

Birmingham City Council

Planning Committee

25 May 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	13	2016/08443/PA 250 & 251 Bradford Street and 25-30 Green Street Digbeth Birmingham B12 0RG Demolition of existing buildings and erection of 130 residential units varying from 4-8 storeys together with 40 car parking spaces and associated works
Defer – Informal Approval	14	2016/08444/PA Kingfield Heath building 230 Bradford Street Digbeth Birmingham B12 0RG Demolition of existing Kingfield Heath buildings and erection of 237 residential units varying between 5 and 8 storeys together with 71 car parking spaces and associated works.
Approve - Conditions	15	2017/01760/PA Land fronting George Street & Holland Street Jewellery Quarter City Centre Birmingham B3 1QQ Demolition of 21 George Street and redevelopment of site to comprise the erection of a new four storey University building (Use Class D1) with ancillary uses: offices (Use Class B1), health facility (Use Class D1), exhibition space (Use Class D1) and gym (Use Class D1) together with a 158 space multi-storey car park and access, surface parking, landscaping and external alterations to McIntyre House

Approve - Conditions	16	<p>2016/10675/PA</p> <p>57-71 Cornwall Street & 6-10 New Market Street City Centre Birmingham B3</p> <p>Replacement of the existing roof and construction of two additional storeys of residential units to create 13 no. apartments at 6th and 7th floors with rooftop plant, 1 no. infill apartment and external alterations at 5th floor (excluding alterations to ground floor and change of use of ground floor to 5th floor)</p>
Approve - Conditions	17	<p>2017/01999/PA</p> <p>Land adjacent to Icentrum Holt Street Aston Birmingham B7 4BP</p> <p>Purpose built 4 storey building for use by micro-enterprises, small business and the city's five universities (Use Classes B1a and B1b)</p>
Approve - Conditions	18	<p>2017/01595/PA</p> <p>Tennant Street Birmingham B15 1EH</p> <p>Reserved matters application for appearance, landscaping, layout scale following outline permission 2015/03050/PA for the erection of a residential development of up to 6 storeys to provide 13 car parking spaces and up to 40 residential self contained apartments</p>
Determine	19	<p>2016/04205/PA</p> <p>11-21 Great Hampton Street, 10 Harford Street and 20-26 Barr Street Jewellery Quarter Birmingham B18 6AX</p> <p>Conversion of 13-21 Great Hampton Street and conversion, extension and alteration of 20-26 Barr Street to residential apartments. Demolition and redevelopment of remaining site to provide an overall total of 156 residential units and 1,035 sqm of commercial floorspace (Use Classes A1, A2, A3, & B1a) together with associated works.</p>

Determine

20

2016/04206/PA

13-21 Great Hampton Street
Jewellery Quarter
City Centre
Birmingham
B18 6AX

Listed Building Consent for alterations including the installation of a new stairwell, new subdivisions and replacement windows to rear in association with the conversion of the building to form a commercial unit and 14 residential dwellings.

Committee Date:	25/05/2017	Application Number:	2016/08443/PA
Accepted:	13/12/2016	Application Type:	Full Planning
Target Date:	08/06/2017		
Ward:	Nechells		

250 & 251 Bradford Street and 25-30 Green Street, Digbeth, Birmingham, B12 0RG

Demolition of existing buildings and erection of 130 residential units varying from 4-8 storeys together with 40 car parking spaces and associated works

Applicant:	ESRG Developments Ltd
	c/o Agent
Agent:	DPP Planning
	Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. The proposed development seeks complete demolition of all buildings on the application site and the erection of a 4-8 storey development providing 130 no. residential apartments, car parking and associated development.

Demolition

- 1.2. This roughly L shaped application site would see demolition of the existing now dilapidated Steiner building which is 3 storeys and occupies the corner of Alcester Street and Bradford Street, as well as other single and double height warehouse buildings. The existing locally listed building located at the corner of Alcester Street and Green Street and the adjacent industrial building do not form part of the application site.

Overview of the Proposed Replacement Development

- 1.3. It is proposed to erect a wholly residential apartment scheme that would front Bradford, Alcester and Green Streets with a roughly 'L' shaped block running along the site's western and southern boundaries and part of the east boundary.
- 1.4. A total of 40 on-site parking spaces are proposed (31%) adjacent to the vehicular entrance off Green Street, within the courtyard, on the western boundary and underneath the western wing of the building.
- 1.5. Overall the proposed development would provide 130 apartments with the following breakdown:

Apartment Type	Number	Percentage	Min. Size	Max. Size
1 bedroom	54	42%	45sqm	61sqm
2 bedroom	76	58%	64sqm	80sqm

- 1.6. During the course of determination officers have secured amendments to the design, massing, number and mix of dwellings proposed. Initially 148 apartments were proposed and the mix comprised 61% one bedroom apartments and 39% two bedroom apartments.

Detailed Proposals

- 1.7. The Bradford Street frontage would comprise 7 storeys on the western end, reducing to five storeys and marking the corner with an 8 storey building. As the building would turn the corner onto Alcester Street the height is reduced to 4 storeys next to the locally listed building. Green Street would be 5 storeys high. The scheme would be entirely single aspect onto either the surrounding roads or the internal courtyard area. Side elevations onto adjoining sites would be blank. Vehicular access is proposed from Green Street.
- 1.8. A bin store is proposed on Green Street, 136 cycle spaces at lower ground floor level adjacent to the rear elevation of the industrial unit (which is excluded from the application site). Two plant rooms are proposed; one to the rear of the ground floor apartments on Alcester Street and the other on Green Street adjacent to the entrance lobby.
- 1.9. Architecturally, the proposed building would be flat roofed and the elevations are broken up into two distinct designs. The 'book ends' on Bradford Street and the elevation fronting Green Street are framed in a contrasting blue brick surround. At the upper two levels, façade treatment includes an aluminium rain screen cladding system finished in metallic green/blue (Spectra two tone) along with textured white stone fins. Beneath the upper two floors the 'book ends' give way to a lighter blue brickwork façade, detailed to include contrasting horizontal brick banding.
- 1.10. This palate of lighter blue brickwork, framed within contrasting blue brick piers and horizontal banding continues within the central section on Bradford Street, Alcester Street elevation and the central courtyard facing elevations. Street fronting elevations are also designed to include a mix of full, externally hung balconies, and glass Juliet balconies. Within the courtyard elevations, glass Juliet balconies alone are adopted.
- 1.11. Window and door reveals are framed within deep recesses, with further contrasting metal cladding frames set inside the reveal. Dark grey metal window casements are also proposed to all openings.
- 1.12. The ground floor of Bradford Street and Alcester Street would be set back approximately 2m from the street to allow defensible space to the front of the ground floor residential units. The building would also be set back on Green Street on the lower ground floor level to ensure the balconies above would not overhang the public highway. Boundary treatment on all 3 elevations would consist of a variety of metal railings on masonry walls, some of which are dwarf walls.
- 1.13. All the residential units on Alcester Street would be accessed from the street whilst access to the apartments on Bradford Street would be from an internal lobby. More broadly, access to the apartments is largely provided via two entrance lobbies; one

on Bradford Street, the other on Green Street, both at lower ground floor level. A third entrance is proposed at ground floor level on Alcester Street. In addition, there is a resident access to the courtyard adjacent to the vehicular access on Green Street.

- 1.14. The highest block is 8 storeys and marks the corner at Bradford Street and Alcester Street and the height has been guided by that of the Abacus residential scheme on the opposite side of Alcester Street. A roof garden is proposed on top of the 5 storey element on Bradford Street and would be accessed from the circulation corridor. The roof garden would be surrounded by a 1.1m high parapet.
- 1.15. This application is accompanied by detailed plans; a Planning Statement; Design and Access Statement; Noise Assessment; Flood Risk Assessment and Sustainable Drainage Report; Transport Assessment, Preliminary Energy Strategy and Viability Assessment.
- 1.16. EIA screening Opinion was undertaken by the Local Authority and it was confirmed that an EIA is not required.

1.17. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site, totalling 0.3ha is roughly 'L' in shape and has frontages onto Bradford, Alcester and Green Streets. The site contains a number of dilapidated buildings namely the 3 storey Steiner building which occupies the corner of Alcester Street and Bradford Street albeit set back on the Alcester Street boundary. It is understood the 1960s factory building was used for the manufacturing of motor vehicle components, however it has been vacant for a number of years and has fallen into a poor state. There are other derelict single and double storey warehouse buildings at back of pavement on Green Street and set back some distance on Bradford Street, also boarded up and in a poor state.
- 2.2. There is a locally listed building situated at the corner of Green Street and Alcester Street and industrial buildings fronting onto Green Street directly adjacent to the application site however these buildings are not part of the application site. These are occupied by the following companies KAUG Refinery Services (specialists in the recovery and refining of precious metals from all types of waste) and C.B. Frost and Co Ltd (specialists in rubber and plastic manufacturing) and are in active use.
- 2.3. The surrounding area is made up of a number of industrial/warehouse buildings, many of which have fallen into disuse leading to the sites coming forward for alternative uses such as residential. The Abacus 7/8 storey residential block is located directly opposite the site on Alcester Street. There are further residential developments to the south east on Bradford Street. Therefore there are a number of different uses in the vicinity including residential, commercial, industrial/warehouses, specialist body and paint repairers, public house, church and a number of vacant buildings.
- 2.4. The closest heritage assets are locally listed buildings directly adjacent at 27 Alcester Street (Grade B) and further along St Anne's RC Church (Grade A) also on Alcester Street. The Digbeth, Deritend and Bordesley High Street Conservation Area is situated some 138m to the north.

- 2.5. The wider area can be considered as an area of transition, with a broad trend of commercial and industrial uses being replaced with residential schemes.

2.6. [Site Location](#)

3. [Planning History](#)

- 3.1. Various historic applications relating to alterations and changes of use within the buildings. The more recent and relevant application is:

- 3.2. 15/03/2006 – 2005/07812/PA. Construction of 47 apartments and ground floor commercial units (A1, A2, A3, & B1) means of access and car parking. Approved subject to conditions.

- 3.3. 04/04/1996 – 1995/04164/PA. Residential development of new build block of flats. Approved subject to conditions.

Other current/recent applications in the vicinity include:

27 Alcester Street

- 3.4. Current application - 2017/01389/PA. Selective demolition and extensions to existing building to form 14 no. of apartments.

Bradford/Warwick Street

- 3.5. Current application – 2016/08444/PA. Part demolition, refurbishment and erection of 237 residential units varying between 4 and 8 storeys together with 71 car parking spaces and associated works.

Alcester/Moseley Street

- 3.6. 23/03/2017 - 2016/08279/PA. Demolition of existing buildings and erection of 5-7 storey buildings to provide 141 no. residential apartments, car parking and associated development. Approved subject to conditions.

Bradford/Lombard Street and Cheapside

- 3.7. 05/10/2015 – 2015/05172/PA. Erection of 5 storey building to accommodate 170 residential dwellings, a ground floor retail unit, car parking and associated landscaping. Approved subject to conditions. Currently under construction.

Bradford/Lombard/Birchall Street and Cheapside

- 3.8. 10/09/2014 - 2014/00452/PA. Application for the part demolition, refurbishment, conversion and extension to the former Harrison Drape building and the erection of three new buildings to provide a total of 313 residential dwellings and retail unit (Use Class A1) with associated infrastructure, parking and landscaping. Approved subject to conditions. Currently under construction.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – Raise no objection subject to conditions requiring a S278 agreement (to include tracking plans to confirm the footway adjustment on Bradford Street doesn't affect the ability for large vehicles to use this junction), that

parking areas are laid out prior to use, the provision of cycle parking and provision of a construction and demolition plan.

- 4.2. Regulatory Services – No objection subject to conditions in relation to mechanical ventilation strategy, contaminated land studies, that the glazing specification is in accordance with the supporting noise assessments; adequate refuse storage; and the provision of electric vehicle charging spaces.
- 4.3. Local Lead Flood Authority – No objection subject to conditions requiring further drainage details and a sustainable drainage operation and maintenance plan.
- 4.4. Severn Trent Water – No objection subject to conditions requiring the prior approval of drainage details and that the development is carried out in accordance with any approved details.
- 4.5. Leisure Services – No objection and request a contribution towards public open space of £266,500.
- 4.6. West Midlands Fire Service – Notes that the proposal requires firefighting shafts and rising mains and requests there is suitable access to dry riser inlet point and water supplies.
- 4.7. West Midlands Police – Supports the gating of the vehicular accesses and the two sets of double doors and a further door into the core lobby. Recommends that the development follows Secured by design principles for residential and commercial units, that adequate lighting, CCTV, alarms system for the commercial units are installed. Notes that refuse collection should be carefully managed at access points.
- 4.8. Highways England – No objection.
- 4.9. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted. 16 letters received from local residents and business owners. Whilst there is a general agreement that the site is in need of redevelopment the following concerns are raised:
 - Insufficient parking provision which is likely to lead to highway safety issues.
 - Parking strategy for the area needs to be developed.
 - Existing parking and access issues would be exacerbated.
 - Loss of light and overshadowing.
 - The tower on the corner of Alcester and Bradford Street overpowers existing buildings in the vicinity and is out of character due to the excessive height. Several comments raised with respect to the scale of the development
 - The application does not consider how wind would be dealt with on the rooftop gardens.
 - Access to the Bullring Trading Estate on Green Street needs to be retained to ensure deliveries can take place to ensure the business can function.
 - The development would result in the loss of views into the city centre.
 - Loss of privacy.
 - Unconvinced by the proposed palette of materials which is not in keeping with the area and it has been suggested that a reduction in the use of blue/dark materials?
 - Industrial feel of Digbeth should not be lost.
 - There is a need for play areas and green areas to make Digbeth a more family friendly area to live and to encourage sustainability.

- Devalue existing flats in the vicinity.
- General design is not good enough.
- There are plans to convert the adjacent locally listed building to residential.
- Is of an undistinguished design with no reference to the established context.
- New buildings creates blank flank walls on Alcester Street and Green Street which would be unsightly.
- The 9 storey building would overshadow the courtyard of the locally listed building adjacent.
- Errors in the first noise assessment.
- Public consultation carried out over a public holiday.
- Energy Strategy inaccurate.
- No demand for more high dense apartments in Digbeth and a greater need for post office, doctor's surgery, pharmacy and community centre.

4.10. A letter of objection has been received on behalf of C.B. Frost and Co. Ltd and KAUG Refinery Services which are both located on Green Street and abut the application site. Neither company have any intention of relocating and they would expect to be able to continue on their present sites unfettered by a change in circumstances, as is now proposed in the application. Neither company are subject to planning conditions limiting working hours. The submitted noise report does not appear to refer to noise arising from the adjacent industrial premises and whilst this may not currently be an issue, it could be in the future. Additionally both firms are located at back of pavement on Green Street and rely on deliveries and collections from the street by a variety of vehicles and it is noted neither company have any off street parking. The owners of both premises feel the proposed development has a questionable relationship to its industrial neighbours especially with regard to some of the lower level, inward facing apartments where outlook would be directly onto an industrial building. In addition there is concern that there could be noise complaints from residents regarding the established uses who do not have any restriction on their hours of operation.

4.11. One letter of support has also been received stating that the buildings have posed a risk to residents for a long time and has attracted squatters posing a fire risk. Considers the development would enhance the area.

5. Policy Context

5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan (saved policies) 2005; Places for Living SPG; Car Parking Guidelines SPD; Affordable Housing SPG 2001; Public Open Space in new Residential Development SPD 2007; Loss of Industrial Land to Alternative Uses SPD 2006; National Planning Policy Framework 2012; The Big City Plan.

6. Planning Considerations

POLICY

Local

6.1. The application site is within the Southern Gateway area of transformation as set out in the Big City Plan. The Southern Gateway seeks to expand the City Core southwards with the redevelopment of the wholesale markets providing the opportunity for creating a new destination in Birmingham. A whole range of uses including new residential neighbourhoods are envisaged.

- 6.2. The Birmingham Development Plan sets out the ambitious growth of the City Centre and identifies five strategic allocations for the centre, including the Southern Gateway which is situated to the east of the site, with the Smithfield Masterplan acting as a centrepiece. The plan states that new investment in office, retail, cultural and residential provision will be supported.
- 6.3. The Big City Plan, referenced in the BDP, sets out the aspirations for development within the City Centre. The Big City Plan identifies Bradford Street as a key connection within the City Centre. The BDP also sets out the city's approach to the historic environment, the scale of need (51,100 residential units to be delivered in the city over the plan period), location and type of new housing and connectivity issues. The approach to developer contributions is set out in policy TP47, with Policy TP31 setting out that in developments of 15 or more dwellings a contribution of 35% of the scheme as affordable housing will be sought. Policy PG3 sets out the requirement for place making, setting out the key considerations that contribute to a successful place.
- 6.4. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and policy 3.14, emphasise the need to secure high quality design and set out the circumstances when Planning Obligations may be sought.

National

- 6.5. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.
- 6.6. Chapter 6 sets out the need to deliver a wide choice of high quality homes. Chapter 7 puts good design at the heart of the definition of sustainable development. Chapter 11 seeks to conserve the historic environment.
- 6.7. Key issues for consideration are therefore the principle of the development, design, heritage implications, residential amenity, highway impact, sustainability, and viability/S106 issues.

PRINCIPLE

- 6.8. The BDP states that its objectively assessed housing need is 89,000 across the Plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan only provides 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 130 apartment scheme would be 42% 1-bedroom and 58% two bedroom apartments. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. Although the development only provides 1 and 2 bedroom units, given the overall housing needs in the city it is considered acceptable, particularly given the site's location.

- 6.9. It is acknowledged that the development would result in the loss of industrial land, however given that the buildings are dilapidated, and have been vacant for some time I do not raise any objection in this location.
- 6.10. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver residential accommodation in a sustainable city centre location. My Strategic Planning Officer raises no objections and considers the scheme to be an appropriate form of regeneration for this site. The proposal would result in the redevelopment of a number of buildings that are detrimental to the visual amenity of the area. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

DESIGN

- 6.11. Both at pre-application stage and during the course of determination of this application Officers have secured significant changes to the scale and design of the proposed development. Massing has been redistributed to provide a more comfortable relationship with the adjacent residential apartments and locally listed building and the development has been rearranged to have a more direct relationship with the surrounding streets. The heights have been reduced on Green Street, Alcester Street and part of Bradford Street. The design has been revised opting for a more residential appearance rather than office/commercial.
- 6.12. The proposed height was initially higher than the Abacus building opposite and this was not considered appropriate therefore it was advised that the new building should be no higher than the Abacus building. Furthermore, it was considered the corner of Bradford and Alcester Street was the most appropriate place for the tallest element of the new build to mark the corner on the principal streets. The height of the building directly adjacent to the locally listed building on Alcester Street was also considered too high and, therefore was reduced to four storeys to improve the relationship with surrounding buildings. The height was also reduced on Green Street to reduce the impact on the adjacent buildings.
- 6.13. The top of the cladded elevations are marked with double storey framing which reinforces the top of the building with a more consistent design running through the rest of the building. Whilst it is characteristic in the area to build to back of pavement rather than have set backs, there is evidence that this does not always work with ground floor residential apartments, as residents often close their curtains for privacy losing any activity onto the street. It is therefore considered acceptable, in this case, for the buildings to be set back and defensible space to be incorporated to the ground floor apartments. Details of how this area would be treated would be safeguarded by condition.
- 6.14. The proposed materials are not all characteristic of Digbeth, where the traditional material is brick, in particular the use of cladding and fins; however my City Design Officer raises no objection to the principle of the proposed materials. Further examination of the materials will take place on site and this will be safeguarded by condition. The varying heights and two different design approaches are supported as it successfully breaks up the massing of the building and adds further interest to the elevations.
- 6.15. The resultant scheme is acceptable within both its existing context, and with the scale and nature of the large-scale redevelopment envisaged by the BDP and Big City Plan as part of the Southern Gateway Area of Transformation.

- 6.16. The proposed development would not prejudice the adjacent sites being brought forward for redevelopment.
- 6.17. Subject to appropriate safeguarding conditions to ensure an appropriate design quality is secured I raise no design based objections and this conclusion is supported by my City Design Officer.

HERITAGE IMPLICATIONS

- 6.18. The development would result in the loss of existing buildings that make no impact on the significance of surrounding heritage assets. The building heights have been revised to reduce the impact on the locally listed building adjacent at the corner of Alcester Street and Green Street. The building heights have also been reduced at the corner of Alcester Street and Bradford Street as they were considered to have an overbearing impact on the surrounding buildings. My Conservation Officer acknowledges that the reduced building height has a better relationship with the locally listed buildings in the vicinity.
- 6.19. There are no statutory listed buildings within the immediate vicinity.
- 6.20. The Digbeth, Deritend and Bordesley High Streets Conservation Area is approximately 138m to the north beyond High Street Digbeth. The proposed development would have no significant impact on the Conservation Area and thus would preserve its setting.
- 6.21. The site is located within the Digbeth/Deritend medieval and post medieval settlement, therefore my Conservation Officer has recommended the imposition of a condition in relation to an archaeological watching brief, which is attached.
- 6.22. In conclusion, the development would have an overall neutral impact upon existing heritage assets and my Conservation Officer raises no objection.

AMENITY

- 6.23. The initial noise assessment was considered insufficient as it did not consider commercial or entertainment noise in the vicinity. In response to the objections raised from CB Frost & Co Ltd and KAUG Refinery Services and other noise based objections, further on site monitoring was carried out which considered all commercial and entertainment noise in the area. Whilst there was clear activity occurring inside nearby commercial/entertainment units, there was no noise audible at the proposed residential development site due to the significant degree of background noise from the high traffic flow on the adjacent roads. It is therefore concluded that any noise from nearby commercial and entertainment premises is contained within the building. It is noted residents in the nearby Abacus residential building have not raised any noise based objections in relation to the CB Frost & Co Ltd or KAUG Refinery Services.
- 6.24. The noise mitigation measures recommended include the provision of standard double glazing on all elevations apart from the rooms facing onto Green and Alcester Street which would require enhanced glazing. Regulatory Services are satisfied that residents would not be adversely affected by noise when the windows are closed. Alternative means of ventilation is required throughout the development, to ensure that adequate ventilation is provided when the windows are closed.

- 6.25. Regulatory Services raise no objection subject to safeguarding conditions, including that the glazing specification is carried out in accordance with the submitted noise reports and that ventilation details be provided. I therefore conclude that an adequate noise environment can be created subject to suitable safeguarding conditions. Further conditions in relation to contaminated land and electric vehicle parking are recommended and attached.
- 6.26. These conditions would help prevent any unreasonable restrictions being applied to existing businesses in the vicinity due to changes in nearby land uses in line with paragraph 123 of the NPPF.
- 6.27. Whilst there is no adopted local policy the Nationally Described Space Standards provides a reliable guide regarding residential unit sizes. One bedroom units would range from 45sqm to 61sqm and two bedroom units would range from 64sqm to 80.5sqm. All the proposed apartment sizes comply and the layouts demonstrate that adequate furniture can be provided, I therefore raise no objection to the proposed unit sizes.
- 6.28. I am satisfied that the proposed development would have access to adequate levels of natural light and outlook. Whilst some of the inward facing units would overlook an industrial building at 31 Green Street, the apartments are at a higher level between 6m and 9m above ground level where the industrial unit is located. I am therefore satisfied that the residential units proposed at first and second floor levels would be situated at such a height, that their outlook would be above the industrial unit onto the adjacent site. Cross sections have been provided by the applicant to demonstrate this relationship.
- 6.29. Considering the amenity of occupiers of adjacent dwellings, the building would be located 13m from Abacus residents opposite which I consider is a satisfactory distance given the City Centre context. I do not consider there would be any loss of light or overlooking private amenity space issues. The side elevation onto the adjacent site would be completely blank, as would the side elevation facing the locally listed building. Some balconies and windows overlook the commercial building located at 31 Green Street but this is a commercial building therefore overlooking a commercial plot is not a material planning consideration.
- 6.30. There are windows facing the city centre from the tallest element of the building to maximise views back into the city centre and these windows would overlook the roof garden. I am satisfied that the amended scheme has an acceptable relationship in this City Centre context.
- 6.31. I therefore conclude that the development would not materially harm the residential amenity of adjoining occupiers and consider the impact of the proposals are justified.
- 6.32. Subject to the aforementioned conditions I raise no amenity-based objections.

HIGHWAY IMPACT

- 6.33. The supporting Transport Statement acknowledges that the site is well served by existing public transport and is a short walk to Moor Street and New Street Railway Stations. The statement also acknowledges that the Car Parking Guidelines SPD sets a minimum of 100% cycle storage spaces and a maximum parking level of 1.5 spaces per dwelling. The Statement concludes that based upon the site's accessible location the level of parking and cycle storage provision is appropriate. I concur with

this conclusion and consider that the on-site provision of 40 car parking spaces for 130 apartments (equates to 31%) is an acceptable amount in this location.

- 6.34. In terms of predicted traffic flows, the Statement anticipates a marginal increase of vehicular movements to and from the site during peak hours (compared with the existing permitted uses) and concludes that this would have a negligible impact.
- 6.35. Transportation Development requested that tracking plans were submitted to confirm the ability for large vehicles to continue to use the existing junction. These plans have been submitted and were considered acceptable by Transportation Development.
- 6.36. Transportation Development raise no objection subject to safeguarding conditions. I concur with this conclusion and appropriate conditions are recommended.

ECOLOGICAL IMPACT

- 6.37. These buildings are set within a core area for Black Redstart (BRS) a red data book species and particularly scarce within UK; there were around 20 records of BRS within a 250m – 350m radius of these buildings indicating a higher probability of this species being present around the proposed development site. In addition there were a few records of Bat species but these were associated with foraging or older style buildings and at about 500m distant. Whilst an ecological survey was not submitted with the application the City's Ecologist recommends that a Construction Ecological Mitigation Plan condition and a green/brown roof condition is attached. I consider both these conditions as appropriate.

DRAINAGE / FLOODING

- 6.38. The site falls within Flood Zone 1. The supporting Drainage and Flood Risk Assessment concludes that the existing drainage within the curtilage of the site would become redundant with the redevelopment of the overall site. Sustainable drainage to be adopted into the design are green roofs, porous paving to the car park with free draining sub base and underground attenuation tanks. It is considered these measures would provide the level of treatment commensurate with the area being drained. The report also concludes that the flood risk to the site is low.
- 6.39. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of further drainage details. I concur with these recommendations/conclusions and appropriate conditions are recommended.

SECTION 106 / FINANCIAL VIABILITY

- 6.40. Following the detailed independent assessment of the applicant's Financial Appraisal the applicant has agreed to offer a sum of £82,420 towards public realm improvements within the area. The city's independent assessor considers this reasonable in the context of the scale and nature of the development.
- 6.41. This contribution of £82,420 varies significantly compared with planning application reference 2016/08444/PA for 230 apartments at 230 Bradford Street which secured in excess of £600,000.
- 6.42.

6.43. The reasons for this are the gross to net reduction on the current scheme is a lot higher due to the shape of the site and there is a particular loss of usable space on the ground floor as a consequence. In addition, the volume of units also drives viability, especially when the design doesn't necessitate going particularly high and incurring the expensive build costs that go with tall buildings. On this basis, I consider that such a sum is consistent with CIL legislation and the Public Open Space in New Residential Developments SPD. I note the site is located outside of the CIL high value area.

6.44. Given the relatively small amount I consider that directing the resource to wholly public realm is reasonable, even in the context of a nil affordable housing contribution. This is consistent with the recently approved Westminster Works application (2016/08279/PA) which was for 141 apartments and achieved £80,000 towards public realm improvements.

7. Conclusion

7.1. The proposed development offers a high quality residential scheme within the Southern Gateway Area of Transformation and represents a sustainable brownfield development. The changes secured to scale and massing results in a proposal that would relate to both its existing and future contexts. I consider that the proposals constitute sustainable development in NPPF terms and therefore conclude that this application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

8. Recommendation

8.1. Approve application number 2016/08443/PA subject to the conditions listed below and a Section 106 Legal Agreement to secure the following:

- i) a financial contribution of £82,420 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision and/or improvement of public realm in the Digbeth locality;
- ii) a commitment to local employment and training during the construction of the development; and
- iii) a financial contribution of £2,884 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.

8.2. In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 8th June 2017, planning permission be refused for the following reason:-

- i) In the absence of a legal agreement to secure a commitment to local employment / training and public realm the proposal conflicts with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005 and policy PG3 of the Birmingham Development Plan 2017 and the Public Open Space in Residential Development SPD.

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

- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 8th June 2017 favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|----|--|
| 1 | Requires the prior submission of investigation for archaeological observation and recording |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Glazing insulation details on Alcester Street and Green Street only |
| 5 | Glazing insulation details |
| 6 | Requires prior approval of a ventilation strategy |
| 7 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 8 | Requires the prior submission of details of bird/bat boxes |
| 9 | Requires the prior submission of a construction ecological mitigation plan |
| 10 | Requires the prior submission of details of green/brown roofs |
| 11 | Requires the prior submission of hard and/or soft landscape details |
| 12 | Requires the prior submission of a lighting scheme |
| 13 | Requires the prior submission of a construction/demolition method statement/management plan |
| 14 | Requires the prior submission of sample materials |
| 15 | Requires the prior submission of level details |
| 16 | Requires the prior submission of a CCTV scheme |
| 17 | Requires prior submission of balcony details |
| 18 | Requires the prior submission of window details |
| 19 | Requires the prior submission of boundary treatment and railing details to Bradford Street, Alcester Street and the roof garden |
| 20 | Requires a minimum of 1 no. electric vehicle charging points |
| 21 | Requires the provision of cycle parking prior to occupation |
| 22 | Requires the prior submission and completion of works for the S278/TRO Agreement |
| 23 | Requires the parking area to be laid out prior to use |
-

-
- 24 Removes PD rights for telecom equipment
 - 25 Requires the scheme to be in accordance with the listed approved plans
 - 26 Drainage plans for the disposal of foul and surface water
 - 27 Requires the prior submission of vehicular gate detail
 - 28 Implement within 3 years (Full)
-

Case Officer: Joanne McCallion

Photo(s)



Figure 1 Building at the corner of Bradford Street and Alcester Street (Abacus in the background)



Figure 2 Alcester Street looking towards Digbeth High Street



Figure 3 Buildings set back from Bradford Street

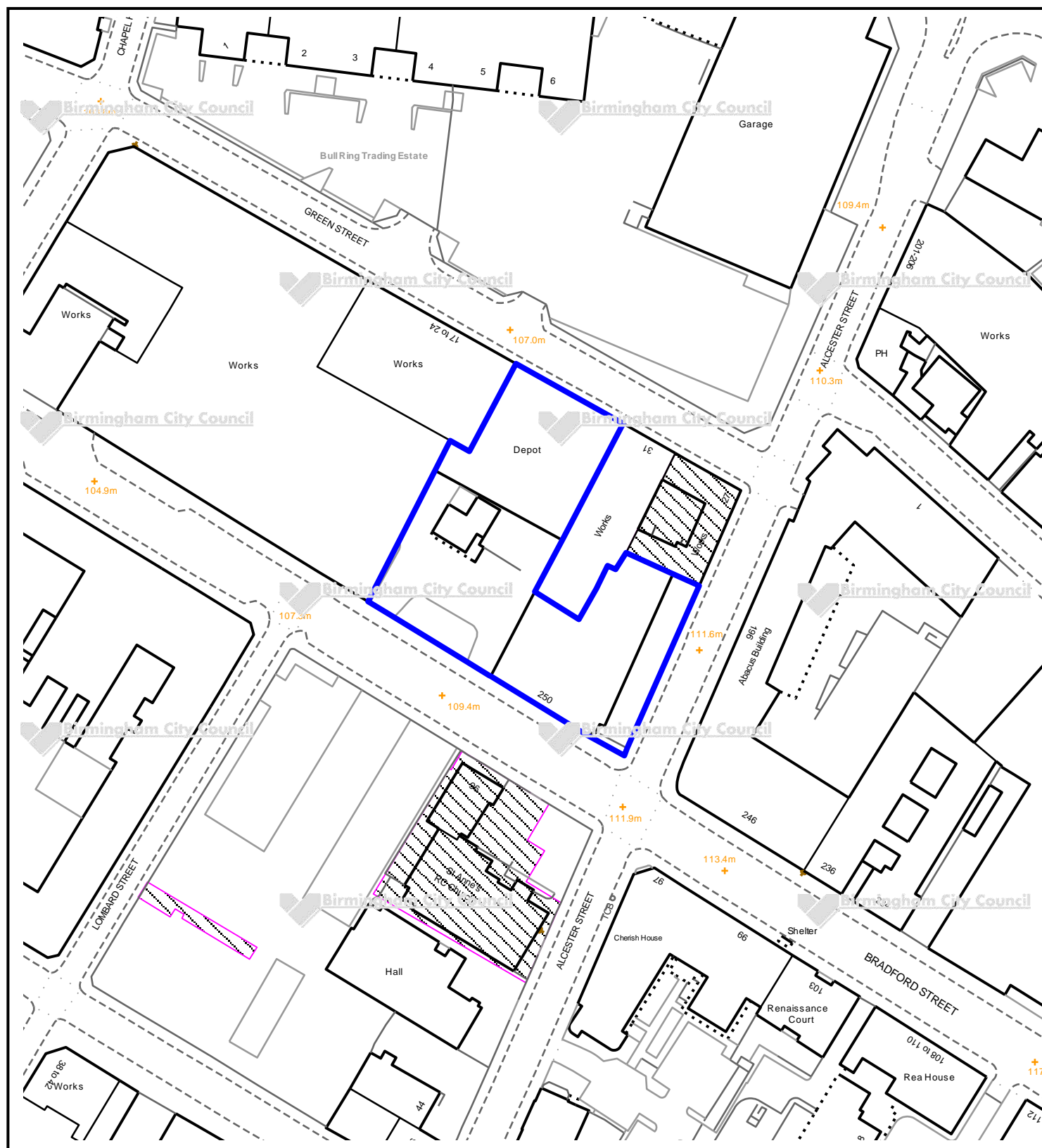


Figure 4 Green Street



Figure 5 Alcester Street showing two locally listed buildings

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2016/08444/PA
Accepted:	18/04/2017	Application Type:	Full Planning
Target Date:	18/07/2017		
Ward:	Nechells		

Kingfield Heath building, 230 Bradford Street, Digbeth, Birmingham, B12 0RG

Demolition of existing Kingfield Heath buildings and erection of 237 residential units varying between 5 and 8 storeys together with 71 car parking spaces and associated works.

Applicant:	ESRG Developments Ltd c/o Agent
Agent:	DPP Planning Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1. This proposed development seeks complete demolition of all buildings on the application site and the erection of a 5 - 8 storey development providing 237 no. residential apartments, car parking and associated development.

1.2. When the application was submitted, it included 234-236 Bradford Street which is a 3 storey dilapidated building with an attractive, original facade located between Abacus residential development and Kingfield Heath building. However this building no longer forms part of the application site due to procurement issues. After this building was removed from the application site, the reconsultation process was carried out again.

Demolition

1.3. The existing Kingfield Heath building occupies almost the entire site except for a small section on the Warwick Street boundary adjacent to the Abacus building, where it appears a building has been demolished and the area is being used as a car park. The entire building would be demolished.

Overview of the Proposed Replacement Development

1.4. It is proposed to erect a wholly residential apartment scheme that would have frontages onto Bradford Street and Warwick Street and a central wing linking the two blocks together.

1.5. A total of 71 on site car parking spaces are proposed (30%) which would be located in the internal courtyards with vehicular access proposed from Bradford Street and Warwick Street.

- 1.6. Overall the proposed development would provide 237 apartments with the following breakdown:

Apartment Type	Number	Percentage	Min.Size	Max. Size
1 bedroom	91	38%	50sqm	57sqm
2 bedroom	146	62%	64sqm	76sqm

- 1.7. During the course of determination officers have secured amendments to the design, massing, number and mix of dwellings proposed. Initially 293 apartments were proposed and the mix comprised 55% one bedroom apartments and 45% two bedroom apartments.

Detailed Proposals

- 1.8. The Bradford Street elevation varies between 6 and 8 storeys and is linked to the Warwick Street frontage with a 6 storey wing. The Warwick Street frontage varies between 6 and 7 storeys with the highest point proposed centrally extending into the central wing. The scheme would be entirely single aspect onto either the surrounding roads, internal courtyard or onto the access road from Bradford Street. Side elevations onto adjoining sites would be blank.
- 1.9. Bin stores are proposed centrally in the middle of the wing linking the two blocks together, 2 plant rooms are proposed internally on the Warwick Street block and a further, modest plant room on the Bradford Street frontage. 206 cycle spaces are proposed in the rear courtyard to the rear of the Warwick Street block and a further 36 spaces proposed on the wing adjacent to the bin stores. A small substation is proposed on the Warwick Street frontage.
- 1.10. Architecturally, the proposed building would be flat roofed and the elevations are broken up into two distinct designs. The 'book ends' on Bradford Street, Warwick Street and the internal access road are framed in a contrasting blue brick surround. Façade treatment within the book ends then includes an aluminium rain screen cladding system finished in Champaign (Spectra two tone) along with textured white stone fins to the upper two levels.
- 1.11. The central section on Bradford Street, Warwick Street & internal courtyard facing elevations is designed with a palate of lighter blue brickwork, framed within contrasting blue brick piers. Detail to the brickwork includes Flemish bond, which extends down through the elevations adjacent to apartment glazed openings.
- 1.12. Window and door reveals are framed within deep recesses, with further contrasting metal cladding frames set inside the reveal. Dark grey metal window casements are then proposed to all openings.
- 1.13. The buildings would be set back on Bradford Street and Warwick Street approximately 2m from the street to allow defensible space to the front of the ground floor residential units. Boundary treatment on both elevations would consist of a variety of metal railings on dwarf masonry walls.
- 1.14. All the residential units on the ground floor can be accessed from the street/accessway. More broadly, access to the apartments is largely provided via two entrance lobbies on Bradford Street and a further two on Warwick Street. Both vehicular accesses would be secured by gates.

- 1.15. Roof gardens and brown roofs are proposed and would be accessed from various points of the circulation corridors.
- 1.16. This application is accompanied by detailed plans; a Planning Statement; Design and Access Statement; Noise Assessment; Flood Risk Assessment and Sustainable Drainage Report; Transport Assessment, Preliminary Energy Strategy and Viability Assessment.
- 1.17. EIA screening Opinion was undertaken by the Local Authority and it was confirmed that an EIA is not required.
- 1.18. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site, totalling 0.48ha and currently derelict is roughly square in shape and is almost completely covered with existing buildings. The plot has frontages to Bradford Street and Warwick Street and is located between the Abacus residential block and adjoining dilapidated buildings and a banqueting suite on Bradford Street and a Boxing Gym on Warwick Street. The site is occupied by the Kingfield Heath building.
 - 2.2. Buildings on site consist of a collection of industrial buildings which have fallen into a poor state. The Kingfield Heath Building consists of a 1930s building similar to the historic red bricked industrial buildings which are characteristic of the area. This structure is mainly single storey with a two storey element on the frontage with Bradford Street. The Bradford Street frontage is considered to be the front of the building with the buildings on the Warwick Street frontage providing the rear service accesses. At the rear, fronting onto Warwick Street, a previous structure has been demolished and the land is currently being used as a surface level car park.
 - 2.3. The surrounding area is made up of a number of industrial buildings, many of which have fallen in disuse leading to the sites coming forward for alternative uses such as residential. The Abacus 8 storey residential block is located adjacent to the application site and it fronts onto Bradford/Alcester and Warwick Street. There are further residential developments directly opposite the site on Bradford Street. There are a number of different uses in the vicinity including residential, commercial, a large banqueting suite, boxing gym, light industrial, shisha lounge, public house and vacant buildings.
 - 2.4. The closest heritage assets are locally listed buildings at 27 Alcester Street (Grade B) and St Anne's RC Church (Grade A) also on Alcester Street. The Digbeth, Deritend and Bordesley High Street Conservation Area is situated some 115m to the north.
 - 2.5. The wider area can be considered as an area of transition, with a broad trend of commercial and industrial uses being replaced with residential schemes.
 - 2.6. [Location Plan](#)
3. Planning History
 - 3.1. Various historic applications relating to alterations and changes of use within the buildings. The more recent and relevant application is:

- 3.2. 29/01/2007 – 2006/06140/PA. Erection of 254 new residential apartments within a 4-5 storey building, with ground floor commercial (use class A1) & basement car parking. Approved subject to conditions.

234-236 Bradford Site

- 3.3. 08/03/2006 – 2005/00141/PA. Conversion of existing unused light industrial building into residential accommodation (Use Class C3) with A1/A3/B1 [shops/restaurants and cafes/business] unit at ground floor level, including infill extension and addition of one storey. Approved subject to conditions.

Other current/recent applications in the vicinity include:

Bradford/Alcester/Green Street

- 3.4. Current application – 2016/08443/PA. Demolition of existing buildings and erection of 148 residential units varying from 4-9 storeys and 3 ground floor commercial units (Use Class A1) together with 11 car parking spaces and associated works.

Alcester/Moseley Street

- 3.5. Current application - 2016/08279/PA. Demolition of existing buildings and erection of 5-7 storey buildings to provide 141 no. residential apartments, car parking and associated development.

Bradford/Lombard Street and Cheapside

- 3.6. 05/10/2015 – 2015/05172/PA. Erection of 5 storey building to accommodate 170 residential dwellings, a ground floor retail unit, car parking and associated landscaping. Approved subject to conditions. Currently under construction.

Bradford/Lombard/Birchall Street and Cheapside

- 3.7. 10/09/2014 - 2014/00452/PA. Application for the part demolition, refurbishment, conversion and extension to the former Harrison Drape building and the erection of three new buildings to provide a total of 313 residential dwellings and retail unit (Use Class A1) with associated infrastructure, parking and landscaping. Approved subject to conditions. Currently under construction.

Alcester Street

- 3.8. Current application - 2017/01389/PA. 27 Alcester Street. Selective demolition and extensions to existing building to form 14 no. of apartments.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions requiring a S278 agreement, that parking areas are laid out prior to use, the provision of cycle parking and provision of a construction and demolition plan.
- 4.2. Regulatory Services – No objection subject to conditions in relation to glazing specification, ventilation strategy and contaminated land studies.
- 4.3. Local Lead Flood Authority – No objection subject to conditions requiring further drainage details and a sustainable drainage operation and maintenance plan.

- 4.4. Severn Trent Water – No objection subject to conditions requiring the prior approval of drainage details and that the development is carried out in accordance with any approved details.
- 4.5. Leisure Services – No objection and request a contribution towards public open space of £551,200 (this was based on previously submitted number of units 287)
- 4.6. West Midlands Fire Service – Notes that the proposal requires firefighting shafts and dry risers and requests there are suitable turning circles in dead ends.
- 4.7. West Midlands Police – Supports the gating of the vehicular accesses and the two sets of double doors and a further door into the core lobby. Recommends that the development follows Secured by design principles for residential and commercial units, that adequate lighting, CCTV, alarms system for the commercial units are installed. Notes that refuse collection should be carefully managed at access points.
- 4.8. Highways England – No objection.
- 4.9. Site and Press Notices posted and Residents' Associations; Ward Members; the MP and local occupiers consulted. 7 letters received from local residents and whilst there is a general agreement that the site is in need of redevelopment the following concerns are raised:
- Insufficient parking provision which is likely to lead to highway safety issues.
 - Loss of light and overshadowing.
 - Loss of privacy.
 - Encourages the apartments to be set back from Abacus with balconies and defensible space to the front of the new development to protect the amenity of existing residents.
 - Some elements of the building are too high and would have an overbearing impact on existing residents in the locality.
 - The taller elements of the building should not be located in front of existing apartments.
 - Unconvinced by the proposed palette of materials which is not in keeping with the area.
 - Ventilation to the lower floors of Abacus building should not be blocked up.
 - Proximity of a proposed plant room to Abacus building and potential noise.
 - There is a need for play areas and green areas to make Digbeth a more family friendly area to live and to encourage sustainable.
 - Loss of natural air flow into the Abacus car park.
 - Ensure the mistakes of the past in relation to high density development are not repeated.
 - Devalue high end flats in Abacus.
 - Noise from cars in the car park of Abacus is a problem and this will be exacerbated if the site becomes more enclosed with the proposed development.
 - Encourages a small alleyway of greenery or a pathway between the proposed development and Abacus to act as a vent for polluted air.
 - The proposed open space is to benefit the new development and not Abacus.
- 4.10. One letter of support was also received stating that the development was a great idea and would help with the regeneration of Digbeth.

4.11. No additional comments were received to the revised plans.

5. Policy Context

5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan (saved policies) 2005; Places for Living SPG; Car Parking Guidelines SPD; Affordable Housing SPG 2001; Public Open Space in new Residential Development SPD 2007; Loss of Industrial Land to Alternative Uses SPD 2006; National Planning Policy Framework 2012; The Big City Plan.

6. Planning Considerations

POLICY

Local

6.1. The application site is within the Southern Gateway area of transformation as set out in the Big City Plan. The Southern Gateway seeks to expand the City Core southwards with the redevelopment of the wholesale markets providing the opportunity for creating a new destination in Birmingham. A whole range of uses including new residential neighbourhoods are envisaged.

6.2. The Birmingham Development Plan sets out the ambitious growth of the City Centre and identifies five strategic allocations for the centre, including the Southern Gateway which is situated to the east of the site, with the Smithfield Masterplan acting as a centerpiece. The plan states that new investment in office, retail, cultural and residential provision will be supported.

6.3. The Big City Plan, referenced in the BDP, sets out the aspirations for development within the City Centre. The Big City Plan identifies Bradford Street as a key connection within the City Centre. The BDP also sets out the city's approach to the historic environment, the scale of need (51,100 residential units to be delivered in the city over the plan period), location and type of new housing and connectivity issues. The approach to developer contributions is set out in policy TP47, with Policy TP31 setting out that in developments of 15 or more dwellings a contribution of 35% of the scheme as affordable housing will be sought. Policy PG3 sets out the requirement for place making, setting out the key considerations that contribute to a successful place.

6.4. The site is within the Southern Gateway Area of Transformation which will form the focus for the expansion of the City Centre Core southwards through comprehensive redevelopment including the Wholesale Markets site.

6.5. Relevant Saved Policies of the Birmingham UDP, comprising of Chapter 8 and policy 3.14, emphasise the need to secure high quality design and set out the circumstances when Planning Obligations may be sought.

National

6.6. Sustainable Development is at the heart of the National Planning Policy Framework (NPPF), which establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable

development. The NPPF breaks development down to key themes and provides guidance on each, with those key to this application explored in more detail below.

- 6.7. Chapter 6 sets out the need to deliver a wide choice of high quality homes. Chapter 7 puts good design at the heart of the definition of sustainable development. Chapter 11 seeks to conserve the historic environment.
- 6.8. Key issues for consideration are therefore the principle of the development, design, heritage implications, residential amenity, highway impact, sustainability, and viability/S106 issues.

PRINCIPLE

- 6.9. The BDP states that its objectively assessed housing need is 89,000 across the plan period (until 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the Plan aims to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 237 apartment scheme would be 38% 1-bedroom and 62% two bedroom apartments. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. Although the development is for 1 and 2 bedroom units only, given the overall housing needs to the city it is considered acceptable, particularly given the site's location.
- 6.10. It is acknowledged that the development would result in the loss of industrial land, however given that the buildings are dilapidated, and have been vacant for some time I do not raise any objection in this location.
- 6.11. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver residential accommodation in a sustainable city centre location. My Strategic Planning Officer raises no objections and considers the scheme to be an appropriate form of regeneration for this site. The proposal would result in the redevelopment of a number of buildings that are detrimental to the visual amenity of the area. Therefore, subject to more detailed considerations explored below, I raise no objection to the principle of the proposals.

DESIGN

- 6.12. Both at pre-application stage and during the course of determination of this application Officers have secured significant changes to the scale and design of the proposed development. Massing has been redistributed to provide a more comfortable relationship with the adjacent residential apartments and the development has been rearranged to have a more direct relationship with the surrounding streets. The heights have been reduced on Bradford Street from 9 storeys to 6 and 8 storeys which helps reduce the impact on residents opposite and breaks up the massing of the building. With respect to the Warwick Street elevation the 7 storey element adjacent to the Abacus building has been reduced to 5 storeys so that it relates better to the existing residential development.
- 6.13. The top of the partially cladded elevations have been marked with double storey framing which reinforces the top of the building with a more consistent design running through the rest of the building. Whilst it is characteristic in the area to build

to back of pavement rather than have set backs, there is evidence that this does not always work with ground floor residential apartments, as residents often close their curtains for privacy losing any activity onto the street. It is therefore considered acceptable, in this case, for the buildings to be set back and defensible space to be incorporated to the ground floor apartments. Details of how this area would be treated are safeguarded by condition.

- 6.14. The proposed materials are not all characteristic of Digbeth, where the traditional material is brick, in particular the use of cladding and fins; however my City Design Officer raises no objection to the principle of the proposed materials. Further examination of the materials would take place on site and this will be safeguarded by condition. The varying heights and two different design approaches are supported as it successfully breaks up the massing of the building and adds further interest to the elevations. The Flemish bond detail on the brickwork is welcomed.
- 6.15. The resultant scheme is acceptable within both its existing context, and with the scale and nature of the large-scale redevelopment envisaged by the BDP and Big City Plan as part of the Southern Gateway Area of Transformation.
- 6.16. The proposed development would not prejudice the adjacent sites being brought forward for redevelopment.
- 6.17. Subject to appropriate safeguarding conditions to ensure an appropriate design quality is secured I raise no design based objections and this conclusion is supported by my City Design Officer.

HERITAGE IMPLICATIONS

- 6.18. The closest statutory listed building is located at 132 Bradford Street (Grade II) which is some 75m to the south east of the application site. Locally listed buildings are located at 27 Alcester Street and St Anne's Church also on Alcester Street but again these are almost 100m from the application site. The development would result in the loss of existing buildings that make no impact on the significance of surrounding heritage assets.
- 6.19. The Digbeth, Deritend and Bordesley High Streets Conservation Area is approximately 120m to the north beyond High Street Digbeth. The proposed development would have no significant impact on the Conservation Area and thus would preserve its setting.
- 6.20. The site is located within the Digbeth/Deritend medieval and post medieval settlement, therefore my Conservation Officer has recommended the imposition of a condition in relation to an archaeological watching brief, which is attached.
- 6.21. In conclusion, the development would have an overall neutral impact upon existing heritage assets and my Conservation Officer raises no objection.

AMENITY

- 6.22. Regulatory Services were concerned when 234 - 236 Bradford Street was excluded from the scheme which is an unrestricted B8 storage and distribution use located approximately 8m from the proposed residential apartments. Although the building has been vacant for a number of years and has fallen into a poor state of repair, Regulatory Services expressed concern that if the building became occupied again it could cause disturbance to the nearby residents. As such, it has been

recommended that any glazed areas or external doors to habitable rooms on the Bradford Street façade and any habitable rooms overlooking any industrial uses should have enhanced glazing which achieves at least 40db. This will be safeguarded by condition. It is also noted that the siting of the building has been shifted to a minimum of 11m from the side elevation of the industrial building which increases to 12.8m.

- 6.23. Regulatory Services are satisfied that residents would not be adversely affected by noise when the windows are closed. Alternative means of ventilation is required throughout the development, in order to ensure that adequate ventilation is provided when the windows are closed and this would again be controlled by condition.
- 6.24. Ensuring the apartments are satisfactorily insulated from existing noise sources would help prevent any unreasonable restrictions being applied to existing businesses in the vicinity due to changes in nearby land uses in line with paragraph 123 of the NPPF.
- 6.25. Whilst there is no adopted local policy the Nationally Described Space Standards provides a reliable guide regarding residential unit sizes. One bedroom units would range from 50sqm to 57sqm and two bedroom units would range from 64sqm to 76sqm. All the proposed apartment sizes comply and the layouts demonstrate that adequate furniture can be provided, I therefore raise no objection to the proposed unit sizes.
- 6.26. With regard to outlook the internal wing alongside the accessway had to be set back so that it created a minimum of 11m from the side elevation of the existing industrial building which is 3 storeys. This separation distance increases to 12.8m as the industrial building steps in towards the rear thereby reducing the impact. I consider that the re-siting of the building results in a satisfactory outlook for future residents in this city centre context.
- 6.27. Considering the amenity of occupiers of adjacent dwellings, the building would be located adjacent to the Abacus building on the Warwick Street boundary as well as other commercial uses such as a banqueting suite, boxing gym and disused industrial building. I do not consider there would be any loss of light or overlooking private amenity space issues to the residents of the Abacus building. The side elevation onto adjacent sites would be blank. Whilst there are windows on the wing facing onto the accessway, there is a separation distance of between 11 and 12.8m therefore I do not consider this would prejudice the future redevelopment of this site. In addition overlooking a commercial plot is not a material planning consideration. I am satisfied that the amended scheme has an acceptable relationship in this City Centre context.
- 6.28. I therefore conclude that the development would not materially harm the residential amenity of adjoining occupiers and consider the impact of the proposals are justified.
- 6.29. Subject to the aforementioned conditions I raise no amenity-based objections.

HIGHWAY IMPACT

- 6.30. The supporting Transport Statement acknowledges that the site is well served by existing public transport and is a short walk to Moor Street and New Street Railway Stations. The statement also acknowledges that the Car Parking Guidelines SPD sets a minimum of 100% cycle storage spaces and a maximum parking level of 1.5 spaces per dwelling. The Statement concludes that based upon the site's

assessable location the level of parking and cycle storage provision is appropriate. I concur with this conclusion and consider that the on-site provision of 71 car parking spaces for 237 apartments (equates to 30%) is an acceptable amount in this location.

