

# **Birmingham City Council**

**Planning Committee**

**24 October 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	9	2018/04882/PA  Land fronting Northwood Street, James Street, Graham Street, Brook Street, Newhall Street and Regent Place (premises currently occupied by AE Harris & Baker & Finnemore) Jewellery Quarter Birmingham  Partial demolition of buildings, change of use of retained buildings at 109, 123 & 128 Northwood Street from B2 to A1-A4, B1 and C3 uses, change of use of retained building at 199 Newhall Street from B2 to B1, conversion and erection of new buildings to provide 305 one, two and three bed apartments and 9,132 sqm of non-residential floorspace for A1-A5, B1 & D2 uses with associated parking and landscaping.

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Committee Date:	24/10/2019	Application Number:	2018/04882/PA
Accepted:	13/06/2018	Application Type:	Full Planning
Target Date:	20/12/2019		
Ward:	Soho & Jewellery Quarter		

Land fronting Northwood Street, James Street, Graham Street, Brook Street, Newhall Street and Regent Place (premises currently occupied by AE Harris & Baker & Finnemore), Jewellery Quarter, Birmingham,

Partial demolition of buildings, change of use of retained buildings at 109, 123 & 128 Northwood Street from B2 to A1-A4, B1 and C3 uses, change of use of retained building at 199 Newhall Street from B2 to B1, conversion and erection of new buildings to provide 305 one, two and three bed apartments and 9,132 sqm of non-residential floorspace for A1-A5, B1 & D2 uses with associated parking and landscaping.

Recommendation

**Approve Subject to a Section 106 Legal Agreement**

1. Proposal

- 1.1 The application relates to a site of 1.5ha within the Jewellery Quarter Conservation Area occupied by a range of modern and traditional industrial buildings. These are largely used as the business premises of two engineering companies namely AE Harris and Baker and Finnemore. The application proposes to redevelop the site to provide a mixed use development of 305 apartments (18,384 sq.m) and 9,132 sq.m (NIA) of commercial floor space with associated parking, and new areas of public realm.
- 1.2 The proposals have been revised since an issues report was considered at the planning committee meeting on 3 January 2019. At that stage the application proposed 320 apartments and 8,136 sq.m (NIA) of commercial floor space. Since then a number of meetings have been held with the applicants and amendments made to the application to address issues raised by committee members. The changes made to the application include:-
- An improved split between the residential and commercial floor space so that 18,384 sq.m (67%) would now be for residential purposes and 9,132 sq.m (33%) would be for commercial uses.
  - Building heights have been revised on the Regent Place frontage to remove the fifth storey.
  - The overall heights of Buildings E (fronting Northwood Street) and N (fronting Graham Street) have been reduced
  - Design changes have been made to several buildings to provide more variety to the roofscape and fenestration treatment.
  - The white coloured materials previously proposed have been replaced with orange brick and terracotta for Building E and green bricks for the corner section of Building L.

The current proposals are described below:-

### Demolition

- 1.3 The application proposes the demolition of most of the existing structures on the site, which comprise of a group of traditional and modern industrial buildings. Four buildings which have been identified as having historic merit would be retained. These comprise the two listed buildings on the site at 109 Northwood Street and 199 Newhall Street, apart from modern extensions attached to both, which would be demolished. The two other buildings that would be retained are traditional workshop ranges at 123 Northwood Street and to the rear 128 Northwood Street.

### Mix

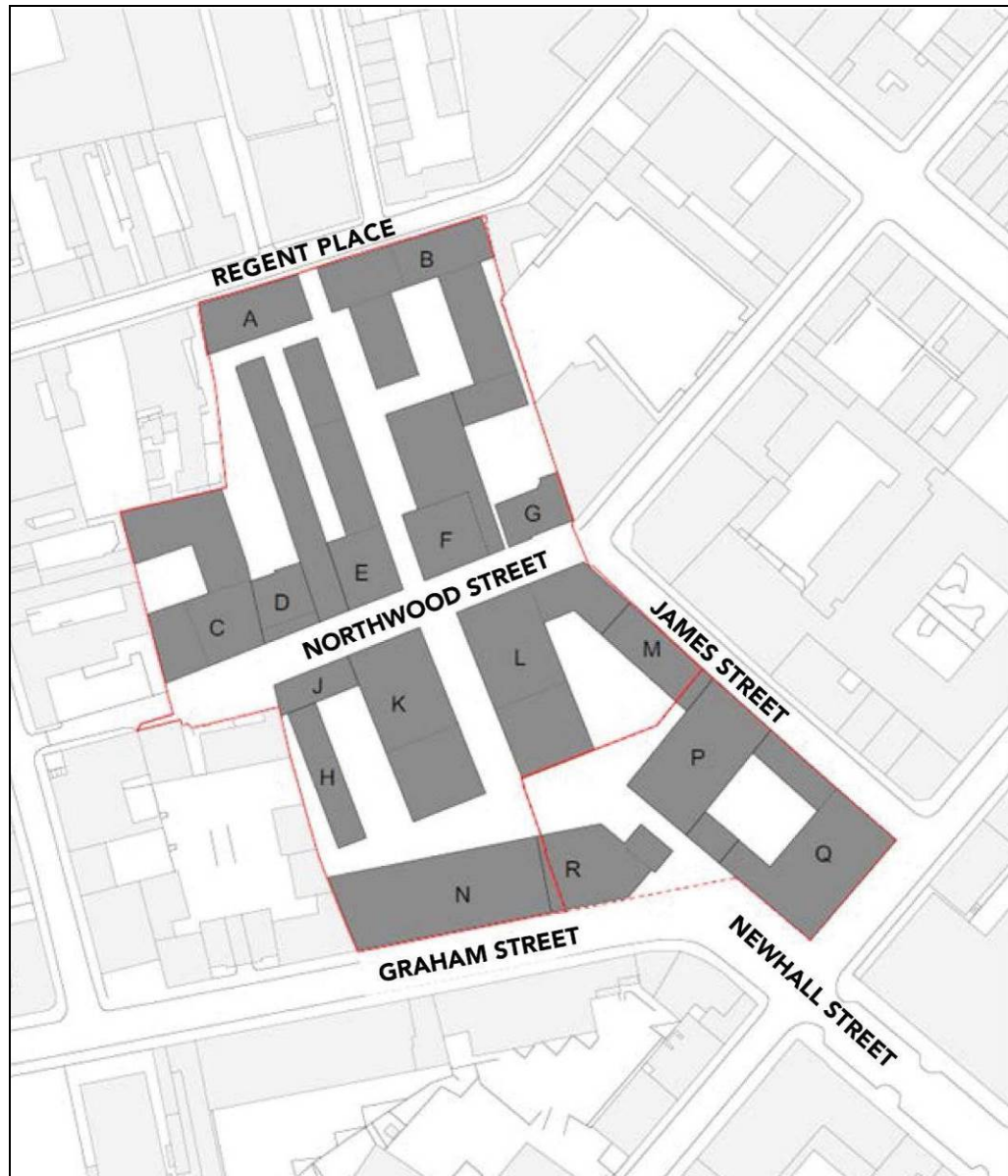
- 1.4 The proposed development would provide a total of 27,516 sq.m of net internal floor space of which 18,384 sq.m - 67% (305 Units) would be for residential and 9,132 sq.m 33% would be for commercial uses with the following mix:-
- 110 (36%) -1 bed x 1 person apartments
  - 55 (18%) -1 bed x 2 person apartments
  - 54 (18%) - 2 bed x 3 person apartments
  - 59 (19%) - 2 bed x 4 person apartments
  - 27 (9%) – 3 bed apartments
  - 9,132 sq.m of commercial workspace for B1, A1-A5 and D2 Uses
  - 42 car parking spaces
  - 272 cycle spaces
  - 3052 sq.m of public realm and 4,075sq.m of private amenity space.
- 1.5 The commercial units would generally be provided at ground floor level on the main street frontages and have sizes ranging from 48 - 1,050 sq.m. The accommodation schedule and drawings shows the 9,132 sq.m split to provide 4,934 sq.m of retail floor space, 3,548 sq.m of B1 floor space and 650 sq.m for D2 use. The upper floors would provide apartments apart from buildings H and M which would be entirely residential and buildings G, Q and R would be entirely for commercial use including the two listed buildings on Northwood Street.
- 1.6 No specific floor space is shown as affordable dwellings or affordable workspace; however the applicants have provided a financial appraisal which offers a financial contribution which could be used for off-site provision, on site affordable workspace and/or discounted market sale dwellings or a combination of the two. The Section 106 offer is explained further in Paragraph 1.23 below.

### Layout

- 1.7 The proposed layout has been arranged so that there would be new or retained buildings occupying the main street frontages to the site including Graham Street, Newhall Street/Brook Street, James Street, Regent Place and both sides of Northwood Street. Currently the section of Northwood Street that runs east-west through the centre of site is privately owned and gated and the proposals would reinstate this as a shared surfaced public route predominantly for pedestrians but also for emergency and service vehicles. In addition a new north – south pedestrian route is proposed between Newhall Street and Regent Place. This route would also be fronted by new buildings and, in order to address a considerable change in levels across the site would include steps and a public lift. A further area of public realm is proposed within the site to the rear of the Graham Street frontage buildings and

adjacent to the new north – south route. This is to be an event square associated with the proposed new commercial uses.

- 1.8 The existing road pattern would be retained but in order to reinstate gaps in the street frontages and replace the demolished structures a range of new buildings are proposed. These are shown as A-Q and incorporate the retained structures as well as the new buildings. Some of these would be subdivided further so that the development would appear as 20 individual buildings. The new buildings generally have heights generally between 4 and 5 storeys and the retained buildings have heights of 2 and 3 storeys.



**Figure 1: Plan showing the location of buildings A - Q**

#### Building Heights and Uses

- 1.9 Proposed Buildings A and B would front Regent Place and the new north–south pedestrian route proposed through the site. Building A would be 4 storeys in height and be subdivided to have the appearance of two individual blocks by the use of slightly different red/orange brick types and variations in the window styles and

widths. The roof line would also be varied so that where it adjoins the neighbouring listed building at 15-17 Regent Place it has been designed with a set back to the top floor to reduce the impact on its neighbour. Building B would also comprise of a number of linked blocks mainly 4 storeys in height but with a lower 3 storey section adjacent to the neighbouring listed building at 53 Regent Place. Building B also fronts the new public north – south route and would form a courtyard to the rear with development over 4 floors. The ground floor of both buildings fronting Regent Place and the new public route would provide retail or B1 floor space with apartments above. The other rear wing within the courtyard would provide entirely residential floor space.



**Figure 2: View's along Regent Place of buildings A and B**

- 1.10 Buildings C-G would front the north side of Northwood Street and have wings to the rear fronting the new north-south pedestrian route and a number of new private residential courtyard spaces. They also encompass two of the retained 2 and 3 storey buildings (Buildings D and G) with Building D being altered and extended to provide 3 floors of accommodation. This frontage of the site would have the appearance of a row of 6 buildings with the new infill blocks being of 5 storeys in height but with 4 storey sections adjacent to the 3 storey listed Harpers Hill Works (Building G) and neighbouring development in Vittoria Street. The buildings fronting the new north – south pedestrian route would be of 4 and 5 storeys high with the courtyard wings being predominantly 4 storeys. Ground floor commercial uses are proposed fronting the main public routes with entrances through to the apartments in the rear private courtyard areas. The retained listed building G would be used entirely for commercial purposes possibly as a restaurant.



**Figure 3: View of Buildings C-G on Northwood Street**

- 1.11 Buildings H-L would occupy the south side of Northwood Street, the corner with James Street, the lower section of the new north - south pedestrian route and the north side of the new events space. This group also contains the retained 2 storey workshop wing (Building H). The 4 new buildings proposed fronting Northwood Street would be 4 and 5 storeys in height but with the blocks subdivided to give the



appearance of 7 narrower plots. The southern end of Buildings K and L marks a change in levels within the site so that these blocks will be a storey higher at 5 but with a small section being 6 storeys when viewed from the proposed public events space. The street frontages and events space would have commercial units at ground floor level and on the Northwood Street/James Street corner the building has been designed to accommodate a D2 cinema or theatre type use as the gradient allows a large basement area to be provided.



**Figure 4: View along Northwood Street of Buildings L-H**

- 1.12 The James Street frontage of the site has a steep gradient with the 2 storey retained listed building at 199 Newhall Street (Building Q) being at its lowest point and proposed building L at the upper end of the street. The frontage is shown as being developed with 4 buildings with heights between 2 and 5 storeys. Buildings would be subdivided into narrower forms and this frontage would also include the vehicular entrance to the basement area which includes the car park and cycle store as well as a potential D2 cinema area. 2 private rear courtyard areas are also proposed one providing the entrance and amenity space for the commercial uses in buildings P and Q and the other for the residential units within buildings L- M.



**Figure 5: View of Buildings Q – L fronting James Street**

- 1.13 The remaining frontage to Newhall Street/Graham Street would comprise the retained listed building Q and two new buildings N and R which would also front the new events space. Proposed Building N would be 4 and 5 storeys high and subdivided to have the appearance of 5 narrower buildings. The ground floor would provide commercial floor space together with a pedestrian entrance/exit into the events space and apartments above. Building R would be 4 storeys in height fronting Graham Street but with a corner set an angle to align with the end of Newhall Street. This corner would be marked with a 6 storey high marker tower providing the entrance and circulation space to Building R which would provide floor space at ground floor level with B1 uses on the upper floors.



**Figure 6: View of Buildings N and R on Graham Street/Newhall Street**



**Figure 7: Birds Eye view of proposed site layout looking towards Newhall Street and Graham Street**

#### Design and Materials

- 1.14 The Design and Access statement includes an analysis of existing buildings types within the Jewellery Quarter, which it divides into four main types which are then used to establish a system and rhythm for the new streetscape proposed. Plot widths are therefore varied and different roof treatments are used including flat roofs with parapets, standard gables, pitches and a contemporary northern lights style. Generally the building designs use large ground floor openings for the commercial uses with regularly spaced floor to ceiling windows to the upper floors set back within a brickwork frame. The window widths and fenestration pattern vary but would use double glazed aluminium frames with a slim profile to mimic traditional steel Crittall

windows. Lintels and sills would be of brick, metal, coloured masonry or stone. A number of different colour bricks are proposed mainly in the red/orange range but also in black/grey and green. Pitched roofs would either be of metal or slate.

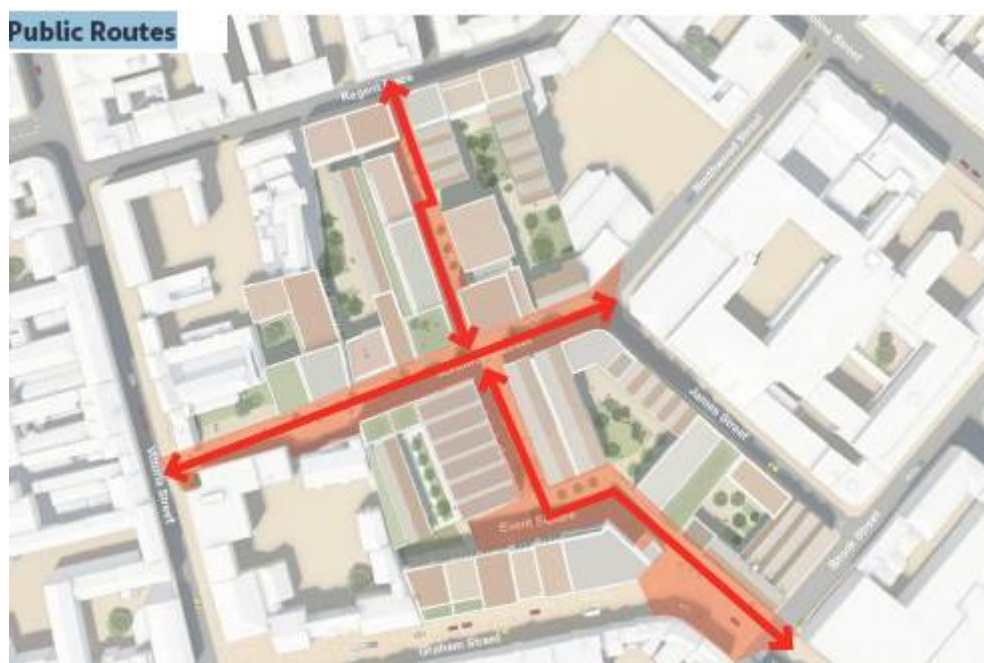
- 1.15 Three “cornerstone” and “special” designs are proposed for Buildings E, L and R. Building E which lies in roughly the centre of the site on Northwood Street and would be one of the tallest new buildings at 5 storeys including a parapet above the flat roof. The base would have large recessed windows with a gold coloured metal surround set within a frame of terracotta which would have wide fluted piers to the façade fronting Northwood Street. A matching coloured textured brick would be used for the other elevations which have a frontage to the north - south pedestrian route.
- 1.16 Building L, which occupies the plot at the junction of James Street and Northwood Street, would be developed with a 4 storey flat roofed building with basement so there is potential for D2 uses such as a cinema or theatre. There would be an entrance foyer at street level and three floors of apartments above. The architects describe the design as paying homage to early 1900 industrial factories and having an art-deco influence and would be of textured and smooth green brickwork. The design incorporates a bull nosed detail to turn the corner and a pattern of large recessed windows on both street elevations.
- 1.17 The final “special” Building R would occupy the plot on the corner of Graham Street and Newhall Street and is designed to terminate the long view of the site down Newhall Street and signpost the main pedestrian entrance to the development. It would be predominantly 4 storeys high with a flat roof and be constructed from black metal fins, glazing and black brickwork. The brickwork would be used for the ground floor base set between large retail/commercial windows. The upper floors would be fully glazed with a regular frame of extruding metal fins 400 mm deep provided in front. The same design would be used on the rear elevation facing the new events square. On the east side of the building a high brick circulation tower is proposed designed as a modern take on an industrial chimney. This would extend to a height of 7 metres above the main building where a light box is proposed enclosed in hit and miss brickwork.

#### Public Realm/Amenity Space

- 1.18 The development would provide 3 new areas of public realm totalling 3,052 sq.m and a further range of private courtyard areas and terraces totalling 4,075sq.m. The public realm areas comprise of the north-south pedestrian route between Regent Place and Newhall Street which accommodates steps and a lift adjacent to the events space to accommodate the difference in levels across the site. Most of the route follows a straight line but to link to Newhall Street it includes a dogleg to terminate alongside Building Q and the listed building at 199 Newhall Street. A more direct route is also proposed via Graham Street by use of an undercroft section to Building N. The main route varies in width between 4 and 10 metres although it widens further where it crosses the events square.
- 1.19 Northwood Street would form the second new public route running east - west through the site following the line of the existing private gated highway. Bollards would be provided at its eastern end to restrict its use by vehicles other than by service and emergency vehicles. It would be resurfaced and has a width of between 10 and 14 metres. The route would remain as a cul de sac, as although it adjoins St Helens Passage at the western end, this is not a public highway and does not fall within the application site.



- 1.20 The other area of public realm proposed is shown as an events space and is a roughly triangular area of land located to the rear of buildings fronting Graham Street. It is intended that this would be used in conjunction with the various ground floor retail uses fronting the space. It has a width of between 5 -17 metres. All three public realm areas would be surfaced with a mix of blue brick clay pavers, granite setts and york stone with tree planting provided.



**Figure 8: Proposed public routes and event square within the site**

1. 21 Six private courtyard spaces are also proposed for residents and a seventh courtyard would be provided in association with the commercial floor space proposed in Buildings P and Q to the rear of James Street. There would be 4 small courtyards in the northern half of the site and three courtyards in the southern half two of which would be constructed as podiums above the underground parking facilities. These spaces would also use the same hard surfacing materials but also include raised planters, seating and soft landscaping in the form of grass, trees and herbaceous planting. The entrances to the courtyards would be enclosed with decorative metalwork gates. The development also includes balconies and roof gardens for a number of the apartment's blocks including on buildings C, E, J, K, L, P and N.

#### Access and Parking

- 1.22 The vehicle access to and from the development would be from James Street into an undercroft car park with 42 spaces below buildings K, L and M. The entrance is incorporated into Building M and would also be used to access the basement cycle store providing 272 spaces and a wash down facility and tool station workshop for maintenance. Servicing of the development would take place directly from the street frontages to Regent Place, Northwood Street and Graham Street. The applicant advise that this arrangement will be used for loading/unloading of goods, deliveries and refuse lorries and would be overseen by on site management to ensure the process runs smoothly.

#### CIL/Section 106 offer

- 1.23 No CIL would be payable in connection with the development. A viability appraisal has been submitted with the application which has been reviewed by consultants on behalf of the Council and a contribution of £1,400,000 has been agreed. The applicant's appraisal states that the financial sum agreed would be made available as a Section 106 planning obligation which could be used as follows:-
- In lieu of any on-site provision of affordable dwellings or workspace, or
  - To provide the equivalent financial sum for provision of affordable housing delivered on-site in the form of 34 (11%) Discount Market Sales Units (23 x 1-bed and 11x 2-bed units ) to be sold at 80% of the open market sales value or
  - To provide the equivalent financial sum for affordable workspace on site in the form of approximately 1,610 sq.m of B1 floor space at a discount rent of 70% of market value or
  - A combination of on-site affordable workspace and low cost market sales units with a discount to the value of £1,400,000.
  - To subsidise car club membership for first occupants at a cost of £15,250 which would be deducted from the £1,400,000
- 1.24 A draft Heads of Terms for the Section 106 agreement has also been submitted offering the following additional obligations:-
- Not to commence development on the site unless and until a Business Relocation and Job Retention Strategy for AE Harris and Baker and Finnemore has been approved by the Council.
  - To construct the shell and core of the affordable workspace within agreed timescales
  - To appoint a workspace provider to manage the day to day operation of the workspace

#### Supporting Information

- 1.25 The application has been supported by a comprehensive range of documents including Design and Access Statement including landscape strategy, Planning Statement, Flood Risk Assessment, Transport Statement and Travel Plan, Preliminary Ecological Appraisal, Air Quality Assessment, Noise Assessment, Heritage Assessment, Economic Impact Assessment, Sustainability Statement and Desktop Ground Conditions Survey. A Viability Assessment has also been provided in support of this application to justify the deviation from policy in respect of open space and affordable housing contributions.

- 1.26 [Link to Documents](#)

## 2 Site & Surroundings

- 2.1 The application site covers 1.5 ha and lies between Regents Place to the north, James Street/ Brook Street to the east, Graham Street and Newhall Street to the south and St Helen's Passage off Vittoria Street to the west. Most of the site is currently occupied by AE Harris, a manufacturing business, which operates from buildings, located either side of Northwood Street. At this point Northwood Street is a private road which is gated at either end. The south eastern corner of the site is occupied by the premises of Baker & Finnemore, a metal pressing manufacturer, and the Graham Street frontage by modern workshops which are now vacant.
- 2.2 The site lies within the Jewellery Quarter Conservation Area and contains 2 listed buildings, Harpers Hill Works at 109 Northwood Street which is vacant, and 199 Newhall Street, leased by Baker and Finnemore. The rest of the site contains a range

of traditional, but heavily altered workshops, and modern manufacturing buildings with ancillary offices ranging in height from one – three storeys. They fill virtually the full site but on the Regent Street frontage a vacant part of the site is used as a temporary car park. There is also a further car park/delivery yard on James Street used by Baker and Finnemore. On the south side of Northwood Street a number of the older traditional buildings which have been used by Stan's Café as a performance space for art exhibitions installations and performances (use class D1) together with ancillary storage.

- 2.3 There is a considerable difference in levels across the site with the southern boundary being about 9 metres below the northern boundary. The existing buildings on the south side of Northwood Street have therefore been built on a high retaining wall that runs to the rear of the existing buildings on the Graham Street frontage. The principle access to the AE Harris owned part of the site is from Northwood Street and the Baker and Finnemore premises has its main access onto James Street but also has a number of entrances to delivery areas onto Graham Street.
- 2.4 The site boundaries adjoin a mix of commercial buildings and 2 undeveloped plots used as car parking. On the Regent Street frontage the eastern boundary adjoins 35 Regent Place, a Grade II listed 3 storey works, and the western boundary adjoins No's 13 -17 Regent Place, a further three storey group of listed buildings built as a manufactory incorporating earlier structures and part of a house. The western boundary also adjoins the curtilage of a group of three Grade II listed buildings at No's 33 - 37 Vittoria Street which are also of 3 storeys.
- 2.5 The immediate area contains a considerable number of listed buildings particularly fronting Regent Place. Opposite the site frontage No's 22, 24, 26, 32 are all Grade II listed buildings as are No's 9, 12 -14, 15-17, 16, 53 and 60 -70 further along the street. These are in predominantly commercial use, but the upper floors of the former Squirrel Works at 32 Regent Street, has recently been converted to provide apartments. On Vittoria Street the Standard Works at the junction of Regent Street is listed as are a number of other buildings slightly further away on the opposite side of Vittoria Street. On Graham Street opposite the application site No's 204 -206, the former Dorman Smith Switchgear Ltd offices are listed as is No 11 Brook Street located opposite the listed building on the site at 199 Newhall Street. The site is also near to St Paul's Square and the Grade 1 listed St Paul's Church which has tall spire visible over a wide area.
- 2.6 The area surrounding the site is occupied by a variety of business premises, including offices, jewellery manufacturers, an education facility, restaurants and live work units. There are some modern apartment's schemes nearby predominantly opposite the site frontage on Graham Street.

## 2.7 [Site Location](#)

## 3 [Planning History](#)

- 3.1 2018/04885/PA – Current application for Listed Building Consent for demolition of structures attached to listed buildings and conversion of 109 -111 Northwood Street (Harpers Hill Works) from B2 to A1- A4 or B1 uses and conversion of 199 Newhall Street from B2 to B1 use with associated works. To be determined under delegated powers following a decision on this current planning application.

