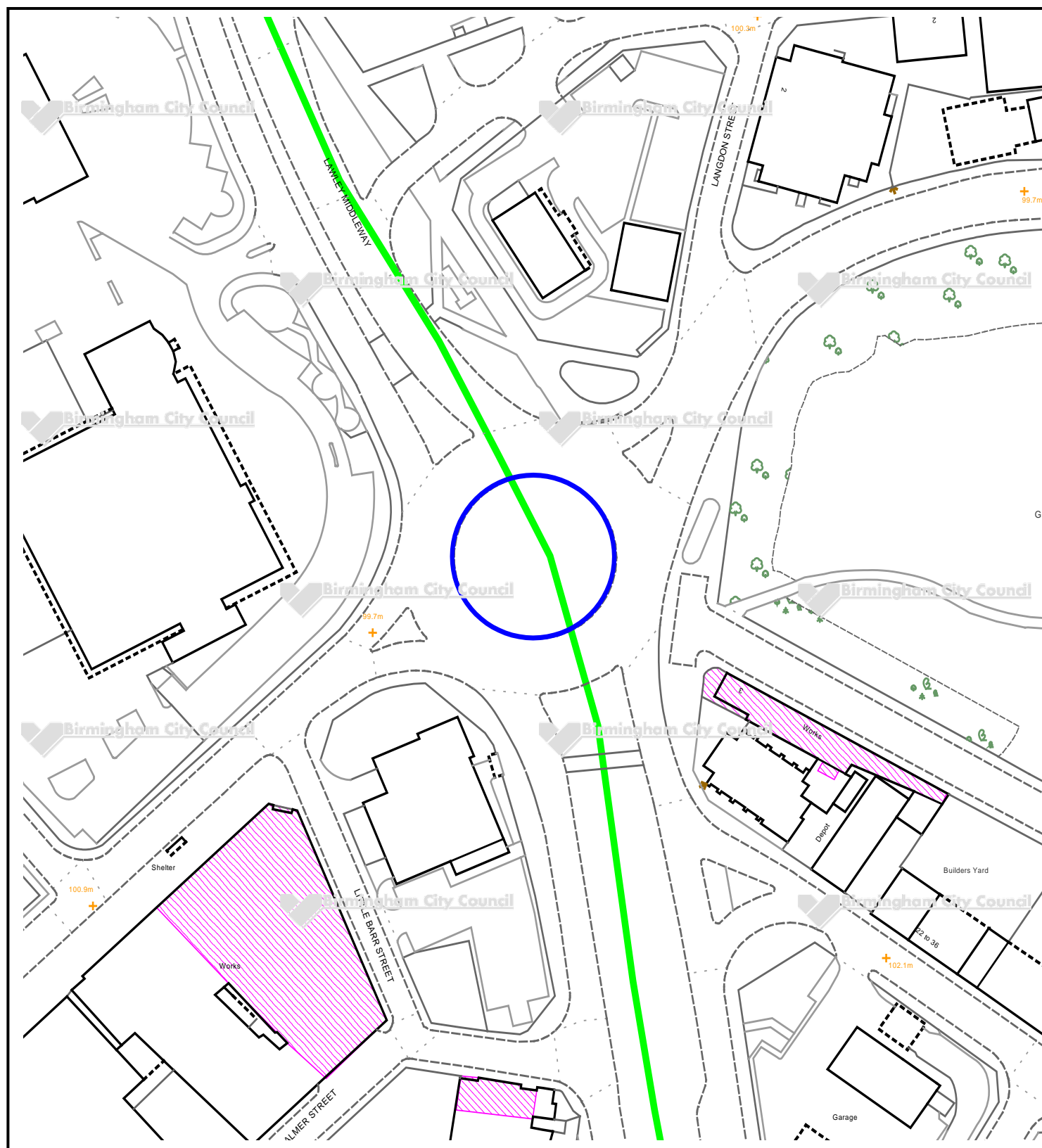
## Photo(s)



Figure 1: Front view



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**15 September 2016**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	15	2016/03122/PA  Land between Serpentine Road and Aston Hall Road Aston Birmingham B6 6SB  Creation of green landscaped buffer incorporating pedestrian and cycle link, planting and associated boundary treatments.
Approve – Conditions	16	2016/05169/PA  Alcora Building Allesley Street Aston Birmingham B6 4NF  Change of use from offices (Use Class B1) to gymnasium (Use Class D2)
Approve – Conditions	17	2016/04684/PA  68 Worlds End Road Handsworth Birmingham B20 2NS  Erection of single storey side and rear extension



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Committee Date:	15/09/2016	Application Number:	2016/03122/PA
Accepted:	27/04/2016	Application Type:	Full Planning
Target Date:	22/06/2016		
Ward:	Perry Barr		

Land between Serpentine Road and Aston Hall Road, Aston, Birmingham, B6 6SB

Creation of green landscaped buffer incorporating pedestrian and cycle link, planting and associated boundary treatments.

Applicant: Birmingham City Council  
The Landscape Practice Group, PO Box 16937, 1 Lancaster Circus  
Queensway, Birmingham, B4 7DJ

Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The proposal is for the creation of a green landscaped buffer between the new development within the Aston Regional Investment Site (RIS) as developed out under the Local Development Order (LDO) process and the adjacent Conservation Area and Grade II\* Listed Church.
- 1.2. The Council has secured additional land to the original LDO allocated buffer site. This land is to the east of the church adjoining the south of the buffer area and allows for a better integration with the existing local landscaping. The site is irregular in shape, it has a liner element in the middle which is 15m in width, and it widens at the north to incorporate a splayed corner of land, and then narrows again, located between 17 and 23 Serpentine Road. To the south the land widens out to a maximum of 40m in width.
- 1.3. The proposal includes a 2.5m wide pedestrian/cycle route to improve connectivity with the existing community. It also includes over fifty new trees, early flowering bulb planting and wildflower meadow areas which would line the route.
- 1.4. The scheme also includes improvements to the Church's boundary following demolition of the 4m high wall associated with the former Asda store on the adjacent site. The proposed new boundary is to be 1.5m high decorative steel fencing. The buffer would abut properties in Serpentine road and it is proposed to erect 2.4m high anti-climb fencing and hawthorn hedging to these boundaries.
- 1.5. The works would include minor ground remodelling to blend the differing ground levels.

- 1.6. The application is supported by a design and access statement and an ecology assessment.
- 1.7. As these works relate to the RIS and work on the Serpentine phase is underway, it is the intention, subject to securing planning permission, to commence works on site this autumn.

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The 0.54ha site is located between Aston Hall Road and Serpentine Road, to the north and east of St Peter & St Pauls Parish Church in Aston. The southern part of the site is located within the Aston Hall and Church Conservation area. Surrounding the site to the north-west are areas of housing, to the south commercial properties and the recently restored Aston Tavern.
- 2.2. Part of the site falls within the Aston RIS as defined in the Aston, Lozells and Newtown AAP, this northern element of the site is the former Asda site and the building has been demolished in preparation for creation of the buffer.
- 2.3. The southern element of the site is an area of derelict overgrown landscape space, with a large number of self-set trees.
- 2.4. There is a strategic cycle route which passes the south of the site along Witton Lane. There is a large area of public open space to the west of the site surrounding Aston Hall.
- 2.5. [Site Location](#)

3. Planning History

- 3.1. Part of the site is designated as a landscape buffer within the Local Development Order for the Advanced Manufacturing Hub, Aston.
- 3.2. There is no other relevant planning history.

