

Birmingham City Council

Planning Committee

04 March 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	6	2020/09282/PA Land at Lowden Croft South Yardley Birmingham B26 Erection of 3 no. dwelling houses
Approve – Conditions	7	2020/07875/PA Land off Blakesley Mews Yardley Birmingham B25 Erection of 4no. dwellinghouses (Use Class C3) with associated parking.

Committee Date:	04/03/2021	Application Number:	2020/09282/PA
Accepted:	19/11/2020	Application Type:	Full Planning
Target Date:	05/03/2021		
Ward:	South Yardley		

Land at Lowden Croft, South Yardley, Birmingham, B26

Erection of 3 no. dwelling houses

Recommendation

Approve subject to Conditions

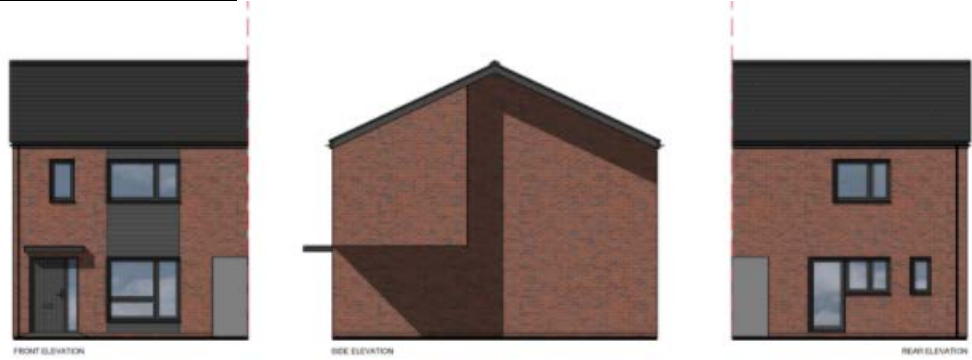
1. Proposal

- 1.1. This application seeks planning permission for the erection of 3no. two storey terraced dwellings. All three of the proposed dwellings would be two-bed 4-person houses located on land at Lowden Croft, South Yardley.
- 1.2. The dwellings would be constructed of red brick, grey roof tiles and would have grey UPVC window frames. Two Dwellings (Walmley house type) would have a total floor area of approximately 80.8 square metres, with external amenity space of 182 square metres and 113 square metres. One dwelling (Walmey G house type) would have a total floor area of approximately 84.9 square, with external amenity space of 142 square metres.
- 1.3. Six vehicle parking spaces provide 200% parking provision on site.
- 1.4. Bin stores would be located in rear gardens.
- 1.5. The application is reported to Planning Committee as the applicants are Birmingham Municipal Housing Trust (BMHT).

[Link to Documents](#)

Proposed Site Layout Plan below:

Walmley G House Type



Walmley House Type



2. Site & Surroundings

- 2.1. The application site comprises a piece of land formerly used for garages at the end of Lowden Croft which is a cul-de-sac. The site forms a roughly rectangular shaped area between flats 34-40 Lowden Croft to one side and flats 27-33 Lowden Croft to the other. The garages have been demolished and the land now lies vacant. The site is surrounded by residential use to all four sides.
- 2.2. Access is between flats 34-40 and flats at 27-33. The rear of properties on Shalford Road adjoin to south-east and the rear of properties on Bosworth Road to the south-west.

Site Location

3. Planning History

- 3.1. 10/12/2007-2005/00004/PA; Retention of gates and security fencing to garage site adjacent to 27 - 33 Lowden Croft; Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Local Ward Members, Residents Association and neighbouring residents consulted. Site Notice posted. Six comments, three objections and a speaking request have been received, however a number of duplications are noted. The objections raised concerns in relation to the following:

- Overlooking/privacy;
- Loss of light including light to a nearby garden;
- Security concerns;
- Noise and disturbance from additional development once occupied;
- Potential to negatively impact on property values nearby/future potential buyers;
- Site not considered brownfield site and is formed of two sites, garages and mature woodland/former agricultural land;
- No consultation carried out in relation to the future use of the site;
- The site has not been adopted as woodland as a local amenity area and loss of woodland;
- No wildlife study has been carried out as part of the submission;
- Out of keeping with character of the surroundings as houses are proposed rather than flats, different design and not in keeping with the existing symmetry/pattern of development;
- Overdevelopment;
- Loss of parking;
- Access for refuse vehicles/emergency vehicles;
- The width of the access;
- Metal fence boundary treatment unacceptable; and
- Does not make any meaningful impact on contribution to solving the housing crisis.

- 4.2. Transportation Development – No objections subject to conditions:

- The provision of a construction method statement/management plan;
 - Measures to prevent mud on the highway;
 - Means of access;
 - No occupation shall take place until the service road is constructed;
 - Parking areas laid out prior to use;
 - The provision of cycle storage details;
 - Provision of a vehicle charging point;
 - Details of pavement boundary;
 - Provision of details for surface water drainage; and
 - Works to the highway must be performed to BCC specifications and by a BCC approved contractor at the applicant's expense
- 4.3. Regulatory Services – No objections subject to conditions in relation a Contamination Remediation Scheme, Contaminated Land Verification Report, Noise Insulation and provision of electric vehicle charging points.
- 4.4. Severn Trent – No objections.
- 4.5. West Midlands Police – No objections.

5. Policy Context

- 5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Unitary Development Plan (2005, Saved Policies); Places for Living SPG (2001); Car Parking Guidelines (2012); The 45 Degree Code (2006); and Technical Housing Standards – Nationally Described Space Standards (2015).

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies as set out above. The main issues for consideration in the determination of the application are as follows:
- 6.2. **Principle of development** – The application site is located within an existing residential area. The proposal would be consistent with Policy TP27 (Sustainable Neighbourhoods) and TP28 (The location of new housing) of the BDP. As such, it is considered that the principle of residential development would be acceptable.
- 6.3. **Design and Visual Amenity** –Revisions to the design of the original application have been made to ensure the design positively reflects the character and appearance of the locality. The proposed block of 3no. terraced properties would be similar in scale with the neighbouring blocks of flats. The design is considered to be acceptable.
- 6.4. The proposed red brick and grey tiles, will be agreed at a later stage. The location at the end of Lowden Croft would result in an attractive residential development of high quality and sustainable design which is considered acceptable.
- 6.5. **Residential Amenity**-The proposal would allow for an adequate level of residential amenity and good quality residential living environment for future residents. The scheme complies with the guidance set out in Technical Housing Standards (2015).

The dwellings would also have sufficient rear amenity space in accordance with 'Places for Living SPG.'

- 6.6. The design has ensured that there are no side habitable room windows therefore ensuring that there are no issues of overlooking.
- 6.7. The rear separation distances meet the requirements in 'Places For Living'. The scheme also complies with the 45 Degree Code and would not result in loss of light, privacy or outlook for adjoining dwellings.
- 6.8. Conditions in relation to a contamination remediation scheme, contaminated land verification report and vehicle charging point for electric vehicles are considered appropriate. The site is within a predominantly residential area, off an existing quiet cul –de sac and therefore it is not considered necessary to require a noise insulation scheme.
- 6.9. **Impact of Highway Safety** –Transportation Development have raised no objections subject to conditions and these have been included. However, the suggested condition requiring all works to the highway to be performed to BCC specifications and by a BCC approved contractor is not a reasonable planning condition and should not be applied
- 6.10. **Other matters** – A revised boundary treatment plan was submitted resulting in a more natural boundary treatment which is in keeping with the character of the cul de sac.
- 6.11. It is noted that part of the site includes a number self-seeded trees and scrub however the Council's Tree Officer raised no objection subject to the submission of an Arboricultural Method Statement. There are 6 trees/small groupings on the site, three of which are category U trees of poor quality which are to be felled. The Tree Officer commented that the proposal suitably retains the B category trees. Three new trees are proposed to the front of the properties. The Council's ecologist also raises no objection subject to conditions requiring provision of bat and bird boxes and the submission of a scheme for ecological biodiversity enhancement measures.

7. Recommendation

7.1. Approve subject to conditions

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- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the submission of sample materials
 - 4 Requires the prior submission of level details
 - 5 Requires the prior submission of a contamination remediation scheme
 - 6 Requires the submission of a contaminated land verification report
 - 7 Requires the prior submission of a construction method statement/management plan
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- 8 Requires the submission of details to prevent mud on the highway
 - 9 Requires the prior installation of means of access
 - 10 Prevents occupation until the service road has been constructed
 - 11 Requires the parking area to be laid out prior to use
 - 12 Requires the submission of cycle storage details
 - 13 Requires the provision of a vehicle charging point
 - 14 Prior to occupation details of surface water drainage facilities shall be provided in writing to the Local Planning Authority. These details will ensure that surface water will not discharge into the highway (HMPE). These facilities shall be maintained in perpetuity.
 - 15 Requires the submission of hard and/or soft landscape details
 - 16 Requires the submission of hard surfacing materials
 - 17 Requires the submission of boundary treatment details
 - 18 Requires the submission of Architectural Details
 - 19 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 20 Requires the prior submission of details of bird/bat boxes
 - 21 Arboricultural Method Statement - Submission Required
 - 22 Requires the submission details obscure glazing for specific areas of the approved building
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Case Officer: Christina Rowlands

Photo(s)

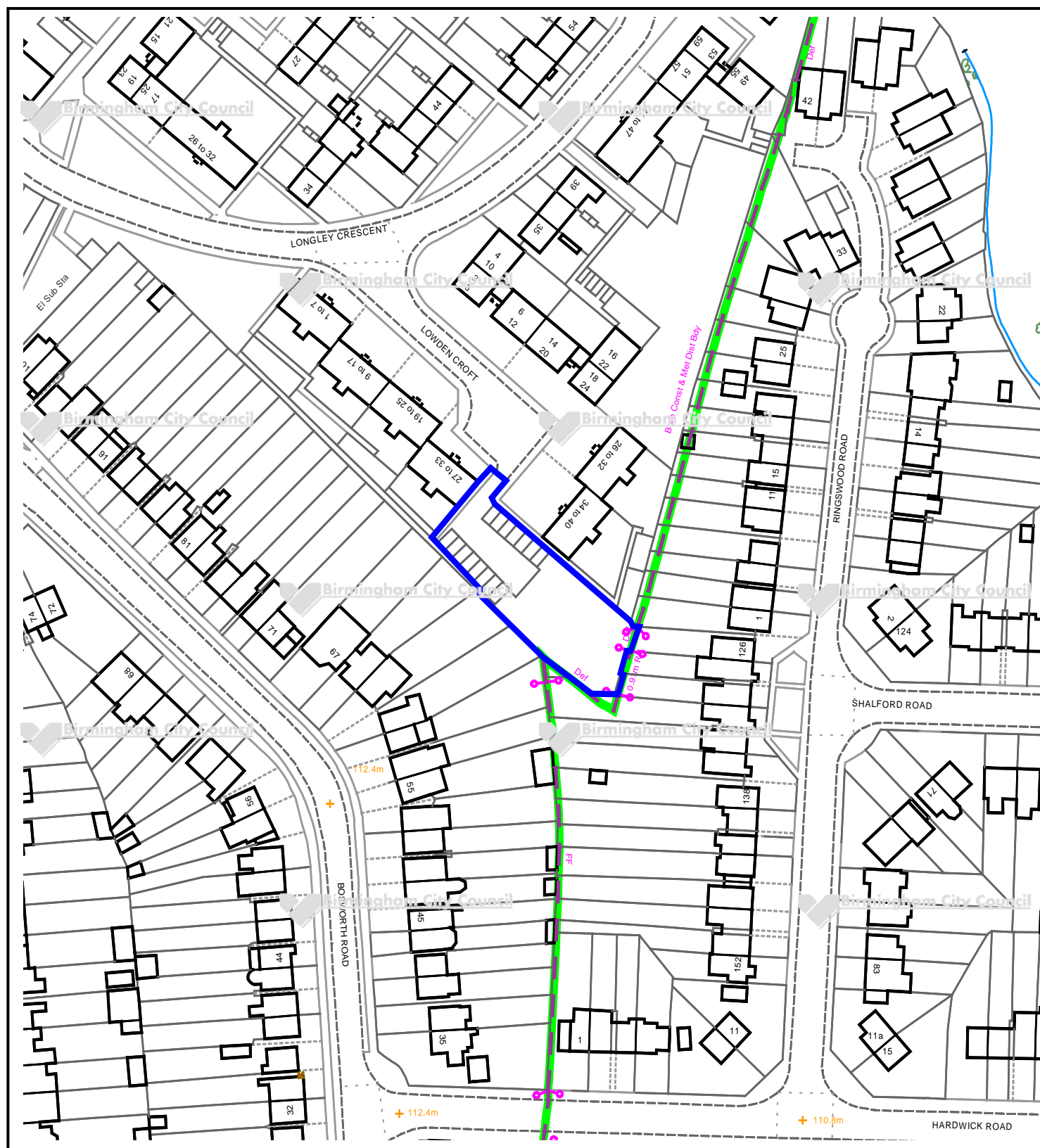
Figure 1: Former garage block



Figure 2: Former garage block



Location Plan



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Committee Date:	04/03/2021	Application Number:	2020/07875/PA
Accepted:	06/10/2020	Application Type:	Full Planning
Target Date:	22/01/2021		
Ward:	Yardley West & Stechford		

Land off Blakesley Mews, Yardley, Birmingham, B25

Erection of 4no. dwellinghouses (Use Class C3) with associated parking.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks planning permission for the erection of 4no. two storey terraced dwellings for social rent, 1no. of which would be a two-bedroom (plot 2) and 3no. of which would be three-bedroom house (plots 1, 3 and 4), with associated landscaping and parking located on land off Blakesley Mews, Yardley.
- 1.2. The proposed dwellings would be accessed from an access road off Blakesley Mews which abuts no. 1 Blakesley Mews.
- 1.3. The dwellings would be constructed of red brick, grey roof tiles and would have grey UPVC window frames. Plots 1, 3 and 4 would have a total floor area of 93.8 square metres with external amenity space ranging from 75.4 sq.m to 124.18 sq.m. Plot 2 would have a total floor area of 80.8 square metres with external amenity space of 54.7 sq.m.
- 1.4. Eight vehicle parking spaces provide 200% parking provision on site.
- 1.5. Bin stores would be located in rear gardens.
- 1.6. The application is reported to Planning Committee as the Birmingham Municipal Housing Trust (BMHT) is the applicant.
- 1.7. Below is the proposed site layout plan:



- 1.8. Below are the proposed elevations and floor plans for the proposed 2 bedroom dwelling.



- 1.9. Below are the proposed elevations and floor plans for the proposed 3 bedroom dwellings.



[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a cluster of unused residential garages and associated hard landscape which lies between Blakesley Mews (to the north), Tyrne Grove (to the south), Heathmere Avenue (to the east) and Clements Road (to the west).
- 2.2. Access would be from an access road off Blakesley Mews which abuts no. 1 Blakesley Mews.
- 2.3. The surrounding area is predominantly residential in character.
- 2.4. The site area is 0.1 hectares.

[Site Location](#)

3. Planning History

- 3.1. None.

4. Consultation/PP Responses

- 4.1. Local Ward Members, Residents Association and neighbouring residents consulted. Site Notice posted. One objection received on the following grounds:
- Proposal is not in keeping with predominantly residential area;
 - The site generates anti-social behaviour;
 - Hostel, assisted living and halfway house proposals must be avoided.
- 4.2. Transportation Development – no objection subject to conditions in relation to the submission of details to prevent mud on the highway, the submission of levels details, the submission of surface water drainage details, all works to the highway to be performed to BCC specifications and by a BCC approved contractor at the applicants expense, facilities the prior installation of a means of access, no occupation until the service road has been constructed, the parking area to be laid out prior to use, the submission of cycle storage details and the provision of a vehicle charging point at each residential unit.
- 4.3. Severn Trent – No objections.
- 4.4. Regulatory Services – No objections subject to a condition in relation to the provision of electric vehicle charging points.
- 4.5. West Midlands Police – No objections.
- 4.6. Ecologist – No objections subject to conditions in relation to the provision of bat and bird boxes and the implementation of an acceptable mitigation/enhancement scheme

5. Policy Context

- 5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Unitary Development Plan (2005, Saved Policies); Places for Living SPG (2001); Car Parking Guidelines (2012); The 45 Degree Code (2006); and Technical Housing Standards – Nationally Described Space Standards (2015).

6. Planning Considerations

- 6.1. The application has been assessed against the objectives of the policies as set out above. The main issues for consideration in the determination of the application are as follows:
- 6.2. **Principle of development** – The application site is located within an existing residential area and is surrounded by residential development on all four sides. The site has formerly been used for garages, however now lies vacant. The proposal would be consistent Policy TP27 (Sustainable Neighbourhoods) and TP28 (location of new housing) of the BDP (2017). As such, it is considered that the principle of residential development would be acceptable.
- 6.3. **Impact of Highway Safety** – Transportation Development raise no objection subject to conditions in relation to the submission of details to prevent mud on the highway, levels details, surface water drainage details, no occupation until the service road has been constructed, the parking area to be laid out prior to use, cycle storage details and a vehicle charging point at each residential unit. These conditions are

considered appropriate. However, the suggested condition requiring all works to the highway to be performed to BCC specifications and by a BCC approved contractor is not a reasonable planning condition and should not be applied.

- 6.4. **Design and Visual Amenity** – The design is acceptable. The construction materials will be agreed at a later stage. The proposal would result in an attractive residential development of high quality and sustainable design which is considered acceptable.
- 6.5. The site is currently vacant and the provision of quality residential development would improve views from the public realm.
- 6.6. **Residential Amenity** - The scheme complies with the Technical Housing Standards (2015). The dwellings would also have sufficient rear amenity space as set out in 'Places for Living SPG'.
- 6.7. The design and their orientation has ensured that there are no side habitable windows facing existing properties therefore there are no issues of overlooking. Both house types would have obscure glazed first floor side windows. It necessary to condition that the ground floor rear elevation WC windows and the first floor rear elevation bathroom windows would have obscurely glazed windows.
- 6.8. Boundary treatments are considered appropriate and consistent with the surrounding residential character. All separation distances would comply with policies within Places for Living SPG and as such the proposed development would not have an adverse impact on outlook, overlooking or loss of privacy.
- 6.9. Regulatory Services raise no objections subject to conditions in relation to vehicle charging point for electric vehicles. Given the site context, I also consider it reasonable to also attach conditions stipulating the submission of a contaminated land verification report and a contamination remediation scheme.
- 6.10. **Other matters** - The Council's Ecologist raises no objections subject to conditions requiring the provision of bat and bird boxes and the implementation of an acceptable mitigation/enhancement scheme.

7. Recommendation

- 7.1. That Planning Permission be granted subject to the following conditions;

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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full) |
| 3 | Requires the submission of sample materials |
| 4 | Requires the prior submission of level details |
| 5 | Requires the prior submission of a contamination remediation scheme |
| 6 | Requires the submission of a contaminated land verification report |
| 7 | Requires the submission of details to prevent mud on the highway |
-

-
- 8 Requires the prior installation of means of access
 - 9 Prevents occupation until the service road has been constructed
 - 10 Requires the parking area to be laid out prior to use
 - 11 Requires the submission of cycle storage details
 - 12 Requires the submission of architectural details
 - 13 Requires the submission of hard and/or soft landscape details
 - 14 Requires the submission of hard surfacing materials
 - 15 Requires the submission of boundary treatment details
 - 16 Requires the prior submission of details of bird/bat boxes
 - 17 Requires the implementation of the submitted mitigation/enhancement plan
 - 18 Requires the submission details obscure glazing for specific areas of the approved building
 - 19 Requires the provision of a vehicle charging point
 - 20 Prior to occupation details of surface water drainage facilities shall be provided in writing to the Local Planning Authority. These details will ensure that surface water will not discharge into the highway (HMPE). These facilities shall be maintained in perpetuity.
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Case Officer: Harjap Rajwanshi

Photo(s)

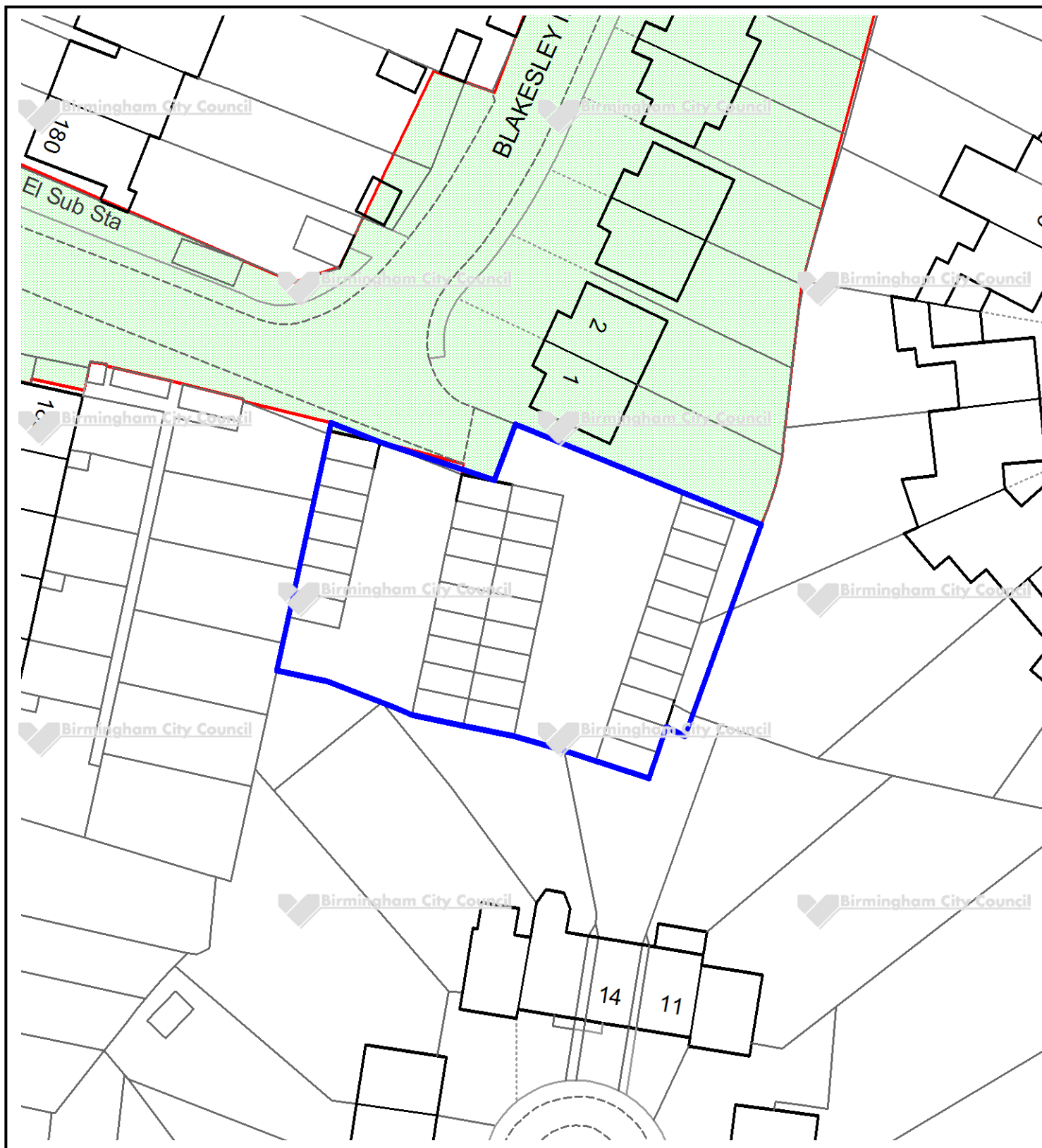


Figure 1: Access off Blakesley Mews



Figure 2: Access off Blakesley Mews.

Location Plan



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Birmingham City Council

Planning Committee

04 March 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	8	2021/00247/PA Gap site between 50-52 Newhall Street and 85-87 Cornwall Street Birmingham B3 3RJ Erection of proposed construction of 1 no. dwelling including a basement, with proposed site clearance and all associated works
Approve – Conditions	9	2021/00256/PA Gap site between 50-52 Newhall Street and 85-87 Cornwall Street Birmingham B3 3RJ Listed Building Consent for the erection of proposed construction of 1 no. dwelling including a basement, with proposed site clearance and all associated works
Approve – Conditions	10	2020/02735/PA Land at 41-45 Hanley Street Birmingham B19 3SP Demolition of existing building and erection of 7 storey building to provide 107 student bed spaces and associated works including a single storey amenity building to the rear, cycle storage and landscaping.
Approve – Conditions	11	2020/10275/PA Rag Markets Upper Dean Street/Sherlock Street Birmingham B5 4SG Installation of two new double storey goods lifts, pedestrian crossing and sliding gates

Endorse

12

2018/03004/PA

16 Kent Street
Southside
Birmingham
B5 6RD

Demolition of existing buildings and residential-led redevelopment to provide 116 apartments and 2no. commercial units (Use Classes A1-A4, B1(a) and D1) in a 9-12 storey building

Committee Date:	04/03/2021	Application Number:	2021/00247/PA
Accepted:	13/01/2021	Application Type:	Full Planning
Target Date:	10/03/2021		
Ward:	Ladywood		

Gap site between 50-52 Newhall Street and 85-87 Cornwall Street, Birmingham, B3 3RJ

Erection of proposed construction of 1 no. dwelling including a basement, with proposed site clearance and all associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Members will recall having previously considered an application that was identical save for the proposed use of dark terracotta. This application proposes the use of bespoke red terracotta panels with a geometric engraving at the Cornwall Street elevation and red brick to the rear.
- 1.2. Planning permission is sought for the construction of a bespoke 3 bedroom residential dwelling (Use Class C3) located within a gap site between 50-52 Newhall Street and 85-87 Cornwall Street.
- 1.3. The design of the building is bespoke to the application site, and would consist of an inverted townhouse accommodation, with the bedrooms located on the lower floors and the open plan kitchen and living room to the upper floors.



- 1.4. The internal accommodation would include a basement gym, with the main street entrance at ground floor, which includes a utility room; bike store/workshop and cinema/ media area. The 1st, 2nd and 3rd floor host a bedroom with en-suite or bathroom, with the kitchen/living and dining space on the 4th floor leading to a roof terrace.



- 1.5. The proposed townhouse would also include a 'lightwell' along the northern boundary of the site, which adjoins 50 and 52 Newhall Street.





- 1.6. The removal of the existing fire escape to 50 and 52 Newhall Street has been consented through a separate listed building consent application previously submitted by the applicant (planning ref: 2020/05326/PA).
- 1.7. The application is supported by a Heritage Statement and Design and Access Statement. A Listed Building Consent application has been submitted in conjunction (planning ref: 2021/00256/PA).
- 1.8. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is currently a service yard to Nos 50 & 52 Newhall Street, with ground floor parking, and fire-escapes serving 50 & 52 Newhall Street. The site borders with buildings 85 Cornwall Street (Grade II*) and building 50 Newhall Street (Grade II) and is located within the Colmore Row and Environs Conservation Area. There are several other listed buildings on Newhall Street and Cornwall Street which form the setting of this site, including the grade II* School of Art.
 - 2.2. [Site Location](#)
3. Planning History
 - 3.1. Current – 2021/00256/PA - Listed Building Consent for the erection of proposed construction of 1 no. dwelling including a basement, with proposed site clearance and all associated works. Awaiting Determination.
 - 3.2. 08/01/2021 – 2020/05576/PA - Erection of proposed construction of no.1 dwelling including a basement, with proposed site clearance and all associated works. Withdrawn by applicant following resolution to refuse.
 - 3.3. 08/01/2021 – 2020/05598/PA - Listed Building Consent for the erection of proposed construction of no.1 dwelling including a basement, with proposed site clearance and all associated works. Withdrawn by applicant following resolution to refuse.

50 & 52 Newhall Street

- 3.4. 05/10/2020 – 2020/05326/PA - Refurbishment works including removal of internal walls and insertion of new openings. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management, Local Councillors, Colmore Row Improvement District, amenity societies and resident associations notified. Press and site notices posted. Five letters of objection have been received by the following:-

A Local Building Historian:

- No attempt has been made to make the horizontal elements of the design run-through.
- It is patterned in a way that does not relate to its neighbours.
- For reasons of massing, siting, design and patterning of materials the proposal is still badly designed with respect to the listed buildings around it.

