

Birmingham City Council

Planning Committee

26 September 2019

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	9	2019/05337/PA Land adjacent 17 Friary Road Handsworth Birmingham B20 1BD Retention of 1 no. detached dwelling house
Approve – Conditions	10	2019/05177/PA Mill Court City Hospital, Sandwell & West Birmingham Hospitals NHS Trust Dudley Road Birmingham B18 7QH Formation of 3m wide cycle-lane and 2m foot path.

Committee Date:	26/09/2019	Application Number:	2019/05337/PA
Accepted:	15/07/2019	Application Type:	Full Planning
Target Date:	26/09/2019		
Ward:	Handsworth Wood		

Land adjacent 17 Friary Road, Handsworth, Birmingham, B20 1BD

Retention of 1 no. detached dwelling house

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks consent for the retention of a new detached dwelling house on land to the side of 17 Friary Road.
- 1.2. The dwelling house is of a contemporary design proposing living accommodation over three floors. The second floor is shallower in width and depth than the lower floors enabling a rear balcony area to be created.
- 1.3. The footprint of the dwelling house is 8m in width and 10m in depth constructed with a splayed rear elevation to the ground floor only resulting in an overhanging first floor area. The dwelling house has been constructed with a flat roof totalling approx. 6.9m.
- 1.4. The dwelling is constructed level with the existing neighbouring premise at 17 Friary Road, continuing the building line of this street scene. Parking access for up to two vehicles is proposed within the front garden area of this dwelling house.
- 1.5. A Design and Access Statement has been submitted in support of this application. The Design and Access Statement sets out the design principles for this contemporary design.
- 1.6. An identical scheme was approved in 2013 (2013/01209/PA), but works did not commence prior to the expiry of the 3 year time limit. The application came about due to a current enforcement investigation (2019/0472/ENF).

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site previously comprised partly of existing garden area to the side of 17 Friary Road and partly of a vacant plot adjacent to the existing curtilage of Friary Road. A new dwelling house had been substantially completed at the site at the time of the site visit.
- 2.2. To the northwest of the proposed application site is an unmade access way leading to garages situated to the rear of premises on Friary Road and Friary Gardens. This

access way is then adjacent to allotments.

- 2.3. To the west of the site are further dwelling houses facing onto Friary Road. There are also residential premises opposite the site.

[site location](#)

3. Planning History

- 3.1. 09/08/2013 - 2013/01209/PA - Erection of 1 no. detached dwelling house – Approved subject to Conditions
- 3.2. 2019/0472/ENF - Alleged breach of pre-commencement conditions attached to 2013/01209/PA – Action held pending the determination of this application.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objections subject to a condition for noise insulation to windows serving habitable rooms.
- 4.2. Transportation Development – No objection subject to a condition for visibility splays to serve proposed driveway.
- 4.3. West Midlands Police – No objection
- 4.4. Severn Trent Water – No objection
- 4.5. Local Occupiers and Ward Councillors notified. Site Notice posted. 8 letters of objection have been received which raised concern in respect of:
- Scale, mass and design – the building is not in keeping with the street scene
 - Highway safety issues
 - The existing building work is impact on neighbours rights of access
 - Loss of privacy/overlooking issues
 - Concern in general that there is a loss of single family accommodation in the area
 - Concerns over potential HMO
- 4.6. In addition to the above 2 letters of support have also been received expressing the following:
- The modern architecture brings something new and brightening to the area.
 - Providing a family house on a derelict site is a benefit to the community.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017);
 - Unitary Development Plan (2005) (saved policies 3.14-3.14D & Chapter 8);
 - Places For Living SPG (2001);
 - Mature Suburbs SPD (2008)
 - Car Parking Guidelines SPD (2012)
- 5.2. The following national policies are applicable:
- National Planning Policy Framework (2019).

6. Planning Considerations

- 6.1. This application has been submitted following a previously approved application (2013/01209/PA). The previous permission had lapsed before works commenced and this application have been submitted to regularise the situation.
- 6.2. Through the NPPF the Government attaches great importance to the design of the built environment stating that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to make places better for people. The NPPF states that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of the development that would be expected for the area. Places for Living SPG and Mature Suburbs SPD set out clear urban design guidance for new residential development and as such are material consideration in the assessment of this proposal with regard to the NPPF. These policies also contain guidance on ensuring high quality living accommodation for proposed occupiers and ensuring the residential amenity of existing local residents.
- 6.3. This proposal seeks to utilise previously developed land within an established residential area. The broad principle of the siting of this proposal is in line with the sustainable development objectives of the NPPF and BDP policies. Although the principle of this proposal is acceptable an assessment of the details of this proposal must be considered taking into account the impact of this development on the character of the area, on existing residential amenity and whether the new dwelling would offer good quality living accommodation to the proposed occupiers.
- 6.4. Policy PG3 of the Birmingham Development Plan (2017) expects all new development to 'reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context' and make 'efficient use of land in support of the overall development strategy'.
- 6.5. When considering the proposal under the original 2013 application, the following was considered, "The design of the new dwelling house is contemporary. The urban design principles set out in Places for Living SPG seeks to ensure that new development builds on local characteristics but does not necessary copy it. As such contemporary design that has evolved from the local context can be appropriate. The houses along this section of Friary Road are not identical. There are however some distinctive characteristics in terms of the general scale and position of houses within their plots. This proposal is consistent with the scale and position of the proposed dwelling to nearby premises. Although this dwelling would be erected with a flat roof, the proportions of the proposed dwelling house with the set back second floor are generally in line with the proportions of neighbouring houses. I consider that although this proposal would be of a more contemporary design to existing neighbouring premises this proposed dwelling would not harm the overall character or quality of the street scene."
- 6.6. Policy and guidance relating to design has not fundamentally changed since this was originally considered in 2013. As such no objections are raised to the scale and form of the dwelling. Details relating to the external materials were previously covered by condition and were not previously approved. It is considered reasonable to require detail of the final external materials to be covered by condition and submitted within a time frame.

- 6.7. The new dwelling house would comprise three bedrooms and the overall accommodation would exceed the national described space standards. The dwelling would provide independent living facilities and would comprise a garden area of 80sqm which is also in line with recommends in Places for Living SPG. I consider that this proposal would result in good quality living accommodation for the proposed occupiers.
- 6.8. The new dwelling includes a balcony area to the rear of the second floor. The position of the balcony would afford a view of the adjoining allotments and the adjoining access way. The proposed balcony would not result in any direct overlooking to neighbouring residential garden areas.
- 6.9. Places for Living SPG recommends a 5m set back per windowed elevation from neighbouring boundaries to protect privacy amenity to existing neighbouring premises. The proposed garden area of this premise would be 10m in depth. The rear boundary of the proposed garden area partly adjoins the rear garden area of 46 Friary Gardens. The remainder of the rear garden boundary would be adjacent to the unmade access way. The ground and first floor windows of the proposed dwelling would achieve Places for Living separation distances from the boundary with 46 Friary Gardens. The second floor bedroom window would be below this guidance distance but would only have an oblique view of the top corner of this neighbouring garden area. I do not consider that this would cause an adverse privacy impact to this existing neighbouring garden area and as such do not consider that this would warrant the refusal of this planning application, or necessitate the imposition of a condition requiring that this window is obscurely glazed.
- 6.10. Transportation Development have considered this application and raised no objections subject to a condition ensuring visibility splays are retained at the proposed driveway access. I concur with this view and consider it reasonable to impose this condition.
- 6.11. Regulatory Services have raised no objection to this application but have requested that a condition is imposed requiring noise insulated windows are installed on the front elevation of this property to ensure the noise amenity to proposed occupiers. I consider that it is reasonable to impose this condition to ensure the satisfactory living accommodation to proposed occupiers.
- 6.12. Finally concern has been raised over the property potentially being an HMO. The proposed plans indicate the building would be occupied as a single family dwelling house.

7. Conclusion

- 7.1. This proposal results in sustainable development by seeking to re-use previously developed for the purposes of a dwelling house within an established residential area. The proposed position, design and scale of the dwelling house are acceptable and would not harm the character of the area. This proposal therefore meets with the NPPF and the Birmingham UDP.

8. Recommendation

- 8.1. Approve subject to the following conditions:

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- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the submission a Noise Insulation Scheme
 - 3 Requires pedestrian visibility splays to be provided
 - 4 Requires the submission of hard and/or soft landscape details
 - 5 Requires the submission of boundary treatment details
 - 6 Requires the submission of sample materials within 1 month
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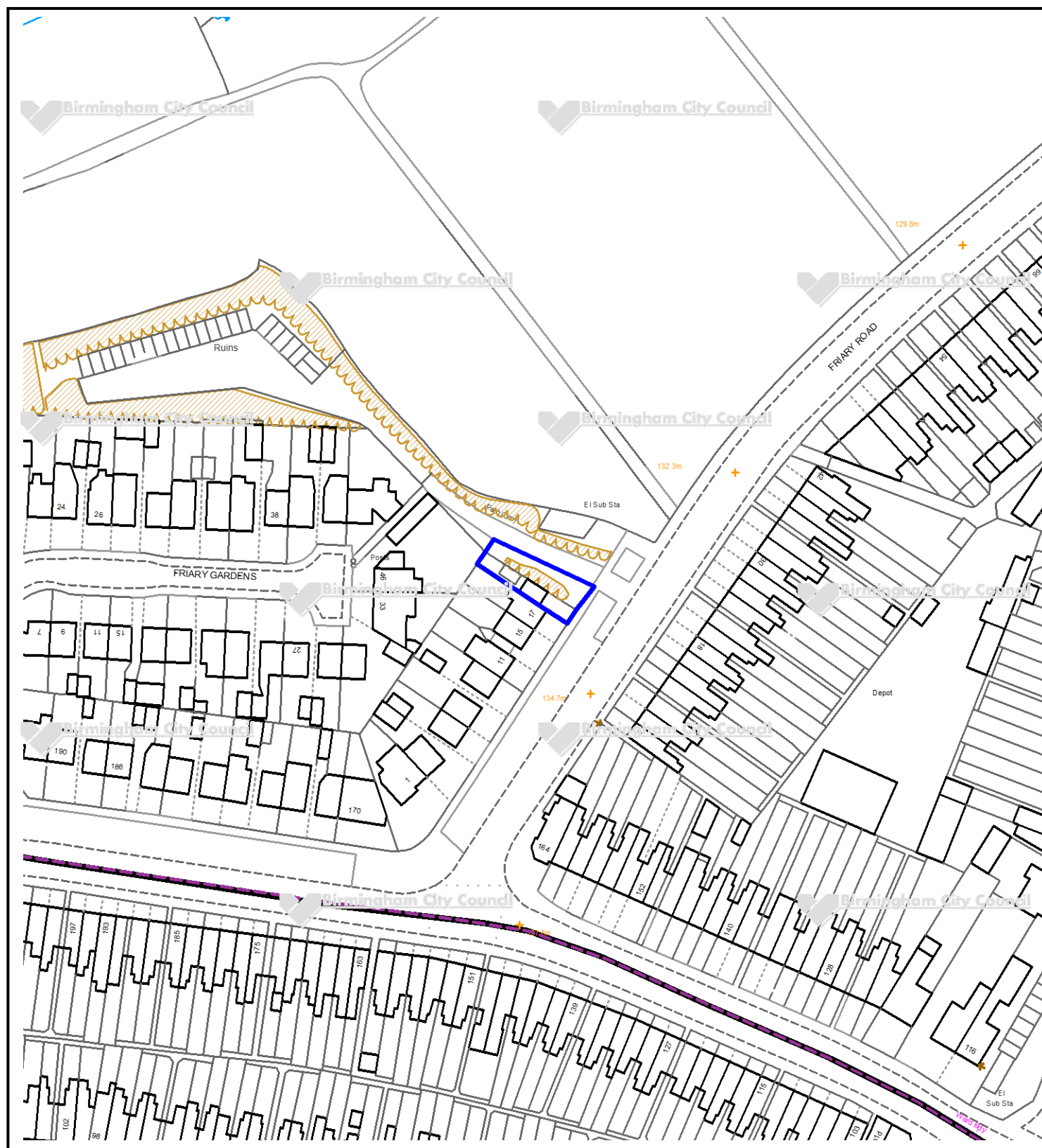
Case Officer: Philip Whittaker

Photo(s)



Photo 1: New dwelling house

Location Plan



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Committee Date:	26/09/2019	Application Number:	2019/05177/PA
Accepted:	08/07/2019	Application Type:	Full Planning
Target Date:	26/09/2019		
Ward:	Soho & Jewellery Quarter		

Mill Court City Hospital, Sandwell & West Birmingham Hospitals NHS Trust, Dudley Road, Birmingham, B18 7QH

Formation of 3m wide cycle-lane and 2m foot path.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the installation of a 3m wide cycle lane and 2m wide public footpath to the front City Hospital. This would be positioned along the south boundary of the site adjacent to Dudley Road.
- 1.2. The new path would be 5m wide and approximately 135m in length. This would a tarmacked finish with planted grassed verges to the sides. The proposal will involve the levelling to bring the cycle lane to the existing street level. This section of cycle lane / footpath forms part of the wider Dudley Road Improvement Scheme, of which work is anticipated to commence next year with work on the section subject to this application to be undertaken towards the end of 2021.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site includes the forecourt of the south west boundary of City Hospital and runs adjacent to Dudley Road.
- 2.2. The site is currently elevated from highway level by approximately 500mm. The forecourt is currently laid out in part to grassed verge with mature trees and in part to hard surface which used for the circulation of ambulances for priority parking.

2.3. [Site Location](#)

3. Planning History

- 3.1. None relevant

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection.
- 4.2. Transportation Development – No objection.
- 4.3. Lead Local Flood Authority (LLFA) – No objections however use of permeable materials is recommended.

- 4.4. West Midlands Police – No objection.
- 4.5. Letters of notification have also been sent to surrounding occupiers; local residents associations; Local Councillors and the MP for Ladywood. A site and press notice has also been posted. No responses have been forthcoming.
5. Policy Context
- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (Saved Policies 3.14 –3.14D and Chapter 8)
 - Birmingham Development Plan (2017)
 - Greater Icknield Masterplan (2016)
- 5.2. The following national policies are applicable:
- NPPF – National Planning Policy Framework (2019)
6. Planning Considerations
- 6.1. The Birmingham Development Plan sets out a clear spatial framework for the growth of Birmingham up to 2031. Within this, the City Hospital site is identified as falling within the Greater Icknield designated strategic growth location. Greater Icknield has been identified for the delivery of 3000 new homes as well as local facilities and employment opportunities. A specific Greater Icknield Masterplan has been drawn to help with the delivery of these.
- 6.2. With specific reference to the City Hospital site the Masterplan advises that the relocation of most of the hospital's services westwards along the A457 to the new Midland Metropolitan Hospital will create a significant opportunity for a new residential community of up to 750 new homes primarily for families, including conversion of attractive existing buildings.
- 6.3. The Ickneild masterplan also encourages sustainable forms of transport and advises that reduced car use should be encouraged. This can be achieved through the provision better access to public transport and walking and cycling routes. The master plan identifies the implementation of a cycle route along Dudley Road which links to the City Centre and the existing cycle network on the canal tow paths.
- 6.4. The principle of the installation of a cycle lane is therefore considered to be acceptable. It would cause no impact on the character or visual amenity of the locality.
- 6.5. It is acknowledged that the proposal would include the removal a mature tree to the front of site in order to accommodate the new cycle lane. This tree is not covered by a Tree Preservation Order and my tree officer has raised no objections to its removal. A root protection condition has been requested in order to safeguard the remaining trees on site. I consider this to be reasonable.
- 6.6. The City Ecologist has raised no ecology concerns.
7. Conclusion

7.1. The proposed development would fully accord with BDP policies and supplementary planning guidance. It would also be consistent with the objectives of national planning policy guidance.

7.2. In conclusion, I recommend the application be approved, subject to conditions.

8. Recommendation

8.1. Approve subject to conditions

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

2 Arboricultural Method Statement - Submission Required

3 Implement within 3 years (Full)

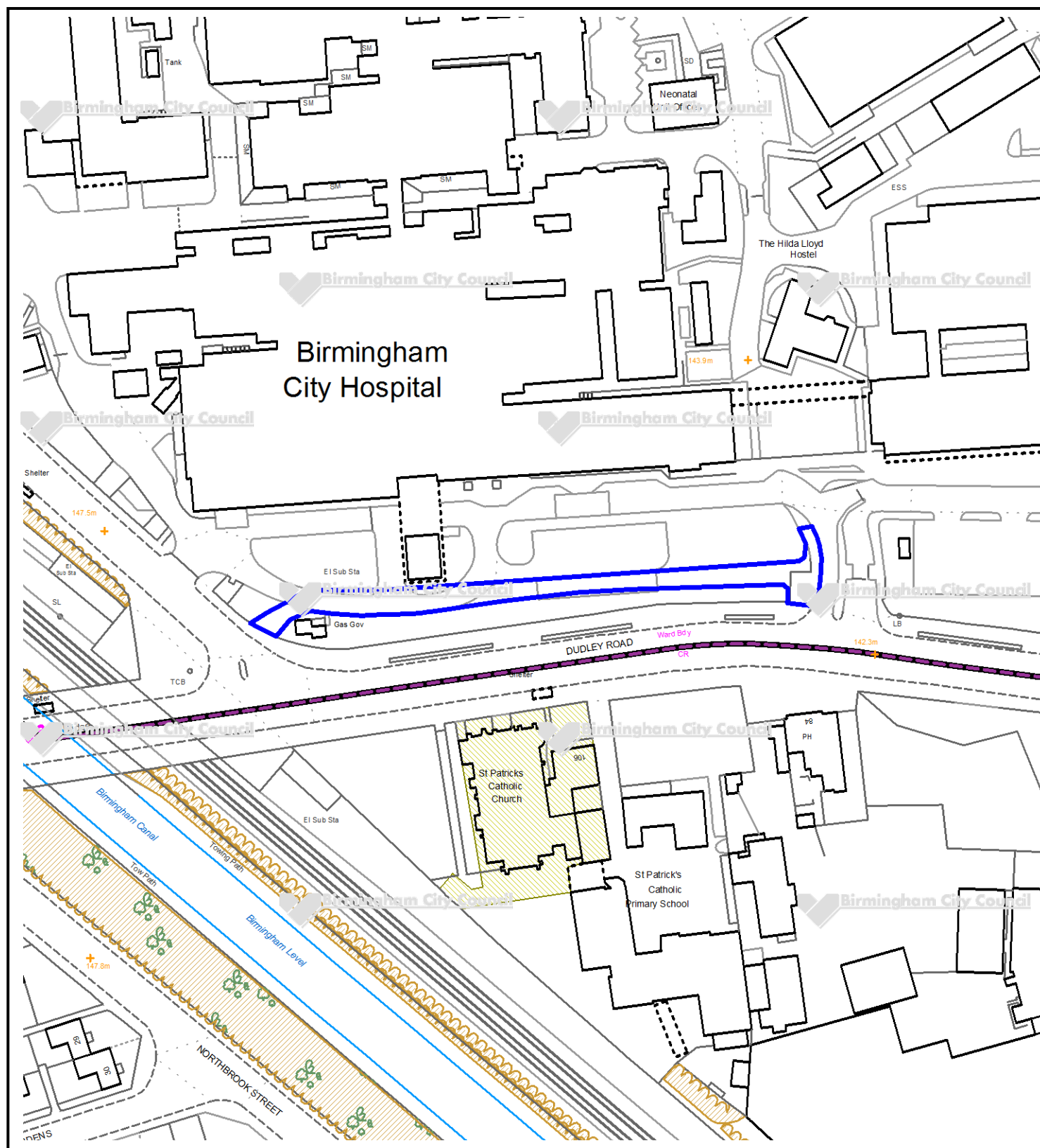
Case Officer: Philip Whittaker

Photo(s)



Photo 1: Forecourt to the front of hospital

Location Plan



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Birmingham City Council

Planning Committee

26 September 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	11	2019/05185/PA Birmingham Repertory Theatre 6 Centenary Square Broad Street Birmingham B1 2EP Provision of new main entrance, new steps, ramps, two free-standing LED advertising structures and external balcony at first floor level and associated landscaping and change of use of part of first floor level to restaurant.
Determine	12	2018/06374/PA 48-52 Princip Street Birmingham B4 6LN Demolition of existing building and erection of 3/4 storey building for 26 apartments (Use Class C3) and ground floor commercial space (Use Classes A2 and B1a)

Committee Date:	26/09/2019	Application Number:	2019/05185/PA
Accepted:	20/06/2019	Application Type:	Full Planning
Target Date:	12/09/2019		
Ward:	Ladywood		

Birmingham Repertory Theatre, 6 Centenary Square, Broad Street, Birmingham, B1 2EP

Provision of new main entrance, new steps, ramps, two free-standing LED advertising structures and external balcony at first floor level and associated landscaping and change of use of part of first floor level to restaurant.

Recommendation

Refuse

1. Proposal

- 1.1. Consent is sought for the development of a new central entrance to the Repertory Theatre with the reinstatement of a raised external platform at ground floor level with steps and ramp, installation of two free-standing gateway structures with LED advertising screens, external balconies at first floor level and the change of use of part of the first floor level to restaurant and other associated internal reconfigurations.
- 1.2. The existing fire exit located at the centre of the principal façade facing Centenary Square would form a new main entrance. The two arched windows located on either side of the existing fire exit would be replaced with glazed double doors.
- 1.3. The proposed gateway structures would be located on either side of the newly proposed central entrance and would have a metallic finish. Each would measure approximately 11m (h) x 2.5m (w) projecting approximately 3m from the façade. The two structures would comprise of double sided mounted digital screens which would also require separate advertisement consent.
- 1.4. The proposed raised platform would span approximately 11m to the left and 16m to the right of the proposed central entrance, with its widest projection being 6m from the existing façade. The platform would provide a raised seating area to the right and ramp to the left of the newly proposed entrance.
- 1.5. The proposed balconies would be made of steel structures with metallic cladding, positioned within the bays of the existing first floor and concrete solar shades. Powder coated metal balustrading would be located around the balconies with down lighters proposed on the façade beneath. The balconies would be accessed from the first floor restaurant area via glazed double doors. The proposed doors would be frameless glazed double doors with the base of the arch removed to create the required opening.
- 1.6. Various other signage has been proposed however, this would be evaluated as part of a separate advertisement consent application.

1.7. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application relates to the main façade of the REP facing onto Centenary Square. The area surrounding the REP has seen significant development, including the construction of the new Library of Birmingham and the public realm improvements at Centenary Square and the latest metro extension.

2.2. [Site Location](#)

3. [Planning History](#)

The REP

- 3.1. 16/05/1996 – 1996/01080/PA – Window awnings to be fitted to the ground floor restaurant overlooking Centenary Square. Refused on the following grounds:

The proposed display would adversely affect the architectural appearance of the premises to the detriment of the amenity of the surrounding area.

Existing windows of distinctive arched head design. The Rep provides a good modern facade to Centenary Square. Proposal destroys the rhythm of the facade and obscures the design of the building where the arches to ground floor windows relate to the inverted arch shapes above.

Symphony Hall

- 3.2. 12/04/2019 – 2018/09424/PA – Extension and remodelling of the Symphony Hall Foyer with new frontage and associated works. Approved subject to conditions.

Centenary Square

- 3.3. 18/08/2016 - 2016/04486/PA - Remodelling and resurfacing of Centenary Square to provide a new civic space including hard and soft landscaping, reflecting pool, fountains, feature lighting poles and associated development. Approved subject to conditions.
- 3.4. 19/06/2018 - 2018/02692/PA - Non-Material Amendment to planning application 2016/04486/PA for removal of bench along Paradise Circus, raising of soft flower beds, amended levels, paving types and layouts, relocation of family statue, amendments to street furniture, cycle stands, lighting poles and flood lights. Approved.

Library of Birmingham

- 3.5. 26/11/2009 - 2009/03897/PA - Erection of public library (Use Class D1), together with partial demolition, refurbishment and extension of existing theatre (Sui Generis), including low carbon energy centre and associated landscaping and highway works. Approved Subject to Conditions.

4. [Consultation/PP Responses](#)

4.1. BCC Regulatory Services - No comments to make concerning these proposals. There are no contaminated land issues arising from these proposals.

4.2. BCC Transportation Development:

- The Square is not public highway so we have a limited ability to object on free-flow of pedestrians.
- The ramp is set forward of the existing building line but is set behind the red line boundary which is the historic boundary type wall and steps. As such it doesn't impinge on a previous direct pedestrian route.
- It's not ideal to be reducing this space but it still allows metres of space for pedestrians across the square, and ultimately the ramp construction is in the Rep's ownership and provides an easy access for those with mobility issues.

4.3. Letter of objection from the Centenary Square Delivery Manager - Three main concerns raised:

- The REPs Capital Plans propose to put back a raised seating area to the front. In my view this is going back to the original design that did not work for the Square. It is worth noting, that the reason they give to raise the area outside is to match the floor level inside. However, if you look at the floor levels in the Café you will see they are raised to the main building. The REP architect did confirm their floor could be lowered but it would increase the cost by about £1m, they also went on to confirm it would be the ideal solution. I believe that there is therefore a solution for them without impacting on the new square and rebuilding the raised seating area.
- At present there are no LCD screens on the square and to approve this will create a precedent. LCD screens will in my view have a negative impact on the square.
- In front of the raised platform they have included planting. This planting is not in keeping with the Centenary Square planting scheme.

In general, this design will require the breaking up of newly complete granite and would have a negative reaction from the public in terms of the planned coordination of the wider development, plus a waste of valuable resources.

4.4. Letter of objection from Twentieth Century Society –

- Not opposed to the proposed internal alterations, the introduction of a central entrance, or the changes to the landscaping facing Centenary Square.
- The proposed balconies and advertising screens would cause harm to the theatre's significance, through obscuring views of the principal façade and damaging its carefully balanced geometry.
- The proposed additions would obscure views of the gently curved façade, and the proposed dropping of window cills at first floor would reduce the legibility of the recognisable pattern of arches.
- An unprecedented material in the building's design would disrupt the buildings distinctive materiality that was characteristic of architecture from this period.
- The application does not provide convincing evidence that the introduction of the proposed balconies and screens are necessary to secure the long term use of the building.

4.5. Letter of support from Access Birmingham – Access Birmingham welcomes this proposal which includes improved inclusive access and a well presented design and

access statement, it complies with Council's SPD - access for people with disabilities. It is assumed that the steps will have features to assist blind and partially sighted through insertion of tactile parallel bars at top and bottom of steps and contrast edging on steps in order to comply with part m building regs also the REP should be able to inform through a public notice perhaps at the disabled loos of the existence of a changing places toilet with hoist etc which exists at adjoining lobby.