4. Consultation/PP Responses

- 4.1. A site notice has been displayed and letters of notification sent to the local MP, local members, residents associations and neighbouring properties. One letter of objection has been received from the church raising the following issues:
  - There is support for the proposed removal of trees to increase the vista of the Church, but object to the proposal on grounds that the level of tree removal is insufficient.
  - Object to the proposed route as it does not include a direct link to the Churchyard and therefore fails to meet the improved connectivity in accordance with policy OS4 of the AAP.

- Request written confirmation of agreement to open up access to the proposed buffer.
- 4.2. Regulatory Services: no objections given that there are no land contamination issues.
- 4.3. West Midlands Police: Satisfied that the design provides as much visibility of the buffer zone as possible and has taken into account the need to reduce the potential for crime and the fear of crime. Notes that, consistent with park areas, the buffer would not be lit, but that the public highway route between Aston Hall Road and Serpentine Road is a convenient alternative. Following consultation with colleagues, there is a need to control access from the Serpentine Road end of the buffer during some Aston Villa home matches. The installation of gates/railings between 17 and 23 Serpentine Road is one option.
- 4.4. Ecology: no objections subject to a condition relating to tree removal and clearance and ecology mitigations as set out in the submitted ecology assessment.
- 5. Policy Context
- 5.1. Unitary Development Plan (UDP), Draft Birmingham development Plan (BDP), Aston, Lozells and Newtown Area Action Plan (AAP), Places for All and NPPF.
- 6. Planning Considerations
- Policy
- 6.1. The golden thread of the NPPF is sustainable development and positive growth with the economic, environmental and social elements. The environmental role is contributing to the protecting or enhancing of the natural, built and historic environment. It is clear that the planning system should contribute to and enhance the natural environment. The framework also acknowledges the importance of the historic environment. The greater the significance of the heritage assets the greater the weight should be given to the conservation of that asset. The settings of assets are to be considered as part of this assessment. It goes on to state that proposals that preserve those elements of the setting that make a positive contribution to or better reveal their significance should be treated favourably.
- 6.2. The Draft Birmingham Development Plan is now at an advanced stage in the adoption process and significant weight can be applied to the policies. The vision for Birmingham is to create an enterprising, innovative and green City. One of the objectives is to encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space. The plan also contains a growth agenda and creation of a Regional Investment Site at Aston is key to supporting economic growth. Policy GA3 states that an AAP is in place to secure growth in this area including the Regional Investment Site (RIS).
- 6.3. The AAP sets out the strategy for the regeneration and development of Aston, Lozells and Newtown Area. The vision includes supporting the economy and improving open space provision. The 20ha RIS is for high quality development in a highly accessible location and will support the local economy and create new jobs.

- 6.4. To facilitate the delivery of the Aston RIS, a Local Development Order has been granted. This order recognised the sensitive relationship between the industrial buildings and existing conservation area and listed church and requires a 15m landscaped buffer to be provided between the Serpentine development site and Aston Church to minimise the impact of the industrial units on the setting of the listed church and conservation area.
- 6.5. Policy PG3 of the BDP requires all new development to be of a high quality design, this includes attractive, functional, inclusive and managed external and public spaces. In support of these objectives policy TP1 encourages the expansion of trees and woodlands for many purposes including carbon uptake. The AAP in policy SD3 requires development to accord with the design principles in Places for All. UDP policies 3.8, 3.10 and 3.14 support the principles of good design.
- 6.6. Within policy TP7 of the BDP the Council will seek to maintain and expand a green infrastructure network throughout Birmingham. Where possible opportunities will be taken to extend and enhance the network and to improve links between areas of open space. It goes on to state that all trees, groups, areas and woodlands will be consistently and systematically evaluated for protection and all new development schemes should allow for tree planting in both the private and public domains. Policy OS4 in the AAP requires the RIS to provide high quality landscaping within it and linking to Aston churchyard.
- 6.7. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be determined in accordance with national policy. The AAP policies R2 and R3 support the need to protect the historic and natural environment whilst boosting employment opportunities, whilst policy SD5 requires the preservation and enhancement of the character and appearance of the Aston Hall and Church Conservation area. Furthermore, policy SD6 requires the preservation of archaeological remains.
- 6.8. Policy TP38 relates to the provision of safe and pleasant walking environments. New schemes are to incorporate high quality pedestrian routes. Policy TP39 also encourages cycling and new development should incorporate facilities which will promote cycling as an attractive, convenient and safe mode of transport. The AAP in policy T4 supports integrating a network of walking and cycling routes.
- 6.9. Places for All aims to make developments more sustainable through efficient land use and promotion of cycling and walking. To assist, new public routes should be well integrated. Public spaces should be attractive and well designed with high quality boundary treatments to define spaces with appropriate lighting. The planting of new trees and landscaped areas is encouraged to reinforce the local context.

#### Principle of Development

- 6.10. The proposal for creating new open space is advocated in the NPPF, the draft BDP and the AAP. This land will create a natural screening buffer between the proposed industrial development as part of the Aston RIS and the existing historic environment. As a densely developed city, areas of open space, especially with connectivity to other spaces are important in creating an attractive and inviting city for people and investment.

## Historic Environment

- 6.11. The sensitivity of the relationship between the existing historic environment, with a Grade II\* Listed Church, within a Conservation Area and the site containing archaeological remains and the proposed industrial development, were considered in the drafting of both the AAP and the LDO. The creation of a 15m wide landscaped buffer was considered appropriate to provide a visual separation of new development from the church which historically sat within a wider landscaped area.
- 6.12. Historically the Church was positioned in a rather open landscape with the River Tame flowing near to the rear boundary. Following changes to the river course this land became available for a variety of developments, altering the original setting of the building. This proposal would result in the removal of 29 existing self-setting trees and create a more managed and open landscape and setting to improve views and visibility of Aston Church.
- 6.13. The Conservation Officer considers the proposal would make a positive contribution to the setting of the listed church and conservation area. I concur with this view and consider that the proposed development complies with national and local policies.
- 6.14. Archaeological records also show that part of the site was formerly occupied by the medieval Aston Village and several notable Tudor buildings once stood on Aston Hall road. The Conservation officer therefore recommends that an archaeological watching brief is conditioned due to the potentially sensitive location of the site. I concur that such a condition is necessary.

## Landscaping design and materials

- 6.15. The proposed scheme will see the demolition of the remainder of a wall on site. As there is a levels difference between the churchyard and the RIS ground remodelling works are required to include gentle gradients. This blending of landscapes will add interest to the buffer and more closely represent the historical landscaped character of the area.
- 6.16. The majority of the scheme is for soft landscaping. The new 2.5m wide pedestrian and cycleway would be surfaced in a buff coloured aggregate. The pathway would be broken up with four feature areas created from block paving. This paving would create a feature at both of the entrances, and then two focal points at the widest parts of the buffer. The landscaping would have a more managed character closest to the path with mown grass and swathes of bulb and shrub planting, dotted with trees. There would be a concentration of trees around the feature paving to offer emphasis. Meadow grass is proposed to be utilised on the edges of the buffer, along with hawthorn hedgerow adjacent to boundaries with residential properties.
- 6.17. The scheme also includes the installation of new boundary treatments. Given the historical setting of the site, the type and design of boundary treatment is a wall and railing which is characteristic of a churchyard setting. As the existing boundary wall between the churchyard and the site varies in height and design there are minor variations to the installation of the railing, i.e. on new walls, on existing walls etc. Furthermore, this boundary will include feature posts at the entrances to the site. I consider that overall the appearance of the boundary will be of a consistent design and scale which would enhance the setting of the church, in accordance with local and national policies.



