

Birmingham City Council

Planning Committee

08 December 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	8	2016/08228/PA 16 Flint Green Road Acocks Green Birmingham B27 6QA Erection of single storey side extension and conversion of garage to provide additional residential facilities with maximum number of residents at the care home to remain at 9
Approve - Conditions	9	2016/07499/PA 296-298 Gravelly Lane Erdington Birmingham B23 5SB Demolition of 296 and refurbishment of 298 Gravelly Lane, erection of 7no. 3 bedroom dwellinghouses with associated parking, access and gardens at 296-298 Gravelly Lane and land to rear of 296-306 Gravelly Lane.
Approve - Temporary	10	2016/08764/PA Warwick Road Greet Birmingham B11 2NU Erection of 4 non illuminated post mounted signs
Approve - Temporary	11	2016/08740/PA R9 - Chester Road Kingsbury Road Erdington Birmingham B35 6AA Display of 4 non-illuminated free standing signs

Committee Date:	08/12/2016	Application Number:	2016/08228/PA
Accepted:	13/10/2016	Application Type:	Full Planning
Target Date:	08/12/2016		
Ward:	Acocks Green		

16 Flint Green Road, Acocks Green, Birmingham, B27 6QA

Erection of single storey side extension and conversion of garage to provide additional residential facilities with maximum number of residents at the care home to remain at 9

Applicant:	New Leaf Recovery 16 Flint Green Road, Acocks Green, Birmingham, B27 6QA
Agent:	Iain Denton Ltd Milverton Villas, 8 Wilsons Road, Knowle, Solihull, West Midlands, B93 0HZ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Proposal for the conversion of the existing garage building to provide a bedroom with an en-suite and a staff room as well as a single storey extension to also accommodate an office and two further bedrooms, both with en-suites. The extension would sit to the front of the garage, occupying part of the existing driveway, with a maximum depth and width of 12.1m and 4.7m respectively. The extension would have a flat roof design to a height of 3.2m, with facing brickwork to match the existing property as well as corbelling detailing. 3 off-street parking spaces would be provided to the front, 1 space to the front of the extension and 2 further parallel spaces to the frontage which would require the removal of part of the non-original/rebuilt front wall/brick pier.
- 1.2. Planning permission was granted in July this year for a 9 person care home (2016/03916/PA), which included a number of twin rooms. The current proposal does not seek to increase the number of residents but to provide single person occupation rooms, some with en-suite facilities, and improved communal facilities as well as staff facilities in the form of an office and a staff room. Since the granting of planning permission earlier this year the property has been undergoing renovation and the first residents have begun to move in. The applicant provides detoxification and rehabilitation services.

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises are a 2.5-storey detached period property, with a long side private drive-way. The surrounding area is predominantly residential, many of which are also traditional properties from a similar era. Many properties on Flint Green Road are single-occupied family housing, though a number appear to have been

converted to flats or HMOs. Many properties have on-site parking and on-street parking is also unrestricted except at its junction with Warwick Road.

2.2. [Site location](#)

3. [Planning History](#)

3.1. This site:

3.2. 21/07/16 – 2016/03916/PA. Change of use from residential dwelling (Use Class C3) to residential care home (Use Class C2). Approved.

3.3. 24 Flint Green Road:

3.4. 08/01/15 – 2014/06818/PA. Change of use from residential dwelling (C3 use class) to residential care home (C2 use class). Approved.

3.5. 22/07/09 – 2009/01546/PA. Erection of single storey building for training accommodation for persons with learning difficulties. Approved.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – No objection subject to conditions relating to the design of the access, front boundary treatment and pedestrian visibility splays

4.2. Regulatory Services – No objection.

4.3. Neighbouring residents, and local residents groups and Councillors consulted with a site notice posted.

4.4. 2 representations received from Councillor Roger Harmer objecting to the application on the following grounds:

- Inappropriate design to original building and proposed Acocks Green Conservation Area.
- Removal of off-street parking provision adding to known parking issues.
- Assurances previously given that there would be no external alterations.
- Previous consent restricted occupation to no more than 9 residents.
- Failed to comply with the condition requiring a management plan.

4.5. Representation received from the Yardley Conservation Association who wish to support the residents of Flint Green Road and other Acocks Green organisations in their objection to this application on the following grounds:

- Too early to estimate the effect of another C2 use on the residents and road before increasing the size of the new C2 use.
- The extension is out of character with this line of early Edwardian 'cottages'.
- This road is part of the proposed Acocks Green Conservation Area.

4.6. An objection has been received from the Acocks Green Neighbourhood Forum on the following grounds:

- The new owners said there would be no external changes and the driveway would be used for staff parking.
- Loss of parking will put additional pressure on street parking.
- This end of Flint Green Road is the gateway to the proposed Acocks Green Conservation Area.

- The extension is out of character with the property and the rest of the road.
- Extra residents and staff will put more pressure on drainage and water supply.
- Too early to see what effect the granting of the earlier application will have on residents and the area.

4.7. An objection has been received from the Acocks Green Focus Group on the following grounds:

- Inappropriate design and out of character in the proposed Conservation Area.
- Reference to the Conservation Area in the previous officer report is unhelpful with no respect for visual heritage or history, or for the work of local people.
- Inaccuracies in the previous report in relation to the number of HMOs on the street.
- There were previous assurances that there would be no external alterations.
- Removal of off-street parking.
- The number of residents to be accommodated is unclear.
- Too soon since after the previous consent in order to assess effects upon the road.
- No management plan has been submitted to date.
- Disability provision and building regulations needs to be addressed.

4.8. An objection has been received from Arden Residents' Association on the following grounds:

- Application cynically exploits the success of their previous application.
- Reduction of off-road parking.
- Design is out of character with the building and streetscene.
- A slap in the face for those safeguarding their community.

4.9. 10 representations have been received from local residents objecting to the application on the following grounds:

- Contravenes conditions attached to the previous consent in relation to a management plan and a maximum of 9 residents.
- Removes off-street parking.
- Increase congestion and inadequate parking.
- Undermines the integrity of the houses and the proposed Conservation Area.
- Cynicism behind this application.
- Loss of some of the rear garden.
- Breaches Article 8 of the ECHR to have 'respect for private and family life, his home and correspondence'.
- External works are now proposed.
- The extension is not domestic in scale.
- Proposal includes various breaches of building regulations.
- Poor views from the bedroom windows.
- Negative impact on neighbour amenity.
- Strain on existing services.
- Inadequate consultation period.
- Current application should be withdrawn to investigate apparent breach of planning conditions.

5. Policy Context

- 5.1. Birmingham UDP 2005, Draft Birmingham Development Plan 2031, Places for Living SPG, Specific Needs Residential Uses SPG, Car Parking Guidelines SPD and the NPPF 2012.
6. Planning Considerations
- 6.1. Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. The Development Plan comprises the saved policies of the Birmingham Unitary Development Plan 2005.
- 6.2. The NPPF is clear that “the purpose of the planning system is to contribute to the achievement of sustainable development... There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment...”.
- 6.3. The NPPF and the Pre-submission Birmingham Development Plan are material considerations. The Pre-submission Birmingham Development Plan is at an advanced stage and as such holds some weight. The proposal raises a variety of planning-related matters which are discussed below.
- 6.4. Background:
- 6.5. Members will recall the previous application (2016/03916/PA), which was considered earlier this year and also subject to a site visit. This application for a change of use from a residential dwelling (C3) to a residential care home (C2) was approved subject to a number of conditions including a restriction of no more than 9 residents. Since planning permission was granted in July this year the property has been purchased by the applicant and refurbished. Only recently the first residents have started to move in. The applicants have been in communication with West Midlands Police about the facility who raised no objection to the original change of use application.
- 6.6. This current application is seeking an extension, and as such the principle of the use of the property as a residential care home (C2) is not for consideration. Further to the submission of the application clarity has been sought over the total number of residents as well as amendments to the layout and design secured.

- 6.7. Residential amenity:
- 6.8. The applicant has confirmed that the proposed extension is not seeking to increase the total number of residents at the premises but to improve the range of accommodation available to both residents and staff. As such, the maximum number of residents would remain at 9. Whereas the previous scheme had a number of twin rooms, all bedrooms are now proposed to be single with 3 provided within the extension at ground floor level, a further 4 at first floor level and the final 2 at second floor level. The ground floor would also accommodate a lounge, dining room, breakfast room, kitchen, lounge, bathroom as well as staff room and office, whilst there are 2 bathrooms to the first floor and a further bathroom to the second floor. The current scheme has been amended so that the windows to the new bedrooms now either look onto the rear garden or down the driveway towards Flint Green Road. Furthermore there would be no reduction in the size of the rear private garden space.
- 6.9. Reference has been made in relation to the scheme not meeting Building Regulations, which falls outside the remit of the determination of a planning application and as such cannot be considered. Local residents have also highlighted the breaches of human rights but it should be noted that the rights of the objectors need to be balanced with the rights of the applicant. This consideration is in essence an extension of the planning balancing exercise which already forms the heart of the UK planning system's approach to decision-making.
- 6.10. Any disturbance associated with the property is unlikely to be different to that previously approved on the basis that the number of residents and level of staffing would remain unchanged. Regulatory Services raise no objection to the current application. The extension would be visible from the rear elevation of the adjoining house at 14 Flint Green Road and would breach the 45 degree code in relation to a rear kitchen window/door. However, in light, of an existing outbuilding in the rear garden of 14 Flint Green Road which also breaches the 45 degree code, a high brick screen wall along the side boundary and the relatively low level of the extension (3.2m), it is considered that the impact would not result in demonstrable harm to neighbour amenity that could support a reason for refusal.
- 6.11. Visual amenity:
- 6.12. The single storey extension, like the existing garage structure, is subordinate to the main 2.5 storey house and would not dominate the streetscene. Concerns raised over its visual appearance are noted, however it is considered that the extension would not be intrusive and detailing such as matching brickwork and corbelling would help visually link it to the main house. The creation of 2 parallel parking spaces to the front of the property would result in the part-removal of the existing front boundary wall and associated brick pier. These are non-original and a sufficient balance between parking provision and front garden would be retained that again could not support a reason for refusal.
- 6.13. The application site falls within an area being investigated by local residents as a potential new conservation area. At present however, it has no formal recognition (e.g. as a draft conservation area). As detailed above the impact of the proposed extension and other external works would have no adverse impact on the character of the area that could sustain a reason for refusal.
- 6.14. Parking and highway safety:

6.15. The previous approval included the provision of 4 off-street tandem parking spaces. Car Parking Guidelines SDP seeks a standard of 1 parking space per 3 bed spaces, which would equate to 3 parking spaces for this development. The reduction of off-street parking spaces from 4 to 3 is therefore acceptable in policy terms. The site has good access to frequent bus and train services. Transportation Development have assessed the proposal and concluded that the proposed use is unlikely to have a material impact on the surrounding network.

6.16. Other matters:

6.17. The applicant has been made aware that a management plan was required prior to first occupation of the care home, who advises that it was an oversight to not submit one in relation to a condition attached to the previous consent. The applicant advises that it is being addressed.

7. Conclusion

7.1. The proposed extension would not result in an increase in the total number of residents at the care home but to improve the accommodation available to both residents and staff. The scheme has been designed to have an acceptable impact on neighbour amenity, visual amenity and highway safety. Therefore, the application is in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

8.1. Approve subject to conditions.

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| 1 | Requires the prior submission of a management plan |
| 2 | Restricts the number of residents to a maximum of 9 persons. |
| 3 | Requires that the materials used match the main building |
| 4 | Requires the prior approval of the siting/design of the access |
| 5 | Requires the prior submission of details of pavement boundary |
| 6 | Requires the parking area to be laid out prior to use |
| 7 | Requires pedestrian visibility splays to be provided |
| 8 | Prevents the use from changing within the use class |
| 9 | Requires the scheme to be in accordance with the listed approved plans |
| 10 | Limits the approval to 3 years (Full) |
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Case Officer: Peter Barton

Photo(s)

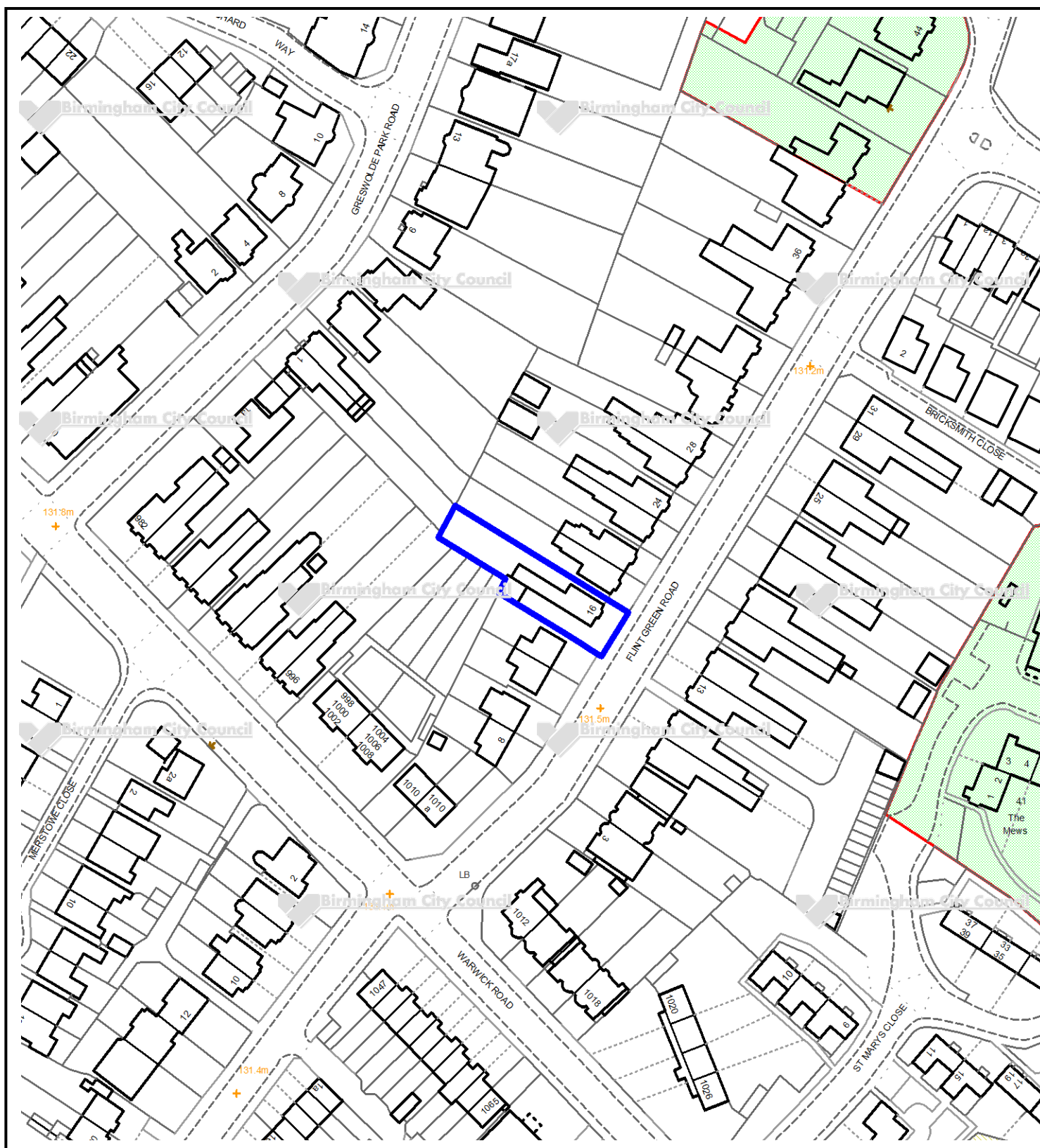


Figure 1 – Flint Green Road frontage



Figure 2 – View of private driveway with existing garage to the rear

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/07499/PA
Accepted:	17/10/2016	Application Type:	Full Planning
Target Date:	12/12/2016		
Ward:	Erdington		

296-298 Gravelly Lane, Erdington, Birmingham, B23 5SB

Demolition of 296 and refurbishment of 298 Gravelly Lane, erection of 7no. 3 bedroom dwellinghouses with associated parking, access and gardens at 296-298 Gravelly Lane and land to rear of 296-306 Gravelly Lane.

Applicant:	PPA Developments 17 School Road, Hall Green, Birmingham, B28 8JG
Agent:	Mr S Shakeshaft 56a Lady Greys Walk, Wollaston, West Midlands, DY8 3RG

Recommendation

Approve Subject To Conditions

1. Proposal/Background

- 1.1. **Background:** Application 2007/07144/PA for the 'Part demolition and refurbishment of 296 Gravelly Lane, new access off Gravelly Lane and erection of 12 apartments within a 2 and 3 storey building with associated car parking and landscaped grounds', was approved on the 7th February 2008. A subsequent application 2013/08000/PA for the 'Part demolition and refurbishment of 296-298 Gravelly Lane, new access off Gravelly Lane and erection of 7 no. 3 bedroom houses with associated parking and gardens' was approved on the 4th December 2013, subject to conditions. This current application is similar to previously approved extant permission 2013/08000/PA which expires on 4th December 2016.
- 1.2. Consent is sought for the creation of seven 3-bedroom houses, new access drive and associated works on a vacant, over-grown parcel of land to the rear of 296-298 Gravelly Lane, which is a pair of semi-detached properties that have been converted into a single 5-bedroom house. Property 296 would be demolished to provide the proposed vehicular access and property 298 would be converted into a detached 3-bedroom property.
- 1.3. The proposed houses would be in a linear form, consisting of three pairs of semi-detached and one detached property. Front gardens and parking areas would be south facing with enclosed rear garden areas backing onto neighbouring gardens at 300-306 Gravelly Lane to the east, 30-47 Enstone Road to the north and 57-69 Goosemoor Lane to the west. The proposed access drive would run along the entirety of the southern edge of the site, accessed off Gravelly Lane, adjacent to a public footpath which links Gravelly Lane and Goosemoor Lane, beyond which lies the Rose and Crown Public House and a flatted development at 55 Goosemoor Lane.

- 1.4. The houses would be 2.5-storey in height, measuring approximately 5.2m in width x 9m in depth and 9m in height to ridge, 5m to eaves. The properties would consist of a living room, kitchen, W.C and hall to the ground floor, one bedroom (approximately 16sqm), family bathroom storage cupboard and study to the first floor and two en-suite bedrooms within the roof space of approximately 12sqm and 11.3sqm.
- 1.5. The house design follows a traditional approach of red brick with lighter coloured roof tiles and contemporary architectural features to the front elevation, including timber cladding and timber feature with dark grey coloured window frames and doors.
- 1.6. A total of 10 parking spaces (125% provision) would be provided for the seven new houses and refurbished existing house (298). The boundary between the new access road and the public footpath linking Gravelly Lane and Goosemoor Lane would consist of 1.2m high picket fencing with planting behind. Each property would have an enclosed rear garden area measuring between 73sqm and 112sqm. The proposal represents a density of 41 dwellings per hectare. A timber constructed bin store would be provided towards the Gravelly Lane access, measuring 3m in width x 2m in depth x 1.9m in height.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site measures approximately 0.2 ha, the majority of which consists of an enclosed square shaped over-grown parcel of land. The site also consists of 296-298 Gravelly Lane, which is a large single dwelling house that has been created from two semi-detached properties.
- 2.2. The surrounding area is predominantly residential with 2-storey Edwardian and inter-war properties to the north (Enstone Road), east (Gravelly Lane) and west (Goosemoor Lane). To the immediate south of the site is a public footpath linking Gravelly Lane and Goosemoor Lane. Beyond that is the Rose and Crown Public House, which is a 2-storey hipped-roof structure facing Gravelly Lane and to its rear a 2 and 3-storey flat-roof contemporary designed block of flats facing Goosemoor Lane. Both Gravelly Lane and Goosemoor Lane are on regular bus routes with no parking restrictions in place within the vicinity of the application site.

[Location plan](#)

3. Planning History

- 3.1. 03.09.2014. 2014/04833/PA, Demolition of 298 Gravelly Lane and erection of 1 x three bedroom house in conjunction with planning approval 2013/08000/PA, approved
- 3.2. 04.12.2013. 2013/08000/PA, Part demolition and refurbishment of 296-298 Gravelly Lane, new access off Gravelly Lane and erection of 7 no. 3 bedroom houses with associated parking and gardens, approved.
- 3.3. 24.03.2011. 2011/00652/PA, Application for a new planning permission to replace an extant planning permission 2007/07144/PA, in order to extend the time limit for implementation for the part demolition and refurbishment of 296 Gravelly Lane. New access off Gravelly Lane and erection of 12 apartments within a 2 and 3-storey building with associated car parking and landscaped grounds, approved.

3.4. 07.02.2008. 2007/07144/PA, Part demolition and refurbishment of 296 Gravelly Lane. New access off Gravelly Lane and erection of 12 apartments within a 2 and 3 storey building with associated car parking and landscaped grounds, approved.

4. Consultation/PP Responses

4.1. Regulatory Services – Raise concern over the proximity of the new houses to the adjacent Rose and Crown PH car park and beer garden

4.2. Transportation Development – Raise concern at parking provision, layout and manoeuvring. If minded to approve recommend condition requiring cycle storage details.

4.3. Housing – Response awaited.

4.4. Severn Trent Water – Response awaited

4.5. West Midlands Police – No objection, advocating the principles of ‘Secure by Design’.

4.6. Site notice posted, nearby residents, residents associations, local MP and Ward Councillors notified, with the following responses received: -

4.7. Six objections received on the grounds of:

- Increased traffic congestion, insufficient parking and proposed access road not wide enough;
- Impact on trees, including lime tree;
- Party wall issues;
- Affect quality of life – loss of privacy, loss of light, loss of privacy and increase in noise;
- Proposed houses are too high;
- Unsympathetic over-development of the site;
- Lack of information contained within the application;
- Reduce security of existing properties; and,
- Impact on existing infrastructure services (drainage, water, etc.).
- A further objection has been received by the previous applicant to 2013/08000/PA and 2014/04833/PA Mr Olotu on copyright grounds, who claims this scheme has used the drawings he provided without his consent.

5. Policy Context

5.1. Birmingham Unitary Development Plan (2005) and Draft BDP (2013); Places for Living (2001) and 45-Degree Code SPG; Car Parking Guidelines (2012) and Mature

Suburbs SPD; TPO996 (bounding site to south); Nationally Described Space Standards (2015) and NPPF (2012).

6. Planning Considerations

- 6.1. The planning considerations relevant in the determination of this application are the principle of development, the design of the scheme, the potential impact of the proposal on visual amenity, residential amenity, parking and highway safety
- 6.2. **Policy:** The adopted UDP resists proposals that would have an adverse effect on the quality of the built environment and emphasises that improving the quality of the built environment is one of the most important of the plan's objectives. The adopted UDP encourages a high standard of design and policy 3.14D sets out good urban design principles.
- 6.3. 'Places for Living' SPG encourages good quality accommodation in attractive environments. It contains a series of urban design principles and distance separation standards, with emphasis on assessing context and responding positively to local character.
- 6.4. 'Mature Suburbs' SPD advises that new housing can have a significant impact on local distinctiveness, on the character of an area and that new development must be of 'good design', resulting from a good understanding of the local character and circumstances. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.
- 6.5. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new housing, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF 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.
- 6.6. Policy TP27, of the draft BDP, requires new housing to be outside flood zones 2 and 3*; be served by new or existing infrastructure; be accessible to jobs, shops and modes of transport other than the car; be capable of remediation; be sympathetic to historic, cultural or natural assets; and not conflict with other specific policies of the plan.
- 6.7. DCLG Technical housing standards – nationally described space standards (2015) sets out internal space standards and the requirements for gross internal (floor) areas.
- 6.8. **Principle:** The principle of the residential development at the site has already been established under previously approved applications 2007/07144/PA, 2011/00652/PA, 2013/08000/PA and 2014/04833/PA. The site is brownfield land, being located within flood zone 1 (least likely to flood), within an established sustainable residential area

in close proximity to amenities including shops, schools and recreational facilities with good public transport links. Consequently, it is considered the proposal is acceptable in principle.

- 6.9. **Layout/design and visual amenity:** Objection has been received raising concern to the proposed height of the houses, the development being unsympathetic and the over-development of the site.
- 6.10. The design of the proposed properties takes a traditional 2.5-storey redbrick, tiled roof house design with contemporary architectural features, which is considered acceptable in a location which consists of a mix of housing styles, including 2-storey Edwardian, inter-war and post-war housing as well as a modern 2 and 3-storey flatted development adjoining the site to the rear/side south western edge. The proposed 2.5 storey houses would be approximately 800mm higher than 296-298 Gravelly Lane, which is a previously amalgamated semi-detached 2-storey inter-war house. Within the site's context, the scale and massing of the proposed new houses would be considered acceptable. In terms of the over-development of the site, the proposal represents a density of 41 dwellings per hectare which is in line with the required 40 houses per hectare outside of centres as outlined within the Draft BDP and the Birmingham UDP. No issues arise in terms of the demolition of property 296 to allow for the development of seven new homes, or the adopted 45-degree code.
- 6.11. My City Design officer has assessed the proposal and comments that the proposed development appears to be almost identical to previously approved application 2013/08000/PA and no design objections are raised to the scale, massing, layout and appearance of the proposal. However, concern is raised to the proposed boundary treatment alongside the public right of way between the site and the adjacent Rose and Crown PH, which is proposed as 1.2m high timber picket fence. Whilst it is fully supported to create a boundary that provides good overlooking of the footpath to make this safer and more inviting, concern is raised that the picket fence would not be robust enough, therefore it is suggested that a brick pier and steel railings boundary would be more appropriate. In response, the appointed agent was made aware of this concern and has amended the boundary treatment to 1.8m high ball top railings and brick piers.
- 6.12. **Residential amenity:** Objection has been received from near neighbours regarding loss of privacy, loss of light, reduced security and increased noise.
- 6.13. The proposed properties would benefit from between 73sqm and 112sqm of private rear amenity space, adhering to guidance within SPG 'Places for Living', which advocates 70sqm minimum private amenity area for family accommodation. In terms of numerical space guidelines, the proposed properties would be some 13 metres from the site's rear boundary with gardens to properties on Enstone Road. The proposed houses would have a rear en-suite bedroom within the roof space, with rooflights located above head level to prevent direct views into neighbouring gardens. Notwithstanding this, the rooflights to the bedroom would be set 2m back from the rear elevation creating a distance of 15m to the rear boundary. Distances between (rear elevation) habitable room windows of the closest houses on Enstone Road, which are positioned at oblique angles, range from 21-23m to the rear elevation of the proposed houses, meeting the 21m guideline. The distances between the rear elevation of the houses on Gravelly Lane and Goosemoor Lane range from 21.5-28m, whereby 'Places for Living' seeks 12.5m. It is considered that the proposal would have no adverse impact on neighbour amenity with regard to loss of privacy, outlook or light. In terms of security issues, West Midlands Police raise no objections.

- 6.14. The Nationally Described Spacing Standards advocate that a 3-bed/6 person 2-storey property should provide an internal footprint of 102sqm, and 108sqm for a 3-storey property, the proposed properties would provide an internal footprint of approximately 123sqm adhering to guidance. The guidance further advocates that 11.5sqm should be provided for a double bedroom and 7.5sqm for a single bedroom, all seven properties would be 3-bed with bedroom footprints of 11.3sqm, 12sqm and 16sqm, whilst one bedroom is slightly under guidance it is considered the bedroom arrangements are acceptable.
- 6.15. It is noted that Regulatory Services have raised concern about the proximity of the proposed houses in relation to the adjoining Rose and Crown PH car park and beer garden. A complaint has been made by a local resident to Regulatory Services about noise and disturbance previously.
- 6.16. The current licensed operating hours of the Public House are 10.00-0100 Monday to Sunday. In respect of noise and disturbance, no condition is placed on patrons using the outside beer garden, however the licence requires that where entertainment is held in the public bar, then all windows will be closed after 2200 hours.
- 6.17. Whilst it is recognised that a public house might have the potential to create some noise and disturbance, in view of its residential surroundings it is considered that it would be difficult to support a reason for refusal. Furthermore, the same concern was raised by Regulatory Services but without recommending refusal when assessing the previously approved scheme 2013/08000/PA. In addition, the fronts of the proposed houses would be facing the pub car park and beer garden, where it is expected there might be more activity and associated noise, rather than the rear elevations and private gardens.
- 6.18. **Parking/highway safety:** The location of the proposed access and general arrangement is identical to that previously approved under 2013/08000/PA, which is noted by Transportation Development, who comment that previous concerns regarding parking levels and movement along the access road, plus refuse and fire vehicle movements raised under 2013/08000/PA apply to this submission.
- 6.19. Transportation add that a Birmingham City Council capital highway scheme is currently being implemented as part of the Bike North Birmingham/Birmingham Cycle revolution 'Magnets Route', providing surface improvement and street lighting to the public right of way to the southern boundary of the site, therefore a cycle storage condition would assist in ensuring that properties are provided with suitable cycle store facilities.
- 6.20. In response to the above, Gravelly Lane and Goosemoor Lane are on regular bus routes with Chester Road and Erdington railway stations between 700-800m to the north and south respectively. Furthermore, there are no parking restrictions along either Gravelly Lane or Goosemoor Lane within the vicinity of the site, which has some capacity if overspill parking is required. It is also noted that the access road could have some capacity for some informal on-street parking that would not necessarily prevent use of the parking space within the front gardens.
- 6.21. In terms of access for refuse vehicles and fire tenders, West Midlands Fire Service raised no objections to previous identical scheme 2013/08000/PA, and the scheme was considered acceptable in regards to refuse collection. It is also noted that a bin store would be provided towards the new Gravelly Lane access. In regards to the suggested cycle storage condition, the proposal is for 7 separate properties with enclosed rear garden areas, I therefore consider the request is unnecessary and

unreasonable in this instance as space would be available in private gardens for each dwelling.

- 6.22. In view of these factors, and that the new access and increased traffic is unlikely to have a material impact on surrounding roads, it is considered the proposal would have no significant adverse impact above or beyond previously approved scheme 2013/08000/PA on highway safety, including traffic flows on the public highway.
- 6.23. **Other issues:** Concern has been raised by a near neighbour regarding tree issues. There are trees affecting the site, most noticeably along the north boundary with the houses along Enstone Road. The application was not supported by a tree survey, however, it is noted that the existing consent contains conditions relating to a tree survey and tree protection measures. In light of this, and the location of the houses being in the same location to the previous approval, it is considered that the same approach is acceptable in this case.
- 6.24. My Landscape Officer has assessed the proposal and requested further information/amendments requiring a 2m wide planting bed containing feature tree, shrub and low defensive hedge planting between the access drive and adjacent path, planting bed up to the front wall of plot 1, good quality boundary treatments and detailed planting plans, along with conditions attached to any approval for planting details, hardworks details, boundary details, a landscape management/maintenance plan and levels details. In response, the application is the same as that previously approved and is therefore considered acceptable in terms of landscaping. I accordingly attached the requested conditions in line with the previously approved scheme.
- 6.25. No response has yet been received from Severn Trent Water, therefore I re-attach the condition for drainage details previously attached to application 2013/08000/PA.
- 6.26. Objections have been received regarding party wall issues and copyright issues in terms of the submitted plan. These issues however are civil/private matters and not material planning considerations.

7. Conclusion

- 7.1. This current application is identical in terms of siting to previously approved scheme 2013/08000/PA. The design of the new houses is appropriate to this location, would improve natural surveillance and security in relation to the adjoining footpath, with no adverse impact on neighbour amenity or highway safety. The current scheme is considered to be in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation

- 8.1. Approve subject to conditions.