4.6. Letter of support from Theatre Trust -

- We welcome efforts by the theatre to develop their facilities in a way which will enhance its overall sustainability and viability, and we are supportive of this proposal;
- The new main entry along with ramped access and outdoor seating will help improve the theatre's prominence and ensure it better engages with and activates the revamped Centenary Square.
- The new main entry would benefit the theatre (and library) operationally as they would no longer be required to utilise the current entrance when the library is not in use.
- The provision of a separate bar, café and restaurant all of which front onto the square will help make the theatre more inviting as an all-day destination outside of performance times and draw people in.
- Not only will this enhance the direct income potential which will support the theatre's work but it will also help attract new audiences who may not have previously engaged with it. Significantly it will also provide an additional informal performance space which will help the theatre further diversify its cultural offer. Our only reservation with this part of the scheme is that there is no direct access for wheelchair users to the bar, although we appreciate there are constraints in terms of level changes;
- We also welcome the provision of additional accessible WCs and a parent and child WC; and
- Policy TP25 of the Birmingham Development Plan (2017) supports proposals which reinforce and promote the city's role as a centre for culture, including supporting its cultural facilities and expanding provision where it contributes to the city's continued success. Paragraph 92 of the NPPF (2019) seeks decisions to plan positively for cultural buildings. This proposal will not only enhance the role of the REP as a social and cultural asset for Birmingham but it will also contribute to and support the place making objectives of works to improve and revitalise Centenary Square.

4.7. Six letters of support have been received via the applicant - summarised below:

- Greater Birmingham Chambers of Commerce - The new central entrance leading on to Centenary Square will not only enhance the building itself, but will complement the frontage of the library. Natural footfall will increase, culminating in increased revenue for the organisation and the City.
- Trustee of the Sir Barry Jackson Trust - The project will create a more welcoming and accessible entrances that will better connect with Centenary Square. It will allow the theatre to capitalise on the growing footfall in the square by introducing new food and beverage opportunities at both ground and first floor levels. It will expand the public offer and contribute further to the city economy.
- University of Worcester - The proposed redevelopment of the entrance to the REP to make it more centrally inviting and its signage more prominent will signal much more clearly its role and function as a theatre. The proposed internal

ground floor reconfiguration will resolve the current constraints on the position of bars and relaxed eating areas thus generating and easing additional public circulation and crucially the capacity for attracting more sales and thus more revenue for the company. The planned repurposing of the currently underused first floor area as a restaurant will not only provide more sales outlets but will exploit the magnificent possibilities envisaged as part of Graham Winteringham's original design.

- Councillor Jayne Francis (cabinet member for Education, Skills and Culture) – The proposal will serve to enhance the REP and will be an essential part of Birmingham's cultural landscape.
- Councillor Anita Bhalla OBE (Chair of Performances Birmingham Ltd) – the project will transform the public areas of the REP creating a much more welcoming and accessible entrance that will better connect with the newly landscaped Centenary Square and surrounding area including the new Symphony Hall entrance. It will allow the theatre to capitalise on the growing footfall of the square by introducing new food and beverage opportunities at both ground and first floor level with outdoor seating and balconies overlooking the square. The remodelling of the public areas will also allow for more informal and diverse performances as well as private events.
- Mayor of the West Midlands Andy Street – The project will transform the public areas of the REP creating a much more welcoming and accessible entrance that will better connect with the newly landscaped Centenary Square and surrounding area. It will allow the theatre to capitalise on the growing footfall of the square introducing new food and beverage opportunities at both ground and first floor level with outdoor seating and balconies overlooking the square. The remodelling of the public areas will also allow for more informal and diverse performances as well as private events. It will expand the public offer and better reflect both the status and ethos of the company. It will also directly increase income and employment and contribute further to the city economy.

4.8. Letter of support from the West Midlands Growth Company:

- This project will transform the public areas of The REP creating a much more welcoming and accessible entrance that will better connect with the newly landscaped Centenary Square and surrounding area.
- The design is sympathetic to the original Graham Winteringham design and will allow the theatre to capitalise on the growing footfall of the square by introducing new food and beverage opportunities at both ground and first floor level with outdoor seating and balconies overlooking the square.
- The remodelling of the public areas will also allow for more informal and diverse performances as well as private events. It will expand the public offer and better reflect both the status and ethos of the company.
- It will also directly increase income and employment and contribute further to the local economy.

4.9. A letter from the Deputy Artistic Director of the Birmingham REP has been provided by the applicant with concerns regarding separate flat access entrances for wheelchair/mobility users which would not represent inclusivity and access should be equal for disabled and non-disabled people.

4.10. Birmingham City Centre Management, Amenity Groups, Residents association, local councillors and nearby occupiers notified. Press and Site Notices displayed. One letter of objection from member of the public:-

This side of Centenary Square has just only been completed and opened to the public, with new block paving that is now at risk of being damaged by new construction work. I could not find in the planning application any indication of timing, and no indication as to how much of Centenary Square would need to be closed off, and for how long. Birmingham City Council have a duty to care for the public and working people walking past this place every day to go to work, and must also get all the guarantees that such work will be completed, at no extra cost, in time for the Commonwealth Games.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (saved Policies); Lighting Places (2008) SPD; The Big City Plan; Places for All SPG; and the revised National Planning Policy Framework. The Hall of Memory is Grade I Listed and the nearby Baskerville House and 301 Broad Street are both Grade II Listed.

6. Planning Considerations

POLICY

- 6.1. Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning policies and decisions should ensure that developments will function well and adds to the overall quality of the area and should also ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Furthermore paragraph 30 exclaims that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.2. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.3. Policy PG3 of the Birmingham Development Plan (BDP) states that all new development will be expected to demonstrate high design quality, contributing to a sense of place. Policy TP12 of the BDP states that applications affecting the significance of a designated or non-designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance. It further states that the council will support development that conserves the significance of non-designated heritage assets.
- 6.4. Policy TP25 states that 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. The policy further notes that this will include supporting the City's existing tourist and cultural facilities and enabling new or expanding provision where it contributes to the City's continued success as a destination for visitors.

- 6.5. The main issues are considered to be whether the principle of the development is acceptable and if so whether the design is appropriate having regard to its impact on this non-designated heritage asset and the immediate surrounding and highways.

PRINCIPLE

- 6.6. The applicant's aspiration to create a central entrance and internal reconfiguration to enhance legibility is welcomed. It is considered that implementing a more open plan layout at ground floor level would improve ease of movement within the REP and engage better with the remodelled Square. The proposed central foyer area and relocation of the box office on axis with the new main entrance would allow for ease of navigation. Incorporating the main entrance to the centre of the southern façade which faces directly onto Centenary Square would offer more of a visual presence, thereby helping to attract passers-by. This would be further enhanced by the proposed café/bar area located across most of the width of the ground floor providing a more active frontage.
- 6.7. However, the proposed gateway structures, balconies at first floor level and the reintroduction of a raised platform at ground floor are not supported. These proposed additions are considered to have a detrimental impact on the architectural appearance of this building. As recognised by the architects, the REP Theatre has considerable architectural merit and contributes to the wider setting and character of Centenary Square; to the extent that it is considered a non-designated heritage asset. As such, any development or alteration to the building must acknowledge this architectural significance, and any negative impact must be justified fully. The successful integration of all forms of new development with their surrounding context is an important design objective.

DESIGN

- 6.8. Concerns regarding each of the design elements below had been raised at the pre-application stage and throughout the assessment of this planning application. However, a revised scheme from the applicant has not been forthcoming.

Balconies at first floor level and gateway structures with digital screens

- 6.9. The application is accompanied by a Design and Access Statement (DAS) which states that the REP is 'an iconic building and considered to be an un-designated heritage asset' and goes on to say that 'it's symmetrical and curving façade of inverted arches are synonymous with the REP'. It is considered that the proposal is at odds with what has been rightfully recognised within the DAS. The south elevation facing Centenary Square is one of the REP's most architecturally significant original features and the least altered element of the building. The Council's City Design Officer considers that the introduction a new structure encompassing the balconies and gateway structures fails to recognise the importance of this façade, adding clutter that detracts from the simplicity of the form and interrupts the rhythm and detailing of the façade. Furthermore, it is considered that the balconies and gateway structures would obscure views of this principal façade reducing the legibility of the recognisable pattern of arches.
- 6.10. In addition, the proposed balconies and gateway structures would be made of steel with metallic cladding and a gold coloured finish. This is considered to be at odds with the distinctive materiality of the REP and would introduce alien features uncharacteristic of the building. The Council's Conservation Officer also notes that the proposed entrance gateway introduces a vertical and horizontal interruption to

the front façade of the building which would impact on the architectural symmetry and rhythm of this elevation. Projecting forward and dominating the form of the main building the entrance structure shows little in the way of a design response and proposes materials that would appear incongruous to the host building. The loss of architectural form and simplicity of design is not justified by the benefits of the proposal and would cause harm to a non-designated heritage asset and fail to align with policies within the BDP and paragraph 197 of the NPPF.

Reinstatement of raised platform

- 6.11. The Council's Delivery Manager for Centenary Square had raised concerns regarding reinstatement of the raised platform with the applicant at pre-application stage and at the time of the application submission. It is understood that the proposed levelling of the forecourt area of the building was agreed with the REP at the time of the planning application submission for the remodelling and resurfacing of Centenary Square (planning ref: 2016/04486/PA). As stated within the August 2016 committee report for the square, one of the key elements of the proposals was *'to provide reconfigured 'break out' external seating opportunities for both the REP Theatre and the Library of Birmingham'*. The committee report further states that the *'altered and rationalised levels would create and capitalise opportunities for uses such as the Library Café, the REP and the ICC/Symphony Hall to spill out into the square with seating etc. This would add life into the square when large-scale events are not taking place'*. As a result, the current proposal to reinstate a raised platform would be at odds with the previously consented remodelling of Centenary Square.
- 6.12. The Council supports the applicant's desire to spill into Centenary Square, but the reinstatement of a raised platform is considered to reintroduce clutter to this simple façade and disrupt the relationship between the REP and the Square. The platform would introduce a physical separation between the newly remodelled Square and the REP. The Places for All SPG states that more entrance points encourage more life and activity onto streets/ public areas, and that active frontages with windows enliven public space and increase surveillance. However, current proposals incorporate a raised platform which would block existing glazed elements of the building.
- 6.13. Prior to the development of Centenary Square, the REP had a raised seating area to the front, which was unsightly and blighted the corner of the square and generally had a very negative impact on the area. As previously mentioned, as part of the Centenary Square development, in consultation with the REP, the square levels were raised to enable the original raised seating area to be levelled. The new levelled area is now more in keeping with the other buildings around the Square and not only aids the Square's cohesion, but its relationship with the REP. The reintroduction of this raised element, will revert back to the previous position, leading to a proposal that will negatively impact on the character of the building and wider space, in turn failing to align with the requirement of BDP policies and paragraph 127(c) of the NPPF.
- 6.14. As such I concur with the Council's City Design Officer who considers the raised platform to have a negative impact on the balance of the façade. The rhythm and detailing of the solar shades which contribute to the façade would be lost with the whole sale removal of the ground floor elements. The terrace and ramp detracts from the simple, open narrative of the façade, cluttering and masking the ground floor, thereby negatively impacting on the character of the whole building. The architects need to effectively reconcile these internal level changes, without

negatively impacting on the building and the Square. Extending the heightened ground floor cannot achieve this and is not a considered architectural response.

- 6.15. Furthermore, the Council's Conservation Officer has stated that the addition of the built up platform and ramp appears as an over intensive addition to the front of the building, which already offers level access through the existing main entrance, adding a cluttering effect to what is intended to be a simple and uninterrupted façade contrary to both local and national planning policy.

Impact on surrounding heritage assets

- 6.16. The proposed gateway structures would be highly visible within the context of Centenary Square and there would be a high level of inter-visibility between the development and the identified listed buildings, more specifically the Grade I listed Hall of Memory which is a building of the highest significance. The proposed materials of the entrance structure, metal balcony railings and large, digitally illuminated signs do not respond to this highly sensitive setting and would be visually intrusive. The proposal by means of form, materials and scale does nothing to preserve the setting of the listed buildings and in its current form is considered to cause harm to their setting failing to align with local policy, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 196 of the NPPF.
- 6.17. The ambitions of the applicant are noted however, their proposals have not sufficiently considered the impact of the scheme on the architectural interest of the building and on the setting of the surrounding listed buildings. The proposed benefits of this scheme could be achieved through a more responsive and less harmful scheme and therefore in its current form the proposal is not considered to provide sufficient public benefit that outweighs the harm caused to the significance of the non-designated heritage assets or to the setting of the listed buildings.
- 6.18. Whilst there are examples of high level screens at the Birmingham Hippodrome Theatre, these are situated within the context of an area with late night entertainment provision. This differs from the civic offering of Centenary Square that includes statutory listed buildings and is unlikely to constitute a non-designated heritage asset.

DISABLED ACCESS

- 6.19. The reinstatement of the raised platform would provide ramp access for disabled users. Enabling the provision of a central entrance with level access for all visitors is encouraged. However, the applicant needs to effectively reconcile these internal level changes without negatively impacting on the building and the square. Extending the heightened ground floor cannot achieve this and is not a considered architectural response. Alternative solutions are possible such as lowering the internal floor levels in the existing café thereby providing level access and enabling the spilling out into Centenary Square.
- 6.20. The current proposal allows for ramp access to the new entrance foyer, however, once at the foyer a disabled individual would still need to use a lift to visit the box office. Whereas an alternative, more efficient route is currently provided by the existing level access to the left of the building (adjacent to the disabled parking situated along King Alfred's Place) or from the existing level access from the adjacent Library.

- 6.21. Overall, the building has a number of at-grade entrances that enables level access into the building which would provide for a legible route to the newly proposed box office and café/bar areas. As a result, introducing a structure that negatively impacts on the character of the building is not justified.

HIGHWAY MATTERS

- 6.22. BCC Transportation Development have raised no objection to the proposals on highway safety grounds.

OTHER ISSUES

- 6.23. The six letters of support provided via the applicant have been noted. The Council recognises and welcomes the aspiration to improve legibility, to enhance the ancillary leisure facilities of the theatre and to create a more coherent primary entrance with a greater presence on the Square. However, this cannot be to the detriment of the building and the surrounding area.
- 6.24. BCC Regulatory Services have raised no objection to the proposed scheme.

7. Conclusion

- 7.1. The Council supports the REP's aspiration to create a more prominent main entrance and enhance the internal legibility of the site. However, the application in its current form would have a detrimental impact on the architectural detailing of this non-designated heritage asset and as a result does not comply with both local and national planning policy. A more sensitive revised scheme implementing a central entrance with the proposed internal reconfiguration as discussed at pre-application and during the course of determination of this application would be welcomed.

8. Recommendation

- 8.1. Refuse

Reasons for Refusal

-
- | | |
|---|---|
| 1 | The proposed development by virtue of its design and scale and would not preserve the setting of the Grade I listed Hall of Memory and the Grade II listed Baskerville House and 301 Broad Street. The scheme therefore fails to accord with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017. |
| 2 | The proposed development by virtue of its design, would cause unjustified harm to the character and appearance of this non-designated heritage asset. The scheme therefore fails to accord with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017. |
| 3 | The proposed gateway structures, balcony and raised platform would be harmful to the character and appearance of the building and Centenary Square by virtue of their scale, materials and design. As such it would be contrary to policy PG3 of the |
-

Case Officer: Miriam Alvi

Photo(s)

1. View of the REP in alignment with the Grade I listed Hall of Memory



2. View from the east



3. Existing façade fronting directly onto Centenary Square



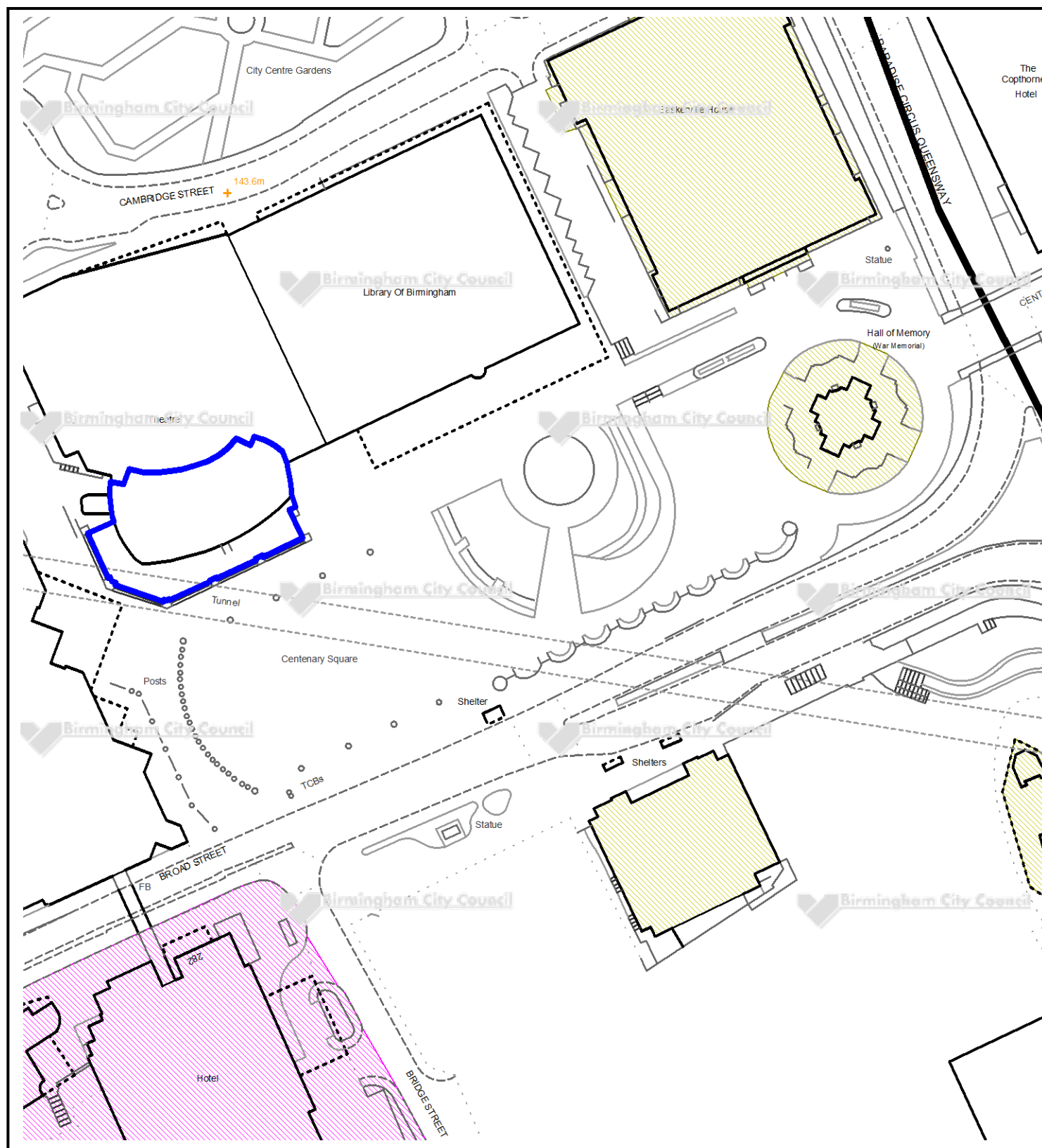
4. Existing east entrance



5. View from the ICC/Symphony Hall



Location Plan



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Committee Date:	26/09/2019	Application Number:	2018/06374/PA
Accepted:	10/08/2018	Application Type:	Full Planning
Target Date:	30/09/2019		
Ward:	Newtown		

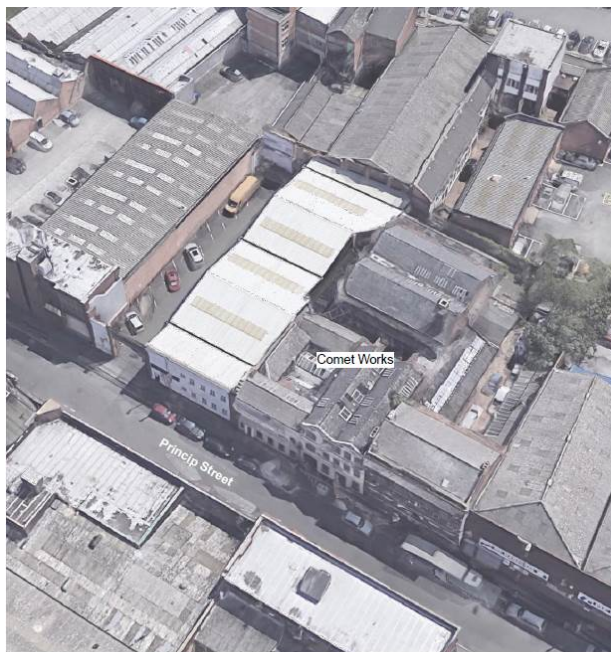
48-52 Princip Street, Birmingham, B4 6LN

Demolition of existing building and erection of 3/4 storey building for 26 apartments (Use Class C3) and ground floor commercial space (Use Classes A2 and B1a)

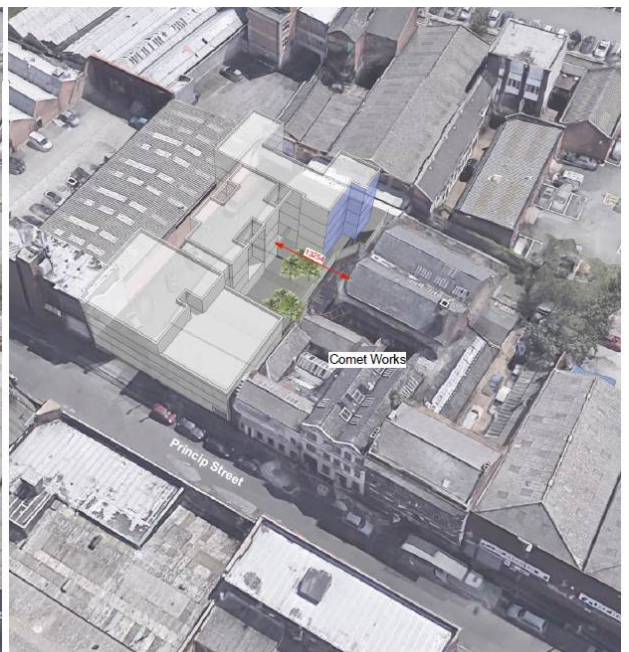
Recommendation
Determine

Report Back

1. This application was deferred at the 15th August 2019 meeting to enable further information to be provided regarding the impact of the proposed development on the neighbouring apartments within the Comet Works development which adjoins the application site. Additional information has been provided as described below:-
2. **3D Views**
 - 2.1 The existing and proposed 3D views show the relationship of the proposed development to the Comet Works buildings. Currently a warehouse building sits on the shared boundary line whereas the rear wing of the proposed building would be set back into the plot. The side elevations of the new building would be blank apart from the central rear wing where windows are proposed but with a separation distance of about 13.3 metres to neighbours side windows.



EXISTING VIEW



PROPOSED VIEW

3. *Proposed Sections*

- 3.1 The first section below shows the height of the proposed development relative to the existing building which is shown dotted in red.

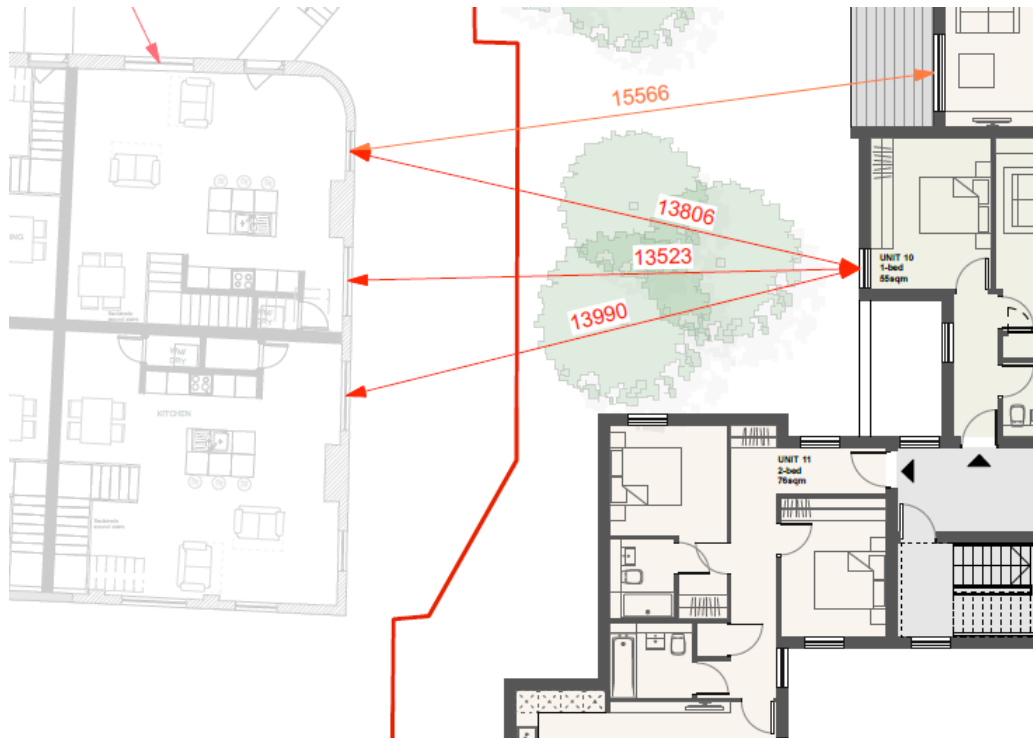


- 3.2 The second section shows the relationship of the existing warehouse (dotted in red) and the proposed development to the Mill House building within the Comet Works site. This neighbouring building currently has a terrace abutting the existing warehouse and windows facing it located approximately 4.3 metres away. The proposed new building would be higher but the rear wing would be almost 13.3 metres away with a communal courtyard garden space provided between adjacent to the boundary.

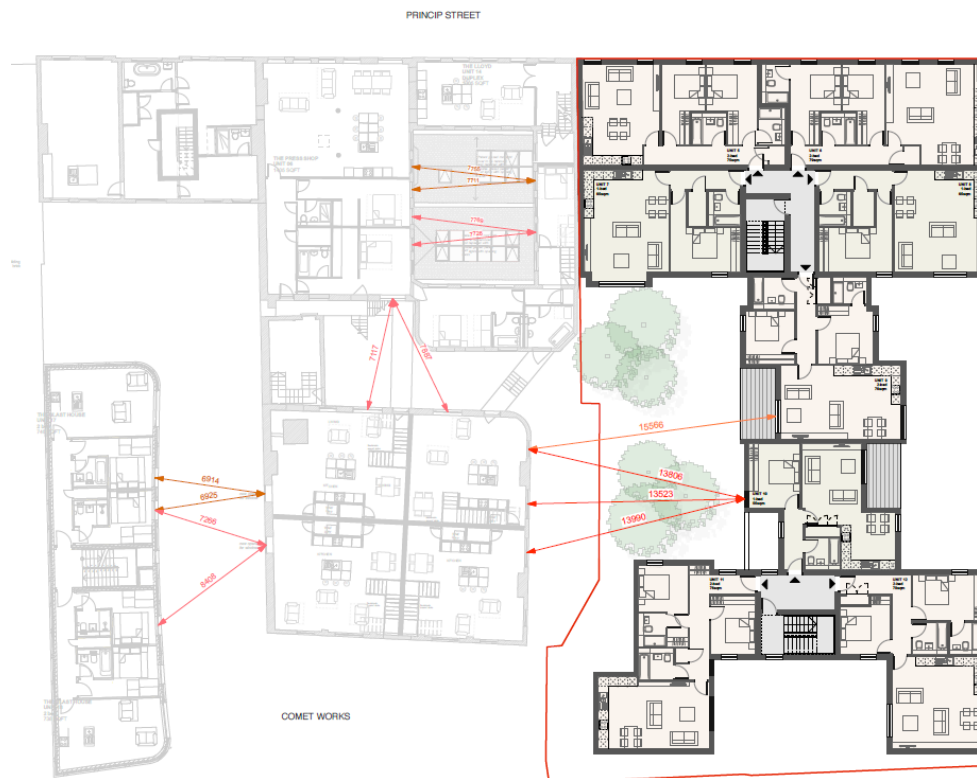


4.0 *Layout Plans*

- 4.1 The layout plan below shows the proposed distances apartment windows proposed on the application site and the side windows to the first floor living areas of the apartment windows in the Mill House building which face towards the application site. The distances vary between approximately 13.5 and 15.5 metres. The plan of the Mill House shows the two apartments affected are dual aspect and have windows on other elevations providing light to the living areas. A 2.4 metre high boundary wall is also proposed between the two sites to provide privacy at ground floor level.



