

Birmingham City Council

Planning Committee

28 February 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve-Conditions	9	2018/08417/PA 121 School Road Moseley Birmingham B13 9TX Erection of 1 no. dwelling house with associated parking and landscaping
Approve-Conditions	10	2016/06463/PA Land off Redditch Road Kings Norton Birmingham B38 8QG New signalised junction, widening of Redditch Road and the formation of new access road to serve retail and residential development.
Approve-Conditions	11	2018/03162/PA Redditch Road, opposite Grovewood Drive Kings Norton Birmingham B38 Erection of new Class A1 food retail store with associated car parking, servicing and landscaping
Approve-Conditions	12	2018/04913/PA 80 Webb Lane Hall Green Birmingham B28 0EE Erection of two storey side and single storey side and front extension

Approve-Conditions	13	<p>2018/09983/PA</p> <p>83 Langleys Road Selly Oak Birmingham B29 6HR</p> <p>Erection of two and single storey rear extension.</p>
Determine	14	<p>2018/05359/PA</p> <p>Pritchatts Road Car Park and Ashcroft Halls of Residence Pritchatts Village Pritchatts Road Edgbaston Birmingham B15 2QU</p> <p>Erection of student accommodation blocks (230 bedrooms at Ashcroft Block and 302 bedrooms at Pritchatts Car Park site) and multi-storey car park (608 spaces).</p>

Committee Date:	28/02/2019	Application Number:	2018/08417/PA
Accepted:	25/10/2018	Application Type:	Full Planning
Target Date:	28/02/2019		
Ward:	Moseley		

121 School Road, Moseley, Birmingham, B13 9TX

Erection of 1 no. dwelling house with associated parking and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks planning consent for the erection of 1 no. dwelling house with associated parking and landscaping at 121 School Road, Moseley.
- 1.2. The proposed dwelling would measure 7.3m in height to the eaves, 10.1m in height to the roof ridge and 10.9m in width. The dwelling would be constructed of red brick with a double pitched roof clad with grey interlocking tiles and contrasting brick panels set around the window cills/heads and chimney flue. To the front there would be a bay window feature and three dormer windows, and to the rear there would be a two storey wing element.
- 1.3. The internal layout would consist of an open plan kitchen/living/study area, a cloakroom and WC on the ground floor, a double bedroom, twin bedroom/study and bathroom on the first floor and a double bedroom, a single bedroom and a bathroom on the second floor. To the rear 90m² of private amenity space would be provided.
- 1.4. The property would front School Road with two parking spaces to the side with access of School Road via a proposed dropped kerb.
- 1.5. The proposed development would not attract a CIL contribution.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a rectangular piece of land, fronting School Road. The site was previously in commercial use; used for the storage of building materials. In 2013 the site was granted planning consent for the erection of a single storey building to be used as a hairdresser, however it would appear that use was never implemented.
- 2.2. The site is bound by a brick wall to the rear and sides, and to the front the site is bound by wooden panel fencing and entrance gates set into the site to allow vehicular access. To the north of the site there is a GP Surgery. To the east, the site adjoins the rear curtilage of No.2 Blenheim Road. Immediately adjoining the site is a

single storey commercial unit which is no longer in use and a row of three storey terraced properties. Located opposite the site, on the other side of School Road, are two storey terraced houses. The surrounding area is predominantly residential in character. King's Heath District Centre is located to the west of the site.

3. [Site Location](#)

4. [Enforcement History](#)

- 4.1. 2004/2326/ENF - Erection of fence and gates, use of land for storage of building materials possible building works in progress – No building works on site, case closed.

5. [Planning History](#)

- 5.1. 10/05/2005 - 2005/01855/PA - Change of use to store building materials – Refused – Reasons for refusal: proposal would introduce a new business into an established residential area and adversely impact residential amenity.
- 5.2. 14/08/2006 - 2006/04127/PA - Development of three one-bedroom flats – Refused – Reasons for refusal: intense development in a mature suburb and would have a detrimental impact upon residential amenity in terms of loss of privacy and nearness to neighbouring boundary.
- 5.3. 2013/06489/PA - Removal of existing temporary building and erection of single storey detached building for use as a hairdressers (Use Class A1), formation of 4 no. parking spaces and installation of boundary treatments – Approved subject to conditions.
- 5.4. 24/05/2018 - 2018/03160/PA - Pre-application discussion for erection of 2 dwelling houses and associated parking – Response concluded that housing could be acceptable in principle subject to complying 45 Degree Code and separation distances to neighbouring properties.

6. [Consultation/PP Responses](#)

- 6.1. Regulatory Services – No objection subject to contamination remediation scheme, contaminated land verification report and electrical vehicle charging.
- 6.2. Transportation Development – No objection subject to visibility splay incorporated into access, footway crossing to be constructed to City specification at the applicants expense and redundant crossing to be incorporated into access and construction management plan.
- 6.3. West Midlands Police – No objection.
- 6.4. Severn Trent Water – No objection however recommends that the Applicant to contact them as there may be public sewers recently adopted under the Transfer Of Sewer Regulations 2011.
- 6.5. Site notice displayed, local ward councillors/MP and surrounding occupiers notified and 4 objections received from neighbouring occupiers raising concerns regarding:
- Overlooking and loss of privacy
 - Inadequate separation distances

- Loss of light
 - Obscure glazing may not be implemented as shown on proposed plans
 - Scale and massing
 - Impact upon highway safety
 - Increase in traffic
 - Potential to impact Highway Safety scheme
- 6.6. Councillor Kerry Jenkins and Councillor Martin Straker Welds – Asked by constituents to alert planning officers to the concerns about highway safety along School Road which is subject of an experimental traffic scheme.
- 6.7. The Moseley Society - objecting stating that the proposal fails to comply with planning policy, the use of obscurely glazed windows would result in unacceptable living conditions for future occupiers, the proposal would increase traffic problems and the application should not be decided until No. 123 has been considered.
- 6.8. School Road Issues Group – objecting raising concerns regarding highway safety and highway safety experiment.

7. Policy Context

- 7.1. The following local policies are applicable:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
 - Places for Living SPG
 - Mature Suburbs SPD
 - Car Parking Guidelines SPD
 - Moseley SPD
- 7.2. The following national policies are applicable:
- National Planning Policy Framework (NPPF)

8. Planning Considerations

Background

- 8.1. Pre-application discussions were held with the Applicant and the scheme was subsequently modified on the advice of the LPA with regards to design improvements and reduction in the number of dwellings proposed to one rather than two.
- 8.2. The main considerations in the determination of this application are whether the principle of residential use would be acceptable on the site; the scale, siting and design of the proposed development, the living conditions for future occupiers; the impact of the proposal on the amenity of neighbouring residents; and impact on highway safety and parking.

Policy and Principle of Development

- 8.1. The National Planning Policy Framework (NPPF) 2012 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.
- 8.2. Policy PG3 of the BDP states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context.
- 8.3. The 45 Degree Code and Places for Living SPG provide design guidance and set guidelines for residential development to ensure all new development respects the appearance of the local area and does not adversely affect neighbouring amenity.
- 8.4. The application site is located within an established residential area, in a low flood risk zone (Flood Zone 1), is well serviced by existing infrastructure and services are accessible from the site. As such I consider the principle of residential development in this location to be acceptable.

Visual Amenity and Landscaping

- 8.5. 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.”
- 8.6. Existing adjoining buildings on this row of terraced houses are three storeys in height. The proposed development would also be three storeys in height and would follow the eaves and roof ridge height of the neighbouring properties. Whilst I note concerns regarding the scale of the property when viewed from its side along School Road, I do not consider the scale would be so discordant as to recommend refusal on this basis. The proposed dwelling would be in line with the established building line. Concerns were raised by the City Design Team regarding the fenestration of the initial design. Following these comments, amended plans were submitted altering the positioning of the proposed dormer windows, and the design of the proposed dormers was amended to improve the symmetry of the windows and reflect the dormer style windows at No. 12. The proposed bay window was also improved to reflect the style of bay window within the street scene. A condition has been attached requiring the submission of sample materials, to ensure that the materials used in the external surfaces of the dwelling are acceptable. As such, I am satisfied that the siting, scale, massing and design of the proposed dwelling would be in keeping with the character and appearance of the area and would have an acceptable impact upon the wider visual amenity .
- 8.7. The City’s Landscaping Officer has raised no objection to the proposal and has recommended that further details of proposed landscaping, boundary treatments and details of hard surfaces is secured by way of condition. Such conditions have been attached.

Impact on Future Residential Amenity

- 8.8. The Government's Technical Housing Standards require at least 7.5m² for a single bedroom and at least 11.5m² for a double bedroom. All proposed bedrooms would comply with this standard. In terms of the overall internal floor space, the Government's Technical Housing Standards requires 121m² for a 4 bedroom, 7 persons, three storey dwelling. The proposal exceeds this standard as 141.8m² of internal floor space is provided. The proposed dwelling would have a garden area of approx. 90m² which would comply with the minimum recommended private amenity space guidelines of 70sq.m, as set out in the Council's Places for Living SPG. I am therefore satisfied that the living conditions for the future occupiers of the proposed dwelling would be acceptable.

Impact on Existing Neighbouring Residential Amenity

- 8.9. I note the concerns of local objectors in respect of loss of privacy and overlooking as a result of the proposed development. The proposed windows in the rear elevation would not comply with the recommended 10m set back overlooking distance to the rear garden of No. 2 Blenheim Road, as set out in the Council's Places for Living SPG. The proposed dwelling is designed in such a way that two of the first floor windows in the rear elevation would light the stairs and landing and as such would be obscurely glazed. The third first floor window in the rear elevation would be a secondary source of light and would also be obscurely glazed. Primary light sources for windows would face School Road. I recommend that a condition is attached to require the first floor side and rear windows facing the boundary to No. 2 Blenheim Road, to be obscurely glazed and their opening controlled, to avoid overlooking. In addition to this, in order to further protect neighbours residential amenity, I recommend a condition is attached to remove permitted developments for the insertion of new windows.
- 8.10. The proposal would be set in from the boundary to the rear of No. 2 and would be positioned at such an angle so that it would not be directly adjacent to the rear of No. 2. I note No. 2 has no ground floor windows in the rear wing elevation and the proposed development would comply with the 45 Degree Code to the first floor window in the rear elevation of No.2. I therefore consider it would be unreasonable to refuse this application on the grounds of residential amenity impact to No. 2 given that there would be no loss of light and potential overlooking would be mitigated through safeguarding conditions.
- 8.11. I do not consider there would be any loss of privacy or loss of light as a result of direct overlooking into front windows of houses on the opposite side of School Road. The separation distance would be approx. 13m and within the realms of what would be considered acceptable for a front to front relationship, where windows overlook a public highway, rather than any private area.
- 8.12. As the development complies with the 45 Degree Code and the remainder of the numerical guidelines set out in 'Places For Living' SPG and 'Extending Your Home' Design Guide, I am satisfied that subject to safeguarding conditions, the proposed development would cause no detrimental impact on neighbours light, outlook or amenity.

Highway Safety and Parking

- 8.13. Concerns have been raised by local residents regarding the impact the proposal will have on the highway safety of School Road. Transportation Development have been consulted on the proposal and have raised no objection to the proposal subject to conditions requiring: a pedestrian visibility splay to be incorporated into the

driveway, the new footway crossing to be installed to City specification and the redundant crossing to be reinstated with full height kerbs in order to protect pedestrian safety along the footway. I consider these conditions to be appropriate and necessary and as such recommend they are attached.

- 8.14. The Council's Car Parking Guidelines SPD recommends a maximum of two parking spaces per dwelling in this location as such the proposal would comply with this standard, as there are two off-street parking spaces proposed. Transportation Development consider the traffic and parking demand associated with the development would not be greater than that of the previous commercial use. In line with Transportation Developments views, I conclude that the proposal would not have an adverse impact in terms of highway safety or parking.
- 8.15. Local residents have raised highway safety concerns arising as a result, with cars having to mount the pavement in some circumstances in order to be able to pass. Transportation Development have acknowledged the concerns raised regarding the length of the footway crossings along School Road and the impact a further footway crossing along this stretch of the road may have. However Transportation Development considers that with the reinstatement of the redundant crossing there will be a reduction in length of dropped kerbs along this section of School Road and as such the proposal could not be reasonably refused on these grounds.
- 8.16. Transportation Development have acknowledged the concerns raised regarding potential disruption to the highway during construction and recommend that a construction management plan condition is attached. However given that the proposal is for one dwelling, I consider this condition would be unnecessary to attach in this instance.
- 8.17. There is an experimental temporary traffic closure planned for the section of School Road between Cotton Lane and Greenhill Road. To aid this closure, the section of School Road directly adjacent to the application site would be closed to through traffic. I note local residents have raised concerns as to the impact the proposed development may have on this experimental traffic closure. Transportation Development are aware of the experiment and have confirmed that the proposed development would have no impact upon this traffic experiment.

Other Matters

- 8.18. Due to the previous commercial use of the site, Regulatory Services have requested further contaminated land investigation is required and as such recommend conditions attached requiring a contamination remediation scheme to be submitted prior to development commencing. The Applicant has agreed to the attachment of this condition. In addition to this, Regulatory Services have recommended that a condition is attached for a contamination remediation scheme. Regulatory Services have also requested that a condition is attached for the provision of a vehicle charging point, we presently only attach such a condition for flatted developments.
- 8.19. West Midlands Police raised no objection to the proposal. However, they stated that the development will require compliant with Part Q Building Regulations 2015. They also recommend that the applicant gives full consideration to the principles adopted in the enhanced security standards produced by Police Crime Reduction initiative 'Secure by Design'. These details will be forwarded to the applicant.

9. Conclusion

- 9.1. I consider that the siting, scale and appearance of the proposed development would be in keeping with the character and appearance of the surrounding area. The proposed dwelling would contribute to meeting the city's need for more housing. The proposed dwelling would provide satisfactory living accommodation for future occupiers and would have a limited impact on the amenity of adjoining occupiers or on highway safety and parking. Therefore, I consider that the proposal constitutes sustainable development and recommend the application is approved subject to conditions.

10. Recommendation

- 10.1. Approve subject to conditions:

-
- | | |
|----|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Requires the submission of hard surfacing materials |
| 4 | Requires the submission of boundary treatment details |
| 5 | Requires pedestrian visibility splays to be provided |
| 6 | Requires the prior submission of a contamination remediation scheme |
| 7 | Requires the submission of a contaminated land verification report |
| 8 | Requires the submission details of obscure glazing for the two first floor rear windows of the approved building |
| 9 | Removes PD rights for new windows, dormer windows and rooflights |
| 10 | Removes PD rights for extensions |
| 11 | Requires the prior submission of level details |
| 12 | Requires the new footway crossing to be constructed to City specification & redundant crossing to be reinstated with full height kerbs at the applicants expense. |
| 13 | Requires the parking area to be laid out prior to use |
| 14 | Implement within 3 years (Full) |
-

Case Officer: Laura Reid

Photo(s)



Photo 1 – Application Site



Photo 2 – Site Entrance



Photo 3 – Existing Residential Properties to the East

Location Plan



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

Committee Date:	28/02/2019	Application Number:	2016/06463/PA
Accepted:	06/09/2016	Application Type:	Full Planning
Target Date:	30/06/2018		
Ward:	King's Norton South		

Land off Redditch Road, Kings Norton, Birmingham, B38 8QG

New signalised junction, widening of Redditch Road and the formation of new access road to serve retail and residential development.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for a new signalised junction at Redditch Road/Grange Hill Road, the widening of Redditch Road around the proposed signalised junction and the formation of a new access road to serve proposed retail development and the adjacent Primrose Estate redevelopment.
- 1.2. Planning permission has already been granted for a new access road (spine road) running from Redditch Road to Teviot Grove (north-west to north-east) as part of the previous permissions for estate redevelopment for housing (as detailed below). The road would be approximately 174m in length and 10.5m in width. Permission is now required to widen the proposed access road for approximately 70m adjacent to the retail development site to include an extra lane at the proposed signalised junction. This would enable the provision of a right turn lane onto Redditch Road along with a left/straight on lane onto Redditch Road/Grange Hill Road respectively. The width of the proposed road at the widened point would be approximately 15m.
- 1.3. The proposed widening of Redditch Road has been amended since the proposed scheme was first submitted to take into consideration the proposed traffic generation of both the adjacent housing and the proposed retail store (to be considered elsewhere on this agenda). These amendments lead to a reduction in the length of Redditch Road proposed for widening. Out of City from Kings Norton Green, the area proposed for widening to accommodate the proposed signalised junction would be approximately 221.5m in length and would be accommodated on the south side of Redditch Road. Small changes are proposed to existing road access/kerb lines at Grange Hill Road/Groveswood Drive. The widening proposal would also see the removal of the Redditch Road service road to the south. The road widening would allow for the provision of a right turn lane into Grange Hill Road and a left turn (into the new spine road)/straight on lane out of city from Kings Norton Green and a left turn into Grange Hill Road/straight on lane and a right turn only lane (into the spine road) towards Kings Norton Green.
- 1.4. The signalised junction would facilitate the provision of a four arm junction with priority being maintained to the Redditch Road.
- 1.5. The proposed road scheme would involve the loss of 42 trees comprising 17 Category A trees including Hornbeam, English Oak and Turkey Oak; 9 Category B

trees including Ash, Hornbeam and English Oak and 16 Category C trees including Ash, Blackthorn and Goat Willow.

- 1.6. The application is supported by a tree survey, transport assessment and an air quality assessment.

- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is bounded to the north-west by the Redditch Road and existing housing within Kings Norton, to the north by the approved and proposed spine road and new housing undertaken by Birmingham Municipal Housing Trust (BMHT) and Kier Developments; to the south and east the wider development plot remains undeveloped but is likely to be utilised for BMHT housing. Further to the south and east, housing is currently being developed by BMHT and Kier as part of the Primrose Estate re-development whilst to the north east, the site is reserved for a new park as part of the estate redevelopment.

- 2.2. Along the approved/proposed spine road, the site drops approximately 6m in the west-east direction and approximately 3m in the north-west to south east direction.

- 2.3. The wider surrounding area to the north, beyond Redditch Road, comprises a mix of predominantly residential dwellings including detached, semi-detached and terraced properties. Residential uses are complemented by a range of local services and facilities including schools (Ark Rose Primary Academy, Ark Kings Academy and Cadbury College) and health facilities including Hawkesley Health Centre.

- 2.4. The nearest local centres are West Heath Neighbourhood Centre, 1.5km to the west and Kings Norton Green Neighbourhood Centre, 1km to the north-west. Cotteridge Neighbourhood Centre is also within a 5 minute drive time of the application site, some 1.75kms to the north-west.

- 2.5. The site is accessed by regular bus services (45, 84, 146 and 801).

- 2.6. [Site Location Plan](#)

3. Planning History

- 3.1. Awaiting determination elsewhere on this agenda. 2018/03162/PA. Erection of Class A1 food retail store with associated car parking, servicing and landscaping.

- 3.2. 3 February 2017. 2016/09139/PA. Reserved matters approval granted for appearance, landscaping, layout and scale pursuant to outline planning permission 2014/09196/PA for the erection of 232 dwellings (Phase II).

- 3.3. 3 March 2016. 2015/09999/PA. Reserved matters approval granted for the erection of 58 dwellings comprising 18, 2 bedroom apartments; 4, 2 bedroom houses; 16, 3 bedroom houses; 19, 4 bedroom houses and 1, 5 bedroom house (Phase 1 development) in accordance with outline approval 2014/09196/PA at Green Lane, Teviot Grove and Medway Grove.

- 3.4. 6 March 2015. 2014/09196/PA. Outline planning permission granted with all matters reserved except access for mixed use development to include a maximum of 295 dwellings (2, 3, 4 and 5 bedrooms), a neighbourhood park, and 468sqm (GIA) retail space (Class A1/A2/A3) at Redditch Road, Green Lane, Foyle Road and Teviot Grove, Kings Norton.

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, resident associations and MP notified. Site and press notice posted. Three separate rounds of neighbour notification have been undertaken during the assessment of this application. In total, 70 letters have been received across the three rounds, 3 of which are in support of the application. The letters are primarily from residents living within Redditch Road and Grange Hill Road but also come from the wider Kings Norton area.

- 4.2. The objections are based on the following grounds:

- Concerned regarding traffic and safety of the road.
- Could the service road not be retained and used instead?
- Adequate traffic calming measures need to be provided on Grange Hill Road and Alversley Road.
- The signalised junction will reduce the free flow of traffic and cause serious traffic delays.
- Proposed development will alter the character of the area.
- Loss of hedgerow and trees.
- Effect entry and exit from Grovewood Drive.
- Diesel fumes from stationery traffic/increase in air pollution.
- No layby provision provided for a bus stop City bound.
- No details have been provided for the supermarket site.
- Proposal is a road junction of massive proportions.
- Noise pollution.
- 24 hour traffic serving the supermarket.
- Adverse impact on residential amenity.
- Proposed housing development would be at an unacceptable high density.
- Planned changes will make exiting Granshaw Close very difficult.
- Can you turn right into Grovewood Drive?
- The design of the new park should reduce access by car.
- The new road cannot be justified/why is it needed?
- The area is unsuitable for high density housing and retail.
- The proposed dual carriageway will prevent a right turn into Grange Hill Road and the surgery.
- Without a supermarket consent this junction is not required.
- Insufficient consultation.
- Foyle Road should be used instead.
- Housing provided for people that are not local.

- 4.3. Richard Burden MP has also commented as follows: *“As the local Member of Parliament I have contacted constituents living locally to encourage them to have their say on this application. It is important that changes to the highways and alterations to local vegetation don’t negatively impact on the environment or the flow of traffic on the highways and, if any changes do go ahead, that residents are kept updated on any possible disruptions when works are undertaken. I hope noting the large number of resident comments on this application that the Council will act to make sure resident viewpoints are acted upon”.*

- 4.4. Objection received from Roger Etchells on behalf of the residents of Grange Hill Road. The objection is based on the following:
- The application identifies that the store would have a 5 minute drive time catchment – this covers a large residential area whose most convenient route to the store will be along Grange Hill Road.
 - No provisions are included to limit traffic along Grange Hill Road.
 - Policy TP38 refers to a reduction in the negative impact of road traffic therefore the quality of Grange Hill Road should be preserved.
 - Request the following for Grange Hill Road – traffic restrictions relating to HGV's and vehicles over 7.5 tonnes (except deliveries); 20mph speed limit; road humps along the lengths of Grange Hill Road and build outs at footways or chicanes to slow traffic.
- 4.5. West Midlands Fire Service – no objection.
- 4.6. West Midlands Police – no objection.
- 4.7. Severn Trent Water – no objection subject to a drainage condition.
- 4.8. Regulatory Services – no objection. Request construction hours are controlled.
- 4.9. Transportation – no objections subject to conditions.
- 4.10. Lead Local Flood Authority – no objection subject to a safeguarding condition relating to surface water drainage.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP); NPPF, NPPG, Saved Policies of the Birmingham UDP (2005), Kings Norton Planning Framework (2009).

6. Planning Considerations

POLICY

NPPF

- 6.1. The National Planning Policy Framework (NPPF) was published on 24 July 2018. Paragraph 12 states that *"where a planning application conflicts with an up-to-date development plan....permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*
- 6.2. Paragraph 108 (National Planning Policy Framework (NPPF), July 2018) addresses how development proposals are to be considered. It sets out that, *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users; and*
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

- 6.3. Paragraph 109 states *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Birmingham Development Plan

- 6.4. The development plan for Birmingham comprises the BDP and the saved policies of the Birmingham Unitary Development Plan (UDP). Policy PG3 of the BDP states that *“All new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should:*
- Reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.*
 - Create safe environments that design out crime and make provision for people with disabilities through carefully considered layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance.*
 - 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, such as green infrastructure, sustainable drainage and energy generating features.*
 - Support the creation of sustainable neighbourhoods.*
 - Make the best use of existing buildings and efficient use of land in support of the overall development strategy.”*
- 6.5. Policy TP32 covers Housing Regeneration and identifies that the Kings Norton Three Estates is one of the initial priorities. The supporting text states that this would be a *“major redevelopment to create a sustainable neighbourhood and deliver long-term social, economic, physical and environmental improvements in accordance with the Kings Norton Planning Framework.”*
- 6.6. Policy TP38 of the BDP relates to the provision of a sustainable transport network and states that *“the development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel will be supported.”* It goes on to state that this will require *“improvements and development of road, rail and water freight routes to support the sustainable and efficient movement of goods; reduction in the negative impact of road traffic and ensuring that land use planning decisions support and promote sustainable travel.”*
- 6.7. Policy TP44 covers traffic and congestion management and states that *“the optimum use of existing highway infrastructure across all modes will be encouraged and priority investment in the highway network to support the city’s sustainable transport network and development agenda will be promoted.”* It goes on to state that this will be promoted through *“targeted construction of new accesses to provide access to development/redevelopment sites and ensuring that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.”*

Kings Norton Planning Framework

- 6.8. The application site sits within the Kings Norton Planning Framework, which is a non-statutory adopted planning document. The executive summary identifies that the redeveloped area will include:

“A new supermarket anchored local centre, fronting onto Redditch Road, and the relocation of the popular Fold neighbourhood centre to a more accessible position will play a critical role in promoting the estate neighbourhoods as an attractive and convenient place to live. The Fold and Redditch Road facilities will be key features along a strong “spine” of key retail, office, community facilities, new housing, and new and enhanced open spaces, which will run through the estates from the new local centre on the Redditch Road to the heart of the area and then on through the redeveloped Pool Farm estate. The spine will have the effect of opening up the existing estates, placing new facilities, spaces and housing on the boundaries between neighbourhoods.”

- 6.9. Chapter 3 of the Planning Framework identifies the issues associated with the Three Estates currently and in retail terms, the area has *“a limited range of town centre uses that are mainly focussed in four local centre ‘squares’ varying in quality and provision. Public consultation and the supporting evidence base has identified both a quantitative and qualitative need for a ‘full price’ foodstore to be provided at a site fronting the Redditch Road as part of a new local centre.”*

- 6.10. The supporting Proposals Map in Chapter 4 of the Framework identifies the adjacent site (to be determined elsewhere on this agenda) as the ‘allocated’ site for retail development within the area redevelopment. However, as the framework is not an adopted Supplementary Planning Document, the site’s ‘allocation’ is not a formal allocation for the purposes of determining a planning application but forms a planning consideration. The proposals map also identifies transport infrastructure improvements which under Policy T1, a series of highway improvements including:

- *“A new road link between Shannon Road and Redditch Road, which is part of a network of new streets to serve the redeveloped Primrose estate.*
- *A realignment of Foyle Road – outside Kings Norton school.*
- *A realignment of Hillmeads Road with easier connection to Sisefield Road, and*
- *A new connection from Barratts Road to Hillmeads Road.*

The new road link between Shannon Road and Redditch Road will provide a new access into the estates with a new signal controlled junction at Redditch Road. This new link road, together with the realignment of Hillmeads Road with easier connection to Sisefield Road will form the new spine road through the area.”

PRINCIPLE

- 6.11. The proposed spine road has previously received planning permission alongside the adjacent residential development (for which some dwellings would ultimately be accessed off). Permission is now sought for a widened spine road and Redditch Road to accommodate right hand turn lanes to allow for free flow of traffic without creating delays due to people queuing to turn right along with the signalisation of the four arm junction. The proposed spine road and junction improvements are supported by the BDP and the Kings Norton Planning Framework and have a clear role in creating greater accessibility through the site. Whilst the spine road itself is an integral part of the estate redevelopment, the junction expansion and road widening is required as a result of development (whether that be housing, retail or a mix of the both) on the adjacent site (to be determined elsewhere on this agenda). As such, I consider that the proposed road proposals comply with policy, and whilst

not sustainable in their own right, support the wider aims and objectives of the BDP, including improving accessibility. I therefore determine that the proposed development accords with the policies contained within the BDP and NPPF.

HIGHWAY CONSIDERATIONS

- 6.12. As previously noted, the junction design and road capacity requirements have been amended a number of times during the course of this application. These amendments and adjacent site retail proposals have required the submission of a revised transport assessment. The revised assessment has assessed existing traffic flows and identified that the peak periods are Weekday AM Peak 0745 to 0845, Weekday PM Peak 1615 to 1715 and Saturday Peak 1300 to 1400 hours. The assessment has included the 294 dwellings to be built on the redeveloped Primrose Estate along with the potential for a further 61 dwellings to be provided on the adjacent application site surrounding the proposed ALDI store, although these dwellings do not have planning permission and cannot therefore be considered as committed development for the purposes of the assessment. The assessment has also taken into consideration, the trip generation of the proposed food store (to be determined elsewhere on this agenda).
- 6.13. The proposed signalised junction has been assessed for the 2028 year with all committed development traffic and nearby development schemes. The capacity assessment demonstrates that the proposed signal junction formed with the A441 Redditch Road would operate within capacity for all peak periods and under all traffic modelling scenarios. The assessment concludes that the traffic impact from the proposed development is acceptable.
- 6.14. At present, the A441 Redditch Road, near to the site has a nominal road width of 6.3m (operating as a single lane in either direction). The posted speed limit is 30mph. Some 200m to the southwest of the site, the A441 becomes a dual carriageway. The proposed development comprises:
- Provision of approximately 174m of new carriageway (spine road).
 - Provision of a new four arm traffic signal junction with the A441, with pedestrian crossing facilities.
- The signal junction will include separate lanes for turning and ahead traffic as necessary as well as pedestrian crossing facilities. There are footways along both sides of the spine road along with dropped kerbs and tactile paving at pedestrian crossing points.
- 6.15. Transportation comments that the assessment includes the committed development traffic flows associated with redevelopment of the Primrose Estate (these have been predicted from trip rates included within the Transport Assessment re 2014/091196/PA and also trip rate assessment informed directly from TRICS database). Similarly turning proportions (Primrose Estate development traffic) are informed by distribution analysis included with the above referred Transport Assessment.
- 6.16. The proposed 4-arm Signalised Junction has been assessed using the latest version of the LinSig (v3) computer program. LinSig is an industry standard tool for assessing the operation of signal junction layouts and networks which relates the geometry of the proposed junction combined with traffic flow and timing information to model capacity. For robustness (and without prejudice to the consideration of or suggesting pre-determination of planning application ref: 2018/03162/PA) predicted traffic flows/network assignment of traffic associated with a proposed food store have also been included within the proposed junction LinSig analysis.

- 6.17. Transportation advise that the LinSig analysis (all scenarios assessed) has been reviewed by BCC's Traffic Modelling officer who confirms that the input data and future time horizon traffic flows are reasonable and that turning proportions have been modelled correctly. Therefore the predicted junction modelling outputs are accepted. They advise that they raise no objection to the proposed highway works and that they will need to be the subject of an s278/Memorandum of Understanding/s38 Highways Act Agreement(s) to confirm Technical Approval. This process will include Stages 1 to 4 Road Safety Audit(s) - Stage 4 is a post-opening monitoring. Conditions are also requested relating to construction management. Based on the above conclusions to which I concur, I consider that the proposed development would comply with highway policies in both the BDP and NPPF as the proposed development would not have *"an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* The required conditions are recommended below.
- 6.18. In regard to queries from local residents regarding access arrangements, the amended plans submitted indicate that the Grovewood Drive access would remain as existing albeit that the left hand turn lane would be located in front of the existing access point. However, the plans indicate a 'Keep Clear' area to allow access to Grovewood Drive. This would also allow a right hand turn in. With regards to Granshaw Close, the proposed works to Redditch Road do not run as far as this access and therefore would not impact on Granshaw Close. The introduction of a signalised junction may make access in and out of Granshaw Close easier. The existing service road is removed as part of the wider housing redevelopment which has already received planning permission and as such could not be used. With regards to the use of Foyle Road instead, the design of the redeveloped estate has been undertaken around a central spine road and the use of Foyle Road would not achieve this objective. In relation to access for a right hand turn into Grange Hill Road and the doctors' surgery, the junction has been designed specifically with a right hand turn lane, thereby assisting access rather than preventing it. No layby provision for a bus stop City bound has been provided as the road on its northern side is not being widened and is therefore no space in which to provide a layby. The bus stops on the northern side would remain as existing.
- 6.19. I note the request from local residents, specifically those in Grange Hill Road, for traffic calming and other restrictive traffic measures. Whilst these are not specifically required as a result of this development, Transportation have advised that the required Road Safety Audits Stages 1 to 4 (Stage 4 is post implementation monitoring) are the most appropriate process to assess the requirements in relation to restrictive highway measures which would include Grange Hill Road. The recommended construction method statement/management would also address vehicle routing for construction vehicles. This condition has also been recommended on the adjacent food store application along with delivery vehicle management and routing which is to be determined elsewhere on this agenda.

AIR QUALITY

- 6.20. An air quality assessment was originally produced in 2014 for the redevelopment of the Primrose Estate for 295 new dwellings and the approved spine road that accessed through the new estate from Redditch Road. The assessment also cumulatively considered the impact of a proposed supermarket on an adjacent parcel of land (the subject of this current application). At that time, the supermarket was envisaged to be a large supermarket that would have generated 7,491 daily

vehicle trips out of a total of 8,810 trips generated by the combined schemes (retail and residential).

- 6.21. The 2014 assessment compared the air quality conditions at worst-case receptors along the local road network under a 'with development' scenario to a baseline scenario which had included future traffic growth, but excluded the traffic that would be generated by the new residential development and the supermarket. The assessment concluded that the air quality impacts associated with emissions from all of the additional vehicle trips generated by both the residential development and the supermarket would be 'negligible' at all of the selected sensitive receptors. As such, the overall impact on air quality was considered to be 'not significant'.
- 6.22. The current retail proposal (to be determined elsewhere on this agenda) is significantly smaller than that assessed in 2014 and as such, would result in significantly less generated vehicle trips. The proposed ALDI store would generate 2,504 daily vehicle trips, which is significantly less than the assumed 7,491 assessed in 2014.
- 6.23. The updated assessment submitted in support of this application assumes that given the previous assessment had concluded a negligible impact and therefore a not significant impact, the significantly reduced sized store with adjacent highway improvements must follow and have less impact and as such, the negligible and not significant impacts remain relevant.
- 6.24. Since the original J2049 air quality assessment was submitted (and approved) as part of 2014/09196/PA without any adverse comment from Regulatory Services, they raise no further comments on air quality grounds. As such, I consider that the proposed development would not have a significant impact on air quality sufficient to warrant a refusal of planning permission.

OTHER ISSUES

- 6.25. The proposed development would involve the loss of an established hedgerow and 42 trees comprising 17 Category A, 9 Category B and 16 Category C. Whilst their loss is regrettable, their loss is necessary as part of the required road widening for the signalised junction. My Landscape Officer considers that their loss would have an adverse effect on the visual amenity of the area but replacement planting and trees would assist in softening the road scheme and is therefore a necessity. The loss of the trees would be compensated for within the redeveloped housing areas and the new estate park, for which proposals are still being considered by Local Services. The loss of 42 trees is less than originally proposed for removal as the road scheme has reduced in size since its original submission. I concur that the loss is significant and would be noticeable however, I consider that the scheme could be softened through the introduction of new landscaping and trees. As such, a condition is recommended to secure landscaping improvements where possible as part of the road scheme.
- 6.26. The proposal is not accompanied by any ecological surveys. I consider that safeguarding conditions relating to bat surveys of the trees to be removed and a scheme for compensatory habitat would provide sufficient control.
- 6.27. I note a number of objections relating to issues relating to the housing development in terms of density, tenants, area not suitable for high density development and retail and that the proposed development would alter the character of the area. Planning permission has previously been granted for the residential development and as

such, these issues are not material considerations in the determination of this application. Issues regarding tenancy arrangements site outside of the planning system and once again are not a material consideration. The proposed redevelopment of the estate and the proposed retail development (to be determined elsewhere on this agenda) would alter the character of the area, alongside this proposed road and junction however, I consider this to be to the benefit of the local area rather than to its detriment.

6.28. With regards to noise pollution, adverse impact on residential amenity and 24 hour traffic; the proposed development seeks permission for a signalised road junction relating to residential re-development (which is already underway) and a small food store. The traffic assessment indicates that the proposed development would not increase the traffic in the local area to a level which would be classed as significant and therefore impact on residential amenity or noise levels. The proposed food store (whilst not under consideration within this application) would not be open to customers or serviced 24 hours a day. I note the comment regarding insufficient consultation. The BCC Housing team have undertaken public consultation events over the past 6 years regarding the redevelopment of the estate and these have been publicised widely. With regards to the application, site and press notices have been posted and three rounds of neighbour notification undertaken in accordance with our published Statement of Community Involvement. As such, I consider that consultation has been undertaken in accordance with statutory requirements.

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

7. Conclusion

7.1. I consider that the impacts of the proposed road widening, new signalised junction and new access spine road are satisfactorily addressed. The proposed development complies with policy and is supported through the BDP and NPPF. The proposal would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe. The proposed road scheme complies with the master plan for the Kings Norton Three Estates redevelopment.