- 6.31. Transportation Development raise no objection subject to safeguarding conditions. I concur with this conclusion and appropriate conditions are recommended.

ECOLOGICAL IMPACT

- 6.32. These buildings are set within a core area for Black Redstart (BRS) a red data book species and particularly scarce within UK; there were around 20 records of BRS within a 250m – 350m radius of these buildings indicating a higher probability of this species being present around the proposed development site. In addition there were a few records of Bat species but these were associated with foraging or older style buildings and at about 500m distant. Whilst an ecological survey was not submitted with the application the City's Ecologist recommends that a Construction Ecological Mitigation Plan condition and a green/brown roof condition is attached. I consider both these conditions as appropriate.

DRAINAGE / FLOODING

- 6.33. The site falls within Flood Zone 1. The supporting Drainage and Flood Risk Assessment concludes that sustainable drainage systems would be incorporated within the site drainage where practical and the discharge of surface water from the site would have a restriction with storage provided in below ground storage tanks. Sustainable drainage to be adopted into the design includes green/brown roofs. Subject to these mitigation measures, the development should not be subject to significant flood risk and furthermore should not increase the flood risk to the surrounding area.
- 6.34. Severn Trent and the BCC Lead Local Flood Authority raise no objection subject to a condition requiring the prior approval of further drainage details. I concur with these recommendations/conclusions and appropriate conditions are recommended.

SECTION 106 / FINANCIAL VIABILITY

- 6.35. Following the detailed independent assessment of the applicant's Financial Appraisal the applicant has agreed to offer a sum of £625,680 towards Section 106 Contributions. The sum of money would be allocated to off-site affordable housing and public realm improvements in the Digbeth locality. The city's independent assessor considers this reasonable in the context of the scale and nature of the development and I consider that such a sum is consistent with CIL legislation and Public Open Space in New Residential Developments SPD.
- 6.36. The site is located outside a CIL area therefore does not apply to the proposed use.

7. Conclusion

- 7.1. The proposed development offers a high quality residential scheme within the Southern Gateway Area of Transformation and represents a sustainable brownfield development. The changes secured to scale and massing results in a proposal that would relate to both its existing and future contexts. I consider that the proposals constitute sustainable development in NPPF terms and therefore conclude that this

application should be supported subject to appropriate safeguarding conditions and Section 106 Agreement.

8. Recommendation

8.1. Approve application number 2016/08444/PA subject to the conditions listed below and a Section 106 Legal Agreement to secure the following:

- i) a financial contribution of £125,680 (index linked to construction costs from the date of this resolution to the date on which payment is made) towards the provision and/or improvement of public realm in the Digbeth locality;
- ii) The phased payment of a total of £500,000 as a commuted sum towards the provision of off-site affordable housing within the Birmingham City Council administrative boundary;
- iii) a commitment to local employment and training during the construction of the development; and
- iii) a financial contribution of £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement.

8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority by the 18th July 2017, planning permission be refused for the following reason:-

- i) In the absence of a legal agreement to secure a commitment to local employment/training. Affordable housing provision and public realm the proposal conflicts with policy 3.14 of the Birmingham Unitary Development Plan (Saved Policies) 2005, policy PG3 of the Birmingham Development Plan 2017 and Affordable Housing SPG and Public Open Space in New Residential Developments SPD.

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

8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 18th July 2017 favourable consideration be given to this application, subject to the conditions listed below.

-
- | | |
|---|---|
| 1 | Requires the prior submission of investigation for archaeological observation and recording |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the prior submission of a contaminated land verification report |
| 4 | Requires the prior submission a noise study to establish residential acoustic protection |
| 5 | Requires the prior submission a noise study to establish residential acoustic protection |
| 6 | Requires prior approval of a ventilation strategy |
| 7 | Requires the submission prior to occupation of the properties of a Sustainable |
-

Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan

- 8 Requires the prior submission of details of bird/bat boxes
 - 9 Requires the prior submission of a construction ecological mitigation plan
 - 10 Requires the prior submission of details of green/brown roofs
 - 11 Requires the prior submission of a lighting scheme
 - 12 Requires the prior submission of hard and/or soft landscape details
 - 13 Requires the prior submission of a construction method statement/management plan
 - 14 Requires the prior submission of sample materials
 - 15 Requires the prior submission of level details
 - 16 Requires the prior submission of a CCTV scheme
 - 17 Requires the prior submission of window details
 - 18 Requires prior submission of balcony details
 - 19 Requires the prior submission of boundary treatment and railing details to Bradford Street and Warwick Street and the roof gardens
 - 20 Requires a minimum of 2 no. electric vehicle charging points
 - 21 Requires the provision of cycle parking prior to occupation
 - 22 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 23 Requires the parking area to be laid out prior to use
 - 24 Removes PD rights for telecom equipment
 - 25 Requires the scheme to be in accordance with the listed approved plans
 - 26 Drainage plans for the disposal of foul and surface water
 - 27 Requires the prior submission of vehicular gate detail
 - 28 Implement within 3 years (Full)
-

Case Officer: Joanne McCallion

Photo(s)

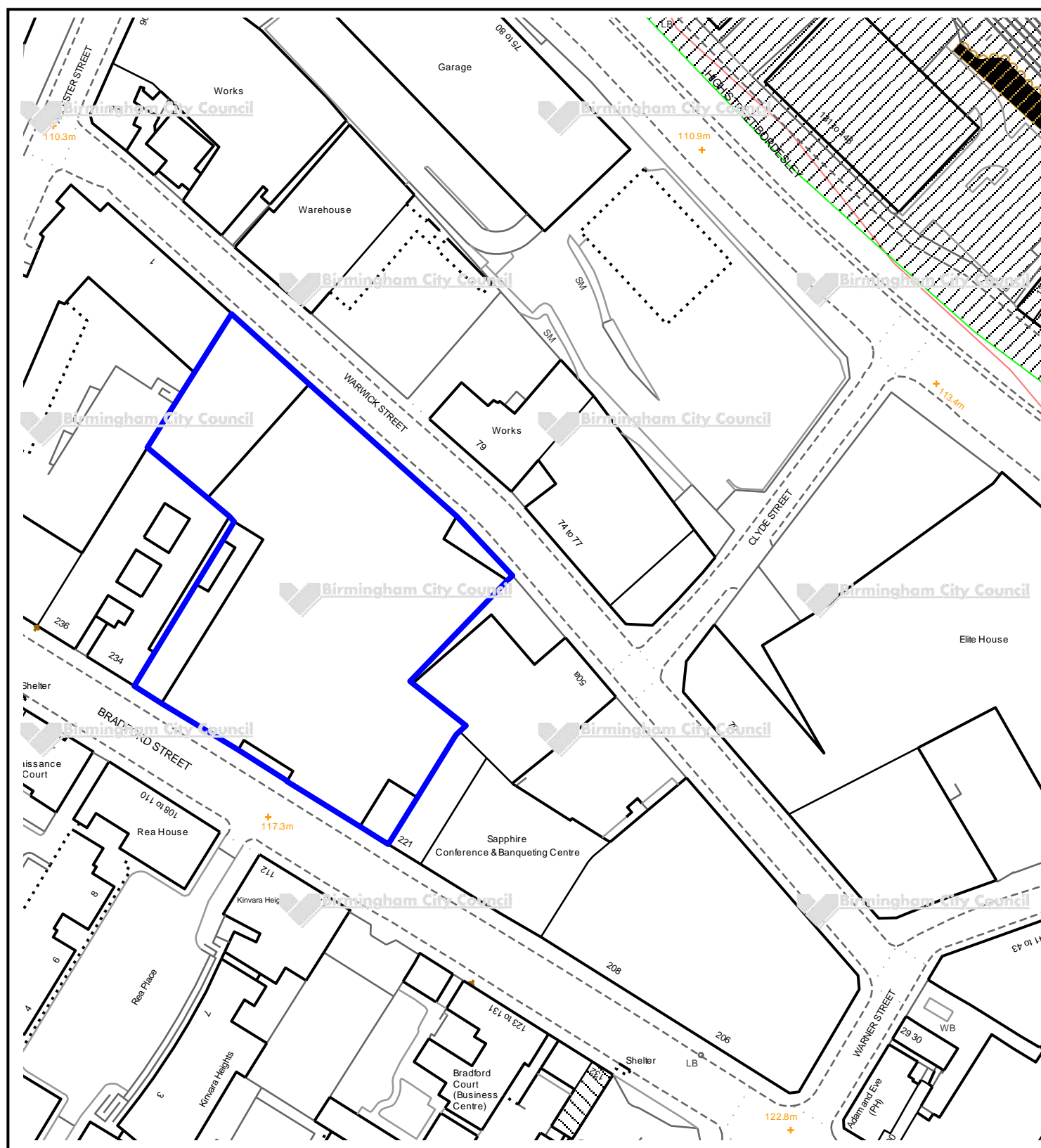


Figure 1 – Application Site Bradford Street



Figure 2 – Application Site Warwick Street

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/01760/PA
Accepted:	27/02/2017	Application Type:	Full Planning
Target Date:	29/05/2017		
Ward:	Ladywood		

Land fronting George Street & Holland Street, Jewellery Quarter, City Centre, Birmingham, B3 1QQ

Demolition of 21 George Street and redevelopment of site to comprise the erection of a new four storey University building (Use Class D1) with ancillary uses: offices (Use Class B1), health facility (Use Class D1), exhibition space (Use Class D1) and gym (Use Class D1) together with a 158 space multi-storey car park and access, surface parking, landscaping and external alterations to McIntyre House

Applicant:	University College Birmingham c/o Agent
Agent:	Savills (UK) Limited Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

Recommendation

Approve Subject To Conditions

1. Proposal

1.1 The application proposes Phase 2 of the new city campus for UCB which is intended to provide new teaching, amenity spaces and car parking to allow for future growth. This is a revised and smaller proposal for Phase 2 following the decision in July 2016 to withdraw the previous application 2015/10464/PA which proposed redevelopment on both sides of Holland Street for new University buildings, a multi storey car park and ancillary accommodation and included the change of use of Holland Street from public highway to a covered private University campus space.

1.2 The revised development would provide 13,141 sqm (GIA) of floor space within a new 4 storey educational building located at the junction of Holland Street and George Street and a 158 space multi-storey car park fronting George Street together with 13 surface parking spaces within the existing service yard to the rear. The site lies within the Jewellery Quarter Conservation Area and is partially occupied by the former Lodge Cottrell building, a two/three storey brick industrial building, which would be demolished together with part of the facade to McIntyre House (where it adjoins the Lodge Cottrell building) fronting onto Holland Street and part of the boundary wall fronting the Whitmore Arm on the George Street frontage.

New Buildings

1.3 The new teaching building would provide 4 floors and accommodate a kitchen and diner, breakout space, offices and entrance/reception on the ground floor, teaching space and staff offices on the first and second floors and sports teaching facilities and staff offices on the third floor including a gym, and changing rooms. The

accommodation would be located around a central communal atrium space. A flat roof is proposed for the building that would be used to accommodate a large plant area most of which would be enclosed with the roof above used for photovoltaic panels. At ground floor level on the George Street frontage a new access passage is proposed for service vehicles which would link through to the existing service access to the rear of McIntyre House.

- 1.4 The new building would have a height of 18–19 metres to the parapet fronting George and Holland Streets increasing to 21-22 metres to the top of the plant enclosure. It is proposed that there would be a 12 metre wide gap between the new building and McIntyre House on the Holland Street frontage which comprises the existing landscaped courtyard which would be enlarged to include a new raised terrace area for external seating in association with the new dining area. The courtyard would be enclosed on the Holland Street frontage with 4.0 metre high steel gates within a brick frame.
- 1.5 The development also includes works to the McIntyre House Building (Phase 1 of the UCB campus), adjacent to the courtyard on Holland Street where a small element of wall of the previous building on site was retained. This would now be removed and replaced with new brickwork to match the rest of the building.
- 1.6 The other new building proposed would be located fronting George Street between the new teaching building and the route of Whitmore Arm. The building would predominantly be used as a multi storey car park (MSCP) with 158 spaces and access from George Street. At ground floor level an exhibition area and community health facility are proposed facing the street to provide active floor space facing the street and the side return to the Whitmore Arm.
- 1.7 The new car park would have a stepped height taking account of the split level parking decks and the height of the service core and be 5-storeys high fronting George Street and 6-storey facing the existing internal courtyard at the rear. The building height would however be lower than the proposed teaching building due to the lower floor to ceiling heights required for a car park. On the George Street frontage, the building height would be 16m high approximately 2.0 metres lower than the parapet to the new teaching building with the rear courtyard elevation being 16.3 metres at its highest point.
- 1.8 A further 13 parking spaces are to be provided in the courtyard to the rear of the multi storey car park accessed from the Charlotte Street entrance of the Whitmore Arm. As part of the proposed development, three disabled spaces that would be lost would be re-provided on George Street and a further three bays provided on Charlotte Street outside the existing entrance to McIntyre House.

Appearance and Materials

- 1.9 The new teaching building would be predominantly of brick to match the facing brick on the existing Lodge Cottrell building and use an English bond pattern. The elevations would have a vertical emphasis by the use of recessed large metal framed windows set within a brick frame and arranged in a regular pattern. As the windows would be fixed, narrow louvers are proposed to either side of the glazing on the ground, first and second floor that could be opened for ventilation. It is proposed that there would be banding between the various floors to create a hierarchy to divide the façades into a top, middle and bottom. It is also proposed to use terracotta elements to the window sills and headers to help the building merge into its context. The flat roof of the building would be used to accommodate plant,

set back from the parapet edge by about 4 metres and partly enclosed using PPC cladding panels with integrated mesh louvres. On top of the plant enclosure it is intended to provide PV panels.

- 1.10 It is proposed that the MSCP would also have a masonry frame of terracotta at ground floor level with large recessed windows facing George Street and the Whitmore Arm. On George Street fully glazed entrances are also proposed to the health facility and exhibition space. The service core facing the Whitmore Arm which would accommodate a staircase would also be of terracotta masonry. The upper floors to the car park would be clad with terracotta fins with thin gaps between that would be attached to the car park frame. On the George Street and Whitmore Arm elevations the fins would enclose the entire building but at the courtyard elevation on the rear elevation the fins would only be partly clad at the upper levels and the ground floor would be clad with a louvered screen. The car park entrance onto George Street would be enclosed with metal gates. The existing wall to the back of the footway in front of the Whitmore Arm is to be demolished and replaced with a new wall which would be set back by about 2 metres to follow the line of the new building.
- 1.11 The applicants advise that the proposals would result in staff numbers on the site increasing from approximately 55 (full and part time) to approximately 210 (full and part time) and the potential students on site could increase from around 2,000 to 4,500. It is anticipated that the building would be ready for use for the start of the 2019/2020 academic year.
- 1.12 The application is accompanied by a Planning Statement, Design and Access Statement, Transport Statement, Ground Investigation Report, Preliminary Ecology Assessment, Built Heritage Statement, Archaeology Statement, Proposed External Lighting and Sustainable Drainage Evaluation and Assessment. An EIA screening has been carried out and concluded that the development would not be EIA development requiring the provision of an Environmental Statement.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site, lies within the St Paul's and Canal Corridor St Paul's character area of the Jewellery Quarter Conservation Area and comprises of approximately 0.82ha of land located between Charlotte Street, Holland Street and George Street. It surrounds the House of York (No's 27-31 Charlotte Street) a Grade II listed building. The site is currently occupied by phase 1 of the applicant's new campus building known as McIntyre House, the vacant Lodge Cottrell building and a surface level car parking enclosed with hoardings and the route of the former Whitmore Arm.
- 2.2. The Lodge Cottrell building lies at the junction of Holland Street and George Street and is a two and three storey industrial building built of dark red/brown bricks, constructed in 1929 for an electrical engineering company of the same name. The principal elevation and entrance to the building faces onto George Street and is set back from the road rather than to the back-of-pavement. The building is arranged symmetrically, reflecting a neo-Classical design. The return range fronting Holland Street is of a similar appearance but without the entrance. Attached to the north eastern end of the original building facing George Street are more recent brick built extensions set to the back of the pavement which comprises offices and workshop space. Part of the Lodge Cottrell building fronting Holland Street was previously demolished to facilitate the development of McIntyre House. An element of the

original façade wall was retained to provide a continuous frontage to Holland Street and enclose a courtyard but now provides a rather awkward junction with the new building.

- 2.3. The surface level parking area occupies a cleared plot at 23-26 George Street adjacent to the route of the former Whitmore Arm that forms the eastern boundary of the site. This was formerly known as Miss Colmore's Canal and was a historic canal arm dating from 1809 but was in filled. Currently service vehicles use part of this route via a one-way system to and from Charlotte Street adjacent to the House of York. The remaining section is currently disused as it is approximately 1m below street level and the George Street frontage is set behind a 2m high brick wall.
- 2.4. The surrounding area is characterised by a variety of residential and commercial buildings. Opposite the site on George Street is the New Hall Works, a four storey grade II listed building that has been converted into apartments. Adjacent to this are other apartment buildings at 69-73 George Street, 50 George Street, 40-43 George Street. There is also a 2 storey building in office use at 47-49 George Street although this has recently been the subject of a prior approval application for conversion to apartments. Adjacent to the east boundary of the site are Nos. 27 and 28 George Street, grade II listed buildings, known as the Broughton Works and Crosby Court, used as offices. The surface car park forming part of the Perry Beeches Academy School also abuts the site.
- 2.5. The southern site boundaries adjoin the UCB owned McIntyre House and wraps around the House of York, a grade II listed three storey brick building converted into apartments. On the opposite side of Charlotte Street are surface car parks, a vacant three storey building and a block of 5 storey apartments known as Casper House. On the opposite side of Holland Street lies the James Cond building also owned by the applicants, which is vacant apart from the ground floor which is used by UCB for car parking.

[Site Location](#)

3. Planning History

- 3.1. 11/7/16 - 2015/10464/PA – Application withdrawn which proposed demolition of 21 George Street (Former Lodge Cottrell Building) and partial demolition of No's 9 Charlotte Street and 12 George Street (Former James Cond Building) to allow for the erection of University buildings, ancillary retail, restaurant, offices, health facility, sports hall and multi-storey car park with access from George Street, change of use of Holland Street from public highway to covered private University campus space and associated external alterations, provision of new pedestrian/cycleway between George Street and Holland Street on line of former Whitmore's Arm and external alterations to facade of McIntyre House on Holland Street and Camden House.
- 3.2. 19/5/11 - 2011/00670/PA – Conservation consent granted for demolition of existing building on the corner of Charlotte Street and Holland Street, 23-26 George Street and outbuildings to the rear.
- 3.3. 19/5/11 - 2011/00669/PA – Planning permission granted for erection of four-storey Learning and Resource Centre, upgrading of access road from Charlotte Street, creation of a service and delivery area and external landscaping.

4. Consultation/PP Responses

- 4.1. Transportation – No objection subject to conditions requiring a package of highway measures to include provision of new footway crossings and reinstatement of redundant crossings and TRO changes to amend on-street permit bays to enable servicing to suitably take place, the dedicated use of access and egress points, that the parking area is provided prior to occupation, to require a demolition and construction management plan and travel plan. Several changes to on-street parking restrictions would be required to enable suitable manoeuvring spaces for service vehicles. This affects 4 permit parking bays but a redundant access means 3 extra spaces can be provided.
- 4.2 Regulatory Services – No objection subject to conditions to require a contamination investigation and remediation, provision of sound insulation and restriction on noise levels on plant and machinery, requires details of any high level extraction, controls on opening and delivery hours, prevents changes of use taking place, requires a vehicle charging point, restricts emission standards for commercial vehicles, requires designated low emission vehicle parking spaces and a travel plan.
- 4.3 Lead Local Flood Authority – No objection subject to conditions to require the drainage scheme to progress to the next stage of design and requiring submission of a Sustainable Drainage Operation & Maintenance Plan.
- 4.4 Historic England - Do not wish to offer any comments and suggest that the views of the Council's specialist conservation and archaeological advisers are sought.
- 4.5 Severn Trent Water – No objections subject to the inclusion of conditions to require drainage plans for the disposal of foul and surface water flows and their implementation.
- 4.6 West Midlands Police – No objection but request that the work is carried out to the standards laid out in the Secured by Design 'New Schools 2014' guide, that the site be the subject of a full CCTV scheme, that a lighting plan for the site be produced, that any IT equipment installed on the site be the subject of robust property marking and secured, that the building be alarmed and has appropriate boundary treatment and access controls. Request confirmation as to whether the vehicle access to the car park is to be gated and supports the proposed turnstile access control into the main parts of the building.
- 4.7 West Midlands Fire Service – No objection
- 4.8 The proposals were considered by the Conservation and Heritage Panel on 10 April 2017 and the following comments were made: - *“The Panel considered that the scheme for the site was good, though regret was expressed at the loss of the Lodge Cottrell building as it was part of the industrial character of the Jewellery Quarter. The panel also commented that the relationship between the George Street elevation and the Newhall Works was an important one as the proposed scheme was back of pavement and would impact on the street scene. Some members wished to see a detailed cross section of the site. Generally it was a good design and the Panel were encouraged by the terracotta fins to be used to surround the car park as the fabric reflects a Birmingham building material. Comments were also made with regard to active use of the ground floor especially to the car park end of the site. The Panel commented that the top storey of the building did not work it was thought to be too heavy and looked like a band across the top storey and not proportionate.*

The Panel wished to understand the extent of public access to the building. The applicants confirmed there was a health facility proposed at ground floor level as well

as an exhibition space for one off events and conferences. It was not possible to give public access to the gym as it was not a conventional sports facility for students but a teaching space for those doing sports management degree courses.

There was some discussion with regards to the Whitmore Arm being opened up as had been proposed in the earlier scheme. The applicant commented that landscaping was proposed that would see the Whitmore Arm expressed as an internal walkway across the site”.

4.9 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. The applicants also carried out pre application discussions with Historic England and The Jewellery Quarter Development Trust. 12 letters received which include the following objections:-

- The Jewellery Quarter Conservation Area was designated to protect and enhance the character of this important historical area and the existing buildings should be kept.
- The demolition of the existing Lodge Cottrell building is harmful to the conservation area. This industrial building fits in well with the character of the street and the area itself. Its replacement would harm the setting of nearby historical buildings and the loss is not compensated for by any of the new-build work.
- A more sensitive scheme preserving the façade of the existing building or its historical brickwork should be devised rather than wholesale demolition.
- The new building is double the height of the existing building on the site and is too tall for the area and far greater than traditional buildings in the area. It should be limited in height to 2 storeys and should not be located closer to the roadway.
- There is no adequate justification for increasing building heights and it would cause a loss of natural light and sunlight to existing residential properties.
- The buildings designs are unimpressive and unsightly and ignore the advice in the JQ Design Guide. They are not in keeping with the surrounding buildings and will detract from the character of the Jewellery Quarter.
- The new building with its large windows would create an invasion of privacy for existing properties in George Street where a number of the apartments have full height glazing facing the site.
- The proposal may set a precedent for the scale and impact of further nearby developments by UCB.
- The development could break the 25 degree rule of thumb for buildings opposite existing residences windows and infringe rights to light.
- The proposed gym opposite existing resident's windows would cause direct overlooking and loss of privacy. Suggest that the locations of the gym and sports space on the third floor are reversed and there is a written agreement that no exercise machines would be positioned facing the windows
- Adverse impact on the front view of the listed Newhall Works with its elegant façade and central turret.
- Views across the area and of the library would be replaced with views of roof top plant.
- Adverse effect on the residential amenity of House of York residents, by reason of noise, disturbance, overlooking, loss of privacy, overshadowing and loss of enjoyment of existing views
- The building of a MSCP is out of keeping with a city centre location that is well served by public transport. There is little need for such a facility and the number of spaces being created will only serve to undermine the efforts to decrease car use in the area.

- The MSCP is oversized and with the relocation of the service access onto George Street would considerably increase traffic flow in the locality.
- The documentation does not adequately assess the impact of the increase in access, traffic, parking and for the number of people and vehicles using the site.
- The traffic statement is out of date since the traffic conditions have changed and the junction with Newhall Hill which is frequently blocked at Peak time.
- The provision of the multi storey car park would preclude the streets being pedestrianized in the future. If built access should not require cars to drive down George Street and should be for university staff only.
- The drainage evaluation and assessment report appears flawed. The George Street sewer has historically suffered from surcharging an issue which STW (and OFWAT) are very aware of. STW should confirm that their tank and pump has sufficient capacity to accommodate the surface water flow from the development.
- Loss of property values
- Concerned about disturbance from demolition and construction work
- If permission is granted there should be a restriction on construction hours to 0900 to 1700 on Monday to Friday only excluding Bank Holidays.

4.10 Comments have also been received from the Jewellery Quarter Development Trust who broadly support the proposals and consider that the overall development is an improvement on the withdrawn 2015 scheme. They welcome the efforts the applicant has made to address a number of their concerns including active uses and frontages at ground floor level, the additional inclusion of exhibition space as part of the mix of uses although more detail around its intended use is needed. They still however have some concerns as follows:-

- The move away from the original façade approach for the MSCP is regrettable. They are pleased that the move away from the solidity of a brick façade, to a lighter approach incorporating the use of terracotta ‘elements’ or ‘extrusions’ but feel that more ‘decoration’ is needed as the façade lacks interest particularly given the prominent view from Newhall Street into George Street that would prevail for many years to come. Notwithstanding the reduction in scale from previous designs, they also remain concerned with regards the scale of the MSCP and its relationship to buildings on the opposite side of George Street including the 2 storey buildings opposite.
- They are pleased to see the revisions to the upper levels of Holland Street, however they consider the architectural ‘order’ of the facades remains a little confused as the upper level is visually heavy with the subdivision of windows in brickwork/deep fascia. They consider this could be eased with the removal of the brick stall riser, giving greater vertical emphasis to the ground floor.
- They are pleased to see a servicing strategy being proposed which preserves the ability for the reinterpretation of the Whitmore Arm as a pedestrian route (subject to future phases of development).

5.0 Policy Context

5.1 National Planning Policy Framework, Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Places for All SPG, Car Parking Guidelines SPD.

5.2 The site is within the Jewellery Quarter Conservation Area and adjacent to a number of Grade II listed buildings including the House of York on Charlotte Street and No’s

27 (Broughton Works) and 28 George Street (Globe Foundry). On the opposite side of George Street is Newhall Works which is also listed Grade II.

6.0 Planning Considerations

Background

- 6.1 The application proposals are for the next stage in the development of University College Birmingham (UCB) following the construction of McIntyre House and are intended to provide a further new teaching building and multi-storey car park. This is revised and smaller scheme than that proposed under reference 2015/10464/PA which was for a development of 20,844 sqm (GIA) and proposed development on both sides of Holland Street, the demolition of James Cond building (apart from the facades) as well as the Lodge Cottrell building, 2 new teaching buildings, a larger multi storey car park, ground floor retail uses and a restaurant. It was also proposed to change the use of Holland Street from public highway to a covered private University campus space and provide a new pedestrian/cycleway between George Street and Holland Street on the line of the former Whitmore's Arm. That application was considered at the Planning Committee meeting on 12 May 2016 and although the Members broadly welcomed the proposals there were had concerns over the proposals for managed access to Holland Street. The application was therefore deferred for further information relating to this but in July 2016 the applicants decided to withdraw the application.
- 6.2 This revised scheme is for an amended Phase 2 development of a reduced scale with the issues previously considered to be contentious removed from the application, namely, the closure of Holland Street and its change of use to a private campus space. The applicants advise that the proposals would consolidate the University's operations in this part of the Jewellery Quarter and form the on-going development of the campus. Longer term aspirations may see the buildings fronting the Parade and the other side of Holland Street redeveloped to provide a main entrance to the campus from the main road network to increase the profile of the University

The Issues

- 6.3 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan 2017 and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted supplementary planning policies are also relevant, as is the National Planning Policy Framework. Also to be considered are the representations received from consultees and third parties. It is considered that the proposals raise a variety of planning-related issues which are discussed below.

Land Use Policy

- 6.4 The Birmingham Development Plan (BDP) which was formally adopted on 10 January 2017, 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 TP36 states that the development and expansion of the City's Universities and Higher and Further Education Colleges will be supported. 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 and for the

Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses.

- 6.5 The Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCACAMP) identifies this part of Holland Street/Charlotte Street as being within the "St Paul's Canal Corridor" of the Jewellery Quarter. The document states that properly directed and controlled mixed use developments can help regenerate the Quarter while supporting and protecting traditional industries.
- 6.6 The application site adjoins McIntyre House which was developed as Phase 1 of the new UCB campus as approved under application 2011/00669/PA. The Phase 1 proposals were accompanied by a master plan showing the current application site developed to provide further educational facilities as well as a student accommodation block and a multi storey car park. At the planning committee in May 2011 it was considered that the proposed use for educational purposes was acceptable in principle in this location. This was also the view expressed in connection with the previous application for Phase 2 when at the Planning Committee meeting on 18 February 2016, Members discussed the issues report on the application and considered the proposals represented a good use of land. This was also confirmed at the 12 May 2016 Planning Committee when the full report on application 2015/10464/PA was considered.
- 6.7 The use of the site for additional education facilities would comply with the development plan, has previously been agreed and is still considered to be acceptable in principle. The proposals for Phase 2 would offer the opportunity to provide considerable more vitality to the area as well as activity to the street frontages replacing existing vacant industrial buildings. Therefore no objection is raised to the proposed expansion of UCB onto the application site.

Demolition

- 6.8 As the application site is in a conservation area, the statutory requirement is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets. New development affecting a designated or non-designated heritage asset or its setting, including alterations and additions, will be expected to make a positive contribution to its character, appearance and significance and demonstrate how the proposals would contribute to the asset's conservation whilst protecting or enhancing its significance and setting. It also states that the City Council will support development that conserves the significance of non-designated heritage assets.
- 6.9 The Jewellery Quarter Conservation Area Appraisal and Management Plan states that demolition of buildings will not normally be permitted and there is a presumption against alterations to buildings which adversely affect their character or that of the conservation area.
- 6.10 The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight is to be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

- 6.11 The proposal involves the demolition of the Lodge Cottrell building and although it lies within the conservation area it is not listed or locally listed. The application submission includes a Built Heritage appraisal which includes an assessment of the significance of the building and concludes that although the demolition would lead to the loss of the evidential value that the building currently possesses; this is only of a relatively low order. It considers much of the aesthetic value that the building has been compromised by the heavy alterations during the latter part of the twentieth century, which have included poor-quality extensions. Although the demolition of the building would represent the total loss of this heritage asset, this should be weighed against the very low significance of the asset in accordance with Paragraph 134 of the NPPF. The demolition of the building also presents opportunities for enhancement to the character and appearance of this element of the Jewellery Quarter Conservation Area.
- 6.12 Objections to demolition of the Lodge Cottrell building have been received from several local residents and the Conservation and Heritage Panel also expressed regret at the loss of the building as it was part of the industrial character of the Jewellery Quarter. The Council's Conservation Officer also considers that the loss of the Lodge Cottrell Building would have a harmful impact on the Conservation Area by virtue of its comprehensive loss and principal street frontage onto George Street. However, he agrees that the building is less well designed than the other currently retained James Cond building on the campus, being far more utilitarian and a less well considered architecturally. He considers the building has a neutral to positive value in terms of its contribution to the conservation area and this is contained largely in the character of the building, not its scale, use or contribution to the vitality of the street scene. Its loss is considered to cause some harm to the Conservation Area.
- 6.13 The Lodge Cottrell buildings is not in use and would be difficult to adapt in such a way as to increase vitality into this corner of the Jewellery Quarter as some residents suggest. Overall the proposed demolition is considered to cause less than substantial harm to the Conservation Area. The Paragraph 134 of the NPPF states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*. The public benefits offered by the development are considered in more detail below.
- 6.14 There is no objection of the loss of the retained section of the façade of the Lodge Cottrell building that has been incorporated into McIntyre House. The proposal to replace it with new brickwork to match the rest of the McIntyre Building is welcomed and would enhance the appearance of the Conservation Area. The loss of the section of wall fronting the route of the Whitmore Arm is less desirable as the new section of walling would be relocated about 2 metres further back on the street frontage so it would not follow the position of the adjacent walling on the George Street frontage. However as the proposed new MSCP building is sited further back from the frontage the applicants desire to enclose their site with walling that follows their new building line is understood.

Building Heights

- 6.15 Policy TP12 of the BDP states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development, and will be used to support and guide enhancement and due regard should be given to the policies it contains. The Jewellery Quarter has an adopted Conservation Area Appraisal and Management Plan and the site falls within the designated St. Pauls/Canal Corridor area. The plan

notes the general scale of buildings in this area to be four-storeys in height and constructed in red brick, rather than the wider pallet of materials found further across the Conservation Area. The Management Plan requires the design of new development to respect the scale, form and density of development and states that building heights should generally respect the height of buildings within the locality and normally limited to four storeys. The Jewellery Quarter Design Guide also outlines principles for good design including guidance on scale, form, grain, hierarchy and materials.

- 6.16 There is also a statutory requirement to have special regard to the desirability of preserving listed buildings and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF requires new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Decisions should address the integration of new development into the historic environment.
- 6.17 The new education building is 4 storeys in height with a plant room above which follows the height established for the Phase 1 UCB development at McIntyre House. A number of local residents object to the increased height and position of the building particularly where it fronts George Street as the existing Lodge Cottrell building on this part of the site is only 2/3 storeys high and partially set back from the back of the edge of the footway by about 2 metres. The proposed building would be located about 1.5 metres closer to the properties on the opposite side of George Street and the built height on George Street would also increase from between 8.0m - 11m to 19.0 metres to the top of the parapet and to 21.5 to the top of the plant screen.
- 6.18 Whilst the proposed building would be taller than most of the other buildings in this immediate area and be prominent in the Conservation Area, being located on the street corner, it is not considered that the building would be excessive in scale and height. It would balance the urban scale of the area better than the current Lodge Cottrell building and follow the building height on Holland Street established by McIntyre House. It is considered that it would not fundamentally alter the character of this element of the Conservation Area which lies close to the City Fringe which has seen continual redevelopment during the twentieth and twenty-first centuries. The change of height would alter the character and appearance of the Conservation Area, but it is not considered that it would cause any substantial degree of harm to its significance. The parapet height has also since been reduced since the application was submitted by a further 0.5 metres.
- 6.17 It is also a feature of the Jewellery Quarter that buildings are set to the back of the footway and in this instance the building would be about 0.5 metres back from the edge of the public footpath. This is because the applicants sought to achieve a balance between moving the building forward and its impact on dwellings opposite the site. A set back was provided with McIntyre House and visually the frontage would be resurfaced so it appears as part of the footway. The new building would be higher than the New Hall Works which whilst being a four storey building has lower floor to ceiling heights. The front to front separation distance between the 2 buildings would be approximately 13 metres which is common in urban locations. The increased height would help enclose the street and provide a counter to the scale of the New Hall Works but it would still remain as a dominant feature within the Conservation Area and as an obvious landmark within the streetscape of George Street and terminating the view along Holland Street. The height and position of the building are therefore considered to be acceptable.

- 6.18 The proposed MSCP fronting George Street would have a stepped height taking account of the split level parking decks and site levels and provide 5 floors of parking fronting George Street and 6-storeys facing the universities internal courtyard. Due to the lower floor to ceiling heights required the building would be approximately 16 metres high and therefore 2-3 metres lower than the new teaching building although it is slightly higher at 16.3 m at the rear facing the courtyard. The existing buildings on George Street opposite the site of the MSCP are lower comprising a block of four storey apartments and a two storey office building although this has approval for conversion to apartments. However building heights vary along George Street from 2 storeys to 6 storeys and the proposed height would not appear out of keeping. In addition the lower height of the MSCP compared to the new education building would help provide a varied roof line. The building heights are considered to be acceptable.

Design

- 6.19 Both new buildings would be of a substantial size, width and height and would not be of the finer grain and narrow plot widths generally found elsewhere within the Jewellery Quarter. This does however reflect the plot sizes of this part of the Conservation Area and the form of the Lodge Cottrell buildings currently on the site. The design of the new education building generally follows the design guidance for the Conservation Area being of brick and terracotta with large metal windows of diminishing proportions set back within a brick frame. Active uses are proposed at ground floor level with the Holland Street frontage being proposed as the main entrance and the George Street frontage being used for offices and the access for deliveries. Conditions would need to be imposed to prevent, security shutters, obscured glazing and vinyl's being added to these facades at ground floor level to ensure that the activity is kept as visible as possible.
- 6.20 There has been some criticism of the design from local residents, the Conservation and Heritage Panel and the Jewellery Quarter Development Trust and officers also felt the treatment at the top of the building should be improved. Amended plans have been received which have reduced the height of the parapet and using more terracotta dressing. The applicants however do not consider it is possible to remove the brick stall risers and comment that the ground floor windows are already taller than those on the upper floor to help define the hierarchy of the building. Officers also requested an improved treatment for the plant area but the applicants have been unable to accommodate this.
- 6.21 With regard to the design of the MSCP building it would have some active uses at ground floor level fronting George Street and the return to the Whitmore Arm for the proposed health centre and exhibition space. Large windows are proposed within a frame which has now been amended to terracotta so there is more variety to the ground floor treatment. Conditions would be required to ensure that the windows were not obscured and kept free of obstructions. The use of terracotta throughout this second building as now proposed would provide a better relationship to the cladding above which is to be in the form of vertical terracotta extrusions extending the full height of each floor of the building with gaps between attached to the car park frame. These would enclose the entire building on the front and side elevation but at on the courtyard elevation the cladding would only be attached to the frame.
- 6.22 The City Design Manager, Conservation Officer and Jewellery Quarter Development Trust have expressed reservations about the design of the MSCP. Although the MSCP has been reduced in size since the previous application the loss of the cladding proposed previously is regretted as this was to be a dense cast iron or weathering steel screen with decorative panels using a bespoke decorative design.

There is however a tradition for using terracotta in Birmingham and although this is not normally in the form of narrow fins the applicants have provided further details to show that the gaps between the fins would be narrow and a range of terracotta colours would be used. This together with the use of terracotta throughout the building as now amended has improved the design.

- 6.23 Overall the new buildings and uses proposed would represent a significant change in the appearance and architecture in this part of the Conservation Area. The applicants Heritage Assessment concludes that when taking all of the changes into account it is considered that the proposed development would in aggregate have a minor adverse impact on the significance of the Jewellery Quarter Conservation Area, which would constitute a low level of less than substantial harm. In these circumstances paragraph 134 of the NPPF states the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This is dealt with below.

Impact on the setting of listed buildings

- 6.24 Consideration also needs to be given to the impact of the development on the setting of adjacent heritage assets including the nearby listed buildings. The statutory test for development involving listed buildings is that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The NPPF and development plan also contain similar policies. The area surrounding the application site contains a significant number of listed buildings, including the New Hall Works on George Street, Broughton Works at 27 George Street, the Globe Foundry to the rear of 29 George Street and the House of York, at 27 to 31 Charlotte Street.
- 6.25 The applicants Heritage Assessment has considered the impact of the development on the adjacent heritage assets and concludes that the development would have a negligible impact on the significance of New Hall Works, the Globe Foundry, 27 George Street and 27-31 Charlotte Street. The Conservation Officer has also undertaken an assessment and comments that the setting of these listed buildings is that of a tight-knit urban industrial landscape of works, factories and housing in close proximity to one another. Whilst the landscape has changed and the setting somewhat eroded, these buildings have absorbed the changes made through successive waves of redevelopment and their setting now comprises a mix of dense hard development, much of which is modern. He considers the proposed loss of buildings from the application site does not harm the setting of any of the listed buildings subject to acceptable development beings delivered in their place. All of the listed buildings date to the early to mid-19th century and have a very different character to the Lodge Cottrell buildings proposed to be removed.
- 6.26 With regard to the impact of the replacement buildings the Conservation Officer comments that all the listed buildings have an industrial heritage and pedigree that sat within a dense mix of varied buildings and a change in scale can be absorbed into their setting. His main concern is the relationship of the MSCP to the Broughton Works at 27 George Street, as this listed building is set back from the George Street frontage and the proposals would locate it on the other side of the Whitmore Arm some 11 metres away. This would give an uncharacteristic spacing between buildings, however this is considered to be unavoidable without building on the Whitmore's Arm or building in front of the listed building which would be more harmful. He considers the design of the new education building responds well to the setting of the listed buildings with the predominant use of brickwork using a simple

modular form, however the car park is the exception, particularly its elevations towards the House of York and Broughton Works.

- 6.27 These concerns were previously balanced against the new landscaping proposed to the Whitmore Arm which would have opened up access, visibility and understanding of the adjacent listed buildings and created a better understanding of their historic context. However works to enhance the Whitmore Arm are no longer proposed and the applicants only propose to backfill the area. As the frontage wall to the Whitmore Arm is also to be replaced enhancement of this area is considered to be essential and therefore conditions requiring a scheme of improvement are recommended

Public Benefits

- 6.28 It will be seen from the comments above that some aspects of this development including the loss of the Lodge Cottrell Building, the multi-storey car park are considered to cause some degree of harm to the significance of the Conservation Area as well as the setting of nearby listed buildings. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.29 The applicant has provided details of the public benefits which include:-

- bringing previously developed land back into effective use;
- bringing activity and investment to this part of the conservation area;
- providing for the educational needs of young people in a modern learning environment;
- attracting overseas students; and,
- reinstating traditional building lines and form.

- 6.30 It is accepted that the development does offer some benefits to the area and would bring back the site into use and deliver a degree of vitality needed in the Jewellery Quarter. In this instance, the public benefits are found to outweigh the limited harm caused but this is subject to an improved treatment being provided for the Whitmore Arm and subject to conditions to secure a high standard of materials, delivery and maintenance.

Impact on residential amenity

- 6.31 A number of local residents have objected to the application on the grounds that the proposals would have a detrimental and overbearing impact on their dwellings and cause overlooking, loss of privacy, overshadowing and loss of enjoyment of existing views. These objections predominantly relate to the impact on the residential properties on George Street which are opposite the new teaching building proposed and to the impact of the MSCP on the House of York.

- 6.32 The parapet height of the new teaching building would be between 8 – 11 metres higher than the Lodge Cottrell building and be sited about 1.5 metres closer to the George Street frontage. The plant would add a further 2 metres of height but is partly set behind the parapet and 4 metres back from the George Street frontage. Whilst the new buildings would be taller and slightly closer, higher buildings situated opposite each other are commonly found in city centre locations. New Hall Works is a 4 storey building with a maximum height 16 metres and although proposed buildings would be about 3 metres higher (5 metres including the plant area) there is already a

mix of building heights up to 6 storeys in height in the immediate area. With regard to the impact of the MSCP on the properties opposite the George Street frontage this building is between 2 and 3 metres lower than the new education building to take account of the lower building heights opposite. George Street is also a reasonably wide road providing a 13 metre front to front separation distances. Having regard to the city centre location, existing building heights and the width of George Street it is not considered that the development would have an unacceptable impact on existing dwellings.

- 6.33 With regard to the objections to overlooking and loss of any privacy the development would generally only be occupied during the day Monday – Friday during term times. It is proposed that the health facility would be for general community use and the university do allow their accommodation to be used by local community groups as a venue for meetings, conferences and events. However it is not intended that the 3rd floor gym, to which objections have been raised, would be available for use by the public as it is not a conventional sports facility but a teaching space for those doing sports management degree courses.
- 6.34 Objections to the impact of the MSCP on occupants of the House of York have also been received but it is considered the impact would be more limited as the rear wall of the listed building is blank facing this part of the site. There are however two external terraces on the top floor of York House at the rear of the building one of which has glazed doors in the gable end of the building. These are set back from the boundary and currently look across the service yard/access at the rear McIntyre House and the Lodge Cottrell building and surface level car park. The car park would be replaced with a new multi storey facility but this would be sited about 14 metres at its closest point to the balconies at the rear of York House and further from the terrace doors. It is not considered that the MSCP building would cause an undue loss of amenity to residents of York House.
- 6.35 Local residents have also commented that the development could break the 25 degree rule, infringe rights to light, cause a loss of views and property values. Rights to Light are covered by other legislation and loss of views and property values are not material planning considerations. The objector has made his comments in respect of buildings located opposite each other and although the Council's has guidance set out in Places for Living relating to separation distances this is between residential properties. In this case there would be a separation distance of 13 metres between the windows of residential properties in New Hall Works and the new education building. These distances are common within the Jewellery Quarter and elsewhere in the city where buildings lie on opposite sides of a public highway and are considered to be acceptable. Whilst the objector refers to the 25 degree rule, which is used by some other local authorities, in assessing impact on proposed building heights, this is not directly relevant in an area like the Jewellery Quarter, which is tight knit close grain urban form, where it is not uncommon to have buildings of several storeys facing each other across relatively narrow streets.
- 6.36 Regulatory Services have also requested conditions to protect residents from undue noise and disturbance such as delivery hours and limits on noise from any plant and machinery which are recommended.

Parking

- 6.37 The application proposes 158 spaces within the new MSCP and a further 13 parking spaces in the courtyard to the rear of the multi storey car park. This is 77 spaces less than the previous application which provided 234 spaces within the MSCP and 14

surface spaces. The applicant advises that it is proposed that the parking provision would replace the existing 33 spaces provided within the George Street surface level car park, 54 spaces from Lionel House which are currently leased and 38 spaces from Summer Row. Also that space in the MSCP would be available for use by staff and visitors only and any students cars would need to use the existing on street parking and pay and display car parks in the vicinity. Visitors to the exhibition space would also be permitted to use the MSCP but this would be outside of the peak hours. Otherwise it would be a private car park which members of the public would not be permitted to use

- 6.38 The need for a MSCP has been questioned by several objectors given the emphasis and availability of public transport, the accessible location of the site and that there are already other car parks within walking distance. Others object to the additional traffic movements onto George Street given the use of this road for access to the car park and for service deliveries. The applicant has advised that the development would result in a net addition of 35 spaces for UCB which is below the maximum 92 spaces that could be provided for the new development in accordance with the Council's adopted standards although this assumes the loss of spaces from elsewhere. The overall increase in parking spaces with access from George Street would be 138.
- 6.39 Transportation has no objection to the amount of parking proposed and considers that this would have a limited impact on George Street of around 30 car trips in the peak hours. They however advise that the new service and car park arrangements would require changes to be made to the existing on-street arrangement through a change to the existing Traffic Regulation Order which the applicants intend to pursue separately. Several changes to on-street parking restrictions would also be required to enable suitable manoeuvring spaces for service vehicles which would affect 4 permit parking bays but a redundant access means extra spaces can be provided.
- 6.40 No additional cycle parking is proposed as there has been a low take up of cycle spaces in existing University teaching and student accommodation, including McIntyre House. Transportation have therefore agreed that no additional cycle spaces need to be provided for this development and that the use of existing spaces be promoted through Travel Plan initiatives.
- 6.41 Regulatory Services have requested that an electric vehicle charging point be provided within the car park and a condition requiring provision to be made is recommended. They have also requested conditions that any that commercial vehicles using the site comply with Euro emission standards, low emission vehicle parking be provided, that any parking charges are based on vehicle emissions. These conditions are not considered to be reasonable or enforceable.

Other Considerations

- 6.42 A number of other points have been raised by local residents relating to the disturbance caused during the demolition and construction work.. The work would be relatively short lived and Regulatory Services can enforce hours of work on construction sites if work is taking place outside standard hours however submission of a construction management plan is recommended. Objections to the development have also been raised on the grounds that the drainage assessment is inadequate, however the submitted information has been reviewed by Severn Trent Water and the Lead Local Flood Authority and no objections have been raised subject to conditions as recommended.

6.43 Due to the mix of uses proposed, the development would not attract a CIL contribution

7. Conclusion

7.1 The principle of providing further education facilities in the Jewellery Quarter is considered to be acceptable in principle and the inclusion of active ground floor uses are welcomed and would help revitalise this part of the Conservation Area. The amount of demolition proposed, and height and scale of the MSCP buildings is considered to cause some harm to both the Conservation Area as well as the setting of listed buildings nearby. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered that on balance the harm caused would be off-set by the public benefits that would be provided by the development.

8. Recommendation

8.1 Approve subject to the following conditions:-

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Prevents demolition prior to a redevelopment timetable being agreed
 - 3 Requires the prior submission of a construction method statement/management plan
 - 4 Requires the prior submission of a construction method statement/management plan
 - 5 Requires the prior submission of a construction ecological mitigation plan
 - 6 Requires the prior submission of a contamination remediation scheme
 - 7 Requires the prior submission of a contaminated land verification report
 - 8 Requires the prior submission of a drainage scheme
 - 9 Limits the noise levels for Plant and Machinery
 - 10 Requires the prior submission of details of the sound insulation for plant/machinery
 - 11 Requires the submission of high level extraction
 - 12 Limits the hours that materials can be delivered to 07.30 - 20.00 hours
 - 13 Controls the design of the health centre and exhibition space.
 - 14 Prevents obstruction, displays or signage fitted to the ground floor offices.
 - 15 Prevents obstruction, displays or signage fitted to the exhibition space.
 - 16 Prevents obstruction, displays or signage fitted to the health facility.
 - 17 Requires the submission of a signage strategy
-

-
- 18 Requires the prior submission of a scheme for ecological and biodiversity enhancement measures
 - 19 Requires the prior submission of sample materials
 - 20 Requires the prior submission of sample brickwork panel.
 - 21 Requires the prior approval of any photovoltaic panels (pvs)
 - 22 Requires the submission of design details
 - 23 Requires the submission of hard and/or soft landscape details
 - 24 Requires the prior submission of a lighting scheme
 - 25 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 26 Requires the dedicated use of access and egress points
 - 27 Requires the parking area to be laid out prior to use
 - 28 Requires the existing UCB travel plan to be updated to include phase 2
 - 29 Requires the provision of a vehicle charging point
 - 30 Implement within 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View down Holland Street towards New Hall Works



Figure 2: View of Lodge Cottrell building from Holland Street



Figure 3: View of Lodge Cottrell building from George Street



Figure 4: View along George Street



Figure 5: View of existing surface car park and side view of Lodge Cottrell building



Figure 6: View down Whitmore Arm showing listed Broughton Works

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2016/10675/PA
Accepted:	09/01/2017	Application Type:	Full Planning
Target Date:	10/04/2017		
Ward:	Ladywood		

57-71 Cornwall Street & 6-10 New Market Street, City Centre, Birmingham, B3

Replacement of the existing roof and construction of two additional storeys of residential units to create 13 no. apartments at 6th and 7th floors with rooftop plant, 1 no. infill apartment and external alterations at 5th floor (excluding alterations to ground floor and change of use of ground floor to 5th floor)

Applicant:	Herbert House Investments Ltd c/o Agent
Agent:	Brooke Smith Planning Consultants Ltd Baskerville House, 2 Centenary Square, Birmingham, B1 2ND

Recommendation

Approve Subject To Conditions

1. Proposal

1.1 The application seeks consent for the following:

- i. infilling of the existing 5th floor to the rear of the building to create 1 x 2 bed apartment; and
- ii. a glazed rooftop extension to provide two additional storeys accommodating 13 x 2 bed apartments.

1.2 The proposal would create a total of an additional 14 x 2 bedroom apartments including one duplex apartment ranging from 76sqm to 132sqm in floorspace. These would be arranged around a central light well, and accessed from two of the existing ground floor feature entrances facing Cornwall Street.

1.2 Forty six cycle parking spaces and refuse storage is proposed at ground floor.

1.4 There are another two relevant applications at Herbert House. The first received prior approval for the change of the first to fifth floors from office to 63 residential apartments in March 2017 (ref. 2016/10729/PA). The second is a current application to change the use of the ground floor to three retail units to a flexible A1, A2, A3, A4 use class with alterations to the existing elevations at ground to fifth floor level. This second application was approved last month (ref.2016/10676/PA).

1.5 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The building, also known as Herbert House is a flat roof brick building located at the corner of Cornwall Street and New Market Street. It is a rectangular building with a small central light well reaching five storeys to the front with part of the rear a storey lower. There are three entrances on Cornwall Street, a prominent corner entrance and two entrances on New Market Street. It is currently vacant but was previously in use as B1a offices offering 4,836 sq m of floorspace.
- 2.2 The building is thought to have been constructed in two phases with the south elevation along Cornwall Street around the late 19th early 20th century. The remainder, including a three storey extension to the original structure, was constructed following war damage in 1956.
- 2.3 The application site is between the Colmore Row and Environs Conservation Area to the west and the Jewellery Quarter Conservation Area to the north. Cornwall House, which lies at the junction of Cornwall Street and Newhall Street is a Grade II listed building, whilst to the north on New Market Street the building rises above the three storey Grade II* listed building known as Guild House.
- 2.4 The 11 storey Devonshire House fronting Great Charles Street lies to the north and following consent in 2014 is in residential use. In addition Britannia House, which lies at the junction of New Market Street and Great Charles Street received prior approval for the change of use to 80 apartments in 2014.
- 2.5 On the opposite side of Cornwall Street facing the site is a mix of modern and mid 20th century buildings of 8 and 9 storeys in height.
- 2.6 [Site Location](#)
3. Planning History
- 3.1 2016/10729/PA - Prior Approval for change of use from offices at first to fifth floors (Use Class B1[a]) to 63 residential apartments (Use Class C3). Approved 23/03/2017.
- 3.2 2016/10676/PA - Change of use of ground floor from office to 3 no. retail units (use class A1), and /or financial and professional services (use class A2), and /or restaurant and cafe (use class A3), and/or drinking establishments (use class A4) with external alterations at ground to fifth floor levels (excluding alterations to 6th and 7th floors of proposed building and change of use of upper floors). Approved 13/04/2017.
- 3.3 2016/06950/PA - Application for a Certificate of Lawfulness for the existing use as office (Use Class B1) in excess of 10 years. Granted 25/10/2016.
4. Consultation/PP Responses
- 4.1 BCC Transportation Development – No objection subject to a condition to require cycle parking prior to occupation.
- 4.2 BCC Regulatory Services – No objections subject to conditions to provide sound insulation to habitable rooms and to restrict the cumulative noise from all plant and machinery.
- 4.3 Local Lead Flood Authority - There are minimal opportunities to introduce surface water quantity controls as there is no proposed increase in building footprint, and all

proposed works remain within the footprint of the existing building. However, as the proposals are to remove the existing roof, provide an additional two storeys to the building and provide a new roof structure, further consideration and exploration of the potential to incorporate a green/brown roof is recommended.