- 3.2 24/4/18 - 2018/01431/PA – Permission granted for variation of Condition 2 attached to planning approval 2015/02349/PA to allow the temporary car park to operate at 109-111 Northwood Street until 28th April 2020.
- 3.3 20/3/15 - 2015/00313/PA – Planning permission granted for continued use of 110-118 Northwood Street as performance space for art exhibitions installations and performances (use class D1)
- 3.4 5/2/13 - 2012/07519/PA – Planning permission granted to extend the time limit condition on planning permission 2010/00357/PA for a mixed use re-development of on land at 109-138 Northwood Street and 5-6 Graham Street. (Existing consent extended to 28 April 2016 for submission of reserved matters and for a start on site until 28 April 2018).
- 3.5 5/2/13 – 2013/2012/07624/PA - Planning permission granted for new conservation area consent to replace 2010/00358/PA for demolition of all existing buildings and structures on site at 109-138 Northwood Street and 5-6 Graham Street except for the listed building at 109-111 Northwood St (Harpers Hill Works). (Existing consent extended for further 3 years until 28th April 2018).
- 3.6 21/04/10 – 2013/2010/00357/PA – Planning permission granted to extend the time limit condition on planning application C/02600/06/OUT- Mixed use re-development of land at 109-138 Northwood Street and 5-6 Graham Street.
- 3.7 1/04/10 - 2010/00358/PA – Planning permission granted to extend the time limit condition on conservation area consent C/03757/08/CAC for the demolition of all existing buildings and structures on site except for the listed building at 109-111 Northwood Street.
- 3.8 4/09/2008 - 2008/03757/PA – Planning permission granted to extend the time limit for conservation area consent C/02602/06/CAC for the demolition of all existing buildings and structures on site except for the listed building at 109-111 Northwood Street
- 3.9 28/8/08 - 2006/02600/PA – Planning permission granted for mixed use re-development of site to provide 9,779 sq.m of B1 floor space (including 1,639 sq.m of affordable workspace), 8,721 sq.m of net residential floor space (approx. 148 apartments), 1,725sqm of gross retail floor space (A1/A3 uses), 462 sq.m gross of community uses (D1 uses) with decked car park of 308 spaces including at least 90 spaces for public use on land at 109-138 Northwood Street and 5-6 Graham Street.
- 3.10 15/11/2006 - 2006/02601/PA- Listed building consent granted for conversion of 109-111 Northwood Street (Harpers Hill Works) to A3 restaurant use
- 3.11 15/11/2006 - 2006/02602/PA – Conservation Area consent granted for demolition of all buildings and structures on site except for the listed building at 109-111 Northwood Street.
- 3.12 27/4/98 - 1997/04322/PA – Planning permission granted for installation of vehicular barrier across the street at 109 & 110 Northwood Street.

#### 4. Consultation/PP Responses

- 4.1 Transportation – Originally raised a number of queries regarding the application but following the submission of additional information raise no objections subject to a Section 278 highway works condition to cover removal of redundant footway

crossings around the site, provision of the new access on James Street and boundary treatment on the wide footway area on Graham Street to prevent unauthorised vehicle access and parking. Also request conditions to ensure cycle parking is provided prior to occupation and a demolition and construction plan is provided before any works commence on site.

- 4.2 Local Services - The development generates a requirement in accordance with current BDP Policy for an off-site POS contribution as it is for over 20 dwellings. It would also generate a play area contribution since it contains over 20 x 3 bed apartments which are classed as family accommodation. The POS contribution and play contribution would be £662,975 which would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at St Paul's Closed Burial Ground and/or New Spring Street POS within the Soho and Jewellery Quarter Ward.
- 4.3 Regulatory Services – No objection in principle if the entire site is to be redeveloped and the scheme completed, subject to conditions requiring further definition of the non-commercial uses, hours of opening, energy supply and vent locations. However note from the documentation provided the development is proposed to come forward in 2 phases with the AE Harris part of site first followed by the Baker and Finnemore owned land. They express concern that the developer has not secured the full site and that the A E Harris owned land could be developed in isolation with the adjoining industrial uses remaining. If so they recommend refusal of the application as they consider there would be a significant adverse impact on the future residents from noise, due to the operation of the nearby commercial uses. It would also introduce a noise sensitive use in an existing area in circumstances where the noise climate may represent a statutory nuisance and may have an adverse impact on the operation of existing businesses. They are however content that the proposed development will not create significant additional air quality impacts provided mitigation measures are be provided at the demolition phase and also require conditions for further intrusive investigation for contaminants and ground gas by way of a Phase 2 investigation.
- 4.4 Lead Local Flood Authority - Object to the proposed development as although a Flood Risk Assessment and Sustainable Drainage Statement have been produced the proposed discharge rate is significantly greater than the existing greenfield discharge rate. They would expect all potential SuDS measures, to be explored and implemented where feasible.
- 4.5 Education - The School Organisation Team request a financial contribution under Section 106 of £836,516.56 (subject to surplus pupil place analysis) towards provision of places at local schools.
- 4.6 Environment Agency – No objections but request conditions to require a full intrusive site investigation to determine whether any risks to Controlled Waters and/or Human Health exist and how best they can be managed or controlled.
- 4.7 Employment Access Team – Request either conditions or Planning Obligation to secure a construction employment plan providing a minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site for New Entrants whose main residence is in the Local Impact Area
- 4.8 Severn Trent Water – No objections subject to conditions to require drainage plans for the disposal of foul and surface water flows.



- 4.9 Historic England – Do not object to the application but have concerns regarding the application on heritage grounds. They note the application does propose a number of positive elements including the reopening of Northwood Street as the primary axis of the development, the limited car parking and the formation of a new pedestrian access running north-south through the site aptly-named Harper's Hill. They also welcome the reuse of the few buildings to be retained and that considerable efforts have been made to vary heights, materials and rooflines and follow some of the existing and historic plot boundaries. Their concerns are:-
- The extensive demolition within the conservation area and the loss of much of what makes up the Jewellery Quarter's typical historic building stock and development character (e.g. the corner of James Street and Northwood Street).
  - The impact of the loss of this character and its replacement with a more sanitised impression of the Jewellery Quarter townscape, lacking the authenticity of its historic fabric and tightly-knit, ad-hoc layout.
  - Whilst they are pleased to note the reduction in the height of some of the proposed new buildings, including the reduction of building B from 5 to 4 storeys, much of the site remains above the typical building heights in this part of the quarter. This is particularly evident at plots K, L and N where large buildings remain at 5 storeys which do not reflect the character of the area.
  - The application is contrary to Birmingham City Council's policies for both height and use within this area. The application is within the Industrial Middle of the area, categorised to safeguard traditional metalworking activities within the quarter. The City Council's Jewellery Quarter Design Guide also sets out a clear limit of four storeys for new development within the Quarter, with a view to preserving the local character and distinctiveness stemming from the areas more domestic, artisan origins.
  - That the revised proposals still include buildings above the above the typical building heights in this part of the Quarter at 5 storeys which do not reflect the character of the area. In many cases, heights are exaggerated further with tall ground floor units and a raised parapet to obscure plant. They have strong concerns at the impact this would have on the distinctive character and appearance of the conservation area.
  - The site represents an area which would typically contain approximately 15-20 conventional application sites requiring special regard to be given to preserving the heritage assets affected. The resulting impacts are therefore intensified within a single application over such a large site.
  - Maintain their view that the development is likely to have a serious and harmful impact on the area and having considered the amendments made, feel that the application would cause less-than-substantial harm to the character, appearance and significance of the conservation area.
  - Remind the LPA that when considering the impact on the significance of the designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of the level of harm caused (NPPF para 193) and any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification (para 194).
  - Draw attention to the statutory duties of the local authority set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the requirements of sections 12 and 16 of the NPPF where by Local Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance and for new development to make a positive contribution to local character and distinctiveness.
  - They strongly advise that every effort is made to address the issues outlined above, and that further opportunities are taken to improve elements of design and

approach to avoid or minimise the conflict between the heritage assets and aspects of the proposals outlined above.

4.10 Victorian Society – Object to the application on the grounds that the proposals would have a negative impact and cause a serious level of harm to the unique character, appearance and significance of the hugely important Jewellery Quarter conservation area. In particular object to:

- The loss of the unlisted buildings at 10-12 James Street, 110-118 Northwood Street and the front and east ranges at 128-138 Northwood Street. Comment that they are concerned at the high level of demolition proposed across the site and within the conservation area, and particularly those structures from the late 19th and early 20<sup>th</sup> century. Consider these form part of the Conservation Areas typical historic building stock and its primary asset and should not be demolished as this would diminish the areas special character.
- That the residential development contravenes BCC's own policies for the Jewellery Quarter Conservation Area. Point out that the site is within the 'Industrial Middle' which is to be safeguarded for traditional metalworking activities and to prevent the loss of the remaining jewellery production is located. The proposed residential units are clearly not in accordance with this policy
- The number of new buildings and structures which will erode the historic character of this part of the Quarter. Do not consider that the loss of historic fabric is compensated by the plain design of the proposed replacement buildings.
- The scale, height and design of the proposed new buildings do not comply with BCC's Jewellery Quarter Design Guide. This states the height of new development within the Quarter should not exceed four storeys in order to retain the intricate character of the area and reflect the history of the Quarter's small scale industrial development from residential beginnings.
- That a number of the new buildings are five storeys with the heights exaggerated by tall ground floors and raised parapets to the roof. In particular they consider the high building located at Plot E, is more in line with the urban character of Birmingham city centre and the tall building heights proposed represent an unwelcome creep of city centre building scales towards the heart of the Jewellery Quarter Conservation Area.
- That although building R has been designed as a focal point on the corner of Newhall Street and Graham Street; its design is bland and does not enhance the character of the conservation area.

Do not feel that there has been significant change to the proposals which would lead to a change in their position and continue to object to this application as presented. Is however pleased to see the proposed layout of the site would increase permeability to this part of the Jewellery Quarter.

4.11 Council for British Archaeology - Strongly objects to:-

- The loss of all non-designated historic buildings and structures associated with this application. Consider the demolition will result in the loss of important industrial buildings that help tell both a visual and an evidential story of the site and will substantially harm the significance of this part of the Jewellery Quarter
- The loss of an integral and important aspect of the historic and archaeological interest of buildings which add layers of meaning to an historic area.
- That the proposals are for a predominately residential development in the heart of the Industrial Middle Character Area and even with a pragmatic view of what might be acceptable feel it does not harmonise with its environment.
- The proposed buildings being significantly higher than the prevailing 3 to 4 stories with higher floor to ceiling heights leading to uncharacteristic glazing voids.

- The appearance of the structures is blocky and bears no relation to the surrounding historic architectural designs.

Advise that they are not opposed to the principle of redevelopment of this site but urge the Local Planning Authority to refuse this application and request a more considered lighter touch proposal that integrates more of the surviving historic structures.

4.12 Birmingham Civic Society – Support the application and make the following comments:-

- The scheme in our view represents a mature approach to new build development in the Jewellery Quarter, with careful assessment of the building types that make up its fabric, interpreting these in a contemporary fashion which avoids pastiche - this a challenging task that deserves appreciation.
- The applicant has clearly responded to consultation and has made significant alterations - however it is expected the over shading and lack of daylight in these deep and narrow streets will remain a challenge.
- The public realm, grain pattern and materiality of landscaping similarly captures the aesthetic of the Jewellery Quarter and the complex changes in level have been well considered.
- It is hoped that the detailing will be executed in high quality brickwork, metal windows and cladding to give proper sense of quality and delight.
- The general outcome is one which provides an appropriate setting to the many historic buildings in the locale and indeed through the demolition of many poorly considered 'large grain' and impermeable C20 industrial buildings will improve their setting.

4.13 Councillor Phil Davis – Made comments on the application as originally submitted which as Heritage Champion urges rejection of the application so the developers will re-work their proposals in line with policy. He comments that as the City Heritage Champion/Cabinet Advisor he welcomes investment in the City's Conservation Areas and Heritage buildings and considers that our historic areas and sites are often best protected by sensitive re-purposing to meet modern needs. However regeneration of a historic area must, fully respect the characteristics that impart heritage value to that location. The City Council has recognised the unique characteristics of the Jewellery Quarter via Conservation Area status and other measures, since at least 2000. This has been a significant part of the successful re-branding of this part of Hockley, which began the shift from a purely manufacturing area to a mixed retail, leisure and manufacturing locale from the late 1970s and a welcome trend of people once again living in the Jewellery Quarter. Forty years later, managing both residential and commercial development pressures in the JQ Conservation Area, without compromising its historic character, is a major challenge. The Harper's Hill application is, overall, a quality scheme and elements of it sensitively address heritage and listed buildings within the site. Unfortunately the totality of the scheme is seriously compromised by three direct conflicts with the JQ Design Guide and thus planning policy:

- The extent of residential development proposed is excessive and contradicts the CA policy presumption against residential development in the core 'Industrial Middle' of the JQ (other than small scale 'live-work' units).
- The proposed large scale 5 and 4 storey buildings along Graham Street runs counter to the 3 storeys average height (4 at maximum) across the core JQ Industrial Middle. Other parts of the Application also feature inappropriately high buildings at 5 or 4 storeys. The massing is consistent with the scale of the Victorian/20th century buildings in this area.
- The scheme, if approved, is likely to negatively impact upon an established

manufacturing business on the site namely industrial fastening makers Baker & Finnemore. Their factories are operational and the application appears to make no provision for the continuation of this business. As such, the scheme is contrary to planning policy designed to restrain residential encroachment upon existing manufacturing.

While the overall quality of the scheme is welcome, significant elements of the application would overturn key areas of planning policy designed to maintain the essential character, scale and ambience of the Jewellery Quarter in the Industrial Middle of the Conservation Area.

4.14 Jewellery Quarter Development Trust – Object and comment that whilst there is much to support in the scheme, there are a number of key areas that are not compliant with local policy and therefore they must object until these areas are remedied. Their objections which relate to the original proposals are:-

- Loss of manufacturing and industrial character of the area particularly Baker & Finnemore is a thriving business with no plans to relocate.
- The proposals replace an important manufacturing site with office and residential space and there will be a significant reduction in manufacturing space in the JQ.
- Manufacturing and industrial uses are an important part of the character of the JQ both in terms of its economic character and the historic/conservation character and the site sits within the Industrial Middle of the Conservation Area.
- The noise & vibration report makes no of Deakin & Francis – we believe this is an oversight and must be addressed. Consideration should be given to providing workspace adjacent Deakin & Francis as a buffer between industrial and residential uses
- The proposals therefore do not accord with the policies which support the character of the Quarter namely BDP policy GA1.3 -The Quarters, BDP policy TP20 - Protection of Employment Land, JQ Management Plan policies 1.3 - Changes of Use, 2.2 – restriction on residential uses, 2.3 – Support of small scale light industrial uses, 2.4 - Ratio of living to working spaces.
- Commercial uses constitutes only 30% of the floor space whereas we would expect a ratio closer to 50% for an area such as the Industrial Middle, where residential provision is permitted only as part of live/work accommodation or a mixed use development.
- If only the AE Harris site is developed the percentage of residential rises closer to 80% so it is imperative therefore that more employment space is provided.
- There should be an emphasis on workspace on Regent Place as this is a major part of this road's character. Residential use would ideally be located in rear shopping wings with workspace at the front and should comprise no more than 50% of the net area of these buildings.
- If the imbalance toward residential is addressed this would naturally provide more variety as sizing of fenestration and floor-to-floor heights will be different
- We cannot support provision of 1-bed accommodation constituting 54% of the overall amount within the residential accommodation. 2/3rds of this is also very small i.e. 1-bed/1-person accommodation, below 50m<sup>2</sup> area.
- The development should generally be maximum 4 storeys (G+3) and 2 or 3 storeys in places, with roofline interest created by following the topography. The inclusion of a 5th storey may be supported but where it is an exception rather than the rule but at present of the 21 building on the street-frontages, 8 are 5 storeys, 8 are 4 storeys, 3 are 3 storeys and 2 are 2 storeys.
- We strongly object to the height of buildings proposed for Regent Place. It is a very narrow street with generally 2-3-storey buildings along it. The proposed 4 and 5 storey buildings will overshadow Regent Place significantly and provide an

unbalanced massing to the street and have an adverse impact on neighbour's amenities.

- The building on Graham St (Plot N) presents a too-continuous frontage to Graham Street. The floor levels between the sub-plot buildings do not express the topography of the street. They should be broken up, have a roof line that reflects the topography and may benefit from a pitched roof.
- The proposals do not accord with policies which control the height of development in the Jewellery Quarter. These policies protect and enhance the small-scale industrial landscape unique to the Quarter and help control land values by setting criteria around what can be developed on a plot:
- The 5th storey on Block B is expressed as a set-back metal clad structure. Both of these aspects are not acceptable and contrary to the JQ Design Guidance on 'views/roofscape', heights and materials
- The Regent Place frontage need further work to break down the plot size and reflect the variety of design that is a feature of Regent Place's building stock, which is highly varied and exquisitely detailed.
- The north-south permeability of the site is significantly inhibited if the Baker & Finmore site is not developed. The entrance from Graham St should be made more prominent, possibly through a break in the building line.
- Much of the Jewellery Quarter is refined, quiet design but some of the buildings are also flamboyant and decorative. The proposals are however biased toward post-war framed brick buildings with large scale fenestration. Not all buildings in the JQ are ordered and regimented such as Harper's Hill Works and the 1930's-style building on Northwood St. This precedent could be used effectively in one or two more locations
- We like to see Stan's Café retained as part of development to provide a cultural anchor to the scheme development.
- There should be landscaping on flat roofs where they occur and request that bird, bat and bug boxes and bricks are used extensively.
- The development should include an art strategy
- Question what the proposals are for affordable housing and/or workspace, how existing and proposed fumes/extraction would be controlled, what sustainable measures are included and whether the new north-south route would be a public right of way

The JQDT however support the principle of developing the A E Harris site as it is under-used and would benefit from modern facilities and the proposals offer a significant increase in the number of workers and used employment space. They also strongly support the strategy for public realm, public & private spaces and the permeability of the site, especially the east/west link provided by re-opening Northwood St. They have no objection to the limited on-site parking which would help reduce the potential vehicular and traffic impact of the proposed development and consider the site highly sustainable. They also support the retention of a selection of original buildings, the pedestrian-friendly nature of the public spaces and the move away from live/work units.

4.15 West Midlands Police – No objection in principle but have made the following comments:-

- The development should meet the standards laid out in the Secured by Design 'Homes 2019' and the Secured by Design 'Commercial 2015' guides.
- A lighting plan is required to ensure all public areas are appropriately illuminated.
- There should be appropriate access controls for the car park and cycle storage facilities.
- Bollards should be provided to prevent unwanted vehicle intrusion into the site including use of the two new pedestrian routes and Northwood Street.



- The proposed planting scheme should provide sufficient space to accommodate plants/trees once they have reached maturity and are clear of access routes, circulation areas. Species should be appropriate where defensive space or natural surveillance is required.
  - Supports active ground floor commercial uses and on site management to reduce the threat of crime or acts of anti-social behaviour.
  - Requests installation of CCTV throughout the site.
  - Recommends entrances to the residential aspect of the development should have two layers of potential security and access controls and that delivery staff do not have access to the interiors of the buildings
  - There should be strict controls between public and private spaces
- 4.16 West Midlands Fire Service – No objection in principle but have made various comments regarding their requirements in respect of vehicle access for a pump appliances, access to riser inlet for a pumping appliances and provision of sprinkler systems.
- 4.17 University Hospitals Birmingham NHS Foundation Trust – Request a financial contribution of £14,715.00 to provide additional services and capacity to meet patient demand.
- 4.18 Sport England – Request financial contribution via a section 106 agreement of £243,903 for investment in built sports facilities at IPL swimming pool and playing pitches to ensure that the development made provision for sports facilities to meet the demand generated by the proposed population in accordance with policies TP9 and TP11 of the adopted Birmingham Development Plan and the guidance contained in the NPPF.
- 4.19 Conservation and Heritage Panel – Considered pre-application proposals for the site at the panel meetings on 12 March 2017 and 8 October 2018. The comments on the more recent pre application proposals were:-
- The Panel welcomed the morphological approach to site planning which was considered to introduce grain, intricacy and permeability throughout the site.
  - The Panel raised concern about non-compliance with policy. The proposed development exceeds the maximum storey height permitted in the Jewellery Quarter Design Guide and the residential component of the scheme does not comply with land use policy within the 'Industrial Middle' character area which does not normally permit residential.
  - The concept of a landmark tower at the end of Newhall Street was positively received however the Panel questioned whether the proposed tower is of sufficient quality. It was suggested that as attention will be drawn to this feature that detailing should be more intricate and celebratory. It was also suggested that the tower should have a more interesting use than circulation and an active ground floor use would be preferable.
  - The Panel raised concern about massing which in parts of the scheme was considered to be excessive and out of character. It advised that massing should better reflect the character of the existing streets. A panel member suggested that the four big pitched roofs in the middle add unnecessary bulk to the scheme and advised that gable ends could have an impact on long distance views. Some panel members felt that the proposed massing challenges St. Pauls.
  - The Panel requested that greater consideration is given to the height of the storeys – rather than just the number of storeys. It was felt that floor to floor heights appear very high in the CGI visuals and even some of the four storey buildings appear out of character.

- While the Panel welcomed many positive elements of the proposed design – the overall feel of the scheme is similar to a business district rather than one which properly reflects the Jewellery Quarter. The Panel suggested that although a brick palette has been selected, characteristics of Jewellery Quarter do not appear to come through in the detailing. The Panel questioned the logic behind the character of different streets and suggested detailing should relate to each individual street.
- The white building at the intersection between the new north-south route and Northwood Street was questioned. A panel member suggested that white buildings in the area are the exception rather than the rule. The Panel asked about this typology and questioned why this is relevant. It was suggested that it would be beneficial to have more distinctive corner buildings and a greater number of character buildings.
- A panel member suggested that where individual buildings are expressed these should have separate entrances and respond more sensitively to topography. The Panel suggested that public spaces should feel more like working yards and less like corporate landscapes.
- In summary the Panel welcomed increased permeability throughout the site but had concerns about massing, residential use within the 'Industrial Middle', and lack of detail to the landmark building.

4.20 Local Councillors, residents associations and neighbouring properties were notified of the original proposal in November 2018 and the amended proposals in May/June 2019. Press and site notices have been displayed. In relation to the original proposals 20 letters of objection have been received and a further 18 letters of objection have been received in respect of the amended plans. The letters include the following objections:-

- The area being developed is situated in the industrial middle of the JQCA, which is specifically protected from new residential development.
- The development is contrary to Policy TP20 of the BDP which sets out to protect Employment Land. The site has the potential for continued employment uses which are a valuable resource to the Birmingham economy.
- The Big City Plan envisages this area as a living industrial quarter and aims to support the existing manufacturing business uses and economic activity.
- None of the Council's policies support the loss of much of the areas industrial heritage including existing buildings and businesses as proposed.
- It is vitally important to support and not to destroy existing factories, such as Baker & Finemore, who currently employ 67 skilled workers.
- The previous applications for the redevelopment of the site were on the basis that it would allow A E Harris to move out of the Jewellery Quarter but retain jobs in the City. This appears to have been abandoned.
- The developer's economic impact statement and estimate of jobs proposed to be created is un-evidenced.
- The proposals which are principally residential do not preserve the character of the Conservation Area, and would drive out historic uses that are completely compatible with the area and make an important contribution to its intrinsic character and appearance.
- The scheme completely disregards the JQ Management Plan and the Design Guide re the need to protect the JQs heritage, history and unique feel and will diminish its value as a conservation area.
- Proposals risk undermining the areas uniqueness and the reasons why people want to live, work, learn and visit the Jewellery Quarter

- Do not consider the proposals meet BDP policies which require new development to support and strengthen the distinctive character of the area supporting its unique heritage with an appropriate mix of uses.
- There is no justification for the listed building at 199 Newhall Street which was constructed and designed as a manufactory incorporating warehousing, office and workshop functions, and is being used for this purpose, to be given a change of use.
- There is no planning justification for approving the demolition of the Baker and Finnemore workshop buildings and a change to a residential use in this location.
- There are no detailed proposals for the retained buildings which are left for future consideration. The submitted documents show there is a list of potential harmful effects upon heritage assets contrary to the tests set out in the NPPF.
- The previous planning approval was far less in scale and had a wider variety of uses. The overwhelming emphasis now is on small apartments with only a small percentage of commercial.
- If permission is granted it makes a mockery of the areas conservation status, its heritage and its unique nature, and will leave the remainder of the JQ vulnerable to similar large scale, inappropriate over-development.
- The number of planned residential properties for the area is too intense and there is no need for more small apartments in the Jewellery Quarter and it would not encourage a mixed demographic
- Footfall in many JQ shops is known to be falling, and nationally retail is currently in decline, so the developer's proposal for the viability of shops is wishful thinking and they have not provided evidence of demand.
- The proposals by virtue of their height and bulk breach the Jewellery Quarter Conservation Area management plan and design guide.
- The over-development, bulk and massing of the entire site is out of character with the Conservation Area, where the attractiveness is in part due to the small domestic scale which dates back to the Quarter's roots.
- The plans for 4 and 5 storey buildings risk creating dark, characterless, over-developed spaces in which to live, work and visit.
- The new buildings should be equivalent in height to the historic buildings they face.
- Building heights will dominate and distract from listed buildings including Deakin and Francis and the Squirrel Works in Regent Place
- A development of this scale will severely diminish light to existing businesses
- The building heights will block views into the JQ and will overwhelm the skyline around St Pauls Church, such an iconic feature of the JQ.
- The design is just not distinctive enough for this unique place; it could be anywhere and has a mono-cultural, relentless and overpowering feel about it.
- Much of the Jewellery Quarter is refined with quirkiness and 'surprises' This proposal adds nothing to the community or the 'richness' of the area.
- There is no justification for the building of box-like structures over four storeys high with no embellishments or design features
- The plans, with their heavy proportion of residential, featureless apartment blocks will make the JQ indistinct from other over-developed neighbourhoods.
- The site, with its heritage assets and history, is one of the most important to come up in the JQ, and it deserves better architecture of the highest quality.
- The proposals adversely affect the settings of numerous Grade II Listed buildings. Regent Place, in particular, which has probably the most Listed buildings in the affected area, would be overwhelmed by the four and five storey height and bulk of the proposed buildings "A and B".
- The floor to ceiling heights are excessive and are likely to be used for mezzanines thereby increasing the number of storeys.

- The design of the proposed bijou cinema/theatre on the corner of Northwood Street/James Street is grotesque, totally inappropriate and owes nothing to Art Deco, is un-neighbourly and out of character with the Listed Building opposite.
- The proposed "tower" on the corner of Newhall Street/Graham Street is bizarre, far too high and looks like a fire station tower - dominant, adversely affecting the setting of neighbouring listed buildings.
- The development is 'inward' looking and turns it back on James Street. Uses here Street are limited with no entrance points to the commercial units which are raised up and inaccessible. The car park access on this frontage wastes the opportunity to integrate development with James Street. .
- The apartments are too small with minimal storage space and very little outdoor space. The city should be encouraging developers to design with building communities in mind, offering a high quality of life and wellbeing whereas they seem to be designed for investors and not for people living in them.
- The development should include more greenery
- Buildings A and B would cause overlooking, loss of privacy, and loss of daylight to surrounding Grade II properties, especially the Squirrel Works, a sensitive and award winning residential/workplace conversion of a former industrial building.
- Loss of light to residential properties located opposite the site
- Object to a right of light that has been enjoyed from our building for an uninterrupted period of 20 years.
- Buildings would dominate nearby apartments and roof terraces, causing loss of light, outlook, privacy, make rooms dark and cause risk of damp.
- The proposal for leisure/night-time uses would cause disturbance and nuisance both to existing residents and residents of the development (from noise and litter).
- Will threaten the viability of our award winning business that was in at the beginning of the regeneration of the JQ and helps safeguard this unique place. It would cause problems such as overshadowing by 5 storey buildings, overlooking, issues such as traffic, noise, dust, and road closures during the demolition and construction time. This could seriously and terminally affect our business.
- The new strong north/south route and its commercial activity ground downgrade the links to St. Paul's Square from existing streets such as James Street. The development should not be allowed to compromise the privacy and operation of the established community
- There is inadequate parking (either in the development or public) for the number of residents. Many will also own cars, which will spill out on to the surrounding streets. Adequate parking for the development is vital as there is limited on street parking in the area.
- There is no indication whether the site would be disabled-friendly - there seem to be a large area of steps to negotiate and little or no disabled facilities.
- Consider the roads (especially Regent Place which is only 8 metres wide) cannot safely sustain the additional traffic that will be created by the new residents / commercial units / visitors and the services that they will require.
- The plans do not address Birmingham's new clean air zone, the growing importance of energy efficiency for new homes and improvements to air quality. None of the parking is shown with electric charging points and there are no energy efficient measures such as ground source heating and solar panels
- There has been no wide public consultation (e.g. exhibition or public meeting) so only people within a narrow boundary have received a notification.
- The amendments make only minor changes which do not overcome our objections. It is still unacceptable and should totally rejected.
- Even with the amendments plots C, E, F, G, J, K, L, N and P still have 5 floors in excess of the maximum heights in the JQ Management Plan and Design Guide.