- 4.2 The further plan below shows the current layout of the Comet Works development and the proposed layout for the application site. The separation distances between various buildings on this neighbouring development are indicated and vary between about 7 and 8 metres so are significantly less than those proposed as part of the application proposals.



5. **Conclusions**

- 5.1 The existing warehouse building on the application site sits on the boundary and has an imposing impact on the terrace and side facing windows of apartments within the Comet Works development. It is considered that its demolition will improve light available to this neighbouring development as well as removing a use which has the potential to be noisy and operated during anti-social hours. The proposed separation distances between windows on the application site and those in the Mill House facing the site would be around 13.5 metres which is characteristic of developments within the City Centre and greater than those within the Comet Works development itself. This part of the Gun Quarter still retains much of its historic character with narrow spaces in yard areas behind frontage buildings and this development seeks to reflect this but would provide larger enclosed amenity spaces to the rear. The application is therefore recommended for approval in accordance with terms and conditions set out in the original report below.

Original Report

1 **Proposal**

- 1.1 The application relates to a site within the Gun Quarter currently occupied by a warehouse with associated offices and a parking/delivery yard fronting Princip Street. It is proposed to demolish the existing building and to erect a predominantly 4 storey development across the site which would provide 26 apartments with a ground floor commercial unit fronting Princip Street.
- 1.2 The proposed building comprises of a main block which would occupy the site frontage together with a centrally located wing that extends back into the plot which widens in width towards the rear boundary. The rear wing and main frontage section of the building would be 4 storeys high but a lower 3 storey section is proposed on part of the site frontage adjoining an existing 3 storey residential development known as the Comet Works. The proposals have been amended scheme since originally submitted and were for 29 apartments including a five storey wing to the rear.
- 1.3 The proposed building would be constructed from red/brown brickwork with interest provided by the inclusion of recessed vertical stack bonded brickwork above the windows and for a soldier course. The wing at the rear includes recessed balconies and the use of the elements of zinc cladding. The building would have a flat roof with a brick parapet detail. It is proposed to use the roof space to accommodate ecological planting/features to enhance the biodiversity of the site.
- 1.4 The development would provide a ground floor commercial unit of 223 square metres for A1 Retail/B1a office use and 26 apartments comprising 10 x 1 bed units (38%) and 16 x 2 bed units (62%). All the units would exceed the minimum nationally described space standards with all the 1 bed units being suitable for 2 persons and ranging in size from 55-65 square metres and the 2 bed units being suitable for 4 persons with floor areas of between 75-86 square metres. It is intended that the apartments would all be for sale. The original financial appraisal concluded that the development could not offer any on site affordable dwellings, low cost sale units or any off site contributions. Since then a contribution towards off-site affordable housing has been negotiated.

- 1.5 The development would provide no on site car parking but 100% cycle storage provision has been made. Servicing and deliveries to the commercial unit would take place from the Princip Street frontage. The layout proposed shows the areas surrounding the rear wing laid out to provide private garden areas for the ground floor apartments together with a shared landscaped communal garden. The site boundary with the neighbouring Comet Works would be enclosed with a 2.4 metre high brick wall.
- 1.6 The site has an area of 0.11 ha giving a density of 472 dwellings per ha. The application is supported by a Design and Access Statement, Heritage Statement, Transport Statement/Travel Plan, Ground Investigation, Noise Assessment, SUDs Assessment, Planning Statement and Viability Assessment.
- 1.7 [Link to Documents](#)
- 2 Site & Surroundings
- 2.1 The site is occupied by a large steel framed double span warehouse used by a wholesale business with an associated two storey office block fronting Princip Street. The eastern section of the site is laid out as hardstanding for deliveries and car parking. The existing buildings form the boundary between the site and the Comet Works at No's 44-47 Princip Street which comprises of a range of two and three storey former engineering workshops which were restored, converted and extended to provide 20 apartments in 2017. These adjacent buildings include a listed and locally listed buildings fronting Princip Street, 2 storey shopping wings attached to the rear of the listed building, a former detached 2 storey mill and a new 3 storey block at the rear of the plot.
- 2.2. The surrounding area has a mix of uses including fashion wholesalers, warehousing, a hostel and range of industrial and commercial premises. The industrial buildings on the east side of the site boundary are currently vacant. To the rear of the site is a locally listed building known as Gunsmiths House which fronts Price Street together with other 2 storey light industrial units. Part of this site, at 51-61 Price Street, is the subject of a recent application under reference 2019/03186/PA for its redevelopment for a scheme of 69 dwellings.
- 2.3 [Site Location](#)
- 3 Planning History
- 3.1 26/12/12 - 2012/05538/PA – Outline planning application refused for the demolition of existing warehouse and development of a 4-7 storey building to provide 108 student bed spaces.
- 3.2 23/3/98 – 1997/04820/PA - Planning permission granted for demolition of existing workshop, erection of new warehouse, ancillary offices and provision of car park/service area.
4. Consultation/PP Responses
- 4.1 Transportation – No objections subject to conditions requiring a construction management plan, cycle storage and a Section S278/TRO to cover reinstatement of redundant footway crossings. Comment that the site is in a highly accessible location with good links by public transport, walking and cycling to developments and facilities within the city centre. On street parking is strictly enforced within the area. Consider

that the development proposal is not likely to have any demonstrable detrimental impact on highway safety and free flow of the adjacent highway network.

- 4.2 Lead Local Flood Authority – No objection subject to conditions requiring a detailed sustainable drainage scheme and an operation and maintenance plan.
- 4.3 Leisure Services - No objections to this application but as the scheme is for over 20 dwellings an off-site contribution of £61,100 is requested to be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at St Georges Park, Tower Street Recreation Ground and Newtown POS all within the Newtown Ward.
- 4.4 Regulatory Services - Recommend conditions for a site investigation and validation scheme, construction management plan, insulation scheme between ground floor commercial and upper floor residential accommodation. Have some concerns about the impact of noise from nearby commercial/industrial sources on future residents but as they note the general redevelopment taking place in the area for residential use conclude it would be possible to design a scheme that mitigates the noise impact. Further conditions are requested restricting the use of the commercial unit to B1/A1, requiring a restriction on noise levels for plant and machinery, a noise and vibration assessment, noise insulation scheme, hours of operation of the commercial use and controlling delivery times.
- 4.5 West Midlands Police – Have requested conditions for the installation of robust and suitable access controls, a lighting scheme to ensure all communal areas and external amenity spaces are adequately lit, that CCTV be installed to cover entrance and exit points and communal space and that the work meets 'Secured by Design' standards for the residential and commercial unit.
- 4.6 West Midlands Fire Service – Comment that water supplies for firefighting should be provided in accordance with national guidance and there should be vehicle access for a pump appliance to within 45 metres of all points within each dwelling.
- 4.7 Local Councillors, residents associations and neighbouring properties have been notified of the proposal. Press and site notices displayed. In relation to the original proposals 10 letters of objection have been received on the following grounds:-
 - The development at 4/5 storeys is significantly higher than the existing 2 storey buildings and would be imposing and out of character for the street which is low rise and uniquely industrial.
 - There would be a massive impact on light to the Mill House within the Comet Works
 - Currently no properties over-look the Comet Works or intrude on privacy.
 - The development would dominate the historic Comet Works buildings
 - The quality of the Princip Street elevation is mundane, and would not form an asset to this former gun making quarter or provide a "nod" to its traditional use.
 - The individual flats appear cramped, and there is little private space.
 - There is no car parking provision, causing pressure on the limited on street parking available.
 - The development would impede light to the Comet Work apartments, a number of which already have a limited light and rely on sky lights, thereby adversely affecting the outlook and quality of life for occupants.
 - The development is too dense for the given space detrimental to a high quality regeneration effort for the vicinity.

- The amenity areas and garden terraces in the Comet Works development will be overlooked and it is not clear what the plans are for the shared boundaries.
- Construction noise and associated dirt for a lengthy period would be detrimental to quality of living for neighbours.
- Concern that the development is not financially sound and would not be completed.
- Loss of property values

Several of the letters also comment that the loss of the existing building and redevelopment has the potential to enhance the existing streetscape and that a smaller scheme of a higher quality could be supported.

- 4.8 A further 5 letters have been received in respect of the amended plans which removed the fifth floor and located the rear wing further from the boundary with the Comet Works. The letters include the following comments:-
- The development will still have a considerable impact on the Comet Works
 - The shadow analysis shows neighbouring properties will be frequently placed into shadow by the presence of the development significantly reducing the amount of light particularly as some apartments only have windows on one elevation.
 - There would still be a loss of privacy and overlooking of neighbouring apartments.
 - The existing 2 storey building on the boundary would be replaced with a 4 storey one with windows and balconies overlooking the Comet Works
 - Parking in the area is very limited so will be virtually impossible for existing and new residents.

5.0 Policy Context

- 5.1 Birmingham Unitary Development Plan (Saved Policies) 2005, Birmingham Development Plan 2017, Big City Plan, Places for Living SPG; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Loss of Industrial Land to Alternative Uses SPD, City Centre Canal Corridor Development Framework 2002, Affordable Housing SPG 2001 and National Planning Policy Framework 2019.

6. Planning Considerations

6.1 **Land Use Policy**

- 6.2 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Birmingham Development Plan (BDP) sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well designed high quality environments. The majority of new housing is expected to be delivered on brown field sites within the existing urban area.

- 6.3 The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3

relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. The site is within the Gun Quarter where the aim is to maintain the area's important employment role but also to complement this with a mix of uses around the canal and improved connections to neighbouring areas.

- 6.4 The historic part of the Gun Quarter including the application site is covered by the City Centre Canal Corridor Development Framework which was prepared in 2002. It seeks to realise the full potential of the canal corridor as a focus for regeneration and positive development. It notes that there are sections of the canal within the Gun Quarter where there is a poor mix of uses, design and layout of buildings which discourage the full potential of the network and the framework seeks to remedy this position. It notes the Gun Quarter retains much of its fine urban grain with many small workshops and states that these represent an important opportunity, should existing operations cease, to introduce new uses which could include new housing, which respects the historic street pattern and enhances the environmental quality of the area.
- 6.5 The redevelopment of the site therefore offers an opportunity to contribute to the transformation of this part of the city and deliver additional housing on a brown field site close to the City Centre core. This process is already underway in Princip Street where the former Comet Works has been converted to apartments and planning permission has recently been granted for No's 37-38 Princip Street to be converted to residential units. Further along Princip Street adjacent to the A34 there is a current planning application, 2018/10285/PA, for a further apartment scheme and the land at the rear of the site in Price Street is also proposed for housing redevelopment under a further current application, 2019/03186/PA.
- 6.6 The site is currently being used for storage by a company that imports/exports luggage and travel accessories. Policy TP20 of the BDP relating to the protection of employment land therefore needs to be considered and it states that as employment land and premises are a valuable resource to the Birmingham economy they will be protected. More guidance regarding the loss of employment land is set out in the "Loss of Industrial Land to Alternative Uses" SPD 2006 which sets out the information required to justify the loss of industrial land, but also states that within the City Centre it is recognised that a more flexible approach towards change of use from industrial to residential is required to support regeneration initiatives. Proposals involving the loss of industrial land may therefore be supported, where they lie in areas which have been identified in other planning policy documents approved by Birmingham City Council, as having potential for alternative uses.
- 6.7 The site is converted by the Canal Corridor Development Framework which encourages a wider mix of uses in the Princip Street area and the BDP also promotes the City Centre as the focus for new residential development. The Big City Plan also identifies the Gun Quarter as an area of opportunity with its central focus as a location for employment generating activities, but also with a greater mix of uses utilising its strong street grid pattern and remaining historic character. The site is therefore considered to be suitable for residential development and would provide an opportunity to regenerate this underused brown field site and add to the mix of uses in the area. The previous application for student accommodation on the site was refused planning permission in 2012 partly on the grounds that the proposal would result in the loss of good industrial land but since then the BDP has been adopted which supports more housing within the city centre core. Other sites in the immediate area are also being redeveloped for housing.

6.8 Demolition

- 6.9 The redevelopment of the application site will require the demolition of the existing warehouse and offices. Historic mapping suggest that a pressworks and court houses occupied the site in the 19th Century since but were largely rebuilt in the 1990's to accommodate a warehouse and associated offices. The main frontage to Princip Street is of a poor architectural quality with a rendered façade, replacement windows and large adverts and the rear warehouse is of a modern construction. There is also a gap in the built form where a delivery yard and car park have been formed. The building is not in a conservation area, locally or statutorily listed and although the City Design Manager has commented that whilst it is possible that beneath the render and sheet roofing some of the 19th century building survives, due to its condition, its loss is not resisted. No objection is therefore raised to its demolition.

6.10 Design and Layout

- 6.11 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. Policy TP27 also has similar wording and seeks high design quality. The revised NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. Planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character including the surrounding built environment.
- 6.12 The application has been amended since originally submitted to remove a fifth floor from the rear wing and to move it further from the site boundary with The Comet Works. The plans also now show a new 2.4 metre high wall along the boundary which would replace the existing building as well as minor alterations to relocate the bike and bin storage areas. The changes have reduced the number of apartments proposed from 29 to 26.
- 6.13 Although the proposed building has been reduced in height to predominantly 4 storeys, objections have still be raised by neighbours that the development is too high in comparison with neighbouring buildings which are 2 and 3 storeys high. On the Princip Street frontage the proposed building would be 3 storeys high immediately abutting the Comet Works but elsewhere the development would be 4 storeys. As however the development uses a flat roof it would be of a similar height to the listed building at 47 Princip Street and other buildings in the immediate area which have a varied roof line including some of comparable heights. The buildings on the Comet Works are generally the equivalent of 3 stories high and although the 4 storey building would be higher it is not considered it would be unduly dominant or out of keeping with its surroundings or the general street scene.
- 6.14 The rear wing has been amended from 5 to 4 storeys and although it would be about a storey taller than neighbouring development on the Comet Works site it replaces the existing warehouse building which is located right on the existing boundary line. The warehouse has a height of about 6.5 metres to eaves level and about 8 metres to the ridge compared to the 13 metre height of the proposed building however it would be set back further from the boundary by about 9 -10 metres apart from the end section of the wing which is closer and between 2 – 3 metres from the boundary. As the new building is generally located away from the boundary and replaces a high warehouse wall it is considered the additional height can be satisfactorily accommodated.

- 6.15 In terms of the design the development includes a ground floor commercial unit which is welcomed as it would provide an active frontage to Princip Street and give natural surveillance to the area. It also assists in the design by providing large floor to ceiling windows facing the street. The materials proposed are predominantly of red/brown brickwork with the use of different bonds and recessed brickwork to give variety with elements of zinc used on the courtyard elevations. The wing at the rear would be laid out to provide the appearance of a series of individual blocks arranged around a shared landscaped courtyard space and private amenity areas in order to provide the apartments with an attractive aspect and light.
- 6.16 Several local residents comment that the quality of the Princip Street elevation is mundane, too dense and detrimental to a high quality regeneration effort for the vicinity. The Conservation Officer however comments that design, whilst contemporary, has a simple but interesting form and design quality enhanced through brick detailing. She notes the top storey to the Princip Street elevation has now been re-designed to be consistent with the rest of the building which gives a more honest approach and an improvement on the previously proposed zinc clad third floor. The proposal also makes better overall use of the site and has taken some account of the historic layout referenced through the plan form of the development and this is considered to be an enhancement. Site security has also been improved as requested by West Midlands Police by widening the entrance and adding further glazing to the side of the commercial unit. Conditions are recommended to require CCTV and a lighting scheme.
- 6.17 **Dwelling Mix and Residential Amenity**
- 6.18 BDP policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood and seeks high density schemes in the city centre. The overall mix would provide 10 x 1 bed units (38%) units and 16 x 2 bed units (62%) which, with the emphasis on 2 bed properties, which is considered to be acceptable. The dwellings sizes all exceed the nationally described space standards with the 1 bed ranging in size from 55-65 square metres and the 2 bed units being 75-86 square metres. A number of the dwellings at ground floor level would have a private garden space and others on the upper levels would have balconies. There would also be a communal courtyard space of approximately 170 square metres. It is therefore considered the layout would provide suitable apartments sizes and amenity space and that the layout is not too dense as suggested by neighbours.
- 6.19 Regulatory Services have expressed some concerns about the impact of noise from nearby commercial/industrial sources on future residents but they note the general redevelopment taking place in the area for residential use. They request conditions to mitigate the noise impact from any neighbouring uses and from use of the commercial which are recommended.
- 6.20 **Impact on neighbouring development**
- 6.21 Objections have been received from a number of occupiers of the Comet Works on the grounds that the development would have any adverse impact on their properties due to loss of light and privacy. They comment that although the existing warehouse is on the shared boundary it is lower and has no windows overlooking the shared boundary whereas the new building has a number of windows and balconies looking over the Comet Works.

6.22 It is considered that the removal of the existing warehouse and its replacement with a lower 2.4 metre high wall along the shared boundary will improve light levels to several properties within the Comet Works site as well as removing a commercial use from the site which could be noisy. The central part of the rear wing is located approximately 9-10 metres from the boundary and about 13 metres from windows in Mill House. Although there would be several balconies and windows on the new building the proposed boundary wall would provide some screening particularly between private courtyard areas. The end section of the proposed wing is closer to the boundary and would be within 2 metres of an apartment within Mill House. However the apartment has light available from windows at the rear as well as on the side elevation and currently the existing building on the site limits light available to these windows. The side wall of the new building would also be blank with no directly overlooking of the boundary. It would be possible to gain an oblique view of neighbouring properties from upper floors bedroom windows but it is not considered to be so severe as to be unacceptable.

6.23 **Impact on Heritage Assets**

6.24 Consideration also needs to be given to the impact of the development on the setting of adjacent listed and locally listed buildings in the vicinity of the site which include no's 37-38 and 47 Princip Street, listed Grade II and No. 45 Princip Street which is locally listed building Grade C. Any decisions where listed buildings and their settings are a factor are required to address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990) as well as the relevant policies in the development plan and the National Planning Policy Framework. The statutory test requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and that development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance. The NPPF requires these assets to be conserved in a manner appropriate to their significance and clarifies setting as contributing to the significance of heritage assets, and how it can enable that significance to be appreciated.

6.25 A Heritage Statement has been submitted with the application that concludes that the impact of the development would be an improvement as the development would result in the demolition of existing poor quality frontage buildings and rear warehousing which have a negative effect on the Listed Buildings and immediate context. It considers other benefits are that the proposed new building responds to the immediate historic context by way of scale, design and materials, would provide a more compatible uses with the Comet Works which is now in residential use, would bring further investment to the area and a new active commercial frontage.

6.26 The Conservation Officer comments that whilst the existing building on the application site does not necessarily cause harm to the setting of the nearby heritage assets, due to the modest height, the rear the building which is largely a massed industrial shed offers little. The car park is also another gap site in what was once a tight, back of pavement building line. She considers the amended plans show a replacement building which better addresses the scale of the established historic buildings with a building height of 3 storeys to the street adjacent to the Comet Works which increases to 4 storeys moving away from the historic buildings and to the rear of the building which is set back thereby minimising the level of harm. The proposed layout has also taken references from the historic plan form of the site. Overall she concludes the development, if executed well, offers an enhancement to the historic

character of the Gun Quarter, to the setting of the nearby heritage assets and provide a positive contribution to the wider townscape.

6.27 Transportation Issues

- 6.28 The development does not provide any on street car parking but would provide 100% cycle parking. Although local residents express concern about the lack on car parking and comment that on street parking is very limited Transportation raise no objections to a car free development as proposed. They comment that the site is in a highly accessible by public transport, walking and cycling, particularly in respect of the city centre where services are readily available and on street parking in the area is strictly enforced. They consider that the development proposal is not likely to have any demonstrable detrimental impact on highway safety and free flow of the adjacent highway network. No objection is therefore raised to the development on highway grounds subject to suitable conditions being imposed to require a construction management plan, cycle storage and a Section S278/TRO as is recommended.

6.29 Other Matters

- 6.30 Residents have also raised issues regarding disturbance during the construction period, loss of property values and concern that the development is not financially sound and would not be completed. These are not considered to be matters that would warrant refusal of the application. Impact on property values cannot be given weight and any issues arising from the construction of the development would be short lived and Regulatory Services can enforce any issues regarding undue noise and disturbance. The applicant's viability appraisal has been scrutinised by the Councils consultants and they consider the development would be deliverable.

6.31 CIL and Section 106 Obligations

- 6.32 The proposed development does not attract a CIL contribution but given the number of proposed apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The NPPF also states that at least 10% of homes should be available for affordable home ownership. The applicant has submitted a viability statement which concludes that the development is not able to meet in full the affordable housing or off-site public open space requirements. This has been independently assessed by the City Council's consultants and a contribution of £214,000 has been negotiated which represents a 20% discount on 1 x 1 bed and 3 x 2 bed market units, a 15.4% provision.
- 6.33 Although the preference would normally be for on-site affordable and/or low cost market dwellings the nature and size of the proposed unit's means that they are likely to command a relatively high price of around £166,000 for the one bed type and £225,000 - £235,000 for the two bed type. Even with a 20% discount they are unlikely to be affordable to those on lower incomes. In the circumstances it is considered that more affordable homes could be delivered by the £214,000 being used by a housing association such as BMHT. This is considered to be a fair and justifiable in these circumstances and to meet the necessity tests set out in the CIL regulations.
- 6.34 Requests have also been received for financial contributions towards off site public open space/public realm. The viability appraisal however shows that the development would not be viable if these additional contributions are paid and it is considered the priority is to provide a contribution towards off site affordable housing provision.

7. Conclusion

- 7.1. The BDP encourages residential development in the City Centre where it provides well-designed high quality living environments and the City Centre Canal corridor development framework SPD identifies this part of the gun quarter as a focus for regeneration and improvements. The proposed development would assist in this regeneration and provide further sustainable housing in the city centre as well as improving the character and appearance of the site.
- 7.2. The design, layout and buildings heights proposed are acceptable and it is not considered that they would be any unacceptable loss of amenity to neighbouring properties. The impacts on the heritage assets in the vicinity of the site would be beneficial by replacing the existing buildings with those of a more appropriate form and appearance. It is therefore considered that the application is acceptable subject to securing the off-site contributions via legal agreements as below:-

8. Recommendation

- 8.1. That consideration of application 2018/06374/PA be deferred pending the completion of a Section 106 legal agreement to secure:
- a) A financial contribution of £214,000 (index linked from the date of this resolution) toward off site affordable housing to be paid prior to first occupation;
 - b) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing subject to a maximum of £10,000.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 30 October 2019, planning permission be refused for the following reason:
- 1. In the absence of a legal agreement to secure a financial contribution towards affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017, the Affordable Housing SPG and the NPPF.
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 30 October 2019, planning permission for application 2018/06374/PA be APPROVED, subject to the conditions listed below:-

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- | | |
|---|---|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
| 3 | Requires the prior submission of a sustainable drainage scheme |
| 4 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Drainage Operation and Maintenance Plan |
| 5 | Limits the use and hours of operation of the commercial unit to 08.00 - 20.00 Monday to Saturday |
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|----|---|
| 6 | Limits delivery time of goods to 08.00 - 20.00 hours Mondays - Saturdays |
| 7 | Requires the submission of sample materials |
| 8 | Requires the submission of sample brickwork |
| 9 | Requires the submission of a scheme for ecological enhancement measures |
| 10 | Requires the submission of hard and/or soft landscape details |
| 11 | Requires the submission of architectural details of windows, doors, gates, rainwater goods and balconies. |
| 12 | Requires the submission of boundary treatment details |
| 13 | Limits the noise levels for Plant and Machinery |
| 14 | Requires the prior submission of noise insulation (variable) |
| 15 | Requires a Noise and Vibration Assessment |
| 16 | Requires the prior submission of a demolition and construction method statement/management plan |
| 17 | Requires the submission of a CCTV scheme |
| 18 | Requires the submission of a lighting scheme. |
| 19 | Requires the submission and completion of works for the S278/TRO Agreement |
| 20 | Requires the provision of cycle parking prior to occupation |
| 21 | No obstruction, displays or signage fitted to the commercial unit. |
| 22 | Removes PD rights for installation on any roof top plant or equipment |
| 23 | Requires the scheme to be in accordance with the listed approved plans |
| 24 | Implement within 3 years (Full) |
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: Aerial view of application site showing existing building (with white roof) and yard



Figure 2: View of existing building with white rendered facade and Comet Works to the right.