- 6.18. As the new buffer creates open land at the rear of existing properties, there is an impact on the security of these boundaries. This scheme seeks to address this concern with the installation of anti-climb fencing, which will be softened with the planting of a native hawthorn hedge in front of it. This is considered an appropriate solution to address the security element whilst maintaining the attractive setting created by the new buffer.
- 6.19. I consider that overall, the proposal is for a scheme with high quality hard and soft landscaping. There is an appropriate mix of hard surfacing material and the formation of an undulating natural land form with a strong woodland feel accords with policies in the AAP, Draft BDP and national guidance.

#### Trees

- 6.20. The scheme will include the removal of 29 self-setting trees; there is no objection from the Council's Arboricultural Officer to the removal of these trees, particularly given that the overall scheme sees the planting of over 50 new trees. The trees for removal have not been subject to appropriate management and overly screen the adjacent Listed Church. This proposal includes a management and maintenance scheme to be undertaken by the Council's Park's department, who currently manage the adjacent churchyard.

#### Ecology

- 6.21. The submitted ecological assessment notes that the existing landscaped area of the site is common early mature woodland of no specific ecological value. The trees proposed for removal contain limited opportunities for roosting bats, but the area is suitable for bat foraging. The scheme will not impact on the suitability of the site for continued bat foraging and therefore the proposal has no adverse impact on any protected species.
- 6.22. The site does offer bird nesting opportunities, therefore the proposed tree removals are recommended to be undertaken outside of the bird nesting season, in accordance with the mitigation strategy outlined in the submitted Ecology Assessment report. It is recommended to control this through condition.
- 6.23. The new trees and planting are of wildlife value for the area, including native species and winter berries to encourage wildlife. This overall improvement to the biodiversity of the natural environment in this area accords with national and local policies.

#### Access and Security

- 6.24. The Police and Church have raised concerns about the level of connectivity and potential security risks. The proposal has two points of access and egress, one off Aston Hall Road, adjacent to the churchyard entrance and the second on Serpentine Road.
- 6.25. The adjoining Church has aspirations to improve access within the churchyard and have a direct link to the new buffer footway; there are issues in providing this. Currently, there are no footways within the churchyard which are DDA compliant and could link to the new footway. The design of the proposed scheme does nevertheless allow for future alterations to incorporate a footway linking to the feature paved areas within this proposal, should the opportunity arise to provide it.

- 6.26. Discussions have taken place with the Police following the receipt of their reservations over, in particular, the potential for increased disorder and crime during some Aston Villa home matches. Villa Park is located in close proximity to the site. It has been agreed to provide gates at the Serpentine Road end of the site which would be closed by the Police during some home matches. An appropriate condition is recommended.
- 6.27. The new footway and cycleway will link into the existing footpath network and there is a cycling route running along Aston Hall Road. The proposal also allows for a green link from Serpentine Road to Aston Hall and the surrounding public open space. I therefore consider that proposal results in improved connectivity meeting the policy requirements of the AAP and draft BDP.

## 7. Conclusion

- 7.1. The new green buffer is a requirement of the Advanced Manufacturing Hub Local Development Order designated in the adopted Newtown and Lozells Area Action Plan (AAP) and is a necessary mitigation measure to both screen and soften the new industrial development on the site. The buffer would provide a pleasant and convenient link from Serpentine Road through to Aston Hall Road for the local community to utilise. The proposed planting has been designed to ensure year round interest.
- 7.2. The further works would enhance the setting of the Grade II\* Listed Church, with a more sympathetic landscape setting and open up views of the church, which better reflects the historical setting and preserves the character and appearance of the adjacent conservation area.

## 8. Recommendation

- 8.1. Approve subject to conditions

- 
- |   |                                                                                  |
|---|----------------------------------------------------------------------------------|
| 1 | Requires the prior submission of archaeological watching brief                   |
| 2 | Requires the prior submission of hard surfacing materials                        |
| 3 | Requires the implementation of the submitted mitigation/enhancement plan         |
| 4 | Requires a scheme of gates and railings to be submitted, agreed and implemented. |
| 5 | Requires a scheme of management for the operation of the gates.                  |
| 6 | Requires the scheme to be in accordance with the listed approved plans           |
| 7 | Limits the approval to 3 years (Full)                                            |
- 

Case Officer: Wahid Gul

## Photo(s)



Ariel View of the site, the wider Serpentine plot within RIS and Aston Church.



Aston Church and the southern part of the site.

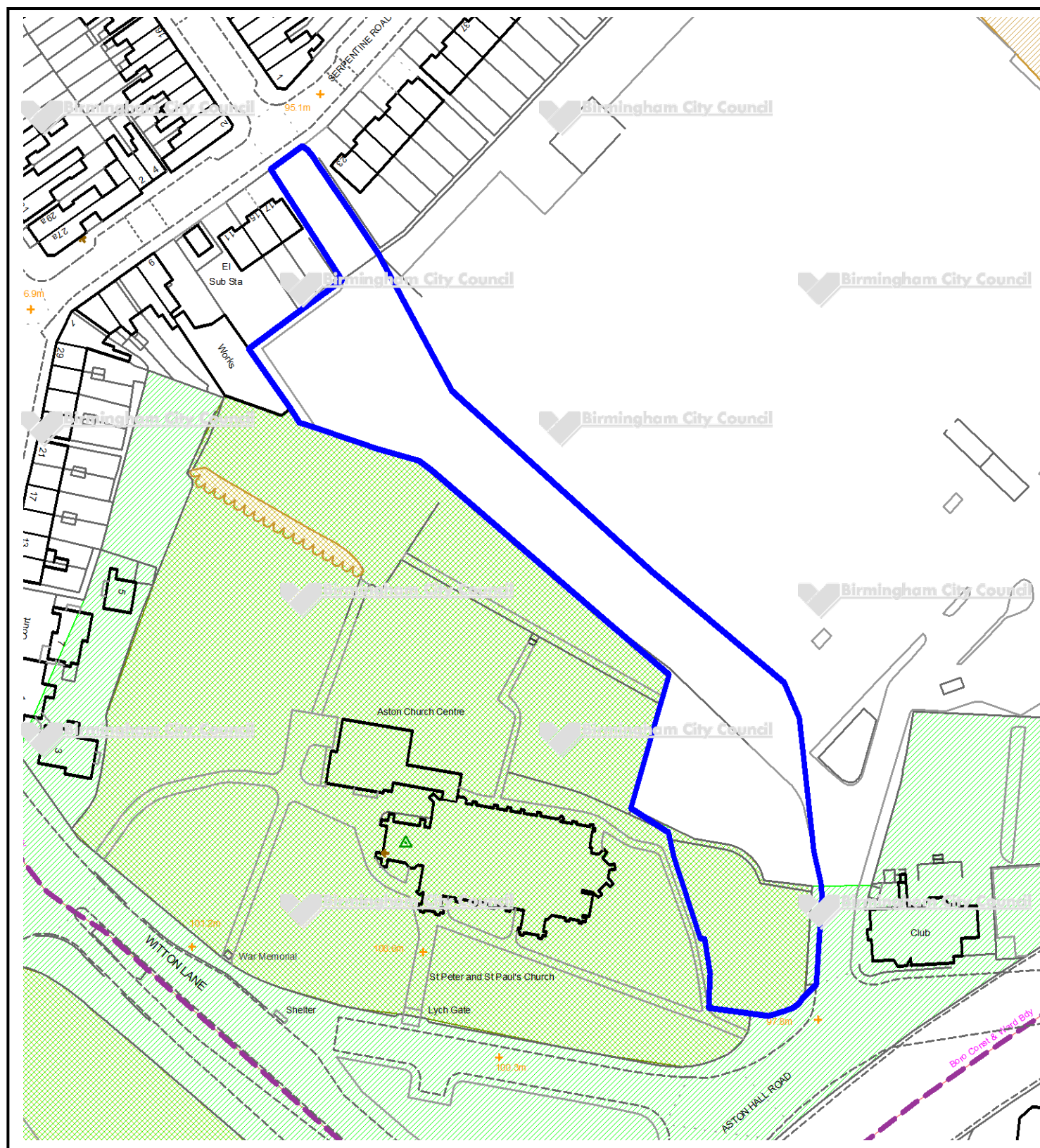




Site as viewed from Serpentine Road entrance, Aston Church in background.



