

URGENT BUSINESS

Delegated Date:	04/07/2023	Application Number:	2022/06737/PA
Accepted:	31/08/2022	Application Type:	Full Planning
Target Date:	11/08/2023		
Ward:	Harborne		

334-340 High Street and 8-22 Harborne Park Road, Harborne, Birmingham, B17 9PU

Demolition of existing buildings and construction of 83 residential apartments across two new development blocks, central amenity space including soft landscaping and planting, cycle storage, bin stores, plant store and enabling works

Applicant: Midland Properties and Finance (Birmingham) Ltd
334-344 High Street, Harborne, Birmingham, B17 9PU
Agent: D5 Architects LLP
71-77 Coventry Street, Digbeth, Birmingham, B5 5NH

Recommendation **Endorse**

Report regarding Planning Contributions to be agreed at Appeal

1 Introduction

- 1.1 Planning permission was refused under delegated powers for 83 apartments at 334-340 High Street and 8-22 Harborne Park Road, Harborne on 4th July 2023. The application was refused for the following reasons:
- 1, Harm to the character and appearance of the area;
 - 2, Failure to provide any affordable housing;
 - 3, Failure to provide open space contribution;
 - 4, Insufficient parking provision;
 - 5, Poor mix of accommodation types; and
 - 6, Poor quality outdoor amenity space for residents.
- 1.2 A copy of the full Officers report is provided below explaining the reasoning behind each reason for refusal.
- 1.3 The applicant submitted an appeal to the Planning Inspectorate following the Council's decision and the Inspectorate have decided that the appeal will be heard via a public inquiry commencing on 30th April 2024.
- 1.4 As part of the appeal the appellants have submitted an updated viability appraisal. The Council appointed Lambert Smith Hampton (LSH) to review the appraisal and reach agreement with appellants over the level of money available for the S106

Agreement. The purpose of this report is to seek Planning Committee's endorsement over how this money should be spent in the event that the appeal is allowed. It is important to stress that this is not an opportunity to discuss the wider planning merits of the case as a decision has already been issued.

2 Findings of Viability Appraisal Review

- 2.1 LSH have identified that there is £245,000 available for S106 contributions. This is in addition to the Community Infrastructure Levy which is £367,325.57.

3 Possible Section 106 Spend Options

- 3.1 Through the life of the application 3 possible options for S106 spending were identified:
- 3.2 **Open Space:** Leisure Services requested an off-site open space contribution of £178,575 to spend on off-site improvements at Grove Park or other local open spaces within Harborne ward.
- 3.3 **Affordable Housing:** Provision of up to 35% affordable housing.
- 3.4 **Parking Monitoring:** Transportation requested the appellant undertake 6 monthly parking surveys in local streets for a period of 3 years post the completion of the development with a financial contribution of £25,000 secured to undertake a Traffic Regulation Order to address any issues that have arisen.

4 Discussion

- 4.1 In light of the money available it is not possible to secure all of the S106 requirements listed above and therefore it is important to allocate money towards the most pressing issue, which in the City of Birmingham is the delivery of affordable housing. In light of the comparatively limited sums available, any on-site provision would be limited in size (no more than 4 units) and would not be attractive to a registered affordable housing provider. On this basis it is proposed that £220,000 is secured as an off-site contribution towards affordable housing in South Birmingham.
- 4.2 There is a residual sum of £25,000 left over which can be utilised to undertake a Traffic Regulation Order required to address any issues identified through 6 monthly parking surveys in local streets for a period of 3 years post the completion of the development.
- 4.3 If the Council is able to formally agree these S106 contributions with the appellant it will mean that the refusal reasons regarding the failure to provide affordable housing and open space will be formally withdrawn. Working positively and proactively with appellants to reduce the areas of disagreement is strongly supported by the Inspectorate and will reduce the number of inquiry days required. This in turn will reduce costs for the Council as viability consultants will not be required at the inquiry and the number of hours for which Counsel input is required would be reduced. Officers can also then focus on defending the remaining 4 reasons for refusal at the inquiry.