- The new plans suggest that Building B has been reduced from 5 to 4 storeys but the height only seems to be reduced from 15.58m to 15.28m.
- In the public benefits the scheme is said to offer there is no account of the loss of the historic Baker and Finnemore works, its unique industrial heritage and adverse impacts upon the existing workforce if the scheme were to proceed as envisaged.
- Disruption for existing residents and business, damage to roads and pavements during the construction period
- The S106 contributions should be used to support the jewellery industry, tourism and improvements to the local environment rather than subsidised workspace when there is already a surfeit of that in the JQ.

4.21 Several of the letters comment that they support the opening up of the currently gated private section of Northwood Street to Vittoria Street and would welcome a more sensitive lower-height redevelopment of the site which respected the scale, heritage and special character of the JQ. One letter of support has also been received which welcomes the new pedestrian routes through the site and considers the proposal to be attractive as it offers a mix of uses which will add to the local retail, bar and dining experiences for those who live, work or visit the area. They understand some of the workspace would be affordable and hope it will be available for the creative industries to further encourage the areas local vibrant creative sector. They consider the proposals will enrich the Jewellery Quarter, increase footfall and hope that existing businesses will benefit from the additional activity in the area.

4.22 Baker and Finnemore – A number of letters have also been received from planning agents and solicitors acting for Baker and Finnemore who occupy the part of the application site at the junction of Newhall Street, Graham Street and James Street. These raised a number planning objections and legal points relating to the development but these have recently been withdrawn. This follows negotiations and discussions between Baker and Finnemore and the owners of the AE Harris site, their landlord at 199 Newhall Street and other stakeholders which has led to an agreement for the developers to acquire their premises. It is understood that the agreement includes a commitment from the developers to assist in the relocation of the business which is likely to be relocated to their parent companies other premises in Tipton.

## 5 Policy Context

5.1 National Planning Policy Framework 2019, Birmingham Development Plan 2031, Birmingham Unitary Development Plan 2005 (saved policies), The Jewellery Quarter Urban Village Framework SPG, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG, Jewellery Quarter Conservation Area Design Guide SDG, Conservation Through Regeneration SPD, Places for All SPG, Places for Living SPG, Loss of Industrial Land to Alternative Uses SPD 2006, Car Parking Guidelines SPD, Public Open Space in new Residential Development SPD; Affordable Housing SPG and non-statutory Big City Plan

## 6.0 Background

6.1 At the planning committee meeting on 3 January 2019 an issues report was presented which advised members of the detailed planning application submitted for the site. Views were sought on a number of issues relating to the original proposals and the response from members was as follows:-



**Mix of uses proposed:**

- The balance between the residential and non-residential needs to be improved in favour of commercial uses.

**Proposed demolition:**

- Policy for the Jewellery Quarter is that demolition of buildings will not normally be permitted and that non-listed buildings should be retained in order to keep the character of the area.
- Members were not convinced about the amount of demolition proposed.

**Site layout:**

- Area looks very cramped and overdeveloped.
- More public open space is required within the centre of the development with a public square as a focal point.

**Buildings heights and designs**

- The new buildings were generally too tall and there would be an adverse impact on the Conservation Area due to the height and massing
- New buildings look very square and uninteresting. The use of arched windows would enhance the designs.
- Tall buildings over four storeys in height are not desirable and do not respect the Conservation Area.

**Dwelling mix and sizes**

- Good mix of residential properties but family housing not included.
- Bigger bedroomed flats/apartments desired.

**Parking and servicing provision:**

- Adequate parking should be provided for residential properties, consider the use of car clubs.
- Bin storage and bin vehicular access details should be provided and the timing of service vehicles/bin refuse collection/delivery vehicles should be resident friendly.

**Section 106 offer**

- Offer very low.
- No affordable housing or education provision is offered.
- No grant for management of the site and start-up costs for small industries.
- Question the position with Baker and Finnemore.

**Did the benefits overcome the policy objections:**

- Members expressed concern that there was a need to protect the Heritage status of the site and that the benefits offered by the scheme did not overcome the concerns expressed, and policy objections.

**Resolution:-**

- That the issues report be noted and that Members comments in the above be considered and addressed when the proposal returns to the committee for a decision.

6.3 The application has since been amended since the issues report was considered and now proposes:-

- Slightly more overall floor space at 27,516 sq.m (from 27,471 sq.m) but an improved split between uses in that 18,384 sq.m (67%) would now be for residential purposes in the form of 305 apartments and 9,132 sq.m (33%) would be for commercial uses.
- Changes to the dwelling mix to increase the number of 1 bed x 1 person apartments from 33% to 36% and reduce the number of 3 bed units from 10% to 9%.
- Revision to building heights including so that buildings on the Regent Place frontage do not exceed 4 storeys.

- The new pedestrian route between Buildings A and B to Regent Place has also been realigned.
  - The overall heights of Buildings E and N have also been reduced although they still include 5 storeys.
  - Some fenestration changes have been made to Buildings A, B, C, E and N and the white coloured materials have been replaced with orange brick and terracotta for Building E and green bricks for the corner section of Building L.
- 6.4 Additional information has also been provided regarding the existing businesses on the site. AE Harris have advised that they are proposing to relocate to a site in West Bromwich which meets their requirements and their staff are all happy with the location as quite a lot live in that locality and it is close to the Midlands Metro. All staff have a job at the new site, and the reaction from staff to the move has been very positive. Baker and Finnemore have reached an agreement with the applicants for the acquisition of their premises and are to relocate.
- 7.0 Planning Considerations
- 7.1 **Land Use Policy**
- 7.2 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan 2031 and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted supplementary planning policies are also relevant such as the Jewellery Quarter Management Plan and Design Guide as is the National Planning Policy Framework as recently revised.
- 7.2 Policy PG1 of the Birmingham Development Plan (BDP) states that significant levels of housing, employment, office and retail growth is required to meet the needs of its growing population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City together with sites for employment, retail and office uses. Policy PG3 requires all new development to demonstrate high design quality contributing to a strong sense of place that should respond to the local area context including heritage assets.
- 7.3 The BDP identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core.
- 7.4 Policy TP12 establishes that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in way which will make a positive contribution to its character. It states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development. It will be used to support and guide enhancement and due regard should be given to the policies it contains.

- 7.5 Policy TP20 seeks to protection employment from other uses unless it can be demonstrated that site is a non-conforming use or is no longer attractive for employment purposes.
- 7.6 The JQ Conservation Area Character Appraisal and Management Plan SPG identifies the special interest of the JQ, provides a definition of its character and a management plan for its preservation and enhancement. It divides the conservation area into eight sub areas and the application site is shown as being within the Industrial Middle characterised by industrial uses largely related to the jewellery and small metal trades with some commercial and retail uses. The document states that most significant changes in recent land use pattern in the JQ has been the recent introduction of new residential development and although this can encourage valuable new uses and significant regeneration it leads to pressure for housing in the industrial heart of the area diluting the character of the conservation area.
- 7.7 Policy 2.2 of the JQ Management plan thus states that the Council will not normally permit new residential uses, whether by conversion of existing buildings or new build in the areas defined as the Golden Triangle and the Industrial Middle. Exceptions will be made in the case of live-work units as a component of a mixed use development and where the ratio of living to working spaces does not exceed 50% of each unit.
- 7.8 The NPPF contains a presumption in favour of sustainable development which is about positive growth making economic, environmental and social progress for this and future generations. It affirms the Government's commitment to securing economic growth in order to create jobs and prosperity. Paragraph 11 states that applications should be considered in the context of the presumption in favour of sustainable development. The NPPF seeks to significantly boost the supply of homes and also to create the conditions in which businesses can invest, expand and adapt. Significant weight is to be given to the need to support economic growth and productivity, taking into account, both local business needs and wider opportunities for development. The NPPF also recognises heritage assets as an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
- 7.9 The application site is predominantly in employment use and the current businesses employs about 110 people in activities associated with the manufacture of metal products. Although the BDP seeks to create an urban village within the Jewellery Quarter is also seeks to support the areas unique industrial heritage. Therefore whilst residential development is supported in some parts of the Conservation Area in other sections housing development is not normally permitted. The explanatory text to policy 2.2 from the Management Plan states that the provision of new residential development in the Jewellery Quarter has resulted in the loss or change of use of industrial buildings and has significantly enhanced potential property values. It threatens the continued industrial use of manufacturing premises and reduces the amount of workspace available to the traditional industries in the Quarter. The text also states that the density and integrity of the surviving industrial premises in the Golden Triangle and Industrial Middle makes a powerful contribution to the character of the Jewellery Quarter such that it is considered inappropriate to permit any change of use of industrial or commercial premises to residential usage.
- 7.10 Policy TP20 of the BDP also seeks to protect employment land. The Loss of Industrial Land to Alternative Uses SPD 2006 recognises that within the City Centre a more flexible approach towards change of use to residential is required to support regeneration initiatives. Therefore proposals involving the loss of industrial land can be supported, if they lie in areas which have been identified in other approved planning policy documents, as having potential for alternative uses. Although the JQ

Management Plan supports new development including housing it would not normally allow residential development, other than live work units, in this location.

- 7.12 From a policy perspective the applicants comment that no other site in the Jewellery Quarter offers the opportunity to deliver the requirements of BDP Policy GA1.3 which establishes the aim for the Jewellery Quarter as being the creation of an urban village supporting the area's unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core. They state that given its location at the northern end of Newhall Street it provides the most significant opportunity to radically improve connections to the City Centre Core. Other BDP policies including TP21 and TP24, the BDP promotes and encourages a mix of uses to be developed in the Jewellery Quarter (as part of the City Centre) and this policy intention is maintained in the Big City Plan which notes that to enable the Jewellery Quarter to sustain a vibrant mix of uses and to bring good quality buildings back into use, attracting new activity and life to the area, the better utilisation of buildings will be supported within The Golden Triangle and The Industrial Middle.
- 7.13 The applicants also advise that the viability evidence submitted with the application demonstrates that this is a challenging site to develop. A residential-led mix of uses is necessary to allow for development to proceed and the proposed mix of uses proposed is entirely appropriate for this location, having regard to the character of the locality, as a thriving urban neighbourhood.
- 7.14 Since the issues report was considered by the planning committee the amount of non-residential has been increased by 996 sq.m increasing the ratio with the residential floor space from of 30% to 33 %. There would be ground floor commercial uses on all public frontages and buildings G, R and Q. would be entirely for commercial uses. The proposed units would be of a variety of sizes aimed at small scale occupiers, characteristic of the Jewellery Quarter and would be able to accommodate a diverse range of ground floor active frontages and flexible accommodation for a variety of businesses. This could generate significant new employment, estimated by the applicant to be 345 jobs, compared to the 110 jobs currently on site, contributing significantly to the vitality of the area.
- 7.15 The engineering processes carried out on the site are also not jewellery related businesses and have no direct link with the trade. Para 8.3 of the JQ Character Appraisal notes that they are heavy industrial processes uncharacteristic of industry in the Quarter have a significant impact on the land use pattern immediately surrounding Northwood Street. Para 6.4 states that that Industrial Middle locality contains a number of larger late 20th Century industrial buildings, notably in Northwood Street where the road is gated and heavy industrial processes are carried out in industrial sheds of poor quality and design uncharacteristic of the Quarter. Although there is currently about 15,470 sq.m of floor space on the application site A.E. Harris only actively uses 2,323sqm of the 12,315 sq.m in their ownership. The remainder is either vacant, underused or has been used for D2 purposes and public car parking. Although Baker and Finnemore fully use their floor space it is not designed for a modern engineering business and they are now proposing to vacate the site.
- 7.16 The development therefore offers the opportunity for a range of more modern commercial floor space to be provided as well as affordable workspace that would better meet the needs of the Jewellery Quarter and increase jobs. AE Harris has been looking to relocate for a number of years as their existing premises are neither efficient for their current manufacturing processes, nor suitable for movements of goods and raw materials to and from the site. Both existing companies are also

located within the area which will form part of the proposed Clean Air Zone, meaning that when introduced, vehicles associated with these businesses would need to be compliant with the new measures being introduced. As both businesses are now proposing to relocate their operations it could leave the existing buildings unoccupied and mean that a large site in the centre of the Jewellery Quarter becomes vacant. Without the mix of uses proposed the opportunity for the site to contribute in a positive manner to the character of the conservation area and improve connections to the wider jewellery quarter and city centre core could be lost.

- 7.17 Planning policies for the site therefore give some support for the development but it has been an important element of the Jewellery Quarter Character Appraisal and Management Plan SPG that in order to preserve the significance of this heritage asset residential development should not normally be permitted in the Industrial Middle and Golden Triangle parts of the Conservation Area. It will be seen from the consultation responses that a number of concerns have been expressed regarding the loss of employment uses and the impact this would have on the character and significance of the Jewellery Quarter Conservation Area. Other industrial businesses exist immediately adjoining the site and elsewhere within the Industrial Middle. Planning permission has also been refused for residential development and upheld at appeal such as at No's 10-12 Regent Place where in 2015 the inspector upheld the Council's decision to refuse permission for the conversion of B1 floor space to residential and concluded that *"...the loss of B1 space could affect the economy of the area ...and the appeal proposal would give rise to harm to the character and appearance of the Conservation Area, a designated heritage asset, the conservation of which should be given great weight as set out in paragraph 132 of the NPPF. The harm identified to the Conservation Area is not outweighed by the public benefits identified..*
- 7.18 It is also noted that the applicant's heritage statement acknowledges that the development would result in a degree of harm to the conservation area. Therefore there would be a conflict with planning policies which will need to be weighed against other material considerations and any public benefits resulting from the development which are set out further below.
- 7.19 **Demolition**
- 7.20 The redevelopment of the application site would require the demolition of most of the unlisted buildings on the site. Although unlisted, they are within a conservation area, where there is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and the Jewellery Quarter Conservation Area Appraisal and Management Plan states in para 1.1 that demolition of buildings will not normally be permitted. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
- 7.21 The two listed buildings on the site and two other 19th century workshop buildings, at 123 Northwood Street and to the rear 128 Northwood Street would be retained. The buildings proposed for demolition are generally 20th century industrial workshops and sheds and although some date from the late 19th century they have been extensively altered. The JQ Character Appraisal describes the industrial sheds as being of a poor quality and design uncharacteristic of the Jewellery Quarter. Conservation Area consent has been granted for the demolition of all existing buildings and structures on



the former AE Harris site except for the listed Harpers Hill Works as recently as 2013 and could still have been implemented up until April 2018.

- 7.22 In will be seen from the consultation responses received that a number of the objections received relate to the amount of demolition proposed particularly the loss of the unlisted buildings at 10-12 James Street, 110-118 Northwood Street and the front and east ranges at 128-138 Northwood Street. The objectors comment that these structures which date from the late 19th and early 20th century form part of the Conservation Areas typical historic building stock and its primary asset and should not be demolished as this would diminish the areas special character. At the issues stage committee members were also not convinced about the amount of demolition proposed.
- 7.23 The amendments made to the application have not altered the amount of demolition proposed as the applicant points out that this application proposes to retain more built form on the AE Harris part of the site than previously agreed. It is now proposed to keep 123 Northwood Street (Building D) and the west range to the rear of 128 Northwood Street (Building H) which it was previously agreed could be demolished. The applicant's heritage assessment has considered the significance of all buildings on the site including 10-12 James Street, 110-118 Northwood Street and the front and east range of 128-138 Northwood Street. The assessment notes that the development would result in the loss of buildings within the Conservation Area that contribute to its historic industrial character and that this would cause a degree of harm. It however notes that these particular buildings are not part of complete manufactories and are currently obscured by later development and not readily experienced as part of the Conservation Area. Although dating from the mid to late 19th century it concludes that 10-12 James Street and 110-118 Northwood Street have been highly altered and are of limited architectural merit and whilst the ranges at 128-138 make a greater contribution this is tempered by its alterations.
- 7.24 The City Design Manager also expresses some concern about the loss of a number of perfectly sound 19th century buildings in the conservation area. He comments that one of the greatest concerns for the Jewellery Quarter is the proportion of new development which in many areas is being overtaking the degree of retention of historic buildings. However he considers the buildings that would be lost are of limited merit and the wider urban design moves and public benefits would, on balance, outweigh their loss.
- 7.25 **Layout**
7. 26 Various national and local planning policies seek the creation of high quality buildings and places designed to the highest possible standards which reinforce or create a positive sense of place, respond to local context and create safe and attractive environments. For the Jewellery Quarter policies note the close urban grain is particularly distinctive and should be retained together with radically improved connections to the City Centre Core
- 7.27 The layout proposed for the site is similar to that previously agreed on the AE Harris part of the site in that central to the design is the retention of the existing road pattern, the establishment of active ground floor uses on street frontages and provision of new pedestrian routes both through the site and to connect to the wider area. The new areas of public realm would open up the currently closed east-west route of Northwood Street to public access and establish a new north-south axis linking between Newhall Street and to Regent Pace. Previously the later route terminated on Graham Street but with the inclusion of the Baker and Finnemore

premises this would allow a link to be provided onto Newhall Street through the centre of the site. At the southern end of route there would also be a public events space behind the proposed new line of development fronting onto Graham Street with a flight of steps and lift to link this new public space with the new north-south route.

- 7.28 The proposed new buildings would line both sides of the two pedestrian routes, as well as fronting Northwood Street, Graham Street, James Street and Regents Place in a series of new buildings comprising both frontage and courtyard blocks supplementing the four retained buildings. The layout proposed would create not only the public square behind the Graham Street frontage, but a number of private courtyards primarily for residents use and access to the apartments. It is intended that the proposed form and width of new routes and spaces are narrow to reflect the character, grain and intensity of the Jewellery Quarter Conservation Area.
- 7.29 At the issues report stage the committee felt the layout to be very cramped and overdeveloped and requested more public open space required within the centre of the development with a public open space square as a focal point. The layout has not materially changed since the application was previously considered as it reflects the character and tight grain of development within the Jewellery Quarter. The formation of a new public space (behind the Graham Street frontage) is considered to be a positive asset to the Conservation Area and having regard to the existing street pattern and site gradients is located in the most suitable position where it would be fronted by ground floor commercial units. The public realm and events square would provide over 3,000 sq.m of new public spaces, as well as environmental enhancements. This would follow the guidance in the JQ design Guide that external space in the Jewellery Quarter should follow the existing tradition of narrow yards.
- 7.30 The City Design Manager considers that the creation of both a new destination within the Jewellery Quarter as well as new connections through the Jewellery Quarter are positive attributes of this scheme. The opening up of Northwood Street would connect Caroline Street through to Vittoria Street and help navigate pedestrians towards the main commercial centre of the Quarter (Vyse Street and Warstone Lane and the Big Peg). More critically, the formation of a new north-south route would help deliver legibility from Newhall Street through to the commercial centre and increase footfall through the quarter by creating a new critical connection through what is otherwise a city block that currently diverts pedestrian movement away from the centre of the Jewellery Quarter. Currently this block deflects natural pedestrian flow from St Paul's Square and Newhall Street (the two main arrival points into the Quarter from the city centre proper) and does little to promote good legibility through the Quarter. In terms of the form and dimension of new routes and spaces these are narrow and intimate thus reflecting the areas historic dimensions and the width of Regent Place.
- 7.31 Objections have been raised to the layout on the grounds that it is 'inward' looking and turns it back on James Street with no commercial entrances fronting the street and that the buildings are raised up and inaccessible. Concerns have also been expressed that the car park access is on this James Street and that the new north/south route would downgrade the links to St. Paul's Square from existing streets such as James Street. As there is a considerable difference in levels across James Street this has allowed a basement carpark to be provided so that parking would not dominate the layout. The difference in levels has resulted in number of the buildings having raised ground floors at street level however there would still be an entrance into a ground floor ground floor commercial unit within Building P. There would also be a number of large ground windows to commercial units facing James

Street as well as the car park entrance which adds to the activity in this location. Currently on the James Street frontage there is very limited overlooking of the street and it is considered that the proposals would improve activity to this frontage. The additional public routes through the site are also considered to benefit the wider area by allowing access from James Street through the current gated section of Northwood Street.

## **7.32 Building Heights and Designs**

- 7.33 The JQ Management Plan requires the design of new development to respect the scale, form, and density of the historic pattern and form of the existing traditional buildings. It states that this will normally limit the height of the buildings to a maximum of 4 storeys. The JQ Design Guide outlines principles for good design including guidance on scale, form, grain, street/plot hierarchy and materials. In terms of building heights it states that new buildings should maintain the subtle variety of roofline characteristic of the area which limits height to a maximum of four storeys although in some contexts three or even two storeys will be more appropriate.
- 7.34 The scheme previously approved on the AE Harris part of the site proposed building heights of 3 and 4 storeys with the development fronting Regent Place being 3 storeys to reflect the heights of existing building along this historic street where many of the buildings are listed. The new buildings proposed on the larger site are a mix of mainly 4 and 5 storeys but part of Building K would be 6 storeys where it adjoins the new events square and the tower to Building R also has a height equivalent to about 6 storeys being 24 metres high. Generally the higher buildings have been positioned towards the centre of the site but there would also be 5 storey blocks along the main street frontages including Graham Street, James Street and Northwood Street and along the new north-south pedestrian route.
- 7.35 When the Planning Committee considered the proposals at the issues report stage members commented that the new buildings were generally too tall and there would be an adverse impact on the Conservation Area due to the height and massing. It will also be seen from the objections received that the scale and height of the new buildings have been raised as an issue by the local community and by the various heritage organisations.
- 7.36 The new buildings range in height from two to five-storeys. Some amendments have been made to building heights so that Building A is now slightly lower by reducing the parapet level although it is still at 4 storeys and Building B has been amended to remove the 5 storey section. The Regent Street frontage would therefore be mostly 4 storeys in height apart from a lower 3 storey block at the eastern end. The overall heights of Buildings E and N have also been reduced and although they are still at 5 storeys. As a result of the 12 of the new buildings proposed 8 include sections that are 5 storeys or higher (Buildings C, E, F, K, L, P, R and N) but most have also been designed to include lower 4 storey blocks.
- 7.37 The agent advises that detailed attention has been given to the design of each individual building block within the masterplan to ensure that any proposed height above four storeys is within the centre of the site or where the visual impact on existing surrounding streets, such as Graham Street, will be minimised. As a result buildings over four storeys now represent less than 30% of the proposed development. They consider the development accords with policy 2.1 of Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPD which requires new development to respect the scale, form, and density of the historic

pattern of development, protects views and roofscapes and does not set a 'cap' on the height of new development within the Jewellery Quarter.

- 7.38 The existing development on the site and in the immediately adjacent streets is predominantly 2/3 storey and the proposed new buildings at 4/5 storey would therefore be taller. However the higher blocks have generally been located towards the centre of the site and with heights reduced adjacent to retained or neighbouring buildings. The main exceptions to this are on the Graham Street frontage where the new buildings would be 4/5 storeys in height with tall high floor to ceiling heights on commercial Building R. This Building also includes a tower 6 storey high to act as a marker to the development at the end of Newhall Street. Although these heights would generally be above those in the immediate area, Graham Street is a relatively wide street and is a main route through the Jewellery Quarter so it is considered it can accommodate the taller heights proposed. The tower element would also help locate the main pedestrian route through the development.
- 7.39 A number of objections have also been received to the building heights proposed on the Regent Place frontage on the grounds that they will unduly dominate and overwhelm the 3 storey buildings on the opposite side of the street most of which are listed. A number of revisions have been made to this street frontage to reduce the building heights including the removal of a 5<sup>th</sup> floor on Building B and the inclusion of set-backs at fourth floor level. Whilst it is acknowledged that the proposed development would be predominantly 4 storeys and higher than existing, it is not considered that it would be unduly overbearing given the tight urban grain and narrow pattern of streets in the Jewellery Quarter. The application site also currently presents a poor appearance to Regent Place and the development would provide an improved built form.
- 7.40 In terms of design and materials the JQ Design Guide seeks to ensure new development reflects the character of the traditional buildings within the conservation area which include a regular pattern of fenestration, diminishing proportions, a variety in the roofscape and the use of a limited palette of traditional materials generally red brick with brick stone or terracotta details and blue/grey slate.
- 7.41 The development includes a range of new buildings designed to appear as over 20 individual designs. This is based on four main building types that the architects have identified within the conservation area which has been applied to create a new cohesive and varied character to the street form. Generally buildings would have a brick frame with a regular pattern of recessed windows of different forms above taller ground floor windows for the commercial uses. Roofs would be either flat with a parapet or have a pitched roof clad in dark metal or slate. The use of a number of materials is proposed predominantly red/orange brickwork with details of coloured masonry and stone. However in order to provide variety to the streets the use of grey, black and green bricks is also proposed together with terracotta, dark coloured metal and bronze fins.
- 7.42 When the original proposals were considered by the Planning Committee members considered that the new buildings look very square and uninteresting and suggested that the use of arched windows would enhance the designs. There are also a number of objections to the architecture from local people and from the amenity societies on the grounds that the designs are bland, repetitive, not distinctive enough, would add little to the 'richness' of the area and the area deserves better. There is also particular criticism of the "excessive" high floor to ceiling heights proposed for the commercial units and the design of the proposed cinema/theatre on the corner of Northwood Street/James Street which is considered to be inappropriate, un-

neighbourly and out of character with the listed building opposite. There are also objections to the use of black metal cladding and the inclusion of the "tower" on Building R.

