

# **Birmingham City Council**

## **Planning Committee**

**24 May 2018**

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	13	2018/00032/PA  Shree Geeta Bhawan Mandir Hindu Temple 107-117 Heathfield Road, 13 Brecon Road & land rear of 1 St Peters Road Handsworth Birmingham B19 1HL  Retention of single storey toilet block and dining room extension, creation of rear car parking area and installation of steps and hand rail. Change of use of 117 Heathfield Road to ancillary kitchen and store.
Approve – Conditions	14	2018/01365/PA  Boldmere Sports and Social Club Boldmere Road Sutton Coldfield Birmingham B73 5HQ  Variation of Condition No. 6 attached to planning application 2009/05515/PA to extend opening hours to 1000-0000 (midnight) hours Monday to Thursday, 1000-0100 hours Friday and Saturday and 1000-2300 hours on Sunday.

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Committee Date:	24/05/2018	Application Number:	2018/00032/PA
Accepted:	28/03/2018	Application Type:	Full Planning
Target Date:	23/05/2018		
Ward:	Birchfield		

Shree Geeta Bhawan Mandir Hindu Temple, 107-117 Heathfield Road, 13 Brecon Road & land rear of 1 St Peters Road, Handsworth, Birmingham, B19 1HL

Retention of single storey toilet block and dining room extension, creation of rear car parking area and installation of steps and hand rail. Change of use of 117 Heathfield Road to ancillary kitchen and store.

Applicant: Shree Geeta Bhawan Mandir Hindu Temple  
107-115 Heathfield Road, Handsworth, Birmingham, B19 1HL  
Agent: MCJ Solutions  
18 Bridle Lane, Streetly, Sutton Coldfield, Birmingham, B74 3HB

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#### Recommendation

#### **Approve Subject To Conditions**

#### 1. Background

- 1.1. The application site relates to the Shree Geeta Bhawan Hindu Temple - a former school building that has been converted into religious use (Class D1). The application as submitted follows two previous planning consents with the most recent being 2015/04406/PA for the demolition of 9 and 11 Brecon Road to accommodate the erection of a single storey detached building to create a dining hall and kitchen, a single storey rear extension to create male and female toilets, and on-site parking with an access ramp. The residential dwelling houses (9 and 11 Brecon Road) were demolished as part of this approval around June 2016.
- 1.2. Prior to the above, consent was granted in 2013 (planning reference: 2013/04810/PA) for the erection of two storey and single storey rear extension & two storey front extension to 107-115 Heathfield Road. Change of use of 117 Heathfield Road from residential to ancillary kitchen & storage at ground floor with extension to rear & change of use of 9 Brecon Road to ancillary library and resource centre. This planning consent lapsed on 29/08/2016.
- 1.3. Following a site visit on 9 March 2018, the development as built has largely been implemented in line with the approved details shown within the 2013 planning application. The details submitted within this application include a single storey rear extension and use of 117 Heathfield Road as ancillary kitchen & storage. The proposed two storey elements have been omitted from this proposal.

#### Proposal

- 1.4. This application seeks retrospective planning consent for the retention of a single storey toilet block and dining room extension, creation of rear car parking area and

installation of steps and hand rail at 107-117 Heathfield Road, 13 Brecon Road & land rear of 1 St Peters Road.

- 1.5. The toilet block and dining room extension is single storey in height and designed with a flat roof. The new toilet block comprises 63sqm of internal useable space for male and female toilets including disabled toilet, baby changing and cleaning areas. The dining hall extension is an extension to the existing hall on the ground floor and the total gross new internal floor space created is approximately 293.6sqm. The extension has been constructed in brickwork to match the existing premises.
- 1.6. The extension would provide additional floor space to enable the existing temple to provide improved facilities for the community. The temple provides considerable community facilities for the wider public, by offering services to elderly people, yoga and Hindi classes, library, and educational visits by local schools and religious Sanskrit study. The prayer facilities would remain unaltered by the proposal.
- 1.7. The number of worshippers attending the site has the potential to reach 300 at any one time and there are 10 religious festivals celebrated annually with up the potential for up to 400 visitors attending. The supporting information confirms there will be no changes to these figures as a result of the proposal.
- 1.8. New steps and handrail are proposed to the rear.
- 1.9. The proposed development would include change of use of residential garden associated with No. 13 Brecon Road and land rear of 1 St Peters Road to create a car park to the rear of the site. A total provision of 40 car parking spaces would be provided. The application as submitted includes a shelter for 10 bicycles. There is an existing car parking agreement in place with Mayfield School until February 2019, which is situated opposite the application site. There is provision for 75 spaces available on Sundays (between 10.30am and 3.30pm) and Tuesdays (between 6pm and 10pm), which are peak times for the temple. In addition to this there is unrestricted off street parking, which is available at all times
- 1.10. No. 13 Brecon Road would remain as a single family dwelling house associated with the temple. Following the changes sought within this application, the remaining private amenity space would amount to 71.3sqm.

1.11. [Links to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises the Shree Geeta Bhawan Hindu Temple - a former school building that has been converted into religious use (Class D1).
- 2.2. The temple has a main frontage along Heathfield Road that wraps around into Brecon Road. The original building is largely intact with ornate religious detailing and canopy features located along the frontages. The building benefits from a subservient two storey extension along Heathfield Road.
- 2.3. Brecon Road is wholly residential and is characterised by individual detached properties set back from the highway with front gardens/driveways. No.13 is a

vacant residential dwelling associated with the temple and No. 15 appears to be in residential use.

- 2.4. No.117 Heathfield Road is a three storey end terrace dwelling that has been occupied as a community centre but is now proposed as a kitchen in association with the temple. This section of Heathfield Road is mixed commercial - a health clinic is located to the east and along the southern side of Heathfield Road is Mayfield School and a number of community uses.

2.5. [Site Location](#)

3. [Planning History](#)

Numerous planning applications relating to extensions to the property dating back to 1975. The most recent and notable planning applications are listed below:

- 3.1. 10/08/2015 - 2015/04406/PA - Demolition of 9-11 Brecon Road and erection of single storey detached building to create dining hall and kitchen, single storey rear extension to create toilets and creation of on-site parking with access ramp – Approved with conditions.
- 3.2. 29/08/2013 - 2013/04810/PA - Erection of two storey and single storey rear extension & two storey front extension to 107-115 Heathfield Road. Change of use of 117 Heathfield Road from residential to ancillary kitchen & storage at ground floor with extension to rear & change of use of 9 Brecon Road to ancillary library and resource centre – Approved subject to conditions.
- 3.3. 07/01/2013 - 2012/06390/PA - Change of use of 117 Heathfield Road from residential to ancillary kitchen & priest accommodation and erection of single storey rear extension; change of use of 9 Brecon Road to ancillary library & 11 Brecon Road to meditation centre and erection of a part single storey and two storey rear extension to form dining room and prayer hall and two storey front extension at 109-115 Heathfield Road – Refused on lack of information.
- 3.4. 20/10/2009 – 2009/04043/PA - Alterations to elevations including erection of 4m high entrance porticos – Approved with conditions.
- 3.5. 13/05/2005 – 2003/03175/PA - Change of use of 117 Heathfield Road to office, store, kitchen and visitor preacher's residence, erection of extensions to front and rear – Approved with conditions.
- 3.6. 26/10/2004 - 2004/05501/PA - Erection of single storey extension on Brecon Road elevation – Approved with conditions.
- 3.7. 23/09/2004 - 2004/05215/PA - Retention of single storey extension to shrine room – Refused.
- 3.8. 17/10/2003 - 2003/05159/PA - Erection of single storey extension to form entrance hall on Brecon Road elevation – Refused.
- 3.9. 19/02/2002 - 2002/00221/PA - Erection of extension to shrine room – Approved with conditions.
- 3.10. 09/01/2002 - 2001/06116/PA - Erection of extension to shrine area – Refused.

- 3.11. 27/03/2001 - 2000/04453/PA - Enhancement of external fabric and extension to office – Approved with conditions.
- 3.12. 02/04/1992 – 1991/05540/PA (9 Brecon Road) - Change of use into a community resource centre with priest's accommodation and construction of boundary walls/fences – Refused.

#### Enforcement History

- 3.13. Current - 2017/1076/ENF - Alleged unauthorised operational development, works not in accordance with 2015/04406/PA – pending determination of this planning application.
- 3.14. 26/10/2004 - 2002/1146/ENF - Development under construction is not in accordance with approved plans – Case closed.

#### 4. Consultation/PP Responses

- 4.1. Adjoining residents, Resident Associations, Ward Councillors. Site and Press notice displayed – 6 letters of objection have been received, as summarised below:
- Parking issues, increased traffic and blocking driveways;
  - Loss of privacy;
  - Works commenced on site without the relevant planning approval or Building Regulations;
  - Reference to the previously approved planning applications in 2013 and 2015;
  - Noise, disturbance, odour/smell and air pollution;
  - Over-development of site;
  - Number of worshippers attending the site;
  - Drainage issues;
  - Environmental issues – increase in rodents;
  - Proposed use of the extension as a function hall.
- 4.2. One letter of support has been submitted stating the proposal will provide a much needed community facility. The car parking is also welcomed.
- 4.3. Regulatory Services – No objections, subject to conditions relating to contamination remediation and land verification report, restrictions on hours of use in relation to the kitchen only, noise insulation, noise levels for plant and machinery, extraction and odour control and provisions for charging point and low emission vehicle parking.
- 4.4. West Midlands Police – No objections, subject to conditions for CCTV and a lighting scheme. They also recommend that gates are installed to secure car parking area and additional safety measures to prevent access to neighbouring properties.
- 4.5. Transportation Development – Recommend conditions to limit the number of people to be accommodated within the site at any one time, highway safety measures for review and implementation of TROs, relocation of street furniture and construction of and reinstatement of redundant footway crossings, no weddings ceremonies/functions to be permitted and, restrictions on hours, community travel wise affiliation, low level boundary treatment adjacent to car park and for pedestrian visibility splays to be incorporated at the access.

## 5. Policy Context

### 5.1. Relevant National Planning Policies:

- National Planning Policy Framework;

### 5.2. Relevant Local Planning Policies:

- Birmingham Development Plan (2017);
- UDP: Saved Policies (2005);
- Places for All – SPG (2001);
- Car Parking Guidelines – SPD (2012);
- 45 Degree Code (2006);
- Places for Worship SPD (2011).

## 6. Planning Considerations

6.1. The key planning considerations in relation to this planning application are the principle of development against adopted planning policy, impact on visual amenity and impact on residential amenity and highway safety.

6.2. One of the core planning policies set out in the NPPF is that planning should *“take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.”*

6.3. Paragraph 4.1 of Places of Worship SPD explains that *“Faith groups are a significant contributor to society, and it should be recognised that many of the current faith based facilities go beyond just being a place of worship. In fact, the place of worship acts as a support for its users and the wider community by catering for additional activities such as employment training, education and marriage counselling, as well as other initiatives that are of direct benefit to the community at large.”*

### *Principle of Development*

6.4. The single storey extension seeks to provide a dining hall and toilet facilities associated with an established Place of Worship (Use Class D1). The extension would provide additional floor space to enable the existing temple to cope better with the needs of the community that it currently serves. The temple provides considerable community facilities for the wider public, by offering services to elderly people, yoga and Hindi classes, library, and educational visits by local schools and religious Sanskrit study. The extension would not result in any additional worshippers but instead improve the facilities for the existing established use and the prayer facilities would remain unaltered by the proposal.

6.5. The application site is located within a large residential catchment area and is within easy walking distance of a parade of commercial premises. I consider that the retention of the extension to improvement to the existing internal layout of the property would better serve a local need. Therefore, the principle of retaining the extension is acceptable, subject to the impact on design/visual amenity and residential amenity and highway safety.

### Design and Visual Amenity

- 6.6. The Places for Worship SPD sets out at paragraph 5.5.5 that extensions and alterations to existing buildings should respect the local character of the building and its surroundings. The extension is located to the rear of the existing temple and does not dominate the existing building or immediate surroundings. The layout, design and external appearance of the rear extension is in keeping with the appearance of the existing building and is consistent with the general character of the surrounding area. The extension has been constructed out of brick, with a flat roof design and I consider that the development does not compromise the existing character or have a detrimental impact on the existing premise or the surrounding area. I therefore consider that the scale, mass and design would be acceptable.

#### Residential Amenity

- 6.7. Regulatory Services have no objections to the proposal, subject to the recommended conditions relating to contamination remediation and land verification report, restrictions on hours of use for the kitchen only to between 0800-2000 hours daily, noise insulation between the kitchen and the residential dwelling, noise insulation for the dining hall, noise levels for plant and machinery, extraction and odour control and provisions for charging point and low emission vehicle parking. I consider that these conditions will ensure the proposed use would have no adverse impact on residential amenity in terms of noise and disturbance.
- 6.8. It is noted the previous application for the dining hall did not impose a condition in relation to the restriction of the hours of operation and the existing Place of Worship does not have any hours of operation restrictions. It would therefore be inconsistent to introduce hours of operation condition in this case and especially given it would only relate to a particular element of the development. With regards to the kitchen which adjoins a residential dwelling there is some potential for noise and disturbance therefore noise insulation and hours of operation are required in this instance to safeguard residential amenity.
- 6.9. The position of the extension at the rear of the existing premises would have no adverse impact on the amenity of any neighbouring properties. The 45 Degree Code policy and distance separation guidelines contained within 'Places for Living' would be met. As such, the development would not have a detrimental impact on light, outlook or amenity on the neighbouring residential occupiers.
- 6.10. No. 13 Brecon Road would remain as a single family dwelling house associated with the temple. Following the changes sought within this application, the remaining private amenity space would amount to 71.3sqm which would comply with the garden sizes set out within Places for Living SPG for larger dwellings.
- 6.11. I note the objections from local occupiers who object to the application as the works have commenced on site without the relevant planning consent/building regulations approval and the likely increase in capacity as a result of retaining the extension. However, the additional floor area to the dining hall is similar to the previous approval (planning reference: 2013/04810/PA).

#### Highway Safety

- 6.12. Transportation Development state that if minded to approve, conditions to limit the number of people to be accommodated within the site at any one time, highway safety measures for review and implementation of TROs, relocation of street furniture and construction of and reinstatement of redundant footway crossings, no weddings ceremonies/functions to be permitted and, restrictions on hours,

community travel wise affiliation, low level boundary treatment adjacent to car park and for pedestrian visibility splays to be incorporated at the access have been recommended. I largely concur with this view. The number of worshippers attending the site would be up to 300 at any one time and there would be 10 festivals celebrated annually with up to 400 visitors attending. The recommended condition to limit the number of people attending the site would not comply with the conditions test set out in NPPF /NPPG and therefore is not relevant in this case. Furthermore, I am reluctant to impose a condition restricting the number of users given it is unlikely that it would meet the tests set out in the NPPF / NPPG. As a matter of policy, conditions should only be imposed where they satisfy the following 6 tests, therefore they must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all respects and I do not consider that such a condition would meet these tests, in particular in respect of pursuing enforcement action.

- 6.13. The proposed development would include change of use of residential garden associated with No. 13 Brecon Road and land rear of 1 St Peters Road to create a car park to the rear of the site. A total provision of 40 car parking spaces would be provided. The application as submitted also includes a shelter for 10 bicycles and there is an existing car parking agreement in place with Mayfield School until February 2019, which is situated opposite the application site. There is provision for 75 spaces available on Sundays (between 10.30am and 3.30pm) and Tuesdays (between 6pm and 10pm), which are peak times for the temple. In addition to this there is unrestricted off street parking, which is available at all times. I note the objections raised above from local occupiers in terms of additional parking pressure within the local area and drivers blocking residential driveways; however this would be a matter for police enforcement. In view of this I do not believe there are sufficient reasons for refusal on highway grounds. The application site has a good level of public transport accessibility, with several frequent bus services available within easy walking distance of site. As such, subject to the recommended conditions there would be no highway safety issues.

#### Other Matters

- 6.14. West Midlands Police recommend conditions for CCTV and light schemes. Conditions are therefore attached.
- 6.15. The existing building is already connected to a main sewer; as such, a drainage condition would not be required in this particular instance.
- 6.16. With regards to the environmental issues raised above. The alterations to the scheme include waste storage facilities to the front of the premises and I consider this appropriate in the context of this scheme.

#### 7. Conclusion

- 7.1. I am satisfied that the proposed development would not have a detrimental impact on visual, residential amenity or highway safety. Approval is therefore recommended.

#### 8. Recommendation

- 8.1. Approve with conditions.



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- 1 Limits the hours of operation of 117 Heathfield Road between the hours of 08.00 - 20.00 daily
  - 2 Limits the noise levels for Plant and Machinery
  - 3 Requires that the approved scheme is incidental to the main use
  - 4 Requires the agreed mobility access to be maintained
  - 5 Requires the submission of a contamination remediation scheme
  - 6 Requires the submission of a contaminated land verification report
  - 7 Requires the submission of noise insulation
  - 8 Requires the submission of extraction and odour control details
  - 9 Requires the prior submission of a noise assessment
  - 10 Requires the submission of a CCTV scheme
  - 11 Requires the prior submission of a lighting scheme
  - 12 Requires the provision of a vehicle charging point
  - 13 Requires low emission vehicle parking
  - 14 Requires the applicants to join Travelwise
  - 15 Requires the submission and completion of works for the S278/TRO Agreement
  - 16 Requires pedestrian visibility splays to be provided
  - 17 Requires footway crossing(s) to be reinstated
  - 18 Requires the submission of a car park management plan for disabled spaces
  - 19 Requires low level boundary treatment
  - 20 Requires the scheme to be in accordance with the listed approved plans
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Case Officer: Chantel Blair

## Photo(s)



Figure 1: Front view of extension



Figure 2: Side view of extension

## Location Plan



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Committee Date:	24/05/2018	Application Number:	2018/01365/PA
Accepted:	19/02/2018	Application Type:	Variation of Condition
Target Date:	16/04/2018		
Ward:	Sutton Vesey		

**Boldmere Sports and Social Club, Boldmere Road, Sutton Coldfield, Birmingham, B73 5HQ**

Variation of Condition No. 6 attached to planning application 2009/05515/PA to extend opening hours to 1000-0000 (midnight) hours Monday to Thursday, 1000-0100 hours Friday and Saturday and 1000-2300 hours on Sunday.

Applicant: Boldmere Sports and Social Club  
Boldmere Road, Sutton Coldfield, Birmingham, B73 5HQ

Agent:

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. The application is for the variation of condition 6 attached to planning permission 2009/05515/PA to extend the opening hours to 1000-0000 (midnight) hours Monday to Thursday, 1000-0100 hours Friday and Saturday and 1000-2300 hours on Sunday.
- 1.2. Condition 6 currently reads:  
The club house, shall not be open outside the following times 10.00 to 23:00 Monday to Friday, 10:00 to 23:00 Saturday and 10:00 to 22.30 Sunday.  
Reason: In order to safeguard the amenities of the occupiers of premises / dwelling (s) in the vicinity.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises an existing sports and social club which consists of a car park and access from Boldmere Road. Within the curtilage of the application site comprises two main buildings; an older wooden clubhouse and a newer brick built club house built in 2009 (2009/05515/PA). The main entrance to the wooden club house overlooks Blackham Drive. The main entrance to the newer clubhouse is located away from residential dwellings and overlooks an existing football pitch.
- 2.2. Parking spaces are available adjacent both club houses. The site also comprises an enclosed tennis/netball court, a bowling green with associated sheds, two junior one adult and three training football pitches.

- 2.3. The site is accessed from Boldmere Road, B-classified (B4142) road, which leads to the clubhouses and first car park. A second access from Sheffield Road leads to a gravelled car park area to the south of the junior pitches.
- 2.4. Boundary treatments consist of a variety of material; wooden fencing, chain link, metal fencing and mature shrubs to the boundary. I note the boundary treatment closest to residential dwellings adjacent to Blackham Drive consists of a 2m high metal fencing and chain link fencing with some mature planting. The site is generally flat.
- 2.5. A railway line is adjacent to the eastern boundary on a raised embankment, approximately 2m high.
- 2.6. The site is within a predominantly residential area. 15 Blackham Drive to the south of the site, is a mixed use building consisting of commercial uses.
- 2.7. [Site Plan](#)

### 3. Planning History

- 3.1. 1994/01258/PA - Relocate temporary building for changing & erect temporary junior accommodation & retain temporary bowls pavilion – Approve temporary.
- 3.2. 2009/05515/PA - Proposed erection of new clubhouse and changing rooms, new artificial surface football pitch with new fencing and floodlighting, adjustment to the access (via Boldmere Road) and associated car park, adjustment to the access (via Sheffield Road) and changes to the associated parking from this access - Approved subject to conditions.
- 3.3. 2010/06313/PA - Application for a non-material amendment following a grant of planning permission 2009/05515/PA to include the phasing of the changing rooms and function room – Approve.
- 3.4. 2010/06360/PA - Application to determine the details for condition number 1 (materials), 2 (landscaping), 3 (boundary planting), 9 (weldmesh fencing), 12 (access road), 13 (noise insulation), 17 (signage) attached to approval 2009/05515/PA – Approve
- 3.5. 2011/08435/PA - Retention of extension to new changing facilities to provide pavillion for bowls club - Approve subject to Conditions.

### 4. Consultation/PP Responses

- 4.1. Ward Councillors, Residents Associations and nearby occupiers were consulted. Site Noticed displayed. 31 objections have been received from neighbouring occupiers and local councillor Rob Pocock on grounds of:
- Parking and congestion issues
  - Noise disturbance
  - Anti-social behaviour
  - Light pollution
  - Rubbish and litter issues
  - People congregating at the premises post events
  - Club in close proximity to residential dwellings



- Inappropriate opening times for a sports and social club
- Taxis blocking roads
- Negative impact on health and well-being
- Negative impact on children's health and well-being

4.2. Transportation Development – No objection.

4.3. Regulatory Services – No objection.

4.4. Sutton Coldfield Town Council – Objection on grounds of noise and disturbance.

## 5. Policy Context

5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan (UDP) 2005 (saved policies) and National Planning Policy Framework.

## 6. Planning Considerations

6.1. The main consideration for this application is whether the proposed extended opening hours would have a detrimental impact on the amenities of nearby residents.

### **Policy context**

6.2. The National Planning Policy Framework (2012) contains a presumption in favour of sustainable development and advises within the core planning principles, that planning should always require a good standard of amenity for all existing and future occupants and to support sustainable economic development.

6.3. Policy PG3 of the Birmingham Development Plan (BDP) 2017 advises that all new development would 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.

### **Background Context**

6.4. The current opening times of the new brick built club house is restricted to operate between 10.00am-23:00pm Monday to Friday, 10:00am-23:00pm Saturday and 10:00am-22.30pm Sunday.

6.5. The club licence permits the opening of the old wooden building between 10.00am 00.00am Monday to Thursday, 10.00am-01.00am Friday and Saturday and 11.00am-00.00am Sunday however only permits sale of alcohol and regulated entertainment until 1 hour prior to the terminal hour.

6.6. The newer club house is located further away from residential properties and is a more acoustically protected building. The new room was intended to accommodate functions as sound would be better contained and there would be less potential for noise disturbance to nearby residential occupiers. The older club house is of an older design and less acoustically protected, however, due to the later opening times, functions are still being held in the old club house. Currently when functions in the new room have finished there is a possibility of people exiting the newer building and re-entering the old club house.

6.7. It is argued by varying the existing condition of the new building to match the older building, any noise impacts can be reduced and better managed.

### **Impact on Amenity**

- 6.8. I note the nearest affected residential property is No. 8 Blackham Drive which is located approximately 37m away from the newer brick built clubhouse. The property is located approximately 28m from the older wooden clubhouse.
- 6.9. My Regulatory Services Officer has visited the site and comments the new clubhouse is a far superior design to the old building and is fitted with double glazing, non-opening windows, one main access which is shielded somewhat from most of the nearby residential use and a noise limiting device. As such, my Regulatory Services Officer does not object to the application subject to the following conditions:
- The hours of use permitted under condition 6 shall apply to opening hours of the clubhouse. Regulated entertainment as defined in the Licensing Act 2003 shall terminate at least 30 minutes prior to the times specified. This condition is not required as it is covered by Licensing Regulations.
  - The clubhouse shall only be hired for regulated entertainment as defined in the Licensing Act 2003 to bona-fide Club Members. This condition is not required as it is covered by Licensing Regulations.
  - Regulated entertainment as defined in the Licensing Act 2003 shall not take place at the clubhouse if any regulated entertainment as defined in the Licensing Act 2003 is taking place at any other location within the confines of the Boldmere Sports and Social Club site, Boldmere Road. This condition was not applied previously therefore it would be inconsistent and unjustified to include this condition on the current application. In addition, conditions are attached in relation to noise insulation and a noise management plan which would safeguard any noise concerns.
  - The hours of use as detailed above shall only apply once a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, deliveries, recycling and refuse collections, smoking areas, customers and car parks. The mitigation and management controls detailed in the approved noise management plan shall be implemented at all times.
- 6.10. I do not consider the proposed opening hours are unreasonable given that the club already operates during these times. I would however attach some of the conditions recommended by my Regulatory Services Officer to ensure effective noise management is in place as a number of objections received by nearby residents have been on grounds of noise disturbance. It is noted that some of the conditions are not necessary as covered by Licensing Regulations therefore would fail to meet the tests set out in the NPPG (necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all respects). I consider the variation of condition will ensure better management of the club as functions would be more likely to be held in the newer building which has better noise mitigating features and would reduce the need for people to travel between the buildings.
- 6.11. My Transport Officer raises no objections as it is considered that the proposed extension in opening hours during late night would be unlikely to have a significant impact with regards to highway / transportation related matters. I note a number of objections raised by nearby occupiers have been on grounds of parking and

congestion, however, I consider an acceptable level of parking is being provided at the clubhouse.

- 6.12. Objections have been raised with regards to light pollution being emitted from the premises onto nearby dwellings during night time. However, this application is being assessed as a variation of condition and therefore does not constitute the formal assessment of buildings contained within the site. Objections have been raised on grounds of noise disturbance from cars parking within the site, however this can be addressed within the noise management plan. I note a number of other reasons for objections have been raised by nearby residents however these are not material planning considerations.

- 6.13. The application is not liable for CIL

## 7. Conclusion

- 7.1. The proposal to vary condition 6 attached to planning permission 2009/05515/PA to extend the opening hours to 10:00am-00:00am (midnight) hours Monday to Thursday, 10:00am-01:00am hours Friday and Saturday and 10:00am-23:00pm hours on Sunday is considered to be acceptable subject to conditions attached to the approval. It is considered the extended opening hours would not adversely affect the amenities of existing occupiers in the local area and would be in accordance with the National Planning Policy Framework and policy PG3 of the Birmingham Development Plan 2017.

## 8. Recommendation

- 8.1. Approve subject to conditions.

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| 1  | Requires prior submission of samples materials.  |
| 2  | Limits the hours of use  |
| 3  | Requires the hard and/or soft Landscaping materials.   |
| 4  | Requires the additional boundary planting between the artificial pitch and the rear garden of 15 Blackham Drive. |
| 5  | Limits the use of artificial pitch and associated flood lighting.  |
| 6  | Requires the use of a car parking marshal.   |
| 7  | Requires prior submission of a noise management plan.  |
| 8  | Requires the 'dug outs' relocation.  |
| 9  | Requires the storage containers removal from the site prior to the first use of the changing facilities.         |
| 10 | No consent for the palisade fence erected between Boldmere Drive and the caravan park.                           |
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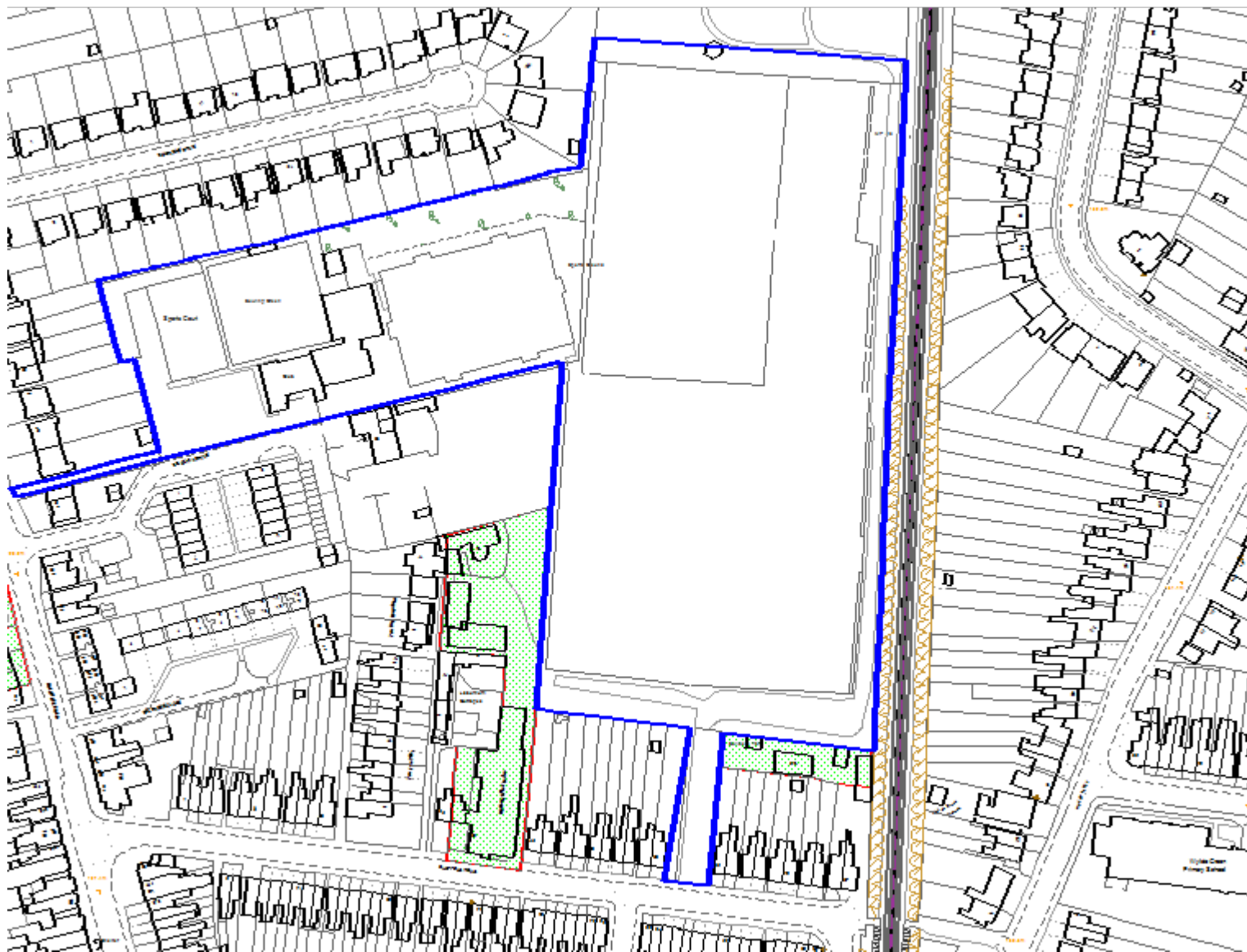
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- 11 Requires the drainage of the car parking area to areas of soft landscaping.
  - 12 Requires the fencing around the artificial pitch.
  - 13 Requires the access road connecting Sheffield Road to car park to be laid out in tarmac.
  - 14 Requires the prior submission of a noise insulation scheme.
  - 15 Limits the use of sound reproduction or amplification equipment.
  - 16 Requires the amplifying equipment to be connected to noise limitation equipment.
  - 17 Requires the widening of access from Boldmere Road and laid out in tarmac.
  - 18 Requires any adverts along Boldmere Road entrance to be approved by the LPA.
  - 19 Limits the use of playing fields and artificial pitch for approved use only.
  - 20 Limits the use of car park for parking vehicles only.
  - 21 Requires the development to be built in accordance with approved plans.
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Case Officer: Hiteshree Kundalia

**Photo(s)**



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**24 May 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	15	2018/01697/PA  Land At Austin Avenue (adjacent to Smyths Toy Superstore) Longbridge Birmingham B31 2UQ  Outline planning application (all matters reserved for future consideration) for site preparation and construction of premises for a Use Class A1 supermarket; car parking, landscaping, access roads and associated works.
Approve – Conditions	16	2017/10959/PA  Modbury Avenue Land at Bartley Green Birmingham B32 3ES  Erection of 3 no. dwelling houses with associated access, parking and landscaping
Approve - Conditions	17	2018/01680/PA  Plot 3 Longbridge Technology Park Devon Way Longbridge Birmingham B31 2TS  Construction of a building for office (Use Class B1a) and/or research and development (Use Class B1b) uses together with access, car parking, landscaping and associated works.

Approve - Conditions	18	<p>2018/01541/PA</p> <p>Plot 4 Pebble Mill - Mill Pool Way off Pebble Mill Road Edgbaston Birmingham B5 7SL</p> <p>Outline planning application for the construction of a building of up to 9,000m2 for use as part Use Class B1b (research and development) and/or part Use Class C2 (hospital) and/or part Use Class D1 (non-residential institution) with details of access and parking and all other matters reserved</p>
Approve - Conditions	19	<p>2018/01462/PA</p> <p>University of Birmingham Atla Biosciences University Road West/Ring Road South Edgbaston Birmingham B15</p> <p>Erection of academic building for the School of Engineering and a Railway Research Innovation Centre together with associated hard and soft landscaping</p>
Approve - Conditions	20	<p>2017/08949/PA</p> <p>Gemeindehaus 1 College Walk Selly Oak Birmingham B29 6LE</p> <p>Demolition of existing building and structures and erection of 16 two bedroom dwellinghouses with access, landscaping and associated works.</p>

Approve - Conditions	21	<p>2017/07534/PA</p> <p>Quarry Sports &amp; Social Club 82 Quarry Lane Northfield Birmingham B31 2PY</p> <p>Alterations to and refurbishment of the Royal British Legion Club and associated car park and access points plus the erection of 12 semi detached dwellings on the former car park with separate access from Winchester Gardens. Includes demolition and re-building of the bowling pavilion</p>
Approve - Conditions	22	<p>2018/01113/PA</p> <p>Hillside House, Quarry House, Rushmore House, Redworth House and Dowry House Cock Hill Lane Birmingham B45 9SQ</p> <p>Installation of glazing to enclose existing balconies and cladding system across 5no. blocks of flats.</p>
No Prior Approval Required	23	<p>2018/02656/PA</p> <p>Cole Bank Road - Grass verge Moseley Birmingham B13 0BD</p> <p>Prior notification for the installation of a 20 metre monopole with 3no. shrouded antennas, 3no. equipment cabinets and 1no. electricity meter</p>

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Committee Date:	24/05/2018	Application Number:	2018/01697/PA
Accepted:	05/03/2018	Application Type:	Outline
Target Date:	04/06/2018		
Ward:	Longbridge & West Heath		

Land At Austin Avenue, (adjacent to Smyths Toy Superstore),  
Longbridge, Birmingham, B31 2UQ

Outline planning application (all matters reserved for future consideration) for site preparation and construction of premises for a Use Class A1 supermarket; car parking, landscaping, access roads and associated works.

Applicant:	St Modwen Developments Ltd C/o agent
Agent:	Planning Prospects Ltd 4 Mill Pool, Nash Lane, Belbroughton, DY9 9AF

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Outline planning permission (with all matters reserved) is sought for site preparation works including levelling and cut and fill works and the erection of a building to be used as a supermarket (Use Class A1). The proposed development would partially enclose the space created by the first two phases of the wider centre development. The building would be adjacent to the end of the western block of large format retail units (currently occupied by Smyths Toys). The proposed supermarket would have a maximum gross sales area of 1,400sq.m in a building with an approximate gross internal area of 3,100sq.m. A car park of up to 110 spaces could be located to the front of the proposed building.
- 1.2. As the application is made in outline with all matters reserved, the design and scale of the proposed building are unknown. However, the site is relatively long and narrow with three sides that will require careful design consideration. The application's supporting design and access statement identifies that the development would be 'single storey' however; potential remains for the use of upper storeys, mezzanine areas and mono-pitched roof forms that could increase the building's scale.
- 1.3. The proposed development would create approximately 40 new jobs once completed along with jobs during the construction period.
- 1.4. The application is supported by a Design and Access Statement; Planning and Centres Statement; Transport Assessment, Environmental Noise Report; Land Contamination Assessment and a Flood Risk Assessment, Drainage Strategy and Sustainable Urban Drainage Assessment.
- 1.5. Site area: 0.66Ha.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is primarily located within the Longbridge District centre boundary and forms part of the Longbridge North redevelopment area. The centre has been developed in two main phases. The first comprising a Sainsbury's store, small shop units, offices, a hotel and other centre uses. The second phase comprised a bespoke M and S store and a terrace of larger unit shops.
- 2.2. The site is approximately 0.66ha in size on the western side of the centre, is vacant and is broadly rectangular in shape. The site fronts onto the main surface level car park on its western side. It is adjacent and at right angles to the terrace of larger unit shops developed as part of phase two along the southern edge of the car park. It is opposite the large M and S unit which frames the eastern side of the car park. Austin Park is located immediately to the north. Phase one of the town centre, including Sainsbury's plus hotel, retail, service and office accommodation is located to the north east, extending back from the northern edge of the surface car park. Further, multi-storey car parking is located at the southern end of the M and S unit.
- 2.3. Existing A3/A4/A5 uses are located within the centre in the form of The Cambridge (pub/restaurant); Beefeater; Costa Coffee; Starbucks (within the College) and sandwich/takeaway outlets in the form of Greggs, Subway, Stone Willy's and Royal Fish Bar along with a café facilities within M and S.
- 2.4. Adjacent to the site, to the south, lies the Phase 4 Lickey Road Housing site, for which outline planning permission has been granted for up to 295 dwellings; to the west lies the Extra Care Village and a site with outline planning permission for 10,000sq.m of offices (B1a).
- 2.5. The site is located within a commercial centre which, on a wider view, is located in a residential suburban area.
- 2.6. [Site Location Plan](#)

3. Planning History

- 3.1. 31 August 2017. 2017/05633/PA. Planning permission granted for site preparation and construction of premises for cinema (Use Class D2), gym (Use Class D2), and food and beverage activities (Use Classes A3/A4/A5), landscaping, access and associated works.
- 3.2. 18 November 2016. 2016/08020/PA. Planning permission granted for sub-division of Unit 27 of Longbridge Town centre Phase 2 with external alterations to shop front and rear elevation.
- 3.3. 10 June 2016. 2016/03513/PA. Planning permission granted for the reconfiguration of the retail units within Phase 2 of Longbridge Town Centre to include alterations to elevations, sub-division/amalgamation and provision of mezzanine and provision of external trolley bay.



- 3.4. 24 March 2016. 2014/09251/PA. Outline planning permission granted with all matters reserved for future consideration for residential development (up to 215 dwellings). (Phase 4 Lickey Road)
- 3.5. 24 September 2015. 2015/06722/PA. Planning permission granted for reconfiguration of the nine retail units within Phase 2 of the Longbridge Town Centre, to include subdivision/amalgamation and provision of mezzanines totalling 764sq.m
- 3.6. 19 March 2015. 2014/09425/PA. Outline planning permission granted for all matters reserved for future consideration for the erection of up to 10,040sq.m offices (B1), access, parking, landscaping and associated development infrastructure.
- 3.7. 16 September 2014. 2014/04442/PA. Planning permission granted for the development of an extra care village comprising 260 units and village centre in a five storey building with associated car parking, roads and landscaping.
- 3.8. 7 August 2014. 2013/09229/PA. Planning permission granted for retail and service development (A1, A3 and A5) comprising 14,832sq.m (GEA) anchor store, retail units of 4,383sq.m (GEA), restaurant/takeaway pavilion building of 589sq.m (GEA), erection of multi storey car park of 1216 spaces and surface level car park of 500 spaces, access, landscaping and associated works. (Phase 2 Town Centre) Subject to a Section 106 Agreement to secure:
  - a) An index linked financial contribution from the date of this planning committee of £1,857,846 towards the spend priorities of the Longbridge Infrastructure Tariff identified in Table 2 of the Longbridge Area Action Plan 2009 payable as 25% on commencement of development, 25% on first occupation, 25% on 50% occupation and 25% on 95% occupation.
  - b) The first occupation of the 14,832sq.m retail unit shall be Marks and Spencer Plc.
  - c) A continued commitment to remain in a Local Training and Employment Scheme with the City Council and other agencies and employ local people during construction and operation of the development.
  - d) Payment of a monitoring and administration fee associated with the legal agreement of £10,000.
- 3.9. 15 November 2013. 2013/06431/PA. Planning permission granted for construction of highway access road & footway, associated drainage infrastructure, lighting & landscaping.
- 3.10. 7 February 2013. 2012/07693/PA. Planning permission granted for highway link road, street lighting and landscaping.
- 3.11. 21 June 2012. 2012/02283/PA. Planning permission granted for recreational park including alterations to river alignment, new bridge, pedestrian cycle bridge, footpaths, hard & soft landscaping and associated river & drainage infrastructure works.
- 3.12. 9 September 2011. 2011/00773/PA. Planning permission granted for mixed use development comprising new superstore, shops (A1), Financial and Professional (A2), Restaurants/Cafes (A3), Public Houses (A4) and Hot Food Takeaways (A5), Offices (B1a), 40 residential apartments, hotel, new public park, associated parking and service infrastructure and new highway access from Longbridge Lane and Lickey Road. (Phase 1 Town Centre)

- 3.13. 17 April 2009. 2008/06456/PA. Planning permission granted for development of a college facility (Class D1), with associated landscaping, parking and access arrangements.