Cornwall Street Chambers:

- What is noticeable is the generous width given to the existing buildings: contrast the glaring narrowness that is all that could be obtained by the erection of the proposed building.
- The proposed development could only ever have a character of mean-ness beside its neighbours, which would immediately and irrevocably disturb the harmonious quality of the other architecture, to the considerable detriment of this important Conservation Area.
- The service yard is essentially an empty space, an absence in distinct contrast to the intrusive presence that is proposed.
- The Applicant has already obtained a listed building consent or planning permission for the removal of the staircases, but has failed to act upon it. If the Applicant was to utilise this consent and to remove the staircases, a considerable part of the 'minor detriment' of the service yard's appearance would be removed with them.
- The proposed design can be seen to inject a level of awkward disharmony, significantly detracting from the acknowledged status of the architecture of those streets and the importance of the Conservation Area as a whole.
- The re-design overlooks entirely (and make no mention of) the significant reduction in natural daylight the development would cause, if permitted, to the rear of 85-87 Cornwall Street, the working environment of over 60 people (barristers and support staff).
- Inclusion of a flat roofed design in contrast to the pitched roofs of the buildings neighbours will inevitably jar and further disturb the harmony of the street.
- The application has failed to address the question of the possible archaeological impact of the proposed development.

Six members of Cornwall Street Chambers have further written, in support of the reasons for objection (above) made by the Head of Cornwall Street Chambers.

Chairman of Calthorpe Residents Society:

- The proposals are wholly out of keeping with the architecturally important nature of the area.
- Proposal would be highly detrimental to the Conservation Area and should be rejected.

Owners of 85-87 Cornwall Street:

- Provided a report discussing the appropriateness and impact of the development on the historic environment, the appropriateness of the design, impact upon existing amenity and future occupiers and statutory consultee comments.
- Special regard has not been had to protecting or enhancing the unique and special context of the location.
- Proposed development is likely to have significant harm upon existing heritage assets and so cannot be considered favourably against National Guidance.
- Height of the building does not respond well to neighbouring properties and the contemporary design and proposed materials are completely at odds with the established character of the location.
- External appearance to Cornwall Street is also considered to be both overly fussy and overly dominant and presents an appearance which will prove overbearing.
- Rear elevation is plain and devoid of any character or interest.
- **Detrimental impact upon the light afforded to multiple existing users to the rear**, most notably the well-used rear courtyard serving 85-87 Cornwall Street.
- Validity of the proposals in the context of the effects the proposed will have upon the access, safety and enjoyment of light for the existing users of 50-52 Newhall Street.

Other Consultee objection:

- Description of personal conservation experience.
- Not against development when it serves a useful cultural purpose and enhances facilities for the citizens of Birmingham, This is not true of this application.

4.2. BCC Regulatory Services – No objection subject to noise insulation scheme, contamination remediation scheme and contamination verification report.

4.3. BCC Transportation Development – No objection subject to section 278 agreement.

4.4. Historic England – No objection.

4.5. Severn Trent – No objection.

4.6. Victorian Society – No objection.

4.7. West Midlands Fire Service – No objection.

4.8. West Midlands Police – No objection.

5. Policy Context

5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (saved policies); Draft Birmingham Development Management DPD; Places for Living SPG; Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies; and revised National Planning Policy Framework.

6. Planning Considerations

Design

- 6.1. The Council's City Design Officer considers the proposed development to be in keeping with the existing urban grain. The design comprises of a contemporary slender townhouse which would contrast between the red brick buildings. The geo-metric patterning (a response to the design of windows found in No. 50-52 Newhall Street) in black terracotta offers a contrasting and bold response to the context of a site surrounded by buildings nationally recognised as being of special architectural interest. Conditions have been added to ensure the tiles and bricks are of high quality.
- 6.2. Objections from neighbouring occupiers in regards to the scale and massing of the proposed development have been noted. However, it is considered that the ridge of the proposed building would be in keeping with the immediate No. 50 Newhall Street and No.85 Cornwall Street with its modern floorplate. It would not negatively impact upon the neighbouring building or streetscape in regards to urban design. The scale and mass would infill the plot to the same depth as the 50 Newhall Street and is a slender form allowing for a glazed element between 50-52 Newhall Street.
- 6.3. The proposed development is considered to be of an appropriate scale and height and the striking architecture would juxtapose within the street and provide a contemporary addition to this part of Birmingham.

Impact on the Conservation Area and Nearby Listed Buildings

- 6.4. The Colmore Row and Environs Conservation Area Appraisal and Supplementary Planning Policies (December 2006) states that the Council will expect all new development to achieve a satisfactory visual relationship with its historic surroundings, demonstrating a regard for the character of the immediate street scene and the wider conservation area.
- 6.5. The building line is set back to behind where the string course returns on the side elevation of No.85 Cornwall Street (Grade II*) which allows for an appropriate level of prominence in the street with a well thought out junction with the adjacent listed buildings. This has also results in an appropriate visual relationship at eaves level.
- 6.6. Historic England considers the proposed development to be acceptable subject to the use of high quality materials, finishes and close attention to design detail. This will be secured through conditions requiring the prior submission of sample panels and full architectural details and specifications.
- 6.7. The Victorian Society has raised no objection to the scheme. The Council's Conservation Officer has also raised no objection and considers the proposed development to be a confidently contemporary piece of architecture of an acceptable scale, form and design. The geo-metric patterning (a response to the design of windows found in No. 50-52 Newhall Street) in red terracotta offers a direct response to the context of a site surrounded by buildings nationally recognised as being of special architectural interest. A slender glazed separation between the townhouse and 50-52 Newhall Street provides the transition between the two and minimises the impact to historic fabric. A condition has been attached requiring details of how the new build will be fixed to the adjacent listed buildings.
- 6.8. The applicant has submitted a heritage statement in support of the application which identifies the heritage assets likely to be impacted by the development and assesses the significance of these assets and the impact of the development on their significance. The Statement concludes that generally the development will have a minor level of benefit to the significance of these heritage assets and no harm will be

caused to significance. The Council's Conservation Officer concurs with the assessment of the Heritage Statement and considers that this development will both preserve the setting of the identified heritage assets and preserve and enhance the character and appearance of the conservation area as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Overall, it is considered that subject to safeguarding conditions the proposal can be supported on heritage grounds.

- 6.9. Objections from nearby occupiers concerning the obtrusive and dominant appearance of the proposed development are considered to have been addressed. The plot layout allows for a strong building frontage onto Newhall Street and extends to the same depth as no. 50 Newhall Street. The proposed townhouse is 5 storeys which is supported, the ridge of the building would be in keeping with the immediate No. 50 Newhall Street and No.85 Cornwall Street with its modern floorplate. It would not negatively impact upon the neighbouring building or streetscape in regards to urban design.
- 6.10. The façade is set back to the line of adjacent no. 85-87 Cornwall Street and allowing a slender contemporary 'bay window' to project forward in reference to the typology along Cornwall Street. This allows for a fully integrated infill to the gap in Cornwall Street respecting both neighbouring building lines. The Council's Conservation Officer has also confirmed that the application site falls outside of the pre-18th Century town and therefore no archaeological conditions are required in this instance. A condition has been attached requiring the prior submission of a method statement to ensure that any intrusive ground works do not have any negative implications on the structural integrity of the neighbouring listed buildings.
- 6.11. Overall, Officers are of the view that the building is well designed and that it makes a positive contribution to the townscape and will address the negative visual impact of the current gap site. As stated within the Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies document 'the street pattern and the close grain of the street blocks in the area create a strong sense of enclosure, obviously more powerful in the narrower secondary streets'. As a result, the development of this narrow gap site will ensure that this tight grain (characteristic of the conservation area) is maintained and further enhanced.
- 6.12. Furthermore, it is considered that whilst the proposed dwelling is a departure from the existing architectural detailing of its neighbours, it represents a modern and well considered design that will not harm the significance of the heritage assets, including its direct neighbours.

Overlooking and Privacy

- 6.13. The side elevation windows located at 50 & 52 Newhall Street would face directly into the proposed development. The applicant has confirmed that to prevent any overlooking issues the lightwell would be fitted with obscured glazing to the rear. A condition requiring details of the obscure glazing has been attached accordingly.

Highway Matters

- 6.14. BCC Transportation Development have raised no objection and overall it is considered that the proposed development (consisting of only one home) would be unlikely to have a detrimental impact on highway safety and free flow, the site is situated within City Centre and benefits from excellent links by all modes of transport.

Other Matters

- 6.15. BCC Regulatory Services have raised no objection subject to the prior submission of a contamination remediation scheme and contamination verification report. A further condition requiring the prior submission of a noise insulation scheme to ensure that all habitable rooms are not negatively impacted by noise particularly along the Cornwall Street elevation is also recommended. Overall, it is considered that a satisfactory living environment would be provided.
- 6.16. The Council notes the concerns raised on behalf of the nearby occupier of the adjoining building (85-87 Cornwall Street). The representation notes that proposed development would result in the loss of light to neighbouring occupiers and the existing courtyard to the rear. Right of Light to commercial premises is addressed under common law. In this instance whilst the City Council has policies to protect residential amenity, there is not the same level of policy protection given to commercial premises. It is therefore considered that the planning consent cannot be refused on grounds that the proposal would result in loss of light to adjoining commercial buildings.
- 6.17. The proposal includes a rooftop terrace area which would provide adequate private amenity space for any prospective residents. A condition has been attached to ensure that the roof terrace does not comprise of paraphernalia. This will prevent domestic clutter impacting on the high level open views of the Conservation Area.
- 6.18. Further comments have been raised regarding the removal of the 1970s external staircase and fire door. It is important to note that the removal of these elements have been consented under a previous listed building consent application 2020/05326/PA. The neighbouring listed building approval provides new circulation access between 50 and 52 Newhall Street. This allows for the use of both staircases from either building providing a secondary means of escape. The external staircases are therefore made redundant by the new circulation/ fire strategy approach. Comments by the West Midlands Fire Service and West Midlands Police have been provided to the applicant.

7. Conclusion

- 7.1. The Council acknowledges that the key to the success of this development is in the architectural detailing and quality of the materials used. The craftsmanship, particularly in regards to the terracotta panels is of primary importance. As a result, safeguarding conditions have been attached to ensure high quality at the delivery stage of the development. Overall, it is considered that the proposed development would have no harm on the significance of the Colmore Row and Environs Conservation Area or the neighbouring listed buildings and would provide an enhancement to the current situation.

8. Recommendation

8.1. Approve subject to the following conditions:-

-
- | | |
|---|---|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the submission of a contaminated land verification report |
-

-
- 3 Requires the submission of sample terracotta panel
 - 4 Requires the submission of roof materials
 - 5 Requires the submission of external doors
 - 6 Requires submission of full architectural and specification details
 - 7 Requires the prior submission of a construction method statement/management plan
 - 8 Requires the submission of a lighting scheme
 - 9 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 10 Prevents paraphernalia on roof terrace
 - 11 Requires the submission of sample materials
 - 12 Requires submission of Method Statement
 - 13 Requires the submission details obscure glazing for specific areas of the approved building
 - 14 Requires the scheme to be in accordance with the listed approved plans
 - 15 Implement within 3 years (Full)
-

Case Officer: Miriam Alvi

Photo(s)



Figure 1. View south-west along Cornwall Street from Newhall Street



Figure 2. View north-east along Cornwall Street



Figure 3. The application site with 50 & 52 Newhall Street to the right

Location Plan



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Committee Date:	04/03/2021	Application Number:	2021/00256/PA
Accepted:	13/01/2021	Application Type:	Listed Building
Target Date:	10/03/2021		
Ward:	Ladywood		

Gap site between 50-52 Newhall Street and 85-87 Cornwall Street, Birmingham, B3 3RJ

Listed Building Consent for the erection of proposed construction of 1 no. dwelling including a basement, with proposed site clearance and all associated works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Listed Building Consent is sought for the construction of a bespoke 3 bedroom residential dwelling (Use Class C3) located within a gap site between 50 and 52 Newhall Street and 85 and 87 Cornwall Street.
- 1.2. The proposed townhouse would abut a Grade II* and Grade II listed building, namely 85 and 87 Cornwall Street and 50 and 52 Newhall Street respectively.



- 1.3. The design of the building is bespoke to the Site, and would consist of an inverted townhouse accommodation, with the bedrooms located on the lower floors and the open plan kitchen and living room to the upper floors.
- 1.4. The internal accommodation would include a basement gym, with the main street entrance at ground floor, which includes a utility room; bike store/workshop and cinema/media area. The 1st, 2nd and 3rd floor host a bedroom with en-suite or bathroom, with the kitchen/living and dining space on the 4th floor leading to a roof terrace.



- 1.5. The proposal would comprise of bespoke terracotta cladding panels with geometric engraving recessed to the line of 85 and 87 Cornwall Street. Shadow gap flashing detail would allow the string course of 85 and 87 Cornwall Street to return the corner. This recess would be further mirrored on the northern boundary with a recessed lightwell adjoining 50 and 52 Newhall Street. This would then allow a contemporary bay window to project forward in reference to the typology along Cornwall Street. The rear elevation of the proposed townhouse would be made from red brick.



- 1.6. The application is supported by a Heritage Statement and Design and Access Statement. A full planning application has been submitted in conjunction (planning ref: 2021/00247/PA).

2. Site & Surroundings

- 2.1. The application site is currently a service yard to Nos 50 & 52 Newhall Street, with ground floor parking, and fire-escapes serving 50 & 52 Newhall Street. The site borders with buildings 85 Cornwall Street (Grade II*) and building 50 Newhall Street (Grade II) and is located within the Colmore Row and Environs Conservation Area.

3. Planning History

- 3.1. Current – 2021/00247/PA - Erection of proposed construction of 1 no. dwelling including a basement, with proposed site clearance and all associated works. Awaiting Determination.
- 3.2. 08/01/2021 – 2020/05576/PA - Erection of proposed construction of no.1 dwelling including a basement, with proposed site clearance and all associated works. Withdrawn by applicant following a resolution to refuse.
- 3.3. 08/01/2021 – 2020/05598/PA - Listed Building Consent for the erection of proposed construction of no.1 dwelling including a basement, with proposed site clearance and all associated works. Withdrawn by applicant following a resolution to refuse.

50 & 52 Newhall Street

- 3.4. 05/10/2020 – 2020/05326/PA - Refurbishment works including removal of internal walls and insertion of new openings. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management, Local Councillors, Colmore Row Improvement District, amenity societies and resident associations notified. Press and site notices posted. Five letters of objection have been received by the following:-

A Local Building Historian:

- No attempt has been made to make the horizontal elements of the design run-through.
- It is patterned in a way that does not relate to its neighbours.
- For reasons of massing, siting, design and patterning of materials the proposal is still badly designed with respect to the listed buildings around it.

Cornwall Street Chambers:

- What is noticeable is the generous width given to the existing buildings: contrast the glaring narrowness that is all that could be obtained by the erection of the proposed building.
- The proposed development could only ever have a character of mean-ness beside its neighbours, which would immediately and irrevocably disturb the harmonious quality of the other architecture, to the considerable detriment of this important Conservation Area.

- The service yard is essentially an empty space, an absence in distinct contrast to the intrusive presence that is proposed.
- The Applicant has already obtained a listed building consent or planning permission for the removal of the staircases, but has failed to act upon it. If the Applicant was to utilise this consent and to remove the staircases, a considerable part of the 'minor detriment' of the service yard's appearance would be removed with them.
- The proposed design can be seen to inject a level of awkward disharmony, significantly detracting from the acknowledged status of the architecture of those streets and the importance of the Conservation Area as a whole.
- The re-design overlooks entirely (and make no mention of) the significant reduction in natural daylight the development would cause, if permitted, to the rear of 85-87 Cornwall Street, the working environment of over 60 people (barristers and support staff).
- Inclusion of a flat roofed design in contrast to the pitched roofs of the buildings neighbours will inevitably jar and further disturb the harmony of the street.
- The application has failed to address the question of the possible archaeological impact of the proposed development.

Six members of Cornwall Street Chambers have further written, in support of the reasons for objection (above) by the Head of Cornwall Street Chambers.

Chairman of Calthorpe Residents Society:

- The proposals are wholly out of keeping with the architecturally important nature of the area.
- Proposal would be highly detrimental to the Conservation Area and should be rejected.

Owners of 85-87 Cornwall Street:

- Provided a report discussing the appropriateness and impact of the development on the historic environment, the appropriateness of the design, impact upon existing amenity and future occupiers and statutory consultee comments.
- Special regard has not been had to protecting or enhancing the unique and special context of the location.
- Proposed development is likely to have significant harm upon existing heritage assets and so cannot be considered favourably against National Guidance.
- Height of the building does not respond well to neighbouring properties and the contemporary design and proposed materials are completely at odds with the established character of the location.
- External appearance to Cornwall Street is also considered to be both overly fussy and overly dominant and presents an appearance which will prove overbearing.
- Rear elevation is plain and devoid of any character or interest.
- Detrimental impact upon the light afforded to multiple existing users to the rear, most notably the well-used rear courtyard serving 85-87 Cornwall Street.
- Validity of the proposals in the context of the effects the proposed will have upon the access, safety and enjoyment of light for the existing users of 50-52 Newhall Street.

Other objection:

- Description of personal conservation experience.

- Not against development when it serves a useful cultural purpose and enhances facilities for the citizens of Birmingham, This is not true of this application.
- 4.2. BCC Regulatory Services – No objection subject to noise insulation scheme, contamination remediation scheme and contamination verification report.
- 4.3. Historic England – No objection.
- 4.4. Victorian Society – No objection.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (saved policies); Draft Birmingham Development Management DPD; Places for Living SPG; Regeneration Through Conservation SPG; Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies; and revised National Planning Policy Framework.

6. Planning Considerations

Policy

- 6.1. The statutory test for development involving listed buildings is that 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 it possesses.
- 6.2. The main issues are considered to be whether the design of the proposed townhouse extension is appropriate having regard to its impact on the Colmore Row and Environs Conservation Area and neighbouring listed buildings.

Impact on the Conservation Area and Nearby Listed Buildings

- 6.3. The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and requires an applicant to describe the significance of any heritage assets affected and to assess how that significance may be affected by a proposal. The BDP also contain other guidance regarding the need for new development within the Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and provides various criteria relating to siting, scale and design against which new development will be judged.
- 6.4. The Colmore Row and Environs Conservation Area Appraisal and Supplementary Planning Policies (December 2006) provides guidance for development. It states that the Council will expect all new development to achieve a satisfactory visual relationship with its historic surroundings, demonstrating a regard for the character of the immediate street scene and the wider conservation area.
- 6.5. The building line is set back to behind where the string course returns on the side elevation of No.85 Cornwall Street (Grade II*) which allows for an appropriate level of prominence in the street with a well thought out junction with the adjacent listed buildings. This has also results in an appropriate visual relationship at eaves level.
- 6.6. Historic England considers the proposed development to be acceptable subject to the use of high quality materials, finishes and close attention to design detail. This

will be secured through conditions requiring the prior submission of sample panels and full architectural details and specifications.

- 6.7. The Victorian Society has raised no objection to the scheme. The Council's Conservation Officer has also raised no objection and considers the proposed development to be a confidently contemporary piece of architecture of an acceptable scale, form and design. The geo-metric patterning (a response to the design of windows found in No. 50-52 Newhall Street) in red terracotta offers a direct response to the context of a site surrounded by buildings nationally recognised as being of special architectural interest. A slender glazed separation between the townhouse and 50-52 Newhall Street provides the transition between the two and minimises the impact to historic fabric. A condition has been attached requiring details of how the new build will be fixed to the adjacent listed buildings.
- 6.8. The applicant has submitted a heritage statement in support of the application which identifies the heritage assets likely to be impacted by the development and assesses the significance of these assets and the impact of the development on their significance. The Statement concludes that generally the development will have a minor level of benefit to the significance of these heritage assets and no harm will be caused to significance. The Council's Conservation Officer concurs with the assessment of the Heritage Statement and considers that this development will both preserve the setting of the identified heritage assets and preserve and enhance the character and appearance of the conservation area as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Overall, it is considered that subject to safeguarding conditions the proposal can be supported on heritage grounds.
- 6.9. Objections from nearby occupiers concerning the obtrusive and dominant appearance of the proposed development are considered to have been addressed. The plot layout allows for a strong building frontage onto Newhall Street and extends to the same depth as no. 50 Newhall Street. The proposed townhouse is 5 storeys which is supported, the ridge of the building would be in keeping with the immediate No. 50 Newhall Street and No.85 Cornwall Street with its modern floorplate. It would not negatively impact upon the neighbouring building or streetscape in regards to urban design.
- 6.10. The façade is set back to the line of adjacent no. 85-87 Cornwall Street and allowing a slender contemporary 'bay window' to project forward in reference to the typology along Cornwall Street. This allows for a fully integrated infill to the gap in Cornwall Street respecting both neighbouring building lines. The Council's Conservation Officer has also confirmed that the application site falls outside of the pre-18th Century town and therefore no archaeological conditions are required in this instance. A condition has been attached requiring the prior submission of a method statement to ensure that any intrusive ground works do not have any negative implications on the structural integrity of the neighbouring listed buildings.
- 6.11. Overall, Officers are of the view that the building is well designed and that it makes a positive contribution to the townscape and will address the negative visual impact of the current gap site. As stated within the Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies document 'the street pattern and the close grain of the street blocks in the area create a strong sense of enclosure, obviously more powerful in the narrower secondary streets'. As a result, the development of this narrow gap site will ensure that this tight grain (characteristic of the conservation area) is maintained and further enhanced.

- 6.12. Furthermore, it is considered that whilst the proposed dwelling is a departure from the existing architectural detailing of its neighbours, it represents a modern and well considered design that will not harm the significance of the heritage assets, including its direct neighbours.

7. Conclusion

- 7.1. The Council acknowledges that the key to the success of this development is in the architectural detailing and quality of the materials used. The craftsmanship, particularly in regards to the terracotta panels is of primary importance. As a result, safeguarding conditions have been attached to ensure high quality at the delivery stage of the development. Overall, it is considered that the proposed development would have no harm on the significance of the Colmore Row and Environs Conservation Area or the neighbouring listed buildings and would provide an enhancement to the current situation.

8. Recommendation

- 8.1. Approve subject to the following conditions:-

-
- | | |
|---|--|
| 1 | Requires the submission of sample materials |
| 2 | Requires the submission of sample terracotta panel |
| 3 | Requires the submission of roof materials |
| 4 | Requires the submission of external doors |
| 5 | Requires submission of full architectural and specification details |
| 6 | Requires the submission of a lighting scheme |
| 7 | Requires submission of Method Statement |
| 8 | Requires the scheme to be in accordance with the listed approved plans |
| 9 | Implement within 3 years (conservation/listed buildings consent) |
-

Case Officer: Miriam Alvi

Photo(s)



Figure 1. View south-west along Cornwall Street from Newhall Street



Figure 2. View north-east along Cornwall Street



Figure 3. The application site with 50 & 52 Newhall Street to the right

Location Plan



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Committee Date:	04/03/2021	Application Number:	2020/02735/PA
Accepted:	30/06/2020	Application Type:	Full Planning
Target Date:	05/03/2021		
Ward:	Newtown		

Land at 41-45 Hanley Street, Birmingham, B19 3SP

Demolition of existing building and erection of 7 storey building to provide 107 student bed spaces and associated works including a single storey amenity building to the rear, cycle storage and landscaping.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning consent is sought for the demolition of the existing industrial buildings on site and the erection of a seven storey building to be used for student accommodation. This scheme would provide for a total of 107 purpose built student bed spaces made up mainly of cluster rooms with associated kitchen/ lounge facilities serving each cluster. Five studio rooms are also proposed at ground floor level which seek to provide accessible space for any proposed occupier.
- 1.2. In addition to the main seven storey frontage building a single storey building is proposed to the rear of the site which seeks to provide ancillary facilities servicing the student accommodation including cycle storage space, plant, a cinema room and a gym. The proposed ancillary provisions (excluding plant and cycle facilities) would amount to 57.7sqm of amenity floor space. A small rear courtyard providing circa 216 sqm of external amenity space is proposed between the principle frontage building and the rear single storey building.



Fig 1. Redline of application site with ground floor layout plan shown in the context of adjoining approved site (outlined in blue).

- 1.3. The proposed main frontage building follows a simple design visually broken up into three blocks. The main frontage elevation has been amended during the course of this application from a predominantly rendered finished building to a predominantly brick finished building with narrow recessed and subservient aluminium panels seeking to break up the appearance of the brick work blocks. The rear of the main building would be rendered as would the single storey rear building.



Fig 2. Proposed front elevation.



Fig 2. CGI of proposed front elevation shown in the context of the emerging street scene.

- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site lies within the Gun Quarter and fronts Hanley Street which is a typical narrow street within the Gun Quarter which links between the busier thoroughfares of Cliveland Street and Summer Lane. The site currently comprises 2 commercial buildings with roller shutters and parking dominating their ground floor frontage.
- 2.2. The applicant has recently been granted planning consent for the site immediately to east of this application site (37 Hanley Street) for the erection of a five storey building containing 47 student studio units. This neighbouring site is currently under construction.
- 2.3. To the immediate west planning consent has recently been granted for a 4-8 storey building comprising 208 apartments with ground floor commercial units.
- 2.4. This part of the City is changing with more residential and student accommodation being introduced, notably and in addition to the two adjoining sites there is the Globeworks Student scheme on Cliveland Street and Canalside student scheme on Lower Loveday Street to south of the application site. However there currently remains a significant mix of uses including office, industrial and commercial within the vicinity. Opposite the site is a surface level car park.
- 2.5. The site is adjoined to the rear by 29-31 Lower Loveday Street (Elite Architecture) which is grade C locally listed.
- 2.6. There is an incline along Hanley Street rising from the east to the west.
- 2.7. [Site location](#)

3. Planning History

Adjoining site 37 Hanley Street

- 3.1. 2018/03661/PA – Demolition of existing building, erection of 5 storey frontage building and single storey rear building containing 47 Student Studios (Sui Generis) and associated works – Approved 28.02.2019
- 3.2. Subsequent minor amendment and discharge of condition submissions have also been submitted for the above adjoining site.

Adjoining site at land on the corner of Hanley Street, Lower Loveday Street and Summer Lane (west boundary of the site)

- 3.3. 2019/10402/PA – Demolition of existing buildings and erection of 4-8 storey development of 203 apartments with associated communal facilities, ground floor commercial facilities units (uses A1, A2 and/ or B1) with ancillary cycle spaces, car parking and landscaping including roof top terrace – Approved 02.10.2020
- 3.4. Subsequent minor amendment and discharge of condition submissions have also been submitted for the above adjoining site.



Fig 3. CGI street scene in relation to approved adjacent site at 37 Hanley Street (2018/03661/PA) shown on the left and outline to approved scheme 2019/10402/PA on the right.

4. Consultation/PP Responses

4.1. Transportation Development – No objections. The plans show provision for 24 cycle spaces which meets adopted guidelines. Servicing would continue from on-street with the benefit of removing goods vehicles movements associated with the industrial premises. The site is close to the main education facilities, and parking on-street is all controlled but generally fully occupied.

4.2. Lead Local Flood Authority – No objection subject to the inclusion of conditions for the prior submission of a sustainable drainage scheme and a sustainable drainage operation and maintenance plan.

4.3. Regulatory Services – Satisfied that land contamination matters can be adequately addressed by planning condition.
The noise assessment provided in support of the application assesses both road traffic noise and potential industrial noise impact from the nearby DRB Engineering which is a large press works that potentially operates 24 hours a day. The conclusion of the report is that the noise impact results in levels of industrial noise at the building façade that represents a significant adverse noise impact. The proposed mitigation measures are the provision of fully sealed windows to all facades and the provision of full building MVHR systems with the provision for both background and purge ventilation rates (although there is no mention of maintaining thermal comfort). This department does not support sealed windows and alternative ventilation to mitigate noise from industrial and commercial uses.

This proposal would result in incident noise levels on the building façade in excess of the significant observed adverse effect level and we would recommend refusal of the application on the grounds that the development would lead to harm to health and quality of life for future residents and would introduce a noise sensitive use which may have an adverse impact on the operation of existing businesses and potential loss of employment activities. However in the event of approval being recommended by Planning Officers then conditions are recommended in relation to a noise

mitigation scheme (in line with the recommendations made in the submitted noise report) to ensure the noise environment for habitable rooms.

