

Birmingham City Council

Planning Committee

27 April 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	8	2017/02054/PA Land adjacent 29 Cartwright Road Sutton Coldfield Birmingham B75 5LF Erection of dwellinghouse and new access

Committee Date:	27/04/2017	Application Number:	2017/02054/PA
Accepted:	10/03/2017	Application Type:	Full Planning
Target Date:	05/05/2017		
Ward:	Sutton Four Oaks		

Land adjacent 29 Cartwright Road, Sutton Coldfield, Birmingham, B75 5LF

Erection of dwellinghouse and new access

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

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This application is for the proposed erection of a two storey detached dwelling with a driveway. The integral garage and driveway would provide two parking spaces. The design of the dwelling would reflect elements of the existing architectural details which are present in this mature suburb such as a hipped roof, integral garage, archway over the front door and matching materials. The internal layout of the ground floor would contain a lounge, hall, integral garage, wc, an open plan kitchen and living room. First floor provisions would include 3 bedrooms (approximately 14.4m², 16.3m² and 12m²), en-suite and bathroom. Rear garden provision of approximately 168m² is proposed. The mature hedge and fence would remain along the corner of Cartwright Road and a new 1.8 metres wooden fence along the side boundary of 29 Cartwright Road is proposed.

1.2. The mature tree at the rear of the site is to be retained.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site refers to a corner plot of land which is adjacent to 29 Cartwright Road, which is currently the garden area for this occupier. The site is bounded by a mature hedge and fence and the ground level increases away from 29 Cartwright Road towards the corner boundary due to its position on a hill. The character of the area consists of traditional two storey semi-detached dwellings which follow a regular building line, with open front gardens and rear gardens, within a mature suburb.

2.2. [Site Location and Street View](#)

3. Planning History

3.1. None

4. Consultation

4.1. Neighbours, local Councillors, Andrew Mitchell M.P and residents associations consulted. 6 objections from neighbouring occupiers (summarised as follows) concerning:

- Parking and highway safety issues.
- Loss of trees.
- Another house isn't necessary.
- 1.8 metre fencing along the boundary is needed to protect privacy.
- Loss of light.
- The traffic survey was carried during half term when traffic would have been less.
- Insufficient public consultation carried out.
- Out of character.
- security concerns.
- Councillor Cornish requests that the application is determined by the Planning Committee.

4.2. Transportation Development – No objections. Proposed footway crossing to be constructed to BCC specifications and standards at applicants expense. Pedestrian visibility splay 3.3m x 3.3m x 600mm desirable or 2m x 2m x 600mm absolute minimum to be incorporated at proposed access and maintained at all times.

4.3. Regulatory Services – No objections and recommends a condition for a vehicle charging point.

4.4. West Midlands Police – No objection.

4.5. Lead Local Flood Authority – No objection.

5. Policy Context

5.1. Birmingham Development Plan (2031), Birmingham Unitary Development Plan (saved policies), Mature Suburbs (SPD), Technical housing standards – nationally described space standards, Places for Living SPD, Car parking guidelines SPD, National Planning Policy Framework (2012).

6. Planning Considerations

6.1. Policy

6.2. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New developments should reinforce or create a positive sense of place and local distinctiveness that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design. Policy TP27 states that new housing is expected to contribute to making sustainable places whether it is a small infill site or the creation of a new residential neighbourhood.

- 6.3. Paragraph 3.14C of the UDP (saved policies) states that development should have regard to the development guidelines set out in “Places for Living” and Paragraph 3.14D (saved policies) outlines a number of good urban design principles against which new development will be assessed. In particular this includes the impact a proposal would have on the local character of an area, including topography, building lines, scale, massing, views, open spaces, landscape, boundary treatments and neighbouring uses. The scale and design of new and extended buildings should generally respect the area surrounding them and reinforce and evolve any local characteristics.
- 6.4. Places for Living SPG also highlights that responding to the local context can ensure the unique identity of a place is not harmed as well as avoid any potential adverse impact on neighbouring buildings, landscape and uses. It identifies numerical guidelines for gardens, bedroom sizes and separation distances for new residential developments.
- 6.5. Mature Suburbs SPD contains guidelines for residential intensification and sets key design criteria to be used to ensure new residential developments do not undermine or harm the positive characteristics of a mature suburb. The design criteria for developments in mature suburbs includes: building form and massing; siting; boundary treatment; design styles; public realm and landscaping; and cumulative impact.
- 6.6. The National Planning Policy Framework states that all housing applications should be considered in the context of the presumption in favour of sustainable development. Developments should respond to local character and reflect the identity of local surroundings and materials. It is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions.
- 6.7. Principle of development
- 6.8. The proposed dwelling house would be sited on land which is adjacent to 29 Cartwright Road, which is located on a corner position within this mature street scene. The plot of land is large enough for a dwelling and subject to compliance with local and national planning policy, is acceptable in principle.
- 6.9. Design/ character of the area
- 6.10. The application site relates to a corner plot of land which is occupied as garden amenity space for the occupier of 29 Cartwright Road. The surrounding residential properties are generally semi-detached two-storeys high and are set along a regular building line, with driveways, front and rear gardens giving the impression of a coherent, spacious and mature street scene.
- 6.11. The proposed dwelling would be sited within this corner plot. I recognise that this dwelling would be a wider property on a wider plot. However, there are other properties within the area on wider plots and therefore, this would not be out of character within the location. The existing building line would be maintained and a driveway, front and rear garden would be provided. The dwelling would retain an acceptable level of openness and space between the corner of Cartwright Road which is bounded by a mature hedge and fence and also the adjoining residential dwellings.

- 6.12. The proposed dwelling would reflect architectural details which are present in the street scene including the design of the roof, window proportions, archway above the front door and the integral garage. These design elements further reinforce the local character of the area. I am satisfied that the proposed dwelling would not undermine or harm the positive characteristics of this mature suburb. Conditions are attached to ensure building materials, landscaping and hard surfacing details are of a high quality and in keeping with the character of the area.
- 6.13. Residential Amenity
- 6.14. The proposed dwelling would provide bedroom sizes greater than the minimum sizes for double bedrooms (11.5m²) and single bedrooms (7.5m²) in the nationally described space standards. The dwelling would not conflict with the 45 degree code and the separation distance of 21 metres to the rear of 42 Randle Drive would comply with guidance contained within Places For Living SPG. In addition, the first floor windows facing the rear of this neighbouring occupier would serve a bathroom and en-suite and both of these windows would be obscure glazed. I am satisfied that this would address any over-looking issues from this floor.
- 6.15. It is noted that the remaining rear garden area of 29 Cartwright Road would be approximately 75m² and would comply with guidance contained within Places For Living SPG.
- 6.16. Highway safety
- 6.17. Transportation Development have assessed this proposal and raise no objections subject to a footway crossing being constructed to Birmingham City Council specifications and a pedestrian splay 3.3 metres x 3.3 metres x 600 millimetres or 2 metres x 2 metres x 600 millimetres (absolute minimum) to be incorporated at proposed access and maintained at all times. I am satisfied that a condition to that effect could be imposed accordingly.
- 6.18. Other issues
- 6.19. To ensure that satisfactory separation distances to neighbouring occupiers are maintained in the future, the removal of permitted development rights to prevent extensions to the dwelling in the future should be imposed.
- 6.20. The objections raised are noted and in relation to all highway matters, the Council's Transportation Development department raise no objection. The trees at the rear of the garden would be retained. Any loss of light or outlook cause would be negligible and all separation distances have been met. Whilst a traffic survey has been submitted, concern has been raised that this was carried out when traffic levels were low. Regardless of this, I am satisfied that the erection of an additional dwelling is unlikely to generate any significant increase in traffic levels or highway safety concerns. The correct consultation process and neighbour notification has been carried out. There are no character or security concerns regarding this proposal. Whilst a number of objections have been raised, I am satisfied that any harm caused, would not be significant enough to justify the refusal of the application.
- 6.21. Conclusion
- 6.22. Subject to conditions being imposed, the proposed dwelling would comply with local and national planning policy and is acceptable development in this location.

6.23. Recommendation

6.24. Approve with conditions

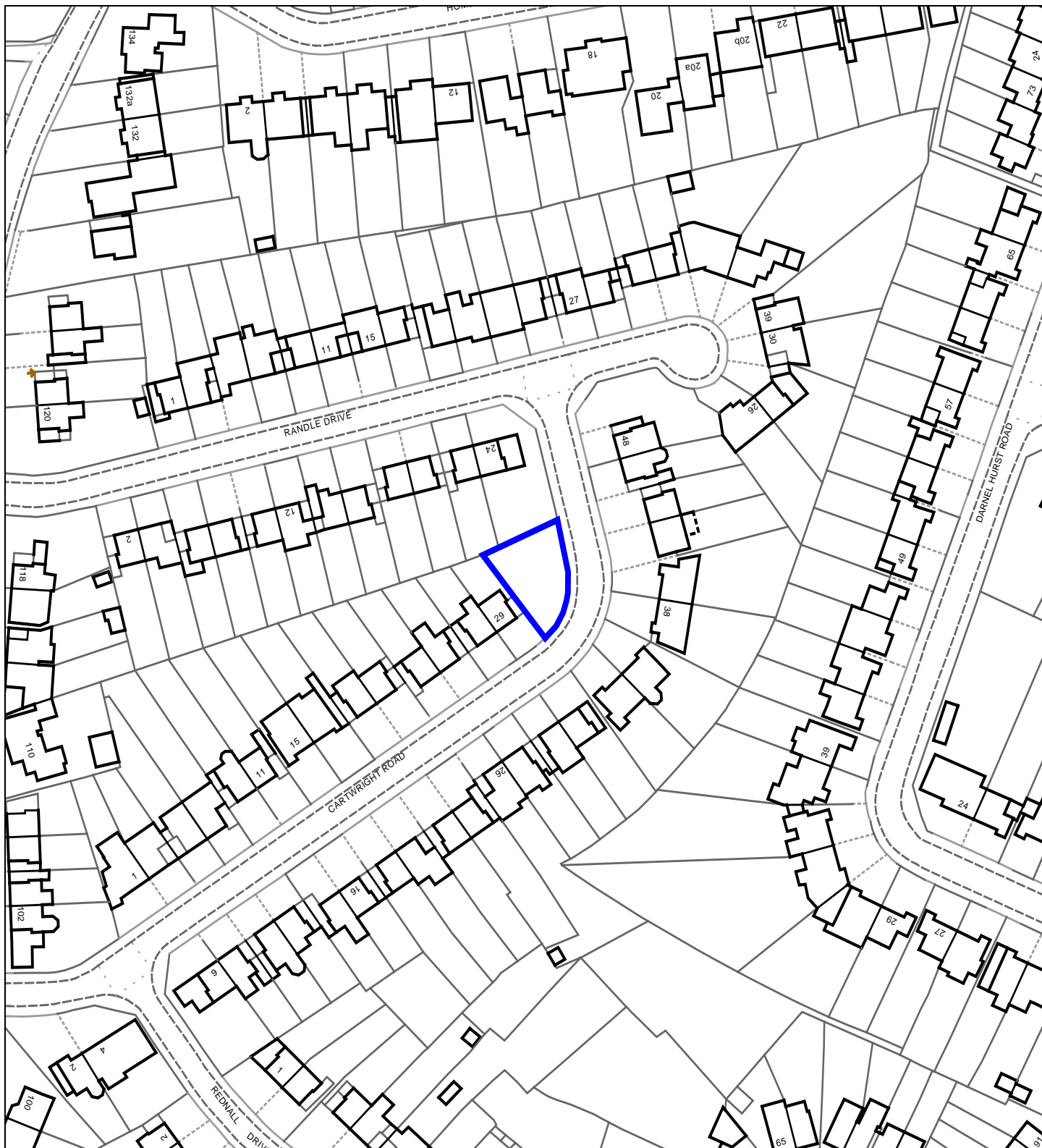
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- 1 Requires the prior submission of sample materials
 - 2 Removes PD rights for extensions
 - 3 Requires the prior submission of boundary treatment details
 - 4 Requires vehicular visibility splays to be provided
 - 5 Requires the prior submission of hard and/or soft landscape details
 - 6 Requires the prior submission of level details
 - 7 Requires the implementation of tree and hedge protection
 - 8 Requires the scheme to be in accordance with the listed approved plans
 - 9 Implement within 3 years (Full)
-

Case Officer: Daniel Ilott

Photo(s)



Location Plan



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Birmingham City Council

Planning Committee

27 April 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	9	2017/00844/PA 38 Wood Lane Erdington Birmingham B24 9QL Change of use from industrial warehouse (Use Class B8) to soft play area with ancillary cafeteria (Use Class D2 and A3)
Approve - Conditions	10	2017/01169/PA 2245-2255 Coventry Road Sheldon Birmingham B26 3NX Erection of five retail stores (Use Class A1) with first floor gym (Use Class D2), provision of servicing, landscaping, parking and improvements to the public realm
Approve - Conditions	11	2016/10651/PA Eaton Electric Ltd Reddings Lane Tyseley Birmingham B11 3EZ Reserved Matters application for access, appearance, landscaping, layout and scale for a 2 storey Primary School pursuant to outline planning permission 2015/10025/PA
No Prior Approval Required	12	2017/01863/PA Hunton Hill Allotments off Slade Road Stockland Green Birmingham B23 7QX Prior notification for the installation of a 15.2 metre monopole with 3 antennas, 3 equipment cabinets and 1no. meter pillar within a 2 metre high palisade fence compound

Committee Date:	27/04/2017	Application Number:	2017/00844/PA
Accepted:	02/02/2017	Application Type:	Full Planning
Target Date:	04/05/2017		
Ward:	Tyburn		

38 Wood Lane, Erdington, Birmingham, B24 9QL

Change of use from industrial warehouse (Use Class B8) to soft play area with ancillary cafeteria (Use Class D2 and A3)

Applicant:	AIRea 51 Trampoline Park Limited 52a High Street, Erdington, Birmingham, B23 6RH
Agent:	D S Jones & Co 26 Prospect Drive, Coedpoeth, Wrexham, LL11 3PE

Recommendation

Refuse

1. Proposal

- 1.1. This planning application relates to the proposed change of use of an industrial warehouse (Use Class B8) to a trampolining park and soft play facility with ancillary cafeteria (Use Class D2 and A3) at 38 Wood Lane, Erdington.
- 1.2. The application site comprises an existing floorspace of 2,233sqm. As part of the application proposals, 2,166sqm would relate to D2 use class as an indoor leisure use. A mezzanine is proposed to be installed to accommodate a café and seating area / viewing gallery. This would amount to the creation of approximately 223sqm in A3 restaurant / café use which would be ancillary to the proposed leisure use.
- 1.3. The application site would accommodate 35 individual trampolines, basketball courts and an air bag jump over an area of approximately 730sqm. The capacity of this part of the facility would be a maximum of 30 people at any one time.
- 1.4. A "Ninja Warrior Course" is also proposed within the application building which include a climbing wall and up to three professional trampoline beds over an area of around 560 square metres. The capacity of this part of the facility would be a maximum of 20 customers at any one time.
- 1.5. A Soft Play Area is proposed to provide facilities for younger children, under the age of 5. Three party rooms would also be provided to enable children's birthday parties to take place at the premises.
- 1.6. Parking provision is proposed as part of the application proposals, with 55no. parking spaces to be made available on the forecourt of the building. The applicant has advised that staff members would be transported to the site by means of a subsidised taxi service and would be encouraged to use public transport in order to ensure that staff parking would not impact upon car parking space available.

1.7. The proposed leisure and recreational use would create approximately 10 full time and 20 part time jobs. The proposed hours of operation would be 10am – 10pm daily.

1.8. The proposals would not relate to any external alterations or the creation of any external extensions.

1.9. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises a large detached double height single storey brick and steel clad building, with a forecourt used as car parking. The application site is understood to most recently have been in Sui Generis use as car sales premises, however the lawful use is acknowledged to B8 storage and distribution use.

2.2. Wood Lane is a single carriageway road with large parking bays to the southern extent of the road, and double yellow lines on the northern extent of the road.

2.3. The application site forms part of an established commercial area which includes light and heavy industrial uses including manufacturing alongside logistics and distribution. Major employers in the area include Jaguar Land Rover and Bromford Industries. The Fort Shopping Park lies 0.4km to the south east of the application site.

2.4. The application site is also within the inner and middle zone for hazardous Installations for Esso Petroleum Company at Wood Lane and Bromford Gate.

2.5. The closest residential dwelling lies approximately 115m to the north-west of the application site, beyond the Birmingham and Fazeley Canal.

2.6. [Site Location](#)

3. Planning History

3.1. None relevant at the application site.

Fort Shopping Park

3.2. 20.09.2011 - 2010/05335/PA - Extension to existing mezzanine at unit 14c – Withdrawn due to recommendation for refusal from Health and Safety Executive (HSE) due to location of site within Development Proximity Zone (DPZ).

4. Consultation/PP Responses

4.1. Transportation Development – additional information requested to understand how the application proposals would impact highway safety. Recommend conditions in relation to attendance capacity; no other uses within D2 use class to be permitted; no occupation until turning and parking area constructed; cycle storage prior to occupation; and Parking Management Strategy.

- 4.2. Regulatory Services – recommend conditions relating to noise levels for plant and machinery and extraction and odour control details.
- 4.3. Health and Safety Executive – advise against grant of planning permission on safety grounds
- 4.4. Site Notice posted. Ward Members and neighbours notified. No representations received.

5. Policy Context

- 5.1. National Planning Policy Framework (2012); Birmingham Development Plan (2017); Birmingham Unitary Development Plan Saved Policies (2005); Shopping and Local Centres SPD (2012); Car Parking Guidelines SPD (2012); Places for All (2001)

6. Planning Considerations

- 6.1. **Principle of Change of Use** – The application site lies within an established industrial area, which is allocated as a Core Employment Area under policy TP19 of the Birmingham Development Plan. The policy sets out that core employment areas should be retained in employment use and should be the focus of economic regeneration activities.
- 6.2. Policy TP20 relates to the protection of employment land, stating that employment land and premises should be protected where they contribute towards the portfolio of employment land and are needed to meet the longer term requirement for employment land.
- 6.3. The application proposals for change of use to a D2 trampolining park and soft play centre are considered to be a town centre use, as defined within the Shopping and Local Centres SPD. The SPD sets out that:

Within these centres, retail development and other town centre uses, including those that generate significant numbers of people will be encouraged. These include: shops, offices, assembly and leisure, health, religious buildings, restaurants, pubs and hot food takeaways. These are the most sustainable locations for such investment with optimum accessibility by a range of means of travel.
- 6.4. This guidance is reflected in Policy 1 of the SPD, which states that 55% of all ground floor units in the Town and District Centres should be retained in retail (Class A1 use); and that 50% of all ground floor units in the Neighbourhood Centres should be retained in retail (Class A1) use. The remainder of the Local Centre should be comprised of other town centre uses as noted above.
- 6.5. Whilst the agent notes that there are other premises in use as D2 assembly and leisure premises in close proximity to the application site, on Tyburn Road and Spitfire Road, there is no evidence that either of these sites benefit from planning permission and I consider that both are unauthorised and operating without the requisite change of use permission. Due to the location of these premises within a designated Core Employment Area, these premises would be contrary to adopted planning policy.

- 6.6. It is my view that the application proposals would be contrary to adopted policy in respect of the application site's allocation as Core Employment Land, and the proposed use should be located within a sequentially preferable town centre location. The proposals are therefore unacceptable in principle. Planning Strategy have objected on the grounds that the proposal is contrary to adopted policy TP19 of the Birmingham Development Plan and would not be supported.
- 6.7. **Impact on Vitality and Viability** – As the application proposals relate to a town centre use proposed within a Core Employment Area, regard has been had towards the impact of the proposals on vitality and viability of the closest Local Centre, which is Erdington District Centre. The applicant has undertaken a sequential site assessment which specifies the distinctive requirements of premises to accommodate the proposed use.
- 6.8. I note the unique nature of the proposed change of use as a trampoline park and soft play area, which necessitates the need for large floorspaces with high ceilings, and that the application site has been marketed to industrial occupiers for a prolonged length of time.
- 6.9. Birmingham City Council encourages town centre uses within local centres, with secondary locations being considered only when local centre locations are unavailable, unviable and inaccessible. This approach is endorsed by paragraph 24 of the National Planning Policy Framework. Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on own centre vitality and viability or existing, committed and planned public and private investment in a centre or centres, it should be refused.
- 6.10. The Applicant has prepared and submitted a Sequential Site Assessment in support of the planning application. The Sequential Site Assessment submitted assessed a total of 10 units available within 3 miles of the application site, all located within industrial areas, given the specific requirements of the proposed use.
- 6.11. Each of the sites were discounted by the Applicant on the grounds that the units would not meet the specific needs of the proposed use in terms of minimum required floorspace and ceiling height; would be located in a less sequentially preferable location; or would have insufficient parking.
- 6.12. It is evident that there is a limited number of units that have been looked at which would meet the three tests as a sequentially preferable location. Whilst I acknowledge the very specific requirements of the applicant in terms of the ceiling height and floorplates required in order to allow for the trampolining activities, there are a number of sites that I am aware of that have not been considered which would demonstrate a more sustainable location (for example available units in Erdington District Centre at both Central Square and on the High Street, 1.1 miles to the north) which should be considered as part of a sequential site assessment.
- 6.13. I am also aware of sites which would be considered edge of centre sites, and located outside of the Core Employment Area such as Birmingham Trade Park on Kingsbury Road. Beyond the applicant's identified search radius for appropriate units, two units have been identified in Digbeth and Selly Oak which would appear to meet the specific requirements of the applicant, alongside a number of sites within close proximity to albeit outside of Birmingham. These sites were referred to the applicant who expressed that they had considered and discounted them. No evidence of this consideration was provided, and the sites appear to be discounted

for non-planning reasons. I maintain that the work undertaken on this matter is therefore insufficient.

- 6.14. The Sequential Site Assessment has therefore demonstrated that there are no sequentially preferable sites for the relocation of the existing business however I do not consider that all available sites have been considered adequately, including those outside of the immediate area.
- 6.15. I consider that the location of a town centre use outside of a local centre has an inherently adverse impact on the vitality and viability of the nearby neighbourhood, district and town centres as such town centre uses generally present opportunities for linked trips (i.e. linking to retail uses, café / restaurant uses, and other leisure uses). This would be further contrary to the principles set out within Shopping and Local Centres SPD, the Birmingham Development Plan and paragraph 23 of the National Planning Policy Framework results in an isolated town centre use in an inappropriate location.
- 6.16. On this basis, I remain of the view that the proposed use would have an adverse impact on the vitality and viability of the closest Local Centres, and would undermine the retail hierarchy identified within policy TP21 of the Birmingham Development Plan, and is therefore unacceptable.
- 6.17. An impact assessment has been provided but I do not consider this relevant in this instance given that the proposed retail floorspace would not exceed the 2,500sqm threshold within with NPPF requiring an impact assessment.
- 6.18. **Loss of Employment Land** - The site is classed as Core Employment Area for the purposes of applying the adopted policies contained within Loss of Industrial Land to Alternative Uses SPD.
- 6.19. There is a presumption against the loss of industrial land to alternative uses within the adopted Birmingham Development Plan at policy TP19 and this SPD. The guidance contained within the SPD does allow exceptions to this presumption, such as where an existing industrial use is non-conforming, or where an industrial use has been actively marketed without interest for a period in excess of 2 years.
- 6.20. It is good practice and confirmed to be appropriate by a number of appeals on similar cases in Birmingham that a minimum of 2 years of active marketing of a site in a Core Employment Area is required, given the relative buoyancy of the commercial market in the city.
- 6.21. The applicant has demonstrated that the application premises has been marketed on an ongoing basis since it was vacated by an industrial occupier in mid-2013, however the unit was leased to a car sales business which was relocated due to HS2. The car sales use has been operated on an unauthorised basis for this period and it is my view that the continued use would therefore be traditional industrial use, consistent with the site designation, which presents its own employment opportunities.
- 6.22. I also consider that there is a degree of ambiguity surrounding the marketing of the application site. As the car sales use was relocated as a result of HS2, there was an obligation from the site owner / landlord and the site tenant to maintain the operation of the business due to its displacement from its original premises. Therefore, any enquiries relating to the lease of the site would have related to premises which was not necessarily available, and subject to an existing tenancy would have needed to

be fulfilled by the car sales occupier, or a period of notice to be served on the current occupier by the landlord. I understand that the current occupier would be able to relocate shortly, following the confirmation of the HS2 route, which has led to active marketing more recently, leading to this planning application.

- 6.23. Due to the constraints of the premises up until recently, in terms of the unit being occupied and unavailable, I do not consider that the application site would have been a viable option for many businesses looking to locate in the area, and consequently I do not consider that the marketing approach taken is adequate in order to demonstrate that there has been no realistic demand for the unit from traditional industrial, employment-led occupiers.
- 6.24. Given that the site is located within a Core Employment Area, it is considered that the priority should be to maintain the established use of the estate within its allocation as a core employment area including potentially any adaptations to the units in order to maintain their commercial attractiveness. It is considered that the most recent use of the site as car sales would not outweigh the site's allocation as Core Employment Land.
- 6.25. As of 2012, set out within the Employment Land Review 2012, there were 16.69 hectares of readily available good urban land compared to the Birmingham Development Plan target of a minimum reservoir of 31ha of 'good urban' land, with a range of business premises required to meet a variety of business needs. The site remains Core Employment Land which presents a considerable benefit in terms of addressing the requirements of the Birmingham Development Plan, and delivering economic growth within the city in the future.
- 6.26. The applicant has requested consideration by the Local Planning Authority that a personal planning permission may be appropriate. Whilst this could be an option in principle, I do not consider the personal circumstances of the applicant outweigh a substantial planning policy objection to the change of use as proposed.
- 6.27. The applicant has also expressed that there are grounds on which the proposed use would be likely to generate a greater level of employment than the existing use or alternative prospective uses, with the proposed use likely to generate approximately 40no. part-time and full-time positions. Furthermore, the application proposals would result in the refurbishment of the building which is currently in a state of disrepair.
- 6.28. Nevertheless, I consider that the proposals would result in an unacceptable loss of industrial employment land, and I do not consider that the justification provided outweighs the significant policy objection to the proposed use of the site as a D2 leisure facility in an out of centre location.
- 6.29. **Impact on Residential Amenity** – The application site lies within an entirely commercial area. The closest residential properties lie approximately 115m to the north-west of the application site, beyond the Birmingham and Fazeley Canal.
- 6.30. Given the distance to these properties, and the nature of the application proposals, I do not raise any concerns with regard to the prospective impact on residential amenity.
- 6.31. **Impact on Highway Safety** – The application proposals comprise car parking for up to 55 cars on the site forecourt, off Wood Lane. Given the nature of the proposed use, it is anticipated that there would be a considerable level of parking demand

generated as a result of the operation of the leisure use. Transportation Development advise that the likely level of parking demand is considered to be the most contentious issue with this particular use, with it noted that similar end uses in the City have recently attracted higher levels of parking demand than originally anticipated.