4. Consultation/PP Responses

- 4.1. Local residents; Councillors; MP and Local Resident Associations notified. Two Site Notices and Press Notice posted. 2 letters of support welcoming the proposed development and employment opportunities; 5 letters of comment and 33 letters of objection including one from Sajid Javid MP on behalf of a Bromsgrove constituent.
- 4.2. The letters of comment and objection raise the following issues:
- Another supermarket is not needed. Need more shops. The local population want an IKEA, clothes shops, casino, cocktail bar, sports bar, soft play facilities, skating rink, live music venue, shops including the Range, Pets at Home, Toys R Us, Primark, Homebase, Garden centre, Youth Centre, roller rink, library, community hub, day-care centre, rock climbing centre, trampoline park, soft play, family fun pool with water slides, large functional medical centre. Proposal is of no benefit to the local community. What happened to the leisure scheme? Can we have the cinema back?
  - Longbridge is already a glorified retail park.
  - Already too much traffic in the area.
  - Do not require more surface level car parking.
  - Only one access for all lorries and deliveries for the whole centre creating noise and disturbance with the new houses to be built using the same access. Need another access road.
  - Area needs sustainable well paid employment opportunities.
- 4.3. Severn Trent Water – no objection subject to a drainage safeguarding condition.
- 4.4. Environment Agency – no objection.
- 4.5. West Midlands Police – no objections, recommends conditions relating to CCTV and lighting. The proposal site is covered by Longbridge neighbourhood policing team and calls to service for the police are high. The crime statistics for the nearby Sainsbury store in the past twelve months indicate that there have been 112 calls to the police, the majority of these being for shop theft offences.
- 4.6. Lead Local Flood Authority – no objection subject to a sustainable drainage safeguarding condition.
- 4.7. West Midlands Fire Service – no objection. Vehicle access must have carrying capacity of 15 tonnes.
- 4.8. Highways England – no objection.
- 4.9. Regulatory Services – no objection subject to conditions relating to unexpected contamination, plant and machinery noise, delivery code for best practice, travel plan and air quality.
- 4.10. Network Rail – no objection however, it would appear that part of this phase of development will be constructed on former railway land; as such the applicant will have to comply with all the terms of the Land Transfer dated 23 March 2010.

- 4.11. Transportation – no objection subject to safeguarding conditions relating construction management, layout plan confirming parking layout and access points, cycle parking facilities and that the parking and service yard are provided prior to occupation.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP); NPPF, NPPG, Longbridge Area Action Plan (AAP) (2009), Saved Policies of the Birmingham UDP (2005), Shopping and Local Centres SPD, Places for All SPD, Car Parking Guidelines SPD.

6. Planning Considerations

Policy

- 6.1. Policy GA10 of the BDP relates to Longbridge and identifies that an AAP is in place to secure comprehensive redevelopment over a 20 year period. The policy identifies the level of development that the AAP sought including 13,500sq.m gross of retail floorspace. The policy goes on to state *“A total of 28,626sq.m of retail floorspace has been committed to date, reflecting changing circumstances since the AAP was adopted. Proposals for further retail development will only be permitted where it can be demonstrated through a full retail impact assessment that there will be no significant adverse impact on investment in, and on the viability of centres in the catchment area.”* As part of the BDP adoption, the Longbridge centre was upgraded from a neighbourhood centre to a District Centre and the boundary extended from that identified within the AAP and SPD.
- 6.2. Policy TP21 covers local centres policy and identifies that centres are the preferred location for retail, office and leisure developments along with community facilities and proposals which *“will make a positive contribution to the diversity and vitality of centres will be encouraged.”* Policy TP22 supports the principle of convenience retail in centres, subject to it being at an appropriate scale for the individual centre.
- 6.3. The application site falls within a larger ‘development site’ identified on the Longbridge Spatial Plan (Plan 14 of the BDP). The northern part (approximately two thirds) of the site lies within Longbridge District Centre as defined by BDP Policy TP21 and the Shopping and Local Centres SPD. In terms of the Longbridge AAP, the northern part of the site is also within proposals LC1 and LC4. The southern part of the site is outside of the defined District Centre boundary but the boundary defined in the SPD does not follow exactly the layout of development that has been approved and now completed as part of the new district centre. The site is located outside of the Primary Shopping Area and so is considered edge of centre.
- 6.4. The proposal seeks outline planning permission for a Use Class A1 supermarket. It is anticipated that the proposal would be occupied by one of the deep discount operators as the centre is already served by Sainsbury’s (mid-market operator) and M&S (premium operator). This use would be in accordance with policy and is considered to be a policy compliant use for the District Centre. Given the planning history of the district centre and the former Longbridge north works as a whole, the employment allocation EZ1 of the AAP is now somewhat out of date and whilst a small area of the site sits within this allocation, employment generating uses on this area is no longer a viable or suitable option for this site following the development of residential around it. Despite the proposal being located primarily within an identified centre and national policy not requiring an impact assessment; as the proposal

seeks further A1 floor space, policy GA10 of the BDP requires the submission of a full retail impact assessment to identify that the proposal would have no significant adverse impact on investment in, and on the viability of centres in the catchment.

- 6.5. The applicant has submitted a Planning and Centres Statement which includes an occupier profile as the proposed development is aimed and targeted at the deep discount operators (eg LIDL and ALDI). Items typically sold include:
- A range of dry groceries, frozen foods, wines and spirits;
  - A small range of fresh and frozen pre-packaged meat, but with no specialist butchery or delicatessen counter;
  - A range of fruit and vegetables, mainly pre-packaged;
  - Pre-packaged sliced bread as well as a limited selection of bread and cakes baked on the premises, but no specialist bakery counter; and
  - A basic range of non-food household items accounting for around 20% of the sales area.
- 6.6. The applicant considers that the proposed store has distinctive trading characteristics that complement, rather than compete with, traditional high street convenience and grocery stores.
- 6.7. A sequential test and impact assessment has been submitted as part of the supporting Planning and Centres statement. The assessment identifies that there are no alternative sites within the primary shopping area at Longbridge, with the application site being the closest development opportunity that would also integrate with the existing centre. The applicant has then identified that the catchment of a deep discount food retailer would also include the centre of Rubery, which has no immediate development opportunities within the centre that could accommodate the development proposed (or broadly comparable to it) having applied the required flexibility test. Two sites have been identified as potential locations, these being Land East of Callowbridge Road and Infill/redevelopment on New Road however both of these have been discounted as not being appropriate. The first being partly occupied by a pub and place of worship and dissected by a stream with the remaining area being too small for the proposed development and the second site being located behind existing businesses in multiple ownerships and would only deliver a small, constrained site. On the basis of this assessment, I conclude that there are no available sites within centre and that the application site is the sequentially preferable site. My Planning Strategy Colleague concurs with this view.
- 6.8. An impact assessment has been undertaken in accordance with policy requirements. The analysis identifies that the largest diversion in monetary terms (as a result of this proposal) from any individual store (£3.10million) would be from Morrisons at Great Park to the west and the Sainsbury's store at Longbridge. However, the Morrisons store is located out of centre and the proposed impact on Sainsbury's would represent the redistribution of spending within the centre through competition, rather than a loss of trade and would not undermine the viability of the store. In percentage terms, the largest diversion is estimated to be from the Aldi store at Northfield (14.1%). Given other stores in the wider catchment, the applicant assumes that trade diversion at this level would not undermine the continued ability of the store at Northfield to perform acceptably. The assessment concludes that the net effect for Longbridge District centre as a whole would be an increase in convenience goods turnover with the estimated convenience goods turnover of the main food stores in the centre at 2022 without the proposed development would be

£58.96 million. Following the proposed development and allowing for some internal trade diversion; this is estimated to increase to £67.63 million.

- 6.9. The assessment of impact on other centres, namely Rubery and Northfield, concludes that these centres are performing adequately and are not vulnerable to the level of trade diversion estimated. The opening of a deep discount supermarket at Longbridge would not undermine their vitality and viability. The convenience goods impact of the proposed development on Rubery is estimated at 0.9% and 3.2% for Northfield. This is concluded to not be 'significant adverse' in accordance with policy. My Planning Strategy Colleague has reviewed the impact assessment and concurs with the analysis that the proposed development would have no significant adverse impact.
- 6.10. On this basis, I consider the proposed uses to be acceptable and in accordance with policy requirements and objectives.
- 6.11. I note the number of objections raised on the basis of the need for a supermarket and the list of requests from the local population for the site. The applicant (on the previous application) provided the following comments.

*Whilst the "need" for town centre uses is not a policy test it is instructive that there is clear and strong occupier interest for the scheme. Policy encourages economic growth, and competition, but specifically within a "centres first" framework. It directs these uses towards centres like Longbridge to promote their vitality and viability, as sustainable and accessible places meeting a range of needs.*

*There is relatively strong support amongst those responding for additional retail, ranging from fashion stores such as Next, New Look, River Island, Top Shop, H & M, Primark or Matalan, to large space occupiers such as IKEA, Debenhams and Homebase, and specialists such as Pets at Home and Body Shop. From a commercial perspective this might be appealing to St Modwen but we are mindful of the planning challenges this would create in terms of adopted policy and the City Council's previous stance around this point.*

*Finally, there are a number of comments requesting other uses, including different types of leisure, and various community facilities. There are obviously challenges with delivering such activities from a viability and operator demand perspective. St Modwen has worked very hard over an extended period in challenging market conditions to arrive at a scheme that is consistent with policy objectives."*

- 6.12. I concur with the applicant's statement and whilst further comparison goods retail would be welcomed by the local population of Longbridge, the application that received approval for Marks and Spencer highlighted that further A1 comparison retail over and above that approved would have an impact on the vitality and viability of the adjacent centre at Northfield. The issue of need and competition have limited weight given the proposal is 'edge of centre' and as such, I have attached limited weight to objections on these grounds. I note requests for community facilities including a youth centre and community hub and can confirm that these are provided within Longbridge in the form of Bournville College and The Factory youth centre. With regards to what happened to the approved cinema and gym for this application site, that consent remains live and available for implementation, but I understand is unlikely to proceed for commercial reasons, hence this new retail submission instead. On this basis, the proposal is considered to be in accordance with BDP, NPPF and AAP policy for the development of Longbridge District Centre.

## Design

- 6.13. The application is submitted with all matters reserved for future consideration, which includes scale, layout and appearance. An indicative site plan has been submitted to show how the proposed development could be accommodated on the application site, along with a design and access statement that includes indicative visuals for its scale and appearance. My City Design Advisor has reviewed the submission and has commented that with the use proposed, it is difficult to see how else the site could be laid out, with parking to the front and servicing to the rear. However from an urban design point of view, my design advisor considers that the scheme is disappointing as the opportunity is lost to create an active frontage onto Austin Park, or to create a greater sense of enclosure to the large car park (which was achieved by the previous cinema scheme). The scheme also fails to provide a positive urban edge to Austin Avenue, presenting a blank frontage onto this main street into Longbridge from Lickey Road. These matters are for determination at Reserved Matters stage, but it is appropriate to raise the matter as a concern at this juncture.
- 6.14. My design advisor considers that after looking at the illustrative views, it would be better if the store could be taller and have more presence, to create a more decisive 'end stop' to the row of large format units and make more of an impact on Austin Avenue. It should be at least as tall as the large format units. The store could be built into the slope, with the west elevation of the building at back of footway as there would then be the opportunity to address the street more positively, and some architectural detail or patterning might help to bring relief to and animate the elevation. Also fenestration at high level would improve its appearance.
- 6.15. My design advisor goes on to comment that the design principles in the Design and Access Statement need to be incorporated into any scheme submitted at reserved matters stage - in particular a glazed active frontage must be achieved onto the car park, with the entrance to the store at the corner. A building which is designed specifically for Longbridge, to fit in with the large format units, treating this as a 'street scene' is required. I concur with the views of my design advisor and have discussed this issue with the applicant. The applicant has responded with the following:
- Edges / boundaries will be key – we would expect a high quality hard and soft landscaping scheme to create interest and enclosure as appropriate
  - It should be possible to exaggerate the height of the building more, to unify it more closely with the shops adjacent
  - The relationship between the development and Austin Avenue will be key, and we would expect this to be a particular focus through the reserved matters
  - We fully expect the glazed active frontage to the car park, and corner entrance, to be retained in the detailed design, and for a "bespoke" approach to be adopted, rather than "off the shelf" discount supermarket
- 6.16. Given that the application seeks outline planning permission only with all matters reserved, I consider that the principle of development is acceptable in this location and whilst the indicative layout and potential scale and appearance are not considered acceptable at present, the issues have been raised with the applicant and will have to be addressed as part of a future reserved matters application.

- 6.17. Outline planning permission has been granted for residential development to the rear (south) of the application site and an extra care village has been constructed (and now occupied) to the west of the application site. With regards to residential amenity to the residential development to the south, this sits approximately 3-5m above the road/ground level of the application site, a minimum of 20m from the proposed building and would overlook the service yards at the rear of the town centre large retail units. The application site would sit considerably lower than the residential development and I do not consider this relationship to be such as to warrant a refusal, particularly given the existing outlook and relationship. In regards to the extra care facility, its northern element would be located closest to the proposed building however; the living accommodation and balconies within this block face either inwards to the courtyard or north towards the proposed offices and town Centre Park. The elevation facing across to the proposed development comprises full height glazing and accesses 'The Galleria' which is an ornamental garden space open to the sky. A car park is also located in front of this elevation. This elevation is approximately 50m from the proposed building. As the apartments within the extra care village do not front onto the proposed building in this location and are set some considerable distance from the proposed development, I consider this relationship to be acceptable. With regards to views from balconies of the extra care, a number of the upper storeys of accommodation may see obtuse views of the roof of the building however, given the separation distances between the two buildings; I consider that the proposal would have limited, if any, impact on residential amenity in terms of outlook and noise and disturbance.

#### Highway and Transportation Issues

- 6.18. The application is submitted with all matters reserved for future consideration, which includes access. It is proposed that the supermarket development would be serviced from the existing service yards to the rear of the large retail units adjacent to the site and would share the existing town centre car parking adjacent to the site. Up to 110 new spaces could be accommodated to the front of the proposed supermarket as an extension to the existing surface level car park.
- 6.19. A technical note supports the application which uses previously agreed trip rates which formed part of the Travel Demand Model that was approved as part of the Longbridge Area Action Plan. This estimates that the development would lead to 123 two way AM peak vehicle trips and 260 in the PM peak, with 131 on the Saturday afternoon peak. These trips are greater than the previous consent but would have a negligible effect on the local network and they do not take into account any linked or shared trips with other uses in the town centre. This modelling has also been undertaken with and without the highway modifications that would be undertaken as part of the Longbridge Connectivity package and demonstrated that the highway network would continue to operate within capacity. With regards to impact on the adjacent M5 junction 4, improvement works to the junction have already been undertaken by Highways England which has improved the junction operation and capacity. Previous phases of development at the town centre have been subject to trip generation conditions relating to the motorway junction however following the improvement works, conditions of this nature are no longer required and Highways England raise no objection to the proposal.
- 6.20. Transportation Development have reviewed the submitted transport assessment and concur that the modelling shows no significant impacts from this development as part of the wider consented developments. The site has 1716 car parking spaces available for public use that are managed by St Modwen and covered by a car park management plan approved as part of earlier Town Centre planning approvals.

These car parking spaces are free for the first three hours. The extra demand required by this development is suitably catered for within the existing, total car parking provision at this part of the Longbridge Centre, and therefore within any new parking that could be provided as part of the proposed development. Also, the analysis is robust as it does not include any reductions for linked trips by customers visiting multiple parts of the site. On this basis, Transportation has raised no objection to the proposal subject to a construction management plan condition and I concur with their view. If significant extra parking is proposed at Reserved Matters stage, it could amount to over-provision on a sustainability basis, and could impede the best layout of the site, so is an important issue for future consideration.

- 6.21. I note a number of objections from residents in the Longbridge Extra Care Village regarding the access route for all deliveries and a large percentage of car access being past the Care Village and that a new access road is required. The masterplanning of the former North Works always involved a main delivery route that would be utilised for all deliveries across the site and this has been maintained as deliveries come off Lickey Road, through the site and along the road to the rear of the service yards and then if they are for the main town centre, Sainsbury's and M&S the delivery vehicle turns left at the multi-storey car park and along a road which runs parallel to the railway line to the appropriate service yard. This is the same route to access the multi-storey car park and partly the same route to access the surface level car park from the south (off Lickey Road). This access route has been known at the point of approving the Care Village and the adjacent residential and has been taken account of. As such, whilst new residents may not consider it acceptable, it is not an issue that carries significant weight in this instance to warrant a refusal of outline planning permission. With regards to other objections; significant and sufficient car parking is available within the surface level and multi-storey car parks for all of the uses on site. As already detailed, the proposal would not have a significant impact on the highway network and with regards to the requirement for a new road, this is not considered necessary or required by your Transportation officers.

#### Drainage and Flood Risk

- 6.22. The submitted assessment indicates that the site currently lies primarily within Flood Zone 1; however a small section (14sq.m) of the north of the site is located in Flood Zone 3, associated with the River Rea which runs north of the site through Austin Park. Significant work has already been undertaken to the River Rea in both the former North Works and within West Works, which have altered and reduced the risk from fluvial (river) flooding in this location. Work to review the flood zone allocations in Longbridge is ongoing with the applicant and the Environment Agency. Based on this, the assessment concludes that the site is considered at low risk of flooding. The Environment Agency raise no objections on flood risk grounds and confirm that all evidence that they have received currently places the development wholly within Flood Zone 1.
- 6.23. As part of the submitted assessment, a review of appropriate sustainable drainage hierarchy options has been undertaken. Infiltration SUDs has been excluded due to remediated ground contamination and the site cannot discharge surface water runoff directly into a watercourse. As such, the proposal would connect into a private surface water sewer system that was constructed as part of the town centre phase 2 development, which, in turn, discharges into the River Rea north-east of the proposed development.



- 6.24. The LLFA and Severn Trent Water are in acceptance of the principles within the FRA, Drainage Strategy and SUDS Assessment. The LLFA recommend a SUDS drainage condition be attached to any approval, whilst Severn Trent requests a drainage condition. I concur with their views and the appropriate drainage conditions are recommended below.

#### Ground Contamination

- 6.25. A Ground Contamination report was submitted with the application. This identifies that the site is underlain by Made Ground overlying bedrock of the Kidderminster Sandstone Formation. Two phases of remediation have already been undertaken on sites in 2011 and 2013. The remediation involved the turnover of the Site to 2.5m below existing ground level, removal of obstructions to 2.5m, backfill of excavations to an engineering specification; the delineation, treatment and validation of contaminant hotspots in soils within the 2.5m turnover, treatment of petroleum hydrocarbon contaminated soils and groundwater remediation. Validation reports were submitted and approved by the LPA and the Environment Agency. The report concludes that further site specific investigation is required to confirm that groundwater conditions have not changed and to assess whether development specific measures are required to mitigate potential soil, gas and organic vapours from the residual contamination in soils and groundwater.
- 6.26. The Environment Agency has reviewed the submitted ground contamination report and has confirmed that they do not require any further investigation or remedial intervention on this site prior to its development. Due to the nature of the remediation undertaken significant soil contamination is unlikely to remain. Regulatory Services have raised no objections to the proposal subject to the imposition of a condition relating to the requirements for further assessment if unexpected contamination is found to be present on site. I concur with Regulatory Services and the Environment Agency and the appropriate conditions are recommended below.

#### Other Issues

- 6.27. Sustainability is one of the discount retailers' key issues and waste handling is a key efficiency for the operators. Waste generated by the store would be kept within the warehouse area and loaded onto delivery vehicles to be returned to the regional distribution centre. Stores are equipped with a cardboard compactor or baler and plastic packaging is also collected, separated and then recycled. This approach removes the requirement for third party collection of these materials and as such, would reduce carbon emissions, pollution and congestion.
- 6.28. The application is also supported by an environmental noise report as the site is located near to the newly opened Extra Care Village to the west and to the south, a site subject to outline planning permission for residential development. The report has assessed the proposal at locations representative to the potential noise sensitive properties and has assessed noise emanating from fixed mechanical plant, noise from delivery activity and changes in road traffic noise. The assessment concludes that plant machinery can be controlled via condition; the deliveries can be undertaken between 0600 hours and 2300 hours without an adverse impact to adjacent noise sensitive properties occurring and that any changes in road traffic resulting from the development would have a negligible impact on residents. Regulatory Services have raised no objections and do not consider it necessary to control delivery hours as the rest of the centre has unrestricted delivery hours however, conditions are recommended below to address plant and machinery noise

and for a delivery code of best practice. I consider that the proposed development would have limited impact on residential amenity.

- 6.29. The proposed development would attract a CIL contribution as the floor space exceeds the 2,700sq.m gross internal area threshold.

## 7. Conclusion

- 7.1. The proposal is located primarily within the District centre boundary but on the edge of the primary shopping area. A sequential test has been submitted that identifies that this is the only site available and on the edge of a centre and is therefore acceptable in principle and is in accordance with policy relating to uses within identified centres. The proposed A1 supermarket development would not have a significant adverse impact on Northfield or Rubery sufficient to warrant refusal of planning permission. The proposed development would provide continued investment along with local employment. As such, I consider this proposal to be acceptable.

- 7.2. Other material considerations that have been assessed and to which weight is given continue to include -

- the 40 new employment opportunities generated through the proposed operational development, alongside those created during the construction phase;
- the positive impact on inward investment;
- significant spin-off benefits to other local businesses, and
- the socio-economic benefits arising from improved income levels in the local area, thereby promoting social inclusion;

- 7.3. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide significant economic benefits, would continue to provide further local employment and knock-on social benefits and would not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

## 8. Recommendation

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

- 
- |   |  |
|---|--|
| 1 | Requires the submission of reserved matter details following an outline approval |
| 2 | Requires the scheme to be in accordance with the listed approved plans           |
| 3 | Requires the submission of unexpected contamination details if found             |
| 4 | Limits the maximum sales area of the unit to 1,400sq.m                           |
| 5 | Requires the prior submission of a sustainable drainage scheme                   |
| 6 | Requires the prior submission of a drainage scheme                               |
| 7 | Sets the level of the finished floor levels                                      |
| 8 | Requires the prior submission of extraction and odour control details            |
-

- 
- 9 Limits the noise levels for Plant and Machinery
  - 10 Requires the prior submission of a goods delivery strategy
  - 11 Requires the prior submission of hard and/or soft landscape details
  - 12 Requires the prior submission of hard surfacing materials
  - 13 Requires the prior submission of a lighting scheme
  - 14 Requires the prior submission of a construction method statement/management plan
  - 15 Requires the prior submission of sample materials
  - 16 Requires the prior submission of a CCTV scheme
  - 17 Requires the prior submission of a signage strategy
  - 18 Limits the layout plans to being indicative only
  - 19 Prevents the use from changing to A1 (non-food retail) under permitted development
  - 20 Removes PD rights for telecom equipment
  - 21 Requires the prior submission of vehicle parking and turning details
  - 22 Requires the prior submission of a parking management strategy
  - 23 Requires the prior submission of a commercial travel plan
  - 24 Requires the prior submission of cycle storage details
  - 25 Implement within 3 years (outline)
- 

Case Officer: Pam Brennan

## Photo(s)



Photograph 1: Application site looking south adjacent to retail premises



Photograph 2: Application site looking east to town centre



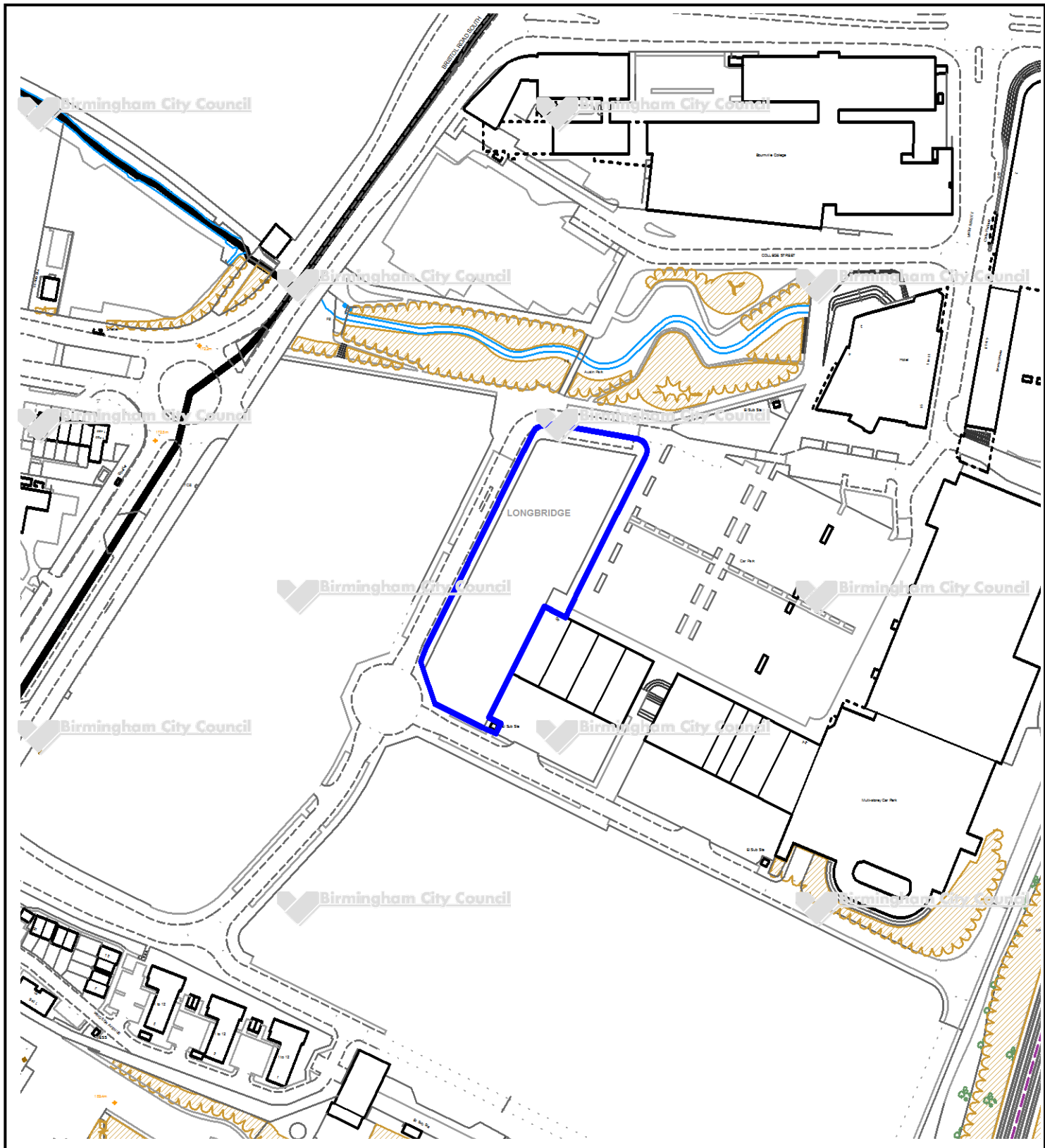


Photograph 3: Application site looking north



Photograph 4: Application site looking north east

## Location Plan



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Committee Date:	24/05/2018	Application Number:	2017/10959/PA
Accepted:	11/01/2018	Application Type:	Full Planning
Target Date:	08/03/2018		
Ward:	Bartley Green		

Modbury Avenue, Land at, Bartley Green, Birmingham, B32 3ES

Erection of 3 no. dwelling houses with associated access, parking and landscaping

Applicant:	Sutton Rental & Developments Ltd 19 Beaks Hill Road, Kings Norton, Birmingham, B38 8BJ
Agent:	Brophy Riaz and Partners Limited 48a Hylton Street, Jewellery Quarter, Birmingham, B18 6HN

#### Recommendation

#### **Approve Subject To Conditions**

##### 1. Proposal

- 1.1. This application proposes the erection of a terrace of three dwellings with parking to the front and private gardens to the rear.
- 1.2. Site layout: Access would be via the existing 34m long drive, which served the former garage court occupying this site, and into a communal space comprising parking spaces, turning area and landscaping. The terrace would sit across the site on a northwest-southeast axis with front elevations facing southwest. Each property would have its own rear garden enclosed by fencing (two measuring 70sqm and the third, 71sqm).
- 1.3. Internal layout: Amended plans show a hallway, WC, two stores and an open plan kitchen/lounge/diner on ground floor; and three bedrooms (7.5, 8.7, 12.6sqm) the largest with ensuite shower room, and a family bathroom on the first floor. Total internal floorspace proposed is 88sqm per dwelling. Initial proposals included a master bedroom with ensuite on the second floor but this has been omitted and the roofs redesigned accordingly.
- 1.4. Elevations: Brick with tiled hipped roofs. Canopy over front door. Brick soldier coursing above and below windows.
- 1.5. Site area: 0.096ha                      Density: 31dph                      Parking: 200%

##### 1.6. [Link to Documents](#)

##### 2. Site & Surroundings

- 2.1. The application site is a former garage court, recently disposed of by the Council and identified informally as suitable for new residential development. The garages have been removed and the land cleared of all vegetation. Land surrounding the site slopes down to the south, with a gradual fall of approximately 6m from Jiggins Lane to Kingsbridge Road, and to the east falling by approximately 5m from



Modbury Avenue to Tigley Avenue. The site is enclosed by rear gardens at all boundaries. Jiggins Lane lies to the northwest, Tigley Avenue to the east, Kingsbridge Road to the south and Modbury Avenue to the west. Access is via Modbury Avenue only. Properties on Jiggins Lane date from the 1930s while the rest of the surrounding development is post-war former Council housing.

2.2. [Site location](#)

3. [Planning History](#)

3.1. None.

4. [Consultation/PP Responses](#)

4.1. Transportation Development: No objection subject to conditions requiring provision of a heavy duty footway crossing, pedestrian visibility splay and bin store. Traffic and parking demand is not expected to be notably different to the existing situation. A good level of parking is offered within the site. It is unlikely a refuse vehicle would enter the site so one parking space should be omitted and a bin store provided instead as close as possible to the public highway.

4.2. Regulatory Services: No objection.

4.3. Severn Trent Water: No objection.

4.4. West Midlands Police: No objection. Confirmation should be provided regarding a lighting scheme; boundary treatment should comprise 1.8m close board fencing with an additional 0.3m trellis on top.

4.5. Local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the proposal: 10 responses from local addresses received to the initial public consultation exercise raising the following objections:

- Overlooking/loss of privacy, especially from the second floor accommodation and due to the level changes across the site and surrounding land.
- Loss of light.
- Devaluation of existing properties.
- Adverse impact on existing drainage arrangements.
- 3-storey dwellings would be out of keeping with the character of the area.
- Bungalows would be preferred.
- Over-development of the site, cramped proposal – two dwellings would be better.
- Poor visibility at the access and the narrow drive would compromise highway safety.
- Security of existing rear gardens would be compromised as the site would no longer be gated.
- Refuse collection within the site will require a refuse vehicle to reverse along the drive causing noise disturbance.
- Loss of trees/greenery.
- Noise and fumes will be generated by the development.
- Adverse impact on the outlook from existing dwellings.
- Proposed dwellings may be occupied by students at Newman University.



4.6. 6 of the original 10 objectors replied to the second public consultation exercise following receipt of amended plans (see Paragraph 6.2 below), with these further comments:

- Overlooking from side windows now proposed. Obscure glazing will not guarantee privacy.
- Repositioning the dwellings further forward will result in them dominating the outlook from different rear gardens.
- Lack of clarity regarding boundary treatment.
- Parking area is close to existing rear gardens.
- Landscaping is needed to provide protection and an attractive outlook for existing residents.

5. Policy Context

5.1. BDP 2017; UDP 2005 (saved policies); SPG Places for Living 2001; SPD Mature Suburbs: Guidelines to Control Residential Intensification 2008; SPG Nature Conservation Strategy for Birmingham 1997; SPD Car Parking Guidelines 2012; Technical Housing Standards – Nationally Described Space Standard 2015; NPPF; NPPG.

6. Planning Considerations

6.1. **Principle:** The application site is previously developed land (formerly garages) located within a residential area and the proposal would bring it back into use after a long period of disuse. The proposed family-sized dwellings would accord with the character of the area and would make a small contribution towards meeting the City's housing need. Notwithstanding local concerns regarding overdevelopment of the site, at 31dph the proposed density is below the 40dph recommended in BDP policy TP30 but it is similar to that of surrounding development and is consequently considered to be acceptable.

6.2. **Layout and design:** The proposed layout with a parking area at the end of the drive, the dwellings facing the access drive and private gardens to the rear is logical and appropriate. The scale of the proposed properties and the design of their elevations is in keeping with the more modern of the surrounding properties. The dwellings would be close to the side boundaries of the site and there is limited space for planting to soften the effect of the development on surrounding neighbours however, in consultation with your City Design Officer, the following improvements have been secured to the scheme:

- Omission of the second floor accommodation, reduction of the height of the dwellings by 1.3m and hipping of the roofs to avoid overlooking and limit the impact on neighbours.
- Addition of canopies over the front doors to emphasise them as a focal point and a side window in the north-facing elevation to break up the large expanse of brickwork.
- Reduction from 7 to 6 parking spaces to provide space for a bin store and consolidation of planting beds to allow for more substantial planting in fewer beds.

6.3. The access is particularly narrow and there is no scope for widening it or improving its appearance with any meaningful planting. Planting beds are shown in front gardens and on either side of the access road but your Landscape Officer considers

the proposed driveway planting to be optimistic. Narrow driveways are a typical weakness of garage court sites and the security issues must be acknowledged. However, the dwellings are positioned to provide as much natural surveillance as possible of the drive and forecourt parking area, and a condition is attached requiring a lighting scheme. These would help to ensure the safety of residents using the drive and the security of existing rear gardens backing onto it.

- 6.4. Overall, the proposal makes the best use of an otherwise vacant site and I am satisfied that subject to the attached conditions requiring details of materials, landscaping and boundary treatment it would have an acceptable impact on the character and appearance of the area.
- 6.5. **Residential amenity:** The proposed houses would alter the outlook from surrounding houses. However, the proposal exceeds the minimum guideline separation distances contained in Places for Living, taking account of ground level changes, and consequently I am satisfied with the impact of the new dwellings on the occupiers of surrounding properties in terms of light, outlook and privacy. Objections to the side window to the stairs facing properties on Jiggins Lane are noted however it is considered a condition requiring the window to be obscurely glazed and fixed shut would be reasonable and effective in ensuring a balance between both privacy and good design.
- 6.6. Concerning prospective occupiers of the proposed dwellings, the proposal meets the size standards contained in the government's Technical Housing Standards, which although not yet adopted locally provides a useful guide to the size of units and rooms. It also complies with the recommended garden sizes in Places for Living but only just and consequently a condition is attached removing permitted development rights for extensions.
- 6.7. **Parking and highway safety:** Transportation Development has no objection to the scheme. The development would provide a good level of off-street parking and is unlikely to significantly increase traffic or parking demand. Drainage would be addressed under the Building Regulations.
- 6.8. **Community Infrastructure Levy:** The site does not fall within the charging zone.

## 7. Conclusion

- 7.1. This application is recommended for approval. It would make good use of a vacant site for family accommodation without undue effect on surrounding residents' amenities, and would constitute Sustainable Development.

## 8. Recommendation

- 8.1. Approve subject to conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of sample materials                      |
| 3 | Requires the prior submission of level details                         |
| 4 | Requires the prior submission of hard and soft landscape details       |
-

- 
- 5 Requires the prior submission of boundary treatment details
  - 6 Requires the prior submission of a lighting scheme
  - 7 Requires the prior submission of details of refuse storage
  - 8 Requires the northwest-facing window to be obscurely glazed and fixed shut
  - 9 Requires the southeast-facing window to be obscurely glazed and top-hung
  - 10 Removes PD rights for new windows
  - 11 Removes PD rights for extensions
  - 12 Requires pedestrian visibility splays to be provided
  - 13 Implement within 3 years (Full)
- 

Case Officer: Amy Stevenson

**Photo(s)**



Photograph 1: Entrance to site on Modbury Avenue



Photograph 2: Within application site



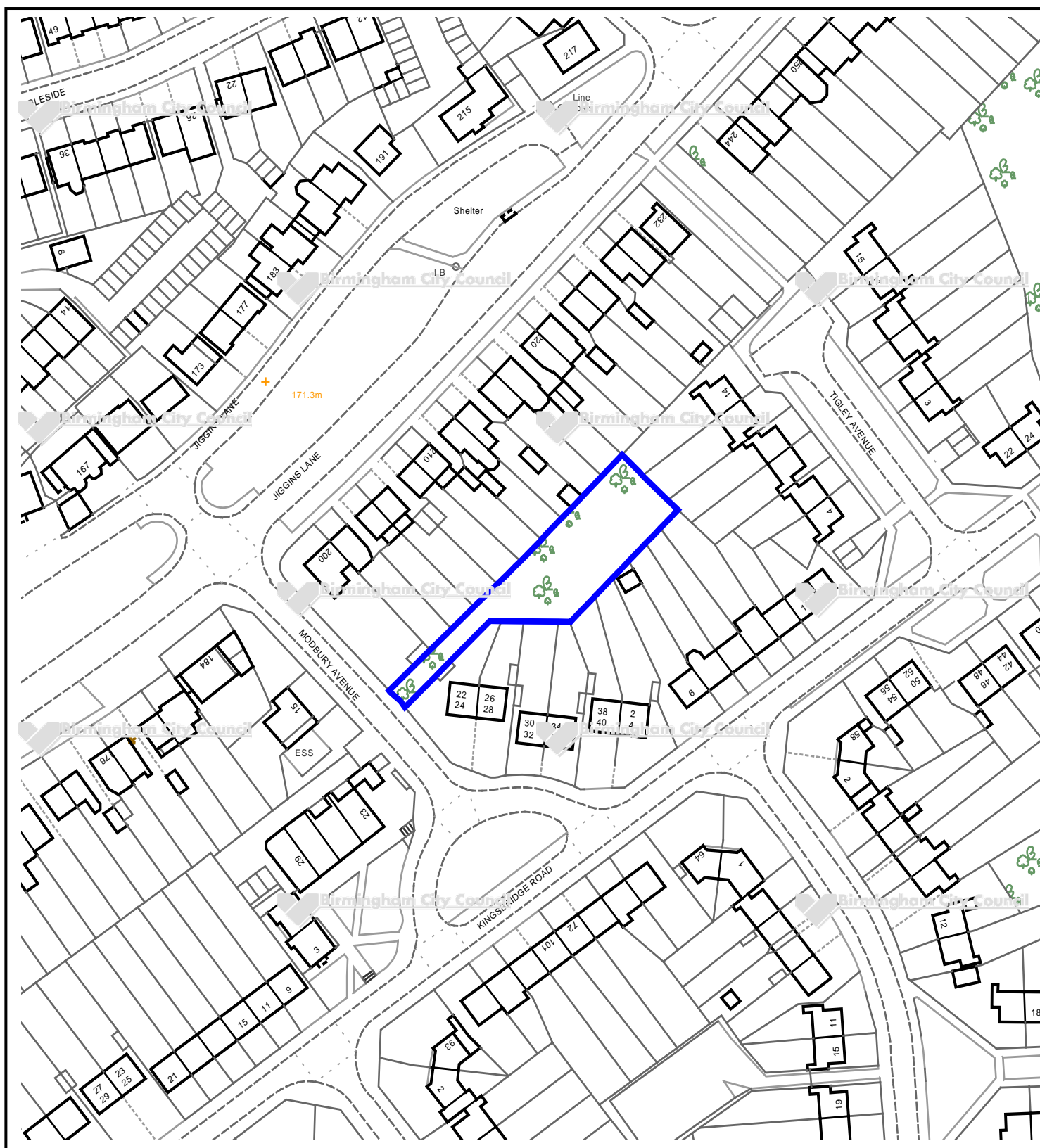


Photograph 3: View from rear of properties on Jiggins Lane



Photograph 4: View from rear of properties on Tigley Avenue

## Location Plan



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Committee Date:	24/05/2018	Application Number:	2018/01680/PA
Accepted:	01/03/2018	Application Type:	Full Planning
Target Date:	31/05/2018		
Ward:	Longbridge & West Heath		

Plot 3 Longbridge Technology Park, Devon Way, Longbridge, Birmingham, B31 2TS

Construction of a building for office (Use Class B1a) and/or research and development (Use Class B1b) uses together with access, car parking, landscaping and associated works.

Applicant:	St Modwen Developments Ltd c/o Agents
Agent:	Planning Prospects Ltd 4 Mill Pool, Nash Lane, Belbroughton, DY9 9AF

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning permission is sought for the construction of a two-storey building for B1(a) (Offices) and B1(b) (research and development) purposes with a total gross internal area of 2,336sq.m and a gross external area of 2,436sq.m on land known as Plot 3, Longbridge Technology Park.
- 1.2. The building would measure 64.8m in length, 20m in depth and 8.85m in height. A parapet guard would be located on the roof that would add a further 0.44m to the height. The entrance feature would be taller than the main building and would be approximately 11m at its tallest. The design is that of a rectangular building fronting Longbridge Lane, Devon Way and the car park with a curved feature on the corner with Devon Way/Longbridge Lane. All four sides of the building would be significantly glazed providing frontages to all public views. The first floor would 'overhang' the ground floor as the ground would be set back to reveal perimeter columns around the building. The glazing would have deep window reveals framed by brickwork. The circulation and service core would be defined as a double height projecting box that would be 'book-ended' by a small, metal panelled tower clad in a slate colour aluminium cladding that would reference the Park Point development in Longbridge centre (above the pub and other units south of the College). The building, as per the Innovation Centre, would sit in an elevated position and above the adjacent roads and pavements. An existing grass and landscaped banked verge runs along this section of Longbridge Lane in front of the proposed building, which houses a major sewer line.
- 1.3. 80 car parking spaces including 4 for people with mobility difficulties are proposed, along with a cycle shelter providing 4 cycle stands and 6 electric vehicle charging points.