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 local employment in construction 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 prior submission of a sustainable drainage scheme |
| 3 | Requires the prior submission of a scheme for compensatory habitat creation |
| 4 | Requires the prior submission of a bat survey |
| 5 | Requires the submission of hard and/or soft landscape details |
-

-
- 6 Requires the prior submission of a construction method statement/management plan
 - 7 Requires the submission of details to prevent mud on the highway
 - 8 Requires the submission and completion of works for the S278/TRO Agreement
 - 9 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: View of existing Grange Hill Road/Redditch Road junction

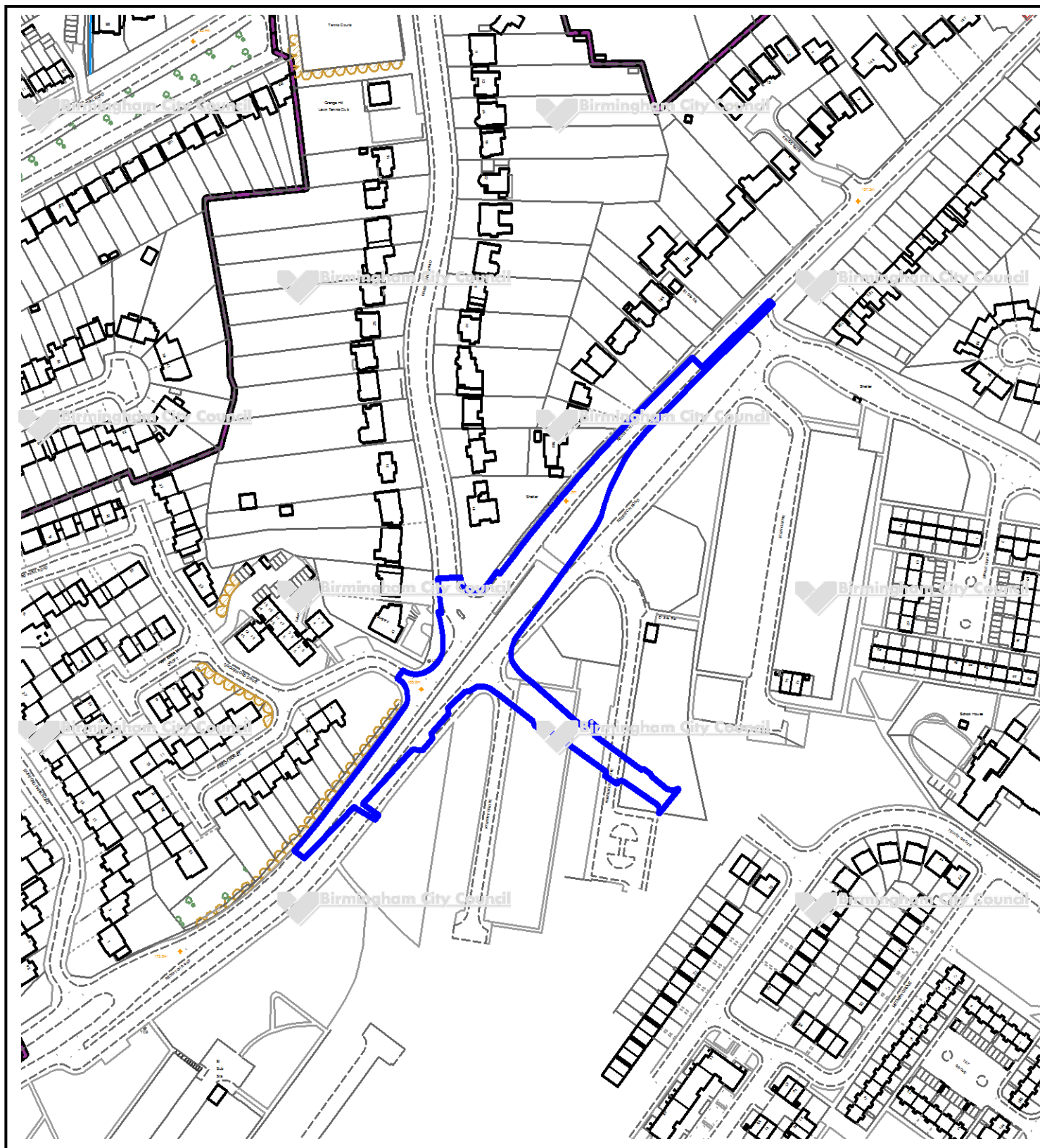


Photograph 2: View of existing service road running parallel with Redditch Road prior to closure



Photograph 3: View of new housing redevelopment and location of spine road

Location Plan



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

Committee Date:	28/02/2019	Application Number:	2018/03162/PA
Accepted:	30/04/2018	Application Type:	Full Planning
Target Date:	28/02/2019		
Ward:	King's Norton South		

Redditch Road, opposite Grovewood Drive, Kings Norton, Birmingham, B38

Erection of new Class A1 food retail store with associated car parking, servicing and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of a Use Class A1 food retail store with associated parking and landscaping. The development would comprise of site remediation and enabling ground works; laying out of a car park, footpaths and soft landscaping and the erection of a steel framed store with warehousing and delivery facilities. Vehicular access would be provided via a new access road off a new spine road formed as part of the new adjacent residential development with pedestrian access being from the adjacent spine road and Redditch Road.
- 1.2. The proposed store would have a gross external area of 1,794sq.m and a retail floor of 1254sq.m. The building would be 64m in length and 31m in width with a maximum 9m height from ground level at the entrance and 9m at the loading bay. The main body of the store would be approximately 6.5-7m in height. The building would be single storey and flat roofed with tower elements to three corners. The store would have large areas of glazing to the entrance and main façade with a combination of white render and grey stone (look-a-like) panels with a black brickwork plinth. A powder coated metal entrance canopy would be provided above the entrance door.
- 1.3. The proposed store would be located on a newly created development plot, following large-scale housing clearance, and would be located on the corner of the existing Redditch Road and the new spine road (approved under the original outline residential approval). Due to challenging site levels of the site, new spine road and the adjacent Redditch Road, the store would be set below the Redditch Road level and as such, significant retaining walls would be required.



- 1.4. 122 car parking spaces are proposed including 6 parent and child spaces and 8 spaces for people with mobility issues. 8 bicycle spaces would also be provided on 4 cycle hoops under the store entrance canopy.
- 1.5. Proposed opening hours are 0800-2200 hours Monday to Saturday and 1000-1600 hours on Sundays.
- 1.6. 100 construction jobs and 40 local retail jobs (22 full-time equivalent) are proposed.
- 1.7. The application is supported by a Design and Access Statement; Planning and Retail Statement (amended to include a revised sequential test); Statement of Community Involvement; Land Contamination Phase 1 Environmental Site Assessment; Plant and Delivery Noise Assessment; Air Quality Assessment; Transport Assessment and Travel Plan and Phase 1 Flood Risk Assessment, Surface Water Drainage Strategy and a Site Drainage Management Plan for Operation and Maintenance.
- 1.8. Site area: 0.85Ha.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is bounded to the north-west by the Redditch Road and existing housing within Kings Norton, to the north by the approved spine road and new housing undertaken by Birmingham Municipal Housing Trust (BMHT) and Kier Developments; to the south and east the wider development plot remains undeveloped but is likely to be utilised for BMHT housing. Further to the south and east, housing is currently being developed by BMHT and Kier as part of the Primrose Estate re-development whilst to the north east, the site is reserved for a new park as part of the estate redevelopment.

- 2.2. The application site varies in levels as the site falls from its junction with Redditch Road in both a west-east direction (along the spine road) and in a north-west to south-east direction. Along the spine road, the site drops approximately 6m in the west-east direction and approximately 3m in the north-west to south east direction.
- 2.3. The wider surrounding area to the north, beyond Redditch Road, comprises a mix of predominantly residential dwellings including detached, semi-detached and terraced properties. Residential uses are complemented by a range of local services and facilities including schools (Ark Rose Primary Academy, Ark Kings Academy and Cadbury College) and health facilities including Hawkesley Health Centre.
- 2.4. The nearest local centres are West Heath Neighbourhood Centre, 1.5km to the west and Kings Norton Green Neighbourhood Centre, 1km to the north-west. Cotteridge Neighbourhood Centre is also within a 5 minute drive time of the application site, some 1.75kms to the north-west.
- 2.5. The site is accessed by regular bus services (45, 84, 146 and 801).
- 2.6. [Site Location Map](#)

3. Planning History

- 3.1. Awaiting determination. 2016/06463/PA. New signalised junction, widening of Redditch Road and the formation of new access road to serve retail and residential development at land off Redditch Road, Kings Norton.
- 3.2. 3 February 2017. 2016/09139/PA. Reserved matters approval granted for appearance, landscaping, layout and scale pursuant to outline planning permission 2014/09196/PA for the erection of 232 dwellings (Phase II).
- 3.3. 3 March 2016. 2015/09999/PA. Reserved matters approval granted for the erection of 58 dwellings comprising 18, 2 bedroom apartments; 4, 2 bedroom houses; 16, 3 bedroom houses; 19, 4 bedroom houses and 1, 5 bedroom house (Phase 1 development) in accordance with outline approval 2014/09196/PA at Green Lane, Teviot Grove and Medway Grove.
- 3.4. 6 March 2015. 2014/09196/PA. Outline planning permission granted with all matters reserved except access for mixed use development to include a maximum of 295 dwellings (2, 3, 4 and 5 bedrooms), a neighbourhood park, and 468sqm (GIA) retail space (Class A1/A2/A3) at Redditch Road, Green Lane, Foyle Road and Teviot Grove, Kings Norton.

4. Consultation/PP Responses

- 4.1. Local residents, Ward councillors and resident associations notified. Site and press notice posted. Two letters of objection have been received. One from a local resident on the basis that the store is not required as there is another ALDI not that far away and one from Roger Etchwells, on behalf of the residents of Grange Hill Road. The objection is based on the following:
- The application identifies that the store would have a 5 minute drive time catchment – this covers a large residential area whose most convenient route to the store will be along Grange Hill Road.
 - No provisions are included to limit traffic along Grange Hill Road.

- Policy TP38 refers to a reduction in the negative impact of road traffic therefore the quality of Grange Hill Road should be preserved.
 - Request the following for Grange Hill Road – traffic restrictions relating to HGV's and vehicles over 7.5 tonnes (except deliveries); 20mph speed limit; road humps along the lengths of Grange Hill Road and build outs at footways or chicanes to slow traffic.
- 4.2. . 81 letters of support have been received that:
- identify the store is a welcome bonus to the area,
 - is an integral part of the wider regeneration of the estate;
 - the sooner the better; and
 - would bring welcomed employment opportunities to the local population.
- 4.3. Transportation – no objection subject to safeguarding conditions relating to means of access, parking management, cycle storage, delivery management, construction management plan, S278 Agreement and no occupation until the traffic signal controlled junction has been completed.
- 4.4. Severn Trent Water – no objection subject to a drainage condition.
- 4.5. West Midlands Police – no objection subject to conditions relating to CCTV and Lighting.
- 4.6. West Midlands Fire Service – should be in accordance with National Guidance Document on Provision for Fire Fighting.
- 4.7. Lead Local Flood Authority – no objections subject to a safeguarding condition relating to the submission of a Sustainable Drainage Operation and Maintenance Plan.
- 4.8. Regulatory Services – no objection subject to safeguarding conditions relating to noise levels for plant and machinery, extraction and odour control, delivery time restrictions, hours of use and the submission of a lighting scheme.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP); NPPF, NPPG, Saved Policies of the Birmingham UDP (2005), Shopping and Local Centres SPD, Places for All SPD, Car Parking Guidelines SPD, Kings Norton Planning Framework (2009).

6. Planning Considerations

- 6.1. I consider the principal issues raised by this application include Retail matters, Design, Transportation, and Other Matters such as Drainage and Land Contamination.

THE APPLICANT

- 6.2. The proposed store operator's (ALDI) philosophy is to provide high quality products at discounted prices within a pleasant shopping environment. The applicant considers that the supermarket's function is both as a 'weekly' food shop destination and/or as a 'top-up' convenience store. The store stocks a limited 1,500 product lines including:
- Pre-packed seasonal fruit and vegetable lines;

- General tinned, bottled and pre-packed groceries;
- Frozen and chilled goods;
- Beers, wines and spirits;
- Pre-packed bread, morning goods and cakes; and
- A limited everyday range of non-food household items.

The applicant considers it important to note that they do not sell cigarettes or lottery tickets and the stores do not include specialist butchers, fishmongers, bakery, delicatessen or a chemist/pharmacy. On this basis, they consider it important that they do not offer a 'one stop shop' and that they complement rather than compete with other traders and would help to address Government objectives of reducing social exclusion.

- 6.3. Crucial to the ALDI business model is the tried and tested store format that enables goods to be unloaded directly into the store via a dock leveller and transferred directly to the shop floor. All stores have a consistent proportion and layout. A requirement for an ALDI store is an adjacent car park as their customers *"must have the opportunity to take their goods home by car irrespective of the accessibility of the store location via sustainable modes of transport."* (Para 2.29 Turley Planning and Retail Statement, April 2017).
- 6.4. ALDI recognises the requirement for store flexibility however they identify a number of key areas where it is not possible to exhibit flexibility as it would undermine the operational efficiency of the business and its viability. These include:
- A minimum of 1,125sq.m net trading floor space is required (in a rectangular store design).
 - A store must be capable of being serviced by a HGV delivery vehicle and the site layout must allow the delivery vehicle to be able to enter and leave the site in a forward gear and for the vehicle to be able to dock correctly in the purpose built delivery area of the store.
 - Parking provision in line with local parking standards.

POLICY

NPPF - General

- 6.5. The National Planning Policy Framework (NPPF) was published on 24 July 2018. Paragraph 12 states that *"where a planning application conflicts with an up-to-date development plan....permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*
- 6.6. Paragraph 11 states that for decision making this means *"approving development proposals that accord with an up-to-date development plan without delay; or where there are no development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless (i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
- 6.7. Thus, if the application accords with the development plan, the provisions of Paragraph 11 of the NPPF suggest that it should be permitted without delay, unless material considerations indicate otherwise. Conversely, it is clear that applications

which do not accord with an up to date development plan should be refused, unless material considerations indicate otherwise.

NPPF - Retail

- 6.8. Paragraphs 85 to 90 of the NPPF deal with the need to promote the vitality of town centres and are particularly relevant to this proposal. Paragraph 85 states that planning policies should support the role that town centres play in local communities through a positive approach to growth, management and adaption this differs from the previous NPPF that sought the promotion of competitive town centre environments. Paragraph 85 encourages planning policies to allocate a range of sites in town centres to meet the scale and type of development likely for at least ten years and where necessary, centre boundaries should be kept under review. It goes on to state that *“where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre.”*
- 6.9. Paragraph 86 states that *“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”*
- 6.10. Paragraph 87 goes on to state that *“when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”*
- 6.11. Paragraph 89 of the NPPF then sets out the impact tests for applications for retail, leisure and office development that is located outside town centres and which is not in accordance with an up-to-date Local Plan. Paragraph 89 requires applications for such development, which are over 2,500sq.m (or a locally set threshold), to include an assessment of:
- *“a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
 - *b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).”*
- 6.12. Paragraph 90 of the NPPF states that *“where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”*

Birmingham Development Plan

- 6.13. The development plan for Birmingham comprises the BDP and the saved policies of the Birmingham Unitary Development Plan (UDP). All elements of the development plan contain policies relevant to this application, so that the development plan is not ‘absent’ or ‘silent’. The remaining issue, therefore, is whether the development plan is ‘up to date’. As the BDP was only adopted in January 2017 and this included a number of saved policies from the Birmingham UDP, I consider that all relevant policies are ‘up-to-date’.

- 6.14. 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.”* The Policy goes on to identify that proposals for main town centre uses outside of the identified centre boundaries will not be permitted unless they satisfy the requirements of national planning policy. Policy TP22 supports the principle of convenience retail in centres, subject to it being at an appropriate scale for the individual centre and identifies that *“proposals that are not within a centre will be considered against the tests identified in national planning policy and other relevant planning policies set at local level, in particular the policies for the protection of employment land.”*

Kings Norton Planning Framework

- 6.15. The application site sits within the Kings Norton Planning Framework, which is a non-statutory adopted planning document. The executive summary identifies that the redeveloped area will include:

“A new supermarket anchored local centre, fronting onto Redditch Road, and the relocation of the popular Fold neighbourhood centre to a more accessible position will play a critical role in promoting the estate neighbourhoods as an attractive and convenient place to live. The Fold and Redditch Road facilities will be key features along a strong “spine” of key retail, office, community facilities, new housing, and new and enhanced open spaces, which will run through the estates from the new local centre on the Redditch Road to the heart of the area and then on through the redeveloped Pool Farm estate. The spine will have the effect of opening up the existing estates, placing new facilities, spaces and housing on the boundaries between neighbourhoods.”

- 6.16. Chapter 3 of the Planning Framework identifies the issues associated with the Three Estates currently and in retail terms, the area has *“a limited range of town centre uses that are mainly focussed in four local centre ‘squares’ varying in quality and provision. Public consultation and the supporting evidence base has identified both a quantitative and qualitative need for a ‘full price’ foodstore to be provided at a site fronting the Redditch Road as part of a new local centre.”*
- 6.17. The supporting Proposals Map in Chapter 4 of the Framework identifies the application site as the ‘allocated’ site for retail development within the area redevelopment. However, as the framework is not an adopted Supplementary Planning Document, the site’s ‘allocation’ is not a formal allocation for the purposes of determining a planning application but forms a planning consideration. As such, the retail proposal is ‘out of centre’ for the purposes of determining an application. Proposal C1 (New Local Centre) of the non-statutory Framework states that:

“A new local centre is proposed on Redditch Road in the location shown on the Proposals Map. The centre will comprise the following:

- A superstore of up to 4,000m² gross and*
 - Other retail units totalling 450m² to provide retail, financial and professional services, cafes and restaurants (Class A1- A3)*
- Additional floorspace could be provided for other uses subject to demand. Appropriate uses could be small offices for local companies, studio uses, and community service operators.”*

RETAIL CONSIDERATIONS

- 6.18. As previously identified, the application site lies wholly outside of an identified centre. The nearest of which is Kings Norton Green Neighbourhood Centre. As a consequence, the application proposal faces the sequential and impact tests set out in Paragraphs 85 to 90 of the NPPF.

The Sequential Test

- 6.19. Paragraph 86 of the NPPF sets out the sequential test that applies to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. In considering edge and out-of-centre proposals, Paragraph 87 states that *'...preference should be given to accessible sites that are well-connected to the town centre'*.
- 6.20. In applying the sequential approach, Paragraph 87 requires that applicants and Local Authorities should demonstrate flexibility on issues such as format and scale. Paragraph 87 also makes no specific reference to the issue of viability in assessing the suitability of sites however; Paragraph 85 does include a viability requirement for the allocation of sites.
- 6.21. The NPPG provides further advice on the sequential test and confirms that there is a requirement to demonstrate flexibility, with respect to format and scale, in assessing the suitability of more central sites. Paragraph 2b-011 states that *'...use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.'*
- 6.22. In undertaking an impact and sequential test assessment, the LPA originally considered that the assessment should include the centres at Northfield, Longbridge, Cotteridge, Selly Oak, Stirchley and Kings Norton Green however, on the basis of the applicant's primary catchment area and a five minute drive time; the LPA concluded that the applicants should review the availability, suitability and viability of sites within a five-minute drive-time catchment for the proposed store, incorporating the three neighbourhood centres located at Cotteridge, Kings Norton Green and West Heath. The Centres at Longbridge, Northfield, Stirchley and Selly Oak, site outside of the five minute drive time catchment area. In applying the sequential test, a number of parameters were used including:
- A minimum site size of 0.7ha, capable of accommodating floor space of around 1,800sq.m GIA and, ideally, at least 100 car parking spaces;
 - The need for a single storey open and unrestricted sales floor area that benefits from a level/flat topography (or has the ability to be developed as such;
 - Direct and/or easy vehicular access to the main road network; and
 - The need for the store to be directly visible from the main road network.
- 6.23. The centres have been assessed by the applicant as follows:
- West Heath – the centre is anchored by a small co-op local store with a small car parking area serving the centre at Alvechurch Road and Redhill Road along with on street parking. Approximately 100m from the centre is a Tesco Express store with car parking. The assessment identifies that the centre is tightly defined and has very few vacant units, none of which are large enough to accommodate the scale or type of development proposed. The centre is surrounded by residential development and there are no vacant or potentially available sites to accommodate the proposed development within 300m of the centre. Whilst a 0.3ha plot is vacant on the corner of Lilley Lane

and Redhill Road, approximately 150m from the centre, the applicant has discounted this site as it is too small to accommodate the proposal.

- Cotteridge – the centre is mostly occupied with a Co-op anchor store. There are no vacant sites within the centre and whilst there are vacant units within the centre, all of these are considered too small. There is evidence of clusters of vacant units at the edges of the centre, however even combined; none of these would be large enough to accommodate the proposed development. The centre is bounded on three sides by residential development and to the south is the railway line and beyond protected employment land. There are no suitable and available sites within 300m of the centre capable of accommodating the scale or type of development proposed.
- Kings Norton Green – this is the nearest centre to the application site and is concentrated around a village green with a listed church and St Nicholas centre at its northern end. The centre is tightly defined and comprises mainly of small units of varying age, some of which are listed. The centre is a designated Conservation Area. There are very few vacant units within the centre and none of them are large. The centre has recently seen the development of a new Co-op store which involved some demolition and redevelopment of older properties. There are no vacant, available development sites to accommodate the scale and type of development proposed, within 300m of the centre.

6.24. On the basis of this assessment, and that the only available site identified at West Heath has planning permission for residential development, I conclude that there are no available sites within the three centres and that the application site is the sequentially preferable site. As such, I and my strategic planning advisor consider that the proposed development meets the tests required by policy and therefore complies with Paragraph 87 of the NPPF and Policies TP21 and TP22 of the BDP; as such the application site is the only sequentially preferable site within the locality.

Retail Impact

6.25. Paragraph 89 of the NPPF identifies that where applications for retail, leisure and office development outside of town centres are made, they should be accompanied by an impact assessment if the floor space exceeds 2,500sq.m.

6.26. As previously discussed, the applicant identifies that the proposed development falls below the 2,500sq.m threshold for which an impact assessment is required but in order to demonstrate that the trading effects of the proposal are insubstantial, a proportional impact assessment has been undertaken, although this would have limited weight in any decision.

6.27. Paragraph 2b-016 of the NPPG sets out the key considerations in assessing the likely impact on proposed investment; these are:

- the policy status of the investment;
- the progress made towards securing the investment; and
- the extent to which an application is likely to undermine planned investments based on the effect on forecast turnover, operator demand, and investor confidence.

Paragraph 2b-017 then sets out the key considerations in assessing the likely impact on trading levels and on town centre vitality and viability. The advice states that ‘...a judgment as to whether the likely adverse impacts are significant can only be

reached in light of local circumstances’ and that ‘...in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact’. In instances where the evidence suggests that there would be no significant impact on the town centre, the Local Planning Authority ‘...must then consider all material considerations in determining the application, as it would for any other development’.

Impact on Investment, Vitality and Viability

- 6.28. The 5 minute drive time catchment area sits within a number of household survey zones identified in the Birmingham Retail Needs Assessment. The development site itself sits within Zone 28 with the majority of the catchment area being within Zone 28 but also includes small parts of zones 24 and 33. Adjacent zones comprise 22, 23, 27, 29 and 32. The assessment identifies that the main food shopping is undertaken at the following stores in the requisite zone:
- Zone 22 – Sainsbury’s Kings Heath
 - Zone 23 – Sainsbury’s Maypole
 - Zone 24 – Sainsbury’s Selly Oak
 - Zone 27 – Sainsbury’s Selly Oak
 - Zone 28 – Sainsbury’s Northfield (Sainsbury’s Longbridge opened after the survey was carried out)
 - Zone 32 – Asda and Sainsbury’s Solihull
 - Zone 33 – Asda Bromsgrove and Morrison’s Rubery.
- 6.29. Given the over-riding market share of Sainsbury’s in the relevant zones and that it is likely that Morrison’s at Rubery will have suffered a reduction in market share following the opening of Sainsbury’s at Longbridge, the assessment considers that the proposed ALDI development would bring some welcome competition. Based on the population figures located within the relevant catchment zones, the potential for the size of store proposed to influence shopping patterns is considered to be relatively limited with the main effects being felt within zone 28 and limited impact on zones 33 and 24. The impact on existing small, local convenience stores located within the five minute drive catchment area is also considered by the assessment to be minimal as their role is to provide a top-up rather than weekly/main food shop.
- 6.30. In relation to trade diversion, the assessment only assesses convenience (food) goods rather than including comparison (non-food) goods as the proposed development has an 80/20 ratio of convenience to comparison floor space. The assessment identifies that customers would be attracted from the following areas:
- New residents within the Three Estates regeneration area and existing residents in proximity of the store within the Kings Norton area.
 - Existing residents located within the five minute drive catchment area where trade diversion would occur from existing strongly trading stores outside of the proposed store catchment.
 - Diversion from the existing ALDI store at Northfield – which would relieve the symptoms of overtrading rather than undermine its viability; and
 - Pass by trade.
- 6.31. On the basis of the above, and taking into account the proposal relative to existing shopping patterns, the impact assessment considers it likely that the proposal would divert trade from other centres, this impact could not be considered to be ‘significantly adverse’. In relation to the investment impacts, at the time of submission, they considered that there were no committed or planned investment in nearby centres on which the proposal could potentially impact.

Conclusions on all Retail Matters

- 6.32. Based on the assessment undertaken, I and my strategic planning advisor conclude that:
- There is insufficient evidence currently before the Council to demonstrate a 'significant adverse' impact on the overall investment proposed at any of the identified centres within and adjacent to the catchment.
 - The limited trade draw and overall vitality and viability of the identified centres will not reach the 'significant adverse' level for the purposes of the second of the tests set out in Paragraph 89 of the NPPF.
- 6.33. On the basis of the above conclusions, I consider that the issues of impact, on both investment and vitality and viability have been assessed and concluded to be within acceptable parameters. With regards to the sequential test, I conclude that the proposal meets the relevant sequential test as an available, suitable and viable site does not exist within or adjacent to the identified centres within the five minute drive primary catchment area of the store – namely Kings Norton Green, West Heath and Cotteridge. On this basis, I conclude that the proposed development meets the sequential and impact requirements of Paragraphs 86, 87, 89 and 90 of the NPPF and Policy TP21 and TP22 of the BDP.

DESIGN, LANDSCAPING, ECOLOGY AND TREES

- 6.34. Policy PG3 of the BDP states that *"All new development will be expected to demonstrate high design quality, contributing to a strong sense of place. New development should:*
- *Reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.*
 - *Create safe environments that design out crime and make provision for people with disabilities through carefully considered layouts, designing buildings and open spaces that promote positive social interaction and natural surveillance.*
 - *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, such as green infrastructure, sustainable drainage and energy generating features.*
 - *Support the creation of sustainable neighbourhoods.*
 - *Make the best use of existing buildings and efficient use of land in support of the overall development strategy."*
- 6.35. Paragraph 31.4D of the Birmingham UDP (saved policies) refers to the same principle design guidelines as that of Policy PG3 of the BDP.
- 6.36. The proposed store would have a gross external area of 1,794sq.m and a retail floor of 1254sq.m. The building would be 64m in length and 31m in width with a maximum 9m height from ground level at the entrance and 9m at the loading bay. The main body of the store would be approximately 6.5-7m in height. The building would be single storey and flat roofed with tower elements to three corners. The store would have large areas of glazing to the entrance and main façade with a combination of white render and grey stone (look-a-like) panels with a black brickwork plinth. A powder coated metal entrance canopy would be provided above the entrance door.

- 6.37. My City Design Advisor considers that the proposed development is acceptable in design and is consistent with negotiations that have occurred during the pre-application process. The building is positioned to respond to the new road junction and challenging site levels, the height is not out of character with the street scene and also takes into consideration the site levels, the building has been designed with three corner 'towers' responding to its context and the elevations have taken into consideration their three 'public' fronts with the main glazed elevation facing the new spine road. This frontage (north east elevation) would be an active frontage with significant clear glazing. The entrance is in a convenient location, clearly defined and visible from the street and is accessed off the car park (south east elevation). The service area is located at the end of the store on the south east elevation and accessed through the car park (but does not require management of car park spaces in order for deliveries to occur).
- 6.38. Due to challenging site levels, in order to provide a flat floor plate for the store and a reasonably flat car park with minimal gradient changes, a significant amount of retaining structure would be required around the store fronting Redditch Road and around the car park fronting the new spine road and site access road. However, in requiring the retaining structures, a significant amount of landscaping area has been included ranging from 5m to 10m in depth. I concur with my design advisor's view and consider that the proposal is acceptable in design and in accordance with the spirit of policy PG3 relating to place making.
- 6.39. In relation to landscaping, the submitted site plan indicates block paving in parking bays adjacent to retaining structures and tarmac elsewhere. Adjacent to the proposed housing, the boundary treatment would be a 1.8m close board timber fence whilst the remainder of the site boundary would have boundary treatment of a 1.2m black metal bow-top fence at back of pavement.
- 6.40. The general approach to the soft landscape scheme seems acceptable. 15 specimen trees are proposed within the car park and landscaped areas comprising 7 *Betula utilis jacquemontii* (Himalayan Birch) and 8 *Carpinus Betulus* (Hornbeam). A mix of shrubs is also proposed including California Lilac, Dogwood, Honeysuckle, Hebe and Spindle Tree. My Landscape Officer considers the proposed landscaping principles to be acceptable and I concur with this view.
- 6.41. The City Ecologist has reviewed the application and determined that they have no objections to the proposed development as the site is heavily disturbed at present so of limited ecological value. They consider that there is a reasonable amount of soft landscaping to go in especially if the planted crib lock wall is taken into account. They recommend a safeguarding condition relating to a scheme for ecological enhancement measures. I concur with this approach and the relevant condition is recommended below.

HIGHWAYS AND PARKING

- 6.42. *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.*
The delivery of a sustainable transport network will require:
- *Improved choice by developing and improving public transport, cycling and walking networks.*
 - *The facilitation of modes of transport that reduce carbon emissions and improve air quality.*

- *Improvements and development of road, rail and water freight routes to support the sustainable and efficient movement of goods.*
- *Reduction in the negative impact of road traffic, for example, congestion and road accidents.*
- *Working with partners to support and promote sustainable modes and low emission travel choices.*
- *Ensuring that land use planning decisions support and promote sustainable travel.*
- *Building, maintaining and managing the transport network in a way that reduces CO₂, addresses air quality problems and minimises transport's impact on the environment.*
- *In some circumstances, the re-allocation of existing road space to more sustainable transport modes."*

6.43. The application is accompanied by a transport assessment, a revised transport assessment following amendments to the adjacent road proposals (elsewhere on this agenda) and draft travel plan. The assessment identifies that the site would be accessed by a new priority T-junction formed at the eastern side of the site. This junction would connect on the western side of a new access road, which in turn would connect with a new spine road that would meet the A441 Redditch Road by way of a four-arm traffic signal junction (to be determined elsewhere on this agenda). The assessment includes plans showing the customer 800m walk catchment and the staff, 2km walk catchment along with the 5km cycle catchment. Bus stops are proposed to be located on the new spine road within 50m of the site boundary. In respect of existing bus services, these are located on the A441 Redditch Road approximately 150m from the site boundary and 220m from the site on Foyle Road with a minimum of 4 bus routes serving the site with a minimum frequency of at least 1 per hour and a maximum frequency of 1 per 10 minutes during peak times Monday to Friday. These services run not only into Birmingham but also to Redditch and Solihull.

6.44. The proposed development would be accessed by a new priority T-junction formed with a new access road running alongside the eastern side of the site. The priority junction would be constructed as part of the store development. The spine road to the north (to which it would connect) and the new traffic signal junction proposed where it meets the A441 Redditch Road would be constructed under a separate planning application (to be determined elsewhere on this agenda). 122 car parking spaces are proposed including 6 parent and child spaces and 8 spaces for people with mobility issues. 8 bicycle spaces would also be provided on 4 cycle hoops under the store entrance canopy.

6.45. Servicing would be undertaken by three 16.5m articulated delivery vehicles per day and 1 to 2 local delivery vehicles for products such as milk. Daily deliveries of milk, bread and morning fresh produce are delivered prior to or as early as possible after store opening and are delivered by one milk delivery vehicle and one Aldi HGV. In addition to goods deliveries, each store has 1 to 2 collections of general waste per week. Newspapers are delivered daily to store. The store would have a cardboard bailer within the warehouse and all packaging is bailed alongside plastics for recycling and is back loaded into the delivery vehicle for return to the regional distribution centre. The store would be constructed with a delivery ramp, sheltered canopy and dock leveller system (whereby the HGV and store are at the same level) allowing delivery and unloading to occur without any external activity. Delivery vehicles would service the store via the proposed access, utilising the car park as a manoeuvring area. The HGV would drive forwards into the site, reverse into the

service ramp and then drive out in a forward gear. The layout has been assessed for these delivery vehicle manoeuvres and details of the swept path analysis submitted.

- 6.46. Existing traffic flows, trip generation figures, linked trip analysis and junction capacity has been reviewed as part of the assessment. This included 3 junctions being:

- Proposed A441/Grange Hill Road/Distributor Road junction;
- A441 Redditch Road/Redhill Road Roundabout; and
- A441 The Green/Wharf Road/Masshouse Lane Roundabout.

The assessment identifies existing traffic flows, committed development, adjoining proposed residential development, retail trip generation and pass-by/trade diversion trip generation. The transport assessment concludes that the development traffic effects would be acceptable, the existing junctions and the new A441/Grange Hill Road signal junction would operate within capacity for all peak periods and there are no highway safety issues that would have a negative impact on the proposed development.

- 6.47. Transportation has reviewed the proposal and the supporting transport assessment. They note that the proposed parking provision is slightly lower than the recommended maximums but considers this acceptable. The maximum provision would be 128 spaces with 122 proposed; seven blue badge spaces with 8 proposed and the provision for 5 cycle spaces with 8 proposed. Bus stops front the site, which are a short hop to Kings Norton centre and the railway station and access to further afield.

- 6.48. They acknowledge that local highway network impact analysis has been undertaken and that this process includes assessment of future year traffic flow (up to 2028) using acceptable growth factors. Committed development traffic flows (associated with redevelopment of the Primrose Estate are also included within the junction analysis (from trip rates included within the Transport Assessment re 2014/091196/PA and also trip rate assessment informed directly from TRICS database). Similarly turning proportions (Primrose Estate development traffic) has been informed by distribution analysis included with the above referred Transport Assessment.

- 6.49. Food store trip attraction/traffic flow has been reviewed by way of comparison with existing food stores at Maypole and Northfield. This process predicts the following for the proposed food store:

- 33 arrivals and 20 departures for the weekday AM peak hour
- 71 arrivals and 74 departures for the weekday PM peak hour; and
- 104 arrivals and 118 departures for the Saturday peak hour.

- 6.50. The net impact of the predicted store trip attraction on the local highway network is anticipated to be:

- A441 Redditch Road/The Green Roundabout – AM peak 5, PM peak 30 and Saturday peak 47;
- A441 Redditch Road/Grange Hill Road – AM peak 37, PM peak 110 and Saturday peak 170; and
- A441 Redditch Road/Redhill Road Roundabout – AM peak 6, PM peak 23, Saturday peak 23.

- 6.51. The LinSig analysis (all scenarios assessed) has been reviewed by BCC's Traffic Modelling officer who confirms that the input data and future time horizon traffic flows are reasonable and that turning proportions have been modelled correctly. The LinSig assessment confirms that the traffic signal controlled junction and spine road

(both proposed and included within 2016/06463/PA) will operate within capacity, with the proposed food store traffic flows and committed development traffic, at a future year time horizon of 2028.

- 6.52. Transportation agrees with the conclusions of the capacity assessments and trip generation rates and agrees that the proposal is unlikely to impact significantly on the highway network. As such, they raise no objection subject to conditions relating to construction management, s278 Agreement, car park management, cycle parking provision and that the junction, road works and store access must be completed prior to occupation of the store. I concur with their view that the proposal is acceptable in relation to highway impact and parking.
- 6.53. I note the objection received on behalf of Grange Hill Road residents requesting a number of traffic calming measures for Grange Hill Road. This has been assessed by Transportation as part of their review of the submitted transport assessment. Whilst the trip generation figures indicate that the junction that would see the greatest impact from the proposed development would be the Redditch Road/Grange Hill Road junction; this would not necessarily be on the basis that all of the traffic would utilise Grange Hill Road itself to access the site. Transportation concludes that the proposal is unlikely to significantly impact the local highway network and as such, the requested traffic calming and restriction measures are not required as a result of the proposed development.

FLOOD RISK AND DRAINAGE

- 6.54. Policy TP6 of the BDP states that *“For all developments where a site-specific Flood Risk Assessment and/or Sustainable Drainage Assessment is required, surface water discharge rates shall be limited to the equivalent site-specific greenfield runoff rates for all return periods up to the 1 in 100 year plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.*
To minimise flood risk, improve water quality and enhance biodiversity and amenity all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS). Wherever possible the natural drainage of surface water from new developments into the ground will be preferred. Surface water runoff should be managed as close to its source as possible in line with the following drainage hierarchy:
- *Store rainwater for later use.*
 - *Discharge into the ground (infiltration).*
 - *Discharge to a surface water body.*
 - *Discharge to a surface water sewer, highway drain or other drainage system.*
 - *Discharge to a combined sewer.*
- All SuDS must protect and enhance water quality by reducing the risk of diffuse pollution by means of treating at source and including multiple treatment trains where feasible. All SuDS schemes should be designed in accordance with the relevant national standards and there must be long term operation maintenance arrangements in place for the lifetime of the development.”*
- 6.55. The submitted Drainage Strategy identifies that the site sits within Flood Zone 1 and is not at risk of river (fluvial) flooding. The nearest watercourse is located some 0.5km to the east of the site and is the Worcester and Birmingham Canal.

- 6.56. The Strategy identifies that the 'spine road' adjacent to the site would contain foul and surface water drainage with adequate capacity to accommodate both the adjacent housing development and the retail store.
- 6.57. The proposed surface water drainage would comprise an entirely new system set at newly formed levels resulting from cut and fill across the site. The proposed system would collect run-off from the roof and car park areas (about 75% of the total site area) into non-infiltrating permeable paving in the car park spaces and a 350 cubic metre underground storage tank beneath the car park. The attenuated flow would be discharged to a new sewer in the access road via a flow control device. The remaining 25% of the site would be soft landscaped and would therefore offer shallow infiltration of water into the topsoil.
- 6.58. The drainage proposals would provide the required drainage to limit run off for all drainage events up to the 1 in 100 year; plus climate change to greenfield rates.
- 6.59. The LLFA has raised no objection, subject to a safeguarding condition relating to a drainage operation and maintenance plan, as overall they are in acceptance of the principles within the Surface Water Drainage Strategy. I concur with their views and consider that the proposed development is acceptable in terms of drainage and the relevant condition is recommended below.

LAND CONTAMINATION

- 6.60. A Phase 1 Environmental Land Contamination Site Assessment is submitted in support of the application. This assessment identifies that the site is underlain by Mudstone of the Sidmouth Mudstone Formation and Mudstone of the Mercia Mudstone Group and is not considered to be prone to ground water flooding. The likely potential land contamination sources are identified as:
- Localised oil and hydrocarbon sources from leakage from petrol filling, vehicle parking, vehicle cleaning/maintenance and underground tanks;
 - Localised ash and other waste materials from previous industrial uses; and
 - Localised metals, non-metals and inorganic chemicals from on-site and neighbouring historic industrial uses.
- 6.61. The potential land contamination risk receptors are identified as:
- Ground water/controlled waters;
 - Future site users;
 - Construction ground workers; and
 - Ecological receptors.

The assessment identifies that the risk associated with the sources and receptors discussed above is low to moderate however, recommends further intrusive investigation work is undertaken. Regulatory Services raise no objection subject to contaminated land safeguarding conditions. I concur with this approach and the relevant conditions are recommended below.

