Birmingham City Council

Planning Committee 30 January 2020

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

Recommendation	Report No.	Application No / Location / Proposal
Approve – Conditions	9	2019/08881/PA 916 - 918 Bristol Road Selly Oak Birmingham B29 6NB Change of use to nursery, after-school club and Sunday School (Use Class D1) repositioning of fence and installation of play areas
Approve – Conditions	10	2019/08019/PA Land to the north of Cartland Road and east of Pineapple Road Stirchley Birmingham B30 2YY Demolition of existing building and construction of new railway station including two platforms, the formation of forecourt area with vehicle 'drop-off', installation of steps and lifts and other associated works

Director, Inclusive Growth (Acting)

Committee Date:	30/01/2020	Application Number:	2019/08881/PA
Accepted:	28/10/2019	Application Type:	Full Planning
Target Date:	30/01/2020		
Ward:	Bournville & Cotteridge		

916 - 918 Bristol Road, Selly Oak, Birmingham, B29 6NB

Change of use to nursery, after-school club and Sunday School (Use Class D1) repositioning of fence and installation of play areas

Recommendation
Approve subject to Conditions

1. Proposal

1.1. Consent is sought for the change of use of two existing dwelling houses (Use Class C3) to a nursery, after school club and Sunday School (Use Class D1) including repositioning of fence and installation of play areas. The use would operate in conjunction with the Christian Life Centre which is next door to the site.

1.2. The premises would accommodate 50 children, aged between 0 – 11 years over both floors of the site. The internal arrangements would be altered to provide space across both properties. On the ground floor there would be: a sleep room, two rooms for 0-1 years, kitchen, utility, shower room, staff/disabled WC and entrance lobby. At first floor there would be: two rooms for 3-4 years, store, office, staff room, bathroom and three WC's.

1.3. The external area has been altered with a hard surface play area created to the side of 916 Bristol Road and a soft play area to the rear of 916 Bristol Road. The outdoor area is divided from the remainder of the garden area and is bound by wooden panel fencing which includes a gate and would be the main access point for drop offs and pickups.

1.4. The nursery would operate across both floors up until 15:30 when the 0-1 years old would leave; the 3-4 year olds would use the downstairs and the upstairs would be used by the 5-11 year olds for the after-school club. When the nursery is running at full capacity the after-school club would be accommodated in the Church. On weekends the property would be used for religious teaching in conjunction with the Church.

1.5. There would be 9 members of staff employed to the run the nursery and afterschool club and two volunteers to run the Sunday School.

1.6. The nursery and afterschool club would operate: Mondays – Fridays 07:00 – 1800. The Sunday School would operate: Sundays 09:00 – 13:15 internally only.

1.7. There would be no parking provided for staff; staff parking would be located within the existing Church car park. There would be no vehicle drop off for parents its expected they will use the Church car park.

1.8. A Noise Impact Assessment has been submitted with the application.

1.9. The proposed development does not attract a CIL contribution.

1.10. Link to Documents

2. Site & Surroundings

2.1. The application site refers to a pair of semi-detached properties located on Bristol Road, on the edge of Selly Oak district centre. The pair are the first in a row of similar designed and scaled residential properties, with residential properties to the rear along Langleys Road. To the northeast of the site is the Christian Life Church, with a car park accessed from Langleys Road. The properties are under the ownership of the Christian Life Church.

2.2. Site Location Plan

3. Planning History

916 Bristol Road: -

3.1. 30/08/2018 - 2018/04631/PA - Change of use from existing dwelling house (Use Class C3) to 4-bed HMO (Use Class C4) – Approved subject to conditions.

3.2. 04/07/2019 – 2019/02565/PA – Change of use from dwelling house (Use Class C3) to a nursery and out of school club (Use Class D1) including external play area – Refused on the following grounds: the use of the property for a day nursery and after school club would have an adverse impact on the residential amenity of nearby occupiers, by reason of noise and disturbance.

918 Bristol Road: -

3.3. 30/08/2018 – 2018/04635/PA – Change of use from dwelling house (Use Class C3) to 4-bed HMO (House in Multiple Occupation) (Use Class C4) – Approved subject to conditions.

4. Consultation/PP Responses

4.1. Local Councillors, Residents Associations and neighbouring properties have been consulted and a site notice has been displayed.

4.2. Transportation Development – No objection subject to conditions requiring a Parking Management Plan, secure and sheltered cycle storage and temporary consent for the Sunday use.

4.3. Regulatory Services – Concerns raised regarding the outdoor space.

4.4. 22 letters of support and a petition signed by 106 people have been received stating the following:

- Positive impact on community
- Create employment opportunities

- There is a demand to help local parents
- Would be a benefit to the community
- Great location and easy to access
- Will provide a facility for children to socialise and develop
- Assisting Church funding stream to contribute back to the community
- Benefit to work parents
- Affordable childcare

4.5. 6 letters of objection and a petition signed by 46 people has been received raising the following concerns:

- Out of keeping with character of area
- There is a covenant in the deeds for property to remain as a family house
- Properties not suitable for number of children
- Increase in noise
- Loss of residential amenity and enjoyment of property
- Increase in comings and goings causing disturbance to neighbours
- Increase in air pollution due to level of traffic
- Quality of air near Bristol Road and the impact on children
- Pressure on sewage system
- Increase in on street parking
- Lack of pedestrian visibility
- Safety of children
- Increase in overall traffic and road accidents
- Existing noise and disturbance from Sunday use
- Increase in litter
- Disturbance to wildlife

4.6. Councillor Fred Grindrod – Supports application stating that the Applicant has taken significant time to meet with, listen to neighbouring households and local residents groups. They have worked hard to respond to concerns expressed and have improved their plans to mitigate against the issues that the residents have raised.

4.7. Steve McCabe MP – Supports the application stating that if approved, the application would allow the Church to continue to extend the positive impact they have on young people and the local community. The plans explain the goal is to create quality and affordable childcare for local area which will be welcomed by local parents and carers. The Applicant has made provisions for those using the nursery to park in the church to ensure local residents have enough space to work and do not face overcrowding. There are concerns about noise to neighbouring properties the Church proposes to a day nursery which means it will not affect the community in the evening; the noise survey also explains sounds from the proposed nursery are expected to be quieter than the sounds of traffic along Bristol Road. Overall if acceptable it would have a positive impact on the area and give local people access to affordable childcare.

5. <u>Policy Context</u>

5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan 2005 (saved policies)
- Car Parking Guidelines (SPD)

5.2. The following national policy is application

- NPPF – National Planning Policy Framework 2019

6. Planning Considerations

6.1. **Policy**

6.2. The National Planning Policy Framework seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. The NPPF also emphasises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

6.3. Paragraph 8.15 of the UDP (saved policy) refers to the use of dwellinghouses as day nurseries. The relevant parts of this policy advise (in summary) that: 'day nurseries should generally be confined to detached houses. Properties which may be particularly appropriate are those which have good separation from adjacent residential properties or which are not adjoined on all sides by other residential uses and those which have adequate onsite parking with suitable and safe access and egress.'

6.4. 'Semi-detached and terraced residential properties due to their proximity to other adjoining residential property are not generally suitable for the location of day nurseries, except where adjoined by non-residential uses. Proposals for semi-detached houses may be considered where it can be demonstrated that the number of children proposed or the location of nursery rooms is unlikely to cause undue noise and disturbance to adjoining residential occupiers, and no suitable alternative exists in a particular area'.

6.5. 'Day nurseries will not be accepted in residential roads which have a general absence of non-residential traffic and contain houses capable of single family occupation'.

6.6. The main considerations are whether this proposal would be an acceptable development in principle, whether any harm would be caused to neighbouring occupiers in terms of amenity and impacts on highway safety.

Principle of Development

6.7. This application is a re-submission of a previously refused application ref: 2019/02565/PA. The previous application was refused and was considered to not be acceptable in principle given that it related to a semi-detached property and the adjoining property would be in residential use therefore having an adverse impact on residential amenity. In the case of this application, the site now relates to both 916 and 918 Bristol Road, and would therefore be considered as a detached property. The site is not attached to any residential accommodation and would benefit from on-site parking at the next door Church. I therefore consider that the proposal complies with paragraph 8.15 of the UDP (saved policy) and is acceptable in principle.

Impact on Residential Amenity

6.8. The proposal would accommodate 50 children ranging from 0-11 years. This number of children has the potential to create some levels of noise and disturbance

particularly when utilising the outside space at the rear and also through vehicle movements at peak times during drop offs and pickups. I note under the previously refused application (2019/02565/PA), it was considered that 916 could not accommodate 30 children due to the size of the property; whilst this application now proposes to accommodate 50 children, the size of the property has increased and would be accommodated across both properties. The proportion of children would be spread out across the two properties as opposed to contained within one property.

6.9. The proposed internal layout demonstrates that the main noise sources i.e. the childrens play rooms would be contained within the middle of the building. The nearest residential accommodation is 920 Bristol Road; the rooms within the building which would be closest to No. 920 would be the utility and store on the ground floor and the store and bathroom on the first floor, and are unlikely to be used in such a way that would generate a significant level of noise and disturbance. I consider the internal layout proposed in this way goes towards helping to reduce the impact on the residential amenity of the surrounding occupiers.

6.10. I note local residents have raised concerns about how the proposal could give rise to noise and disturbance resulting in a loss of residential amenity and impact their enjoyment of their property. These concerns have also been raised by Regulatory Services who are particularly concerned about the use of the outdoor area. The site is situated on Bristol Road, which is a busy A classified road and the garden has been altered so that it has been reduced in size with the soft play area contained within the rear of 916 and the hard play area located to the side of 916, set away from the residential properties. The play areas are bound by wooden panel fencing which ranges from 1.6m high – 1.8m high, which would help to reduce the noise emanating from the site. In addition, the children would be supervised which would help to limit disturbance, and the ratios required between carers and children would limit the number of children that could utilise the outside space at any one time. I recommend restricting the hours of use of the nursery and afterschool club to Mondays – Fridays 07:00 – 18:00, meaning that the site would not be in operation in the evening, which would minimise disturbance to local residents.

6.11. The proposal includes use on a Sunday for religious teaching in conjunction with the Church next door. I recommend attaching a condition restricting the hours of use on a Sunday to 09:00 – 13:15 with internal use only, with no access to the outdoor play areas. This restriction on the outdoor area would protect residential amenity at the most sensitive time (the weekends).

6.12. The main drop off and pick up access point would be through the Church car park, with the entrance to the nursery located within the side elevation of 916. This access would help to avoid disturbance to nearby residents at peak times as it is situated away from residential properties.

Impact on Highway Safety and Parking

6.13. The objections relating to the highway have been noted. Transportation Development have assessed this proposal and raise no objection subject to a Parking Management Plan and provision of secure cycle storage.

6.14. Car parking guidelines SPD states that a maximum parking provision of 1 space per 8 children for day nursery is required. Therefore, the proposed nursery would require 6-7 spaces based on the provision of 50 children. Traffic and parking demand associated with the proposal would be expected to increase from the consented use,

however Transportation Development consider the impact at this location would not be significant. On street parking is not permitted along this stretch of Bristol Road and supporting detail states the frontage parking facility will not be used for drop off/collections or staff; this area will be reserved for deliveries or disabled drop off if required only. The entrance lobby would be located towards the side of 916 with the drop off and pick up access point through the Church car park, as this is the nearest and most logical route it would avoid any impact to Bristol Road.

6.15. I note that Transportation Development have raised concerns about the Sunday School use and the impact this may have on traffic and parking demand, particularly if Church goers occupy the car park what parking does this leave for the users of the Sunday School. On this basis, Transportation Development have advised that the Sunday School use is temporarily approved in order to assess the impact. As the Applicant has confirmed that the Sunday School use would be used as part of the Church; provided for the children of Church members, there would potentially be no increase in parking on Sundays as it would be the existing Church members who would utilise the Sunday School facility. On this basis, I consider a temporary consent would not be appropriate.

6.16. Given that the provision of sufficient parking is fundamental to the application, I recommend attaching a condition which ties the car park at the Church with this application.

6.17. The proposal is unlikely to have a detrimental impact on the highway and public safety to sustain a reason for refusal. Subject to the conditions being imposed, I am satisfied that this element of the proposal is acceptable.

Other Matters

6.18. Concerns have been raised about the proposals potential impact on air quality due to the level of traffic and the impact that the air quality in this location would have on children. Regulatory Services have stated that that air quality would not be an issue at this site as the property is set back from the Bristol Road. Data from the permanent air quality monitoring station in the centre of Selly Oak also suggests that air quality in this location is not an issue.

6.19. In regards to the concerns raised relating to a covenant in the deeds of the property which requires the property to remain as a family house; this is a legal matter rather than a planning matter and cannot be considered in the assessment of this proposal.

6.20. I note a concern has been raised about the proposals potential to result in pressure on the sewage system. Whilst the use of the site would intensify, it is not considered that it would have a significant impact on the sewage system.

6.21. In regards to the concerns raised regarding potential for increase in litter; there is no evidence to suggest that the proposed use would result in a rise in litter.

6.22. Turning to the concerns relating to how the noise from the proposal could result in disturbance to wildlife; the site is not in an area where protected species are likely to be present nor is it within close proximity to a wildlife corridor. The proposal is therefore unlikely to have any ecological implications.

7. <u>Conclusion</u>

7.1. The previous application (ref: 2019/02565/PA) was refused as it was considered the use of a day nursery and afterschool club within a semi-detached property would result in noise and disturbance to the nearby occupiers. The proposal now relates to a detached property, which does not adjoin any residential accommodation and the outdoor play area is reduced in size and situated away from the existing residential occupiers. I consider the proposal has overcome the previous reasons for refusal and would not result in an adverse impact on the residential amenity of the nearby occupiers.

7.2. The proposal complies with national and local policy and is therefore recommended for approval, subject to relevant conditions as outlined below.

8. Recommendation

8.1. Approve subject to the following conditions:

1	Requires the scheme to be in accordance with the listed approved plans
2	Limits the number of children able to attend the day nursery to 50
3	Requires the submission of cycle storage details
4	Requires the submission of a parking management plan
5	Limits the usage of the outdoor play area to 09:00 - 18:00 Mondays - Fridays
6	The approved uses must be used inconjunction with the Church car park
7	Limits the hours of operation of the nursery and after-school club to 07:00 - 18:00 Mondays - Fridays
8	Limits the hours of operation of the Sunday School to 09:00 - 13:15 Sundays
9	Restricts usage of the land shown in the blue edge
10	Implement within 3 years (Full)

Case Officer: Laura Reid

Photo(s)

Photograph 1: 916 – 918 Bristol Road

Photograph 2: Hard surface play area to side of 916 Bristol Road

Photograph 3: Soft surface play area to rear of 916 Bristol Road

Photograph 4: Car park area at Christian Life Church

Location Plan

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Committee Date:	30/01/2020	Application Number:	2019/08019/PA
Accepted:	08/10/2019	Application Type:	Full Planning
Target Date:	31/01/2020		
Ward:	Brandwood & King's Heath		

Land to the north of Cartland Road and east of Pineapple Road, Stirchley, Birmingham, B30 2YY

Demolition of existing building and construction of new railway station including two platforms, the formation of forecourt area with vehicle 'drop-off', installation of steps and lifts and other associated works

Recommendation
Approve subject to Conditions

1. Proposal

1.1. Planning permission is sought for the construction of a new train station on the Camp Hill line on the site of the former station that closed in the 1940s. Platforms are provided on both sides of track which can be accessed via steps or lifts from Cartland Road. No ticket office is proposed but machines will be provided. The platforms can accommodate 6 car trains with a service provided every 30 minutes.

1.2. A drop off area is provided with entrance and exit provided via a circular route onto Pineapple Road. Cycle storage for 30 bicycles is provided adjacent to the drop-off area. To provide the above infrastructure and associated landscaping the former station building, currently being used as a retail unit is proposed to be demolished.

1.3. The application is supported by a Planning Statement, Design and Access Statement, Tree Survey, Preliminary Ecological Appraisal, Bat Survey, Noise Report, Air Quality Assessment, Contaminated Land Report and Transport Assessment.

1.4. Site area: 0.9 ha.

1.5. Link to Documents

2. Site & Surroundings

2.1. The site consists of the existing railway line and associated embankments. The red line area also incorporates sections of Cartland Road, Pineapple Road, a grassed area on the corner of Cartland Road and Pineapple Road and the bathroom store. The site is bound by residential development on the 3 sides with Camp Hill School and its associated playing fields located to the east. This is considered to be a residential area outside of any defined centres. The site is 750m from Stirchley Local Centre.

2.2. Site location Plan

3. Planning History

3.1. None

4. Consultation/PP Responses

4.1. Regulatory Services – No objections subject to conditions requiring noise levels for plant and machinery, noise levels from PA system, lighting scheme, contamination remediation scheme, contaminated land verification report and unexpected contamination.

4.2. Environment Agency – No objection but provides advice to applicant regarding water contamination

4.3. Transportation Development – No objections subject to conditions requiring submission of a construction management plan, completion of S278 works, provision of secure and sheltered cycle storage and monitoring of the impact of the new station.

4.4. West Midlands Police – No objection

4.5. Severn Trent Water – No objection subject to condition for scheme of foul and service water drainage.

4.6. Fire Service – No objection

4.7. Site notice posted, local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. 34 letters of support have been received highlighting:

- Improved transport links with City Centre and Kings Heath;
- Cycle storage at station will reduce number of cars;
- Will help the wider regeneration of Stirchley;
- Line needs to open asap;
- Will ease traffic congestion and pollution locally;
- Benefits local people who don't drive;
- Station name reflects local heritage;
- Demolition of former station building is necessary to create safe and welcoming environment;

4.8. 35 objections have been received raising the following matters:

- Increased on street parking preventing residents parking outside their own home;
- Residents parking permits needed;
- Parking permits would be problematic for visitors and increase for residents;
- Train station is not needed due to regular bus services;
- Parking restrictions need regular policing;
- Position of zebra crossing is unsafe;
- Wide grass verge on Cartland Road will be used for vehicle parking;
- Vibration from trains impacting on structural stability of properties;
- Properties without off street parking will have nowhere to park their cars;
- Single yellow line and 2 hour waiting restriction on Cartland Road prevents residents parking outside their own homes on Cartland Road;

- Pineapple Road and Cartland Road Junction needs to be improved;
- Zebra crossing on Cartland Road is ineffective and needs replacing with alternative safety measures;
- Already too many accidents on Pineapple Road/Cartland Road causing damage to property and impacts on mental health;
- Accidents are much more frequent than suggested in the Transport Assessment
- Increase in number of speeding vehicles;
- Increased traffic and increased queuing at junctions;
- Increased safety concerns for pedestrians and drivers;
- Station should be called Stirchley;
- Line should also link to Kings Norton and Redditch/Bromsgrove;
- 2 trains an hour is insufficient;
- Indigenous tree species and fruit trees should be planted;
- Drop off facility is required at Kings Heath to reduce pressure on Hazelwell;
- Increased air pollution;
- Traffic calming measures are needed;
- Already excessive on street parking on Priory Road due to Camp Hill School;
- Increased noise pollution from trains accelerating and breaking and station announcements;
- Applicant has not engaged with adjoining landowners;
- Drop-off area impacts upon access to 44 and 46 Cartland Road creating unsafe and congested arrangement;
- The loss of driveway unfairly impacts on disabled occupier contrary to Equality Act 2010;
- Gates of adjoining property will open out onto drop off area;
- Large vehicles will no longer be able to safely access adjoining properties;
- Signage needs to be installed;
- Disabled parking needed;
- Closure of business in former station building;
- Former station building should be retained as it has character;
- No ecological survey of building that is to be demolished;
- Lack of consultation by applicant with owners of former station building;
- Car park is needed; and
- Decrease in house prices;

4.9. A response has been received by Councillor Mary Locke making the following comments:

- Station is much needed;
- Should be called Stirchley station;
- Disabled parking needed;
- Increased parking on local roads is a concern for residents;
- Cartland Road/Pineapple Road junction is an accident hot spot and this needs to be addressed through moving crossing and introducing speed calming measures;

4.10. A letter has been received by Stephen McCabe MP making the following comments:

- Supportive of the re-opening of the station;
- Cycle storage may need to expand in the future;
- Increased safety concerns over pedestrian crossing on Cartland Road close to railway bridge. Improvements are needed.
- Parking restrictions are needed on Cartland Road; and

- Name should be changed from Hazelwell to Stirchley

4.11. The following comments have been received by Stirchley Neighbourhood Forum:
- Re-opening of the station is generally welcomed;
- Concerns raised over increased traffic and parking;
- History of accidents near to station;
- An unmanned station will not help issues of parking, security and traffic

5. Policy Context

5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (Saved Policies)
- Birmingham Development Plan (2017)
- Car Parking Standards SPG

5.2. The following national policy is applicable:
- NPPF – National Planning Policy Framework (2019)

6. Planning Considerations

6.1. Principle

6.2. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. The NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. The NPPF highlights the need to identify opportunities from existing transport infrastructure and promote walking, cycling and the use of public transport. Great emphasis is placed on encouraging sustainable travel and minimising car use.

6.3. Policy TP41 of the BDP addresses travel by bus/coach, rail and metro. The policy specifically proposes the reopening of the Camp Hill line to passenger services and identifies that a station should be located at Hazelwell.

6.4. Based on the requirements of Policy BDP41 the principle of a new station in Stirchley is support however detailed consideration of a variety of planning matters is required.

6.5. Design

6.6. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.

6.7. A proportion of the development will be located within the railway embankment thereby obscuring views from the wider public realm. This would include the platforms, steps and canopies. The most prominent element of scheme would be the lifts which extend approximately 6m above the natural ground level and would be

sited either side of the railway line. These rectangular structures would be clad in brick so that they fit comfortably into the residential environment. A grassed amenity area would be lost to provide the drop off area however areas for additional soft landscaping are proposed in three zones around the footpaths leading to the station forecourt. Materials for the areas of hard surfacing will be agreed via condition. The specifications for required infrastructure such as lighting and bollards will be secured via condition. Agreeing such details will ensure a high quality finish to the development.

6.8. In summary it is considered that the overall design of the proposed scheme would be acceptable and in keeping with the character of the local area.

6.9. Impact on the Historic Environment

6.10. Policy TP12 seeks to protect heritage assets and their settings. In accordance with the NPPF it will be necessary to determine whether the proposals have any impact on any heritage assets.

6.11. The existing building on site (used as a bathroom store) was the former station building until its closure in 1941. The single storey brick built building is of architectural merit and is considered to be a non-designated heritage asset by the Council's Conservation Officer. The proposal would result in the total loss of this non-designated heritage asset. Paragraph 197 of the NPPF states that in weighing applications that directly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

6.12. Prior to the submission of the application the applicant considered various options for the site, one of which included retaining the former station building. A Structural Survey has been undertaken which highlights that the building has undergone significant renovation and extension to facilitate it current use. The applicant believes that these changes impacted on the aesthetic qualities of the building. More importantly the survey identifies that the timber joists within the ground floor would need to be removed as part of any conversion to a station building due their structural robustness and fire safety risk which would be a concern for Network Rail. Furthermore the small size of the rooms and the existing floor level above the front pavement would cause difficulty in providing a fully accessible building that complies with modern regulations for accessible stations. The substantial changes required to create a suitable modern station would place a substantial financial burden on the applicant impacting upon the viability of the project. There are also additional costs in providing a staffed station building which is not essential in this location.

6.13. The loss of the building results in harm to the historic environment however, this needs to be balanced against the benefits of the scheme. It is accepted that there are significant financial costs involved in retaining the building and the reintroduction of a train station in the Stirchley area will greatly reduce public transport options and potentially reduce car based travel. In light of these wider public benefits the loss of the building is accepted and the Conservation Officer does not object to the loss of the non-designated heritage asset. It is noted that there is no statutory protection for this building.

6.14. Transportation

6.15. Policy TP38 of the BDP requires that development proposals support and promote sustainable travel.

6.16. The provision of a new station in Stirchley increases the choice of travel modes available to local residents and has the potential to reduce the number of journeys via cars. Some respondents are disappointed by the frequency of the service proposed however it is understood that this is due to capacity issues at New Street Station. It is important to note that the planning permission does not limit the frequency of the service therefore the frequency could increase from 2 trains an hour in the future if there is demand and there is capacity available.

6.17. Concerns have also been raised regarding the impact on nearby residential streets such as Cartland Road and Pineapple Road in terms of increased levels of on street parking. It is acknowledged that a new station could increase on street parking on surrounding streets however this will be monitored in the months after the station opens so an appropriate parking management strategy can be implemented.

6.18. The vehicle drop off area is another area of concern for some local residents. This area has been redesigned by the applicant after Transportation reviewed the Road Safety Audit undertaken in April 2019 and carefully considered the earlier drop-off designs presented. After a detailed assessment of all reasonable options the solution presented is considered to be the most appropriate for the site.

6.19. Transportation Officers have confirmed that this is essential to have a drop off area to minimise the risk of cars parking or stopping on Cartland Road near the railway bridge. In light of this issue the drop off area needs to be accessed from Pineapple Road over an access driveway that is currently utilised by the occupiers of No's 44 and 46 Cartland Road. This means that the occupiers of these properties will have to exit their driveway directly onto the drop off area. Specific concerns have been raised over the awkward nature of the access and the fact that an adjoining property has gates opening outwards. It is important to note that whilst the access driveway is only utilised by 2 properties it is classed as public highway and therefore technically the homeowner should not have gates that open out onto public highway. The plans indicate that a 'keep clear' road marking is provided on the new drop off which would help minimise any disruption when wishing to enter or exit the adjacent properties at peak times.

6.20. Whilst having to enter or exit a residential property onto the drop off area is not ideal it is important to emphasise that there are no other safe, viable options and that a vehicular access is still retained for the occupiers of these properties. A separate pedestrian access is provided for these properties which mean that the residents do not need to cross the drop off area. A balance has to be struck between the private interests and the wider public benefits of the new station.

6.21. The Transportation Officer raises no objection subject to the completion of S278 works. The package of works would include the provision of a new drop-off/pick-up zone, associated access and highway alterations, Traffic Regulation Order amendments and Cartland Bridge alterations.

6.22. The scheme includes 30 cycle storage spaces. This is considered to provide a good level of provision that would encourage travel by this sustainable mode.

6.23. In summary there are no reasons to resist the proposal on transportation grounds.

6.24. Ecology

6.25. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal, Ecological Addendum, Bat Survey and Reasoned Justification were undertaken by the applicant. No evidence of badger use was identified but bats were found to forage in trees alongside the railway line but no roosts were identified in trees which are to be removed as part of the development. The former station building which is to be demolished is considered to have low suitability for bats. In the unlikely event that a bat roost is found prior to demolition the Council's Ecologist is satisfied that suitable compensation and mitigation can be provided through the provision of bat boxes. I am therefore satisfied that the scheme has no undue impact on protected species.

6.26. Landscape and Trees

6.27. There are a number of trees within and adjacent to the site. These trees are primarily located along railway embankments either side of track although some trees do fall within the gardens of neighbouring properties. The survey of the embankments has in total identified 1 category B ash tree and 4 groups of category C trees consisting of a variety of species. 5 further trees are located on the grassed area at the junction of Cartland Road and Pineapple Road. These trees consist of a mature lime, mature sycamore and line of young trees (a field maple and 2 norway maples).

6.28. To facilitate the construction of the platforms all of the category C trees need to be removed from the embankments where they fall within the red line site. There is no intention to remove any trees that fall within the gardens of neighbouring properties. On the street frontage the row of 3 young trees and the mature lime tree would be removed thereby retaining the mature sycamore tree. The submitted landscape plan indicates that 6 new trees will be planted on the frontage meaning that there will be a net gain in trees in this part of the site.

6.29. The Tree Officer raises no concerns over the removal of the trees within the embankment or the row of 3 trees on the frontage as they are all considered to be of low quality. He would however prefer to see the retention of the lime tree. However, as discussed previously the provision of a drop-off facility is deemed to be essential in this location and to ensure highway safety there is no other location it could be safely located. Taking into account the substantial benefits of delivering a new station in Stirchley, the loss of the lime tree is on balance considered to be acceptable.

6.30. Pollution

6.31. The application has been supported by a land contamination report, air quality assessment and a noise report. The combination of increased numbers of trains, plant and the PA system will increase noise levels locally. The use of boundary treatments and controlling noise levels from the PA system will provide sufficient mitigation. The air quality assessment predicts that any air quality impact to be de minimus and potentially if a modal shift away from car based travel occurs, air quality could improve. Issues of contamination can be dealt with via condition. No objection has been raised to the proposal by Regulatory Services.

6.32. Other Considerations

6.33. It has been highlighted that an occupier of an adjacent property has a hearing disability and it has been suggested that the creation of a drop-off area outside the property will impact unfairly on the disabled occupier contrary to the Equality Act 2010.

6.34. Under section 149 of the Equality Act 2010, a public authority must in the exercise of its functions have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race (the Public Sector Equality Duty – PSED). In this case a pedestrian access is provided directly outside of the property to ensure the occupier can safely reach the public highway without stepping into the drop-off area. Whilst concerns have been raised over cyclists it must be remembered that the risks are no different to that of any public highway and any cyclists would also be travelling at lower speeds to account for being in a relatively well populated area close to the station. The Transportation officer has carefully considered this specific issue and has concluded that the layout is safe for the disabled occupier. On balance, the proposal does not unfairly impact on the disabled occupier adjacent to the application site. It should be noted that the applicant, as a public organisation, would also have to have regard to the Equality Act 2010, in the discharge of their duties.

6.35. Concerns have been raised over the impact of the development on house prices and also the name of station. However these are not material planning considerations.

