
Committee Date: 19/07/2018 Application Number: 2018/01359/PA
Accepted: 13/06/2018 Application Type: Outline
Target Date: 12/09/2018
Ward: Tyseley & Hay Mills

Phoenix Park, Brickfield Road, Birmingham, B25 8HF

Outline planning application with some matters reserved (save for access, scale, appearance) for the erection of a building for general industrial/warehouse and distribution purposes (Use Class B2 and B8)

Applicant: Euro Property Investment Ltd
 c/o Agent
Agent: Turley
 9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject To Conditions

1. Proposal

- 1.1. This planning application seeks outline consent for the erection of a building for B2 use class general industrial purposes and B8 use class warehouse and distribution purposes with some matters reserved, save for access, scale and appearance. The proposals are intended to secure an expansion opportunity for the applicant, who currently operates the adjacent Euro Packaging factory and warehouse.
- 1.2. The proposed building would comprise 870sqm of general industrial floorspace and 2,715sqm of warehouse and distribution floorspace, amounting to the creation of 3,585sqm of floorspace.
- 1.3. The building would have a maximum height of 24m and would step down to 19.4m and 7.6m. The depth of the building would be approximately 68m. The building would be approximately 70m wide.
- 1.4. The building would be of flat roof construction and would be constructed of powder coated frames. The outer envelope would be clad in Kingspan industrial panels in Silver, Grey and Anthracite Grey. Glazing would be installed to the lobby / reception area of the building. Roller shutters would be provided on the south elevation of the building to operate as loading bays for heavy goods vehicles (HGVs).
- 1.5. The development would result in the creation of 5,685 construction employment hours based on a 12 month build programme for the construction of the development. It is proposed that the development would result in the creation of a maximum of 302 jobs, with these being provided in the third year of the development. The first year post construction would be likely to see 98 jobs on the site, rising to 196 jobs after two years post construction and the full 302 jobs at 3 years post construction. The total number of jobs that would be delivered at the expanded Euro Packaging plant would be 782.

- 1.6. The development proposes the provision of 40no. car parking spaces for staff at the facility, alongside 7no. HGV loading bays. The parking spaces are proposed to be located around the perimeter of the building, with the HGV loading bays located on the southern elevation. The HGV route through the site would be along the south eastern elevations to an egress located in the north east of the site on to Brickfield Road. The car route would be along the north western elevations to the same egress of the site. The proposed access to the site would be located in the south western corner of the site off Brickfield Road.
- 1.7. The planning application is made in outline with some matters reserved, save for access, scale and appearance. The matters of layout and landscaping are reserved for future determination.
- 1.8. The application is supported by the following documents: Transport Statement; Design and Access Statement; Air Quality Assessment; Drainage Strategy; Planning Statement; Noise Impact Assessment; Flood Risk Assessment and Phase 1 Desk Based Geo-Environmental Survey.
- 1.9. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is located off Brickfield Road to the south of the Coventry Road and is located within the Tyseley Environmental Enterprise District (TEED) which is a predominantly industrial area.
 - 2.2. The site is currently sub-divided by various types of fencing to contain activities comprising predominantly open storage uses including scaffolding and building materials within specific plots with the wider application fronting onto Brickfield Road and is set back from the road and from view from the public highway by a landscape strip that provides a substantial screen on the sites southern and western boundaries.
 - 2.3. The site is located within flood zone 1 and has previously been used as a landfill that has ceased use and is predominantly surrounded by industrial and commercial uses including the existing Europackaging facility which is situated to the east of the site with offices overlooking the site at higher ground. Within the application site, there is a difference in levels of around 3.5m.
 - 2.4. The nearest residential neighbours to the site are located on Ada Road to the north and Speedwell Road to the south west with the rear boundaries of these properties located approximately 35m away from the site boundaries.
 - 2.5. [Site Location](#)
3. Planning History
 - 3.1. 20.07.2017 - 2016/10590/PA - Change of Use and sub-division of site into 16 plots to be used as open storage and car parking - Refused on the grounds of insufficient information.

- 3.2. 07.10.2016 - 2016/06923/PA – Subdivision of site into 16 plots for a variety of industrial and waste uses – Refused on the grounds of insufficient information.
- 3.3. 08.01.2016 - 2015/08931/PA – Subdivision of site into 16 plots for a variety of industrial and waste uses – Withdrawn.
- 3.4. 27.04.2006 - 2006/00735/PA – Subdivision of site into 16 plots for a variety of industrial and waste uses – Approved, temporary for a period of three years.
- 3.5. 2015/0930/ENF – Unauthorised uses and subdivision of site – Investigated and found to be in non-compliance. Advised to submit planning application to regularise activities on site.

