

Birmingham City Council

Planning Committee

06 July 2023

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 – Subject to 106 Legal Agreement	6	2022/08119/PA 20-39 Snow Hill Queensway Birmingham B4 6WR Demolition of existing building and the erection of a 48 storey building comprising residential homes and ancillary amenity/storage spaces (Use Class C3), flexible commercial, business & service floorspace (Use Class E), cycle parking, landscaping & public realm works, installation of plant and associated works.

Committee Date:	06/07/2023	Application Number:	2022/08119/PA
Accepted:	31/10/2022	Application Type:	Full Planning
Target Date:	21/08/2023		
Ward:	Ladywood		

20-39 Snow Hill, Queensway, Birmingham, B4 6WR

Demolition of existing building and the erection of a 48 storey building comprising residential homes and ancillary amenity/storage spaces (Use Class C3), flexible commercial, business & service floorspace (Use Class E), cycle parking, landscaping & public realm works, installation of plant and associated works.

Applicant:	Snowhill Propco SARL C/o Agent
Agent:	Turley 9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1. This application seeks the demolition of the existing building and the construction of a 48 storey build to rent residential-led scheme.

Extent of Demolition Work

- 1.2. The site includes an existing vacant building to be demolished. However, one bay of the existing building extends into an area of conflicted leasehold interest and this element is retained and painted grey. In the event that the applicant is unable to purchase this additional land, a new party wall would then be built between the site and the retained building, and the existing building will be made structurally good. Associated with the retained bay, ventilation and cooling plant would be placed on the upper ground floor walkway to the public lift. The plant would be screened by a PPC perforated metal screen and sub-frame. The future aspiration of the northern part of the existing building is to demolish the area fronting Snow Hill Queensway and replace it with an area of landscaping. There is a Section 106 obligation to make all reasonable (but commercially prudent) endeavours to acquire this land and secure the enhanced landscaping proposals.

Site Layout

- 1.3. The scheme comprises a building of 48 storeys (Ground, Upper Ground + 46 levels), with enhancements to the public realm and landscaping along Snow Hill Queensway and Weaman Street, through setbacks from the pavement edge. The layout of the site uses the existing topography, to create a lower ground floor fronting Snow Hill Queensway, with the main residential entrance/lobby, commercial access, the public stair and lift, and fire escapes. There is then an upper ground floor fronting Weaman Street, with an additional residential entrance/lobby and bike workshop / cycle storage.

The substation/bin storage are also located on this floor. A new route (including stairway and access lift), located to the north of the site, connects Snow Hill Queensway to Weaman Street. The route will be open to the public during the day but closed during evenings to ensure a level of safety.

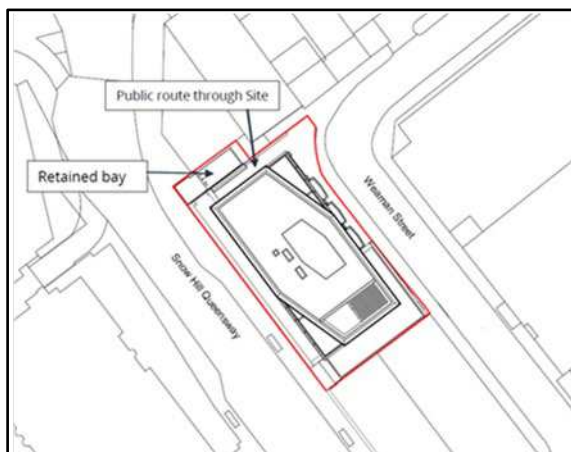


Figure 1 - Site Layout Plan

Scale and Massing

- 1.4. The proposed 48 storey building (277.2m AOD) comprises three elements:
- Plinth – providing an active ground floor frontage and amenity space on Level 01, with the public connection route from east to west;
 - Tower – comprising the residential units, with chamfered corners at Levels 14 and 22 which enables external landscaped residential amenity; and
 - Crown – completing the tower.



Figure 2 - South Elevation Snowhill Queensway and Western Elevation

Appearance and Materiality

- 1.5. The external appearance and materiality of the building seek to evoke Birmingham's modernist legacy, with the use of concrete, metal and glass, and expressing the bay and window detailing in a uniform manner. The architectural form of the plinth seeks to respond to the streetscape and differentiates between the residential tower above. The plinth includes a terrace area at Level 1 which also acts as a canopy over the non-residential uses on the ground floors. The sculptural plinth form would be made of light-coloured GRC concrete panels. The main tower façade bays have chamfered reveals that follow the folded form of the building. The typical bay extends to an approximate 3 x 3.6m grid with each bay housing two wide openable windows with permanent restrictors. On both narrower gable elevations, there is a single window to create variation and enhance the slender sense of building.



Figure 3 - Illustrative View from Hampton Street

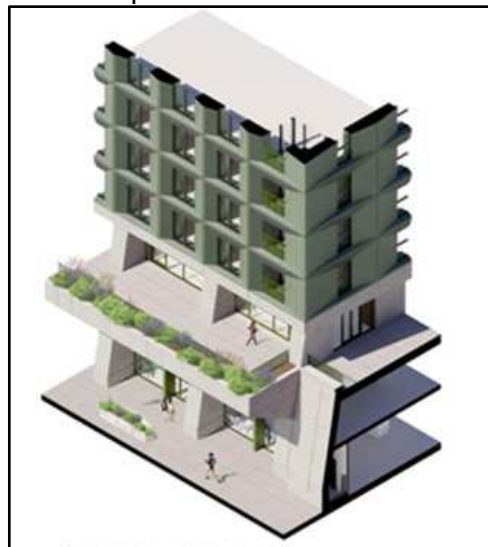


Figure 4 - Design Development of the Plinth

- 1.6. For the repeating module of the tower façade metal cladding with a PPC finish, in a silvery light green/grey is proposed. Aluminium windows, doors and other metalwork such as balustrades and features in a dark green PPC finish on the upper floors and a mid-green finish on the lower amenity floors. Juliette balconies and lower floors would have a medium green PPC.

Proposed Uses

- 1.7. The proposed development is residential-led, accommodating 462 homes of a variety of sizes and mix, as set out in the table below.

Unit Type	Number	Percentage (%)	Combined Percentage (%)
1-bed 1-person	20	4	49
1-bed 2-person	208	45	
2-bed 3-person	132	29	41
2-bed 4-person	57	12	
3-bed 5-person	45	10	10
Total	462	100%	100%

Figure 5 - Accommodation Table

- 1.8. All homes are compliant with Nationally Described Space Standards and are proposed as being accessible and adaptable, in accordance with M4(2) criteria. In addition, 38% of homes would have either a Juliette or inset balcony. The scheme also provides approximately 1,257 sq. m (GIA) of residential amenity on Levels 01, 14, 22 and 26, including 627 sq. m (GIA) flexible internal amenity, to comprise a residential entrance and lobby, lounges, workspace / cycle storage, a gym, and residential storage. The ground floor on Snow Hill Queensway also includes a commercial unit (Class E).

Landscaping and Public Realm

- 1.9. The proposed landscaping includes Snow Hill Queensway streetscape (Lower Ground Floor) and Weaman Street streetscape (Upper Ground Floor); podium terraces (Level 01); mid-level terraces (Level 14 and 22) and roof-top terrace (Level 46). Over 600 sq. m of improvements to public realm and public open space surrounding the development are proposed, with the lower ground floor on Snow Hill Queensway set back 9m from the pavement edge, maximising the active frontage. The proposed landscaping concept on Weaman Street has an extended kerb line with planting, seating and external cycle storage.
- 1.10. The podium level consists of three types of amenity terrace, each linked to a central internal amenity space at Level 01, including: a large continuous western terrace onto Snow Hill Queensway; an L-shaped terrace on the eastern corner; and three separate balconies facing onto Weaman Street including planters along the balustrade. The mid-level landscaping proposals comprise of two triangular terraces – the southern terrace at Level 14 and the northern terrace at Level 22 – and the roof-top amenity terrace



Figure 6 - Proposed Elevations to Snowhill Queensway and Weaman Street

Access, Parking and Servicing

- 1.11. Residential access to the development (including to both homes and amenity provision) would be via both Snow Hill Queensway and Weaman Street. The commercial unit would front Snow Hill Queensway. The scheme can provide up to 464 cycle spaces within the building. In addition, 22 cycle spaces for visitors are provided, comprising 6 spaces on Snow Hill Queensway and 16 on Weaman Street.
- 1.12. The proposed development would have no on-site car parking. However, it is proposed that 2 no. disabled spaces, 2 no. Car Club spaces, 2 no. motorcycle parking spaces, and 1 no. loading bay would be provided adjacent to the site on Weaman Street. The off-site highway works also include improvements to the public realm and landscaping, a crossing point with dropped kerbs and tactile paving to the north-west corner.

Supporting Information

- 1.13. The application is supported by
 - Planning Statement
 - Design and Access Statement
 - Air Quality Assessment
 - Archaeological Desk-based Assessment
 - Aviation Report
 - Biodiversity Impact Assessment
 - Financial Viability Assessment
 - Fire Statement
 - Flood Risk Assessment and Drainage Strategy (including Maintenance and Operations)
 - Flues & Extraction Statement
 - Geo-Environmental Desk Study
 - Health Impact Assessment
 - Heritage Statement
 - Internal Daylight, Sunlight and Overshadowing Report
 - Noise Impact Assessment
 - Preliminary Ecological Appraisal
 - Residential Space Standards Schedule
 - Statement of Community Engagement and Involvement
 - Sustainable Construction, Energy and Overheating Statement
 - Telecommunications Impact Assessment
 - Transport Statement and Travel Plan

- Environmental Statement and Non-Technical Summary

1.14. [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1. The site is approximately 0.18 ha and forms a rectangular urban block, within the Snow Hill area of Birmingham. It is bounded by Snow Hill Queensway to the west; the Kennedy Tower (occupied by Holiday Inn Express) to the north; Weaman Street to the east, and Lloyd House (occupied by West Midlands Police Headquarters) to the south. The site currently comprises an unoccupied and low-rise commercial property with rooftop car parking, with areas of hardstanding on Weaman Street. There are currently 52 existing parking spaces, of which only 11 can currently be accessed. Birmingham City Council holds the freehold to this site.
- 2.2. There are various level changes, including approximately 3.2m along Snow Hill Queensway and 2.8-3.9m from Snow Hill Queensway to Weaman Street. Therefore, on Snow Hill Queensway, the building is currently two-storeys, with blue hoarding existing on the lower proportion of the building. The Weaman Street elevation consists of various access arrangements.
- 2.3. Falling within the Snow Hill District of Birmingham City Centre, the site forms part of the City's Colmore Business District, with the surrounding area predominantly commercial in nature, with a range of other uses: to the west, the landmark Snowhill office development (One, Two and Three Snowhill) is located, with The Colmore Building and Wesleyan nearby. There are also several car parks including multistorey parking at Snow Hill Station, the NCP and B4 facilities on Weaman Street and numerous surface level and on-street parking areas.
- 2.4. Nearby listed buildings include the statutorily listed St Chads Cathedral (St Chads Circus Queensway Cathedral of St Chad - Grade II*, Victoria Law Courts - Grade I and Birmingham Children's Hospital - Grade II, located to the north and south-east of the site, respectively. The Steelhouse Lane Conservation Area lies to the east, whilst to the west are the Colmore Row and Environs and Jewellery Quarter Conservation Areas.

[Site Location](#)

3. **Planning History:**

- 3.1. 2 July 2001 Application 1999/02257/PA – Planning consent granted for construction of a building for alternative/combination of uses within Use Classes A1, A2 & A3, B1(a), C1, C3 and D2 (using the now superseded Use Classes Order).
- 3.2. 7 March 2008 Application 2007/07479/PA – Planning consent granted for demolition of buildings and replacement with mixed use, multi storey development comprising office (B1[a]) uses, ancillary retail/leisure uses (A1/A2/A3/A4/D2), (shops; financial and professional services; restaurants and cafes; drinking establishments; assembly and leisure) car parking, landscaping, public realm improvements (including 'atrium link') and associated works (using the now superseded Use Classes Order).
- 3.3. 31 March 2014 Application 2013/09446/PA. Planning consent granted for the demolition of the existing building and the construction of a 15-storey office building (former Use Class B1) with basement parking and associated public realm works.

4. **Consultation Responses:**

- 4.1. BCC Design and Landscape – whilst on the ‘city ridge’ and in the central business district where tall buildings are common and generally supported, this site is a challenge as it is not on a prominent frontage or on a major corner or intersection. Instead, it is tightly surrounded by existing tall buildings and less than inspiring post war planning making a tall building on this site very difficult. Despite amended plans being submitted addressing a number of detailed design concerns, however concerns remain regarding the materials chosen and the system of construction proposed. A position of no objection is reached with regards materials and their application subject to detailed conditions. However, the lack of a comprehensive redevelopment plan that sees all of the existing building removed remains a serious concern and on that basis an objection is upheld on design grounds.
- 4.2. BCC Conservation – recommend refusal on grounds of harm to the setting of the Grade 1 listed Cathedral of St Philips due to the height and position of the proposed development.
- 4.3. BCC Ecology – no objections provided the proposed landscape scheme is implemented. Also supportive of the potential for street trees (that are outside the site boundary) on the basis that suitable rooting environments can be provided.
- 4.4. BCC Education – based on the current childcare sufficiency places available local childcare providers have the capacity to absorb any increased demand from the proposed development.
- 4.5. BCC Employment Access – request local employment and training obligation secured either via a condition or a S106 legal agreement.
- 4.7. BCC Leisure Services – the residential element of this scheme (over 20 dwellings) would trigger the need for a POS and play area contribution of £993,675. This would be spent on the provision, improvement and/or biodiversity enhancement of public open space and play, and the maintenance thereof at POS priority sites within the Ladywood Ward.
- 4.8. BCC Regulatory Services – no objections subject to conditions to secure an overheating assessment, measures to mitigate adverse air quality impacts (as detailed in the Air Quality Assessment report), a contamination remediation scheme and verification, details of extraction and odour control equipment, noise insulation between the commercial and residential premises, limits on noise levels for plant and machinery and restricting the hours of use of the commercial premises (08:00-23:00).
- 4.9. BCC Transportation – no objection subject to conditions to secure the off site highway works, cycle parking, a servicing management plan and a construction management plan.
- 4.10. Birmingham Airport – no objections subject to conditions to limit the height of the development (including construction equipment i.e. cranes) to 309m and to secure aviation warning lights.
- 4.11. Local Lead Flood Authority – no objection subject to conditions a sustainable drainage scheme and sustainable drainage operation and maintenance plan.
- 4.12. Environment Agency – no objections subject to conditions to secure a site investigation to provide further evidence of acceptable piling and drainage techniques to ensure the protection of Controlled Waters.
- 4.13. Fire Service – the approval of Building Control will be required to Part B of the Building Regulations 2010. Early liaison should be held with them in relation to fixed firefighting

facilities, early fire suppression and access. In addition, the external access provisions for the building should be planned to complement the internal access requirements for a fire attack plan.

- 4.14. Historic England – concerned at the harm this scheme would cause to the character and appearance of the Steelhouse Lane Conservation Area, to the significance of the Cathedral Church of St Chad's, Queensway, a Grade II* building, and to the significance of some of the city's most prominent and architecturally impressive, listed landmarks through development in their settings. In all cases they consider this to be a lower level of 'less than substantial harm', requiring great weight to be given to the assets' conservation, irrespective of the level of harm. At 48 storeys this would be one of the tallest buildings in Birmingham. It is vital then, that City Council is fully satisfied that this will not also result in harm to heritage assets further afield.
- 4.15. Police – no objections subject to a condition to secure any necessary mitigation to ensure that their telecommunications equipment is not adversely impacted upon
- 4.17. Severn Trent Water – no objections subject to conditions to secure drainage for the disposal of foul and surface water flows
- 4.18. Sport England – in accordance with the City Councils Playing Pitch Strategy they request £296,860 for indoor sports facilities and £255,295 for playing pitches. In the absence of an agreed package of s106 contributions to meet the needs for sport that arise from this development, they object.
- 4.20. Birmingham Civic Society – object to the application. Whilst they welcome the principle of a high-density residential scheme and the ambitious design, they have concerns about the technical feasibility of constructing the proposed building and the lack of amenity space. They also consider that the impact on St Paul's in the Jewellery Quarter and on St Philip's Cathedral are significant, and the building will be highly visible from many locations within the city. They question why the proposed development is significantly taller than any in the Snow Hill area and consider that a development similar in height to the 39-storey scheme at Great Charles Street would be more appropriate.
- 4.21. Health and Safety Executive – the fire safety design is satisfactory.

5. **Third Party Responses:**

- 5.1. Adjoining occupiers, residents associations, local ward Councillors notified. Site and press notices displayed. No comments received.