- 1.4. Pedestrian access for staff and visitors to the proposed building on Plot 3 would be by pavements linking to Devon Way, Longbridge Lane and Bristol Road South, also with direct linkages to Phase 1 of the Technology Park. Vehicular access to Building 3 would remain via the established access, Devon Way, onto Longbridge Lane, utilising the shared access drive, which also serves the existing Buildings 1 and 2 on the western part of the Technology Park, Plots 4 and 5 and the Park and Ride Facility to the east.
- 1.5. The service roads and parking would be illuminated by means of pole-mounted lights, designed to reduce light spillage and glare to surrounding areas. The rear of the buildings would be illuminated at low level with only sufficient light for purposes of safety and security.
- 1.6. Landscaping would be provided around the building, along both its Devon Way frontage and its Longbridge Lane frontage.
- 1.7. The application is accompanied by a planning statement, design and access statement and supporting environmental information including ground contamination, drainage and flood risk and a transport assessment.
- 1.8. Site area: 0.54ha.
- 1.9. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site occupies an area of 0.54 hectares as an integrated part of the wider Technology Park. The site is cleared, grassed land, which was part of what was once the North Works Car Park, on former MG Rover land. It has a deep, landscaped bank which drops down to Longbridge Lane, and a line of young trees fronting its eastern side to Devon Way. Immediately to the west are Buildings 1 and 2 of the Technology Park. Building 1 (the Innovation Centre) is sited at the junction of Bristol Road South and Longbridge Lane. It has a total floor area of 4,244sq.m arranged over three floors. Building 2 fronts Bristol Road South and has a total floor area of 3,233sq.m over three floors with undercroft parking.
- 2.2. There is one point of vehicular access to the technology park - Devon Way – from Longbridge Lane, which leads into the application site and an existing shared car parking area for Buildings 1 and 2. There are a total of 248 car parking spaces for these two buildings. There is also a covered cycle parking area between Buildings 1 and 2. Devon Way also now leads to Plots 4, 5 (Bournville College construction centre and The Factory Youth Centre) and the Transport for West Midlands Park and Ride Facility (rail station just to the east). Pedestrian access can be gained direct from Longbridge Lane and from Bristol Road South via an existing public footpath on the northern boundary of the site.
- 2.3. The site is located on the southern periphery of Birmingham, approximately 11 kilometres to the south west of Birmingham city centre. The area surrounding the Technology Park consists of a mix of industrial and residential uses. Directly to the north-east is a day nursery, with the Austin Sports and Social Club and its playing pitches further to the east behind the Park and Ride Facility.
- 2.4. A number of facilities exist in close proximity to the site. The site is located opposite Longbridge District Centre which has a number of restaurants and eating/drinking



facilities, M&S, Sainsbury's and other retail stores. A parade of local shops are situated at the junction of Longbridge Lane and Sunbury Road, which includes a convenience store, pharmacy, newsagents, grocers, post office, betting office, salon and sun studio, takeaway facilities and an off-license. There is also Greenland's Social Club and a Christadelphian Church and Community Hall. In addition, opposite the site on Bristol Road South, is a small parade of shops and a Sports Direct gym.

### 3. Planning History

- 3.1. 30 September 2004. 2004/05270/PA. Planning permission granted for the formation of new section of highway and access.
- 3.2. 8 April 2005. 2003/06896/PA. Planning permission granted for the redevelopment of site for high technology industrial purposes (Use Classes B1b, B1c & B2) with ancillary offices/warehousing; neighbourhood/district centre comprising food store with attached individual units (Use Classes A1, A2 and A3), separate public house/restaurant (Use Class A3) and medical centre/nursery/crèche (Use Class D1); opening up of River Rea; associated parking areas, highways infrastructure (including new bridge over railway line) (Outline application discharging means of access).
- 3.3. 20 October 2005. 2005/04916/PA. Planning permission granted for the construction of two buildings for research and development or industrial purposes with associated access and car parking.
- 3.4. 30 March 2006. 2006/00981/PA. Planning permission granted for the construction of two buildings for research and development or industrial purposes with associated access and car parking.
- 3.5. 30 April 2009. 2009/00501/PA. Planning permission refused for change of use from B1b research and development of products or processes to B1a offices and B1b research and development of products or processes. 1 April 2010 planning permission granted on appeal.
- 3.6. 15 March 2010. 2009/05617/PA. Planning permission refused for change of use from B1 (b) research and development of products or processes to B1 (a) offices and B1 (b) research and development of products or processes.
- 3.7. 28 January 2011. 2010/05066/PA. Planning permission granted for erection of youth centre, to include sports hall, IT suite, meeting rooms, dance studio, outdoor multi use games area with associated floodlights, parking and new access off Devon Way.
- 3.8. 3 June 2011. 2008/01983/PA. Planning permission refused for construction of building for employment purposes (Classes B1 (b) and B1(c)) (business) with access and parking and associated works as the legal agreement for payment of the Longbridge Infrastructure Tariff was never progressed.
- 3.9. 21 November 2011. 2011/05426/PA. Planning permission granted for the construction of building for employment purposes (B1a and B1b use) with access and parking and associated works.
- 3.10. 17 February 2012. 2011/08417/PA. Planning permission granted for the removal of condition 7 and variation of conditions 10, 13, 16, 17 and 18 attached to planning approval 2011/05426/PA.

3.11. 3 May 2013. 2012/08394/PA. Planning permission granted for the development of a Park and Ride facility to serve Longbridge Station.

3.12. 4 December 2013. 2013/06698/PA. Planning permission granted for the erection of an education teaching building (D1 use) with associated car parking, landscaping and new substation.

#### 4. Consultation/PP Responses

4.1. Local residents, Ward Councillors for Northfield and Longbridge, resident associations and the MP for the area were notified. Site and Press Notices posted. Two letters of comment and one letter of objection have been received from the occupiers of the Innovation Centre/Longbridge Technology Park. The comments and objection raise the following issues:

- Sufficient electric charging points are required for the number of occupants within the building.
- Need more car parking than proposed. Insufficient parking already exists on site for buildings 1 and 2.
- The building is good design in a prime location.

4.2. Transportation – No objections subject to conditions relating to car parking provision prior to occupation; travel plan; minimum of 4 electric charging spaces and the provision of changing rooms, showers and lockers for 8 cycle spaces.

4.3. West Midlands Fire Service – No objection. The vehicle access route must meet the requirement of being able to support a carrying capacity of 15 tonnes.

4.4. Highways England – No objection.

4.5. West Midlands Police – No objection subject to conditions relating to alarm systems, CCTV and lighting.

4.6. Severn Trent Water – No objection subject to a drainage condition.

4.7. Environment Agency – No objection subject to a condition relating to any contamination.

4.8. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.

4.9. Regulatory Services – No objections, subject to conditions to address: noise from plant and machinery; lighting; contamination remediation and verification (including consultation with the Environment Agency).

#### 5. Policy Context

5.1. BDP, NPPF, NPPG, Longbridge Area Action Plan, Places for All SPD, Car Parking Guidelines SPD.

#### 6. Planning Considerations

6.1. Policy

- 6.2. The application site sits within the Longbridge Area Action Plan (AAP) Framework, which was adopted as a Development Plan Document in 2009. The AAP contains a shared vision for Longbridge:

*"Longbridge will undergo major transformational change redeveloping the former car plant and surrounding area into an exemplar sustainable, employment led mixed use development for the benefit of the local community, Birmingham, Bromsgrove, the region and beyond. It will deliver new jobs, houses, community, leisure and educational facilities as well as providing an identifiable and accessible new heart for the area. All development will embody the principles of sustainability, sustainable communities and inclusiveness. At the heart of the vision is a commitment to high quality design that can create a real sense of place with a strong identity and distinctive character. All of this will make it a place where people will want to live, work, visit and invest and which provides a secure and positive future for local people."*

- 6.3. The AAP identifies and designates this site (Technology Park) as part of a 25 hectare Regional Investment Site (RIS) to include a Technology Park of at least 15ha to provide a minimum of 100,000sq.m of B1b (research and development)/ B1c (light industry) and B2 (general industry) and high quality high technology uses which support the objectives of the RIS. The RIS is allocated within the BDP in Policy GA10 (Longbridge) and Policy TP18 (Regional Investment Sites). The proposal complies with the land use policy objectives of the Longbridge AAP and the BDP in terms of redevelopment for employment purposes on existing employment land.

- 6.4. Design and Scale

- 6.5. The design of the building is in accordance with the adjacent Buildings 1 and 2 of the Technology Park. Whilst being a storey lower than the adjacent building 1 (Innovation Centre), this drop in height symbolises the importance and key nature of building 1 on the corner of the main Bristol Road South and Longbridge Lane (the key junction) whilst adjusting to the general height along Longbridge Lane and the adjacent 2 storey Factory Youth Centre. Whilst the two storey building would not comply with the minimum 3 storeys in height identified for the RIS in policy DS1 of the AAP, I consider the scale and massing of the building in this location to be acceptable. The scale and massing matches that of the adjacent corner to Devon Way, which houses a two storey youth centre. My City Design Colleagues consider the building to be well positioned on the plot whilst creating a continuous frontage to Longbridge Lane. The extensive glazing to all four sides, along with its elevated position, clearly defined and articulated entrance (fronting the car park) and deep window reveals, ground floor set back and chamfered corner design provide the building with clearly observed public realm and defensible space in this corner location. The materials proposed are considered appropriate. On this basis, I concur with my City Design Colleague and consider that the design, scale and massing of the proposed employment building to be acceptable and suitable to its context.

#### Ground Conditions

- 6.6. The application is supported by a Geo-environmental report. The ground investigation identified that the application site, which was formerly the North Works car park previously was found to have elevated concentrations of hydrocarbons within the tarmac, underlying made ground and groundwater. Remediation was subsequently undertaken prior to development, as the Technology Park, that

focussed on reducing the impact of hydrocarbon contamination on controlled waters. Contaminated soils were either removed off site to a permitted waste facility or remediated on site using appropriate in-situ or ex-situ remediation methods. The existing concrete and asphalt hardstanding was removed and processed and re-used on site where infilling was required.

- 6.7. The report concludes that it is unlikely that formal remediation would be required for the proposed development however recommends that development-specific ground investigation is undertaken to confirm the geo-technical conditions that may impact the proposed development as well as confirming the contamination and ground gas regimes.
- 6.8. Whilst no comments have been received from Regulatory Services relating to ground conditions and contamination; I consider it appropriate to attach relevant ground contamination safeguarding conditions relating to contamination.

#### Water Resources and Drainage Strategy

- 6.9. A Flood Risk Assessment and Sustainable Drainage Assessment is submitted in support of the application. The assessment identifies that the site is located predominantly in Flood Zone 1, with the southern area in Flood Zone 2 and the south east area of the site in Flood Zone 3 when assessed against the Environment Agency Flood Maps. However, due to significant flood work already undertaken across Longbridge and the River Rea along with detailed river modelling undertaken for previous phases of development; the site lies outside the maximum flood events in both the 1 in 100 and 1 in 1000 year storm events. The site is also identified as being at low risk for tidal, surface water, ground water and artificial sources flooding. Due to this and that the proposed development sits in the 'less vulnerable' category; a flooding sequential and exceptions test are not required. Foul drainage is proposed to discharge to the existing Severn Trent Water network and a Sustainable Drainage scheme is proposed that would utilise permeable paving, underground attenuation storage and a flow control device. This would reduce run-off to a peak maximum discharge rate of 5 litres per second for all events including the 1 in 100 year plus climate control.
- 6.10. Severn Trent Water has raised no objection subject to a drainage condition; the Lead Local Flood Authority have also raised no objections subject to sustainable drainage conditions and the Environment Agency have raised no objections as *"the Flood Risk Assessment (FRA) states that the development is located approximately 2 metres above both Longbridge Lane and Devon Way on a plateau. Although no flood levels have been provided to demonstrate that this site is located in Flood Zone 1 as evidence, we have reviewed the site against previous submitted modelling, the outlines of which show this site is located within Flood Zone 1."*
- 6.11. On the basis of the above, I consider the proposal to be acceptable in drainage and flood risk terms.

#### Transport/Highway Issues

- 6.12. A Transport Assessment has been submitted in support of the application. This assessment identifies that as planning permission has previously been granted on this site and that the site is allocated within the Longbridge AAP; the proposed development impact has been included in all previous models and assessment and the local road network has been designed to accommodate the proposal. The Plot 3 development would generate approximately 18, 14 and 0 vehicle trips per hour in

the Weekday AM and PM and Saturday peak periods respectively. The assessment concludes that the site is easily accessible by sustainable modes of transport; the highway network infrastructure is already in place and the A38 can accommodate the impact of vehicle trips on the network.

- 6.13. Transportation has raised no objections subject to conditions relating to car parking provision prior to occupation; a travel plan; provision of a minimum of 4 electric charging points and the provision of changing rooms, showers and lockers for 8 cycle spaces. They have also concluded that the additional car parking proposed would meet the BCC car parking requirements with 81 extra spaces for the office with 2336sqm. Overall the site provides 9908sqm with 237 parking spaces.
- 6.14. I concur with the view of Transportation and the relevant conditions are recommended below. Amended plans have subsequently been submitted illustrating provision of showers, changing facilities and lockers. I also note that the public comments received relate to insufficient car parking provision and the sufficient electric charging points are provided. As Transportation has raised no objections to the proposal on either of these grounds; I consider that both have been adequately provided for within the proposal.

#### Other Issues

- 6.15. The Longbridge AAP identifies that the proposed development would be subject to payment of the Longbridge Infrastructure Tariff (LIT) at £120/£30 per sq.m of floorspace for the B1a/B1b uses. However, following adoption of the Community Infrastructure Levy and changes to the accompanying regulations relating to the pooling of financial contributions, the LIT is no longer a relevant policy. The proposed development is not located in a CIL charging area and as such does not attract a CIL contribution.
- 6.16. I note that West Midlands Fire Service require the access route to meet the requirement of being able to support a carrying capacity of 15 tonnes and I can confirm that Devon Way and the existing car park/access is able to meet this requirement.

### 7. Conclusion

- 7.1. The proposal is located within the Regional Investment Site boundary and is therefore acceptable in principle and is in accordance with policy relating to uses within the RIS. The proposed development would provide continued investment and employment and continues to represent a commitment to the long-term objectives for Longbridge.
- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would continue to provide significant economic benefits, would continue to provide further employment and knock-on social benefits and would not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

### 8. Recommendation

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

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Requires the agreed mobility access to be maintained
  - 3 Requires the prior submission of a contamination remediation scheme
  - 4 Requires the prior submission of a contaminated land verification report
  - 5 Requires the submission of unexpected contamination details if found
  - 6 Requires the prior submission of a drainage scheme
  - 7 Requires the prior submission of a sustainable drainage scheme
  - 8 Submission of a Sustainable Drainage Operation & Maintenance Plan
  - 9 Limits the noise levels for Plant and Machinery
  - 10 Requires the prior submission of hard and/or soft landscape details
  - 11 Requires the prior submission of hard surfacing materials
  - 12 Requires the prior submission of a landscape management plan
  - 13 Requires the prior submission of a lighting scheme
  - 14 Requires the prior submission of sample materials
  - 15 Requires the prior submission of a CCTV scheme
  - 16 Removes PD rights for telecom equipment
  - 17 Requires the prior submission of eight electric vehicle charging point details
  - 18 Requires the prior submission of a commercial travel plan
  - 19 Requires the provision of cycle parking prior to occupation
  - 20 Requires the parking area to be laid out prior to use
  - 21 Implement within 3 years (Full)
- 

Case Officer: Pam Brennan

## Photo(s)



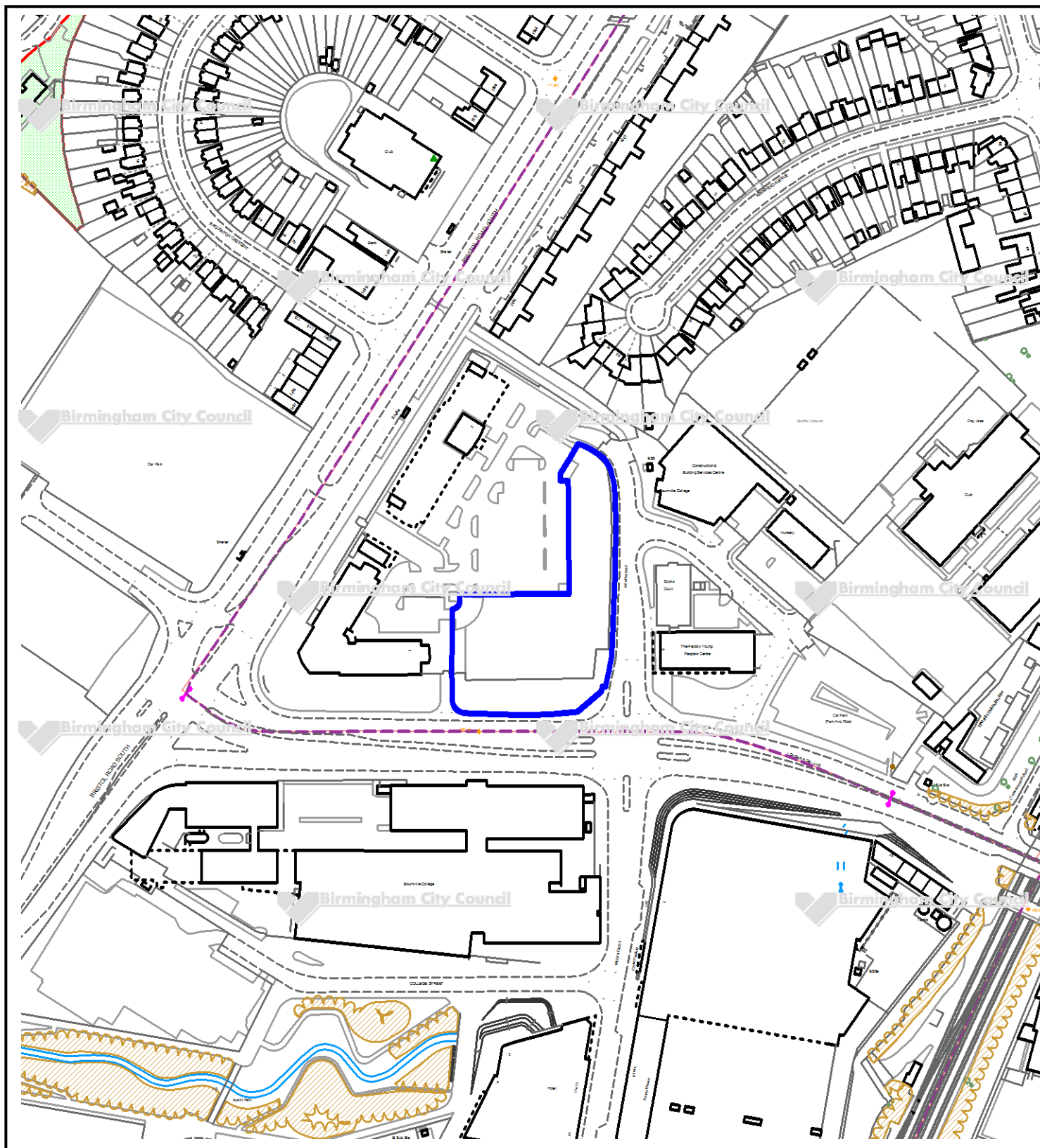
Photograph 1: View Looking South West – Application Site, Innovation Centre and Bournville College beyond



Photograph 2: Application site on corner of Devon Way and Longbridge Lane



## Location Plan



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Committee Date:	24/05/2018	Application Number:	2018/01541/PA
Accepted:	01/03/2018	Application Type:	Outline
Target Date:	31/05/2018		
Ward:	Edgbaston		

Plot 4 Pebble Mill - Mill Pool Way, off Pebble Mill Road, Edgbaston, Birmingham, B5 7SL

Outline planning application for the construction of a building of up to 9,000m<sup>2</sup> for use as part Use Class B1b (research and development) and/or part Use Class C2 (hospital) and/or part Use Class D1 (non-residential institution) with details of access and parking and all other matters reserved

Applicant:	Pebble Mill Investments Ltd c/o Agent
Agent:	David Lock Associates 50 North Thirteenth Street, Central Milton Keynes, Milton Keynes, MK9 3BP

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Outline planning permission is sought for the erection of a building of up to 9,000sq.m for medical uses comprising B1(b) Research and Development and/or C2 Hospital and/or D1 Non-Residential Institution. All matters (except access) are reserved for future consideration. The site is known as Plot 4, and lies towards the centre of the wider site, to the east side (Pebble Mill Road side) of the Dental Hospital and School of Dentistry.
- 1.2. Planning permission has previously been granted for a 5,000sq.m development (up to 5 storeys in height excluding plant) by your Committee under application reference 2017/01959/PA in May 2017.
- 1.3. Whilst all matters (apart from access) are reserved, the previously approved schemes at the Pebble Mill site have provided a template for development within the site as a whole and subsequently this plot. These have led to a urban design context comprising:
  - A façade would be provided to the estate road in order to perpetuate the building line;
  - The building would be set back from the estate road, with generous distances to the side boundaries;
  - The building would be located on made-up ground to ensure it is located out of flood risk;
  - Access would be from the internal estate road and parking would be located on plot;

- The design would be contemporary.

- 1.4. It is proposed that the 9,000sq.m of accommodation would be located in a single block comprising two storeys of basement parking above which would be up to eight storeys. The indicative massing plan illustrates a building that would have two and three storey elements to the side and rear with the main body of the building being 5, 7 and up to 8 storeys in height (when two storeys of roof plant areas are included). The building would primarily be 5 and 6 storeys in height. The two storey 'ground floor element' of the building (above ground) would be approximately 74m deep and 47m wide. On top of this ground floor element would be further accommodation in the form of a 40m wide by 38m deep building. The building would be centrally located within the plot facing the internal estate road, providing sufficient space to the east and west to allow light to adjacent buildings along with access for car parking and deliveries. The proposed development's scale and massing would link the building heights of the other developments together. The submitted Design and Access Statement illustrates how the building could appear, looking due south from the estate's access road (Mill Pool Way), with the Dental facility to the rear to the right hand side :



- 1.5. The application seeks approval with all detailed matters to be reserved for future consideration, apart from access. As such, no details have been submitted for the matters of appearance, layout, scale and landscaping. The site's vehicular access would be at its north-west corner. Up to 167 car parking spaces are proposed on site (which would be achieved by managed tandem parking) in a surface level car park and two basement levels.

- 1.6. The application is supported by a Planning, Design and Access Statement, Sustainable Drainage Assessment; Ecological Appraisal, Flood Risk Assessment, Travel Plan and a Transport Assessment. A Massing context plan has also been submitted.
- 1.7. Site area: 0.38ha.
- 1.8. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The site is located within the wider Pebble Mill site and is defined by the avenue of trees along Pebble Mill Road and the currently under construction plot to accommodate the previously approved hospital to the east; the three/six storey dental hospital to the south and west; and the internal estate road and rear gardens of the houses on Bristol Road to the north. To the south of the site lies Plot 6, where your Committee approved student accommodation and retail development.
  - 2.2. This part of the former BBC studios was a central component of the eleven storey central core of the building. The site was vacated in 2003, and cleared during 2003/2004.
  - 2.3. The immediate area surrounding the Pebble Mill site primarily consists of a mix of two, three and occasionally four storey late nineteenth and twentieth century houses. Playing fields lie to the south and west. The playing field to the south is shortly to be developed for student and retail development along with a flood mitigation scheme (already in part completed) as approved by your Committee. The main leisure uses in the area are Cannon Hill Park to the south east and Edgbaston Golf Course and King Edward's School to the north, adjacent to which is the University of Birmingham's main campus.
  - 2.4. Less than half a kilometre from the site along Pershore Road is the 8 storey West Midlands Police Training Facility, and a series of 1960's twenty storey local authority flats. The urban character of this area is varied including: Edwardian villas, early twentieth century detached homes, and more recently with the increased commercialisation and redevelopment of some sites, larger and taller buildings being built along some of the main roads of this part of Birmingham, such as Edgbaston Mill.
  - 2.5. Bourn Brook and its tributary Chad Brook are important features in the local landscape. These two Brooks along with the retained bands of semi-mature trees divide the site into distinct areas. Flood defence works to the Brook approved by your Committee within the Plot 6 development, are currently being undertaken and are, in part, completed.
  - 2.6. Edgbaston is known for its 'green and leafy' image, the wider site reflects this with its mix of mature and semi-mature trees. The historic use of the site as a campus with one large building on about a third of the site with sporting facilities on the remainder has resulted in a tree-scape which follows former field boundaries within the site.
  - 2.7. [Site Location Map](#)
3. Planning History

- 3.1. The wider Pebble Mill site benefits from outline consent for a science and technology park with revised accesses onto Bristol Road and Pebble Mill Road and reconfigured sporting facilities, dating from the first consent (2003/00992/PA).
- 3.2. 26 May 2017. 2017/01959/PA. Outline planning permission granted for the construction of a building of up to 5,000m<sup>2</sup> which can be used as Part B1b (research and development), Part C2 (hospital) and Part D1 (non-residential institution) within the medical confines of the redevelopment of the former Pebble Mill BBC studios with all matters reserved. Plot 4 site.
- 3.3. 27 April 2017. 2017/00242/PA. Reserved Matters consent granted for appearance and landscaping for the erection of student accommodation (Sui Generis) in association with outline planning permission 2016/04450/PA. Plot 6 site.
- 3.4. 10 November 2016. 2016/04450/PA. Permission granted for a hybrid planning application consisting of: detailed planning permission for the construction of a flood risk management scheme on land off Harborne Lane and at and near Plot 6 (the former BBC Studios Sports and Social Club site) on the Pebble Mill Medical Park, alteration of an existing and the provision of new highway access onto Pershore Road with outline planning permission for student accommodation (Sui Generis) and food and drink facilities (A3/A4 & A3 with ancillary A5) and the construction of two pedestrian bridges at the Former BBC Studios Sports and Social Club site. Plot 6 site.
- 3.5. 17 September 2015. 2015/05000/PA. Reserved Matters permission granted for access, appearance, landscaping, layout and scale for a C2 hospital in conjunction with outline approval (2014/00203/PA) for the erection of a building up to 15,000sqm for the use as B1 (research and development), C2 (hospital) and/or D1 (non-residential institutions). All pre-commencement conditions have been discharged and the site is currently being hoarded in advance of construction work commencing on site. Plot 5 site.
- 3.6. 8 January 2015. 2014/07366/PA. Planning permission granted for the proposed erection of 14 flats (consisting of 13 x three bed and 1 x four bed), car parking, landscaping and vehicle access for Bristol Road at 248-250 Bristol Road.
- 3.7. 4 April 2014. 2014/00203/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 15,000sqm for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 5 site.
- 3.8. 6 March 2014. 2013/09519/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 5,000m<sup>2</sup> for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 4 (the current application site).
- 3.9. 17 October 2013. 2013/06099/PA. Planning permission granted for the Construction of a 62 bedroom, part three and part two storey, care home including secure landscaped gardens and on-site parking with ancillary earthworks (Plot 1).
- 3.10. 7 December 2012. 2012/03743/PA. Permission granted for reserved matters for Dental hospital and school of dentistry (Plots 2 and 3).
- 3.11. 28 August 2012. 2012/03756/PA. Permission granted for the landscaping of land adjacent to Dental Hospital site and proposed Bourn Brook pedestrian footpath.

- 3.12. 17 November 2011. 2011/05676/PA. Permission granted for the erection of Dental Hospital and School of Dentistry on plots 2 and 3, with associated research & development and teaching facilities, ancillary office and support facilities, access, parking and landscaping. Outline consent for 16,000 sqm gross internal floor space (three to six storeys), with all matters Reserved.
- 3.13. 18 August 2011. 2011/03010/PA. Permission granted for a package of advanced infrastructure, inclusive of internal access road, associated drainage, services, security gates and parking, substation and security kiosk, promenade, wildlife planting, area of open space, and footbridge link.
- 3.14. 16 October 2009. 2009/03738/PA. (Site fronting Pebble Mill Road) Permission granted for the erection of a Medical facility providing up to 15,000 square metres of accommodation for Class B1(b) Research and Development, and/or Class C2 Hospital, and/or Class D1 Clinic and/or Medical School and/or Dental School. Detailed consent for site access (Plots 2 and 3).
- 3.15. 6 April 2006. 2006/00518/PA. Permission granted for a Section 73 application to vary and remove B & C conditions of 2003/00992/PA to allow for phased implementation for up to 10 years of outline planning permission for construction of technology and science park with revised accesses on Bristol Road and Pebble Mill Road and reconfigured sporting facilities.
- 3.16. 8 October 2003. 2003/00992/PA. Permission granted for the construction of a technology and science park with revised accesses on Bristol Road and Pebble Mill Road and re-configured sporting facilities (outline application - only access determined).

#### 4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and Residents Associations notified. Site and Press notice posted. No responses have been received.
- 4.2. West Midlands Fire Service - Access for fire firefighting and to supporting water supplies is not evident from the information currently provided. Access is required to within 18 m of each fire main inlet connection on the front of the building(s), the inlet must be visible from all points. It is unclear if the car park area is to be fenced or open to the adjoining plot. Any dead end greater than 20 m in length should have an appropriate turning facility for a pump appliance. Access roads should be a minimum of 3.7 m between kerbs, a minimum height clearance of 4.1 m and a minimum carrying capacity of 15 tonnes.
- 4.3. Regulatory Services – No objection subject to safeguarding conditions relating to contaminated land, extraction and odour control, plant noise and vehicle charging points.
- 4.4. Environment Agency – no objection subject to a condition relating to implementation of the flood risk assessment.
- 4.5. Transportation – There are no objections in principle to the access onto this private estate road. A Transport Assessment has been submitted which concludes that the proposals compared with those seen previously would result in approximately 1 additional 2 way movement in the a.m. & p.m. peaks and that the development would not have a significant adverse effect on the local highway network. Along with

the increased floor area it is noted that parking within the site has increased from 140 to 167. However, the number of beds and consulting/treatment rooms for the possible use is not known. Assessment of parking provision will need to form part of the full submission, with this Outline application concerned with access only. BCC minimum standards require cycle and motorcycle parking to be provided at one space per 10 members of staff. The final level of cycle and motor cycle parking will also need to be addressed at the detailed design stage.

- 4.6. Severn Trent Water – No objection subject to a drainage condition.
- 4.7. West Midlands Police – No objection subject to a condition relating to CCTV. The proposal site is covered by Edgbaston neighbourhood policing team and calls for service to the police are high. In the six month period (August 2017 to January 2018) there were 228 reported incidents of anti-social behaviour, 204 recorded burglaries, 321 incidents of vehicle crime and 60 bicycles stolen from the ward. There has also been, since March 2017, 3 vehicle crimes and 7 thefts, recorded at the new Dental Hospital. I have liaised with my counter terrorist colleagues who would like to be informed if as part of the 'research and development' part of this proposal there will be any testing on animals or storage/use of any pathogens or toxins.
- 4.8. Lead Local Flood Authority – No objection subject to sustainable drainage safeguarding conditions.

## 5. Policy Context

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

## 6. Planning Considerations

- 6.1. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling.
- 6.2. The Pebble Mill site is identified in the BDP as being located within the Selly Oak and South Edgbaston Area, albeit outside of the growth area boundary identified in Plan 13 and Policy GA9; as being suitable for a broad range of technology and medical and health uses. The supporting text identifies in Paragraph 5.102 that the area will see significant investment. It goes on to state *"The aims are to maximise the potential of the University and Hospitals, promote economic diversification and to secure significant spin off benefits from new development. In particular the area will provide the focus for the clustering of activities associated with medical technology in the Life Sciences sector. This recognises the potential to marry growth in the Life Sciences sector with the unique spatial opportunities offered in this location. This will further enhance the City's future economic competitiveness and attract investment and jobs."*
- 6.3. The proposal would provide a new medical facility comprising of either B1 (b), C2 and D1 or a combination of these uses. The Dental Hospital/School of Dentistry is located on Plots 2 and 3 whilst a private dementia care BUPA facility has been

constructed on Plot 1, and a private hospital is under construction on the adjacent site - Plot 5 fronting Pebble Mill Road.

- 6.4. The proposed development uses would sit comfortably within the wider site, which has been established as a medical park, through the uses on site and with the benefit of planning permission. The proposed medical facility would assist in research and development and/or medical care uses supporting the policy focus of the BDP for the clustering of activities associated with medical technology. On this basis, I consider that the addition of the proposed use within a wider site that has planning permission and/or are established as medical uses is acceptable and in accordance with the development plan policy.

#### Design and Landscape

- 6.5. Policy PG3 of the BDP identifies that new development should demonstrate design quality and contribute to a sense of place by creating safe and attractive environments.
- 6.6. The application has been submitted with all matters (except access) reserved. A massing context plan has been submitted that indicates that the building would be up to 8 storeys in height on certain parts of the building however, the proposed development would be a primarily five/six storey building with up to a further 2 storeys added in the centre of the building for plant, taking the massing up to a maximum 8 storeys. The five/six storeys would be located to the building frontage to maintain the street scene along the internal access road and bridge the building scale and height from the three/four storey Circle hospital to the north east to the five/six storey (not including plant) Dental Hospital and School of Dentistry to the north west. The building has indicatively been designed to sit on a two storey ground floor element with a smaller box above. As such, part of the proposed building to the rear would only be two storeys in height.
- 6.7. An indicative design has been submitted as detailed in the proposals section of this report. My design advisor has some reservations about scale now proposed, advising a stepping up between the Circle Hospital on plot 5 (4-5 storeys) and the Dental Hospital (5-6 storeys excluding plant), i.e. a maximum of 5 storeys on the frontage to Mill Pool Way, reducing to 4 storeys behind, as per the previous application. My design advisor also raises the possible impact on winter views from residential properties on Bristol Road however, considers the siting of the building to be appropriate and the strong frontage would enhance the character of Mill Pool Way where the building line at the moment is quite fragmented.
- 6.8. I consider that the scale of the development proposed compares favourably with both the former BBC site, which had an intensive urban form with many buildings of 2 or 3 storeys height, and one 11 storey block, and with the new adjacent developments. The massing context plan submitted with the application indicates the development at a maximum of 8 storeys however, the predominant height of the building would remain as 5/6 storeys with the extra two storeys taking account of the possible plant that may be required to be located on the roof. The extra two storeys would be set back from the frontage and would be located in the centre of the building. I note the concern raised by my design advisor however, most of the extra floor space proposed over and above the previous planning permission would be located at ground floor in a two/three storey block to the rear as the building would predominantly remain as 5/6 storeys. The increase in height to a maximum eight storeys has occurred due to the potential for a significant plant area on the roof, which may or may not be required as a result of detailed design and occupier



requirements. As such, the proposed building would only differ slightly on its external appearance from the previous consent. Exactly how the 9,000sqm of accommodation would be provided would be determined in a future Reserved Matters application, but the applicant has demonstrated thus far a reasonably likely form of development. The building is shown set back from the estate road allowing for a generous strip of planting to the frontage, in keeping with local character, which would be addressed during reserved matters submission. No trees are affected by the proposed development or located within the application site.

- 6.9. The distance of the indicatively-placed building from rear garden boundaries on Bristol Road is at 20m, which is not considered close especially given the previous development, the length of Bristol Road gardens (100+m), and tree and other vegetation screening on the boundary and in the gardens. Therefore, given the indicative setbacks from the estate road and other site boundaries, the significant avenue of tree cover on and around the site, and the previous development form, I am satisfied that 9,000sqm can be accommodated on the site without undue effects on local character and residential amenity. I note my Design Advisor's comments however the proposed building would, apart from potential roof plant, remain as per the massing of the building previously approved at 5/6 storeys.
- 6.10. I note that development is currently underway on the adjacent residential site at 248-250 Bristol Road. The footprint of the approved scheme broadly reflects the building patterns of adjacent houses fronting Bristol Road as such, the scheme's relationship with the proposed Plot 4 development would continue to maintain the generous separation distances.

#### Archaeology

- 6.11. I note that the application site is in close proximity to the Pebble Mill Watermill archaeological site. The previous application was supported by an assessment that concluded that the proposed development would not affect the area of archaeological potential. Your Conservation officers have raised no objection to the proposed development and consider that no further archaeological work is required. I concur with this view.

#### Flood Risk and Sustainable Drainage

- 6.12. A Flood Risk Assessment and a Sustainable Drainage Statement have been submitted in support of the application. A detailed hydraulic modelling exercise (undertaken as part of the hybrid planning application for Plot 6 including an extensive flood alleviation scheme) shows that the application site falls outside of the Chad Brook and Bourn Brook flood plain and safe access routes from the site are available outside of the flood plain. With regards to other forms of flooding, the assessment identifies that the site is subject to elevated ground water levels and as such, recommends that any basement construction is made waterproof and that suitable drainage facilities be incorporated in the event that ground water flooding occurs. The Environment Agency has reviewed the flood submission and has raised no objection subject to a condition relating to the implementation of the flood risk assessment recommendations. I concur with this view and relevant drainage conditions are recommended below.
- 6.13. The accompanying sustainable drainage statement identifies that the previous site use (as the BBC) drained to the Bourn Brook at an unrestricted rate. Due to the clay nature of the ground conditions and the elevated ground water level; the assessment identifies that infiltration would not represent a viable means of surface



water disposal for the site. However; a fixed discharge rate of 5 litres per second into the Bourn Brook as per the previously agreed surface water strategy is proposed along with cellular storage beneath permeable paving. The LLFA raise no objection to the proposed development subject to the imposition of sustainable drainage conditions. I concur with this view and the relevant conditions are recommended below.

#### Ecology

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

#### Transport

- 6.15. A Transport Assessment has been submitted in support of the application. Access to the site would be via Mill Pool Way, which connects the two main access points in the form of a priority controlled 'T' junction on Pebble Mill Road and a traffic signal controlled T-Junction. The assessment notes that the site is highly accessible by public transport on both Bristol Road and Pershore Road. It goes on to conclude that the proposed use, in conjunction with the other permitted site uses; would have a negligible impact on traffic flows in both the morning and evening peak hours as it would result in approximately 70 extra two way movements in the am peak and an additional 55 in the pm peak than that previously granted planning permission.
- 6.16. As the end user is yet unknown, detailed car and cycle parking requirements are unknown however, 167 spaces are proposed, compared to the previous 140. Some of these spaces would be provided as tandem parking in order to maximise on-site parking availability. The future occupiers of the building have confirmed that this would be acceptable and commercially operable and would be allocated for staff use only and managed/allocated based on shift patterns. All visitor spaces would be provided as independent parking bays. It is noted that the number of beds and consulting/treatment rooms for the possible use is not known. BCC minimum standards require cycle and motorcycle parking to be provided at one space per 10 members of staff. Whilst the parking requirements will need to be addressed in any future reserved matters submission it is acknowledged that the application site could accommodate the requirement in accordance with the Car Parking Guidelines SPD.
- 6.17. Transportation considers the anticipated parking levels and trip generation levels to be acceptable and I concur with this view. Safeguarding conditions are recommended relating to car park management, construction management and a travel plan.

#### Other Issues

- 6.18. The proposed development does not attract a CIL contribution.
- 6.19. I note the comments received from West Midlands Fire Service; a number of which would be addressed at Reserved Matters stage when further detailed design would have been undertaken and finished parking levels addressed. In relation to fire access with regards to road width and carrying capacity; the submitted access plan

shown in the Transport Statement on drawing S1 P1 identifies a radii to the north of 4.5m and to the south to be 3m either side of an access road which is 6m in width, As such, the Regulations required by the Fire Service would be met.