5 Recommendation

- 5.1 That Planning Committee authorises the completion of a S106 agreement to secure the following contributions and its submission to the inquiry:
- a) £220,000 towards off-site affordable housing provision in South Birmingham;
 - b) Agreement of the appellant to undertake 6 monthly parking surveys in local streets for a period of 3 years post the completion of the development with a financial contribution of £25,000 secured to undertake a Traffic Regulation Order to address any issues that have arisen.
 - c) Payment of a monitoring and administration fee associated with the legal agreement of £8,575.

Original Delegated Report of Refused Application

1. Proposal

- 1.1. The scheme proposes the redevelopment of the site including the demolition of all existing buildings and the erection of 83 residential apartments split across two development blocks.
- 1.2. Block A fronts High Street and is 6 storeys high with the top storey taking the form of a pitched roof with large dormers window along the High Street frontage. Block A will accommodate 42 apartments, incorporating 13 x1 bedroom apartments and 29 x 2 bedroom apartments.
- 1.3. Block B fronts Harborne Park Road and is 4 storeys high with the top storey located within the roof space with projecting dormer windows along the Harborne Park Road frontage. Block B will accommodate 41 apartments, incorporating 27 x1 bedroom apartments and 14 x2 bedroom apartments.
- 1.4. There are a total of 40 x1 bedroom apartments (48%) and 43 x 2 bedroom apartments (52%) across both Blocks A and B.
- 1.5. A singular vehicular access is proposed off Harborne Park Road. This will provide access for service and maintenance vehicles and also access to 2 disabled parking bays.
- 1.6. A communal rear courtyard is provided measuring 359sqm. In addition the ground floor apartments on the rear of both blocks have their own private amenity space and roof top gardens are provided for Blocks A (114sqm) and Block B (70sqm).
- 1.7. Bin and cycle storage is provided in the rear courtyard. The proposals include two cycle stores housing a total of 86 bicycles as well as providing 8 visitor cycle spaces.
- 1.8. A number of supporting documents have been submitted including a Design and Access Statement, Planning Statement, Noise Assessment, Air Quality Assessment, Viability Appraisal, Energy Statement and Sustainable Construction Statement.
- 1.9. The application was originally submitted as an 87 unit scheme but amended plans have been submitted through the lifetime of the application reducing the number to 83 flats.

2. Site & Surroundings:

- 2.1. The application site comprises 0.24ha of land located between Harborne High Street and Harborne Park Road. The site includes 334-346 High Street and 8-22 Harborne Park Road. The site includes a 3 storey mixed use building with rear single storey extensions which fronts onto the High Street on its northern boundary. The ground floor of this building includes a carpet and furnishings showroom as well as two further adjacent vacant commercial units. The two upper floors of the building include 6 private rental maisonettes with access to the rear. Projecting to the rear of the building are an agglomeration of single storey extensions forming the eastern boundary of the site. An open undeveloped grassed area fronts onto Harborne Park Road along the site's western boundary which is separated from the service yard by an existing brick wall. There are also 6 garages forming the sites southern boundary.
- 2.2. The application site is located towards the western end of Harborne High Street and is within the Harborne District Centre boundary but outside of the Primary Shopping Area. The site is also located at the northern end of Harborne Park Road (A4040), near to the junction with High Street. Given the sites arrangement it fronts both the High Street and Harborne Park Road. The site is located in a mixed use area comprising various commercial, retail, community and residential uses.

3. Planning History:

- 3.1. 2017/07064/PA - Erection of 12 flats, parking associated landscaping and access from Harborne Park Road. Approved on 30/11/2017.
- 3.2. 2019/04496/PA - Application for a non-material amendment to planning approval 2017/07064/PA for alterations to front elevation, addition of RWPs and gutters to elevations, additional AOV to staircase and amendment to apartment size. Approved on 26/06/2019.