6. **Relevant National & Local Policy Context:**

- 6.1. National Planning Policy Framework
 - Section 8 Promoting healthy and safe communities
 - Section 9 Promoting sustainable transport
 - Section 11 Making effective use of land
 - Section 12 Achieving well-designed places
 - Section 16 Conserving and enhancing the historic environment
- 6.2. Birmingham Development Plan 2017
 - PG1 Overall Levels of Growth
 - PG3 Place Making
 - GA1 City Centre
 - TP1 Reducing the City's carbon footprint

- TP2 Adapting to climate change
 - TP3 Sustainable construction
 - TP4 Low and zero carbon energy generation
 - TP5 Low carbon economy
 - TP6 Management of flood risk and water resources
 - TP8 Biodiversity and geodiversity
 - TP9 Open space, playing fields and allotments
 - TP12 Historic environment
 - TP20 Protection of Employment Land
 - TP21 The network and hierarchy of centres
 - TP24 Promoting a diversity of uses within centres
 - TP27 Sustainable neighbourhoods
 - TP28 The Location of New Housing
 - TP30 The type, size and density of new housing
 - TP31 Affordable housing
 - TP39 Walking
 - TP40 Cycling
 - TP41 Public transport
 - TP47 Developer Contributions
- 6.3. Development Management DPD
- DM1 Air Quality
 - DM2 Amenity
 - DM4 Landscaping and Trees
 - DM6 Noise and vibration
 - DM10 Standards for residential development
- 6.4. Supplementary Planning Documents & Guidance:
- Big City Plan (2011)
 - Snow Hill Masterplan (2015)
 - Birmingham Design Guide SPD (2022)
 - Parking SPD (2021)
 - Public Open Space in New Residential Development SPG (2007)
 - Loss of Industrial Land to Alternative Uses SPG (2006)

7. **Planning Considerations:**

Principle of the Proposed Development

- 7.1. The application is for a mixed-use development, with one commercial unit on the lower ground floor and residential units and amenities above. The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.2. The application site is located within the City Centre Growth Area (Policy GA1) in the Birmingham Development Plan (2017), which confirms the City Centre as a focus on retail, office, residential and leisure activity within the context of the wider aspiration to provide a high-quality environment and visitor experience. New developments should aim to promote the overall mix of uses in the area. GA1.1 says that "the primary focus for additional office development will be within and around the City Centre Core

including the Snow Hill District and Westside.” The site is also near the expanded office core designated by the Snowhill Masterplan, which is to provide a sustainable supply of high-quality office space complemented by a mix of uses creating 24/7 activity and supporting strong business and residential growth. I therefore have no objection to the principle of the residential development with a commercial at ground floor in this location.

Retained Building

- 7.3. There is a third-party leasehold interest in the end bay of the existing building that is not currently being brought into the proposal. This is concerning for several reasons:
- The section left will unlikely be redeveloped in isolation of the wider scheme, nor will the hotel site to the north utilise it, meaning it will be left with very limited future prospects;
 - The failure to include it does not deliver sound comprehensive regeneration, which a scheme of this calibre should be inspirationally delivering; and
 - The view from the north and street scenes of the development will not be as open and visible as suggested.

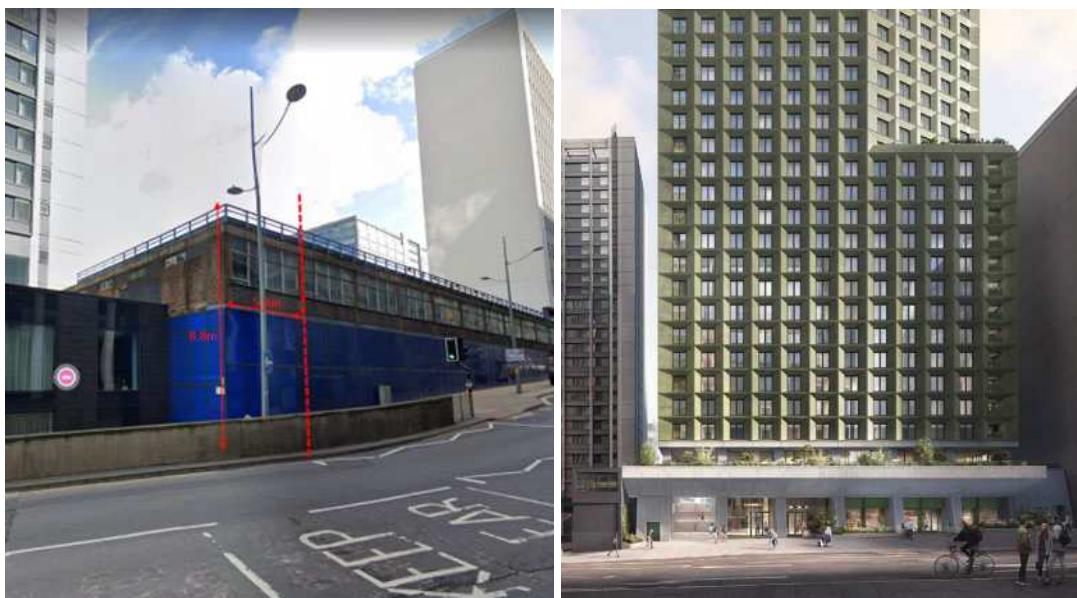


Figure 7 - Existing building with the retained bay highlighted and Proposed scheme if the bay is retained

- 7.4. To address the objection from BCC Urban Design, the developer is proposing an obligation within the S106 agreement to use "all reasonable but commercial prudent endeavours" to secure the necessary rights to demolish the relevant part of the building on what is referred to as the 'Retained Land' and replace it with an area of high-quality planting. As 'endeavours' type obligations go, the wording of the currently proposed obligation sits towards the higher end, a little below 'best endeavours', but in this instance the developer also seeks to safeguard their position with the 'commercially prudent' caveat which won't guarantee that the obligation will materialise. The graph below illustrates the hierarchy of endeavours obligations based on numerous Court judgments over the years.

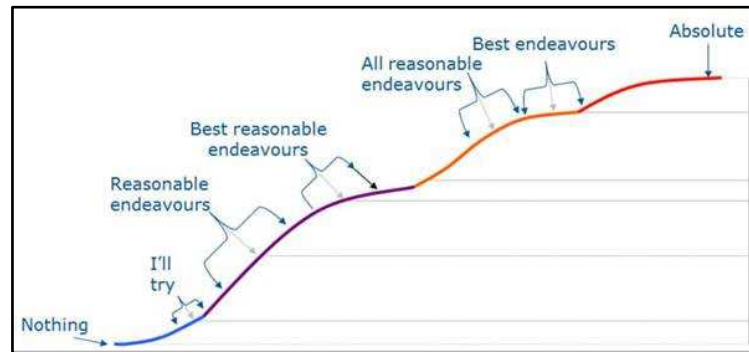


Figure 8 – Graph showing the hierarchy of endeavours obligations

- 7.5. In short, what the wording of the proposed obligation means is that they will need to attempt all feasible means to acquire the necessary rights, but only insofar as that can be achieved within commercially prudent means ie. if the cost of doing so would be unreasonably high, the burden of the obligation would not extend to the point where they must exhaust all of those means whatever the cost to them, and they wouldn't have to comply with the obligation if it required them to pay significantly 'over the odds' to acquire those rights and that wasn't considered (objectively) to be commercially prudent. Alternative options have been explored, however, if the application is to be supported then what is proposed is the best that can be achieved.

Layout

- 7.6. The development would comprise an infill tower sat on a podium that would fill the site between Snow Hill Queensway (on the lower western side) and Weaman Street (on the elevated east side). The tower would be set back from the Queensway frontage of the site, with the podium having a canopy extending over a widening footpath to Snow Hill Queensway. This is effectively a positive contribution back to the City. A new route is proposed under the north-western end of the building, directly behind this retained portion of the existing building. It would link Snowhill Queensway up to Weaman Street. This route is proposed to be through the podium via a flight of steps and a lift. For safety reasons it would only be open during the day. is disappointing as a fully open public route with nothing over it would make it safer and more clearly public, however the route would be a public benefit of the scheme.
- 7.7. The City Design Manager considers that the organisation of the base of the tower is a good aspect of the layout. The ground floor fronting Snowhill Queensway has the entrance and amenity space for residents as well as a commercial unit with associated outdoor space on the widened paved apron. Behind this is storage and plant. Above this is the street level frontage to Weaman Street, with a further entrance and amenity space, giving much needed animation into this overlooked street, with some bin storage. Behind this, on what is the upper ground level is a concealed mezzanine extending into the bold architecture of the deep canopy and comprises cycle storage. The floor above is sat over the podium, rationalises the footprint across the site between the staggered street levels and comprises further amenity space, before extending up into typical residential floorplates above.
- 7.8. There is limited external amenity space, which is reasonable considering the tight urban plot, with terraces at podium, two intermediary levels at the top of the tower. A total of 38% of apartments have balconies/Juliette balconies. Overall, the development would provide a total internal amenity area of 627m² and externally 654m², which equates to 2.7m² per unit. On balance the level of amenity space is considered satisfactory given the city centre location.

Scale, height and massing

- 7.9. The building's scale and form are key to the acceptability of a tall building in this location. The City Design Manager is of the view that the development of the full width of the block can be supported, its length less so. The challenge here is to accommodate a tower between two existing tall buildings. Whilst a case has been presented to justify the placement of the tower in a slightly set back position from its southern neighbours and only partially concealed behind its northern neighbour (when viewed from the north) this only works because of the building's height and form.



Figure 9 – CGI of the proposal with St Chad's to the left and Snowhill 3 to the right

- 7.10. In short, the City Design Manager considers that the site is within an area where tall buildings can generally be accepted'; however, accommodating this building onto this

plot has only been possible through careful manipulation of form which has had consequences in terms of appearance. Amendments to the design have helped make it command its location, when viewed from the north. There is only so much the designers can do to fit a tower into a site that is not naturally designed to accommodate a tower (so close to other tall buildings) and this is the best possible position, orientation, massing and height.

- 7.11. The Design Manager adds that the proposal has been submitted with an Environmental Statement (ES). ES Volume 2: Heritage, Townscape and Visual Impact Assessment has aided a better understanding of the developments impact on townscape and views. The City Design Manager BCC broadly concurs with the summary of effects on townscape, with these being adverse during construction (which is only temporary) and a moderate beneficial effect on the townscape character area it is in and moderate neutral to minor neutral on other character areas.
- 7.12. With regards to views, in particular the effect of the development on Viewpoint 5 – VP5: St Philips Cathedral, the applicant concludes the effect would be moderate beneficial. However, considering the nature of this established civic centre view around the cathedral of low scale buildings, the Design manager disagrees with this conclusion. In other viewpoints it is part of the central business district which comprises a series of slightly disorganised and densely developed aspects. In these cases, the development can be seen to be neutral to minor beneficial.
- 7.13. Cumulative effects are also tested with the development modelled against a number of other approved schemes. Of particular note is the Moda Scheme on Great Charles Street Queensway, Post and Mail and Martineau Galleries on Priory Street Queensway. The testing of cumulative effects is acceptable by the Design Manager.

Architecture and materiality

- 7.14. The Design and Access Statement comprises a section that considers a range of domestic and European precedents. From these a number of key elements were enshrined into the design: (1) the dense buttress-like pilasters that form a slab like series of trestles that slice through the podium and carry the tower on a cantilevered slab, (2) the angled canopy with sloping soffit that also cantilevers forwards across the front elevation and creates a monumental, giant order, base to the structure, (3) the bold, angled, bunker-like mass of the bin store along Weaman Street, (4) the inverted angled window bays throughout the tower, and (5) the open floating crown with a heavy cap to the top of the building. All of these elements brought together in a rectangular plan that cuts away to form chamfered angles at the 14th floor (on the north east corner) and the 22nd floor (on the south western corner), make for an exciting and dramatic form.

Since the original submission, amendments have been received addressing the following matters:

- The materiality of the podium: rather than being in situ concrete, GRC is now proposed. This is a substandard cladding material and concerns over jointing were raised. The architect has revised the jointing plan and the nature of those joints in a better arrangement and execution. Soffits and walls to link steps are also of the same matching material. GRC cladding is not as solid and dense as in situ concrete but now is now accepted by The City Design Manager
- Depth of reveals are now provided and can be accepted.
- Balcony balustrade design: these have been amended to a bespoke design but remain weak and mean in their form and weightiness.
- Upper floor metal cladding system: a unitised metal cladding systems is proposed; however, the first iterations of drawings were concerning. A revised arrangement

has now been submitted which is better, although cannot completely distract from the choice of cladding that has been arrived at, which the City Design Manager's considers should be a masonry building constructed using pre-cast technology.

- 7.15 Concluding on matters of design, I concur with the conclusions of the City Design Manager that a case for a tall building has satisfactorily been made through the bespoke design in response to its immediate context. Conditions as proposed would control the details of materials and their application to ensure that high quality development, as demanded by national and local policy, is secured through to delivery. In townscape terms this proposal would provide a dynamic and unique addition to the city's skyline and should weigh favourably in the overall planning balance.

Landscape

- 7.16. Landscaping is provided at street level, on the podium, and at each of the roof terrace levels. At street level the landscaping is limited to the pavement in front of the building. The terraces are illustrated to have trees/shrubs of a generous size and density. The amount of roof terracing to provide outdoor amenity for this large community falls short of the City Design Guide SPD requirements. However, given that it is a tight urban city-centre development and the additional information to ensure that the landscaping on the building is structurally feasible, this is considered acceptable.

Heritage and Archaeology

- 7.17. In accordance with paragraph 189 of the NPPF, the Heritage Statement describes the significance of the designated and non-designated heritage assets which have the potential to be affected by the application proposals. The Statement acknowledges that there would be some harm arising from the Proposed Development on a number of the designated heritage assets, being:
- The Birmingham Children's Hospital, St Chad's (II*), listed buildings on Price Street/the Bull
 - Three grade II listed buildings on Loveday Street where the Proposed Development would be seen at the end of the street and as the backdrop to the listed buildings,
 - the grade II listed West Midlands Fire Service Headquarters where the Proposed Development would be seen behind the listed building and
 - the grade I listed Cathedral Church of St Philip where the proposals (highlighted in green on Figure 10) would be seen behind the nave in some views
- 7.17a The City's Conservation Officer broadly agrees that the harm is limited to the list of buildings as set out in the Heritage Statement. He does however find additional harm to Steelhouse and Colmore Conservation Areas. Whilst he concludes that harm is generally at the lower end of 'less than substantial', he considers that the impact upon St Philip's could be at a higher level. He also highlights the view up Temple Street where the impact could be more pronounced. He therefore recommends refusal based upon the impact upon the Grade I St. Philip's cathedral.
- 7.17b Historic England conclude that the proposal would cause harm to the character and appearance of the Steelhouse Lane Conservation Area, and to the significance of Grade II* St Chad's through development in their setting. They consider that in both cases the level of harm is at the lower end of 'less than substantial' harm.

- 7.17c The Civic Society welcome the redevelopment of the site with an ambitious design of a more intensive nature and considers the investment in design and material quality offers significant mitigation for the impact of the development. On heritage they raised the same assets as above and conclude that they find it difficult to conclude that a building of this height will have the suggested (by the HTVI) level of harm on townscape or heritage. They particularly cite the impact upon St Paul's in the Jewellery Quarter and St. Philip's Cathedral and conclude that a development similar to the Great Charles Street scheme (39 storeys) a more appropriate benchmark.



Figure 10 – View of St Philip's with wireframe view of scheme behind

- 7.18. Whilst there are differences between/nuisances within the conservation specialist's advice/views, less than substantial harm has been found. I concur with the city's Conservation Officer in that the level of harm to St Philip's would be elevated from low to moderate but otherwise concur with the supporting Heritage Statement conclusions and Historic England's guidance. As all harm would be 'less than substantial' this engages Paragraph 202 of the NPPF, which requires this harm to be balanced against the wider planning benefits delivered by the Proposed Development. Any heritage harm is to be given great weight in decision making. The public benefits of the proposal are as follows:

- Redevelopment of a long-term unoccupied brownfield site with a sustainable scheme of tall building that will serve as a marker for the ongoing regeneration of the Snow Hill area;
- Provision of 462 new residential homes to help address Birmingham's housing need, including 45 three-bedroom homes, alongside an additional 56 two-bed four-person units (of which 9.74% would be affordable housing units);
- Introduction of a new publicly accessible pedestrian route (including lift for step free access) connecting Snow Hill Queensway and Weaman Street, improving permeability and connectivity through the local area;
- Improvement to the streetscene of both Snow Hill Queensway and Weaman Street, introducing active frontages and passive surveillance improving safety and vitality;
- Enhancement of public realm along Snow Hill Queensway and Weaman Street, including setting the ground floor back to create wider pavements, a new active frontage, street greening and introduction of landscaping;
- Introduction of a new residential community into the Snow Hill area, which will boost footfall and economic activity and spur further growth in line with the aspirations of the emerging Our Future City Plan;
- Creation of new jobs in both the construction (~720 net additional temporary jobs) and operation (~45 net additional jobs regionally) of the scheme;
- Car-free development with the provision of 486 new cycle spaces and 2 off-site

- motorcycle spaces, 2 off-site disabled spaces, and 2 off-site Car Club spaces (available to non-residents) encouraging more sustainable travel patterns and reducing vehicular priority in the surrounding area;
- Ecological improvements, including a biodiversity net gain of 0.78 units and a total net increase of 100% in ecological value;
- Provision of a sustainable and energy efficient building.