- 7.43 Since consideration of the proposals at the issues report stage a number of design changes have been made to the fenestration and detailing of Buildings A, B, C, E and N the most noticeable being the height reductions and additional subdivisions to Buildings B on Regent Place and N on Graham Street. There has also been a change in materials to Buildings E on Northwood Street to orange brick and terracotta and a mix of textured and smooth green bricks for the corner section of Building L at the junction of James Street and Northwood Street. Although there have been lengthy discussions with the architects regarding the design a large number of the buildings still have a very similar form of a brick frame, large floor to ceiling heights on the ground floor, the same sized windows above (rather than diminishing proportions) and flat roofs. However the designs have provided varied plot widths and roof lines would be predominantly of orange/red brickwork and have simple facades and active ground floor uses. They therefore meet many of the elements of the traditional buildings designs in the Conservation Area.
- 7.44 The City Design Manager comments that the majority of proposed buildings (above ground floor) comprise a variation of the same window proportions across a standard grid. Whilst this differs slightly from building to building, the standard grid has been applied throughout with limited differentiation between floors or grouping of fenestrations giving a lack of variety which is disappointing. He however feels that the buildings are still varied enough to provide good street scenes, particularly those proposed either side of Northwood Street and especially along James Street. The use of different roof forms here has helped distinguish different buildings, including contemporary takes of northern light roofs, standard gables and pitches that have been orientated in different directions on different height buildings. Where viewed as collective groups of architecture, some very successful pieces of townscape would be delivered including both sides of Northwood Street and the new north-south route along with the environment around the new public square behind Graham Street. Whilst the Graham Street and Regent Place frontages have been improved he still considers that they lack architectural interest but would be acceptable.
- 7.45 The applicants have proposed three "special" buildings within the development designed to provide visual interest and richness in response to some of the objections raised. The City Design Manager supports the intention to do something exciting and bold in the spirit of the JQ but feels that as the same building typology that has been produced, the "special" quality would only be delivered through contrasting or differing materials, including metal cladding on Building R, terracotta on the front elevation of Building E with a grid of pilasters and a green glazed brick building on the corner of Northwood Street and James Street Building L. Whilst the designs are generally acceptable they would not add to the very unique quality and particular characteristics of this heritage asset.
- 7.46 The inclusion of a tower element on Building R has been criticised by some objectors in view of its height and design. The City Design Manager regrets that it does not have a curved more chimney like form but considers it is acceptable in that it broadly delivers in the termination of the vista along Newhall Street and would mark a new critical new connection through and to the Jewellery Quarter.

## 7.47 Dwelling Mix

7.48 Policy TP27 of the BDP states that new housing in Birmingham is expected to contribute to making sustainable places and demonstrate that it is meeting the requirements of creating sustainable neighbourhoods which are characterised by a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. At the issues report stage the application proposed 320 apartments and members felt that although a good mix of residential properties was proposed there was a desire to see bigger bedroomed apartments and family housing.

7.49 The amended proposals have reduced the number of dwellings to 305 but the mix is very similar in that 54% would still be 1 bed and 46% would be 2 or 3 bed units as set out below:-

	Original proposal	Current Proposal
<b>1 bed x 1 person apartments 37-49 sq.m</b>	106 (33%)	110 (36%)
<b>1 bed x 2 person apartments 50+ sq.m</b>	68 (21%)	55 (18%)
<b>2 bed x 3 person apartments 65-69 sq.m</b>	49 (15%)	54 (18%)
<b>2 bed x 4 person apartments 70+ sq.m</b>	66 (21%)	59 (19%)
<b>3 bed apartments/family units 74+ sq.m</b>	31 (10%)	27 (9%)
<b>TOTAL</b>	<b>320</b>	<b>305</b>

It will however be seen that the number of smaller units to be provided across the site has increased so that the one bed x 1 person units would have increased from 106 (33%) to 110 (36%) and the number of 2 bed x 3 person has increased from 49 (15%) to 54 (18%). There has also been a reduction in the number of larger 3 bed family sized units from 31 to 27 properties.

7.50 It is disappointing that the percentage of larger units has now been decreased so that now 36% of the apartments would only be suitable for 1 person occupation according to the nationally described space standards. This is the result of the amount of residential floor space decreasing from 19,335 sq.m to 18,384 sq.m and the applicants need to provide a viable development. The applicants advise that there are only 3 studios within the development and of the 110 small 1 bed units only 50 would be below 45 sq.m in size with the remaining 60 being between 45-48 sq.m.

7.51 Objections have been raised from Jewellery Quarter Development Trust to the high percentage of 1-bed accommodation at 54% and that most of it is very small 1-bed/1-person accommodation, below 50sq.m in area. Third parties also express concern that the apartments are too small, with minimal storage space and very little outdoor space and do not appear to be designed to offer a high quality of life and wellbeing to future residents. Whilst it is to be expected that a high number of 1 and 2 bed dwellings are provided in city centre locations the small size of dwellings proposed in this application would be at the upper end of similar schemes that have been approved. The unit sizes would meet minimum national space standards and the development as a whole would deliver a range of other facilities for residents such as the ground floor commercial uses, potential cinema, private and communal areas of

open space which in total (both public and private) is 7,127 sq.m which equates to 47% of the total footprint of the development.

#### 7.52 **Impact on Heritage Assets**

7.53 The paragraphs above cover some of the issues in respect of the impact of the development on the JQ Conservation Area in terms of the demolition, mix of uses layout and the heights, scale and design of the new building. A number of the objections received comment that whilst they welcome the opening up of pedestrian routes through the site, the loss of industrial floor space from the Industrial Middle, amount of residential development scale, height and design of the new development means that overall the proposals would cause harm to the significance of Jewellery Quarter. Historic England and the Victorian Society considers the proposals would cause a serious level of harm to the character, appearance and significance of the conservation area, failing to meet the requirements of statutory legislation, national and local policy.

7.54 The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and directs local planning authorities to require an applicant to describe the significance of any heritage assets affected and to assess how the significance any heritage asset that may be affected by a proposal. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and that development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance. The applicants have therefore submitted a detailed Heritage Assessment which has considered the impact of the development on the conservation area and other heritage assets which include a number of listed buildings in the vicinity of the site

#### 7.55 *Conservation Area*

7.56 The applicant's assessment concludes that the development will cause a degree of harm to the character and appearance of the Jewellery Quarter Conservation Area resulting from:

- The demolition of 10-12 James Street,
- The demolition of 110-118 Northwood Street,
- The demolition of the front and east ranges at 128-138 Northwood Street,
- The general height of development across the application site as a whole which in places exceeds the typical maximum height of historic development in the Jewellery Quarter of four storeys.

• Changes to the view of St Paul's Church spire looking east along Graham Street. It however also concludes that the proposed development will enhance the character and appearance of the Jewellery Quarter Conservation Area by the demolition of the more modern buildings and industrial sheds, the reinstatement of a historic urban grain typical of the Industrial Middle and improving permeability, by retaining, conserving and bringing back into use 109 Northwood Street, 199 Newhall Street, 123 Northwood Street and the west range to the rear of 128-138 Northwood Street, by reinstating the townscape and enclosure of the site frontages to Regent Street, James Street Graham Street and by enhancing views to the Jewellery Quarter Conservation Area along Newhall Street.

7.57 The City Design Manager considers that the proposals, if delivered, would open up much welcomed new routes to the JQ from the city centre. However the "harm" caused by the development goes to the core of local planning policy and challenges the principle of use and scale on this site due to:



- The loss of existing commercial operations and the replacement with a significant residential development, which is considered inappropriate in principle in the Conservation Area's Management Plan, by virtue of it damaging the industrial character of the area.
  - The impact this could have elsewhere in the 'Industrial Middle' and be seen as an entire sea change that could irrevocably damage the defensibility of the policy significantly changing the character of the area.
  - The conflict with policies relating to building heights which generally should not exceed four storeys in height.
  - That the architecture has filtered out much of the Conservation Area varied character and restricted the design to utilitarian buildings of 20th century origin.
- 7.57 The harm caused the Conservation Area although less than "substantial" will need to be balanced against the public benefits of the development which are dealt with in Section 8 below:-
- 7.58 *Impact on Listed Buildings*
- 7.59 In relation to the impact on other heritage assets including listed buildings on the site and other listed buildings nearby the applicants heritage appraisal concludes that the development would cause a degree of harm to Harpers Hill Works at 109 Northwood Street (grade II listed) and The Church of St Paul (grade I listed). The harm is due to the height of the new 4/5 storey buildings proposed adjacent to 109 Northwood Street and the loss of its historic context. However the appraisal comments that this should be balanced against the buildings restoration, demolition of its modern extensions and rebuilding of its rear wall. The spire of the Church of St Paul (grade I listed) is currently visible in views to the east along Graham Street and the increased height of the new build on this frontage would reduce the places along the street where the spire is currently visible. The spire would however remain visible along Graham Street at other points.
- 7.60 The City Design Manager largely agrees with the findings regarding the impact on the listed buildings in the vicinity of the site but considers there would also be some limited harm to the significance of the listed buildings on Regent Place as there is a very significant interface between the site and these buildings heightened by the scale of the development on this frontage, the width of the street and the proximity between the listed buildings and the new contemporary buildings. He however considers the harm is 'less than substantial' in terms of the NPPF and under the test in paragraph 196 consideration needs to be given as to whether the harm is outweighed by the public benefits of the proposals
- 7.61 The City Design Manager also expresses some concern that there are no specific detailed proposals for the restoration of the two listed on the site. The agent advises that this will depend on the eventual occupants of these building both proposed for commercial uses and conditions would be required for the submission of further details.
- 7.62 **Residential Amenity**
- 7.63 For the new development the separation distances between windowed elevations to the various apartments are generally about 9 -11 metres. There are a few instances where separation distances are reduced to about 5 metres on corner units where buildings are located either side of the narrow sections of the new north – south pedestrian route. Here however the layouts have been designed so that on the side

elevations have bedroom windows which would be opposite each other with living rooms positioned on the main frontages where with separation distances are about 10 metres.

- 7.64 Regulatory Services have raised a number of issues regarding the submitted noise reports but consider that if the development is built as a complete scheme they do not object in principle subject to conditions controlling the operation of the commercial uses, vent locations and provision of appropriate noise mitigation measures. They did however recommend refusal if Baker and Finnemore were to be retained on site due to the potential for disturbance to adjoining residents from industrial and associated operations. However now that Baker and Finnemore are to vacate the site the entire re-development can take place.
- 7.65 A number of the objectors have also raised concerns regarding possible disturbance to existing residents from the commercial units. This can be addressed by the imposition of suitable conditions regarding hours of opening etc. It is common in the wider Jewellery Quarter for commercial development to operate in close proximity to residential development with suitable controls being put in place.
- 7.66 A number of objections have also been raised from residents, particularly in Regent Place, to the development proposed opposite their properties on the grounds that its scale and height would cause overlooking, loss of privacy and light and have an overbearing impact. On the Regents Place proposed Buildings A and B would lie opposite a row of listed buildings, including the Squirrel Works, which has residential accommodation on the upper floors. Most of the existing buildings on Regent Place opposite the site are 3 storeys high with heights of about 9-10.5 metres to eaves level whereas proposed buildings are mainly 4 storeys with heights to the top of the parapet of about 14 -14.8 metres.
- 7.67 It is acknowledged that the proposed buildings would be higher, particularly compared to the existing 2 storey buildings that currently occupy the site frontage. The application has however been amended since originally submitted to include setbacks to some of the upper floors and to remove the 5 storey element originally proposed. Most of the buildings opposite the site are in commercial use or are live/work units and although there are apartments within the Squirrel Works these have large windows and their layouts are dual aspect. The Squirrel Works also has a fourth floor set back on the flat roof of the building so there is already a precedent for some 4 storey development in this Street. Although Regent Street is a narrow road so that separation distances between windows would be about 8 metres these narrow distances are typical of the Jewellery Quarter. The application site frontage currently has a poor appearance to Regent Place with a variety of industrial buildings, vacant plots, service yards and a car park. The development would provide the opportunity to remove these unattractive and potential noisy uses and replace them with more suitable buildings that enhance and bring activity to the street. In my judgement it is not considered that the impact of the development on neighbouring residents would not be so severe as to warrant refusal of the application.
- 7.68 On James Street the separation distances between residential windowed elevations on the proposed and existing development would be slightly greater at 9 metres but on this street the proposed building heights would be more varied ranging between 2 and 5 storeys. The buildings opposite the application site are also in a mix of residential and commercial uses with heights of between 2-4 storeys. On the Graham Street frontage the proposed 4 and 5 storey buildings would lie opposite 3 and 4 storey commercial and residential blocks with greater separation distances of about 13 metres. It is not considered that there would be an adverse impact on these

existing properties and the appearance of the streets generally would be improved by the removal of the existing industrial buildings and service areas. An objection has also been raised regarding impact on rights to light but this is covered by other legislation.

#### **7.69 Transportation Matters**

7.70 A vehicle access to an undercroft car park with 42 spaces and a cycle store with 272 spaces and associated wash down, maintenance area would be provided from the James Street frontage. Pedestrians including persons with disabilities would be able to gain access to the car park and cycle storage via lifts and a staircase is also proposed from the ground floor of Building K. There would also be a further 59 cycle hoops within the private courtyard areas and a further 12 public spaces within the public realm on Northwood Street.

7.71 When the issues report was considered members commented that adequate parking should be provided for residential properties and the use of car clubs should be considered. The number of on-site car parking spaces has been slightly reduced from 44 to 42 spaces but the applicants are offering to subsidise car club ownership for first occupants of the development as part of the Section 106 package. Members also requested that bin storage areas should be shown in the plans which has been provided. Servicing, deliveries and refuse collection would take place directly from the street frontages at Regent Place, Northwood Street and Graham Street overseen by on site management with access onto Northwood Street controlled through the installation of bollards.

7.72 A number of objections to the development have been raised on the grounds that the parking provision is inadequate, that parking will spill out on to the surrounding streets where spaces are already at a premium and no disabled spaces or electric charging points are being provided. The Jewellery Quarter Development Trust however support the limited on-site parking which they consider would help reduce the potential vehicular and traffic impact of the proposed development in this highly sustainable location.

7.73 Transportation raises no objections to the parking and servicing arrangements subject to conditions. They comment that the supporting Transport Statement assesses the potential traffic and trip impacts noting the low level of parking spaces being provided. The surrounding area has streets all protected by parking controls and permit spaces so there is no nearby location for any new parking demand to be accommodated. There are however public car parking areas nearby and the site is close to the City centre so they have no objection to the proposed level of parking. They recommend conditions for various Traffic Regulation Order/pay and display parking modifications, a Section 278 agreement for removal of redundant footway crossings around the site, for boundary treatment on the wide footway area on Graham Street to prevent unauthorised vehicle access and parking, that the cycle parking is provided and that there is a demolition and construction management plan.

#### **7.74 Other matters**

7.75 The objections raised by Regulatory Services to the development being undertaken in 2 phases are resolved now that Baker and Finemore have now agreed terms with the applicants and are to vacate the site and relocate their businesses. The applicants have provided additional information to respond to the objection from the Lead Local Flood Authority and it is anticipated that this will be resolved provided suitable drainage conditions are imposed.

- 7.76 In the consultation responses received a number of comments have been received that CCTV and security controls be provided, there should be a suitable lighting scheme, Stan's Café be retained, green roofs, bird, bat and bug boxes and bricks be provided and the development should include an art strategy. Other observations that have been made in relation to the potential for there to be disruption for existing residents and business, damage to roads and pavements during the demolition and construction period. Conditions can be used to cover some of these matters but any damage to property or the highways during the works are covered by other legislation. With regard to request that Stan's Café are retained within the site, the applicants would be willing to accommodate them within the development but this would be subject to suitable terms being agreed.
- 7.77 In response to the comments that there has been no wide public consultation and a public meeting is needed, over 500 letters public consultations letters have been sent out to local residents, site notices and press adverts have also been displayed around the site. In addition the applicants have held two meetings with the Jewellery Quarter Development Trust. Wide spread consultation has therefore been undertaken.
- 7.78 Planning Obligations**
- 7.79 Policy TP31 of the BDP requires 35% affordable dwellings on site of 15 dwellings or more and TP9 seeks either on site public open space at 2ha per 1000 population or contributions towards off site provision for developments of 20 or more dwellings. The revised NPPF states that where major development is proposed at least 10% of the homes provided to be available for affordable home ownership.
- 7.80 The applicants have submitted a financial appraisal with the application and following discussions with the Council consultants a financial sum of £1,400,000 has been agreed. The applicants propose this could be used in the following ways:-
- As a contribution towards off site affordable dwellings and/or workspace.
  - To provide the equivalent financial sum for provision of affordable housing delivered on-site in the form of 34(11%) Discount Market Sales Units (23 x1-bed and 11 x 2-bed units) to be sold at 80% of the open market sales value or
  - To provide the equivalent financial sum for affordable workspace on site in the form 1,610 sq.m of B1 floor space at a discount rent of 70% of market value or
  - To provide a combination of on-site discounted market units and affordable workspace to a value of £1,400,000
- 7.81 In addition the applicants are also offering:-
- Not to commence development on the site until a Business Relocation and Retention Strategy in respect of the existing ae Harris and Baker and Finnemore businesses with the aim of assisting the relocating of those employees who are required to be relocated
  - To construct the shell and core of the affordable workspace and to use reasonable endeavours to market to market the space at a rent which is 30% below the market rate with a cap on service charges
  - The appointment of a workspace provider to manage the day to day operation of the Affordable Workspace
  - To subsidise Car Club membership for the first eligible occupiers of each residential unit for a period of three (3) years running from the date of first occupation and to provide one £50 drive time credit per household. If required a sum of £15,250 would be deducted from the £1.4 million, which would reduce the affordable workspace being offered to 1,592 sq.m

- 7.82 At the issues report stage the applicants Section 106 offer was for only 1,709 sq.m (NIA) of affordable workspace at a 30% discount on market rent within listed building Q. Committee members considered the offer to be very low and noted that there was no education provision, affordable housing and grant for the management of the site and start-up costs for small industries. Since then the amount of affordable workspace being offered has slightly reduced to 1,610 sq.m but it is now proposed to appoint a workshop provider to manage the space. Members also queried the position with Baker and Finnemore which has now been resolved and their previous objections to the application have been withdrawn.
- 7.83 Although the applicants are offering to provide low cost market dwellings or affordable workspace or a combination of the two it is recommended that the financial sum being offered is used to provide subsidised workspace on the site in perpetuity in order to help to sustain policies regarding the protection of employment uses and jewellery businesses in the Industrial Middle. There would be a greater likelihood of the commercial floor space being let if some was provided at a discounted rent as it could then provide suitable space for small start-up businesses and also help compensate of the loss of existing employment business floor space from the site. Furthermore in order for this development to contribute to the character and appearance of the conservation area it is important that the commercial floor space is let and is occupied therefore if some subsidised space is provided this may widen the range and number of businesses that could occupy the units. The previous planning consent granted on the site also required no less than 1,639 square metres of gross floor space to be set aside for affordable workspace in perpetuity and this would therefore follow the principle previously agreed. This offer is considered to be a fair and justifiable and meets the necessity tests set out in the CIL Regulations.
- 7.84 Contributions have also been requested towards off site public open space and sports provision/improvements in the ward, to fund additional school places and improved public health care. The viability assessment demonstrates that the development could not afford to fund all these requests and affordable workspace and/or affordable housing is considered to be of the greater priority. The development is to provide new areas of public realm and CIL contributions can be used towards education facilities. The request for contributions towards health care facilities is also not considered to meet the tests for such Section 106 contributions, in particular the necessity test, Regulation 122.(2)(A) which requires it to be necessary to make the development acceptable in planning terms. The applicant has agreed that a construction employment plan can be provided and secured via a condition.

## 8.0 The Planning Balance

- 8.1 The development would comply with several of the relevant BDP policies including those relating to the promotion of mixed use development within the City Centre, creating sustainable and high quality new places. It would also meet the objectives set out for the Jewellery Quarter in the BDP as a vibrant and mixed use urban neighbourhood with radically improved links to the city centre. However there are also a number of conflicts between the application proposals and development plan policies in that the BDP and Jewellery Quarter Management Plan seek to support the manufacturing and industrial heart of the Jewellery Quarter and would not therefore normally allow new residential development in this location. The proposals also involve the loss of industrial floor space from the Conservation Area, some of the new buildings proposed have heights at 5 or more storeys higher than neighbouring properties and the dwelling mix has a high percentage of small one bed apartments. The applicant's assessment also concludes that the development will cause a degree

of harm to the character and appearance of the Jewellery Quarter Conservation Area. This conflict with the Development Plan policies and the “less than significant harm” caused to the significance of a designated heritage asset needs to be weighed against the public benefits of the proposals.

8.2 There would be a number of public benefits as a result of the development. These include:

- Regeneration of a strategically important site with an investment in construction expenditure of approximately £48.6 million, and which could help further encourage further investment in the Jewellery Quarter.
- Radical improvements to the connectivity between the Jewellery Quarter and the city centre core.
- Reopening of streets and the creation of new connections, new spaces, and significant enhancements to public realm with 3,052 sq.m of new public spaces.
- Integration and refurbishment of two listed buildings.
- Retention and reuse of two unlisted buildings within the conservation area.
- High quality design proposals that respect the existing urban grain, street pattern, provide a variety of building heights and massing.
- The creation of about 345 new jobs.
- Enable the relocation of AE Harris and Baker and Finnemore to more suitable premises.
- Remove heavy and noisy industrial uses from the site which are not Jewellery related together with their associated large delivery vehicles within the area which will be part of BCC's 'Clean Air Zone'.
- Would provide a mix of active ground floor uses on all public routes that as well as other commercial floor space that would make significant contribution to the vitality of the local area, in keeping with the thriving character and heritage of the local area.
- Allow new B1 affordable floor space to be provided
- Provide a mix of new housing for the area to help meet the City's need
- Allow improvements to be appearance of the site by the removal of the existing large industrial sheds and by infilling existing gaps in the site frontages to Regent Place, James Street and Graham Street.
- Allow the viable redevelopment of the site that could remain vacant if the existing businesses vacate their premises.

8.3 The issues are finely balanced and if permission were to be granted a number of safeguards would need to be in place to ensure that the unique circumstances and totality of this scheme is delivered. It would only be in these circumstances that an exception to policy could be justified as occurred when planning permission was granted for the previous applications for the redevelopment of the AE Harris part of the site. These include a Section 106 planning obligations and conditions referred to above and further requirements to secure the relocation of both companies and associated jobs, that there is no demolition until a contract is in place for development of the new buildings, that the repairs and refurbishment of the listed buildings and new commercial floor space are delivered before occupation of the residential units. Also that the new public routes thought the site are delivered in accordance with an agreed timetable.

8.4 With these obligation it is considered that this scheme can on balance be supported and the 'less than substantial harm' to the conservation area in line with paragraph 196 of the NPPG (2018) is outweighed by the public benefits including the regeneration of this area of the Jewellery Quarter and the opening up of formerly privatised streets to deliver vital connectivity through the Conservation Area.

## 9. Conclusion

- 9.1 The application proposals have required a careful balancing of the objections to the development against the public benefits of this proposed mixed use scheme within the Jewellery Quarter Conservation Area. The proposals have been amended to address a number of the concerns raised at the issues report stage including height reductions and provision of additional commercial floor space. Both the existing businesses on the site have now expressed the desire to relocate and could potentially leave a large vacant site within the heart of the Jewellery Quarter. The applicant's viability appraisal shows that in order to provide a viable redevelopment of the site a mixed use development including apartments is required but would still allow that 33% of the floor space to be available for commercial uses including affordable workspace. . Improvements to the links between the site City Centre core and the Jewellery Quarter have long been a vision for the area and the redevelopment of this site would allow a new public route to be provided into the Quarter from the end of Newhall Street which along with other new public routes proposed through the site. This carries significant merit and would set it apart from other sites in the Quarter.
- 9.2 Although the concerns regarding the scale of the new buildings, their design and the dwelling mix are acknowledged, in my judgement the scale and residential led nature of the development are necessary to deliver the project and the benefits it offers in opening up the core of the Jewellery Quarter. The taller buildings have also been located in the central parts of the site and on Graham Street and the 'calmer' design of the proposals would not compete with the surviving heritage of the area. The loss of a number of 19th century buildings in the conservation area is regretted as the development would largely comprise new build rather than retention of built heritage. However more buildings would be retained than previously agreed and those that would be lost have been significantly altered and are of more limited merit. Overall the wider urban design moves are considered to outweigh the demolition proposed.
- 9.3 Considering all the factors at play in my judgement this scheme can on balance be supported subject to the Section 106 obligation and conditions recommended below.

## 10. Recommendation

- 10.1. That consideration of application 2018/04482/PA be deferred pending the completion of a Section 106 legal agreement to secure:
- a) The one site provision of 1,610 sq.m of affordable workspace at a rent which is 30% below the market rate with a cap on service charges in perpetuity
  - b) That the affordable workspace and other commercial floor space is provided in accordance with an agreed specification and timescale
  - c) The appointment of a workspace provider to manage the day to day operation of the Affordable Workspace
  - d) Not to commence development on the site until a Business Relocation and Retention Strategy in respect of the existing ae Harris and Baker and Finnemore businesses with the aim of assisting the relocating of those employees who are required to be relocated
  - e) That the areas of public realm are provided in accordance with an agreed specification and timetable and are made available and managed for public use in perpetuity
- 10.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 20 December 2019, planning permission be refused for the following reasons:

- In the absence of a legal agreement to secure on site affordable workspace the proposal conflicts with Policies PG3, GA1.3, and TP12 of the Birmingham Development Plan 2017, the Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG 2002 and the NPPF.
- In the absence of a legal agreement to secure the relocation of the existing businesses on the site and retention of jobs the proposal conflicts with Policies GA1.3, TP12, TP20 and TP26 of the Birmingham Development Plan 2017, the Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG 2002 and the NPPF
- In the absence of the delivery of the new areas of public realm and commercial floor space the development would not deliver a suitable sustainable neighbourhood contrary to policies GA1.3 and TP27 of the Birmingham Development Plan 2017 and the NPPF.