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- | | |
|---|--|
| 1 | Tree Survey and Arboricultural Implication Assessment |
| 2 | Requires the implementation of tree protection |
| 3 | Requires the prior submission of a sustainable drainage scheme |
-

-
- 4 Requires the prior submission of level details
 - 5 Requires the prior submission of hard and/or soft landscape details
 - 6 Requires the prior submission of hard surfacing materials
 - 7 Requires the prior submission of boundary treatment details
 - 8 Requires the prior submission of a lighting scheme
 - 9 Requires the prior submission of sample materials
 - 10 Removes PD rights for new windows
 - 11 Requires pedestrian visibility splays to be provided
 - 12 Requires the implementation of the new footway crossing
 - 13 Requires the prior submission of a pedestrian gate within the boundary treatment between the new access road and the footpath linking Gravelly Lane and Goosemoor Lane
 - 14 Requires the scheme to be in accordance with the listed approved plans
 - 15 Limits the approval to 3 years (Full)
-

Case Officer: Keith Mellor

Photo(s)

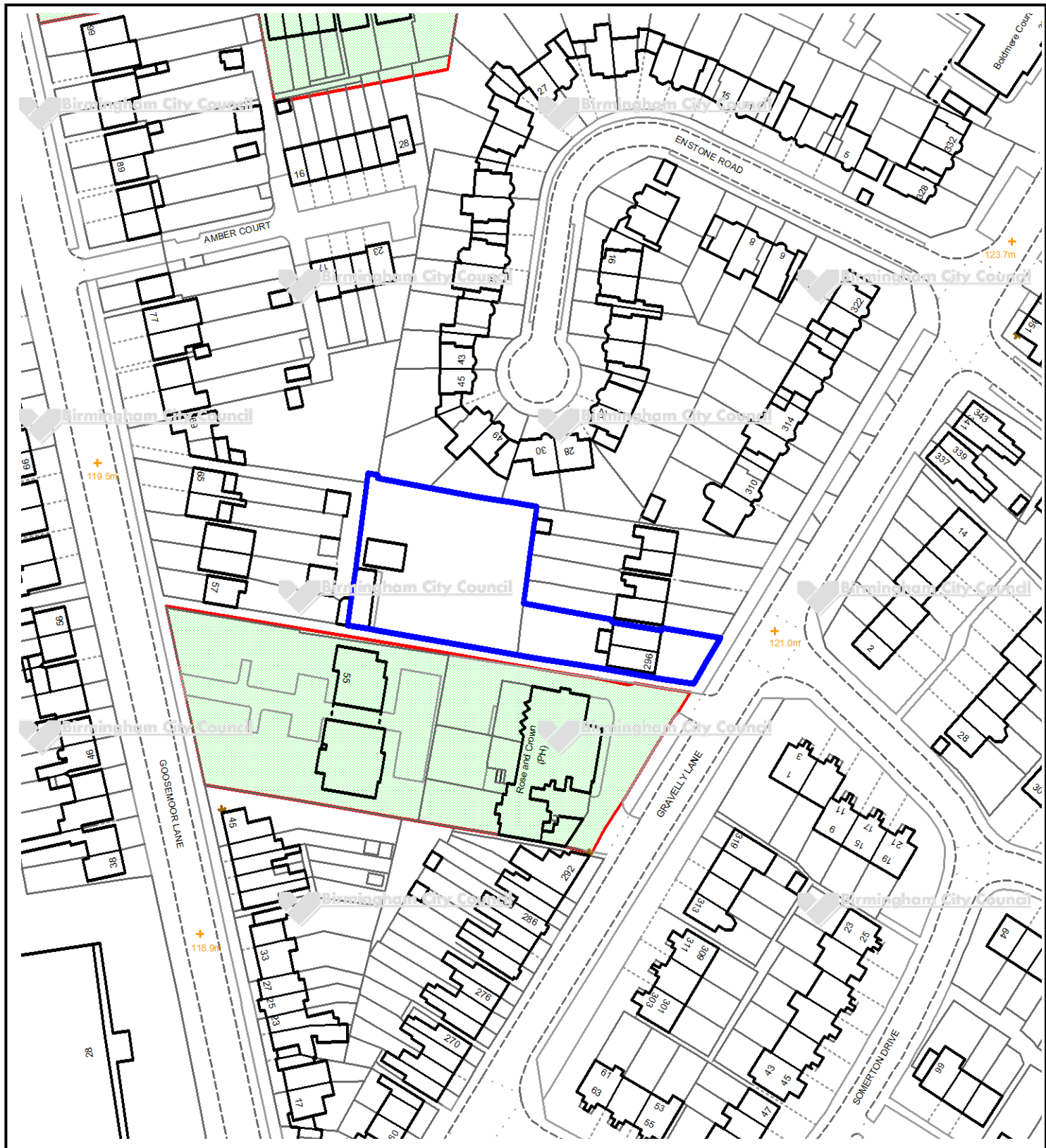


The site 1



Existing property 1

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/08764/PA
Accepted:	21/10/2016	Application Type:	Advertisement
Target Date:	16/12/2016		
Ward:	Springfield		

Warwick Road, Greet, Birmingham, B11 2NU

Erection of 4 non illuminated post mounted signs

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

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application proposes the installation of 4 no. non-illuminated post-mounted signs on an existing roundabout, known as 'Greet Roundabout' along the Warwick Road (A41) and adjacent to Greet Primary School in 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 1500mm 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 with a total depth for the proposed signage of 79mm.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located within the roundabout which lies at the junction of Warwick Road (A41), Percy Road and Albion Road in the Greet 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 bus stops, pedestrian railings and large scale advertisement hoarding 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), Draft Birmingham Development Plan (2013), Places for All SPD.

6. Planning Considerations

6.1. The NPPF restricts Local Planning Authorities to considering only 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.

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.

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.

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

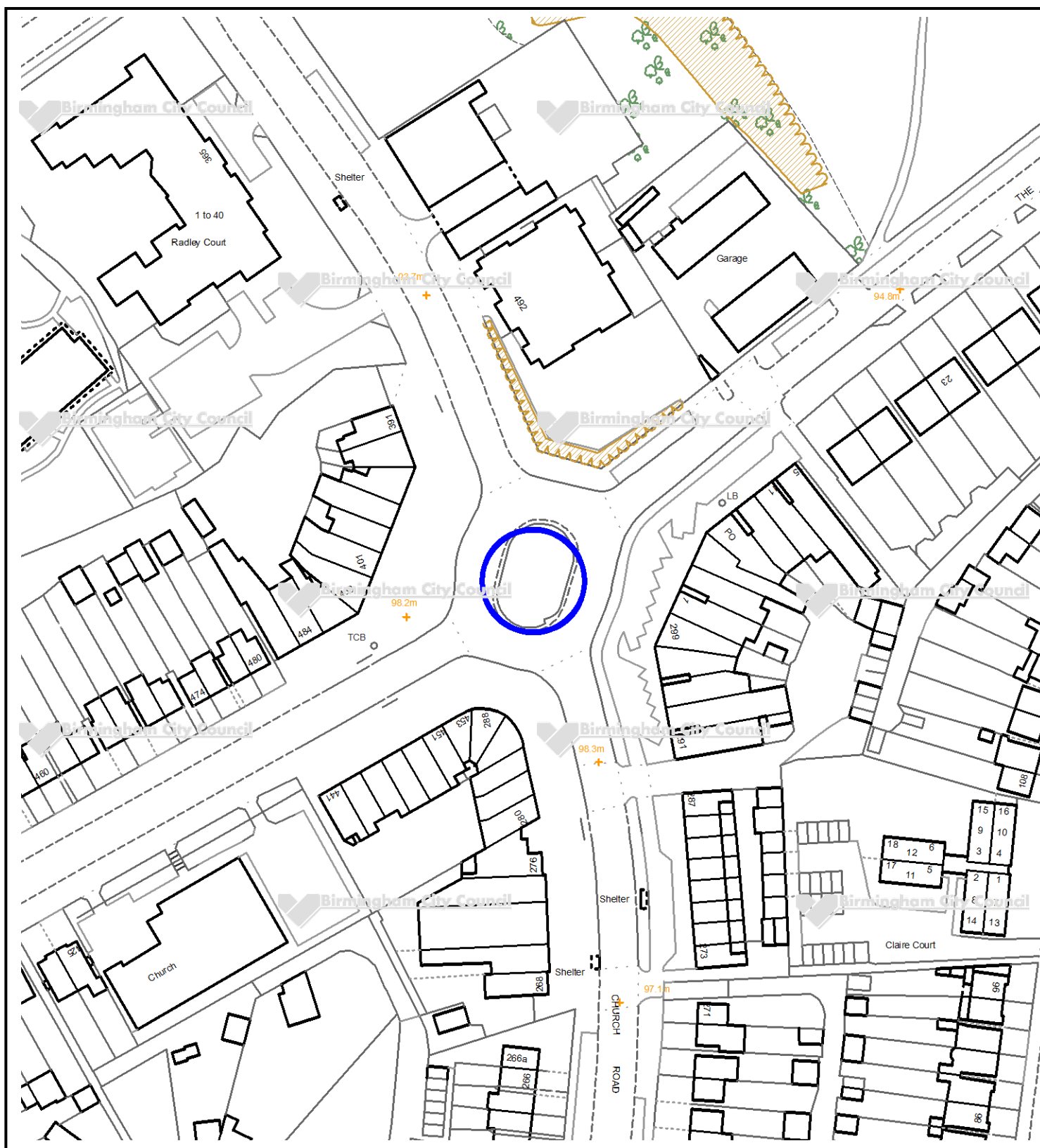
Case Officer: Mohammed Nasser

Photo(s)



Figure 1 - View towards Warwick Road (Eastbound)

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/08740/PA
Accepted:	24/10/2016	Application Type:	Advertisement
Target Date:	19/12/2016		
Ward:	Tyburn		

R9 - Chester Road, Kingsbury Road, Erdington, Birmingham, B35 6AA

Display of 4 non-illuminated free standing signs

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

Recommendation

Approve Temporary

1. Proposal

1.1. Consent is sought for the display of 4 freestanding post mounted non-illuminated signs to be sited within the R9 Chester Road/Kingsbury Road roundabout, Erdington.

1.2. The proposed signs would be sited approximately a minimum of 5.5m away from the edge of the roundabout. The freestanding signs would be constructed of aluminium composite panels with 3M non-reflective film on steel posts. Each sign would measure 0.5m in height and would be 1.8m wide. The signs would be post mounted, with a maximum height of 0.85m above ground level.

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is a roundabout located at junction of Kingsbury Road and Chester Road. There are existing directional signs and landscaping situated on the roundabout. The surrounding area is commercial in character.

2.2. [Site Location](#)

3. Planning History

3.1. No planning history.

4. Consultation/PP Responses

4.1. Transportation Development: No objections.

5. Policy Context

- 5.1. Draft Birmingham Development Plan (2013), National Planning Policy Framework (2012), Unitary Development Plan (2005).

6. Planning Considerations

- 6.1. The NPPF restricts Local Planning Authorities to considering only 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 4 freestanding signs would be modest within the context of this roundabout. The signs would be sited at a minimum of 5.5m away from the edge of the roundabout and measure 0.5m in height and would be 1.8m wide. The signs would be post mounted, with a maximum height of 0.85m from carriage way to top of proposed signage. The application site is located within a commercial area. Consequently, I consider that the size, scale and position of the signage would be acceptable on the grounds of visual amenity.

Public Safety

- 6.4. The proposed signage would be set a minimum of 5.5m back from the carriageway, well within the roundabout area and not obscuring sight of proprietary safety signage. Transportation Development have raised no objections to the proposed signage.

7. Conclusion

- 7.1. I consider that the proposed signs are acceptable and would not undermine the visual amenity or public safety of the surrounding area. The proposed scheme is in accordance with relevant national and local planning policies and is recommended for approval on a temporary basis, subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
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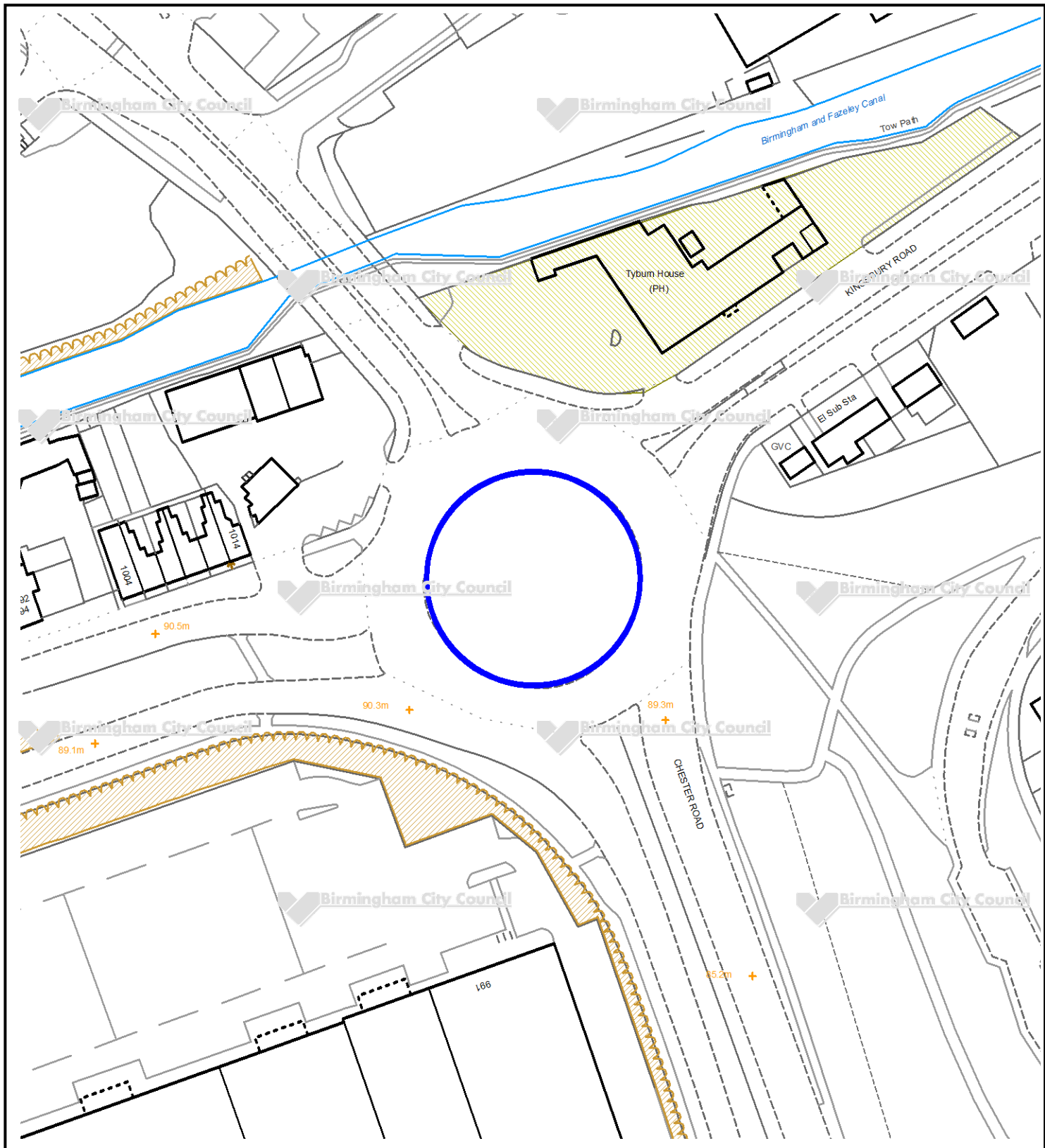
2	Limits the approval to 5 years (advert)
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Case Officer: John Dixon

Photo(s)



Location Plan



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Birmingham City Council

Planning Committee

08 December 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Defer – Informal Approval	12	2016/00664/PA Fitness First Health Centre Persnore Road Selly Oak Birmingham B30 2YB Demolition of existing buildings and erection of Class A1 retail foodstore with associated works.
Approve - Conditions	13	2016/08368/PA Uplands Nursing Home 43 Upland Road Selly Oak Birmingham B29 7JS Proposed demolition of single storey extension to existing nursing home and erection of new single storey extension to rear.
Approve - Conditions	14	2016/07538/PA 15 Highfield Road Hall Green Birmingham B28 0EL Change of use from retail unit (Use class A1) to health clinic (Use class D1), installation of security gates to rear and footway crossing to front

Committee Date:	08/12/2016	Application Number:	2016/00664/PA
Accepted:	27/01/2016	Application Type:	Full Planning
Target Date:	15/12/2016		
Ward:	Selly Oak		

Fitness First Health Centre, Pershore Road, Selly Oak, Birmingham, B30 2YB

Demolition of existing buildings and erection of Class A1 retail foodstore with associated works.

Applicant:	Lidl UK GmbH c/o Agent
Agent:	Gva Grimley Ltd 3 Brindleyplace, Birmingham, B1 2JB

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Planning permission is sought for the demolition of the existing indoor ten pin bowling centre and gymnasium and the erection of a Class A1 retail food store of 2,408sq.m gross internal floor area (GIA), with a 1,424sq.m net sales area.
- 1.2. The proposed store would comprise – lobby, sales area, two publicly accessible toilets, bakery area along with storage/warehousing, cash office and delivery area at ground floor, with a staff room/canteen; office and other staff facilities at first floor.
- 1.3. The store would be positioned along the site's southern boundary, which runs parallel with the Bourn at this point. The proposed store entrance would be located on the corner of the western elevation fronting Pershore Road and the northern elevation fronting the car park. Servicing would be located to the north eastern corner of the building, away from the adjacent residential in Bewdley Road to the north and adjacent to the site's rear boundary, beyond which is a small pumping station building. Next to the loading bay would be a relocated sub-station measuring 4m by 4m.
- 1.4. The store building would measure approximately 76.9m in length at its maximum, 32.9m in depth and would have a mono-pitch roof sloping from north to south - maximum height 7.6m reducing to 5.3m on the south side (the Cartland Road frontage).
- 1.5. The building design would be contemporary in nature and would utilise a contemporary palette of materials. The store would have a fully glazed elevation to Pershore Road, which would provide activity onto the street/public realm area and this treatment would return round the northern corner to provide activity/interest at the main entrance to the store. Scale would be created by the use of a mono-pitch roof, with Alucobond aluminium cladding proposed on the upper parts of the north

and east elevations (with the main body of the walls finished in white-finished render) and to form a frame to the glazing on the main road frontage. In contrast, high levels windows in a brick elevation would front the Bourn Brook. The building would be grounded by the proposed use of a grey rendered plinth contrasting with the main body of the walls.

- 1.6. The site would be accessed by both car borne customers and delivery vehicles via an existing access point (which would be upgraded) off Pershore Road at the site's south-west corner. A second existing access point at the north-west corner would be closed. Pedestrian access would be from the same point, with a new toucan crossing to be provided across Pershore Road opposite the store entrance.
- 1.7. 125 car parking spaces would be provided, largely within a car park to be located to the north of the building (although a small number of spaces are also proposed directly in front of the store). The 125 space car park would include 8 accessible spaces and 4 parent and child spaces. The proposed trolley park and cycle parking would be located close to the store entrance in the main car park area and would provide 10 cycle hoops. The car park would be for short-term parking, not exclusive to the store i.e. also for potential use in connection with the wider Stirchley centre.
- 1.8. Ongoing discussions with the Environment Agency (EA) regarding the redevelopment of the site have resulted in the incorporation of 2 no. potential points of access from the area directly in front of the store to the Bourn. These would be hard surfaced and gated at the site's southern boundary. The incorporation of this feature would necessitate the removal of 2 no. trees (T8 and T14) - a Common Ash (Category B) and an Acer (Category C). Only one other tree would be removed as a result of the proposal – a Category C Common Ash, on the southern boundary, which is currently growing through an existing metal palisade fence. The layout has been designed to allow sufficient space to negate any impact on other existing trees/vegetation beyond the site's boundaries.
- 1.9. New landscaping areas would be introduced along the western boundary adjacent to Pershore Road, consisting of low level evergreen shrubs, with a trip-rail to back of pavement. Five new Hornbeam trees would be planted along the Pershore Road frontage. Paving is proposed for use in the pedestrian areas within the site with small block paving units in Anthracite to demarcate the entrance to the store. Around the site boundary, landscaping is proposed utilising plant species that would improve and encourage greater biodiversity and connectivity to the wildlife corridors along the watercourses.
- 1.10. Site Area: 0.77Ha.
- 1.11. The proposed opening hours of the foodstore would be 0700-2200 hours Mondays to Saturdays and 1000-1700 hours on Sundays and Bank Holidays. Delivery times would be restricted to 0700-2200 daily. It is estimated that the equivalent of 20 full time staff would be employed.
- 1.12. The application submission included a Planning and Retail Statement, Transport Assessment and Travel Plan, Acoustic Report, Ecological Appraisal, Arboricultural Impact Assessment and Tree Protection Plan, Design and Access Statement, Ground Investigation Report and Flood Risk Assessment/drainage proposals.
- 1.13. The proposal has been amended since its original submission, the key changes being:

- Relocation of the site access from the north-west to south-west corner;
 - Relocation of off-site toucan crossing and subsequent realignment of pedestrian route to the store entrance;
 - 3 no. additional car parking spaces/relocation of cycle parking;
 - Relocation of sub-station to rear of site;
 - Plant compound relocated to roof;
 - Revised treatment to south elevation (Cartland Road/Bourn frontage);
 - Introduction of 2 no. slipways to the Bourn for EA access; and
 - Tree removals to southern boundary (with replacement trees proposed).
- 1.14. These amendments have been made in response to issues that have arisen during the consultation process. A significant amount of additional information has also been provided, specifically in respect of highways and flooding matters.

1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the east side of Pershore Road, adjacent to its junction with Cartland Road, at the northern end of Stirchley District Centre (outside the Primary Shopping Area). It is currently occupied by a substantial, flat-roofed building, part of which is 'on stilts' with undercroft parking. The building is currently utilised for ten-pin bowling and as a gym/fitness centre.
- 2.2. There are two existing vehicular access points from Pershore Road, with further parking provided in front of the building. There is a large hard surfaced area to the rear, which, although accessible, is not laid out formally and does not appear to be utilised.
- 2.3. The gardens of houses on Bewdley Road back onto the northern boundary of the site, with further residential properties beyond this (mixed with some commercial uses on the Pershore Road frontage). The Bourn runs parallel to the southern boundary, largely obscured by trees and other vegetation at this point. Beyond this is a wide grassed buffer extending to the back of pavement on Cartland Road, within which is an existing pumping station. Pedestrian routes exist across this area, providing access to the Bourn and the River Rea, which runs parallel to the site's rear (eastern) boundary beyond a further pumping station building, with a footpath/cycle path extending from here northwards to Dogpool Lane.
- 2.4. There is a busy traffic-light junction where Cartland Road meets Pershore Road, which incorporates pedestrian crossing facilities. In addition, slightly to the north of this, opposite the application site, are two further junctions (on the west side of Pershore Road) with Ribblesdale Road and Warwards Lane. There are groups of commercial units located around these junctions, although the side roads themselves are predominantly residential. Beyond Cartland Road to the south, Pershore Road is predominantly residential on its east side (up to Church Drive). In contrast, the west side is commercial, with a number of units being set back from the main road behind a landscaped frontage.
- 2.5. The topography of the site gently falls to the south towards the River Bourn. There are no significant trees within the site, but substantial planting along the eastern and southern boundaries. The site is located in Flood Zones 2 and 3.

2.6. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. There is extensive planning history associated with the former/current use of the site, including extensions, alterations, signage and antennae. More significant/recent applications of note include:
- 3.2. 19th July 2001. PA No. 2001/02910/PA Removal of condition 2 of planning permission E/C/21709/9 to accommodate a health and fitness centre within Class D2 (Assembly and Leisure) Use – approved.
- 3.3. 2nd September 2015. PA No. 2015/05680/PA. Pre-application advice for the demolition of existing building and erection of retail foodstore.
- 3.4. 26th January 2016. PA No. 2015/08699/PA. Demolition of existing buildings and erection of Class A1 retail foodstore with associated works – withdrawn.

4. [Consultation/PP Responses](#)

- 4.1. The application has been subject of two full rounds of consultation due to the submission of significant amendments and additional information.

[Consultations](#)

- 4.2. Transportation – No objection subject to conditions/s278 Agreement.
- 4.3. Regulatory Services - no objection subject to conditions in respect of noise from plant/machinery, delivery code of conduct, hours of opening, deliveries and contamination.
- 4.4. Local Lead Flood Authority – proposed discharge rate is acceptable, as is the use of bio-retention and permeable paving with underground attenuation storage and the proposed attenuation volume. Clarification sought regarding potential impact on outfall and revised drainage layout required to provide further details of attenuation volumes, SUDS features, pipe layouts and discharge locations. An operation and maintenance plan is required.
- 4.5. Canal and River Trust – no requirement for consultation, therefore have no comments to make.
- 4.6. Environment Agency (on amended submission) – objection withdrawn. Conditions requested in respect of groundwater/contamination, requirement for development to be carried out in accordance with the submitted Flood Risk Assessment, and submission/approval and implementation of a flood management scheme. In addition, an informative/condition is recommended in respect of the need for a flood warning and evacuation plan.
- 4.7. West Midlands Police - site should be developed to enhanced security standards.
- 4.8. Severn Trent – no objection subject to conditions to require drainage details. Advise that there may be a sewer crossing the site.

Public Participation

4.9. Adjacent occupiers, residents associations, M.P. and Councillors for Bournville and Selly Oak wards notified and site/press notices posted.

4.10. 416 responses have been received from individuals - 405 objections, 6 in support and 5 commenting. A petition in objection has also been received, signed by 65 people, (3 of whom also sent in separate objections).

4.11. Objections relate to:

4.12. **Loss of existing gym** (Fitness First):

- Serves the community, keeping people fit/healthy, thereby reducing pressure on the NHS. Encourages children/young people to be active – tackling obesity;
- Is the only gym in the local area (no others in walking distance). Other nearest are University, Kings Heath, Cotteridge and Harborne (all very busy/have parking issues) – existing users unlikely to join these. Tiverton Pool is also closing soon;
- Always busy, used by people of all ages/ethnicities (2000-4000 members), including university students, people running for charities, and Clubs/leagues who practice there;
- Adds to sense of community/provides a social life – people get to know each other;
- Brings in revenue to the local area/economy and provides jobs (net loss of jobs - 50 at Fitness First and bowling, replaced by 20 at Lidl). Encourages people to visit Stirchley, – good for local businesses;
- Local people would like additional facilities e.g. a pool or badminton courts;
- This would be the second leisure centre to be sacrificed for a supermarket;
- Makes the area more attractive to live in than a supermarket will;
- Fitness First is one of the better gyms people have been to. Expert/ friendly staff. Provides a much used ladies only section and facilities for disabled customers. Very reasonably priced;
- Provides services other than usual gym equipment – pre and post natal classes, back injury classes, sports/nutritional information and massage;
- Many people walk to/from the gym. Those going to the supermarket would use cars;
- Good for the community – provide mobile exercise equipment to the QE for charity;
- It is privately owned so does not cost the council to be run;
- Goes against government objectives to get rid of health and fitness centre.

4.13. **Loss of existing bowling alley:**

- Very popular/used by generations. Cheap family day out;
- Encourages people to socialise and exercise – good for the community;
- Good to have something in the community that is not focused around shopping. Provides a venue for groups to have fun;
- Local bowling teams hold competitions and people travel from afar to use the facility;
- Buildings have historic significance to the community;
- Is an independent business/should be supported. Very few non ‘corporate’ bowling places left;
- Do a lot of work with local charities.

4.14. **Already enough supermarkets/other shops:**

- 19 supermarkets in a 3 mile radius. Provision includes Aldi in Selly Oak and Edgbaston, Lidl in Kings Heath;

- Stirchley is like a shopping mall;
- Small/local businesses should be supported. Could be detrimental to local shops/undercut independent stores;
- There are many other sites where a Lidl could be built;
- Recent planning permission for a tesco nearby;
- Easy to buy food in the area, not easy to exercise;
- Site is outside of the primary shopping area as set out in the Stirchley SPD.

4.15. Traffic/parking:

- Pershore Road is already very busy, noisy and polluted – this would increase;
- Concerns over volume of traffic, road accidents and congestion. Supermarkets bring more daytime traffic. Pershore Road is too narrow/slow moving and roads are ‘rat runs’ already. Would exacerbate existing problems (already a bottle neck);
- No provision to include a cycle lane on Pershore Road;
- Impact on residents’ parking during construction;
- Concerns over large delivery lorries;
- Problems for those turning right from Cartland Road onto Pershore Road. Ineffective road layout between Pershore Road Warwards Lane;
- Disruption to bus routes (site close to a bus stop) and those trying to access the city centre;
- Risk to children crossing roads;
- Could delay emergency services to become delayed and therefore put lives at risk;
- Very little public parking. Concerns about shoppers parking on already busy streets.

4.16. Impact on local area:

- Area is already deprived. If approved, leisure facilities (and parking) should be moved to another nearby site (needed for the community). Residents want recreational space not supermarkets;
- Increased litter;
- Concerns about environmental damage on the River Rea. Kingfishers nesting nearby;
- Potential increase in anti-social behaviour. People want a sense of community;
- These facilities encourage people to live or move to the area. People would consider moving out if the facilities went;
- Area already has noise and air pollution;
- Need better infrastructure locally;
- Stirchley needs investment – this will not regenerate area. Area needs more diversity;
- Stirchley baths are welcomed but not sufficient compensation for the loss of gym/bowling in terms of community facilities – already seen the loss of this pool;
- Local residents concerned about reduced privacy;
- Would be detrimental to public health and social mobility;
- Area dominated by food and restaurants;
- Affordable housing would be a better use of the site;
- Site at risk of flooding from River Rea and Bourn– both have flooded recently;
- Area is losing its village feel;
- Front elevation to Pershore Road is angled and does not respect the building line.

4.17. Suggested amendments:

- Request that ornamental trees, similar to those shown on the west/Pershore Road side of the site, be planted on the north side to break up the view from houses on Bewdley Road;
- Other unused building should be demolished and other areas used as they are becoming derelict and have rats and dirt etc.;
- Additional planting needed to soften the landscaping;
- Need secure cycle storage.

4.18. Objection received from Steve McCabe M.P.:

- Demolition of well-used leisure facility and bowling alley is not in the interests of the local community. One of only two gyms in Bournville Ward – the other is a specialist body building gym (Fitness First is welcoming to everyone);
- No need for another supermarket in Stirchley. Potential threat to the viability of the long-awaited Tesco store, on vacant site with regeneration benefits. Asda was refused (on Fordhouse Lane) on the grounds that Tesco had been approved and another supermarket would threaten its viability;
- Impact on traffic management. Busy part of Pershore Road. Would increase traffic and modifications to the junction layout would be needed to accommodate large numbers of vehicles. Already recent changes at Warwards Lane through Local Sustainable Transport Fund – waste of resources if has to be re-visited.

4.19. Objection from Councillor Timothy Huxtable:

- Site is not within the Primary Shopping Area;
- Stirchley already has a number of derelict sites;
- Existing use is viable/worthwhile to community. Lack of things for young people to do;
- Would result in a net loss of jobs (Lidl would lead to a net increase on another site);
- Existing facilities form part of a diverse local centre;
- Traffic around the site is already an issue;
- Supermarket would add to existing issues;
- Part of the site is on a flood plain, therefore there is a flood risk.