## 7. Conclusion

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

## 8. Recommendation

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

- 
- |    |  |
|----|--|
| 1  | Requires the submission of reserved matter details following an outline approval   |
| 2  | Requires the scheme to be in accordance with the listed approved plans   |
| 3  | Requires the prior submission of a contamination remediation scheme  |
| 4  | Requires the prior submission of a contaminated land verification report   |
| 5  | Limits the maximum gross floorspace of the unit to 9,000sq.m   |
| 6  | Requires the implementation of the Flood Risk Assessment   |
| 7  | Requires the prior submission of a sustainable drainage scheme   |
| 8  | Requires the prior submission of a drainage scheme   |
| 9  | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 10 | Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures   |
| 11 | Requires the prior submission of extraction and odour control details  |
-

- 
- 12 Limits the noise levels for Plant and Machinery
  - 13 Requires the prior submission of hard and/or soft landscape details
  - 14 Requires the prior submission of boundary treatment details
  - 15 Requires the prior submission of a landscape management plan
  - 16 Requires the prior submission of a lighting scheme
  - 17 Requires the prior submission of a construction method statement/management plan
  - 18 Requires the prior submission of sample materials
  - 19 Requires the prior submission of a CCTV scheme
  - 20 Limits the layout plans to being indicative only
  - 21 Requires the prior submission of details of refuse storage
  - 22 Prevents the use from changing within the use class
  - 23 Removes PD rights for telecom equipment
  - 24 Requires a minimum of 10% of parking spaces shall have vehicle charging points.
  - 25 Requires the prior submission of a construction employment plan.
  - 26 Requires the prior submission of a parking management strategy
  - 27 Requires the prior submission of a commercial travel plan
  - 28 Requires the prior submission of details of parking
  - 29 Requires the parking area to be laid out prior to use
  - 30 Requires the prior submission of cycle storage details
  - 31 Implement within 3 years (outline)
- 

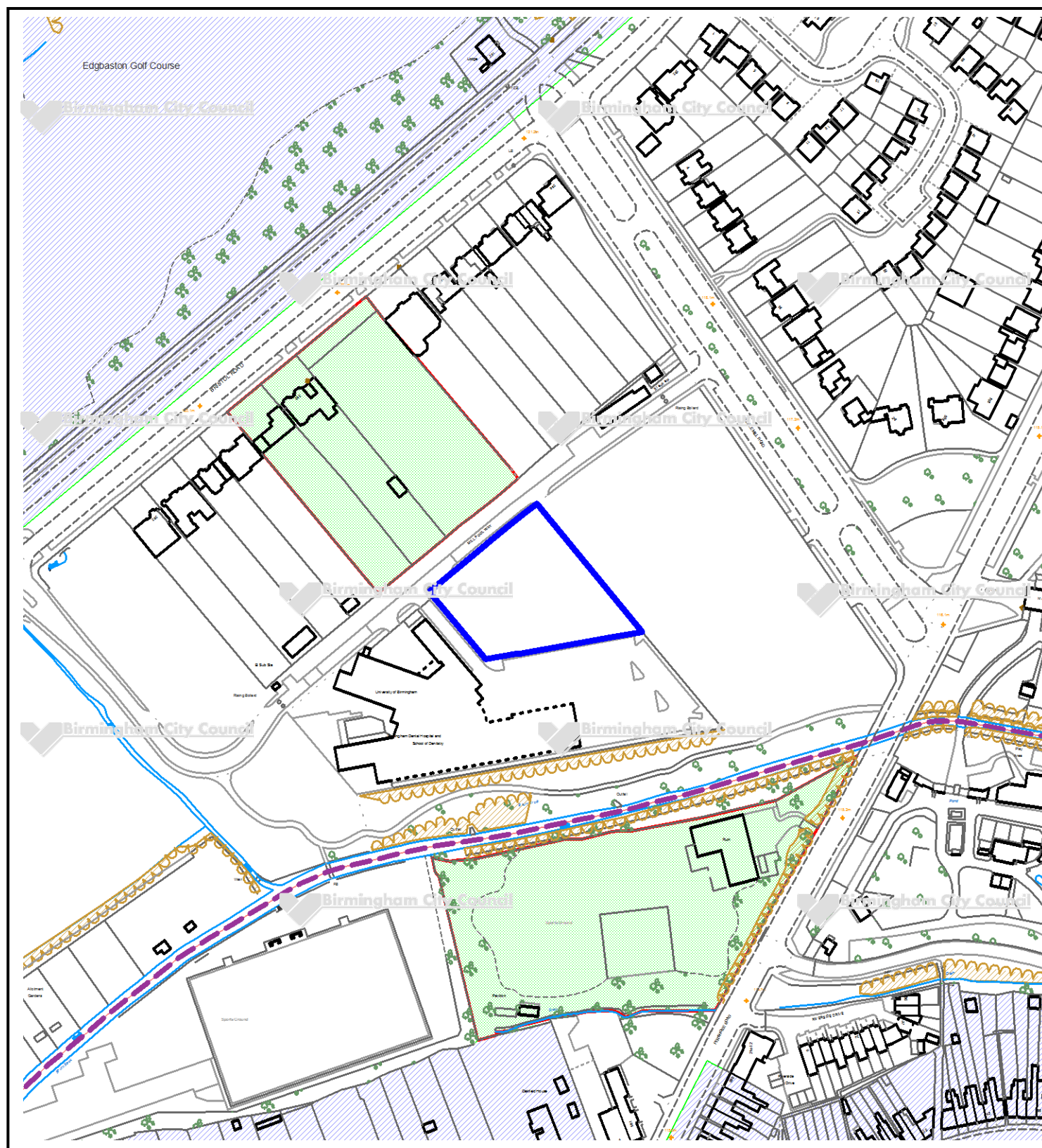
Case Officer: Pam Brennan

## Photo(s)



Plot 4 and the Dental Hospital/School of Dentistry – looking south west from the site frontage

## Location Plan



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Committee Date:	24/05/2018	Application Number:	2018/01462/PA
Accepted:	26/02/2018	Application Type:	Full Planning
Target Date:	28/05/2018		
Ward:	Edgbaston		

University of Birmingham, Atla Biosciences, University Road West/Ring Road South, Edgbaston, Birmingham, B15

Erection of academic building for the School of Engineering and a Railway Research Innovation Centre together with associated hard and soft landscaping

Applicant:	University of Birmingham c/o agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

#### Recommendation

#### **Approve Subject To Conditions**

#### 1. Proposal

- 1.1. This application seeks planning permission for the erection of a new education building for the School of Engineering (SoE) and includes a wing for use by the UK Railway Research Innovation Centre (UKRRIN).
- 1.2. The building would be located on a site cleared of buildings through previous planning approvals. The proposed building would have a total floor space of 12,676sqm (GIA) and be arranged on the 'L-shaped' plot. The footprint of the building would be 82m (north/south) and 64m (east/west). The building would be mostly part five/part four and part two stories and take advantage of the fall in site level (by 7m from the top (north) to the bottom (south)), to create a lower ground floor/basement area, within the bottom half of the site. A recessed top floor would be created for plant on the main part of the building.
- 1.3. The four storey part of the building would be primarily used by the SoE, the smaller two storey wing (located to the west of the main building) would be used for UKRRIN. The SoE faculty would be relocated and expanded from its current site in the Gisbert Kapp building, on Pritchatts Road.
- 1.4. The building would be a contemporary design, with a main material of buff brick, including brick detailing techniques of English bond, stretcher bond, projecting headers and angled reveals, all of which would add interest and variety to the way in which the elevations would be articulated. Also, Glass fibre Reinforced Concrete (GRC) would be used in sections being a composite material comprising of cement, fine aggregates, alkali resistant glass fibres, and admixtures). There would be two entrances to the building, the SoE would access from the north of the building and the UKRRIN from the western plaza. Window and door frames would be anodized aluminium and the SoE entrance atrium would be enclosed with glazed curtain



walling. Windows would be grouped in a grid formation, with expanded frame sections, to create a strong rhythm across the elevations. The UKRRIN part of the building would clad in corten cladding and large loading service doors (to the south elevation) would consist of roller shutters that are designed to match this colour. (NB. The Corten cladding is a group of steel alloys which were developed to form a stable rust-like appearance and is therefore an ideal material for rainscreen cladding).

- 1.5. The scheme includes the provision of 6 car parking spaces on site. Additionally, cycle parking is proposed for 50 bicycles, located to the west and east of the School of Engineering plaza and located on the edge of the site to the further west.
- 1.6. The site layout shows the creation of a new hard-surfaced plaza, to the west of the building and proposed hard and soft landscaping to complement the building. Furthermore, 40 trees are proposed to be planted as part of the landscape scheme.
- 1.7. The application is supported by a separate application (reference 2018/02319/PA), for the creation of 78 car parking spaces, on former tennis courts, adjacent to the former Munrow Sports Centre, north of the site by around 100m.
- 1.8. The building would accommodate a maximum of 100 staff, 100 PhD students and 700 undergraduates.
- 1.9. The application is supported by a Design and Access Statement, Drainage Assessment, Parking and Sustainable Travel Strategy, a Preliminary Ecological Appraisal, Archaeological Assessment, Planning Statement and Transport Statement.
- 1.10. Site area 0.62.
- 1.11. A screening opinion was made during the application assessment, determining that an EIA was not required.

## 2. Site & Surroundings

- 2.1. The site is within the University of Birmingham main campus.
- 2.2. The site is a cleared site but recently contained three buildings; the Alta Biosciences building, Chemistry West and a small Chemical Research Engineering building laying between both of these. These were demolished recently, under previous approvals.
- 2.3. To the east, south and north of the site are access roads within the campus. To the west is a 4 storey building for the School of Computer Science.
- 2.4. The site slopes from its highest point in the northwest corner (140 AOD) to its lowest point in the southeast corner (130 AOD) hence falling 10m. The northeast corner is at 134 OAD, being halfway between both levels.

## 2.5. [Site Location Plan](#)

## 3. Planning History

### 3.1. Campus wide

- 3.2. 29/10/12. Pa no. 2012/02047/PA Hybrid application for the redevelopment of elements of the University Campus buildings and infrastructure including: Outline application for a multi-storey car park, erection of student residences and sports pavilion, erection of new library and Full details for the erection of a new sports centre and the construction of a new pedestrian/cycle route to the Vale, Demolition of various buildings including Chemistry West. Approved with conditions.
- 3.3. On site
- 3.4. 19/12/17 Pa no 2017/10276/PA demolition of the Alta biosciences building and enabling works associated with the re-development of the wider site, consisting of Alta Biosciences and Chemistry West. Approved.
- 3.5. Site of former Munrow Sports Centre
- 3.6. PENDING 2018/02319/PA Creation of a surface car park, on former tennis courts, for 78 spaces.
4. Consultation/PP Responses
- 4.1. Councillors, the MP and resident associations consulted. Site Notice erected and press notice made. No comments received.
- 4.2. Transportation - No objection, subject to conditions to ensure that the off-site Munrow car parking is provided and marked out prior to the building being occupied, and that the proposed cycle parking is also provided before occupation.
- 4.3. Historic England - No objection. The application site lies within the setting of the scheduled monument known as '*Roman forts at Metchley*'. Part of the scheduled area is located 50m to the northwest of the application site. The scheme would not result in a dramatic change of, or intrusion into, the character of those surroundings. To that end, although the proposed development would have an impact upon the setting of the scheduled monument, it does not consider this to result in harm to its significance. There is scope to improve the existing interpretation board on the West Gate pedestrian route. There is also the option to use a creative design to the landscaping in the west of the site to pick out the line of the archaeology in this area (even if it has been previously excavated) such as different colour paving to indicate the line of the fort's defences or structures which might have been present. This is a suggested opportunity, rather than a formal requirement. The main remit for commenting falls with the City's conservation team, rather than Historic England.
- 4.4. West Midlands Fire Service – Fire-fighting access is required in accordance with normal Building Regulation requirements.
- 4.5. Regulatory Services – No objection subject to a condition to specify extract details.
- 4.6. Network Rail - The proposal will not impact the railway infrastructure.
- 4.7. Canal and River Trust – Due to the distance from the canal corridor, the change in levels and the intervening built form and natural screening, it is unlikely that the proposal would have significant impacts on the canal environment. However, the canal corridor is known to include biodiversity and which includes bats, and therefore the loss of existing green space on site and potential habitat/links should be taken into account when considering the application.

- 4.8. West Midlands Police – The Police concur with the security measures proposed in the design and access statement and in addition recommend that the building is protected by an alarm linked to a police response. It asks that the developer considers those enhanced security standards produced by the Police Crime Reduction initiative 'Secured by Design' Commercial Developments for the whole of the development.
- 4.9. Lead Local Flood Authority – No objection subject to conditions to require the submission of a surface water drainage scheme and an operation and maintenance plan.
- 4.10. Severn Trent - As the drainage proposal has been agreed with Severn Trent, via a Developer Enquiry, it has no objections to the proposals and it does not require a drainage condition to be applied.

## 5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014). Historic England guidance for '*The setting of Heritage Assets*' (2015).
- 5.2. Birmingham Development Plan (2017); Birmingham UDP- saved policies (2005), Wider Selly Oak Plan.
- 5.3. Metchley Fort, Scheduled Ancient Monument.

## 6. Planning Considerations

- 6.1. This application raises seven key considerations; the principle of development, design, impact on archaeology, impact on parking/traffic and infrastructure, impact on ecology, and impact on trees.

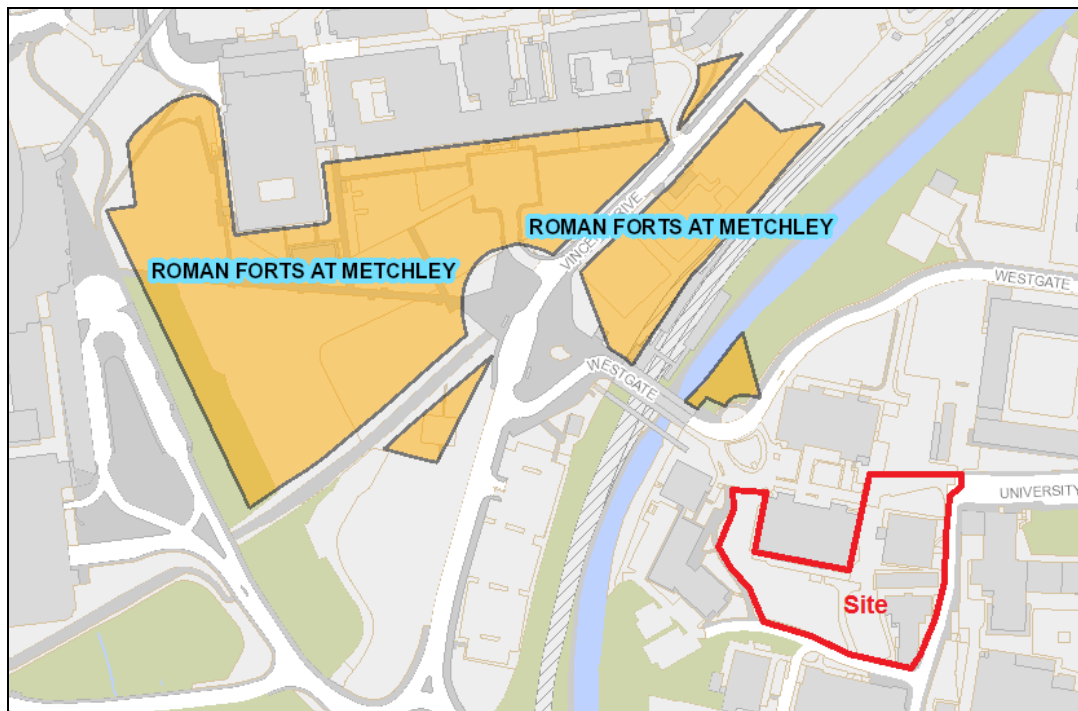
### 6.2. Background

- 6.3. The main building; Chemistry West and the small Chemical Research Engineering building to its south, has already gained consent to be demolished through the hybrid planning application. The other building; the Alto Science building, has also subsequently, gained planning permission for demolition through an 'enabling works' application that included ground works in preparation for this application. All three buildings have now been demolished.

### 6.4. Principle

- 6.5. Policy TP27, of the BDP, requires all new development to demonstrate that it is meeting the requirement of creating sustainable neighbourhoods. This is characterised by a wide choice of housing types, access to facilities (being shops, schools, leisure and work), access to sustainable travel, a strong sense of place with a high design quality, and promoting environmental sustainability. Policy TP3, of the BDP, requires new development to be designed and constructed to sustainable standards which maximise energy efficiency, conserve water and reduce flood risk, consider the source of materials, minimise waste and maximise recycling during construction, have flexible and adaptable spaces and enhance biodiversity.
- 6.6. Policy GA9, of the BDP, states that further educational and associated uses that maintain and enhance the University's facilities will be supported.

- 6.7. Therefore, the site is considered an appropriate location for the proposed use in principle, provided that the scheme satisfies all other material planning considerations.
- 6.8. Design
- 6.9. Policy PG3, of the BDP, seeks to create a positive sense of place with designs that respond to site conditions, local context, creates safe environments, provides attractive environments, make sustainable design integral, and supports the creation of sustainable neighbourhoods. Furthermore, Policy 3.14, of the UDP (saved Policies), states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit. It also requires developers to consider the site in context and states that to avoid problems of piecemeal and incremental development, comprehensive master plans should be prepared. Paragraph 56 of the NPPF states that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 6.10. My urban designer has no objection to the key design features of the scheme. The scale and massing are considered to be appropriate in the context. The two entrances address important pedestrian routes through the University. The two functions, SoE and UKRRIN, are expressed through two contrasting architectural approaches, which reflect the use and assist with legibility; there is a consistency of materials and patterning which complement the final design.
- 6.11. The atrium, on the north elevation, has been widened and improved during the pre-submission discussions and this improves the elevation, the hard landscape scheme coordinates with this and signals the entrance effectively. The parapet wall conceals the Photo Voltaic units of the roof and plant on the west wing effectively.
- 6.12. On the west elevation, the feature window to the seminar room is well proportioned and extends down to the floor. This feels well resolved, expresses the floor level, and increases natural surveillance in this key location. The anodised aluminium frame for the areas of glazed curtain walling would reference the colour of the corten cladding, and this approach is supported.
- 6.13. The proposed external works and landscape scheme is well considered. The proposed contrasting colours, in form of granite paving, is supported. However, this would need to be relatively subtle to be effective; as large areas of monochrome granite could look oppressive and too high a contrast can appear busy.
- 6.14. The minor design issues, in regard to materials can be suitably addressed through condition agreement and as such I have no objection to the design subject to the use of conditions in regard to materials.
- 6.15. Impact on archaeology
- 6.16. The site is adjacent to the Metchley Fort Scheduled Ancient Monument; a designated heritage asset and a Scheduled Ancient Monument (SAM) and therefore within a buffer area on its perimeter (as shown below). As such, the application site has the potential to affect the setting of the SAM.



Plan showing the relationship of the SAM to the application site

- 6.17. Paragraph 128, of the NPPF states that “...In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets (HA’s) affected”. Paragraph 129 states that the LPA should identify and assess the particular heritage asset that may be affected (including setting) and take this assessment into account when considering the impact to avoid or minimise conflict.
- 6.18. Policy TP12, of the BDP, states that in regard to the historic environment “the Council will seek to manage new development in ways which will make a positive contribution to its character”. In terms of development that affects the significance of a designated or non-designated heritage asset or its setting will be determined “in accordance with national policy” and “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 setting.”
- 6.19. I recognise that Historic England has considered the impact of the proposal on the setting of the SAM and concluded that it considers the impact to be less than substantial harm and have no objection. It has suggested that an existing, interpretation board, beyond the application site, be updated and a condition is recommend to provide this. The second comment made by Historic England, in regard to interpretation through on site landscaping, was considered by the University but it was considered to be inappropriate and unnecessary. I tend to agree as the site is some distance from the main site of the SAM and would only be able to show a very small section of the original fortifications, making the effort appear piecemeal and without real merit.
- 6.20. Your archaeologist has also considered the impact of the scheme and notes that an Archaeological Desk Based Assessment has been submitted with the application. He considers that this report is acceptable and as such a condition only requesting a ‘watching’ programme of archaeological observation and recording is required. He also considers that the wider design of the building is broadly acceptable to the

setting of the SAM but it is recommended that conditions concerning materials and detailed design are attached to any approval.

- 6.21. Impact on parking/traffic and infrastructure
- 6.22. Policy TP44, of the BDP, seeks the City to make optimum use of infrastructure across all modes. Managing travel through a number of measures including the availability and pricing of car parking and ensuring the delivery of sustainable transport network.
- 6.23. The University's engineering departments are proposed to be relocated from the Gisbert Kapp building, on Pritchatts Road into the new building. Parking requirements have been based on maximum occupancy of the building and have not been adjusted to take account of the intended relocation of departments on campus, instead the proposal takes a 'worst case scenario' approach to traffic and infrastructure impact.
- 6.24. The Parking and Sustainable Travel Strategy provides information relating to sustainable transport measures and parking provision on the campus as a whole. This sets out Travel Plan objectives to reduce car use and encourage sustainable travel choices through the promotion of the travel plan, reducing the need to travel, improving cycling routes, subsidised bus and train travel, encourage and incentivise car sharing, more on campus parking enforcement and the introduction of a car club.
- 6.25. The proposed School of Engineering and Railway Research Innovation Centre would be occupied by a maximum of 100 staff, 100 PHD students and 700 undergrad students. The scheme proposes 6 parking spaces within the site and 78 parking spaces proposed on the former tennis courts site (subject to a separate planning application). The scheme also proposes the creation of 50 cycle stands, within the site in 5 cycle shelters, around the proposed building.
- 6.26. The supporting statement notes existing trips would be displaced to other parts of the site campus. An estimate of trip impacts has been made by using the 2016 travel survey mode splits on the maximum occupancy levels. This estimates 363 two way trips by all modes in the AM peak and 162 in the PM, and 71 and 32 vehicle trips respectively. The statement also notes the likely trip impacts and car parking demand based on all the staff and students being new to the site and campus, and derives a car parking demand based on the University's Travel Plan mode splits. This notes 86 car parking spaces are required, of which 6 are included in this application's red line plan.
- 6.27. As well as the proposed 6 spaces on-site and the off-site 78 parking spaces (on the former tennis courts site), new car parking has also been approved in phases, on the former Munrow Sports Centre site, in the recent past. This new car parking area includes 17 surplus (unallocated) spaces. As such, I am satisfied that the required additional 86 spaces would be provided on the campus in close proximity to this facility.
- 6.28. Your highway engineer has raised no objection to the scheme subject to conditions that require the off-site Munrow car parking be provided and marked out prior to the building being occupied, and for proposed on site cycle parking to be provided before occupation. I concur with the comments of Transportation colleagues.



6.29. Impact on ecology and trees

6.30. Some trees were removed as part of the enabling works application, which were deemed by your arboriculturalist to be low value, replacement tree planting was approved as part of the enabling works scheme in case redevelopment did not occur. As such this current application also proposes replacement tree planting in the form of 40 trees. Furthermore, he notes that following the tree removal agreed in the enabling works application 2017/10276/PA there are no tree protection issues raised by the current scheme.

6.31. However, your ecologist notes that to compensate for the loss of existing habitats (notably semi-mature trees and hedges), new ornamental and “environmental enhancement” planting is proposed for the SoE entrance plaza and to the west of the new buildings, wrapping around the eastern, southern and western sides of the Computer Science building. A high proportion of native and “wildlife-friendly” ornamental trees, shrubs, hedging and climbing plants have been specified, as well as an area of wildflower grassland to the north-west of the UKRRIN entrance. Furthermore, a bio-diverse green roof is proposed that would include a wild flower mix.

6.32. In terms of protected species, the Chemistry West building provided a bat roost, therefore a replacement bat roost unit is proposed to be installed in the southern elevation of the adjacent Computer Science building. In addition to the confirmed bat roost, features suitable for use by bats as access points or roosting locations were also identified within the Alta Biosciences building. Demolition of this building will therefore result in a reduction in roosting opportunities for bats. In order to ensure the site continues to provide a variety of roosting opportunities post-development, new bat roost units should be provided as part of the proposals, ideally as integral bat roost units installed in the fabric of the new buildings.

6.33. In summary, your ecologist has raised no objection to scheme provided that conditions are applied that require the Implementation of approved construction-phase ecological mitigation measures, install the proposed landscape planting and ecological enhancement measures, install bird / bat boxes, details of the proposed green roof and the submission of a Habitat Management Plan. I concur with these comments and attach the suggested conditions.

6.34. Other issues

6.35. Comments raised by West Midlands Fire Service have been passed to the University for information. The issues raised are matters for Building Regulation Control and not material planning considerations.

6.36. Furthermore, comments raised by the Police have been passed to the University for action as deemed appropriate. The University have an extensive security management programme and it therefore deals with these matters across the campus as a whole.

6.37. Finally, Regulatory Services had requested a condition for extraction details, however such a condition is considered to be unreasonable as the site is in the centre of the campus away from residential properties.

7. Conclusion

- 7.1. The scheme would enable the University to improve the quality of its teaching facilities and create new teaching space without an adverse effect on the identified material considerations.
- 7.2. The proposal would be a sustainable addition to the campus and would enhance the ecological value of the site.

8. Recommendation

- 8.1. That Planning permission be granted subject to the following conditions;

- 
- |    |  |
|----|--|
| 1  | Requires the prior submission of details of bird/bat boxes   |
| 2  | Requires the implementation of agreed green roof design  |
| 3  | Secures the implementation of the approved construction-phase ecological mitigation measures   |
| 4  | Secures the implementation of the landscape planting   |
| 5  | Requires the scheme to be in accordance with the listed approved plans   |
| 6  | Requires the prior submission of a habitat management plan   |
| 7  | Requires the provision of cycle parking prior to occupation  |
| 8  | Sets trigger for off-site car park delivery  |
| 9  | Requires the prior submission of sample materials  |
| 10 | Requires the prior submission of a lighting scheme   |
| 11 | Requires the prior submission of interpretation panel details  |
| 12 | Requires the prior submission of a sustainable drainage scheme   |
| 13 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 14 | Implement within 3 years (Full)  |
- 

Case Officer: Ben Plenty

## Photo(s)



Fig 1 Chemistry West (second building on left) (now demolished), looking west towards Westgate.



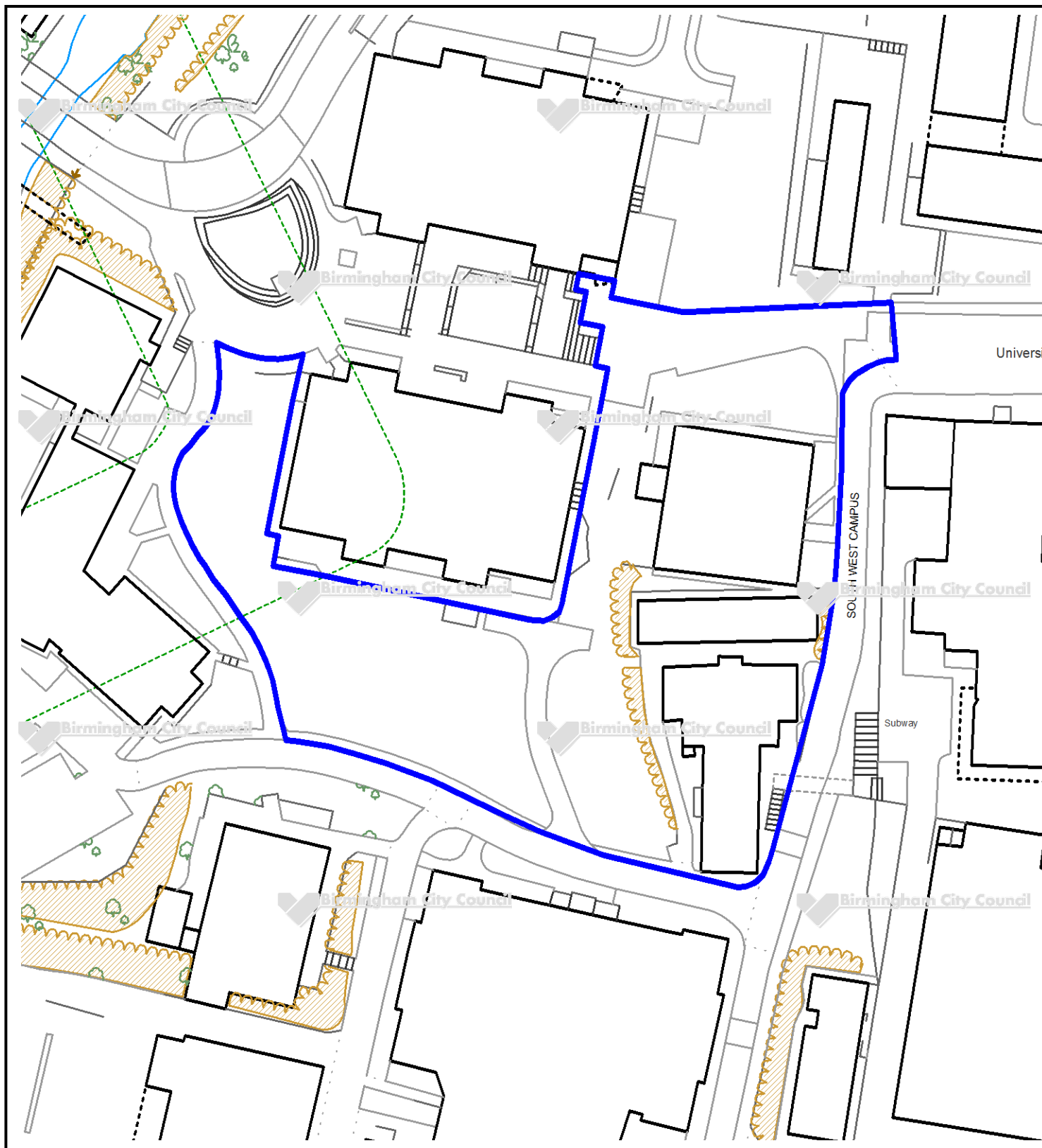
Fig 2 Alto-science building in foreground, Chemistry West behind with chimneys (both recently demolished), looking north.



Fig 3 Chemistry West second building on left with chimneys, and Alto-science is low building on right (both demolished), looking east.



## Location Plan



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Committee Date:	24/05/2018	Application Number:	2017/08949/PA
Accepted:	20/10/2017	Application Type:	Full Planning
Target Date:	23/02/2018		
Ward:	Bournville & Cotteridge		

Gemeindehaus, 1 College Walk, Selly Oak, Birmingham, B29 6LE

Demolition of existing building and structures and erection of 16 two bedroom dwellinghouses with access, landscaping and associated works.

Applicant: Bournville Village Trust  
c/o Agent  
Agent: Harris Lamb  
Grosvenor House, 75-76 Francis Road, Edgbaston, Birmingham, B16 8SP

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1 Permission is sought to demolish the three storey building which was known as 'Gemeindehaus'. The building would be replaced with 16 x 2 bed dwellings. The applicant has stated that all dwellings would be affordable housing which would be provided as social rented accommodation.
- 1.2 The dwellings have been presented as 8 pairs of semi-detached properties which are all two storeys in height. They vary between 8.3m and 9.1m high. Three pairs of semi-detached dwellings front onto College Walk with the remaining 10 accessed via a new driveway adjacent to the eastern boundary of the site. The dwellings are of brick construction with a mix of colours proposed; namely red, grey and yellow. Each dwelling is provided with a rear garden and single car parking space positioned either in front of or to the side of the dwelling.
- 1.3 It is proposed that 13 trees and 2 hedgerows would be removed of which 2 are category B, 8 are category C and 5 are category U.
- 1.4 A Tree Report, Design and Access Statement, Planning Statement, Transport Statement, Preliminary Ecological Appraisal and Drainage Report have been submitted in support of this application.
- 1.5 Site Area: 0.43ha, 37.2 dwellings per hectare.

1.1. [Link to Documents](#)

2. Site & Surroundings



- 2.1. The application site is located on College Walk which is a cul de sac which has direct access onto the Bristol Road. Since the time of application submission, all buildings on site have been demolished under consent 2017/06484/PA. There is a gentle slope across the site with levels reducing in a south to north direction. College Walk contains primarily student accommodation. Residential dwellings that front onto the Bristol Road front are located to the west of the site. The application site is bound by student accommodation to the east and south and a single dwelling bounds the site to the north. The site is 900m from the Local Centre of Selly Oak and is approximately 1.1km from Selly Oak Train Station.

3. Planning History

- 3.1. 16/08/2017 – 2017/06484 – Prior notification for the demolition of ‘Gemeindehaus’ – prior approval granted
- 3.2. 25/08/2017 – 2017/06108/PA – Pre-application request for 16 dwellings – Principle of development supported

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions regarding pedestrian visibility splays, the submission of a construction management plan and the relocation of a lighting column.
- 4.2. West Midlands Police – No objection
- 4.3. Lead Local Flood Authority – No objections subject to a condition requiring the submission of a Sustainable Drainage Operation and Maintenance Plan
- 4.4. Education – No objection
- 4.5. Regulatory Services - No objections subject to conditions requiring the submission of a construction method statement, scheme of noise insulation, contamination remediation scheme and contamination verification report.
- 4.6. Severn Trent - No objections subject to a condition requiring a the submission of a drainage strategy.
- 4.7. West Midlands Fire Service – No objection
- 4.8. Local residents, Ward Councillors, MP and residents were notified and a site and press notice were displayed/made. There were four rounds of public consultation during the course of the application, to address various amendments to the application. 4 letters of objection were received raising the following concerns:
- Noise and disturbance from demolition;
  - Lack of consultation; and
  - Loss of privacy
- 4.9. One letter of support of was received stating that the scheme would be an improvement over the original student accommodation.

## 5. Policy Context

### 5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2031
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Wider Selly Oak SPD
- Places for Living SPG
- Car Parking Guidelines SPD

### 5.2. The following national policies are applicable:

- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

### 6.1. I consider the key planning issues to be considered are: the principle of the proposed development; the impact on residential amenity; the design of the proposed development; the impacts on traffic and highway safety; the impact on trees; ecology and affordable housing requirements.

### 6.2. The principle of the proposed development

### 6.3. The National Planning Policy Framework seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

### 6.4. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places..."All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods". Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.

### 6.5. Following the granting of prior approval under reference 2017/06484/PA all buildings on site have been demolished and the site has been cleared. The principle of redeveloping this site for residential purposes would be a positive step in line with national and local policy. The site is within an established, residential area, close to public transport links and with easy access to services within the Local centre of Selly Oak. The proposed development would deliver 16 much needed affordable homes through the effective re-use of this site.

### 6.6. Design

### 6.7. Policy PG3 of the BDP explains that "All new development will be expected to demonstrate high design quality, contributing to a strong sense of place." It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and

make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.

- 6.8. The site is situated between the 2 storey residential development on Bristol Road South which comprises semi-detached dwellings on large plots and 3 and 4 storey apartment buildings within College Walk. The proposed dwellings relate closely to the scale of residential development on the Bristol Road. 3 pairs of semi-detached dwellings front onto College Walk with the remaining 5 pairs served off a cul de sac. To provide visual interest there are 3 different house types and a varied palette of materials is proposed including 3 different colours of brick. Plot 6 is sited on the corner of College Walk and the new cul de sac and the Applicant has added windows on the side elevation facing the new cul de sac to ensure that there is not a blank elevation facing the public realm.
- 6.9 The City Design Officer has been heavily involved through the evolution of this scheme with changes being made to address her original concerns. Consequently she does not object to the scheme. It is considered that the siting, scale, and appearance of the proposed dwellings would be acceptable and in keeping with the character of the surrounding area.
- 6.10 Residential Amenity
- 6.11 The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.
- 6.12 Concerns have been raised over the potential for overlooking from the first floor of many of the plots into the rear gardens of properties on the Bristol Road. The Places for Living SPG requires a separation of 5m per storey to prevent the overlooking of private gardens. Plots 11-16 retain distances of between 7.1m and 7.2m from the rear boundary with No's 944, 946, 948, 950, 952 and 954. However, these properties have rear gardens over 40m in length with some having sheds at the bottom of these gardens. In addition there is generally good vegetation coverage along the rear boundary which can be enhanced further by a landscaping condition. Permitted development rights can also be removed via condition to prevent the insertion of dormer windows on these properties to further protect privacy after construction. In light of these circumstances it is not considered that harm to amenity level of the occupiers of No.s 944-954 (evens) is so severe to warrant refusal. Also, I note that no objections were received from these occupiers on the grounds of overlooking/privacy.
- 6.13 Plots 7-10 also have habitable windows on the rear at first floor level however the minimum separation distance is achieved to the shared boundaries with property No's 958, 960, 962 and 964. The front elevations of plots 11-14 have windows at first floor level which look out towards the private amenity space associated with Asbury Overseas House which provides accommodation for overseas students. A minimum separation distance of 12.1m is achieved exceeding the 10m guidance for 2 storey properties.
- 6.14 No. 936 Bristol Road is a bungalow which is located to the north of plot 16m. The rear (south west) boundary of Plot 16 is 6m from its side garden boundary however

there are no habitable windows on this elevation ensuring that no loss of privacy can occur to no. 936 (which I will secure by condition). The proposed dwelling also retains a distance of 15m from the rear elevation of No. 936 ensuring that the proposal does not appear visually intimidating.

- 6.15 To ensure satisfactory private amenity space is provided for the occupiers of the proposed dwellings Places for Living requires a minimum of 52sqm for 2 bedroom dwellings. This garden area requirement is met in all cases across the 16 plots proposed.
- 6.16 The Nationally Described Space Standards are not adopted by the Council but they provide a useful yardstick against which to assess the adequacy of proposed accommodation. For 2 bedroom, 4 person dwellings a minimum gross internal of 79sqm is required and each double bedroom should be 11.5sqm in size. In each case the internal floor area of each dwelling exceeds 90sqm and each double bedroom exceeds 11.5sqm in floor area.
- 6.17 In summary, the proposals do not have an undue amenity impact on the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.18 Traffic and Highway Safety
- 6.19 Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.20 The site is in a sustainable location in close proximity to both bus routes and a train station. Provision has been made for a single parking space per dwelling. The Car Parking Guidelines SPG requires a maximum of 2 spaces per dwelling however taking into account the fact that all properties proposed contain just 2 bedrooms 100% parking is considered to be sufficient in this location.
- 6.20 Transportation have raised no objection subject to conditions and consequently it is considered that the proposal would not have a severe impact on the highway network.

#### Landscape and Trees

- 6.21 A significant number of trees would be retained across the site despite the removal 13 trees and 2 hedgerows. Of these to be removed most are of limited quality. A number of large specimens are remaining along the eastern and western boundaries which will add to the character of the completed development. The Tree Officer raises no objection to the scheme and consequently with the implementation of an appropriate landscaping scheme the proposal will not unduly impact on the natural environment.
- 6.22 Ecology

- 6.23 The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application, informed by a Phase 1 habitat survey, protected species scoping survey and nocturnal bat surveys. There is evidence of both bats and badgers using the site for foraging. Importantly no badger setts were found and the building was not used as a bat roost. The Ecologist considers that the proposal can be implemented without an undue impact on these protected species subject to a number of conditions.
- 6.24 Affordable Housing Requirements
- 6.25 The scheme proposes a 100% affordable housing scheme which comfortably exceeds the 35% requirement of Policy TP31 of the BDP. In a City where affordable housing needs are high this is considered to be a significant benefit in favour of the scheme. Affordable housing on schemes of 15 dwellings or more would usually be secured through a S106 legal agreement. The applicant has explained that if the affordable housing is secured in this manner they would not be eligible for funding from Homes England (formerly the Homes and Communities Agency) which would make the scheme unviable. This has been corroborated by the Housing Department. Consequently Officers have agreed to secure the affordable housing via planning conditions in this particular instance in light of the reasons raised and the need for affordable housing delivery. Conditions will require that an affordable housing scheme is submitted prior to commencement and will ensure that the scheme can only be implemented by the applicant or another registered social landlord.
- 6.26 Other Considerations
- 6.27 Concerns were raised over the consultation process. However, it can be confirmed that the level of consultation met the requirements of Development Management Procedural Order 2015 when undertaken in October and a further round of consultation took place in December.
- 6.28 Concerns have also been raised over potential noise and disturbance during the construction phase. Some noise and disruption is inevitable when implementing a housing scheme however a condition requiring a construction management plan should help to minimise any impact.