4.4 Police – recommend the following:

- i. The apartment work should accord to the standards in the Secured by Design 'Homes 2016' and 'Lighting Against Crime' guides;
- ii. CCTV cameras to cover the site including all entrances (including stairwells), the foyer area, the post boxes and an internal image showing anyone entering the site through any of the entrances / doors and that this be made the subject of a condition; and
- iii. The secure lobby design, clear refuse plan, location of the mail boxes and the CCTV intercom system installed at the main entrance is supported.

4.5 Colmore BID - It meets their aspirations in that it provides a good use of a building that has been empty for some years, with active frontage uses to the ground floor.

4.6 Historic England – objects to the application. The two storeys on top will appear top heavy and dominating on the Guild House, which is already somewhat dwarfed by Herbert house. This new proposal will increase the harm rather than mitigate it. The proposal does not preserve the setting of the highly graded listed building. Neither does it enhance or better reveal its significance, nor that of the conservation area. It will cause serious harm to the listed building and some harm to the Conservation Area.

4.7 Severn Trent Water – No objections subject to condition to require details of foul and surface water drainage.

4.8 Education – No comments

4.9 Birmingham City Centre Management, Birmingham Civic Society, Birmingham Public Health, Local Action Groups, Community and Neighbourhood Forums, Local Councillors and the MP have been consulted but no replies received.

4.10 Neighbours, site notice and a press notice have been posted but no responses received.

5. Policy Context

5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), the Snow Hill Masterplan, Places for Living SPG, Parking Guidelines SPD, Colmore Row and Environs Conservation Area Character Appraisal and Management Plan (SPG), Jewellery Quarter Conservation Area Character Appraisal and Management Plan (SPG) and the National Planning Policy Framework.

6. Planning Considerations

Principle of Proposed Residential Use

6.1 The BDP acknowledges that the City Centre is home to over 30,000 people and it states that over the plan period the focus will be on delivering as much of the new

housing requirement within the urban area as possible, subject to maintaining the attractiveness of neighbourhoods as places to live.

- 6.2 Policy GA1.1 states that the Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activity and that new development should make a positive contribution to improving the vitality of the City Centre and should aim to improve the overall mix of uses. Policy GA1.3 defines seven quarters within the City Centre and the application site lies within the City Centre Core quarter. The aim for this quarter is to provide an exceptional visitor and retail experience with a diverse range of uses set within a high quality environment.
- 6.3 The site is also located within the Snow Hill Masterplan within an area defined as Historic Colmore, where retail and leisure development alongside office uses are supported. The Masterplan does however acknowledge that the Snow Hill area will accommodate an additional 4,000 residential units.
- 6.4 It is therefore considered that the proposed residential use of the upper floors would add to the mix of uses at this sustainable City Centre location and should be supported in line with the BDP and NPPF.

Proposed Design and Impact Upon Heritage Assets

- 6.5 The proposed scheme would provide an additional two storeys of accommodation on top of the existing five storey building. Excluding the existing and proposed rooftop plant the two additional storeys would add approximately a further 6.1 to 6.2m, raising the eaves height from 23.7m to 29.9m. However given the height and massing of the existing buildings within the vicinity it is considered that in design terms the principle of the additional storeys, to make seven in total, would be acceptable. It is considered that the impact upon views towards the Colmore Row and Environs Conservation Area to the south west and the Jewellery Quarter Conservation Area to the north would not be significantly affected.
- 6.6 The footprint of the proposed two storey extension would be set back from the front elevation along Cornwall Street although it would be flush with the front elevation along New Market Street where the building is adjacent to the Grade II* listed Guild House, located at the junction of New Market Street and Great Charles Street. Historic England has commented that the proposed extension would dominate the Guild House and appear top heavy thereby harming its setting. The relationship between the two buildings already provides a juxtaposition with the five storey Herbert House towering over the three storey listed building. Such a relationship between the buildings, as recognised by Historic England, is not uncommon within the City Centre. The wider context of the site shows that the existing Grade II* listed building is also already dominated by Britannia House and Devonshire House to the Great Charles Street façade. However in order to reduce its dominance the siting has been amended so that it would be set back from the protruding gable that directly overlooks the Guild House, and it is considered that by virtue of the set back and the proposed lightweight design the setting of the listed building could absorb further change.
- 6.7 To mitigate the potential for appearing 'top heavy', the proposed materials would contrast with the existing elevation, and this approach would also ensure that the existing building would continue to dominate the street scene. Aluminium curtain walling is proposed to the roof top extension, fully glazed but with some opaque glazing in some areas to maintain the consistency of light reflection when viewed from street level. To further counter the impression of a solid mass on top, the new

accommodation has been conceived as a horizontal ribbon that would wrap around the existing central light well. Additionally the mullion spacing of the new façade elements have been generated using the window grid of the existing building and opening lights would be of a concealed type in order not to interfere visually with the mullion patterns. Whilst there would be two areas of roof top plant they would be located behind 2.5m high aluminium louvre screens, and at their closest point be set back approximately 8.5m from the elevation facing New Market Street and 12.6m from the elevation facing Cornwall Street.

- 6.8 Conservation officers consider that the previously proposed balconies would lack integrity with over prominent soffits. Subsequently the balconies at the corner of the building facing Cornwall Street and New Market Street together with those overlooking the listed Guild House have been removed to provide a stronger cleaner finish to the elevations.
- 6.9 It is considered that the proposed extension would have less than substantial harm on the setting of the Grade II* listed Guild House whilst there are also public benefits offered by the scheme. First the development would provide additional residential units at a sustainable City Centre location. Secondly the developers are in close consultation with the Colmore BID to upgrade the public realm in Cornwall Street at a cost in the region of £100,000. Therefore it is considered that the less than substantial harm to the significance of the heritage asset is outweighed by the associated public benefits.

Amenity

- 6.10 The amenity of the potential occupiers of the additional residential units within the City Centre should also be considered. The building lies within close proximity of a number of late night uses, namely Zen Metro and All Bar One that adjoin the site in Cornwall Street, Purnells opposite the site on New Market Street, Opus on the opposite side of Cornwall Street, Jojolapa on Newhall Street and Cogs that lies at the junction of Newhall Street and Great Charles Street Queensway.
- 6.11 The results of noise surveys undertaken in October 2016 and February 2017 have been submitted recommending specialist glazing and mechanical ventilation to habitable rooms. The Addendum also acknowledges that, whilst mechanical ventilation would resolve the need to open windows occupiers prefer the option of doing so and advises that sealed windows would not be necessary or recommended. The Addendum assessment also advises that shared fire escape doors at ground and first floors should be upgraded to reduce noise transfer through the shared escape route from the adjoining Zen Metro. Additional information relating to the cumulative effect of the licensed premises with respect to increased road traffic/taxis and pedestrian traffic passing the site has also been analysed, and found to have minimal impact. Finally a table relaying the results of discussions held with the operators of the licensed premises has been submitted, which gives details of their typical opening hours, maximum number of patrons, busiest times, whether they hire out their facilities, whether they have live bands, what activities go on adjacent to the party wall and whether people queue outside.
- 6.12 Taking into account the three submissions relating to noise BCC Regulatory Services have raised no objections subject to conditions to require the following;
- i. all windows and doors to habitable rooms to have sound reduction properties;
 - ii. sound insulation work shall be carried out to the shared escape doors at ground and first floor levels; and

- iii. to restrict the rating levels for cumulative noise from all plant and machinery installed.

These are considered to be reasonable and are attached.

- 6.13 Separately in this area of high density development the proposed new units of residential accommodation would be located in close proximity to existing residential units within the converted Devonshire House to the rear and Britannia House on the opposite side of New Market Street. The separation distance between two of the proposed 14 apartments and the habitable rooms to Devonshire House is 12.9m. There is a similar distance of 13m across New Market Street to Britannia House. Whilst not meeting the Places for Living standards it is considered reasonable for a City Centre location.

Transport

- 6.14 The submitted Transport Statement (TS) emphasises that the building is within easy walking distance of bus services, the Midland Metro, Snow Hill and New Street train stations and the City Centre Core. On street parking is available as is the multi storey car park at Livery Street. Refuse servicing agreements would take place off New Market Street as agreed with Waste Management Services.
- 6.15 The TS has assessed the likely combined trip generation rates associated with the current residential application plus the concurrent application for the change of the ground floor to three retail units. The TS predicts that the proposed ground floor uses may generate additional movements due to the fact that a convenience store could be implemented. However notwithstanding this prediction it states that the highway network is adequate to support the proposals without causing a detriment to highway safety. Again to clarify, the change of use of the ground floor does not form part of this application.
- 6.16 BCC Transportation Development acknowledges that the building has no off-street car parking. Cycle parking provision for 46 cycle parking spaces is shown on the ground floor plans, however it is unknown and doubtful whether these would be for exclusive use by the occupiers of the top two residential floors. Given the City Centre location BCC Transportation Development raise no objection to the zero parking provision subject to a condition to require secure cycle parking, and this is attached.

Other

- 6.17 The Police have suggested a condition to require CCTV cameras be installed to cover the all entrances including stairwells, the foyer area and the post boxes positioned at ground floor. The Design and Access Statement advises that there will be a CCTV / intercom system installed at the main residential entrances and therefore an additional condition is not considered to be necessary.
- 6.18 The LLFA have suggested a green/brown roof to assist with surface water drainage however the agent has advised that the addition of a green or brown roof system would result in a significant increase in the weight of the roof and would exceed the permissible loading the existing structure can accommodate.

7. Conclusion

- 7.1. The proposed City Centre location for additional residential units would be appropriate and would accord with the aspirations of the BDP and Snow Hill

Masterplan. It is considered that the rooftop extension would have less than substantial harm upon the significance of the Grade II* listed Guild House and views into and out of the nearby Conservation Areas, and that there are public benefits to outweigh this harm. The impact upon future occupiers would, subject to conditions be acceptable as would the impact upon nearby residents.

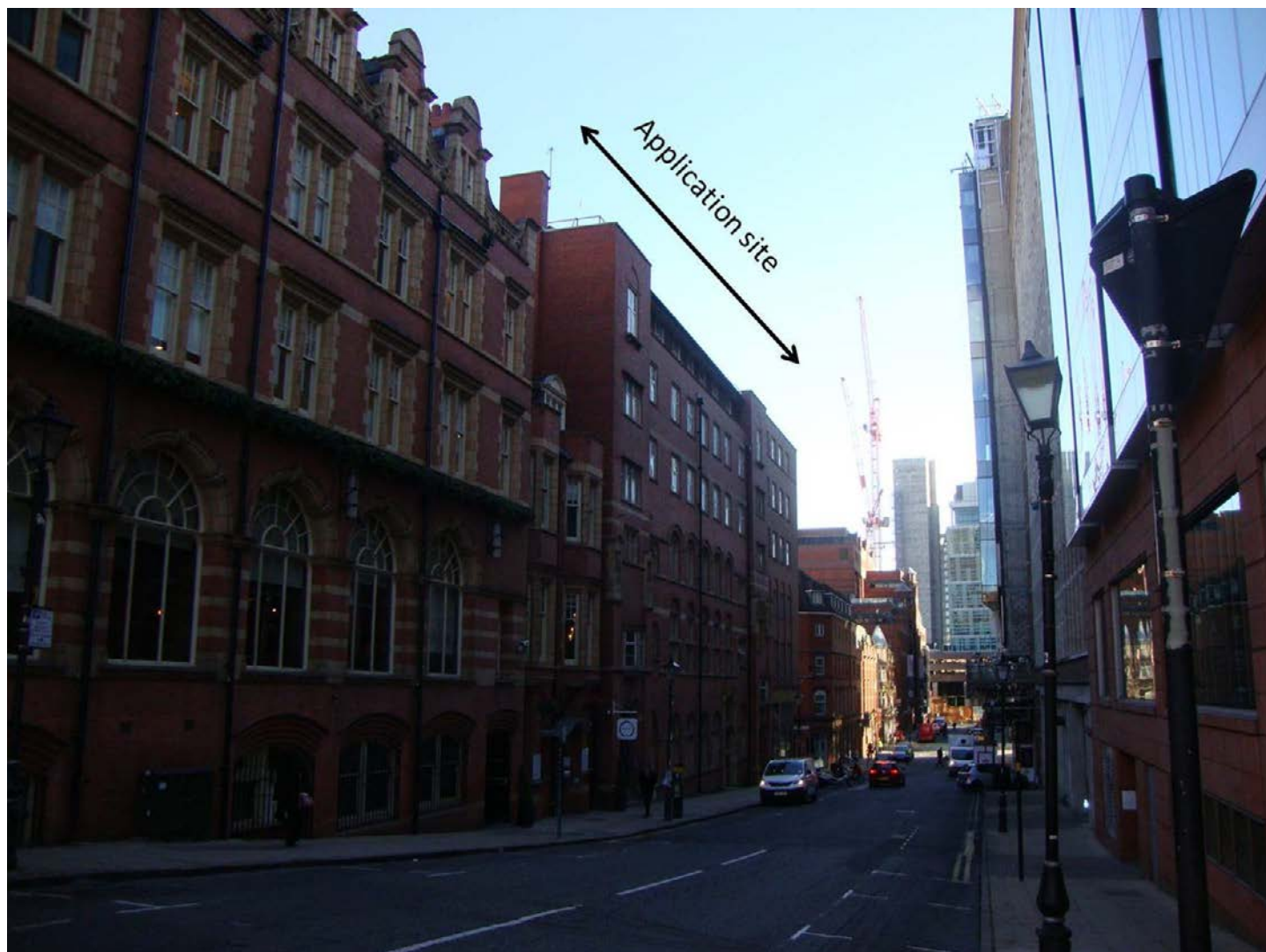
8. Recommendation

8.1 Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of external materials to roof top extension |
| 3 | Requires the prior submission of details of openings (windows & doors) with sound reduction measures |
| 4 | Requires the prior submission of cycle storage details |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Rating levels for cumulative noise from all plant and machinery |
| 7 | Means of sound insulation to be carried out to the shared escape doors at ground and first floor |
| 8 | Implement within 3 years (Full) |
-

Case Officer: Julia Summerfield

Photo(s)



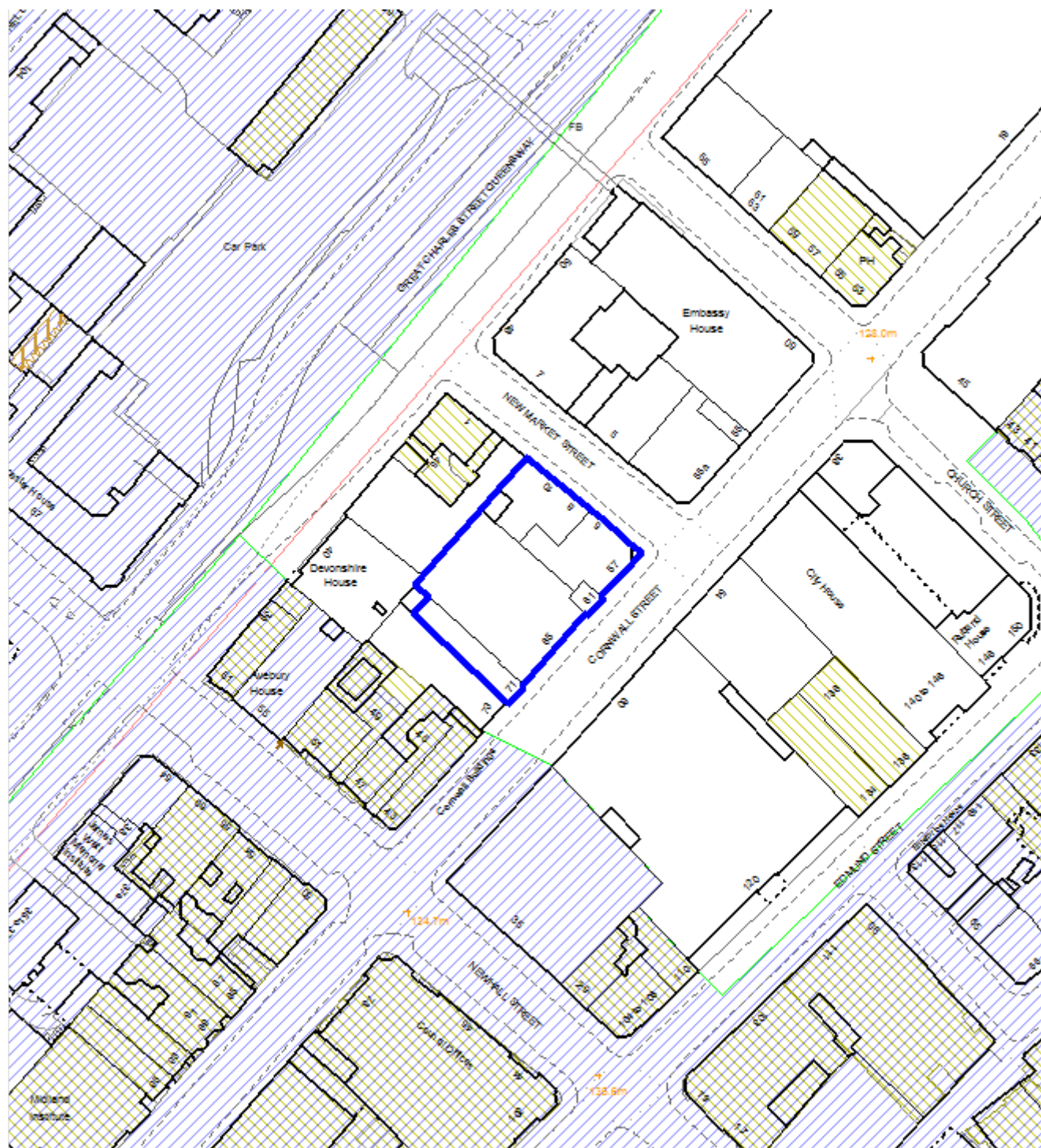
Cornwall Street - Looking west (building to right hand side)



New Market Street with the Guild House in the foreground

)

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/01999/PA
Accepted:	06/03/2017	Application Type:	Full Planning
Target Date:	05/06/2017		
Ward:	Nechells		

Land adjacent to Icentrum, Holt Street, Aston, Birmingham, B7 4BP

Purpose built 4 storey building for use by micro-enterprises, small business and the city's five universities (Use Classes B1a and B1b)

Applicant:	Birmingham Technology (property) Ltd Faraday Wharf, Innovation Birmingham Campus, Holt Street, Birmingham, B7 4BB
Agent:	AHR The Colmore Building, 20 Colmore Circus, Birmingham, B4 6AT

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. [Link to Documents](#)

1.2. The application relates to a vacant plot of land within Aston Science Park and that is also part of the wider "Digital Plaza" site. This application is for the erection of a four storey building seeking to create 2678sqm of gross internal floor space for use by micro-enterprises and small start-up businesses in the digital technology industry. The application site would link with the adjacent office/business/technology hub of I-Centrum and Faraday Wharf. The application is brought forward by Innovation Birmingham who also delivered the iCentrum and Faraday Wharf sites. A further building plot has been retained to the north of this application site adjacent to Holt Street for the further future phase of development. The building subject of this application would be located towards the eastern boundary of the current vacant plot adjacent to the Digbeth Branch Canal.

Use

1.3. The proposal seeks to provide incubation facilities in the form of office and digital fabrication space linking digital technologies with the maker economy. The proposed new building would be called Maker Wharf. The proposed Maker Wharf building would provide open floor accommodation over four floors with an entrance lobby proposed on the ground floor and toilet amenities proposed on each of the floors. The proposal seeks to provide space for 225 jobs in the business technology sector.

Design

1.4. The design of the proposed building is of a modern architectural style and would be of a rectangular form. The proposed entrance to the building would be located on the western corner facing onto Holt Street. The entrance would be identified by a double height curtain wall, set in a recess creating a canopy above the entrance.

1.5. The building would be predominantly clad in a dark grey profile metal, with a glazed horizontal curtain walling window system and with sections of pink powder coated

spandrel panels and soffits to creating contrasting features on the building. The building would be of a flat roof design with a parapet surround; roof top plant has been designed into the building and would be housed within a pink clad asymmetrical roof top addition that would be located in the eastern corner of the building set behind the proposed parapet. The stair core would be exposed on the northwest facing elevation of the building and is proposed in this fashion in order to add interest to the building.

Transport and Access

- 1.6. As part of the proposal improvements are sought to the Love Lane Junction with Enterprise Way (the public realm access road serving iCentrum and the proposed site). The highway improvements sought include the provision of a raised table to create visual connections and improved pedestrian routes between the proposed site and the existing iCentrum and Faraday Wharf buildings.
- 1.7. Vehicular access to Maker Wharf would be via Enterprise Way with pedestrian access provided both via Enterprise Way and Holt Street. An extension to Enterprise Way is also proposed which would connect to a turning area and 4 disabled car parking spaces to the front of the proposed building. The access road would also be extended in order to create an area of enclosed hard standing for a refuse store set off of the Love Lane junction.
- 1.8. Eight cycle parking space are proposed serving this site, which would be located to the front of the building entrance under the cover of the buildings canopy. The main car parking for this site would be provided via existing spare capacity of spaces (totalling 56 spaces) offered within the car park at Faraday Wharf which are under the management of the applicant.

Other

- 1.9. Submitted in support of this application are a Transport Statement; Design and Access Statement; Tree Survey; Ecology Appraisal; Ground Contamination Report and Construction Method Statement.

2. Site & Surroundings

2.1. [Site location](#)

- 2.2. The application site is 0.61ha and currently comprises a vacant plot located to the northeast of the iCentrum Building. The site is located within the Aston Science Park and lies within the designated Enterprise Zone which identifies the Digital Plaza site. It forms approximately half of a larger vacant plot which extends northwards to adjoin the A38 Aston Expressway. The eastern boundary adjoins the Digbeth Branch Canal, its associated tow path and embankment. The area alongside the canal is identified as a wildlife corridor and is also locally designated as a SLINC site.
- 2.3. Immediately to the south of the site are the iCentrum and Faraday Wharf buildings. Holt Street fronts the site to the west. The surrounding area is characterised by industrial and office uses including those within the Science Park and Aston University to the south.

3. Planning History

iCentrum

- 3.1. 18.09.2014 - 2014/04538/PA – Erection of a three storey building for research and development (Use B1b and office use B1 a) – Approved subject to conditions.
- 3.2. 10/04/2008 - 2007/07240/PA – Full planning permission granted for erection of a six storey 195 bed hotel and eight storey 130 bed hotel with 206 parking spaces and associated landscaping and access on the entire vacant plot – Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions requiring a commercial travel plan, cycle parking provision, a Section 278 Agreement for proposed works to the highway and requiring a Construction Management Plan to detail the implementation of the development.
- 4.2. Lead Local Flood Authority – A Drainage Statement has been submitted as part of this application, this lacked some detail required. At the time of writing these details had been requested from the applicant and further comments on their acceptability will be reported verbally to planning committee.
- 4.3. Regulatory Services – No objections in principle, the submitted ground contamination scheme identified some areas where further ground investigation is required. Land contamination conditions are therefore requested.

4.4. City Ecologist:

- The Ecological Report identifies a large number of ant hills within the rough grassland to the north west of the site. With this proposed development and subsequent development of phase 3 these ant hills could be lost altogether. This accumulation of ant hills is unusual within the city and needs some thought as to how they can protect/ prolong their existence here;
- The report highlights patches of Japanese Knotweed immediately outside of the development site on Canal and River Trust land. Development will be within the 7m rooting zone of this invasive species so an invasive species management plan will need to be drawn up to deal with this;
- The landscaping post development should seek to incorporate a variety of plants that provide benefit to wildlife; this can be detailed in an Enhancement Strategy or through a detailed landscape and planting schedule.

4.5. Canal and River Trust – No objection to the proposed development, however a number of recommendations and conditions are proposed as follows:

- There is an opportunity to improve links with the adjacent canal and the well-being of canal users. Options for utilising the Council owned strip of land between the proposed building and the canal could provide useable external space and should be considered as this would provide greater use of the area and increase vibrancy and visual security along the canal corridor, this would also increase views of heritage assets along the Canal corridor which would be a benefit;

- Proposed hard standing would sit upon the foot print of the historic canal basin. The outline of the historic basin could be shown through the surface materials with a brick line or a change in tone of surface materials, as this would enrich proposed arrangement through subtle interpretation;
- A low level planted border should be added to the scheme to create a visual buffer between the views from the canal and the proposed parking area;
- In order to protect the quality of the water environment and air quality during construction a Construction Management Plan is requested;
- In order to encourage and protect biodiversity low level lighting should be used on the external surfaces of the building, bird and bat boxes are requested on the building and an appropriate landscaping scheme is sought;
- It is noted that excess surface water drainage is proposed to be disposed of to the canal, appropriate filtering of water should be ensured so that the quality of water reaching the canal does not cause harm to the water environment.

4.6. West Midlands Fire Service – No objections

4.7. West Midlands Police - The eastern side of the site is open to pedestrian access from the Birmingham and Fazeley Canal. Anti-social behaviour and crime does occur in this area. It is recommend that the accessible areas of the building should be treated with an anti-graffiti coating and that consideration should be given to the use of scratch resistant glazing / film to reduce the possibility of similar damage being caused to any window.
The site should be the subject of a full CCTV scheme. Access control is key to the safety of this mixed use site.

4.8. Local occupiers; ward councillors and local MP notified. Site and press notice displayed. No comments have been received.

5. Policy Context

5.1. Relevant planning policies include the National Planning Policy Framework; Birmingham Unitary Development Plan (2005) - saved policies, Birmingham Development Plan 2017, Places for All SPG and Car Parking Guidelines SPD.

5.2. In addition the site is also an Enterprise Zone site, Core Employment Area and identified as a development opportunity in the Birmingham Development Plan as the Digital Plaza site.

6. Planning Considerations

Principle

6.1. The application site falls within Eastside, the agenda for change here is detailed in policy GA1.2 of the BDP. At Eastside the growth agenda is for the on-going regeneration of this area to enable the City Centre Core to expand eastwards, this will require well designed mixed use developments including office, technology, residential, learning and leisure.

- 6.2. The application site falls within a Core Employment Area as designated on the proposals map accompanying the BDP. Policy TP19 related to Core Employment Areas states that these areas will be retained in employment use and will be the focus of economic regeneration activities and additional development opportunities likely to come forward during the plan period. For this purpose, employment uses are defined as B1b (Research and Development), B1c (Light Industrial), B2 (General industrial) and B8 (Warehousing and Distribution). Policy TP18 goes on to state that measures to improve the operational and functional efficiency and the quality and attractiveness of these areas to investment in new employment will be supported.
- 6.3. Although the application building would provide office type accommodation it is primarily aimed at providing facilities to meet the current and future demand for highly flexible sustainable work locations for knowledge, economy and tech based businesses. In particular it is to target those at the start up and early stages of development. Innovation Birmingham who will manage the development already provide similar facilities in the adjacent iCentrum and Faraday Wharf buildings which are now fully occupied.
- 6.4. Therefore although the proposed use of the building would be offices as well as research and development, it would not provide standard office type accommodation which the core employment area seeks to resist. Instead it has been specifically designed to provide space for knowledge economy businesses to locate and grow in order to support the economic growth strategy of Birmingham and the wider LEP area. Its location within Aston Science Park, where there are already a number of research and development facilities, is therefore considered to be acceptable particularly as the development is also supported by Aston and Birmingham City Universities who are located adjacent to the site and already work closely with Innovation Birmingham.
- 6.5. This proposal seeks to provide additional innovation technology space on a vacant plot within this core employment area. The policy context for this area supports the expansion of the Science Park and as such the principle of this proposal is therefore considered acceptable.

Design

- 6.6. BDP policy PG3 requires all new development to be designed to the highest possible standards by reinforcing or creating a positive sense of place and local distinctiveness, with design that responds to the sites conditions and local area context. The proposed design is of a modern architectural style in keeping with the existing buildings of Faraday Wharf and iCentrum.
- 6.7. The design of the building has been influenced by:
- The desire to create an exemplar modern building of the highest quality and construction to attract young entrepreneurs and start-up businesses with demanding requirements;
 - The need for the building to relate to the existing uses at the Science Park and future phases of the Digital Plaza development;
 - The need to provide a legible development with clear entrances and easy and safe walking routes;
 - The need to provide a high quality landscape setting including the retention of mature landscaping;
 - The need to provide an imaginative lighting scheme which will ensure that the development provides a safe, but exciting, environment during the

evening/night.

- 6.8. The proposed building would be seen as part of the Innovation Birmingham Campus and as the third phase of the Digital Plaza Development. The four storey building reflects the heights of other buildings nearby in the Science Park and the floor plans show that the building would provide highly flexible space that can meet the needs of knowledge economy business over time. This includes the provision of a double door access lift located adjacent to Enterprise Way the access road between the proposed building and iCentrum. The siting of the lift has been purposefully located in this position to enable goods associated with the start-up technology companies to be easily transported into and out of the building and onto each of the proposed floors.
- 6.9. This building has been designed to reflect its intended creative use as well as provide more sustainable facilities. It would be of a suitable high standard both in terms of design and materials that would fit into its surroundings. It would provide active frontages to all elevations and also provide a suitable landscaped setting for the building. I consider that this proposal would meet with the objectives of policy PG3 of the BDP.

Access and Parking

- 6.10. The main vehicle access to the site would be from Love Lane making use of part of the existing road known as Enterprise Way. It is only proposed to provide 4 disabled car parking spaces for the development fronting the building but occupants would be able to make use of the existing car parking facilities available in Faraday Wharf.
- 6.11. In support of the parking arrangements a Transport Statement has been submitted showing that the adjacent Faraday Wharf car park, which is also operated by Innovation Birmingham, is underused. It provides 400 car parking spaces of which 56 car parking spaces are proposed to be used in association with this building available under licence. Transportation Development are satisfied that this would meet the level of maximum parking provision in BCC guidelines.
- 6.12. Works proposed to the public highway are considered acceptable and relate to improvements for all phases of the Digital Plaza site. These works can be secured through a Section 278 Agreement to ensure the specification of works are carried out to Birmingham City Council specifications.

Impact on the Canal

- 6.13. The site lies alongside the Digbeth Branch Canal which is identified as a wildlife corridor and is also locally designated as a SLINC site. Although the application site abuts the canal towpath and associated planting the development does not encroach on this area.
- 6.14. The Canal and River Trust (CRT) have raised no in principle objections to this application but have made a number of recommendations and suggested a number of planning conditions. This includes making reference to the original canal basin in the landscaping treatment of this site. The applicant has considered this and is concerned that a change in surface materials near to the main entrance, parking and delivery bay would be confusing, however the applicant proposes to install an information plaque to convey the history of the canal basin. I have recommended an appropriate planning condition requiring this.
- 6.15. I note comments raised by CRT regarding the strip of land adjacent to the canal outside of the applicant's ownership. Whilst there may be benefit in bringing this strip

of land into use as an associated outside space to the application proposal, not doing so would not make the application unacceptable. This matter has not been pursued as part of this application.

- 6.16. I have recommended appropriate conditions relating to surface water drainage, low level lighting and bio-diversity addressing comments raised by CRT. Both CRT and Transportation have requested a condition for a Construction Management Plan. This site is located off of the public highway it is not considered necessary to impose a Construction Management Plan for a scheme of this scale.

Other

- 6.17. I note the comments received from the City Ecologist regarding the presence of ant hills. The majority of the ant hills are located on the final phased site for Digital Plaza and not within the footprint of the proposed Maker Wharf building. Notwithstanding this the applicant proposes to engage with their appointed Ecologist who will provide a method statement for the relocation of the ant colonies to a location to be mutual agreed within the landscaping areas. This will be done by encouraging the ants to relocate using pipes and food. I understand that the nests themselves are not transferrable as they are very delicate. The relocation of ant hills can be secured by an Ecology Enhancement Statement and a condition has been recommended accordingly.
- 6.18. West Midlands Police have noted that the building could be vulnerable to crime and anti-social behaviour due to the relationship of this proposed building with the canal. I note that there is a reasonably steep and vegetated slope to climb from the canal to the site. The applicant has suggested that defensive planting could be added to the boundary of the site as a deterrent and that they are seeking to install CCTV. I have recommended conditions requiring that both these security measures are incorporated into the scheme.

7. Conclusion

- 7.1. The proposed Maker Wharf building has been specifically designed to attract further new high technology industry, business, research and development to Birmingham. The site is specifically identified as a development opportunity in the Birmingham Development Plan and is within the designated Enterprise Zone. Although the building would accommodate office type floor space within a designated core employment area this is considered to be acceptable as it is specifically aimed at providing flexible space for incubating and housing small high tech-based businesses. Many of these types of business are already based at Aston Science Park in the adjacent iCentrum and Faraday Wharf development also managed by Innovation Birmingham. By providing a further facility in this location, potential occupants can take advantage of existing Innovation Birmingham facilities as well connections with Aston and Birmingham City Universities who are located close by. The development is therefore considered to be acceptable in principal. The design proposed it is a good and appropriate standard given the context of this area. The development is also judged to have no adverse impact on the adjacent Digbeth Branch Canal

8. Recommendation

- 8.1. Approve subject to the following conditions:

-
- 1 Requires the prior submission of sample materials
 - 2 Requires the submission of signage details
 - 3 Requires the prior submission of boundary treatment details
 - 4 Requires the prior submission of a lighting scheme
 - 5 Requires the submission of unexpected contamination details if found
 - 6 Requires the prior submission of a sustainable drainage scheme
 - 7 Requires the prior submission of a drainage scheme
 - 8 Requires the prior submission of a method statement for the removal of invasive weeds
 - 9 Requires Ecology Safeguarding measures to be carried out
 - 10 Requires the prior submission of details of bird/bat boxes
 - 11 Requires the prior submission of hard and/or soft landscape details
 - 12 Requires the prior submission of a commercial travel plan
 - 13 Requires the provision of cycle parking prior to occupation
 - 14 Prevents occupation until the turning and parking area has been constructed
 - 15 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 16 Limits the noise levels for Plant and Machinery
 - 17 Requires the installation of an information plaque / panel to convey the history of the canal basin.
 - 18 Requires the prior submission of a CCTV scheme
 - 19 Requires the scheme to be in accordance with the listed approved plans
 - 20 Implement within 3 years (Full)
-

Case Officer: Victoria Chadaway

Photo(s)

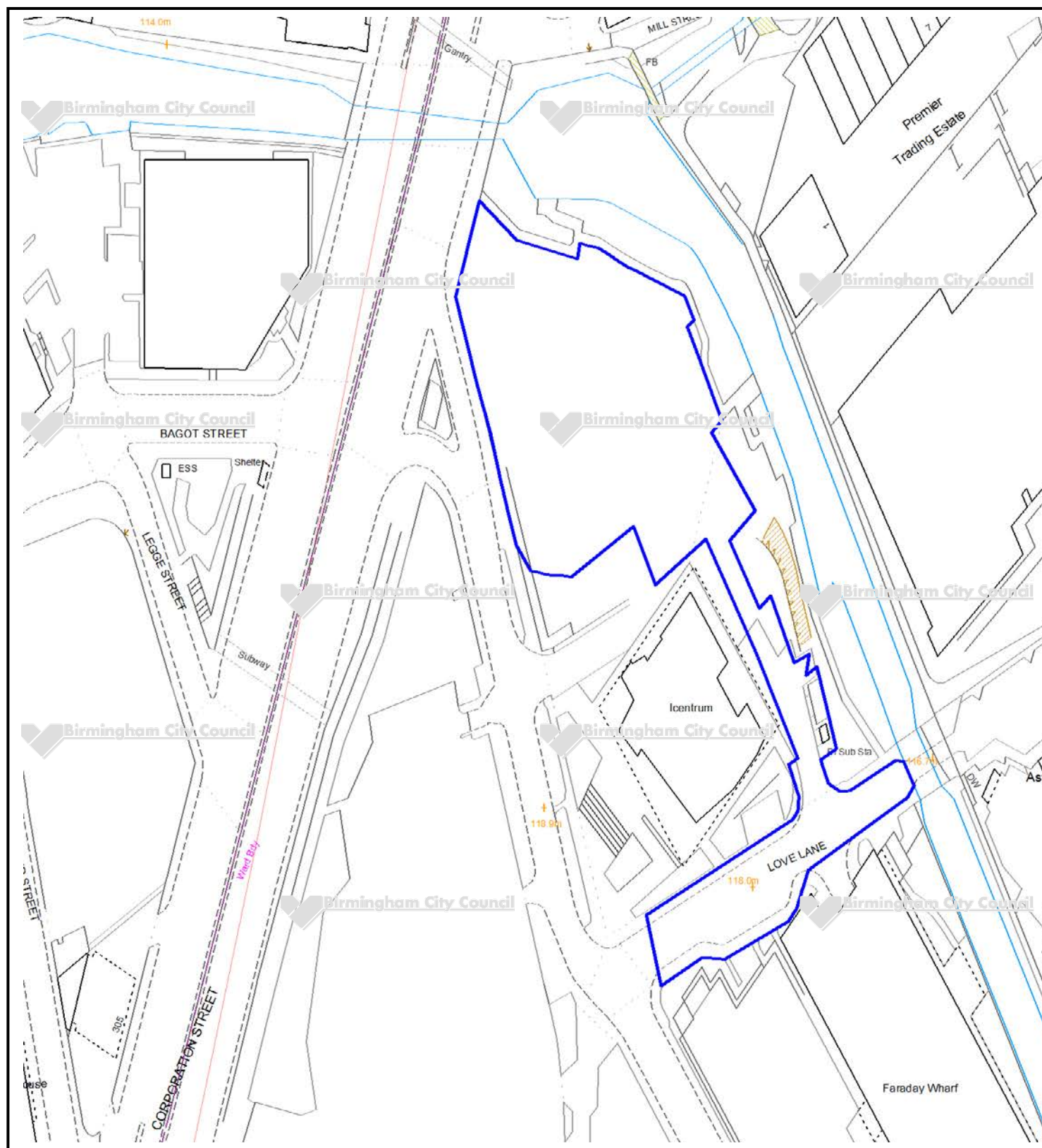


Fig 1. Site frontage as viewed from Love Lane



Fig 2. View of site from “Enterprise Way”

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/01595/PA
Accepted:	24/02/2017	Application Type:	Reserved Matters Development
Target Date:	26/05/2017		
Ward:	Ladywood		

Tennant Street, Birmingham, B15 1EH

Reserved matters application for appearance, landscaping, layout scale following outline permission 2015/03050/PA for the erection of a residential development of up to 6 storeys to provide 13 car parking spaces and up to 40 residential self contained apartments

Applicant: Tennant Street Birmingham Ltd
c/o The Agent
Agent: Rickett Architects Limited
13 Dormer Place, Leamington Spa, CV32 5AA,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1 This application follows outline consent for the construction of up to 40 residential apartments granted in December 2015. The outline consent approved the access into the site from Tennant Street whilst the current reserved matters application seeks consent for the remaining matters of layout, scale, appearance and landscaping.
- 1.2 The proposed layout would provide a car park of 15 spaces at ground floor together with an entrance lobby, a bin store and plant. Each of the five upper floors would accommodate 8 x 2 bedroom apartments, to provide a total of 40 apartments arranged around a central corridor ranging from 61sq.m to 74sq.m. Each apartment comprises a kitchen/living area, main bedroom with ensuite, second bedroom and a bathroom. In addition 10 apartments (2 per floor) would have a balcony.
- 1.3 The proposed building would measure approximately 19m x 37m, reaching an overall height of approximately 20.7m including roof top plant, adhering to the 6 storey height restriction secured at the outline stage.
- 1.4 In terms of appearance the proposed external materials would comprise of black brick with dark grey aluminium louvres at ground floor to enclose the car park. At the upper floors the building would have buff brick with grey aluminium windows regularly spaced and set within recessed contrasting black brick panels.
- 1.5 As the building would occupy the entire application site no landscaping is proposed. The adjacent site to the north east accommodates eleven London Plane trees nine of which are protected by Tree Preservation Order No.1379. There are also silver birch trees to the south of the site off Stoke Way. These trees would not be affected by the development and no tree protection measures are required.

1.1. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1 Tennant Street runs parallel to and one block behind Broad Street. It accommodates a number of car parks, with the surface level car park serving Lee Longlands located to the north east and another to the south west. A residential apartment block known as Trident House adjoins the site to the east, whilst on the opposite side of Tennant Street lies the rear accesses to the commercial buildings fronting Broad Street. The car park to the north east accommodates nine trees that are protected under TPO 1379.

2.2 The site comprises of approximately 777 square metres of land and is currently used as a private pay and display surface car park accommodating 36 parking spaces. Abutting the site to the south west is Stoke Way that provides vehicular access to a number of residential properties.

2.2 [Location Plan](#)

3. [Planning History](#)

3.1. 2011/01519/PA. (land at corner of Tennant Street & Granville Street – Lee Longlands Car Park). Outline application with all matters reserved for erection of a building up to 36 metres in height (10 storey) with 135 bedroom hotel (C1) or 128 bedroom student accommodation (C3) and up to 450 sqm retail and leisure (A1 - A5 & D2) at ground floor Approved 08/06/2011 (Expired)

3.2 2015/03050/PA - Outline Planning Application with details of proposed access submitted (with all other matters reserved) for the erection of a residential development of up to 6 storeys to provide 13 car parking spaces and up to 40no. residential self-contained apartments. Granted consent subject to a section 106 Agreement that secured a financial contribution of £98,000 toward off site affordable housing £52,000 toward enhancements to improve and /or maintain Ryland Road Public Open Space. Approved 23/12/2015, prior to the introduction of CIL.

4. [Consultation/PP Responses](#)

4.1 BCC Regulatory Services – No objection subject to conditions to restrict cumulative noise from all plant and machinery and to require details of a scheme of noise insulation to protect potential occupiers above the ground floor plant areas from noise and vibration.

4.2 BCC Transportation Development – No objection in principle but note that a suitable Highway agreement would be required to change any materials on the footway.

4.3 Local Lead Flood Authority – Condition 10 attached to the outline consent required details of a sustainable drainage scheme. This condition should be retained.

4.4 West Midlands Police – the following is recommended:

- serious concerns as to the open access nature of the ground floor containing parking, cycle storage and a bin store. It appears to remain open to both vehicular and pedestrian access. The area will be sheltered and would be the subject of very little natural surveillance. Recommend that this undercroft

area is the subject of appropriate access control, such as an access controlled gate;

- any work should be to the standards laid out in the Secured by Design 'New Homes 2014' guide and the 'Lighting Against Crime' guide;
- recommend that each individual flat is treated as a separate dwelling for the purpose of the standards of door security; and
- recommend that a CCTV system be installed to provide coverage of the site. This should aim to cover the area outside of the premises, all of the undercroft area, the entrance lobby, the post box area and internal views of anyone entering the building.

4.5 Birmingham City Centre Management, local residents groups, action groups, community forum and neighbourhood forum, local ward councillors and the MP have been consulted but no responses received.

4.6 The application site has also been publicised via neighbour letters, a site and press notice. One letter of support has been received.

5. Policy Context

5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies); Places for Living SPD; Car Parking Guidelines SPD; and the National Planning Policy Framework.

6. Planning Considerations

6.1 The outline consent approved the principle of residential development on this site together with the point of access off Tennant Street. The current application therefore seeks consent for the remaining reserved matters of scale, layout, appearance and landscaping.

Scale

6.2 The outline consent restricted the development to up to six storeys with a condition securing the maximum height of 22.0m. This was to ensure that the proposed development would not adversely affect the character of the street and it was considered that a building of a taller height could create a canyoning effect along Tennant Street resulting from tall buildings on both side of the street. The reserved matters scheme adheres to the outline consent height restriction, with an overall height of approximately 20.7m to provide a development that fits in with the site surroundings.

Layout

6.3 The proposed block would fill the application site with the floor plan indicating the provision of eight flats at each of the upper levels accessed from a central corridor. Windows serving the apartments would be positioned on all of elevations of the proposed block.

6.4 Trident House, which rises to 19 floors of residential accommodation, is located to the rear of the application site, and proposed windows serving bedrooms and living areas would face existing habitable windows to Trident House. The plans indicate that a separation distance of approximately 20.4m would be maintained and whilst the guidance within the Places for Living SPD seeks 27.5m it is considered that the

separation that would be maintained would be satisfactory for this City Centre location.

- 6.5 Additionally the SPD seeks to ensure that there is a 5 metre set back where development with main windows would overlook existing private amenity space. In this instance the adjoining area of amenity space serving Trident House is small in size, dominated by the adjacent building that reaches 12 storeys on this part and separated from the main communal landscaped area serving the existing residents. Therefore the relationship is considered to be acceptable.
- 6.6 The current plans have been amended to provide an alternative oriel style of window to serve the side bedrooms the adjacent Lee Longlands car park to the north east. These part clear part obscurely glazed windows are proposed to ensure that the current scheme would not prejudice the redevelopment of the adjacent site that previously had outline consent for a mixed hotel, student accommodation, retail and leisure development; the consent has since however expired.
- 6.7 The proposed floor plans indicate the provision of all two bed apartments ranging from 61sq.m to 74sq.m to meet national space standards for three person units.
- 6.8 The proposed ground floor plan indicates the provision of a bin store, plant room, cycle storage and 15 parking spaces; two spaces in excess of that indicated on the outline consent.
- 6.9 The adopted Car Parking Guidelines SPD advises that a development of 40 units would require a maximum of 40 parking spaces. In response the Transport Assessment submitted at the outline stage explains that Birmingham New Street railway station lies within a 15 minute walk and Five Ways railway station within a 10 minute walk, whilst the nearest bus stops serving 15 routes are located at a distance of approximately 160m on Broad Street.
- 6.10 The results of a parking survey undertaken in 2015 were also reported to Committee at the time of the outline report. It highlighted that there was a total of 2166 combined on and off street parking spaces within 200m of the site, plus an additional 2550 spaces within a 15 minute walk or 1200m radius of the site.
- 6.11 Conditions attached to the outline consent require the occupiers to join Travelwise and the submission of a parking strategy. It is therefore considered that the site is highly accessible by public transport and has a significant proportion of parking available within close proximity, whilst the proposed provision would exceed the outline requirement to provide satisfactory provision.

Appearance

- 6.12 The palette of materials is grey louvre cladding to the majority of the ground floor to provide ventilation for the car park with the exception of a glazed lobby and separate pedestrian access off Tennant Street. There is a clear separation between the ground floor and the upper floors that would be clad in a light brown brick with aluminium windows set within black brick recessed panels. The choice of materials and flat roof design is considered appropriate in the context of Tennant Street and the modern developments fronting Granville Street.
- 6.13 It is unfortunate that the proposed development would present an inactive frontage to a significant part of the primary frontage facing Tennant Street however this is to

meet the on site parking requirements that were requested by your Committee at the outline application stage.

Landscaping

- 6.14 Whilst the development of the full plot does not allow the provision of landscaping consideration has been given to the impact upon the potential impact of the trees outside of the application site. The adjacent site to the north east accommodates eleven London Plane trees nine of which are protected by Tree Preservation Order No.1379. There are also silver birch trees to the south of the site off Stoke Way. The submitted Arboricultural report advises whilst the proposed development would have no impact upon the nearby trees and my Arboriculturalist colleagues agrees.

Other

- 6.15 In response to the comments made by the police access to the car park would be controlled through the use of an automated gate and it is the applicants intention to install CCTV system covering the car park and entrance lobby.

7. Conclusion

- 7.1 The principle of residential development on this site has been secured via the outline consent. The proposed development would adhere to the height restriction and placed at the outline stage and provide more than the required number of parking spaces. The impact upon nearby neighbours, communal open space and trees have has been considered and found to be acceptable.

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 are those shown on the approved plans |
| 3 | Slab Level As Agreed |
| 4 | Window Frame Colour to be Agreed and windows to be Implemented in accordance with Drawing |
| 5 | Limits the noise levels for Plant and Machinery |
| 6 | Requires the prior submission of noise insulation between plant and first floor |
| 7 | Details of Oriel Windows |
| 8 | Details of the proposed mortar |
-

Case Officer: Julia Summerfield

Photo(s)

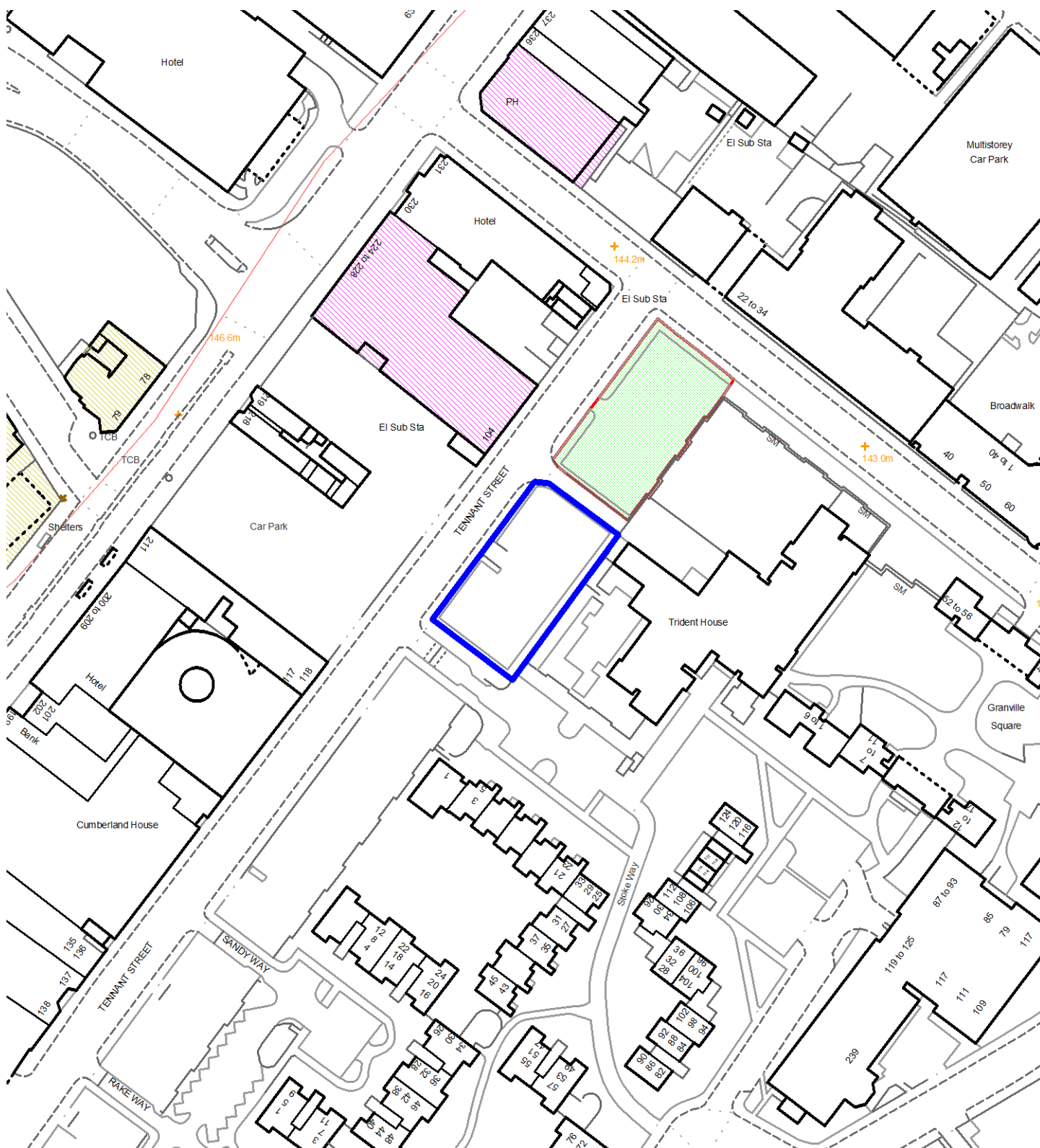


Looking south east towards the application site from Tennant Street



Looking north east towards the application site on Tennant Street

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2016/04205/PA
Accepted:	31/05/2016	Application Type:	Full Planning
Target Date:	21/04/2017		
Ward:	Aston		

11-21 Great Hampton Street, 10 Harford Street and 20-26 Barr Street, Jewellery Quarter, Birmingham, B18 6AX

Conversion of 13-21 Great Hampton Street and conversion, extension and alteration of 20-26 Barr Street to residential apartments. Demolition and redevelopment of remaining site to provide an overall total of 156 residential units and 1,035 sqm of commercial floorspace (Use Classes A1, A2, A3, & B1a) together with associated works.

Applicant: Blackswan Developments Finance Ltd
c/o Agent
Agent: Phase 2 Planning & Development Ltd
250 Avenue West, Skyline 120, Great Notley, Braintree, Essex,
CM77 7AA

Recommendation
Determine

Report Back

1. Background

- 1.1 This application and associated application 2016/04206/PA for listed building consent were reported to your Committee on the 2 February 2017. At the meeting it was resolved that both applications be deferred to secure, at no cost to the Council, the revocation of the Hazardous Substances Licence 1999/05217/PA which affects the site. Following the revocation it was agreed that that favourable consideration would be given to both applications, subject to conditions. The City Solicitor is preparing the appropriate Revocation Order for approval by the Secretary of State.