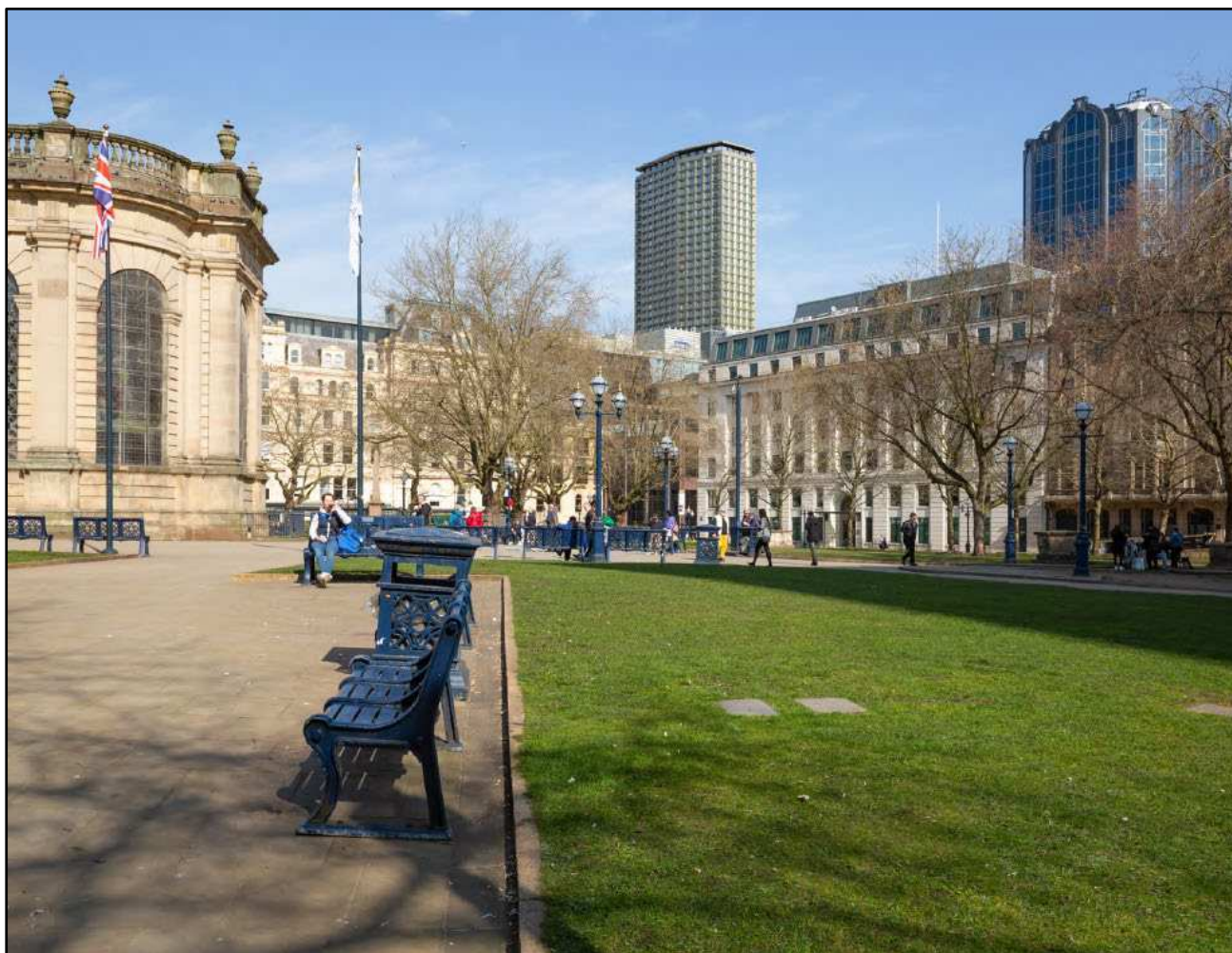


Figure 11 – View from St Phillip's

- 7.19. Whist BCC Conservation Team recommend refusal of the application, I consider that the public benefits outweigh the “less than substantial harm” caused to the setting of the Grade 1 listed Cathedral of St Philips due to the height and position of the proposed development.
- 7.20. The archaeological assessment confirms that there are no designated archaeological assets that would be impacted by proposed development. The site is located outside the historic core of Medieval Birmingham and outside of the historic core of Digbeth/Deritend; it is located within an area developed from the later 18th century onwards. Given the successive episodes of development in the 19th and 20th centuries the site itself is unlikely to contain significant archaeological deposits and a low potential for archaeological remains dating from the Prehistoric through to the Post-Medieval period is identified. The assessment concludes that the archaeological potential of the study site is not sufficient to preclude or constrain proposed development.



Figure 12 – View from Steelhouse Lane/Children’s Hospital

Residential Mix

- 7.21. BDP Policy TP30 requires new housing to seek to deliver a range of dwellings to meet local needs accounting the Strategic Housing Market Assessment (or any subsequent revision), detailed Local Housing Market Assessments (where applicable), current and future demographic profiles, Locality and ability of the site to accommodate a mix of housing, market signals and local housing market trends. The Council’s Housing and Economic Development Needs Assessment (HEDNA) provides the latest evidence on the mix of dwelling sizes required in the city and replaces the 2013 SHMA referred to in the policy.
- 7.22. The submission proposes 49% 1 bed; 41% 2 bed; and 10% 3 bed. Although proposals are not expected to provide the exact mix suggested by HEDNA, the submitted proposal shows an over-provision of 1 bed and 2 bed units. However, the inner area, is more suitable to accommodate smaller homes for singles and couples. I therefore consider the proposed housing mix is acceptable and in comparison to other similar schemes the provision of 10% 3 bed 5 person units is particularly welcome. In addition, all apartments satisfy the minimum thresholds set out within the Nationally Described Space Standards.

Fire Safety

- 7.23. The Fire Safety Report confirms that an external fire spread assessment will be required to be undertaken at a later stage. Notwithstanding, as the building is to be provided with sprinkler protection throughout and all areas are provided with high levels of compartmentation, there is not considered to be any fundamental concerns with regards to external fire spread. In addition, the building will be provided with two dedicated firefighting shafts with all associated fire service provisions; an automatic sprinkler system and an emergency alert system to allow the Fire Service to instigate evacuation if necessary. The Health and Safety Executive have raised no objections on fire safety grounds.

Aviation Safeguarding

- 7.24. The Aviation Report notes that the overall height of the building (277.2m AOD) would exceed Birmingham Airports outer limit surface (252.3m AOD) by 24.9m but there is no impact on Birmingham Airport as the small penetration into the OLS will be mitigated through obstacle lighting. The report adds that during construction, through keeping the crane and associated construction activities under 309m AOD (and therefore not impacting the SMAC) there is no impact on to Birmingham Airport and their operations. The Aviation Report also assesses the impact on Birmingham Childrens Hospital It concludes that the two existing helipads do not have approach routes that are near 2 Snowhill Plaza. In addition, the potential future helipad, whilst not yet constructed, has been considered and appropriate obstacle lighting will be provided on the building in advance. Birmingham Airport have raised no objections subject to safeguarding conditions.

Telecommunications

- 7.25. The Telecommunications Impact Assessment notes that the proposed development results in interference with emergency services communication links with the adjacent Police HQ at Lloyd House. The applicants are therefore in discussion with West Midlands's Police to agree a suitable form of mitigation such as re-networking the link whereby the link path is diverted via an additional mast so that it avoids the building development, or the use of an alternative technology whereby the link is replaced with an alternative that is not affected by the new building. West Midlands Police have no objections subject to a condition to secure any necessary mitigation to ensure that their telecommunications equipment is not adversely impacted upon.

Wind and Microclimate

- 7.26. An assessment of the wind and microclimate has been undertaken. The wind tunnel testing identifies that with the proposed development all conditions would be suitable for the intended pedestrian uses throughout the year. It therefore concludes that the likely effects would be expected to range from insignificant to direct, long-term, local and major beneficial. Cumulatively, it is also demonstrated that the proposed development, together with other schemes, would not give rise to any materially different wind microclimate effects over and above those identified for the scheme in isolation. On the basis in relation to wind and microclimate it is therefore considered that the scheme is acceptable.

Overshadowing

- 7.27. The Environmental Statement identifies that the only amenity space appropriate for assessment is adjacent to St Chad's Cathedral. The assessment shows no reduction would be experienced to this area that can receive 2 hours of sunlight on 21 March as a result of the proposed development, thus the effect is considered insignificant. The transient overshadowing images show that, when the proposed development is in place, longer shadows exist which would be cast as a result throughout the year.

However, the shadows cast are not considered to create a negative adverse effect as shown by the Sun on Ground Assessment.



Figure 13 – CGI of the proposal from Old Square

Daylight, Sunlight and Glare

- 7.28. Sunlight assessments show that 87.5% of the proposed habitable rooms will meet the suggested sunlight criteria, with 91.3% of flats having at least 1 habitable room that meets the sunlight criteria and having adequate access to direct sunlight. Regarding external amenity terraces, 2 are shown to enjoy good levels of direct sunlight in accordance with the BRE guidelines in March, with the remaining spaces below the suggested criterion due to the height and massing of the surrounding levels. When taken in June, these show adequate levels of sunlight to be received during the main summer months. For a city centre site, constrained in terms of size and adjacent buildings of height, this is considered reasonable.
- 7.29. For existing surrounding uses the Daylight Assessments show that one room of Birmingham Children's Hospital was found to experience daylight reductions beyond the BRE guidelines, however, the Assessment considers that the loss to one window of the building is considered only very small. In terms of other surrounding uses, commercial properties including hotels are generally not treated as having a reasonable expectation of daylight or sunlight, due to these usually being designed to rely on electric lighting to provide sufficient light, and are transient in nature.

- 7.30. In terms of daylight and sunlight, the scheme is consistent with the advice within NPPF Paragraph 125 which states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions ensure that developments make optimal use of the potential of each site. In these circumstances, a flexible approach should be taken in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site.
- 7.31. A solar glare analysis has also been undertaken, which concludes that no significant daylight, sunlight, overshadowing and solar glare effects are anticipated because of the proposed development. Therefore, when considering Paragraph 125 of the NPPF, the scheme achieves good levels of daylight and sunlight, according with Policy DM10 of the DMB and complying with the requirements of the Design Guide.

Air Quality, Flues and Ventilation

- 7.32. The Air Quality assessment concludes that during construction the impact of dust can be significantly reduced through suitable mitigation measures and the residual effects of the construction phase on air quality are negligible. Pollutant concentrations from road emissions are also below the relevant UK Air Quality Strategy objectives. However, there are concentrated exceedances of the short-term objective within the two units closest to the boiler stack on the 19th floor. A mitigation strategy has been put forward for these two units including have sealed windows. As a precautionary measure, the same units on the 18th and 20th floor will also have sealed windows and as such, six of the 462 units will have mitigation. Based on the assessment results and with the proposed mitigation in place, it is considered that the development proposals comply with national and local policy for air quality. BCC Regulatory Services consider that the proposed mitigation is acceptable subject to safeguarding conditions.

Noise

- 7.33. The Noise Statement confirms that road traffic is the dominant noise source. Noise ingress calculations show that the target internal noise levels can be met based on the proposed ventilation strategy and minimum sound insulation performance specifications for the building envelope have been provided for demonstrative purposes. BCC Regulatory Services have raised no objections subject to safeguarding conditions.

Sustainability

- 7.34. Policy TP3 of the BDP states that the design and construction should maximise energy efficiency, conserve water, consider the use of materials, minimise wastes and maximise recycling in construction, and have the flexibility and adaptability to cater future occupier needs. The technical feasibility and economic viability of installing different LZC technologies at the development have been assessed. The proposal is to install air source heat pumps on the roof with a capacity of 32kw and a sound level of 51 dBA. Overall, the development is committed to reducing carbon emissions by up to 50% over Part L 2021 (40% over Part L 2016) Building Regulations.
- 7.35. Connection to existing heat networks has been assessed with the nearest system being the gas fired CHP network at Birmingham Children's Hospital. Connection has been discounted due to concerns about technical viability and higher carbon emissions for CHP as opposed to the electric solution proposed. To ensure compliance with Policy TP4 Low and zero carbon energy generation and TP3 sustainable construction of the BDP, conditions are attached to secure the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development as detailed applicants

supporting documentation.

Access and Parking

- 7.36. The application site will provide excellent accessibility by foot and cycle to a vast range of services, facilities and employment opportunities. It is therefore considered appropriate to provide zero car parking on site. No specific visitor parking is provided within the proposals due to the availability of both on-street pay and display parking and Multi storey Car Parks in the locality. However, to cater for the needs of future residents, a servicing bay, two disabled car parking spaces, two car club spaces and two motorcycle spaces are provided on the development frontage on Weaman Street. In addition, the scheme provides 464 cycle parking spaces which meets the Parking SPD requirement of 100% along with public/visitor spaces on the forecourt area. A new pedestrian link is provided between Snow Hill and Weaman Street with steps and a lift across private land and being privately maintained.
- 7.37. BCC Transportation Development have raised no objections and as suggested conditions are attached to secure cycle parking, a service management plan and a construction management plan. The proposed off site highway works would need to be secured via a S106 agreement.

Flood Risk and Drainage

- 7.38. The Flood Risk Assessment and Outline Drainage Strategy demonstrates that the site lies within an appropriate location for the proposed land uses in accordance with the vulnerability classifications of the NPPF. In addition to the NPPF, the proposed surface water drainage strategy complies with local policy and site-specific requirements. The proposed surface water drainage strategy aims to mimic the behaviour of the site predevelopment, through the utilisation of below basement attenuation storage. A rainwater harvesting system is also being considered for use in watering landscaping elements across the proposed development. Severn Trent Water and the Local Lead Flood Authority have raise no objections subject to safeguarding conditions.

Ground Conditions

- 7.39. The Geo-Environmental Desk Study notes that potential sources of contamination have been identified within the site boundary relating to historical and contemporary land uses on the site. The report categorises the environmental risk as Moderate / Low risk to human health, properties and utilities, and a Low to Moderate / Low risk to controlled waters. The report's main recommendation being that an intrusive ground investigation is to be carried out to refine the conceptual site model and assess the plausible contaminant linkages, as well as for the purposes of supporting geotechnical design. The investigation should incorporate a suitable period of post-investigation ground gas and groundwater monitoring. BCC Regulatory Services have raised no objections subject to safeguarding conditions.

Ecology

- 7.40. The Preliminary Ecological Appraisal notes that the site is within 250m of the Birmingham and Fazeley Canal Site of Local Importance for Nature Conservation and there is low potential for nesting birds within the buildings on site. Given the proximity of the SLINC the report advises that measures to address the impact upon the canal should be described within a Construction Environment Management Plan. Also prior to demolition works commencing, a check should be undertaken for active bird nests and if any nest are found to seek to advise from an ecologist. To enhance the ecological value of the site the proposal includes a green wall / climbers on the north-east aspect the lower ground floor and wildlife planting on the roof terraces. The

Biodiversity Impact Assessment demonstrates that the development proposals will result in a net gain of 0.78 biodiversity units, equivalent to a 100% increase in ecological value and follows the Biodiversity Net Gain Mandate which states a target of 10% net gain in biodiversity. These ecological mitigation measures are secured through a planning condition.

Other Issues:

CIL and Planning Obligations

- 7.41. Given the number of proposed apartments the City Councils policies for Affordable Housing (TP31) and Public Open Space in New Residential Development (TP9) apply. The applicant is not able to meet in full the affordable housing or off-site public open space requirements. Accordingly, the applicant has submitted a Viability Statement to justify relaxing the policy requirements in this instance. The Viability Statement has been independently assessed by the City Council's assessor, who concludes that the provision of 9.74% affordable private rented units is the most that the scheme is able to sustain without impacting on viability and deliverability.
- 7.42. Sport England have also requested a financial contribution. However, in this instance I consider that affordable housing is the greater priority.
- 7.43. The proposed development does not attract a CIL contribution.

8. Conclusion

- 8.1. Whilst on the 'city ridge' and in the central business district where tall buildings are common and generally supported, this site is a challenge as it is not on a prominent frontage or on a major corner or intersection. Instead, it is tightly surrounded by existing tall buildings and less than inspiring post war planning making a tall building on this site very difficult.
- 8.2. Amended plans have been submitted addressing several detailed design concerns, and the City Design Manager raises no objection regarding the proposed materials and their application subject to detailed conditions and notes the tower's exciting and dramatic form which should weigh favourably in the overall planning balance.
- 8.3. The lack of complete commitment to comprehensive redevelopment that sees all of the existing building removed is a serious concern. Options have been explored to secure removal of the retained bay, with the best option being the proposed S106 to require the applicant to use "all reasonable but commercial prudent endeavours".
- 8.4. I note the objection from BCC Conservation Team but consider that the public benefits outweigh the "less than substantial harm" caused to the setting of the Grade I listed Cathedral of St Philips due to the height and position of the proposed development.
- 8.5. Therefore, given the tilted balance permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I therefore recommend approval subject to a S106 agreement and safeguarding conditions.

9. Recommendation:

- 9.1. APPROVE Application 2022/08119/PA subject to the prior completion of a Section 106 Legal Agreement to secure the following:

- a) 9.74% affordable private units (APR) at 80% (DMR) of the scheme's market rent in perpetuity comprising 5 x 1 Bedroom 1 Person Apartment; 23 x 1 Bedroom 2 Person Apartment; 9 x 2 Bedroom 3 Person Apartment and 9 x 3 Bedroom 5 Person Apartment.
- b) For the applicant to use all reasonable, but commercially prudent, endeavours to secure, where reasonably practicable, the rights required to carry out and maintain the Retained Land Development.

[Retained Land Development means the demolition of the relevant part of the building on the Retained Land (Drawing ref: SNH-MET-00-00-DR-A-011005-D2-P1) fronting Snow Hill Queensway and its redevelopment to provide an area of landscaping/planting commensurate to the wider landscaping strategy or an otherwise suitable use agreed in writing with the Council].

- c) Section 278 Agreement – A S278 will be entered into and agreed in line with S278 plans (Drawing ref SNH-MET-ZZ-UG-DR-A-111500_S2_P1 and SNH-MET-ZZ-UG-DR-A-111501_S2_P1)
- d) A financial contribution of £1,500 for the administration and monitoring of this deed to be paid upon completion of the agreement and subject to the conditions listed below.

