
Committee Date:	30/04/2015	Application Number:	2014/09525/PA
Accepted:	29/12/2014	Application Type:	Full Planning
Target Date:	30/03/2015		
Ward:	Edgbaston		

104-106 Hagley Road, Edgbaston, Birmingham, B16 8LT

Change of Use of 4 storey office (B1a use) to retail at ground floor (A1 use) and student accommodation [of 144 bed spaces] (Sui Generis) above and including the addition of two further floors to create a 6 storey building.

Applicant: Hagley Road Properties Ltd
104-106 Hagley Road, Edgbaston, Birmingham, B16 8LT,
Agent: PJ Planning
Regent House, 156-7 Lower High Street, Stourbridge, West
Midlands, DY8 1TS,

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This application seeks planning permission for the change of use of an office block into retail and residential use. The proposal also includes the addition of two further floors of accommodation, creating a 6 storey building, and recladding to integrate the existing and proposed elements into a single building.
- 1.2. The retail element would occupy the ground floor (390sqm GIA). Servicing would be via the 'loop road' using an existing entrance (from Vicarage Road) and existing exit (onto Hagley Road), the site includes a small car park, of 9 cars, on the frontage behind an existing dwarf wall. The car park would be for customer use only. Cycle parking would be provided, for 5 cycles, adjacent to the main entrance into the building and further cycle storage is proposed in the basement. The proposed retail hours of use are not disclosed.
- 1.3. The student element, floors 1-5, would contain 144 student bed spaces (generally of 12.76sqm with some larger rooms). These would be arranged in rows of bedrooms with a central corridor and each would include a small shower room/WC and kitchenette. Communal rooms would be located on all floors with one each on fifth and fourth floors, and two at each of the first, second and third floors.
- 1.4. No car parking would be allocated to the student element of the scheme, although cycle parking would be provided in the basement for 40 cycles. Access to the upper floors would be via a main entrance lobby from the Hagley Road (north) elevation. The building has two staircases and a lift. One staircase and the lift would be extended to accommodate the additional upper floors.

- 1.5. The proposed additional floors would diminish in floor-area compared to the adjacent floor below. Therefore whilst the existing third floor is 748sqm (GEA), the proposed fourth floor would be 718sqm (GEA) and the fifth floor would be 503.2sqm (GEA). Each floor progressively steps away from the two storey (listed) buildings, adjacent to the southern boundary of the site, on Vicarage Road. This would also result in increased height and focus of the building on the northern side of the site that overlooks Hagley Road and the corner.
- 1.6. The proposed re-cladding would consist of the application of an insulated render to the main walls, terracotta rainscreen cladding (in between the windows and at ground floor), powder coated aluminium window frames, floor to ceiling glazing at ground floor (north and west elevations) and a curved standing seam roof. The north elevation (facing onto Hagley Road) would have new windows added. The horizontal emphases of the existing western elevation would be maintained with the revised design. However, the east elevation would undergo a significant change through the introduction of new angled bay windows, providing occupants a directional view away from direct line of sight views into the upper levels of the adjacent office building. These bays would create a strong vertical emphasise to this (mostly hidden) elevation.
- 1.7. The application has been submitted with a Design and Access Statement, Noise Survey, Heritage Impact Assessment, Planning Statement and Traffic Survey.
- 1.8. The applicants have suggested that the student accommodation would be targeted at students attending the local Birmingham City University at Westborne Road, 400m to the south east of the site.
- 1.9. The applicants have indicated that the site would employ 39 employees.
- 1.10. [Document Link](#)

2. Site & Surroundings

- 2.1. The existing 4 storey office building is a typical example of 1960's architecture and presents a uniform 4 storey rectangular box, set parallel to Vicarage Road and perpendicular to Hagley Road. The building was built in 1959 to the designs of architect John Madin. The building is principally fenestrated on its west and east elevations with a small group of feature windows on the north elevation. Materials on the current building consist of metal windows and decorative concrete infill panels. The north elevation is clad in small square tiles that have been painted over in the past. The building is mostly vacant.
- 2.2. The site has only a limited area beyond the building footprint. This consists of a small frontage car park, for 9 cars, and some limited planting areas.
- 2.3. The site is located on Hagley Road within a mixed commercial area within the Ivy Bush Local Centre. There is a six storey building to the eastern side of the site which has retail at ground floor and office use above. To the south of the site is a row of two storey buildings in the white stucco villa style, many of these are listed including the adjacent building (no.4 Vicarage Road – Grade II Listed). These buildings are in office and residential use.
- 2.4. The site is also within the Edgbaston Conservation Area. The Hagley Road is a northern boundary to the conservation area.