- 4.4. Severn Trent Water – No objection
- 4.5. Canal and River Trust – Request for planning obligations for contributions towards the improvement of the towpath access at Cliveland Street, as the canal corridor and towpath would provide a sustainable traffic free route and can therefore expect increase usage. The Birmingham and Fazeley canal passes approximately 200m to the east of the site and would be the most direct route for future residents to access Snow Hill Station, Aston University, Birmingham City University and University College Birmingham.
- 4.6. Ward Councillors, MP and Universities notified of the application and site/press notices displayed. No comments received.

5. Policy Context

- 5.1. Birmingham Development Plan 2017, Birmingham Unitary Development Plan (saved polices), Big City Plan, Canal Corridor Framework SPG, Places for Living SPG, Loss of Industrial Land to Alternative Uses SPD, Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD, Specific Needs Residential Uses SPG and NPPF.

6. Planning Considerations

Principle

- 6.1. The Birmingham Development Plan (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. The site is within the Gun Quarter where the aim is to maintain the area's important employment role but also to complement this with a mix of uses around the canal and improved connections to neighbouring areas.
- 6.2. This proposal offers the opportunity to redevelop this brownfield site close to the city core, positively contributing to the transformation of this part of the city, specifically in relation to recently approved schemes either side of the application site.
- 6.3. This proposal would however result in the loss of a site that has had use as a commercial/ industrial site. Policy TP20, alongside Loss of Industrial Land to Alternative Uses SPD , seeks to protect the loss of industrial land. The application site is located outside the core employment zone in an area identified for change. The site is small and served by tight roads. I therefore consider its redevelopment would not adversely affect the portfolio of good quality employment land and the proposal would therefore comply with the overall aims of this policy.
- 6.4. This proposal seeks to create Purpose Built Student Accommodation (PBSA) on this site. Policy TP33 requires development to be “very well located in relation to the educational establishments that is to serve and to the local facilities which will serve it by means of waking, cycling and public transport”. A Student Supply Report has been submitted with the application which demonstrates compliance with this location criterion of TP33.

- 6.5. Policy TP33 further requires proposals to demonstrate that there is a need for student accommodation. The submitted Student Supply Report indicates that the proposed development is to principally serve UCB (15 minute walking distance), Aston (11 minute walking distance), and BCU (45 minute walking distance). However, it also identifies a number of secondary campuses and alternative providers that may generate demand that is not quantified. The assessment identifies approximately 1,628 full time students in Birmingham City Centre potentially requiring but are not able to access PBSA (excluding a pipeline supply of 1,136 bed spaces). Including pipeline supply, the demand pool would reduce to 492. The assessment projects an increase in demand for Aston and BCU of 3,439 students (consistent with the Council's Student Report). It concludes that there would a deficit of 5,067 bed spaces excluding pipeline supply and 3,931 bed spaces including pipeline supply.
- 6.6. The Council's report to Committee on the 7th January 2021 identified an existing shortfall of 1,058 bed spaces in the city centre if all consented schemes were built out. Taking into account potential future demand and assuming that all current planning application and pre-applications (known at November 2020) are built out, there would still be a shortfall of 1,314 bed spaces (including the application site). The Council's considered shortfall is therefore not as high as that identified by the Student Supply Report because our own assessment factors in current live applications and pre-applications (accounting for 3,182 bed spaces in the city centre). It assumes that all will receive consent and be delivered. If current live planning applications and pre-apps were factored in, it is expected that there would still be shortfall of around 749 bed spaces. On this basis I am satisfied that the assessment submitted satisfactorily demonstrates need for the development.
- 6.7. I am satisfied that the principle of this development is acceptable in that this proposal seeks to contribute to the transformation of this growth area in line with policies GA1.3 and TP20 of the BDP and would provide student accommodation for which there is an evidenced identified need in line with policy TP33 of the BDP.

Design, layout and scale

- 6.8. The proposed design is simple and acknowledges the industrial architecture of its surroundings. The use of details such as full height slim windows provide interest, rhythm and texture to the building's façade and helps break up its mass whilst its position to the back of pavement, reflective of development in the area, allows a good level of natural surveillance to be introduced where there is currently none. The design has been amended during the course of the application to ensure materials proposed more closely follow those of the recently approved adjoining student scheme.
- 6.9. At 7 storeys the proposal would be bigger than existing buildings on site but is consistent with the emerging heights approved on adjacent sites.
- 6.10. City Design have considered this proposal and raised no objection to the scale of the building of the approach taken in seeking to break up the massing. The amendments made to material have sought to address concerns regarding the general brick construction character of the area, I also note that other student schemes in the area including the nearby Globe works include metal panels in the design and as such I raise no objection to this proposal on design grounds. With regard to place making I am satisfied that this scheme meets with policy PG3 of the BDP.

Heritage

- 6.11. The application site is within the setting of the locally listed 29-31 Lower Loveday Street and the Grade II listed Barker Canal Bridge. A Heritage Statement has been submitted with this application which concludes that the impact of the proposed development on the setting of this heritage asset is negligible. My Conservation Officer has considered this proposal and concurs with this view. I am satisfied that this proposal would accord with heritage policy TP12 of the BDP.

Noise

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

Transportation

- 6.16. BDP policy TP33 requires student accommodation to be well located in relation to the educational establishment that it is to serve and to local facilities by means of walking, cycling and public transport. Car Parking Guidelines (SPG) requires cycle parking at a ratio of 1:4 (25%)
- 6.17. The proposed development does not include the provision of any on site car parking but the streets immediately adjacent the site are subject to parking controls, there are numerous surface level car parks close to the site including one directly opposite the site and 24 secure cycles spaces (25.6%) would be provided, in excess of policy guidelines. Furthermore, the site is located on the fringe of the city centre, approx.

11mins from Aston University Campus (walking), close to Snow Hill Station as well as being within easy walking distance of other public transport facilities, a range of amenities and pay and display car parks which includes provision for disabled parking. I therefore concur with Transportation Development who consider the proposed development would be well located and accord with Connectivity policies in the BDP and Car Parking Guidelines SPD and therefore raise no objection.

Planning Obligations

- 6.18. The site would be liable for a CIL payment of circa £159,906.35. Given the nature of the proposed development it would not be appropriate to seek any further financial contribution
- 6.19. I note the request received from the Canal and Rivers Trust for an unspecified sum for contributions towards the improvement of the towpath access at Cliveland Street. I do not consider that the request would meet the tests for such Section 106 contributions in particular the necessity test (Regulation 122.(2)(a) necessary to make the development acceptable in planning terms).

Other

- 6.20. The submitted Design and Access Statement sets out that the proposed building is designed to minimise energy consumption where possible. Proposed sustainable construction methods include (but are not exclusive to) the provision of insulation which is intended to perform better than the minimum Building Regulations standards; controlling solar heat gains; energy efficient light fittings and seeking to source local materials where possible. These sustainable objectives would meet policy TP3.
- 6.21. The site currently has minimal ecological value and the proposal provides an opportunity for ecological enhancements. My ecologist therefore raises no objection to the proposal subject to conditions which I attach accordingly.
- 6.22. Land contamination is identified in the supporting assessment and further work is required, assessment and verification conditions are therefore recommended.
- 6.23. The LLFA and Severn Trent raise no objection subject to conditions and these are therefore recommended.

7. Conclusion

- 7.1 The proposed development would result in a high quality sustainably located brownfield development in close proximity to existing higher education establishments and amenities and would provide student accommodation where a need has been evidenced. The proposal would result in a CIL payment, would not have an adverse impact on the adjacent highway and can be accommodated without having an adverse impact on its surroundings or future occupiers. The proposal would therefore comply with both local and national planning policy and is therefore recommended for approval.

8 Recommendation

- 8.1 Approve with conditions

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the submission of details of green/brown roofs
 - 4 Requires the prior submission of an additional bat survey
 - 5 Requires the prior submission of details of bird/bat boxes
 - 6 Requires the implementation of the submitted mitigation/enhancement plan
 - 7 Requires the submission of hard and/or soft landscape details
 - 8 Requires submission of site operation details
 - 9 Requires moving out moving in plan
 - 10 Restricts occupation to students only
 - 11 Requires the prior submission of a contamination remediation scheme
 - 12 Requires the submission of a contaminated land verification report
 - 13 Requires the prior submission of a drainage scheme
 - 14 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 15 Requires construction employment plan
 - 16 Requires the submission of sample materials
 - 17 Requires Demolition Management Plan
 - 18 Requires Construction Management Plan
 - 19 Requires Noise Mitigation Scheme details
 - 20 Limits the noise levels for Plant and Machinery
-

Case Officer: Victoria Chadaway

Photo(s)



Photo 1. The application site comprising two building and in the context of the adjoining site to the west where consent has been granted under reference 2019/10402/PA for the demolition of existing remaining buildings and erection of 4-8 storey development of 203 apartments with associated facilities.

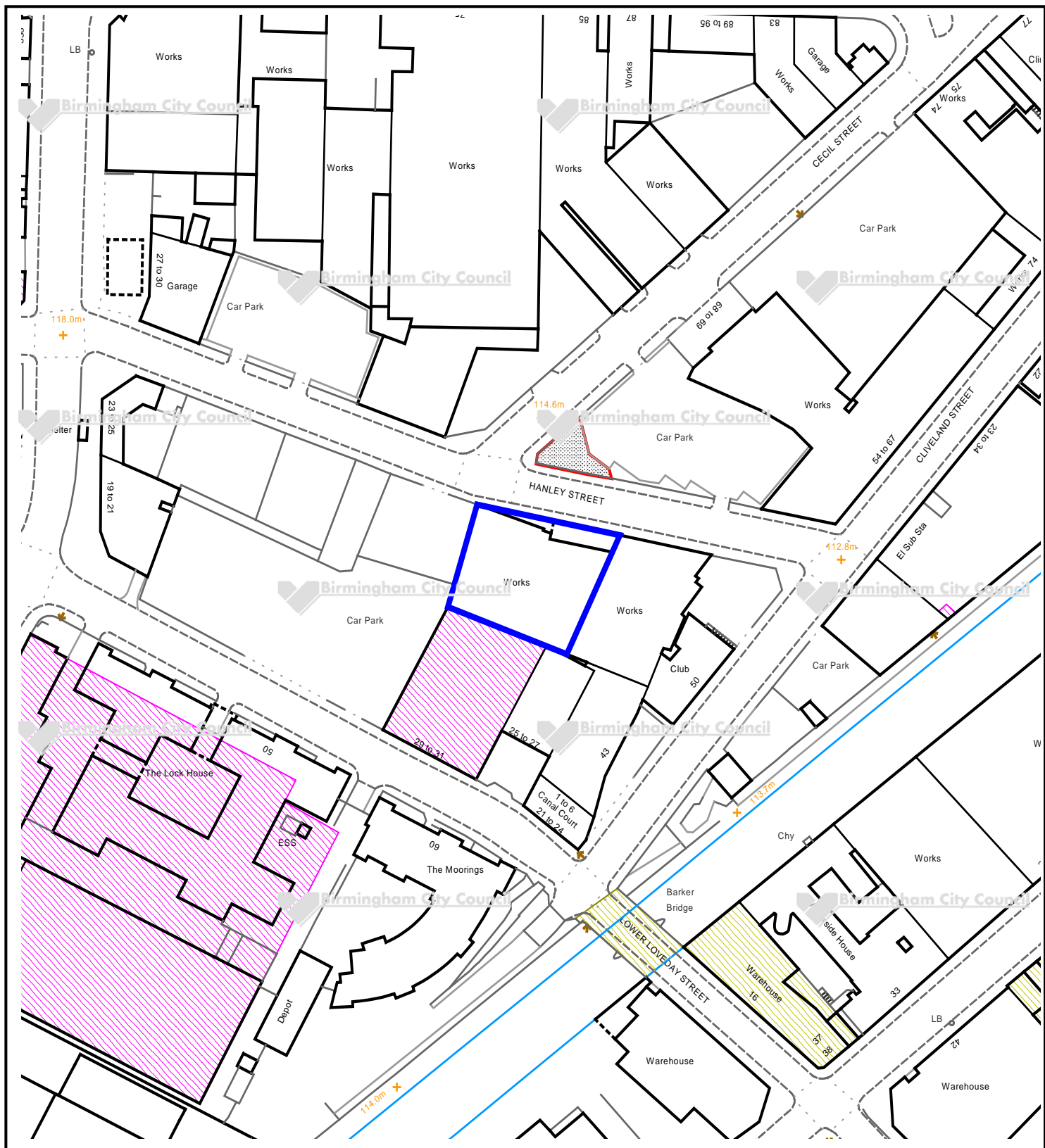


Photo 2. The application site in the context of neighbouring site to the east 37 Hanley Street, where works have commenced in relation to planning consent reference 2018/03661/PA for the erection of 5 storey frontage building and single storey rear building containing 47 Student Studios.



Photo 3. Google 3D Aerial image of the site and wider area (note – the site is labeled as Tearne Transfer and Digital Print on the image, the red marker indicates the corner of the site)

Location Plan



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Committee Date:	04/03/2021	Application Number:	2020/10275/PA
Accepted:	24/12/2020	Application Type:	Full Planning
Target Date:	04/03/2021		
Ward:	Bordesley & Highgate		

Rag Markets, Upper Dean Street/Sherlock Street, Birmingham, B5 4SG

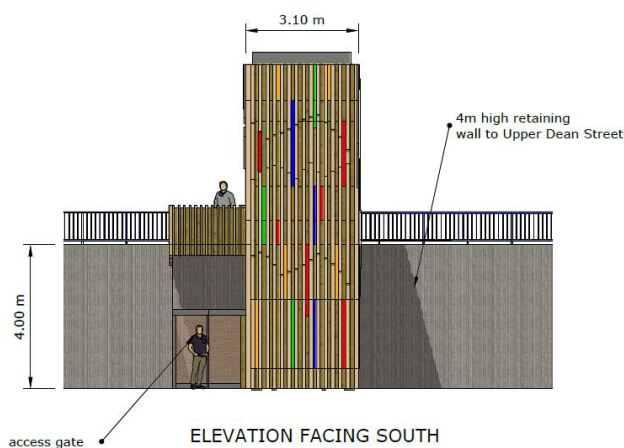
Installation of two new double storey goods lifts, pedestrian crossing and sliding gates

Recommendation

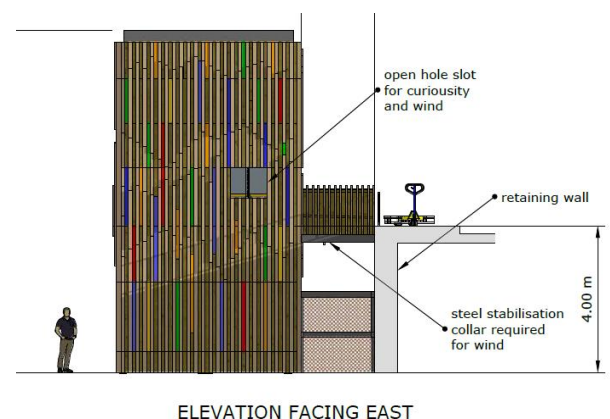
Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the installation of two double storey good lifts and a safe pedestrian crossing over Upper Dean Street. The proposed works also include the replacement of a manual gate with an electric sliding gate at Pershore Street to allow for secure access to the main Smithfield site.
- 1.2. On 8 September 2020, Cabinet agreed to demolish Manor House and the Markets car park to enable the site to be handed over as a venue for the Commonwealth Games.
- 1.3. As part of the works to enable the use of the Birmingham Smithfield Site for the Common Wealth Games the existing storage units for outdoor market traders and the route along Moat Lane (currently used to transport goods by pallet truck to the open markets) will be no longer in use following the demolition of Manor House and the Markets Car Park and therefore needs to be relocated.
- 1.4. To maintain fruit and vegetable goods transfer from the Markets Carpark (located lower ground) to the Open Markets on Upper Dean Street two goods lifts are required with a safe crossing over Upper Dean Street. The proposed road crossing does not require planning permission and a Road Safety Audit has been carried out by Birmingham City Council Highways department.
- 1.5. The lifts would be positioned so as to avoid obstructing views to the electronic advertising boards by having a setback of 2.89m and would be in place for five years. Design of the lift cladding is set to last at least the five year lifespan currently requested by BCC and would be formed of Marine grade plywood with coloured infill strips.



of 7



- 1.6. The outdoor lifts would be in operation between 04.00 to 08.30am and 16.30 to 20.00pm.



- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site relates to the Upper Dean Street and Pershore Street boundaries of the Smithfield site. The wider area comprises of a mixture of uses.

2.2. [Site location](#)

3. Planning History

- 3.1. None Relevant.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management, Residents Association, Retail Business Improvement District, Southside Business Improvement District, local councillors and neighbouring occupiers notified. Site notice displayed.

- 4.2. BCC Regulatory Services – No objections.

- 4.3. BCC Transportation Development – No objection subject to a condition the highway works are in place prior to the lift system being operational.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (saved policies); Draft Birmingham Development Management DPD; and revised National Planning Policy Framework.

6. Planning Considerations

- 6.1. The main issues to consider are whether the principle of the development is acceptable, if so, is the design of the goods lift appropriate having regards to the visual amenity of the surrounding area. Furthermore, will the proposed development have highway safety implications?

Principle of development

- 6.2. It is considered that this proposal would allow for the continued successful function of the open markets which attracts a number of visitors to this part of the City Centre. As a result, the goods lifts is supported.
- 6.3. The proposed gate to be located at the Pershore Street boundary of the Smithfield site would allow for secure access into the site. It is also important to note that the gate would replace an existing gate and for this reason it is considered acceptable.

Design Matters

- 6.4. Original plans comprised of ribbed metal cladding which was considered to be too utilitarian and industrial in appearance and lacking in visual interest. A revised scheme has since been submitted and incorporates colour and patterns to the elevations providing for more of an attractive, interesting appearance. The coloured infill panels can be spray painted to match the branding of various events such as the Common Wealth Games. The goods lifts would provide a visual attraction as well as enabling the important function of transferring goods from the market's car park to the open market. The Council's City Design Officer has raised no objection.
- 6.5. The applicant has confirmed that the proposed goods lifts would be in place for a maximum of five years and therefore the temporary installation of the lifts is considered acceptable.
- 6.6. The Council's Conservation Officer has raised no objection subject to the requirement of a written scheme of investigation for a programme of archaeological works. A condition has been attached accordingly. The proposals would not adversely affect the setting of the Grade II* St Martin's Church to the north.

Highway Matters

- 6.7. BCC Transportation Development has raised no objection subject to highway works being in place prior to the installation of the goods lifts. This is considered acceptable and a condition has been attached accordingly. Overall, the development is considered safe and is unlikely to interrupt the free flow of the highway.

7. Conclusion

- 7.1. The proposed works are considered acceptable and would allow for the ongoing active use of the Wholesale Markets as well as adding visual interest.

8. Recommendation

- 8.1. Approve subject to the following conditions:

-
- 1 Requires the goods lifts to be removed within five years of installation
 - 2 Requires the prior submission of a programme of archaeological work
 - 3 Requires highway works to be completed prior to installation of goods lifts
 - 4 Requires the scheme to be in accordance with the listed approved plans
-

5	Implement within 3 years (Full)
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Case Officer: Miriam Alvi

Photo(s)



Figure 1: Aerial View of Smithfield Site

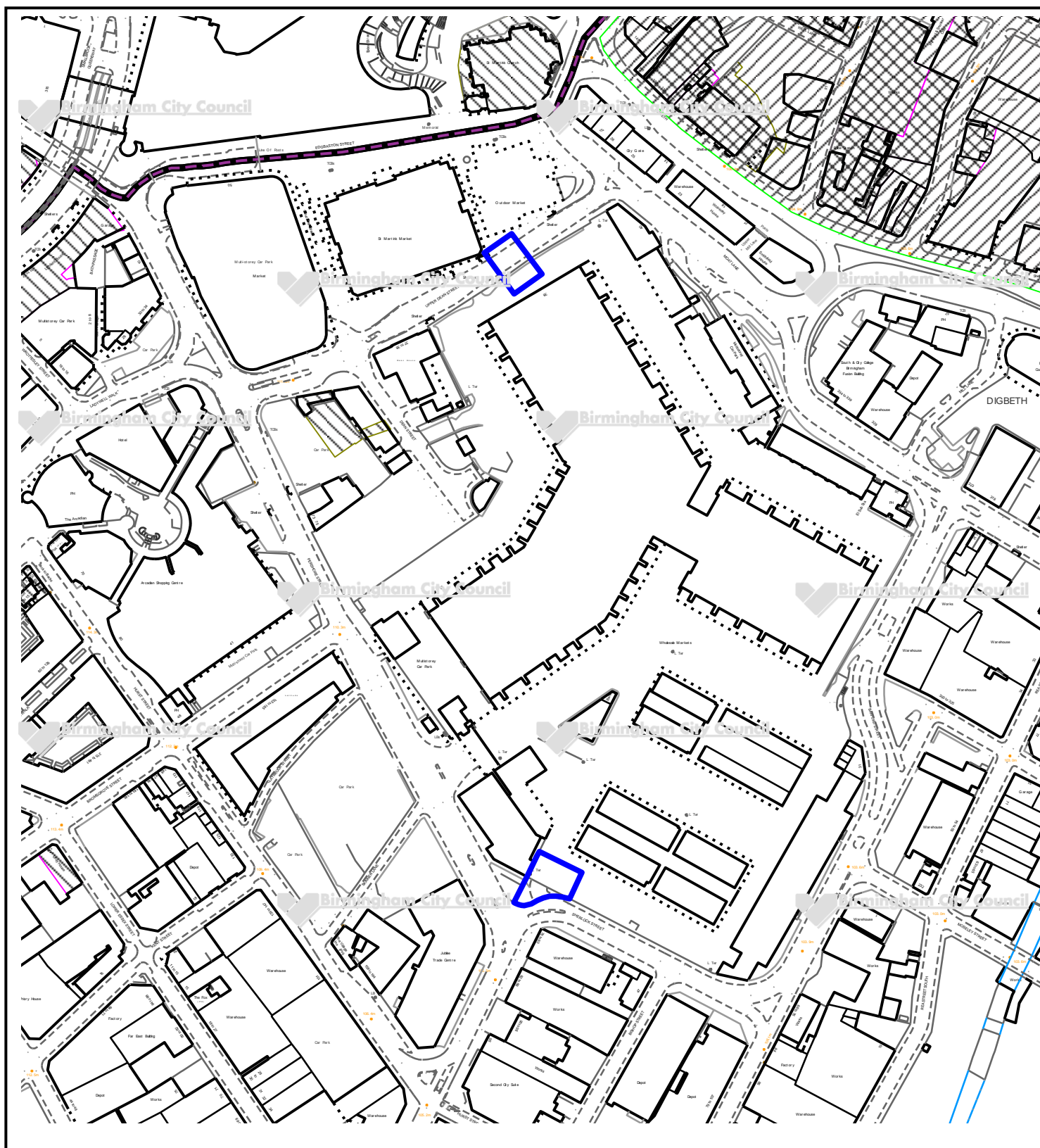


Figure 2. Proposed location of goods lifts



Figure 3. Wider context view

Location Plan



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Committee Date:	04/03/2021	Application Number:	2018/03004/PA
Accepted:	14/06/2018	Application Type:	Full Planning
Target Date:	20/11/2020		
Ward:	Bordesley & Highgate		

16 Kent Street, Southside, Birmingham, B5 6RD,,

Demolition of existing buildings and residential-led redevelopment to provide 116 apartments and 2no. commercial units (Use Classes A1-A4, B1(a) and D1) in a 9-12 storey building

Applicant:	Prosperity Developments and the Trustees of the Gooch Estate c/o Agent
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, DY8 1TS

Recommendation
Endorse

Report Back

1. This application was reported to your Committee on the 20th December 2018, when it was deferred for a site visit, further consideration of additional information submitted and the specialist character of the area. Following the Committee site visits, negotiations have taken place with the applicant and Nightingale to find a way to address the concerns. However, it has not been possible to reach agreement and the applicant has appealed against non determination. The purpose of this report is therefore to seek endorsement of the recommendation if the Local Planning Authority had been in a position to determine the application. This will form the basis of the Council's appeal case.

Planning Committee Site Visits

2. A night time Committee Site Visit took place on Saturday 26th January 2019, when Members of the Planning Committee walked around the site and surrounding area. This was followed by a daytime site visit on the 7th February 2019, attended by approximately 50 members of the public, when the following comments were made:
 - The Gay Village has been regenerated by the LGBT community, bringing business and economic benefits to the City. The area can be redeveloped but it needs to be done sympathetically and some of the S106 monies should be used to improve the area.
 - The Nightingale is an anchor for the Gay Village and a safe place to meet. It attracts people into the city helping the tourist economy. The proposed development could result in complaints against the Nightingale (as it is impossible to stop loud bass noise), potentially impacting on their business, which in turn would impact upon the Gay Village.
 - LGBT community feel safe in the Gay Village but the character of the area is changing with new residential development and if the night-time economy is affected

this could remove a safe place for the LGBT community to meet. Consideration needs to be given to the culture of the area.

- The proposed development would not benefit the community and the LGBT community will be lost if the proposed development is allowed to go ahead.
 - Residents have moved out of Southside because of night time noise and the residential amenity for prospective residents of the development would be poor.
 - Local businesses concerned about renewal of licenses, loss of business and impact on jobs.
 - The proposed development would conflict with planning policy for Southside and national planning policy regarding the agent of change principle, which seeks to protect existing businesses
3. Cllr Moore also objected on the following grounds - poor residential amenity for prospective residents; impact on the Nightingale Club and wider Gay Village and; changing character of the area with more residential accommodation in the area impacting on the night time economy and removing a safe place for the LGBT community.

Additional Public Participation Comments

4. Medusa Lodge commissioned their own noise report that was circulated to Members of the Planning Committee in advance of the meeting on the 20th December. The report concludes:-
- Thursday night / Friday mornings are nearly as noisy as Saturday nights on Hurst Street, and more noisy on Kent Street, making at least three nights a week that are extremely vibrant and noisy.
 - The scheme experiences noise levels at night that BCC Regulatory Services would be expected to object to and recommend refusal based on their own policy.
 - The results measured at the proposed facades during operation of venues in the locality, compared with those reported and relied on by the applicant try to simplify a complex soundscape and propose mitigation that would be inadequate
 - For a development to be sustainable it must enable people to live in a vibrant area, without having to live in acoustically sealed boxes with no ability to open windows to connect to the world outside. To achieve this in such close proximity to high noise sources requires design of the highest acoustic merit, and the risk remains that even then complaints may result from people who choose to open their windows and expect the environment to be quiet enough for them to be able to sleep. Whilst this might be considered unreasonable if they are bypassing the mitigation provided this is a matter of judgement and could result in formal action which would certainly would place unreasonable burdens on the businesses who generate noise in the area, and potentially causing serious harm to the character of the area which is itself valued.
 - If approved it is likely to results in complaints, which could put pressure on venues to be quieter at night, so that “reasonable” people can sleep with their windows open.
 - It is not expected that conditions could be adequate to address the mitigation required to tackle bass music noise in particular and result in sustainable

developments, and a fundamental and strategic rethink is recommended. A way forward is proposed, which is based on the Agent of Change principle, which has been introduced under S182 of the National Planning Policy Framework.