## 7. Conclusion

- 7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme would be acceptable in terms of its design, amenity, highways, ecology, landscape and affordable housing considerations. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

## 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
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- 2 Requires the prior submission of sample materials
  - 3 Requires the prior submission details obscure glazing for specific areas of the approved building
  - 4 Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan
  - 5 Requires the prior submission of hard and/or soft landscape details
  - 6 Arboricultural Method Statement - Submission Required
  - 7 Requires the prior submission of a contamination remediation scheme
  - 8 Requires the prior submission of a contaminated land verification report
  - 9 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
  - 10 Requires the prior submission of details of bird/bat boxes
  - 11 Requires pedestrian visibility splays to be provided
  - 12 Minimum 6 Affordable units
  - 13 The application hereby approved shall only be implemented and operated by the applicant (Bournville Village Trust) or another Registered Social Landlord.
  - 14 The development shall be implemented in accordance with the ecological recommendations.
  - 15 Relocation of the lighting column outside Plot 1.
  - 16 Requires the prior submission of a sustainable drainage scheme
  - 17 Removes PD rights for roof alteration and additions
  - 18 Implement within 3 years (Full)
- 

Case Officer: Andrew Fulford



## Photo(s)



Figure 1 – View south across application site taken from northern boundary



Figure 2 – View west across application site towards rear of properties on Bristol Road



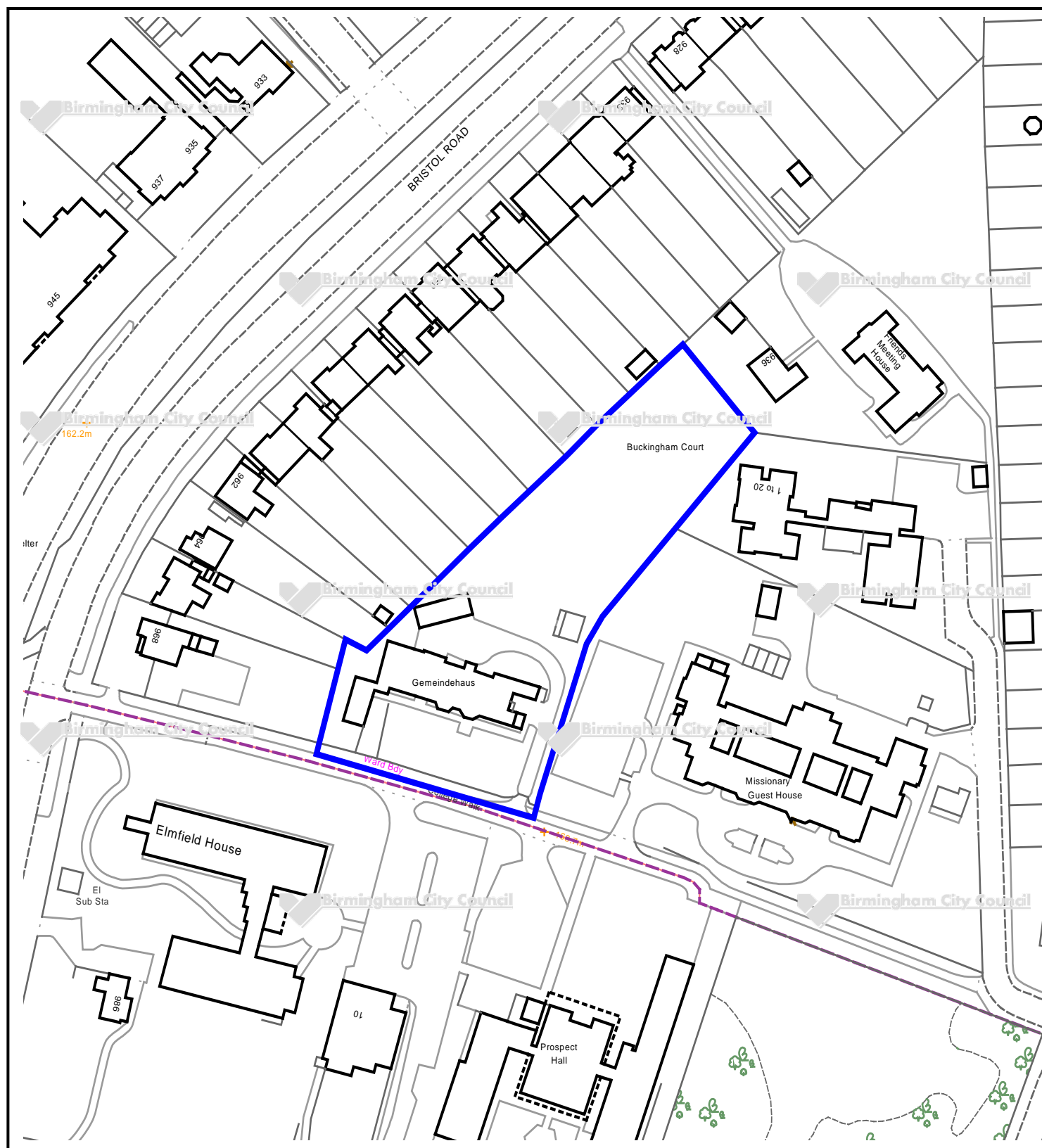


Figure 3 – View north towards application site from car park of Elmfield House



Figure 4 – View east across College Walk towards application site

## Location Plan



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Committee Date:	24/05/2018	Application Number:	2017/07534/PA
Accepted:	18/10/2017	Application Type:	Full Planning
Target Date:	24/05/2018		
Ward:	Northfield		

Quarry Sports & Social Club, 82 Quarry Lane, Northfield, Birmingham, B31 2PY

Alterations to and refurbishment of the Royal British Legion Club and associated car park and access points plus the erection of 12 semi detached dwellings on the former car park with separate access from Winchester Gardens. Includes demolition and re-building of the bowling pavilion

Applicant:	Royal British Legion & Kings Park Homes c/o Agent
Agent:	Jacobs Feasey Associates Limited 68A Reddicap Hill, Sutton Coldfield, Birmingham, B75 7BG

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Planning permission is sought for the partial demolition, alteration and refurbishment of the existing Royal British Legion Club including alterations to its associated car park and access points and the erection of 12 semi-detached dwellings on the former British Legion (Quarry Sports and Social Club) car park to the rear of the site with separate access from Winchester Gardens.
- 1.2. The proposed alterations to the existing Royal British Legion club would be undertaken as a result of the enabling development of the 12 dwellings and would comprise:
  - Demolition of the existing western wing of the club including at ground floor: main lounge, toilets, offices and further function rooms and at first floor: lounge, toilets, back bar and server, store rooms and offices.
  - Demolition of separate store room and ladies room to the west of the main building.
  - Revisions internally at ground floor to provide a reduced in size snooker room, cellar and lounge along with new toilets, staff room and reception area/foyer including lift.
  - Revisions internally at first floor to provide and main function room with raised seating area; new bar and dining area and meeting room along with a new landing area with lift.
  - Refurbishment of the exterior to include new render finish to the front and west elevations and cleaning and making good of east and rear elevations.
  - The proposed alterations would see the reduction in floor space from the existing 1,504sq.m to 817sq.m and the building reduced in size from

approximately 50m in length and 17m in width to 24m in length and 17m in width.

- Provision of new car parking area adjacent to the building following demolition to provide 31 car parking spaces (including 2 disabled spaces) adjacent to the building and a further 7 staff car parking spaces to the rear of the building.

- 1.3. Access would be as existing as a one way road from Quarry Lane out onto Winchester Gardens however, rather than this running through the car park to the rear (located on a different level to the existing club), the access road would run from Quarry Lane into and/or round the new car parking area, round the front of the building and down its eastern side and out onto Winchester Gardens via a new access road running alongside the eastern site boundary. A new retaining wall running east-west behind the buildings to be demolished would support the higher housing land to the north, effectively splitting the wider site, with the houses and bowling green to the north, the British Legion Club to the south.
- 1.4. A new bowling green club house would be provided as part of the proposals as the existing club house would be demolished as part of the access road widening. No works to or loss of the bowling-green is proposed. No details of the new club house are provided, apart from its relocation from the north side of the green (existing), to the south side (proposed).
- 1.5. The proposed 12 semi-detached dwellings would be located on the upper level car park to the rear of the Club building adjacent to the existing bowling-green to the rear and would be solely accessed via the existing car park exit onto Winchester Gardens. The access would be widened to accommodate two-way traffic. The twelve dwellings would be located in six blocks of two, five of which would front a new access drive and the bowling-green. Plots 1 and 2 would be located side onto the bowling green overlooking the access road onto Winchester Gardens.
- 1.6. All twelve dwellings would be 2.5 storeys in height with a dormer window to the front and rooflight to the rear in a gabled roof and would comprise a hall, cloakroom with W.C, kitchen/dining, living room and store at ground floor; two bedrooms and bathroom at first floor and a master bedroom with en-suite and store within the roof. The dwellings would range in size from 104sq.m to 105.5sq.m. The bedrooms would range in size from 11.1sq.m to 14.2sq.m. Plots 1 and 2 and 3 and 12 would have side facing windows to address their location adjacent to the proposed access.
- 1.7. A small landscaped area would be provided to the front of each dwelling along with two car parking spaces. The rear gardens would range in size from 67sq.m to 88sq.m and would range in length from 12m to 14m.
- 1.8. The application has been amended since submission to provide a wider access route from Winchester Gardens and amendments to the siting of Plots 1 and 2 and their respective car parking.
- 1.9. The application is accompanied by a Planning Statement; Design and Access Statement; Flood Risk Assessment; Bat Survey; Ecological Appraisal; Arboricultural Impact Assessment and Survey; Ground Site Investigation Report and a Transport Statement.
- 1.10. Site Area: 0.97Ha. Site Area for Residential Development: 0.4Ha (excluding access road 0.32Ha) Density: 12 dwellings per hectare (based on red line site area); 30 dwellings per hectare based on 0.4Ha site area and 38 dwellings per hectare excluding existing access.

1.11. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site is located in a residential area and comprises a bowling green, large car park, the existing Royal British Legion Club and outbuildings and a war memorial located in landscaped gardens to the front of the site. The existing club buildings are a hotchpotch of differing ages and styles. The site is currently accessed from Quarry Lane and exited via the upper level rear car park onto Winchester Gardens. The site is split into two distinct levels as an approximate 5m level difference occurs between the ground floor of the Club and the rear car park/bowling green which sits at first floor level of the Club. A number of mature trees are located to the north and western site boundaries.
- 2.2. The surrounding residential properties also vary in age, architectural styles and plot sizes. Quarry Lane comprises large detached dwellings in large plots with large rear and front gardens whilst Winchester Gardens is a relatively modern 1970's infill of semi-detached and terraced properties.
- 2.3. The application site is within walking distance of Bristol Road South and Northfield District Centre to the west and north-west and within walking distance of Northfield Train Station to the south at the end of Quarry Lane.

2.4. [Site Location Map](#)

3. [Planning History](#)

- 3.1. The application site has extensive history relating to its use and extensions to both the Club building and the bowling-green and pavilion however none of these are relevant to this application. Pre-application discussions have been undertaken with regards to the development of this site.

4. [Consultation/PP Responses](#)

- 4.1. Local Residents, Ward Councillors, MP and Resident Associations notified. Two site notices and press notice posted. 12 letters of comment and objection have been received from residents in Quarry Lane, Winchester Gardens and Sylvan Avenue. The comments and objections are based on the following issues:
- Impact of extra traffic on adjacent residential roads, which are already full due to Northfield train station parking.
  - Insufficient parking proposed on site for both the houses (as two spaces per unit) and the Club with 31 spaces.
  - Is there enough space for large vehicles to enter and exit the proposed housing from Winchester Gardens?
  - Density as proposed is too high for the local area.
  - The car park should be used as an overflow for the station.
  - 2.5 storey housing is out of character.
  - Overshadowing, overlooking and loss of privacy.
  - Noise and disturbance.
  - Increase in flooding.
  - Impact on ecology.



- Require access to allow the boundary of 80 Quarry Lane to be maintained.
- Loss of trees.
- Impact on security to rear boundaries of Quarry Lane dwellings.

#### Consultation responses on original submission

- 4.2. Transportation – tracking is required for a refuse vehicle as such unable to provide further comment.
- 4.3. West Midlands Police - should this planning application be approved - no objection. However, in the six month period between March and August 2017 there have been 128 burglaries and 159 instances of vehicle crime reported in the Northfield policing area. Since October 2016 there have been 5 burglaries/attempt burglaries and 10 vehicle crimes reported to the police that have been committed on either Quarry Lane or Winchester Gardens. With this in mind the only concern relates to plots 1 & 2 and their allocated parking spaces being at the bottom of their rear gardens. Although there would be some surveillance opportunities from plots 6 & 7, would it be possible to move their location down slightly, to opposite plots 9 & 10 to allow curtilage parking. From past experience where parking is allocated to the rear of the property, not only is the risk of vehicle crime increased, but also, the residents will park their cars at the front of their properties regardless which can lead to highway obstruction.
- 4.4. West Midlands Fire Service – the access road requires a minimum width of 5.5 metres.
- 4.5. Severn Trent Water – no objection subject to a drainage condition.
- 4.6. Lead Local Flood Authority – no objection subject to sustainable drainage conditions.
- 4.7. Local Services – no comments or observations to make.
- 4.8. Regulatory Services – no objection subject to conditions relating to contaminated land, construction management and noise insulation.

#### Consultation responses on amended submission

- 4.9. West Midlands Fire Service – no objection. The road requires a carrying capacity of 15 tonnes.
- 4.10. Transportation – no objection subject to condition relating to pedestrian visibility splay.

#### 5. Policy Context

- 5.1. NPPF, Birmingham Development Plan (BDP) 2031, Saved Policies of the Birmingham Unitary Development Plan 2005, Places for Living SPG, Places for All SPD, Car Parking Guidelines SPD.

#### 6. Planning Considerations

- 6.1. The Applicant has engaged in pre-application discussions with the Local Planning Authority (Ref. 2017/03091/PA) and the proposed scheme has been modified, and



additional work undertaken/information provided, to take on board Officer comments made.

6.2. I consider the key planning issues to be assessed under this application to be:

- the principle of residential development;
- design and layout
- highways impacts, access and parking;
- impact on the amenity of existing residential occupiers;
- ecology/trees;
- flooding/drainage; and
- ground conditions.

#### Policy Context

6.3. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. 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 BDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.

6.4. The NPPF, at Paragraphs 47-50, 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.

6.5. Policy TP27 of the BDP explains that new housing in Birmingham is expected to contribute to making sustainable places by offering: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources and the use of green infrastructure; attractive, safe and multifunctional public spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.

6.6. With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.

6.7. Paragraphs 3.14D-E of the Saved Policies of the UDP explain that new housing development should be designed in accordance with good urban design principles. Policies PG3 and TP27 of the BDP also confirm the importance of place making and creation of sustainable neighbourhoods. Policy TP30 details density requirements and states that in areas well served by public transport developments should achieve at least 50 dwellings per hectare and elsewhere a minimum of 40 dwellings per hectare. The Council's Places for Living SPG encourages good quality

residential accommodation in attractive environments. It contains a series of urban design principles with emphasis to assessing context and responding positively to local character.

- 6.8. Policy TP6 of the 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.
- 6.9. 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). Policy TP8 of the 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.

#### Residential Development and the Existing Club

- 6.10. Both national and local planning policy seeks to accelerate the delivery of high quality housing in sustainable locations. This development would make a contribution to the City's housing supply, providing a sought after family accommodation. The site is previously developed land, lies within walking distance of Northfield District Centre (with access to local shops/services), and has established public transport, walking and cycling networks within walking distance, including Northfield Train Station to the south. The area is predominantly residential.
- 6.11. The application site is located in a low risk flood zone. The proposed residential development would secure the provision of 12 three bedroom family dwellings. The density of development on the site at 38 dwellings per hectare, would accord with that recommended in the BDP for this location.
- 6.12. It is therefore considered that both national and local planning policy support the principle of residential redevelopment on this site.
- 6.13. In relation to the demolition of part of the existing Club along with the proposed refurbishment works, the Applicant states the existing building is too large for the requirement of the British Legion and the building requires extensive repair and refurbishment. In order to enable these works to occur, the housing development is sought to the rear. I consider the principle of the works to the existing building to be acceptable and in accordance with policy, and they would ensure that a valuable community facility remains.

#### Design and Layout

- 6.14. Policy TP27 of the BDP requires that new housing provides a wide choice of housing sizes, types and tenures. This proposal would see the site developed for 12 dwellings providing a density of 38 dwellings per hectare. Given the site's location within walking distance of Northfield District Centre and accessible by public transport; I consider the density proposed to be acceptable and in general accordance with policy. I note the objections relating to density being out of character however, whilst Quarry Lane is large dwellings on large plots, Winchester

Gardens is more intensive. On this basis; I consider that the proposed density would be in accordance with the local character.

- 6.15. Whilst a mix of house types is not proposed within the twelve units; I consider that the proposal would meet the aim of the BDP for a variety of housing within the wider context of the application site. The proposed housing development would provide 12, three bedroom dwellings.
- 6.16. The houses would be traditional in design with brick elevations and pitched gabled roofs. They would incorporate design features including front dormer windows, porch canopies and side facing bay windows where appropriate. The houses would be two and a half storeys in height, which whilst not characteristic locally, would be considered acceptable in this discreetly-located site. The residential site to the rear of the Club can be little seen from either Winchester Gardens or Quarry Lane. I and my City Design advisor are satisfied that the proposed scale would be appropriate for the local context.
- 6.17. The majority of the proposed new housing would front the new extended access off Winchester Gardens and the existing bowling green and would back onto the rear gardens of dwellings in Quarry Lane. This would create a successful 'back to back' relationship providing a logical and coherent sense of place. Plots 1 and 2 would sit between Plots 9 – 11 and the bowling green, placed side-on to the green. Whilst not ideal for overall site layout and character, I do not consider their inclusion at this location constitutes a reason to withhold consent.
- 6.18. The development would see a density of 38 dwellings per hectare. Further improvements in design and layout have been sought during the application process; I and my City Design Advisor are satisfied that the proposed layout and density is acceptable, in accordance with policy in the BDP, NPPF and Places for Living.
- 6.19. The proposed 12 dwelling development would have separation distances and rear amenity areas that would generally comply with the guidelines in Places for Living. 3 of the houses proposed would have rear garden areas that would fall short of the 70sq.m guideline at 67 and 69sq.m. On those plots where the garden sizes fall short of the guidelines, a condition is recommended to remove permitted development rights. I and my City Design Advisor consider the garden sizes to be acceptable as the overall layout and place making is considered acceptable.
- 6.20. The proposed layout on plots 9 - 11 would front the side and active windowed elevation of plots 1 and 2 and this separation distance would be approximately 13 metres which would exceed the 12.5m requirement of front to flank wall separation but fall short of the 21m window to window distance. However, this relationship would be new to new and the main windows on the side elevation of plot 2, are primarily at ground floor and are secondary windows to both the kitchen and the living room. The active side facing windows are an appropriate design feature for this layout.
- 6.21. All of the units would generally meet or exceed the national space standards for bedrooms and overall dwelling sizes, which although not yet adopted by the Council, do provide a useful yardstick to judge the adequacy of accommodation size. Bedroom three in all of the dwellings would fall slightly short of the 11.5sq.m requirement at 11.1sq.m. All of the units would exceed the unit size requirement of 102sq.m for a three bedroom, six person, two storey dwelling.

- 6.22. The proposed development aims to be sensitive to the context of the surrounding area and appropriate to its character. The local vernacular is a mix of styles, age and form and as such the proposed architectural style would be traditional in design utilising brick as the primary material but would be different to that locally. This would create a further mix to the area that I do not consider would be out of character as the local area does not have one defining style.
- 6.23. Extensive discussions have been undertaken with Officers during the course of the application and the layout now proposed represents the result of these discussions. The layout identifies that the requirements of Places for Living would generally be met. As such, my design officer raises no objections on design, scale and layout issues. I concur with this view.
- 6.24. Regulatory Services, whilst raising no objections to the proposal, have requested a noise insulation scheme to ensure that the proposed dwellings would not be affected by noise from the adjacent British Legion Club. The relevant condition is recommended below.

#### Impact on Existing Amenity

- 6.25. The closest existing residential property is that of 80 Quarry Lane, which lies adjacent to the existing access for the Club. A small rear courtyard sits adjacent to this boundary, with full intervisibility between the two sites (please see Photo 4 below). All of no. 80's amenity space lies to its front, fronting Quarry Lane. At present, the existing access to the car park passes this rear courtyard and goes steeply up hill to bridge the level difference between the lower and higher levels of the site. The proposed development would see this access removed at this point as the site splits into two but would now see a car park located instead adjacent to this boundary with landscaping. This means one form of public view into the property would be swapped to another (from access, to car park).
- 6.26. The residential element of the proposal would see the side elevation of plot 3 looking across to 80 Quarry Lane, with a separation distance of approximately 17m to the rear boundary of no. 80, and Plot 3 sitting at higher ground level (c. 4m higher). There would, therefore be some overlooking from Plot 3 towards the rear courtyard and windows of no. 80, but given the already very public aspect of the rear of no. 80, I do not consider this relationship would much further alter the amenity and privacy of no. 80. The side elevation of plot 3 would have bay windows at ground floor to both the kitchen and living room along with windows at first and second floor to a bathroom and bedroom. I consider this arrangement to be acceptable and would have minimal impact on the amenity of occupiers in number 80, with the opportunity for some new landscaping to perhaps actually secure a little more privacy for no. 80. I note the concern from number 80 regarding maintenance access to the rear boundary, as this boundary would be located adjacent to the car park, I consider that this matter is adequately addressed as the boundary would still be accessible.
- 6.27. I note the objections raised from residents further along Quarry Lane and from residents in Sylvan Avenue regarding overlooking and overshadowing. The Quarry Lane gardens that abut the western boundary of the site range in length from approximately 35m to 90m with the properties themselves sat at right angles to the orientation of the proposed dwellings with a significant tree belt between and at lower ground level. As such, I do not consider that a privacy issue through overlooking would occur, nor do I consider that the properties on Quarry Lane would be overshadowed by the proposed residential development. With regards to properties in Sylvan Avenue, only plots 1, 2 and 12 would be located near to the

northern boundary with Sylvan Avenue. Plots 1 and 2 would be approximately 17.5m from the boundary and plot 12 some 13.5m with a further 15 to 20m (approximately) between the boundary and the rear of the properties in Sylvan Avenue. Based on these separation distances, I consider that a loss of privacy/overlooking/overshadowing would not occur from the proposed dwellings. I also note the question of security to rear gardens in Quarry Lane. At present, access to these can be achieved from the existing car park, which at present has no public or private visibility. The proposed development, would secure this boundary with new dwellings and as such, I consider that this would improve the security to Quarry Lane dwellings.

- 6.28. I am satisfied that the proposed development demonstrates that it would have an acceptable relationship to existing properties immediately abutting the site.

#### Landscape and Ecology

- 6.29. A preliminary ecological assessment is submitted in support of the application. The assessment identifies that there is hardstanding across much of the site. Amenity grassland forms much of the soft landscaping at the southern end of the site with trees lining the boundaries. The assessment identifies that a number of the buildings on site showed potential roosting features for bats; no evidence of badger activity was recorded on site although it was noted that optimal habitat for badgers and hedgehogs is present immediately adjacent to the application site; the site provides foraging and nesting opportunities for birds and the site does not provide habitat to support reptiles, amphibians or invertebrates.
- 6.30. A comprehensive bat survey has been undertaken to assess presence/ absence of bats within the range of buildings on site and determine any levels of site usage. All buildings were assessed for roost potential and following survey all bar the main block (referred to as B1 in the bat survey report) were regarded as not being used or negligible value for roosting. B1 however was identified as providing roosting for 2 x Pipistrelle bats. The proposed development would not impact on the roost site through the proposed demolition and any associated internal refurbishment however if plans should change then a reassessment will need to be undertaken.
- 6.31. The City Ecologist has reviewed the submitted ecological appraisal and concurs that the existing car park is hard paved and has negligible ecological value however it is bordered by a line of mature trees that do provide some bat and bird forage habitat and commuting route. As this tree line is to be retained, the impact on this is considered negligible although a suitable lighting plan may need to be produced for lighting of the access road to ensure that light spill to the canopy is kept to a minimum. Although there will be limited ecological impact on the overall site and the current bat roost location will not be affected it is foreseeable that work may need to be undertaken on the external sections of the building, the City Ecologist considers that it would be beneficial to include alternate roosting features in the new builds. As such, the City Ecologist raises no objections to the proposed demolition and development and recommends safeguarding conditions relating to lighting and an ecological enhancement plan.
- 6.32. A tree survey/impact assessment is submitted in support of the application. On the original submission, my Arboricultural Officer raised concerns regarding the potential loss of trees from a new footpath along the access road off Winchester Gardens. The tree survey identifies a total of 27 surveyed trees on site comprising 17 Norway Maple (Category B); 6 Sycamore (Category C); 2 Ash (Category C) and 2 Scots

Pine (Category A). The proposed development would require the removal of 1, Category C Ash Tree.

- 6.33. Following receipt of amended plans, which have removed the footpath alongside the trees, my Arboricultural Officer raises no objections and I concur with their view. Safeguarding conditions relating to the protection of retained trees are recommended below. Further, new planting is indicated at different points across the wider application site.

#### Drainage/Flood Risk

- 6.34. The application site is located within Flood Zone 1 and is considered to be at low risk of river or sea flooding and there have been no historic flood events recorded on the site. The surrounding area is subject to historical flooding in Mill Lane, Quarry Lane and Station Road however, these are located at much lower levels than the application site.
- 6.35. Surface water run-off is proposed to be collected in an underground geo-cellular tank, at the south of the site beneath the proposed car park. To achieve the LLFA required Greenfield run-off rate of 5l/s, 245m<sup>3</sup> storage would be required and the proposed tank would cater for flows generated during the 1 in 100 year event plus 30% climate change. With regards to drainage, it is proposed to discharge flows to the local public surface water sewers present in Winchester Gardens with foul drainage connecting to the existing foul sewer in Quarry Lane.
- 6.36. The LLFA are in acceptance of the principles in the FRA and consider that further information required as part of the drainage strategy can be secured by drainage conditions. In addition, Severn Trent Water has raised no objections and, as per the LLFA, has requested suitable drainage conditions. I note the residents' objections raised in relation to the increase in flooding; however as the LLFA and Severn Trent Water have raised no objections on this ground; I consider that this is not a material consideration with significant weight and impact to warrant a refusal in this instance. I concur with the LLFA and Severn Trent Water comments and the relevant safeguarding conditions are recommended below.

#### Transportation

- 6.37. Access to the site is currently obtained from Quarry Lane and exited onto Winchester Gardens. The proposed development would see this existing entry and exit arrangement maintained for the users of the Royal British Legion Club however, the proposed residential occupiers would both enter and exit off Winchester Gardens via a widened internal access road.
- 6.38. Trip generation analysis within the submitted Transport Assessment has been considered. This shows that the proposed development would generate approximately 13 movements in the morning peak and 7 movements in the evening peak period. Parking is proposed to be provided by two parking spaces to the front of each proposed residential property and for the British legion Club, a new car park of 31 spaces is proposed.
- 6.39. Transportation has reviewed the proposed development, the submitted transport assessment and the likely trip generation rates. They consider that while some increase in traffic at this location will result it is not considered this will be of a level significant enough to warrant concern. Tracking was requested in order to demonstrate that a refuse vehicle entering the residential site off Winchester



Gardens, manoeuvring within the turning head and exiting back out can be achieved. Additionally, the manoeuvre out of the club exit back out onto Winchester Gardens was requested. Transportation considers that these movements have been adequately tracked with the layout of the carriageway areas suitable to accommodate refuse vehicles. However, landscaping in the vicinity of the Winchester Gardens access will need to consider the overrunning of the front of the vehicle to the north of the initial section of the access road. It is acknowledged the tracking of a fire engine has also been provided.

- 6.40. There are no Transportation objections to the proposed development at this site. An acceptable level of parking is provided for the new dwellings with 200% provision. The replacement car parking for the club provides 31 customer spaces along with separate staff provision. These are reached via the existing access off Quarry Lane. The new access will need to be constructed to City standards at the applicants expense.
- 6.41. I note the objections received in relation to increase in traffic and parking issues along with questions over how larger vehicles will serve the site. However, as already outlined, traffic associated with 12 additional dwellings would not be expected to significantly increase traffic upon the local highway network. In relation to parking, a good level of provision is offered within the site with the need for overspill expected to be minimal. The tracking of both fire & refuse vehicles within the site has been demonstrated.
- 6.42. I am satisfied that the layout adequately demonstrates that an appropriate level of parking is provided, particularly bearing in mind the site's sustainable location, close to local services and good public transport links; and the proposal would have limited impact on the surrounding road network (taking into account objections received from local residents on this ground). West Midlands Fire Service have removed their objection following the submission of amended plans widening the proposed access road.

#### Ground Conditions

- 6.43. A site investigation report was submitted in support of the application. Regulatory Services has reviewed the report and has raised concerns about the assessment and some of the outcomes described. The Consulting Engineers share concerns that additional monitoring is required in that the data submitted does not adequately permit the characterisation of site conditions. Regulatory Services have therefore advised that additional invasive work will need to be carried out, and as such require safeguarding conditions relating to this.
- 6.44. Some of the key areas of clarification are:
- Additional investigative work needs to be carried out to characterise made ground / contamination levels across the site, in particular to reflect the location of residential back gardens and any soft landscaped areas. The investigation needs to consider potential contamination in made ground and underlying strata.
  - Boreholes used thus far were relatively shallow and failed to identify groundwater. Any potential contamination of groundwater sources has therefore not been considered. Further investigations detailed above should hence utilise, where appropriate, deeper boreholes to enable such characterisation.

- Combined gas and groundwater monitoring will need to be included (over an appropriate period) and any subsequent assessment and reporting to indicate if there is any contamination in the made ground, soil or groundwater.
- Given the close proximity of a historical landfill site to the east, additional investigation works are necessary to reflect and assess risks presented by potential gas migration from the landfill site. Assumptions of CS1 classification for ground gases is not accepted, given the short time period and results included in the data supplied (AJM/23447). Additional borehole data over an extended monitoring period is required to adequately assess ground gas conditions. This will better clarify the CS1 classification, given flow rate and corresponding CO<sub>2</sub> levels found in WS6 (AJM/23447).

6.45. I concur with the view of Regulatory Services and the suggested safeguarding conditions are recommended below.

#### Sustainability

6.46. In terms of the site's inherent sustainability credentials, it is previously developed land and so its development would allow for a contribution to the housing target for South Birmingham to be accommodated on 'brownfield' land. It would also ensure that this site would be put into long term active use.

6.47. Whilst no sustainable features are incorporated into the site development, aside from SuDs attenuation in tanks under the site; the site is located in a sustainable position that minimises the need to travel, has good public transport links and is located close to facilities. It is:

- close to Northfield District Centre;
- within reasonable walking distance of doctors surgeries, schools and other services;
- close to Bristol Road South which has high frequency bus routes, connecting to outlying areas and the city centre, and close to Station Road where Northfield Train Station is located;

6.48. I therefore consider that the proposal meets the requirements for sustainable development.

#### Other Issues

6.49. The proposed development is not located in a CIL charging area and as such does not attract a CIL contribution.

6.50. I note that an objection has been raised proposing the use of the site as extra train station car parking. Whilst this may be an acceptable/appropriate use for the site, it is not the proposal for which planning permission is sought and as such, is not a proposed use that can be evaluated as part of this application or a reason to refuse planning permission for the development proposed.

#### 7. Conclusion

7.1. The proposal would provide sustainable residential development on a brownfield site, close to public transport links and local facilities. It would have limited effect on surrounding residential occupiers and the highway network. As such, the proposal

is therefore supported as sustainable development and recommended for approval subject to conditions.

8. Recommendation

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

- 
- |    |  |
|----|--|
| 1  | Requires the scheme to be in accordance with the listed approved plans   |
| 2  | Requires the agreed mobility access to be maintained   |
| 3  | Requires the prior submission of a contamination remediation scheme  |
| 4  | Requires the prior submission of a contaminated land verification report   |
| 5  | Requires the prior submission of a sustainable drainage scheme   |
| 6  | Requires the prior submission of a 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 a scheme for ecological/biodiversity/enhancement measures   |
| 9  | Requires the prior submission a noise study to establish residential acoustic protection   |
| 10 | Requires the prior submission of hard and/or soft landscape details  |
| 11 | Requires the prior submission of hard surfacing materials  |
| 12 | Requires the prior submission of boundary treatment details  |
| 13 | Requires the prior submission of a lighting scheme   |
| 14 | Requires the prior submission of a construction method statement/management plan   |
| 15 | Requires the prior submission of sample materials  |
| 16 | Requires the prior submission of the replacement bowling pavillion building details  |
| 17 | Removes PD rights for extensions   |
| 18 | Requires the parking area to be laid out prior to use  |
| 19 | Requires pedestrian visibility splays to be provided   |
| 20 | Requires the implementation of tree protection   |
| 21 | Requirements within pre-defined tree protection areas  |
| 22 | Requires tree pruning protection   |
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23 Arboricultural Method Statement and Tree Protection Plan - Implementation

24 Implement within 3 years (Full)

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Case Officer: Pam Brennan

## Photo(s)



Photograph 1: Frontage of existing Royal British Legion Club – looking north east.



Photograph 2: Existing Car Park – looking south.





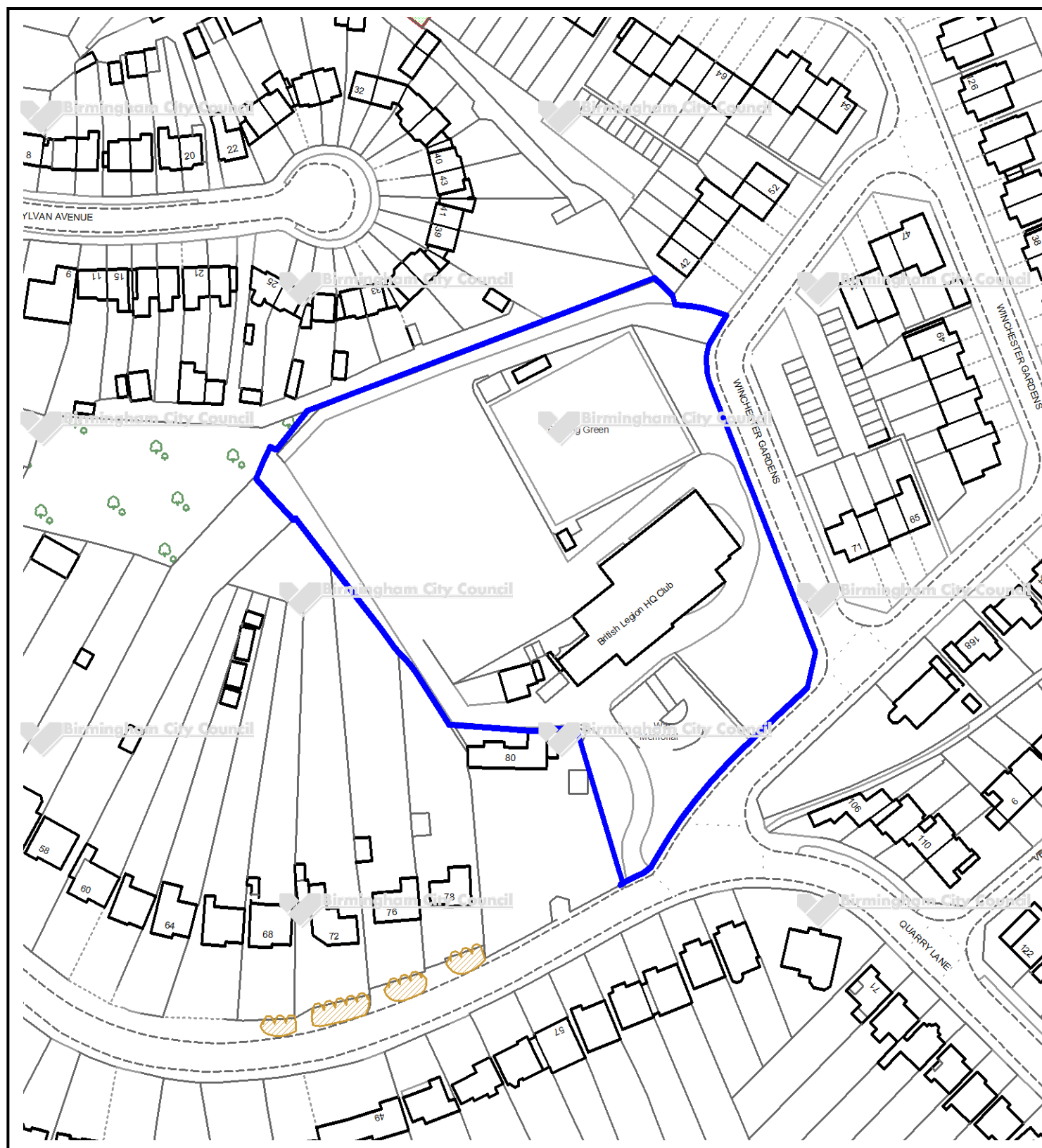
Photograph 3: Existing Access from car park onto Winchester Drive – looking west



Photograph 4: Rear of 80 Quarry Lane and the existing car park access road – looking south



## Location Plan



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Committee Date:	24/05/2018	Application Number:	2018/01113/PA
Accepted:	22/02/2018	Application Type:	Full Planning
Target Date:	19/04/2018		
Ward:	Rubery & Rednal		

Hillside House, Quarry House, Rushmore House, Redworth House and Dowry House, Cock Hill Lane, Birmingham, B45 9SQ

Installation of glazing to enclose existing balconies and cladding system across 5no. blocks of flats.

Applicant:	Birmingham City Council 1 Vineyard Rd., Birmingham, B31 1PG
Agent:	Michael Dyson Associates Ltd. West House, Meltham Road, Honley, Holmfirth, HD9 6LB

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#### Recommendation

#### **Approve Subject To Conditions**

1. Proposal
  - 1.1. Planning permission is sought for the installation of glazing and cladding to enclose the existing balconies and walkways across 5 blocks on flats on Cock Hill Lane.
  - 1.2. The fronts of each block have shared walkways, which would be enclosed with glazing and cladding. The private balconies to individual flats are sited on the rears of the blocks and would be enclosed with glazing.
  - 1.3. The walkways' glazing consists of aluminium-framed single panes with automatic opening smoke vents, with aluminium cladding panels to 1100mm above floor level. The panels would have a 'graduated' appearance, i.e. grey colours of varying tone (powder coated). The purpose of this is to protect the walkways from the weather, from which they are currently exposed to, and to provide a buffer space to reduce heat loss. The applicant has stated that the glazed enclosures would maximise daylight on the walkways.
  - 1.4. The walkways would have openable elements to meet Part B of Building Regulations. Automatic Opening Vents in the glazed panels would be located at each end of the walkway. These would be connected to a smoke detector whereby the presence of smoke opens the vents. Windows on the glazing would be openable, but only by staff and not by residents. Background ventilation would be provided to the corridor space via high level ventilation grilles which supplement the Automatic Opening Vents and provide a secondary smoke escape route.
  - 1.5. The private balconies attached to the flats would also be enclosed with aluminium framed single glazing with sliding frameless openers and aluminium clad balustrades to 1100mm above floor level. The purpose would be to allow the balconies to be usable all year round, regardless of weather. It would also protect the balconies from birds which have created issues and resulted in some tenants

installing mesh screens or netting to enclose their space. Again, the applicant states that the glazing would prevent heat loss from the flats and protect from weather. The enclosed balconies would have windows which could be opened by residents.

- 1.6. The balconies and walkways would be clad with aluminium cassette cladding panels. The areas of the building which do not form part of the balconies or walkways would remain unchanged.
- 1.7. [Site Location Plan – Dowry House, Hillside House and Quarry House](#)
- 1.8. [Site Location Plan – Redworth House and Rushmore House](#)
- 1.9. [Link to Documents](#)
2. [Site & Surroundings](#)
  - 2.1. The application site incorporates an area of 5 blocks of residential flats along Cock Hill Lane. The flats are split into two sections: Dowry House, Hillside House and Quarry House are located to the northern end of Cock Hill Lane whilst Redworth House and Rushmore House are located to the southern end. The flats are located on the western side of Cock Hill Lane and are surrounded by residential units.
  - 2.2. Each of the blocks of flats are 8 storeys in height. The buildings are ‘Y’ shaped, clad in cream and have private balconies on the rear elevations, and shared walkways to the fronts. The blocks of flats each have an internal central stairway providing access to each floor
3. [Planning History](#)
  - 3.1. Relevant planning history:
  - 3.2. 24/03/2014 – 2014/00543/PA – Addition of external wall insulation and other ancillary work including insulation of roof, redecoration, replacement boiler flues and concrete repair works to Quarry House, Hillside House and Dowry House – Approved subject to conditions
  - 3.3. 24/03/2014 – 2014/00556/PA – Addition of external wall insulation and other ancillary work including insulation of roof, redecoration, replacement boiler flues and concrete repair works to Rushmore House and Redworth House – Approved subject to conditions
4. [Consultation/PP Responses](#)
  - 4.1. Neighbouring occupiers and councillors have been consulted and a site notice has been displayed outside each block of flats.
  - 4.2. 8 letters of objection have been received from residents of the flats on the following grounds:
    - Loss of views
    - Carbon monoxide concerns

- People would have to leave the properties to smoke outside
- Loss of outdoor space: children would have nowhere to play
- Ventilation related concerns:
  - Mould and damp situation would worsen
  - Stuffy atmosphere in the summer would be made worse
  - Lack of fresh air
  - Breeze from opening windows on either side of the building would be lost
  - Flats would feel like greenhouses
- Emotional concerns:
  - Impact on mental wellbeing
  - Impact on those with disabilities
  - Proposal is distressing and unfair
  - Would cause residents to feel claustrophobic
- Practical concerns:
  - Drying washing on balconies would not be possible
  - Getting furniture in and out of the flats if the walkways are filled in
- Odour concerns:
  - From rubbish chutes
  - From people smoking on the balconies – the smell would be enclosed and worsened
  - From toilets, which are in close proximity to kitchens
  - From smells associated with drug use
- Fire concerns
  - There are existing concerns about fire safety
  - In an emergency it would take longer for the fire brigade to access the flats
  - Would be harder to escape in an emergency

4.3. One objection has been received from a nearby resident on the following grounds:

- Balconies would be made into another room rather than outside space or a small garden area
- Children would get less fresh air
- Odour concerns
- Flats feel like a prison

4.4. Regulatory Services – No objection

4.5. Transportation Development – No objection

4.6. West Midlands Fire Service – No objection

4.7. The applicants have confirmed that all of the flats are owned by Birmingham City Council. They have stated that residents of the flats have been informed of the proposed works through a consultation letter, a door to door survey and a public consultation event has been held.

## 5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2012

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies set out above.
- 6.2. The NPPF seeks a presumption in favour of sustainable development (Paragraph 14). One of the core planning principles set out in Paragraph 17 is that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”
- 6.3. Policy PG3 of the BDP seeks to create a positive sense of place and local distinctiveness and take opportunities to make sustainable design integral to development whilst making best use of existing buildings.
- 6.4. The proposed enclosure of balconies and walkways, and cladding of parts of the building are intended to reduce the heat loss from the buildings, protect these exposed areas from the weather and maximise daylight into these areas.
- 6.5. The proposed works would improve the visual appearance of the 5 blocks of flats, adding smart and contemporary features which would be in keeping with the surroundings. The works would improve the standard of the flats and would not have any detrimental impact on the visual amenity of the area.
- 6.6. The proposed works would prevent heat loss from the buildings and protect the balconies and walkways from the weather, maximising their usage.
- 6.7. I acknowledge the concerns raised by residents about fire safety. This does not form part of the planning assessment of the application and is considered by Building Control. However, the applicants have provided some additional information relating to fire safety. They have stated that all materials specified for the enclosures would be non-combustible and all materials within the enclosed corridor space would be Class 0 fire performance – limiting the spread of flame. The ducts that would pass through the ceiling of the enclosed corridors would be fitted with fire dampeners and would vent to open air. Each flat would also have a front door meeting the requirements for a 30-minute fire door with a self-closer and a smoke seal and fire doors would be introduced at the ends of the corridors. West Midlands Fire Service have raised no objection to the application, and have stated only that water supplies for firefighting should be in accordance with the ‘National Guidance Document on the Provision for Fire Fighting’. This information has been provided to the Applicant.
- 6.8. With reference to the concerns raised about ventilation, the applicant has stated that ventilation to the flats would be provided by a new Positive Input Ventilation system along with a fresh air supply duct to meet the requirements for Building Regulations. Otherwise, public comments raise a variety of practical and perceptual concerns, as summarised above in 4.2 and 4.3. I am not persuaded any of these amounts to a reason to withhold planning permission.