4.20. Objection from Councillor Sealey:

- Additional traffic pressures on the already congested Pershore Road and nearby junctions;
- Existing facilities are well-used and these businesses have no desire to move;
- Other sites in nearby location could accommodate a Lidl in parts of Stirchley that need regeneration.

4.21. Objection from Stirchley Neighbourhood Forum:

- Would be welcomed elsewhere;
- Concerns over traffic;
- Site should keep its leisure use;
- Retail use not mentioned in the Stirchley SPD.

4.22. Comments in support:

- Would provide some jobs;

- Would be welcome because it would bring cheap food. Many people in the area have financial constraints and would benefit from a Lidl;
- Development proposes improved design/would make the area look better. Existing site is ugly and looks derelict;
- Lidl would be an asset;
- No major issues on roads.

5. Policy Context

- 5.1. UDP (2005); Pre-Submission BDP (2031); Places for All SPG (2001); Car Parking Guidelines SPD (2012), Shopping and Local Centres SPD (2012); Stirchley Framework SPD (2015); NPPF; NPPG; Flood Zones 2 and 3.

6. Planning Considerations

Principle of Development

- 6.1. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Para. 14), with the three dimensions to sustainable development being economic, social and environmental.
- 6.2. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The Birmingham UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.
- 6.3. The NPPF emphasises that planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 confirms that the NPPF "...does not change the statutory status of the development plan as the starting point for decision making" and goes on to say that: "...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

Loss of Leisure Uses

- 6.4. Paragraph 17 of the NPPF seeks to deliver sufficient community and cultural facilities and services to meet local needs and Paragraph 70 seeks to guard against the unnecessary loss of valued social, recreational and cultural facilities and services. Paragraph 70 states that "*planning policies and decisions should*
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*

- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
 - *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.*
- 6.5. There are no relevant planning policies in the Birmingham UDP or the Pre-submission BDP relating to loss of leisure/community facilities. The current uses – bowling alley and fitness centre – are not classified as ‘sports’ and, as such, policies relating to loss of sporting facilities do not apply.
- 6.6. The Stirchley Framework SPD recognises the importance of community uses. It states that there is scope for new/improved facilities and that existing community uses will be supported, with investment in new/existing facilities to be encouraged.
- 6.7. The popularity of these existing facilities is evident from the level of objection received in response to this proposal and, for that reason, their loss would be regrettable. However, the potential impact of this loss needs to be weighed up in the determination of the application against the positive aspects of the proposed development in meeting other national and local planning policies. Account must also be taken of the availability of similar facilities or the potential for re-provision, and any implications this has for meeting the day to day cultural, leisure and community needs of the City.
- 6.8. I note objectors’ comments regarding the loss of jobs from the existing leisure uses and the role played by the facilities in attracting people to this part of Stirchley, but consider that concerns in this regard must be balanced against the economic benefits associated with the construction and operation of a new retail store in terms of job creation and the implications for wider regeneration benefits.
- 6.9. In considering alternative provision, it must be borne in mind that, even if the current proposal were to be resisted, there would be no guarantee of the continued operation of the bowling alley and fitness centre. This would be a commercial decision for the parties involved. Typically, it appears that the current trend is for bowling alleys to be provided as part of a wider package of leisure facilities (including cinemas climbing centres, arcades and restaurants) and I acknowledge that such a facility is unlikely to be re-provided in this locality. However, I do not consider that its loss would have a demonstrable harm on the day-to-day needs of the community. Similarly, whilst the fitness centre has much support locally, it is not the only available option.
- 6.10. In the light of the above, I do not consider that the loss of the existing facilities would result in any adverse impact sufficient to justify the refusal of the current proposal on these grounds.

Retail Development

- 6.11. The NPPF requires Local Planning Authorities to define a network and hierarchy of centres and to set out clear policies in respect of appropriate uses for such areas, recognising that town centres are the heart of their communities and, as such, their vitality/viability should be supported. Paragraphs 23 to 27 of the NPPF are particularly relevant in this respect. Paragraph 23 states that planning policies should promote competitive town centre environments. In addition, the National Planning Practice Guidance (NPPG) under the chapter ‘Ensuring the Vitality of Town Centres’ identifies that “Local planning authorities should plan positively, to support

town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work”.

- 6.12. Policies in both the NPPF (Paragraph 24) and UDP (Chapter 7) direct new retail development to ‘in centre’ locations first, with a sequential approach to be applied if such development cannot be accommodated within a centre.
- 6.13. It should be noted that, whilst most of the relevant retail policies in the UDP remain broadly consistent with the NPPF, there are some aspects of the relevant policies that are not fully consistent (for example, the scale and needs tests incorporated in Paragraphs 7.23 and 7.27) and, as a consequence, the retail policies in the UDP are unlikely to be accepted as being fully ‘up-to-date’. However, the main thrust of the relevant UDP policies is echoed throughout policy guidance today and therefore retains the weight of the development plan in determining this application.
- 6.14. The UDP advises at paragraph 7.23 that proposals for additional retail development/redevelopment in existing centres will normally be encouraged where the scale of the new development is appropriate to the size and function of the centre; is well integrated; has no significant adverse effect on the continued vitality/viability of an existing shopping centre as a whole; and maintains a range of shops to meet the needs of local communities.
- 6.15. Policy TP21 of the Pre-Submission Birmingham Development Plan states that proposals for convenience retail development in defined centres will be supported in principle, subject to proposals being at an appropriate scale for the individual centre. It states that proposals should deliver quality public realm and create linkages and connections with the rest of the centre and improve accessibility.
- 6.16. The City’s Shopping and Local Centres SPD identifies this site as being within the Stirchley District boundary (although outside the Primary Shopping Area (PSA). The SPD identifies that town centre uses (including retail) will be encouraged within centres, recognising them as the most sustainable locations for such investment with optimum accessibility by a range of means of transport.
- 6.17. The Stirchley Framework SPD recognises that “at the heart of Stirchley, there will be a revitalised district centre with new retail provision in larger stores”. It states that “new retail led developments are encouraged and should normally be located within the PSA. Outside the PSA and within the centre proposals for re-use or conversion/redevelopment will be encouraged for uses in keeping with a district centre”.
- 6.18. Concerns have been expressed locally about over-provision of supermarkets/other shops in this area, and the potential impact of approving a store in this location for existing small businesses. Objectors state that there is no need for any further stores, particularly as Tesco already have an approval nearby. However, the application site is ‘in centre’ and, as such, there is no requirement to test the proposal in sequential or impact terms nor to demonstrate need.
- 6.19. I note also the concern raised that the site is outside the PSA and, as such, there is a potential conflict with the Stirchley Framework. Notwithstanding the aspirations of the SPD in terms of focusing new retail provision in the PSA, it does not preclude development elsewhere within the district centre boundary.

- 6.20. In addition, the applicant has provided supporting information in respect of this issue, in recognising that the site is 'edge of centre' in relation to the actual PSA. This information relates to Lidl's business model and specific operating requirements, including site size (minimum 0.8ha), net floorspace (minimum 1,424sqm) and car parking spaces (approximately 120) which, it is argued, cannot be accommodated elsewhere within the district centre. It is acknowledged that there are vacant units in the PSA, but none of these would provide sufficient floorspace (even considering potential for utilising a group of units). The only larger vacant site is the one at Hazelwell Lane, which already has consent for a Tesco store (with work due to commence on its construction in the new year).
- 6.21. The applicant also identifies that Lidl makes a different retail 'offer' to other stores such as Tesco and Co-op, through the aforementioned business model, and this offers a benefit to the local community. It has a more limited product range and its primary trade is in bulk, not 'top-up' shopping. As such, it is suggested that the store would not be in direct competition with typical town centre convenience stores or independent operators (such as butchers, bakers and greengrocers). Reference is made to various appeal decisions on Lidl proposals, including an acknowledgement of the store's specialist discount model and the implications of this for it being complementary to other activities within an existing centre.
- 6.22. The application site directly fronts Pershore Road, has other retail units immediately opposite and has very direct links with the wider centre, the regeneration of which I consider it would contribute towards. Notwithstanding the concerns raised by the local community about the impact on existing local businesses, in the light of the above, I consider that the principle of a retail use on this site accords with policy.

Layout and Design

- 6.23. Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- 6.24. Paragraphs 3.14A-E of the Birmingham UDP sets out design principles that should be applied to any new development. Among the good urban design principles set out in the UDP at Paragraph 3.14D are that "The City 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 treatment, views, skyline, open spaces and landscape, scale and massing, and neighbouring uses".
- 6.25. The Council's Places for All SPG also provides detailed design guidance based around the principles of: creating diversity; moving around easily; safe places/private spaces; building for the future; and building on local character.
- 6.26. The Stirchley Framework requires that "all new developments ... will contribute to the street scene by presenting the very best design". New large-scale retail developments should be integrated with the centre and maintain an active frontage on Pershore Road/other road frontages "in order to provide legibility for the scheme, and encourage the flow of customers to and from the High Street".

- 6.27. There would be no objection in principle to the demolition of the existing building, which is of no architectural merit or historic significance and makes no positive contribution in the street scene.
- 6.28. The design of the redevelopment proposal has been developed in consultation with Officers, with amendments made in response to concerns raised. The general arrangement of the building and parking in the context of the site constraints is considered acceptable. The orientation of the store with the primary glazed elevation and entrance next to Pershore Road creates an active, interesting built edge that is closer to the Pershore Road site boundary than the existing building. It also provides activity at ground floor level (which the existing building does not).
- 6.29. The basic architectural form is a standard approach, similar to stores elsewhere in the city, although it has been enhanced to respond to the site's context. For example, the use of brick on the Cartland Road elevation is welcomed as this will make this largely blank elevation recede behind existing tree cover on the south side of the Bourn (immediately adjacent, outside the development site) and, consequently, it should not adversely impact on the character of this part of Cartland Road or the outlook of nearby houses.
- 6.30. Overall the proposed development is considered acceptable from an urban design perspective.

Landscape, Trees and Ecology

- 6.31. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures).
- 6.32. Paragraphs 3.37-3.39 of the Birmingham UDP explain the importance of safeguarding and enhancing the natural environment of the City, improving the protection of existing areas of nature conservation importance and measures to improve the diversity and quality of wildlife habitats throughout the City. Policy TP8 of the Pre-Submission BDP similarly identifies that all development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.
- 6.33. Paragraph 3.16A of the UDP considers trees and landscape, stating that "trees are important for their visual amenity, benefits to health, historical significance and nature conservation value. They help to improve air quality and can be used to screen development and soften building lines". It advises that developers will be expected to give priority to the retention of trees/landscaping and, where they would be lost as a result of development, replacement trees will be required, with suitable additional planting will be required to complement/enhance existing landscaping.
- 6.34. The application site is in close proximity to the River Rea and Bourn, both of which have importance for wildlife. A Preliminary Ecological Appraisal was submitted in support of the application. An ecological survey was undertaken of the site and buildings in November 2015. Your Ecologist is satisfied that, while this is outside of the optimal survey time, given the built nature of the site, a realistic appraisal could be given. The appraisal concludes that there is currently little opportunity for wildlife within the site, the greatest potential lying along the Bourn corridor to the south and

your Ecologist accepts these findings. The submitted report makes a number of recommendations including the requirement for a construction ecological mitigation plan and scheme for ecological/biodiversity measures, which can appropriately be secured by conditions.

- 6.35. Your Ecologist also suggests that the soft landscaped buffer strip that would adjoin the Bourn corridor should be designed to act as a SUDs for the site and help to attenuate run-off before entering the storm water/ river network.
- 6.36. The proposal, which now incorporates the access 'slipways' required by the Environment Agency, would result in the loss of 3 trees adjacent to the site's southern boundary – two Common Ash specimens (Category B and C) and an Acer (Category C). Your Tree Officer notes that there is no statutory tree protection within or around the site and that most of the existing site is covered in hard standing which is intact and a constraint to root growth from adjacent property. The exception is the roughly triangular area of soft landscape adjacent to T11 (an Ash at the south-west corner), at which point the soft landscape is truncated in the proposal to the depth of the root protection area of this tree, which your Tree Officer considers to be a reasonable approach.
- 6.37. No objection is raised to the loss of the aforementioned trees, one of which is already growing through a metal palisade fence, with the other removals being unavoidable in the light of the EA requirements. An Arboricultural Impact Assessment has been submitted and your Tree Officer is satisfied with the proposal, subject to the implementation of these recommendations (to be secured by condition).
- 6.38. The proposal includes the introduction of new landscaping areas along the western boundary adjacent to Pershore Road, consisting of low level evergreen shrubs, with a trip-rail to back of pavement. Five new Hornbeam trees would be planted along the Pershore Road frontage. Paving is proposed for use in the pedestrian areas within the site with small block paving units in Anthracite to demarcate the entrance to the store. Around the site boundary, landscaping is proposed utilising plant species that would improve and encourage greater biodiversity and connectivity to the wildlife corridors along the watercourses.
- 6.39. My Landscape colleague recommends that significant native tree/hedge and thicket planting will be required in the site's south-west corner. Your Tree Officer notes that the new tree planting on the frontage would benefit greatly from construction of the adjacent parking spaces in a way which is permeable and allows root growth below. He advises that, with the careful design of surface layers and edging, root disturbance immediately below the surface could easily be avoided. I consider that these matters in respect of landscaping and surface treatment could appropriately be secured by condition.

Residential Amenity

- 6.40. The only residential properties immediately abutting the site are those on Bewdley Road, whose back gardens abut the northern boundary. The access to the site and the store/servicing are all located along the southern boundary, away from these houses. There is a vehicular route and parking along this northern boundary currently and, as such, I do not consider that the proposed car park would result in any significantly increased impact. A substantial landscaped buffer would be provided adjacent to this boundary.

- 6.41. Regulatory Services have raised no objection to the proposals, subject to conditions in respect of opening hours (0700-2200 hours Mondays to Saturdays and 1000-1700 hours on Sundays and Bank Holidays), delivery code of conduct, deliveries, noise from plant/machinery and contamination.
- 6.42. Subject to these details, I am satisfied that the proposals would have no unacceptable impact on residential amenity.

Transportation

- 6.43. Paragraph 32 of the NPPF explains that plans and decision should: take up opportunities for sustainable transport modes, that safe and suitable access to the site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to explain that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 40 continues "Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles."
- 6.44. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 14sqm in this location.
- 6.45. The Stirchley Framework requires that (in order to improve centre parking overall) when off-street parking is provided as part of any major retail/mixed use development, developers will be expected to:
- Provide parking for shoppers using other stores in the area;
 - Include a car park management scheme;
 - Replace on-street parking lost as a result of highway improvements;
 - Provide car parking facilities.
- 6.46. The Framework also refers to a potential requirement for junction improvements at Warwards Lane/Ribblesdale Road/Pershire Road (opposite the site) and new pedestrian crossings.
- 6.47. The proposal has been amended significantly since its original submission, one of the key changes being the re-positioning of the site access from the north-west to south-west corner. This change resulted from concerns emerging from a Road Safety Audit (RSA) undertaken as part of the design work, which identified a potential conflict resulting from the proximity of the original access position to the junctions opposite (Warwards Lane/Ribblesdale Road).
- 6.48. My Transportation colleagues raise no objections to the amended proposals, subject to conditions and s278 Agreement. The package of developer funded off-site mitigation would include:
- * Relocation and upgrade of the existing pelican crossing on Pershire Road (to become a 'Toucan' crossing);
 - * Upgrading of the existing traffic signal controlled junction at Pershire Road/Cartland Road to 'MOVA' operation (in order to accommodate proposed development related traffic growth);

- * Linking the Toucan and traffic signals (Cartland Road) in order to assist in managing stacking space (for consideration at the detail design stage);
- * RSA items, including that related to the relocation of the bus stop;
- * Removal of redundant accesses; and
- * Creation/modification of existing accesses.

- 6.49. I am satisfied that the proposed level of parking provision is appropriate for a store of this size and acknowledge the benefits to the wider shopping area that would result from the general availability of this car park on a short-term basis (details to be secured through a management plan). Similarly, my Transportation colleague is satisfied that the proposal would have no unacceptable impact on the surrounding highway network, subject to the identified package of mitigation measures. In addition, pedestrian safety would be improved through the delivery of the relocated/upgraded crossing, which will be linked into the operation of the traffic light junction at Cartland Road.

Drainage/Flooding

- 6.50. The NPPF, at paragraph 100, states that “Inappropriate development in areas at risk of flooding should be avoided ... but where development is necessary, making it safe without risking flood risk elsewhere”.
- 6.51. Paragraphs 3.71-3.76 of the Birmingham UDP explain that proposals for new development will be expected to take account of any of any effects they might have upon water and drainage. Policy TP6 of the Pre-Submission BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.
- 6.52. The Stirchley Framework identifies that Flood Risk Assessments (FRAs) in areas of mapped flood plain, susceptible to surface water flooding. Specific reference is made to area around the confluence of the Bourn and the Rea. These will include mitigation measures to address any issues and reductions in surface water discharge. The Framework states that opportunities for flood risk management/improvement will be encouraged including flood alleviation works, easements to facilitate maintenance access at appropriate locations and reductions in surface water discharge through sustainable drainage systems.
- 6.53. The Environment Agency (EA) originally objected to the proposal, requiring a significant amount of additional modelling work to be undertaken to satisfy their concerns in respect of flooding. This work was undertaken over several months, in consultation with the EA, who have now withdrawn their objection.

Planning Obligations/CIL

- 6.54. Paragraph 204 of the NPPF states that planning obligations should only be sought where they are necessary, directly related to the development, and fairly/reasonably related in scale and kind to the development. Paragraphs 8.50-8.54 of the Birmingham UDP set out the Council's approach towards securing planning obligations, providing examples of what such obligations might involve, including 'improvements to public parking' and 'environmental enhancement'. Similarly, the Pre-Submission BDP (at paragraph 10.12) identifies that “...The City Council will,

where appropriate, seek to secure site specific measures through planning obligations”.

- 6.55. The Stirchley Framework supports the improvement of the attractiveness of the centre through public realm improvements. In considering ‘Public space and connectivity’, the Framework refers to improvements to public spaces/the pedestrian environment and cites examples including the ‘micro parks’ outside 1219-1239 Pershore (opposite the junction of Cartland Road with Pershore Road).
- 6.56. The applicant has committed to a contribution of £50,000 towards public realm/environmental improvements within Stirchley District Centre and I am satisfied that this level of contribution would be appropriate for a development of this scale. An opportunity exists for the potential delivery of the next phase of the aforementioned ‘micro parks’ project, in the immediate vicinity of the site. I consider that such provision would accord with the aspirations of the Stirchley Framework.
- 6.57. The applicant will also bear the costs of the Highway Works, currently estimated to be in excess of £100,000.
- 6.58. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Whilst the loss of the existing facilities is regrettable, the redevelopment of this site (within the existing district centre) for retail purposes accords with both national and local planning policy. The proposed development would provide an alternative retail offer and would support the ongoing regeneration of Stirchley centre in accordance with the aspirations of the recently adopted Framework.
- 7.2. The proposal would have no adverse impact on the adjacent residential amenity and would have a beneficial impact on the character and amenity of the surrounding area. In addition, the proposed package of mitigation works would ensure that there would be no unacceptable impact on the highway network and would assist in the improved operation of the adjacent traffic light junction and pedestrian crossing facilities. The proposed flood mitigation works, in consultation with the EA and LLFA, would also be beneficial in an area where flooding has been a concern in the past.
- 7.3. In considering the three elements of sustainable development - economic, social and environmental – I conclude that, on balance, the benefits offered by the redevelopment of the site as proposed outweigh any concerns in respect of the loss of the bowling alley and fitness centre. The proposal constitutes sustainable development and, therefore, should be supported.

8. Recommendation

- 8.1. That planning application 2016/00664/PA be deferred pending the completion of a suitable legal agreement to secure the following:
 - a) A financial contribution of £50,000 (index linked to construction costs from the date of the Committee Resolution to the date on which payment is made) towards public realm/environmental improvements within Stirchley District Centre (as defined in the Shopping and Local Centres SPD 2012).

- b) Payment of a monitoring and administration fee associated with the legal agreement of £1,750.
- 8.2. That, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 13 December 2016, favourable consideration will be given to application 2016/00664/PA subject to the conditions listed below.
- 8.3. That the City Solicitor be authorised to prepare, seal, and complete the appropriate agreement.
- 8.4. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 13 December 2016, planning permission be refused for the following reasons:
- a) In the absence of any suitable planning obligation to secure a financial contribution of £50,000 towards public realm/environmental improvements within Stirchley District Centre the proposed development conflicts with Paragraph 204 of the NPPF, Paragraphs 8.50-8.54 of the Birmingham Unitary Development Plan, Paragraph 10.12 of the Pre-submission Birmingham Development Plan, and the Stirchley Framework SPD.

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- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Limits the noise levels for Plant and Machinery
 - 3 Limits the hours of use - 0700-200 Mon-Sat and 1000-1700 Sun/BH
 - 4 Limits delivery time of goods to/from the site - not outside of 0700-2200 daily
 - 5 Requires the prior submission of a contamination remediation scheme
 - 6 Requires the prior submission of a contaminated land verification report
 - 7 Requires the prior submission of sample materials
 - 8 Requires the prior submission of a sustainable drainage scheme
 - 9 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 10 Requires the prior submission of hard and/or soft landscape details
 - 11 Requires the prior submission of a parking management strategy
 - 12 Requires the prior submission of a lighting scheme
 - 13 Requires the prior submission of level details
 - 14 Requires the prior submission of details of refuse storage
 - 15 Requires the prior submission of cycle storage details
 - 16 Requires tree pruning protection
-

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- 17 Requires the prior submission of a landscape management plan
 - 18 Requires the prior installation of means of access
 - 19 Requires the prior approval of the siting/design of the access
 - 20 Requires the prior submission of details of pavement boundary
 - 21 Requires the delivery and service area prior to occupation
 - 22 Requires the parking area to be laid out prior to use
 - 23 Requires the prior submission of a car park management plan for disabled spaces
 - 24 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 25 Requires the prior submission of a method statement for the removal of invasive weeds
 - 26 Requires the prior submission of a construction ecological mitigation plan
 - 27 The development shall be undertaken and maintained in accordance with the submitted Arboricultural Impact Assessment (Ref: JKK8887.)
 - 28 Requires the prior submission of a commercial travel plan
 - 29 Requires development to be carried out in accordance with the Flood Risk Assessment
 - 30 Flood Warning and Evacuation Plan
 - 31 The development hereby permitted shall not be commenced until such time as a flood management scheme to provide a suitable engineered flood wall on the northern boundary of the site and floodplain compensation within the car park has been submitted to, and approved in writing by, the local planning authority.
 - 32 Requires the prior submission of details of a delivery vehicle management scheme
 - 33 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 34 Limits the approval to 3 years (Full)
-

Case Officer: Alison Powell

Photo(s)



View of site from Cartland Road, adjacent to junction with Pershore Road



View of rear of site from Cartland Road beyond pumping station

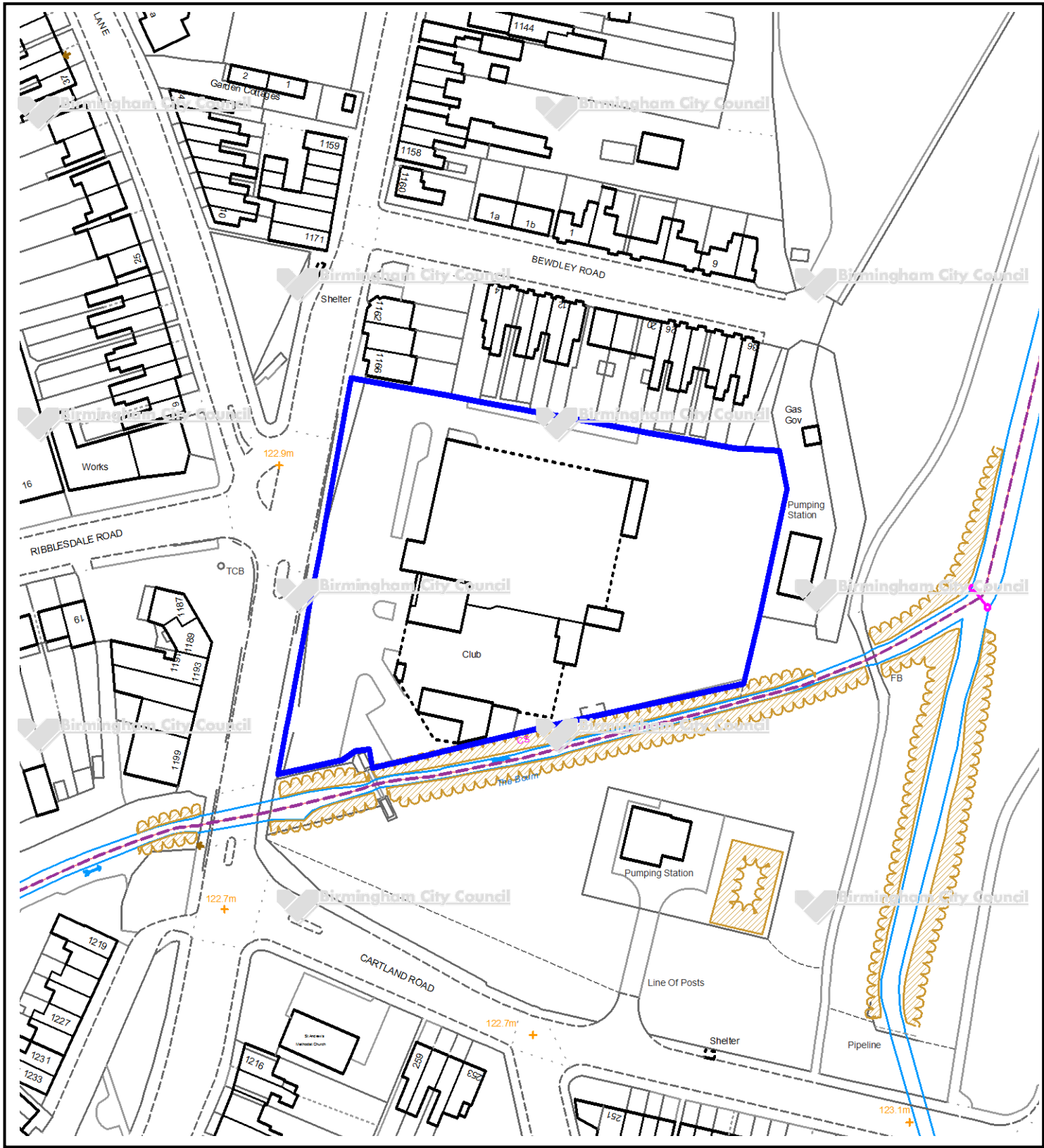


View of Pershore Road from front of site



Existing building

Location Plan



Committee Date:	08/12/2016	Application Number:	2016/08368/PA
Accepted:	06/10/2016	Application Type:	Full Planning
Target Date:	23/12/2016		
Ward:	Selly Oak		

Uplands Nursing Home, 43 Upland Road, Selly Oak, Birmingham, B29 7JS

Proposed demolition of single storey extension to existing nursing home and erection of new single storey extension to rear.

Applicant:	Uplands Nursing Home 43 Upland Road, Selly Oak, Birmingham, B29 7JS
Agent:	A P Architecture Ltd E-Innovation Centre Suite SE 219, Telford Campus, Priorslee, Telford, TF2 9FT

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application proposes the demolition of an existing single storey extension and the erection of a new large single storey rear extension comprising an additional 10 bedrooms each with en-suite WC, lounge area and assisted WC at the existing Upland Nursing Home, 43 Upland Road, Selly Park.
- 1.2. Together with internal alterations to the layout, the number of bedrooms within the nursing home would increase from 20 to 30. Currently 7 of the bedrooms are shared, giving total occupation of 27 residents. All proposed rooms are all for single occupation and all existing rooms would become single occupation, so the number of residents would only increase by 3, to 30.
- 1.3. No. 43 is a large Edwardian villa of two and three storeys and already benefits from additions to the rear.
- 1.4. The proposed extension would project 18m from the rear of the existing building into the garden and then across 28m to join the existing bedroom wing, forming a quadrangle. Total proposed floorspace would be 321sqm. It would have a hipped tiled roof with the main ridge 5.2m above ground level and brick elevations with windows facing into the quadrangle and the rear garden area.
- 1.5. The basement level, first and second floors would remain as existing with communal facilities, kitchen, laundry and office space provided.
- 1.6. The number of staff would increase from 32 full time equivalent to 35 full time equivalent.

- 1.7. 15 parking spaces would be formally laid out within the site. No new hard surfacing would be required.
- 1.8. Of the 11 individual and 5 groups of tree of the site, 10 would be removed to allow for the development. One category A tree (Pine); two category B trees (Cypress, Maple); five category C trees (Eucalyptus, Yew & 3 x Cypress) and two category U trees (Holly and Willow). A group of four lime trees to the rear of the site are covered by a Tree Preservation Order and would be retained.
- 1.10. The application is a resubmission of a previously withdrawn application 2016/03976/PA which was also for a proposed extension. This revised application has seen an overall reduction in the size of the extension proposed; originally it had a depth of 24m, width of 35m and total floorspace of 593sqm. This in turn, has reduced the number of bedrooms proposed from 17 to 10.

[Link to Documents](#)

2. Site & Surroundings

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

[Location map](#)

3. Planning History

- 3.1. 25/10/1990 - 1990/03584/PA – Planning permission granted with conditions for conversion of existing ancillary accommodation to 4 bedrooms and rear lounge extension to nursing home.
- 3.2. 19/10/1995 - 1995/01066/PA – Planning permission granted with conditions for ground floor extension to form 6 bedrooms and 1 bathroom and conversion of No. 43a from house to part nursing home. Permission not implemented.
- 3.3. 16/03/2000 - 1999/04448/PA – Planning permission granted with conditions for the deletion of condition 2 attached to planning permission E/C/9058/6 to allow 43a Upland Road to be occupied as a separate dwelling unit, not ancillary to the nursing home at 43 Upland Road.
- 3.4. 14/06/2007 - 2007/01445/PA – Planning permission granted with conditions for erection of single storey extension to rear of 43 (Uplands Nursing Home) and 43a Upland Road and change of use of 43a Upland Road from residential to nursing home. (Identical to 1995/01066/PA). Not implemented.