2.5. Double yellow lines prevent parking along this part of Hagley Road, continuing into the initial section of Vicarage Road (which is one-way north to south). Beyond this, waiting is prohibited 0730-1830 Monday-Saturday, with the exception of within parking bays along the west side of the Vicarage Road, where parking during these times is limited to 2 hours with no return within 2 hours. Loading/unloading is not permitted along Hagley Road between the times of 0745-0915 and 1630-1845 Monday to Friday. There are no loading/unloading restrictions along Vicarage Road. A number of regular buses serve this location throughout the day.

2.6. [Location Plan](#)

2.7. [Street View](#)

3. Planning History

3.1. On site

3.2. 29/04/03 Pa no.2003/01242/PA. Refurbishment of office premises including new entrance extension at ground floor and re-clad elevation and change of use of ground floor banking hall to office use. Approved.

3.3. 12/03/12 Pa no.2012/00453/PA. Change of use of second floor from Class B1 offices to Class D1 education and training centre. Approved.

3.4. At 100 Hagley Road (east of the site)

3.5. 21/01/08. Pa no.2007/07235/PA. Addition of 968sqm office space in an extra storey (sixth floor), complete re-cladding and re-glazing of existing elevations, new front entrance feature, and erection of rear external staircase. Approved.

4. Consultation/PP Responses

4.1. Public Participation

4.2. Residents, Resident Associations, the MP and councillors consulted. Press and Site Notice made.

4.3. Gisela Stuart MP – She would like to ensure that the parking issue is high on the agenda when processing this application. There is the potential for 149 extra residents seeking parking spaces that do not exist. The scheme could have an impact on the existing parking problem currently experienced by local residents.

4.4. 5 letters of objection, and a petition with 3 names, received with concerns regarding;

- Parking/Traffic Increased traffic and car parking on Vicarage Road.
- Devaluation the value of residential property on Vicarage Road.
- Noise. causing disruption to the quiet enjoyment of the residents who live in the nearby houses and apartments. Vicarage Road is a residential area and any retail outlets would be located well down Vicarage Road almost opposite our apartments at Hartley Place. They would bring with them unacceptable amounts of litter in the road and a large volume of shoppers looking for parking.

- General Disturbance Litter, damage to property and cars on Vicarage Road from students and front garden walls would be used as seats and cars being parked in private car parking areas.
- Overshadowing Hartley Place, suffering a deterioration of natural light due to the increased height of the building.
- Retail Need there are a large number of vacant premises locally and on the Hagley Road.
- Refuse management There is no provision for recycling and consideration of trade, retail waste.
- conservation area The schemes impact on the Conservation Area and the many listed buildings in the close vicinity. The addition of two storeys in height will reduce the skyline aspect for many of the surrounding properties in what is predominantly a residential block.
- The proposed uses and impact on existing occupiers An existing tenant has objected that “My company occupies the front element of the ground floor of the subject building. The two uses (student residential and offices) do not mix well. The subject property is flanked on both sides by office buildings. We are one of three tenants in the subject building and this development will have a major impact on us, both during the development phase and indeed afterwards when we will no longer share the building with other professional business users, but rather 140+ students. We are very concerned about the noise factor of having this number of students living above our business.”