NOISE

- 6.62. The application is also supported by a Plant and Delivery Noise Assessment which identifies that the store deliveries would be undertaken between the hours of 0630 and 2300 Monday to Saturday and between 0800 and 1700 on Sundays. Plant would be located within a compound at the west corner of the building and would comprise a gas cooler and two LT (low temperature) units which would operate 24

hours a day. Ventilation of the store would be undertaken through a passive stack system in the roof, with no associated air handling plant/extract fans.

- 6.63. The existing noise sensitive properties are located in Beech Hurst, to the north west of the site. The nearest of these residential properties is approximately 55m from the plant area and 70m from the loading bay (as proposed) but would be screened from both the ground topography and the store itself. Some of the new houses proposed on land adjacent to the Aldi store may be closer to both the plant and the delivery bay. The facades of houses may be only 10m from the perimeter fence and approximately 30m from the plant area/25m from the loading bay.
- 6.64. Based on the BS4142 noise surveys undertaken to establish the current noise environment, 50dB is concluded to be the background noise level during the daytime period; 31dB for the night-time period and 44dB during the proposed early morning delivery period (0630-0700 hours). The noise levels predicted from deliveries at the nearest noise sensitive property would be 41dB during the daytime (against the background level of 50dB) and 42dB during the 0630-0700 hour delivery time (against the background level of 44dB). In terms of external amenity impact from the proposed deliveries, the worst case scenario would see a noise level of 28dB in the nearest gardens, against a guidance level of 50dB.
- 6.65. In relation to plant noise (which would be continuous rather than intermittent due to 24 hour operation); during the daytime the predicted noise level would be 26dB (against the background noise level of 50dB) and during the night-time would be 26dB against the background noise level of 31dB).
- 6.66. Based on the noise surveys undertaken and an assessment of the likely noise impacts in relation to the nearest noise sensitive properties, the noise assessment concludes that the deliveries proposed during the 0630-0700 hour time frame would have, at worst, a negligible noise impact whilst the plant noise would also be within the required noise limits and as such, the noise impact is considered acceptable.
- 6.67. Regulatory Services raise no objection to the proposed development subject to a number of safeguarding conditions including opening and delivery hours; extraction and odour control and noise levels for plant and machinery. I concur with the view and the relevant conditions are recommended below.

OTHER ISSUES

- 6.68. The proposed development does not attract a CIL contribution.
- 6.69. The application is supported by an Air Quality Assessment that updates the previous air quality report (J2049/1/F1, 27 October 2014) and indicates trip generation numbers from this new Aldi store (measurements based on an actual numbers from a similar sized Aldi store elsewhere) are significantly lower than previously projected (for the proposed store assessed in 2014/09196/PA). Projected trips are down from 7,491 to 2,504. Since the original J2049 air quality assessment was submitted (and approved) as part of 2014/09196/PA without any adverse comment from Regulatory Services, they raise no further comments on air quality grounds.

7. Conclusion

- 7.1. I consider that design, highway impact, car parking, drainage and ecology are satisfactorily addressed. The proposed development complies with the requirements of the sequential test as an available, suitable and viable site does not exist within or

adjacent to the identified centres and the proposed development would not have an significant adverse impact on investment or the vitality and viability of the identified centres. As such, its redevelopment for an A1 food store is considered to be in accordance with policy.

- 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 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 scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the submission of a contaminated land verification report |
| 4 | Limits the hours of use to 0800-2200 Hours Monday to Saturday and 1000-1600 hours on Sundays |
| 5 | Limits delivery time of goods to or from the site to 0630-2300 Hours on Mondays to Saturdays and 0800-1700 hours on Sundays. |
| 6 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 8 | Limits the noise levels for Plant and Machinery |
| 9 | Requires the prior submission of a goods delivery strategy |
| 10 | Requires the submission of hard and/or soft landscape details |
| 11 | Requires the submission of boundary treatment details |
| 12 | Requires the submission of a landscape management plan |
| 13 | Requires the submission of a lighting scheme |
| 14 | Requires the prior submission of a construction method statement/ management plan |
| 15 | Requires the submission of sample materials |
| 16 | Requires the submission of an alarm and CCTV scheme |
| 17 | Limits the use of the lighting to 0730 to 2230 hours Monday to Saturday and 0930 to 1630 hours Sundays. |
-

-
- 18 Requires the prior submission of a construction employment plan. No development shall take place, including any works of demolition, until a construction employment plan has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The construction employment statement shall provide for details of the following:
 - 19 Requires the submission of details to prevent mud on the highway
 - 20 Requires the prior installation of means of access
 - 21 Prevents occupation until the service road has been constructed
 - 22 Requires the submission of details of pavement boundary
 - 23 Requires the submission of a parking management strategy
 - 24 Requires the delivery and service area prior to occupation
 - 25 Requires the parking area to be laid out prior to use
 - 26 Requires the submission of cycle storage details
 - 27 Requires the submission of details of a delivery vehicle management scheme
 - 28 Requires the submission of a car park management plan for disabled spaces
 - 29 Requires the submission of a commercial travel plan
 - 30 Requires the provision of a vehicle charging point
 - 31 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)

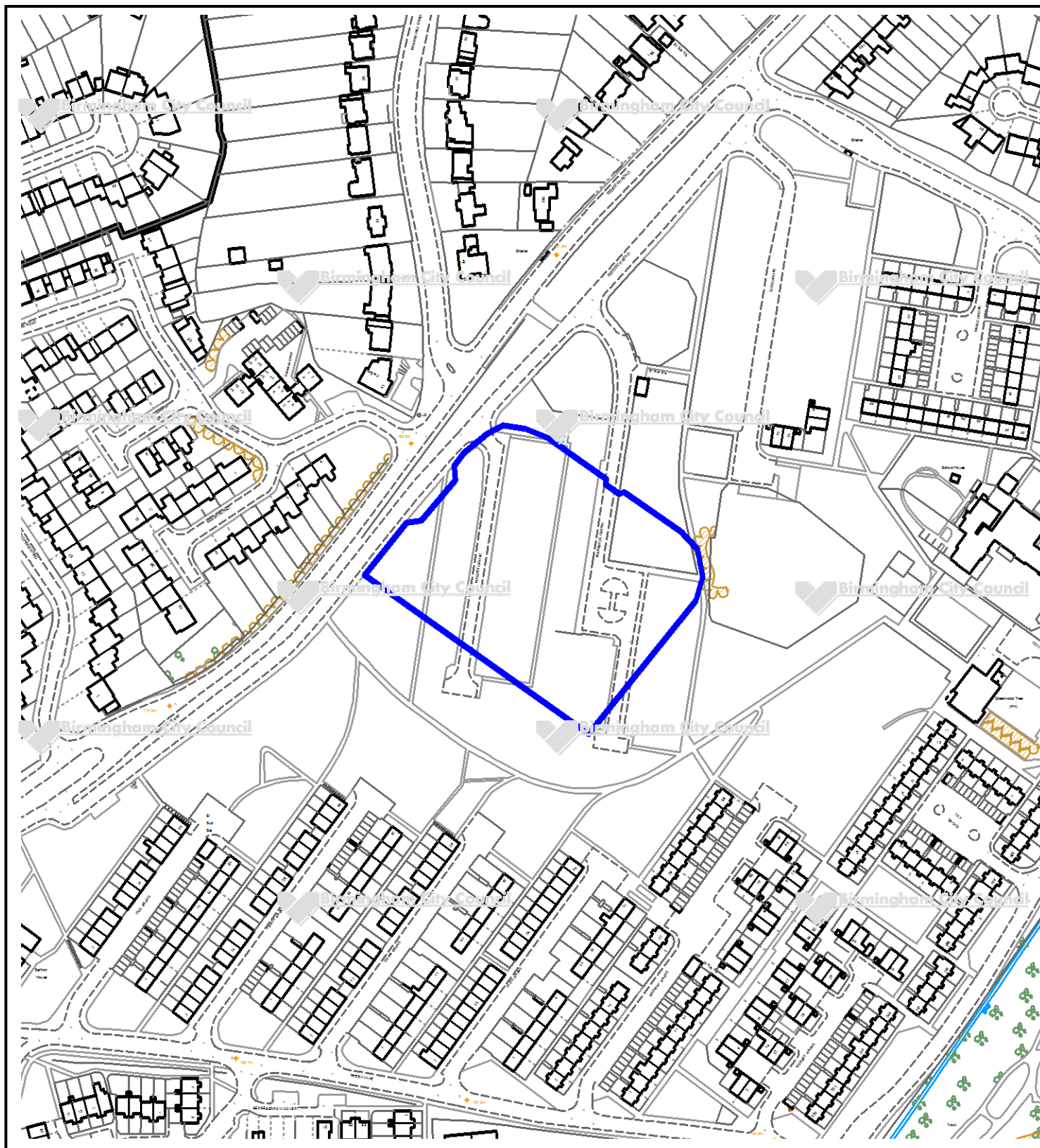


Photograph 1: View looking south-east from Redditch Road



Photograph 2: View of application site looking south from Redditch Road

Location Plan



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

Committee Date:	28/02/2019	Application Number:	2018/04913/PA
Accepted:	18/06/2018	Application Type:	Householder
Target Date:	13/08/2018		
Ward:	Hall Green South		

80 Webb Lane, Hall Green, Birmingham, B28 0EE

Erection of two storey side and single storey side and front extension

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Consent is sought for the erection of two storey side, single storey side and front extensions to accommodate a ground floor living room, bathroom and garden store area and a first floor bedroom and bathroom.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site relates to a modern detached gable roof property located off Webb Lane, Hall Green. The application property is set back from the road and is only partially visible from Webb Lane due to the natural vegetation close to the sites north-east boundary. The adjoining property to the West (no.82 Webb Lane) and the adjoining properties to the South (no.9 & 17 St Peters Close) are similar in appearance to application property. The application site is bounded by 1.8 metre high closeboard fencing to the side/rear. The topography of the site slopes down from south-east to north-west.

2.2. Tree group G1 of Tree Preservation Order 490 immediately adjoins the site to the north-east.

2.3. [Site Location Plan](#)

3. Planning History

3.1. 2015/0747/ENF - Removal of protected trees / hedges and dumping of soil, rubble and tree cuttings – No Evidence of Breach – 18/02/2016.

3.2. 2018/0689/ENF - Alleged unauthorised removal of trees and alleged removal of council owned fencing – under investigation.

4. Consultation/PP Responses

4.1. Adjoining residents and local ward councillors notified. Six letters of objection received from neighbouring residents in relation to the initial scheme regarding the following:

- Some of the land to the proposed development is not within the applicant's ownership. Fencing and trees along the sites north-east and south-east boundary have been removed and new fencing has been installed, thereby extending the perimeter of the site.
 - Existing mounds of rubble on site that need to be removed and potential for new rubble to damage the existing hedgerow on Webb Lane.
 - The proposal would result in overlooking & loss of light to adjoining properties.
 - The proposed extensions would not be in-keeping with the neighbouring properties in terms of scale, mass and design.
- 4.2. Following the submission of amended plans, all neighbouring residents were re-consulted (24/08/2018) for a period of 7 working days. One letter of objection was received which reiterated the previous objections already made.
- 4.3. Council's Tree Officer - The proposal and access for development are immediately adjacent to the tree group G1 of Tree Preservation Order 490. The trees on the bank are on a hedgerow line that is also on the Historic Environment Record. The quality of the group is not high but any works near to the trees will require arboricultural advice through the BS5837:2012 process. It is recommended that a pre-commencement condition is attached to any approval granted which requires the submission of a Tree Survey and Arboricultural Method Statement.
5. Policy Context
- 5.1. Relevant Local Planning Policy:
- Birmingham Development Plan (BDP) 2017
 - Birmingham Unitary Development Plan (UDP) Saved Policies 2005
 - Places for Living SPG 2001
 - Extending Your Home 2007
 - 45 Degree Code
- 5.2. Relevant National Planning Policy:
- National Planning Policy Framework (NPPF) 2018
6. Planning Considerations
- 6.1. This application has been assessed against the objectives of the policies set out above.
- 6.2. The main issues for consideration in the determination of this application are the impact on the residential amenity of neighbouring properties and the scale, mass and design of the proposal, and therefore the impact on visual amenity.
- 6.3. The Council's 'Extending Your Home' design guide states that side extensions should be designed to look less important than the existing dwelling and the roof design should match the roof design of the existing dwelling, however, the ridge line should be lower than that of the main roof so that it does not dominate the appearance of the house. 'Extending Your Home' design guide also states that two storey extensions can have a significant effect on the street scene. The loss of gap between dwellings can create the impression of a continuous frontage which can be out of character with the appearance of the area and should be avoided.

- 6.4. Following amendments, the size, scale and massing of the proposed two storey side extensions is considered acceptable. The extension is set down in height, is set back from the property's principal elevation and the proposed gable roof design would be in-keeping with the property's existing gable roof in accordance with the Council's 'Extending Your Home' design guide. The proposed single storey flat roof garden store would be small in scale and would be set back significantly from the property's principal elevation. Officers consider the cumulative impacts of the proposed extensions would not result in the overdevelopment of the application property in this instance. Given the proposed extensions would be in-keeping in design with the existing property and would only be partially visible from Webb Lane, Officers consider the proposal would not be detrimental to the character and appearance of the streetscene. Officers consider there is sufficient amenity space to accommodate the proposal and a condition shall be attached to ensure all external materials for the proposed extension match the existing dwelling.
- 6.5. The proposal complies with the Council's 45 Degree Code to all adjoining properties. The initial scheme submitted raised concerns regarding potential overlooking caused from the proposed 1st floor rear bedroom window to the private rear amenity space of no.9 Saint Peters Close. Following amendments to the internal layout of the proposal to ensure there were no proposed 1st floor rear or side facing habitable room windows, the proposal is considered acceptable in terms of overlooking caused to the private rear amenity space of no.9 Saint Peters Close. The proposed first floor side facing landing and rear facing bathroom windows shall be conditioned to be obscure glazed and thereafter retained as such. Officers consider the proposed extensions are acceptable in terms of overbearingness and loss of light to the occupants of no.9 Saint Peters Close due the spatial relationship between the two plots.
- 6.6. The proposal and access for the proposed development are immediately adjacent to the tree group G1 of Tree Preservation Order 490. The trees on the bank are on a hedgerow line that is also on the Historic Environment Record. The Council's Tree Officer has commented on the application stating that the quality of the group of trees is not high but any works near to the trees will require arboricultural advice through the BS5837:2012 process. There is a current live enforcement case on the application site (ref: 2018/0689/ENF) for the alleged unauthorised removal of trees and alleged removal of council owned fencing. While the outcome of this enforcement case has no bearing on the principle of the proposed extensions, Officers consider it reasonably necessary to attach a pre-commencement condition which requires a tree survey and arboricultural method statement to be submitted in order to ensure that no harm is caused to tree group G1 of Tree Preservation Order 490 during the construction works.
- 6.7. Officers note the objection made regarding land ownership. Civil matters relating to the exact location of site boundaries are not considered to be material planning considerations and as such cannot be considered in the assessment of this proposal.

7. Conclusion

- 7.1. Following amendments, the application is considered acceptable in terms of the harm caused to the residential amenity of neighbouring occupiers and no detrimental harm would be caused to the character and appearance of the existing property or streetscene. It is therefore recommended that this application is approved subject to conditions.

8. Recommendation

8.1. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Tree Survey and Arboricultural Method Statement Submission Required |
| 3 | Requires that the materials used match the main building |
| 4 | Requires obscure glazing for specific areas of the approved building |
| 5 | Implement within 3 years (Full) |
-

Case Officer: James Herd

Photo(s)



Figure 1: View of application property's front facing elevation



Figure 2: View of application property's rear and side (east) facing elevations from the rear of no.9 Saint Peters Close

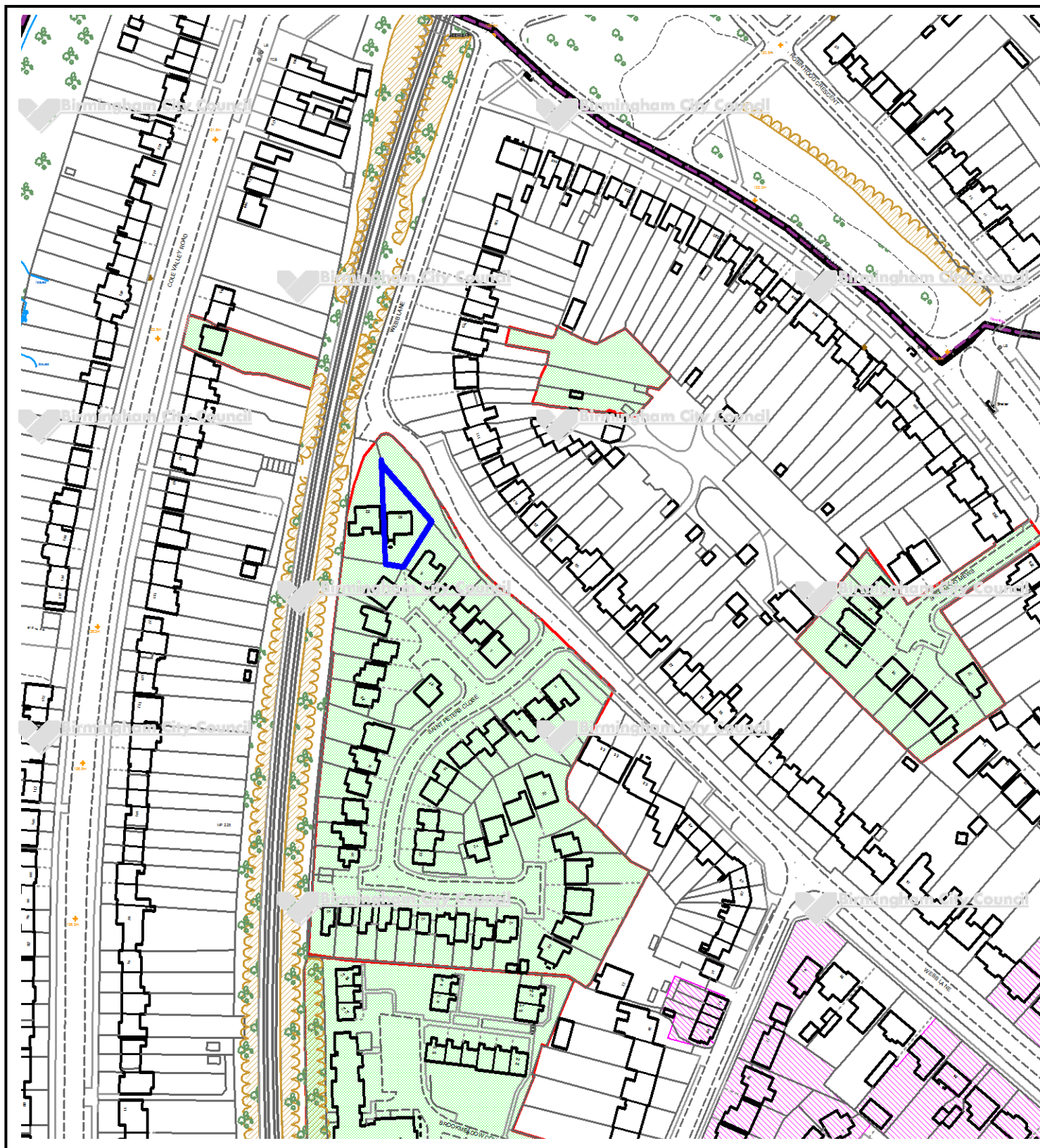


Figure 3: View of application sites rear garden



Figure 4: View of application property's side (east) facing elevation

Location Plan



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

Committee Date:	28/02/2019	Application Number:	2018/09983/PA
Accepted:	11/12/2018	Application Type:	Householder
Target Date:	05/02/2019		
Ward:	Bournville & Cotteridge		

83 Langleys Road, Selly Oak, Birmingham, B29 6HR

Erection of two and single storey rear extension.

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Consent is sought for the erection of a two and single storey rear extension at 83 Langleys Road, Selly Oak, B29 6HR.

1.2. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site comprises a semi-detached property with a hipped roof design located within a residential street comprising properties of a similar design and scale to the application site. The property has been previously extended with a first floor side extension. Neighbouring property No. 79 Langleys Road is of a similar design and scale to the application site, with a single storey extension to the side and rear elevations. To the rear elevation at ground floor is a glazed door and a small obscure glazed window nearest to the boundary with the application site and a larger habitable window alongside, with a bathroom window at first floor. To the adjacent side No. 85 Langleys Road has been heavily extended with a two storey side and single storey rear extensions. There are rear facing patio doors nearest to the site.

2.2. [Site Location Plan](#)

3. Planning History

3.1. 23/04/2004 - 2004/01292/PA – Erection of first floor side extension including formation of new bay window – Approved with conditions

4. Consultation/PP Responses

4.1. Local Ward Members, Residents Associations and neighbouring properties have been consulted. 12 responses have been received raising the following concerns:

- Impact on character of street
- Overconcentration of HMOs already on site
- Property is covered by the Article 4 Direction

- Impact on parking
- Property has already been extended, over development of site
- Noise and disturbance
- Concerns over design and scale
- Quality of construction

4.2. Trees - No objections

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan (Adopted 2005)
- Draft Birmingham Development Plan (2013)
- Places For Living (Adopted Supplementary Planning Guidance 2001)
- The 45 Degree Code (Adopted Supplementary Planning Guidance 1996)
- Extending your Home (2007)

5.2. The following national policies are applicable:

- NPPF- National Planning Policy Framework (2018)

6. Planning Considerations

6.1. This application should be assessed against the objectives of the policies as set out above. Following discussions with the agent, amended plans have been received reducing the depth of the single storey rear extension by 1.5m adjacent to neighbouring property No. 85 Langleys Road as well as removing the two storey side extension.

6.2. The design and scale of the proposal, as amended, is acceptable. The removal of the two storey side extension retains the visual separation to the side of the property adjacent to No. 79 Langleys Road. The majority of the proposed extensions would not be highly visible from the road so would not result in a prominent feature within the street scene. The existing roof design has been continued, with a hipped roof design to the rear which aids in reducing the overall mass of the extensions. I consider that the proposed extension would not compromise the existing character or architectural features of the property, or have a detrimental impact on the general street scene. On balance the resulting building would not be out of scale or character with other properties within the locality, and would not be an over development of the site. The proposal would be in accordance with the principles contained within 'Extending Your Home' Supplementary Planning Document.

6.3. The proposed development, as amended, complies with the 45 Degree Code Policy, and minimum distance separation guidelines contained within 'Places for Living' and 'Extending Your Home' would be met. There would be no overlooking issue, or adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of light or outlook.

6.4. There is local concern that the property is to be used as a House in Multiple Occupation. There is no evidence within the application as submitted to suggest that the property would be used as a HMO. If this is not the case and given the property

is located within the HMO Article 4 Direction, planning permission would be required if more than 3 unrelated people occupy it. Within the Article 4 planning permission is required for a change of use from Use Class C3 (residential dwellinghouse) to Use Class C4 (smallscale HMO).

6.5. I consider that the remaining objections have been addressed above.

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

7. Conclusion

7.1. This application is recommended for approval as the proposal complies with the policies as outlined above.

8. Recommendation

8.1. Approve subject to the following conditions

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

Case Officer: Leah Russell

Photo(s)



Photograph 1: Front elevation



Photograph 2: Rear elevation of No. 79 Langleys Road



Photograph 3: Rear elevation of No. 85 Langleys Road



Photograph 4: Rear elevation

Location Plan



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

Committee Date:	28/02/2019	Application Number:	2018/05359/PA
Accepted:	16/07/2018	Application Type:	Full Planning
Target Date:	06/12/2018		
Ward:	Edgbaston		

Pritchatts Road Car Park and Ashcroft Halls of Residence, Pritchatts Village, Pritchatts Road, Edgbaston, Birmingham, B15 2QU

Erection of student accommodation blocks (230 bedrooms at Ashcroft Block and 302 bedrooms at Pritchatts Car Park site) and multi-storey car park (608 spaces).

Applicant:	University Of Birmingham Estates Office, Edgbaston, Birmingham, B15 2TT
Agent:	Glancy Nicholls Architects The Engine Room, 2 Newhall Sqaure, Birmingham, B3 1RU

Recommendation
Determine

Report Back

- 1.1. Members will recall that this application was presented to Planning Committee on 31 January 2019 following a Committee Site Visit that was undertaken on 24th January 2019. At determination, Members will recall that the application was deferred, minded to refuse for the following reasons:
 - a) Design of building and impact on conservation area
 - b) Impact of development on the existing residential area
 - c) Parking and traffic
- 1.2. Officers consider that the recommendation to approve in accordance with the original report dated 6 December 2018 and the addendum report dated 31 January 2019 (both below) remains appropriate; however if Members remain minded to refuse the application then the following reasons for refusal are suggested:
 - a) The design and scale of the proposed new student accommodation on Pritchatts Road would not reflect the existing character of the street scene; would be out of context and unduly dominant with the surrounding properties and would not preserve or enhance the character of the Edgbaston Conservation Area. Less than substantial harm would be caused to the Conservation Area and this is not outweighed by public benefits. As such it would be contrary to Policies PG3 and TP12 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for All, Edgbaston Conservation Area Character Appraisal, and Regeneration through Conservation–Birmingham Conservation Strategy adopted as Supplementary Planning Guidance and the National Planning Policy Framework.
 - b) The proposed student accommodation and multi-storey car park would adversely affect the character of the existing residential area. As such it would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, saved

Paragraph 3.14C of the Birmingham UDP 2005, and the National Planning Policy Framework.

- c) The impact of vehicular traffic from the proposed multi storey car park would have a detrimental effect on the adjacent highway network and lead to a cumulative impact on traffic congestion. As such this is contrary to Policies TP38 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

It is noted that members mentioned parking as a potential reason for refusal. Members are reminded that the proposed multi storey car park will replace existing and consented parking on the wider campus. No dedicated parking would be provided for the student accommodation, which is the University policy, and is consistent with the City's approach on other similar applications. Officers would therefore suggest that it would be very difficult to defend a reason for refusal on parking grounds.

Addendum Report

- 2.1. Members will recall that the above planning application was deferred on 6 December 2018 for a Committee Site Visit. The Site Visit was undertaken on Thursday 24th January and discussion following the site visit will be updated verbally. This addendum report updates Committee on further public participation responses received following the 6 December 2018.

- 2.2. Updates to the planning committee report

- 2.2.1. A verbal update was presented on 6 December 2018 to correct Paragraph 6.2 of the original report that advised members that the paragraph should refer to the 'southern' part of the application site in the opening sentence.

PP responses

- 2.2.2. A further letter of comment has been received regarding the committee site visit which seeks an afternoon site visit in order to get a full appreciation of the difficulty this development is going to cause to traffic in this area and requesting that due consideration is given to the risk of obstructing emergency vehicles, particularly ambulances trying to access the QEH, at this time.
 - 2.2.3. Councillor Matt Bennett requested that the following statement be addressed to Committee *"I entirely concur with the objections raised by Cllr Deirdre Alden, Metchley Park Residents Association, Calthorpe Residents Society and Edgbaston Residents Association. This development will have a detrimental visual impact on the surrounding residential areas of Edgbaston, loss of trees and an increase in traffic, which is already long past saturation point due to previously approved developments. Edgbaston, a historic and picturesque suburb of which the City Council should be proud, is suffering from more and more developments, usually from the hospitals or university, which are fundamentally changing its character for the worse and having an adverse impact on amenity for residents. This situation is simply not sustainable and a different approach is required."*
 - 2.2.4. Members will recall that the Area Planning Manager (South Team) verbally updated Committee regarding a further objection received from the resident of 6 Pritchatts Road. The objection is as follows:

"I have already submitted representations on the application to which reference is made in the report to Committee. The concerns I have previously raised remain and are not adequately addressed in the report. The reason for submitting these further representations is to raise some additional fundamental issues which arise from the report and to draw to the Council's attention the fact that a decision to grant planning permission on the basis of the report would not be sound and indeed would be susceptible to legal challenge. The issues are as follows:

1. The report contains a fundamentally flawed consideration of the heritage implications of the proposed development, in particular the impact on the Edgbaston Conservation Area.

2. The report completely ignores Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides: "in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection 2, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

Part of the application site lies within the Conservation Area and Section 72(1) is clearly engaged. Given the report identifies that the proposals will cause harm to the Conservation Area, the requirement of "special attention" in Section 72 creates a strong presumption against the development. Exceptional circumstances are required to override the presumption in favour of development on public interest grounds. (South Lakeland District Council v Secretary of State House of Lords). That requirement has not been taken into account at all, and exceptional circumstances have not been considered, far less demonstrated.

3. There is a failure to address adequately an assessment of those elements of the Conservation Area which are valuable and which require protection, the nature of the harm which the development will cause to the Conservation Area, and why the harm is considered to be less than substantial. It is clear from case law that these issues need to be addressed comprehensively if a decision to grant planning permission, notwithstanding the harm, is justifiable.

4. The report concludes that the proposals cause harm and characterises that harm as "less than substantial harm" (see paragraph 3 above in relation to the inadequacy of the initial assessment). The report then purports to weigh that harm against the public benefits of the proposal. However, the exercise undertaken is deeply flawed.

The NPPF requires that in carrying out the balancing exercise "great weight" must be attached to the harm caused. In addition, the statutory objective set out in Section 72 must be weighed in the balancing exercise. The policy requirement to attach "great weight", coupled with the strong presumption against development flowing from the application of Section 72, means that the public benefits of the proposal must be exceptional and must be so great as to outweigh these considerations.

The report fails to address in any detail the nature of the public benefits which the development will allegedly bring and the rationale for a conclusion that the benefits outweigh the harm caused. The report also fails to explain how the benefits which will accrue for the benefit of the University can properly be characterised as "public" benefits. The report appears to rely on proposals which are untested (including whether they could be delivered without harm to the Conservation Area), unconsented and carry no weight in policy terms. The development aspirations of the University in such circumstances could not rationally be regarded as outweighing

the harm caused by the proposals. Accordingly, the report is inadequate and legally flawed on these important issues.

5. The report contains a fundamentally flawed consideration of Policy TP33 of the BDP, so far as it relates to the location of the development. Throughout the report the proposed development is expressed to be “on campus”. As a matter of geography this development is not “on campus”. The (Collins English) dictionary definition of “campus” is “an area of land that contains the main buildings of a college, university or school”. Local councillors will already appreciate this, but as a site visit would show, the Birmingham University campus is situated within the area bounded on five sides by (i) Aston Webb Boulevard, (ii) Bristol Road, (iii) Edgbaston Park Road, (iv) the south (or bottom) half of Pritchatts Road and (v) the Worcester and Birmingham canal/the railway line/Vincent Drive. The north (or top) half of Pritchatts Road, the location of the proposed development, is self-evidently not “on campus”, even if it is on land owned by the University.

The report itself highlights that the proposed development is in a residential area, abutting to, and in part actually within, the Edgbaston Conservation Area – as clear from the photographs at Fig 1 and Fig 4 on pages 25 and 26 of the report. As such TP33 is still relevant, but the report should address “off campus” development, and satisfy the requirements of the BDP in that, inter alia, it must i) not have an unacceptable impact on the local neighbourhood and residential amenity, and ii) the scale, massing and architecture of the development must be appropriate for the location. That section of the report relating to Policy TP33 (paragraphs 6.4-6.6) is silent on “off campus” development. Accordingly, the report is inadequate and legally flawed on these equally important issues.

6. The report relies on traffic and transportation modelling information which ignores the day to day realities of this part of Edgbaston. I believe everyone, including the University, the QE Hospital, the Planning Officer, local MP Preet Gill and all ward councillors in Edgbaston and Selly Oak, acknowledge that traffic, parking and infrastructure issues are at crisis point. Edgbaston Park Road, Pritchatts Road and Vincent Drive are at a standstill during both morning and evening rush hours. The addition of a 600 plus space five storey car park, designed in part to move car parking off campus (when on campus car parking has the advantage of multiple exit points from campus) into a residential area within the Conservation Area, will be the final straw. As the report acknowledges, the latest revised entry proposal will also lead to significant queuing (to turn right across traffic) outside the listed 17th century dwelling house at 6 Pritchatts Road (one of the oldest surviving dwelling houses in the City), with all of the adverse consequences for the air quality and residential amenity of that house. The need for the Strategic Master Plan for this area to be completed before hearing this proposal is dismissed very briefly (paragraph 6.16) – but surely it is essential to consider this application as part of the wider traffic, car parking and transport plan for the area.

It is vital that all of the above issues are addressed fully and robustly in a public document before a decision is taken on the application, such that members of the public have an opportunity to consider the explanation and justification in advance of the decision. In this regard I note that this application now comprises 258 documents running to thousands of pages.

The application was recently amended in an attempt to address design issues which have been raised. 47 amended documents were lodged on 19th November, three days before the Planning Officer’s report was published. Amended documents were also published on 15th November, 14th November and 6th November. The

amendments do not address the above issues and indeed for certain residents create a situation which is significantly worse than the previous design. A scheme of this scale and extent should be subject to the fullest possible consideration. That should include a visit to the application site and its surroundings by those who are tasked with determining the application. Residents have a legitimate expectation that they should be consulted on the latest amendments, and given a fair opportunity to comment. The Council is also required to comply with the additional publicity requirements for applications in a Conservation Area.

In the event that the Planning Committee is not minded to refuse the application on Thursday, I formally request that determination of the application is adjourned to a subsequent Committee meeting, to give time for all Members of the Committee to attend a site visit and to see first-hand and on the ground the practical implications which have been raised by local residents who are most directly affected by the proposed development. An adjournment will also give time for the important points set out above to be adequately addressed in a considered way in a further report to the Committee. The grant of planning permission in the absence of further consultation would be unlawful."

2.3. Commentary on further comments made

Heritage Issues

2.3.1. The application site comprises two principal parts:

- Site 1: Comprises a portion located to the corner of Pritchatts Road and Vincent Drive, and includes a small section within the Conservation Area behind No's.11-13 Pritchatts Road; and
- Site 2: A rear portion set away from the road incorporating the Ashcroft and Oakley sites including a small area of land within the Conservation Area.

There are a number of listed buildings in the vicinity of the site, but for the purposes of this report, none with any intervisibility with the proposals. The development comprises a series of student residential buildings and a multi-storey car park, associated access and parking.

Development Directly Affecting the Edgbaston Conservation Area

- 2.3.2. When considering development proposals that directly affect the Edgbaston Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 must be addressed. S72 states that *'in the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*
- 2.3.3. The National Planning Policy Framework (NPPF) (2018) provides further guidance to the above statute in weighing out the impact of development on heritage assets and in the case of the direct impact on the conservation area, the following paragraphs are of relevance.
- 2.3.4. Paragraph 189: *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'*

The application has been submitted with a Heritage Statement. My Officers have reviewed this document and largely concur with its findings. They consider that it

meets the requirements of the NPPF (para 189) and (1) undertakes a full site analysis, (2) history and development of the site, (3) establishes significance against the recognised values (evidential, historical, aesthetic and communal), (4) completes an impact assessment, and (5) provides a full legislative and policy context. I concur with this assessment.

- 2.3.5. Paragraph 196: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

There are two aspects of the proposal that fall within the Edgbaston Conservation Area boundary. An area in Site 1 comprises part of the rear gardens of No's.11 and 13 Pritchatts Road. These gardens are part of the historic curtilages of these houses and play a role in the Conservation Area designation, but only a very minor role. These parcels of land, whilst forming part of the suburban development of the Conservation Area have very limited evidential value, with nothing of any real significance to the reason behind the designation of the Conservation Area and contain little of any meaning warranting its retention in an unaltered state. My Conservation Officer considers it to have very low, if any, value. When drawing conclusions on the impact of the scheme, considering its modest scale, subtle location and screening, I would consider this to be neutral.

The area within the Conservation Area in Site 2 would have comprised part of the curtilage of No.7 Pritchatts Road (Locally Listed). The curtilage is significantly deteriorated in this area and of no merit to the conservation area and therefore its value is low. Considering the limited views of this development from any aspect other than from within the University site the direct impact on the conservation area would also be neutral.

Taking these conclusions, my Conservation Officer considers there to be no harm caused to the conservation area from development within it and the impact therefore to be neutral. As it is considered that the character and appearance of the conservation area is preserved as a consequence of this aspect of the development, then there is no conflict between the test set out under paragraph 196 of the NPPF and Section 72 of the Primary Statute. I concur with this assessment.

- 2.3.6. Paragraph 200: *'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'*

Considering the very small pieces of land that actually fall within the conservation area designation, their location away from a road, fronting the rear of building and in part being redeveloped, there is no opportunity to better reveal the designations significance and therefore this test within the NPPF is satisfied.

- 2.3.7. Paragraph 201: *'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.'*

It is clear from this that the NPPF takes into consideration parcels of land within conservation areas such as these and allows for development to take place where significance is so limited.

- 2.3.8. The tests set out in BDP Policy TP12 (Historic Environment) includes *'Where a Conservation Area Character Appraisal or Management Plan has been prepared; it will be a material consideration in determining applications for development.'* The Edgbaston Conservation Area Character Appraisal was adopted in December 1998 and states the following:

- Page 9: *'Despite the piecemeal and chronologically extended development of the Edgbaston estate however, the strict and deliberate control exercised by successive generations of a single landowning family has ensured first the creation and then the preservation of the area's green, spacious and essentially suburban exclusivity. Its quasi-rural character was clearly defined by the 1840s well before the advent of the railways and other forms of public and private transport brought about the great suburban expansion of the late nineteenth and early twentieth centuries.'*

The proposal seeks to retain the area's green, spacious and essentially suburban exclusivity within the areas designated as conservation areas.

- Page 9: *'the long periods of lightly controlled and consistent development which distinguishes the Calthorpe Estate and its almost exclusively residential character make it unique in Birmingham'*

The areas that fall within the conservation area will be residential in use and character.

- Page 10: *'During the twentieth century there has been a greater variety of residential property types. In 1905 the University of Birmingham built its first hall of residence, University House, on Edgbaston Park Road and in the 1930s blocks of mansion flats were constructed on the periphery of the building estate. Post war development includes tightly grouped blocks of flats such as those built on Vicarage Road in 1972...'*

The application seeks to respond to this characteristic within the Conservation Area by building student accommodation much as it did in 1905.

- Page 12: *'Building plots vary in size, although as a general rule they get progressively larger as the townscape moves towards the heart of the building estate at Edgbaston Hall and Church and then westwards to the conservation area boundary'*

This is true for these areas on the western boundary and therefore these larger plan structures can be tolerated in the conservation area.

- Page 13: *'Except in the earliest phases of development within the Edgbaston Estate, trees were not generally planted in the street but were deliberately set in the front of the building plots, where these were large enough, often just behind the front boundary wall'*

The areas of the application site within the conservation area are not in locations where this pattern of tree planting is significant.

