

Birmingham City Council

Planning Committee

23 June 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	8	2016/02477/PA 3 Oaklands Road Sutton Coldfield Birmingham B74 2TB Erection of first floor extension to rear

Committee Date:	23/06/2016	Application Number:	2016/02477/PA
Accepted:	07/04/2016	Application Type:	Householder
Target Date:	02/06/2016		
Ward:	Sutton Four Oaks		

3 Oaklands Road, Sutton Coldfield, Birmingham, B74 2TB

Erection of first floor extension to rear

Applicant:	Dr Manoj Prasad 3 Oaklands Road, Four Oaks, Sutton Coldfield, Birmingham, B74 2TB
Agent:	Dunwoody Developments 163 Woodville Road, Overseal, Swadlincote, Derbyshire, DE12 6LX

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a first floor extension to the rear elevation.
- 1.2. The first floor extension would measure 4.7m in depth, with a width of 3.4m. The first floor extension would be situated above an existing single storey extension to the rear of the property. The extension would have a pitched roof design and be constructed of facing brickwork and roof tiles to match the existing property.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a large detached property located within a residential cul-de-sac comprising properties of a similar scale, with a mixture of designs and styles. The property is designed with a pitched roof and gable end features to the front and rear elevations. The property has been previously extended with single and two storey front and rear extensions. The rear garden is enclosed by close boarded fencing and hedging, with a large dense conifer tree to the side of the property. The property is set at a higher ground level than neighbouring properties.
- 2.2. Neighbouring property No. 5 Oaklands Road is a large detached property designed with a hipped roof and gable end feature to the front elevation. No. 5 has ground floor living room patio doors to the rear elevation nearest the site, with a small canopy above. The living room has an additional window to the front elevation. Alongside the rear patio doors is a ground floor kitchen bay window, with an additional kitchen window further across the rear elevation. The garden to the rear consists of a patio area, with a large grassed area to the rear. At first floor there is a bathroom window, with clear glazing, nearest the site, with a bedroom window alongside. The property is set at a lower ground level than the application site.

2.3. [Site Location](#)

3. [Planning History](#)

- 3.1. 22/05/2008 - 2008/01918/PA – Erection of a two storey front extension – Refused on the grounds of scale, mass and design
- 3.2. 20/08/2007 - 2007/03926/PA – Erection of first floor rear extension with side facing dormer window, extension to existing conservatory and erection of front porch – Approved with conditions
- 3.3. 29/04/2006 - 2006/01523/PA – Erection of first floor rear extension and extension to existing conservatory – Approved with conditions
- 3.4. 29/06/2004 - 2004/03066/PA – Erection of single storey rear lounge extension – Approved with conditions
- 3.5. 08/01/2004 - 2003/06912/PA – Erection of rear conservatory – Approved with conditions
- 3.6. 19/11/2003 - 2003/04791/PA – Retention of flat roof to single storey extension including retention of first floor French doors with balustrade guarding (no standing room) – Refused on the grounds of overlooking and design
- 3.7. 04/03/2002 - 2001/10782/PA – Revised roof treatment to single storey rear extension with French doors and balustrade detail to first floor extension – Approve
- 3.8. 12/07/2001 - 2001/00782/PA – Erection of a 2-storey extension to the side and a single storey rear extension – Approved with conditions
- 3.9. 30/01/2001 - 2000/05918/PA – Erection of rear conservatory – Approved with conditions

4. [Consultation/PP Responses](#)

- 4.1. Neighbouring properties and local ward Councillors have been notified. One objection has been received from the occupiers of No. 5 Oaklands Road raising the following concerns:
 - The proposal to add a second storey to the existing rear ground floor extension would violate the 45 degree code and block daylight to our ground floor living room.
 - The proposal includes a large slab of rendered wall and tiled roof affecting the outlook from a significant portion of our rear garden, in addition to blocking daylight to our living room.
 - The ground level of No. 3 is higher than our property, thus magnifying the scale and negative visual impact of the proposed second storey extension, and the amount of light that would be blocked out.
 - The rear building line of No. 3 sits further back than our property, thus accentuating the depth of the proposed two-storey extension into our garden.

- The proposed second storey is situated such that it would significantly block the sunlight as it moves around later in the day to the living room and garden area adjacent to our boundary with No.3.
- 4.2. Councillor Maureen Cornish supports the objections raised by No. 5 Oaklands Road and has requested for the application to be determined by the Planning Committee.

5. Policy Context

5.1. The following local policies are applicable:

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

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties amenities.
- 6.2. Whilst the proposed first floor rear extension breaches your Committees 45 Degree Code policy to the rear patio doors to No. 5 Oaklands Road at a distance of 2m, your Committees 45 Degree Code policy allows for special circumstances to be taken into account. This includes the distance between the new building/extension and the neighbouring property. The greater the distance the less the effect on the neighbours outlook and light. There would be a distance of 9.4m between the proposed extension and the affected patio doors to No. 5. Given this distance, and taking into account the level differences between No. 3 and No. 5 I do not consider that the impact on the neighbouring occupiers in terms of light would be sufficiently detrimental in order to sustain a refusal of the application.
- 6.3. I have also taken into account the additional window to the front elevation serving the affected room which would provide another source of light.
- 6.4. The scale and design of the resulting development is in keeping with the original dwelling house and would not compromise the existing character and architectural appearance of the property. As such the development would comply with the design principles contained within the design guide 'Extending your Home' Supplementary Planning Document.
- 6.5. The proposal complies with minimum separation distances set out within 'Extending your Home' and 'Places for Living' Supplementary Planning Guidance.
- 6.6. Sufficient amenity space would be retained to the rear of the site.

6.7. Community Infrastructure Levy (CIL)

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

7. Conclusion

7.1. Notwithstanding the objections raised by the occupiers of No. 5 Oaklands Road, the proposed development complies with the principles of the policies outlined above and would not cause sufficient detriment to warrant refusal of the application.

8. Recommendation

8.1. Approve subject to the following conditions

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

Photo(s)



Photo 1: Rear elevation of No. 3 Oaklands Road

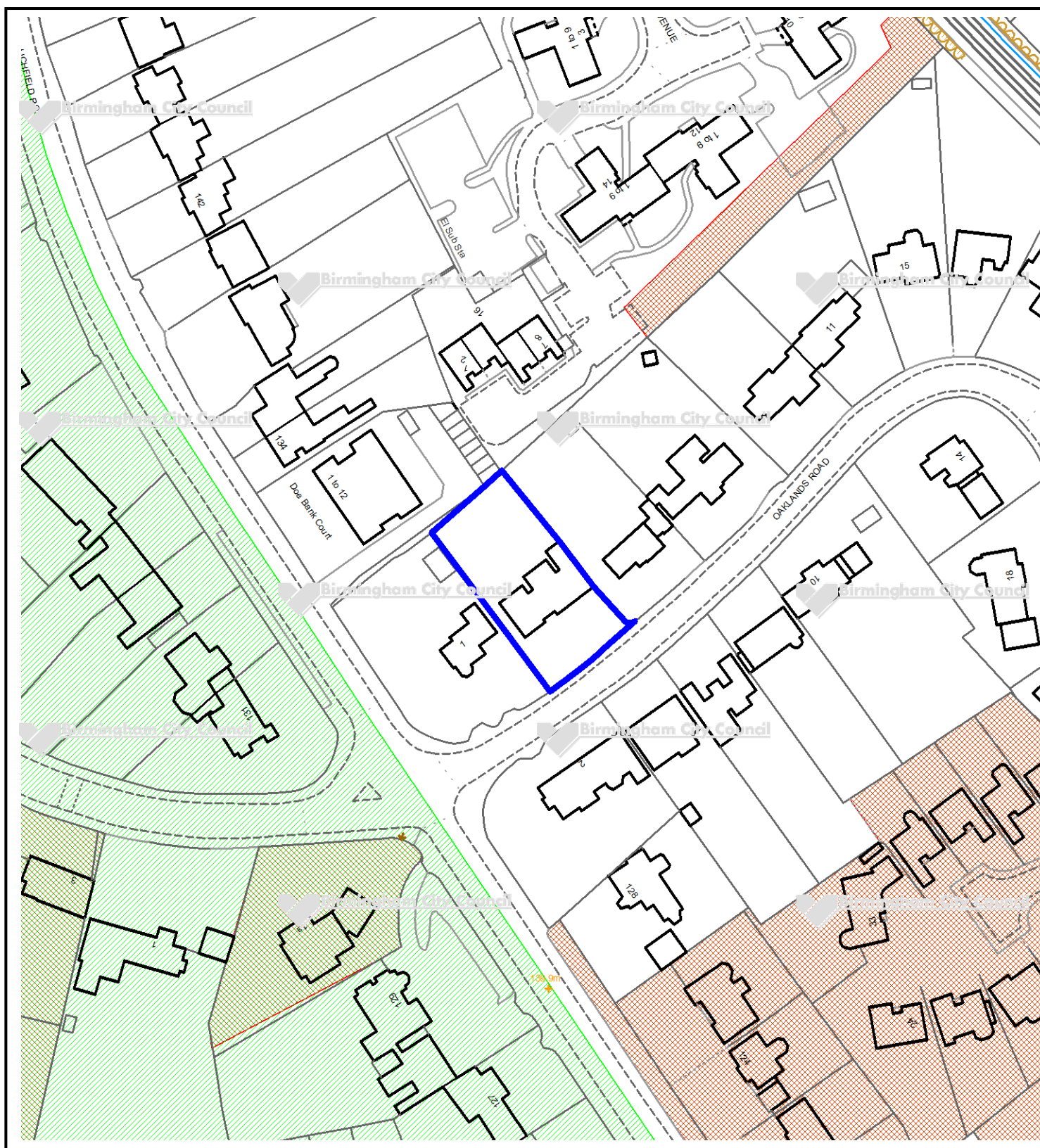


Photo 2: Rear elevation of No. 5 Oaklands Road



Photo 3: Side boundary

Location Plan



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Birmingham City Council

Planning Committee

23 June 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	9	2016/01219/PA Hall Green Stadium York Road Hall Green Birmingham B28 8LQ Outline planning application for the demolition of Hall Green Stadium and residential development of up to 210 dwellings with all matters reserved except access.
Defer – Informal Approval	10	2016/01155/PA 504-514 Bristol Road Selly Oak Birmingham B29 6BD Demolition of existing buildings and erection of a four/five storey building comprising 70 student bedrooms (Sui Generis), ground floor retail space (Use Classes A1, A2 or A3), plus associated infrastructure, site access, cycle parking and landscaping works.
Approve - Conditions	11	2016/01003/PA 10-12 Albert Walk Harborne Birmingham B17 0AR Change of use from hair dressing salon (use class A1) to fish and chip restaurant (use class A3), installation of new shopfront, new roller shutter to rear door, and retention and completion of extraction equipment on roof

Approve - Conditions	12	<p>2016/03120/PA</p> <p>225 Mary Vale Road Bournville Birmingham B30 2DL</p> <p>Change of use at ground floor from office (Use Class B1) to residential (Use Class C3), erection of single storey rear extension and alterations to front</p>
Approve - Conditions	13	<p>2016/01614/PA</p> <p>29 Elizabeth Road Moseley Birmingham B13 8QH</p> <p>Erection of single and two storey rear and single storey front extensions</p>
Approve - Conditions	14	<p>2016/02745/PA</p> <p>Rear of 36 Harborne Road Edgbaston Birmingham B15 3AF</p> <p>Erection of a three storey Class D1 medical hub with associated Class B1(a) office and B1(b) research and development uses, parking, landscaping, new access, removal of 7 trees and replacement of boundary wall.</p>
Approve - Conditions	15	<p>2016/02501/PA</p> <p>Bristol Road South Bournville Care Village (Phase III) Northfield Birmingham B31 2AJ</p> <p>Erection of 16 C2 dwellings for the over 55s associated with phase III of the Bournville Care Village, including car parking and landscaping</p>

Approve - Conditions	16	<p>2016/02316/PA</p> <p>Royal Orthopaedic Hospital Bristol Road South Northfield Birmingham B31 2AP</p> <p>Erection of acoustic enclosure and retrospective permission for the installation of waste compactors and associated skips.</p>
Approve - Conditions	17	<p>2016/03896/PA</p> <p>19 Tixall Road Land at rear Hall Green Birmingham B28 0RT</p> <p>Erection of 2 no. detached bungalows</p>
Approve - Conditions	18	<p>2016/00222/PA</p> <p>163 Dawlish Road Selly Oak Birmingham B29 7AH</p> <p>Erection of a single storey rear extension and installation of dormer to front.</p>
Approve - Conditions	19	<p>2016/03388/PA</p> <p>152 Station Road Kings Heath Birmingham B14 7TD</p> <p>Erection of single storey rear extension</p>
No Prior Approval Required	20	<p>2016/04085/PA</p> <p>DNS Arden Road Frankley Birmingham B45 0JA</p> <p>Prior Notification for installation of 1 x 12.5m telecommunications tower and 1 x Pogona cabinet</p>

Committee Date:	23/06/2016	Application Number:	2016/01219/PA
Accepted:	17/02/2016	Application Type:	Outline
Target Date:	11/07/2016		
Ward:	Hall Green		

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

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

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

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application seeks outline planning permission for the demolition of the existing greyhound racing stadium and associated 48-bed hotel and the re-development of the site for up to 210 dwellings. The application has all matters reserved apart from access.
- 1.2. An illustrative masterplan has been submitted demonstrating how up to 210 dwellings could be accommodated on the 4.3ha site. A density of 49 dwellings per hectare would be provided through a mixture of two, three and four bedroom houses and apartments, with parking and amenity space provision. The illustrative masterplan has been provided for indicative purposes only and details of the layout, scale and appearance of the dwellings to be provided on the site would be agreed at the reserved matters stage, along with site landscaping.
- 1.3. The proposal would provide 3188sqm of public open space, including a junior play area and attenuation pond, on the application site. In addition an off-site commuted sum would be provided through means of Section 106 Agreement to be spent towards the improvement and maintenance of existing public open space at Fox Hollies Park.
- 1.4. Two vehicular access points are shown off York Road, one towards the north east corner of the site, and the other towards the north west corner of the site. Further, a private access drive for properties fronting York Road would also be provided. A pedestrian/cycle access off Silverlands Close is shown in the south west corner of the site.
- 1.5. The Applicant is proposing 15% affordable housing be provided on the application site (if the maximum of 210 dwellings were built this would equate to 32 affordable dwellings) and this would be secured through means of a Section 106 Agreement.

A Viability Appraisal has been submitted by the Applicant explaining why they cannot provide the full affordable housing requirement.

- 1.6. A Planning Statement, Design and Access Statement, Statement of Community Engagement, Transport Assessment, Travel Plan, Ecological Assessment, Arboricultural Survey, Flood Risk Assessment, Sustainable Drainage Statement and Strategy, Foul Water and Utilities Report, Ground Investigation Report, Air Quality Assessment, Noise Assessment, and Archaeological Survey have been submitted in support of the application.
- 1.7. 45 trees are proposed to be removed on the application site. All are either Category U or Category C, with the exception of two Category B groups of trees (G7 and G8) which are early mature leylandii. 23 trees are proposed to be retained on the site. New tree planting is shown indicatively on the illustrative masterplan, amounting to some 70 specimens across the site, and alongside the western boundary.
- 1.8. A Screening Opinion has been provided by the Council confirming that an Environmental Impact Assessment is not required for the proposed development.
- 1.9. The proposed development does not generate a CIL contribution.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

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

3. Planning History

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

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection – Subject to a condition requiring a S278 Agreement for works to the public highway
- 4.2. Regulatory Services – No objection – Subject to conditions requiring submission of a contaminated land remediation strategy, contaminated land verification report, electric vehicle charging points for dwellings, and noise and vibration assessment.
- 4.3. Local Lead Flood Authority - No objection - Subject to a condition requiring a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan.
- 4.4. Education – No objection - A S106 contribution of £1,552,625.43 is required towards education provision for primary school, secondary school and nursery school places.
- 4.5. Leisure Services - No objection – A S106 contribution for off-site public open space contribution is requested, deducting the on-site public open space and junior play area proposed. The sum would be dependent on the final housing mix and should be directed towards the provision, improvement and/or maintenance of existing public open space at Fox Hollies Park. The Parks Service would not be interested in taking on the maintenance or management of the on-site public open space.
- 4.6. Employment and Skills – No objection – Request that employment obligations are included within the S106 Agreement
- 4.7. Sport England – No objection
- 4.8. West Midlands Police – No objection
- 4.9. Severn Trent Water – No objection – Subject to a condition requiring submission of drainage details.
- 4.10. Environment Agency – No objection – Subject to conditions requiring submission of a land contamination remediation strategy (and updating should contamination not previously found on site be present), and a restriction on piling or any other foundation designs using penetrative methods.
- 4.11. Centro – No response received.
- 4.12. Network Rail – No objection - In light of the Travel Plan highlighting the proximity of Hall Green Railway Station to the development and the very convenient route between the site and Station, a financial contribution of £60,000 for spending on Hall Green Railway Station, whether via CIL, S106 or unilateral undertaking would be appropriate.
- 4.13. West Midlands Fire Service – No response received.

- 4.14. Birmingham Public Health – No response received.
- 4.15. Sandwell and West Birmingham Clinical Commissioning Group – No response received.
- 4.16. Birmingham and Black Country Wildlife Trust – No objection
- 4.17. Local residents, Ward Councillors, Residents Associations and M.P. notified. Advertised by press and two site notices. A range of objection and support submissions have been made as set out below:
- 4.18. 21 letters of objection received, including one from the 'Friends of Hall Green Stadium', raising the following concerns as summarised:
- Council is able to demonstrate a five year housing land supply
 - Site not identified within the Strategic Housing Land Availability Assessment or within the Development Plan
 - Stadium offers better racing facilities and is more frequently used than Perry Barr Stadium
 - Insufficient open space would be provided on site. S106 contribution not acceptable
 - Demolition of a community asset
 - The site is now formally designated as an Asset of Community Value, which is a material consideration for the determination of the planning application
 - Third party groups/community use function rooms – low cost, local entertainment facility for community
 - Car park is regularly full proving it is popular facility
 - Stadium supports local community in terms of charity events and fundraising
 - Over 200 jobs would be lost, many employees live locally
 - GRA did not confirm wish to invest and focus on Perry Barr
 - Loss of outlook for surrounding residential occupiers
 - Loss of cultural heritage – Stadium opened in 1927
 - Losing too many leisure facilities in City
 - Overlooking and loss of privacy to surrounding residential occupiers
 - Unnecessary public open space would attract gangs/drug dealers
 - Closure of Stadium would result in more dogs requiring shelter from charities/RSPCA
 - Increase in noise
 - Loss of local 'buzz' from Stadium on Friday/Saturday nights
 - Housing as designed is of poor quality
 - Closure of Stadium would have drastic effect on sport of greyhound racing and huge impact on kennels/staff in greyhound industry
 - Security risk to adjoining residential properties
 - Cars from local garage currently use Stadium car park
 - Flooding problem in neighbouring garden on Brooklands Road – recent changes in level of water table
 - Poor visibility on York Road where bridge crosses railway line – unsafe for increased number of pedestrians/cyclists
 - Two local primary schools already oversubscribed
 - Trains using Hall Green Station already overcrowded

- 4.19. 'Save Hall Green Greyhound Stadium' - Petition of objection with 2642 signatures plus 2048 online signatures (as of 13th June 2016) with comments
1305 duplicate letters of objection received with individual signatures. The letter raises the following concerns:
- Stadium is profitable and prosperous - the jobs of 200+ plus people who work there should be protected.
 - Stadium supports local businesses and charities which would be adversely effected were it to close
 - The proposed development would impact on traffic flow as local road network is already heavily congested at peak times
 - Strain on local infrastructure such as schools and medical services
 - Stadium attracts 150,000-200,000 visitors each year
 - Protection of Perry Barr stadium from development should set a precedent and be applied in the case of Hall Green Stadium
 - Plans to build 3000 new homes nearby negates the need for additional housing in the area
- 4.20. Petition of objection from 20 dog trainers at Hall Green Stadium – Raises concerns that the closure of the stadium would have a negative financial impact on the trainers, their staff and their families. It would not be possible to relocate trainers to another stadium and all would lose their jobs and income.
- 4.21. Roger Godsiff M.P. – Objects – Existing stadium should be retained as a leisure facility and that people go there on a regular basis, including families, have an enjoyable experience. It is a profitable business that employs over 200 people, most of whom live locally, and would lose their jobs. Not opposed to building more housing but sensible balance has to be struck between retaining public open space and amenities like stadium and addressing the housing need. Stadium is a community asset and would constitute huge loss to the sporting facilities of Birmingham. The sporting and amenity heritage of Birmingham should be preserved.
- 4.22. Jess Phillips M.P. – Concerns from constituents that new houses would impose additional strain on local services, in particular health and education. The local road network would struggle to cope with additional traffic on a daily basis, rather than the existing temporary surge. The constituents note that the facility is an established and profitable leisure business attracting visitors from across the region. There would be a loss of over 200 jobs across the site.
- 4.23. Then-Councillor Jerry Evans – Objects – City has need for diverse leisure facilities and there is only one other greyhound stadium in the City. This is a prosperous business employing over 200 staff and attracting 200,000 visitors a year. The Ward has few leisure facilities and loss of the Stadium would make it even more of a dormitory suburb. Increase in traffic problems as a result of the proposed development.
- 4.24. 41 letters of support have been submitted (some of which are duplicate letters with individual signatures). The following points were raised, as summarised:
- Desperate for new homes due to housing shortage
 - Already another greyhound stadium at Perry Barr, don't need two
 - Building new housing is good for economy/Birmingham
 - Racing industry abuse with dogs being poorly treated – outdated/cruel sport
 - Brownfield site in sustainable location

- Opportunity to deliver range of housing types including family and affordable
 - Would improve access to Hall Green Station through site
 - Redevelopment prioritises access for cyclists and pedestrians through new footpath/cycle path
 - In keeping with residential character of area
 - Would create much needed public open space and play area
 - Would introduce new trees and vegetation around site
 - Removes noise and disruption that blights area on race days
 - Construction jobs
 - Supports shops and services in Hall Green through additional spending by new residents
 - Stadium is not a leisure facility for local community
 - Stadium is an eyesore
- 4.25. People for the Ethical Treatment of Animals (PETA) – Petition of support with 7398 signatures. The following comments are raised in the covering letter:
- Dog racing is a cruel sport
 - Would provide much needed new homes
 - Would reduce noise and disruption on race days
 - Would create new public open spaces and play facilities
- 4.26. The Applicant has submitted a Statement of Community Engagement which details that a community consultation newsletter was sent to c.764 households within the local community surrounding the Stadium and was supported by a dedicated project website alongside two public exhibitions held at South and City College, Birmingham in December 2015. A press advert was also placed on the Birmingham Mail website advertising the public exhibitions and project website. The Applicant states that a total of 34 people responded to the question “*Do you support the proposed redevelopment of Hall Green Stadium site?*” – 31 people were in support, 12 people were opposed, and 1 person was undecided.

5. Policy Context

- 5.1. The following national policies are applicable:
- National Planning Policy Framework (NPPF)
- 5.2. The following local policies are applicable:
- Birmingham Unitary Development Plan (UDP)
 - Draft Birmingham Development Plan (BDP)
 - Car Parking Guidelines SPD
 - Places for Living SPG
 - Affordable Housing SPG
 - Public Open Space in New Residential Development SPD
 - Nature Conservation Strategy for Birmingham SPG
 - Mature Suburbs SPD
 - Asset of Community Value (ACV)

6. Planning Considerations

- 6.1. The Applicant has been in pre-application discussions with the Local Planning Authority (Ref. 2015/07852/PA) and the proposed scheme has been modified to

take on board officer comments made. The Applicant also held consultation events/created a webpage for the public to attend/feedback on at pre-application stage.

6.2. I consider the key planning issues to be assessed under this outline application are the impact of the proposed development on:

- the loss of the existing leisure/community facility;
- the loss of employment;
- the principle of residential development on the site;
- access to/from the site;
- broad design issues (the remaining reserved matters);
- transport;
- the amenity of existing residential occupiers;
- ecology;
- trees,
- drainage;
- air quality;
- noise;
- ground conditions;
- planning obligations.

Loss of Existing Leisure/Community Facility

6.3. Sport England confirmed at pre-application stage that they considered greyhound racing to be a leisure/recreational use, rather than a sport. As such they have raised no objection to the loss of the stadium, which was purpose built for greyhound racing, given it would not involve the loss of an existing sporting facility.

6.4. 'Friends of Hall Green Stadium' recently applied to the Council for the Stadium to be nominated as an Asset of Community Value (ACV). The Council listed the Stadium as an ACV on the 8th June 2016. The LPA considers that the loss of the ACV is a material consideration in the determination of the application and the application should be assessed against those planning policies relating to the loss of an existing leisure/community facility as set out below.

6.5. Paragraph 17 of the NPPF sets out the 12 'core planning principles' that should underpin decision making. The final such 'principle' states that planning should *"take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."*

6.6. Paragraph 70 of the NPPF states: *"To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should*

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*

- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”

- 6.7. There are no relevant planning policies in the Birmingham UDP relating to loss of leisure/community facilities. Policy TP24 of the Draft BDP relates to tourism and cultural facilities and states: *“Proposals which reinforce and promote Birmingham’s role as a centre for tourism, culture and events and as a key destination for business tourism will be supported. This will include supporting the City’s existing tourist and cultural facilities and enabling new or expanded provision where it contributes to the City’s continued success as a destination for visitors. This provision will not just be focused on major sporting, business tourism and visitor attractions but also on protecting and promoting the City’s strong industrial heritage and the smaller scale venues and attractions that are an important part of creating a diverse offer. The provision of supporting facilities such as hotels will be important and proposals for well designed and accessible accommodation will be supported.”*
- 6.8. The Stadium is currently leased by the Applicant to the Greyhound Racing Association (GRA) and greyhound racing events are attended by the general public mainly on Friday and Saturday evenings. The GRA also operate a second greyhound racing stadium in Birmingham at Perry Bar, as well as stadia in Manchester (Belle Vue), and London (Wimbledon). Other greyhound racing stadia run by different organisations exist in the Midlands, including at Monmore (Wolverhampton), Nottingham and Towcester (Northamptonshire).
- 6.9. I understand that Hall Green Stadium is currently a profitable operation for greyhound racing and that there is no current need to consolidate two stadiums down to one in Birmingham from an operational/business point of view. I understand that from an operational/business point of view Hall Green track is not favoured over Perry Barr track, or vice versa. I also understand that one track does not offer a better level of customer facility over the other. Birmingham is unusual in that it currently has two greyhound racing stadiums (the other being Perry Barr), which no other major City, outside of London, has. Arguably though the Birmingham catchment area is large enough to support two tracks. The north west part of the West Midlands conurbation would appear to be served by the Wolverhampton facility.
- 6.10. Perry Barr Stadium is located eight miles from Hall Green Stadium. The freehold of this site is owned by City Council, with a long leasehold to St. Francis Group, who sub-lease to the GRA. Like Hall Green Stadium it hosts racing events on Friday and Saturdays evenings, and additional racing events open to the general public on Tuesday mornings and Sunday afternoons. Perry Barr Stadium also has a dual use by an additional sporting group in that it hosts the Birmingham Brummies speedway team and associated speedway events.
- 6.11. Perry Barr Stadium is located within Perry Bar District Centre. Policy GA3 of the Draft BDP refers to the Aston, Newtown and Lozells Growth Area and the Aston, Newtown and Lozells Area Action Plan (AAP) 2012. Policy LC1 of the AAP states *“In regard to the Perry Barr Greyhound Stadium there is an opportunity to enhance the existing leisure offer and develop complementary uses on land surrounding the Stadium. If the Stadium was redeveloped equivalent provision should be made at least as accessible to current and potential users as the existing facility.”* In addition, the LPA is at the early stages of preparing a masterplan for Perry Barr District Centre (that includes the Perry Barr Stadium site) to guide significant development opportunities in the Centre. The masterplan is intended for public consultation later this year.

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

Loss of Employment

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

Principle of Residential

- 6.17. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in

locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF, at Paragraphs 47-50, also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

- 6.18. The Government's ambition is to "*boost significantly the supply of housing*" as stated at the beginning of Paragraph 47 of the NPPF. It goes on to require local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional 5% to 20% buffer depending on past performance on delivery. The Draft BDP identifies that a figure of around 51,800 dwellings needs to be found within Birmingham during the Plan period (ending 2031). The recent Inspector's Report into the BDP found that a five-year supply of housing land will be available when the Plan is adopted, and can be maintained. The figures for 2015-20 are a five-year requirement of 13,860 dwellings, and a deliverable five-year supply of 14,536 dwellings (5.2 years' supply). The Inspector's Report notes that additional "headroom" is likely to be provided by further windfalls coming forward in line with historic trends.
- 6.19. The application site is not identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) and would constitute a windfall housing site. I note the concerns of objectors that there is no need for housing on the application site given the Council is able to demonstrate a five year housing land supply and the site is not identified within the SHLAA or allocated for residential use within the Development Plan. However, the housing need figures include a windfall allowance for some 7,600 dwellings over the remainder of the BDP period, so there is also a general need for windfall housing, which this site could help fulfil. The Government currently places great emphasis on housing provision, and the recent Inspector's Report on the Draft BDP modified Paragraph 8.13 to add "*Whilst the trajectory sets out annual provision rates, they are not ceilings. Housing provision over and above that set out in the trajectory will be encouraged and facilitated wherever possible.*" I am therefore satisfied that the proposed development could positively assist in meeting the City's housing needs and should be given significant weight in the determination of the application.
- 6.20. The Birmingham UDP supports a more sustainable pattern of development by re-using brownfield sites in suitable locations. The UDP requires that new housing developments should provide an appropriate environment (Paragraphs 5.20-5.20A), a suitable housing density and mix (Paragraph 5.40) and encourages a full range of housing types and sizes including those for people with disabilities and other specific needs (5.35 and 5.37). Paragraph 5.38 identifies that densities of at least 50 dwellings per hectare will be expected in local centres and corridors well served by public transport, with 40 dwellings per hectare elsewhere. Policy TP29 of the Draft BDP recommends similar such housing densities.
- 6.21. Policy TP26 of the Draft Birmingham Development Plan explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities,

recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.

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

Access

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

footway crossing to the proposed private drive, and any alteration to the existing bellmouth currently serving the hotel.

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

- 6.27. Paragraphs 3.14D-E of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP26 of the Draft BDP also confirm the importance of place making and creation of sustainable neighbourhoods. The Council's Places for Living SPG encourages good quality residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.
- 6.28. Notwithstanding that the layout, scale, appearance and landscaping would be considered in detail under any future reserved matters application, and that the illustrative masterplan shows an indicative layout only which is likely to change at reserved matters stage, the illustrative masterplan nonetheless provides a useful indicator at outline stage of the type of development that could be accommodated on the application site. For example it shows that proposed new housing would front on to the public realm/public open space in order to encourage natural surveillance and create safe and useable open space, and that rear gardens would generally back on to other rear gardens, providing an appropriate level of security. It shows a permeable perimeter block structure could be achieved with a hierarchy of streets, meeting separation distances, and providing a pedestrian and cycle link through the development and linking to Hall Green Station. It also shows adequate space would be provided on the site to accommodate new soft landscaping to the front of dwellings and to the rear, as well as room for new tree planting across the site.
- 6.29. The Council's City Design Officer notes that many of the broad principles established at pre-application stage have been followed as a result of revised iterations of the illustrative masterplan. Whilst not objecting to the scheme, she notes that it appears dense in comparison to the local context (49 dwellings per hectare whereas the local area has a density of approximately 35 dwellings per hectare) and is not convinced that up to 210 dwellings can be comfortably accommodated on the site whilst creating a high quality place to live, and that the numbers of dwellings may need to be reduced somewhat. She has also provided detailed comments on the layout and notes that many of the issues with the layout shown on the illustrative master plan are symptomatic of a development which is too dense. However, whilst I concur that there are some detailed design concerns with the proposed layout as shown on the indicative masterplan, the layout is indicative only and I am confident that under any future reserved matters application, either the layout could be revised to address the design issues raised, the number of dwellings could be reduced, or the dwelling mix changed in order that up to 210 dwellings could be comfortably accommodated on the site, in line with the density of development sought by the UDP/BDP.
- 6.30. In relation to the inclusion of public open space within new residential developments, Paragraph 3.53A of the Birmingham UDP states that the overall objective should be to provide an area of safe, attractive and useable public open space, accessible to all sectors of the community including carers with pushchairs and people with disabilities within reasonable walking distance (400m) of all dwellings. The illustrative masterplan shows that the area of proposed public open space would be located centrally on the site and within 150m of all the dwellings proposed on the site.

- 6.31. Paragraph 3.61 of the UDP states that play areas will normally be expected to be provided within 400m safe walking distance of all dwellings and that careful attention is to be given to the design and location of these areas. The illustrative masterplan shows that a junior play area would be located relatively centrally on the site, and sited to ensure it would be overlooked by residential properties.

Transport

- 6.32. Paragraph 32 of the NPPF advises that *“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*
- 6.33. Paragraph 6.39 of the Birmingham UDP continues that matters such as environmental impact, safety, access control, pedestrian and cyclist needs and the function of the road will be key factors in determining planning applications for all roads that do not form part of the Strategic Highway Network.
- 6.34. Policy TP37 of the Draft Birmingham Development Plan states that *“The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.”* It sets out a series of measures which would require the delivery of a sustainable transport network. Policies TP38 and T39 of the Draft BDP encourages the incorporation of pedestrian routes and cycle routes within new development respectively. Policy TP43 of the Draft Birmingham Development Plan is concerned with traffic and congestion management. It states that the efficient, effective and safe use of the existing transport network will be promoted through a series of measures including targeted construction of new accesses to provide access to development/redevelopment sites, and ensuring that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.35. Policy TP44 of the Draft BDP explains that major developments should aim to provide an appropriate level of public transport provision to main public transport interchanges at the most relevant times of day, associated public transport stop(s), with shelters and seating, within 80m of the main focal point(s) for the location, real time information as appropriate, good cycle access with cycle storage, and good pedestrian access. It goes on to explain that proposals for residential development should demonstrate that they are accessible to a range of local services such as General Practitioners (GPs), Primary and Secondary Schools, local shops and open space.
- 6.36. The submitted Transport Assessment observed that when greyhound racing is held at the stadium on Friday and Saturday evenings there is a steady arrival of vehicles from around 0600 hours and the 600 space car park is usually full by around 0730 hours. It was observed that there is a steady departure of vehicles from the site from around 1000 hours. It was also observed that patrons park along local roads. Whilst the Transport Assessment did not observe an independent event at the

banqueting facility it has assumed that a venue with a capacity of 500 people available for a variety of events, with parking for up to 600 vehicles, would present the potential to generate a significant number of vehicle trips. On the basis that junction capacity assessments for the site access junctions and immediate off-site junctions demonstrate that the assessed junctions would operate within capacity for a design year of 2020, the Transport Assessment concluded that the determination of the current and potential vehicle trip generation of the existing development within the site is not necessary.

- 6.37. The Transport Assessment explains that the proposed development is forecast to generate 103 vehicular movements in the AM peak period, 119 movements in the PM peak period and 892 movements over a 12 hour period. The Transport Assessment concludes that due to the permeability of the local highway network, traffic flows generated by the proposed development would disperse and are unlikely to cause and/or significantly contribute to any highway capacity issues across the local highway network. Transportation Development have raised no objection to the proposal and I concur that whilst the nature of traffic to/from the site would be different when compared with the current situation, i.e. where currently traffic peaks at certain times, rather than being spread out more evenly during the day as proposed, the proposal would not have a significant adverse impact on the capacity of the local highway network. They have also provided detailed comments on the illustrative masterplan. However, these are not relevant to this outline application, because layout is a reserved matter, to be considered in due course.
- 6.38. The Transport Assessment explains that the distribution and nature of recorded accidents and attributed causation factors do not suggest there to be any inherent highway safety issues. Taking into account the increases in traffic movements across the local highway network, it explains that no future highway safety issues are envisaged as a result of the development proposals.
- 6.39. Whilst the proposed layout of the site would be the subject of a future reserved matters application, the illustrative masterplan shows that all proposed dwellings would be provided with allocated off-road parking in accordance with the Council's Car Parking Guidelines SPD i.e. a maximum of 1.5 spaces per dwelling for that part of the site located nearest to Hall Green Station and a maximum of two spaces per dwelling for the remainder of the site. It is proposed that all properties would also be provided the opportunity for secure cycle storage.
- 6.40. I consider that the site is sustainable in terms of its links to the existing public transport network. Both Hall Green Station and bus services are located within easy walking distance of the site. The proposed pedestrian/cycle access through to Silverlands Close would provide a useful connection to Stratford Road and Hall Green Station for pedestrians and cyclists.
- 6.41. A Residential Travel Plan has also been submitted in order to reduce reliance on the private car by residents through promoting and encouraging the use of sustainable travel modes. A target shift of a reduction of sole occupancy car journeys by 8.8% is set and the travel plan sets out various measures, the implementation of which would support this objective.

Amenity of Existing Residential Occupiers

- 6.42. The nearest residential properties to the application site are those which immediately adjoin the site's southern and eastern boundaries and front on to Brooklands Road. These properties generally have long rear gardens (20m-45m in

length) some with mature trees or outbuildings located immediately adjacent to the site boundaries. The illustrative masterplan shows that where two storey dwellings are proposed to adjoin existing residential properties along Brooklands Road, the proposed dwellings would meet the 10m set back distance to neighbouring rear gardens, recommended in the Council's Places for Living SPG. It also demonstrates, as per the recommended guidelines in Places for Living SPG, that the 21m separation distance between the rear windowed elevations of the proposed dwellings and those of existing dwellings would also either be met or exceeded, as would the 12.5m separation distance between the flank walls of any proposed dwellings and windowed elevations of existing dwellings. Given the above I am satisfied that the amenity of existing residential occupiers is unlikely to be adversely affected as a result of loss of privacy from overlooking, loss of outlook or loss of light.

- 6.43. Whilst I note objectors concerns in relation to increased noise and disturbance arising as a result of the proposed development, I consider that whilst there may be some temporary noise and disturbance as a result of construction, in the long term noise and disturbance to existing occupiers is likely to be less than the existing stadium use. I recommend that a condition be attached to any consent requiring submission of a Construction Management Plan to ensure that the amenity of any local residents is protected during the construction phase.