9.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 20th August 2023 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason(s):-

- a) In the absence of a legal agreement to secure the necessary rights to demolish the relevant part of the building on what is referred to as the 'Retained Land' and replace it with an area of high-quality planting the development, by virtue of the retention of the northern portion of the existing building, fails to comprise comprehensive redevelopment of the area and therefore does not deliver the full regeneration potential of the site. The retained portion of structure interrupts views and blocks legibility at street level on the northern approach. The development, therefore, does not comprise the proper planning of the area, by leaving a redundant stump of building extending in a forward set location into the street scene. As such the proposal is contrary to Policy PG3 Place Making of the Birmingham Development Plan 2017, Birmingham Design Guide SPD and NPPF.
- b) In the absence of a legal agreement to secure affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017, and;
- c) In the absence of a legal agreement to secure the public realm works, the proposal conflicts with Policy TP9 Open Space, Playing Fields and Allotments of the Birmingham Development Plan 2017 and Public Open Space in New Residential Developments SPD.

9.3. That the City Solicitor be authorised to prepare, complete, and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

9.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 20th August 2023, or such later date as may be authorised by officers under delegated powers, favourable consideration be given to

this application, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

-
- 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 Requires the submission of piling and foundation details
 - 6 Limits the hours of use
 - 7 Limits the building heights
 - 8 Requires the prior submission of a drainage scheme
 - 9 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 10 Requires the submission of extraction and odour control details
 - 11 Limits the noise levels for Plant and Machinery
 - 12 Requires the prior submission of noise insulation (variable)
 - 13 Requires the submission of an overheating assessment
 - 14 Requires implementation of air quality mitigation measures
 - 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 an obstacle lighting scheme
 - 19 Requires the submission of an external CCTV scheme
 - 20 Requires the submission of WMP telecommunication details
 - 21 To ensure energy and sustainability measures are delivered in accordance with the sustainable construction and energy statement
 - 22 Implement within 3 years (Full)
 - 23 Requires the prior submission of a demolition method statement/management plan
 - 24 Requires the prior submission of a construction method statement/management plan
 - 25 Requires the provision of cycle parking prior to occupation
-

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- | | |
|----|--|
| 26 | Requires review of the service management plan |
| 27 | Requires the provision and agreement of a sample panel of building materials |
| 28 | Requires submission of full architectural and specification details of the façade packages |
| 29 | No obstruction, displays or signage fitted to commercial frontages |
| 30 | Requires the prior submission of a construction employment plan (development) |
| 31 | Requires the prior submission of a construction employment plan (occupation) |
-

Case Officer: David Wells

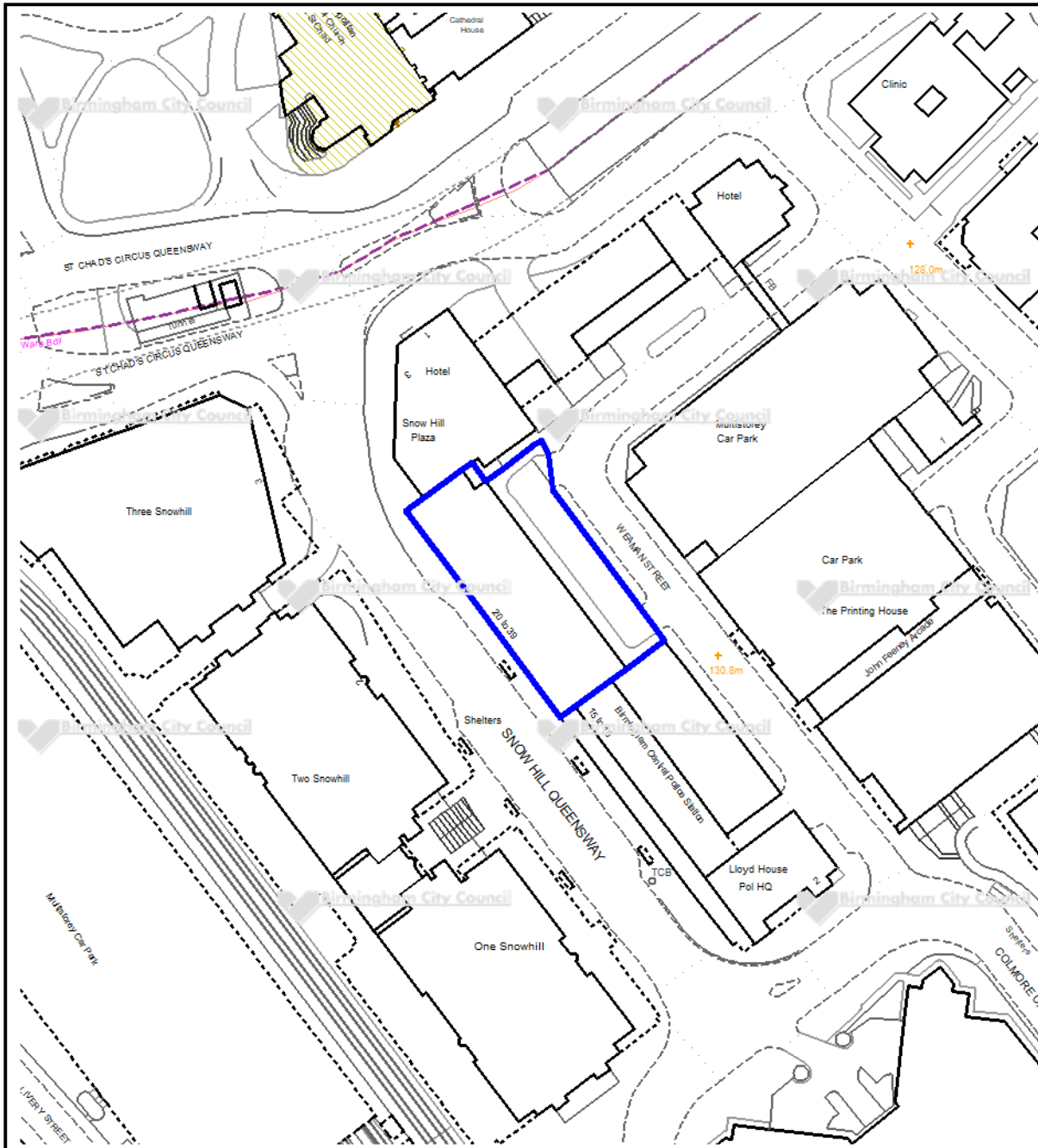
Photo(s)



Existing View along Snow Hill Queensway



Existing View along Weaman Street



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Birmingham City Council

Planning Committee

06 July 2023

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	7	2023/02500/PA 85 Gillhurst Road Harborne Birmingham B17 8PE Change of use from dwelling house (Use Class C3) to children's care home (Use Class C2)
Approve – Subject to 106 Legal Agreement	8	2021/10269/PA Wallis House 24 Weoley Park Road Selly Oak Birmingham B29 6QX Part demolition of existing extensions, restoration and conversion of Wallis House and Coach House, erection of part three-storey and part four-storey building and family dwellings to provide 57no. units (44no. one, two & three bedroom apartments & 13no. two, three & four bedroom dwellinghouses) with associated infrastructure works to include access, landscaping, provision of play space, etc.

Committee Date: 06/07/2023 Application Number: 2023/02500/PA
 Accepted: 17/04/2023 Application Type: Full Planning
 Target Date: 10/07/2023
 Ward: Harborne

85 Gillhurst Road, Harborne, Birmingham, B17 8PE

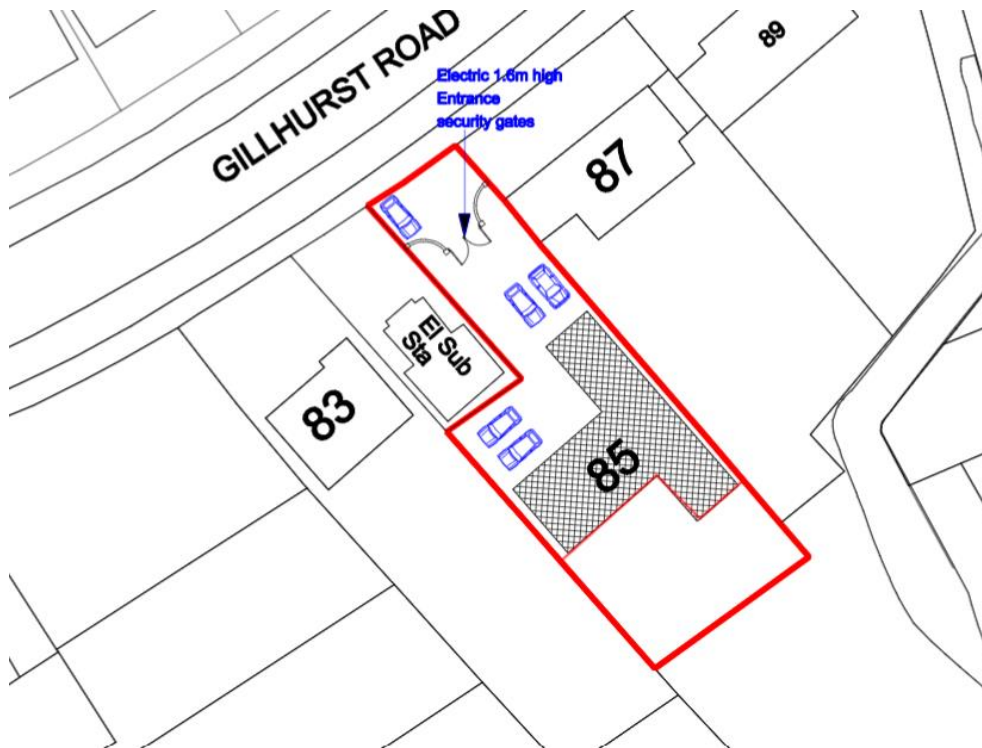
Change of use from dwelling house (Use Class C3) to children's care home (Use Class C2)

Recommendation

Approve subject to Conditions

1. **Proposal**

- 1.1. This application proposes a change of use from a dwelling house (Use Class C3) to a children's care home (Use Class C2). This application predominantly includes internal alterations to provide:
- Kitchen/lounge/dining (44.9m²)
 - Sensory/ games room (13m²)
 - Bathroom (7.8m²)
 - Office (6m²)
 - Bedroom 1 (15.3m²)
 - Bedroom 2 (10.7m²)
 - Bedroom 3 (10.1m²)
 - Staff bedroom (6.8m²)
 - Bathroom (3.8m²)
- 1.2. Externally, five parking spaces are indicated on the submitted plans, while the site would be served by a rear amenity area of 192m². No external alterations are proposed to the building.
- 1.3. The proposed children's care home would accommodate up to three children between eight-fifteen years old and would be served by up to three members of staff at any time with changeovers taking place daily between 9.45am and 10am.
- 1.4. [Link to Documents](#)



FIRE DETECTION SYSTEM TO BE AL1
ALL INTERNAL DOORS TO BE FD30

2. Site & Surroundings

- 2.1. 85 Gillhurst Road is a detached bungalow which occupies a 'T-shaped' layout, set back from the main building line of Gillhurst Road within a long, narrow plot. The building occupies a distinctive appearance, constructed from red brick with intersecting pitched roofs of concrete tiles and smaller subservient hipped elements. The front of the site is covered with hardstanding and is used for parking and circulation while the rear of the site is predominantly soft-landscaped and used as

private amenity space. The property is currently in residential use.

- 2.2. The site is located within a residential suburban area comprising detached houses and bungalows. The area's visual character is defined by a number of shared commonalities in the built form, including hipped roofs with two intersecting gables, bay windows and the use of front boundary walls. Nos.85, 87 and 89 are notable exceptions, featuring few of these commonalities. The presence of trees and vegetation within both the public and private realms softens the appearance of the street scene.



Location of site

- 2.3. [Location plan](#)

3. **Planning History**

- 3.1. 15/6/2000- 2000/01608/PA- Erection of ground floor and first floor extensions to existing bungalow- Refused;
- 3.2. 23/1/2001- 2000/03605/PA- Ground floor and first floor extensions to existing bungalow- Refused;
- 3.3. 2/8/2001- 2001/02252/PA- Erection of ground floor and first floor extension to existing bungalow- Approved subject to conditions;
- 3.4. 17/5/2007- 2007/02052/PA- Erection of single storey extensions to front, side and rear (amended description)- Approved subject to conditions;
- 3.5. 17/2/2010- 2009/04888/PA- Erection of a detached dwellinghouse- Refused;
- 3.6. 25/6/2010- 2010/01443/PA- Retention of a new dwellinghouse, up to and including eaves height. Demolition of front gable, moving back 1.3m and making good, and removal of roof structure and rebuilding with smaller roof- Approved subject to

conditions;

- 3.7. 29/6/2011- 2011/02374/PA- Installation of 2 No. windows to front elevation- Approved subject to conditions;
- 3.8. 18/7/2011- 2011/03373/PA- Erection of dormer window to rear- Refused and appeal dismissed.

4. **Consultations:**

- 4.1. Transportation Development: No objections subject to condition requiring the provision of sheltered cycle storage.
- 4.2. Environmental Pollution Control: No objections.
- 4.3. West Midlands Police: No objections. Recommended conditions requiring provision of CCTV cameras and limiting number of resident children to three.
- 4.4. Birmingham Children's Trust: No objections.

5. **Third Party Responses:**

- 5.1. Ward Councillors, Residents Associations and adjoining occupiers were notified, and a site notice was displayed outside the premises.
- 5.2. An objection from Preet Gill MP was received, raising the following issues:
- Concerns over service provider;
 - Proximity of substation;
 - Absence of location assessment or risk management strategy;
 - Queried number of bedrooms within property.
- 5.3. Fifty-nine third-party objections were received, raising the following issues:
- Impact on visual amenity;
 - Over development of site;
 - Noise and disturbance;
 - Insufficient garden space;
 - Additional traffic;
 - Proximity to bend in road;
 - Poor parking facilities;
 - Inadequate public transport links;
 - Proximity of substation;
 - Inadequate public amenities;
 - Concern over safeguarding;
 - Concerns over service provider;
 - Potential for anti-social behaviour.

6. **Policy Context**

Local Policy:

- 6.1. Birmingham Development Plan 2017:
- PG3 Place Making
 - TP27 Sustainable Neighbourhoods

- TP35 The Existing Housing Stock
- 6.2. Development Management in Birmingham DPD 2021:
- DM2 Amenity
 - DM12 Residential Conversions and Specialist Accommodation
 - DM14 Transport Access and Safety
 - DM15 Parking and Servicing
- 6.3. Supplementary Planning Documents & Guidance:
- Birmingham Design Guide (2022)
 - Birmingham Parking SPD (2021)

National Policy:

- 6.4. National Planning Policy Framework (2021)
- 6.5. National Design Guide (2019)

7. **Planning Considerations**

- 7.1. This application has been assessed against the objectives of the policies set out above. The key issues in the determination of this application are the principle of development, visual amenity, the standard of residential accommodation, the residential amenity of existing and future residents, and highways safety and parking.

Principle of Development:

- 7.2. Policy DM12 (Residential Conversions and Specialist Accommodation) requires applications for specialist accommodation to avoid the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies. It is noted that the proposed change of use would result in the loss of a five-bed family dwelling. However, while it is acknowledged that the loss of one family dwelling would have a minor impact on the supply of this housing type, it is considered that this would be outweighed by the public benefit of expanded provision of housing for vulnerable young people for which there is a particular demand, as described within the applicant's supporting statement. It is also noted that the proposed change of use could be reversed with only minor alterations if the proposed children's home were no longer required.
- 7.3. Third-parties have raised concerns over the impact of the proposal on the residential character of the area. However, it is noted that the site would continue to provide a residential function, housing three children in need of accommodation in a manner that would not substantially differ from a Class C3 residential dwelling and could be reversed with minimal alterations. In addition, none of the thirty-nine residential properties within 100m of the site are currently in use as non-family residential accommodation (either a Class C2 residential use, a House in Multiple Occupation (HMO) or Exempt Accommodation). As such, the use of one property for a relatively small non-family residential purpose would not have a significant impact on the residential character of the area.
- 7.4. For the above reasons, the principle of the proposed change of use is considered to be acceptable.

Visual Amenity/ Urban Design:

- 7.5. Although some third-party comments have argued that the proposed development would result in the over-development of the site, and would have a harmful visual impact, the proposal does not include any physical external development that would be harmful to the area's visual amenity.

Standard of Residential Accommodation:

- 7.6. Whilst there are no set standards relating to the size of bedrooms for children's care homes, all three bedrooms exceed internal space standards within the Nationally Described Space Standards (NDSS). Although the staff bedroom is narrower than the NDSS requirement, this bedroom would not be a permanent residence for the staff member, so this is not considered to weigh against the application. It is noted that all habitable rooms would receive adequate levels of natural light and outlook, while the kitchen/ lounge/ dining room and the sensory/ games room would provide a satisfactory 60m² of communal living space. Furthermore, the 192m² of private garden space is significantly in excess of the requirement of the Birmingham Design Guide.
- 7.7. Within a consultation response, the Birmingham Children's Trust noted that the layout of the home is appropriate, the detached form of the building and position relative to the highway would provide a good standard of privacy, while the location affords good transport links and access to local schools and amenities.
- 7.8. For these reasons, it is considered that the occupiers of the proposed children's home would be afforded an acceptable standard of accommodation.