4.5. Consultation Responses

- 4.6. Transportation – No objection subject to conditions to secure cycle storage, Travel Plan, Parking Management Plan, and a Construction Management Plan.
- 4.7. Regulatory Services – No comments received.
- 4.8. English Heritage – Comment that this site is located within the Edgbaston Conservation Area and consists of a four-storey office block by John Madin built in 1959, designed as part of his block plan for the Calthorpe estate. They consider that the Madin building is of some heritage value in its own right, that it contributes to the character and significance of the conservation area and that the proposal will eliminate its external appearance, causing harm to the significance of the conservation area and to the listed buildings on Vicarage Road. They recommend that the application is refused.
- 4.9. They consider that in considering the precedent set by the works to 100 Hagley Road that a different case has to be made for 104-106 due to the recent publication of the NPPF since.
- 4.10. 20th Century Society – Objects, they consider that the proposal would cause harm to the character and appearance of the Conservation Area. They comment that they have not seen substantiated evidence to show that the applicant has investigated alternative approaches such as refurbishing and retaining the existing facades, and thus enhancing the character of the Conservation Area.

- 4.11. Conservation Heritage Panel – Some panel Members initially had concerns that the proposed alterations were dramatic and inappropriate. There was concern that the small coloured windows proposed on the north elevation were out of character with the strong horizontal emphasises of the west elevation and that the curved roof was not indicative of the local vernacular of office buildings (irrespective of the neighbouring converted building). Other Members considered that the general approach was appropriate and would reinforce the site as a gateway into the conservation area. The Panel concluded that it was satisfied with the changes to the height (scale) and revised cladding but were concerned in regard to the treatment of the north elevation and the curved roof.
- 4.12. Severn Trent – No objection subject to drainage condition.
- 4.13. West Midlands Fire service – No objection.
- 4.14. West Midlands police – No objections, they advise that the applicants apply for secure by design.

5. Policy Context

- 5.1. National Planning Policy Framework (2012), National Planning Policy Guidance (2014).
- 5.2. Birmingham UDP (2005); Draft Birmingham Development Plan (2013); Places for Living (2001) SPG; Regeneration through Conservation (1999); Specific Needs Residential Uses SPG (1992), Car Parking Guidelines (2012) SPD
- 5.3. Edgbaston Conservation Area.

6. Planning Considerations

6.1. Principle

- 6.2. The NPPF includes three dimensions to sustainable development, being; Economic, Environmental and Social. Recently the NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. There is also a strong emphasis on providing new residential development, especially at sustainable locations within urban areas. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising previously developed (brown-field) sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.

6.3. Residential/Student accommodation principle

- 6.4. Paragraph 5.25A, of the UDP, identifies a sequential approach when considering the location of new sites for residential development and first favours the reuse of previously developed land. This site is previously developed land.

- 6.5. The Birmingham Development Plan (BDP) has just completed its main Examination in Public, and is due for final adoption later this year. It is therefore now considered to be of some weight. Policy SP28 of the Draft BDP states that proposals for student accommodation will only be considered favourably if; a need has been demonstrated; the site is located in close proximity to an educational establishment and local facilities; there is no unacceptable impact on the character of the local area; it is consistent with other policies and proposals in the Core Strategy; the accommodation should not be suitable for family accommodation particularly if there is already a high concentration of Student accommodation in the area; and that there would be adverse implications on the quality of the residential environment.
- 6.6. The applicants have stated that “...A report published in May 2014 (*Birmingham: A report On Student accommodation, Knight Frank*) noted that Birmingham is host to three top to middle tier universities; the University of Birmingham, Aston University and Birmingham City University, ranked 24th, 36th and 75th respectively in the *Times Good University Guide 2013*. There are also a number of other higher education institutions, including the College Of Law, Newman’s University and University College Birmingham. Whilst the application site lies in close proximity to Birmingham University, it is considered suitable for access to all the City’s main educational facilities via public transport, bicycle or on foot; location within a designated Local Centre means it is accessible to local facilities and public transport by definition.
- 6.7. *The report notes that with regard to supply, the universities in Birmingham have circa 58,000 students, and the student population is projected to be stable in the short to medium term. It goes on that the number of beds provided by a combination of the halls of residencies and the private sector schemes totals 17,582, representing just 30.3% of the total student population, leaving 69.7% of the students unable to access university or private sector accommodation.*
- 6.8. *It notes a total of 5,721 bed spaces having planning permission, however of that number very little is presently under construction, and that this figure is in any case insufficient to have a significant effect on the undersupply, with 34,697 (59.8%) students still unable to access accommodation. As a consequence, the majority of students currently live in HMO stock of varying quality, which tends to have a detrimental effect on the character of the area, taking family accommodation”.*
- 6.9. I am consequently satisfied that need for further student accommodation has been established through the above assessment.
- 6.10. In conclusion, the site is located outside of flood zones 2, 3a and 3b in a highly sustainable location within proximity of range of frequent bus services and shops (on Hagley Road), and is adjacent to the City Centre and is 400m from the Westborne Road campus of Birmingham City University. I subsequently consider that the principle of residential use for this site, is acceptable subject to the consideration of specific details in regard to design, heritage, highway safety and noise.
- 6.11. Retail principle
- 6.12. The site is within the Ivy Bush Local Centre, outside of the primary retail area. There is therefore no planning objection to the retail component.
- 6.13. Specific Needs for Residential Uses SPG
- 6.14. The Specific Needs for Residential Uses SPG sets down minimum bedroom sizes for student accommodation. The guideline describes a range of different types of