Ecology

- 6.44. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures). Planning for biodiversity at a landscape scale is encouraged and the preservation, restoration and re-creation of priority habitats, ecological networks and priority species populations is promoted (Paragraph 117).
- 6.45. Paragraphs 3.37-3.39 of the Birmingham UDP explain the importance of safeguarding and enhancing the natural environment of the City, improving the protection of existing areas of nature conservation importance and measures to improve the diversity and quality of wildlife habitats throughout the City.
- 6.46. Policy TP8 of the Draft BDP explains that the maintenance, enhancement and restoration of sites of national and local importance for biodiversity and geology will be promoted and supported. All development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets. Biodiversity and geodiversity enhancement measures should be appropriate to the nature and scale of the development proposed. Development proposals should clearly identify how ongoing management of biodiversity and geodiversity enhancement measures will be secured.
- 6.47. An Ecological Appraisal submitted in support of this planning application concludes that the dominant habitat across the site is hardstanding, with smaller areas of ornamental shrub planting and short mown amenity grassland. It notes that due to limited diversity and intense management these habitats are considered to have little ecological value and their loss has not been identified as an ecological constraint to the development, nor would it have a significant impact on the local ecological resource.

- 6.48. The Ecological Appraisal identifies four potential non-statutory wildlife sites located within 300m of the site boundary, but concludes that the proposed development would unlikely lead to a significant increase in the existing footfall at these sites. The application site is located within the Acocks Green/Hall Green Wildlife Action Area where which is currently lacking in wildlife habitats.
- 6.49. The Ecological Appraisal found no evidence of bats in on the application site. It concludes that existing buildings on the site provide a negligible potential to support roosting bats and there were no features with potential to support roosting bats amongst trees within the site boundary. There are two ornamental water bodies located towards the centre of the race track, which the Ecological Appraisal considered, due to their small size and isolation, there would be a lack of suitable terrestrial habitat to support Great Crested Newts and their presence is considered unlikely. The Appraisal found that the habitats within the site boundary provide limited potential for nesting birds.
- 6.50. The City's Ecologist has raised no objection to the proposed development. However, he notes the presence of an invasive species, New Zealand Stonecrop (*Crasula helmsii*), recorded in one of the two ponds on site. He recommends attaching a condition to any consent requiring submission of an invasive species control plan prior to work commencing on site.
- 6.51. The Birmingham and Black Country Wildlife Trust have raised no objection to the proposed development and consider that it would provide a significant opportunity to deliver nature improvement within the development site itself. They raise some concerns over the lack of detail and landscaping shown on the illustrative masterplan. However, landscaping is a reserved matter and would be assessed under any future reserved matters application.
- 6.52. I consider that the proposed development would improve the ecology of the site, creating new garden habitats, an attenuation pond and an element of public open space, all contributing towards the policy aims of increasing biodiversity. I recommend that a condition be attached to any consent to ensure that the proposed development delivers the ecological enhancement measures set out in the Ecological Appraisal.

Trees

- 6.53. Paragraph 3.16A of the Birmingham UDP states that developers will be encouraged to give priority to the retention of trees, hedgerows and natural features on development sites. It also sets out the need for additional tree planting, focusing on providing a variety of species that are appropriate to the locality.
- 6.54. Four Category A trees are shown to be retained on the site. The City's Arboriculturalist has raised no objection to the proposed removal of Category U or Category C trees on the site, and the two Category B groups of trees (G7 and G8) which are early mature leylandii. I am satisfied that the loss of these low quality trees would be more than mitigated for with new tree planting, indicatively shown across the site in front gardens and within the public open space, as some 70 specimens, and more alongside the western boundary.
- 6.55. The City's Arboriculturalist notes that the illustrative masterplan shows that in some instances large trees located on the boundary of the rear gardens of houses on Brooklands Road would be located close to the nearest proposed dwellings, and

because these would be short rear gardens it would make a proportionally large difference to the future occupiers perception of the trees beyond their rear boundary and may result in shading issues. However, as the masterplan is only illustrative I am satisfied that a revised layout could adequately address this issue under a future reserved matters application. The City's Arboriculturalist has requested that a condition be attached to any consent requiring submission of an arboricultural method statement.

Drainage

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

Air Quality

- 6.59. Paragraph 109 of the NPPF states that new development should be prevented from contributing to unacceptable levels of air pollution. Paragraph 3.77 sets out the Council's commitment to improving air quality in the city and in particular through measures such as increasing tree cover and encouraging modes of transport which reduce the impact of travel on air pollution. Paragraph 3.78 of the Birmingham UDP explains "*When assessing planning applications, the implications of new development for air quality will be taken into account.*"
- 6.60. Birmingham is currently under a city-wide air quality management area (AQMA). An Air Quality Assessment has been submitted in support of the application. It reveals

that air quality at the application site is generally very good. It goes on to explain that construction works could give rise to emissions that may cause some dust soiling effects on adjacent uses, although there are few sensitive receptors in close proximity to the site. It suggests that by adopting appropriate mitigation measures to reduce emissions and their potential impact, there should be no significant residual effects. The Assessment explains that once the site is built out guidance criteria for air pollution is unlikely to be exceeded on significant roads, and that no significant increase in NO₂ or PM₁₀ concentrations are anticipated at any nearby sensitive receptors, nor anywhere within the AQMA.

- 6.61. Regulatory Services have raised no objection to the proposed development and concur that it would not cause any significant residual effects in terms of air pollution. They recommend that a condition be attached to any consent requiring electric vehicle charging points for new dwellings. However, I consider this would be best dealt with at reserved matters stage when the exact dwelling mix/type would be known.

Noise

- 6.62. Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and that decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.63. A Noise Assessment has been submitted in support of the application. The noise survey carried out identified the main noise sources to be noise from road traffic and noise from the adjoining builder's merchant (this included forklifts manoeuvring and loading/unloading products and people shouting, the use of a grinder or saw at an industrial unit to the immediate west of the builders' merchant, and a radio noted to be playing). The opening/delivery hours at the builders' merchant are restricted by condition to Mondays - Saturdays 0800-1700 hours, and Thursdays 0800-2000 hours, and there are other conditions which relate to wood cutting at the premises. The two builder's merchant warehouse buildings do not contain any windows on their side elevations i.e. facing on to the site.
- 6.64. The Noise Assessment explains that internal noise levels within proposed dwellings should meet the relevant local and national criteria for noise insulation subject to the incorporation of glazing and ventilation with an appropriate level of sound reduction. It goes on to explain that noise levels within the external amenity areas of the proposed dwellings are likely to be acceptable, except for those six dwellings whose rear amenity areas would be sited immediately adjacent to the yard between the two builders' merchant warehouse buildings, where there could be a significant adverse impact in terms of noise and disturbance. The Noise Assessment recommends that acoustic fencing of up to 7m in height along this small section of the site boundary to the builders' merchant yard may need to be erected to mitigate against noise levels within adjoining rear amenity areas. It is likely that such fencing would have an unacceptable impact upon the visual and residential amenity of the closest new dwellings and therefore the layout of dwellings would need to be further revised at reserved matters stage. As such Regulatory Services, whilst raising no objection to the application, have recommended that a condition be attached to any consent requiring submission of a further noise and vibration assessment to demonstrate that noise and vibration levels for facades containing habitable rooms and for outdoor living spaces do not exceed the criteria provided in the Council's Planning Consultation Guidance Note 1 (Noise and Vibration) and the NPPF.

Ground Conditions

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

Planning Obligations

- 6.68. Paragraph 5.37B of the Birmingham UDP, Policy TP30 of the Draft Birmingham Development Plan, and the Council's Affordable Housing SPG, require 35% of the total residential accommodation to be affordable. Paragraph 50 of the NPPF explains that where LPAs have identified that affordable housing is needed, they should set policies of meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...such policies should be sufficiently flexible to take account of changing market conditions over time.
- 6.69. The Applicant has submitted a Financial Viability Appraisal which demonstrates that a scheme offering 35% affordable housing provision (73 affordable housing units) would be unviable. The Appraisal shows that when the affordable housing provision is remodelled to 15% (32 affordable housing units) it would result in a viable scheme. This calculation also takes into account an acceptable figure for off-site public open space contribution and is based on an affordable housing mix of 16 social rent units, 8 shared ownership units and 8 low cost discounted sale units.
- 6.70. The LPA's Viability Consultant has reviewed the Applicant's Financial Viability Appraisal. He concurs that the scheme would be unviable on the basis of 35% affordable housing provision. Having undertaken his own development appraisal, the LPA's Viability Consultant advises that the scheme would indeed become viable on the basis of 15% affordable housing provision together with a revised higher

value affordable housing tenure mix of 23 social rent units and 9 shared ownership units.

- 6.71. The Applicant has agreed to a revised affordable housing mix and the LPA's Viability Consultant calculates that this would achieve a profit on cost of 20.01% and a profit on value of 16.67% for the developer which he considers to be a reasonable level of profit having regard to current market conditions. The City's Housing Officer has raised no objection to the proposed affordable housing provision, but would prefer to secure some larger 4-bed units for social rent, which can be agreed at reserved matters stage.
- 6.72. Paragraph 5.20C of the Birmingham UDP, Policy TP9 of the Draft Birmingham Development Plan, and the Council's Public Open Space in New Residential Development SPD states that on sites of over 20 dwellings or more, provision of new public open space will normally be required within the curtilage of the development site. The Applicant's illustrative masterplan incorporates 3188sqm of public open space on the site which includes a junior play area. This is less than the 9600sqm recommended in the SPG based on the dwelling mix as set out in the Applicant's Financial Viability Appraisal. However, I consider it would be impractical to require this amount of public open space on the site as this would render the development unviable. I consider that the Applicant's provision of 3188sqm on-site public open space appears to represent both a reasonable and useable amount of public open space within the scheme. I am satisfied that the shortfall in on-site public open space provision can be mitigated for by means of an off-site public open space contribution and I recommend that such a contribution is calculated in accordance with the methodology set out in Council's Public Open Space in New Residential Development SPD when the dwelling mix (and therefore number of people generated by the development) is confirmed at reserved matters stage.
- 6.73. Leisure Services have raised no objection to the proposal in terms of on-site public open space provision, and are satisfied with the off-site public open space contribution which they advise should be directed towards the provision, improvement and/or maintenance of existing public open space and play at nearby Fox Hollies Park, which is located approximately 650m east of the site. Leisure Services advise that they would not be interested in taking on the maintenance or management of the on-site public open space proposed on the site.
- 6.74. Paragraph 6.20A of the Birmingham UDP explains that new developments can make significant demands on the transport infrastructure of the City and that planning obligations associated with transport infrastructure may be necessary where appropriate. Network Rail, although raising no objection to the proposal, have requested a contribution of £60,000 to be spent on a Ticket Vending Machine purchase, CCTV, Cycle rack and bins amongst other things to improve Hall Green Station in light of the potential increased footfall arising from this scheme. However, whilst I acknowledge that there would be some increased usage of, and improved linkages to, Hall Green Station as a result of the proposed development I do not consider that this would be of a level sufficient to reasonably require a financial contribution in order to make the proposed development acceptable.
- 6.75. Education have requested a financial contribution of £1,552,625.43 to be spent on education provision for primary school, secondary school and nursery school places. Any Education funding via the planning system is now derived from city-wide CIL monies (Community Infrastructure Levy) (apart from significantly larger residential development sites).

Other Matters

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

7. Conclusion

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

8. Recommendation

- 8.1. I. That application 2016/01219/PA be deferred pending the completion of a suitable Section 106 Planning Obligation to require:
- a) On-site affordable housing provision of 15%.
 - b) Off-site public open space contribution based on a sum derived from a pro-rata calculation in the adopted Public Open Space In New Residential Development SPD (detailed at appendix B of that SPD) (index linked to construction costs from the date of the committee resolution to the date on which payment is made) to be spent on the provision, improvement or maintenance of public open space and play at Fox Hollies Park. The sum is to be paid prior to the commencement of development.
 - c) Payment of a monitoring and administration fee associated with the legal agreement subject to a contribution of £4,196. To be paid prior to the completion of the S106 Agreement.

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

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

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

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

1	Limits the layout plans to being indicative only
2	Requires the prior submission of sample materials
3	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
4	Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
5	Requires the prior submission of a method statement for the removal of invasive weeds
6	Arboricultural Method Statement - Submission Required
7	Secures noise and vibration levels for habitable rooms
8	Requires the prior submission of a contamination remediation scheme
9	Requires the prior submission of a contaminated land verification report
10	Requires the prior submission of investigation for archaeological observation and recording
11	Limits the maximum number of dwellings to 210
12	Requires the prior submission of level details
13	Requires the prior submission of hard and/or soft landscape details
14	Requires the prior submission of hard surfacing materials
15	Requires the prior submission of boundary treatment details

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| 16 | Requires the prior submission of a lighting scheme |
| 17 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 18 | Prohibits piling or any other foundation designs using penetrative methods |
| 19 | Requires the prior submission of a construction method statement/management plan |
| 20 | Requires the submission of reserved matter details following an outline approval |
| 21 | Limits the approval to 3 years (outline) |
-

Case Officer: Andrew Conroy

Photo(s)

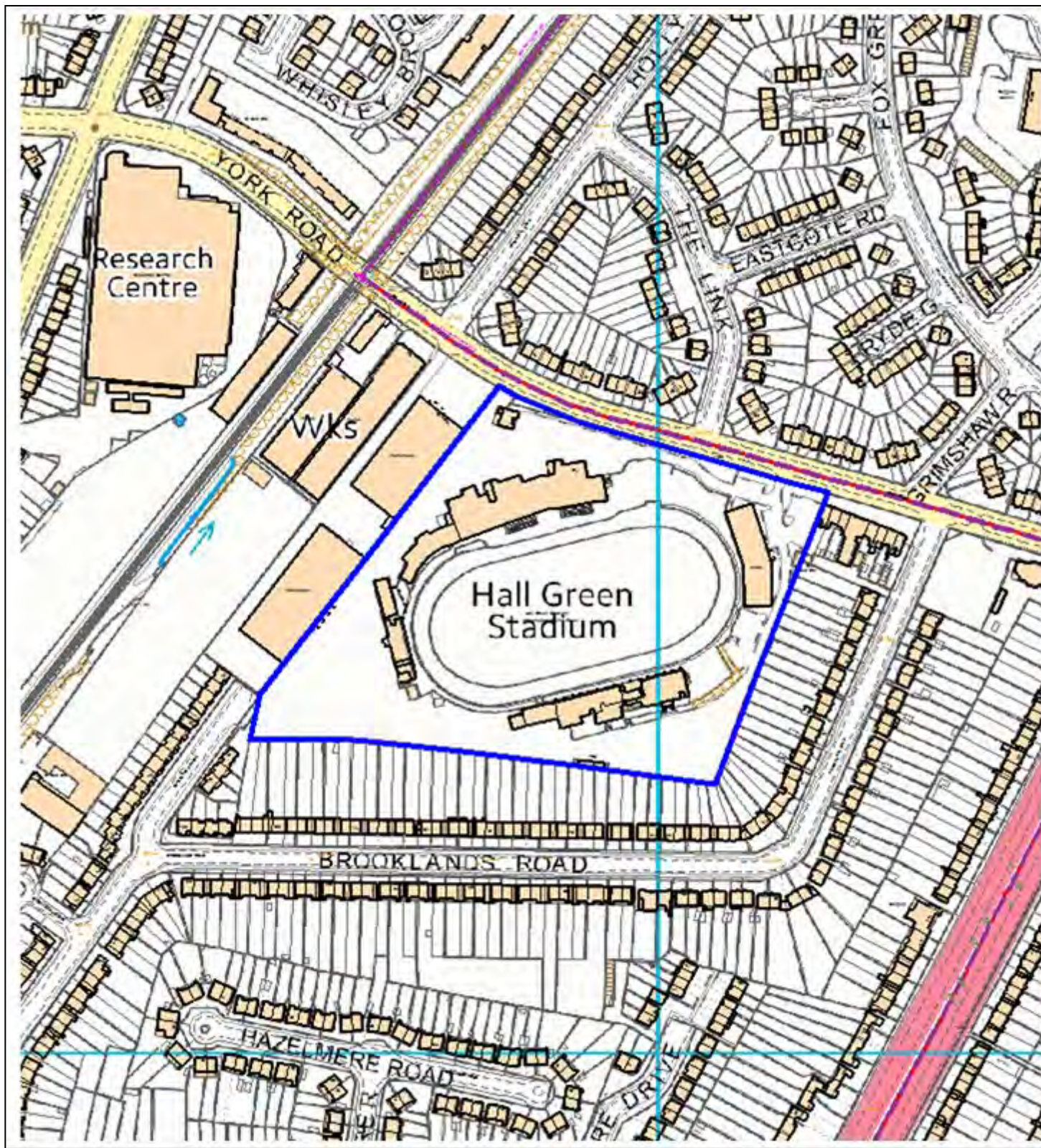


Figure 1 – View looking west along York Road boundary of site



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

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/01155/PA
Accepted:	29/03/2016	Application Type:	Full Planning
Target Date:	28/06/2016		
Ward:	Selly Oak		

504-514 Bristol Road, Selly Oak, Birmingham, B29 6BD

Demolition of existing buildings and erection of a four/five storey building comprising 70 student bedrooms (Sui Generis), ground floor retail space (Use Classes A1, A2 or A3), plus associated infrastructure, site access, cycle parking and landscaping works.

Applicant:	Gentle Properties Ltd c/o Agent
Agent:	Avaro Midlands Limited Glenfield Farm, Middle Lane, Wythall, Worcestershire, B38 0DG

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Planning permission is sought for the demolition of Nos. 504-514 (evens) Bristol Road and erection of a four to five storey building comprising of ground floor retail space (Class A1, A2 or A3) with 70 bedrooms of student accommodation over the five floors.
- 1.2. Site layout: The site is broadly rectangular in shape with a wide frontage onto both Bristol Road and Harrow Road with the footprint of the proposed building also being rectangular, but forming an 'L' shaped at first floor upwards addressing the corner of Bristol Road and Harrow Road. It would be located at back of pavement level on Bristol Road, extending 32m across this frontage and 37m along Harrow Road, set back behind a 2.5m wide landscape strip at this point (where ground floor residential accommodation is proposed).
- 1.3. Access to the retail units would be provided on the Bristol Road frontage, with a separate residential entrance from Harrow Road. A service area would be provided to the rear (south), accessed from Harrow Road and incorporating 18 no. secure cycle parking spaces, bin store and secondary entrance to the student accommodation.
- 1.4. No off-street parking is proposed. Deliveries and servicing of the retail units would take place from Bristol Road via an existing parking/loading area on the highway. Drop-offs during the student 'moving in, moving out' period would take place within the rear service yard on a managed basis. Access to refuse areas and plant room would also be via this service yard. Students would also be required to enter into a car-free agreement.

- 1.5. Approximately 300sqm external (partially covered) amenity space would be provided for residents at first floor level, enclosed by vertical soft landscaping and would provide seating and hard/soft landscaped areas.
- 1.6. A total of 3,193sqm floorspace would be provided, with the Internal layout as follows:
- * Ground floor: 540sqm of retail/restaurant space. Also provides main entrance to student accommodation on Harrow Road elevation (into central lobby, with lift/stairs to all floors), with four students bedrooms, office, plant room and bin stores.
 - * First, Second and Third floors: 19 student bedrooms with ensuite shower rooms.
 - * Fourth floor: 9 student bedrooms with ensuite shower rooms.
- Proposed bedroom sizes vary between 19-30sqm (with 1 no. 35sqm disabled unit at ground floor), with units providing double bed, storage, study area, kitchenette and shower.
- 1.7. External appearance: The development would be principally four storeys in height, with a fifth storey recessed in footprint, and a curved, wood-clad feature to the corner of Bristol Road and Harrow Road. The elevations have an ordered pattern of fenestration, with each elevation broken into sections and the focus on the corner feature. There would be deep-recessed fenestration, arranged in a uniform pattern to follow the vertical emphasis of existing buildings within the Bristol Road area. The building would have a contemporary appearance with a flat roof. At the ground floor several shopfronts would be installed serving the retail units. Elevations would comprise large windows with a palette of materials mixing darker red bricks with Oak timber cladding. Windows would consist of powder-coated aluminium frames
- 1.8. Site area: 0.13ha
- 1.9. The application is supported by a Design and Access Statement, Planning Statement, Transport Statement and draft Travel Plan, Noise Assessment, Student Needs Assessment, and SuDs report.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the south side of Bristol Road and currently consists of No's 504-514 (evens) a three storey Victorian terrace comprising of shops and flats above. The buildings have rear wings which lead onto to communal yard area which face the blank side elevation of 3 Harrow Road.
- 2.2. Opposite the site on Bristol Road are 2.5 storey properties with ground floor commercial uses, with residential accommodation above; adjacent to this to the north is a cleared site where a 267 bed student accommodation scheme is under construction. The University of Birmingham is further to the north on the opposite side of Aston Webb Boulevard.
- 2.3. To the west is 520 Bristol Road a recently completed 5 storey student accommodation block, which includes ground floor retail units. To the east are terraced properties with commercial ground floor uses and residential flats above. To the south are rows of terraced properties fronting onto Harrow Road and predominantly occupied by students.

- 2.4. The site is within the Selly Oak district centre boundary and has a predominantly commercial character.

[Location Map](#)

3. Planning History

- 3.1. 08/08/2013 – 2013/05726/PA Pre-application advice for a mixed use development to include retail and student accommodation with associated uses. No objection in principle. The design was reviewed by the Council's internal Design Review panel on 9th October 2013. Scale and massing was considered acceptable, with detailed comments upon improvements to design.
- 3.2. There is no other relevant planning history relating to the site itself. However, applications of note include;
- 3.3. 20/05/2015 - 2015/00923/PA Demolition of existing buildings and erection of student hall comprising 267 bedrooms with associated access and landscaping works at 495-505 Bristol Road. Approved subject to conditions.
- 3.4. 15/02/2013 – 2012/07228/PA Erection of 76-bed student accommodation (Use Class Sui Generis) in five-storey block with supermarket (Use Class A1) and restaurant/coffee bar (Use Class A3) on ground floor. Including demolition of car sales building at 520 Bristol Road. Approved subject to conditions.
- 3.5. 23/12/2015 – 2015/05822/PA Erection of student accommodation for 63 no. residents in studios/study bedrooms, with associated shared facilities in 4 no. blocks, with 1 no. retail unit (A1, A2 or A3) use on Bristol Road frontage and associated external works at 561 Bristol Road. Approved subject to condition.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, subject to a condition requiring approval of a Travel Plan and a Section 106 contribution towards parking surveys; environmental enhancement measures and/or minor highway works and/or residents parking schemes and/or Traffic Regulation Orders.
- 4.2. Regulatory Services - No objection subject to conditions relating to noise insulation between commercial and residential premises, cumulative noise levels, opening and delivery times, details of extract ventilation and odour control equipment, and provision of a contaminated land site assessment.
- 4.3. West Midlands Fire Service – No objection.
- 4.4. West Midlands Police – No objection, recommend the proposal is developed to enhanced security standards set by Police Crime reduction initiative 'Secured by Design'.
- 4.5. Severn Trent Water - No objection subject to a drainage condition. Advise that a public sewer may be located within the site.
- 4.6. Birmingham Public Health – No response received.

- 4.7. No responses have been received from the University of Birmingham or from Birmingham City University.
- 4.8. Letters of notification have been sent to surrounding occupiers; local residents' associations, Selly Oak Ward Councillors and the MP for Selly Oak. A site and press notice have also been posted.
- 4.9. The Community Partnership for Selly Oak – Object to the application. They state that Selly Oak is not and should not be allowed to become part of the campus of the University of Birmingham and the shops along the Bristol Rd should not be demolished block-by-block to make way for halls of residence. They note that there is no city wide plan for student accommodation and request the Council call a moratorium on new halls of residence until such time that a coherent City wide plan can be implemented. Specific objection is raised with regards to the demolition of the Victorian terraces and loss of retail space; the lack of need in the area for these rooms as it won't relieve the pressure for rented accommodation elsewhere; the mental health of student living in such a small space; the traffic and parking implications (at the beginning and end of each term) and concerns that retail space will be converted to common room areas.
- 4.10. Selly Oak Branch Labour Party – Object to the application, specifically the loss of traditional shops in a shopping centre which has had problems of viability in recent years. They also consider the proposed building is out of scale with the existing shop frontages, has an ugly design and there is already enough student accommodation in this area.
- 4.11. In addition to the above three letters of objection have been received from surrounding occupiers, objecting to the application on the following grounds.
- There is already building directly across the road from Harrow Road.
 - The increase in traffic and noise is becoming difficult to deal with.
 - Parking in the area will become a problem.
 - There are already too many developments of student accommodation in this area.
 - Another block will be overpowering and dominate an already overdeveloped area.
 - The character of the area is being destroyed.
 - There is no car parking. Students will bring cars and a provision should be made in these plans for parking spaces.
 - The development is not fair for existing tenants who have built successful businesses.

5. Policy Context

5.1. The following local policies are relevant.

- Birmingham Unitary Development Plan (2005)
- Pre- Submission Birmingham Development Plan (2013)
- Wider Selly Oak SPD (2015)
- SPD Places for Living (2001)
- SPD Car Parking Guidelines (2012)
- SPD Shopping and Local Centres (2012)
- Specific Needs Residential Uses SPG.

5.2. The following national policy is relevant.

- NPPF (2012).

6. Planning Considerations

Principle of Student Accommodation

- 6.1. Paragraph 14 of the National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay. Paragraph 17 states “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”
- 6.2. The Birmingham UDP contains no specific policies in respect of purpose built student accommodation. However, the Draft Birmingham Development Plan contains a specific policy (TP32), and has a set of criteria for off-campus development which includes; a demonstrated need for development; a good location in relation to the educational establishment, local facilities and public transport; that the development would not have an adverse impact on the local neighbourhood or residential amenity; the scale and massing of the building is appropriate and the design and layout of the accommodation would create a positive living experience.
- 6.3. The application site does not have any land use designation within the Wider Selly Oak SPD. The SPD acknowledges the attractiveness of Selly Oak for student accommodation and identifies some (larger) sites for potential purpose-built provision. At the same time, it reiterates the policy requirement in the draft BDP for accommodation to be well related to the educational establishment that it serves.
- 6.4. There are high concentrations of students living in Houses in Multiple Occupation (HMOs) in Bournbrook. This puts pressure on this area and both the quality of life for existing residents and the residential environments have been adversely affected. The Wider Selly Oak SPD acknowledges that whilst purpose built accommodation can still bring large numbers of students into an area, it can help minimise adverse impacts on areas that are over-populated with students by freeing up HMOs for potential reversion to family housing, thereby restoring a more balanced community and helping with certain local services such as take up of school places.
- 6.5. Objections have been received on the basis that there is already sufficient student accommodation in this area. A Student Needs Assessment has been submitted with the application. This examines student numbers (based on statistical evidence from the Higher Education Statistics Agency). It includes a break-down of numbers at each of the City’s Universities (Birmingham, Aston, City of Birmingham, Newman and University College Birmingham) and, within this, provides specific numbers for full-time students, undergraduates, post-graduates and international students.
- 6.6. The report then considers student growth, indicating a 2% increase nationally in the total number of applications to higher education courses (in January 2015, compared to the previous year). Detailed figures for September 2016 are not yet available, however it is noted that applications have increased by 300% between the November interim comparison point with previous years and the January deadline for application submissions

- 6.7. The report then looks more specifically at local need i.e. for University of Birmingham (UoB). It includes a breakdown of the student accommodation currently available by site, provider (the University or private sector purpose-built) and room numbers, and identifies other developments in the pipeline. The majority of the University-managed accommodation is concentrated at Vale Village and Pritchatts Park Village (Edgbaston Ward). The remaining accommodation is in purpose-built accommodation or privately rented properties (HMOs), with the highest concentration of HMOs in the Bournbrook area.
- 6.8. The report identifies the current provision for UoB full time students to be as follows:
- UoB halls of residence - 5,737 students, this represents 22% of the total full time student population for the UoB.
 - Private sector purpose built students halls of residence provide approximately 2,991 bedspaces within a cluster around Selly Oak.
 - An estimated 1,466 purpose built student accommodation bed spaces in development pipeline. (e.g. Former Battery Site, 495-505 Bristol Road, Land Adj The Goose Public House)
 - Existing and consented University owner and private sector schemes total 10,174 bed spaces and provide for approximately 39% of the full time student population of the UoB.
- 6.9. The report states that this demonstrates a significant under-supply of University halls and other purpose-built accommodation for students at UoB, with a resulting requirement for other types of provision including high numbers of HMOs to meet the housing demand. Reference is made to the recently introduced Article 4 Direction, with a Birmingham City Council Cabinet Report dated November 2013 reporting up to 85% of terraced properties in Bournbrook to be HMOs and statistics showing 18.2% of dwellings in Selly Oak ward being Council Tax exempt (and a further 849 properties in Edgbaston and Harborne wards). It is estimated that there are approximately 2,632 HMOs in the wards surrounding the University. The report acknowledges that the addition of further purpose build student accommodation such as this would increase the open market housing choice in Selly Oak through freeing up current HMO's.
- 6.10. Further information is provided on projected growth in student numbers, with reference to the University's programme of works and increasing appeal of the City to both domestic and international students. The report concludes that, even if consented schemes in the pipeline come forward, there will continue to be a significant under-supply of purpose built accommodation, where there remains a sustained demand.
- 6.11. I note local objectors' concerns regarding the over-supply of student accommodation and associated impacts in creating an unbalanced community. However, I consider that Selly Oak will always be a student hub because of its close proximity to the University and the application site in particular is less likely to appeal to any non-student uses or residential occupiers given its proximity to the existing and future student accommodation blocks.
- 6.12. I consider the application site is ideally located to provide for purpose built student accommodation, being located on a brownfield site in close proximity to the University and within Selly Oak District Centre. Consequently it would achieve sustainable benefits of students being able to walk to the University, facilities within the District Centre, bus services along Bristol Road and rail services at Selly Oak

Railway Station. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle.

Principle of Commercial Unit

- 6.13. The proposed development includes commercial floorspace on the Bristol Road frontage – for uses falling within A1 (Shops), A2 (Financial and Professional Services) or A3 (Restaurants and Cafes). Two units are shown.
- 6.14. The UDP, at paragraph 7.21, states that a network of local centres will be supported throughout the city. Paragraph 7.23 states that proposals for additional retail in existing centres will be encouraged where they are of an appropriate scale, integrated with the centre and have no adverse effect on vitality/viability. Paragraph 7.24 acknowledges that other services, including A2 and A3, also have an established place. This is consistent with guidance within the NPPF which seeks to ensure the vitality of centres.
- 6.15. The Shopping and Local Centres SPD identifies Selly Oak as a District Centre, with the application site falling within the identified primary shopping area (PSA). This policy states that retail development and other town centre uses will be encouraged within existing centres, as “the most sustainable locations for such investment with optimum accessibility by a range of means of transport”.
- 6.16. Of the existing six ground floor units, three are currently in Class A1 use. The Shopping and Local Centres SPD sets out a minimum threshold for Class A1 units in a District Centre, of 55%. The existing figure for Selly Oak’s Primary Shopping Area is 53%. This figure for numbers of units would reduce whether none, one or both proposed units were used for Class A1. However, the proposed units are large, at 129 sqm and 411 sqm. I propose to prevent by condition the larger of the two from being used for Class A2 or A3 purposes, thereby actually increasing Class A1 floorspace in the Primary Shopping Centre.
- 6.17. Whilst I note the concern expressed about potential impact on existing businesses, I do not consider that the proposed retail units would have any significant impact on the viability of the wider centre and the matter of competition between individual operators is not a material planning consideration.

Loss of existing buildings

- 6.18. 504 - 514 Bristol Road is not subject to any statutory or local listing and is not located within a Conservation Area. The current layout of the building, with small rooms and level changes is not suitable for a modern student accommodation scheme. The piecemeal development of the site from the mid-20th century onwards has also resulted in a number of alterations, on the ground floor frontage especially. The loss of Victorian townscape would be regrettable, but as the buildings have no heritage status, protection in principle is difficult. In conjunction, if design of the proposed replacement building is deemed to be of suitable quality, I raise no objection to the demolition.

Transportation

- 6.19. Paragraph 32 of the NPPF states that decisions should take account of whether: “The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport

infrastructure; Safe and suitable access to the site can be achieved for all people; and Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

- 6.20. Paragraphs 6.49A to 6.51B of the Birmingham UDP set out policies in relation to car parking provision. The key points of the UDP in relation to car parking provision in new developments are as follows:
- Provision should be adequate for all transport needs.
 - Account should be taken of local factors, such as availability of public transport and public car parking.
 - Proposals which may generate significant on-street parking in residential areas will be required to contribute to parking management measures.
- 6.21. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 7.5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation.
- 6.22. The submitted Transport Statement states that the development will be free of car parking, Secured, covered cycle stands would be provided for 18 cycles (the number of which has been based on surveys of student use at other halls).
- 6.23. With regards to pick-up/drop-off, students will be informed that there will be no parking on site and students would be required to enter into a car free agreement as part of their conditions of tenancy. Arrivals at the beginning of each term would be staggered over a three day period and with on site management overseeing the operation. This approach has been adopted elsewhere. Servicing of the commercial units would take place from Bristol Road using existing bays as per the existing situation.
- 6.24. The proposal would comply with the Council's Car Parking Guidelines SPD by providing no parking spaces and providing an appropriate level of secure cycle parking (18 spaces for 70 residents). In addition, there are frequent bus services to and from the City Centre along Bristol Road and Selly Oak train station is a short walk from the site.
- 6.25. In the light of the above, your Transportation Officer raises no objection subject to a S106 contribution (to be earmarked to Bristol Road, Harrow Road and other surrounding roads) for potential parking/environmental measures, and the imposition of a condition to require the submission/approval of a Travel Plan.

Scale, Layout and Design

- 6.26. Paragraph 56 of the NPPF states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Policies in the Birmingham UDP, Places for Living SPG and Places for All SPG also give significant weight to achieving high quality design which recognises local character and distinctiveness.
- 6.27. The proposal was the subject of discussions with City Council Officers prior to its formal submission and was presented to the Council's internal Design Review Panel at pre-application stage, and was amended to respond to detailed design comments.

- 6.28. The development has been designed to be 5 storeys in height, with a curved feature to the corner of Bristol Road and Harrow Road, with the building then dropping down to four storeys along both the southern and western edges of the site. The fifth floor is recessed and each elevation broken into sections, with the focus on the corner feature. This helps create deep recessed fenestration, arranged in a uniform pattern to follow the vertical emphasis of existing buildings within the Bristol Road area.
- 6.29. The proposed building would be appropriately positioned in relation to the pavement and would offer an active commercial frontage along the Bristol Road elevation and on the return along Harrow Road.
- 6.30. The modern design approach and overall appearance and use of materials including red brick and oak timber cladding results in a development that I consider would sit comfortably with the existing streetscene and would not have any overbearing impact to existing residential occupiers. I am satisfied that, although the building would be a strong feature within the streetscene, it would reinforce the building line and provide a good balance to other buildings.
- 6.31. The new block is shown sited away from the boundary with existing houses to the south on Harrow Road, with the development being 3m higher (one storey) at its closest point, with a gap of 5.5m, with no over-looking habitable room windows. The student rooms would overlook the Bristol Road, Harrow Road frontage or the internal courtyard area, with the communal accommodation situated to the rear in order to minimise potential noise issues.

Living Conditions for Prospective Occupiers

- 6.32. The Council's Specific Needs Residential Uses SPG (1992) recommends that a single bedroom within purpose built student accommodation should measure a minimum of 6.5sqm in size, with a double bedroom recommended at 12.5sqm. In this instance rooms would have an internal floorspace of between 19sqm-35sqm (with en-suites) and furniture layouts illustrate how basis furniture could be accommodated. I consider that internal living space is of an acceptable size, particularly bearing in mind that the University campus, where there are numerous venues/opportunities to either study or socialise on campus, is located in close proximity. In addition, the generous outside amenity setting for the development and hedging enclosing the amenity space would give a softer boundary towards the rear of the site and would provide a significantly enhanced living environment. Conditions requiring glazing with suitable sound-proofing and noise insulation between the commercial and residential elements of the scheme would help to secure a good level of amenity for occupants. Regulatory Services also recommend limiting the opening hours of the proposed retail units which I consider to be reasonable given the district centre location and the ground floor residential accommodation.
- 6.33. The adjacent student accommodation block at 520 Bristol Road has side-facing habitable room windows which overlook the communal area at the rear but there would be a distance of 18m between windowed elevations, which would all be set at oblique angles to each other. I note that the separation distances provided would be similar to that of the surrounding streets and I consider the distances would accord with local character, would offer reasonable separation combined with an interesting elevation, and I note that there have been no objections from the occupiers of 520 Bristol Road. As such, on balance I consider this would be an acceptable relationship.

Other Issues

- 6.34. Severn Trent have raised no objections subject to the imposition of a drainage condition. A SuDs assessment has been submitted with the application and it notes that infiltration trenches, soakaways, permeable pavements, rain gardens, swales and detention features are suggested; however there is no evidence that these have been considered. Furthermore, there is no additional information provided with respect to operation & maintenance. Given this, they recommended a suitable safeguarding condition is applied to ensure full consideration of SuDs has been given.
- 6.35. The site is not located within any site of national or local importance for nature conservation and given the location of existing building within a commercial setting and where there is a significant level of street lighting it is unlikely bats would utilise buildings on this site.

Community Infrastructure Levy

- 6.36. The development may now be liable for CIL, (following its adoption on 4th January). The submitted application forms specify that the floor area of the development would be 3,193sqm GIA. This would equate to a payment of £99,099.18.

7. Conclusion

- 7.1. I consider that the development of the site for purpose-built student accommodation would be acceptable in principle; given this is a brownfield site in a highly sustainable location in close proximity to the University of Birmingham campus. Transportation Officers are satisfied with the approach that would be adopted in respect of parking provision and consider that a financial contribution would allow for adequate mitigation should the development result in any unacceptable impact on nearby residential streets.
- 7.2. The loss of further Victorian townscape is regrettable, but the scale and appearance of the proposal would be acceptable and in keeping with the character of the surrounding area, and the development would provide a high quality living environment for future occupiers. There would be no harm to the amenity of existing neighbouring occupiers through loss of outlook/privacy or unacceptable impact as a result of additional noise associated with the proposed use. The proposal would support the function of the University of Birmingham as a key provider of employment, culture and learning in the City. As such, I consider the proposal would constitute sustainable development and recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve subject to a Section 106 legal agreement.
- I. That consideration of application no. 2016/01155/PA be deferred pending the completion of a suitable Section 106 legal agreement to secure:
- a) A contribution of £22,102 (index linked to construction costs from the date of the Committee resolution to the date on which payment is made) to be paid prior to the implementation of the approved development. The fund would be used for parking surveys and/or environmental enhancement measures and/or minor

highway works and/or residents parking schemes and /or traffic regulation orders on Bristol Road, Dawlish Road, Harrow Road, Selly Hill Road, Croydon Road. Alton Road, Luton Road, St Edward's Road, Rookery Road and Bournbrook Road.