Residential Amenity:

- 7.9. No extensions or alterations of the building are proposed. As such, the proposed development would not result in significant overbearing, overshadowing or overlooking impacts that would be harmful to the residential amenity of surrounding occupiers.
- 7.10. It is not considered that the proposed development would result in unacceptable environmental impacts that would be harmful to the residential amenity of surrounding occupiers. The proposed use would accommodate a greater number of staff and visitors than would ordinarily be present within a residential property. However, the presence of up to three children and three carers, with changeovers taking place at reasonable and regular hours, would not result in a significantly greater extent of noise or disturbance than the existing five-bed family dwelling. Furthermore, the property is a detached house set back from other properties and is physically separated from the nearest neighbouring dwelling by 6.4m. This physical separation would mitigate any potential noise or disturbance emanating from the property. For these reasons, it is not considered that the use of the site as a care home would be severely disruptive of residential amenity. Accordingly, Environmental Pollution Control did not object to the application.

Highways, Traffic and Parking:

- 7.11. The proposed development would not be harmful to the functioning of the local highways network. It is noted that the provision of five off-street parking spaces is compliant with the Birmingham Parking SPD for a care home within Accessibility Zone C.
- 7.12. Third-party comments raised concerns about highways safety, specifically the proximity of the site to a bend in the road and a perceived need for vehicles to

reverse into the road and park on the street. However, Transportation Development did not object to the application and argued that the access to the property is not proposed to change and would possess acceptable visibility, while the majority of properties in the area also require reversing manoeuvres for egress, and any additional on-street parking would be minor and for only a short duration given the availability of off-street parking. It is also noted that the 20mph speed limit would mitigate any highways safety issues.

- 7.13. Transportation Development requested a condition requiring the provision of cycle storage. This is considered a reasonable precaution to encourage the use of sustainable transport options.

Other Issues:

- 7.14. Third-party consultations raised concerns over the potential for the proposed use to result in anti-social behaviour, the quality of the service provider and the absence of a risk management strategy. However, it is noted that West Midlands Police did not object to the proposed use on any of these bases. Furthermore, speculation about the type of person who would occupy the premises is not a material planning consideration, while it would exceed the role of the planning system to assess the quality of care that would be provided. It is also noted that access to the premises would be controlled with 1.8m electric gates requiring a key fob.
- 7.15. Third party concerns were also raised about the proximity of the electric substation. However, speculation that occupiers of the care home would attempt to access the substation does not comprise a reason to refuse the application. It is also noted that neither West Midlands Police nor the Birmingham Children's Trust objected to the application on this basis.
- 7.16. Third parties referred to a covenant which restricts the use of the site. However, the existence of restrictive covenants and land-ownership issues in general are not material to a planning application.

8. **Conclusion**

- 8.1. In summary, the proposed development would be acceptable in principle, no harm would be caused by the proposed development to the visual amenity of the area, the residential amenity of surrounding occupiers, or the functioning of the local highways network. As such, the application complies with the policies of the Local Plan and is recommended for approval.

9. **Recommendation**

- 9.1. Approve subject to conditions.

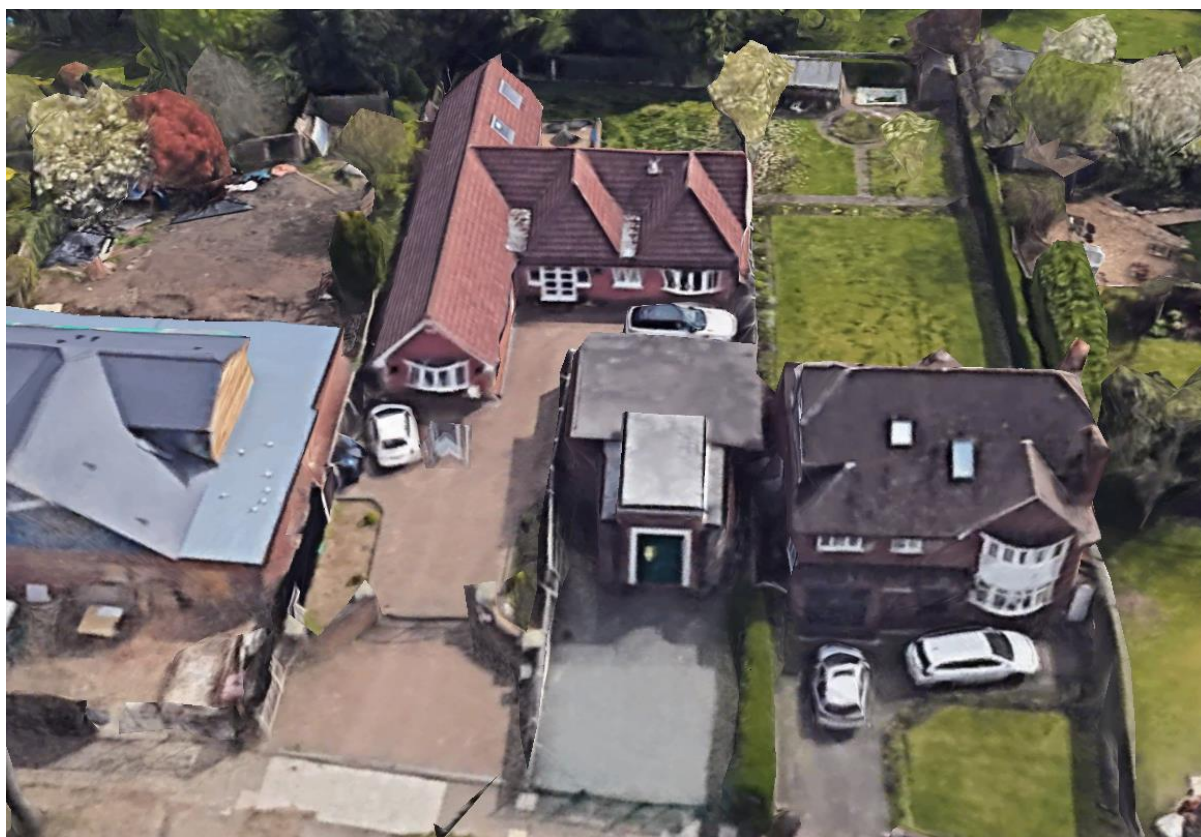
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|---|--|
| 1 | Implement within 3 years |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Restricts the number of occupants |
| 4 | Requires the provision of cycle storage |
-

Case Officer: Jeff Badland

Photo(s)



View of site frontage



Bird's eye view of site from northwest



Bird's eye view of site from southwest



Bird's eye view of site from southeast



Bird's eye view of site from northeast

Location Plan



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Committee Date:	06/07/2023	Application Number:	2021/10269/PA
Accepted:	14/01/2022	Application Type:	Full Planning
Target Date:	31/01/2023		
Ward:	Weoley & Selly Oak		

Wallis House, 24 Weoley Park Road, Selly Oak, Birmingham, B29 6QX

Part demolition of existing extensions, restoration and conversion of Wallis House and Coach House, erection of part three-storey and part four-storey building and family dwellings to provide 57no. units (44no. one, two & three bedroom apartments & 13no. two, three & four bedroom dwellinghouses) with associated infrastructure works to include access, landscaping, provision of play space, etc.

Applicant:	Res Publica Partners C/o Agent, RE Planning LLP, Downe House, 303 High Street, Orpington, BR6 0NN
Agent:	Robinson Escott Planning Downe House, 303 High Street, Orpington, BR6 0NN

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal:

- 1.1 Permission is sought for the part demolition of existing extensions, restoration and conversion of Wallis House and Coach House, erection of part three-storey and part four-storey apartment building and family dwellings to provide 57 no. units (44no. one, two & three bedroom apartments & 13no. two, three and four bedroom dwellinghouses) and associated works.
- 1.2 The proposals equate to the comprehensive redevelopment of land and buildings at Wallis House, 24 Weoley Park Road, Selly Oak. The existing lawful use of the application site is Class C2 (Residential Institution). The proposed use would be residential dwellinghouses (Use Class C3).
- 1.3 Since initial submission of the application a number of changes have been made to the proposed development in response to Planning Officer and consultee comments. Amended drawings and accompanying technical documentation has been submitted and subject to public re-consultation.
- 1.4 The amended scheme comprises the following:
 - Restore and convert the Coach House to provide a two-bedroom detached dwelling with its own allocated parking and domestic curtilage (garden area). The garden would be enclosed by existing high boundary treatment and landscaping between the Coach House and Weoley Park Road.
 - The retention and conversion of the original three-storey section of Wallis

House along with an initial extension carried out to the building designed by William Alexander Harvey. It is proposed to convert these elements to provide 13 no. apartments plus a residential lounge. The proposed 13 no. apartments would consist of 4 no. one-bed, 7 no. two-bed and 2 no. three-bed apartments).

- Demolition of other extensions to Wallis House, including the 1950s flat-roofed three-storey extension that runs along the sites western boundary.
- The creation of a new apartment building to the east of Wallis House between the original building to be retained and the University of Birmingham School building. This new build apartment block would be part three-storey and part four-storey in height and total 31 no. apartments (13 no. 1-bed and 18 no. 2-bed). The apartments would be served by their own dedicated areas of parking that would be accessible via the access road off directly off Weoley Park Road. Access to site via secondary access point off Hamilton Drive to be closed.
- 6 no. of the residential units would be affordable housing. This equates to 10.5 of the total residential units proposed and would comprise:
 - 3 No. x 1 bedroom apartments for First Homes or Discount Market Sale at a 30% discount.
 - 1 No. x 2 bedroom house for First Homes or Discount Market Sale at a 30% discount.
 - 2 No. x 3 bedroom house for First Homes or Discount Market Sale at a 30% discount.
- 8 no. of the apartments would have private terraces and 20 no. of the apartments would have private balconies. 3 no. of the apartments (Nos. 28, 30 and 31 on the third floor of the new build apartment block) would have no private terrace or balcony.
- Private outdoor amenity space is proposed around the apartment buildings and the areas around the mature trees to be preserved / retained would be devoted to public outdoor amenity space.
- To the south of the parking spaces serving the apartments at Wallis House a play area is to be introduced along with allotment gardens.
- Erection of 12 no. total dwellings to the south of Wallis House. This would comprise 10 no. 3-bedroom properties and 2 no. 4-bedroom dwellings. These properties would all be two-storey although the roof/loft spaces would also be living accommodation. There would be a terrace of 3 no. three-bedroom houses (houses 1-3) and a pair of three-bedroom semi-detached houses (houses 4 & 5) facing northwards towards a private driveway leading from the access road off Weoley Park Road. There would also be 1 no. pair of three-bedroom semi-detached dwellings (houses 6-7) along with 1 no. three-bedroom detached dwelling (house 8) facing west towards the access road. Additionally, there would be 2 no. pairs of semi-detached three- and four-bedroom dwellings at the end of access (houses 9-12). All of the proposed houses would be served by their own designated gardens along with allocated parking.

- 1.5 A total of 71 no. car parking spaces are proposed across the development in total (1.22 spaces per unit across the scheme). The proposed dwellings would be provided with at least two car parking spaces. Designated surface car parking provision is afforded for the apartments along with dedicated visitor parking spaces. There would be a total of 31 no. total car parking spaces dedicated to the apartments. An existing access point off Weoley Park Road would be utilised whilst an existing secondary access connected to Hamilton Drive would be closed.

1.6 Figure 1: Proposed Demolition Plan



1.7 Figure 2: Proposed Site Plan



- 1.8 Figure 3: Proposed Street Scene from Weoley Park Road (from north looking south into site)



- 1.9 Figure 4: Proposed Street Scene from Hamilton Drive access point off Weoley Park Road (from east looking west into site)



- 1.10 Figure 5: Proposed Street Scene from western perimeter of the site (effectively from access lane within site)



- 1.11 In total, 57 residential units are proposed on the site. This would mean a proposed density of approximately 48 dwellings per hectare. The proposed development would not meet the 35% affordable housing threshold identified by Policy TP31 of the adopted Birmingham Development Plan (BDP). Therefore, a Financial Viability Assessment was submitted and independently assessed by the Councils independent viability consultant. This has resulted in 10.5% of the proposed residential units (a total of 6 no. apartments) being put forward as affordable housing to be secured via S106 Agreement. The independent viability consultant has noted that the build costs for delivering the proposed development would sit towards the upper end of BCIS data sets but accepts that this is largely attributable to this being a bespoke development, including the refurbishment and conversion of existing buildings together with new build housing to all be finished to a high standard.
- 1.12 The amended application is supported by: Planning Statement, Design and Access Statement, Drainage Strategy, Financial Viability Assessment, Preliminary Ecological Assessment, Sustainable Construction Statement, Energy Strategy, Biodiversity Metric Assessment, Arboricultural Impact Assessment, CAVAT Survey, Badger Survey, Noise Impact Assessment, Heritage Statement, Lighting Strategy, Transport Statement and Residential Travel Plan.

[Link to Documents](#)

2. **Site & Surroundings:**

2.1 The application site is located on the southern side of Weoley Park Road in Selly Oak. This section of Weoley Park Road lies directly to the west of the A38 (Bristol Road). The lawful planning use of the site is Class C2 (Residential Institution) and Wallis House is currently used as a Global Conference Centre for the charity BMS World Mission, together with short stay residential and supporting accommodation.

2.2 Figure 6: Site Context



2.3 Wallis House is a substantial detached 3-storey building that has been subject to various extensions and alterations over the preceding decades. As a result, the existing building displays a number of architectural styles reflecting different eras of development and use.

2.4 The overall site area measures approximately 1.2 hectares / 2.9 acres. The topography of the site is fairly flat and includes mature trees and landscaping situated around the periphery of the southern and western boundaries of the site. The site is covered by Tree Preservation Order (TPO) 1639, which means that trees within the confines of the site are afforded protected status.

2.5 The application site is located within Flood Zone 1 so is considered to be at low risk of surface water flooding.

2.6 The application site shares its northern boundary with Weoley Park Road and there is a substantial existing area of hardstanding along the site frontage between the principal elevation of Wallis House and the public highway that is used as a surface car park associated with the existing use.

2.7 Within the confines of the application site there is also a two-storey coach house / lodge building that is located directly adjacent to the sites' frontage with Weoley Park Road immediately to the east of a neighbouring detached dwelling (No. 26 Weoley

Park Road). It is proposed to retain and convert this building to a residential dwelling as part of the proposed development.

- 2.8 To the east, the application site shares a boundary with Hamilton Drive, which serves the University of Birmingham (UoB) School associated residential buildings to the rear. Beyond the southern perimeter of the application site is the Birmingham Christian College Campus buildings. To the west, the site adjoins the rear gardens of residential properties along Weoley Hill. As such, the surrounding land uses to the application site are residential and educational.
- 2.9 The prevailing character of the immediate locality is residential. This mainly consists of a mixture of detached, semi-detached and terraced housing types of 2 to 2.5 storeys in height. The majority of residential dwellings have generous landscaped gardens. The building line of residential properties along Weoley Park Road are set back way back from the public highway behind tree-lined grass verges, which creates a suburban feel to the area. However, in contrast, immediately to the east of the application site is the UoB School building, which is a part three storey, part four storey building. The adjacent UoB School building is of modern, brick built contemporary design and is served by substantial forecourt surface car parking to the front (north) between its principal elevation and the public highway (Weoley Park Road).
- 2.10 The application site is not located within a designated Conservation Area. It is not a listed building nor within the setting of a listed building. However, the site is covered by an Historic Environment Record relating to the fact that Wallis House was a former Baptist missionary college known as Carey Hall in the late 19th Century. The Council intends to add these buildings to the Birmingham Local List, and it is considered they are non-designated heritage assets.
- 2.11 The proposed development is located in a Community Infrastructure Levy (CIL) Residential High Value Area where the CIL charging rate is £85.04 per gross internal square metre.

[Site Location Map](#)

3. Planning History:

- 3.1 20/05/2021 – 2021/02965/PA – Pre-Application advice for the removal of existing buildings and redevelopment of site to provide 80 dwellings, comprising 74 one, two and three bedroom apartments and 6 three bedroom townhouses with associated landscaping, amenity space, car parking and use of existing access onto Weoley Bridge Road – Written response provided by LPA.
- 3.2 24/07/2012 – 2012/04988/PA – Installation of solar panels on south west facing roof – Withdrawn.
- 3.3 25/08/2010 – 2010/03753/PA – Change of use from residential institution (use class C2) to office (use class B1) and erection of single storey side extension – Approved subject to conditions (Please note this application refers to a single ancillary building located on the periphery of the wider Wallis House land holding immediately adjacent to the public highway [Weoley Park Road]).
- 3.4 15/02/2001 – 2000/05778/PA – Proposed construction of outdoor multi-sport court – Approved subject to conditions.

- 3.5 02/11/2000 – 2000/03377/PA – External alterations to residential training and conference centre including provision of access ramp and alterations to doors/windows. – Approved subject to conditions.