accommodation but does not consider a bedroom/bathroom/kitchenette combination with separate communal room (as is proposed). However, the guidelines require bedrooms to be a minimum of 6.5sqm where there is a separate kitchen/living room. As the majority of bedrooms are 12.76, with some that are larger, and with access to a range of communal rooms within the buildings, I am satisfied that occupants would have an acceptable standard of living as student accommodation.

6.15. Design

6.16. In terms of design, paragraph 3.14 of the UDP identifies that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to live, work and visit.

6.17. The proposed design is similar in style to 100 Hagley Road (adjacent). These characteristics include increasing the height of the building with two extra floors, with the new top floor running along two thirds of the length from Hagley Road in order to reduce the impact on the adjacent listed buildings. The proposed elevational treatment also reflects that to 100 Hagley Road utilising white render panelling over a glazed plinth with a Glazed top with strong roof feature. In the case of 104-106 Hagley Road, the building utilises a vertical emphasis to the eastern elevation adjacent to 100 Hagley Road based around the windows which are angled for privacy and to improve outlook.

6.18. I am satisfied that the proposed additional floors and re-elevation would improve the appearance of this building and continue the design themes evident in the adjacent building.

6.19. Conservation Issues

6.20. The site is within the Edgbaston Conservation Area.

6.21. The Planning (Listed Buildings and Conservation) Act 1990 [The 1990 Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 66, of the Act, states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72, of the Act, states that "In the exercise, with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." These requirements have been carried into the Development Plan through Policies 3.25 (listed Buildings) and 3.27 (Conservation Areas).

6.22. Paragraph 129, of the NPPF, states that the LPA should identify and assess the particular heritage asset that may be affected (including setting) and take this assessment into account when considering the impact to avoid or minimise conflict. Paragraph 130 states that deliberate neglect should not be taken into account in any decision.

6.23. Paragraph 132, of the NPPF, states that when considering impact on a Heritage Asset, great weight should be given to the asset's conservation, significance can be harmed or lost through alteration or destruction of the Heritage Asset or its setting and that substantial harm to Heritage Asset's of the highest significance (including to grade II* listed buildings) should be wholly exceptional.