Figure 3: View of existing site entrance and Yard

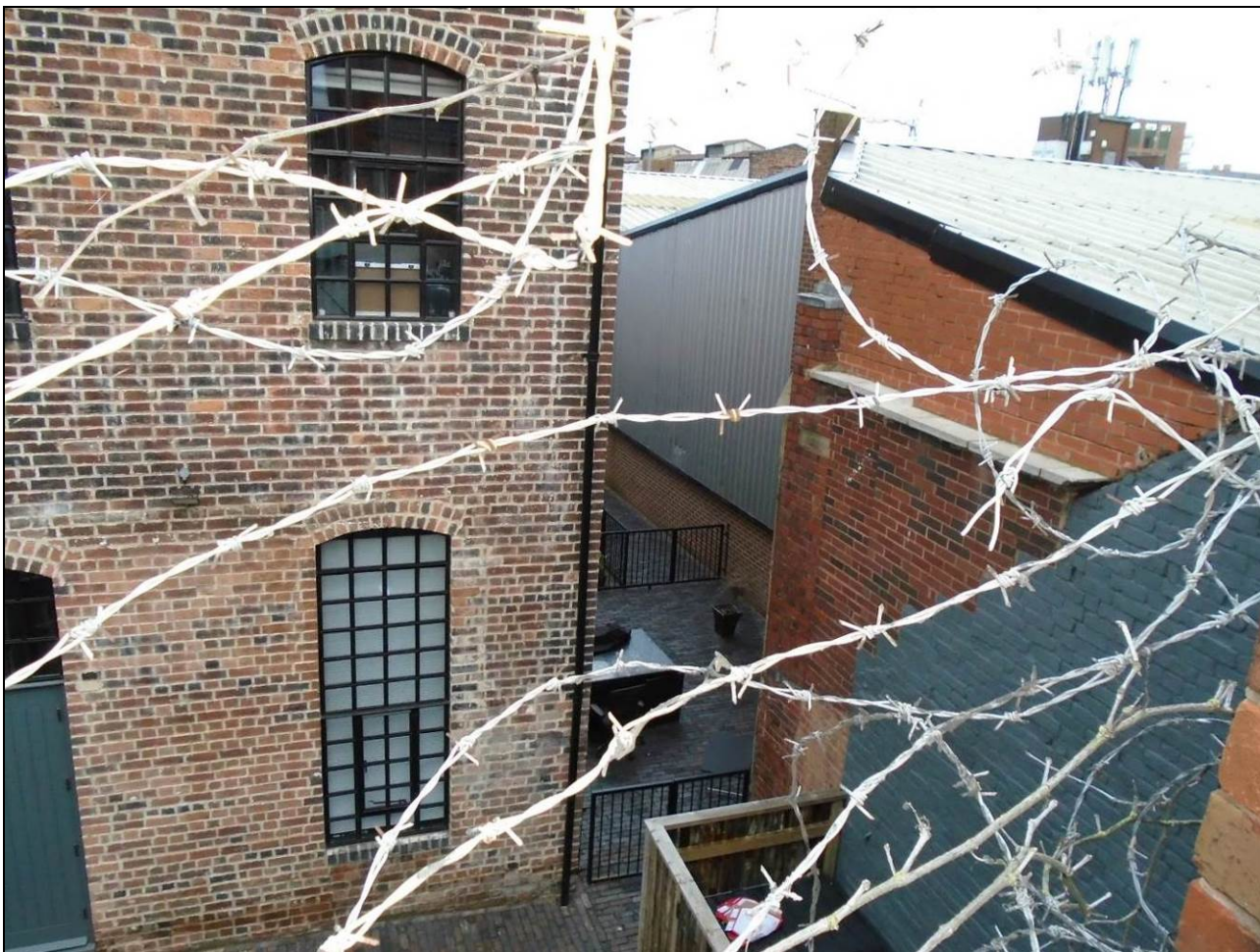
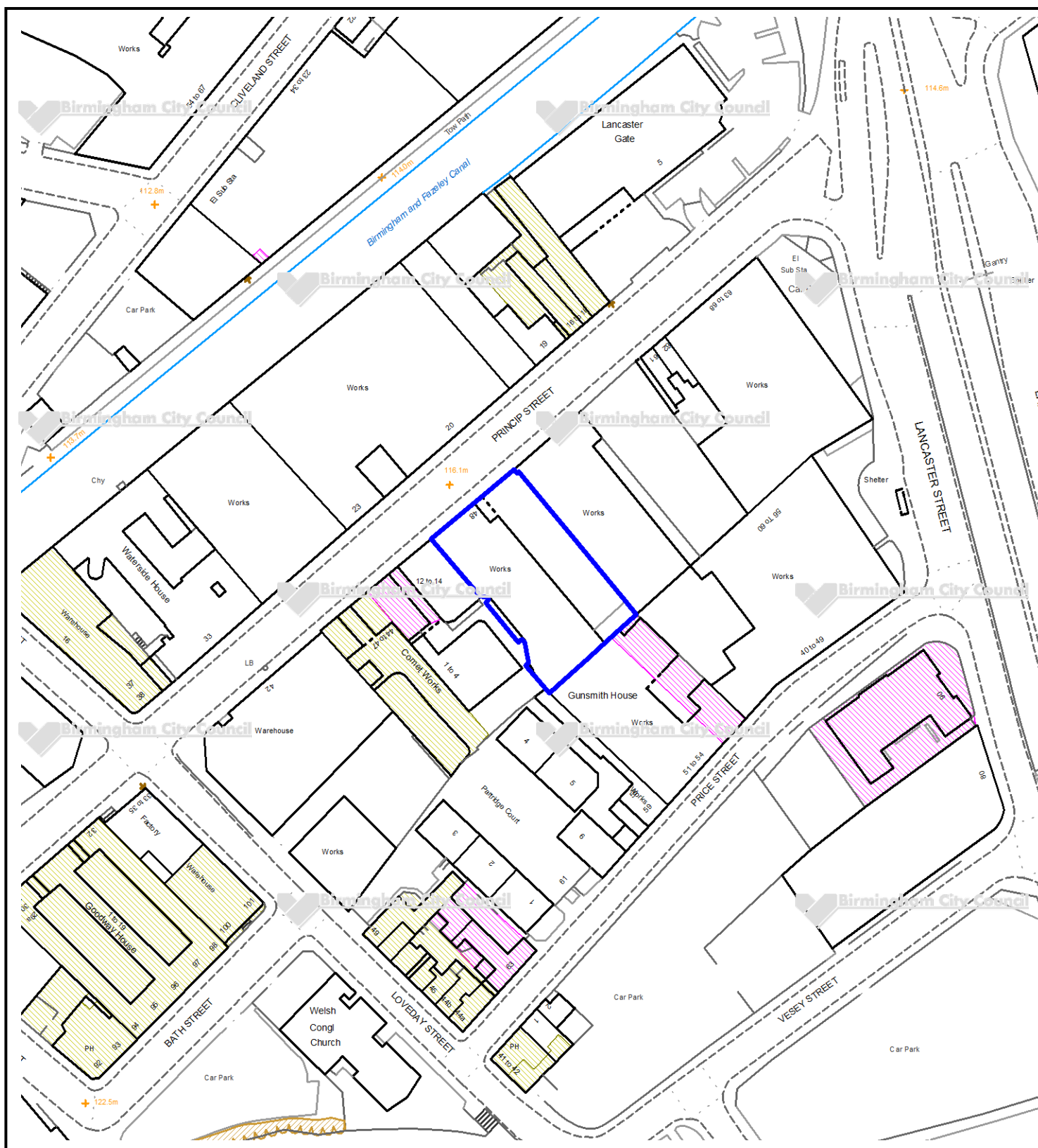


Figure 4: View of existing building in relation to Mill House at the Comet Works

Location Plan



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Birmingham City Council

Planning Committee

26 September 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	13	2019/04459/PA 7 Pakenham Road Edgbaston Birmingham B15 2NE Erection of single storey rear extension.
Approve – Conditions	14	2019/02517/PA Former Goodman's Yard Former Birmingham Battery Site Bristol Road Selly Oak Birmingham Reserved Matters Consent pursuant to outline planning permission 2013/02178/PA (as Amended) for access, appearance, landscaping, layout and scale for the provision of a footbridge over the Worcester and Birmingham canal, a reserved area for a future winding hole, a public plaza, associated access and landscaping and works.
Approve – Conditions	15	2019/04522/PA Former Selly Oak Hospital Raddlebarn Road Selly Oak Birmingham B29 6JD Reserved Matters application for the erection of a 4 storey apartment block to replace 5 storey apartment block approved under application 2016/01232/PA.

Determine	16	<p>2019/04498/PA</p> <p>300 Robin Hood Lane Hall Green Birmingham B28 0EG</p> <p>Erection of two storey side and rear and single storey rear extensions</p>
Prior Approval Required Approve – Conditions	17	<p>2019/06477/PA</p> <p>Nos. 20 & 22, 24-30 (evens), 38 & 40, 57 & 59, 37-47 (odds), 78 & 80, 96-102 (evens) Gildas Avenue 59-65 (odds) Barratts Road Blocks 1 (1-6), 3 (1-6), 5 (1-6) & 7 (1-6) Bentmead Grove 25-31 (odds) & 40-46 (evens) Little Hill Grove 1-7 (odds) Sisefield Road Kings Norton Birmingham</p> <p>Application for Prior Notification of proposed demolition of existing flats, houses and maisonette blocks</p>

Committee Date:	26/09/2019	Application Number:	2019/04459/PA
Accepted:	03/06/2019	Application Type:	Householder
Target Date:	26/09/2019		
Ward:	Edgbaston		

7 Pakenham Road, Edgbaston, Birmingham, B15 2NE

Erection of single storey rear extension.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Permission is sought for the erection of a single-storey rear extension.
- 1.2. The proposed rear extension would span the entire width of the house (approximately 17 metres) and be 'staggered' in terms of depth. At its greatest extent the length (depth) of the rear extension would be approximately 15 metres. It would be single-storey with a ridge height of approximately 3.2 metres. The proposed rear extension would facilitate the creation of an indoor swimming pool, 1no. bedroom with ensuite, gym and large sitting area.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site contains a late 19th Century detached residential dwelling located within a residential area comprising properties of varying size and architectural styles.
- 2.2. The application property is a not listed but forms part of the setting of a number of listed buildings along Pakenham Road and Gough Road (that is to the rear of the application site). For instance, immediate neighbouring properties Nos. 6 and 8 Pakenham Road are both Grade II Listed Buildings. The application site is within the designated Edgbaston Conservation Area.
- 2.3. [Site Location Plan](#)

3. Planning History

- 3.1. No planning history

4. Consultation/PP Responses

- 4.1. Site and press notice displayed. Neighbours and local councillors consulted. A total of 7 objections received during the public consultation period. To summarise, the cited grounds for objection are as follows:

- Proposed rear extension would be out-of-keeping with the conservation area and neighbouring listed buildings.
- The proposed rear extension would lead to unacceptable loss of light and outlook to the living rooms at the rear of neighbouring No. 6 Pakenham Road.
- The proposed rear extension would adversely impact the enjoyment of an existing rear patio area for the occupant(s) at No. 6 Pakenham Road.
- A rear extension of this size and design will be detrimental to the character of the surrounding homes and the conservation area. It would amount to an over-development of the application site.
- Existing outbuildings at the application property should be retained.
- Party wall issues and adverse impact on neighbouring property values.
- Badminton Court would risks disturbance to wildlife and could adversely affect existing trees.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living (2001)
- Extending your Home (2007)
- The Edgbaston Conservation Area Character Appraisal (ECACA)
- The 45 Degree Code (1996)

5.2. The following national policies are applicable:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- NPPF: National Planning Policy Framework (2019)

6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies as set out above.

6.2. Amended plans were supplied during the course of assessing this application to alter the size, design and appearance of the proposed rear extension. This followed Officer concerns that the initial proposal would have an adverse impact on neighbouring amenity. The initial submission also included proposals to alter the front porch of the house and lay a badminton court in the rear garden. These have now been withdrawn from this application so do not form part of this assessment.

6.3. **Policy:**

6.4. Policy PG3 of the Birmingham Development Plan (BDP) states that new development should “reinforce or create a positive sense of place and local distinctiveness, with design that responds to the site conditions and the local area context, including heritage assets and appropriate use of innovation in design” and “create safe environments that design out crime”.

6.5. BDP policy TP12 states that “Great weight will be given to the conservation of the City’s heritage assets. Proposals for new development affecting a designated or

non-designated heritage asset or its setting ...will be determined in accordance with national policy.”

- 6.6. NPPF paragraph 193 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.”

- 6.7. NPPF paragraph 194 states that, “Any harm to, or loss of, the significance of a designated heritage asset ... should require clear and convincing justification.”

6.8. Impact on Heritage Assets:

- 6.9. The site is within the designated Edgbaston Conservation Area and the setting of several listed buildings including neighbouring Nos. 6 and 8 Pakenham Road. As such, there is a requirement to assess the impact of the proposed development upon the character and appearance of these heritage assets.

- 6.10. The Council’s Conservation Officer has been consulted on this application. Initial Conservation Officer comments raised concerns with the originally proposed replacement front porch and badminton court in the rear garden. However, after discussions these proposed works were withdrawn from the application.

- 6.11. In respect to the proposed rear extension the Conservation Officer noted:

“The majority of the proposed works are to the rear of the property and therefore will have little visual impact on the overall character and appearance of the conservation area. However, although this building is not listed it is surrounded by listed buildings to the sides and rear and therefore forms part of the setting of these buildings making the application site more sensitive. A number of the neighbouring listed properties also have rear extensions, some of which are two-storey and although this extension is quite large in both depth and width, it is single storey which reduces the impact on the setting of the listed buildings. Taking account of this I consider that this extension could be tolerated.”

- 6.12. I share the view of the Conservation Officer that the proposed rear extension is acceptable. The proposed extension is substantial in scale but it would be subordinate to the main house and not visible from public vantage points. The Conservation Officer considers that there would not be harm to the setting of nearby listed buildings or to the character and appearance of the Edgbaston Conservation Officer. I am satisfied that the scale, massing and appearance of the amended proposal respects the style and design form of the main house and would not harm the character of the streetscene of significance of the conservation area.

- 6.13. The Conservation Officer has recommended that any grant of planning permission impose conditions requiring the applicant to submit to the Council sample materials and full architectural and specification details for the proposed works. I am satisfied that these conditions would pass the six tests for conditions outlined within the NPP.

6.14. Scale, massing, layout and design:

- 6.15. In terms of scale, massing, layout and design the revised proposal is considered acceptable. The rear extension would be single-storey and subservient to the main house. The materials chosen would be respectful to the main house. I do not identify harm to the architectural appearance of the dwelling nor the visual amenity

of the surrounding area. As such, the proposed development is in accordance with 'Extending Your Home' and 'Places for Living'.

6.16. Impact on Neighbouring Amenity:

6.17. The proposed development complies with the 45 Degree Code and the numerical guidelines contained within 'Places For Living' and 'Extending Your Home.' The rear extension complies with the 21.5m separation distance between facing buildings and leaves over 70sq.m. of private amenity space. Therefore, I am satisfied there will be an acceptable impact on neighbouring amenity.

6.18. Other Matters:

6.19. A number of objectors have raised potential party wall issues and concerns that the proposal would have a harmful impact on local property values. I sympathise with such concerns but these are not material planning considerations.

6.20. Several respondents have also raised concern that the originally proposed badminton court could have a detrimental impact on existing trees and local wildlife i.e. badgers. Proposals for a badminton court were ultimately withdrawn from this application. However, provided certain size thresholds and materials criteria are abided by then the applicant could lay a badminton court under Permitted Development Rights.

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

7. Conclusion

7.1. This application is recommended for approval. There are no sustainable grounds upon which to recommend refusal of the proposal.

8. Recommendation

8.1. Approval subject to the following conditions:

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used are in accordance with the submitted application form and approved plans. |
| 3 | Requires the prior submission of further details |
| 4 | Requires the prior submission of materials |
| 5 | Implement within 3 years (Full) |
-

Case Officer: Richard Bergmann

Photo(s)



Photo 1. View towards rear elevation of application property.

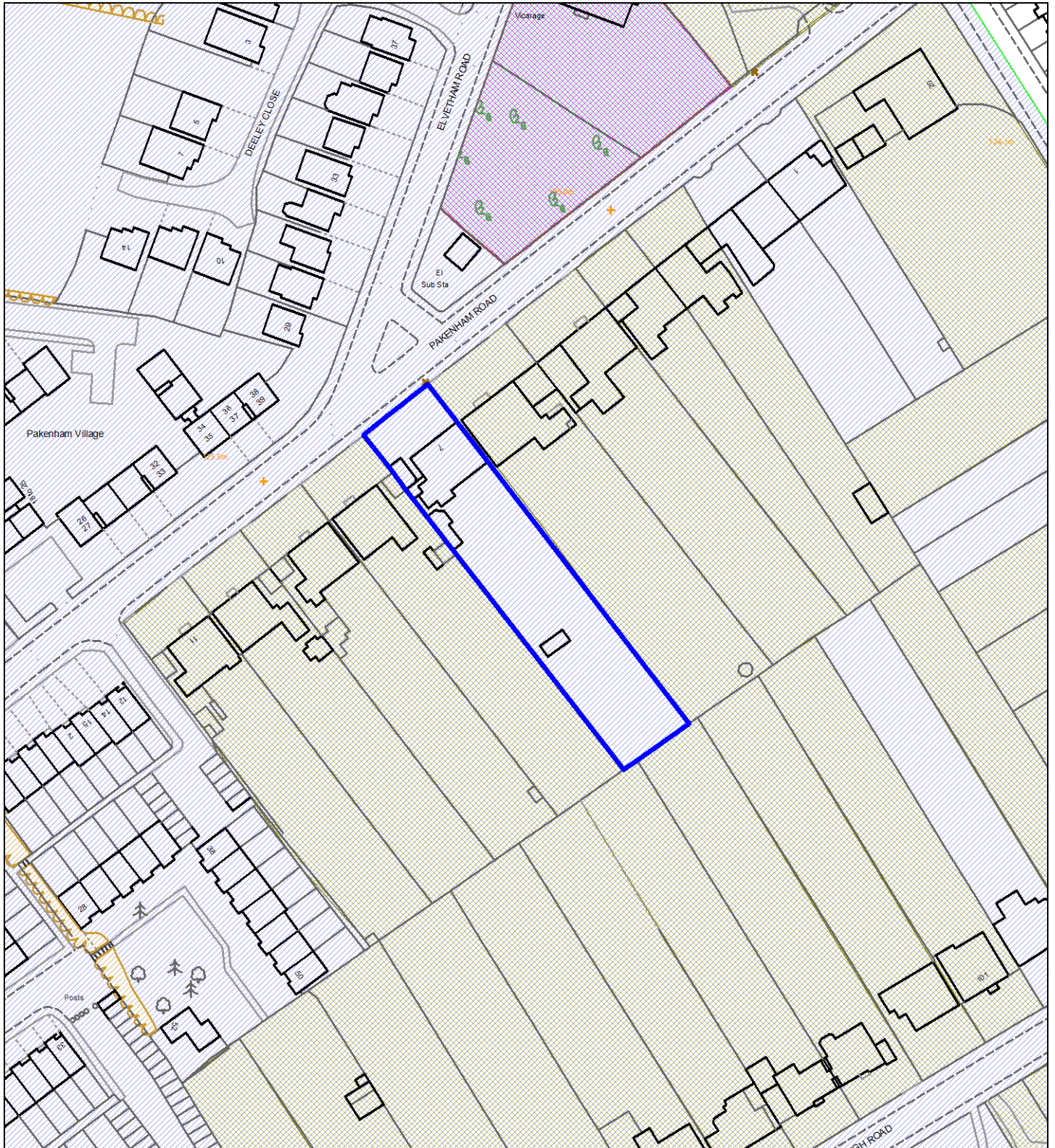


Photo 2. View towards No. 8 Pakenham Road from rear garden of application property.



Photo 3. View towards No. 6 Pakenham Road from rear garden of application property.

Location Plan



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Committee Date:	26/09/2019	Application Number:	2019/02517/PA
Accepted:	25/03/2019	Application Type:	Reserved Matters Development
Target Date:	27/09/2019		
Ward:	Bournbrook & Selly Park		

Former Goodman's Yard, Former Birmingham Battery Site, Bristol Road, Selly Oak, Birmingham,

Reserved Matters Consent pursuant to outline planning permission 2013/02178/PA (as Amended) for access, appearance, landscaping, layout and scale for the provision of a footbridge over the Worcester and Birmingham canal, a reserved area for a future winding hole, a public plaza, associated access and landscaping and works.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Reserved matters consent is sought to erect a bridge over the Birmingham to Worcester Canal and consequently provide direct pedestrian access from the Bristol Road to the Selly Oak Retail Park and student accommodation. The bridge has a stepped and ramped access that would be 3m wide and sides which are 1.4m high. The bridge would be constructed of corten steel and is positioned approximately 3m above the canal.
- 1.2. The development also includes areas of hard and soft landscaping which incorporates a public plaza and reserves an area to be utilised as a winding hole for the proposed Lapal Canal.
- 1.3. To provide context, Outline consent was secured for the former Battery site (2013/02178/PA), which provides for the site's de-contamination, re-development for a Life Sciences Campus on its northern half, and a mixed-use scheme on its southern half. Reserved Matters consent has since been granted under reference 2015/04902/PA for the majority of the southern half of the site for a mixed-use scheme, principally consisting of the Supermarket, other Retail (Outline Consent allows for Classes A1 to A5), a Petrol Filling Station, and Student Accommodation. This scheme has been implemented with only the student accommodation not occupied. This application covers the remaining area of the southern half of the site.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises 0.64ha of land that is broadly triangular in shape. The land was historically used for industrial purposes but lay vacant for a number of years. Whilst the adjacent retail park and student accommodation have been under construction the site has been utilised for the storage and delivery of building materials.

- 2.2. The Bristol Road provides the boundary to the south and east of the site whilst the Birmingham to Worcester Canal is located to the west and the railway line located to the north/north east.
- 2.3. Selly Oak Local Centre is in close proximity to the site and just to the east of the railway line and adjoining the site's edge are two Grade II Listed Buildings: Selly Oak Library, and the large Electricity Sub Station at the rear of 659 Bristol Road.
- 2.4. [Site Plan](#)
3. Planning History
 - 3.1. Extensive planning history which includes:
 - 3.2. 28/11/13, 2013/02178/PA, Outline planning application for mixed use development comprising of life sciences campus (Use Classes B1a, B1b, B1c), supermarket (Use Class A1), non-food retail units (Use Class A1), financial and professional units (Use Class A2), cafe and restaurant units (Use Class A3), drinking establishments (Use Class A4), hot food take-away (Use Class A5), leisure (Use Class D2), student accommodation (Sui Generis), petrol filling station (Sui Generis), a linear open space walkway 'greenway', vehicular Access to the site, car parking (including multi storey car parking), landscaping, retaining walls, and associated works including demolition of existing buildings. Matters Reserved: Scale, Layout, Appearance, Landscaping, pedestrian and cycle Access, and vehicular Access within the site. Approved
 - 3.3. 17/12/2015, 2015/04902/PA Reserved matters application following outline consent 2013/02178/PA for the layout, scale, appearance, landscaping, pedestrian and cycle access, and vehicular access within the site for the supermarket and other retail development, student accommodation and petrol filling station. Approved
 - 3.4. 11/01/2019, 2017/07900/PA Installation of a swing bridge. Approved
 - 3.5. 03/04/2019, 2017/02943/PA New section of canal with residential moorings. Approved
 - 3.6. 2019/02523/PA Application to determine the details for conditions numbers 16 (a drainage scheme) 23 (additional ecology survey) 26 (of a construction ecological mitigation plan) 28 (submission of a scheme for ecological/biodiversity/enhancement measures) 30 (submission of a habitat/nature conservation management plan) 34 (submission of a programme of archaeological work) 36 (submission level details) 38 (submission of hard and soft landscape details) 40 (submission of public realm strategy) 45 (Boundary treatment details, including for delivery area to Bristol Road and to Battery Retail Park) 47 (submission of sample materials) 49 (submission of hard surfacing materials) 51 (submission of a lighting scheme) 65 (Minimum area for Bristol Road Plaza) 74 (submission of a CCTV scheme) and 90 (approval of the siting/design of the access) attached to approval 2013/02178/PA. Under consideration
 - 3.7. 2019/05259/PA Excavations to enable triangular shaped extension to canal which would enable boats to turn. Under consideration
4. Consultation/PP Responses

- 4.1. Transportation – No objection subject to a condition for the footway crossing on Bristol Road to be provided prior to the plaza area being completed.
- 4.2. Regulatory Services – No objection.
- 4.3. Police – No objection
- 4.4. Canal & River Trust – No objection subject to conditions regarding archaeology, bins, bats, lighting and construction management.
- 4.5. Network Rail –No objection
- 4.6. Local occupiers, Councillors, MP and Residents' Associations notified. Two Site Notices displayed and a Press Notice displayed. 10 letters of objection have been submitted raising the following issues:
 - Due to the shape of the winding hole boats will not be able to successfully turn within the canal;
 - Extent of sheet metal should extend closer to the canal; and
 - Finished ground level in area of proposed winding hole should be lower to make excavations easier.
- 4.7. Comments have submitted by the Community Partnership for Selly Oak (CP4SO) raising the following concerns:
 - Current configuration of the winding hole does not allow boats to turn;
 - The site should be as flat as possible to benefit disabled users;
 - The railway arches should be utilised rather than blocked off;
 - Electricity and water should be provided to facilitate community use; and
 - The proposal does not aid connections to Selly Oak Retail Park
- 4.8. An objection has been received by Councillor Tristan Chatfield raising the following concerns:
 - Significant amounts of soil may be deposited in the area for the winding hole placing a financial burden on the Lapal Canal Trust to remove it.
- 4.9. 1 letter of support has been received highlighting that the scheme would be beneficial to the area and the community as a whole.

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Birmingham Development Plan (2017)
 - Places for Living SPG (2001)
 - Places for All SPG (2001)
- 5.2. The following national policy is applicable:
 - NPPF – National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. The principal matters for consideration are the Reserved Matters of Layout, Scale, Appearance, and Landscaping, and Pedestrian and Cycle Access.

6.2. Access

- 6.3. Site access is controlled by the Parameters set within the Outline Consent, and so this Reserved Matters submission follows those Parameters. The outline approval included 2 pedestrian accesses from the Bristol Road. Both of these have been included within this scheme with access provided to the student accommodation and retail park via a new bridge over the canal. To ensure that the bridge is fully accessible it includes both steps and a ramped access. Comments have been provided by Transportation Officers who raise no objections to the routes proposed.

6.4. Scale and Appearance

- 6.5. The only proposed structure is the new bridge. The bridge would be constructed of corten steel with semi-circular ramps proposed at either end. The steel proposed would weather over time producing a lighter red finish. When considering the adjacent railway arches and the historic use of the site it is considered the design and choice of materials reflects the industrial heritage of Selly Oak and would have a positive impact on the character of the area.

6.6. Layout

- 6.7. As mentioned previously, the only structure on site is the bridge which has been positioned appropriately to maximise usage.
- 6.8. The site includes a plaza measuring 400sqm which is a requirement of the S106 agreement attached to the outline approval. This provides a public space that can be utilised by the local community for events.
- 6.9. The S106 agreement also requires provision to be made for a winding hole which would allow boats to turn and enter the proposed section of new canal (Lapal Canal) which will extend through the Selly Oak Retail Park. The plans indicate where the winding hole will be located but for clarity this application does not grant consent for its construction; this requires a separate full planning application which is currently under consideration under reference 2019/05259/PA.
- 6.10. The Canals and Rivers Trust (CRT) and a number of other interested parties initially raised concerns over the shape of the winding hole as it would have not allowed boats to comfortably turn without the risk of damaging the canal bank. Amended plans have since been received which CRT have confirmed are now acceptable in this regard.
- 6.11. Landscaping
- 6.12. A detailed scheme of hard and soft landscaping has been submitted with the application. The hard landscaping includes fencing, bins, benches, bollards and footpaths. The hard surfacing material initially proposed was tarmac however this has been upgraded to a mix of 3 colours (different shades of grey and brown) of resin bonded gravel that will demarcate different areas of the site.
- 6.13. The soft landscaping includes a variety of shrubs, hedges, trees and grassed areas. The combination of species will provide an attractive public space that should encourage use of the route over the canal.