7. Conclusion

7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The re-introduction of passenger trains to the Camp Hill line and the opening of the station would greatly enhance public transport options providing a real alternative to the car. The proposal is acceptable in character, amenity, ecology and landscape terms. The proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

8.1. Approve subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the submission of sample materials
3	Requires the submission of hard and/or soft landscape details
4	Requires the submission of hard surfacing materials
5	Requires the submission of boundary treatment details
6	Requires the submission of a landscape management plan
7	Requires the submission of a lighting scheme
8	Requires the prior submission of level details
9	Requires the submission of a CCTV scheme
10	Requires the prior submission of a drainage scheme

11	Requires the prior submission of a construction ecological mitigation plan
12	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
13	Requires the prior submission of details of bird/bat boxes
14	Requires the submission of cycle storage details
15	Requires the submission and completion of works for the S278/TRO Agreement
16	Requires the undertaking of parking monitoring, submission of Traffic Regulation Order Options and undertaking of agreed measures.
17	Arboricultural Method Statement - Submission Required
18	Requires tree pruning protection
19	Limits the noise levels for Plant and Machinery
20	Limits the maximum noise levels from PA system
21	Requires the prior submission of a contamination remediation scheme
22	Requires the submission of a contaminated land verification report
23	Requires the submission of unexpected contamination details if found
24	Requires the prior submission of a construction method statement/management plan
25	Requires the installation of a noise barrier
26	Implement within 3 years (Full)

Case Officer: Andrew Fulford

Photo(s)

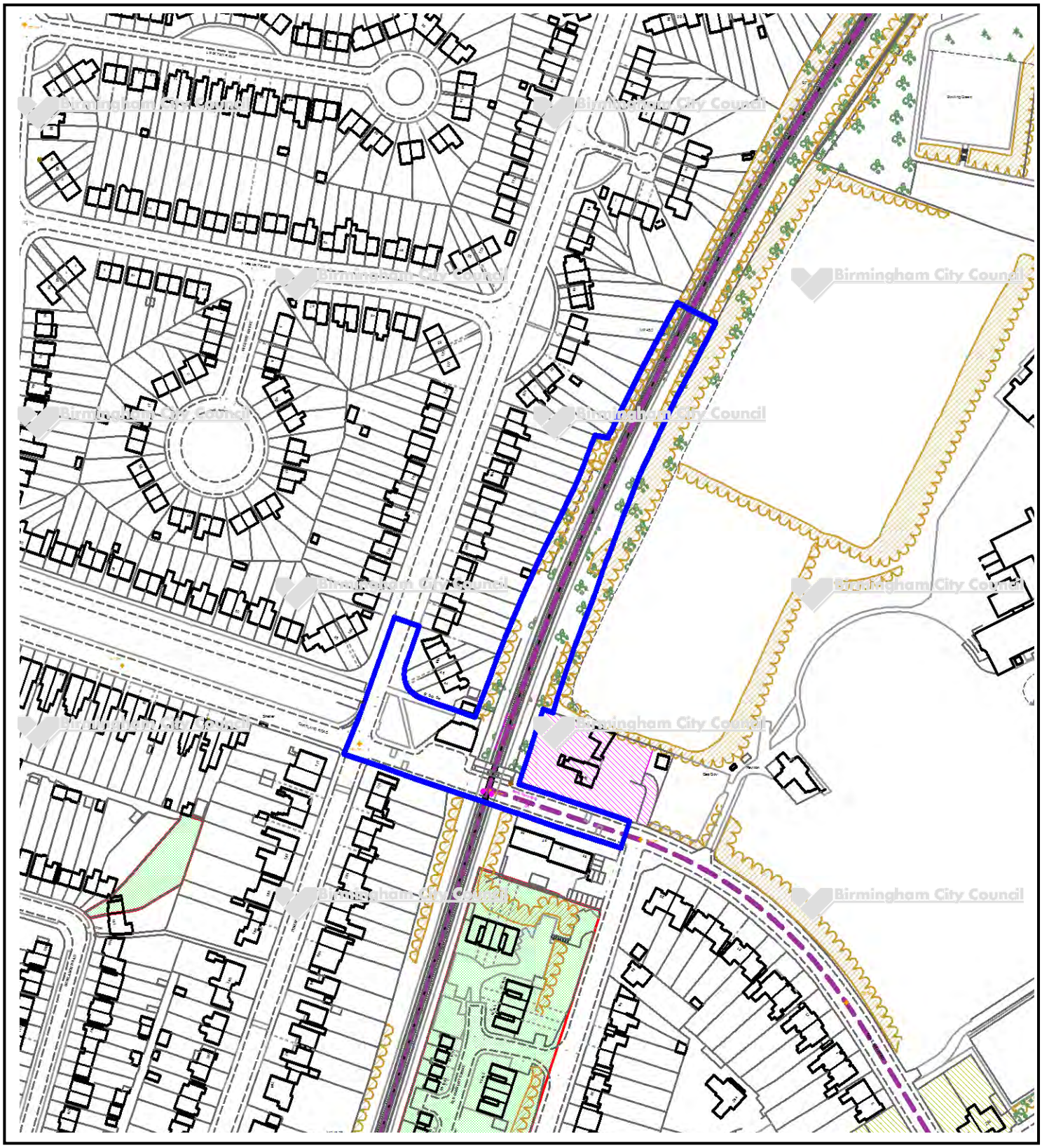
Photo 1: View from Cartland Road looking north towards former station building

Photo 2: View from Cartland Road looking north east towards railway bridge and proposed platform entrances

Photo 3: View looking west across proposed drop-off area towards Pineapple Road

Photo 4: Front elevation of 44 Cartland Road

Location Plan



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Birmingham City Council

Planning Committee 30 January 2020

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

Recommendation	Report No.	Application No / Location / Proposal
Approve – Conditions	11	2019/06951/PA Laurels Court 65 Frederick Road Stechford Birmingham B33 8AE Change of use of the existing buildings to provide supported living residential accommodation (sui generis) and erection of first floor side extension and construction of a new two storey building to provide additional supported living residential accommodation (sui generis) and amendments to the car park and other associated works
Approve – Conditions	12	2019/07742/PA Abbey Court 45 Sutton Road Erdington Birmingham B23 6QR Erection of single storey rear extension to create 1 no. two bedroom flat
Approve – Subject to 106 Legal Agreement	13	2018/08544/PA Former Nocks Brickworks Holly Lane Erdington Birmingham B24 9LE Remediation of land and residential development of site to provide 187 dwellings, access, landscaping and associated works
Approve – Conditions	14	2019/07577/PA Land off Gerardsfield Road Tile Cross Birmingham B33 Erection of 3 dwelling houses and associated works

Director, Inclusive Growth (Acting)

Approve – Conditions	15	2019/06270/PA Small Heath Park Coventry Road Small Heath Birmingham B10 0EE Erection of 5 metre high International Mother Language Monument
Determine	16	2019/05988/PA 8A The Gardens Erdington Birmingham B23 6AG Change of use from offices (Use Class B1) to 14 bed hostel (Sui-Generis)

Director, Inclusive Growth (Acting)

Committee Date:	30/01/2020	Application Number:	2019/06951/pa
Accepted:	19/08/2019	Application Type:	Full Planning
Target Date:	31/01/2020		
Ward:	Yardley West & Stechford		

Laurels Court, 65 Frederick Road, Stechford, Birmingham, B33 8AE

Change of use of the existing buildings to provide supported living residential accommodation (sui generis) and erection of first floor side extension and construction of a new two storey building to provide additional supported living residential accommodation (sui generis) and amendments to the car park and other associated works

Recommendation
Approve subject to Conditions

1. Proposal

1.1. This planning application is a change of use from Residential Institution (Use Class C2) to Supported Living Residential Accommodation (Sui Generis Use) and submission also includes a first floor extension on part of the existing care unit and the construction of a new two storey, four unit care facility. The new facility provides for independent residential accommodation for adults with disabilities who need assistance in their daily lives.

1.2. It is clear that the units are not designed as a secure facility and residents in these units are able to lead independent lives within their abilities and this will ultimately also involve residents leaving the premises. The premises are designed as a home where the resident can lead an independent existence, as far possible drawing on help as required by their needs.

1.3. The development will provide 5 additional units over and above the 14 presently on site. This will result in 19 units in total.

1.4. The first floor extension is proposed to be constructed on the eastern section of the building. It is proposed to be of a mono pitch design adjoining a similar mono pitch roof element of the existing building. It is proposed to be approximately 6.8 metres tall, 5.5 metres wide and 3.2 metres deep. It is proposed to provide an additional unit of accommodation.

1.5. The new two storey building is proposed to be built within the south west part of the site. It is proposed to be 16.8 metres long, 10.8 metres deep and 5 metres tall to the eaves and 6.8 metres tall to the ridge. It is proposed to provide 4 new care/independent units.

1.6. Each individual unit would comprise of a bedroom, bathroom, living room and a kitchen/dining room.

1.7. The units will be supported by 25 FTE staff, 3 PT staff and 1 FTE equivalent working shift patterns. 8 members of staff are proposed on site at any one time. Staff will not be residing/sleeping on site. Members will note staff rest room (table and chairs), lockers, and toilets are provided separately for staff.

1.8. 13 car parking spaces are proposed including 1 disabled car parking space.

1.9. The application is supported by;

1.10. Existing and proposed plans

1.11. Existing and proposed Elevations (amended)

1.12. Design and Access & Planning Statement

1.13. Noise Assessment

1.14. Energy Statement

1.15. Flood Risk Assessment

1.16. Addendum statement in support of the Application

Link to Documents

2. Site & Surroundings

2.1. The application site is presently in use as a two storey care facility. The building has been recently refurbished and is finished at the ground floor in white render and at the first floor grey timber clad.

2.2. To the north, east and south of the building are residential dwellings and sheltered accommodation directly to the south of the application site is a car parking area. To the west of the application site is Bordesley Green Recreation Ground, the site and its access is at the end of Frederick Road adjacent to this.

2.3. The application site is enclosed with fencing set back from the highways and the frontage to Frederick Road and Mary Road is heavily landscaped with mature trees and shrubs.

Site Location

3. Planning History

3.1 1994/01113/PA - new lift shaft and minor alterations to elevation – Approved 16/06/1994.

3.2. 2018/00190/PA - External alterations to building including replacement windows and doors, creation of 6 no. car parking spaces/pedestrian refuges and erection of areas of timber fencing – Approved 23/08/2018.

3.3. 2018/10376/PA – Erection of an extension to provide additional care unit and construction of a new storey, four unit care facility. – Approved 04/06/19.

Planning enforcement history

3.4 2018/0079/ENF - Alleged unauthorised external alterations to building, creation of 8 no. car parking spaces and erection of perimeter timber fencing without consent Matter closed as application submitted 24/08/2018.

4. Consultation/PP Responses

4.1. Transportation Development – No objection, subject to a condition restricting the use to Supported Living Residential Accommodation.

4.2. Regulatory Services – No objection.

4.3. Environment Agency – No objection - built areas in Flood zone 1 so no increase in flood risk.

4.4. West Mids. police – No objection.

4.5. Adjoining neighbours and ward Councillor Notification has taken place.

4.6. Site notices posted.

4.7. Petition received (145 signatures) - objections on grounds of unsuitable use adjacent to residential properties. Residents and their children have suffered from verbal abuse and shouting and noise at night.

4.8. 6 Individual responses received and a number received from one party. Comments received on the application are as follows:

- Not at all happy with the proposed plan to extend the building and the change of usage.
- Residents have to put up with cars parked on our scheme, traffic parked on the road which blocks a lot of traffic to Colbourne.
- Anti-social behaviour from the residents. Abusive behaviour towards the residents in the street with swearing and obscenities. Local residents feel unable to be in their own gardens and a reluctance to let their children out. Police have been called on numerous occasions.
- Concerns for the residents in the sheltered housing scheme directly opposite who have been subject to nuisance and disturbances.
- Concerns about the use and the changes as proposed. Originally owned by BCC the building was sold to a private company to run the residential home. There have been instances in the road with people being disruptive in and around their accommodation and as a local resident find this situation unacceptable.

4.9. Objections have been supported with photos/video of certain event.

5. Policy Context

- National Planning Policy Framework (2019)
- Birmingham Development Plan (2017);
- Saved Policies within Birmingham Unitary Development Plan (2005);
- Places for All (Adopted Supplementary Planning Guidance 2001)
- Places for Living (Adopted Supplementary Planning Guidance 2001);
- The 45 Degree Code (Adopted Supplementary Planning Guidance 2006);
- Special Needs Residential Uses SPG (2002);
- Access for people with Disabilities (Supplementary Planning Guidance 2006);
- Car parking Supplementary guidance.

6. Planning Considerations

Background to the Development

6.1. The aim of the proposed change of use from C2 care to flats with care (Sui Generis) is to provide individual housing to provide a small community development of specialist supported living. This will consist of self-contained accommodation for adults with disabilities. However, in this case the residents will continue to have access to help and support to meet their individual needs in each case with more or less as required by their circumstances whether this be mental or physical disability.

6.2. The registered provider is a registered healthcare provider (New Start Supported Housing) who is registered with the CQC.

6.3. The apartments are self-contained and some are also adapted as fully accessible and are adapted for residents with physical disabilities this is designed to increase the residents' feeling of independence.

6.4. A specialist care package is provided via the support provider (Aspiration Care) for each resident and this may be adaptions to the unit or help with daily life and activities/transport to training/work. In terms of the development, the benefit of having the units all in one location/centralised helps reduce costs and drive operational efficiencies and support staff can be centralised to meet the diverse needs.

Principle

6.5. This application has been assessed against the objectives and details of the policies as set out above.

6.6. The NPPF suggests that there would be a presumption in favour of sustainable development, however the starting point would always be the development plan. The Council plan and Birmingham Development Plan aims to ensure Birmingham's residents experience a high quality of life, living within attractive and well-designed sustainable neighbourhoods. It is expected that across the City all development must be well-designed. It is also expected that all new development will be expected to demonstrate high design quality design and appearance.

6.7. Policy GA8 advises that housing growth should be encourageD with the Growth Triangle and Stechford falls into this area and the proposal is for the provision of specialist housing. Policy TP27 advises that housing should help support sustainable neighbourhoods and this can be achieved through a wide choice of

housing sizes, types and tenures to ensure balanced communities where this type of proposal would fall.

6.8. Members will also note that the previous application under reference 2018/10376/PA (as noted in the history) for extensions and alterations to the premises along with a new 2 storey block.

6.9. This permission to extend has not yet been implemented however is ‘extant’ and in this case represents a strong ‘fallback’ position in terms of this proposal as the extensions proposed in this submission represent the same works and are in the same format that have previously been approved.

Design

6.10. Policy PG3 of the BDP requires new development to ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term.

6.11. The proposed change will provide for 8 units at ground floor and five units at first floor within the existing (main) building with one new extension/unit over the existing corner unit, which is present single storey.

6.12. The separate single storey building which faces Mary Road is proposed to be converted into 2 units.

6.13. The new two storey new building is proposed to the rear of the exiting building and will create 4 separate units served by a lobby/staircase and separate staff room. Access doors face onto the private drive, towards the existing units and out onto the internal courtyard.

6.14. The whole development will be finished with materials which match those within the existing building. The mono pitch roof of the extension and pitched roof of the two storey new building match roof styles within the existing building and are of an appropriate scale of development in this location.

6.15. Members will note that the extensions as proposed have already been previously approved and the design and appearance remains unchanged externally and therefore the design and appearance of the work is considered acceptable.

6.16. It is considered that the new building and first floor extension would not dominate the existing building and would not harm the character and appearance of the existing building or the locality in accordance with policy PG3 of the Birmingham Plan.

Access/parking

6.17. The development is accessed from the original access in Frederick Road. The driveway provides access to 6 spaces along with one wider space allocated for disabled users and the 6 spaces on the frontage to Frederick Road as previously approved. There will be 13 spaces in total.

6.18. In accordance with the car parking SPD parking provision for a C2 would require 6 spaces for the 19 bed use. Transportation have noted concerns over car parking provision and for a typical C3 residential development the level of car parking provision would not be considered wholly adequate. However these units do not classically fall within the C3 remit as many of the residents do not own or have

access to a vehicle and if leaving and returning would be doing so by taxi or nearby public transport.

6.19. Members will note that there are comments in relation to parking in the vicinity however on the day of my visit whilst the spaces in the main yard were in majority full (1 space free), the frontage spaces in Frederick Road were only partially occupied. It was understood parking was an issue recently with someone moving into a property.

6.20. Following the observations and comments the applicant has also sought to remind staff of utilising/parking in designated spaces only. Future parking demands can also be managed by the impositions of a car park and travel plan condition.

6.21. Transportation have noted the comments raised by neighbouring responses however remain satisfied in this instance that the imposition of conditions would restrict the use and ensure parking demand is met by the facility in accordance with policy TP44 of the Birmingham Plan.

Landscaping

6.22. The perimeter of the site is set in a landscape area which is lined with trees. The main frontage is grassed. The outside areas are partially enclosed into small outside spaces to serve separate units.

6.23. The landscaping on the boundary with the park is retained along with the main communal space located towards the centre of the development. The trees on the site are being retained and the Tree officer has raised no objections as there would no impact on the trees in this location. I consider a suitable landscaping condition would ensure a satisfactory appearance to the development and increase the potential for biodiversity improvement in this case.

Flooding

6.24. The site is mainly located in Flood Zone one with only part of the site (i.e part of the fencing) is in Flood zone 2. In this instance the Environment Agency have raised no objections to the proposal as the buildings as proposed are located in Flood Zone 1 and the fencing is considered low risk and therefore this ensures the development is compliant with policy TP6 of the Birmingham plan.

Residential amenity

6.25. The proposed units will provide adequate space standards for each unit and amenity space for the residents as proposed and each ground floor unit will have an element of outdoor space. The new building is sufficient distance away from adjacent residential dwellings (24m offset not direct relationship and already approved), not to cause any loss of light issues or result in an overbearing development. Due to the position of windows, the development would not result in any overlooking of residential amenity areas.

6.26. The proposed extension to the existing ground floor unit proposes a secondary first floor window looking towards Mary Road; the window does not overlook any private amenity area of surrounding properties. The extension would not result in any overlooking, loss of light or be overbearing. It is therefore considered it would not result in any harm to the residential amenity of adjacent residents.

6.27. Members will note that there are comments with regard to light pollution. In this instance conditions may be imposed to ensure a scheme for any proposed lighting is provided to the Local Planning Authority for approval.

6.28. The Local Planning Authority note that there have been a number of comments and concerns in regards to the behaviour of residents in and around the units and towards the existing neighbours. It is understood that this has on occasion led to the police attending the property.

6.29. The Local Planning Authority have raised these concerns with the site operators who have also confirmed that inappropriate behaviour was reported to and dealt with by the Police and meetings with the Operator, neighbours and the Police have occurred.

6.30. Recent incidents relate to a new resident who had recently moved in had caused some disruption but this situation has now improved and been dealt with. Also staff arrangements have changed to ensure senior staff are on shift overnight to ensure noise is monitored and dealt with appropriately. In this instance a management condition is proposed to ensure these measures continue in perpetuity.

6.31. It is clear that this facility is to provide care but also a degree of independence to the residents. It is also clear that the behaviour of the residents has caused local concerns and the issues raised are not in dispute and it is unfortunate that these issues have occurred. The units are not designed as a secure facility and residents in these units are able to lead independent lives within their abilities and this which will ultimately also involve residents leaving the premises. The premises are designed as a home where the resident can lead an independent existence and drawing on help as required by their needs.

6.32. Aspirations Healthcare and Talem Healthcare (which provides on-site support) is one of the UK's leading providers of support services for people with a range of diverse needs. A 'person-centred approach is engaged', to ensure the properties managed meet the needs of tenants. Each resident undergoes an assessment, including liaison with all groups who support them, to build a profile of the type of property, location, size and special requirements (similar to that of a care package) that will suit the individual. Tenants are granted individual tenancies and the Registered Provider then works with Talem Healthcare to deliver support to the residents, as set out above.

S106 and Other matters

6.33. The scheme will provide for 19 units. As these would be classed as 'sui generis' they would not trigger the need for a financial contribution towards affordable housing. In addition, the units would provide accommodation which is specialist in nature.

6.34. Issues have been raised in terms of works being carried out without the benefit of planning permission. Members will note the enforcement history on the site. It appears that some time ago that the building was being refurbished along with new fencing that was erected and a car parking area was formed on Frederick Road. It appears that the applicant was made aware of the requirements and a retrospective application was made to retain the works (as amended). This work was later approved (noted in history).

7. Conclusion

7.1. The development is considered to be acceptable in principle especially given the previous permission and extant consent. The design and appearance of the units would match the host building and is an acceptable design. The character of the locations will continue to be consistent with the existing premises and will not harm the character of the locality.

7.2. The proposed change of use and extension works would not result in harm to adjacent residential amenity.

8. Recommendation

8.1. Approval subject to conditions

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires that the materials used match the main building
3	Requires the submission of a parking management strategy
4	Requires the submission of hard and/or soft landscape details
5	Requires the submission of a landscape management plan
6	Requires the submission of a lighting scheme
7	Prevents the use from changing within the use class
8	Requires the submission of a commercial travel plan
9	Use/management of premises.
10	Requires the prior submission of details of bird/bat boxes
11	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
12	Implement within 3 years (Full)

Case Officer: Sarah Willetts

Photo(s)

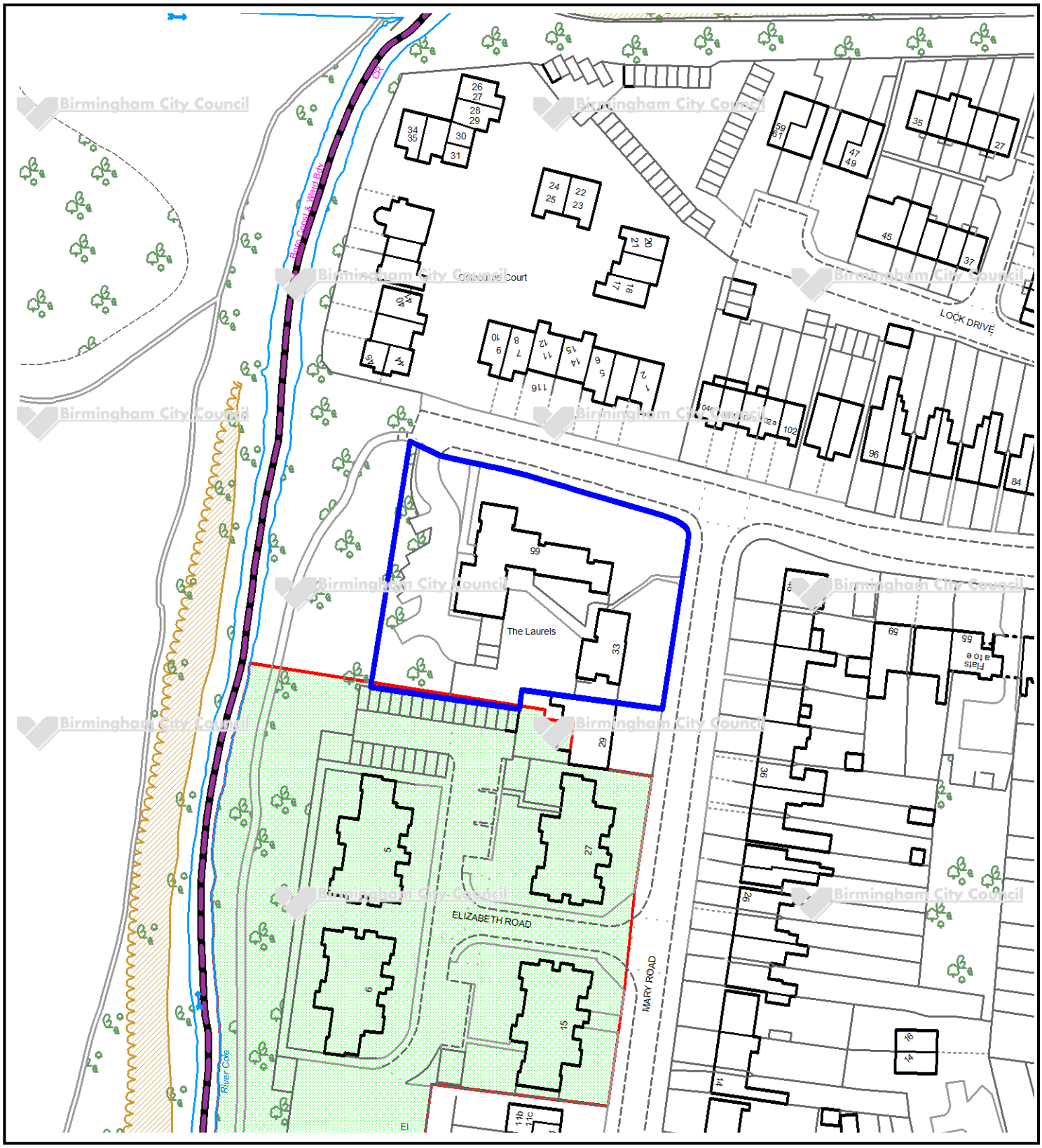
FIG 1 -View of Property on right from Frederick Road

FIG 2 -View of Vehicular Entrance on Right

FIG 3 View from internal parking area back towards entrance gate

FIG 4 Google Image of location of unit

Location Plan



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Committee Date:	30/01/2020	Application Number:	2019/07742/PA
Accepted:	17/09/2019	Application Type:	Full Planning
Target Date:	31/01/2020		
Ward:	Erdington		

Abbey Court, 45 Sutton Road, Erdington, Birmingham, B23 6QR

Erection of single storey rear extension to create 1 no. two bedroom flat

Recommendation
Approve subject to Conditions

1. Proposal

1.1. The application originally proposed 2 flats. Following discussions, the application now seeks planning permission for the erection of a single storey rear extension for the formation of 1 no. two bedroom flat at Abbey Court, 45 Sutton Road, Erdington.

1.2. The proposal would be of a rectangular shape with a pitched roof and gable ends and would be attached to the north eastern side elevation of an existing two storey extension to the rear of the premises. The proposal would be constructed of rendered walls, facing bricks, a tiled roof and UPVC window frames and would measure 7.8m (w), 9.5m (l) and 5m (h). Within the site, a communal private amenity area of approximately 515 square metres would be provided, enclosed by 1.8m high close board fencing.

1.3. The proposed flat would have a total floor area of 66.5 square metres. The proposed ground floor would comprise of 2 bedrooms, a communal lounge and kitchen (21.4sqm) and a shower room and wc (4.3sqm). The bedroom sizes would range from 17 square metres to 13.6 square metres.

1.4. The proposal would provide 2 no. additional off road vehicle parking provision on site. An access driveway leads from the front of the premises off Sutton Road along the south western edge of the site. Within the site would be 19 off road parking spaces with 6 to the front, 3 to the side and 10 to the rear. New cycle storage would be provided to the rear for 4 bicycles.

1.5. The property currently provides 16 flats, consisting of 6 x 1-bed flats and 10 x 2-bed flats. The proposed development of the site would provide approximately 515 square metres of amenity space for the existing a total of 17 flats.

1.6. The application is reported to Planning Committee at the request of members, due to potential concerns regarding intensity of the development and loss of residential amenity to neighbouring dwellings.

Link to Documents

2. Site & Surroundings

2.1. The application site consists of a large Victorian 2-storey property with a substantial 2-storey rear extension. Four trees to the front are covered by a Tree Preservation

Order (TPO 1337), consisting of two Pine, Ash and Beech. There are other mature trees to the rear of the site along its side boundaries. The site is slightly raised to Sutton Road, which is a busy transport corridor. To the north is a three storey flat roof flatted development, to the south a large complex of retail/commercial showrooms and residential properties within Orchard Road, to the west on the opposite side of Sutton Road is The Abbey School and the re-developed Abbey Fields (formerly Lyndhurst) residential estate. Erdington Town Centre and Erdington Railway Station are both within easy walking distance from the site. The application site is at the threshold between the residential area to the north and the commercial area to the south.

Site Location

3. Planning History

3.1. 2016/09629/PA: Erection of two storey rear extension to create two flats: Approved: 12.01.17.

3.2. 2015/09136/PA, Erection of two semi-detached bungalows and erection of two storey rear extension to create two additional flats: Refused: 31.05.16.

3.3. 2011/04246/PA, Conversion of former children's home to form 14 self-contained flats. Revised scheme to that approved under 2010/04161/PA including loft conversion, amendment to internal layout, formation of landlord office/store and dormers to the north and east elevations: Approved: 05.09.11.

3.4. 2010/04161/PA, Conversion of former children's home to 14 self-contained flats: Approved: 25.10.10.

3.5. 26859000, Use as children's home: Approved: 05.01.67.

4. Consultation/PP Responses

4.1. Local Ward Members, Residents Association and neighbouring residents consulted. Site Notice posted. 2 no. objections received on the following grounds:

- Loss of light/direct sunlight and outlook to our home and garden.
- Loss of green environment/amenity space.
- Over development of property
- Parking restriction and congestion concerns

4.2. Transportation Development – no objection subject to a condition in relation to cycle storage.

4.3. Severn Trent – No objections.

4.4. Regulatory Services – No objections subject to conditions in relation to the provision of a vehicle charging point.

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); Mature Suburbs (2008) SPD; 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 considerations are whether the principle of the proposal for the creation of 1 no. self-contained flat is acceptable in this location, whether the flat would provide future occupiers with a satisfactory standard of residential accommodation/amenity, layout, design and visual amenity, the residential amenity of neighbour occupiers and highway safety.

6.2. **Policy** – The application site is located within an existing residential area and is surrounded by residential development. The National Planning Policy Framework (2019) contains a presumption in favour of sustainable development and seeks to deliver high quality residential homes in a sustainable location that do not harm the local character of the area. The proposal would be consistent with the guidance set out within Policy TP27 (Sustainable Neighbourhoods) of the BDP (2017) which relates to sustainable neighbourhoods and states that new housing is expected to contribute to making sustainable places through such things as a mix of housing types and tenures. Policy PG3, policy 3.14A-D of the Birmingham UDP and guidance within SPD's expects that new development will be designed to a high standard and will reinforce a strong sense of place, the public realm and local distinctiveness. Places for Living SPG encourages good design, the avoidance of any potential adverse impact on neighbouring buildings and also identifies numerical guidelines for garden and separation distances for new residential developments. 'Mature Suburbs' SPD advises that new housing can have a significant impact on local distinctiveness, on the character of an area and that new development must be of 'good design', resulting from a good understanding of the local character and circumstances. It concludes that proposals that undermine and harm the positive characteristics of a mature suburb will be resisted.

6.3. **Principle of Development** - The site is brownfield land located to the rear of Abbey Court, 45 Sutton Road, Erdington, a large Victorian 2-storey house with substantial 2-storey rear extension and large rear amenity and car parking area, located to the edge of the Erdington District Centre and, a mature suburb of residential properties and educational uses are also located within the vicinity. I consider the development of one additional flat in general terms would constitute sustainable development, as the site is within easy walking distance of the Erdington District Centre, where a large variety of shops are located, public transport including a train station and bus routes into and out of the city centre, schools and recreational facilities. If the detailed matters of layout and design, amenity and parking are found to be acceptable then I consider that the proposal could be supported.

6.4. **Layout, design, visual amenity and character**: The property is located bounding a mix of different types of development, including standard commercial units and showrooms/stores to the south west and the rear garden areas of a mature suburb consisting of well-established, well-appointed and unformed properties within Orchard Road to the north east, along with a variety of differently designed buildings

including a flatted development adjoined of no architectural merit, new build dwellings on the former Lyndhurst Estate to the northwest and the Erdington Abbey and schools to the west.

6.5. **Design and Visual Amenity** – The design and materials of the proposal is considered to be acceptable as the proposal would be in keeping with the context of the existing building and the surrounding area. The proposed single storey extension would be subservient to the original building and the two storey extension approved under application 2016/09629/PA. The proposal would incorporate 2 no. vehicle parking spaces to the rear and also includes 515 square metres of communal rear amenity space. The location of the proposal is considered acceptable and would result in an attractive residential development of high quality and sustainable design which would not result in any adverse impact on visual amenity, streetscene or character of the wider locality. The provision of an additional flat in this location would represent an efficient use of the site and accords with the principles outlined within the Places for Living SPG. The proposal would not be visible from the public domain. Consequently, it is considered that the layout and design of the proposal would cause no detriment to the visual amenity of the site or surrounding area. The scheme is therefore in accordance with adopted policies in this respect.

6.6. **Residential Amenity** - SPG 'Places for Living' advocates that 30sqm of amenity area should be provided for flats sharing communal amenity space. The proposal would provide a communal private amenity space of approximately 515 square metres for a total of 17 flats, adhering to the guidance.