- 6.24. Paragraph 137, of the NPPF, seeks LPA's to look for new opportunities to enhance the setting of the conservation area and reveal their significance. Proposals that preserve those elements that make a positive contribution should be treated favourably.
- 6.25. The Edgbaston Conservation Area Character Appraisal was adopted in 1998, the conservation area was designated in 1974 and has been extended twice. The Appraisal provides a detailed analysis of the Area; explaining its importance, the reason for the designation and a sound understanding as to the character and place. The character appraisal firstly identifies the Area's significance from a national perspective and comments that "...Despite the piecemeal and chronologically extended development of the Edgbaston estate...the strict and deliberate control exercised by successive generations... has ensured first the creation and then the preservation of the green, spacious and essentially suburban exclusivity". It considers the townscape character and finds the Area to be "characteristically green, exclusive and suburban". However, it also notes that there are shifts in the physical pattern of the area as it extends from its north-eastern limit at Five Ways reflecting changes in the socio-economic conditions and changing fashions in design. It also identifies that the Area consists of a great diversity of building styles and scales.
- 6.26. English Heritage comment that whilst they are not concerned with works to the interior, nor with the renovation and upgrading of the building in principle, they recommend an approach that would maintain the existing external appearance, with some modifications acceptable where there have been more recent changes to part of the ground floor. The Heritage Impact Assessment argues that the proposal would make 104-106 more in keeping with No. 100 but English Heritage do not consider that this is the most important issue in this case. English Heritage are also concerned about the impact the extra two storeys would have on the setting of the listed building adjoining, notwithstanding the set back, and on the setting of the row of listed buildings along Vicarage Road. They comment that the Madin building is of some heritage value in its own right, that it contributes to the character and significance of the conservation area and that the proposal would eliminate its external appearance, causing harm to the significance of the conservation area and to the listed buildings on Vicarage Road. They comment that the harm is less than substantial but still serious.
- 6.27. The applicant's Heritage Impact Assessment points out that no. 104-106 fits in with the original wider Madin/Calthorpe Estate masterplan. The Assessment comments that; *"...the plan proposed that at the entrances to the main roads leading into the estate land would be allocated for the construction of prominent landmark buildings, that would provide a suitable gateway and feature of architectural interest – 100, 104-106 Hagley Road was one of these plots. The boundary defined by Hagley Road formed the northern edge to the Estate, and the subsequent Conservation Area (designated in 1975) and a significant number of Madin's larger multi-storey office buildings and tower blocks form important landmark structures along this road. His building designs were underpinned by a philosophy 'that the new buildings will be inspired with the spirit of the age and reflect in clear, modern lines, the beauties of the past and the strength and dignity of this era and the future'". The 20th Century Society has commented that the building originally opened with Barclays Bank on the ground floor with offices above. In describing the building, the Heritage Impact Assessment emphasises the design used: "The architectural form was typical of Madin's designs which externally expressed the units of the building frames within the verticality of the windows and was enhanced by the purity of white tiles and*

horizontal bands of concrete, all stylistic elements that he used on other buildings along Hagley Road. The style looked towards Modernity and away from the industrial heritage of Birmingham...". It adds that the building used panels of marble and modern decorative pilasters that reflected the grandeur of the Barclays Bank who occupied the ground floor.

- 6.28. The 20th Century Society comments that John Madin was one of the most important architects in the West Midlands in the twentieth century. They comment that interest in Madin's buildings has increased over the last ten years, with the publication of the monograph in 2011 by Alan Clawley (a joint Twentieth Century Society/English Heritage publication), their widely publicised campaign to save Madin's Central Library in central Birmingham and the recent listings of two of Madin's buildings, Juniper Hill a private house designed in the late 1950s and St James' House Edgbaston (listed in 2015). In their view 104-106 Hagley Road contributes to the character and significance of the Conservation Area, through its associations with John Madin and the Calthorpe Masterplan and through its elevational treatment and careful detailing which create an interesting and historic addition to the townscape.
- 6.29. The applicant has carefully considered the comments raised by English Heritage and the 20th Century Society. The applicants conservation advisor has provided an addendum to the Heritage Assessment this states that he has considered the comments of concern and comments that "...the building is of very limited architectural interest possessing none of the attributes or qualities that one would look for when identifying heritage significance in a post-war commercial/office building. The building possesses little or no specific architectural detailing of interest. It does not handle material or layout with any innovation or rarity nor does it represent a particularly influential period of development of Madin's work. Although it is part of a wider group of late 20th Century commercial buildings on Hagley Road, its style, form and current condition does not lend it to form an integral (or even peripheral) element of a wider valued assemblage".
- 6.30. The Conservation Heritage Panel has also considered this proposal. Whilst it recognises the comments made by English Heritage and the 20th Century Society, it considers on balance that the reuse, recladding and extension of this building would be appropriate and would be of benefit to the character and appearance of the conservation area in broad terms with no harm imposed. I recognise that the Panel has advised that the north elevation requires more horizontal emphasis and that the curved roof is inappropriate. In response to this the applicants have revised the scheme and these elements have now been improved.
- 6.31. On balance, and despite the concerns raised by English Heritage and the 20TH Century Society, I consider that the proposed changes to the building would make a positive contribution to the character and appearance of the conservation area. I recognise that English Heritage has indicated that the 'harm' identified to the building is less than substantial and in mind of paragraph 132 of the NPPF this leads me to conclude that the proposal would not be contrary to the aims and aspirations of the Conservation Policy. However, I consider that there is no harm to the character or appearance of the conservation area and I consider that the proposal would enhance the site and act as a strong feature building on this prominent corner site. Whilst I recognise the importance of John Madin's work, I consider that 104-106 Hagley Road to be of limited architectural or historical importance in its own right. The scale of the extended building would be in keeping with the scale and character of other buildings within the immediate vicinity (such as no.100 and Kenilworth Court). In mind of Section 72 of the 1990 Act I find no harm to the character or appearance of the conservation area.