- This area should be considered to be a night time Soundscape of value, for cultural and community reasons, and therefore the vibrancy of the city night time economy protected by refusing the application. This is in the public benefit, as to permit these schemes would place the vibrancy and so the future of the Gay Village of Birmingham under significant threat.
5. Nightingale Club - initially objected on grounds that residential development and night time economy activities are incompatible at this proximity. If they are to co-exist, the level of mitigation to be applied to the “agent of change” (ie: the residential development) needs to be far greater, and must include non-openable windows. Non-openable windows create an unacceptably poor quality living environment, which is contrary to the Council’s Development Plan policies. The City Council has already reached this conclusion and applied it in another very similar case at Albion Court in the Jewellery Quarter. Subsequently, the Nightingale have indicated that they would be prepared to implement works to enable the club to exist along side residential developments and ensure the future of the vibrant Gay Village. However, the proposed noise mitigation works to the Nightingale do not meet the needs of the Club.
6. Cllr Gareth Moore:-
- Concerned about the officer recommendation for approval as it fails to take into account that this development is contrary to the NPPF. The Nightingale Club is an integral part of the Birmingham gay scene and approval of this application would seriously undermine the viability and hinder the operation of these premises, along with other licensed premises within the Gay Village. This would not only remove a safe space for Birmingham’s LGBT community to enjoy a night out, but would also have a wider impact. The LGBT night time economy not only serves Birmingham, but the wider West Midlands and even nationwide, with LGBT people coming from across the country to Birmingham. The report also makes no reference to Birmingham Pride, which would also be impacted by this application and so threaten one of the largest Pride events which takes place in the UK.
 - The NPPF is clear that existing business should not be prevented from continuing to operate, which is the likely outcome if this application is approved. Members will be aware that residents do not always report issues to relevant enforcement authorities, but insufficient complaints do not mean that there is not an issue. The Report also references the Unity & Armouries appeal, but fails to state that this appeal was under the previous planning regime and not the NPPF. Therefore, very little weight should be attached to this and more weight attached to recent Planning Inspectorate decisions which have supported the refusal of planning permission for residential developments where noise is a concern e.g. the African Village appeal.

- If approved the window and ventilation specification should be equal to or better than for the Timberyard development. It is also important that future occupiers are made aware of their surroundings to prevent future noise complaints, as was also agreed to be the case for the Timberyard development.
 - a significant proportion of the S106 monies should be made available to help address issues and offer improvements to help support the community.
7. Cllr Jon Hunt - concerned that it will have an erosive effect on this neighbourhood as a specialist place of entertainment. Although the building is to be mixed use, the proposal does not comply with the designated character of the area, especially as it immediately neighbours the Nightingale Club. Developers need to be more creative about mixed use developments to fully integrate with the surrounding village.
 8. West Midlands Police (Hate Crime Coordinator and Force lead for sexual orientation) - whilst Birmingham is a liberal city, attitudes to LGBT people are still mixed. There are many areas of Birmingham where same sex couples do not feel safe. Hate crime against LGBT people has increased year on year, especially since the result of the Brexit referendum and increase in right wing activity. The Southside area, and its historic Nightingale club has been a safe place for LGBT people to congregate, socialise and just be themselves for decades. It has also traditionally been viewed as a safe place for women to go in an evening, free of the risk of sexual harassment that they might otherwise experience on Broad Street. Venue owners and their staff have worked so hard over the years to make it a welcoming, inclusive space where people can be themselves. The relationship between venues, the BID and the police is strong and positive.
 9. Following the Committee site visits a further 89 objections have been received, including from LGBT Network; the Sexual health team at LGBT centre; Directors and Founders of Birmingham LGBT, LGBT Venue owners and Southside BID:-
 - The application to build residential apartments so close to the bustle of Birmingham's gay village will undoubtedly have an extremely destructive impact on the LGBT community, in turn, Birmingham's reputation of being a diverse city, benefitting only the property developers and ignoring the needs of Birmingham's communities. The gay village is both culturally and historically important to this city and to destroy that would be at the great loss to a majority of the people who live and travel here.
 - The LGBT community and nightlife attracts LGBT people to come and live in Birmingham from further afield, some of them with a significantly above average ability to contribute to the local economy. The economic benefits of a vibrant nightlife are not limited to the direct spend of its customers and the gay scene in Birmingham performs a similar function. Any development that decimates that scene for short term gains is thus economically as well as socially short-sighted.
 - The venues and spaces in the area provide a safe space for LGBT people to socialise and access support of the community. The proposal will have a major negative effect on existing gay bars and businesses forcing them to close. These businesses are respected and appreciated in the local community, and Birmingham City Council must ensure that new developments in and around the "gay village" will not have a detrimental effect on these venues and the jobs they

maintain. Triple glazing is the least that should be imposed on any new property in this area, as venues have already provided huge improvements to their own sound-proofing, with double-doors and canopies wherever relevant.

- Building a large residential block next to one of the biggest and most important gay nightclubs in the UK would threaten the existence of that nightclub. It would only take one resident to complain about noise and the nightclub could lose its licence. Like any city, Birmingham needs areas where nightlife can flourish and areas which are safe LGBT spaces. These districts take decades to develop and are thus largely unplanned and precious where they do exist. The current concentration of nightclubs in this area is the best place for them to be and works well. This is not just any old nightclub that can be relocated elsewhere - there is currently nowhere else in Birmingham that has the character and community and the space for this club to exist in the way it currently does. Being in the middle of largely industrial buildings means there is little scope for friction.
 - Concerned about the City Council's aspiration to build more residential apartments in the City Centre. There has been a dramatic change in this area over the last 15 years with more residential and restaurants that do not meet the needs of the community. The Council is taking this strategy of urban living too far, and its needs to be curtailed to ensure there is always an effective balance and mixture of retail / office and leisure use.
 - This area is about to be over-run with residential use to such an extent it will bring about more social issues that need to be addressed, at a time when the infrastructure available are not able to cope. The lower ground at the very least should be made available for office business use and not just restaurant or leisure use. The application should be rejected on the basis that this area is already saturated with similar uses, the lack of consideration for the need for parking; protection for the leisure venues in the area against noise abatement so they are not required to afford change, and finally an impact study on how this is affecting the gay community, which is basically being moved out of their area.
 - The undeveloped areas could be rejuvenated in more appropriate ways, a decent car park and a "green space" would be far more desirable.
 - The building works will also have a detrimental effect on the lives of the residents in the area given the amount of noise it will make. The size of the building will also have a detrimental effect on the natural lighting in the area.
10. One letter of support commenting that the real LGBT people of Birmingham gay scene have not been happy with the area and community feel for a number of years. It all looks a mess down there and new apartments will look much nicer. Gay scenes are becoming less anyway due to equality, and it is only really events that will carry on.

Relevant Planning Applications

11. Objectors have cited other planning applications that are summarised below.
12. Unitary and Armouries Site - In 2007 planning consent (LPA ref 2006/03254/PA) was granted on appeal for residential development. At that time the appeal inspector concluded that subject to conditions to secure noise insulation, ventilation and non-openable windows on Lower Essex Street the future occupiers would enjoy an acceptable living condition. This application was renewed in 2011 and in 2013 planning

consent was granted to vary conditions. More recently, in 2019 a certificate of lawfulness was granted confirming that works undertaken in 2014 were a material operation and that the development had commenced thereby keeping the consent “alive”.

13. Pershore Street / Skinner Lane (Timberyard site) - In September 2018 planning consent was granted in accordance with application 2017/09461/PA for residential development. In this instance, planning consent was granted subject to suitable glazing, mechanical ventilation and sealed windows to bedrooms on the Hurst Street and Claybrook Street frontages. Comparing the glazing specification with the Timberyard site, the Kent Street scheme requires a higher glazing specification to achieve a satisfactory internal living environment.
14. African Village Appeal - In 2017, planning consent was refused for a five storey apartment building containing 55 apartments within the curtilage of the African Village Restaurant and Bar, Birchfield Road, Perry Barr. The application was refused planning consent on the grounds that the proposed mitigation measures would require occupiers of the affected apartments to close their windows and rely on mechanical ventilation for significant periods of the day resulting in unacceptable living conditions. Although the subsequent appeal was dismissed on grounds of lack of affordable housing, with regard to noise the Planning Inspector commented that “On balance....the proposed development would provide acceptable living conditions for future occupants. Consequently, I find no conflict with PG3 of the Birmingham Development Plan (2017) which requires high standards of design that respond to site conditions.”
15. Albion Court, Frederick Street, Jewellery Quarter – In June 2018 planning consent was refused in accordance with application 2018/03393/PA for change of use from office to 23 apartments on grounds of noise to prospective residents from existing commercial uses. A subsequent appeal was dismissed with the Appeal Inspector noting that:

“Although it is suggested by the appellant that people moving into city centre housing are prepared to make compromises in return for the convenience and lifestyle offered by city centre living, future occupiers would nevertheless have expectations regarding their quality of life and it cannot be assumed that any or all future occupiers of the development would necessarily be more tolerant of noise, nor can it be assumed that future occupiers would keep windows closed, even during events that resulted in noise. Whilst a planning condition could ensure that a noise mitigation scheme was put in place, it cannot thereafter ensure that it is used or operated as intended. Regardless of the provision of mechanical ventilation, future occupiers may wish to open the windows for access to fresh air or other reasons, and the actions of the future occupiers are not within the control of either the appellant or the Council.”

16. Priory House, Gooch Street North/Kent Street - 18th December 2020, planning consent granted in accordance with application 2020/04784/PA for the adjacent site on Kent Street frontage. The application is for conversion and refurbishment of Priory House, including change of use from Use Class B1(b) to include 79 residential apartments (Use Class C3), ancillary internal and external resident's amenity areas, secure car and cycle parking and other associated works.

Consultation Responses

17. Regulatory Services - The site is located within a vibrant night-time economy area and directly opposite the Nightingale nightclub. Regulatory Services have had many dealings with the nightclub in terms of noise impacts and currently there is a limited amount of residential development potentially impacted by noise associated with the premises and

the conditions do not represent a statutory nuisance. There were a number of original noise assessments carried out which identified a significant adverse impact on the facades facing the Nightingale club and the applicant proposed mitigation by glazing and building envelope design only. This proposal would have resulted in conditions where when the windows were opened the internal noise environment would be adversely affected and the conditions due to noise from the Nightingale would be a statutory nuisance. The option that was considered by the applicant was to seal the windows but this leads to an unacceptable internal residential environment and we do not support such an approach for mitigating against noise. Accepted practise is that when considering noise from commercial enterprises a hierarchy of measures should be considered with the first priority being mitigation or prevention of the noise at source on the last option being mitigation by treatment at the receptor (in this case glazing and ventilation to the residential development). There have been a number of noise reports and we have carried out joint monitoring with the applicants' consultant and the consultant acting on behalf of the Nightingale to agree incident levels at the facades of the proposed development, typical noise levels generated by the operation of the nightclub and also the most likely significant sources of noise escape from the building. This assessment identified that the primary noise sources were the outdoor smoking and drinking areas on the balconies overlooking the development site, noise escape from some weak structural areas of the building and transmitted noise escaped through the ventilation system located on the roof. There were extended discussions about using the 'agent of change' approach and we came to an agreement with all parties that a series of measures could be incorporated at the Nightingale which in combination with the facade treatment at the residential development would lead to an acceptable noise environment. However towards the very end of the discussions the Nightingale suggested that they would wish to carry out different measures to those that had previously been agreed. Whilst we would consider alternate arrangement these would need to agreed prior to permission being granted and we would require specifications of the proposed work to be carried out and a further acoustic assessment of the resulting impact which has not been provided. The Nightingale have withdrawn their agreement to the original scope of works to proposed. On this basis the only mitigation proposed is facade treatment , primarily glazing and ventilation and this would lead to potential nuisance noise nuisance conditions if windows were opened by the residents and it cannot be a reasonable assumption that residents will be requested to keep their windows closed. We would therefore recommend refusal of the application on the basis that the noise mitigation measures proposed would result in potential for a significant adverse impact on the proposed development which could lead to harm to health and quality of life for future residents due to noise from nearby commercial uses and it would introduce a noise sensitive use in an existing area in circumstances where the resulting residential noise climate may represent a statutory nuisance which may have an adverse impact on the operation of existing businesses and potential loss of employment activities.

Development Plan Policies

18. BDP Policies: GA1 - City Growth Areas; TP25 - Tourism & culture events; TP24 - Diverse uses within centres; and TP28 - Location of new housing.

Planning Considerations

19. The key policy issues are twofold: whether well-designed high quality residential accommodation can be provided and; whether residential development in this location would place unreasonable restrictions on the Nightingale and undermine the distinctive character of the Gay Village.

20. In this instance the applicant is proposing a high specification glazing system with mechanical ventilation and openable windows. This would allow residents to open their windows, as for the majority of the time the noise environment does not require sealed units. For Thursdays, Friday and Saturday night times when noise from the Nightingale is loudest, the windows would need to be closed to achieve the required noise mitigation. However, with openable windows there is potential for prospective residents to complain about noise nuisance from the Nightingale. Without satisfactory construction and glazing specifications for the new development and noise mitigation works at the Nightingale, the proposal could jeopardise the operation of the club and undermine the Gay Village, which would be contrary to local and national planning policies.
21. The Medusa Lounge refer Birmingham City Council document "Planning Consultation Guidance Note – Noise and Vibration Edition 5". This document is not adopted planning policy but background information to the Birmingham Development Plan.

Additional Noise Assessment and Glazing Specification

22. Further to the original noise report in August 2017, additional site monitoring has taken place and an updated noise report submitted. To achieve an internal level of NR 20 within bedrooms overlooking Lower Essex Street and Kent Street, the report recommends minimum composite sound reductions for the building fabric. For windows, the sound reduction requires the use of high-performance secondary glazing along the Lower Essex Street elevation. It also advises that the window and structural wall configurations will need to be reviewed during the design phase to confirm the selected window configuration achieves the performance requirements. In accordance with the results of the site survey and the requirements of BCC PCGN, it is recommended that
- Lower Essex Street and Kent Street - all living rooms be fitted with windows with a minimum rating of $R_w + C_{tr} 35 \text{ dB}$; all habitable rooms should be provided with mechanical ventilation to enable residents to close windows as required and; any external vents to habitable rooms should be specified to achieve a sound reduction equivalent to that achieved by the room window system
 - For habitable rooms on the rear elevations all windows should have a minimum rating of $R_w + C_{tr} 32 \text{ dB}$ whilst any vents to atmosphere should, when open, have a minimum rating of $D_{new} + C_{tr} 38 \text{ dB}$.
23. To achieve the above requirements details of the window specification to Lower Essex Street have been provided. This comprises a primary glazing system :Weru aluminium window system to achieve min 38 dB sound reduction - WERU 9SF-16A-10 (44 dB) and a secondary glazing system : GRANADA. In addition details of the Ventilation and Odour Control System have been provided. This confirms that apartments shall be provided with mechanical ventilation with heat recovery. The applicant has submitted a Welcome Pack / Tenants Manual – describing to future residents the nature of their surroundings and providing details of the ventilations systems.
24. An overheating assessment has also been submitted. Due to the higher level of exposure to solar gains, it is proposed that solar reflective blinds will be used to the fixed glazing panels on the south-east (i.e. Kent Street) elevation of the Kitchen/Living/Dining spaces within apartments on the eastern corner of the development. The assessment has been based on operation of the blinds during the day (07:00-17:00) and the blind specification has solar reflectance of 70% and solar transmission of 18%. The blinds would need to form part of the project base build and match this performance.

25. Regulatory Services have identified some mathematical errors in the noise break in assessment and also an under-estimate of the window size, which affects the predicted internal noise level. At this stage therefore the applicant has not demonstrated to the satisfaction of the Local Planning Authority that with the windows closed entertainment noise can be properly mitigated.

Proposed Mitigation Works at the Nightingale

26. Regulatory Services have confirmed that if the proposed development goes ahead and residents complain as a result of intrusive noise, they are almost certain to determine a statutory nuisance from the Nightingale and will be legally obliged to serve notice (as under statutory nuisance residents would be entitled to open their windows regardless of whether mechanical ventilation is available or not). They therefore recommended that the only way to resolve the issue is for both sides to enter into an agent of change agreement.
27. The Nightingale initially indicated their willingness to cooperate. The applicant then produced a report entitled "The Nightingale Agent of Change Mitigation Proposals Revision 1 – 18 June 2020", that considered the following works at the Nightingale:-

- Replacement fire doors
- Upgrade glazing to first floor area
- Glaze the balcony areas
- Enclose smoking area – with barrier to protect new residential
- Fit attenuators to the ventilation system
- New air handling plant

28. These works costed by the applicant at £650,000 concentrate on reducing the most obvious noise breakout and have been scientifically assessed to secure the required noise mitigation. However, the Nightingale has recently confirmed that they would prefer alternative noise mitigation measures. Whilst alternative noise mitigation measures may be possible, they would need to be fully assessed to ensure that they deliver at least the same level of noise mitigation as that proposed by the applicant and approved by the Council.
29. The noise mitigation works at the Nightingale are necessary on the basis that the residents of the new development cannot be relied upon to keep their windows closed. Therefore without the noise mitigation works at the Nightingale, the proposed development is not acceptable as noise from the Nightingale would cause a nuisance to prospective residents. This in turn could result in complaints from prospective residents about the Nightingale club, which could result in the future of the club itself being at risk.

Public Sector Equality Duty

30. The Equality Act 2010 introduced a new public sector equality duty (the PSED), which covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
31. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) Foster good relations between people who share a protected characteristic and persons who do not share it.

32. In the absence of an agreement being reached between the City Council, developer and the Nightingale, the proposal would potentially be contrary to this Legislation as the scheme could impact upon Nightingale, which is a key venue for the LGBT community. The reason for this is that the applicant has not been able to demonstrate to the satisfaction of the local planning authority that the proposed development would not lead to complaints about the Nightingale, which could result in having unreasonable restrictions placed on them. If the Nightingale club had unreasonable restrictions placed on them, which forced them to close, this would have an adverse impact on the LGBT community.

Affordable Housing

33. A financial appraisal has been submitted to demonstrate that, with a policy compliant contribution the scheme would not be financially viable. The report has been assessed by independent consultants who consider that the scheme can sustain a contribution of circa £750,000. As noise mitigation works at the Nightingale have not been agreed the whole S106 contribution could be used toward affordable housing. This would need to be secured via a S106 legal agreement.

Conclusions

- 34. Since the application was deferred by your Committee in December 2018, careful consideration has been given to the objections raised and a possible approach to bring forward redevelopment of this underused brownfield site has been discussed with the applicant.
- 35. A further noise study has been undertaken to address the shortcomings in the original report, but further information is still required before Regulatory Services can confirm whether the proposed glazing / wall specification would adequately mitigate noise with the windows closed.
- 36. Regulatory Services also note that if the proposed development goes ahead and residents complain as a result of intrusive noise, they are almost certain to determine a statutory nuisance from the Nightingale and will be legally obliged to serve notice (as under statutory nuisance residents would be entitled to open their windows regardless of whether mechanical ventilation is available or not).
- 37. It has not been possible to reach agreement with the applicant and Nightingale about noise mitigation works at the club. Therefore there is a risk that the Nightingale could have restrictions place on them, which could affect their business and hence the Gay Village. This would be contrary to policies GA1, TP24, TP25, TP28 and the Birmingham Development Plan and the Revised National Planning Policy Framework.
- 38. In addition there is no legal agreement to secure the provision of affordable housing. As such the application is contrary to policy TP31 of the Birmingham Development Plan and the Revised National Planning Policy Framework.

Recommendation

39. That had the Planning Committee had the opportunity to determine 2018/03004/PA, it would have been refused for the following reasons

- i) The applicant has not demonstrated to the satisfaction of the Local Planning Authority that the proposed glazing / wall specification would when the windows are closed adequately mitigate noise from the Nightingale. This would result in a poor quality living environment for prospective residents and complaints against the Nightingale, which could affect the Nightingale and hence the Gay Village. As such the proposal would be contrary to Policies GA1, TP24, TP25, TP28 of the Birmingham Development Plan, the Revised National Planning Policy Framework and Public Sector Equality Duty.
- ii) In the absence of an agreement to secure satisfactory noise mitigation measures at the Nightingale through application of the agent of change principle, the proposal would result in a poor quality living environment for prospective residents and complaints against the Nightingale, which could affect the Nightingale and hence the Gay Village. This would be contrary to Policies GA1, TP24, TP25, TP28 of the Birmingham Development Plan, the Revised National Planning Policy Framework and Public Sector Equality Duty.
- iii) In the absence of a suitable legal agreement to secure affordable dwellings the proposal would be contrary to TP31 of the Birmingham Development Plan and Revised National Planning Policy Framework.

Original Report

1. Proposal

- 1.1. This planning application is for demolition of existing buildings and the redevelopment of the site to create a building of between 9 and 12 storeys, comprising 116 apartments and two ground floor commercial units (Use Classes A1-A4, B1(a) and medical services within use class D1) of 268sqm and 479sqm, respectively.
- 1.2. The residential element comprises 64 x 2-bed (55%) and 52 x 1 bed (45%) apartments as follows:-
 - 9 x Type A - 2 Bed @ 73.4sqm
 - 9 x Type B - 2 Bed @ 74.7sqm
 - 26 x Type C - 2 Bed @ 73.5sqm
 - 8 x Type D - 2 Bed Apartment @ 71.8sqm
 - 17 x Type E - 1 Bed Apartment @ 55.7sqm
 - 8 x Type F - 1 Bed Apartment @ 54.9sqm
 - 8 x Type G - 1 Bed Apartment @ 54.1sqm
 - 8 x Type H - 1 Bed Apartment @ 50.6sqm
 - 8 x Type I - 1 Bed Apartment @ 51.7sqm
 - 3 x Type J - 2 Bed Apartment @ 70.9sqm
 - 3 x Type K - 2 Bed Apartment @ 70.0sqm
 - 3 x Type L - 1 Bed Apartment @ 50.9sqm
 - 2 x Type M - 2 Bed Apartment @ 72.3sqm

- 2 x Type N - 2 Bed Apartment @ 75.8sqm
- 2 x Type O - 2 Bed Apartment @ 70sqm

- 1.3. The proposed building would comprise of three blocks: ground plus 8 storeys to Lower Essex Street, ground plus 9 storey to Kent Street, and set back ground plus 11 storeys to the corner.
- 1.4. The two main facade elements would be constructed with buff brick, with the corner piece constructed with a contrasting black/blue brick. Three different types of brick bond - dog-tooth, extruded Flemish and recessed brickwork – would be used to add interest. Regular window opening groups set up horizontal movements in what are otherwise vertically stacked elevations. Window openings would be full height with some having an aluminium surround reveals and glass Juliet balconies.
- 1.5. The ground floor is set up against the site boundary apart from the ground floor of commercial Unit 1, which is set back from Lower Essex Street to create space for potential outdoor seating. Above ground floor level the building is “L” shaped with wings along both street frontages. At first floor level is a landscaped courtyard garden of 341sqm for prospective residents.
- 1.6. Pedestrian access to the apartments is via the corner of the site where Kent Street and Lower Essex Street meet. Whilst there is a central courtyard/garden, this is exclusively for residents of the scheme, accessed via the 1st floor. Pedestrian access to commercial Unit 1 is provided along Lower Essex Street and Unit 2 along Kent Street.
- 1.7. The development proposals do not incorporate onsite vehicle parking. Within the centre of the scheme on the ground floor, a space is allocated to cycle parking for 116 bicycles on a two-tiered rack system, allowing for 1 space per residential unit.
- 1.8. An 83sqm space has been allocated for bin storage in the centre of the site. The storage is accessed through a service corridor from Kent Street. Collection vehicles would stop for a short duration along Kent Street or Lower Essex Street as per the existing waste collection arrangements for the site and adjacent properties.
- 1.9. In support of the application the following documents have been submitted:-
 - Planning Statement;
 - Design and Access Statement;
 - Daylight and Sunlight Study;
 - Ecology;
 - Ground Conditions;
 - Transport Statement and Travel Plan;
 - Noise Report; and
 - Sustainable Urban Drainage Report.
- 1.10. A Viability Statement has been submitted, which seeks to demonstrate that with a policy compliant contribution, the scheme would not be financially viable. However, the applicant has offered 11 affordable low cost units at 75% open market value, which would be delivered on-site. This equates to an affordable provision of approximately 9.5% and the proposed mix is 4 x 2 bed and 7 x 1 bed units.
- 1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the south side of the City Centre in the Chinese Quarter, at the junction of Kent Street and Lower Essex Street. It is within close proximity to major attractions; the Hippodrome Theatre, Birmingham Royal Ballet and China Town. The site is also within easy walking distance to the central retail and commercial districts of Birmingham, with a 10 minute walk to Birmingham New Street Station and the Bullring Shopping Centre.
- 2.2. The site covers an area of 0.129 hectares and comprises a 3 storey former office building. The office use has been vacated but the lower floor of the building is in use as an occasional nightclub and entertainment premises.
- 2.3. The northern site boundary is formed by the Unity & Armouries site which has planning consent for residential development. The scheme is currently under construction. The western site boundary is formed by existing office buildings occupied by Peter's Books, a supplier of educational books and furniture. On the opposite side of Lower Essex Street to the east is the Nightingale Club and a further phase of the Unity & Armouries development site. Further to the east on Kent Street is Medusa Bar and Sidewalk Bar. These bars / clubs operate each day of the week and open into the early hours of the morning. Across Kent Street to the south is a catering wholesale warehouse. Surrounding uses include offices, leisure and residential.
- 2.4. Direct distances from the application site to the nearby late night entertainment venues are as follows:-
- Nightingale Club, Kent Street – 12m
 - Medusa Lodge 139-147 Hurst Street – 45m
 - The Fox, Lower Essex Street – 45m
 - The Loft, 143 Bromsgrove Street – 62m
 - Sidewalk, 125-131 Hurst Street – 66m
 - Equator Bar, 123 Hurst Street – 78m
 - The Village Inn, 152 Hurst Street – 115m
 - Missing, 48 Bromsgrove Street – 116m

2.5. [Site location](#)

3. Planning History

- 3.1. There is no relevant planning history for the application site but there are relevant applications for residential development nearby as detailed below.

134, 139, 140, 141 Bromsgrove Road, Unity House and The Armouries.

- 3.2. 8 November 2007. 2006/03254/PA - Erection of 2 buildings and retention of Unity House to provide 162 apartments, 395sqm of ground floor commercial floorspace (A1,A2,A3,A4,B1,D2) and 98 car parking spaces - approved at appeal. In allowing that appeal, the Inspector stated:

“The appeal site lies within Birmingham City Centre in the Entertainment Zone of the Bull Ring/Markets Quarter. It is an area that includes major new high density residential development bringing forward the Council's aspirations for City Living as well as a large number of entertainment and leisure facilities. In all respects, other than the concerns about low frequency bass noise, the

application was considered to accord with the development plan and SPG policy and I have found no objection to the principle of mixed use development including residential on the site which enjoys support from PPS1, PPS3 and PPS6. The development of residential apartments in the close proximity of night clubs and the particular problems of low frequency noise may present particular challenges but that does not preclude its successful execution.”

“Having heard detailed noise evidence from the Council, appellants and the Club and visited the area in the early evening and in the early hours of the morning and having been inside the Club and a Southside apartment, I am satisfied that the achievement of acceptable living conditions for the residents of the proposed flats would be possible in the current external noise environment, would meet accepted standards and could be secured by way of condition. I have further concluded that the scheme would not adversely impact on the adjoining land uses and more particularly the operation and activities of Nightingales. I have taken into account all other matters raised but I find none to be of such weight as to override my conclusions that the appeal should be allowed subject to the conditions set out in the attached schedule.”

- 3.3. 27 April 2011. Planning Application 2010/02473/PA. Extension of time limit granted to previously approved application 2006/03254/PA for erection of 2 buildings and retention of Unity House to provide 162 apartments, 395sqm of ground floor commercial floorspace (A1, A2, A3, A4, B1, D2) and 98 car parking spaces.

- 3.4. 7 August 2013 Application 2013/03202/PA. Planning consent granted for the variation of conditions 1, 3, 5, 8, 9, 10, 12, 14, 15 and 16 following grant of planning permission 2010/02473/PA.

Land at Pershore Street and Skinner Lane

- 3.5. 3 September 2018 Planning Application 2017/09461/PA. Planning consent granted for the erection of 6-14 storey building comprising 379 residential apartments (Use Class C3), ground floor commercial units (use Classes A1-A5 and B1a), associated car parking and amenity space.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers, residents associations, Southside BID, local ward councillors, and M.P. notified. Site and press notices displayed. Objections received from Cllr Gareth Moore, owner of the Nightingale Club / Loft Lounge and from solicitors acting on behalf of Medusa Lodge.

- 4.2. Cllr Gareth Moore –

The application would be contrary to the NPPF, which states that existing businesses should not be hindered in the continuance of their business by new development. This application would compromise the Gay Village as a late night entertainment district due to noise complaints from the residents who would occupy this development, putting businesses at risk.

The noise report does not make reference to noise from people late at night, music from licensed premises, conversations from smokers outside licensed premises and vehicle noise, especially taxis. In light of the above, it is clear

that there would be at least an adverse effect for residents of this development, and more likely a significant adverse effect. The noise impact assessment recommends that suitable glazing and mechanical ventilation would offer sufficient mitigation to residents for outside noise. This does not take into account that residents would need to keep their windows closed to avoid noise nuisance, and so impact on residential amenity by providing poor living conditions and quality of life. This application cannot offer a good standard of amenity and is therefore contrary to the NPPG.