2. Issues

- 2.1 Two issues have arisen since your Committee considered the application in February. Firstly objections have been received to the application on behalf of Vodafone and secondly due to the time it has taken to secure the Revocation Order the applicants have requested that the applications be determined at this Committee meeting. However in order to protect the Council's position they would accept a condition or unilateral undertaking to ensure that no works commence on site until the Revocation Order is in place. Both issues are considered in more detail below.

Objection from Vodafone.

- 2.2 In the original committee report as below, it was reported that an objection had been received from a neighbour who currently allows Vodafone to have a mast on their building. They expressed concern that the new buildings could block the mobile phone signals meaning they would lose their rent agreement and associated income. Originally an objection had also been received on behalf of Vodafone but following the receipt of additional information this had been withdrawn. It was therefore explained in para 6.51 of the original report that the objection from the neighbour to the possible loss of their rental arrangement with Vodafone could not be given weight and that Vodafone had withdrawn their objection to the application.
- 2.3 In January 2017 the agent for Vodafone was advised that amended plans had been received which had increased the height of the new building proposed on Harford Street frontage. On 6 February 2017 a further letter was received on behalf of Vodafone now objecting to the development. As a decision on the application had not yet been issued this objection is brought to committee for consideration. The objection is on the grounds that:-
- The new height would obstruct and impact upon service provision from the south facing sectors/antennas. This would cause 'clipping' where the RF fires into part of the proposed building.
 - The new height and clipping issue is likely to make the site no longer ICNIRP compliant – at which point it would need to be turned off – resulting in this area of Birmingham being left without a service its businesses and residents depend upon.
 - There may be an ICNIRP safety issue with construction work – this means the site would need turned off
- The agent also advised that whilst they formally object to the proposal they have no issue with the application being approved, subject to a condition being attached to any approval confirming that the applicants must agree to a form of mitigation with Vodafone, which must be completed prior to the start of works for this proposal.
- 2.5 Following further discussions with the agent for Vodafone a plan has been provided showing the area of the site affected by any height increase which they advise would cause an issue with 'clipping' and obstruct the signal. The section of the site shown as being affected is the Barr Street elevation where the existing building is to be retained but with the addition of a two storey roof top extension. However these proposals have not changed in terms of building heights since the application was originally submitted and the agent for Vodafone admits that they never assessed this properly when looking at the original proposal and that they should not have removed their objection as there was always an impact.
- 2.6 There was originally no objection to the development from Vodafone to the building heights on the Barr Street building and these heights have not changed. It is not considered to be reasonable to require this part of the development to be revised or to require the developer to pay for any mitigation. The overall advantages of the proposal outweigh any harm caused to digital signals to the mast. Vodafone have commented that their antennas would need to be raised by about 10 metres to avoid clipping issues and service obstruction. Although they consider this should be paid for by the applicant, this is an option that they could pursue and fund themselves if the development results in any impact on service, subject to any necessary planning consents. The agent has also now advised that provided that there no windows on the roof or any elevation facing the mast in the area identified the development would

remain ICNIRP complaint. As there are no windows in this location this no longer appears to be an issue.

Unilateral Undertaking

- 2.8 The applicants have advised that the unexpected delays in obtaining the Revocation Order have led to a serious timescale issue which could jeopardise the whole project. They have therefore sought an alternative means of allowing the current planning and listed building applications to be approved but preventing development taking place until the Revocation Order has been obtained. This has been discussed with the City Solicitor who considers that this could be achieved by a unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990, in which the applicant agrees to pay the Council's costs in securing the Revocation Order and prevents development commencing until it is in place. It is considered that this would give the Council the required safeguards and would also ensure that there are no further delays in granting the planning and listed building consents which have previously been agreed.

3.0 Recommendation

- 3.1 That the City Solicitor be authorised to prepare, complete and obtain an appropriate unilateral undertaking pursuant to Section 106 of the Town and County Planning Act to ensure that the applicant agrees to pay the Council's costs (including any compensation payable) in securing the Revocation of Hazardous Licence 1999/05217/PA and that no development will be carried out on the application site until the Revocation Order is in place.
- 3.2 That the City Solicitor be authorised to prepare, complete and obtain appropriate Revocation Order and submit it to the Secretary of State for approval.
- 3.3. That in the event of the unilateral undertaking being completed to the satisfaction of the Local Planning Authority planning permission be granted to this application, subject to the conditions listed at the end of this report.

Previous Report

1.0 Proposal

- 1.1 The proposal is to redevelop a site of 0.485 ha within the Jewellery Quarter Conservation Area to provide 156 apartments and 996 square metres of commercial floor space with associated parking. The site is occupied by a number of vacant commercial buildings previously used by an Electroplating business. These fill most of the plot including the three site frontages and include the 1912 J. Ashford & Son premises on Great Hampton Street which is listed Grade 2*. This would be retained together with a 2 storey brick building at No's 20-26 Barr Street. The application, which has been amended since originally submitted and now proposes the following:-

1.2 Demolition

- 1.3 The proposals would require demolition of the following buildings:
- A modern warehouse/office buildings dating from the mid-20th Century fronting Great Hampton Street located on the north side of the listed building (apart from the basement which would be retained)

- A modern warehouse dating from the late 20th century located fronting Great Hampton Street located on the south side of the listed building.
- No's 11 and 12 Great Hampton Street a pair of retail units with two floors of living accommodation above dating from the mid-19th Century
- Late 19th century 2 storey shopping wings attached to the rear of No's 11 and 12 Great Hampton Street and extending through to the Barr Street frontage
- A two storey brick workshop and office building dating from 1905-1917 fronting Harford Street.
- A group of modern infill workshop buildings dating from about 1937 located to the rear of the listed building and the retained building fronting Barr Street.

1.4 **Conversions**

- 1.5 Listed Building - It is proposed that the grade 2* listed building fronting Great Hampton Street and its 3 storey shopping wing to the rear be retained and refurbished. The floor space would be used to provide a commercial unit for A1, A2, A3 or B1a uses at basement, ground floor and within part of the first floor fronting Great Hampton Street. The remaining floor space would be converted into 14 one and two bed apartments. This would require alterations to the building including the installation of a replacement staircase, new internal subdivisions and replacement windows to the rear shopping wing. This work is also subject to an application for listed building consent under reference 2016/04206/PA.
- 1.6 20-26 Barr Street – This building is not listed or locally listed but is considered to be of historic interest and the frontage block is to be retained, converted and extended to provide a mix of one and two bed apartments. The proposed extension would add 2 floors of accommodation to the existing building with the third floor space provided within a mansard style roof to provide 4 storeys of accommodation overall. The existing building is of brick which would be retained and also used to rebuild a new rear wall. The new second and third floors would be of Corten steel cladding. The existing casement windows would be replaced with new small paned double glazed aluminium windows on the street frontage. Within the new extension and rear courtyard the windows would be also be double glazed aluminium framed but with larger panes. Roof lights flush with the steel cladding would be provided in the roof slope on the site frontage.

1.7 **New Buildings**

- 1.8 The application proposes to erect a range of 4 and 5 storey building to replace the buildings to be demolished on the three site frontages with wings to the rear to form two internal courtyards either side of the shopping wing attached to the listed building. There is a difference in levels of about 1.5 metres across the site and it is proposed that this be used to provide a semi basement parking area. The new buildings proposed are as follows:-
- 1.9 *Great Hampton Street* - On the north side of the listed building a new building would front the street and have a wing at the rear to adjoin the new building proposed on the Harford Street frontage. The would provide a mix of one and two bed apartments apart from on the Great Hampton Street frontage where a commercial unit for A1, A2, A3 or B1a use is proposed using the retained basement and ground floor space. The new building including the rear wing would be 4 storeys high with a flat roof.
- 1.10 Materials proposed for the Great Hampton Street front are an ebony coloured plinth with red terracotta blocks on the ground floor and large bronze aluminium framed

windows. The upper floors would be constructed from red linear stock bricks with a red terracotta cornice line and coping and would also have bronze aluminium framed windows which would be of a floor to ceiling height. On the side return of the building adjoining The Church PH red brickwork is proposed with the wording Gilders Yard added at high level. On the 4 storey wing to the rear facing an internal courtyard a blue brick would be used and the design incorporates large double glazed aluminium windows set within a deep reveal. A blank brick elevation is proposed to the rear of the Church PH but with ghost writing added at a high level.

- 1.11 *Great Hampton Street/Barr Street* – On the south side of the listed building a new building 4/5 storey building is proposed to fill the gap in the street frontage which would extend the full depth of the site through to Barr Street and adjoin the retained building at 20-26 Barr Street. The would also provide one and two bed apartments apart from on the Great Hampton Street frontage where a ground floor commercial unit for A1, A2, A3 or B1a use is proposed together with a reception area for the apartments and cycle store with 28 spaces. A semi basement area is proposed in the courtyard area to the rear for plant and an under croft car park of 47 spaces which would be served by a new access from Barr Street. The new building would provide 4 floors of accommodation on the Great Hampton Street and Barr Street frontages with the connecting wing providing four floors of apartments above the under croft car park.
- 1.12 The design of the new building on the Great Hampton Street frontage would be similar in terms height, scale and proportions to the building proposed on the north side of the listed building. The materials and detailing proposed would however be different and use bespoke cream faience terracotta panels with inlaid decorative panels in gold reflecting the Ashford and Sons “Regnum” cuff link design. The building would have a cream coloured terracotta panel to the window heads, cornice and parapet. Above the ground floor windows and to the side of the upper floor windows bespoke gold coloured mesh is proposed using a design from the pattern book of Francis Webb the pencil case maker who occupied the site prior to Ashford and Sons. Large floor to ceiling bronze aluminium framed windows are also proposed.
- 1.13 On the Barr Street frontage the new four storey building would be of red brickwork with the ground floor having alternative a frame of protruding brick courses and gates and a bin store clad with a corten steel mesh set within a black painted steel framework. The upper floors would have recessed aluminium framed windows with a recessed corten steel panel to the side. Between the two frontage building the rear courtyard wing would also be of bricks with aluminium framed windows and gold coloured panels to the upper levels set within a white framed panel reveals. The semi basement car park area would be clad with gold coloured mesh screen panels.
- 1.14 *Harford Street* – On this frontage a new 5 storey building is proposed between the Church PH and an existing commercial building at 11 Harford Street. This would provide a further commercial unit for A1, A2, A3 or B1a use on the ground floor, entrance to the apartments and a vehicle access to provide a loading area to serve the commercial units. Apartments would occupy the upper floors. The new building would be built from blue brickwork with a regular pattern of large recessed aluminium double glazed windows with small panes. The ground floor on Harford Street would have a dark grey rendered finish with timber cladding to the loading bay gates. A flat roof is proposed hidden by a brick parapet.

- 1.15 The building has been designed to be double fronted so that the rear elevation faces onto the rear courtyard opposite the wing to the listed building. Attached to the side and rear of this new building a 4 storey wing is proposed to infill the space between the buildings fronting Harford Street and Great Hampton Street. Its main elevation would front the courtyard but its rear elevation would be blank as it adjoins the curtilage to the Church PH. The design is the same as that proposed on the Harford Street frontage being of blue brickwork with a regular pattern of large recessed aluminium double glazed windows and a parapet to the roof.
- 1.16 *Courtyard* – Within the rear courtyard area the existing shopping wing to the listed building would occupy roughly the centre of the site and the development would deliver two new shopping style wings to either side with courtyards between. The existing courtyard building covering the space would be demolished to a height of 450mm and used to demark areas of private space and the historic plot boundaries. Existing blue pavers are to be retained where possible and new ones provided to areas where the existing building slabs have been removed. Elsewhere the existing concrete slabs are to be kept and repaired. Within the courtyard a limited number of new trees are proposed to be planted in containers and railway sleepers used to form benches and boundaries between ground floor apartments to allow small external terraces to be provided. Small terraces are also proposed for ground floor apartments above the basement car park roof. The applicant has also offered to replace the existing footways along the site frontages with blue brick paviors.
- 1.17 Overall the development would provide 87 one bed and 69 two bed apartments, 4 commercial units, 47 car parking spaces (a 30% provision) and 28 cycle spaces. The proposed apartments vary in size from between 42.1 and 86 square metres for the 1 bed and between 61 – 117.8 square metres for the 2 bed units. As the site covers 0.485 ha this gives a density of 321.6 dwellings per ha. The application has been supported by a Design and Access statement, viability appraisal, ecological appraisal, heritage statement, flue and ventilation strategy, structural survey, geo environmental report, noise report, transport statement and drainage scheme.
- 1.18 [Link to Documents](#)
- 2.0 Site & Surroundings
- 2.1 The application site occupies a block of land within the Jewellery Quarter Conservation Area with frontages to Great Hampton Street, Harford Street and Barr Street. It is almost entirely occupied by existing 2 and 3 storey commercial buildings last used by Frost Electroplating Ltd who have relocated to Kings Norton. On the Great Hampton Street frontage in roughly the centre of the site is an attractive Grade 2* three storey listed building with a long shopping wing to the rear. It was built in 1912 has a stone name-plate runs across its central two bays with the name J Ashford & Sons Ltd. Internally the frontage section of the building retains its original plan form and historic detailing and at the rear is a wing of open plan workshops constructed in red brick with the elevations dominated by large windows but now largely obscured by modern infill extensions.
- 2.2 On the north side of the listed building is a collection of 2 storey commercial buildings built in the mid-20th Century which have been located well back from the street frontage behind railings and a forecourt area. It is of concrete and buff brick and has a full-height roller-shutter fronting Great Hampton Street to a vehicle access and loading bay. The buildings form one large open internal space and have a corrugated roof with and skylights. On the south side of the listed building, also set back from the road frontage, are a modern group of warehouse buildings of

similar design and materials dating from the late 20th century located behind railings and a forecourt area.

- 2.3 Adjacent to this building lie 11 and 12 Great Hampton Street a pair of vacant three storey buildings located to the back of the footway which date from the mid-19th century. They originally provided ground floor retail units with two floors of living accommodation above, but have been extensively altered including ground floor roller shutters. No 12 is boarded/bricked up and has had its first floor bay window removed. Late 19th Century storey shopping wings are attached to the rear of these building which extend through to the Barr Street frontage. These brick buildings have also been subject to change and have been damaged by a recent fire.
- 2.4 On the remainder of the site's Barr Street frontage at no's 20-26 Barr Street lies a 2 storey brick industrial building which was also used as workshops for the listed building. It has large windows, brick detailing and two entrances one of which is enclosed with a roller shutter door. At the rear of the building is a group of infill workshop buildings which extend to the rear of the listed building which are roofed with corrugated plastic sheeting. On the Harford Street frontage lies a two storey workshop building constructed in red brick covered by a corrugated asbestos gambrel roof.
- 2.5 Adjacent to the site boundaries lie locally listed buildings at No's 9 and 10 Great Hampton Street (known as Hampton House) which are three storey commercial properties built in 1912 of brick of stone with brick detailing and a pitched slate roof. They are currently used as a retail unit and takeaway at ground floor level with offices above. The locally listed Church PH abuts the northern boundary and sits at the junction with Harford Street. It is a two storey Victorian building constructed in brick with a pitched slate roof. At the rear of the pub fronting Harford Street is a single storey wing used as a function room with an external terrace/roof garden.
- 2.6 Other buildings abutting the site include No 11 Harford Street/36 Barr Street a 2/3 storey commercial building used by a company exporting/importing clothes which also has a retail unit on the ground floor and No 184 Great Hampton Row a 3 storey brick commercial building also used by a clothing manufacturer.
- 2.7 Other buildings in the surrounding area comprises of a mix of mainly 2 and 3 storey commercial premises many of which are occupied by wholesale fashion businesses. On the opposite side of Harford Street and fronting Great Hampton Street are the premises of the TSB bank which are listed Grade 2 and date from 1880's. Opposite the site on Great Hampton Street is the Quartz block of modern apartments 6/7 storey high which also have a retail unit and theatre at ground floor level.

2.8 [Site Location](#)

3. [Planning History](#)

- 3.1 22/12/99 - 1999/05217/PA - Hazardous substances licence granted for storage of zinc/ silver/copper cyanide for N T Frost Ltd at 19-21 Great Hampton Street.
- 3.2 2016/04206/PA - Listed Building Consent for alterations including the installation of a new stairwell, new subdivisions and replacement windows to rear in association with the conversion of the building to form 14 residential dwellings. Current application reported on this agenda.

4. Consultation/PP Responses

- 4.1 Transportation – No objection subject to conditions requiring a package of highway works and provision of car parking and cycle parking before occupation. Transportation officers also requested that the new car park access onto Barr Street be widened to 4 metres which is now shown on the amended plans.
- 4.2 Regulatory Services – No objection subject to conditions requiring a site investigation, details of any extraction/odour control systems if any of the commercial units are used for A3 purposes, provision of noise insulation measures, a limit on noise levels from any plant and machinery and 10% provision of charging points for electric vehicles. Officers originally expressed concern regarding possible impact of noise on future residents from the roof terrace in operation at The Church PH and requested that this be assessed and the 4th floor terraces be removed. Additional information has been provided and the application amended to remove any windows overlooking the roof terrace of The Church PH, to remove the top floor terraces and to set the apartments back from the boundary. No further concerns have been raised.
- 4.3 Lead Local Flood Authority – No objection in principle but requested additional information and imposition of a drainage condition. Additional information has been provided and conditions are now recommended.
- 4.4 Severn Trent Water – No objections subject to drainage conditions being imposed and to no development being built over any public sewers within the site.
- 4.5 Environment Agency – No objection subject to conditions requiring a site investigation, validation report and require that any piling or any other foundation designs using penetrative methods are not undertaken without approval.
- 4.6 Ecologist – No objection subject to a condition requiring provision of Biodiversity/ brown roofs on the flat roofs of the development
- 4.7 West Midlands Police- No objection in principle and comments that Building Regulations will place an obligation on the applicant to conform to Approved Document Q - Security - Dwellings. Also requests that individual dwellings have their own access controls meeting Secure by Design standards, a lighting plan for the site be produced, a CCTV scheme be installed for the site, that refuse and cycle stores be secured and that there is appropriate internal access controls throughout the building.
- 4.8 West Midlands Fire Service – No objections
- 4.9 Network Rail – Comment that whilst the proposal is not directly adjacent to the operational railway the proposal includes a new basement structure on the site of an old underground petrol tank, left over from a former use. As this tank needs to be excavated from the site and it is proposed to form the new basement by linking through to the existing 1960's concrete basement behind the developer will need to obtain a BAPA (Basic Asset Protection Agreement) with Network Rail as this work is in the vicinity of a Network Rail tunnel. They will also need to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for the works, including the demolition works.
- 4.10 Health and Safety Executive – No objection subject to the existing Hazardous Substance Consent being formally revoked.

- 4.11 Historic England – In their original comments commented that: -
- They welcome the proposal is to convert the site primarily into residential units and to renovate the listed building but object to the replacement windows proposed.
 - Have no objection to the principle of the change of use throughout the site.
 - Support the erection of new flanking blocks in line with the listed building but have concerns regarding their heights in relation to the listed building and consider they should be lower.
 - They welcome the retention of Neo-Georgian/Art Deco building on Barr Street, and its incorporation into the scheme but do not support the location of the new openings proposed on the ground floor because of the intrusion into this classical modernist facade.
 - Regret the loss of the early 20th-century brick building on Harford Street, with its finely detailed end bays and large metal windows.
 - Regret the loss of the two oldest buildings on the site at Nos. 11-12 Great Hampton Street, which appear to be two early 19th-century Georgian-style three-storey houses with their associated red brick ranges to the rear.
- 4.12 Following the amendments made to the application Historic England now comment that they consider that the additional information and amendments have been very useful. Their revised comments are that:-
- They still recommend the retention and repair of some of the metal windows in shopping wing of the listed building rather than the replacement of all.
 - They find that the omission of the parapet, the photomontage provided and the setting back of the new buildings on Great Hampton Street behind the quoins (piers) of the listed building have been persuasive and although they still recommend the new buildings be lower they do not object to them.
 - They welcome the amendments made to the Neo-Georgian/Art Deco building on Barr Street, and the photomontage provided.
 - They are convinced by the proposed loss of the red brick shopping wings to the rear of 11-12 Great Hampton Street and frontage building on Barr Street and by the replacement new building element onto Barr Street.
 - Their main concerns are now the loss of Nos. 11 and 12 Great Hampton Street which they consider to be very interesting buildings which appear to date from the first decades of the 19th century. They consider that despite their condition they have architectural and historic value, proportionate to their undesignated heritage status. They recommend they be retained and consider that the restoration of their external envelope would enhance the significance of the area and that harm will be caused to the conservation area by their removal as well as the waste of the opportunity to enhance the conservation area through their retention and restoration.
- 4.13 Conservation and Heritage Panel – The pre-application proposals for the redevelopment of the site were considered at the Conservation and Heritage Panel meeting on 11 April 2016. At that time the proposed development was similar to that originally submitted for the conversion and erection of new buildings to provide approximately 148 apartments with ground floor commercial uses. The Panel strongly welcomed and supported the scheme and viewed the proposals as the much needed start to the regeneration of this side of Great Hampton Street. The panel noted the loss of the Georgian buildings on the site but accepted their extremely poor structural condition. The panel also welcomed the retention of the building on Barr Street but felt the plans of the proposed roof top extension were lacking information to fully understand its relationship to the retained buildings. It

was also suggest that the scheme could be improved by reducing the height of the new building between the Church Public House and the principal listed building.

- 4.14 Ward Councillors, MP, residents associations, Jewellery Quarter Development Trust nearby local residents and businesses notified of the application and site/press notices displayed. Seven letters received from local residents and businesses and two letters from the brewery solicitors and owner of The Church PH. Of the letters from local residents/businesses two support the application particularly the revocation of the Hazardous Substances Consent which they consider will enhance the Quarter and allow further investment to take place. Two other letters objects on the grounds of:-
- overdevelopment that will add to parking and traffic issues in the area
 - They currently allow Vodafone to have a mast on their building and the new buildings could block the mobile phone signals meaning the loss of their rent agreement and loss of income
 - Overlooking of 30-36 Barr Street
 - Development would cause air and noise pollution and will affect my business and other businesses in the area.
- 4.15 The other 3 letters support the regeneration and the retention of the listed building but raise the following issues:-
- Concern that the development will lead to more indiscriminate parking outside the Tesco store, illegal right turning off Great Hampton Street conflict with existing bus stops and measures should be taken to mitigate this.
 - Concern regarding possible noise issues from the proposed commercial units That the construction work will cause disruption, noise, pollution and obstruction.
 - That the design of the new buildings be of a high quality that fit in with the Jewellery Quarter but include modern environmental features and good outside space for residents.
- 4.16 The letters received on behalf of the brewery and from the owner of The Church PH contain the following objections:-
- The proposal represents an overdevelopment of the site and has given little consideration to the impact on The Church PH.
 - The scale of the development has an unacceptable overbearing impact on the adjoining Grade 2* listed building of significant heritage importance.
 - The development will unacceptably overlook and overshadow The Church PH and its rooftop terrace.
 - There is a poor relationship between the apartments and The Church PH caused by the scale of the development
 - The development would be contrary to national and local planning policies as it would harm the setting of the listed building and the character of the conservation area. There are no public benefits identified that would outweigh this harm.
 - The development will have an adverse impact on the well-established local business at The Church PH contrary to the policies of the UDP which state that residential development will not be allowed where it had an adverse impact on the primary commercial function of an area.
 - The noise report submitted is inadequate and the proposed windows and balconies overlooking the Church PH threaten to undermine to viability of the business.
 - The 44 car parking spaces for 156 apartments is totally inadequate

- There is already a significant problem with on street parking on the surrounding roads which will only get worse and impact on both our trade levels and ability to take deliveries etc.
- Do not have a lot of faith in the Traffic Survey/Transport Statement submitted with the as most people will have cars.
- Kerbside deliveries for the retail units will be problematic.
- Concerned about the effect on the pub of contractors parking, traffic, noise, pollution, dust, impact on the roof terrace during the construction phase of the project and the disruption to the business.
- That the development will overshadow and cause a loss of sunlight to their roof terrace and loss of light to the function room below having a detrimental impact on the business.
- The development will significantly impact on the amount of natural light in the Residential accommodation above the pub.
- The development dwarfs The Church which is a grade B locally listed building that should retain its current architectural prominence.
- The pub sign on the gable end that will covered by the development which is significant for our visibility for customers.
- There could be a conflict between the pub and new residents with noise as ground floor flats are proposed immediately adjacent to the function room and terrace which can be open until 2am and also used for some live music. If this became a noise issue it could affect our viability.
- We will have to significantly raise the level of our kitchen extraction to ensure that all the fumes from the kitchen are clear the new flats and our main boiler flue will need to be re-sited causing a bad effect on The Church's aesthetic.
- There is already a large problem with vermin around this area, demolishing and redeveloping that site will be an issue that affects the whole area

4.17 A letter of objection was also originally received from Vodaphone who have a mobile phone base station on the neighbouring property and were concerned that the increase in building heights would obstruct the service provision from our site. Following the receipt of additional information they have withdrawn their objection.

5.0 Policy Context

5.1 Birmingham Development Plan 2031, National Planning Policy Framework, Birmingham Unitary Development Plan 2005 saved policies, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD, National Technical Housing Standards.

6.0 Planning Considerations

6.1 **The Issues**

6.2 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. This comprises the recently adopted Birmingham Development Plan (BDP) 2031 and the saved policies of the Birmingham Unitary Development Plan (UDP) 2005. The National Planning Policy Framework (NPPF) and other adopted supplementary planning policies are also relevant as are the representations received from consultees and third parties. It is considered that the proposals raise a variety of issues which are discussed below:

6.3 Land Use Policy

- 6.4 The BDP aims to provide for significant new growth in the most sustainable way, ensuring that the development of new homes is matched by the provision of opportunities for new employment, accessible local services and a high quality environment. Sustainable growth in housing, retail and employment development is to be supported including a continuation of new development accommodated through the regeneration, redevelopment and renewal of its urban areas. In the Jewellery Quarter the aim is to create an urban village which supports the area's unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core
- 6.5 The NPPF also contains a presumption in favour of sustainable development and underlines the Government's commitment to securing economic growth and job creation together with high quality design. Paragraph 17 of the NPPF supports sustainable economic development to deliver new homes and encourages the use of brownfield land. Paragraph 19 states that significant weight is placed on economic growth within the planning system with paragraph 50 highlighting that residential development should reflect local demand and create mixed and balanced communities.
- 6.6 The application site is located in the Great Hampton Street designation in the Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCACAMP) where residential uses are considered acceptable. The plan encourages the re-use of vacant premises as the best means of ensuring the long term up keep of buildings of architectural merit. It also states that it is vital to encourage the regeneration of Great Hampton Street with its use as a local service centre with fashion, jewellery retailing, commercial and workshop uses and that new residential accommodation should occupy the upper floors. As such the broad principle of a residential led redevelopment scheme in this location would be acceptable particularly as commercial uses are proposed at ground floor level on Great Hampton Street and Harford Street.

6.7 Hazardous Substances Consent

- 6.8 The site has the benefit of a hazardous substances licence as approved in 1999 when N T Frost Ltd occupied the site in connection with their electroplating business. This licence has to date prevented residential development being approved in the vicinity of the application site as the Health and Safety Executive have advised against the granting of planning permission in order to safeguard residents from any potential health and safety risk resulting from the storage of the hazardous materials. However NT Frost no longer occupies the site and it is understood that company informed the HSE in March 2012 that they no longer held quantities of dangerous substances.
- 6.9 If the existing hazardous substances licence was therefore revoked this would allow the redevelopment of the site to take place and it is also likely to help the wider regeneration of this part of the Jewellery Quarter due to the constraints the current consent has on potential development opportunities in the surrounding area. Birmingham City Council is the hazardous substances authority for the purposes of the Hazardous Substances Act 1990 and Section 14 of the Act gives hazardous substances authorities the power to make an order revoking or modifying a hazardous substances consent where they consider it expedient to do so. However

the licence provides an entitlement that runs with the land and compensation can be payable when loss or damage results from a revocation or modification.

- 6.10 The applicant has therefore been asked to confirm that compensation would not be sought if the Council seek the revocation of the licence and that they would be willing to pay any legal costs in seeking a revocation order which the Secretary of State must confirm before it can take effect. This would need to be in place before planning permission could be granted for the redevelopment and therefore any decision to approve this current application would need to be subject to a revocation order being approved.

6.11 Demolition

- 6.12 As the application site is in a conservation area, planning permission is required for the demolition of any buildings. The statutory requirement is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage and that proposals for new development will be determined in accordance with national policy. It requires that applications for development affecting the significance of a designated or non-designated heritage asset, including proposals for removal, provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

- 6.13 The Jewellery Quarter Conservation Area Appraisal and Management Plan states that demolition of buildings will not normally be permitted and there is a presumption against alterations to buildings which adversely affect their character or that of the conservation area. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight is to be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

- 6.14 In support of the application a Heritage Statement and visual Structural Survey Assessment have been submitted. Following the original comments from Historic England this has been updated to provide additional information. The applicants report concludes that although the proposals will remove several buildings these have been either so heavily altered, or is in such poor condition, as to only make a marginal contribution to the aesthetic, evidential and historic values of the conservation area. The assessment comments that their removal, would result in a negligible degree of harm and that the removal of the modern warehouses fronting Great Hampton Street and replacement with new buildings would improve the character and appearance of the conservation area. Therefore, they conclude that whilst there is a minor degree of harm through the loss of some historic fabric throughout the site, the benefits to the conservation area outweigh such a negligible degree of harm.

- 6.15 At the pre application stage it was proposed only to retain the listed building on the site but following concerns about the loss of 20-26 Barr Street the applicants agreed to its retention. Historic England also initially expressed concerns about the loss of the brick building on Harford Street and the loss Nos. 11-12 Great Hampton Street with their brick ranges to the rear. They have since withdrawn their objections other than to the proposed demolition of the front section of No's 11 and 12 Great Hampton

Street which they consider to be early 19th century buildings, to have architectural and historic value proportionate that should be retained and be restored.

- 6.16 No's 11 and 12 Great Hampton Street are two rooms deep built as retail unit's with two floors of living accommodation above. They are disused and neither listed or locally listed. Their front facades have been significantly altered, by modern shop fronts, large facias and roller shutters on the ground floor with the upper floors being boarded up. The original brickwork at No 11 has been covered with cement render and side wall of No 12 has a modern brick skin and brick buttresses. The slate roof has also been repaired with a combination of bitumen and corrugated iron sheeting. The applicants consider that any historic significance is negligible and these conclusions are accepted by the Council's conservation officer who does not consider that this pair of buildings should be retained. The demolition of these non-listed buildings is considered to be acceptable and it is not considered that their loss would cause harm to the conservation area.

6.17 Design and Layout

- 6.18 Policy TP12 of the BDP states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development, and will be used to support and guide enhancement. The application site falls within the designated Great Hampton Street area within the JQ Conservation Area Appraisal and Management Plan. It notes a wide variation in the scale of the buildings in the area from two and three storey domestic properties converted to workshop uses, to later three to five storey manufactories. It also comments that there is a varied use of materials in this area including red brick and slate but also faience, terracotta and stone. The Management Plan requires the design of new development to respect the scale, form and density of development and states that building heights should generally respect the height of buildings within the locality and normally limited to four storeys. The Jewellery Quarter Design Guide also outlines principles for good design including guidance on scale, form, grain, hierarchy and materials.

- 6.19 There is also a statutory requirement to have special regard to the desirability of preserving listed buildings and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF requires new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Decisions should address the integration of new development into the historic environment.

6.20 *Great Hampton Street frontage*

- 6.21 On the Great Hampton Street the retained listed building is to be restored and repaired and converted into a commercial unit and 14 apartments most of which would be in the shopping wing to the rear. The detailed conversion work is covered by the listed building consent application 2016/04206/PA which is also reported to this committee. However in terms of the uses and intention to restore the building is considered to be acceptable and would bring an important Grade 2* listed building back into use.
- 6.22 On the north side of the listed building the new 4 storey building proposed would be located close to the back of the footway on Great Hampton Street to reinstate the original building line although behind the quoins (piers) of the listed building as requested by Historic England. In terms of the design, the new building addresses that street frontage by providing a ground floor commercial unit with apartments

above which will add to the diversity of built form and activity along Great Hampton Street. As this street is a major thoroughfare into the city with a number of substantial commercial premises of between 2-7 storeys nearby it is considered that the 4 storey building proposed is not out of scale and contrasts with the roof line of the new building south of the listed building. Materials are generally more varied in this part of the Jewellery Quarter and the use of a bespoke terracotta block and red linear bricks are considered to be acceptable and pick up on the use of narrow bricks in Birmingham's legacy of arts and crafts masonry. The conservation officer supports the proposals and although Historic England has commented that they would prefer the new buildings be lower they do not object to them.

- 6.23 The new building and its wing to the rear would adjoin The Church PH; a lower 2 storey locally listed building which has a terrace at the rear fronting Harford Street. It will be noted from the consultee responses that objections have been received from The Church PH who consider the proposal represent an overdevelopment of the site, has an unacceptable overbearing impact the pub and the adjoining Grade 2* listed building, will overlook and overshadow the pub and would harm the setting of the listed building and the conservation area. They also are concerned that there would be overlooking and a loss of sunlight to their roof terrace and function room to the detriment of their well-established local business.

- 6.24 The comments received relate to the proposals as originally submitted and since then amendments have been made to the proposals and to date no further representations have been made. The amendments include the removal of the windows, external walkways and roof top terrace originally proposed to the Harford Street elevation to address the concern regarding overlooking. The height of new works on the side elevation has also been reduced by removing a mansard roof originally proposed and as a result the side elevation to The Church PH on Harford Street would now be a solid wall with no openings. The rear wing has also been moved further back from the shared boundary. Sun path diagrams have been provided to show that the proposed development would not result in any adverse effect in terms of loss of sunlight and shadowing to the roof terrace compared to the existing situation, where the roof terrace is already flanked by a tall brick wall.

- 6.25 Although the new building at 4 storeys high would be taller than The Church PH officers do not consider it would overbearing or out of keeping with the character of development in the area which has a range of building heights up to 7 storeys. The Conservation Officer and Historic England do not object to the building heights or to the relationship with the Grade 2* listed building or the locally listed Church PH. The redevelopment of this large vacant site and the revocation of the Hazardous Substances Licence are also likely to regenerate and significantly improve this part of the Conservation Area to the benefit of existing local businesses.

- 6.26 *Great Hampton Street/Barr Street*

- 6.27 On the south side of the listed building fronting Great Hampton Street the new 4 storey building proposed has also been amended since originally submitted to delete the parapet which reduces its height as requested by the conservation officer and Historic England. Otherwise the form of the building and uses are similar to that proposed on the north side of the listed building with a ground floor commercial unit fronting Great Hampton Street and apartments above. The materials proposed however are very different being bespoke cream faience terracotta panels with inlaid decorative panels in gold inspired by the Ashford and Sons "Regnum" cuff link design. The building would also have cream coloured terracotta panel to the window heads, cornice and parapet and above the ground floor windows and to the side of

the upper floor windows bespoke gold coloured mesh is proposed with a design from the pattern book of Francis Webb the pencil case maker who occupied the site prior to Ashford and Sons.

- 6.28 The conservation officer comments that the use of faience (glazed terracotta) is very encouraging and could bring much to the quality of this scheme and its association with the Jewellery Quarter and the wider legacy of terracotta in the city where cream and buff was a common choice. He also supports the depth and form of the geometric design in the faience as it makes reference to the cross over between the chequer board geometry of the arts and crafts movement seen in the listed building at 13-21 Great Hampton Street and the emerging Art deco more abstract form. He considers the mesh panel to the windows is accepted in principle subject to further details in terms of design/pattern, fixing and finish.
- 6.29 At the rear of the new building fronting Great Hampton Street a 4/5 storey wing is proposed extending through to a new 4 storey building on the Barr Street frontage to replace the existing fire damaged buildings. The new 4 storey building fronting Barr Street would be of a similar height to the neighbouring building on the corner of Great Hampton Row and Barr Street and although it would be higher than the existing building and those on the opposite side of Barr Street which are 3 storeys high it is considered to be of a suitable scale and height. It would have a comparatively narrow frontage reflecting the original plot boundary and be built from red brick with large recessed windows. At ground floor level the frontage would provide the bin storage area and entrance to the car park. Although this is less active use this part of the site does not occupy a main road frontage. Most other buildings on this street have roller shutters at ground floor level but the application proposed to use corten steel mesh to the entrance gates which would give a more open appearance.
- 6.30 The wing proposed between the two frontage buildings facing the courtyard would provide 4 floors of accommodation but above a semi basement car park making it taller than the frontage buildings and the 3 storey listed building shopping wing in the centre of the site. The wing however is set back from the site frontages by about 10 metres on Great Hampton Street and 9 metres on Barr Street so will not be prominent from the site frontages. Whilst the new building would be about 3.5 metres higher than the listed building there is a distance of 9 metres between the two leaving sufficient space to avoid an overbearing impact. The proposed design using brickwork, aluminium framed windows, gold coloured panels, white framed trepan panel reveals and gold coloured mesh screen panels for the basement parking are considered to be acceptable in principle subject to satisfactory samples being provided.
- 6.31 *Barr Street .*
- 6.32 The other proposals on Barr Street are the retention and extension of Nos 20-26 Barr Street. The proposal to retain and convert the existing building to apartments is supported and the proposed two 2 storey mansard roof extension of corten steel is considered to be acceptable. The Conservation officer comments that the retention of this façade is welcomed as is the formation of an interesting corten steel roof extension. He considers that whilst over two floors, the extension would add interest to this street and make the division between new and old very clear. Conditions will be required regarding the details of the form of the steel, its fixing, how the windows will sit within this structure. The objections originally raised by Historic England to the ground floor windows have been addressed in the amended plans submitted.
- 6.33 *Harford Street.*

- 6.34 A number of amendments have also been made to the design of the new buildings proposed fronting Harford Street to address design issues raised and to reduce the impact on The Church PH. The amendments have improved the relationship with this neighbour by reducing the height of the courtyard building to the rear but as a result it is now proposed to increase the height of the building directly fronting Harford Street to 5 storeys due to the need to provide a viable development. In terms of design the conservation officer comments that the building is of an acceptable height and quality design that sits very comfortably with the Jewellery Quarter 'type'. He supports the use of grey render and blue brick subject to a good blue brick with purple fleck being used and a dark render.
- 6.35 The rear elevation of the Harford Street building faces the courtyard and its wing provided 4 floors of accommodation and both would lie opposite the 3 storey listed building shopping wing in the centre of the site. Whilst the new building would be higher than the listed building there is a distance of 9.5 metres between the two leaving sufficient space to avoid an overbearing impact. No windows are proposed in the side elevations which would overlook the commercial premises at No's 30-36 Barr Street.
- 6.36 Overall the proposed layout and design of the proposed development are considered to be appropriate for the Jewellery Quarter Conservation Area, would not harm its significance or adversely affect adjacent uses including The Church PH.
- 6.37 **Impact on the setting of listed buildings**
- 6.38 Consideration also needs to be given to the impact of the development on the setting of the listed buildings both on and adjacent to the site. The statutory test for development involving listed buildings is that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses and the NPPF contains similar requirements.
- 6.39 In terms of the Grade 2* listed building on the site the development would bring the building back into use, restore it and require only minimal alterations to its fabric to accommodate the proposed uses. Currently the Great Hampton Street frontage of the building adjoins two car parking/delivery areas and its rear wing is adjoined to a range of modern workshops and storage buildings. The redevelopment of the site and demolition of the modern buildings would help to reinstate its original setting between buildings fronting Great Hampton Street with the wing located within a courtyard at the rear. The replacement buildings are considered to be of an appropriate scale and design and would enhance the setting of the listed building.
- 6.40 The other listed building in close proximity to the site is the premises of the TSB bank which lie on the opposite side of Harford Street and also fronts Great Hampton Street. The side elevation of this Grade 2 listed building lies opposite the Church PH and it is not considered that the proposals would have an adverse impact on its historic interest or setting.
- 6.41 **Residential amenity**
- 6.42 The proposed apartments vary in size with the 1 bed properties being between 42.1 and 86 square metres, the 2 bed properties being between 61 – 117.8 square metres. The nationally described space standards set minimum space standards of between 39-50 square metres for a 1 bed dwelling and 61-70 square metres for a 2

bed depending on the number of occupants. The proposed apartments are considered to be of an acceptable size and although 22 of the 1 bed units are below 50 square metres this represents only a small percentage of the total number of units and a number of the other 1 bed units are considerably larger with 7 being more than 80 square metres in size.

6.43 The proposed separation distances between windows of dwellings within the courtyards are between 9 and 9.5 metres which are below the distances recommended in Places for Living. However this is considered to be acceptable in this instance due to the need to bring the listed building back into use, the need to provide a viable development on this site and having regard to the character and tight grain of the Jewellery Quarter Conservation Area. Most of the apartments would also not have any private amenity space but residents would be able to make use of the space within the central courtyard.

6.44 Objections have been raised by the Church PH that residents may be disturbed by noise from the pub which can be open until 2am and have live music. A noise assessment has been submitted with the application which concludes that traffic noise will have the greatest impact on the development but has also assessed noise from The Church PH and recommends specific attenuation to residential facades having a direct line-of-sight to the adjacent road network and a line-of-sight to The Church PH which will require specific enhanced glazing and ventilator attenuation performance. Regulatory Services also raise no objection to the application subject to conditions as it has been amended to remove any windows or terraces overlooking the public house and its terrace. They also recommend a restriction on hours of opening of the commercial units from 8am -23.00pm which would help address the issue raised by a local resident that there could be noise disturbance from these uses.

6.45 **Transportation issues**

6.46 The application proposes 47 on-site car parking spaces a 30% provision and a cycle store with 28 spaces. A number of objections have been raised that the parking will be inadequate for the scale of development however Transportation raises no objection to this provision. They comment that the submitted Transport Statement notes the levels of traffic generation and parking demand are similar between existing and proposed uses on the site with 37 and 42 vehicle trips two way in the am and pm peak periods. Parking is restricted on Great Hampton Street with double yellow lines, but unrestricted on Harford Street and Barr Street. It is noted that the parking provision is 30% where guidelines seek a maximum 150% but this has to be compared to the previous use which had minimal provision. In addition the site lies in a city centre location and has good accessibility to services and is also well served by public transport including St Paul's metro station.

6.47 A local resident has expressed concern that the development will lead to more indiscriminate parking outside the Tesco store, illegal right turning off Great Hampton Street conflict with existing bus stops and measures should be taken to mitigate this. The Tesco store is in the Quartz development opposite the site on Great Hampton Street. It is not considered that it could be shown that the redevelopment of the application site would lead to its occupants or visitors parking outside this store and therefore it would not be reasonable to require this developer to militate against this. Other comments received regarding on street parking problems in the area and that deliveries to the retail units could be difficult are not considered to be issues by Transportation Officers who do not object to the development.

6.48 Other matters

- 6.49 With regard to the other issues raised the noise report submitted has been amended and the plans revised to address issues raised by the Church PH. Conditions are recommended to require a construction management Plan to deal with contractors parking, traffic, noise, pollution, dust, arising from the demolition and construction phase of the project and possible disruption to business. The Church PH have also expressed concern that they may need to alter kitchen extraction system and boiler flue to ensure that any fumes are clear the new flats however the amendments have moved the development further from the pub and positioned windows facing the internal courtyard. If planning permission is required for any new extraction system this would be treated on its merits.
- 6.50 In response to the comments from the police the applicant has advised that a lighting plan for the site will be developed and that a CCTV scheme is to be installed at front and rear entrances. Comments have also been raised by the Council's ecologist and a local resident regarding the need to provide green roofs and all modern environmental technology. In response the applicants advise that the development will comply with all Building performance standards and in addition the they will re-using existing building and materials, will provide high standard of noise insulation over and above building regulation requirements and retained windows will be upgraded. It is not however possible to provide green/brown roofs/ or solar panels as this will impact on the scheme's viability but they are able to provide electric vehicle charging points.
- 6.51 The comment that there is a problem with vermin in the area that will be increased by demolishing and redeveloping the site is not considered a material planning matter. Likewise the objection received for a neighbour that they may lose their rent arrangement with Vodaphone cannot be given weight and it is noted that Vodaphone have withdrawn their objection to the application. The comments raised by Network Rail about the need for their consent for works to the basement have been forwarded onto the applicant.

6.51 Section 106

- 6.52 As the application is for 156 dwellings policies require 35% affordable housing to be provided and on site public open space or off site contributions. The applicant has however submitted a financial appraisal to demonstrate that due to the high levels of contamination on the site, the need to retain the listed building and No's 20-26 Barr Street the scheme would not be viable if it was required to provide affordable housing or public open space. The applicant has however offered to carry out public realm improvements on the site frontages to provide blue brick paving to enhance the conservation area and setting of the listed building. It is recommended that the delivery of these improvements is covered by conditions.
- 6.53 The applicant's viability assessment is currently being independently assessed and it has been indicated that the site would not be able to fund any further contributions or provide affordable housing. This will be confirmed at committee. The application site does not lie in a CIL charging area.

7.0 Conclusion

- 7.1 As the application site currently has a Hazardous Substances Licence it has prevented the redevelopment and investment in this part of the Jewellery Quarter for a number of years. If this consent is revoked it would allow the site to be redeveloped

and bring back into use the vacant land and buildings on the application site to the benefit of the Conservation Area. The scale and design of the new buildings proposed are considered to be acceptable and that the proposal to retain and reuse use the listed building and No's 20- 26 Barr Street would retain the historic significance of the site. A number of amendments have been made to the application to address concerns initially raised by officers, Historic England and adjoin businesses and have allowed an appropriate scheme to be brought forward to regenerate the area.

8.0 Recommendation

- 8.1 That consideration of application 2016/04205/PA be deferred pending the completion of a Revocation Order to secure without compensation or any cost to the City Council the revocation of Hazardous Substances Licence 1999/05217/PA
- 8.2. That the City Solicitor be authorised to prepare, complete and obtain appropriate Revocation Oder and submit it to the Secretary of State for approval.
- 8.3. That in the event of the Hazardous Substances Licence 1999/05217/PA being revoked to the satisfaction of the Local Planning Authority, favourable consideration be given to this application, subject to the conditions listed below:

-
- 1 Requires the prior submission of a phasing plan
 - 2 Prevents demolition prior to a redevelopment contract being entered into
 - 3 Requires the prior submission of a demolition method statement
 - 4 Requires the prior submission of building recording
 - 5 Requires the prior submission of a condition survey
 - 6 Requires the prior submission of a method statement
 - 7 Requires the prior submission of architectural details
 - 8 Requires the prior submission of sample materials
 - 9 Requires the prior submission of mortar details
 - 10 Requires details of security measures.
 - 11 Requires the prior submission of a lighting scheme
 - 12 Requires the prior submission of contamination remediation scheme on a phased basis
 - 13 Requires the prior submission of a contaminated land verification report
 - 14 Prevents any infiltration of surface water drainage into the ground
-

15	Requires the submission of the Shop Front Design of the commercial units
16	Requires the prior submission of a sustainable drainage scheme in a phased manner
17	Requires the submission prior of a Sustainable Drainage Operation and Maintenance Plan
18	Requires the submission and implementation of noise mitigation measures
19	Requires the prior submission of noise insulation (variable)
20	Limits the hours of operation of the commercial units to 08:00 to 23:00 hours
21	Limits delivery time of goods to or from the commercial premises to 08:00 to 19:00 Mondays to Saturdays and 10:00 to 18:00 Sundays
22	Requires the submission of extraction and odour control details
23	Limits the noise levels for Plant and Machinery
24	Requires the provision of a vehicle charging point
25	Requires the prior submission and completion of works for the S278/TRO Agreement
26	Requires the prior submission and completion of works to upgrade the public realm fronting the site.
27	Requires the parking area to be laid out prior to use
28	Requires the provision of cycle parking prior to occupation
29	Requires the prior submission of a construction method statement/management plan
30	Requires the prior submission of hard and/or soft landscape details
31	Requires the prior submission of a construction ecological mitigation plan
32	Requires the submission of and a scheme for ecological and biodiversity enhancement measures.
33	Requires the prior submission of boundary treatment details in a phased manner
34	Removes PD rights for any roof top equipment
35	Requires prior approval for advertisements or signage and prevents obstructions to the commercial units.
36	Requires the works to the listed building to be carried out prior to the occupation of the final phase of development.
37	Requires the scheme to be in accordance with the listed approved plans
38	Implement within 3 years (Full)

Case Officer: Lesley Sheldrake

Photo(s)

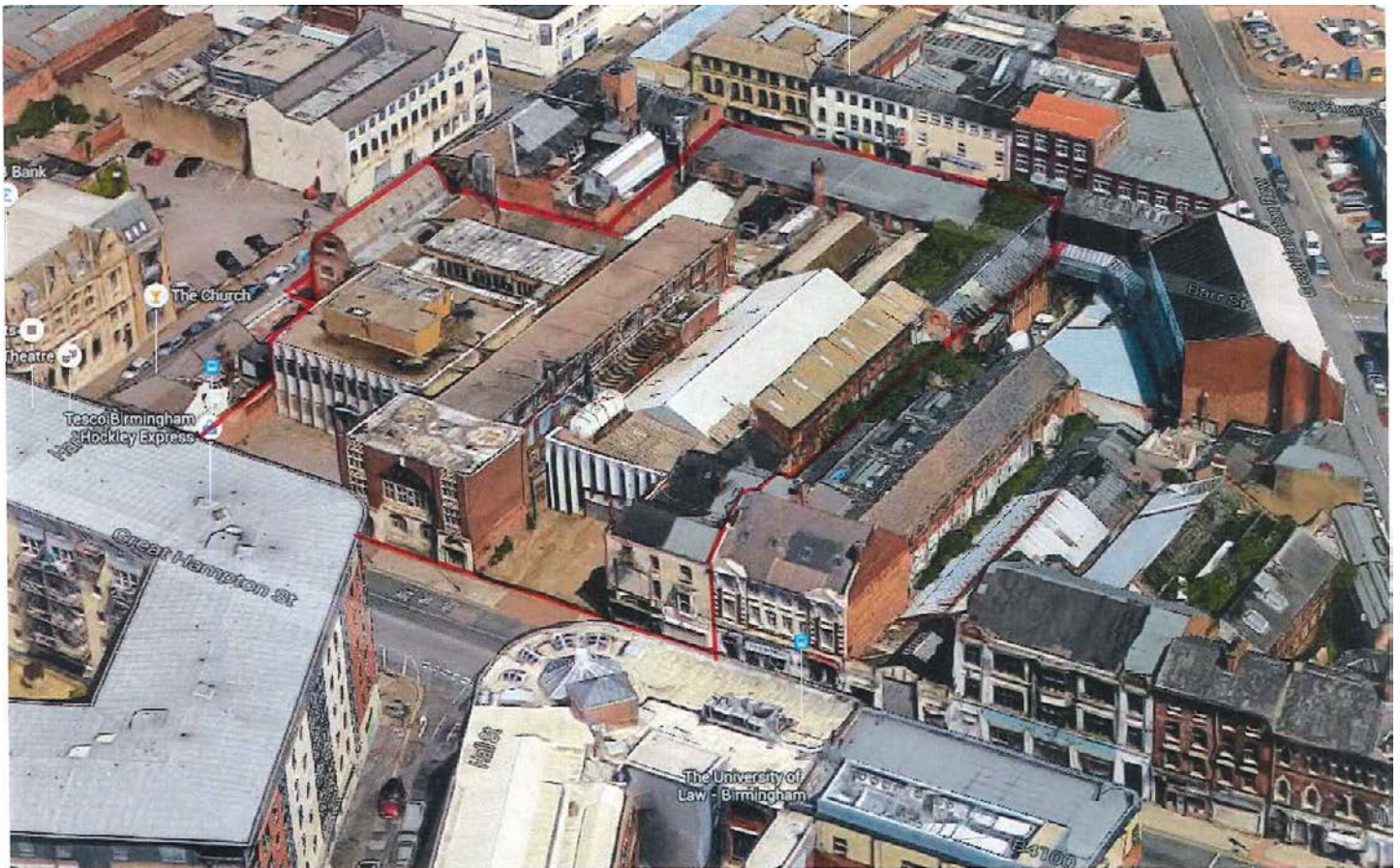


Figure 1: Birds Eye view of application site



Figure 2: View of listed building from Great Hampton Street frontage



Figure 3: View of No's 12 and 11
Great Hampton Street proposed for demolition

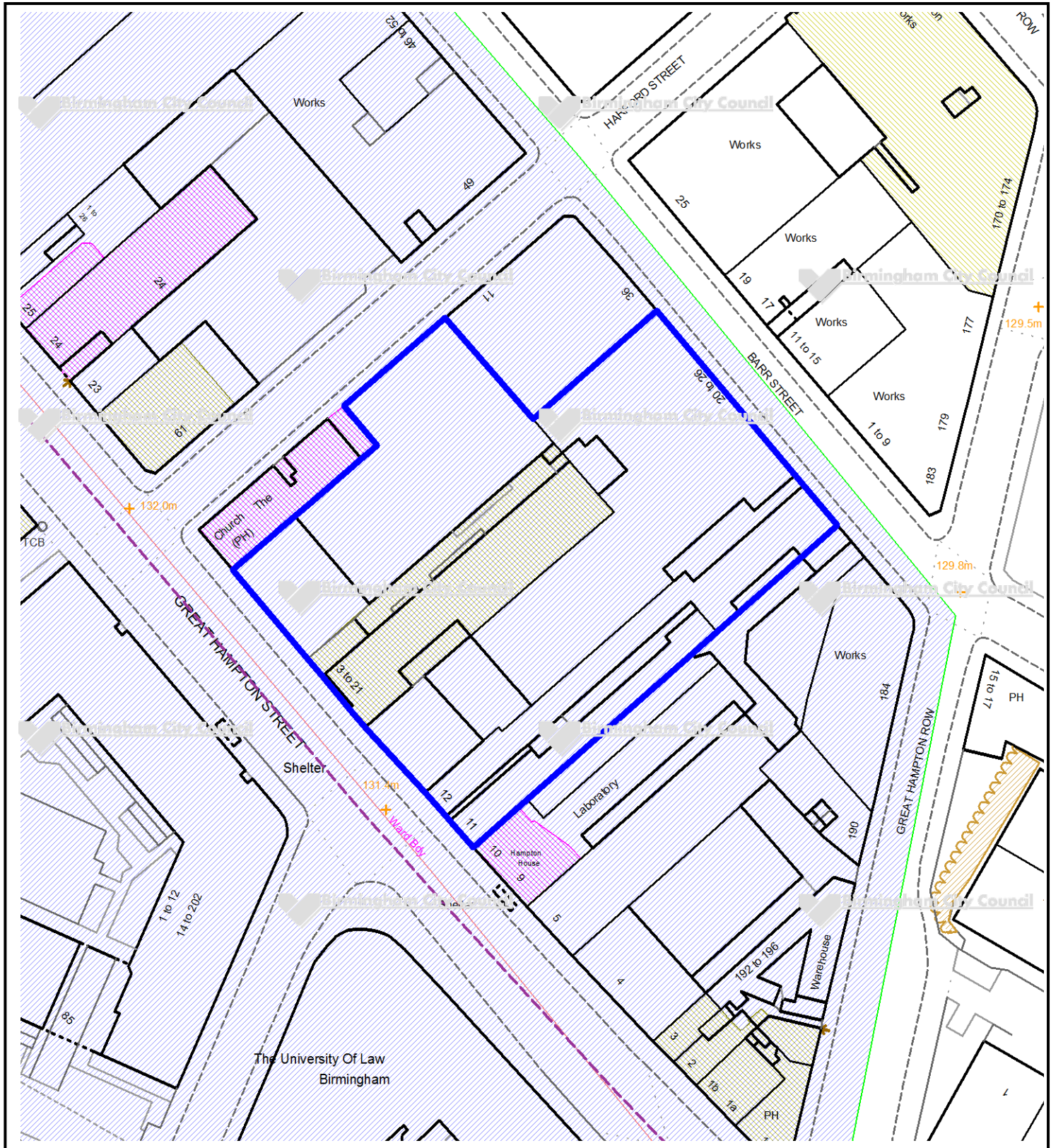


Figure 4: View of site from Harford Street



Figure 5 : View of site from Barr Street

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2016/04206/PA
Accepted:	26/05/2016	Application Type:	Listed Building
Target Date:	21/04/2017		
Ward:	Aston		

13-21 Great Hampton Street, Jewellery Quarter, City Centre,
Birmingham, B18 6AX

Listed Building Consent for alterations including the installation of a new stairwell, new subdivisions and replacement windows to rear in association with the conversion of the building to form a commercial unit and 14 residential dwellings.