- 6.32. It is however acknowledged that Wood Lane does contain a limited amount of unrestricted on-street parking, particularly to the west of the site towards Bromford Lane. Whereas demand for this on-street parking tends to be high during the working week (including for HGV layover), it is likely that demand would be lower at weekends and evenings when peak parking demand for the D2 use would likely be at its highest levels.
- 6.33. Furthermore, the proposed level of parking provision is of a similar level to previously approved uses of this nature. The proposed use in comparison is lower in intensity with respect to gross floor area and the proposed attendance capacity.
- 6.34. The proposed use is considered unlikely to have an adverse network impact in terms of capacity of adjacent highway links and junctions, due to the strategic nature of the highway network in the immediate vicinity of the application site.
- 6.35. Transportation Development consequently raise no objection to the proposals subject to a number of safeguarding conditions being applied to any consent, including restriction on attendance capacity to 78 persons in accordance with assumptions made within the Transport Statement and Design and Access Statement and no other uses within the D2 use class to be permitted at the application site.
- 6.36. Whilst I concur that the proposals would be unlikely to have an adverse impact on highway safety or parking, there are other substantive reasons for refusal of the application proposals.
- 6.37. **Health and Safety** - The site lies within the inner and middle zone for hazardous installations for Esso Petroleum Company at Wood Lane and Bromford Gate. The Health and Safety Executive (HSE) has recommended that the application is refused on health and safety grounds, given the site's close proximity to the two hazardous installation sites and the proposed use, which would introduce a high number of recreation and leisure users, including very young children (under the age of 5 years old).
- 6.38. The HSE acted as the Competent Authority in advising of the adjacent Terminal's existing petrochemical companies impact upon health and safety issues at Esso Birmingham Terminal, Wood Lane & Bromford Gate (chemical storage site). This reflects its role under the Control of Major Accidents Regulations 1999 (COMAH) as the Esso Birmingham Terminal, Wood Lane is regulated as a 'COMAH site'.
- 6.39. In response to the LSPSS explosion at Buncefield in 2005, and a public consultation exercise, the HSE introduced in 2008 Development Proximity Zones (DPZ) with the aim of strengthening development controls to land closest to such LSPSS perimeters. The HSE consider that based on analysis of the extent and severity of the Buncefield explosion, it is estimated that should a similar event occur a fatality rate approaching 100% would be expected within the DPZ. This current proposal would be located approximately 90 metres north of the Esso Petroleum Terminal and falls within the inner zone, immediately outside the DPZ. The HSE advice for proposed developments which fall within a DPZ is that such developments are not

normally occupied. As the application site is located immediately outside the DPZ, I consider that the risk remains severe, and the HSE maintain advising against the grant of planning permission.

- 6.40. Furthermore, there is precedent of the HSE advising against planning permission being granted within close proximity to the application site at Fort Shopping Park, which is located within the DPZ, with a statutory function to enable them to call in applications where the Council proceed against their advice.
- 6.41. Most recently, an application for the proposed extension to an existing mezzanine at Unit 14c of Fort Shopping Park was withdrawn by the applicant due to the HSE seeking to recommend refusal (reference 2010/05335/PA).
- 6.42. I do not consider that such an objection from the Health and Safety Executive could be overcome, due to the volatile nature of the sites concerned and the potential impact that such hazardous installations could have upon prospective users of the application premises. Consequently, I recommend that the application is refused on health and safety grounds.

7. Conclusion

- 7.1. The application proposals relate to the change of use of existing industrial premises to a D2 use class trampolining park and soft play area with ancillary cafeteria. The application site is located within a Core Employment Area and is within the inner and middle zone for hazardous installations for Esso Petroleum Company at Wood Lane and Bromford Gate.
- 7.2. Whilst the application site has been marketed, this is considered to be insufficient in respect of the availability of the unit, and the continuous amount of time that the unit has been marketed for. A sequential site assessment has been undertaken by the applicant; however this has not adequately considered units which the Council are aware of as being available. There remains a policy objection to the application proposals in principle. Furthermore, the Health and Safety Executive has objected to the application on safety grounds.
- 7.3. For the reasons set out above, I recommend that the application should be refused.

8. Recommendation

- 8.1. Refuse.

Reasons for Refusal

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- 1 The proposed D2 use class trampolining park at a location allocated as a Core Employment Area would amount to an unacceptable loss of employment land and would have an adverse impact on the supply of employment land in the city. Inadequate marketing of the unit concerned has been undertaken and this is contrary to policies TP17 and TP19 of the Birmingham Development Plan and Loss of Industrial Land to Alternative Uses SPD.
 - 2 The proposed use of the site as a D2 use class trampolining park would result in a
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town centre use being located in an out of centre location. The application provides an inadequate demonstration of a sequential approach to site selection. The proposal conflicts with paragraphs 24 and 27 of the NPPF, policies TP21 and TP24 of the Birmingham Development Plan, and Shopping and Local Centres SPD.

- 3 The proposal would result in a development that would be occupied by people on a regular basis, within the Inner Zone of a Large Scale Petrol Storage Site at Esso Petroleum Company at Wood Lane and Bromford Gate. This would represent an unacceptable risk to public safety and is contrary to Saved Policy 8.38 of the Birmingham Unitary Development Plan 2005 and Policy TP37 of the Birmingham Development Plan.
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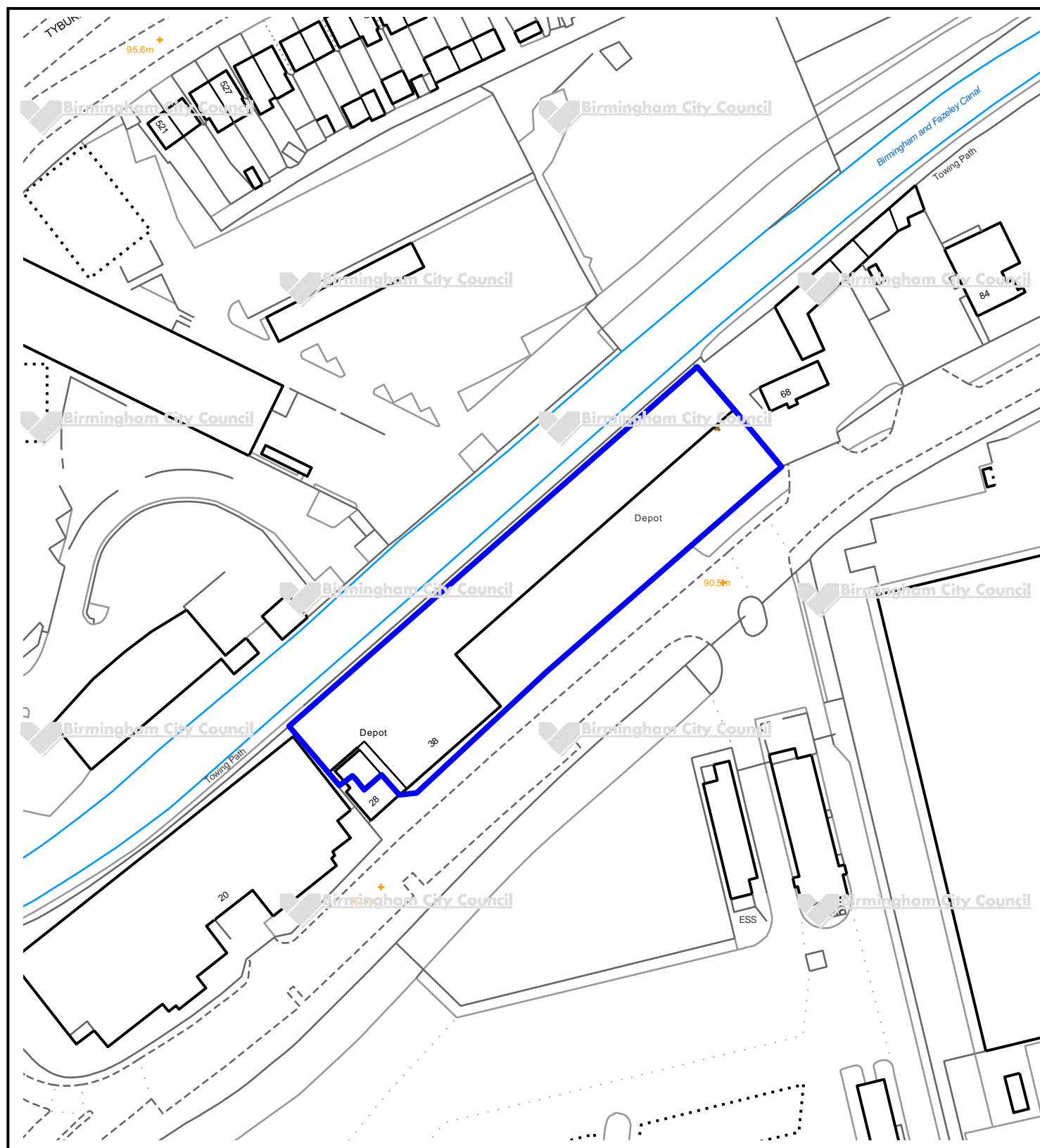
Case Officer: Claudia Clemente

Photo(s)



Application Site

Location Plan



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Committee Date:	27/04/2017	Application Number:	2017/01169/PA
Accepted:	08/02/2017	Application Type:	Full Planning
Target Date:	10/05/2017		
Ward:	Sheldon		

2245-2255 Coventry Road, Sheldon, Birmingham, B26 3NX

Erection of five retail stores (Use Class A1) with first floor gym (Use Class D2), provision of servicing, landscaping, parking and improvements to the public realm

Applicant:	Chase Midland Estates Ltd 2 The Courtyard, Timothy's Bridge Road, Stratford-upon-Avon, Warwickshire, CV37 9NP
Agent:	Brooke Smith Planning Baskerville House, 2 Centenary Square, Birmingham, B1 2ND

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. A full planning application for the erection of five Class A1 retail units (with Unit 1 identified to be food retail) and a first floor gym (Class D2), and represents the second and final stage of a comprehensive redevelopment with Phase 1 (Morrisons supermarket) completed in 2013. Vehicular access for customers and deliveries for the proposal would utilise the signal control junction off Coventry Road which was implemented as part of Phase 1 and designed to accommodate Phase 2. A gated service yard would be provided to the rear of the proposed units.
- 1.2. A gross internal area of 6,205sqm is proposed, consisting of 2,757sqm of ground floor retail space, all with a potential for mezzanine space totally 1,962sqm, and 1,486sqm to the first floor gym. The existing 502 space surface car park, which was designed to serve Phase 1 and part of Phase 2 as well as be available for the wider Sheldon District Centre, would be expanded to provide an additional 66 car parking spaces creating a total of 568 spaces.
- 1.3. The footprint of the proposed building is L-shaped and the section adjacent to Coventry Road containing units 1 and 2 as well as the first floor Gym (unit 6) would have an eaves height of some 13.5m whereas the remaining units would be located within the lower section of the building with an eaves height of approximately 8.1m. The external appearance is modern and would utilise contemporary materials that would match and complement those use at the adjacent Morrisons supermarket, including aluminium framed glazed curtain walls, aluminium cladding panels and brickwork. The design reflects the Morrisons supermarket development and the public frontages to Coventry Road and the car park are organised in a layered approach, with a glazed background layer consisting of a curtain wall system, a 4m high glazed canopy as an intermediate layer and a front layer made up of aluminium clad portals with integral signage features at the unit entrances. Hard and soft

landscaping would reinforce the structured tree planting that has been undertaken along Phase 1's Coventry Road frontage.

- 1.4. This application is a revised scheme to that previously approved in 2013 and whilst the consent was implemented in April 2016, the scheme was halted due to a lack of significant commercial demand. The applicant advises that the revised scheme, which includes an increase in building height, takes into account challenging commercial requirements for this location. The application also highlights that there is now firm interest for a Marks and Spencer Foodhall in Unit 1, including a small incidental café with a small outside seating area facing Coventry Road, and a recreational gym for the Gym Group in Unit 6 to the first floor. The applicant considers that these operators will reinforce the long term viability of the development and act as an anchor to attract leading retail brands to the remaining ground floor units.
- 1.5. The proposed opening (trading) hours for the Marks & Spencer Foodhall are between 07:00-22:00hours Monday to Saturday (and Bank Holidays) and 09:00-18:00hours on Sundays. The proposed opening hours of the remaining retail units would remain as per the extant consent (08:00-20:00hours Monday to Saturday and 09:00-18:00hours on Sundays). The proposed gym would operate 24 hours a day with an anticipated much reduced level during the evening and out of normal trading hours.
- 1.6. Servicing for the Marks & Spencer Foodhall would be between 06:30-21:00hours Monday to Saturday and 08:30-16:00hours on Sundays. The servicing hours for the other retail and gym units would be as per the extant consent (08:00-20:00hours Monday to Saturday and 09:00-16:00hours on Sundays).
- 1.7. A Planning Statement, Design & Access Statement, Ecological Assessment, Flood Risk Assessment, Ground Site Investigation Report, Noise Assessment, Transport Assessment, Tree Survey, Air Quality Assessment and Draft Delivery Service Management Plan (Unit 1 – Marks & Spencer Foodhall) have been submitted in support of the application.
- 1.8. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and there is no requirement for an Environmental Assessment.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site is located to the southern side of the A45 Coventry Road and within the Primary Shopping Area of the designated Sheldon District Centre. To the north is the multi-carriageway Coventry Road close to the gantry junction with Hobbs Moat Road and Sheaf Lane. To the opposite side of Coventry Road are 2 and 3-storey parades with commercial uses at ground floor and many with residential flats to the upper floors. To the east is the recently constructed Morrisons supermarket (Phase 1) and associated signal controlled junction off Coventry Road. To the south are 2 and 3-storey residential properties located on Old Lode Road as well as a 2-storey DIY home improvements building merchants. The southern boundary of the application site is the boundary with Solihull MBC. To the west are 3-storey commercial buildings (Sheldon Chambers and Shakespeare Buildings) with retail to the ground floor and offices to the upper floors.

- 2.2. The application site measures some 0.7ha and is relatively flat. The cleared site was previously occupied by 3-storey office buildings which were demolished in 2011 (2245-2249 Coventry Rd) and in 2015 (Cannon House and Cartland House).
- 2.3. Coventry Road is a red route and there are restricted parking bays to the northern side of Coventry Road. There are parking restrictions elsewhere on the Coventry Road outside the application site, as well as the nearby Hobbs Moat Road and Sheaf Lane in proximity of the gantry junction.

2.4. [Site location](#)

3. [Planning History](#)

3.1. Phase 2:

- 3.2. 03/09/14 - 2014/05792/PA. Application for prior notification for the proposed demolition of 2251 and 2255 Coventry Road. No prior approval required.
- 3.3. 04/05/13 – 2013/00681/PA. Variation of condition 4 attached to planning approval 2012/07433/PA to allow the premises to be open for customers between the hours of 07:00-23:00 Monday to Saturday and 09:00-20:00 on Sunday. Approved.
- 3.4. 24/01/2013 – 2012/07433/PA - 2245-2255 Coventry Road, Sheldon – Demolition of existing buildings and construction of 5 non-food retail stores (A1), provision of servicing, landscaping and parking – approved.

3.5. Phase 1:

- 3.6. 1/2/2011 - 2010/03069/PA – 2259-2279 Coventry Road, Sheldon - Outline consent for the erection of a food retail store with associated fencing, landscaping and parking provision (access only). Approved.
- 3.7. 8/6/2011- 2011/01275/PA- 2259-2279 Coventry Road, Sheldon – variation of condition 39 to vary internal sales space. Approved.
- 3.8. 21/6/2011- 2011/01688/PA- 2259-2279 Coventry Road, Sheldon – variation of condition 4 to allow revised delivery hours
- 3.9. 20/10/2011- 2011/05108/PA – 2259-2279 Coventry Road, Sheldon – reserved matters relating to appearance, scale, layout and landscaping – approved.
- 3.10. 3/10/2011-2011/05970/PA – 2259-2279 Coventry Road, Sheldon – demolition of buildings – No prior approval required.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to conditions relating to an amended car park layout, cycle store details, Delivery Vehicle Management Scheme and S278/TRO agreement.
- 4.2. Regulatory Services – No objection subject to conditions relating to opening and delivery hours, implementation of acoustic barriers, deliveries management plan / code of practice, noise levels and electric vehicle charging points.

- 4.3. Birmingham City Council as Lead Local Flooding Authority – No objection subject to conditions relating to a sustainable drainage scheme and operation & maintenance plan.
- 4.4. Severn Trent Water – No objection subject to condition relating to the disposal of foul and surface water flows.
- 4.5. West Midlands Fire Service – No objection.
- 4.6. West Midlands Police – No objection.
- 4.7. Natural England – No comments.
- 4.8. Neighbouring residential and commercial premises, local residents groups, Councillors, MP and Solihull MBC consulted with site and press notices posted.
- 4.9. 1 representation received from a local resident suggesting that before considering the application a survey of vacant retail units on both sides of Coventry Road, which have been empty for some considerable time, is undertaken and as it is impossible to fill these it would be pointless to erect 5 additional premises.
5. Policy Context
 - 5.1. Birmingham Development Plan 2017, Birmingham UDP 2005 (Saved Policies), Places for All SPG, Shopping and Local Centres SPD, Car Parking Guidelines SPD and the NPPF 2012.
6. Planning Considerations
 - 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.
 - 6.2. Principle:
 - 6.3. Policy TP21 of the BDP 2017 highlights that the vitality and viability of the City's network and hierarchy of centres will be maintained and enhanced. These centres are the preferred locations for retail, office and leisure developments and for community facilities. The policy also seeks enhancement to the quality of the environment and improve access as part of these new developments.
 - 6.4. The application site is located within Sheldon District Centre, as designated in the BDP 2017 and Shopping and Local Centres SPD, where levels of comparison retail and office floor space growth should be appropriate to the size and function of the centre but should not normally exceed 5,000sqm gross in either case. The comparison retail floorspace figures derive from the Birmingham Retail Need Assessment (BRNA) Update (2013) and reflect the position that growth in

comparison retail expenditure is now expected to be lower than previously anticipated, and internet sales are expected to grow more rapidly.

- 6.5. Sheldon District Centre is a large centre located on a major transport corridor between Birmingham City Centre and Birmingham Airport. It consists of a large variety of retail operators of varying sizes as well as other town centres uses such as offices, restaurants, hotels and banks.
- 6.6. The extant planning permission for Phase 2 (2013/00681/PA) has a total floorspace of 5076sq and the current proposal would have a total of 6207sqm representing an increase of 1,131sqm. The proposed gym at first floor level would have a floorspace of 1,486.sqm and therefore the current proposal actually represents a small reduction in the total retail floorspace to 4,721sqm. Furthermore, Unit 1 (Marks & Spencer Foodhall) would be a convenience retail provision, whereby Policy TP22 of the BDP 2017 generally supports such proposals within centres subject to it being at an appropriate scale for the individual centre. Within the context of the extant planning permission as well as the scale and function of Sheldon District Centre, it is considered that the proposal is in accordance with BDP 2017 policies and the Shopping and Local Centres SPD.
- 6.7. Visual amenity:
- 6.8. National and local policy and guidance seeks high quality design that responds to an area's positive characteristics and local distinctiveness. The current proposal is different to the extant permission in that it seeks to provide an additional floor of accommodation above units 1 and 2, fronting Coventry Road. The increase in height to this section of the building would have an eaves height of approximately 13.5m. This would be lower than Phase 1 Morrisons supermarket building which has a frontage height of 15.5m and higher than the adjoining approximately 9.6m high 3-storey offices. The 3-storey offices that previously occupied the application site had an approximately height of 10.9m. It is considered that the height of the proposed building is appropriate to its location and reflects the status of its location in a District Centre and the width of this section of Coventry Road. Furthermore the lower section of the building reflects its positioning away from the Coventry Road frontage and its proximity to residential properties.
- 6.9. The modern design of the building, with active frontages to its Coventry Road and car park elevations, and use of contemporary materials that reflects those used at Phase 1 is also appropriate, and would improve the character and quality of this prominent location. Furthermore, the landscaping strategy to reflect that undertaken to Phase 1's Coventry Road frontage will further enhance its setting and improve the public realm, creating further cohesion between Phases 1 and 2. There are 5no. Birch trees to the application site's Coventry Road frontage, 2no. of which are Category B and 3no. are Category C. As with the extant consent, these are proposed to be removed and replaced with 5no. semi-mature trees consisting of small leaved lime and field maple.
- 6.10. The proposed car park extension would reflect the existing car park and also include the planting of 2no. semi-mature Hornbeam trees and 2no. semi-mature London Plane. Furthermore the landscape buffer to the southern boundary would continue as undertaken under Phase 1 with further tree planting and shrub and hedgerow planting. A Category B Ash tree and a Category C Hawthorn tree in close proximity to the southern boundary, and within the rear garden of 1026 Old Lode Lane, would be unaffected. The Tree Officer and Landscape Officer raise no objection to the application.

- 6.11. Neighbour amenity:
- 6.12. A Noise Assessment has been submitted in support of the application which includes the findings of a noise survey to establish the prevailing noise conditions at the site in order to establish worst case scenarios to enable appropriate mitigation measures to be identified. The assessment has made the assumption that 2 HGV and 2 LGV deliveries would occur every hour within an operational time frame of 07:00-23:00hours with 2 HGV deliveries between 06:30-07:00hours solely for deliveries associated with the Marks and Spencer Foodhall (Unit 1).
- 6.13. The assessment identifies that the predicted noise impact of the proposed service yard has the potential to be of moderate significance at the closest and most exposed noise sensitive residential properties to the service yard. A 5m high acoustic barrier fence is proposed to be erected along the service yard boundary to the properties to the south to minimise the potential for noise impact. This mitigation approach is the same as that undertaken to the service yard to the Phase 1 Morrisons supermarket. The extant planning permission for this site approved a 3m high acoustic barrier fence. The 5m high acoustic barrier fence would predominantly run along the site's western boundary with a car park to the adjoining offices with residential properties beyond. This fence would also run part-along the southern boundary to 1026 Old Lode Lane, which is a residential property. This property has a garden measuring some 20m deep with mature trees along the boundary and it is considered that the visual impact of this mitigation measure would be acceptable.
- 6.14. The noise assessment has also calculated plant noise levels and concludes that with sufficient parapet design, sound levels can be acceptably controlled.
- 6.15. Regarding opening hours the extant consent restricts this to 08:00-20:00hours Monday to Saturdays and 09:00-18:00hours Sundays. The current application seeks to retain these hours for units 2-5 whilst the Marks & Spencer Foodhall (Unit 1) proposes 07:00-22:00hours Monday to Saturday (and Bank Holidays) and 09:00-18:00hours Sundays. The proposed gym (Unit 6) would be 24hour. Units 1 and 6 are located adjacent to Coventry Road and away from the site's boundary with the adjacent residential properties.
- 6.16. Servicing hours for units 2-6 would remain as the extant consent (08:00-20:00hours Monday to Saturday and 09:00-16:00hours Sunday) whilst unit 1 (Marks & Spencer Foodhall) is seeking servicing between 06:30-21:00hours Monday to Saturday and 08:30-16:00 Sundays.
- 6.17. Regulatory Services have assessed the proposal and raise no objection subject to safeguarding conditions. It is considered that due to the busy nature of the Sheldon District Centre and the heavily trafficked Coventry Road, no objection is raised to the increase in hours, over and above the extant consent, to units 1 and 6 which are located adjacent to Coventry Road and away from the site's boundary with the nearby residential properties. Furthermore, the opening hours of the significantly larger Phase 1 Morrisons supermarket are 07:00-2300hours on any day.
- 6.18. In relation to the proposed changes to the delivery hours to Unit 1 only, these are more that the extant consent but less than the Phase 1 Morrisons supermarket, which is currently 07:00-23:00 Monday to Saturday and 09:00-17:00 Sundays. Unit 1 is seeking a 30 minute earlier start and 2 hour earlier finish Monday to Saturdays and a 30 minute earlier start and 1 hour earlier finish on Sundays. Furthermore, the Morrisons supermarket has also been subject to a temporary consent, which expired

on 6th April 2017, which allowed servicing between 06:00-23:00hours Monday to Saturday and 09:00-17:00 Sundays. It is noted that no complaints have been received by Regulatory Services in relation to this temporary consent. In light of these factors, and the smaller nature of the proposed Unit 1 to the large-scale Morrisons supermarket, it is considered that there is no evidence to resist the proposed delivery hours on the grounds of harm to neighbour amenity.

- 6.19. Highway safety and parking:
- 6.20. A Transport Assessment has been submitted in support of the application to identify the transport characteristics of the site and surrounding area and to examine the likely transport implications of the revised Phase 2 proposal. This includes the travel demand for the site and the impact on the local highway network and whether the proposed car parking provision is sufficient. The assessment also considers the findings of parking surveys, which identifies that the Morrisons supermarket is not utilising the full extent of the existing car park with over 60% capacity remaining at the busiest observed time. The assessment concludes that the peak parking for Phase 1 and revised Phase 2 would equate to 405 spaces, and therefore even allowing for seasonal fluctuation, the proposed car park with a total of 568 spaces provides sufficient capacity.
- 6.21. It should be noted that the consent for Phase 1 requires the barrier to the car park to be closed outside the opening hours of the Morrisons supermarket. Any users of the proposed 24hour gym outside these hours and travelling by private car will need to use other parking provision such as the on-street bays on Coventry Road. The likely demand for parking associated with the gym would be low during these hours, whilst the demand for on-street parking on Coventry Road and other suitable locations is also likely to be less than during normal trading hours.
- 6.22. Transportation Development have considered the application and consider that the additional vehicle movement and parking demand are unlikely to result in problematic operation of the signal controlled access junction and that there is likely to be sufficient parking availability within the site to cater for the combined demand from the varying uses. Furthermore, the gym use is likely to experience its peak movement and parking demand at times outside typical retail peaks, with an element of shared purpose trips between uses also expected, which may further reduce impact on parking availability.
- 6.23. Transportation Development has identified an issue regarding the size and form of the proposed service yard in terms of how articulated HGVs would make practical circulatory manoeuvres and suggest that the area near Unit 5's frontage is amended to allow HGVs to reverse into the service yard. This matter is covered by a planning condition.
- 6.24. Other matters:
- 6.25. With regard to ecology, the site has been heavily disturbed during the clearance of the site and these were subject to the appropriate ecological surveys including bat and nesting bird surveys as part of the extant consent and prior to the buildings being demolished and any vegetation clearance. The City Ecologist raises no objection.
- 6.26. The submitted Flood Risk Assessment and Drainage Strategy highlights that the drainage design will use part of the Phase 1 SUDS features in order to store and attenuate storm water runoff. An appropriate allowance was made for Phase 2 as

part of the Phase 1 work. Furthermore, the impermeable area of the development is reduced compared to the previous use of the site and with the incorporation of SUDS features it would not increase the risk of flooding in the wider catchment. The City Council as Lead Local Flooding Authority accepts these principles and raises no objection subject to a condition.