- b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

II. In the event of the above Section 106 Legal Agreement not being completed to the satisfaction of the Local Planning Authority on or before 27th June 2016, planning permission be REFUSED for the following reason:-

- a) In the absence of a financial contribution towards parking surveys and/or environmental enhancement measures and/or minor highway works and/or residents parking schemes and /or traffic regulation orders on Bristol Road, Dawlish Road, Harrow Road, Selly Hill Road, Croydon Road. Alton Road, Luton Road, St Edward's Road, Rookery Road and Bournbrook Road the proposal would conflict with Paragraphs 8.51-8.53 of the Birmingham UDP 2005, the Wider Selly Oak SPD and the National Planning Policy Framework.

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

IV. In the event of the S106 Legal Agreement being completed to the satisfaction of the Local Planning Authority on or before 27th June 2016 favourable consideration be given to application no. 2016/01155/PA subject to the conditions listed below:

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission of a contamination remediation scheme
3	Requires the prior submission of a contaminated land verification report
4	Limits the hours of use : 08:00-23:00 (commercial units)
5	Limits delivery time of goods to or from the site (08:00 - 21:00)
6	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
7	Requires the prior submission of a drainage scheme
8	Requires the prior submission of extraction and odour control details
9	Requires the prior submission of noise insulation (variable)
10	Requires the prior submission of hard and/or soft landscape details
11	Requires the prior submission of boundary treatment details
12	Requires the prior submission of a lighting scheme

-
- 13 Requires the prior submission of sample materials
 - 14 Requires the prior submission of level details
 - 15 Requires the prior submission of a residential travel plan
 - 16 Limits the Class A2 and A3 floorspace to 129 sqm
 - 17 Limits the approval to 3 years (Full)
-

Case Officer: James Mead

Photo(s)



Photograph 1: View of site along Bristol Road

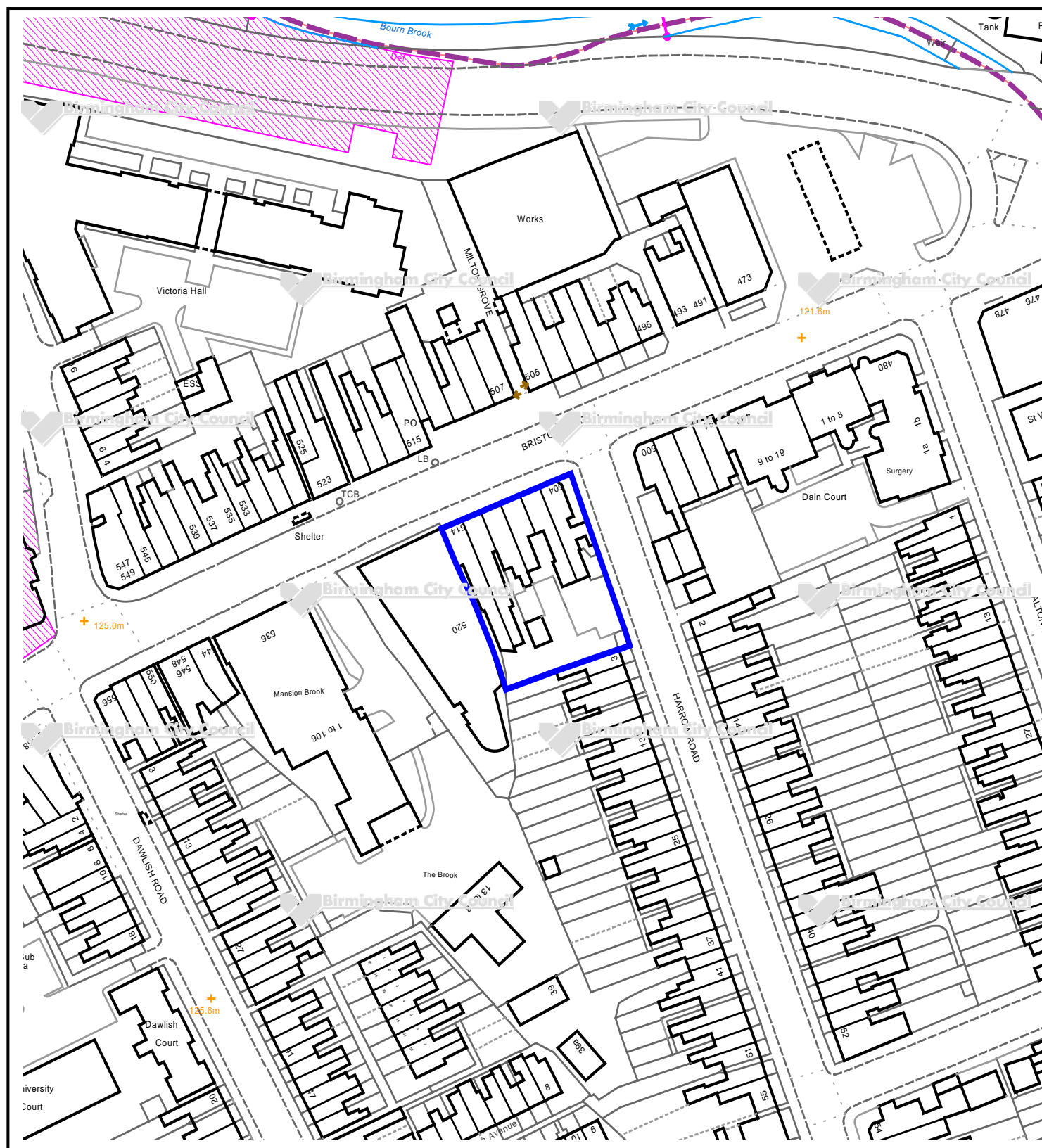


Photograph 2: Existing rear elevation.



Photograph 3: View of site from Harrow Road.

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/01003/PA
Accepted:	29/03/2016	Application Type:	Full Planning
Target Date:	24/05/2016		
Ward:	Harborne		

10-12 Albert Walk, Harborne, Birmingham, B17 0AR

Change of use from hair dressing salon (use class A1) to fish and chip restaurant (use class A3), installation of new shopfront, new roller shutter to rear door, and retention and completion of extraction equipment on roof

Applicant:	Mr Gebrael Mayeli 180 Groveley Lane, Northfield, Birmingham, B31 4QD
Agent:	Plan-it Contracts Ltd A4 Aston Seedbed Centre, Avenue Road, Nechells, Birmingham, B7 4NT

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application comprises the following elements:
- Change of use of the premises from Class A1 retail to a Class A3 restaurant.
 - Installation of replacement shopfront.
 - Installation of roller shutter to rear door.
 - Retention and completion of odour extraction system on the roof of the building including two flues.
- 1.2. The site was previously occupied as a hair dressing salon but has been vacant since March 2015. Work has already commenced on the internal alterations to convert it to a restaurant with some cooking and food preparation equipment fitted.
- 1.3. The layout would comprise a seating area to either side of the centrally placed main entrance providing a total of 28 covers. The kitchen, food storage and food preparation area would be situated in the rear half of the unit with a servery connecting it to the seating area. A disabled WC for customer use would be located off the seating area and a separate cloakroom would be provided for staff off the food preparation area.
- 1.4. The replacement shopfront would be very similar in arrangement to the existing shopfront but manufactured from aluminium instead of timber and powder-coated slate grey. The existing railings would be removed. The new shopfront would comprise two large windows with a 0.25m tall stallriser, a central door and pilasters to either side of the shopfront. The position of an existing timber panel which accommodates signage relating to previous occupiers would be raised by 0.3m in order to help screen the rooftop odour extraction system.

- 1.5. The odour extraction system appears to be largely installed on the roof. It comprises several items of equipment with the forward-most element set back 3m from the front elevation, according to the plans, although on site it appears closer. The low level equipment projects 0.6m above the top of the parapet wall and is powder-coated black. The proposed flues would be located towards the rear of the unit and would be 1.6m above the surface of the roof.
- 1.6. Proposed opening hours: midday to 2300 hours Monday to Saturday. Closed Sundays and Bank Holidays.
- 1.7. Proposed staffing: 2 full time and 2 part time giving a total of 3 full-time equivalent posts.
- 1.8. No dedicated car parking is proposed.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located within a short parade of shops at the western edge of Harborne District Centre and falls within the centre boundary but outside of the Primary Shopping Area (PSA). The small single storey retail units forming Albert Walk appear to have developed as a result of extensions to the older buildings on Albert Road and Harborne Park Road. It is a pedestrianized street enclosed by bollards which faces the rear of two-storey properties facing the roundabout junction of High Street and Harborne Park Road and their associated car park. Other units comprise a Chinese takeaway at No. 9 Harborne Park Road, a barber's shop at No. 8 Albert Walk and a dental practice at Nos. 19-21 Albert Road. There are residential properties to the south, east and west of the site including flats above shops on Harborne Park Road and dwellings on Albert Road.
 - 2.2. The application site consists of a single storey flat roof building of double width. There is a relatively wide frontage to the parade and a rear alleyway accessed along the side of No. 12 Albert Walk. Signage indicates the site has previously been occupied by an estate agency and a hair and beauty salon.
 - 2.3. [Site Location Plan](#)
3. Planning History

Application site

 - 3.1. 08/05/2004 - 2004/02006/PA - 10-12 Albert Walk - Change of use from retail (A1) to financial and professional services (A2) (Letting/Estate Agent) – Approved with conditions.
 - 3.2. 31/07/2015 - 2015/0900/ENF - 10-12 Albert Walk - Alleged change of use to hot food take-away – Case closed as use had not actually commenced.
 - 3.3. 26/10/2015 - 2015/1317/ENF - 10-12 Albert Walk - Change of use to hot food take-away – Action held in abeyance pending determination of this application.
 - 3.4. 20/11/2015 - 2015/08952/PA - 10-12 Albert Walk - Change of use of vacant A1 retail unit to Class A3/A5 restaurant and takeaway, installation of new shopfront and retention of odour extraction system on roof – Withdrawn.

Other relevant history

- 3.5. 15/01/2016 - 2015/09120/PA - 374 High Street - Change of use of basement and ground floor from retail shop (A1) unit to dual use with bakery (A1) at ground floor and restaurant/cafe (A3) to basement and installation of a new shop front – Approved with conditions.

4. Consultation/PP Responses

- 4.1. Transportation Development: No objection. The *Car Parking Guidelines* SPD indicates demand for 3 spaces for an A3 use with 28 covers in an Area 2 location such as this. It is not expected traffic and parking demand generated by this use would be significantly greater than some A1 uses. On street parking options are available close to the site and there are very good public transport links at this location. In addition, given the position of the site at the edge of this local centre, it would be expected many customers would arrive on foot.
- 4.2. Regulatory Services: No objection subject to conditions restricting hours of use to between midday and 11pm Monday to Saturday and limiting noise levels for plant and machinery.
- 4.3. Severn Trent Water: No objection subject to a drainage condition.
- 4.4. Birmingham Public Health: No response received.
- 4.5. West Midlands Police: No objection.
- 4.6. Site notice posted, local Councillors, Residents' Associations and the occupiers of nearby properties notified of the application; the following responses received:
- The Harborne Society: Objects on the following grounds:
 - Insufficient working space behind the counter detailed on the drawing. The counter has been moved back from the position shown on drawings attached to the previous application to accommodate extra seating in an attempt to demonstrate that the application is for a "restaurant".
 - The roller shutter proposed at the rear of the premises in the shared access alley will reduce the width of the alley. This is unacceptable in a shared area and on health and safety grounds impeding safe exit from adjoining premises in the event of an emergency.
 - The drawings do not demonstrate sufficient room for seated customers.
 - Duct work and extraction units have been installed without prior planning permission. Such work does not fall within "permitted development". It is not acceptable to give planning approval for the retention of this installation just because it is there. This would amount to retrospective approval and would set a dangerous precedent for unauthorised work in other cases.
 - Petition of 318 signatures objecting to the proposed change of use.
 - Individual responses from 10 local residents and businesses objecting on the following grounds:
 - The former use was as an office not a hair salon.
 - A lot of work has been carried out at the premises already without planning permission. Has this been checked for safety reasons?

- The site is a Council-owned property and work should not have been carried out without planning permission.
- Some months ago local Councillors were contacted and a petition of over 300 signatures was submitted against this proposal. Local businesses and residents are against this proposal.
- Concern regarding competition for existing businesses. Economic survival is very difficult.
- Proposal would be detrimental to nearby businesses who have invested heavily in their premises.
- There is already a large cluster of drinking establishments, restaurants/cafés and hot food takeaways in the vicinity.
- The benefit of 4 additional jobs is not outweighed by the potential effect on existing businesses and residents in the area.
- The premises are not large enough for a restaurant and are likely to be converted to a takeaway after getting planning permission.
- The premises have been transformed to an obvious takeaway style chip shop.
- A new takeaway is unnecessary and inappropriate in this location.
- Rear alleyway is narrow and should be kept clear. Concern regarding location of refuse bins. Lack of detail in the application regarding how waste will be dealt with.
- Proposal is likely to create a problem with vermin.
- Proposal would create litter along Albert Walk and nearby.
- The fans required would create a smell and noise problem, and affect the upholstery business at 23-25 Albert Road.
- The proposal would destroy a historic part of Harborne.
- The site is opposite a locally listed building and it would be in keeping with the area.
- The extraction equipment is unsightly.
- Concern about the impact on health and obesity.
- Proposal is likely to result in intensification of the already heavy traffic flow posing a danger to highway users including pedestrians.
- There would be an adverse impact on local residents in terms of increased traffic noise and parking, litter, odour, and general disturbances.
- The plans are not to scale.
- The proposal may attract youths to the immediate area.
- When The Huntsman public house was open, together with the Chinese takeaway at No. 9 Harborne Park Road, it caused litter and the wall outside No. 19-21 Albert Walk attracted loiterers.
- Fat blocking drains in Albert Walk has been a problem several times before caused by the Chinese takeaway at No. 9 Harborne Park Road.
- Local individuals are convinced about stories of the Lord Mayor of Birmingham having relationships which are seen as bribery.
- The site notice was not posted in an appropriate place as it was put on a lamp post away from residents.

5. Policy Context

- 5.1. UDP 2005; Draft Birmingham Development Plan; Shopping and Local Centres SPD; Car Parking Guidelines SPD; Shopfront Design Guide SPG; NPPF; NPPG.

6. Planning Considerations

Principle/policy

- 6.1. As the site falls within Harborne District Centre but outside of the Primary Shopping Area the most directly relevant policy is policy 5 of the *Shopping and Local Centres SPD*.
- 6.2. Policy 5 relates to A3, A4 and A5 uses and seeks to direct them to sites within a recognised centre whilst avoiding a clustering effect. With A3 and A4 uses, account will be taken of factors such as the type and characteristics of other uses in the vicinity, the size and type of the application unit, and the proximity to any dwellings.
- 6.3. The nearest existing A3, A4 and A5 premises are as follows:
- Lee Chinese takeaway – No. 9 Harborne Park Road - approximately 15m northeast of the application site at the junction with Albert Walk.
 - Cardamom Restaurant – Nos. 350-352 High Street – approximately 60m northeast of the application site.
 - Umami bar/restaurant – No.25 Lordswood Road – approximately 145m northwest of the application site.
 - Boo Boo Coffee – No.27 Lordswood Road - approximately 153m northwest of the application site.
- 6.4. The following sites are also relevant:
- Extant planning permission 2015/09120/PA for Class A1/A3 bakery/café – No. 374 High Street approximately 40m northwest of the application site.
 - The Huntsman PH – No. 356 High Street – approximately 55m northeast of the application – this former pub was burnt down in January 2015 and is currently subject to a planning application for residential development (2016/03187/PA).
- 6.5. These uses are relatively spread out within a 153m radius of the application site and offer a good range of dining experiences which the application proposal would complement. The Chinese takeaway at No. 9 Harborne Park Road and the application site are separated by another unit, No. 8 Albert Walk in use as a barber's shop, and neither is a particularly large unit. The hot food uses within nearby parades are spread out and are interspersed by a good variety of other shops and services. On this basis I do not consider an overconcentration of food uses would occur.

Impact on visual amenity

- 6.6. Removal of the existing shopfront with its unsightly integral railings and replacement with a modern aluminium shopfront in a similar colour would enhance the appearance of the unit within the parade. It is unfortunate that the opportunity this proposal presents to reduce the overly dominant size of the fascia sign is not being taken but the new shopfront would still be an improvement.
- 6.7. The odour extraction system is largely complete on the rooftop of the unit. It covers a large part of the roof and the ducting sits approximately 0.6m above the surface of the roof. Two flues are yet to be installed but these would be located adjacent to each other to the rear of the roof and would both be 1.6m above the surface of the roof. Due to the low height of the single storey units in Albert Walk the roofs are visible from surrounding two and three storey properties on High Street, Harborne Park Road and Albert Road. However, the equipment is powder-coated black and the existing fascia board would be moved to a slightly higher position within the shopfront in order to help screen it from the ground. While the position of the equipment is not ideal, it is essential for the appropriate operation of a hot food use

and cannot be installed anywhere else on the unit. The powder-coating and use of the fascia board as a screen would minimise its visual impact to the extent that the application could not be refused on this basis.

Residential amenity

- 6.8. The odour extraction system installed has a high specification and employs new technology which is not in regular use across the city. The single storey nature of the application unit and proximity to residential properties on Harborne Park Road, High Street and Albert Walk led to concern from Regulatory Services on the previous application that a very tall flue would be needed to sufficiently disperse the efflux. Following withdrawal of that application, the applicant has worked with Regulatory Services to demonstrate that the system would be efficient with the 1.6m flues proposed and Regulatory Services is now satisfied. Adequate filtration would be incorporated into the system to deal with the cooking odour expected and the noise from the external equipment is not expected to cause a disturbance to local residents. As the system is not fully installed and it is equipment with which Regulatory Services is unfamiliar a condition is attached to ensure that any noise emitted by the equipment is minimised.
- 6.9. With regard to noise and disturbance, Regulatory Services is satisfied with the proposed opening hours of midday to 2300 hours Monday to Saturday and I agree that these are reasonable given the district centre location.
- 6.10. Public participation comments indicate concern about noise, litter and the potential for customers to loiter in the vicinity, which I have some sympathy with; the location of the site at the edge of the district centre brings it into close proximity to traditional dwellings. However, as a restaurant the proposal is less likely to attract loitering in the same way as a takeaway might as customers would eat on the premises and there would be a lower turnover of customers.

Parking/highway safety

- 6.11. Notwithstanding the Car Parking Guidelines which suggest demand for 3 parking spaces, no off-street parking is available in connection with the development. However, there is time-limited on-street parking on Albert Road, which is unrestricted in the evenings; properties on Albert Road mostly have driveways so on-street parking should be generally available; and the proximity of the site to dwellings is likely to result in some trips being made on foot. As the proposed use is a restaurant rather than a takeaway, customers would be expected to park legally due to the length of time they would remain at the site.

Other issues

- 6.12. *Litter/waste:* I note public participation comments that the rear alleyway is narrow and may not be suitable for commercial waste bins. I have discussed waste management with the applicant and an amended plan has been submitted dealing with this issue. An integral bin store is now proposed in the rear elevation of the unit to accommodate two wheelie bins. Regulatory Services has advised verbally that this would be an acceptable arrangement. The applicant will need to arrange a commercial waste collection prior to commencement of the use.
- 6.13. *Drainage:* The agent has provided details of a mechanism which would be installed to avoid an accumulation of grease within the drainage system and has confirmed that waste oil is likely to be collected on a weekly basis. A condition is also attached as per the request from Severn Trent Water requiring the submission of drainage plans for the disposal of foul and surface water.

- 6.14. *Conditions:* In view of the previous proposal which included a Class A5 takeaway element and which would not have complied with policy 4 of the *Shopping and Local Centres SPD*, I have considered whether or not to attach a condition preventing ancillary takeaway sales, which are normally allowed with a Class A3 restaurant. I have concluded that this would not be reasonable since a genuinely ancillary takeaway would not have a significant effect on the locality and it is not very practical and would not even allow for diners to take home what they could not consume on the premises. In the event that takeaway sales beyond what would be considered ancillary take place then a planning application for change of use would be needed.
- 6.15. *Allegations relating to the Lord Mayor:* One of the objectors has alleged in his public participation response that the Lord Mayor has accepted a bribe. I assume this means the outgoing Lord Mayor 2015-2016. This is not a planning matter and is being investigated separately by Legal Services.
- 6.16. *Council-owned property:* The identity of the landowner is not relevant to the consideration of planning matters by the Local Planning Authority.
- 6.17. *Locally Listed building:* The application site is opposite No. 4 Albert Walk which is a locally listed dwelling. Given that the site is within a commercial parade and the proposed changes would accord with the commercial character of the application unit it is not considered the proposal would have a significant impact on the setting of the locally listed building.
- 6.18. *Site notice:* This was posted on the lamp post within the public highway which is nearest to the application site.
- 6.19. *Accuracy of plans:* The seating area has been measured on site and accords with the size as scaled from the plans.

7. Conclusion

- 7.1. The application is recommended for approval because it would complement the existing food uses on offer without leading to an overconcentration of hot food takeaways within the locality. It would bring into use a formerly vacant unit in a sustainable location and would accord with the definition of sustainable development as set out in the NPPF.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a drainage scheme |
| 3 | Limits the hours of use to between 0900 and 2300 hours Monday to Saturday |
| 4 | Limits the noise levels for Plant and Machinery |
| 5 | Limits the approval to 3 years (Full) |
-

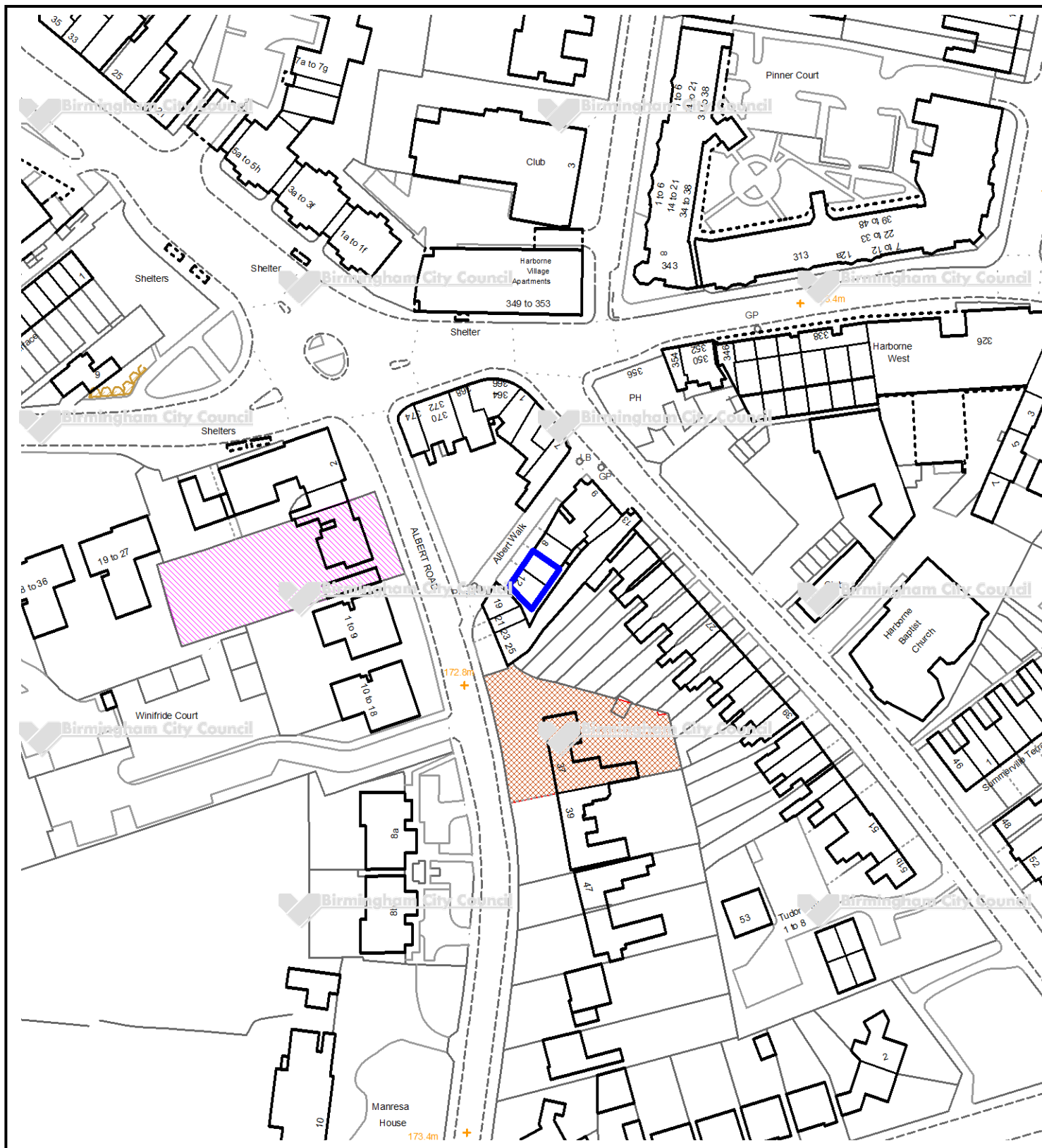
Case Officer: Amy Stevenson

Photo(s)



Photo 1: Application site within Albert Walk

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/03120/PA
Accepted:	22/04/2016	Application Type:	Full Planning
Target Date:	17/06/2016		
Ward:	Bournville		

225 Mary Vale Road, Bournville, Birmingham, B30 2DL

Change of use at ground floor from office (Use Class B1) to residential (Use Class C3), erection of single storey rear extension and alterations to front

Applicant:	Mr Andrew Green 59 Southway, Totteridge, London, N20 8DE
Agent:	Mr Chris Walker 168 West Heath Road, West Heath, Birmingham, B31 3HB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the change of use of the ground floor of 225 Mary Vale Road from an office use (Use Class B1) to a 2 bedroom flat (Use Class C3).
- 1.2. To facilitate the change of use, a single storey extension to the rear of the property is proposed. This would be 8.6m in length and 3.2m wide, replacing a previous rear wing now demolished. It would be 2m high to the eaves and 3m high to its ridge. It would be constructed with materials to match the existing building.
- 1.3. Internally, a lounge/kitchen would be provided, 2 en-suite bedrooms (15.1sqm and 12.7sqm respectively) and a small study area. The flat would have a total area of 77sqm.
- 1.4. External alterations are proposed to create a residential frontage to replace the existing shopfront along with boundary treatment to replicate that to the front of nearby properties.
- 1.5. An existing first floor flat would remain.
- 1.6. No off street parking is proposed.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The premises are currently vacant, having previously been used by 'Carewatch' a charity supporting independence with care at home; with a residential flat at first floor.

- 2.2. The site is located on Mary Vale Road, Bournville and is a mid-terrace two storey property in a predominantly residential area. The property is at the end of a small retail parade that extends from 225 to 253 Mary Vale Road, and the north side of Mary Vale Road, centred around the junction with Linden Road.
- 2.3. Adjacent properties 221 and 223 were also part of the parade, however have been converted to residential and prior approval has been consented for two ground floor residential units at no.227. The remainder of the terrace, extending eastwards, is residential. The site faces the original Cadbury's almshouses development across the opposite side of Mary Vale Road.

[Location map](#)

3. Planning History

- 3.1. 12/05/2004 – 2004/00849/PA Change of use from laundrette to office at ground floor. Approved subject to conditions.
- 3.2. 16/03/2016 – 2016/01122/PA Prior Approval for change of use from financial and professional services (Use Class A2) to 2no. residential units (Use Class C3). Application withdrawn.
- 3.3. 221-223 Mary Vale Road;
25/02/2005 – 2004/07631/PA Change of use from shop with flat over to No 2. single dwelling houses and alterations to front elevations. Approved subject to conditions.
- 3.4. 227 Mary Vale Road;
21/12/2015 – 2015/09217/PA Prior Approval for change of use from shop (Use Class A2) to 2no self-contained flats (Use Class C3). No prior approval required.

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; Bournville Ward Councillors and the MP for Selly Oak. A site notice has also been posted.
- 4.4. Steve McCabe MP objects to the application noting that this development would have an impact on parking in the area. He is also concerned by the loss of another shop from this parade and security of existing businesses.
- 4.5. Eight letters have been received from surrounding occupiers objecting to the application on the following grounds
 - To remove another shop from this parade will be detrimental to the other businesses, would be detrimental to the long term viability of the shopping area.
 - There is a lack of car parking in the area for an additional flat. Existing residents already have difficulties parking.
 - There would be a serious impact to pedestrian safety.
 - The area is already saturated with rented housing.

- The character of this end of the road would be altered.
- It will place additional strain on local amenities i.e. School places.
- Lack of notification regarding the application to local residents and questions regarding the processing of the application.
- Works have already taken place.

4.6. Six letters of support have been received supporting the application for the following reasons.

- The landlord has provided assurances that tenants would be respectful professionals
- The works to change the property is only a temporary issue.
- It would be better to have the property used as a flat, than remaining vacant and attracting anti-social behaviour.
- It would be in keeping with both neighbouring properties.
- One new flat would not increase parking to the same extent a shop with regular visitors would have.
- There would be a vast improvement to the streetscene.
- There appears to be little demand for a retail use.
- There would be less noise.
- The extension would match that at 227 Mary Vale Road and create a pair to enhance the garden area of the property.

5. Policy Context

5.1. Adopted UDP 2005, Pre-Submission Birmingham Development Plan (2013), Places for Living SPD (2001), 45 Degree Code, Car parking guidelines SPD (2012), NPPF (2012).

6. Planning Considerations

6.1. This application is for the conversion of a ground floor office unit into a flat, with a replacement rear wing. The National Planning Policy Framework at paragraph 51 emphasises the need for local planning authorities to promote the conversion of existing properties to housing, providing there are not strong economic reasons why such development would be inappropriate. It is therefore considered that a more flexible approach to development plan standards with regards to densities, car parking, amenity space and overlooking should be taken. However housing development of whatever scale should not be viewed in isolation. Consideration of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. This is reflected in policies within Birmingham Unitary Development Plan.

6.2. The street scene surrounding this site is made up of predominantly two storey terraced properties. Properties are provided with garden areas and there is a defined character to the area with established building lines and context. Most are inhabited as single family dwelling houses. The conversion of the ground floor of 225 Mary Vale Road into a flat would in my view not be at odds with the existing character and type of occupation in the area. Furthermore, the site is not within a defined shopping area, as set out in the Shopping and Local Centres SPD and the loss of this property would not have any detrimental impact on the vitality and viability of this shopping parade, in my opinion. The premises are already (or will be) separated from the other commercial uses in the parade by the recent Prior

Approval at no. 227. As such I consider that the principle of changing the use is acceptable.

- 6.3. Notwithstanding the above, policy 8.27 of the Unitary Development Plan relates to flat conversions and states that properties should be of sufficient size to permit the creation of individual dwelling units of a satisfactory size and layout.
- 6.4. The flat proposed here through the conversion and extension would have a total size of 77sqm. This is well above the nationally described space standard for a 2 bedroom 3 person flat which recommends 61sqm. Furthermore, I note that bedrooms would be 15.1sqm and 12.7sqm which is in accordance with the national standards (though not yet adopted by the Council they do provide a good yardstick).
- 6.5. In addition to the above, my Regulatory Services Officer raises no objection to the proposal. It is not considered that there would be any detrimental impact to existing or future occupiers as a result of the proposed development. Given the sites location, noise insulation conditions are not considered necessary in this instance.
- 6.6. Given the above, I consider this flat would provide an adequate standard of accommodation.
- 6.7. 'Places for Living' recommends 30sqm of outdoor amenity space to be provided per flat. This application demonstrates that a private garden area to the rear of 225 Mary Vale Road of approximately 65sqm is provided. As such, I consider that the proposal accords with 'Places for Living' in this respect.
- 6.8. My Transportation Development officer has raised no objection to the proposed development. Current parking guidance would suggest a maximum of 1.5 car spaces. However, given the availability of unrestricted car parking in the immediate area of the site; the bus services in the area and the proximity to Bournville Train Station, it is not considered that there would be any significant increase in parking demand, that would be of a level significant enough to cause concern and warrant the refusal of the application.
- 6.9. The extension to the rear would be similar to and tie into that provided to the rear of the neighbouring property of 227 Mary Vale Road. It replaces a smaller single storey addition. It would be constructed with materials to match and would be of a size and scale in proportion with the existing building. At 8.6m in length, it extends the wing of the property further into the garden than the now-demolished wing. However it is noted that the 45degree code states that 'single storey extensions at the end of a wing will be looked at on their merits as long as they leave enough garden area'. In this instance, there is a sufficient garden area remaining. Furthermore, the removal of the rear metal staircase immediately adjacent the boundary would not just improve the outlook from the neighbouring property, but would remove direct overlooking. As such, I do not consider that the proposed extension would have any additional detrimental impact over and above the existing wing and in this instance would be acceptable.
- 6.10. The proposed changes to the front elevation include providing two separate entrances, one to the ground floor flat and one to the existing first floor and a new window would be installed. The new window and openings would be of an appropriate scale and proportions and would improve the visual amenity of the frontage. As such I raise no objection these proposed works.

6.11. I note concerns of residents regarding the process of determining this application but public consultation has taken place in accordance with the Council's agreed procedure.

6.12. Community Infrastructure Levy - The development may now be liable for CIL, (following its adoption on 4th January 2016). The submitted application forms specify that the floor area of the development would be 76.72sqm GIA (60.72sqm of retained floorspace through a change of use). No evidence of six months continuous occupation within the past 36 months has been provided by the applicant. As such this would equate to a CIL payment of £5,293.68.

7. Conclusion

7.1. I consider that the proposed change of use would provide an adequate standard of residential amenity and accommodation for future occupiers and the external works would not have any detrimental impact to visual or residential amenity. I do not consider there would be a material effect on local retail viability or vitality, nor upon transportation matters. The application would make a small contribution to meeting the City's housing supply. As such the development accords with local and national planning policy and I recommend 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 the prior submission of boundary treatment details |
| 3 | Requires that the materials used match the main building |
| 4 | Limits the approval to 3 years (Full) |
-

Case Officer: James Mead

Photo(s)



Photograph 1: Front elevation



Photograph 2: Rear elevation

Location Plan



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Committee Date: 23/06/2016 Application Number: 2016/01614/PA
 Accepted: 01/03/2016 Application Type: Householder
 Target Date: 26/04/2016
 Ward: Moseley and Kings Heath

29 Elizabeth Road, Moseley, Birmingham, B13 8QH

Erection of single and two storey rear and single storey front extensions

Applicant: Mr M Fiaz
 29 Elizabeth Road, Moseley, Birmingham, B13 8QH
 Agent: Arcon Architects
 250 Walsall Road, Great Barr, Birmingham, B42 1UB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for a single and two storey rear extension and a single storey front extension.
- 1.2. The proposed ground floor of the rear extension would form an 'L' shape. The main part of the ground floor would be 5m in depth, with an additional section replacing the existing 'store' to a total of 8m from the rear elevation. Internally at ground floor, a large family lounge and extended kitchen would be created.
- 1.3. The proposed front extension would be located alongside the existing forward porch of the property. The extension would be 2m in depth with a pitched roof over. Internally, additional space within an existing lounge would be created.
- 1.4. At first floor, the proposal would extend 4m from the rear elevation of the property. The proposal would be the full width of the existing dwelling with a gable roof over. The internal layout of the first floor would be reconfigured to allow an additional bedroom with two en suite bathrooms.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application property is a traditional dwelling house located within a quiet residential cul de sac comprising of similar scale properties. The area surrounding the application property is residential in character.
- 2.2. The application dwelling has brick elevations with a gable roof over. To the frontage there is a prominent gable feature with a porch. To the rear there is an existing extension and conservatory which projects from the rear elevation of the house by 8m along the rear boundary with No.31. The application site benefits from a large

rear garden which contains mature landscaping. The rear boundaries are defined by a 1.8m high close board fence.

- 2.3. Following approval in 2013, a two and single storey rear extension similar in appearance to this proposal has been constructed to No.27 Elizabeth Road.

2.4. [Site location](#)

3. [Planning History](#)

- 3.1. 16/01/2013- 2013/00275/PA- Erection of a two and single storey rear extension- Withdrawn.

- 3.2. 02/05/2013- 2013/01962/PA- Erection of a single and two storey rear extension- Approved subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours and local Ward Councillors have been consulted. Responses were received from the Moseley Society, No's 26, 30, 31, 32, 34 and 36 Elizabeth Road. Objections can be summarised as:

- Loss of light/ loss of outlook.
- The scale of the proposal and the impact on the character of the area.
- The increase in height of the main roof
- The clarity of the plans
- Disruption during building works, impact on parking
- Party Wall Issues.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:

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

- 5.2. The following national policies are applicable:

- NPPF- National Planning Policy Framework.

6. [Planning Considerations](#)

- 6.1. I consider that the design of the proposal and impact on the residential amenities and character of the area are the principal matters for consideration.

- 6.2. This application has been submitted following a scheme approved by your Committee in 2013. This approval has since lapsed.

- 6.3. The plans originally submitted with this new application included an additional front extension, a change in footprint to the rear extension and an increase in the height of the main roof by 0.6m. The changes to the footprint of the ground floor rear extension and the increase in roof height have since been omitted from the scheme.

Essentially, to the rear the proposal would remain as approved in 2013, but with consent also sought for an additional ground floor extension to the frontage.

- 6.4. The proposal would comply with the objectives of your Committees 45 Degree Code. The proposal would comply with the Code to the rear of No.31 when taking into account the existing extension to the rear of the application property. The proposal would comply with the 45 Degree Code to No.27.
- 6.5. The numerical guidelines contained within 'Places for Living' and 'Extending your Home' would be met. Permitted development rights should be removed by way of a condition in order to protect the future privacy of the neighbouring occupiers.
- 6.6. I consider that the design of the proposal is acceptable and sufficient amenity space would be retained. The proposed front extension would not cause any unacceptable detriment to the street scene of Elizabeth Road and the overall proposal complies with the design guide 'Extending your Home'.
- 6.7. Notwithstanding the objections raised from the public participation carried out, I do not consider that the proposal would unduly affect residential or local amenity. The proposal would not cause sufficient detriment in order to sustain a refusal of the application. Party Wall matters, and construction noise or disruption, are dealt with under other legislation.