4. Consultation Responses:

- 4.1 BCC Conservation Team – No objections subject to the following conditions:
- Inventory of retention of features;
 - No more than 75% of new build residential units can be occupied until a full scope of works for the conversion and repair of the retained historic elements of Wallis House has been submitted and approved by the council; and
 - Full architectural and specification details for windows, secondary glazing, doors, rainwater goods, new masonry, render and moulding.
- 4.2 BCC City Design – No objections subject to conditions in respect of hard and soft landscaping details, hard surfacing materials, boundary treatment details, sample materials and architectural details.
- 4.3 BCC Ecology – Objection citing concern in respect to the protection of bats and badgers, as well as the loss of biodiversity on the site.
- 4.4 BCC Education – No objection, request for financial obligation towards pupil places.
- 4.5 BCC Employment Access Team – No objection.
- 4.6 BCC Landscape Officer – No objections subject to conditions in respect of hard and soft landscaping details, hard surfacing materials and boundary treatment details.
- 4.7 BCC Leisure Services – No objection, request for financial obligation towards play and public open space directed towards the maintenance of Selly Oaks Parks within the Weoley and Selly Oak Ward.
- 4.8 BCC Planning & Strategic Growth – No objections.
- 4.9 BCC Regulatory Services – No objections subject to conditions in respect to land contamination assessment and verification report; noise insulation scheme; and construction method statement.
- 4.10 BCC Transportation Development – No objection but raised concerns that the proposed development could use Hamilton Drive, which does not form part of the highway maintainable at the public expense. It appears this private driveway is part of the adjacent University of Birmingham School site but does currently serve the application site. It will need to be ensured and demonstrated that this residential development has a right of access over the privately maintained Hamilton Drive if the proposed parking area and bin collection point is to be accessed using Hamilton Drive.
- 4.11 BCC Tree Officer – No objections subject to conditions requiring Arboricultural Method Statement and Root Protection Plan along with full planting plan.
- 4.12 Lead Local Flood Authority (LLFA) – No in-principle objection because the proposed development is located within Flood Zone 1 and is generally at low risk of surface water flooding. However, object on basis that the proposed drainage strategy fails to meet the minimum requirements of Planning Policy TP6 of the adopted Birmingham Development Plan and the minimum requirements of paragraphs 167 to 169 of the NPPF.

- 4.13 Severn Trent Water Ltd – No objection subject to pre-commencement condition for drainage plans for the disposal of foul and surface water flows.
- 4.14 WM Fire Service – No objection.
- 4.15 Wayleaves Western Power Distribution – No objection but commented that any proposals relating to the Coach House building need to retain a minimum of 5 metres separation distance from the nearby existing WPD substation.
- 4.16 West Midlands Police Service – No objections subject to conditions in relation to CCTV and lighting scheme.

5. Third Party Responses:

- 5.1 The application has been publicised by a site and press notice. Adjoining neighbours, MP. and Ward Councillors consulted.
- 5.2 1 no. response in support of the application welcoming the provision of affordable housing in the locality.
- 5.3 15 no. responses in objection of the application from local residents and the University of Birmingham School. To summarise, the given reasons for objection are as follows:
 - Proposals are out of keeping with the character of the surrounding area.
 - Density of the development is too great.
 - No need for this development. Many apartments have already been built locally at the former Selly Oak hospital site.
 - Development will cause added pressure on local infrastructure.
 - Some proposed houses would harm neighbouring amenity in terms of loss of privacy and overlooking.
 - The proposal and in particular the development density would result in increased congestion and road safety concerns due to it being located near the entrance to University of Birmingham School. Additionally there is already a problem with staff and student arrivals and collections/departures at the start and end of days leading to congestion around the junction of Weoley Park Road and Bristol Road South.
 - The potential to impact on University of Birmingham School admissions, further narrowing the Selly Oak nodal reach and undermining to a greater extent than is already the case one of the founding aims of the School that serves as wide a community in Birmingham as possible. It is quite foreseeable that those seeking entry to the School from say Weoley Castle or Bournville will under these proposals be disadvantaged with places offered instead under the distance criteria to households newly in situ.
 - This is a building that serves the community. Why make it into housing that will barely be affordable, if at all, for the families that make the Selly Oak area what it is?
 - Potential harm to mature trees with TPO status, wildlife local biodiversity.
 - Insufficient parking provision proposed.
- 5.4 A petition submitted by Mr Gary Sambrook MP and Cllr Adrian Delaney in opposition to the application and signed by a total of 40 no. individual persons received by the City Council. The reasons for objections cited in the petition are as follows:
 - It is an over intensive development for the site. The site is relatively small for this many units with neighbouring properties being close to the site.
 - The plans will significantly overlook neighbouring properties leading to a loss

- of privacy, loss of light and loss of visual amenity for residents.
- The site is out of keeping with the style of the existing buildings on site and in neighbouring roads.
- The existing building is considered a non-designated heritage asset by the Council and therefore developments should be in keeping with the asset and character of the area.
- The size of the development will lead to significant increase in traffic, parking and placing additional burden on stretched doctor surgeries and schools locally.
- The proposals will lead to a loss of a number of mature trees and vegetation placing at risk local biodiversity.

6. Relevant National & Local Policy Context:

6.1 National Planning Policy Framework (2021):

- Chapter 2: Achieving sustainable development
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

6.2 Birmingham Development Plan (2017):

- PG3: Place-making
- TP3: Sustainable construction
- TP4: Low and zero carbon energy generation
- TP6: Management of flood risk and water resources
- TP7: Green infrastructure network
- TP8: Biodiversity and geodiversity
- TP9: Open space, playing fields and allotments
- TP12: Historic environment
- TP27: Sustainable neighbourhoods
- TP28: The location of new housing
- TP30: The type, size and density of new housing
- TP31: Affordable housing
- TP36: Education
- TP37: Health
- TP38: A sustainable transport network
- TP39: Walking
- TP40: Cycling
- TP41: Public Transport
- TP43: Low emission vehicles
- TP44: Traffic and congestion management

6.3 Development Management in Birmingham DPD (2021):

- DM1: Air quality
- DM2: Amenity
- DM4: Landscaping and trees
- DM6: Noise and vibration
- DM10: Standards for residential development

- DM14: Transport access and safety
- DM15: Parking and servicing

6.4 Supplementary Planning Documents & Guidance:

- Birmingham Design Guide (2022)
- Birmingham Car Parking Standards SPD (2021)
- National Design Guide (2021)
- Technical Housing Standards – Nationally Described Space Standards (2015)

7. Planning Considerations:

7.1 The application has been assessed against the objectives of the policies as set out above. The main matters for consideration are as follows:

- 5 Year Housing Land Supply
- Principle of Development
- Density and Proposed Housing Mix
- Affordable Housing
- Design and Appearance
- Impact upon Heritage Assets
- Residential Amenity
- Ecology
- Landscaping and Trees
- Sustainable Construction
- Flooding and Drainage
- Noise, Air Quality and Contaminated Land
- Highways and Parking Considerations
- Community Infrastructure Levy / Planning Obligations / Financial Viability
- Planning Balance

Five Year Housing Land Supply

7.2 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

7.3 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.

Principle of Development

7.4 The National Planning Policy Framework (NPPF) 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. 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. 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.

- 7.5 Section 11 of the NPPF refers to 'Making Effective Use of Land'. Paragraph 124 of the NPPF states that *"Planning policies and decisions should seek to "support development that makes efficient use of land"* that takes into account a range of criteria including identified need for different types of housing; local market conditions and viability; local infrastructure and services; the prevailing character and setting; as well as the importance of securing well-designed, attractive and healthy places."
- 7.6 Policy TP27 of the BDP states that *"New housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods."* It goes on to explain that sustainable neighbourhoods are characterised by: a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities within easy reach; convenient options to travel by foot, bicycle and public transport; a strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood; environmental sustainability and climate proofing measures; attractive, safe and multifunctional public spaces such as squares, parks and other green spaces for social activities, recreation and wildlife; and effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 7.7 With respect to the location of new housing, Policy TP28 of the BDP explains that proposals for new residential development should be located in low flood risk zones; be adequately serviced by existing or new infrastructure which should be in place before the new housing is provided; be accessible to jobs, shops and services by modes of transport other than the car; be capable of land remediation; be sympathetic to historic, cultural or natural assets; and not conflict with any other specific policies in the BDP.
- 7.8 The application site is considered to be previously developed land in an urban area; however there is no presumption that land that is previously developed is necessary suitable for housing development. The over-riding consideration is that any proposal should be considered on its merits against the policies of the Birmingham Development Plan. In terms of balancing the planning considerations set out above, I am satisfied that the principle of the proposed development is acceptable. The existing lawful use of the application site is Class C2 (Residential Institution) and currently operates as the Global Conference Centre for the charity BMS World Mission, together with short stay residential and supporting accommodation. The proposal is to convert Wallis House and its ancillary Coach House / lodge building, along with the wider comprehensive redevelopment of the site for residential purposes, namely Use Class C3 (Dwellinghouses), to create 57no. residential units in the form of a mix of apartments and houses. With the exception of the University of Birmingham School, the prevailing character of the wider street scene is residential. In broad terms, new residential development in this area would be acceptable in principle subject to an assessment on the proposals impact against various site-specific material planning considerations. As such, there is no inherent objection to the principle of this proposed development because such developments can make efficient use of land and a positive contribution in meeting the council's housing needs and supporting the overall development strategy.

Density and Proposed Housing Mix

- 7.9 Policy TP30 of the Birmingham Development Plan (BDP) refers to the type, size and density of new housing across the city. The policy states that new housing should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable communities. In assessing the suitability of new residential development full consideration will need to be given to the site and its context.
- 7.10 Policy TP30 of the BDP states that housing should be provided at a target density responding to the site and its context with a density of at least 40 dwellings per hectare 'elsewhere' (i.e. outside the city centre and not situated on transport routes). The proposed development, with the provision of 57 no. residential units on a site approximately 1.2 hectares would provide a density of 48 residential units per hectare. It is acknowledged that a number of objections have raised concerns about the density of the proposed development, however, on balance, it is considered that the site layout would integrate positively into the urban form of the locality and make a contribution towards meeting the City's housing need at a density that is policy compliant and acceptable in this instance.
- 7.11 The policy further states that new housing should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable communities. The development provides a mix comprising 17 x 1 bed apartments, 25 x 2 bed apartments, 2 x 3 bed apartments, 1 x 2 bed house, 10 x 3 bed houses and 2 x 4 bed houses. The proposal is considered to add to the mix available across the City and appropriate in this location when reviewed against the Birmingham Housing and Economic Development Needs Assessment (HEDNA).

Affordable Housing

- 7.12 Policy TP31 (Affordable Housing) of the Birmingham Development Plan (BDP) states that *"The City Council will seek 35% affordable homes as a developer contribution on residential developments of 15 dwellings or more"*.
- 7.13 The applicant has submitted a viability report with the application which has been independently assessed by the Council's independent viability consultant. The independent consultant concludes that the development can make a contribution of 6 units of affordable housing, which equates to 10.5%. This would be comprised of:
- 3 No. x 1 bedroom apartments for First Homes or Discount Market Sale at a 30% discount.
 - 1 No. x 2 bedroom house for First Homes or Discount Market Sale at a 30% discount.
 - 2 No. x 3 bedroom house for First Homes or Discount Market Sale at a 30% discount.
- 7.14 The proposed development would not fully comply with Policy TP31 of the BDP. Matters relating to Planning Obligations, Financial Viability, Community Infrastructure Levy (CIL) and Planning Balance in relation to this application are explored in more detail in later sections of this report.

Design and Appearance

- 7.15 Section 12 of the NPPF refers to 'Achieving well-designed places'. Paragraph 126 of the NPPF states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* This theme is continued in Paragraph 130, which seeks to ensure that

developments (a) will function well and add to the overall quality of the area; (b) are visually attractive; (c) are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; (d) establish or maintain a strong sense of place; (e) optimise the potential of the site; and (f) create places that are safe, inclusive and accessible.

- 7.16 Policy PG3 (Place Making) of the Birmingham Development Plan (BDP) explains that *“All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.”* It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 7.17 Policy DM2 (Amenity) of the Development Management in Birmingham DPD (DMB) states that all development will need to be appropriate to its location and that the council must consider the compatibility of a proposed development with adjacent uses.
- 7.18 The Council’s Urban Design Officer has raised no objections on the amended proposal. To summarise, the comments are as follows:
- The retention of the important part of Wallis House and the coach house is welcomed and the reuse and conversion to flats is a sustainable move which also helps to preserve the distinctive character of the area. There is no concern in principle over additional residential accommodation being provided.
 - The creation of distinct character areas (apartments to the north and houses to the south) is positive and contributes to place making and legibility.
 - Concern remains about the lack of breathing space between the retained Wallis House ‘turret’ and the proposed access road. We have previously recommended the provision of an area of increased defensible space to the front of the building by rationalising the access road if possible.
 - The scale and massing of the proposal seems appropriate in the context. Initially concerns about the 4-storey apartment block have eased due to the decision to locate the third floor (fourth storey) into the roof space. This has made a significant difference to the perceived massing of the block and, in my view, is now acceptable.
 - The housing arrangement has evolved positively and the mix of dwelling types would result in a more coherent suburban character.
 - A contemporary approach to the design of the new build is welcomed. The materials proposed are appropriate to the local area with variation provided through the use of contrasting colour bricks and contemporary brick detailing, framing and projections.
- 7.19 I concur with the comments made by the Urban Design Officer. The density of the development is higher than the immediate surrounding built form but remains policy compliant. The development is considered to integrate positively within the surrounding built form of residential and educational land uses. Landscaping opportunities and space between Wallis House and the proposed access road within the site are limited but there is no realistic alternative arrangement or alteration to the layout that could address this issue. The proximity of the retained Coach House, retention of the site access point in its current position, and the desire to ensure at least some trees and landscaping is retained / delivered along the entire length of the site boundary shared with the rear of residential properties backing onto the site from Weoley Hill are considered to outweigh this concern. Overall, the proposed

development has evolved over time and, on balance, is now considered to be acceptable in scale, layout, design and appearance.

Impact upon Heritage Assets

- 7.20 Policy TP12 of the BDP (Historic Environment) states that great weight will be given to the conservation of the City's heritage assets and such features will be valued, protected, enhanced and managed for their contribution to the character, local distinctiveness and sustainability of the City.
- 7.21 There are no statutory listed or locally listed heritage assets within the application site or the immediate locality. There is no conservation area designation.
- 7.22 Wallis House was originally an 18th century farm called Selly Hill Farm which was then adapted or rebuilt in the early 19th century as a country house called Park Mount, in 1912 it was acquired by the Baptist Missionary Society and became Carey Hall Missionary Training College for Women and was extended at this time and Alexander Harvey, the architect of Bournville village. It was one of a group of early 20th century colleges in the Selly Oak area that were devoted to educational, theological and social work. The Coach House adjoining the road is early 19th century and was previously Park Cottage Farm.
- 7.23 The Councils Conservation Officer considers that Wallis House and the Coach House possess sufficient interest to be considered as non-designated heritage assets. There is an intent to add the buildings to the Birmingham Local List.
- 7.24 On this basis, a Heritage Statement has been submitted as part of the application and a material consideration in the decision-taking process should look at the impact of the proposed development on the significance of Wallis House and the Coach House.
- 7.25 The Councils Conservation Officer has raised no objections to the proposed development and welcomes the revised proposals, the retention of the most significant portion of Wallis House and that the Coach House will be restored and converted to residential use in order to secure a long-term viable use. The proposals include the demolition of later buildings and extensions on the site added in the 1930s and 1960s but the Conservation Officer is satisfied that they are of lesser significance.
- 7.26 The Conservation Officer has stated that the proposed new block of apartments to be erected to the side of Wallis House with a drive / lane providing access to the houses to be built on the current lawn area to the rear of Wallis House will change its character and the setting. It is also noted that the apartment block is quite a substantial increase in mass and scale to what is currently the built form on the site. However, the Conservation Officer remarks that the setting of the building has changed markedly through time from when it was first a country house and then a college and the existing setting makes a fairly limited contribution to its significance. The proposed landscaping will see an improvement in the setting at the front with the reduction in the car park tarmac and a re-greening of the frontage which will greatly improve the appearance. At the rear some of the lawned area will be retained. In conclusion the changes to the setting do cause a level of harm that is negligible but the harm has to be balanced against the undoubted benefits of the retention, repair, conversion of the building and improvements to the landscape frontage area.
- 7.27 I share the views of the Conservation Officer. I am mindful of Policy TP12 of the BDP which requires proposals for new development affecting a designated or non-designated heritage asset to be determined in accordance with national policy.
- 7.28 The following two paragraphs of the NPPF are considered particularly pertinent:

- Paragraph 203 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’.
- Paragraph 206 further states ‘local planning authorities should look for opportunities for new development 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’.

7.29 The application is supported by the Councils Conservation Officer subject to the imposition of conditions requiring an inventory of retention of features along with architectural and specification details. The Conservation Officer considers any harm to the significance of Wallis House and its setting to be negligible and outweighed by the retention, repair, conversion of the building and improvements to the landscape frontage area.

Residential Amenity

7.30 Policy DM2 (Amenity) of the Development Management in Birmingham (DMB) Development Plan Document specifies that development would need to be appropriate to its location and not give way to adverse impacts on the amenity of occupiers and neighbours. This is reinforced within Policy DM10 (Standards for Residential Development) of the DMB, which specifies that new dwellings should meet the size requirements of the National Described Space Standards (NDSS). This is also reiterated in ‘City Note LW-11 (Internal Layout)’ of the Birmingham Design Guide (BDG).

7.31 All of the proposed residential dwellings and the converted Coach House would exceed the minimum size requirements. Likewise, all of the proposed apartments within the new build apartment block exceed the minimum standards. As such, they accord with the requirements of the NDSS enshrined in Policy DM10 of the DMB and ‘City Note LW-11 of the BDG.

7.32 The only exception to meeting the internal size standard is apartment number nine within the converted existing Wallis House. This apartment is realistically a 1-bedroom two person unit so expected to provide a minimum of 50 sq. metres gross internal floor space. This unit would in fact provide 48 sq. metres. However, in mitigation, the policy conflict is minimal and largely attributable to the fact that Wallis House is being retained and converted so the existing footprint and floor area has to be worked with unlike in a new build context. Therefore, on balance, this policy conflict is not considered sufficient justification to warrant refusal of the application.

7.33 With regards to outdoor amenity provision, Design Principle LW-13 of the Design SPD states all residents should be able to access private outdoor amenity space of sufficient size and quality to service intended occupants; and as a minimum requires 5 sq. metres (1 bed flat), 7 sq. metres (2 bed flat) and 9 sq.m (3 bed flat).