4. Consultation:

- 4.1. Transportation Development – No objection subject to the applicant undertaking parking surveys and a bond of £25,000 being securing to address any issues arising. Conditions also requested requiring construction management plan, demolition management plan, pedestrian visibility splays, gates to be set back and formalisation of existing Harborne Park Road access.
- 4.2. Severn Trent – no objection subject to drainage condition
- 4.3. Regulatory Services – No objection subject to conditions requiring contamination remediation scheme, contaminated land verification report, noise insulation scheme, construction management plan and demolition management plan.
- 4.4. West Midlands Police – No objection subject to condition requiring boundary treatment details on roof terrace.
- 4.5. West Midlands Fire Service – No objection
- 4.6. Employment Access Team – No objection

- 4.7. Leisure Services – Request for payment of £187,675 to spend improvements at Grove Park or other local open spaces within the Harborne ward.

5. Third Party Responses:

- 5.1. Neighbours, local ward councillors and the MP were consulted for the statutory period of 21 days and a further 14 day re-consultation. A site notice and press notice have been displayed. 79 letters of objection have been received raising the following concerns:
- Insufficient parking provision;
 - Increased parking pressure on already busy surrounding streets;
 - Increased congestion and risk of accidents on roads;
 - Area is already too busy without further residents;
 - Further amenities are needed;
 - Local infrastructure cannot cope;
 - Excessive scale and massing;
 - Harm to character of the area;
 - No need for 1 and 2 bed apartments;
 - The Charter Centre (mental health drop in facility) will be badly impacted by construction noise and traffic;
 - Will lead to more illegal parking on adjacent church land;
 - Church land will be overlooked raising safeguarding and privacy concerns;
 - Insufficient public consultation;
 - Loss of retail space;
 - Loss of view;
 - Loss of green space;
 - Loss of light and outlook;
 - Impact on property prices;
 - Significant over-development of the site;
 - Increased noise and air pollution
 - Excessive scale of development;
 - Potential fire risk;
 - Local roads aren't safe for cycling
- 5.2. 4 letters of support has been received raising the following matters:
- Balconies should be added wherever possible;
 - High density housing is needed;
 - Support for no parking provision;
 - Unclear is roof terrace is available to all occupiers;
 - More grass could be included in courtyard;
 - Greater cycle storage needed; and
 - Encourages local spending
- 5.3. A letter of objection has been received by Preet Gill MP raising the following concerns:
- Lack of parking provision; and
 - Increased on street parking and congestion
- 5.4. A letter of objection has been received from Councillor Alden raising the following concern:
- Lack of parking will increase parking demand on surrounding streets

- 5.5. A letter of objection has been received from Harborne Planning Watch raising the following concerns:
- Significant over-development of the site;
 - Loss of amenity to local residents;
 - Increased parking pressure on surrounding residential streets;
 - Affordable housing provision required;
 - Insufficient public consultation;
 - No parking for emergency vehicles, deliveries, refuse collection or visitors;
 - Traffic noise amplified by large building; and
 - Major negative effect on traffic during construction;

6. Relevant National & Local Policy Context:

6.1. National Planning Policy Framework

Chapter 2 – Achieving Sustainable Development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting Healthy & safe Communities
Chapter 9 – Promoting Sustainable Transport
Chapter 11 – making effective Use of Land
Chapter 12 – Achieving Well Designed Places

6.2. Birmingham Development Plan 2017:

PG3 – Place making
TP3 – Sustainable Construction
TP4 – Low and Zero Carbon Energy Generation
TP6 – Management of Flood Risk and Water Resources
TP21 – The Network and Hierarchy of Centres
TP24 – Promoting a Diversity of Uses within Centres
TP27 – Sustainable neighbourhoods
TP28 – Location of New Housing
TP30 – The Type, Size and Density of New Housing
TP31 – Affordable Housing