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the objectives of the policies as set out above.

8. Recommendation

- 8.1. Recommend- Approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Removes PD rights for new windows |
| 4 | Limits the approval to 3 years (Full) |
-

Case Officer: Kerry Challoner

Photo(s)



Figure 1. Front elevation.

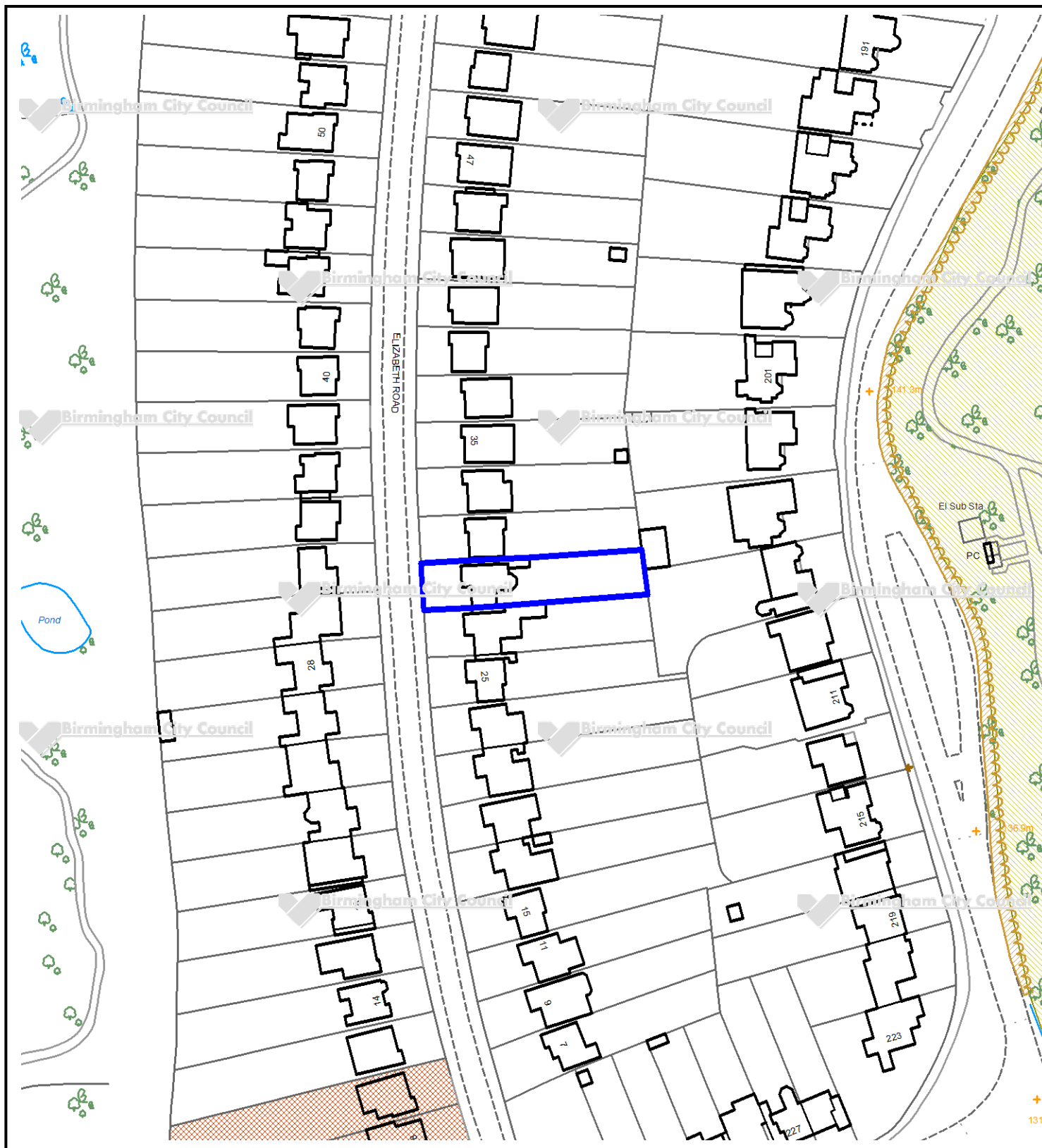


Figure 2. Rear elevation of No.27 Elizabeth Road



Figure 3. Rear elevation of No.29 towards boundary with No.31 Elizabeth Road.

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/02745/PA
Accepted:	01/04/2016	Application Type:	Full Planning
Target Date:	01/07/2016		
Ward:	Edgbaston		

Rear of 36 Harborne Road, Edgbaston, Birmingham, B15 3AF

Erection of a three storey Class D1 medical hub with associated Class B1(a) office and B1(b) research and development uses, parking, landscaping, new access, removal of 7 trees and replacement of boundary wall.

Applicant:	Calthorpe Estates c/o Agent
Agent:	Brooke Smith Planning Consultants Ltd The Cloisters, 12 George Road, Edgbaston, Birmingham, B15 1NP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposes the erection of a three storey Medical Hub (Class D1) with associated offices (Class B1(a)) and research and development accommodation (Class B1(b)) with rooftop plant.
- 1.2. The proposed rectangular building would sit 17m back from the front boundary behind a 6-space parking area. A servicing drive would be located to its south and east.
- 1.3. The Medical Hub would create 2,788sqm floorspace (gross internal area) arranged as follows:-
 - Basement: MRI, Ultrasound and X-Ray rooms, storage archives, pharmacy and freezer room.
 - Ground floor: Recessed entrance, reception, offices, meeting room, kitchen, plant room, WCs and integral bins and cycle stores.
 - First floor: 8 consulting rooms, 8 recovery rooms, meeting room, waiting area and WCs.
 - Second floor: Meeting rooms, procedure rooms, 2 operating theatres, 2 first stage recovery rooms, office, lounge and WCs.
 - Rooftop plant covering approximately one third of the roof.
- 1.4. A modern design is proposed with elevations comprising natural stone, glazing and metal window frames. The ground floor would be largely glazed to the front while the two upper floors would have more solid panels though with a different arrangement on each floor. The rooftop plant would be enclosed in a grey metal micro louver screen.

- 1.5. The existing boundary treatment would be replaced with a new vehicle and pedestrian access created at the southeast corner of the site adjacent to No. 27 Highfield Road. The existing access would be removed.
- 1.6. The proposal includes the removal of 7 trees all of which are of low or poor quality (Categories C and U). 5 replacement trees are shown on the Landscape Masterplan along with new hedging and shrub planting at the boundaries of the site.
- 1.7. The proposal is expected to provide 33 full time equivalent jobs.
- 1.8. Proposed opening times: 0700-2200 hours Monday to Friday and 0700-1300 hours on Saturdays.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The proposed Hub would be built on an existing car park (65 spaces) in between the former BMI conference centre (No. 36 Harborne Road) which fronts Harborne Road and No. 27 Highfield Road.
 - 2.2. The BMI building, which has recently been granted planning permission for conversion to a public house with a single storey extension to the rear, is a two storey building with limited third storey accommodation built in 1847. A long two storey rear extension added in the 1960s will be removed during conversion to the pub. No. 27 Highfield Road is a modern two storey flat roof office building.
 - 2.3. The site falls within the Edgbaston Conservation Area and the surrounding area comprises predominantly commercial uses many occupying former residential villas. Development along the east arm of Highfield Road is a mix of two and three storeys. The west arm of Highfield Road and properties on Harborne Road to the north and west of the application site comprise more substantial buildings, including the Chamber of Commerce. Buildings are set within spacious plots with mature landscaping.
 - 2.4. [Site location](#)
3. Planning History
 - 3.1. 31/07/2015 - 2015/04936/PA – 36 Harborne Road - Pre-application advice for change of use of existing BMI building to Class A4 and redevelopment of a new Birmingham Medical Institute hub. Advised that the principle of the hub would be acceptable but concern was expressed about the scale of the 4 storey building proposed given that the context comprises 2 and 3 storey buildings.
 - 3.2. 03/03/2016 - 2015/07301/PA - 36 Harborne Road – Planning permission granted with conditions for change of use from medical (Use Class D1) to public house (Use Class A4) with manager's flat and staff flat, partial demolition/re-modelling of premises, extensions to the rear, parking/servicing facilities and landscaping – Approved with conditions.
4. Consultation/PP Responses
 - 4.1. Transportation Development: No objection subject to conditions requiring the new access to be constructed to the Council's specification at the applicant's expense,

the redundant crossing to be reinstated with full height kerbs, the provision of secure and sheltered cycle storage, and a Travel Plan and a Car Park Management Plan.

Car Parking Guidelines SPD for D1 uses suggests demand for 26 car parking spaces and storage for 6 bicycles. Although proposed provision is below this, the Edgbaston Parking Study demonstrates that adequate parking is available within close proximity of the site, with notable capacity at the Greenfield Crescent North, Greenfield Crescent South and 18 Highfield Road car parks, along with on street availability. There are also good public transport links. It is not considered traffic and parking demand will increase significantly at this location as a result of the proposed change. The plans demonstrate that a refuse vehicle could enter the site if needed, turn on site and exit the site in a forward gear although servicing on street is more likely. At the time of writing it is noted there has been one response objecting to this proposal on Transportation grounds. Reference is made to the adjacent site where a public house is to be provided. The objection is largely in response to the pub having no parking however it was approved on this basis.

- 4.2. Regulatory Services: Verbal comment received stating no objection.
- 4.3. Drainage Team: No objection subject to additional detailed calculations and a condition requiring a sustainable drainage scheme.
- 4.4. Birmingham Public Health: No response received.
- 4.5. Severn Trent Water: No objection subject to conditions requiring drainage plans and implementation of the drainage scheme prior to first use of the development.
- 4.6. Historic England: No objection to the principle or to the proposed style or materials however concern raised about the height and scale in the context of this part of the Conservation Area. It would be significantly taller than No.36 and, with substantial floor to ceiling heights, it would be dominant over No. 36 notwithstanding the space between the buildings.
- 4.7. Site and press notices posted. Local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application; one response received:

Cllr Deirdre Alden (Edgbaston): Objects. The car park should be kept for the pub and not be built on. Edgbaston is suffering huge problems from on street car parking, and more and more applications come in which will result in even more people wanting to park on the roads. Also, a three storey building on this site is out of keeping and too cramped for the site.

5. Policy Context

- 5.1. Birmingham Unitary Development Plan; Draft Birmingham Development Plan; Edgbaston Conservation Area Character Appraisal; Places for All SPD; Draft Edgbaston Framework; NPPF; NPPG.

6. Planning Considerations

Policy/principle

- 6.1. The application site is not directly referred to in the UDP however policy 16.21 refers to the Calthorpe Estate as an area with an important conservation value and notes the important influence of Calthorpe Estates in preserving the quality and character of the Edgbaston Conservation Area. The number of commercial uses occupying

properties within the Estate has increased significantly since the 1950s, with a particular focus on medical uses, and these benefit from being close to the City Centre and from the good public transport links at Five Ways. Class D1 uses fall within the list of main town centre uses contained in the NPPF but planning policy does not exclude them from locations outside of recognised centres. Taking account of the proximity of the site to the City Centre, the availability of public transport and the proximity to other similar medical uses offering the potential for linked trips, I consider the proposal to be acceptable in principle and in accordance with local and national planning policy.

- 6.2. The draft Edgbaston Framework has been developed in partnership between Calthorpe Estates and the City. It has been out to public consultation and is expected to receive Cabinet approval later in 2016. Once adopted it will be of some weight in the assessment of planning applications. It aims to diversify the range of uses within the study area to encourage new activity and growth and identifies three areas for development: the Greenfield Crescent area where limited new retail uses will be located; the fine dining quarter along Highfield Road and including Simpsons Restaurant; and the Harborne/Highfield junction which includes the Chambers of Commerce site and the application site. Some of the Framework aspirations have been implemented with new retail under development on Harborne Road and Greenfield Crescent, and new food uses on Highfield Road. This application would continue the development of Highfield Road.

Impact on the character of the area

- 6.3. The application site would have formed the rear garden of No. 36 Harborne Road when this former dwelling was built. Since its conversion to a commercial use, the application site has been used for car parking instead. The absence of a building on the site creates a gap in the streetscene which could be filled by a sizeable building without harm to the general spacious character of the area. Sufficient space would be retained to the neighbouring buildings to avoid the streetscene appearing cramped. The position of the proposed building on the plot is appropriate and allows for some limited frontage parking and a service road along its east side. The detailed design is high quality, offering a well-proportioned building with a good balance between solid and glazed components within the elevations. Natural stone is proposed for the facing material and there is no reason to expect that the quality of the design would not be carried through to the completed development.
- 6.4. Comments from the Conservation and Heritage Panel (CHP), City Design and Conservation Team and Historic England indicate support in general terms for the high quality design however concern is raised regarding the scale of the building and in particular its height. Typically, buildings on the east stretch of Highfield Road from its junction with Harborne Road are two storeys with some limited three storey accommodation in the roofspace. The proposed building would have a much taller floor to ceiling height than its neighbours plus the rooftop plant which would result in an overall height of 16m, some 6m more than the former BMI building which has three storey elements. This has been reduced from 17m following the CHP meeting however the technical requirements of the proposed use mean that significant ductwork is needed between floors to suitably service medical rooms and no further reduction is possible. The revised plans have been circulated to CHP and further comments invited from individual members; only one response has been received stating the reduced height is acceptable. The City Design and Conservation Team has no further comments to make. On balance, I consider the height to be acceptable for the following reasons:

- Further reduction in height is likely to adversely affect the well-proportioned design of the building.
 - The rooftop plant is set back some 13m from the front of the building and would not be visible from street level.
 - The rooftop plant would be clad in grey metal to blend into the sky when viewed from a distance.
 - The rooftop plant would benefit from some screening due to mature trees in and around the site, particularly along Highfield Road.
- 6.5. In respect of the impact on individual buildings, none of the immediate adjoining properties are dwellings. To the west, the former BMI building will be altered to give a better outlook to the rear once converted to a pub. The removal of a long two storey wing and replacement with a smaller single storey conservatory type extension would give more generous grounds between it and the proposed Medical Hub and the proposed large windows continue round into the side elevations giving activity and interest when viewing the site from the pub.
- 6.6. To the east, No. 27 Highfield Road is used as offices with many side windows facing the application site. This is not Listed and is separated from the application site by its own car park and a well treed boundary which would provide good screening.
- 6.7. To the north, No. 32-34 Harborne Road is a Class D1 clinic. The rear elevation of the proposed building would be 3m from the shared boundary with the clinic and would be a significant addition in the outlook from the rear of Nos. 32 and 34 however it would be approximately 22m from the nearest windows with a mature tree in between which would lessen the impact to an acceptable degree.
- 6.8. To the south, on the opposite side of Highfield Road No. 38 Harborne Road and No. 11 Highfield Road are both attractive two storey stuccoed Grade II Listed villas. While the proposal would be clearly visible and of a larger scale than both of these buildings, the high quality design and natural stone finish would complement their own appearance and setting.
- 6.9. Overall, I consider the proposal would introduce a good quality contemporary building into a traditional area, it would fill a gap in the streetscene and the proposed materials would be appropriate and in keeping with the quality surroundings. I consider the proposals would preserve the character and appearance of the Conservation area, in accordance with local and national policy..

Trees and landscaping

- 6.10. The application proposes the removal of 7 trees all of which are of low quality and consequently the Tree Officer has no objection. He has commented that the arboricultural report has thoroughly evaluated the constraints and informed the design process and he agrees with its conclusions. The location of 5 replacement trees is indicated on the plans which the Tree Officer is satisfied with however a landscaping condition is attached to secure appropriate species of these and other proposed planting on the site. A condition is attached as recommended by the Tree Officer requiring an arboricultural method statement to complete the specific detail regarding works in the root protection areas and schedule arboricultural supervision as necessary.
- 6.11. The existing boundary wall is proposed to be replaced which is regrettable given that it is an interesting feature in the streetscene and of some age. However, its method of construction means that the changes required due to relocation of the access

point are likely to undermine its overall appearance. The Conservation Officer has advised that the walling shown on the streetscenes could be amended to better suit both the character of the Conservation Area and the modern style of the proposed building. Consequently, conditions are attached withholding planning permission for the boundary treatment as shown on the submitted drawings and requiring the design to be agreed prior to commencement of the development.

Parking and highway safety

- 6.12. According to the Car Parking Guidelines SPD, the development would generate demand for up to 26 car parking spaces and cycle storage for up to 6 bicycles. The plans show 6 parking spaces are proposed within the site. The supporting Transport Assessment notes that there would be 33 staff (including 6 consultants) and 60 patients (averaging 5 per hour) on site during a 12 hour period. Due to the nature of some of the procedures taking place, some car borne patients would be expected to be dropped off and collected, for example, by taxi or relatives. Parking for short appointments could take place on the street, where free parking is available for up to 2 hours, or in nearby pay and display car parks. For staff and patients making longer visits, the nearest car park is to the rear of the site on land between properties which front Greenfield Crescent and Highfield Road and, once the current reorganisation is concluded, will provide 88 pay and display spaces.
- 6.13. It is noted that the Edgbaston Parking Study accompanies the application, commissioned by Calthorpe Estates, which has analysed all parking within the Edgbaston Framework area, including on-street parking, to determine where there is spare capacity. The Study demonstrates that the parking demand generated by implementation of the Framework, including the current proposal and the adjacent pub, could be met on-street and within car parks controlled by Calthorpe Estates and the Council. Calthorpe Estates is in the process of improving and reordering its car parks within the Estate to enable wider public use to better serve existing tenants and to facilitate the future developments expected to be delivered in compliance with the Edgbaston Framework. This includes changing permit-only car parks to more accessible pay and display systems.
- 6.14. In respect of more general traffic generation and movement, Transportation Development does not expect any significant increase compared to the existing lawful use as a pay and display car park for 65 cars. No objection is raised to the creation of a new access point either.
- 6.15. In respect of conditions, securing a workplace travel plan and an on-site car parking management plan are recommended. These would ensure that staff parking is limited as far as possible and that the 6 parking spaces are proposed are appropriately managed and allocated on a daily basis. Both conditions are attached.

Other matters

- 6.16. Noise/disturbance: None of the neighbouring properties are occupied as dwellings and the proposal is not expected to be unduly noisy. The proposed opening hours are consistent with the commercial character of the area. Regulatory Services has no objection to the application.
- 6.17. Drainage: The Drainage Team has requested additional calculations regarding discharge. I consider this can be satisfactorily dealt through the drainage condition attached.

7. Conclusion

7.1. This application is recommended for approval. I consider the proposal would constitute sustainable development as defined in the NPPF, due to its positive impacts on economic, social and environmental factors. It would provide employment in an accessible location, fill a visual gap in the streetscene with a well-designed building of appropriate scale, and complement the existing niche medical quarter which has developed within Edgbaston.

8. Recommendation

8.1. Approve subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission of sample materials
3	Requires the prior submission of hard and/or soft landscape details
4	Arboricultural Method Statement - Submission Required
5	Requires the prior submission of boundary treatment details
6	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
7	Requires the prior submission of cycle storage details
8	Requires the prior submission of level details
9	Requires the prior submission of a commercial travel plan
10	Requires the prior submission of a parking management strategy
11	Requires reinstatement of the redundant footway crossing
12	No consent given for the boundary treatment shown on the elevations/streetscenes
13	Limits the approval to 3 years (Full)

Case Officer: Amy Stevenson

Photo(s)



Photo 1: View of site from further south along Highfield Road



Photo 2: View of site from further north along Highfield Road



Photo 3: Front boundary of site



Photo 4: Streetscene opposite application site on Highfield Road

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/02501/PA
Accepted:	29/03/2016	Application Type:	Full Planning
Target Date:	28/06/2016		
Ward:	Weoley		

Bristol Road South, Bournville Care Village (Phase III), Northfield, Birmingham, B31 2AJ

Erection of 16 C2 dwellings for the over 55s associated with phase III of the Bournville Care Village, including car parking and landscaping

Applicant:	The Extra Care Charitable Trust 7 Harry Weston Road, Binley Busines, Coventry, CV3 2SN
Agent:	Bournville Architects 350 Bournville Lane, Bournville, Birmingham, B30 1UB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of 16 C2 dwellings for the over 55's associated with Phase III of Bournville Care Village to form part of the wider extra care village on this site. Permission was previously granted by your Committee for Phase III for the erection of 35 independent living units (C2). Due to a change in economic circumstances Bournville Village Trust decided that the previously approved scheme would not proceed.
- 1.2. The accommodation would be provided in mostly two-storey buildings either with a traditional ground and first floor or with a lower ground and ground floor utilising site levels, with a landscaped area to the rear. There is a predominantly level plateau at this north-east corner of the care village site, but the levels fall at a steep gradient to the south and south-east boundaries and the application site encompasses this storey-high change in level. The accommodation would be provided in the form of two typologies. The western edge accommodation facing onto College Green would provide four pairs of semi-detached properties comprising two, two bedroom units and six, three bedroom units whilst the eastern edge of the development would provide a terrace of eight units, comprising six two-bedroom units and two three bedroom units utilising the fall of the site to create a lower ground level. These units would 'step down' with the topography and would benefit from small patios and gardens accessed from the bedroom. This arrangement would allow greater flexibility to address levels whilst providing outward looking properties overlooking the central landscaped village green.
- 1.3. The properties have been designed to accommodate flexibility and adaptation. They would be able to offer single storey living, if required, with bedrooms and shower rooms on the entry level, knockout panels in wall construction, to enable hoist routes between bedrooms and shower rooms and soft spots in floor construction for the use of through-floor lifts. Generous circulation spaces and wide door openings would

accommodate wheel-chair users and all plots would incorporate mobility vehicle charging points.

- 1.4. Bedroom sizes would significantly exceed the guidelines in Places for Living ranging from 13sq.m to 21sq.m.
- 1.5. The units would be of brick construction and traditional tiled roofs. The same brick would also be used in the construction of garden walls, walk up units and common areas.
- 1.6. All units would have a combination of front gardens, rear gardens, balconies and patios.
- 1.7. The development would have defined but informal perimeters utilising a walled garden treatment incorporating raised planters, generating active frontages with clear points of entry and overlooking from windows to promote security. The units would be set within a landscaped area, (in excess of 2,195sq.m) with substantial tree screens across the north and east boundaries.
- 1.8. The proposed development would utilise the main vehicular access to the care village from Bristol Road South and internal route that extends from this (circling around the central village green approved as part of phase 1). 27 car parking spaces would be provided for residents (including two for people with disabilities), set within two small car parking areas within the site, along with 2 cycle parking provision. Drop-off bays are positioned along the existing shared access road.
- 1.9. Amended plans have been received following discussions with your officers regarding design. Amendments undertaken include:
 - The steps have been pulled away from the pair of semi-detached houses facing onto the green
 - A planter has been introduced to mediate between the steps and the houses.
 - A planter has also been introduced to the end terrace unit and a window added to the lower ground bedroom floor to increase opportunities for passive surveillance
 - The start of the steps has moved eastwards and levels raised minimising the extent of the blank wall to the units overlooking the green.
 - Increase in number of windows in end elevations and size of windows proposed.
- 1.10. The application is supported by the following information – Design and Access Statement, Flood Risk Assessment and Sustainable Urban Drainage Operation and Maintenance Plan, Ecological Appraisal, Transport Statement and Travel Plan Framework, Arboricultural Survey, Air Quality Assessment, and Noise Impact Assessment.
- 1.11. Site area: 0.6 hectares.
- 1.12. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site forms part of the land formerly occupied by Bournville College of Further Education and its associated playing field. The College relocated to Longbridge

some time ago and the site is under redevelopment. Work is now well underway on phase two of the new Bournville Care Village development, whilst the main extra care village (phase one) has been completed and is now occupied.

- 2.2. The main frontage to the care village site is to the north-west of Bristol Road South, from which there are two vehicular access points. This application relates to the remaining plot fronting Bristol Road South adjacent to the main extra care facility and adjoining rear gardens of houses on Middle Park Road.
- 2.3. The surrounding area is predominantly residential in nature, with traditional semis and detached properties to the north and an estate of mainly 3 storey maisonettes to the west.
- 2.4. Mature trees mark the boundaries with existing residential properties. There is also a substantial belt of trees on the Bristol Road South frontage. There is a significant fall in levels from the north-western corner to the southern tip (approximately 13m difference).
- 2.5. [Site Location Map](#)

3. Planning History

- 3.1. 16 March 2009. 2008/06331/PA. Outline planning permission granted for the demolition of existing structures and redevelopment to provide approximately 99 residential units (Use Class C3) and associated access arrangements. The outline approval was subject to a S106 agreement to secure public open space, affordable housing and a £200,000 contribution towards improvement of existing pitches in the Weoley Ward.
- 3.2. 23 April 2012. 2012/00513/PA. Planning permission granted for the development of a care village comprising a 208 bed extra care facility, a dementia care home, a nursing home, and a health and well-being centre (C2/D1), with 224 car parking spaces, 51 cycle spaces, servicing and open spaces (outline application with consideration of access, layout and scale). Application approved subject to a S106 agreement to secure a financial contribution of £200,000 towards improvement and maintenance of sports, recreational and community facilities within the Weoley Ward and/or adjoining Wards and provision of the on-site area of open space and retention of access to the general public.
- 3.3. 13 June 2012. 2012/01952/PA. Application to extend the time of extant planning application 2008/06331/PA for the demolition of existing structures and redevelopment to provide approximately 99 residential units (use class C3) and associated access arrangements – approved subject to a S106 agreement to secure public open space, affordable housing and a £200,000 contribution towards improvement of existing pitches in the Weoley Ward.
- 3.4. 23 November 2012. 2012/05877/PA. Planning permission granted for the development of extra care facility comprising 212 apartments with 135 car parking spaces, associated landscaping and service areas and village green. Permission granted subject to a S106 agreement to secure a financial contribution of £200,000 towards improvement and maintenance of sports, recreational and community facilities within the Weoley Ward and/or adjoining Wards, provision of the on-site area of open space and retention of access to the general public, and provision of affordable housing.

- 3.5. 17 July 2013. 2013/03617/PA. Planning permission granted for the erection of sub-station.
- 3.6. 31 October 2013. 2013/05870/PA. Planning permission granted for the development of 80 bed dementia care and nursing home (Phase II) at Bournville Care Village, Bristol Road South.
- 3.7. 21 August 2014. 2014/04245/PA. Planning permission granted for the erection of 35 independent living units (C2) associated with Phase III of the Bournville Care Village, including car parking and landscaping.
- 3.8. 7 August 2015. 2015/03664/PA. Planning permission granted for the erection of health and wellbeing centre including pharmacy, optician, clinical consulting rooms for the Royal Orthopaedic Hospital, GP Surgery and Discharge to Assess accommodation for the NHS, car parking, landscaping and ancillary works (Phase IV).
4. Consultation/PP Responses
 - 4.1. Local residents, Ward Councillors, MP and resident associations notified. Site and Press notice posted. One response received from a resident in the adjacent Extra Care Village (Bournville Gardens) regarding who will be able to apply for them and will it impinge on the doctors surgery?
 - 4.2. Regulatory Services – no objection subject to safeguarding conditions relating to external plant noise, noise insulation and extract and odour control.
 - 4.3. Transportation – no objection.
 - 4.4. Environment Agency – site is located in Flood Zone 1, no comments to make.
 - 4.5. Severn Trent Water – no objection subject to a drainage condition.
 - 4.6. Local Lead Flood Authority – recommend a SuDS safeguarding condition.
 - 4.7. Leisure Services – no objection. Section 106 obligations have already been met.
 - 4.8. West Midlands Police – no objection.
 - 4.9. West Midlands Fire Service – no response received
 - 4.10. West Midlands Ambulance Service – no response received
5. Policy Context
 - 5.1. NPPF; UDP 2005; Pre-submission Birmingham Development Plan; Places for All; Nature Conservation Strategy, Car Parking Guidelines SPD, Places for Living SPG and Specific Needs Residential Uses SPD.
6. Planning Considerations
 - 6.1. Your Committee approved an outline application in April 2012 for the redevelopment of the former Bournville College site on Bristol Road South as a ‘care village’ (no.

2012/00513/PA). This proposal included a 208 bed extra care facility, a dementia care home, a nursing home and a health/well-being centre.

- 6.2. The first phase of this development – the extra care apartments and adjacent village green – was approved by your Committee in November 2012 (application no. 2012/05877/PA) and is now open and occupied. The second phase was approved in October last year (under 2013/05870/PA) and is also under construction.
- 6.3. The second phase proposal deviated from the indicative scheme approved at the outline stage, in that it provided a combined nursing home and dementia care facility. The latter was originally intended to be provided as a separate unit (as phase 3) on the land the subject of this current application. This change was in response to the intended operator's requirements.
- 6.4. The third phase, approved by your committee under application reference 2014/04245/PA was for 35 independent living units. The proposal developed as a result of discussions between the applicant, the City Council and Mencap, which demonstrated a need to provide housing for people with learning difficulties that had some shared facilities but were essentially independent with their own front door. However, due to a change in economic circumstances Bournville Village Trust decided that the previously approved scheme would not proceed and now seek planning permission for this varied phase 3 development.
- 6.5. The fourth phase of development was granted planning permission last year and comprised a health and wellbeing centre concluding the 'Village' approach to the care facility as a whole.

Policy

- 6.6. The NPPF includes a presumption in favour of sustainable development, requiring consideration of economic, social and environmental matters. It encourages the re-use of previously developed land, requires that full advantage should be taken of sustainable locations (with access to public transport, walking and cycling) and refers to the promotion of a wide choice of high quality homes, and the need for high quality design. Paragraph 24 identifies a requirement for main town centre uses to be located in town centres.
- 6.7. The UDP encourages the redevelopment of previously developed sites.
- 6.8. Policies 3.14 A-E of the UDP relate to the design of new development, the key principles for consideration being:
 - impact on local character,
 - scale and design of new buildings and spaces (to respect the surrounding area),
 - the need for free, easy and safe movement, and importance of links,
 - the encouragement of mixed uses in centres and areas where they can contribute towards meeting an identified local need,
 - creation of safe, pleasant and legible places,
 - the requirement for integral landscaping,
 - retention of trees and new tree planting.
- 6.9. Policy 3.16A emphasises the importance of landscaping and provides a commitment to tree protection.

- 6.10. 'Places for All' also emphasises the importance of good design, high quality environments, again with an emphasis on context.

Principle of Development

- 6.11. The application site is previously developed land located in a predominantly residential area, with good links to public transport and local services. The principle of the redevelopment of this site for C2 use has previously been established within the overall site master plan for a care village and the previous planning permission. As such, the principle of development has previously been established and the proposed development is in accordance with the outline approval.

Transportation

- 6.12. A Transport Statement and Travel Plan form part of the application submission. The proposed development would utilise the consented access arrangement for the site from the Bristol Road. The existing exit has been widened to enable it to become the main entrance/exit for the care village as a whole. The statement concludes that the proposed development and the Care Village as a whole would result in a net reduction in vehicular traffic when compared to the previous College use, particularly in the AM peak hour. As such, the proposed development would have no material adverse impact on the safety or operation of the highway network.
- 6.13. Your Transportation Officer raises no objection to the proposals. The likely level of traffic generated would not be significant and any impact on the operation of the highway network would be negligible. Parking provision falls within the scope of the outline application and is in accordance with the City's Car Parking Guidelines SPD. The submitted Travel Plan is the Framework document (2012) within which it concludes that as the site becomes occupied discussions are to be undertaken with the Smarter Choices team.

Design and Landscaping

- 6.14. Design advice has been provided during application discussions and this is reflected in the current amended submission. The outline planning approval set out principles for layout, massing, scale, landscape and access. A Master Plan Design Guide was produced to ensure that a consistent, coherent and high quality development is achieved across all areas of the care village.
- 6.15. The proposal adheres to the principles established at the outline stage and responds positively to the site constraints and context. The development would have an acceptable relationship to the existing houses that back onto the site, with existing landscaped buffers maintained and enhanced where space is available to do so. The relationship to the village green has been significantly improved and enhanced through this revised Phase III proposal when compared to the previous planning permission. A large landscaped garden with heavily treed boundaries would be provided to the rear of the units.
- 6.16. Following receipt of the amended plans, City Design, Landscape and Arboricultural colleagues consider that the scheme is acceptable and an improvement on the previous planning permission for the Phase III site. I concur with their view.

Flood Risk

- 6.17. A Flood Risk Assessment has been submitted in support of the application. The assessment identifies that the site sits within Flood Zone 1 and the development is of an appropriate use for flood zone one. The FRA has reviewed all sources of flood risk to both the proposed development and to the existing adjacent development as a result of the proposals including fluvial, tidal, pluvial, groundwater, sewers and flooding from artificial sources. The 1 in 100 year and 1 in 1000 year events do not extend into the application site.
- 6.18. Based on the ground conditions identified within the assessment, it concludes that infiltration drainage is unlikely to provide a suitable means of surface water disposal for the flows generated by the proposed development. It is proposed that the surface water flows generated are to discharge to the shared attenuation tank to the south of the proposed building with all flows stored/retained on site.
- 6.19. The Environment Agency has raised no objections to the development and the Local Lead Flood Authority recommends a drainage safeguarding condition. Severn Trent Water also raises no objection subject to a drainage condition. I concur with their view and consider that the proposal would have no impact on drainage/flood risk and the relevant safeguarding conditions are recommended below.

Ecology

- 6.20. An ecological appraisal has been submitted in support of the application. The report identifies that a Phase 1 Habitat Study was undertaken in 2014. The site provides negligible habitats for notable and protected species. The trees and other vegetation around the wider site provide foraging habitat and a commuting corridor for bats, and the trees also provide suitable nesting habitat for common garden birds. The site's suitability for other protected species (e.g. badger, great crested newt, reptiles) is assessed as poor. The boundary trees would be retained as part of the current proposals.
- 6.21. The ecological report sets out a number of recommendations for mitigation and enhancement, including:- provision of insect boxes in suitable locations; provision of bat boxes and bird nest boxes on buildings/trees; sensitive car park lighting; measures to avoid badgers/other mammals becoming trapped during excavation; and landscape planting to include native and 'wildlife-friendly' species. Your Ecologist has no objection to these recommendations; their implementation should be secured by condition. I concur with this view.

Residential Amenity

- 6.22. Specific Needs Residential Uses SPD requires that proposals "*should not cause demonstrable harm to the residential amenities of occupiers of nearby properties by reason of noise and disturbance nuisance*". The application is for 16, C2 use class independent living units to form part of a wider development for an extra care village. There is substantial planting to boundaries with the closest residential properties and I would not anticipate any disturbance from a use of this nature. The proposed 'bedrooms within the units are in excess of the guidelines for bedroom sizes in Places for Living. I consider this size of accommodation to be acceptable.

Noise and Air Quality

- 6.23. An Air Quality Assessment has been undertaken and submitted in support of the application. This assessment identifies that the site is located in an Air Quality Management Area (AQMA) and on a busy A-road. The report identifies that there

would be no significant emissions associated with the proposed development and that future residents of the site as a whole are unlikely to be exposed to unacceptable air quality. Regulatory Services have raised no objection to the proposal in relation to air quality and I concur with this view.

- 6.24. A noise assessment has been submitted that assesses the potential noise impact to and from the proposed development. The results indicate that a level of noise protection would be required. Regulatory Services have raised no objection to the proposal on noise grounds subject to appropriate safeguarding conditions which are recommended below. I concur with this view. Regulatory Services have also requested a condition relating to extraction and odour control however the units have no shared kitchen facilities as they are independent living units with their own kitchens, as such I do not consider that a condition of this nature is required.

Other Issues

- 6.25. I note the letter of comment from a resident of the adjacent Bournville Gardens Extra Care Village. This application does not impinge of the Phase IV development which includes a new doctor's surgery and access to the units will be controlled via the Extra Care Charitable Trust, as per the other phases of development.
- 6.26. The proposed development does not attract a CIL contribution.

7.0 Conclusion

- 7.1. The application site is previously developed land located in a predominantly residential area, with good links to public transport and local services. The principle of the re-development of the site as an extra care village was established through the approval of outline application no. 2012/00513/PA in April 2012 and the provision of 16 C2 dwellings for the over 55's is in accordance with the outline approval.
- 7.2. The outline application included consideration of design principles to be adopted, along with parameters (floor areas/building heights) in respect of the various elements, and the current proposals broadly reflect the principles accepted at the outline stage. The detailed design has been developed in consultation with City Design and the resulting scheme is considered to be of a high quality design that would sit comfortably within its surroundings.
- 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 support the wider site redevelopment with its associated significant economic and social benefits, support the provision of further local employment in both construction and support employment within the dwellings whilst supporting the provision of specialist elderly care within the City and would have a positive and significant environmental benefit, I consider the proposal to be sustainable development and on this basis, should be approved.