4. Consultation/PP Responses

- 4.1. Transportation Development – no objection subject to conditions to secure means of access; prevent occupation until the turning and parking area has been constructed; amended car park layout; siting/design of the access; details of pavement boundary; commercial travel plan; access and egress points; cycle storage details; a condition to prevent the use from changing within the use class; and to ensure that the approved scheme would be incidental to the primary use within the area outlined blue on the approved site location plan.
- 4.2. Regulatory Services – no objection subject to conditions to secure restricted delivery times; erection of an acoustic barrier; noise levels for plant and machinery; contamination remediation scheme and contaminated land verification report; low emission vehicle parking; reverse signal noise reduction; and low emission vehicles being used at the site.
- 4.3. Local Lead Flood Authority – object to the application as they do not recommend attenuation storage within the sub-base of permeable paving due to the potential risk of removal. Further information regarding the measures to be implemented to prevent the removal of the permeable paving over the lifetime of the development is required.
- 4.4. Environment Agency – no objection.
- 4.5. Severn Trent – no objection subject to condition to secure the submission of drainage plans for the disposal of foul and surface water flows.
- 4.6. West Midlands Police – no objections.
- 4.7. West Midlands Fire Service – no objections.
- 4.8. Civil Aviation Authority – no comments received.
- 4.9. Site notice and press notice advertised. MP, Ward Members, residents associations and neighbours notified. Five letters of support were received, making the following comments:
 - Provide employment opportunity; and
 - Transform existing industrial land in an environmentally positive way.

- 4.10. Three letters of objection received (however it is noted that two of these are made by the same individual), raising the following concerns:
- Ownership concerns regarding the development of the site;
 - Loss of employment land in the form of the current site;
 - Reduction in the number of jobs which are currently achieved on the application site, based on the reference of 50FTE jobs which would be delivered, amounting to a net loss of 30 when compared with the current employment levels on the site. Further, concerns are raised in terms of the proposed mix of the uses that would be delivered as part of the development.

5. Policy Context

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

6. Planning Considerations

- 6.1. **Background** - The site was previously granted temporary planning consent in 2007, for a period of three years, for a range of open storage uses. The previous planning consent (2006/00735/PA) expired in April 2010 and has subsequently lapsed.
- 6.2. Furthermore, three planning applications have been submitted under planning references 2015/08931/PA, 2016/06923/PA, and 2016/10590/PA in order to regularise activities on the site for the subdivision of the site into 16 no. separate plots to be used for open storage and vehicle parking. The 2015 application was subsequently withdrawn by the applicant due to a lack of information whilst the 2016 applications were refused by the LPA due to a lack of sufficient information.
- 6.3. **Principle of Development** - The application site is located within the Tyseley Environmental Enterprise District (TEED) and the Tyseley Industrial Regeneration Area.
- 6.4. Policy TP19 (Core Employment Areas) and policy TP20 (Protection of Employment Land) of the Birmingham Development Plan (2017) states that land within such areas will be retained for employment use with the definition of employment being as B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Warehousing and Distribution) and other uses appropriate for industrial areas such as waste management, builders' merchants and machine/tool hire centres.
- 6.5. It is considered that the use of the site for general industrial and warehouse / distribution purposes is considered an appropriate use and accords with the policies outlined above. The proposed development is consequently considered to be acceptable in principle.
- 6.6. It is noted that the objections raised refer to the loss of the existing site as an open storage yard for scaffolding, skips, building materials, etc. Whilst this concern is noted and the availability of such sites is the subject of adopted planning policy, there are concerns with regards to the current operation of the site and the impact that such has upon the surrounding occupiers and the general physical environment

within the area. The site's extensive planning history with a number of applications refused in recent years demonstrates the key operational difficulties of the site.