- 6.32. I have also considered the impact of the proposal upon listed buildings on Vicarage Road and in mind of Section 66 of The 1990 Act, I also find no harm to the adjacent listed buildings. I recognise that the proposed additional floors would step away from the two storey villas and this would create some comfort to this relationship, it could be argued the existing building (of 104/106) causes some harm in any event, in mind of the existing impact I do not consider that the proposal would cause any further harm than that already evident.
- 6.33. Transportation
- 6.34. The existing office has parking on its frontage for 9 cars. The total floor-area of the building is 2992sqm, for which the Car Parking SPD would allow a maximum of 99 parking spaces.
- 6.35. The scheme proposes a retail area of 390sqm (GIA) and 149 bed-spaces. 40 cycle spaces are to be provided for the student use in the basement area along with a further 5 cycle hoops for visitors to the site, adjacent to the entrance. The guidelines states that a maximum of 49 spaces (20 for retail & 29 for students) should be provided.
- 6.36. Transportation colleagues agree with the analysis contained within the Transport Statement, in that the expectation is that the proposed use would generate a reduction in parking demand from that associated with the lawful use. This is supported by the City's parking standards, which suggest higher demand for the existing use. It is stated the proposed on-site parking provision is primarily for the retail use and that the student accommodation would operate on a 'car free' basis. It is however assumed during start/end of term drop off/collection, these spaces may be utilised. It is recommended that a Parking Management Plan is required by condition to detail how this would take place without detrimental impact upon the public highway. This can be included within the recommended Travel Plan. In addition, it is requested that a Construction Management Plan be submitted to ensure the works do not have a detrimental impact upon highway free-flow and safety at this busy section of highway. I concur with the findings and advice of Transportation colleagues.
- 6.37. In response to objections received based on parking it is anticipated that parking demand would be reduced compared to that associated with the existing lawful use of office space. Given the location and lack of on or off-site parking opportunities, it is unlikely students would have cars. With the excellent public transport links along with cycle storage facilities, it is expected the majority will utilise these alternative modes of travel.
- 6.38. Noise
- 6.39. The site is adjacent to Hagley Road where noise levels are relatively high. The Noise Assessment explains that noise surveys were undertaken at two points (roof-top and ground level) over two consecutive days. The results showed (at roof top) that levels ranged from 71.7dB (5min average) in the daytime to 58.1db (5min average) at night and the lowest single reading being 47dB at 2:25. Noise levels at ground level were 2dB lower than those measured at roof-top.
- 6.40. The plans illustrate that there would be no bedrooms with main windows overlooking Hagley Road- only secondary windows. It recommends that Hagley Road windows should have a weighted sound reduction of 35dB, Vicarage Road a reduction of

32dB and 29dB for all other windows. The scheme also requires trickle vents to provide natural ventilation.

6.41. The report concludes that compliance with Buildings Regulations and Planning Policies can be achieved for all habitable rooms by the use of appropriate glazing attenuation.

6.42. Comments from colleagues in Regulatory Services are awaited, but I am satisfied that this issue has been properly considered and can be required by condition.