Whilst this application does not propose sealed windows, this mitigation would only add to the existing poor living conditions. Recent appeal cases recognise that closed window units and mechanical ventilation diminish the quality of life for residents. Birmingham City Council have refused planning permission for several applications on the grounds that noise nuisance and the mitigation offered would result in unacceptable living conditions. There have also been two recent appeals considered by the Planning Inspectorate which have been dismissed.

The applicant makes reference to the appeal APP/P4605/A/07/2039953 for the Unity House and Armouries site. This appeal decision dates back to 2007, and so would not have regard to the changes that have taken place within the Gay Village during the intervening 11 years. That decision also pre-dates the NPPF, which attached greater weight to protecting existing businesses from noise complaints through change in land uses. This appeal decision has therefore been superseded and is no longer relevant in respect of this application.

Fundamentally, it is not possible for this application to offer a good standard of amenity for future occupiers of the proposed development due to the noise from being within a late night entertainment district and adjacent to a major nightclub, which will create a significant adverse impact on their health and quality of life. Any mitigation offered cannot address this and would instead create poor living conditions. The development would also not allow existing business to develop in continuance of their business due to the restrictions that would have to be put in place in order for there not to be an adverse effect. It is therefore contrary to both the NPPF and NPPG and should be refused planning permission.

- 4.3. Owner/ occupier of the Nightingale - The Nightingale is only a few metres from the proposed residential development. It operates throughout the night on several nights of the week and has a capacity of 2200 people. Should this development be approved then noise complaints from new residents may result in measures imposed which will force the club to cease trading. The Nightingale is the main venue in the gay village and should this venue close the entire LGBT community and businesses would be decimated and would cease to exist as a community.
- 4.4. Owner / occupier of the Loft Lounge - The Loft Lounge is close by the development and will be negatively impacted by this development. Potential noise complaints from new residents may result in the Loft lounge being forced to close.
- 4.5. Letter from solicitors acting on behalf of Medusa Lodge –

The applicant has not related their application to the businesses in the Night Time Economy, in the near vicinity of the proposal. In particular, premises which comprise SEV (sexual entertainment venues) have their licences

renewed annually, and at the time of each renewal, the character of the area, and the suitability of the premises to continue trading in that area is taken into account. One of the key factors is whether there have been any changes to the character of the locality since the last grant, and whether there is any potential for conflict between the licensed premises and any new development. New residential development would undoubtedly be a factor that could be taken into consideration in refusing the renewal of a SEV licence in any future renewal, and could also be taken into account in reviewing the premises licence. No mention or recognition of any of these matters has been made by this Applicant in the course of this application.

The acoustic assessment is too limited, and has not taken into account all of the affected night time economy premises. The Applicant has not considered the premises licences for the premises in question. There is no basis for the assumption that Friday and Saturday nights will be predominantly affected. Many of the premises have licences which authorise the same hours throughout every night of the week, until the early hours of the morning (eg; 06:00). Different premises have their key nights on different nights of the week. Many are active or have events throughout the year during the day, particularly associated with the Pride event. The Report undertakes no research to identify whether any complaints have ever been received from extant residents against the local licensed premises

The Applicants are clearly working on assumptions that residents will not open their windows, due to the local soundscape. This is a residential amenity issue. The NPPG already makes it plain that if the expectation is that glazing performs as the sound insulation medium, and that, therefore, windows cannot be opened in order to perform their insulating properties, then alternative forms of ventilation will be required. It is not clear whether this Report is indicating that no alternatives will in fact be provided in this proposal.

For the period of time that the measuring was conducted, this only took in one weekend of activity with the surrounding licensed premises, and has focuses disproportionately on one of them - The Nightingale. Directional microphones were focussed upon these premises. This approach does not give a complete picture of: (a) what the noise output from this club would be on a different occasion to the occasion measured. (b) what the noise output from other premises might be. (c) what the cumulative noise impact of all the premises taken together might be.

The onus upon the developer is to present a proposal which can ensure that the status quo between the existing land users, particularly in the night time economy, and the proposed residents can co-exist harmoniously together under all circumstances, and worst case scenarios. This is the basis of the Agent of Change principle and this developer has failed adequately to offer mitigation for their proposal or any of the surrounding businesses to a level that would meet this principle.

The Applicant has not taken into account guidance in the NPPG. The Applicant has not referenced the relevant paragraphs, nor addressed them in the application, and specifically not in the DAS or the Acoustic Report, which is where they should be addressed in detail. The Applicant has simply failed to relate their assessments of the soundscape and likely impact on future residents of the proposal to the guidance in the NPPG. Equally, they have

failed to address the likely future effects on local businesses and the ability of those businesses to flourish and development, which is contrary to guidance and a material consideration.

The Development Plan is the Birmingham Plan 2017 – 2031. Policies TP27 Sustainable Neighbourhoods, Policy TP28 Location of new housing and TP30 Type, size and density of new housing are relevant. There is conflict with these policies by introducing new residential units in the centre of the night time economy with a multitude of licensed premises and SEVs. If the Council changes the character of the area, contrary to objections to introduce residential units where previously there were none, and no conflicting land uses existed, then this is contrary to the rights of the current businesses in the Night Time Economy. The new residents would not “identify” and “feel a pride in” their neighbourhood if they experienced noise and other impacts from the night time economy. They would, on the contrary, complain about it, and seek enforcement with a view to curtailing or closing those licensed activities which currently proceed without any issues.

The licensed premises in this locality, so proximate to the Gay Village, are heavily involved in the Birmingham Pride organisation, and many other endeavours. Impacting upon these businesses would have a domino effect on all other enterprises with which these businesses are involved, to the significant detriment of this key area and all those community groups that access it. This is a cultural issue. It is also contrary to the sustainability of this area.

The licensed premises in the area surrounding this development are cultural assets. Some, such as the Nightingale, are of iconic status within Birmingham, and the LGBT community. Many others, including Medusa Lodge provide safe and regulated entertainment experiences, which make Birmingham a lively, vibrant, diverse cultural centre, attractive to local people, visitors and tourists. This is of vital importance to the Birmingham economy. National Planning Policy (NPPF) recognises this explicitly.

The juxtaposition of this application proposal and the existing licensed premises would not create a sustainable community or a successful neighbourhood. Development which conflicts with policies of the Development Plan should not be permitted unless material considerations outweigh the conflict. The Applicant has not even identified any conflict with Development Plan policies in this regard, let alone proposed any material considerations capable of outweighing them.

The National Planning Policy Framework (NPPF) identifies that the purpose of the planning system is to contribute to sustainable development. The environmental role protects, amongst other things, the built environment, and part of its role is to minimise pollution, including noise pollution upon residents. The planning system should contribute to and enhance the local environment by preventing noise pollution. New development should not be permitted which would be unacceptably impacted by noise from extant sources, but similarly, proposed development should not be allowed to put existing businesses at risk from future complaints and enforcement.

The duties placed upon the Council by the Environmental Protection Act 1990 require noise nuisance to be identified and enforced against where found. It is imperative, therefore, that these potential conflicts between land users are

considered at the time that development is seeking permission. It is contrary to Human Rights law and natural justice for the Local Authority to enforce against pre-existing businesses, who have not changed their operation, as a result of the introduction of more noise sensitive receptors which the Local Authority has chosen to permit, despite having the future likely consequences of the permission pointed out to them at the time of the decision.

- 4.6. BCC Regulatory Services – initially recommended that the application be refused on the grounds that the submitted noise assessment was not adequate. A subsequent noise assessment has been submitted and BCC Regulatory Services have commented that:-
- Measured noise levels – in general these are slightly higher than those measured in an EPU survey in 2007. So can be accepted.
 - The noise report recommends a glazing spec (values of R in octave bands to achieve) NR20 for the Lower Essex Street and Kent Street facades. Windows to ALL habitable rooms on these facades need to achieve the recommended performance. (Living rooms and bedrooms are treated in the same manner
 - As these recommendations will require residents to keep windows closed to have an acceptable indoor amenity. Suitable ventilation will be needed – normally 4 air changes per hour – and an overheating Assessment (in line with CIBSE TM59) will be needed.
 - This is a sensitive location subject high levels of entertainment noise, to protect both the amenity of future residents and the operation of the entertainment business it is essential that the developer is aware of the implications of both the noise report and the necessary ventilation system before permission is granted. Therefore the glazing specification (with associated laboratory test data showing that it meets the required performance), ventilation system (with overheating assessment and details of noise generated) need to be submitted as part of the scheme and included on the approved plans prior to approval being granted.
- 4.7. BCC Transportation Development – no objections subject to conditions to secure cycle parking and redundant footway crossings on both frontages reinstated. There are two taxi bay areas provided in front of the site on both Kent Street and Lower Essex Street that are only in force from 9pm through to 6am. Consideration should be given to alter the Traffic Regulation Order to provide defined servicing and/or additional on street pay and display parking.
- 4.8. BCC Education (School Organisation Team) – request a S106 contribution of £337,986.49 as the development could impact on the provision of places at schools.
- 4.9. BCC Leisure Services – in accordance with BDP policy, this development should be liable for an off -site POS contribution of £234,000. This could be directed towards the creation of new POS in the Southern Gateway or an extension / improvement of Highgate Park which is the nearest existing significant green space. As the development is within the City Centre it is not regarded as family accommodation and therefore would not however generate a play area contribution.
- 4.10. BCC Employment Access Team – request a S106 planning obligation or condition to secure local employment and training.

- 4.11. Local Lead Flood Authority – no objections subject to suitable drainage conditions.
- 4.12. Severn Trent Water – no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.13. West Midlands Police:-
- the scheme should be to the standards laid out in the Secured by Design 'New Homes 2016' and Secured by Design 'Commercial 2015' guides;
 - each individual apartment should be treated as a separate dwelling for the purpose of the standards of door security;
 - there is only one communal door into the ground floor lobby area before access is gained to the lifts, stairwell and post room. The creation of only one layer of security within this entrance leaves the building vulnerable to an offender tailgating through the doorway. The lobby should be redesigned, or an additional second, internal, communal door be installed to create an additional line of security;
 - the location of the cycle storage area within the interior of the building would have very little natural surveillance;
 - a suitable CCTV system should be installed to cover the site and an intruder alarm should be installed to the commercial units; .
 - concerned that there is a service corridor between the two retail units and the communal areas of the residential aspect of the building, which could lead to potential issues around offenders accessing one of the uses from the other.
- 4.14. West Midlands Fire Service – approval of Building Control will be required with regard to Part B of the Building Regulations 2010. Where fire mains are provided in the building there should be access to the riser inlet within 18 metres and each access point should be clearly visible. Water supplies for firefighting should be in accordance with “National Guidance Document on the Provision for Fire Fighting”
- 4.15. University Hospitals Birmingham NHS Foundation Trust - request a financial contribution of £7,232.00 to provide additional services and capacity to meet patient demand.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan (saved policies) 2005; Places for All SPG, Places for Living SPG,; Affordable Housing SPG; Public Open Space in New Residential Development SPD; Car Parking Guidelines SPD and Revised National Planning Policy Framework 2018.

6. Planning Considerations

Principle of Development

- 6.1. The application site is located within the Southside and Highgate Quarter within the City Centre Growth Area as defined by Policy GA1. Policy GA1.3 identifies that development in this location should support the growth of the area's distinctive cultural, entertainment and residential activities, its economic role and provide high quality public spaces and pedestrian routes. Policy GA1.1 also states that the City Centre will be the focus for retail, office, residential and leisure activity. Furthermore, policy states that residential development will continue to be supported in the City Centre where it provides well-designed high quality living environments and this

echoes national planning policy which encourages well-designed development on brownfield land within sustainable locations. The site is also in close proximity to Smithfield which is identified as part of a wider area of change where a significant mix of uses will be expected. The provision of a residential development with ground floor commercial uses on this site is therefore considered to be acceptable in principle subject to detailed matters.

Noise and Air Pollution

- 6.2. The site is within a vibrant mixed use area with a number of late night entertainment venues including Medusa, The Village Inn, Sidewalk, Loft and The Nightingale. These venues have significant capacity, are open and licensed for live and recorded music, some until 06:30 in the mornings and are part of the functional night time economy in Birmingham. Local residents and business' have therefore raised concerns that the proposed development would introduce noise sensitive receptors into this area which could, in turn, result in restrictions being placed upon the way existing businesses conduct themselves/provide their service. Consequently, there are concerns that this could then adversely affect the areas diverse entertainment offer and, ultimately, the character of the area, contrary to policy.

Below is a list of the licensed premises close to this development and their opening hours, according to their licences held under the Licensing Act 2003:

- Equator Bar, 123 Hurst Street - Sunday to Thursday 10:00-00:00 and Friday to Saturday 10:00-03:00
- The Loft, 143 Bromsgrove Street - Sunday to Wednesday 08:00-02:00 and Thursday to Saturday 08:00-04:00
- Medusa Lodge Gentleman's Club, 139-147 Hurst Street - Monday to Sunday 10:00-06:30
- Missing, 48 Bromsgrove Street - Monday to Saturday 10:00-04:30 and Sunday 12:00-02:30
- Nightingale Club, Essex House, Kent Street - Monday to Thursday 10:00-04:30 and Friday to Sunday 10:00-06:30
- Sidewalk, 125-131 Hurst Street - Monday to Sunday 10:00-04:30
- The Village Inn, 152 Hurst Street - Sunday to Thursday 12:00-06:00 and Friday to Saturday 10:00-08:00
- The Fox, Lower Essex Street – Monday to Thursday 10:00-Midnight, Friday to Saturday 10:00-02:00 and Sunday 12:00-23:30.

- 6.3. The NPPF and PPG were revised 24th July 2018. Paragraph 182 states that "Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."
- 6.4. Policy TP25 of the BDP advises that proposals that reinforce and promote Birmingham's role as a centre for tourism, culture and events will be supported. It adds that this will include supporting smaller scale venues that are an important element of creating a diverse offer.

- 6.5. There are already residents living close to/above some of the existing entertainment venues where there are no live noise complaints with Regulatory Services. In addition, this development would reflect and build upon the existing mixed use nature of area. I do not consider this proposal would materially change the character of the area. Furthermore I note that the Council lost an appeal, on noise grounds for new residential accommodation at the Unitary and Armouries site, to the north/northwest of The Nightingale, where the Inspector noted "City Living is not for everyone. Those choosing to occupy apartments in the appeal scheme would be aware of the nature of the area....and the likely night time street and noise environment. Those whom it would not suit would go elsewhere." Ultimately concluding that subject to conditions to secure noise insulation, ventilation and non-openable windows on Lower Essex Street the future occupiers would enjoy an acceptable living condition. Notwithstanding Cllr Moore's comments that this appeal decision was some time ago, I consider this should be given weight.
- 6.6. More recently, Members may recall that at the meeting on the 16th August 2018, a report about residential development for a nearby site at Pershore Street and Skinner Lane was considered. At the meeting your Committee resolved to grant planning consent subject to safeguarding conditions.
- 6.7. For the current application, to achieve an acceptable internal noise level within bedrooms overlooking Lower Essex Street and Kent Street, the building fabric would be designed to achieve specified minimum composite sound reductions. For windows, the sound reduction requirements would require the use of a high performance secondary glazing system. It will be necessary to review the window and structural wall configurations during the design phase to confirm the window configuration to be used which achieves the performance requirements.
- 6.8. In accordance with the results of the site survey and the requirements of BCC Regulatory Services, it is recommended that all living and bed rooms that overlook Lower Essex Street and Kent Street be fitted with windows with a minimum manufacturer's rating of $R_w + C_{tr} 35 \text{ dB}$. All habitable rooms overlooking Lower Essex Street and Kent Street should be provided with mechanical ventilation to enable residents to close windows as required. Any external vents to habitable rooms overlooking Lower Essex Street and Kent Street should be specified to achieve a sound reduction equal to that achieved by the room window system.
- 6.9. For habitable rooms on the rear elevations of the building and which are further from the nightclub and screened from the roads, it is recommended that windows should have a minimum rating of $R_w + C_{tr} 32 \text{ dB}$ whilst any vents to atmosphere should, when open, have a minimum rating of $D_{new} + C_{tr} 38 \text{ dB}$.
- 6.10. BCC Regulatory Services initially objected to the application but following submission of a further report they have now withdrawn their earlier objection. They consider that the measured noise levels are acceptable as they are slightly higher than those measures in an Environmental Protection Unit survey in 2007. BCC Regulatory Services have raised no objections to the recommended glazing specification; however, these recommendations require residents to keep windows closed to have an acceptable indoor amenity. Therefore suitable ventilation will be needed – normally 4 air changes per hour.
- 6.11. As this is a noise sensitive location, subject high levels of entertainment noise, to protect both the amenity of future residents and the operation of the entertainment business BCC Regulatory Services consider that it essential that the developer is

aware of the implications of both the noise report and the necessary ventilation system before permission is granted. They have therefore requested the glazing specification (with associated laboratory test data showing that it meets the required performance) and ventilation system (with overheating assessment and details of noise generated) be submitted as part of the scheme and included on the approved plans prior to approval being granted.

- 6.12. The applicants have questioned whether or not it is possible to deal with details of the glazing specification and ventilation system by condition. Notwithstanding the comments from BCC Regulatory Services I consider that appropriate conditions could be attached as follows:-
- Prior to commencement of development except for enabling works, a scheme of noise insulation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall reflect the recommendations provided in Section 7.3.2 of the Hoare Lea Report (Document reference: 16 Kent Street REP-1006881-05-AM-20180927-Noise Assessment-Rev2 DFC.docx). The scheme shall be implemented in accordance with the approved details and thereafter maintained.
 - Prior to commencement of the development except for enabling works, a ventilation scheme shall be submitted to the Local Planning Authority for written approval. The scheme shall provide details for all flats where Section 7.3.2 of the Hoare Lea noise report (Document reference: 16 Kent Street REP-1006881-05-AM-20180927-Noise Assessment-Rev2 DFC.docx) identifies that entertainment noise will be audible at the façade. The detail shall identify how background ventilation and purge ventilation of these apartments will be achieved and how the risk of overheating will be mitigated for occupants, by the installation of an enhanced mechanical solution. Once the scheme is approved in writing, the development shall be implemented in accordance with the approved details and thereafter maintained.
 - Prior to occupation of the residential premises, a validation report shall be submitted to and approved in writing by the Local Planning Authority which shows that the internal noise levels set out below are achieved. Total internal noise levels (from the ventilation system and external noise break-in) at residential bedrooms and living rooms shall not exceed NR25 when the ventilation is providing minimum throughput and shall not exceed NR35 at maximum throughput. The validation report shall include the ventilation and glazing specifications, and its methodology shall be agreed in writing by the Local Planning Authority prior to the commencement of tests.

Apartment Mix and Size

- 6.13. BDP Policy TP27 Sustainable Neighbourhoods requires that new housing development is provided in the context of creating sustainable neighbourhoods, which contain a mix of dwellings types, sizes and tenures. Policy TP30 Housing Mix states that proposals for new housing should seek to deliver a range of dwellings to meet local needs and account will be taken of the Strategic Housing Market Assessment which sets out the appropriate proportionate city-wide housing mix.
- 6.14. BDP Policy GA1 states that the city centre has the capacity to accommodate in the region of 12,800 dwellings. According to the latest available data (April 2017), approximately 5,800 1 and 2 bed apartments have either been completed or are in

the pipeline (under construction or with detailed planning permission not yet started) in the city centre – just 6 years into the 20 year BDP plan period. This represents the majority (95%) of the total number of dwellings completed and in the pipeline in the city centre.

- 6.15. When assessed against the Strategic Housing Market Assessment, which is City wide, there is a potential projected oversupply of 1 and 2 bed dwellings and an undersupply of 3 and 4 bed dwellings. This is skewed by the high percentage of apartments under construction or consented in the City Centre.
- 6.16. Whilst a high proportion of apartments can be expected in the city centre it is important that the scale of provision proposed for any individual dwelling type and size is not so great so as to impact on the ability to create sustainable communities.
- 6.17. The proposed development provides only 1 and 2 bedroom apartments. Whilst it is disappointing that the scheme does not include some larger 3 bedroom apartments, I do not consider that refusal could be justified for this reason alone.
- 6.18. Although the City Council has not adopted the Technical housing standards - nationally described space standard (NDS) it provides a reasonable yardstick against which to assess the proposed apartments. When assessed against these standards all apartments comply with the minimum standard of 50sqm and 70sqm for 1 bedroom 2 person and 2 bedroom 4 person apartments, respectively.
- 6.19. All the apartments therefore meet the minimum space standards and whilst the scheme does not include any larger 3 bedroom apartments, no small studio or 1 bedroom 1 person apartments are proposed. In addition, the scheme includes an outdoor amenity space of 341sqm. Overall therefore I am of the view that the housing mix and size of the apartments are satisfactory.

Urban Design

- 6.20. Local and national planning policy requires high quality residential development. The proposal would result in the provision of perimeter development on a prime site to the south east of the City Centre close to the Smithfield development site. It would provide active ground floor uses, result in a development at a scale reflective of, and appropriate to, the surrounding existing development and provide a clear distinction between public and private spaces. In addition, the proposed uses would be appropriate for the site's location and increase both the city's commercial/retail and residential offer in a prominent location.
- 6.21. I consider that the design results in a robust and simple building, the use of three blocks, with a height range of 9-12 storeys successfully breaks up the massing of the building. Moreover, the elevations are well articulated with large window openings, projecting window frames, glass Juliette balconies. The two types of brick and the three types of brick bond further break up the mass of the building and add visual interest.
- 6.22. Comments made by the Fire Service and Police have been forwarded to the applicant. Conditions are attached to secure CCTV and lighting.
- 6.23. A Right of Light Study has been submitted by the applicant to check whether or not the habitable units which face into the courtyard at the first and second floor of the proposal receive satisfactory levels of daylight and sunlight. The findings of the Study are that all rooms meet the BRE Average Daylight Factor targets with the

exception of three of the living/dining/kitchen units served by windows (two apartments on the first floor and 1 apartment on the second floor). These rooms all achieve ADF scores of 1.8% and above against the BRE recommendation of 2.0%. However, the BRE Guide recommends that where kitchens are part of open plan rooms, they should be linked to a well-lit living room. Since all three rooms achieve ADF scores above those recommended for a living room (1.5%), they are of the opinion that the quality of daylight should be considered as acceptable.

Transportation Issues

- 6.24. The Transport Assessment notes that the site currently accommodates office and leisure uses. It is highly accessible by non-car travel modes, with full integration with pedestrian networks and very good access to regular bus and rail services. The site is also located within the southern area of Birmingham city centre and as such is located within short walking distances of various local amenities and opportunities.
- 6.25. The TA adds that it is highly likely that people choosing to reside in a location such as that of the proposed development site would work within the city centre or immediate surrounding area. Therefore, residents would likely commute to work by walking, cycling and public transport.
- 6.26. BCC Transportation have no objection to zero parking being provided given on-street parking is all controlled across a large area and the site is adjacent to the City Centre. I concur with this view and conditions are attached to secure cycle parking and the reinstatement of redundant footway crossings / Traffic Regulation Orders.

Drainage and Ground Conditions

- 6.27. An Outline Drainage Strategy has been submitted, which notes that the site lies within an area classified as Flood Zone 1. The site is smaller than 1 hectare and therefore a Flood Risk Assessment is not required to support the planning application for management of surface water run-off. The report proposes to discharge to the existing STW foul sewer within the site. All surface water would be piped to an underground Attenuation Tank, where the runoff would be stored and discharged at greenfield runoff rates for the site. The development includes a proposed first floor garden 340m² in plan area. It is proposed that some Sustainable Urban Drainage features like tree planters and turf be placed within the garden area to reduce runoff rates.
- 6.28. Following submission of additional information, the Local Lead Flood Authority and Severn Trent Water have raised no objections and suitable drainage conditions are recommended.
- 6.29. The land contamination survey recommends further survey work prior to the commencement of the development and appropriate conditions are attached.

Ecology

- 6.30. The City Council's Planning Ecologist notes that the submitted ecological appraisal by Guma provides a good representation of the ecological value and the opportunities for ecological enhancement. While the site is of low value for bats and there was no evidence of nesting birds at the time of the survey the potential for nesting was there and would increase if and when the building deteriorates further. The building is within a key area for one of our most scarce bird species – the Black Redstart and it is possible that the building has been used as a song post and

foraging point. The kestrel observed is/ has been nesting locally. Both of these species utilise brown field/ derelict sites and disused buildings. Mitigation for both these species has been included in recent developments locally and this should be extended to this development too.

- 6.31. Conditions are attached to secure ecological enhancement measures including the provision of biodiversity / brown roofing and suitable nesting boxes.

Planning Obligations and Community Infrastructure Levy

- 6.32. Policy TP9 of the BDP requires new public open space should be provided in accordance with the Public Open Space in New Residential Development SPD whilst TP31 requires 35% affordable housing unless it can be demonstrated that this would make the development unviable.
- 6.33. A financial appraisal has been submitted to demonstrate that, with a policy compliant contribution the scheme would not be financially viable. The report has been assessed by independent consultants who consider that the scheme can sustain a contribution of circa £750,000. I consider that in this instance, the delivery of affordable housing is a higher priority than public realm improvements. It is therefore suggested that the whole sum be used toward securing affordable housing, which in this case would equate to 11 (9.5% provision) affordable low cost units (4 x 2 bed and 7 x 1 bed) at 75% of open market value
- 6.34. BCC Education have requested a contribution towards the school places, however, school places are funded through CIL payments.
- 6.35. The University Hospitals Birmingham NHS Foundation Trust have requesting a financial contribution of £7,232.00 to be used to provide additional services and capacity to meet patient demand. The representation states that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It adds that contracts (and therefore budgets) are set based upon the previous year's activity and due to delays in updating tariffs and costs the following year's contract does not meet the full cost impact of the previous year's increased activity. They consider that without such a contribution the development is not sustainable and that the proposal should be refused.
- 6.36. However, I do not consider the request would meet the tests for such Section 106 contributions in particular the necessity test (Regulation 122.(2)(a) necessary to make the development acceptable in planning terms). I believe the interval from approval to occupation of the proposed development, along with published information (such as the BDP and SHLAA) gives sufficient information to plan for population growth. I also note the request relies on inaccurate calculations. Discussions with the relevant Trust are continuing on this matter in order to understand more fully their planned investments in the City and how best to be able to support that.
- 6.37. The site is located in a low value residential area and does not therefore attract a CIL contribution.

7. Conclusion

- 7.1. I consider that the scheme is acceptable subject to safeguarding conditions and completion of a legal agreement to secure on-site affordable housing.