7. Conclusion

- 7.1. The proposed development would prevent heat loss from the flats, protect the walkways and balconies from the weather and would not harm the visual amenity of the buildings. The proposal would constitute sustainable development and is therefore recommended for approval.

8. Recommendation

- 8.1. Approve subject to conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full)  |
- 

Case Officer: Caroline Featherston



## Photo(s)



Dowry House – Front (north) Elevation



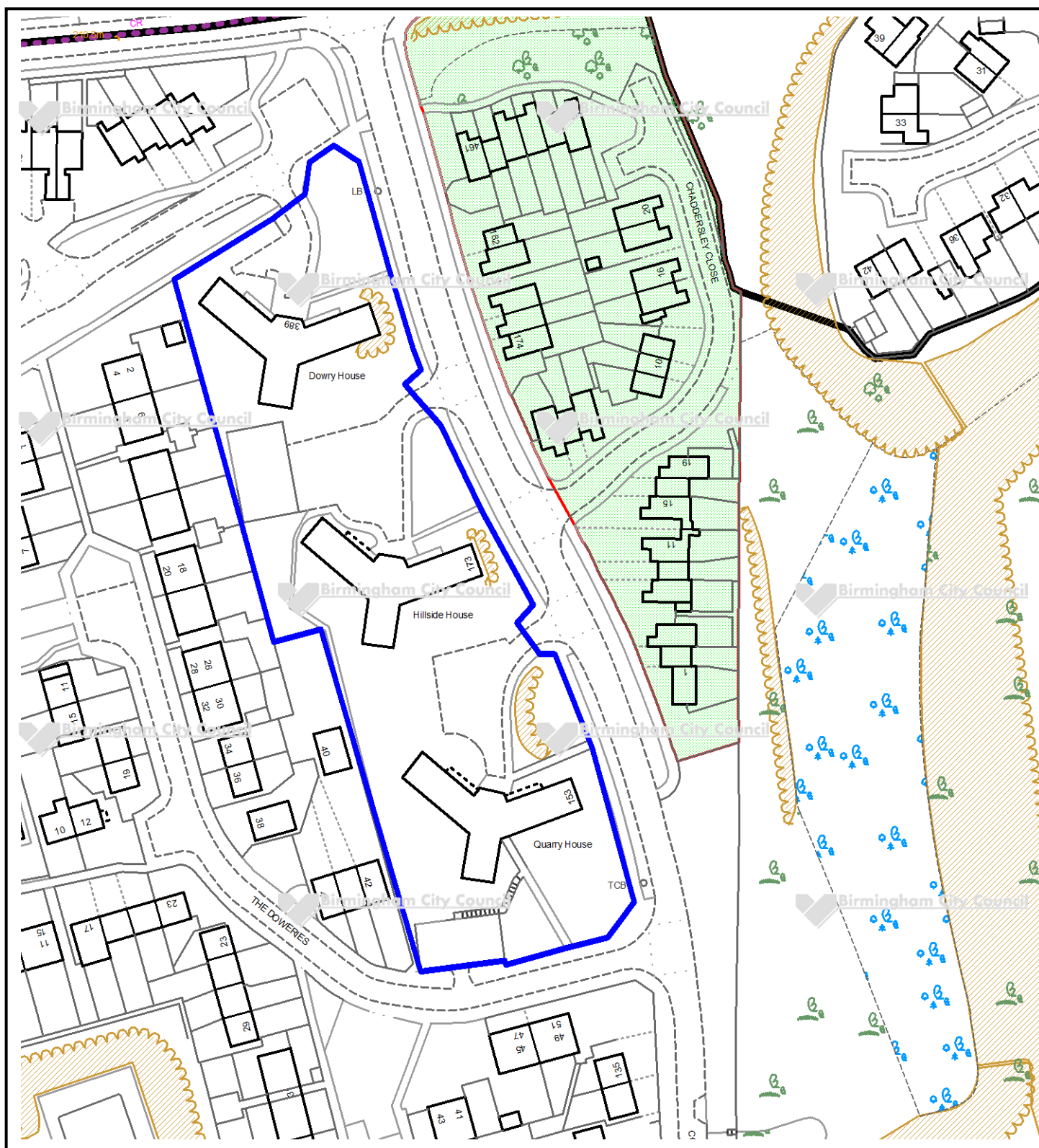
Redworth House – Rear Elevation, seen from the south east on Cock Hill Lane



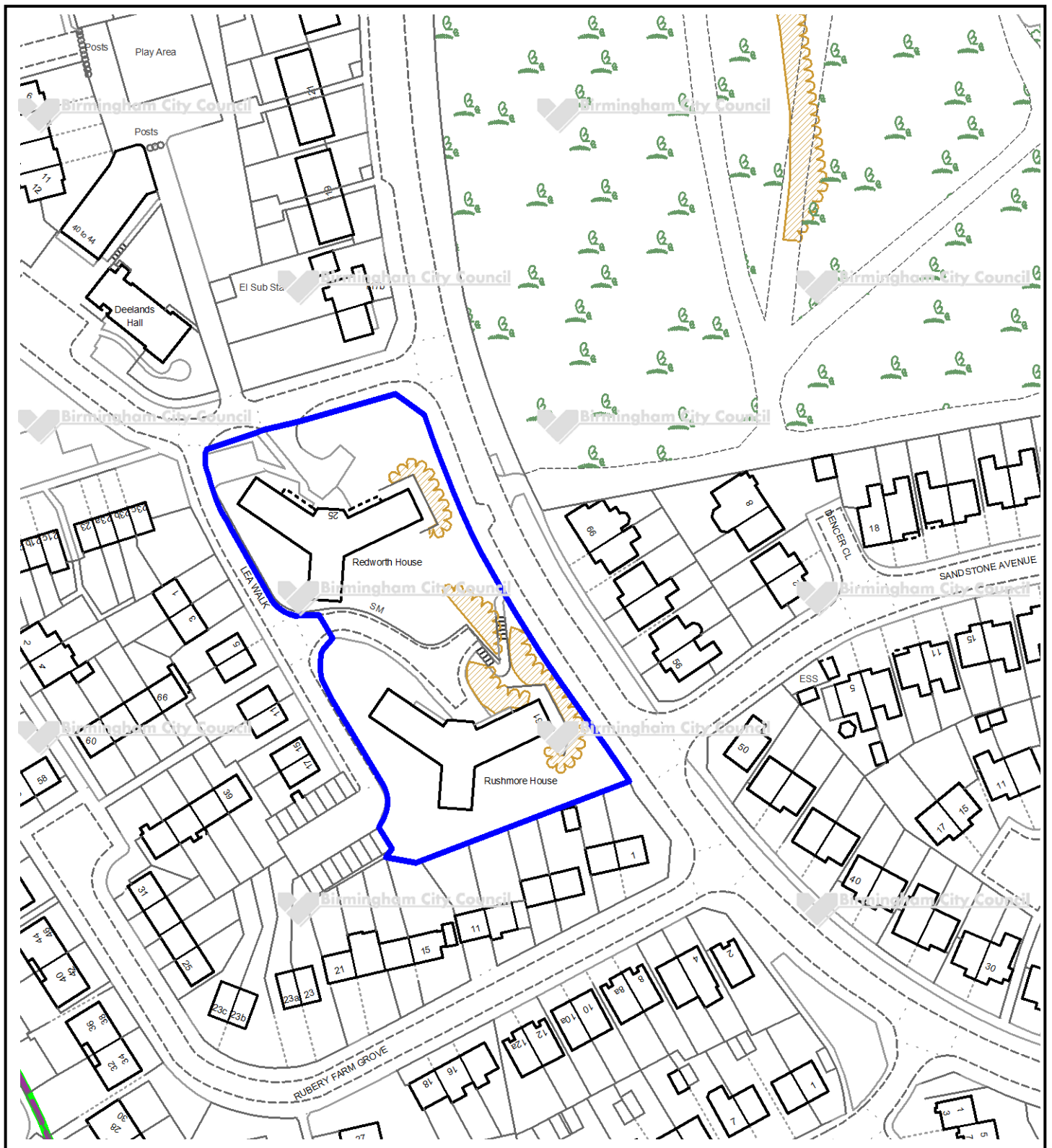
Rushmore House – Side and Rear Elevations, taken from Cock Hill Lane



## Location Plan



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Committee Date:	24/05/2018	Application Number:	2018/02656/PA
Accepted:	29/03/2018	Application Type:	Telecommunications
Target Date:	25/05/2018		Determination
Ward:	Hall Green North		

**Cole Bank Road - Grass verge, Moseley, Birmingham, B13 0BD**

**Prior notification for the installation of a 20 metre monopole with 3no. shrouded antennas, 3no. equipment cabinets and 1no. electricity metre**

Applicant: Vodafone Ltd  
C/O Agent  
Agent: Mono Consultants Ltd  
Steam Packet House, 76 Cross Street, Manchester, M2 4JG

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Recommendation

**No Prior Approval Required**

1. Proposal

- 1.1. This is a prior notification application for the installation of a 20 metre dual user telecommunications monopole housing 3no. antennae mounted together at the top of the structure. At ground level and ancillary to the mast itself, the proposal includes the installation of 3no. equipment cabinets and 1no. electricity meter cabinet.
- 1.2. The application site is located on a stretch of Cole Bank Road (B4146), approximately midway between two roundabouts. The proposed monopole and associated equipment would be located on the south side of the road, set back 0.7 – 1.0 metres from the highway, on a strip of grass verge, next to railings, a tree, and a set of traffic lights. Approximately 29 metres north-west of the application site, on the north side of Cole Bank Road is the Grade II listed Sarehole Mill Museum.
- 1.3. The proposal would provide 2G, 3G and 4G coverage and capacity for Vodafone and Telefonica UK Limited (commonly known as O2). The proposed monopole would measure 20m in height, have a have a diameter of 408mm at the lower section of the mast whilst the main stem would measure 324mm in diameter. The top of the mast tapers out to a 540mm diameter antenna shroud. The mast would be constructed of galvanised steel and painted traffic black (RAL 9017).
- 1.4. The proposed 3no. equipment cabinets and 1no. electricity meter cabinets would be positioned close to the north-east of the monopole. The two cabinets located the closest to the monopole would measure 0.77m in width, 0.75m in depth and 1.725m in height. The most north-easterly equipment cabinet would measure 0.6m in width, 0.6 in depth and 1.415m in height. The electricity meter cabinet would measure 0.65m in width, 0.26m in depth and 1.01m in height. Each cabinet would be constructed of galvanised steel and painted fir green (RAL 6009).
- 1.5. The applicant states the proposed equipment would be ICNIRP-compliant (International Commission on Non-Ionizing Radiation Protection).

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The proposed siting of the telecommunications mast and associated equipment would be on a grass verge opposite the Sarehole Mill Museum off Cole Bank Road (B4146), approximately midway between two roundabouts. The surrounding area comprises of public open space to the south, residential properties approximately 90 metres to the east and approximately 70 metres to the west and Grade II Listed Sarehole Mill Museum approximately 29 metres north-west. There is street furniture located a short distance from the proposed site of the equipment including a railings, traffic lights, lampposts, a bus shelter and a mature street tree.

3. Planning History

- 3.1. 2018/02656/PA – Pre-application discussion for installation of a new base station. – Withdrawn – 02/05/2018.

4. Consultation/PP Responses

- 4.1. Transportation: No objections to the proposed installations, with no detrimental impact upon highway safety anticipated. The installations do not fall within required visibility splays. The exact positioning of the cabinets may need minor amendment, to be agreed with Highways, due to close proximity of street tree.
- 4.2. Western Power: no comments received.
- 4.3. Local schools, local Ward Councillors, MP, residents associations and Sarehole Mill Museum have been consulted. The application has been advertised through a site notice and press notice. Eleven letters of objection have been received, from local residents, Councillor Lou Robson, Councillor Timothy Huxtable, ex-Councillor Liz Clements, and the Birmingham Museums Trust, raising the following points:
- Birmingham Museums Trust (BMT) – We were asked in January, together with Birmingham Property Services, to comment on a feasibility study for a ground based mono-communications pole opposite the Sarehole Mill museum site. The initial enquiry concerned a request for the 'crown reduction' of several identified trees and who they would need to gain permission for access to complete this work. Both parties replied. Birmingham Property Services recommended any street tree work be referred BCC Highways for further consultation. The trees within the boundaries of the Sarehole Mill site are the responsibility of BMT, who would need to be contacted for permission. BMT said they would need to: 1. See further information regarding the siting of the mono pole; 2. Consult both with the responsible Director and Site Manager; 3. seek further advice from the BCC Arboricultural Officer prior to any written permission. As these comments have not been formally recorded in the initial Planning Application, BMT object on the following grounds: 1. The proximity of the monopole to the listed water mill, crown reduction works is inappropriate; 2. Any request for the 'Crown Reduction' of the trees located within the site would alter the



'Historic Landscape' and may require further consent. There are concerns over the health and potential life span of the trees affected. This may also have a detrimental effect on surrounding wildlife; 3. BMT feels that it has not been sufficiently consulted prior to this Planning Application submission.

- Location is unsuitable and inappropriate for a 20m phone mast and accompanying cabinets. Site is next to entrance to John Morris Walkway and the Shire Country Park and opposite Sarehole Mill, both locally treasured sites of historic and environmental interest and destinations for people throughout Birmingham and the wider region. Sarehole Mill is a national asset with connections to Birmingham's industrial history (Boulton) and to the internationally loved stories of JRR Tolkien whose childhood home is nearby. It is the only surviving water mill of 60 that used to stand along the Cole Valley. Would be extremely obtrusive and form a blight on the historic surroundings. Not far from Tolkien's childhood home on Wake Green Road, he hated the desecration of beautiful landscapes by ugly and inappropriate development, I suspect he would see the mast as an example of the work of Saruman or Sauron, and would not want this installation to be inflicted on his beloved Shire.
- There is a festival every year to celebrate Tolkien, and events such as street food festivals where stalls line the road. Such a mast would obstruct and restrict these events
- Local and international visitors come to the site for is the peace and tranquility it offers. Proposals would require the felling, or significant reduction, in the tree line on the side of the mill alongside the road. This would have a significantly detrimental impact to the atmosphere of the site, due to the reduction in tree cover and sound exclusion that the trees currently provide us from the busy road.
- The trees are also home to a variety of birdlife including treecreepers, nut hatches and thrushes, removal of this habitat would also negatively impact them.
- Appreciate the need for mobile phone infrastructure but this is not the place and hope a more suitable location can be found. In such a large, built up city there must be hundreds of places to install a mast which do not spoil a beautiful nature area with a wide range of flora and fauna.
- Concerns over the potential health risks of living close to a phone mast which are well documented and yet to be disproved.
- As a new councillor for Hall Green North (Councillor Lou Robson), I have received representations from residents and would ask that you postpone this decision until a fuller consultation can be organised. Resident: a short consultation has meant many who may have commented have not been made aware that they can object.
- Councillor Timothy Huxtable objects on the grounds of loss of visual amenity that is out of character to the surrounding environment. It is requested that additional time is given to the local community to comments on this application and it is requested that this application goes to the Planning Committee.

## 5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan (saved policies) (2005)
- Telecommunication Development: Mobile Phone Infrastructure SPD (2008)

5.2. The following national policy is applicable:

- National Planning Policy Framework (NPPF) (2012)
- The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 16 (as amended 2016).

## 6. Planning Considerations

### *Principle of the Development*

6.1. This is a prior notification application. As such, the only issues that can be considered when assessing this application are the siting and appearance of the proposed telecommunications monopole and cabinets. The principle of development is therefore not an issue of consideration for this prior approval application.

### *Policy Context*

6.2. **NPPF:** Paragraphs 42-46 of the National Planning Policy Framework (NPPF) relate to the installation of telecommunications equipment. Paragraph 43 advises that local planning authorities should support the expansion of electronic communications networks but should aim to keep the numbers of telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. It explains that existing masts, buildings and other structures should be used, unless the need for a new site has been justified and that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

6.3. Paragraph 46 advises that “Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure”.

6.4. **BDP:** Policy PG3 (Place making) of the BDP advises that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, with new development reinforcing or creating a positive sense of place and local distinctiveness. The policy continues by stating that new development should ensure that private external spaces, streets and public spaces are attractive, functional and inclusive. Policy TP46 (Connectivity) of the BDP recognises that technology developments and access to digital services such as the internet are critical to Birmingham's economic, environmental and social development.

6.5. **UDP and SPD:** The Telecommunications Policy (Paragraphs. 8.55-8.55C) in the Birmingham UDP (2005) and the Telecommunications Development SPD state that a modern and comprehensive telecommunications system is an essential element in

the life of the local community and the economy of the City but that in assessing applications for telecommunications equipment, account will be taken of the impact of radio masts, antennae and ancillary structures on existing landscape features, buildings and the outlook from neighbouring properties. In respect of ground-based masts, the Council's SPD states that they should make the most of existing screening or backdrop to buildings and avoid open locations, that they should be mitigated by landscaping and planting, that street locations will be discouraged but where they are the only option they should appear as an unobtrusive addition, and where possible sites should have a backdrop of trees to reduce visual contrast.

#### *Siting and Appearance*

- 6.6. The proposed installation is required in order to provide enhanced 2G, 3G and 4G coverage for Telefonica and Vodafone. The applicant carried out a study of alternative sites within the area and discounted them as they did not meet the operators' requirements. The reasons for this included the following: the site did not provide meaningful coverage and capacity to the target area; the ground height and the extent of nearby mature trees did not meet the operator's technical requirements; lack of permission to use the owner's land; its visual prominence and its impact upon the host building and its setting. The alternative site assessment is robust and the current site provides the most suitable location to provide improvements to the existing and proposed network coverage and meet capacity requirements.
- 6.7. The proposed monopole and associated equipment would be sited on the grass verge between the main highway and the public footway. The proposed development would not be obstructive to either pedestrians or motorists. There are various items of street furniture along this section of Cole Bank Road including lampposts, traffic lights, a bus shelter and street trees. The proposed equipment would be located adjacent to a street tree with a height of approximately 15m which would help to soften the impact of the proposed works. There would be a distance of approximately 70 metres between the proposed location of the development and the nearest residential building so it is considered that the proposed development would have no immediate effect on the amenity of any neighbouring dwellings within the street scene.
- 6.8. The proposed monopole is of a simple slim-line design and would not be prominent within the street scene. The proposed monopole would be constructed from galvanised steel and painted traffic black (RAL 9017) and the cabinets would be constructed from galvanised steel and painted fir green (RAL 6009). The proposed 'traffic black' colour would match the colour of the existing lampposts on Cole Bank Road and the 'fir green' cabinets would blend in with the existing street trees and grass verge which would minimise any contrast between the monopole and associated equipment with its surroundings. The telecommunications equipment would not result in any excessive visual clutter within the street. It is considered that the proposal would not have a harmful impact upon the visual quality of the wider street scene and therefore there are no grounds upon which to resist such a development.

#### *Impact upon nearby Listed Building*

- 6.9. The Grade II listed Sarehole Mill Museum is located on the opposite side of Cole Bank Road approximately 29 metres north-west of the proposed monopole. The Council's Conservation Officer has commented on the application stating that the proposed mast falls within the setting of the listed building however collectively

forms part of the highway infrastructure that is absorbed into the contemporary environment surrounding the mill. Therefore, there is a negligible impact on its setting, but the harm is so limited that no objections are raised. Officers concur with the Council's Conservation Officer and consider the proposal would not be harmful to the significance or setting of the Grade II Listed Building in this instance. Notwithstanding the various objection comments received, I consider the proposed development complies with policy PG3 and TP12 of The Birmingham Development Plan (2017) and paragraphs 131, 132 and 134 of the National Planning Policy Framework.

#### *Impact upon Public Health*

- 6.10. Paragraph 46 of the NPPF states that the Local Planning Authority must determine applications on planning grounds. The applicant has demonstrated, by way of an appropriate certificate, that the proposed installation would meet the standards of the ICNIRP for public exposure as recommended by Paragraph 46 of the NPPF and a fully compliant certificate has been submitted. Consequently, the application is considered acceptable on the grounds of public health.

#### *Other objection matters*

- 6.11. There are objection comments with respect to alleged tree works: either felling or significant reduction. The Applicant has confirmed that the only works that might be required would be to the adjacent street tree, and that these would be only limited canopy reduction works. This matter would be determined by the Street Trees Arboricultural Officer. As such, I see no planning concerns with respect to amenity, nor ecology.
- 6.12. There have been requests from two parties for a longer consultation period. The application is time-limited so the application has needed to come to the first available Planning Committee meeting.

#### 7. Conclusion

- 7.1. It is considered that the siting and appearance of the proposed 20 metre telecommunications monopole and the associated works would not have an undue effect on the visual amenity of the area, nor upon listed building setting. The proposal would not cause harm to residential amenity or highway safety.

#### 8. Recommendation

- 8.1. Prior approval not required.

Case Officer: James Herd

## Photo(s)



Photo 1. View of application site – equipment proposed to right of large tree



Photo 2. View from application site to Sarehole Mill





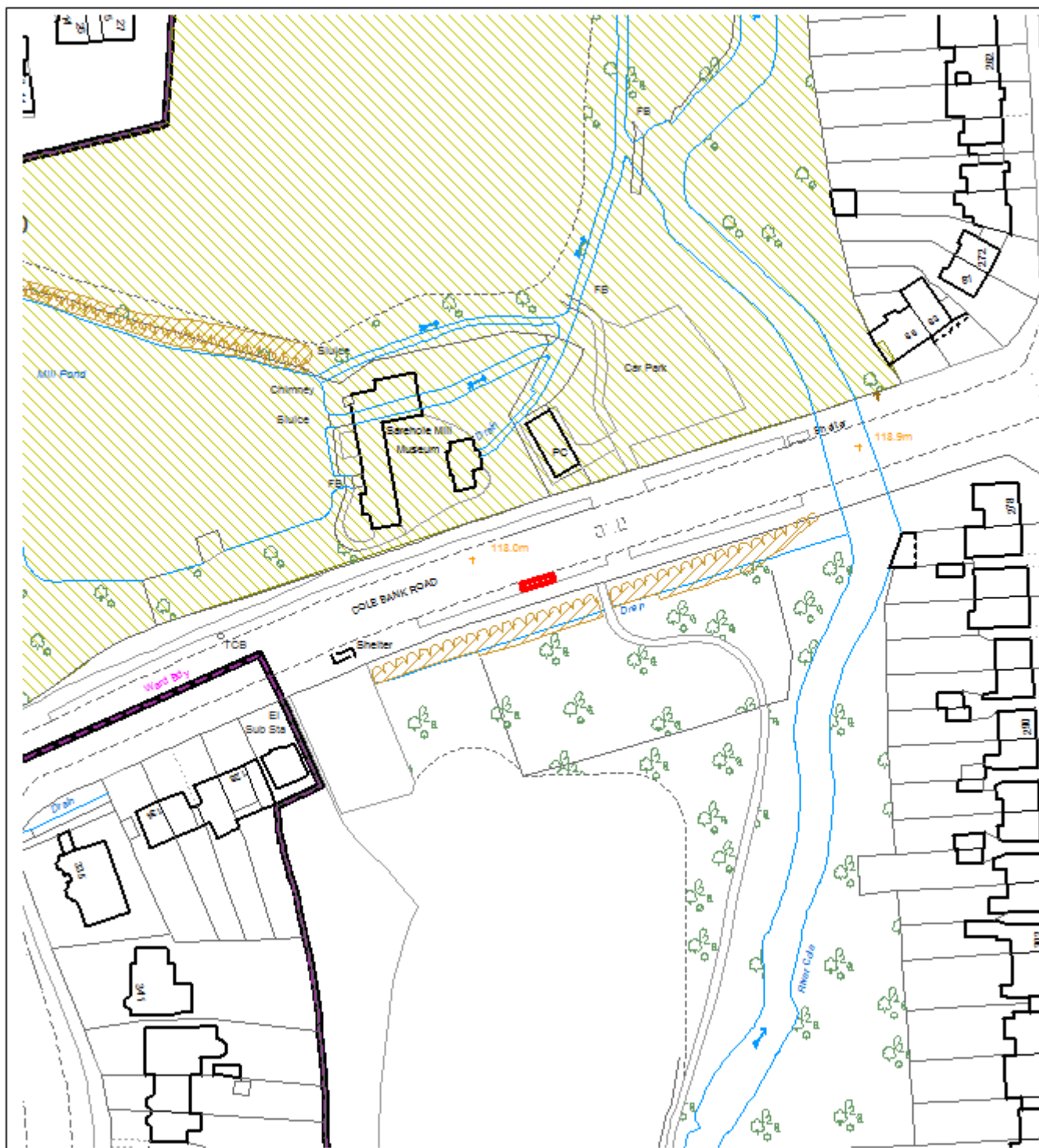
Photo 3. View of application site from Cole Bank Road, looking east. Site is on right hand side.



Photo 4. View of application site from Cole Bank Road, looking west . Site is on left hand side, beyond the street tree



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**24 May 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	24	2018/00974/PA  Magnolia House 73 Conybere Street Birmingham B12 0YL  Change of use to temporary living accommodation for homeless families (55 no. units) (Sui Generis) with ancillary office and associated external works.
Defer – Informal Approval	25	2018/01601/PA  Lionel House 86 Lionel Street City Centre Birmingham B3 1DG  Demolition of existing building and erection of a 14 storey replacement building to provide 259 one, two and three bed apartments with associated communal facilities, amenity areas, parking and associated works

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Committee Date:	24/05/2018	Application Number:	2018/00974/PA
Accepted:	07/02/2018	Application Type:	Full Planning
Target Date:	09/05/2018		
Ward:	Bordesley & Highgate		

Magnolia House, 73 Conybere Street, Birmingham, B12 0YL

Change of use to temporary living accommodation for homeless families (55 no. units) (Sui Generis) with ancillary office and associated external works.

Applicant:	Birmingham City Council Lydia Rogers Homeless Centre, Greenaway Street, Birmingham, B9 4RJ
Agent:	Acivico Ltd Po Box 2062, 1 Lancaster Circus, Birmingham, B4 7DY

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#### Recommendation

#### **Approve Subject To Conditions**

1. Proposal
  - 1.1 The application seeks consent for the refurbishment and change of use of the existing vacant building known as Magnolia House into temporary accommodation together with offices for the City Council homeless support team and minor external works comprising ramps, new fire escape doors, replacement windows, an external compound accommodating a sprinkler tank and 5 metre high lighting columns.
  - 1.2 The proposed accommodation is targeted for homeless families that are currently placed in hotels, B&B's and private rented accommodation. The proposed conversion would accommodate 55 family rooms with shared communal facilities for short term occupation (i.e. a target of 56 days). There is existing temporary accommodation for homeless families at Acocks Green, Cotteridge, Northfield and Small Heath.
  - 1.3 The former elderly persons home and education centre is a multi-level building positioned on a split level site with the lower ground vehicle access serving Conybere Street and the upper ground serving Highgate Street. Part of the building is single storey whilst the main block that aligns the boundary to Barkley Plastics rises to 5 storeys. The building is set around an open central courtyard with the proposed accommodation arranged as follows:
    - Lower Ground Floor – Staff accommodation only and delivery entrance;
    - Ground Floor – staff and 21 units of temporary accommodation, including the proposed resident entrance to Conybere Street;
    - First Floor – 11 residential units;
    - Second Floor – 12 residential units; and
    - Third Floor – 11 residential units.

- 1.4 Of the 55 proposed units there would be 31 x two person rooms (Type A), 20 x four person rooms (Type B) and 4 x four person wheelchair accessible rooms (Type C). At full capacity Magnolia House would be able to accommodate 158 people. The rooms would range from 9sqm (Type A) to 16sqm to 19sqm (Type B). The schedule of accommodation explains that the occupancy figures are a worst case scenario. Each room would contain single beds/bunk beds, 1 or 2 small wardrobes a mini fridge and microwave. Each floor would accommodate a centrally accessible communal lounge, kitchens and separate laundry facilities. On the ground floor, at maximum occupancy, 58 residents would share the use of 1 kitchen, 2 communal lounges and 7 wet rooms/shower rooms. On the upper floors, again at maximum occupancy, between 32 and 38 residents would share 1 lounge, 2 or 3 kitchens and 4 shower/bathrooms with an additional 4 separate WC's.
- 1.5 A courtyard of 262sqm and a decked outdoor area of 58sqm of private amenity space is proposed. Additional fencing is proposed to secure the site and sprinkler tank and a total of 11 lighting columns reaching 5m in height to the boundary of the site.
- 1.6 The centre would be staffed 24 hours a day with 12 staff working on a rota basis resulting in normally 6 staff members on site at any one time. The proposed offices on the lower ground floor would operate during normal office working hours on an appointment only basis.
- 1.7 The applicants are working towards a phased handover with the first residents occupying the building in October 2018 and the remaining units available for use in January 2019.
- 1.7 [Link to Documents](#)
2. Site & Surroundings
- 2.1 Magnolia House is a split level building that was originally constructed and used for elderly residential care. It occupies a central position within the site with a 9 space car park accessed from Conybere Street and a 28 space car park accessed from Highgate Street. Existing trees are positioned close to all of the boundaries of the site.
- 2.2 The site lies in a mixed use area. Barkley Plastics, a manufacturing industrial use, borders the site to the west with Highgate Baptist Church beyond. The Ark St Albans Academy school also lies on Conybere Street and Birmingham Central Mosque and its associated car park is located opposite the site on Highgate Street. Two storey residential terraced houses border the site to the east
- 2.3 The site lies within the Highgate Local Centre as defined by Policy TP21 of the BDP but outside of the Primary Shopping Area, as defined within the Shopping Centres SPD. The local shops and post office are located within walking distance to the west.
3. Planning History
- 3.1 1994/01239/PA - Change of use from elderly persons residential accommodation to educational accommodation & minor internal alterations. Approved 14/07/1994
- 3.2 2000/04968/PA - Formation of Community Room, Tensile Canopy And Light Fittings to the Front Elevation. Approved 27/04/2001

3.3 2009/04935/PA - Retention of 2 no. Fascia Signs and 1 no. Totem Sign. Approved 26/01/2010

4. Consultation/PP Responses

4.1 BCC Transportation Development - No objection subject to a condition to retain existing cycle rack.

4.2 BCC Regulatory Services – Raise the following concerns:

- The room sizes are small whilst it is appreciated that this is not a HMO the proposed new minimum HMO room sizes are 6.51sqm (for a single adult, only counting room areas with a height of over 1.5m) and 10.22sqm for two adults;
- The lighting scheme supplied suggests overspill of illuminance to the adjacent residential property at No.89 Conybere Street in excess of accepted levels; Therefore the scheme is not acceptable without further details including a plan showing the impact of lighting overspill on adjacent premises;
- Not in agreement with the conclusions made in the contaminated land assessment. Firstly the ground gas assessment is not adequate as there have only been two sets of measurements, one of these the day after the borehole construction and hence without additional sampling there can be no conclusions drawn from this data;
- Concern that there has been no consideration of the need for an assessment of the noise insulation between the commercial and residential uses on the site;
- The possibility of noise nuisance from the adjacent industrial use has not been fully evaluated. Under normal circumstances a noise nuisance assessment using BS4142 prior to permission would be required. Such an assessment would demonstrate that residential use could be permitted without loss of amenity, and would consider internal habitable room environments, outdoor living spaces and levels of higher impact noise incident on the proposed residential facades. It would also consider whether the introduction of a new residential receptor would create a significant risk to the existing business by virtue of a statutory nuisance. However as this is not a permanent residential use but hostel-type temporary accommodation and there is minimal external plant and discharge vents at the industrial facility officers are reasonably satisfied that the impacts could be managed by good acoustic design. If this site was proposed for full residential use officers would need to be convinced that the proximity of industrial use would not create a potential statutory nuisance there would be a recommendation of refusal without a full noise assessment to evaluate the nuisance risk; and
- The application includes construction work and it is likely that the building may contain hazardous substances such as asbestos. The building should be surveyed to identify the presence of any hazardous materials (including asbestos) and these materials shall be made safe prior to construction/demolition work which may disturb these materials.

4.3 Therefore the following conditions are recommended:

- i. The permitted use shall only be for temporary accommodation and shall not exceed 56 days in any one stay;
- ii. A scheme of noise insulation shall be submitted to and agreed in writing;
- iii. The development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing;
- iv. No development including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing;
- v. Submission of contamination remediation scheme;
- vi. Submission of contamination land verification report; and

- vii. Requirement low emission vehicle parking.
- 4.4 West Midlands Fire Service - An escape stair and a fire main should be provided. A fire appliance should have access to within 18 metres and within sight of the fire main inlet. Water supplies for firefighting should be in accordance with National Guidance.
- 4.5 Severn Trent Water - no objections to the proposals subject to condition to require details of foul and surface water drainage.
- 4.6 Local Lead Flood Authority – No comments.
- 4.7 BCC Education – No comments.
- 4.8 Police – raise the following issues and concerns;
- This application is similar in intent to Planning Application 2018/01292/PA, which seeks to create 119 flats to house homeless families at 1 Barry Jackson Tower, Estone Walk, Aston;
  - Having consulted with the local police team there have been issues raised around the potential impact that sections of the homeless community could have on the quality of lives of the current wider community and on the existing and surrounding residential and retail communities. Further concerns have been raised around the proximity of this site to some local, vulnerable locations, such as a number of schools, places of worship and sites of existing support agencies. Many of the concerns raised appear to be concerned with potential issues around support needs for homeless individuals, and therefore do not specifically relate to the proposed clientele for this use, i.e. families. It should be noted, though, that should the clientele for this use at this site look to change to individuals the response from West Midlands Police would likely to be different;
  - Access control into the site will be key to the successful operation of the premises. Clarification of the proposed 'secure access' system which will be installed on the site is sought. All external doors to the building should be the subject of a robust access control system;
  - The site consists of 5 floors, one of which is mainly for staff use. There are a number of internal doors separating corridors throughout the complex which currently do not appear to have access control fitted. There is currently no control of movement throughout the building, from either an unwanted visitor or by a resident that may have some support issues which could bring them into conflict with other residents, particularly women and children. Consideration should be given to the securing of some of these internal / corridor doors, to restrict unnecessary access throughout the building. This measure will reduce the risk of safeguarding issues around domestic abuse and child safety issues;
  - There is no reference to a CCTV scheme currently operating on the site, nor any indication that one will be installed. Given the vulnerable nature of the proposed clientele and to provide some protection to staff and visitors a suitable CCTV scheme is strongly recommended. A condition requiring any CCTV scheme installed be of a coverage and standard to the requirements of West Midlands Police is requested;
  - The site should be illuminated by a lighting scheme which should be sympathetic to the CCTV coverage. Owing to the design of the current building there are a significant number of areas which will be poorly overlooked by staff or resident areas or by neighbouring properties. Particular care should be taken to illuminate these areas. The lux plan submitted with this application is noted however the current plan does not cater for the



outdoor play area or any of the surrounding planted areas. Any lighting scheme should follow the guidelines and standards as indicated in 'Lighting Against Crime' guide;

- The location of the main reception / administration room is appropriate, in that it offers excellent visibility of the secure lobby;
- Any work be undertaken to the rooms should be to the standards laid out in the Secured by Design 'New Homes 2016' guide;
- The proposals include the installation of metal palisade fencing panels to stop unwanted loitering around the rear of residents rooms to provide protection from unwanted access and public viewing. This is supported;
- Any IT equipment installed on the site should be the subject of robust property marking and, where possible, secured to the fabric of the building or, if not possible, in stand-alone cages. Consideration should also be given to the marking and securing of any other items of value that will be held on site;
- The proposed parking provision would appear to be appropriate for the intended clientele;
- recommend some thought around how the smoking residents leave the building, move to the designated area and then return as there is a very real risk of a resident, staff member or visitor leaving the building insecure
- The lower ground floor staff offices and doors will have privacy film installed as a security measure. This is supported. However, where the external windows are in more secluded areas of the site, consideration should be given for the installation of internal grilles to offer extra protection when the rooms are not in use;
- Good design and management policies for the public open space can assist in reducing the potential for unwanted activity in open spaces. A careful selection of plant species is critical in order not to impede natural surveillance and to avoid an unnecessarily high maintenance requirement. Future maintenance requirements should be adequately considered at the design stage and management programmes be put in place to ensure that the maintenance will be properly carried; and
- Clarification is sought as to what future maintenance policy is proposed for the site.

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

4.10 Neighbours a site notice and press notice have been posted. One letter of objection has been received raising a concern that the development will possibly create more crime, vandalism and other anti-social behaviour. It could also affect schools in the area.

## 5. Policy Context

5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Access for People with Disabilities SPD, Car Parking Guidelines SPD, Places for All SPG, Lighting Places SPD, Specific Needs Residential Uses SPG 1992 and the National Planning Policy Framework.

## 6. Planning Considerations

### BACKGROUND

- 6.1 There is a legal requirement for the City Council to provide interim accommodation to homeless households pending a decision on their homeless application and the subsequent discharge of any duty owed.
- 6.2 The Council's Housing Options Service, as with the majority of other local authorities across the country, has seen an increase in the number of households presenting as homeless and requiring temporary accommodation. The Service has historically accommodated between 1,000 and 1,150 homeless households in temporary accommodation however by July 2017 this had increased to 1,907 households. Temporary accommodation is currently provided through Council owned stock that is managed by the Council, properties procured through the private rented sector, bed and breakfast accommodation (B&B) and four homeless centres. Due to increasing numbers the four existing homeless centres operate in excess of 98% capacity whilst the number of households being placed in B&B accommodation for longer periods of time is rising. The use of B&B accommodation can be disruptive to families and to a child's education, where families are sometimes accommodated many miles from their school, such is the increased pressure on accommodation providers. Furthermore the use of B&B accommodation over a medium to long term can have a detrimental impact on the health of families and does not support their long term housing need; children are more likely to require intervention from education welfare or social workers. Although it is recognised as the most inappropriate form of temporary accommodation it is also the most expensive.
- 6.2 The four existing homeless centres provide a safe, temporary living environment where staff can provide support to households in homeless crisis seven days a week ensuring that vulnerable citizens are safeguarded and able to move from a position of crisis to an ability to live independently upon securing permanent accommodation. There is however a shortage of facilities for emergency accommodation for homeless households with dependent children.

#### PLANNING POLICY

- 6.3 The Policy guidance contained within the Specific Needs Residential Uses SPG replicates saved Paragraphs 8.28 to 8.30 of the Birmingham UDP (2005). These state that proposals for hostels should not cause demonstrable harm to residential amenity by reason of noise and disturbance, and are most appropriately located in large detached properties set in their own grounds. The guidance recognises that standards of internal accommodation are principally controlled through powers exercised by Housing and Regulatory Services, but advises that, as a minimum a single person staying in one room used for living, sleeping and cooking should have a floorspace of 15sqm. Meanwhile an individual occupying two rooms with a separate kitchen should have 12.5sqm to live and sleep. There are no standards relating to family accommodation.
- 6.4 The guidance goes on to state that proposals should include, within the site boundary, adequate outdoor amenity space to provide a satisfactory living environment for residents. The amount and location of such space should be related to the proposed number of residents and their particular needs. This should normally be a minimum of 16sqm of space per resident, separate from car parking areas, access ways and circulation space and should take account of factors as privacy, aspect, shelter and gradient.
- 6.5 Whilst the Adopted BDP does not have a specific policy relating to temporary accommodation for the homeless it seeks to guide development towards sustainable locations where housing would provide a good quality living environment. It is

considered that the proposed site would have a sustainable location to accord with Policy TP27 of the Adopted BDP with good accessibility to shops, services and public transport in accordance with Policy TP28.