- 3.5. 26/02/2008 - 2007/06683/PA – Planning permission refused for rear extension & internal alterations to create 13 no. additional bed spaces including conversion of 43a to Nursing Home. Appeal allowed 21/08/2008. Not implemented.
- 3.6. 28/01/2009 - 2008/06202/PA – Planning permission refused for additional extension to rear of nursing home. Appeal dismissed 02/11/2009.
- 3.7. 25/11/2013 – 2013/07207/PA – Planning permission refused for the erection of single storey rear extension, change of use of No. 43a Upland Road from Class C3 dwellinghouse to Class C2 nursing home, demolition of rear extension at No.43a and internal alterations to increase bedrooms from 19 to 36. Appeal dismissed 03/06/2014.
- 3.8. 10/08/2016 – 2016/03976/PA – An application for planning permission withdrawn for the proposed demolition of single storey extension to existing nursing home and erection of new single storey extension to rear.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions requiring secure cycle storage, parking spaces to be formally marked out, and parking and circulation space to be used for no other purpose.
- 4.2. Regulatory Services – No objection.
- 4.3. Birmingham Public Health – No response received.
- 4.4. Letters of notification have been sent to surrounding occupiers, local residents associations; Selly Oak Ward Councillors; Planning Committee members from the Selly Oak Constituency and the MP for Selly Oak. A site and press notice have been posted.
- 4.5. Steve McCabe MP notes that neighbouring residents have raised concerns with him over the proposed extension and its size within the Conservation Area and possible loss of protected Lime Trees to the rear of the site.
- 4.6. Eleven letters of objection have been received, including comments from Selly Park Property Owners Association. Objections are as follows:
 - Same issues as on previous submissions (refused by Council and Planning Inspectorate);
 - Out of character with spacious plots in area. Impact on street/quality of area. Conservation Area is supposed to be protected - will cause significant harm to character/appearance. Unsympathetic design;
 - Increased intensity of use will result in over-development. Very little garden would remain. Significant loss of green space/wildlife habitat;
 - Close proximity to adjacent properties and resulting loss of amenity/impact on enjoyment of garden;
 - Loss of privacy. Scale of extensions will make them obtrusive. Will double building's footprint;
 - Impact on trees in Conservation Area. A number are protected by TPO – potential impact on roots. Although not all visible from road, form part of neighbours' amenity and improve air quality;
 - 24 hour operation and increased activity on site will generate noise/disturbance;

- Increased number of residents is akin to a small hospital, which normally requires specific infrastructure design to create an appropriate environment;
- Residents of Uplands Nursing Home are welcome members of our community but this comes at the cost of a great deal of peace, quiet, inconvenience and compromised privacy.
- Several uncomfortable encounters with visitors and once a very aggressive staff member as well as ambulance services blocking our driveway, partly due to inadequate parking spaces for them to manoeuvre and carry out their duties. Smoking, and from noise from distressed and confused residents.
- Potential flooding – will exacerbate existing problems of rainfall run-off;
- Upland Road is narrow and cannot cater for this type of establishment;
- Increased volume of traffic. Staff/visitor parking inadequate. Will worsen existing parking problems on Upland Road. Car parking will impact on visual amenity;
- Application is deceiving as it states rooms increase by 3, when in fact it is 10, with three additional residents.
- There is a problem with the quality of the accommodation within the existing building.

5. Policy Context

- 5.1. UDP 2005; Pre-Submission Birmingham Development Plan 2013; SPG Places for All 2001; SPD Car Parking Guidelines 2012; SPG Regeneration Through Conservation 1999; SPG Specific Needs Residential Uses 1992; National Planning Policy Framework 2012, Selly Park Conservation Area.

6. Planning Considerations

Background

- 6.1. The applicant has made several applications for extension works to this property, the most relevant being:
- 2007/01445/PA which proposed an L-shaped extension extending out from No. 43a and part way across the rear garden towards the existing large wing. This was approved.
 - 2007/06683/PA which proposed an L-shaped extension extending out from No. 43a and all the way across the rear elevation to join with the existing wing. This was refused but subsequently allowed at appeal.
 - 2013/07207/PA which proposed a single storey extension to the rear extending out from 43a Upland Road and across the rear garden to adjoin the existing wing. This was refused and dismissed at appeal, June 2014.
- 6.2. The last two in the list above were the subject of appeals. In between their two determination dates, the Selly Park Conservation Area was designated in May 2009 (noted by the Inspector in the 2014 appeal), and a Tree Preservation Order was confirmed in June 2009 for 4 lime trees to the rear of the site. The Inspector dismissed the second appeal for the following reasons:

“The proposed extension would increase plot coverage and erode the spaciousness of the site, resulting in an over-intensification of built form on the site in an area where large rear gardens and grounds are a characteristic, to the detriment of the character and appearance of the Selly Park Conservation Area as a Heritage Asset”.

- 6.3. The Inspector stated that the impact would be relatively localised and the harm caused to the character and appearance of the wider Conservation Area would be less than substantial. The NPPF suggests that less than substantial harm to a heritage asset should be weighed against the public benefits of a proposal, including securing the optimum viable use. Clearly, the inspector concluded that the public benefits of a modernised and extended care home did not outweigh the harm that would be caused to the Selly Park Conservation Area.

Impact on character and appearance of Conservation Area

- 6.4. The Conservation Area is characterised by generously proportioned dwellings set within spacious and well-landscaped plots. No.43 already has a very substantial rear wing which projects into the rear garden area significantly and brings the building closer to the rear boundary of the site than is typical of the area. Originally, No. 43 would have been laid out in accordance with the character of the Conservation Area but over time it has had additions which have changed this character. Further buildings on the site have the potential to over develop the site, and would result in the loss of garden space and consequently the sense of spaciousness. However, the development would not easily be seen in the streetscene and would have limited impact from a public vantage point.
- 6.5. The massing of the proposed building is not offensive as the extensions are all single storey and subservient to the existing building and the roof detailing although not in keeping with the original roof is generally similar to the design and openings of existing extensions. I also note that the extension now proposed has significantly reduced to that of that proposed in the previously withdrawn application from earlier in this year. It is now very similar to the scheme dismissed at appeal.
- 6.6. This leads me to the same conclusion as the inspector on the previous application that the impact on the Conservation Area would be relatively localised and the harm caused would be less than substantial.
- 6.7. The NPPF states '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'.
- 6.8. I consider in this instance, the measure of optimum viable use is that of the minimum number of resident rooms necessary to sustain this care home, which of course is of great importance for the elderly residents and their families.
- 6.9. As the scheme is similar to that previously dismissed at appeal in June 2014, it therefore needs to be determined what has changed in the care sector since this time that might lead the Local Planning Authority to reach a different conclusion.
- 6.10. Knight Frank were commissioned by the applicant in Feb 2016, to provide an assessment of the care home market. This provides a reflection of the movement towards better quality public and private sector care facilities for the elderly and infirm. In addition, more than 3000 beds were lost in the care sector in the 6 months from October 2014 to March 2015, the first decline in over a decade, according to industry analysts. Furthermore, by 2040 the number of people affected with dementia is expected to double with costs of treating the disease expected to triple. There is an increasing ageing population, having a major impact across all sectors, and dementia requiring much more nursing care.

- 6.11. The applicants report notes that this care home also accommodates a significant number of clients who receive housing benefits; these clients would otherwise not be accommodated locally. Unfortunately, the Local Authority fees have not increased significantly for a number of years, so many homes will now not accept clients who receive housing benefits, without significant top up fees.
- 6.12. In addition, the Care Quality Commission (CQC) since 2014 expects a higher standard of accommodation as to ensure the quality of lives of residents is appropriate to meet their needs, and ensure it is safe environment, this includes provision of secure outdoor space, hence the internal court yard area and the need to avoid dead ends within a building, as providing one continuous circulatory route, reduces the stress to dementia sufferers. The Council recognise the needs in this instance for improved facilities on this site. As such consider an extension would be necessary to ensure the continuation of the use on the site. Current guidance from the CQC coming from the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, is making significant progress in regulating the quality of care home provision and making it increasingly necessary for operators to meet requirements that satisfy layout, access, and living standards, which currently the home is struggling to meet. Shared or double rooms are now not acceptable, as they are not considered appropriate by social workers and families of residents; they provide limited dignity and privacy for residents and in most cases do not cater for the complex needs of residents who require more space to be cared for effectively. The loss of double rooms from Uplands Care Home reduces the financial income of the home over 26% reducing its profitability and viability. The proposed extension would replace all double bedrooms and provide an additional 3 bedrooms resulting in 30 single bedrooms overall.
- 6.13. Both the case officer and Conservation Officer have had numerous meeting with the applicant to identify the minimum operational requirements of this site to sustain its future, yet minimising the scale of physical extensions in the Conservation Area. As part of this exercise, the accountancy of the business has been shared demonstrating that the current format and numbers on this site will continue to make a year on year loss, prejudicing its long term contribution to Birmingham's Care Provision. This in part is due to the new Living Wage introduced in April 2016, and increase in the recent Autumn Statement which has already impacted on the business. The applicant states, the Living Wage will increase the wage bill by 36% over the next 4 years and would put extreme financial pressure on the business. The overall impact of the living wage and loss of beds caused by internal re-configuration to meet the new standards would mean the business will be making a loss by 2020. Furthermore, the applicant does not consider it appropriate for a home such as this to exist on just minimum profits, as this would not allow investment and improvements to the home, which are essential if the home is to provide the level of service required to meet the needs of the CQC.
- 6.14. The applicant has provided a number of options, including that currently under consideration, which presents the least impact on both the conservation area and neighbouring amenity.
- 6.15. As such, given these changes in the care home market, which seek to provide a high quality standard of care, the proposed development would bring about significant and public benefit to those existing and future users of the care home. A situation, which in this instance, and on balance taking into account previous decisions on this site, is considered to outweigh the less than substantial harm to the

conservation area. This is an important change in officer position since the appeal decision.

- 6.16. Care for the elderly is extremely important. This was apparent to the last Inspector, who dismissed the previous appeal. I am now comfortable that the applicant has managed to assemble a case which clearly and convincingly sets out what has changed with respect to economic circumstances, care home regulations and this site since the appeal was determined just two years ago, and so the recommendation reached is carefully balanced.
- 6.17. I note that the applicant has also provided examples of the where other local authorities have approved extensions in what he considers to be similar circumstances. However, two of the three provide no direct comparison to this particular case – they were care home provision at listed buildings but where the local planning authority had no concern with issues such as effect on the listed building, trees, neighbour amenity, therefore there was no ‘balancing case’ like at Upland Road. The third example does provide some form of comparison – proposals which conflicted with Green Belt policy but where the local planning authority considered the circumstances of the care home sector outweighed the harm to the Green Belt.

Loss of trees

- 6.18. I note that mature planting makes a significant contribution to the character of the area. The Tree Officer does not object to the loss of trees located centrally within the rear garden. These removals are considered acceptable as there is a very limited public amenity view of the trees. This was also the view of the Planning Inspector in his report previously, noting their removal would not harm the character and appearance of the Conservation Area and its significance as a heritage asset.
- 6.19. The four limes to the rear boundary are to be retained. These trees are protected by a TPO. The current proposal of recommended works in the submitted Tree Survey is to reduce the crowns of the limes by 30% and this is considered reasonable as the trees are lapsed pollards which, I am advised, will shed branches if allowed to regenerate unchecked. The incursion of the building into the Root Protection Areas (RPA’s) of the trees is moderate. A tree protection plan is required along with a methodology and this could be secured through an appropriate condition were a planning consent achieved.

Residential Amenity

- 6.20. In terms of future residents of the nursing home, UDP policy 8.29 only sets out a numerical standard for outdoor amenity space of 16sqm per resident. A total of 761sqm of amenity space would be provided (183sqm within a central, enclosed garden; 578sqm surrounding the building). This would meet the standard for the proposed number of residents and I consider the generous size of the central garden sufficient to meet the needs of the care home. There is no recommended standard within the policy for bedroom sizes in nursing homes, but I note that all the rooms within the proposed extension would be 14sqm (excluding en-suites), which would satisfy the size guideline in ‘Places for Living’ for a first double bedrooms (12.6sqm) and would be above that advocated within the nationally described space standards, which are not yet formally adopted, but provide a benchmark.
- 6.21. In respect of No. 41a Upland Road (to the east), the proposed extension would not be any closer to the shared boundary than the existing wing. There would be no

need to remove some low level planting, that the previous application required and an existing tree within No. 41a's garden would help screen the proposed extension from this property. Additionally, eaves height would be 3m, with the roof sloping away from the boundary and thus limiting the impact of the extension. I am satisfied that the extension is positioned a sufficient distance away so as not to cause any overshadowing or loss of light significant to warrant the refusal of the application. No side-facing windows are proposed and the buildings are single storey so there would be no overlooking. There is no objection from no. 41a.

- 6.22. In respect of No. 45 Upland Road (to the west), the proposed extension again is set in from the boundary (2m at its closest point), so as not to cause any overshadowing and given the single storey nature of the site and intervening boundary treatment, there would be no material loss of light. Side-facing windows are proposed but I am satisfied that these would not lead to undue overlooking, again due to the single storey nature of the development and intervening boundary treatment. Although the occupier of no. 45 has objected to the application, this is on general amenity (noise and nuisance, parking) grounds, and not on the physical effect of the rear extension on their visual amenity.
- 6.23. In respect of properties on Selly Wick Road to the rear of the site, the extension would be at least 10m to 14m from the shared boundary which, together with the extensive planting would be adequate to prevent overlooking and loss of light.
- 6.24. Concerning general noise and disturbance, notwithstanding the public participation responses, Regulatory Services has no objection. I acknowledge more residents would generate more comings and goings but the site is detached with parking on the frontage and only three additional residents are proposed. I do not consider these would have such an effect on residential amenity that refusal for this reason could be justified.

Impact on parking and highway safety

- 6.25. 15 parking spaces are proposed within the site on existing hard surfaced areas to the front and side. The Car Parking Guidelines SPD suggests a maximum of 1 space per 3 bed spaces and with 30 residents proposed, the 15 spaces would be adequate. In addition, on-street parking is unrestricted and there is good access to buses and consequently Transportation Development has no objection to the proposal.
- 6.26. I note local concern regarding parking but at the time of my visit, four vehicles were parked on the frontage and there was no evidence of illegal parking and I have no reason to expect particular parking pressure as a result of the proposal. I accept that visitors who cannot get a space on the site might have to walk a little way to the site but properties on Upland Road have off-street parking so there would be on-street space available. Some additional traffic and parking demand would be expected but it is not anticipated that the impact would be significant.

Other issues

- 6.27. I note the concerns of residents regarding flooding. The site is not within an immediate area known to be at risk of flooding, but it is close to other areas parts of Selly Oak to the east, close to the River Rea, where flooding is a major problem. As such, in the event of a planning consent, a drainage condition to properly regulate run-off and storm drain flows from the extended development could be attached.

Issues around noise disturbance from staff, visitors or residents are for the management of the premises to address.

- 6.28. The site is not known to have any significant ecological value and is not near to any site of importance for nature conservation.

7. Conclusion

- 7.1. Since determination of the previous refusals, I consider that additional information has been provided that demonstrates on balance that the development would lead to less than substantial harm to the significance of a designated heritage asset namely the Selly Park Conservation Area and the public benefit of the proposal would outweigh this harm. In addition, there would not be any significant detrimental impact on surrounding residents and as such, in this instance it is recommended that the application be approved subject to the attached conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials |
| 3 | Arboricultural Method Statement - Submission Required |
| 4 | Requires the prior submission of cycle storage details |
| 5 | Requires the parking area to be laid out prior to use |
| 6 | Requires the prior submission of a sustainable drainage scheme |
| 7 | Limits the approval to 3 years (Full) |
-

Case Officer: James Mead

Photo(s)



Photograph 1: Boundary with No 41a

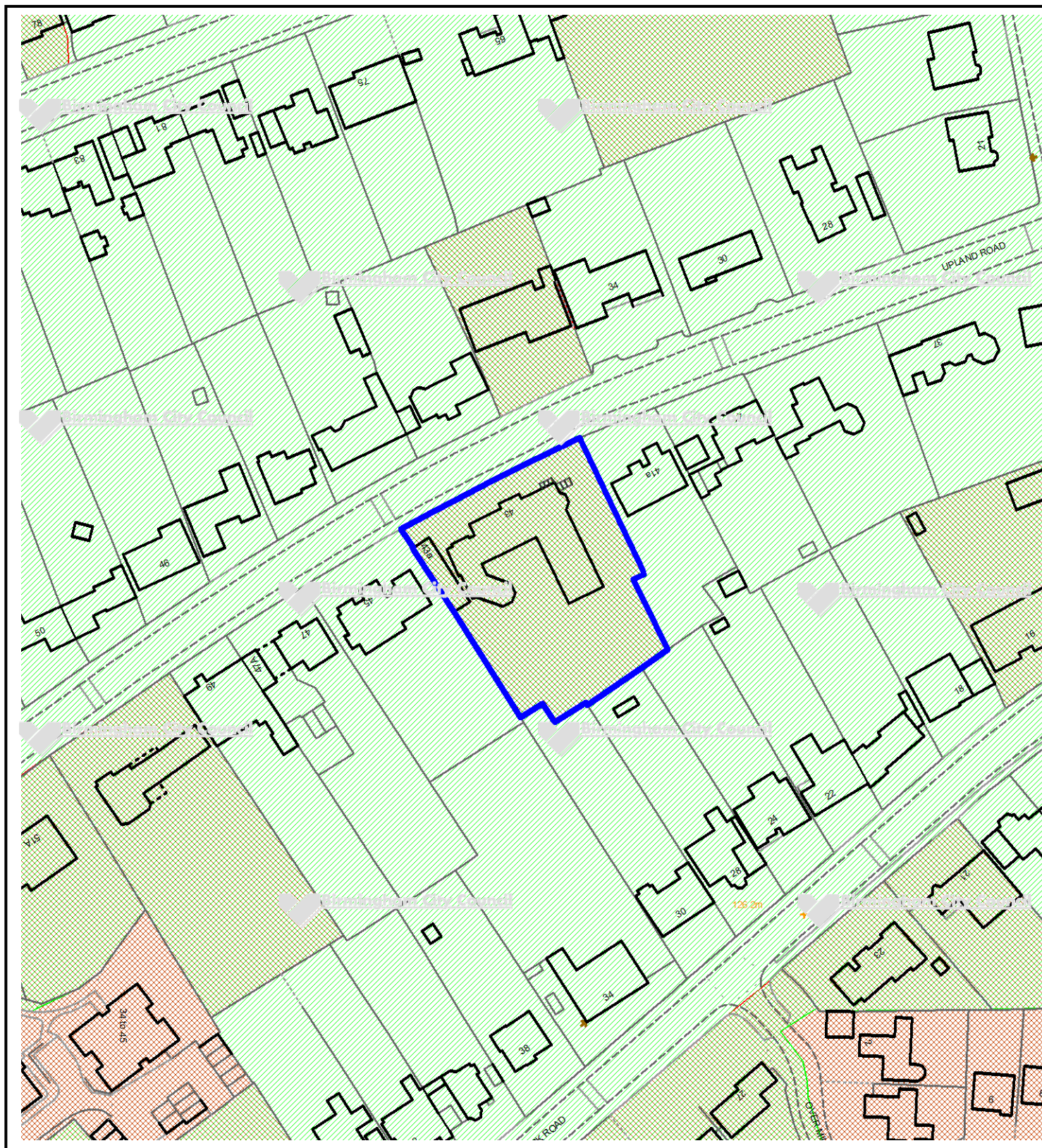


Photograph 2: Front of application site



Photograph 3: View towards the rear of the site

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/07538/PA
Accepted:	12/09/2016	Application Type:	Full Planning
Target Date:	07/11/2016		
Ward:	Hall Green		

15 Highfield Road, Hall Green, Birmingham, B28 0EL

Change of use from retail unit (Use class A1) to health clinic (Use class D1), installation of security gates to rear and footway crossing to front

Applicant:	Solihull Well Being Clinic 15 Highfield Road, Hall Green, Birmingham, B28 0EL
Agent:	MLB Consultancy 284 Warwick Road, Solihull, West Midlands, B92 7AF

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The proposal is for a change of use from Use Class A1 to Use Class D1, a private Psychology, Counselling and Holistic Therapies Clinic and associated offices. The proposal would convert the ground floor into a reception and three consulting rooms with a fourth on the first floor, the remainder of the building being used for the clinic's offices, kitchen and storage.
- 1.2. The proposal includes the use of a rear yard for 4 'tandem' parking spaces and a footway crossing to the frontage. In addition, there are two parking bays proposed on the forecourt. The proposed rear parking spaces include the installation of 1.8m tall security gates around the parking spaces which are permitted development.
- 1.3. The proposed opening hours would be 08:00 to 19:00 Monday to Friday and 10:00 to 14:00 on Saturdays. The proposed health Clinic would employ 4 part-time staff members.
- 1.4. The application includes details of proposed fascia signage for the business at 0.5m high by 5.4m wide with illuminated lettering; the proposed signage would have deemed consent under Advertisement Regulations.

1.5. [Link to Documents](#)

1.6. [Site Location](#)

2. Site & Surroundings

- 2.1. The application site is located on the western side of Highfield Road, to the north of the junction with Delamere Road within a parade of nine commercial properties. There are residential properties to the rear of the site and commercial properties opposite. The parade is a three storey 1930s building with three projecting gables to the ends and middle detailed with timber/render and original dormer windows. There

are bay windows to the first floor. The building retains a lot of its original features and makes an important contribution to the frontage at Highfield Road's junction with Stratford Road.

- 2.2. The application site was last used by a chocolatier retailer and has been vacant since October 2015.
- 2.3. The adjoining property at no. 11 Highfield Road consists of a restaurant on the ground floor and associated commercial uses above. At the adjoining property at no. 17 Highfield Road there is a vacant retail unit on the ground floor with residential on the first and second floor.

3. Planning History

- 3.1. 17/02/2012 - 2011/08334/PA - Retrospective installation of shop front - Approved

4. Consultation/PP Responses

- 4.1. Residential and Commercial Occupiers, Local Councillors consulted, Site notice displayed. No comments received
- 4.2. Transportation Development – No objection subject to conditions on the specification of the footway crossing
- 4.3. Regulatory Services – No objection

5. Policy Context

- 5.1. National Policy
 - National Planning Policy FrameworkLocal Policy
 - Adopted Birmingham UDP (2005)
 - Examination Birmingham Development Plan 2031.
 - Car Parking Guidelines SPD
 - Shopping and Local Centres SPD

6. Planning Considerations

- 6.1. The principal considerations in the determination of this application are the impacts of the proposal on residential amenity, retail vitality and viability, highway safety and parking.
- 6.2. The National Planning Policy Framework (2012) states that Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development and planning applications that secure sustainable economic growth should be treated favourably.
- 6.3. Paragraph 7.31A of the Birmingham Unitary Development Plan (UDP) recognises the importance of local parades of shops and notes that the Council will support such facilities. The UDP also states that where there is no longer a demonstrable

demand for the continued retail or local service use of such parades, the Council will support their conversion to a more appropriate use.

- 6.4. In terms of general impact of the proposed use, I consider the clinic would not have any additional impact on residential amenity in the wider area above and beyond any A1 use. No 11 Delamere Road backs on to the proposed parking to the rear of the application premise. However, the rear parking is an existing situation and therefore would not result in a further impact on residential amenity.
- 6.5. This site is within a retail parade within the Primary Shopping Area (PSA) of the Highfield Road Neighbourhood Centre with good public transport links in the immediate vicinity, the site is considered to be in a sustainable location due to a number of bus services passing close to the site. The broad principle of a Clinic use is accepted within shopping centres in Local and National Policy.
- 6.6. The loss of an existing A1 retail use must be considered against policy. The property is situated within the PSA of the Highfield Road Neighbourhood Centre as set out in the 'Shopping & Local Centres' SPD. Of the 37 units in the centre, 51.35% are in A1 use (19 units) including the application site (June 2016 Survey Data). The loss of this property would take the figure of A1 uses to 48.65%. This proposal would therefore breach the conditions set out in Policy 1 of the Shopping and Local Centres SPD which seeks to retain a 50% A1 use within the PSA of Neighbourhood Centres. However, I consider the proposal for a Clinic use falls within the 'exceptional circumstances' clauses set out in Policy 3 of the same document. Policy 3 gives an example of an exceptional circumstance: "*where a use such as a drop in health centre, advice centre, community or educational use that provides a local service meeting a local need cannot otherwise be accommodated elsewhere in the centre, in a nearby centre or other appropriate location*". Although not a 'public' nor drop-in health centre, or a traditional advice centre, I consider the counselling-based use proposed would nevertheless fall within the broad sort of exception given by the policy, and so be in accordance with the SPD.
- 6.7. The premises in question have been vacant for some time and the applicant has stated that the choice of premises was undertaken after a two year search for suitable premises, the application site being finally chosen as being close to an existing client base (within a mile of previous operations) with good transport links for existing clients in the South East of Birmingham and Solihull / Knowle. The premises also offer three floors for use without adjacent residential uses to inhibit operations. In this regard I consider the proposal and supporting statement to meet the requirements of Policy 3 of the Shopping and Local Centres SPD. I am also mindful of the NPPF recognition that uses other than shops are suitable for these locations and can contribute to their vitality and viability. In this case, the proposal would add to the services provided within the centre, attract some additional footfall, and may support the viability of other units within the centre through 'spin off' spending. It would also bring the unit back into active use, given that the site has been vacant for some time. Whilst this is the case for the proposed use other D1 uses may not be equally suitable for this location, I therefore propose to restrict the use through condition.
- 6.8. The proposed rear gate and parking area would be in keeping with the shared rear access. Transportation Development have no objections regarding the proposed parking provision and the footway crossing providing that suitable conditions are in place regarding the specification of the proposed works, given that no details have been submitted I consider that this is a reasonable course of action.

7. Conclusion

- 7.1. The proposed use would be in keeping with the commercial setting and would not have a detrimental impact on the area in terms of residential amenity and highway safety. The operation would bring back into use a vacant property to the benefit of the area. Thus the proposal would constitute sustainable development and I therefore recommend it for approval with conditions.

8. Recommendation

- 8.1. Approve with conditions

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- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the footway crossing and road markings be constructed according to the City's specifications. |
| 3 | Limits the hours of operation to 08:00-19:00 Monday to Saturdays. |
| 4 | Prevents the use from changing within the use class |
| 5 | Limits the approval to 3 years (Full) |
-

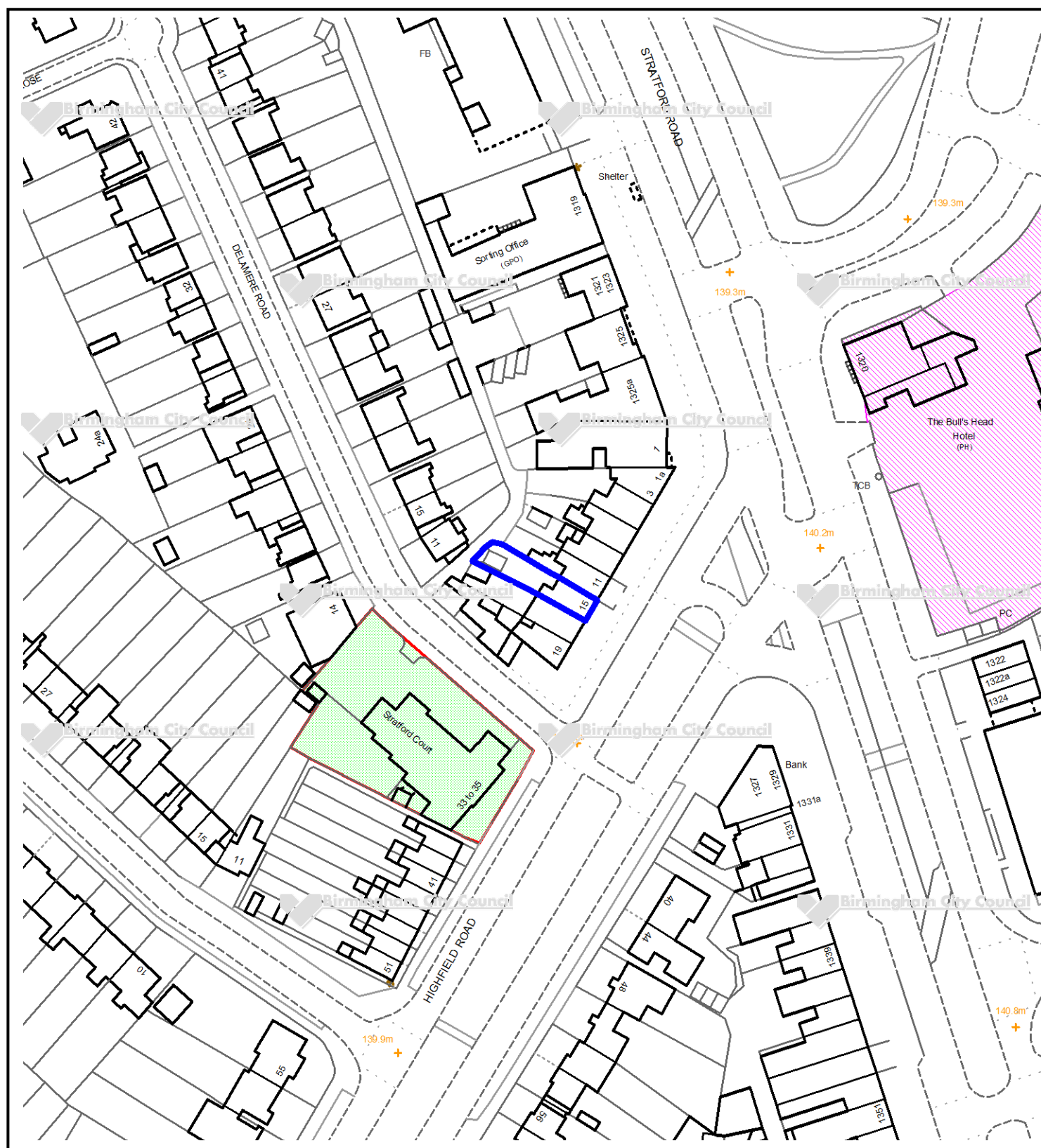
Case Officer: John Richardson

Photo(s)



Application site

Location Plan



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Birmingham City Council

Planning Committee

08 December 2016

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	2016/00858/PA 5 Turnberry Road Great Barr Birmingham B42 2HP Erection of single storey forward and side extension, two storey side and first floor rear extension
Approve – Conditions	16	2016/05698/PA 34 Holyhead Road Former Handsworth Social Club Handsworth Birmingham B21 0LT Demolition of most of existing building and in its place the erection of a new build temple together with associated external works to include new boundary treatment, volleyball court, raised terrace and external works to retained part of building. Functions of temple to also include teaching classes, prayer, meditation, community and religious functions and ancillary residential accommodation.
Determine	17	2016/05697/PA 401-416 New John Street West Newtown Birmingham B19 3PE Demolition of existing building fronting Bridge Street West and renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation, erection of two new student accommodation blocks and associated landscaping works.

Determine	18	<p>2016/05775/PA</p> <p>401-416 New John Street West Newtown Birmingham B19 3PE</p> <p>Listed building consent for renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation.</p>
Defer – Informal Approval	19	<p>2016/07893/PA</p> <p>139 and 141 The Broadway Aston Birmingham B20 3ED</p> <p>Change of use from hot food takeaway (Use Class A5) to retail (Use Class A1) at 139 The Broadway and change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) at 141 The Broadway and installation of flue to rear.</p>
Approve – Conditions	20	<p>2016/06675/PA</p> <p>364 - 366 Birmingham Road Wylde Green Sutton Coldfield Birmingham B72 1YH</p> <p>Change of use from retail (Use Class A1) to hot food take away (Use Class A5), erection of cold room to rear with condenser and compressor and erection of extraction and ventilation flues to roof</p>
Approve – Conditions	21	<p>2016/06059/PA</p> <p>51 Upper Holland Road Sutton Coldfield Birmingham B72 1SU</p> <p>Erection of detached garage/workshop to rear</p>

Committee Date:	08/12/2016	Application Number:	2016/00858/PA
Accepted:	15/02/2016	Application Type:	Householder
Target Date:	11/04/2016		
Ward:	Perry Barr		

5 Turnberry Road, Great Barr, Birmingham, B42 2HP

Erection of single storey forward and side extension, two storey side and first floor rear extension

Applicant:	Mrs Lizy Cherian 5 Turnberry Road, Great Barr, Birmingham, B42 2HP
Agent:	MCJ Solutions 18 Bridle Lane, Sutton Coldfield, Birmingham, B74 3HB

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a single storey front and side extension, two storey side extension and a first floor and rear extension. The proposal would provide an extended kitchen, new entry porch, WC and store at ground floor with a new bedroom at first floor.
- 1.2. The resulting front extension would extend across the front of the elevation of the property and would measure 900mm in depth with a maximum height of 3m (2.7m to eaves). The proposed rear extension is designed to be first floor only with no accommodation at ground floor. The proposal would be supported by pillars below. The two storey side and first floor rear extension would extend 1.8m wider than the main house and 4.5m from the rear of the rear elevation of the main property. This would be designed with a finished height of 5m (4m to eaves).