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

10.4 That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 20 December 2019, planning permission be APPROVED subject to the conditions listed below:-

- 
- |    |   |
|----|---|
| 1  | Requires the prior submission of a phasing plan   |
| 2  | Requires the prior submission of a programme of archaeological work   |
| 3  | Requires the prior submission of Structural Recording   |
| 4  | Requires the prior submission of a demolition method statement  |
| 5  | Prevents demolition prior to a redevelopment contract being entered into  |
| 6  | Requires the prior submission of a construction method statement and management plan  |
| 7  | Requires the prior submission of contamination remediation scheme on a phased basis   |
| 8  | Requires the prior submission of a contaminated land verification report  |
| 9  | Requires the prior submission of a sustainable drainage scheme in a phased manner   |
| 10 | Requires the submission prior to occupation of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan    |
| 11 | Requires the submission of sample brickwork, terracotta and external cladding.  |
| 12 | Requires the submission of roof materials   |
| 13 | Requires the submission of window frame details   |
| 14 | Requires the prior submission of details of external gates, louvres, metal panels and any roof top plant, screens, equipment and machinery. |
| 15 | Requires the submission of details of balconies   |
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- 16 Requires the submission of fixtures and fittings details
  - 17 Requires the submission of new walls, railings & gates & gate posts/piers details
  - 18 Requires the prior submission of hard and/or soft landscape details
  - 19 Requires the prior submission of hard surfacing materials
  - 20 Requires the prior submission of boundary treatment details in a phased manner
  - 21 Requires the prior submission of a landscape management plan
  - 22 Requires the prior submission of a lighting scheme in a phased manner
  - 23 Requires the submission of details of green/brown roofs
  - 24 Requires the prior submission of a scheme for ecological and biodiversity enhancement measures on a phased basis
  - 25 Requires the submission of details of bird/bat boxes
  - 26 Requires the prior submission and completion of works for the S278/TRO Agreement
  - 27 Requires further car parking details and the parking area to be laid out prior to use
  - 28 Requires the provision of a vehicle charging points
  - 29 Requires the submission of details of measures to control vehicle movements on Northwood Street.
  - 30 Requires the provision of cycle parking prior to occupation
  - 31 Requires the prior submission of a travel plan
  - 32 Requires the prior submission of plans detailing the mitigation measures set out in the noise report
  - 33 Limits the noise levels for Plant and Machinery
  - 34 Requires the prior submission of noise insulation (variable)
  - 35 Requires the prior submission of extraction and odour control details
  - 36 Requires submission of the retail/commercial Shop Front Designs
  - 37 Requires the submission of details of a delivery vehicle management scheme
  - 38 Prevents storage except in authorised area
  - 39 Requires the submission of details of refuse storage
  - 40 Limits the hours of use of the commercial/retail units to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
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- 41 Removes PD rights for any roof top including telecom equipment
  - 42 Limits delivery time of goods to or from the the commerical/retail units to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
  - 43 Requires the glazing to the commercial/retail units to be clear and not obstructed.
  - 44 Requires the prior submission of a construction employment plan.
  - 45 Requires the prior submission of a CCTV scheme
  - 46 Requires works to the listed and retained buildings to be undertaken and completed prior to occupation of the development.
  - 47 Limits the size of the individual retail units
  - 48 Controls the use of buildings A, B, P, R and Q
  - 49 Requires the scheme to be in accordance design and access statement
  - 50 Requires the scheme to be in accordance with the listed approved plans
  - 51 Implement within 3 years (Full)
- 

Case Officer: Lesley Sheldrake

## Photo(s)



Photo 1 - Site frontage to Graham Street



Photo 2 – Site frontage to James Street



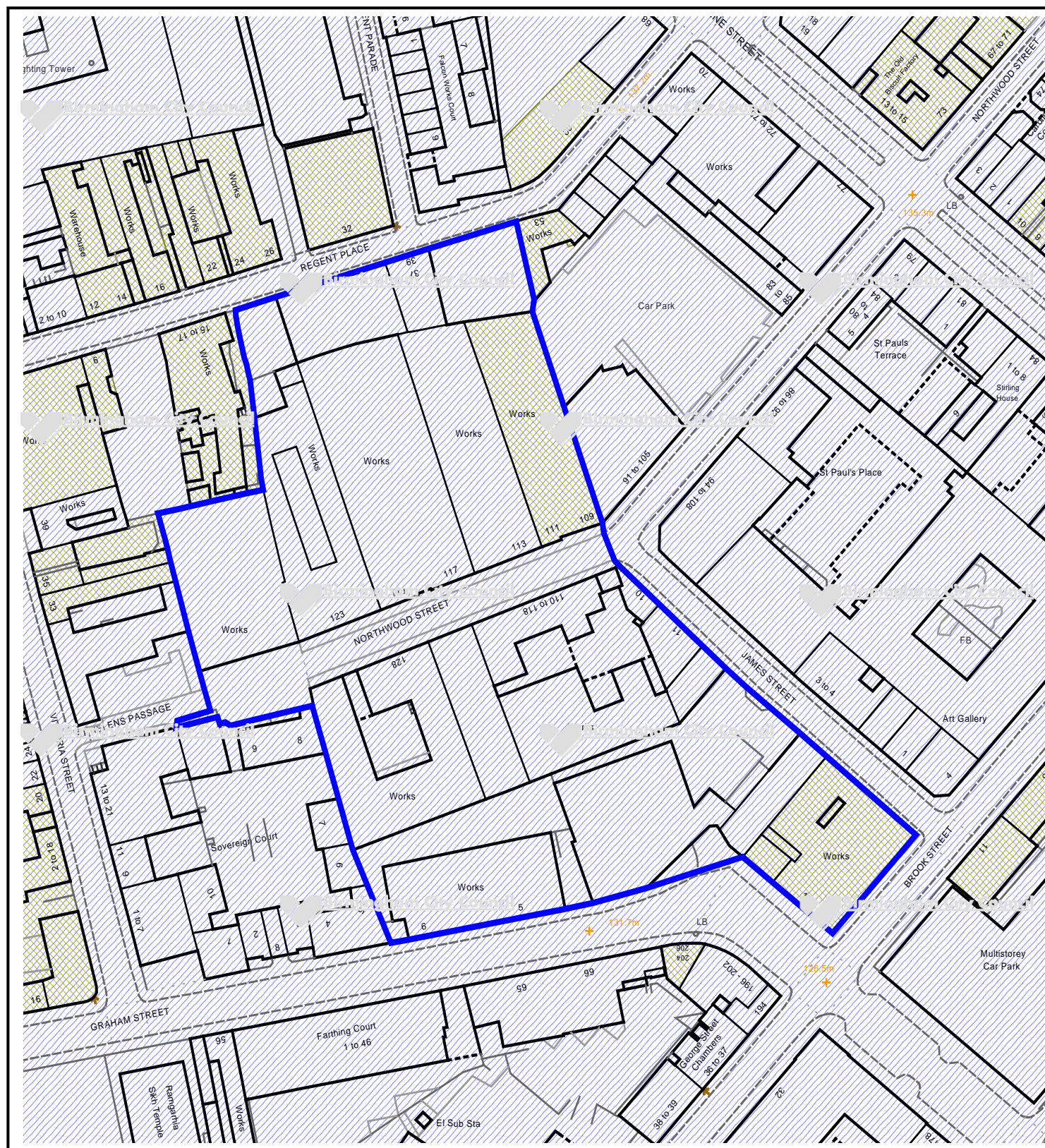
Photo 3 – Site frontages onto Northwood Street



Photo 4 – Site frontage to Regent Place



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**24 October 2019**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Refuse	10	2019/05131/PA  1256-1258 Pershore Road Bournville Birmingham B30 2YA  Demolition of existing buildings and erection of 5 storey building consisting of ground floor commercial use (A1-A4) and 42 units of student accommodation.
Determine	11	2019/04459/PA  7 Pakenham Road Edgbaston Birmingham B15 2NE  Erection of single storey rear extension.

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Committee Date:	24/10/2019	Application Number:	2019/05131/PA
Accepted:	29/07/2019	Application Type:	Full Planning
Target Date:	28/10/2019		
Ward:	Stirchley		

1256-1258 Pershore Road, Bournville, Birmingham, B30 2YA

Demolition of existing buildings and erection of 5 storey building consisting of ground floor commercial use (A1-A4) and 42 units of student accommodation.

Recommendation

**Refuse**

1. Proposal

- 1.1. Permission is sought to erect a 'L-shaped' building on the corner of Pershore Road and Twynning Road. The scheme provides 5 storeys of accommodation on the Pershore Road frontage reducing to 3 storeys on Twynning Road. The building has a maximum height of 13.7m on the Pershore Road and is 8m high on Twynning Road. The building would be built up to the pavement on the Pershore Road frontage and would be set back a maximum of 4m on the Twynning Road frontage. The building has a high level of glazing at ground floor level on the Pershore Road with a mix of grey and buff brick proposed. A flat roof is proposed with the top floor set back from both Pershore and Twynning Road.
- 1.2. The ground floor would consist of 100sqm of commercial space (A1-A4) located across the majority of the Pershore Road frontage. The remainder of the ground floor consists of 6 studios, cycle and waste storage, a plant room and lobby area. A further 36 studio rooms are provided over the other four floors meaning a total of 42 units of student accommodation. A small garden measuring 66sqm is located adjacent to Twynning Road. No car parking has been provided.
- 1.3. An Ecology Survey, Design and Access Statement, Transport Statement, Planning Statement, Student Needs Assessment, Noise Assessment and Drainage Statement have been submitted in support of this application.
- 1.4. The total site area is 546sqm.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site sits within the Stirchley Local Neighbourhood Centre on the corner of Pershore Road and Twynning Road. The site is currently occupied by a 2 storey building with a 2 storey and single storey rear wing. The Pershore Road

frontage includes two commercial units, a barbers and an antiques store. The antiques store is currently unoccupied. Adjacent buildings on the Pershore Road generally consist of traditional 2 storey terraced properties although the adjacent unit No. 1250 Pershore Road is larger detached property. These properties are generally in a mix of A class uses. To the east of the application site are terraced dwelling on Twynning Road which are all 2 storeys in height. Bournville train station is 550m south west of the application site.

2.2. [Site Location Plan](#)

3. [Planning History](#)

3.1. None relevant

4. [Consultation/PP Responses](#)

4.1 Lead Local Flood Authority – object as application fails to comply with Policy TP6 of the BDP

4.2 Severn Trent – No objection subject to condition requiring drainage scheme

4.3 Police – No objection subject to conditions requiring the provision of CCTV and secure front doors.

4.4 West Midlands Fire Service – No objection

4.5 Regulatory Services – Air quality assessment is needed. Glazing and ventilation details need to be addressed via condition

4.6 Transportation – No objection subject to conditions regarding reinstatement of full height kerbs, installation of boundary treatment to forecourt area, parking management strategy and demolition and construction management plans.

4.7 Local occupiers, Ward Councillors, MP and resident associations were notified. Two site notices and a press notice have been displayed, with 148 letters of objection received. The following concerns have been raised:

- Demolition is unnecessary;
- ghost sign will be lost;
- Harmful to the character and history of the local area;
- Over-intensive development;
- The height of the building is excessive;
- Increased crime;
- Shared outdoor amenity space is too small;
- Increased congestion on local roads;
- Increased highways safety risks;
- Insufficient parking provision already locally;
- Insufficient cycle parking;
- insufficient communal facilities;
- No need for student accommodation;
- Site is too far from educational institutions;
- Family housing is needed instead;
- Development would appear over-bearing;
- Increased noise and disturbance;
- Increased air pollution causing respiratory illness;



- Loss of privacy;
- Loss of light;
- Increased risk of surface water flooding;
- Loss of community spirit;
- Damage local businesses and community as a whole;
- Harms the regeneration of Stirchley;
- Increased pressure on utilities such as water, sewerage, gas and broadband;
- Loss of popular local business and residential flats;
- Other vacant sites should be utilised instead;
- Harmful impact on house prices;
- Unclear how the site will be managed;
- Increased litter, rubbish and flytipping; and
- Concerns commercial space would be turned into another restaurant/take-away

4.8 An objection has been received by the Community partnership for Selly Oak (CP4SO) raising the following concerns:

- Over-development of the site;
- Could result in Stirchley being dominated by student accommodation;
- Development would undermine improvements being made to shops and services in Stirchley;
- There is no need for further student accommodation;
- Loss of historic building would damage high street;
- Increased pressure on parking traffic and utilities; and
- Harmful to the character of the area

4.9 An objection has been received by the Stirchley Neighbourhood Forum raising the following concerns:

- Over intensive development;
- Excessive scale and height;
- Harmful to the character of the area;
- Insufficient parking provision and loss of car parking;
- Insufficient outside amenity space;
- No need for student accommodation in this location;
- Ghost signs need to be preserved; and
- Demolition would cause disruption;

4.10 An objection has been received by Councillor Mary Locke. She has raised the following concerns:

- Car parking should be provided;
- 5 storeys is too high;
- Inappropriate location for student accommodation;
- Increased pollution;
- Loss of historic buildings;
- Increased traffic; and
- Increased pressure on drainage

## 5. Policy Context

5.1 The following local policies are applicable:

- Birmingham Development Plan (BDP) 2031
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005

- Places for Living SPG
- Car Parking Guidelines SPD
- 45 Degree Code
- Shopping and Local Centres SPD
- Specific Needs Residential Uses SPG
- Stirchley Framework SPG

- 5.2 The following national policies are applicable:
- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

- 6.1. I consider the key planning issues to be considered are: the principle of the student accommodation; The impact on Stirchley Neighbourhood Centre, the design and scale of the proposed development; the impact on residential amenity, the impacts on traffic and highway safety; the impact on ecology; drainage; pollution; landscape and trees and Planning contributions.
- 6.2. The principle of Student Accommodation
- 6.3. The National Planning Policy Framework seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The NPPF also seeks to boost housing supply and provide a wide choice of accommodation to meet a range of needs including students. The aim is to create sustainable, inclusive and mixed communities.
- 6.4. Policy TP33 (Student Accommodation) sets out a number of criteria that need to be met before off campus provision will be considered favourably. Criteria include that there is a demonstrated need for the accommodation, the site is well located, there is no unacceptable amenity impact, the scale, massing and design is acceptable and the scheme provides an acceptable living environment for students.
- 6.5. The application has been supported by a Student Needs Assessment however; there is lack of detail within this assessment. There is no detail over the number of bed spaces required and no analysis of pipeline schemes coming forward. The submitted assessment makes reference to an assessment submitted on a nearby site at 1403-1407 Pershore Road (2018/00827/PA). As this earlier assessment is now over 12 months old it cannot be considered up to date.
- 6.6. Whilst not as well located as sites in the Bournbrook area of Selly Oak, the site is 550m from Bournville railway station meaning that the University of Birmingham campus is accessible via public transport. However without a robust and up to date assessment of need the policy requirement has not been met in this instance.
- 6.7. The Impact on Stirchley Neighbourhood Centre
- 6.8. The building is situated within the Stirchley Neighbourhood Centre but outside of the Primary Shopping Area (PSA). Policy 5 of the Shopping and Local Centres SPG

seeks to prevent an over concentration of A3, A4 and A5 uses within centre boundaries. In this case the applicant is seeking a flexible use between A1 and A4. The two units within the site are classified as A1 use. The buildings around the site are in mix of uses including some restaurants and a drinking establishment. At this stage it is unclear whether the proposal will increase concentrations A3 and A4 uses in this area of the Pershore Road however in challenging economic times for High Streets such flexibility in use classes is crucial to increasing the likelihood of the unit being occupied. It is important to remember that the site is in close proximity of the Primary Shopping Area where a high proportion of retail units are retained. The proposal therefore accords with the Shopping and Local centre's SPD.

#### 6.9. Design

- 6.10. Policy PG3 of the BDP explains that "All new development will be expected to demonstrate high design quality, contributing to a strong sense of place." It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.11. The Stirchley Framework SPD emphasises that the design of new development should respond to the local context making specific reference to the Victorian and Edwardian buildings which are common place within Stirchley. The retention and sympathetic reuse of historic assets is expected to retain and enhance the historic character of Stirchley.
- 6.12. The surrounding area consists mainly of 2 storey terraced properties. The proposed building is between three and 5 storeys high. This is clearly excessive in relation to both commercial properties on the Pershore Road and the residential properties on Twynning Road. The building fails to include any characteristics or features which can be seen on surrounding properties. The Setback top storey is not a feature typical of this location and would not be acceptable. Large areas of blank brickwork are shown on the Twynning Road elevation which reduces level of natural surveillance and is unattractive. The large double height entrance feature and vertical signage on Twynning Road is alien within the residential street scene. The tall narrow windows are also a different shape to those on surrounding properties. The plans indicate a blend of buff/yellow/grey bricks which bears no resemblance to an area characterised by red brick and render.
- 6.13. In summary the development is entirely unsympathetic to its surroundings in terms of its scale, massing and detailed design thereby materially harm the character and appearance of the area.
- 6.14. The proposal results in the loss of the traditional Victorian terraced property that occupies a prominent corner plot. The building includes a high level 'ghost' advertisement on the side elevation. The building contributes to the authentic street character, being typical of the scale, age and design of the majority of buildings on this stretch of Pershore Road. On this basis the Conservation Officer considers that the building is a non-designated heritage asset. In addition a locally listed building is located opposite the application site (Three Horse Shoes PH).

- 6.15. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The application would result in the total loss of a heritage asset and this loss and subsequent replacement would cause substantial. In summary, the proposal causes permanent and significant harm to the historic environment in Stirchley.
- 6.16. Residential Amenity
- 6.17. The Places for Living SPG sets out a number of numerical standards which help to ensure that acceptable amenity standards are provided for the occupiers of new dwellings and retained for the occupiers of adjacent properties.
- 6.18. The closest property to the proposed dwelling is No. 3 Twynning Road to the south of the site. The 3 storey rear wing of the proposal extends up to the blank side gable of No. 3. Neither the 3 storey rear wing or side elevation of No. 3 contain any windows. There is a habitable window in the third and fourth storey of the rear elevation of the building however as these retain a distance of 19m to the shared boundary with No. 3 and there are no windows in the gable end no overlooking can occur. When measuring from the rear elevation of No.3 there is also no breach of the 45 degree code so there would be no loss of light.
- 6.19. All of other adjoining properties are commercial in use therefore the scheme has no undue impact in terms of loss of light or loss of privacy.
- 6.20. An area of shared outdoor amenity space is provided for the occupiers of the 42 units which totals approximately 66sqm. This is significantly below the 16sqm per student are required with the Specific Needs Residential uses SPG and equates to just 1.57sqm per student. In addition to the substandard size, the amenity space is not considered to be private as it is enclosed from Twynning Road by a low level wall and railings. The outdoor amenity space therefore creates an unacceptable living environment for the proposed occupiers.
- 6.21. Studio accommodation for students should be a minimum of 12.5sqm and this been exceeded in all cases comfortably with rooms measuring between 18 and 30sqm. All habitable rooms across the development are provided with a reasonable outlook and access to natural light. In addition a common room is provided on both the first and second floor. The internal living environment for the proposed occupiers is considered to be acceptable.
- 6.22. Concerns have been raised of the potential for increased levels of crime and anti-social behaviour. West Midlands Police raised no objection to the scheme subject to conditions requiring a scheme of CCTV and a secure access. There is no evidence to suggest that the introduction of 42 students into the area within purpose built secure accommodation would increase crime or levels of ant-social behaviour.
- 6.23. In summary, the proposal does not have an undue amenity impact on the occupiers of adjacent properties but the private amenity space for the proposed occupiers is unacceptable.
- 6.24. Traffic and Highway Safety

- 6.25. Policy TP38 of the BDP states that “The development of a sustainable, high quality, integrated transport system, where the most sustainable mode choices also offer the most convenient means of travel, will be supported.” One of the criteria listed in order to deliver a sustainable transport network is ensuring that that land use planning decisions support and promote sustainable travel. Policy TP44 of BDP is concerned with traffic and congestion management. It seeks to ensure amongst other things that the planning and location of new development supports the delivery of a sustainable transport network and development agenda.
- 6.26. The site is in a sustainable location within Stirchley Neighbourhood Centre and is in close proximity to bus routes that provide direct access to the City Centre. In addition the site is 550m from Bournville Train Station. Provision has been made for 12 cycle spaces but no car parking has been provided. The Council’s car parking standards require a maximum of 1 per 7.5 students and therefore a maximum of 5 spaces could be provided. A number of concerns have been raised regarding the lack of parking. However the site is in a highly sustainable location and the Transportation Officer considers that a shortfall of just 5 spaces insufficient to warrant refusal. In addition the level of cycle parking exceeds the requirements of 1 space per 4 beds.
- 6.27. To minimise disruption at key times conditions requiring the submission of construction management plan and parking management strategy could be imposed.
- 6.28. Transportation have raised no objection to the scheme subject to conditions and consequently it is considered that the proposal will not have an adverse impact on the highway network.
- 6.29. Ecology
- 6.30. The Council has a duty to consider the impact of any proposal on protected species. An Ecological Survey has been submitted in support of the application. The survey concluded that the site has not been utilised by bats as either a roost or for foraging purposes. The Ecologist considers that the proposal can be implemented without an undue impact on the protected species.
- 6.31. Drainage
- 6.32. Policy TP6 of the BDP requires applicants to submit a Sustainable Drainage Assessment and Operation and Maintenance Plan with all major applications. 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 TP6.
- 6.33. The Lead Local Flood Authority have objected to the application on the basis that it doesn’t meet the minimum requirements of Policy TP6. Key issues include the rate of surface water discharge, insufficient incorporation of SUDS and a failure to provide detailed calculations to show network performance for all events. Details around the operation and maintenance of the drainage scheme have also not been considered sufficiently.
- 6.34. In summary insufficient information has been provided to demonstrate that the proposal does not increase the risk of surface water run off contrary to policy TP6 of the BDP.

- 6.35. Pollution
- 6.36. The site is located on the Pershore Road where there are known to be high levels of traffic noise. A noise assessment has been submitted and it acknowledged that an enhanced glazing specification is required on the Pershore Road frontage which could be addressed via condition.
- 6.37. Regulatory Services indicate that the air quality objective for nitrogen dioxide is likely to be exceeded in the vicinity of the development. Paragraph 181 of the NPPF indicates that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. This paragraph also states that opportunities to improve air quality or mitigate impacts should be identified. The failure to submit an air quality assessment in this particular instance is a significant concern taking into account the air quality issues in the locality which is compounded by the inability to deliver any mitigation.
- 6.38. Landscape and Trees
- 6.39. No significant features are located within the site. The Tree Officer has noted that there are street trees on the Pershore Road frontage in close proximity to the development. However, if an Arboricultural Method Statement is provided there should be no undue impact on the trees. A condition requiring the submission of a landscaping scheme could deliver additional planting.
- 6.40. Planning Contributions
- 6.41. In accordance with the CIL charging Schedule payment of £79.99 per sqm is required.

## 7. Conclusion

- 7.1. In summary the proposal results in the complete loss of a non-designated heritage asset, materially harms the character and appearance of the area and creates an unacceptable living environment for the proposed occupiers. In addition the need for student accommodation has not been fully justified and the drainage scheme is unacceptable. The proposal is contrary to the BDP, Places for Living SPG and the NPPF.

## 8. Recommendation

- 8.1. Refusal

### Reasons for Refusal

- 
- 1 The scale, mass and design of the proposal materially harms the character and appearance of the area. As such it would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and saved Paragraphs 3.14C-D of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance, The Stirchley Framework SPD and the National Planning Policy Framework.
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- 2 Due to the lack of privacy and insufficient amount of outdoor amenity space the proposals would create an unacceptable living environment for the intended occupiers contrary to Policy PG3 of the Birmingham Development Plan 2017, saved paragraph 8.24 of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework.
  - 3 The proposal results in the complete loss of a non-designated heritage asset which causes permanent and irreversible substantial harm to the historic environment contrary to Policy TP12 of the BDP, The Stirchley Framework SPD and paragraph 197 of the NPPF.
  - 4 Insufficient information has been provided to demonstrate a need for student accommodation contrary to TP33 of the BDP and the NPPF.
  - 5 Insufficient information has been provided to assess the impact of the application on air quality taking into account that the local area is at risk of exceeding National Air Quality objectives . As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
  - 6 Insufficient information has been provided to demonstrate that the development will not exacerbate surface water flooding locally contrary to Policy TP6 of the BDP and the NPPF.
- 

Case Officer: Andrew Fulford



## Photo(s)



Photo 1: Front Elevation of application site on Pershore Road



Photo 2: View of side elevation from Twynning Road



## Location Plan



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Committee Date:	24/10/2019	Application Number:	2019/04459/PA
Accepted:	03/06/2019	Application Type:	Householder
Target Date:	26/09/2019		
Ward:	Edgbaston		

7 Pakenham Road, Edgbaston, Birmingham, B15 2NE

Erection of single storey rear extension.

Recommendation

**Determine**

1. Report Back

1.1. Members will recall that this application was first presented to Planning Committee on 26 September. Members deferred the application for a site visit that took place on 3 October. The application returned to Committee on 10 October where it was deferred, minded to refuse for the following reasons:

- 1) Harm to character of the Edgbaston Conservation Area and setting of listed buildings
- 2) Harmful Impact on residential amenity of No. 6 Pakenham Road

1.2. Officers consider that the recommendation to approve in accordance with the original report dated 26 September remains appropriate. It was noted that there was a discussion at Planning Committee regarding the impact of the proposals on the neighbouring property, No. 6 Pakenham Road in terms of a loss of light. The Council utilises the 45 degree code to assess whether a loss of light will occur to habitable rooms in a neighbouring property. In this case there is no breach of the 45 degree code. This is a judgement for Officers taking into account factors such as the siting and scale of an extension, orientation and existing boundary treatments. Members also expressed concern about the impact of the extension on the heritage assets, namely the Edgbaston Conservation Area and the adjacent listed buildings. This impact could relate to the size and scale of the extension and impact on the significance of the heritage assets. If Members remain minded to refuse the application then the following reasons for refusal are suggested:

a) The overall size and scale of the proposed rear extension is out of scale with the existing house and would be out of context with the surrounding properties thereby causing less than substantial harm to the character of the Edgbaston Conservation Area and the setting of adjacent listed buildings. As such, it would be contrary to Policies PG3 and TP12 of the Birmingham Development Plan, Paragraph 196 and 200 of the National Planning policy Framework and section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

b) By virtue of its size and siting the proposed rear extension would substantially reduce the level of sunlight/daylight and would appear unduly overbearing to No.6 Pakenham Road. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham UDP 2005, and the National Planning Policy Framework.

## Original Report

### 2. Proposal

- 1.1. Permission is sought for the erection of a single-storey rear extension.
- 1.2. The proposed rear extension would span the entire width of the house (approximately 17 metres) and be 'staggered' in terms of depth. At its greatest extent the length (depth) of the rear extension would be approximately 15 metres. It would be single-storey with a ridge height of approximately 3.2 metres. The proposed rear extension would facilitate the creation of an indoor swimming pool, 1no. bedroom with ensuite, gym and large sitting area.
- 1.3. [Link to Documents](#)

### 2. Site & Surroundings

- 2.1. The application site contains a late 19<sup>th</sup> Century detached residential dwelling located within a residential area comprising properties of varying size and architectural styles.
- 2.2. The application property is a not listed but forms part of the setting of a number of listed buildings along Pakenham Road and Gough Road (that is to the rear of the application site). For instance, immediate neighbouring properties Nos. 6 and 8 Pakenham Road are both Grade II Listed Buildings. The application site is within the designated Edgbaston Conservation Area.
- 2.3. [Site Location Plan](#)

### 3. Planning History

- 3.1. No planning history

### 4. Consultation/PP Responses

- 4.1. Site and press notice displayed. Neighbours and local councillors consulted. A total of 7 objections received during the public consultation period. To summarise, the cited grounds for objection are as follows:
  - Proposed rear extension would be out-of-keeping with the conservation area and neighbouring listed buildings.
  - The proposed rear extension would lead to unacceptable loss of light and outlook to the living rooms at the rear of neighbouring No. 6 Pakenham Road.
  - The proposed rear extension would adversely impact the enjoyment of an existing rear patio area for the occupant(s) at No. 6 Pakenham Road.
  - A rear extension of this size and design will be detrimental to the character of the surrounding homes and the conservation area. It would amount to an over-development of the application site.
  - Existing outbuildings at the application property should be retained.
  - Party wall issues and adverse impact on neighbouring property values.