6.8. In terms of the internal living environment for future occupiers, the 'Nationally Described Spacing Standards' advocates that a four person, two-bed unit should provide a minimum footprint of 70sqm. The proposed flat would provide a footprint of 66.5sqm, which would slight fall short of the guidance. However, it is considered the proposed footprint would be within the spirit of the guidance and would provide a satisfactory internal living environment for future occupiers. The guidance further states that 11.5sqm should be provided for a double bedroom. The proposed two-bedroom flat would have bedroom footprints of 17 and 13.6sqm. It is considered however that the layout of the flats would provide a good internal environment for future occupiers and on balance is deemed acceptable.

6.9. In terms of the amenity of existing/neighbouring occupiers, two neighbour objections have been received to the original proposal for a two storey rear extension to create 2, no. flats on grounds of loss of light, loss of green environment and amenity space, over development of the property and parking restriction and congestion concerns.

6.10 However, it is noted that amended plans have been submitted which removes the proposed first floor flat to address concerns of loss of light, over development of the site, loss of privacy and overlooking to neighbouring dwellings No. 3 and 5 Orchard Road. Furthermore, to address parking restriction and congestion concerns, two additional rear parking spaces have been provided. Places for Living SPG stipulates a minimum setback for residential development of 5m per storey from residential boundaries where main windows of new development overlook private amenity and this has been predominantly achieved with the proposed dwelling. The proposed extension would be 8m from the south eastern rear boundary facing no. 5 Orchard Road, 6.6m from the north eastern boundary facing no. 3 Orchard Road and 20m from the south western boundary. Places For Living also suggests a 12.5m minimum distance between windowed elevations and opposing 1 and 2 storey flank walls. There would be a 12.2m minimum distance between windowed elevations of No. 3 Orchard Road and the opposing one storey flank walls of the proposed flat which is

considered a satisfactory outlook and in the spirit of the guidance of the Places for Living SPG. The siting of the proposed flat would comply with the 45 degree code in relation to existing adjacent dwellings along Orchard Road.

6.11 Regulatory Services raise no objections, subject to condition requiring the provision of a vehicle charging point. However, I do not consider the provision of electric vehicle charging points appropriate or necessary for 1 additional unit.

6.12 Consequently, it is considered that the amended proposal is acceptable and would not have a detrimental impact on the residential amenity of existing neighbouring occupiers. The proposal would allow for a good quality residential living environment for future residents. Therefore the scheme is considered acceptable in terms of residential amenity for existing and future occupiers and is in accordance with Policy PG3 of the BDP and adopted guidance set out on 'Places for Living'.

6.13 **Impact of Highway Safety** – Transportation Development have assessed the proposal and raise no objection subject to conditions requiring cycle storage details. The site is located within a sustainable location within convenient walking distance of Erdington District Centre, public transport bus routes and railway station. The 19 parking spaces provided for 17 units is considered adequate. I concur with the above view and accordingly attach the requested condition. The proposal would therefore not have a detrimental impact on highways and pedestrian safety.

6.14 **Other matters**

6.15 The site is subject to Tree Preservation Order 1337, which protects a number of trees to the front of the site, the proposed extension would be to the rear of the site and would not impact upon these protected trees. My Tree officer has assessed the proposals and raises no objection, subject to condition requiring the proposal is undertaken in compliance with the submitted arboricultural report. I concur with this view.

7. Conclusion

7.1. The scheme is recommended for approval. I am satisfied that the proposed development would not have any significant detrimental impact on visual or neighbouring residential amenity or highway safety. The amended proposal accords with both local and national policy.

8. Recommendation

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

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires that the materials used match the main building
3	Implement within 3 years (Full)
4	Arboricultural Method Statement and Tree Protection Plan - Implementation
5	Requirements within pre-defined tree protection areas

6	Requires the submission of cycle storage details
7	Requires the submission of hard and/or soft landscape details

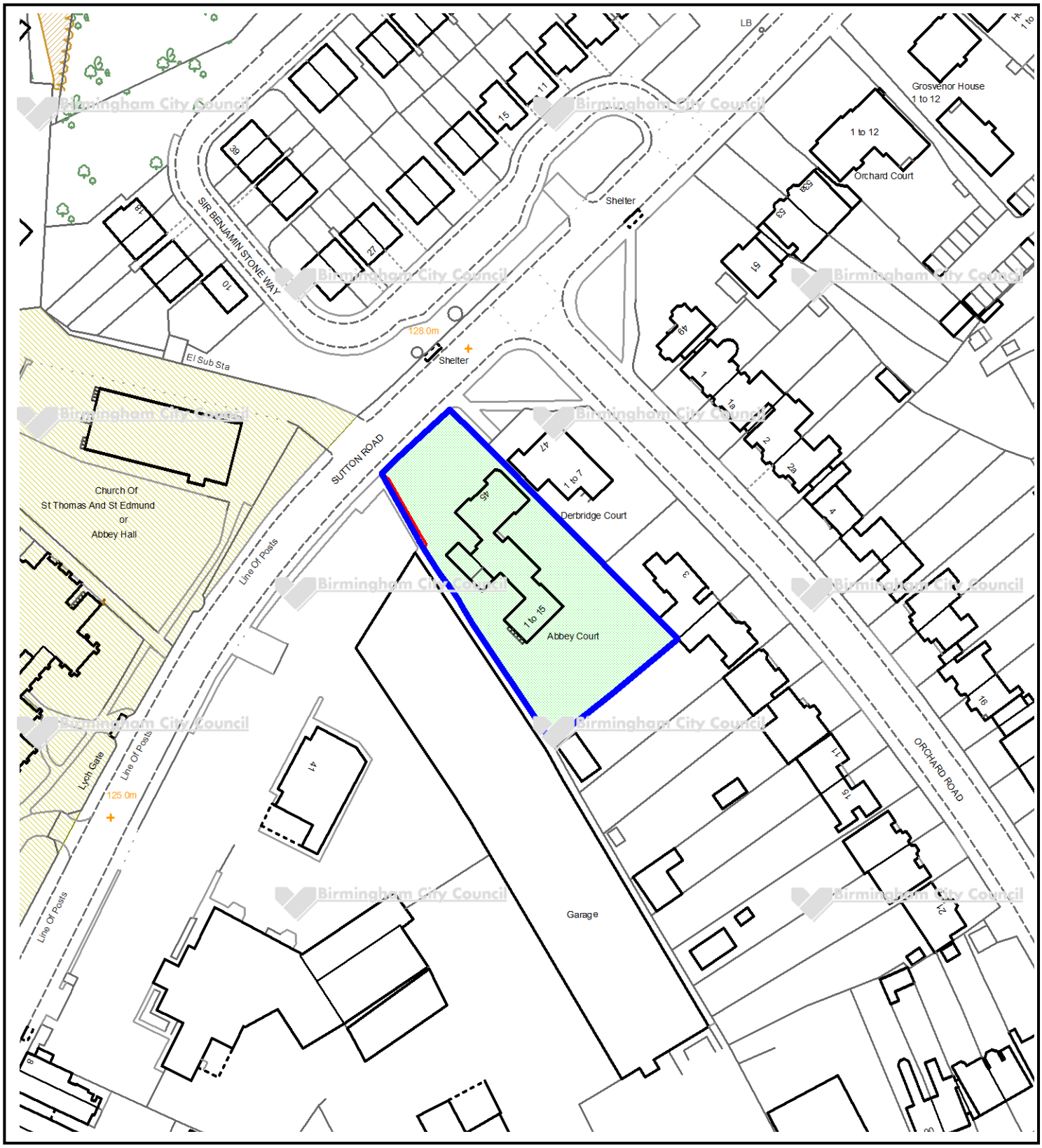
Case Officer: Harjap Rajwanshi

Photo(s)

Figure 1: Rear Elevation

Figure 2: Side Elevation

Location Plan



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Committee Date:	30/01/2020	Application Number:	2018/08544/PA
Accepted:	06/12/2018	Application Type:	Full Planning
Target Date:	31/05/2019		
Ward:	Erdington		

Former Nocks Brickworks, Holly Lane, Erdington, Birmingham, B24 9LE

Remediation of land and residential development of site to provide 187 dwellings, access, landscaping and associated works

Recommendation
Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1. This application proposes the remediation of the site of the former Nocks Brickworks and the residential redevelopment of the site to provide 187 dwellings, access, landscaping and associated works.

1.2. The application site extends to approximately 6 Hectares and the proposal is accompanied by a detailed Environmental Assessment and Remediation Strategy. The remediation will seek to provide a level platform upon which to develop the site. This will include the formation of a four-metre engineered development platform comprising of excavated, processed and recompacted materials.

1.3. Prior to the construction of the dwellings, the site will be comprehensively remediated and levelled to provide a platform upon which to develop. The proposal will include the provision of gas protection measures in individual dwellings in accordance with relevant standards consisting of measures in building foundations, dispersal layer with a gas membrane laid over the raft foundation slab.

1.4. The remediation measures also include the installation of a gravel filled trench with perforated pipework along the southern boundary of the site to intercept ground water in the land-fill which will be discharged to a combined sewer. The existing culvert close to the southern boundary of the site will be opened and will be provided with a liner to act as a barrier to land-fill leachate.

1.5. The proposal comprises 187 residential dwellings including detached, semi-detached, terraced dwellings and apartments. The proposed development offers a variety of different storey heights with 2.5, and 3 storey units proposed in key locations, to frame views through the site, as well as to create enclosure to the public open space. The layout comprises 56 two storey dwellings, 56 two and a half storey dwellings, 33 three storey dwellings and 42 apartments within four, three storey blocks.

1.6. The dwellings will be provided with rear gardens and the proposed apartment blocks would have a communal amenity space and parking courts.

1.7. In terms of the proposed housing mix, the majority of the dwellings would comprise two bedrooms (130 units). There scheme would provide 47 three bedroom units and 10 four bedroom units.

1.8. In terms of affordable housing provision, a total of 19 dwellings are proposed, 10 of which would be shared ownership properties and the remaining 9 would be low cost dwellings. The affordable housing would be provided as two bedroom dwelling houses and would not comprise apartments.

1.9. The proposed layout of the development would result in two main developed areas, one to the north and one to the south of the site separated by a substantial area of proposed public open space incorporating SUDs and a Local Equipped Area of Play or Local Equipped Area of Play (LEAP).

1.10. The site would be accessed from Holly Lane at the south eastern corner of the site and the proposal would be accompanied by the provision of a new roundabout at the junction of the access road with Holly Lane and Hollydale Road.

1.11. In terms of drainage, there are three proposed ponds within the development site and the existing culverted Erdington Brook would be reopened towards the southern boundary of the site.

1.12. The application amounts to effectively a single application which combines the previously approved proposals for land reclamation (2013/02791/PA) and outline residential development (2013/02792/PA).

1.13. The application is accompanied by Geotechnical Interpretative and Design Report, Environmental Assessment Remediation Strategy, Geotechnical Interpretive and Design Report, Flood Risk Assessment and Drainage Strategy, Ecological Appraisal, Arboricultural Survey, Impact Assessment and Methodological Statement Design and Access Statement, Planning Statement, Financial Viability and Affordable Housing Statement, Noise Report, Air Quality Assessment, Landscape Management Plan, Construction and Environmental Management Plan, Community

Infrastructure Levy Additional Information, Sustainable Design Construction Statement, including Energy Efficiency Proposals and Site Waste Strategy, Transport Assessment (by PJA) Travel Plan Delivery Statement.

1.14. Link to Documents

2. Site & Surroundings

2.1. The application site covers some 6ha and is bounded by residential properties to the north (Ewell Road and Holy Park Drive), to the east (Holly Lane), south (Quincey Drive and Tolworth Hall Road), and partly to the west (Berkwell Road). A public footpath runs along a length of the western boundary linking Kingsbury Road to the south and Berkwell Road to the north. To the opposite side of this footpath are Spring Lane Playing Fields. The wider area is predominantly residential in character. Ground levels rise from Holly Lane and the western footpath, and the site consist of vegetation including areas of scrub and tree cover. The site is enclosed by fencing where it backs onto adjoining residential properties, with close-boarded and chain-link fencing to Holly Lane and railings to the western public footpath boundary. Whilst the site is private, access points have been formed along these public frontages and there are informal pathways. There is a vehicular access off Holly Lane, opposite the junction with Hollydale Road. There is a watercourse within the site running along the western and southern boundaries, the majority of which is culverted with a short open section close to the rear boundaries of a number of houses facing Quincey Drive. The site is located approximately 1km to the south east of Erdington District Centre.

2.2. Site Location Plan

3. Planning History

3.1. 01.11.1951. 01184000. Continued working of clay pit. Approved.

3.2. 10.12.1953. 01184004. Extension to sub-station & erection of garage. Approved.

3.3. 03.05.1962. 01184007. Houses. Approved.

3.4. 16.05.1963. 01184010. Erection of 24 dwelling houses. Approved.

3.5. 22.10.1964. 01184018. Tipping of household refuse. Approved.

3.6. 05.01.1967. 01184025. 24-1 bedroom flats & 60-2 bedroom flats. Approved.

3.7. 02.07.1987. 01184046. Erection of 107 dwellings access roads and garages. Refused. Appeal Withdrawn 22.06.1988.

3.8. 14.05.2008. 1999/03358/PA. Land reclamation to facilitate residential development. Approved subject to conditions.

3.9. 14.05.2008. 1999/03027/PA. Residential development (outline). Approved subject to conditions.

3.10. 18.12.2013. 2013/02791/PA. Application for a new planning permission to replace an extant planning permission (1999/03358/PA) for the land reclamation to facilitate residential development. Approved subject to conditions.

3.11. 18.12.2013. 2013/02792/PA. Application for a new planning permission to replace an extant planning permission (1999/03027/PA) for residential development (outline). Approved subject to conditions.

3.12. 2017/00785/PA Reserved Matters submission for consideration of access, appearance, landscaping, layout and scale pursuant to outline planning approval 2013/02792/PA for the erection of 200 dwellings. Held in abeyance pending the outcome of this application.

4. Consultation/PP Responses

4.1. Local Residents, MP and Ward Councillors consulted and Ward Committee Meeting conducted. Site and Press Notices posted. 14 comments received in relation to the following matters:

- The Ward meeting raised the matters including the height of the proposed apartment blocks and the problem of invasive weeds
- Support the proposal since the Birches Green allotment site is in close proximity and the development will hopefully lead to more plot holders.
- These works could allow harmful gases and other contaminants to be released into atmosphere and affect the surrounding neighbouring properties
- The previously imposed planning conditions have not been complied with.
- The applicants purchase of the southern part of the site does not include the brook
- The works to remove trees and clear the land were carried out without permission and without regard to the previous permission and conditions
- The works conflicted with school times
- The orchids were apparently removed, without consent and with no detailed orchid relocation plan being submitted.
- Vehicles were driven through areas of Knotweed without being washed down before leaving the site.
- The water run off that for 30 years had flowed into the stream adjacent the culvert, without ever ceasing, even in the coldest or hottest weather conditions ceased due to the terraforming works.
- The local amphibian population of frogs and Newts that had survived for 30+ years in the wet boggy habitat to the South East corner of the site in the rear of Quincey Drive were forced to flee in into surrounding gardens, rather than just visiting as was their usual practise, due to the destruction of the habitat.
- Many of the principles upon which reclamation of this site was previously discussed still applies. The developer has not operated within laid down parameters and close monitoring will be required to ensure they comply correctly with all necessary conditions.
- This Planning Application fails totally to provide any detailed reclamation, protection from gases, and leachate water.
- Ignoring the top 1m of clean clay covering placed over the landfill site when complete, this scheme plans to merely tidy up the following 2m of soil, removing bulky waste, and profiling to accommodate the housing plan.
- In terms of reclamation the previous appeal stated that there should be no piling at all upon site, unless it can be demonstrated that there is no resultant

unacceptable risk to controlled waters yet the applicant now wishes to pile the site without any valid arguments

- It was determined that no dwelling shall exceed a height of 3 storey (7.8m to eaves, 12m to Ridge Line). This new plan exceeds that with 4 story blocks of flats
- The plan to control the water leachate is poor. It does not cover the site at all, but merely plans to catch surplus waters immediately before they reach the watercourse, which in times of heavy or continual rain, barely copes now with levels that can arise.
- The revised plans to partially monitor methane and other gas levels, solely around the rafts the dwellings are on, makes no attempt to alleviate gases within the site. It would appear that they now consider gases to be only a minor problem that will not be able to build up,
- The existing works have affected the flow of leachate water on site which no longer enters the brook, adjacent to the culvert, and no longer overflows via the main entrance onto Holly Lane. It's unclear where it has been diverted to. Further investigations are needed, if this is flow is now being directed into the pit area affecting water tables and building up problems for the future.
- The plan refers to the opening up of the watercourse, but appears not to have taken into account the safety of children and pets which this will naturally attract, even though in times of heavy rainfall, the stream become a very strong raging torrent and will in due course be fatal any who slip or fall in.
- There are no apparent reasons set out as to why the previous plans were not implemented, it is a waste of resources to have to continually consider new schemes
- There are unknown substances contained in the land
- There is a risk of subsidence of surrounding properties due to previous sink holes and subsidence and the approach of drilling and boring during the site remediation and constructions poses a risk to immediate residents
- The construction of the development would result in noise and disturbance to local residents.
- Deliveries to site will be during outside peak ours but then states between 8am and 6pm. It's unclear what the peak hours would be
- A sinkhole appeared in a neighbours garden years ago, who will be responsible should issues arise in the future?
- The traffic island where Holly Lane meets Kingsbury Rd and the Kingsbury Rd itself, leading to the junction with the Tyburn Rd, is insufficient to meet the demands of an additional 194 residences.
- The public footpath running between Berkswell Rd and Kingsbury Rd must be protected
- The impact of the proposal on the residential retirement flats on Holly Lane should be considered
- The council should turn the area into parkland/green area
- The quantum of affordable housing to be provided on the site will be inadequate
- The impact of the proposal on house prices locally
- The specification of the proposed dwellings.
- The site has been neglected and this has resulted in the spread of Japanese Knotweed around the site, putting neighbouring property at risk
- the removal of access to the footpaths
- Access to the footpaths on the site has been removed.
- Lack of community engagement

- Failure to comply with Inspectors Recommendations
- Impact on ecology, trees and vegetation
- Failure to consider the boundaries of residents properties
- No provision for compensating existing residents against damage to property, health and human rights infringements
- Overdevelopment of the site
- Houses would be more appropriate than flats
- Impact of soil erosion into brook
- The ground is unstable
- The dwellings would place additional demands on schools and doctors surgeries.
- No additional housing is needed in the area due to the existing infrastructure being at capacity
- Loss of view
- The proposed apartment blocks would be elevated in a prominent location with respect to the properties on Catherine Court and Holly Lane
- Noise impact for residents arising from pile driving and operation of heavy plant
- The proposal will include provision for bats and birds and should be supported

4.2. Regulatory Services - No objections subject to conditions in relation to Contamination Remediation Scheme, Remediation Design, Proposals for Unexpected Contamination, Gas Protection Measures, Clean Cover Requirements, Verification Statements and Site Preparation and Remediation Operational Method Statement.

4.3. Environment Agency - No objection to the revised leachate trench design proposed which would offer an adequate level of protection to the remaining Secondary A aquifer beyond the site boundary, considering the site setting and the practical constraints influencing potential engineered solutions. This measure along with lining the open and opened out section of the culvert along the southern boundary is considered to be suitable hard engineering solutions to provide an adequate level of protection to identified Controlled Water receptors at the site. Previous correspondence details surface water monitoring and the requirement for maintenance of these features.

4.4. Severn Trent Water – No objections subject to drainage conditions.

4.5. Natural England – No comments to make on this application.

4.6. West Midlands Police – No objections.

4.7. West Midlands Fire Services – No objections raised.

4.8. Education Services - The School Organisation Team will request a contribution for any potential development that is for at least 20 dwellings and would impact on the provision of places at local schools. The total contribution (subject to surplus pupil place analysis) would be £1,220,976.19.

4.9. Leisure Services – following amendments, the scheme as now submitted is acceptable in terms of on-site Public Open Space (POS) provision subject to conditions in relation to the standards required for the proposed area of POS and Local Equipped Area of Play (LEAP).

4.10. Local Flood Authority and Drainage Team - The LLFA is prepared to withdraw its objection subject to conditions in relation to the provision of a working method statement to cover all channel/bank works, provision of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan and the provision of an appropriate Landscape and Ecological Management Plan.

4.11. Transportation Development – It is noted that revised layout plans have been submitted, together with a new refuse vehicle swept path analysis drawing. The applicant confirmed that it is their future intention to have the road/street network within the site adopted as highway maintainable at public expense. The proposal will require a stopping up order for a small portion of HMPE land on Holly Lane. The applicant has provided additional amended plans and the further views of Transportation are awaited.

5. Policy Context

5.1. Birmingham Development Plan (2017), Saved policies within adopted UDP (2005), Places for Living SPG (2001), Mature Suburbs SPD (2006), Affordable Housing SPG (2001), Nature Conservation Strategy for Birmingham SPG (1997), Public Open Space in New Residential Development SPD (2007), Car Parking Guidelines SPD (2012), National Planning Policy Framework (2019).

6. Background/Planning History

6.1. The site has a complex planning history. It forms part of the former Nock's Brickworks which comprised a brick making plant, storage areas and a large quarry excavated into clay of the Mercia Mudstone formation. The plant was closed and the quarry filled during the period 1964 to 1973. The site was capped but there was no post closure restoration.

6.2. The application site occupies the majority of the filled quarry, though the former void does extend beyond the site boundary to the east in the area occupied by Catherine Court. The site of the brick works plant, which was not excavated, is outside the application site and is largely occupied by residential development on Holly Park Drive. Investigations undertaken have identified that the base of the former quarry extends down to 30m below the existing surface. The backfill has been found to comprise a mix of materials in six main types; these being clay, silt, sand, gravel, ash and rubble. The capping material, where present, is predominantly clay at depths of around 1m. An extensive number of soil samples were chemically tested, taken from both the upper 5m of the site as well as from a greater depth. Groundwater samples collected from monitoring wells and leachate drains were also chemically tested, as were surface water samples. Significant soil gas sampling and monitoring has also taken place.

6.3. The planning history shows that following a number of refused and withdrawn applications for residential development in the 1970's and 1980's, an application for land reclamation (1999/03358/PA) and an outline application for residential development (1999/03027/PA) were submitted in 1999 and subsequently appealed on the grounds of non-determination. In 2000, these appeals were recovered for the Secretary of State's own determination on the grounds that the outline application and associated full land reclamation application related to residential development on more than 5ha. An initial public inquiry was held between the 6th and 12th February 2001 which resulted in a formal request for further information being made and no decision on these applications were made at this time.

6.4. In considering the previous application for land reclamation, the Planning Inspector and Secretary of State identified that the remediation of old landfill sites and land subject to contamination is an express wish of the Development Plan. The site investigation which was undertaken to inform the remediation scheme dated from the period February 2004 to June 2007 and by the time of the reopening of the Public Inquiry in 2007, the Planning Inspectorate was satisfied that there was a "…sufficient detailed evidence base upon which an assessment can be made of the appropriateness of these proposals". Furthermore, he was "…satisfied that the thorough and careful analysis of the information and the remediation protocol by BCC delivers confidence… that an outcome safe for both those currently living nearby and the prospective residents can be secured". The approved remediation scheme has a design life of 100 years, incorporating fail safe systems. Long-term maintenance is crucial to ensure continuing safety of the scheme and legally binding commitments in the S106 Agreement dealt with the post remediation management, maintenance and monitoring.

6.5. In 2013, the timescale for the implementation of both planning permissions was extended under 2013/02791/PA and 2013/02792/PA. In 2017, a reserved matters application (2017/00785/PA) pursuant to outline planning approval 2013/02792/PA was submitted and is pending consideration.

Principle of Development

6.6. Policy PG1 of the BDP sets out the overall levels of growth that will be planned for across the plan period. This includes a total of 51,100 additional homes along with supporting infrastructure and environmental enhancements. The BDP supports a sustainable pattern of development by re-using brownfield sites in suitable locations. Paragraph 118 of the NPPF states that substantial weight shall be given to the reuse of suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

6.7. The site is unallocated in the adopted Birmingham Development Plan 2017 but has been identified in the Strategic Housing Land Availability Assessment (SHLAA) for residential development for up to 200 dwellings. Your Officers consider that the planning history is a significant material consideration. The outline application 2013/02792/PA remains capable of implementation with a reserved matters application subsequently submitted (2017/00785/PA). It's evident from the long history of the site that the principle of land reclamation and residential development has been established.

Remediation Design

6.8. The application is accompanied by a detailed Ground Investigation, Geotechnical Interpretive and Design Report. The overall strategy varies slightly from the strategy in the previously approved scheme (2013/02791/PA) and takes into account current technical advances in remediation.

6.9. The previous ground improvement scheme included provision to: excavate and recompact the upper 5m of landfill materials to create an engineered development platform; provide a horizontal ground gas and leachate layer with edge collection system within this; and, use raft foundations built onto the development platform. The platform thickness reduced towards the site boundaries to effectively 0m.

6.10. The current and historical site investigations indicate that the landfill material contains a component of organic material, predominantly in the form of wood/timber and lesser amounts of paper/card. In addition to ground gas monitoring, forensic total organic carbon (TOC) analysis have been carried out to assess the soil gas generation potential. Groundwater and surface water monitoring has also been carried out to assess risk to controlled waters.

6.11. The current works comprise the: review of historic site investigation data, additional targeted site investigations, and their interpretation and liaison with the National House Building Council (NHBC). The original proposals have been modified in order to recommend appropriate supplemental control where required and propose value engineering modifications to the incumbent ground improvement scheme where reasonable.

6.12. The brick pit/landfill covers most of the site, has steep high walls close to the site boundaries, extends to depths up to around 25m and forms a 'bowl shape' within the Mercia Mudstone Group (MMG). There is a brook and alluvial channel along the western and southern site boundaries that are hydraulically connected to the landfill. Sandstone skerries exist in the MMG such that hydraulic connection between the MMG and landfill are also highly likely.

6.13. It is proposed to form a 4m engineered development platform comprising excavated, processed and recompacted materials to provide a stiffened development platform that will also mitigate ground gas risk in the upper material layers. The formation of this platform will be further improved with Rolling Dynamic Compaction to create an improved zone of landfill circa 7m deep. This will facilitate the placement of supported square shaped raft foundations and restrict settlements caused by the foundation loads alone (contained wholly within the platform) to around 15mm. It is considered reasonable to value engineer the existing proposal for a 5m earthworks platform and to reduce this to 4m from an earthworks perspective (including the removal of the impermeable membrane that would constrain the adoption of piles where required).

6.14. The proposal will include the installation of a gravel filled trench with perforated pipework along the site's southern boundary where the culvert/stream is present. The groundwater in the landfill would be partially intercepted and be discharged to combined sewer. This would minimise landfill leachate entering the Alluvium Secondary A Aquifer and prevent leachate entering the culvert/stream. It is proposed to open the culvert and a liner will be installed to act as a barrier to landfill leachate. The applicant has provided an updated leachate trench design, dated 10 July 2019 to address comments provided by the Environment Agency.

6.15. Members should note the comment of Regulatory Services and the Environment Agency in respect of the appropriateness of the remediation design. It is considered that the reports above adequately identifies the contaminants and categorizes the level of risk from them. The contaminants in the Environmental Protection Units remit are ground and gas contamination. The site investigation monitoring/ modelling appears to sufficiently assess the site. Given the type of contamination on site ground gas is of greatest concern. Gas modelling should be carried out independently.

6.16. In principle, Regulatory Services consider that the assessment provides sufficient information to give confidence that the risk to ground gas and ground contamination receptors can be reduced to appropriate levels by adoption of this proposal, providing that conditions are implemented to ensure that the applicant monitors,

validates and verifies all works carried out (Conditions 3 – 12). The Environment Agency have also confirmed that the revised leachate trench design offers an adequate level of protection to the remaining Secondary A aquifer beyond the site boundary, considering the site setting and the practical constraints influencing potential engineered solutions. The lining of the open and opened out section of the culvert along the southern boundary is also considered to be suitable hard engineering solution. In summary the proposed remediation strategy and design are considered acceptable in accordance with Policy TP27 of the BDP and the NPPF.

Design, Form Layout and Landscaping

6.17. Policy PG3 of the BDP and paragraph 127 of the NPPF promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings and that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The site would be accessed at the south eastern corner of the site leading to two main residential blocks. These are laid out as perimeter blocks where houses front onto and overlook streets and green spaces, and along the northern and eastern edges houses back on to existing properties to create secure boundaries. The proposed dwellings are sufficiently separated from adjoining dwellings to comply with the advice of Places for Living (21m). The separation distances between the dwellings within the site also comply with the Supplementary Planning Guidance. It is noted that a small proportion of the proposed gardens for the proposed dwellings are smaller than advised in the guidance. However, it is noted that these relate to proposed two bedroom dwellings and the proposal broadly complies taking the entirety of the scheme into account. The proposed private amenity space for the proposed apartments **is** also considered sufficient.

6.18. The proposed mix of house types is considered appropriate with 2 or 2.5-storeys dwellings and 3-storey apartments. There is a hierarchy of legible streets and footpaths within public spaces reflecting desire lines and connecting to the public footpath beyond the western boundary of the site. The proposed density of the development would be 31 dwellings per hectare, as a result of the provision of the large area of public open space. This is considered appropriate on the basis of the particular characteristics of the site, the former designation of the site as open space and the prevailing density of housing development in the area. The proposal would comply with policy TP30 of the BDP.

6.19. It is noted that the apartment blocks would front onto a green space/SUDs area forming a distinctive character area in the centre of the site. Amendments to the original scheme have been made to remove split heights between semi-detached properties and limiting the use of first floor glazed doors and balconies. The proposed area of Public Open Space has been amended to provide a multi-functional space incorporating sustainable drainage, formal and informal play, wildlife habitats and walking/cycling paths. It is considered that the proposed boundary treatments successfully define public/private spaces and help to reinforce character areas and a sense of place. There is an overall landscape masterplan provided for the site and appropriate conditions have been applied to provide further details of the proposed landscaping (Nos. 14 – 17). The satisfactory views of the Urban Designer are noted and therefore it is considered that the proposal would comply with policies PG3 and TP27 of the BDP and the Framework.

Drainage and Flood Risk

6.20. The site is located in Flood Zone 1 and a revised Drainage Strategy and updated Flood Risk Assessment has been provided following the initial comments of the LLFA. Surface water from the proposed development will be drained by a SUDs scheme comprising three attenuation ponds designed to accommodate flood water for storm events up to 1 in 100 years and a 40% allowance for climate change. Any additional peak flow from the development will be discharged to the Erdington Brook. It is proposed to de-culvert the portion of the Erdington Brook which runs through the site linking it with the existing open section. There are no objections raised by the LLFA subject to appropriate conditions (Nos. 20 – 22).

Affordable Housing

6.21. Policy TP31 of the BDP states that the Council will seek 35% affordable homes on developments of 15 dwellings or more and these dwellings should be provided and fully integrated with the proposed development. In the event that the applicant considers that the above proportion of affordable housing cannot be delivered for viability reasons, a viability appraisal of the proposal will be required.