It can be concluded therefore that the proposal, where it affects areas within the Conservation Area boundary can be supported as no harm is caused.

Development Indirectly Affecting the Edgbaston Conservation Area

- 2.3.9. With regards to the areas of the development site that fall outside of the conservation area, these must be assessed on the basis of the impact of setting only. This chiefly comprises the main aspects of the development including the rest of the housing and the multi-storey car park.

- 2.3.10. Whilst the NPPF still applies, the Primary Statute is silent on setting. Nonetheless, I have still applied S72 of the 1990 Act in the spirit of fully appraising the impact of the development. The tests within BDP Policy TP12 (Historic Environment) which give weight to impact on setting applies and states that: *'Great weight will be given to the conservation of the City's heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting.... will be determined in accordance with national policy'*.
- 2.3.11. Site 1 has trees along its boundary, but otherwise the open car park has a low value in contributing to the setting of the conservation area. The conservation area appraisal notes that there are large and stately trees that line streets enclose these views. Whilst not within the conservation area, this portion of the application site seeks to respond to these characteristics by retaining the existing trees along this entire frontage. The development behind these trees will help enclose the street using the residential characteristics considered to be central to the characteristic of the wider conservation area.
- 2.3.12. The proposed development would respond to the character of large detached houses (of mixed design and heritage) in large established plots with mature trees along the surrounding roads. This is a quintessential characteristic of the south-western part conservation area and offers up an important interface with the university campus. The development aims to respond positively to this.
- 2.3.13. The proposals seek to develop a series of student blocks along the Pritchatts Road frontage screening the multi-storey car park behind. It is the Pritchatts Road accommodation and the multi-storey car park that raises particular concern with potential impact on the conservation area. The original submission sought to create a line of student blocks along Pritchatts Road, based on a series of town houses between three and four floors in height. These comprise a repetitive arrangement of street facing gables with accommodation in the roof. The car park beyond was screened with a series of vertical panels of green wall and dark timber cladding. Concerns were raised over both approaches to the accommodation and the car parking. With regards the accommodation blocks, it was felt that the wrong housing typology was being used and the series of gables in conjunction with the height of the blocks was more characteristic of denser residential development in an inner suburban neighbourhood not Edgbaston. Amendments were negotiated that sought to lower elements of the scheme along Pritchatts Road (in particular at the corner with Vincent Drive), to simplify the flank elevations and reduce the repetitive gable arrangement. The solution arrived at, whilst still large, is more in keeping with the scale of buildings along the street and less repetitive in its form.
- 2.3.14. With regards the car park, it's location behind the accommodation blocks was considered to be the best position to mask it, however the design was considered to depend too greatly on the green walls to mask the structure rather than deliver a sound piece of architecture. It was noted that should a car park be approved in this sensitive location then it should be more confident in its design whilst finding a solution to better respond to its context. The amendments negotiated resulted in a bespoke design that comprise a series of diamond shaped corten steel panels randomly applied as cladding (on different profiles) with two sections of matching diamond green wall panels. The sections of green wall are demoted to the areas which align with the gaps between the accommodation blocks so as to soften the impact of the car park on the street and rationalise its role in the design. In conjunction with the corten, the overall design and materiality will be subtle and push the building back into its landscape.

- 2.3.15. The improvements to the design better mitigate the impact of this development on the character and appearance of the conservation area. The scale and form of the development remains large and of greater scale than that of the other buildings along this street and therefore cause some harm. As the development is not within the conservation area, and the belt of trees are being retained to screen it, and the design has been reduced in scale and simplified, the impact on setting can be determined as being 'less than substantial' in terms of paragraph 196 of NPPF. This paragraph requires schemes of 'less than substantial harm' to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The university has appraised the existing student figures and travel patterns at the campus as well as future projections and therefore have soundly justified the need for this accommodation and parking.
- 2.3.16. BDP Policy TP36 (Education) states that: *'The development and expansion of the City's Universities...will be supported.'* The applicant states in the Heritage Statement that 'The proposed student accommodation is essential for the development and expansion of the University. It is partly on land identified in the Local Plan as Growth Area. The remaining land is already within the University of Birmingham estate'. I concur with this statement and support this position. Policy GA9 also identifies that the Selly Oak and South Edgbaston growth area will be *"promoted for major regeneration and investment and will include the University of Birmingham where further educational and associated uses that maintain and enhance the University's facilities will be supported recognising the unique character of the campus and the important historic and architectural value of its Listed Buildings."*
- 2.3.17. Considering the role of the University in terms of educational provision and international promotion of the City, whilst this aspect of the development proposal neither 'preserves or enhances' the character of the conservation area (in line with the 1990 Act) I consider the harm caused to be limited and outweighed by these public benefits, albeit this is a finely balanced exercise. With regards Site 2, it has no real value to the setting of the conservation area and the development blocks proposed on it would only be glimpsed, and largely from areas within the university estate, not from any aspects of the conservation area.

Development Indirectly Affecting Listed Buildings

- 2.3.18. There is no direct impact on any listed building.
- 2.3.19. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *'In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*
- 2.3.20. Again BDP Policy TP12 is relevant in terms of matters of setting. The application site is in the vicinity of a number of listed buildings; however there is no intervisibility between any of them save two, which are both at an oblique angle.
- ST CLEARS, 79, FARQUHAR ROAD (grade II): 1914, for J E By W H Bidlake. In an Arts and Crafts style. Purple brick with red brick and a minimum use of yellow stone and tile-hanging; tiled roof. Two storeys plus attic:
 - MASS HOUSE, 6, PRITCHATTS ROAD (grade II): Late C17, altered. Timber-framed; brick; tiled hipped roof. Two storeys plus attic; and

- OUTBUILDING TO THE REAR OF NUMBER 6 (MASS HOUSE), PRITCHATTS ROAD (grade II): C18. Timber-framed; brick; tiled roof with dentilled eaves cornice.

The lack of intervisibility between these buildings and development within the application results in no harm to their setting.

- 2.3.21. Whilst matters of congestion (vehicular movement and queuing) and pollution generated by the development have been raised and considered, these are not matters that are considered to have a tangible direct impact on listed buildings such that refusal could be justified in this case.

Development Indirectly Affecting Locally Listed Buildings

- 2.3.22. Paragraph 197 of the NPPF states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

- 2.3.23. Policy TP12 states that: *'applications for development affecting the significance of a ... non-designated heritage asset, including proposals for removal, alterations, extensions or change of use, or on sites that potentially include heritage assets of archaeological interest, will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.'*

- 2.3.24. The Heritage Statement has addressed No.7 Pritchatts Road, a locally listed building that backs onto the application site. The development would be at some distance and screened in part by a number of trees. There would therefore be no harm caused by the development on the setting of this locally listed building.

Conclusion on Heritage Issues

- 2.3.25. The application site sits chiefly outside the conservation area, with small parts of it sitting within the conservation area. Those areas within the conservation area are of very low value to the designation and comprise parcels of land forming parts of rear curtilages with very limited public visibility. The development of these areas causes no loss and is modest in scale and form causing no harm. The legislative test of 'preserving or enhancing' is therefore satisfied. Moreover the NPPF notes that not all aspects of a conservation area contribute to its significance and in this instance that is the case.

- 2.3.26. The aspects of the development that fall outside of the conservation area do in part cause 'less than substantial harm' and this is largely concerning the development along the Pritchatts Road frontage in Site 1. The scheme has been amended to improve its design and in conjunction with the tree retention and landscaping is largely mitigated. The test set out in Paragraph 196 of the NPPF is therefore brought into play and the balanced 'public benefit' has been demonstrated through the application of Policy TP36 supporting the growth of the university as a globally significant university that contributes the city's cultural and economic offer.

Traffic Considerations

- 2.3.27. I note the comments made regarding traffic modelling and the 'on the ground' reality referred to. As previously advised, the proposed multi-storey parking would replace

consented parking elsewhere across the campus and the modelling undertaken reflects this. Whilst the modelling acknowledges that the roundabout at the junction of Pritchatts Road and Vincent Drive is at capacity, the impact of the proposed 'movement of existing trips on the network' through this proposal was not considered significant by my Transportation Officer. The proposed development of student accommodation and car park would not materially generate a greater number of vehicle trips on the network than existing. Whilst some trips would be redistributed, I consider that the impact would not be sufficient to warrant a refusal of planning permission on highway grounds.

2.3.28. As also noted in the previous report, the wider strategic master plan is an ongoing piece of work, which has yet to be finalised. As the proposed development would not increase parking levels across the University and student parking is not proposed and is regulated by lease agreements, my conclusions remain as per my original report in that the wider master plan is not necessary or required in the determination of this application.

Other Issues

2.3.29. Policy TP33 of the BDP states that *"proposals for purpose built student accommodation provided on campus will be supported in principle subject to satisfying design and amenity considerations. Proposals for off campus provision will be considered favourably where:*

- *There is a demonstrated need for the development.*
- *The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.*
- *The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.*
- *The scale, massing and architecture of the development is appropriate for the location.*
- *The design and layout of the accommodation together with the associated facilities provided will create a safe, secure and welcoming living environment."*

2.3.30. I note the objection raised in relation to my assessment that the proposed student accommodation would be located 'on campus' and that the correct assessment should be (under a dictionary definition of campus) that the accommodation would be 'off campus'. Given the geographical nature of the University and the City as a whole, 'campus' in its dictionary definition would be difficult to meet and in that definition, none of the student accommodation provided by the University would be defined as 'on campus'. Whilst I consider that my original assessment (that the accommodation would be 'on campus') is correct, if the accommodation was considered to be off campus; the proposed development would still be assessed as complying with the tests within BDP Policy TP33 outlined above. The need for the development has been appraised in the original report; the development would sit on the edge of the campus and within walking distance of it, public transport (including the railway station) and Selly Oak District Centre and, the proposed development has been considered as acceptable in terms of design, scale, massing, amenity and living environments.

2.4. Conclusion

- 2.4.1. As per the conclusions within the original report, the principle of the proposed development is considered acceptable in principle and would be in accordance with BDP and NPPF policy along with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. The design of the development is considered acceptable and would have no material adverse impact on adjacent residential occupiers through overlooking or loss of privacy.
- 2.4.2. I consider that the public benefits of the scheme outweigh the less than substantial harm to the conservation area that the scheme would create.

2.5. Recommendation

- 2.5.1. That planning permission is approved as per the original recommendation subject to the inclusion of a further condition relating to employment.

No development shall take place, including any works of demolition, until a construction employment plan has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The construction employment statement shall provide for details of the following:

A minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site will be provided for New Entrants whose main residence is in the Local Impact Area identified from Birmingham City Council's Employment Team or an alternative source agreed by the Council provided always that each New Entrant is suitably qualified for the relevant role.

The opportunity can be as an 'apprentice', 'graduate', 'new entrant (job start)', or 'work placement'. The following can be counted as a New Entrant:

- A person that is leaving, or in an educational establishment (e.g. school, college or university) or a training provider; or
- An unemployed adult seeking employment that includes on-site training and assessment and/or offsite training; or
- A person whose current employment is at risk of termination, or redundancy, including New Entrants employed by another contractor or supplier to the Council whose contract of employment or apprenticeship agreement is being terminated and who is therefore seeking another position to complete their training period.

The development shall be implemented in accordance with the approved details.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development and to secure the satisfactory development of the application site in accordance with Policy TP26 Local Employment of the Birmingham Development Plan 2031 and the National Planning Policy Framework.

3. Proposal

- 3.1. Planning permission is sought for the erection of a total of 10 student accommodation blocks and a multi-storey car park of 608 spaces (replacing existing surface level car park of 289 spaces) with vehicle access and egress from Pritchatts Road and Vincent Drive and 6 spaces in association with the student accommodation.

- 3.2. The site consists of two areas of land; Site A, land adjacent to the existing Ashcroft Halls of Residence (with 230 bed-space student blocks) and Site B, land to the rear of No's 11 & 13 Pritchatts Road and the Pritchatts Road surface car park (proposing a multi-storey car park and 302 bed-space student blocks).
- 3.3. The total floor-area of all student accommodation proposed would be 17,292sqm.

Student Accommodation blocks (at Ashcroft) SITE A

- 3.4. The student accommodation would consist of 230 bed-spaces with 6 dedicated parking spaces. It would be arranged in four blocks, two running north/south, one east/west and one running NW/SE on the eastern edge of the site. Associated hard-standing would also be proposed to link these buildings to existing buildings and the existing roadway.
- 3.5. The blocks running north/south would be 3 storeys in height whilst the block running east/west would be 4 storeys. These blocks would be a contemporary style in a traditional form, with brick walls and pitched tiled roofs.

Student Accommodation blocks (Pritchatts Car Park site) SITE B

- 3.6. The student accommodation would consist of 6 blocks; 4 facing onto Pritchatts Road, behind the existing row of trees and 2 blocks behind 11 and 13 Pritchatts Road with a total of 302 bed-spaces. These blocks would be three stories and be contemporary in architectural terms, again with traditional forms and brick walls and tile roofs. The blocks would be split into 'family' modules meaning that access to individual front doors gains access to a maximum of 12 bedrooms with dedicated living and kitchen areas. Each bedroom would have an en'suite.



Image of Pritchatts Road Street-scene

Multi-Storey car park

- 3.7. The multi-storey car park (MSCP) would be constructed on the remainder of the existing surface level car park of 289 spaces and would have 608 spaces over 5 levels. It would have a total floor-area of 18,524sqm. Vehicle access into the car park would be either from Pritchatts Road and along Brailsford Drive or via Vincent Drive, with egress out onto Vincent Drive. This would replace the existing access points into the surface level parking, currently from Pritchatts Road.

- 3.8. The MSCP would range in height from 6.45m to 10m on the section fronting the rear of the proposed student accommodation fronting Pritchatts Road and between 10.3m and 13.3m for the rear section and would be 103m wide (north/south) and 36m deep (east/west). The car park would be faced with a perforated corten steel cladding with two elements of a green wall on the elevation to Pritchatts Road.

Ancillary buildings

- 3.9. Site B would also include two small ancillary buildings providing an Energy Centre and substation. These would be brick flat roof structures set partly into the embankment to the western edge of the site.

Amended Plans

- 3.10. Amended Plans have been received that have made the following alterations;
- Reduction in height of the student block on the south east corner of site B (from 4 to 3 storeys)
 - The increase of height of a block on site A to the north row of students blocks
 - Reduction in height of the MSCP front section from between 10.5m and 13m to between 6.45m up to 10m.
 - Improvements to the architecture and articulation of the blocks facing onto Pritchatts Road.
- 3.11. The scheme proposes the removal of several groups of trees. Site A would include the removal of 19 category B and 21 category C trees. Site B would include the removal of 37 category B and 50 category C trees. In addition there is the partial removal of some smaller groups (where trees are very similar and are treated as one entity under the survey report), which have been categorised as Site A: Group G27, 28 & 29 (Category B) and Site B: G14 & G13 (Category C).
- 3.12. Site Area: 4.57ha (site A and site B combined).
- 3.13. The application is supported by a Design and Access Statement, Campus Masterplan, Drainage Strategy, Ecological Assessment, Flood Risk Assessment, Noise Assessment, Heritage Assessment, Arboricultural Assessment, Sustainability Assessment, Student Accommodation Strategy, Air Quality Assessment; Transport Assessment and Site Investigation Assessment.
- 3.14. The application has been screened for an EIA and it was determined that one was not required.
- 3.15. [Link to Documents](#)

4. Site & Surroundings

- 4.1. The site consists of two areas of land; land adjacent to the existing Ashcroft Halls of Residence (Site A) and land to the rear of No's 11 & 13 Pritchatts Road and the Pritchatts Road surface car park (site B).
- 4.2. [Site Location Plan](#)

Land adjacent to the existing Ashcroft Halls of Residence (Site A)

- 4.3. This site is an existing student village, accessed from either Pritchatts Road or Vincent Drive. It consists of a range of student accommodation units with blocks of varying architectural styles and scale. The site slopes down to the eastern boundary where a small gully sits, consisting of student blocks, car parking and access roads the site also has substantial areas of open space and wooded areas.
- 4.4. To the east of the site is further student accommodation. To the north and west are houses that front onto Metchley Park Road and Somerset Road and, to the south, are playing fields which are rented from the City by the University and are located to the side of the Women's Hospital.

Land to the rear of No's 11 & 13 Pritchatts Road (Site B)

- 4.5. This site consists of rear gardens of houses converted to student accommodation (11 and 13 Pritchatts Road) and include an existing surface level car park (with parking for 289 cars) accessed from two points from Pritchatts Road. The site is mostly flat and level but the eastern boundary falls sharply at its edge by around 5m.
- 4.6. To the north of the site is 11 and 13 Pritchatts Road. To its northeast is Pritchatts Road; to the southeast is Vincent Drive and to the south west, is a building that contains an MRI scanner used by the adjacent QE Hospital.
- 4.7. Approximately 40% of Site B is within the Conservation Area, being the northwest part of the site. This site contains trees to its perimeter, including a substantial group of trees that act as a visual buffer between the current car park and Pritchatts Road.

5. Planning History

- 5.1. 2 November 2006. 2006/05462/PA. Planning permission granted until 2 November 2009 for a temporary extension to the existing surface level car park.
- 5.2. 6 December 2012. 2011/05702/PA. Application withdrawn for the erection of a new decked car park to existing Pritchatts Road car park.
- 5.3. 29 October 2012. 2012/02047/PA. Planning permission granted for the Redevelopment of elements of the University Campus buildings and infrastructure including: 1) Outline application for: a) New multi-storey car park adjacent to Gisbert Kapp building; creation of permanent car park at Grange Road (all matters reserved except access); b) Erection of student residences and sports pavilion (All matters reserved except scale and access); c) Creation of new green open space; erection of new library; library enabling works (comprising, removal of running track, new library store and ground works); creation of new running track; erection of sports pavilion; Pritchatts Road traffic management/public realm improvements; new bridge crossing (all matters reserved); d) new vehicular route (all matters reserved except access); e) New access road (all matters reserved except layout and access); 2) Full details for: e) The erection of a new sports centre; f) Improvements to pedestrian route from the sports centre to Aston Webb C block; g) External alterations to Aston Webb C block; h) Extension to Pritchatts Road surface car park; i) Construction of new pedestrian/cycle route to the Vale; 3) Demolition of a) the Gun Barrels public house and b) bungalow adjacent to the South Car Park, c) Terrace Huts, d) chemistry west building and research unit, f) main campus library, g) substation, h) Munrow sports centre, and i) ex sports pavilion; 4) associated landscaping and car parking; a)

Permanent surface car park on the site of demolished terraced huts, b) landscaping to the demolished Chemistry west site, d) landscaping to the site of the demolished ex sports pavilion, and e) temporary car park north of Muirhead Tower.

6. Consultation/PP Responses

Consultation Responses

- 6.1. **Transportation** – No objection subject to conditions relating to the closure of the previously consented 360 parking spaces provided on Munrow car park when the new multi-storey car park is first opened; secure cycle parking facilities are provided prior to the student residential blocks being occupied; and a car park management plan that confirms details on how the car park is operated, details of any access routes on private roads being in place prior to the MSCP opening, and any changes to signage on the highway network for this; a Section 278 agreement to secure the provision of a pedestrian crossing on Vincent Drive and details of pedestrian and cycle access and routes through the application site.

A technical note has been submitted to resolve the issues raised. The summary of the report is based on previous consents to increase surface car parking for UoB on the Munrow car park within the campus. These applications have allowed another 360 parking spaces, whereas this application seeks a multi-storey car park with 608 spaces but notes the existing site has a car park for 289 cars. As such there are 319 new spaces created in this site, but the UoB have agreed parking on Munrow will have to be removed due to future development activity on that site. A suitable condition or agreement is required to confirm the 360 consented spaces will be removed when the new MSCP is opened.

In addition, the modelling of adjacent junction operation has revised the traffic distribution to assume (based on the consented parking) that the trips are now re-located consented trips rather than new trips. Any trips arriving from the north on Pritchatts Road are now assigned to the private road that accesses the site, rather than assigned to the public highway and so forced to travel through the Pritchatts Road/Vincent Drive roundabout. Given the congestion that occurs here in the morning peak, it is highly unlikely that any driver would seek to continue through this junction and then face further queues on Vincent Drive to turn right (opposed) into Brailsford Drive which is another private road on the south of the site.

The traffic modelling in the assessment now compares the base against the consented scenario and this revised future scenario with less parking on campus overall, and slight changes to traffic distribution based on the above assumptions. The roundabout junction operation performs on a comparable level to the consented scenario, and does note it is at capacity with queues and delays, but these are not deemed significant given the consented car parking scenario. Across the whole junction, a reduction of 300 seconds delay per vehicle is forecast in the AM peak but an additional 195 seconds of delay is introduced in the PM peak compared to the 2026 consented scenario, but overall the junction performance is comparable, and in essence is a reallocation of queuing from one part of the network to another.

A further technical note has been provided updating effects on traffic flows across the network. Whilst it identifies additional queuing on the site exit at Brailsford Drive with vehicles leaving the site onto Vincent Drive, no significant impact on the network is predicted.

- 6.2. **Conservation Heritage Panel** - The Panel agreed the concept of student houses was interesting and houses along Pritchatts Road a good idea, but felt the scheme would benefit from further refinement. The Panel felt that that the expression of grouped terraces and multiple gable frontages are not contextual to the Edgbaston Conservation Area in which larger mansion scale houses are more predominant. A Panel member suggested that there is an issue with the typology developed resulting in an uneasy relationship between house types and the grouping of six. It was suggested that all groupings of student residences should be treated as both an individual and overall composition with greater variation, ends and a middle. The Panel raised concern about the scale and impact of the car park which was considered to be very different to the language and grain of the surrounding context. The Panel also raised concern about the relationship between the back of the car park and proposed student halls. It was questioned whether the green wall was the most suitable design response and concerns were raised about long-term maintenance. The Panel recommend that key before and after views are produced including views from Vincent Drive. The Panel suggested greater clarity is needed on the wider approach and requested that future presentations show how the scheme works as part of the wider master plan. The Panel were generally happy with the size and massing of buildings but generally felt more detail and imagination of the student housing and multi storey car park is needed.
- 6.3. **Lead Local Flood Authority** – No objection subject to sustainable drainage conditions.
- 6.4. **Regulatory Services** – No objection, subject to conditions for noise and vibration assessment, limits noise from plant and machinery, contamination remediation and verification report, construction method statement and vehicle charging points for 10% of the parking spaces.
- 6.5. **West Midlands Fire** – No objection provided the scheme satisfies building regulations.
- 6.6. **Historic England** – does not wish to offer any comments.
- 6.7. **West Midlands Police** – With regards to the residential accommodation, any students living 'on-campus' as opposed to in private rented 'HMO's off site, will be encouraged. They also welcome the proposed single point controlled entry to the flats, access control to individual bedrooms and 300mm window restrictors to all opening windows. They have no objection subject to conditions that require all external and communal areas be well lit, especially entrances and pathways that work in conjunction with the any CCTV system. Furthermore, the multi-storey car park should include; access control to prevent unauthorised entry outside of the opening hours, help-points, adequately lighting (especially the basement levels), that a CCTV system is installed (to cover all entry/exit points, any pay points and also help points).
- 6.8. **University Hospitals Birmingham** – The trust is currently acting at full capacity and cannot plan for unanticipated additional growth in the short to medium term. A sum of £2,913 is requested to enable the provision of additional services and capacity to meet patient demand.
- 6.9. **Network Rail** - The above proposal is not adjacent to the railway but the Rail bridge could be potentially impacted. The bridge is 40 tonnes but increased traffic, particularly heavy goods vehicles, presents an increased incursion and overbridge strike risk given the substandard road widths. Applications that are likely to generate

an increase in trips over the railway bridge may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Engineers is necessary to understand if there is a problem. Developers will be liable for the cost of any necessary bridge protection barriers. A weight restriction is therefore requested for vehicles.

- 6.10. **Canal and Rivers Trust** – No objection. Should the application be approved we ask that the applicant is advised to contact the Canal and River Trust to discuss the acceptability of discharging surface water to the adjacent canal.

Public Participation Responses

- 6.11. Local residents, Resident Associations, Ward Councillors and the MP consulted. The following comments have been received in respect of the original submission.
- 6.12. **Preet Gill MP** – has concerns about the impact the scheme would have on congestion and parking around the University and QE Hospital. Also, the local community do not feel well consulted on the proposal.
- 6.13. **Councillor Deirdre Alden** - Strongly objects on the basis of the proximity of the multi-storey car park to existing residents, the encroachment of student accommodation into the residential part of Edgbaston, the visual impact of the student houses on the street scene, the impact on mature trees on Pritchatts Road.
- 6.14. **Metchley Park Residents Association** – The very thought of such a development is abhorrent in terms of density and the already overpopulated situation in Birmingham. Edgbaston now seems to be at a standstill for large parts of the day traffic wise. Impact on the rear of the residents of Metchley Park Road would be significant. Any further developments should be resisted.
- 6.15. **Edgbaston Residents Association** - Strongly opposed to this proposed development. Both the University and QE Hospitals have grown exponentially over the last two decades, but neither institution has made any significant contribution to improving local infrastructure. At the same time parking provision has fallen dramatically, turning surrounding residential areas into gridlocked car parks. Further, there has been inadequate consultation by the University. Traffic Impact caused by the multi-storey car park on the infrastructure. The design of the student accommodation, whilst described as town houses, is a misnomer as they are simply terraced blocks of bedsits. In essence the main proposal is to build a 3 and 4 storey wall of brick fronting Pritchatts Road. The gabled roof design feature does not disguise what the buildings really are, nor does it relate to the high quality family housing of the Conservation Area. To retain the integrity of the Conservation Area and attractive housing surrounding Pritchatts Park, it is essential that any new development is sympathetic to its locality and does not put any further pressure on the local infrastructure. The planning application fails to meet these criteria. Impact of students on the local area. Apart from sheer numbers, noise and late at nights completely change the character and family friendly environment residents have a right to expect. The University has an obligation to recognise this and work with its residential neighbours, not just trample all over them.
- 6.16. **Calthorpe Residents Society** - Object to this application in its current form. People in Edgbaston are generally proud of the UoB and want it to succeed and prosper. UoB professes its intention to be a "good neighbour" and CRS values the opportunity to interact with the university at a variety of levels. We have developed a working

relationship based on positive engagement. It is important for residents to recognise the needs of the university. However, there has been no proper public consultation on the scheme. The idea of locating the multi-storey car park on lower ground behind a screen of houses and with green walls is attractive. However, the proposed relocation of 319 spaces from campus to this residential area is inappropriate. The town houses, give the appearance of one long red brick terrace which is completely inappropriate to the street scene on Pritchatts Road.

6.17. Objections raised by 55 residents on the grounds of:

- Impact on Highways - Excessive vehicle noise and traffic. The roads cannot cope with the current capacity of cars. The car park would be contrary to the council's 'Birmingham Clean Air Zone' consultation. There will be increased danger to children travelling to the local schools due to increase in traffic. The traffic queues at peak times at the junction between Pritchatts Road, Farquhar Road and Vincent Drive and at both ends of Pritchatts Road are already causing severe problems. Inadequate/no provision for cycling.
- Impact on Health - Increased air pollution and risk to health due to additional traffic
- Impact on Trees - Loss and damage to trees causing loss of privacy and excessive noise.
- Impact on Residential Amenity - This is a residential area and building even more student accommodation in the heart of a residential area is not conducive to the area. This will commercialise a residential area. It will change the landscape of the area forever and greatly affect our quiet enjoyment of our home with little or no regard for the welfare of the permanent residents of the area, Excessive noise and light pollution from students due to proximity of proposed Halls.
- Design - The proposal would be detrimental to the integrity of the Conservation Area upon which this development will have a negative impact and the fabric of this historically important listed building at 6 Pritchatts Road. The proposals are entirely out of character for the area, and do not reflect the notion of a conservation area. The scale and intensity of the proposed developments are totally out of proportion to the existing equilibrium of the area. It is out of keeping with every other building in Pritchatts Road. The scheme would have a harmful impact on the conservation area.
- Loss of light, over-shadowing and Overlooking - Loss of privacy caused by proximity of proposed Halls creating overlooking into rear garden. The buildings will be much taller than other properties on the road at 4 and 5 storeys high which will inevitably lead to loss of light, particularly in the winter months when the sun is lower. The sun currently sets over the existing car park.
- Human Rights Act – The scheme is contrary to Protocol 1, Article 1 which states that a person has the right to a peaceful enjoyment of their possessions which include the home and other land. Also, Article 8 of Human Rights Act states that a person has the substantive right to respect for their private and family life.
- Impact on Ecology - Potential risk to badgers and bats in the areas marked for development. The ecological appraisal has technical flaws and there are, in fact, badgers within the application site.
- Impact of Flooding -Risk of flooding from surface water runoff
- Consultation - The timing of the consultation period is suspicious as it started during the summer holidays when residents are generally away from home.

- 6.18. One letter of support stating that the car park design is attractive and the extra capacity is most welcome and badly needed. The student accommodation is also of benefit as I believe it will address the lack of high quality accommodation, whilst hopefully helping to stop more houses in the Selly Oak area becoming student let and returning them back to family dwellings.

Public Participation following RE-CONSULTATION

- 6.19. Following re-consultation on the amended plans the following comments were received. It is also noted that the applicants undertook a consultation event on the 24 October, where the proposals were displayed.
- 6.20. **Preet Gill MP** – It is abundantly clear that a sufficient consultation process has not taken place. Given the significant scale of this development, it is absolutely essential that all local residents are able to get a true sense of what this development will look like, to raise their concerns, and to have questions answered. Whilst appreciating the extended consultation by the University, still concerned about traffic on Pritchatts road, noise from more students, ecology and external architecture.
- 6.21. **Edgbaston Residents Association** –continue to be strongly opposed to this planning application as there has been no effort to address the key issues of scale, traffic, infrastructure and impact on the residential area. The proposed elevational changes are a small improvement but do little to hide the scale and nature of the student accommodation. *“The fundamentals of the Conservation Area and attractive family houses surrounding Pritchatts Park continue to be ignored. In an effort to address the inevitable traffic chaos arising from the proposed 608 space car park, the University suggests reverting to use of the current vehicular access points serving Pritchatts Park. Residents already experience traffic mayhem in Pritchatts Road and Vincent Drive, and suggesting that the existing site access is appropriate whilst increasing the car park from 289 to 608 spaces is extraordinary. The primary reason given for creating a new multi-story car park at Pritchatts Park is to relocate existing parking from within the main University campus. The current on campus arrangements are relatively efficient at peak hours because cars can leave the campus from a number of different points, distributing traffic on to the least congested surrounding roads. The chief benefit of relocating parking off the main campus as stated in the Planning Design Note is to create “a more pedestrian focused centre of campus”. It would seem that enhancing the environment for transient students is more important than protecting that of the residents of Birmingham. Ongoing efforts to encourage “green travel” are to be welcomed, but these have had little or no impact and are unable to keep up with the inexorable growth of the University.”*
- 6.22. **Metchley Park Road Residents Association** - the opposition to these plans has been unprecedented and still this ridiculous procedure exists. Anything to do with the University is fine and the residents can go and live elsewhere and the respectability of the area is of no consequence.
- 6.23. **Calthorpe Residents Association** – Our objection is limited to the proposed multi-storey car park. The roads around the site are very congested indeed especially at peak periods. During the working week there is gridlock at rush-hour periods. The mini roundabout at the junction of Pritchatts Road and Vincent Drive, which is a few yards from the proposed site, is inundated with traffic and particularly hazardous. The erection of the car park which has its exit along Brailsford Drive into Vincent Drive, will inevitably lead to far greater congestion. This is a narrow and difficult exit. The University claim that they are simply closing nearby car parks whose traffic would use

these roads anyway. We do not accept this argument. We can say with certainty where the traffic using the car park will have to go. The University can only speculate upon the routes presently being used to and from other car parks which they intend to close.

Further, the University have undertaken research into traffic volume and flows around the area. We maintain that the research is unbalanced and inadequate. It does not take into account the following considerations: the introduction of the A38 cycleway will lead people off the A38 and use the roads around this area; the new Retail Park being built almost adjacent to this neighbourhood will also lead to increased traffic; the planned expansion of University Station will inevitably increase traffic volumes around this area.

6.24. A further 62 objections were received with the following concerns;

- Traffic congestion. Pritchatts Road is already at a standstill in the morning and evening rush hours. This will also result in an increase in the level of pollution, which will have a detrimental impact on the health of the residents of this area. Ongoing efforts to encourage “green travel” are to be welcomed, but these have had little or no impact and are unable to keep up with the inexorable growth of the University. There is no crossing for pedestrians at the junction - one is desperately needed on Vincent Dive by the Research Park; this development will greatly increase the number of students crossing here.
- It will be dangerous for students in Pritchatts Village due to more traffic and it's dangerous to use the narrow bridge on Pritchatts Road.
- A multi storey car park will not encourage a modal shift.
- There should be an overall master plan for the university and hospital for transport.
- During the construction, the movement of heavy vehicles will add substantially to the already severe congestion problems at this site and blight the lives of nearby residents. The loss of the car park spaces will force commuters to go further afield to park.
- Noise caused by students.
- The University's revised proposals are little changed.
- The scale, massing and architecture of the proposed student accommodation is inappropriate to the area and the numbers of units proposed detrimental to the surrounding area. Substantial harm will result to a designated heritage asset with no public benefit.
- The density of the accommodation for the students and the loss of privacy that will result, given that the accommodation would overlook the back of houses on Metchley Park Road. I understand that there is sufficient accommodation for students in the City and therefore additional accommodation is not essential.
- Inadequate public consultation.
- Could lead to an unbalanced community.
- Loss of privacy, overlooking and loss of sunlight to houses on Pritchatts Road.
- The green wall on the car park would have been positive.
- Too many trees lost.

6.25. One letter of support indicating support for the proposal; tree line retention and level of car parking.

7. Policy Context

- 7.1. Birmingham Development Plan, NPPF, NPPG, Birmingham UDP (saved policies), Car Parking Guidelines SPD, Nature Conservation Strategy SPG, Places for All SPD, Edgbaston Conservation Area. Wildlife Corridor (Vincent Drive).

8. Planning Considerations

- 8.1. 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.
- 8.2. The application site is located within the Selly Oak and South Edgbaston Growth Area identified under Policy GA9. Policy GA9 supports further educational and associated uses that maintain and enhance the University's facilities. The same policy seeks the delivery of over 700 new homes in the area in line with the overarching strategy for the area, which is stated as being: maximise the potential of University and hospitals, promote economic diversification and secure spin-off benefits. Policy GA9 supports, in principle, the growth and enhancement of the Universities facilities, to enable the University to maximise its potential and to secure significant additional housing. Student accommodation and consolidation of operational car parking to support the University are considered to be acceptable in principle in this location in accordance with policy GA9.
- 8.3. This application raises a number of considerations including the principle of student accommodation; the principle of a multi-storey car park; transportation impacts; design consideration; impact of development on the conservation area and its setting; impact on residential amenity; ecological considerations; arboricultural considerations; drainage impacts and crime and safety considerations. These are considered below.

Principle – Student accommodation

- 8.4. Policy TP33, of the BDP, states that on campus purpose built student accommodation will be supported in principle subject to satisfying design and amenity considerations. The BDP recognises the importance of student accommodation which should be well designed and managed. The City wishes to ensure there is a sufficient supply of good accommodation in a suitable, sustainable location, with attractive buildings that enhance the local area.
- 8.5. The University have set out their student bed-space provision Strategy. It explains that it currently manages 5,178 bed spaces across three villages in Selly Oak and Edgbaston and is primarily aimed at first year students. However, it is only able to provide for around 77% of this number for first time students at the moment. The remaining students, currently 1707 (2018/19), are housed in private accommodation and private purpose built student accommodation. The strategy explains that increasing on-campus student accommodation is designed to reduce students travelling to the site and consequently providing a sustainable arrangement with students travelling less to attend University.

- 8.6. I am satisfied that the University has clearly explained that the proposed scheme complements a wider strategy that seeks to consolidate student accommodation on campus reducing the need to travel and taking pressure off both off-site demand for purpose built student accommodation and converted houses. I am satisfied that the scheme would comply with Policy TP33 provided that it meets design and amenity considerations, discussed in later sections. The scheme would provide high quality, on campus student accommodation, providing ensuite bedrooms with shared communal facilities.

Principle – Multi-storey Car Park

- 8.7. Policy TP44, of the BDP, seeks for the City to make optimum use of infrastructure across all modes of transport. Managing travel through a number of measures including the availability and pricing of car parking and ensuring the delivery of sustainable transport network is critical.
- 8.8. The University has illustrated that the proposed MSCP is part of a coordinated strategy to rationalise on-campus parking into key locations to enable visitors and staff to continue on into the heart of the campus by foot. The submitted car parking strategy plan shows the gradual replacement of ad-hoc surface parking with dedicated MSCP's such as to the rear of the Sports Centre, on Pritchatts Road (next to Gisbert Kapp) and that proposed on Site B. This approach is considered to be an improvement to the appearance of the campus as it creates space for improved landscaping and public space (such as evident in the Green Heart) and is a more efficient use of land. This overall approach is supported, subject to any potential highway impacts.
- 8.9. The 2012 Hybrid planning application established that 3,500 parking spaces were provided on campus at the time and since then a further 442 spaces have been provided on the former Munrow Sports Centre site to accommodate the growth created by new University building since 2012. This has increased the overall level of on campus parking to 3942 spaces. The proposed MSCP would provide an extra 608 spaces. However, the MSCP would be built on an existing 289 space surface car park, so the net gain would be 319 spaces on this site. In addition, the university would remove car parking currently provided on the Munrow site, before the multi storey is used to ensure that there would be no net gain in parking.
- 8.10. It is considered that the multi storey car park could be supported in principle, (subject to its design) subject to a safeguarding condition ensuring that there is no net overall gain in parking through this application. Existing parking would have to be removed before first use of the multi storey. During construction, there will need to be an interim strategy for parking on the Munrow site. This approach supports the work done on the overall predicted traffic flows. Levels of parking must be balanced against a desire to encourage sustainable transport modes and reduce congestion and pollution. Management of the car park and its charging regime will also need to be agreed with the City.

Transportation/Highways

- 8.11. Policy TP44, of the BDP, seeks for the City to make optimum use of infrastructure across all travel modes. Managing travel through a number of measures including the availability and pricing of car parking and ensuring the delivery of sustainable transport networks.