Applicant:	Blackswan Developments Finance Ltd c/o Agent
Agent:	Phase 2 Planning & Development Ltd 250 Avenue West, Skyline 120, Great Notley, Braintree, Essex, CM77 7AA

Recommendation

Determine

Report Back

1. Background

1.1 This application for listed building consent and associated planning application 2016/04205/PA were reported to your Committee on the 2 February 2017. At the meeting it was resolved that both applications be deferred to secure, at no cost to the Council, the revocation of the Hazardous Substances Licence 1999/05217/PA, which affects the site. Following the revocation it was agreed that favourable consideration would be given to both applications, subject to conditions. The City Solicitor is preparing the appropriate Order for approval by the Secretary of State.

2. Issue

2.1 Two issues have arisen since your Committee considered the application in February. One concerns an objection from Vodafone that relates only to the planning issues and is reported elsewhere on this agenda in connection with application 2016/04206/PA.

2.2. The second issue concerns both applications and relates to a request from the applicants that the applications be determined at this Committee due to the time that it has taken to secure the Revocation Order. However, to protect the Council's position they have offered to accept a planning condition or unilateral undertaking to ensure no site works commence until the Revocation Order is in place.

- 2.3. The applicants have advised that the unexpected delays in obtaining the Revocation Order have led to a serious timescale issue that could jeopardise the whole project. They have therefore sought an alternative means of allowing the current planning and listed building applications to be approved but preventing development taking place until the Revocation Order has been obtained. This has been discussed with the City Solicitor who considers that this could be achieved by a unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990, in which the applicant agrees to pay the Council's costs in securing the Revocation Order and prevents development commencing until it is in place. It is considered that this would give the Council the required safeguards and would also ensure that there are no further delays in granting the planning and listed building consents which have previously been agreed.

3.0 Recommendation

- 3.1 That the City Solicitor be authorised to prepare, complete and obtain an appropriate unilateral undertaking pursuant to Section 106 of the Town and County Planning Act to ensure that the applicant agrees to pay the Council's costs (including any compensation payable) in securing the Revocation of Hazardous Licence 1999/05217/PA and that no development be carried out on the application site until the Revocation Order is in place.
- 3.2 That the City Solicitor be authorised to prepare, complete and obtain the appropriate Revocation Order and submit it to the Secretary of State for approval.
- 3.3. That in the event of the unilateral undertaking being completed to the satisfaction of the Local Planning Authority listed building application 2016/04206/PA be granted, subject to the conditions listed in paragraph 8.1 at the end of the original report.

Original Report

1.0 Proposal

- 1.1 The application relates to the 3 storey 1912 J. Ashford & Son premises on Great Hampton Street which is a Grade 2* listed building. Listed building consent is sought to convert the building into a commercial unit at ground floor and on part of the first floor fronting Great Hampton Street and to convert the rest of the first floor, second floor and 3 storey shopping wing at the rear of the building into 14 apartments. An associated planning application for the conversion of the listed building and demolition of modern buildings attached to it, together with demolition, conversion, extension, new build and alterations at No's 11-21 Great Hampton Street, 10 Harford Street and 20-26 Barr Street to provide 156 residential units and 996 sqm of commercial floor space has also been submitted under ref 2016/04205/PA. The planning application is also reported to this committee meeting.
- 1.2 The main alterations required to the listed building to allow the proposed uses are -
- the provision of a replacement timber staircase at ground floor level
 - provision of internal partitions to form the apartments
 - erection of new aluminium rain water pipes
 - provision of a new roof construction to provide insulation
 - replacement of existing windows in the rear wing of the building with new single glazed steel framed windows.

Otherwise the works proposed involve primarily repairs to the building, stripping out modern fixtures and fittings and cleaning of the existing fabric.

- 1.3 At the ground floor level of the building fronting Great Hampton Street the existing passageway would be used to provide access to the rear wing. The ground floor main entrance would be opened up to serve the commercial unit which at first floor level would include the 4 original customer counters associated with the previous use of the building. The rear wing would be subdivided so that the apartments make use of the large window openings on either side of the building facing new courtyards. A basement area under part of the rear wing is to be inspected following the removal of asbestos to see if it is suitable for use and whether existing light wells can be opened up.
- 1.4 Following the removal of the buildings abutting the listed building two new courtyards are proposed on either side of the shopping wing which occupies roughly the centre of the redevelopment area. The walls of the demolished structures would be retained to a height of 450mm and used to demark areas of private space for the new ground floor apartments as well as show the historic plot boundaries. Existing blue pavers are to be retained where possible and new ones provided to areas where the existing building slabs have been removed.
- 1.5 [Link to Documents](#)
- 2 [Site & Surroundings](#)
 - 2.1 The application site comprises of an attractive Grade 2* three storey listed building dating from 1912 with its principal façade to Great Hampton Street. It is three storeys high and has a rusticated ashlar stone façade with four arched openings at ground floor including a carriageway arch to the left-hand bay and office entrance door to the right. At first and two floors are stone mullioned window separated by bands of buff and red brick set in geometric designs with gabled parapets. A stone name-plate runs across the central two bays the name JA Ashford & Sons Ltd. Internally the building retains much of its original plan form and historic detailing including a waiting area on the first floor to four private cubicles, each having a teller's counter.
 - 2.2 At the rear of the main building is a three storey industrial shopping wing which provided workshop space. It is linked to the main building at first and second floor level whilst the ground floor is separated by a carriageway it is constructed in red brick and the side elevations are dominated by large windows although in recent years many have been obscured by a range of modern extensions. The listed building is vacant and was last used by Frost Electroplating Ltd.
 - 2.3 Surrounding the listed building and forming part of the larger redevelopment site are a range of industrial buildings used in connection with the previous industrial uses. These date from the early to late 20th century and are predominantly 2 and 3 storeys in height. The wider area comprises of a mix of commercial buildings many of which are occupied by wholesale fashion businesses together with The Church PH a locally listed building. Other listed buildings nearby include the premises of the TSB bank which are listed Grade 2 and lie at the junction of Great Hampton Street and Harford Street, Opposite the listed building on Great Hampton Street is the Quartz block of modern apartments 6/7 storey high which have a retail unit and theatre at ground floor level.
 - 2.4 [Site Location](#)

3 Planning History

- 3.1 22/12/99 - 1999/05217/PA - Hazardous substances licence granted for storage of zinc/silver/copper cyanide for N T Frost Ltd at 19-21 Great Hampton Street.
- 3.2 2016/04205/PA - Conversion of 13-21 Great Hampton Street and conversion, extension and alteration of 20-26 Barr Street to residential apartments. Demolition and redevelopment of remaining site to provide an overall total of 156 residential units and 996 sqm of commercial floor space (Use Classes A1, A2, A3, & B1a) together with associated works. Current application reported elsewhere on this agenda.

4 Consultation/PP Responses

- 4.1 Historic England – Comment that the site includes Ashford & Sons, a jewellery works from 1912 by Arthur McKewan with a highly decorative and distinctive facade and original interior features including tiled entrance halls and stair halls and some original joinery. It has a long rear workshop range in a concrete structure clad in brick, with metal windows. Both the front and rear blocks have flat asphalt roofs. This building is Grade II* listed, placing it in the top 8% of listed buildings in the country. In their original comments they stated that-
- They welcome the proposal is to convert the site primarily into residential units and to renovate the listed building but object to the replacement windows proposed.
 - Have no objection to the principle of the change of use throughout the site.
 - Support the erection of new flanking blocks in line with the listed building but have concerns regarding their heights in relation to the listed building and consider they should be lower.in line with the eaves of Nos. 9 and 10 Great Hampton Street.
- 4.2 Following the amendments made to the application Historic England now comment that they consider that the additional information and amendments have been very useful. Their revised comments are that:-
- They still recommend the retention and repair of some of the metal windows in shopping wing of the listed building rather than the replacement of all.
 - They find that the omission of the parapet, and the setting back of the new buildings on Great Hampton Street behind the quoins (piers) of the listed building have been persuasive and although they still recommend the new buildings be lower they do not object to them.
- 4.3 Conservation and Heritage Panel – The pre-application proposals for the redevelopment of the site, which were similar to those originally proposed for this application, were considered at the Conservation and Heritage Panel meeting on 11 April 2016. The panel strongly welcomed and supported the scheme and viewed the proposals as the much needed start to the regeneration of this side of Great Hampton Street. The panel noted the loss of the Georgian buildings on the site but accepted their extremely poor structural condition. The panel also welcomed the retention of the building on Barr Street but felt the plans of the proposed roof top extension were lacking information to fully understand its relationship to the retained buildings.
- 4.4 Ward Councillors, MP, amenity societies, residents associations, Jewellery Quarter Development Trust nearby local residents and businesses notified of the application

and site/press notices displayed. Seven letters received from local residents and businesses and two letters from solicitors acting for the brewery and the owner of The Church PH. The representations make comments on the planning application proposals and do not specifically comment on the works proposed to the listed building. Therefore the representations received have been addressed in the report on the planning application 2016/04205/PA which is also to be considered at this committee meeting.

5 Policy Context

- 5.1 Birmingham Development Plan 2031, National Planning Policy Framework, Birmingham Unitary Development Plan 2005 saved policies, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD

6 Planning Considerations

- 6.1 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. National Planning Policy as set out in the NPPF is that in determining planning applications, local planning authorities should take account of -

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

It also requires 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.

- 6.2 Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage and that proposals for new development will be determined in accordance with national policy. It requires that applications for development affecting the significance of a designated or non-designated heritage asset, provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

- 6.3 The applicants have submitted a heritage statement with the application which considers the significance of the listed building. In terms of the frontage section facing Great Hampton Street it concludes that it is both an outstanding building in its own right and also an important component of the Jewellery Quarter conservation area. It represents the trend at the start of the twentieth century, of the construction of large purpose-built manufactories and the architecture clearly reflects the increased wealth and importance of the area. Externally the building is highly decorative and incorporates elements of Arts & Crafts reflecting the highly skilled hand crafted materials produced within the Jewellery Quarter. Internally the building retains many of its historic features, from door cases and skirting through to wrought iron balustrading, tiled walls and stained glass doors and windows. The work-shop at the rear of listed building is largely hidden from view, by the modern additions that adjoin

it. However it does retain its red brick facades, the open working space and large windows designed to maximise light and minimise heat gain and loss.

- 6.4 The proposals for the site involve the demolition of the modern industrial/warehouse buildings surrounding the listed building which would improve its setting and appearance. Although replacement buildings are proposed, as described in the planning application report, they would reinstate the original building line on Great Hampton Street and allow the rear wing to be restored and situated within a courtyard setting.
- 6.5 The listed building is currently vacant so the intention to bring it back into a viable use which would comply with policy. Minimal alterations are proposed to the frontage section of the building other than replacing an internal existing staircase and repairing the existing fabric where necessary. Initially the conservation officer was concerned about the viability of the commercial unit and use of the first floor original glazed timber customer booths. The amended plans have since improved the commercial unit and included the first floor customer booths as part of the unit rather than leaving the space vacant as originally proposed. The proposals are not considered to cause any harm to this important heritage asset and the conservation officer and Historic England now raise no objections to the proposals subject to appropriate conditions being imposed.
- 6.8 In the rear wing some demolition is proposed on the south side of the building to remove a lean-to and tanking which cover windows and internally a number of partitions would be removed. These works are supported by the conservation officer subject to conditions to ensure other fixtures and fittings are retained and re-used and are recorded in a full photographic survey and audit. He comments that the proposed layout of the apartments within the listed buildings means that minimal impact needs to take place its fabric and considers the layout to be is generous and very sympathetic to the building. Various conditions are recommended to ensure the details of the conversion works are appropriate.
- 6.9 In the rear wing it is however proposed to remove the existing windows and provide like for like replacements. Originally it was proposed that the replacement windows be double glazed which was not acceptable to officers or Historic England but they are now to be single glazed. The applicant has advised that a survey of the windows has been undertaken by a specialist steel window repair company, which advises that the vast majority of the original Crittall windows are now beyond economic repair, with 70% of the original metal needing to be replaced in each frame. They have therefore concluded that they should all be replaced with new single glazed Crittall style windows to the original fenestration arrangement including the 1930's style windows which are a later addition. They have however amended the application so that the timber windows and doors within the rear range will be retained and made good.
- 6.10 Although Historic England still recommend the retention and repair of some of the metal windows in shopping wing of the listed building rather than total replacement of officers consider this work to be acceptable given the poor condition of the existing windows. Amendments have been made to the application to keep the timber windows and provide only single glazed replacements and this is considered to be a suitable compromise. The removal of the original windows would present a small degree of harm to historic significance to this section of the listed building but overall proposals will result in considerable benefit to the building, by removing all the additions attached to it, restoring its fabric and by making it the centre-piece for the regeneration of this part of site.

- 6.11 Although the proposals for the reuse of the listed building, as now amended, are considered to be acceptable the development would result in the provision of dwellings in a location currently subject to a Hazardous Substances Licence. It is not considered appropriate to allow the listed building to be converted to residential apartments whilst the licence is still in place and it is therefore recommended that any decision to approve the listed building consent should be subject its revocation which will be secured through the accompanying planning application ref 2016/04205/PA

7. Conclusion

- 7.1 The proposed works to this important Grade 2 * listed building are considered to be acceptable subject to the Hazardous Substances licence being revoked. Its reuse and restoration would have a positive contribution on the significance of this heritage asset and on its local character and distinctiveness.

8. Recommendation

- 8.1 That in the event of the Hazardous Substances Licence 1999/05217/PA being revoked to the satisfaction of the Local Planning Authority, favourable consideration be given to this application, subject to the conditions listed below:-

-
- | | |
|----|--|
| 1 | Requires prior building recording survey |
| 2 | Requires prior submission of a condition survey |
| 3 | Requires the prior submission of a method statement |
| 4 | Requires prior submission of architectural details |
| 5 | Requires prior submission of mechanical and electrical systems strategy and water utilities strategy |
| 6 | Requires the prior submission of sample materials |
| 7 | Requires the prior submission of mortar details |
| 8 | Requires details of any works to reuse the basement |
| 9 | Prevents installation of further signage |
| 10 | Requires the scheme to be in accordance with the listed approved plans |
| 11 | Implement within 3 years (conservation/listed buildings consent) |
-

Case Officer: Lesley Sheldrake

Photo(s)



Figure 1: View of listed building from Great Hampton Street

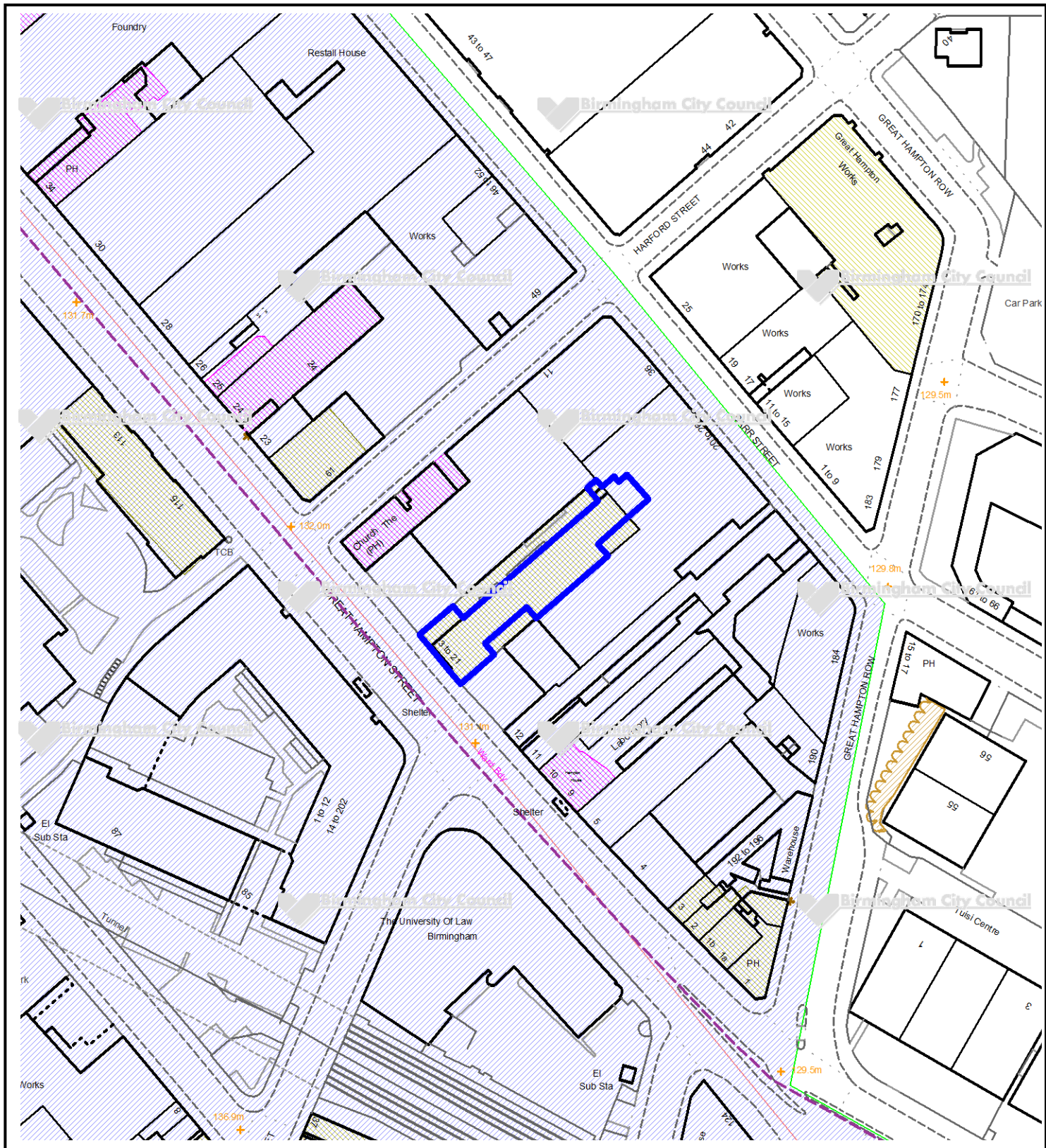


Figure 2: Internal view of rear shopping wing to listed building



Figure 3: External view of rear shopping wing

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

25 May 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	21	2017/01186/PA Ground Floor Flat 1 22 Clarendon Road Edgbaston Birmingham B16 9SE Erection of single storey rear extension
Approve - Conditions	22	2017/01959/PA The Former Pebble Mill BBC Studio site Pebble Mill Road Edgbaston Birmingham Outline planning application for the construction of a building of up to 5,000m2 which can be used as Part B1b (research and development), Part C2 (hospital) and Part D1 (non residential institution) within the medical confines of the redevelopment of the former Pebble Mill BBC studios with all matters reserved
Approve - Conditions	23	2017/02438/PA Former Birmingham Battery Site Aston Webb Boulevard/Bristol Road Selly Oak Birmingham Reserved Matters application following outline consent 2013/02178/PA, for the Layout and Appearance of the Student Accommodation (minor alterations compared to previous Reserved Matters consent 2016/02674/PA, for amendments to facades, and internal configuration)

Approve - Conditions	24	2016/09819/PA Land r/o 90 Petersfield Road Hall Green Birmingham B28 0AT Erection of residential dwellinghouse and associated access and parking.
Determine	25	2017/00403/PA 46 Chantry Road Moseley Birmingham B13 8DJ Erection of single storey rear extension with extension to basement floor to rear and alterations to front driveway

Committee Date:	25/05/2017	Application Number:	2017/01186/PA
Accepted:	15/02/2017	Application Type:	Full Planning
Target Date:	12/04/2017		
Ward:	Edgbaston		

Ground Floor Flat 1, 22 Clarendon Road, Edgbaston, Birmingham, B16 9SE

Erection of single storey rear extension

Applicant: Ms Tseng
Flat 24, 42a Albany Park Road, Kingston-Upon-Thames, Surrey, KT2 5SY,

Agent:

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for a single storey flat roofed rear extension at 22 Clarendon Road Edgbaston.
- 1.2. The proposed extension would be to the north half of the rear of the existing building, which is in use as flats. The extension would measure 8.3m long x 5.5m wide x 3.2m high. It would be brick built and rendered in keeping with the rest of the property.
- 1.3. The extension would increase the size of an existing one bed flat of 50m² to a two bedded flat of 86m². It would create two bedrooms with en-suite and reconfigure the existing kitchen/bedroom to create an open plan lounge/dining/kitchen area and separate study (which would be partly under the main staircase). This was previously shown as a bedroom, but amended at officer request due to its small size and position. The proposed two double bedrooms would measure 4.8m x 2.6m (12.48m²) and 3.9m x 3m (11.7m²). The central bedroom would have patio doors opening into the area between the extension and the existing wing whilst the rear bedroom would have patio doors at the end of the proposed extension. The bedrooms would each have a 1m x 1.5m (0.2m high) rooflight to the centre of the room.
- 1.4. This application was originally accompanied by a separate application for a basement enlargement and light wells to facilitate the formation of a sixth flat seek to increase the number of car parking spaces on site from a declared 6 to 12 (no detail provided), but this has recently been refused.

1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Clarendon Road is a residential street characterised by large brick built Victorian and Georgian Houses in large mature plots.
- 2.2. The application site is a large Victorian property, sub-divided into flats, having an asymmetrical frontage with a central entryway, a two storey three sided bay with gable roof above is balanced by a set of three rectangular windows to the ground and first floors with the ground floor windows below blind gothic arches. To the south of the rear is a large 2 ½ storey wing extending 7m west from the rear of the main building.
- 2.3. The dwellings to the south of the site (Nos 12 – 20 (evens) Clarendon Road) and along Portland Road (Nos 7-19 (odds)) are all grade II listed. No 20 is an 1855-60 Gothic Villa the dwellings further to the south being of a more traditional Georgian Style.
- 2.4. The neighbouring properties at Nos 20 and 24 Clarendon Road are family dwellings (use Class C3)

3. Planning History

- 3.1. 12/07/1990 - 1990/02025/PA – Conversion to 5 flats – Approved with conditions

15/03/2016 - 2016/01876/PA - Pre-application discussion for an extension to provide additional space in existing flats and divide one flat into two separate flats and add 3 additional flats to rear – Unlikely to gain approval

16/11/2016 - 2016/06956/PA - Erection of three storey rear extension to facilitate increase from 5 to 6 flats – Withdrawn.

11/5/2017 - 2017/01511/PA - Formation of a new flat in the existing basement, with associated building alterations including light wells and lowered basement floor level. Refused: inadequate amenity for occupiers (outlook, light, size & layout).

4. Consultation/PP Responses

- 4.1. Neighbours, Local residents, Local Councillors notified, Press and Site notice posted. Six letters of objection from local residents with the following objections:
 - Over intensive development of building which already houses five flats
 - Concerns over loss of light to neighbouring property
 - Lack of detail on car parking and concerns that the rear garden area would be lost.
 - Reduction in amenity from car park at rear.
- 4.2. Transportation Development – no objection
- 4.3. Regulatory Services – no objection

5. Policy Context

- 5.1. National Policy

- National Planning Policy Framework

Local Policy

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living SPG

6. Planning Considerations

- 6.1. The main considerations are the impacts on the street scene / visual amenity, the living conditions, residential amenity, and the impact of the proposal on highway safety and parking.
- 6.2. In paragraph 17 the NPPF supports high quality design and a good standard of amenity for all existing and future occupants of land and buildings (Para 51) it also requires that buildings be in proportion to the context (Para 59).
- 6.3. The BDP (PG3) promotes a positive sense of place with an efficient use of land it seeks to deliver a range of dwellings to meet local needs (TP20) and supports sustainable neighbourhoods (TP27).
- 6.4. Impacts on Street Scene / Visual Amenity – The proposed development sited at the rear of the building would have no impact on the street scene or of the visual amenity of passers-by or of residents living on the opposite side of Clarendon Road.
- 6.5. Living Conditions – The proposal would seek the increase in size of an existing single bedroom ground floor flat of 50m² to a larger two-bedroom flat of 86m². The proposed flat would therefore exceed the minimum requirements of the Governments Technical Housing Standard (THS) of 70m² for a two bed four person dwelling on one floor. The smaller bedroom would measure 3.9m x 3m and have an area of 11.7m², this would exceed the 11.5m² set out in the THS for a secondary double bedded room. The primary bedroom would measure 4.8m x 2.6m and at 12.48m² also exceed the standard set out in the THS. The proposed standard of accommodation would be acceptable when assessed by the standards set out in the THS and whilst these have not been adopted by this authority they form a useful benchmark at this time.
- 6.6. The proposed flat would have access to the rear amenity space via the two rear bedrooms despite the reduction in this area from the extension and the unusable space between the wings at ground floor the rear amenity space would still have an area of just over 600m² far above the 150m² (30m² per flat) required by the Places for Living SPG.
- 6.7. Impacts on residential amenity- The greatest impact from the proposed development would potentially be felt by the inhabitants of the neighbouring dwelling at No 24 Clarendon Road. I note their comments regarding loss of light from the existing wing being further compromised as a result of the proposed development. The proposed flat roof would rise approximately 1m above the existing party wall for a length of approximately 5m. Whilst this would have some effect on the light levels reaching ground floor rooms of the south elevation of No 24, these have been identified as the windows serving a store room, a utility room and the secondary (side) window to the kitchen. As the store room window faces the side of the coach house of No 24 (sited between No 24 and No 22) it is more directly compromised by this existing structure than the proposal and the loss of light to the secondary window of the

kitchen and the utility room is not, in itself, sufficient grounds for refusal. The first floor of the wing at no. 24, comprising two bedrooms and en suites, would have their outlook affected but not from loss of light due to the single-storey, flat-roofed nature of the proposal.

- 6.8. The residents of the existing ground floor flat, in the rear wing, of No 22 would overlook the proposal but only from a window to the hallway linking the various rooms and would not therefore suffer a significant impact on their visual amenity. The bedroom proposed opposite this hallway's window would use curtains or blinds for privacy as the occupier sees fit.
- 6.9. Highway Safety and Parking – The proposal indicates an increase in the number of car parking spaces from a declared 6 to 12 but no plans have been supplied. My colleagues in Transportation Development have no objections given the unrestricted on-street parking in the area and the scope for parking on site. However, given the potential for the creation of an unauthorised car parking area in the rear garden and the resulting adverse impacts on the amenity of the residents I consider it prudent and reasonable to attach a pre-commencement condition to require full details (including landscaping and boundary treatment) of the proposed arrangements to protect amenity and security for residents.
- 6.10. Other matters – I note the statement on the application that there are no trees on the development site. The proposed development would fall within the area of existing hard standing, but the rear garden does have a number of mature trees (confirmed in neighbours comments and at site visit). As works involved in the construction could cause an element of risk to these trees I propose that a pre-commencement tree protection plan be submitted a position supported by our Arboriculturalist.
- 6.11. I note the objections of the residents of No. 20 regarding impacts on the setting of the listed building. However, due to the location of the proposal at the rear of the building and masked from the rear of No 20 by a two storey wing on the south side of the application site, I do not consider that the proposal would have any impact on the setting of the listed building.

7. Conclusion

- 7.1. The proposed development would not result in harm to the appearance of the locality, residential amenities, pedestrian or highway safety, and accords with policy. The proposal would also provide additional accommodation to help meet the city's housing need. As such, I consider that the proposal would constitute sustainable development and there are no reasons to refuse the application.

8. Recommendation

- 8.1. Approve with conditions.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the prior submission of vehicle parking and turning details
 - 3 Requires the prior submission of hard and soft landscape details
-

-
- 4 Requires the implementation of tree protection
 - 5 Requires the prior submission of boundary treatment details
 - 6 Implement within 3 years (Full)
-

Case Officer: John Richardson

Photo(s)



Photo 1: Frontage of application property

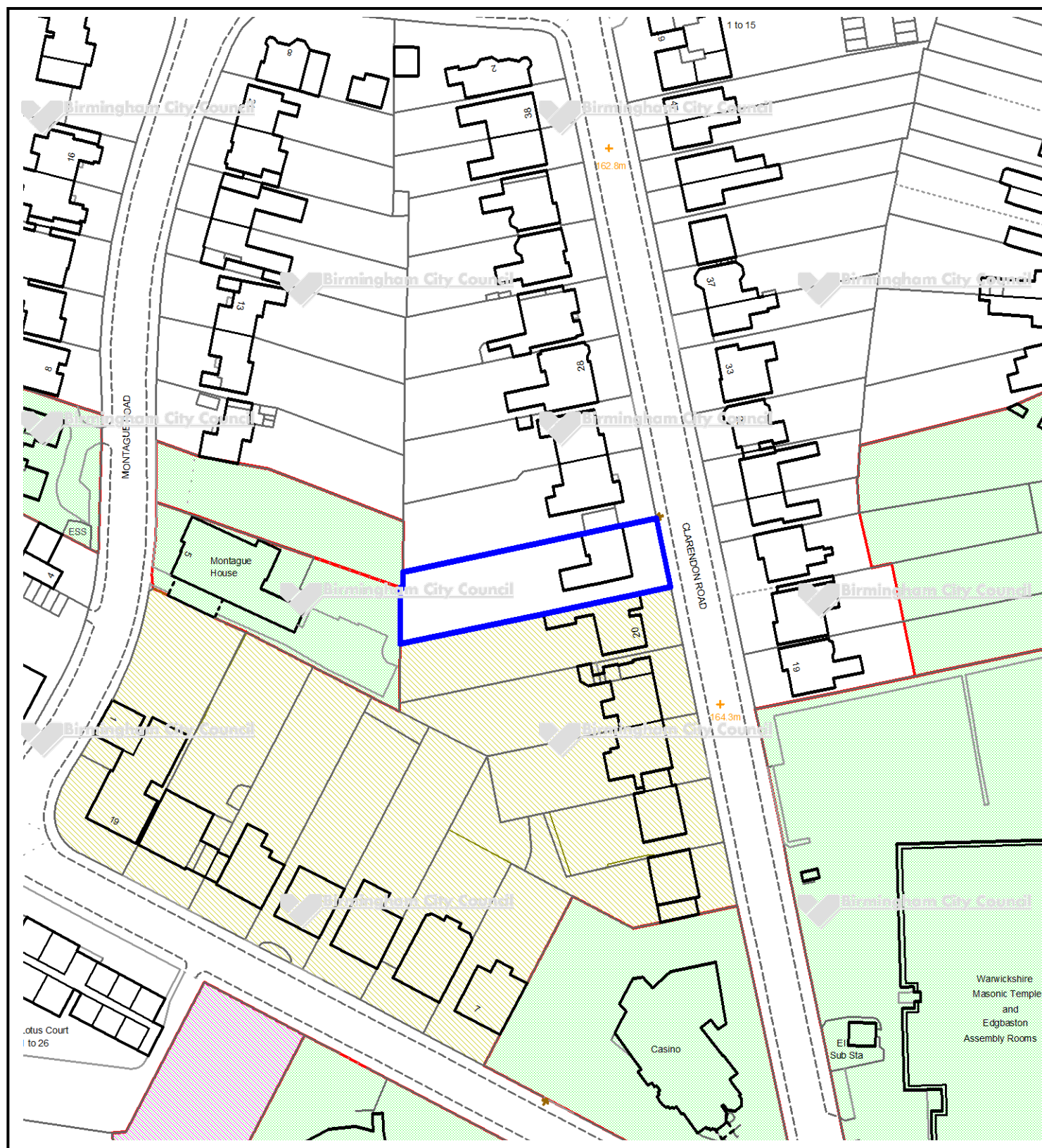


Photo 2: site of proposed extension, viewed over the side boundary wall from no. 24



Photo 3: View taken from first floor mid-wing bedroom at no. 24, looking over boundary wall to partial site of proposed extension

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/01959/PA
Accepted:	03/03/2017	Application Type:	Outline
Target Date:	02/06/2017		
Ward:	Edgbaston		

The Former Pebble Mill BBC Studio site, Pebble Mill Road, Edgbaston, Birmingham

Outline planning application for the construction of a building of up to 5,000m² which can be used as Part B1b (research and development), Part C2 (hospital) and Part D1 (non residential institution) within the medical confines of the redevelopment of the former Pebble Mill BBC studios with all matters reserved

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

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Outline planning permission is sought for the erection of a building of up to 5,000sq.m for medical uses comprising B1(b) Research and Development and/or C2 Hospital and/or D1 Non-Residential Institution. All matters are reserved for future consideration. The site is known as Plot 4, and lies towards the centre of the wider site, to the east side (Pebble Mill Road side) of the Dental Hospital and School of Dentistry.
- 1.2. Planning permission has previously been granted for the same development by your Committee under application reference 2013/09519/PA in March 2014 but has subsequently expired.
- 1.3. Whilst all matters are reserved, the previously approved schemes at the Pebble Mill site have provided a template for development within the site as a whole and subsequently this plot. These have led to a urban design context comprising:
 - The building would be up to five storeys in height (excluding plant)
 - A façade would be provided to the estate road in order to perpetuate the building line;
 - The building would be set back from the estate road, with generous distances to the side boundaries;
 - The building would be located on made-up ground to ensure it is located out of flood risk;
 - Access would be from the internal estate road and parking would be located on plot;

- The building would provide a visual stepping of development from the Dental Hospital and School of Dentistry down to Circle Hospital fronting Pebble Mill Road.
- The design would be contemporary.

- 1.4. The indicative layout plan illustrates a building of 37m depth, 32m width and four storeys in height, with a restricted-area extra floor (a fifth storey) located to the front (north) of the building, thereby fronting the internal access road and the rear boundaries of the residential properties fronting Bristol Road. This would, in turn, link the building heights of the other developments together. The submitted Design and Access Statement illustrates how the building could appear:



- 1.5. The application seeks approval with all detailed matters to be reserved for future consideration. As such, no details have been submitted for the matters of appearance, access, layout, scale and landscaping.
- 1.6. The application is supported by a Design and Access Statement, Planning Statement, Sustainable Drainage Assessment; Arboricultural Assessment, Archaeological Assessment, Ecological Appraisal, Flood Risk Assessment, Framework Travel Plan and a Transport Assessment. A Massing context plan has also been submitted.
- 1.7. Site area: 0.38ha.
- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located within the wider Pebble Mill site and is defined by the avenue of trees along Pebble Mill Road and the empty plot to accommodate the previously approved hospital to the east; the three/six storey dental hospital to the south and west; and the internal estate road and rear gardens of the houses on Bristol Road to

the north. To the south of the site lies Plot 6, where your Committee recently approved student accommodation and retail development.

- 2.2. This part of the former BBC studios was a central component of the eleven storey central core of the building. The site was vacated in 2003, and cleared during 2003/2004.
- 2.3. The immediate area surrounding the Pebble Mill site primarily consists of a mix of two, three and occasionally four storey late nineteenth and twentieth century houses. Playing fields lie to the south and west. The playing field to the south is shortly to be developed for student and retail development along with a flood mitigation scheme as recently approved by your Committee. The main leisure uses in the area are Cannon Hill Park to the south east and Edgbaston Golf Course and King Edward's School to the north, adjacent to which is the University of Birmingham's main campus.
- 2.4. Less than half a kilometre from the site along Pershore Road is the 8 storey West Midlands Police Training Facility, and a series of 1960's twenty storey local authority flats. The urban character of this area is varied including: Edwardian villas, early twentieth century detached homes, and more recently with the increased commercialisation and redevelopment of some sites, larger and taller buildings being built along some of the main roads of this part of Birmingham, such as Edgbaston Mill.
- 2.5. Bourn Brook and its tributary Chad Brook are important features in the local landscape. These two Brooks along with the retained bands of semi-mature trees divide the site into distinct areas. Flood defence works to the Brook have recently been approved by your Committee within the Plot 6 development.
- 2.6. Edgbaston is known for its 'green and leafy' image, the wider site reflects this with its mix of mature and semi-mature trees. The historic use of the site as a campus with one large building on about a third of the site with sporting facilities on the remainder has resulted in a tree-scape which follows former field boundaries within the site.
- 2.7. [Site Location Map](#)

3. Planning History

- 3.1. The wider Pebble Mill site benefits from outline consent for a science and technology park with revised accesses onto Bristol Road and Pebble Mill Road and reconfigured sporting facilities, dating from the first consent (2003/00992/PA).
- 3.2. 27 April 2017. 2017/00242/PA. Reserved Matters consent granted for appearance and landscaping for the erection of student accommodation (Sui Generis) in association with outline planning permission 2016/04450/PA. Plot 6 site.
- 3.3. 10 November 2016. 2016/04450/PA. Permission granted for a hybrid planning application consisting of: detailed planning permission for the construction of a flood risk management scheme on land off Harborne Lane and at and near Plot 6 (the former BBC Studios Sports and Social Club site) on the Pebble Mill Medical Park, alteration of an existing and the provision of new highway access onto Pershore Road with outline planning permission for student accommodation (Sui Generis) and food and drink facilities (A3/A4 & A3 with ancillary A5) and the construction of two

pedestrian bridges at the Former BBC Studios Sports and Social Club site. Plot 6 site.

- 3.4. 17 September 2015. 2015/05000/PA. Reserved Matters permission granted for access, appearance, landscaping, layout and scale for a C2 hospital in conjunction with outline approval (2014/00203/PA) for the erection of a building up to 15,000sqm for the use as B1 (research and development), C2 (hospital) and/or D1 (non-residential institutions). All pre-commencement conditions have been discharged and the site is currently being hoarded in advance of construction work commencing on site. Plot 5 site.
- 3.5. 8 January 2015. 2014/07366/PA. Planning permission granted for the proposed erection of 14 flats (consisting of 13 x three bed and 1 x four bed), car parking, landscaping and vehicle access for Bristol Road at 248-250 Bristol Road.
- 3.6. 4 April 2014. 2014/00203/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 15,000sqm for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 5 site.
- 3.7. 6 March 2014. 2013/09519/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 5,000m2 for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 4 (the current application site).
- 3.8. 17 October 2013. 2013/06099/PA. Planning permission granted for the Construction of a 62 bedroom, part three and part two storey, care home including secure landscaped gardens and on-site parking with ancillary earthworks.
- 3.9. 7 December 2012. 2012/03743/PA. Permission granted for reserved matters for Dental hospital and school of dentistry.
- 3.10. 28 August 2012. 2012/03756/PA. Permission granted for the landscaping of land adjacent to Dental Hospital site and proposed Bourn Brook pedestrian footpath.
- 3.11. 17 November 2011. 2011/05676/PA. Permission granted for the erection of Dental Hospital and School of Dentistry on plots 2 and 3, with associated research & development and teaching facilities, ancillary office and support facilities, access, parking and landscaping. Outline consent for 16,000 sqm gross internal floor space (three to six storeys), with all matters Reserved.
- 3.12. 18 August 2011. 2011/03010/PA. Permission granted for a package of advanced infrastructure, inclusive of internal access road, associated drainage, services, security gates and parking, substation and security kiosk, promenade, wildlife planting, area of open space, and footbridge link.
- 3.13. 16 October 2009. 2009/03738/PA. (Site fronting Pebble Mill Road) Permission granted for the erection of a Medical facility providing up to 15,000 square metres of accommodation for Class B1(b) Research and Development, and/or Class C2 Hospital, and/or Class D1 Clinic and/or Medical School and/or Dental School. Detailed consent for site access.
- 3.14. 6 April 2006. 2006/00518/PA. Permission granted for a Section 73 application to vary and remove B & C conditions of 2003/00992/PA to allow for phased implementation for up to 10 years of outline planning permission for construction of

technology and science park with revised accesses on Bristol Road and Pebble Mill Road and reconfigured sporting facilities.

- 3.15. 8 October 2003. 2003/00992/PA. Permission granted for the construction of a technology and science park with revised accesses on Bristol Road and Pebble Mill Road and re-configured sporting facilities (outline application - only access determined).

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and Residents Associations notified. Site and Press notice posted. No responses have been received.
- 4.2. Regulatory Services – No objection subject to safeguarding conditions relating to contaminated land, extraction and odour control and plant noise.
- 4.3. Environment Agency – have no comments to make as the proposal is outside of their statutory remit.
- 4.4. Transportation – No objection subject to safeguarding conditions relating to car park management, construction management and a travel plan.
- 4.5. Severn Trent Water – No objection subject to a drainage condition.
- 4.6. West Midlands Police – No objection.
- 4.7. Lead Local Flood Authority – No objection subject to safeguarding conditions relating to surface water drainage.

5. Policy Context

- 5.1. NPPF, Birmingham Development Plan (BDP) 2031, Saved Policies of the Birmingham Unitary Development Plan 2005, Places For All 2001, Car Parking Guidelines SPD, Pebble Mill Watermill Archaeological Site.

6. Planning Considerations

- 6.1. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling.
- 6.2. The Pebble Mill site is identified in the BDP as being located within the Selly Oak and South Edgbaston Area, albeit outside of the growth area boundary identified in Plan 13 and Policy GA9; as being suitable for a broad range of technology and medical and health uses. The supporting text identifies in Paragraph 5.102 that the area will see significant investment. It goes on to state *“The aims are to maximise the potential of the University and Hospitals, promote economic diversification and to secure significant spin off benefits from new development. In particular the area will provide the focus for the clustering of activities associated with medical technology in the Life Sciences sector. This recognises the potential to marry growth in the Life Sciences sector with the unique spatial opportunities offered in this location. This will*

further enhance the City's future economic competitiveness and attract investment and jobs."

- 6.3. The proposal would provide a new medical facility comprising of either B1 (b), C2 and D1 or a combination of these uses. The Dental Hospital/School of Dentistry is located on Plots 2 and 3 whilst a private dementia care BUPA facility is under construction on Plot 1, and a private hospital was approved on the adjacent site - Plot 5 fronting Pebble Mill Road.
- 6.4. The proposed development uses would sit comfortably within the wider site, which has been established as a medical park, through the uses on site and with the benefit of planning permission. The proposed medical facility would assist in research and development and/or medical care uses supporting the policy focus of the BDP for the clustering of activities associated with medical technology. On this basis, I consider that the addition of the proposed use within a wider site that has planning permission and/or are established as medical uses is acceptable and in accordance with the development plan policy.

Design and Landscape

- 6.5. Policy PG3 of the BDP identifies that new development should demonstrate design quality and contribute to a sense of place by creating safe and attractive environments.
- 6.6. The application has been submitted with all matters reserved. However, a massing context plan has been submitted that indicates a primarily four storey building with a fifth floor added to the building frontage to maintain the street scene along the internal access road and bridge the building scale and height from the three/four storey Circle hospital to the north east to the five/six storey Dental Hospital and School of Dentistry to the north west. An indicative design has also been submitted as detailed in the proposals section of this report. My design advisor considers this approach to be acceptable in principle and supports the concept of a light, recessive, glazed top floor and I concur with this view.
- 6.7. I consider that the scale of the development proposed compares favourably with both the former BBC site, which had an intensive urban form with many buildings of 2 or 3 storeys height, and one 11 storey block and with adjacent developments on Plots 1, 2, 3, 5 and 6 (for the student accommodation). Exactly how the 5,000sqm of accommodation would be provided would be determined in a future Reserved Matters application, but the applicant has demonstrated thus far a reasonably likely form of development. The building is shown set back from the estate road allowing for a generous strip of planting to the frontage, in keeping with local character, which would be addressed during reserved matters submission.
- 6.8. The distance of the indicatively-placed building from rear garden boundaries on Bristol Road is at 40m, which is not considered close especially given the previous development, the length of Bristol Road gardens (100m), and tree and other vegetation screening on the boundary and in the gardens. Therefore, given the indicative setbacks from the estate road and other site boundaries, the significant avenue of tree cover on and around the site, and the previous development form, I am satisfied that 5,000sqm can be accommodated on the site without undue effects on local character and residential amenity.
- 6.9. I note that development is currently underway on the adjacent residential site at 248-250 Bristol Road. The footprint of the approved scheme broadly reflects the building

patterns of adjacent houses fronting Bristol Road as such, the scheme's relationship with the proposed Plot 4 development would continue to maintain the generous separation distances.

Archaeology

- 6.10. An assessment has been submitted in support of the application given its proximity to the Pebble Mill Watermill archaeological site. The assessment concludes that the proposed development would not affect the area of archaeological potential. Your Conservation officers have raised no objection to the proposed development and consider that no further archaeological work is required. I concur with this view.

Trees

- 6.11. The submitted Arboricultural Assessment dates back to 2011 and covers the site as whole. It was originally undertaken for the advanced infrastructure works. All of the trees surveyed in relation to the application site now under consideration are located around the edge of the wider site and have therefore been considered under the advanced infrastructure permission. No trees are located within the application site itself, but plenty of space is likely to remain around the building, within which both suitable parking and planting should be accommodated.

Flood Risk and Sustainable Drainage

- 6.12. A Flood Risk Assessment and a Sustainable Drainage Statement have been submitted in support of the application. The Environment Agency Flood Maps indicate that the site is partially within Flood Zone 2. However, a detailed hydraulic modelling exercise (undertaken as part of the hybrid planning application for Plot 6 including an extensive flood alleviation scheme) shows that the application site falls outside of the Chad Brook and Bourn Brook flood plain. Given this, the Environment Agency now considers this development as outside of their statutory remit.
- 6.13. The accompanying sustainable drainage statement identifies a fixed discharge rate of 5 litres per second into the Bourn Brook as per the previously agreed surface water strategy. Cellular storage beneath permeable paving is proposed for surface water storage. The LLFA have raised no objections subject to relevant sustainable drainage conditions and I concur with this view.

Ecology

- 6.14. An ecological assessment was undertaken for the site redevelopment in February 2017 which included a Badger survey. This identified that the site comprises common and widespread habitats that support species of low ecological value and is currently used for the storage of construction materials. The site is noted to have limited potential for roosting bats, nesting birds and no Badger activity was recorded. The City's Ecologist raises no objections and I concur with this view. Safeguarding ecology conditions are recommended.

Transport

- 6.15. A Transport Assessment has been submitted in support of the application. Access to the site would be via Mill Pool Way, which connects the two main access points in the form of a priority controlled 'T' junction on Pebble Mill Road and a traffic signal controlled T-Junction. The assessment notes that the site is highly accessible by public transport on both Bristol Road and Pershore Road. It goes on to conclude

that the proposed use, in conjunction with the other permitted site uses; would have a negligible impact on traffic flows in both the morning and evening peak hours.

- 6.16. As the end user is yet unknown, detailed car and cycle parking requirements are unknown however, it is acknowledged that the application site could accommodate the requirement in accordance with the Car Parking Guidelines SPD.
- 6.17. Transportation considers the anticipated parking levels and trip generation levels to be acceptable and I concur with this view. Safeguarding conditions are recommended relating to car park management, construction management and a travel plan.

Community Infrastructure Levy

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

7. Conclusion

- 7.1. The proposed medical facility of either B1(b), C2 or D1 uses or a combination of the proposed uses would be a welcome addition to the Pebble Mill development which has already seen outline permission granted for a private hospital, a private BUPA care home under construction and the relocation of the School of Dentistry and the Dental Hospital. This development would form another part of a growing medical/health park, supporting the aims and objectives of the Selly Oak and South Edgbaston Area in accordance with the BDP. Detailed Access, Scale, Layout, Appearance and Landscaping issues would be dealt with at Reserved Matters stage.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the development of the remaining vacant site within the former Pebble Mill site for new medical/research and development facilities and which would provide wider economic and social benefits, whilst supporting the provision of local employment in construction and medical career opportunities and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That outline planning permission with all matters reserved is granted subject to the conditions listed below.