## Location Plan



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Committee Date:	15/09/2016	Application Number:	2016/05169/PA
Accepted:	21/06/2016	Application Type:	Full Planning
Target Date:	16/09/2016		
Ward:	Aston		

Alcora Building, Allesley Street, Aston, Birmingham, B6 4NF

Change of use from offices (Use Class B1) to gymnasium (Use Class D2)

Applicant:	JD Sports Gyms Limited Edinburgh House, Hollinsbrook Way, Pilsworth, Bury, BL9 8RR
Agent:	Roger Lee Planning Ltd 18 Leeds Road, Methley, Leeds, LS26 9EQ

---

Recommendation

**Approve Subject To Conditions**

1. Proposal
  - 1.1. The application proposes a change of use from offices (Use Class B1) to a gymnasium (Use Class D2).
  - 1.2. Internal layout of the premises would provide the following:
    - Ground floor – Track prowler, function space, women’s changing, sauna, toilets, showers, storage area, spin room, waiting room, reception (sign up area) and a studio.
    - First floor – Box area, free weights area and men’s changing with toilets, showers and sauna.
    - Second floor – Abs, tone, strength and cardio areas with a toilet.
  - 1.3. Total floor space of the application building would equate to 2397 sq. metres.
  - 1.4. No hours of use or employee numbers have been provided.
  - 1.5. No elevational changes are proposed.
  - 1.6. The existing on site car park provides parking provision for 107 cars.
  - 1.7. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is a vacant office building with a large car park to the rear (formally used for the hire of plant and equipment). The surrounding area is commercial in character with a Travel West Midlands bus depot across Elkington Street to the west, an engineering company across the road to the north and a vacant industrial/warehouse premises to the east. Newtown Middleway, a busy highway corridor runs along the site to the south.

## 2.2. [Site Location Map](#)

## 3. Planning History

- 3.1. 21/06/2011 - 2011/01749/PA - Outline application for access, appearance, layout and scale details submitted, landscaping reserved, for erection of a two storey decked car park, associated access, boundary treatment, & bin store for use in association with existing office (Class B1a) – Withdrawn.
- 3.2. 01/09/2011 - 2008/90395/PA - Discharge of conditions B1, B2, B3, B4, B5, B6, C1, C2 & C3 attached to Planning Application C/01800/08/FUL – Approved.
- 3.3. 03/07/2008 - 2008/01800/PA - Change of use of site to B1(a) offices, conversion of yard to car park, new second floor & rear extension, external alterations to include new windows, rendering, ramp & canopy – Approved subject to conditions.

## 4. Consultation/PP Responses

- 4.1. Surrounding occupiers, local councillors and residents associations notified as well as a site notice displayed - No response received.
- 4.2. Regulatory Services – No objection subject to a conditions relating to the provision for a vehicle charging point.
- 4.3. Transportation Development – No objection subject to conditions relating to cycle storage, a travel plan.

## 5. Policy Context

- 5.1. Birmingham Unitary Development Plan (2005), adopted SPG Places for All (2001), Car Parking Guideline SPD (2012), The Aston, Newtown and Lozells AAP, NPPF (2012) and the Draft Birmingham Development Plan.

## 6. Planning Considerations

- 6.1. The proposed development has been considered in light of the following policies:
- 6.2. Paragraph 7.23A of the adopted UDP encourages the location of leisure uses, such as the proposed gym, within existing centres.
- 6.3. Policy CEA Core Employment Areas of the The Aston, Newtown and Lozells AAP Core Employment Areas states they will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities likely to come forward during the plan period. Measures to improve the quality and attractiveness of these areas to investment in new employment will be supported.

- 6.4. Policy GA1 of the Draft Birmingham Development Plan states new leisure uses will be promoted within and on the edge of the City Centre Retail Core to support the diversification of the City's offer as a top visitor attraction.
- 6.5. Policy TP21 (the network and hierarchy of centres) of the Draft Birmingham Development Plan states the vitality and viability of the centres within the network and hierarchy identified below will be maintained and enhanced. These centres will be the preferred locations for retail, office and leisure developments and for community facilities (e.g. health centres, education and social services and religious buildings).
- 6.6. Policy TP24 (promotion of diversity of uses within centres) of the Draft Birmingham Development Plan states that a diverse range of facilities and uses will be encouraged and supported in centres within the hierarchy, set out in Policy TP21, consistent with the scale and function of the centre, to meet people's day-to-day needs. This will include leisure uses.
- 6.7. Principle  
The application site is occupied by a vacant premises last used for the purpose of offices (B1a). The proposed development would see the site converted to a gymnasium (D2) on a site that sits adjacent to the Ring Road on the edge of the City Centre. Although a gym would normally be encouraged in a town centre, likewise would an office use, therefore it is considered that the impact of this change of use in the area would be neutral.
- 6.8. In addition, I acknowledge that a gym use has particular requirements in terms of size and layout which cannot always be met in town centres.
- 6.9. The application site is located within a Core Employment Area as designated within the Aston, Newtown and Lozells AAP. However, the principle of converting this building to a gymnasium would not conflict with industrial land policy due to there being no loss of an industrial use. My Strategic Policy advisor raises no objection.
- 6.10. I therefore raise no objection to the principle of the proposed use.
- 6.11. Amenity  
Regulatory Services raise no objection to the development. I concur with this view. The application site is located within a predominantly industrial/warehouse area. No residential premises are located in close proximity. On this basis I do not consider the proposed use would give rise to any adverse noise or disturbance impact. The applicant has not provided any definitive hours or days of use for the use, despite this given the nature of the surrounding area I do not consider an hours of use condition is necessary as no adverse impact in terms of noise and disturbance is expected.
- 6.12. Parking/highway safety  
Transportation Development raise no objection to the D2 proposal described within the supporting information, subject to conditions relating to cycle storage and a travel plan. I concur with this view.
- 6.13. According to the Car Parking Guideline SPD (2012) a leisure use as a gym would require more on site car parking provision than an office use. Office uses require 1 space per 45sq.m giving a maximum of 53 spaces and leisure uses require 1 space

per 33sq.m giving a maximum of 73 spaces. Whilst acknowledging that the number of on-site parking spaces as existing exceeds that number, I don't consider this provides a justification to refuse consent in this case.

6.14 The current car park (recently upgraded/resurfaced) also benefits from improved lighting provision.

6.15 I therefore raise no highway-based objections subject to conditions.

## 7 Conclusion

7.10 I consider that the proposed use is acceptable in this edge of centre location and would comply with policy relating to the loss of industrial land and national policy.