- 6.27. To accord with Policy TP43 of the Birmingham Development Plan 2017 as well as other wider policies/strategies to reduce the City's Carbon footprint and improve air quality, a condition is attached requiring the provision of electric vehicle charging points in the extended car park.

7. Conclusion

- 7.1. The proposed revised second and final phase of the comprehensive redevelopment of the wider site would provide modern retail units of an appropriate scale to the size and function of Sheldon District Centre. The scale of the building would also reflect Phase 1 as well as the status of the site's location adjacent to this wide section of the heavily trafficked Coventry Road. The design of the building would provide a contemporary appearance with good active frontages to its public realms and would improve the character and quality of the locality. The signal controlled access off Coventry Road and associated car park implemented with Phase 1 sought to accommodate Phase 2 and the relatively modest expansion of the car park would ensure that there is sufficient capacity for both phases 1 and 2 as well as provide a parking resource for the wider Sheldon District Centre. Suitable safeguards would also be in place to minimise any impact on neighbour amenity. As such the proposal is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

1	Requires the prior submission of sample materials
2	Requires the prior submission of level details
3	Requires the prior submission of boundary treatment details
4	Requires the prior submission of a lighting scheme
5	Requires the prior submission of a goods delivery strategy
6	Requires the prior submission of the acoustic barrier details
7	Requires the prior submission of the acoustic barrier to the plant area
8	Requires the prior submission of a drainage scheme for the disposal of foul and surface water flows
9	Requires the prior submission of a sustainable drainage scheme and operation and maintenance plan
10	Provision of designated electric vehicle charging points

-
- 11 Requires the prior approval of an amended car park layout near to Unit 5's frontage
 - 12 Requires the prior submission of cycle storage details
 - 13 Requires the prior submission of details of a delivery vehicle management scheme
 - 14 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 15 Limits the hours of use of Unit 1 to 07:00-22:00 Monday to Saturday (and Bank Holidays) and 09:00-18:00 Sundays and of Units 2-5 to 08:00-20:00 Monday to Saturday and 09:00-18:00 Sundays
 - 16 Limits delivery time of goods to or from Unit 1 to 06:30-21:00 Monday to Saturday and 08:30-16:00 Sundays and Units 2-6 to 08:00-20:00 Monday to Saturday and 09:00-16:00 Sundays
 - 17 Prevents outside storage
 - 18 Limits the maximum noise levels from individual items of plant
 - 19 Requires the scheme to be in accordance with the listed approved plans
 - 20 Requires the implementation of the approved landscape details
 - 21 Implement within 3 years (Full)
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Coventry Road frontage looking west towards the Gantry Junction

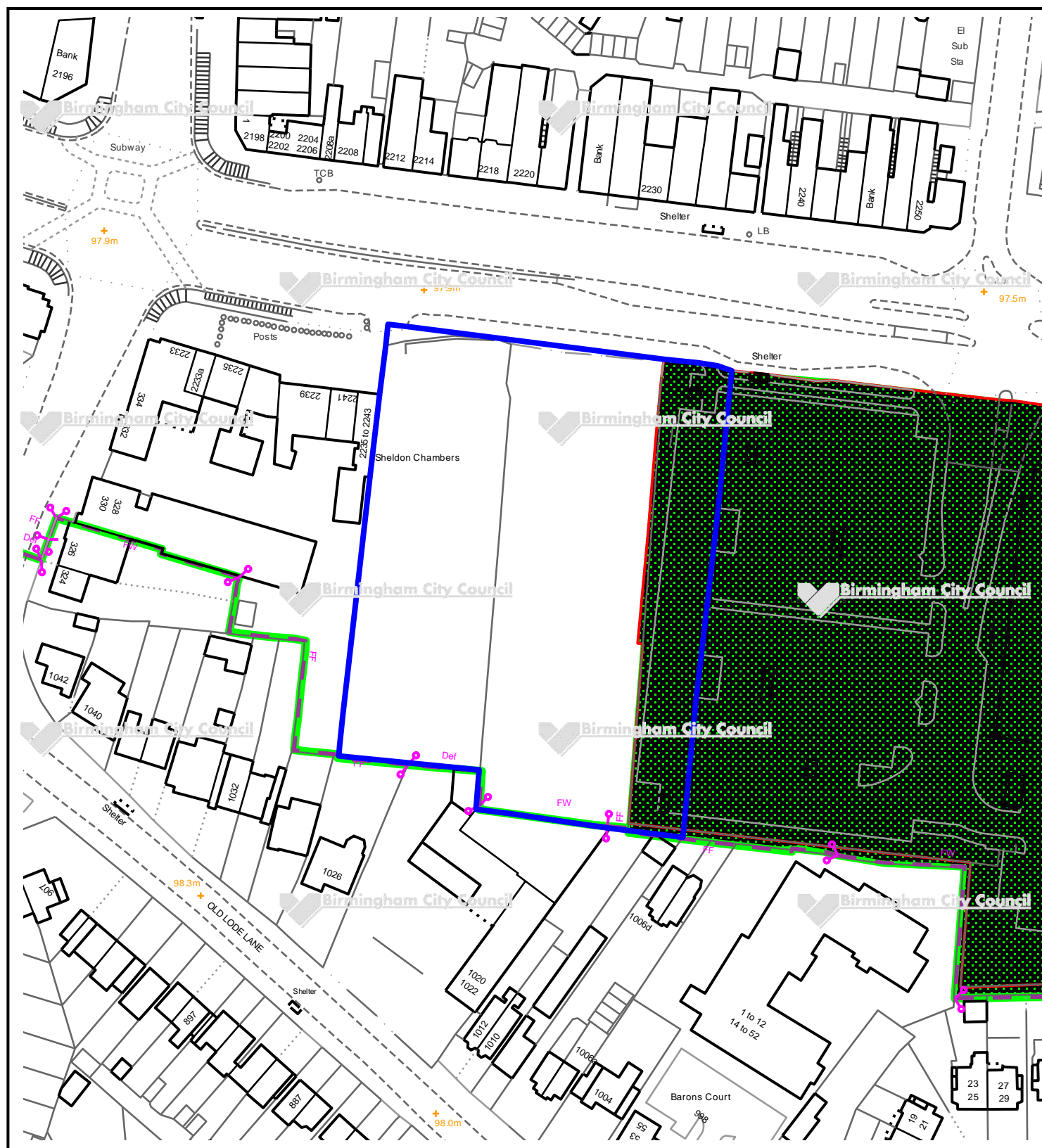


Figure 2 – Looking towards the site's western and southern boundaries



Figure 3 – Looking east towards Phase 1 and the signal controlled junction off Coventry Road

Location Plan



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Committee Date:	27/04/2017	Application Number:	2016/10651/PA
Accepted:	23/12/2016	Application Type:	Reserved Matters Development
Target Date:	28/04/2017		
Ward:	Acocks Green		

Eaton Electric Ltd, Reddings Lane, Tyseley, Birmingham, B11 3EZ

Reserved Matters application for access, appearance, landscaping, layout and scale for a 2 storey Primary School pursuant to outline planning permission 2015/10025/PA

Applicant: Tauheedul Education Trust
Shadsworth Road, Blackburn, BB1 2HT
Agent: Architects Design Partnership (ADP)
33a Vittoria Street, Birmingham, B1 3ND

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Reserved matters application (access, appearance, landscaping, layout and scale) for a new Primary School to accommodate 630 pupils aged between 4 and 11 years. The proposal includes a new free-standing 2-storey school building to the southern section of the site. The main reception, main hall and associated kitchen, as well as reception and Key Stage 1 classrooms would be located to the ground floor with Key Stage 2 classrooms located to the first floor. The internal arrangement has been designed around a central atrium space and the main entrance would face Reddings Lane. The appearance of the building has been designed to be contemporary, using a limited palette of materials comprising of grey brick and white render. The main entrance would be expressed with the use of double glazed curtain walling and coloured rendered wall in the school's colours (green). There would also be green coloured spandrel panels within curtain walling elements to add further visual interest.
- 1.2. To the south and east elevations would be outdoor landscaped recreational space and to the north an enclosed hard surfaced play area consisting of 2x netball, 2x tennis and 1x mini soccer courts. Adjacent to this sports area would be a 33 space car park for staff and visitors as well as deliveries. Wrapping around the site's southern and western perimeters would be a dedicated pupil drop-off and pick-up, which is in accordance with the design guide principles established with the outline element of the hybrid consent (2015/10025/PA), which also included residential development on the adjoining parcel of land. This would be a one-way system, with vehicular entrance off Olton Boulevard West, leading to 44 parallel parking spaces and exiting onto Reddings Lane, north of an existing zebra crossing and adjacent to the existing access to Yardleys School. This access off Reddings Lane would also be an entrance and exit for the staff and visitor car park. The drop-off/pick-up area would be enclosed and manually opened and closed during the associated times.

- 1.3. This reserved matters application is pursuant to the outline element of the hybrid application 2015/10025/PA which also included a full planning permission element for 204 dwellinghouses with a separate access off Olton Boulevard West. The land for the new school (within the boundary of the Eaton Electrical site and excluding the land within the control of Birmingham City Council) is to be gifted to the Education Funding Agency by Persimmon Homes. It is understood that the new school would be the permanent site for the new Olive Primary School, which forms part of a family of schools run by the Tauheeldul Education Trust. The Olive School opened in temporary accommodation in the ground floor of Sparkhill Library building in September 2016, admitting 90 children into Reception and 90 children into Year 1, with a view of adding another 90 children into Reception each September. It is anticipated that the school will reach its full capacity in September 2021 with 630 pupils.
- 1.4. An Arboricultural Impact Assessment and draft Travel Plan have been submitted in support of the application.
- 1.5. The proposals have been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 and there is no requirement for an Environmental Assessment.
- 1.6. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The 0.94ha application site forms part of the wider 5.46ha site occupied by Eaton Electrical and is subject to the hybrid planning permission 2015/10025/PA. It is currently covered by a variety of buildings including 3-storey buildings fronting Reddings Lane and Olton Boulevard West. There are protected trees (TPO 766) to the front of the northern most building fronting Reddings Lane, including Beech and Rowan trees.
 - 2.2. The surrounding wider area is mixed in use, with Yardleys School, allotments and a cleared parcel of land (which previously housed an industrial unit that was demolished due to fire damage) to the north, with some residential to the northeast (Hay Brook Drive). To the east is a watercourse enclosed by security fencing with houses on Tynedale Road backing onto it. To the south are further residential properties (Olton Boulevard West and Tetley Grove). To the south west is the Al-Furqan Primary School and beyond that is the site of the former Yuasa Battery site. To the immediate north of the Al-Furqan Primary School is the location of the proposed Battery Way link road where it meets with Reddings Lane. To the west is predominantly residential terrace housing with the occasional commercial/corner shop premises.
 - 2.3. There are a range of traffic regulation orders in the vicinity of the applications site, many of which will be altered when the Battery Way Link Road is implemented. There is also some on-street parking provision. It is also evident that there is illegal/dangerous parking in the vicinity of the application site, particularly around the spot islands on Reddings Lane with Olton Boulevard West and Foreman's Road, and that these are worst during the peak pick-up and drop-off times at Al-Furqan Primary School.
 - 2.4. [Site Location](#)
3. Planning History

- 3.1. 09/12/2016 – 2015/10025/PA. Hybrid planning application (part full and part outline) comprising: 1. Full planning application for the demolition of existing buildings and erection of 204 dwellings and formation of access off Olton Boulevard West and internal circulation roads. 2. Outline planning application for a three form of entry primary school on the western part of the site (all matters reserved). Approved.
- 3.2. 13/12/2010 - 2010/01029/PA. Outline consent for the partial demolition of factory buildings and re-development to provide 80 houses with separate access and associated works (access and layout only) – approved with conditions.
- 3.3. Former Yuasa Battery Site and this site:
- 3.4. 05/09/2012 - 2011/08182/PA. Outline consent (all matters reserved except access) for a mixed use development, including demolition of all buildings and erection of class A1 food store (up to 6350 sq m), small, medium and large class A1 non - bulky retail units (up to 6500 sq m), class A3 restaurant (up to 500 sq m), PFS, class B1/B2/B8 industrial, distribution – approved with conditions and Section 106 Agreement.
- 3.5. Former Yuasa Battery Site:
- 3.6. 09/08/2007 - 2007/02828/PA. Outline planning application for industrial development with use classes B1(c) Light Industry, B2 general Industrial and B8 Storage and Distribution – Approved with conditions and unilateral agreement
- 3.7. 20/12/2007 - 2007/05636/PA. Reserved matters submission for the layout, scale and appearance for Phase 1 – Erection of 2 units for uses B1c, B2 and B8, a gatehouse and internal access road in accordance with outline consent – Approved with conditions.
- 3.8. 22/01/2008 - 2007/07006/PA. Reserved matters submission for the approval of landscaping details for Phase 1 – Approve subject to conditions.
- 3.9. 12/08/2010 - 2010/03120/PA. Application to replace extant outline consent 2007/02828/PA – approved with conditions and unilateral agreement.
- 3.10. 08/10/2013 - 2013/04953/PA. Application for a new planning permission to replace extant planning permission 2010/03120/PA [Outline planning application for industrial development with use classes B1(c) - Light Industry, B2 - General Industrial and B8 Storage & Distribution] in order to extend the time limit for implementation – approved with conditions and unilateral agreement.
- 3.11. 25/06/15 - 2015/02506/PA. Creation of link road between Battery Way and Reddings Lane and Olton Boulevard West, with formation of signalised junction and landscaping. Demolition of 152 Reddings Lane. Approved with conditions.
4. Consultation/PP Responses
- 4.1. Transportation Development – Comments to be reported at the meeting.
- 4.2. Regulatory Services – No objection.
- 4.3. West Midlands Fire Service – No objection.

- 4.4. West Midlands Police – No objection.
- 4.5. Neighbouring properties, local residents groups, Councillors and MP consulted with site and press notices posted.
- 4.6. A representation has been received on behalf of Yardleys School reiterating their concerns with the hybrid application and a further representation on behalf of the Yardleys School Governing Body supporting the objections made by the school. The following objections/areas of concern have been raised:
- Safety of own students and the children who would be attending the new school.
 - Locating the new school's driveway immediately adjacent to theirs may put lives at risk.
 - Third of students turn left at the top of the driveway to go home and will need to walk past the proposed driveway to a recent zebra crossing funded by the school.
 - Due to parked vehicles, believe all larger vehicles will be unable to turn left and instead turn right across their entrance drive.
 - Serious on-going issue with illegal and dangerous parking. There have been several serious incidents.
 - Police regularly attend and issue warning notices and on-the-spot fines but the problem continues.
 - Believe that street parking capacity is flawed as it covers a wider area than parents are willing to walk.
 - Experience has shown that parents/carers do not always follow the 'rules'.
 - A nodal admissions policy will draw pupils from across the City resulting in a higher rate of car journeys.
 - The allowance for siblings at the school, and whilst this might reduce vehicles at the start and end of the day, it will increase vehicle dwell time due to different start and finish times.
 - It is impractical and impossible to achieve servicing and deliveries outside of school start and finish times.
 - The Transport Statement focuses almost entirely on vehicle movement and no mention of pedestrian safety.
- 4.7. 6 representations have been received from local residents objecting on the following grounds:
- The existing parking problem would be made worse.
 - School children are a nuisance.
 - Increase in noise, congestion and criminality.
 - Increase in litter will attract rats.
 - Harm to visual amenity.
 - Highway safety and impact on all residents in the area.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham UDP 2005 (Saved Policies), Places for All SPG, Car Parking Guidelines SPD, TPO 766 and the NPPF 2012.

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.
- 6.2. The principle of the provision of a new 3 form entry Primary School on the application site was established under 2015/10025/PA. This was a hybrid application and the new school represented the outline element with all matters reserved. This current reserved matters application is seeking approval of all the reserved matters, namely access, appearance, landscaping, layout and scale.
- 6.3. Highway safety:
- 6.4. Whilst means of access was reserved for subsequent approval within the hybrid application, a significant level of work was undertaken at that stage due to the sensitive nature of its location in close proximity to two existing schools as well as existing traffic/parking issues and the impact of the planned Battery Way link road. This included a detailed evaluation of the current patterns of drop-off/pick-up activity associated with the nearby Yardleys and Al-Furqan schools, greater details of the planned new school, trip generation estimates based on the mode split from the Al-Furqan School estimates of drop-off/pick-up demand, layout options including drop-off/pick-up spaces within the site and a Management Strategy. This work also incorporated a number of mitigation measures including:
- The proposed school start and finish times are staggered such that they do not coincide with other local schools – recommending that school core start and finish time is 08:30 and 14:45 respectively.
 - On-site drop-off/pick-up parking facility with a capacity of 44 spaces – recommending the school operate a flexible drop-off / pick-up where pupils will be able to be dropped off and collected at any time between 07:30-08:30 and 14:45 and 15:00 respectively.
 - The school provides a Breakfast club starting at 07:30 and after school club finishing at 18:00.
 - The school develop, monitor and update a robust School Travel Plan in conjunction with the Council, including identification of a Travel Plan Coordinator that will be the face of the travel plan and responsible for its success.
 - Consideration is given to additional parking restrictions (e.g. TRO s or other appropriate physical deterrents) to prevent occurrences of inappropriate or illegal parking. This would include a bond/commuted sum being provided and held by the Council and used, if necessary to assist with these measures.
 - The school provide staff and/or parent forum volunteers outside the school to discourage inappropriate and/or illegal parking – recognising that whilst they have no legal powers, their presence can contribute to more considerate parking.
 - The school, in discussion with the Council, develop and implement a management strategy for the drop-off/pick-up facility.

- The on-site drop-off/pick-up facility is designed with secure gates leading to a holding area and the formal outdoor play space for hand to hand drop-off of younger pupils to reduce dwell times as parents will not need to enter the school classrooms.
- The school operate a minimum of two minibuses for school drop-off and pick-up, which is envisaged would be a paid for service by parents.
- The implementation of a management strategy for the staff and visitor parking to ensure the needs of short and long term users, visitors and staff are met.

6.5. In assessing the outline element of the hybrid application, Transportation Development acknowledged that it included reference to robust data (e.g. private car mode share), although caution was expressed in assuming that the maximum impact of each of the aspects referred to (compliance, arrival/departure profile, dwell time, parking space turnover, adjustment for siblings/wrap around care/after school clubs etc.) would all realise the level of predicted mitigation/compliance suggested. Transportation Development added that, due to the observed obstructive / inconsiderate school related parking that currently occurs, assumptions in relation to drop-off and pick-up parking within the 5 minute walking isochrones could be overly optimistic. However the submission did make reference to a number of applicant-controlled mechanisms as well as additional controls/mitigation. Whilst the new school would generate additional traffic within an already busy location, it was considered that the data provided and associated mitigation measures proposed would result in an acceptable impact on highway safety. Transportation Development raised no objection and recommended that a travel plan is submitted prior to commencement and reviewed annually, and to include confirmation of funding reasonable mitigation to influence/achieve delivery of the identified targets relating to mode share, dwell time and parking space turnover. Whilst the pre-commencement travel plan condition is attached to the hybrid and not for consideration at part of this reserved matters application, work on it has been running parallel to this application involving close communication with Transportation Development and using more accurate data from the school's current temporary accommodation at Sparkhill Library. Transportation Development's comments on the application will be reported at the meeting.

6.6. Visual amenity:

6.7. The existing buildings would be demolished and a 2-storey building with a contemporary appearance would be positioned at the prominent junction between Reddings Lane and Olton Boulevard West. At 8.5m high it would be lower than the existing industrial office buildings but more in keeping with the surrounding 2-storey buildings and acceptable with the 3-storey residential-height building fronting Olton Boulevard West, approved under the full planning permission element of 2015/10025/PA.

6.8. The new school site would also benefit from new landscape planting within the soft recreational/play areas as well as its Reddings Lane and Olton Boulevard West boundaries. This will offer a more open and landscaped appearance to the site compared to the existing industrial buildings and considered to improve the character and quality of the locality. Whilst a detailed landscaping scheme has not been submitted, the Design and Access Statement refers to the landscape design. In addition to planting being used to soften the impact of hard landscaped areas and additional trees included to screen the drop-off area from the road, reference is made to hedges being planted along some of the fence lines to provide a green but secure boundary. It is considered that provision of hedge planting with the proposed

1.8m high vertical bar railings along the sites' southern and western outer boundaries with tree planting, where there is sufficient room, would provide a suitable green but secure boundary.

- 6.9. The scheme involves the retention of protected trees (TPO 766) along the site's Reddings Lane frontage. The proposal would result in the loss of a number of Category B trees, both street trees and within the landscaped frontage to the existing Eaton Electrical offices, in addition to those to be lost as part of the planned Battery Way link road. Mature trees affected would consist of 4no. Maple and 2no. Lime. 4no. semi-mature Silver Birch trees would also be lost and are also classed as Category B trees. The loss of such prominent street trees is regrettable and in isolation would have a harmful impact on the visual amenity of the locality. However, the proposal would see replacement planting within the grounds of the new school grounds, which would be visible from the public realm. The final landscape details are covered by a planning condition. Furthermore, any justified loss of trees from the public highway would need to be replaced and this is generally undertaken at a rate of 2 replacement trees for every tree lost. Your Tree Officer raises no objection to the application. Taking all factors into consideration it is considered that the loss of trees to accommodate the proposal in this case is acceptable.
- 6.10. Whilst not directly linked to this application but relevant to planned works in the wider area the planned Battery Way link road, which will remove 3no. Lime trees from Olton Boulevard West, will also be planting in the region of 46 new street trees along the length of the new road.
- 6.11. Neighbour amenity:
- 6.12. At its closest point to neighbouring residential properties, there would be a distance of 22m between the rear (east) elevation containing Key Stage 2 classrooms at first floor level and the rear boundary with the new houses approved under hybrid planning permission 2015/10025/PA. This increases to a distance of 32m between the school's rear elevation and the rear elevation of the approved houses. This distance is considered acceptable to safeguard neighbour amenity in terms of outlook and privacy. Furthermore, new tree planting is proposed along sections of the rear boundary, which would provide additional visual screening.

7. Conclusion

- 7.1. The proposal represents a site specific design for a much-needed new primary school that addresses unique complexities associated with its location to existing schools and the planned Battery Way link road. The reserved matters application has demonstrated that the detailed design would have an acceptable impact on highway safety, visual amenity and neighbour amenity it is on accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

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

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

Case Officer: Peter Barton

Photo(s)



Figure 1 – Application site's frontage to Reddings Lane viewed from its junction with Olton Boulevard West

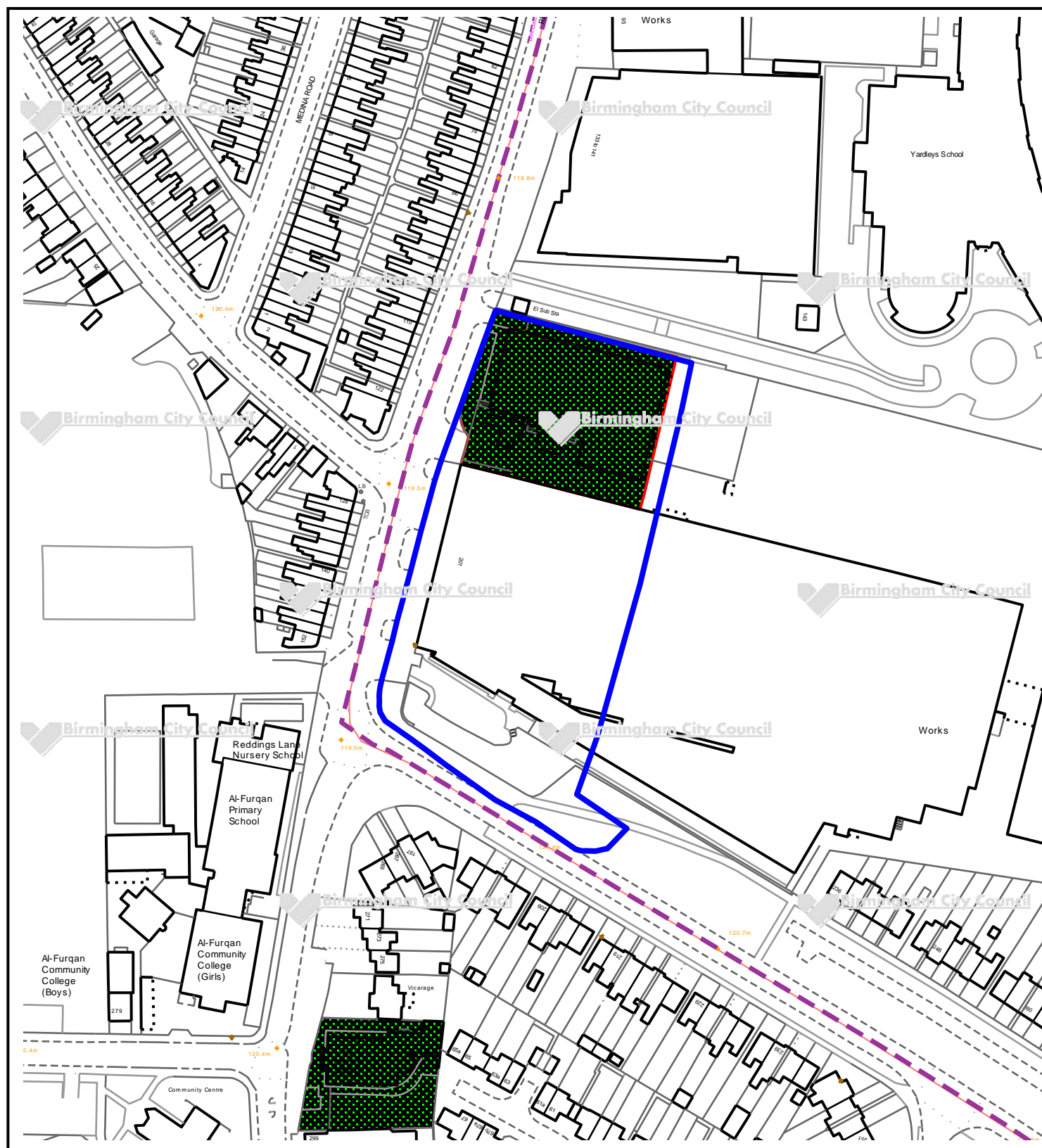


Figure 2 – Application site's boundary to Olton Boulevard West viewed from its junction with Reddings Lane



Figure 3 – North West corner of the application site, adjacent with the existing access to Yardleys School off Reddings Lane

Location Plan



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Committee Date:	27/04/2017	Application Number:	2017/01863/PA
Accepted:	28/02/2017	Application Type:	Telecommunications
Target Date:	28/04/2017		Determination
Ward:	Stockland Green		

Hunton Hill Allotments, off Slade Road, Stockland Green, Birmingham, B23 7QX

Prior notification for the installation of a 15.2 metre monopole with 3 antennas, 3 equipment cabinets and 1no. meter pillar within a 2 metre high palisade fence compound

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

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This is a prior notification application for the installation of a replacement 15.2 metre high telecommunications monopole with 3no. antennae, 3no. associated telecommunications equipment cabinets and a meter pillar within an enclosed compound with a 2 metre high perimeter palisade fencing on Hunton Hill Allotments.
- 1.2. The mast with cylinder shroud would be galvanised steel and painted Fir green (RAL6009). The cylinder shroud on top would accommodate three antennas for Vodafone and Telefonica.
- 1.3. The 3no. equipment cabinets and meter pillar would be galvanised steel and painted Fir green. The three equipment cabinets would vary in size with the two larger cabinets on site would have a width of 0.75 metres and a depth of 0.77 metres and would measure 1.92 metres in height. The smaller cabinet would have a width of 0.6 metres by 0.6 metres in depth by 1.47 metres in height. The meter pillar would be 0.17 metres in width by 0.38 metres in depth by 0.87 metres in height. Each of the equipment cabinets would be less than 2.5 cubic metres. The cabinets would be located on concrete base of the telecommunications mast enclosed within 6 metres by 6 metres compound with 2 metre high palisade fencing, which would also be painted Fir green with graffiti resistant paint.
- 1.4. The proposed development would upgrade local telecommunications to meet coverage and capacity requirements and provide multiple technology platforms for 2G, 3G and 4G by Vodafone and Telefonica.
- 1.5. The applicant has submitted a declaration that the proposal would meet the ICNIRP requirements.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to an allotment plot (36 sq. metres) within the City Council's Hunton Hill Allotments. The application site is situated to the east of the internal service road to the wider allotment site accessed from Slade Road frontage. The primary access to the allotments is from Slade Road frontage with secondary access from Hunton Hill frontage. The wider allotment site is an irregular plot of land within the Stockland Green Constituency. Much of the wider allotment site is in a 'backland' situation behind dwellings fronting Hunton Hill to the north, The Drive to the east, Slade Road to the west and Prince William Close to the south of the site. There is a sub-station to the south east of the site adjacent to the main access into Hunton Hill allotments from Slade Road Road frontage. The wider allotment site falls by approximately 2 metres from Hunton Hill towards Prince William Close.
- 2.2. The surrounding area is predominantly residential in character. Slade Road Neighbourhood Centre is situated approximately 60 metres to the west of the site. Slade Road Primary School (Slade Road), St. Mary and St. Johns Primary school (Gravelly Hill North) and Stockland Green School (Hampton Road) are located approximately 280 metres, 350 metres and 775 metres respectively away from the application site.