-
- | | |
|---|--|
| 1 | Requires the submission of reserved matter details following an outline approval |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a contamination remediation scheme |
| 4 | Requires the prior submission of a contaminated land verification report |
| 5 | Limits the maximum gross floorspace of the unit |
| 6 | Requires the prior submission of a sustainable drainage scheme |
-

-
- 7 Requires the prior submission of a drainage scheme
 - 8 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 9 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 10 Requires the prior submission of extraction and odour control details
 - 11 Limits the noise levels for Plant and Machinery
 - 12 Requires the prior submission of hard and/or soft landscape details
 - 13 Requires the prior submission of boundary treatment details
 - 14 Requires the prior submission of a landscape management plan
 - 15 Requires the prior submission of a lighting scheme
 - 16 Requires the prior submission of a construction method statement/management plan
 - 17 Requires the prior submission of sample materials
 - 18 Requires the prior submission of level details
 - 19 Limits the layout plans to being indicative only
 - 20 Requires the prior submission of details of refuse storage
 - 21 Prevents the use from changing within the use class
 - 22 Removes PD rights for telecom equipment
 - 23 Requires a minimum of 10% of parking spaces shall have vehicle charging points.
 - 24 Requires the prior submission of a parking management strategy
 - 25 Requires the prior submission of a commercial travel plan
 - 26 Requires the prior submission of details of parking
 - 27 Requires the parking area to be laid out prior to use
 - 28 Requires the prior submission of cycle storage details
 - 29 Implement within 3 years (outline)
-

Case Officer: Pam Brennan

Photo(s)

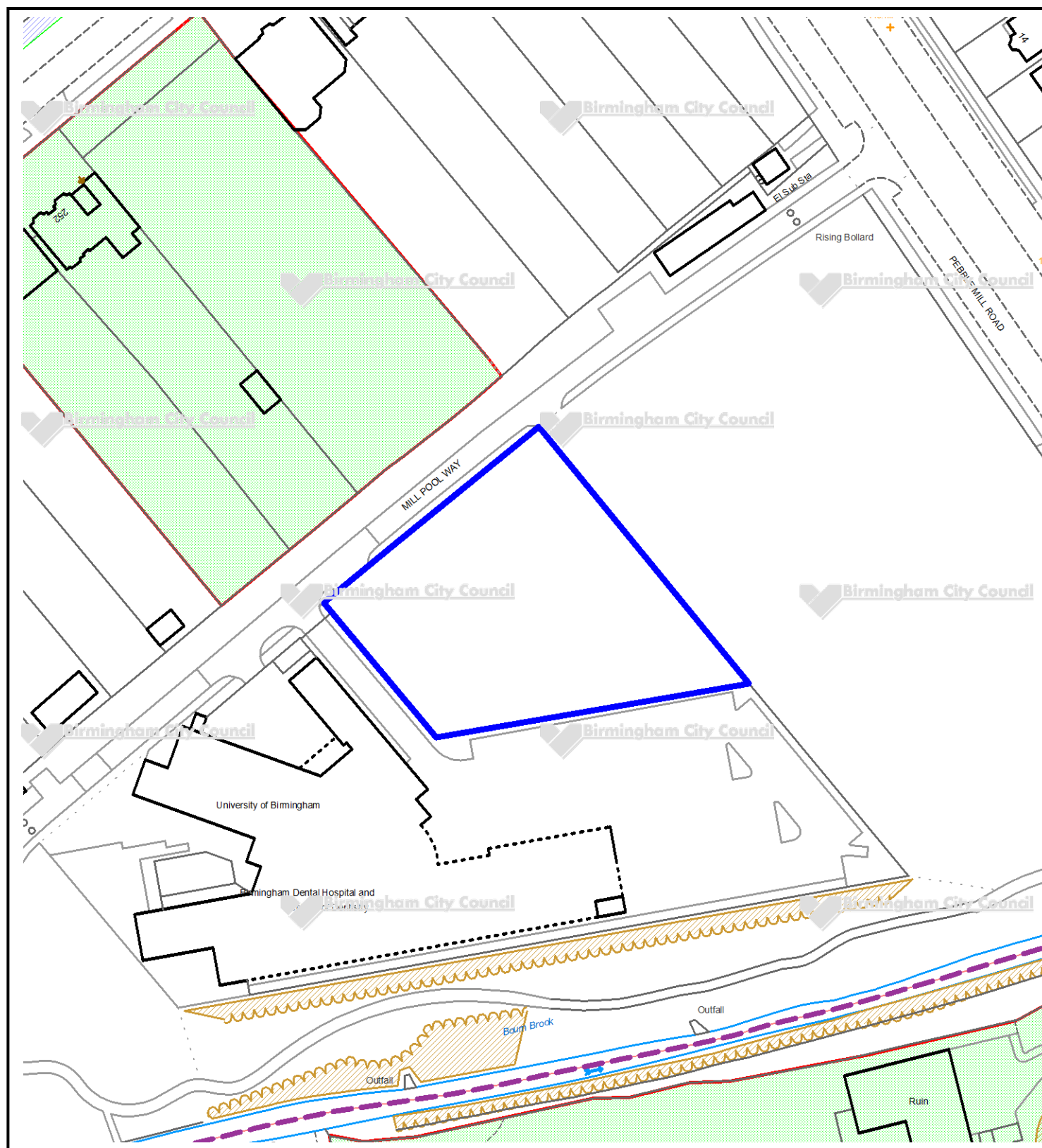


Photograph 1: Looking South into Application Site from Mill Pool Way (internal access road)



Photograph 2: View looking south west – application site and adjacent Dental Hospital and School of Dentistry

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/02438/PA
Accepted:	17/03/2017	Application Type:	Reserved Matters
Target Date:	07/07/2017		Development
Ward:	Selly Oak		

Former Birmingham Battery Site, Aston Webb Boulevard/Bristol Road, Selly Oak, Birmingham

Reserved Matters application following outline consent 2013/02178/PA, for the Layout and Appearance of the Student Accommodation (minor alterations compared to previous Reserved Matters consent 2016/02674/PA, for amendments to facades, and internal configuration)

Applicant:	Harvest 2 Selly Oak Ltd c/o Agent
Agent:	Turley The Charlotte Building, 17 Gresse Street, London, W1T 1QL

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Members will recall the two previous Reserved Matters applications (2015/04902/PA and 2016/02674/PA), considered at your meetings of December 2015 and June 2016. The first covered the whole former Battery site, the second just the Student Block (for amended footprint (and consequent heights/design), to increase separation to the nearby overhead electricity cables). This new application proposes very limited amendments to the previous approval for the student block, which can be summarised as:

External:

- (a) Replacing a thin brick pier in each window aperture, with a metal fin;
- (b) Deleting a brick transom in each window aperture;
- (c) Altered louvre and brick details at the top two floors of the 18 storey element;
- (d) Reduced reveal depth to each window aperture, from two brick lengths to one (42cm, to 21cm);

Internal:

- (e) Introduction of a second post room, to reception area;
- (f) Provide fire lobby in front of stairs and lifts (refuge area for wheelchair users in event of fire);
- (g) Extremely minor changes to en-suites.

- 1.2. The external changes (a), (b), and (c) are proposed to the two principal elevations: east and west, i.e. facing the Worcester & Birmingham Canal, and over the Supermarket. The Applicant considers the design changes would improve design, and reduce technical complications and cost. The Applicant also notes that the

design-construction system evolved during 2016, leading to the proposal to replace the originally-sought brick slips cladding to now be replaced with full bricks.

- 1.3. To be clear, there would be no other changes, i.e. no change to building siting, footprint or floor area, number of bedrooms, etc.. (therefore, remaining at 13,949 sqm floorspace, 418 student bedrooms, 18, 11 and 14 storeys to the three principal building elements).
- 1.4. The application is accompanied by the following supporting documents: Design & Access Statement, Planning Statement, Environmental Statement Update.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises 0.11 ha of land, the size of the building footprint, alongside the W&B Canal. It consists of recently-cleared and de-contaminated land on the eastern edge of the former Battery Site. The site lies at some 4m lower ground level than the street level of the Bristol Road canal bridge. The canal towpath in front varies in height, due to the remnant of the former junction to the Lapal Canal.
- 2.2. Land to the west will be the future Supermarket and Retail development, while the land to the east on the opposite side of the W&B Canal has planning consent for commercial uses as part of the Outline Consent (2013/02178/PA). The two will be connected by a future bridge over the W&B Canal. The cross-city railway line passes to the north and east. Western Power Distribution has extensive electrical equipment (Switching Station, including pylons) to the north, with overhead power lines running across the application site across the canal towards Selly Oak train station. Beyond the electricity infrastructure to the north will be the Life Sciences Campus.
- 2.3. Residential areas lie to the west particularly, along with Selly Oak Park, and allotments and other open space and the Bourn Brook are to the north-west. To the north beyond the Life Sciences Campus site are the Queen Elizabeth Hospital, the Birmingham & Solihull Mental Health Trust site, and University of Birmingham. Selly Oak (Bournbrook) Centre is to the east. Just to the east of the railway line are two Grade II Listed Buildings: Selly Oak Library, and the large Electricity Sub Station at the rear of 659 Bristol Road. The site to the south-east on the opposite side of the canal is the new Sense building for the Deaf-Blind, which is now substantially complete.
- 2.4. The site is well-served by bus and train, with the many frequent bus services running on Bristol Road and Harborne Lane, and on Aston Webb Boulevard. University train station is some 550m to the north of the site, along the canal towpath.
- 2.5. The wider Battery site is affected by a number of land/planning designations: Site of Local Importance for Nature Conservation (SLINC), covering approximately half of the site (central area, but now redundant due to site remediation); Wildlife Corridors, on the railway, canal, and line of the former Lapal Canal; 'Linear open space walkways', along the line of the former Lapal Canal, and across the site to link the W&B Canal and Bournbrook Walkway; Gas pipeline, western side of railway and canal; Flood Zones 2 and 3, in the north-western part of the site; The Birmingham (Tip rear of Birmingham Battery, Bristol Road, Selly Oak) Tree Preservation Order

601, 1992 (long-redundant at the application site due to major infrastructure works – construction of the Selly Oak New Road, then site remediation).

[Location map](#)

3. Planning History

- 3.1. Extensive. Most relevant and recent 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. 17/12/15, 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. 9th June 2016, 2016/02674/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 Student Accommodation. Approved.

4. Consultation/PP Responses

- 4.1. Fire Service – no objection.
- 4.2. Given the nature of the minor amendments proposed, the only other consultation has been with the Conservation Officer, please see the 'Proposals' section.
- 4.3. Notification sent to nearby residential and commercial occupiers, owners of Battery Retail Park, Local Councillors, MP, Residents' Associations, two Site Notices and a Press Notice displayed. No responses received.

5. Policy Context

- 5.1. Principal documents include: Unitary Development Plan (UDP) (Saved Policies), Birmingham Development Plan (BDP), Wider Selly Oak Plan Supplementary Planning Document (SPD), Places for Living Supplementary Planning Guidance, High Places SPD, Specific Needs Residential Uses SPG, National Planning Policy Framework (NPPF).

6. Planning Considerations

- 6.1. All matters for the Student Accommodation have been approved in the previous Reserved Matters application of 2016. This new application seeks only minor changes to Appearance, and to internal Layout, as follows:

External:

- (a) Replacing a thin brick pier in each window aperture, with a metal fin;
- (b) Deleting a brick transom in each window aperture;
- (c) Altered louvre and brick details at the top two floors of the 18 storey element;
- (d) Reduced reveal depth to each window aperture, from two bricks to one;

Internal:

- (e) Introduction of post room to reception area;
- (f) Provide fire lobby in front of stairs and lifts (refuge area for wheelchair users in event of fire);
- (g) Extremely minor changes to en-suites.

- 6.2. External changes:

- 6.3. The overall effect of the changes are limited and acceptable in my opinion, and my Urban Design colleague concurs. I consider the effect of the overall double-height window aperture would be accentuated with the replacement of the thin brick pier in each window aperture, with a metal fin (aluminium), and the deletion of the brick transom – the two original features sat in the middle of the apertures and were not/little recessed, so their removal/replacement would increase the emphasis of the double-height features. However, this emphasis would not be too strong, in my opinion, because window reveal depth would be reduced from the previously-approved 42cm, to 21cm now proposed. The top two-floors on the 18 storey element would still have an additional design feature (a recessed brick panel), providing the (subtle) extra architectural detail which 'High Places' seeks. I consider the overall effect compared to the 2016 consent would be neutral. My Conservation Officer considers there would be no additional effect on the local heritage assets (the settings of the two Listed Buildings to the north-east). I welcome the replacement of the former brick-slip cladding system, to a more robust full brick construction.

- 6.4. Internal changes:

- 6.5. These are minimal and acceptable, including to the Fire Service.

- 6.6. All the external and internal changes would comply with local and national policy.

7. Conclusion

- 7.1. The amendments to external design and internal layout are minor and acceptable, the proposals constitute Sustainable Development and would comply with local and national policies.

8. Recommendation

- 8.1. Approve, subject to conditions

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 As per Noise Report for condition approval 2016/05736/PA
 - 3 Noise Validation report
-

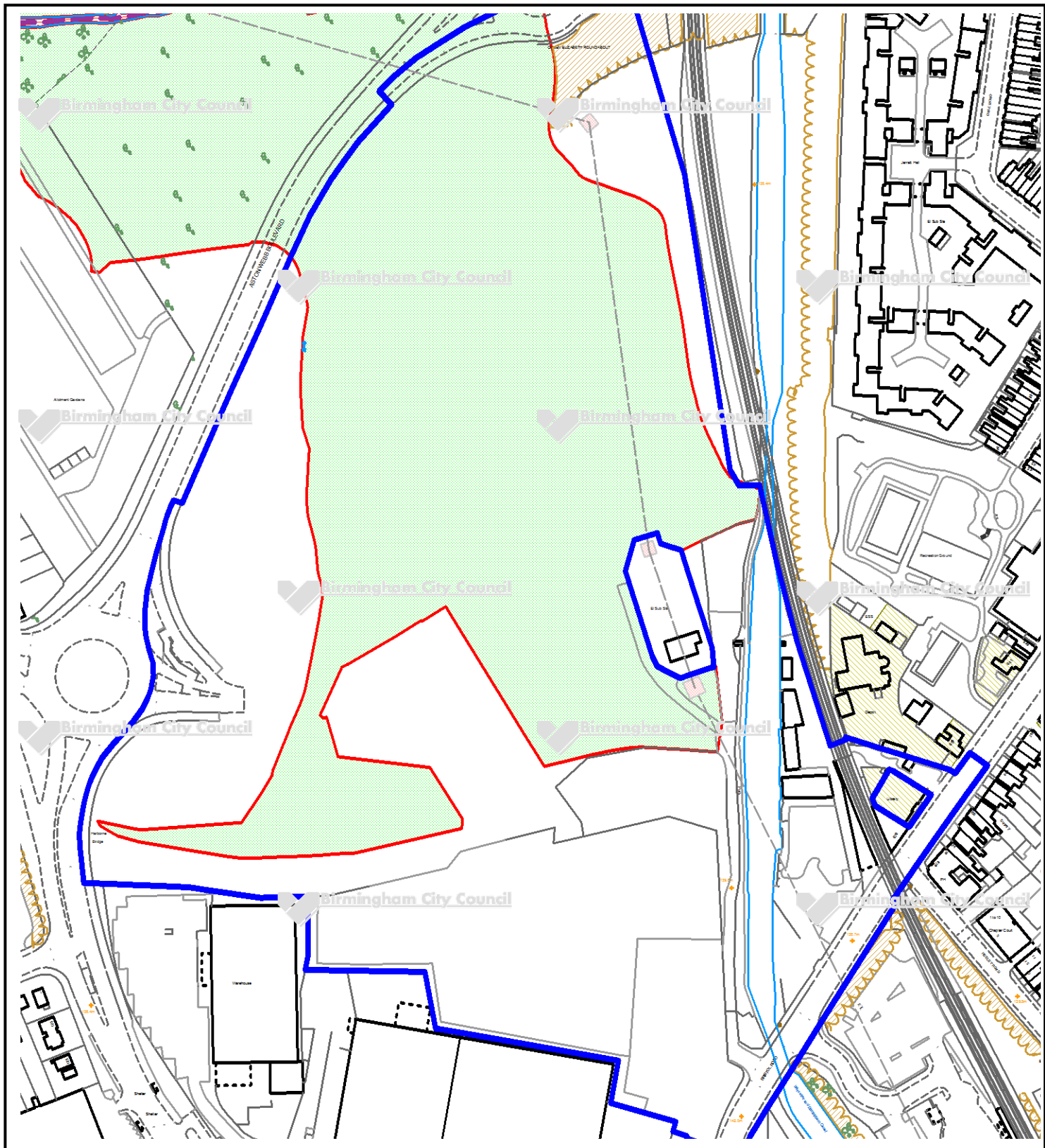
Case Officer: Simon Turner

Photo(s)



Photo 1: View of site, on far side of canal. Looking north-west from Bristol Road

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2016/09819/PA
Accepted:	30/03/2017	Application Type:	Full Planning
Target Date:	25/05/2017		
Ward:	Hall Green		

Land r/o 90 Petersfield Road, Hall Green, Birmingham, B28 0AT

Erection of residential dwellinghouse and associated access and parking.

Applicant: Mr Mahesh Ladwa
c/o agent
Agent: The Tyler-Parkes Partnership Ltd
66 Stratford Road, Shirley, Solihull, B90 3LP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks permission for the erection of a bungalow with roof space accommodation within the rear garden of No.90 Petersfield Road, Hall Green.
- 1.2. The proposed bungalow would be located on land which currently forms part of the private amenity space to No.90 Petersfield Road, fronting onto Palmcourt Avenue at the rear. The bungalow would have a width of 7.2m, a maximum depth of 12.3m, and would be set back from the highway by 7.9m behind front gardens and a parking area. The dwelling would have an eaves height of 2.7m with a maximum height of 5.6m to the ridge. The dwelling would be simple in design with a half hipped roof with smaller protruding bow windows and canopy above to the front. The bungalow would have a brick façade with a tiled roof.
- 1.3. The dwelling would comprise of a kitchen, dining room, hall, lounge, utility, and WC on the ground floor, and a landing and two bedrooms at first floor level within the roof space. Two parking spaces would be provided to the front, accessed from Palmcourt Avenue.
- 1.4. The property would have private garden area to the rear which would measure approximately 95 sqm. This comprises of a small patio area and lawn. A new boundary fence is proposed to the side of the of the application site.
- 1.5. Site area: 0.03ha. Density: 33 dwellings per hectare. Car parking would be 200%.
- 1.6. No CIL contribution is required.
- 1.7. A Tree Survey has been submitted in support of the application.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located at the rear of 90 Petersfield Road, fronting Palmcourt Avenue, a small residential cul de sac that is defined by two storey dwellings and detached bungalows. The application site is located in a prominent corner position adjacent to the highway along Palmcourt Avenue. The site is located to the south-west of a row of 7 modern detached bungalows that front onto Palmcourt Avenue. The opposing properties fronting the site comprise of 1960's-1970's styled terraces, with traditional styled 1930's styled detached dwellings to the rear.
- 2.2. The side boundary of the application site is parallel to the highway along Palmcourt Court and is defined by close board fencing along its length. There is an area of planting and trees that runs along the length of the side boundary along the highway and to the front of the site. These trees are covered by TPO 30.
- 2.3. The surrounding area is predominately residential and is defined as a mature suburb.

[Site Location](#)

3. Planning History

- 3.1. Relevant planning history at land to the rear of 90 Petersfield Road:
- 3.2. 03/12/2012 (2012/06754/PA) - Erection of 1 no. 3 bedroom dwelling house with basement storage and games room – Withdrawn.
- 3.3. 11/08/2015 (2012/01830/PA) - Erection of 1 no. dwelling – Withdrawn.
- 3.4. 4 Palmcourt Avenue:
- 3.5. 18/11/1999 (1999/03265/PA) - Erection of two bedroom bungalow and construction of drive – Approved subject to conditions.
- 3.6. 6 Palmcourt Avenue:
- 3.7. 15/07/1999 (1995/03532/PA) - Detached, two bedroomed bungalow and a garage and construction of a parking area, footway and means of access to highway - Approve subject to Conditions.
- 3.8. 8 Palmcourt Avenue:
- 3.9. 18/12/2003 (2002/02900/PA) - Erection of bungalow and construction of parking area and means of access to highway - Approve subject to Conditions.
- 3.10. 10-14 Palmcourt Avenue:
- 3.11. 28/07/2006 (2005/02934/PA) - Retention of 3, two bed dwellings, with construction of parking areas and means of access to highway - Approve subject to Conditions.
- 3.12. 16 Palmcourt Avenue:
- 3.13. 22/06/2012 (2012/01830/PA) - Erection of 1 no. dwelling - Approve subject to Conditions.

4. Consultation/PP Responses

- 4.1. Transportation – No objection subject to conditions to secure adequate vehicle and pedestrian visibility splays and a
- 4.2. Regulatory Services – No objections subject to conditions to secure a noise insulation scheme to windows and doors, and vehicle charging point.
- 4.3. West Midlands Police – No objections.
- 4.4. Severn Trent Water – No response received.
- 4.5. Neighbours, local Ward Councillors, MP, residents associations notified and Site Notices have been displayed. Eight letters of objection have been received from five addresses in Palmcourt Avenue. Comments have been received on the following:
 - The proposed dwelling is deeper than No.4 Palmcourt,
 - Size of the bungalow is out of keeping with the area,
 - Detrimental to the existing character of the area,
 - Loss of adjacent trees and vegetation,
 - Damage to TPO trees and the severing of the tree roots,
 - Will require the re-sighting of the existing lamppost to the front,
 - Loss of privacy and overlooking opportunities to neighbours,
 - Loss of light,
 - Loss of green space,
 - Loss of existing hedging,
 - Dispute over the position and ownership of the boundary hedge being sought to be removed,
 - Loss of wildlife habitats,
 - Impact upon the underground stream (within the garden to 100 Petersfield Rd),
 - Increase in level of hardstanding within the site,
 - Proposed access is sited in a dangerous position on a blind bend and will compromise pedestrian and highway safety,
 - Traffic problems caused by cars being parked on the highway,
 - Detrimental impact on emergency services accessing the cul de sac,
 - Previous refusals for similar developments,
 - Land needs to be protected for future generations,

5. Policy Context

- 5.1. The following local policies are applicable:
 - Birmingham Development Plan (BDP) 2017.
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies).
 - Places For Living (Adopted Supplementary Planning Guidance 2001).
 - Mature Suburbs 2008 (SPD).
 - The 45 Degree Code (Adopted Supplementary Planning Guidance 1996).
- 5.2. The following national policies are applicable:
 - National Planning Policy Framework (NPPF) (2012).
 - Technical Housing Standards (2015).

6. Planning Considerations

- 6.1. The main considerations in the determination of this application are whether the principle of the proposal is in accordance with policies, the impact of the proposal on local character, residential amenities, highway matters, trees, and ecology.
- 6.2. Amendments have been submitted as part of the application (to amend the site location plan and to amend the positioning of the proposed dwelling within the plot.)

Principle of the Development

- 6.3. The NPPF seeks a presumption in favour of sustainable development (Para. 14) and promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brown-field sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities. However, it highlights the need for Local Planning Authorities to set out policies to resist inappropriate development of residential gardens where development would cause harm to the local area.
- 6.4. TP27 of the BDP expresses that new housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Sustainable neighbourhoods are characterised by providing a wide choice of housing that are accessible to existing facilities by foot, bicycle, and public transport; It should provide a good sense of space, with a high design quality in order to provide people with a sense of pride over their neighbourhood.
- 6.5. The site is located within an established residential area and is surrounded by residential properties. As such, I consider that the principle of a residential use would be in keeping with the overriding residential nature of the locality, and therefore would be acceptable in this location.

Impact on Local Character and Appearance:

- 6.6. Policy PG3 of the BDP and saved policies 3.14 of the UDP emphasise that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It highlights the importance of design and landscaping of new developments as its contribution to the enhancement of the City's environment and helps to promote and secure sustainable forms of development.
- 6.7. Places for Living (SPG) sets out design principles to promote good design and highlights the importance of design in achieving places that are successful and sustainable in social, economic and environmental terms. The numerical standards contained within the document are designed to maintain and protect the amenities of existing residents from the effects of new developments and to provide developments that would have flexibility and adaptability for future change.
- 6.8. The Mature Suburbs (SPD) sets out key design principles for developments that are located within the mature suburbs and residential areas. It outlines the importance of the design quality and how this integrates and complements neighbouring buildings

and the local area more generally in terms of scale, density, layout and access. Furthermore, it defines how a development creates, or enhances, a distinctive character that relates well to the surroundings and identifies how this forms an important consideration in the assessment process.

- 6.9. The design of the bungalow has been amended to better reflect the style and design of other bungalows in the cul de sac and would not form an overly dominant addition within the plot or within the street scene. The footprint of the proposed bungalow is not dissimilar to that of the extended bungalow at No.4. The proposed bungalow has been designed with a half hipped roof, bow windows to front and a canopy above to reflect the design features of other bungalows within the cul de sac. I acknowledge the comments that have been raised by our City Design team regarding the overly bulky appearance of the roof and the proposed blank side elevation fronting the highway. However, I do not consider that the proportions of the property would form an overly incongruous addition that would be at odds with its setting. The side elevation of the dwelling would be largely screened by the boundary fencing being proposed. Furthermore, the roof elevation would be partially screened by the existing TPO trees that would be retained adjacent to the boundary. Therefore, I do not consider that the proposed dwelling would be sufficiently detrimental to the character and appearance of the cul de sac or the visual amenity of the area to warrant a refusal of the application on these grounds.
- 6.10. The proposed property would reflect the established building line of the adjacent bungalows and is sited on a similar sized plot with a good level of off street parking and a private garden to the rear, reflecting that of the other approved dwellings within the row. The bungalow would be constructed from brick with a tiled roof which would be in keeping with the materials used on surrounding dwellings and reflects the character of area. Notwithstanding this, a material condition is recommended to ensure the appropriate materials are used.
- 6.11. I am satisfied that the siting, scale and massing of the proposed development would be acceptable and it would comply with the design principles contained within the Mature Suburbs (SPD).

Living Conditions:

- 6.12. The proposed development would comply with the Technical Housing Standards (THS) (March 2015). Whilst not yet adopted by the LPA and cannot form part of any approval, they do provide a useful guide for the size of proposed residential accommodation. These standards require a minimum gross internal floor area between 70-79sqm per 2 bedroomed 2 storey dwellings, with proposed bedroom sizes exceeding 11.5m for a double bedroom. Given that the proposed dwelling would exceed these required standards, at 122sqm gross internal floor area and over 16sqm per bedroom, I consider that the proposed bungalow would provide adequate living accommodation for sustainable development, and the THS supports this.
- 6.13. The proposed dwelling would comply with the minimum garden sizes as outlined in your Committees 'Places for Living' (SPG) which requires a minimum of 52sqm per two bedroomed dwelling. Therefore, I consider that the development would secure adequate private amenity space to maintain the future sustainability of the proposed residential dwelling. In order to maintain this, I consider it appropriate to include a condition to remove Permitted Development Rights for further extensions to the property.

- 6.14. Light to the first floor bedrooms are provided by rooflights in the side elevations of the dwelling. These are not ideal as the outlook from these openings will be limited, however, I do not consider that these rooflights are sufficiently detrimental to the overall appearance and function of the dwelling to warrant a refusal of the application.
- 6.15. Regulatory Services have raised no objections to the principle of the proposal subject to the submission of a noise insulation scheme to protect the future occupiers of the site from excessive noise levels from the adjacent highway. However, given that the site is located along the access to a small residential cul de sac within a residential area I do not consider that the noise implications for the future occupiers would be significant to warrant a condition in this instance.

Existing residential amenities:

- 6.16. Objections have been raised regarding a loss of privacy to neighbouring occupiers. Whilst it is acknowledged that the proposed roof lights would fail to meet the distance separation standards contained within your Committee's 'Places for Living' (SPG) in regards to No.4 Palmcourt Avenue, these roof lights directly face onto the roof slope of the neighbouring bungalow and would have limited outlook. This therefore, would prevent any overlooking of the private amenity space to the neighbouring bungalow and would maintain their privacy. Notwithstanding this, I consider it would be appropriate in this instance to include a condition to prevent the installation of any additional windows or dormers without further permission being sought.
- 6.17. Despite the objections raised regarding the loss of light and outlook, the proposed dwelling complies with your Committee's 45 Degree Code, and as such, would have no detrimental impact on the amenities of the neighbouring dwelling in terms of loss of light and outlook. I note the small obscurely glazed window in the side elevation of No.4, however, this window is a secondary window to the larger set of patio doors in the rear elevation of the lounge. Given that this side facing window does not have an outlook and does not provide the main source of light to this room, I do not consider that light to this window can be protected.
- 6.18. The proposed dwelling would comply with your Committee's 21m distance separation guideline as outlined within 'Places for Living' (SPG) in respect of No.90 Petersfield Road. I note the presence of the window in the side elevation of the proposed dwelling that would fail to meet your 5m distance separation guideline that would overlook the side elevation of the neighbouring dwelling No.4 Palmcourt Avenue. However, this window sources light to a WC, and as such, has been conditioned to be fitted with obscure glazing to protect the amenities of the neighbouring occupiers.

Parking and highway safety

- 6.19. TP44 of the BDP identifies that the efficient, effective and safe use of the existing transport network will be promoted by ensuring that planning and the location of new developments support the delivery of a sustainable transport network, and the encouragement to refuse developments on transportation grounds where residual cumulative impacts of developments are severe.
- 6.20. Transportation Development have raised no objections to the proposal. The amendments submitted demonstrate that the existing boundary fencing located to

the front of the proposed bungalow is to be removed. This will therefore improve the pedestrian and vehicle visibility on this prominent corner. Despite the neighbour objections, I concur with the recommendation of Transportation Officers that the proposed development, subject to visibility splays being maintained, the proposal would be acceptable. Therefore, the proposed development would comply with the principles contained within the Transportation policies of the BDP.

- 6.21. Despite the concerns raised by neighbours in regards to the increase in traffic within the area, the proposal would not generate a significant increase in traffic from that of the existing cul de sac and would secure adequate parking within the curtilage of the application site. Therefore, I consider that the proposal, subject to conditions, would have limited impact on traffic flows and on highway safety.
- 6.22. I note the presence of the existing lamppost fronting the site and this may be required to be moved on implementation of the scheme. However, these works could be addressed by condition.

Trees and Landscaping:

- 6.23. TP7 of the BDP highlights the importance of the green infrastructure network throughout the city and need to protect this from development. It outlines that proposals that would sever or significantly reduce a green infrastructure link will not be permitted.
- 6.24. It is acknowledged that the proposed bungalow would be sited within close proximity to, and within a substantial amount of the root protection area of, the two adjacent TPO trees that have significant amenity value within the area. These trees are a Category A (Beech) and Category B (Silver Maple). The trees are sited on Council owned land at the back of pavement and are maintained by the Council. Given the importance of these trees and the need for their retention, the applicant/agent has confirmed that the proposal will comprise of a pile and raft construction system with a no dig construction method and a permeable driveway to ensure the longevity of the adjacent TPO trees. Whilst I have some concerns regarding the effect of the development on the health of these trees, my Tree Officer has raised no objections to the proposed use of a pile and raft system and therefore appropriate tree conditions have been attached accordingly to minimise the impact on the adjacent protected trees and to maintain their longevity. This therefore would comply with Policy TP7 of the BDP.
- 6.25. Objections have been raised regarding the loss of the existing planting, shrubbery and hedgerows surrounding the site and the increase in hardstanding areas being proposed. However, my Landscape Officer has raised no objections to the proposal providing appropriate planting, level, hard and soft landscaping, and boundary treatment are incorporated within the scheme. As such, appropriate conditions are recommended to ensure these are secured as part of the development.
- 6.26. I note the dispute over the position and ownership of the existing boundary hedging along the boundary with No.4 Palmcourt Avenue, however, this is a civil matter between neighbours and cannot be taken into consideration as part of this application.

Other Issues

- 6.27. Whilst comments have not been received from Severn Trent Water regarding the proposal, I consider it appropriate to attach a condition to secure satisfactory

drainage within the site. I note the presence of the underground stream that is sited in the rear garden of No.100 Petersfield Road. However, this is located 23m away from the application site and is not directly affected by the proposal. Furthermore, the dwelling is proposed to be constructed of a pile and raft construction system which limits ground disturbance, thereby, limiting the impact on the adjacent water course.

- 6.28. Objections have been raised regarding the loss of ecological habitats and the detrimental impact on the local wildlife population. My Ecologist acknowledges that the existing trees, shrubs and hedgerows provide a habitat for wildlife and the loss of any vegetation would have a localised impact on the local wildlife populations. However, the small area of vegetation that is proposed to be removed forms part of a wider network of habitat resources that will be retained. As such, it is considered that adequate availability of habitat resources are available in the wider area to mitigate the impact associated with habitat losses arising from the development.
- 6.29. Regulation Services have raised no objections to the principle of the proposal subject to the inclusion of a vehicle charging unit being installed at the premises, however, given the nature of the proposal I do not consider that this condition is appropriate in this instance.

7. Conclusion

- 7.1. I consider that the proposal reflects local character, whilst not detrimentally impacting on the quality of the residential environment for existing residents in the area or prospective residents of the site itself. I also consider that the application, subject to conditions, would be acceptable in terms of highway safety, trees and landscaping. Therefore, the proposal constitutes sustainable development and I recommend that planning permission is granted.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|----|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of level details |
| 3 | Requires the prior submission of sample materials |
| 4 | Arboricultural Method Statement - Submission Required |
| 5 | No commencement until pre-commencement meeting held |
| 6 | Requires tree pruning protection |
| 7 | Requires the prior submission of a drainage scheme |
| 8 | Requires the prior submission of hard and/or soft landscape details |
| 9 | Requires the prior submission of boundary treatment details |
| 10 | Requires the prior submission details obscure glazing for specific areas of the |
-

approved building

- 11 Requires vehicular visibility splays to be provided
 - 12 Requires pedestrian visibility splays to be provided
 - 13 Removes PD rights for extensions
 - 14 Removes PD rights for new windows
 - 15 Implement within 3 years (Full)
-

Case Officer: Catherine Golightly

Photo(s)



Figure 1: Rear Boundary of No.90 looking north

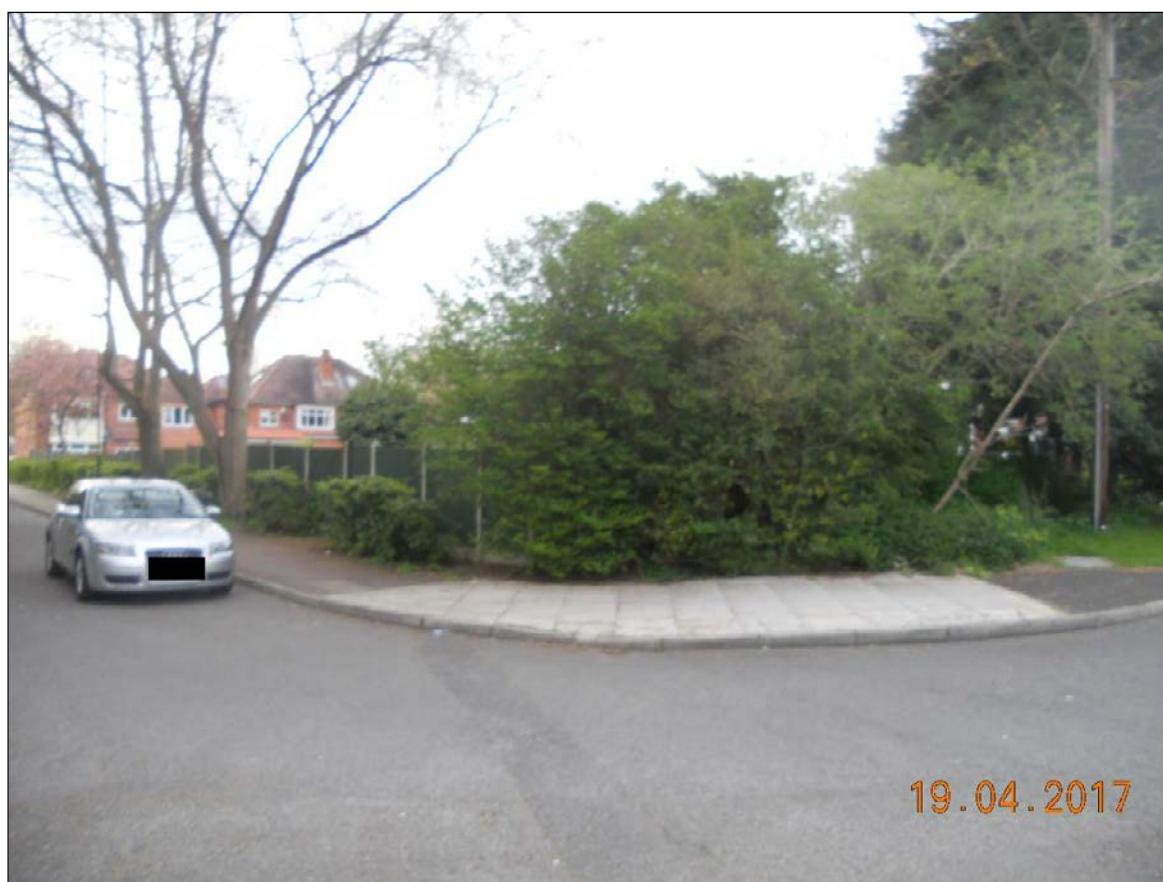


Figure 2: Corner of Palmcourt Avenue

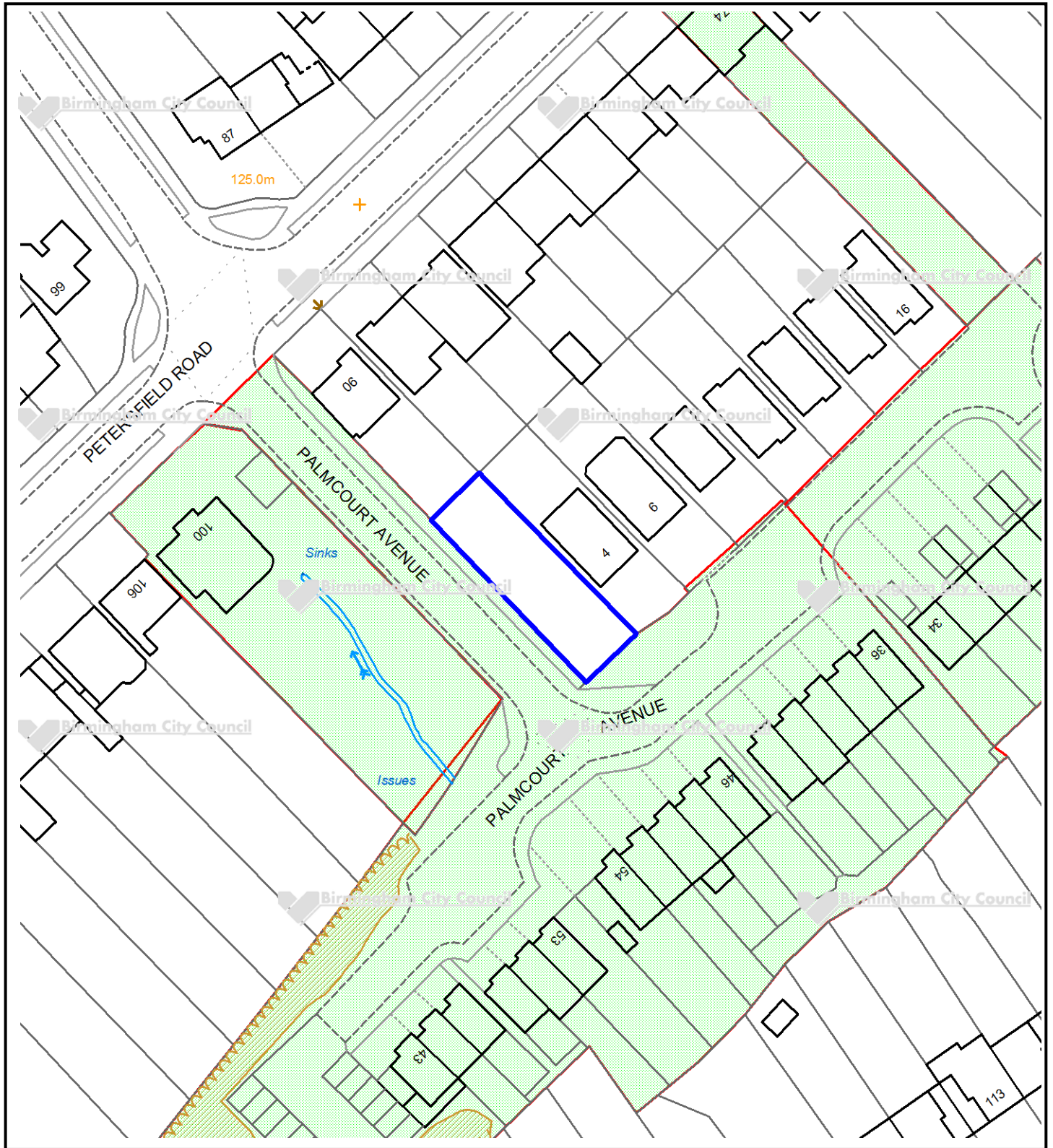


Figure 3: Rear Boundary of No.90 Looking South West



Figure 4: 4-10 Palmcourt Avenue Front

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/00403/PA
Accepted:	17/01/2017	Application Type:	Householder
Target Date:	14/03/2017		
Ward:	Moseley and Kings Heath		

46 Chantry Road, Moseley, Birmingham, B13 8DJ

Erection of single storey rear extension with extension to basement floor to rear and alterations to front driveway

Applicant:	Mrs Karin O'Sullivan 46 Chantry Road, Moseley, Birmingham, B13 8DJ
Agent:	Lapworth Architects Crown House, 123 Hagley Road, Edgbaston, Birmingham, B16 8LD

Recommendation
Determine

REPORT BACK

Background

- (a) Members will recall that this application was deferred at your Meeting of 16th March, in order to:
- (i) Consider the view of the proposal from Moseley Park (by way of a photograph);
 - (ii) Assess the structural and drainage implications of the proposal, with the Applicant to submit relevant information.
- (i) The Case Officer has visited Moseley Park, the photographs and assessment are set out later in this Report Back.
- (ii) The Applicant submitted the requested structural and drainage information, in the form of structural plans, a report from their Consulting Civil and Structural Engineers, and a covering letter from their Architect.

A second round of local consultation

- (b) Residents, local residents' associations, Councillors and the MP have been consulted with respect to the Applicant's submitted structural information. Six responses have been received (one from the Moseley Society), summarised as follows:
- The structure report inspires little/no confidence that drainage, subsidence, and party walls will be ok. Work would have to be quite advanced before some of these most basic questions about foundations etc. were answered properly. The amount of work that would be needed to underpin this large semi-detached house, in order to create

such a large basement swimming pool, seems to be unrealistic, doubt it could be done without serious adverse impact on the adjoining property.

- Due to proximity of houses, please could you advise if our house will also require basement underpinning and other structural support, and is the applicant willing to pay for this?
- The report notes the problem with damp, especially in the basement. Our house suffers with the same problem - the water table brings flooding to basements - we are worried the proposals will exacerbate the problem.
- The road floods with heavy rain, the current drains cannot cope.
- Disruption to water courses risks water ingress to neighbouring properties, the structural report does not adequately address the drainage issues.
- Not enough information about how to manage the disposal of the spoilage.
- The cross-section of the underpinning works shows extension beyond the mid-point of the party wall into No.48. It is therefore a procedural error to award planning consent in respect of works to No.48 without a planning application for No.48. Such a scheme is doomed to failure since the underpinning works constitute trespass into next door.
- Object to reduction of existing rights of support by removing the corbelled/flared footings and thus placing additional point load on the remaining foundations.
- The report states that trial holes were not conclusive – so how can I be reassured about the success of the project? Surely further investigations should be carried out to provide a definitive answer, this is what Councillors requested.
- Within a week of drilling the trial holes, the front wall has collapsed which can easily have caused injury to passing residents. I would be concerned as to the damage that can be caused by the excavation works to my neighbouring properties.
- The existing conditions under the basement are not known/addressed.
- A 3m dig to foundation formation level from existing ground level is a massive undertaking and I cannot believe is not going to cause instability.
- This work will encounter months of work which again is intrusive to neighbours.
- It appears that the view for neighbours and from the park may still be impeded, especially as it not possible to prevent use of blinds in the glass elevation. The proposals contravene the 45° Code, the extension would be an intrusion into the privacy of the neighbours, we hope that the proposal will be re-thought.
- Remain concerned about effect of such large rear extensions on the character and appearance of Moseley Conservation Area in general.

(c) I shall address these neighbours' points in the following sections, mostly in 'Structural stability, and drainage'.

(d) For completeness, I remind Members that a number of objections were received in the first round of public consultation, and these are still relevant and set out in the original report, below.

The view from Moseley Park

- (e) Members wished to consider the degree of visibility from Moseley Park to the rear (south) of the site, and a photograph was requested. Part of this issue was reference to 'public views' from the Conservation Area.
- (f) Moseley Park is not a public park, everyday access is restricted to members (by annual fee), or with 'free day keys' (one day's access, deposit required). Various festivals and other events also take place in the park, when free or ticketed access

occurs. Whatever the degree of public or private access, the park is well-used and so there would be a degree of public viewing towards the application site.

- (g) The three photographs below illustrate the sorts of views achievable into the site from the park.



Photo A: looking north to rear of the application site, from the park's perimeter path, 39m from nearest point of the proposed dining room. No. 46 is the left-hand house.



Photo B: looking north to the rear of the application site, from the park's main path, 83m from nearest point of proposed dining room



Photo C: looking north to the rear of the application site, from the park's main path, 83m from nearest point of proposed dining room

- (h) Photo A is taken from the park's perimeter path, at the end of the Applicant's garden. I expect that this path is little-used. The path slopes down to the west, while the garden is more or less level, so visibility reduces as anyone moves west. Other neighbouring gardens have solid fencing at the park interface, meaning there is little or no view of the houses from the path. The application site is the exception, with railings, measuring some 1.85m to 2.25m tall from path height. Were a fence to be erected, there would be no view into the site from the path. As existing, the view through the railings would allow partial sight of the extensions, through/between some garden vegetation, read against the much larger backdrop of the substantial pair of Victorian houses. In my opinion, no harm would be caused to the character of the Conservation Area when viewed from the park.
- (i) Photos B and C are taken from the park's main path, running east-west, from the south side of the tennis courts. Vantage Point B would allow a limited view of the proposals, with large trees in the park, and other vegetation, significantly obscuring the development. Similarly, Vantage Point C would allow an even more limited view of the proposals, with a large tree, a large evergreen shrub, and fencing obscuring nearly the whole proposed development. Distance is some 83m. It is clear that no harm whatsoever would be caused to the character of the Conservation Area when viewed from the park.

Structural stability, and drainage

- (j) I remind the Committee that issues of structure and drainage for these works to a domestic property are not planning matters, they are for consideration by other regulatory regimes, namely the Building Regulations and the Party Wall Act. As

such, I advise that even were Members (or neighbours) not to be satisfied with the Applicant's submissions, this cannot be a reason to withhold planning consent.

- (k) Notwithstanding the above, the Applicant responded to Committee's request with the submission of plans, a report and a covering letter addressing structure and drainage. I consider the key points the Applicant sets out are as follows:

Report (prepared by a Chartered, Civil Engineer, who is a Member of the Institute of Structural Engineers):

- 1.1 Structural support would be provided above the excavated basement, due in-part to removal of internal basement walls (plan provided to demonstrate);
- 1.2 Under-pinning required to front due to lowered basement floor level (plan to demonstrate), and new foundation at rear for same reason (plan provided to demonstrate);
- 1.3 Recommend trench fill foundations;
- 1.4 Superstructure is relatively straightforward, with supporting beams introduced, piers and padstones where required, and load-bearing masonry.
- 1.5 Trial holes dug have shown the existing basement wall construction, which has yielded more information on the future structural scheme;
- 1.6 Recommend under-pinning of basement walls, with Party Wall Agreement (plan provided to demonstrate);
- 1.7 Recommend new footings, which may also require a Party Wall Agreement (plans provided by way of example);
- 1.8 Temporary works would be required to support the adjacent structure(s) while the basement is constructed;
- 1.9 Floors would be tied-back into the walls to provide a horizontal diaphragm;
- 1.10 Conclusion that the existing building's stability would not be varied;
- 1.11 Recommend some areas of existing damp require proprietary damp-proofing and/or water-proofing;
- 1.12 Assume basement storm and foul drainage would be pumped to existing street connection, ground floor would be gravity-fed to same. At the rear, the storm drain may well go to a private soakaway. All to be confirmed in due course by CCTV inspection (with Severn Trent as necessary);

Covering letter from the Architect, includes the following on structure and drainage, and construction amenity;

- 2.1 The Consulting Civil and Structural Engineers employed have full professional Indemnity and Public Liability Insurance, and have Quality Assurance to British Standard;
- 2.2 It will be necessary to comply with the Health & Safety at Work Act, with basement support designed by a qualified individual;
- 2.3 Surface water run-off to be managed as close to source as possible;
- 2.4 The Applicant commits to make every effort to minimise disturbance to neighbours;
- 2.5 The Applicant will commence Party Wall discussions as soon as possible;
- 2.6 The Applicant is happy to accept the Committee's conditions.

Advice from the Council's Building Consultancy Service

- (l) I have separately asked the Council's Building Consultancy Service (Acivico), to comment on the Applicant's structural submissions. The reply was as follows:
'In principle, the proposals are structurally feasible, fuller details will have to be worked up for Party Wall Act and the Building Regulations'.

Other matters around structure and drainage

- (m) At the March Meeting, Councillor Henley stated that the Building Regulations only apply to the application site, and not to the neighbours. The response is that The Party Wall Act will address the neighbour's possible concerns (which I note again is outside of the planning system's remit).
- (n) I conclude that the relevant, professional advice has been sought thus far, and this would be maintained prior to and during construction work, including seeking the necessary consents and agreements through the Building Regulations and Party Wall Act. Beyond that, the Applicant has stated their wish to have the construction to the highest-quality, and has expressed their intention to work closely with neighbours. She has stated to me verbally that putting the structure of their neighbour's house would also put at risk the structure of their own house, which obviously they do not intend to do.
- (o) Six further objections have been received from neighbours, in response to the Applicant's submissions on structure and drainage. As stated already, these questions/objections would be addressed by compliance with the Building Regulations, the Party Wall Act and working with Severn Trent Water. Otherwise, two of their specific points merit addressing separately now:
- A neighbour alleges there would be a procedural error in underpinning extending into the neighbouring property, without being part of the planning application. I note that such work is highly unlikely to require planning consent, it is a private matter and/or presumably addressed by the Party Wall Act, so the concern with respect to the planning application is mis-placed.
 - A neighbour suggests a connection between the trial holes and the 'collapse' of the front wall. This refers to some of the stone blocks falling out, at the back of pavement. I saw this on site and assume it to have been caused by tree roots and/or dry ground, especially since the trial holes would have been in/around the house itself, which is set back some 8m from the property frontage and wall.
- (p) Some concern was expressed at your meeting of 16th March about the effect of construction nuisance upon local amenity. As per officer advice at the time, this is a matter which the Local Planning Authority can seek to control, at least to some degree, as other legislation will address matters such as construction working hours and parking on the highway. As such, I propose an extra condition, to address on-site construction access, and storage of material and plant, in an effort to minimise possible nuisance to neighbours.

Other matters

- (q) Lastly, for completeness, I can inform the Committee that the Applicants submitted a second application, on 7th April. This application proposes a lesser degree of basement works, specifically no excavation in the existing basement beneath the main body of the house. The Applicant explained to me that this is a 'fallback' application, should the first submission be refused or further delayed – her family have already had to cancel the timetabled construction and have not yet been able to properly move in to their house due to other refurbishment works, and prefer not to wait any longer for the main extension construction.

Conclusion

- (r) Very little of the proposals would be seen from the park and, whatever the visibility, they would be seen against the much larger backdrop of the substantial Victorian houses. There would be no material effect on the character or appearance of the wider Conservation Area. The Applicant has provided a good deal of information with respect to structure and drainage, and these matters are addressed under

separate legislation. The proposals are acceptable in all other respects, as set out in the Original report, including compliance with the 45 Degree Code. As such, the application should now be approved, with the original conditions and one extra condition to address site construction matters.

Recommendation:

- (s) Approve, with one extra condition to address site construction matters :
'Prior to the commencement of development, the Applicant shall submit a Construction Management Plan for the written approval of the Local Planning Authority, to address issues such as on-site construction access, and storage of materials and plant. The development shall be implemented in accordance with the approved Plan.
Reason: In order to minimise the effects on local residential amenity and highway conditions, in accordance with Policy PG3 and TP44 of the Birmingham Development Plan, and the provisions of the NPPF'.

ORIGINAL REPORT (16th March 2017)

1. Proposal

- 1.1. Consent is sought for the erection of a single storey rear extension, an extension to the basement floor to the rear, and driveway alterations to the front of the property. The extensions would be a maximum of the full width of the plot (c. 9m), they would extend 8.4m into the garden from the dwelling's main rear elevation, with the basement terrace a further 3m in depth. The extensions are flat-roofed, with brick and glazed elevations. The basement works would require relatively significant excavation at the centre and rear of the existing dwelling. The front driveway slopes down on one side to the former basement garage, it would be built-up to a level surface to enable two cars to park, along with hard and soft landscaping and amended boundary treatment.

1.2. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This application relates to a semi-detached property, with accommodation over four floors (including the basement) located within the Moseley Conservation Area and is subject to an Article 4(2) Direction. The surrounding area is residential in character and comprises large late 19th Century properties.
- 2.2. The application property has a gable frontage with a brick and render elevation and feature bay windows. There is a lower level garage below the property, which has previously been converted to a habitable room, with an existing driveway to the front. To the rear is a single storey element with a flat roof design. There is an existing raised decking to the rear of the property, with the garden ground levels stepping down into the garden. The application site benefits from a rear garden which contains mature landscaping. The garden is enclosed by close boarded fencing and planting.
- 2.3. The attached neighbouring property, No. 48 Chantry Road, is a semi-detached property of a similar design and scale to the application site. There is a raised

driveway to the front and a long garden to the rear. There is a single storey element to the rear elevation, built following a planning approval in 2013. To the rear of the property is a raised patio area with glazed balustrades. The boundary between the two properties is defined by tall close-boarded fencing.

- 2.4. The neighbouring property to the west adjacent side, No. 42 Chantry Road, is a detached property with a hipped roof design. There is a single storey outbuilding to the side of the property, along the boundary to the application site.

2.5. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. No planning history

4. [Consultation/PP Responses](#)

- 4.1. Neighbouring properties and local Ward Councillors have been consulted and a site notice has been displayed. 13 objections including one from Councillor Trickett have been received from neighbouring properties raising the following concerns:-

- Noise and disruption caused by excavation and construction works
- Parking implications during construction
- Structural implications of the excavation works and basement extension - potential damage and subsidence, impact on the party wall, impact on the surrounding water table resulting in increased flooding and dampness. Associated financial implications
- Loss of light and overlooking, breach of the 45 degree code policy
- Impact on private amenity space
- Proposed extension would dominate views
- Design and scale out of keeping with the character of the neighbourhood
- Impact on the Moseley Conservation Area and views from the park to the rear
- Visual impact of the driveway alterations on the Conservation Area
- Article 4(2) Direction in place to protect historical features of properties
- Setting a precedent for further development
- Removal of trees and planting to the front
- Incorrect information on the application form
- No direct neighbour notification

- 4.2 2 letters of support received from 2 neighbouring properties.

- 4.3 Comments have also been received from The Moseley Society raising concern over the scale and design of the proposed development, the loss of light from the rear extension and the impact on planting to the frontage.