## 8 Recommendation

8.10 That planning permission is granted.

- 
- |   |                                                                        |
|---|------------------------------------------------------------------------|
| 1 | Requires the prior submission of a commercial travel plan              |
| 2 | Requires the prior submission of cycle storage details                 |
| 3 | Prevents the use from changing within the use class                    |
| 4 | Requires the provision of a vehicle charging point                     |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
| 6 | Limits the approval to 3 years (Full)                                  |
- 

Case Officer:           Stephanie Salmon

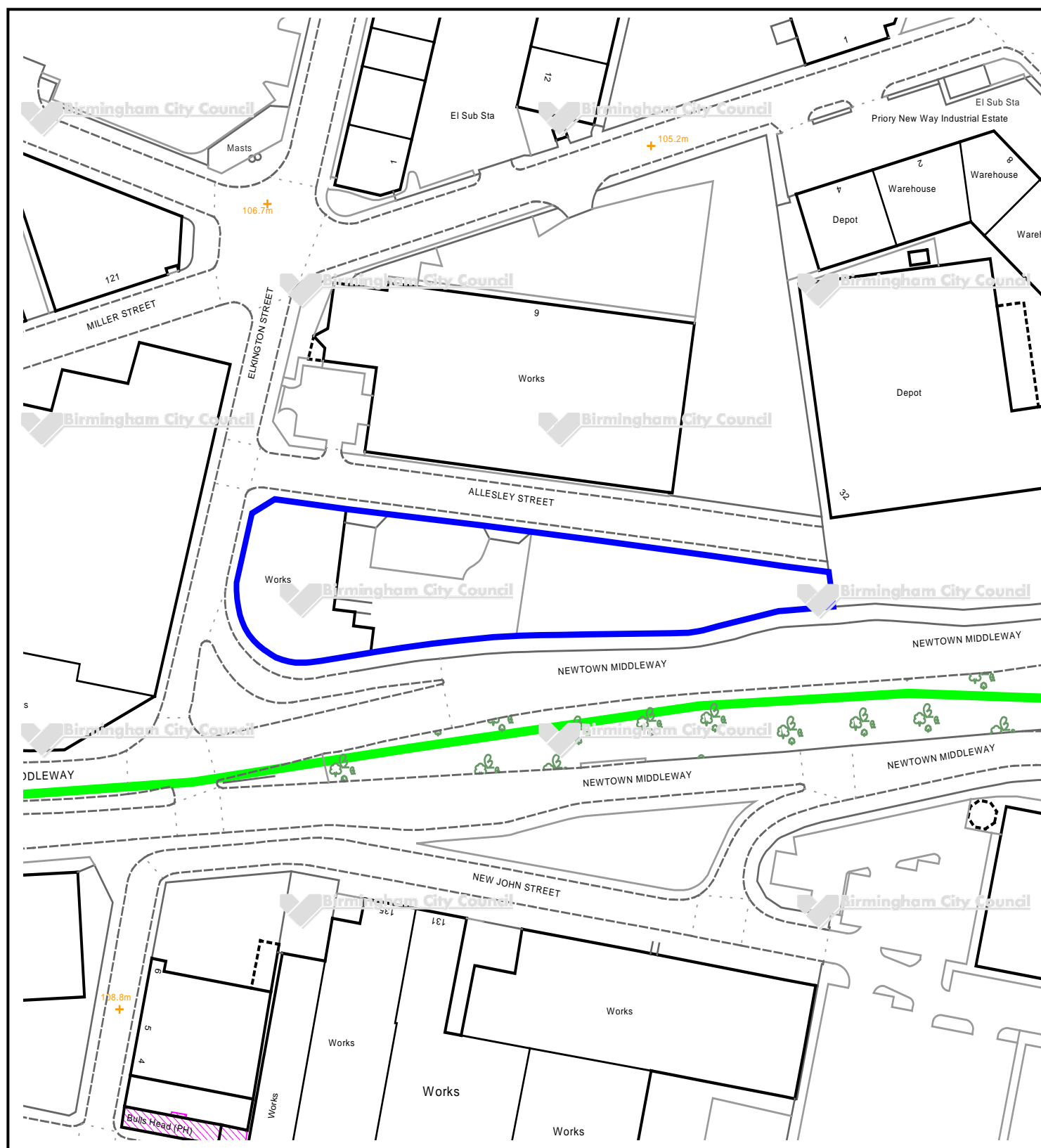
## **Photo(s)**



**Figure 1 – View looking westwards towards the eastern façade of the application building**



## Location Plan



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Committee Date:	15/09/2016	Application Number:	2016/04684/PA
Accepted:	02/06/2016	Application Type:	Householder
Target Date:	28/07/2016		
Ward:	Handsworth Wood		

68 Worlds End Road, Handsworth, Birmingham, B20 2NS

Erection of single storey side and rear extension

Applicant:	Mr & Mrs Obasi 68 Worlds End Road, Birmingham, B20 2NS
Agent:	Integrated Designs & Associates Limited 38 Old Walsall Road, Great Barr, Birmingham, B42 1NP

---

Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the erection of a single storey side and rear extension. The proposal would provide a WC/shower room, kitchen and store.
- 1.2. The resulting extension would extend across the rear elevation of the property and wrap around to the side, extending off the rear of the existing garage. The proposal would measure 3.6m at the maximum depth off the rear of the house and 2.3m in width to the side of the main house. The scheme is designed be to a maximum height of 3.6m (2.7m to eaves).

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a traditional semi-detached dwelling house; the property is designed with a hipped roof, a two storey bay window feature to the front and a single storey bay to the rear. The property has been previously extended with a first floor side extension over a garage. The rear of the site has been cleared, a lean-to to the side of the property has been removed and footings have been put in place in preparation for the proposed works. The surrounding properties are of a similar age and design.
- 2.2. The rear of the application property is enclosed by 1.8m high fencing and the rear garden falls away.
- 2.3. No. 66 has been previously extended with a single storey rear extension. There are a number of side facing windows at this property including a sole source of light to the kitchen.
- 2.4. The nearest window to the rear of No. 70 lights a living room.

[Site Location](#)

3. Planning History

- 3.1. 22/08/1991 - 1991/02876/PA – Erection of kitchen and toilet extension with garage – Approved with Conditions
- 3.2. 22/03/1995 - 1994/04708/PA – Erection of two storey side extension to from garage with bedroom above – Approved with Conditions
- 3.3. 20/09/2012 - 2012/05375/PA - Erection of single storey side, rear and forward extension including porch - Approved subject to conditions (not implemented)

4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted. 2 letters of objection has been received; objections have been raised in respect of:

- Loss of light/Outlook

5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (Adopted 2005)
- Draft Birmingham Development Plan
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.
- 6.2. The scale of the development is proportionate to the original dwelling house and plot size. The proposed development would not compromise the existing character or architectural appearance of the property. As such, the development would comply with the general design principles contained within the design guide 'Extending Your Home' Supplementary Planning Document.
- 6.3. The proposed extension would comply with your Committees' 45 Degree Code policy in respect to the nearest habitable room windows in the rear elevation of both neighbouring properties.
- 6.4. The proposed development would be below the 12.5m distance separation required in 'Extending Your Home' and 'Places for Living' Supplementary Planning Guidance for existing windowed elevations facing proposed 1 and 2 storey flank walls. As proposed, there would be approximately 1.2m between the existing ground floor

kitchen window to the side of No. 66 and the proposed extension. However, when taking into account the current relationship on site (a separation of only 3.4m is currently achieved) together with the presence on the existing boundary (1.8m high close boarded fence), I do not consider that the impact on daylight to the neighbouring window would be further compromised compared to the existing relationship on site. The impact on the neighbouring property would not be sufficiently detrimental to warrant refusal of the application on this issue alone. Furthermore, this side facing window is not an original window opening at the neighbouring property. This has been inserted recently following previous extensions at this property. It would be unreasonable for the added window to disadvantage the applicants from extending their home.