- 6.7. In this instance, whilst it is acknowledged that there is a demand for such open storage yards, it is considered that given the site surroundings and the allocation of the site within the Tyseley Environmental Enterprise District and the Tyseley Industrial Regeneration Area, that the proposed development would achieve significant environmental benefits and improvements whilst being compliant with adopted planning policy.
- 6.8. **Impact on Visual Amenity** – The proposed development is made in outline with some matters reserved. The matters of scale and appearance are sought to be agreed at this outline stage. Consequently, the impact of the proposals on visual amenity is necessary to be considered.
- 6.9. The application site at present is in a poor condition with various different operations occurring on the site which is understood to have been sub-divided into 16 small plots. The existing uses predominantly amount to open storage and associated operations.
- 6.10. The application proposals seek to secure consent for the erection of a typical portal frame industrial building which would be clad in a palette of grey industrial panels, with a flat roof and glazed lobby area. The building steps up from a double height, single storey element to a double height, two storey element, to the warehouse facility to the rear of the site, which would reach a maximum of 24m. It is noted however that there is a difference in levels on the site of around 3.5 metres between the western and eastern boundaries of the site. Whilst the proposed scale is substantial, it would be adjacent to an existing large factory building and would predominantly be read in the context of the industrial area.
- 6.11. The surrounding premises are industrial in their nature with a number of sites enclosing their operations in large buildings of a comparable design, scale and appearance, with the existing Euro Packaging plant located adjacent to the site and Walkers Chocolates located opposite. On this basis, I am of the view that the proposed design and appearance would be consistent with the surrounding industrial character of the area.
- 6.12. I am satisfied that the proposals would make a significant, positive contribution towards the visual amenity of the area and the Brickfield Road streetscene. The proposals would undoubtedly be a significant improvement on the current appearance of the application site.
- 6.13. **Impact on Noise and Air Quality** – The application site is located within an established industrial area however there are residential properties located at the junction of Brickfield Road on the Speedwell Road elevation. A Noise Assessment has been prepared and submitted in support of the planning application, which makes a number of recommendations to secure appropriate noise levels associated with the development. A 2.5m high acoustic barrier is recommended to be installed on the southern boundary of the site. Reverse signals of any vehicles relating to deliveries in the proposed warehouse are recommended to be replaced with white noise reverse signals to negate the noise and disturbance associated with this.
- 6.14. Regulatory Services colleagues have assessed the submitted Noise Assessment and concur with the recommendations of the consultant. The recommendations are

drafted as suitably worded conditions to be attached to any grant of planning permission.

- 6.15. With regards to air quality, an Air Quality Assessment was submitted in support of the planning application. The Air Quality Assessment comprised a qualitative assessment of construction dust effects has been undertaken for the proposed development. Following the implementation of mitigation measures, the risk of construction dust impacts is considered to be not significant. The impacts on the relevant Air Quality Order from the operational phase of the development would also be considered to be negligible as the development would not generate significant vehicle movements, beyond that which are currently experienced at the site. Regulatory Services raise no objection in terms of the impact of the development on air quality.
- 6.16. **Impact on Drainage and Ecology** – The application site falls within Flood Zone 1 and is considered to be at low risk of flooding. Drainage is proposed at the site through storage attenuation. The Local Lead Flood Authority have objected to the application on the grounds that the drainage strategy relies on the permeable paving proposed to the hardstanding to be retained in perpetuity and where required to be replaced, to be replaced like for like. I consider that a condition could be attached to secure the requirements of the storage attenuation in terms of the retention of the permeable paving.
- 6.17. Furthermore, the application is made in outline and the detail of landscaping is reserved for future consideration. Inevitably, the layout and landscaping proposals will relate to the proposed drainage strategy to include other utilities and I would anticipate additional details to be provided at the reserved matters stage. On balance, I do not consider that the LLFA's objection would warrant a refusal of planning permission that could be adequately defended at appeal, given that conditions for the retention of the permeable paving and submission of additional details could reasonably be attached to any grant of planning permission. It is noted that Severn Trent raise no objection to the application proposals subject to the imposition of a condition to secure the submission of drainage plans for the disposal of foul and surface water flows.
- 6.18. Comments from the City Ecologist have been received with regards to the application proposals, and recommends conditions to secure the removal of invasive weeds and secure the delivery of ecological enhancements through the development of the site. Whilst the application proposals are made in outline and the matter of landscaping is reserved for future consideration, I consider that the recommended conditions are appropriate and necessary in the circumstances. Accordingly, I have recommended that the conditions are attached.
- 6.19. **Impact on Highway Safety** – The application proposals includes 44no. car parking spaces for staff alongside 11no. HGV loading bays. The proposed vehicular access would be located on the south western boundary of the site off Brickfield Road, and the proposed vehicular egress would be located on the north western boundary of the site off Brickfield Road. The application site would include car route on the western side of the proposed building with HGVs required to travel along the eastern side of the proposed building. Tracking analysis has been submitted in support of the planning application which demonstrates that both routes would be deliverable through the site.
- 6.20. Transportation Development has been consulted on the application proposals and raises no objections, concurring that there is sufficient highway capacity in the

vicinity of the site that would not be adversely affected by the traffic movements associated with the development. Transportation Development recommends conditions to include details of a construction management plan; cycle storage details; an amended car park layout; and siting and design of access.