6.22. The application is accompanied by a Financial Viability and Affordable Housing Statement which states that the costs associated with the proposed comprehensive remediation scheme are such that it is not viable to deliver more than 10% affordable housing on site. It is proposed that the affordable housing would be a mix of social rented and low cost units. The Council has independently assessed the submitted viability appraisal and it is considered that the appraisal assumptions are robust and appropriate in the context of the current market. It is concluded that the provision of affordable housing provision of approximately 10%, is the most that can be sustained by the development without impacting on viability and deliverability. The location of the proposed affordable housing in two separate areas within the scheme provides adequate integration, given the low number of units. Therefore I conclude that the proposal would comply with policy TP31, subject to the use of an appropriate legal mechanism to secure the affordable housing provision.

Public Open Space

6.23. The scheme would provide 1.6Ha of public open space which is sufficient on the site to comply with the standard of 2ha per 1000 population. The proposed POS would include a Local Equipped Area of Play (LEAP) and the proposed layout has been considered acceptable in the design appraisal above. Appropriate conditions have been attached to secure an appropriate standard of construction and landscaping (Nos 24, 26). The applicant has stated that the POS would be managed by a Management Company. The proposal would comply with policy TP9 of the BDP and the NPPF.

Trees and Ecology

6.24. The application is supported by an Arboricultural Survey, Impact Assessment and Method Statement. There are a number of trees which will require removal to facilitate the remediation of the site. There are no objections from the Tree Officer subject to clarification of the impact of the opened culvert in relation to a tree on the southern boundary. Appropriate conditions in relation to *Tree Protection* and Landscaping have been applied. The application is accompanied by an Ecological Appraisal There are statutory or non-statutory nature conservation designations are present within or adjoining to the site There is no objection from the Ecologist and some information provided on the issue of Japanese Knotweed which had spread on

the site. An appropriate condition will be attached in relation to the control of invasive weeds.

Energy and Sustainability

6.25. Policy TP3 of the BDP (Sustainable construction) sets out a number of criteria which should be considered to demonstrate sustainable construction and design. Policy TP4 requires new development to incorporate low and zero carbon forms of energy generation, unless it is unviable to do so. The application is accompanied by a Sustainable Design and Construction Statement which states that materials will be sourced and managed in a sustainable manner through controls in the supply chain. There are also measures proposed to reuse materials on site where possible in accordance with a waste hierarchy and proposed to minimise the generation of dust and other site pollution. Energy efficiency measures include the use of walls, roofs, floors, doors and glazing that exceed energy efficiency requirements; high levels of insulation; the use of energy efficient gas condensing boilers, lamps, extract fans and white goods and thermally efficient house type designs. On this basis, the proposal would comply with policies TP3 and TP4 of the BDP and the NPPF.

Third Party Representations

6.26. The comments received from local residents are noted. There are concerns expressed in relation to the former use of the site and the adequacy of proposed remediation. It has also been stated that trees have been removed from the site and conditions previously applied have not been complied with. There are other matters raised such as the alleged failure to deal with invasive weeds, overdevelopment/traffic impact and incursion onto adjoining properties. In terms of remediation, the proposed scheme is considered satisfactory by Regulatory Services and the Environment Agency and follows on from previously approved schemes of remediation. In respect of non-compliance with conditions, it is clear that the intention of the applicant is to develop in accordance with this proposal and not implement the previously approved scheme (2013/02792/PA). There are also appropriate conditions attached to address the matter of invasive weeds. The matter of incursion beyond the boundaries of adjoining properties would be a civil rather than a planning matter and limited weight would be given to this matter.

Highway matters

6.27. The application is accompanied by a Transport Assessment and refuse vehicle tracking details and a new four-arm roundabout is proposed to be delivered to enable vehicular access to the site from Holly Lane. The applicant has stated that it is intended to have to road/street network within the site adopted as highway maintainable at public expense. There have been a series of amended plans provided.

Community Infrastructure Levy

6.28. The proposed development would not attract a CIL contribution.

Other Matters

6.29. The request from Education Services for a contribution is noted but the Viability Appraisal clearly shows that the scheme would be unviable beyond the level of 10% affordable housing provision. It is not considered that the proposal could be viably

delivered. Thereby, I consider that the proposal complies with policy TP47 of the BDP.

6.30. The proposal would not be considered to have a negative impact in respect of noise and air quality. In the case of the former matter, there is ambient noise from the M6, Kingsbury Road and intermittent aircraft but this could be addressed through appropriate acoustic glazing conditions.

7. Conclusion

7.1. The proposals are considered to be in accordance with adopted planning policy and are considered to amount to the effective use of a currently vacant site. The proposed remediation strategy will enable the site to be returned to productive use in accordance with current environmental requirements. There are detailed conditions attached to ensure compliance with the agreed remediation strategy and in relation to drainage, *ecology* and energy sustainability. Sufficient information has been provided to demonstrate that the scheme can feasibly address matters of adopted policy and reasonable conditions imposed to ensure such compliance. It is therefore recommended that planning permission be approved subject to conditions.

8. Recommendation

8.1. Approve subject to conditions and 106 Legal Agreement

That consideration of application number 2019/06329/PA is deferred pending the completion of a Section 106 Legal Agreement to secure the following:

i) To secure 19 affordable dwellings on site (10 intermediate and 9 social rented units) and their retention as such in perpetuity
ii) Provision for the development, management and maintenance of the Public Open Space and SUDs
iii) Payment of a monitoring and administration fee associated with the legal agreement of £1500.00

8.2. In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 28th February 2020, planning permission be REFUSED for the following reason;

i) The proposal represents an unacceptable form of development as it would not achieve Section 106 Planning Obligations in the form of appropriate affordable housing. This is contrary to Policies TP9 and TP47 of the Birmingham Development Plan 2017, Affordable Housing SPG, and the National Planning Policy Framework (2019).

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

8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 28th February 2020**,** favourable consideration be given to this application, subject to the conditions listed below. That subject to the signing of a S106 agreement that planning permission is granted subject to

conditions. In the event of this agreement not being signed by then permission is refused.

1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Ground Remediation
4	Remediation Method Statement
5	Unexpected Contamination
6	Submission of details of gas protection measures
7	Submission of details of clean cover requirements
8	Submission of clean cover verification report(s)
9	Submission of gas protection verification report(s)
10	Removes PD rights for extensions
11	PDOC06 (Removal of PD - Garages)
12	Requires the prior submission of an operational method statement and management plan for the site preparation and remediation phase of works
13	Construction Management Plan
14	Requires the submission of hard and/or soft landscape details
15	Requires the submission of hard surfacing materials
16	Requires the prior submission of earthworks details
17	Requires the submission of boundary treatment details
18	Requires the submission of sample materials
19	Requires the prior submission of level details
20	Requirement for a Method Statement for Channel/Bank works
21	Restrictions on the construction of new buildings and structures
22	Requirement for a Sustainable Drainage Assessment
23	Requirement for a Landscape and Ecological Management Plan
24	Requires the submission of play area details
25	Requires the prior submission of a construction employment plan.

26	Proposed Public Open Space Standards
27	Energy and Sustainability
28	Requires the prior submission of a method statement for the removal of invasive weeds
29	Proposal to accord with Noise Survey Recommendations

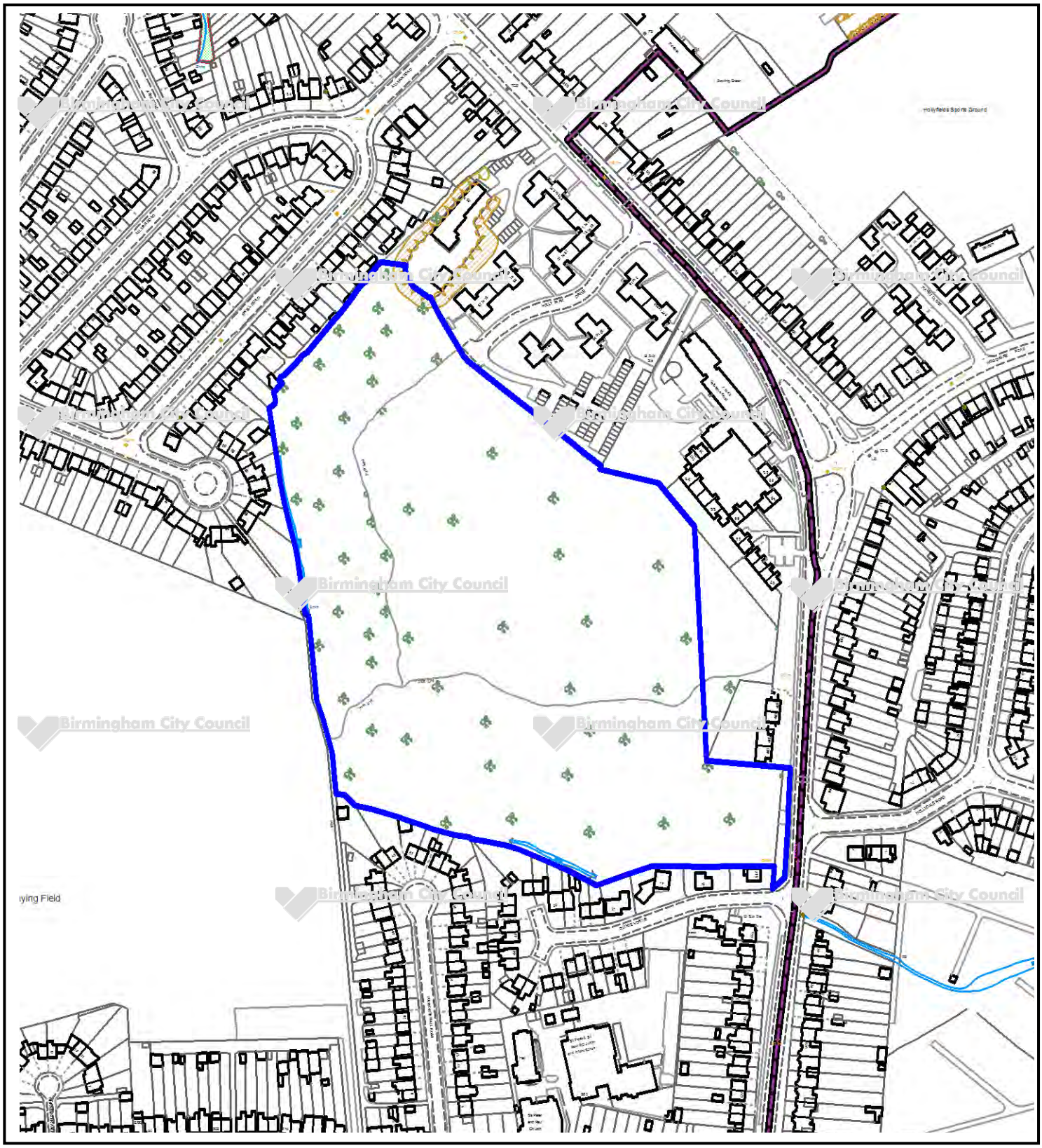
Case Officer: David Kelly

Photo(s)

Proposed Holly Lane Entrance

View of site from Holly Lane

Location Plan



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Committee Date:	30/01/2020	Application Number:	2019/07577/PA
Accepted:	03/10/2019	Application Type:	Full Planning
Target Date:	31/01/2020		
Ward:	Glebe Farm & Tile Cross		

Land off Gerardsfield Road, Tile Cross, Birmingham, B33

Erection of 3 dwelling houses and associated works

Recommendation
Approve subject to Conditions

1. Proposal

1.1. This application seeks planning permission for the erection of 3no. two storey dwellings, 2no. of which would be two-bedroom (plots 1 and 2) and 1no. of which would be a three-bedroom house (plot 3) (Use Class C3), with associated landscaping and parking located on land off Gerardsfield Road, Tile Cross.

1.2. Plots 1 and 2 would be semi-detached houses, whilst plot 3 would be a detached house. The proposed dwellings would be accessed from an access road off Geradsfield Road which abuts no. 14 Gerardsfield Road to one side and no.s 18 and 20 Gerardsfield Road and no. 16 Mulwych Road to the other side (which comprise of terraced dwellings).

1.3. The dwellings would be constructed of red brick, grey roof tiles and would have grey UPVC window frames. Plots 1 and 2 would have a total floor area of 80.8 square metres (40.4 square metres on both ground and first floors) with external amenity space ranging from approximately 70 square metres to approximately 77.5 square metres to the rear. The bedroom sizes for plots 1 and 2 would be 13.4 metres square and 14.8 metres square. Plot 3 would have a total floor area of 87 square metres (43.5 square metres on both ground and first floors) with external amenity space of approximately 71 square metres to the rear. The bedroom sizes for plot 3 would be 12 square metres, 8 square metres, 7.5 square metres.

1.4. Six 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 scheme has been put forward by Birmingham Municipal Housing Trust (BMHT).

Link to Documents

2. Site & Surroundings

2.1. The application site comprises an unused rectangular shaped parcel of land which lies between residential dwellings situated on Mulwych Road (to the south and east of the site), East Meadway (to the north of the site) and Gerardsfield Road (to the west of the site). It was previously used for parking (including garages). The garages

have been demolished a number of years ago and the land is now vacant and overgrown.

2.2. Access into the site is provided between nos. 14 and 18/ 20 Gerardsfield Road which are residential dwellings adjoining the application site. The access has an existing 2m high boundary fence which is connected to the dwellings to each side.

2.3. The surrounding area is predominantly residential in character and comprises of residential dwellings.

2.4. The application site is currently surrounded by pailsade metal fence approximately 1.8m in height with a gate located where the entrance to the garage block would have once been.

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:

- Access is too small for vehicular access
- My fence that goes up to the back of the access could be damaged
- The plot is too small for 3 houses.

4.2. Transportation Development – no objections subject to conditions in relation to a construction management plan, pedestrian visibility splays and retention of existing footpath which links from Mulwych Road leading through the site access.

4.3. Severn Trent – No objections.

4.4. 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.

4.5. 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 and is surrounded by residential development on all four sides. The site has formerly been used for garages, however this use has ceased and the area is now fenced off and overgrown and the land now lies vacant. The proposal would be consistent with the guidance set out within Policy TP27 (Sustainable Neighbourhoods) and TP28 (The location of new housing) of the BDP (2017) and would reflect the character, form and layout of the existing residential area. As such, it is considered that the principle of residential development would be acceptable on the application site, subject to satisfying other matters, as discussed below.

6.3. **Impact of Highway Safety** – The scheme is located within an existing residential area providing access to sustainable modes of transport and other residential amenities. Transportation Development raise no objections to the proposed development subject to conditions in relation to a construction management plan, pedestrian visibility splays and retention of the existing footpath which links from Mulwych Road leading through the site access. These conditions are considered appropriate.

6.4. **Design and Visual Amenity** – The design of the three dwellings proposed is considered to be acceptable. The proposed construction materials would be red brick and grey tiles the details of which will be agreed at a later stage. The proposal incorporates vehicle parking to the front and also includes rear amenity space. The location of the proposal is considered acceptable and would result in an attractive residential development of high quality and sustainable design which would not result in any adverse impact on visual amenity nor to the streetscene and as such is considered acceptable.

6.5. In terms of visual amenity, the site is currently overgrown and the provision of quality residential development would improve the visual impact and views from the public realm. It is therefore considered there would be no negative impact on the visual amenity from the proposed development on the existing streetscene and the scheme is in accordance with adopted policies in this respect

6.6. **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). Furthermore, I am of the view that the layouts of the dwellings would be functional and would be conducive to the creation of a good living environment and an acceptable standard of residential amenity. The dwellings would also have sufficient rear amenity space which is in accordance with the minimum guidance of 50 square metres for two-bedroom houses and 70 square metres for three bedroom houses as set out in 'Places for Living SPG' and would provide an acceptable external amenity space for recreation and functional activities.

6.7. The design of both house types and their orientation within the application site has ensured that there are no side habitable windows facing existing properties therefore ensuring that there are no issues of overlooking. Both house types would have obscure glazed first floor side windows. It is also considered necessary to condition that the first floor side elevation windows for the proposed dwellings would have obscurely glazed windows.

6.8. Boundary treatments are proposed to secure the privacy of residents, which are considered appropriate and consistent with the surrounding residential character of the area. Places for Living SPG sets out the recommended separation distances between residential dwellings and all plots achieve these i.e. the 12.5m (L)

separation distance to gable walls of neighbouring dwellings and the 21m (L) window to window separation distances to habitable windows of neighbouring dwellings. With regard to neighbouring residential amenity, the proposed orientation of the dwellings would not breach the 45 Degree Code to the existing neighbouring residential properties. The proposed development would not have an adverse impact on outlook, overlooking or loss of privacy to the neighbouring dwellings. Therefore the scheme is considered acceptable in terms of residential amenity for existing and future occupiers and is in accordance with Policy PG3 of the BDP and adopted guidance set out on 'Places for Living'.

6.9. Permitted development rights would be removed for extensions and new windows in order to maintain an adequate area for amenity space at the rear of the dwellings and to safeguard the amenities of the occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017, Places for Living SPG and the National Planning Policy Framework.

6.10. Regulatory Services raise no objections to the application subject to conditions in relation to a contamination remediation scheme, contaminated land verification report, noise insulation scheme and vehicle charging point for electric vehicles. It is considered appropriate to impose conditions for the contamination scheme and for the verification report. In terms of the noise insulation scheme, the site is located within a predominantly residential area, off an existing quiet cul-de-sac and therefore it is not considered necessary to impose this condition in this instance. In respect of the request for a condition for vehicle charging points, it is considered that the proposed dwellings would present the opportunity to charge vehicles by mains with a suitable power converter and therefore, imposing the condition would be unreasonable, not satisfying the six tests for imposing planning conditions as set out in National Planning Practice Guidance (NPPG).

6.11. **Other matters** - The Council's Ecologist raises no objections to the proposed scheme subject to conditions requiring the provision of bat and bird boxes, a scheme for ecological/biodiversity enhancement measures and the implementation of an acceptable mitigation/enhancement scheme which is considered appropriate.

7. Conclusion

7.1. The scheme is recommended for approval as is complies with the objectives of the policies as set out above.

8. Recommendation

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

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the submission of sample materials
3	Implement within 3 years (Full)
4	Requires the submission of a contaminated land verification report
5	Requires the prior submission of a contamination remediation scheme

6	Requires the submission details obscure glazing for specific areas of the approved building.
7	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
8	Requires the submission of boundary treatment details
9	Requires pedestrian visibility splays to be provided
10	Retention of existing footpath
11	Requires the prior submission of details of bird/bat boxes
12	Requires the implementation of the submitted mitigation/enhancement plan
13	Requires prior submission of a Construction Management Plan
14	Removes PD rights for new windows
15	Removes PD rights for extensions

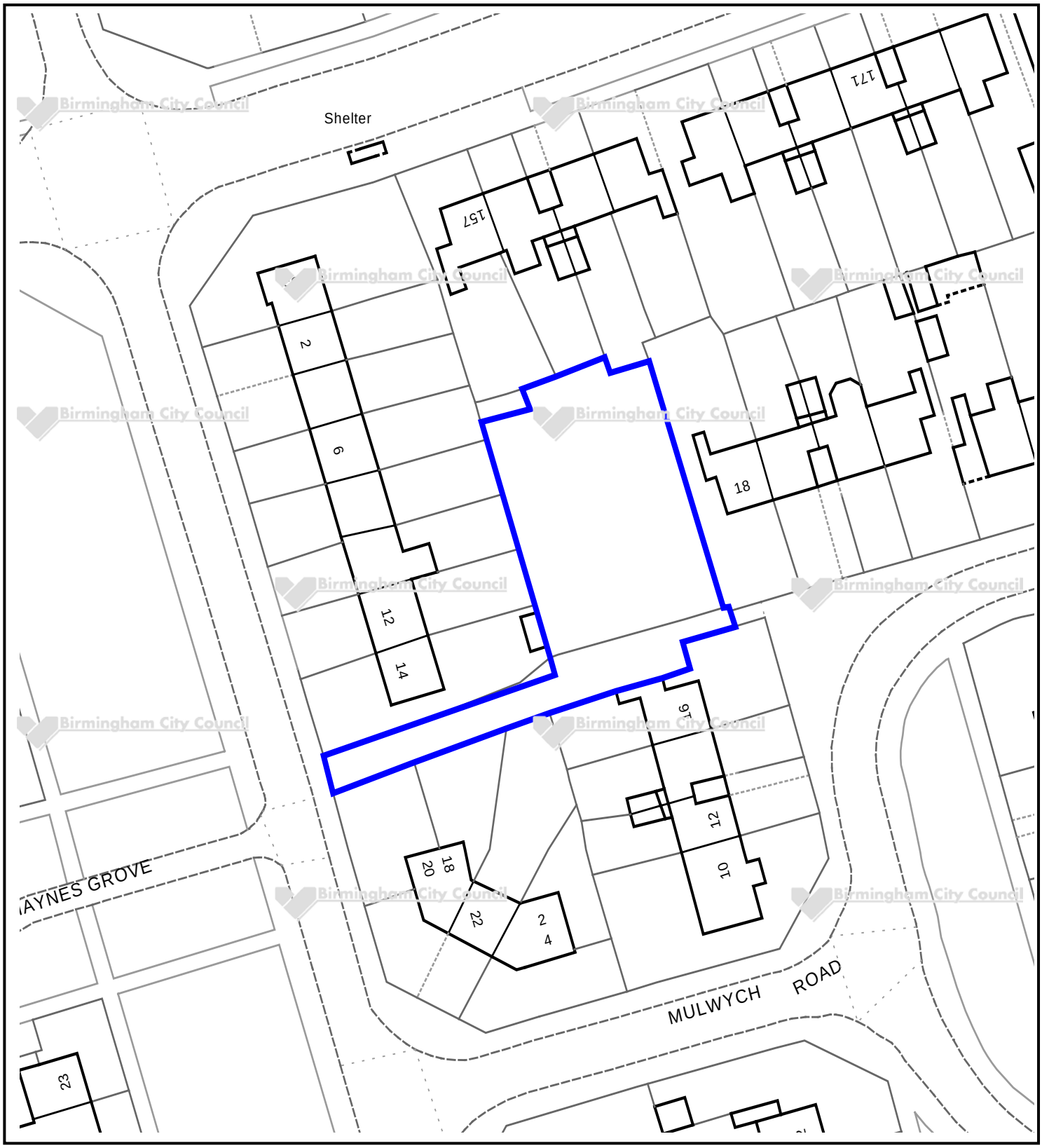
Case Officer: Harjap Rajwanshi

Photo(s)

Figure 1: Access of Gerardsfield Road

Figure 2: Application Site

Location Plan



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Committee Date:	30/01/2020	Application Number:	2019/06270/PA
Accepted:	01/08/2019	Application Type:	Full Planning
Target Date:	31/01/2020		
Ward:	Small Heath		

Small Heath Park, Coventry Road, Small Heath, Birmingham, B10 0EE

Erection of 5 metre high International Mother Language Monument

Recommendation
Approve subject to Conditions

1. Proposal

1.1. Permission is sought for the erection of a 5 metre high monument to commemorate international languages within Small Heath Park, Coventry Road, Small Heath.

1.2. It should be noted that the original proposal was for the erection of a 7 metre high monument however following negotiations the scheme was subsequently reduced in size to a maximum of 5m in height.

1.3. The design of the monument is based on the Shahid Minar monument erected in other parts of the world including Dhaka, East London and Cardiff in commemoration of the International Mother Language Movement, which is an annual event that takes place on 21st February 2019. The event commemorates this date in 1952 when students in Dhaka demonstrated on mass for the recognition of Bengali as their national language. This event is an opportunity to pay their respects to those who lost their lives and to promote the freedom to speak one's mother tongue, peace and cultural diversity. The design of the structure represents a mother as the centrepiece and her family around her.

1.4. The design of the structure would include:

- Five separate elements made of a steel framework;
- Each element of the monument is fitted to polished concrete plinth 1m tall by 2m wide by steel base plates arranged in an arc shape;
- The centrepiece is the largest element, standing at 4m tall by 1.7m wide with the top third cantilevered and a circular disc fixed to the centre of the frame to the front elevation;
- The two elements to either side of the centrepiece stand at 3m tall by 1m wide;
- The outer two elements stand at 2m tall by 0.7m wide;
- All five elements of the monument are designed with infill panels with 16mm vertical round bars, are galvanised and polyester powder coated in white with the circular disc coloured red;
- A 500mm polished concrete seat is designed to sit in front of the polished concrete plinth which would include engravings of some lines of poetry; and
- There would be a hard paved area to the front of the monument with a paved access path from the existing pedestrian walkway within the park.

Figure 1: Example of similar monument

1.5. The application is reported to Planning Committee as the scheme is proposed to be constructed on Birmingham City Council land and the application is submitted on behalf of the applicant by a Birmingham City Council officer through the Landscape Practice Group.

Link to Documents

2. Site & Surroundings

2.1. The application site is an irregular shaped grassed area situated within Small Heath Park in close proximity to the A45 Coventry Road.

2.2. The site location has been identified by the Council's Parks Service which would be accessed from the main circulatory path to the north of the park whilst still being visible to some degree from the public highway on the A45 Coventry Road. The site is an open area of grass with a number of trees nearby.

2.3. It is proposed that the site would be approached by a short path leading to a circular paved area which would accommodate the monument around the edge of the paved area.

Site Location

3. Planning History

3.1. None relevant.

4. Consultation/PP Responses

4.1. Local Ward Members and Residents Association consulted.

4.2. Two site notices have been posted, one when the application was first received and a second for a period of re-consultation subsequent to a change in the scheme. In addition wider consultation has also been carried out with properties within a 150m radius of the application site.

4.3. Two objections were received to the original proposals, one from a Councillor Zaheer Khan and one from a local resident raising the following concerns:

- Scale and mass;
- Out of character in the area/surroundings;
- Loss of green space/ecology;
- That public consultation must be carried out in accordance with Planning Law

4.4. A letter of support from Jess Phillips MP dated 22nd July 2019 has been received via the agent.

4.5. The applicant has also carried out consultation with a number of people and groups between 16th June 2019 to 24th August 2019.

4.6. Transportation Development - No objections

5. Policy Context

5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017); Unitary Development Plan (2005, Saved Policies); Places for All SPG (2001).

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** – An assessment was undertaken by Park Services to identify a suitable location for the monument. Subject to compliance with the technical matters as set out below, the park is considered to be most suitable as it is easily accessible for all, there is sufficient space available for the appreciation and use of the feature and is appropriate to the character of the area. It is considered that a monument is a feature that could normally be found in locations such as parks and it would enhance the offering of the park providing a focal point of cultural interest. As such, the principle of the development is considered acceptable.

6.3. **Design and Visual Amenity** – The NPPF requires new development to be of high quality design that, in line with paragraph 127, 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development(…) are sympathetic to local character and history(…) establish a strong sense of place (and) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.' This is reflected within the Birmingham Development Plan (2017) within policy PG 3 and within Places for Living (2001) and it is clear that design is

required to positively incorporate into the existing street scene and to create a positive sense of place.

6.4. The design of the proposed monument is based on the Shahid Minar monument erected in other parts of the world including Dhaka, East London and Cardiff in commemoration of the International Mother Language Movement. It should be noted that the original proposal was for the erection of a 7 metre high monument however this was considered overly large in terms of scale and the scheme was therefore reduced in size. The proposal would now stand at 5m in height (max) including a 1m high concrete plinth and there are five separate elements to the scheme. The five elements of the monument would be arranged in the shape of an arc around the edge of a circular paved area accessed by a short paved path from the main circulatory path.

6.5. The monument would primarily be visible from within the park with some degree of visibility from the A45 Coventry Road.

6.6. The monument would be unique within the park and it is considered that this feature would enhance the setting of the park and would be a positive addition to this location. The proposal is not considered to have any adverse impacts in terms of the surrounding area and is not considered detrimental to the setting of the park. As such the proposal is considered acceptable in terms of the character of the location.

6.7. The revised scheme which has been reduced in size is now considered to be acceptable in terms of scale, mass and design.

6.8. **Impact of Highway Safety** – The scheme is located within the park boundary and lies a short distance from the main A45 Coventry Road. Transportation Development has raised no objection to the proposal and has not requested the inclusion of any conditions as it has no concerns relating to the erection of the proposed monument structure. The proposal does not include any lighting of any kind and therefore it would not emit any light sources which may be visible from adjacent public highway on Coventry Road. As such the proposal is considered acceptable in terms of highway safety.

6.9. **Residential Amenity**- The monument would be set some distance from the nearest residential properties therefore the proposal is not considered to cause any issues in terms of impact on residential amenity by way of loss of outlook or privacy.

6.10. **Other**

6.11. Concerns in relation to the loss of green ecological space are noted however the area of the site is a relatively small area of grassland (0.006ha).

6.12. Trees-the tree officer has commented that a cherry tree which would be affected by the proposal should not be a constraint in terms of the position of the monument. However, the tree should be replaced and as such a landscaping condition is included. The tree officer also requested that a tree protection condition be included and this is considered appropriate.

7. Conclusion

7.1. The proposal is considered acceptable in terms of character and scale, mass and design. The proposal is also considered acceptable in terms of highway safety and

does not cause any adverse impacts in terms of residential amenity. As such the scheme is recommended for approval.