1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a modern end terraced dwelling house. The property is designed with a pitched roof, bow window feature to the front and has been previously extended with a shallow single storey rear extension (approx. 2.3m). The rear of the application site is enclosed by 1.8m high fencing.
- 2.2. The property is located close to the junction of Turnberry Road and Beeches Road; the rears of properties on Beeches Road face the side elevation of the application property. The properties are designed with a rear facing living room at ground floor and bedroom window above. No. 144 Beeches Road has been previously extended with a glazed lean-to extension to the rear; this is 2.5m in depth. There is a pedestrian access which separates the application site from those on Beeches Road.

[Site Location](#)

3. Planning History

- 3.1. There is no relevant planning history

4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted. 3 letters of objection has been received; objections have been raised in respect of:

- Loss of light/Outlook
- Impact on property values

- 4.2. Councillor Jon Hunt supports the concern raised by the objectors and has requested that the application be heard at the Planning Committee.

5. Policy Context

- 5.1. The following local policies are applicable:

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

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012).

6. Planning Considerations

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

- 6.2. Amended plans have been secured to make improvements to the appearance of the proposed development. The proposed roof over the side extension has been redesigned to integrate better with the original property. The scale and design of the development is acceptable and would not compromise the existing character or architectural appearance of the property, or wider street scene. As such, the development would comply with the design principles contained within the design guide 'Extending Your Home' Supplementary Planning Document.

- 6.3. The proposed side and rear extension would comply with your Committees' 45 Degree Code policy.

- 6.4. Whilst the proposal would fall short of the required distance separation of 12.5m between an attached glazed lean-to to the rear of No. 144 Beeches Road and the side elevation of the proposal, this standard is met from the main windows in the rear elevations of 142 & 144 Beeches Road.

- 6.5. The proposed development includes a side facing landing window. This falls short of the required 5m per storey separation between a proposed window and neighbouring private amenity area (10m from a first floor window). A condition is therefore recommended to ensure that this window is fitted and maintained with obscure glazing to prevent any overlooking issues with No. 142 and 144 Beeches Road. All other distance separation guidelines contained in 'Places for Living' and 'Extending your Home' would be met. Sufficient amenity space would be retained to the rear of the site in this instance.
- 6.6. The issues raised over the impact on property values are not a material planning consideration and cannot be taken into consideration when assessing this application.
- 6.7. The proposed development does not attract a CIL contribution.
7. Conclusion
- 7.1. The proposed development, has been amended, complies with the principles of the policies outlined above and would not cause sufficient detriment to warrant refusal of the application.
8. Recommendation
- 8.1. Approve subject to the following conditions.

-
- | | |
|---|---|
| 1 | Requires that the materials used match the main building |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of details of obscure glazing a non openable window for specific areas of the approved building |
| 4 | Removes PD rights for new windows |
| 5 | Limits the approval to 3 years (Full) |
-

Case Officer: Philip Whittaker

Photo(s)



Photo 1: Front elevation

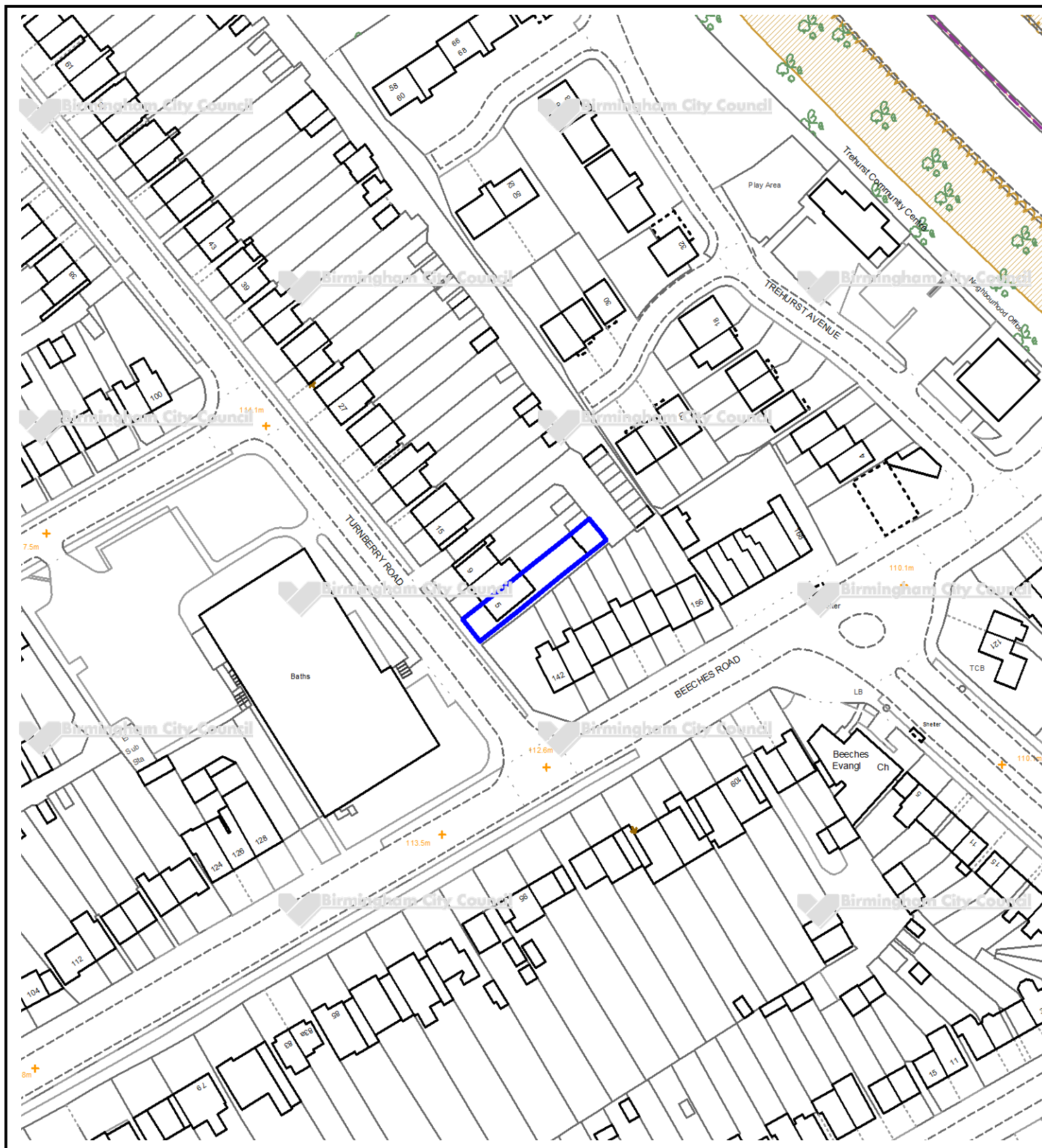


Photo 2: Rear elevation



Photo 3: Side view from No 144 Beeches Road

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/05698/PA
Accepted:	20/09/2016	Application Type:	Full Planning
Target Date:	20/12/2016		
Ward:	Handsworth Wood		

34 Holyhead Road, Former Handsworth Social Club, Handsworth, Birmingham, B21 0LT

Demolition of most of existing building and in its place the erection of a new build temple together with associated external works to include new boundary treatment, volleyball court, raised terrace and external works to retained part of building. Functions of temple to also include teaching classes, prayer, meditation, community and religious functions and ancillary residential accommodation.

Applicant:	The Midlands Buddhist Association 34 Holyhead Road, Handsworth, Birmingham, B21 0LT
Agent:	Progressive Architects Ltd 71 Gleave Road, Birmingham, B29 6JW

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. The applicant proposes internal and external alterations to the eastern wing of an existing Buddhist temple. The remainder of the temple, the majority, would be demolished and in its place a new build temple would be erected which would incorporate that aforementioned wing to be upgraded. Other external works would include new boundary treatment, volleyball court and a new raised terrace in the rear garden area. The temple would accommodate the following functions:- teaching classes; prayer, meditation, community and religious functions and ancillary residential accommodation.
- 1.2. The new building would largely sit within the same footprint of that to be demolished. It would measure 14.5 metres high, 44 metres wide by 33.9 metres deep. The exterior design of the new temple would take the shape of a traditional Vietnamese Buddhist temple with its exterior façade incorporating large areas of glazing set within mainly rendered walls incorporating reconstituted stone and blue brickwork. The roof line would take its inspiration from temples in the far-east and be topped by a central curved roof with decorative symbol on top.
- 1.3. The site layout would retain the front of the site for car parking (20 spaces) with the site accessible for vehicles and people through a corner splay entrance in the boundary wall (as existing).
- 1.4. In addition to the above on site parking capacity the applicant has stated that the temple has received numerous letters from the local business community (with

supporting letters confirming such) who are willing to share their parking facilities. Of particular note is an offer of use of National Tyres and Autocare (212 New John St W), The Nail & Beauty Link Ltd (103 Soho Hill – parking at the rear of the site), Birmingham Buddhist Maha Vihara (216 New John St W) and DT Autos (24 Brearley Street) to accommodate coach parking associated with those people who would be dropped off at the temple on a Sunday thereby allowing the coaches to park all day on Sundays at those named sites and return to pick up them up. This is a similar approach used in the existing situation where an agreement was reached with Holyhead school (across the road from the site) and which is covered by condition under application 2013/01041/PA.

- 1.5. The rear grounds of the site would be used for ancillary purposes such as in providing a volleyball court for patrons of the temple.
- 1.6. The basement of the temple would provide 2 classrooms; reception/play area, 2 store rooms, as well as changing rooms, plant room and showers, toilets.
- 1.7. The ground floor layout would provide a prayer hall; dining hall, reception, kitchen, multi use function hall, memorial hall and gift shop.
- 1.8. The first floor would provide 6 bedrooms, 2 meditation rooms, and shower room/W/C. The different levels would be accessible by either stairs or lift.
- 1.9. The proposed hours and days of use are 0800 to 2000 hours 7 days a week
- 1.10. Other than special celebratory occasions, the number of attendees using the temple would be expected to be between 5 to 10 people (Mon- Sat) and between 40 to 50 people on Sundays. Peak attendance would occur during the four major celebratory events in a Buddhist calendar, which currently take place in early February and May, mid August and early November (all on Sundays), when the number of attendees would be between 300 to 350 people. These levels of occupancy reflect the existing attendee levels.
- 1.11. There are two full time monks who would reside at the premises who are, from time to time, supported by novice (training) monks or nuns who reside for a few months to a year or so before moving to another monastery. It is also not uncommon to have 2 to 3 visiting monks staying at the temple for few days during the week or weekend. This level of on site staffing reflects the existing situation.
- 1.12. The dining hall and kitchen would be used by the monks and nuns on a daily basis as well as for the 4 celebratory events each year.
- 1.13. The applicant states that a volleyball court was already in situ on site when it was purchased in December 2002. However, during the construction of the annex buildings and the laying of the new turf, the volleyball court was erased. The proposed volleyball court would be used by the Buddhist community in general on Tuesday afternoons between 1500 and 1800 hours.
- 1.14. The classrooms would be used by Buddhist members and their children to learn Vietnamese, Vietnamese culture (and respecting others) and the Buddhist faith. This would occur every Sunday between 1000 hours and 1200 hours.

- 1.15. A loud speaker and bell would be used within the temple during chanting services. These would occur between 1300 and 1500 hours Mondays to Saturdays and between 1100 hours and 1500 hours on Sundays.
- 1.16. The reception/play area would be used in conjunction with the proposed rear terrace area and rear garden, which would provide a safe play area for children to be whilst within the temple grounds.
- 1.17. The multi function hall would be used by Buddhist members to practice live music and performance (singing and acting), which would normally take place in the evening between 1800 and 1900 hours. It would also be used for the main celebratory events that would occur four times a year.
- 1.18. The existing floorspace of the temple is 1603 sq.metres whilst the development would result in a total floorspace of 1,967 sq.metres.
- 1.19. In addition to supporting plans the applicant has also provided a Design and Access statement as well as SUDS assessment.

1.20. [Link to documents](#)

2. Site & Surroundings

2.1. The application site is currently occupied by a Buddhist temple. Along Holyhead Road there are a variety of non residential uses including commercial premises and a school. To the rear of the site is a service path with houses thereafter. The front of the site at the back of pavement along Holyhead Road is set approximately 6.5 metres higher than the rear boundary of the site.

2.2. [Site location](#)

3. Planning History

- 3.1. 03.07.2015- 2015/03292/PA- Erection of replacement entrance gate and boundary wall to side- Approved subject to conditions.
- 3.2. 26.04.2013- 2013/01041/PA-Demolition of existing side and rear extensions and the erection of a side and rear extension to form multi functional hall & memorial hall, first floor rear extension, basement and rear terrace- Approved subject to conditions.
- 3.3. 31.07.2012- 2012/03570/PA- Material minor amendment to planning permission 2009/06117/PA for alterations to front elevation with formation of pitched roof, insertion of high level windows in side elevation, alterations to internal floor levels, increase in size of rear extension, and change in roof design to rear- Approved with conditions.
- 3.4. 15.10.2010- 2009/06117/PA- Alterations and extensions to Midlands Buddhist Association to form a multi-functional hall, memorial hall, porch, toilet facilities, plant room and storage to basement- Approved with conditions.
- 3.5. 09.01.2008- 2007/06298/PA- Erection of Buddha statue- Approved with conditions.

- 3.6. 26.09.2006- 2006/04667/PA- Insertion of two windows in ground-floor facade fronting Farcroft Avenue- approved with conditions.
- 3.7. 16.12.2002- 2002/00116/PA- Change of use to Vietnamese religious & cultural centre and priests residence- Approved with conditions.

4. Consultation/PP Responses

- 4.1. Surrounding occupiers, local councillors, local Neighbourhood Forum, Resident Association and local MP notified as well as site and press notices displayed- no response received.
- 4.2. Transportation Development- No objection subject to safeguarding conditions.
- 4.3. Regulatory Services- no objections subject to conditions covering extraction and odour Control; a limit on cumulative noise from plant and machinery and the provision of vehicle charging point.
- 4.4. West Midlands Police- Makes comments with respect to improving security.
- 4.5. West Midlands Fire Service- no objection.
- 4.6. Local Lead Flood Authority (LLFA)- no objection subject to safeguarding drainage conditions being applied to any approval.

5. Policy Context

- 5.1. UDP (2005); Draft BDP, SPG Places for All, SPD Places for Worship, SPG Places for Living, SPD A41 Framework, SPD Car Parking Guidelines, Technical housing standards – nationally described space standards, NPPF and NPPG.

6. Planning Considerations

- 6.1. The proposed development has been assessed in light of the following issues:-
- 6.2. Principle- The application site is located within the boundary of the expanded Soho Road centre as detailed in adopted A41 Framework (2015). Whilst not allocated for a specific land use, the site sits next to an area along Holyhead Road which has been identified as a development opportunity. The framework generally encourages the development of retail, leisure and community uses in the centre. These aspirations, that is the strengthening of local centres, aligns with other local planning policy such as Shopping and Local Centres SPD, UDP (2005) and draft BDP as well as the aims of the NPPF in seeking to attain sustainable development.
- 6.3. The above positive assessment of the principle of utilising this site for this development is supported by adopted SPD Places for Worship which sets out that developments that are likely to have a city wide draw, where such are likely to include a variety of other community uses, should be sited on a main arterial route near other city-wide and town centre activities. It also sets out that existing and emerging Area Action Plans and Frameworks identify various parts of the City for community uses, including places of worship, and will be used to identify appropriate locations.

- 6.4. I also note that the application site has been in operation as a Buddhist temple for a number of years now having received planning consent in 2002.
- 6.5. On the basis of the above, I therefore conclude the redevelopment of the site as proposed to establish what would be a much improved facility for the Buddhist community with associated works on this site is acceptable in principle.
- 6.6. Design- The proposal would see the redevelopment of the site with what would effectively be a new building. This would remove the existing building which has deteriorated over time. The proportions, materials and detailing of the proposed new build would result in an attractive building that clearly represents its use as a Buddhist temple and should enhance local character, creating a new landmark along Holyhead Road. Its scale and massing would not have any adverse impacts on neighbouring properties or the street scene. No adverse impact on existing trees identified. I therefore raise no objections on design grounds. My urban design and tree advisors concur with these views.
- 6.7. Parking- Transportation Development raise no objection to the proposed development subject to conditions. I concur with this view. According to the details submitted by the applicant the temple is not proposing to increase the number of people to be accommodated within the site and will provide 20 on site car parking spaces which is a broadly similar level as existing.
- 6.8. The applicant states that two coaches would drop off attendees for the 4 celebratory events (on Sundays) that occur each year. Therefore, it is recommended that a previous condition attached to planning permission 2013/01041/PA is replicated that required the cessation of the use of the premises for annual ceremonies or festivals (the events that generate most trips) in the event of off site coach parking to be provided at, in this instance, National Tyres and Auto Centre (3-4 coach parking spaces) and The Nail and Beauty Link (2 coach parking spaces) ceases to become available. Such parking would accommodate coaches during Sundays after they have dropped off attendees at the temple and return to the temple to pick them up after the celebratory event has finished. Though always occurring on Sunday, because the celebratory events move through the normal calendar year due to them being set by the lunar calendar, only the sites for coach parking offered for such purposes by the aforementioned businesses in supporting letters (submitted as part of this application) are recommended to be included in the condition as those offers provide the flexibility to accommodate coach parking on any Sunday in a year.
- 6.9. In summary, the applicant is proposing 20 on site car parking spaces which is similar to the level of provision (24) as the previous approval 2013/01041/PA. When this is evaluated in the context of no increase in persons to be accommodated, the availability of off site car and coach parking, that the site is located in the boundary of the extended Soho Road centre and that the site is well served by public transport and has a large residential catchment area within walking distance, the development is not expected to have an adverse parking or highway impact subject to conditions.
- 6.10. Environmental- Regulatory Services raise no objection to the proposal subject to conditions covering extraction and odour control; a limit on cumulative noise from plant and machinery and the provision of vehicle charging point. Whilst I concur with the view that of Regulatory Services with respect to the conditions recommended, I do not consider that requiring that a vehicle charging point to be incorporated into the scheme is a necessity to enable the development to become acceptable.

- 6.11. The original approval that granted consent for the conversion of the site to a Buddhist temple under application 2002/00116/PA restricted its hours of use to between Monday to Friday 9 a.m to 7 p.m and Saturday to Sunday 9 a.m. to 10 p.m. The proposed hours of use, whilst starting an hour earlier, would finish at 2000 hours rather than the later 2200 hours on weekends previously granted. I conclude that in this local centre location along a main highway corridor which is predominantly commercial in this locality, the proposed use is not expected to give rise to any adverse noise or disturbance impact (subject to safeguarding conditions which include controls on the hours of use).
- 6.12. Internal residential standards- All bedroom sizes would exceed minimum size guidelines contained within National Described Standards.
- 6.13. Overlooking- The proposed development would not lead to overlooking. Adequate distance separation to the rear gardens of houses to the north of the site is maintained. With respect to the proposed terrace feature that would run alongside the site boundary with Farcroft Avenue, the applicant has indicated that a rear brick wall would be built along the site rear boundary which would sit 2.1 metres above the height of the terrace. As there is a set of stairs that lead from that terrace up by about 60cm to the pavement on Farcroft Avenue, I consider that the submission of boundary details under discharge of condition application should seek to ensure the height of that rear boundary at that particular point is raised higher than the 2.1 metres to off set any potential overlooking to the rear garden the other side of the service path adjacent.
- 6.14. Loss of light and outlook- The mass of the proposed development is similar to the existing building and that part of the existing application property nearest to unit 3-4 Holyhead Way (the building closest to the application property) will be retained with only external alterations occurring to it. On this basis, no loss of light or outlook impact identified.
- 6.15. Amenity area- The external amenity area would be similar in size to the existing and will serve the same number of attendees using the temple as existing. I therefore raise no objection to the amenity area identified.
- 6.16. Police comments- I note the comments received from the police which relate to enhancing security such as requesting the provision of CCTV. I consider that these requests can be relayed to the applicant as an advisory. With respect to their particular comment about a recessed alleyway to the side of the building potentially providing a hiding place for offenders, I recommend a condition is attached that requires details of a secure gate to the front of that alleyway.
7. Conclusion
- 7.1. The proposed development would provide a largely new build temple which will enhance the appearance of the site and surrounds. The proposal complies with local and national planning policy. No adverse impact identified subject to safeguarding conditions.
8. Recommendation
- 8.1. That the proposed development is approved subject to conditions.

-
- 1 Requires the prior submission of sample materials
 - 2 Requires the prior submission of hard surfacing materials
 - 3 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 4 Requires the prior submission of a sustainable drainage scheme
 - 5 Requires the prior submission of level details
 - 6 Requires the prior submission of hard and/or soft landscape details
 - 7 Requires the prior submission of a landscape management plan
 - 8 Requires the prior submission of boundary treatment details
 - 9 Requires the prior submission of details of refuse storage
 - 10 Requires details of a gate to the side alleyway of the building
 - 11 Requires the prior submission of cycle storage details
 - 12 Requires the parking area to be laid out prior to use
 - 13 Requires the prior submission of extraction and odour control details
 - 14 Removes PD rights for new windows
 - 15 Removes PD rights for boundary treatments
 - 16 Requires that the bedrooms are occupied on an ancillary basis
 - 17 Requires the cessation of the use of the site for celebratory events if dedicated coach parking becomes unavailable
 - 18 Prevents the use of amplification equipment
 - 19 Specifies that the car parking and manoeuvring areas are only used for those purposes
 - 20 Limits the noise levels for Plant and Machinery
 - 21 Limits the hours of operation of the temple to between 0800 and 2000 hours.
 - 22 Requires the scheme to be in accordance with the listed approved plans
 - 23 Limits the approval to 3 years (Full)
-

Case Officer: Wahid Gul

Photo(s)



Front of existing building



Rear of existing building

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/05697/PA
Accepted:	06/07/2016	Application Type:	Full Planning
Target Date:	11/11/2016		
Ward:	Aston		

401-416 New John Street West, Newtown, Birmingham, B19 3PE

Demolition of existing building fronting Bridge Street West and renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation, erection of two new student accommodation blocks and associated landscaping works.

Applicant:	Uncles Properties Ltd Branston Court, Branston Street, Hockley, Birmingham, B18 6BA
Agent:	Glancy Nicholls Architects 3 Greenfield Crescent, Edgbaston, Birmingham, B15 3BE

Recommendation
Determine

1. Report Back

1.1. This application was deferred by members at the Planning Committee held on 10th November 2016 to enable further negotiations to take place with the applicant and the West Midlands Police regarding the design of the proposed new build element at the rear of the site and its impact on the security of the adjacent Newtown Police Station. Members also considered the new build elements of the proposal were unsympathetic and not in keeping with the existing listed building.

1.2. I can advise members that further discussions have taken place between officers, the applicant and West Midlands Police. The scheme has now been amended and the side facing elevations of the proposed new build element at the rear of the site have been re-designed with angled recessed windows which would be obscure glazed to head height and clear windows on the return which would not look directly over the adjacent police station. The applicants have also confirmed that side facing glazing to the circulation areas in the eastern elevation of the link block will be obscure glazed. The West Midlands Police have confirmed that they have no objection to the revised design. A further condition is recommended as follows and your officers have undertaken to consult with the West Midlands Police when the information is received to discharge the condition;

“Prior to the first occupation of the new build rear element, details of the proposed obscure glazing to bedrooms on the east and west facing elevations and the circulation areas on the east facing elevation of the link block including type and height of obscurity and degree of obscurity to level 5 or equivalent shall be submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed in accordance with the approved details and retained thereafter”.

- 1.3. The West Midlands Police also raised security concerns in relation to the proposed boundary treatment with the police station car park and the proposed green wall which could have led to people being able to easily climb the boundary wall. The applicant has shown a 2.4m high boundary wall on a revised plan with a pyracantha hedge which would deter any potential climbers. Conditions are recommended relating to details of all boundary treatments and landscaping and again, your officers have undertaken to notify the West Midlands Police when details are submitted to discharge the conditions. The West Midlands Police are agreeable to this.
- 1.4. One further issue raised by the West Midlands Police related to potential noise complaints from occupiers of the student housing relating to police sirens. I can confirm that the Noise Statement submitted with the application did take account of noise from the police station and I can also advise members that all glazing facing the police station would be non-opening and that Regulatory Services raise no objection. A condition is also recommended as advised by Regulatory Services which would require the detailed specification for glazing and mechanical ventilation to be agreed and implemented in accordance with the noise survey prior to first occupation.
- 1.5. Your Committee also raised concerns with regard to the design of the new build elements being unsympathetic to the existing listed building. I can advise members that the design of the new build elements evolved with substantial input from Conservation Heritage Panel and the Conservation Officer. I consider the proposed new build element on the corner of New John Street West is of an appropriate scale at 7 storeys which addresses the corner in a suitable manner. It relates well to the existing listed building on the New John Street West frontage in terms of materials, detailing and proportions and the lightweight glazed link which separates the new from existing is an important feature. The applicant has provided images to emphasise the high quality of the design and suitable conditions relating to materials and window/door design including depth of recesses are recommended which would ensure that the quality of the build is maintained.
- 1.6. Members are requested to determine the application and should your Committee resolve to approve this application that the accompanying listed building consent application 2016/05775/PA should also be approved.

2 Proposal

- 2.1. The proposal includes the demolition of the existing flat roofed industrial building fronting Bridge Street West, renovation of the existing Grade II Listed Brandauer Works and its conversion to student accommodation and the erection of two new blocks, one fronting New John Street West and turning the corner into Summer Lane and another at the rear part of the site fronting onto Bridge Street West. It is proposed to convert the existing listed boiler house into a café on 2 levels.
- 2.2. The proposed accommodation would provide a maximum of 308 bedrooms in 194 units comprising 169 studios and 25 cluster units (providing a total of 139 bedrooms in 4 -6 bedroom clusters). Communal space would be provided including laundry room, games room, party room, café/dining area in the boiler house, dinner party kitchen, cinema room, gym and lounge/study areas. The main entrance and reception would be on the corner of New John Street West and Summer Lane in the new build. The applicants have indicated that as they are currently talking to a number of student operators, so at this stage it is not known if there will be a 24 hour

staff presence on the site.

- 2.3. The majority of the studio units comprising bed, study/living area, en-suite and kitchen facility would be located in the converted listed building due to the narrow depth within the building (proposed works to the listed building are described in the report on 2016/05775/PA on this agenda). Cluster flats would be located in the new build elements.
- 2.4. The new structure on the corner of New John Street West and Summer Lane would be linked to the listed building by a slim lightweight recessed structure which would stop just above the eaves of the existing building to create a clear visual break. The proposed building which would be largely constructed of red and blue brick would step up at the junction with Summer Lane from 6 to 7 storeys to create a strong sense of place and with a single aspect rear wing parallel to the New John Street West frontage buildings also at 7 storeys. The building would be broken down by varying the roof height and elevation depth so the massing reads as a number of interlocking blocks. Vertical and horizontal emphasis is accentuated in the fenestration including floor to ceiling heights to the New John Street West/Summer Lane elevation to give more vertical emphasis.
- 2.5. The proposed rear block has been redesigned and comprises a 4 storey frontage block fronting Bridge Street West connected to a 6 storey rear block. The proposed building would again be constructed of red and blue brick with the elevation fronting Bridge Street West having more horizontal emphasis and a scale which would fit in with the street scene. The rear part of this block has increased to 6 storeys and would use a system of recessed windows designed so that only oblique views are possible to avoid direct overlooking of the adjoining sites. The 6 storey element would be set off the boundary with the adjoining sites by 3.75m. There would be a pedestrian entrance from Bridge Street West to the rear block.
- 2.6. Vehicular access for parking and servicing would be off Summer Lane close to the junction with New John Street West and opposite a splitter island. 7 car parking spaces and 2 disabled spaces would be available within the site.
- 2.7. Landscaping is proposed throughout the site including benches, grassed areas and an external dining area/grassed area with benches outside the proposed café in the existing boiler room.
- 2.8. The application is supported by a Planning Statement (including Statement of Need), Design and Access Statement, Noise Assessment, Air Quality Assessment, Transport Statement, Protected Species Survey Report, Heritage Statement, SUDS and Drainage Strategy Report.
- 2.9. [Link to Documents](#)

3. Site & Surroundings

- 3.1. The site comprises the vacant and derelict Brandauer Works building range and associated curtilage yards and outbuildings (Grade II Listed), plus some additional land and buildings that adjoin the listed building at the corner of New John Street West and Summer Lane, and land to the rear of the building that fronts onto Bridge Street West. This land contains some insignificant industrial units.

- 3.2. Nearby on the corner of Summer Lane and Bridge Street West is a locally listed Grade B 1930's Police Station, the setting of which is unaffected by the proposed development.
- 3.3. The works building has an 'E' shaped configuration with two internal courtyards and with the base of the 'E' forming the front elevation to New John Street West. The original pen manufactory dates from circa 1850, with a series of extensions circa 1870 and 1898 and is part three and part four storeys. The building has suffered fire damage in the past.
- 3.4. The site is located within an area of mixed uses on the ring road frontage, with commercial and industrial uses to the north and west, residential properties to the east and a petrol filling station and a school to the south on the south side of New John Street West.
- 3.5. [Site Location and Street View](#)

4. Planning History

- 4.1. Planning permission and listed building consent were approved on 2nd October 2003 for the conversion and extension of the listed building for use as a Hotel with associated parking (PA 2001/06498/PA and 2003/02258/PA).
- 4.2. Applications to renew these consents were subsequently approved on 14th October 2008 (PA 2008/04587/PA and 2008/04586/PA), but neither have been implemented.
- 4.3. Planning permission and listed building consent were approved on 25th October 2012 for the conversion and extension of the listed building to form new business space (B1), conversion and extension of boiler house to form micro-brewery (B1), restaurant (A3), public house (A4), erection of 5 storey hotel (C1) associated basement and surface parking.
- 4.4. 10/11/2016. 2016/05775/PA. Listed building consent for renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation. (Report elsewhere on this agenda).

5. Consultation/PP Responses

- 5.1. Press and Site notice erected. MP, Ward Members, Residents Associations and neighbouring occupiers notified.
- 5.2. 1 letter has been received on behalf of the Chief Constable of the West Midlands Police in response to the original proposals objecting to the proposal on the following grounds;
- Implications for operational policing, Newtown Police Station is a 24 hour response station.
 - Security of the Police Station.
 - Overdevelopment of the site, overshadowing and overbearing impact.
 - Structural concerns in relation to boundary wall.
 - Potential blight of the police site.
 - No shadowing information.
 - Lack of noise attenuation information.