7.34 An area of private communal outdoor space laid to grass is proposed around Wallis House and the new build apartment block. This is proposed to be demarcated with shrubbery. To be policy compliant a total of 228 sq. metres of private outdoor amenity space is required for future occupiers of the apartments. The proposed development would deliver a total of 233 sq. metres of private outdoor amenity space for the apartments so would be policy compliant in numerical terms.

- 7.35 Policies DM2 (Amenity) and DM10 (Standards for Residential Development) make direct references to the provision of outdoor amenity space, its attractiveness and its useability. The proposed private outdoor amenity space provision for the apartments would comply with numerical requirements in terms of size but the usability of this space for the enjoyment of all occupiers of the apartments is less certain. Some of the demarcated areas of private outdoor communal lawn are small in size whilst the fact that Wallis House is 3-storeys in height whilst the new build apartment block is 4-storeys in height does lead to questions about ease of access and usability for some future apartment occupants, especially those on upper storeys. In mitigation, 28 no. of the total 31 no. apartments would have terraces and / or balconies. Additionally, the development includes proposals for allotment gardens and a play area accessible to all future residents within the proposed development. On balance, it is considered that the proposed amenity space is acceptable.
- 7.36 Each of the residential dwellings proposed would have their own private outdoor rear gardens. All garden sizes would meet – or exceed – the minimum size requirements as set out in ‘City Note LW-13 (Outdoor amenity space for residents)’ of the adopted Birmingham Design Guide SPD (BDG).
- 7.37 In accordance with Policy PG3 of the BDP, Policies DM2 and DM10 of the DPMB, as well as design principles 11 and 13 of the BDG, all new developments must ensure they do not have an unacceptable impact on the amenity, outlook, or privacy of existing or new residential properties. The proposed development would comply with the 45 Degree Code Test and the minimum separation distance standard outlined in ‘City Note LW-3 (Protecting residential amenity)’ of the BDG when assessed against existing neighbouring residential properties beyond the perimeter of the application site. As such, the proposed development is not considered to have an unacceptable impact on neighbouring amenity.

Ecology

- 7.38 Policy TP7 (Green infrastructure network) of the Birmingham Development Plan (BDP) reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains. Furthermore, Paragraph 174 of the NPPF requires the planning system to seek to minimise the impact of schemes on Biodiversity and halt the overall decline whilst Policy TP8 (Biodiversity and Geodiversity) of the BDP requires all development, where relevant, to contribute to enhancing Birmingham’s natural environment.
- 7.39 The submitted Preliminary Ecological Appraisal (PEA) states that the site comprises a main three-storey building, a two-storey building with garages and a green house and shed. The buildings had a large hardstanding parking area to the north and an extensive enclosed garden to the south. The southern garden and border habitats comprised grasslands, introduced shrubs, an ornamental pond, woodland and scrub.
- 7.40 The following Phase 1 habitat types were recorded on site during the PEA survey; amenity grassland, buildings, dense scrub, fence and wall, hardstanding, introduced scrub/shrub, mixed semi-natural woodland, scattered scrub, scattered trees, semi-improved grassland, species-poor hedgerows and standing water.
- 7.41 The PEA survey recorded presence or potential presence of the following protected/notable species within the site; badger, bats, birds, hedgehog, common amphibians and English bluebell. Two invasive plant species (small-leaved cotoneaster and rhododendron) were recorded within the site during the PEA survey.

- 7.42 The Councils Ecologist has commented on the application and effectively categorised the comments into three inter-related ecology matters; namely, badgers, bats and biodiversity net gain.

BCC Ecologist comments regarding bats:

- 7.43 During the Preliminary Bat Roost Assessment, two buildings and four mature trees within the site were classed as having 'high' potential for roosting bats. The detached garage in the north-west of the site was classed as having 'low' roosting potential for bats.
- 7.44 The Dusk Emergence and Dawn Re-Entry Bat Surveys recorded a common pipistrelle emerging from an area of hanging tiles around the dormer windows on the south-western elevation of building B1 (the main three storey building). It was concluded that building B1 contains a day roost used by common pipistrelle. No bats were recorded emerging from or re-entering any of the features associated with the remaining buildings or trees on site. Three bat species were recorded commuting and foraging within the site; common pipistrelle, noctule and brown long-eared bat. Activity was recorded predominantly along the woodland edge in the southern part of the site, with intermittent foraging also recorded over the amenity grassland areas and along the woodland edge along the north-western boundary of the site.

BCC Ecologist comments regarding badgers:

- 7.45 The Updated Badger Survey recorded two setts within the site; Sett 1 is a small, well-used main sett. Sett 2 is considered to be an outlier sett within the Badger Survey Report. The woodland habitats within the site provide favourable foraging habitat for use by badger. The key and most well-used foraging area appears to be the woodland along the north-western site boundary. Having reviewed the information within the Badger Survey Report, I am not convinced that Sett 2 is an outlier sett. It is located in close proximity to the main sett (Sett 1) and the two setts are connected by well-used paths, which indicates that Sett 2 could potentially be an annex of Sett 1. Sett 2 must be monitored using camera traps over a minimum 21-day period to confirm its status prior to determination of this planning application (unless the scheme is redesigned to avoid impacts on this sett). Unless the sett is clearly disused (i.e., the tunnels have become compacted and could not be brought back into use by badger without significant excavation), it is likely that a licence would be required from Natural England to deal with this sett.

BCC Ecologist comments regarding biodiversity net gain (BDN)

- 7.46 The results of the Biodiversity Metric Assessment show that the current proposals will result in a net habitat loss of -1.17 Biodiversity Units, which is equivalent to a loss of 15.53% of the baseline habitat value. In order to achieve a biodiversity net gain, off-site compensation would be required or the footprint of development currently proposed redesigned to allow for a biodiversity net gain on site.

BCC Ecologist recommendations and Officer assessment:

- 7.47 The Councils Ecologist has recommended that the proposed development is acceptable subject to a reduction in footprint of development – thus reduction in proposed dwellings within the southern part of the site – to allow for retention/enhancement of the southern section of the site to deliver a meaningful net gain for biodiversity and avoid impacts on bats and badgers. Alternatively, a fallback option could be a suitable off-site financial contribution in order to achieve biodiversity net gain elsewhere provided it is demonstrated that the proposed development would comply with the legal protections afforded to bats and badgers.

- 7.48 All bat species are designated and protected as European protected species (EPS).
- 7.49 If the proposal is likely to affect bats, the developer must apply for a bat mitigation licence from Natural England.
- 7.50 Badgers and their setts (tunnels and chambers where they live) are protected by the Protection of Badgers Act 1992.
- 7.51 The developer must comply with the legal protection of badgers and may need to apply for a badger licence from Natural England to carry out their activity.
- 7.52 The proposed development has evolved and been amended as part of the assessment and determination process for this application over a considerable period of time. Some of the original supporting surveys are therefore not as up to date. The applicant has commissioned new ecological work and an updated Preliminary Roost Assessment of the buildings and trees was carried out on 19th June 2023. This largely re-confirmed the findings of the earlier surveys and did confirm the presence of common pipistrelle bats. It established that a Natural England licence would be required prior to any commencement of works and provided a detailed mitigation approach to ensure the works proceed without any breaches of wildlife legislation. The Council Ecologist earlier comments had informed that if the updated Preliminary Bat Roost Assessment and Bat Survey Report confirmed that bats will not be harmed by the conversion works to Wallis House, and provides details of mitigation measures to be implemented to ensure that the favourable conservation status of bats within the site will be maintained, then the development would be acceptable in respect to impact on bats. This would be subject to the attachment of conditions in respect of mitigation, protection and compensation strategies and the Council would have fulfilled its obligations in respect to determining an application in respect to protected bats.
- 7.53 Likewise, amendments to the scheme mean that the well-used foraging woodland area along the north-western site area for badgers will be retained. A further updated badger survey was carried out by the applicants ecological consultants on 19th June 2023. This confirmed that Sett 1 is the main sett and showed evidence of frequent badger activity so is an active sett. Sett 1 lies outside the footprint of the proposed development so would not be directly impacted. The updated June 2023 survey has confirmed badger activity at Sett 2, which is categorised in the survey as a 'annex sett', so secondary to the main Sett 1. Given badger activity was identified and Sett 2 falls within the proposed development footprint then a licence from Natural England would be required to deal with this sett.
- 7.54 The Council Ecologist earlier comments suggested that to mitigate impact on badgers the footprint of the developable area of the site should be reduced. This would entail losing a number of proposed residential houses in the southern part of the site. The applicant and their ecological consultant state that due to the size and design of the site, it is not viable to re-design the development to allow for the retention of Sett 2. Woodland habitat suitable for badger sett creation will be retained on site and additional suitable habitat is accessible to badgers to the south of the site, as identified in the 2022 badger survey of the wider area. The applicant has submitted a viability report with the application which has been independently assessed by the Councils independent viability consultant. The viability report findings substantiate the stance of the applicant in terms of financial viability of the proposed development. The proposed development would require the loss of Sett 2 and this is deeply regrettable although it is considered that, on balance, sufficient foraging habitat for use by badger would be retained given the woodland along the western boundary of the site would remain along with Sett 1. It is considered that conditions could be attached to a grant of planning permission in respect to mitigation, protection and compensation strategies

and the Council would have fulfilled its obligations in respect to determining an application in respect to protected badgers.

- 7.55 Biodiversity Net Gain (BNG) is an approach to development or land management that aims to leave the natural environment in a measurably better state than it was beforehand. Practically, this means that future development projects will need to achieve a 10% biodiversity net gain. This is expected to be required from November 2023 when changes to the Town and Country Planning Act 1990 come into effect.
- 7.56 The 10% BNG requirement is emerging policy so cannot be afforded full weight in the decision-taking process on planning applications. Nonetheless, it is a clear direction of travel in planning policy and will be enshrined in the planning system in the near future. It is evident that the proposed development would lead to some on-site net habitat loss of -1.17 Biodiversity Units, which is equivalent to a loss of 15.53% of the baseline habitat value. Therefore, the proposal would not fully comply with Policy TP8 of the Birmingham Development Plan and the NPPF.
- 7.57 The applicant is unable to reduce the footprint of the development due to the negative impact it would have on the financial viability of the scheme. As such, biodiversity net gain cannot be secured on site for this development. A financial contribution to cover the offsetting requirement through a Section 106 Agreement, with a sum agreed of £30,000 to be offset at another site, has been offered in order to comply with the requirements of policy TP8 of the Birmingham Development Plan.
- 7.58 The use of a Section 106 Agreement to secure the offsite contribution for BNG would directly mitigate the impacts of the development and, on balance, would make it acceptable in planning terms.

Landscaping and Trees

- 7.59 Policy PG3 (Place making) of the Birmingham Development Plan (BDP) asserts that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place whilst new development should respond to site conditions and the local area context along with ensuring that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long-term.
- 7.60 Policy TP7 (Green infrastructure network) of the Birmingham Development Plan (BDP) reinforces the importance of the protection of trees and requires new development to allow for new tree planting in public and private domains.
- 7.61 Policy DM4 (Landscaping and trees) of the Development Management in Birmingham DPD (DMB) states that development proposals must seek to avoid the loss of, and minimise the harm to, existing trees of quality.
- 7.62 The Council's Landscape Officer has been consulted on the application and raised no objections subject to conditions in respect of hard and soft landscaping details, hard surfacing materials and boundary treatment details.
- 7.63 The application site is covered by Tree Preservation Order (TPO) 1639. The Council's Tree Officer raised initial concerns with the application and sought additional information in the form of an Arboricultural Impact Statement and CAVAT survey. The findings have been accepted and the proposals evolved with additional existing trees retained and larger landscape strips considered suitable to now accommodate trees and shrubs provided. Additionally, a detailed planning masterplan has been submitted

and broadly accepted by the Landscape Officer and Tree Officer subject to conditions to secure the specimens and layout of any planting.

- 7.64 There are many good quality A and B category trees on the site. The arboricultural impact assessment identifies a large number of trees (including B category specimens) which would either be felled or are likely to be impacted by the construction. It is proposed that a total of twenty trees and five groups of trees along with the partial removal of three groups of trees. These trees are identified as having moderate or low retention value. Tree removal is regrettable but to offset this harm a financial contribution of £30,000 via S106 Agreement for off-site biodiversity, ecology and tree enhancement elsewhere has been secured in means of compensation. Conditions attached to any grant of planning permission can also ensure that any landscaping works and tree planting delivered through the proposed development is appropriate and makes a positive contribution to the amenity of the site.

Sustainable Construction

- 7.65 Policy TP3 (Sustainable construction) of the BDP sets out a number of ways in which development should be designed and constructed in order to maximise energy efficiency and the use of low carbon energy; conserve water and reduce flood risk; use appropriate materials; enhance biodiversity value; minimise waste and maximise recycling during construction and operation.
- 7.66 Policy TP4 (Low and zero carbon energy generation) of the BDP requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist.
- 7.67 Design Principle 25 (Creating efficient and future-ready buildings) of the Birmingham Design Guide (BDG) explains that *“Allied with the policy requirements of the BDP (TP1 to TP5), where viable and appropriate, the design of development must effectively incorporate measures and infrastructure to help create buildings and spaces that reduce their environmental burden; and the long term financial burden for occupiers. In seeking to achieve this, proposals must demonstrate they have integrated or considered the following within their design process:*
- *Energy efficiency - using technology, design elements and the site’s characteristics to create thermally efficient buildings;*
 - *Conserving water resources and maximising water efficiency - through water efficient infrastructure, harvesting of rainwater and use of greywater;*
 - *Decentralised energy generation - install low-carbon decentralised energy infrastructure appropriate to the site and surroundings where viable;*
 - *Flexible and adaptable buildings - create designs and use construction methods that could enable future alterations;*
 - *Building re-use and sustainable materials - utilising modular building methods, effectively integrating existing buildings into a scheme and using low carbon materials; and*
 - *Climate change adaption - ensure landscapes, materials, façade treatments and infrastructure are appropriate to existing and future climate.”*
- 7.68 The application submission has been accompanied by a Sustainable Construction Statement and Energy Strategy. A review of the feasibility and suitability of several renewable energy technologies has been carried out and concludes that solar PV and Air Source Heat Pumps (ASHPs) are suitable options to incorporate into the development and reduce energy demand through renewable energy sources.

- 7.69 ASHPs will provide heating and hot water via individual systems. Solar Panels will be connected to the landlord supply for the blocks of flats and to the individual dwellings for the new build houses.
- 7.70 The development has been assessed using SAP methodology and Building Regulations Part L 2013. A 65% improvement can be achieved using energy efficiency measures, ASHPs and Solar PV panels for the new build elements of the site. An improvement of 70% can be seen with energy efficiency measures, ASHPs and Solar PV's for the refurbished part of the site.
- 7.71 Based on the above, I am satisfied that the requirements of Policies TP3 and TP4 of the BDP have been met. The proposed development would incorporate a number energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development.

Flooding and Drainage

- 7.72 Proposals must demonstrate that the disposal of surface water does not increase flooding elsewhere. Surface water should also be managed in accordance with the drainage hierarchy set out within Policy TP6.
- 7.73 The application has been accompanied by a Drainage Strategy. The proposed site is located within Flood Zone 1 area and is generally at low risk of fluvial flooding and surface water flooding.
- 7.74 The proposed foul and surface water drainage strategy includes provision for a fully private site network system located mainly within the site access road curtilage and with gravity outfall via restricted discharge into existing on-site drainage connections. All existing drainage associated with the current site connects and discharges out to existing public sewers located within Weoley Park Road.
- 7.75 The Drainage Strategy also proposes to provide site attenuation via an on-line below ground Cellular Storage tank to be positioned within the frontage of the site with a restricted flow device via a Hydrobrake Flow Control Facility.
- 7.76 The communal car parking areas would be laid using a mixture of Resin Bound Gravel roadways and porous block paved parking bays. Levels have designed to direct all falls towards the specific porous parking bays which incorporate a tanked lower sub-base with perforated pipe outfall to catchpit chambers and the pipe network system. The porous paving collects, treats and stores surface water runoff within its 30% void ratio make-up.
- 7.77 The private individual driveways / parking are to be drained via linear drainage channels and gullies all with trapped outlets to reduce silts entering the system prior to outfall. The private access road is to be drained via standard trapped road gullies similarly.
- 7.78 The Drainage Strategy considers the use of a number of sustainable urban drainage system (SuDS) options to be incorporated into the design. Green roofs, swales, ponds, detention basins, infiltration basins and filter drains have been discounted. The Drainage Strategy acknowledges that soakaways have not been considered on the rationale that site investigation works would need to be undertaken. It is proposed that the feasibility of soakaways will be considered when site investigation works are carried out. The Drainage Strategy proposes the incorporation of porous pavements, geo-cellular / modular systems and bioretention strips.

- 7.79 The Lead Local Flood Authority (LLFA) does not have an in-principle objection to the scheme but objects over what is considered to be a lack of information in respect of discharge rates and surface water flow routes, as well as the absence of a developer enquiry letter from Severn Trent Water Ltd confirming the proposed discharge rate and location is required to confirm the viability of the drainage proposals has been accepted.
- 7.80 The LLFA is also concerned that the feasibility of soakaways has not considered and instead is effectively proposed to be addressed via conditions to any grant of planning permission.
- 7.81 Severn Trent Water Ltd have been consulted on this application and raised no objections subject to pre-commencement condition for drainage plans for the disposal of foul and surface water flows.
- 7.82 It is acknowledged that the applicant is proposing to carry out investigations to establish the feasibility of soakaways prior to any works commencing and it is possible that a suitably worded condition could impose this be undertaken.
- 7.83 Given that the principle of the method of foul and surface water disposal is acceptable and it is only the matters of discharge rate and feasibility of soakaways that need to be confirmed then I consider that drainage details can be satisfactorily addressed by the imposition of suitably worded conditions.