- 6.14. Concerns have been raised over levels across the site, particularly in relation to where the winding hole is proposed; objectors believe that excessive amounts of soil will need to be removed which place an unnecessary burden on the Lapal Canal Trust when they begin implementation of the winding hole. However, the applicant is merely providing a grassed area that fits comfortably with surrounding land levels. If finished levels were lower rainwater would potentially pool within the area creating an unattractive muddy area similar to the area where the canal is proposed within the retail park. The applicant has an obligation to leave the area appropriately landscaped as there is no guarantee as to how quickly any future approval of the winding hole will be implemented.
- 6.15. Scale
- 6.16. Taking into account the large structures and buildings surrounding the site the canal bridge is relatively modest in scale and is therefore acceptable.
- 6.17. Other Considerations
- 6.18. CRT have asked for a number of conditions to be attached if approval is recommended. However, the matters raised are covered by conditions which are attached to the initial outline application 2013/02178/PA and require discharge on a phased basis. The relevant discharge of condition application for this site has already been submitted under reference 2019/02523/PA and will be determined after the determination of this application.
7. Conclusion
- 7.1. The principle of development for the purposes currently proposed, along with the access to the site, was established through the determination of an outline application for the wider battery site in 2013. The current proposals relating to layout, scale, appearance and landscaping in respect of this phase of development are in accordance with the parameters established at the outline stage and are considered acceptable.
- 7.2. In the light of the above, I recommend approval of this reserved matters submission.
8. Recommendation
- 8.1. Approval subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
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Case Officer: Andrew Fulford

Photo(s)

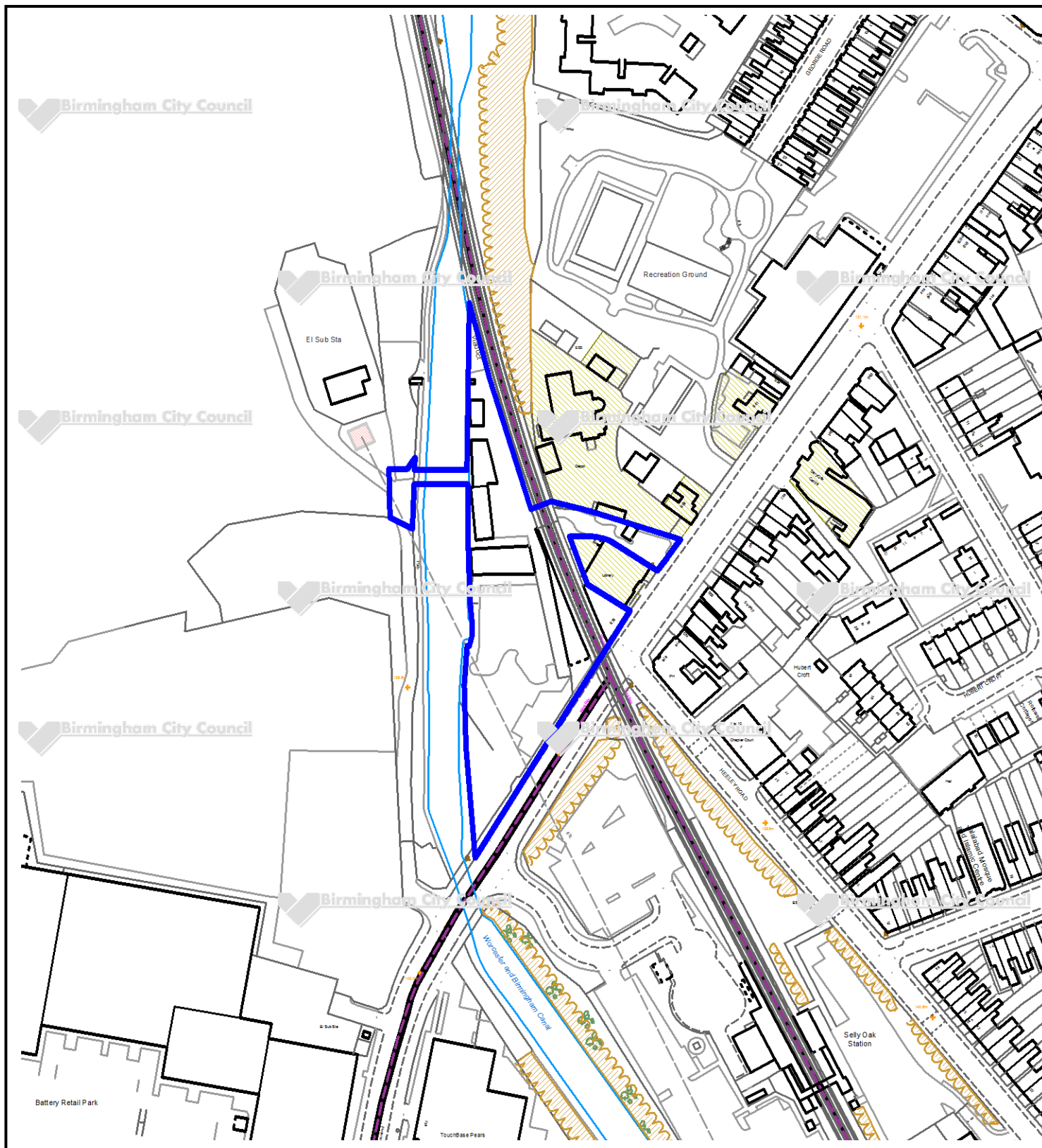


Photo 1: View from Bristol Road looking north towards the location of the proposed bridge



Photo 2: View north across Goodmans Yard towards the railway arches

Location Plan



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Committee Date:	26/09/2019	Application Number:	2019/04522/PA
Accepted:	14/06/2019	Application Type:	Reserved Matters Development
Target Date:	13/09/2019		
Ward:	Bournville & Cotteridge		

Former Selly Oak Hospital, Raddlebarn Road, Selly Oak, Birmingham, B29 6JD

Reserved Matters application for the erection of a 4 storey apartment block to replace 5 storey apartment block approved under application 2016/01232/PA.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application is a reserved matters submission for a four storey apartment building on the former Selly Oak Hospital site. An outline application (ref 2012/02303/PA) for demolition of existing structures and construction of a maximum of 650 dwellings, in addition to A1, A2, A3, A4, B1(a) and D1 uses on the hospital site was approved on 14th October 2013. The application included consideration of access, with all other matters reserved. The submission included a series of parameter plans, which established a number of principles for development, including land use, residential densities, scale/massing, access/movement strategy and building retention.
- 1.2. The proposed apartment falls within the area known as phase 3 where reserved matters consent was previously granted for 125 dwellings under reference 2016/01232/PA. This application simply seeks to substitute a 5 storey apartment building with a 4 storey apartment building. The previously approved 5 storey apartment building has a flat roof and would be constructed entirely of red brick.
- 1.3. The proposed apartment building has a flat roof and is primarily built of brick but does contain elements of cream render. The building contains 40 x 1 bedroom apartments. The accommodation consists of an open plan kitchen, living and dining area with a double bedroom and W.C. The previously approved apartment contained 50 units meaning that the number of units within phase 3 would reduce to 115.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This application relates to a very small part of the wider development site at Selly Oak Hospital. The hospital site is located approximately 3.5 km south-west of Birmingham City Centre and just to the south of the A38 (Bristol Road). The hospital site lies at the southern end of Selly Oak, abutting the northern edge of Bournville Village Conservation Area. To the east the site is bordered by the Worcester and

Birmingham Canal and the Cross City Rail Line. To the west are The Acorns Hospice and Selly Oak School. Raddlebarn Road bisects the site and provides all existing vehicular access to it. There is established housing to the north and west, and development sites to the north on Elliott Road. Raddlebarn Road forms the boundary between Selly Oak and Bournville Wards.

- 2.2. The wider hospital site extends to 17.4 ha overall, the majority (11.3 ha) of which lies to the north of Raddlebarn Road which was, for the most part, developed with a range of buildings used for hospital related activities.
- 2.3. Following relocation of most services to the QE Hospital many buildings across the site were demolished, although some buildings were retained for conversion. The first five phases of redevelopment are well underway, with a large number of units already occupied.
- 2.4. This application relates to small parcel of land within phase 3. The application site is located at the junction of Oak Tree Lane and Raddlebarn Road. The proposed apartment block is located directly adjacent to 3 storey apartment blocks which are currently under construction.
- 2.5. [Site Location Plan](#)
3. [Planning History](#)
 - 3.1. 14th October 2013. PA No. 2012/02303/PA. Outline application for demolition and construction of a maximum of 650 dwellings and construction of up to 1000m2 (maximum) Use Class A1 (Shops); 500m2 (maximum) Use Class A3 (restaurants and cafes) and Use Class A4 (drinking establishments); 1500m2 (maximum) Use Class B1(a) (offices)/Use Class A2 (financial & professional services) and Use Class D1 (non-residential institution); together with access, associated public open space, roads, car parking and landscaping. Approved subject to a legal agreement.
 - 3.2. 30th April 2015. PA No. 2015/00535/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 1 of outline approval (ref 2012/02303/PA) for 96 new build dwellings (Use Class A3), provision of open space (incorporating cricket pitch and pavilion), associated parking and external works. Approved.
 - 3.3. 12th June 2015. PA No. 2015/01313/PA. Conversion of former (Woodlands) nurses' home to 15 residential apartments (Use Class C3), with associated external alterations and landscaping works. Approved (with subsequent amendments/additional units).
 - 3.4. 17th September 2015. PA No. 2015/04617/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale in respect of Phase 2 of outline approval (2012/01232/PA) for 67 new dwellings (Use Class C3) with associated parking and external works. Approved.
 - 3.5. 7th September 2016. PA No. 2016/04337/PA. Conversion of West Lodge into 10 apartments (Use Class C3) with associated car parking facilities. Approved.
 - 3.6. 12th August 2016 PA No. 2016/04941/PA. Roof extension and internal/external alterations to existing buildings to accommodate 3 additional apartments with associated parking and external works. Approved.

- 3.7. 13th October 2016. PA No. 2016/01232/PA. Reserved Matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 3 of outline approval (2012/02303/PA) for 125 no. new build units with associated parking and external works. Approved.
- 3.8. 10th February 2017. PA No. 2016/06550/PA. Conversion of water tower into 6 apartments (Use Class C3) with associated car parking facilities and landscaping. Approved.
- 3.9. 13th February 2017. PA No. 2016/05990/PA. Reserved matters submission for consideration of details of appearance, landscaping, layout and scale relating to Phase 4 of outline approval (2012/02303/PA) for 122 new residential units with associated parking and external works and laying out of public open space. Consideration also of details in respect of conditions 13 and 23 attached to 2012/02303/PA. Approved
- 3.10. 27th February 2017. PA No. 2016/06553/PA. Conversion of infirmary entrance building into 11 apartments (Use Class C3) with associated car parking facilities and landscaping. Approved.
- 3.11. 12th April 2017. PA No. 2016/09242/PA. Reserved matters submission for consideration of internal roads within Phase 5 of outline approval reference 2012/02303/PA. Approved.
- 3.12. 8th June 2018. 2018/01390/PA. Change of use of hospital building (use class C2) to childrens day nursery (use class D1) with single storey rear extension. Approved
- 3.13. 13th September 2018. 2018/01472/PA. Reserved matters application seeking permission for appearance, landscaping, layout and scale of 34 dwellings (Phase 5) following outline approval 2012/02303/PA. Approved
- 3.14. 3rd January 2019. 2018/07028/PA. Reserved Matters application seeking permission for appearance, layout, scale and landscaping of 153 dwellings (Phase 5a) following outline approval 2012/02303/PA. Approved

4. Consultation/PP Responses

- 4.1. Regulatory Services – no objections.
- 4.2. Transportation – no objection.
- 4.3. LLFA – Objection due to lack of drainage details.
- 4.4. Local occupiers, residents' associations, Councillors and MP notified, advertised by Site Notice and Press Notice. 1 objection has been received raising the following matters:
- Development is too high;
 - Unattractive design; and
 - Increased traffic;

5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (Saved Policies)
- Birmingham Development Plan (2017)
- Places for Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Wider Selly Oak SPD (2015)

5.2. The following national policy is applicable:

- NPPF – National Planning Policy Framework (2019)
- Nationally Described Space Standards (NDSS)

6. Planning Considerations

6.1. This application relates to an apartment building within phase 3 where reserved matters consent for 125 units of accommodation was granted under reference 2016/01232/PA. The application simply seeks to substitute a previously approved 5 storey apartment building with a 4 storey apartment building. It is important to note that as phase 3 has commenced on site the applicant could still choose to implement the approved 5 storey apartment building. This provides a strong fall-back position for the applicant. The principle of an apartment building on this plot has therefore been accepted.

6.2. Established Principles/Parameters (including Scale)

6.3. Vehicular access was approved at the outline stage and remains unchanged in this reserved matters submission and the proposals reflect the principles established in the 'Access and Movement Strategy Parameter Plan' considered at the outline stage.

6.4. The reduction in the number of units reduces the density across phase 3 from 87 to 81 dwellings per hectare. This figure more closely aligns within the target density identified on the original Parameters Plan, which indicated 70 dwellings per hectare in this location.

6.5. The proposed apartment is 4 storeys high. This accords with the Parameter Plan for building heights, which indicates a maximum of 7 storeys at the corner of Raddlebarn Road and Oak Tree lane.

6.6. In the light of the above, I am satisfied that the current submission is broadly in accordance with the approved parameters established at the outline stage in terms of access, land use, residential density, scale/massing and access/movement.

6.7. Transportation

6.8. The scheme results in the loss of 10 apartments and consequently 10 parking spaces have been removed from the scheme. This retains 100% parking provision for the 1 bedroom apartments. The loss of units can therefore have no negative impact on the local highway network. Consequently The Transportation Officer raises no objection to the proposal.

6.9. Layout and Appearance

6.10. The proposal broadly follows the design principles supported in 'Places for Living' SPG.

- 6.11. The apartment block is primarily of red brick construction but does include elements of cream render. The flat roof design reduces the massing of the building. The varied height of the building also provides visual interest. The elevations fronting onto both Raddlebarn Road and Oak Tree contain a number of windows to provide good natural surveillance. I consider that the scheme pays sufficient regard to the site's context to sit comfortably within its surroundings.
- 6.12. Amenity Considerations
- 6.13. The proposed apartment building retains the same siting as the previously approved scheme with windows in similar positions. With the loss of one storey the proposal would have less of an impact on nearby properties than the previously approved scheme.
- 6.14. It is also important to consider amenity levels for the occupiers of the proposed dwellings. Although the Nationally Described Space Standards are not yet adopted in Birmingham, they provide a useful yardstick for assessing size of dwellings. 1 bedroom, 2 person properties should be a minimum of 50sqm with single bedrooms measuring a minimum of 7.5sqm and double bedrooms measuring 11.5sqm. The proposed apartments have a gross internal floor area of between 50 and 58sqm with double bedrooms measuring a minimum of 14sqm. The apartments therefore exceed the relevant space standards and create an acceptable size of accommodation for the proposed occupiers.
- 6.15. The Places for Living SPG requires 1 bedroom flats to have 30sqm of private amenity space. This requirement was not met on the previously approved scheme and even with a reduction of 10 flats the standard of 30sqm per flat is not met. However, the loss of 10 parking spaces has increased the amount of private amenity space.

In summary, the scheme has an acceptable amenity impact on both existing and proposed occupiers.

- 6.16. Trees, Landscaping and Ecology
- 6.17. Landscaping is a matter for consideration as part of this current application. The loss of 10 parking spaces has resulted in the provision of additional soft landscaping. The landscaping plan shows hedgerow planting around the periphery of the site and the planting of 8 trees. The planting of shrubs is also proposed adjacent to the building. The Landscape Officer raises no objection and therefore the scheme is considered to be acceptable.
- 6.18. Other Considerations
- 6.19. Concerns were raised by the LLFA regarding the lack of drainage information. However, the applicant has confirmed that the same drainage scheme will be implemented as that approved under the phase 3 reserved matters application.

7. Conclusion

- 7.1. The principle of substituting the apartment building is considered acceptable within the previously approved phase 3. The reserved matters application is in accordance with the parameters established at the outline stage and is considered acceptable.

- 7.2. The site is in a sustainable location close to Selly Oak District Centre and, as such, would assist in achieving the City Council's wider housing objectives and supply. I consider that the development would sit comfortably within its surroundings, would have no unacceptable impact on existing occupiers or the highway network, and would provide an attractive living environment for the future occupiers.
- 7.3. In the light of the above, I recommend approval of this reserved matters submission.
8. Recommendation
- 8.1. Approval

1	Requires the scheme to be in accordance with the listed approved plans
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Case Officer: Andrew Fulford

Photo(s)



Photo 1: View north towards application site from Raddlebarn Road



Photo 2: View east towards application site from Oak Tree Lane

Location Plan



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Committee Date:	26/09/2019	Application Number:	2019/04498/PA
Accepted:	28/05/2019	Application Type:	Householder
Target Date:	23/08/2019		
Ward:	Hall Green South		

300 Robin Hood Lane, Hall Green, Birmingham, B28 0EG

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

Recommendation

Determine

1. Report Back

1.1. Members will recall that this application was presented to Planning Committee on 12th September 2019. At determination, Members will recall that the application was deferred, minded to refuse for the following reasons:

- 1) Harm to character of the area
- 2) Harmful Impact on residential amenity

1.2. Officers consider that the recommendation to approve in accordance with the original report dated 12 September 2019 remains appropriate. It was noted that there was discussion at Planning Committee regarding the impact of the proposals on the neighbouring property, No. 302 Robin Hood Lane in terms of a loss of light and the need for a daylight assessment was also mentioned. Firstly, it is not considered reasonable or proportionate to request a technical daylight assessment from the applicant on a household extension. The Council utilises the 45 degree code to assess whether a loss of light will occur to habitable rooms a neighbouring property. In this case there is no breach of the 45 degree code. The Council has no specific policy to determine whether a loss of light would occur to private gardens. This is a judgement call for Officers taking into account factors such as the siting and scale of an extension, orientation and existing boundary treatments. On balance, Officer's consider that the combination of changes presented go far enough to overcome the refusal reasons on planning application No. 2018/05505/PA; however if Members remain minded to refuse the application then the following reasons for refusal are accepted:

- a) The overall size and scale of the proposed rear extensions are out of scale with the existing building and would be out of context with the surrounding properties thereby materially harming the character of the area. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Extending Your Home adopted as a Supplementary Planning Document, and the National Planning Policy Framework.
- b) By virtue of its size and siting the proposed rear extensions would substantially reduce the level of sunlight/daylight and would appear unduly overbearing to the users of the private rear amenity space of the adjoining property no.302 Robin Hood Lane. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham UDP 2005, and the National Planning Policy Framework.

Original Report

1. Proposal

- 1.1. Consent is sought for the erection of two storey side and rear and single storey rear extensions. The proposed extensions would accommodate two additional first floor bedrooms, and bathroom, and at ground floor a larger kitchen/dining room as well as study and utility rooms.
- 1.2. This is a re-submission of the previously refused application 2018/05505/PA. In this re-submission, the amendments are that the two storey side and rear extension has been set away from the side boundary with no. 302 Robin Hood Lane by approximately 0.25m, the first floor element of the two storey side and rear extension has been reduced in length from approximately 10.1m to approximately 9.8m, the front proposed single storey's roof has been raised, the roof of the proposed two storey side and rear extension has been reduced in height from approximately 1.8m to approximately 1.7m, the single storey rear extension's roof has been converted from a mono-pitch to a dual pitch which has reduced the height of the side wall adjoining no.302 Robin Hood Lane from approximately 3.9m to 2.8m, and the ground floor front extension's proposed door and window have been replaced with a wider window, and no door.
- 1.3. Councillor Timothy Huxtable has requested that application be referred to Planning Committee.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application property is a traditional semi-detached white rendered property, with a gable end feature to the front and flat roof garage to side. The rear of the site has a long linear garden which is bounded by approximately 1.8m high fencing. The application site is located in a residential area comprising of properties which are similar in appearance. The topography of the site slopes down from south-east to north-west.

[Site Location](#)

3. Planning History

- 3.1. 2018/04990/PA - Erection of 6.0 metre deep single storey rear extension. Maximum height 4.0 metres, eaves height 3.0 metres - Prior Approval Required and to Refuse - 25/07/2018.
- 3.2. 2018/05505/PA -Erection of two storey side and rear and single storey rear extensions – Refused - 24/01/2019

Reason 1 - The overall size and scale of the proposed rear extensions are out of scale with the existing building and would be out of context with the surrounding properties. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C-D of the Birmingham UDP 2005,

guidance in Extending Your Home adopted as a Supplementary Planning Document, and the National Planning Policy Framework.

Reason 2 - By virtue of its size and sitting the proposed rear extensions would substantially reduce the level of sunlight/daylight and would appear unduly overbearing to the users of the private rear amenity space of the adjoining property no.302 Robin Hood Lane. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham UDP 2005, and the National Planning Policy Framework.

4. Consultation/PP Responses

4.1. Neighbouring properties and local Ward Councillors have been consulted.

4.2. One objection was received from a local councillor regarding the following:

- The size and scale of this application is inappropriate for the locality and would be of an overbearing nature to neighbouring properties.
- The proposed extension substantially exceeds the building line to the rear of the property.
- Out of keeping with the character of the neighbourhood.
- The current application does not seem to be materially different from that which was previously refused under delegated powers (2018/05505/pa) and differs only very, very slightly (reductions of 250 mm, 300 mm and change to a sloping roof) to the original application.

4.3. Two objections received from neighbouring residents regarding the following:

- Accuracy of submitted drawings – The first and fundamental objection is that the drawings are significantly inaccurate in terms of where the boundary lines between 300 and 302 Robin Hood Lane lie. As a consequence, the scale and footprint of the proposed development is inaccurate.
- Scale of development – This new Planning Application seeks permission for an identical development to that which was previously refused, save for the reduction of the width of the development by 250mm. In light of the above refusal reason, it cannot possibly be true that a mere reduction in width by 250mm has brought the building within an appropriate scale in the context of the surrounding properties.
- Scale of development - It remains that the scale and massing of the proposed development is entirely inappropriate in its surrounding context. The proposed side and rear 2 storey elevation running for what is effectively 40+ foot in length by some 27+ foot in height at its tallest point, with the continuing addition of a single story building (a further 10+feet by 13+feet in height) forming one overall span, of solid wall over the entire length of the fence line.
- Loss of light – As above, a mere reduction in width by 250mm when compared to the previous scheme will have little to no betterment in terms of light levels lost to number 302 Robin Hood Lane. It remains that the proposed development will be unduly overbearing as per the above refusal reason. Clearly this development will be removing the current light levels from the rear garden, casting darkness and shadow on a permanent basis. The submitted drawings fail to depict the glass-panelled rear access door to 302 Robin Hood Lane, as well as the existing first floor side window. These represent important sources of light to the rooms within the south-eastern half of 302 Robin Hood Lane as they are the only natural light source. The

two-storey side and rear element of the proposal would completely obscure any light which enters these window and door, resulting in detriment to the amenity of number 302. In general design terms, it is considered that the scale of the proposed development represents overdevelopment which would be incongruous with the existing residential dwellings within the area.

- Loss of light - The proposed development also fails to take into consideration the topographical differences between the two properties. Number 300 Robin Hood Lane is approximately 2 feet higher than the adjacent property at 302. This difference will further exacerbate the overbearing effect of the proposed development, making the height difference even more pronounced, creating greater impact.
- Boundary treatment alterations– The proposed development indicates the part removal and part relocation of a boundary fence in order to facilitate the development. Land registry documents indicate that the shared boundary is joint responsibility of both no.300 Robin Hood Lane and the adjoining property. The adjoining owner does not provide consent for this fence to be removed but should in fact be reinstated in the agreed new location as outlined by the Chartered Boundary Survey
- Party wall alterations - The proposed development appears to include the demolition/alteration of the two existing garages between no.300 & no.302 Robin Hood Lane. This wall contains a number of important utilities including boiler and associated pipework. Therefore, should this wall be damaged or removed, this would cause major disturbance and cost implications to the owner of no.302.
- Impact upon trees and hedges – Significant mature landscaping exists along the shared boundary between the two properties including extensive hard landscaping. Due to the proposed scale of the development, it is expected substantial excavations in creating the necessary footings, it would be reasonable to expect there could be some significant impact upon these elements by the development and, the hard landscaping and mature shrubs/ tree shown, could result in significant damage to the structure and integrity of both.
- Construction traffic, highways and parking – The access to the driveway of the application site is narrow, as such; construction vehicles will be unable to access the drive and instead may encroach upon the drive of no.302. Construction vehicles will be forced to park on the road immediately adjacent the site which will hamper vehicular visibility when entering and exiting the site.
- There are no fundamental differences between the current plans, and the previous plans.
- The site is on the inside of a falling curve in the road which is lined on both sides with mature trees. Despite a speed limit of 30mph most traffic is usually in excess of this, and as a result it is felt that the number and size of builders/contractors vehicles could cause serious problems.
- The situation regarding parking, how many vehicles will need to access the site and where will they park? Roadside parking is not ideal for reasons already mentioned plus Robin Hood Lane is a bus route and frequently used by emergency services. If grass verges are to be used they will of course deteriorate.
- Concerns regarding the health and wellbeing of a neighbouring occupant.
- The changes to the amended plans are not entirely clear
- The changes to the amended plans are minor, and therefore the previous reasons for refusal still stand

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG 2001
- Extending Your Home 2007
- 45 Degree Code

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2019

6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies set out above.

6.2. The main issues for consideration in the determination of this application are the impact on the residential amenity of neighbouring properties and the scale, mass and design of the proposal, and therefore the impact on visual amenity. The previous reasons for refusal are also material considerations.

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

6.4. The Council's 'Extending Your Home' SPD states that extensions should be smaller than the main part of the dwelling and should fit in comfortably within the character of the area. Concerns were raised by a neighbour regarding the scale of the development, and this formed reason 1 of the previous refusal. The proposed two storey side and rear extension would be subordinate in height and set back from the building's principal elevation. The side extension would have a gable roof design which matches the existing roof design. Furthermore, the existing dwelling's footprint is approximately 84 sq.m, and the proposed footprint would be approximately 106 sq.m. Some amendments have been made to the previous refused application by way of reductions to the first floor element of the two storey side and rear extension which has been reduced in length by 0.3m, the first floor side element has been moved closer to the principal elevation, the roof of the two storey rear extension has been reduced by 0.10m, the two storey side and rear extension has been set away from the boundary with no.302 Robin Hood Lane by 0.25m, and the single storey rear extension's roof has been converted from a mono-pitch to a dual pitch. These reductions have addressed the previous concerns of the overall scale, and size of the proposal compared with the existing house, and surrounding area, and other extensions that the City has approved. Although the objectors consider these may be minor amendments to the proposal, we consider that cumulatively they are acceptable, and do not warrant sufficient reasons for refusal.