- Badminton Court would risks disturbance to wildlife and could adversely affect existing trees.

## 5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Development Plan (2017)
  - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
  - Places for Living (2001)
  - Extending your Home (2007)
  - The Edgbaston Conservation Area Character Appraisal (ECACA)
  - The 45 Degree Code (1996)
- 5.2. The following national policies are applicable:
- Planning (Listed Buildings and Conservation Areas) Act 1990
  - NPPF: National Planning Policy Framework (2019)

## 6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.

- 6.2. Amended plans were supplied during the course of assessing this application to alter the size, design and appearance of the proposed rear extension. This followed Officer concerns that the initial proposal would have an adverse impact on neighbouring amenity. The initial submission also included proposals to alter the front porch of the house and lay a badminton court in the rear garden. These have now been withdrawn from this application so do not form part of this assessment.

### 6.3. **Policy:**

- 6.4. Policy PG3 of the Birmingham Development Plan (BDP) states that new development should “reinforce or create a positive sense of place and local distinctiveness, with design that responds to the site conditions and the local area context, including heritage assets and appropriate use of innovation in design” and “create safe environments that design out crime”.
- 6.5. BDP policy TP12 states that “Great weight will be given to the conservation of the City’s heritage assets. Proposals for new development affecting a designated or non-designated heritage asset or its setting ...will be determined in accordance with national policy.”
- 6.6. NPPF paragraph 193 states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.”
- 6.7. NPPF paragraph 194 states that, “Any harm to, or loss of, the significance of a designated heritage asset ... should require clear and convincing justification.”

**6.8. Impact on Heritage Assets:**

6.9. The site is within the designated Edgbaston Conservation Area and the setting of several listed buildings including neighbouring Nos. 6 and 8 Pakenham Road. As such, there is a requirement to assess the impact of the proposed development upon the character and appearance of these heritage assets.

6.10. The Council's Conservation Officer has been consulted on this application. Initial Conservation Officer comments raised concerns with the originally proposed replacement front porch and badminton court in the rear garden. However, after discussions these proposed works were withdrawn from the application.

6.11. In respect to the proposed rear extension the Conservation Officer noted:

*"The majority of the proposed works are to the rear of the property and therefore will have little visual impact on the overall character and appearance of the conservation area. However, although this building is not listed it is surrounded by listed buildings to the sides and rear and therefore forms part of the setting of these buildings making the application site more sensitive. A number of the neighbouring listed properties also have rear extensions, some of which are two-storey and although this extension is quite large in both depth and width, it is single storey which reduces the impact on the setting of the listed buildings. Taking account of this I consider that this extension could be tolerated."*

6.12. I share the view of the Conservation Officer that the proposed rear extension is acceptable. The proposed extension is substantial in scale but it would be subordinate to the main house and not visible from public vantage points. The Conservation Officer considers that there would not be harm to the setting of nearby listed buildings or to the character and appearance of the Edgbaston Conservation Officer. I am satisfied that the scale, massing and appearance of the amended proposal respects the style and design form of the main house and would not harm the character of the streetscene of significance of the conservation area.

6.13. The Conservation Officer has recommended that any grant of planning permission impose conditions requiring the applicant to submit to the Council sample materials and full architectural and specification details for the proposed works. I am satisfied that these conditions would pass the six tests for conditions outlined within the NPP.

**6.14. Scale, massing, layout and design:**

6.15. In terms of scale, massing, layout and design the revised proposal is considered acceptable. The rear extension would be single-storey and subservient to the main house. The materials chosen would be respectful to the main house. I do not identify harm to the architectural appearance of the dwelling nor the visual amenity of the surrounding area. As such, the proposed development is in accordance with 'Extending Your Home' and 'Places for Living'.

**6.16. Impact on Neighbouring Amenity:**

6.17. The proposed development complies with the 45 Degree Code and the numerical guidelines contained within 'Places For Living' and 'Extending Your Home.' The rear extension complies with the 21.5m separation distance between facing buildings and leaves over 70sq.m. of private amenity space. Therefore, I am satisfied there will be an acceptable impact on neighbouring amenity.

**6.18. Other Matters:**

- 6.19. A number of objectors have raised potential party wall issues and concerns that the proposal would have a harmful impact on local property values. I sympathise with such concerns but these are not material planning considerations.
- 6.20. Several respondents have also raised concern that the originally proposed badminton court could have a detrimental impact on existing trees and local wildlife i.e. badgers. Proposals for a badminton court were ultimately withdrawn from this application. However, provided certain size thresholds and materials criteria are abided by then the applicant could lay a badminton court under Permitted Development Rights.
- 6.21. The proposed development does not attract a CIL contribution.

**7. Conclusion**

- 7.1. This application is recommended for approval. There are no sustainable grounds upon which to recommend refusal of the proposal.

**8. Recommendation**

- 8.1. Approval subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Implement within 3 years (Full)  |
| 2 | Requires the scheme to be in accordance with the listed approved plans                                     |
| 3 | Requires that the materials used are in accordance with the submitted application form and approved plans. |
| 4 | Requires the prior submission of further details   |
| 5 | Requires the prior submission of materials   |
- 

Case Officer: Richard Bergmann



**Photo(s)**



Photo 1. View towards rear elevation of application property.



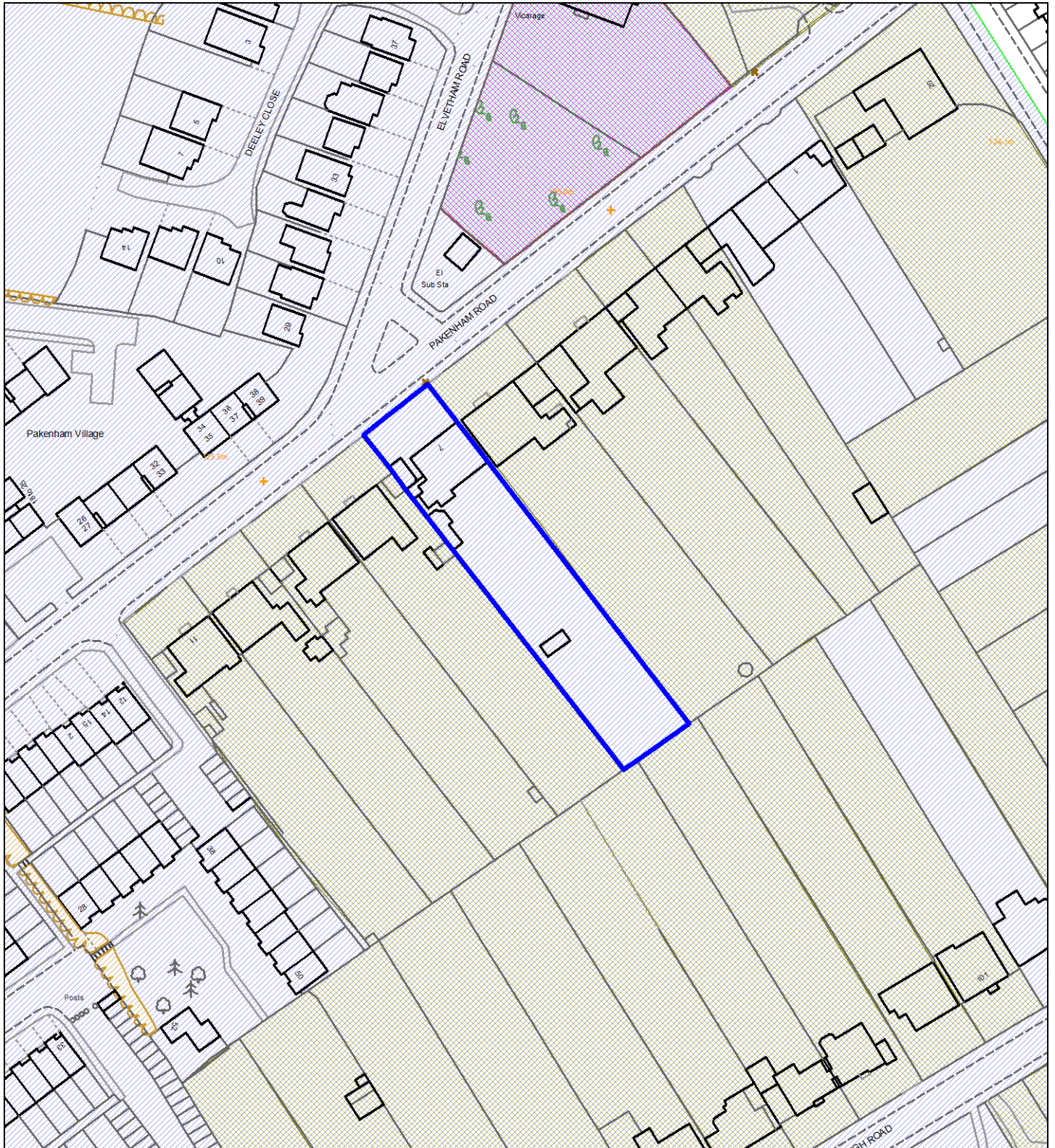
Photo 2. View towards No. 8 Pakenham Road from rear garden of application property.



Photo 3. View towards No. 6 Pakenham Road from rear garden of application property.



## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**24 October 2019**

I submit for your consideration the attached reports for the **North West** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Temporary 10 years	12	2019/06576/PA  Land fronting Aston Lane former commercial units Nos 6-24a Aston Lane (A4040) Birmingham  Erection of a temporary Job Centre (Use Class A2) 3 no. retail units (Use Class A1) together with a creation of new access, parking and associated landscaping and infrastructure works.
Approve – Conditions	13	2019/07073/PA  30 Reservoir Road Edgbaston Birmingham B16 9EG  Change of use to 6-bed House in Multiple Occupation (HMO) (Use Class C4)
Approve – Conditions	14	2018/10405/PA  30 Reservoir Road Edgbaston Birmingham B16 9EG  Removal of external staircase and existing extension to rear and erection of new single storey rear extension
Approve – Conditions	15	2019/00004/PA  30 Reservoir Road Edgbaston Birmingham B16 9EG  Listed Building Consent for removal of external staircase and existing extension to rear and erection of new single storey rear extension

Approve – Conditions

16

2019/00421/PA

30 Reservoir Road  
Edgbaston  
Birmingham  
B16 9EG

Listed Building Consent for retention of internal repairs and alterations including re-plastering, replacement skirting and coving.



Committee Date:	24/10/2019	Application Number:	2019/06576/PA
Accepted:	05/08/2019	Application Type:	Full Planning
Target Date:	04/11/2019		
Ward:	Aston		

Land fronting Aston Lane, former commercial units Nos 6-24a Aston Lane (A4040), Birmingham

Erection of a temporary Job Centre (Use Class A2) 3 no. retail units (Use Class A1) together with a creation of new access, parking and associated landscaping and infrastructure works.

## Recommendation

### **Approve Temporary**

#### 1. Proposal

- 1.1. Planning permission is sought for the erection of a temporary Job Centre (Use Class A2), 3 no. retail units (Use Class A1) together with a creation of new access, parking and associated landscaping and infrastructure works at land fronting Aston Lane, Birmingham.
- 1.2. The site is in the freehold ownership of BCC and has been assembled as part of the package of measures to improve the Local Centre but also to accommodate facilities and displacement of existing uses for the Birmingham 2022 Commonwealth Games. The existing Jobcentre which is currently located approximately 300m to the east along Aston Lane will be demolished and relocated to the application site to make way for the new National Express Bus Depot on that site. The proposed Jobcentre will be retained for a period of at least 7 years and BCC and DWP will work to identify an alternative location which maximises the legacy development of the area.
- 1.3. The existing row of commercial units on site would be demolished to allow for the proposed development, which recently obtained planning permission (2019/06054/PA).
- 1.4. The proposed development comprises 2 buildings; a part single and a part two storey Jobcentre which will be constructed of 26 no. 12m long modular cabins and a parade of 3 no. single storey retail units which would also be constructed using 6 no. modular units measuring 3m in width x 12m in depth x 3m in height. The proposed materials include steel faced insulated cladding composite panels to external walls (colours to be confirmed at a later stage) as well as steel roof, UPVC double glazed windows and steel external doors.
- 1.5. The proposed Jobcentre would be set back from the Aston Lane, will be of L-shaped design with a two storey part of the building projecting towards Aston Lane. The internal layout would provide 936m<sup>2</sup> of floorspace comprising offices, an open plan customer area, kitchen, toilet facilities to the ground floor and meeting rooms, staff rooms, kitchen, toilet facilities and open plan space at the first floor.

- 1.6. The proposed 3 no. retail units would face Aston Lane and would be constructed using 6 no. single storey 12m long modular cabins to provide 72m<sup>2</sup> of retail floorspace for each unit.
- 1.7. The proposal includes the provision of 21 no. off street car parking spaces for the proposed JobCentre (including 1 accessible parking space) and 7 no. car parking spaces (including 1 no. accessible parking space) for the proposed retail units. A new access to the site is also being proposed off Aston Lane which will take the form of a priority T-junction.
- 1.8. The following documents have been submitted in support of this application:
  - Arboricultural report
  - Ecological Appraisal
  - Transport Statement
  - Design & Access Statement
  - SuDs Assessment
  - Drainage Assessment
- 1.9. [Link to Documents](#)
2. Site & Surroundings
  - 2.1. The application site covers an area of approximately 0.33ha and is located to the eastern part of the wider plot bounded by Aston Lane to the north, Birchfield Road to the west, rear boundaries of residential properties located along Bragg Road to the south and along Chesterwood Gardens to the east. The site is currently occupied by a small parade of single storey commercial units fronting Aston Lane with grassed area and parking to the rear. The planning application for the demolition of those units has recently been granted (2019/06054/PA). The site is separated from the western part of this wider plot by an approximately 2m high hoarding fencing, brick walling to the southern edge along rear amenity areas of residential properties located at Bragg Road and a mix of boundary treatments to the eastern edge. There is an existing access to the site from Aston Lane.
  - 2.2. The site is located within a Primary Shopping Area of Perry Barr District Centre which has been identified in Aston, Newtown and Lozells AAP as a centre for growth and development.
  - 2.3. [Site Location](#)
3. Planning History
  - 3.1. The application site has a long planning history in relation to the commercial units on site; none relevant to the current proposal.
  - 3.2. (2019/06054/PA) - Demolition of the existing commercial units at 6-24a Aston Lane, the reclamation of the land and the erection of a 2.4m high boundary paladin fencing for the development of the temporary storage compound – approved
4. Consultation/PP Responses
  - 4.1. Site and press notice posted and Residents' Associations; Ward Members; and local occupiers consulted. 4 individual letters of objections received from local residents raising the following issues:

- The level of rubbish and dirt and noise will increase
  - Destruction of trees
  - Houses on Bragg Street would lose access to their garages
  - The community does not wish this development
  - Increase in crime
  - Overlooking issues
  - It will attract the wrong type of people, rats and other vermin
- 4.2. A petition was submitted by Cllr Nagina Kauser containing 260 signatures and raising the following issues:
- It will affect the livelihood of 20+ people who will lose their jobs
  - Cannot relocate because of established businesses
- 4.3. Councillor Jon Hunt – objecting to the proposal on the grounds of reduction of the number of retail premises at this location.
- 4.4. Regulatory Services – No objections subject to conditions in relation to hours of operation for plant and machinery, sound insulation, noise levels for plant and machinery, hours of operation, site delivery hours and Contaminated Land Report.
- 4.5. Transportation Development – No objections subject to conditions in relation to s278/TRO Agreement , pedestrian and vehicular visibility splay, parking areas and parking management strategy and cycle parking provision.
- 4.6. Local Lead Flood Authority – No objections subject to a condition in relation to a sustainable drainage assessment.
- 4.7. Severn Trent Water – No objections subject to a condition in relation to drainage plans for the disposal off foul and surface water.
- 4.8. Employment Access Team – Requested to include employment obligations within the planning approval and/or inclusion of conditions in relations to a construction employment plan and a local employment strategy.
- 4.9. West Midlands Police – No objections and recommended conditions in relation to pedestrian and vehicular access gates, CCTV and that any works carried out are to the standards within the Secured by Design ‘Commercial 2015’ guide and ‘Lighting Against Crime’ guide.
5. Policy Context
- 5.1. Relevant Local planning policy:
- Birmingham Development Plan (BDP) 2017
  - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
  - Aston, Newtown and Lozells AAP (2012)
  - Shopping and Local Centres SPD
  - Shopfronts Design Guide
  - Car Parking Guidance SPD
- 5.2. Relevant National planning policy:
- National Planning Policy Framework (NPPF) (2019)
  - National Planning Policy Guidance (NPPG)

## 6. Planning Considerations

- 6.1. The main issues for consideration in determination of this planning application are the principle of development, impact on residential amenity, visual amenity, trees and ecology as well as highway safety and parking.

### *Principle*

- 6.2. Policy TP21 of the Birmingham Development Plan 2017 states that centres are the preferred locations for retail, office, leisure developments and community facilities such as health centres, education, social services and religious buildings. The vitality and viability of the centres will be maintained and enhanced. In addition, proposals which will make a positive contribution to the diversity and vitality of these centres will be encouraged, particularly where they can bring vacant buildings back into positive use.
- 6.3. Policy LC1 of the Aston, Newtown and Lozells AAP 2012 clearly states that the application site is suitable for new development for local centre and community uses among other uses suitable for local centres and such proposals will be supported and encouraged.
- 6.4. Paragraph 85 of the NPPF 2019 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 6.5. The proposal would see the site being re-developed to provide for the temporary Job Centre and 3 no. retail units to serve the Perry Barr District Centre. Planning Strategy has assessed the proposal and raises no objections. The principle of the development accords with appropriate uses within centres as stated in the NPPF 2019, the Birmingham Development Plan 2017 and the Aston, Newtown and Lozells AAP. Although concerns have been raised by local residents and Councillor Hunt with regards to reduction of the number of retail premises at this location; it is recognised that this proposal is intrinsically linked to wider regeneration for Perry Barr, including the Commonwealth Games and the District Centre and as such significant weight is given. Therefore, I consider that the principle of development is acceptable subject to other site specific material planning considerations and the proposal is in conformity with the NPPF, Birmingham Development Plan 2017 and the Aston, Newtown and Lozells AAP.

### *Residential Amenity*

- 6.6. The application site adjoins the rear garden boundaries of residential properties located along Bragg Road to the south and Chesterwood Gardens to the east. Adequate separation distances have been met with regards to the residential properties at Chesterwood Gardens and as such there would be no detrimental impact on the amenities of the occupiers of those properties by virtue of loss of privacy and overlooking from the proposed Job Centre. While it is noted that the proposal comprises rear ground floor windows facing the rear boundaries of properties along Bragg Road; provided there is an appropriate boundary treatment I consider that the proposal would have no adverse impact on amenities of the occupiers of those residential properties by way of loss of privacy or overlooking. The boundary treatment will be conditioned accordingly.

- 6.7. Regulatory Services have assessed the proposal and raise no objections subject to conditions in relation to sound insulation and noise levels for plant/machinery, hours of operation and site delivery hours to protect the amenity of residential use on Bragg Road and Chesterwood Gardens. I concur with this view and the recommended conditions as well as a condition in relation to a contaminated land verification report are attached. With regards to conditions that have been requested by Regulatory Services which would require the provision of vehicle charging point and low emission vehicle parking on site; given that the submitted plans already show a vehicle charging point, I consider that conditions to this effect are therefore not necessary in this instance.

#### *Visual Amenity*

- 6.8. Paragraph 3.14C of the UDP (saved policies) states that development should have regard to the development guidelines set out in 'Places for Living' and Paragraph 3.14D (saved policies) outlines a number of good urban design principles against which new development will be assessed.
- 6.9. Policy PG3 states that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place, new development should reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, create safe environments which design out crime and, make best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.10. The proposed development comprises 2 buildings; L-shaped, part single and part two storey Jobcentre which will be constructed of 26 no. 12m long modular cabins; and a parade of 3 no. single storey retail units which would also be constructed using 6 no. modular units measuring 3m in width x 12m in depth x 3m in height.
- 6.11. It is considered that the proposed retail units would provide an active frontage to Aston Lane and although the buildings would be constructed from a temporary modular structure; the proportions of retail units and their shop fronts would accord with the guidance contained in the Shopfront Design Guide SPG and would be similar in scale to the existing retail units which are currently on site. In addition, the proposed Job Centre building which would be set back towards the rear of the site with parking to the front would overcome the potential issues associated with hidden open spaces as currently exist. It is therefore considered that the proposed layout of the buildings is appropriate on a temporary basis for this site.
- 6.12. The proposed materials would include steel faced insulated cladding composite panels to external walls (colours to be confirmed at a later stage) as well as steel roof, UPVC double glazed windows and steel external doors. The buildings would be temporary after which a permanent solution for the site would be sought to contribute to the urban character of Perry Barr District Centre. As such, given the temporary nature of the proposal and subject to materials, boundary treatment and hard/soft landscape details; the proposed development would have no adverse impact on the visual amenity of the surrounding area. This has been conditioned accordingly.

#### *Ecology/Trees*

- 6.13. The submitted Ecological Appraisal notes that the row of existing shops present within the site are considered to provide low suitability to support roosting bats. The



subsequent dawn return survey did not identify any bats roosting or foraging within the site. My Ecologist has assessed the proposal and considers that there are no foreseeable ecological impacts in developing this site as long as the vegetation clearance is undertaken outside of the bird nesting period and terrestrial mammals that may visit the site are considered. The informative with regards to nesting birds and badgers, hedgehogs and other terrestrial mammals is attached accordingly.

- 6.14. The survey of trees at the site assessed 13 individual trees and a group of trees, none of which are subject to Tree Preservation Order. None of the trees that were recorded have been assigned to the category A (high quality value); however, 6 no. individual trees have been assigned to category B (moderate quality) and 7 no. individual trees as well as a group of trees were assigned to the low quality and value category C. The report recommends that trees should be retained and protected where possible. The proposed plans show that all of the 13 individually surveyed trees which are Category B and C will be retained and protected. Those are located in the eastern part of the plot along the boundaries with residential properties at Bragg Road and Chesterwood Gardens. A group of trees that had been identified as a low quality and value (Category C) would be removed as part of the proposal. My Tree Officer has assessed the proposal and raises no objections subject to conditions in relation to tree protection areas in order to further protect retained trees during the construction works. I concur with this view and the recommended condition is attached.

*Highway safety and parking*

- 6.15. The proposal would provide 21 no. off street car parking spaces for the proposed JobCentre including 1 accessible parking space and 7 no. car parking spaces including 1 no. accessible parking space for the proposed retail units. An electric vehicle charging point as well as cycle parking in a form of Sheffield stands will also be provided on site. This would be in line with BCC's Car Parking Guidelines. A new access to the site is also being proposed off Aston Lane which will take the form of a priority T-junction. A pedestrian access will also be located at the proposed new access point, with connections to the existing footways along Aston Lane.
- 6.16. Transportation Development have assessed the proposal and raise no objections subject to conditions in relation to s278/TRO Agreement, pedestrian and vehicular visibility splay, parking areas and parking management strategy and cycle parking provision. A Transport Statement has been submitted in support of this application which assessed the highway and transport impact that may arise as a result of the proposal. The submitted Transport Statement states that the proposed access arrangement has been the subject to a Stage 1 Road Safety Audit, which identified areas to be addressed through the detailed design process, including the need to secure the required visibility splays with bollards to prevent parking on the pavements on Aston Lane. As such, a condition in relation to highway measures has been attached accordingly.
- 6.17. The submitted Transport Statement also states that the use of the car parking will be managed using barrier control to provide a separate, managed car parking area for job centre staff, adjacent to the job centre building. An appropriate condition to this effect has been attached as well as conditions recommended by Transportation Development in relation to pedestrian and vehicular visibility splay, parking areas and parking management strategy and cycle parking provision. It is considered that subject to the recommended conditions the proposal would have no adverse impact on highways safety or parking in vicinity of the site.

### *Other matters*

- 6.18. West Midlands Police have assessed the proposal and raise no objections subject to conditions in relation to pedestrian and vehicular access gates, CCTV and that any works carried out are to the standards within the Secured by Design 'Commercial 2015' guide and 'Lighting Against Crime' guide.
- 6.19. Surface Water Drainage and SuDs Assessment have been submitted in support of this application. The Local Lead Flood Authority have assessed the proposal and raise no objections subject to a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan condition which has been attached.
- 6.20. Severn Trent Water have assessed the proposal and raise no objections subject to a condition in relation to drainage plans for the disposal of foul and surface water. The recommended condition has been attached.
- 6.21. Employment Team were consulted and request a construction management plan and a local employment strategy. With regards to a condition in relation to a construction employment plan; I consider that given the nature of the proposal (modular structure) there would not be a substantially long construction period and/or workforce to warrant the need for a construction employment plan. The recommended condition in relation to a local employment strategy is considered to be reasonable and is attached accordingly.
- 6.22. It is noted that concerns have been raised by local resident with regards to the existing right of way which provide access to garages of Bragg Road. Nevertheless, private rights of way or covenants are not material planning considerations and cannot be taken into account when assessing this proposal.
- 6.23. The proposed development does not attract a CIL contribution.

### 7. Conclusion

- 7.1. The proposal is in conformity with the NPPF, the Birmingham Development Plan 2017 and the Aston, Newtown and Lozells AAP as it would contribute towards many of the AAP's objectives with regard to helping to establish sustainable neighbourhoods. In addition, the proposal covers an important strategic site to assist with the wider Council objective of the timely and successful delivery of Birmingham 2022 Commonwealth Games and its associated infrastructure and as such is acceptable subject to conditions.