6.43. I have also considered the impact of the retail use on the residential use proposed above. Whilst I recognise the ambient noise levels I consider that a 24hr retail use with unregulated delivery hours could cause noise impacts for existing and proposed residents. In mind of this I recommend a condition that limits the use of the retail use between the hours of 0700-2300 and the delivery hours between 0700-2100.

6.44. Residential amenity

6.45. The proposal includes the change of use of the existing office building into retail (at ground floor) and residential (student accommodation) above. The building is adjacent to Hagley Road and within a local centre and mixed use area. The adjacent buildings, to the south of the site- away from Hagley Road, are a combination of offices and residential activity.

6.46. The nearest residential property is at no.7 Vicarage Road, 73m to the south. This is a two storey dwelling with a rear garden and frontage car parking. Considering the proposed uses, residential and retail, these uses would not in principle have an adverse impact on local residential amenity. However, they could cause nuisance based on the activity associated with these uses. The anticipated noise impact of the retail use is considered in paragraph 6.36-6.40 above. However, I also note the concerns raised by existing residents in terms of late night activity (of returning students) and the possibility of litter being dropped. However, issues of behaviour of occupants of a particular use are beyond the scope of this application to consider.

6.47. I recognise that an objector has suggested that they would suffer a loss of light due to the proposal who lives in Hartley Place. I note that Hartley Place is located 74 metres to the south west of the site. As Hartley Place is to the south of the site, by a significant distance and that 104-106 is only proposed to increase in height by 50%, I do not anticipate that there would be a direct impact of shadowing of Hartley Place. Some minor additional shading may occur to the ground floor of shops to the north of the site, on the opposite side of Hagley Road, but due to the distance involved (of 45m) this is also unlikely.

6.48. Response to objection made by the tenant

6.49. I note that the current occupier of the ground floor of the building, the subject of this application, has objected to the proposal and the impact of it on his business both during construction and following completion. The retention of office use is not included in the UDP's loss of employment land Policy and this matter is therefore a private matter between the tenant and the landowner. The applicants have stated that two of the three companies presently based at 104-106 Hagley Road, (being Clarity Copiers and D2) intend to relocate to the adjacent offices at 100 Hagley Road. Consequently, 34 of the existing 46 staff would remain in the locality. The proposal is expected to create approximately 39 staff, including up to 25 full and part

time staff for the retail unit and therefore overall would provide and retain employment opportunities within the area.

7. Conclusion

- 7.1. The proposal would place a retail and residential use within a local centre with excellent access to local shopping/dining services, bus services and the City Centre. The re-use of the building (and extension) would result in development on previously developed land in a highly sustainable location.
- 7.2. The scheme would bring an important building, within the Edgbaston conservation area, back into active use which would retain the building and allow it to continue to make a positive contribution to the character and appearance of the conservation area.
- 7.3. The scheme would adapt, extend and reuse a building designed by John Madin, an important local architect, the proposal would ensure that this building is reused rather than be proposed for demolition and its retention would ensure it makes a positive contribution for future generations. Whilst I recognise that its appearance is proposed to be altered, the essence of the character of the building would be retained and this degree of change would be difficult to resist at appeal based on its non-listed status and the degree of change affecting the building since it was first erected.

8. Recommendation

- 8.1. That Planning Permission be approved subject to the following conditions;

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- 1 Requires the prior submission of hard and/or soft landscape details
 - 2 Requires the prior submission of hard surfacing materials
 - 3 Requires the prior submission of boundary treatment details
 - 4 Requires the prior submission of a landscape management plan
 - 5 Limits the hours of use 0700-2300 (retail use)
 - 6 Limits delivery time of goods to or from the site 0700-2000
 - 7 Requires the prior submission of a drainage scheme
 - 8 Requires the prior submission of details of refuse storage
 - 9 Requires the prior submission of sample materials
 - 10 Requires the prior submission of a residential travel plan
 - 11 Requires the provision of cycle parking prior to occupation
 - 12 Requires the prior submission of a parking management strategy
 - 13 Requires the prior submission of a construction method statement/management plan
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14 Sets the level of window attenuation

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

16 Limits the approval to 3 years (Full)

Case Officer: Ben Plenty

Photo(s)