8. Recommendation

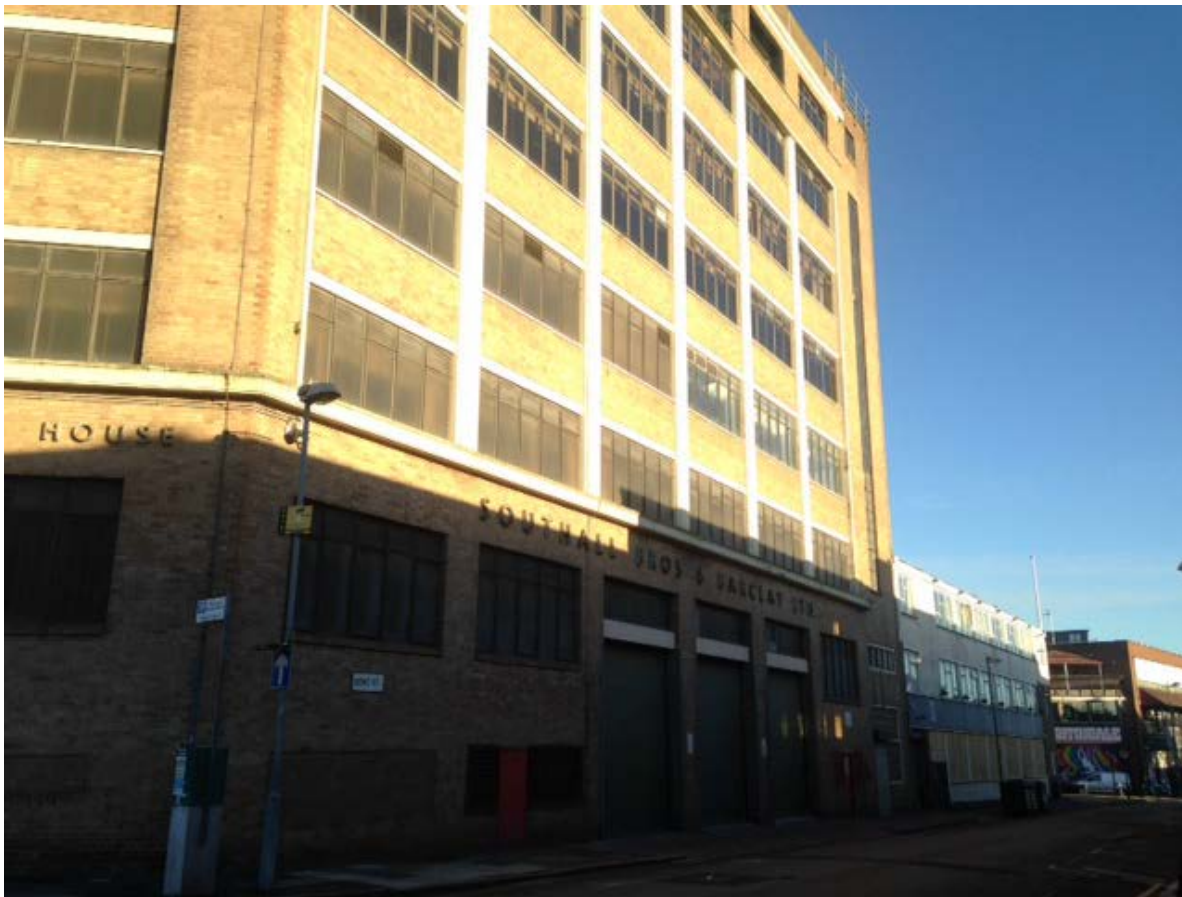
- 8.1. That consideration of planning application 2018/03004/PA be deferred pending the completion of a planning obligation agreement to secure the following:
- a) 11 affordable low cost units (4 x 2 bed and 7 x 1 bed) at 75% of open market value;
 - b) payment of a monitoring and administration fee associated with the legal agreement of £10,000
- 8.2. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 20 January 2019 the planning permission be refused for the following reason:
- a) In the absence of any suitable legal agreement to affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan, Affordable Housing SPG and the Revised NPPF.
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 20 January 2019, favourable consideration be given to this application subject to the conditions listed below.

-
- | | |
|----|--|
| 1 | Requires the prior submission of a contamination remediation scheme |
| 2 | Requires the prior submission of a contaminated land verification report |
| 3 | Limits the hours of operation 0700-2400 |
| 4 | Requires the prior submission of a drainage scheme |
| 5 | Requires the submission of a Sustainable Drainage Operation and Maintenance Plan |
| 6 | Requires the prior submission of details of bird/bat boxes |
| 7 | Requires the submission of extraction and odour control details |
| 8 | Limits the noise levels for Plant and Machinery |
| 9 | Requires the scheme to be in accordance with the glazing specification |
| 10 | Requires the prior submission of a ventilation strategy |
| 11 | Requires the prior submission of a internal noise validation report |
| 12 | Requires the prior submission of noise insulation (variable) |
| 13 | Requires the prior submission of a CCTV scheme |
| 14 | Requires the scheme to be in accordance with the listed approved plans |
-

-
- 15 Requires the prior submission of sample materials
 - 16 Requires the prior submission of details of green/brown roofs
 - 17 Requires the prior submission of a lighting scheme
 - 18 Requires the prior submission of boundary treatment details
 - 19 Requires the prior submission of hard and/or soft landscape details
 - 20 Requires window/door reveal/setbacks
 - 21 Requires an employment construction plan
 - 22 Requires info to future occupiers
 - 23 Requires the provision of cycle parking prior to occupation
 - 24 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 25 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)



View east along Kent Street

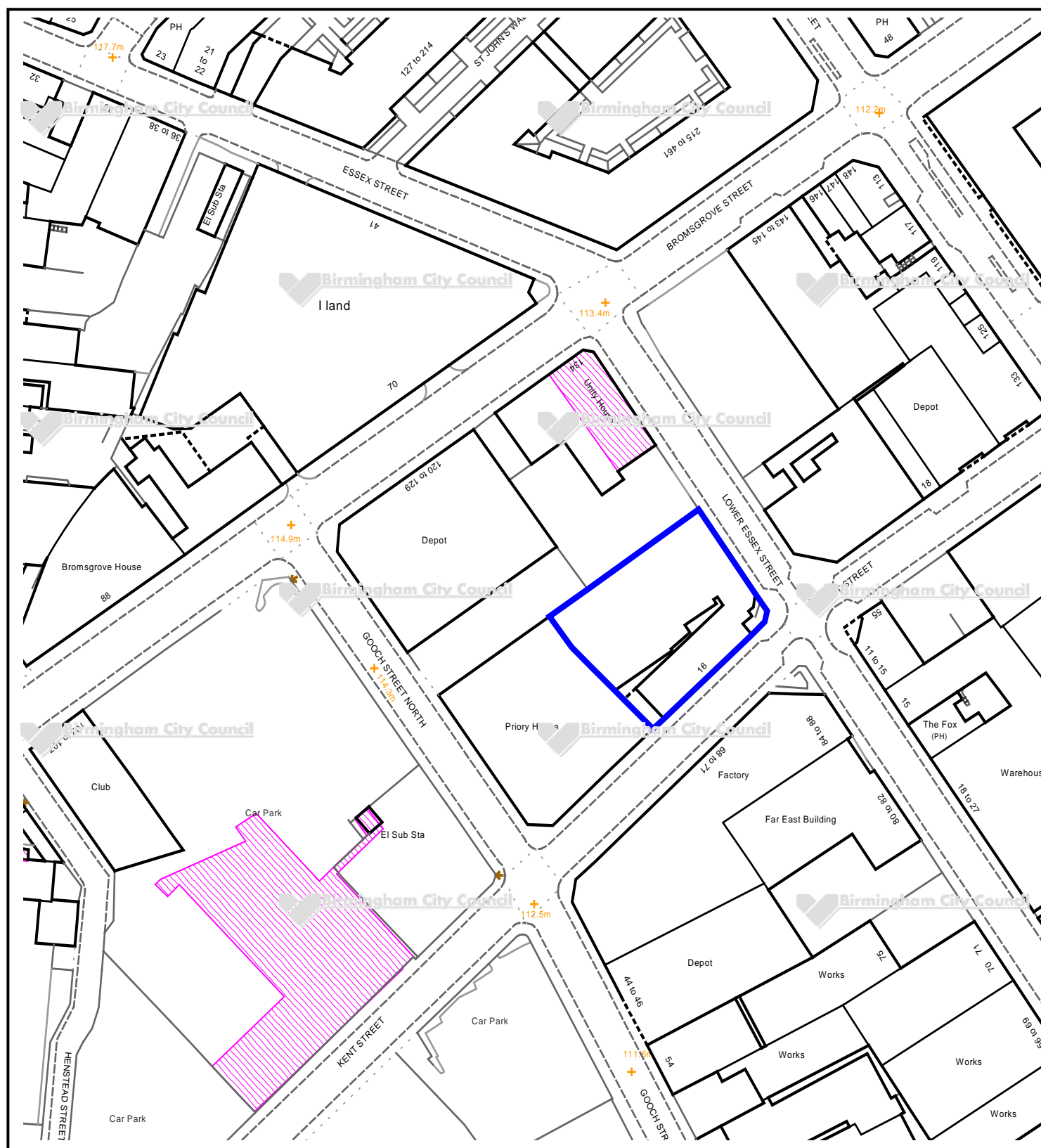


View from corner of Kent Street and Lower Essex Street



View north along Lower Essex Street

Location Plan



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Birmingham City Council

Planning Committee

04 March 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	13	2020/08312/PA Land at Gildas Avenue, Barratts Road and Bentmead Grove, Pool Farm Kings Norton Birmingham Full Planning application for residential development of 117 dwellings (C3), open space, new access arrangements and improvements at Barratts Road and Gildas Avenue and associated landscaping attenuation, infrastructure and ancillary development.
Approve - Conditions	14	2020/08270/PA Land at Shannon Road and Hillmeads Road Pool Farm Kings Norton Birmingham Outline application for residential development of up to 150 dwellings (C3), open space, creation of three new accesses off Shannon Road, new access arrangements via Hillmeads Road, and associated landscaping attenuation, infrastructure and ancillary development.

Committee Date:	04/03/2021	Application Number:	2020/08312/PA
Accepted:	19/10/2020	Application Type:	Full Planning
Target Date:	05/03/2021		
Ward:	King's Norton South		

Land at Gildas Avenue, Barratts Road and Bentmead Grove,, Pool Farm, Kings Norton, Birmingham

Full Planning application for residential development of 117 dwellings (C3), open space, new access arrangements and improvements at Barratts Road and Gildas Avenue and associated landscaping attenuation, infrastructure and ancillary development.

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Full planning permission is sought for 117 dwellings across three development areas within the Pool Farm estate. Existing residential properties in the three areas would be demolished (prior approval already in place) and new houses would be laid out in blocks among the retained properties. Together with a concurrent outline planning application for the erection of up to 150 dwellings (2020/08270/PA) these applications would provide 267 new homes within the estate.

1.2. Gildas Avenue

- Two parcels of land totalling 2.87ha.
- Erection of 74 dwellings as follows:
 37 x 2 bed-4 person 18 x 4 bed-7 person
 12 3 bed-5 person 7 x 5 bed 8-person
- Road layout would remain largely the same with some minor alterations to create a more formal cul-de-sac at the southern end of Gildas Avenue and on-street parking bays.
- Existing substation would be retained.
- Grassed open space with pedestrian footpath running between Gildas Avenue and Barratts Road would be lost.
- Trees: 25 trees to be removed: 1 x A category, 2 x B category and 22 x C category.

1.3. Barratts Road

- Site area: 1ha.
- Erection of 28 dwellings as follows:
 16 2 bed-4 person 8 x 3 bed-5 person 4 x 4 bed-7 person
- Existing cul-de-sac to be extended north and west.
- Trees: 19 tree to be removed: 2 x A category and 17 x C category.

1.4. Bentmead Grove

- Site area: 0.54ha
- Erection of 15 dwellings as follows:
8 x 2 bed-4 person 5 x 3 bed-5 person 2 x 4 bed-7 person
- Road layout unchanged.
- Trees: 5 x C category trees to be removed.

1.5. All of the housing within the development would be affordable housing for social rent.

1.6. Parking provision: 206 spaces = 176%

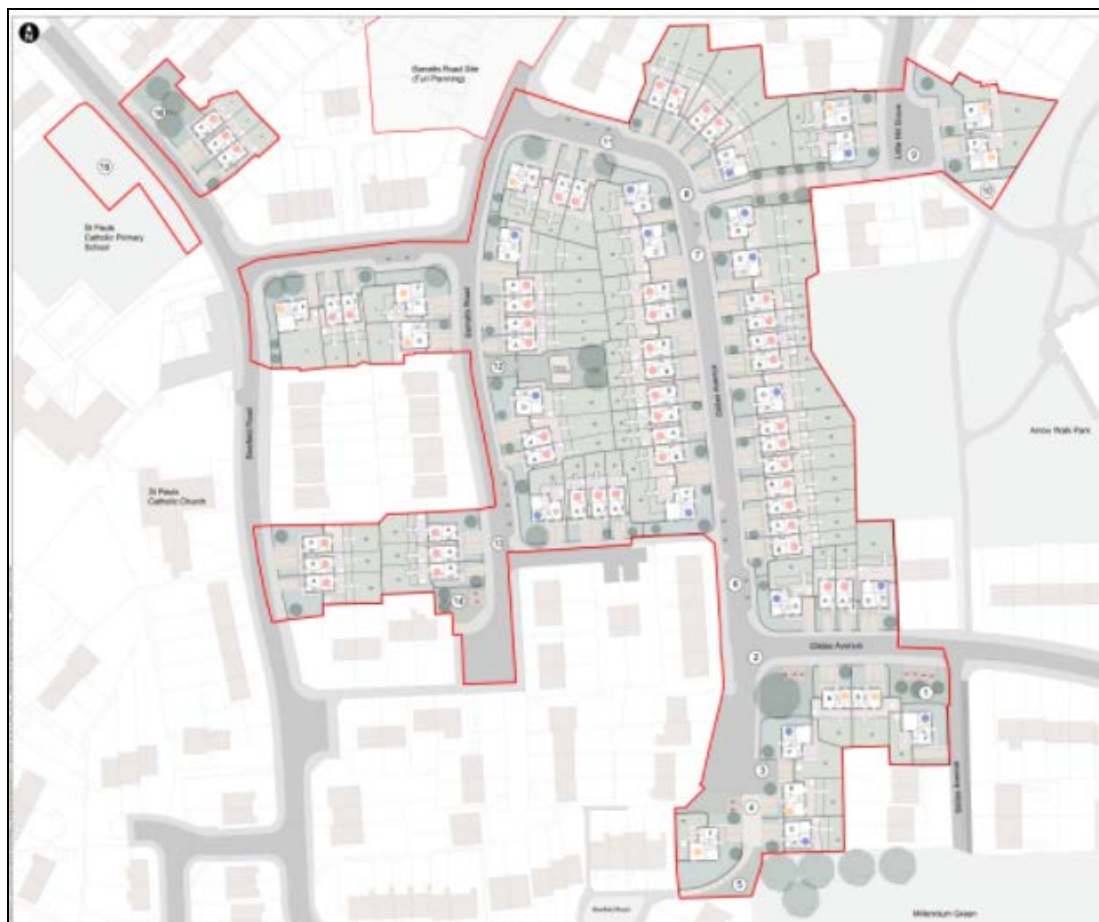


Figure 1: Gildas Avenue site plan

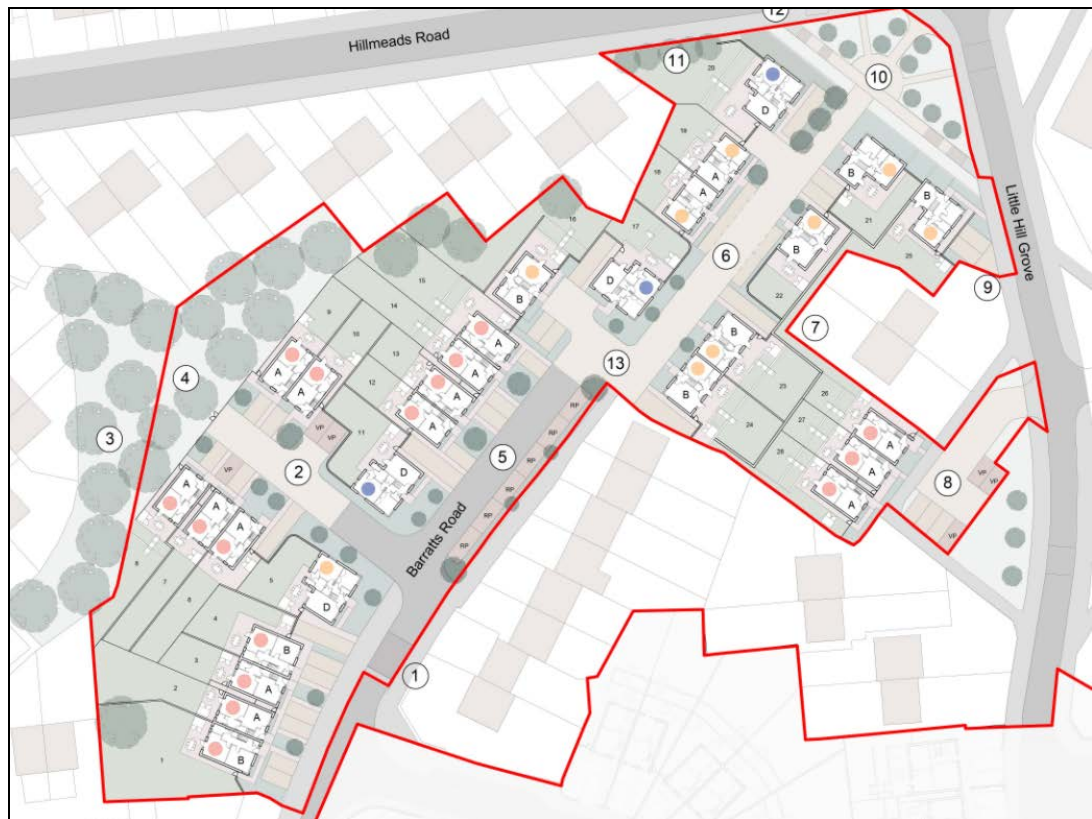


Figure 2: Barratts Road site plan



Figure 3: Bentmead Grove site plan

- 1.7. Standard BMHT housetypes would be used across the three development areas – see sample elevation below. Internal floorspace would meet the National Technical Standards. Externally, a mix of buff, red and blue bricks would be used according to the context.



Figure 4: Example streetscene (Gildas Avenue)

- 1.8. Supporting documents:
- | | |
|-------------------------------------|----------------------------------|
| Planning Statement | Tree Constraints Report |
| Statement of Community Involvement | Arboricultural Statement |
| Design and Access Statement | Preliminary Ecological Appraisal |
| Energy Statement | Transport Statement |
| Sustainable Construction Statement | Flood Risk Assessment |
| Utilities Statement | Air Quality Technical Note |
| Phase 1 Geoenvironmental Desk Study | Street Lighting Detailed Design |

- 1.9. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application sites form part of the Kings Norton 'Three Estates', comprising Primrose, Hawkesley and Pool Farm, where an ongoing regeneration scheme by BMHT and other partners over 20 years is renewing the housing stock and facilitating a shift away from post-war flatted accommodation to traditional family housing. Existing dwellings are mainly two-storey but there are some three-storey maisonettes.
- 2.2. Gildas Avenue is the largest of the sites and is bordered by St Paul's Catholic Church and Primary School, and Arrow Walk Park. A local shopping parade is located to the east of the Bentmead Grove site; beyond this the sites are surrounded by and interspersed with existing housing which would be retained. The ground slopes steeply down from east to west within the Gildas Avenue site. Land to the north on Hillmeads Road and to the west on Shannon Road is the subject of the concurrent application for outline planning permission (2020/08270/PA) for further redevelopment by BMHT.

2.3. [Site location](#)

3. [Planning History](#)

- 3.1. 22/03/2013 – 2013/05430/PA - 32-36 Gildas Avenue - Prior notification for demolition of 32-36 Gildas Avenue – Prior Approval Required and Granted subject to provision of a demolition method statement.
- 3.2. 11/10/2018 - 2018/03392/PA - Nos. 25-31, 42-48, 49-55, 61-67, 70-76, 82-88 and Blocks 33 & 35 Gildas Avenue - Application for prior notification of proposed demolition of existing flats, houses and maisonette blocks – Prior Approval Required

and Granted subject to provision of a method statement and implementation in accordance with recommendations regarding bats.

- 3.3. 26/09/2019 – 2019/06477/PA - Nos. 20 & 22, 24-30 (evens), 38 & 40, 57 & 59, 37-47 (odds), 78 & 80, 96-102 (evens) Gildas Avenue; 59-65 (odds) Barratts Road; Blocks 1 (1-6), 3 (1-6), 5 (1-6) & 7 (1-6) Bentmead Grove; 25-31 (odds) & 40-46 (evens) Little Hill Grove; and 1-7 (odds) Sisefield Road - Application for Prior Notification of proposed demolition of existing flats, houses and maisonette blocks – Prior Approval Required and Granted subject to implementation of a precautionary approach regarding bats.
- 3.4. 19/10/2020 - 2020/08270/PA - Land at Shannon Road and Hillmeads Road - Outline application for residential development of up to 150 dwellings (C3), open space, creation of three new accesses off Shannon Road, new access arrangements via Hillmeads Road, and associated landscaping attenuation, infrastructure and ancillary development – Awaiting decision.

4. Consultation/PP Responses

- 4.1. Transportation Development: No objection subject to minor amendments and condition regarding pedestrian visibility splays.
- 4.2. Regulatory Services: No objection subject to conditions as follows:
- Noise and Vibration Assessment to be carried out to safeguard habitable rooms and outdoor living spaces from excessive traffic noise.
 - Submission of Construction Method Statement/Management Plan
 - Submission of Contamination Remediation Scheme and Contaminated Land Verification Report.

Conclusions of Air Quality Technical Note are broadly agreed with; no significant net effect on air quality expected and any temporary effect during construction could be dealt with by condition. Development is not within an area known to Regulatory Services to have high concentrations of nitrogen dioxide. Phase 1 Geoenvironmental Desk Study identifies the likely presence of ground contamination/ground gas and proposes further intrusive survey work secured by condition. Some of the proposed properties e.g. on Bentmead Grove and Gildas Avenue, would be located in areas currently affected by high levels of road traffic noise and will require mitigation such as acoustic glazing.

- 4.3. Leisure Services: In accordance with BDP policy TP9, a financial contribution towards off-site Public Open Space and play area provision should be made. Noting the net loss of dwellings, a calculation in the normal way would not be appropriate, however, given the number of family units proposed, a contribution of £90,000 should be made for the provision, improvement and/or biodiversity enhancement of green infrastructure and play. Also, the exact line and nature of the new boundary treatment proposed between the new housing and Arrow Walk Park should be agreed with Leisure Services prior to installation to ensure its long term robustness and to protect existing trees along the boundary of the park. No access or use of park land will be permitted during the construction period.
- 4.4. Education (School Places): Financial contribution of £643,561.67 requested towards the provision of school places (nursery, primary and secondary) based on the number and size of the proposed dwellings.

- 4.5. Birmingham Public Health: No response received.
- 4.6. Employment Access Team: No objection subject to a condition requiring a Construction Employment Plan.
- 4.7. Lead Local Flood Authority: No objection subject to conditions requiring a surface water drainage scheme and a Sustainable Drainage Operation and Maintenance Plan.
- 4.8. Severn Trent Water: No objection subject to a condition requiring drainage plans for the disposal of foul and surface water.
- 4.9. Environment Agency: No response received.
- 4.10. Canal and River Trust: No objections raised however conditions are requested to promote the use of the canal by local residents:
- Wayfinding and signage to be provided within the public realm created by the development.
 - Secure, easily accessed and used cycle parking for residents and visitors.
 - Promotion of the canal as a sustainable means of access to other areas through travel plans.
 - Financial contribution towards the improvements to the Masshouse Lane/Primrose Hill access point.
- 4.11. The Ramblers: No response received.
- 4.12. West Midlands Police: No objection.
- 4.13. West Midlands Fire Service: No objection.
- 4.14. Site and press notices posted and local MP, Councillors, Residents' Associations and the occupiers of nearby dwellings notified of the application; the following responses received:
- Gary Sambrook MP:
- More large family housing should be proposed to meet local need.
 - A more comprehensive development should be proposed in the area to tackle more of the housing which is in a very poor state of repair.
 - Existing residents of the estate and the local area must be given a right to return as part of the redevelopment and therefore prioritised when placing people in the new housing.
 - The Council should invest in improvements to open up the canal which could be a real feature for the area.
 - The design of the housing should reflect the key design features of the wider Kings Norton area to tie the new housing together and into the wider community.
 - At Barratts Rd site, the design should prevent vehicles from being able to cross the open space to access the road.
 - Proposals for Bentmeads Grove are supported but should include further houses that are in need of redevelopment.
 - At Gildas Avenue, retention of bungalows is supported to meet local demand. Other properties should be included in this proposal.

1 letter from a local resident wanting to know further details about the proposed road layout and whether remaining housing stock will also be improved.

5. Policy Context

- 5.1. Birmingham Development Plan 2017
Birmingham Unitary Development Plan 2005 (saved policies)
Development Management in Birmingham DPD Publication Version 2019
Places for Living SPD 2001
Car Parking Guidelines SPD 2012
Kings Norton Planning Framework 2009

NPPF; NPPG; National Design Guide.

6. Planning Considerations

- 6.1. In conjunction with the concurrent application for outline planning permission (2020/08270/PA), a total of 418 dwellings across the Pool Farm estate, mostly Council-owned, would be demolished and replaced with 267 new dwellings, with a net loss of 151 dwellings.

- 6.2. The Kings Norton Three Estates are identified in BDP policy TP32 as being one of the initial priority areas for regeneration and renewal of existing housing. The proposal accords with this policy and would make a positive contribution to meeting the housing needs of the city and to the regeneration of a priority area.

Housing mix

- 6.3. Proposed dwelling mix:

61 x 2-bed houses (52%)	24 x 4-bed houses (21%)
25 x 3-bed houses (21%)	7 x 5-bed houses (6%)

- 6.4. The Strategic Housing Market Assessment (SHMA) (2012, revised 2013) indicates that the greatest demand across the city is for 2 bedroom dwellings (30.8%) followed by 4 beds (28.1%) then 3 beds (26.3%). The proposed mix, which concentrates on 2, 3 and 4 bed dwellings, seeks to balance national and local planning policy requirements, particularly the efficient use of land, the need for family dwellings, and the capacity and requirements for the regeneration of the site. This development would include some larger family dwellings, which would provide a good balance with the concurrent application for outline permission, which includes some 1 and 2 bedroom apartments.

Density and layout

- 6.5. BDP Policy TP30 sets the requirements for the type, size and density of new housing, based on the SHMA. TP30 sets a target density of 40dph in this location. The site layouts show densities ranging from 29-31dph, which is considered to be an acceptable range given the topographical challenges posed by the site and the emphasis on the provision of family housing.

Gildas Avenue layout

- 6.6. Ground levels are a key constraint here, with a steep slope down from east to west, however, the layout comprises the following significant and positive features:

- Perimeter block approach with frontages facing public streets and back gardens enclosed within blocks.

- Stronger, more coherent building line creating improved street enclosure, natural surveillance and definition of public and private space.
 - Wider, more open and better overlooked pedestrian routes.
 - Positive sense of place through the grouping of house types, treatment of corners and retention of some important landmark trees.
 - Areas for soft landscaping within frontages are of a size to be sustainable and support tree planting.
- 6.7. There are some minor shortfalls in Places for Living separation distances, in the order of 2-3m, mostly on corners and affecting proposed dwellings only. The most significant issue is the distance between windowed side elevations across the pedestrian route from Gildas Avenue to Little Hill Grove (8m instead of 21m) however this would bring increased surveillance of the footpath which is particularly important in this location. There are also significant level changes and terracing within rear gardens which may result in a sense of enclosure due to high retaining walls and boundary fencing. This is not ideal but it is more appropriate to deal with the site's topographical changes within rear gardens so that the public realm can be more hospitable.

Barratts Road layout

- 6.8. The proposed layout would benefit from the following features:
- Perimeter block approach.
 - Stronger and more coherent building line on Barratts Road.
 - Good use of deeper areas of the site by creating a short cul-de-sac of Barratts Road.
 - Opening up of the pedestrian route between Barratts Road and the Hillmeads Road junction, improving accessibility and surveillance.
 - A better sense of arrival at the end of the existing cul-de-sac through the grouping of houses.
 - Areas for soft landscaping within frontages of a size to be sustainable and support tree planting.
 - Retention of a tree belt to the west boundary of the site with the area secured and maintained by the Council.
- 6.9. It is noted that front-to-front separation distances are short of the guidance in Places for Living, in the order of 13m instead of 21m. However, Places for Living allows greater flexibility in front-to-front situations and the placement of dwellings would create a positive change of street character and give greater overlooking of the pedestrian route. The proximity of Plots 16, 18 and 19 to existing rear garden boundaries on Hillmeads Road (6-9m from new rear elevations) would be a tighter arrangement than is desirable. However, this part of Barratts Road currently comprises three-storey maisonettes so the proposed two-storey development would see a reduction in height when viewed from existing properties. Significant level changes and terracing within rear gardens are not ideal but it is more appropriate to deal with the site's topographical changes within rear gardens so the public realm can be more hospitable.

Bentmead Grove layout

- 6.10. The proposed layout would benefit from the following features:
- Perimeter block approach.
 - Strong and coherent building line created through a mix of semi-detached and detached houses.