- 4.4 Environmental Pollution Control – No objections

5. [Policy Context](#)

- 5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (Saved Policies Chapter 8 and 3.14 – 3.14D)
- Birmingham Development Plan (Adopted 2017)

- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)
- Moseley Conservation Area and Article 4(2) Direction
- Moseley Supplementary Planning Document

5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities. National and local policy tests require the character and appearance of a Conservation Area to be preserved or enhanced.
- 6.2. Turning first to the rear extension, the proposed single storey rear extension would breach the 45 degree line from the rear facing habitable room window to No. 48 Chantry Road. However, the extension has been designed to incorporate glazing to the side elevation, roof and rear elevations from the point of the 45 degree breach. The proposed 2m high brick wall to the side elevation facing No. 48 would be no higher than the existing boundary treatment, with the additional height of the extension consisting of glazing. The code allows for glazed structures as the glazing would still allow light to pass through to neighbouring properties, so although the extension would breach the 45 degree line, it would comply with the wider policy Code. Therefore taking into account the existing 2m close boarded boundary fencing together with the introduction of glazing to the side, rear and roof; I do not consider the impact on the neighbouring occupiers in terms of light would be such as to sustain a refusal of the application.
- 6.3. The design of the development, whilst modern, would not compromise the existing character and architectural appearance of the property. The scale is proportionate to the main dwelling and would not result in a prominent feature. As the extension is located to the rear of the property, it would not be visible within the wider street scene or the wider views of the Conservation Area and would not harm the character and appearance of the Conservation Area. As such the development would comply with the design principles contained within the design guide 'Extending your Home' Supplementary Planning Document.
- 6.4. Turning next to the proposed basement extension, given the nature of a basement, the majority of the extension would not be visible from the public realm and therefore would not have a detrimental impact on the appearance of the dwelling or the character of the surrounding area. An area of decking is proposed above the basement extension with an additional terrace proposed to the end. The applicant has submitted amended plans showing screening (a frosted-glazing side panel) to the boundary to No. 42, which removes any potential overlooking and loss of privacy to the neighbouring property. The basement would have windows facing down the garden. This extension would be at a lower level and built into the existing garden so would not result in a prominent feature.

- 6.5. The proposed development complies with the numerical guidelines set out in 'Places for Living' and 'Extending Your Home' Design Guide; as a result there is no detrimental impact on neighbour's private amenity.
- 6.6. Turning finally to the proposed alterations to the frontage, the proposed design and scale of the frontage alterations is of a similar design and scale to that at neighbouring property No. 48 which was approved in 2013. Planting is proposed to the side of the proposed driveway with part of the boundary wall to the front retained. The Conservation Officer has raised no objections to the proposal subject to conditions for materials and further details of the proposed frontage/driveway (walls, railings, hard surfacing). Therefore I consider the design and scale of the proposal would have an acceptable impact and would not harm the character and appearance of the Conservation Area.
- 6.7. Aside from the matters I have addressed, other objection points have been raised by neighbouring properties. In terms of the potential issues of noise and disruption and parking related to construction, these are not material planning considerations and therefore do not form part of my assessment of the application. Implications for structure/stability, dampness, etc. are not planning matters, they would be addressed by the Party Wall Act and/or Building Regulations. Notwithstanding, the applicant has advised that a professional structural engineer would be employed prior to the commencement of any development. The Article 4 Direction establishes what developments do or do not require planning permission, it is not a vehicle for assessment of applications. That is done by the planning policy context set out above. Concern has been also raised with regards to information on the application forms concerning loss of trees and planting. However, the plans indicate the alterations proposed and there is sufficient information contained on the plans to assess the application. For completeness, my Tree Officer has been consulted. He has no objection, noting there are no direct risks to trees from the proposal. He considers the conifer on the frontage and boundary trees in the rear garden are far enough from the proposal, access and working area for there not to be any need for tree conditions. Lastly, there has been comment about the degree of local consultation on the application. I can confirm that our notification procedures were followed, with letters to the nearest neighbours and a site notice displayed.
- 6.8. The proposed development does not attract a CIL contribution

7. Conclusion

- 7.1. This application is recommended for approval as the proposal complies with the objectives of the policies as set out above and constitutes Sustainable Development. The character and appearance of the Conservation Area would be preserved.

8. Recommendation

Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of level details |
-

3	Requires the prior submission of sample materials
4	Requires the prior submission of new walls, railings & gates & gate posts/piers details
5	Provide obscurely-glazed side screen to ground floor terrace
6	No access to or use of the first floor flat roof
7	Removes PD rights for new windows
8	Implement within 3 years (Full)

Case Officer: Leah Russell

Photo(s)



Photo 1: Rear elevation to No. 42 Chantry Road



Photo 2: site's rear elevation



Photo 3: Rear elevations to site (left hand side) and No. 48 Chantry Road (right hand side)

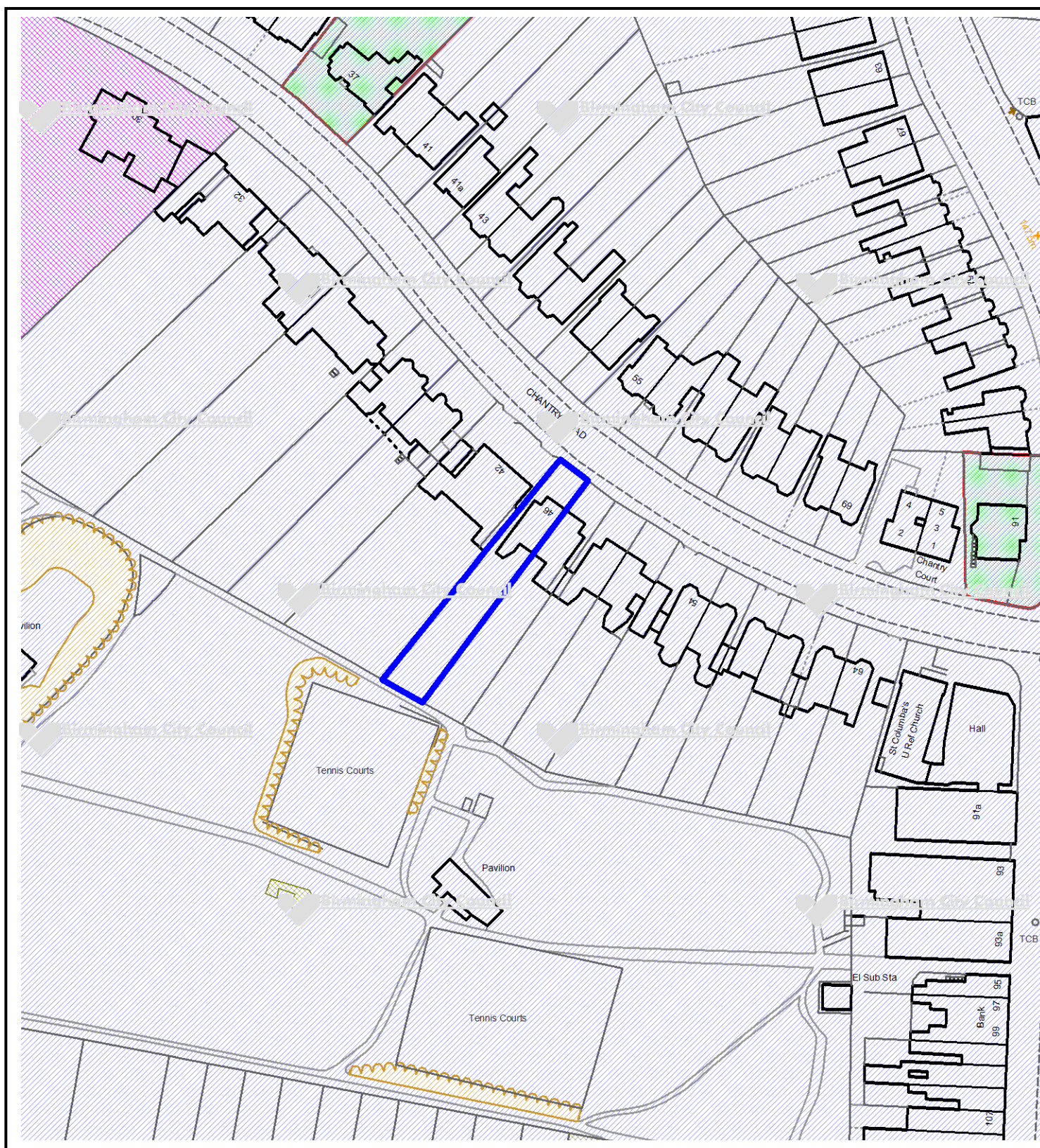


Photo 4: Rear garden



Photo 5: Front elevation

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

25 May 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	26	2017/00494/PA 31B Shepherds Green Road Erdington Birmingham B24 8EX Retention/alterations of roof lights to front & rear elevations and retention of pitch roof over existing flat roof rear feature
Approve - Conditions	27	2017/00098/PA The North Star Public House 193 Station Road Stechford Birmingham B33 8BB Demolition of outbuildings and erection of three storey extension accommodating 41 guest bedrooms annexe to the North Star Public House
Approve - Conditions	28	2017/01829/PA Lidl Store Olton Boulevard East Acocks Green Birmingham B27 7RR Variation of Condition No. 2 attached to planning application 2000/01878/PA to extend delivery hours on Sundays from 0930-1630 hours to 0900-1900 hours
Approve - Conditions	29	2017/01099/PA 12 Orchard Road Erdington Birmingham B24 9JL Erection of two storey side and single storey rear extension

Approve - Conditions	30	2017/01853/PA 10 Orchard Road Erdington Birmingham B24 9JL Erection of conservatory to rear.
Approve - Temporary	31	2017/02925/PA Roundabout at the junction of Springfield Road/College Road Moseley Birmingham B13 9NX Display of 4 no. non illuminated freestanding post mounted signs

Committee Date:	25/05/2017	Application Number:	2017/00494/PA
Accepted:	18/01/2017	Application Type:	Householder
Target Date:	15/03/2017		
Ward:	Tyburn		

31B Shepherds Green Road, Erdington, Birmingham, B24 8EX

Retention/alterations of roof lights to front & rear elevations and retention of pitch roof over existing flat roof rear feature

Applicant: Mr Steve Mills
31B Shepherds Green Road, Erdington, Birmingham, B24 8EX
Agent: J A Bedward & Son Ltd
14 Ridgacre Enterprise Park, Ridgacre Road, West Bromwich, West Midlands, B71 1BW

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Retention and alterations to roof-lights to front and rear elevations and retention of pitch roof over existing flat roof rear feature.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application property is a detached white rendered infill bungalow property with a gable-end roof design. The application site is set-back from the adjacent highway of Shepherds Green Road with a long narrow private access-way.

2.2. The application site is located in a residential area comprising of predominately two storey semi-detached properties. Nos. 31A and 33A Shepherds Green Road are similar type bungalow properties.

2.3. The rear garden area is all hardstanding and the boundary treatment consists of 2m wooden fencing which encompasses the entire rear curtilage of the application site.

2.4. [Site location](#)

3. Planning History

3.1. 26/11/2002 - 2002/05170/PA - Erection of external chimney stack to side – Approve with Conditions.

3.2. 12/06/2015 - 2015/03046/PA - Installation of new pitched roof and increase to roof height – Approved with Conditions.

- 3.3. 2016/0650/ENF - Building works not in accordance with approved plans granted under 2015/03046/PA - Action held in abeyance pending determination of this application.

4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted; a petition containing 11 signatures has been received. Objections have been raised to the proposed development on the grounds of:

- Loss of light
- Loss of privacy/overlooking
- Scale and design
- Loss of view
- Out of keeping with neighbouring properties

- 4.2. In addition to the petition, 4 letters of objection have been received which have raised the same concerns as above.

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
 - Birmingham Development Plan (2017).
 - Places For Living SPG 2001.
 - Extending Your Home SPD 2007.
 - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the proposed development, the impact on the architectural appearance of the property, the impact on the surrounding area and the impact upon neighbouring amenities.
- 6.2. This application has been submitted as a result of an enforcement complaint. The property has previously been granted planning permission for the installation of new pitched roof and increase to roof height to the main property (2015/03046/PA) in order for living accommodation to be provided within the roof space. However, it was established that the development was not entirely being built in accordance with the approved plans because rooflights had been added to the front and rear elevations in the new roof. Also the new pitch roof as built on site extended over the flat roof section to the rear of the property.
- 6.3. This application has now been submitted which shows that the rear rooflights will be inserted with obscure glazing.
- 6.4. Although the three rear rooflights would not meet the required separation distance guidelines of 10m to the boundaries with Nos. 138 and 140 Erdington Hall Road; these rooflights are proposed to have obscure glass as shown on the submitted

plans. The rooflight to the rear bathroom is installed at a high level within the roof space as such there would be no overlooking issue. I consider with conditioning to secure the obscure glazing and non-opening of the rooflights, the privacy of the neighbours would be protected.

- 6.5. I consider the scale, design and positioning of the roof-lights to the front and rear elevations to be acceptable. The roof-lights and alterations to the pitch roof at the rear have no significant detrimental impact on the character of the existing property or the visual amenity of the surrounding area. There would be no detrimental impact on the character of the forward street scene.
- 6.6. Notwithstanding the objections made by neighbouring occupiers, the concerns raised regarding loss of privacy and overlooking have been considered and I consider that with the rooflights to be conditioned to be obscurely glazed and non-opening this would sufficiently overcome overlooking/loss of privacy concerns to the neighbouring occupiers. Therefore, this cannot be used as a reason for refusal in this case as the neighbours' private amenities would be protected.
- 6.7. The proposed development complies with the 45 Degree Code as a result there would be no detrimental impact on neighbours light and outlook.
- 6.8. With regard to concerns of loss of view this is a non-material planning consideration which cannot be taken into account in the assessment of this application.

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. Approve subject to the following conditions

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission details obscure glazing for specific areas of the approved building |
| 3 | Removes PD rights for new windows |
-

Case Officer: Ricky Chima

Photo(s)

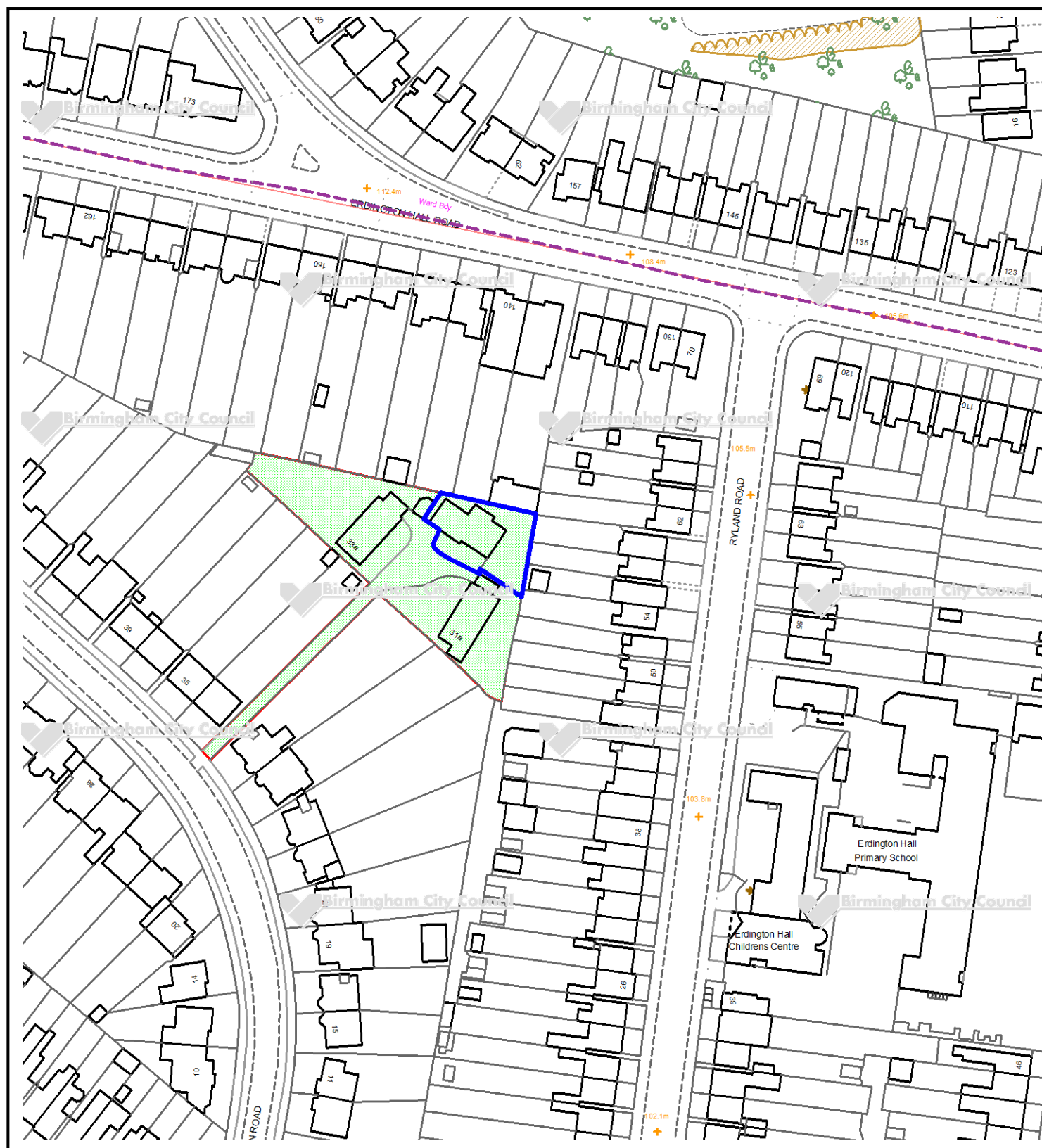


Figure 1 – Rear Elevation



Figure 2 – Front Elevation

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/00098/PA
Accepted:	07/03/2017	Application Type:	Full Planning
Target Date:	06/06/2017		
Ward:	Stechford and Yardley North		

The North Star Public House, 193 Station Road, Stechford, Birmingham, B33 8BB

Demolition of outbuildings and erection of three storey extension accommodating 41 guest bedrooms annexe to the North Star Public House

Applicant:	Westbourne Leisure c/o Agent
Agent:	William Ingram 21 St Dennis House, Manor Close, off Melville Road, Edgbaston, Birmingham, B16 9NE

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Full planning application for the erection of a 3-storey extension to an existing public house to create a 41 guest bedroom annexe. The extension would be L-shaped and located between the existing public house and 193a Station Road. 14 bedrooms and a reception would be located on the ground floor with direct links into the existing public house's lounge and bar, a further 14 bedrooms to the first floor and 13 bedrooms to the second floor. The existing manager's accommodation above the public house would be retained and reconfigured to provide a 2-bedroom flat.
- 1.2. The extension would have a modern appearance using a contemporary palette of materials consisting of red brick, off-white and grey render and cedar boarding. The existing public house would also be refurbished externally and treated in a similar manner with a render finish and new dark grey windows with recessed reveals.
- 1.3. Existing outbuildings adjacent to 193a Station Road would be demolished and the existing car park slightly reconfigured with 18 designated spaces. The vehicular access off Lyttleton Road to the car park would be retained.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The existing public house is a single and 2- storey post-war building with a beer garden and car park to the rear with vehicular access off Lyttleton Road. To the immediate south is a 3-storey funeral directors with residential accommodation above, and beyond that 2.5-storey parades of shops, some with residential accommodation above. To the west are traditional 2-storey houses on Lyttleton

Road and Redthorn Grove. To the immediate north, on the opposite side of Lyttleton Road is a post-war 3-storey flatted development (Gillies Court) and further parades of shops, some also with residential above. To the east on the opposite side of a wide section of Station Road are further shops and residential properties. To the southeast is the Cascades Swimming Baths which is due to close once its replacement, which is currently under construction on the adjoining site, has been completed.

- 2.2. The site is located within the Primary Shopping Area of the Stechford Neighbourhood Centre. Communal parking areas serving the centre are located off Station Road and on-street parking is also available on side streets including Lyttleton Road. Station Road is served by the outer circle bus routes and Stechford Railway Station with direct links to Birmingham City Centre and Birmingham International is some 160m to the north.

2.3. [Site location](#)

3. [Planning History](#)

- 3.1. None of relevance.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to conditions relating to cycle storage and a car park management plan.
- 4.2. Regulatory Services – No objection subject to a condition relating to noise insulation, noise levels and electric vehicle charging points.
- 4.3. Lead Local Flooding Authority – No objection.
- 4.4. Severn Trent Water – No objection subject to a condition relating to the disposal of foul and surface water flows.
- 4.5. West Midlands Police – No objection.
- 4.6. Neighbouring properties, local residents groups and Councillors, and MP consulted with site and press notices posted.
- 4.7. 10 representations from local residents received raising objections on the following grounds:
- The premises already generates noise, disturbance and anti-social behaviour and the proposal would worsen this.
 - Loss of privacy, light, safety and security.
 - Increase in traffic and congestion on already busy roads resulting in an increase in accidents and pollution.
 - Worsen local rubbish/litter situation.
 - Noise disturbance, waste and pollution during construction.
 - Lead to other developments and impact upon a peaceful residential area.
 - Increase in car parking on surrounding streets.
 - Harmful to visual amenity.
 - Decrease in property value.
 - Should not be allowed to convert to a hostel at a later date.

- Will be used as a hostel.
- Contradictions in the design statement and proposed intent.
- Contrary to Specific Residential Needs SPG and Saved UDP Policies relating to hostels, flats, care homes etc.
- Affect the character of the area.
- Commercialisation of the area with no overall economic benefit to the area.

5. Policy Context

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

6. Planning Considerations

- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005 and the Birmingham Development Plan 2017. The NPPF is also a material consideration.
- 6.2. Principle:
- 6.3. Policy TP21 of the BDP 2017 highlights that the vitality and viability of the City's network and hierarchy of centres will be maintained and enhanced. These centres are the preferred locations for retail, office and leisure developments and for community facilities. The policy also seeks enhancement to the quality of the environment and improve access as part of these new developments.
- 6.4. The application site is located within Stechford Neighbourhood Centre, as designated in the BDP 2017 and Shopping and Local Centres SPD. Stechford Neighbourhood Centre is a linear local centre with good bus and train links. It consists of a variety of relatively small retail operators as well as other town centre uses such as professional services, takeaways and a nursery.
- 6.5. Saved Policy 8.20 of the Birmingham UDP 2005 relates to the provision of new small hotel and guest houses and seeks, amongst others, their location on sections of major traffic routes with a predominantly commercial nature, well served by public transport, with no adverse impact on residential amenity and adequate car parking.
- 6.6. Hotel/guest bedroom accommodation is classed as a main town centre use within the NPPF, and the proposal would be located within the boundary of the Stechford Neighbourhood Centre. As such the use is acceptable in principle in this location. It is noted that some representation has been made regarding to the suitability of this site for hotel/guest bedroom accommodation. The proximity of the site to the Stechford Railway Station with its links to Birmingham City Centre and Birmingham International are noted. The applicant has advised that the proposal is primarily to provide budget accommodation for the use of contract workers and commercial representatives. Furthermore, the applicant advises that the formula of inexpensive

guest bedrooms, by adding on annexes to existing licensed premises, allowing a meal and drink at the end of the working day, is established in other parts of the Midlands. The applicant has applied a similar formula at The Moseley Arms on Ravenhurst Street in Digbeth. It is considered that the proposal is appropriate to the scale and function of Stechford Neighbourhood Centre and in accordance with BDP 2017 policies and the Shopping and Local Centres SPD.

- 6.7. Visual amenity:
- 6.8. Stechford Neighbourhood Centre consists of a mix of buildings, in a variety of conditions ranging from traditional Victorian/Edwardian to post-war properties. There is a noticeable lack of modern/contemporary buildings. The adjoining Funeral Directors at 193a Station Road is a late 1980s red brick and tile building of very little architectural merit. The 2-storey post-war public house is of a design which is more characteristic of that era but is also of limited architectural merit. Recent new-build development has been very limited within the centre and its surrounding area, with the most noticeable exception being the new Stechford Leisure Centre, which is under construction to the southeast of the application site, on the opposite side of Station Road.
- 6.9. The proposed 3-storey extension would have a flat roof design which matches the eaves level of the adjoining 193a Station Road and provide a visual link with the 2-storey public house. No objection is raised to the modern design and contemporary palette of materials, and it would provide visual interest to the streetscene. Use of these materials on the refurbished public house would also provide enhancements to visual amenity.
- 6.10. The differing materials have sought to reduce the overall scale and massing of the 3-storey building which would be visible from the public realm on Lyttleton Road as well as Station Road. Whilst the proposed extension would be taller than the neighbouring houses to the rear, it would be read in conjunction with the commercial context of the surrounding 2, 2.5 and 3-storey buildings within the centre, and is considered acceptable.
- 6.11. Neighbour Amenity:
- 6.12. It is noted that a number of residents have made observations in relation to noise and disturbance from the existing public house and an extension would attract more people and worsen the situation. The public house element and associated beer garden are existing and would not be altered or extended as part of these proposals. There is the potential that there might be an increase in custom within the lounge and bar areas of the public house due to the on-site guest bedrooms but at an established public house within a local centre this could not sustain a reason for refusal on the ground of noise and disturbance. Furthermore, the guest bedroom accommodation is not inherently noisy and again in light of its location adjacent to an established public house and a local centre, this would also not represent a reason for refusal. Regulatory Services have raised no objection to the proposal subject to a condition in relation to noise insulation to habitable windows to the Station Road frontage.
- 6.13. The 3-storey extension would have rear (west) facing windows looking towards the rear garden and side elevation of 114 Lyttleton Road. The closest guest bedroom would be located some 15.5m from the side boundary of this garden. The internal floor to ceiling height of the rooms to the extension would be 2.4m, which is akin to the height of a domestic property. Therefore, it is considered appropriate to assess

the proposal within the context of the numerical standards given in 'Places for Living' SPG, most noticeably the 5m per storey set back. At 15.5m this achieves the minimum setback distance for 3-storeys (15m). Furthermore, due to the nature of the accommodation, it is unlikely that the bedrooms would be occupied during the day when adjacent private gardens are most likely to be used. The location of the closest bedrooms to neighbouring gardens have been relocated to the side (south elevation), which looks over part of the car park and beyond that, onto a linear outbuilding in the rear service yard of a parade of shops on Station Road. A landscaping condition is proposed to consider opportunities to provide a further visual screen and supplement existing mature vegetation within the application site. A number of proposed bedroom windows are located to the south elevation and overlook the rear service yard of 193A Station Road. These are proposed to be obscurely glazed. Whilst not ideal, in light of the short-stay duration of the guest bedroom accommodation it is considered that it could not sustain a reason from refusal. There is residential accommodation to the upper floors at 193a Station Road and in light of the location of the rear windows and the siting of the proposed extension to the north, it is considered that the impact would be acceptable. It is considered that the proposal would have no adverse impact on neighbour amenity or the amenity of the guests of the proposed bedrooms.

6.14. Parking and Highway safety:

6.15. The proposal would retain the majority of the existing car park and provide 18 marked-out parking spaces. However there is scope for some additional informal parking which would not impact on the marked out spaces. Applying the standards given in Car Parking Guidelines SPD, the existing public house and proposed guest bedrooms would generate a maximum of 33 spaces. Whilst the proposal has a shortfall of 15 spaces, this is a maximum standard and it is noted that the site is within a local centre with good bus and train links. There is also public parking which is unrestricted between 1800-0900 Monday to Saturdays and on Sundays. Transportation Development have assessed the proposal and also undertook site observations in the early evening and noted that 14 vehicles were parked in the public house car park and there was a low level of parking activity on the northern sections of Lyttleton Road and Redthorne Grove. Transportation Development therefore consider that there are no grounds to refuse the application on the grounds of the shortfall in parking provision from the SPD maximum guidelines and raises no objection.

6.16. Other matters:

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

6.18. Concerns have been raised over anti-social behaviour, safety and security. The existing public house and rear bear garden do not have clear views of the existing car park and the introduction of guest bedrooms over 3 floors and the reception overlooking the car park would improve natural surveillance and security of the area including boundaries to adjoining gardens. West Midlands Police raise no objection to the application.

6.19. Reference is also made to the premises being used as a hostel. A hostel use is a sui generis use and such a proposal would require planning permission to change from the current proposal and would be considered under its own merit. Policy and

guidance relating to hostels are not relevant to the determination of this current application.

- 6.20. Concern over the impact the development may have on property values has also been expressed but this is not a material consideration in the determination of a planning application.

7. Conclusion

- 7.1. The proposal would introduce a new main town centre use within Stechford Neighbourhood Centre which has good public transport links, including direct rail links to Birmingham City Centre and Birmingham International. The proposal would not have an adverse impact on visual amenity, neighbour amenity or highway safety and is in accordance with relevant policy and guidance and as such planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|----|---|
| 1 | Requires the prior submission of hard and/or soft landscape details |
| 2 | Requires the prior submission of hard surfacing materials |
| 3 | Requires the prior submission of boundary treatment details |
| 4 | Requires the prior submission of a lighting scheme |
| 5 | Requires the prior submission of sample materials |
| 6 | Requires the prior submission of level details |
| 7 | Requires the prior submission a scheme of noise insulation |
| 8 | Limits the noise levels for Plant and Machinery |
| 9 | Requires the prior submission of cycle storage details |
| 10 | Requires the prior submission of a car park management plan for disabled spaces |
| 11 | Provision of designated electric vehicle charging points |
| 12 | Requires the scheme to be in accordance with the listed approved plans |
| 13 | Implement within 3 years (Full) |
-

Case Officer: Peter Barton

Photo(s)



Figure 1 – Station Road frontage

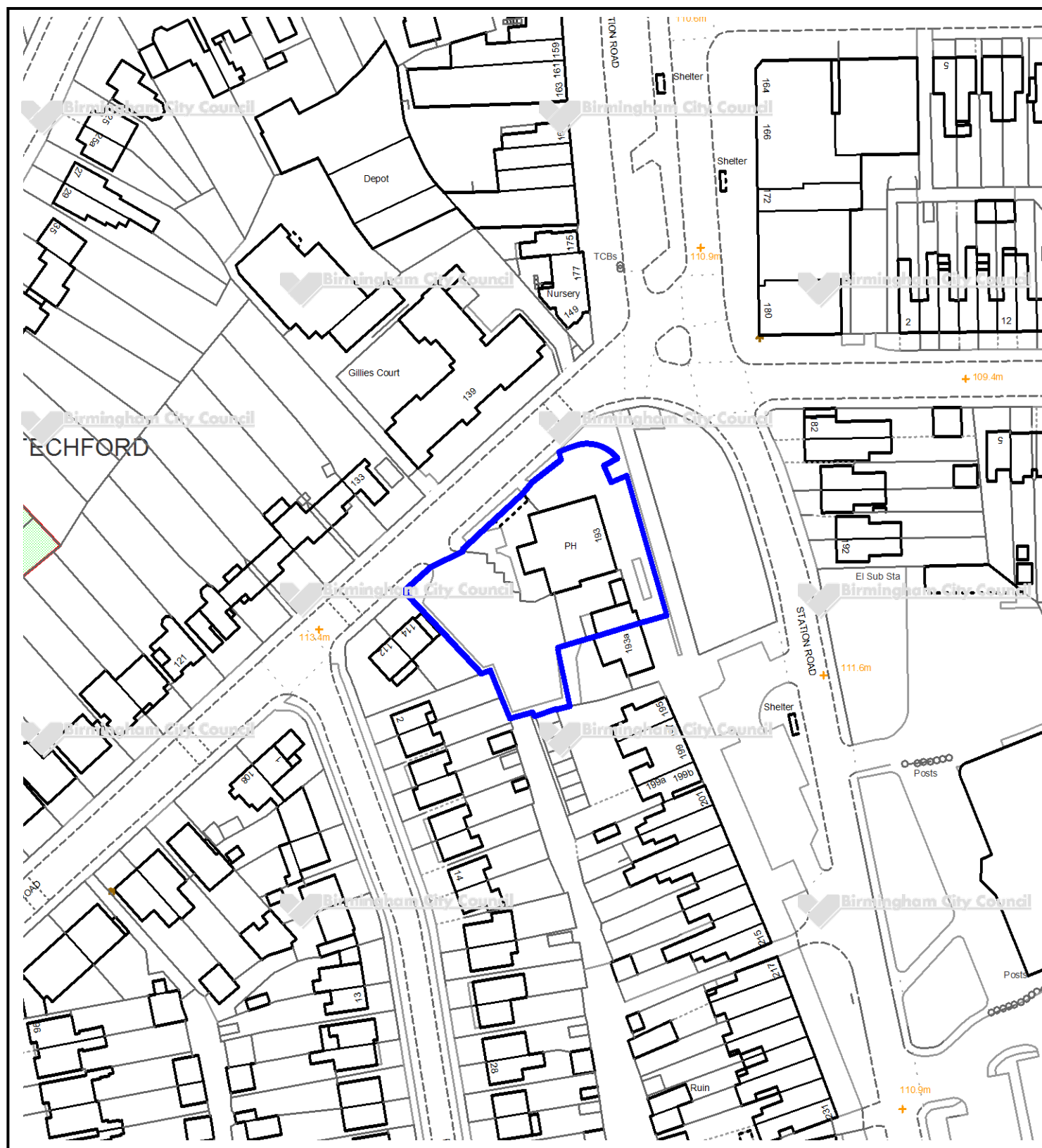


Figure 2 - Lyttleton Road frontage and access to car park



Figure 3 – Western boundary to car park looking towards the rear of houses on Lyttleton Road and Redthorn Grove

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/01829/PA
Accepted:	03/03/2017	Application Type:	Variation of Condition
Target Date:	02/06/2017		
Ward:	Acocks Green		

Lidl Store, Olton Boulevard East, Acocks Green, Birmingham, B27 7RR

Variation of Condition No. 2 attached to planning application
2000/01878/PA to extend delivery hours on Sundays from 0930-1630
hours to 0900-1900 hours

Applicant: Lidl UK GmbH
c/o Agent
Agent: GVA Grimley Ltd
3 Brindley Place, Birmingham, B1 2JB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Planning permission is sought to vary condition 2 attached to application 2000/01878/PA to allow deliveries to the Lidl store at Fox Hollies Road, Acocks Green, Birmingham between 09:00 – 19:00 hours on Sundays.
- 1.2. Condition 2 currently reads “No deliveries to or collections from the premises shall take place between the hours of midnight and 09:30 hours and 16:30 hours and midnight on Sundays”.
- 1.3. The applicant seeks for condition 2 to be amended to the following; “No deliveries to or collections from the premises shall take place between the hours of midnight and 09:00 hours and 19:00 hours and midnight on Sundays”.
- 1.4. In essence the proposed amendment seeks an additional 30 minutes delivery time in the morning and an additional 2.5 hours in the evening on Sundays only.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site comprises of an existing, established supermarket with car park located within the Olton Boulevard local centre in south east Birmingham.
- 2.2 The site is surrounded by a variety of uses including an Esso Filling Station to its north east boundary, residential dwellings along Summer Road and a parade of units around Olton Boulevard and Fox Hollies Road roundabout.
- 2.3 [Site Location](#)

3 Planning History

- 3.1 22/06/2000 – 2000/01878/PA – Variation of condition C10 attached to Application No. 1998/04850/PA to allow collection and delivery of goods on Sundays – Approved, subject to conditions.
- 3.2 01/04/1999 – 1998/04850/PA – Redevelopment of site to form Use Class A1 food retail outlet plus ancillary parking, servicing and landscaped area – Approved, subject to conditions.

4 Consultation/PP Responses

- 4.1 Cllr Roger Harmer – Following comments received;
- “I am happy with a relaxation for deliveries between 9am and 6pm, but would prefer no later than that. Also important that delivery at 9am means arrival no earlier than 9am, not arrival at 7.30am, sitting there with chiller running until 9am then unloading”.
- 4.2 Regulatory Services – No objection.
- 4.3 Acocks Green Focus Group – No objection, subject to strict adherence to the approved condition.
- 4.4 Transportation Development – No objection.
- 4.5 Neighbouring properties, residents associations and MP consulted with four objections received from local residents on the following points;
- Surely the current delivery arrangements (Mon-Sat) can be adjusted to fulfil any additional requirements without deliveries on Sunday.
 - Approval of this proposal would set a precedent in the area for other businesses to do the same.
 - Would lead to extra HGV traffic on approaching roads.
 - The location of the Lidl's delivery bay requires HGVs to move through the public car park making it less safe.
 - Residents who live nearby are entitled to quiet one day a week and Sunday should be that day.

5 Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham UDP (Saved Policies) 2005, Shopping and Local Centres SPD and the NPPF.

6 Planning Considerations

- 6.1 A condition was attached to application 2000/01878/PA to restrict delivery times on Sundays only to between the hours of opening between 09:30 and 16:30 hours in order to safeguard residential amenity.
- 6.2 The current application seeks to extend the delivery times by 30 minutes in the morning and by an additional 2.5 hours in the evening on Sundays only therefore amending the delivery period to between 09:00 and 19:00 hours. I therefore regard

the main considerations to be the impact upon residential amenity and highway safety.

- 6.3 The application site is located within a designated local centre and is an existing, established and detached supermarket site with the nearest residential units located on the opposite side of Summer Road, approx. 25m away from the delivery bay (itself located on the other side of the building with an orientation facing into the car park rather than towards these dwellings) and an Esso Filling Station located to the north east of the site, adjacent to the sites boundary.
- 6.4 It is noted that the Esso Filling Station currently operates (i.e. fuel sales and store) between the hours of 06:00 and 23:00, substantially longer than the proposed delivery hours sought at the adjacent Lidl store site.
- 6.5 A number of objections have been received from local residents who are concerned that the increase in potential delivery hours would result in adverse noise levels impacting upon nearby houses, particularly given that it would be a Sunday, a day traditionally seen as a day of rest.
- 6.6 I also note Cllr Harmer's concerns regarding the proposal and have treated his concerns as an objection given that the applicant is seeking for deliveries to occur until 19:00 rather than the 18:00 hours Cllr Harmer considers acceptable.
- 6.7 Given the distance between the delivery bay and the orientation of it in relation to neighbouring dwellings along with intervening uses (i.e. Summer Road itself which generates its own noise) it is considered that the proposal is acceptable in this regard, a view shared by Regulatory Services who have raised no objection to the proposed delivery hours amendment.
- 6.8 The applicant has indicated that the proposed delivery period amendment would not result in an increase in HGV deliveries as the store itself is not expanding (1-2 per day with 3 at peak times – e.g. Christmas) but would instead allow greater flexibility to organise deliveries, particularly when the store is closed so as to allow the restock of the store without customers on site and therefore potential customers in the car park area.
- 6.9 Transportation Development have been consulted on the proposal and raise no objection to the Sunday hours of delivery amendment and state that the change is unlikely to have an adverse impact upon the surrounding highway network, particularly as deliveries are already permitted during network peak traffic periods and times of highest store parking demand / vehicle activity.

7. Conclusion

- 7.1 The proposal is in accordance with relevant policy and guidance and that planning permission should be granted in this case.

8. Recommendation

- 8.1 Approve, Subject to conditions.

1	Limits delivery time of goods to or from the site on Sundays to 0900-1900hours
---	--

Case Officer: Mohammed Nasser

Photo(s)

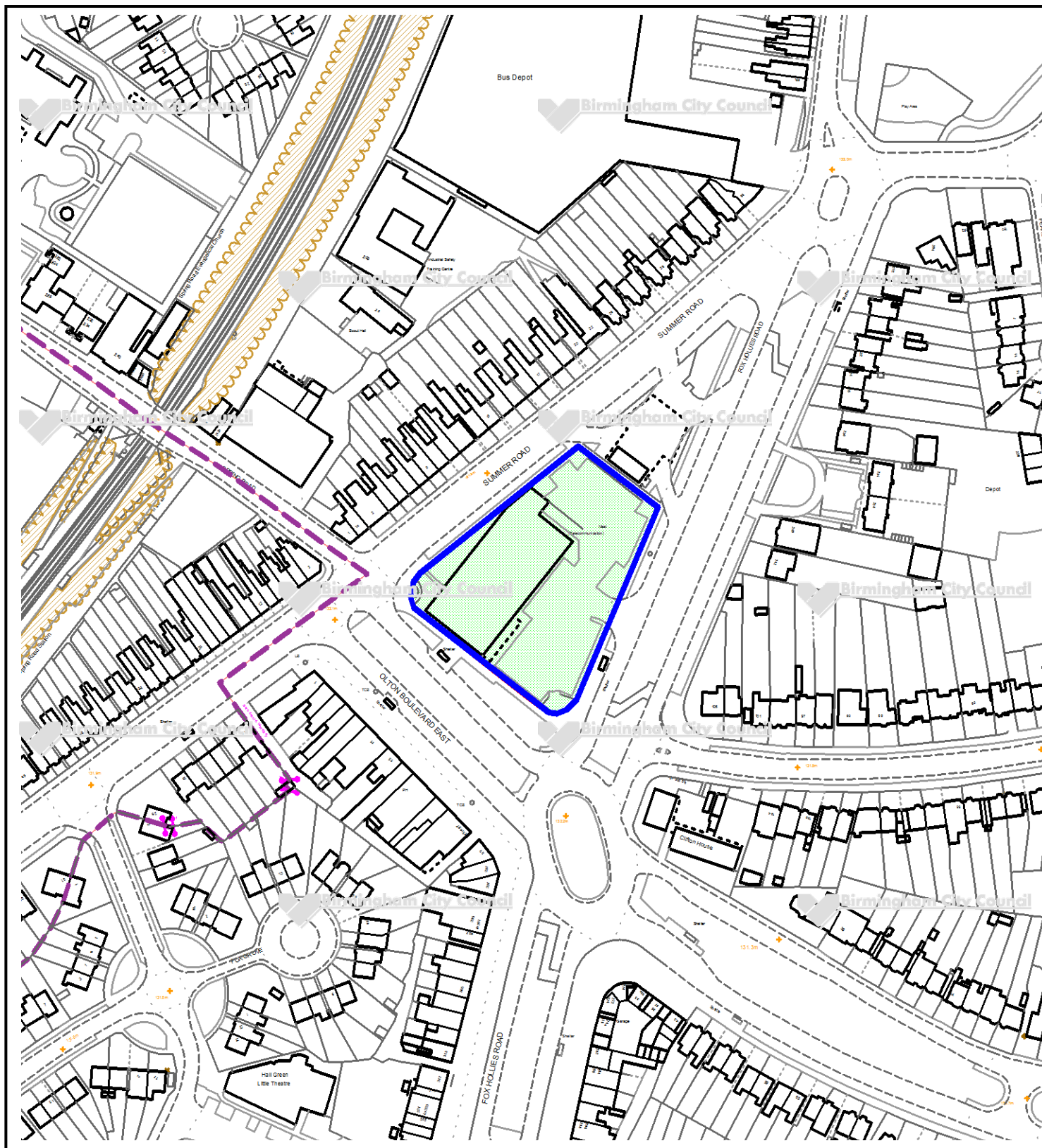


Fig 1 – Rear of Application Site and Delivery Bay. View from Summer Road.



Fig 2 – Front Elevation of Application Site – Looking from Fox Hollies Road at site Entrance.

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/01099/PA
Accepted:	07/02/2017	Application Type:	Householder
Target Date:	04/04/2017		
Ward:	Erdington		

12 Orchard Road, Erdington, Birmingham, B24 9JL

Erection of two storey side and single storey rear extension

Applicant: Mr Choudhry
12 Orchard Road, Erdington, Birmingham, B24 9JL
Agent: DJ Building Design
10 Violet Croft, Tipton, DY4 0DB,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a two storey side and single storey rear extension at 12 Orchard Road, Erdington. The proposed extension will replace the existing garage store to provide a ground floor study, whilst also providing a downstairs WC and extended kitchen and dining area. On the first floor, the proposed extension will provide a new bedroom with en-suite. The proposed extension will turn this three bedroom dwelling into a four bedroom dwelling.

1.2. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application property is a two storey semi-detached dwelling with hipped roof design and forward two storey gable feature. There is a small porch with garage to the left of the property, adjacent to a paved driveway which is used for parking.
- 2.2. The rear garden area is bound by approx. 1.7m high fencing to No. 10 Orchard Road and bound by 1.8m high fencing to No. 14 Orchard Road. Within the rear garden, there is a large outbuilding. There is currently an enforcement case (2017/0375/ENF) under investigation on the outbuilding.
- 2.3. Neighbouring property No. 10 Orchard Road is also a two storey semi-detached dwelling with hipped roof design and forward two storey gable feature. There is a current planning application (2017/01853/PA) for the erection of a conservatory to the rear. This application will also be assessed at planning committee and can be found elsewhere on this agenda.
- 2.4. Neighbouring property No. 14 Orchard Road is a two storey dwelling with hipped roof design. This property has previously been extended to include a loft conversion. There are three obscurely glazed windows in the ground floor side elevation and two obscurely glazed windows in the first floor side elevation.

2.5. There are other two storey side and single storey rear extensions approved within the street, including Nos. 5, 11, 20 and 22.

2.6. [Site location](#)

3. [Planning History](#)

3.1. 2017/0375/ENF - Alleged unauthorised outbuilding to rear being used as a dwelling – 21/04/2017 - Under investigation.

4. [Consultation/PP Responses](#)

Local ward councillors and the occupiers of neighbouring properties have been consulted. Responses were received from a neighbouring occupier and Councillor Robert Alden. Objections have been raised to the proposed development on the grounds of:

- Loss of light
- Loss of privacy
- Overdevelopment
- The property is being used as a House in Multiple Occupation (HMO)
- Noise
- Risk of subsidence
- Safety of occupants and visitors to the property

Councillor Beauchamp has requested that this application is determined by planning committee.

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Birmingham Development Plan (Adopted 2017)
- Birmingham Unitary Development Plan saved policies 3.14 – 3.14D & Chapter 8 (Adopted 2005)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)

5.2 The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012)

6. [Planning Considerations](#)

6.1. The main issues for consideration are the impact on neighbouring occupiers and the scale and mass of the proposed development.

6.2. The proposed development includes a ground floor and first floor window in the side elevation facing the boundary with No. 10 Orchard Road. These windows would fall short of the required separation distance of 5m per storey to neighbouring

boundaries. However as these windows will light non-habitable rooms - a ground floor WC and first floor en-suite, a condition is attached to ensure they are fitted with obscure glazing and inward opening only, to prevent any overlooking of the private amenity space to the neighbouring occupiers.

- 6.3. The proposed development complies with all remaining distance separation guidelines contained in 'Places for Living' SPG and 'Extending your Home SPD' and complies with the 45 Degree Code. The scheme would not result in a detrimental impact on the amenities of the occupiers of the neighbouring properties by way of loss of light or outlook.
- 6.4. The scale, mass and design of the proposed development is acceptable. I consider the proposed extensions would not detract significantly from the architectural appearance of the property and would be in accordance with the principles contained within the 'Extending Your Home' Design Guide. Whilst the proposed two storey side extension is sizable, I consider it will have no significant impact on the character of the existing dwelling or the visual amenity of the local area. The proposed two storey side extension is set-back from the main front elevation. Overall the proposal will cause no detrimental impact on the forward street scene.
- 6.5. Although concerns have been raised over the creation of a House in Multiple Occupation, there is no evidence within the application as submitted or from the site visit undertaken by the case officer, to suggest that a change of use would be required. It is evident that the application property will remain as a residential dwelling house. A small scale HMO from C3 to C4 use would fall under permitted development rights and therefore not require planning permission.
- 6.6. Concerns have also been raised regarding noise from general use of the property which could not sustain a reason for refusal for a modest extension to an existing dwelling. Furthermore, the safety of the occupant and visitors to the property has also been raised in relation to the side passage becoming slippery or dangerous. This issue is a non-planning consideration and as such cannot be considered when assessing this application. Concerns have also been raised in respect of maintenance and subsidence; these issues remain a private matter between neighbours and therefore cannot be taken into consideration when assessing the merits of this application.
- 6.7. The proposed development does not attract a CIL contribution.

7. Conclusion

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

8. Recommendation

- 8.1. Approve subject to the following conditions:

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

-
- 2 Requires that the materials used match the main building
 - 3 Requires the prior submission details obscure glazing for specific areas of the approved building
 - 4 Implement within 3 years (Full)
-

Case Officer: Laura Reid

Photo(s)



Figure 1: Front Elevation



Figure 2: Rear Elevation

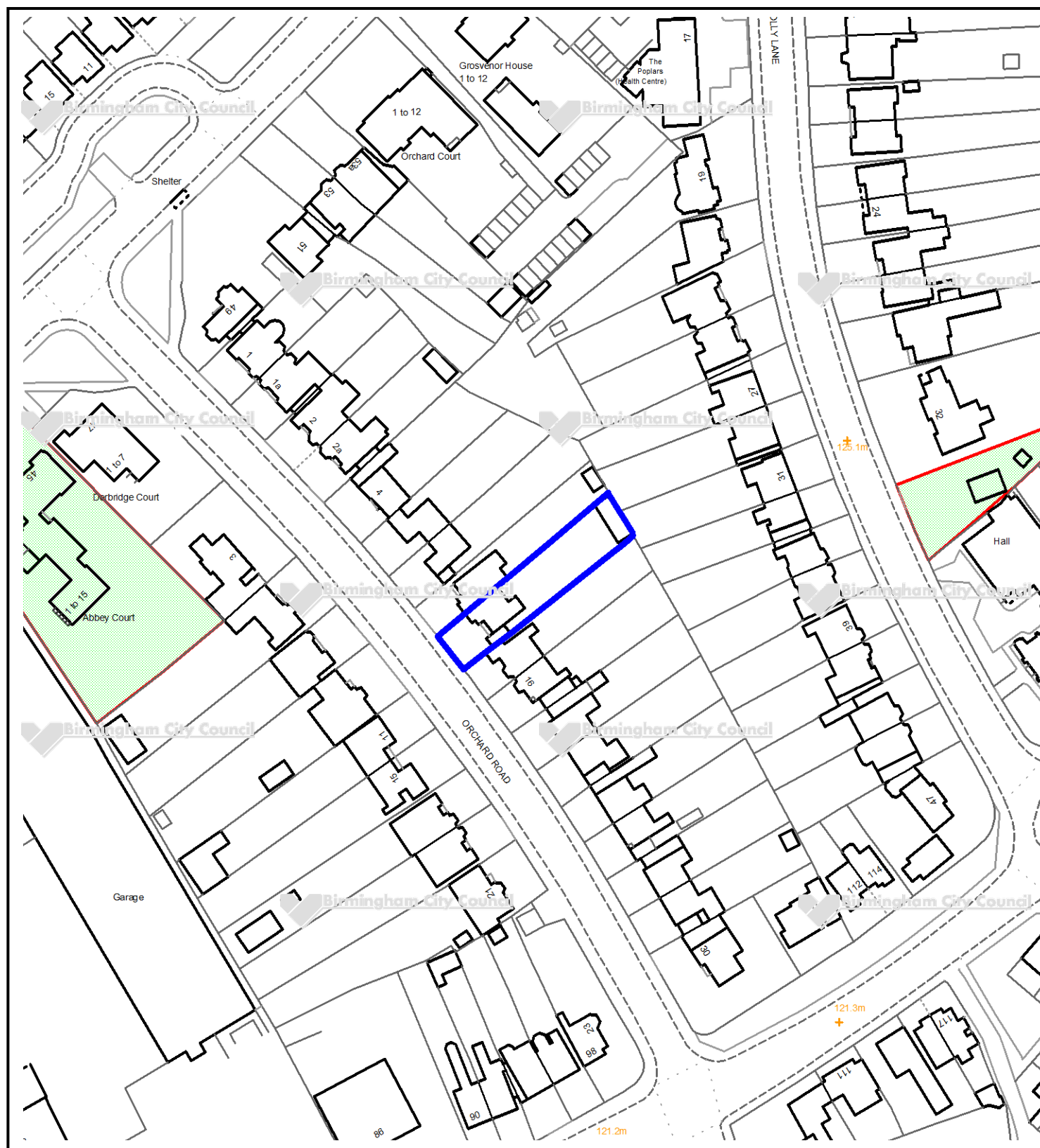


Figure 3: Side Elevation



Figure 4: No. 14 Orchard Road

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/01853/PA
Accepted:	28/02/2017	Application Type:	Householder
Target Date:	25/04/2017		
Ward:	Erdington		

10 Orchard Road, Erdington, Birmingham, B24 9JL

Erection of conservatory to rear.

Applicant: Mr McGilloway
10 Orchard Road, Erdington, Birmingham, B24 9JL
Agent: Gurmukhi Building Design Ltd
The Old School House, School Road, Moseley, Birmingham, B13 9SW

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. Consent is sought for a rear conservatory.

1.2. The proposed rear conservatory would be 4.8m in depth, 3.65m in width and a maximum height of 3.5m. The conservatory would be predominately glazed with a polycarbonate roof.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site consists of a semi-detached rendered dwelling with a hipped roof and two storey forward feature with a mono-pitch style roof. The property has been previously extended to the rear with existing two storey rear and single storey extension (2010/00775/PA).

2.2. To the rear is a long garden area which is predominantly laid to lawn and small paved area directly adjacent the property. The boundary treatment consists of 2m wooden fencing which encompasses the entire rear curtilage of the application site. Towards the rear boundary is a detached timber constructed outbuilding.

2.3. The neighbouring property No. 12 Orchard Road is a similar style property to the application property. The nearest habitable room window affected is to ground floor rear dining room window. This neighbouring property has a current planning application for the erection of two storey side and single storey rear extensions (2017/01099/PA) which is also on the Committee agenda.

2.4. There are other single storey rear extensions and conservatories visible in the surrounding area.

2.5. [Site location](#)

3. [Planning History](#)

- 3.1. 09/04/2010 - 2010/00775/PA - Erection of a two storey rear and single storey rear extension with a porch to the front – Approved-Conditions.
- 3.2. 06/02/2017 - 2017/00992/PA - Pre-application enquiry for the erection of a single storey rear extension – Advice given that a brick built single storey rear extension would breach the 45 degree code, a more suitable option would be a glazed conservatory.

4. [Consultation/PP Responses](#)

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted; 2 neighbour objections received and a response received from Councillor Robert Alden. Objections have been raised to the proposed development on the grounds of:
- The property is being used as a House in Multiple Occupation (HMO)
 - Scale
 - Further parking problems
 - Loss of privacy
 - Internal layout plan is incorrect
 - Separate flat on ground floor with a rear fenced off area
- 4.2. Councillor Beauchamp has requested this application be determined by Planning Committee.