### 8. Recommendation

- 8.1. Approve subject to Conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of hard and/or soft landscape details          |
| 3 | Requires the submission of hard surfacing materials                    |
-

- 
- |    |   |
|----|---|
| 4  | Requires the submission of boundary treatment details   |
| 5  | Requires the submission of sample materials   |
| 6  | Requirements within pre-defined tree protection areas   |
| 7  | Requires the submission of a Local Employment Strategy  |
| 8  | Requires the prior submission of drainage plans for the disposal of foul and surface water flows  |
| 9  | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage operation and Maintenance Plan in a phased manner |
| 10 | Limits the hours that plant and machinery can be used (07:00-20:00)   |
| 11 | Requires the submission of details of the sound insulation for plant/machinery  |
| 12 | Limits the noise levels for Plant and Machinery   |
| 13 | Limits the hours of operation (07:00-20:00)   |
| 14 | Limits the hours that materials can be delivered (07:00-20:00)  |
| 15 | Requires the submission of a contaminated land verification report  |
| 16 | Requires the submission of a CCTV scheme  |
| 17 | Requires the submission and completion of works for the S278/TRO Agreement  |
| 18 | Requires pedestrian visibility splays to be provided  |
| 19 | Requires vehicular visibility splays to be provided   |
| 20 | Requires the parking area to be laid out prior to use   |
| 21 | Requires the provision of cycle parking prior to occupation   |
| 22 | Requires the submission of a parking management strategy  |
| 23 | Requires the submission of details of control barrier in the car parking area   |
| 24 | Requires the approved buildings to be removed within a timescale (10 years/ 10/10/2029)   |
- 

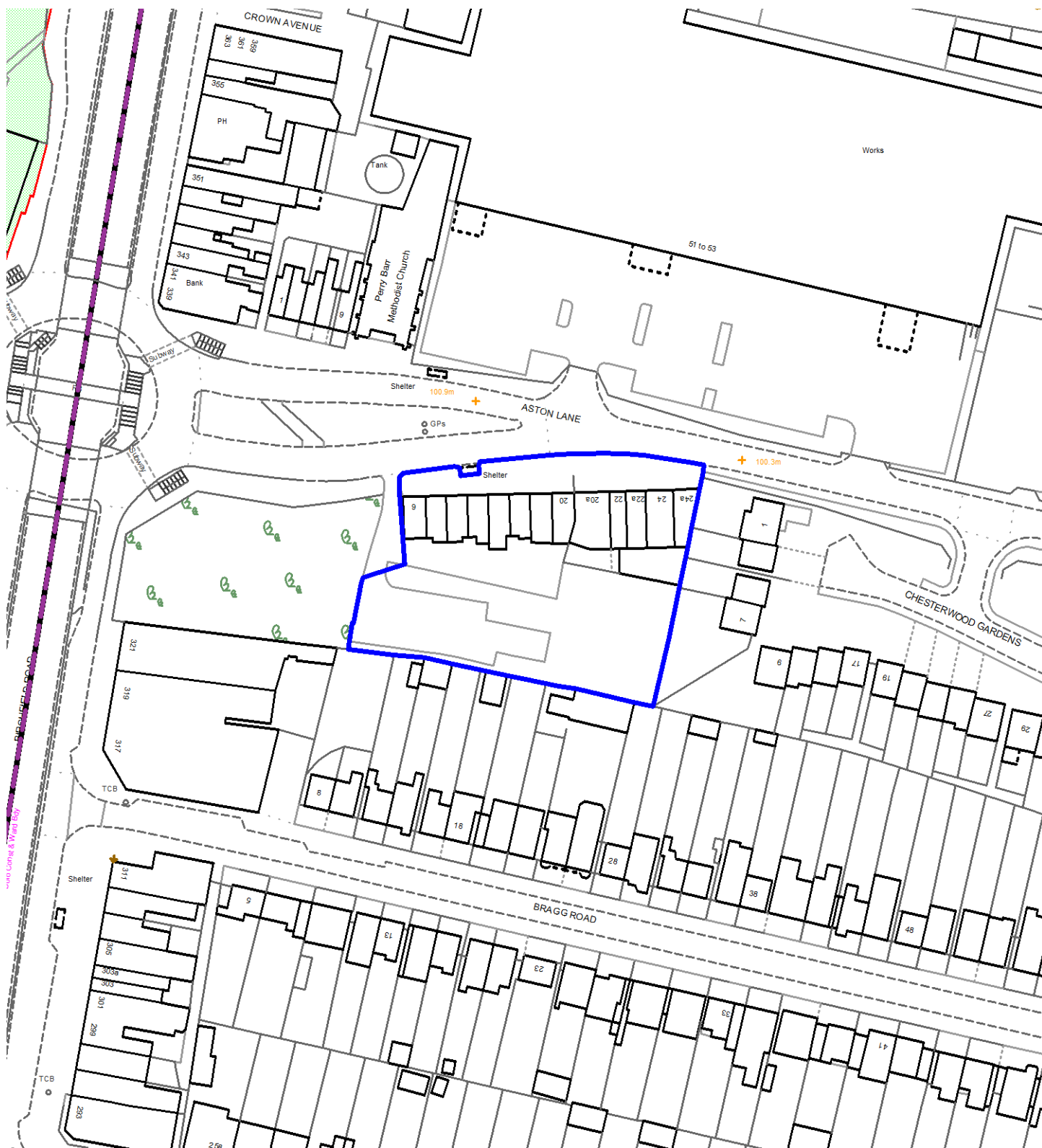
Case Officer: Lucia Hamid

## Photo(s)



Picture 1: View towards the site from Aston Lane

## Location Plan



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Committee Date:	24/10/2019	Application Number:	2019/07073/PA
Accepted:	02/09/2019	Application Type:	Full Planning
Target Date:	28/10/2019		
Ward:	Ladywood		

30 Reservoir Road, Edgbaston, Birmingham, B16 9EG

Change of use to 6-bed House in Multiple Occupation (HMO) (Use Class C4)

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. This application is for the change of use of 30 Reservoir Road to a small house in multiple occupation (Use Class C4).
- 1.2. No internal or external alterations are proposed as part of this application. The proposal would provide 6 bedrooms and the ground floor would be laid out with a two en suite bedrooms, wet room, kitchen, two WCs and a multi-function room. The first floor would provide three bedrooms (one of which is en suite), with a further multi-function room in the roof space.
- 1.3. Separate applications relating to the retention of internal repairs and alterations, as well as removal of an external staircase and existing extension and erection of new extension can be found elsewhere on this agenda.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a semi-detached former residential villa that is a Grade II statutory listed building. No 32 (the other half of the semi-detached pair) is also owned by the applicant and is used as a children's day nursery. The applicant also owns no 28 which they advise is in use as a HMO. These properties are also listed. There are more modern unlisted residential properties on the north side of Reservoir Road, and traditional unlisted terrace properties to the west in Reservoir Retreat.
- 2.2. The surrounding locality is predominantly residential in character
- 2.3. [Site Location](#)

3. Planning History

- 3.1. 17/03/1988 – 69284002 – (Nos 28 – 32 Reservoir Road) Change of use to private nursing home extensions including link between 28 & 30 Reservoir Road internal and external alterations – Approved with Conditions



- 3.2. 17/03/1988 – 69284003 - (Nos 28 – 32 Reservoir Road) Listed building consent for change of use to private nursing home extensions including link between 28 & 30 Reservoir Road internal and external alterations – Approved with Conditions
- 3.3. 2015/03446/PA – Change of use to a day-nursery (D1) use removal of existing nursery in annex building and internal alterations – Withdrawn.
- 3.4. 2015/08867/PA – Listed Building Consent for change of use from dwellinghouse (C3) to a day nursery (D1) use including creation of new internal openings (amended site plan) – Withdrawn.
- 3.5. 2016/05627/PA – Change of use from lodging house to HMO (Sui Generis) – Refuse – 08/07/2016 – Refused on the grounds of a lack of information.
- 3.6. 2016/05628/PA - Listed Building Consent for internal alterations to facilitate change of use from lodging house to HMO (Sui Generis) – Refused on the grounds of a lack of information.
- 3.7. 2017/04160/PA - Listed Building Consent for the installation of replacement windows. Approved.
- 3.8. 2018/10405/PA - Removal of external staircase and existing extension to rear and erection of new single storey rear extension. Current.
- 3.9. 2019/00004/PA – Listed Building Consent for removal of external staircase and existing extension to rear and erection of new single storey rear extension. Current.
- 3.10. 2019/00421/PA – Listed Building Consent for retention of internal repairs and alterations including re-plastering, replacement skirting and coving. Current.
- 3.11. 2018/1614/ENF – Alleged unauthorised development works. Current.

#### 4. Consultation/PP Responses

- 4.1. Regulatory Services – No objection have been raised
- 4.2. Transportation Development – concerns raised over parking issues
- 4.3. West Midlands Police – Highlight that there are a high volume of police callouts in the area. Concern has also been raised that the proposal could lead to an increase in policing in the area. Question whether the landlord has had the appropriate accreditation training, who the intended clientele base is and will any of the intended residents pose a threat to themselves or other residents and how will the intended residents be vetted? A separate response has also been received from a Neighbourhood Officer raising similar issues.
- 4.4. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.
- 4.5. 17 letters of objection have been received from local residents objecting to the proposal on the following grounds.
  - Loss of needed family accommodation in the area. Concerns that there is already a high volume of HMOs in the area.
  - Negative impact on character of neighbourhood

- Negative impact on the existing listed building
  - Noise and disturbance
  - Increased vehicular traffic/parking issues
  - Exacerbate existing issues of crime and anti-social behaviour. Local residents have advised of on-going issues relating burglary, alcohol abuse, drugs and prostitution.
  - Inappropriate use neighbouring a day nursery.
- 4.6. Comments received from Summerfield Residents Association and Residents of Reservoir Road who raise objections in respect of
- Exacerbate existing issues of crime and anti-social behaviour
  - Loss of needed family accommodation in the area, over concentration of HMOs
  - Increased parking pressures
  - Inappropriate use neighbouring a day nursery.
- 4.7. Comments received from Councillor Albert Bore and Shabana Mahmood MP who support and reiterate the concerns raised by residents
5. Policy Context
- 5.1. The following national policy is relevant
- The National Planning Policy Framework (2019)
- 5.2. The following local policy is relevant.
- Birmingham Development Plan (BDP) 2017.
  - The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
  - Specific Needs Residential Uses SPG
6. Planning Considerations
- 6.1. Existing use of the property:
- 6.2. In terms of the planning history of the property, this does not clarify what the existing/previous use of the property is and whether it was lawful. The applicant has stated that the previous use was a HMO containing 8 flats with kitchens and shared bathrooms, which would have been a sui generis use. However, it is noted that there is no formal consent for this use but if it has operated continuously as such for a period no less than 10 years, an argument could be made that it is a lawful use by means of an application for a Certificate of Lawfulness. There is planning history for the property dating from 1988 that granted a change of use of the property to a nursing home; however there is no evidence that this was implemented. Furthermore, previous applications refer to the use of the property as a lodging house. Whilst the purpose of this application is not to determine the existing/previous use of the property, the planning history and evidence available is a material consideration but the weight afforded to it must reflect this unclear status.
- 6.3. Policy context:
- 6.4. The NPPF has the golden thread of the presumption in favour of sustainable development. It has a clear need to significantly boost housing supply and offer a wide choice of quality homes.
- 6.5. The Birmingham Development Plan builds upon the principles of the National Planning Policy Framework and is clear that Birmingham is a growth point and will need new employment and housing opportunities to support these aspirations.



Whilst the plan contains no policies directly relating to HMO uses, policy TP27 relates to sustainable neighbourhoods. It requires development to have a wide choice of housing sizes, types and tenures to ensure a balanced community for all age groups.

- 6.6. The Birmingham UDP plan has guidance relating specifically to HMOs in 'saved' policies 8.23 to 8.25. These set out the criteria to assess proposals including the effect on amenities, size and character of the property. Account will be taken of the cumulative effect of such uses on the residential character and appearance of the area.
- 6.7. The Specific Needs Residential Uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are 6.5sqm for a single bedroom and 12.5sqm for a double bedroom.
- 6.8. Cumulative impact on the character of the area:
- 6.9. The impact an overconcentration of HMOs within a locality is a key consideration in the determination of this application and also an issue highlighted as a result of consultation on the application. The character of Reservoir Road between Monument Street and Harold Road (185m) consists of Georgian and Victorian houses, many of which are listed, to the southern side and post-war housing to the northern side. Reservoir Retreat, located mid-way off this stretch of Reservoir Road consists of unlisted Victorian terrace housing. There are no properties within this area which currently have a HMO Licence, though nos. 26, 40 and 23 Reservoir Road are subject to current HMO Licence applications. It is also noted that reference has been made to no. 28 Reservoir Road being a HMO and the alleged intentions to convert no. 34 to a HMO. No 10 Reservoir Retreat has a historical planning permission for a large HMO. It is also noted that the post-war housing to the northern side of Reservoir Road appears to be in single family occupation (use class C3), no. 32 Reservoir Road is in use as a Day Nursery and 4no. properties on Reservoir Retreat have historical planning permissions to be converted into flats.
- 6.10. The frontages referred to above consists of 54 properties and only 1 property (1.85%) has either a licence or planning permission for use as a HMO. Including those with current applications for licences takes it to total of 4 properties (7.4%) and the proposal subject to this application takes it to 5 properties (9.3%). Finally taking into account the apparent existing HMO use at No. 28 Reservoir Road creates a total of 6 properties (11.1%). Taking into account the above, which notably includes undetermined applications for a HMO Licence, as well as the mixture of traditional single family housing, flat conversions as well as commercial units in the immediate locality it is considered that a robust argument supported by adopted policy to sustain a refusal on the grounds of an over-concentration of HMOs in the locality to the detriment of the character of the area cannot be made.
- 6.11. Residential Amenity:
- 6.12. The property would provide 6 bedrooms that range between 10.2sqm & 15.09sqm. All bedrooms will therefore exceed our standard minimum of 6.5sqm for a single bedroom. Two suitably sized multi-function rooms would be provide as would a shared kitchen, multiple WCs and a wet room. As such, I consider suitable internal amenity would be provided. Furthermore, the internal layout as proposed would

allow easy conversion back to a family dwelling, should the need arise in the future. An extensive rear private amenity space would also be provided/retained.

6.13. Highway safety:

6.14. My Transportation Development Officer has raised some concern that the proposal might have an impact on the parking pressures within the street. The proposal seeks to house 6 people and has off-street parking provision. It is considered that the impact on highway safety would be similar to that if this large property was occupied by a large single family.

6.15. The site is also noted to be in an accessible location, close to established public transport links. It is therefore considered that there would not be any detrimental impact to highway safety as a result of this change of use.

6.16. Crime and anti-social behavior:

6.17. Objections are noted in relation to on-going anti-social and criminal activities. West Midlands Police note that there are no registered HMO's on Reservoir Road, but many appear to be 'support living' and 'shared accommodation'. The Police highlight that HMOs have provided accommodation for a transient local population that has undermined community stability and cohesion adding that residents tend to stay in the ward for approximately 6 months, leading to a lack of engagement, pride and ownership

6.18. Crime and the fear of crime is a planning consideration. At the same time, 'Specific Needs Residential Uses' SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is also important to stress that the behavior of HMO tenants are not a matter for planning authorities but it is recognized that over concentrations can impact upon residential amenity community cohesion and housing mix as well as residential character. Furthermore it is important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behavior. In light of this and the above assessment in terms of an over concentration of HMOs in the locality, it is felt that a robust reason for refusal on the grounds of crime and fear of crime could not be sustained.

7. Conclusion

7.1. The objections raised in relation to this application are recognised but within the context of adopted policy for this part of the City it is felt that, using data available to the Local Planning Authority, there is not an unacceptable concentration of HMOs in the locality that would have an adverse impact its residential character that could sustain a reason for refusal. Furthermore, there is evidence of a high crime rate in the locality and the Police's comments in relation to transient local population are noted. However, the behaviour of HMO tenants are not a matter for the Local Planning Authority and there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behaviour. In light of this and the assessment on the concentration of HMOs in the locality it is felt that this also could not support a reason for refusal. As such a recommendation to approve is made.

8. Recommendation

8.1. Approve subject to the following conditions

- 
- 1 Limits the number of residents to 6 people
  - 2 Requires the scheme to be in accordance with the listed approved plans
  - 3 Implement within 3 years (Full)
- 

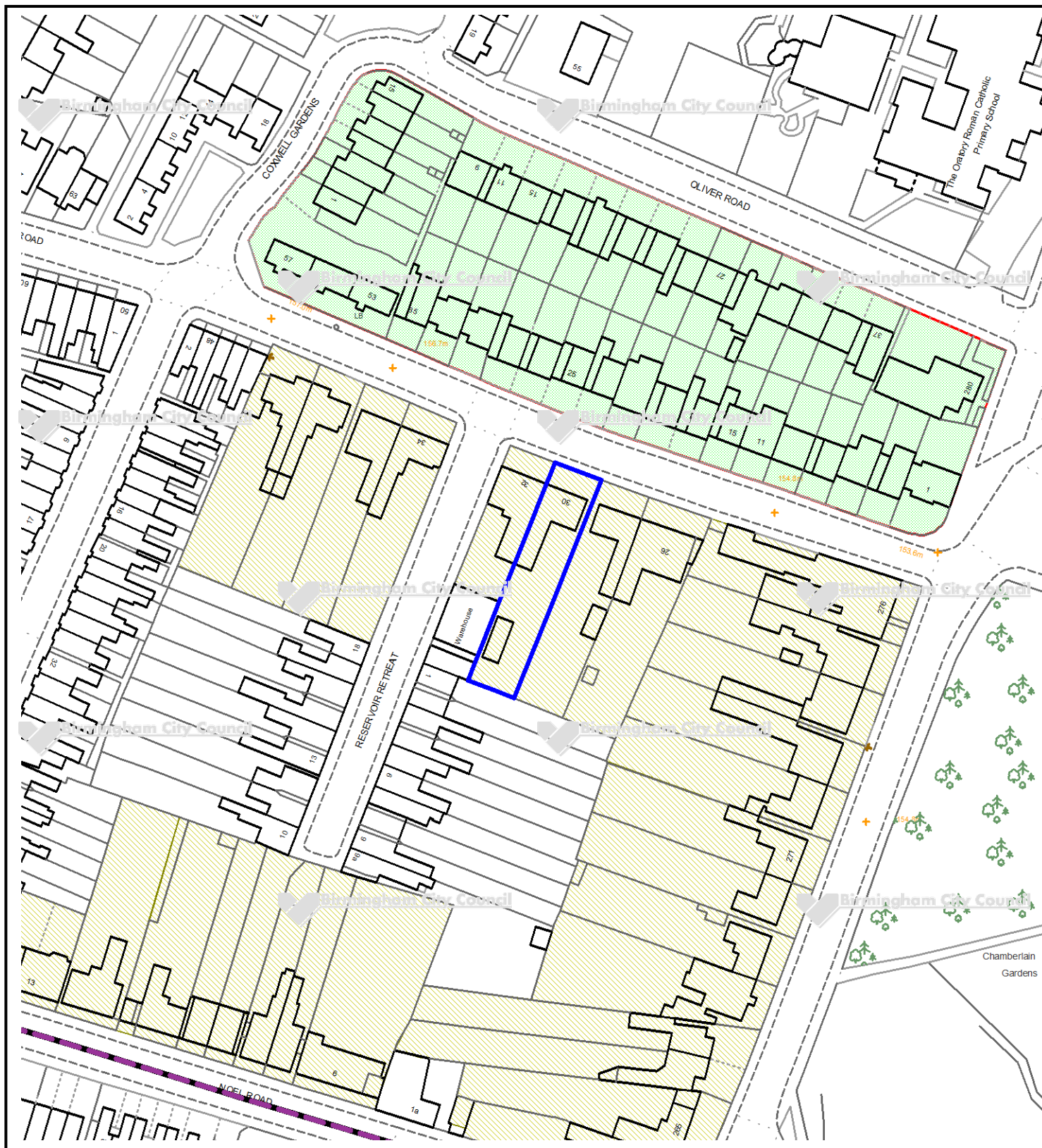
Case Officer: Philip Whittaker

**Photo(s)**



Photo 1: Front elevation

## Location Plan



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Committee Date:	24/10/2019	Application Number:	2018/10405/PA
Accepted:	13/03/2019	Application Type:	Full Planning
Target Date:	08/05/2019		
Ward:	Ladywood		

30 Reservoir Road, Edgbaston, Birmingham, B16 9EG

Removal of external staircase and existing extension to rear and erection of new single storey rear extension

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. This application seeks Full Planning Permission for the removal of an external staircase and existing extension to rear and erection of new single storey rear extension. The extension would be modern with a rendered exterior, a grey or dark finish to the flat roof and anthracite window frame and door arrangement with glazing.
- 1.2. A separate application for Listed Building Consent for these works as well as change of use to C4 HMO and an application for Listed Building Consent for the retention of internal repairs and alterations can be found elsewhere on this agenda.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of one of a pair of semi-detached listed villas built circa 19th Century. These premises are Grade II Listed. The house shares a common outrigger to the rear with the neighbouring property at no. 32. The application property has been modified and extended with a set of external stairs and single storey rear extension being the most prominent.
- 2.2. The application site is situated on Reservoir Road within a row of four similar properties that are also Grade II Listed. There is a walled boundary to this site approximately 2m in height.
- 2.3. No. 32 Reservoir Road is the adjoining property and is currently operating as a day nursery.
- 2.4. The surrounding area is predominately residential with surrounding dwellings either two or three storey in height.

3. Planning History

- 3.1. 2015/03446/PA – Change of use to a day-nursery (D1) use removal of existing nursery in annex building and internal alterations – Withdrawn - 23/10/2015

- 3.2. 2015/08867/PA – Listed Building Consent for change of use from dwellinghouse (C3) to a day nursery (D1) use including creation of new internal openings (amended site plan) – Withdrawn – 04/12/2015
- 3.3. 2016/05627/PA – Change of use from lodging house to HMO (Sui Generis) – Refuse – 08/07/2016 – Refused on the grounds of a lack of information.
- 3.4. 2016/05628/PA - Listed Building Consent for internal alterations to facilitate change of use from lodging house to HMO (Sui Generis) – Refused on the grounds of a lack of information.
- 3.5. 2017/04160/PA - Listed Building Consent for the installation of replacement windows. Approved.
- 3.6. 2019/00004/PA – Listed Building Consent for removal of external staircase and existing extension to rear and erection of new single storey rear extension. Current.
- 3.7. 2019/00421/PA – Listed Building Consent for retention of internal repairs and alterations including re-plastering, replacement skirting and coving. Current.
- 3.8. 2019//07073/PA – Change of use to 6-bed House in Multiple Occupation (HMO) (Use Class C4). Current.
- 3.9. 2018/1614/ENF – Alleged unauthorised development works. Current.

#### 4. Consultation/PP Responses

- 4.1. Adjoining properties, residents groups and Ward Councillors consulted with site and press notices posted.
- 4.2. Representations received from 2 local residents objecting on the grounds that the work would detrimentally affect a listed building which is already in a deteriorated state whilst facilitating the use as a house in multiple occupation.

#### 5. Policy Context

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

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Places for Living SPG (2001)
- Extending Your Home SPD (2007)
- 45 Degree Code (2006)

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

- National Planning Policy Framework (NPPF)
- Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 6. Planning Considerations

- 6.1. The application seeks permission to remove a small 20<sup>th</sup> century single-storey rear extension and associated external staircase and replace with a larger single-storey extension. As the extension and stair case to be removed are not original, early or indeed significant, there is no objection to their loss. Moreover, as the original rear



wall of the listed building does not survive there is no objection to remodelling and restoring the rear elevation.

- 6.2. The proposed extension however would result in the main rear elevation of the building being completely built over and lost behind new build. The proposed design is of a basic standard but modern design that complements the heritage asset being quite distinct from the original building. The Conservation Officer supports this approach. The plans state that the proposed extension will have a rendered exterior, a grey or dark finish to the flat roof and anthracite window frame and door arrangement with glazing. Full materials haven't been specified but be suitably worded condition to specify such details along with sectional drawings at an appropriate scale can be applied to any approval to ensure that whilst a modern design is proposed the quality is not affected.
- 6.3. The proposals will removal an inappropriate extension and external stair case and replacement with an appropriate contemporary extension. As such, the proposals accords with the NPPF as well as the BDP.
- 6.4. There will be no increased risk of overlooking, overshadowing or overbearing impacts as a result of the proposal so neighbour amenity is considered to be acceptable.
- 6.5. The proposals accord with the space standards and separation standards of Places for Living, and Extending Your Home SPDs. The 45 degree rule is not affected and there is also a tall boundary wall between properties.
- 6.6. Substantial conditions requiring the submission of details of the proposal (windows and door frames, roof, etc.) have been included on the listed building application and conditions relevant to this application for full planning permission are attached.

## 7. Conclusion

- 7.1. By virtue of the removal of an inappropriate extension and external stair case and replacement will an appropriate contemporary extension, the proposals would not cause harm to the appearance of the building or have an adverse impact on neighbour amenity. The proposal therefore accords with the NPPF and the policies of Birmingham Development Plan.

## 8. Recommendation

- 8.1. Approve subject to conditions.