6.3. Development Management DPD:

DM2 – Amenity
DM6 - Noise and vibration
DM10 – Standards for Residential Development
DM14 - Transport access and safety
DM15 - Parking and servicing

6.4. Supplementary Planning Documents & Guidance:

Birmingham Design Guide SPD (2022)
Birmingham Parking SPD (2021)
Shopping and Local Centres SPG
Public Open Space in New Residential Development SPD

7. Planning Considerations:

- 7.1. The proposed development has been assessed against the objectives of the above planning policies. The key considerations are the principle of development, housing land supply, loss of retail space, character impact, quality of living environment proposed, impact on neighbouring occupiers and impact on highway network.
- 7.2. Principle of Development

- 7.3. The site is located within Harborne District Centre but outside of the Primary Shopping Area. The proposal would result in the loss of a retail unit however as the site is outside of the Primary Shopping Area and on the periphery of District Centre is difficult to resist in the current economic climate. Furthermore, consent has previously been granted on the Harborne Park Road frontage for 12 apartments (2017/07064/PA). Whilst, this consent has now expired there has been no change in circumstances that would enable the principle of residential development to be resisted on this part of the site.
- 7.4. Policy TP28 of the BDP, requires new housing to be outside flood zones 2 and 3 (unless effective mitigation measures can be demonstrated); served by new or existing infrastructure; accessible to jobs, shops and modes of transport other than the car; capable of remediation; sympathetic to historic, cultural or natural assets; and not in conflict with other specific policies of the plan. In summary the site is located in flood zone 1 and would increase the density on this previously developed site. This is a sustainable location in which additional residential development could be supported in principle subject to the detailed consideration below.
- 7.5. Housing Land Supply
- 7.6. The Birmingham Development Plan which was adopted more than five years ago the Local Housing Need figure must be applied when calculating the five year housing land supply.
- 7.7. The Council's estimate of deliverable sites is 28,144 dwellings for 2022- 2027 (including windfall allowance). The Local Housing Need (LHN) target over the same period is 37,464 dwellings (including a 5% buffer). This equates to a 3.99 years supply and represents a shortfall against the LHN requirement.
- 7.8. As a result, the Council cannot demonstrate a five year housing land supply which means that the presumption in favour of development applies in accordance with Para 11d of the NPPF. The consequences of this are that the 'tilted balance' will be engaged for decision taking. This means that the assessment shifts from a neutral balance where the consideration is whether the harm outweighs the benefits to a tilted balance, where the harm would have to significantly and demonstrably outweigh the benefits justify the refusal of residential development. This assessment will take place in the concluding section of this report where weight will be placed on the delivery of 83 new apartments.
- 7.9. Character Impact
- 7.10. The proposal results in the loss of a 3 storey brick built building dating back to the 1960s or 70s. The building is of no particular merit and therefore its loss can be accepted providing a replacement of high quality design is proposed.
- 7.11. Harborne High Street is generally characterised by traditional 2 and 3 storey properties with some more modern apartments in close proximity to the site which are a maximum of 4 storeys high. There is a former 6 storey office building, now apartments located directly adjacent to the east of the site which is very much an anomaly in this locality.
- 7.12. The proposal would be 6 storeys high reducing to 4 on the High Street elevation. This scale is considered to be excessive when considered in comparison to the prevailing pattern of development which generally does not exceed 4 storeys. The

excessive height is emphasised when positioned next to 350-352 High Street which is a very modest 3 storeys.