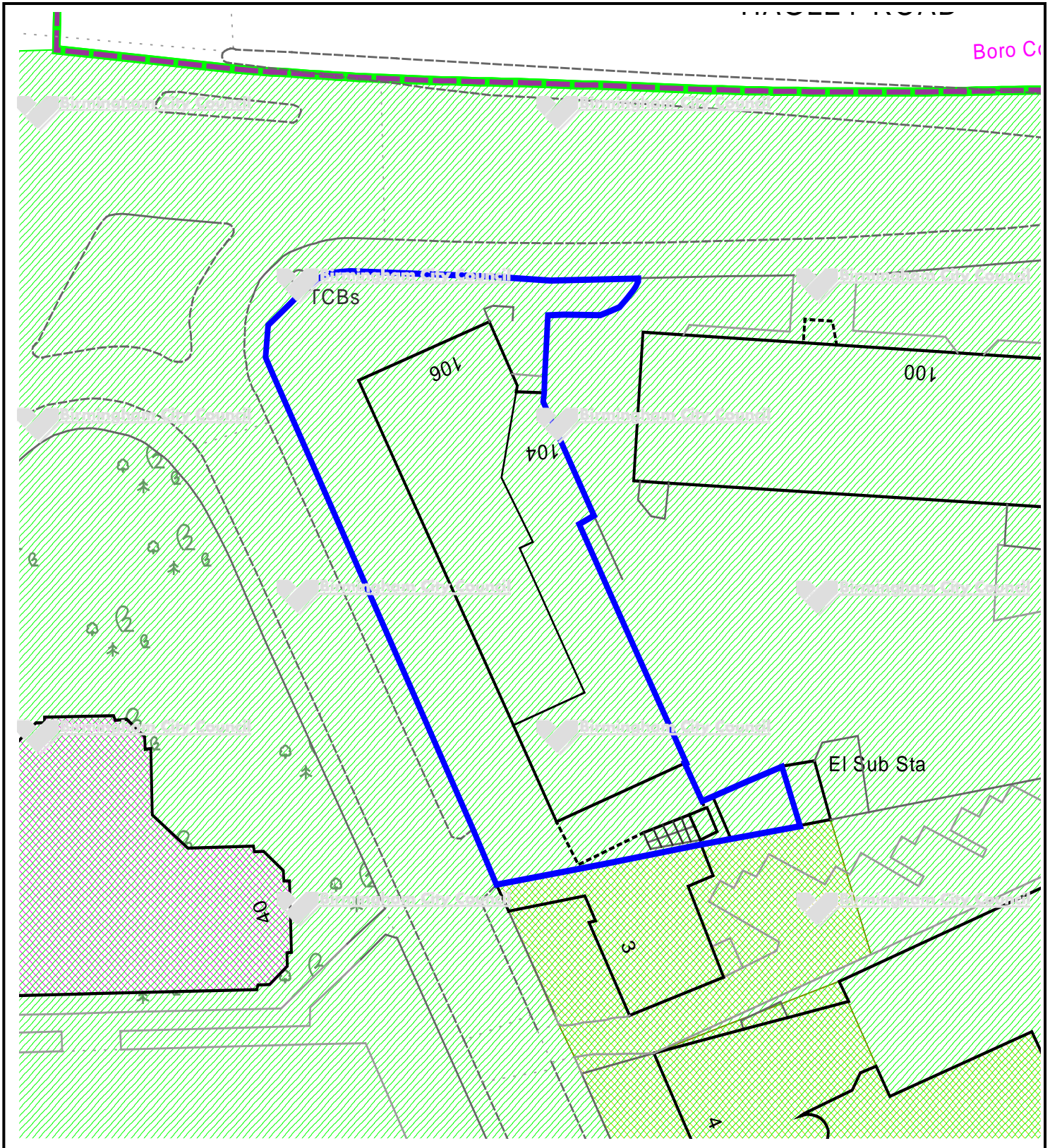


Fig 1 corner view of site (junction of Hagley Road and Vicarage Road)



Fig 2 Elevation fronting onto Vicarage Road

Location Plan



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