- An L-shaped house to turn the corner of Primrose Hill and Sisefield Road with active elevations onto both streets.
 - Retention of prominent mature trees on the corner of Bentmead Grove and Sisefield Road.
- 6.11. Garden sizes throughout the development would meet Places for Living numerical guidelines.
- 6.12. This is a challenging development to lay out given the constraints in terms of changing ground levels and the need to fit in around retained dwellings, however, overall the result would be a development which would be legible, feel safe and have a distinctive character and positive sense of place.

Scale, massing and design

- 6.13. All of the dwellings proposed would be two-storey and the combination of detached, semi-detached and terraced properties would give a typical suburban character and accord with the scale of the existing dwellings amongst which the new development would be interspersed.
- 6.14. Standard BMHT housetypes are proposed and represent a good quality of accommodation. All comply with the Government's Technical Housing Standards internally. The housetypes would be customised to provide a coherent and distinctive identity for the streets. Projections in the brick would provide texture, and the contrasting brick colours would provide interest and decoration.
- 6.15. There are some instances where overlooking has been avoided by providing blank elevations at first floor, e.g. Plot 3 on the Bentmead Grove site, or very small windows serving stairs or bathrooms. While this is not ideal, this situation is limited throughout the sites and is justified by improvements to the overall layout of the development.
- 6.16. Buff and yellow brick colours are proposed in some locations, with red brick in others. The surrounding area is predominantly red brick, however some new BMHT developments have introduced buff into the colour palette of the area. Following discussion, choice of brick colour would now reflect the immediate context to ensure that where the development fits in around retained dwellings, a harmonious streetscene would result. Judicious use of blue brick would highlight key plots and gateways into the site.

Trees/Landscaping/Ecology

- 6.17. *Trees:* In total, 49 trees would be removed including 3 A-category and 2 B-category. While this is unfortunate, there is no objection since many are currently within rear gardens and their loss would facilitate the much improved layout of dwellings. A total of 105 replacement trees are proposed.
- 6.18. *Landscaping:* A Landscape Design Strategy detailing likely species is supported. Space for new and replacement tree and shrub planting would be limited within some frontages so where there is space, this should be maximised with suitable species, planting beds and root volumes and conditions are attached to secure these.
- 6.19. *Ecology:* The Preliminary Ecological Appraisal indicates that overall site conditions are of a moderate to low biodiversity value, being amenity grass and gardens of varying quality. Impacts on bats are likely through demolition, and site clearance and construction may affect nesting birds and terrestrial mammals. Conditions are

attached to secure a Construction Ecological Mitigation Plan and ecological enhancement measures.

Access, parking and highway safety

- 6.20. There are no objections to proposed alterations to the road layout, to general traffic movement or parking provision. Parking would be provided at a ratio of 1 space per 2-bed units and 2 spaces for all other housetypes, plus some additional visitor parking. Total number of parking spaces would be Detailed concerns regarding some specific parking spaces have been addressed through amended plans. Stopping up orders under S247 of the Town and Country Planning Act 1990 are necessary due to the alteration of Barratts Road and Gildas Avenue; the appropriate resolution is set out below.

Sustainability

- 6.21. In broad terms, and notwithstanding the net loss in the number of dwellings, the proposal would meet sustainability objectives; the site is located within the existing urban area, is suitably dense whilst maintaining and reinforcing the positive characteristics of the surroundings, and would regenerate an area of poor quality housing. Passive design and enhanced insulation could be achieved on the site and the proposal therefore complies with BDP policy TP3 (Sustainable Construction).
- 6.22. The Energy Statement predicts energy demand and CO2 emissions, following the proposed passive design measures and enhanced thermal efficiency reductions, of between 3-6% from the baseline across the various development plots. Solar photovoltaics are considered to be a viable option with estimated reductions in total energy requirements of around 25%. The Energy Statement is acceptable subject to a condition requiring the location of low/zero carbon energy source equipment to be shown on site plans prior to commencement of the development.

Flood Risk and Drainage

- 6.23. The site falls within Flood Zone 1 and there is very low risk of fluvial flooding from rivers. Surface water flood risk is very low across most of the site, based on Environment Agency mapping however there are small areas of low, medium and high risk in the Bentmead Grove site and within and to the west of the Gildas Avenue site. In these areas built development would be avoided, internal floor levels raised more than 150mm where necessary, and new sustainable drainage features and drainage connections would be introduced. The scheme would increase the impermeable area present within the site however a Drainage Strategy demonstrates how run-off would be managed and attenuated, through underground sustainable drainage storage features, to avoid increasing flood risk downstream. There are no objections from either the Environment Agency or the LLFA and the recommended conditions are attached.

Impact on residential amenity

- 6.24. *Noise:* No new noise sources would result from this proposal however some of the proposed dwellings, such as those on Bentmead Grove and Gildas Avenue, would be located in areas known to Regulatory Services to be affected by high levels of road traffic noise at present. A condition is attached requiring a noise assessment to demonstrate that habitable rooms and outdoor living spaces would not suffer from excessive noise or vibration.
- 6.25. *Air Quality:* The Air Quality Technical Note indicates that the main source of air pollution within the city is traffic. The amount of traffic generated in the vicinity of the application site is expected to decrease due to the net reduction in the number of dwellings. Coupled with the ongoing improvements to vehicles, the replacement of

older vehicles and continued encouragement of the use of alternative modes of travel, air quality in the Pool Farm area is expected to improve. A condition requiring a Construction Management Plan is attached and would ensure, among other things, that construction dust is minimised.

- 6.26. *Contaminated Land:* The Geoenvironmental Desk Study indicates the likely presence of ground contamination and ground gas from made ground principally associated with construction and demolition activities. Further survey work and a remediation strategy are needed and the conditions recommended by Regulatory Services to secure these are attached.

Impact on heritage assets

- 6.27. The development is not expected to impact on heritage assets and no further archaeological work is required.

Community Infrastructure Levy/Planning Obligations

- 6.28. *CIL:* The site does not fall within a charging zone so no CIL is payable.
- 6.29. *Education:* The development is not large enough to generate demand for a new school or form entry and therefore no contribution is required.
- 6.30. *Affordable housing:* BDP Policy TP31 seeks 35% affordable homes on residential developments of 15 dwellings or more, unless it can be demonstrated that this would not be viable. All of the 117 dwellings proposed in this development would be allocated for social rent. The Affordable Housing Statement reports that the Council's waiting list data shows significant unmet need for social housing in the Kings Norton wards, with less than 50% of the need met for 2, 3 and 4 bedroom properties. The proposal would help to address that need.
- 6.31. *Open Space:* BDP policy TP9 seeks to protect open space from development other than in specific circumstances and requires new residential development to provide additional open space. In this case, there would be an increase of 200sqm of open space between the Barratts Road and Bentmead Grove sites, but a loss of 3,200sqm at the Gildas Avenue site. Leisure Services suggests, given the net loss of dwellings, a sum equivalent to the cost of a toddler play area (£90,000) be paid to improve Arrow Walk Park and Walkers Heath Park. No contribution is offered and instead the application is supported by a report detailing the full costs of the proposal, with the following written justification:
- there would be a net loss of dwellings;
 - the costs of the development are inflated by the difficult topography across the sites and the provision of larger family houses; and
 - BMHT is already funding the new Primrose Park as part of an earlier phase of the overall regeneration scheme.
- 6.32. It is regrettable that the development cannot better support the provision of open space however, on balance, the proposal is considered acceptable taking account of the justification offered and the following factors:
- the open space to be lost is not formally laid out as a park or play area;
 - loss of the open space would facilitate a much improved layout; and
 - good quality affordable housing is greatly needed in this area.

Other issues

- 6.33. *Security:* West Midlands Police has no objection but recommends that lighting and landscape maintenance plans are required to ensure safety within the development. Suitable conditions are attached.
- 6.34. *Canal and River Trust:* A number of conditions and requests are made promoting use of the canal by residents. I have considered these requests against paras. 54-56 of the NPPF, which set out tests for planning conditions and obligations, and I do not consider them necessary to make the development acceptable in planning terms. The canal is outside of the application site and the application proposes a net loss of dwellings; it seems unlikely, therefore, that there would be a significant increase in the number of people using the canal as a result of this development.
- 6.35. *Public participation comments:* Concerns raised by the local MP, Gary Sambrook, are noted, in particular that a more comprehensive development should be proposed and there are too many apartments and not enough large family houses proposed. The comprehensive nature of the scheme has been influenced firstly by the type of accommodation, with the aim being to remove all low rise flats and leave houses which are in good repair; and secondly by the number of properties where owners have exercised the right to buy; including these dwellings would substantially increase the cost of the scheme. In respect of the size of units proposed, a good number of larger family dwellings, including 4 and 5-bedroom properties would be provided within this development.

7. Conclusion

- 7.1. The proposed development would make a positive contribution to the Three Estates regeneration programme, providing affordable, good quality family-sized dwellings in a much improved layout

8. Recommendation

- 8.1. (i) That no objection is raised to the stopping-up of Barratts Road and Gildas Avenue and that the Department for Transport (DFT) is requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.
- 8.2. (ii) That planning permission is APPROVED subject to the conditions listed below.

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- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
| 4 | Non-standard - restricts implementation to BMHT |
| 5 | Implement within 3 years (Full) |
| 6 | Requires all dwellings to be for Social Rent |
| 7 | Requires the prior submission of a phasing plan |
| 8 | Requires the prior submission of a construction method statement/management plan |
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- 9 Requires the prior submission of a Construction Employment Plan
 - 10 Requires the prior submission of contamination remediation scheme on a phased basis
 - 11 Requires the submission of a contaminated land verification report
 - 12 Secures noise and vibration levels for habitable rooms
 - 13 No development shall take place on a particular phase of development until a surface water drainage scheme for the phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained .
 - 14 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 15 Requires the prior submission of earthworks details in a phased manner
 - 16 Requires the prior submission of a construction ecological mitigation plan on a phased basis
 - 17 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 18 Requires the prior submission of details of bird/bat boxes
 - 19 No commencement until pre-commencement tree meeting held
 - 20 Requires the submission of hard and/or soft landscape details
 - 21 Requires the submission of hard surfacing materials
 - 22 Requires the submission of boundary treatment details in a phased manner
 - 23 Requires the submission of a landscape management plan
 - 24 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 25 Requires tree pruning protection
 - 26 Requires the submission of a lighting scheme in a phased manner
 - 27 Requires the submission of sample materials in a phased manner
 - 28 Requires specific architectural details to be provided
 - 29 Requires pedestrian visibility splays to be provided
-

Case Officer: Amy Stevenson

Photo(s)



Photo 1: Bentmead Grove – cleared site



Photo 2: Barratts Road – looking north



Photo 3: Hillmeads Road/Little Hill Grove

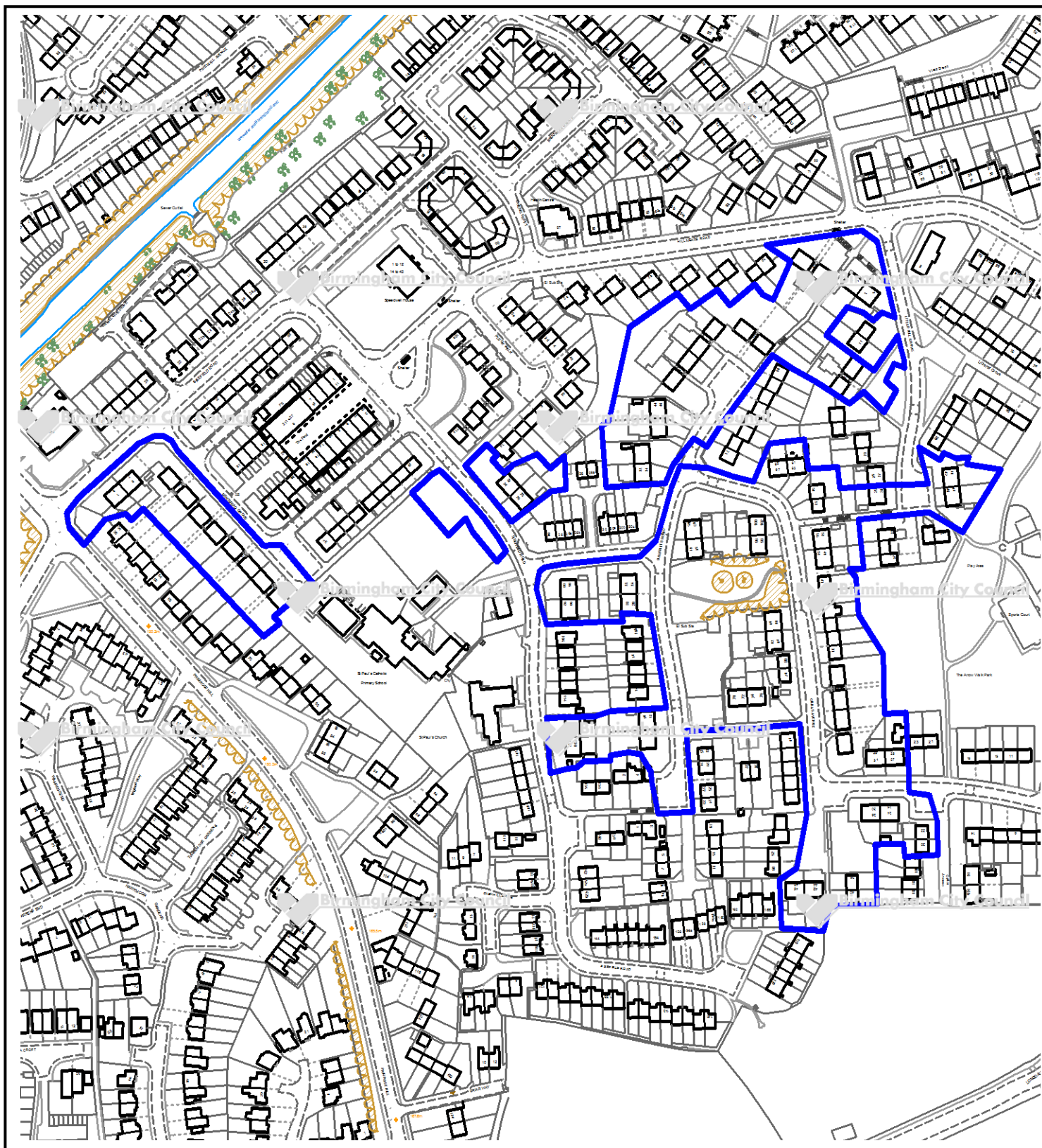


Photo 4: Gildas Avenue – pedestrian route to Little Hill Grove



Photo 5: Gildas Avenue looking west

Location Plan



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Committee Date:	04/03/2021	Application Number:	2020/08270/PA
Accepted:	19/10/2020	Application Type:	Full Planning
Target Date:	05/03/2021		
Ward:	King's Norton South		

Land at Shannon Road and Hillmeads Road, Pool Farm, Kings Norton, Birmingham

Outline application for residential development of up to 150 dwellings (C3), open space, creation of three new accesses off Shannon Road, new access arrangements via Hillmeads Road, and associated landscaping attenuation, infrastructure and ancillary development.

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Outline planning permission is sought for the erection of up to 150 dwellings across three sites. All matters are reserved except for access.

Shannon Road site

1.2. Existing four 10-storey tower blocks currently being demolished (separate prior approval granted already). The illustrative layout shows their replacement with 79 dwellings (39 houses and 40 apartments). Two apartment blocks would be located at the northern and southern ends of the site with two and three-storey houses in between.

1.3. Indicative layout would be facilitated by the stopping up of small sections of existing roadway and the creation of three new accesses and roads into the site to serve the new dwellings; and by a minor diversion to a public right of way which runs north to south along the west boundary of the site. Existing substation retained.

1.4. Site area: 2.33ha. Density: 33dph.

1.5. 50% of dwellings (40 units) would be affordable housing (social rent).

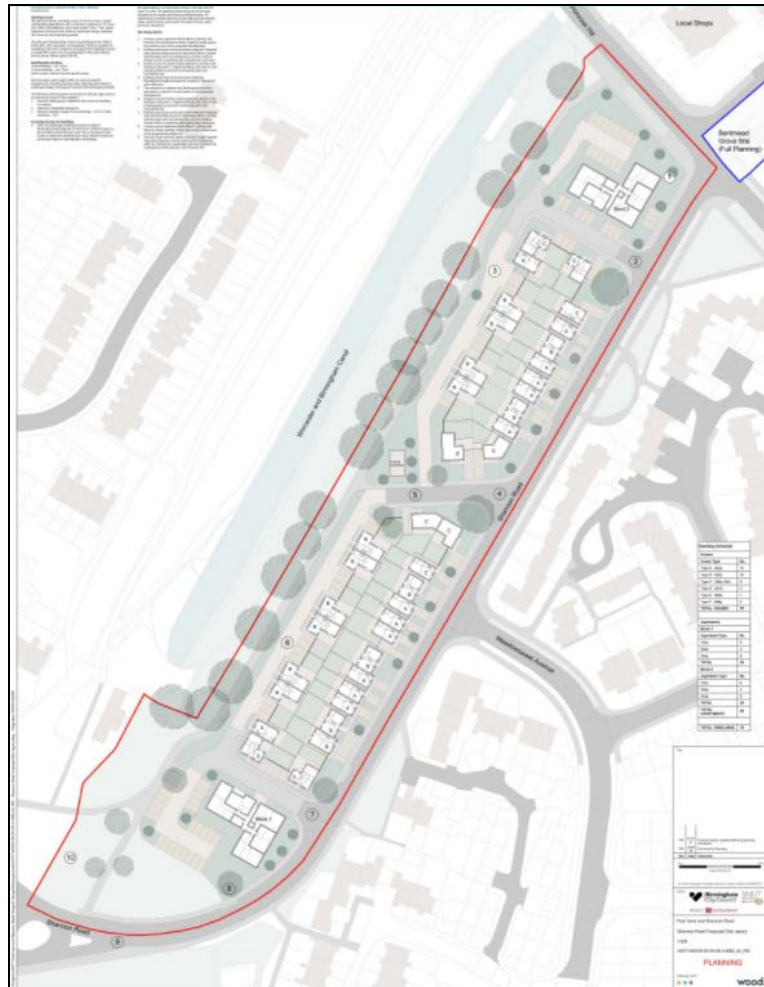
Hillmeads Road sites

1.6. 41 existing properties to be demolished (prior approval already granted) and replaced with 71 new dwellings in a more regular, perimeter block-style layout. Indicative layout shows two new accesses, one off Heathside Drive and one off Hillmeads Road to serve short cul-de-sacs.

1.7. Site area: 2.28ha Density: 31dph.

1.8. 9% of dwellings (6 units) would be affordable housing (social rent).

1.9. [Link to Documents](#)



2. Site & Surroundings

- 2.1. These sites form part of the Kings Norton 'Three Estates', comprising Primrose, Hawkesley and Pool Farm, where an ongoing regeneration scheme by BMHT and other partners over 20 years is renewing the housing stock and facilitating a shift away from flatted accommodation to traditional family housing.
- 2.2. Shannon Road site: broadly rectangular and bordered by Primrose Hill and Shannon Road to the north and east, and the Worcester and Birmingham canal to the west. Grade II Listed Canal Cottages and tunnel portal of Wasthill Tunnel are located immediately to the southwest of the site. The land falls away to the south. It currently comprises 4 tower blocks in a linear arrangement with associated parking and incidental open space. A public right of way runs along the west boundary of the site parallel to the canal.
- 2.3. Hillmeads Road site: This is an irregular shaped site as the proposed dwellings would be interspersed with houses to be retained. As well as two-storey dwellings, the site includes some three-storey maisonettes. The existing layout is rather irregular and to the north of Hillmeads Road the site is steep. A short section of public right of way is found in the southern part of the site.
- 2.4. [Site location](#)

3. Planning History

- 3.1. 15/04/2020 - 2020/02269/PA – Barberry House, Shannon Road - Prior Notification for the proposed demolition of existing residential tower block – Prior Approval Required and granted with conditions.
- 3.2. 19/10/2020 - 2020/08312/PA - Land at Gildas Avenue, Barratts Road and Bentmead Grove - Full planning application for residential development of 117 dwellings (C3), open space, new access arrangements and improvements at Barratts Road and Gildas Avenue and associated landscaping attenuation, infrastructure and ancillary development – Awaiting decision.

4. Consultation/PP Responses

- 4.1. Transportation Development: No objection. Recommend a condition requiring pedestrian visibility splay to be applied to all driveways.
- 4.2. Regulatory Services: No objection subject to conditions as follows:
 - Noise and Vibration Assessment to be carried out to safeguard habitable rooms and outdoor living spaces from excessive traffic noise.
 - Submission of Construction Method Statement/Management Plan
 - Submission of Contamination Remediation Scheme and Contaminated Land Verification Report.

Conclusions of Air Quality Technical Note are broadly agreed with; no significant net effect on air quality expected and any temporary effect during construction could be dealt with by condition. Development is not within an area known to Regulatory Services to have high concentrations of nitrogen dioxide. Phase 1 Geoenvironmental Desk Study identifies the likely presence of ground contamination/ground gas and proposes further intrusive survey work secured by condition. Some of the proposed

properties e.g. on Hillmeads Road, would be located in areas currently affected by high levels of road traffic noise and will require mitigation such as acoustic glazing.

- 4.3. Leisure Services: In accordance with BDP policy TP9, a financial contribution towards off-site Public Open Space and play area provision should be made. Noting the net loss of dwellings, a calculation in the normal way would not be appropriate. Given the number of family units proposed, a contribution of £110,000 should be made.
- 4.4. Education (School Places): Financial contribution of £737,778.89 requested towards the provision of school places (nursery, primary and secondary) based on the number and size of the proposed dwellings.
- 4.5. Birmingham Public Health: No response received.
- 4.6. Employment Access Team: No objection subject to a condition requiring a Construction Employment Plan.
- 4.7. Lead Local Flood Authority: No objection subject to conditions requiring a surface water drainage scheme and a Sustainable Drainage Operation and Maintenance Plan.
- 4.8. Severn Trent Water: No objection subject to a condition requiring drainage plans for the disposal of foul and surface water.
- 4.9. Environment Agency: No objection.
- 4.10. Canal and River Trust: No objections raised however conditions are requested to ensure the structural integrity of the canal and associated structures, and to promote the use of the canal by local residents:
 - No soakaways or services to be installed above or below the canal tunnel.
 - Provision of details of sustainable drainage schemes, boundary treatment or pathways to be installed atop the cutting slope along the northern boundary of the site, and construction methodology and foundation design for buildings close to the crest of the cutting slope.
 - Phase 2 ground investigation study to be carried out.
 - Demolition Method Statement and Construction Ecological Mitigation Plan to be provided.
 - Wayfinding and signage to be provided within the public realm created by the development.
 - Promotion of the canal as a sustainable means of access to other areas through travel plans.
 - Financial contribution towards the improvements to the Masshouse Lane/Primrose Hill and Foyle Road/Shannon Road access points.
- 4.11. The Ramblers: No response received.
- 4.12. West Midlands Police: No objection.
- 4.13. West Midlands Fire Service: No objection.

- 4.14. Site and press notices posted and local MP, Councillors, Residents' Associations and the occupiers of nearby dwellings notified of the application; the following responses received:

Gary Sambrook MP:

- More large family housing should be proposed to meet local need.
- A more comprehensive development should be proposed in the area to tackle more of the housing which is in a very poor state of repair.
- Existing residents of the estate and the local area must be given a right to return as part of the redevelopment and therefore prioritised when placing people in the new housing.
- Objects to apartment blocks on Shannon Rd site; more housing would be better for the local community.
- The Council should invest in improvements to open up the canal which could be a real feature for the area.
- At the Hillmeads Road site, some houses are not included in the scheme but should be.
- The design of the housing should reflect the key design features of the wider Kings Norton area to tie the new housing together and into the wider community.
- The tower blocks on Shannon Road should be demolished promptly as they have become a magnet for anti-social behaviour.

1 letter from a local resident wanting to know where he will be re-housed and when.

5. Policy Context

- 5.1. Birmingham Development Plan 2017
Birmingham Unitary Development Plan 2005 (saved policies)
Development Management in Birmingham DPD Publication Version 2019
Places for Living SPD 2001
Car Parking Guidelines SPD 2012
Kings Norton Planning Framework 2009

NPPF; NPPG; National Design Guide.

6. Planning Considerations

Principle

- 6.1. In conjunction with the concurrent application for full planning permission (2020/08312/PA), a total of 418 dwellings across the Pool Farm estate, mostly Council-owned, would be demolished and replaced with 267 new dwellings, with a net loss of 151 dwellings.
- 6.2. The Kings Norton Three Estates are identified in BDP policy TP32 as being one of the initial priority areas for regeneration and renewal of existing housing. The proposal accords with this policy and would make a positive contribution to meeting the housing needs of the city and to the regeneration of a priority area.

Housing Mix

- 6.3. Proposed indicative dwelling mix:

16 x 1-bed flats (11% of units proposed)	54 x 3-bed houses (36%)
24 x 2-bed flats (16%)	4 x 4-bed houses (2%)
51 x 2-bed houses (34%)	1 x 5-bed houses (1%)

- 6.4. The Strategic Housing Market Assessment (SHMA) (2013) indicates that the greatest demand across the city is for 2 bedroom dwellings (30.8%) followed by 4 beds (28.1%) then 3 beds (26.3%). The proposed mix, which concentrates on 2 and 3 bed dwellings, seeks to balance national and local planning policy requirements, particularly the efficient use of land, the need for smaller family dwellings and the capacity and requirements for the regeneration of the site. The final mix would be confirmed at reserved matters stage.

Density and Indicative Layout

- 6.5. TP30 sets a target density of 40dph in this location. The illustrative layout suggests densities ranging from 31-33dph, which is acceptable given the physical constraints of the sites.

Shannon Road layout

- 6.6. Several constraints make this a difficult site to lay out: an area of flood plain, existing trees, the narrow shape of the site and an electricity substation. However, the indicative layout would achieve:

- a loose perimeter block linking three distinct 'character areas';
- a strong building line along Shannon Road, addressing this main frontage and important connecting route;
- to the rear, facing the canal, appropriate back to back separation, a strong rhythm, and a distinctive identity;
- 'book ends' created by the apartment blocks at each end of the site which could be distinctive landmarks adding to the sense of place; and
- retention of the most important mature trees and space for sustainable planting and new trees.

- 6.7. There are some shortfalls on the Places for Living separation distances, particularly where three-storey dwellings and four-storey apartment blocks are located, and in respect of amenity space in some plots. Communal amenity space for apartment block 2 (north of the site) could also be laid out differently to offer a more attractive and useable space for residents. However, layout and scale are reserved matters and, broadly, indicative drawings show that the site could accommodate the 79 dwellings proposed.

Hillmeads Road layout

- 6.8. Retention of existing dwellings around the perimeter of this site and the steep level changes within it present significant constraints however, the indicative layout would achieve :

- a perimeter block approach with frontages onto public streets and back gardens enclosed within blocks;
- coherent building lines tied into established setbacks and frontages;
- corner-turning houses to reduce exposed garden boundaries and add interest and variety;
- short cul-de-sacs making efficient use of space;
- retention of important mature trees have been retained and space for sustainable landscaping and tree planting where possible; and
- adequate garden sizes and back-to-back separation distances as set out in Places for Living, particularly in relation to existing properties.

- 6.9. There are some instances where the Places for Living separation distances are not met in front-to-front or windowed elevations-to flank situations, and one particular instance where a new two-storey dwelling would back onto the rear boundaries of Nos. 127 and 129 Walkers Heath Drive at a distance of only 5m. These shortfalls should be reviewed on a reserved matters application, when full detail is known regarding the design of individual dwellings within these plots and the positioning of windows.

Trees, landscaping and ecology

- 6.10. Across the three sites, there are 63 A-category trees, 34 B-category trees and 37 C-category trees. Trees in all categories are likely to be removed to facilitate the indicative layouts, including approx. 20 A-category and 22 B-category trees. The layouts have been designed around retention of some of the most important and prominent trees. Space for replacement tree planting is more limited than with the current layout but there are areas which could support the provision of good sized trees, and other soft landscaping, to enhance the character of the development. Conditions are attached to secure more detailed planting information.
- 6.11. Aside from bats and breeding birds, the site is of low biodiversity value due to areas of short mown grass and a variety of garden spaces. The main area of ecological interest is the canal adjacent to the Shannon Road site, although this is outside of the application site. A condition is attached requiring a Construction Ecological Mitigation Plan which would ensure appropriate mitigation for light, dust and noise disturbance during the demolition and construction phases. Recommendations are made in the Preliminary Ecological Appraisal for ecological mitigation and enhancement and a condition is attached to secure this.