[Location Map](#)

3. Planning History

- 3.1. No relevant planning history.

4. Consultation/PP Responses

- 4.1. Site and Press notices displayed. Adjoining neighbours, Resident Associations, Ward Councillors and MP consulted. Two responses received from adjoining neighbours, who object on grounds that they don't like the proposal; it is not good for the environment and health as it transmits radiation.
- 4.2. Council's Allotments Service and Birmingham and District Allotments Confederation support the use and agreed area to be used within Hunton Hill Allotments.
- 4.3. Regulatory Services – No objections

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Telecommunications Development: Mobile Phone Infrastructure SPD (2008); Places for All (2001); National Planning Policy Framework 2012; The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.

6. Planning Considerations

- 6.1. **Policy Context** - The prior approval procedure was amended in November 2016 and applies to the construction, installation, alteration or replacement of a ground based mast of up to and including 25 metres in height (or 20 metres on a highway) on unprotected land (Paragraph A.1 (1) (c) of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016. The

prior approval procedure allows the local planning authority to only consider the siting and appearance of the proposal.

- 6.2. The allotment plot or wider allotment site does not fall within protective land as defined by article 2(3), which includes conservation areas, AONB, national Parks, The Broads & World Heritage Sites.
- 6.3. Paragraphs 42-46 of the National Planning Policy Framework (NPPF) relate to the installation of telecommunications equipment. Paragraph 43 advises that local planning authorities should support the expansion of electronic communications networks but should aim to keep the numbers of telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. It explains that existing masts, buildings and other structures should be used, unless the need for a new site has been justified and that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
- 6.4. Policy TP46 (Connectivity) of the Birmingham Development Plan (2017) covers digital communications and makes no specific policy reference to telecommunications development. The saved Telecommunications Policy (Paras. 8.55-8.55C) in the Birmingham UDP (2005) and the Telecommunications Development SPD both state that a modern and comprehensive telecommunications system is an essential element in the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, the Council's SPD advises that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they are the only option they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual contrast.
- 6.5. **Siting and appearance** - The proposed installation is required in order to provide enhanced 2G, 3G and 4G coverage for Telefonica and Vodafone. The applicant has provided existing and proposed coverage plots which demonstrate the need for the proposed installation within this catchment area. There have been extensive pre-application discussions where the applicant carried out a study of alternative sites within the area and discounted them as they did not meet the operators' requirements. The alternative sites suggested by my officers were also explored by the applicant and discounted with further alternative options also re-considered in more depth. The sites were discounted on a number of grounds such as underground services, being outside the required search area, existing ground levels and visual prominence given the increased height requirement etc. The proposal suggests that the current site provides the most suitable location to provide improvements to the existing and proposed network coverage and meet capacity requirements. The appellant has also confirmed and provided panoramic photographs that the height and position of the antennas need to be above the built and natural clutter so as to be able to project adequate coverage out over the target area.
- 6.6. In terms of siting, the proposed monopole and cabinets would be significantly set back by approximately 65 metres from the street scene along Slade Road. There are 2 metre high access gates and boundary fencing with trees that obscure the majority of the proposed monopole from the Slade Road frontage. I acknowledge

that the proposed slim-line monopole would be more obvious when viewed from rear of dwellings on Slade Road. The proposal would also be visible from the rear or side of the properties along Hunton Hill, The Drive and Prince William Close. However the separation distance ranging from approximately 60 metres to 100 metres, difference in ground levels and existing trees/ shrubs mitigates the height of the monopole, thereby reducing detrimental impact on neighbours' amenity at the closest properties. There is also an existing sub-station to the southwest of the site and a number of outbuildings/ garages within the wider allotment site and to the rear of adjoining dwellings that affect the open setting of the allotment site. The proposed monopole, cabinets and fencing that would be painted fir green which would blend in with the surrounding tree cover and would be in keeping with the prevailing green character of the allotments. The supporting statements have also confirmed that graffiti resistant paint would be applied to the proposed boundary fencing to the compound. Consequently, I consider that the fundamental principles have been applied by the applicant to minimise the contrast between the proposal and its surroundings through appropriate siting and design and would not adversely impact on the visual amenity of the area.

The proposal on balance is considered acceptable and strikes a good balance between technical constraints and environmental considerations.

- 6.7. **Impact on public health** - Representations have been made by a local resident who has expressed concerns over the negative impact the proposal could have upon the health of local residents and general environment. The Mobile Phone Infrastructure SPD states that the public frequently express concern about the use and development of telecommunications and the perceived effect on people's health. Paragraph 46 of the NPPF states that the Local Planning Authority must determine applications on planning grounds. The applicant has demonstrated, by way of an appropriate certificate, that the proposed installation would meet the standards of the ICNIRP for public exposure as recommended by Paragraph 46 of the NPPF and a fully compliant certificate has been submitted. Consequently, I consider the application is acceptable on the grounds of public health.

7. Conclusion

- 7.1. I consider that siting and design of the proposal is acceptable in this location and without serious detriment to residential amenity of neighbouring occupiers or the character or appearance of the locality. The proposed development would comply with NPPF (2012), TP46 of the BDP, Policy 8.55 of the Birmingham Unitary Development Plan 2005 and Telecommunications Development: Mobile Phone Infrastructure SPD 2008, which has been adopted as a Supplementary Planning Document.

8. Recommendation

- 8.1. No prior approval required

Case Officer: Mohammed Akram

Photo(s)



Figure 1: Application Site



Figure 2: View towards Prince William Close

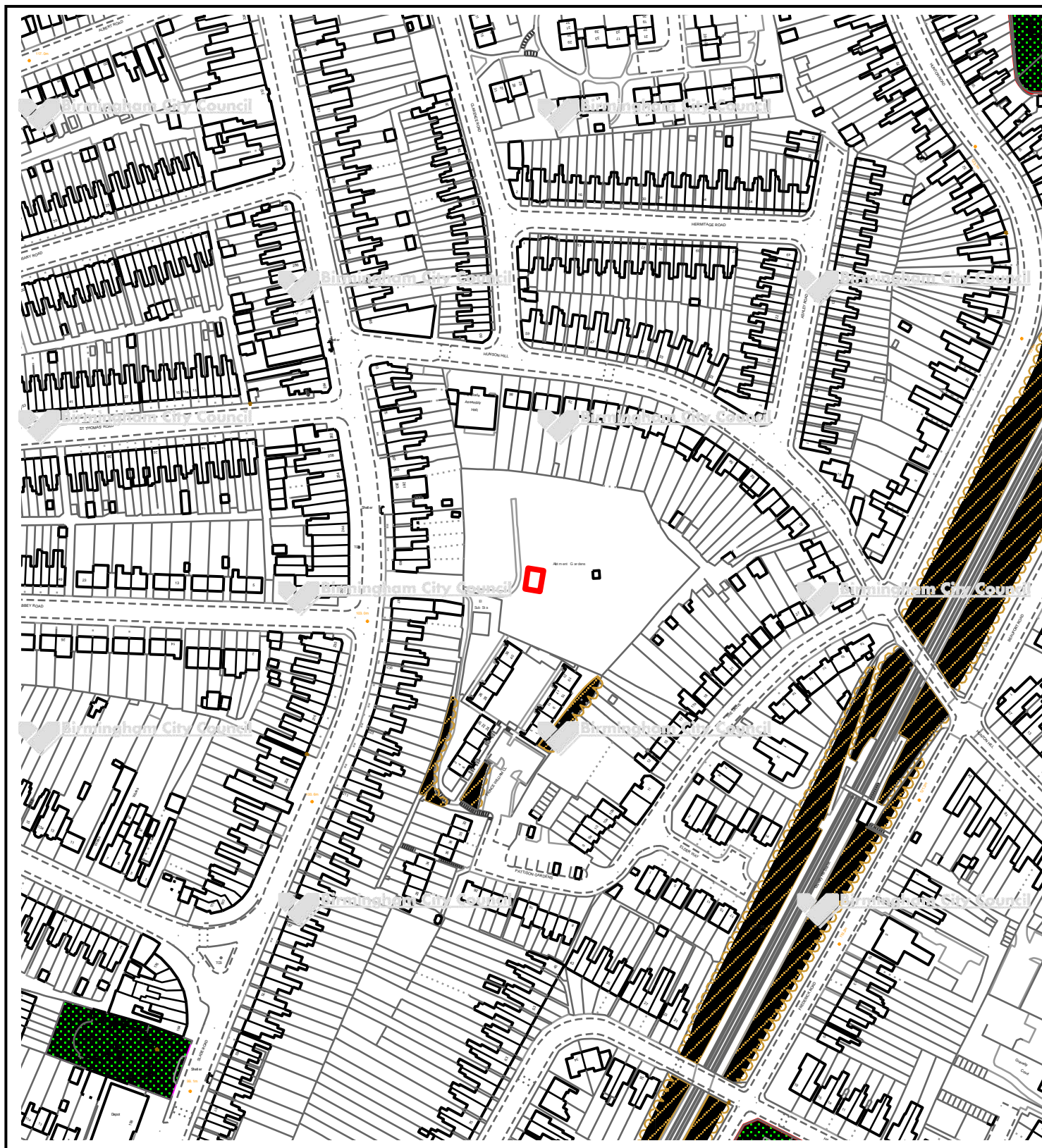


Figure 3: View towards rear of Slade Road



Figure 4: View from Slade Road / Access road

Location Plan



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Birmingham City Council

Planning Committee

27 April 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	13	2017/00242/PA Plot 6 Former BBC Sports and Social Club site at Pebble Mill off Pershore Road Selly Oak Birmingham B5 7RL Reserved Matters submission of matters covering appearance and landscaping for the erection of student accommodation (Sui Generis) in association with outline planning permission 2016/04450/PA
Approve - Conditions	14	2017/01702/PA 43A Upland Road Selly Oak Birmingham B29 7JS Change of use from residential dwelling (Use Class C3) to accommodation in connection with the existing nursing home (Use Class C2) at No. 43 Upland Road and erection of new single storey link
Approve - Conditions	15	2017/01969/PA Queens Park Court Oak Road Harborne Birmingham B17 9AB Proposed creation of flood storage embankment with associated flood storage area to the southern part of Queens Park

Approve – Conditions	16	2016/07873/PA 24 Mead Rise Edgbaston Birmingham B15 3SD Demolition of existing and erection of replacement detached dwelling
Approve - Conditions	17	2017/01516/PA 77 Teignmouth Road Selly Oak Birmingham B29 7BA Installation of front dormer window

Committee Date:	27/04/2017	Application Number:	2017/00242/PA
Accepted:	12/01/2017	Application Type:	Reserved Matters Development
Target Date:	30/04/2017		
Ward:	Selly Oak		

Plot 6, Former BBC Sports and Social Club site at Pebble Mill, off Pershore Road, Selly Oak, Birmingham, B5 7RL

Reserved Matters submission of matters covering appearance and landscaping for the erection of student accommodation (Sui Generis) in association with outline planning permission 2016/04450/PA

Applicant:	Vita Birmingham 1 Ltd c/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This is a reserved matters submission which seeks approval for details relating only to appearance and landscaping for the erection of up to 11,153sq.m GIA (gross internal floor space) for student accommodation (Sui Generis) in conjunction with outline approval 2016/04450/PA 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. Scale, Layout and Access were agreed at outline stage. Concurrently, some outline condition details have been submitted for approval, these are addressed later in this report.
- 1.2. The proposed student accommodation would have a GIA of 10,742sq.m and would lie to the west of the new flood bypass channel (approved under 2016/04450/PA) and comprise three wings that together would form a 'C' shaped building. The element closest to the Bourn Brook (north) would be five storeys high. The element facing the flood bypass channel (east) would be six storeys high and the remaining wing to the rear of the 3 storey properties facing Pershore Road (south) would be four storeys high. This scale and GIA is in accordance with the outline planning permission.
- 1.3. The proposed development would have a building height of 12.5m (4 storey), 15.6m (5 storey) and 18m (6 storeys). The trees surrounding the Plot 6 site have a prevailing height of 13m. The six storey element would front the new access from Pershore Road and has been scaled and designed to provide a focal entrance as the site is primarily hidden from public view.
- 1.4. The proposed development would comprise:
 - 315 single bed studios;

- 34 double bed studios;
- 4 twin bed studios; and
- 4 larger studios (suitable for students with mobility difficulties).

All rooms would include an ensuite. The single-bed studios would each have a 'kitchenette', while the bigger studios would have a kitchen as part of the open-plan unit.

- 1.5. The development would also include a range of communal facilities on the ground floor in a 'hub' area that would be available to all student occupiers of the development. These would comprise:
 - Private dining facilities which can be hired as required;
 - Study rooms for individual or joint use;
 - Lounge seating areas;
 - Gaming lounge;
 - Movie room;
 - Gymnasium;
 - Self-service breakfast bar; and
 - 24 hour operated reception desk.
- 1.6. 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.
- 1.7. The studios would measure 19.8sq.m for a single studio, 25.8sq.m for a double studio, 30sq.m for a twin studio and 41sq.m for a large studio..
- 1.8. The six storey block that would contain 'the hub' communal facilities at ground floor with five floors of accommodation above would have a large element of glazed curtain walling at ground floor and would be clad in a natural stone with elements using the material as a textured fluted stone and the majority utilising the stone in its smooth form. Where the two wings join the stone six storey block, an aluminium clad panel would be used to transition differing materials together. This aluminium panelling would be utilised for all 4/5 storeys on both of the wings and would be dark grey in colour. The wings themselves would be clad in a multi tonal red brick. The wings would have detailing features within the brick facades consisting of recessed brickwork, sawtooth and horizontal brick banding. The windows would have a deep reveal created from the aluminium curtain walling system and would also be dark grey in colour providing a contrast in colour and texture to the stone and brick. The ground floor rooms that would front the central courtyard would have opening doors directly into this space.
- 1.9. As previously approved under the outline planning permission, a new vehicular and pedestrian access on Pershore Road would link the student development to the public realm. 2 car parking spaces would be provided on site, as per the outline planning permission, for use by students with mobility difficulties only. Parking for 90 bicycles would also be provided. A cycle rental scheme would also be provided on site by the applicant, as an inclusive element of the student's tenancy cost.

- 1.10. A detailed landscape plan for the site has been submitted and would provide a green buffer zone for each of the three development blocks with a shared amenity space within the proposed courtyard created by the 'C' shaped development. A secluded woodland garden is also proposed at the southern boundary of the site where the boundary abuts the conservation area boundary.
- 1.11. The outline planning application detailed that the Plot 6 development (student accommodation and A3/A4/A5) would require the removal of T53 to T60 which are mostly C category (1 B category tree, T23 of the TPO) and B category T66 to accommodate the access.
- 1.12. 68 new trees are proposed along with 2850 shrubs and herbaceous plants within new landscaped areas around the site. A further 1335 aquatic plants would be planted along the Bourn Brook and flood alleviation channel boundaries to include Wild Celery, Marsh Marigold, Iris, Water Mint and Cuckoo Flower.
- 1.13. The landscaped areas proposed would be split into 6 zones comprising:
- Entrance Plaza – this area would relate to the access from Pershore Road and would include an avenue of Swamp Oak trees with feature tree groups including Field Maple and Hazel along with native hedge planting and grass.
 - Terrace Garden – would front the new flood alleviation channel approved under 2016/04450/PA and would include a feature row of Scots Pine Trees aligned parallel to the building and specimen trees including Snowbell and Japanese Maple. Shrubs would include Dogwood, Shadbush and Periwinkle.
 - Central Court – this area forms part of the central courtyard and is the nearest area to the communal facilities. Tree groups would include Hornbeam, Crab Apple and Maidenhair Trees with shrubs including dead nettles and sweet box.
 - The Glade – this area forms the middle part of the central courtyard and would include lawn, bulb planting, beech hedges and tree groups including White Cherry and Japanese Maple.
 - The Meadow – this area sits at the southern end of the central courtyard and would include a specimen Atlas Cedar tree along with Tibetan Cherry trees, beech hedges with lawn and shrub planting of Dogwood and Shadbush; and
 - Woodland Walk – this area forms the southern and eastern boundaries and would include native trees of Field Maple, Common Alder, Silver Birch and English Oak. The area would also include woodland perennials of Primrose, Anemone and Woodruff; native hedge planting and a wild flora mix to include Knapweed and Meadow Buttercup.
- 1.14. The application is accompanied by a Design and Access Statement, Transport Statement, Plant and Machinery details, Tree Survey and Arboricultural implications Assessment and a Sustainable Drainage Assessment and Operation and Maintenance Plan.
- 1.15. Site area: 0.88Ha.
- 1.16. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site form 0.88 hectares of the wider 1.53 hectare former BBC Sports and Social Club site (Plot 6) and 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.

- 2.2. 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.
- 2.3. 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 (Flood Zones 2 and 3). In the intervening period of time this use has never occurred and it is now overgrown.
- 2.4. 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.
- 2.5. The sites south western corner adjoins rear gardens along Oakfield Road in the Selly Park Conservation Area. The Selly Park Avenues Conservation Area lies just to the south east.

[Site Location Map](#)

3. Planning History

- 3.1. 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. 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.
- 3.4. 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.
- 3.5. 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 16,000m2 gross internal floor space (three to six storeys (which is equivalent to 8 residential storeys)), with all matters reserved.
- 3.6. 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.
- 3.7. 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.
- 3.8. 6 March 2014. 2013/09519/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 5,000m2 for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 4 site.
- 3.9. 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.
- 3.10. 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.
- 3.11. 10 November 2016. 2016/04450/PA. Permission granted for 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.

- 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 previously approved outline 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, MP and local resident associations notified. Site notice and press notice posted. 5 letters of objection received from residents in Oakfield Road, Riverside Drive and Selly Wick Road.

- 4.2. The objections are based on the following grounds:

- This is another attempt to gain planning approval for yet more student flats on the back of 2016/04450/PA.
- The works required for flood alleviation will be funded by building and selling off student flats.
- There is already an over-supply of student accommodation in the area and you allow every new application to be approved. Given the amount of student accommodation that is already available in Selly Oak do we really need anymore especially in a residential area of Selly Park?
- The earlier approved application for this site states that food and drink facilities A3/A4 will be provided – where are they?
- Selly Park is by your own admission is a Mature Residential Neighbourhood and the provision of a student drinking establishment so close will be an abomination.
- Application is totally unsuitable.
- Local streets are already blighted with serious parking issues from the Dental hospital and the University and this can only add to the problem.
- The proposal does not respond to the site and local area context.
- The pedestrian walkway is not required along the Brook and will impact on the security of private rear gardens.
- The proposal does not respect the scale of the adjacent development.
- They are building on a flood plain and no matter what money they throw at this problem it will happen again. Any development will only make matters worse and spoil the beauty of Selly Park. You seem to be allowing all developments to take place without considering local people and for once, think about the locals who will suffer the consequences of yet another ugly and unwanted development in Selly Park.
- There has been a lack of proper consultation or an impact assessment of this proposed development on the surrounding area, including increased traffic flows etc.
- This proposed development has been surrounded in secrecy given its link to a proposed flood defence scheme. While the latter is likely to meet with cautious local approval the link to increased student accommodation/retail development has not been the subject of proper or rigorous consultation which brings the

planning system into disrepute. There should be an open consultation before outline planning permission is granted.

- 4.3. Regulatory Services – No objection.
- 4.4. Transportation – No objection. The submission is sufficient to agree details for condition 28 (means of access) but not for condition 29 (vehicle parking and turning area details).
- 4.5. Local Lead Flood Authority – No objection. The Sustainable Drainage submission is not currently sufficient to agree details for conditions 4 and 5 of the outline planning permission, further work is still progressing.
- 4.6. Environment Agency – No objection.
- 4.7. West Midlands Police – note limited parking, support the moving in/moving out process for student arrivals/departures and raise limited concern regarding the boundary treatment gabion walls and how secure this would be.
- 4.8. Severn Trent Water – no response received.
- 5. Policy Context
- 5.1. Birmingham Development Plan, NPPF, Saved Policies of the Birmingham UDP, Car Parking Guidelines SPD, Places for Living SPG, Specific Needs Residential Uses SPG, Selly Park Conservation Area, Mature Suburbs SPD, TPO 367 (Land Adjacent to Pebble Mill Studios, Pershore Road, Edgbaston).

6. Planning Considerations

Policy

- 6.1. 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’*.
- 6.2. 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.”*
- 6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling. The NPPF seeks to boost the supply of housing and seeks the delivery of high quality housing that is well

designed and built to a high standard; a mix of housing, particularly in terms of type and tenure to create sustainable, inclusive and mixed communities.

- 6.4. The BDP emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City. Policy 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."*
- 6.5. The BDP also aims to create a more sustainable pattern of development by re-using sites in suitable locations with good access to jobs, shops and services by modes other than the car. The saved Paragraph 3.14 (inclusive) of the saved policies of the UDP identifies that new development should be designed in accordance with good urban design principles.

Principle of Student Accommodation

- 6.6. I note the objections received from local residents regarding the provision of further student accommodation in Selly Oak and on this site, however the principle of student accommodation on this site was agreed by Your Committee under planning permission 2016/04450/PA.
- 6.7. At outline planning stage and in accordance with the requirements of policy TP32, an up to date student needs assessment was submitted. The report identified 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 indicated that Birmingham has 61,246 full time students with 22.3% international students and 20.1% postgraduates. 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. The report identified 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. Based on this, your Committee agreed that a need for further student accommodation, in accordance with policy existed.
- 6.8. 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, your Committee considered that the principle of student accommodation in this location and on this site was acceptable and would accord with policy. As such, outline planning permission for student accommodation was granted last year.

Appearance, Scale and Layout

- 6.9. Your Committee has previously agreed the scale of the proposed student development and the site layout under application reference 2016/04450/PA. The proposed development would be formed from three blocks creating a 'C' shaped development with a maximum GIA floor space of 10,724sq.m against the outline approval of GIA 11,153sq.m. The three blocks would be 4, 5 and 6 storeys which would give building heights of 12.5m, 15.6m and 18m respectively. This is as approved under the outline planning application.
- 6.10. 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 2m development platforms (approved as part of the outline planning permission) 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 to the north 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.
- 6.11. There would not be an issue of inter-visibility or loss of privacy with adjacent buildings.
- 6.12. The retained trees and path of the sun has been used to inform the detailed design of the student accommodation and is detailed within the submitted Design and Access Statement. During the Spring Equinox, the proposed development would shade Birmingham Wildlife Conservation Park at 6pm. No shading would occur from the building during the summer solstice whilst at Autumn Equinox, the majority of the adjacent residential and non-residential uses surrounding the site are in shade at 6pm (however this is not as a result of the proposed development). During the winter solstice, the shading from the proposed development during the daylight hours would not impact on any of the surrounding residential development. This assessment has also informed the landscaping scheme to provide the correct plants and trees for each landscaped area on the site.
- 6.13. The proposed development would comprise:
- 315 single bed studios;
 - 34 double bed studios;
 - 4 twin bed studios; and
 - 4 larger studios (suitable for students with mobility difficulties).