8.0 Recommendation

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

1	Requires the scheme to be in accordance with the listed approved plans
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- 2 Requires the prior submission of a drainage scheme
 - 3 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 4 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 5 Limits the noise levels for Plant and Machinery
 - 6 Secures noise and vibration levels for habitable rooms
 - 7 Requires the prior submission of a landscape management plan
 - 8 Requires the prior submission of hard surfacing materials
 - 9 Requires the prior submission of sample materials
 - 10 Requires the prior submission of level details
 - 11 Limits the approval to 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)

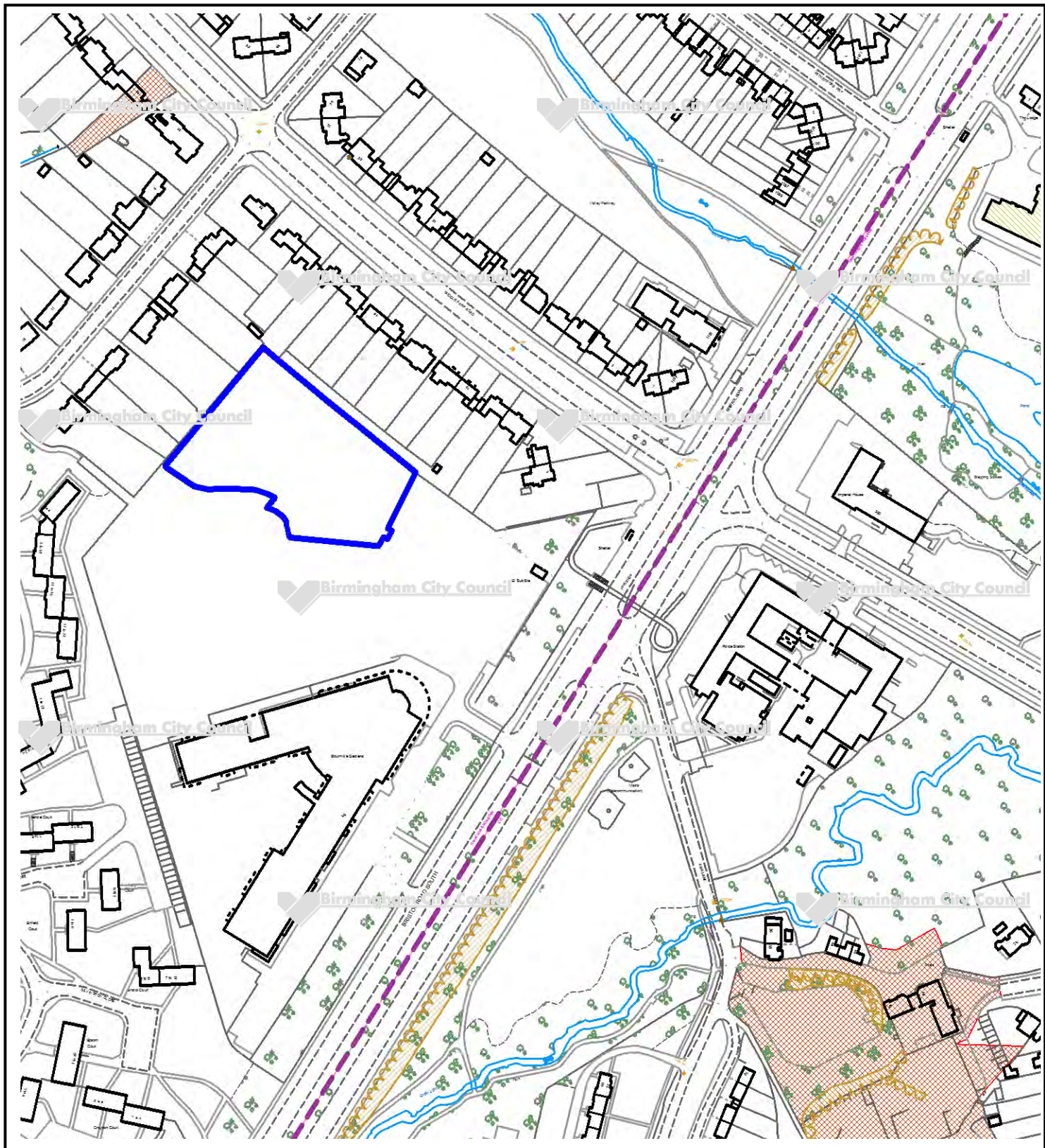


Photograph 1 – View of Phase 2 (under construction) and application site



Photograph 2 – View of Extra Care Village site including

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/02316/PA
Accepted:	21/03/2016	Application Type:	Full Planning
Target Date:	16/05/2016		
Ward:	Northfield		

Royal Orthopaedic Hospital, Bristol Road South, Northfield, Birmingham, B31 2AP

Erection of acoustic enclosure and retrospective permission for the installation of waste compactors and associated skips.

Applicant:	Royal Orthopaedic Hospital NHS Foundation Trust Bristol Road South, Northfield, Birmingham, B31 2AP
Agent:	Horsley Huber Architects Ltd Castleberg Studios, 134 Newport Road, Stafford, Staffordshire, ST16 2HB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Permission is sought for the retention of two general hospital waste compactor rams and associated compactor skips that have been installed, and the erection of an acoustic enclosure within the curtilage of the Royal Orthopaedic Hospital.
- 1.2. The compactors rams are sited at the north corner of the hospital complex, within a secure enclosure, that comprises of close board fencing and gates, to the north of the hospital car park. Each compactor ram measures 2.2m in length, 1.7m in depth. The compactors are 1.8m apart and are approximately 18m from the nearest point of neighbouring dwellings' elevations, No.47 and 48 Wynds Point. The compactor ram comprises of a hopper that holds approximately 30 bags of waste that empties into the compactor skip when full. This cycle takes 115 seconds to complete.
- 1.3. The compactor skips comprise of two static containers that measure 2.1m in width, 6m in length, and 2.3m in height. These compactors are used in rotation every two weeks, and only one compactor skip will be present on site at any one time. The skips are connected to the compactor rams by brackets which allow for the compactors to be rotated every two weeks and removed and replaced simultaneously.
- 1.4. The proposed acoustic structure would enclose the compactor rams at the rear of the overall enclose. It comprises of a steel structure with 75mm thick acoustic panels that encompass the compactor rams. The acoustic enclosure would be open to the south east to enable access to the compactor rams for their operation. The enclosure measures 8.2m in width, has a maximum width of 3.3m and has a maximum height of 2.7m with a flat roof.

- 1.5. The facility activity is proposed to be operational between 9am-5pm weekdays and between 9 and 1pm on Saturdays with an electric timer being proposed to cut the power supply off outside these hours.

- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is the Royal Orthopaedic Hospital complex located on the southern side of Bristol Road South. The site consists of one main building which has undergone various extensions and some smaller separate buildings. Part of the main building is Grade II listed (Royal Orthopaedic Hospital).
- 2.2. The eastern side of the complex includes a vehicle entrance to the hospital, car parking and the bin stores. The compactors are sited within the northern most corner of this car park and is partitioned from the adjacent car park by a hit and miss fence and gates to the front. The hardstanding fronting the gates is hatched and keep clear signs are displayed on the gates.
- 2.3. The north eastern boundary of the hospital complex comprises of a 3m high fence that formed the subject of a previous approval in 2015.
- 2.4. The closest residential properties are sited to the north east of the hospital boundary and are approximately 18m from the proposed enclosure. There are trees and planting to the rear boundaries of the adjacent residential properties.

3. Planning History

- 3.1. There is a comprehensive planning history associated with the hospital and its grounds. Applications of relevance however are;
- 3.2. 24/04/2015 (2015/01456/PA) - Erection of additional fencing to increase height of an existing fence - Approved subject to conditions.
- 3.3. 18/03/2016 (2015/07533/PA) - Retrospective planning application for the installation of waste compactor and associated skip – Withdrawn by the applicant.
- 3.4. 2015/0621/ENF - Installation of a waste treatment and storage facility – Enforcement action being held in abeyance pending the determination of the application.

4. Consultation/PP Responses

- 4.1. Neighbours, local ward Councillors, MP, and residents associations notified. Five objections have been received from the occupiers of Wynds Point and Sundbury Rise. Objections have been raised on the grounds of:
- Inappropriate siting of the facility adjacent to residential properties and the facility being installed without permission,
 - Unreasonable levels of noise, loud high pitched grating and screeching, and vibrations produced by the waste compactor, noise from the emptying of skips and large diesel lorries revving engines while using the hydraulics, and beeping and 'vehicle reversing' broadcasts,

- Reduced hours would not eliminate the disturbance caused to those who are at home during the day and those who work night shifts, time restrictions will not be adhered to and are unenforceable, and the shortened operational hours would increase the intensity of use,
- Noise levels for local residents will be intrusive at 60dB to 65dB and the enclosure would only reduce this by 5dB to 10dB,
- Peak noise levels for the 2 minute operation will exceed the 'allowable' limits
- Excessive noise within adjacent gardens, even with windows closed the noise is audible and intrusive from inside neighbouring residences,
- Noise levels remaining high when the compactor is in operation,
- New fencing installed has limited impact to reduce noise pollution,
- Inaccurate information provided within the application form,
- Failure to notify the council regarding the removal of the original storage building along the east boundary,
- Noise intrusion from open skips is significantly less than the compacting machine,

4.2. Transportation – No objections.

4.3. Regulatory services – No objections subject to conditions to restrict the hours of operation and delivery time restrictions.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (UDP) (2005).
- Draft Birmingham Development Plan (2013).
- Grade II listed building (Royal Orthopaedic Hospital)

5.2. The following national policies are applicable:

- NPPF- Delivering Sustainable Development (2012).

6. Planning Considerations

6.1. Policy

6.2. The NPPF seeks a presumption in favour of sustainable development (Para. 14) and promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It recognises (Para. 109) that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

6.3. Policy TP36 of the Draft Birmingham Development Plan also states that proposals for the development of new and the improvement of existing health care infrastructure required to support Birmingham growing population will in general be promoted.

6.4. Policies 3.8 and 3.10 of the UDP recognises the need to protect and enhance what is good in the city's environment and improve what is less good; and states that

proposals which would have an adverse impact on the quality of the environment will not normally be allowed.

- 6.5. The UDP further identifies (Para. 3.64A) that the development of waste management, processing and treatment facilities should be in appropriate locations, and should be sited so that they minimise any adverse impacts on local communities, the environment and the local transport network. Where appropriate, the City Council will require mitigation such as protective screening and/or landscaping to minimise the impact of such facilities on adjacent areas. Proposals for different types of facility will be assessed against the criteria set out in paragraph 3.65C which outlines that when considering proposals for waste management, treatment and processing facilities, the City Council will take the following into account:

- The need for the facility and its proximity to the source of the waste to be treated;
- The impact that the facility is likely to have upon the environment and adjoining uses, particularly in relation to sensitive land uses such as residential areas, Conservation Areas;
- The need for pollution control measures appropriate to the type of wastes to be processed or handled;
- The effectiveness or appropriateness of any measures proposed to mitigate or overcome any adverse environmental impacts;

- 6.6. Principle of development

- 6.7. I consider that waste generation is a normal part of the hospital function and cannot be avoided; and waste management facilities form part of the essential hospital infrastructure. The waste compactors provide an appropriate method of storage of waste in a safe and efficient way and is necessary for the daily function of the hospital.

- 6.8. The position of the new waste facility is sited in an accessible position within the hospital complex that would not form a dominant feature within the complex and would not detract from the Grade II listed building (Royal Orthopaedic Hospital). The facility is sited within close proximity to the source of the waste and would not reduce the level of on-site parking within the site. As such, I consider that the position of the facility is sited in a reasonable location within the complex.

- 6.9. The main considerations in the determination of the application is how the compactors with the proposed restrictions on time and installation of the acoustic enclosure would impact on visual amenities, on residential amenities, and the impact on highway safety.

- 6.10. Residential amenity

- 6.11. It is acknowledged that the current use of the waste compactors, with the unrestricted hours of use, is unacceptable. Regulatory Services have undertaken internal noise readings from adjacent dwellings and have concluded that the noise impact at approximately 65dB exceeds policy guidelines. The Council policy states that after 19:00 hours the maximum noise level should not exceed 55dB. As such, the current noise level measured after 19:00 hours is excessive and is unacceptable. I concur with this view.

- 6.12. However, this application now proposes to restrict the hours of operation between 9am-5pm weekdays and between 9 and 1pm on Saturdays. Also, the 3m high fence alongside the boundary between the hospital site and residents has reduced the compactor noise by approximately 11dB(A). This existing feature, in conjunction with the restricted hours of operation and deliveries, would produce a satisfactory noise environment for residents, according to Regulatory Services. Hours conditions are therefore attached. Also proposed is a new acoustic enclosure, at the rear of the plant. This is not deemed necessary by Regulatory Services but the Applicant would remain free to provide it if consent is granted.
- 6.13. I note the objections raised in regards to the use of the compactor within normal working hours, however, I do not consider that the proposed operation of the compactors is unacceptable during normal operating hours as it is expected that noise levels from the site would be expected to be higher during the normal operation of the hospital. Also, the siting of the compactors appears to be a practical place within the hospital complex where the facility can be located. As such, and on balance, I do not consider that the application, subject to the proposed conditions, would have a sufficient impact on the amenities of adjacent residential properties to warrant a refusal of the application.
- 6.14. I acknowledge the neighbours' concerns regarding the proposed time restrictions and that these will not be adhered to. However, the hospital is to install timers to restrict the hours of operation of the facility to further safeguard the use of the facility outside the permitted hours. Whilst the planning system safeguards residential amenities it also supports local services. The compactor is a necessary requirement of the hospital operations, and as such, is a vital component. The negotiated restriction of time that limits the use of the compactor allows for the continued operation whilst protecting residential amenities in accordance with planning policy. The technical advice is acceptable subject to the important conditions.
- 6.15. Visual amenity
- 6.16. It is noted that part of the hospital building, (that fronting onto the Bristol Road South) is a Grade II listed. The introduction of the waste compactors and the proposed acoustic enclosure are sited in a secluded part of the site and does not affect the listed elements of the building. My Conservation Officer raises no objection to the proposal and I concur with this view.
- 6.17. The compactors and the proposed acoustic enclosure are sited within a secluded position within the hospital complex and is screened from view from the east and south elevations by new fencing, and from the north and west by higher ground levels to the side and rear of the facility. Therefore the development has no impact on the visual amenity of the area and neighbouring residential properties.
- 6.18. Other Issues
- 6.19. A revised noise assessment has been submitted by the applicant in support of their application. It indicates that the previous assessment overstated the waste compactors noise impact. Whether this is the case or not, Regulatory Services have undertaken their own noise monitoring and it is on this data that this recommendation is based upon.
- 6.20. The proposed development does not attract a CIL contribution

7. Conclusion

- 7.1. The retention of the two waste compactor rams and associated compactor skips is deemed to be acceptable, subject to important safeguarding conditions which would protect neighbouring residential amenity. Local visual amenity would not be harmed, and the hospital could function appropriately. As such, I consider that the proposal would constitute sustainable development and there are no reasons to refuse the application.

8. Recommendation

- 8.1. Approved subject to conditions.

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|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the hours of operation: 9am-5pm on weekdays and 9am -1pm Saturdays |
| 3 | Limits delivery time of goods to or from the site: Monday to Friday 8am to 5pm. |
| 4 | Requires the prior submission of sample materials |
| 5 | Requires the installation of the electronic timer, within one month |
| 6 | Limits the approval to 3 years (Full) |
-

Case Officer: Catherine Golightly

Photo(s)



Figure 1: Compactor enclosure looking north

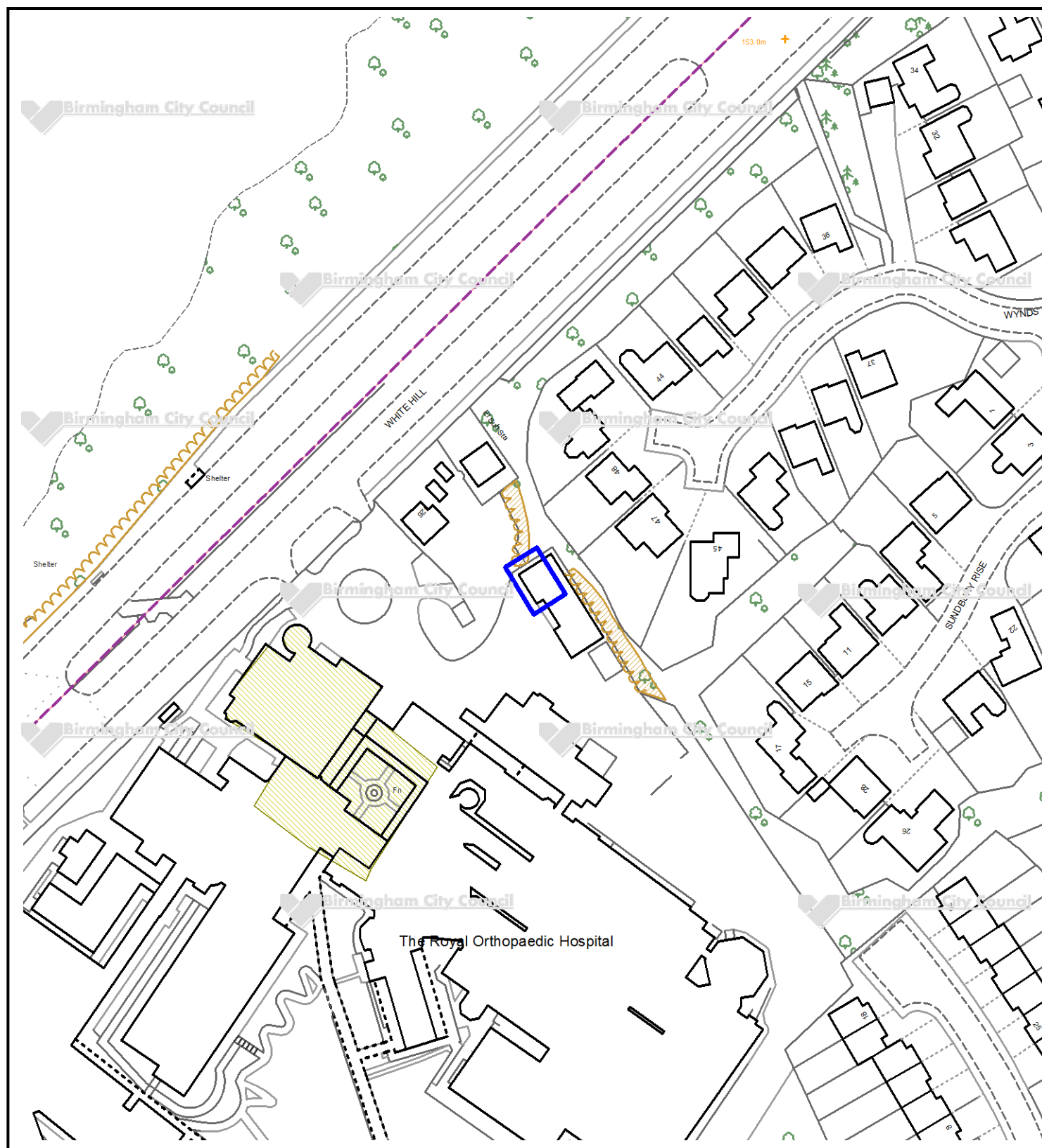


Figure 2: Compactor enclosure looking north west



Figure 3: View toward eastern boundary towards No.47 Wynds Point

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/03896/PA
Accepted:	11/05/2016	Application Type:	Full Planning
Target Date:	06/07/2016		
Ward:	Hall Green		

19 Tixall Road, Land at rear, Hall Green, Birmingham, B28 0RT

Erection of 2 no. detached bungalows

Applicant: Harkin Group Ltd
1a Abbotsford Rd, Sparkhill, Birmingham, B11 1NU
Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application is for the development of two detached bungalows with rooms within the roof space on land to the rear of 19 and 21 Tixall Road, Hall Green.
- 1.2. The properties would front onto Harewood Close and would comprise a kitchen/dining room, living room, bedroom, bathroom and garage on the ground floor and two bedrooms and a bathroom in the roof space.
- 1.3. The proposed dwellings would be in line with the neighbouring property of 10 Harewood Close, and forward of number 4 Harewood Close. They would have a similar appearance and design to that of No. 4 with a pitched tiled roof and garage to side.
- 1.4. Garden sizes comply with guidelines contained within SPG "Places for Living". Each bungalow would have an integral garage and driveway parking space accessed from Harewood Close.
- 1.5. Site area is 438sq m, density 45 dwellings/ha.
- 1.6. The proposal is identical to a previously approved application (ref 2008/02632/PA) for 2 houses, approved in July 2008.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to existing garden land to the rear of 19 and 21 Tixall Road, Hall Green.
- 2.2. Tixall Road is predominantly made up of detached properties of a modest size, which are all set back from the main road frontage providing garden areas to both the front and rear of properties. Many of the properties with plots backing onto

Harewood Close have been split and new, detached properties have been built fronting onto Harewood Close. This is apparent at 15, 17, 23, 27, 29 and 31 Tixall Road and a new building line has been established.

- 2.3. The houses in Harewood Close are of a terrace design and are set down from the highway.

[Location map](#)

3. Planning History

- 3.1. 07/02/2008 – 2007/07306/PA Erection of 1 No 2 bed detached bungalow. Approved subject to conditions.
- 3.2. 04/07/2008 – 2008/02632/PA Erection of 2 detached bungalows. Approved subject to conditions.
- 3.3. 04/05/2012 – 2012/01924/PA Erection of 1no. 2 bedroom bungalow. Approved subject to conditions.
- 3.4. 27/06/2012 – 2012/01608/PA Erection of 1 no. 2 bedroom detached bungalow and associated access. Approved subject to conditions.
- 3.5. 16/12/2014 – 2014/07668/PA Erection of 1 detached bungalow. Approved subject conditions.

4. Consultation/PP Responses

- 4.1. Regulatory Services - No objection.
- 4.2. Transportation Development - No objection, subject to a condition for pedestrian visibility splays.
- 4.3. West Midlands Police – No objection. Recommend the proposal is developed to enhanced security standards 'Secured by Design'
- 4.4. West Midlands Fire Service – No objection.
- 4.5. Severn Trent Water - No objection subject to appropriate drainage condition.
- 4.6. Education- no response received.
- 4.7. Letters of notification have been sent to surrounding occupiers, local residents associations, Hall Green Ward Councillors, Planning Committee members from the Hall Green Constituency and the MP for Hall Green. A site notice has also been posted.
- 4.8. Councillors Bowles objects to the application, stating that 'the area is too small for two bungalows to be built...This is a small road and the possibility of 4 more cars with no off road parking, will cause a severe problem. Also, the build is beyond the present building lines and is out of sync with the other bungalows on that side of the road'. He requests the application be determined by the Planning Committee.
- 4.9. A further two letters of objection have been received from surrounding occupiers objecting to the proposal on the following grounds;

- The two properties will be an eyesore
 - Loss of privacy
 - A protected Oak Tree would be removed from the back of the site.
 - Removal of trees would destroy existing fencing.
 - Building more houses will overcrowd Harewood Close with car parking.
 - Roads are already deteriorating from all the building work that has gone on.
 - Road safety issues as there are children that play in the area.
- 4.10. Councillor Jenkins requested the application be determined by the Planning Committee.
5. Policy Context
- 5.1. The following local policies are relevant.
- Birmingham Unitary Development Plan (2005)
 - Pre-Submission Birmingham Development Plan (2013)
 - SPG: Places for Living (2001)
 - Mature Suburbs - Guidelines to Control Residential Intensification (2008)
- 5.2. The following national policy is relevant
- National Planning Policy Framework (2012)
6. Planning Considerations
- 6.1. The National Planning Policy Framework (NPPF) emphasises the need to develop housing on previously developed sites, however it is further stated that new housing development of whatever scale should not be viewed in isolation. It is stated that consideration of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. This guidance is reflected in policy 5.20 of the Birmingham Unitary Development Plan (UDP) and in Places for Living (SPG).
- 6.2. The NPPF also promotes good design and requires designs that improve the character and quality of an area. This is further reflected in policies 3.8, 3.10, and 3.14 A-D of the UDP.
- 6.3. The area surrounding this proposed site is characterised by detached properties of a modest size, which are all set back from the main road frontage providing garden areas to both the front and rear of properties. Many of the properties with plots backing onto Harewood Close have been split and new, detached properties have been built fronting onto Harewood Close, forming a new building line. The houses in Harewood Close are of a terrace design and are set down from the highway. The proposed dwellings have taken account of the design characteristics of neighbouring dwellings, being developed with a simple design comprising pitch roof and a brick and tile construction. The scale of the proposed dwellings in terms of the width is also similar to that of neighbouring properties and would not give the site a cramped appearance.
- 6.4. The building plot sizes are of a similar shape to neighbouring dwellings, albeit a little smaller than nos. 2 and 4 Harewood Close, but slightly deeper than no. 10. Although they would sit closer to the road than the adjacent 4 Harewood Close, they would

form an approximate staggered building line between no. 4 and no. 10, the latter being set further forward to the road. The rear garden areas would be of a similar size to gardens along this row of new properties on Harewood Close, providing approximately 70sqm. As such it is considered that the proposal for these dwellings is in keeping with the wider character of the area. Therefore, I consider that this development has considered the pattern of development in the existing locality and as such accords with policy 5.20 of the UDP.

- 6.5. The rear garden areas of 19 and 21 Tixall Road would be reduced, however, they would remain at over 70sqm, i.e. above the minimum guideline size in Places for Living. The largest bedroom, which is at first floor, provides 12.3sqm of space albeit with a lowered ceiling on one side due to the sloping roof. The second and third bedrooms (one in the roof space with sloping ceiling) would also provide adequate space being 10.8sqm and 8.7sqm respectively. These are in accordance with the Nationally Described Space Standards, which have not yet been formally adopted by the Local Planning Authority, but do provide a useful guide for proposed accommodation.
- 6.6. The back gardens of the properties are 8m in length, 'Places for Living' advocates that a setback of 5m per storey is achieved. As the two roof space bedrooms face the front, the properties comply, and there is no conflict with facing first-floor rear windows on the existing dwellings at 19 and 21 Tixall Road. The rear boundary treatment, and any landscape planting, should provide an adequate degree of privacy between the existing and proposed properties, even with nos. 19 and 21 being at higher ground level.
- 6.7. The proposal addresses amenity issues for surrounding properties: although one bungalow steps forward of 4 Hazelwood Close, it does not breach the 45 degree code. I note that the existing boundary to no. 4 is marked by a high fence, which is likely only to be lowered in the event of planning permission being granted.
- 6.8. Objections have been raised with regard to the increase in traffic. However, traffic generated by the proposed development would not be expected to differ significantly from existing levels, and Transportation Development has stated that they have no objections to the proposal. The site is within walking distance of Yardley Wood Rail Station and bus services run nearby.
- 6.9. In relation to the parking provided for the bungalows, each has an integral garage along within a driveway parking space. The site currently has no pavement fronting, this would be required by condition.
- 6.10. Concern been raised about protected trees. There are no protected trees on-site or adjacent. The site is overgrown and has some small or small/medium, self-seeded trees – an acer and rowan – which would both be removed, without concern due to their limited size/age. The larger, mature tree referred to by an objector is an oak sited beyond the site's south-east corner. I consider it is far enough away not to be affected by the proposal, nor to cast sufficient shadow over the back gardens to unduly affect new residents' amenities.

7. Conclusion

- 7.1. The proposal provides for two new properties in a residential area close to bus and train links. It would contribute to the City's housing supply, without undue effect on local character, amenities, trees and transportation matters. As such, I consider the

proposal complies with local and national policies and constitutes sustainable development. Therefore, it is recommended that the application be approved subject to the attached conditions.

8. Recommendation

8.1. Approve subject to conditions.

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|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a drainage scheme |
| 3 | Requires the prior submission of hard and/or soft landscape details |
| 4 | Requires the prior submission of boundary treatment details |
| 5 | Requires the prior submission of sample materials |
| 6 | Requires the prior submission of level details |
| 7 | Removes PD rights for extensions |
| 8 | Removes PD rights for new windows to the eastern (rear) roof elevation |
| 9 | Requires details of a 2m wide footway to be submitted. |
| 10 | Requires pedestrian visibility splays to be provided |
| 11 | Limits the approval to 3 years (Full) |
-

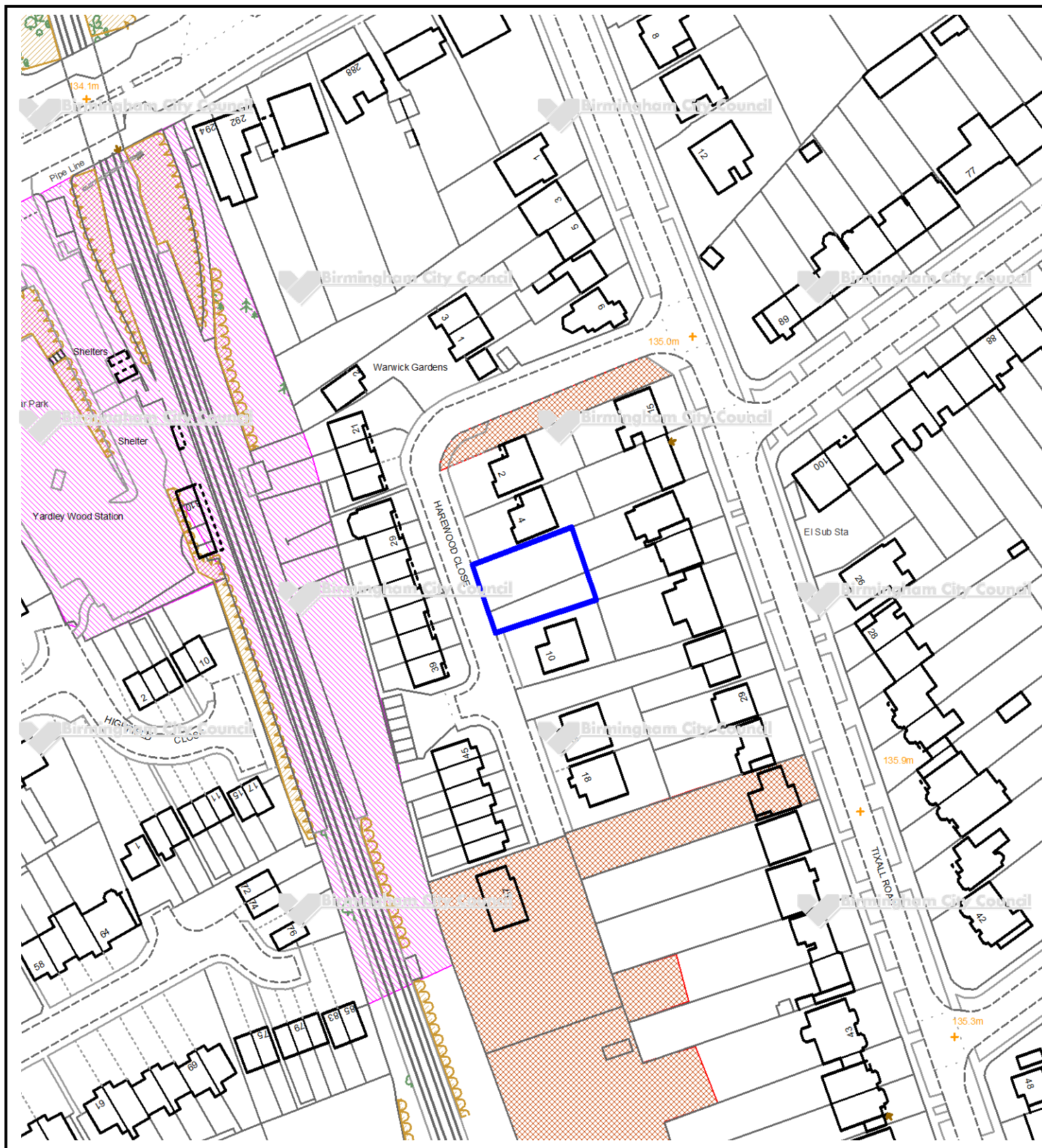
Case Officer: James Mead

Photo(s)



Photograph 1: View of application site.

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/00222/PA
Accepted:	14/01/2016	Application Type:	Householder
Target Date:	10/03/2016		
Ward:	Selly Oak		

163 Dawlish Road, Selly Oak, Birmingham, B29 7AH

Erection of a single storey rear extension and installation of dormer to front.

Applicant: Mr Stephen Hancox
15 Salcombe Drive, Brierley Hill, Dudley, DY5 3QX

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for a single storey rear extension and the installation of a dormer window to the front elevation.
- 1.2. The proposed single storey extension would extend the depth and width of the rear wing of the property. The extension would effectively require the extensive re-building/refurbishment of the ground floor of the wing, and result in an increased width of the wing by 1.4m, and extending along its length by 6.5m. The proposal would have a pitched roof over, a section of which would contain glazing in order to provide additional light to the internal accommodation. Internally, a larger kitchen and dining area would be provided.
- 1.3. The front dormer would be 2m wide. Internally, the loft would be converted to habitable space, providing an additional bedroom to the property. The front dormer would be constructed in materials to match the existing building; with black slate cladding to the elevations and a white UPVC window. There is a rear dormer/ roof enlargement indicated on the plans, this could be installed under permitted development allowances and as such does not form part of my assessment of this application.
- 1.4. The application is reported to the Planning Committee as the applicant is related to an employee of Planning and Regeneration.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This application relates to a traditional mid-terraced property situated within a residential area comprising of similar style and scale dwelling types. The application property has brick elevations with a bay window to the frontage. There are a number

of front dormer windows visible on the surrounding street scene, notably No. 165 Dawlish Road.

- 2.2. To the rear, there is a single storey bathroom extension to the original two storey wing (to be replaced by this proposal). The application property has a typical long rear garden which is enclosed by a 1.8m high close board fence. The neighbouring property No.165 has a single storey rear extension which has increased both the depth and width of the ground floor wing substantially. There are other examples of rear extensions visible from the rear of the application site.

2.3. [Site location](#)

3. [Planning History](#)

- 3.1. 2015/08532/PA - Erection of a single storey rear extension and installation of dormer window to front – Refused.

4. [Consultation/PP Responses](#)

- 4.1. Neighbours and local Ward Councillors were notified. No responses received.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (Adopted 2005)
- Draft Birmingham Development Plan (2013)
- 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. This application should be assessed against the objectives of the policies as set out above. I consider that the design of the proposal and the impact upon residential amenities and the character of the area are the principal matters for consideration.

- 6.2. The application has been submitted following a recently refused application. Following the refusal, the overall depth of the rear extension has been reduced by 6m.

- 6.3. Turning first to the proposed front dormer: The scale, mass and design of the proposal are acceptable. The proposal is the same width as other dormers recently given approval within the immediate vicinity and the design is in keeping with the architectural style and character of the original dwelling house. I consider that the proposal would have an acceptable impact upon the street scene. The proposal complies with the principles contained within the design guide 'Extending your Home'.

- 6.4. Turning to the rear extension: The extensions and alterations to the rear of the immediate neighbouring property – no. 165 – results in only one ground floor habitable room window affected by the proposed extension. This is a window to the

kitchen, to which the 45 degree line would be further breached by the proposed extension. However, this is a small window, and the kitchen's main source of daylight is via a rooflight, which would not be materially affected by the proposed extension. As such, I consider the effect on the amenities of no. 165 would be limited and acceptable. There would be no breach of the 45 Degree Code to no. 161. The numerical guidelines contained within 'Places for Living' and 'Extending your Home' would be met. The proposed rear extension would therefore cause no unacceptable detriment to the existing residential amenities of the neighbouring occupiers.

- 6.5. I consider that the design of the proposed rear extension is acceptable and sufficient garden amenity space would be retained. The extension would not be visible from the street scene and the overall proposal meets with the principles contained within the design guide 'Extending your Home'.
- 6.6. After assessing the impact of this extension I consider that the proposal meets with the objectives of the policies as set out above.
- 6.7. 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.
- 8. Recommendation
- 8.1. Recommend- Approval subject to the following conditions:

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

Case Officer: Hiteshree Kundalia

Photo(s)

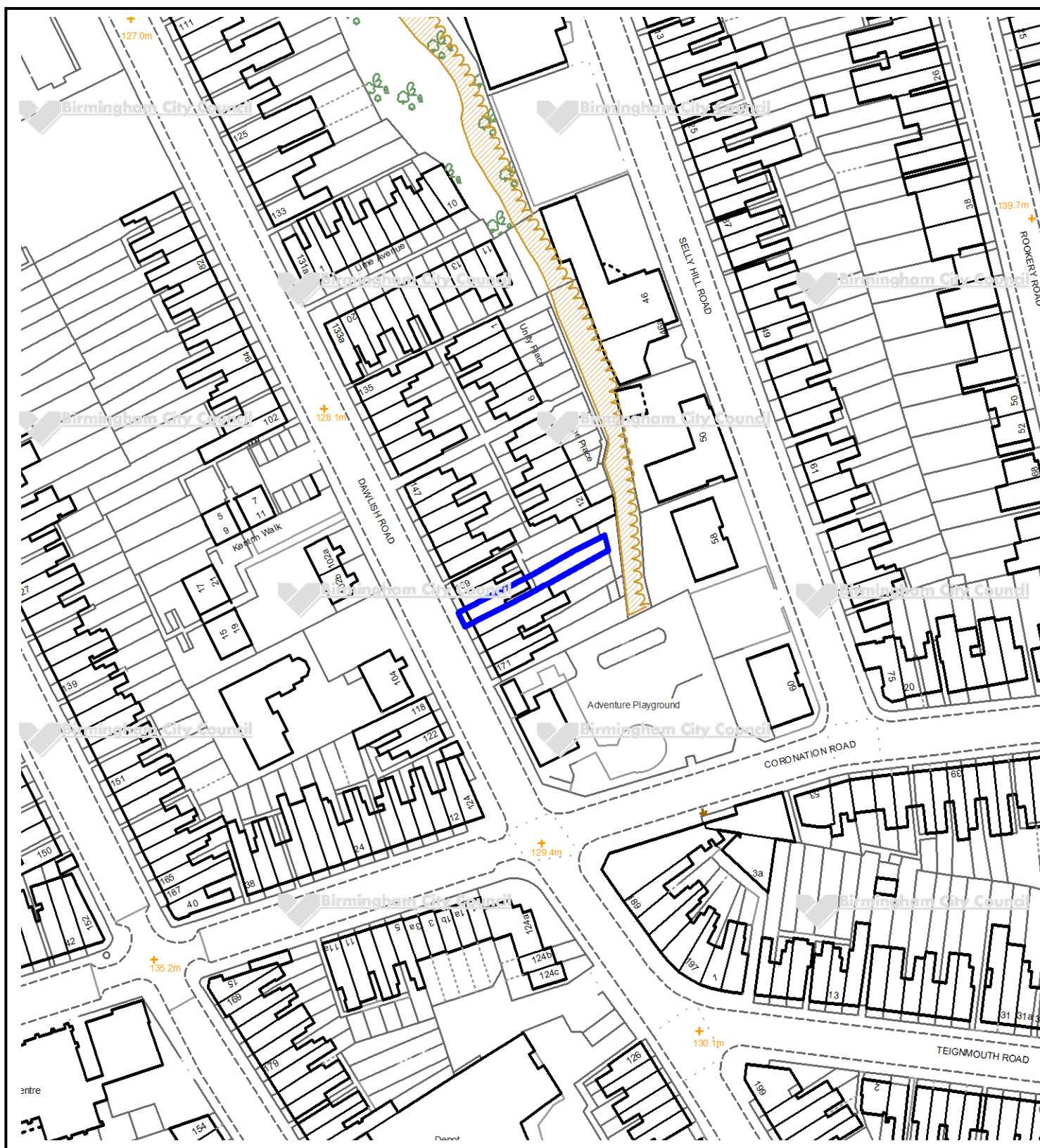


Figure 1. Front elevation.