- 7.13. Scale is also a concern on the Harborne Park Road elevation. On the corner of High Street and Harborne Park Road there is a modern apartment block which is 4 storeys high. It would be expected that any development should respect the street hierarchy with a reducing scale as the scheme moves further from the High Street and into a residential setting. However, the applicant has maintained 4 storey development across the whole frontage rather than reducing the scale to reflect the terraced properties on Harborne Park Road. This 4 storey development appears obtrusive and over-dominant when compared to residential scale of the street and the single storey Southlink Charter Centre and Baptist Church.
- 7.14. The site is relatively modest in size at 0.237ha yet 83 dwellings are proposed. This amounts to a density of 350 dwellings per hectare. This highlights the over-intensive nature of the development that is in stark contrast to its surroundings.
- 7.15. In addition to the scale, the design and appearance of the development is also a concern. The High Street elevation has particularly cramped floor plates which resulted in the fourth floor having small windows that sit unusually low in the elevation. The hipped roof is substantial and has unusually large and dominant dormer windows. The projecting five-storey oriel over the entrance is also inappropriate in this setting. The City Design Officer has raised strong objections to the design which has been described as a jumbled and incoherent concoction of ideas.
- 7.16. Paragraph 126 of the NPPF highlights the need to create high quality, beautiful and sustainable buildings. It is not considered that this development can be categorised as either high quality or beautiful from a visual perspective. Paragraph 134 of NPPF makes it abundantly clear that development that is not well designed should be refused and the paragraph goes on to state that that this is the case especially, where it fails to reflect local design policies and government guidance on design. In this case the scheme is contrary to Policy PG3 of the BDP and the Birmingham Design Guide SPD and consequently there are strong grounds on which to refuse this proposal.
- 7.17. In summary, by virtue of the scale, design and massing the proposal materially harms the character and appearance of the wider area
- 7.18. Quality of Living Environment for Proposed Occupiers
- 7.19. The property would contain 83 apartments with split of 40 x 1 bedroom and 43 x 2 bedroom spread across the two blocks. There is a mix 1bed 1 person, 1bed 2 person, 2bed 3 person and 2bed 4 person apartments which all meet the relevant size standard set out within the Nationally Described Space Standards (NDSS). Furthermore, the single and double bedrooms within each apartment would exceed the minimum required area of 7.5 sqm for single and 11.5sqm for double bedrooms as stated within Policy DM11 in the Development Management in Birmingham DPD.
- 7.20. The Birmingham Design SPD requires 5sqm of amenity space for 1 bed apartments and 7sqm per 2 bed apartment. In the case of this 83 apartment scheme a total of 501sqm of outdoor amenity space should be provided. Through a combination of a communal open space, private gardens, private roof terraces and a communal roof terrace a total 613sqm is provided. Whilst in quantity terms this is acceptable

concerns are raised over the quality of the space provided. The open space provided at ground floor level is surrounded on 3 sides by development that is between 4 and 6 storeys high which greatly compromises the level of sunlight that will be received. Furthermore, the space is broken up into smaller plots which limit its usability and with some space located directly adjacent to a bin store it greatly reduces the attractiveness of the space. It is noted that some ground floor apartments have private outdoor spaces but that is of no benefit to those on upper floors. A roof terrace is provided within each block, although it is questionable how attractive the space on block A would be due to the noisy environment on a main route into the City Centre. It is therefore considered that the quality of open space provided falls short of the standards required by policies DM2 and DM10 of the Development Management DPD and the Birmingham Design Guide creating an unacceptable living environment for the proposed occupiers.