- Newtown Police Station is a Grade B Locally Listed Building.
- 5.3. West Midlands Police – comment that parking is inadequate, details of moving out, moving in required, no reference to staff on site 24 hours a day, no reference to CCTV, lighting or access control to building, refuse areas could be vulnerable if doors left open.
- 5.4. Transportation Development – raised concern with the proximity of the proposed vehicular access to the site to the junction with New John Street West and the existing splitter island opposite the proposed access on Summer Lane. A road safety audit has been requested and final comments awaited. Conditions are required relating to cycle storage, residential travel plan and management plan for pick up and drop off of students at beginning and end of term.
- 5.5. Regulatory Services – no objections subject to conditions relating to contamination and verification, submission of a noise study and air quality assessment in relation to the extract system at adjoining premises and a glazing and ventilation plan for the whole site.
- 5.6. West Midland Fire Service – no objections.
- 6. Policy Context
 - 6.1. Adopted UDP, Draft Birmingham Development Plan, Draft Birmingham Development Plan, Aston, Newtown and Lozells Area Action Plan, Places for All, Birmingham Conservation Strategy, Grade II Listed Building.
 - 6.2. The site is identified in the AAP as part of a larger mixed-use development site (MU1) which includes provision for new residential, health, education/training, cultural and community uses, light industry, leisure, ancillary offices and enhanced open space.
- 7. Planning Considerations
 - 7.1. **Background** - Planning permission and listed building consent has previously been granted for conversion and extension of the Brandauer Works for business space, hotel, restaurant and micro-brewery. Although none of the planning permissions have been implemented, restoration and refurbishment works to the listed building have progressed.
 - 7.2. **Principle** - The proposal for student accommodation accords with the relevant policies in the UDP and Aston, Newtown and Lozells AAP and would secure the re-use of a listed building in poor condition. The proposals have been discussed at length at the pre-application stage and are fully supported by the Conservation and Heritage Panel.
 - 7.3. **Policy** - Policy TP32 of the draft BDP refers specifically to student housing, advising that proposals for off campus provision will be considered favourably where:-
 - there is a demonstrated need for the development;

- the proposed development is well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport;
- the proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity;
- the scale, massing and architecture of the development is appropriate for the location; and
- design and layout of the accommodation together with the associated facilities provided will create a positive living experience.

- 7.4. **Need and Principle of Location** - The applicant has submitted a statement of need in support of the application. It notes that there are approximately 60,000 full-time students within Birmingham. Of these, 13,000 (21.4%) are in university halls of residence and a further 7,900 (13%) are in private sector purpose-built student accommodation. In addition there some 3,888 bedspaces in purpose-built student housing schemes in the pipeline although not all these are likely to proceed.
- 7.5. The statement notes that 66% of students are not in purpose-built accommodation. Although all students do not necessarily need such accommodation, there is a significant potential demand for private sector student accommodation. I am therefore satisfied that there is demand for further student accommodation.
- 7.6. I consider the location is appropriate for student accommodation with Birmingham City and Aston Universities located within 15 minutes walking and 5 minutes cycling distance from the application site with Birmingham University readily accessible by frequent bus services.
- 7.7. **Design and Impact on Listed Building** – The design, scale and massing of the proposed new build elements of the scheme has been developed in conjunction with advice from officers and is fully supported by the Conservation Officer. The proposed new build element on the corner of New John Street West is of an appropriate scale at 7 storeys which addresses the corner in a suitable manner. It relates well to the existing listed building on the New John Street West frontage in terms of materials, detailing and proportions and the lightweight glazed link which separates the new from existing is an important feature.
- 7.8. The new build element at the rear of the site fronting Bridge Street West has been completely redesigned during the course of this application. This was following concerns that the previous 5 storey block which included windows to bedrooms in the side facing elevations on all 5 storeys in close proximity to site boundaries would not provide a building of suitable scale and appearance fronting Bridge Street West, would potentially prejudice the future development of the adjoining sites and would result in an unacceptable level of overlooking to the adjacent police station car park.
- 7.9. The amended scheme includes a 4 storey element fronting Bridge Street West with a more active full width front elevation. This element is dual aspect but does not include windows in the side elevations. The frontage block would be linked to a narrower 6 storey element at the rear which would be set approximately 3.75m off each side boundary. This element of the scheme has been designed to include recessed oblique windows in the side elevations which would avoid direct overlooking of the adjoining sites and provide a more acceptable solution than was previously proposed.

- 7.10. I consider this element of the scheme is now acceptable providing a building that responds better in terms of scale and appearance to Bridge Street West and the adjacent Grade B Locally Listed Building, would have less potential to influence the possible redevelopment of the adjoining sites and reduce the direct overlooking of the police station and its car park.
- 7.11. The heritage assessment provides a detailed record of the history of the building, and demonstrates that a sensitive approach is proposed to the conversion involving minimal external alterations. The proposed external gantries provide a suitable means of providing access into sub-divided floor space and the alterations to the building to add new door openings is sensitively designed.
- 7.12. The applicant proposes to replace non original windows returning the fenestration to original window types, replacing stolen fireplaces and balustrades on the principal staircase, repairing cast iron windows and renewing where removed, repairs using original materials and copy detailing using reclaimed materials and removing metal and asbestos cement sheet roofing and repairing the window ventilators, with re-roofing in slates or clay tiles as appropriate. The structural report demonstrates that the building will require extensive repairs. I consider that the proposal will have a positive impact on the listed building.
- 7.13. The proposals are comprehensive and involve the conversion and re-use of the rear wings and boiler house as well as the frontage building and provide a significant opportunity to secure the future of a listed building at risk.
- 7.14. The proposals were presented to Conservation Heritage Panel at the pre-application stage and the refurbishment and re-use of the listed building was fully supported. The Conservation officer fully supports the proposal.
- 7.15. **Standard of accommodation** – I consider the proposal would provide a high quality student living environment. The accommodation is a mix of studios and cluster flats with the studio units concentrated in the retained listed building elements which lends itself more readily to this type of unit and requires less intervention in the listed building. Studios would all be in the region of 15-20 sq.m including a bed, study/living area en-suite and a cooking facility with some of the units being of duplex type due to the high ceilings with beds on raised platforms. Communal and shared facilities including the gym games room and café/dining area in the converted boiler house would provide a high level of amenity for residents.
- 7.16. **Highways** - The Transport Statement submitted in support of the application confirms that Birmingham City and Aston Universities are located within 15 minutes walking and 5 minutes cycling distance from the application site with Birmingham University readily accessible by frequent bus services. Cycle use will be encouraged and a travel plan will be produced to maximise sustainable travel. Conditions are recommended requiring the provision of cycle parking and a travel plan.
- 7.17. A limited amount of parking is provided on site (7 spaces and 2 disabled spaces). It is envisaged that most staff and servicing trips to the site will occur outside peak times and will only generate small vehicle flows which will have no impact on background traffic. The key impact will be that created by student arrivals and departures with their possessions at the start and end of terms. A move in/move out procedure has been submitted with the Transport Statement that allocates a 15 minute time slot for each student. As the student operator is not yet known, a suitable condition is recommended to require the submission of a move in/move out

strategy.

- 7.18. Transportation Development acknowledge the above but have raised concern regarding the proximity of the proposed access off Summer Lane to the junction with New John Street West and the splitter island opposite the access on Summer Lane. Although they accept that the access would not be heavily used they have requested the applicants submit a Road Safety Audit in respect of the proposed access. This is being prepared and any further comments will be reported.
- 7.19. **Environmental** - The applicants have submitted Noise and Air Quality Assessments in support of the application.
- 7.20. With regard to noise, the assessment concludes that the primary and dominant noise source in the vicinity is road traffic noise from New John street West and the police station located nearby with potential for noise from sirens at various times during the day and night. The assessment acknowledges that the Brandauer building is Grade II Listed and glazing in this building should be upgraded by a secondary pane. Windows in the new build elements will also require acoustic attenuation in line with the recommendations of the assessment. Regulatory Services recommended conditions requiring a comprehensive glazing and ventilation plan to be submitted in line with the recommendations of the noise assessment and a further noise assessment is required in respect of the extract system at JHS Plating and Polishing adjacent the site on Summer Lane which is not operational currently. This would impact on the revised new build block at the rear where the amount of glazing has been drastically reduced and all windows would be sealed.
- 7.21. The principal air quality impact would be from traffic emissions on New John Street West and the air quality assessment concludes that due to the poor air quality windows at ground and first floor level fronting New John Street West should be sealed with alternative means of ventilation. Regulatory Services are also recommending a further air quality assessment in respect of the extract system at JHS Plating and Polishing adjacent the site on Summer Lane which is not operational currently.
- 7.22. Due to the nature of the previous uses of the site conditions requiring a site investigation and verification report are also recommended.
- 7.23. **Objection from Chief Constable of West Midlands Police** - The objections submitted in respect of the impact of the proposal on Newtown Police Station as described in paragraph 4.2 are noted. The amendments to the form and layout of the rear block are intended to address these concerns. The previous proposal included 5 storeys of side facing windows overlooking the Police Station and yard to the rear while the amendments have reduced this impact by splitting the block into 4 storey and 6 storey elements. The only side facing windows are now in the 6 storey block and are recessed with an oblique glazing system to prevent direct overlooking and minimise any views into the Police Station or its car park. The glazing would be non-opening and provide acoustic attenuation to address any noise that may be generated by the 24 hour operation of the Police Station.
- 7.24. I consider the proposed rear block which would now be 4 storeys fronting Bridge Street West would sit more comfortably in the street scene adjacent to the 3 storey Police Station which is Grade B locally listed. I do not consider the proposal as amended would blight any future development of the Police Station site and any

overshadowing to the yard or Police Station would be minimal due to the orientation of the proposed new build to the west of the Police Station with any overshadowing likely to be restricted to late afternoon/evening and not to a degree as to warrant refusal of planning permission.

- 7.25. **Ecology** – The Planning Ecologist raises no objection subject to the mitigation measures included in the Protected Species Report being implemented including bird/bat boxes.
- 7.26. **Drainage** – The Lead Local Flood Authority recommend conditions requiring the implementation of a sustainable drainage scheme.
- 7.27. **Community Infrastructure Levy (CIL)** - CIL liable development - The development may now be liable for CIL, (following its adoption on 4th January 2016). The submitted application forms specify that the floor area of the development would be 4,466 sqm GIA new floorspace. This would equate to a payment of £308,160.21.

8. Conclusion

- 8.1. In principle, I consider that redevelopment of this vacant listed building and industrial site with a purpose built student housing scheme is acceptable and in accordance with relevant policy including the Area Action Plan. Furthermore I am satisfied that there is a need for additional student housing within the City.
- 8.2. The proposed student housing scheme would be well located within walking distance of the City Centre and Birmingham City/Aston Universities. It is also readily accessible by public transport.
- 8.3. The scheme as amended is well designed and would make a positive contribution to the street scene of New John Street West, Summer Lane and Bridge Street West without prejudicing the future redevelopment of adjoining sites or impacting adversely on adjoining occupiers including Aston Police Station. It would also create a good living environment for students.

9. Recommendation

- 9.1. Approve Subject To Conditions.

1	Requires the prior submission of a contamination remediation scheme
2	Requires the prior submission of a contaminated land verification report
3	Requires the prior submission a noise study to establish residential acoustic protection
4	Requires the submission of a glazing and ventilation plan
5	Requires the prior submission an air quality assessment
6	Requires the prior submission of a sustainable drainage scheme
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 hard and/or soft landscape details
 - 9 Requires the prior submission of boundary treatment details
 - 10 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 11 Requires the prior submission of sample materials
 - 12 Requires the prior submission of window/window frame details
 - 13 Requires the prior submission of level details
 - 14 Requires the prior submission of a lighting scheme
 - 15 Requires the prior submission of a CCTV scheme
 - 16 Units shall only be occupied by students in full time education.
 - 17 Requires the prior submission of a residential travel plan
 - 18 Requires the prior submission of cycle storage details
 - 19 Requires the prior submission of a car park management plan for the start / finish of term
 - 20 Requires the scheme to be in accordance with the listed approved plans
 - 21 Limits the approval to 3 years (Full)
-

Case Officer: John Davies

Photo(s)



Figure 1 – Front elevation to New John Street West



Figure 2 – View from Bridge Street West

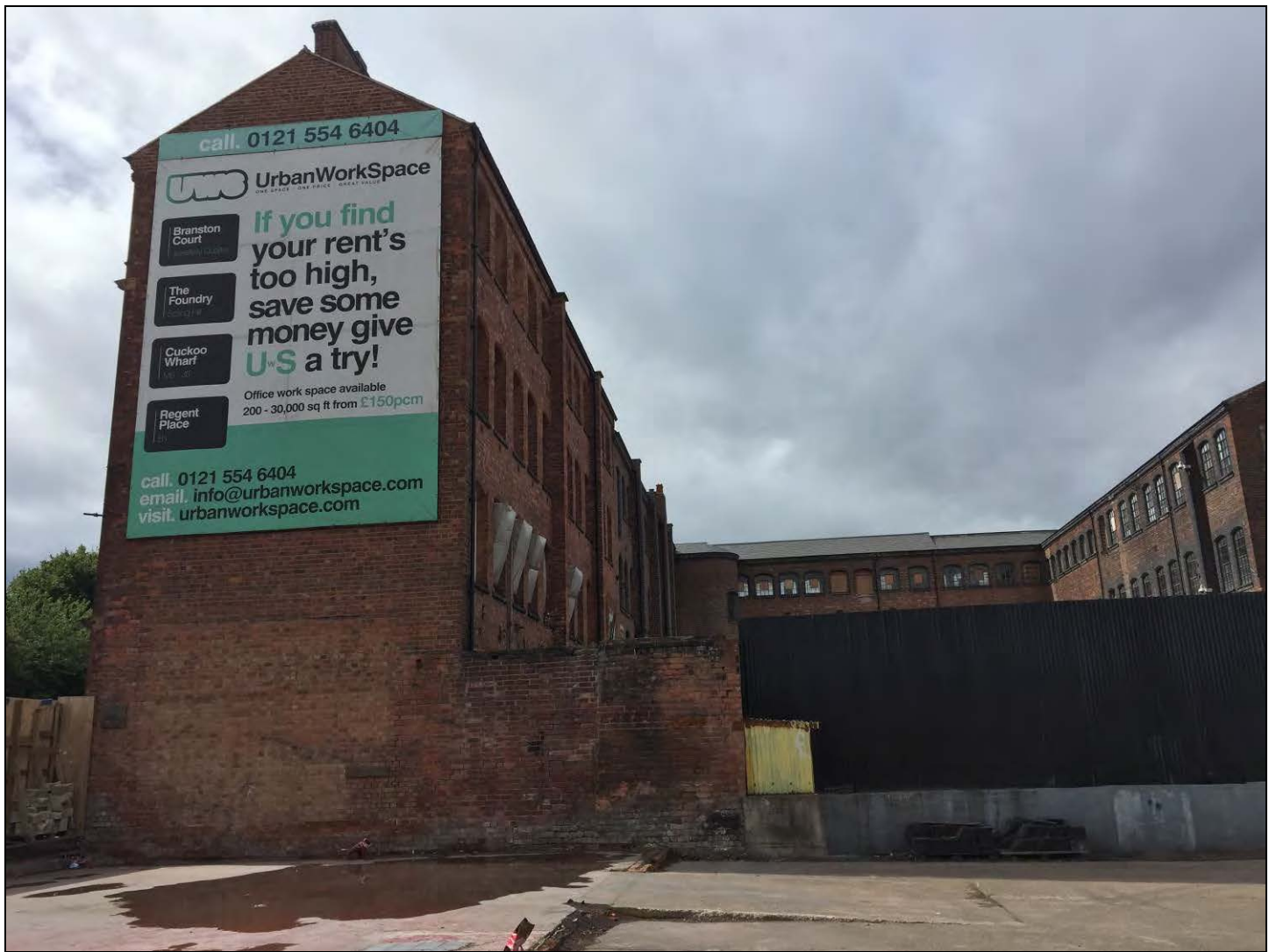
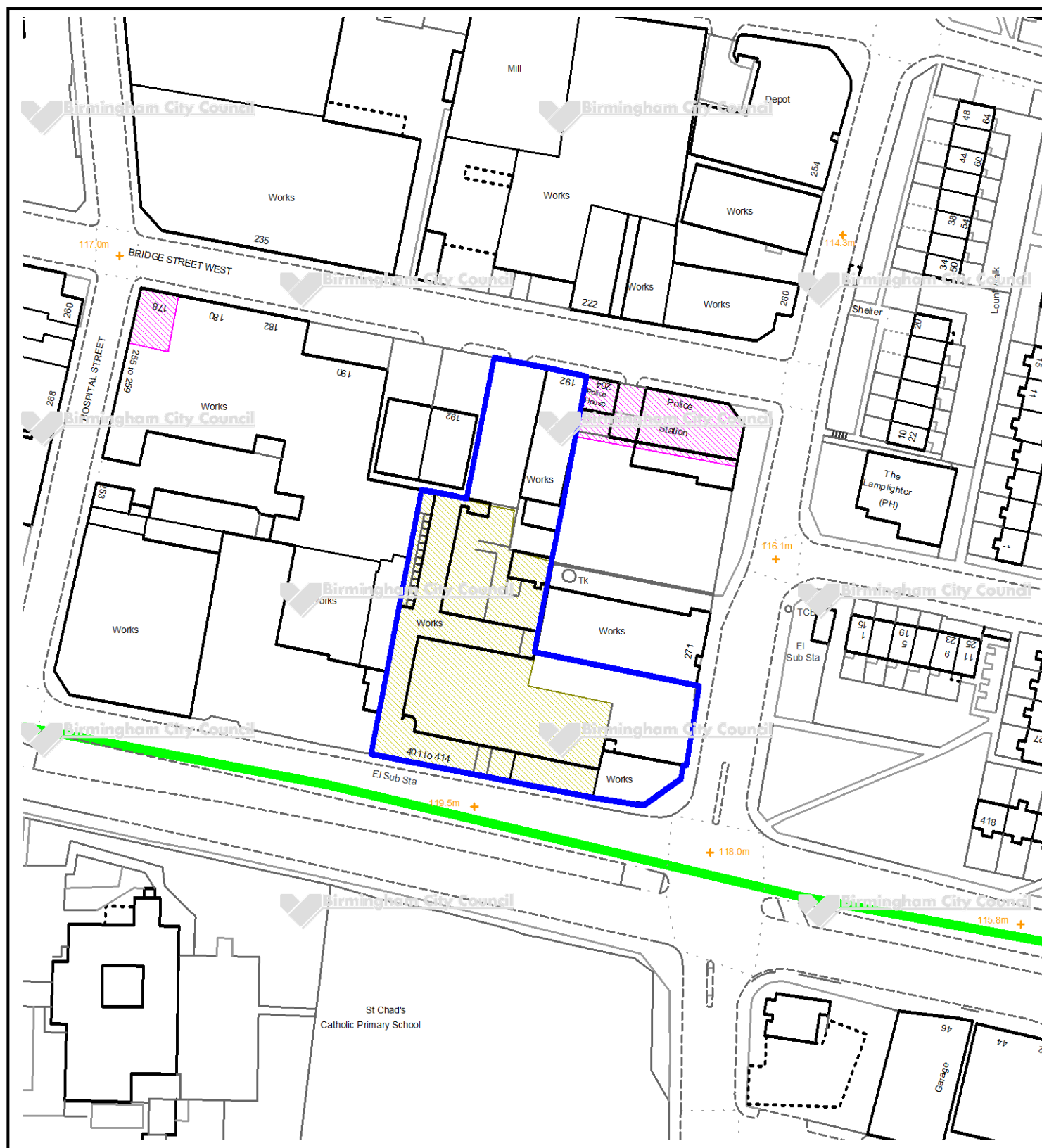


Figure 3 – View from Summer Lane

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/05775/PA
Accepted:	06/07/2016	Application Type:	Listed Building
Target Date:	11/11/2016		
Ward:	Aston		

401-416 New John Street West, Newtown, Birmingham, B19 3PE

Listed building consent for renovation of existing Grade II Listed
Brandauer Works and conversion to student accommodation

Applicant:	Uncles Properties Ltd Branston Court, Branston Street, Hockley, Birmingham, B18 6BA,
Agent:	Glancy Nicholls Architects 3 Greenfield Crescent, Edgbaston, Birmingham, B15 3BE,

Recommendation
Determine

1. Report Back

- 1.1. Planning application 2016/05697/PA was deferred by members at the Planning Committee held on 10th November 2016 to enable further negotiations to take place with the applicant and the West Midlands Police regarding the design of the proposed new build element at the rear of the site and its impact on the security of the adjacent Newtown Police Station. Members also considered the new build elements of the proposal were unsympathetic and not in keeping with the existing listed building. This listed building consent application was also deferred.
- 1.2. Having considered the additional information included in the Report Back for planning application 2016/05697/PA addressing the above concerns, should your Committee be minded to approve planning application 2016/05697/PA that listed building consent also be granted.

Original Report

1. Proposal

- 1.1. This application seeks listed building consent for refurbishment of a Grade II listed building including internal and external alterations for use as student accommodation.
- 1.2. In respect of the conversion of the listed building, the application proposes the renovation of the building to bring it back into habitable condition for student accommodation, involving minimal alterations to the building. In order to facilitate an economically viable scheme, the proposal includes the addition of two new blocks, one turning the corner of New John Street West and Summer lane and the second at the rear of the site fronting Bridge Street West.

- 1.3. The conversion proposes to sub-divide the building on existing grid lines using a lightweight partition system to ensure minimal interruption to the building. The proposed studio units would span the full width of the existing building and the proposed partition unit divisions will be fitted to solid brickwork areas between the windows.
- 1.4. To provide circulation and independent access without compromising the listed structures, external gantry walkways are proposed which would be simple industrial style minimalist structures to provide flexibility for access and fire escape requirements. Compartmentalisation of the floorspace, together with lobbies and fire doors is proposed with careful positioning of staircases and fire lobbies to minimise the impact on the interior of the building. Some minor alterations to add door openings on rear elevations are proposed, with no alterations to the front elevation.
- 1.5. Works to repair and restore the listed building includes, replacing non-original windows and returning the fenestration to the original window types, replacing stolen fire places and balustrades on the principal staircase, replacing cast iron windows and general repairs with appropriate materials. Some work has already been carried out to replace the fire damaged section of the building with reclaimed building materials, removing the metal and cement sheet roofing, re-roofing with original slate and rebuilding chimneys.
- 1.6. The boiler house and chimney would be restored and converted to a café/dining facility including the insertion of new floors and window detailing to match the main building.
- 1.7. The application is supported by a planning statement, design and access statement, heritage assessment, and structural report,
- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises the vacant and derelict Brandauer works building range and associated curtilage yards and outbuildings (Grade II listed), plus some additional land and buildings that adjoin the listed building at the corner of New John Street West and Summer Lane, and land to the rear of the building that fronts onto Bridge Street West. This land contains some insignificant industrial units.
- 2.2. Nearby on the corner of Summer Lane and Bridge Street West is a locally listed Grade B 1930's Police Station, the setting of which is unaffected by the proposed development.
- 2.3. The works building has an 'E' shaped configuration with two internal courtyards and with the base of the 'E' forming the front elevation to New John Street West. The original pen manufactory dates from circa 1850, with a series of extensions circa 1870 and 1898 and is part three and part four storeys. The building has suffered fire damage in the past.
- 2.4. The site is located within an area of mixed uses on the ring road frontage, with commercial and industrial uses to the north and west, residential properties to the east and a petrol filling station and a school to the south on the south side of New John Street West.

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

3. [Planning History](#)

- 3.1. Planning permission and listed building consent were approved on 2nd October 2003 for the conversion and extension of the listed building for use as a Hotel with associated parking (PA 2001/06498/PA and 2003/02258/PA).
- 3.2. Applications to renew these consents were subsequently approved on 14th October 2008 (PA 2008/04587/PA and 2008/04586/PA), but neither have been implemented.
- 3.3. Planning permission and listed building consent were approved on 25th October 2012 for the conversion and extension of the listed building to form new business space (B1), conversion and extension of boiler house to form micro-brewery (B1), restaurant (A3), public house (A4), erection of 5 storey hotel (C1) associated basement and surface parking.
- 3.4. 10/11/2016. 2016/05697/PA. Renovation of existing Grade II Listed Brandauer Works and conversion to student accommodation, erection of two new student accommodation blocks and associated landscaping works. Report elsewhere on this agenda.

4. [Consultation/PP Responses](#)

- 4.1. Press and Site notice erected. MP, Ward Members, Residents Associations and neighbouring occupiers notified. No representations received.
- 4.2. Conservation Heritage Panel – No objections.

5. [Policy Context](#)

- 5.1. Adopted UDP, Draft Birmingham Development Plan, draft Birmingham Development Plan, Aston, Newtown and Lozells Area Action Plan, Places for All, Birmingham Conservation Strategy, Grade II Listed Building.
- 5.2. The site is identified in the AAP as part of a larger mixed-use development site (MU1) which includes provision for new residential, health, education/training, cultural and community uses, light industry, leisure, ancillary offices and enhanced open space.

6. [Planning Considerations](#)

- 6.1. The principle of the proposed development is fully supported, bringing heritage buildings back into positive use. The design approach is sensitive to protection and repair of the historic asset and the layout, scale, massing and elevations drawings are acceptable.
- 6.2. The heritage assessment provides a detailed record of the history of the building, and demonstrates that a sensitive approach is proposed to the conversion involving minimal external alterations. The proposed external gantries provide a suitable

means of providing access into sub-divided floor space and the alterations to the building to add new door openings is sensitively designed.

6.3. The applicant proposes to replace non original windows returning the fenestration to original window types, replacing stolen fireplaces and balustrades on the principal staircase, repairing cast iron windows and renewing where removed, repairs using original materials and copy detailing using reclaimed materials and removing metal and asbestos cement sheet roofing and repairing the window ventilators, with re-roofing in slates or clay tiles as appropriate. The structural report demonstrates that the building will require extensive repairs. I consider that the proposal will have a positive impact on the listed building.

6.4. The proposals are comprehensive and involve the conversion and re-use of the rear wings and boiler house as well as the frontage building and provide a significant opportunity to secure the future of a listed building at risk.

6.5. The proposals were presented to Conservation Heritage Panel at the pre-application stage and the refurbishment and re-use of the listed building was fully supported. The Conservation Officer fully supports the proposal.

7. Conclusion

7.1. The proposals accord with the relevant policies in the UDP and Aston, Newtown and Lozells AAP, and would secure the re-use of a listed building in poor condition, thereby securing its long term future. Subject to appropriate conditions, I consider that the proposal is therefore acceptable.

8. Recommendation

8.1. Approve Subject To Conditions.

-
- | | |
|----|--|
| 1 | Requires the prior submission of sample materials |
| 2 | Requires any damage to the listed building to be made good |
| 3 | Requires details of protection works to listed Building features |
| 4 | Requires the prior submission of details for the protection of architectural details |
| 5 | Requires the prior submission of roof materials |
| 6 | Requires the prior submission of sample walling/render panel/stonework/brickwork |
| 7 | Requires the removal of brick pointing to be undertaken by hand tools only |
| 8 | Requires the prior submission of dormer window/window frame details |
| 9 | Requires the prior submission of external doors/garage doors |
| 10 | Requires the prior submission of details of balconies |
| 11 | Requires the prior submission of fixtures and fittings Details |
-

-
- 12 Requires the prior submission of Ramps and Step details
 - 13 Requires the prior submission of details of works to the existing surfaces
 - 14 Requires the scheme to be in accordance with the listed approved plans
 - 15 Limits the approval to 3 years (conservation/listed buildings consent)
-

Case Officer: John Davies

Photo(s)



Figure 1 – Boiler House



Figure 2 – Rear of frontage buildings

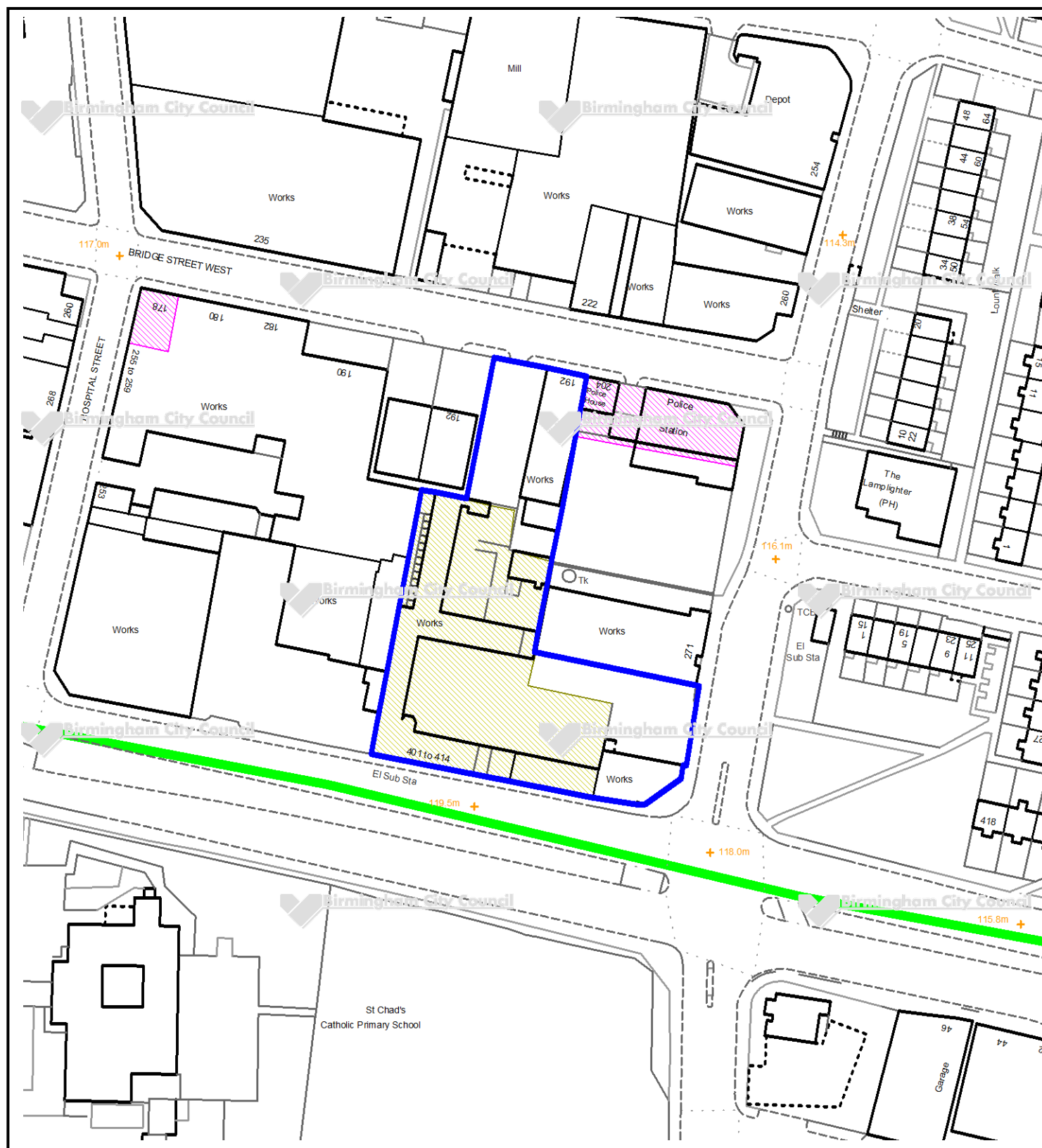


Figure 3 – View from Summer Lane



Figure 4 – Front elevation

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/07893/PA
Accepted:	27/09/2016	Application Type:	Full Planning
Target Date:	16/12/2016		
Ward:	Aston		

139 and 141 The Broadway, Aston, Birmingham, B20 3ED

Change of use from hot food takeaway (Use Class A5) to retail (Use Class A1) at 139 The Broadway and change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) at 141 The Broadway and installation of flue to rear.