Figure 2. Rear elevation

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/03388/PA
Accepted:	28/04/2016	Application Type:	Householder
Target Date:	23/06/2016		
Ward:	Moseley and Kings Heath		

152 Station Road, Kings Heath, Birmingham, B14 7TD

Erection of single storey rear extension

Applicant: Mr & Mrs Chilton
 152 Station Road, Kings Heath, Birmingham, B14 7TD
 Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for a single storey rear extension.
- 1.2. The proposed extension would be located to the side and the rear of the original two storey wing of the property. The proposal would widen the existing wing by 1.6m, and would be constructed in materials to match the existing property. The proposal would have a pitched roof over and would contain three high level obscurely glazed windows facing the rear boundary with No.154 Station Road, and two rooflights. Internally, additional space within the existing dining area would be created.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to a traditional mid terraced dwelling house located within an area comprising of similar style properties. The majority of nearby properties are modest winged terraces with very shallow front gardens and fairly long rear gardens.
- 2.2. To the rear, the property has an original two storey wing which has been extended in depth at ground floor with a 2.2m deep single storey rear extension. The rear garden contains mature landscaping, there is a 1.8m high close board fence along the rear boundary with No.154. There is an entry way located between the application property and No.154.
- 2.3. [Site location](#)

3. Planning History

- 3.1. There is no planning history.

4. Consultation/PP Responses

- 4.1. Neighbouring properties and local ward members have been consulted. One response was received from No.154 Station Road. Objections can be summarised as loss of light, privacy, impact on character of the property and those which surround it and the overall design and appearance of the proposal.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan (2005)
 - Places for Living (Supplementary Planning Guidance, 2001),
 - Extending Your Home (Supplementary Planning Document, 2007),
 - The 45 Degree Code (Supplementary Planning Guidance 1996)
 - Draft Birmingham Development Plan (2013)
- 5.2. The following national policy is applicable:
- NPPF - National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. This application should be assessed against the objectives of the policies as set out above. I consider that the design of the proposal and the impact upon residential amenities and the character of the area are the principal matters for consideration.
- 6.2. Although the proposed single storey rear extension would breach the 45 Degree Code to the rear window of No. 154 Station Road, consideration is taken of any mitigating circumstances. The existing two and single storey wing of the application property already breaches the 45 Degree Code. Taking into consideration the existing boundary treatment, the distance between the proposed extension and the boundary fence of 850mm and the overall height of the extension which is stepped down in accordance with ground levels I do not consider that the proposal would cause unacceptable harm to the existing light and outlook of the neighbouring occupiers. While there is a technical breach of the 45 Degree Code, when taking into account the current arrangement and the design of the proposal, I do not consider that the impact on the neighbouring occupiers in terms of loss of light would be sufficiently detrimental to sustain a refusal of the application.
- 6.3. Places for Living (SPG) and Extending Your Home (SPG) require a distance of 12.5m between windowed elevations and opposing one and two storey flank walls. A distance of 4.9m currently exists between the rear wing of the application property and the kitchen window of No.154 Station Road. This would be reduced to a distance of 3.2m following the proposed development. Although there would be a shortfall as a result of the proposed development, when taking into account the current arrangement, including the presence of the existing 1.8m high boundary fence, and the pitched roof design of the proposal, I do not consider that the impact on the neighbouring occupiers in terms of light and outlook would be unacceptable.
- 6.4. Although the windows in the side elevation of the proposal would not meet with the separation guideline of 5m per storey to the rear boundary with No.154 Station Road, the applicant has agreed that these high-level windows could be obscurely glazed in order to overcome any impact on the neighbours privacy. Therefore, a condition is attached in order to ensure that the windows in the side elevation are obscurely glazed. All other guidelines contained within 'Places for Living' and 'Extending Your Home' would be met.

- 6.5. Whilst it is not normally ideal to extend to the side of the original rear wing, I note that the proposal would not be highly visible, and would not extend the overall depth of the existing wing any further into the garden. The overall scale and design of the proposal is acceptable and would not compromise the existing character or architectural appearance of the existing property. The proposal would comply with the general design principles within Extending Your Home (SPD).
- 6.6. Notwithstanding the concerns raised by the neighbouring occupiers; I consider that the impact on existing light and outlook would not be sufficiently detrimental in order to sustain a refusal of the application.
7. Conclusion
- 7.1. While there is a technical breach of the 45 Degree Code and guideline separation distance, the impact from the extension would be minor in effect and as such would not sustain a refusal of the application. On the whole, the proposal is well-designed and meets with objectives of the policies as set out above.
8. Recommendation
- 8.1. Approve subject to the following conditions:

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

Case Officer: Kerry Challoner

Photo(s)

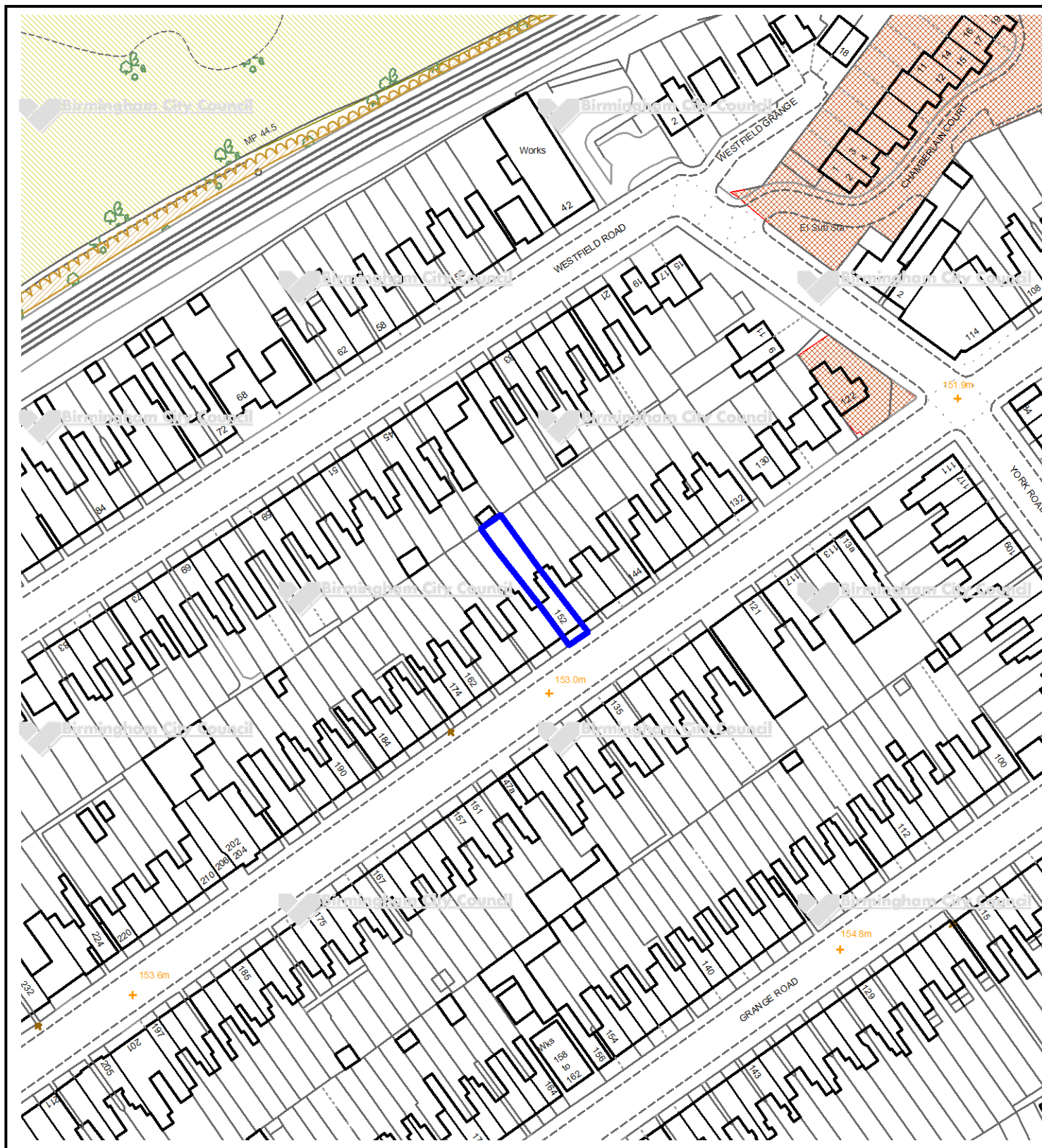


Figure 1. Rear elevation.



Figure 2. Rear elevation.

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/04085/PA
Accepted:	13/05/2016	Application Type:	Telecommunications
Target Date:	07/07/2016		Determination
Ward:	Longbridge		

DNS Arden Road, Frankley, Birmingham, B45 0JA

Prior Notification for installation of 1 x 12.5m telecommunications tower and 1 x Pogona cabinet

Applicant: EE Ltd & Hutchinson 3G UK Ltd
c/o Agent
Agent: WHP Wilkinson Helsby
The Ponderosa, Scotland Lane, Horsforth, Leeds, LS18 5SF

Recommendation

No Prior Approval Required

1. Proposal

- 1.1. This is a Prior Notification application for the installation of a new 12.5 metre high telecommunications mast with antennae and installation of associated telecommunications cabinet and equipment on Arden Road.
- 1.2. The mast would be a 12.5 metres high slim-line monopole supporting 2 antenna and would be painted grey to match the existing equipment. It would replace the existing 11m high antennas that are located on an existing lamppost, that is sited 3.5m to the east of the new mast. This lamppost is to be retained and will remain as a standard light fitting.
- 1.3. The cabinet would be 1.2m wide, 0.4m in depth, and would be 1m high. It would be located 1m to the west of the base of the proposed telecommunications mast.
- 1.4. The proposed development is for the upgrade of the existing equipment for fourth generation (4G) mobile provided by Hutchison 3G UK Limited (H3G) and EE Limited. The proposal is for the upgrade of the existing facilities and as such no alternative sites have been investigated.
- 1.5. The agent has submitted a declaration that the proposal would meet the ICNIRP requirements.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located to the back of the highway to the north of Arden Road bus layby. The land to the north comprises of Holly Hill, an area of deciduous woodland that is protected by a Tree Preservation Order, with additional woodland

to the west, and Arden Business Park to the south. The site currently comprises of a 12m high lamppost with 2 antennas attached, and three associated base cabinets.

- 2.2. The surrounding area comprises of mixed uses with business, light industrial and storage uses, retail, with the closest residential properties being approximately 100m to the north of the site, and flats above the shops some 75m to the south-west. Balaam Wood School and Holly Hill Infant School are sited approximately 200m to the west of the site. Another mobile phone street pole (17.5m tall) is sited some 85m to the south, on the east side of Arden Road (2015/00151/PA).

2.3. [Site Location](#)

3. [Planning History](#)

- 3.1. 05/10/2006 (2006/05255/PA) – ‘Prior Approval’ application for the Installation of 12 metre high imitation lighting column supporting 2 antennae with equipment cabinets and ancillary works – Refused on the grounds of its siting near a school and insufficient evidence that alternative sites have been sought – Allowed on appeal on 19/04/2007 – Not considered to be detrimental to the public health or the visual amenity of the area; and the site was considered the most appropriate location for the mast.

4. [Consultation/PP Responses](#)

- 4.1. Local MP, Councillors, Residents’ Associations and the occupiers of nearby properties notified of the application. A site and press notice has also been displayed. No responses have been received.

5. [Policy Context](#)

- 5.1. The following local policies are relevant:
- The Birmingham Unitary Development Plan (UDP) (2005).
 - Draft Birmingham Development Plan.
 - SPD Telecommunications Development: Mobile Phone Infrastructure (2008).
- 5.2. The following national policy is relevant:
- National Planning Policy Framework (NPPF) (2012).

6. [Planning Considerations](#)

6.1. Policy Context

- 6.2. The NPPF contains a presumption in favour of sustainable development. It advises that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.

- 6.3. Policy 8.55 recognises that modern and comprehensive telecommunications systems are an essential element of life of the local community and the economy of

- the City. In assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings, and the outlook from neighbouring properties.
- 6.4. Policy 8.55A states that the Council will seek to encourage telecommunications operators to locate new equipment away from residential areas and, where they are of high quality, areas of open space, wherever possible; and outlines that the equipment should be designed to minimise its impact on the visual amenity of the area.
- 6.5. Policy 8.55B states that operators would be expected to share masts and sites wherever this desirable. Ground based equipment should be sited to take maximum advantage of backdrops to buildings and other screening opportunities. In assessing visual obtrusiveness, views from neighbouring properties and the street would be considered.
- 6.6. However, as a prior notification application, in accordance with Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development Order) 2015, the only issues that can be considered are the siting and appearance of the proposed mast and associated cabinet.
- 6.7. Siting and Appearance
- 6.8. The proposed replacement mast would be a slim-line street monopole that would be sited adjacent to the existing lamppost and has been designed to minimise the visual impact on the street scene by integrating it with the existing street furniture that has a similar vertical punctuation of the skyline. From the north, there would be limited views of the mast due the existing tree cover and the ground level fluctuations from Holly Hill. From the south, the proposed monopole would be seen within the context of lighting columns and the dense area of very tall trees to the rear. The dwelling houses to the north of the site are 200m away and the mast would be screened from these properties by the dense tree line. The flats from 75m to the south-west are sited at an angle from the proposed site. This, combined with the tree backdrop, would not, in my opinion, adversely affect residential outlook.
- 6.9. I acknowledge that the replacement slim-line monopole would be more obvious when viewed from the south compared to the existing mast which is disguised as a lamppost, however, I do not consider that the replacement mast would appear unduly obtrusive given the existing vertical features in the area. In light of the comments raised by the Planning Inspector in 2007, who concluded that the site was appropriate for a mast, I consider that the proposed siting of the equipment is acceptable and that the appearance of the proposed mast would not adversely impact the visual amenities of the area.
- 6.10. The proposed mast is to be sited on the boundary of a Tree Preservation Order, however, no objections have been raised by Tree Officer and it is considered that the proposal would have limited impact on the protected trees to the north of the application site.
- 6.11. Impact on Health
- 6.12. Paragraph 46 of the NPPF advises that the Local Planning Authority must determine applications on planning grounds. They should seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. The application has submitted the required

information including a fully compliant ICNIRP certificate and as such no further consideration can be given with regard to health issues.

7. Conclusion

- 7.1. I consider that the siting and appearance of the proposed 12.5 metre high mast and its associated cabinet is acceptable and would not adversely impact visual amenity in accordance with the adopted UDP and the NPPF.

8. Recommendation

- 8.1. That no prior approval is needed.

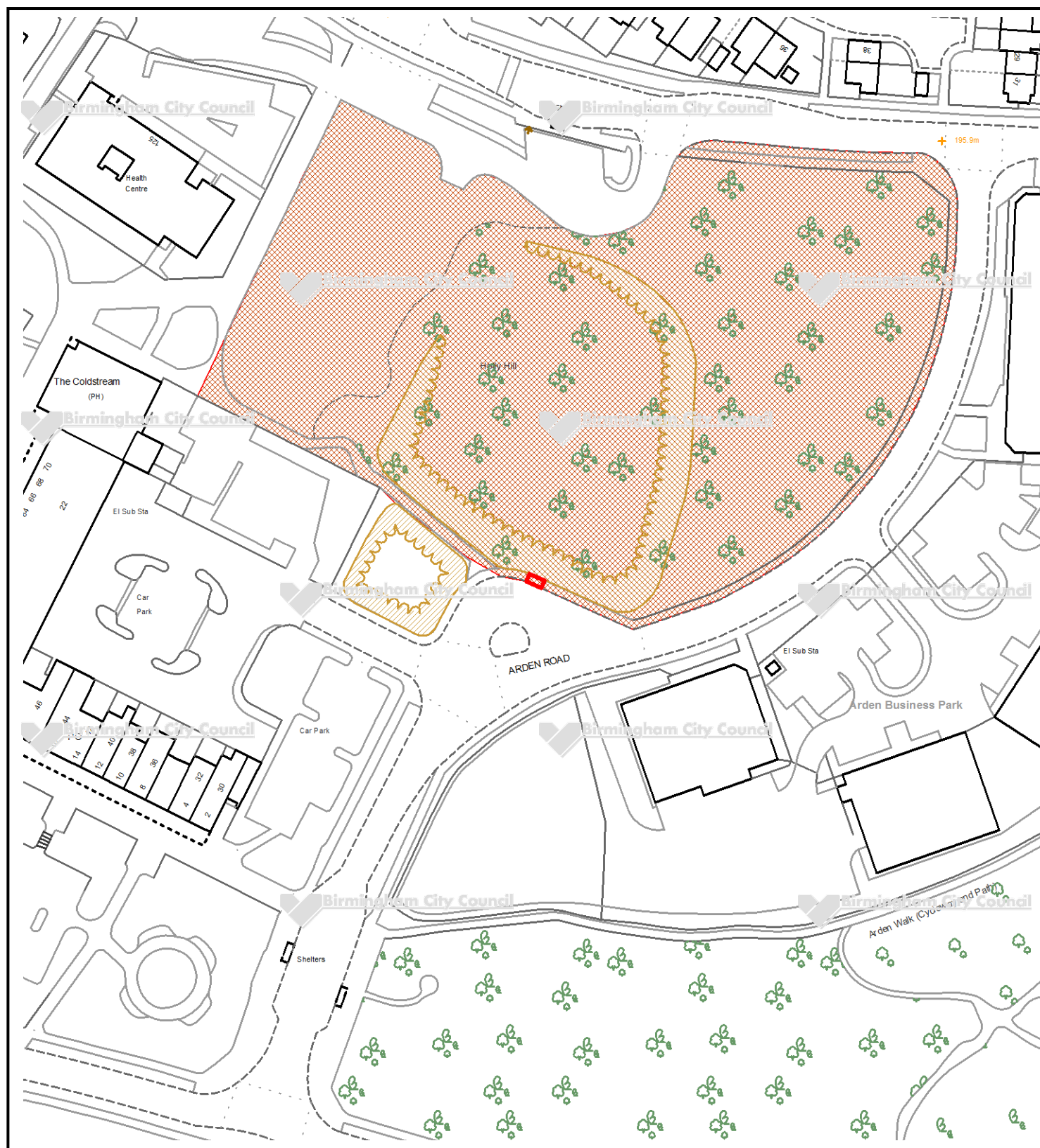
Case Officer: Catherine Golightly

Photo(s)



Figure 1: View to the north from Arden Road

Location Plan



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Birmingham City Council

Planning Committee

23 June 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	21	2015/09679/PA Fort Industrial Park Dunlop Way Castle Bromwich Birmingham B35 7RB Demolition of existing buildings and erection of a renewable energy centre (gasification plant) and new industrial/warehouse buildings with ancillary plant/buildings/chimney stack together with associated works
Approve – Conditions	22	2015/10290/PA Land adjacent 33 Yenton Grove Erdington Birmingham B24 0HZ Erection of one dwelling house
Defer – Informal Approval	23	2016/02969/PA Stechford Retail Park Flaxley Parkway Stechford Birmingham B33 9AN Application for variation of Condition No. 6 attached to planning permission 2013/07264/PA to amend the minimum unit size where the retailer is predominantly selling food from 1,000 sq.m. to 900 sq.m.

Committee Date:	23/06/2016	Application Number:	2015/09679/PA
Accepted:	07/12/2015	Application Type:	Full Planning
Target Date:	28/03/2016		
Ward:	Tyburn		

Fort Industrial Park, Dunlop Way, Castle Bromwich, Birmingham, B35 7RB

Demolition of existing buildings and erection of a renewable energy centre (gasification plant) and new industrial/warehouse buildings with ancillary plant/buildings/chimney stack together with associated works

Applicant:	Industrial Property Investment Fund c/o Agent
Agent:	Pegasus Group Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the demolition of existing industrial buildings and erection of a renewable energy centre (gasification plant) and new industrial/ warehouse buildings with ancillary plant/ buildings/ chimney stack together with associated works.
- 1.2. The proposal would result in the demolition of two single-storey blocks comprising of nine industrial and warehouse units (9,290 sq. metres) within the Fort Industrial Park. The proposed development includes two separate buildings; 1.) a general industrial/ warehouse building; and 2.) a Renewable Energy Centre.

Warehouse/ general industrial building with incidental offices and storage

- 1.3. The industrial/ warehouse building would be situated along the Dunlop Way frontage. Amended plans have been provided to re-site the building further into the site by approximately 7.8 metres to address building line and landscaping issues. The palette of materials would comprise grey steel cladding to walls and roof. There would be glazing panels and canopy to two floors of offices and reception area that would also address the corner frontage. Internally, the building would provide an open plan storage/ industrial area with incidental offices. The proposed building would measure 38 metres wide, 49 metres depth by 11.6 metres in height. Total floor area would be approximately 2,000 sq. metres.

Renewable Energy Centre (REC)

- 1.4. The proposed Renewable Energy Centre would be situated to the southern part of the site and to the rear of the proposed industrial and warehouse building. It would be powered by an Advanced Conversion Technology (gasification). The main elements to the proposed REC are:

- A Refuse Derived Fuel (RDF) gasification power plant to generate power and heat from residual commercial and industrial waste (CIW), construction and demolition (C & D) and potential Refuse Derived Fuel (RDF) and municipal solid waste (MSW). The Renewable Energy Centre (REC) would have capacity to process up to 105,000 tonnes of waste per annum. The proposed REC would not accept any hazardous or hazardous clinical waste.
 - The facility would have a capacity to generate a gross power output of 8.6MW.
 - The facility would be self-sufficient in providing its own electricity with excess energy exported to the local grid equivalent to powering 15,000 homes on a continual basis.
 - Around 10% of the energy would be delivered as heat in the form of high quality process steam to be delivered to adjoining industrial/ commercial buildings.
- 1.5. The proposed REC would house the majority of the process plant together with a number of silos to the rear. The single purpose-designed building measuring some 82.3 metres depth, 49 metres wide and 23 metres height up to the ridge. The total floor area (including plant and machinery) would be 5,636 sq. metres. The building would have a modern functional industrial appearance with dark grey colour horizontal cladding for the plinth, light grey along the centre section and white architectural panelling to the top third of the building. The key frontage and corners would be wrapped in an aluminium diamond shaped shingle. All operational doors, external machinery and lower part of the chimney stack would be faced in a contrasting blue coated metal. The internal base of the building would be laid in a concrete base.
- 1.6. The plant employs a two-stage system that first gasifies the waste to produce a synthetic gas which is then transferred to a second stage where it is oxidised. Changing the waste to a gas fuel means the process can be finely controlled, dioxins thoroughly destroyed and Nitrogen Oxides (NOx) emissions minimised which can achieve emissions levels that are compliant with the Industrial Emissions Directive (IED) through an Environment Permit from the Environment Agency. The key stages of the process are as follows
- Fuel bunkers and transport system
 - Thermal conversion;
 - Heat recovery steam generator
 - Energy utilisation system;
 - Flue gas cleaning system; and
 - Control and monitoring system
- 1.7. There would also be one chimney stack serving the REC facility to the east of the building. It would have an overall height of 55 metres from the proposed ground floor level and a maximum diameter of 2.2 metres. The chimney would be constructed from steel, and emerging from the eastern part of the roofline of the REC building, it would be some 32 metres in height above the roof. There would be a walk platform area around the top for continual air quality monitoring access.
- 1.8. Other ancillary buildings/ structures include a detached gatehouse building, two weighbridges, turbine room, ash bunker, air cooled condenser fan, fire water tank, pump room, technical/ control room and a workshop.

On-site traffic circulation

- 1.9. The access to the industrial unit would be gained via a private access road to the western side of the unit. The eastern side of the unit shall gain access onto Dunlop

Way, which would replicate existing access arrangements. There is also a turning circle together with potential for two HGV bays within the service yard.

- 1.10. The proposal would make use of existing access points from Dunlop Way that would serve the proposed industrial and warehouse building and private centralised service road to Fort Industrial Park that is also from Dunlop Way. A new priority junction would be constructed onto the private access road at the south-western corner of the application site. Upon entering the REC site, all vehicles would be directed north towards a manned booth, where two control barriers would split into two and allow for a separation between staff and visitor cars and operational vehicles internally within the site. The waste would be delivered to the site via refuse collection vehicles or in large heavy goods vehicles. The plan shows two weighbridges (entry and exit) at the main access point to the site. There are two HGV turning areas with four HGV parking available within the waste delivery area internally within the building.

Vehicle parking areas

- 1.11. Plan shows that there would be 30 parking bays dedicated for staff and visitors within the main and overspill car parks to either side of the proposed industrial and warehouse building to serve that element of the development.
- 1.12. Dedicated parking areas for the REC are located to the west of the proposed REC building. The parking layout for the REC would provide 19 spaces for cars, including 2 disabled parking and 7 cycle stands incorporated to the side of the parking area.

Landscaping and boundary

- 1.13. Amended plans have been provided that have increased the depth of landscaping buffers adjacent to Dunlop Way and to the railway line, so designed to retain existing trees protected by Tree Preservation Orders and create an appropriate setting for the buildings. The proposal includes tree and hedge planting that includes native planting. A 2 metre high paladin fence would be provided to the perimeter and car park and service areas of both sites.

Hours of operation

- 1.14. The proposed industrial/ warehouse and REC uses would operate 24 hours a day, 7 days a week, throughout the year except during shutdowns for maintenance. The HGV traffic entering and leaving the REC facility would be confined to between 0700-1900 hours Monday to Friday and 0700-1400 hours on Saturdays, Bank and other public holidays with no Sunday deliveries of waste. The anticipated heavy good vehicle movement would be 66 vehicles per day, which would equate to 33 vehicles entering and 33 vehicles exiting the site per day. The applicant has confirmed that the expected HGV importing and exporting materials from the site would be spread evenly during the 12 hour period with peak movement associated with the operation of REC facility.

Working shift patterns

- 1.15. In terms of employment, temporary jobs would be created during the construction stage. When the REC facility is fully operational, it would provide a total of 20 full-time jobs to operate the plant on a 3 shift pattern. A further 28 full-time jobs would be created by the proposed industrial and warehouse building.

- 1.16. An Environmental Statement (ES) and associated appendices, include the environmental considerations of the following topics/issues:
- Development proposals
 - Need and Alternatives
 - Townscape and Visual Impact
 - Air Quality
 - Odour Noise and Vibration
 - Ecology and Nature Conservation
 - Hydrology and Flood Risk
 - Hydrology and Ground Condition
 - Traffic/ Transport
 - Archaeology and Cultural Heritage
 - Socio-economic Impact

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is an approximately 1.91 hectare site that comprises 9 industrial/ warehouse units, located within the Fort Industrial Park. All of the industrial units contained within the industrial park are single-storey industrial/ warehouses with trade counters, internal offices and service yard/ parking. The application site is accessed via a private service road from Dunlop Way. The topography of the site is generally flat. The site is bounded by a fence line adjacent to the railway line to the rear; landscaping area to the front and side of the buildings adjacent to private service road, and Dunlop Way. There are trees to the south of the site that are protected by Tree Preservation Orders (TPO's).
- 2.2. The surrounding area is predominantly industrial and commercial in character. The site is bounded by the Fort Parkway to the north beyond which is Jaguar Land Rover Castle Bromwich Assembly Plant. To the west is industrial and warehouse units that are part of the wider Fort Industrial Park that include Rolls Royce gas turbine power station with a stack that is 60 metres in height. To the east adjacent to the site is B & Q store beyond which is the A452 (Chester Road)/ Spitfire Island) and the Castle Vale residential estate. To the south is the main railway line, Castle Bromwich Inn hotel and the elevated M6 motorway. The River Tame lies to the south of the site, between the railway line and the M6 motorway. There are also 60 metre pylons with high voltage transmission lines to the south and southwest of the site. Castle Bromwich Hall is a Grade II* Listed Registered Park and Garden that is situated approximately 600 metres to the south-east of the application beyond the elevated M6 motorway. The nearest residential properties are situated approximately 350 metres to the south-west and north-west of the application site.

[Location Map](#)

3. Planning History

- 3.1. 03-06-2013 – 2013/02046/PA – Creation of an additional 59 car parking spaces within the Industrial Estate – Approved subject to conditions.
- 3.2. 28-01-1988 – 01444177 – Change of use from Class 4) general industrial to warehousing (use Class B8) – Approved subject to conditions

3.3. 19-04-1982 – 01444169 – Change of use from Class X to Class III for manufacture of sealed double glazing units – Approved subject to conditions.

3.4. 27-08-1981 – Change of use from Class X (Warehousing) to Class IV (General Industrial) – Approved subject to conditions.

4. Consultation/PP Responses

4.1. Site and press notice displayed. Adjoining neighbours, Resident Association, Ward Councillors and MP consulted – one letter of objection received from a neighbour, who objects on the following grounds:

- This “monster” construction will have a detrimental impact on the health and wellbeing of residents in the local area and further afield.
- Increase traffic in an area that is already at maximum capacity at peak rush hour.
- Increased noise, dust and air quality pollution.
- Unsightly tall chimney stack more suited to a heavy industrial area rather than near residential and retail accommodation.
- Cumulative impact of the above raised issues on health grounds.
- Other areas need to be explored that are not situated in close proximity to residential.

4.2. United Kingdom Without Incineration Network (UKWIN) and Friends of the Earth object on the following grounds:

- The facility should be classed as a disposal facility and not “other recovery” within the waste hierarchy and does not represent the best practical environmental option for the anticipated waste stream. It would conflict with policies 3.64A and 3.67 of the UDP.
- Concerns raised together regarding comparison of the proposal to the Lock Street appeal decision in relation to no clear evidence of need for additional capacity and not being demonstrated quantitative or market need contrary to paragraph 3.65C of the UDP.
- Various concerns outlined in the Lock Street appeal decision and comparison to the proposal in relation to the waste hierarchy. The disposal facility would not be in accordance with up to date Local Plan and the applicant has not been able to demonstrate that the proposal would not prejudice movement of waste up the waste hierarchy. The proposal REC would sit at the very bottom of the waste hierarchy at the same level as landfill.
- Reference is made within the Lock Street appeal decision to Merseyside WP policies in relation to demonstrating movement of waste up the waste hierarchy. Reference is also made that *“whilst the attainment of R1 status is not mandatory process by which planning proposals should be considered, it is nevertheless a method of demonstrating whether or not a proposal is recovery or disposal”*.
- Reference is made to an extract from the Lock Street Appeal Decision and carbon credentials from poor use of resources that are likely to have adverse climate change impacts on the environment.
- The proposal could discourage investment in recycling and other management infrastructure that would sit higher in the waste hierarchy than the Castle Bromwich incinerator.
- The performance of the technology to be used within the proposed Renewable Energy Centre and uncertainty regarding the reliability, viability, robustness and flexibility of the technology proposed at Castle Bromwich.
- There are number of references made to extracts from the Waste Framework Directive and the failure of the applicant to demonstrate that the application is a

recovery operation through the use of R1 formula and/ or receipt of a Design Stage R1 Certificate status/ classification by the Environment Agency.

- Their own rebuttal against R1 condition as outlined above highlights that the facility is still considered to be disposal rather than recovery as the applicant failed to demonstrate that the facility is a recovery operation.
- Extracts from Skrytek Court of Appeal Decision and their interpretation of Government policy that if a facility is considered to be recovery, then the following two pre-requisites are met:
 - The facility must benefit from a Design Stage R1 Certificate issued by the EA or an enforceable planning condition prior to the facility being constructed
 - Planning decision makers are confident that the facility would actually operate as a recovery operation throughout the operational life of the facility
- The judge in Skrytek case established the principle that a facility can be treated as “other recovery” only if there is “clear findings” that the facility would be “more likely than not” to “achieve R1 threshold” during its operation.
- If planning permission is to be granted, then a condition should be imposed for the proposed facility to provide in writing verification that it has achieved R1 Status through Design Certification from the Environment Agency.
- Absence of robust evidence as gasification plant and failure to get most energy out of waste.
- Contrary statements have been submitted by the applicants that anticipate gross electricity output of 8.6MW in planning statement and 6.45MW is highlighted within Transport Assessment.
- Applicant’s failure to demonstrate that the proposed facility would be renewable or low carbon.
- The proposal could prejudice the waster hierarchy, including preventing waste from being sent to recovery incinerator such as existing RDF incinerators in the UK with spare capacity or incinerators in Continental Europe that rely on feedstock from abroad for their Combined Heat and Power (CHP) schemes.
- The applicants fail to provide a number of matters related to Greenhouse Gas (GHS) emissions, Global Warming Potential (GWP) and Climate Change.
- Possible cumulative impact on traffic, flood risk, noise and air quality.

4.3. Rebuttal to UKWIN and Friends of the Earth comments submitted by the agents (Pegasus Group) on behalf of the applicant. Summary of points raised as follows:

Proposed technology

- The proposed gasification technology supplier, Energos, is a lead supplier of Energy from Waste plants and offers a clean energy recovery from waste solutions.
- Ability to design, build, operate and maintain facilities capable of converting residual municipal and commercial waste into valuable renewable energy
- The technology provides a best practice solution as an alternative to mass-burn incineration and landfill.
- The supplier, Energos, has been using low emissions to supply industry with sustainable heat and power from waste for more than 15 years and has 800,000 operating hours across 8 sites in Europe within EU safe emissions limits.

Environment Agency R1 Status

- R1 status is administered by Environment Agency and not mandatory process by which planning application should be considered, which is acknowledged within the Lock Street appeal decision.
- NPPG discusses the relationship between planning and other regimes. It advises that the role of the planning system should be to consider whether the development itself is an acceptable use of land and the impacts of those uses, rather than controls over processes, health and safety or emissions, which are subject to approval by other regulatory regimes, and the Waste Planning Authority should assume that they would operate effectively.
- The Environment Agency has not requested a R1 condition for the proposed facility.
- European Commission has only made R1 status mandatory for any facility looking to import waste to other countries, since 2010, and exports of Refuse Derived Fuel from UK go solely to R1 plants.
- DEFRA published in 2014 a list of more than 65 Energy for Waste in the UK and only six of these have achieved formal accreditation from the Environment Agency. There are many UK plants that are potentially compliant with R1 status but have not applied for operational validation.
- The technology supplier for the proposed REC facility is able to demonstrate a long and successful record of delivering significant quantities of heat to industrial customers, sufficient to meet R1 criteria.
- Delivering a plant close to heat users represents a commercial strategy which would deliver higher revenues for the operator.
- Several sites in the Birmingham area were considered and are high on the list of criteria with potential for heat delivery.
- The applicant is unable to currently confirm interest in heat supply contracts as the plant is not yet designed and operational. There are also commercially sensitive discussions with users in close proximity of the site, which are confidential at this time and cannot be disclosed.

Recovery or Disposal

- UKWIN has asserted in their objection that the proposed REC sits at the very bottom of the waste hierarchy, at the same level as landfill. They also suggest that the waste to be used by the proposed facility could be sent to other incinerators in the UK or even incinerators in Continental Europe.
- The proposed REC would complement efforts to increase local recycling rates that would otherwise divert or be sent to landfill or export elsewhere in UK or Europe.
- This small-scale REC is located close to where the waste is being produced, follows the Proximity Principle and reduces the need to transport waste to sites outside Birmingham.
- The proposed REC would meet energy demands of potential customers in the vicinity.
- The proposed facility provides feedstock flexibility and the feedstock will be sourced from several Material Recovery Facilities (MRF) in the Birmingham area.
- The applicants are not suggesting that the proposed REC will be wholly renewable and agree that the net carbon impact of the facility depends on the biogenic content of the feedstock.
- Government CfD (Contract for Difference) regime operators may be required to demonstrate the biodegradable content of the residual waste at regular intervals and the default position of DEFRA is at 50% for CfD's.

Waste Recovery Facility

- The applicant is fully aware of the requirements for R1 classification and would develop the CHP facility to the required level is that classification was to be pursued.
- It is estimated, based on other successful schemes implemented by other owners of Energos designed plants, approximately 10% of the energy will need to be delivered as heat in order to meet the R1 criterion and designation as a recovery plant.
- A lot of interest is being generated and discussions held with local businesses about the supply of heat. Heat supply contracts cannot be agreed however until the associated additional infrastructure costs and details of the forthcoming Renewable Heat Incentive (RHI) are fully known.

Efficiency of the proposed REC facility

- The applicants acknowledge that large-scale mass-burn incineration plants are generally more efficient than smaller-scale plants.
- R1 Certification from EA does not take into account all of the criteria that need to be considered when assessing the sustainability of an EfW scheme, such as:
 - To transport of residual waste over long distances to supply fuel to large scale plants.
 - Environmental impact of transporting residual waste in large quantities over long distances.
 - Increased traffic congestion and the associated vehicular emissions.
- The proposed community-sized, sensibly located REC will deliver the benefits of renewable heat and power back into the local economy and efficiency of the process will be optimised to meet the R1 threshold, whether or not such classification is sought in due course from the Environment Agency.

Planning Policy

- The proposal is a “recovery” facility and in accordance with NPPW. This is treating waste that would otherwise go to landfill, thereby lifting it up the waste hierarchy.
- The proposal is in accordance with up-to-date development plan and NPPW and there is no need for the applicant to demonstrate the quantitative or market need for new or enhanced waste facilities.

Comparative analysis of the Lock Street Appeal Decision and Birmingham UDP

- Query to what weight should be given to Lock Street appeal decision in St. Helens, where Development Plan to include Merseyside and Halton Joint Waste Plan required proposals for Energy from Waste facilities in relation to operational and consented capacity in the plan area and requirement for new facilities.
- The Waste Plan for the Lock Street appeal decision identified that there was a significant amount of consented and available Energy from Waste capacity.
- The Birmingham UDP does not contain such provisions and there is not sufficient consented and available capacity to cater the needs in the Birmingham area.
- Policies 3.64A and 3.65B require the proposal to take account of the need for the facility and its proximity to the source of the waste to be treated.
- The applicant has identified need and there is circa 2 million tonnes of waste disposed with 17% of this sent to landfill within the Midlands region. There is opportunity to secure waste currently going to landfill or being transferred out of the region.
- A conservative estimate is 500,000 tonnes per annum of potentially suitable waste being available within the catchment area.