- 6.21. I concur with these views and have attached the recommended conditions in order to appropriately safeguard highway safety matters associated with the proposed development.
- 6.22. **Impact on Residential Amenity** – The nearest residential property is located approximately 50m to the south west of the site on Speedwell Road. The proposed building would be set back from Brickfield Road with all proposed operations to be enclosed within the building. The surrounding area is an established industrial and commercial location with the application site currently undertaking a large number of external activities that would amount to various instances of noise and disturbance.
- 6.23. Consequently, I am of the view that the proposed development would result in considerable improvements for residential amenity following the construction phase as all industrial processes would be enclosed within the building. In the interests of residential amenity, Regulatory Services colleagues have recommended that conditions be attached to any grant of planning permission to secure noise levels for plant and machinery; the erection of an acoustic barrier, restricted delivery times, and HGV reverse signal sound reduction. Given that the proposals seek to improve the physical environment of the site, I consider that such conditions would be reasonable and necessary in this instance.
- 6.24. **Other Matters** – West Midlands Fire Service raise no objection to the proposals however recommend that water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK.
- 6.25. The matters of layout and landscaping of the development are reserved for future determination. A condition is recommended to be attached to any grant of planning permission to ensure that these matters are resolved prior to the development being completed and occupied.
- 6.26. It is noted that an objection received raises concerns in terms of the reduction in the number of jobs which are currently achieved on the application site. No details are available for the existing number of jobs located at the application site however an objection received against the planning application refers to a total of 80no. jobs currently on site. On this basis, my views are based on the proposed number of jobs specified within the application submission. The proposed development seeks to achieve a total of 302 jobs within three years of the facility being constructed. These jobs would comprise a range of roles associated with the facility and would be phased in their delivery to reflect the expansion of the wider Euro Packaging plant. I am satisfied that the proposed development would achieve an increase in the number of jobs on the application site over the course of its development and operation, and accordingly would be compliant with adopted planning policy. It is recommended that a condition to secure an employment construction plan is attached to any grant of planning permission.
- 6.27. The objection regarding ownership matters have been taken into account. I am satisfied that the requisite notices have been served on the relevant owners and occupiers.

7. Conclusion

- 7.1. The application proposals seek outline planning permission for the erection of a large B2 use general industrial / B8 use storage and warehouse facility on land on Brickfield Road, located within a core employment area. The proposals are considered to be acceptable and principle and would not have an adverse impact on residential amenity or highway safety. I am satisfied that the proposals would amount to a significant improvement in visual amenity and the general physical environment of the site. For the reasons set out above, I recommend that the application be approved subject to conditions.

8. Recommendation

- 8.1. Approve subject to conditions.

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- 1 Implement within 3 years (outline)
 - 2 Requires the submission of reserved matter details following an outline approval
 - 3 Requires the scheme to be in accordance with the listed approved plans
 - 4 Requires the prior submission of a construction method statement/management plan
 - 5 Requires the prior submission of sample materials
 - 6 Limits delivery time of goods to or from the site
 - 7 Requires the prior submission of a drainage scheme
 - 8 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 9 Requires the prior submission of a method statement for the removal of invasive weeds
 - 10 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 11 Limits the noise levels for Plant and Machinery
 - 12 Requires the prior submission of earthworks details
 - 13 Requires the prior submission of level details
 - 14 Requires the prior submission of a contamination remediation scheme
 - 15 Requires the prior submission of a contaminated land verification report
 - 16 Requires the submission of details of an acoustic barrier
 - 17 Requires low emission vehicle parking
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- 18 Requires the fitting of noise reduction signals on HGVS entering the site
 - 19 Requires the prior submission of drainage plans for foul and surface water flows
 - 20 Requires the prior submission of a construction employment plan.
 - 21 Requires the prior submission of a lighting scheme
 - 22 Requires the prior installation of means of access
 - 23 Prevents occupation until the turning and parking area has been constructed
 - 24 Requires the prior approval of an amended car park layout
 - 25 Requires the prior approval of the siting/design of the access
 - 26 Requires the prior submission of details of pavement boundary
 - 27 Requires the prior submission of a commercial travel plan
 - 28 Requires gates to be set back
 - 29 Requires the dedicated use of access and egress points
 - 30 Requires the prior submission of cycle storage details
 - 31 Prevents the use from changing within the use class
 - 32 Requires that the approved scheme is incidental to the main use
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Case Officer: Claudia Clemente