Noise, Air Quality and Contaminated Land

- 7.84 Policy DM2 (Amenity) of the Development Management in Birmingham DPD (DMB) expresses that all development will need to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours.
- 7.85 BCC Regulatory Services reviewed the application raised no objections subject to conditions. The Regulatory Services comments are summarised as follows:
- 7.86 *Contaminated land* – contaminated land can be adequately conditioned requiring a full phase two intrusive site investigation and assessment for chemical contaminants, asbestos, and ground gas.
- 7.87 *Air Quality* – No adverse air quality impacts on this development would be expected, the development itself would not result in any adverse air quality impacts. A condition for electric vehicle charging points to be incorporated into the development is recommended by Regulatory Services.
- 7.88 *Noise* – The site is located within a large residential area but adjacent to the University of Birmingham School. This premises has a significant amount of rooftop plant and equipment and whilst there are existing residential uses in the area this proposal will place nearest residents much closer to the noise source than existing residential uses. Regulatory Services do not anticipate significant noise issues in respect of road traffic noise. A noise assessment has been submitted to support this application and Regulatory Services accept its methodology, findings and recommendations. Regulatory Services accept that the mechanical ventilation on the rooftop of the Birmingham of University School will not be a cause of concern and a glazing requirement can be conditioned to protect from road traffic noise and any potential impacts from the mechanical plant. Regulatory Services recommend a noise insulation scheme be attached to any grant of planning permission.

Highways and Parking Considerations

- 7.89 Policy TP38 of the BDP states that *“The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.”* One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 7.90 Policy DM14 of the Development Management in Birmingham DPD (DMB) states that development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety and must ensure that safe, convenient and appropriate access arrangements are in place for all users.
- 7.91 Policy DM15 (Parking and servicing) of the Development Management in Birmingham DPD (DMB) expects development to promote sustainable travel, reduce congestion, and make efficient use of land through ensuring that the operational needs of the development are met in terms of parking provision, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs.
- 7.92 Design Principle 4 (Transport needs of development) of the Birmingham Design Guide (BDG) states that *“Transport needs must be an integral part of every development. Designs should ensure all users can access and utilise a range of transport modes to link with their surroundings and beyond in a safe and sustainable way.”*
- 7.93 The Birmingham Parking SPD identifies the application site as being located within ‘Zone C’ of the city. In Zone C, the car parking standards define ‘typical levels of parking’. The ‘typical levels of parking’ are not a minimum or a maximum requirement. Instead, this guidance is intended to allow the decision-taker flexibility to reduce or increase parking provision depending on factors such as location, car ownership, public transport accessibility, walking and cycling provision catchment, and typical end user.
- 7.94 Transportation Development raise no objections but expressed concerns that the proposed development could use Hamilton Drive, which does not form part of the highway maintainable at the public expense. It appears this private driveway is part of the adjacent University of Birmingham School site but does currently serve the application site on either a formal or informal basis. Transportation Development assert that it will need to be ensured and demonstrated that this residential development has a right of access over the privately maintained Hamilton Drive if the proposed parking area and bin collection point is to be accessed using Hamilton Drive.
- 7.95 The University of Birmingham School has submitted objection comments to this application citing that there is no right of access for the operators of Wallis House to use Hamilton Drive and they would not support the proposed residential development looking to use this private road.
- 7.96 The application submission contends that a right of way does exist from Wallis House to Hamilton Drive. It is also suggested that this is a civil matter in terms of right of way and should not preclude the Council making a determination of this application.

- 7.97 Given the status as to the right of way over Hamilton Drive remains unclear the amended proposals now seek to close off access from the proposed surface car parking area in front of Wallis House to Hamilton Drive. As such, it is no longer proposed that pedestrian, vehicular or waste collection for the proposed residential development shall use Hamilton Drive. The proposals now show that vehicular access would be retained solely off Weoley Park Road.
- 7.98 A total of 71 no. car parking spaces are proposed across the development in total (1.22 spaces per unit across the scheme). The proposed dwellings would be provided with at least two car parking spaces. Designated surface car parking provision is afforded for the apartments along with dedicated visitor parking spaces.
- 7.99 It is recognised that a number of objections have been received noting that Weoley Park Road experiences existing challenges in respect to inconsiderate / unlawful parking practices and traffic congestion. However, I am satisfied that the proposed car parking provision per residential unit is acceptable and compliant with the objectives of the Birmingham Parking SPD. Conditions can be attached to any grant of planning permission to secure appropriate levels of secure and sheltered cycle storage; electric vehicle charging points; along with refuse and recycling collection provision. Furthermore, I accept that the site is well served by public transport and that within 'Zone C' locations that parking standards outlined within the Birmingham Parking SPD are guidelines and not stipulated minimum or maximum thresholds. Consequently, it is considered that the proposal is unlikely to raise any highway and public safety issues and is acceptable.

Community Infrastructure Levy / Planning Obligations and Financial Viability

- 7.100 This planning application is CIL liable as it lies within a High Residential Market Value area for CIL whereby the charge equates to CIL payment circa of £191,239.06.
- 7.101 The Birmingham Development Plan (BDP) requires 35% affordable dwellings on site for developments of 15 dwellings or more. Either on site public open space or contributions towards off site provision for developments of 20 or more dwellings is also required by the Open Space in New Development SPD. Similarly, for developments of 20 or more dwellings there is a requirement for an off-site financial obligation for pupil places in local schools.
- 7.102 The applicant has submitted a viability report with the application which has been independently assessed by the Council's independent viability consultant. The independent consultant concludes that the development can make a contribution of 6 units of affordable housing, which equates to 10.5%. This would be comprised of:
- 3 No. x 1 bedroom apartments for First Homes or Discount Market Sale at a 30% discount.
 - 1 No. x 2 bedroom house for First Homes or Discount Market Sale at a 30% discount.
 - 2 No. x 3 bedroom house for First Homes or Discount Market Sale at a 30% discount.
- 7.103 BCC Education note that the scheme would generate the need for a pupil places contribution in accordance with the BDP.
- 7.104 BCC Leisure Services note that the scheme would generate the need for a POS and play area contribution in accordance with the BDP. Given the nature of the site an off site contribution would be required to be spent on the provision, improvement and/or biodiversity enhancement of public open space and associated structures, including the maintenance thereof within the Weoley and Selly Oak Ward.

- 7.105 The applicant has submitted a viability report with the application which has been independently assessed by the Council's independent viability consultant. The independent viability consultant has noted that the build costs for delivering the proposed development would sit towards the upper end of BCIS data sets but accept that this is largely attributable to this being a bespoke development including the refurbishment and conversion of existing buildings together with new build housing to all be finished to a high standard. Once CIL liability is taken into account the rate of return on the proposed development is considered by the independent viability consultant to be such that ordinarily the scheme would therefore not be able to support any planning obligations in the form of S106 contributions or affordable housing. As such, the independent viability consultant concludes that the provision / offer of 6 no. affordable homes and off-site financial contribution towards Biodiversity Net Gain is a good outcome.
- 7.106 Given that the viability assessment demonstrates that the scheme is not able to support a policy compliant position, in this instance the money has been directed to Affordable Housing and Biodiversity Net Gain, which are considered the greatest priority at this time.

Planning Balance

- 7.107 Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provision of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that 'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 7.108 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.109 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites, and the latest published housing supply figure is 3.99 years. This is derived from a 5-Year requirement of 37,464 dwellings (including a 5% buffer) and a supply of 29,944 dwellings. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.110 The proposed development accords with a number of Development Plan Policies, providing a residential development of high-quality design, which adds to the housing mix available across the City contributing to the shortfall in housing land supply, on a brownfield site in a sustainable location. The scheme also makes a contribution towards the affordable housing shortfall within the city. These factors weight in favour of the proposal.
- 7.111 However, the proposal doesn't fully comply with a number of BDP policies. It doesn't provide 35% affordable housing, an open space contribution or an education

contribution. There may be some potential harm to protected bats and badgers and loss of biodiversity (subject to further updated surveys).

7.112 This weighs against the proposal and the harm should be weighed against the public benefits of the development, in accordance with the requirements of the NPPF and Policies TP7 and TP8 of the Birmingham Development Plan.

7.113 Following the three strands of sustainable development, the potential public benefits of the proposal are:

Environmental

- Re-use and conversion of Wallis House and associated Coach House to secure a long-term viable use.
- Off-site financial obligation to offset biodiversity loss on the application site.

Economic

- Creation of jobs in the construction phase of the project (albeit short term).
- Additional residents supporting local services.
- Birmingham City Council will gain a direct contribution through the New Homes Bonus, provided by the Department for Communities and Local Government.
- The proposed development would generate Council Tax revenue.
- CIL payment of £191,239.06 would assist the Council in providing strategic infrastructure benefits for the local authority area.

Social

- Contribution to the supply of housing and a financial contribution towards affordable housing in the city, especially in the context of the City not having a demonstrable 5 Year Housing Land Supply.
- A mix of residential units proposed that would generally accord with the city's greatest needs as identified by the HEDNA.

7.114 The proposal demands a balanced judgement.

7.115 Substantial weight is given to the contribution towards the housing supply and contribution to the affordable housing needs of the city. Great weight is given to the re-use, repair and future maintenance and therefore conservation of Wallis House and the Coach House.

7.116 Overall, on balance, it is therefore considered the benefits of the scheme outweigh the identified areas of harm.

8. Conclusion

8.1 The proposed development would create 57 no. new residential units (37 x apartments and 13 x dwellings) of an acceptable mix and contribute to the housing supply and need of the City. It would create a distinctive place and deliver 10.5% affordable housing at a market discount rate of 30% in accordance with local and national policies and generate a CIL payment of £191,239.06. The proposals would also secure the long-term viable use of Wallis House and its associated Coach House. Given the amended plans address key design issues; secure the retention of the most valuable trees and foraging areas for local wildlife; and would cause no unacceptable harm to neighbouring amenity nor compromise highway safety the proposal would have substantial benefits. The potential harm arising to some trees and local ecology (particularly badgers) is regrettable but the off-site financial contribution of £30,000 to be secured via S106 Agreement to deliver biodiversity improvements elsewhere in the

City is welcomed. Therefore, on balance, the proposed development is considered acceptable and there are no sustainable grounds that would warrant refusal of the application.

- 8.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application would accord with the development plan taken as a whole and it is therefore recommended that planning permission be granted subject to completion of a legal agreement and safeguarding conditions.

9. Recommendation

- 9.1 That consideration of planning application 2021/10269/PA be APPROVED subject to the completion of a planning obligation agreement to secure the following: -

- a) Six units of affordable housing comprised of:
- 3 No. x 1 bedroom apartments for First Homes or Discount Market Sale at a 30% discount.
 - 1 No. x 2 bedroom house for First Homes or Discount Market Sale at a 30% discount.
 - 2 No. x 3 bedroom house for First Homes or Discount Market Sale at a 30% discount.
- b) Off-site financial contribution of £30,000 towards Biodiversity Net Gain (BNG) to be allocated and spent elsewhere in the City.
- c) Payment of £1,500 for the administration and monitoring of this deed to be paid upon completion of the agreement.

- 9.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 1st September 2023, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason:

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

- 9.3 That the City Solicitor be authorised to prepare, seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

- 9.4 That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 1st September 2023, or such later date as may be authorised by officers under delegated powers, planning permission for application 2021/10269/PA be APPROVED, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

-
- | | |
|---|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of sample materials |
| 4 | Requires the submission of architectural details |
| 5 | Requires the submission of inventory of retention of fixtures |
-

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- 6 Delivering works in advance of other new build
 - 7 Requires the prior submission of a demolition method statement
 - 8 Requires the prior submission of a construction method statement / management plan
 - 9 Requires the prior submission of a contamination remediation scheme
 - 10 Requires the submission of a contaminated land verification report
 - 11 Requires the prior submission of a sustainable drainage scheme
 - 12 Requires the prior submission of a drainage plans
 - 13 Requires the submission a Noise Mitigation Scheme to establish residential acoustic protection
 - 14 Requires the submission prior to occupation of hard and soft landscape details
 - 15 Requires the submission of hard surfacing materials
 - 16 Requires the submission of boundary treatment details
 - 17 Requires the submission of a scheme for ecological / biodiversity / enhancement measures
 - 18 Requires the prior submission of an additional badger survey
 - 19 Requires the prior submission of an additional bat survey
 - 20 Requires the prior submission of a construction ecological mitigation plan
 - 21 Requires the prior submission of a landscape and ecological management plan
 - 22 Requires the prior submission of details of bird/bat boxes
 - 23 Arboricultural Method Statement - Submission Required
 - 24 Requires the implementation of tree protection
 - 25 Requires the submission of a lighting scheme
 - 26 Requires the submission of a CCTV scheme
 - 27 Requires the submission details obscure glazing for specific areas of the approved buildings
 - 28 Requires the prior submission of sustainable construction and sustainable energy consumption details.
 - 29 Requires the submission of details of refuse storage
 - 30 Prevents occupation until the service road has been constructed
 - 31 Requires the prior installation of means of access
-

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- 32 Requires the submission of the siting/design of the access
 - 33 Requires the submission of cycle storage details
 - 34 Requires the provision of vehicle charging points
-

Case Officer: Richard Bergmann

Photo(s)



Figure 7: Overview image of application site & its surroundings (Application site identified by red star)



Figure 8: View into application site from Weoley Park Road (Coach House in foreground and Wallis House in background)



Figure 9: Wallis House

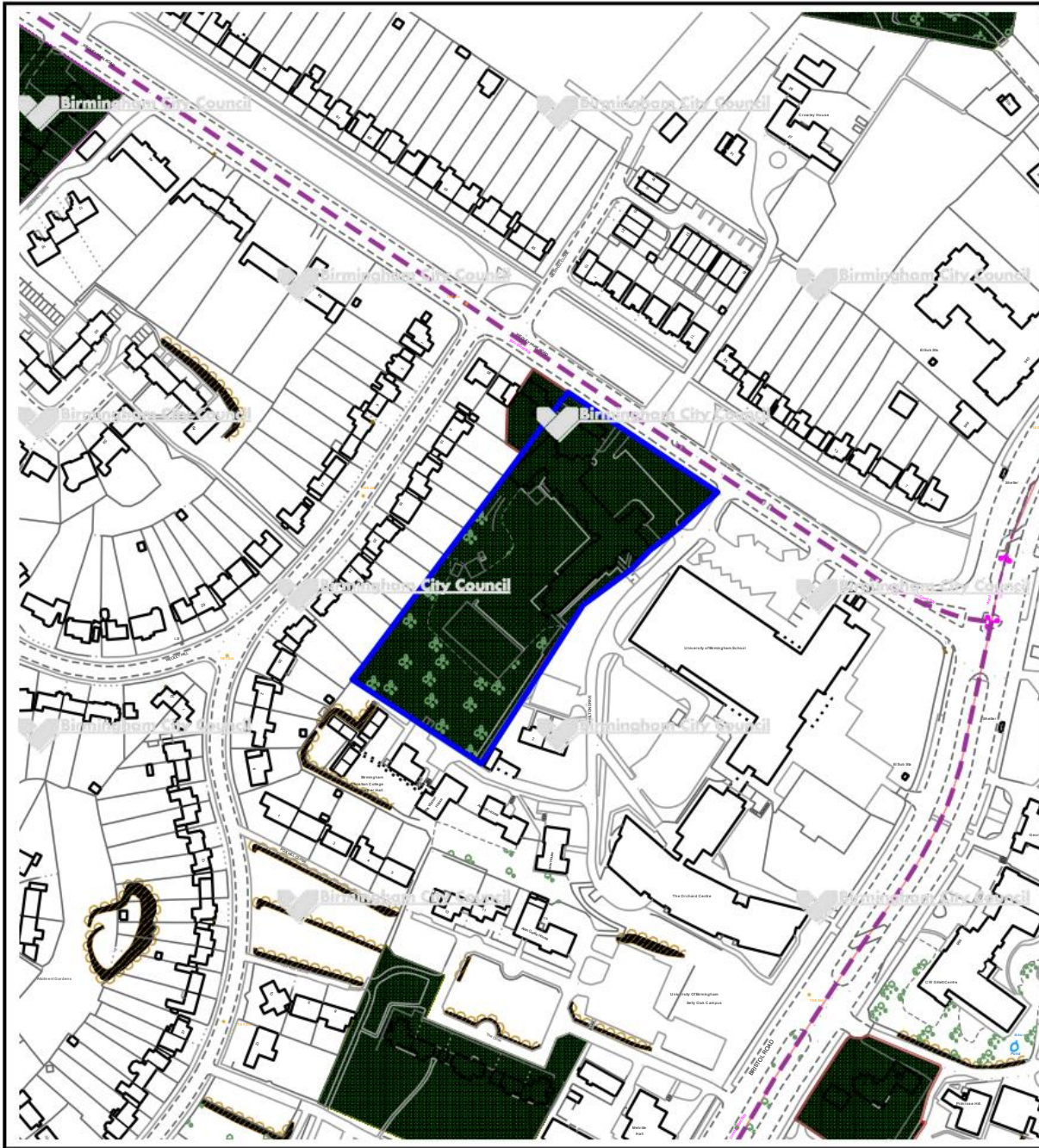


Figure 10: Some of the existing buildings / extensions to be demolished



Figure 11: View towards Wallis House from southern section of site.

Location Plan



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