The development would also include a range of communal facilities on the ground floor in a 'hub' area that would be available to all student occupiers of the development. These would comprise:

- Private dining facilities which can be hired as required;
- Study rooms for individual or joint use;
- Lounge seating areas;
- Gaming lounge;
- Movie room;
- Gymnasium;
- Self-service breakfast bar; and
- 24 hour operated reception desk.

- 6.14. The proposed shared amenity areas to the student accommodation would be provided at ground floor in the wing overlooking the previously approved 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.
- 6.15. The six storey block that would contain 'the hub' communal facilities at ground floor with five floors of accommodation above would have a large element of glazed curtain walling at ground floor and would be clad in a natural stone with elements using the material as a textured fluted stone and the majority utilising the stone in its smooth form. Where the two wings join the stone six storey block, an aluminium clad panel would be used to transition differing materials together. This aluminium panelling would be utilised for all 4/5 storeys on both of the wings and would be dark grey in colour. The wings themselves would be clad in a multi tonal red brick. The wings would have detailing features within the brick facades consisting of recessed brickwork, sawtooth and horizontal brick banding. The windows would have a deep reveal created from the aluminium curtain walling system and would also be dark grey in colour providing a contrast in colour and texture to the stone and brick. The ground floor rooms that would front the central courtyard would have opening doors directly into this space.
- 6.16. The accommodation would have studios measuring a minimum of 19.8m for the single studios to a maximum 41sq.m for the large studios. These sizes accord and exceed the requirements of the Specific Needs Residential Uses SPG which requires student rooms to be a minimum of 15sq.m where a room is used for living, sleeping and cooking.
- 6.17. The layout and scale of the student accommodation was the subject to extensive discussions during the outline planning application 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. Following the grant of outline planning permission, the appearance of the building as proposed is also the result of extensive pre-application discussions with your Officers.
- 6.18. My City Design Officer considers the appearance of the student accommodation to be acceptable. The design addresses the majority of the key issues that were raised during discussions. I concur with this view and consider that the focal six storey

element would create a welcoming arrival point to the site and the four and five storey blocks would have no adverse impact on adjacent occupiers.

- 6.19. I note that a number of local residents continue to object to the principle of the development; scale and that the proposed student accommodation would not respond to the site and local area context. As previously stated, these issues were considered in depth by Your Committee prior to approving the outline planning permission which included the principle of student accommodation and the proposed scale in respect to this site and local context. On this basis, these issues have previously been addressed.

Access

- 6.20. Access arrangements and car parking provision was previously agreed by Your Committee as part of the outline planning application. 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.
- 6.21. 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.
- 6.22. 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. This was previously agreed by Your Committee as being acceptable.
- 6.23. As reported to Your Committee previously as part of the outline planning application; 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.
- 6.24. 90 covered cycle parking spaces would be provided adjacent to the entrance hub. This would exceed the SPD requirements of 1 space per 4 bedrooms equating to 88 spaces. The student accommodation provider also 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.

- 6.25. The student accommodation operator already has a number of schemes across the country that has 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 spaces 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. This approach is supported by West Midlands Police.
- 6.26. To address local concern, which has been reinforced on this application by further letters of objection; planning conditions were attached to the outline planning permission that required the submission of a student parking management strategy; student travel plan and additional sustainable transport options. The section 106 agreement attached to the outline planning permission also secured the requirement 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 was also secured (which is returnable after the three years if it has been evidenced that the student accommodation has no impact on parking availability in local roads).
- 6.27. Based on the above, Transportation raise no objections to the proposal. Outline Condition 29 will not be approved as part of this application, but the Applicants will re-visit this point in a further separate submission in due course.
- 6.28. I note the objections raised by local residents regarding the pedestrian walkway along the Bourn Brook corridor. This walkway already exists on the opposite bank of the Brook through the former Pebble Mill site. The intention of the footpath is to link the student accommodation to this walkway crossing the Brook allowing students to walk to the main University campus or the School of Dentistry through the Pebble Mill site. The walkway would only be along the Pebble Mill Brook boundary and on this basis; I do not consider that this would impact on the security of private rear gardens.

Landscaping

- 6.29. A detailed landscape plan for the site has been submitted and would provide a green buffer zone for each of the three development blocks with a shared amenity space within the proposed courtyard created by the 'C' shaped development. A secluded woodland garden is also proposed at the southern boundary of the site where the boundary abuts the conservation area boundary.
- 6.30. 67 new trees are proposed along with 2850 shrubs and herbaceous plants within new landscaped areas around the site. A further 1335 aquatic plants would be planted along the Bourn Brook and flood alleviation channel boundaries to include Wild Celery, Marsh Marigold, Iris, Water Mint and Cuckoo Flower. The landscaped areas proposed are split into 6 zones comprising:

- Entrance Plaza – this area would relate to the access from Pershore Road and would include an avenue of Swamp Oak trees with feature tree groups including Field Maple and Hazel along with native hedge planting and grass.
- Terrace Garden – would front the new flood alleviation channel approved under 2016/04450/PA and would include a feature row of Scots Pine Trees aligned parallel to the building and specimen trees including Snowbell and Japanese Maple. Shrubs would include Dogwood, Shadbush and Periwinkle.
- Central Court – this area forms part of the central courtyard and is the nearest area to the communal facilities. Tree groups would include Hornbeam, Crab Apple and Maidenhair Trees with shrubs including dead nettles and sweet box.
- The Glade – this area forms the middle part of the central courtyard and would include lawn, bulb planting, beech hedges and tree groups including White Cherry and Japanese Maple.
- The Meadow – this area sits at the southern end of the central courtyard and would include a specimen Atlas Cedar tree along with Tibetan Cherry trees, beech hedges with lawn and shrub planting of Dogwood and Shadbush; and
- Woodland Walk – this area forms the southern and eastern boundaries and would include native trees of Field Maple, Common Alder, Silver Birch and English Oak. The area would also include woodland perennials of Primrose, Anemone and Woodruff; native hedge planting and a wild flora mix to include Knapweed and Meadow Buttercup.

6.31. Amended plans have been received during the course of the application following further discussions regarding the Environment Agency requirements in relation to the Bourn Brook, flood alleviation channel, flood paths and landscaping. The amended plans also remove the requirement for gabion wall boundary treatments, which West Midlands Police had concerns about. Discussions were undertaken with Officers regarding these changes and I, my City Design Advisor and Landscape Officer raise no objections to the amendments. The removal of the requirement for gabion wall boundary treatments are welcomed.

Other Issues

Trees

6.32. The outline planning application detailed that the Plot 6 development (student accommodation and A3/A4/A5) would require the removal of T53 to T60 which are mostly C category (1 B category tree, T23 of the TPO) and B category T66 to accommodate the access. My Arboricultural Officer raised no objections to the loss of the trees at the outline application stage and this position has not altered.

Conservation

6.33. 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. My conservation officer raised no objection to the scale of the proposal on the outline planning application as it would have little impact on the conservation areas. Whilst appearance and landscaping are the reserved matters to be considered through this submission, I consider that the

impact would remain minimal from the proposed appearance of the approved building.

- 6.34. 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 was submitted in support of the outline planning application. My conservation officer considered that no further archaeological work was required.

Outstanding Objections

- 6.35. I note further objections have been received from local residents regarding a lack of consultation and that the student accommodation/retail development has not been the subject of rigorous consultation. At the time of granting outline planning permission, significant consultation had been undertaken locally by both the Environment Agency and Calthorpe Estates on both aspects of the application along with the City's statutory planning application consultation. All objections/comments and letters of support were reported to your Committee and local residents and Ward Councillors spoke in opposition at Planning Committee. Outline planning permission was subsequently granted for both the flood works (in detail) and for both student accommodation and A3/A4/A5 development in outline. This subsequent reserved matters submission has also been the subject of public consultation. On this basis, I consider that correct and rigorous consultation has been undertaken and all impacts have been correctly assessed and addressed.
- 6.36. All matters relating to flooding issues were resolved during the outline planning application. The detailed flood works, as approved, will address the 1 in 100 year flood events that Selly Park residents have seen in recent years.
- 6.37. I note comments received in relation to the A3/A4/A5 uses approved under the outline planning permission. These relate to a separate phase of development for which a further reserved matters application will be submitted in due course. The uses likely to come forward are a A3/A5 coffee shop and an A3/A4 restaurant.

Community Infrastructure Levy (CIL) and Section 106 Requirements

- 6.38. As outlined and secured on the back of the outline planning permission, the student accommodation generates a CIL requirement of £655,086 with 15% (£98,263) of this being provided to the Selly Oak Ward. The flood defence works form part of the CIL 123 list whereby CIL money could be spent on flood defence infrastructure works. Your Committee determined that in order to allow the flood defence works to proceed with the requirement of 50% private investment, the 85% CIL (£556,823) would be commuted direct to the Environment Agency forming part of a larger 50% private investment sum from Calthorpe Estates of £2m against the cost of circa £4m. The remaining 15% is still payable to the City and provided to Selly Oak Ward.

Section 106 Obligations

- 6.39. The outline planning permission secured a planning contribution of £104,375 as compensation for the loss of what would have been a junior rugby pitch in accordance with policy. 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. Conclusion

- 7.1. The proposed development would be in accordance with and would meet policy objectives and criteria set out in the 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 principle, access, scale and layout of the proposed student accommodation was agreed and approved as part of the outline planning permission. The design of the building is considered acceptable and the proposed materials reflect those used on domestic buildings locally. The landscaping scheme as proposed would address the necessary loss of trees for the previously approved flood works whilst significantly improving the visual appearance of the site and biodiversity generally. The landscaping will significantly enhance the student accommodation and would provide 6 individually landscaped zones for amenity use.
- 7.3. 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 approval is given to the reserved matters of appearance and landscaping as they relate to outline planning permission 2016/04450/PA, covered by reserved matters application 2017/00242/PA, subject to the conditions set out below and that the reserved matters submission covers the requirements of conditions 1 (reserved matters); 12 (maximum floor space); 18 (height restrictions) and 38 (tree survey) of outline planning permission 2016/04450/PA for this phase of development.
- 8.2. That approval is given to the details submitted pursuant to the following conditions of outline planning permission 2016/04450/PA:
- Condition 14 – ventilation and odour control equipment details
 - Condition 28 – full details of proposed means of access

-
- | | |
|-------|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| <hr/> | |
| 2 | Requires the prior submission of sub-station and covered cycle storage details |
-

Case Officer: Pam Brennan

Photo(s)

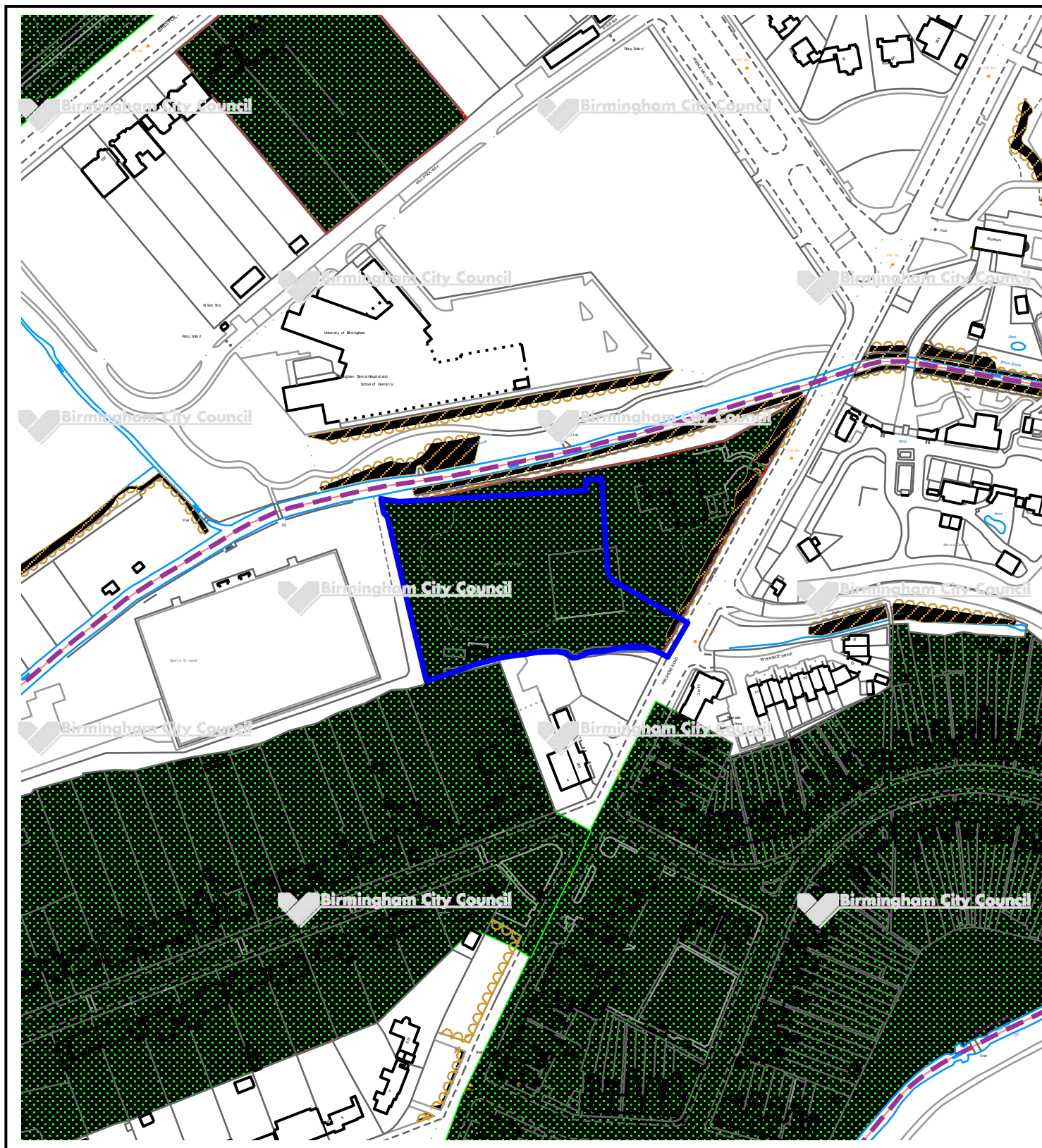


Photograph 1: Aerial view looking south-west, of Cleared Pebble Mill Site before re-development commenced. Plot 6 is the field and building to the left (east).



Photograph 2: Former Sports and Social Club at Plot 6

Location Plan



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Committee Date:	27/04/2017	Application Number:	2017/01702/PA
Accepted:	06/03/2017	Application Type:	Full Planning
Target Date:	01/05/2017		
Ward:	Selly Oak		

43A Upland Road, Selly Oak, Birmingham, B29 7JS

Change of use from residential dwelling (Use Class C3) to accommodation in connection with the existing nursing home (Use Class C2) at No. 43 Upland Road and erection of new single storey link

Applicant:	Uplands Nursing Home Upland Road, Selly Oak, Birmingham, B29 7JS
Agent:	A P Architecture Ltd E-Innovation Centre, Suite SE 219, Telford Campus, Priorslee, Telford, Shropshire, TF2 9FT

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the change of use of 43a Upland Road, Selly Park from a residential dwelling (Use Class C3) to accommodation in connection with the existing nursing home at no.43 Upland Road, along with the erection of a single storey link.
- 1.2. Internally, the property would provide four new bedrooms (11.25sqm to 27sqm) and a bathroom, with the single storey link being 1.1m wide, 3m high with a flat roof and constructed with a brick to match the existing building. No further external alterations are proposed.
- 1.3. The number of bedrooms within the nursing home would increase from 20 to 23 (one would be lost at ground floor, where the properties would link). Taking account of the recently approved planning application for an extension to the rear (ref 2016/08368/PA) a total of 33 bedrooms could be provided.
- 1.4. Currently 7 of the bedrooms are shared, giving total occupation of 27 residents. All proposed bedrooms are all for single occupation and all existing rooms would become single occupation, so the total number of resident's could only increase to 33.
- 1.5. No changes to staffing levels are proposed.
- 1.6. Along with 15 parking spaces formally laid out within the adjoining site, one new space would be provided to the front of 43a Upland Road.
- 1.7. No trees would be affected by the proposal.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises No. 43a Upland Road, a two storey dwelling within a small plot adjacent No 43, which although currently a separate plot is under the same ownership. The ground level slopes up slightly to the south and west. The sites frontage is hard surfaced, with the rear garden well landscaped with mature trees and shrubs creating a dense boundary treatment.
- 2.2. The surrounding area is largely residential with the occasional institutional use interspersed among the housing. The site falls within the Selly Park Conservation Area which comprises large detached individually designed dwellings in mature landscaped grounds. Most properties have off-street parking though on-street parking is unrestricted.

[Location map](#)

3. Planning History

- 3.1. 25/10/1990 - 1990/03584/PA – Planning permission granted with conditions for conversion of existing ancillary accommodation to 4 bedrooms and rear lounge extension to nursing home.
- 3.2. 19/10/1995 - 1995/01066/PA – Planning permission granted with conditions for ground floor extension to form 6 bedrooms and 1 bathroom and conversion of No. 43a from house to part nursing home. Permission not implemented.
- 3.3. 16/03/2000 - 1999/04448/PA – Planning permission granted with conditions for the deletion of condition 2 attached to planning permission E/C/9058/6 to allow 43a Upland Road to be occupied as a separate dwelling unit, not ancillary to the nursing home at 43 Upland Road.
- 3.4. 14/06/2007 - 2007/01445/PA – Planning permission granted with conditions for erection of single storey extension to rear of 43 (Uplands Nursing Home) and 43a Upland Road and change of use of 43a Upland Road from residential to nursing home. (Identical to 1995/01066/PA). Not implemented.
- 3.5. 26/02/2008 - 2007/06683/PA – Planning permission refused for rear extension & internal alterations to create 13 no. additional bed spaces including conversion of 43a to Nursing Home. Appeal allowed 21/08/2008. Not implemented.
- 3.6. 28/01/2009 - 2008/06202/PA – Planning permission refused for additional extension to rear of nursing home. Appeal dismissed 02/11/2009.
- 3.7. 25/11/2013 – 2013/07207/PA – Planning permission refused for the erection of single storey rear extension, change of use of No. 43a Upland Road from Class C3 dwellinghouse to Class C2 nursing home, demolition of rear extension at No.43a and internal alterations to increase bedrooms from 19 to 36. Appeal dismissed 03/06/2014.
- 3.8. 10/08/2016 – 2016/03976/PA – An application for planning permission withdrawn for the proposed demolition of single storey extension to existing nursing home and erection of new single storey extension to rear.

- 3.8. 08/12/2016 – 2016/08368/PA – Planning permission approved for the demolition of single storey extension to existing nursing home and erection of new single storey extension to rear.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection

- 4.2. Regulatory Services – No objection.

- 4.3. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site and press notice have been posted.

- 4.4. Six letters of objection have been received from nearby occupiers and the Selly Park Property Owners Association, objecting to the application on the following grounds.

- Squeezing more accommodation onto an already overdeveloped site.
- Loss of residential property.
- This is a large commercial business which is unsuitable for a mature residential area.
- The development will have a negative impact on the Conservation Area.
- Increase in traffic and inconsiderate on street parking.
- This will set a precedent for the conversion of housing.
- Existing extension have already caused an unacceptable impact.
- Increase in general noise and disturbance
- Questions raised why this development could not have been included in a previous application.

5. Policy Context

- 5.1. Birmingham Development Plan (2017); Unitary Development Plan (2005) (saved policies); SPG Places for All 2001; SPD Car Parking Guidelines 2012; SPG Regeneration Through Conservation 1999; SPG Specific Needs Residential Uses 1992; National Planning Policy Framework 2012, Selly Park Conservation Area.

6. Planning Considerations

- 6.1. **Policy** - The NPPF requires all new developments to be considered with the presumption in favour of sustainable development. Paragraph 17 of the NPPF has as one of its core principles the requirement to seek high quality design. Paragraph 56 of the NPPF reiterates the requirements confirming that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 58 states that planning decisions should (amongst other things) aim to ensure that developments: add to the overall quality of the area: establish a strong sense of place: respond to local character and reflect the identity of local surroundings and materials: and are visually attractive as a result of good architecture and appropriate landscaping. Paragraph 64 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.2. Policy PG3 of the Birmingham Development states all new development will be expected to be designed to the highest possible standards, noting it should reinforce or create a positive sense of place and saved policy 3.14 of the Birmingham Unitary Development Plan which seeks to ensure that the development would be in keeping

with the existing building and sympathetic to the appearance of the surrounding area.

- 6.3. The Planning (Listed Buildings and Conservation) Act 1990 [The 1990 Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 72, of the Act, states that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” These requirements have been carried into the Birmingham Development Plan through Policy TP12.
- 6.4. BDP policy T12 states that, “New development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance.”
- 6.5. Saved policies 8.28 and 8.29 of the Unitary Development Plan provides guidelines for assessing planning applications for such uses, these are: proposals should not cause demonstrable harm to the residential amenity of occupiers of nearby properties by reason of noise and disturbance nuisance; proposals within areas already containing similar uses should take into account the cumulative effect of such uses upon the residential character and appearance of the area; proposals should not prejudice the safety and free flow of traffic in the adjoining highway; and proposals should include adequate outdoor amenity space to provide satisfactory living environment for residents.
- 6.6. Specific Needs Residential Uses SPG requires no adverse impact on highway safety and satisfactory outdoor living space for the future residents of care homes.
- 6.7. **Use** - I have no objection to the principle of the use of no.43 Upland Road as part of the nursing home. The application property is located in a residential area where such uses are acceptable. Despite the adjoining property (43 Upland Road) being used as a nursing home, there is not an over concentration of this type of uses in the area and the development would not adversely affect the residential character of the area. I would not object to the principle of the loss of the large single family dwelling house.
- 6.8. **Design and character of the area** - I consider the proposed link extension to be acceptable; it is small in scale and would be constructed with materials to match the existing building. I consider it would not have any detrimental impact on the visual amenity of the surrounding area.
- 6.9. The Council's Conservation officer has reviewed the proposal and raises no objection. The new link element would hardly be discernible, being of very modest proportions and set back behind the various front elevations facing Upland Road. As such, the development would preserve and have a neutral impact on the character of the Conservation Area.
- 6.10. **Residential Amenity** – In terms of future residents of the nursing home, UDP policy 8.29 only sets out a numerical standard for outdoor amenity space of 16sqm per resident. A total of 761sqm of amenity space would be provided at the existing nursing home (183sqm within a central, enclosed garden; 578sqm surrounding the building). This would meet the standard for the proposed number of residents and I consider the generous size of the central garden sufficient to meet the needs of the care home. There is no recommended standard within the policy for bedroom sizes

in nursing homes, but I note that all the rooms within the proposed extension would be 11.7sqm and above, which would be above that advocated within the nationally described space standards, which are not yet formally adopted, but provide a benchmark.

- 6.11. In respect of No. 45 Upland Road (to the west), there are no side-facing windows proposed and I am satisfied that there would be no overlooking detrimental to the occupiers amenity.
- 6.12. Concerning general noise and disturbance, Regulatory Services has no objection. I acknowledge more residents would generate more comings and goings but the site is detached with parking on the frontage and only three additional residents are proposed. I do not consider these would have such an effect on residential amenity that refusal for this reason could be justified.
- 6.13. **Highways and car parking** - 15 parking spaces are proposed within the existing site on existing hard surfaced areas to the front and side. One new space is proposed to the front of 43a Upland Road. The Car Parking Guidelines SPD suggests a maximum of 1 space per 3 bed spaces and with 33 residents proposed, the 15 spaces would be adequate. In addition, on-street parking is unrestricted and there is good access to buses and consequently Transportation Development has no objection to the proposal.
- 6.14. **Trees and Ecology** – The proposal would have no impact on surrounding trees and the site is not known to have any significant ecological value and is not near to any site of importance for nature conservation.

7. Conclusion

- 7.1. I consider that the change of use of this property would be acceptable and would not have any detrimental impact on the character of the surrounding area and would preserve the character of the Selly Park Conservation Area. In addition, there would not be any significant detrimental impact on surrounding residents and as such, in this instance, it is recommended that the application be approved subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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

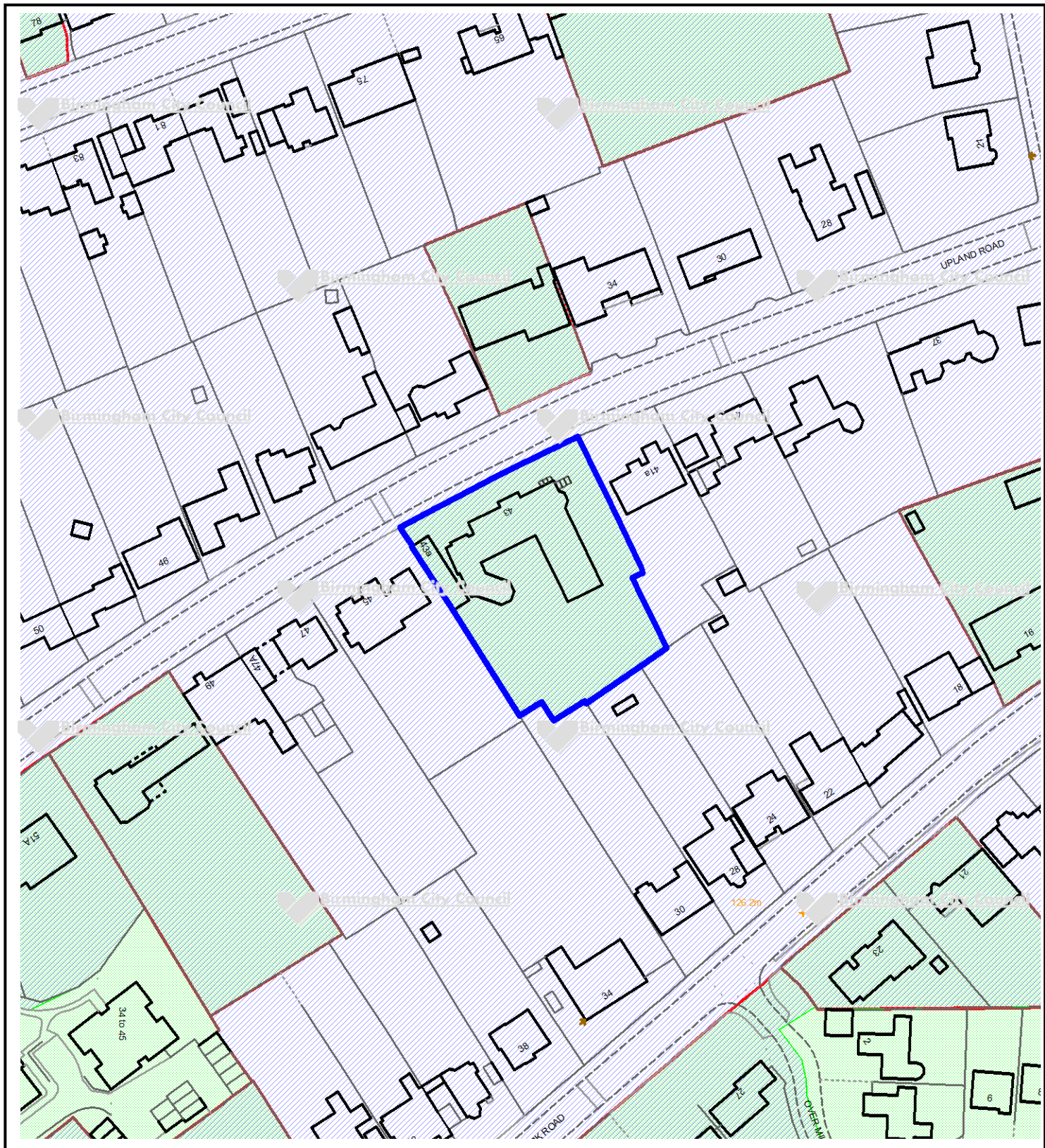
Case Officer: James Mead

Photo(s)



Photograph 1: Front of 43a Upland Road, with existing nursing home at no43.