- 8.12. The proposal is in two distinct elements with a Transport Statement and Transport Assessment supporting each one. Site A would provide 230 bedrooms in blocks off Brailsford Drive (on land which is currently landscaped amenity area) and 25 parking spaces used by UOB medical and dental practice staff and patients. 58 new cycle parking spaces are proposed which would meet BCC guidelines. There would be 6 disabled parking bays and spaces where drop-off and pick-up could occur at term start and end; this is all located some distance from the public highway. Site B would replace an existing surface car park and landscaped amenity area with 302 student bedrooms and 608 spaces in a multi storey car park. The existing car park is pay and display for staff and visitors and students with an approved permit. There are no parking spaces proposed for the student accommodation (bar the 6 disabled bays) but it would provide 76 cycle parking spaces to meet BCC guidelines. Parking would not be required for the student accommodation as in taking a rental agreement this includes a provision/requirement to not bring a car.
- 8.13. Transportation has assessed the submitted statements and raises no objection to the proposed development. They identify that the new parking will replace already consented parking and the new traffic modelling reflects this. In addition, the modelling of the adjacent junction at Pritchatts/Vincent Drive has revised the traffic distribution to assume that (based on the consented parking) the trips are now re-located trips rather than new trips on the highway. Any trips arriving from the north on Pritchatts Road are now assigned to the private road that accesses the site, rather than assigned to the public highway and so forced to travel through the Pritchatts Road/Vincent Drive roundabout. Given the congestion that occurs here in the morning peak it is highly unlikely any driver would seek to continue through this junction and then face further queues on Vincent Drive to turn right (opposed) into Brailsford Drive which is another private road on the south of the site.
- 8.14. The traffic modelling now compares the base against the consented scenario and this revised future scenario, and slight changes to traffic distribution based on the above assumptions. The roundabout junction operation performs on a comparable level to the consented scenario, and does note it is at capacity with queues and delays, but these are not deemed significant given the consented car parking scenario. Across the whole junction, a reduction of 300 seconds delay per vehicle is forecast in the AM peak but an additional 195 seconds of delay is introduced in the PM peak compared to the 2026 consented scenario. Overall, the junction performance is comparable, and in essence is a reallocation of queuing from one part of the network to another.
- 8.15. It is considered that the new car park and student accommodation will not generate a materially greater number of vehicle trips on the nearby highway network. Some trips may be redistributed, but not to a point where an objection on highway grounds could be sustained.
- 8.16. I note the objections from local residents regarding car parking for the Queen Elizabeth hospital and the University as part of a wider strategic master plan. This is an ongoing piece of work which has yet to be finalised. However, as this proposal does not seek to increase parking levels across the University and student parking is not proposed and is regulated by lease agreements, I do not consider that the requirement for the wider strategic master plan is necessary in the determination of this application.
- 8.17. Network Rail, whilst not objecting to the proposal, have raised concerns regarding the nearby railway bridge and its weight provisions and have requested a weight restriction condition is attached to any approval. Whilst I understand their concern,

the bridge already has a weight limit and a condition requiring a weight restriction of vehicles visiting the site would be unenforceable. On this basis, I do not consider a condition is appropriate, nor necessary as the bridge in question already has a weight regulation restriction.

- 8.18. Given the introduction of more student living on this part of the site, it will be important to agree a strategy for safe pedestrian routes to and from the accommodation and the learning quarter. This could involve improvements to existing pavements and highway crossing points and would be covered by condition.

Air Quality

- 8.19. I note a number of objections raised by local residents related to the issue of air quality arising/impacting from the proposed development. An air quality assessment is submitted in support of the application. This report concludes that during the construction phase of development, the risk of dust rising activities is considered to be 'high risk' and its impact towards human health are considered to be 'medium risk'. However, following implementation of the mitigation measures recommended including the implementation of a Dust Management Plan following guidelines from the Institute of Air Quality Management's Guidance on the assessment of dust from demolition and construction; the impact is reduced to 'not significant'.
- 8.20. With regards to air quality impacts following the opening of the proposed MSCP and student accommodation, these have been predicted using detailed dispersion modelling. These results indicate that the results of the proposed scheme would be 'not significant' and that future receptors would not be exposed to unacceptable air quality.
- 8.21. Neither Transportation nor Regulatory Services have raised objections to the proposed development in relation to air quality impacts. The proposed student accommodation would result in a negligible impact as the lease agreements attached to the accommodation require the students not to bring a car with them and as such, would not increase vehicle movements and subsequently impact air quality within the vicinity of the site. The proposed car park would see the relocation of spaces from both the existing car park on site along with those located at the Munrow Centre, located within the campus. As both of the existing car parks are accessed by the same local road network within the vicinity of the site and the proposed development would not increase parking numbers across the campus; there would be a negligible impact on air quality locally.
- 8.22. I note the objection received in relation to the air quality impact to the Grade II listed building at 6 Pritchatts Road. Whilst the access (but not egress) for the proposed MSCP would in part, be located opposite number 6 and would, in turn, see vehicles waiting to turn right into the access from Pritchatts Road; the number of vehicles using the road would not materially change from the existing situation. As such; I consider that there would be no significant adverse air quality impact on the property resulting from the proposed development.
- 8.23. Finally, an objector raised concerns in regard to the accuracy of the air quality assessment. The applicant has confirmed that *"the air quality was based on the traffic data, and was based on the full capacity of the car park as was the noise assessment. The inaccuracies identified have been updated in the revised assessment"*. I am satisfied that this issue has been resolved.

Design

- 8.24. Policy PG3 of the BDP seeks to create a positive sense of place with design that responds 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. 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.”*
- 8.25. Since the application was submitted, a number of design changes have been made to the student accommodation and the car park. In terms of the accommodation on site B parallel to Prichatts Road, the building line of these four blocks follows the existing street frontage. Heights have been reduced to three storeys, the blocks have been moved further apart, roofscape altered, some dormer windows removed and changes to some elevational details. It is considered these blocks are now acceptable. It is also considered that the design of the student accommodation blocks on Site A are acceptable. In respect to the car park, the taller elements have been moved back, and more of it sunk down. This has moved the lower section to the front to sit more comfortably behind the eaves level of the new townhouses. The materials of the car park have been changed to a corten steel perforated finish, with two areas of green wall retained.
- 8.26. My City Design Officer has been involved in the design of the blocks along with the amendments that have subsequently been submitted to address concerns raised by both the LPA and local residents. As such, it is considered that in design terms the proposal is now acceptable and would have limited impact on the visual amenity, character and appearance of the local area.

Conservation

- 8.27. 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 for proposals including removal *“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.”*
- 8.28. The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation. Any harm should require clear and convincing justification. The applicant has considered the heritage assets in their heritage statement, following guidance set out by Historic England.
- 8.29. Parts of both Sites A and B (but not all) are within the Edgbaston Conservation area. Four of the ten student blocks proposed are located in the Conservation Area. The remaining sections (outside the conservation area) could impact on views into and out of it and therefore its significance. As such, this proposal as a whole is considered to be located in a sensitive location where heritage impacts are an important consideration. There is a Grade II listed building at 6 and 6A Pritchatts Road, opposite the car park access.

- 8.30. The application site comprises two principal parts, a portion located to the corner of Pritchatt's Road and Vincent Drive and a rear portion set away from the road incorporating The Spinney and extending through to the Ashcroft accommodation blocks. Whilst this rear part falls partly within the Edgbaston Conservation Area boundary, this area is less sensitive in terms of this heritage designation, mostly comprising modern development and being more densely established with trees. The front portion extending along Pritchatt's Road sits adjacent to the conservation area and whilst comprising a large surface level car park is more sensitive to the heritage designation, by virtue of its prominent position on this principal street.
- 8.31. The conservation area in this location is characterised by large detached houses (of mixed design and heritage) in large established plots with mature trees along long wide roads. This is a quintessential characteristic of the south-western part of the conservation area and offers up an important interface with the university campus.
- 8.32. The application comprises a series of student accommodation blocks and a multi-storey car park. The schemes design has been based on the operational needs of the university and therefore both the justification for the car parking and the student accommodation has been weighed in the planning balance which is central to the case of harm as set out within the 'Conservation and enhancing the historic environment' section of the National Planning Policy Framework (NPPF) (2018).
- 8.33. The proposals seek to develop a series of student blocks along the Pritchatt's Road frontage screening the multi-storey car park behind, with further blocks of accommodation extending through the site beyond. It is the Pritchett's Road accommodation and the multi-storey car park that is of particular interest with regards to heritage policy.
- 8.34. The original submission sought to create a line of student blocks along Pritchatt's Road, based on a series of town houses between three and four floors in height. These comprise a repetitive arrangement of street facing gables with accommodation in the roof. The car park beyond was screened with a series of vertical panels of green wall and dark timber cladding. Concerns were raised over the approach to both the accommodation and the car parking. With regards the accommodation blocks, it was felt that the wrong housing typology was being used and the series of gables in conjunction with the height of the blocks was more characteristic of denser residential development in an inner suburban neighbourhood not Edgbaston. Amendments have been secured that reduce the height of the scheme along Pritchatt's Road (in particular at the corner with Vincent Road), simplify the flank elevations and reduce the repetitive gable arrangement. The solution arrived at, whilst still large, is more in keeping with the scale of buildings along the street and less repetitive in its form.
- 8.35. With regards the car park, its location behind the accommodation blocks was felt to be the best position to conceal it however, the design was considered to depend too greatly on the green walls to mask the structure rather than deliver a exemplar piece of architecture. It was noted that should a car park be approved in this sensitive location then it should be more confident in its design whilst finding a solution to better respond to its context. The amendments negotiated and subsequently submitted have resulted in a bespoke design that comprises a series of diamond shaped corten steel panels randomly applied as cladding (on different profiles) with two sections of matching diamond green wall panels. The sections of green wall are located to the areas which align with the gaps between the accommodation blocks so as to soften the impact of the car park on the street and rationalise its role in the

design. In conjunction with the corten, the overall design and materiality would be subtle and push the building back into its landscape.

- 8.36. I consider that the improvements to the design better mitigate the impact of this development on the character and appearance of the conservation area. The scale and form of the development remains large and a greater scale than that of the other buildings along this street and therefore causes some harm. As the development is not within the conservation area, a belt of trees are being preserved to screen it, and the design has been reduced in scale and simplified, the impact can be determined as being 'less than substantial' in terms of paragraph 196 of NPPF. This paragraph requires schemes of 'less than substantial harm' to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The university has appraised the existing student figures and travel patterns at the campus as well as future projections and therefore have soundly justified the need for this accommodation and parking. The provision of this car park links into the wider investment strategy for the university, removing other surface car parks that will then be redeveloped for teaching purposes. This investment in the university is supported by the city in terms of the wider benefits for educational and economic growth. Considering the role of the university in terms of educational provision and international promotion of the city, I consider the harm caused to be outweighed by these public benefits.
- 8.37. My conservation officer has raised no objection to the proposal subject to conditions being attached to any approval requiring the submission and discharge of architectural details of all aspects of the scheme (including the typology and management of the green walls) and materials. I concur with this view and the relevant safeguarding conditions are listed below.
- 8.38. I note the objections raised by local residents on this issue and in particular, the Grade II listed building at 6 Pritchatts Road. The listed building sits close to and opposite the existing access road that accesses the existing student accommodation and would now also access (but not exit) the MSCP. I consider that the setting of the Grade II listed building would not be impacted upon. Whilst I acknowledge that a greater number of vehicles may be sat waiting to turn right into the access outside of number 6, the number of vehicle movements past the property would not increase from existing. There are already a significant number of vehicles that drive past the property in the peak hours to access existing car parks. It is not considered that putting those vehicle movements closer to the property will cause harm to its heritage significance.

Impact on residential amenity

- 8.39. In regard to Site A, the proposed three and four storey student blocks would be adjacent to existing University owned blocks apart from on the northwest boundary. Beyond the northwest boundary are houses that front onto Metchley Park Road. The nearest residential houses are to the north and west of Site A that front onto Metchley Park Road and Somerset Road. These houses have rear gardens that are a minimum of 25m in length. The proposed student blocks adjacent to this boundary would, at its nearest, be 15m from the boundary rising to 40m at its furthest point. These distances would meet Your Committee's guideline of 5m per storey to the boundary. Given the long rear gardens, significant tree cover along this boundary and the 5m per storey distance to the boundary, separation distances to these houses would be in the region of 40+m and would therefore exceed Your Committee's guideline of 27.5m for window to window elevations. On this basis, I

consider that the proposed development would not lead to a significant loss of outlook or privacy to properties on Somerset and Metchley Park Road.

- 8.40. In relation to the residential amenity to the existing student accommodation; the proposed separation distances broadly comply or exceed with Your Committee's separation distance guidelines. As such; I consider that there would be no loss of residential amenity to the existing student blocks located on Site A.
- 8.41. In regard to Site B, the proposed three storey student blocks would mostly be arranged along Pritchatts Road. Buildings would be set back from the site edge by around 28m where they are opposite existing houses but 10.3m on the corner and would be 55m from the nearest house on the opposite side of Pritchatts Road (no.14). Places for Living guidance provides guidance for minimum separation distances of 27m (for new 3 storey development) to prevent overlooking. This is exceeded in this case to a substantial level. Furthermore, the group of trees, ranging from 10-23m, would be retained providing a substantial degree of screening; further reducing the impact of the proposal on the potential for a loss of privacy and over-domination. In conclusion, I am satisfied that this part of the scheme would have no impact on the local residential amenity.
- 8.42. Two further three storey blocks are proposed, on Site B, located behind 11 and 13 Pritchatts Road. The first block would be 5m from the eastern boundary of the site and have a separation distance of 41m, to the rear elevation of number 11 Pritchatts Road. The second block would be 3m from the eastern boundary and have a separation distance of between 31 and 34m from number 13 Pritchatts Road. Number 11 and 13 Pritchatts Road are large houses that have been converted into student accommodation in the past. These separation distances exceed Your Committee's guidelines and as such, I consider that no loss of privacy or overlooking would occur to the existing student accommodation. These new blocks would create a new sense of enclosure behind no's 11 and 13 and a new relationship to the frontage buildings. I consider this relationship to be acceptable.
- 8.43. A number of residents have raised issues about additional students in the area, and the potential increase in noise, litter and general pollution. There will clearly be an increase in activity from the 532 additional units. Access to the accommodation will mainly be via Brailsford Drive rather than Pritchatts road, with no front doors on Pritchatts. It is not considered that the immediate residential areas will be unbalanced in terms of their character. The new accommodation is located on university land, in a part of the site that already has university functions. It is not spreading out beyond the curtilage of the existing wider campus. Regulatory Services has raised no objections to the proposed development in relation to the issues raised subject to a number of safeguarding conditions relating to plant and machinery noise. I concur with their view and the relevant conditions are listed below. On this basis, I consider that there would be a negligible impact on residential amenity in relation to noise and disturbance.

Ecology

- 8.44. Policy TP8, of the BDP, states that *"development which directly or indirectly causes harm to...species which are legally protected, in decline or rare within Birmingham or which are identified as national or local priorities will only be permitted if it has been clearly demonstrated that; there is a strategic need that outweighs the need to safeguard, the damage is minimised and mitigation put in place, or where appropriate compensation is secured"*.

- 8.45. A Wildlife Corridor runs to the southeast of the site along Vincent Drive. Parts of Pritchatts Park Village Potential Site of Importance (PSI) fall within the redline boundary. PSIs are identified by EcoRecord as sites that are known to contain or potentially contain biological or geological interest, but are yet to be evaluated against Birmingham and Black Country Local Site criteria and / or are yet to be formally adopted as a SINC or a SLINC.
- 8.46. The application is supported by Preliminary Ecological Appraisals (PEAs) for the two separate sites. The PEAs have been informed by an ecological records search and extended Phase 1 habitat surveys completed in January 2018.
- 8.47. My ecologist originally raised concerns and further information was subsequently requested. This resulted in a revised ecological appraisal being submitted. The revised reports acknowledge that the ecological areas are highly unlikely to meet the criteria to qualify as a SINC or SLINC. A formal Local Site Assessment has not been completed however the two reports do refer to the Local Site selection criteria and assessment process in their rationale / justification for the conclusion reached. On balance, my Ecologist agrees with the conclusions reached, due to the limited floristic species and structural diversity of the woodland at Ashcroft (Site A) and tree belts at Pritchatts (Site B).
- 8.48. The report for Ashcroft (Site A) states the proposals will result in the loss of one-fifth of the woodland (edge) habitat. My Ecologist considers that the impacts associated with loss of this habitat need to be mitigated and where residual impacts remain following mitigation, compensation will need to be provided. The revised report clarifies the measures proposed to compensate for the habitat loss incurred and to deliver habitat enhancements. My Ecologist has no objection in principle to the range of compensatory and enhancement measures proposed; these include removal of non-native species (rhododendron, bamboo, sycamore), understorey and ground flora planting, opening up of the woodland canopy to reduce shading along the brook course, removal of garden waste and implementation of measures to prevent further disposal of waste from adjacent residential properties.
- 8.49. Additional information has been provided in relation to impacts on bats as a result of increased lighting levels. At Ashcroft (Site A), the report notes the proposed lighting scheme will increase lighting levels in the vicinity of the mature oak tree with moderate bat roosting potential. The lighting scheme around this tree will need to be revised to ensure light levels can be reduced to below 1 lux to avoid impacts on bats. The revised ecology report concludes the retained area of woodland to the rear of the new student blocks would not be subject to significantly increased light levels that cause disturbance to nocturnal wildlife. The report notes there is one small area of increased light spill adjacent to the disabled car parking spaces, however, the affected woodland edge habitat is considered to offer negligible potential for roosting bats.
- 8.50. At Pritchatts (Site B), proposed lighting would not impact on the mature oak tree with moderate bat roost potential. The new access route to blocks A and B would cut through the existing tree belt along the northern edge of the current car park, which may cause disturbance to bats using the tree belt as a foraging / commuting route. The ecology report recommends that an ecologically sensitive lighting scheme should be designed for this area, for example by employing low level, directional lighting fitted with timers to avoid key periods of bat activity.

- 8.51. Taking account of the additional information provided, my Ecologist is satisfied that potential disturbance to bats and other nocturnal wildlife as a result of increased lighting can be adequately mitigated.
- 8.52. In relation to badgers, very little evidence of badgers foraging across the site – only limited signs along the woodland edge in the southern half of the site, with a greater concentration of snuffle holes towards the northern tip of woodland. Taking account of residents' comments, it appears that badger foraging activity occurs predominately in suitable off-site areas such as adjacent residential gardens rather than on the Ashcroft site itself. Both identified setts would not be directly affected by the proposals, and habitat connectivity between these setts would be maintained post-development, as would north-south connectivity to the wider habitat network. Enhancement of the retained woodland should improve the quality of on-site foraging resources.
- 8.53. The revised ecological report for Pritchatts (Site B) confirms both ponds will be retained; broad-brush details of proposed enhancement measures have been provided. Details of proposals to enhance the habitat value of the Ashcroft woodland and watercourse and provide beneficial measures more widely across sites have also been included in the two ecology reports. My Ecologist raises no objection in principle to the various measures described, which collectively should deliver a biodiversity net gain. Further details of habitat creation, enhancement and long-term management will need to be secured by conditions.
- 8.54. I have been made aware that a small stand of Japanese knotweed is present in the Ashcroft (Site A) woodland and its removal will need to be safeguarded by condition. I note that a local resident raised concerns in regard to the accuracy of the original ecological report. The applicant has confirmed that "the queries raised in relation to the ecology report were addressed following [the City's Ecologist] Nicola Farrin's comments as part of the consultation process and were included in the resubmission". I am satisfied that this issue has been resolved.
- 8.55. Based on the above, my Ecologist raises no objections subject to a number of ecology and landscape safeguarding conditions. I concur with this approach and the relevant conditions are recommended below.

Trees

- 8.56. Policy TP6, of the BDP, (in regard to flood management) states that *"trees and woodland can provide significant benefits in terms of water management and flood alleviation...in addition to their wider landscape value. The provision of additional trees and woodland will therefore be encouraged"*.
- 8.57. The scheme proposes the removal of several groups of trees. Site A would include the removal of 19 category B and 21 category C trees. Site B would include the removal of 37 category B and 50 category C trees. In addition there is the partial removal of some smaller groups (where trees are very similar and are treated as one entity under the survey report), which have been categorised Site A: Group G27, 28 & 29 (Category B) and Site B: G14 & G13 (Category C).
- 8.58. The category B and C trees include Hawthorn, Lime, Turkey and Common Oak, Lombardy Poplar, Hornbeam, Scots Pine and Common Beech whilst the group trees to be lost include Alder, Sycamore, Yew, Willow, Field Maple and Scots/Black Pine.

- 8.59. The applicant has confirmed that in regard to Site B *“the trees which are lost on Pritchatts Park are the ones located within the existing car park, which are largely small scale trees and category C (41 No Trees), and a controlled small amount of trees are lost to create the link to the rear of 11 & 13 Pritchatts Road (15 No Trees)”*.
- 8.60. 28 trees are proposed for replacement on Site A whilst 25 replacement trees are proposed for Site B.
- 8.61. Further information was requested from the applicant following advice from my arboricultural officer regarding tree replacements. This information included:
- Tree protection measures for those trees that are to be retained.
 - That consideration be given to the potential for trans locating some of the smaller trees – thinking of some of the hornbeam on the car park and trees on the adjoining grassed space.
 - An estimation of the canopy coverage lost be made and that tree planting should be planned that will meet that % lost at a maximum of 25 years post development.
- This may mean fewer trees planted than lost BUT these must be given adequate rooting space and establishment management so that they can fulfil their potential. For large canopied tree species this would be by ensuring that they have access to a minimum of 20 CuM of root available soil per tree.
- 8.62. Following submission of revised details regarding replacements, including the addition of a further 14 replacement trees on site (now totalling 67 replacement trees) and the trans-location of 41 existing Hornbeam trees to be located elsewhere across the campus; my arboricultural officer raises no objections to the proposed development. I concur with this view and relevant tree safeguarding conditions are recommended below.

Drainage

- 8.63. Policy TP3, of the BDP, states that new development should be designed and built to sustainability standards which include conserving water and minimising flood risk. Furthermore Policy TP6, of the BDP, states that developers must demonstrate how surface water drainage would not exacerbate existing flooding and seeks a minimum of 20% reduction in peak flows between the existing and proposed water flows. It is also a principle of the NPPF (paragraph 155) to take full account of flooding issues in decision making.
- 8.64. The Local Lead Flood Authority originally raised concerns a there is an un-named watercourse which flows through the Site A and the surface water flood risk extents associated with this watercourse are quite extensive. A number of flood risk assessments have been submitted with regards to the proposed development sites and alongside these, drainage strategies have been provided with associated details. The LLFA originally objected as the application was not supported by a Sustainable Drainage Assessment that addressed the following:
- All development (greenfield & brownfield) limit surface water discharge to the equivalent site-specific greenfield runoff rate for all return periods up to the 1 in 100 year plus climate change event as far as is viable. We note the networks provided limit discharges to 5l/s each however confirmation of the greenfield runoff rate is required.
 - Evidence of the use of sustainable drainage principles and exploration of suitable SuDS to achieve the key principles of SuDS; Quantity Control,

Quality Control and Biodiversity & Amenity Value are required. It is expected that all opportunities to implement green/traditional SuDS should be undertaken and that the discharge hierarchy has been followed as far as reasonably practicable.

- 8.65. A hydraulic model has been constructed to understand the flood risk associated with the watercourse through the Ashcroft and Oakley Site. This model was provided for review, including all relevant files such as model input and model outputs, by the LLFA who are content with the modelling and approach to flood risk. Further information was subsequently submitted relating to surface water runoff, discharge rates and sustainable drainage principles. The LLFA have reviewed these further submissions and have concluded that they raise no objection to the proposal subject to the submission of a sustainable drainage maintenance and operation plan. I concur with their assessment and the relevant safeguarding condition is recommended below.

Crime and Safety Considerations

- 8.66. The Police have raised no objection subject to the submission of a lighting scheme along with provisions relating to multi-storey car park including access control to prevent unauthorised entry outside of the opening hours; help-points; lighting and CCTV. In relation to access control, the car park would be secured by way of a shutter that would prevent access outside of the opening hours. I am satisfied the remaining measures can be secured by condition.

Other Issues

- 8.67. I note the request from University Hospitals Birmingham for a financial contribution towards the provision of additional health services. The request for contributions towards health care facilities is not considered to meet the tests for such Section 106 contributions, in particular the necessity test (Regulation 122. (2)(A) necessary to make the development acceptable in planning terms).
- 8.68. I note that the Human Rights Act has been mentioned by local residents in their objections. I have sought advice from Legal Services on this matter and they have advised that the human rights of the objector(s) need to be balanced against the rights of the applicant. However, one person's human rights do not override those of another person. The other key thing of note is that human rights are not viewed in isolation and are not absolute, but rather are subject to the principles of proportionality and have to be weighed up by the LPA in making a recommendation/determination in relation to the planning application. In planning terms, a person's enjoyment of his home is usually measured in terms of amenity, and planning policies exist as a useful guide in respect of what does or doesn't impact on amenity, so the application of policy and general planning principles would usually ensure that human rights are not infringed. Based on the above advice and having already covered residential amenity in the report; I consider that the proposed development would not infringe on the human rights of the objectors.
- 8.69. The proposed development is CIL liable and based on the floor space of student accommodation sought would see a contribution of £1, 378,070.30.

9. Conclusion

- 9.1. The principle of the re-development of the site for a multi-storey car park and student accommodation is considered acceptable in principle, in line with BDP policy and the NPPF.
- 9.2. The detailed design has been developed in consultation with the City and the resulting scheme is considered to be of a high quality design that would sit comfortably within its surroundings and would have no material adverse impact on adjacent residential occupiers through overlooking and loss of privacy. With regards to conservation and impact on the designated heritage asset; I consider that the public benefits of the scheme outweigh the less than substantial harm that the scheme would create.
- 9.3. The application has generated a significant level of objection, and concerns raised have been assessed. It is considered that the revisions made, and the mitigation conditions recommended would address those concerns. Any residual harm has to be balanced against the wider benefits of the proposal.
- 9.4. The NPPF supports the presumption in favour of sustainable development and this is identified as including the three stems of economic, social and environmental. I consider that the proposal would support the provision of further first year student accommodation and support the growth and enhancement of the University facilities, to enable the University to maximise its potential along with its associated significant economic and social benefits and would have a positive and significant environmental benefit. The proposal would also support the provision of further local employment in construction. As such, I consider the proposal to be sustainable development and on this basis, should be approved.

10. Recommendation

- 10.1. That planning permission is granted 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 submission of a contaminated land verification report |
| 5 | Limits the hours of use of the car park to 0600-2330. |
| 6 | Requires the prior submission of a sustainable drainage scheme |
| 7 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan |
| 8 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 9 | Requires the prior submission of a construction ecological mitigation plan |
| 10 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
-

-
- 11 Requires the prior submission of details of bird/bat boxes
 - 12 Requires the prior submission of a habitat/nature conservation management plan
 - 13 Limits the noise levels for Plant and Machinery
 - 14 Secures noise and vibration levels for habitable rooms
 - 15 Requires the submission of hard and/or soft landscape details
 - 16 Requires the submission of a landscape management plan
 - 17 Requires the submission of a lighting scheme
 - 18 Requires the submission of details of green/brown roofs
 - 19 Requires the prior submission of a construction method statement/management plan
 - 20 Requires the submission of sample materials
 - 21 Requires the submission of a CCTV scheme
 - 22 Requires the submission of details of refuse storage
 - 23 Requires the submission of pedestrian and cycle access and routes details
 - 24 The MSCP shall be completed prior to Site B student accommodation
 - 25 Requires the submission of a parking management strategy
 - 26 Requires the provision of cycle parking prior to occupation
 - 27 Requires the submission and completion of works for the S278/TRO Agreement
 - 28 Requires the provision of a vehicle charging point
 - 29 Requires the closure of other parking areas
 - 30 Requires submission of proposed tree planting details
 - 31 No commencement until pre-commencement meeting held
 - 32 Requirements within pre-defined tree protection areas
 - 33 No-Dig Specification required
 - 34 Requires tree pruning protection
 - 35 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)



Fig 1: Overview of Site A and Site B



Fig 2: Site A Ashcroft looking northeast

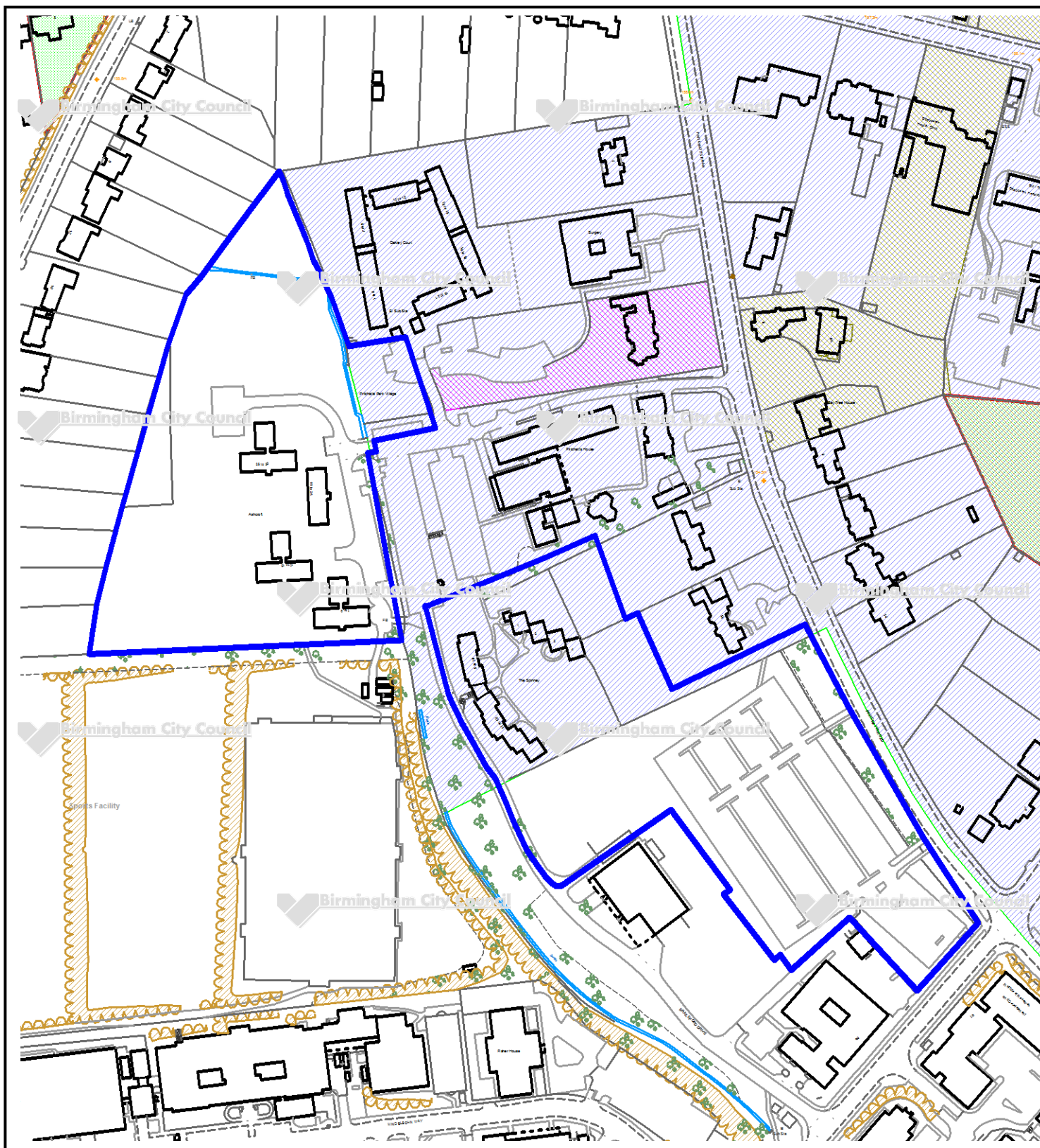


Fig 3: Site B Prichatts Road car park



Fig 4: Site B Prichatts Road car park entrance and tree belt

Location Plan



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

Birmingham City Council

Planning Committee

28 February 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	15	2018/03661/PA 37 Hanley Street Birmingham B19 3SP Demolition of existing building, erection of 5 storey frontage building and single storey rear building containing 47 student studios (Sui Generis) and associated works

Committee Date:	28/02/2019	Application Number:	2018/03661/PA
Accepted:	24/05/2018	Application Type:	Full Planning
Target Date:	01/03/2019		
Ward:	Newtown		

37 Hanley Street, Birmingham, B19 3SP

Demolition of existing building, erection of 5 storey frontage building and single storey rear building containing 47 student studios (Sui Generis) and associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1 Proposal is for the demolition of the existing industrial building and erection of a 5 storey building to provide 47 student studios (Sui Generis) alongside student communal areas and associated storage areas which would be accommodated in a single storey building to the rear.
- 1.2 The building would be of a contemporary design, comprise of a flat roof and constructed with a blue brick plinth and a red brick façade punctuated by a series of regular large window openings with brick sills, perforated brick detailing and soldier courses to accentuate each floor level. Specific materials would be conditioned.
- 1.3 The studios would be single aspect, single occupancy and range in size from 22.2sqm to 27sqm. Each studio would comprise of a bed, desk, kitchen area and bathroom. A communal area of approx. 60sqm would be provided in a single storey building to the rear, alongside a laundry area and site office. A reception area would be provided within the frontage building.
- 1.4 There would be no on-site parking but 15 covered, secure cycle parking spaces would be provided within the courtyard area. The external courtyard would be landscaped, the specific details of which would be conditioned.

1.5 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The site is approx. 0.07 ha and lies within the Gun Quarter. It fronts Hanley Street and is currently occupied by a single storey disused factory building. It currently has a number of solid roller shutters and sits to the back of pavement. This part of the City is changing with more residential and student accommodation being introduced however there currently remains a significant mix of uses including office, industrial and commercial within the vicinity.

2.2 [Site location](#)

3. Planning History

- 3.1. 2017/08171/PA – Demolition of existing building and erection of replacement five storey building to provide 19 one and two bed apartments with associated car parking and cycle storage – withdrawn.

4. Consultation/PP Responses

- 4.1. Canal and River Trust – No comments to make.
- 4.2. Education – No comments to make.
- 4.3. Lead Local Flood Authority – No objection to the additional information subject to conditions with regard a sustainable drainage operation and maintenance plan.
- 4.4. NHS – A financial contribution of £1,789.00 is required to provide additional services and capacity to meet patient demand.
- 4.5. Regulatory Services – Objection to the proposal as it relies on sealed units and mechanical ventilation which would result in a poor internal environment.
- 4.6. Severn Trent – No objection subject to drainage conditions.
- 4.7. Transportation Development – No objection subject to moving in moving out (MIMO) management plan and cycle provision.
- 4.8. West Midlands Fire Service – Standard firefighting requirements identified.
- 4.9. West Midlands Police – No objection but notes that proposal should comply with Secure by Design, include cctv and that further details with regard operational security are required.
- 4.10. Local residents' neighbours and Ward Councillors were notified. A site and press notice was also displayed. No comments have been received.

5. Policy Context

- 5.1. Adopted BDP, saved UDP policies, Places for All, Places for Living, Industrial Uses SPG, Car Parking Guidelines SPD and NPPF.

6. Planning Considerations

Principle

- 6.1. Paragraphs 10 and 11 of the National Planning Policy Framework (NPPF) 2018 advises that there is a presumption in favour of sustainable development and for the decision maker this means approving development proposals that accord with the development plan. Paragraph 117 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.2. The application site is located within the Gun Quarter in an area identified for significant growth. Redevelopment of the site therefore offers an opportunity to

deliver additional housing on a brownfield site close to the City Centre core in addition to positively contributing to the transformation of this part of the city.

- 6.3. TP20, alongside Industrial Uses SPG, seeks to protect the loss of industrial land. The application site is located outside the core employment zone in an area identified for change and I note that the site is small, served by tight roads with limited employment potential and has been vacant for a considerable period of time. I therefore consider its redevelopment would not adversely affect the portfolio of good quality employment land and the proposal would therefore comply with the overall aims of this policy.
- 6.4. Policy TP33 supports off campus purpose built student accommodation subject to a series of criteria being met including whether there is a demonstrated need for the development. A Student Accommodation Needs Assessment has been submitted with the application which assesses the number of full time students within Birmingham, how they are currently accommodated, how this compares with other universities across the UK and emerging purpose built student accommodation (PBSA) bed spaces. It concludes that even when considering pipeline PBSA bedspaces, there remains over 20% of the student population that cannot be accommodated, and that additional student accommodation is therefore required. The report also highlights the potential increase in the availability of family accommodation if more PBSA is approved.
- 6.5. Whilst my Strategic colleagues do not necessarily agree with the Student Needs Assessment they recognise that even if all the consented PBSA was built out there would still be an undersupply compared to current demand across the city, that demand for student accommodation fluctuates each year, it may not be exclusively restricted to the main institutions and that some flexibility in the supply is therefore beneficial. Furthermore I note there are a mix of uses within the vicinity, including residential and new student accommodation in Cliveland Street, just over 50m away, and the site is in walking distance to Aston University (approx. half a mile away) and that the universities have raised no objection to the proposal. I do not therefore consider the provision of an additional 47 purpose built student accommodation bed spaces would result in an oversupply and consider overall the proposal is acceptable in principle, subject to all detailed matters.

Design, layout and scale

- 6.6 The proposed design is simple and acknowledges the industrial architecture of its surroundings. The use of details such as recessed bays and full height slim windows provide interest, rhythm and texture to the building's façade and helps break up its mass whilst its position to the back of pavement, reflective of development in the area, allows a good level of natural surveillance to be introduced where there is currently none. At 5 storeys the proposal would be bigger than existing and adjacent developments however, there are a range of building heights in the area, it is in an area identified for change and as a mid-block site 5 storeys would neither be over dominant or prejudice future development opportunities.
- 6.7 There is a single storey building proposed to the rear. Amended plans show this to contain a communal lounge area, a laundry and an office area which are welcome as additional on-site facilities. Studios previously shown in this building were removed due to the lack of distance separation to the frontage building and natural light levels. Secure cycle storage would be accommodated within the courtyard to the rear all accessed through the main frontage building.

- 6.8 I therefore consider the proposed design, layout and scale of the proposal acceptable.