8. Recommendation

8.1. Approve subject to conditions

1	Implement within 3 years (Full)
2	Requires the submission of sample materials
3	Requires the prior submission of a construction method statement/management plan
4	Requires the scheme to be in accordance with the listed approved plans
5	Requires the implementation of tree protection
6	Requires the submission of hard and/or soft landscape details

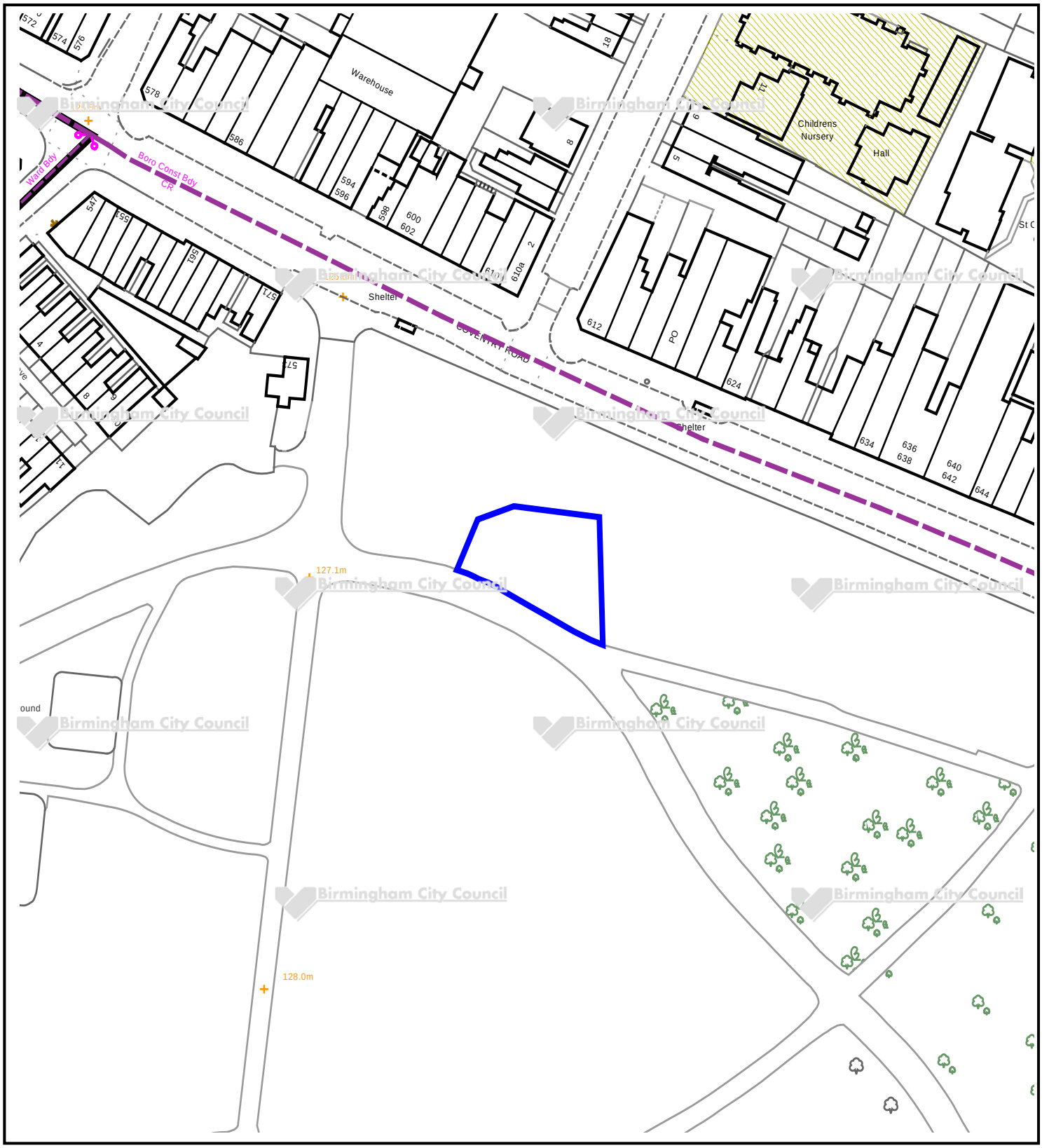
Case Officer: Christina Rowlands

Photo(s)

Figure 1: Small Heath Park (view towards Coventry Road)

Figure 2: Small Heath Park (view towards main circulatory path to north of park)

Location Plan



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Committee Date:	30/01/2020	Application Number:	2019/05988/PA
Accepted:	22/07/2019	Application Type:	Full Planning
Target Date:	16/01/2020		
Ward:	Stockland Green		

8A The Gardens, Erdington, Birmingham, B23 6AG

Change of use from offices (Use Class B1) to 14 bed hostel (Sui-Generis)

Recommendation

Determine

1. Report Back

1.1 Members deferred making a decision on this application at the Committee meeting on January 16th for further information to be provided in relation to the proposed internal works to be carried out to the building in connection with the change of use.

1.2 An application for Listed Building Consent for internal works was received on 23rd July 2019. The main element of the proposals was for the insertion of partitions into a single storey section at the northern end of the building in order to create six new bedrooms. Other elements of the scheme involve the breaching of a small section of a wall within an outbuilding and the removal of some recently inserted partitions. No changes were proposed to the exterior of the building.

1.3 A Heritage Impact Assessment was submitted with the LBC application. It was stated within the Assessment that 'The internal changes to historic fabric are negligible, with all of the key spaces retained and no significant loss of any fixtures or fittings. This work is considered to be proportionate, light-touch, and essentially reversible in nature.'

1.4 The application was considered by our Conservation Officers, who were satisfied that the justification for the proposals as set out in the Heritage Impact Assessment 'were thorough and sound', and 'that the benefit of bringing this building back into use outweighed any potential harm which could be caused by the works'. Subsequently, the LBC application was approved under delegated powers.

1.5 Members are requested to approve the current proposals to change the use from offices (Use Class B1) to 14 bed hostel (Sui-Generis), subject to conditions attached to the original report below.

ORIGINAL REPORT

2.0 Proposal

2.1 This is an application to convert a vacant building (formerly in office use) to a 14-bed hostel with shared kitchen and lounge facilities.

2.2 The applicant has advised that the proposed development will provide emergency temporary accommodation and support to 'low risk individuals' (defined as homeless through losing their accommodation, 'sofa surfing', in abusive situations etc), whilst more permanent accommodation is being sought. The proposed use will not house alcoholics, drug addicts or ex-offenders with serious criminal records. Referrals will be taken from housing and homeless services/organisations only (there will be no self-referrals) and not from prisons, mental health agencies or substance misuse services.

2.3 The accommodation at ground floor would comprise 10 no. bedrooms, 3 no. kitchens, laundry room, managers/concierge room, computer room, bathroom, shower room and wc. The first floor would comprise 4 no. bedrooms, bathroom, shower room and wc.

2.4 The site will be for users needing only a low level of support with daily living skills. Two trained members of staff will remain at the property on a 24 hour basis. No visitors are to be allowed and CCTV cameras will be installed to provide security.

Link to Documents

3. Site & Surroundings

3.1 The building is Grade II listed and has an amenity area to the rear of approximately 300 sq.m area. The site is part of a development dating from the late 19th century/early 20th century known as the 'Erdington Cottage Homes', built to accommodate the children of workers of the Aston Union Workhouse. The development consists of a series of individual buildings within a cul-de-sac. The application site is located on the western side of the cul-de-sac and was formerly the Superintendent's house. The buildings were used as care homes until the mid-1980's, after which they were used for other purposes (primarily office use) and are now primarily in residential use. Immediately adjacent at no.10 is a children's care home.

Site Location

4. Planning History

4.1 2019/06180/PA (Listed Building Consent for internal works in connection with change of use of the property from offices to a hostel) - approved September 2019.

5. Consultation/PP Responses

5.1 Regulatory Services – No objection subject to a noise insulation condition being imposed.

Transportation Development – No objection subject to details of cycle parking provision.

West Midlands Police – No objection subject to a condition requiring details of site security measures to be installed (CCTV and door locks).

5.2 Local residents and Ward Councillors have been notified and a site notice displayed. Seven letters of objection from local occupiers have been received, raising concerns over loss of existing residential amenity due to fear of crime and anti-social behaviour by the occupants of the proposed hostel.

6. Policy Context

6.1 National Planning Policy Framework 2019
Birmingham Development Plan 2017
Birmingham Unitary Development Plan 2005 (Saved Policies)
Birmingham Conservation Strategy SPG 1999
Specific Needs Residential Uses SPG
Places for Living (Adopted Supplementary Planning Guidance 2001)
Car Parking Guidelines (2012)

7. Planning Considerations

7.1 The proposed development provides the opportunity of bringing this vacant listed building back into use, thereby helping to secure its long term future. Listed building consent has already been given for the internal works required in connection with the conversion to the proposed use. The development accords in principle with paragraph 196 of the NPPF which advises that the public benefits of a proposal affecting a listed building should be taken account, with a view to securing its optimum viable use, BDP Policy TP12 (Historic Environment) which encourages the conservation of designated heritage assets, and Birmingham Conservation Strategy SPG which encourages the sympathetic use and adaptation of listed buildings.

7.2 The Specific Needs Residential Uses SPG sets out the following criteria for assessing proposals for hostels:

- Impact on residential amenity;
- Cumulative impact;
- Highway safety;
- Amenity space provision

Residential Amenity

7.3 The SPG advises that hostels are most appropriately located in large detached properties set in their own grounds. In this respect the proposal is entirely appropriate.

7.4 The SPG also requires that proposals should not cause harm to the amenity of occupiers of nearby properties by reason of noise and disturbance. Many of the buildings in The Gardens are already in relatively high density residential use and it is not considered that the level of activity that would be generated by the proposed use, in terms of general comings and goings, would be so significantly different to the existing character of the road as to unduly impact on existing residential amenity.

7.5 Fear of crime/anti-social behaviour is a material consideration in the assessment of how a proposal may affect residential amenity. In order to carry weight in the determination of an application fear of crime must be based on sound reasons and,

additionally, there needs to be reasonable evidential basis for that fear. In this regard it is important to note that West Midlands Police have not expressed any concerns in relation to the proposal – based on the information provided by the applicant relating to the 'type' of individual that would be accommodated at the premises and the referral process. It is not considered crime/anti-social behaviour would be a potential consequence of the proposed use. As such refusal of the application on these grounds would not be justifiable.

Cumulative Impact

7.6 The SPG advises that the 'cumulative impact' of uses such as that proposed on the character and appearance of the area should be taken into account. The immediate surrounding area contains a variety of residential uses, including flats and the children's care home at no.10. A hostel could be readily accommodated in this setting without causing harm to existing character, particularly as the building meets the SPG requirements of being large and detached.

Highway Safety

7.7 No objection to the proposal from Transportation Development as there is likely to be low level of car ownership by the occupants of the building; it is considered that the use will ensure that limited on-street parking will occur as a result of the development.

Amenity Space

7.8 The SPG requires the provision of 16sq.m amenity space per resident in order to provide a satisfactory living environment, equating in this case to the need for 232 sq.m to be provided – the rear amenity area at the site is in excess of 300 sqm.

8. Conclusion

8.1 The proposal provides an opportunity to bring back into use a vacant listed building. There would be no adverse impact on the character of the wider area, the existing amenities of nearby residents or highway safety and sufficient amenity space would be provided. The proposal therefore accords with the policies set out in section 5 above.

9. Recommendation

9.1 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 cycle storage details

4 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection

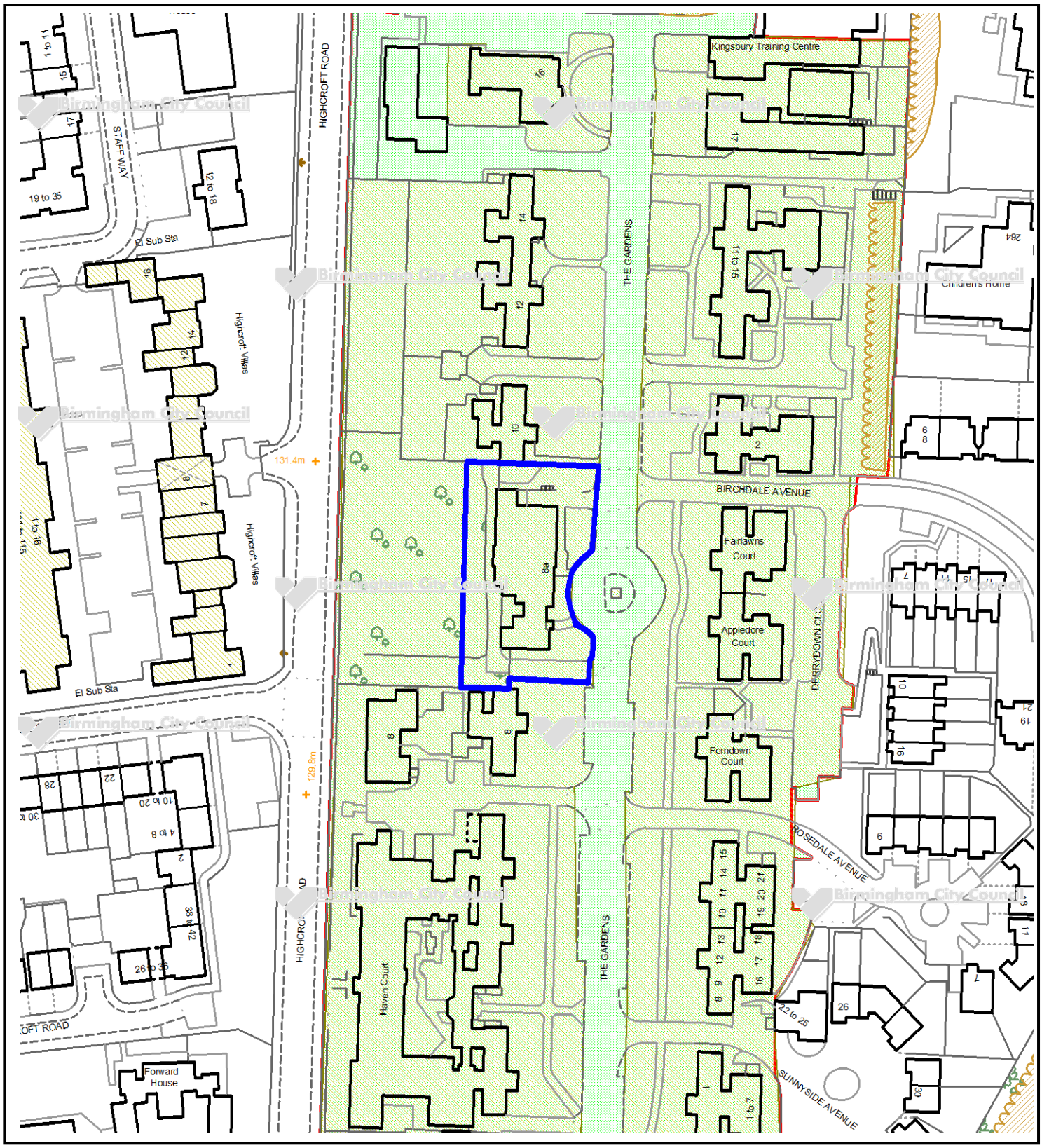
5	Requires security measures to be provided
6	A maximum of fourteen persons' occupancy

Case Officer: Faisal Agha

Photo(s)

FIG 1: FRONT ELEVATION OF THE APPLICATION SITE

Location Plan



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Birmingham City Council

Planning Committee 30 January 2020

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

Recommendation	Report No.	Application No / Location / Proposal
Approve - Conditions	17	2019/06779/PA 11 The Fairways Sutton Coldfield Birmingham B76 1FZ Erection of first floor side and single storey rear extensions.
Approve – Subject to 106 Legal Agreement	18	2019/07191/PA 395-398 Ladywood Middleway Birmingham B1 2TJ Demolition of existing building to allow for the erection of a five storey residential block comprising 62 no. apartments with associated landscaping and car parking provision
Approve - Conditions	19	2019/07968/PA Birmingham Alexander Stadium Walsall Road Perry Barr Birmingham B42 2LR Hybrid planning application to include full planning permission to provide a new western stadium, increase seating capacity to 18,000, relay athletics track, provide new warm up track, a new throwing area, sports lighting, provision of office/teaching accommodation, landscaping and all associated works. An outline application for Commonwealth Games 'overlay' to include temporary seating up to 40,000 spectators, athlete drop-off/pick-up area, temporary bus mall, various compounds and upgrade/provision of access road, all matters reserved

Director, Inclusive Growth (Acting)

Approve - Conditions	20	2019/04425/PA Land to rear of 229-285 Shenstone Road Birmingham B16 0PG Erection of 2 no. residential apartment buildings each comprising 9 no. 1-bed apartments (18 in total) to provide assisted living accommodation (sui generis)
Approve - Conditions	21	2019/08651/PA 218 Lichfield Road Four Oaks Sutton Coldfield Birmingham B74 2UB Extension to existing footway crossing
Approve – Subject to 106 Legal Agreement	22	2018/10294/PA Land bounded by Dudley Road to the North, Railway Line to South, Birmingham Canal Old Line to East and The Olde Windmill Public House and St Patricks Church and School to the West Birmingham Demolition of existing buildings and the development of a residential led mixed use scheme containing 650 apartments and 102 townhouses (Use Class C3), ground floor retail units (Use Class A1), public and private amenity space, site access and highway works, associated car parking, cycle parking, hard and soft landscaping and other works including the provision of a pedestrian/cycle bridge over the Birmingham Canal Old Line

Director, Inclusive Growth (Acting)

Committee Date:	30/01/2020	Application Number:	2019/06779/PA
Accepted:	12/08/2019	Application Type:	Householder
Target Date:	07/10/2019		
Ward:	Sutton Walmley & Minworth		

11 The Fairways, Sutton Coldfield, Birmingham, B76 1FZ

Erection of first floor side and single storey rear extensions.

Recommendation
Approve subject to Conditions

1. Proposal

1.1. Planning consent is sought for the erection of a two storey side extension with single storey rear extension at 11 The Fairways, Sutton Coldfield, Birmingham, B76 1FZ.

1.2. The side extension will be set up on the property boundary with the adjacent dwelling. Moreover the rear extensions will 'wrap' around the existing property by virtue of incorporating the existing detached garage. The first floor extension is to provide a dressing and en-suite attached to bedrooms at first floor level and within the existing roofspace.

1.3. The application follows a number of submissions for a similar proposal, including: 2019/03131/PA, 2019/00436/PA, 2018/09236/PA and 2019/04810/PA, all of which were refused. Differences between the submitted application and the most recently refused application (Ref: 2019/04810/PA) include alterations to the width of the proposed car port.

1.4. As part of the side extension, the proposed development will have a 4.6m clearance to the edge of the pedestrian footway, ostensibly providing one on-plot parking space outside of the car port area which will have no door. The car port itself will be located below the first floor extension and measure 8.2m in depth, 2.6m in width and 2.1m in height. Beyond the car port there is a separate garage which is deemed to be insufficient as an on-plot car parking space, and is currently used for storage.

1.5. Link to Documents

2. Site & Surroundings

2.1. The site is a modern (erected within the last decade) semi-detached property situated along a road where the predominant character of dwellings contains a mix of detached and semi-detached dwellings of a similar age and design. The streetscene is characterised by a fairly consistent building line.

2.2. Existing parking is served via on-plot tandem parking and garage spacing providing additional parking between dwellings. On-street parking is also available and there are no waiting restrictions currently in place outside the property.

2.3. The existing space between no.11 and no.13 the Fairways measures between 3.8-4m metres. Due to the extension filling up the bulk of this space, this gap will be reduced to circa 0.79m. Other gaps between houses in the streetscene measure some 0.76m.

2.4. No. 9 The Fairways has now erected a single storey rear extension.

2.5. The side extension will extend from the existing garage by 8.25m - leaving a 4.6m gap between the pedestrian footway and the extent of the proposed side extension.

2.6. Site location

3. Planning History

3.1. 2018/09236/PA – Erection of three storey side & single story rear extensions: Refused

3.2. 2019/00436/PA – Erection of three storey side & single storey rear extensions: Refused

3.3. 2019/03131/PA – Erection of two storey side and single storey rear extension, installation of dormer window to front: Refused.

3.4. 2019/04810/PA – Erection of two storey side and single storey rear extensions: Refused.

4. Consultation/PP Responses

4.1 Local ward councillors and the occupiers of neighbouring properties have been consulted.

4.2 Transportation Development – Awaiting final comments.

4.3 8 letters of objections. The issues raised are summarised below:

- Overbearing
- Impact on parking
- Visual amenity impact
- Scale and size of the extension
- Impact on overlooking
- Impact on highway safety and parking overspill onto the highway
- Impact on light and loss of amenity
- Built on adjoining property boundary
- Construction traffic
- Noise and disruption
- Impact on emergency service vehicles
- No permission for storing building materials on communal garden area.

5. Policy Context

5.1 The following local policies are applicable:

- Places for Living (2001)
- Extending your Home (2007)
- Birmingham Development Plan (2017)

- UDP 2005 (saved policies 3.14 – 3.14D & Chapter 8)
- 45 Degree Code

5.2 The following national policies are applicable:

- NPPF: National Planning Policy Framework (2019)

6. Planning Considerations

6.1. The main issues for consideration are the scale and design of the proposed development as well as the impact on neighbouring amenities and highway safety.

6.2. It is considered that the scale and design of the proposal is acceptable in principle. In terms of architectural appearance, I do not consider that the proposal would have a harmful impact on the visual amenity of the surrounding area or property.

6.3. The bulk of the proposal is located to the side and rear. The proposal is offset from the face of the main building elevation and roof ridge and, as such, would have a limited impact on the general street scene. The rear extension is generally in accordance with the principles contained within 'Extending Your Home' Supplementary Planning Document and will have a limited impact on the streetscene due to its location.

6.4. The proposal includes a number of facing windows at the front and rear elevations These windows are to serve non-habitable rooms and would not result in any direct overlooking issues into neighbouring properties

6.5. The proposal complies with the Council's '45 Degree Code' in regard to both the neighbouring properties at No. 9 and No. 15 The Fairways. The proposal also meets the separation distance guidelines contained in 'Extending your Home' and 'Places for Living'. Consequently, it's considered the development would not result in a detrimental impact on the amenities of neighbouring properties in terms of loss of light, outlook or overlooking.

6.6. A number of letters of objection have been submitted raising issues surrounding the existing parking situation on the site, and civil matters arising from general estate management with parking overflow onto the public highway and highway safety. The existing tandem parking for 2 vehicles is served on-plot together with the existing garage. It is, however, accepted that the garage is not currently large enough to accommodate modern vehicles and is currently used as storage space. As a result of the extension, the existing 2 on-plot tandem parking spaces will not be reduced.

6.7. Notwithstanding objections to the original proposals it is now deemed the proposed car port would be sufficient as a usable parking space in terms of width and depth in relation to the size of modern cars. Accordingly, the amendments submitted, which demonstrate an increase in the car ports length and, minimally, the width, in the councils view adequately address concerns raised previously. As the proposed alterations are not to reduce the on-plot parking provision for 11 The Fairways, it is viewed that the proposal no longer conflicts with either Policies TP39 or TP44 of the BDP. Therefore, the proposal can be recommended for approval as the original reason for objection, which related to adverse impact on highway and pedestrian safety, has been ameliorated.

7. Conclusion

7.1. Notwithstanding the objections raised from neighbouring occupiers, this application is recommended for approval as the proposed development no longer continues to be harmful to highway and pedestrian safety

8. Recommendation

8.1. Approve, subject to conditions.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires that the materials used match the main building
3	Car port shall be maintaned for vehicle parking only
4	Implement within 3 years (Full)

Case Officer: Matthew Beresford

Photo(s)

Figure 1 – Image depicting the front of the property at 11 The Fairways as it currently exists.

Figure 2 – Image of the rear of the property.

Location Plan

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Committee Date:	30/01/2020	Application Number:	2019/07191/PA
Accepted:	07/10/2019	Application Type:	Full Planning
Target Date:	28/02/2020		
Ward:	Ladywood		

395-398 Ladywood Middleway, Birmingham, B1 2TJ

Demolition of existing building to allow for the erection of a five storey residential block comprising 62 no. apartments with associated landscaping and car parking provision

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1 The application proposals would see the erection of 62no. one and two bedroom apartments, in the form of a single U-shaped block, ranging in size between 3 and 5 storeys, alongside a basement level, to the western side of the Ladwyood Middleway ring road. The building would be laid out in a 3 sided courtyard arrangement, with a central private green sited between the main three wings of the building.

(Image 1: Ladywood Middleway frontage).

1.2 The proposed block of apartments would front the Middleway and would have a staggered arrangement. This would see the development having four storeys to the site's eastern frontage, fronting the Middleway, with the 5th storey element being setback from the main front elevation (as seen in the image above). To the north, the building would be set over three levels and to the site's rear west, on Springfield Street, the building would have 4 storeys, with a fourth level contrasting in appearance from the wider

elevation. The proposed building would further consist of a basement level, which would be out of view from the public realm. The proposals would have active frontages to both Springfield Street and the Middelway.

1.3 The 62no. apartments would be erected in the form of 21no. one bed apartments and 41no. two bed apartments. These would range in sizes from between 50sqm - 74sqm, catering for one – four persons.

1.4 The proposed development would feature 7no. parking spaces to the rear, alongside an internal courtyard providing private amenity space measuring 497sqm. As a result of the site's falling site levels, the basement level apartments would have access directly onto the proposed courtyard space. A bike store is also proposed to be sited internally within the building, alongside an internal bin store for residents. The site's main vehicular access would be off Springfield Street to the site's rear, with the main pedestrian accesses coming off from the Middleway frontage.

1.5 The proposed development would provide 100% Affordable Housing, in the form of 62no. apartments for social rent. The development would be wholly managed by Optivo, a registered social landlord, whom operate in London, the Midlands and the South-East. Optivo currently provide some 44,000 homes to around 90,000 people and state that they work with Local Authorities to deliver homes to meet the greatest housing need and help create sustainable communities.

1.6 The building would be finished in grey/brown facing brickwork, which would be used in a patchwork arrangement to create contrast within its various facades. The building would further feature a grey single ply flat roof, with dark grey finished aluminium doors/windows and Juliet Balcony rails, which would otherwise be glazed.

1.7 The application has been submitted with the following supporting statements and studies:

- Design and Access Statement
- Sustainable Drainage Assessment
- Arboricultural Impact Assessment
- Ecology report
- Transport Statement
- Travel Plan
- Noise Assessment
- Energy Statement
- Viability Assessment/Draft Heads of Terms
- Air Quality Assessment

1.1. Link to Documents

2. Site & Surroundings

2.1 The application site is located within the Ladywood area of Birmingham, to the north-west of the City Centre and this presently comprises of a two-storey brick-built building, with a pitched roof, with a further single storey modular building sited to the site's far rear-west. The main two storey building on site was constructed in the 1930's, as a maternity hospital for the Birmingham NHS Trust. The site has since been used as a day care centre and as other medical accommodation, until becoming vacant in 2012.

2.2 The immediate surrounding area is predominantly residential, consisting of properties in a range of house types and ages including; a 1950/60's residential tower block and

two storey houses, alongside four storey apartment blocks. To the west and south of the site lie residential dwellings, erected at two storey level along Springfield Street. To the Ladywood Middleway frontage lie four storey apartments blocks. To the site's north lies a care home, with a large residential tower block sited further north of this. The wider area comprises a mix of uses including commercial, health care, education, retail and residential.

2.3 The eastern section of the site comprises the main two storey building, with the rear western section comprising surface car parking. There are several trees to the rear of the main building and the topography of the site falls steeply from east to west.

2.4. Site location link

3. Planning History

3.1. 2017/04374/PA - Change of use from D1 (Non-Residential Institution) to C2 (Residential) with existing portable building retained as D1 – Approved with conditions – 12/12/2017.

4. Consultation/PP Responses

4.1. West-Midlands fire service: Raise no objections to the development proposals, recommend WMFS standards. These have been forwarded to the applicant for reference.

4.2. Employment access team: Raise no objections to the development proposals, subject to the applicant employing local people as part of the development works. This is requested to be secured by way of a S106.

4.3. Regulatory Services: Raise no objections to the development proposals, subject to conditions relating to: noise insulation, contaminated land and the addition of a vehicle electric charging point.

4.4. Severn Trent Water: Raise no objections to the development proposals, subject to conditions relating to foul and surface water flows.

4.5. West Midlands Police: Raise no objections to the development proposals, subject to conditions relating to: External lighting, CCTV control, boundary treatments and landscaping.

4.6. Lead Local Flood Authority: Raise no objections to the development proposals, subject to conditions relating to: a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan being submitted to the Council for approval, prior to occupation, alongside a further condition which requires the submission of a sustainable drainage scheme.

4.7. Transportation Development: Raise no objections to the development proposals, subject to conditions relating to: covered cycle storage provision for the application site, alongside a condition requiring a Section 278 Agreement, in reference to the construction of new footway crossings, the proposed raised kerbs strip with bollards on Springfield Street and any works relating to any street furniture.

4.8. National Grid: Raise no objections to the development proposals, recommend National Grid standards. These have been forwarded to the applicant for reference.

4.9. Local residents, Residents' Associations, Councillors and MP consulted. Site notice posted.

4.10. A single letter of support for the project and wider proposals has been received, while 3no. letters of objection have also been received, raising the below areas of concern:

- The development will result in an increased demand for car parking and add strain to the existing on-street parking provision within the area;
- The development will lead to privacy concerns for residents who face onto the development from Springfield Street;
- The development will result in noise/nuisance and other disturbance during the construction phase of the development.
- The development will result in a loss of light to existing neighbouring occupiers;
- The development will have an impact upon the wider highway network; and
- The development scale is intense for the site area.

5. Policy Context

5.1. Birmingham Development Plan (2017), Birmingham Unitary Development Plan (Saved Policies) 2005, Places for Living SPG, Car Parking Guidelines SPD, Greater Icknield Master Plan and the NPPF (2019) and Public Open Space in New Residential Development SPD.

6. Planning Considerations

6.1. The application site has no specific planning policies or designations, however falls within the Greater Icknield Growth Area (GA2). This policy states that this growth area will accommodate up to 3,000 new homes over the plan period and that local facilities and employment opportunities will be brought forward to support the delivery of a sustainable neighbourhood. This in turn, supports the broader BDP Policy PG1 which seeks to deliver the plan target of 51,100 additional homes across the City over the plan period 2011 to 2031.

6.2. Policy TP27 of the BDP requires applicants to demonstrate that new residential developments can contribute towards creating sustainable neighbourhoods. This includes; providing for a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; reduced dependency on cars, with options to travel by foot, cycle and public transport; a strong sense of place with high quality design; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources; the use of green and blue infrastructure; attractive, safe and multifunctional public spaces; effective long-term management of buildings, public spaces, waste facilities and other infrastructure.

6.3. Policy TP28 further supports the requirements of Policy TP27 and states that new residential development should be adequately serviced by existing or new infrastructure; be accessible to jobs, shops and services by modes other than the car; be capable of remediation in the event of any serious physical constraints such as contamination or instability; be sympathetic to historic, cultural or natural assets; and not conflict with any other policies in the BDP.

6.4. The application proposals would see the development of 62no affordable units, in a range of sizes and types; these would further be available for social rent and as such would fill this vital gap in the city's housing market, adding to the city's housing stock. The development would therefore form part of a wider sustainable community, though adding variety and diversity within the city's housing stock within this designated growth area, in close proximity to the city centre. The application site is further considered as being in a highly sustainable location, as it is well served by public transport (via bus routes along Ladywood Middleway) and has good accessibility to shops, services, employment, education and leisure facilities, being sited with walking distance to the city centre. It would therefore be in broad conformity with the requirements of Policies TP27 and TP28.

6.5. In determining the accessibility of the proposed development, Connectivity policies TP38, TP39, TP40, TP43, TP44 and TP46 will be relevant to consider. These policies seek to ensure that new development schemes incorporate high quality pedestrian and cycle routes and facilities, adequate provision for electric vehicle charging infrastructure, requiring Transport Assessments/Statements and Travel Plans where necessary, and the provision of digital communications. In this case, the application details that most of the proposed residents would not own a car and as such would likely use public transport. A single vehicle charging point would also be provided within the proposed rear forecourt area. A condition requiring the implementation and provision of a travel plan, will further be added to any subsequent planning consent. It is therefore considered given the site's location and provision of public transport facilities in close range, alongside the fact that a large cycle storage facility will be provided on site, that future residents of the site would likely use sustainable transport modes.

6.6. Policies TP1-TP5 are relevant to consider in ensuring that the proposed development will be designed in a way that maximises energy efficiency, minimises the use of carbon and can be resilient and adapt to the effects of climate change. Policies TP1 and TP2 set out the broad measures to reduce the City's carbon footprint, with an overall reduction target of 60% of carbon dioxide emissions from 1990 levels by 2027, and help to manage the impacts of climate change. In specifying the measures to be applied within development proposals, both policies provide links to the more detailed policies as set out below.