- 7.21. My Regulatory Services Officer has highlighted the proximity of an extraction flue associated with the adjacent hot food takeaway. However, there is already residential accommodation in close proximity to the hot food takeaway and there is no history of any complaints in terms of noise, vibration or odour. Furthermore, a condition is recommended requiring a scheme of noise insulation to protect residential amenity.
- 7.22. Amenity Impact on Adjoining occupiers
- 7.23. It is also important to consider the amenity impact on the occupiers of adjoining premises. In terms of Block A, Upper floor residential flats are located adjacent to the site No. 326 High Street and directly opposite at 313 High Street. A separation distance of 13m is retained between the front of block A and the apartments opposite. The Birmingham Design Guide SPD allows for greater flexibility in separation distances between the fronts of buildings as fronts are considered to be less private. Block A is therefore not considered to cause a loss of privacy in relation the apartments opposite.
- 7.24. The adjacent development has side facing windows on the top two floors. Whilst the windows on the 4th floor are just 3m from the side elevation of the proposed development these are only secondary windows ensuring no undue impact would occur. The 5th floor side facing windows retain a distance of 13m and are of such a height that they sit above the pitched of the proposed development ensuring that the development would not appear overbearing when viewed from these side facing windows. Furthermore, Block A is positioned so that there is no breach of the 45 degree code in relation to 326 High Street ensuring no loss of light occurs.
- 7.25. In terms of Block B, apartments are located adjacent to the site, No. 2 Harborne Park Road (apartment No's 1-14) and terraced houses are located opposite (11 – 25 Harborne Park Road (odds)). A separation distance of 14m is retained between the front of block B and the houses opposite. The Birmingham Design Guide SPD allows for greater flexibility in separation distances between the fronts of buildings as fronts are considered to be less private. Block B is therefore not considered to cause a loss of privacy in relation to the houses opposite.
- 7.26. Block B is positioned so that there is no breach of the 45 degree code in relation to the nearest habitable windows on the rear of No. 2 Harborne Park Lane ensuring no loss of light occurs. There are windows located on the side No. 2 Harborne Park Road, although this are all secondary windows and therefore will have no significant impact on the occupiers.

7.27. Highways Matters

7.28. The application proposes 2 disabled parking bays and no other dedicated parking is incorporated. Many of the surrounding residential streets have parking restrictions and on street locations where parking is unrestricted are already in high demand. In a suburb such as Harborne there is an increased likelihood of higher car ownership. Significant concerns have been raised by local residents on this matter. The applicant has failed to demonstrate that 83 new flats wouldn't increase the demand for on street parking in an area already suffering with parking problems. This in turn could lead to highway and pedestrian safety issues. It is certainly unclear where occupiers could park which could lead to the increased likelihood of illegal or inconsiderate parking with increased congestion in the residential streets surrounding the site which will have a severe impact on the local highway network.

7.29. Transportation Development have not objected to the scheme by have requested a legal agreement that requires the applicant to undertake 6 monthly parking surveys in local streets for a period of 3 years post the completion of development with a bond of £25,000 secured to undertake a traffic regulation orders to address any issues that have arisen. However, it is questionable how successful any retrospective measures will be in reducing the significant parking demand created by the development. It is important note that the applicant has offered no S106 contributions.

7.30. In conclusion the proposal will have significant impact on demand for parking in local streets resulting a severe impact on the local highway network contrary to policies DM14 and DM15 of the Development Management DPD.

7.31. Housing Mix

7.32. Policy TP30 highlights that housing schemes should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. The policy also indicates that areas well served by public transport should aim to achieve densities of at least 50 dwellings per hectare. Policy TP31 aims to secure 35% affordable housing on schemes of 15 or more units.

7.33. The City has greatest need for family housing, as identified in the Housing and Economic Development Needs Assessment (HEDNA). The application site falls within the sub-area of Edgbaston where table 8.26 highlights a 7% requirement for 1beds, 33% requirement for 2 beds, 42% requirement for 3 beds and 18% requirement for 4 bed (or larger) homes. In this case there is a split of 48% 1 beds and 52% 2 bed apartments. With the greatest need for family housing the significant proportion 1beds clearly fails to address the housing need identified. Consequently the mix of accommodation is contrary to policy TP30 of the BDP and cannot be supported.

7.34. The applicant has not offered any affordable housing contribution. A viability appraisal was submitted with the original scheme for 87 dwellings but has not been updated for the amended scheme for 83 units. There is a significant unmet need for affordable housing in the City. The provision of no affordable is unacceptable and contrary to policy TP31 of the BDP.