Photo(s)

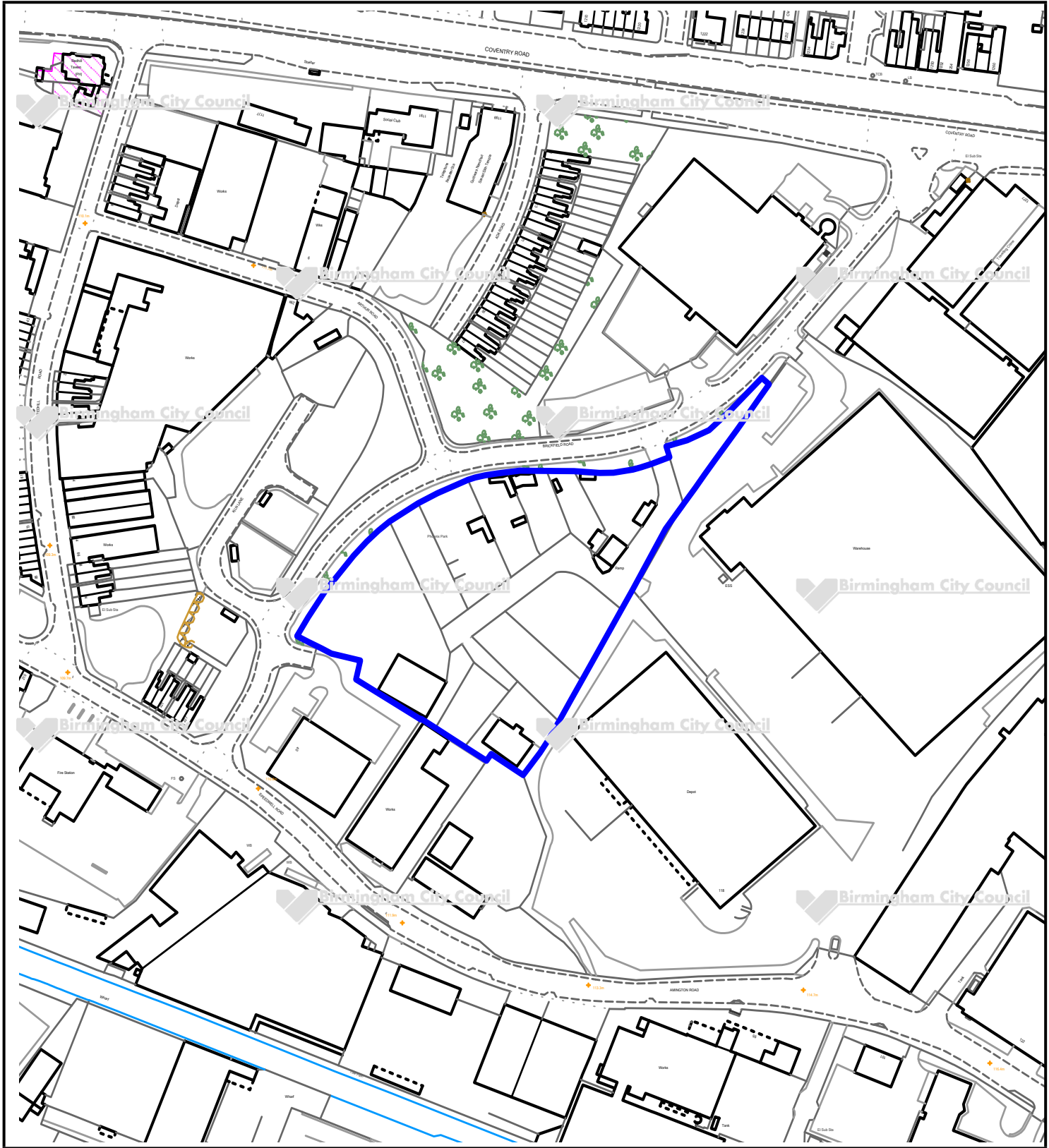


Figure 1: Application site looking south



Figure 2: Existing vehicular access and open storage

Location Plan



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