Location Plan



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Committee Date:	27/04/2017	Application Number:	2017/01969/PA
Accepted:	03/03/2017	Application Type:	Full Planning
Target Date:	02/06/2017		
Ward:	Harborne		

Queens Park, Court Oak Road, Harborne, Birmingham, B17 9AB

Proposed creation of flood storage embankment with associated flood storage area to the southern part of Queens Park

Applicant: Birmingham City Council
The Council House, 1 Victoria Square, Birmingham, B1 1BB
Agent: Birmingham City Council
1 Lancaster Circus, Queensway, Birmingham, B4 7DQ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for a flood storage embankment bund and associated flood storage basin to the southern part of Queens Park. The bund would be located in the southern end of the basin, located 16m from the southern boundary of the park and located to the north of Queens Court (a residential cul-de-sac). The proposed storage basin is designed to contain rainwater and spring water run-off from the park especially in times of heavy rain and would provide a capacity to contain a storm of up to a 1-1000 year flood event.
- 1.2. The storage basin would consist of a 2.2m high bund and an excavated basin of around 2400sqm. Its base would be a maximum of 2m lower than the adjacent existing park land level. The bund would be set 16m in from the southeast boundary of the park and subsequently 27m from the rear elevation of the nearest residential property (12 Queens Court). The bund would have sloping sides at a gradient of 1:3. The bund would appear as an earth mound that would run for approximately east/west 65m. It would have a uniform profile and consequently create a uniform shape in the landscape. The central section of the bund, halfway along its length would include a set of concrete steps and a metal handrail. The bottom of steps would terminate at an inlet headwall, which would look like a small concrete tunnel entrance with a rubbish grille (trash screen) installed at the head. At the top of the steps would be a small concrete platform with a manhole cover and an inspection chamber, within which would be a flow control device for manual adjustment. The basin itself would include two swales (temporary streams) that would collect low lying water and direct it to the headwall.
- 1.3. The scheme includes the removal of 34 trees and replanting of 70 trees.
- 1.4. The proposal identifies 'spoil locations' using recovered soil from the proposed excavated storage basin. These spoil locations are shown to be along the western edge of Queens Park Road; within the football pitch; in the centre of the site and north of the multi-use games area. The spoil would be used to infill existing low

spots in the ground, there is no intention to raise existing levels apart from in connection with the bund itself.

- 1.5. There is a land drain which runs across the park, this drain is proposed to terminate into the basin and then this would (in turn) drain into the public surface water sewer system in Queens Court at a reduced, regulated rate.
- 1.6. The application is supported by a Design and Access Statement, Flood Risk Assessment, Phase 1 Habitat Survey, Bat Assessment, Flood Risk Assessment and Heritage Statement.
- 1.7. This scheme is similar to an application that was approved, in 2011, the applicant at the time was Antler Homes; the applicants who constructed Queens Court (a scheme of six houses to the south east of the park). That application expired unimplemented in 2014.
- 1.8. The site area is 4.9ha.
- 1.9. The application was screened for an Environmental Impact Assessment and it was concluded that one was not required.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Queen's Park is located in Harborne. It is adjacent to Court Oak Road (to the north) and Park Road (to the west) and to residential properties (10 Park Road and Queens Court) to its southeast boundary. Baskerville School's playing fields are located beyond the eastern boundary of the park.
- 2.2. There are two designated historic buildings close to the park; the Church of St Faith and St Lawrence, grade II Listed Building and the Court Oak Pub, local listed category B. Both of these buildings are 30m to the northwest of the park.
- 2.3. The park includes a children's play area, a football pitch, a multi-use games area (MUGA), tennis courts and a bowling green. There is a pedestrian path that runs around the inside perimeter of the site.
- 2.4. The park slopes from the northwest corner to the southern boundary by 12m. There is also a small depression (running down from the north east to its lowest point in the centre of the southern part of the park and then rising slightly to the southwest boundary) that means this cross section varies from 8m above the dip to the northeast and 3m above the dip to the southwest. An existing drain runs through the centre of the park, running northwest to southeast, with an inspection chamber at the southern-most point.
- 2.5. The surrounding area is residential in character.
- 2.6. [Site Location Plan](#)

3. Planning History

- 3.1. 17/08/2011 2010/03694/PA. Construction of a flood alleviation bund and associated drain. Approved, subject to conditions, including a 3 year implementation period.

4. Consultation/PP Responses

- 4.1. Resident, Resident Associations, Councillors and the MP consulted. Four Site Notices erected. Press Notice Made.
- 4.2. 4 objections have been received from local residents with the following concerns;
- Whether the flood restoration will actually work
 - Residents have asked for clearer indication, such as artists impression, to be distributed to all householders in the area so they can properly visualise what the park will look like after. There is concern about the aesthetic side of things and how the final flood barrier will look. The descriptions given are vague about how the final barrier will look, with "functional in appearance" being a concerning phrase.
 - Questions have been asked about the 'spoil locations', the possible stream that runs, underground - possibly 'culverted' from the Court Oak/ Queens park Stores area, diagonally across the park towards the Queens Court development and the previous existence of a pond/pool very near to the proposed site of the flood storage scheme.
 - The justification for these works seem to be based upon flooding of Queens Court from the consequence of run off from Queens Park. The area in question has always been prone to surface water collection and the historical existence of a large pond.
 - A request that the contractors keep Court Oak Road in a clean condition.
- 4.3. One letter of support has also been received commenting that the design is satisfactory.
- 4.4. Transportation - No objection, the proposal would be constructed in the south-west corner of the park, within a section where the ground is generally deemed too waterlogged to be fully used by members of the public. It is noted that the majority of the park will be unaffected by the works and public access routes will remain open throughout the duration of the works.
- 4.5. Regulatory Services – No comments received.
- 4.6. Severn Trent - No comments received.
- 4.7. West Midlands Police – No objection.
- 4.8. Lead Local Flood Authority - No objection.
- 4.9. Parks and Local Services – No comments received.
- 4.10. Environment Agency – The proposal is outside the scope of applications that require the consideration of the Environment Agency.

5. Policy Context

- 5.1. BDP (2017), UDP (2005) saved policies, Places for Living.

5.2. NPPF, NPPG.

6. Planning Considerations

6.1. The proposed works raise issues in regard to drainage, trees, ecology and impact on resident amenity.

6.2. Drainage

6.3. Policy TP3, of the 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 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.

6.4. The scheme proposes a drainage management scheme that would reduce off-site flooding by containing and regulating run-off with a 1:1000 year catchment basin. The scheme would deliver new trees to off-set the loss and these would enhance the ecological value of the site.

6.5. I note the comments from residents asking whether the flood alleviation scheme will work. This scheme has been developed by the Lead Local Flood Authority in collaboration with Jacobs (engineering and drainage consultants), who advise that the scheme would provide flood defence for up to a 1:1000 year flood event.

6.6. Trees

6.7. Policy TP7, of the BDP, identifies the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains. The proposal includes the removal of 34 trees, mostly young birch trees, three large limes, two willows, two swamp cypress' and an acer. A landscape plan shows the provision of 70 new trees.

6.8. My arboriculturalist comments that the proposed basin avoids the significant trees in the park and their root protection areas (RPAs) and the proposed removals should not be a constraint to development due to their size (mostly small) and ease of replacement. The site of the basin is a small young woodland and would, in itself, have an effect on reducing surface runoff though not do more than help slow a runoff from the wider area above. That said, to have no trees in this area would seem counterproductive even if the ground works alone are a remedy. Paragraph 6.13, below, sets out the possible replacement tree planting. The remaining trees proposed within the parts that would occasionally flood would survive provided that the ground is generally well drained.

6.9. The proposed tree removals are relatively small/young trees and are mitigated by the replanting plan, using a ratio of 2 trees replacing every one tree removed. Site traffic routes and any necessary storage of spoil should avoid the RPAs of retained trees. A condition requiring tree protection measures to be in place prior to construction commencing is recommended to protect existing/retained trees.

6.10. Ecology

- 6.11. The BDP, at Policy TP8, requires all development, where relevant, to contribute to enhancing Birmingham's natural environment. The submitted ecological statements, Phase 1 Habitat Survey and Bat Assessment, conclude that the trees proposed for removal do not include bat habitats.
- 6.12. The initial tree planting within this area was funded by Birmingham Trees for Life (our tree planting partner) which is a project group of the Birmingham Civic Society. This tree planting was undertaken in conjunction with BTFL and the local community and schools. While BTFL are understanding of the need to remove these trees to enable the flood works to go ahead they would request that they be involved with the replanting and will engage the community to undertake this.
- 6.13. My ecologist has considered the landscape scheme and considers that the distribution and density of proposed trees may not be appropriate. Furthermore, the choice of species, while giving a good range of interest, would not be wholly suited to what would potentially be a waterlogged area. Use of species that will tolerate waterlogged conditions should be prioritised for the attenuation area; there are a wide range of alder species and willow that would provide good interest, in addition species such as dwarf cypress and river birch that would also be very suitable. The inclusion of wildflower plantings, through the use of seed and plugs, is welcome but this may be affected by the proposed tree canopy. These details can be resolved with a revised landscape scheme that can be secured by condition.
- 6.14. My ecologist has also considered the value of the trees as a habitat for birds. He has commented that *"..wild birds and their nests are legally protected through provisions in the Wildlife and Countryside Act 1981 (as amended). To ensure compliance with this legal protection, any removal of vegetation should ideally be undertaken outside of the main bird nesting season (late February/early March – end August). If the vegetation has to be removed during the nesting season, an inspection by a qualified ecologist should be carried out immediately prior to removal. An exclusion zone would need to be set up around any active nests, with no clearance within the exclusion zone until the young birds have fledged and left the nest"*. This matter can be satisfied with an informative to the applicants.
- 6.15. Impact of Residential Amenity
- 6.16. The impact on residential amenity is twofold; impact on flooding and overlooking.
- 6.17. In terms of impact on flooding, it is clear that the proposal would reduce overland runoff and would capture rainwater during flood events and regulate a gradual release, thus preventing some of the identified flash flooding and standing water problems identified by the applicants. As such the proposal would be an improvement for residents' amenity.
- 6.18. In terms of overlooking, the bund would be set 16m in from the southeast boundary of the park and subsequently be 27m from the rear elevation of the nearest residential property (12 Queens Court). It would also have sloping sides with a 1:3 slope and may, therefore, become a feature that park users might choose to ascend. Whilst it is not expected that the top of the bund would be frequently occupied, it is nevertheless import to consider the impact on the privacy of residents from this vantage. Comparing this relationship to standing guidance in 'Place for Living' the Local Planning Authority usually seek a separation distance of 21m between 2 storey houses, as the bund would be 2m high it seems useful to consider this distance, with this relationship in mind, as a reasonable expectation. As the separation distance would be 27m I am satisfied that this is achieved and exceeded.

Furthermore, there is some tree planting on the boundary, and the landscape plant proposes further screening, these measures would further maintain a degree of privacy.

6.19. Conservation Issues

6.20. Policy TP12, of the BDP, states that in regard to the historic environment “the Council will seek to manage new development in ways which will make a positive contribution to its character”. In terms of development that affects the significance of a designated or non-designated heritage asset or its setting will be determined “in accordance with national policy.”

6.21. There are two designated historic buildings close to the park; the Church of St Faith and St Lawrence, grade II Listed Building and the Court Oak Pub, local listed category B. Both of these buildings are 30m to the northwest of the park. A heritage assessment has been submitted in support of the application. The proposal does not directly affect any designated heritage assets and has a limited impact on the setting of the buildings to the northwest of the park. I raise no objection to this scheme from a heritage perspective, which it is recognised would also help protect the historic environment from flood damage.

7. Conclusion

7.1. The proposed works would improve the way in which the park is drained and would improve off site drainage and localised flooding through the creation of a flood storage area. The associated works would enhance the park and create an attractive additional landscaped feature. The scheme would represent sustainable development.

8. Recommendation

8.1. That planning permission be given subject to the following conditions;

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- | | |
|---|--|
| 1 | Requires the prior submission of hard and/or soft landscape details |
| 2 | Requires the implementation of tree protection |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Implement within 3 years (Full) |
-

Case Officer: Ben Plenty

Photo(s)



Fig 1 looking east from Queens Park Road



Fig 2 looking east with the 'dip' in the middle ground

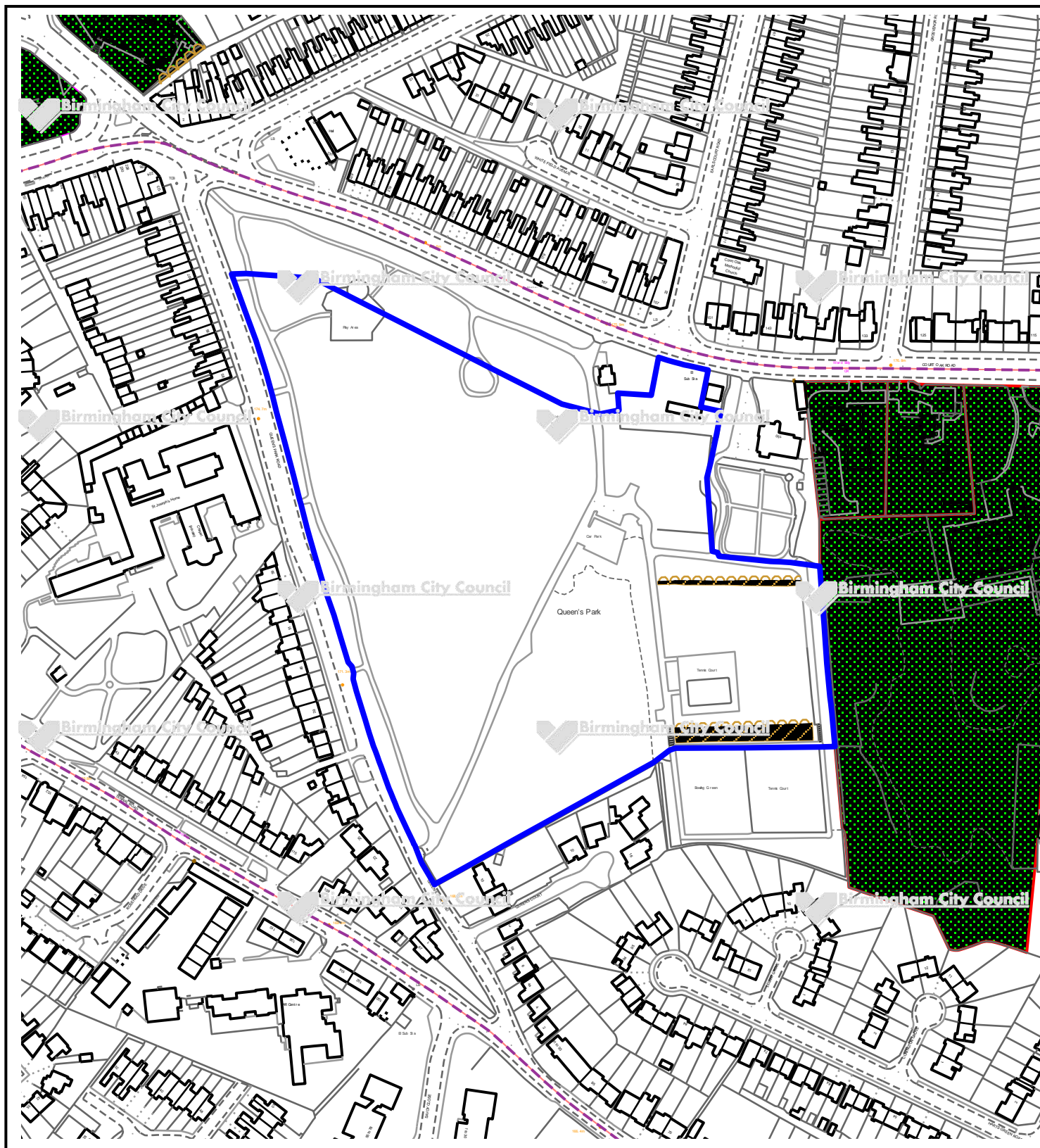


Fig 3 south east view from the top (northwest corner) of the park.



Fig 4 looking southeast at the site of the site of the proposed basin (centre) and bund (middle distance)

Location Plan



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Committee Date:	27/04/2017	Application Number:	2016/07873/PA
Accepted:	28/09/2016	Application Type:	Full Planning
Target Date:	30/03/2017		
Ward:	Edgbaston		

24 Mead Rise, Edgbaston, Birmingham, B15 3SD

Demolition of existing and erection of replacement detached dwelling

Applicant:	Mr & Mrs Muthu Ramasamy 24 Mead Rise, Edgbaston, Birmingham, B15 3SD
Agent:	Tony Holt Design Suite 4 / 1st Floor, Richmond House, Yelverton Road, Bournemouth, BH1 1DA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the demolition of an existing dwelling and replacement with a new 4 bedroom, detached dwelling at no. 24 Mead Rise. The proposed dwelling would be two stories, with an additional basement level below ground.
- 1.2. The proposed dwelling have a 'T' shaped footprint, consisting of a main two storey central block and a single storey side wing. The proposed dwelling would have a maximum height of 6.4m, a maximum width of 22.7m and a maximum length of 28.0m. The proposed dwelling would be of a contemporary design with a flat roof and would be finished in stone render on the walls and concrete tiles on the roof.
- 1.3. At basement level the proposed dwelling would have a cinema room, gym, sauna, storage and plant room. At ground floor level there would be an entrance hall, office, living room, pooja (worship room), utility room, toilet, study, guest bed-room with en-suite, snug, kitchen, dining room and second kitchen. In addition, there would be a single garage to the front of the proposed dwelling at ground floor. At first floor there would be three bedrooms, each with an en-suite and dressing room. The proposed bedrooms would measure 19.0sq.m., 19.0sq.m., 26.4sq.m., and 26.8sq.m. The proposed dwelling would provide a garden space of approximately 178sq.m.
- 1.4. The proposed dwelling would be accessed from Mead Rise and would provide two parking spaces within the scheme.
- 1.5. A Tree Survey has been submitted in support of the application which outlines that a Category B Silver Birch Tree would be removed within this application and the remaining trees would be retained.
- 1.6. In addition, a Bat and Bird Survey has been submitted within this application.

- 1.7. The proposed development would not attract a CIL contribution, despite being located within a CIL charging area, due to the Applicant claiming exemption for being a self- builder.

1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. No. 24 Mead Rise is a two storey, three bed, detached dwelling house, which fronts on to Mead Rise. The property was built in the late 1960's and sits at the end of a secondary cul-de-sac which backs onto the neighbouring property of 25 Somerset Road which is a grade II* listed property.
- 2.2. The surrounding area is residential in character. The surrounding area has a number of examples of contemporary architecture mixed within the cul-de-sac. House types and plot size varies throughout Mead Rise. The site is within the Edgbaston Conservation Area.

[Site Location Plan](#)

3. Planning History

- 3.1. 04/01/2011- 2010/04974/PA- Demolition of existing dwellinghouse and erection of 1 no. four bedroom detached dwellinghouse- Approved subject to conditions- permission expired.
- 3.2. 04/01/2011- 2010/04975/PA – Conservation Area Consent for the demolition of the exiting dwelling house- Approved subject to conditions- permission expired.
- 3.3. 10/10/2014- 2014/05788/PA- Demolition of existing dwelling and erection of replacement dwellinghouse- Withdrawn.
- 3.4. 28/07/2015- 2015/03766/PA- Demolition of existing dwelling and erection of replacement dwellinghouse- Withdrawn.

4. Consultation/PP Responses

- 4.1. Transportation Development- No objection.
- 4.2. Regulatory Services- No objection subject to conditions for the inclusion of a vehicle charging point.
- 4.3. West Midlands Police- No objection.
- 4.4. Severn Trent Water- No response.
- 4.5. Neighbouring occupiers, Residents Associations, Ward Councillors and the M.P notified and a Site Notice and Press Notice displayed. One letter of objection received outlining the following issues:
- Concerns about access and egress to neighbouring properties during the construction period.

- Removal of trees from the site
- Loss of privacy to neighbouring properties
- Overlooking issues

5. Policy Context

5.1. Local Planning Policy:

- Birmingham Development Plan 2031
- Birmingham UDP Saved Policies,
- Places for Living SPG,
- Mature Suburbs SPD,
- Car Parking Guidelines SPD,
- Edgbaston Conservation Area,
- 45 Degree Code.

5.2. National Planning Policy:

- NPPF (2012).

6. Planning Considerations

6.1. The proposed demolition of the existing dwelling and replacement with one four bed detached dwelling was previously approved on the site in 2011 under planning reference no. 2010/04974/PA. This permission has now expired and the current planning permission seeks to create a larger 4 bedroom detached dwelling, which is of a similar design, scale and size.

6.2. The main considerations in the determination of this application are whether the principle of residential use would be acceptable in regards to the demolition of a house in the Conservation Area; siting, scale and appearance of the proposal; the impact of the proposal on the amenity of existing and future residents; the impact on trees and ecology and the impact of the proposal on highway safety and parking.

The Principle of Development

6.3. The NPPF (paragraph 131) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

6.4. Paragraph 128 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

6.5. TP12 of the BDP states that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in ways which

will make a positive contribution to its character. Applications for development affecting the significance of a designated or non-designated heritage asset, including proposals for removal, alterations, extensions or change of use, or on sites that potentially include heritage assets of archaeological interest, will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting

- 6.6. The existing dwelling has no architectural merit or historical interest and I consider that it does not currently make a positive contribution to the Edgbaston Conservation Area. The proposed development would not result in a detrimental impact on the setting of the Grade II* Listed Building at 25 Somerset House. My Conservation Officer has raised no objection to the demolition of No. 24 Mead Rise stating that the existing structure is a modern house within a modern estate.

Siting, Scale and Design

- 6.7. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.
- 6.8. Policy 3.14 of the saved UDP policies states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. The design and landscaping of new developments will be expected to contribute to the enhancement of the City's environment.
- 6.9. 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. Places for Living addresses similar principles of good urban design.
- 6.10. The area surrounding the application site comprises of large detached properties all of varying types and designs. All sit within large plots with substantial amenity areas. Furthermore, the site is within an established residential area, close to local amenities and public transport links. I consider that the proposed residential redevelopment would accord with local character and would be acceptable in principle.
- 6.11. The siting of the proposed dwelling is in a similar location to that of the existing dwelling, located at the end of the Cul-de-sac. The plot size and shape is unchanged from the existing situation and is in keeping with the surrounding area. Whilst the footprint of the proposed dwelling would be significantly larger than the existing property, it would be generally in keeping with the surrounding area, which comprises of large detached properties. As such, I consider that the proposed dwelling in terms of its location, plot size and shape and footprint would be in keeping with the surrounding area, complying with guidance in Mature Suburbs SPD.
- 6.12. The massing of the proposed dwelling would be larger than the existing dwelling, with the single storey element increasing significantly. However, the two storey element of the proposed dwelling is of a similar massing to the existing property and

as such I do not consider that the increase in size would be highly perceivable from the street scene. As such, I consider that proposed dwelling would assimilate well into the streetscene along Mead Rise with a sense of spaciousness between the proposed dwelling and adjoining properties still retained.

- 6.13. The design and appearance of the proposed dwelling is contemporary, yet sympathetic to the surrounding area. Given the mix of building styles along Mead Rise and architectural differences, I consider this site can accommodate a design style of its own without this being to the detriment of the visual amenity of the area or appearance of the Conservation Area. The Conservation Officer has raised no objection to the proposed replacement dwelling house, commenting that detailed consideration should be given to design and materials of the replacement house. I have attached conditions to ensure that the fenestration and materials are considered acceptable.
- 6.14. Overall, I consider that the proposed dwellings would be in keeping with the surrounding pattern of development and would be in keeping in the street scene in terms of scale and massing, and would preserve the character of the Edgbaston Conservation Area thereby meeting local and national policy tests.

Residential Amenity

- 6.15. No. 20
- 6.16. The neighbouring property to the north, at no. 20 Mead Rise, is set lower than the application site and has short back garden of 8m length, with a further 1.6m gap within the application site to both the existing and proposed dwellings. There is a 3m difference in height between the two properties, therefore “Places for Living” advocates there should be 15.5m from the rear elevation of no. 20 to the side wall of the proposed dwelling. In this instance, there would be a distance of approximately 9.6m. The closest part of the proposed house is single-storey and flat roofed. I estimate it would project above the existing boundary fence by approximately 1.2m, about 0.5m more than existing. Also, this element is much longer along the boundary than the existing: 26m compared to 6m. As such, this nearest part of the proposed dwelling would clearly have more impact on the outlook and light for no. 20.
- 6.17. However, given the overall height of retaining wall, banked flowerbed and boundary fence which forms the principal outlook from no. 20, I do not consider this extra height and length of building that would appear above the fence would have an undue further effect on the outlook or light of the neighbour at no. 20. The neighbour has not objected, has discussed the development with the applicants, and has only requested frosted glazing to any facing windows in the new house.
- 6.18. With respect to the ‘main body’ of the proposed house – at two storeys – it would sit 5.2m from the boundary, a total of 13.2m from the rear elevation of no. 20, so also short of the Places for Living suggested distance of 15.5m. It would also be wider than the existing (13.3m compared to 6.6m) and closer (by 2.8m). The eaves would be 1.2m higher than the existing, but the roof would be flat-roofed while the existing house has a higher pitched roof gable facing no. 20.
- 6.19. Lastly, I note the permission granted in 2011 was very similar in scale, design and position to the new proposal, but had the highest two-storey element 1.2m taller than the current proposal, meaning the new proposal would have a lesser effect on light and outlook for no. 20.