Applicant: Mr Mohammed Sohail
139 The Broadway, Aston, Birmingham, B20 3ED
Agent: Planning, Design & Build Ltd
864 Washwood Heath Road, Ward End, Birmingham, B8 2NG

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. This application relates to two units to an existing ground floor hot food takeaway and ground floor retail shop. The units are immediately adjacent to each other and in the ownership of the same applicant.
- 1.2. The applicant seeks consent to relocate the established hot food takeaway business at 139 The Broadway to the adjacent shop at 141 The Broadway. The applicant intends to cease the use of the existing hot food takeaway at the 139 The Broadway and use this shop for an A1 retail use instead. A change of use from A1 to A5 requires planning consent, whereas a change of use from A5 to A1 is a permitted change of use and therefore not requiring planning consent.
- 1.3. The proposal includes the installation of an extraction flue to the rear of the site.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located within a small parade of ten ground floor commercial units, eight of which are in A1 use, with one A2 use and one A5 use. The upper floors of the buildings on the parade are predominantly in residential use.
- 2.2. The surrounding area is predominantly residential and characterised by Victorian terraced houses.

2.3. Number 139 the Broadway is currently in use as a hot food takeaway and number 141 The Broadway is currently vacant.

2.4. [Site Location](#)

3. [Planning History](#)

3.1. No relevant history.

4. [Consultation/PP Responses](#)

4.1. Ward Councillors, Residents Associations and adjoining occupiers notified and a Site Notice displayed outside of the site: No comments received

4.2. Regulatory Services: No objection, subject to conditions relating to:

- hours of use from 0700 to 2300 Sundays to Thursdays and 0700 to 2330 Friday to Saturday;
- hours of service deliveries to and from the site from 0700 to 1900 Monday to Saturday and 0900 to 1600 on Sunday
- further details of noise insulation to be agreed
- further details of refuse storage to be agreed

4.3. Transportation Development: No objection, subject to both properties not being allowed to operate together as A5 uses

4.4. West Midlands Police: No objection, subject to condition for intruder alarm and CCTV

4.5. Public Health Birmingham: No comments received

5. [Policy Context](#)

5.1. Birmingham Unitary Development Plan 2005 (UDP); Shopping and Local Centres SPD (2012); National Planning Policy Framework (NPPF) (2012); and Draft Birmingham Development Plan (BDP).

6. [Planning Considerations](#)

Policy Context

6.1. Policies 3.8 and 3.10 of the adopted UDP state that there is a need to protect and enhance what is good in the City's environment and that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed. The UDP encourages additional retail within existing centres providing they are of an appropriate scale, can integrate with the centre and have no significant adverse effect on the continued vitality and viability of the centre. It also recognises

that the retail function of centres can be complemented by a range of non-retail uses which help to attract customers.

- 6.2. Policy 8.7 gives general guidance as to where new restaurants and hot food takeaway shops can acceptably be located. It advises that restaurants and hot food takeaway shops should generally be confined to shopping areas or areas of mixed commercial development and within such areas and wherever similar facilities exist, account should be taken of the cumulative impact of such development particularly in terms of the impact on: the amenity of the area; on traffic generation; the character of the centre; the impact on nearby dwellings; and on the vitality and viability of the frontage and centre of which it forms part.
- 6.3. The NPPF contains a presumption in favour for sustainable development. It recognises town centres as the heart of communities and advises that local planning authorities should promote competitive town centre environments and pursue policies to support viability and vitality.
- 6.4. Shopping and Local Centres SPD also encourages restaurants and hot food takeaway shops within Town Centres, as these are the most sustainable locations for such investment with optimum accessibility by a range of means of travel. The SPD includes policies to maintain the main shopping function of primary shopping areas and to ensure there is an appropriate balance between retail and non-retail uses; that centres retain a choice of goods and services to serve the local community, and that there is a high proportion of daytime uses.
- 6.5. Policy PG3 for the emerging Birmingham Development Plan (BDP), as modified by the proposed main modification 4 consulted upon last year states 'all new development will be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.

Principle of Use

- 6.6. The application site is not located within a Local Centre; however, the site is located within an area of mixed commercial development as defined in policy 8.7 of the UDP. In any case, the proposal is not for an additional hot food takeaway, but would be to relocate an existing use to an alternative site within the same retail parade and change the existing A5 use to an A1 use. This would result in the uses within the parade being no different than the existing situation. I therefore consider the principle of the use acceptable, subject to the existing A5 use at 139 The Broadway ceasing.

Impact on Vitality and Viability

- 6.7. Policy 6 of the Shopping and Local Centres SPD applies to smaller centres and parades outside the Local Centres and states that there should be no more than 10% of units within the centre or frontage consisting of hot food takeaways, in order to avoid an over concentration of hot food takeaways.
- 6.8. The existing frontage consists of 10 units of which 10% consist of A5 uses. As the proposal would involve effectively swapping over an existing A1 and A5 use, the 10% threshold would be retained as the proposed situation would not be any different than the existing.

- 6.9. In order for the proposal to comply with the aforementioned policy and to avoid the existing hot food takeaway premises retaining an A5 use alongside the proposed change of use at the adjacent premises, the applicant would need to enter into a Section 106 legal agreement to ensure if the application was approved, that upon implementation of the permission the existing A5 use of the ground floor of 139 The Broadway would cease and the use of the premises would instead be restricted to A1 retail use.
- 6.10. I therefore consider that the proposed change of use in this location is acceptable and would not change the existing situation nor result in a detrimental impact on the vitality and viability of the retail parade as a whole and therefore the proposal would comply with policy 8.7 of the adopted UDP; Shopping and Local Centres SPD; draft BDP; and NPPF.

Impact on Crime

- 6.11. West Midlands Police raise no objection to the proposal, subject to the installation of a CCTV system and intruder alarm. I consider the inclusion of a CCTV system reasonable and necessary to the development being permitted, due to the operation of A5 uses later into the night; however, I consider the inclusion of an intruder alarm not necessary to the development being permitted as this wouldn't have any impact on the operational use of the proposal.

Impact on Residential Amenity

- 6.12. The application site is adjoined by commercial premises and the nearest residential units are located above at first floor. The applicant has provided ventilation and extraction details to the satisfaction of Regulatory Services. Regulatory Services raise no objection to the application, subject to conditions relating to the hours of use and of service deliveries, as well as further details of refuse storage and noise insulation. The proposed opening hours for the use as applied for by the applicant comply with the recommended closing times outlined in policy 8.7 of the adopted UDP (11:30pm). I therefore recommend that opening hours should be in line with policy 8.7 of the UDP and restricted to 11:30pm seven days a week. I consider all other conditions recommended by Regulatory Services reasonable and necessary to the development being permitted to ensure that the amenity of nearby residents would not be adversely affected by the proposal.

Impact on Highway Safety

- 6.13. Transportation Development raise no objection to the application, subject to the existing A5 use ceasing if the application is approved. I concur with this view.

7. Conclusion

- 7.1. The proposed change of use would not significantly alter the existing situation as the proposal would involve swapping the planning uses for two adjacent units within the same retail parade. The parade would maintain a high proportion of retail shops and would not result in an over concentration of non-retail uses or the loss of a large retail unit within the parade. The proposed change of use would continue to support the local economy and provide job opportunities and would not have an adverse impact on the viability and vitality of the retail parade nor result in an adverse impact on both residential amenity and highway safety. I therefore consider that subject to

the completion of a s.106 legal agreement, the proposal is acceptable and in accordance with local and national planning policies.

8. Recommendation

8.1. Approve subject to a Section 106 legal agreement.

- I. That consideration of application no. 2016/07893/PA be deferred pending the completion of a suitable Section 106 legal agreement to require:
 - a) The Owner covenants that upon implementation of the Planning Permission the existing A5 use of the ground floor of 139 The Broadway shall cease and the use of the premises shall instead be restricted to A1 retail use only and for no other purpose except for uses falling within Use Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and/or re-enacting that Order with or without modification.
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- II. In the event of the above Section 106 legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 15th December 2016, planning permission be REFUSED for the following reason:-
 - a) In the absence of a legal agreement for the cessation of the existing A5 use of the ground floor of 139 The Broadway, the maximum threshold of ten percent for hot food takeaways within this local parade would be exceeded. This would further reduce the availability of A1 retail uses and would lead to an over concentration of hot food takeaway uses, which would adversely affect the vitality and viability of the frontage of which the site forms part of and have a negative cumulative effect on the amenity of local occupiers by reasons of excessive noise and disturbance and therefore conflict with Policy 6 of the Shopping and Local Centres Supplementary Planning Document (2012) and Policy 8.7 of the Birmingham Unitary Development Plan (2005).
- III. That the City Solicitor be authorised to prepare, seal and complete the appropriate Section 106 legal agreement.

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|---|--|
| 1 | Limits the approval to 3 years (Full) |
| 2 | Limits the hours of operation at 141 The Broadway to 0700 to 2300 Sunday to Thursday and 0700 to 2330 Friday to Saturday |
| 3 | Limits delivery time of goods to or from 141 The Broadway to 0700-1900 Mondays to Saturdays and 0900 to 1600 Sundays |
| 4 | Requires the prior submission of noise insulation for 141 The Broadway |
| 5 | Requires the prior submission of details of refuse storage for 141 The Broadway |
| 6 | Requires the prior submission of a CCTV scheme for 141 The Broadway |
| 7 | Requires the scheme to be in accordance with the listed approved plans |
-

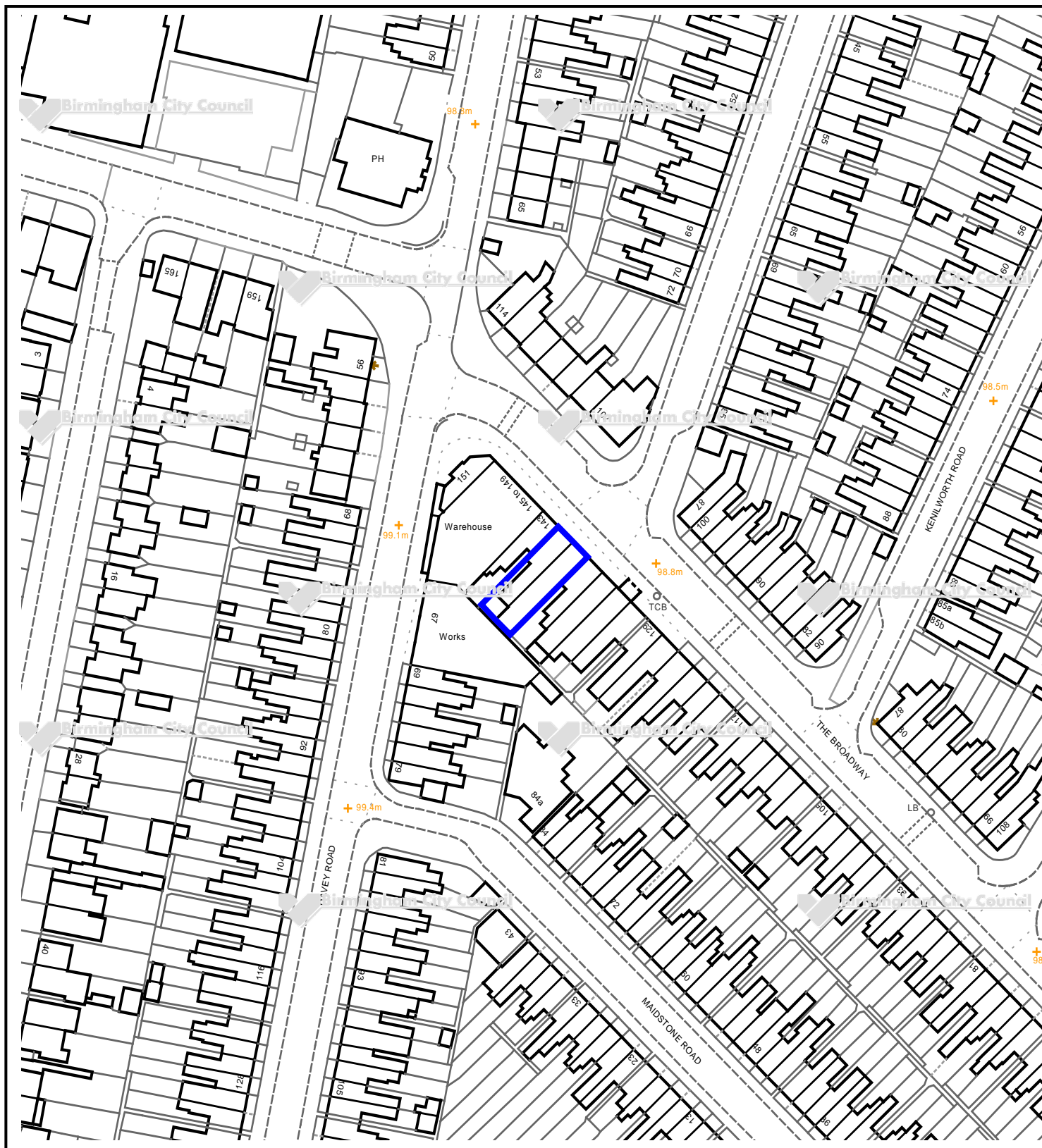
Case Officer: Faizal Jasat

Photo(s)



Figure 1: Front elevation

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/06675/PA
Accepted:	18/08/2016	Application Type:	Full Planning
Target Date:	09/12/2016		
Ward:	Sutton New Hall		

364 - 366 Birmingham Road, Wylde Green, Sutton Coldfield, Birmingham, B72 1YH

Change of use from retail (Use Class A1) to hot food take away (Use Class A5), erection of cold room to rear with condenser and compressor and erection of extraction and ventilation flues to roof

Applicant:	Mr Raj Bains
	c/o Agent
Agent:	DPP
	Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ

Recommendation

Approve Subject To Conditions

1. Proposal

1.1. This application seeks consent for the change of use of a retail shop (Use Class A1) to a hot food takeaway (Use Class A5).

1.2. The proposal includes:

- minor alterations to the shop front consisting of new handles to the entrance doors;
- the erection of a single storey cold room to the rear with associated plant equipment consisting of a condenser and air conditioning unit;
- the installation of an extraction flue protruding from the main roof; and
- the installation of a ventilation flue to the roof of the single storey flat roof to the rear

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is located within the Wylde Green neighbourhood shopping centre and within a defined primary frontage core area.

2.2. The application site consists of a ground floor retail shop with a flat above. The surrounding area is characterised by a variety of predominantly retail shops, with interspersed café/restaurant and hot food takeaway uses. The site can be accessed from the rear via a service road accessed from Florence Road. The rear yard of the site is currently empty and enclosed by a 2m high brick wall. Residential houses are located 33m west to the rear of the site.

2.3. Birmingham Road is a busy A-classified road. A reasonable amount of street parking is available within the area, with further provision made at the shoppers' car park within the adjacent Lanes Shopping Centre. The area is well served by public transport, with bus stops located within walking distance of the site.

2.4. [Site Location](#)

3. [Planning History](#)

3.1. No relevant history.

4. [Consultation/PP Responses](#)

4.1. Ward Councillors, Residents Associations and adjoining occupiers notified and a Site Notice displayed outside of the unit. Six objections received relating to:

- Over concentration of use
- Noise and pollution
- Increased traffic
- Impact on highway safety
- Impact on parking
- Visual amenity of ventilation/extraction equipment
- Anti-social behaviour
- Litter

4.2. Public Health Birmingham: Object to the granting of all hot food takeaways regardless of location and that this particular proposal would exceed the 10% A5 saturation zone

4.3. Regulatory Services: No objection, subject to conditions relating to:

- hours of use 0800-2300 Mondays to Saturdays and 1000-2200 Sundays;
- hours of service deliveries to/from the site 0800-1900 Mondays to Saturdays; and
- limits on the noise levels of plant equipment

4.4. Transportation Development: No objection

4.5. West Midlands Police: No objection

5. [Policy Context](#)

5.1. Birmingham Unitary Development Plan 2005 (UDP); Shopping and Local Centres SPD (2012); National Planning Policy Framework (NPPF) (2012); and Draft Birmingham Development Plan (BDP).

6. Planning Considerations

Policy Context

- 6.1. Policies 3.8 and 3.10 of the adopted UDP state that there is a need to protect and enhance what is good in the City's environment and that proposals which would have an adverse effect on the quality of the built environment will not normally be allowed. The UDP encourages additional retail within existing centres providing they are of an appropriate scale, can integrate with the centre and have no significant adverse effect on the continued vitality and viability of the centre. It also recognises that the retail function of centres can be complemented by a range of non-retail uses which help to attract customers.
- 6.2. Policy 8.7 gives general guidance as to where new restaurants and hot food takeaway shops can acceptably be located. It advises that restaurants and hot food takeaway shops should generally be confined to shopping areas or areas of mixed commercial development and within such areas and wherever similar facilities exist, account should be taken of the cumulative impact of such development particularly in terms of the impact on: the amenity of the area; on traffic generation; the character of the centre; the impact on nearby dwellings; and on the vitality and viability of the frontage and centre of which it forms part.
- 6.3. The NPPF contains a presumption in favour for sustainable development. It recognises town centres as the heart of communities and advises that local planning authorities should promote competitive town centre environments and pursue policies to support viability and vitality.
- 6.4. Shopping and Local Centres SPD also encourages restaurants and hot food takeaway shops within Town Centres, as these are the most sustainable locations for such investment with optimum accessibility by a range of means of travel. The SPD includes policies to maintain the main shopping function of primary shopping areas and to ensure there is an appropriate balance between retail and non-retail uses; that centres retain a choice of goods and services to serve the local community, and that there is a high proportion of daytime uses.
- 6.5. Policy PG3 for the emerging Birmingham Development Plan (BDP), as modified by the proposed main modification 4 consulted upon last year states 'all new development will be expected to demonstrate high design quality, contributing to a strong sense of place' and 'make best use of existing buildings and efficient use of land in support of the overall development strategy'.

Principle of Use

- 6.6. The application site relates to a vacant retail shop located within the Wylde Greene Shopping Centre, which fronts onto Birmingham Road. The proposed takeaway would comply with policy 8.7 of the adopted UDP, the Shopping and Local Centres SPD and the NPPF, which encourages restaurants and hot food takeaway uses to be located within shopping centres, as they complement the retail function and help to support the local economy.
- 6.7. I therefore consider that, subject to the impact of the proposed scheme on vitality and viability of the centre, on crime, existing residents, highway safety and public health, the principle of use is acceptable.

Impact on Vitality and Viability

- 6.8. The main purpose of Policy 1 outlined in the Shopping and Local Centres SPD is to maintain the main shopping function of the centre by ensuring that there is an appropriate balance between retail and non-retail uses; that centres retain a choice of goods and services to serve the local community, and that there is a high proportion of daytime uses. Policy 1 states that within the Primary Shopping Area at least 50% of all ground floor units in Neighbourhood Centres should be retained in retail (Class A1) use.
- 6.9. With the proposed use in place,
- approximately 55% of the units within the overall Neighbourhood Centre would remain in Class A1 use;
 - approximately 62% of the Primary Shopping Area units would remain in Class A1 use; and
 - 63% of the units in the site's designated frontage would remain in Class A1 use

This demonstrates that the predominant use of the Primary Shopping Area would remain in retail use and in line with the minimum threshold set by Policy 1 of the SPD. As such, the loss of a Class A1 unit is not considered to be significant and the principle of the proposed change of use should be found to be acceptable in policy terms.

- 6.10. Policy 4 of the SPD also applies to this application as the proposed scheme includes a hot food takeaway shop. Policy 4 states that there should be no more than 10% of units within the centre or frontage consisting of hot food takeaways, in order to avoid an over concentration of hot food takeaways in Centres.
- 6.11. The Centre frontage consists of approximately 94 units of which 8.5% consist of A5 uses. With the proposal in place, this would increase the percentage of A5 units to 9.5%. In addition, when considering that the majority of the A5 uses are located away from the frontage to which the application sites forms, the percentage would be even lower to the frontage that the application site forms part of.
- 6.12. The proposed scheme relates to a relatively small unit with a proposed floor area of 102.5sqm and I am therefore satisfied that the proposed scheme would not result in the loss of a large retail unit.
- 6.13. I therefore consider that the principle of a hot food takeaway in this location is acceptable and would not result in a detrimental impact on vitality and viability of the Centre as a whole and would comply with the policies 7.24 and 8.7 of the adopted UDP, the Shopping and Local Centres SPD, the draft BDP and the NPPF.

Impact on Crime

- 6.14. West Midlands Police raise no objection to the proposal, subject to the installation of a CCTV system to a British Standard of BS EN 62676-4:2015. This would be to safeguard customers using the premises at night when there is less surveillance. The applicant has provided these details and West Midland Police consider these details acceptable.

Impact on Residential Amenity

- 6.15. The application site is adjoined by commercial premises and the nearest residential units are located above at first floor. The applicant has provided ventilation and

extraction details to the satisfaction of Regulatory Services. Regulatory Services raise no objection to the application, subject to conditions relating to hours of use and service deliveries and noise levels of plant equipment. The proposed opening hours for the use as applied for by the applicant broadly comply with the recommended closing times outlined in policy 8.7 of the adopted UDP (11:30pm), with only the Friday and Saturday hours until 12:00am falling outside the recommend hours of use. I therefore recommend that opening hours should be in line with policy 8.7 of the UDP and restricted to 11:30pm seven days a week. I consider all other conditions recommended by Regulatory Services reasonable and necessary to the development being permitted to ensure that the amenity of nearby residents would not be adversely affected by the proposal.

Impact on Highway Safety

- 6.16. Transportation Development raise no objection to the application and advise that the site is well served by public transport services and would not have a detrimental impact on highway safety. I concur with this view and in addition, consider that the busiest times for the proposed hot food takeaway would be in the evenings when some of the adjoining commercial uses would be closed.

Impact on Public Health

- 6.17. As a matter of course, Birmingham Public Health object to all applications for hot food takeaways, but have stated that the site is not within 400 metres of a school and within a centre where there is more than 10% of hot food takeaway uses. As mentioned in paragraph 6.18, the site use is considered within the 10% threshold for A5 uses within the local centre. The application site is not located within 400 metres of any schools and is unlikely to have a significant adverse impact on public health to warrant refusal of this application.

7. Conclusion

- 7.1. The proposed hot food takeaway use would maintain a high proportion of retail shops and would not result in an over concentration of non-retail uses or the loss of a large retail unit within the Wylde Green Local Centre. The proposed use would open during the daytime and would support the local economy and provide job opportunities. Given the location of the site, the proposal would not have an adverse impact on the viability and vitality of the Centre and would not have a significant adverse impact on highway safety or on public health. Details of a CCTV scheme to deter crime and to safeguard against unacceptable have been provided, as well as details of a suitable ventilation and extraction system. I therefore consider that the proposed scheme is acceptable and in accordance with local and national planning policies.

8. Recommendation

- 8.1. Approval subject to the following conditions:

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| 1 | Limits the hours of operation to 1000-2330 daily |
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- 2 Limits time of service deliveries to between 0800-1900 Monday to Saturday
 - 3 Limits the noise levels for Plant and Machinery
 - 4 Requires the scheme to be in accordance with the listed approved plans
 - 5 Limits the approval to 3 years (Full)
-

Case Officer: Faizal Jasat

Photo(s)



Figure 1: Front Elevation

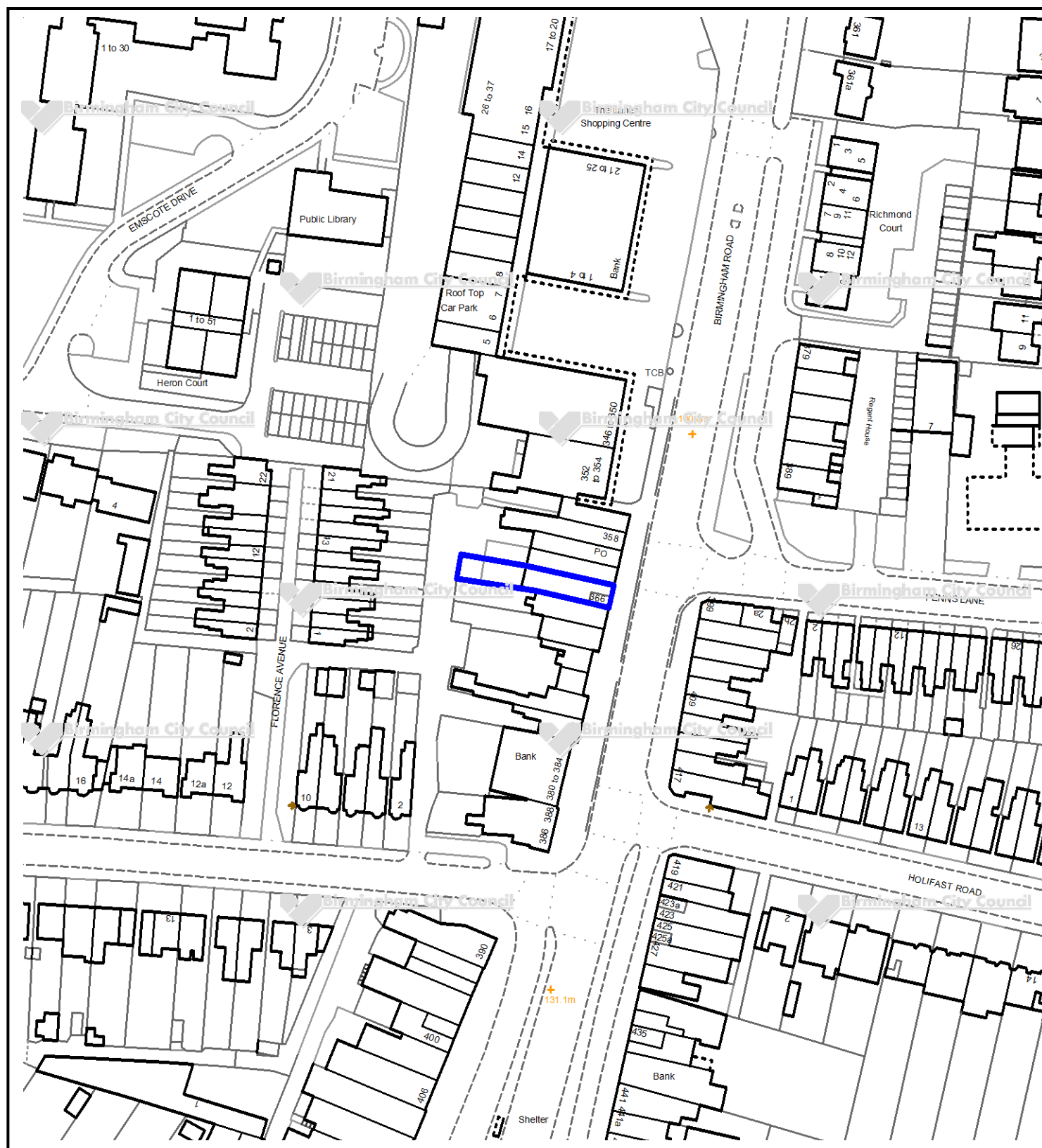


Figure 2: Street scene - Birmingham Road



Figure 3: Rear Elevation

Location Plan



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Committee Date:	08/12/2016	Application Number:	2016/06059/PA
Accepted:	28/07/2016	Application Type:	Householder
Target Date:	22/09/2016		
Ward:	Sutton Trinity		

51 Upper Holland Road, Sutton Coldfield, Birmingham, B72 1SU

Erection of detached garage/workshop to rear

Applicant:	Mr Jas Bamsal
	51 Upper Holland Road, Sutton Coldfield, Birmingham, B72 1SU
Agent:	Mr John Sharpe
	64 Streetly Lane, Four Oaks, Sutton Coldfield, Birmingham, B74 4TA

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a detached building at the end of the rear garden of the house. This would measure 7m by 7m and designed with a pitched roof at a total maximum height of 4.5m (2.2m to eaves). The outbuilding would be used as a garage/workshop for the applicants hobby of storing and maintaining classic cars.

1.2. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a semi-detached dwelling house with a gable-end roof design and bay window to the front. There is a single storey attached garage to the side with a pitch roof. To the rear is an original two storey rear wing and single storey attached outhouse.
- 2.2. The rear garden is predominately grassed and the boundary treatment consists of 2m wooden fencing and approximately 2.5m-3m mature hedging. The surrounding properties are of a mixture of semi-detached and terraced dwelling houses of similar age and character.
- 2.3. There are other detached structures/garages visible in the surrounding area; these all differ in scale and design.

2.4. [Site Location](#)

3. Planning History

- 3.1. 01/09/2015 - 2015/06841/PA - Pre-application advice for the erection of a detached garage to rear – advice given that the principle of a detached outbuilding could be supported in this location.

4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been consulted; a petition containing 6 signatures has been received. Objections have been raised to the proposed development on the grounds of:
- Size and scale of the proposed detached building
 - Potential disruption from building works associated with construction of the proposed garage/workshop and its future use
 - Proposed development would set a bad precedent within the residential area
 - Inadequate neighbour consultation was carried out
 - Potential use of the detached building for commercial purposes
- 4.2. In addition to the petition, 5 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 (Adopted 2005)
- Draft Birmingham Development Plan (2013)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (Adopted Supplementary Planning Document 2007)

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2012).

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the proposed detached building, the impact on the architectural appearance of the property and the impact upon neighbouring properties' amenities.
- 6.2. The proposed detached building complies with your Committee's 45 Degree Code and meets the distance separation guidelines contained in 'Extending your Home' and 'Places for Living'. As such, the development would not result in a detrimental impact on the amenities of the occupiers of neighbouring properties by way of loss of light, outlook or overlooking.
- 6.3. As originally submitted the proposed detached building was designed with a pitched roof totalling 5.6m in height. Amended plans have been secured that have altered the rear roof design and reduced the overall height of the building to 4.5m. I consider that the scale, mass and design of the amended detached outbuilding is acceptable. The proposed detached building would be of domestic proportions and would not

form an overbearing development within the curtilage of the application site or in relation to neighbouring dwellings.

- 6.4. Notwithstanding the concerns raised by neighbouring occupiers, I consider that the detached structure would have a limited impact on the visual amenity of the surrounding area. As such the development would comply with the design principles contained within your Committee's adopted design guide 'Extending Your Home' (Supplementary Planning Document).
- 6.5. I consider the proposed detached outbuilding would not set an undesirable precedent. There are already other detached structures/outbuildings visible in the local vicinity and any further applications for outbuildings would be considered on their individual merits.
- 6.6. Neighbour notification has been carried out which is in accordance with the Council's registration requirements.
- 6.7. With regards to the proposed use of the detached outbuilding, the plans indicate that the detached building will be used as a garage/workshop. The applicant has confirmed the garage/workshop is not for commercial purposes but for the storage and maintenance of his personal classic cars. A condition is attached to ensure that the use is incidental to the residential use of the main property as a single dwelling house. On this basis I would not expect the use to result in an unacceptable level of noise or disruption to neighbours.
- 6.8. I consider other concerns raised have been addressed above.
- 6.9. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Notwithstanding the objections received from neighbouring occupiers I consider that the development as amended complies with the objectives of the policies outlined above and is of an acceptable design. I therefore recommend approval.