6.5. The proposed shower room window in the splayed elevation would fail to meet the required distance separation of 5m to the boundary with No. 70. However, a condition has been attached to ensure this window is fitted and maintained with obscure glazing. This would prevent any overlooking issue with the neighbouring private amenity space.

6.6. The proposed development does not attract a CIL contribution.

## 7. Conclusion

7.1. I consider that the proposed development complies with the objectives of the policies outlined above. As such the development would not cause sufficient detriment to warrant a refusal of the application.

## 8 Recommendation

8.1. Approve subject to the following conditions

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

Case Officer: Philip Whittaker

**Photo(s)**



Photo 1: Rear Elevation



Photo 2: Rear view towards No. 70 Worlds End Road



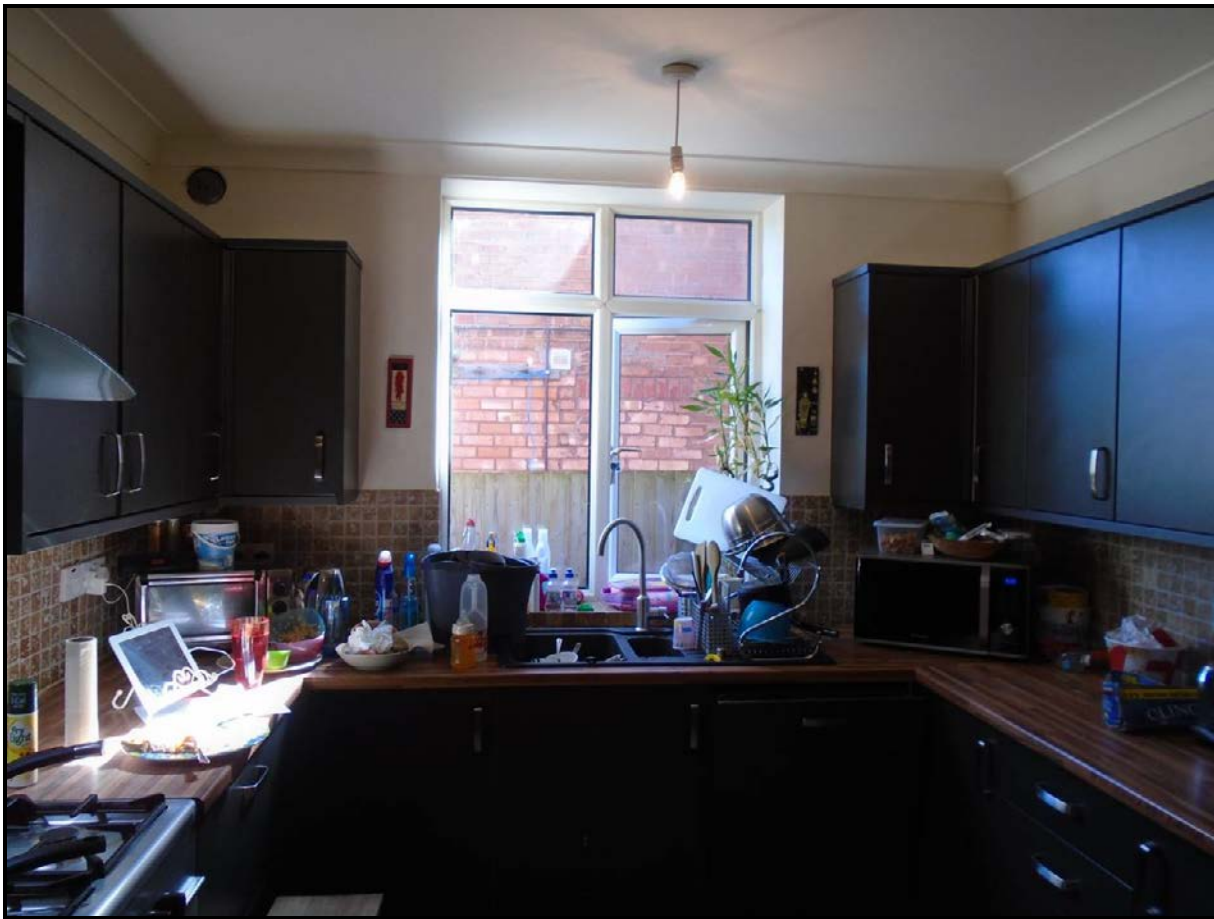
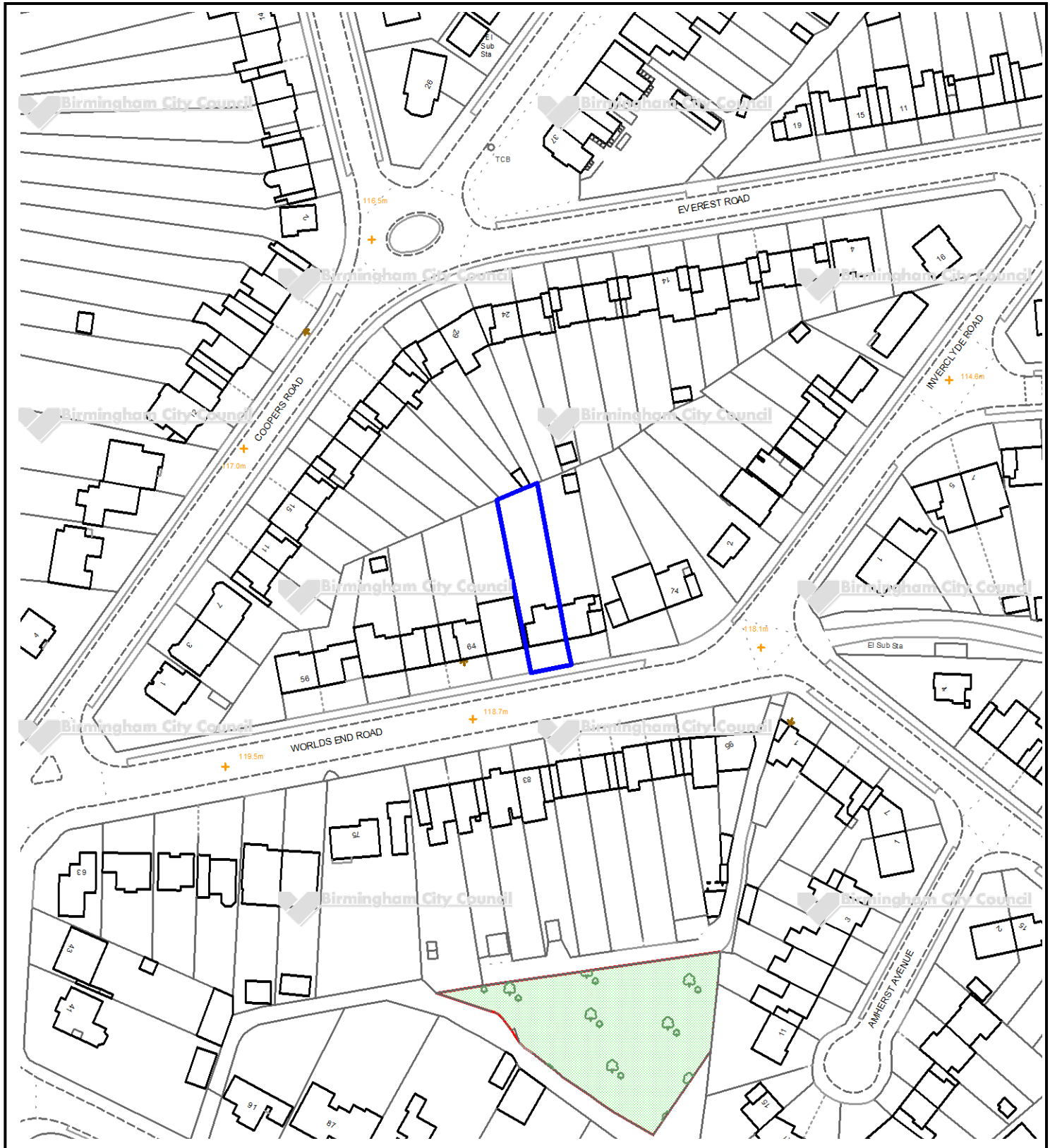