6.7. Policy TP3 states that new development should be designed and constructed in ways that maximise energy efficiency and the use of low carbon energy, consider the type of and source of materials used, minimise waste and maximise recycling, and are flexible and adaptable to future occupier needs. Policy TP4 expects new developments to incorporate low and zero carbon forms of energy generation or to connect into low and zero carbon energy generation networks where they exist. Smaller scale developments of less than 200 residential units are expected to connect to a District Heating Scheme where they exist and where a connection would be practical and viable. The policy also promotes new residential dwellings to be SMART Grid ready. Further to the above, Policy TP5 encourages the promotion of innovative low carbon design and construction as part of development schemes.

6.8. An Energy Statement has been submitted to address these requirements of Policies TP3, TP4 and TP5. This details that a 50kW gas fired CHP would be erected on site, as part of the development proposals. Although full details of this have not been submitted at this stage, a condition requiring full details of the proposed on site CHP and its implementation is recommended to be attached to any subsequent planning consent. The submitted Energy statement further sets out measures which are to be taken during the building stage of the development and discusses other measures

which are to be used to ensure energy effect during the life of the development. The proposals are therefore considered to broadly be in line with the requirements of the above named policies and as such the application is considered to be acceptable in this regard.

6.9. It is therefore considered that the development would form an appropriate form of development, in a sustainable location, which will cater to a distinctive need within the population. The development would further seek to be sustainable and as such is considered to be in compliance with relevant sections of the NPPF and the relevant sections of the BDP as set out above.

Design:

Demolition of existing building on site:

6.10. The Council's Conservation Officer has reviewed the application, in response to the proposed demolition of the existing building on site and raise no objections in this regard. I have further assessed the existing building on site and deem this to not have any significant architectural or historical merit and as such the application is considered acceptable in this regard.

Background:

6.11. During the pre-application phase of the development, the proposals underwent significant amendments in order to better the design of the proposed development, following advice from Council Officers. The amended development proposals have been assessed further below.

Current proposals:

6.12. The proposed building would be erected at between 5 and 3 storey level, with a U-shaped layout, centred around a central private amenity space. The building's height would fall from east to west, in line with the site's topography, allowing the 5 storey element, which would have the 5th storey setback to sit to the Middleway frontage. To the site's rear on Springfield Street, the development would read as 4 storeys, with the upper level being erected in a different material, in order to appear less prominent within the street-scene. The northern most connecting wing would be erected at three storey level.

(Image 2 – rear street-scene showing building height comparison).

6.13. The building height, due to the topography of the site and the use of a flat roof, alongside the setback to the site's eastern frontage would not sit too dissimilar to the neighbouring apartment blocks, sited on the Middleyway, to the south of the site. Although the development proposals would sit taller than the two storey dwellings to the rear, the overall height increase between the development and its neighbouring two storey dwellings would appear consistent with other such gradual changes within building heights in the surrounding area. The Springfield Street elevation would maintain a similar relationship to that retained by the existing 4 storey apartment blocks and the two storey residential dwellings which sit to the site's south and west. To the site's north, the building would drop to 3 storeys, allowing a gradual step down to the lower level care home site to its north. To the site's frontage, as detailed above, the building height would be in proportion to that of the neighbouring existing four storey apartments. As such the scale, form and layout of the proposals is considered to be acceptable and is not considered to appear visually intrusive or dominant within the Middleway or Springfield Street street-scene.

6.14. The building would feature full height bay windows to its various elevations, with large sections of glazing, brickwork and cladding also proposed to break up the buildings various elevations. The proposed building would have an overall ridge height of 13.5m, a total width of circa 32m and a total depth of 56m. To appear consistent with the general scale and building height's within the area, the development utilises the site's topography, low eaves height's and a flat roof. It should further be noted that the 5th floor remains much smaller in size, when compared to the floor plates of floors 0-4. The basement level also remains of a much smaller scale, allowing the main building to read as being 3-4 storeys in height.

6.15. The building would be erected from a pallet of materials consisting of metallic panelling on its upper most level and brickwork to its lower levels, alongside full height glazing and brick work detailing. The various materials would provide the building with relief and would add further interest to its various elevations. The design approach is thereby considered to be acceptable and is seen to take inspiration from the pallet of building materials within the area. Although a modern design overall, the use of traditional materials, such as grey/brown brick and the brickwork detailing, allows the design to appear high in quality and enhance this key visual route along the Middleway.

(Image 3 – front of site).

6.16. The area of land sited to the front of the site, fronting the Middleway, would be used as the site's primary pedestrian access and would feature a small area of landscaping, allowing for a small landscaped buffer between the building frontage and the main pavement. To the site's rear, 7no. parking spaces, alongside a landscaped buffer would also be provided. No details with reference to landscaping or boundary treatments have been submitted as part of the proposals and as such these details will be secured by way of condition. Details of the proposed bin store and cycle store, which are detailed to be sited within the lower ground floor level of the building will also be conditioned, to ensure their suitability. Given the site's proposed level of private amenity space, which is to be sited within the central courtyard, alongside the buildings active frontages, it is considered that these areas can be enhanced through adequate landscaping, which would in turn enhance the site and wider street-scenes visual amenities; appropriate conditions are therefore included.

6.17. It is therefore considered, the proposed development would be of an acceptable design, form and scale. Subject to the proposals being erected in compliance with the submitted plans, alongside the recommended conditions, which will seek to clarify full details of the proposed materials, boundary treatments, landscaping alongside architectural detailing. The development is therefore considered to be in compliance with the relevant sections of BDP and NPPF.

Residential amenity:

6.18. The proposed development's western most wing facing the Middleway, would have its main openings fronting the Middleway, or the proposed internal courtyard area to its rear west. These openings would retain a 21m separation distance to the opposite side facing apartments, located within the buildings western most wing, fronting Springfield Street. A small number of side facing windows are proposed within the wings south facing side elevation, however these would be secondary openings and would be fitted with obscure glazing; and as such are considered acceptable.

6.19. The smaller northern most wing, would not have any main habitable room openings facing north, with the exception of the apartments sited within the north-western corner of the building. These openings would however face onto an area of private open space, sited to the front of the neighbouring care home. And although this space would be overlooked, as this faces the Middleway and doesn't form a private, outdoor amenity area for residents, this approach is considered acceptable. These openings would further allow natural surveillance of this area, which is currently bound by a low rise metal fence. It should further be noted that no objection has been received from the neighbouring care home in this regard.

6.20. To the site's west, the proposed apartments over the proposed four floors would face onto Springfield Street, retaining a separation distance of circa 21m to the opposite side facing neighbouring dwellings. Given that these dwellings are erected at two storey level and have their main private rear amenity spaces sited to their rear, this relationship is considered acceptable and is not considered to give rise to an undue loss of amenity, which would justify the refusal of the current scheme. All of the remaining apartments would again face onto the internal courtyard.

6.21. It is noted that the rear courtyard facing apartments within the eastern most block fronting the Middleway, would have limited views of the garden space of No. 23 Springfield Road. These apartments would face onto the internal courtyard, but would have an angled view of this garden area, given that they would be sited on the

south-eastern most corner of the development. The apartments would however retain a separation distance of circa 20-25m; which would broadly comply with the Councils separation distance guidelines from the Places for Living SPG, which requires a 5m separation distance per storey. In this case, the building would be 6 storeys, with the basement level set lower than the street-level. Given this and the angled views, this relationship is considered acceptable and is not considered to unduly harm the amenity of this neighbouring residential dwelling. As such, it is considered that the proposed development would not result in any new undue overlooking concerns for existing neighbouring residential occupiers. Suitable conditions for obscure glazing within the building southern and northern elevations are also included.

6.22. As a result of the development siting and foot-print, it is considered that the proposed development would not result in an undue loss of light or outlook for existing neighbouring occupiers to the south and west of the application site. The eastern most wing of the building has a foot-print consistent with that of the nearby apartments, facing onto the Middleway and as such this relationship is considered acceptable. The western wing again would not materially protrude ahead of the building line retained by the existing dwellings sited on Springfield Street. It is also noted that there would be a small breach of the Councils adopted 45 degree code with reference to No. 23, this however is not considered to result in any undue loss of light or outlook or overbearing harm, which would warrant the refusal of the current scheme, as a result of the 5m+ separation distance which would be retained between the proposed development and this existing neighbouring occupier.

6.23. With reference to the care home sited to the north of the application site. A sun-light study has been submitted as part of the wider submission and this shows that the development would largely have no impact upon the vast majority of the neighbouring site, including the main care home building to the far north and its internal amenity space. There would however be some overshadowing recorded towards the late afternoon on the care homes southernmost detached unit, sited adjacent to the application site's northern boundary, however this would only be for a fraction of the late afternoon. The openings facing north-west within the rear most elevation of this block would also be affected by the buildings northern most wing and would breach the Councils 45 degree code. These openings however relate to 2no. bedrooms and residents within these bedrooms would still have access to a communal lounge which would not be impacted by the proposals. The larger detached building would sit well away from the proposed development, retaining a separation distance of between 10m and 25m, which is considered to be sufficient to allow for a good level of amenity and would therefore, would not unduly impact the amenity of this existing neighbouring occupier. It is therefore considered, given the use of this site, as a care facility, alongside the level of the proposed impact, on balance this would be acceptable level and would not allow sufficient weight to refuse the application on these grounds. The development is therefore considered to be acceptable on this basis.

Standard of accommodation and quality of the living environment:

6.24. The National Technical Housing Standards (NDSS 2015) sets out internal space standards and the requirements for gross internal floor areas. Although not yet adopted by the Council, the NDSS provides a useful benchmark to judge the adequacy of accommodation size. The NDDS requires a gross internal floor space figure of 37sqm for a one-bed, one person dwelling, set out over one level and 50sqm for a one-bed, two-person dwelling. With reference to two bed dwellings, the guidelines state a figure of 61sqm for a two bed, three person dwellings and 70sqm

for a two-bed, four person dwellings. 61no. of the proposed apartments would meet or exceed these guidelines, with a single 2 bed apartment falling short of these guidelines by 10sqm, being proposed at 51sqm. However, given that most of the apartments would overly exceed these guidelines, in some instances by way of 15sqm, this shortfall within one apartment from the entire development is considered acceptable.

6.25. The Places for Living SPG (2001) sets out a minimum garden size of 30m^2 per unit for flats and other developments providing communal amenity space. In this instance, this would equate to an area of 1,860m^2 in total. The provision of outdoor private amenity space, proposed as part of this development, measures approximately 497m^2 of well-landscaped mature garden. This therefore falls short of the SPG requirement. However, it should be noted that 140m to the site's north lies a multi-use games area and 110m to its west lies a play area as well as an area of public open space to its immediate north. Therefore sufficient provision of usable outdoor public open space lies within the site's wider vicinity. It should further be noted that it is common for city centre apartment developments to not feature any, or have a low level of, private amenity space. As such, in this instance, as a large private and secure amenity space is being proposed as part of the development, alongside the site's proximity to such areas within the sites vicinity; this shortfall, on balance, is considered acceptable.

6.26. A noise survey was submitted as part of the wider submission and this has been reviewed by Regulatory Services colleagues who raise no objections to the findings of this report. The report recommends adequate sound proofing details, which will be secured by way of condition.

6.27. Given the above, I am satisfied that the proposal would provide a good standard of amenity space and satisfactory living environment for future occupiers.

Transport:

6.28. Policies TP38-41 encourages developments where sustainable transport networks exist and/or are enhanced. In addition to supporting sustainable transport networks the Car Parking SPG identify a maximum car parking provision of 1.5 car parking spaces per dwelling, equating to 93no. car parking spaces for a development of this size. The current proposals however propose only 7no. car parking spaces for the site as a whole, on a shared basis, sited to the rear of the site; thereby having a material shortfall from the maximum standards. Final comments from the Transportation Department in this regard have not however, been received.

6.29. The application is however supported by a detailed Transport Assessment, which seeks to justify the major shortfall in car parking spaces. This states that the site is located adjacent to the inner-city ring road and within approximately 1km walking / cycling distance of the core commercial areas, sited within city centre. The site is further highly accessible by non-car travel modes, with full integration of the city's pedestrian networks, alongside good access to regular bus and rail services. These can be found in the form of a city-centre serving bus stop, sited to the front of the site, on the Middleway, alongside the Jewellery Quarter Train/Metro stop, which is sited circa 1km away from the application site. Further, the site is located within a short walk and cycling distance of Birmingham city centre where various opportunities are located; including, leisure, retail, employment, education and public transport hubs.

6.30. Furthermore, given the site's location within walking distance to the city centre, it is highly likely that people choosing to reside in this location would work and/or study within the city centre or the immediate surrounding area. Therefore, residents would likely commute by walking, cycling and public transport. On this basis, it is forecast that the development will present negligible impact in traffic terms and thereby would not require a significant number of car parking spaces.

6.31. Parking beat surveys have further been carried out within the area, which show that the surrounding area has limited levels of offsite parking. However the 7no. parking spaces proposed as part of the development are considered sufficient to accommodate for visitors to and from the site, alongside for serving any potential vehicle owners within the building. It should further be noted the Council is actively trying to discourage the use of private vehicles being used to commute in and out of the city centre and as such, the limited number of parking spaces proposed as part of the development, alongside the highly suitable location of the site, would further reinforce this aim of the council. The development further incorporates a large, safe, internal bike store; encouraging residents to use this is a personal mode of transport.

6.32. As such, the development proposals are considered acceptable in this regard. Suitably worded conditions for pedestrian/vehicular visibility displays, parking management and cycle storage are included, alongside for the applicants to work with the Council to promote a sustainable travel plan.

Open Space Provision:

6.33. Policy TP9 requires that in new residential developments, provision of new public open space be required, with the standard of 2ha per 1000 population. In most circumstances, residential schemes of 20 or more dwellings should provide on-site public open space and/or children's play provision. In this case however, the application site does not have the capacity to provide any additional level of public open space. In such cases, the Council would usually seek an offsite contribution, which would be spent towards enhancing or creating this provision within the wider area.

6.34. In this case however, as the development is proposing an entirely affordable scheme, the development would not be able to support any such financial contribution. In this regard, the applicants have further submitted a viability assessment, which shows that the development would not be viable if any such contributions were sought as part of the planning consideration of the scheme. As such, in this case, such contributions are not considered appropriate and are considered to be outweighed, by the provision of affordable units for social rent, which the city urgently needs. These units would further be secured by way of a S106 agreement and given the high number of units being proposed, with a large proportion of these able to accommodate small families; this additional supply of affordable units for the city is considered to outweigh any need for a further financial contribution for public open space.

6.35. It should further be noted that adjacent to the north of the site is an area of open space providing approximately 0.32ha of a low level grassed space. Further north of the city, circa 125m lies a multi-use games area. While to the south of the site, approximately 200m away, is an equipped children's play area on St Mark's Crescent. In addition to this, 800m to the west of the site, lies Edgbaston Reservoir and Rotten Park. As such, although no enhancement is proposed through the current scheme, it is considered that sufficient provision lies within close proximity to

the application site of suitable open space which can be used by future residents. As such the development proposals are considered acceptable in this regard.

Ecology:

6.36. An ecological report has been submitted in support of the application, which has been assessed by the city Ecologists. The report concludes that the existing building on site provides no evidence of potential nesting sites for breeding birds or bats, therefore the demolition will not affect these populations. As such the development is considered to be acceptable in this regard and appropriate conditions for Ecological enhancement measures, including Bird and Bat boxes are recommended.

Trees:

6.37. The development will remove a small number of young trees currently growing on the site, to its rear. Although regrettable, this approach is considered acceptable, subject to these being replaced within the forthcoming development. An appropriate landscaping condition is therefore recommended.

Drainage:

6.38. A Drainage Assessment and Drainage Plan have been submitted in support of the application proposals and detail the specification of the required attenuation levels for the development proposals. The proposed development looks to incorporate cellular storage, to the northern end of the application site, beneath the proposed car parking area. The cellular storage provision has been designed to have a capacity of 50.2 m3, which is considered acceptable for a site of this size and scale. To further control the flow of water from the site, an optimum hydro brake device is proposed, which will restrict the site's maximum discharge rate to 5 litres per second, into the existing Severn Trent Water sewer. The proposed development would further incorporate sustainable drainage systems and would not increase or exacerbate the risk of flooding within the site itself or the wider site area. The Lead Local Flood Authority has raised no objections to the development proposals and recommends suitable conditions for any subsequent planning consent. These would see the applicant submit a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan to the Council for approval, prior to occupation, alongside the submission of a sustainable drainage scheme.

Site Contamination and Air Quality:

6.39. A land contamination report and Air quality report was submitted as part of the submission, these have been reviewed by colleagues within Regulatory Services, who have raised no objection to the development proposals. Colleagues have however suggested the use of suitably worded conditions requiring details of any land contamination remediation works which are to take place on site. I agree with this approach and suitable conditions are attached.

Sustainability:

6.40. A further condition requiring no less than one charging point for electric vehicles shall be provided on site, will be attached to any subsequent planning consent.

West Midlands Police:

2.1. West Midlands Police were consulted on the development and raise no objections to the scheme, and further recommend the attachment of relevant conditions. These are as follows:

- The development be completed to Secured by Design 'Homes 2019' standards;
- A suitable scheme for boundary treatment and landscaping be submitted; and
- A suitable CCTV scheme be installed on site.

2.2. I concur with these views and suitable conditions requiring a landscaping scheme, a CCTV scheme and boundary treatment scheme will be recommended as part of any subsequent planning consent. With reference to the Secure by design standards, this will be recommended to the applicants by way of an informative, as it would be unreasonable to require the applicants to follow this guidance.

S106 and CIL:

6.41. All of the dwellings proposed on the site would be provided as affordable units, in the form of social rent. As such the scheme proposes well in excess of the 35% target in the BDP. I recommend that this is secured through a S106 agreement, as it is intended to off-set the need for a financial contribution towards public open space which the development would be unable to meet. Furthermore, the provision of 100% affordable housing should be given significant weight in the determination of the planning application.

6.42. As a 100% affordable housing scheme the scheme is not liable for CIL.

7. <u>Conclusion</u>

7.1. The site is previously developed land and the principle of residential use is considered acceptable in this predominately residential location, which is highly sustainable and in close proximity to the City centre. The loss of the existing building on site has been considered as acceptable and the development proposals are considered to propose a high quality design and sustainable form of development. The proposals would further provide 100% affordable housing and this is considered to outweigh the harm resulting from the lack of a financial contribution towards public open space provision within the surrounding area.

8. <u>Recommendation</u>

8.1. That consideration of application 2019/07191/PA be deferred pending the completion of Section 106 Legal agreement to ensure the following is secured:

a) The provision of all of the dwellings as affordable housing comprising 21no. one bed apartments and 41no. two bed apartments for social rent.

b) Local Employment and Skills Agreement.

b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 28th February 2020, planning permission be refused for the following reason:

1) In the absence of a legal agreement to secure the scheme as 100% affordable housing, the proposal conflicts with Policy TP31 Affordable Housing and TP9 Open Space of the Birmingham Development Plan 2017, the Affordable Housing SPG, the Public Open Space in New Residential Development SPD and the National Planning Policy Framework.

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

8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 28th February, 2020, favourable consideration be given to this application, subject to the conditions listed below:

9. Recommendation

9.1. Approve subject to 106 Agreement

1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the submission of sample materials
4	Requires the submission of the proposed architectural detailing
5	Requires the submission a Noise Insulation Scheme to windows:
6	Requires the prior submission of a contamination remediation scheme
7	Requires the submission of a contaminated land verification report
8	Requires the prior submission of an obscure glazing scheme for various elevations of the building
9	Requires the submission of hard and/or soft landscape details
10	Requires the submission of boundary treatment details
11	Requires the submission of a lighting scheme
12	Requires the prior submission of a construction method statement/management plan:
13	Requires the prior submission of level details
14	Requires the submission of a CCTV scheme
15	Requires the submission of details of refuse storage
16	Prevents occupation until the parking area has been constructed
17	Requires the submission of a residential travel plan

18	Requires the submission of cycle storage details
19	Requires the provision of a vehicle charging point
20	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
21	Requires the prior submission of details of bird/bat boxes
22	Requires the prior submission of a drainage scheme for foul and surface water flow
23	Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
24	Requires the prior submission of a sustainable drainage scheme
25	Requires the submission and completion of works for the S278/TRO Agreement
26	Requires the prior submission of details relating to the on-site ground source heat pumps

Case Officer: Idris Gulfraz

Photo(s)

(The application site, fronting Ladywood Middleway).

(The application site from Springfield Road).

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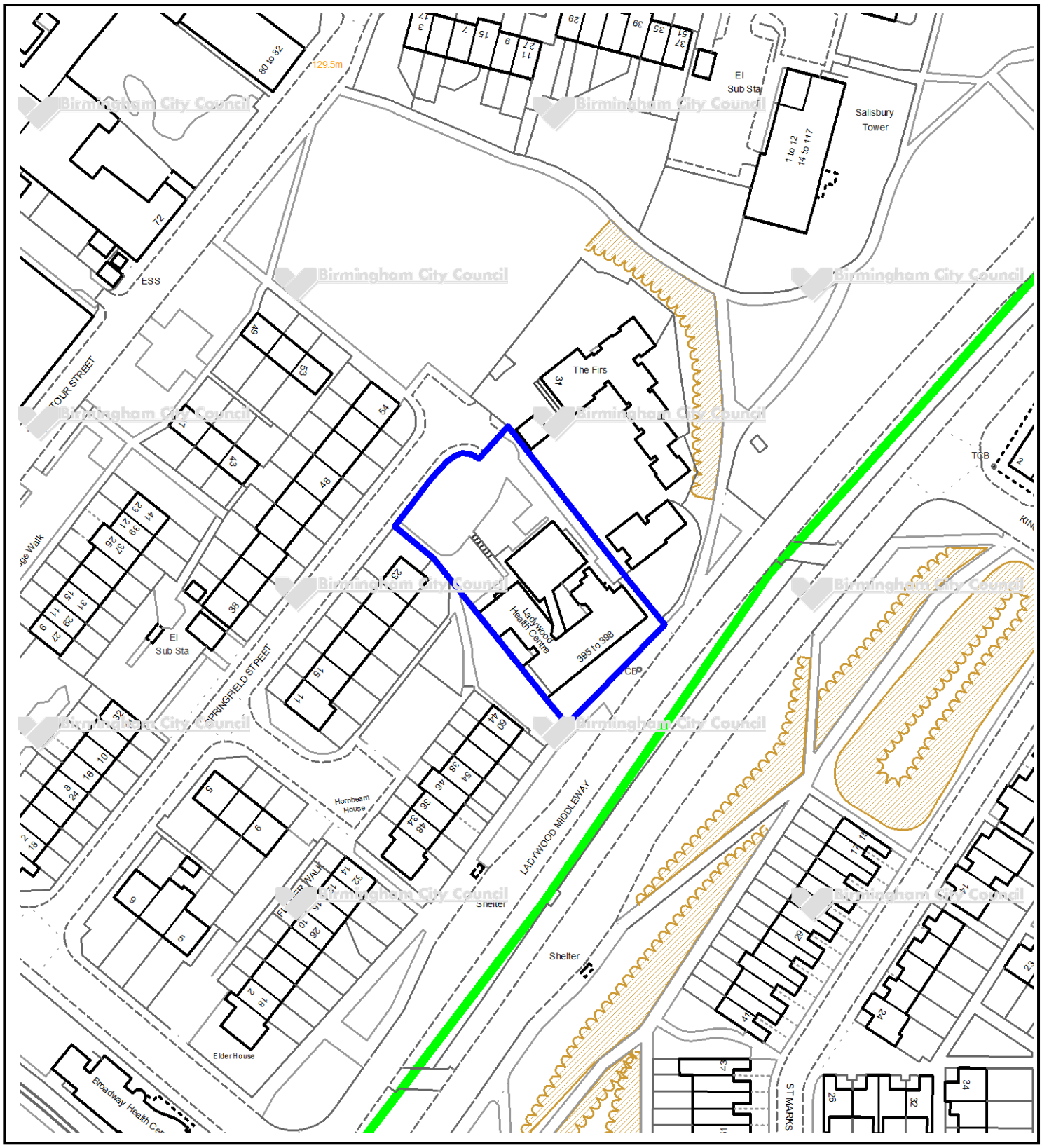
Location Plan



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Committee Date:	30/01/2020	Application Number:	2019/07968/PA
Accepted:	25/09/2019	Application Type:	Full Planning
Target Date:	31/01/2020		
Ward:	Perry Barr		

Birmingham Alexander Stadium, Walsall Road, Perry Barr, Birmingham, B42 2LR

Hybrid planning application to include full planning permission to provide a new western stadium, increase seating capacity to 18,000, relay athletics track, provide new warm up track, a new throwing area, sports lighting, provision of office/teaching accommodation, landscaping and all associated works. An outline application for Commonwealth Games 'overlay' to include temporary seating up to 40,000 spectators, athlete drop-off/pick-up area, temporary bus mall, various compounds and upgrade/provision of access road, all matters reserved

Recommendation
Approve subject to Conditions

1. Proposal

1.1. The application has been submitted as a hybrid application with part of the proposal detailed in full and part as outline. Full planning permission is sought for the permanent redevelopment of the Alexander Stadium in 'Legacy' mode after the Commonwealth Games in 2022. Outline permission is sought, with all matters reserved, for the 'Overlay' (temporary) elements required to facilitate the holding of the Commonwealth Games. The Gymnastics & Martial Arts Centre (GMAC) and the High-Performance Athletics Centre (HPAC) will be retained.

Full Planning permission

1.2. Full planning permission is sought for the creation of a stadium with an increased seating capacity for up to 18,000 through retention of the current East Stand and erection of a replacement West Stand following demolition (under separate consent), of the three existing stands. Within the new stand there will be offices and ancillary accommodation, and accommodation to facilitate the occupation and use of the site by the Birmingham City University Sports Science faculty. Permission is also sought for:

- Offices and ancillary accommodation;
- Re-laying 9-lane 400m competition track to IAAF Category 1;
- Throwing field;
- Three playing fields;

- Uncovered seating on embankments to the north and south ends of the stadium;
- Stadium sports lighting (4 masts with a height of 45 metres);
- Warm up track with sports lighting (4 masts with a height of 26 metres);
- Throwing area;
- Landscaping and all associated works

1.3. The new stadium would be constructed in a steel structure with a concrete tiered seating bowl. The concourse walls would be metallic blue-painted, feathered render on a severe duty external grade structural steel frame partition system. The roof would be clad in natural aluminium. It would include seating that wraps around the north and south bends of the track to visibly link the new main stand to the existing structure. The new West Stand would be defined with a simple geometry, in keeping with its functional requirements. The internal finishes within the legacy stadium have been designed to express the colours of British Athletics, BCU Sports Science Faculty and BCC.

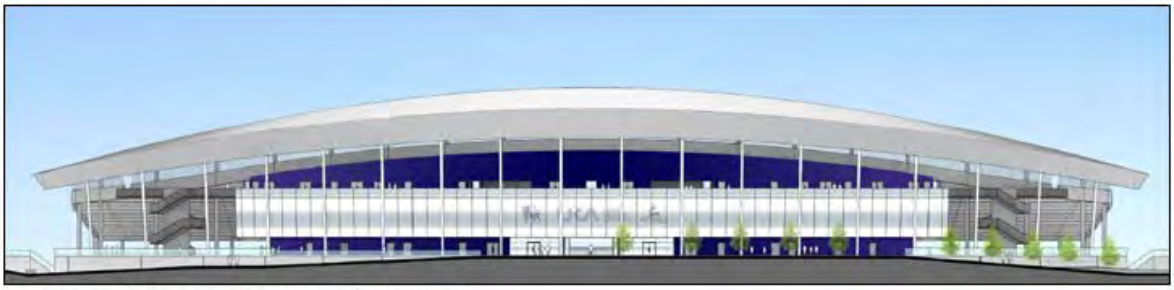


Figure 1: Image of proposed stadium

1.4. The sites improved facilities would be available for hire by clubs, schools and individuals.

Parking and Highways

1.5. Vehicular and pedestrian access to the stadium will remain as existing. Consent is also sought for the reconfiguration of 337 car parking spaces on the development site, 5% of which would be disabled spaces (16 disabled bays). This would reduce the number of spaces available immediately outside of the west stand, and increase the number of spaces available outside of the east stand. The 271 spaces outside of the GMAC and HPAC buildings would remain in situ. The new configuration would provide a total of 608 spaces. This is a reduction of 8 spaces from the existing provision. No permission is sought for parking on Perry Park during the Games. In Legacy mode, event parking on Perry Park will continue as per existing conditions. Proposals include the provision of 10 cycle parking spaces in the East Stand, and 80 spaces for BCU and the West Stand.

Landscape

1.6. A landscape strategy has been included in the proposals. In summary this includes: levelling the land in two locations, wildflower meadow planting, provision of bird and bat boxes, and new seating. The proposals include the loss of 61 individual trees, and approximately 70 additional trees within groups. Eleven trees would be transplanted within the plan-area. The scheme includes replacement planting of 302 trees, of which 189 are semi-mature trees, and 114 extra-heavy standards, the remainder would be woodland planting. There would therefore be a significant net-gain of 170 trees on the site post-development.

Outline Planning permission

1.7 Outline permission is sought for elements required to facilitate the holding of the Commonwealth Games in 2022. This also includes the construction of a rear stadium access road which would lead around the East Stand to the proposed warm-up track.

1.8 Outline consent is sought for the provision of:

- Temporary uncovered additional seating in the northern and southern stands to increase capacity up to 40,000 spectators;
- an athlete load/drop-off zone;
- A spectator plaza;
- A temporary bus mall;
- Compounds to facilitate broadcasting, ceremonies and operations; and,
- An upgraded access road from A453 Aldridge Road, including new permanent section of rear stadium access road for Commonwealth Games and Legacy stadium (with restricted access).

All matters reserved.

1.9 The development would be delivered in a series of phases. In summary:

Phase 1 – stadium and sports facilities;
Phase 2 – Games mode;
Phase 3 – Landscaping works post-games mode.

1.10 A screening opinion was submitted at pre-application which determined the development did not require an Environmental Impact Assessment however the applicant submitted a scoping opinion and subsequently an Environmental Statement and the application has been advertised accordingly.

1.11 The submitted ES includes chapters assessing air quality, bio diversity, climate change, cultural heritage, ground conditions, health, landscape and visual, noise and vibration, socio-economics, traffic and transport, water environment and cumulative impact. Appendices provide further detail and a summary is included within the full ES and a separate non-technical summary has been provided.

1.12 In addition to the Environmental Statement and appendices the application has been submitted with the following documents: A Planning Statement, CIL form, Statement of Community Involvement, Transport assessment, Travel Plan, Flood Risk Assessment, Sustainable Drainage Assessment, Sustainable Drainage Operation and Maintenance Plan, Tree Survey/Arboriculture Assessment, Design and Access Statement, Energy Statement, Open Space/Playing Fields/Physical Facilities Assessment, Lighting assessment, and Landscape Masterplan – (Legacy and Games mode).

1.13 Link to Documents

2 Site & Surroundings

2.1 The Development Site subject of the hybrid planning application occupies a total area of approximately 33 hectares. It includes the existing Alexander Stadium; Birmingham High Performance Centre (HPAC); Gymnastics and Martial Arts Centre (GMAC); and Perry Park public open space to the north west of the GMAC.