7.35. Other Contributions

- 7.36. In accordance with the Public Open Space in Residential Development SPD any development over 20 units should contribute towards the provision of public open space either on site or through an off-site contribution. Leisure Services have requested a sum of £187,675 towards the provision of improvements and/or enhancements at Grove Park or other locations within Harborne ward. The failure to offer any contribution is contrary to Policy TP47 of the BDP and the Open Space SPD.
- 7.37. Ecology
- 7.38. The Council has a duty to consider the impact of any proposal on protected species. The Preliminary Ecological Appraisal concluded that the risk of harm to bats and nesting birds is low. With the imposition of an appropriate ecological enhancement condition it is considered that enhancements can be delivered on the site.
- 7.39. Sustainability
- 7.40. The Energy and Sustainability Statement demonstrates that a range of renewable technologies have been considered and the proposal incorporates PV array. An Energy Statement Supplement has demonstrated that carbon dioxide emissions from the development will greatly exceed that of a building regulatory compliant building. The requirements of TP3 and TP4 have therefore been met.
- 7.41. Other Matters
- 7.42. Concerns have been raised over the impact on house prices however this is not a material planning consideration.
- 7.43. Planning Balance
- 7.44. Weight must be attached to the provision of 83 additional dwellings which will help boost supply, although it must be emphasised that it is not the kind of accommodation that is most in need in the City due to the proportion of 1 bed units and failure to provide affordable housing. It has been identified that the proposal will materially harm the character and appearance of the area, create an unacceptable living environment for the proposed occupiers, would have a severe impact on the local highway network, provides a poor mix of accommodation types, fails to deliver any affordable housing and provides no open space contribution. It is considered that combined, the significant harm identified would clearly and demonstrably outweigh the benefits of the scheme.

8. Conclusion:

- 8.1. The proposed development materially harms the character of the area, creates an unacceptable living environment for the proposed occupiers, has a severe impact on the local highway network, has a poor mix of house types and fails to provide the necessary planning contributions. Consequently, the proposal is therefore contrary to Policies PG3, TP30, TP31 and TP47 of the BDP, policies DM2, DM10, DM14 and DM15 of the Development Management DPD, Birmingham Design Guide SPD the Open Space SPD and the NPPF and is recommended for refusal.

9. Recommendation

9.1. Refusal

Reasons for Refusal

- 1 By virtue of its scale, massing and appearance the proposal constitutes a poor design that would materially harm the character and appearance of the street scene and as such would be contrary to Policy PG3 of the Birmingham Development Plan 2017 guidance in Birmingham Design Guide SPD 2022, Policy DM2 of the Development Management in Birmingham DPD 2021 and the National Planning Policy Framework.
 - 2 The scheme fails provide any affordable housing contribution contrary to policies TP31 and TP45 of the Birmingham Development Plan and the NPPF.
 - 3 No contribution towards open space provision has been offered which is contrary to the Open Space SPD, Policy TP45 of the BDP and the NPPF.
 - 4 The applicant has failed to demonstrate that there is sufficient off street parking in an area already experiencing high levels of parking demand. It is therefore considered that the inadequate parking proposed would lead to additional parking in nearby roads, to the detriment of pedestrian and highway safety. As such it would be contrary to Policies PG3 and TP44 of the Birmingham Development Plan 2017, policies DM14 and DM15 of the Development Management in Birmingham DPD and the National Planning Policy Framework.
 - 5 By virtue of the significant number of 1 bed flats the proposed development fails to deliver a good mix of house types. There is an undersupply and evidenced demand in the City for family housing which the scheme fails to deliver and as such the proposal would be contrary to Policy TP30 of the Birmingham Development Plan 2017 and the National Planning Policy Framework 2021.
 - 6 By virtue of its siting, layout and levels of sunlight received the private amenity space proposed is considered to be of a poor quality that creates an unacceptable living environment for the proposed occupiers and as such the development would be contrary to Policies PG3 and TP27 of the Birmingham Development Plan 2017, Birmingham Design Guide SPD 2022, Policy DM2 of the Development Management in Birmingham DPD 2021 and the National Planning Policy Framework.
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Case Officer: Andrew Fulford