Photo 3: Existing view from kitchen at No. 66 Worlds End Road

## Location Plan



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**Birmingham City Council**  
**Planning Committee 15 September 2016**

**Appeal Decisions Received from the Planning Inspectorate in August 2016**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Enforcement</b>	21 Sandon Road, Edgbaston	Unauthorised boundary fencing, brick pillars and gates at the front and side of the premises adjacent to the public highway (Appeal A). 2015/0304/ENF	Dismissed	Enf	Written Representations
<b>Enforcement</b>	21 Sandon Road, Edgbaston	Unauthorised boundary fencing, brick pillars and gates at the front and side of the premises adjacent to the public highway. (Appeal B). 2015/0304/ENF	Dismissed	Enf	Written Representations
<b>Enforcement</b>	80 Court Lane, Land rear to, Erdington	Without planning permission the change of use of the premises to a use for the storage of commercial vehicles. 2013/0672/ENF	Dismissed (see note 1 attached)	Enf	Written Representations
<b>Advertisement</b>	Holiday Inn Express Hotel, Kennedy Tower, St Chads Queensway	Display of one illuminated full motion digital portrait sign. 2015/08513/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	Newtown Row / Lancaster Street	Display of 1 no. single sided 96 sheet LED advertisement panel to replace existing 96 sheet advertisement hoarding. 2016/01953/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	185 Broad Street, Five Ways	Display of fascia sign on Bishopgate Street elevation. 2015/09956/PA	Allowed (see note 2 attached)	Delegated	Written Representations
<b>Advertisement</b>	Mr Tyre Ltd Corner New John Street West / Blews Street 6 New John Street	Display of 1no. internally illuminated 'MEGA 6' digital LED screen. 2015/10138/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council**  
**Planning Committee 15 September 2016**

**Appeal Decisions Received from the Planning Inspectorate in August 2016**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Residential</b>	48 Cartwright Road, Land next to, Sutton Coldfield	Erection of one dwelling house and installation of footway crossing. 2016/01528/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	Jennifer Walk, off Church Road, Yardley	Erection of 4 no 1 bed apartments and associated parking and amenity space. 2015/07333/PA	Allowed (see note 3 attached)	Delegated	Written Representations
<b>Retail</b>	10 Bournville Lane, Stirchley	Erection of part two storey, part first floor extension and new external access staircase. 2016/00028/PA	Dismissed	Committee	Written Representations
<b>Retail</b>	370-374 Dudley Road, Winson Green	Retention of single storey front extension and roller shutters. 2016/00927/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	22 Ladywood Road, Sutton Coldfield	Listed Building Consent for remedial works including the removal of chimneys and other parts of the building that are deemed to be structurally unsafe. 2016/00463/PA	Dismissed (see note 4 attached)	Delegated	Hearing
<b>Other</b>	19 Highfield Road, Hall Green	Demolition of existing rear single storey extension, erection of three storey side extension, two storey and dormer window and single storey rear extension, and change of use of existing first floor and second floor offices to create four flats and a new retail unit. 2015/06492/PA	Dismissed	Committee	Written Representations
<b>Other</b>	59 Mayfield Road, Moseley	Retrospective consent for change of use of property from single family dwellinghouse (Use Class C3) to supported living accommodation (Use Class C2) 2014/07838/PA	Dismissed	Committee	Written Representations

**Birmingham City Council  
Planning Committee 15 September 2016**

**Appeal Decisions Received from the Planning Inspectorate in August 2016**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
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**Total - 14 Decisions: 12 Dismissed (86%), 2 Allowed**

**Cumulative total from 1 April 2016 - 46 Decisions: 35 Dismissed (76%), 11 Allowed**



## **Notes relating to appeal decisions received in August 2016**

### **Note 1: (80 Court Lane)**

The Inspector corrected the enforcement notice by deleting references to the word 'storage' and substituting it with the word 'parking'. The period for compliance of the enforcement notice has been extended from 1 month to 4 months.

### **Note 2 (185 Broad Street)**

**Application refused** because the proposed fascia sign on the Bishopgate Street elevation, by reason of its location, would result in an adverse visual impact on the surrounding area.

**Appeal allowed** because the Inspector considered that the sign is not unduly prominent in the context of the surrounding built form to the extent that it detracts visually from the building itself or the street scene.

### **Note 3 (Jennifer Walk)**

**Application refused** because the proposed development of this site for residential purposes would lead to an unacceptable living environment for future occupiers, by reason of noise and general disturbance from an adjacent electricity substation located on land adjacent to the application site and outside the applicant's control.

**Appeal allowed** because the Inspector considered that as the adjoining electricity substation is no longer in use and is not emitting any noise, the living conditions of future occupiers would not be harmed through noise and disturbance.

### **Note 4 (22 Ladywood Road )**

The appellant's application for costs was refused.

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION**

**PLANNING COMMITTEE** 15 September 2016  
**WARD: SOHO**

**The Birmingham  
(Land to the South of Western Business Park, Great Western Close,  
Ladywood)  
Tree Preservation Order 2016**

**1. Subject And Brief Summary Of The Proposals**

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

**2. Recommendation**

That the Birmingham (Land to the South of Western Business Park, Great Western Close, Ladywood) Tree Preservation Order 2016, be confirmed without modification.

**3. Contact Officer**

Julie Sadler – Principal Arboricultural Officer – Planning (North)  
Tel: 0121 303 4172  
Email: [julie.sadler@birmingham.gov.uk](mailto:julie.sadler@birmingham.gov.uk)

**4. Background**

- 4.1 The order protects a large area of trees.
- 4.2 The trees are located to the south of Western Business Park and the (north) rear of properties on Willes Road.
- 4.3 A recent pre-application enquiry ([2016/00491/PA](#)) concerning the redevelopment of this former railway siding, etc to residential properties showed the removal of all the trees on site initially. Later this was revised to retain all the trees caught by the order but discussions are in the early stages and the practicalities of the site for development have not yet been fully explored.

**5. Objection to the TPO**

- 5.1 The objection to the Order received from the owner of the land is an objection to the principle of the Order. The land was purchased from BCC in October 2014 with no indication that the trees might be protected in the future.

**6. Response to the Objection**

- 6.1 The TPO has been limited to trees on the steeply sloping bank from the back of the Willes Road properties to the railway yard and trees along the Handsworth New Road frontage also on a bank. Because of the topography there is a high element of public amenity value. The area is mostly made up of streets of terraced houses and few trees increasing the value of the subject trees for their ecosystem services e.g. pollution interception, oxygen manufacture, etc.
- 6.2 The order cannot be used as a means to block development but is a tool to ensure that trees are given due consideration in the process.
- 6.3 My principal arboricultural officer carried out a TEMPO assessment of the area of trees which gave a score of 16. At this level the assessment method recommends a TPO be served.

**7. Financial Implications**

None

**8. Implications for policy priorities**

8.1 Strategic Themes

Birmingham Unitary Development Plan paragraphs 3.14D and 3.16A

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

None

**9. BACKGROUND PAPERS**

- 9.1 None.