5. [Policy Context](#)

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
 - Birmingham Development Plan (2017).
 - Places For Living SPG 2001.
 - Extending Your Home SPD 2007.
 - 45 Degree Code SPD.
- 5.2. The following national policies are applicable:
- National Planning Policy Framework.

6. [Planning Considerations](#)

- 6.1. The principal matters for consideration are the scale and design of the proposed extension, the impact on the architectural appearance of the property, the impact on surrounding area and the impact upon neighbouring properties' amenities.

- 6.2. Although the proposed rear conservatory breaches the 45 Degree Code to No. 12 Orchard Road, as the structure would be predominantly glazed and would have a glass roof above the existing boundary fencing the Code allows for this as glazed structures permit light to pass through. Sufficient light would remain available to the rear elevation of the neighbouring property.
- 6.3. There would be a potential issue of overlooking to the neighbouring dwelling No. 12 Orchard Road as the top-lights in the side elevation of the proposed conservatory would not meet the required separation distance guidelines of 5m as set out in 'Places for Living' and 'Extending Your Home'. However with conditioning to secure obscure glazing, the privacy of the neighbours would be protected.
- 6.4. The scale, mass and design of the proposed conservatory is acceptable. The proposed conservatory would not detract from the architectural appearance of the property and would be in accordance with the principles contained within 'Extending Your Home' Design Guide. Whilst the property has been previously extended to the rear I consider the proposed development has no significant impact on the character of the existing dwelling or the visual amenity of the local area.
- 6.5. Notwithstanding the objections made by neighbouring occupiers and a local Councillor, I consider that the concerns raised regarding loss of privacy and scale of the extension have been considered and the proposed conservatory would not compromise neighbouring occupiers private amenities and have no harmful impact on the visual amenity of the surrounding area.
- 6.6. Although neighbours and a Councillor have raised concerns over the creation of a House in Multiple Occupation, there is no evidence within the application as submitted or from the site visit undertaken by the case officer to suggest that a change of use would be required. The property is currently rented out to tenants and the owner has confirmed the application property will remain as a residential dwelling house (C3). A small scale HMO from C3 to C4 use would fall under permitted development rights and therefore not require planning permission.
- 6.7. A small portion of the garden adjacent to the rear of the property has been partly enclosed. The owner and the agent have confirmed in writing the fencing was erected as the occupants had pets (so the pets were kept within part of the garden) and the same fencing will be removed when building works commence on the conservatory.
- 6.8. It is considered that the proposed development would not reduce the existing off-road parking available at the application site.
- 6.9. The proposed development does not attract a CIL contribution.
7. Conclusion
- 7.1. This application is recommended for approval because the proposal complies with objectives of the policies as set out above.
8. Recommendation
- 8.1. Approve subject to the following 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 prior submission of obscure glazing for the conservatory windows
 - 4 Implement within 3 years (Full)
-

Case Officer: Ricky Chima

Photo(s)

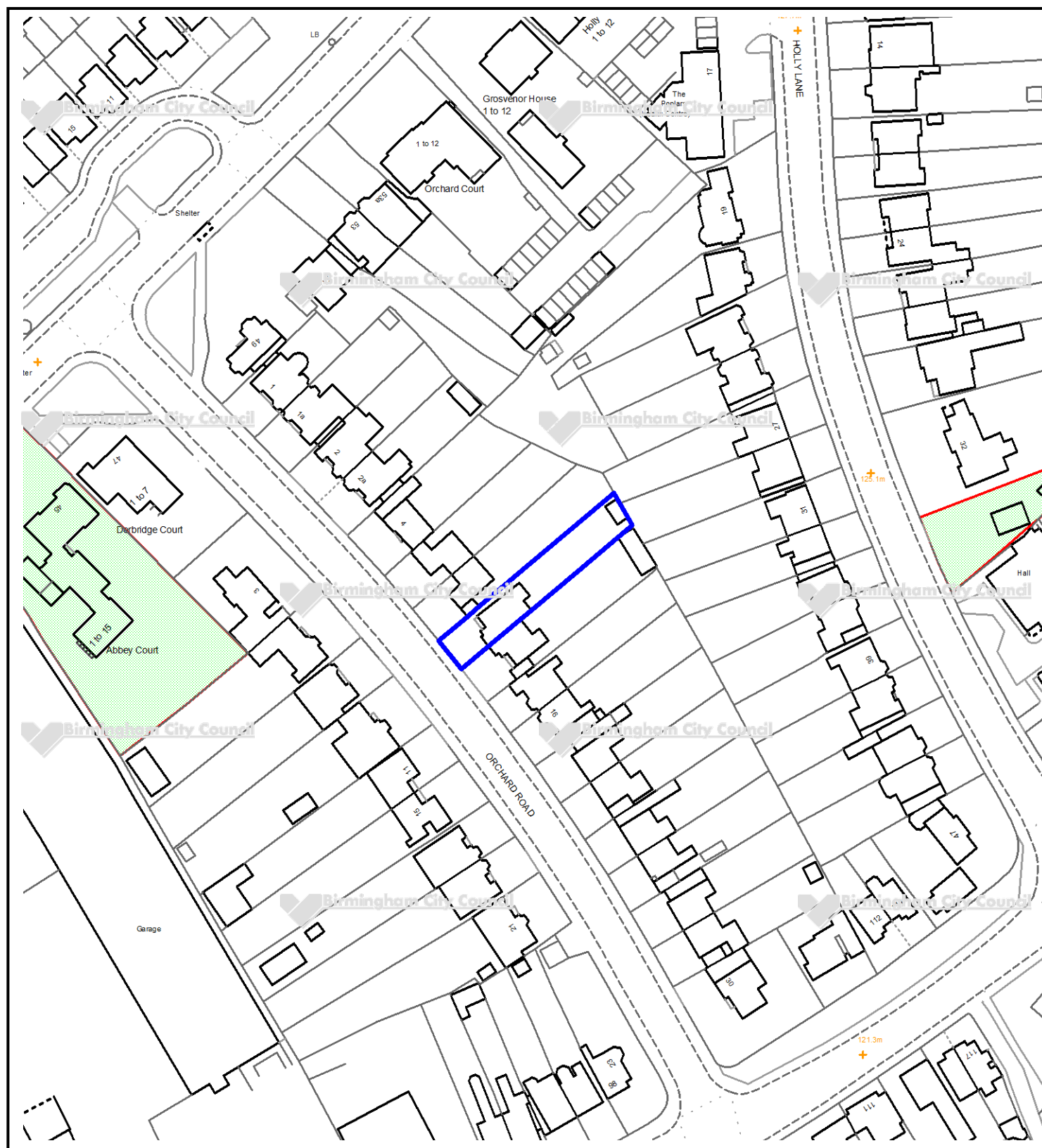


Figure 1: Rear Elevation



Figure 2: Rear Garden

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/02925/PA
Accepted:	04/04/2017	Application Type:	Advertisement
Target Date:	30/05/2017		
Ward:	Springfield		

Roundabout at the junction of Springfield Road/College Road, Moseley, Birmingham, B13 9NX

Display of 4 no. non illuminated freestanding post mounted signs

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

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 4 no. non-illuminated post-mounted signs on an existing roundabout at the junction of Springfield Road, College Road and Woodlands Road, adjacent to Springfield Primary School in Springfield, south east Birmingham.
- 1.2. The proposed signs would be located set back from the edge of the roundabout (2m) facing outwards towards the public highway.
- 1.3. The proposed signs would each have a width of 1000mm and a height of 500mm and would be mounted on posts giving an overall height of 650mm above ground level of the roundabout and 850mm from the carriageway level. The signs would be made of aluminium and the posts would be steel.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the whole of the roundabout which lies at the junction of Springfield Road, College Road and Woodlands Road in the Sparkhill area of South East Birmingham.
- 2.2. The roundabout is grassed with existing street furniture currently located at the edges of the roundabout which comprises of directional highway signage.
- 2.3. The immediate surroundings comprise a mix of residential and commercial properties with a variety of pedestrian crossings, pedestrian railings and street furniture located in close proximity to the roundabout.

2.4. [Site Location](#)

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

4.1. Transportation Development – No objection.

5. Policy Context

5.1. National Planning Policy Framework (2012), Birmingham Unitary Development Plan 2005 (Saved Policies), Birmingham Development Plan 2017.

6. Planning Considerations

6.1. The NPPF restricts Local Planning Authorities to considering only visual amenity and public safety when determining applications for consent to display advertisements (paragraph 67).

6.2. Paragraph 67 of the NPPF states that poorly placed adverts can have a negative impact on the appearance of the built environment. It adds that only those advertisements that will clearly have an appreciable impact on a building or on their surroundings should be subject to a Local Authority's detailed assessment. Finally, it states that the cumulative impact of advertisements should be considered.

Visual Amenity

6.3. The proposed adverts would be situated at appropriate locations on the roundabout and as there are no existing elements of advertising on the roundabout, I consider the proposal would not over-burden the roundabout with advertising. The proposed adverts would be of a modest size, and would not dominate the highway environment.

6.4. The proposed signage is set within the grassed area of the roundabout and is considered an appropriate setting and would not result in the loss of any planting/landscaping. I therefore do not consider that the proposals would constitute clutter within the street scene and consider the scale of the proposed advertisement signs would be acceptable.

Public Safety

6.5. The proposed signs would form part of the highway environment and an appropriate level of visibility would be provided in order for drivers to assimilate the contents of the advert without causing highway safety concerns. Such adverts are not an unusual feature on roundabouts and therefore would not cause an unacceptable degree of driver distraction.

6.6. Transportation Development has been consulted on the proposal and has offered no objections to their provision but has advised that the applicant obtains the appropriate licences for their provision on the public highway (which falls outside of planning remit).

7. Conclusion

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

8. Recommendation

8.1. Temporary consent subject to conditions.

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

2 Limits the approval to 5 years (advert)

Case Officer: Mohammed Nasser

Photo(s)

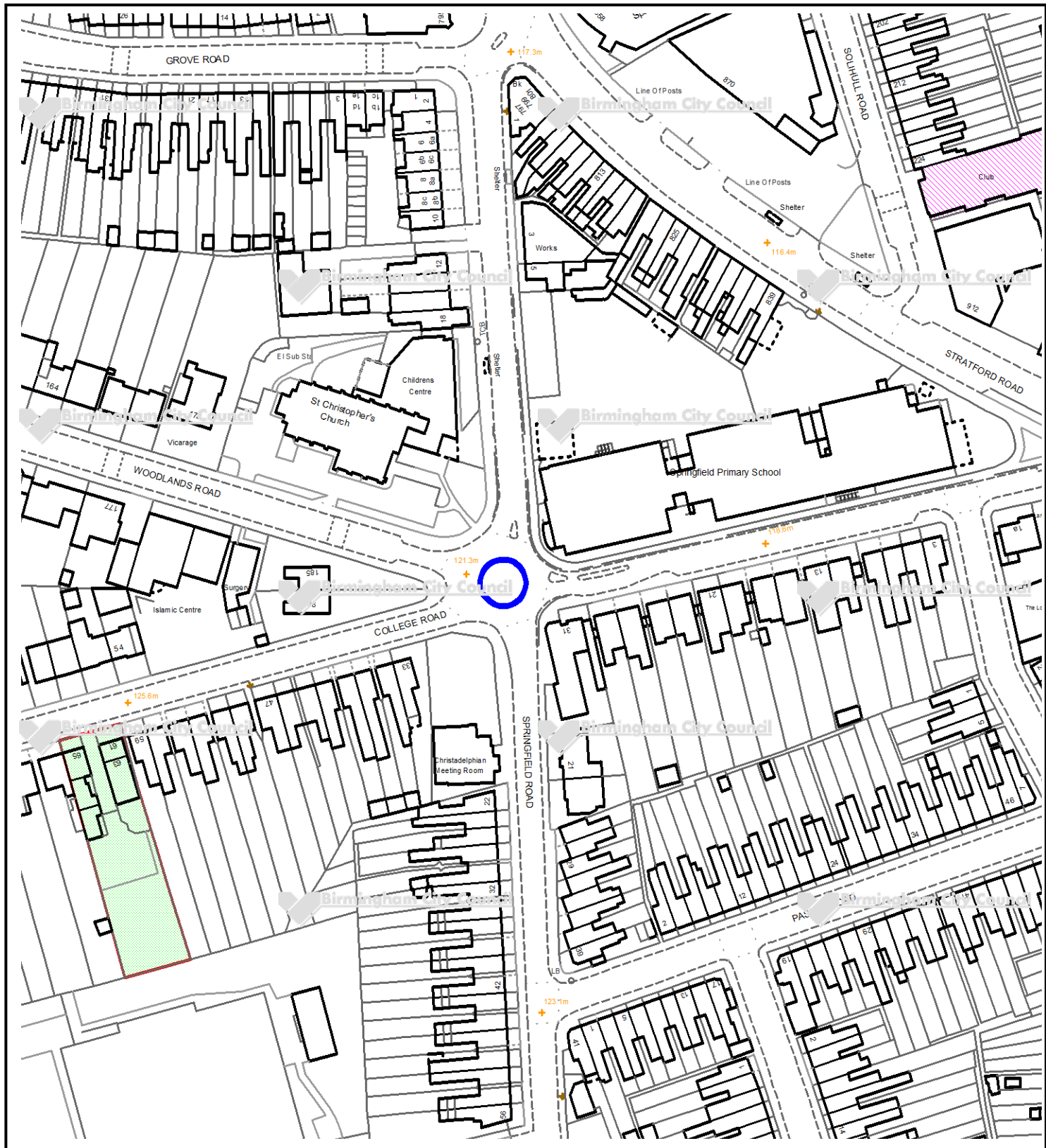
View from College Road towards Springfield Primary School



View from Woodlands Road towards College Road



Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

25 May 2017

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	32	2017/02083/PA 100 Watson Road Genting Casino Star City Nechells Birmingham B7 5SA Change of use of part of casino and restaurant (Use class Sui Generis & A3) to office (Use class B1) and training (Use class D1) including flexible use of ground floor for leisure (Use class D2) and restaurant (Use class A3) under Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended)
Approve – Conditions	33	2017/01398/PA 71 Green Lane Land adjacent Handsworth Birmingham B21 0DE Erection of 3 no. residential dwelling houses (Use Class C3)
Approve – Temporary	34	2017/02924/PA Lynton Road Thimble Mill Lane Nechells Birmingham B6 7QY Display of 4 non-illuminated freestanding roundabout signs

Approve – Temporary

35

2017/02304/PA

Lichfield Road, Wentworth Road, Station Drive,
Four Oaks Road, Four Oaks, Sutton Coldfield, B74
2SG

Display of 3 non-illuminated freestanding
roundabout signs

Committee Date:	25/05/2017	Application Number:	2017/02083/PA
Accepted:	17/03/2017	Application Type:	Full Planning
Target Date:	16/06/2017		
Ward:	Nechells		

100 Watson Road, Genting Casino, Star City, Nechells, Birmingham, B7 5SA

Change of use of part of casino and restaurant (Use class Sui Generis & A3) to office (Use class B1) and training (Use class D1) including flexible use of ground floor for leisure (Use class D2) and restaurant (Use class A3) under Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended)

Applicant: Genting Casinos UK Ltd
c/o agent
Agent: Turley
9 Colmore Row, City Centre, Birmingham, B3 2BJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Proposal includes change of use of part of casino and restaurant (Sui Generis and Use Class A3) to office (B1) and Training (D1) including flexible use of the ground floor for leisure (D2) and restaurant (A3) under Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended).
- 1.2. Existing floor space (GIA)
- | | |
|------------------------------------|------------------|
| - Casino (including back of house) | 6,211sq.m |
| - Restaurant | 553sq.m |
| - Office | 165sq.m |
| - Total | 6,929sq.m |
- 1.3. Proposed floor space (GIA)
- | | |
|------------------------------------|------------------|
| - Casino (including back of house) | 1,833-2,631sq.m |
| - Restaurant or Leisure | Up to 1,850sq.m |
| - Training | Up to 1,278sq.m |
| - Office | 3,020sq.m |
| - Total | 6,929sq.m |
- 1.4. The reasons behind the proposal are that Genting currently has split administrative functions with Liverpool and are seeking to bring these functions together in Birmingham. The proposal will facilitate the re-use of floor space at Star City for office and training uses as the large casino space is no longer reflective of customer requirements although it is likely that the casino will continue a presence on the

ground floor. This would also provide the landlord with flexibility in the future (10 years from the grant of planning permission) to revert back to the originally permitted leisure uses without the need for planning permission.

- 1.5. Ground floor – Flexible uses would include, casino, training, leisure and restaurant.
- 1.6. First floor – Closure of the main casino and use as offices to relocate the remainder of the administration team from offices in Liverpool.
- 1.7. Mezzanine floors – The ground floor mezzanine used currently as offices and training would largely remain as existing and the first floor mezzanine would change from restaurant to offices.
- 1.8. An Economic Impact Statement submitted in support of the application concludes that the proposal will positively contribute towards local and wider employment. It is anticipated that 56 direct full time jobs would be generated by Genting and if the landlord seeks to take back part of the ground floor for use as leisure or restaurant job generation would be increased.
- 1.9. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Application site is the existing Genting Casino within Star City, a major leisure destination in close proximity to junction 6 of the M6 which is accessed from Watson Road. Star City is a family leisure and entertainment complex and contains, restaurant and bars, indoor adventure golf, bowling alley and all weather football centre. There are currently a number of vacant units within the complex.
- 2.2. The Genting Casino contains 2 floor levels with a series of mezzanine levels.
- 2.3. [Site Location and Street View](#)

3. Planning History

- 3.1. 30/04/1997. 1996/00998/PA. Redevelopment of the former Nechells Power Station including part demolition of Nechells B Switch House for 30,205 sq metres net lettable floorspace of major leisure and entertainment facilities (Class D2 and A3), 2325 sq metres net retail floorspace for Class A1 use, (non-food), associated infrastructure, including the provision of integrated public transport facilities for coach visitors, bus and metro users together with about 2750 car parking spaces and the erection of a petrol filling station. Approved.
- 3.2. 10/03/1998. 1997/04723/PA. Reserved matters submission in accordance with previous Application No. 1996/00998/PA (Phase 1):- major leisure and entertainment facilities (Class D2 and A3) with non-food retail (Class A1), associated infrastructure including integrated public transport facilities and car parking. Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objections.

- 4.2. Regulatory Services – no objections.
- 4.3. MP, Councillors, Residents Associations, nearby occupiers notified. Site and press notices posted. No response received.
5. Policy Context
 - 5.1. Birmingham Development Plan 2017, Car Parking Guidelines SPD 2012, National planning Policy Framework 2012.
6. Planning Considerations
 - 6.1. **Policy** – The Council's planning strategy set out in the Birmingham Development Plan 2017 aims to deliver significant levels of employment and supports investment and development that raises the City's profile. Policy PG3 supports that new development makes best use of existing buildings. Policy TP21 states that proposals for main town centre uses outside the boundaries of the network of centres will not be permitted unless they satisfy the requirements set out in national planning policy.
 - 6.2. The National Planning Policy Framework supports economic growth with a presumption in favour of sustainable development. Paragraph 23 promotes competitive town centre environments and supports proposals to enhance the viability and vitality of centres. Paragraph 24 states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not within existing centres.
 - 6.3. **Principle of uses** – The proposal is essentially to utilise available floor space at first floor level as offices for Genting resulting from the reduced casino and to provide flexibility on the ground floor for leisure or restaurant uses as well as a reduced casino/training for Genting. Further flexibility is also sought at ground floor should the casino/training element no longer be required. Part 3, Class V of the GPDO allows for "development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted".
 - 6.4. I have no objection to the principle of the flexible use of the ground floor to include casino/training, leisure or restaurant uses. The range of uses proposed would not materially impact on the overall character or function of Star City and further restaurant or leisure uses would complement the existing facilities at Star City. The training element is directly related to the operation of the Genting Casino business. The future flexibility the applicant is seeking should the reduced casino/training area cease to function is also acceptable.
 - 6.5. With regard to the first floor use as offices, I note that the applicants are looking to relocate their main administrative functions into the floor space vacated by the casino and expand their office presence within the building. On this basis, there are clear reasons why the applicants would prefer the office component of the use located at this site rather than in a centre elsewhere. For this reason, I do not consider a sequential assessment is required and that the office use for Genting is acceptable, however, I consider it is necessary that a personal condition is attached to prevent general, stand-alone occupation of the first floor building as offices should Genting vacate the building as the site is not located within or on the edge of an

established centre.

6.6. **Highways** – The proposed uses would not generate significantly more trips than the existing casino and would not cause any unacceptable traffic impacts. There would be no change in the current parking provision at Star City which is extensive and more than adequate to meet the needs of future users. Transportation Development raise no objections and I concur with this view.

6.7. **Economic benefits** – The applicants consider the proposal would generate at least 56 full-time jobs which is welcomed.

7. Conclusion

7.1. I consider the proposed uses are acceptable subject to a condition preventing the general stand-alone office use of the first floor.

8. Recommendation

8.1. Approve Subject to Conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the occupancy of first floor and mezzanine office floor space to Genting Casinos UK Ltd |
| 3 | Implement within 3 years (Full) |
-

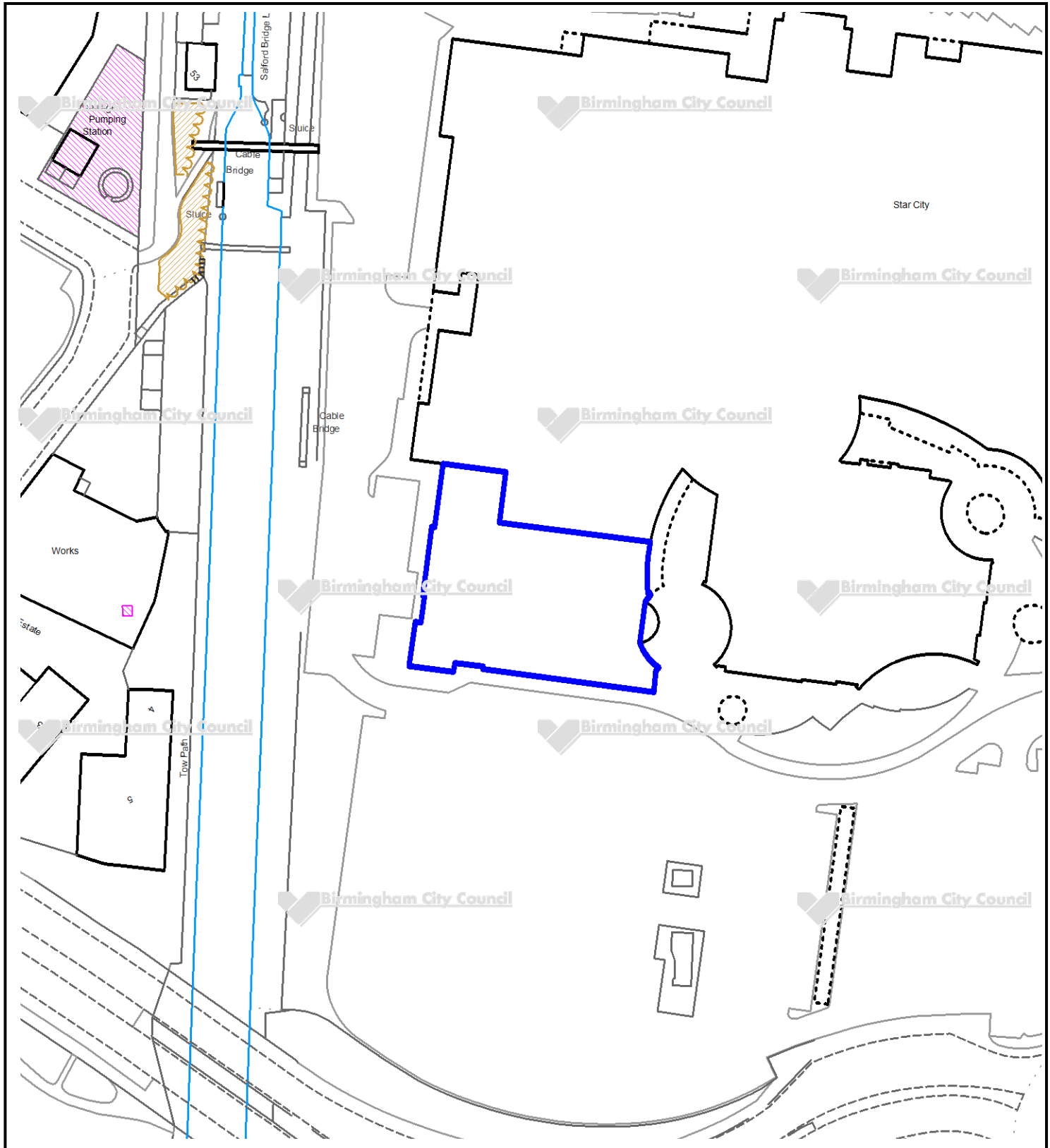
Case Officer: John Davies

Photo(s)



Figure 1 – Existing Genting Casino

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/01398/PA
Accepted:	20/02/2017	Application Type:	Full Planning
Target Date:	17/04/2017		
Ward:	Soho		

71 Green Lane, Land adjacent, Handsworth, Birmingham, B21 0DE

Erection of 3 no. residential dwelling houses (Use Class C3)

Applicant:	Mr M Aujla 47a Old Park Lane, Oldbury, B69 4PT
Agent:	Integrated Designs & Associates Limited 38 Old Walsall Road, Great Barr, Birmingham, B42 1NP

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of three dwellinghouses on land adjacent to 71 Green Lane, Handsworth, Birmingham.
- 1.2. The proposed scheme is for three dwellinghouses, two storeys in height. One of the dwellings would be detached; a side passage would separate it from the other pair to give access to the rear gardens. To the front, the dwellings would be constructed to the back-of-pavement and each house would have a bay window at ground floor level. At first floor there would be a pair of windows above the bay and a single window above the front entrance. All three properties would have a pitched roof that would slope towards the street. The width of each house would be approximately 5.6m wide and 9.1m in depth, increasing to 11.4m for the side return.
- 1.3. There would be a single-storey side return, with a mono-pitched roof, to each of the dwelling houses at the rear (to accommodate a utility room) with a single window to the rear wall. Windows to the rear of the three dwelling houses would all face into the gardens. The dwelling houses would be constructed of brick with a slate-tile roof.
- 1.4. Accommodation would comprise: on the ground floor a lounge to the front, kitchen and separate utility room to the rear. Stairs from a small entrance hall would lead upstairs to a landing. Off the landing would be a double bedroom (11.9m²) to the front of the house, a separate family bathroom to the middle, plus two single bedrooms (8.7m² and 7.5m² respectively) to the rear.
- 1.5. There would be an outdoor space to the rear of each dwelling, varying in size from 43m² to 59m². Each rear garden would have refuse bin storage and a paved patio area next to the house.
- 1.6. No on-site parking is proposed.
- 1.7. A Design and Access statement was submitted to support the application. The applicant states within this document that the proposed scheme would include low-

water use taps and fittings, high insulation values to reduce heating costs and CO2 emissions and the use of low energy light fittings with the aim of achieving the level 4 Code for Sustainable Homes.

1.8. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. The application site is a vacant site and was previously a children's play area, created in 1984, which has been subsequently sold by the City Council. The proposed location has railings marking its west boundary with Green Lane. The south boundary is a passageway leading to the rear of No.71. To the east boundary are the rear gardens of properties in Clarence Avenue. Abutting the plot to the north side is a small triangular patch of vacant land (formerly lock-up garages). The depth of the site at its shallowest is approximately 15.2 metres, and at its deepest approx. 18.3 metres. The width of the plot is approximately 16.6m.

2.2. The application site gently slopes down by approximately 0.40m. This would be reflected in the stepping down of the proposed dwellings.

2.3. Neighbouring the plot to the south is a short terrace of three dwelling houses, next to this a side passage and then another six terraced dwelling houses that all step down. Immediately opposite the application site is a terrace of seven dwelling houses that step down to the end of the street. Abutting that terrace to the north are the gardens for No.64 and No.54 Green Lane. The design of houses in Green Lane is mixed, with some back-of-pavement and others with a small garden to the front and bay windows. The dominant style is two-storey, back-of-pavement and flat-fronted.

2.4. There are no traffic regulation orders to control waiting on Green Lane. The application site is well served by public transport. North of the application site, it is less than 200 metres to the A41 (Holyhead Road/Soho Road), a main thoroughfare through the city with a number of frequent bus services. To the south-west is the Hawthorns railway station including a Midlands Metro tram stop, which is a relatively short walk of less than 900 metres and the Midlands Metro tram is also accessible at Handsworth Booth Street station which is closer at less than 600 metres.

2.5. The wider area is predominantly residential, with tunnel-back terraced housing and rear gardens.

2.6. [Site location](#)

3. [Planning History](#)

3.1. 17 October 2016 - 2016/08374/PA. Erection of 4 no. residential dwelling houses. Withdrawn.

3.2. 22 March 1984 – 65107000. Creation of toddlers' play-area plus seating area for adults and landscaping. Approved, subject to conditions.

4. [Consultation/PP Responses](#)

- 4.1. Neighbouring occupiers, ward councillors and local MP, local amenity groups and residents' and neighbourhood forums notified and site notice displayed. No comments received.
- 4.2. Transportation Development raised no objection. They did comment that there would be a likely increase in the demand for on-street parking.
- 4.3. Regulatory Services raised no objections. They did comment on noise levels and bin storage.
- 4.4. Severn Trent Water – awaiting comments.
- 4.5. Leisure Services raised no objection. Due to the relatively small size of the site and any potential section 106 sum, would not request a compensation sum for loss of the former play area in this case. A percentage of the capital receipt for the land sale would be re-invested in the open space/ play area portfolio.
- 4.6. West Midlands Police raised no objection, subject to recommendations for secure premises through 'Secured by Design' and conforming to standards set out in the HM Government: Approved Document Q: Security, Dwellings (Building Regulations).
- 4.7. West Midlands Fire Service raised no objection.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Birmingham UDP (saved policies), Places for Living SPG (2001), The 45 Degree Code SPG (1996), Car Parking Guidelines SPD (2012) and the National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. 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'.
- 6.2. It is stated within Policy TP28 of the BDP, that the location of new housing should be located outside of Flood Zones 2 and 3, should be adequately serviced by existing or new infrastructure and be accessible to jobs, shops and services by modes of transport other than the car and be sympathetic to historic, cultural or natural assets. Policy TP30 of the BDP explains the type, size and density of new housing with target densities. In this instance it would be at least 50 dwellings per ha in areas well served by public transport. The BDP comments that: 'higher densities should be accompanied by high quality design' thereby 'ensuring the impact on its surroundings is fully considered.'
- 6.3. Policy TP9 states that planning permission will not usually be granted for development on open space except where such sites are surplus, taking account of a minimum of 2 ha per 1,000 population under the policy's assessment criteria.
- 6.4. Paragraph 3.14D from the UDP saved policies comments: 'the Council will have particular regard towards the impact that the proposed development would have on

the local character of an area, including topography, street patterns, building lines, boundary treatments, skyline, open spaces and landscape, scale and massing, and neighbouring uses.' In addition, 'the scale and design of new buildings and spaces should generally respect the area surrounding them, and should reinforce and evolve any local characteristics.'

- 6.5. The Places for Living SPG encourages a response to local context and to avoid any potential adverse impact on neighbouring buildings, landscape and uses. As well as promoting good design, it also identifies numerical guidelines for garden, bedroom sizes and separation distances for new residential developments.
- 6.6. The NPPF contains a presumption in favour of sustainable development and core planning principles seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.7. It seeks to ensure the provision of sustainable development, and of good quality, in the appropriate location. It also advises that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development, for example where development would cause harm to the local area. Good development should respond to local surroundings and materials.
- 6.8. In addition, the NPPF advises that existing open space, sports and recreational buildings and land should not be built on unless an assessment has shown the open space to be surplus, or the loss would be replaced by equivalent or better provision, or alternative sports and recreation provision is being proposed which outweighs the loss.
- 6.9. The main considerations are the case for the loss of existing open space, the effect of the proposal upon the appearance and character of the area and the impact upon the amenities of adjacent properties.

Principle of development

- 6.10. The application site has historically been occupied by housing and subsequently cleared. It was developed as a children's play area in 1984 but is currently disused and has been declared surplus by the Council. The site is relatively small and does not meet the current requirement for play area provision to form part of a larger area of open space. Its re-use as a play area is also likely to compromise the amenities of adjoining residential occupiers.
- 6.11. Existing public open space is located approximately 500 metres to the north at Sandwell Recreation Ground, which includes an equipped children's play area as part of a large area of open space. Additionally, Booth Street open space is located approximately 550 metres to the south-east and includes children's play equipment. I therefore conclude that the loss of this play area would not have a demonstrable detrimental impact on public open space provision within the area and support the principle of its re-use for housing.

Impact on residential amenity and amenity for occupiers

- 6.12. The size of the application site, together with its historic street plan context, imposes constraints which affect the achievement of some of your committee's guidance in Places for Living. The rear elevation of the nearest dwelling to existing housing (the rear of properties fronting Clarence Avenue) would be 19.2 metres, falling short of the 21 metres guidance. Of the other two proposed dwellings, one would be marginally short of 21 metres and the other would exceed the separation distance. The distance to the boundary with adjoining rear gardens would be between 6.8m to

8.7m. I note that the rear elevations would be angled which would reduce any overlooking. The dwellings would comply with the 45 degree code in relation to existing adjoining dwellings.

- 6.13. Garden sizes achieved for each of the dwellings would vary between 43m² and 59m², falling short of the guidance of 70m². However, I note that the garden areas have been designed to incorporate a paved, sitting out area and grassed area. The dwellings meet internal space guidance within the nationally described standards.

Design

- 6.14. The proposed dwelling houses would be in keeping with the character and design of Green Lane reflecting the characteristics of the adjacent Victorian terraced houses. Though the proposed dwellings are slightly wider than the adjacent neighbours, I do not consider this would have a detrimental impact on the streetscene.

Highway matters

- 6.15. Transportation Development raised no objection, although they did consider that there would likely be an increase in demand for on-street parking. However, I do not consider that the level of increased parking demand generated would result in harm to highway safety.

Other matters

- 6.16. West Midlands Police raised no objection. They did suggest security features to attain standards produced by the Police Crime Reduction initiative: 'Secured by Design: Homes 2016'. The Design and Access statement submitted by the applicant states: 'proposals have been designed with crime prevention in mind and solutions put forward are secure passage gates, security lights etc. and the appropriate standards of door and window security to meet 'Secured by Design' standards. I am therefore satisfied with these measures. The Police also noted and supported the reduced recess allowed for the head of the side gates as this would reduce the risk of potential offenders hiding in these areas.
- 6.17. The proposed development would not attract a CIL contribution.

7. Conclusion

- 7.1. I consider the principle of redeveloping this former play area for housing to be acceptable. I also consider that the scheme's design and layout achieves an acceptable compromise between the need to reflect the character and appearance of the historic street pattern and the need to meet the objectives of your BDP guidance and national guidance within the NPPF.

8. Recommendation

- 8.1. Approve, subject to the following conditions:

-
- | | |
|---|---|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires the prior submission of boundary treatment details |
| 3 | Requires the prior submission of level details |
-

-
- 4 Requires the prior submission of window treatment details
 - 5 Removes PD rights for boundary treatments
 - 6 Removes PD rights for new windows
 - 7 Removes PD rights for extensions
 - 8 Requires the scheme to be in accordance with the listed approved plans
 - 9 Implement within 3 years (Full)
-

Case Officer: Caroline Ossowska

Photo(s)



Application Site 1



Application Site 2

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/02924/PA
Accepted:	04/04/2017	Application Type:	Advertisement
Target Date:	30/05/2017		
Ward:	Nechells		

Lynton Road, Thimble Mill Lane, Nechells, Birmingham, B6 7QY

Display of 4 non-illuminated freestanding roundabout signs

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

Recommendation

Approve Temporary

1. Proposal

- 1.1. Advertisement consent is sought to display four non-illuminated free-standing signs on the Lynton Road, Thimble Hill Lane roundabout Island.
- 1.2. The proposed signs would be sited near to the edge of the roundabout and would measure approximately 1.5 metres in width by 0.40 metres in height and would be positioned 0.50 metres above ground level and set 2 metres in from the kerb edge of the roundabout. The maximum height of the signs from carriageway level would be 1.05 metres. The signs would post mounted signs with coloured graphics and texts to the front, and powder-coated posts to the side.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to a roundabout at the junction with Lynton Road (B4132), Church Lane, Bourne Road and Thimble Mill Lane (B4132). The roundabout is mainly grass. There is a sculpture to the middle representing locks and narrow boats. The locks form a 'X' shape with the truncated prow of a narrow boat in between each quadrant. The roundabout is skirted by a tiled black and white chevron pattern kerb, approximately 0.60m in height which denotes direction of travel. There are also four traffic signs, a white arrow pointing left on a blue background, again indicating direction of travel and these are sited to the roundabout's periphery.
- 2.2. The surrounding area is predominantly commercial properties with wholesalers, industrial units, warehouses and associated car parking.
- 2.3. The Birmingham and Fazeley Canal runs under Thimble Mill Lane, just south of the roundabout.

2.4. [Site location](#)

3. [Planning History](#)

3.1. No relevant planning history.

4. [Consultation/PP Responses](#)

4.1. Transportation Development raised no objection.

5. [Policy Context](#)

5.1. Birmingham Development Plan (2017), Planning Practice Guidance and National Planning Policy Framework (2012).

6. [Planning Considerations](#)

6.1. Policy PG3 of the Birmingham Development Plan states that new development should 'reinforce or create a positive sense of place and local distinctiveness with design that responds to site conditions and the local area context'.

6.2. Paragraph 67 of the NPPF states that: 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment'.

6.3. In addition the NPPF further advises: 'advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

6.4. The Planning Practice Guidance advises that 'amenity' is "... usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by would be aware of the advertisement".

6.5. Thus, the main issues for consideration are the impact of the proposed signage on the amenity of the roundabout and immediate area, and on highway safety.

Impact on amenity

6.6. The proposed signs would be at a greater height than the existing road traffic signs but would be set back into the roundabout island by 2 metres. I do not consider that they would add visual clutter or have an unacceptable adverse impact on amenity.

Impact on highway safety

6.7. Additional information has been provided by the applicant to show that the height of the signs would not exceed 1.05 metres above the carriageway level to ensure there is no conflict with vehicle visibility. Transportation Development raised no objection based on this information subject to conditions to ensure the height of the signs does not exceed 1.05 metres.

6.8. I am satisfied that the signs would not have a detrimental impact on highway safety. Therefore, I do not consider that the condition recommended by Transportation Development is necessary given that the submitted drawings indicate the height of the signs above the carriageway and a condition is attached to ensure the signs are in accordance with the submitted drawings.

7. Conclusion

7.1. I consider that the design, scale and location of the proposed signs are acceptable and that they would not adversely impact on visual amenity or highway safety. I therefore consider that the proposed advertisement signs would comply with the relevant policies and guidance outlined in the BDP and the NPPF.

8. Recommendation

8.1. Approve, subject to the following conditions:

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

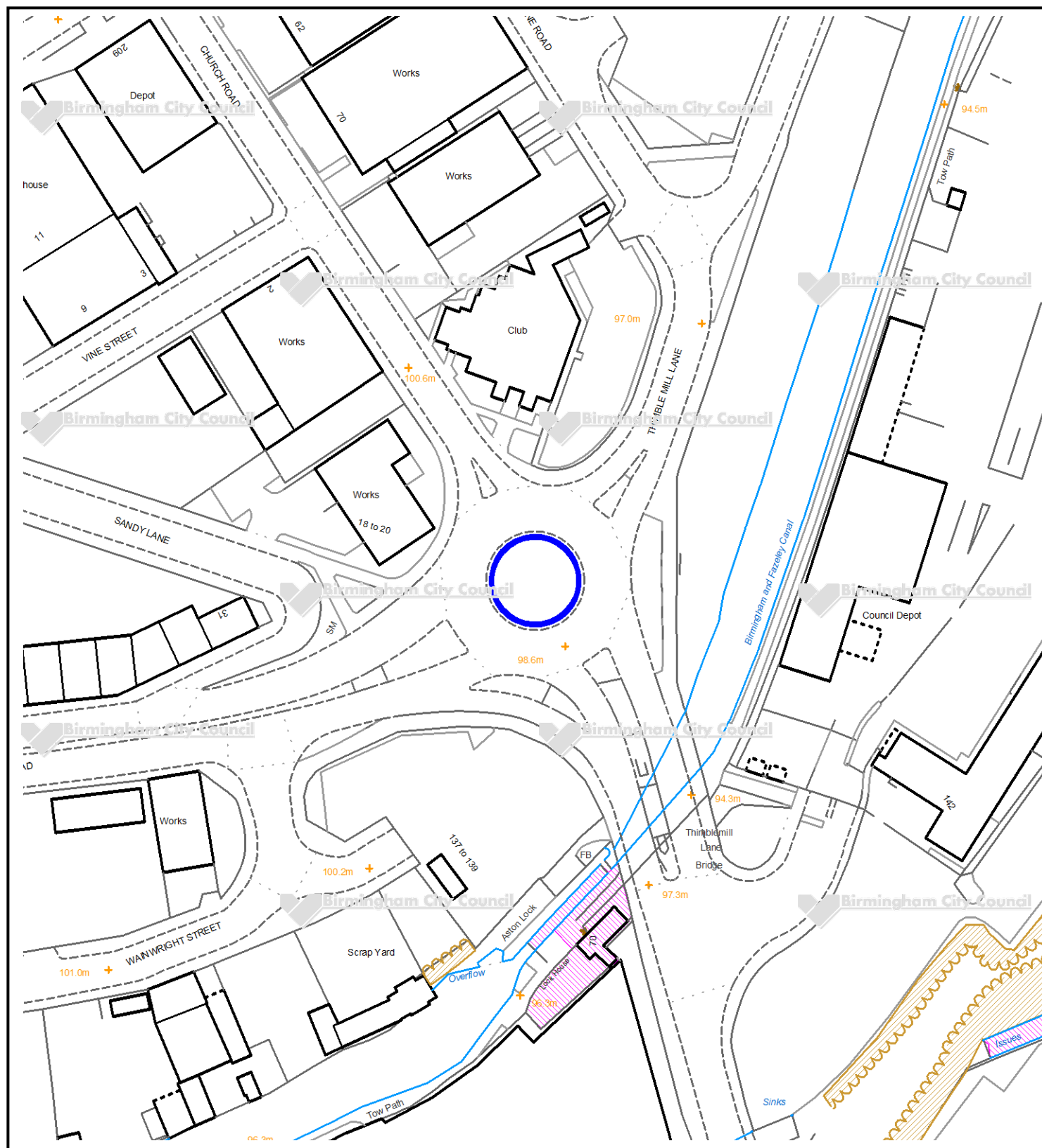
Case Officer: Caroline Ossowska

Photo(s)



Application Site

Location Plan



Application site

This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	25/05/2017	Application Number:	2017/02304/PA
Accepted:	16/03/2017	Application Type:	Advertisement
Target Date:	26/05/2017		
Ward:	Sutton Four Oaks		

Lichfield Road, Wentworth Road, Station Drive, Four Oaks Road, Four Oaks, Sutton Coldfield, B74 2SG

Display of 3 non-illuminated freestanding roundabout signs

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

Recommendation

Approve Temporary

1. Proposal

- 1.1. Advertisement consent is sought to display 3, free-standing post mounted signs on the Lichfield Road/Four Oaks Road roundabout island.
- 1.2. The proposed signs would be sited near to the edge of the roundabout and would measure 1.0 metres in width by 0.50 metres in height and would be positioned 0.15 metres above ground level and 2 metres above the carriageway. The maximum height of the signs from carriageway level would be 1.05 metres.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Application site is the roundabout on the junction of Lichfield Road, Four Oaks Road, Wentworth Road and Station Drive. It is within the Four Oaks Conservation Area. Opposite the roundabout on Lichfield Road is the Four Oaks Methodist Church which is Grade II Listed.

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

3. Planning History

- 3.1. None relevant.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objections.

4.2. Site and press notice posted – No response received.

5. Policy Context

5.1. Birmingham Development Plan 2017, Four Oaks Conservation Area, National Planning Policy Framework 2012.

6. Planning Considerations

6.1. Paragraph 67 of the NPPF states that ‘Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’ Control over advertisements should be efficient, effective and simple in concept and operation. Paragraph 132 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that “Where a proposed development will lead to substantial harm to or total loss of significance to a heritage asset, local planning authorities should refuse consent”.

6.2. Policy PG3 of the Birmingham Development Plan (BDP) states ‘all new development will be expected to demonstrate high design quality, contributing to a strong sense of place’. Policy TP12 states that proposals for new development affecting the significance of a designated heritage asset or its setting will be determined in accordance with national policy.

6.3. Impact on Amenity - The proposed signs would not exceed the height of the existing chevron signs and would have a relatively low height. I do not consider that they would add unduly to visual clutter or have an unacceptable adverse impact on amenity.

6.4. The roundabout is located within the Four Oaks Conservation Area and in proximity to the Four Oaks Methodist Church which is a Grade II Listed Building. The Conservation Officer has commented that although the proposal would add a degree of visual clutter to the roundabout, it is not a significant feature within the Conservation Area. I do not consider the proposed signage would detract from the character and appearance of the Four Oaks Conservation Area.

6.5. Impact on Public Safety - Information has been provided to show that the height of the signs would not exceed 1.05 metres above the carriageway level and they are not sited within 2 metres of the carriageway to ensure there is no conflict with vehicle visibility. Transportation Development raise no objection based on this information subject to conditions to ensure the height of the signs do not exceed 1.05 metres and are not sited within 2 metres of the carriageway.

6.6. I am satisfied that the signs would not have a detrimental impact on highway or public safety. I do not consider that the condition recommended by Transportation Development is necessary given that the submitted drawings indicate the height of the signs above the carriageway and their proposed location and a condition is attached to ensure the signs are in accordance with the submitted drawings.

7. Conclusion

7.1. I consider that the design, scale and location of the proposed signs are acceptable and that they would not adversely impact on amenity, public safety or the setting of heritage assets. I therefore consider that the proposed advertisement signs would comply with the relevant policies and guidance outlined in the adopted Birmingham Development Plan and the NPPF.

8. Recommendation

8.1. Approve Temporary.

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

2 Limits the approval to 5 years (advert)

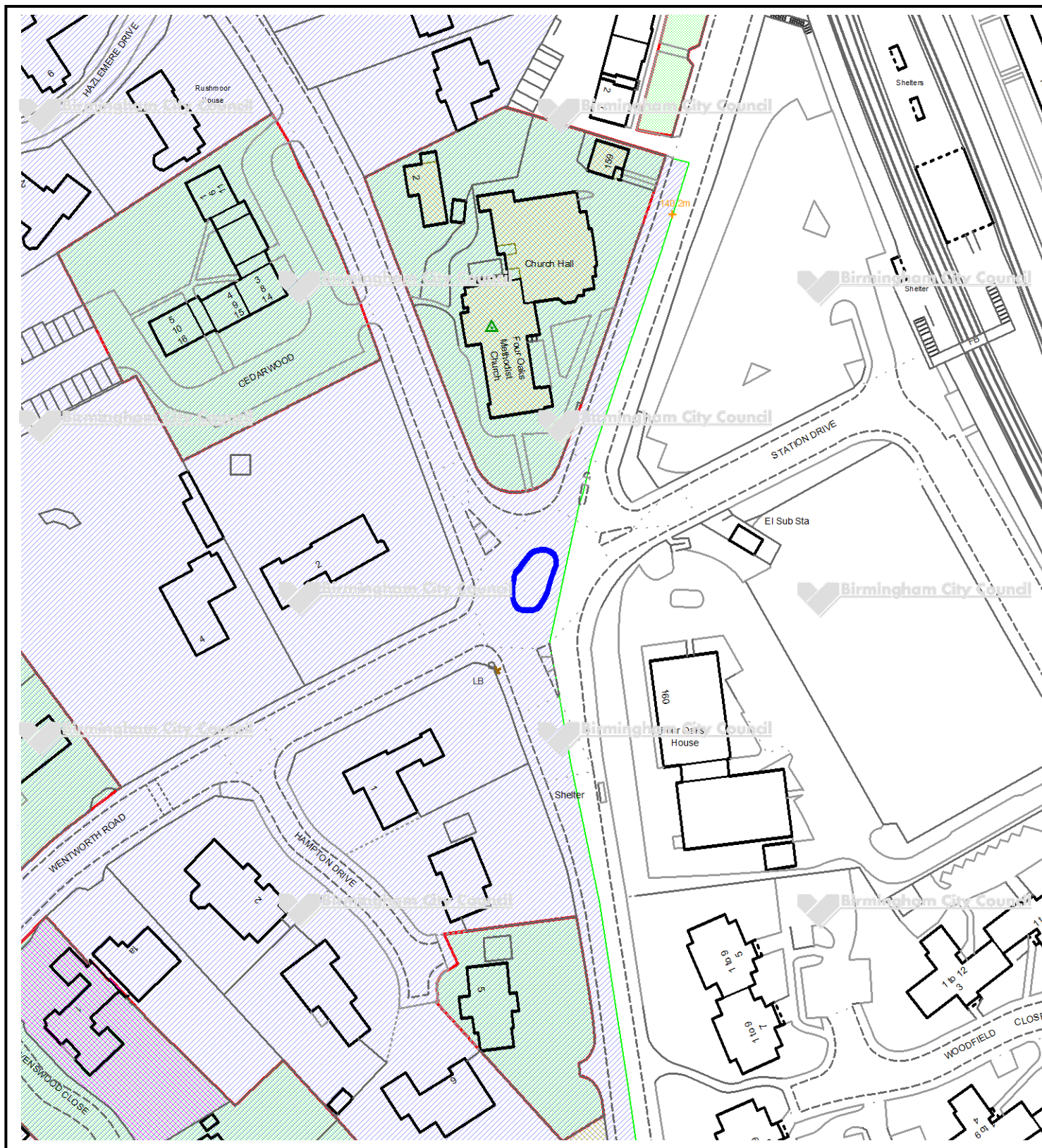
Case Officer: John Davies

Photo(s)



Figure 1 – Application site

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council
Planning Committee 25 May 2017

Appeal Decisions Received from the Planning Inspectorate in April 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Householder	102 Grestone Avenue, Handsworth Wood	Erection of single storey side extension. 2016/10003/PA	Dismissed	Delegated	Written Representations
Advertisement	Sixways House, 15 New Sutton Road, Erdington	Display of 1 internally illuminated digital LED display panel. 2016/04920/PA	Dismissed	Delegated	Written Representations
Advertisement	Units 6-7 Mulberry Walk, Sutton Coldfield	Display of four non-illuminated fascia signs and two externally illuminated hanging signs. 2016/09166/PA	Dismissed	Delegated	Written Representations
Advertisement	Sainsbury's, 30 Mere Green Road, Sutton Coldfield	Display of 2 no. internally illuminated fascia signs (C1 & C2). 2016/07347/PA	Allowed (see note 1 attached)	Delegated	Written Representations
Advertisement	1st Self Access Storage, Lawden Road, Bordesley	Display of externally illuminated building wrap advertisement. 2016/06822/PA	Dismissed	Committee	Written Representations
Telecommunications	On roof of 264-266 Oxhill Road, Handsworth Wood	Application for prior notification for the removal and installation of 11m high telecommunication monopole, Pogona cabinet and associated development. 2016/07926/PA	Dismissed	Delegated	Written Representations
A3 / A5	32-35 Water Street, Jewellery Quarter	Change of use to cafe (Use Class A3), bar (Use Class A4) and barbers (Use Class A1) and installation of acoustic louvres to basement entrance. 2016/08575/PA	Dismissed	Committee	Written Representations
A3 / A5	149 Lea Hall Road, Yardley	Subdivision of existing A1 unit to create 2 no. units comprising of 1no. A1 and 1 no. A5 with rear extraction system. 2016/05925/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council
Planning Committee 25 May 2017**

Appeal Decisions Received from the Planning Inspectorate in April 2017

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Residential	Land rear of 41 - 49 Deakin Road, Erdington	Erection of 1 bungalow and associated works. 2016/07603/PA	Allowed (see note 2 attached)	Delegated	Written Representations

Total - 9 Decisions: 7 Dismissed (78%), 2 Allowed

Cumulative total from 1 April 2017 - 9 Decisions: 7 Dismissed (78%), 2 Allowed

Notes relating to appeal decisions received in April 2017

Note 1 (Sainbury's, 30 Mere Green Road)

Application refused because the proposed internally illuminated fascia signs (C1 and C2) by reason of their location, scale and design would have a negative impact on the appearance of the building and the amenity of the surrounding area. They would also create unnecessary visual clutter of signage on the roof of the building to the detriment of the visual amenity of the area.

Appeal allowed because the Inspector concluded that the proposed signs would not harm the visual amenity of the building or area because they would occupy significantly less than half the width of the existing sign and their lettering and logos would also be considerably smaller than the Sainsbury's sign. As a result, they would be subservient in scale to the existing sign and the building and would not result in visual clutter.

Note 2 (Land rear of 41 - 49 Deakin Road)

Application refused because the proposal would represent a form of backland development and appear out of keeping with the existing street pattern and represent a contrived development in comparison to the surrounding built form.

Appeal allowed because the Inspector considered that the proposal would make effective use of a vacant site and would be a high quality design. It would not be an insensitive infill development that would adversely affect the character and appearance of the area.