Noise

- 6.9 The noise assessment provided in support of the application assesses both road traffic noise and potential industrial noise impact from the nearby DRB Engineering which is a large press works which can operate 24 hours a day. The noise report concludes that the noise impact of DRB Engineering would result in levels of industrial noise at the proposed building façade that represents a significant adverse noise impact. Consequently mitigation, to include fully sealed windows to all facades and the provision of full building MVHR systems with the provision for both background and purge ventilation rates (although there is no mention of maintaining thermal comfort), is proposed.
- 6.10 Regulatory Services do not dispute the technical ability of the proposed mitigation. However, they do not support 'sealed' windows with mechanical ventilation to mitigate noise from industrial and commercial sources and consequently recommend refusal of the application.
- 6.11 Local and national planning policies recognise the significance of noise and note that new development could either introduce noise or noise sensitive receptors into an area. Furthermore, paragraph 182 of the NPPF states that "Existing businesses and facilities should not have unreasonable restrictions put on them because of development permitted after they were established." However, as identified by Planning Policy Guidance noise should not be considered in isolation, it should be considered alongside the economic, social and environmental dimension of a proposed development and ultimately Local Planning Authorities need to consider whether or not a good standard of amenity can be achieved.
- 6.12 Student accommodation is occupied on a fixed term basis as a secondary residence (i.e. not their only or main home) and I do not consider that the proposed mitigation would lead to harm to health and quality of life on a permanent basis for future occupiers sufficient to warrant refusal of the application. I also note "sealed units" have been accepted on other student developments within the city and that no objections have been raised by existing occupiers/businesses in the vicinity. Therefore, subject to safeguarding conditions to ensure the proposed mitigation is implemented and thermal comfort levels are controlled the proposal should not adversely impact either future occupiers or the operations of existing businesses within the area.

Transportation

- 6.13 TP33 requires student accommodation to be well located in relation to the educational establishment that it is to serve and to local facilities by means of walking, cycling and public transport. Car Parking Guidelines (SPG) requires cycle parking at a ratio of 1:4 (25%)
- 6.14 The proposed development does not include the provision of any on site car parking but the streets immediately adjacent the site are subject to parking controls, numerous surface level car parks including one opposite the site and that 15 secure cycles spaces (31%) would be provided, in excess of policy guidelines. Further, the site is located on the fringe of the city centre, approx. 11mins from Aston University Campus (walking), close to Snow Hill Station as well as being within easy walking

distance of other public transport facilities, a range of amenities and pay and display car parks which includes provision for disabled parking. I therefore concur with Transportation Development who consider the proposed development would be well located and accord with policy and therefore raise no objection.

Planning Obligations

- 6.15 The site would be liable for a CIL payment and given the nature of the proposed development it would not be appropriate to seek any further financial contribution. However, the Employment Team have requested an employment obligation which I consider reasonable given it is a major development and recommend a condition accordingly.
- 6.16 I note the request received from the NHS Trust, for a sum of £1,789.00. Our position is that we do not consider the request would meet the tests for such Section 106 contributions in particular the necessity test (Regulation 122.(2)(a) necessary to make the development acceptable in planning terms). We believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA), gives sufficient information to plan for population growth. Discussions with the relevant Trust are continuing on this matter in order for us to understand more fully their planned investments in the City and how we might best be able to support that.

Other

- 6.17 The site currently has minimal ecological value and the proposal provides an opportunity for ecological enhancements. My ecologist therefore raises no objection to the proposal subject to conditions which I attach accordingly.
- 6.18 Land contamination is identified in the supporting assessment and further work is required, assessment and verification conditions are therefore recommended.
- 6.19 The LLFA and Severn Trent raise no objection subject to conditions and these are therefore recommended.
- 6.20 The Police comments have been passed to the applicant for consideration and conditions with regard site security and cctv have been recommended.

7 Conclusion

- 7.1 The proposed development would result in a high quality sustainably located brownfield development in close proximity to existing higher education establishments and amenities. The proposal would result in a CIL payment, would not have an adverse impact on the adjacent highway and can be accommodated without having an adverse impact on its surroundings or future occupiers. The proposal would therefore comply with both local and national planning policy and should be approved.

8 Recommendation

- 8.1 Approve with conditions

1	Requires the submission of details of green/brown roofs
---	---

-
- 2 Secures Ecology Report Recommendations
 - 3 Requires submission of site operation details
 - 4 Requires moving out moving in plan
 - 5 Requires the submission of a CCTV scheme
 - 6 Requires the submission of hard and/or soft landscape details
 - 7 Restricts occupation to students only
 - 8 Requires the prior submission of a contamination remediation scheme
 - 9 Requires the submission of a contaminated land verification report
 - 10 Requires the prior submission of a drainage scheme
 - 11 Requires construction employment plan
 - 12 Requires the submission of sample materials
 - 13 Requires the scheme to be in accordance with the listed approved plans
 - 14 Requires noise mitigation
 - 15 Requires thermal comfort details
 - 16 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 17 Implement within 3 years (Full)
-

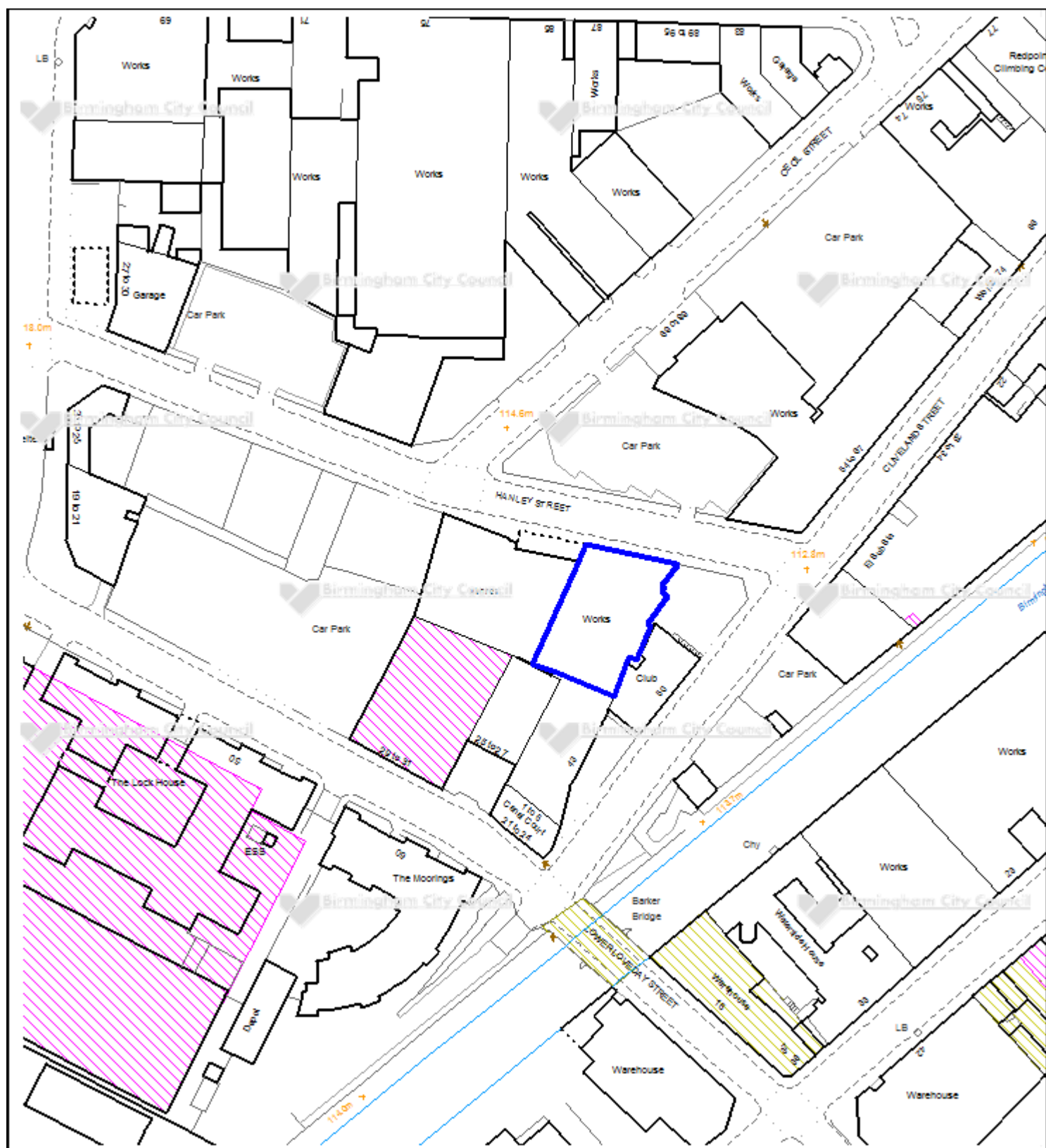
Case Officer: Joanne Todd

Photo(s)



Photo 1: front of site, towards Cliveland Street.

Location Plan



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

Birmingham City Council

Planning Committee

28 February 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	16	2018/07228/PA Beach Road, Alfred Road & Beach Brook Close Sparkbrook Birmingham B11 4PG Demolition of 4 no. maisonette blocks and redevelopment of Alfred Road car park site to include erection of 31 no. residential dwellinghouses (2, 3, 4 & 5 bedrooms) with associated works
Approve - Conditions	17	2018/09425/PA Land off Hay Hall Road Tyseley Birmingham B11 2AU Development of an Energy Recovery Facility accepting 277,000 tonnes per annum (tpa) of non-hazardous refuse derived fuel (RDF) creating electrical energy for local and national distribution
Approve - Conditions	18	2018/09989/PA 858 Chester Road Erdington Birmingham B24 0EL Erection of first floor side extension to create one additional apartment
Determine	19	2018/09904/PA McDonald's Restaurant Chester Road Erdington Birmingham B24 0QY Removal of condition number 7 attached to previous application E/C/37068/9 to enable the McDonald's Restaurant to trade 24 hours a day, seven days a week

Committee Date:	28/02/2019	Application Number:	2018/07228/PA
Accepted:	04/09/2018	Application Type:	Full Planning
Target Date:	01/03/2019		
Ward:	Sparkbrook & Balsall Heath East		

Beach Road, Alfred Road & Beach Brook Close, Sparkbrook, Birmingham, B11 4PG

Demolition of 4 no. maisonette blocks and redevelopment of Alfred Road car park site to include erection of 31 no. residential dwellinghouses (2, 3, 4 & 5 bedrooms) with associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the demolition of 4no. maisonette blocks, redevelopment of Alfred Road car park site and open space on Beach Brook Close for the erection of 31no. dwellinghouses with associated works.
- 1.2. The application is made by Birmingham Municipal Housing Trust and the proposal would provide 100% affordable rent dwellings. The proposal would involve re-development of three sites:
 - Site 1 comprises 4no. four-storey high maisonette blocks with associated parking and communal amenity area.
 - Site 2 is currently laid out as Council owned car park (pay and display), which has frontages to Alfred Road and Beach Road and extends back from the road frontage adjacent to maisonette blocks and two existing dwellings.
 - Site 3 is a small parcel of open space area situated on Beech Brook Close.
- 1.3. The plans show the application site (Site 1-2 maisonettes block & car park) would be divided into two with a new triangular perimeter blocks, created to the north of two existing dwellinghouses retained at the junction of Beach Road and Alfred Road (private ownership not part of this application). A proposed crescent shaped access road is proposed, with the remainder of the development that follows the established building line and backs onto existing dwellings creating a defensive edge. There will be 15no. dwellings fronting Beach Road and Alfred Road and 10no. dwellings fronting the new access road. The proposals also include a small cul-de-sac arrangement to the south, where the site is deeper to provide access arrangements to 5no. dwellings that sit behind the main frontage on Beach Road. Site 3 would accommodate one further dwelling at the parcel of land located at Beach Croft Close.
- 1.4. The general design form of the dwellings across all sites would largely be traditional, two storeys in height with gable elevations face onto the street. There would be a variety of different sized gables (some linked by a 'fly-over' element) to create a transition with the existing neighbouring terrace properties. All House Types would

be constructed of facing brickwork with contrasting and generously sized windows, entrances etc. Multiple dual aspect dwellings have been designed with windows to help the scheme address corners.

- 1.5. The proposed breakdown of accommodation as follows:
 - 3no. two-bed four person dwellings (House Type – Weoley) - Each unit being 81 sq. metres. Bedroom sizes ranging from 14.6 sq. metres to 14.2 sq. metres for double.
 - 10no. three-bed five person dwellings (House Type Highgate & Harbourne) - Each unit being approximately 94 sq. metres in size. Bedroom sizes ranging from 11.6 sq. metres to 12.7 sq. metres for double and 7.5 sq. metres for single.
 - 10no. four-bed seven person dwellings (House Type Lifford & 4A) - Each unit ranging from 116 sq. metres to 121 sq. metres in size. Bedroom sizes ranging from 11.5 sq. metres to 12 sq. metres for double and 7.5 sq. metres for single.
 - 8no. five-bed eight person dwellings (House Type 5A & 5B) - Each unit ranging from 138 sq. metres to 144 sq. metres in size. Bedroom sizes ranging from 11.7 sq. metres to 12 sq. metres (one with en-suite) for double and 7.5 sq. metres for single.
- 1.6. Each of the proposed dwellings would benefit from private external amenity space that would range from approximately 70 sq. metres to 200 sq. metres across the entire site. There would be a side passageway or access from the street frontage to each of the rear private amenity areas and a shed and rotary drier would also be provided to each of the rear private amenity areas.
- 1.7. The new crescent shaped access road would link Beach Road and Alfred Road. A small cul-de-sac is proposed to the south of the site from Beach Road. All dwellings would have either parking bays to the front or side or within a car port. A total of 60 parking spaces (182%) would be provided across the site. A 200% parking provision for each of the dwellings across the entire site would be provided with exception of Plot 1 & 11 (House Type Weoley – 2-bed), which would provide one space to the side of the dwellings.
- 1.8. The proposal would result in a number of trees/ shrubs removed on site, which are not protected by a Tree Preservation Order. Public realm landscaping is proposed together with replacement trees on site. The layout plan for boundary treatments show either 600mm/ 900mm railings, 600mm/ 1800mm brick wall or vertical hit and miss fencing along street frontages and 1.8 metre high close boarded fencing to rear boundaries of proposed dwellinghouses.
- 1.9. Site area: 0.98 Hectares. Density: 31.6 dwellings per hectare.
- 1.10. The following documents have been submitted in support of the proposal:
 - Design, Access & Planning Statement
 - Preliminary Bat Roost Assessment & Ground Roost Assessment
 - Arboricultural Survey and Plan
 - Transport Statement
 - Drainage Strategy/ Layout
 - Utilities Search

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to three parcels of land which have a total area of 0.98 ha and lie within mixed residential and commercial area.
- 2.2. Site 1 comprises 4no. four-storey high maisonette blocks, accommodating a total of 48 residential dwellings with associated communal amenity area and hardstanding providing 39 car parking spaces. There are five pedestrian access points located on Beach Road and a further two pedestrian access points located off Alfred Road, serving the residential blocks.
- 2.3. Site 2 is currently laid out as Council owned car park (pay and display), providing 56 spaces. It is an irregular shaped plot of land which has frontages to Alfred Road and Beach Road and extends back from the road frontage adjacent to a number of maisonette blocks. There is a single vehicular access to the car park, at the northern end on Alfred Road frontage. There are three pedestrian accesses to the site, two on Alfred Road frontage and one from Beach Road frontage. The site is enclosed by approximately 0.3 metre trip rail. The site contains four trees adjacent to the road frontages but is otherwise open hard standing area.
- 2.4. Site 3 is a small open rectangular open space plot located on Beach Brook Close, a cul-de-sac arrangement. The site is bounded by residential dwellings on two sides with access road. There is no dedicated vehicle or pedestrian access points associated with the Beach Brook Close plot of land.
- 2.5. The surrounding area is characterised by traditional two-storey terrace and modern semi-detached dwellings on Beach Road, Beach Brook Close, Trenville Avenue and Fulham Road. On the opposite side of Alfred Road and Stoney Lane are commercial and industrial properties to include car wash and place of worship at the junction of Stoney Lane and Alfred Street. Sparkhill neighbourhood centre is situated approximately 50 metres to the east of application site. Shree Ram Mandir/ Hindu Temple on Walford Road is situated 200 metres from the application site.

[Site Map](#)

3. Planning History

Site 1 – Maisonette blocks

- 3.1. No relevant planning history.

Site 2 - Alfred Road car park

- 3.2. 13/09/2001 - 2001/04322/PA - Demolition of residential block of flats and provision of fencing to secure the site – No prior approval required.
- 3.3. 07/10/2005 - 2005/05207/PA - Change of use of vacant land to form a public car park providing 54 spaces in connection with 'Red Route' highway works – Approved subject to conditions.

Site 3 - Beach Road/ Beach Brook Croft

- 3.4. 19/02/1998 - 1996/04690/PA - Erection of 28 houses, including access and parking areas and provision of public open space area – Approved subject to conditions and S.106 Legal Agreement.

Adjoining site - Trenville Avenue

- 3.5. 04/10/1994 - 1994/02684/PA – Erection of four 3-bed and two 2-bed dwellings including formation of parking areas and access points – Approved subject to conditions.
4. Consultation/PP Responses
- 4.1. Press and site notices displayed. Adjoining residents, Resident Associations, Ward Councillors and MP consulted – verbal objections, multiple copies of the same petition received comprising of 426 signatures from Stratford Road Trade Association (majority were signed with name and contact phone number with no address) and 3 letters of objection (2 duplicate received from Stratford Road Traders Association) to include one sent to the Leader of Birmingham City Council (Councillor Ian Ward), who object on the following grounds:
- Object to the removal of Alfred Road car park as it is integral part of the community, and a vital survival point for the traders;
 - Car park was implemented by the Transportation Department as part of the Red Route Scheme to help the local traders and consumers;
 - There has been no proper consultation with effected parties as all traders and consumers were unaware of the scheme;
 - Where would consumers park if the car park is removed as parking on highway is not an option due to the Red Route Scheme;
 - Object on behalf of 1,500 temple users to the loss of the car park as no public parking is permitted on highway, since the City Council have made Stratford Road a red route.
 - The car park was a mitigating measure to the objections of the red route and their temple users will have nowhere to park during large functions.
 - Question - what will the city council provide as an alternative arrangement for 56 spaces? If BCC want to see thriving communities and business then they would seriously request BCC to reconsider the development of the car park to housing.
 - Question as to why the planning officers still have not provided the questionnaire that seems to claim that the traders are in agreement to the removal of the car park, which is untrue and traders have strong evidence to prove this. Why hasn't this questionnaire been made public?
- 4.2. One letter of support from an adjoining resident on the following grounds:
- It's an excellent idea to demolish flats and develop the site for houses;
 - All the flats are in bad estate and unsafe to live in as some blocks have got scaffolding around it;
 - The houses are more safer for families that have young children's;
 - The flat are very old and are not worthy to be repaired due to capital cost;
 - Personal reasons to live in the same area on sustainability to look after elderly parents grounds as the area has all the schools, doctors and all the transport needed.
- 4.3. Regulatory Services – No objections subject to acoustic noise insulation scheme, land contamination and provision of vehicle charging point conditions.
- 4.4. Transportation Development – No objections subject to a number of conditions:
- Measures to prevent mud on highway
 - Construction management plan/ method statement

- Siting/ design of means of access
 - Cycle storage details
 - S.278/ Highway works conditions to include a package of measures for the *creation of new bellmouth accesses on Alfred Rd and Beach Rd; reinstatement of redundant/ installation of new footway crossing accesses with resurfacing of footways fronting the site; alterations to speed reduction humps and creation of new raised table junctions on Alfred Rd and Beach Rd, removal/ relocation of redundant street lighting columns, relocation / modification of any statutory undertakers' equipment, TRO etc.*
 - Pedestrian visibility splays.
- 4.5. Local Lead Flooding Authority (LLFA) - They accept the overall principles of the proposed development subject to a condition for prior submission of a detailed sustainable drainage scheme and associated Sustainable Drainage Operation & Maintenance Plan.
- 4.6. Education, Skills and Infrastructure – They have requested a contribution towards S.106 Agreement of £282,007.84.
- 4.7. City Ecologist – No objections subject to conditions for additional bat survey.
- 4.8. West Midlands Police – No objections subject to “Secure by Design” Homes 2016 initiatives.
- 4.9. Leisure Services – No objections as this is a BCC scheme and is likely to result in decrease in population once the maisonette blocks have been demolished. They are prepared to forego the off- site POS contribution as long as a compensatory contribution of £90,000 is paid for the loss of the former toddlers play area facility situated Beach Road.
- 4.10. West Midlands Fire Services – No objections subject to suitable water supplies for firefighting be provided. This shall be subject to consultation with West Midlands Fire Service once a Water Scheme plan has been produced and approved by the relevant Water Company.
- 4.11. Severn Trent – No objections subject to foul waste and surface water flows condition.
- 4.12. Employment Access Team – No comments.
- 4.13. Wayleaves and Property Department – No comments.
- 4.14. Birmingham Public Heath – No comments.
- 4.15. Sandwell & West Birmingham Clinical Commissioning Group – No comments.
- 4.16. Housing Regeneration & Development – No comments.
5. Policy Context
- 5.1. NPPF (2018), Saved policies within Adopted UDP (2005), Birmingham Development Plan (2017), Places for Living SPG (2001), Car Parking Guidelines SPD (2012), The 45 Degree Code (2006), Affordable Housing SPG (2001), Public Open Space and

6. Planning Considerations

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

6.2. **Loss of Alfred Road car park (Site 2) and change in policy** – The Alfred Road car park site formerly housed an eight storey medium rise housing block that was demolished between c.2001-2003. In 2005, a change of use application was granted consent for the site to be laid out as a car park. The pay and display car park is independent in its entirety and not connected or incidental to any particular use or land or neighbourhood centre. There are no planning conditions or restriction associated with use/ land as per 2005 consent. The car park cannot remain in perpetuity and the fall-back position could either be for the site being sold off privately or change of use of land or the car park can cease to operate at the site. It is worth highlighting that the Red Route Traffic Regulation Order implemented in 2008 was specifically associated to the Stratford Road Highway Corridor and to a limited extent, adjacent side roads. The packages of transport measures for Red Route Order were to tackle traffic congestion and improve journey times. Please note that there are no car parks associated with the Stratford Road Red Route Order. Please also note that the Council' Highway Authority is responsible for Red Route Order, which is separate to any planning process, which can only consider transportation implications of the development.

6.3. The Council-owned car park is accessed from Alfred Road and provides 56 spaces. It is acknowledged that the car park is currently in use and would continue until any housing development commences on site. The Alfred Road car park site was identified by the Council as a number of suitable sites to be appropriated within Sparkbrook and Balsall Heath for potential redevelopment as part of Council's prioritises to review usage of sites and increase housing supply. Specifically, within the selection process, the Council's Housing Department undertook consultation with local residents and commercial traders within close proximity to the site to help inform a decision on whether to proceed with the appropriation. The surveys found that the majority of businesses don't use the car park and there was support in favour of new housing to be allocated on site. The appropriation of the car park site to Housing Revenue Account was approved by Cabinet in March 2018.

6.4. The proposed development forms part and would be developed by Birmingham Municipal Housing Trust (BMHT) for affordable rented units across the Council's portfolio of sites. It is also pertinent to highlight that the car park is only part of a wider development area that also includes the area of land that currently houses four maisonette blocks in Alfred Road and Beach Road directly adjacent to the Alfred Road car park and open space area on Beach Brook Close. The four maisonette blocks (Site 1) are in poor state and not fit for purpose due to structural issues with some parts of the blocks being boarded up or supported by scaffolding and there is also overcrowding in some of the blocks/ units. As part of the process the Council's Housing Department would re-house Council tenants and leaseholders. Cabinet report for the demolition of four maisonette blocks was approved by Cabinet in 2017.

6.5. Since the approval of 2005 planning consent for the car park, there has been change in policy at national level with adoption of NPPF in 2012 and revision of NPPF in 2018 and NPPG between 2014 and 2018. Paragraph 59 of NPPF – overarching aim *"to support the Government's objective of significantly boosting the*

supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". Paragraph 124-132 of NPPF state that "The creation of high quality buildings and places is fundamental to what the planning and development processes should achieve". It goes on further to states that "the planning system should actively manage patterns of growth", "appropriate opportunities to promote sustainable modes of transport" and "limit the need to travel" (paragraph 103 & 108).

- 6.6. At local level, the UDP 2005 has been replaced with the adoption of a new local plan, the Birmingham Development Plan with exception of the Saved Policies contained within Chapter 8 and paragraphs 3.14 to 3.14D, which will remain until the adoption of a Development Management DPD. Policy PG1 of the BDP also identifies that within the urban area there is capacity for some 51,100 homes including bringing vacant properties back into active use and utilising some open space that no longer performs its original function. Policy TP26 and TP27 of the BDP states that the location of new housing should be accessible to jobs, shops and services by other modes of transport, which is considered within Housing section 6.8 of the report.
- 6.7. A Transport Statement has been submitted and quantifies the impact of the proposals upon public transport and the highway network, which in this case includes the maisonette blocks, open space and car park proposed to be redeveloped. Transportation Development have confirmed that there is no objection to the proposal, which is discussed further in section 6.30 of the report.
- 6.8. **Principle of use (housing policy)** – The application sites remain unallocated within the adopted BDP and SHLAA. Two of the sites 1 & 2 (maisonette blocks & car park) are or were formerly occupied by flats/ maisonette blocks and therefore planning policies support their redevelopment of these brownfield sites for housing. However, Site 2 (Alfred Road car park) is currently pay and display car park and Site 3 (Beach Brook Close) is informal open space and the loss has already been considered above.
- 6.9. The proposal seeks to deliver 31no. residential units and would make a valuable contribution towards achieving Birmingham's housing targets. All of the units would be affordable rent managed by the Council's BMHT, which are considered to positively respond to the requirements on NPPF and BDP policies. The development would be mix of house sizes (2, 3, 4 & 5 bedrooms) to meet the needs of local community within Sparkbrook and Birmingham as a whole for large family dwellings. The supporting housing need analysis for Sparkbrook states that there is a shortage and local need for large family housing. The applicant advises that few opportunities exists within Sparkbrook to address this imbalance in the local housing stock. The application site is in a sustainable location and lie within an established residential area, close to transport corridors that have good public transport links. The application site also has a range of local services within walking distance of the site with Sparkbrook neighbourhood centre within approximately 50 metres of application site. Consequently, it is considered that the residential development would comply with housing and regeneration aspirations laid within BDP and NPPF and is acceptable in principle.
- 6.10. **Loss of open space (Site 3 - Beach Brook Close)** – Part of the site is currently laid out as open space. Paragraph Policy TP9 of the BDP relates to public open space, stating that the loss of open space should be resisted. Policy TP9 similar to

paragraph 96-97 NPPF states that planning permission will not normally be granted for development on open space except where:

- 6.11. It can be shown by an up to date assessment of need that the open space is surplus taking account of a minimum standard of 2 ha per 1,000 population and the accessibility and quality criteria listed below:
- The lost site will be replaced by a similar piece of open space, at least as accessible and of similar quality and size.
 - Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.
 - The development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.
- 6.12. Currently, Site 3 (Beach Brook Close) has been laid as open space as part of 1998 consent for residential development. The total site is approximately 410 sq. metres and could be regarded as incidental open space. Council's Leisure Services have confirmed that there have been long term management, flytipping and anti-social behaviour issues associated with this site due to its size and also it is situated within small cul-de-sac. The site was declared surplus by Council's Leisure Services and appropriated into the housing revenue account back in 2018. The formal public notice for the loss of open space has been advertised by Council in local newspaper with no objections received for its loss. The Ward has a provision of 1.32ha of public open space per 1000 population and the proposal for a small loss of 0.041 hectares is unlikely to worsen this position. I also consider that the land is situated in a way that it could be comfortably integrated into the street with the erection of one dwelling. The proposed dwelling has been designed to be spacious to complement the original character of the estate on Beach Brook Close. My Development Planning and Leisure Services have also raised no objection to this element of the proposal. Consequently, I consider that the small loss of public open space is justifiable does not demonstrably outweigh the benefits of the current proposal and as such it is considered that the application is in accordance with NPPF and BDP.
- 6.13. I note representation made from Leisure Services requesting £90,000 compensation for the loss of small hardstanding children's play facilities to the rear of existing maisonettes 1-25 Alfred Road. The children's play facilities formed part of communal amenity area incidental to the existing maisonettes at 1-35 Alfred Road, which are to be demolished and are subject of this application. The aerial views show that the equipment was removed from site approximately 8 years ago and all that remains is hard standing area with no form of delineation. There is also no public access as the site is enclosed by approximately 1.6 metre high close boarded fencing with gates/railings and has poor relationships with existing flats in terms of natural surveillance due to it being backland. The communal amenity area continues to be maintained by Council's Housing Department. The applicants have confirmed that they are unable to provide any contribution on viability grounds due to the costs of re-housing the tenants; the acquisition of the leaseholders; the demolition costs; development costs; the cost of the appropriation of the Alfred Road car park and commitment towards affordable housing. I also consider that it would be unreasonable to request any contribution as it would not meet the necessary test as the children's play facility was and has always been part of communal amenity area incidental to the flats. I also consider that the proposal would deliver qualitative improvements with a

suitable housing layout with adequate private amenity area and improved natural surveillance.

- 6.14. **Demolition of maisonette blocks (Site 1)** - Given the limited contribution that the existing maisonette buildings have to the character and appearance of the area, I have no objection to the demolition of these buildings.
- 6.15. **Density and Layout** - The NPPF does allow Local Planning Authorities to set their own approach to housing density to reflect local circumstances. Policy TP30 of the BDP sets a minimum development density of 50 dwellings per hectare. The proposal across 3 sites totals 0.98 ha and the erection of 31 dwellings per ha would equate to 46 dwellings per hectare and would largely comply with Policy TP30 of the BDP. It should however be noted that the number of new dwellings (31 units) proposed is less than the numbers of flats (46 units) that currently occupies the site. I am satisfied that the development achieves appropriate layout, provides a mix of housing generally meeting NPPF objectives and BDP and UDP policies.
- 6.16. The layout proposed for the development to include new access road follows a traditional pattern of development, with strong well defined building lines promoted by the establishment of principally perimeter blocks along existing road frontages on Beach Road, Stoney Lane, Alfred Road and Beach Brook Close. There is a cul-de-sac proposed on Beach Road to accommodate 5no. units as modern form of infill development, which is characteristic and reflects existing developments within the area. The boundary to the forecourt area of each dwelling would also be well defined with defensible space to reflect the traditional character of the area, where details can be achieved through appropriate condition.
- 6.17. The design of the development draws upon characteristics of existing dwellings and other approved BMHT schemes within the city. The design of the dwellings proposed incorporates a number of the features of the traditional dwellings in the area such as the windows and use of bricks and roof tiles. The corner buildings would engage with the street. The scale and massing of the dwellings would be in keeping with the residential development and the surrounding area. While the quality of the finished scheme will depend on the quality of the detailing, it is considered that this quality can be achieved through appropriate conditions.
- 6.18. Overall it is considered that the density, layouts for the three sites and the design of the dwellings is acceptable and would contribute positively towards the streetscene at this location.
- 6.19. **Standard of residential accommodation (internal/ outdoor space standards)** - The proposal on all sites would bring forward a mix of 31no. two-bed 4person, three-bed 5person, four-bed 7-person and five-bed 8-person dwellings. In terms of internal layout, all of the proposed dwellings would comply with Nationally Described Spacing Standards. All double (minimum of 11.5 sq. metres) and single bedrooms (minimum of 7 sq. metres) would also comply with size provisions contained within the *Nationally Described Spacing Standards*. There would be dedicated storage for each of the units. The floor plans have also annotated with essential furniture which demonstrates that all units could comfortably accommodate the necessary furniture and circulation space.
- 6.20. The proposed garden sizes exceed the guidelines set out within Places for Living SPG of a minimum of 70sqm for small and larger dwellings, and would provide an acceptable external amenity space for recreation and functional activities, with dedicated bin store space and storage sheds supplied. Boundary treatments are

proposed to secure the privacy of residents, which are considered appropriate and consistent with the surrounding residential character of the area.

- 6.21. **Impact on residential amenity (Privacy, Light and Outlook)** – Plots 1 & 2 (Alfred Road car park & maisonette blocks), the southern boundary of the site adjoins existing two storey terraced dwellings on Beach Road. The end property on Beach Road has a blank end gable adjacent to the application site and the proposed dwellings (Plot 30 – Harborne) adjoining on the road frontage would have a gap for parking purposes and also smaller footprint and would avoid overlooking or overbearing impact issues.
- 6.22. Amended plans have been provided with the reduction of number of dwellings within the new cul-de-sac. Three of the dwellings (House Type 2A – flat over garage) have been replaced with two larger dwelling (Plot 25 & 26 – House Type 5A & Weoley). The proposed dwelling (Plot 25 Weoley) would also be single-aspect and situated at a right angle within the new cul-de-sac compared to adjoining no. 14-16 Trenville Avenue to avoid any overlooking potential. All other dwellings (Plot 23-24 & 26-27 - Harborne & 5B) within the new cul-de-sac due to their orientation would have gable ends and comply on privacy grounds. The proposal would also be an improvement in terms of light and outlook to existing residential dwellings no. 17-21 Trenville Avenue as it would remove four-storey maisonette block with proposed two-storey dwellings (Plot 24 – Harborne) within the cul-de-sac.
- 6.23. Whilst 2no. existing dwellings do have windows in their rear elevations at the corner junction of Alfred Road and Beach Road, the proposal would comply with 12.5m separation distance between windowed elevations and flank walls of proposed dwellings (Plot 1 & 11 – Weoley). With the exception of Plot 1, 11 & 25 (all single-aspect with no windows proposed at rear first floor level), all plots achieve the minimum garden separation distance of 10 metres as required in Places for Living SPG. The individual dwelling proposed is two-storey property (Plot 31 – Lifford) on Beach Brook Close would comply with the 21 metre separation to the rear habitable windows to existing dwelling no. 12 Beach Road as recommended in Places for Living.
- 6.24. **Impact on residential amenity (Noise & disturbance)** – Regulatory Services have reviewed supporting information together with amendments and raise no objections subject to land contamination and acoustic noise insulation to windows and doors conditions. I concur with this view and consider that, subject to the above recommended conditions; the proposal would protect the amenity of existing and future residential occupiers within the immediate vicinity of the site and have regards to the risk of potential on-site contamination.
- 6.25. With regards to vehicle charging points, it is understood that electric vehicles can be charged via mains electric with the requisite power converter, given that the proposed dwellings would have frontage parking spaces, I would expect that vehicles can be charged in this manner without the need for a dedicated vehicle charging point.
- 6.26. **Ecology, landscaping and trees** – There have been no preliminary bat roost and ground roost assessment undertaken on site. The applicant has confirmed that the maisonette blocks are still in occupation, some of which are leasehold, where land acquisition process could take up to a couple of years. It has been agreed with City Ecologist that a condition be imposed for a bat surveys to be carried out prior to any commencement of any development works to include any demolition on site.

- 6.27. A pre-development arboricultural survey was submitted as part of supporting documents. The survey identified that there are a number of young and early mature trees of which the most significant trees recorded Ash, flowering cherry and Trident Maple that were visually prominent and in good condition. All remaining trees such as Alder, Bird Cherry, Goat Willow, Leyland etc. were considered of a low retention value due to structural defects such as dead wood, exposed roots, etc. The flowering cherry tree on Plot 13 and Trident Maple between plot 3 & 4 would struggle to survive due to close proximity of the new dwellings to the trees. Whilst it is regrettable, my Tree Officer has raised no objections as the loss of these three trees as the proposed scheme offers reasonable provision of spaces for new trees as public amenity to compensate and would include some significant trees. There is also space within the rear gardens for smaller trees to be added that could also add important canopy cover. The landscaping scheme subject to condition will provide appropriate setting to the development with good interest and colour, and a mix of species appropriate for this urban setting.
- 6.28. My Landscape Officer has raised no objections to the layout and recommends imposition of conditions for a planting scheme, hard surfacing, boundary treatment and site levels be submitted to ensure that the proposal makes a substantial contribution to the site and overall area in amenity and biodiversity terms.
- 6.29. **Impact on highway safety** – A Transport Statement has been submitted as part of the supporting documents for this application. The Car Parking Guidelines SPD specifies a maximum parking provision of 2 spaces per residential unit, totalling 62 spaces for the proposal. The proposals comprise 60 no. parking spaces (one space per dwelling for 2 bed dwellings and 2 spaces for 1 x 2, 3, 4 and 5 bed dwellings), equating to 100% parking provision for 2 bed dwellings and 200% provision for the larger dwellings. There is also access road proposed linking Alfred Road and Beach Road. This is considered to be appropriate in the context of the scheme and its proposed tenure.
- 6.30. The car beat surveys were submitted as part of the Transport Statement that considered residential and commercial parking, which concluded that any displacement of parking can be accommodated on surrounding streets. Vehicle trip generation analysis has demonstrated that the impact on local highway impact would not be severe.
- 6.31. The proposed development is situated on the edge of Sparkhill neighbourhood centre as defined by Shopping and Local Centres SPD. It is in close proximity and walking distances that would minimise journey lengths for convenience shops, identified green space, schools/ education institutions, health centres, community centres/ place of worship etc. The site, being situated within a highly accessible and sustainable location, offers choice for walking, use of public transport such as train station within 1,000 metres and bus transport links to the wider city area and reduces reliance upon the car. The proposal also provides rear access from street frontage and a shed for cycle storage facility, which is considered to be sufficient and offers an alternative to car ownership.
- 6.32. Based on background and fall-back position, Transportation Development considered that the impact on transportation grounds would not be significant enough to warrant refusal. Transportation Development have recommended imposition of conditions in relation to S.278/ highway works, siting/ design of access etc. Consequently, it is considered that the proposal is unlikely to have an adverse impact on highway safety within the immediate vicinity of the site.

- 6.33. Concerns raised by Stratford Road Traders Association with regards to the inadequate parking, removal of Alfred Road car park that was implemented as part of Red Route Order and no alternative parking facility provided for its loss have already been considered within section 6.2 of the report.
- 6.34. **Impact on flooding and drainage** - A Drainage Strategy and plan have been submitted as part of supporting submission. It identifies the site as being entirely within Flood Zone 1 and therefore the site is at low risk of flooding. BCC as Local Lead Flooding Authority raises no objections subject to a pre-commencement condition for prior submission of a detailed sustainable drainage scheme and associated Sustainable Drainage Operation & Maintenance Plan, which will be imposed.
- 6.35. **Prevention of crime and disorder** – The proposed layout accords with good urban design principle including active frontages and legible routes across site. West Midlands Police raise no objections to the proposal.
- 6.36. **S.106/ CIL** – Education, Skills and Infrastructure have requested a contribution of £282,007. However, any Education funding via the planning system is now derived from city-wide CIL monies (Community Infrastructure Levy) (apart from significantly larger residential development sites). I do not consider that this is necessary in this case, given the small number of units proposed and the development will provide 100% affordable housing on site.