.....  
**Director of Planning and Regeneration**

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION**

**PLANNING COMMITTEE** 15 September 2016

**WARD: SOHO**

**The Birmingham  
(Land adjacent to Brookfields Primary School, Hingeston Street, Ladywood)  
Tree Preservation Order 2016**

**1. Subject And Brief Summary Of The Proposals**

Consideration of the Tree Preservation Order at the above location in respect of a proposed modification.

**2. Recommendation**

That the Birmingham (Land adjacent to Brookfields Primary School, Hingeston Street, Ladywood) Tree Preservation Order 2016, be confirmed with modification.

**3. Contact Officer**

Julie Sadler – Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 4172

Email: [julie.sadler@birmingham.gov.uk](mailto:julie.sadler@birmingham.gov.uk)

**4. Background**

4.1 The Order protects a group of trees along the boundary of Brookfields Primary School and a car park off Hingeston Street and one individual hybrid poplar tree in the verge around the car park.

4.2 An application (2015/10241/PA) for the creation of a car park with landscaping and substation was received which potentially threatened the boundary trees and the poplar.

**5. Objection to the TPO**

5.1 No formal objection has been received but at the request of the owners my Principal Arboricultural Officer attended a site meeting to discuss the order with a representative from Western Power who raised certain concerns. After a discussion regarding the other constraints of the site the location for the substation could only be within 2m of the stem of the poplar tree which would involve some deep trenching and the installation of a concrete slab.

**6. Response to the Objection**

6.1 My principal arboricultural officer carried out a TEMPO assessment of the group of trees which gave a score of 16. At this level the assessment method recommends a TPO be served. For T1 the poplar the score was 14. At this level a TPO is defensible.

6.1 My principal arboricultural officer recommends that the Order is modified to exclude the poplar T1 given the works required to install the substation.

**7. Financial Implications**

None

**8. Implications for policy priorities**

**8.1 Strategic Themes**

Birmingham Unitary Development Plan paragraphs 3.14D and 3.16A

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

None

**9. BACKGROUND PAPERS**

9.1 None.



.....  
**Director of Planning and Regeneration**



**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION**

**PLANNING COMMITTEE** 15 September 2016

**WARD: SUTTON TRINITY**

**The Birmingham (Land to the rear of 41 Hollyfield Road, Sutton Coldfield)  
Tree Preservation Order 2016**

**1. Subject And Brief Summary Of The Proposals**

Consideration of the Tree Preservation Order at the above location in respect of which three objections have been received.

**2. Recommendation**

That the Birmingham (Land to rear of 41 Hollyfield Road, Sutton Coldfield) Tree Preservation Order 2016, be confirmed without modification.

**3. Contact Officer**

Julie Sadler – Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 4172

Email: [julie.sadler@birmingham.gov.uk](mailto:julie.sadler@birmingham.gov.uk)

**4. Background**

4.1 The order protects a small area of woodland behind the St Chad's vicarage which is adjacent to Council owned sports grounds.

4.2 We were notified by a local resident that an oak to the front of 39 Hollyfield Road was at risk from removal. A separate order was served. In the immediate location there are a number of other trees of similar importance including this small woodland. As these neighbouring properties are required to receive notice of the TPO on number 39 it was expedient to serve an order on all other similar trees to prevent any unnecessary losses.

4.3 The order was served on 23<sup>rd</sup> March 2016.

**5. Objection to the TPO**

5.1 Three objections to the order were received as follows:

One from the present encumbent

One from a local resident

One from two members of the Church of St Chad's community

5.2 The objections to the Order received from the parties may be summarised as follows:

The order would make it more difficult to manage the site  
Density of the woodland has a negative impact on local residents  
Stability of the trees  
Lack of appreciation of the public amenity value  
Trees too dense in too small a location  
Woodland is a draw for nefarious activities  
The area was intended as a car park  
Detrimental impact on surrounding residential properties

## **6. Response to the Objection**

- 6.1 On 18<sup>th</sup> May my principal arboricultural officer met with all of the parties who had lodged an objection to the order and a tree surgeon who was advising them. Each issue was addressed in turn. During the discussions it was established that the Church was looking to manage the woodland for the benefit of a number of user groups including the Scouts. It was likely that this would include removal of holly that made the woodland dark and prohibitive. My officer agreed that BCC would welcome a management plan that would extend over a number of years and that a long term consent for the work could be given.

At the same meeting one of the objectors introduced the issue of a covenant on the land which prohibited the development of the woodland area but this was not available and has not as yet been produced.

At the conclusion of the meeting all of the objectors were satisfied that their concerns had been addressed. However one party wished their objection to remain in light of the covenant it was felt that the TPO was not necessary.

## **7. Financial Implications**

None

## **8. Implications for policy priorities**

### **8.1 Strategic Themes**

Birmingham Unitary Development Plan paragraphs 3.14D and 3.16A

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

None

**9. BACKGROUND PAPERS**

9.1 Letters from three parties objecting to the Order

A handwritten signature in black ink, appearing to read 'Wahid Noor', is centered on the page. The signature is fluid and cursive.

.....  
**Director of Planning and Regeneration**

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION**

**PLANNING COMMITTEE** 15 September 2016

**WARD: SUTTON FOUR OAKS**

**The Birmingham (228 AND 230 Lichfield Road, Sutton Coldfield)  
Tree Preservation Order 2016**

**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 (228 and 230 Lichfield Road, Sutton Coldfield) Tree Preservation Order 2016, be confirmed without modification.

**3. Contact Officer**

Julie Sadler – Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 4172

Email: [julie.sadler@birmingham.gov.uk](mailto:julie.sadler@birmingham.gov.uk)

**4. Background**

- 4.1 The order protects two mature trees, one oak and one lime.
- 4.2 The trees are located on the front of the properties which are both part of the Ley Hill Surgery at the back of the pavement of Lichfield Road.
- 4.3 A recent pre-application enquiry (2015/10102/PA) concerning the joining of the two properties and potential extension of the car parking facility placed the two trees at risk.
- 4.4 The response from the case officer responsible for the pre-application raised concerns as follows:

*‘One of the main concerns would be parking. In 2008, the proposed parking provision was for 5 spaces in the forecourt of 230 Lichfield Road.’*

*‘There are a number of mature trees and boundary hedges enclosing both properties. Again we would look to safeguard these for the visual amenity of the area (attractiveness and character)’.*

**5. Objection to the TPO**

- 5.1 The objection to the Order received from the partners of the Ley Hill Surgery, may be summarised as follows:
- 5.2 The trees impact on the number of parking spaces that the redevelopment of the practice hoped to achieve.

**6. Response to the Objection**

- 6.1 A photograph is attached at annex 1. It shows a mature oak and a lime.
- 6.2 My principal arboricultural officer carried out a TEMPO assessment of the trees which gave a score of 18 for each tree. At this level the assessment method recommends a TPO be served.

**7. Financial Implications**

None

**8. Implications for policy priorities**

8.1 Strategic Themes

Birmingham Unitary Development Plan paragraphs 3.14D and 3.16A

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

None

**9. BACKGROUND PAPERS**

- 9.1 Letter from Ley Hill Surgery.
- 9.2 Annex 1 - photograph



.....  
**Director of Planning and Regeneration**



## ANNEX 1

5/17/2016

A5127 - Google Maps

Google Maps A5127

Oak in the foreground. Lime in the background.



Image capture: Oct 2015 © 2016 Google

Sutton Coldfield, England

Street View - Oct 2015



Google Maps