Access, parking and highway safety

- 6.12. Transportation Development has no objection to the proposed access arrangements or to more general considerations of traffic movement or highway safety. The development involves a net loss of dwellings and off-street/designated parking spaces could be provided for all units at a ratio of 1 space for 2-bed units and 2 spaces for all other houstypes (210 spaces in total). A stopping up order is required to facilitate the new accesses and the appropriate recommendation is set out below. The existing Public Right of Way (PROW) which runs up the west side of the Shannon Road site would undergo a minor diversion within the site to facilitate the proposed layout.

Sustainability

- 6.13. In broad terms, and notwithstanding the net loss in the number of dwellings, the proposal would meet sustainability objectives; the site is located within the existing urban area, is suitably dense whilst maintaining and reinforcing the positive characteristics of the surroundings, and would regenerate an area of poor quality housing.
- 6.14. Passive design and enhanced insulation could be achieved on the site and the proposal therefore complies with TP3 (Sustainable Construction).
- 6.15. The Energy Statement predicts energy demand and CO2 emissions, following the proposed passive design measures and enhanced thermal efficiency reductions, of between 3-6% from the baseline. Solar photovoltaics are considered to be a viable option with estimated reductions in total energy requirements of around 25%. This is acceptable subject to a condition requiring an update of the statement at reserved matters stage with the results of further feasibility studies into the potential technologies which could be implemented.

Flood risk and drainage

- 6.16. The site falls within Flood Zone 1 and there is very low risk of fluvial flooding from rivers. Surface water flood risk is low across most of the site however there is an area of high and medium risk across the south of the Shannon Road site and consequently this area would remain grassed with no built development proposed here. The development would increase the impermeable area within the site however an Outline Drainage Strategy demonstrates how run-off would be managed and attenuated, through underground sustainable drainage storage features, to avoid increasing flood risk downstream. Recommended conditions are attached.

Impact on residential amenity

- 6.17. *Noise:* No new noise sources would result from this proposal however some of the proposed dwellings, such as those on Hillmeads Road, would be located in areas affected by high levels of road traffic noise at present due to nearby classified roads (Walkers Heath Rd and Icknield St). A condition is attached requiring a noise assessment to demonstrate that habitable rooms and outdoor living spaces would not suffer from excessive noise or vibration.
- 6.18. *Air Quality:* The Air Quality Technical Note indicates that the main source of air pollution within the city is traffic. The amount of traffic generated in the vicinity of the application site is expected to decrease due to the net reduction in the number of dwellings. Coupled with the ongoing improvements to vehicles, the replacement of older vehicles and continued encouragement of the use of alternative modes of travel, air quality in the Pool Farm area is expected to improve. A condition requiring a Construction Management Plan is attached and would ensure that construction dust is minimised.
- 6.19. *Contaminated Land:* The Geoenvironmental Desk Study indicates the likely presence of ground contamination and ground gas from made ground principally associated with construction and demolition activities. Further survey work and a remediation strategy are needed and the conditions recommended by Regulatory Services to secure these are attached.

Impact on heritage assets

- 6.20. Assets affected:

<i>Shannon Road</i>	<i>Hillmead Road</i>
Setting of Grade 2 Listed canal cottages on Masshouse Lane	Setting of the Grade 2 listed Walkers Heath Farm
Grade 2 Listed tunnel portal of Wasthill Tunnel	Archaeological site of Pool Farm Moat
Find spot of Roman coin hoard	

- 6.21. The Principal Conservation Officer has no objection to the proposal on the basis of the following:
- Buildings to be demolished are not architecturally significant.
 - Canal is in a deep cutting to the north of the application site and the tunnel portal can only be accessed by boat. Development is unlikely to harm the significance by altering the setting of the tunnel.
 - Canal cottages are located above the tunnel portal and the setting is rather divorced from the canal by being above the cutting, despite clear historical association. Cottages' significance stems from their association with the canal, simple 18th century vernacular architecture and relative isolation. New development will be

slightly closer and Block 1 will slightly block existing views of the rear of the cottages from Shannon Road. However, removal of Lavender House tower and replacement with a lower-level development and generous landscape buffer may enhance the setting. Significance of the Canal Cottages should be preserved.

- Walkers Heath Farm significance is derived from its surviving medieval and historic fabric, associated farm buildings and rural location. Views of the farm and the experience of the heritage assets will be unchanged and it is not considered the significance of the listed buildings would be affected by changes to their setting.

- 6.22. No further investigative work is necessary in relation to either the Roman coin hoard or Pool Farm Moat sites. Existing development in the vicinity of the canal and on Shannon Rd is likely to have removed any further archaeological evidence in respect of the coin hoard, and Hillmeads Road is likely to be too far from the Pool Farm Moat site to contain archaeological remains.

Community Infrastructure Levy/Planning Obligations

- 6.23. *CIL*: The site does not fall within a charging zone so no CIL is payable.
- 6.24. *Education*: The development is not large enough to generate demand for a new school or form entry so no contributions are required.
- 6.25. *Affordable housing*: Of the 150 dwellings proposed, 31% would be allocated for social rent, as follows:
- Hillmeads Rd: 6 houses (5 x 2-beds and 1 x 5-bed)
- Shannon Rd: 40 flats (16 x 1-bed 2 person flats, 8 x 2-bed 3 person flats and 16 x 2-bed 4-person flats)
- 6.26. This is slightly short of the 35% sought in TP31, however, the Full Business Case, which jointly covers this development and the concurrent full planning application for 117 dwellings, sets out some the budgetary constraints which are particularly high for this part of the overall regeneration scheme:
- * the provision of larger family homes (£2.995m);
 - * site abnormalities to deal with level changes across the site and the provision of extensive retaining structures (£5.1m); and
 - * infrastructure costs for drainage and highways (£3.9m).
- 6.27. Notwithstanding the shortfall in affordable housing within this particular proposal, dealing with the level changes and infrastructure issues would result in a much better layout of dwellings within the sites which would bring other social benefits, such as improved security and safety. It is also noted that across this and the concurrent full application, in total 61% of units (163) would be affordable.
- 6.28. *Open Space*: At Shannon Road, approx. 9,500m² of green space around the existing tower blocks would be lost. In accordance with TP9, compensation should be paid for the open space to be lost and a contribution should be made towards new or improved public open space. Leisure Services suggests, given the net loss of dwellings, a sum equivalent to the cost of a junior play area (£110,000) should be paid to improve the nearby Arrow Walk Park and Walkers Heath Park. No contribution is offered and instead the application is supported by a report detailing the full costs of the proposal, with the following written justification:

- there would be a net loss of dwellings;

- the costs of the development are inflated by the difficult topography across the sites and the provision of larger family houses; and
- BMHT is already funding the new Primrose Park as part of an earlier phase of the overall regeneration scheme.

6.29. It is regrettable that the development cannot better support the provision of open space however, on balance, the proposal is considered acceptable taking account of the justification offered and the following factors:

- the open space to be lost is not formally laid out as a park or play area;
- loss of the open space would facilitate a much improved layout; and
- the good quality housing proposed is greatly needed in this area.

Other issues

6.30. *Security:* West Midlands Police has no objection to the proposal but recommends that lighting and landscape maintenance plans are required to ensure safety within the development. Suitable conditions are attached.

6.31. *Canal and River Trust:* A number of conditions and requests are made regarding the stability of the canal and promoting its use by residents. Some of these conditions are already recommended by other consultees and are attached (e.g. further ground investigation work and Construction Ecological Mitigation Plan). Considering the remaining requests against paras. 54-56 of the NPPF, the remaining conditions are not necessary to make the development acceptable in planning terms. The canal is outside of the application site and the application proposes a net loss of dwellings; it seems unlikely, therefore, that there would be a significant increase in the number of people using the canal as a result of this development.

6.32. *Public participation comments:* Concerns raised by the local MP, Gary Sambrook, are noted, in particular that a more comprehensive development should be proposed and there are too many apartments and not enough large family houses proposed. The comprehensive nature of the scheme has been influenced firstly by the type of accommodation, with the aim being to remove all low rise flats and leave houses which are in good repair; and secondly by the number of properties where owners have exercised the right to buy; including these dwellings would substantially increase the cost of the scheme. In respect of the size of units proposed, when taken with the concurrent application (2020/08312/PA) a good number of larger family dwellings, including 4 and 5-bedroom properties would be provided. In terms of securing the best layout and working with the changing levels across the sites, the apartments would sit most comfortably on the Shannon Rd site and would provide smaller units to enable young people to move out of existing family houses or older people to downsize. The provision of some apartments supports the strategy to make more family homes available.

7. Conclusion

7.1. The development would make a positive contribution to the Three Estates regeneration programme, providing good quality family-sized dwellings in a much improved layout

8. Recommendation

8.1. (i) That no objection is raised to the stopping-up of Shannon Road, Hillmeads Road and Heathside Drive, and that the Department for Transport (DFT) is requested to

make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

8.2. (ii) That planning permission is APPROVED subject to the conditions listed below.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Restricts implementation of the permission to BMHT |
| 3 | Requires the submission of reserved matter details following an outline approval |
| 4 | Implement within 3 years (outline) |
| 5 | Limits the maximum number of dwellings to 150 |
| 6 | Requires the submission of details of the residential mix and internal layouts |
| 7 | Requires 46 dwellings to be for Social Rent |
| 8 | Requires the prior submission of a phasing plan |
| 9 | Requires the prior submission of contamination remediation scheme on a phased basis |
| 10 | Requires the submission of a contaminated land verification report |
| 11 | Requires the prior submission of a drainage scheme |
| 12 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 13 | Requires the prior submission of a Construction Employment Plan |
| 14 | Requires the prior submission of a construction method statement/management plan |
| 15 | Requires the prior submission of a construction ecological mitigation plan on a phased basis |
| 16 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis |
| 17 | Requires the prior submission of details of bird/bat boxes |
| 18 | Secures noise and vibration levels for habitable rooms |
| 19 | Requires the prior submission of earthworks details in a phased manner |
| 20 | No commencement until pre-commencement meeting held |
| 21 | Requires the submission of hard and/or soft landscape details |
| 22 | Requires the submission of hard surfacing materials |
| 23 | Requires the submission of boundary treatment details in a phased manner |
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- 24 Requires the submission of a landscape management plan
 - 25 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 26 Requires tree pruning protection
 - 27 Requires the submission of a lighting scheme in a phased manner
 - 28 Requires the submission of sample materials in a phased manner
 - 29 Non-standard - secure Low/Zero Carbon Energy Generation
 - 30 Limits the layout plans to being indicative only
 - 31 Removes PD rights for extensions
 - 32 Requires pedestrian visibility splays to be provided
-

Case Officer: Amy Stevenson

Photo(s)



Photo 1: Hillmeads Road

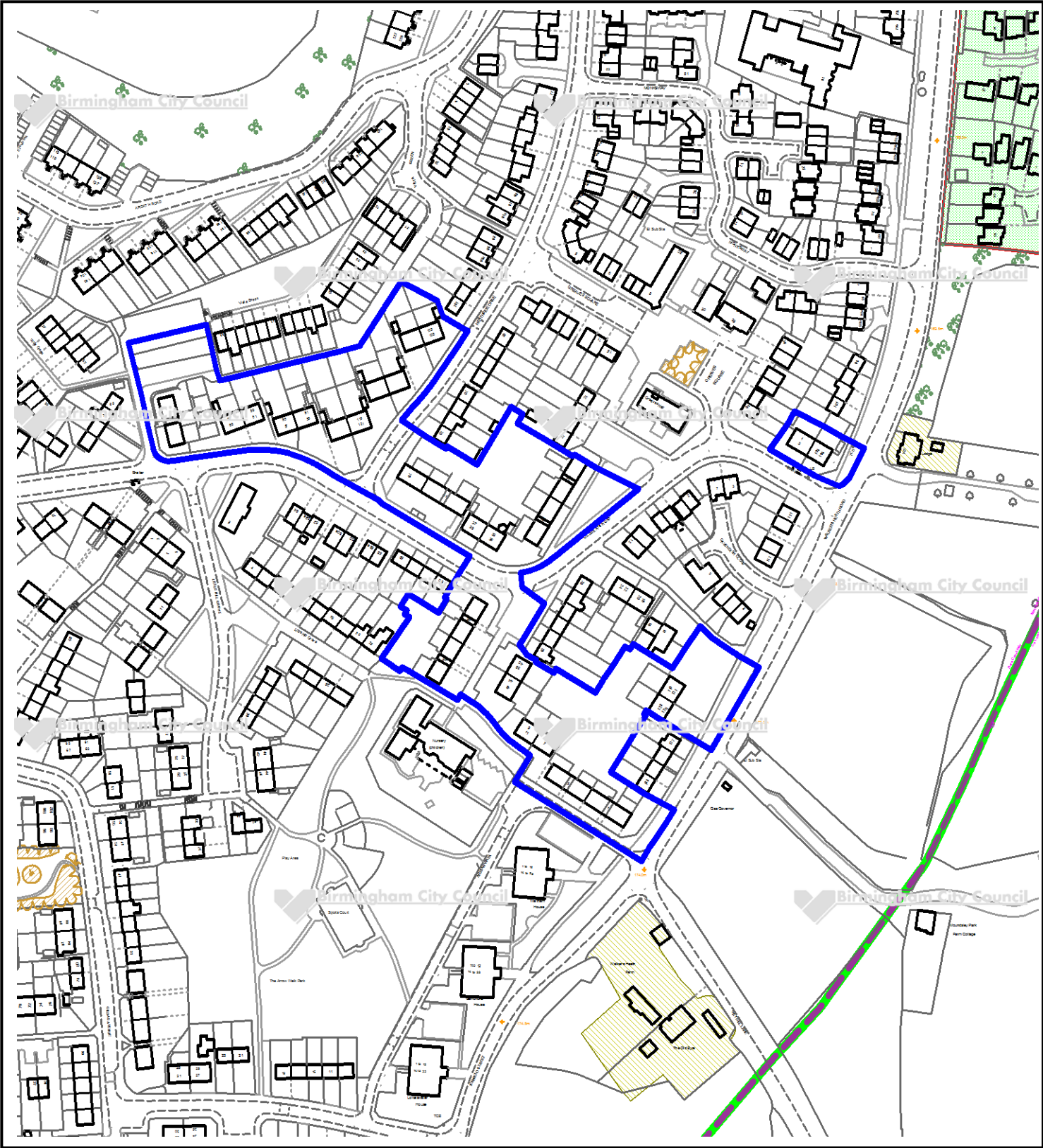


Photo 2: Heathside Drive

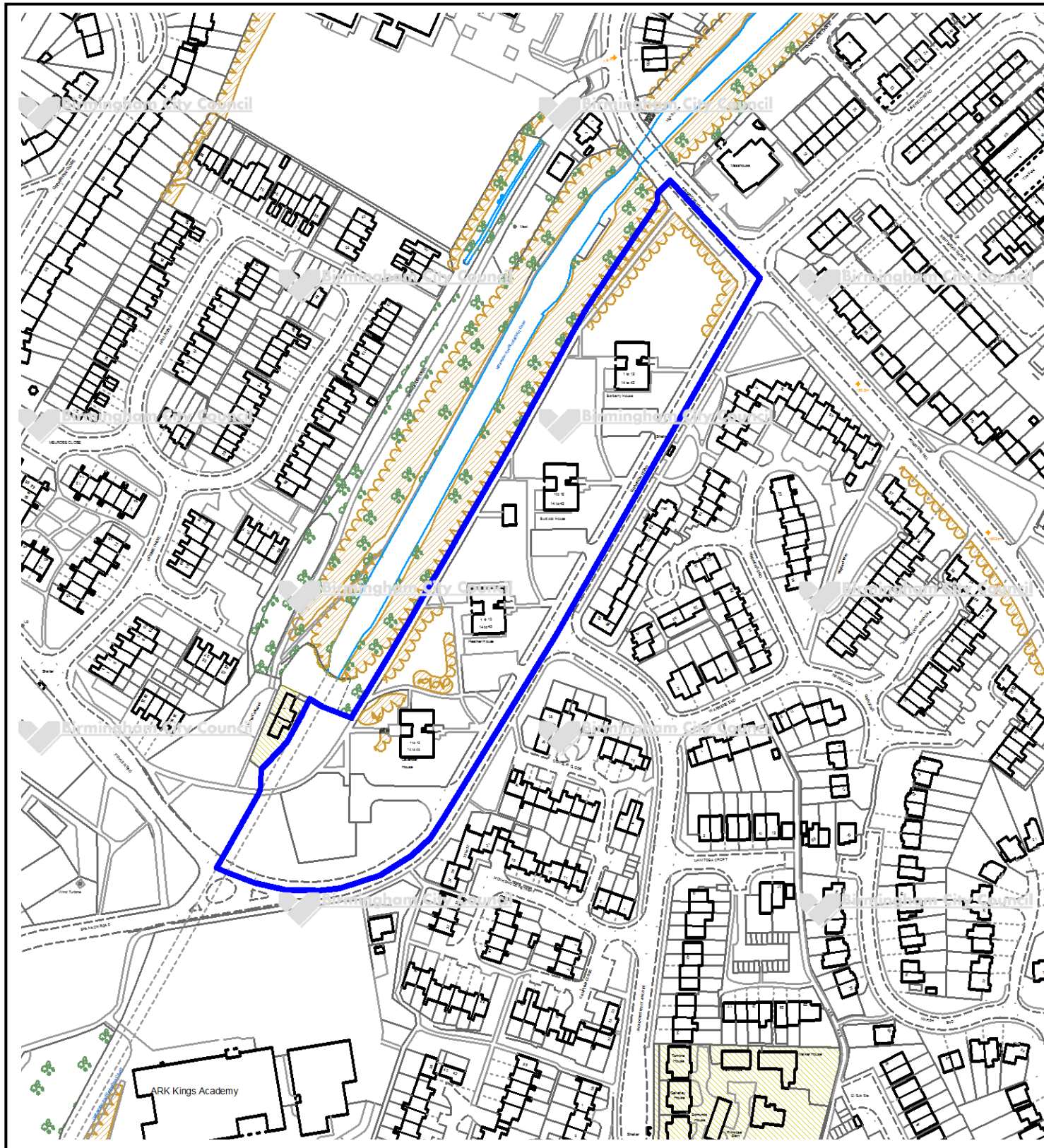


Photo 3: Shannon Road viewed from north

HILLMEADS ROAD SITE



SHANNON ROAD SITE



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Birmingham City Council

Planning Committee

04 March 2021

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 Until 05.03.2024	15	2020/09954/PA 116 Aldridge Road Perry Barr Birmingham B42 2TP Temporary change of use to contractor car parking.

Committee Date:	04/03/2021	Application Number:	2020/09954/PA
Accepted:	15/12/2020	Application Type:	Full Planning
Target Date:	05/03/2021		
Ward:	Perry Barr		

116 Aldridge Road, Perry Barr, Birmingham, B42 2TP

Temporary change of use to contractor car parking (for 3 years).

Recommendation

Approve Temporary

1. Proposal

- 1.1. The current application seeks temporary planning consent for the proposed change of use of the former Midland Chromium site, in order to form a temporary car park, for a period of 3 years. The car park would solely be used contractors to facilitate the construction and completion of the Perry Barr Residential Scheme (PBRs).
- 1.2. The site is expected to contain in the region of three hundred and fifty car parking spaces, with the anticipated flow of traffic between 07:00 and 08:00 and 16:00 and 18:00 hours. Each contractor will be allocated a set number of car parking spaces and will work to use a space allocated within that number.
- 1.3. With the outbreak of COVID-19 and Government advice not to use public transport and not to share car journeys, coinciding with the peak contractor numbers being on site, has led to an increase in demand for local car parking provision.
- 1.4. Provision for Paladin style fencing and one entry/exit point with lockable gates has already been secured, under the former demolition application, reference: 2019/07556/PA. The current application would utilise this existing provision as previously approved.
- 1.5. The land is reasonably flat and the intention is to crush and spread the resultant demolition hard-core without the need for excavation works for the whole duration of the proposed use.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is the former Midland Chromium Factory and adjoining land which has recently been demolished. The site is bound by Aldridge Road to the west and Holford Drive to the north, with the on-site offices and further car parking sited to the south, a new school under construction to the east (set to open in September 2021) and a sports centre with associated playing fields immediately adjacent to the eastern site boundary. Beyond Holford Drive are allotments and beyond Aldridge Road are further residential and industrial buildings.

- 2.2. The application site is identified as a Growth Area in the Aston, Newtown and Lozells Area Action Plan and is within a known archaeological site (MBM 2482 and MBM 2988).

3. Relevant Planning History

- 3.1. 22/11/2019 - 2019/07556/PA - Application for Prior Notification for the proposed demolition of the former Midlands Chromium Building (No.116) and the associated units to the north which include the former Puma Build Building (No.118), the former Mango Lounge (No.118), Old School Minis (No.1 Holford Drive), the redeemed Christian Church of God (Unit 3, No.1 Holford Drive) and the former 1 Stop Motor Help (No.4 Holford Drive). No prior approval required and approved with conditions.
- 3.2. 01/08/2019 - 2019/03020/PA - Outline application for residential dwellings and a new secondary school with sixth form with all matters reserved. Approved with conditions.
- 3.3. 09/05/2019 - 2019/03140/PA - Application for Prior Notification relevant to the adjacent site to south for the proposed demolition of 11 no. student accommodation blocks and former WDM Cars Ltd building. Approved.

4. Consultation/PP Responses

- 4.1. Neighbours, local Councillors and residents association consulted and site notice displayed. No responses received.
- 4.2. Regulatory Services – No objection, subject to a condition being imposed to ensure that there will be no removal of soil/excavation from below ground level.
- 4.3. Transportation Development – No objections, subject to conditions to facilitate the implementation of the approved plans.

5. Policy Context

- 5.1. Birmingham Development Plan, Birmingham Unitary Development Plan, Car Parking Standards Guidelines (SPD), Aston, Newtown and Lozells Area Action Plan, National Planning Policy Framework.

6. Planning Considerations

- 6.1. The main considerations are whether the proposed temporary change of use would be acceptable in principle and any harm to surrounding amenity and highway safety.

Principle of development

- 6.2. I conclude that this proposal, in this location, given its temporary nature, in conjunction with the activities associated with the PBRS is acceptable in principle.

Visual amenity

- 6.3. The proposed change of use would not be associated with any additional physical works. The proposed temporary car park would be bound by Paladin style fencing which has already gained planning approval under planning reference: 2019/07556/PA. Existing entrance and exit points remain and while it is noted that the presence of a large number of vehicles will likely have some impact upon the

visual amenity of the area, as these works would be temporary and given their association with the Perry Barr Residential Scheme, it is considered, that on balance any such impacts would be negligible and for a temporary period only. As such the proposals are considered acceptable.

Impact on Residential Amenity

- 6.4. The area in which the application site is located is an established commercial and industrial location. As such, it is not considered the proposed car park would result in any undue additional noise and nuisance, over and beyond that could reasonably be expected on a site within this location.

Ground contamination

- 6.5. Regulatory Services have no objection, subject to a condition being imposed to ensure that there is no removal of soil or excavation works below ground level. The applicants have confirmed no excavation works are proposed. A condition restricting such works is therefore attached.

6.6. Highway safety

- 6.7. Transportation Development has no objections, subject to conditions and I am satisfied that this proposal is acceptable.

6.8. Conservation

- 6.9. The site is identified as an Archaeological site and the Council's Conservation Officer has raised no objection to the proposed temporary change of use of this site, on the grounds that no excavation works will take place on site. Therefore, I am satisfied that this proposal would not impact directly on any potential heritage assets and would not undermine or impact upon their significance.

7. Conclusion

- 7.1. Subject to conditions, approval (for a temporary 3 year period) is recommended.

8. Recommendation

- 8.1. Approve Temporary.

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|---|---|
| 1 | Requires the use to be discontinued on or before 05/03/2024. |
| 2 | Requires the scheme to be in accordance with the listed approved plans. |
| 3 | Requires highway works to be carried out to Highway Authority standards. |
| 4 | Requires dilapidation surveys to be carried out and any damage to be repaired |
| 5 | Requires a road safety audit to be carried out. |
| 6 | Requires Traffic Regulation Orders to be implemented. |
| 7 | Secure and covered cycle/motorcycle parking to be provided. |
-

8 Prevents removal of below ground structures or excavation works.

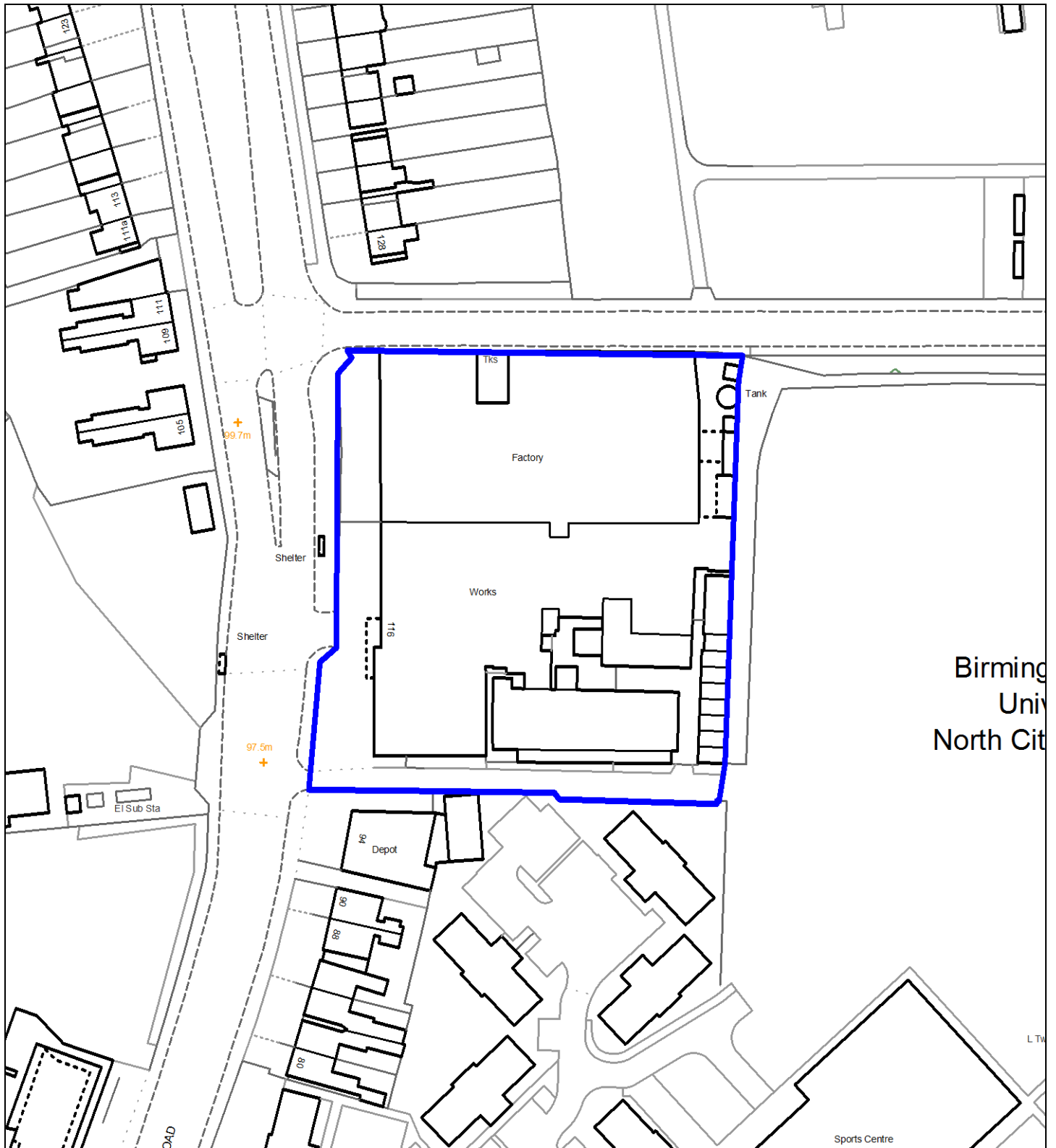
Case Officer: Daniel Ilott

Photo(s)



Figure 1: Demolition in progress

Location Plan



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