7. Conclusion

- 7.1. Having balanced the benefits and disbenefits of the development, it is concluded that the loss of the car park and small area of open space would be outweighed by the provision of affordable large family housing within a highly sustainable location, which would contribute positively to meeting the needs of the immediate area and city's housing targets. It would also improve security to existing residential dwellings and reduce antisocial behaviour in the vicinity of the site. The proposed development is considered to be acceptable and to accord with the planning policies in providing Council's stock of rented affordable homes within Sparkbrook area. The proposed development is of a high quality design, which is sympathetic to its surroundings. The proposed layout and design are appropriate for the area and will not have any adverse impact on existing residents. The proposal is considered acceptable on all grounds to include highway safety and residential amenity. The proposal is therefore recommended for approval subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
| 3 | Restricts implementation of the permission to Birmingham Municipal Housing Trust |
| 4 | Requires the prior submission of a detailed sustainable drainage scheme and associated Sustainable Drainage Operation & Maintenance Plan |
-

-
- | | |
|----|--|
| 5 | Requires the prior submission of an additional bat survey |
| 6 | Requires the prior submission of a drainage scheme |
| 7 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 8 | Requires the submission of hard and/or soft landscape details |
| 9 | Requires the submission of hard surfacing materials |
| 10 | Requires the submission of boundary treatment details |
| 11 | Requires the prior submission of a construction method statement/management plan |
| 12 | Requires the prior submission of level details |
| 13 | Requires the submission of sample materials |
| 14 | Requires the scheme to be in accordance with the listed approved plans |
| 15 | Removes PD rights for extensions |
| 16 | Removes PD rights for new windows |
| 17 | Requires the submission of details to prevent mud on the highway |
| 18 | Requires the submission of the siting/design of the access |
| 19 | Requires the parking area to be laid out prior to use |
| 20 | Requires the submission and completion of works for the S278/TRO Agreement |
| 21 | Requires pedestrian visibility splays to be provided |
| 22 | Arboricultural Method Statement - Submission Required |
| 23 | Requires tree pruning protection |
| 24 | Implement within 3 years (Full) |
-

Case Officer: Mohammed Akram

Photo(s)



Figure 1: Alfred Road car park



Figure 2: Maisonette blocks on Alfred Road

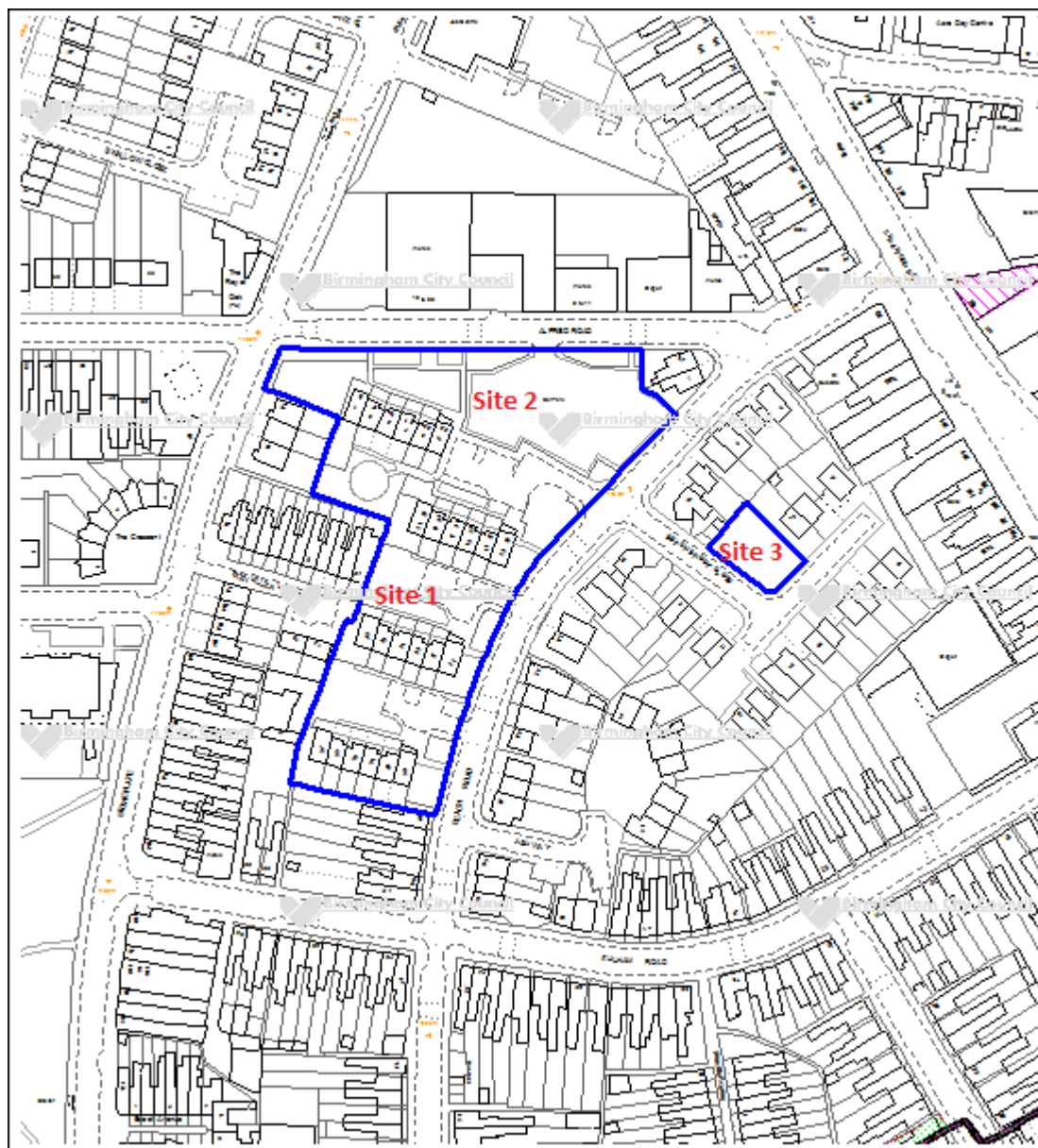


Figure 3: Beach Brook Close



Figure 4: Communal amenity area

Location Plan



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

Committee Date:	28/02/2019	Application Number:	2018/09425/PA
Accepted:	20/11/2018	Application Type:	Full Planning
Target Date:	19/02/2019		
Ward:	Tyseley & Hay Mills		

Land off Hay Hall Road, Tyseley, Birmingham, B11 2AU

Development of an Energy Recovery Facility accepting 277,000 tonnes per annum (tpa) of non-hazardous refuse derived fuel (RDF) creating electrical energy for local and national distribution

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the erection of a renewable energy centre (gasification plant) with ancillary plant/ buildings/chimney stack together with associated works.

Renewable Energy Centre (REC)

- 1.2 The proposed Renewable Energy Centre (REC) would be situated towards the centre of this site. It would be powered by an Advanced Conversion Technology (gasification). The main elements to the proposed REC are: A Refuse Derived Fuel (RDF) gasification power plant to generate power and heat from Refuse Derived Fuel (RDF). The Renewable Energy Centre (REC) would have capacity to process up to 277,000 tonnes of waste per annum.
- 1.3 The proposed REC would not accept any hazardous or hazardous clinical waste. The facility would have a capacity to generate a gross power output of 25 MW.
- 1.4 The proposed REC would house the majority of the process plant in a linear format. The site will comprise the following:
- Substation compound with a maximum height of equipment of 16m;
 - Reception hall - 16.6m in length, 36.5m width and 15.8m in height;
 - Fuel storage area - 80m in length, 36.5m width and 34.4m in height – fuel is stored here with cranes removing material that cannot be processed like metals which are removed here;
 - Gasification Hall – 31.1m in length, 36.5m width and 37.8m in height;
 - Boiler areas – 34.4m in length 25.1m in height;
 - Air cooled condensers 37.8m in height;
 - Stack – 80m in height.
- 1.5. The building would have a modern functional industrial appearance with dark grey colour horizontal cladding for the plinth, light grey along the centre section and lighter trapezoid panelling to the top third of the building.

1.6. The plant employs a two-stage system that first gasifies the waste to produce a synthetic gas which is then transferred to a second stage where it is oxidised. Changing the waste to a gas fuel means the process can be finely controlled, dioxins thoroughly destroyed and Nitrogen Oxides (NOx) emissions minimised which can achieve emissions levels that are compliant with the Industrial Emissions Directive (IED) through an Environment Permit from the Environment Agency. The key stages of the process are as follows:

- Fuel bunkers and transport system;
- Thermal conversion;
- Heat recovery steam generator;
- Energy utilisation system;
- Flue gas cleaning system; and
- Control and monitoring system.



1.7. There would also be one chimney stack serving the REC facility to the east of the building. It would have an overall height of 80 metres from the proposed ground floor level and a maximum diameter of 2.2 metres. The chimney would be constructed from steel, and emerging from the North eastern part of the roofline of the REC building. There would be a walkway platform area around the top for continual air quality monitoring access.

1.8. Other ancillary buildings/ structures include a detached administration building, (14m x 4m x 4.75m high) weighbridge, weighbridge office (5.5m x 2.5m x 3m high), fire water tank (12m high), along with a run off attenuation pond for drainage.

Traffic/Access and parking

- 1.9. The access to the industrial unit would be gained via an existing access road onto Kings Road; the secondary access from Hay Hall Road will also be retained as part of the development. There is also a turning circle for vehicles within the site.
- 1.10. The proposal would make use of existing access points from Kings Road for vehicles entering and leaving the site. Vehicles will be directed via the weighbridge around the South of the building, which runs parallel to the rail line, towards the reception hall on the North West. Vehicle turning and manoeuvring is provided at this point. Once the vehicle has unloaded, vehicles will continue on the one way route around to the North taking a parallel route to Hay Hall Lane before the weighbridge towards the access back onto Kings Road.

Vehicle parking areas

- 1.11. Plan shows that there would be 33 parking bays dedicated for staff and visitors within the main site, 3 of which are designated for disabled users to serve the development.

Landscaping and boundary

- 1.12. Plans are provided for landscaping of the site. It is also considered important to link this to improving biodiversity across the site and to link it with the ecological plan creates an appropriate setting for the buildings. The proposal includes tree and hedge planting that includes native planting. A 2.4 metre high paladin fence would be provided to the perimeter and car park and service areas of both sites.

Hours of operation

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

Working shift patterns

- 1.15. In terms of employment, temporary jobs would be created during the construction stage. When the REC facility is fully operational, it would provide a total of 35 full-time jobs to operate the plant on a rotating 3 shift pattern. The shift pattern would be as follows:

- 06:00-14:00
- 14:00-22:00
- 22:00-02:00

- 1.16. An Environmental Statement (ES) and associated appendices, include the environmental considerations of the following topics/issues:

- Development proposals

- Need and Alternatives
- Townscape and Visual Impact
- Air Quality
- Odour Noise and Vibration
- Ecology and Nature Conservation
- Hydrology and Flood Risk
- Hydrology and Ground Condition
- Traffic/ Transport
- Archaeology and Cultural Heritage
- Socio-economic Impact

1.17. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is an approximately 3.9 hectare site that is located over 3.5 miles south east of the City Centre. The land is located just North of Tyseley Railway Station. It forms a narrow plot running West from Kings Road along the boundary with Hay Hall Road (North) and borders the railway sidings to the South.
- 2.2. Here the land is fairly level and there are no significant landscape features on the site. Views towards the site can be afforded from the Tyseley locomotive works and the main rail bridge over Kings Road.
- 2.3. The surrounding area is predominantly industrial and commercial in character with the railway to the south and industrial commercial premises to the North (Hay Hall Works) and further works to the East. One of these units includes the current incinerator building to the North. Kings road links into the larger highway network of the A45 Coventry Road at Hay Mills to the North and the Warwick Road to the South.
- 2.4. The site is located within the Tyseley Environmental Enterprise District (TEED).
- 2.5. The nearest residential properties are situated approximately 100 metres to east on Blytheswood Road and 105 metres to the south-west along Warwick Road
- 2.6. [Site Map](#)

3. Planning History

- 3.1. 28/10/1999 – 1999/00762/PA – Concrete batching and aggregate plant- Approved.
- 3.2. 04/02/2011 - 2010/04966/PA – Energy Recovery Centre – Approved.
- 3.3. 12/05/2011 - 2011/01041/PA – Variation of condition 11 for 2010/0496/PA – Approved.
- 3.4. 04/12/2013 - 2013/07277/PA – Minor material amendment 2010/0496/PA (to allow phased development) – Approved.

4. Consultation/PP Responses

- 4.1. Site and press notice displayed.
- 4.2. Adjoining neighbours, Resident Associations, Ward Councillors and MP consulted. – No comments received
- 4.3. Transportation Development - No objections subject to conditions to include reinstatement/ installation of redundant/ new footway crossings, parking and vehicle circulation areas marked out and used for no other purpose, construction management/ method statement, secure cycle storage, measures to prevent mud on highways, means of access constructed and delivery and service areas completed prior to occupation.
- 4.4. Regulatory Services – No objection.
- 4.5. Environment Agency – No objections subject to conditions to include the development to be carried out in accordance with the approved Flood Risk Assessment and remediation strategy.
- 4.6. The proposed plant would require an environmental permit from the Environment Agency and would be required to comply with the emission limits and operating conditions specified in Chapter IV of the Industrial Emissions Directive. In order to grant a permit application, EA would need to be satisfied that the proposed development would not add significantly to local air quality issues, which may require tighter controls on emissions.
- 4.7. The assessment for potential odour impacts has been assessed as negligible. However, this assessment is based on Refuse Derived Fuel, which is expected to be the main feedstock for the plant and will normally have undergone pre-treatment to remove potential odorous content.
- 4.8. City Ecologist – No objections subject to conditions to include lighting and Ecological Enhancement Strategy based on recommendations contained within ES supporting reports.
- 4.9. West Midlands Police – No objections subject to Secure by Design commercial development initiative.
- 4.10. Local Lead Flooding Authority – Concerns expressed regarding details of SUDS. Condition requested requiring further/ amended details.
- 4.11. West Midlands Fire Services – No objections subject to access to buildings and compliance with part B of building regulations.
- 4.12. Employment Access Team – No objections subject to a condition that request that local employment is considered.
- 4.13. Severn Trent – No objections subject to drainage condition for the disposal of foul and surface water flows.

5. Policy Context

- National Planning Policy Framework 2018

- National Planning Policy for Waste 2
- National Policy Statement for Energy 2011
- National Policy Statement for Renewable Infrastructure 2011
- Government Review of Waste Policy in England 2011
- Waste (England and Wales) Regulations 2011
- Waste Framework Directive 2008
- Saved Policies of Birmingham UDP (2005)
- Birmingham Plan (2017)
- Places for All SPG (2001)
- Loss of Industrial Land to Alternative Uses SPD (2006)
- Car Parking Guidelines SPD (2012)
- DEFRA's "Guidance on Applying the Waste Hierarchy"

6. Planning Considerations

An Overview of the Process

- 6.1. The proposal would consume 277,000 tpa (tonnes per annum) of non-hazardous refuse derived fuel. This waste will come from predominately from commercial and industrial sources.
- 6.2. The waste would enter the site from the Kings Road (to be widened and formalised as part of this application). Waste would be delivered to the waste reception hall. This hall would operate under 'negative pressure' with air being sucked in to avoid any odour escaping. The waste will be retained in a bunker. From this storage bunker the material will be transferred to the pre-treatment hall where material not suitable for the process will be removed (certain metals taken out by crane). The waste will continue its journey via a conveyor and hopper into the gasification hall.
- 6.3. In the gasification hall the waste will be subjected to processing via reduction via limiting oxygen to produce a gaseous fuel. The resulting gas will be combusted to produce heat which will drive the steam turbine which creates electricity.
- 6.4. Gas produced from the gasification process will enter the gas treatment equipment where it is cleaned for release. This is via a proposed 80m stack. Air conditioned coolers will remove the heat generated through the gasification process. At the furthest part of the site (west) the energy will enter the national grid or supply or will be provided to local businesses.
- 6.5. The resulting by-product is bottom ash which will be exported from the site to be used in the construction industry.
- 6.6. The main considerations in the determination of this application are:

Planning Policy

- 6.7. The Waste Framework Directive 2008/98/EC introduced new provisions in order to boost waste prevention and recycling as part of the waste hierarchy.
- 6.8. The Waste (England and Wales) Regulations 2011 requires everyone involved in waste management to take all reasonable measures to apply the waste hierarchy.

- 6.9. Government Review of Waste Policy in England 2011 sets out the objective of aiming for a zero waste economy in which material resources are re-used, recycled or recovered wherever possible and only disposed of as the option of last resort. There is a clear requirement that materials are re-used, recycled or recovered wherever possible and only disposed of as the option of last resort. There is a clear requirement to drive the treatment of waste up the hierarchy from landfill. The Government Review provides support for Energy from Waste facilities such as that proposed, not only in the context of waste management but also having regard to low carbon/ renewable energy provision and climate change.
- 6.10. The NPPF (2018) sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that at the heart of the NPPF is a presumption in favour of sustainable development. It also includes chapters on:
- Building a strong, competitive economy
 - Promoting sustainable transport
 - Requiring good design
 - Meeting the challenges of climate change, flooding and coastal changes
 - Conserving and enhancing the historic environment
- 6.11. NPPF Paragraph 5 states that “this Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant”.
- 6.12. Waste Management Plan for England (2013) provides an analysis of the current waste management situation in England and sets out how government policy will support the implementation of the revised WFD.
- 6.13. National Planning Policy for Waste (2014) sits alongside the National Planning Policy Framework and is a material consideration. The National Planning Policy for Waste amongst other elements “promotes delivery of sustainable development and resource efficiency, including provision of modern facilities, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy”.
- 6.14. National Planning Policy for Waste (2014) states that “when determining waste planning applications, waste planning authorities should:
- Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
 - recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;
 - Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health

from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;

- Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;
- Ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

- 6.15. Policy TP1 of Birmingham Development Plan sets out commitment of the City to achieve a 60% reduction in total carbon dioxide emissions in the City by 2027 from 1990 levels. Policy TP4 and TP5 sets out a number of actions in promoting and supporting the use of low and zero carbon energy sources and technologies.
- 6.16. Policy TP13 of the Birmingham Development Plan seeks to prevent the production of waste wherever possible, and where this is not feasible will seek to move and manage Birmingham's waste up the waste hierarchy. It goes on to state that there is a shortfall in the number of material recycling facilities within the City and more will need to be constructed during the plan period.
- 6.17. Policy TP14 (New and Existing Facilities) and TP15 (Location of Waste Management Facilities) of the Birmingham Development Plan largely support gasification and pyrolysis technologies, which can generate energy and power, in appropriate locations such as industrial areas.
- 6.18. Policy TP18 of the Birmingham Development Plan states that the Core Employment Areas will be retained in employment uses and will be the focus of economic regeneration activities and additional development likely to come forward during the plan period. It goes on to define the employment use context of this policy to include waste management facilities.

Land use

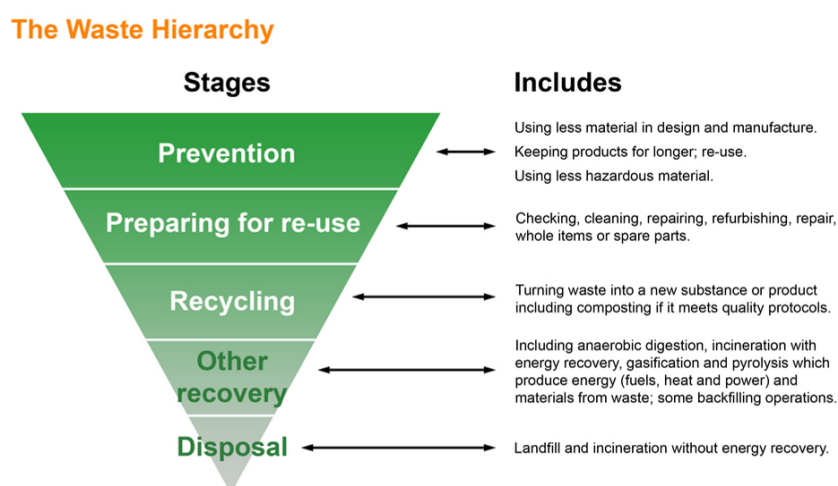
- 6.19. It is recognised that there is not sufficient consented and available capacity in the area to cater for the waste needs of the Birmingham area. Birmingham does not have any active landfill sites and the existing energy from waste facility in the city takes only municipal waste.
- 6.20. The application site provides an opportunity for power to be supplied back to the local grid as well as the opportunity to export energy the facility generates to nearby industrial/ commercial users. The proposed centralised and sustainable facility in close proximity to the source would mean that much of this waste would not have to be transported long distances and thereby promoting self-sufficiency in the region. The proposed facility is accessible from the major road system including the M6 motorway. Consequently, the sui generis REC proposal would comply with aspirations laid out within relevant policies laid out within policies TP1, TP14, TP15 and TP18 of the Birmingham Development Plan 2017

Waste as a provider of energy

- 6.21. It is also notable that, although it deals with nationally significant infrastructure projects, the National Policy Statement for Energy (2011) and National Policy Statement for Renewable Energy Infrastructure (2011), together the Government Review on Waste (2011), all promote waste as a valuable resource in the production of energy. The proposed energy from waste is considered to be a renewable source of energy and a low carbon option. The proposal would meet economic benefits and diversify energy in providing energy security of supply and utilise locally sourced residual waste thereby less dependency of fossil fuels. The proposal would also comply with Policy TP1 of the Birmingham Plan 2017 and represents a significant and important local contribution to meeting the legally binding target the UK is required to achieve by 2020 of 15% of energy from renewable sources (UK Renewable Energy Roadmap) and achieving a 60% reduction in total carbon dioxide emissions in the City by 2027 (from 1990 levels).

Waste hierarchy and the proposed REC facility

- 6.22. The waste hierarchy is derived from EU legislation and transposed into Government Legislation through The National Planning Policy for Waste 2014 and referred to in the Government Review on Waste 2011. The following diagram illustrates the hierarchy:



- 6.23. As highlighted within the illustrated diagram above, prevention and preparation for re-use is at the top of the waste hierarchy. However, this proposal is for the treatment of the residual waste that is not able to be prevented or prepared for re-use.
- 6.24. The Waste Framework Directive (Directive 2008/98/EC) includes the same hierarchy priorities, namely waste prevention and recycling followed by recovery and, as the least favourable, disposal. Waste Framework Directive (WFD) makes the definitions of recovery and disposal as follows:
- "Recovery" means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Annex II sets out a non-exhaustive list of recovery operations;

- "Disposal" means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Annex I sets out a non-exhaustive list of disposal operations."

It is not a requirement in the determination of the planning application to have achieved a R1 status or certification. The determination whether the proposed site satisfies the R1 efficiency criteria is carried out by the Environment Agency as part of their permitting controls, specifically at three stages: plant design; commissioning; and then during normal operation.

Need for a waste management facility

- 6.25. The Birmingham Development Plan 2017 supports general "need" for additional facilities within Birmingham. The applicant is not required to demonstrate "need" as highlighted above the National Planning Policy for Waste 2014 is clear on this matter that there is no requirement to demonstrate a quantitative or market need where proposals are consistent with an up-to-date development plan (UDP and Draft BDP). The LPA consider that the proposal is consistent with Birmingham Development Plan as explained above.
- 6.26. Birmingham does not have any active landfill sites. Given its urban nature, there are unlikely to have landfill sites available and there is a need to consider the reliance on export of waste from Birmingham to landfill outside of the authority area. Currently, the energy from waste facility in the city takes only municipal waste. The Updated Waste Capacity Study also sets out that there has been a decrease in waste facilities from 106 (based on 2007 EA data) to 87 facilities based on 2012 EA data, which is potentially due to the recession. There is a shortage of Material Recycling Facilities (MRFs) within Birmingham with over 27,000 tonnes of waste being exported from Birmingham. The data suggests that waste is expected to grow over the period up to 2030/31 by around 20%. The Updated Waste Capacity Study (2014) considers that there are opportunities to address the need for the development, or expansion to meet the shortfall and capacity anticipated in future for the recovery of energy waste facilities, whilst still achieving the self-sufficiency principle and without undermining the objectives of the waste hierarchy.

Socio-economic

- 6.27. The proposed REC facility would provide 35 full time equivalent jobs. There would also be indirect and direct construction jobs created together with local multiplier effects that have potential to make a significant contribution to the local economy. The job opportunities will be across a variety of skills and levels of expertise. The proposed development would therefore accord with the NPPF and the Birmingham Plan, which seek to secure a good range of local employment opportunities by enabling diversification of the local economy.
- 6.28. The proposal would result in significant capital investment in the area and generate 25 MW of electricity of which a small amount could be used to power the plant, with the remainder exported to the local grid or adjoining industrial occupiers.

Design and character

- 6.29. The National Planning Policy for Waste 2014 states that in determining planning applications, Local Planning Authorities should ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

- 6.30. There have been discussions at pre-application stage and during the planning application process and the design of the building has taken into account the requirements of the business operation and physical and visual constraints on site such as building lines, a main railway line and the position of existing and proposed site entrances. It is noted that 'Key viewpoints' have been provided together with justification for mitigation measures to address the visual impact of the proposal.
- 6.31. Currently, the application site comprises a number of industrial buildings and is situated within a core industrial and employment area. The proposed redeveloped industrial/ warehouse building would be large in scale and massing in comparison to other adjoining industrial buildings within the local area.
- 6.32. The proposed form of the REC building is strongly influenced by internal plant and operations. The proposed REC building would be in a linear format following principles of 'form and function'. Given the size of the building, the applicant has not specifically sought to 'hide' the building, but express its use. The largest bulk of the building will be broken up with a series of coloured bands of grey and a lighter colour further up the building in trapezoid. Landscape and Visual plans have been provided, which show the proposal as a photomontage. They have confirmed that they are satisfied that the proposal is acceptable in the surrounding industrial context and any impact would reduce over time as planting matures.
- 6.33. The proposed chimney stack for the plant, at 80 metres, has been designed to be as narrow as possible in order to meet the emissions target set by the Environment Agency. The surrounding area comprises other industrial buildings and plant with the existing chimney stack of the Veolia waste incinerator. The proposed stack is considered acceptable as it would be situated within an industrial setting.

Landscaping and ecology

- 6.34. Due to the overall height of the proposed REC facility and chimney stack it is accepted that its built form would not be fully screened from view. However, much consideration has been given to creating a strong landscape setting around the proposed facility, which responds well to both to its local and wider site contexts.
- 6.35. The Councils' Ecologist, Landscaping and Tree Officer, together with Network Rail, have raised no objections subject to conditions to include removal of 'Japanese Knotweed' from the site. Also, landscaping and planting site levels and hard surfacing would ensure that the proposal makes a substantial contribution to the site and overall area in amenity and biodiversity terms.
- 6.36. The ecology section as part of Environment Statement takes into account all of the potential issues for protected species. There are no protected species on the site and the City Ecologist has raised no objections and recommends imposition of an ecology enhancement condition for landscaping/plant species selection to provide biodiversity enhancement in line with the detailed ecological report.

Residential amenity

- 6.37. The NPPF sets out the role of the Council and the Environment Agency and states *"local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively...."*

- 6.38. As part of the Environmental Statement, an air quality assessment has been submitted. The Environment Agency has confirmed that the proposal would require an environmental permit. They also note that the potential odour impacts have been assessed as negligible. However, this assessment is based on Refuse Derived Fuel (RDF), which will normally have undergone pre-treatment to remove most of the potentially odorous content as this is currently expected to be the main feedstock for the plant. They would require the applicant to provide an appropriate Odour Management Plan as part of the Environmental Permit.
- 6.39. Air quality is an important factor and modelling was undertaken of the scheme with a smaller stack height. Given the potential for impacts of lower dispersal the stack height was raised to ensure that there would be no adverse impacts to sensitive receptors (dwellings, etc).
- 6.40. The proposed REC facility would be a modern, appropriately located, well-run and well-regulated, waste management facility that would operate in line with current pollution control techniques with standards that should pose little risk to human health and maintained under separate permit regulations controlled by the Environment Agency.
- 6.41. The proposed REC facility would operate 24 hours a day 7 days a week with deliveries to and from the site taking place between 0700-1900 Monday to Friday and 0700-1400 hours on Saturdays. The surrounding area is commercial and industrial in character including the existing waste incinerator and other industrial commercial business units in the location. The nearest residential areas and the routing would not involve HGV's to travel along residential roads. Regulatory Services have raised no objections subject to the imposition of a cumulative noise restriction condition for plant and machinery. I concur with this view and consider that the proposal is unlikely to affect the amenity of residential occupiers within the immediate vicinity of the site.
- 6.42. Regulatory Services have also approach this application on the assumption that the plant would operate in accordance with an Environmental Permit should one be granted and that, should there be any non-compliance, the Environment Agency would act in accordance with its enforcement powers conferred through the environmental permitting regime.

Land contamination

- 6.43. Currently, the application site comprises a number of industrial buildings. A desk top study was been provided as part of the supporting ES submission. The Environment Agency and Council's Regulatory Services have raised no objections to the site redevelopment.

Flood risk and drainage

- 6.44. A Flood Risk Assessment has been submitted as part of the application as the site covers an area of approximately 3.9 ha. It identifies the site as being entirely within Flood Zone 1. There has been further supporting information submitted and the Council as Local Lead Flooding Authority (LLFA) has raised concerns in respect to SUD's drainage for the site given an attenuation tank is the only details provided. It is therefore considered that in this instance, a condition be attached requiring submission of further SUD's drainage details and standard conditions to minimise the risk of off-site flooding caused by surface water run-off.

- 6.45. Severn Trent has also recommended a drainage condition for the connection and disposal of foul waste. I concur with this view and subject to conditions, it is considered that the proposal is in accordance with adopted policies and guidance

Impact on highway safety

- 6.46. The access arrangement is an existing arrangement which will be altered/improved. The proposal would provide 33 spaces for the Renewable Energy Centre, this includes 3 disabled spaces. The supporting statements confirm that the plant would accept 277,000 tonnes of RDF waste.
- 6.47. Transportation Development have reviewed the Transport Assessment and consider that the level of vehicle movement generated from the proposed development would be acceptable.
- 6.48. The predicted total number of trips associated with the energy recovery facility in its entirety is 172 (this includes all import, exports, and staff and maintenance personnel).
- 6.49. It is to be noted that some 50% of these trips are in fact consented through the existing permission for the site, and thus the total number of additional trips is approximately 86 over a 12-hour period.
- 6.50. A Delivery Management Plan will be introduced that will prevent HGV arrival and departure movements to and from the site during the AM and PM highway network peak hour periods. This will reduce the impact of the development on the operation of the local highway network.
- 6.51. Transportation Development has raised no objections subject to the imposition of conditions. I concur with this view and consider that the proposal is unlikely to undermine highway safety within the immediate vicinity of the site.

Employment generation

- 6.52. The Employment Access Team have recommended that a condition be attached in order to secure jobs for local residents living in the area. This can be attached and delivered in so far as appropriately skilled workers are locally available.

Community Infrastructure Levy

- 6.53. The proposed development would not attract a CIL contribution.

7. Conclusion

- 7.1. The scheme would involve the re-use of an industrial site and would provide a purpose-built industrial/ warehouse and Recovery Energy Centre development. The proposed REC facility represents innovative energy technologies in a suitable industrial location with good links to the strategic highway network without adverse impact on highway safety or residential amenity in planning terms, subject to relevant conditions. Additional pollution control mechanisms arise through the environmental permitting regime operated by the Environment Agency.
- 7.2. The proposed design would introduce a modern industrial development that would add to the character and appearance of its industrial surroundings. The proposal is

in accordance with relevant policy and guidance as set out above and planning permission should be granted subject to conditions.

8. Recommendation

8.1 That permission be granted

-
- | | |
|----|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of sample materials |
| 3 | Remediation strategy required |
| 4 | Drainage of the site required |
| 5 | Requires the submission of details to prevent mud on the highway |
| 6 | Requires the prior installation of means of access |
| 7 | Prevents occupation until the service road has been constructed |
| 8 | Prevents occupation until the turning and parking area has been constructed |
| 9 | Requires the submission of the siting/design of the access |
| 10 | Requires the delivery and service area prior to occupation |
| 11 | Requires the parking area to be laid out prior to use |
| 12 | Requires gates to be set back |
| 13 | Requires the submission of cycle storage details |
| 14 | Requires the submission and completion of works for the S278/TRO Agreement |
| 15 | Requires the prior submission of a construction method statement/management plan |
| 16 | Requires the prior submission of a method statement for the removal of invasive weeds |
| 17 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 18 | Ecological requirements for the site |
| 19 | Suds Drainage condition |
| 20 | Requires the submission of a lighting scheme |
| 21 | Requires the submission of landscaping and boundary treatment details |
| 22 | Requires the submission of a landscape management plan |
-

23 Details of local Employment compact

24 Implement within 3 years (Full)

Case Officer: Sarah Willetts

Photo(s)



View from Hay Hall Road



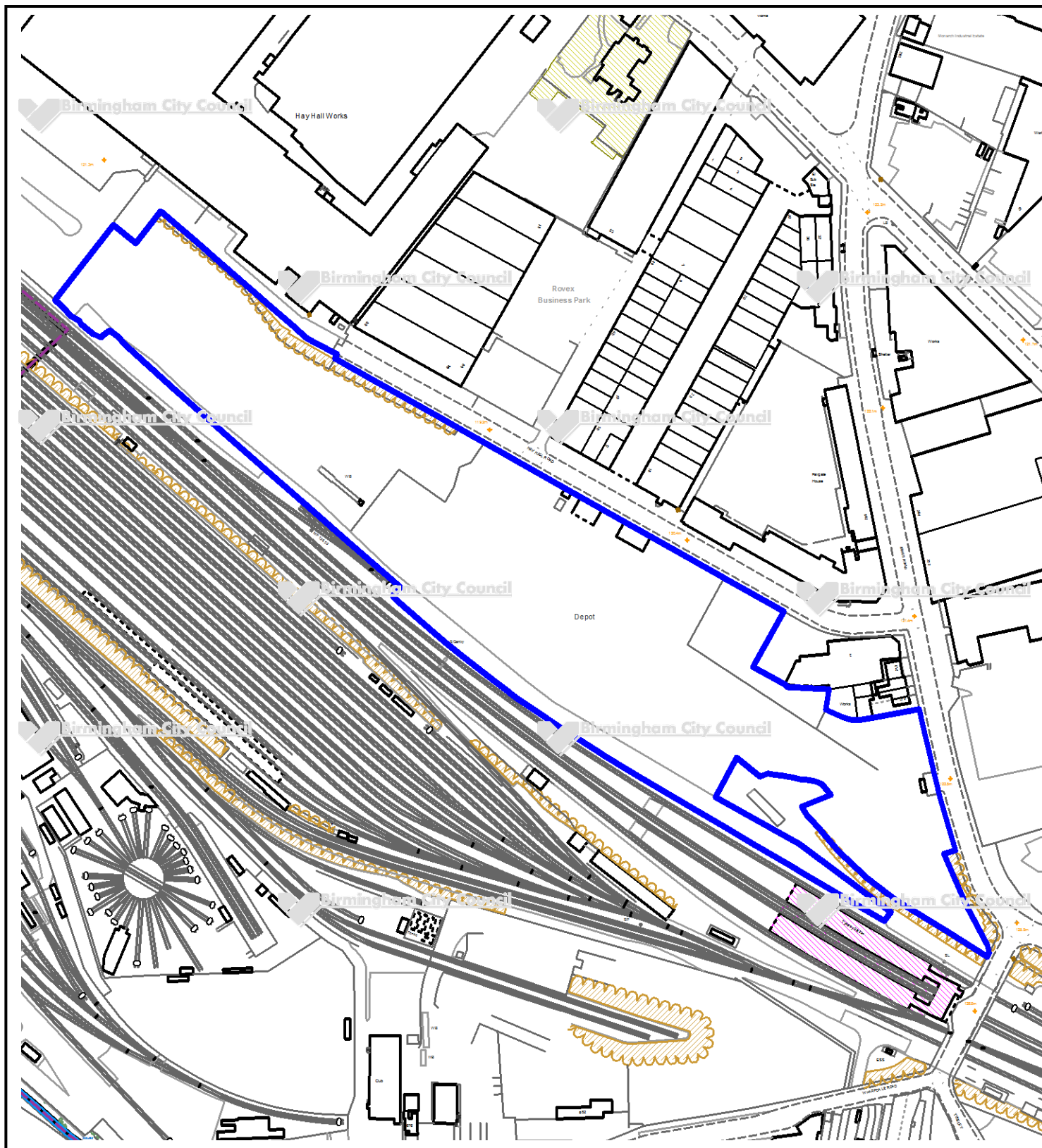
View from Kings Road Towards Bridge at Tysley Station

Hay Hall
Road



View Towards Entrance

Location Plan



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

Committee Date:	28/02/2019	Application Number:	2018/09989/PA
Accepted:	11/12/2018	Application Type:	Full Planning
Target Date:	28/02/2019		
Ward:	Erdington		

858 Chester Road, Erdington, Birmingham, B24 0EL

Erection of first floor side extension to create one additional apartment

Recommendation

Approve subject to Conditions

1. Background

- 1.1. The application originally proposed two additional 1 bedroom flats. The application has now been amended to provide one additional 3 bedroom flat.

2. Proposal

- 2.1. The proposal relates to the erection of a two storey side extension to the existing large detached Victorian property at No. 858 Chester Road to provide one additional 3 bedroom flat. The proposed extension would be located above an existing single storey flat roof side extension of the original property. The proposal would effectively amount to a three storey addition to the property.
- 2.2. In terms of the configuration of the flat, there would be a living room/kitchen and bedroom provided on the first floor and two bedrooms and bathroom on the second floor. There would be a dormer window at the front on the second floor level and at the rear a conventional gable with windows to the rear elevation would be provided.
- 2.3. The proposed flat would be accessed by an external staircase which is currently used to access the flats which occupy the former coach house to the west. In terms of floorspace, the flat would extend to 92.4sqm. The living room/kitchen would be 27sqm, the first floor bedroom would be 12sqm and the second floor bedrooms would be 12 and 15sqm.

2.4. [Link to Documents](#)

3. Site & Surroundings

- 3.1. The existing building is an attractive high Victorian structure which retains many original features including high pitched gables with decorative timber details and finials, wrought iron balustrades and decorative archways. The property (main house and coach house) is currently converted into 12 flats.
- 3.2. The application site is located at the junction of Poppy Lane and Chester Road. The

surrounding area is predominantly residential. Properties to the east of the site on Chester Road are of various ages and designs and include flatted development at Habitat Court; properties to the west are more traditional interwar family dwellings. No 854 Chester Road has a two storey side extension which is built up to the boundary with Poppy Lane.