- The proposal would increase treatment capacity and address shortfall in the potentially available waste stream.
 - The proposal will receive residual material from recycling plants and will not discourage recycling.
 - The proposal will generate electricity and heat to meet the needs of local businesses.
- 4.4. Further consultation with counter-rebuttal from UKWIN and Friends of the Earth on the following grounds:
- Uncertainty continues to remain regarding the reliability, viability, robustness and flexibility of the proposed technology.
 - The proposal involves the maximisation of biogenic fraction of waste through gasification at the cost of potential recycling and adverse environmental impact.
 - No evidence provided that the proposed facility would be able to meet or exceed the R1 threshold contrary to Lock appeal decision, where planning permission was refused on the basis of the applicants failure to demonstrate that the facility would operate as recovery.
 - No R1 application has been made to the Environment Agency and no design data to indicate that the proposed facility would meet R1 threshold with significant heat export.
 - From the applicant's failure and absence of R1 planning condition it is clear that the proposal should be treated as a disposal facility.
 - The gasification plant would drive waste down the waste hierarchy as biodegradable waste is intended to rely upon feedstock that could, if separately collected, otherwise go to Anaerobic Digestion or composting.
 - More should be recycled as it is less costly than incineration in environmental terms and more money needs to be invested in necessary collection, sorting and treatment infrastructure. They also admit that some materials would be expensive to recycle than others.
 - The proposed gasification facility would discourage recycling infrastructure and subsidised gate fees can be set at an artificially cheaper financial charge than recycling.
 - It is not clear whether 10% of energy delivered as heat in order to meet R1 criterion is gross or the net energy.
 - The applicants have not undertaken a guarantee that they would bear the cost of installing necessary piping and other infrastructure necessary for heat exported from site. There is no guarantee that it would obtain relevant planning consent.
 - Fresh assessment is required of the odour assessment as the applicant within rebuttal letter states that a large proportion of the waste to be used as feedstock that may be biogenic.
 - The applicant's failure to address the policy conflicts suggests that the proposal is disposal facility at the bottom of the hierarchy.
- 4.5. Transportation Development - No objections subject to conditions to include reinstatement/ installation of redundant/ new footway crossings, parking and vehicle circulation areas marked out and used for no other purpose, construction management/ method statement, secure cycle storage, measures to prevent mud on highways, means of access constructed and delivery and service areas completed prior to occupation.
- 4.6. Highways England – No objections subject to a lighting condition.

- 4.7. Environment Agency – No objections subject to conditions to include the development to be carried out in accordance with the approved Flood Risk Assessment and remediation strategy.

The proposed plant would require an environmental permit from the Environment Agency and would be required to comply with the emission limits and operating conditions specified in Chapter IV of the Industrial Emissions Directive. In order to grant a permit application, EA would need to be satisfied that the proposed development would not add significantly to local air quality issues, which may require tighter controls on emissions.

The assessment for potential odour impacts has been assessed as negligible. However, this assessment is based on Refuse Derived Fuel, which is expected to be the main feedstock for the plant and will normally have undergone pre-treatment to remove potential odorous content. The applicant does concede the possibility for dirtier batches and refer to Municipal Solid Waste as a possible alternative fuel source. EA is likely to require the applicant to provide an appropriate Odour Management Plan as part of submission towards the determination of an environmental permit.

- 4.8. City Ecologist – No objections subject to conditions to include lighting and Ecological Enhancement Strategy based on recommendations contained within ES supporting reports.
- 4.9. West Midlands Police – No objections subject to Secure by Design commercial development initiative.
- 4.10. Historic England – No objections.
- 4.11. Natural England – No objections
- 4.12. Canal and Rivers Trust – No objections
- 4.13. BCC Local Lead Flooding Authority – No objections subject to conditions requiring a Sustainable Drainage Assessment and Operation and Maintenance Plan.
- 4.14. West Midlands Fire Services – No objections
- 4.15. Employment Access Team – No objections subject to a condition that request that local employment is considered
- 4.16. Severn Trent – No objections subject to drainage condition for the disposal of foul and surface water flows
- 4.17. Regulatory Services – No objection subject to land contamination and restricting cumulative noise from plant and machinery condition.
- 4.18. Birmingham Public Health – Awaiting comments

5. Policy Context

- 5.1. NPPF (2012), National Planning Policy for Waste (2014), National Policy Statement for Energy (2011), National Policy Statement for Renewable Infrastructure (2011), Government Review of Waste Policy in England (2011), Waste (England and Wales) Regulations 2011, Waste Framework Directive 2008, Birmingham UDP (2005), Draft

Birmingham Development Plan (2013), Places for All SPG (2001), Loss of Industrial Land to Alternative Uses SPD (2006), Car Parking Guidelines SPD (2012). DEFRA's "Guidance on Applying the Waste Hierarchy".

6. Planning Considerations

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

6.2. **Planning Policy** – The Waste Framework Directive 2008/98/EC introduced new provisions in order to boost waste prevention and recycling as part of the waste hierarchy.

6.3. The Waste (England and Wales) Regulations 2011 requires everyone involved in waste management to take in the transfer of waste all reasonable measures to apply the waste hierarchy.

6.4. Government Review of Waste Policy in England 2011 sets out the objective of aiming for a zero waste economy in which material resources are re-used, recycled or recovered wherever possible and only disposed of as the option of last resort. There is clear requirement that materials are re-used, recycled or recovered wherever possible and only disposed of as the option of last resort. There is clear requirement to drive the treatment of waste up the hierarchy from landfill. The Government Review provides support for Energy from Waste facilities such as that proposed, not only in the context of waste management but also having regard to low carbon/ renewable energy provision and climate change.

6.5. National Policy Statements (NPS) EN-1 Overarching Energy (EN-1) and EN-3 Renewable Energy Infrastructure (EN-3) deal with nationally significant infrastructure projects and promotion of renewable energy projects. It promotes waste as a valuable resource in the production of energy.

6.6. The NPPF (2012) sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that at the heart of the NPPF is a presumption in favour of sustainable development. It also includes chapters on:

- Building a strong, competitive economy
- Promoting sustainable transport
- Requiring good design
- Meeting the challenges of climate change, flooding and coastal changes
- Conserving and enhancing the historic environment

6.7. NPPF Paragraph 5 states that *"this Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant"*.

6.8. Waste Management Plan for England (2013) provides an analysis of the current waste management situation in England and sets out how government policy will support the implementation of the revised WFD.

6.9. National Planning Policy for Waste (2014) sits alongside the National Planning Policy Framework and is a material consideration. The National Planning Policy for Waste amongst other elements *"promotes delivery of sustainable development and resource efficiency, including provision of modern facilities, local employment*

opportunities and wider climate change benefits, by driving waste management up the waste hierarchy”.

- 6.10. National Planning Policy for Waste (2014) states that *“when determining waste planning applications, waste planning authorities should:*
- Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
 - recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;*
 - Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
 - Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
 - Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;*
 - Ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.*
- 6.11. Paragraph 3.64A of the UDP seeks a *“sustainable approach to waste management taking account of the following principles:*
- Consideration of the best practicable environmental option for each waste stream*
 - Regional self-sufficiency*
 - The proximity principle*
 - The waste hierarchy*
- 6.12. Paragraph 3.65 of the UDP identifies that there is likely to be a demand for new commercial waste treatment and processing plants within the Birmingham area. Paragraph 3.67 Adopted UDP states that waste incinerators can provide an efficient means of reducing the amount of waste for disposal and represents an opportunity for energy recovery. However, it does acknowledge that, where it is practical and viable option, the re-use of recycling of wastes is preferable to incinerating waste. The policy also highlights that for new energy from waste plants need to be considered in light of the policy set out in paragraphs 3.65A-3.65C.
- 6.13. Paragraph 3.65A of the UDP states that *“the City Council’s policy is that the development of all new waste management, processing and treatment facilities should be provided in accordance with current national and regional planning guidance, should be in appropriate locations, and should be sited so that they minimise any adverse impacts on local communities, the environment and the local transport network. Where appropriate, the City Council will require mitigation such*

as protective screening and/or landscaping to minimise the impact of such facilities on adjacent areas”.

- 6.14. Paragraph 3.65B sets out *“the following type of locations...regarded as being suitable for developments that involve the management, treatment and processing of wastes:*

- a) Industrial areas, especially those containing other heavy or specialised industrial uses;*
- b) Degraded, contaminated or derelict land, provided that any nature conservation issues are adequately addressed by the development;*
- c) Existing or former landfill sites, provided that any problems of contamination and/or gas migration can be safely addressed;*
- d) Existing or redundant sites or buildings which can be re-used or adapted;*
- e) Sites previously occupied by other types of waste management facilities;*
and
- f) Other suitable sites located adjacent to railways, canals, or major junctions in the road network.*

It further specifies that *“New energy from waste plants ... that are likely to cause noise, disturbance, air pollution, smells and other nuisances, are expected to be located within existing industrial areas, and will not be permitted in or adjacent to residential areas, unless any adverse environmental impacts can be adequately mitigated.*

- 6.15. Paragraph 3.65C sets out that *“When considering proposals for new or expanded waste management, treatment and processing facilities, the City Council will take the following into account:*

- The need for the facility and its proximity to the source of the waste to be treated;*
- The impact that the facility is likely to have upon the environment and adjoining uses, particularly in relation to sensitive land uses such as residential areas and nature conservation areas;*
- The need for pollution control measures appropriate to the type of wastes to be processed or handled;*
- The effectiveness or appropriateness of any measures proposed to mitigate or overcome any adverse environmental impacts;*
- The impact of traffic generated by the proposal and the potential to transport bulky goods by more sustainable transport modes, e.g. rail or canal.*

- 6.16. Policy TP1 of the Draft Birmingham Development Plan sets out commitment of the City to achieve a 60% reduction in total carbon dioxide emissions in the City by 2027 from 1990 levels. Policy TP4 and TP5 sets out a number of actions in promoting and supporting the use of low and zero carbon energy sources and technologies.

- 6.17. Policy TP13 of the Draft Birmingham Development Plan seeks to prevent the production of waste wherever possible, and where this is not feasible will seek to move and manage Birmingham's waste up the waste hierarchy. It goes on to state that there is a shortfall in the number of material recycling facilities within the City and more will need to be constructed during the plan period.

- 6.18. Policy TP14 (New and Existing Facilities) and TP15 (Location of Waste Management Facilities) of the Draft Birmingham Development Plan largely reflect UDP policies in supporting gasification and pyrolysis technologies, which can

generate energy and power, in appropriate locations such as industrial areas with similar criteria set for consideration of planning applications within policy 3.65C of the adopted UDP.

- 6.19. Policy TP18 of the Draft Birmingham Development Plan states that the Core Employment Areas will be retained in employment uses and will be the focus of economic regeneration activities and additional development likely to come forward during the plan period. It goes on to define the employment use context of this policy to include waste management facilities.

6.20. **Land use** –

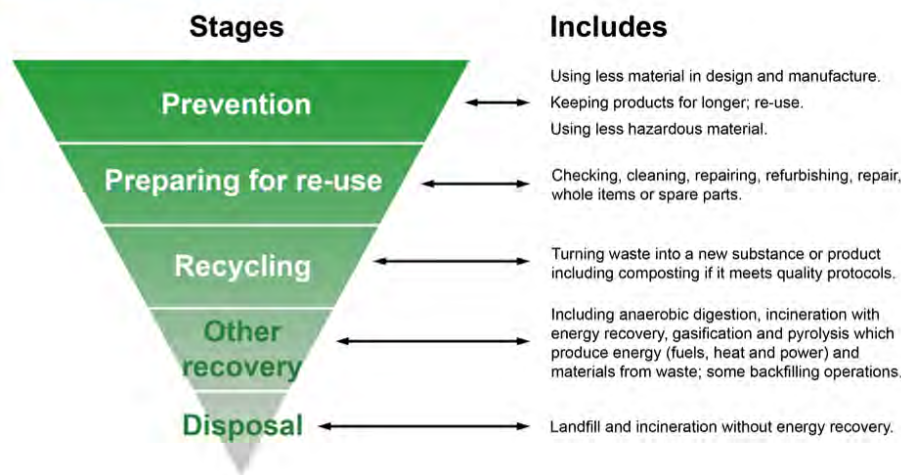
- 6.21. The proposal needs to be considered in accordance with the NPPF, NPPW, Birmingham UDP and the emerging Draft BDP. The application site is situated within a Core Employment Area and industrial regeneration area within the Adopted UDP and Draft Birmingham Development Plan. The proposed redevelopment of part of the site for industrial/ warehouse use would be compatible with wider industrial uses and so complies with UDP, Draft BDP and the Loss of Industrial Land to Alternative Uses SPD. The proposed development would also involve part of the site for redevelopment for proposed REC facility and Policy 4.31 of the adopted UDP and adopted Supplementary Planning Document "*Loss of Industrial Land to Alternative Uses*" seeks to protect the stock of existing industrial land and is a material consideration in determining planning application involving the loss of industrial land. In this instance, reference is made to part 2.2 of the SPD, which states "*A number of Sui Generis uses can also be located on industrial land such as waste management and treatment facilities and should be assessed on a case by case basis*". The supporting statements have confirmed that the site was identified due to:

- Its availability and its size which was suitable for up to a 105,000 tonnes facility;
- Its proximity to energy intensive industrial consumers. It is intended that the proposal will be able to offer low cost secure energy to one or more neighbouring businesses, assisting in securing the future of those companies and their employees;
- Its access through the existing industrial estate which immediately joins the primary route network without the need to go through residential areas.

- 6.22. The Birmingham UDP and Draft BDP recognise that there is not sufficient consented and available capacity in the area to cater for the waste needs of the Birmingham area. Birmingham does not have any active landfill sites and the existing energy from waste facility in the city takes only municipal waste. The application site provides an opportunity for power to be supplied back to the local grid as well as the opportunity to export energy the facility generates to nearby industrial/ commercial users including the JLR Castle Bromwich Plant. The proposal would divert up to 105,000 tonnes of waste going to landfill annually and is equivalent to powering 15,000 homes or local businesses. The proposed centralised and sustainable facility close proximity to the source would mean that much of this waste would not have to be transported long distances and thereby promoting self-sufficiency in the region. The proposed facility is accessible from the major road system including the M6 motorway. Consequently, the sui generis REC proposal would comply with aspirations laid out within relevant policies laid out within UDP, Draft BDP and NPPF in bringing this site forward to deal with the level of waste arising in Birmingham area and comply with policy 3.64A, 3.65, 3.65A-3.65C and 3.67 of the UDP and TP1, TP14, TP15 and TP18 of the Draft BDP in Birmingham.

- 6.23. Within their objection UKWIN have made reference to the Lock Street appeal decision and Merseyside and Halton Joint Waste Plan, however this is considered to be of less comparative relevance in the determination of this application with regards to the proposed REC facility. The Lock Street appeal decision was an existing facility being relocated elsewhere, where the local plan identified that there were a significant amount of operational and consented capacity for Energy from Waste within the development plan area. The proposed REC facility herein however is a new facility that is classed as Advanced Conversion Technology (ACT), namely as the biomass element for renewable technologies contracts are awarded by the government through the Department of Energy and Climate Change (DECC). The Birmingham UDP or Draft BDP does not contain similar provisions as there is not sufficient consented and available capacity to cater for needs in the Birmingham area.
- 6.24. **Waste as a provider of energy** – It is also notable that, although it deals with nationally significant infrastructure projects, the National Policy Statement for Energy (2011) and National Policy Statement for Renewable Energy Infrastructure (2011) together the Government Review on Waste (2011) all promote waste as a valuable resource in the production of energy. The NPPF, paragraph 98 states that *“when determining planning applications, local authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if it impacts are (or can be made) acceptable”*. National Policy Statement for Renewable Energy Infrastructure states that *“the recovery of energy from the combustion wastes.....will play an increasingly important role in meeting the UK’s energy needs”*. The proposed energy from waste is considered to be renewable source of energy and a low carbon option. The proposal would meet economic benefits and diversify energy in providing energy security of supply and utilise locally sourced residual waste thereby less dependency of fossil fuels. The proposal would also comply with policy 3.79-3.79C of the UDP and Policy TP1 of the Draft BDP and represents a significant and important local contribution to meeting the legally binding target the UK is required to achieve by 2020 of 15% of energy from renewable sources (UK Renewable Energy Roadmap) and achieving a 60% reduction in total carbon dioxide emissions in the City by 2027 (from 1990 levels).
- 6.25. **Waste hierarchy and the proposed REC facility** – The waste hierarchy is derived from EU legislation and transposed into Government Legislation through The National Planning Policy for Waste 2014 and referred to in the Government Review on Waste 2011. The following diagram illustrates the hierarchy:

The Waste Hierarchy



6.26. As highlighted within the illustrated diagram above, prevention and preparation for re-use is at the top of the waste hierarchy. However, this proposal is for the treatment of the residual waste that is not able to be prevented or prepared for re-use. UKWIN and Friends of the Earth have challenged where the proposal falls within the waste hierarchy. There have been a number of representations made stating that the applicant had failed to demonstrate that the proposal is a recovery operation (other recovery) within the waste hierarchy and therefore concludes that it is a disposal operation, at the bottom of the hierarchy and in their opinion equal to and as poor as landfill disposal. Consequently, the proposal would, in their view, be contrary to EU, Government and Birmingham UDP policies that seek to drive the management of waste up the waste hierarchy. UKWIN note in their objection that uncertainty remains regarding the reliability, viability, robustness and flexibility of the technology. They suggest that there is no evidence provided that the proposed facility would be able to meet or exceed the 0.65 R1 threshold and recovery operation.

6.27. The Waste Framework Directive (Directive 2008/98/EC) includes the same hierarchy priorities, namely waste prevention and recycling followed by recovery and, as the least favourable, disposal. Waste Framework Directive (WFD) makes the definitions of recovery and disposal as follows:

- "recovery" means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Annex II sets out a non-exhaustive list of recovery operations;
- "disposal" means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Annex I sets out a non-exhaustive list of disposal operations."

6.28. The classification of a recovery operation or a disposal operation becomes uncertain when considering waste incineration. An Incinerator could be classed as either a recovery operation (R1 – Use principally as a fuel or other means to generate energy) or a disposal operation (D10 – incineration on land). The Waste Framework Directive also specifies that incineration facilities dedicated to the processing of

municipal waste can be classified as R1 only where the energy efficiency is equal to or above 0.65. The supporting statements have confirmed that the proposed REC facility would use Refuse Derived Fuel and non-hazardous municipal, commercial and industrial waste. The supporting statement also confirms that the proposed REC would have the capability to meet R1 recovery criteria if such classification was sought from the Environment Agency. They also confirm that this technology is only used across 8 sites within Europe. The REC facility would have a capacity to generate gross power output of 8.6MW and around 10% of the energy could be delivered as heat output to the adjoining industrial and commercial buildings subject to appropriate contractual agreements.

- 6.29. It is not a requirement in the determination of the planning application to have achieved a R1 status or certification. The determination whether the proposed site satisfies the R1 efficiency criteria is carried out by the Environment Agency as part of their permitting controls, specifically at three stages: plant design; commissioning; and then during normal operation. The NPPF confirms that Local Planning Authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under other pollution control regimes. Local Planning Authorities should also assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities. Although, it is encouraged by the Government, obtaining R1 status is not mandatory for energy from waste plants as supporting statements confirm. The Department for Environment, Food and Rural Affairs (DEFRA) published in December 2014 a list of more than 65 energy from waste (EfW) plants in the UK and only six of these achieved formal accreditation from the Environment Agency. This would mean that majority of UK plants are potentially compliant but have not applied for validation.
- 6.30. The key consideration for the determination of this application is waste planning policy and where the proposal sits within the waste hierarchy. It is worth noting that to maintain R1 certification necessitates an annual review of actual performance level is required based on the previous year's operation. Having regard to this process it would be difficult to see how any energy from waste plant could guarantee R1 status throughout the life of the proposed plant. I note that UKWIN highlight a number of paragraphs from the Lock Street Appeal Decision. However, the Court of Appeal Decision in *Dorothy Strytek V Secretary of State CLG and Others* carries greater weight than the Lock Street appeal decision by virtue of its issue by a Higher Court, and wherein the Judge states, *"it would be unusual for the operator to sign up customers to take any heat produced by the plant at the outset. Potential customers are likely to wait to see whether the plant comes up to expectations in terms of the amount of heat that it produces and the reliability of supply of the heat. Once they are satisfied on these points, then contracts to take the heat may well be signed. It is in the financial interests of the operator of the plant to secure customers to take any heat generated. Once heat is being exported, the operator of the plant can return to the Environment Agency to have the plant reclassified as an energy recovery facility"*.
- 6.31. The judge goes on to state: *"In recognition that there can be misunderstanding as to how to apply the waste hierarchy in such situations, DEFRA has produced guidance on the interpretation of the hierarchy. (See a copy of DEFRA's "Guidance on Applying the Waste Hierarchy" at CD151). The table on page 6 of the guidance, which is dated June 2011, makes it clear that all energy recovery technologies, whether electricity only, heat only or heat and power combined, come higher in the*

waste hierarchy than disposal. Thus, the proposed waste treatment facility on the appeal site lies higher in the hierarchy than disposal.”

- 6.32. Whichever is the case of this proposal for REC facility, other recovery or disposal, it has been demonstrated through the Court Judgement in *Dorothy Skrytek V Secretary of State CLG and Others* that the Planning Inspector correctly applied the waste hierarchy in a practical way by applying energy from waste technologies, whether electricity only or heat and power combined, so that they would come higher up in the waste hierarchy and away from the least sustainable option, namely disposal to landfill.
- 6.33. UKWIN have suggested that an R1 condition should be attached requiring the proposed REC facility to operate as “*Other Recovery*” and in line with Waste Hierarchy in line with policy 3.64A of the UDP and National Planning Policy for Waste. However, there is no requirement by the Environment Agency for this within their consultation response. Furthermore, it has been demonstrated by the Courts and DEFRA’s guidance “*Applying the Waste Hierarchy*” that energy from electricity only or combined heat and power comes higher in the waste hierarchy than disposal to landfill.
- 6.34. As specified above, paragraph 122 of the NPPF sets out the role of the Council and Environment Agency and states “***local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively....***”. Additionally, the National Planning Policy for Waste 2014 “***Planning authorities should – concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on assumption that the relevant pollution control regimes will be properly applied and enforced***”. Court of Appeal Decision in *Dorothy Strytek V Secretary of State CLG and others*, the judge clearly states that “***the Environment Agency through the environmental permit requires..... the operator of the plant to review options for recovering heat on an ongoing basis***”. Consequently, the request for R1 condition by UKWIN would in this instance be inappropriate for the reasons specified above. Environmental permits issued by Environment Agency would impose conditions on operators to ensure that the facility is designed to enable heat provision in the event of suitable users are identified.
- 6.35. However, a condition could be imposed for an updated CHP Feasibility Review that assesses the potential and viable commercial opportunities together with the on-going monitoring for the use of heat from the development. The condition could also require submission of details of plant and pipeworks within the site boundary to be submitted and approved in the interests of the proper planning of the area, where viable opportunities for the use of heat within the immediate area emerge in the future.
- 6.36. UKWIN also highlights that no infrastructure connections necessary for heat to be exported have been submitted and there is no guarantee that such infrastructure would obtain relevant planning consent. In response, the relevant heat link would be determined by potential industrial/ commercial users together with the output that the REC produces in future years as highlighted above and conditioned accordingly. The infrastructure works outside the application site could potentially be undertaken

by statutory undertakers under permitted development rights, relevant licenses or through formal planning application.

- 6.37. **Need for a waste management facility** – I note concerns have been raised by UKWIN with regards to the need for this facility which they feel has not been demonstrated within the submission.
- 6.38. In assessing proposed waste developments, the “need” for the waste management facility should be addressed, in line with National Planning Policy for Waste, which states that *“planning authorities should:*
- *Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
 - *Recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspirations of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy.*
- 6.39. The UDP and the evidence base reports for the Draft Birmingham Development Plan support general “need” for additional facilities within Birmingham. The applicant is not required to demonstrate “need” as highlighted above the National Planning Policy for Waste 2014 is clear on this matter that there is no requirement to demonstrate a quantitative or market need where proposals are consistent with an up-to-date development plan (UDP and Draft BDP). The LPA consider that the proposal is consistent with UDP and Draft BDP as explained above.
- 6.40. The Updated Waste Capacity Study submitted in the evidence base for the Draft BDP states that Birmingham does not have any active landfill sites. Given its urban nature, there are unlikely to have landfill sites available and there is a need to consider the reliance on export of waste from Birmingham to landfill outside of the authority area. Currently, the energy from waste facility in the city only takes only municipal waste. The Updated Waste Capacity Study also sets out that there has been a decrease in waste facilities from 106 (based on 2007 EA data) to 87 facilities based on 2012 EA data, which is potentially due to the recession. There is a shortage of Material Recycling Facilities (MRFs) within Birmingham with over 27,000 tonnes of waste being exported from Birmingham. The data suggests that waste is expected to grow over the period up to 2030/31 by around 20%. The Updated Waste Capacity Study (2014) considers that there are opportunities to address the need for the development, or expansion to meet the shortfall and capacity anticipated in future for the recovery of energy waste facilities, whilst still achieving the self-sufficiency principle and without undermining the objectives of the waste hierarchy.
- 6.41. Waste Policy Review alongside NPPF, UDP and Draft BDP announces the Government’s target of a zero waste economy in which “material resources are re-used, recycled or recovered wherever possible, and only disposed of as the option of very last resort. Zero waste does not mean that no waste is produced; rather that only the minimal amount of waste possible is sent to landfill such that it truly a last resort, and sending any waste which could have recovered *is clearly wrong*”. *The Waste Policy Review* makes it clear that “the government supports energy from waste as a waste recovery method through a range of technologies, and believes

there is potential for the sector to grow further” noting carbon savings and potential energy benefits from the process.

- 6.42. With regards to Cumulative and Combined Effects, the National Planning Policy for Waste makes it clear that only operational facilities should be considered when defining the capacity of facilities to satisfy any identified need. There are four waste facilities within Erdington/ Castle Bromwich area. One is Bottom Ash facility at Tameside Drive, which is potentially affected by HS2 and would be relocated elsewhere in the City. The household recycling centre on Tameside Drive would remain and continue to be operational during the construction stage of HS2. Green waste recycling facility is situated on Bromford Drive, which is approximately 2km from the application site. A further site at Washwood Heath Freight Yard on Heartlands Parkway benefits from extant permission granted in 2015 but not yet been implemented for an anaerobic digestion plant and should therefore be disregarded in this instance. City-wide, a gasification plant for wood waste was approved and implemented at Webster and Horsfall in Hay Mills with capacity of 60,000 tonnes per annum. Taking into account the location of other facilities and the surrounding industrial/ commercial character, the proposed REC facility is unlikely to have significant impact on the environment of the immediate area in planning terms and there is a need for the proposed REC facility which would not undermine the objectives of the waste hierarchy.
- 6.43. UKWIN and Friends of the Earth have also raised concerns that the proposal could inhibit recycling and consume materials that could be managed higher up in the waste hierarchy. The proposed Energos gasification technology provides feedstock flexibility. It is intended that the feedstock would be sourced from several Material Recovery Facilities within the Birmingham Area and not hinder other improvements to local recycling rates.
- 6.44. UKWIN also raise concerns that the proposal is disposal and would prevent waste being sent to recovery facilities elsewhere in the UK with spare capacity or in Europe that rely on this feedstock. There is no firm evidence in UK or abroad that there is appropriate spare capacity and it can be argued that such statements would be contrary to National Planning Policy for Waste, where it states that *“...communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle”*. Consequently, this concern as raised by UKWIN could therefore undermine NPPW policy by sending the waste elsewhere in the UK or abroad which would contribute to an increased carbon footprint.
- 6.45. **Socio-economic** – The proposed REC facility would provide 20 full time equivalent jobs, with the industrial contributing a further 28 FTE jobs. There would also be indirect and direct construction jobs created together with local multiplier effects that have potential to make a significant contribution to the local economy. The job opportunities will be across a variety of skills and levels of expertise. Supporting statements also confirm that the applicant (Legal and General) own four industrial estates within the Birmingham area and the tenants have opportunity to move into the proposed industrial/ warehouse building to the front of the site or relocate to another industrial estate owned by the applicant. The proposed development would therefore accord with the NPPF, UDP and Draft BDP, which seek to secure a good range of local employment opportunities by enabling diversification of the local economy.

- 6.46. The proposal would result in significant capital investment in the area and generate 8.6 MW of electricity of which a small amount could be used to power plant with the remainder exported to the local grid or adjoining industrial occupiers. The proposed REC facility has also been designed to export surplus heat to the adjoining industrial and commercial users by agreement and, as a result, there would be savings in their waste management and fuel costs to those local businesses within the area. The proposal would also divert 105,000 tonnes of residual waste from landfill.
- 6.47. **Impact on design and character** – The National Planning Policy for Waste 2014 states that in the determining planning applications, Local Planning Authorities should ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- 6.48. There have been extensive discussions at pre-application stage and during the planning application process and the design of the building has evolved taking into account the requirements of the business operation and physical and visual constraints on site such as building lines, the presence of TPO trees, a main railway line and the position of existing and proposed site entrances. Key viewpoints have been provided together with justification for mitigation measures to address the visual impact of the proposal.
- 6.49. Currently, the application site comprises a number of industrial buildings and is situated within a core industrial and employment area. The proposed redeveloped industrial/ warehouse building would be similar in scale and massing to that of other adjoining industrial buildings within Fort Industrial Park. The proposed form of the REC building is strongly influenced by internal plant and operations and would be approximately 23 metres in height. The proposed REC building would be situated to the rear and partially screened by existing buildings and proposed industrial/ warehouse building. There are a number of buildings that have been recently approved and implemented within the wider JLR Castle Bromwich Plant that range from 23 to 30 metres in height. The proposed REC building is considered acceptable in scale and massing terms and would reflect the prevailing character of taller industrial buildings within the immediate area. The choice of materials together with the distinct character of each building would also break up the buildings' scale and massing. Amendments have been secured that have sited the redeveloped industrial/ warehouse building further into the site and also increase the depth of planting to include retention of TPO trees to the south and north part of the site, which would comprise of evergreen trees and shrubs that would help further screen the free-standing plant and buildings. My Landscape and City Design Officers have reviewed revised key viewpoints submitted as part of the Environment Statement's Landscape and Visual section, which show the proposal as a photomontage. They have confirmed that they are satisfied that the proposal is acceptable in the surrounding industrial context and any impact would reduce over time as planting matures.
- 6.50. The proposed chimney stack for the plant at 55 metres has been designed to be as narrow as possible in order to meet the emissions target set by the Environment Agency. The surrounding area comprises electricity pylons together with the existing chimney stack of the Rolls Royce peaking plant gas turbine station which are all approximately 60 metres in height. The proposed stack is considered acceptable as it would be situated within industrial setting and approximately 5 metres lower than the existing pylons and stack associated with the Rolls Royce gas turbine plant.

- 6.51. **Impact on trees, landscaping and ecology** – Due to the overall height of the proposed REC facility and chimney stack it is accepted that its built form would not be fully screened from view. However, much consideration has been given to creating a strong landscape setting around the proposed facility, which responds well to both to its local and wider site contexts. Amendments have been submitted which have removed an HGV turning area that affected existing trees protected by Tree Preservation Orders (TPO) and also additional trees and shrubs proposed as part of the landscaping scheme for the site adjacent to the railway line and Dunlop Way. My Landscaping and Tree Officers together with Network Rail have raised no objections subject to conditions to include landscaping, tree protection, site levels and hard surfacing that would ensure that the proposal makes a substantial contribution to the site and overall area in amenity and biodiversity terms.
- 6.52. The ecology section as part of Environment Statement takes into account all of the potential issues for protected species. The City Ecologist has raised no objection to the demolition of existing buildings subject to the recommendations made within the ecology section of the Environmental Statement are implemented. Soft landscaping areas are proposed to the adjoining railway line and Dunlop Way and City Ecologist recommends imposition of an ecology enhancement condition for plant species selection to provide biodiversity benefits for bird and pollinator insects. The site also sits next to the overflow channel for the River Tame and a rail corridor and there is some potential for commuting and foraging bats, therefore a lighting condition is also recommended for any external lighting in the south of the site to be directed and of minimal light spill to avoid illuminating this corridor.
- 6.53. **Residential amenity** – I note concerns have been raised by UKWIN and Friends of the Earth with regards to air quality, emissions, climate change, health and well-being etc.
- 6.54. Paragraph 122 of the NPPF sets out the role of the Council and Environment Agency and states *“local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively....”*. Additionally, the National Planning Policy for Waste 2014 under paragraph 7 states that *“impacts to the local environment and amenity should be considered but it is not necessary to carry out detailed assessment of epidemiological and other health studies on the basis that these controls would be provided through the pollution control regime.”* And *“Planning authorities should – concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on assumption that the relevant pollution control regimes will be properly applied and enforced”*.
- 6.55. National Policy Statement for Energy also states that that *“those aspect of energy infrastructure which are most likely to have a significant detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation, so that it is unlikely that health concerns will either constitute a reason to refuse permission or require specific mitigation”*. Birmingham Public Health has been consulted and any comments received will be reported at the meeting.
- 6.56. As part of the Environmental Statement, an air quality assessment has been submitted. The Environment Agency have confirmed that the proposal would

require an environmental permit. The Environment Agency note the results of the Air Quality impact assessment and conclude that a tighter emission limit for oxides of nitrogen may be appropriate in this location than is required by the Industrial Emissions Directive (IED), and that an annual mean emission limit of 150 mg/Nm³ would be achievable (cf 200 under the IED). They also note that the potential odour impacts have been assessed as negligible. However, this assessment is based on Refuse Derived Fuel (RDF), which will normally have undergone pre-treatment to remove most of the potentially odorous content. This is currently expected to be the main feedstock for the plant, but the applicant concedes the possibility of occasional “dirtier” batches, and the application continues to refer to Municipal Solid Waste as a possible alternative fuel source. They would require the applicant to provide an appropriate Odour Management Plan as part of the Environmental Permit, which would address UKWIN concerns.

- 6.57. The proposed REC facility would be a modern, appropriately located, well-run and well-regulated, waste management facility that would operate in line with current pollution control techniques with standards that should pose little risk to human health and maintained under separate permit regulations under Environment Agency. The proposed REC facility would operate 24 hours a day 7 days a week with deliveries to and from the site taking place between 0700-1900 Monday to Friday and 0700-1400 hours on Saturdays. The surrounding area is commercial and industrial in character including Jaguar Land Rover Castle Bromwich plant on the opposite side Fort Parkway. Dunlop Way is situated off Fort Parkway and busy Spitfire Island and Chester, which are part of strategic highway, where the application site is located approximately 350 metres south west (Bromford Drive) and north-east (Castle Vale) of the nearest residential areas and the routing would not HGV's to travel along residential roads. Regulatory Services have raised no objections subject to the imposition of a cumulative noise restriction condition for plant and machinery. I concur with this view and consider that the proposal is unlikely to affect the amenity of residential occupiers within the immediate vicinity of the site.
- 6.58. Regulatory Services have also approach this application on the assumption that the plant would operate in accordance with an Environmental Permit should one be granted and that, should there be any non-compliance, the Environment Agency would act in accordance with its enforcement powers conferred through the environmental permitting regime.
- 6.59. I note that UKWIN refers to the Isle of Wight Energos Plant, which had to be closed to deal with emissions that breached pollution control. In the Isle of Wight case, Energos technology was applied to an existing facility, which had to be adapted, and this resulted in problems meeting emission limits. I note from the applicant and evidence available that this has been corrected, and that the pollution control regime was able to regulate the operation on site. The proposed REC facility here would be a new facility and designed differently to the plant on the Isle of Wight. The applicant has also confirmed that the Energos Plant in Norway operates with emissions below those specified in the Waste Incineration Directive through permit regulation.
- 6.60. With regards to climate change, the proposal includes a number of measures to tackle climate change:
- Proposed modern facility with proven technology across 15 sites across Europe in providing sustainable, renewable energy production and delivering low emissions;

- Proposed REC facility would utilise residual waste that would otherwise be sent to landfill;
- Proposed energy from waste would reduce greenhouse gas produced at landfill sites and/ or through the use of fossil fuels;
- Improved local energy diversity, resilience and security;
- By providing a localised facility, it would reduce the need to transport waste to landfill or other facilities across UK;
- Re-use of industrial site and improvements to landscape buffers in the form native species are proposed to the front and rear of the site that has potential to off-set greenhouse gases;
- SuDS feature includes below ground geo-cellular storage and flow controls within the development site;

6.61. **Land contamination** – Currently, the application site comprises a number of industrial buildings. A desk top study was been provided as part of the supporting ES submission. The Environment Agency and Council's Regulatory Services have recommended land contamination conditions are imposed as the desk study recommends that environmental soil samples for chemical analysis or conceptual modelling (to determine contamination during the construction stage) are necessary in order to meet the requirements of environmental planning conditions.

6.62. **Flood risk and drainage** - A Flood Risk Assessment has been submitted as part of the application as the site covers an area of approximately 1.9 hectares. It identifies the site as being entirely within Flood Zone 2 and 3 and in an area that benefits from flood defences. The Environment Agency mapping identifies flood defences have been installed along both banks of the River Tame within the immediate vicinity of the site. The Environment Agency has raised no objections to the proposal subject to a condition that the development is carried out in accordance with the approved Flood Risk Assessment. There has been further supporting information submitted and the Council as Local Lead Flooding Authority has also raised no objections subject to a number of conditions to include submission of further drainage details to minimise the risk of off-site flooding caused by surface water run-off and submission of a maintenance and management plan relating to a sustainable drainage scheme. Severn Trent has also recommended a drainage condition for the connection and disposal of foul waste. I concur with this view and subject to conditions, it is considered that the proposal is in accordance with policies 3.72 and 3.75 of the UDP, paragraph 103 of the NPPF and paragraph 7 of the National Planning Policy for Waste 2014 in terms of ground water, flood risk and environment impact.

6.63. **Impact on setting of heritage assets and archaeology** – An Archaeology and Cultural Heritage submission as part of the Environment Statement accompanies the application. Castle Bromwich Hall is a Grade II* Listed Registered Park and Garden that is situated approximately 600 metres to the south-east of the application beyond the elevated M6 motorway. Historic England and my Conservation and Archaeological Officer has raised no objections as the proposal is situated within an industrial area and is unlikely to have an adverse impact on the setting of these designated heritage assets.

6.64. The applicants within their Archaeology and Cultural Heritage Statement have identified that prehistoric archaeological finds have been found within 300m of the site and therefore consider the site to have some potential implications for archaeology. The Conservation and Archaeological Officer has raised no objections to the proposal subject to imposition of a condition to safeguard any potential archaeology at the site during construction.