2.2 It is situated to the North West of the City Centre in the Perry Barr Constituency. It lies between the M6 to the east and the A34 Walsall Road to the west and is bounded by the Tame Valley Canal immediately to the north. Perry Reservoir is situated adjacent to the site boundary immediately north-east of the Alexander Stadium. It acts as a water storage and overflow reservoir for the Tame Valley Canal.

2.3 Two Sites of Local Importance for Nature Conservation (SLINCs) are adjacent to the site. These include: Tame Valley Canal and Perry Park Lake. There are several Grade II statutory listed buildings nearby: Anglican Church of St John, 2/15 15 and 17 Church Road, Packhorse Zig-Zag Bridge and canal infrastructure. The nearest conservation area (Aston Hall and Church Conservation Area) is over 1km to the south east.

2.4 The Proposed Development site is accessed from two signalised junctions from the A34 Walsall Road; Stadium Way that runs to the north of the Walsall Road allotments; and an unnamed access road to the south of the allotments, running from Church Road.

2.5 The full application site comprises the Alexander Stadium, HPAC and GMAC buildings and surrounding land, including car parking and public open space, amounting to approximately 16 hectares. It does not include any of the Perry Park open space to the south east of the stadium.

2.6 The outline elements fall within the wider Perry Park and partly within the full application site (to include the temporary stands, temporary spectator plaza, rear stadium access road to be retained for Legacy mode and other Games related operational uses).

2.7 The headquarters of UK Athletics and British Athletics are in the East Stand along with a city council funded gymnasium with a free weights room to facilitate associated fitness classes. The existing main stand is home to the Birchfield Harriers Athletics club. This is one of Britain's most successful athletics clubs, with a member competing at every summer Olympics bar one since 1908. Their accommodation includes their clubroom, bar, offices, committee room and club shop.

2.8 Site location

3 Planning History

3.1 The stadium dates from 1975. It first opened in 1976 and was subject to expansion and refurbishment in 2011. The GMAC Centre was opened in 2008. With the exception of 2019/06062/PA detailed below, there have been no relevant planning applications within the last three years.

3.2 16th August 2019 – 2019/06062/PA Application for prior notification for the demolition of 3 athletic stadium stands. Prior approval required and granted with conditions.

4 Consultation/PP Responses

4.1 Canal and River Trust – No objections to application following submission of additional information subject to conditions with regard works within 10m of the canal embankment, construction management plan, landscaping and floodlighting hours.

4.2 Education and Skills (Employment) – standard employment condition required.

4.3 Historic England – No comments.

4.4 Highways England – No objection.

4.5 Environment Agency – No objections subject to conditions with regard flood risk and contamination to controlled waters.

4.6 Lead Local Flood Authority – No objection to the amended/additional information subject to conditions to secure hydraulic modelling.

4.7 Leisure Services – fully supportive of this proposal. It will deliver a fantastic sporting facility that will serve the whole of Birmingham and provide improved outdoor and indoor facilities for the local community around Perry Barr.

4.8 Natural England – No objection.

4.9 Regulatory Services – Comments to be reported verbally to committee if received.

4.10 Sport England – Whilst comments are made on a non-statutory basis they are wholly supportive of the proposals to redevelop the stadium and its associated facilities, and are working in partnership with the City Council and its partners to deliver successful facility investment that will provide a sporting legacy for the City after the Games. Therefore subject to conditions to secure details with regard pitch drainage, pitch maintenance and community use they raise no objections.

4.11 Transport Development – No objections subject to conditions.

4.12 West Midlands Fire – Notes the requirement to meet relevant Building Regulation requirements.

4.13 West Midlands Police – Numerous comments with regard need to meet Secured by Design standards and hostile vehicle mitigation along with the need for CCTV and lighting to be provided across the site.

4.14 Local residents' associations, neighbours, Ward Councillors and the MP have been notified. Site and press notices have also been displayed. 7 letters of objection have been received raising the following concerns;

- Result in unacceptable loss of trees
- Adverse impact on wildlife
- Existing poor drainage made worse
- Adverse impact from proposed floodlighting
- Adverse impact of noise from use of warm up track and stadium tannoy system
- Loss of public park
- Site already chaotic when large events are held.

4.15 Cllr Hunt also sent a letter in principle raising no objection to the proposal subject to the following issues being addressed

- access to the park alongside Perry Park Crescent
- access along northern edge needs to be secure and inviting and a new access to canal side needs to be provided
- endowment for Friends of Perry Park
- the reinstatement of a community football pitch

5 Policy Context

5.1 Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; Places for All SPG; Access for People with Disabilities SPG; Car Parking Guidelines SPD; Lighting Places SPD; Floodlighting of Sports Facilities SPG; Planning Policy Guidance and the National Planning Policy Framework.

6 Planning Considerations

Background

6.1 Alexander Stadium is an existing international standard athletics venue, sited within Perry Park. The existing track and field site comprises an eight-lane synthetic surface running track and a ten-lane straight track section. It has a current seating capacity of 12,700 spread across four separate stands. It is available to hire by individual athletes, clubs and schools. The stadium is currently operating at a loss and, before their demolition, the western stands were in disrepair.

6.2 The awarding of the Commonwealth Games in December 2017 to Birmingham, with the Alexander Stadium venue also selected as the principal venue (holding the opening and closing ceremonies in addition to the athletics events), has provided an opportunity to invest in the future development of this existing international sporting venue which will act a catalyst for wider investment and regeneration and presents a real legacy opportunity.

6.3 As part of this redevelopment Birmingham City University (BCU) have formally agreed to occupy the stadium post games and this commitment ensures the site will support further development of skills and education in the region as well as providing a long term anchor tenant alongside existing tenants to enable a viable, prosperous future for the facility. Further whilst this application does not seek permission for any wider long-term vision the Council is currently exploring options to enhance and improve the wider Perry Park in order for it to maximise the potential legacy benefits of this development.

Policy

6.4 The NPPF sets out the framework for national planning policies whilst locally the BDP sets out the strategy to achieve sustainable growth of the City for the period up to 2031. In particular policies PG2 and TP25 highlight the importance of promoting Birmingham as an international city and reinforce Birmingham's role as a centre for tourism, culture and events, whilst TP11 supports the provision of facilities for formal and informal activities that contribute to healthier lifestyles going on to state that the expansion and/or enhancement of existing facilities will be supported, subject to compliance with other relevant planning policies, as would appropriate and sympathetic sports lighting which can enhance the sustainability of community sports provision. Policy TP9 identifies that planning permission will not normally be granted for development on open space unless, amongst others, the development is for alternative sport or recreational provision, the benefits of which clearly outweigh the loss.

6.5 The existing Stadium sits within Perry Park and is surrounded by public open space. At present the open space to the North West of the stadium is poor quality with no facilities and uneven sloping ground which is also poorly drained. However local resident's and Cllr Hunt have raised concerns about losing access to the park, particularly in relation to the north west part of the site, off Perry Park Crescent.

6.6 The application has been supported by an open space/playing fields/physical facilities assessment. This assessment demonstrates that the area to be developed has not been laid out as formal playing fields and therefore whilst Sport England's comments have been sought these are provided on a non-statutory basis only. Further whilst public access is available in and around the stadium, currently there are existing areas which are considered to be private and to which public access is restricted at times (see fig 2 below).

Fig 2: Existing and proposed public/private areas

6.7 The proposal will provide a new 9-lane 400m athletics track, throwing field, 6-lane 400m warm up track and 3 playing fields. The athletics track will be located in the same area as the existing with the new warm up track and throwing area located to the north west of the stadium behind the HPC and GMAC buildings. 2 of the new full sized playing fields would be located within the middle of the athletics track and the warm up track with the 3rd playing field accommodated on the throwing area. The throwing area would only be fenced off, for safety, during its use and access from Perry Park Crescent would thereby be retained. An improved strength and conditioning gym and 2 flexible dance/aerobics studios would be provided within the

new stadium and park accessibility would be enhanced through the provision of more level ground and path provision. Further the application explains that the intention is for the new facilities to be used by various partners including Birchfield Harriers, and several schools with the English Schools Athletics Championships held at the site annually and that the new warm up track and infield are intended to be made available for public bookings on evenings and weekends, with expected increased use by schools during daytime periods.

6.8 The supporting information demonstrates that, after redefining the public private areas, there would be a loss of 1,160 sqm from the permanently publicly accessible open space (Fig 1 above). However, the proposal would result in a significant improvement on existing sporting facilities at the site and include the provision of an state of the art athletics stadium, to host the Commonwealth Games and subsequent major elite sports events which will be a major asset for Birmingham, and reaffirm the City's role as a premier venue for athletics. The proposal would provide over 22,500 sqm of new playing pitches, meet an identified need and meet Sport England's size requirements. Further the supporting information is clear that these facilities will be available for community use. The provision of formal pathways, more level ground, seating, litter bins and the proposed landscaping will also enhance the accessibility and appearance of this part of the park and encourage less formal use of the retained open space. The proposal is fully supported by Sport England and Leisure Services.

6.9 The legacy development will not fundamentally alter access to the vast majority of Perry Park and will significantly improve the quality of the public open space and sports facilities available. Further, whilst there is currently no details of specific access restrictions during games mode this would be on a temporary basis only and would not therefore be contrary to policy. Therefore subject to safeguarding conditions I consider the proposed development would satisfy TP9 and would, in land use policy terms, be acceptable.

Trees, landscaping, ecology

6.10 The reservoir to the east and the canal to the north of the application site are SLINCs and the canal forms part of the green infrastructure network. Local and national policies seek to retain and enhance these areas and policies PG3, TP7 and TP8 are of particular relevance.

6.11 The proposal would result in the loss of 61 individual trees and approx. 70 within groups. Whilst the supporting information, including the relevant ES appendix and LIVA, acknowledge that while the removal of some of the trees is justified due to their age or condition the majority of the trees are of value and their loss in relation to the sites visual appearance, ecology and biodiversity will be significant. Local residents' concerns in this respect are acknowledged and I concur with Tree, Landscape and Ecology Officers that, at a local level, the tree loss will be significant. My Tree Officer also notes that the concept of 'future CAVAT' to justify the proposed mitigation is not accepted.

6.12 However, the proposed legacy landscape scheme identifies 302 tree replacements, of which 189 of these would be semi-mature (20cm+ girth) and 114 extra-heavy (14-20cm girth) trees, resulting in a net gain of 170 trees on the site. In addition, 11 existing trees would be transplanted within the site and a range of cornfield, hedgerow, flower and grassland meadow areas are also proposed alongside the provision of footpaths, bins and benches. Amendments to the plans have also secured bird and bat boxes across the site. Further, the proposed landscape has

been carefully considered and designed to integrate the development within its wider parkland setting. The geometry of the built form has been replicated in the structure of the planting to form a stepping stone between the natural parkland and the forms of the sports facilities. Planting has also been used to form spaces within the site, creating a series of different areas that users can explore. As such I concur with my colleagues that, subject to appropriate safeguarding conditions, the legacy landscaping proposal will mitigate for the loss of the existing, and ultimately improve the sites tree canopy cover, its visual appearance and its biodiversity in accordance with both existing and emerging planning policy and is therefore acceptable.

6.13 Due to the use of the wider site for the Commonwealth Games most of the legacy planting would be implemented post games to ensure that the games mode operation does not adversely impact the landscaping and also reduce the risk of unnecessary financial expenditure. However bird and bat boxes would need to be installed immediately in order to provide appropriate nesting/roosting places lost by the tree removals. Conditions to secure appropriate landscape phasing along with conditions for maintenance, materials, planting ratios, levels and boundary treatment are recommended accordingly.

6.14 The landscaping proposals also indicate the provision of a potential link to the canal to the north of the stadium. This link would be welcomed however it is recognised that this is beyond the control of the applicant as it would require land in the ownership of the Canal and River Trust. Development Planning Officers will seek to explore further this potential with the relevant parties.

Design

6.15 Local and national planning policies highlight the importance of creating high quality buildings and places and that good design is a key aspect to achieving sustainable development. The application has been supported by a series of documents including a Design and Access Statement which identifies the key architectural and contextual design principles for the development as being;

- to form a contemporary design,
- create a stadium identity,
- meet latest stadium legislation,
- be accessible for all, and
- Enhance the local area.

6.16 The building and the associated public realm has been carefully designed with simple geometry to provide an amphitheatre-like environment and successfully addresses the key identified principles. As such the proposal would result in a development of an appropriate scale, mass and appearance respecting the existing setting, the retained east stand and the development constraints of the site (ie the existing GMAC and HPC buildings). In particular the West Stand, and to some degree the sports lighting, will greatly improve the appearance of the stadium and create a much more coherent identity as a modern sporting venue and enhance the experience of users and visitors. The proposed development would result in a stadium of significantly upgraded design quality and sustainability that should create a positive legacy for Birmingham and the local area well beyond the Commonwealth Games as such my City Design Officer welcomes the proposal. Therefore subject to safeguarding conditions I consider the proposal for the legacy development would accord with local and national planning policies in this respect. The design matters for the outline element will be dealt with under future reserved matters applications.

Sports lighting

6.17 The proposal includes replacement sports lighting for the stadium in the form of 4 lighting columns of between 40 and 45m in height supporting 96 luminaires and 18 luminaires on the roof edge of the proposed stadium. New sports lighting is proposed for the warm up track and would comprise of 8 lighting columns between 23 and 26m in height supporting 84 luminaries. The applicant has confirmed the flood lights would be used until 10pm Monday to Friday (September to March)

6.18 The provision of sports lighting increases the opportunities of the facilities being used as it enables use during evening hours particularly during the months September and March. Therefore in principle policy TP11 supports the provision of sports lights with more specific guidance on their installation contained within Floodlighting Guidance of Sports Facilities, Car Parks and Secure Areas SPG. Consequently a Lighting Assessment has been submitted in support of the application and it considers the proposal in light of these policies as well as guidance issued by the Institution of Lighting Professional (ILP).

6.19 Local residents have expressed concerns over the impact of the proposed lights which they also consider will be worsened by the proposed tree loss particularly along the canal embankment. The proposed lighting assessment considers 174 receptor points along the east of the reservoir, the canal embankment, residential properties immediately to the north (Curbar Road) and residential properties to the west (Perry Park Crescent). The results of the assessment demonstrate that the impact of the proposed lights by virtue of source intensity, sky glow and light intrusion (three light assessment tests) would be minimal with lux levels all below 1 lux during use. Your Committee's Floodlight SPG identifies that lux levels should not exceed 5 lux at sensitive receptors during use. Therefore whilst there would be a change in the visible light levels on site, the light levels would be contained, intrusion would be minimal and the proposed sports lights would comfortably comply with policy requirements with respect sensitive receptors. My Ecologist has also raised no objection in terms of the sports lights impact on existing wildlife. A condition to maintain the lights in accordance with the details submitted and prevent their use after 10pm is however recommended in order to minimise impact on wildlife and safeguard local residents' amenity.

Transportation

6.20 The application has been supported by a Transport Assessment which includes assessment of the 'day' to 'day' operation of the site, large scale events and the sites development in relation to the agreed Perry Barr Highways Improvement Scheme.

6.21 In legacy mode, the site will be used as it is now but with the addition of the BCU Sports Science Faculty and parking and access will not be substantially different. Access to the site would remain as existing with the addition of a new athletes' road which would broadly follow the existing tarmac suface from Aldridge Road (specific details to be agreed) to the rear of the existing East Stand but this would be subject to controlled access and not available for 'general' access. Permanent car parking provision would be reorganised and whilst there would be a loss of 8 spaces 608 car parking spaces would be retained. 16 of these would be accessible, 6 would have access to EV charging facilities and 60 would be dedicated to staff and visitors of BCU. 2 coach bays would also be provided for BCU and 80 cycle spaces. Temporary overflow parking for large scale events is currently accommodated on Perry Park and this would continue in legacy mode. The specific details with regard access to the site during games mode is not known will be dealt with by the reserved

matters application but it is noted that as part of the City's Games Commitment visitors will not be able to park at the venues.

6.22 The TA concludes that the impact of the legacy development on the highway network is minimal with most of the associated congestion confined to the stadium car park on departure following a large event on a Saturday which would be event managed, that the traffic associated with the BCU development has no impact on the network.

6.23 The site is accessible by a wide variety of transport modes, includes limited parking/access alterations for the 'day' to 'day' operation of the site and the stadium's increased capacity can be accommodated as per the existing arrangements whilst games mode will be temporary, not support visitors vehicles at the venue and specific details required by a further reserved matters application. I therefore concur with Transportation Development who, subject to conditions, including event management, raise no objection and consider the proposal would accord with policy. Highways England have also raised no objection to the proposal.

Flooding

6.24 The wider application site includes some land which is mapped to be at a greater risk of flooding, falling within flood zone 2 and 3. The EA and LLFA have therefore been consulted. The ES contains a chapter on the water environment and a Flood Risk Assessment has also been submitted and additional information has been provided during the course of the application. Policy TP6 is particularly relevant.

6.25 Fluvial flood risk is not considered to be a direct concern for the legacy element however the overall draining strategy does rely on utilising Perry (Reservoir) Pool and the reservoir outfall channel, from which there is a flood risk. The surface water management strategy also has the potential to exacerbate flood risk downstream. However subject to conditions to secure additional information for revised hydraulic modelling, surface water drainage scheme and a sustainable drainage operation and maintenance plan the LLFA raise no objection. The EA have also raised no objections subject to conditions securing revised hydraulic modelling (covered by LLFA conditions) and water contamination/verification conditions which are recommended accordingly.

Sustainability

6.26 The BDP supports the Council's commitment to a 60% reduction in total carbon dioxide (CO2) emissions produced in the city by 2027 from 1990 levels through a number of policies including TP1, TP2, TP3 and TP4 and the application is supported by a wide range of documents in this respect, including a Sustainable Construction Statement, Site Waste Strategy and Energy Statement. The proposal will utilise an air source heat pump (ASHP) system to heat and cool the building, include the provision of vehicle electric charging points, include energy efficient options for plant and machinery, use energy efficient LED sports lights and expects to achieve a 7% improvement on building regulation requirements. The proposal would therefore comply with the aims and objectives of local and national planning policy in this respect.

Other

6.27 The ES and supporting Heritage Assessment concludes that the proposed development would have an acceptable impact subject to further detailed

archaeology works with regard the outline application. An appropriate condition is recommended.

6.28 An Air Quality Assessment has been submitted which includes mitigation for managing dust during construction, but that neither the operation of the stadium or the use of the wider site in games mode would require mitigation. The conclusions of this assessment are accepted.

6.29 Local residents' have raised concerns about the noise generated by the use of the existing sports announcing equipment. However information submitted in support of the application demonstrates that there would be no significant noise generated either during construction or operation of legacy or games mode and conditions are recommended to secure this.

6.30 There would be no policy basis against which to secure monies for the Friends of Perry Park. All other objections/concerns have been addressed within the body of the report.

6.31 West Midlands Police have raised a series of comments a number of which are dealt with by other legislation and they have been passed to the applicant for information. Liaison with the Police with regard the Common Wealth Games continues. However as a result of the redevelopment the general site security will be improved by the following measures;

- An event control centre within the new stand
- Secured access points for spectators, athletes, officials and staff
- Internal and external CCTV monitored on site and at the central BCC security centre
- Improved public realm lighting, co-ordinated with the CCTV system

And these matters will be secured by condition.

6.32 No protected characteristics, as defined by the Equality Act, have been identified to be adversely affected by the proposal; moreover the resultant facilities will likely have a positive impact with improved disability accessibility to the stadium.

6.33 An Environmental Statement has been submitted alongside the planning application which identifies the main adverse impacts of the development to be landscape and visual changes to the character of the site and along the Tame Valley Canal and loss of trees alongside the canal. The loss of trees would be avoided if possible but it is a consequence of stadium operational requirements and existing site constraints. This impact would be of no greater than a local impact and as addressed at para 6.10-6.14 these matters are mitigated appropriately.

6.34 Phasing of the project has been carefully planned to minimise the duration and extent of the disruption to Stadium and Park users as well as the local community, as detailed in the Design and Access Statement and controlled by condition x. For the Games, the detailed event planning is not yet known, and this will be the responsibility of the Organising Committee (OC) in conjunction with the relevant Local and Security Authorities to inform the community closer to the event and considered as part of future reserved matters applications.

7 Conclusion

7.1 The proposed development would result in the loss of existing public open space however the park would remain accessible and any loss would be outweighed by the public benefit of the improved sporting facilities which would be a long term legacy for the community. The design of the building is of a high quality and would be complemented by the proposed landscaping strategy which would, in the long term, mitigate the proposed tree loss and improve the site's biodiversity. The sustainability credentials are also positive and the impact on the highway would be negligible. Specific details for the sites increased capacity and operation during 'games time' will be for future consideration but will be temporary in nature only. Overall therefore this is a strategically important development requiring significant investment which would result in significantly improved sporting facilities for a variety of users in the immediate and wider locality. In addition to being instrumental in facilitating the City's successful hosting of the Commonwealth Games and key to the City demonstrating its capacity to support local, national and international events. The development would therefore have a wide ranging and positive economic, social and environmental impact and, subject to conditions, would be a sustainable form of development in accordance with local and national planning policy.

8 Recommendation

8.1 Approve subject to conditions

1 Requires the submission of sample materials (Both)

2 Requires the prior submission of a construction ecological mitigation plan (Both)

3 Requires the scheme to be in accordance with the listed approved plans (Both)

4 Requires the submission of reserved matter details following an outline approval (Outline)

5 Requires method statement for works within 10m slope (Full)

6 Limits the use of the floodlighting (Full)

7 Requires an employment construction plan (Both)

8 Requires the prior submission of details of bird/bat boxes (Full)

9 Requires the implementation of the submitted mitigation/enhancement plan (Both)

10 LEMP CONDITION (Full)

11 Requires the submission of hard and/or soft landscape details (Both)

12 Requires the prior submission of earthworks details (Full)

13 Requires the submission of sample materials (Both)

14 Requires the prior submission of level details (Both)

15	Requires the scheme to be in accordance design and access statement (Full)
16	Requires archaeological assessment (Outline)
17	Requires the submission of hard surfacing materials (Both)
18	Requires the submission of boundary treatment details (Both)
19	Requires the submission of a landscape management plan (Full)
20	Secure playing pitches (Full)
21	Secure playing pitch maintenance plan (Full)
22	Secures community use (Full)
23	Defines phases (Both)
24	Implement within 3 years (Outline)
25	Requires the prior submission of a construction ecological mitigation plan (Both)
26	Requires the prior submission of a construction method statement/management plan (Both)
27	Requirements within pre-defined tree protection areas (Full)
28	No-Dig Specification required (Full)
29	Requires tree pruning protection (Full)
30	Arboricultural Method Statement and Tree Protection Plan - Implementation (Full)
31	Requires the prior submission of a construction method statement/management plan (Both)
32	Requires the submission of vehicle parking and turning details (Full)
33	Requires the submission of entry and exit sign details (Full)
34	Requires the submission of a parking management strategy (Full)
35	Requires the submission of a commercial travel plan (Full)
36	Requires the delivery and service area prior to occupation (Full)
37	Requires the submission of details of parking (Full)
38	Requires the submission of cycle storage details (Full)
39	Requires the submission of a car park management plan for disabled spaces (Full)
40	Requires the provision of a vehicle charging point (Full)

41	Restricts surface water drainage (Both)
42	Prevents piling (Both)
43	Requires the prior submission of a contamination remediation scheme (Full)
44	Requires the submission of a contaminated land verification report (Full)
45	Requires hydraulic modelling (Both)
46	Requires surface water drainage scheme (Full)
47	Requires Sustainable Drainage Operation and Maintenance Plan (Full)
48	Implement within 3 years (Full)

Case Officer: Joanne Todd

Photo(s)

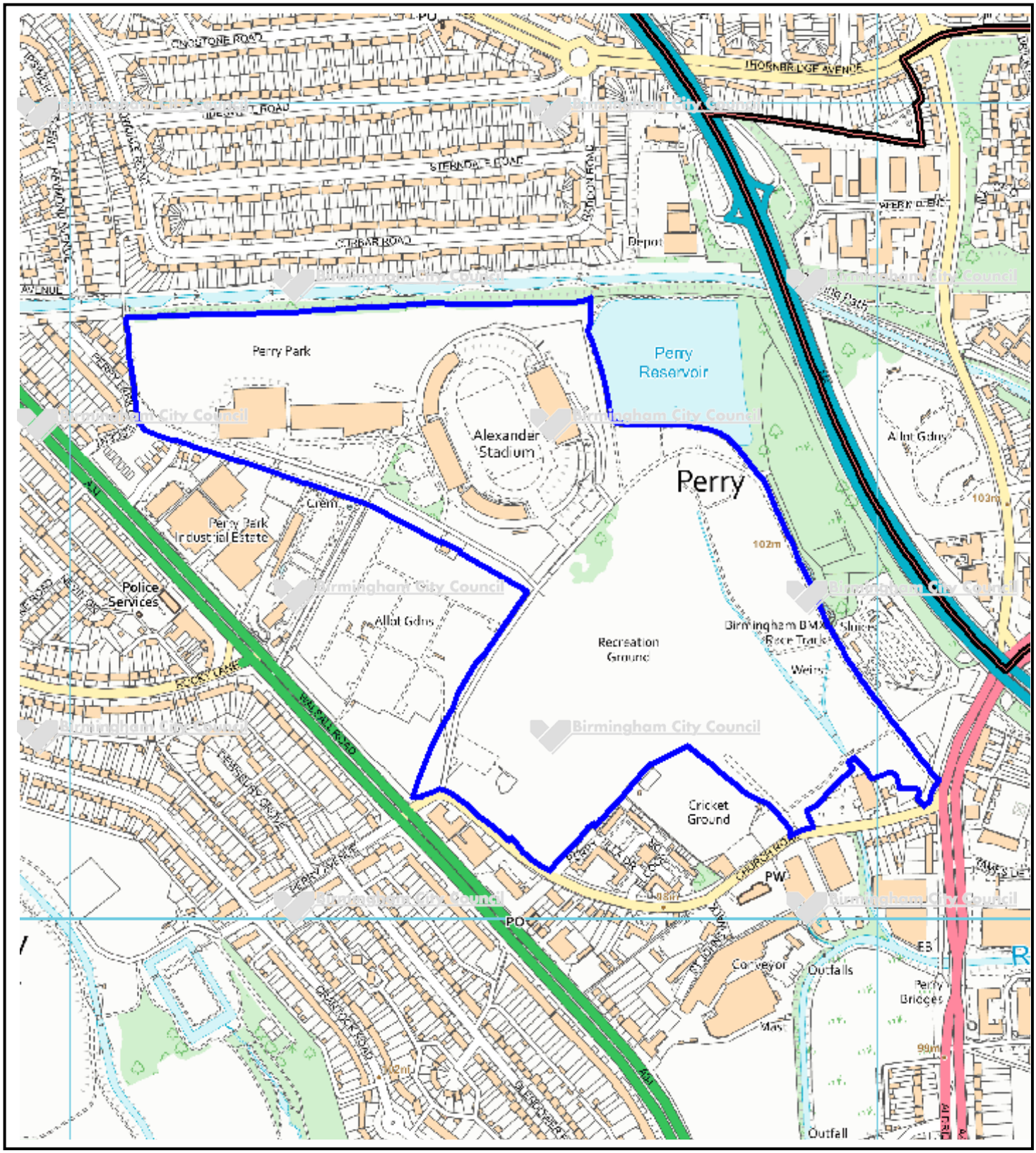
Fig 3: Existing site to rear of HPC and GMAC

Fig 4: Previous West stands during demolition (to right of pic)

Fig 5: View across Perry Park towards city centre

Fig 6: Goggle ariel view of site

Location Plan



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Committee Date:	30/01/2020	Application Number:	2019/04425/PA
Accepted:	13/06/2019	Application Type:	Full Planning
Target Date:	12/09/2019		
Ward:	North Edgbaston		

Land to rear of 229-285 Shenstone Road, Soho, Birmingham, B16 0PG

Erection of 2 no. residential apartment buildings each comprising 9 no. 1-bed apartments (18 in total) to provide assisted living accommodation (sui generis)

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Planning permission is sought for the erection of two apartment blocks each comprising of 9 no. 1-bedroomed flats, landscaping, parking and associated works. The proposed flats are shown arranged in two blocks along the south-western boundary of the site. The buildings are separated by a courtyard containing car parking (14 spaces), with a refuse store to the northern boundary of the site.

1.2. Both blocks are designed to be three storeys in height and designed with a flat roof. Apartment block one would measure 29.3m in length x 10.9m in depth x 10.2m in height. Apartment block two would measure 36.7m in length x 10.3m in width x 9.8m in height.

1.3. The residential apartments range from 43.2sqm to 50.7sqm in footprint. Each containing an en suite bedroom, living/dining and kitchen areas.

1.4. The development would provide supported living accommodation to adults which require a certain level of care provided by Stepping Stones Social Housing Partnership. Occupiers will be permanent tenants that lease the properties in their own names. The agent has confirmed that the occupiers would not require 24 hour care and would require assistance with some day to day tasks. The site would not be occupied by resident staff in the style of a nursing or care home but staff would come and go from the site daily. Although the apartments are somewhat catered towards independent living, the proposal does include some shared communal areas, alongside meeting rooms and other on-site facilities. It should however be noted that staff members would only visit the site when and where required and will not be sited within the building permanently.

1.5. The level of care on offer to residents would differ between each individual; as the applicant caters for a variety of needs that require this form of accommodation as their next step towards independent living. The applicant has confirmed they operate a number of similar sites across the country and will partner with a registered housing provider.

1.6. The application description has been changed to reflect the sui generis nature of the proposed assisted living nature of the use as it does not strictly fall within the

definition of a C2 residential intuition or C3 dwelling house. Additional consultation has been carried out to reflect this.

1.7. The application is accompanied with a suite of supporting statements: energy statement, tree survey, ecology appraisal, drainage statement and survey, and a Design and Access statement.

1.8. Link to Documents

2. Site & Surroundings

2.1. The application site is a 2,623sqm (0.64 Acres) rectangular shaped piece of land located to the rears of 229-285 Shenstone Road in Ladywood that is previously undeveloped. There is a row of mature trees along the south - western boundary. There is also a canal feeder water course to south west of the site which is designated as a Sites of Local Importance to Nature Conservation (SLINC).

2.2. The application site is located within a residential area which consists of a mixture of properties styles. The properties to the east of the site on Shenstone Road are traditional winged terraced dwelling houses, to west on Barley Road are modern detached dwellings and to the north is a modern apartment block and an area of public open space.

2.3. Site Location

3. Planning History

3.1. 20/02/2009 - 2008/01236/PA - Erection of five, two storey detached houses with associated access road, parking and landscaping – Refused on grounds of the creation of a poor quality environment for residents and an isolated residential environment with limited surveillance.

4. Consultation/PP Responses

First Consultation:

4.1. BCC Education – No comments or objections

4.2. BCC Regulatory Services - No objections have been raised subject to the inclusion of conditions relating to the submission of a contamination remediation scheme, contaminated land verification report and electric vehicle charging points.

4.3. BCC Transport – No objection subject to cycle storage condition and questions if a separate footpath along the access road should be provided.