- 6.5. The proposal complies with the Council's 45 Degree Code with respect to the adjoining properties no.298 & no.302 Robin Hood Lane. Concerns were raised by a neighbour regarding the loss of light, and this formed reason 2 of the previous refusal. The proposal is considered acceptable in terms of loss of light/outlook to the first floor side facing window of no.302 as this window is to a non-habitable room, the side-facing door at ground floor level which is not a window, and the rear facing window at the single storey side extension which serves a garage/ utility area which is a non-habitable room/ space. In the previously refused application, the application was refused due to the scale of the side extension, and proximity to the boundary with no.302 Robin Hood Lane. The scale of the side extension has been reduced, on balance the amended proposal would be acceptable. In accordance with the submitted plans, the two storey side and rear extension has been set away from the boundary with no. 302 Robin Hood Lane by approximately 0.25m, the first floor element at the rear of the two storey side and rear extension has been reduced by 0.3m and moved forward, and the roof of the proposed two storey side and rear extension has been reduced from 1.8m to 1.7m. Given that these amendments have been made to the proposal at the side and rear of the property, officers consider the amended proposed development would not reduce the level of sunlight/daylight and would not appear unduly overbearing to the users of the private rear amenity space of the adjoining property no.302 Robin Hood Lane. Furthermore, the rear garden of no.302 Robin Hood Lane is approximately 50m in length from their ground floor rear extension, and therefore we consider that it would not be affected by the proposed extensions. On balance these amendments would overcome the above concerns from the previously refused application 2018/05505/PA in terms of impacts to sunlight/ daylight and overbearingness to the adjoining property at no.302 Robin Hood Lane.
- 6.6. The proposal development would extend towards mature landscaping along the side boundary of no.302 Robin Hood Lane and towards a small conifer tree within the ownership of no.302 Robin Hood Lane. While it is acknowledged that there is potential for the proposed development to cause harm to the conifer tree and mature landscaping, there is no statutory tree protection order in this location and the conifer tree and mature landscaping does not provide public visual amenity to support a tree preservation order. The applicant is advised to take arboricultural advice regarding the effect of building works on the stability for the conifer tree for which they would be liable.
- 6.7. The public participation responses received in relation to boundary and party wall alterations are not material planning considerations and have no bearing on the decision making for this application. The concerns raised over potential traffic and parking disruptions during the construction period are temporary in nature and therefore no long term harm would be experienced.
7. Conclusion
- 7.1. This re-submission has addressed by way of its amendments the reasons for refusal in the refused application 2018/05505/PA. The overall size and scale of the proposed side and rear extensions would be considered acceptable, and would not be out of scale with the existing dwelling and out of context with properties in the surrounding area. The rear extensions would not substantially reduce the level of sunlight/daylight or appear unduly overbearing to the users of the private rear amenity space of the adjoining property no.302 Robin Hood Lane.
8. Recommendation

8.1. Approve subject to conditions

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

Case Officer: Abbas Sabir

Photo(s)

Figure 1 – Front Elevation



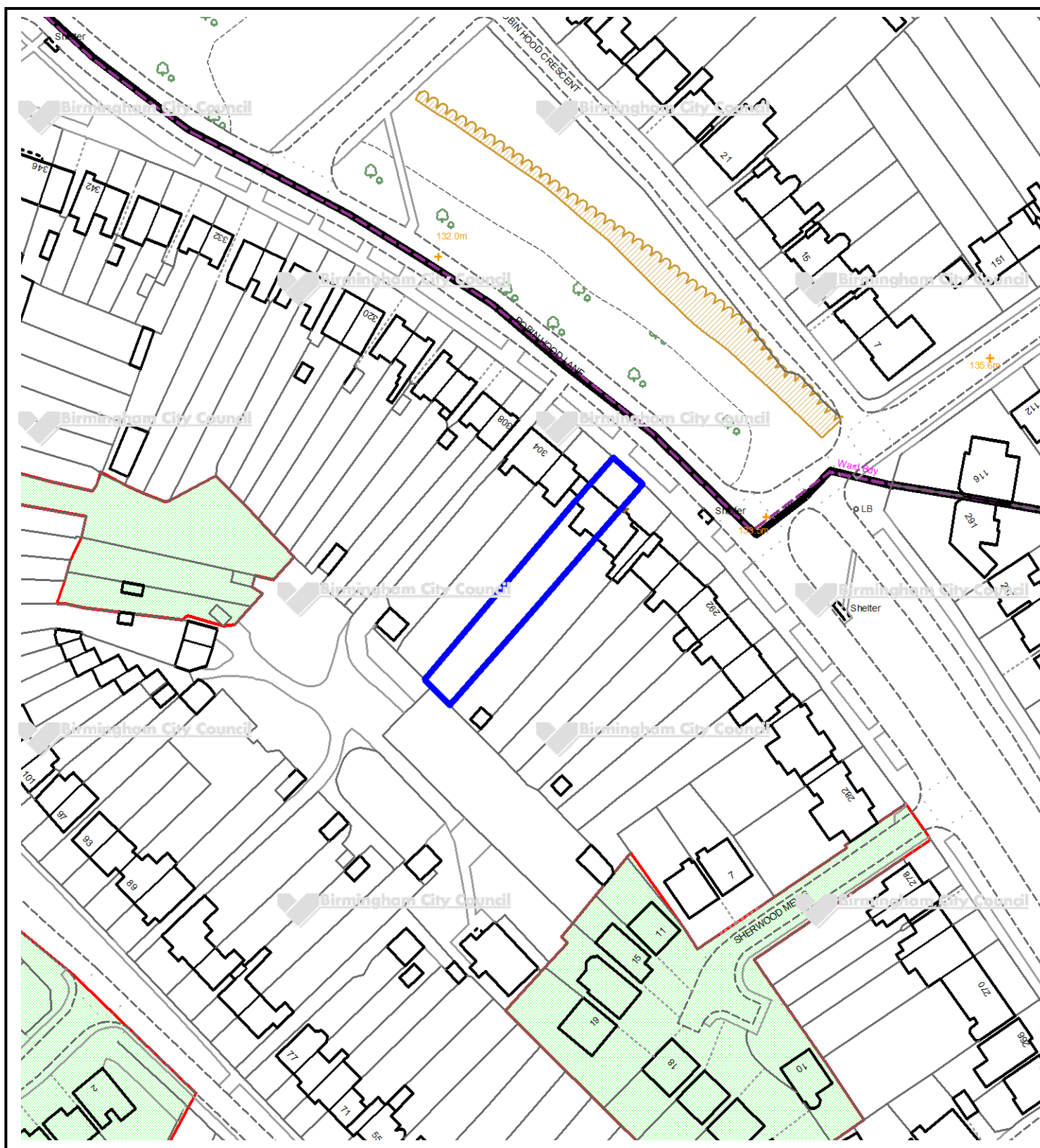
Figure 2 – Side Gap between Application Dwelling on LHS, and no.302 Robin Hood Lane on RHS



Figure 3 - Rear Elevations – Application Dwelling to RHS, and no.302 Robin Hood in the centre of the image



Location Plan



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Committee Date:	26/09/2019	Application Number:	2019/06477/PA
Accepted:	08/08/2019	Application Type:	Demolition Determination
Target Date:	27/09/2019		
Ward:	King's Norton South		

Nos. 20 & 22, 24-30 (evens), 38 & 40, 57 & 59, 37-47 (odds), 78 & 80, 96-102 (evens) Gildas Avenue, 59-65 (odds) Barratts Road, Blocks 1 (1-6), 3 (1-6), 5 (1-6) & 7 (1-6) Bentmead Grove, 25-31 (odds) & 40-46 (evens) Little Hill Grove, 1-7 (odds) Sisefield Road, Kings Norton, Birmingham

Application for Prior Notification of proposed demolition of existing flats, houses and maisonette blocks

Recommendation

Prior Approval Required and to Approve with Conditions

1. Proposal

- 1.1. This application is made under the provision of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 and seeks a determination as to whether prior approval is required for the method of demolition and site restoration of Nos. 20 & 22, 24-30 (evens), 38 & 40, 57 & 59, 37-47 (odds), 78 & 80, 96-102 (evens) Gildas Avenue, 59-65 (odds) Barratts Road, Blocks 1 (1-6), 3 (1-6), 5 (1-6) & 7 (1-6) Bentmead Grove, 25-31 (odds) & 40-46 (evens) Little Hill Grove and 1-7 (odds) Sisefield Road in Kings Norton. In total 62 units are proposed to be demolished.
- 1.2. Prior to demolition taking place, accessible non-ferrous metals, loose items, fixtures and fittings would be removed where possible. Some properties have gable-ends that are close to neighbouring premises, structures or features and would require hand demolition to ensure safety, which involves erecting full scaffolding to the gable. The works would use hand tools and methods to demolish the immediate roof area using a piece by piece method of de-building, with all arising materials falling into the property. The gable wall and structure would then be reduced using a brick by brick, course by course method from top to bottom. This would continue with the scaffold being reduced until the gable has been sufficiently reduced to allow mechanical demolition.
- 1.3. Structural demolition of a designated section would not commence unless the process can be completed during that working shift. No section of a structure would be left part demolished overnight, unless it is in a safe and stable condition. Mechanical demolition would begin systematically using a 360° excavator which would utilise different attachments to demolish different structures if necessary; the selector grapple and bucket attachments would mainly be used. All arising materials would be sorted into 4 main categories – Brick and concrete hardcore; scrap metal; clean timber and general rubbish. Arising material would be loaded into roll-on roll-off containers wherever possible using the bucket or grapple attachment in order to

keep the site as clear and tidy as possible. The containers would be removed when filled to avoid a container build up and to avoid combustibles from being left on site and would be taken to approved tips for disposal and recycling. Excavators would be parked at the front of the site at the end of the day to ensure they are visible from the road. The 360° excavator would break up the footings and foundations using bucket and possibly breaker attachments. The bucket would pull up the foundations and break them into smaller sections to allow loading. Large sections may need to be peppered using a breaker attachment. During breaking out and removal of slabs, footings and foundations, any excavations or voids would be immediately refilled or levelled.

- 1.4. The demolition site would be an exclusion zone throughout and sighting operatives would be dust suppressing throughout. The site would be re-secured following demolition with 1.8m high chain link fencing and timber trip rail to the back of the pavement.
- 1.5. This application follows a previous prior notification for demolition application of properties on Gildas Avenue in 2018. The demolition of the existing properties would facilitate the future redevelopment of the wider area.

1.6. [Link to Documents.](#)

2. [Site & Surroundings](#)

- 2.1. The application sites relates to residential dwellings, flats and maisonettes. The properties have gable end roof designs and are rendered cream. Most of the properties are set back from the highway by small grassed areas to the front.
- 2.2. The site lies within the Kings Norton Pool Farm estate which is part of the Kings Norton Three Estates. The area is identified in Policy PG32 of the BDP as a major housing regeneration area where redevelopment is proposed to create a sustainable neighbourhood and deliver long-term social, economic, physical and environmental improvements, in accordance with the Kings Norton Planning Framework.

2.3. [Site Location.](#)

3. [Planning History](#)

- 3.1. 11/10/2018 - 2018/03392/PA - Application for prior notification of proposed demolition of existing flats, houses and maisonette blocks at Nos. 25-31, 42-48, 49-55, 61-67, 70-76, 82-88 and Blocks 33 & 35 Gildas Avenue - Accepted as needing prior approval from the Council and that permission be granted subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Regulatory Services – No objection
- 4.2. Transportation Development – No objection
- 4.3. Requisite site notices have been displayed by the applicant and residents associations and local Ward Councillors have been notified. No responses have been received.

5. Policy Context

5.1. The following local policies are relevant:

- The Birmingham Development Plan (BDP) 2017
- Kings Norton Planning Framework

5.2. The following national policies are relevant:

- National Planning Policy Framework (NPPF) 2019
- Town and Country Planning (General Permitted Development) Order 2015

6. Planning Considerations

Principle of development

6.1. This application seeks a determination as to whether prior approval is required for the demolition of 62 residential properties on Gildas Avenue, Barratts Road, Bentmead Grove, Little Hill Grove and Sisefield Road on the Pool Farm Estate, Kings Norton. The issues to be considered with this type of application are solely the method of demolition and means of restoring the site.

6.2. The buildings are to be demolished as they are surplus to requirements and as redevelopment is proposed for the area. The proposed method of demolition of this site is through hand demolition and 360° mechanical excavator with suitable attachments. This proposal is consistent with other demolition applications approved elsewhere in the City and the 2018 application for the demolition of other properties on Gildas Avenue.

6.3. Following the works, the area around the demolition site would be enclosed with 1.8m high chain link fencing and timber trip rail to the back of the pavement. These would appropriately enclose the site following the demolition. Where possible, all spoil and rubble would be recycled and any hazardous waste found on site would be disposed of at appropriately licenced waste disposal facilities.

Transportation and highway safety

6.4. Transportation Development have raised no objection to the proposal, subject to the relevant permits being in place prior to the commencement of demolition, to prevent the obstruction of public rights of way through the site. Highways permits are covered by separate legislation and therefore I do not consider that it is necessary to attach this as a condition. Transportation Development consider the Demolition Method statement (Construction Phase Plan) is acceptable and a Traffic Officer has stated they have no queries to raise and do not request any further information. I concur with these views and do not consider that the proposal would impact upon transportation or highways matters.

Residential amenity

6.5. Regulatory Services have raised no objection to the application. They consider that the proposed hours of work are acceptable, the noise and dust mitigation including access to water and wheel washing are cited in the 'Construction Phase Plan (Demolition Phase)' along with a prohibition of burning of waste and bonfires, and no notifiable asbestos has been identified in related survey work. As such, the proposal would not have a detrimental impact upon residential amenity.

Ecology

- 6.6. The applicant has submitted the following supporting information alongside the application: a 'Bat Roost Assessment and Nocturnal Survey Report' and a 'Precautionary Method of Works for Bats' report. The Bat Roost Assessment and Nocturnal Survey Report states that the preliminary roost assessment found the properties had high bat roosting potential for reasons including cracked and missing mortar; gaps under and damage to flashing; damage to and missing soffits; missing, broken, slipped and lifted tiles; holes in walls; broken windows and fire damage. This survey concluded that no works could take place until nocturnal surveys had been completed.
- 6.7. The nocturnal surveys revealed the buildings have varying potential for but an absence of roosting bats, and have generally been classed as low risk. However, due to the lack of internal access, the transient nature of bats and the number of features associated with most of the buildings; there remains a residual risk of individual bats occupying a structure opportunistically. As such, the 'Precautionary Method of Works for Bats' report has been provided to inform best practises during the demolition. The City's Ecologist has been consulted on this application raising no issues with the proposed demolition, on the condition that the 'Precautionary Method of Works for Bats' report is implemented as recommended in the bat report. They also noted that the risk would be lower if the properties are being demolished over the winter period also.
- 6.8. As such, a condition is recommended for the works to be carried out in accordance with the 'Precautionary Method of Works for Bats' report. With the attachment of this condition, it is not considered that the demolition would cause ecological harm.

7. Conclusion

- 7.1. The proposed method of demolition and site restoration is acceptable. Demolition would enable and facilitate the wider redevelopment of the site. In order to safeguard any potential bats within the site, it is recommended that prior approval is required, and consent be granted subject to the condition that the demolition takes place in accordance with the 'Precautionary Method of Works for Bats' report (Reference: RSE_2088_01-PMW-V1).

8. Recommendation

- 8.1. Prior approval required and to approve subject to conditions.

1 Requires the demolition to take place in accordance with the 'Precautionary Method of Works for Bats' report (Reference: RSE_2088_01-PMW-V1).

Case Officer: Caroline Featherston

Photo(s)



Photograph 1: Houses on Gildas Avenue



Photograph 2: Maisonettes on Sisefield Road

Location Plan



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Birmingham City Council

Planning Committee

26 September 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	18	2018/02084/PA Land at the junction of Highgate Road/Ladypool Road and Highgate Road/Mole Street Sparkbrook Birmingham B11 Erection of part seven and part three storey building to accommodate 11no. retail units and 150 bed hotel with associated works.
Approve – Conditions	19	2019/05537/PA Land to the rear of 73 Hazelwood Road Acocks Green Birmingham B27 7XW Erection of 2 no. dwellinghouses with associated parking
Approve – Conditions	20	2019/05175/PA Land at Warwick Road/Wharfdale Road Tyseley Birmingham B11 2HL Demolition and redevelopment of site to a builders merchants (Sui Generis) with associated parking, access and landscaping

Committee Date:	26/09/2019	Application Number:	2018/02084/PA
Accepted:	25/07/2018	Application Type:	Full Planning
Target Date:	24/10/2018		
Ward:	Sparkbrook & Balsall Heath East		

Land at the junction of Highgate Road/Ladypool Road and, Highgate Road/Mole Street, Sparkbrook, Birmingham, B11

Erection of part seven and part three storey building to accommodate 11no. retail units and 150 bed hotel with associated works.

Recommendation

Refuse

1. Proposal

- 1.1. Consent is sought for the erection of part seven and part three storey building to accommodate 11no. retail units at ground floor and 150 bed hotel above with associated works.
- 1.2. The proposed mixed use block would be split level, seven storey for the first 60 metres from the junction of Ladypool Road to the east along Highgate Road and stepped down to three-storey approximately 45 metres to the rear up to the junction of Mole Street and Highgate Road. The height of the seven-storey element would be approximately 24 metres and 14 metres for the three-storey element. There would be decorative splayed corner features proposed at junction of Highgate Road and Ladypool Road and Highgate Road and Mole Street. The architectural appearance of the primary façade on Highgate Road is Georgian that is interrupted by modern double height glazing over restaurant/ lobby and glazed rooftop. The shop fronts along Highgate Road frontage would be Victorian. The majority of the hotel would be single-aspect with rear windows serving communal corridor on each floor.
- 1.3. Internal layout would comprise:
 - 11no. retail shops (total floor area 763 sq. metres with each unit ranging from 39 sq. metres to 129 sq. metres) and hotel lobby, reception, lift core/ staircase and service and refuse area at ground floor level. Supporting statements confirm that the hotel will be operated as a 'budget' hotel.
 - Restaurant with around 150 covers with kitchen/ store and 21no. bedrooms (ranging from 18-20 sq. metres) with en-suites at first floor level.
 - 30no. bedrooms (approximately 20 sq. metres in size) at second floor level
 - 18no. bedrooms (approximately 20 sq. metres in size) on each of the floors (third to sixth) [total 72no. bedrooms]
- 1.4. The total floor area for both retail and hotel would be approximately 7,120 sq. metres.
- 1.5. The land fronting onto application site (Highgate Road) includes adjoining land(s) to the east and west, which are subject to Highway Improvement Line that would result in a widened corridor to dual carriageway and cycle lane. The Highway Improvement

Line has been partially implemented at the junction of Stratford Road and Highgate Road in order to create left only lanes. The overall objectives of the Highway Improvement Line, in the long term remain to widen the highway, to improve traffic flow and reduce congestion on this busy vehicular route. Supporting statements confirm that approximately 10 metre depth on Highgate Road frontage is affected by a highway Improvement Line.

- 1.6. Supporting statements also confirm that there would be no parking allocated for the hotel use. There would be 2no. disabled spaces shared with retail units located at the junction of Ladypool Road and Highgate Road, which is part of Highway Improvement Line. The plans also shows one-way parallel service road with new access arrangement proposed from Highgate Road close to the junction of Ladypool Road and junction of Mole Street on land that is also part of Highway Improvement Line. A total of 26no. angled car parking bays are proposed within the Highway Improvement Line that are allocated for retail units. Supporting statements confirm that these parking spaces are likely to be time restricted.
- 1.7. All servicing to the retail units would either take place within the proposed service road (part of highway Improvement Line) or to the rear of the units via 3 metre wide access from Mole Street Frontage. There is also service/ refuse area allocated to the hotel use accessed from Ladypool Road frontage via shutter door.
- 1.8. The following documents have been submitted in support of the proposal:
 - Design and Access Statement
 - Transport Statement
 - Drainage Strategy
 - Noise Assessment

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is a vacant long and narrow site with partial redundant building situated on Highgate Road between the junction of Ladypool Road and Mole Street. Currently, the site is overgrown and is enclosed by 2 metre high temporary hoarding. Total site area is approximately 1,821 sq. metres. The land fronting onto application site (Highgate Road) is also enclosed by temporary hoardings and is part of Highway Improvement Line (HIL), which would enable the provision of dual carriageway from Stratford Road to Moseley Road/ Haden Circus.
- 2.2. The surrounding area is mixed use in character. Immediately to the north is timber and steel yard, beyond which there are high density back to back terrace properties on Ladypool Road and Beechfield Road. To the east on Mole Street are terrace properties adjoining the site with commercial units on the opposite side of the road. To south of the site on the opposite side of Highgate Road and Ladypool Road junction is commercial parade, which is situated within Ladypool Road Neighbourhood Centre as defined by Shopping and Local Centres SPD and Balsall Heath Neighbourhood Development Plan.

3. Planning History

- 3.1. Application site (junction of Mole Street) -06/12/1979 – 51915000 – Storage of vehicles together with overnight storage of machines tools and other equipment – Approved subject to conditions.
- 3.2. 16/02/1995 – 1994/04083/PA – Use for car sales and display, including erection of portable building and boundary fencing and alterations to access – Temporary 2 year approval.
4. Consultation/PP Responses
- 4.1. Site and press notices displayed. Adjoining neighbours, Resident Associations, Balsall Heath Forum, Ward Members and MP consulted – one representation received from a neighbour that parking is a major issue on Ladypool Road and any proposal should provide sufficient parking on site to help ease the already crowded streets.
- 4.2. Balsall Heath Forum – Although the site is outside the area of Balsall Heath Neighbourhood Plan, it is adjacent to its boundary and both the proposed land uses and the development form will have an impact upon the plan area. They have raised no objection to the land uses for a hotel and retail as it would remove an ugly derelict site. However, object on the following grounds:
- The proposed design is of poor quality and prominent corner site deserves a better landmark building diagonally opposite the location of the public square proposed in the Neighbourhood Plan.
 - Three-dimensional massing is ungainly, in its awkward combination of three-storey and seven-storey parts, and flat roofs and steeply-pitched roofs.
 - Its architectural language is also awkward, particularly the design of the two splayed corners with their rather crude neo-classical references.
 - The drawings submitted are inadequate.
 - The proposal fails to demonstrate a consistent and reliable decision-making process being taken on matters of materials, detailed design, and choice of elements.
 - Car parking shown on Highgate Road in front of the proposed shops would be temporary pending the widening of Highgate Road improvement line. There would no on-site parking after road widening scheme.
 - A 150-room hotel is completely unacceptable and contrary to aspirations of the Neighbourhood Plan, which identifies congestion and the pedestrian-unfriendly environment on Ladypool Road, exacerbated by on-street car parking which is frequently illegal, as major problems which have to be dealt with. The proposed development would put more pressure on street parking, by not contributing to any off-street parking.
- 4.3. West Midlands Police – No objections subject to “Secure by Design” for Commercial and Park Mark scheme initiatives.
- 4.4. Ecology – The vacant derelict building shown on plan/ aerial view would need to be demolished to allow any form of construction. Object on inadequate information grounds as no preliminary ecological appraisal and roost assessment(s) have been submitted as part of supporting documents.
- 4.5. Regulatory Services – Request further information to assess cumulative impact presented by the proposal and noise impact assessment be submitted to include hours of use and operation of the hotel and retail used including the various units / uses / equipment, all plant and machinery locations, makes and models and

quantifies cumulative noise impacts on nearby noise sensitive premises. No further information submitted.

No objections to the glazing/ ventilation and are happy to accept consultants' advice that vibration assessment is not necessary in this instance.

Air quality implications have not been assessed as part of this application. Additional information is required on whether the development is likely to increase traffic flows or vehicle movements from the proposal. No further information submitted.

A Phase I Preliminary Risk Assessment has been carried out, which advises further investigation of the site is necessary to investigate the contaminant status of the site. It goes on to recommend gas and groundwater monitoring. They have recommended no objections subject to contamination remediation scheme and contaminated land verification report.

- 4.6. Local Lead Flooding Authority - Object to the proposal given the limited information submitted as require a sustainable drainage assessment and operation and maintenance manual.
- 4.7. Canal and River Trust – No comments.
- 4.8. Transportation Development – Recommend refusal on inadequate parking and servicing that would lead to illegal/ inconsiderate parking and waiting on adjoining highways. The proposal is also likely to encroach onto Highway Improvement Line.

5. Policy Context

- 5.1. NPPF (2019); Adopted BDP (2017); Saved Policies within UDP (2005); SPG Places for All/ Living (2001); SPD Car Parking Guidelines (2012); SPD Sustainable management of urban rivers and floodplains (2007); SPG Places for Living/ All (2001); SPD Shopping and Local Centres (2012)

6. Planning Considerations

- 6.1. The main considerations within the determination of this application are:
- 6.2. **Principle of use** – The NPPF advocates a sequential approach when considering proposals for “town centre uses” including hotel development and advises that preference should be given to town centre sites and then edge of centre and then finally, out of centre sites (only if sequentially preferable sites are not available). The Guidance advises that preference will be shown where locations are accessible and well connected to the town centre; demonstrating “need” is not required by planning policy. Paragraph 90 states that *“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more considerations in paragraph 89, it should be refused”*.
- 6.3. Policy TP21-TP24 of the BDP and Shopping and Local Centres SPD is also reflected in above advice as set out in NPPF. Policy TP21 (The network and hierarchy of centres) of the Birmingham Development Plan 2017 states that proposals which will make a positive contribution to diversity and viability will be encouraged and proposals for main town centre uses outside of existing centres will not be permitted unless they comply with national policy. The Policy goes on to identify that proposals for main town centre uses outside of the identified centre

boundaries will not be permitted unless they satisfy the requirements of national planning policy.

- 6.4. The proposal is for 11no. retail units at ground floor and 150 bed hotel in an out of centre location in respect to Ladypool Road Neighbourhood Centre and Sparkhill Neighbourhood Centre. The application site also falls outside Balsall Heath Neighbourhood Development Plan Boundary and Balsall Heath Forum have objected on a number of grounds. The applicants have not provided a sequential assessment for these proposed town centre uses such as standard/ convenience style retail units, restaurant and hotel. There is no evidence has been presented to demonstrate that no sequentially preferable sites are available in the Local Centre or within any other Local Centre for the proposed use. In absence of a sequential appraisal, the proposal conflicts with policies contained within BDP, SPD Shopping and Local Centres SPD and NPPF.
- 6.5. With respect to the NPPF requirement in paragraph 89, the applicants need to provide impact assessments for retail and leisure developments that exceeds 2,500 sq. metres. I note that the cumulative floorspace for retail would not exceed 2,500 sq. metres. Therefore, an impact assessment is not required.
- 6.6. **Design and appearance** – The application site is highly constrained largely by its size, but also by its immediate surroundings and Highway Improvement Line. NPPF paragraph 127 states that the design of a scheme must be informed by a clear understanding of surrounding character; with appropriate design cues adopted by the architectural language of the building. Paragraph 130 states 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, taking into account any local design standards or style guides in plans or supplementary planning documents”*.
- 6.7. The Design & Access Statement provides very limited information or commentary on the character of the surroundings area; nor how the architects have adopted or translated any of the existing characteristics into their design.
- 6.8. My City Design Officer has recommended refusal as the proposal's lack of context awareness and understanding is evident in the design of the building proposed, with a mix of architectural styles, resulting in an in-coherent juxtaposition that lacks a clear architectural language or ethos. The decorative corner features appear to have a post-modernist style, whilst the shop fronts appear Victorian; and primary elements of the Highgate Road facade appear to be inspired by Georgian architecture, interrupted by a modernist inspired double height glazing over the lobby / restaurant and glazed rooftop elements. Furthermore, the rear elevation is largely blank and devoid for any articulation to help break its mass. The primary elevation has a monotonous façade, adding to the visual scale and mass of the building. This collectively translates into *‘poor design that fails to take the opportunities available for improving the character and quality of an area’* which should be refused in line with NPPF para 130.
- 6.9. Allied with the in-coherent architectural style, the scale and mass of the proposed building also lacks any place making reference. The existing dwellings and commercial buildings are all relatively small scale. Whilst the plot is located at a junction site on Highgate Road that may justify subtle punctuation, the scale of the building proposed far exceeds anything from the surrounding vernacular (which is predominantly 2 storey properties); or what may be considered an acceptable height increase at the Ladypool Road corner junction. In addition to the excessive scale,

the mass of the building will over dominate its immediate street scene and the wider environment. The design attempts to break the mass with the vertical columns / bays does not achieve the desired outcome, particularly in the 7 storey element, where it re-emphasises the monolithic nature of the building. Furthermore, the narrow proportions of the site with a proposed building depth no greater than the adjacent terraced houses further highlight the inappropriate scale and mass and unbalanced form proposed on site. Consequently, I consider that the combination of design, height, scale and massing would stand out as incongruous, visually dominant and out of character with the surrounding area. It would not contribute towards the creation of as strong sense of place or provide the high quality of design required by Policy PG3 and paragraphs 127 and 130 of the NPPF.