- 3.3. The adjoining former coach house which served the large detached property at No. 858 forms No. 27 Poppy Lane and comprises a two storey building with the gable facing Chester Road and has been the subject of a number of extensions including a two storey rear extension permitted under 2008/05761/PA. The properties on Poppy Lane to the rear of the application site are set back some 10m from the pavement most with either a wall or hedge to the front boundary and a driveway.

3.4. [Site Location Plan](#)

4. [Planning History](#)

- 4.1. 12.01.2009 - 2008/05761/PA 29 Poppy Lane - Erection of two storey extension to rear for additional flat and alterations to fenestration on front elevation of coach house. Approved subject to conditions.
- 4.2. 01.02.2007 - N/07254/06/FUL - 29 Poppy Lane, Erdington - Erection of single storey side extension to form a self-contained one-bedroom flat - Refused on grounds that design and position of extension were unsatisfactory and would detrimentally affect the appearance of the existing building and visual amenity. Subsequent appeal dismissed
- 4.3. 19.07.2005 2005/01623/PA – 858 Chester Road - Erection of single storey extensions, to enlarge two existing bedsits into two, one-bedroomed flats. Approved subject to conditions.
- 4.4. 21.12.2005 - N/06751/05/FUL - 29 Poppy Lane, Erdington - Erection of two storey extension and external staircase to provide 2 flats and 4 parking spaces - Refused on grounds of unsatisfactory scale and position of the extension and conflict with Places for Living in respect of the distance between the proposed extension and No. 854 Chester Road, and the size of the proposed bedrooms. Subsequent appeal dismissed.
- 4.5. 28.02.1957 - 15970/000 - 858 Chester Road, Erdington - Conversion into flats - Approved.

5. [Consultation/PP Responses](#)

- 5.1 Site notice displayed. Adjoining neighbours, Ward Councillors consulted. 3 Third Party Representations received citing the loss of privacy to the adjoining garden and parking provision for contractors during construction. Planning Committee requested that this application be considered by Committee, rather than being dealt with under delegated powers, as it was considered that the proposals (2-flats) would be too intensive.
- 5.2 WM Police – No objection.

- 5.3. Transportation Development – No objection subject to the provision of secure cycle parking.
- 5.4. Regulatory Services – No objection subject to a condition in relation to Noise Insulation.

6. Policy Context

- 6.1. Birmingham Development Plan (2017), Saved policies within adopted UDP (2005), Places for Living SPG (2001), Mature Suburbs SPD (2006), Car Parking Guidelines SPD (2012), The 45 Degree Code (2006), National Planning Policy Framework (2018).

7. Planning Considerations

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

Principle of development

- 7.2. The proposal relates to the extension of an existing building to provide additional residential accommodation in a sustainable location. The National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute towards achieving sustainable development and that the heart of the NPPF is a presumption in favour of sustainable development.
- 7.3. Paragraph 117 of the National Planning Policy Framework states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 7.4. Policy PG1 within the Birmingham Development Plan states that the Plan aims to deliver 51,100 additional homes over the plan period, in order to cater for the City's increasing population, and it is expected that a minimum of 80% of all new homes provided over the plan period will be located on previously developed land.
- 7.5. Policies TP27 & TP28 of the Birmingham Development Plan states that the location of new housing should be on previously developed land, be accessible to jobs, shops and services by other modes of transport, be sympathetic to natural assets and not conflict with other policies in relation to employment land, green belt and open space. It also states that new housing should offer a choice of type, size and tenure to create more balanced and sustainable communities. The scale of the proposed flat at 92.4sqm exceeds the Technical Housing Standards – Nationally Described Space Standard for a three bedroom flat and the proposed bedroom sizes all exceed the minimum standard of 11.5sqm. The principle of additional residential accommodation at this location is acceptable and accords with the provisions of the BDP and the NPPF.

Impact on Visual Amenity

- 7.6. The proposal amounts to a two storey side extension of the existing building with a dormer window. The proposal is set down from the original building and its impact is also mitigated by the retention of the existing ground floor front roof canopy which, when examining the roof materials, appears to be original to the building. The scale of the extension is proportionate to the building and the proposed roof gradient would match the high pitched gradient of the original roof. I do not consider that the proposed side extension would harm the character of the building or the streetscene subject to the use of appropriate matching materials. The proposal complies with the provisions of Policy PG3 of the adopted BDP.

Impact on Residential Amenity

- 7.7. The proposal extension is substantially separated from the properties opposite on Chester Road (approximately 60m) and would be located approximately 12m from the curtilage of 27 Poppy Lane. The relationship of the proposed extension to the existing extension located to the rear of the coach house (29 Poppy Lane) has been carefully considered since there is a bedroom window in the east elevation of this property and originally the proposal would breach the 45 degree code from the perspective of this window. However amended plans have addressed this matter by altering the position of the corner of the proposal so that the 45 code from the quarter point of the receptor window would not be breached. The position of the proposed first floor rear window has also been changed to avoid overlooking the blank wall of the existing extension. Whilst the representation received which referred to the overlooking of the existing garden of No. 27 is noted, the proposal more directly overlooks the roof of this property with only oblique views of the garden. It is considered that the proposal would result in a darker area between the former coach house and the main house but the windows on the elevations of the coach house serve hallways/bathrooms and the impact of the proposal is not considered detrimental over and above the present situation.

Highway safety

- 7.8 In terms of highway matters, the views of Transportation are noted and the Third Party Representation received in this respect. The applicant has confirmed that there are currently 11 parking spaces which serve the site and no additional parking is proposed. Transportation have not objected on this basis and the proximity of public transport (bus stops nearby) is noted and the site is in a sustainable location. The objection received relates to parking issues, particularly contractor parking during construction but this would be a temporary matter which would not carry significant weight.

8. Conclusion

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

9. Recommendation

- 9.1. The proposal is considered acceptable for the reasons set out above and planning permission should be granted.

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires that the materials used match the main building
 - 4 Requires the submission of cycle storage details
 - 5 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
-

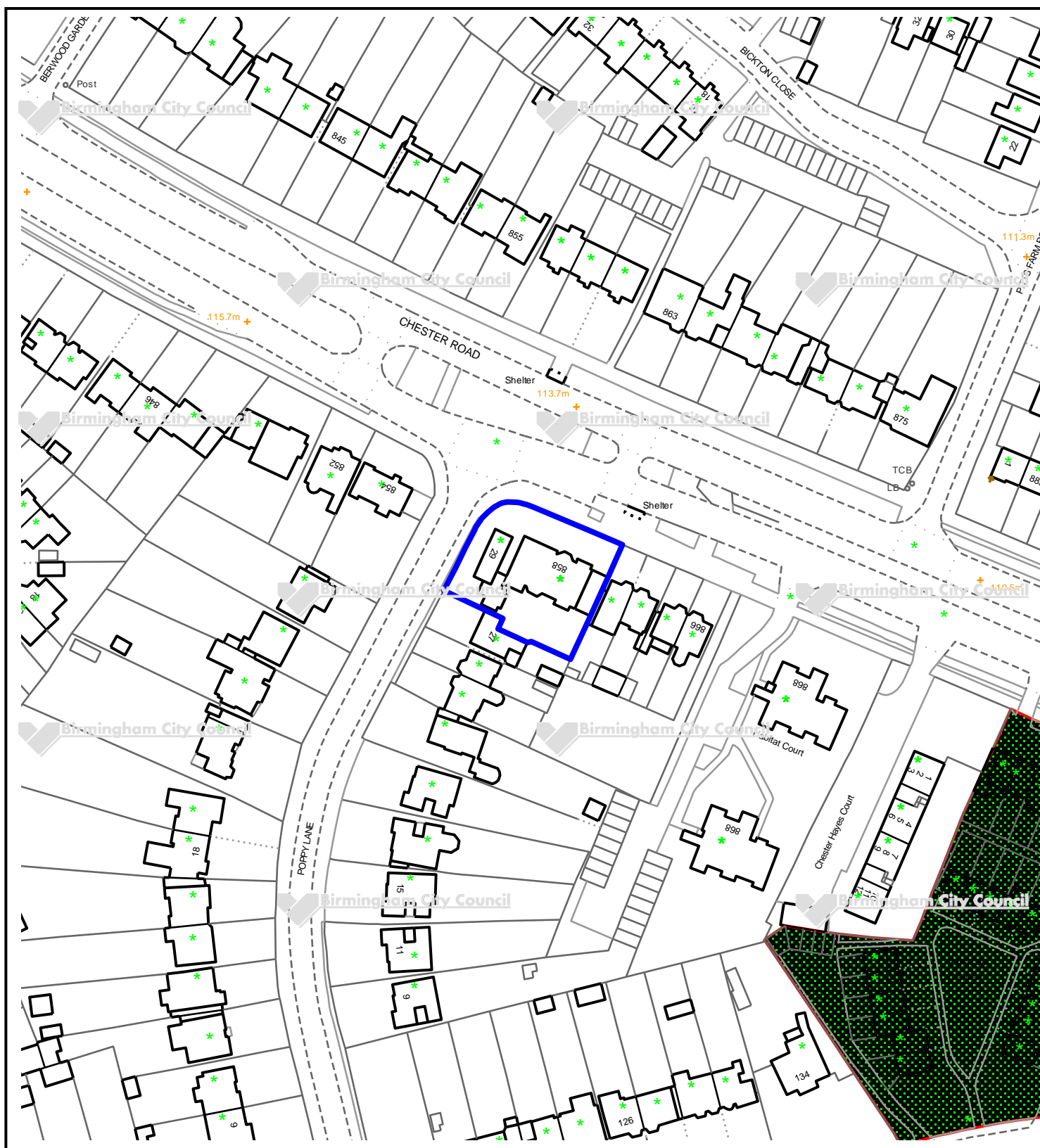
Case Officer: David Kelly

Photo(s)



Front view of property

Location Plan



Committee Date:	28/02/2019	Application Number:	2018/09904/pa
Accepted:	07/12/2018	Application Type:	Variation of Condition
Target Date:	14/02/2019		
Ward:	Pype Hayes		

McDonald's Restaurant, Chester Road, Erdington, Birmingham, B24 0QY

Removal of condition number 7 attached to previous application E/C/37068/9 to enable the McDonald's Restaurant to trade 24 hours a day, seven days a week

Recommendation
Determine

Report Back

- 1.1. Members will recall that this application was presented to Planning Committee on 14th February 2019 with a recommendation to approve for a one year temporary period and subject to a number of additional conditions in relation to noise levels and parking arrangements.
- 1.2. Members noted that there had previously been two previous permissions granted for the operation of the premises on a 24 hour basis for a temporary period (App. No's. 2015/08651/PA and 2016/06787/PA), but that these consents had not been implemented and therefore a further consent should not be granted. At determination, Members will recall that the application was deferred, minded to refuse for the following reason:
 - a) The impact of the proposal on the residential amenity of the adjoining properties as a result of increased noise and disturbance arising from the additional opening hours.
- 1.3. Officers consider that the recommendation to approve for a temporary one year period in accordance with the original report dated 31st January 2019 remains appropriate; however if Members remain minded to refuse the application then the following reason for refusal is suggested:
 - a) The proposed development would adversely affect the amenities of occupiers of adjoining dwellings by reason of noise and general disturbance. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved paragraph 8.7 of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework.

Addendum Report

- 1.3 As per the conclusions within the original report, the principle of the proposed development is considered acceptable and would be in accordance with BDP and NPPF. The matter of noise and disturbance would be addressed through appropriate

management of the site. The lack of implementation of previous permissions, I understand has been due to delays in obtaining the necessary Licenses to operate and this is not considered a reason to refuse the application. Consequently, I consider the removal/variation of condition 7 of application E/C37068/9 should be granted permission for an allotted continuous one-year temporary period within a three year time frame, to allow for the assessment of the extended opening hours on the residential amenity of neighbouring occupiers.

- 1.4 There have been no additional consultation responses or neighbour comments received in relation to the application.

2. Recommendation

- 2.1 That planning permission is approved as per the original recommendation subject to the previously suggested conditions.

Original Report

1. Proposal

- 1.1. *Background/Planning History:* Approval was granted on the 6th October 1988 under application E/C/37068/9, for the redevelopment of the site to provide a bungalow and purpose built freestanding restaurant with drive thru facility and car park, together with ancillary staff, storage and office accommodation. The following condition number 7 was attached: -

- *The said premises shall be closed and cleared of customers between midnight and 0600 hours and 2300 hours and midnight daily.*

- 1.2. Subsequently, a Section 73 application was submitted under application reference 2015/08651/PA for the removal of condition 7 of application E/C/37068/9, to allow the business to operate for 24 hours per day 7 days per week. A temporary approval for a one-year period was granted on 8th January 2016. The reason for the temporary one-year permission was to allow for the monitoring of the site in order to ascertain whether the extended hours would adversely affect the amenities of the occupiers of dwellings in the immediate vicinity of the site.

- 1.3. However, this temporary permission was not implemented and a subsequent application 2016/06787/PA for the removal of the condition was granted on 10th November 2016. This permission also allowed the 24 hour operation for a temporary 1 year period within the three year time frame and the operation of the premises needed to be discontinued within 12 months of the pre-commencement date agreed between the applicant and the Local Planning Authority.

- 1.4. **Proposal:** This current application seeks the removal of condition number 7 attached to the originally approved application E/C/37068/9 to allow the restaurant to open 24 hours per day seven days a week for a temporary 12 month period within a three year timeframe. This is required in order for the applicant to deal with other regulatory matters such as licensing.

1.4. Supporting information was provided as part of previous applications 2015/08651/PA and 2016/06787/PA, which the appointed agent has confirmed is to be used in the assessment of this application. The supporting information is in the form of a Planning Statement, a Noise Impact Assessment, a Community Consultation Statement and a Site Management Plan which states that: -

- In order to maximise security the restaurant has recently upgraded to a fully comprehensive CCTV system which operates 24 hours a day and consists of 20 cameras;
- There are 6 external and 4 internal litter bins provided. The store has a strict litter collection protocol which includes dedicated litter patrols every 30 minutes around the restaurant and car park;
- The restaurant is in the process of installing a StaffSafe system which is an audio visual system and will be linked to a remote monitoring station;
- Signage is located around the restaurant, requesting that customers should be respectful of neighbours and keep noise to a minimum when leaving the premises;
- All managers are required to complete conflict management awareness courses so managers can deal effectively with any problems faced by customers;
- In order to ensure that neighbours are not disturbed and to discourage 'boy racers' at the site, the restaurant will close a section of the car park during the extended hours of 2300-0600; and,
- Any incidents of anti-social behaviour or other crime and disorder issues will be recorded within an incident log book, which will be regularly monitored, reviewed and where necessary, action can take place.

1.4. The applicant has stated that the proposed additional opening hours would result in the creation of an additional 15 employees, 85 in total.

1.5. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site relates to the McDonalds Restaurant, 1151-1159 Chester Road, Erdington. The restaurant is located to the north eastern side of the busy A452 (Chester Road) between Humberstone Road and the Tyburn Island. The restaurant is a stand-alone single storey building with a drive-through facility and a large landscaped car parking area to the rear.

2.2. The site is located within an area of mixed uses including residential properties to the northwest, industrial units to the south east and industrial units are located to the adjacent (south western) side of Chester Road.

2.3 [Site Location](#)

3. Planning History

- 3.1 10.11.2016 2016/06787/PA Removal of condition number 7 attached to previous application E/C/37068/9 to enable the McDonald's Restaurant to trade 24 hours a day, seven days a week. Approved for a temporary 12 month period.
- 3.2 08.01.2016. 2015/08651/PA Removal of condition number 7 attached to previous application E/C/37068/9 to enable the McDonald's Restaurant to trade 24 hours a day, seven days a week. Approved for a temporary 12 month period.
- 3.2. 14.09.2011. 2011/03510/PA, Refurbishment of restaurant and patio area and associated works to include new customer unit with associated canopy and alterations to elevations, Approved.
- 3.3. 28.07.2011. 2011/03511/PA, Replacement of internally illuminated fascia sign/lettering and display of 1 Internally illuminated freestanding totem sign, Approved temporary.
- 3.4. 27.07.2011. 2011/03501/PA, Display of 10 various signs, Approved temporary.
- 3.5. 06.06.2008. 2008/02461/PA, Variation of condition 7 attached to planning consent E/C/37068/9 to change the opening hours to 0600-2400 Monday to Thursday and 0600-0100 Friday to Saturday, Refused.
- 3.6. 08.01.2005. 2004/07439/PA, Variation of condition 7 attached to planning consent E/C/37068/9 to change the opening hours from the approved 0600-2300 to 0600-Midnight, Refused.
- 3.7. 28.08.2002. 2002/02370/PA, Installation of ATM in attached enclosure, Approved.
- 3.8. 28.08.2002. 2002/02369/PA, Installation of ATM fascia sign, Approved temporary.
- 3.9. 22.02.2000. 2000/00136/PA, Erection of extension, Approved.
- 3.10. 22.05.1992. 1992/01672/PA, Raising of pole sign from 6m to 8m in height, Approved.
- 3.11. 06.10.1988. E/C/37068/9, Redevelopment to provide bungalow and purpose built freestanding restaurant with drive thru facility and car park, together with ancillary staff, storage and office accommodation, Approved.

4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection to a temporary permission subject to compliance with the Noise Management Plan.
- 4.2. Transportation Development – No objections.
- 4.3. Birmingham Public Health – Object, stating that in order to tackle increasing levels of obesity, especially in children, Birmingham Public Health object to the granting of any additional A5 applications regardless of location.
- 4.4. West Midlands Police – No objections.
- 4.5. Site notice posted, nearby residents, residents associations, local MP and Ward Councillors notified, with the following responses received –

- Two near neighbours have objected on the grounds that the increased opening hours would result in a loss of residential amenity due to increased noise and disturbance as a result of people/vehicles using the facility throughout the night disturbing the sleep of local residents, odour pollution, potential for an increase in anti-social behaviour. There would also be additional traffic impact. Councillor Higgs has requested that this application is considered by Planning Committee rather than under delegated powers because of highway safety and impact on the neighbourhood

5. Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham UDP 2005; Car Parking Guidelines (2012) SPD; Places for All (2001) SPG, NPPF (2018)

6. Planning Considerations

- 6.1. I consider that the main considerations in the determination of this application to be the impact of the proposal on terms of residential amenity, crime and disorder and highway safety.
- 6.2. **Policy:** Policy PG3 of the BDP and Paragraph 3.8 of the UDP outline the City's environmental strategy which is based on the need to protect and enhance what is good in the City's environment and to carefully consider the impact of all development on the amenity of a neighbourhood.
- 6.3. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development. However, there is also a requirement for planning policies and decisions to consider any significant adverse impacts on health and quality of life which may arise as a result of noise and disturbance.
- 6.4. **Impact on residential amenity:** The application site is located within a mixed area, with industrial/commercial uses to the south western side of Chester Road, to the east and neighbouring to the south east. Residential properties in the form of three storey flatted developments on Humberstone Road to the north western boundary and a terrace of three 2 storey properties fronting Chester Road, further residential properties are located to the north eastern rear of the site within Julia Avenue.
- 6.5. Two letters of objection have been received from nearby residents on the grounds that the increased opening hours would result in a loss of residential amenity due to increased noise and disturbance arising from people/vehicles using the facility throughout the night disturbing the sleep of local residents.
- 6.6. In response to the above and in line with the requirements of the NPPF, the applicant submitted a Site Management Plan as part of application 2015/08651/PA which is relevant to this current application, in which it is stated that six external and four internal bins are provided and that the store has a strict litter collection protocol which includes dedicated litter patrols every 30 minutes, signage is placed around the site requesting that customers should be respectful of neighbours keeping noise to a minimum when leaving the premises and, in order to ensure that neighbours are not disturbed the restaurant (Customer Order Display) COD system would be turned

down and a section of the car park will be closed during the extended hours of 2300-0600.

- 6.7. The application site is located on the busy Chester Road in close proximity to the Jaguar Land Rover site and the Tyburn House traffic island, which is very heavily trafficked. Regulatory Services have assessed the proposal and raise no objections, commenting that the noise report submitted (Sustainable Acoustics Report 14-0167-7-R01) indicates that it should be possible to extend the operating hours without an adverse impact on the adjoining residents. For the extension of the operating hours to be implemented without an adverse effect it is necessary to manage the operations. The planning application includes a site management plan, compliance with the plan would be imposed as a condition and any changes to this plan would require agreement with the LPA. The volume of the Customer Order Display Unit (COD Unit) would be reduced after 23:00 as recommend in the noise impact report, which will also be complied with through condition. It is recommended that the amended condition should initially be on a one-year temporary basis to allow the impact of the extension to operating hours to be fully assessed and the applicant to demonstrate that there is no adverse impact on local residents. I concur with these views and accordingly attach the requested conditions.
- 6.8. In response to concerns raised regarding *odour and light pollution*, it is considered the proposed increase in operating hours would not result in an unacceptable increase in odour/light pollution to justify refusal of the application. Furthermore, the Council's Regulatory Services (pollution control) would be in a position to investigate during the temporary one-year period in the event that these issues should cause significant harm to residential amenity.
- 6.7. **Crime and disorder:** Concern has been raised by near neighbours to a potential increase in anti-social behaviour, due to people leaving the nearby public houses after closing time. In response, the appointed agent has provided a Community Consultation Statement, in which it is stated that the applicant consulted directly with surrounding residents, the local police and elected representatives. Whilst it is noted that two public houses are located within walking distance of the restaurant in question, these public houses close at normal closing times, therefore it is not considered that patrons of these two establishments would be likely to use the facility in the early hours of the morning. Furthermore it is anticipated by the applicant that shift workers, emergency service staff, taxi drivers and passing trade would be the most likely people to use the extended facility. I concur with this view and consider that the proposal would not result in significant adverse impact above or beyond the existing situation. West Midlands Police have assessed the proposal and raise no objections.
- 6.8. **Public Health:** Birmingham Public Health have assessed the proposal and have raised objection, on the grounds that in order to tackle increasing levels of obesity, especially in children, they object to the granting of any additional A5 applications regardless of location. Public Health recommends no A5 should be within 400 metres of any primary school, secondary school/sixth form colleges, youth facilities/community centres, playing fields/parks/children's play spaces, or leisure centres. In response, this application does not seek consent for the addition of new A5 hot food takeaway, rather for the removal/variation of an hour's condition to an existing A3 restaurant. The proposed additional hours are from late evening to early morning, times which have no effect upon school pupils. The submitted objection therefore does not justify the refusal of the submitted application.

- 6.9. **Highway safety:** Transportation Development have assessed the proposal and raise no objections, commenting that there are no highway safety/network performance related concerns as the use is already permitted to operate during network peak traffic periods, when it tends to attract peak levels of movement. I concur with this view.
- 6.10. **Validity of varied condition:** the validity of the proposed variation is considered acceptable with the following wording:
- *The restaurant premises may operate for the sale of hot food and drink 24 hours a day on any day for a single, continuous and uninterrupted limited period of up to one calendar year. The section of car park depicted within the Community Consultation Statement shall be closed during the extended hours of 2300-0600. The temporary period shall not commence until the Local Planning Authority has received 10 days prior written notification of the start and end date of the temporary period, 10 days prior to first commencement of the temporary period. The temporary period must first commence no later than twenty-three months from the date of this permission. The 24 hour use must cease at the end of the temporary period. Upon the expiry of the temporary period, the restaurant may only operate between the hours of 06:00 hours to 23:00 hours on any day as permitted under permission E/C/37068/9.*
- 6.11 **Conditions** - It is noted that the original consent was subject to a number of pre-commencement conditions and there does appear to be evidence that these conditions were discharged. However, the original consent dates to 1988; it is clearly evident that the scheme has been implemented on site and given the passage of time it would now be unreasonable to impose the pre commencement conditions which generally have no relevance to the subject matter of this application. A number of relevant conditions are imposed which relate to the alteration of the opening hours.

7. Conclusion

- 7.1 I consider that the principle of a temporary consent has been accepted in the previous application for the removal of the opening hours condition. The Planning Practice Guidance (PPG) paragraph 014 states that a second temporary permission is rarely justifiable. However, in this case the operator has been unable to secure the necessary license to operate and therefore the previous temporary consents have not been implemented.
- 7.2 I consider that the applicant has responded to issues surrounding noise and disturbance, by undergoing an extensive range of noise, litter and social issues mitigation, in an attempt to satisfy concerns regarding residential amenity issues. Consequently, I consider the removal/variation of condition 7 of application E/C37068/9 should be granted permission for an allotted continuous one-year temporary period within a three year time frame, to allow for the assessment of the extended opening hours on the residential amenity of neighbouring occupiers.

8. Recommendation

Approve for a temporary one-year continuous time period to be implemented within a three year time-frame.

-
- 1 Requires the 12 month temporary approval within the three year time frame to discontinue on the pre-commencement date agreed between the applicant and the Local Planning Authority
 - 2 Requires the Customer Order Display system to be reduced in noise level between the hours of 2300-0600
 - 3 Requires the area of car parking to the rear of the site as shown on page 15 of the submitted Community Consultation Statement to be closed between the hours of 2300-0600
-

Case Officer: David Kelly

Photo(s)

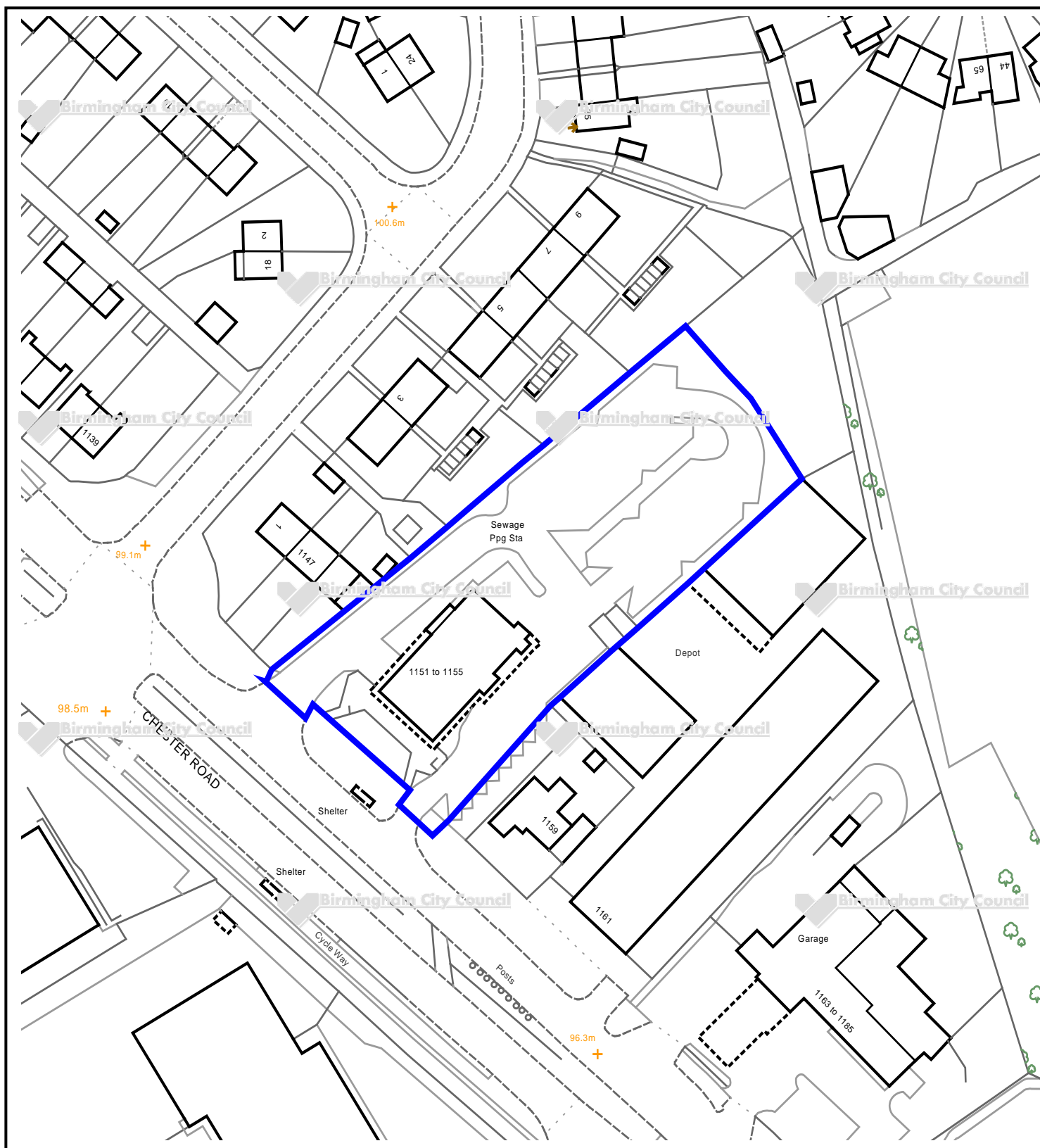


View of Car Park



Front Entrance

Location Plan



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

Birmingham City Council
Planning Committee 28 February 2019

Appeal Decisions Received from the Planning Inspectorate in January 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	2 The Haybarn, Sutton Coldfield	Erection of boundary treatment consisting of brick wall. 2018/0032/ENF	Dismissed	Enf	Written Representations
Enforcement	11 Luton Road, Selly Oak	Erection of single storey rear extension. 2014/0171/ENF	Allowed (see note 1 attached)	Enf	Written Representations
Householder	6 The Circle, Harborne	Installation of footway crossing and creation of hardstanding. 2018/06632/PA	Dismissed	Delegated	Written Representations
Householder	22 Twycross Grove, Hodge Hill	Erection of single storey rear extension. 2018/05366/PA	Allowed (see note 2 attached)	Delegated	Written Representations
Householder	7 Roberts Road, Acocks Green	Erection of single storey forward extension. 2018/05365/PA	Dismissed	Delegated	Written Representations
Householder	158 Oakwood Road, Sparkhill	Erection of first floor side and rear and part two storey rear extension. 2018/05349/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Householder	44 Beeches Road, Perry Barr	Erection of dormer window to side and rear (with new roof and its height raised). 2018/04773/PA	Dismissed	Delegated	Written Representations
Householder	64 Wake Green Road, Moseley	Retention of uPVC glazed porch and reinstatement of original features. 2017/10571/PA	Dismissed	Delegated	Written Representations
A3 / A5	532 Moseley Road, Balsall Heath	Change of use of vacant retail shop (A1) to hot food take away (A5) and installation of extractor flue duct and new shop front. 2017/11026/PA	Dismissed	Delegated	Written Representations

Birmingham City Council
Planning Committee 28 February 2019

Appeal Decisions Received from the Planning Inspectorate in January 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Residential	58 Four Oaks Road, Sutton Coldfield	Demolition of existing garage and erection of detached 5 bedroom dwelling and associated works. 2017/09626/PA	Dismissed	Delegated	Written Representations
Residential	2 Millfield Road and 32 Hamstead Hall Avenue, Land to the rear of, Handsworth	Demolition of existing garage and erection of detached 5 bedroom dwelling and associated works. 2018/01134/PA	Dismissed	Delegated	Written Representations
Residential	The Clock Tower Building, Former Martineau Centre, 74-100 Balden Road, Harborne	Change of use from offices (Use Class B1a) to 10 townhouses (Use Class C3) with minor external alterations and landscaping. 2018/02294/PA	Allowed (see note 4 attached)	Committee	Written Representations
Other	The New Inn, 74 Vivian Road, Harborne	Erection of single storey extensions. 2017/06951/PA	Dismissed	Delegated	Written Representations

Total - 13 Decisions: 9 Dismissed (69%), 4 Allowed

Cumulative total from 1 April 2018 - 95 Decisions: 73 Dismissed (77%), 22 Allowed

Notes relating to appeal decisions received in January 2019

Note 1: (11 Luton Road)

Enforcement Notice served because:

1) It appears to the Council that the above breach of planning control has occurred within the last 4 years. 2) The single storey rear extension does not comply with the 45 degree code and leads to a loss of light and outlook to No. 9 Luton Road. 3) The single storey rear extension does not provide an adequate separation distance to the side facing windows of No. 9 Luton Road and leads to a loss of light and outlook. 4) The scale of the single storey rear extension is out of context with the surrounding properties and is unduly dominant.

Appeal allowed and planning permission granted because although the extension has caused loss of light and outlook to the occupiers of No.9, the Inspector considered the Appellant's fall-back position in relation to building a permitted development extension would result in no real improvement.

The Inspector also concluded that the extension does not materially harm the character or appearance of No.11 or the adjoining properties in the terrace.

Note 2: (22 Twycross Grove)

Application refused because the size of the proposed extension would be out of scale with the existing house and would dominate its appearance/the street scene.

Appeal allowed because the Inspector concluded that the proposed development would not materially harm the character and appearance of the local area.

Note 3: (158 Oakwood Road)

Application refused because the proposal does not provide an adequate separation distance to existing residential units and would lead to a loss of privacy/loss of light.

Appeal allowed because the Inspector considered that as there would be no windows in the flank wall of the proposal the scheme would not cause significant overlooking of no.160, or cause those occupants a significant loss of privacy.

Note 4: (The Clock Tower Building)

Application refused because 1) The proposal would result in the loss of a part of the site identified as a community room in the approved Masterplan of 2014, approved as part of a coordinated range of community benefits in association with the residential development. The loss of the allocated space for a community room would be contrary to the objectives of the NPPF; by failing to deliver the agreed social benefits of the scheme with insufficient community and cultural facilities and services to meet local needs. The scheme would also eliminate space which could contribute towards informal sporting activity and would fail to provide an otherwise useful contribution towards the recreational and leisure requirements of the City.

2) The scheme includes the provision of 3 and 4 bedroom dwellings that have inadequate provision of private amenity space.

Appeal allowed because the Inspector considered that 1) The proposal would not significantly harm the provision of community and sports facilities in the locality and 2) Whilst the private gardens would fall short of the Council's numerical standards, they are large enough to provide privacy for general domestic activities.

The appellant's application for an award of costs was allowed.

BIRMINGHAM CITY COUNCIL

REPORT OF THE DIRECTOR, INCLUSIVE GROWTH

PLANNING COMMITTEE

WARD: Stockland Green

**The Birmingham (112 Milverton Road Erdington)
Tree Preservation Order 2018**

1. Subject And Brief Summary Of The Proposals

Consideration of the Tree Preservation Order at the above location in respect of which two objections have been received.

2. Recommendation

That the Birmingham (112 Milverton Road, Erdington) Tree Preservation Order 2018 be confirmed without modification.

3. Contact Officer

Alan Wallbank, Principal Arboricultural Officer – Planning (North)

Tel: 0121 303 3971

Email: alan.wallbank@birmingham.gov.uk

4. Background

- 4.1 The order protects one mature oak tree located at the rear of the above property and on the boundary of Featherstone Primary School. Ownership of the tree is historically undetermined; fencing now places it inside the rear garden of 112 Milverton Road.
- 4.2 The council's tree officer was alerted to the intention to fell the tree by two residents who emailed their concerns and asked the council to prevent the removal.
- 4.3 After an initial, unsuccessful attempt to view the tree from the address, the tree officer finally was able to see the tree from the rear garden of a neighbouring property. The oak occupies an elevated position and is of good form. It is visible between the properties (see appendix 1) and complements the tree-lined character of Milverton Road.
- 4.5 In recognition of the tree's public amenity value – it is visible both to Milverton Road users and to the primary school - and its reported value to local birdlife, it was decided to protect the tree and prevent felling.

- 4.6 The order was served on 30th October 2018.
- 4.7 Two objections were received on 28th and 29th November respectively. These are summarised separately as Objection One and Objection Two below;

5. Objections to the TPO

5.1 The objections to the Order may be summarised as follows:

5.2 **Objection One:** centres on the nuisance from the tree. Issues such as

- “hindrance”
- Leaves blocking gutters and drains
- Shading
- Leaf litter
- Mention of “damage” from the tree.

Objection Two: this seeks to dispute the tree’s value as a public amenity but premises its argument for this on points similar to those in objection one.

Therefore:

- The tree is “ not considered a desirable feature”,
- It blocks sunlight
- Sheds debris
- Has a detrimental effect on property prices.
- Damages the garden.

5.3 Both objections therefore reflect the same or similar concerns.

6. Response to the Objections

6.1 **Amenity:** no legal definition exists but conventionally this quality refers to the pleasantness of things, often in combination or as an aggregate of factors.

The government’s planning portal website ventures to provide a definition for Planning purposes – to wit: *“A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquility. “*

6.2. The council deploys an accepted amenity evaluation system called TEMPO which was designed to provide an objective decision-making tool for new tree preservation orders. Using this approach, the tree scores 21 points and is considered highly suitable for a tree preservation order. The allegation that it has low amenity is therefore rebutted.

6.3 Multiple issues common to both objectors:

Shading: it is accepted that the tree, by virtue of its elevated position on a western boundary, will deprive the garden of a measure of afternoon sunlight. The garden however is open to the south, and aerial photography confirms that abundant daylighting is available when the sun is to the south. The shading effect will be most pronounced during only the latter part of the day. This should not be so severe as to deprive either property of residential amenity and indeed, it is foreseeable that the quality of shade will be a desirable feature in a future climate.

Property Prices: research indicates that there is uplift in residential property values where trees, parks and open spaces are in proximity. Milverton Road is characterised by forest-sized street trees and in this context the oak tree does not appear incongruous or out of proportion.

Damage: neither objection specifies the nature of damage or substantiates the allegation. The tree is fourteen metres' distance from the host property and therefore the prospect of structural damage is unlikely.

Leaf litter problems: the council accepts that leaf litter can be burdensome. It is however a temporary, seasonal phenomenon occasioned by the cycle of Nature. Felling the tree in response to this problem is disproportionate to this nuisance and does not accord with the council's approach to good urban forestry. Blocked gutters can be prevented using inexpensive plastic insets.

7.0 Conclusion.

It is acknowledged that some degree of everyday inconvenience accompanies the tree, but it is felt that this is outweighed by the public visual amenity conferred by the oak. Objectively assessed, it is clear that the tree warrants statutory protection. Other issues common to both objectors are those experienced by all residents living in proximity to trees.

Property prices are generally not adversely affected by the presence of trees, and research suggests that properties with a view of trees have increased value.

The objections are therefore rebutted.

Members are asked to confirm the Tree Preservation Order.

8. Financial Implications

8.1 Strategic Themes

Birmingham Unitary Development Plan paragraphs 3.14D and 3.16A

9 Implications for equalities

None

10 Background papers

Annex 1 and 2: photographs.



.....
Director, Inclusive Growth

ANNEX 1



Oak tree visible to the wider streetscene between properties.

ANNEX 2



Showing context of Milverton Road, with many large trees in rear gardens.