- 6.65. **Impact on highway safety** – I note concerns have been raised with regards to traffic congestion. The access arrangement would either continue to remain from Dunlop Way to the redeveloped industrial/ warehouse unit or via the private access road onto Fort Industrial Park for the Renewable Energy Centre or redeveloped industrial unit. The proposal would provide 30 spaces for the redeveloped industrial unit and 19 spaces for the Renewable Energy Centre includes four disabled spaces. The supporting statements confirm that the plant would accept 105,000 tonnes and result in 33 in/ 33 out net daily HGV trips and 20 in/ 20 staff out trips. Transportation Development have reviewed the Transport Assessment and consider that the level of vehicle movement generated from the proposed development would be a decrease in comparison to the site's existing use. Transportation Development have raised no objections subject to the imposition of conditions. I concur with this view and consider that the proposal is unlikely to undermine highway safety within the immediate vicinity of the site.
- 6.66. **Employment generation** – The Employment Access Team (EAT) have recommended that a condition be attached in order to secure jobs for local residents living in the area. This can be attached and delivered in so far as appropriately skilled workers are locally available.
- 6.67. **Community Infrastructure Levy** - The proposed development would not attract a CIL contribution.
7. **Conclusion**
- 7.1. The scheme would involve the re-use of an industrial site and would provide a purpose-built industrial/ warehouse and Recovery Energy Centre development. The proposed REC facility represents innovative energy technologies in a suitable industrial location with good links to the strategic highway network without adverse impact on highway safety or residential amenity in planning terms, subject to relevant conditions. Additional pollution control mechanisms arise through the environmental permitting regime operated by the Environment Agency. The proposal's design would introduce a modern industrial development that would add to the character and appearance of its industrial surroundings. The proposal is in accordance with relevant policy and guidance as set out above and planning permission should be granted subject to conditions.
8. **Recommendation**
- 8.1. Approve subject to conditions

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|---|---|
| 1 | Requires the scheme to be in accordance with the environmental statement |
| 2 | Requires prior submission of an updated CHP Feasibility Review. |
| 3 | Restricts 105,000 tonnes of waste per annually. |
| 4 | Requires development to be carried out in accordance with the approved Flood Risk Assessment (FRA). |
| 5 | Requires the prior submission of sample materials |
-

6	Requires the prior submission of a contamination remediation scheme
7	Requires the prior submission of a contaminated land verification report
8	Requires the prior submission of investigation for archaeological observation and recording
9	Requires the prior submission of a lighting scheme
10	Requires the parking area to be laid out prior to use
11	Requires the prior submission of cycle storage details
12	Requires the delivery and service area prior to occupation
13	Requires the prior installation of means of access
14	Requires the prior approval of details to prevent mud on the highway
15	Requires the prior submission of a construction method statement/management plan
16	Requires the prior installation/ removal of redundant footway crossing.
17	Prevents storage except in authorised area
18	Limits delivery time of goods to or from the site
19	Requires the submission of hard and/or soft landscape details prior to occupation.
20	Requires the submission of hard surfacing materials prior to occupation.
21	Requires the submission of boundary treatment details prior to occupation
22	Requires the prior submission of a landscape management plan
23	Requires the prior submission of level details.
24	Limits the noise levels for Plant and Machinery
25	Requires the scheme to be in accordance with the listed approved plans
26	Requires the prior submission of a sustainable drainage scheme
27	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
28	Requires the prior submission of a drainage scheme
29	Requires tree pruning protection
30	Secures local employment
31	Limits the approval to 3 years (Full)

Case Officer: Mohammed Akram

Photo(s)

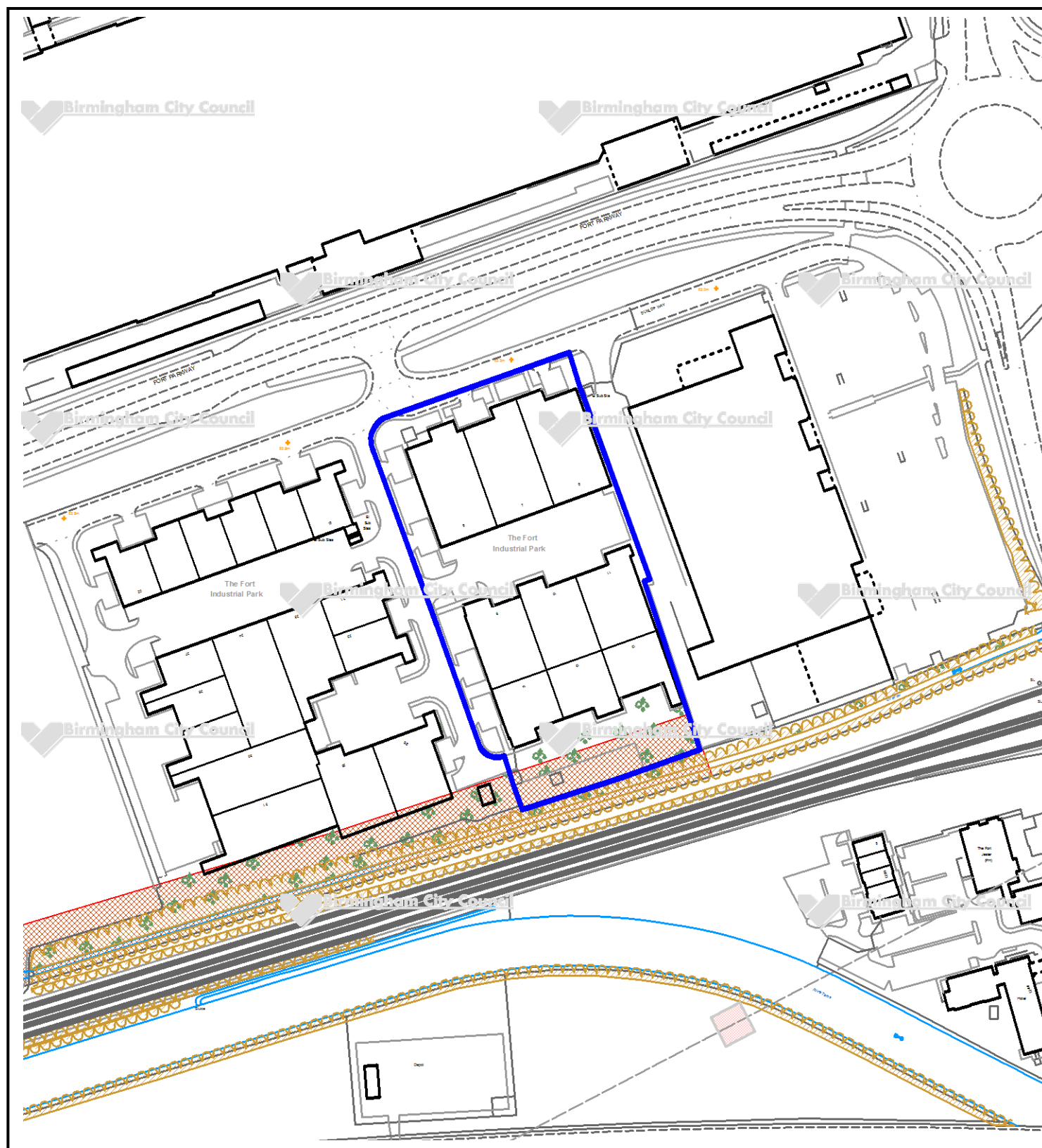


Figure 1: Illustrative 3D view



Figure 2: View from Dunlop Way

Location Plan



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Committee Date:	23/06/2016	Application Number:	2015/10290/PA
Accepted:	15/02/2016	Application Type:	Full Planning
Target Date:	11/04/2016		
Ward:	Erdington		

Land adjacent 33 Yenton Grove, Erdington, Birmingham, B24 0HZ

Erection of one dwelling house

Applicant:	Mr Robert Palmer 60 Bonner Drive, Walmley, Sutton Coldfield, Birmingham, B76 1DZ
Agent:	HG Design Limited Sutton House, 4 Coles Lane, Sutton Coldfield, Birmingham, B72 1NE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a two storey, 2-bed detached dwelling to land adjacent to 33 Yenton Grove, Pitts Farm Estate, Erdington.
- 1.2. Site layout: The property would be located on garden land associated with 33 Yenton Grove. The area of land is located on a corner plot, bounded by the northern side elevation of 33 Yenton Grove and the western boundary of a newly built property in Bowcroft Grove. To the northern corner/edge of the site lies a grassed area of approximately 5.5m in width between the application site and the highway. The proposed property would measure approximately 6 metres in width x 7.2m in depth x 7.4m in height to ridge, 4.9m to eaves. Private amenity area would be located to the rear of the property equating to approximately 65sqm and a small front garden area ranging in depth between 1.6m and 3m in depth would be located to the front, a 900mm wide access would be located to the southern edge of the site to allow access to the rear garden area . One off road parking space is proposed to the front.
- 1.3. External appearance: The proposed property would be located to the end of a terrace of 4 traditional 2-storey simplistically designed uniformed town houses in an area/estate which has undergone extensive demolition and re-development through the erection of 88 new dwellinghouses. The proposed property would be located slightly back of the existing uniformed building line by approximately 1m and has been designed with a gable end to the front elevation containing large windows to both the ground floor and first floors areas and, a recessed frontage containing the entrance doorway and a further window to the first floor area. The proposed dwelling would be constructed of facing brickwork, roof tiles and grey UPVC windows and doors which would match the newly developed properties within the vicinity. A 1.8 metre high close board fence is proposed to the rear boundaries.
- 1.4. Internal layout: The proposed property would comprise of a living room, kitchen and W.C to the ground floor and a bathroom and two bedrooms measuring 12.4sqm and 8.8sqm to the first floor.

[Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The site is located on a corner plot bounded by Yenton Grove to the west and Bowcroft Grove to the north, being former garden land associated with property number 33 Yenton Grove. The residential estate known as Pitts Farm to which the site is located has undergone extensive re-development recently with the demolition of properties and the erection of 88 newly built properties and associated works including highway improvements, approved under application reference 2012/05750/PA.
- 2.2. Due to the topography of Yenton Grove, the properties are stepped in height in a southerly direction. The surrounding area is wholly residential in character

[Location Plan](#)

3. [Planning History](#)

- 3.1. No planning history to the site.

3.2. [Surrounding Pitts Farm Estate](#)

- 3.3. 09.11.2012. 2012/05750/PA, The erection of 88no. two, three, four and five bedroom dwellings for rent and private sale with associated parking, landscape and highway works, approved.
- 3.4. 02.04.2007. 2005/02071/PA, Erection of 98 dwellings, comprising houses, bungalows and flats, and associated highway closures, diversions and improvements, and formation of new highways, approved.

4. [Consultation/PP Responses](#)

- 4.1. Regulatory Services – No objections
- 4.2. Transportation Development – No objections subject to conditions requiring improved pedestrian links through the site, cycle storage details, pedestrian sightlines of 2m x 2m x600mm and details regarding the installation of a footway crossing.
- 4.3. Severn Trent Water – No objection subject to a condition requiring drainage details, advising that a public sewer may be located within the site.
- 4.4. West Midlands Police - No objections, advocating the principles of 'Secure by Design'
- 4.5. Site notice posted, nearby residents, residents associations, local MP and Ward Councillors notified, with the following response received:
- Councillor Gareth Moore requests that the application be heard at planning committee on the grounds of residential amenity impact.

5. [Policy Context](#)

- 5.1. Birmingham Unitary Development Plan (2005) and Draft BDP (2013); Places for Living (2001) and 45-Degree Code SPG; Car Parking Guidelines SPD (2012); Nationally Described Space Standards (2015) and NPPF (2012).
6. Planning Considerations
- 6.1. The relevant considerations in the assessment of this application are:
- 6.2. **Policy:** The adopted UDP resists proposals that would have an adverse effect on the quality of the built environment and emphasises that improving the quality of the built environment is one of the most important of the plan's objectives. The adopted UDP encourages a high standard of design and policy 3.14D sets out good urban design principles.
- 6.3. 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and distance separation guidelines, with emphasis on assessing context and responding positively to local character.
- 6.4. The NPPF seeks to ensure the provision of sustainable development of good quality, in appropriate locations and sets out principles for developing sustainable communities. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also 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.
- 6.5. **Principle:** The site is a parcel of land located to the side of 33 Yenton Grove, Pitts Farm Estate. The surrounding area is wholly residential in character with a mix of traditional town houses and newly developed two, three, four and five bedroom 2-storey properties. I consider the development for a new residential dwelling would, in general terms constitute sustainable development, as the site is brownfield land within walking distance to shops, public transport, schools and recreational facilities. If the detailed matters of layout and design, amenity and parking are found to be acceptable then I consider that the proposal could be supported in principle.
- 6.6. **Layout and design:** The site is located on a corner plot bounded by Yenton Grove and Bowcroft Grove, the street scene within the immediate vicinity and the surrounding area is characterised by simplistically designed uniform two-storey town houses and newly erected modern two-storey dwellings. The existing dwellings within the street scene are of a generally similar nature with uniform building lines, small front garden areas and modest private rear gardens. The proposed property would be of a simplistically modern design constructed of similar materials to the newly erected properties within the estate, designed to turn the corner of Yenton Grove/Bowcroft Grove, with active frontages including windows within the front and side elevation fronting Bowcroft Grove. The property would generally follow the existing building lines of neighbouring properties, being slightly set back from the uniform front building line of properties to the south and slightly protruding forward of the front building line of new build properties to the east. The street scene within the vicinity is one of a mix of high density modern and traditional semi-detached properties and town houses. Consequently, it is considered that the proposed property would be acceptable in terms of layout and design and impact within the streetscene.

- 6.7. **Residential amenity:** Ward Councillor Gareth Moore has referred this item to be heard at Planning Committee on residential amenity impact grounds. In terms of the amenity of future occupiers, the 'Nationally Described Space Standards' require a minimum of 70sqm of internal floor space for a two bedroom, two storey, 3 person property and 11.5sqm should be provided for a double bedroom and 7.5sqm for a single bedroom. The property would provide approximately 77sqm of internal floor space and, two bedrooms, a double of 12.4sqm and a single of 8.8sqm, adhering to this guidance. SPG 'Places for Living' advocates 52sqm minimum of private amenity area for two-bed properties, the property would provide 65sqm also adhering to guidance. Consequently, it is considered that the proposed property would provide a satisfactory level of internal and external residential amenity for future occupiers.
- 6.8. In terms of the amenity of neighbouring occupiers, 'Places for Living' advocates that 5 metres per storey set back should be provided where new development with main windows overlook existing private amenity space and that a minimum of 12.5 metres should be provided between windowed elevations and opposing 1 and 2 storey flanked walls. The distance between the proposed rear elevation of the dwelling and the rear boundary would be 9.2 metres, 0.8 metres below guidance and, the distance between the rear elevation of the property and the side facing two storey flank wall of the neighbouring property to the rear within Bowcroft Grove is 12.2 metres, 0.3 metres below guidance. The existing property at No.33 Yenton Grove has a small obscurely glazed window and obscurely glazed side entrance doorway to the ground floor side elevation fronting the site, with no windows located to the first floor area, and the property to rear fronting site from Bowcroft Grove has no windows to the two-storey side elevation fronting the site. 1.8m high close board fencing also screens neighbouring properties from the application site. The property would be located within the high density Pitts Farm residential estate, where properties generally have small front gardens and modest rear private amenity areas. Consequently, I consider that although the distance separation falls marginally below the guidelines, the proposed dwelling would have no adverse impact on the adjoining residential occupiers in terms of light and outlook. The proposed development would adhere to the adopted 45-degree code. A condition removing permitted development rights for further extensions has been attached to ensure amenity is not compromised. Furthermore, Regulatory Services have assessed the proposal and raise no objections.
- 6.9. **Parking and Highway Safety:** Transportation Development have assessed the proposal and raise no objections, subject to conditions or amendments, including improved pedestrian links, cycle storage details, pedestrian sightlines and details of proposed footway crossing. Concern has been raised as there is minimal additional hardstanding space (200mm) alongside/in-front of the proposed parking area to allow pedestrians access into the property or to the rear access gully. This issue was discussed with the applicant and an amended scheme has been submitted, allowing 800mm gap between the parking area and the front entrance doorway and side access gully, satisfying this concern. In terms of the conditions proposed, I accordingly attach conditions requiring pedestrian sightlines and footway crossing details, however I consider the condition requiring cycle parking provision unnecessary in this instance due to the available garden size.
- 6.10. **Other issues:** Severn Trent Water have assessed the proposal and raise no objections subject to a condition requiring drainage details and, West Midlands Police raise no objections, advocating the principles of Secure by Design. I concur with these views.

7. Conclusion

- 7.1. The proposed dwelling would provide a satisfactory internal and external living environment for future occupiers. Whilst space separation distances fall slightly under that advocated, it is considered that in this instance the overall layout of the proposal would be acceptable, with no significant detrimental impact on the residential amenity of neighbouring occupiers or appearance within the street scene. No significant impact would occur on highway safety.

8. Recommendation

- 8.1. Approve subject to the following conditions.

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| 1 | Removes PD rights for extensions |
| 2 | Removes PD rights for new windows |
| 3 | Requires the prior submission of a drainage scheme |
| 4 | Requires pedestrian visibility splays to be provided |
| 5 | Requires the prior installation of means of access |
| 6 | Requires the prior submission of level details |
| 7 | Requires the prior submission of sample materials |
| 8 | Requires the scheme to be in accordance with the listed approved plans |
| 9 | Limits the approval to 3 years (Full) |
-

Case Officer: Keith Mellor

Photo(s)



Site frontage 1



Northern site boundary 1

Location Plan



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Committee Date:	23/06/2016	Application Number:	2016/02969/PA
Accepted:	21/04/2016	Application Type:	Variation of Condition
Target Date:	21/07/2016		
Ward:	Stechford and Yardley North		

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

Application for variation of Condition No. 6 attached to planning permission 2013/07264/PA to amend the minimum unit size where the retailer is predominantly selling food from 1,000 sq.m. to 900 sq.m.

Applicant:	Savills Investment Management c/o Agent
Agent:	Savills (UK) Limited Belvedere, 12 Booth Street, Manchester, M2 4AW

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Consent is sought to vary condition 6 attached to planning permission 2013/07264/PA, which currently states “ No more than 2,500sqm of the total permitted gross retail floor space may be used for the sale of food goods, and where the retailer is predominantly selling food, the unit size shall be no less than 1,000sqm”. The reasoning for this condition was “In order to control the character of the out of centre retail park and to prevent an adverse impact on the vitality of existing shopping centres in accordance with Paragraphs 3.8, 3.10 and 7.27-7.30 of the Birmingham UDP 2005 and the National Planning Policy Framework”. This application seeks to amend the condition to reduce the minimum unit size of a food store from 1000sqm to 900sqm and to read as “ No more than 2,500sqm of the total permitted gross retail floorspace may be used for the sale of food goods, and where the retailer is predominantly selling food, the unit size shall be no less than 900sqm”.
- 1.2. The applicant advises that the 1,000sqm limit is no longer appropriate due to the configuration of the units at the retail park, as well as the retail market in general, which rarely delivers retail units of that particular size. Typically, retail warehouse units are developed as a series of 10,000sqft (929sqm) units and there is an inbuilt tension between the 1,000sqm figure given in the condition and the preference in the sector for 10,000sqft (929sqm) unit sizes. Furthermore, nine of the ten retail units are under 1,000sqft with six of the ten being close to the industry standard, ranging from 922-932sqm. The applicant argues that there is a clear preference for units which are marginally below the 10,000sqft threshold and these are needed in order to attract and accommodate potential tenants at the retail park.
- 1.3. The previous planning permission included a financial contribution of £75,000 towards highway improvements in the Stechford and Yardley North Ward and this contribution remains with a Deed of Variation.

- 1.4. 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.
- 1.5. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site comprises of Stechford Retail Park, which is located off Flaxley Parkway at the Station Road / Iron Lane / Flaxley Road junction. The Retail Park comprises of 11 units and provides a total of 9,706 sqm of retail floor space. The retail park is outside of the designated Neighbourhood Centre of Stechford which is located some 200m to the south over a railway bridge.
 - 2.2. The highways adjacent to the retail park's vehicular entrance (Flaxley Road and Iron Lane) are subject to highway improvements, which are due to commence in 2017.
 - 2.3. [Site location](#)
3. Planning History
 - 3.1. 18/04/96 - 1992/03052/PA. Retail warehousing, industrial business units, restaurant, car parking, landscaping and highway works. Approved.
 - 3.2. 27/11/97 - 1997/03183/PA. Reserved matters in respect of siting of buildings, design, external appearance and access in respect of part of the site under Outline Consent 1992/03052/PA for construction of retail warehousing, industrial business units, restaurant, car parking, landscaping and highway works and compliance with conditions 7, 9, 11, 12, 13 and 16 attached to Outline Consent No. 1992/03052/PA. Approved.
 - 3.3. 25/08/06 - 2006/02609/PA. Part removal of condition 36 attached to approval 1992/03052/PA (restricting retail warehousing to non-food only) to allow for up to 279sqm of the total permitted retail floorspace to be for food retail (non-perishable). Approved.
 - 3.4. 28/09/06 - 2006/04265/PA. Erection of two retail warehouse units including mezzanine floors (3505.5sqm / non-food retail)(rebuilding following fire damage). Approved.
 - 3.5. 31/10/06 - 2006/05803/PA. Deletion of condition 10 (minimum of 45% of total area to be retained for industrial purposes and no more than 40% of total area developed for non-food retailing and restaurant from planning permission C/02609/06/FUL. Approved.
 - 3.6. 26/5/11 - 2011/02418/PA. Variation of condition 8 attached to 2006/05803/PA to allow up to a maximum of 453sqm of the total permitted gross retail floor space within the red line boundary. Approved.
 - 3.7. 29/05/13 - 2012/08155/PA. Variation of condition 8 to planning approval 2011/02418/PA to enable the floor space to be used for the sale of all goods. Withdrawn.

- 3.8. 17/10/13 - 2013/05928/PA and 2013/07397/PA. Application for Lawful Development Certificate for confirmation that the existing floor space at the Retail Park can be used for retail food sales. Refused and appeal withdrawn.
- 3.9. 07/04/14 – 2013/07264/PA. Application for a variation of condition no. 8 attached to planning permission 2011/02418/PA to allow no more than 2,500 sqm of the total permitted gross retail floor space to be used for the sale of food goods, and where the retailer is predominantly selling food, the unit size shall be no less than 1,000 sqm. Approved.
4. Consultation/PP Responses
- 4.1. Transportation Development – No objection.
- 4.2. Regulatory Services – No objection.
- 4.3. Local residents associations, local Councillors and MP consulted with site and press notices posted. 1 representation received on the grounds that there should be no increase in the size of the food store until the highway improvements are implemented. The road junction is already above maximum capacity at peak times.
5. Policy Context
- 5.1. Birmingham UDP, Draft Birmingham Development Plan, Shopping and Local Centres SPG, Car Parking Guidelines SPD and the National Planning Policy Framework.
6. Planning Considerations
- 6.1. Background:
- 6.2. The existing retail park was originally built under its 1996 consent (1992/03052/PA), where the floor space was limited to the sale of non-food goods only. In 2006, consent (2006/02609/PA) was granted to allow up to 279sqm of the total floor space to be for food retail. This was increased in 2011 (2001/02418/PA) to 453sqm. This has allowed Home Bargains and Poundworld to sell small amounts of food goods at the retail park.
- 6.3. A Lawful Development Certificate (2013/05928/PA & 2013/07397/PA) for confirmation that all of the floor space within the retail park could be used for unrestricted food sales was refused in 2013. In 2014 (2013/07264/PA), consent was granted for a larger area of floor space to be used to sell food goods, to a maximum of 2,500sqm and where the retailer is predominantly selling food, the unit size shall be no less than 1,000sqm. These restrictions limit the ability to use the entire retail park to accommodate a single food retailer (the retail park's total floor space is 9,706sqm). The restriction to no more than 2,500sqm means in practice that no more than 3 adjacent units as currently configured could be adapted as a food store. The minimum unit size was taken from the recommended figure at paragraph 7.30 of the Birmingham UDP, which seeks to limit the unit sizes of all retail warehouse developments outside of town centres.
- 6.4. Planning policy:
- 6.5. The NPPF states the government's presumption in favour of sustainable development, outlining the 3 dimensions of sustainable development which are

economic, social and environmental. Chapter 1 deals with the economy and reinforces the importance of securing economic growth in order to create jobs and prosperity. Retail policy is contained within chapter 2; this emphasises the importance of promoting town centre environments. When assessing applications for retail outside of town centres, local authorities should require an impact assessment (for development greater than 2500sqm) and where an application fails to satisfy the sequential test or is likely to have a significant adverse impact it should be refused.

- 6.6. The UDP at policy 7.27 states wherever possible, proposals for new retail development should be accommodated within centres. It further states that the City Council may be prepared to support retail proposals which are not in a centre, provided that the principles of the sequential approach have been followed. The main considerations involved with the determination of the proposals are retail policy and highway safety.
- 6.7. The Draft Birmingham Development Plan at Policy TP20 highlights that centres will be the preferred locations for retail developments and proposals outside of the network of centres will not be supported unless they satisfy the requirements set out in national planning policy.
- 6.8. Retail impact:
- 6.9. In support of the previous application (2013/07264/PA) an extended search for sequential opportunities looked at Stechford Neighbourhood Centre, the Fox and Goose District Centre, The Swan District Centre, Alum Rock Road District Centre, Meadway District Centre, Ward End Neighbourhood Centre, Pelham Neighbourhood Centre, Glebe Farm Neighbourhood Centre, Lea Village and Yew Tree Neighbourhood Centres. At the time of the determination of the previous application all of these Centres were considered unsuitable by the applicant due to no units being available to accommodate the floor space required due to size (all smaller than 1000 sqm) or no qualitative requirement for any additional large format convenience floor space given the existing large format stores in these centres.
- 6.10. In terms of impact, Planning and Growth Strategy, whilst not objecting to the application, advised at the time of the previous 2013 application that overall they were not convinced by the submission's methodology or the robustness of their conclusions and their impact analysis remained unclear. The Retail Report referred to local expenditure, turnover and convenience trade diversion from other local Centres and large format food stores within the study area. Three scenarios were given to show that 85%, 75% and 65% (scenario A, B and C) of the reclaimed expenditure would be spent at the new store which would equate to £7.65m, £10.45m and £13.25m being diverted from existing centres and stores respectively. The trade draw from any of the main centres and stores within the study area would not exceed 11% (Tesco, Fox and Goose, the trade diversion within scenario C is 10.7% and is the highest figure). The likely worst affected centre would be the Fox and Goose. Stechford (the nearest centre) does not currently have any large format food stores and so in all 3 scenarios there would be a nil impact. It was accepted that 15% is the threshold for significant adverse impact within the retail sector as a whole but this increases to 20% in the convenience goods sector alone. It followed therefore that the worst case scenario of 11% on Tesco at the Fox and Goose (and the 6% Fox and Goose Centre) did not constitute significant adverse impact. Planning and Growth Strategy therefore considered it unlikely that there would be an impact reason for refusal for the 2013 application.

- 6.11. In relation to the current application, the applicant highlights that the retail park is an existing property, with consent for up to 2,500sqm of food retail already permitted and it is arguable whether a sequential test is required. Furthermore, it is added that there are no vacant units in Stechford Neighbourhood Centre that could accommodate a foodstore of 900sqm plus and therefore the edge-of-centre retail park is the most sequentially preferable location.
- 6.12. In relation to impact, the applicant also highlights that the impact of up to 2,500sqm of food retail floorspace has been assessed and no increase to this proposed. It also adds that the effect of reducing the unit size by 100sqm would cause a very slight reduction in the potential food turnover at the site.
- 6.13. Since the approval of the previous application, potential sequential opportunities have emerged that could potentially accommodate a foodstore. Outline planning permission has been granted for Phase 1 of the redevelopment of the Meadway District Centre (2015/09502/PA) which includes up to 2,730sqm new retail, community and/or leisure floor space. However, it should be noted that this new district centre is to replace the existing Poolway Shopping Centre, which includes an existing and occupied food store. Furthermore, a sequential opportunity within Stechford Neighbourhood Centre might become available in the future. The proposed replacement Stechford Swimming Pool (subject to a current planning application - 2016/03495/PA), would result in the existing Cascade Swimming Baths site (approximately 1ha) becoming vacated.
- 6.14. These are both sequentially preferable locations to the application site. The Meadway redevelopment is a re-provision of an existing district centre including a food store, whilst the Cascades Swimming Baths is of an appropriate size and both could accommodate a foodstore of 1,000sqm. These sites could also accommodate a 900sq foodstore.
- 6.15. It could be argued that the lowering of the minimum floor space by 10% to 900sqm would make the delivery of an out-of-centre foodstore more likely, as it would meet the industry standard and allow the occupation of just a single 900sqm unit. However, the principle of a foodstore in this location has been established with the previous consent. The question therefore is whether the resulting impact of the minimum floorspace reduction would undermine the objectives of the relevant retail policy to the detriment of nearby centres. In light of the existing minimum floor space restriction and the modest scale of the proposed 10% reduction, as well as the new potential sequential opportunities identified being able to accommodate the existing 1,000sqm minimum floor space restriction it is considered that there are insufficient grounds for refusal and the proposal would have no worse adverse impact on the vitality and viability of nearby centres. Planning and Growth Strategy concur and raise no objection to the application.
- 6.16. Highway impact:
- 6.17. Access to the Retail Park is off Flaxley Parkway via the Iron Lane junction (the gyratory) which is a traffic signal-controlled junction. The roads serving the Retail Park accommodate high volumes of traffic and the Retail Park is a relatively busy example of a non-food retail park which is busier on a Saturday than other days of the week. The Transport Assessment submitted with the previous application (2013/07264/PA) stated that "Food stores tend to generate higher levels of traffic than non-food stores. In this context there is a general proposition that introducing a food operator onto a non-food retail park will increase the level of traffic generated by the park. There are however a number of factors that influence

the level of additional traffic which mean that the overall increase in traffic is much less than a food store of a similar size developed in isolation. These factors are:-

- The floor space is already generating traffic as non-food retail floor space
- By locating the food operator on a non-food retail park there is the opportunity for shoppers to very easily link trips between two or more uses on the site.
- Food retail has a much greater propensity to attract pass- by trips particularly in peak periods when there are more vehicles on the network and congested traffic conditions generally on the highway network deter single purpose retail trips which can be made at any time of the week. ”

6.18. It was within this context that the agents argued that the overall increase in traffic across the wider network as a result of the proposals would not be significant. It was accepted that there would be a material change in traffic flow on Flaxley Parkway (the site access) and at the gyratory junction. Their Assessments however concluded that there would be little impact on junction operation. The Assessment also made reference to the City's junction improvement scheme at the Iron Lane gyratory and considers that it would offer considerable benefit in the context of traffic flow over the existing junction arrangement.

6.19. It was concluded that subject to a financial contribution of £75,000 towards general highway improvements as needed within Stechford and also used to improve the pedestrian links between the site and Stechford Centre, there would be no adverse impact on highway safety. The current application does not propose to alter the maximum food retail floor space and thereby would have no impact on the worst-case scenario regarding traffic generation. Transportation Development raises no objection to the proposal and a legal agreement would be required to secure the £75,000 financial contribution.

6.20. The proposal is a non CIL liable development and as such does not attract a CIL contribution.

7. Conclusion

7.1. Whilst there have been changes in circumstances in relation to potential sequential opportunities, in light of the current floor space restrictions and the relatively small reduction in the minimum unit size, it is considered that a reason for refusal would not be appropriate and there would be no worse adverse impact on the vitality and viability of established centres. As such approval, subject to the completion of an appropriate legal agreement, is recommended.

8. Recommendation

8.1. That application 2016/02969/PA be deferred pending the completion of a suitable Deed of Variation to require:-

1. A financial contribution of £75,000 upon implementation (index linked to construction costs from 9th January 2014 to the date on which payment is made) towards highway improvements in the Stechford and Yardley North Ward.

2. Payment of a monitoring and administration fee associated with the legal agreement of £2620, to be paid on completion of the S106 Agreement.
- 8.1. In the event that the above Deed of Variation is not completed to the satisfaction of the Local Planning Authority on or before 19th July 2016, planning permission shall be REFUSED for the following reason:
- In the absence of a suitable planning obligation to secure contributions towards highway improvements in the Stechford and Yardley North Ward the proposed development conflicts with policies 3.8, 3.10 and 6.20A of the adopted Birmingham UDP and the National Planning Policy Framework.
- 8.2. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 planning obligation.
- 8.3. In the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority on or before 19th July 2016, favourable consideration be given to this application, subject to the conditions listed below:

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Cycleways and pedestrian walkways and crossings to be maintained. |
| 3 | Retail units A-J not to be subdivided |
| 4 | Requirement for window display within units K and L |
| 5 | Changes to or addition to plant and machinery require further consent |
| 6 | Restriction of 2,500 sqm (gross) for total food sales within the Retail Park and no food unit to be less than 900sqm |
| 7 | Notices and signs at entrance/exit to be maintained. |
| 8 | All loading and unloading of goods to take place within the application site. |
| 9 | No open storage |
| 10 | No storage, display or sale of goods/vehicles to take place in the open |
| 11 | No burning of refuse within the application site. |
| 12 | Parking areas to be used for no other purpose |
| 13 | No storage of hazardous materials |
| 14 | Limits delivery time of goods to or from the site (0730-1930 Mon-Sat) |
| 15 | Limits the approval to 3 years (Full) |
-

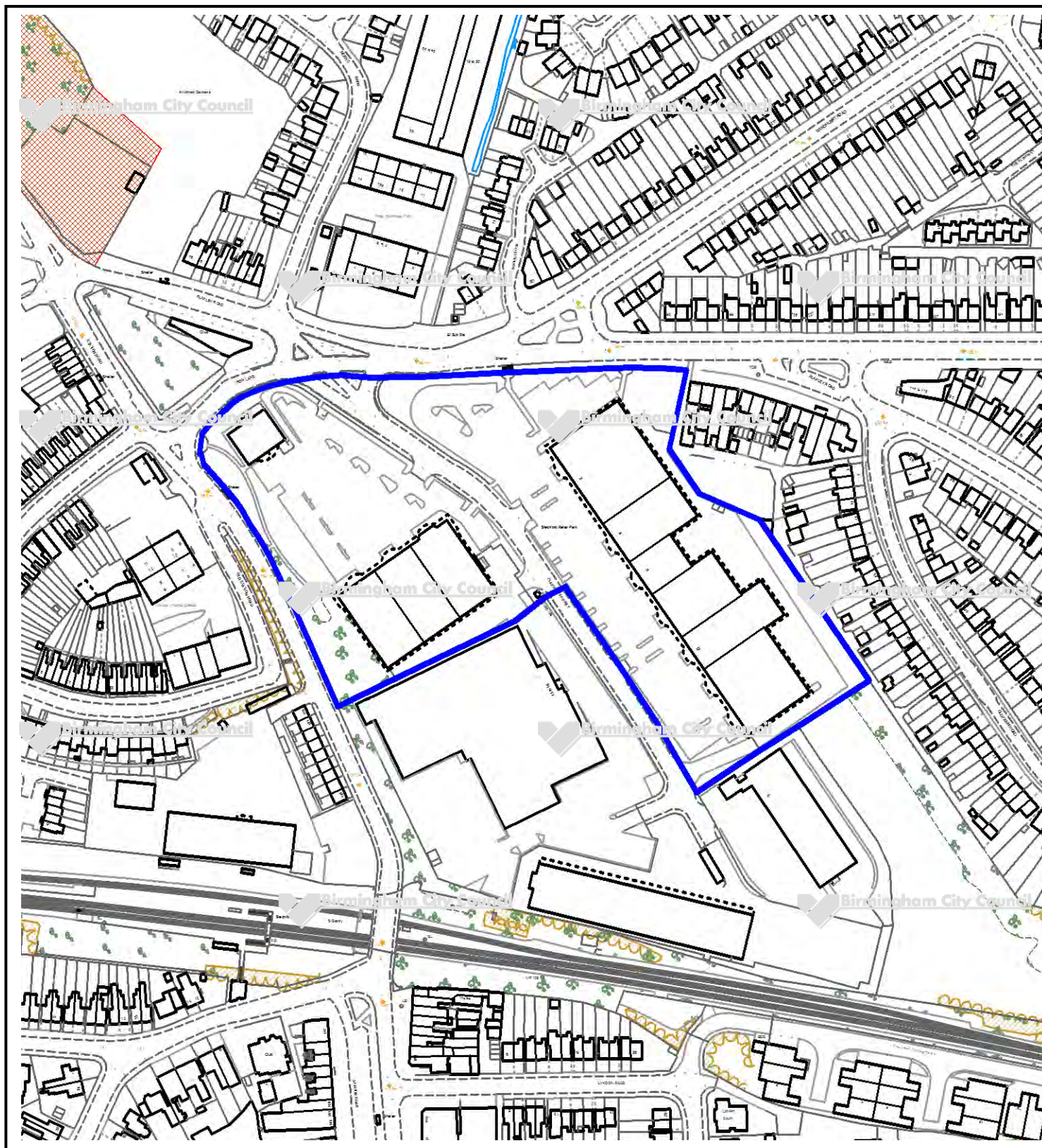
Case Officer: Peter Barton

Photo(s)



Figure 1 – Stechford Retail Park

Location Plan



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**Birmingham City Council
Planning Committee 23 June 2016**

Appeal Decisions Received from the Planning Inspectorate in May 2016

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	22 Shelley Drive, Sutton Coldfield	Erection of first floor side extension. 2016/00264/PA	Dismissed	Delegated	Written Representations
Advertisement	Washwood Heath Depot, Land at Railway Sidings, Heartlands Parkway, Bromford	Display of 1 internally illuminated freestanding double-sided advertising totem. 2015/05375/PA	Allowed (see note 1 attached)	Delegated	Written Representations

Total - 2 Decisions: 1 Dismissed (50%), 1 Allowed

Cumulative total from 1 April 2016 - 10 Decisions: 8 Dismissed (80%), 2 Allowed

Notes relating to appeal decisions received in May 2016

Note 1 (Washwood Heath Depot)

Application refused because the advertisement hoarding would present a) an unduly obtrusive feature in the street scene, adversely affecting the visual amenity of the area and b) an unduly distracting feature in the street scene, adversely affecting public safety on the adjoining highway.

Appeal allowed because the Inspector considered that a) the visual impact of the advertisement would be limited and not overly intrusive in the street scene and b) following the withdrawal of an objection by Network Rail, the Inspector is satisfied that there would be no harm to public safety as a result of the proposal.