- 6.20. Given the various factors and comparisons above, I do not believe the proposal would have such an effect on the amenities of no. 20 as to withhold planning consent.
- 6.21. No. 26
- 6.22. The neighbouring property to the south, at no. 26 Mead Rise, is located 6.5 m from the boundary and is mainly single storey in height along the boundary. The Council's "Places for Living" guidance advocates a 12.5m distance from the side wall of the new dwelling to the windowed front elevation of no. 26 Mead Rise. There is a distance of just 7.5m in this instance. However, the closest part of the proposed house to the boundary is single storey, with the two storey element of the building being pushed back to 9m at its closest point. In addition, the position of the two storey element is no closer than the existing situation and there are no windows proposed at first floor. No objection has been received from the neighbouring resident at no. 26. As such, I do not consider that the proposed development would result in detrimental impacts by virtue of loss of light, outlook or privacy to no. 26 Mead Rise.
- 6.23. No. 28
- 6.24. I note concerns from a neighbouring resident in relation to potential overlooking from the proposed dwelling into the side windows at no. 28 Mead Rise. The Council's "Places for Living" SPD advocates 21m between building faces for two storey dwellings. In this instance 19.5m is the distance provided. However, the windows along this section of the front elevation of the proposed dwelling are bathroom windows at ground and first floor. I have attached a condition to ensure that these windows are obscurely glazed. Other first floor windows facing no. 28 would serve the stairs' landing and associated void space above the hall, with limited overlooking potential in my opinion. Bedroom 2 would provide an angled view towards no. 28, closer than existing but not so dissimilar in my opinion. As such, I do not consider that the proposed development would result in detrimental impacts by virtue of loss of light, outlook or privacy to no. 28 Mead Rise. The relationship would be similar to the existing site circumstances, and two boundary trees that would provide a degree of screening (particularly spring to autumn) would be retained.
- 6.25. No. 22
- 6.26. The proposed first floor bedroom 2 would be located 7.8m to the private amenity space for no. 22 Mead Rise. The Council's Places for Living guidance states that development should be set back 5m per storey from existing private amenity space. However, this bedroom window would be overlooking an existing front driveway as opposed to truly private, rear amenity space and as such I do not consider that the proposed development would result in detrimental impacts by virtue of loss of light, outlook or privacy to no. 22 Mead Rise.

Living Conditions

- 6.27. The submitted plans show there would be four double bedrooms measuring 19.0sq.m., 19.0sq.m., 26.4sq.m., and 26.8sq.m. As such, the bedrooms would exceed the minimum space recommended in the Government's 'Nationally Described Space Standards'. In addition, the overall internal floor space would far exceed the recommended requirements in the Government Standards. The rear

garden would measure 178sq.m. which would far exceed the 70sq.m. minimum private amenity required for family accommodation in Places for Living SPG

Trees Issues

- 6.28. A Tree survey was submitted in support of the application which outlines that a Category B Silver Birch Tree would be removed within this application and the remaining trees would be retained. It also indicates that the foundation of the single storey to the rear would result in a 30% compromise of the RPA for a Category B Scotts Pine tree located in the neighbouring garden to the rear (garden of grade II* listed 25 Somerset Road). However, a 30% compromise of RPA would not be considered to have a significant structural effect if carried out with care. My Tree Office has no objection to the proposed removal of the Silver Birch and the compromise of the RPA of the Scotts Pine subject to a condition requiring the submission of a tree protection plan and a method statement. I concur with this view and have attached the condition accordingly.

Ecology Issues

- 6.29. A Bat and Bird Survey undertaken on the 6th of September 2016 and updated on the 21st of September has been submitted in support of the application consisting of a daytime, internal and external building inspection and two dusk emergence surveys. The surveys followed published good practice guidance and were carried out by a Natural England bat licence holder. No evidence of roosting bats was found during the daytime inspection, but some features with potential for roosting bats were recorded, notably gaps under ridge tiles and gaps under lifted lead flashing. Based on these results, the building was assessed as having low-moderate potential for roosting bats. Therefore, two dusk emergence surveys were completed during the optimal survey period (May-Sept). No bats were recorded emerging from potential roost locations during the August survey, but a single common pipistrelle was recorded emerging from under a ridge tile near the chimney during the September survey. These results demonstrate that the property is being used as a day roost or transitory roost by a small numbers / individual bats of the commonly occurring species common pipistrelle. In addition, Common and soprano pipistrelles and a Whiskered bat were recorded foraging around the building and commuting across the site.
- 6.30. The survey includes details of mitigation required to ensure no detrimental impacts to the population of common pipistrelles. The measures proposed include:
- Demolition/dismantling of parts of the building that could potentially be used by bats should be carried out by hand, including roof and ridge tiles, soffits, gutter fascia boards and hanging tiles. Stripping of roof features in the vicinity of the roost location on the southern gable should be supervised by a licensed bat worker.
 - If bats are discovered, works should cease and a licensed bat worker should be contacted to deal with the bat. Any bats found would need to be transferred by the bat worker to a suitable alternative location before works re-commence.
 - Guidance on the required method of working to be provided to site contractors.
 - Installation of a brick built bat box in the gable apex of the southern elevation of the new building. Suitable designs/specifications are provided in the report. The roost feature should be installed in a location away from doors

and windows; a south-facing elevation is most suitable as it will benefit from solar gain and provide a warm roost for bats.

- The new roost should not be directly lit. Lighting around the site should be designed to minimise disturbance to bats.
- Bitumastic roof felt should be used in preference to breathable roofing membranes / vapour permeable underlays, which can be hazardous to bats. Where a BRM is required, this should be dark coloured and reinforced, to minimise the potential for harm to bats.

6.31. The City Ecologist also advises additional mitigation measures would also be appropriate:

- Timing of works to avoid direct disturbance (ie destructive works in areas used by bats at a time of year when they are unlikely to be present)
- Installation of tree mounted bat boxes, of a design suitable for common pipistrelles, prior to demolition of the property. This will ensure alternative roosting sites are in place to cover the period between demolition of no. 24 Mead Rise and construction of the new houses (which would incorporate permanent replacement roosting habitat).

6.32. The City Ecologist confirmed that as the presence of roosting bats has been confirmed, a Natural England (NE) European Protected Species (EPS) licence will be required to enable demolition of the property. The LPA should therefore have regard for The Conservation of Habitats and Species Regulations 2010 and should consider the three tests in Regulation 53 before determining planning applications that may affect EPS (ODPM Circular 06/2005, paragraphs 99, 112 and 116). Regulations 53(2) and 53(9) define the circumstances where a derogation is allowed for an affected EPS and a licence could be issued by Natural England:

- Test 1: the derogation is in the interests of public health, public safety and an imperative reason of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test 2: there is no satisfactory alternative.
- Test 3: the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

6.33. The City Ecologist comments relate only to the third test, which deem that the development should have no detrimental effect on the favourable conservation status of the species concerned, in this case, common pipistrelle. An outline mitigation strategy forms part of the Bat and Bird Survey. The mitigation measures identified, together with the additional requirement for the timing of proposed works and tree mounted bat boxes, would ensure that the proposed development would not be detrimental to the conservation status of the local common pipistrelle bat population. Therefore, the third test would be met. However, the judgement on the first and second tests must be made by the LPA. If it is agreed that these two tests can be met, then an application for an EPS licence would probably be successful, and therefore, it is possible to grant planning permission in accordance with the LPA's obligations of Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended).

- 6.34. Taking account of the City Ecologist comments on the submitted bat and protected species surveys and that test three can be adequately met, it falls for an assessment of the development against tests one and two outlined above.
- 6.35. In relation to test one, the existing property is currently vacant has been for a number of years. In the assessment provided by the applicant it is stated that the current property fails to meet building regulation requirements and would need a significant refurbishment programme to be able to be habitable. It is states that the proposed development would create a high energy efficient home which far exceeds building regulation standards. As such, the benefits of replacing a long- term vacant dwelling with a new energy efficient family house which provides permanent roosting opportunities as part of a mitigation scheme are of an overriding public interest which will have positive environmental benefits.
- 6.36. In relation to test two, given the property has been vacant for a number of years and currently fails to meet building regulation requirements, it is stated that retaining or extending the existing property would not be financially viable for the applicant and would not produce the modern, energy efficient property which is proposed in the scheme. As such, there is no alternative options which would be viable and have the results desired by the applicant.
- 6.37. As such, subject to a condition requiring the mitigation measures listed above, I consider that there would not be an unacceptable ecological impact relating to the European Protected Species generated through the demolition of the existing dwelling that is sufficient to warrant a refusal on these grounds.

Transportation Development

- 5.1. Vehicular access is not proposed to change from the existing situation and there is parking provision for three cars provided within the scheme which is not changed from the existing situation. Transportation Development raises no objection to the proposal. I concur with this view and consider that the proposed development would not result in a detrimental impact on parking or congestions.

Other Matters

- 6.38. West Midlands Police and Regulatory Services both raised no objection in relation to the proposed development.
- 6.39. In relation to drainage, no response was received from Seven Trent Water. However, it is not considered that the development would result in a detrimental impact in regards to flooding risk or drainage issues.
- 6.40. I note objector comments in relation to potential construction nuisance and access issues. However, potential disruption during construction is not a planning consideration and as such would not form part of the determination of this planning application.

7. Conclusion

- 7.1. I consider that the proposed development would be acceptable in regards to visual amenity including impact on the character and appearance of the Edgbaston Conservation Area; the impact of the proposal on the amenity of existing and future residents; the impact on trees and ecology and the impact of the proposal on

highway safety and parking. I consider that the development constitutes sustainable development and as such I recommend that the application is approved subject to conditions.

8. Recommendation

8.1. Approved 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 hard surfacing materials |
| 6 | Requires the prior submission of boundary treatment details |
| 7 | Requires the prior submission of level details |
| 8 | Arboricultural Method Statement - Submission Required |
| 9 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 10 | Requires the prior submission of details of bat boxes |
| 11 | Requires the implementation of mitigation measures |
| 12 | Removes PD rights for new windows |
| 13 | Implement within 3 years (Full) |
-

Case Officer: Sophie Long

Photo(s)

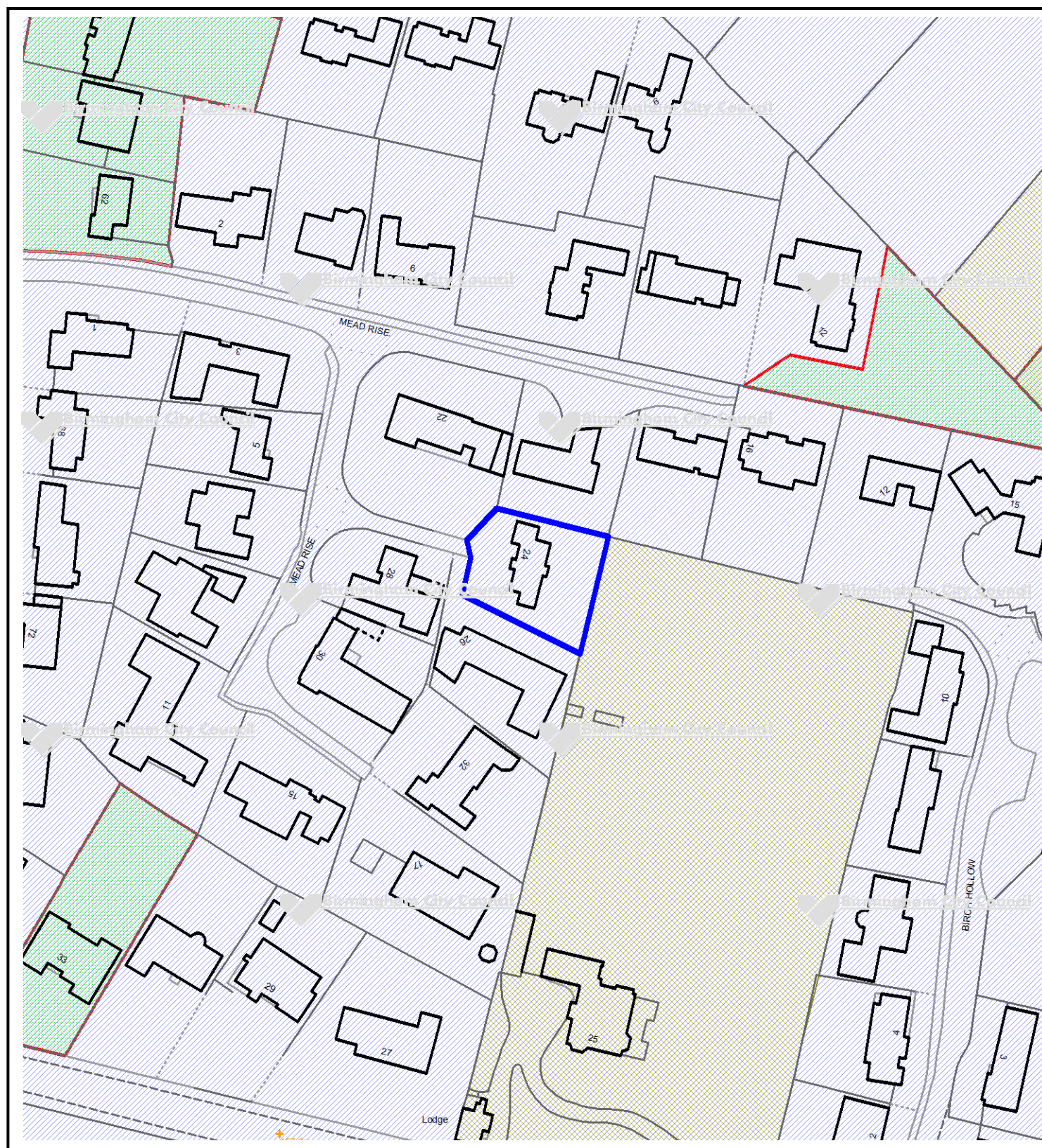


Photo 1: Existing Front Elevation



Photo 2: View of application site (north elevation) from 20 Mead Rise

Location Plan



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Committee Date:	27/04/2017	Application Number:	2017/01516/PA
Accepted:	20/02/2017	Application Type:	Householder
Target Date:	17/04/2017		
Ward:	Selly Oak		

77 Teignmouth Road, Selly Oak, Birmingham, B29 7BA

Installation of front dormer window

Applicant: Mr Stephen Hancox
 15 Salcombe Drive, Brierley Hill, West Midlands, DY5 3QX
 Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the erection of dormer window to the front facing roofslope of 77 Teignmouth Road, Selly Oak.
- 1.2. The proposed dormer would be 2m in length, with a depth of 3.8m and height of 2.2m. It would have a pitched roof and be constructed with a black slate composite tile to match the existing roof, with a UPVC window frame.
- 1.3. The dormer would provide an additional bedroom within the roofspace of the property, giving a total of three bedrooms.
- 1.4. The application is referred to the Planning Committee as the applicant is related to a member of staff connected with the City Council.

[Link to Documents.](#)

2. Site & Surroundings

- 2.1. This application relates to a traditional mid terraced property located within the residential area of Bournbrook. The surrounding area comprises of similar style and scale dwelling houses, many of which have been extended and are occupied by students, due to the close proximity of the University of Birmingham. The application property has a brick frontage with a ground floor bay window.
- 2.2. There are several examples of dormer windows visible to the frontage of surrounding properties.

[Location map](#)

3. Planning History

- 3.1. There is no relevant planning history associated with this property.

4. Consultation/PP Responses

- 4.1. Letters of notification have been sent to surrounding occupiers and local ward councillors. No comments have been received.

5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (2007)

- 5.2. The following national policies are applicable:

- NPPF- National Planning Policy Framework.

6. Planning Considerations

- 6.1. All planning applications are assessed against planning policy in order to evaluate whether the details of each application are acceptable. The policies relevant to this application, PG3 of the Birmingham Development Plan, states all new development will be expected to be designed to the highest possible standards, noting it should reinforce or create a positive sense of place and saved policy 3.14 of the Birmingham Unitary Development Plan which seeks to ensure that the development would be in keeping with the existing building and sympathetic to the appearance of the surrounding area. In addition, policies also seek to protect the amenity of existing residents in respect of light, outlook and privacy.

- 6.2. The scale and mass of the proposed dormer window is considered acceptable. The dormer would be similar in appearance and size as other dormers recently given approval and constructed along Teignmouth Road. The design is in keeping with the architectural style and character of the original dwelling house, a condition to ensure matching materials is recommended. Furthermore, the dormer would be seen in the context of other dormers and would not appear as an incongruous or alien feature and as such I do not consider that it would have detrimental impact of the visual amenity of the area. I consider the proposal would comply with the principles contained within the design guide 'Extending your Home'.

- 6.3. The proposal would also comply with the 45 Degree Code and the numerical guidelines contained within 'Places for Living' and 'Extending your Home'. There would be no encroachment issues to the detriment of surrounding resident's amenities.

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

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the objectives of the policies as set out above. The dormer window would not have any

detrimental impact on the visual or residential amenities of the surrounding area or occupiers.

8. Recommendation

8.1. Approve subject to conditions.

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

Case Officer: Leah Russell

Photo(s)



Photograph 1: Front elevation of 77 application property.

Location Plan



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Birmingham City Council
Planning Committee 27 April 2017

Appeal Decisions Received from the Planning Inspectorate in March 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	119 Warwards Lane, Selly Oak	Change of use of the property into self contained flats, the erection of a rear single storey extension and roof enlargement. 2013/1614/ENF	Dismissed (See note 1 attached)	Enf	Written Representations
Enforcement	121 Warwards Lane, Selly Oak	Change of use of premises to a house in multiple occupation , erection of single storey rear extension and roof enlargement. 2013/1166/ENF	Dismissed (See note 2 attached)	Enf	Written Representations
Enforcement	33a Stonehouse Road, Sutton Coldfield	Erection of a rear detached structure. 2016/0447/ENF	Dismissed (See note 3 attached)	Enf	Written Representations
Enforcement	57 Knightlow Road, Harborne	Construction of a raised patio area in the rear garden. 2016/0065/ENF	Allowed (see note 4 attached)	Enf	Written Representations
Householder	97 Colebourne Road, Billesley	Erection of single storey side, front and rear extensions. 2016/07723/PA	Allowed (see note 5 attached)	Delegated	Written Representations
Householder	10 North Drive, Handsworth	Erection of single storey side and rear extension. 2016/09430/PA	Dismissed	Delegated	Written Representations
Advertisement	Unit 32-34 High Street, Longbridge	Display of internally illuminated fascia sign - west elevation. 2016/05555/PA	Dismissed	Delegated	Written Representations
Advertisement	1 Hockley Circus, Hockley	Display on 1 double sided freestanding digital advertisement.	Dismissed	Delegated	Written Representations
Advertisement	The 'O' Bar, 264 Broad Street	Display of 1 internally illuminated digital wall mounted sign. 2016/04922/PA	Dismissed	Delegated	Written Representations

Birmingham City Council
Planning Committee 27 April 2017

Appeal Decisions Received from the Planning Inspectorate in March 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
A3 / A5	3 Oldfield Road, Sparkbrook	Change of use from retail (Use Class A1) to a hot food takeaway (Use Class A5) and installation of extraction flue to rear. 2016/05339/PA	Dismissed	Delegated	Written Representations
Residential	255-261 Highfield Road, Hall Green	Demolition of No. 257 Highfield Road and erection of 7 dwelling houses and associated new vehicular access. 2016/03220/PA	Dismissed	Delegated	Written Representations
Residential	44 Howard Street, Gun Quarter	Conversion of first floor offices into 1 no. self-contained residential flat. 2016/06252/PA	Dismissed	Delegated	Written Representations
Residential	Land to the rear of 66 Aldbourne Way, Kings Norton	Erection of 1 no. bungalow 2016/06383/PA	Dismissed	Delegated	Written Representations
Other	531 Moseley Road, Balsall Heath	Application for a lawful development certificate for the existing use of part of the first floor of the property as a sheesha facility. 2016/01705/PA	Dismissed	Delegated	Written Representations
Other	95 Wright Street, Small Heath	Change of use from storage and distribution (Use Class B8) to vehicle repairs and bodywork shop (Use Class B2). 2016/07981/PA	Allowed (see note 6 attached)	Delegated	Written Representations

Total - 15 Decisions: 12 Dismissed (80%), 3 Allowed

Cumulative total from 1 April 2016 - 106 Decisions: 72 Dismissed (68%), 31 Allowed, 3 Part Allowed

Notes relating to appeal decisions received in March 2017

Note 1 (119 Warwards Lane)

The Inspector varied the enforcement notice by extending the compliance period from 3 months to 6 months and deleting of the words "You are required to comply with this notice by 15th December 2016".

Note 2 (121 Warwards Lane)

The Inspector varied the enforcement notice by extending the compliance period from 3 months to 6 months and deleting of the words "You are required to comply with this notice by 15th December 2016".

Note 3 (33a Stonehouse Road)

The Inspector varied the enforcement notice by inserting the following words immediately after the first sentence in section 5 "Or; Reduce the height of the building such that it exceeds no more than 2.5m, when measured from adjacent ground level".

Note 4 (57 Knightlow Road)

Enforcement notice issued because the raised patio as built does not provide an adequate separation distance to No.55 and No.61 Knightlow Road and therefore leads to a loss of privacy.

Appeal allowed because the Inspector concluded that, subject to the imposition of a suitably worded condition to secure appropriate boundary fencing, the effect of the raised patio on the privacy of neighbouring residents will be acceptable.

The appellant's application for costs was refused.

Note 5 (97 Colebourne Road)

Application refused because the proposal does not comply with the 45 Degree Code and would lead to a loss of outlook and light to No. 99 Colebourne Road.

Appeal allowed because the Inspector considered that whilst the rear extension would cross a 45 degree line, it would have only a marginal effect on the outlook from and daylight to 99 Colebourne Road.

Note 6 (95 Wright Street)

Application refused because: 1) The car parking facilities proposed are inadequate and would lead to additional parking in nearby roads, to the detriment of pedestrian and highway safety. 2) The proposed change of use to vehicular repairs (Use Class B2) is unacceptable in principle at this location and the applicant has not adequately demonstrated that the proposals would not have an adverse impact on the residential amenity of the nearby dwellings in terms of noise and disturbance.

Appeal allowed because the Inspector considered that: 1) Even though Wright Street does not offer an ideal highway environment, sufficient parking would be

available to ensure the efficient, effective and safe use of the existing transport network. 2) Conditions can be used to set noise levels for equipment, control operations to particular days and hours of the day and to secure a delivery vehicle management scheme to ensure the proposed uses would only occur during the daytime and not when residents in particular are more likely to be affected.

18 BIRMINGHAM CITY COUNCIL

REPORT OF CORPORATE DIRECTOR OF ECONOMY

PLANNING COMMITTEE

27 April 2017

AREA: CITY CENTRE

WARD: LADYWOOD

ISSUES REPORT

SUMMARY

This report advises Members of a detailed planning application submitted on 2 March 2017, by Barratt Homes for a 8.71ha site comprising of land fronting Bristol Street, Belgrave Middleway, St Luke's Road, Sherlock Street, Hope Street, Vere Street, Mowbray Street, Spooner Croft and Gooch Street on the St Luke's Estate, Birmingham. The application proposes demolition of two existing buildings namely St Luke's Church and the Highgate Centre and redevelopment of site to provide 772, one, two and three bed houses and apartments with associated internal access roads, parking, open space, infrastructure services and alterations to footpaths. The report sets out likely issues to be considered when the proposal returns to your Committee, seeks views on these issues and on any other relevant planning matters that members may wish to raise.

RECOMMENDATIONS

That this report be noted.

CONTACT OFFICER

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PURPOSE

This report is intended to give Members an early opportunity to comment on the application proposal in order for negotiations with the applicants to proceed with some certainty as to the issues Members feel are particularly relevant, require amending, or any additional information that should be sought.

PLANNING COMMITTEE: 27 April 2017

Application 2017/01721/PA

DISTRICT: City Centre

LOCATION: Land fronting Bristol Street, Belgrave Middleway, St Luke's Road, Sherlock Street, Hope Street, Vere Street, Mowbray Street, Spooner Croft and Gooch Street, St Luke's Estate, Birmingham, B5 7AY

PROPOSAL: Demolition of existing buildings (St Luke's Church and the Highgate Centre) and redevelopment of site to provide 772, one, two and three bed houses and apartments with associated internal access roads, parking, open space, associated infrastructure services and alterations to footpaths

APPLICANT: Barratt Homes

AGENT: Turley, 9 Colmore Row, Birmingham, B3 2BJ

1.0 DETAILS OF PROPOSAL:

1.1 The application relates to a site of 8.7ha as identified as a significant redevelopment opportunity in the Bristol Street and St Luke's Development Framework as adopted in December 2013. This application proposes the develop the site to provide a mix of apartments and houses ranging in height from 2 – 11 storeys together with associated car parking and areas of public open space including a new Neighbourhood Park of 1.05ha.

1.2 Demolition

1.3 The implementation of the proposals would require demolition of the following buildings:

- St Luke's Church which fronts the east side of Bristol Street near to the junction with Belgrave Middleway
- The Highgate Centre which fronts the north side of St Luke's Road close to the junction with Cumberland Avenue.

1.4 New buildings

1.5 The proposed development comprises of 580 apartments and 192 houses with the following mix:-

- 1 bed apartments – 228
- 2 bed apartments - 352
- 2 bed houses – 85
- 3 bed houses – 107

This gives the development a density of 88.7 dwellings per ha if the areas of public open space are included or 121 dwellings per ha excluding them.