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1	Implement within 3 years (Full)
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2	Requires the scheme to be in accordance with the listed approved plans
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Case Officer:            Robert Duckworth

**Photo(s)**



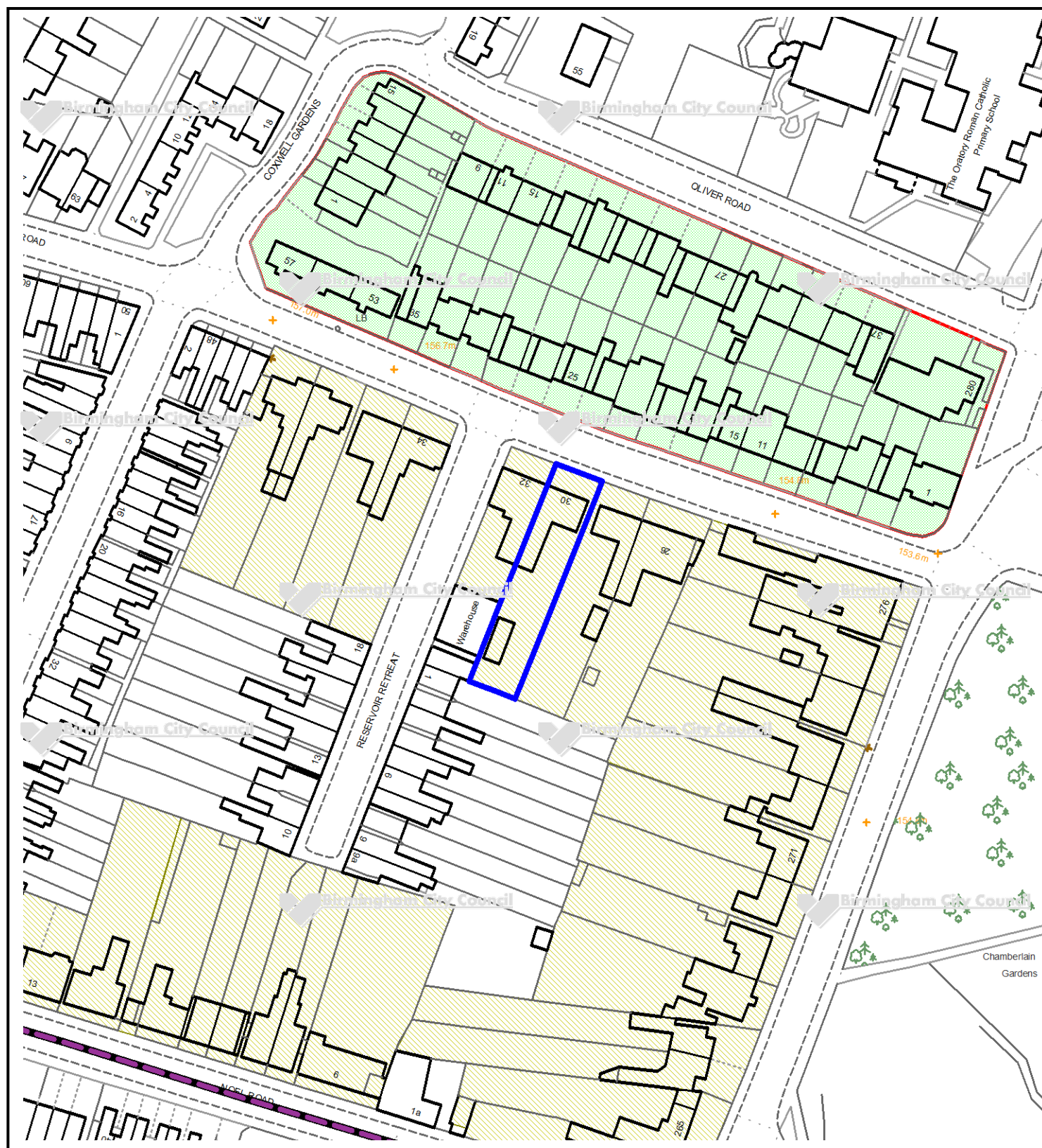
Photo 1 – rear of application property viewed from No. 28



Photo 2 – View of existing rear extension and external staircase



## Location Plan



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Committee Date:	24/10/2019	Application Number:	2019/00004/PA
Accepted:	13/03/2019	Application Type:	Listed Building
Target Date:	08/05/2019		
Ward:	Ladywood		

30 Reservoir Road, Edgbaston, Birmingham, B16 9EG

Listed Building Consent for removal of external staircase and existing extension to rear and erection of new single storey rear extension

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. This application seeks Listed Building Consent for the removal of an external staircase and existing extension to rear and erection of new single storey rear extension. The extension would be modern with a rendered exterior, a grey or dark finish to the flat roof and anthracite window frame and door arrangement with glazing.
- 1.2. A separate application for full planning permission for these works as well as change of use to C4 HMO and an application for Listed Building Consent for the retention of internal repairs and alterations can be found elsewhere on this agenda.
- 1.3. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of one of a pair of semi-detached listed villas built circa 19th Century. These premises are Grade II Listed. The house shares a common outrigger to the rear with the neighbouring property at no. 32. The application property has been modified and extended with a set of external stairs and single storey rear extension being the most prominent.
- 2.2. The application site is situated on Reservoir Road within a row of four similar properties that are also Grade II Listed. There is a walled boundary to this site approximately 2m in height.
- 2.3. No. 32 Reservoir Road is the adjoining property and is currently operating as a day nursery.
- 2.4. The surrounding area is predominately residential with surrounding dwellings either two or three storey in height.

3. Planning History

- 3.1. 2015/03446/PA – Change of use to a day-nursery (D1) use removal of existing nursery in annex building and internal alterations – Withdrawn - 23/10/2015

- 3.2. 2015/08867/PA – Listed Building Consent for change of use from dwellinghouse (C3) to a day nursery (D1) use including creation of new internal openings (amended site plan) – Withdrawn – 04/12/2015
- 3.3. 2016/05627/PA – Change of use from lodging house to HMO (Sui Generis) – Refuse – 08/07/2016 – Refused on the grounds of a lack of information.
- 3.4. 2016/05628/PA - Listed Building Consent for internal alterations to facilitate change of use from lodging house to HMO (Sui Generis) – Refused on the grounds of a lack of information.
- 3.5. 2017/04160/PA - Listed Building Consent for the installation of replacement windows. Approved.
- 3.6. 2018/10405/PA - Removal of external staircase and existing extension to rear and erection of new single storey rear extension. Current.
- 3.7. 2019/00421/PA – Listed Building Consent for retention of internal repairs and alterations including re-plastering, replacement skirting and coving. Current.
- 3.8. 2019//07073/PA – Change of use to 6-bed House in Multiple Occupation (HMO) (Use Class C4). Current.
- 3.9. 2018/1614/ENF – Alleged unauthorised development works. Current.

#### 4. Consultation/PP Responses

- 4.1. Residents groups and Ward Councillors consulted with site and press notices posted.
- 4.2. Representation received from a local resident objecting on the grounds that the work would detrimentally affect a listed building which is already in a deteriorated state whilst facilitating the use as a house in multiple occupation.

#### 5. Policy Context

- 5.1. The following local policies are applicable:
  - Birmingham Development Plan (BDP) 2017
  - Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)

The following national policies are applicable:

- National Planning Policy Framework (NPPF)
- Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 6. Planning Considerations

- 6.1. The application has been assessed against the policies outlined above.
- 6.2. Paragraph 190 of the National Planning Policy Framework (NPPF) refers to a need to assess the significance of a proposal on any heritage asset and paragraph 192 states that in determining applications, the local planning authorities should take into account the desirability of sustaining and enhancing heritage assets.

- 6.3. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.4. Policy TP12 of the Birmingham Development Plan states that great weight will be given to the conservation of the City's heritage assets.
- 6.5. The application seeks consent to remove a modest 20<sup>th</sup> century single-storey rear extension and associated external staircase and replace with a larger single-storey extension. As the extension and stair case to be removed are not original, early or indeed significant, there is no objection to their loss. Moreover, as the original rear wall of the listed building does not survive there is no objection to remodelling and restoring the rear elevation.
- 6.6. The proposed extension however would result in the main rear elevation of the building being completely built over and lost behind new build. The proposed design is of a basic standard but modern design that complements the heritage asset being quite distinct from the original building. The Conservation Officer supports this approach. The plans state that the proposed extension will have a rendered exterior, a grey or dark finish to the flat roof and anthracite window frame and door arrangement with glazing. Full materials haven't been specified but be suitably worded condition to specify such details along with sectional drawings at an appropriate scale can be applied to any approval to ensure that whilst a modern design is proposed the quality is not affected.
- 6.7. Paragraph 196 of the NPPF states that, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use." In this instance there will be minimal public benefit from the proposals other than the removal of an inappropriate extension and external stair case and replacement with an appropriate modern extension. As such, the proposals accords with the NPPF as well as BDP Policy TP12.
- 6.8. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "...in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" and "any listed building consent shall (except in so far as it otherwise provides) ensure for the benefit of the building and of all persons for the time being interested in it." In this instance this is the case and the proposals would not have a detrimental impact upon the listed building.

## 7. Conclusion

- 7.1. By virtue of the removal of an inappropriate extension and external stair case and replacement with an appropriate modern extension, the proposals would not cause harm to the appearance of the listed building. The proposal therefore accords with Section 16 of the Planning (Listed buildings & Conservation Areas) Act 1990, the NPPF and Policy TP12 of the Birmingham Development Plan.

## 8. Recommendation

8.1. Approve subject to conditions.

- 
- |   |  |
|---|--|
| 1 | Implement within 3 years (conservation/listed buildings consent)       |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the listed building demolition to be undertaken by Hand       |
| 4 | Requires any damage to the listed building to be made good             |
| 5 | Requires the submission of roof materials                              |
| 6 | Requires the submission of window frame details                        |
| 7 | Requires the submission of fixtures and fittings Details               |
- 

Case Officer: Robert Duckworth



**Photo(s)**

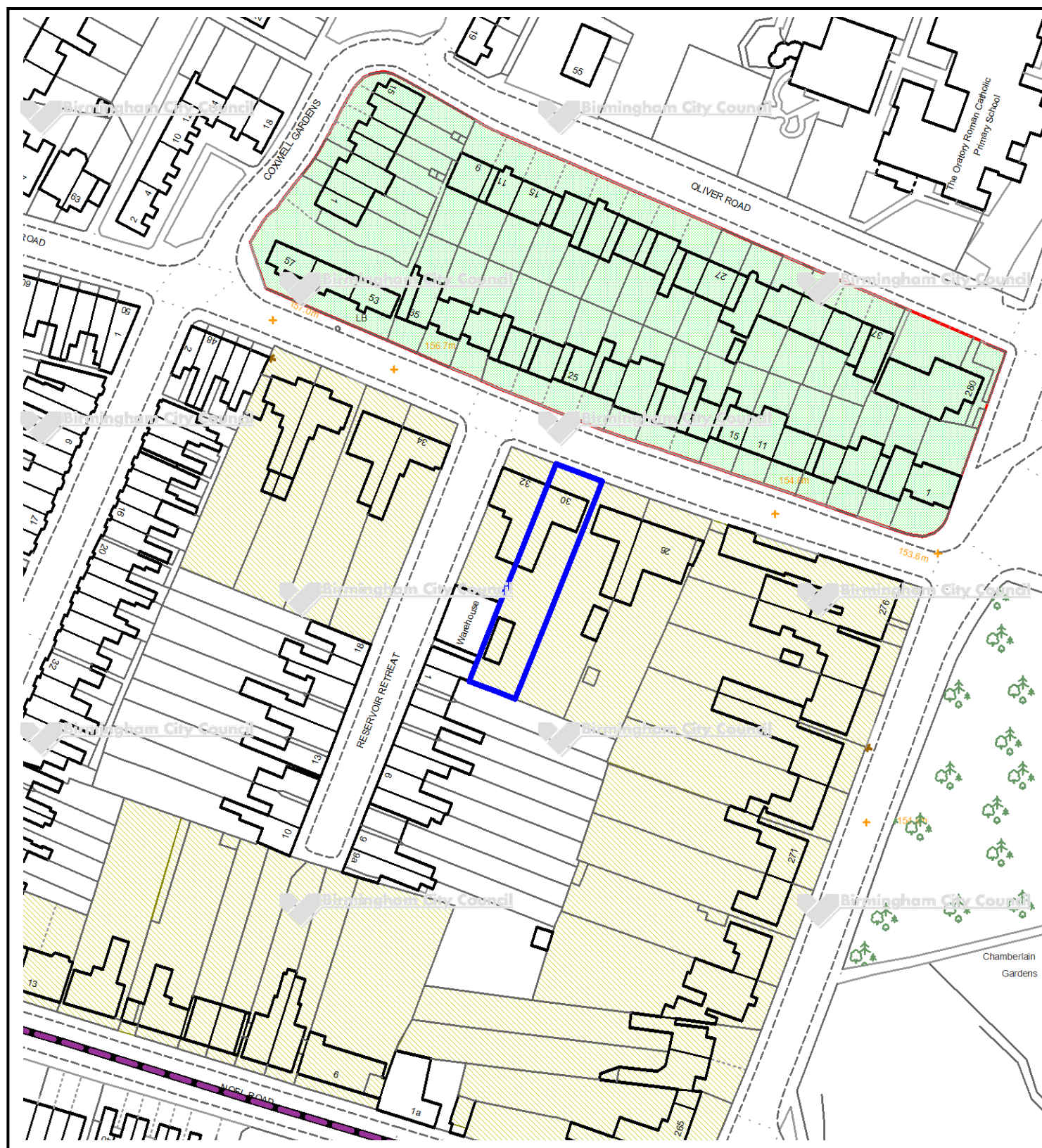


Photo 1 – rear of application property viewed from No. 28



Photo 2 – View of existing rear extension and external staircase

## Location Plan



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Committee Date:	24/10/2019	Application Number:	2019/00421/PA
Accepted:	07/03/2019	Application Type:	Listed Building
Target Date:	02/05/2019		
Ward:	Ladywood		

30 Reservoir Road, Edgbaston, Birmingham, B16 9EG

Listed Building Consent for retention of internal repairs and alterations including re-plastering, replacement skirting and coving.

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Listed building consent is sought for the retention of a number of repairs and alterations to the interior of 30 Reservoir Road, Edgbaston.
- 1.2. Such works include the re-plastering, replacement of some doors, skirting and coving, removal of fireplaces and subdivision of rooms to form en-suites. Revised details have been received following consultation/negotiations with the Conservation Officer.
- 1.3. The site is also subject to other current planning applications relating to the removal of an external staircase and erection of new single storey rear extension, as well as change of use to C4 HMO, which can be found elsewhere on this agenda.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of one of a pair of semi-detached listed villas built circa 19th Century. These premises are Grade II Listed.
- 2.2. The application site is situated on Reservoir Road within a row of four similar properties that are also Grade II Listed. There is a walled boundary to this site approximately 2m in height.
- 2.3. No. 32 Reservoir Road is the adjoining property and is currently operating as a day nursery.
- 2.4. The surrounding area is predominately residential with surrounding dwellings either two or three storey in height.

3. Planning History

- 3.1. 2015/03446/PA – Change of use to a day-nursery (D1) use removal of existing nursery in annex building and internal alterations – Withdrawn - 23/10/2015

- 3.2. 2015/08867/PA – Listed Building Consent for change of use from dwellinghouse (C3) to a day nursery (D1) use including creation of new internal openings (amended site plan) – Withdrawn – 04/12/2015
- 3.3. 2016/05627/PA – Change of use from lodging house to HMO (Sui Generis) – Refuse – 08/07/2016 – Refused on the grounds of a lack of information.
- 3.4. 2016/05628/PA - Listed Building Consent for internal alterations to facilitate change of use from lodging house to HMO (Sui Generis) – Refused on the grounds of a lack of information.
- 3.5. 2017/04160/PA - Listed Building Consent for the installation of replacement windows. Approved.
- 3.6. 2018/10405/PA - Removal of external staircase and existing extension to rear and erection of new single storey rear extension. Current.
- 3.7. 2019/00004/PA - Listed Building Consent for removal of external staircase and existing extension to rear and erection of new single storey rear extension. Current.
- 3.8. 2019/07073/PA - Change of use from dwelling house (Use Class C3) to 7-bed House in Multiple Occupation (HMO) (Use Class C4). Current.
- 3.9. 2019/07073/PA – Change of use to 6-bed House in Multiple Occupation (HMO) (Use Class C4). Current.
- 3.10. 2018/1614/ENF – Alleged unauthorised development works. Current.

#### 4. Consultation/PP Responses

- 4.1. Neighbouring properties, residents groups and Ward Councillors consulted with site and press notices posted.
- 4.2. Objection received from Councillor Kath Hartley and Albert Bore raising the following matters:
  - Works undertaken despite previous refusals.
  - Increase the number of HMOs.
  - Application is an attempt to sidestep the process
- 4.3. 6 representations received raising the following objections:
  - Retrospective application despite having previous applications refused.
  - Neighbours have been tricked, with attempts to hide the unauthorised works that have taken place.
  - The Council should serve an Enforcement Notice on the unauthorised works, which is a criminal offence and should prosecute.
  - Use as a HMO will not make a positive contribution to the local community or build a sustainable community.
  - Too many HMO in the locality.
  - Contrary to the proposed city wide Article 4.
  - Conditions should be attached relating to a Building Record Survey, repairs of Historic fabric, materials and architectural features.

## 5. Policy Context

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

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

The following national policies are applicable:

- National Planning Policy Framework (NPPF)
- Planning (Listed Buildings and Conservation Areas) Act 1990.

## 6. Planning Considerations

### 6.1. The application has been assessed against the policies outlined above.

### 6.2. Paragraph 190 of the National Planning Policy Framework (NPPF) refers to a need to assess the significance of a proposal on any heritage asset and paragraph 192 states that in determining applications, the local planning authorities should take into account the desirability of sustaining and enhancing heritage assets.

### 6.3. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### 6.4. Policy TP12 of the Birmingham Development Plan states that great weight will be given to the conservation of the City's heritage assets.

### 6.5. Comments received from the Conservation Officer state that the property has been used as bedsits for some time and the change has resulted in the loss of many interior features. As the building was first listed in 1976 with no internal inspection there is doubt as to what was present internally at the time of listing making enforcement on the interior works a bit difficult. It is likely that much of what has been removed from the building during the recent works was modern fittings related to the house's 'bedsit' years and therefore not of historic or architectural interest but this is not assured.

### 6.6. Visits to the property have not elucidated the matter with much of the works already undertaken and a poor record of what once was. Known changes include the installation of two bathrooms in the front ground floor rooms, re-plastering of areas of the interior and installation of new services and fire doors on the ground floor. The bathroom partitions are detrimental to the Listed Building as they sub-divide what were once the principal rooms of the house, and usually a refusal would be recommended but, as there are no records, they may well have been there for some years and as such this alteration may be historic. The re-plastering is likely to have removed historic lathe and plaster along with historic skirting boards and covings. The applicant proposes to re-instate these and the sections of skirting boards and covings supplied are considered acceptable. The fire doors leading off the hall and plain utilitarian plywood doors are not acceptable, and details of appropriate Regency-style door details have now been received.

### 6.7. The Conservation Officer is supportive of the building being reoccupied and subject to attaining the best quality possible for the re-instatement of the period features on the ground floor. With the details submitted this has now been achieved and it is

therefore considered that the works would not adversely affect the architectural or historic character of the building. The agent has clarified the following:

- No external doors altered within the project
- Internal doors panelled plywood with oak stained finish and dimensions as per previous email
- Frames and architraves are gloss painted white finish, there is no door opening mechanism
- Handles are satin aluminium, the rear door into kitchen is an existing door
- Locks to doors are aluminium plate and lever handle with cylinder keylock, shown on photo and drawing attached
- New internal joinery, architraves 75mm x 25mm moulded with white gloss finish.

These details coupled with the submitted details are acceptable to recommend approval of the scheme. A further condition has been recommended by the Conservation Officer to ensure any damage to the building is made good by the applicant. This will therefore be added to any subsequent consent.

- 6.8. Whilst a number of objections have been received with regards to the works, particularly the fact that they have been carried out despite a previous refusal, the points above and the Conservation Officer's response is considered to allay those concerns. The use of the property changing to an HMO does not form part of the assessment of this application and is subject to a separate change of use planning application.

7. Conclusion

- 7.1. As the listing information is lax on detail regarding the interior, that historic works have altered and removed period features, and that the proposed works are to reinstate features with quality features and details it is considered that the proposals would preserve and enhance the character and appearance of the Grade II listed building. The proposal is acceptable and consistent with both National and Local Policy context and recommended for approval.

8. Recommendation

- 8.1. Approve subject to conditions:

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires any damage to the listed building to be made good             |
- 

Case Officer: Robert Duckworth

**Photo(s)**



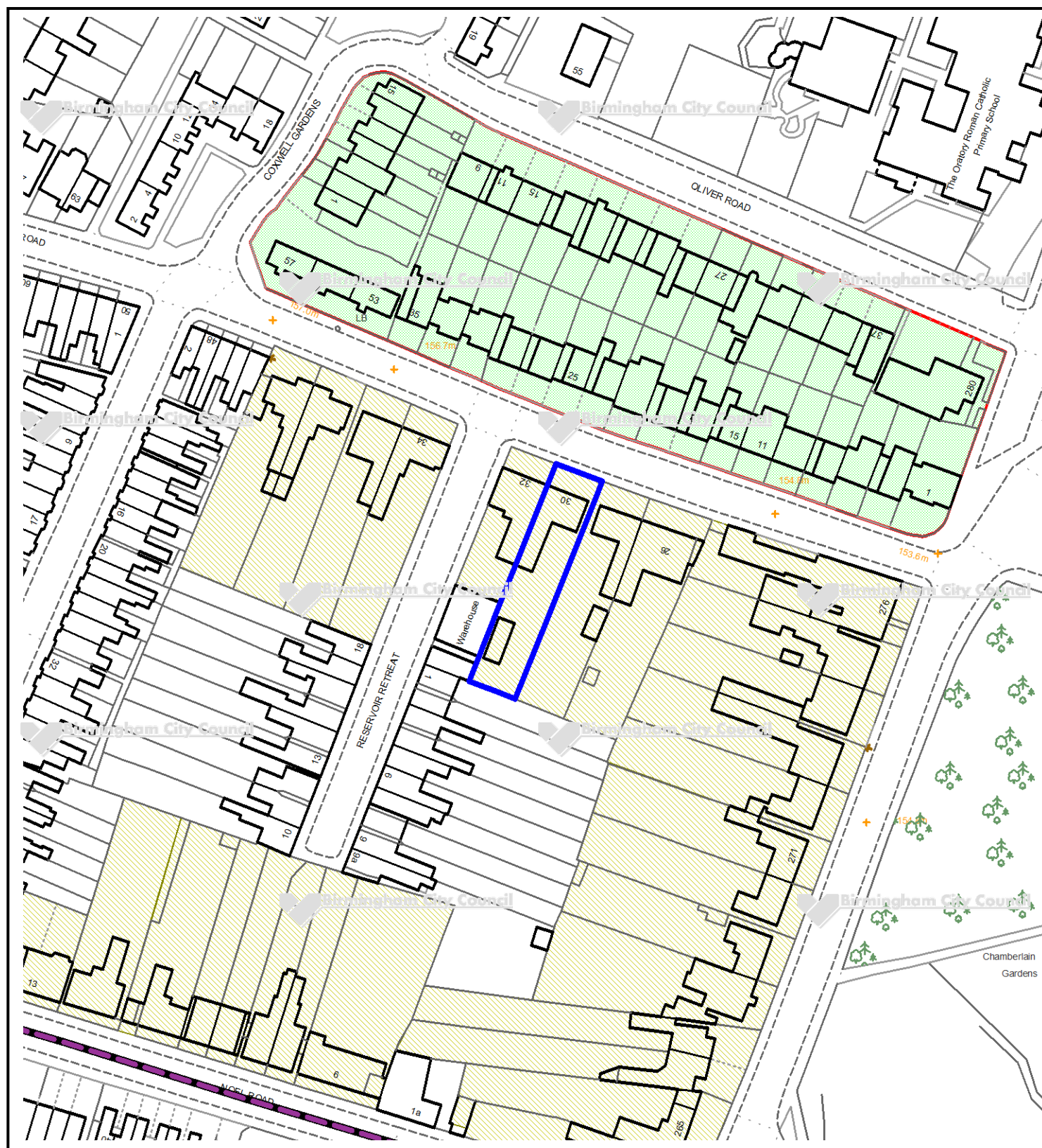
Photo 1 – Reservoir Road frontage



Photo 2 – internal view showing removal of previous appliances



## Location Plan



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**Birmingham City Council**  
**Planning Committee 24 October 2019**

**Appeal Decisions Received from the Planning Inspectorate in September 2019**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Enforcement</b>	Acorn House, 22 High Street, Sutton Coldfield	Unauthorised internal works to listed building without consent. 2017/1241/ENF	Part Allowed (see note 1 attached)	ENF	Written Representations
<b>Householder</b>	92 Brockhurst Road, Hodge Hill	Erection of first floor side extension. 2018/10332/PA	Dismissed	Delegated	Written Representations
<b>Advertisement</b>	Former Tesco Stores Ltd, Ladywood Middleway	Display of 1 no. free standing internally illuminated totem sign. 2019/02928/PA	Dismissed	Delegated	Written Representations
<b>Residential</b>	Land to the rear of 77-83 Heathy Rise, Bartley Green	Erection of 3no. dwelling houses with associated parking. 2018/10282/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	153 Allens Croft Road, Kings Heath	Erection of a two storey rear wing extension to an existing HMO comprising of nine additional bedrooms. 2017/08471/PA	Allowed (see note 2 attached)	Committee	Written Representations
<b>Other</b>	1147-1149 Alcester Road South, Billesley	Erection of bay window to front and two storey bay feature to front and side, external alterations to front and side elevations, ramped access to front and landscaping. 2019/01316/PA	Dismissed	Delegated	Written Representations
<b>Other</b>	100 Dale Road, Selly Oak	Part demolition of existing single storey rear extension, external alterations and retrospective change of use to a large 11 bed HMO (Sui-Generis). 2018/08175/PA	Allowed (see note 3 attached)	Delegated	Written Representations
<b>Other</b>	1-2 Bantock Way, Harborne	Erection of first floor side extension. 2018/09019/PA	Dismissed	Delegated	Written Representations

**Birmingham City Council  
Planning Committee 24 October 2019**

**Appeal Decisions Received from the Planning Inspectorate in September  
2019**

<b><u>CATEGORY</u></b>	<b><u>ADDRESS</u></b>	<b><u>USE</u></b>	<b><u>DECISION</u></b>	<b><u>TYPE</u></b>	<b><u>PROCEDURE</u></b>
<b>Other</b>	2 Gravelly Lane, Erdington	Retrospective change of use from shop unit and residential flat (Use Class A1 & C3) to 7 bed HMO (Sui-Generis) with communal living room and kitchen. 2019/01573/PA	Allowed (see note 4 attached)	Committee	Written Representations

**Total - 9 Decisions: 5 Dismissed (56%), 3 Allowed, 1 Part Allowed**

**Cumulative total from 1 April 2019 - 121 Decisions: 104 Dismissed (86%), 16 Allowed, 1 Part Allowed**

## **Notes relating to appeal decisions received in September 2019**

### **Note 1: (Acorn House)**

The appeal was allowed in part only in respect of the removal of the fire surround to the rear inglenook style fireplace, otherwise the appeal was dismissed and the listed building enforcement notice upheld.

### **Note 2: (153 Allens Croft Road)**

**Application refused** because 1) Due to the intensification of the use the proposal would adversely affect the amenities of occupiers of dwellings in the vicinity by reason of additional noise and general disturbance. 2) The intensification of the use has the potential to increase the fear of crime and the potential to generate further crime and disorder.

**Appeal allowed** because the Inspector considered that 1) The extension is a sufficient distance away so that any noise from the use of the building should not be at a level to cause harm to the occupiers of neighbouring residential properties. 2) The Inspector had no evidence to associate the existing use of the site to criminal activities.

### **Note 3: (100 Dale Road)**

**Application refused** because 1) Inadequate private amenity space is proposed to provide a satisfactory living environment for the proposed number of residents. 2) The change of use to a large House in Multiple Occupation (Sui Generis) with 11 bedrooms would contribute to an overconcentration of such uses in the area, with a resulting cumulative impact in the creation of an unbalanced, unsustainable community, with loss of amenity to residents and the local neighbourhood.

**Appeal Allowed** because the Inspector considered that 1) Whilst the 11 bedroom development would lessen the amount of space available per occupier, this would not alter the ratio of outdoor space available to occupiers to a degree where any material harm would arise. 2) The increase in bedrooms from 8 to 11 would have no material impact on the concentration of HMO uses in the area.

### **Note 4: (2 Gravelly Lane)**

**Application refused** because the development does not provide private amenity space within the site and as such constitutes a poor quality living environment for the occupants.

**Appeal allowed** because the Inspector considered that the development provides an acceptable standard of amenity for existing and future residents.