8. Recommendation

- 8.1. Approve subject to the following conditions

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building |
| 3 | Requires that the approved scheme is incidental to the main use |
| 4 | Limits the approval to 3 years (Full) |
-

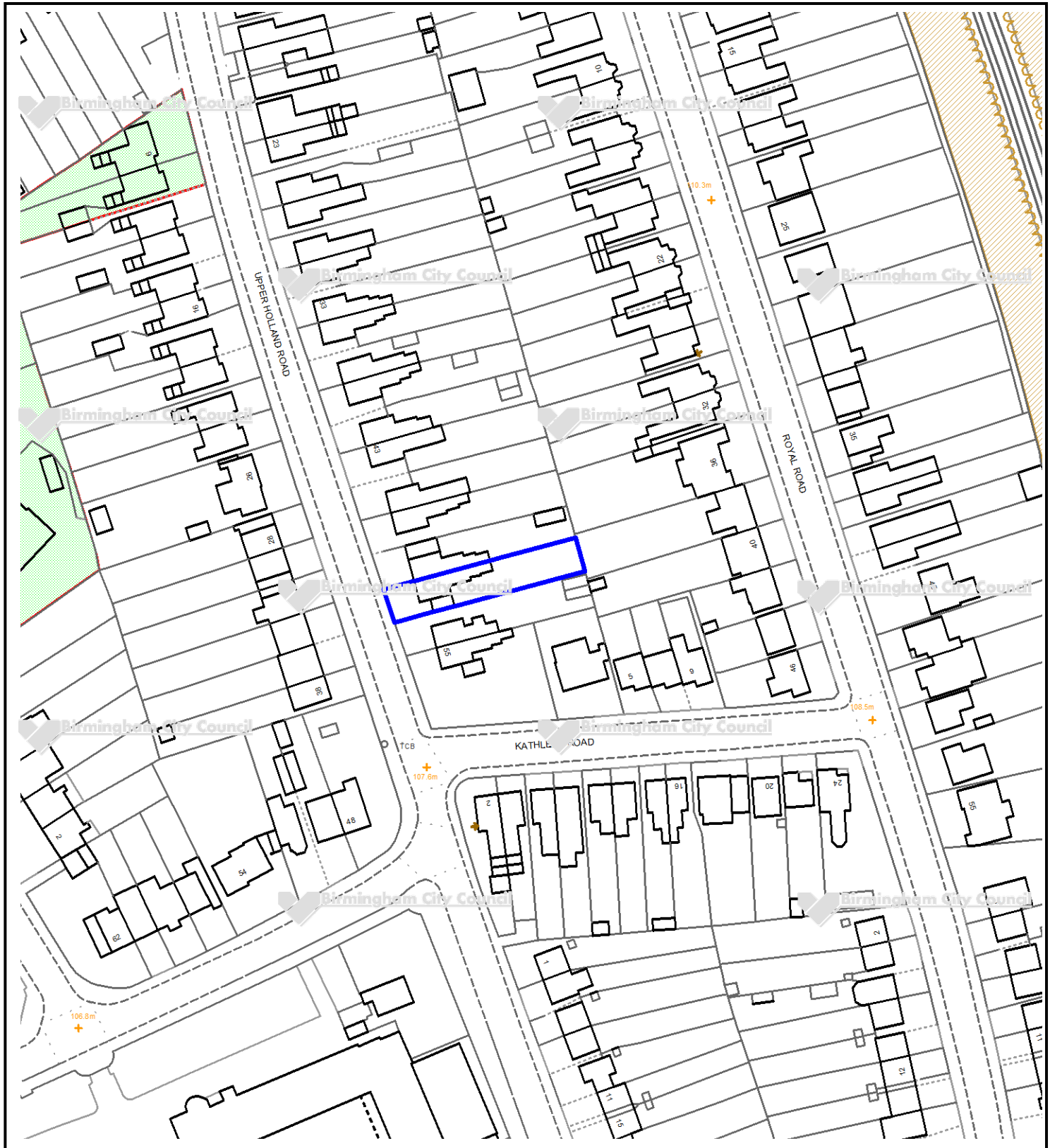
Case Officer: Ricky Chima

Photo(s)



Figure 1 – Rear Garden

Location Plan



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BIRMINGHAM CITY COUNCIL

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

PLANNING COMMITTEE

8 December 2016

WARD: LADYWOOD

ISSUES REPORT

SUMMARY

This report advises Members of a detailed planning application submitted on 3 November 2016, by Regal (West Point) Ltd, for the development of a 31 storey residential building (Class C3) containing 206 apartments including ground floor restaurant use (Class A3), internal and external residential amenity space, associated hard and soft landscaping, infrastructure and engineering works at land bounded by Sheepcote Street/Broad Street/Oozells Way, City Centre. This report sets out likely issues to be considered when the proposal returns to your Committee and your views on these issues and other issues that may not be included are sought.

RECOMMENDATIONS

That this report be noted.

Comments of your Committee are requested.

CONTACT OFFICER

David Wells
City Centre Planning Management
Tel. No. 0121-464-6859
Email: david.wells@birmingham.gov.uk

PURPOSE

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

PLANNING COMMITTEE 8 December 2016

Application 2016/08890/PA

DISTRICT: CITY CENTRE

LOCATION: Land bounded by Sheepcote Street/Broad Street/Oozells Way, City Centre, Birmingham, B15 1AQ.

PROPOSAL: Full planning permission for the development of a 31 storey residential building (Class C3) containing 206 apartments including ground floor restaurant use (Class A3), internal and external residential amenity space, associated hard and soft landscaping, infrastructure and engineering works.

APPLICANT: Regal (West Point) Ltd, Forward House, 17 High Street, Henley-in-Arden, B95 5AA.

AGENT: WYG, 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham, B16 8PE.

POLICY CONTEXT:

Birmingham UDP 2005 Saved Policies; Pre-Submission Birmingham Development Plan 2031; High Places SPG; Places for Living SPG; Places for All SPG; Access for People with Disabilities SPD; Car Parking Guidelines SPD; Lighting Places SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG and the National Planning Policy Framework.

Adjacent is 78-79 Broad Street a Grade II Listed Building, whilst further along Broad Street is the Grade II Listed Royal Orthopaedic Hospital. Nearby locally listed buildings include Lee Longlands, 224-228 Broad Street, and O'Neills Public House, Broad Street, both of which are categorised at Grade B.

RELEVANT PLANNING HISTORY:

8 April 2011 Application 2009/04215/PA. Planning consent granted for 56 storey mixed use building, to include ground floor retail, 289 bed hotel and either 256 serviced apartments or additional hotel accommodation and 1,280sqm of residential accommodation with one level of basement car parking.

27 November 2015 Application 2014/09348/PA. Planning permission granted for the development of a 22 storey residential building containing 189 apartments including ground floor restaurant and retail space and a 18 storey hotel building (C1) with ancillary retail and leisure uses, including a ground floor restaurant space (A3). The development included part demolition of the Grade II listed 78 - 79 Broad Street and also includes hard and soft landscaping, infrastructure and engineering works. The application was subject to a S106 legal agreement to secure financial contributions towards off-site affordable housing and public realm improvements at Centenary Square.

27 November 2015 Application 2014/09350/PA. Listed building consent granted for demolition of rear extensions with the exception of the wing adjoining Sheepcote Street, reinstate brickwork, insertion of windows and external staircase at 78 - 79 Broad Street.

30 March 2016 Application 2015/10462/PA. Planning consent granted for removal of Condition No. 18 (phasing of development) attached to approval 2014/09348/PA to allow the residential and hotels towers to be constructed separately. Application subject to a S106 legal agreement to secure:-

- a) A financial contribution of £566,000 (index linked from 28 May 2015) towards off-site affordable housing to be paid prior to first occupation of the residential element of the scheme;
- b) A financial contribution of £184,000 (index linked from 28 May 2015) toward off-site public realm improvements at Centenary Square to be paid prior to first occupation of the residential element of the scheme; or, in the event that the hotel building is occupied first, £100,000 (index linked from 28 May 2015) toward off-site public realm improvements at Centenary Square to be paid prior to first occupation of the hotel building and £84,000 (index linked from 28 May 2015) toward off-site public realm improvements at Centenary Square to be paid prior to first occupation of the residential element of the scheme;
- c) The public realm works, removal of the two unauthorised adverts (one at the corner of Broad Street and Oozells Way and the second on Oozells Way near the roundabout junction with Sheepcote Street), the removal of the existing car park and refurbishment of the listed Left Bank Building be carried out prior to first occupation of any part of the development; and,
- d) An undertaking by the applicant that they will not make a S106 A/B application to reduce the financial contribution of £750,000 secured toward public realm improvements and affordable housing.

NATURE OF SURROUNDINGS:

The application site is located approximately 1km west of the City Centre between Oozells Way and Sheepcote Street. It is currently used as a building compound in connection with the construction of the Phase 1 residential tower at the corner of Oozells Way and Sheepcote Street.

Broad Street and the Grade II listed 78-79 Broad Street are to the south east. Broad Street is one of the City's key entertainment venues with a number of restaurants and bars as well as offices. To the north is Oozells Way, which provides a short link road from Broad Street to Sheepcote Street serving the adjacent Brindley Place and NIA developments and the Ladywood residential district immediately to the south of the site. To the west is the consented Phase 1 residential tower. To the south is Sheepcote Street which is partly pedestrianised and has restricted vehicle access. Across Sheepcote Street to the west and facing the site is the now vacant Brasshouse language college and the rear buildings of the Grade II Listed Royal Orthopaedic Hospital, which fronts onto Broad Street, and is being used as a bar/restaurant/sheesha lounge known as Zara's.

Existing properties around the site generally comprise a mixture of commercial and hotel premises with residential properties to the north west on Essington Street. The nearest licenced premises to the site are located to the south west at Zara Bar and to the south across Broad Street at Velvet Rooms and Sugar Suite.

[Site Location](#)

DETAILS OF PROPOSAL:

Amount of Development and Layout

The 31 storey residential building would contain 206 apartments, providing a range of 1 bed, 2 bed and 3 bed apartments, with broadly 7 apartments per floor. The ground floor of the apartment building would contain approximately 360sqm (gross external floorspace) restaurant space. The breakdown of accommodation over each floor is as follows:

- Ground floor- restaurant unit to Broad Street & Oozells Way, apartment lobby complex to Sheepcote Street, cycle and refuse storage space and substation;
- Upper ground floor mezzanine- Resident's amenity lounge above apartment lobby (71sqm);
- First floor- 2 one bedroom, 3 two bedroom apartments and a 91sqm internal resident's amenity area;
- Second and third floors (repeating) - 3 one bedroom , 2 two bedroom and 1 three bedroom apartment (12 in total); and;
- Fourth to thirtieth floors (repeating) - 3 one bedroom and 4 two bedroom apartments (189 in total).

The proposed ground floor commercial use would open out onto Oozells Way and Broad Street, maximising active frontages and natural surveillance. Access into the lobby for the upper floor residential apartments would be from Sheepcote Street, creating an 'address entrance' to the street.

All of the proposed unit sizes are in excess of requirements within the Nationally Described Space Standards. They range in size from 43.35sqm to 56.73 for the 1 bedroom apartments, 67.39sqm to 75.46sqm for the two bedroom apartments and 112.15sqm for the 3 bedroom apartment. The majority of apartments are dual aspect corner units. Single aspect units to the northern elevation are positioned away from the closest point of Tower 1, whilst single aspect units on the southern elevation would overlook a first floor green roof area, the Left Bank Building and Broad Street beyond.

External Appearance and Materials

Materials follow a common palette with regard to the previously approved Tower 1 utilising metals in reference to the industrial heritage of the site as a silverworks and tube, clock, chandelier and bedstead works. At ground floor/podium level Tower 2 would be constructed in black brick with a dark mortar. Upper floors are finished in dark silver metallic panels with a brushed silver frame. The brushed silver frame increases in density at five storey intervals to create a distinctive crown structure. The crown would also screen the rooftop plant area. Aluminium framed glazing are positioned in line with the dark silver metallic cladding to give the building a vertical emphasis.

Public Realm

The revised Tower 2 includes high quality public realm and private amenity space. These works consist of high quality hard paving within public areas around the site, a new resident's garden between Towers 1 and 2 to create a secure private amenity space and an internal communal space for residents at mezzanine and first floor levels.

As part of the wider works around the site a new high quality pavement is proposed, improving the public realm and pedestrian environment. Other wider pavement and highway works as part of the original residential and hotel tower proposals such as the service bays on Sheepcote Street and Oozells Way will be part of the combined construction with the approved Tower 1 development.

No vehicular access is proposed with servicing via on street laybys on Sheepcote Street. 64 cycle spaces are proposed at ground floor level. As with the previous approval for the Tower 1 residential and Tower 2 hotel scheme, the proposed residential development of Tower 2 would not provide designated car parking spaces within the development.

Supporting Information

In support of the application the following documents have been submitted:-

- Planning Statement (including Tall Building Assessment);
- Design and Access Statement (including 3D models and visuals);
- Heritage Statement Addendum;
- Viability Assessment;
- Air Quality Report;
- Aviation Safeguarding Assessment;
- Daylight / Sunlight Assessment;
- Façade Lighting Report;
- Flood Risk and Sustainable Drainage Strategy;
- Contamination Remediation Assessment;
- Ground Investigation Report;
- Noise Impact Assessment;
- Preliminary Ecological Appraisal;
- Radio Frequency Impact Assessment;
- Transport Statement and Framework Travel Plan;
- Ventilation Strategy (Apartments); and,
- Wind Micro-climate Study.

[Link to Documents](#)

ISSUES:

Background and Land Use Planning Policy

In November 2015, planning consent was granted for a 22 storey residential building with ground floor restaurant and retail and a 18 storey hotel building with ancillary retail and leisure uses, including a ground floor restaurant space. The development also included part demolition and refurbishment of the Grade II listed 78 - 79 Broad Street, together with associated hard and soft landscaping, infrastructure and engineering works.

A condition attached to this consent required the residential element of the scheme not to be occupied until the hotel is occupied. The reason for the condition was that the supporting financial appraisal indicated that the residential tower was more profitable than the hotel tower and therefore the scheme was assessed on the basis of the two buildings being delivered together.

Following the grant of planning consent, the applicant sought to vary this condition as the residential and hotel towers were being funded separately. Planning consent was subsequently granted in accordance with application 2015/10462/PA subject to a revised legal agreement. Although development has commenced on the residential

tower the applicant has decided not to pursue the hotel tower and is now seeking to construct a second residential tower instead.

Redevelopment of this highly accessible City Centre brownfield site is acceptable in principle. However, it does raise issues with regard to introducing residential along this part of Broad Street, residential amenity, scale and form of development, impact on listed buildings, parking provision and planning obligations.

Issue 1 Land Use Planning Policy

The adopted Birmingham UDP (2005) still forms the basis of the statutory planning framework. It advises at Chapter 15 that the overriding aim of the plan is to welcome and encourage activity within the City Centre. In particular, it encourages additional residential development, City Living, throughout the City Centre, provided that it would not undermine the primary economic function of the area. It adds that the Greater Convention Centre area has the potential to accommodate additional mixed use development including residential, whilst also seeking to encourage Broad Street as a premier location for leisure and tourism related activities.

City Living is also encouraged by paragraph 5.32b as residential accommodation in the City Centre provides sustainable accommodation close to both public transport and places of work and reduces the pressure on greenfield sites. This is provided it would not undermine the primary economic function of an industrial or commercial area, would not have an adverse effect on the historic character of a Conservation Area or Listed Building; and, would not create an unacceptable living environment for the occupants of the proposed housing.

In December 2013 the City Council approved the Pre-Submission Birmingham Development Plan (BDP). The BDP is intended to provide a long term strategy for the whole of the City and will replace the saved policies of the Birmingham Unitary Development Plan 2005, with the exception of the City Wide policies contained within Chapter 8 of that plan. These policies will continue in force until the adoption of the Council's proposed Development Management DPD.

The BDP was submitted to the Secretary of State for examination in July 2014 with the hearings taking place in October and November 2014. The Inspectors final report was published on 11 March 2016 and concluded that, subject to a number of minor modifications, the plan is sound. However, on 26th May the Government issued a Holding Notice on the Birmingham Development Plan.

Policy PG1 advises that over the plan period significant levels of housing, employment, office and retail development will be planned for and provided along with supporting infrastructure and environmental enhancements. Policy GA1.1 adds that residential development will be continued to be supported in the City Centre where it provides well-designed high quality living environments. With regard to Westside and Ladywood it aims to create a vibrant mixed use area combining the visitor, cultural, commercial and residential uses.

In respect of housing need the BDP states that its objectively assessed 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 plans to provide 51,100 homes with 12,800 earmarked for the City Centre.

Considering housing mix, the BDP sets the following for market dwellings: 1-bed 13%, 2-bed 24%, 3-bed 28%, and 4-bed 35%. By comparison the proposed housing mix for the 206 unit scheme would be 89, 1 bedroom apartments (43%) and 115, 2 bedroom apartments (56%) and 2, 3 bedroom apartments (1%).

Your Committee may wish to comment on the principle of residential accommodation along Broad Street and the proposed mix of apartments

Issue 2 – Residential Amenity

a) Noise

Prior to submission of the application, officers from Planning Management and Regulatory Services visited the site to assess the noise environment on a Friday night / Saturday morning. The noise experienced towards the Broad Street end of Sheepcote Street was dominated by loud music arising from the external, covered amenity area at Zara's, the adjacent bar / restaurant / sheesha lounge. However, the external canopy on that premises, where the amplified music is played, does not have planning consent and is the subject of planning enforcement action. Notwithstanding Zara's dominance, music noise from Sugar Suite and Velvet Bar on the opposite side of Broad Street was noticeable on the street fronting Zara's. It was difficult to determine the impact these premises may have on the development site, given Zara's, but they are vibrant bars in their own right and they dominate the noise in their vicinity on the south side of Broad Street.

In addition, this part of Broad Street is very vibrant with heavy traffic, the occasional soundings of horns, some music from passing cars, sirens from emergency vehicles, noise from pedestrians / revellers and buskers. It is clear that Broad Street maintains its reputation as being a lively and functional centre for the night time economy in Birmingham. Indeed, this section of Broad Street is typical for the greater Broad Street experience, with entertainment venues on both sides of the road and pedestrians, revellers and traffic continually passing this point to move between the two sides.

The applicant's acoustic consultants have undertaken a noise survey, which identifies noise around the site and confirms the increase in noise on Friday and Saturday nights from 2300 through to 0400 attributable to entertainment related noise. The consultants suggest that based on the levels measured on a typical night, a standard of glazing can be suggested which can reduce external noise levels to an acceptable standard internally. This may include glazing that needs to be kept shut, with alternative means of ventilation.

However, BCC Regulatory Services consider that residential development in this location is unsuitable on the grounds of noise arising from nearby entertainment premises and associated pedestrian footfall, traffic and from ad hoc, less predictable sources e.g. buskers. Additionally, the replacement of the tower nearer to Broad Street from hotel to residential removes any noise buffer the hotel would have provided. Accordingly, they would recommend refusal, and any conditions they recommend to reduce the impact of noise and disturbance would not necessarily prevent future occupiers suffering adverse impact on amenity and possible nuisance.

Broad Street is currently one of the main entertainment streets within the City, much of which is based around the evening and night time economy. During the day time, there is less activity and the street has suffered from a number of vacant units and lack of daytime uses. There is an aspiration to see a number of sites along this street being invested in, introducing a range of uses, which could include more residential. In the longer term, the extended Metro route will run along the street to Five Ways, with a subsequent reduction in through traffic and associated noise. In the shorter term, introducing residential along this part of Broad Street could affect resident's amenity, and the entertainment venues themselves, to the extent that these types of uses may have to alter the way they operate. In common with other City's, it could also be the case that key entertainment areas shift and evolve, for example the John Bright Street area that has changed over the last few years, and areas around Digbeth which have attracted the night time economy. It should be noted that Broad Street and its surrounding area is a Special Policy Area in terms of licensing, which acknowledges

the high concentration of licensed premises and the cumulative impact this can have on crime, disorder and anti-social behaviour. This may impact on new or altered licenses.

Refusal of the planning application purely on these grounds could blight this and other similar potential redevelopment sites. Together these sites could provide a significant number of new residential apartments to meet the City's housing needs. Should planning consent be granted members should be aware that even with safeguarding conditions to secure the glazing specified by the applicants noise consultant there is still a possibility that residents could complain about noise nuisance, as it would be impossible to completely remove all noise to the apartments. However, prospective residents ought to be aware of the current character of Broad Street as a late night entertainment area.

b) Air Quality

The application is supported by an Air Quality Assessment. However, this is based on the previous application for hotel use and BCC Regulatory Services have requested an up dated assessment. It should be noted that a number of apartments on the lower floors may need to be sealed and mechanically ventilated.

c) Amenity

The scheme includes a 71sqm lounge above the entrance lobby and a first floor internal amenity area of 90.8sqm, which could be used for a residents lounge or gym. In addition between Tower 1 and Tower 2 is a shared private amenity space of approximately 230sqm.

d) Light and Outlook

Places for Living SPG advises that there should be 12.5m minimum distance between windowed elevations and opposing 1 and 2 storey flank walls and 15.5m for 3 storey flank walls. When assessed against these guidelines the majority of windows comply, however, there are the following shortfalls:-

- Level 1 – a window to a second bedroom corner apartment would be 2m from the rear corner wing of the Left Bank building;
- Levels 2 and 3 – three bedroom windows to a corner apartment (one apartment per floor) would be 6.5m, 7.5m and 10m from the rear of the Left Bank building; and,
- Levels 2 – 21 – the living / kitchen window and bedroom window to a one bedroom apartment (one apartment per floor) would be between 8m and 10m to the flank wall of Tower 1.

Your Committee may wish to comment on the residential amenity offered by the proposal

Issue 3 – Impact of the scale and massing on the Skyline

As the proposed building would be 31 storeys in height the City Council's SPG on tall buildings "High Places" applies. It advises that this site falls within the Central Ridge Zone where tall buildings may be appropriate. The maximum height of the building would be 241.5m AOD just below the Aerodrome Safeguarding limit of 242.2m AOD. The guidance goes on to say that tall buildings will not normally be acceptable next to listed buildings unless there are exceptional circumstances. It advises that tall buildings should:-

- respond positively to the local context and be of the highest quality in architectural form, detail and materials;
- not have an unacceptable impact in terms of shadowing and microclimate;
- help people on foot to move around safely and easily;
- be sustainable;
- consider the impact on local public transport; and
- be lit by a well-designed lighting scheme.

a) Design and Local Context

The footprint of the proposed residential tower is the same as the previously approved hotel building. To make the most of this “island site” the towers have been positioned to respond to the road frontages and the Left Bank building. The proposed Tower 2 is angled toward Broad Street to give views of the gable wall of the listed Left Bank building. The key difference is therefore the proposed building height. Whereas the consented hotel building is 18 storeys the proposed residential tower is 31 storeys and the additional height helps to create a clear distinction between the two towers.

The scheme seeks to follow the design ethos of the previously approved hotel tower on the site, which complements the approved 22 storey residential tower to the north (Tower 1) and has a common architectural language. However, in order to clearly demark and differentiate the two towers the architects have designed Tower 2 around a silver ‘exoskeleton’ frame, with increased density of the frame spindles and bars towards the crown of the structure. This distinguishes Tower 2 from the brass clad Tower 1 building and also gives it distinctive bottom, middle and top sections.

b) Microclimate and Shadowing

The applicant submitted a Microclimate study with the previous application. In summary that report concludes that, wind mitigation measures would need to be incorporated to ensure both comfort and safety for pedestrians in and around the site. An addendum to the report notes that due to the increase in height of Tower Two, there is potential of marginally increased wind speeds at ground level and suitable mitigation measures would be needed. These wind mitigation measures (such as landscaping, localised screening and canopies) could be secured via a condition.

A Daylight and Sunlight Report has also been submitted. It notes that there would be no loss of sunlight to nearby properties, apart from a minor loss of sunlight to 5 and 7 Essington Street. However, the two windows to each property affected are secondary windows and the primary windows on the main front façade receive good levels of daylight.

With regard to overshadowing, the report notes that there would be no extra overshadowing to any residential property, or amenity space, during mid-winter. In March there would be small areas of extra shadow to the Essington Street and Grosvenor Street West properties first thing in the morning, but these would be short lived. In June there would also be some extra overshadowing to these properties but, due to the shape of the towers these would again be short lived. Part of the façade of the consented tower development at 212-223 Broad Street would also be overshadowed as the sun sets in June. The report concludes that the impact of the development on the existing surrounding residential properties and amenity space is not material and fully accords with guidance on daylight and sunlight.

c) Helping People Move Around

The scheme provides a dramatic feature corner acting as a focal point on the approach to the site along Broad Street. When approaching the site from the City Centre, the scheme also provides views of the Left Bank building and Brasshouse

Language Centre. The ground floor commercial unit and large foyer to the residential apartments would help provide active ground floor frontages.

Pedestrian and cycle access to the site would be provided through a designated 2m wide pedestrian footway around the whole perimeter of the site. A new footway would be provided on the south western side of Oozells way along the north eastern boundary of the site. This would link into the existing footways on Broad Street to the east and the existing section of footway along Sheepcote Street that extends to the roundabout junction.

d) Sustainability

In addition to being in a highly accessible sustainable location, the proposed building would incorporate a series of sustainability measures in its construction and operation, such as:-

- Achieving Level 3 Code for Sustainable Homes;
- use of renewable technology to significantly reduce the energy consumption;
- individual Mechanical Ventilation Heat Recovery; and
- Zero Carbon technologies incorporated within the detailed design of the building.

e) Impact on local public transport

The site is well located in a highly accessible location to all modes of travel. There are excellent opportunities for pedestrians and cyclists to travel to and from the surrounding areas from the site. There are regular and frequent bus services within convenient walking distance of the site that provide access to the surrounding areas. In addition to this, the site is located within 1.8km of all three of the Birmingham railway stations. In the future the site will also benefit from the Metro Line 1 extension which will run along Broad Street connecting Birmingham New Street with Five Ways. As part of the proposed Travel Plan measures, the walking, cycling and public transport opportunities available to the site would be promoted to residents.

f) Lighting

The applicants are proposing a comprehensive lighting scheme, integrated into the overall design. This takes into account issues of glare, light spillage, energy usage and sky glow. The concept is for the colour selection of the luminaries and lighting sources to be coordinated with the external building finishes. This would be achieved by light contrast consisting of cool white fins, where the effect is dependent upon fin colour, reflectance and colour temperature, and saturated blue wash around the base level, where the effect would be dependent upon colouration and reflectance of surfaces. As a general rule of thumb this would mean the lighter the surface colour, then the more intense the lighting effect becomes. Low level lighting bollards would also be used on the areas connecting the two towers, including the approaches from Sheepcote Street and Oozells Way.

Your Committee may wish to comment on the scale and massing of the buildings and impact on the skyline and character of the area

Issue 4 – Impact on Listed Building

Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. 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. 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.

At a local level paragraph 3.25 of the Birmingham Unitary Development Plan 2005, states that any development affecting a listed building should preserve or enhance its setting. Policy TP12 of the Pre-Submission Birmingham Development Plan, states that applications for development affecting the significance a designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.

An Addendum to the Heritage Assessment has been submitted with the application. It notes that the proposed scheme retains the 22 storey residential tower from the original scheme, and retains the footprint of the second tower block, with retail usage relocated to the Broad Street/Oozells Way corner of the block. The principal differences in the proposed scheme are the change of use from hotel to residential, and the height of tower, which has been extended from 18 storeys to 31 storeys in height. Whilst the height extension proposed clearly alters the impact of the proposals on the historic environment through change within their settings, in the case of the buildings most directly affected, namely the Left Bank building and the Orthopaedic Hospital, the views in which their historic and architectural special interest is most legible would in effect be similar to the consented scheme.

At ground and lower storey level the Heritage Statement Addendum notes that the scale and massing of the proposals would read as the approved scheme, and therefore continue to present a moderate to minor adverse level of harm. In longer views, such as those along Broad Street which incorporate the Church of Christ Scientist, the increased height of the proposed scheme would be more clearly apparent, but would still be read in the context of later twentieth-century urban development which predominates, and now largely defines the character of Broad Street. In views along Sheepcote Street, the retention of the environmental and design quality of the approved scheme, identified as having a low beneficial impact would be somewhat offset by the greater height proposed, with the resultant level of impact being of a negligible beneficial degree. As previously identified, in longer glimpsed views of the assets, their historic and architectural special interest is largely illegible in the wider townscape context, and the consequent level of impact of the proposals on the assets' significance is considered to be neutral.

In summary the Heritage Statement Addendum concludes that the proposals do not affect key elements of the significance of the assets concerned, having no detriment to the legibility of the architectural special interest or associative historical values they exhibit, and are therefore considered to constitute "less than substantial harm" in terms of impact, either individually or cumulatively. In such cases paragraph 134 of the NPPF advises 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.

Your Committee may wish to comment on the impact on nearby listed buildings.

Issue 5 – Access, Servicing and Parking

The principle of development of a tower on this site has been accepted with the previous planning permission, albeit for a hotel rather than residential. It is proposed that this site is served on-street from Sheepcote Street. In addition, internal refuse areas are provided for the residential and commercial elements, which can be accessed from the service bay on Sheepcote Street.

The Transport Assessment predicts the net traffic generation from the proposed development would be less than the consented scheme. The proposed development is forecast to result in a net reduction of 15 and 16 two-way vehicle trips during the AM and PM peak hour periods when compared to the previously consented hotel use. The

proposals do not have any effects on the proposed Metro extension along Broad Street to Five Ways which indicates a stop on Broad Street set between Oozells Way and Sheepcote Street. Traffic movements are still permitted along these latter roads to provide general access and servicing.

BCC adopted parking guidelines specify maximum parking levels of provision would for 206 apartments equate to 309 car parking spaces. However, the SPD also states that in areas with high levels of accessibility by public transport, lower levels of car parking provision would be acceptable. Given the highly accessible location of the site and the excellent transport infrastructure in the vicinity, the application (as per the previous scheme) is proposing no on-site car parking. There are public and private car parks within a 5 minute walk of the site, which visitors rather than residents may use. The adjacent roads are protected by parking controls and these are well managed and enforced. The nearest available space to park freely would be on Ryland Street, Sherborne Street or Essington Street where some free on-street parking is available, though parking controls may be developed for this area and they are heavily used already. The applicants are proposing a contribution towards a car club, similar to that agreed at the Beorma residential scheme in Digbeth, which had limited on site parking.

When assessed against BCC adopted cycle parking guidelines a minimum of one space per dwelling is required, which for this development equates to 206 cycle parking spaces. The scheme provides a total of 64 cycle spaces, which the applicant states is similar to that approved at other Birmingham City Centre sites. Furthermore, they suggest it would be monitored as part of the Travel Plan to ensure the proposed provision is adequate.

Your Committee may wish to comment on the access, servicing and zero on site parking provision

Issue 6 – Planning Obligation

Given the number of proposed apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. However, the applicant is not proposing to provide any affordable housing or make a financial contribution toward off-site public open space. To justify this a Viability Report has been submitted and the City Council has appointed independent consultants to assess the appraisal. The Viability Report does make an allowance of £100,000 for the provision of a resident's car club that would be paid on occupation of the first dwelling. This contribution would need to be secured via a legal agreement.

The site lies within the CIL Charging zone and based on the amount of residential floorspace a payment of approximately £1.029m would be required.

Your Committee may wish to comment on the proposed S106 planning offer of £100,000 toward a resident's car club



View from junction of Broad Street and Oozells Way



View from Sheepcote Street