- 1.6 The apartments would be accommodated in a number of blocks which are labelled A to F and would be located predominantly along the Bristol Street and Belgrave Middleway frontages. Blocks A1 – A2 would be in the form of linked buildings located to front onto Bristol Street and a linear area of public open space proposed along the northern boundary. Block A1 would accommodate 70 apartments and be 8 storeys in height whereas Block A2 fronting Bristol Street would be 10 storeys high. Blocks A3 and A4 would be of a similar linked form and be located facing Bristol Street and Belgrave Middleway. They would provide 60 and 70 apartments respectively in buildings of 11 storeys facing Bristol Street and 8 storeys facing Belgrave Middleway.
- 1.7 Blocks B1 and B2 would be located adjacent to blocks A1 – A4 one facing the linear open space and the other Belgrave Middleway. Each would provide 34 apartments and be mainly 4 storeys in height but with 2 storey wings at either end. Further Block's B3 and B4 which would also be 4 storeys high would be located at right angles to each other to front Belgrave Middleway and the junction with Sherlock Street and each provide 31 apartments.
- 1.8 Blocks C1 and C2 are smaller three storey blocks each providing 6 apartments which would be located to the north of Hope Street either side of a new access road. On the east side of Sherlock Street apartment block D1 is proposed providing 31 apartments in a 4 storey building and lie adjacent to Block D2 which fronts Belgrave Middleway and would also be 4 storeys in height and accommodate 20 apartments.
- 1.9 The two remaining blocks comprise Block E which would be located to the north of St Luke's Road, towards the eastern end of the site facing over the new neighbourhood park. It would accommodate 35 apartments over four storeys. The final Block F would be located at the junction of Belgrave Middleway and St Luke's Road and provide 76 apartments in a part four and part five storey building. In this part of the site there is the potential for dwellings to be affected by flooding and therefore it is proposed that the residential units in Block F be sited above an undercroft car parking area so that they are above any predicated flood levels.
- 1.10 The remaining 192 dwellings on site comprise a mix of two and three storey terraced and semi-detached houses as well as 10 flats above garages. These are arranged largely to infill the gaps in the existing street frontages to Hope Street, Vere Street, Spooner Croft and Mowbray Street in the northern part of the site as well as Sherlock Street and St Luke's Road. Several new streets are also proposed within the site off Sherlock Street, St Luke's Road and Hope Street to provide frontages to additional dwellings and access to car parking. The infill dwellings proposed at the eastern end of the site fronting St Luke's Road and Barrow Walk could also potentially be affected by flooding and it is therefore proposed that they have finished floor levels above existing ground levels.
- 1.11 The apartments sizes vary from 44 – 47.4 square metres for a one bed type and from 53.7 – 67.8 for a two bed type. The proposed house sizes vary from 52.5 – 74.4 square metres for a 2 bed type and from 94.4 - 109.5 for a 3 bed type. The 10 flats above garages would all have 2 bedrooms and have a floor area of 63.8 square metres.
- 1.12 It is proposed that the 10% (77) of the dwellings being built on site would be affordable. The proposed units would be made up of rented, shared ownership and low cost dwellings with the following mix:

- 1 bed apartment for rent – 11 units
- 2 bed apartment for rent – 20 units
- 1 bed apartment for shared ownership – 12 units
- 2 bed apartments for shared ownership – 8 units
- 2 bed houses for shared ownership – 6 units
- 1 and 2 bed apartment's low cost apartments – 20 units

1.13 Appearance and Materials

1.14 It is intended that most of the apartment blocks occupy the most prominent road frontages to respond to the scale of these wide and important traffic routes into and out of the city. The Belgrave Middleway/Bristol Street junction has previously been identified as a suitable location for landmark buildings and therefore the apartments proposed in this location are between 8-12 storeys in height. Apartments of 4/5 storeys in height are also proposed either side of the roundabout junction of Belgrave Middleway and Sherlock Street and at the junction with St Luke's Road. The proposed houses, which are 2/3 storeys in height, have been positioned to front the existing estate roads as well as the new roads proposed. They would fit in around existing residential properties that have been retained which are largely 2 storeys in height.

1.15 All buildings would be built from a buff brick using three different shades and the two apartment blocks forming a gateway on Sherlock Street would also incorporate blue brick detailing at lower levels. The apartment blocks would have a flat or mono-pitched roof whilst pitched roofs are proposed for the houses although in prominent locations these would be modified through the introduction of a front parapet to add interest and verticality. Throughout the development window openings with vertical proportions would be used and simple detailing. 9 different house types are proposed with slight variations dependant on plot location. The apartments blocks proposed are of 6 main design types and 10 flats above garages are also proposed.

1.16 Access and Parking

1.17 All the existing estate roads within the site would be retained and these would be supplemented with additional access roads to serve the new buildings. There are several footpaths through the site which would be rationalised to provide a main east west route the site between Bristol Street and Gooch Street and St Luke's Road as well pedestrian links into the various housing areas. The existing pedestrian subway that runs under Bristol Street is to be removed as part of the highway works being undertaken in connection with the housing redevelopment at Park Central on the opposite side of Bristol Street. The ramps down to the subway on the application site would be removed and the land re-graded

1.18 A total of 658 parking spaces are proposed which would give an overall parking ratio of 85%. Of these spaces 265 (138%) would be for the 192 dwellings with each house having at least one allocated off site car parking space. 29 visitor spaces are also proposed. 364 spaces are proposed for the apartments, a ratio of 62%, in the form of shared parking courtyards and undercroft spaces within some of the apartments blocks. The design of each apartment block also includes cycle storage areas with a total of 363 spaces at an average provision per block of 62.5%. A former garage court now used for parking by existing residents of Spooner Croft is to be retained.

1.19 Amenity Space and Trees

1.20 Small gardens are proposed for the new houses which on average provide about 50 square metres of private amenity space but vary in size between 16.5 and 76 square metres. The apartments would have small communal areas of landscaped space around each block and a larger landscaped square is to be provided to the rear of apartment blocks A1-A4.

1.21 The proposals also include a central, linear park running the entire length of the site from Bristol Street through to Gooch Street. This space, which has an average width of about 15 metres would link through to a new neighbourhood park of 1.05 ha which would be provided at the eastern end of the site between St Luke's Road and Gooch Street. The open space areas proposed have largely been located on areas where there is a possibility of flooding due to the proximity of this part of the site to the River Rea. The new park would provide a grass pitch, infant and junior play areas as well as other informal areas of open space. A further pocket park is proposed between Lawford Grove and Gooch Street and other areas of landscaped open space are proposed within the development including one fronting Sherlock Street. It is proposed that these areas of public open space would be privately maintained which would be financed through service contracts with occupiers of the development.

1.22 There are a number of mature trees within the site and the arboricultural report submitted with the application identifies 107 individual trees and 22 groups. 71 trees are proposed for removal to facilitate the development; however the landscaping scheme includes the planting of over 260 new trees, as replacements.

1.23 Supporting Information

1.24 The application has been supported by a comprehensive range of documents including Design and Access Statement, Planning Statement, Flood Risk Assessment, Drainage Strategy, Framework Residential Travel Plan, Transport Assessment, Arboricultural Impact Assessment, Bat Surveys, Ecological Appraisal, Energy Statement, Air Quality Assessment, Environmental Noise Survey & Assessment, Statement of Community Engagement and Phase II Ground Investigation. A Viability Assessment has also been provided in support of this application to justify the deviation from policy in respect of Open Space and Affordable Housing contributions.

1.25 The application proposals have been screened at pre-application stage where it was concluded that the development would not be EIA development requiring the provision of an Environmental Statement.

1.26 [Link to documents](#)



2.0 NATURE OF SURROUNDINGS:

- 2.1 The application site of 8.7 ha is located within the Southside and Highgate quarter of the City Centre. It is bordered by Bristol Street (A38) to the west, a key arterial route into and out of the city centre and Belgrave Middleway (A45400) to the south, which forms part of the Birmingham ring road. Mowbray Street and Gooch Street form part of the north and north eastern boundaries. The site also encompasses parts of Vere Street, Hope Street, Spooner Croft, Lawford Grove and Berrington Walk and Sherlock Street crosses through the centre of the site.
- 2.2 Most of the western half of the site was the former home of Matthew Boulton College since demolished. The eastern half of the site forms part of site the St Luke's housing estate and a number of tower blocks, maisonettes and a nursery that previously occupied the site have been demolished and cleared. Running through the centre of the site from east to west is a substantial area of public open space which contains a number of well-established trees. There are other mature trees within the site as well as footpaths, areas of hard standing, fenced off former housing sites and highways. The site also contains two existing buildings; these are the former St Luke's Church, fronting on to Bristol Street and the Highgate Centre, fronting onto St Luke's Road.
- 2.3 Immediately adjacent to the site are a number of retained dwellings which are predominantly 2 storeys terraced houses but there are also some bungalows and three storey town houses that border the plot.. The north western corner of the site lies adjacent to Bristol Street Motors, which contains a petrol filling station, a car showroom, Transit Centre as well as workshops and car storage areas. There is also a disused multi storey car park that was used in connection with Monaco House at the northern of Vere Street. A small number of commercial uses border the site along Gooch Street, including a public house and a range of other small scale two storey commercial units. The River Rea also lies adjacent to the eastern corner of the site adjacent to the Gooch Street frontage.

- 2.4 Opposite the site fronting Bristol Street lies the Park Central development which is nearing completion with the final phase of apartments currently under construction. Where the apartments front the Bristol Street/Lee Bank Middleway junction they are to be 10 and 11 storeys high. On the opposite side of Belgrave Middleway/Bristol Street junction is an 18 storey high student accommodation block known as Belgrave View.

2.5 [Site Location](#)

3.0 RELEVANT PLANNING HISTORY:

- 3.1 There are no previous planning applications that are relevant to the consideration of this application however since 2001 there have been a number of applications to demolish the tower blocks, maisonettes and a nursery that previously occupied site.
- 3.2 A development brief for part of the site and adjoining land at Monaco House and Bristol Street Motors was adopted in March 2003 and a further Development Framework for the entire application site known as Bristol Street and St Luke's was adopted in December 2013.

4.0 CONSULTATIONS / PP RESPONSES:

- 4.1 Public consultation is underway with local businesses and residents, residents associations and local ward councillors. Press and site notices have also been displayed. Consultations have also been undertaken with Council departments, statutory consultees and other interested parties. The applicants also carried out a public consultation event on 30 June 2016.

5.0 POLICY CONTEXT:

- 5.1 Birmingham Development Plan 2031, Birmingham Unitary Development Plan 2005 saved policies, Bristol Street and St Luke's Development Framework 2013; Places for Living SPG; Car Parking Guidelines SPD; Public Open Space in new Residential Development SPD; Affordable Housing SPG, non-statutory Big City Plan and the National Planning Policy Framework 2012.

6.0 ISSUES:

6.1 [Issue 1 - Land Use Policy](#)

- 6.2 The Birmingham Development Plan 2031 supports the continued renaissance of Birmingham which will see the City plan for significant new development to meet the needs of its growing population. Policy PG3 states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments.
- 6.3 Policy GA1 sets out the principles for development for the City Centre in terms of its role and function, spatial strategy and key areas of growth. It confirms that residential development will continue to be supported in the city centre, where it provides well-designed good quality living environments and that development should be flexible and adaptable to meet a range of needs. Policy TP24 supports a diversity of uses in centres including leisure uses, offices, restaurants residential and retail and encourages active frontages which add to the attractiveness and character of the centre. The role of the Southside and Highgate Quarter is confirmed in policy GA1.3

as supporting the growth of the cultural, environment and residential uses, complemented by high quality public spaces and pedestrian routes.

- 6.4 Policy TP27 states that new housing is expected to contribute to making sustainable neighbourhoods which are characterised by:-
- A wide choice of housing sizes, types and tenures.
 - Access to local facilities including shops, schools, leisure and work.
 - Convenient options for sustainable travel.
 - A strong sense of place and high design quality.
 - Environmental sustainability and climate proofing measures
 - Attractive, safe and multifunctional public spaces.
 - Effective long-term management of buildings, public spaces and other infrastructure.
- 6.5 The Bristol Street and St Luke's Development Framework states that the sites at Bristol Street and St. Luke's provide a significant opportunity within the quarter to create a high quality, sustainable, mixed-use development with high-profile commercial sites and the elements for a new residential neighbourhood. It notes that the prominent frontages to Bristol Street and Belgrave Middleway, presents an opportunity for a major mixed-use landmark development and that the site will support a mix of uses that help to provide a magnet to draw economic and pedestrian activity into this part of the City Centre.
- 6.6 The NPPF contains a presumption in favour of sustainable development which is about positive growth making economic, environmental and social progress for this and future generations. It affirms the Government's commitment to securing economic growth in order to create jobs and prosperity. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.7 Although the Development Framework identifies the site as significant opportunity for a mixed use development with high profile commercial sites particularly on the Bristol Street frontage the application proposals do not include any commercial uses. Residential development is proposed across the site as the applicants do not consider commercial uses to be viable in this location. In this respect, it should be noted that although planning permission has been granted in the past for retail/mixed use developments at Park Central and at Bristol Street Motors/Monaco House these consents have not been implemented and have now lapsed. On Zone 11 at Park Central which lies opposite the application site the developer was unable to attract a supermarket operator and a scheme of residential apartments is now being built

The Committee may wish to comment on the mix of uses proposed, and whether a wholly residential scheme is acceptable. .

6.8 Issue 2 – Demolition

- 6.9 There are two existing buildings on the site which are proposed for demolition. Neither of these buildings is listed or locally listed and both are vacant. The Bristol Street/St Luke's Development Framework however states that there are few examples left of the historic fabric of the area and future development should seek to retain and reuse St Luke's Church and the Highgate Centre as they are the last surviving examples of the original buildings in the area and provide local landmarks that contribute to a neighbourhood sense of place.

- 6.10 Although the buildings have no statutory protection a heritage assessment which considers the significance of the buildings has been submitted following the guidance set out in the NPPF. With regard to St Luke's Church the assessment concludes that it is of limited architectural or historic interest, it not in itself innovative or of strong architectural merit and the design and composition of the building has been compromised by the unfinished tower, the later roof and other alterations. The Highgate Centre is also assessed as having limited architectural interest and although it holds a degree of historic interest having been originally build by John Throgmorton Middlemore as a children's emigration home the legibility of the original building has been significantly eroded by later demolition and a replacement extension.
- 6.11 The applicants consider that the retention of the existing building would compromise the redevelopment of the site and that the buildings are of low significance. They also point out the public benefits they would be delivered by the proposals including the social and economic regeneration of the area, environmental improvements, the provision of on-site affordable housing and the creation of public open space.

The Committee may wish to comment on the loss of the two existing buildings.

6.12 Issue 3 - Building Heights and Designs

- 6.13 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 also has similar wording and seeks high design quality. The Bristol Street/St Luke's Development Framework indicates appropriate building heights for the site which are between 6-12 storeys on the Bristol Street frontage and 5-10 storeys on the western half of the Belgrave Middleway to respond to the scale of the roads and the junction. Elsewhere buildings heights are shown as 6-9 storeys on the Sherlock Street junction and between 2-6 storeys elsewhere having regard to the amenity of residents of existing dwellings.
- 6.14 In terms of design the Development Framework identifies the junction of Bristol Street and Belgrave Middleway as an appropriate location for a landmark building to mark the junction and requires active frontages, clearly defined public and private space and states that the new and existing housing should create a coherent urban neighbourhood.
- 6.15 The development proposals have responded to the need for a landmark building fronting Bristol Street/ Belgrave Middleway junction by locating taller buildings on this western edge of the site with heights of 10 and 11 storeys. These are also designed to complement the scale and massing of the Zone 11 where the two new blocks under construction fronting the Bristol Street/Lee Bank Middleway junction are also 10 and 11 storeys in height. Apartment blocks of 4 storeys are proposed along the remainder of the frontage to Belgrave Middleway and either side of the junction with Sherlock Street and are therefore lower than the heights considered to be appropriate in the Development Framework. The 4/5 storey block proposed is proposed at the junction with St Luke's Road would however meet the 3-5 storey height recommended. Away from these major traffic routes the rest of the development is predominantly low-rise and two to three storeys in height.
- 6.16 The Development Framework also states that the development should achieve a high quality environment in terms of scale and architecture and that active frontages will

be required with doors and windows at ground floor level to residential accommodation and that ventilation grills and undercroft parking should be avoided

- 6.17 In terms of design the new housing would be of brick and include vertically proportioned window openings and simple detailing to create a coherent architectural language across the whole development with variation and subtle change within each respective character area. A family of base window styles for apartments and house types is proposed and the apartments would have a flat or mono-pitched roof whilst the pitched roofs of the house types help to bridge the difference in relative massing. Although frontages are generally active at ground floor level the development does include a number of ground floor undercroft parking areas and garages in order to accommodate the parking requirements for the development and service facilities such as bike and refuse stores. There is also a desire to avoid ground floor apartments close to the busy and noisy Bristol Street and Belgrave Middleway junction. On Block F apartments are located above undercroft parking as there is a potential risk from flooding.

The Committee may wish to comment on the buildings heights and designs and whether these respond to the original brief.

6.18 Issue 4 - Dwelling mix and sizes

- 6.19 The Development Framework for the site seeks a mix of housing types and tenures and the Policy TP30 of the BDP states that new housing should seek to deliver a range of both market and affordable dwellings to meet local needs and should take account Strategic Housing Market Assessment as well as the locality and ability of the site to accommodate a mix of housing. Policy TP31 seeks 35% affordable homes on sites of 15 or more dwellings and includes the following details of the housing required across the City as a percentage.

Tenure	One bed	Two bed	Three bed	Four bed	Total
Market	8.1	14.9	17.3	21.9	62.2
Shared ownership	1.1	1.2	2.2	0.3	4.8
Affordable rent	3.7	11.6	5.3	0.9	21.6
Social rent/ requires subsidy*	1.7	3.0	1.6	5.0	11.4
Total	14.6	30.8	26.3	28.1	100

- 6.19 The proposed development would provide 90% market dwellings (509 apartments and 186 houses) and 10% affordable dwellings (71 apartments and 6 houses) of which 87% of the overall number of dwellings would be one and two bedroom units with the following mix as a percentage:-

Tenure	1 bed (%)	2 bed(%)	3 bed(%)	4 bed (%)	Total
Market	25.5	50.9	13.6	-	90.00
Shared Ownership	1.56	1.82	-	-	3.38
Affordable Rent	1.43	2.59	-	-	4.02
Low Cost	1.04	1.56	-	-	2.60
Total	29.46	56.78	13.6	-	100

- 6.20 In terms of dwelling size, the National Described Space Standards can be used as a guide. It seeks minimum sizes of 39 – 50 square metres for 1 bed apartments, 61-70 square metres for a 2 bed apartment, 70-79 square metres for a 2 bed house and 90 -108 square metres for a 3 bed house. The 228 x 1 bed apartments proposed are between 44 – 47.4 square metres and would only comply with the national space standards if they are only occupied by 1 person. The 2 bed apartments are between 53.7 – 67.8 square metres and although most comply with the national guidance 37 (10.5%) are below the minimum size of 61 square metres. For the 2 bed houses a minimum size of 70 square metres is sought but 53 (62%) of the 85 houses proposed would be below this size. The 3 bed houses are all 3 storeys high and therefore the minimum size recommended is 90 square metres. In this case all 107 of the 3 bed houses proposed would meet this standard as they range in size for 99-108 square metres.

The committee may wish to comment on the mix of accommodation and the dwelling sizes proposed.

6.21 Issue 5 – Amenity open space and trees

- 6.22 One of the aims of the Development Framework is the transformation of the large areas of existing open spaces that run through the centre of the site so that they form the heart of the new development, an attractive setting for the new homes and provide new high quality facilities. The framework document states that it is accepted that a quantity of open space will be lost but in return the remaining open space will achieve a significant improvement in the quality and usability. The requirements for the new open space are stated as being:-
- To meet the policy requirements of 2ha of open space per 1000 population
 - To provide a linear open space through the site to create a strong green pedestrian link between the remodelled open spaces and form part of the strategic network.
 - To provide a neighbourhood park of at least 1.3 ha to include a grassed pitch, play areas, informal spaces and room for community events.
 - To retain as many of the good tree specimen trees as possible whilst accepting there will be some tree loss.
- 6.23 A development of the number and size of dwellings proposed generates a requirement of 2.8 ha of public open space using the criteria set out in policy TP9 of

the BDP and the Public Open Space in new residential development SPD. A total of 2.2 ha has been provided on site including a central east – west green spine to link with adjoining green infrastructure, a small ‘pocket park’ fronting Gooch Street and a neighbourhood park of 1.05ha located between Gooch Street and St Luke’s Road which is to include a grass kick-about pitch to replace the existing provision, infant and junior play areas as well as informal amenity areas. Although this will be available for public use it will be maintained by a management company.

- 6.24 The location of the public open spaces areas has been generally concentrated at the eastern end of the site where there is a risk from flooding from the River Rea. The applicants have provided a detailed Flood Risk Assessment and it is intended that the provision of the open space helps to mitigate against flooding of any dwellings and ensures there is no loss of flood storage of the site. The design also includes swales and remodelling of existing land forms to help provision additional flood mitigation measures.
- 6.25 The layout has also sought to retain as many of the existing trees as possible including several of those within the existing linear area of open space, two groups fronting Sherlock Street, a group adjacent to Berrington Walk and 4 trees and a small group fronting Gooch Street. 71 trees are however proposed for removal which comprises 6 A category, 40 B category, 24 C category and 1 U category trees. 260 new trees are however proposed including lines of trees along the frontages to Bristol Street, Sherlock Street, St Luke’s Road and Gooch Street as well as between parking spaces within the new access roads.
- 6.26 In terms of private amenity space the apartments would have shared areas of landscaped space directly around each block and there is also a private landscaped square for apartment blocks A1- A4. The new houses all have small private rear gardens which have an average size of about 50 square metres but vary between 79 and 16.5 square metres. Most are therefore below the garden sizes recommended in Places for Living which seeks minimum garden sizes of 52 square metres for 2 bed and 70 square metres for 3 bed dwellings however a considerable amount of on- site public open space is proposed. Of the 192 houses proposed 8 x 2 bed units (4.2%) would have especially small gardens of less than 40 square metres although for 4 of these houses the design includes a deck at first floor level.

The committee may wish to comment on the amount of public open space provided, the loss of trees and proposed garden sizes

6.27 Issue 6 - Planning Obligations

- 6.28 The Development Framework states that appropriate legal agreements will need to be considered in connection with the development of the site including affordable housing, public open space, improvements to highways, education/health provision/youth community facilities. Policy TP31 of the BDP requires 35% affordable dwellings on site of 15 dwellings or more and TP9 seeks either on site public open space at 2ha per 1000 population or contributions towards off site provision for developments of 20 or more dwellings.
- 6.29 The applicants have submitted a financial appraisal (which is being assessed) to justify their claim that the development can only afford to provide 10% on site affordable dwellings as well as the 2.2 ha of on-site public open space and neighbourhood park. The affordable housing offer comprises of 71 one and two bed apartments of which 31 would be for rent, 20 for shared ownership and 20 for low cost market sale. 6 x 2 bed houses are also proposed for shared ownership.

- 6.30 The public open space being provided would be privately owned and managed on behalf of residents of the development as Local Services do not wish to take over and maintain the public open space/park in this instance. Conditions rather than a Section 106 planning obligation would be required to cover public use of the open space and its maintenance. The site does not attract a CIL payment as it is not in an identified high value housing area.

The committee may wish to comment on the Section 106 being offered in connection with the development including the level and type of affordable housing.

Site photographs



Figure 1: Site frontage to Bristol Street and subway



Figure 2: View of St Luke's



Figure 3: View towards Belgrave Middleway junction



Figure 4: View across Sherlock Street



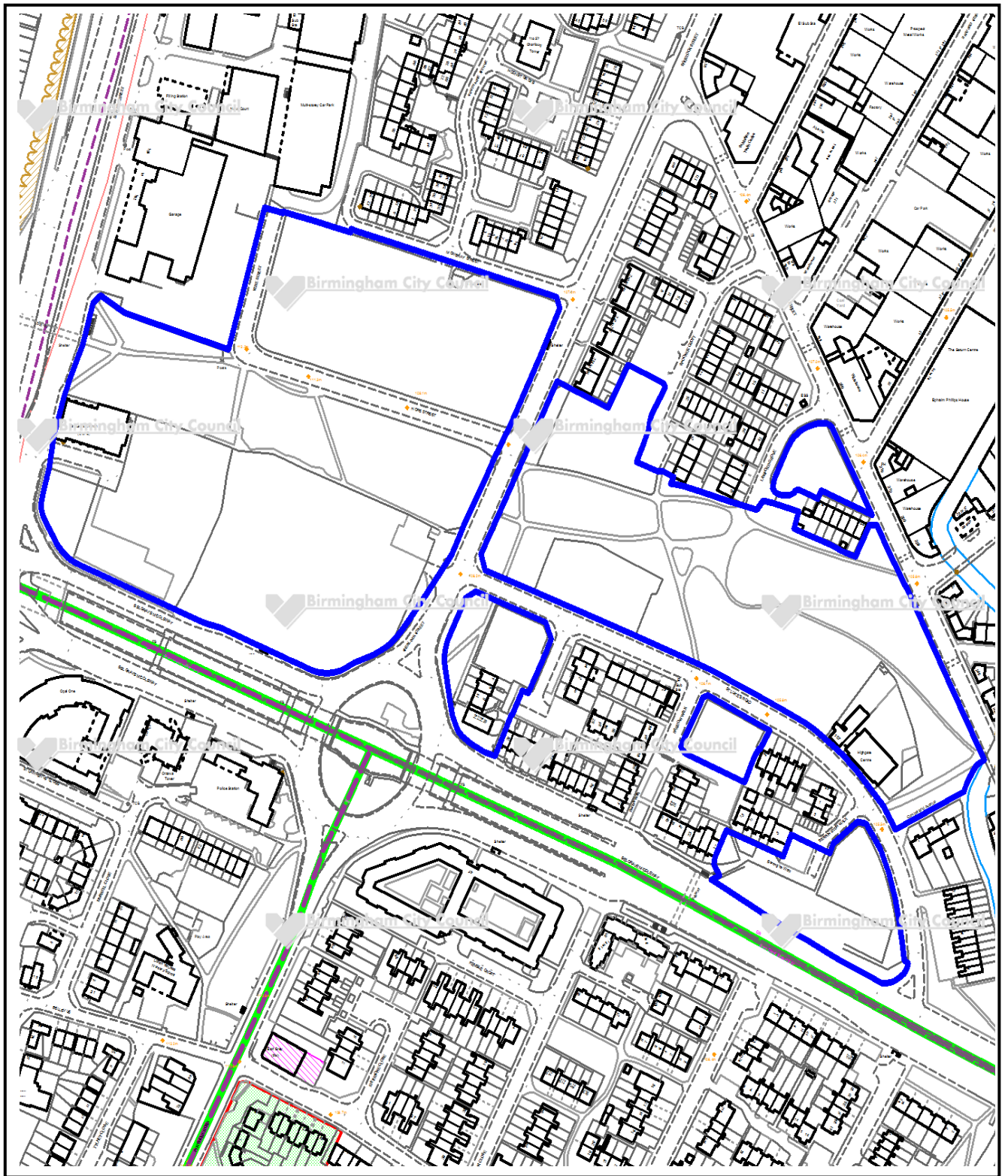
Figure 5: Site frontage to Gooch Street



Figure 6: View of central area of public open space



Figure 7: View of Highgate Centre



Site location plan