- 6.6 The site is located within the Highgate Local Centre but outside of the primary shopping frontage where an objective of the Shopping and Local Centre SPD is to protect its primary shopping function. Policy TP24 seeks to ensure that such centres offer a diverse range of facilities and the Policy limits residential uses to the upper floors. In this case the last use of the building was as an education centre as part of Matthew Boulton College, therefore there would be no loss of commercial floorspace whilst the use of the proposed lower ground floor, closest to the primary shopping area as a reception, interview rooms and management offices would provide a community use and employment for 12 staff to accord with the Policy.
- 6.7 With respect to comments regarding noise Regulatory Services acknowledge the location of the site has a boundary to a manufacturing use, Barkley plastics, which has steadily grown on the adjoining site since the late 1960's. There is the concern that industrial noise could disturb residents and also that a new residential receptor could cause a significant risk to the existing business by virtue of creating a statutory nuisance. However, Regulatory Services have concluded that as the proposed use would be for temporary accommodation the impacts could be managed by good acoustic design. For this reason conditions to require details of acoustic measures and to ensure that the residents stay for less than 56 days have been suggested and are attached.
- 6.8 The BDP and SPG Policies also seek to ensure that hostels do not cause demonstrable harm to residential amenity by reason of noise and disturbance. The Policies explain that they are most appropriately located in large detached properties set in their own grounds. Magnolia House is in accordance with this part of the policy as the building occupies a central position within its own site. There are however residential properties which share a common boundary to the east fronting both Conybere Street and Highgate Street. It is however considered that on the basis that there is an existing separation distance of approximately 7.8m to the boundary with No.89 Conybere Street, a series of trees together with a two metre high boundary fence along the common boundary and an absence of windows to the gable end of these properties the potential for noise and disturbance would not be so great as to warrant refusal. Regulatory Services consider the uses operating side by side would be acceptable and have only raised concerns regarding the impact upon residential amenity with respect to lighting. The applicants have agreed to resubmit the lighting scheme due to fears of overspill onto No.89 Conybere Street and a condition to require such details is attached. Further conditions relating to the decontamination of landscaped areas and to mitigate risks from ground gas associated with the implementation of the sprinkler tank and pump house are also attached.
- 6.9 With respect to private amenity space there is a small rectangular courtyard that would be separate from the car parking areas, access ways and circulation space to accord with Policy. However the SPG Policy seeks a minimum of 16sqm of space per resident. In this case the applicants estimate that only 320sqm would be provided, which could serve a potential 158 residents, should the building be occupied to capacity. This would equate to 2sqm per resident if occupied at full capacity. It is acknowledged that the room sizes, only extending to 9sqm for the 2 person rooms, and the amount of amenity space falls well below the SPG. It is however considered that the proposed use would be a unique specialist facility where residents would stay for a maximum of eight weeks, and the need for this type of

temporary accommodation in a sustainable location should outweigh guidance on room sizes and extensive private amenity space.

## HIGHWAYS

- 6.10 The Specific Needs Residential Uses SPG also advises that proposals should not prejudice the safety and free flow of traffic on the adjoining highway and that the provision made for access for service, emergency, staff, residents and visitor vehicles will be taken into account. The site accommodates a total of 37 parking spaces with five external cycle racks and the provision of internal cycle storage if required. The site has good access to public transport whilst, according to evidence submitted, it is likely that the occupiers would have low car ownership (Lydia Rogers House, Small Heath: 44 units, 4 resident car owners, Northbrook, Northfield: 25 units, 1 resident car owner). BCC Transportation consider that the proposed car parking provision would be more than adequate for all users and it is unlikely that there would be any adverse transport impacts.

## OTHER

- 6.11 With respect to the comments made by West Midlands Fire Service the applicants are satisfied that the plans accord with Building Control criteria; the building would be sprinklered, would have two accessible escape stairs and a new dry riser system is proposed for fire tenders to connect to. Furthermore there are also existing dry fire hoses throughout the building.
- 6.12 The Police have raised a number of concerns including those raised by the local police team. However in reference to the potential impact upon the wider community and the proximity to vulnerable locations these concerns are considered to be mainly management and policing issues. The accommodation will be managed by the City Council 24 hours a day. Furthermore it is not possible to restrict the temporary accommodation for use by families rather than by single persons as such a condition would be difficult to enforce and there are considered to be no robust planning reasons to require such a restriction. With respect to more specific issues the applicants have responded by advising that all communal entry / exit doors would have secure access with the main entrance controlled by an audio and visual intercom. There would only be one main entrance and exit for residents in order to control unwanted visitors gaining access. A CCTV scheme is proposed to monitor vulnerable areas. The office premises would be accessed by visitors through appointments only. With respect to potential residents, background checks are undertaken prior to occupation and residents would be rejected if a conflict is found.
- 6.13 A local neighbour has raised concern regarding schools in the area. The submitted Design and Access Statement explains that children within the proposed temporary accommodation would normally be already enrolled and attending a school, and would be given support to attend their existing schools. Likewise most residents would normally have an existing doctor.

## 7. Conclusion

- 7.1. It is acknowledged that the size of rooms and amount of private amenity space do not meet the standards set out in the SPG, however this has been balanced against the acute need for this temporary accommodation and the shortage of emergency accommodation for families with dependent children. Magnolia House also has the advantage of being in a sustainable location close to local shops, facilities and public transport links. Therefore it is considered that, subject to the conditions listed below,

the proposals are appropriate and would have a satisfactory impact upon residential amenity without causing an unacceptable risk to the operator of the adjacent industrial use.

8. Recommendation

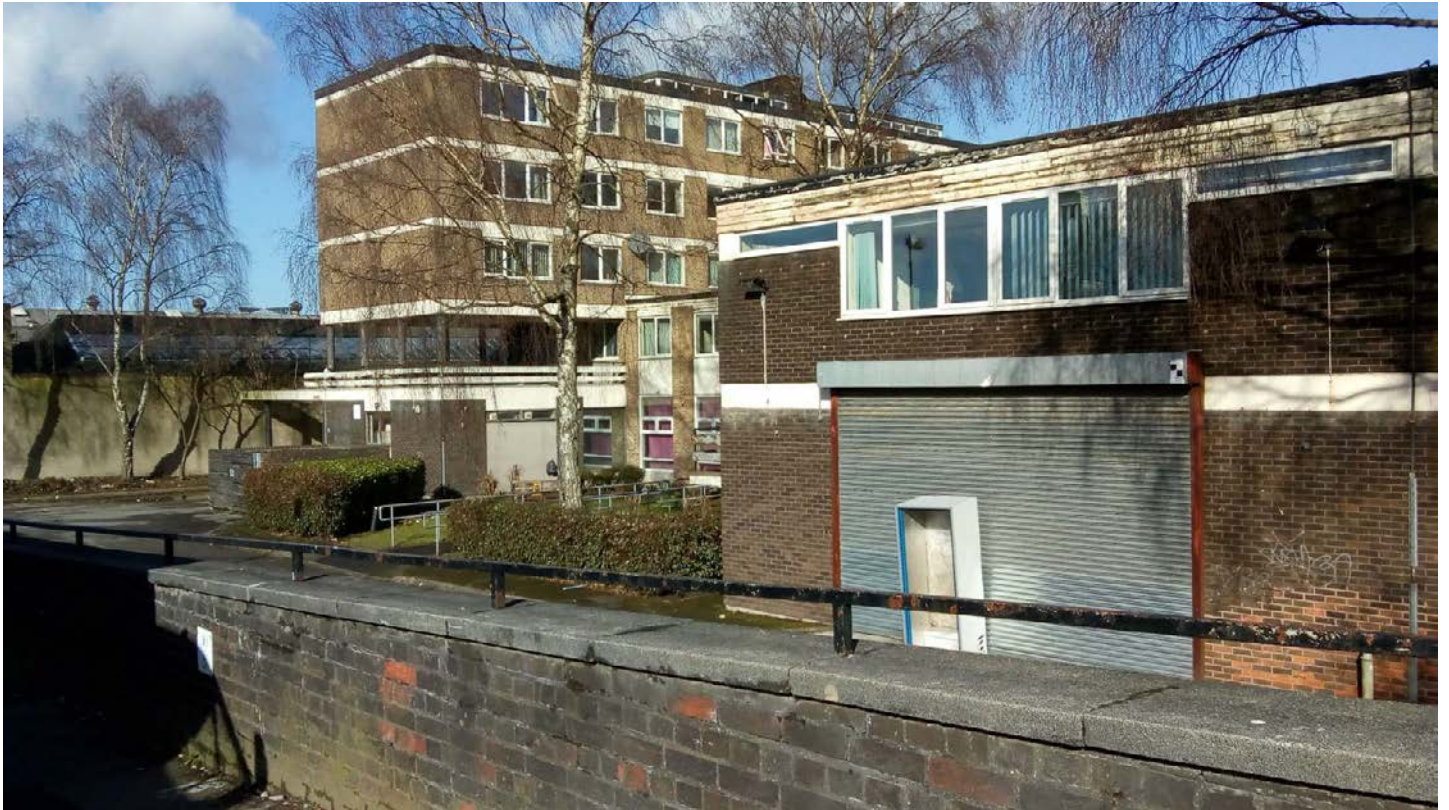
8.1 Approve subject to conditions.

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|----|--|
| 1  | No approval of proposed Lighting Columns and Lighting scheme to be submitted   |
| 2  | Foul and Surface Water Drainage  |
| 3  | Use as Temporary Accommodation (Not to exceed 56 days)   |
| 4  | Noise Insulation Scheme  |
| 5  | Demolition and Construction to be carried out in accordance with submitted Construction Method Statement/Management Plan |
| 6  | Requires the prior submission of a contamination remediation scheme  |
| 7  | Requires the prior submission of a contaminated land verification report   |
| 8  | Retention of cycle parking   |
| 9  | Requires the prior submission of a CCTV scheme   |
| 10 | Requires the scheme to be in accordance with the listed approved plans   |
| 11 | Maximum Occupancy of Room Types  |
| 12 | Implement within 3 years (Full)  |
- 

Case Officer:        Julia Summerfield



## Photo(s)



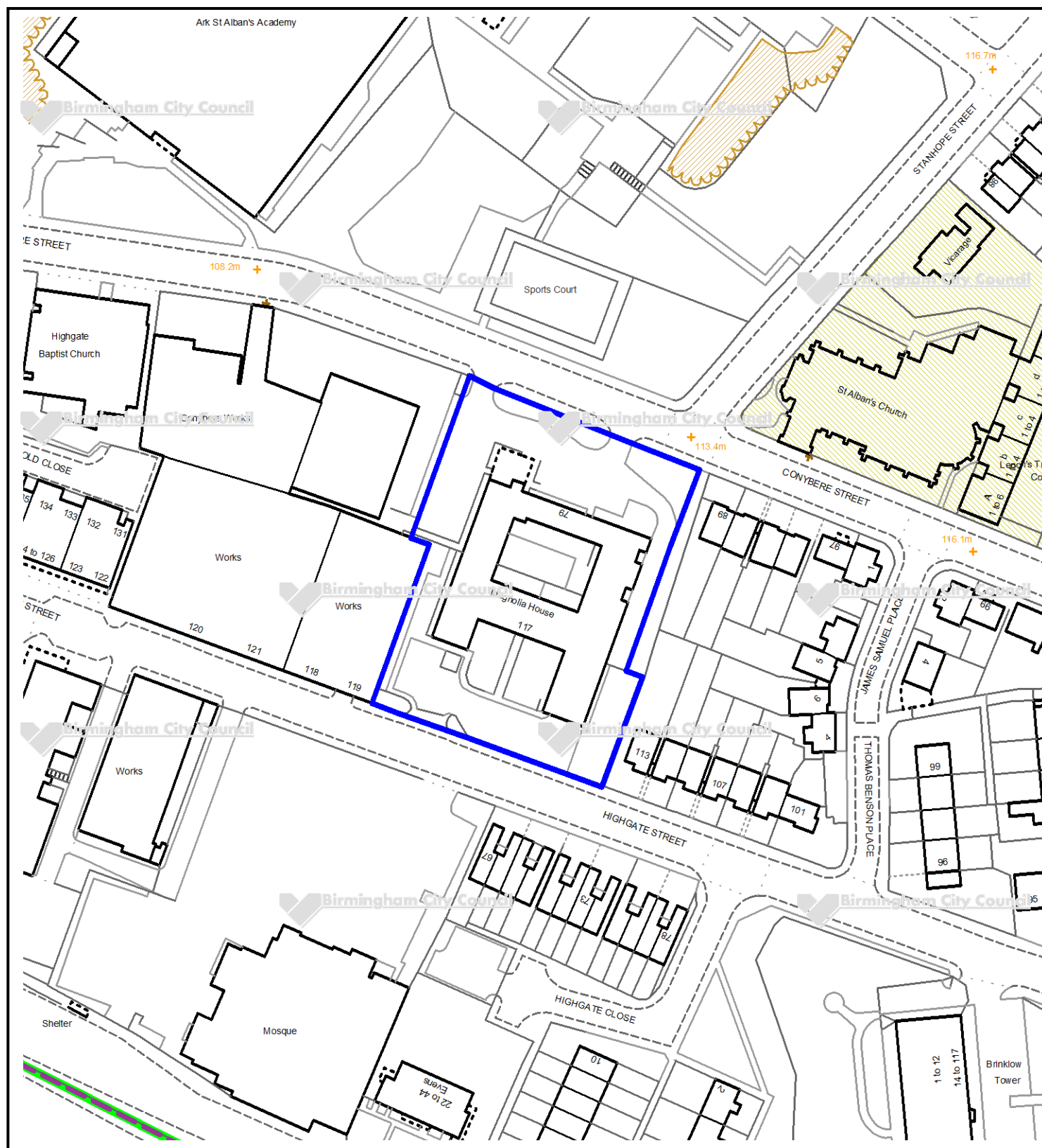
From Highgate Street



From Conybere Street



## Location Plan



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Committee Date: 24/05/2018      Application Number: 2018/01601/PA  
 Accepted: 27/02/2018      Application Type: Full Planning  
 Target Date: 29/05/2018  
 Ward: Soho & Jewellery Quarter

**Lionel House, 86 Lionel Street, City Centre, Birmingham, B3 1DG**

**Demolition of existing building and erection of a 14 storey replacement building to provide 259 one, two and three bed apartments with associated communal facilities, amenity areas, parking and associated works**

Applicant: Lionel House Developments Ltd  
 c/o Agent  
 Agent: Turley  
 9 Colmore Row, Birmingham, B3 2BJ

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Recommendation

**Approve Subject To A Section 106 Legal Agreement**

1. Proposal

- 1.1 The application site, which lies within the Jewellery Quarter Conservation Area, is currently occupied by Lionel House a ten storey concrete-framed building providing a multi-storey car park on the lower floors with offices above. The application proposes to demolish the existing building and clear the site apart from an existing substation in the northern eastern corner of the building which would remain together with several existing retaining walls which lie on the east and southern boundaries and along the centre of building at ground floor level.
- 1.2 A 14 storey high replacement building is proposed which has been designed to provide accommodation for the private rental sector (PRS). It would provide communal facilities at ground floor level fronting Lionel Street including a reception, games and seating areas, kitchen and dining rooms and multi-purpose function rooms. Other facilities proposed at ground floor level within a semi basement include bin stores, a cycle store with 259 spaces and a small car park with 17 spaces (6.5% provision) which would have access from Lionel Street using the existing access position.
- 1.3 The upper floors of the building would provide 259 apartments within a U shaped block arranged around a central landscaped roof garden. The mix of accommodation proposed is as follows:-

<u>Type</u>	<u>Size</u>	<u>Number</u>	<u>Percentage</u>
1 bed 1 person	45.0 - 45.5 sqm	78	30%
1 bed 2 person	50.4 - 51.1 sqm	78	30%
2 bed 3 person	65.6 - 67.2 sqm	65	25%
2 bed 4 person	74.1 sqm	25	10%
3 bed 5 person	88.2 sqm	13	5%

- 1.4 All floors would have a mix of 1, 2 and 3 bed apartments most with an outlook from over Lionel Street or the proposed landscaped courtyard. A further landscaped terrace is proposed on the roof of the building which would be set back from the Lionel Street frontage and enclosed with a handrail. Access onto the roof would be achieved from two lift/staircase cores which would project above the roof level and each would also accommodate a small resident's lounge. The communal external amenity space equates to approximately 3 square metres per apartment.
- 1.5 In terms of design the proposed building would be set to the back of the footway on Lionel Street and fill the full width of the plot. Two wings are proposed to the rear located on either side of the central courtyard space. The design subdivides the facades into 2 storey bands made up of floor to ceiling glazing between bands of vertical brickwork, precast concrete columns and pilasters. The concentration of brickwork would generally reduce floor by floor above ground floor level where a two storey plinth is proposed which would be of architectural precast concrete columns and pilasters and curtain walling. There would be 2 entrances into the building from Lionel Street marked by a canopy structure and planters would be provided between pillars to create some defensible space. The upper floors would be banded every two floors with an architectural precast concrete string course. The proposed brick and concrete panels would be angled to widen the openings around the glazing which would be set back into a deep reveal. The same treatment would continue to the rear of the building although the semi basement car park would incorporate ventilation panels.
- 1.6 The development also seeks to reduce its carbon emissions and provide its energy needs from renewable or low carbon sources solar photo voltaic panels are proposed on the roof space which would supply a significant part of the electrical supply. The building's fabric would be constructed to a high performance standard, with high levels of thermal insulation, low air permeability, energy efficient lighting and use of mechanical ventilation with a heat recovery system. Sprinklers are proposed throughout the building.
- 1.7 The application is supported by a Design and Access Statement, Heritage Statement, Transport Statement/Travel Plan, Ground Investigation, Air Quality Assessment, Noise Assessment, Archaeological Assessment, FRA and Drainage Strategy, Sustainability Statement, Energy Statement, Demolition Statement, Daylight and Sunlight Assessment and Ecological Appraisal. A Viability Assessment has also been submitted which originally concluded that no Section 106 contributions could be offered if the site was to come forward for development but since then an off-site contribution of £690,000 has been agreed. The site was also subject to an EIA screening and it was concluded that an Environmental Statement was not required.
- 1.8 [Link to Documents](#)
2. [Site & Surroundings](#)
- 2.1 The application site is a rectangular shaped plot of approximately 0.2 hectares which is situated on the southern end of Lionel Street between its junctions with Newhall Street to the east and Summer Row to the west. It is currently occupied by Lionel House a 1960's ten storey concrete framed building providing offices and a car park. The car park which occupies the bottom 5 floors and is partly in use whereas the offices above are vacant. At some time in the past the building incorporated a Post Office Counters facility and there is a blue Civic Society Plaque on the building which recognises the work of Sir Rowland Hill in reforming the postal service. There is a

difference in levels across the site from north to south which led to retaining walls being provided on the southern and eastern boundaries.

2.2 The eastern boundary of the site adjoins Beaufort House a former office building originally of 7 floors, which is currently being refurbished and extended to create a 9 storey block of apartments. To the south lies a row of buildings fronting Great Charles Street which have wings to the rear and servicing/parking areas adjacent to the site. They range in height from 5 -11 storeys and are mainly in use as offices but several are now being converted and extended to provide apartments. The western boundary adjoins a service road used by UCB in conjunction with their adjacent educational building for deliveries and parking. It is also used to gain access to the rear of the adjacent buildings which front Great Charles Street. The UCB building has frontages to Lionel Street and Summer Row and provides accommodation over 13 floors. On the opposite side of Lionel Street are an 8 storey hotel and the 10 storey Telephone House.

2.3 The site lies within the Jewellery Quarter Conservation Area and within the City Fringe Character Area. There are also a number of listed buildings nearby including the Birmingham Midland Institute Grade II\* School of Art and the Grade II Council House extension on Margaret Street and the Grade II Coffin Works and Rayboulds Foundry on Fleet Street.

#### 2.4 [Site Location](#)

### 3. [Planning History](#)

3.1 2017/09237/PA – 14/12/17 – Application for the demolition of superstructure and foundations of Lionel House and associated works withdrawn.

### 4 [Consultation/PP Responses](#)

4.1 Transportation - No objection in principle subject to conditions to require highway agreement for the modifications to the footway crossings and Traffic Regulation Order changes, provision of car and cycle parking and construction management plan and monitoring of delivery facilities.

4.2 Regulatory Services - No objection subject to conditions in respect of ground contamination, air quality and noise issues. Requests that the applicant should include the proposed mitigation on the approved plans to ensure that it will be included in the development.

4.3 Local Services - No objections but as the scheme is for over 20 dwellings there is a requirement for both off-site POS and play area contributions in accordance with the BDP. Based on the residential mix a total contribution of £133,875 is requested which would be spent on the provision, improvement and or maintenance of POS and Play at St Georges Park, Tower Street Recreation Ground and Newtown POS all within the Aston Ward.

4.4 Lead Local Flood Authority – Originally objected to the proposed development on the grounds that sufficient information has not been provided to show the discharge rate is acceptable, that all SuDS features have been considered, that surface water flood risk has been mitigated on and off-site and how the drainage scheme would be maintained in the future. Additional information has been submitted by the applicant and although the LLFA have confirmed they are content with the proposals additional calculations have been requested and recently provided.

- 4.5 Employment Access Team – Requests either conditions or a Section 106 agreement are put in place to require a construction employment plan
- 4.6 Historic England – Comment that if the Local Authority accept the proposed demolition and the principle of a 14 storey building in this location, they strongly advise that close attention is given to matters of detail, design, materials and finishes and agreed by the Council's expert conservation staff, to ensure that a quality and appropriate contribution to the conservation area is achieved in practice.
- 4.7 Severn Trent Water – No objection subject to a drainage conditions being imposed.
- 4.8 West Midlands Police – No objections but has the following comments:-
- The apartments should meet the standards laid out in the Secured by Design 'Homes 2016' guide.
  - Recommends a lighting plan for the site, CCTV coverage, a video intercom access control system, a second line of security doors to the main entrances, that access to the car parking is via gated access control, that bin stores are of an appropriate security standard, that there is a secure refuse collection and postal delivery system, concern regarding how the two 'main entrances' will work, requests information regarding staffing and the boundary treatment to the roof gardens.
  - Supports the use of planters, in between the front facing pillars onto Lionel Street, to create some defensible space.
- 4.9 West Midlands Fire Service – Requests confirmation that the building will have sprinklers and comments that water supplies for firefighting should be provided.
- 4.10 The pre-application proposals for the site were considered at the Conservation and Heritage Panel meeting on 12 February 2018. The Panel welcomed the siting of the resident common area on the ground floor which they considered had the potential to bring much needed animation and activity at street level. The Panel suggested that the architectural design of the ground floor could better acknowledge the different activity at street level compared to the residential units above. It was also suggested that the ground floor slab could be stepped to better relate to the change in levels along Lionel Street. Another Panel member suggested that a greater focus could be placed on the entrance, particularly as entrances within the Jewellery Quarter are commonly celebrated. It was also recommended that more design attention should be given to how the building hits the ground and that this could be developed beyond the current proposal of planters. The Panel welcomed the exploration of top floor options and preferred the top floor recessed but maintaining the main structural outline to reduce the canyon effect within the street
- 4.11 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. The applicants also carried out their own pre application consultation with local councillors, the Jewellery Quarter Development Trust, local residents and businesses in Jan/Feb 2018. Four letters have been received from University Hospitals Birmingham NHS Foundation Trust, UCB, and from two interested city residents
- 4.12 The letter from University Hospitals Birmingham NHS Foundation Trust, requests a contribution of £2,422.00 towards additional services and capacity to meet patient demand. They comment that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought to enable

services needed by the occupants of the new development to be provided as the funding cannot be sourced from elsewhere. They consider the development directly affects the health and wellbeing of the occupants of the development and has a detrimental effect on the ability to provide the health service required to those who live in the development and the community at large. Without the contribution, they advise that the development is not sustainable and should be refused.

4.13 The letter from UCB states that they do not object in principle to the redevelopment of Lionel House. Their main concerns are around the demolition and construction of the proposed development and the disruption to UCB business, students, staff and daily deliveries to UCB Lionel Street / Summer Row and how these will be mitigated. Their letter includes the following points:-

- The refurbishment of nearby Beaufort House has caused significant disruption to UCB with construction vehicles parking in the middle of Lionel Street, with disregard for UCB students, staff and deliveries which is compounded by the fact that Lionel Street is one way with parking on both sides of the street, making it impossible to pass construction delivery vehicles.
- The proposed development of Lionel House needs far greater planning and strict management of vehicles, and pedestrian logistics given the extensive demolition and construction works proposed.
- Failure to address this would have a serious impact on UCB business operations as it receives 40 HGV deliveries per day to its loading bay on Lionel Street. They require unfettered access at all times every day of the week. Their staff and visitors also require unfettered access to their car park which is accessed via the service road between Lionel House and UCB.
- Wish to ensure that the demolition is immediately followed by the construction of the new development and the site is not left neglected post demolition for months/years.
- Request that the developer provide and agree exclusion zones in conjunction with the demolition with UCB prior to determination of this application.
- Are concerned that the noise and vibrations caused by the works will significantly disrupt UCB operations, teaching and students taking exams. It is not clear what type of foundations are proposed, whether there will be driven piles, how existing foundations will be removed and how noise, vibration and dust will be controlled.
- The demolition statement submitted does not provide any specific constraints (hours of work, access, local business operations) to provide UCB with any comfort and reassurance that their business operation will not be affected.
- Request that the constraints are pre-agreed and discussed with UCB and all other businesses in the area prior to determination of the application.
- The development should be lower in height/mass than the UCB Summer Row building.
- Concerned that there is no dedicated loading area for the development and that delivery and waste collection vehicles will park up in the middle of Lionel Street.
- Although the application includes a Community Engagement Statement UCB have not been given the opportunity to engage with the applicant despite contacting their advisors.
- UCB wish to provide the 8000+ students who study at Summer Row an exceptional learning experience. Any disruption to students and UCB business as a result of the development would be unacceptable and there must be a meaningful three-way consultation exercise between the Council, the contractors/developers and UCB.

4.14 Of the two other letters received one includes the comments that the development will be an improvement but they consider the design is disappointing as the site provided an opportunity to develop a building to celebrate the jewellery quarter rather than matching the surrounding buildings. They preferred a previous proposal which



included interesting rain screen cladding and gold detailing. The other letter advises that there is a Birmingham Civic Society Blue Plaque on the existing building to Sir Rowland Hill which relates to the use of the building as a Post Office Counters facility and recognises the work of Sir Rowland Hill in reforming the postal service. They request the plaque be repositioned on any new development that takes place.

## 5.0 Policy Context

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

5.2 The site is within the Jewellery Quarter Conservation Area and there are a number of listed buildings in the vicinity. These include a cluster of grade II and II\* buildings along Newhall Street, Cornwall Street and Margaret Street including the Birmingham Midland Institute (grade II\* listed) and School of Art (grade I listed). These lie to the southeast and separated from the site and the Jewellery Quarter Conservation Area by Great Charles Street To the south-west of the application site on Fleet Street is the Coffin Works and Rayboulds Foundry both grade II listed.

## 6. Planning Considerations

### 6.1 **Land Use Policy**

6.2 The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses.

6.3 The Jewellery Quarter Conservation Area Character Appraisal and Management Plan (JQCACAMP) identifies the site as being within the designated "City Fringe" which is characterised by a variety of building heights and scales where the city centre and the Jewellery Quarter meet. It notes that the area has been dominated by major office development but that there have been a number of more recent residential developments. The Jewellery Quarter Urban Framework Plan also states that City Fringe offers residential opportunities including there is the potential for some major commercial buildings to transfer to residential uses. The provision of a residential development on the application site is therefore considered to be acceptable in principle.

### 6.4 **Demolition**

6.5 As the application site is in a conservation area, the statutory requirement is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets. New development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance. The Jewellery Quarter Conservation Area Appraisal and Management

Plan states that demolition of buildings will not normally be permitted and there is a presumption against alterations to buildings which adversely affect their character or that of the conservation area.

- 6.6 The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset, great weight is to be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 6.7 The application involves the demolition of Lionel House a late 1960's concrete-framed multi-storey car park and office building extending to 10 storeys which is not statutorily or locally listed. The applicant's heritage statement assesses the building as having a functional design of low architectural interest which has a negative impact on the street scene. It also comments that the buildings horizontal slab block design and banded effect give an overly horizontal emphasis and lack of architectural articulation which is uncharacteristic of the conservation area. The statement concludes that overall Lionel House has a neutral impact on the character and appearance of the Jewellery Quarter Conservation Area.
- 6.8 The Council's City Design Manager agrees with analysis of Lionel House and considers the existing building to be harmful to the character and appearance of the conservation area. Although the demolition of the building will represent the total loss of Lionel House, this should be weighed against the very low significance of the heritage asset in accordance with Paragraph 134 of the NPPF. The demolition of the building also presents opportunities for enhancement to the character and appearance of this part of the Jewellery Quarter Conservation Area. He raises no objections to the demolition proposed subject to an appropriate replacement building being secured and that a contract for redevelopment is signed prior to demolition taking place. It will be seen that UCB also requests that the demolition is tied to the delivery of a new building so the site is not left vacant. No objection is raised to the demolition and conditions can be imposed to require that the new building is delivered following the removal of this existing one. The need to retain the existing sub-station and incorporate it into the new ground floor plans is noted.
- 6.9 **New Building - Height**
- 6.10 Policy TP12 of the BDP states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development, and will be used to support and guide enhancement and due regard should be given to the policies it contains. The Jewellery Quarter has an adopted Conservation Area Appraisal and Management Plan and the site falls within the designated City Fringe area where building types include large commercial buildings dating from the post war period between 8 and 12 storeys in height having structural frames with brick, stone or concrete elevations. The Management Plan requires the design of new development to respect the scale, form and density of development and states that building heights should generally respect the height of buildings within the locality and although these are normally limited to four storeys the plan states that in the City frontage taller buildings may be more appropriate. The Jewellery Quarter Design Guide also outlines principles for good design including guidance on scale, form, grain, hierarchy and materials.

- 6.11 There is also a statutory requirement to have special regard to the desirability of preserving listed buildings and their settings and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF requires new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Decisions should address the integration of new development into the historic environment.
- 6.12 The existing building on the site is 10 storeys high which is considerably higher than the majority existing buildings in much of the Conservation Area and results from its location close to the city centre core where buildings heights in the area are generally much higher. It is therefore considered that the site can accommodate a tall replacement building. The developments located either side of Lionel House comprise Beaufort House which is currently 7 storeys high but has planning permission for a two storey roof top extension and UCB's headquarters building which is currently 13 storeys high. Due to the gradient across Lionel Street the proposed building would be slightly lower than the UCB building and it is considered would fit comfortably into the street. The proposed building would be taller than the 12 storey Telephone House located opposite the site and the 8/9 storey wings at the rear of the site which are attached to buildings fronting Great Charles Street, however it is not considered that the application building would be unduly dominate or overbearing.
- 6.13 These later buildings are in commercial use but the application is accompanied by a sunlight daylight assessment which considers the impact on proposed residential developments in the locality including Beaufort House and the former Chest Clinic on Great Charles Street which are currently being converted into apartments. It concludes that the analysis undertaken establishes, when adopting the approach recommended within the BRE Guidelines, that the proposed development will have a negligible impact on the daylight and sunlight amenity benefitting surrounding residential properties
- 6.14 **New Building - Design**
- 6.15 The existing building provides little activity to the street as the bottom floors of the building comprise a multi storey car park. Neighbouring buildings also provide limited activity at ground floor level such that this part of Lionel Street does not provide a welcoming environment particularly to pedestrians. The opportunity has therefore been taken with this new building to provide active ground floor uses including two entrances/reception areas and communal areas for residents including seating areas, games room and multi-function room. These uses cover a width of about 55 metres and therefore have the potential to provide much needed vitality and activity to the street. The treatment of the ground floor also includes double height glazing between the pillars to overlook the street and the residential use will provide activity through the day and evening. Although planters are proposed between the pillars along the Lionel Street this would be low level to provide defensible space.
- 6.16 The new building would be of a substantial size, width and height which does not follow the finer grain and narrow plot widths generally found elsewhere within the Jewellery Quarter. This does however reflect the plot size of the existing building and this part of the Conservation Area and the design follows the general design guidance for the Jewellery Quarter with the facades being subdivided into bands with vertical brick, concrete and glass panels between. This would give the building a combination of horizontal and vertical elements so that it would relate well to the surrounding townscape. The use of further recessed brick panels and chamfered columns would add additional interest to the elevations whilst maintaining the overall

aesthetic of the building. The rear wings would have a greater solidity with fewer window openings in contrast to the street elevation to protect the amenity of occupants. The proposed material palette would be principally formed of brickwork to reflect Beaufort House and Telephone House with the use of architectural precast concrete reflecting the white stone/brickwork used on adjacent buildings at the rear of the site and facing Great Charles Street.

- 6.17 The proposals include a roof garden for residents enclosed with a handrail as well as a landscaped deck over the ground floor car park. Although the Jewellery Quarter Design Guide states that balconies should not be positioned on street frontage the handrail would be set back 7 metres from the street frontage and given the height of the development and position of neighbouring buildings it would not be visible from the street. It is also proposed to put photo voltaic panels on the roof which would be largely screened by the parapet roof. The exact details are reserved by condition.
- 6.18 Comments have been received from an interested party that the design is disappointing and the Conservation and Heritage Panel suggested that the ground floor slab could be stepped to better relate to the change in levels along Lionel Street and more focus could be placed on the entrance. Also the Panel felt more design attention should be given to how the building hits the ground and preferred the top floor recessed to reduce the canyon effect within the street. The design has been developed over a number of months through the pre application process and improvements have been made to the design to address a number of issues raised including the need to deliver a strong base to the building, to mark the entrances and provide active ground floor uses. Officers preferred the proposed arrangement to continue the same form throughout the building rather than include recessed top floor following the Jewellery Quarter Design Guide which states that set back storeys should be avoided.
- 6.19 The City Design Manager comments that whilst the proposed new development is very tall and would enclose this narrow urban street, it can be supported as the design is acceptable. It is the result of a number of meetings to agree on the size, form, design and materials of this building, which are now all considered satisfactory. The form, angled reveals and handling of abstractly applied brick and concrete panelling to the double height storey frame is supported and will have a positive impact on the conservation area considering the harm caused by the existing structure. The ground floor activity and arrangement overcomes the difficult rise in topography and the scale of the entrances are appropriate. He recommends conditions requiring details of all external architectural elements and materials.
- 6.20 West Midlands Police have made a number of detailed comments relating to the security of the site including the need for a lighting strategy and CCTV. The applicant has advised that these matters are being developed and the detail can be provided by condition. They cannot provide details of the management of the building at this stage but can advise that the resident's roof garden will be enclosed with barriers 1100mm high which are significantly set back from the front edge along Lionel Street. West Midlands Fire Service have requested that confirmation that the building will have sprinklers which has been confirmed.
- 6.21 **Impact on Heritage Assets**
- 6.22 In terms of the impact on the conservation area the proposed development will not affect key views within the conservation area or the legibility of the Jewellery Quarter's history. Due to the topography of the Jewellery Quarter and the height and density of buildings in the City Fringe character area, the development would not be

readily visible within the wider townscape and surrounding the conservation area. From some rooftops the upper storeys may be visible but would be seen against the backdrop of other 20th and 21<sup>st</sup> century large scale, tall commercial buildings in the vicinity. The proposed scale, mass and height of the new building is considered to be consistent with the surrounding buildings and the proposed proportions and materials would relate well to the building's context. The siting of active ground floor uses would also enhance the streetscape and overall the development would constitute an enhancement on the existing Lionel House development.

- 6.23 Although there are a number of listed buildings nearby they are not close to the application site or seen in the context of Lionel House. The late 18th and early 19th Century workshops/manufactories in Fleet Street are not either directly or indirectly affected by the development neither are the listed buildings along Newhall Street, Cornwall Street and Margaret Street which are separated from the site and the Jewellery Quarter Conservation Area by Great Charles Street.

**6.24 Dwelling Mix and Residential Amenity**

- 6.25 BDP policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood and high density schemes are sought in the city centre. The redevelopment of the application site offers would deliver additional housing on a brownfield site close to the City Centre core and would provide housing for rent. Although the proportion of 1 bed units at 60% is on the high side it is not considered that planning permission could be refused for this reason, particularly as the development includes 13 (5%) 3 bed units and a mix of unit sizes suitable for occupation for between 1-5 persons.

- 6.26 When assessed against the nationally prescribed housing standards, the 1 bedroom one person apartments would be 45-45.5sqm and therefore exceed the minimum standard of 39sqm and the 1 bedroom two person apartments at 50.4 - 51.1sqm would comply with the minimum standard of 50sqm. The 2 bedroom three person apartments would be between 65.6 - 67.2sqm and therefore comply with the minimum standard of 61sqm and the 2 bedroom four person apartments at 74.1 sqm would exceed the minimum standard of 70sqm. All the 3 bedroom five person apartments at 88.2sqm also exceed the minimum requirement of 86sqm.

- 6.27 A total of 682sqm of amenity space is provided in the form of the landscaped deck above the ground floor car park and the roof garden. Although the Council's ecologist has requested the roof top should provide suitable treatment for Black Redstarts the applicants wishes the area to be used by residents but will include landscaping that is beneficial to wildlife. Communal facilities are also to be provided including a reception, games and seating areas, kitchen and dining rooms and multi-purpose function. The separation distances between windowed elevations across the landscaped deck are 18 metres and for other units which look onto the side of the buildings adjoining the application site or across Lionel Street distances vary between 8 and 17 metres. At the lower distances most of the apartments are dual aspect to ensure acceptable standards of amenity would be provided. Noise and Air Quality Assessments have been provided and acoustic glazing and ventilation are proposed to protect future residents. Overall it is considered that the scheme would provide a good standard of living and amenity space.

**6.28 Transportation Matters**

- 6.29 The proposed development would use the existing access on Lionel Street which would be modified and serve the car park and retained sub-station and also provide a separate pedestrian access. 17 (6.5%) car parking spaces would be provided and 100% cycle storage space. The main access for residents would be from one of two entrances fronting Lionel Street. Transportation has no objections to the proposals in principle subject to conditions. They note the existing private car park with 320 spaces is removed but that it appears these spaces are linked to the office building above and possibly leased to others. As such they consider the development results in a highway improvement with significant reductions in site based traffic. The surrounding roads are all protected by parking restrictions but there are public car parks nearby if residents choose to have a car and the site is in a highly sustainable location.
- 6.30 Transportation has however raised some concerns regarding deliveries both during the demolition/construction phase and once the development is completed. In particular the new car park headroom and manoeuvring area proposed would remove the ability for any vehicle larger than a private car to use the site. During the day the on-street parking spaces are fully occupied so if a delivery vehicle arrives it could block the car park access and hinder resident's ability to enter the site which in turn would affect the flows on the network. Servicing would therefore take place on-street and although there is some space available where the existing car park access crossings will be removed it may be necessary for a pay and display space to be used to accommodate this. Similar concerns regarding future deliveries and the potential for construction activities to block Lionel Street have also been raised by UCB.
- 6.31 In response to these comments the agent has advised that during the construction period they are likely to require that some of the on-street parking bays are temporarily suspended. Future servicing the site is proposed to be on-street outside the proposed access into the car park immediately adjacent to the channel line in order for traffic along Lionel Street to be able to pass the vehicle. As the proposed development is to only provide 17 spaces, they consider the likelihood of a vehicle entering/exiting the car park whilst the development is being serviced is low. On refuse collection days bins can be moved out adjacent to the access for the site to be serviced quickly and efficiently. They consider that that even in the unlikely scenario of a vehicle entering/exiting the site during refuse collection, no traffic build-up should occur due to the short duration of time it should take for the site to be serviced and for the refuse vehicle to leave the area. They also understand refuse collection is undertaken between 04.00 – 06.00 am along the street. Given that traffic volumes are very low during this time period, they consider that the proposed location of the refuse vehicle being immediately outside the car park access during collection would not disrupt traffic along the local highway network or within the internal access. Although the time periods of refuse collection along Lionel Street may change in the future, they comment that the proposed access arrangements should have no negative impact and that a formal designated servicing area should not be required.
- 6.32 Transportation officers have considered this response and still have some concerns as deliveries will not solely be for refuse and there are likely to be other servicing movements that could come from home food deliveries, furniture, internet orders etc. that will require a suitable ability to service the building. They therefore suggest a solution of imposing a condition that requires *"A study of the adjacent highway within six months of the development being occupied to assess servicing requirements and impacts, and depending on the outcome the developer be required to enter into an agreement with the to amend Traffic Regulation Orders as necessary"*. This would involve the temporary parking bay suspension that is provided for the construction



phase continuing for 6 months from when the scheme opens and it being monitored to assess the servicing requirements. If the monitoring shows the need for a permanent delivery facility then a permanent Traffic Regulation Order change could be made depending on the requirements. This condition is recommended.

- 6.33 UCB have also expressed concerns regarding the potential of the demolition and construction activities causing significant disruption to Lionel Street with vehicles parking in the middle of the road and causing disruption to their students, staff and deliveries. A condition requiring submission of a construction management plan is recommended to address this and would cover matters such as construction hours, parking for contractors, deliveries and location of site office and compound.

**6.34 Other Matters**

- 6.35 UCB have also raised expressed concern regarding disturbance from noise, dust vibrations etc. during the works. These types of issues are dealt with by other legislation however the applicants have provided a Demolition Statement and Construction Noise and Vibration note setting out their proposals and a Code of Construction Practice. The agent advises that the applicant will seek to work in collaboration with its neighbours throughout the construction phase. Once a contractor for the scheme is appointed liaison with neighbouring properties and their occupiers will commence and the submitted technical note which sets out the criteria for assessing construction noise and vibration will be adhered to ensure there is a minimal impact on UCB. Servicing routes and areas will be considered when the Construction and Environment Management Plan and Construction Logistics Plan is prepared. It is currently proposed that some of the on-street parking bays will be temporarily suspended to ensure the site can be adequately serviced by construction and delivery vehicles throughout the demolition and construction programme.

- 6.36 With regard to the request from the employment team for a minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site for local entrants the applicants have offered a minimum total of 25 person weeks of employment per £1m spend on the construction to reflect the site specific considerations, contractor requirements and construction method. This can be covered via a condition. The applicant's has also confirmed that they will retain and relocate the Birmingham Civic Society Blue Plaque on the new building that recognises the work of Sir Rowland Hill in reforming the postal service.