- 6.10. **Impact on residential amenity (Noise and disturbance)** – Noise Assessment Report has been submitted as part of supporting documents. Regulatory Services have reviewed supporting documents and have requested additional information to supplement the report to include specific hours of use and operation of the hotel and retail uses including various units/ uses/ equipment, all plant and machinery locations, makes/ models and quantifies cumulative noise impact on nearby noise sensitive properties. Despite numerous requests, nothing has been forthcoming from the agents/ consultants/ applicant to address above concerns. Consequently, the application is recommended for refusal on inadequate information.
- 6.11. **Impact on residential amenity (Privacy, light and outlook)** - The height of the seven-storey element would be approximately 24 metres adjoining builders merchant and 14 metres for the three-storey element adjoining residential properties on Mole Street and South Range. The plans show that there would be 27.5 metres between the rear of habitable windows of no. 14-17 South Range and proposed three-storey element of the building, which extends approximately 45 metres along Highgate Road from Mole street junction, which complies with separation distances as laid out within SPG Places for Living. However, there is seven-storey element that would be 24 metres height, angled and set at a distance of approximately 30 metres to the rear of properties on South Range and approximately 40 metres from rear of properties on Mole Street, which I consider is unacceptable with regards to the overbearing impact it would have upon these properties and would also be exacerbated by the perceived loss of privacy by large number of rear windows (by their size and proportions) to the hotel element. The proposal is contrary to policy contained within BDP, Saved Policies within UDP and NPPF.
- 6.12. **Impact on Air Quality** – The application site is situated on a busy Highgate Road and Ladypool Road. There has been no Air Quality Assessment submitted as part of supporting documents in relation to traffic, vehicle movement etc. associated with the proposed development. Regulatory Services have recommended refusal on inadequate information grounds. I concur with this view.
- 6.13. **Land contamination** – A Phase I Preliminary Risk Assessment has been carried out, which advises that further investigation are necessary and that a suitable combined Phase II Geo-environmental and geotechnical site investigation be carried to investigate the contaminant status of the site. The report also recommends gas and groundwater monitoring is undertaken at the site. Consequently, I consider that contamination remediation scheme and verification report conditions could be imposed to address above concerns.
- 6.14. **Impact on flooding and drainage** - The application site is located within Flood Zone 1 and on a site of less than 1 hectare a flood risk assessment is not required in this case. However, it is of significant size (i.e. major development) over 1,000 and

has been accompanied by a short Sustainable Drainage Strategy so as to allow the local planning authority and the Lead Local Flood Authority (LLFA) an opportunity to assess the proposed use in terms of surface water and foul water drainage within the site and its impacts upon neighbouring land uses. The supporting submission has been reviewed and whilst I note the 'no objection' comment from Severn Trent Water, in the absence of the use of sustainable drainage strategy and exploration of suitable SuDS to achieve the key principles of SuDS; Quantity Control, Quality Control and Biodiversity & Amenity Value. The LLFA who are a statutory consultee on such applications, have raised an objection due to the inability to adequately assess the site, its proposed use and its potential impacts as a result of a lack of information to include proposed surface water run-off, attenuation volumes/ plans, discharged rates to existing sewer, written confirmation from Severn Trent, finished floor levels designed to mitigate risk of flooding to people/ homes etc. Consequently, the application is recommended for refusal on inadequate information grounds.

- 6.15. **Impact on ecology** – Parted of the site has remained vacant for a considerable number of years and returned to its natural form. There is an existing vacant and dilapidated building that would need to be demolished to allow any development on site. There are no supporting documents to include preliminary roost assessment for bats. City Ecologist who are a statutory consultee on such applications, have raised an objection due to the inability to adequately assess the site, its proposed use and its potential impacts as a result of lack of information. Consequently, the application is recommended for refusal on inadequate information grounds.
- 6.16. **Impact on highway safety** – Transport Statement has been provided that shows access arrangements, 28no. car parking spaces and servicing (to retail units) within the proposed Highway Improvement Line and outside of the application site boundary. The proposal relies on land outside their ownership (Highway Improvement Line) to provide car parking, which is considered unacceptable on highway grounds. The applicants are fully aware of the Highway Improvement Line and disregarded the fact that it is not within their ownership and have shown parking and access arrangements within this affect area of land. The plan/ supporting statement shows 10 metres depth on Highgate Road frontage, whereas Transportation Development raised concerns on possible encroachment issues as the affected area is approximately 12 metres in depth. There are no pick-up or drop-off areas associated to the proposed hotel use. Taking into account above, and the relatively high level of investment involved by the applicants, I consider that it is appropriate to recommend refusal of the proposal as it would jeopardise future implementation of Highway Improvement Line on Highgate Road.
- 6.17. With regards to servicing, there have been tracking plans provided for the car park for small vehicles within the parking forecourt that is part of Highway Improvement Line. No information has been provided within the Transport Statement for the type or number of service vehicles, etc. to include tracking plans for the 3 metre wide service yard with access arrangement from Mole Street or shutter door from Ladypool Road frontage. The rear service access to retail units 1, 2 & 3 cannot also be achieved as shown on plan due to the adjacent two-storey building, which raises question as to how will maintenance of the existing building on adjoining site to retail units 1 & 2 be undertaken?, what purpose would there be for the doors and windows within the building in its south elevation, which the proposal will entirely block. Other concerns remain to the usability of retail unit 5, individual waste stores to units, etc.
- 6.18. Transportation Development have reviewed proposal and consider that given the information submitted, they have recommend refusal of the scheme on the grounds that it would have adverse impact on highway safety grounds to include free flow of

traffic and safety of pedestrians and motorists. I concur with this view and consider that there is no available on-street parking available on Highgate Road or Ladypool Road. The applicant has not explored opportunities to provide parking/ servicing/ drop-off/pick-up on application site or adjoining sites within the immediate area. In the absence of any available car parking, drop off/ pick up areas or suitable servicing within the curtilage of the site or on adjoining site and possible encroachment on Highway Improvement line, the proposal is recommended for refusal as it would result in illegal/ inconsiderate parking and waiting within the area to the detriment of highway safety and free flow of traffic on adjoining highways.

7. Conclusion

- 7.1. The proposal seeks to erect part seven and part three-storey building to provide 11no. retail units and 150 bed hotel with associated works. The applicants have failed to provide a sequential assessment for this out of centre site. In absence of a sequential appraisal, the proposal conflicts with policies contained within BDP, SPD Shopping and Local Centres SPD and NPPF.
- 7.2. The proposed developments, by reason of its design, height, scale and massing is incongruous, visually dominant and inappropriate form of development that fails to respond positively to the site conditions and local area context and would not contribute to a strong sense place.
- 7.3. The proposal relies on access, parking and servicing on land outside their ownership boundary and on land, which is dedicated for Highway Improvement Line (Highgate Road), which is unacceptable on highway safety grounds. The proposal would result in illegal/ inconsiderate parking and waiting within the area to the detriment of highway safety and free flow of traffic on adjoining highways.
- 7.4. The proposed development would have an overbearing impact and perceived loss of privacy to the existing residential occupiers of the site.
- 7.5. The application has not been submitted with sufficient sustainable drainage, ecology, air quality and noise information. Without such information the LPA is unable to undertake an assessment as to the suitability of the site and therefore the principal of development and therefore the proposal is recommended for refusal on this basis.
- 7.6. For the reasons set out above, I recommend that the application should be refused.

8. Recommendation

- 8.1. Refused

Reasons for Refusal

-
- 1 In the absence of a sequential appraisal that satisfactorily justifies the proposed town centre uses in this out of centre location, the proposal has not demonstrated that development would not undermine the vitality and viability of other neighbourhood centres and as such, the proposal would be contrary to policy TP21-TP24 of the Birmingham Development Plan (2019), policies contained within adopted SPD Shopping and Local Centres and NPPF (2019).
 - 2 The proposed part 7 and 3 storey building, due to its excessive height, design, scale,
-

and mass in relation to the surrounding area, its arrangement on site would result in an incongruous development that is out of keeping with the mixed commercial and residential character of the area. As such the proposed design fails to respond positively to the site conditions and local area context and would not contribute to a strong sense of place and contrary to policy PG3 of the adopted BDP (2017) and NPPF (2019).

- 3 Inadequate information has been received to consider the site context to minimise flooding in respect to sustainable drainage measures and an assessment of surface water drainage. Therefore, it has not been demonstrated that the site can be managed appropriately in terms of surface water management and is contrary to policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the NPPF 2019.
 - 4 Inadequate information has been received to consider the site context so as to assess potential impacts on ecological habitats and assess the need for potential mitigation requirements or to assess the health of and potential impacts upon existing site coverage both within the site and to its boundaries to include any disused building(s). Therefore, it has not been demonstrated that the site can be developed for residential purposes with such constraints and is contrary to policies PG3 and TP8 of the Birmingham Development Plan 2017.
 - 5 In the absence of air quality assessment, the application fails to demonstrate sufficiently that traffic and vehicular movement associated with the proposed development would not increase levels of air pollution within the area and would therefore have an unacceptable impact upon amenity, contrary to Policy TP37 and TP38 of the Birmingham Development and NPPF (2019).
 - 6 The proposed layout provides inadequate parking and servicing area which would lead to additional parking/ servicing in nearby roads and would have detrimental impact to the free flow of traffic and pedestrians on the adjoining highway. The proposal with its access arrangements, parking and vehicle circulation areas as shown Highgate Road frontage would have direct impact and undermine the potential future highway improvement line for the area to the detriment of the free flow and safety of pedestrians and motorists. For these reasons the proposed development would conflict with policies PG3 and TP44 of the adopted Birmingham Development Plan (2017), SPD Car Parking Guidelines (2012) and NPPF (2019).
 - 7 The proposal would have an overbearing impact on existing residential occupiers on South Range and Mole Street. This would be exacerbated by the perceived loss of privacy by large number of rear windows to the rear of the building. As such the proposal would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved Paragraph 3.14C of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, and the National Planning Policy Framework.
-

Case Officer: Mohammed Akram

Photo(s)



Figure 1: Figure 1: View from Ladypool Road



Figure 2: View from Ladypool Road junction

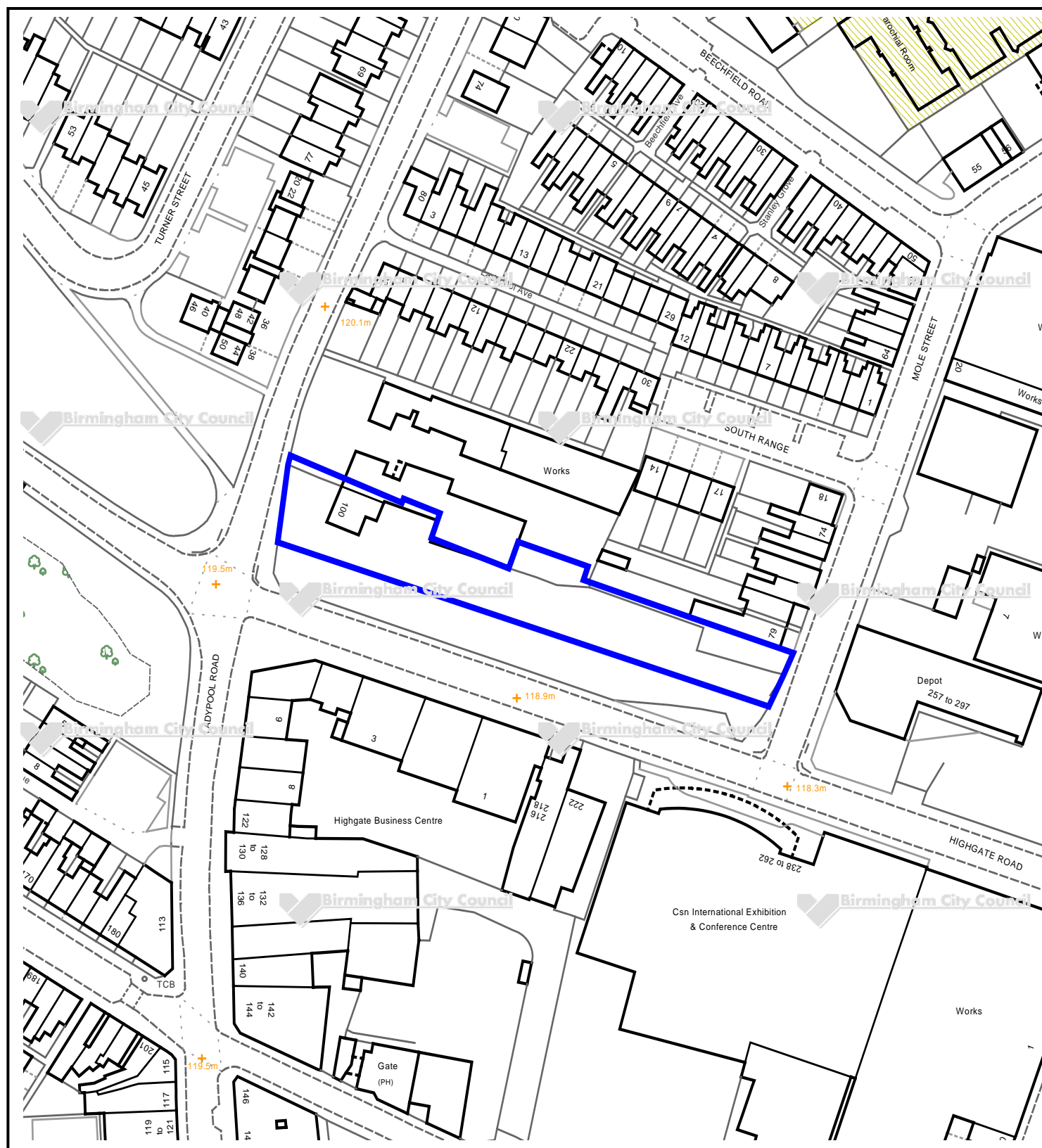


Figure 3: Internal view



Figure 4: View from Mole Street

Location Plan



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Committee Date:	26/09/2019	Application Number:	2019/05537/PA
Accepted:	10/07/2019	Application Type:	Full Planning
Target Date:	04/09/2019		
Ward:	Acocks Green		

Land to the rear of 73 Hazelwood Road, Acocks Green, Birmingham, B27 7XW

Erection of 2 no. dwellinghouses with associated parking

Recommendation

Approve subject to Conditions

1. Proposal

1.1 The proposal relates to the erection of 2 No. two bedroom semi-detached dwellinghouses to the rear of No. 73 Hazelwood Road, Acocks Green. The proposed plots have been annotated as Plot No. 73a and No. 73b.

1.2 The site would be accessed from Green Acres to the south through the construction of a new vehicle crossing which would lead to a shared forecourt parking area which would accommodate four parking spaces.

1.3 The dwellings would comprise a kitchen, entrance hallway, WC and living room on the ground floor. The first floors would comprise two bedrooms (14sqm and 16sqm in size) and a bathroom. Each of the dwellings would have approximately 90sqm of floorspace.

1.4 [Link to Documents](#)

2.0 Site & Surroundings

2.1 The application site comprises the sub-divided rear garden of No. 73 Hazelwood Road which is enclosed by the rear gardens of Nos. 2 – 12 Green Acres to the east, new housing development on the former depot side to the west, the existing garden of No. 73 to the south and an area of public highway adjoining the turning head of Green Acres to the north. The site is entirely surrounded by close boarded timber fencing and contains a number of semi mature trees and shrubs.

2.2 The original dwelling (No. 73 Hazelwood Road) is an attractive detached interwar property with the original attached garage on the northern side. There is an enclosed garden to the rear with a number of mature oak trees protection under Tree Preservation Orders 1588 (in the garden of the original dwelling) and 1602 (on the application site).

2.2 There is a housing development nearing completion to the west and north of the application site on the former highways contractor's and civil engineering yard. The housing development was approved under 2011/06865/PA (Outline) 2014/09312/PA

(Reserved Matters) for the construction of 12 dwellings which also incorporated part of the rear gardens of No's 75 and 79 Hazelwood Road.

- 2.3 The surroundings are residential, with a semi-detached dwellings located to the east on Green Acres and to the south on Hazelwood Road. Olton Boulevard Local Centre is located approximately 200m to the west of the application site.

2.4 [Site Location](#)

3.0 [Planning History](#)

Application site

- 3.1 10.06.2019. 2018/08954/PA Erection of 2 no. dwellinghouses (amended boundary plan). Withdrawn.

Adjoining site

- 3.2 23.03.2006 – 2006/00161/PA – Residential redevelopment comprising 18 apartments and 1 dwelling with associated parking and shared amenity space (Outline), approved.
- 3.3 20.09.2006 – 2006/03266/PA – Change of use to self-storage and car valeting, temporary approval (2 years).
- 3.4 07.05.2008 – 2008/00703/PA – Use of premises for the storage of motor vehicles, Refused.
- 3.5 25.07.2008 – 2008/03004/PA – Retrospective permission for a change of use to storage of cars. Approved Temporary.
- 3.6 22.12.2011 – 2011/06865/PA - Outline consent sought (access, layout and scale) for the erection of 12 semi-detached dwelling houses comprising of 9, 3-bed, 1, 4-bed and 2, 2-bed with associated parking, access including turning head and amenity space. Approved.
- 3.7 18.03.2015. 2014/09312/PA Reserved matters application (appearance and landscaping) for the erection of 12 semi-detached house comprising of nine 3 bed, one 4 bed and two 2 bed with associated parking, access including turning head and amenity space. Approved subject to conditions.

4.0 [Consultation/PP Responses](#)

- 4.1 Site notice displayed. Adjoining occupiers, Ward Councillors and MP consulted – 37 comments received objecting to the proposal on the following grounds:
- Impact on the residential amenity of the adjoining completed development
 - Inadequate consultation
 - Detrimental impact on the residential amenity of the rear gardens of Green Acres
 - Loss of privacy and house value.
 - Narrow road width in Green Acres is approximately 6.5 metres wide, large vehicles would have problems turning, parked vehicles add to this harm
 - Unclear how services would be connected to the site
 - Conflict with the sewerage arrangement in the adjoining housing development
 - Impact on protected trees

- The proposed 73b Hazelwood Road's side elevation will neighbour Plot 12 of approved application 2014/09312/PA which is a 2½ storey townhouse. Comparing the Site Layout Plan and the planning application drawing (Dwg. No. SSC 9347/PL02), it is clear that the footprint of 73b will extend further forward than Plot 12 breaching the 45 degree code with the lounge window on the front elevation of Plot 12.
- Plot 12 has a bathroom window on the first floor flank wall which overlooks the proposed 73b Hazelwood Road. The distance is 1.2 metres to the proposed dwelling which is significantly less than the 12.5m required in the Places for Living SPD.
- The proposed houses are too close to the Fox Hollies Road housing development which is currently under construction with a negative impact on the amenity of the area
- Proximity of the shared access of the two proposed dwellings to the access of the Fox Hollies Road development would be unsafe.
- Restricted visibility of the access and inappropriate position of bins
- The adjoining completed development is not indicated on the submitted plans
- Over intensive development with an unacceptable impact on 4-12 Green Acres as a result of the loss of visual amenity and afternoon sunlight
- Significant disturbance of local residents as a result of the development of the proposal and the development of the adjoining site

4.2 Regulatory Services – No objection subject to conditions in relation to the provision of electric vehicle charging points.

4.3 Transportation Development – No objections subject to conditions in relation to the design of the access and provision of appropriate visibility splays.

4.4 WM Police – No objection.

4.5 Local Lead Flood Authority– comments awaited.

4.6 Severn Trent – No objection and no requirement for a drainage condition.

5.0 Policy Context

5.1 Birmingham Development Plan (2017), Saved policies within adopted UDP (2005), Places for Living SPG (2001), Places for All (2001), Mature Suburbs SPD (2006), Car Parking Guidelines SPD (2012), The 45 Degree Code (2006), National Planning Policy Framework (2019).

6. Planning Considerations

6.1 The main considerations in the determination of this application are: the principle of residential development, the impact on visual amenity, residential amenity, protected trees and highway safety.

6.2 The proposal relates to the provision of two additional residential dwellings in a sustainable location. The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards achieving sustainable

development and that the heart of the NPPF is a presumption in favour of sustainable development (paragraphs 10 - 11).

- 6.3 Paragraph 117 of the National Planning Policy Framework states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of land and resources.
- 6.4 Policy PG1 within the Birmingham Development Plan states that the Plan aims to deliver 51,100 additional homes over the plan period, in order to cater for the City's increasing population, and it is expected that a minimum of 80% of all new homes provided over the plan period will be located on previously developed land. In the context of the Framework, residential gardens do not count as previously developed land. However, it is evident that the site has been subdivided from the original rear garden of No. 73 and no longer forms a functional part of it being separately accessible from Green Acres.
- 6.5 Policies TP27 & TP28 of the Birmingham Development Plan states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities. The scale of the proposed dwellings at 90sqm exceeds the Technical Housing Standards – Nationally Described Space Standard for a two bedroom two storey dwelling and the proposed bedroom sizes all exceed the minimum standard of 11.5sqm. It is considered that the principle of additional residential accommodation at this location is acceptable and accords with the provisions of the BDP and the NPPF.

Impact on Visual Amenity and character of area

- 6.6 The proposed dwellings would be located to the rear of No. 73 Hazelwood Road and would have a frontage with Green Acres to the north albeit set back from this street. It is evident that the adjoining gardens (Nos. 75 – 79) have been developed in association with the redevelopment of the former depot site under applications 2011/06865/PA (Outline) 2014/09312/PA (Reserved Matters). The proposed dwellings would adjoin a pair of completed 2 and a half storey semi-detached dwellings (Plots 11 and 12) of the approved scheme. Additional plans have been provided which detail the position of the approved adjoining development. The representations received are noted in relation to the cumulative impact of the proposed dwellings when considered in the context of the substantial scale and high density of the adjoining development. However, a balancing exercise must be conducted which weighs the impact of the proposal in terms of density against the benefits of providing additional housing, the presumption in favour of sustainable development (paras 10-11 of the Framework) and the previous acceptance of the principle of the development of the adjoining rear gardens of Nos. 75 – 79. Whilst the development of the site would increase the density of residential development in the area and have an impact on the visual amenity and character of the immediate area, the overall impact (taking the existing completed development into account) is not so substantial that permission could be withheld for this reason. Therefore it is considered that the proposal would comply with the provisions of Policy PG3 of the adopted BDP.

Impact on Residential Amenity

- 6.7 The proposed dwellings would be separated by approximately 30m from the dwellings to the north (Nos 20- 22 Green Acres) and 22m from the existing No. 73

Hazelwood Road to the south. The flank wall of the proposed development would be separated by 12.5m from the rear elevations of Nos. 6 – 12 Green Acres and the position of the proposed dwellings have been moved to the west compared to the previously withdrawn application 2018/08954/PA. The proposal would comply with the minimum separation distance within 'Places for Living' and the existing trees also provide some visual screening. In terms of the proximity of the adjoining approved development, the flank wall to the west side of the proposal would closely adjoin the flank wall of the recently constructed plot 12 (2014/09312/PA) which contains a first floor bathroom window. The representation received in relation to this matter and citation of 'Places for Living' in respect of the 12.5m separation distance is noted. Whilst noting that there would be a loss of light to the bathroom window arising from the proposal, it is not considered a habitable room such that the 12.5m flank wall separation distance would apply. It is common practice to have side flank walls closely adjoining within urban areas and this is also the case for the constructed scheme notably between plots 2 and 3, 4 and 5 and 10 and 11. The point in relation to the breach of the 45 degree code in respect of the front lounge window of plot 12 is noted and amended plans to address this (setting back the proposed dwellings) have been received and are considered acceptable. In terms of private amenity space, plot No. 73a is afforded a much larger garden (136sqm) than No. 73b (59sqm). These areas are considered to function appropriately for the purposes of private amenity space for two bedroom dwellings and accord with the advice of 'Places for Living'. The dwellings would also comply with the National Minimum Housing Standard in terms of overall floorspace and the floorspace of the proposed bedrooms. Permitted development rights for outbuildings and extensions have been removed to ensure protection of neighbouring amenity, the scale of the gardens and the protected trees. The representations in respect of amenity have been taken into account but it is considered that the proposal, on balance would comply with the advice of the 45 Degree Code, Places for Living, policy PG3 of the BDP and the Framework.

Highway safety

- 6.8 In terms of highway matters, the views of Transportation are noted. The site is considered to amount to a sustainable location in terms of access to public transport and the adjoining highways have the capacity to accommodate the additional trip generation. The comments received in relation to the safety of the access are noted and the proposal will require a new vehicle crossing from Green Acres which has been considered feasible by Transportation and there are no objections subject to conditions. The points received in the consultation exercise in relation to disturbance as a result of the proposal and the construction of the adjoining development carry limited weight since this would be temporary in nature and related to a smaller development than that previously approved.

Trees

- 6.9 There is a protected tree (TPO1602) annotated T6 on the proposed block plan which is located within the curtilage of the application site. The siting of the proposed dwellings has been altered to mitigate any impact on the protected tree. The comments from the Tree Officer are noted and additional information has been provided by the applicant in respect of the proposed levels of the site required to facilitate a no dig construction method. The floor level of the proposal will be raised from the ground level by 350mm in order to allow for the no dig construction method.

7.0 Conclusion

- 7.1 The proposal amounts to the provision of residential development in a sustainable urban location and the proposal would accord with policies PG1, TP27 and TP28 of the Birmingham Development Plan and the NPPF.

8.0 Recommendation

- 8.1 Approve subject to conditions.

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- | | |
|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Requires the submission of hard and/or soft landscape details |
| 5 | Requires the prior submission of level details |
| 6 | Requires the provision of a vehicle charging point |
| 7 | Removes PD rights for extensions |
| 8 | Removes PD rights for the erection of garages |
| 9 | Requires vehicular visibility splays to be provided |
| 10 | Requires the submission of the siting/design of the access |
| 11 | Arboricultural Method Statement - Submission Required |
-

Case Officer: David Kelly

Photo(s)



Residential development to the north and west of site



Proposed position of rear entrance

Location Plan



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Committee Date:	26/09/2019	Application Number:	2019/05175/PA
Accepted:	08/07/2019	Application Type:	Full Planning
Target Date:	07/10/2019		
Ward:	Tyseley & Hay Mills		

Land at Warwick Road/Wharfdale Road, Tyseley, Birmingham, B11 2HL

Demolition and redevelopment of site to a builders merchants (Sui Generis) with associated parking, access and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The proposal relates to the development of a builders merchant at the junction of (A41) Warwick Road and Wharfdale Road in Tyseley, Birmingham. The proposed occupier for the facility is Darlaston Builders Merchant (DBM), an independent builders merchant.
- 1.2. The development will involve the demolition of the existing industrial unit and canopy (approx. 215 sq.m) and small industrial shed behind the redundant former dwelling (approx. 100sq.m).
- 1.3. The builders merchant building would be located towards the western side of the site and would have with a total floorspace of 1,800 square metres including 600 square metres of warehousing floorspace and 800 square metres of retail showroom floorspace. The ridge height of the building would be 11.35m.
- 1.4. There is a two storey office building (approx. 304 sq.m) which is currently derelict is proposed to be renovated and will be used for offices. There is a derelict two storey dwelling at the south western corner of the site close to the entrance which will be renovated and used for office/security purposes.
- 1.5. The remainder of the site would be used for open storage of building material with brick storage on the periphery of the site adjoining the railway to the north and storage racks located centrally in the site. The former railway sidings in the centre of the site will be used to locate surface water attenuation tanks and will be overfilled to provide a storage area.
- 1.6. The brick built boundary walls on the Warwick Road and Wharfdale Road frontages will be retained and the palisade fence on the rear boundary with the railway will also be retained. There would be a 2.1m high acoustic fence on the boundary with Wharfdale Road behind the existing laurel hedge and trees along this boundary which would be retained.
- 1.7. There would be a total of 52 parking spaces provided (including three van spaces). 42 of these spaces would be for customer parking on the western side of the site and there would be 10 staff car parking spaces on the east side of the building within

the service area. Two covered cycle stores are proposed, one for staff and one for customer use.

- 1.8. The main building proposed has been designed to address the potential for carbon saving and the use of renewable energy relevant to seek BREEAM Standard of very good. Measures include improved building construction materials to achieve higher standards for Building Regulations, energy efficient lighting and the use of solar photovoltaic panels.
- 1.9. The application is accompanied by a Design and Access Statement, Planning Statement, Transport Statement, Air Quality Assessment, Noise Assessment, Ecological Appraisal, Tree Survey, Flood Risk Assessment and Sustainable Drainage Strategy, Site Investigation and Risk Assessment Reports, Heritage Assessment and Energy and Sustainability Statement.
- 1.10. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is bordered by Warwick Road and Wharfdale Road to the south and east, to the north by the railway line and Tyseley Station and to the west by a car park associated with a museum and rail depot. The site is approximately 1.71Ha in extent. There are terraced residential properties opposite the site on Warwick Road. Tyseley Railway Station is located to the north east of the application site.
- 2.2. There is a car rental centre opposite the site on the junction of the A41 and Wharfdale Road and the Tyseley Locomotive Works is located to the west of the site. The character of the area is mixed commercial/residential.
- 2.3. The site originally formed part of the Tyseley sidings and rail depot prior to its sale in 1972. The land has subsequently been used for metal processing and consents have been previously obtained for a concrete mixing plant. Since the cessation of the metal processing use, the site has remained vacant.
- 2.4. Whilst the previous use has been for employment purposes, the site is unallocated in the Birmingham Development Plan. Tyseley Local Centre is located 160m to the east of the application site.
- 2.5. [Site Location Plan](#)

3. Planning History

- 3.1. 29.03.1988. 20829010 Construction of staff car park and means of vehicular access to highway. Approve subject to Conditions.
- 3.2. 18.10.1973 15395009 Warehouse estate. Approved.
- 3.3. 12.07.1973 20829002 The provision of a new road & new concrete base for a scrap metal processing machine. Approved.
- 3.4. 22.02.1973 15395010 Ready Mix concrete plant. Approved.
- 3.5. 23.09.1971 15395008 Shopping frontage with warehousing at rear. Refused

- 3.6. 16.03.1967 20829001 Covered yard. Approved
- 3.7. 09.04.1959 15395001 Staff amenities and offices
- 3.8. 09.04.1959 15395002 Erection of temporary wooden office. Approved
- 3.9. 07.06.1956 15395000 Diesel rail car shed. Approved.

4. Consultation/PP Responses

- 4.1. Ward Councillors, MP, Tyseley Neighbourhood Forum and 88 neighbouring occupiers notified. Site and press notices displayed. No representations received.
- 4.2. Regulatory Services – No objection subject to conditions in relation to: hours of use delivery time restrictions, provision acoustic barrier details, noise reverse alarms, contamination remediation scheme, contaminated land verification report and the provision of electric vehicle charging points.
- 4.3. West Midlands Fire Service – No objection subject to appropriate access routes and turning facilities minimum width of 3.7m between kerbs. Water supplies for firefighting should be in accordance with National Guidance Document on the Provision for Fire Fighting would be required for approval under part B of Building Regulations.
- 4.4. Local Lead Flood Authority – While the LLFA accept the principle of a discharge rate of 2 l/s to Severn Trent PLC sewers. Where it is proposed to discharge into an existing Severn Trent Water (STW) asset, STW asset plans and confirmation from STW that the proposed discharge rate and location are acceptable is required. The LLFA actively promote and encourage the implementation of SuDS on all developments, and require evidence of the use of sustainable drainage principles and exploration of suitable SuDS to achieve Quantity Control, Quality Control and Biodiversity & Amenity Value. Evidence of the implementation of the drainage hierarchy and consideration of all types of SuDS is required. The LLFA does not accept quick storage estimates, the estimates are between 1348 and 1771m³ 3 tanks 1643 sqm of are proposed within the drainage strategy. Proposed drainage layout plans are required, including proposed attenuation/soakaway volumes, SuDS features and discharge locations in line with appropriate storage calculations. Further information has been provided from the applicant and Members will be updated in relation to the further views of the LLFA.
- 4.5. Severn Trent – No objection subject to conditions in relation to surface and foul water drainage.
- 4.6. Fire Service - Water supplies for firefighting should be in accordance with National Guidance Document on the Provision for Fire Fighting would be required for approval under part B of Building Regulations.
- 4.7. West Midlands Police – No objections.
- 4.8. Ecologist – No objection following the submission of additional bat survey information. Conditions are required in relation to ecological enhancement, further bat survey should work not commence by 1 August 2020 and lighting design.

- 4.9. Transportation Development – No objection in principle. Revised HGV Tracking details have been provided which is considered acceptable subject to conditions in relation to highway works, position of access, cycle parking and construction management plan.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) (2017); Birmingham Unitary Development Plan Saved Policies (UDP) (2005); Car Parking Guidelines SPD (2012); Places for All SPG (2001). National Planning Policy Framework (NPPF) (2019).

6. Planning Considerations

Principle of Development

- 6.1. This development proposal involves the redevelopment of a vacant and derelict site and the construction of a builder's merchants and associated service yard. The application site does not have any specific designation or allocation on the BDP Proposals Map. It appears that the most recent identifiable use of the site is stated on the planning application form as being a scrap yard which is also a Sui Generis use. Therefore, there is no specific policy which would preclude the development of the site for a Builders Merchants (Sui Generis Use). In the context of the presumption in favour of sustainable development (paragraph 11 of the Framework) where the development plan policies are absent or silent, the presumption in favour of sustainable development would apply. Whilst the proposal would amount to a sui generis use, it is accepted that the characteristics of the use would closely align with employment uses and given the commercial uses in the immediate vicinity, the principle of the proposed use would be acceptable. The proposal would also make effective use of previously developed land and accord with the BDP and the Framework (para 117) in that regard.

- 6.2. Policy TP24 seeks to ensure that all retail and leisure developments are directed towards Local and District Centres and the site is not located within Tyseley Local Centre. Whilst it would be reasonable for builders merchants to have a trade counter and showroom, this should be ancillary to the overall function of the business. The proposal relates to a showroom with a retail sales area which extends to 800sqm which is not considered appropriate in this location. Amended plans have been sought to reduce the floorspace of the proposed showroom. An appropriate condition can be applied in relation to controlling the ancillary retail element.

- 6.3. Whilst the principle of development is considered acceptable, there are a number of technical planning constraints which need to be addressed.

Heritage Assets

- 6.4. The site currently contains a total of six buildings randomly located but generally on the west side of the site and two of the larger buildings (the former dwelling on the Warwick Road frontage and the former office block further to the east) are being retained and refurbished. The application is accompanied by a detailed Heritage Desk Based Assessment which identifies these buildings and any heritage assets which may exist on the site. It is concluded that none of the buildings on the site would be described as heritage assets and the only asset on the site are the railway sidings which are located to the north of the proposed building which would be retained in situ. Tyseley Railway Station is Locally Listed but it concluded that the

proposal would have slightly positive impact on the setting of the asset through the removal of a derelict site. There are no objections raised from the Conservation Team.

Design and Layout

- 6.5. Given the location of the existing buildings on the site, there is no formal building frontage on Wharfdale Road or Warwick Road. The proposal would introduce a large building of 1800sqm with a north south orientation and would be located taking the existing site constraints and position of existing buildings and sidings into account. There is a substantial derelict building with a similar orientation and scale which would be removed as a result of the proposal and the existing inset brick wall to the front would be retained. The existing derelict office block would be retained and refurbished and the large poplar trees would also be retained. These measures would assist in mitigating the visual impact of the proposal from the public realm on Warwick Road and from the perspective of the residential properties opposite.
- 6.6. Policy PG3 of the BDP requires new development to reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design. The retention of the existing buildings and trees assist in retaining the sense of place in the immediate vicinity and the design of the new warehouse building with feature brickwork to the corners, a mixture of vertical and horizontal cladding and roof overhang would enhance the immediate setting compared with the present arrangement. The refurbishment of the derelict former dwelling and offices maintain the continuity of the site and the latter would be restored in accordance with the original design concept. In terms of the external storage of materials, the site has considerable capacity to absorb external storage and the 4.25m brick stacks to the rear periphery would be shielded by the existing palisade fence. The positioning of brick stacks on the Wharfdale Road frontage are only acceptable providing that the existing trees and laurel hedge are retained and also a condition has been applied to limit the height of the stacks towards the frontage of the site to 3m. In summary, the proposal would enhance the character of the area and comply with Policy PG3 of the BDP subject to conditions.

Contaminated Land

- 6.7. The application is accompanied by a Phase II Site Assessment and Risk Assessment which demonstrates that there are contaminants on the site and further investigative work and remediation will be required. There are no objections from Regulatory Services and appropriate conditions have been applied (Nos. 26-27)

Noise

- 6.8. The application is accompanied by a noise survey in relation to the noise impact of the proposal on surrounding residential properties. Acoustic fencing has been proposed and there are no objections from Regulatory Services subject to appropriate details being provided and opening and delivery hour restrictions (Conditions 4, 5 and 7)

Drainage

- 6.9. The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The site falls within Flood Zone 1 and therefore the site would not be endangered from flood risk such that sequentially preferable sites would need to be considered. The primary consideration is therefore the disposal of storm and foul water which is proposed to be discharged to Severn Trent sewerage infrastructure.

There is no in principle objection from Severn Trent in relation to this arrangement subject to the imposition of a drainage condition. There remains an outstanding objection from the Local Lead Flood Authority in relation to the exclusion of the option of a SUDS system for the site and full water storage details have been requested. The applicant has submitted further details in relation to the initial LLFA and the further views of the LLFA will be reported to Committee.

Trees and Landscaping

- 6.10. The application is accompanied by a Tree Survey which states that the majority of the trees on the site are self set and of low value. There are two large poplar trees on the Warwick Road frontage of moderate value and these trees are being retained. There is also an existing mature laurel hedge and self-set sycamore trees on the Wharfdale Road frontage which are shown to be retained. These provide appropriate existing screening for the development and there is no objection from the Tree Officer subject to conditions. The views of the Landscaping Officer are also noted and there is capacity on the site for additional planting to enhance the immediate vicinity of the proposal.

Ecology

- 6.11. Derelict industrial site can provide important wildlife habitats and the application is accompanied by Preliminary Ecological Appraisal which has been augmented by additional bat surveys required since the proposal relates to the demolition of a number of buildings. Dusk emergence and dawn re-entry surveys have been undertaken to determine the presence/absence of roosting bats within the building in August 2019 and none were discovered. The survey data obtained for the site is valid for 12 months from the survey date and further surveys would be required if the development does not commence within this time period. There is no objection from the Councils Ecologist subject to conditions in relation to low impact lighting, further survey work (if necessary), ecological enhancement and demolition work outside of the bird nesting season (Conditions 14 – 16). The proposal would comply with Policy TP7 (Green infrastructure network) and TP8 (Biodiversity and Geodiversity) of the BDP.

Impact on Residential Amenity

- 6.12. The main warehouse building would be located approximately 27m from the front of the existing properties on the south side of Warwick Road (Nos. 659 – 647). Given that existing buildings would be replaced and the position of the proposal to the north of these properties, it is not considered that there would be overlooking or loss of light to the properties. It is accepted that there would be additional activity as a result of the proposal through vehicular movements etc compared with the present situation. However, the site has a previous lawful use which has not been abandoned and could be reactivated. No objections have been received in relation to the proposal.

Energy Use and Sustainability

- 6.13. Policies TP1 and TP2 of the BDP set out the overall principles and criteria for a 60% reduction in the City's carbon dioxide emissions from 1990 levels by 2027, and to adapt to the impacts of extreme weather and climate change. Policy TP3 relates to sustainable construction and states that new development should be designed and constructed in ways which will maximise energy efficiency and the use of low carbon energy, conserve water, reduce flood risk, consider the type and source of materials used, minimise waste, maximise recycling during construction and operation, be flexible and adaptable to future occupier needs, and incorporate measures to

enhance biodiversity value. Policy TP4 states that new developments will be expected to incorporate the provision of low and zero carbon forms of energy generation or to connect in to existing networks where they exist. For non-residential developments over 1,000 square metres the policy states that first consideration should be given to the inclusion of Combined Heat and Power (CHP) generation or a network connection to an existing CHP facility. The use of other technologies such as solar photovoltaics, thermal systems, wind turbines, biomass heating or ground source heating are also acceptable where they will have the same or similar benefits, there is no adverse impact on amenity and any environmental risks can be adequately managed

- 6.14. Policy TP3 specifically states that all new non-residential developments over 1,000 square metres should aim to achieve BREEAM excellent standard, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable. The applicant has provided an Energy and Sustainability Statement to demonstrate how the requirements of policies TP3 and TP4 would be fulfilled. The statement outlines the range of measures which will be employed to ensure policy compliance including carrying out a life cycle assessment to understand and minimise the buildings material carbon emissions, sourcing timber from responsibly managed and sustainable sources or plantations, use of durable materials, water use efficiency measures, SUDS, Limiting NOx emissions from boilers reducing light pollution and provision of cycle storage spaces and electric car charging points. In order to ensure compliance with these requirements a condition has been imposed to require the achievement of BREEAM 'Excellent'. Subject to compliance with the conditions imposed, it is considered that the scheme could comply with the requirements of policies TP3 and TP4.

Highway matters

- 6.15. The application is accompanied by a Transport Statement and Travel Plan which seeks to encourage the use of sustainable modes of transport to serve the proposal. The applicant has provided a revised Tracking Plan for HGVs which is considered satisfactory. There are no objections from Transportation Development in relation the means of access, closure of existing accesses or the level of parking (at 52 spaces) to serve the development. An additional condition has been imposed to ensure compliance with the recommendations of the Travel Plan (No. 31).

7. Conclusion

- 7.1. The proposals are considered to be in accordance with adopted planning policy and are considered to amount to the effective use of a currently vacant site. There are economic benefits arising from the proposal and it does raise concern respect of visual amenity, residential amenity or highway safety. There are conditions attached to ensure compliance with the technical requirements of planning policy most notably in relation to drainage, ecology and energy sustainability. Sufficient information has been provided to demonstrate that the scheme can feasibly address matters of adopted policy and reasonable conditions imposed to ensure such compliance. It is therefore recommended that planning permission be approved 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 listed approved plans
 - 2 Requires the submission of sample materials
 - 3 Limits the hours of use (07:30-17:00 Mondays to Saturdays and 09:00-14:00 Sundays and Public Holidays)
 - 4 Limits delivery time of goods to or from the site (07:30-17:00 Mondays to Saturdays and 09:00-14:00 Sundays and Public Holidays)
 - 5 Vehicle Reversing Alarms for all HGVs and FLTs
 - 6 Acoustic barrier details required
 - 7 Requires the provision of electric vehicle charging points
 - 8 Rail Risk Assessment
 - 9 Requires the submission of hard and/or soft landscape details
 - 10 Requires the submission of boundary treatment details
 - 11 Arboricultural Method Statement - Submission Required
 - 12 Requires tree pruning protection
 - 13 Lighting Design Strategy for Biodiversity
 - 14 Requires the prior submission of an additional bat survey
 - 15 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 16 Requires the prior submission of a drainage scheme
 - 17 Requires the prior submission of a construction method statement/management plan
 - 18 Prevents occupation until the service road has been constructed
 - 19 Prevents occupation until the turning and parking area has been constructed
 - 20 Requires the submission of the siting/design of the access
 - 21 Requires the delivery and service area prior to occupation
 - 22 Requires gates to be set back
 - 23 Requires the submission of cycle storage details
 - 24 Requires the submission and completion of works for the S278/TRO Agreement
 - 25 Requires the prior submission of a contamination remediation scheme
 - 26 Requires the submission of a contaminated land verification report
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- 27 Energy and Sustainability
 - 28 Maintenance of ancillary retail use
 - 29 Limits the height of storage stacks
 - 30 Travel Plan Condition
 - 31 Implement within 3 years (Full)
-

Case Officer: David Kelly

Photo(s)

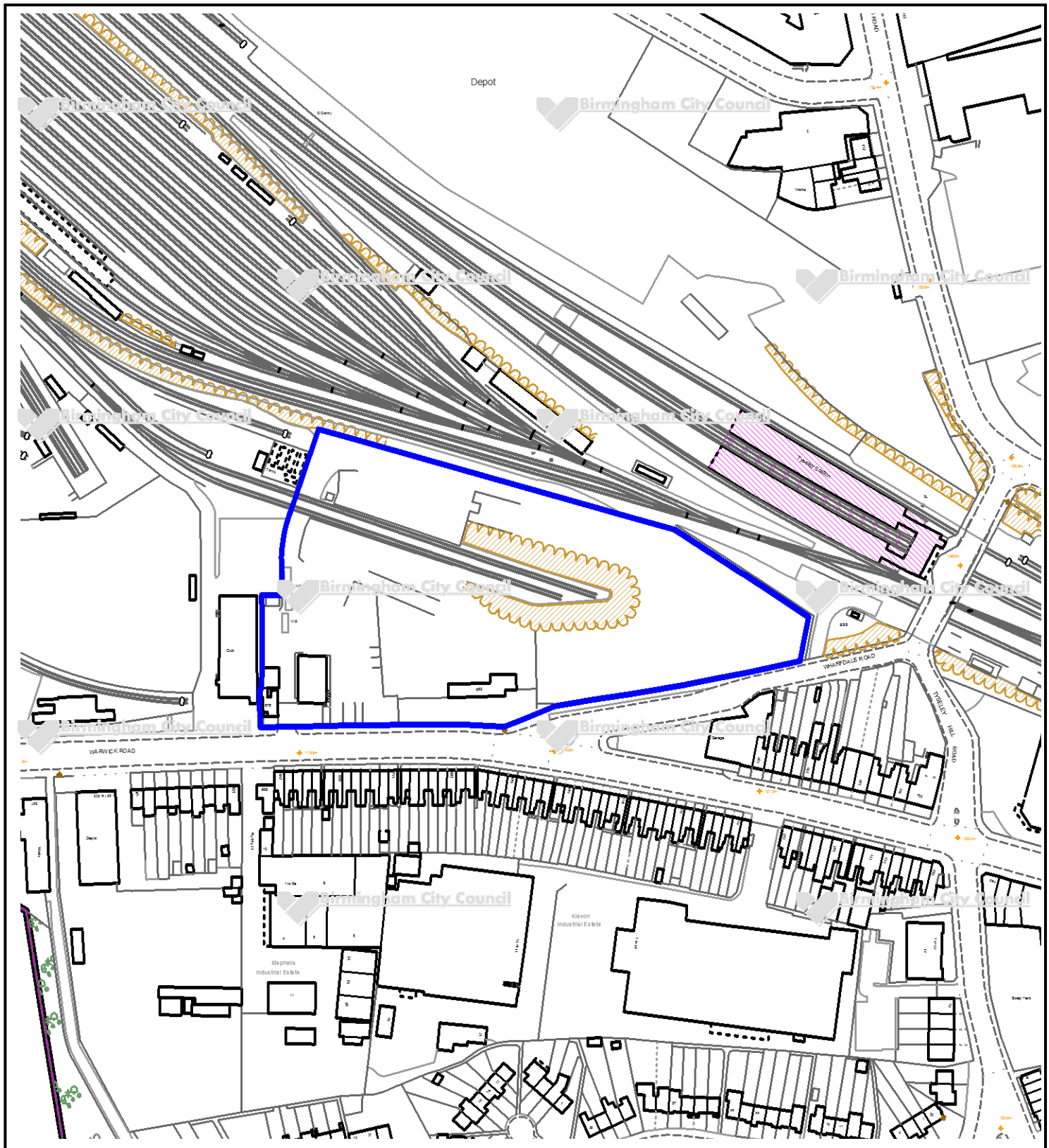


Existing Derelict Offices



Existing entrance

Location Plan



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Birmingham City Council
Planning Committee 26 September 2019

Appeal Decisions Received from the Planning Inspectorate in August 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	Enfield House, Enfield Road, Edgbaston	The installation of an extraction flue to a listed building. 2017/0515/ENF	Dismissed	Enf	Written Representations
Enforcement	60-62 Constitution Hill, Jewellery Quarter	Unauthorised works to a listed building, including roller shutters, security grilles and signage. 2017/0489/ENF	Dismissed	Enf	Written Representations
Residential	Land adjacent 326 Alcester Road, Moseley	Erection of 1 no. dwelling house and relocation of existing sub-station. 2017/09269/PA	Dismissed	Non-determined	Written Representations
Residential	The Spinney, 35 Moor Hall Drive, Sutton Coldfield	Erection of detached building to rear. 2018/05883/PA	Dismissed	Delegated	Written Representations
Residential	Land adjacent to 22 Jordan Road, Sutton Coldfield	Erection of 1 no. dwelling house with associated car parking and erection of 1.8m high brick screen wall. 2019/00189/PA	Dismissed	Delegated	Written Representations
Residential	Land off Highfield Road and to the rear of 99-101 Harborne Road, Edgbaston	Erection of 2 dwelling houses with garages and associated works. 2018/08841/PA	Dismissed	Delegated	Written Representations
AdVERTISEMENT	Station Street/Hill Street, Junction of, City Centre	Display of 2no. internally illuminated digital LED advertisement panels. 2017/10920/PA	Dismissed	Delegated	Written Representations
AdVERTISEMENT	New Street, Outside Odeon Cinema, City Centre	Display of 2no. internally illuminated digital LED advertisement panels. 2017/10918/PA	Dismissed	Delegated	Written Representations
AdVERTISEMENT	Lower Temple Street/New Street, Junction of, City Centre	Display of 2no. internally illuminated digital LED advertisement panels. 2017/10917/PA	Dismissed	Delegated	Written Representations

Birmingham City Council
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<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Advertisement	New Street /Stephenson Place, Junction of, City Centre	Display of 2no. internally illuminated digital LED advertisement panels. 2017/10921/PA	Dismissed	Delegated	Written Representations
Other	68 Oak Tree Lane, Selly Oak	Retrospective application for change of use from Class C3 dwellinghouse or small HMO (Use Class C4), to large HMO (Sui Generis). 2018/09320/ENF	Dismissed	Delegated	Written Representations
Other	Station Street/Hill Street, Junction of, City Centre	Installation of telephone/Wi-Fi totem. 2017/10808/PA	Dismissed	Delegated	Written Representations
Other	New Street, Outside Odeon Cinema, City Centre	Installation of telephone/Wi-Fi totem. 2017/10806/PA	Dismissed	Delegated	Written Representations
Other	Lower Temple Street/New Street, Junction of, City Centre	Installation of telephone/Wi-Fi totem. 2017/10803/PA	Dismissed	Delegated	Written Representations
Other	New Street /Stephenson Place, Junction of, City Centre	Installation of telephone/Wi-Fi totem. 2017/10809/PA	Dismissed	Delegated	Written Representations
Other	220 Shaftmoor Lane, Acock's Green	Installation of shipping containers for storage purposes (Use Class B8). 2018/00411/PA	Dismissed	Delegated	Written Representations
Other	Public Highway, Smallbrook Queensway, Junction Hill Street, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04521/PA	Dismissed	Delegated	Written Representations
Other	Public Highway, Hill Street, Adjacent Holiday Inn Hotel, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04444/PA	Dismissed	Delegated	Written Representations

Birmingham City Council
Planning Committee 26 September 2019

Appeal Decisions Received from the Planning Inspectorate in August 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	Public Highway at 14 Hurst Street, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04603/PA	Dismissed	Delegated	Written Representations
Other	Public Highway Outside 41-43 Hurst Street, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04559/PA	Dismissed	Delegated	Written Representations
Other	Public Highway at 77 Smallbrook Queensway, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04520/PA	Dismissed	Delegated	Written Representations
Other	Public Highway at Smallbrook Queensway, in front of Debenhams, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04522/PA	Dismissed	Delegated	Written Representations
Other	Public Highway, Edgbaston Street, in front of Debenhams, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04605/PA	Dismissed	Delegated	Written Representations
Other	Public Highway at 42 High Street, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04445/PA	Dismissed	Delegated	Written Representations
Other	Public Highway at 67-69 High Street, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04446/PA	Dismissed	Delegated	Written Representations
Other	Public Highway at 100 Bull Street, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04667/PA	Dismissed	Delegated	Written Representations
Other	Public Highway at Priory Queensway, adjacent The Square Shopping Centre, City Centre	Application for Prior Notification for installation of a telephone kiosk. 2017/04305/PA	Dismissed	Delegated	Written Representations

Total - 27 Decisions: 27 Dismissed (100%)

**Birmingham City Council
Planning Committee 26 September 2019**

Appeal Decisions Received from the Planning Inspectorate in August 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
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Cumulative total from 1 April 2019 - 112 Decisions: 99 Dismissed (88%), 13 Allowed