**6.37 CIL and Section 106 Obligations**

- 6.38. The proposed development does not attract a CIL contribution but given the number of proposed apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to meet in full the affordable housing or off-site public open space requirements. The applicant has submitted a Viability Statement with the application, which has been independently assessed by the City Council's consultants and an off-site contribution of £690,000 has been agreed which is considered to be a fair and justifiable offer.
- 6.39. It is considered that in this instance the financial contribution should be used for off-site affordable housing. The £2,422 requested by University Hospitals Birmingham NHS Foundation Trust towards additional health services in the City is one of a number of recent requests for contributions made on behalf of the Trust in connection with current residential planning applications. These requests are important and complex and we have thus far not been given sufficient time to develop a clear and comprehensive policy/strategy approach. As such, the request is considered

premature and cannot be supported at present. Although Local Services have requested £133,875 towards the provision, improvement and or maintenance of POS and Play at St Georges Park, Tower Street Recreation Ground and Newtown POS within Aston Ward. It is considered that provision of affordable housing is of a greater priority in the city centre.

## **7. Conclusion**

7.1. The proposal to demolish Lionel House and replace with a new 14 storey block of apartments is considered to comply with the development plan policies which encourage residential development in the City Centre where it will provide well-designed high quality living environments. The existing building is considered to detract from the character and appearance of the Conservation Area and its demolition provides an opportunity to enhance this part of the Jewellery Quarter Conservation Area. The height of the new building is considered to be acceptable in this City Fringe location and the design is to a high quality. Subject to suitable conditions the scheme would provide a good standard of residential accommodation. Whilst it is acknowledged that there are concerns about the construction of the development conditions are recommended to require a construction management but issues such as noise/dust from construction work are covered by other legislation such as the Control of Pollution Act. It is also recommended that conditions are imposed to monitor the need for a permanent delivery bay on street.

7.2 Overall the application is acceptable subject to securing the off-site contributions via legal agreements as below:-.

## **8. Recommendation**

8.1. That consideration of application 2018/01601/PA be deferred pending the completion of a Section 106 legal agreement to secure:

a) A financial contribution of £690,000 (index linked from the date of this resolution) toward off site affordable housing and additional health services and capacity in the vicinity of the site to be paid on first occupation.

8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 29 May 2018, planning permission be refused for the following reason:

- In the absence of a legal agreement to secure a financial contribution towards affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and the Affordable Housing SPG

8.3 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.

8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 29 May 2018, favourable consideration be given to this application, subject to the conditions listed below:-

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1 Prevents demolition prior to evidence being provided that the approved redevelopment will be carried out.

2 Requires the retention and relocation of the Birmingham Civic Society Blue Plaque.

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3	Requires the prior submission of a construction method statement and management plan
4	Requires the prior submission of a contamination remediation scheme
5	Requires the submission of a contaminated land verification report
6	Requires the prior submission of a sustainable drainage scheme
7	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
8	Requires the prior submission of a construction employment plan.
9	Requires the prior submission of sample materials
10	Requires the prior submission of hard surfacing materials
11	Requires the prior submission of hard and/or soft landscape details
12	Requires the submission of boundary treatment details
13	Requires the prior submission of a lighting scheme
14	Requires the prior submission of a scheme for ecological and biodiversity enhancement measures
15	Requires the prior submission of window details and samples.
16	Requires the submission of details of the car park louvres and planters on Lionel Street.
17	Requires the prior submission of the details of the roof top enclosures, balconies and solar panels.
18	Requires the prior submission and completion of works for the S278/TRO Agreement.
19	Requires the prior submission of a residential travel plan
20	Requires the provision of cycle parking prior to occupation
21	Requires the parking area to be laid out prior to use
22	Requires a study to assess delivery requirements of the development.
23	Requires the implementation of the noise insulation and ventilation measures
24	Requires the ground floor glazing to be clear and not obscured without consent.
25	Requires the prior submission of a CCTV scheme
26	Removes PD rights for telecom equipment and any roof structures

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

28 Implement within 3 years (Full)

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Case Officer: Lesley Sheldrake

## Photo(s)



Figure 1: View of Lionel House from Lionel Street



Figure 2: Side view of Lionel House





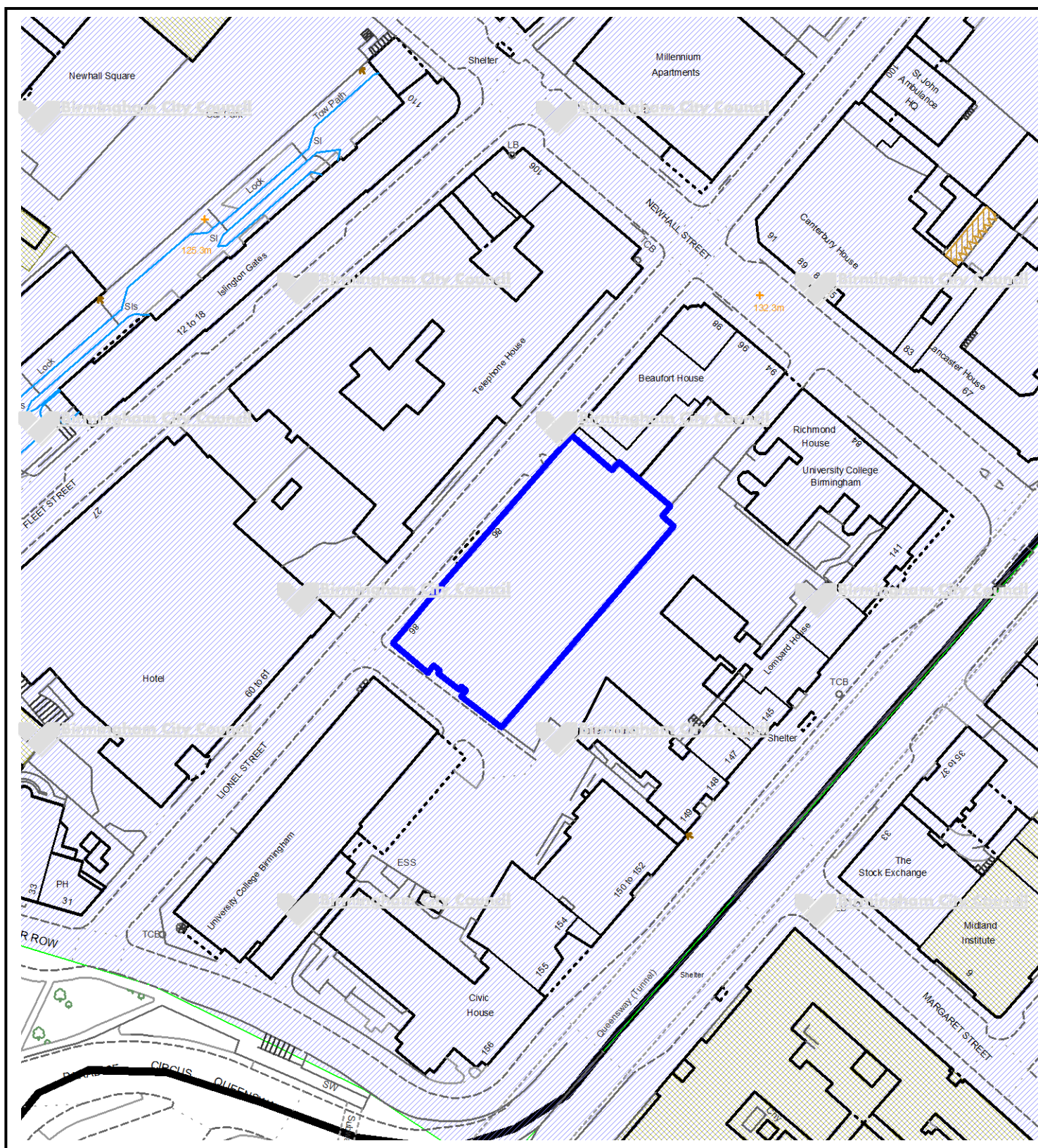
Figure 3: Existing front facade



Figure 4: View to rear of Lionel House



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**24 May 2018**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	26	2018/01735/PA  252 Short Heath Road Birmingham B23 6JY  Change of use from children's day nursery (Use Class D1) to 9 bedroom HMO (Sui Generis) with associated parking, cycle store and bin store.
Approve – Conditions	27	2018/01889/PA  107 High Street Erdington Birmingham B23 6SA  Change of use of ground floor from travel agents (Use class A1) to pay day loan shop (Sui Generis)
Approve – Conditions	28	2018/01496/PA  Jaguar Land Rover Chester Road Castle Bromwich Birmingham B35 7RA  Retention of panel storage building

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Committee Date:	24/05/2018	Application Number:	2018/01735/PA
Accepted:	12/03/2018	Application Type:	Full Planning
Target Date:	24/05/2018		
Ward:	Stockland Green		

252 Short Heath Road, Birmingham, B23 6JY

Change of use from childrens day nursery (Use Class D1) to 9 bedroom HMO (Sui Generis) with associated parking, cycle store and bin store.

Applicant:	Short Heath Road Developments Ltd 73 The Parklands, Erdington, Birmingham, B23 6JY
Agent:	Thorne Architecture Limited The Creative Industries Centre, Wolverhampton Science Park, Glaisher Drive, Wolverhampton, WV10 9TG

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application seeks permission for a change of use from childrens day nursery (Use Class D1) to 9 bedroom HMO (Sui Generis) with associated parking, cycle store and bin store at 252 Short Heath Road, Erdington. Each room would have en-suite or off-suite accommodation providing dedicated sanitary facilities for each room, plus a communal kitchen together with a lounge/dining area provided on the ground floor. There is also a separate W.C on the ground floor for residents and visiting guests.
- 1.2. Though works to the inside of the building in order to form the rooms within the building have been shown, no external works to the building have been indicated. The scale of the existing building would not be affected by the application proposals.
- 1.3. The proposal would see the ground floor provide 6 bedrooms (each of which would be provided with an en-suite), a kitchen and lounge/dining room. The first floor would provide 3 bedrooms, 3 off-suite bathrooms and a boiler room. The bedroom sizes would range between 7.5 and 12.7sqm.
- 1.4. Off-street parking would be provided for 5 cars, in addition to the on-street parking along The Parklands and Short Heath Road. There will also be covered cycle parking for 8 bikes located at the rear of the premises. Dedicated bin stores would also be located at the rear of the premises.
- 1.5. Access to the premises would remain as existing, via the ramped front and doors to the rear. Amenity space for all residents would be the existing rear garden.
- 1.6. This application is accompanied by a design and access statement. It is stated within this document that rooms will only be offered to single professionals.
- 1.7. [Link to Documents](#)

## 2. Site & Surroundings

2.1. The application site comprises an extended end-terraced house situated on the corner of Short Heath Road and The Parklands, Erdington. Properties in the immediate vicinity are residential in nature, and are of typical terrace style.

## 2.2. [Site Location](#)

## 3. Planning History

3.1. 26/07/2002 – 2001/04913/PA - Change of use from residential care home to children's day nursery – Approved subject to conditions.

3.2. 13/09/1990 – 1990/01333/PA – Rest home, change of use to – Approved subject to conditions.

## 4. Consultation/PP Responses

4.1. Nearby occupiers and Ward Councillors consulted. Two objections received from nearby occupiers on the grounds of:

- Worsening of the effects caused by current HMOs on Short Heath Road, namely noise and on-street parking issues.
- Over concentration of HMOs in the vicinity.
- Inadequate provision of parking spaces.

4.2. Transportation Development – No objection, subject to the amendment of the car park layout and the provision of cycle storage.

4.3. Western Power Distribution – no objection, however 24 hour access is required to the substation located within close proximity to the application site.

4.4. Regulatory Services – Requires the provision of a vehicle charging point.

4.5. West Midlands Police – no objection.

4.6. Councillor Moore requested that the application be determined by Planning Committee.

## 5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan Saved Policies (2005)
- Places for All SPG (2001)
- Car Parking Guidelines SPD (2012)
- Specific Needs Residential Uses SPG.

The following national policy is applicable:

- NPPF – National Planning Policy Framework (2012)

## 6. Planning Considerations

- 6.1. The key considerations relate to the principle of the change of use; the impact of the proposals on visual amenity; and the impact of the proposals on highway safety.

### Principle of Change of Use

- 6.2. The NPPF contains a presumption in favour of sustainable development and seeks to secure high quality homes and good design in new developments. Paragraph 50 states that Local Planning Authorities should deliver a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, identifying the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. The NPPF also attaches great importance in the design of the built environment, stating that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 69 promotes healthy communities, stating that places should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 6.3. TP35 of the BDP 2017 seeks to prevent the loss to other uses (through conversion or redevelopment) of housing which is in good condition, or could be restored to good condition at reasonable cost. Such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use. It also seeks to bring vacant residential properties back into use, to encourage the physical improvement and occupation of vacant home of all tenures. The City Council will also encourage retrofitting of the existing dwelling stock to achieve the sustainability standards set out in other policies.
- 6.4. Paragraph 8.24 of the saved policies within the UDP 2005 advises that when determining applications for HMO's, the effect of the proposal on the amenities of the surrounding area, and on adjoining premises; the size and character of the property; the floor space standards of the accommodation; and the facilities available for car parking should be assessed.
- 6.5. Finally, Specific Needs Residential Uses SPG recognises that dwellings intended for multiple paying occupations have a role to play in meeting the housing needs of a certain groups in society.
- 6.6. The proposal would be acceptable in principle, as it would comply with the policies as stated.
- ### Character of the Area
- 6.7. The application property is located within a residential frontage on Short Heath Road. The property itself is a large, extended end-terrace house in a block of three similar style properties at the junction between Short Heath Road and the Parklands, previously in use as a day nursery. There are no other similarly extended properties in the immediate area, therefore it is unlikely that there are any other large HMOs in the surrounding area. Anecdotal evidence from various neighbours suggests that there are further smaller HMOs in the area, however the true number of small HMOs is difficult to quantify due to Permitted Development rights allowing a dwellinghouse



of Use Class C3 to change to a HMO (Use Class C4) of up to 6 people without the need for a license.

- 6.8. Anecdotal evidence from neighbours also suggests the application site has been under part residential use for a number of years. The agent for this application claims that the last known use of the site is indeed a children's day nursery. Some evidence of this was obtained during a survey that took place on 20<sup>th</sup> September 2017, however photos sent from the agent were taken in only one room, and so is relatively unconvincing. While the photos, and the relevant planning history, confirm that this property was a children's day nursery at some point, it remains unclear as to what the site is in use as at the time of application, and whether there is any element of unauthorised residential use at the premises.
- 6.9. Through the consultation period, two objections were received from nearby occupiers, both stating a possible over-concentration of HMOs in the local area. Based upon an assessment of council records of HMO planning applications and current HMO licenses, it is considered that the provision of the proposed HMO would not result in an adverse cumulative impact upon the residential character and appearance of the locality. There are clusters of HMOs in this part of Erdington, however these are mainly confined to South Road and Court Lane, which are located 1km and 750m away respectively. In conjunction with the property's previous nursery use, the development would not result in the loss of private residential accommodation. Plus, the proposal does not seek to significantly change the internal layout or external appearance of the building. For these reasons, no objection is raised.
- Residential Amenity
- 6.10. Regulatory Services have assessed the proposal and raise no objections, subject to the provision of one vehicle charging point being provided, due to policy that no less than one charging point for electric vehicles shall be provided at each residential unit with dedicated parking. I do not concur with this view on the grounds that the scale of the proposed conversion would not warrant such an intervention where cycle storage is also being conditioned.
- 6.11. In terms of internal layout, the property would provide shared facilities including a lounge/dining area (9.3sqm) and kitchen on the ground floor (19.4sqm). There would be one individual W.C. on the ground floor, in addition to the en-suite bedrooms that would measure between 10sqm and 14.4sqm. The 'Specific Needs Residential Uses' SPG advocates that a single room should provide a footprint of at least 6.5sq and a double room 12.5sqm, all rooms adhere to this guidance. Consequently, it is considered that the internal residential environment for future occupiers would be acceptable. The internal communal space at ground floor would come to a total of 28.7sqm. While this does not meet the recommended communal space guidance found in the SPG, this combined with the individual bedroom sizes would be sufficient as the rooms are large enough for both sleeping and living in.
- 6.12. In terms of the residential amenity of future occupiers of the premises, adopted SPG 'Specific Needs Residential Uses' advocates that 16sqm of amenity space should be provided per resident for care homes, equating to 144sqm. This is considered a good starting point for external amenity space requirements for a HMO. The premises benefits from private rear amenity space measuring at 158sqm. For this reason I consider the proposed development would not have an adverse impact on residential amenity.



- 6.13. Two objections were raised during the consultation period for this application, regarding the over concentration of HMOs on Short Heath Road and in the wider area, plus the lack of parking spaces provided and the effect this would have on the road. In regards to HMOs on Short Heath Road, data for approved HMO licenses states there is one other HMO on the same road as the application site, located at 61 Short Heath Road. This data applies to large HMOs with 7 or more bedrooms (Sui Generis). I consider the proposal wouldn't worsen the state of clustered HMOs in the area.
- 6.14. The proposal includes the provision of 5 car parking spaces. While this is fewer than the 9 bedrooms proposed at the site, I consider this not to have a detrimental impact on parking in the local vicinity. There would be 9 cycle storage spaces provided at the site, plus two bus routes that operate in close proximity to the site, which would help offset the discrepancy between car parking spaces and number of bedrooms. Also, it is considered that the proposed use would have fewer cars going to and from the application site compared with its use as a day nursery, as parents and staff would no longer be accessing the site throughout the day. Therefore, I consider there would be fewer car visits to the application site and the local area through this change of use.
- Highway Safety
- 6.15. Transportation Development have assessed the proposal and raise no objection, subject to a condition for the reconfiguration of car parking spaces, stating that spaces 1 and 2 should be rotated through 90 degrees. In addition, a condition for cycle storage details for 9 cycles has been recommended. I concur with these views. The application site is not located in or near a local centre, though does benefit from being within walking distance of a small parade of commercial use units at the junction of Short Heath Road and Streetly Road, with two bus routes serving the area. As such, the proposal would have sufficient links to local amenities public transport services. While the amount of car parking spaces proposed to be provided is fewer than the proposed bedroom number, I consider that the sufficient provision of cycle spaces and the proximity to local bus services should prevent an adverse impact on car parking in the vicinity.

## 7. Conclusion

- 7.1. I consider that a change of use from children's day nursery (Use Class D1) to a 9 bedroom HMO (Sui Generis) in this location is acceptable as the proposal would not result in any harm to visual or residential amenity; neither would the proposed development prejudice highway safety. I am satisfied that the living conditions for future occupiers would be adequate and thus the proposal accords with national and local planning policy. The proposal constitutes sustainable development and as such, I recommend planning permission is granted, subject to conditions

## 8. Recommendation

- 8.1. Approve subject to the following conditions

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior approval of an amended car park layout              |
-

- 
- |   |  |
|---|--|
| 3 | Requires the prior submission of cycle storage details |
| 4 | No more than 9 residents at HMO                        |
| 5 | Implement within 3 years (Full)                        |
- 

Case Officer:        Luke Campbell

**Photo(s)**



## Location Plan



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Committee Date:	24/05/2018	Application Number:	2018/01889/PA
Accepted:	08/03/2018	Application Type:	Full Planning
Target Date:	03/05/2018		
Ward:	Erdington		

107 High Street, Erdington, Birmingham, B23 6SA

Change of use of ground floor from travel agents (Use class A1) to pay day loan shop (Sui Generis)

Applicant: Oakam Ltd  
172 Tottenham Court Road, London, W1T 7NS  
Agent: Apex Planning Consultants  
1 Hillbeck Grove, Middleton, Milton Keynes, MK10 9JJ

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. Consent is sought for the change of use of 107 High Street, B23 6SA from the currently vacant former Travel Agents (Use Class A1) to that of a Pay Day Loan Shop (Sui Generis). The unit has been vacant since September 2015.
- 1.2. The applicant has indicated that the ground floor would comprise a reception, shop floor, skype room, store, kitchen and office. The total floor area would remain as existing 64.7sqm. Opening hours are proposed as 0930-1800 Monday to Saturday. The use would employ 3 full-time and 1 part-time members of staff. No vehicle parking details have been provided.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application premises are currently vacant former Travel Agents commercial unit located within the Primary Shopping Area of the Erdington District Centre, which consists of a wide variety of commercial uses. The property is two-storey in height, consisting of a ground floor commercial unit with residential flat above, located within a parade of 21 similar properties. The adjoining neighbouring unit to the south west is vacant and the adjoining unit to the north east is a photo shop, both have residential flats to the first floor areas. To the front lies a pedestrian footpath and restricted parking bays.
- 2.2. The surrounding area is commercial in character.

[Location plan](#)

3. Planning History

3.1. 20.11.2015. 2015/05985/PA, Change of use of first and second floors of 105-107 High Street from (A1) use into 4 no. self-contained flats and alterations to rear elevation, approved

3.2. 20.02.2003. 2003/00184/PA, Display of one internally illuminated fascia sign and one internally illuminated projecting sign, approved temporary.

4. Consultation/PP Responses

4.1. Regulatory Services – No objection subject to conditions, restricting plant and machinery noise and restrictive opening hours of 0900-1800 Monday to Saturday.

4.2. Transportation Development – No objection

4.3. West Midlands Police - No objection, recommending the installation of an alarm system.

4.4. Neighbouring occupiers, residents/traders associations and Ward Councillors notified, with the following response received:

- Ward Councillor Gareth Moore requests that the application be determined by Planning Committee due to the loss of retail unit and crime/disorder concerns.

5. Policy Context

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

6. Planning Considerations

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

6.2. **Principle:** The 'Shopping and Local Centre' SPD defines existing Local Centres within Birmingham. The site falls within the Primary Shopping Area of the designated Erdington District Centre. Within the centre lies a mix of commercial uses with variously designed shop fronts and signage. Consequently, I consider that the proposed change of use of the premises to that of a pay day loan facility acceptable and what would be expected to be found in such a location. The proposal is therefore considered acceptable in principle.

6.3. **Policy:** Policy 1 within the Shopping and Local Centres SPD states that at least 55% of all ground floor units within the primary shopping area of a District Centre should be retained as A1 retail use. The most recent survey of the centre conducted 2016/17 highlights that 142 units are within A1 retail use (65.44%) within the primary shopping area. This proposal would reduce the number to 141 (64.9%). Therefore, the proposal would not result in a fall below the 55% threshold.

6.4. In relation to Policy 2 of the Shopping and Local Centres SPD, it is considered that the proposed change of use from retail (Use Class A1) to a non-shopping use (Sui Generis) within the Primary Shopping Area would not lead to an over concentration or clustering of non-retail uses such as to create a dead frontage. The proposed Sui Generis Use would be situated within the Primary Shopping Area of a District Centre in which 18 other units are within the Sui Generis Used Class (8.29%), this proposed



change of use would increase this figure to 19 (8.75%). The unit has been vacant since September 2015 and is considered relatively small in scale (64.7sqm) and therefore no loss of a larger retail unit would occur. The proposed use would not have a detrimental impact on the character and function of the District Centre as it would offer a service which is a centre use that would be expected to be located in a centre location.

- 6.5. Policy 3 of the Shopping and Local Centres SPD states that in some cases the applicant may be able to demonstrate that exceptional circumstances merit the change of use of an A1 unit within the Primary Shopping Area. Examples would include a property that is vacant and has been marketed continuously for a period of time. In this instance the appointed agent has confirmed that the premises have been marketed since 2015 with limited interest in the leasing of the premises.
- 6.6. Concerns have been raised by a Ward Councillor due to the loss of a retail unit. In response, it is considered the proposed use would enhance the vitality and viability of the centre, through the re-instatement of a business within a unit which has been vacant long-term. Furthermore, the 55% threshold of A1 retail uses within the primary shopping area of the Erdington District Centre would be retained. The proposal would therefore accord with the objectives laid out within Policies 1, 2 and 3 of the Shopping and Local Centres SPD.
- 6.7. **Visual amenity:** No external alterations are proposed, with the existing shop frontage retained. The application site is located within the Erdington District Centre where frontages and signage of different designs and colours are located. Consequently, it is considered that no harm would occur to the visual amenity of the site, street scene or surrounding area above or beyond the existing situation.
- 6.8. **Residential amenity:** Residential flats are located above the application unit and neighbouring units. The application site is located within a busy district centre where ambient noise levels would be expected to be higher than within wholly residential areas. The proposal would be considered a day time use in a centre where both daytime and evening uses are located. Proposed opening hours of 0930-1800 Monday to Saturday are requested. Regulatory Services have assessed the proposal and raise no objection subject to conditions restricting plant and machinery noise and restrictive opening hour of 0900-1800 Monday to Saturday. Consequently, it is considered the proposed use would not create any additional unsatisfactory noise levels outside of normal daytime opening above that which would be expected in such a location. I concur with Regulatory Services views and accordingly attach the requested conditions.
- 6.9. **Highway/pedestrian safety:** The application site is located within a sustainable location where public transport bus routes and vehicle parking facilities are located. Transportation Development have assessed the proposal and raise no objection. I concur with this view.
- 6.10. **Crime/fear of crime:** A Ward Councillor has raised concerns to potential crime and disorder. In response, West Midlands Police have assessed the proposal and raise no objection, recommending the unit is alarmed.

## 7. Conclusion

- 7.1. It is considered that the proposed change of use would have no detriment to the vitality and viability of the centre and no harm would occur to residential amenity, visual amenity or highway/pedestrian safety.

8. Recommendation

8.1. Approve subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Limits the hours of operation to 0900 - 1800 Monday to Saturday        |
| 2 | Limits the noise levels for Plant and Machinery                        |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Implement within 3 years (Full)  |
- 

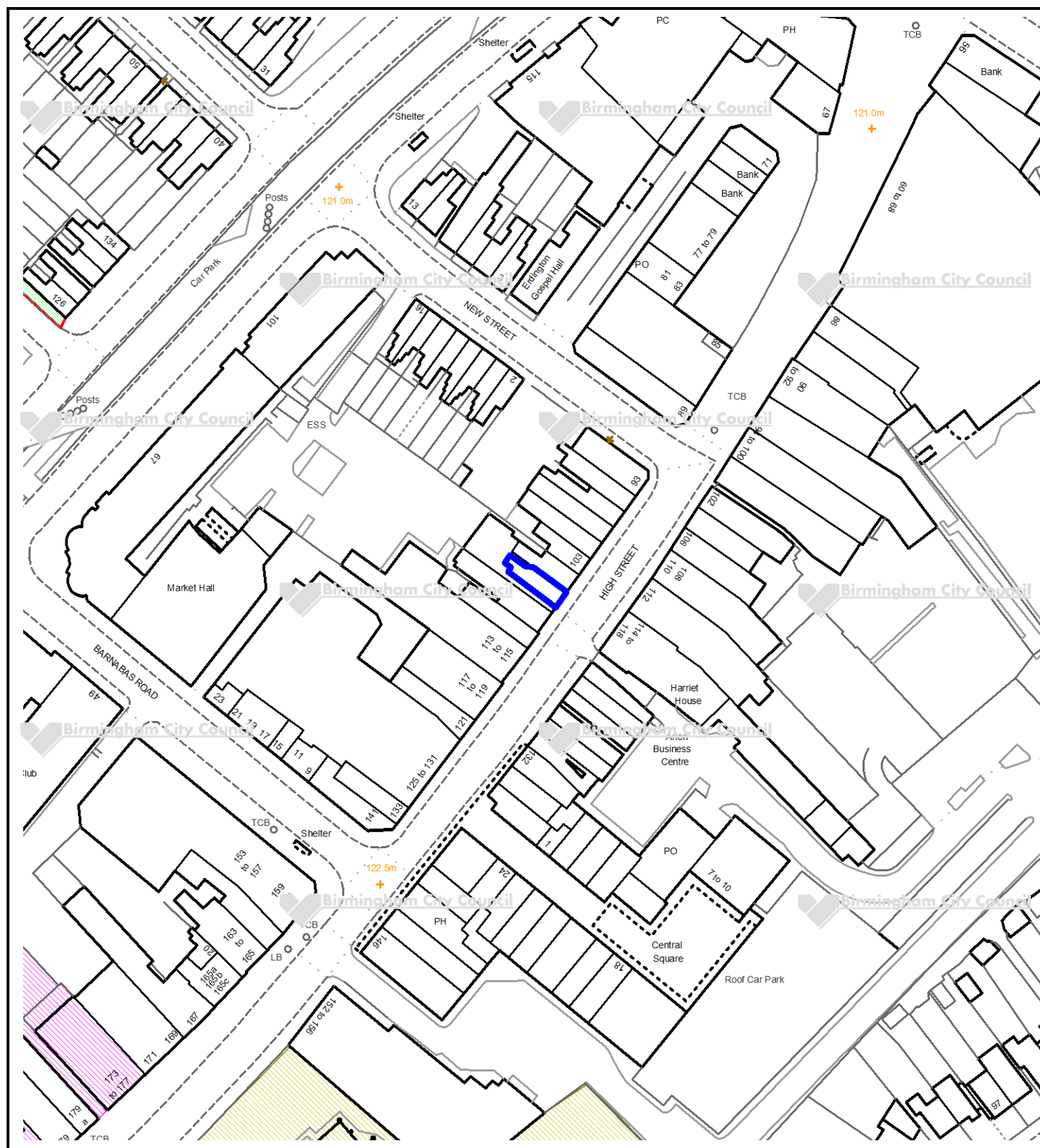
Case Officer: Keith Mellor

## Photo(s)



Frontage 1

## Location Plan



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Committee Date:	24/05/2018	Application Number:	2018/01496/PA
Accepted:	28/02/2018	Application Type:	Full Planning
Target Date:	30/05/2018		
Ward:	Pype Hayes		

Jaguar Land Rover, Chester Road, Castle Bromwich, Birmingham, B35 7RA

Retention of panel storage building

Applicant: Mrs Rebecca Palmer  
c/o agent  
Agent: Pegasus Group  
Pegasus House, Querns Business Centre, Whitworth Road,  
Cirencester, GL7 1RT

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Recommendation

**Approve Subject To Conditions**

1. Proposal

- 1.1. This application relates to the proposed retention of a temporary building which has been operated as a panel storage building since 2012, with planning permission granted for the temporary building under application reference 2012/06679/PA.
- 1.2. The panel storage building has an approved floorspace of 8,222sqm with an unauthorised extension to the eastern end of the panel storage building in situ, amounting to a further 964sqm. The panel storage building sought to be retained therefore has an overall floorspace of 9,186sqm. The building will be used to store body panels which are used in the manufacturing process at the site. The covered roadway is provided to allow for the driving of fork lift trucks under cover from the panel store to the next step in the manufacturing process.
- 1.3. The building measures 228m (length) x a maximum of 47m (width) x 12m (height) and is clad in light grey coloured micro-rib metal cladding with a white PVC fabric roof. The panel store building is sited at a raised level to the internal roadway which runs along the south of the building.
- 1.4. The proposal has resulted from the ongoing operational requirement for the panel storage building to support the manufacturing process at the Castle Bromwich facility.
- 1.5. The number of employees is proposed to remain the same. The car parking spaces which were displaced as a result of the erection of the building in 2012 has been resolved through the creation of a number of JLR car parks in the vicinity of the site in recent years.
- 1.6. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The wider factory site covers an approximate area of 59.5ha, consisting of a wide mix of functional industrial buildings and is located within a larger and established industrial/commercial context. To the immediate north are a number of large commercial uses including the Ravenside Retail Park. To the West is a mix of small to large industrial uses including Dunlop Goodyear as well as the Fort Dunlop complex. To the south, on the opposite side of the A47 Fort Parkway, are a number of industrial units and beyond that the West Coast Mainline and an elevated section of the M6. To the east, on the opposite side of the Chester Road, are the Castle Vale Estate and District Centre. The site is allocated as a Core Employment Area under Policy TP19 of the Birmingham Development Plan.

## 2.2. Site Location

## 3. Planning History

- 3.1. 23.11.2012 - 2012/0667/PA - Relocation of panel storage to a temporary building for 5 years and relocation of forklift truck/HGV and pallet repair activities to a permanent building – Approved subject to conditions.
- 3.2. Various applications relating to developments at the site over a long period of time. None of particular relevance to this application.

## 4. Consultation/PP Responses

- 4.1. Transportation Development – no objection.
- 4.2. Regulatory Services – no objection.
- 4.3. Local Lead Flood Authority – no comment.
- 4.4. Environment Agency – no objection.
- 4.5. Site notice and press notice displayed. Ward Members and neighbours notified. No representations received.

## 5. Policy Context

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

## 6. Planning Considerations

- 6.1. Within the context of this large manufacturing site, the size and nature of the retention of the building is of a relatively small scale. The principle of this building has been established under the approved planning permission 2012/06679/PA. I am satisfied that the proposals are consistent with relevant planning policies, particularly Policy TP19 of the Birmingham Development Plan which relates to commercial development and activity within Core Employment Areas. The Council's Planning



Strategy department have been consulted, with no adverse comments made. No objection is raised in principle to the proposal.

- 6.2. As the proposals relate to the retention of an existing building, I am of the view that the visual impact has been established. There are no material changes to the building, and that this would be set back some 125m from Chester Road and read within the context of existing industrial buildings of similar scale and appearance. Whilst the building was noted to be required for a temporary period of 5 years, the quality and appearance of the building is consistent with the quality and appearance of the surrounding industrial character of the Jaguar Land Rover plant. I raise no concerns in terms of the impact of the proposals on visual amenity.
- 6.3. The application site is within a large established industrial and commercial area and activities associated with the proposed works would have no adverse impact on neighbour amenity. Regulatory Services raise no objection.
- 6.4. The application premises are enclosed within the boundaries of the existing Jaguar Land Rover plant. The covered roadway is established and does not have a highway impact within the site given its use to transport panels to the next manufacturing stage of the process. Transportation Development raises no objection to the proposal on the grounds that the existing building is proposed to be retained, resulting in no increase in employee numbers or any loss of parking provision.

## 7. Conclusion

- 7.1. The proposal seeks to retain the panel storage building on a permanent basis. I am satisfied that the proposed retention of the facility would have an acceptable impact on visual and neighbour amenity. The application is in accordance with relevant policy and guidance. For the reasons set out above, I recommend that the application be approved subject to conditions.

## 8. Recommendation

- 8.1. Approve subject to conditions.

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1	Requires the scheme to be in accordance with the listed approved plans
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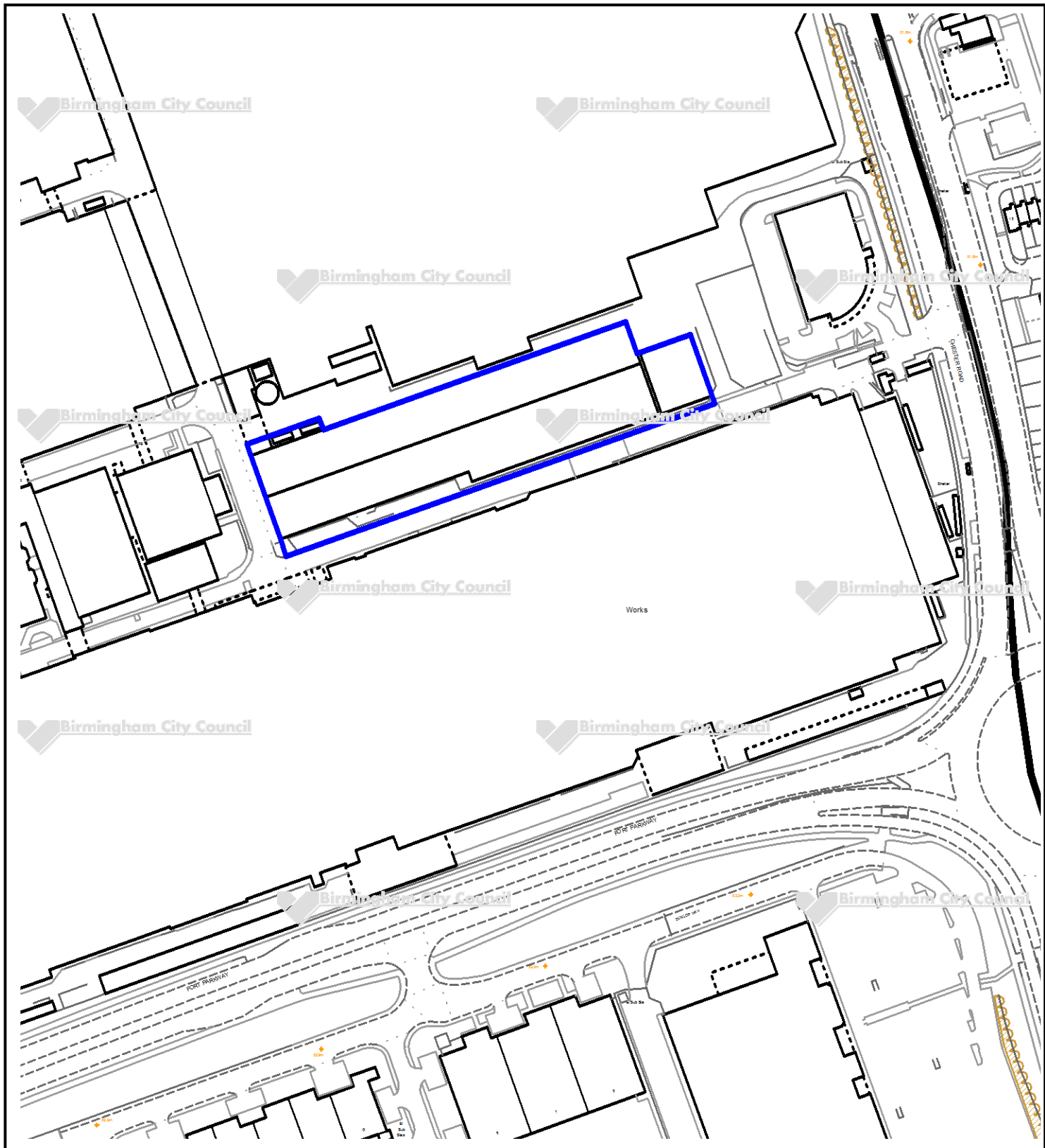
Case Officer: Claudia Clemente

## Photo(s)



Figure 1: Application Site – Chester Road Frontage

## Location Plan



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**Birmingham City Council**  
**Planning Committee 24 May 2018**

**Appeal Decisions Received from the Planning Inspectorate in April 2018**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Advertisement</b>	Land at 1199 Stratford Road, Hall Green	Display of internally illuminated digital 48 sheet advertisement panel. 2017/09612/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	Beneficial Building, 28 Paradise Circus Queensway	Display of 1 no. externally illuminated advertisement banner. 2017/07624/PA	Allowed (see note 1 attached)	Delegated	Written Representations
<b>Advertisement</b>	Outside 9 Colmore Row, City Centre	Display of 1 internally illuminated single sided display on payphone kiosk. 2017/08534/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	Birmingham Dental Hospital and School, St Chad's Queensway	Display of two pole mounted LED digital display screens. 2017/08980/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	Outside Maple House, Priory Queensway	Display of 1 internally illuminated single sided display on payphone kiosk. 2017/08546/PA	Allowed (see note 2 attached)	Delegated	Written Representations
<b>A3/A5</b>	1547 Pershore Road, Stirchley	Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) and installation of extraction flue to rear. 2017/04984/PA	Dismissed	Delegated	Written Representations
<b>A3/A5</b>	1260 Pershore Road, Stirchley	Retention of restaurant (Use Class A3) with proposed hot food takeaway & delivery service. 2017/05883/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	Land adjacent to 79 Willaston Road, Sheldon	Demolition of existing garages and erection of 1 dwellinghouse. 2017/03842/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	Public Convenience adjacent railway bridge, 54 Stratford Road, Sparkhill	Erection of first floor extension. 2017/01247/PA	Dismissed (see note 3 attached)	Delegated	Written Representations

**Birmingham City Council  
Planning Committee 24 May 2018**

**Appeal Decisions Received from the Planning Inspectorate in April 2018**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Other</b>	3 Yew Tree Road, Edgbaston	Listed Building Consent for internal alterations and formation of enlarged opening in rear elevation. 2017/06383/PA	Dismissed	Delegated	Written Representations

**Total - 10 Decisions: 8 Dismissed (80%), 2 Allowed**

**Cumulative total from 1 April 2018 - 10 Decisions: 8 Dismissed (80%), 2 Allowed**

## **Notes relating to appeal decisions received in April 2018**

### **Note 1 (Beneficial Building)**

**Application refused** because 1) The display of the advertisement in conjunction with the digital advertisement on the nearby car park, results in the overloading of the area with advertisements to the detriment of the visual amenity of the Surrounding area. 2) The advertisement displayed on the scaffolding would undermine the sustainable transport network improvements that form part of the Paradise redevelopment.

**Appeal allowed** because the Inspector concluded that whilst the proposed advertisement would be visually dominant due to its size and would also result in some cumulative impact in combination with the existing 'Red Cage' advertisement, this would not be significant enough to result in any harm to amenity. In addition, given the current condition of the appeal building, which exudes a sense of dereliction, the advertisement would prove visually beneficial until redevelopment takes place.

### **Note 2 (Outside Maple House)**

**Application refused** because the proposed advertisement by reason of its illumination would not preserve or enhance the character or appearance of the Steelhouse Lane Conservation Area and would cause less than substantial harm.

**Appeal allowed** because the Inspector considered that the area surrounding the appeal site is a brightly lit, busy part of the city, containing street lighting, lights from traffic and overspill lighting from buildings. This led the Inspector to conclude that the proposal would not be harmful and that the character and appearance of the Conservation Area would be preserved.

### **Note 3 (54 Stratford Road)**

The appellant's application for costs was refused