4.4. West Midlands Police –No objections, subject to conditions in relation to CCTV camera installation. They offer advice on Secure by Design Standards, lighting and video intercom systems.

4.5. Canals and River Trust – No objections raised however informatives have been requested that require the applicant to contact them prior to commencing works on site.

4.6. Seven Trent Water – No objections have been raised, however a condition has been requested that requires the submission of a drainage plan.

4.7. West Midland Fire Service – have advised of the need for the proposal to comply with Part B of the Building Regulations 2010.

4.8. LLFA – Awaiting final comments.

4.9. Local residents associations, neighbours and ward councillors have been notified of the application and site and press notices posted. This has resulted in the receipt of 10 objections to the application together with a petition containing 31 signatures. The grounds or objection are:

- Loss of open space and impact on wildlife, including badgers, foxes, bats, owls and other birds
- Impact on residential amenities, loss of light and overlooking, as well as issues from noise and other disturbance.
- Over development of the site.
- Insufficient car parking is proposed for the number of apartments. The development would add to parking and other traffic problems in the area.
- 1 bedroom flats are not needed in the area. The requirement locally is for family accommodation.
- Would lead to additional littering and other environmental issues.
- Impact on property values.

4.10. Comment received from Councillors Rice and Thompson who supports residents' concerns.

Second Consultation:

4.11. Local residents associations, neighbours and ward councillors have been notified of the application and site and press notices posted. This has resulted in the receipt of 3 additional objections to the application. The grounds or objection are:

- Impact on existing access to Stag Road
- Pressure on local services such as hospitals and health care.
- Increased traffic and parking pressures
- Impact on local environment specifically through increase noise and litter issues
- Impact on local flora and fauna
- Loss of outlook

4.12. A further comment has been from Councillor Rice who has queried the tenure of the apartments and the type of need the residents would require that would occupy the development as well as querying if there would be an increase in parking pressures and local wildlife.

5. <u>Policy Context</u>

5.1. Birmingham Development Plan (2017), Birmingham UDP (Saved Policies) (2005), Places for Living SPG (2001), Mature Suburbs SPD (2006), Car Parking Guidelines SPD (2012); National Planning Policy Framework.

6. <u>Planning Considerations</u>

Principle of residential development

6.1. The application site has no specific planning policies however supports the broader BDP Policy PG1 which seeks to deliver the plan target of 51,100 additional homes across the City over the plan period 2011 to 2031.

6.2. The current proposals would see the erection of a Sui-Generis form of accommodation for assisted living, which will be managed by a registered provider; seeking housing for a variety of adults with specific needs and would require a form of care and support. As set out above the development would be occupied by permanent tenants that lease the properties in their own names. No minimum or maximum term of tenancy has been provided.

6.3. Paragraphs 8.28 to 8.30 of the saved UDP policies state that decisions on residential homes, which shares characteristics with the use as proposed (Assisted Living Accommodation), should not cause harm to residential amenity and should not impact upon the overall character of their locality. Account should therefore be taken of the number of premises in a similar use, as not to oversaturate the area and affect its residential character. In this case, the wider area remains mixed in character, with a large number of residential dwellings of a mixture of types and tenures. Within this locality, data shows no licenced HMO's can be found on Shenstone Road itself. The prevailing character remains that of single family dwellings, with a number of other residential uses (apartments). As such, in this instance, it is not considered that the development would have a significant impact upon the character of the area, which would justify the refusal of the current application.

6.4. Policy TP27 of the BDP requires applicants to demonstrate that new residential developments can contribute towards creating sustainable neighbourhoods. This includes; providing for a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; reduced dependency on cars, with options to travel by foot, cycle and public transport; a strong sense of place with high quality design; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources; the use of green and blue infrastructure; attractive, safe and multifunctional public spaces; effective long-term management of buildings, public spaces, waste facilities and other infrastructure.

6.5. Policy TP28 further supports the requirements of Policy TP27 and states that new residential development should be adequately serviced by existing or new infrastructure; be accessible to jobs, shops and services by modes other than the car; be capable of remediation in the event of any serious physical constraints such as contamination or instability; be sympathetic to historic, cultural or natural assets; and not conflict with any other policies in the BDP.

6.6. The application site is in a sustainable location, as it is well served by public transport (via bus routes along City Road) and has good accessibility to shops, services, employment, education and leisure facilities. It would therefore be in broad conformity with the requirements of Policies TP27 and TP28.

6.7. It is therefore considered that the proposals would form an appropriate form of development, in a sustainable location, which will cater to a distinctive need within the population. The development would further seek to be sustainable and as such is considered to be in compliance with relevant sections of the NPPF and the relevant sections of the BDP.

Design and appearance

6.8. It should be noted that following advice from Council Officers at pre app stage the proposals underwent significant amendments in order to better the design of the proposed building.

6.9. The proposed buildings would be erected at three storey level. Large sections of glazing, brickwork and rendering are proposed to break up the buildings various elevations. The proposed buildings would have an overall height of 10.2m and 9.8m and are both proposed with a flat roof.

6.10. Although three storey buildings, the agent has provided sections that demonstrate they would sit no higher than the two storey residential properties sited to the north-west of the site. The buildings would also be no taller than the existing apartment block to the north of the site.

6.11. The buildings would be erected from a pallet of materials consisting of red brick work and contrasting rendering. Full details of the proposed materials would be secured and approved by way of an appropriate condition.

6.12. The area of land sited to the front of the site would be used as the site's main access and would feature a number of parking spaces, alongside a storage area for bins. The site is located adjacent to an area of public open space and as such a good landscaping scheme would allow this development to integrate with the surroundings. Limited details with reference to landscaping or boundary treatments have been submitted as part of the proposals. Boundary treatments should be open in character such as railings to allow for natural surveillance and security. The information provided with the submission indicates that the site would be enclosed by a 2m high close boarded fence which is considered to be unacceptable. As such these details will be secured by way of condition in order to seek a better solution. Alongside details of the proposed bin store and cycle store, to ensure their suitability. Given the site's level of private amenity space to the side, and forecourt area to the front, it is considered that these areas can be enhanced through adequate landscaping, which would in turn enhance the site and wider street-scenes visual amenities.

6.13. It is therefore considered, the proposed development would be of an acceptable design, form and scale. Subject to the proposals being erected in compliance with the submitted plans, alongside the recommended conditions, which will seek to clarify full details of the proposed materials, boundary treatments, landscaping alongside architectural detailing, the development is considered to be in compliance with the relevant sections of the BDP and NPPF.

Residential amenities

6.14. The Council's Places for Living SPG requires all main habitable room openings to retain 5m from site boundaries for ground floor openings to neighbouring existing private space, 10m for first floor openings and 15m for second floor openings. Block 1 contains kitchen windows to its side elevation facing the houses on Shenstone Road and Block 2 does not contain any habitable room windows to the elevation facing the rear these properties. 15m is achieved from the habitable windows at second floor level in Block 1 to the boundaries to existing private space. Nos. 229 & 231 Shenstone Road are the closest properties to the side facing kitchen windows in Block 1 and there are windows in the rear wings of these existing houses at first floor level at a distance of some 20.7m, but these are to bathrooms (non-habitable).

6.15. ‘Places for Living’ also advises that the distance between existing residential windows and proposed flank walls should achieve a separation distance of 15.5m in case of three storey developments, this is reduced to 12.5m between one and two storey flank walls. The closest positioned existing house is no. 263 Shenstone Road which its rear wing is 10.4m from Block 2 and 14.7m from the main rear elevation of this property. When taking into account this relationship, including the oblique angle of Block 2 to the houses on Shenstone Road it is considered that within the context of the whole development the impact could not sustain a reason for refusal. There would be no detrimental overlooking issues to the rear. All other distance separation guidelines have been met and the development proposals are therefore considered acceptable in this regard.

6.16. The development proposals would comply with the Councils adopted 45 Degree Code standards and as such are not considered to result in any new undue overbearing, overshadowing or loss of light concerns.

6.17. Environmental control colleagues have raised no objections to the development proposals, subject to conditions requiring a contamination remediation scheme and contaminated land verification report.

Standard of accommodation and quality of the living environment

6.18. The National Technical Housing Standards (NDSS 2015) sets out internal space standards and the requirements for gross internal floor areas. Although not yet adopted by the Council, the NDSS provides a useful benchmark to judge the adequacy of accommodation size. The NDDS requires a gross internal floor space figure of 37sqm for a one-bed, one person dwelling, set out over one level, which the current proposals would comfortably comply with. However, it should also be noted that the current proposals are for assisted living and not independent one bed apartments. Each unit would also benefit from natural light and would further provide a satisfactory level of outlook for future occupiers, alongside the fact that further shared facilities would be provided; it is considered that the proposal would provide an acceptable level of accommodation for future residents.

6.19. The Places for Living SPG (2001) sets out a minimum garden size of 30sqm per unit for flats and other developments providing communal amenity space. In this instance this would equate to an area of 540sqm in total. The proposed amenity space is approximately 525sqm. Although the proposals would fall short of this figure, given the level of amenity space proposed, alongside the site’s location in close proximity to an area of public open space this is considered to not represent a reason for refusal.

6.20. Given the above, I am therefore satisfied that the proposal would provide a good standard of amenity space and satisfactory living environment for future occupiers.

Transportation and highway safety:

6.21. The application relates to a presently vacant piece of land sited to the south of Shenstone Road where there are no TRO’s in place to control waiting within this location.

6.22. The applicant is proposing 18 units. It is therefore considered that although the proposal is likely to increase traffic to/from the site when compared to the site’s existing situation, the level of traffic associated with this form of assisted living

accommodation would unlikely be significant to have severe impact on the surrounding highway network or upon pedestrian and highway user safety.

6.23. The Council's current parking guidelines specify a maximum parking provision of 1 space per 3 bed spaces for specialist care homes (use class C2) and similar uses. Therefore, considering this reference as a benchmark for the proposed use which is of a similar nature, the specified maximum parking provision for the proposed 18 bed space accommodation would be 6 parking spaces. The applicant is proposing 14 parking spaces (78%). The proposed type of use in unlikely to generate levels of car ownership to that of C3 and as such the spaces would likely be used by staff and visitors. The site also has a good level of accessibility to public transport.

6.24. Cycle storage provision will be secured through condition.

6.25. As such it is considered that the development would be acceptable on highway grounds, subject to conditions recommended by highway colleagues. Reference to the provision of a separate footpath along the access is noted but not considered necessary due to the scale and nature of the scheme.

Miscellaneous

6.26. West Midlands Police have commented upon the proposed development: seeking clarifications, recommending conditions in relation to CCTV installation and gates and offering advice on design standards. Reducing crime and the fear of crime is embedded in several Birmingham Development Plan Policies - PG3 Place making, TP27 Sustainable Neighbourhoods and TP37 health and paragraphs 91 (Section 8 Promoting healthy and safe communities) and 127 (Section 12 Achieving well-designed places) of the NPPF. However I recommended that conditions are added to secure installation of CCTV.

6.27. The site is located in close proximity to a canal feeder watercourse. Whilst the Canals and River Trust have raised no objections an informative will be attached that requires the applicant to contact them prior to commencing works on site.

6.28. The Local Lead Flood Authority have advised of the need to incorporate appropriate SuDS as part of the development, and requested the use of an attenuation tank which could be designed to either store water for discharge to the Severn Trent sewer network or adapted for soakaway storage.

6.29. Seven Trent Water have raised no objections to the proposal, however a condition has been requested that requires the submission of a drainage plan.

6.30. Concerns have been noted relating to impact on wildlife. The proposal has been submitted together with an Ecology Appraisal which advises that there no flora records for any notable plant species within the site and relating to fauna and acknowledges the presence of species of Hedgehogs, badgers, bats, birds and various amphibians such as frogs, newts and toads all within 1km radius of the site. The site is therefore considered to be of low ecological status. The Appraisal also recommends precautionary measures proposed to not impact on these species, the neighbouring mature trees or the neighbouring watercourse.

6.31. City Ecologists have been consulted and have raised no comments subject to an ecology enhancements condition and informatives relating to protection of nesting birds and relating safeguarding of badgers, hedgehogs and other terrestrial mammals.

6.32. A revised Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted during the application. This identifies that there are no trees on-site but there are trees on adjoining land, including 10 individual trees, 6 tree groups and 1 woodland group, all of which are CAT C. It is identified that the impact on the proposal is limited with a slight loss of root area to a Lime and Poplar and proposes a methodology to address this. The tree officer has considered the proposal and conditions are recommended to ensure the method statement and protection plan are implemented.

7. Conclusion

7.1. This application is recommended for approval with conditions as the proposal complies with the objectives of the policies that have been set out above. The proposal would provide a sustainable form of much needed assisted living accommodation for vulnerable groups, close to public transport links and local facilities. It would provide a good standard of amenity and satisfactory living environment for future occupiers and would not result in a detrimental impact on the amenities of the neighbouring occupiers. The proposal would not have adverse impact on parking or highway safety matters and would rationalise this presently vacant site.

8 Recommendation

8.1 Approve subject to conditions

1 Requires the submission of sample materials

2 Requires the scheme to be in accordance with the listed approved plans

3 Requires the submission of hard and/or soft landscape details

4 Requires the submission of hard surfacing materials

5 Requires the submission of boundary treatment details

6 Requires the prior submission of architectural details

7 Requires the prior submission of a contamination remediation scheme

8 Requires the submission of a contaminated land verification report

9 Requires the submission of cycle storage details

10 Requires the prior submission of a construction ecological management plan

11 Requires the submission of a scheme for ecological/biodiversity/enhancement measures

12 Requires the prior submission of a lighting scheme

13 Requires the prior submission of a drainage scheme

14 Requires the submission of a CCTV scheme

15	Requires the provision of a vehicle charging point
16	Requires the submission of details of refuse storage
17	Arboricultural Method Statement and Tree Protection Plan - Implementation
18	Restricts the number of residents to a maximum of 18.
19	Implement within 3 years (Full)

Case Officer: Philip Whittaker

Photo(s)

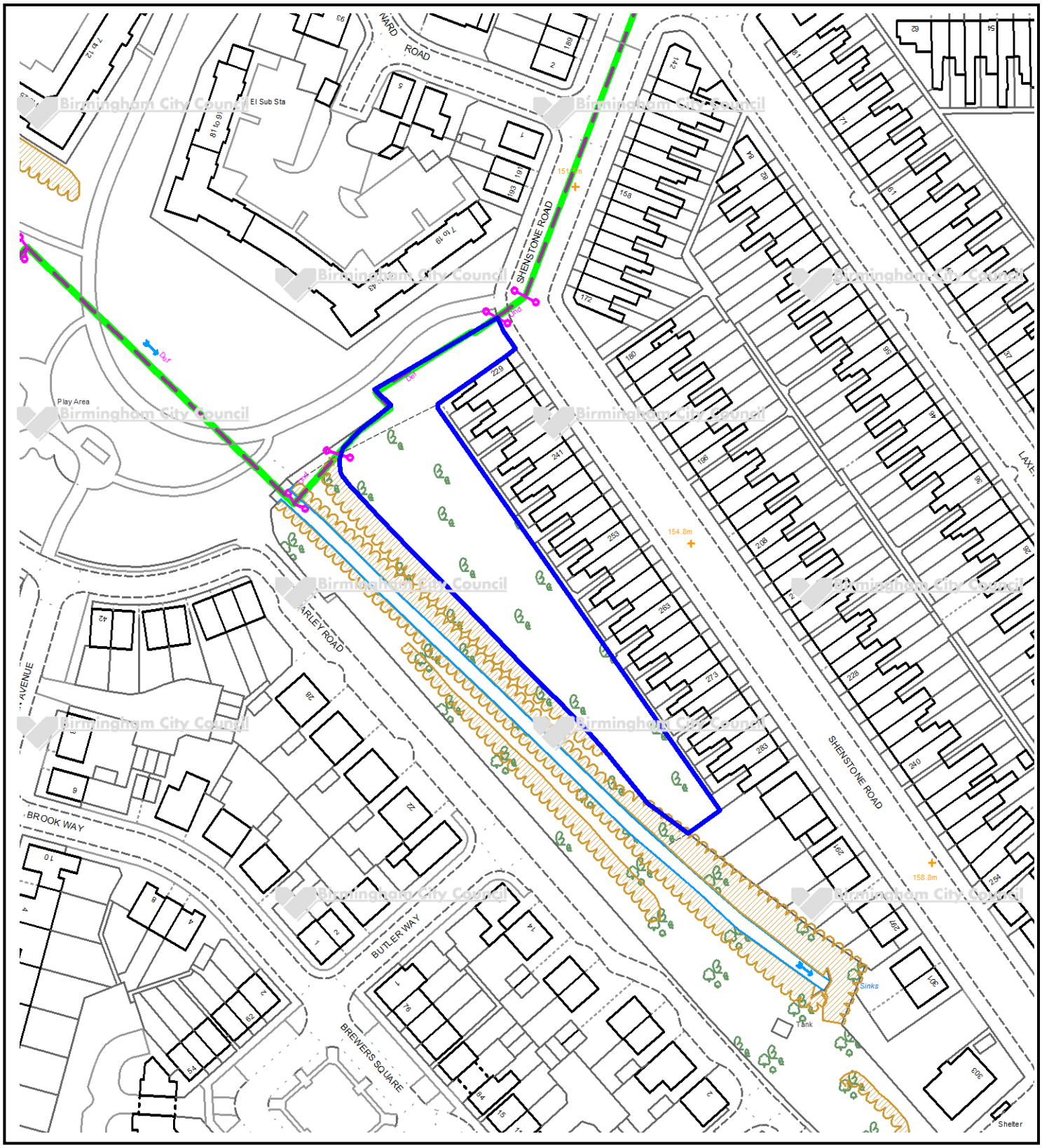
Photo 1 Entrance to site from Shenstone Road

Photo 2: View of site from public open space to north

Photo 3: View of site including canal feeder water course

Photo 4: View to rear from Barley Road

Location Plan



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Committee Date:	30/01/2020	Application Number:	2019/08651/PA
Accepted:	23/10/2019	Application Type:	Householder
Target Date:	31/01/2020		
Ward:	Sutton Mere Green		

218 Lichfield Road, Four Oaks, Sutton Coldfield, Birmingham, B74 2UB

Extension to existing footway crossing

Recommendation
Approve subject to Conditions

1. Proposal

1.1. Planning permission is sought for an extension to the existing footway crossing to the front of No.218 Lichfield Road. The proposed extension to the footway crossing would extend a further 1.5m in width from the existing footway crossing to extend approximately 5m in width.

1.2. The materials used in the construction of the footway crossing extension would match the existing.

1.3. Link to Documents

2. Site & Surroundings

2.1. The application site consists of a semi-detached property situated on Lichfield Road. The front of the property features a small pebbled forecourt area, with parking/ a driveway shared with No.216 Lichfield Road to the side. The front boundary treatment is a small wall with railings above.

2.2. Lichfield Road is a principal A-Classified main distributor road (A5127). There are no Traffic Regulation Orders or parking restrictions within the vicinity of the site. The site is situated south of the junction with Jordan Road.

2.3. The site is located within a mixed residential area comprising of properties of similar character and appearance. There are examples of several footway crossings within the vicinity, including a similar 2m extension to the existing footway crossing at neighbouring property No.216 Lichfield Road (2019/08877/PA).

2.4. Site location

3. Planning History

3.1. No relevant planning history.

4. Consultation/PP Responses

4.1. Neighbours and Local Wards Councillors were consulted. 7 objections to the proposal were received from local residents. Objections raised to the proposed extension to the existing dropped kerb on the ground of:

- Reduced on-street parking which is already limited.
- Restriction to accessing the property.
- Inadequate length and width of drive to accommodate a vehicle.
- Highway safety risk to pedestrians.
- Highway safety would be impaired due to parking layout.

4.2. Transportation: Transportation holds no objections to the development Subject to Conditions. The development will pose no highway safety issues.

5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Unitary Development Plan 2005 (saved policies 3.14-3.14D & Chapter 8).
- Birmingham Development Plan (2017).
- Places For Living (2001).
- Extending Your Home (2007).
- 45 Degree Code SPD.

5.2. The following national policies are applicable:

- National Planning Policy Framework (2019).

6. Planning Considerations

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

6.2. The scale and location of the proposed footway crossing extension is considered to be acceptable. The proposal would not be visually harmful to the character and appearance of the area as there are a number of existing footway crossings along this stretch of Lichfield Road.

6.3. Birmingham City Council Transportation Development have raised no objections to the proposal, subject to conditions regarding pedestrian/vehicular visibility splays, and for the footway crossing to be constructed to departmental standards at the applicant's expense. It is noted that the forecourt area comprises a depth of only 3.9m from the back of the footway to the back of hard paved forecourt area line, which falls short of the minimum depth normally required of 4.75m. However the applicant currently parks adjacent to the bay window to the front of the house and the adjacent property No.216 has recently applied for the same footway crossing extension fronting its boundary, which has since been approved STC (2019/08877/PA). There are also a number of other vehicular crossings on Lichfield Road. It is therefore considered that the widening of the footway crossing would pose no highways safety issues in this instance and the proposal is therefore acceptable in this respect.

6.4. Concerns were raised by local residents that there is an inadequate length and width of drive to accommodate a vehicle. Transportation Development have acknowledged that the depth of the forecourt area falls short of the minimum depth requirements, however raised no issue with the proposed footway crossing extension on these grounds. Concerns were also raised that the proposed footway crossing extension would impair highway safety. As stated in the previous paragraph Transportation Development have been consulted and assessed this application and raised no objections in regards to highway safety.

7. Conclusion

7.1. This application is recommended for approval as the proposed development complies with the objectives of the policies that have been set out above.

8. Recommendation

8.1. Approve subject to Conditions

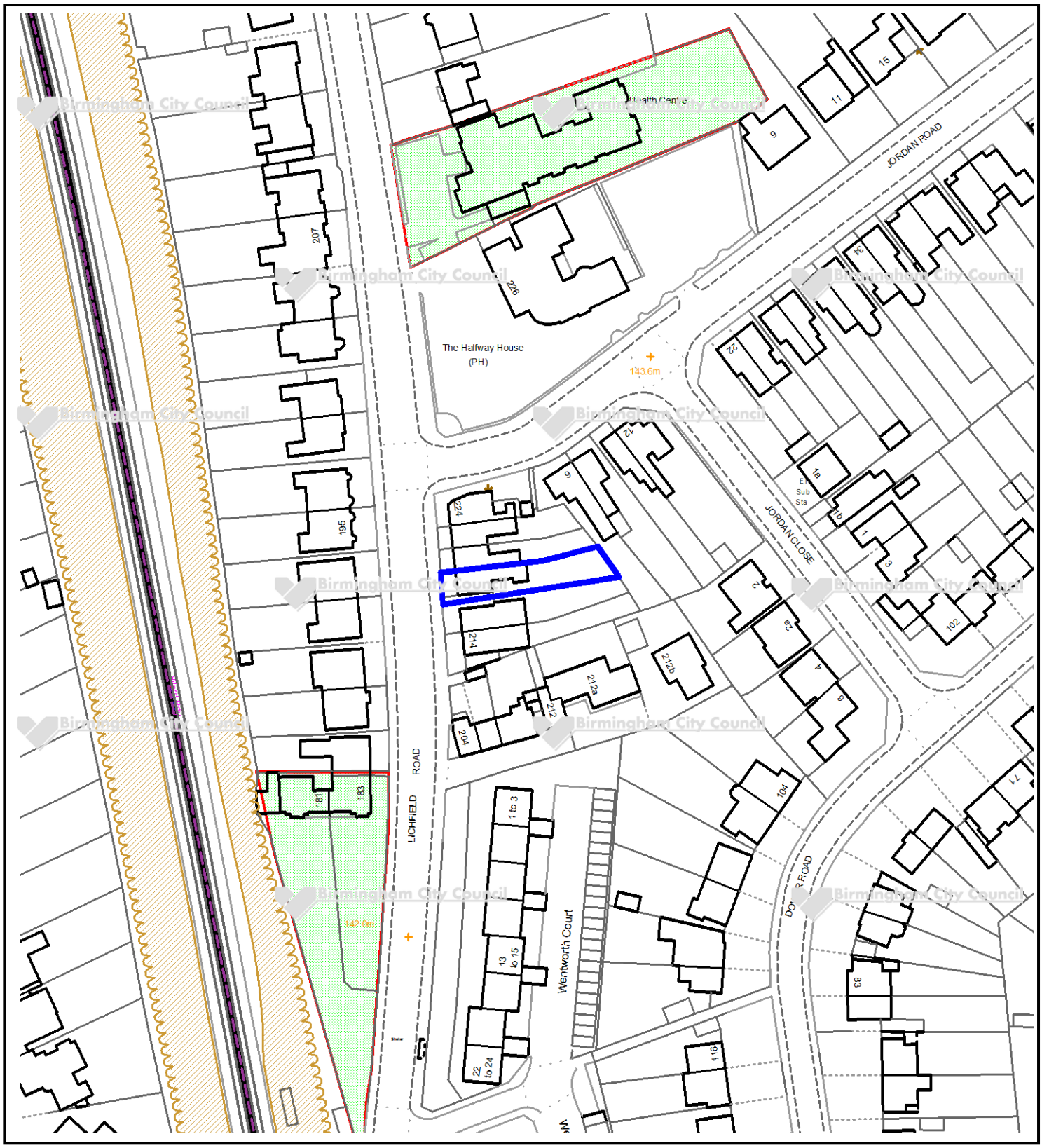
1	Requires the scheme to be in accordance with the listed approved plans
2	Requires vehicular visibility splays to be provided
3	Requires pedestrian visibility splays to be provided
4	Implement within 3 years (Full)

Case Officer: Sophie Fearon

Photo(s)

Photo 1 - Front elevation.

Location Plan



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Committee Date:	30/01/2020	Application Number:	2018/10294/PA
Accepted:	28/01/2019	Application Type:	Full Planning
Target Date:	28/02/2020		
Ward:	North Edgbaston		

Land bounded by Dudley Road to the North, Railway Line to South, Birmingham Canal Old Line to East and The Olde Windmill Public House and St Patricks Church and School to the West, Birmingham

Demolition of existing buildings and the development of a residential led mixed use scheme containing 650 apartments and 102 townhouses (Use Class C3), ground floor retail units (Use Class A1), public and private amenity space, site access and highway works, associated car parking, cycle parking, hard and soft landscaping and other works including the provision of a pedestrian/cycle bridge over the Birmingham Canal Old Line

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1. The application proposals seek full planning consent for a mixed use, residential led development, which would see the complete redevelopment of the application site. The proposed development would comprise:

- 650no. one and two bed apartments, spread across 6no. residential blocks ranging from six to fourteen storeys in height,
- 102no. two and three bed townhouses, which would be laid out in a terraced and semi-detached fashion, and
- A total of 986sqm of commercial floor space, sited at ground floor level, within three of the proposed apartment blocks (B, C and F).

1.2. The proposed access and highway works have been designed to be considered as part of this application. The proposal involves re-positioning the ‘existing main vehicular access point (Heath Street South) westwards, so that this forms a wider and more prominent and centralised entrance and exit point for the development site. This would therefore form the primary route of exit and entry for vehicles accessing and leaving the site, with a number pedestrian accesses proposed across Dudley Road. There would also be improvements to the second existing vehicular access point (Hooper Street) that is situated to the site’s west; this would be amended to form a one way left out only junction, allowing for one way traffic out of the site away from the city centre. In addition, the application proposes to deliver a range of highway improvement works along the site’s frontage on Dudley Road, within the land that fronts the site between the canal bridge to the east and Hooper Street to the west. The highway design includes new signals, new footways and pedestrian crossing points.

1.3. The proposed development would be laid out to have the proposed apartments acting as parameter blocks to the site's northern boundary, fronting Dudley Road and to the site's eastern boundary, fronting the canal. The town houses would then be sited centrally within the site, laid out within 4no. grid-like formations, with further housing proposed to the site's western and southern boundaries, in semi-detached and terraced fashions.

1.4. 2no. large public greens are also proposed centrally within the site, with the larger green, titled the "Meadow", measuring 1675sqm acting as the key focal green space within the development. The smaller green, titled the "Garden", measuring 610sqm will feature a children's play area. The two greens would comprise both hard and soft landscaping works and alongside these spaces, a further area of public open space is proposed to the site's south-east, facing onto the canal side. This would feature a new pedestrian bridge, linking the development to the wider canal network and would measure 233sqm.

1.5. The proposed bridge and pedestrian/cycle route through the site would provide improved connectivity for the occupiers of the development and the surrounding population by connecting Dudley Road (including the local centre to the west), through the site, via the proposed bridge to the canal old line, which then connects to the mainline canal (that provides towpath access to the City centre via Brindley Place) and to the wider development site's at Icknield Port Loop (IPL). The intention is therefore to maximise the opportunity of the site's canal side setting, in order to provide a sustainable alternative route for pedestrians and cyclists into and out of the City Centre. The public realm drawings further show the general disposition of spaces around the residential blocks and houses, which would include areas of shared surface access, parking and landscaping in both a hard and soft landscaped manner.

(Image 1 – Soho Loop site layout).

1.6. Block A – 49 Apartments:

Block A would be the smallest residential block on site and would be sited to the site's north-western end, fronting on Dudley Road. The block would be 6 storeys in height along the Dudley Road frontage and would have a smaller four storey leg to its south-western side. This block would be designed with a flat roof and would have no commercial floor space. 21no. private parking spaces are proposed to its west, alongside a further 7no. to its east.

Block B – 50 Apartments:

Block B would act as a stepping stone between blocks A and C along the Dudley Road frontage. The block would be 7 storeys in height, with 218sqm of commercial floor space, sited at ground floor level. The block would again be erected with a flat roof. 19no. car parking spaces are proposed to its south and west.

Block C – 170 Apartments:

Block C would be the largest residential block on site and would be sited to the site's north-eastern end, fronting onto Dudley Road and the Old Line Canal to its east. The block would be 14 storeys in height along the eastern section of its Dudley Road frontage and would have a smaller 8 storey leg to its west, in order to allow a more gradual transition from the smaller blocks along Dudley Road (A and B). The block would have 345sqm of commercial floor space at ground floor level and would also be designed with a flat roof. There would be private parking areas to its south, these spaces are to be shared between blocks C, D and E. 113no. spaces are proposed in total.

Block D – 133 Apartments:

Block D would be sited to the north-eastern side of the site, fronting onto the canal side. The block would be 8 storeys tall to its southern end and 6 storeys tall to its northern end. The block would sit to the rear of Block C and have a private landscaped area, fronting onto the canal. This, alongside Blocks C and E would encircle a private car parking area sited in between the three blocks. The block would again have a flat roof.

Block E – 162 Apartments:

Block E would be sited to the north-eastern side of the site, fronting onto the proposed area of public open space and would be sited to the east of Block D. The block would be 10 storeys tall to its northern end and 6 storeys tall to its southern end and would also sit to the rear of Block C. This, alongside Blocks C and D would encircle a private car parking area sited in between the three blocks. The block would again have a flat roof.

Block F – 86 Apartments:

Block F would be sited to the south-eastern side of the site, fronting onto the canal side. The block would be 7 storeys tall to its northern end and 4 storeys tall to its southern end, backing onto the railway line. The block would have a kink in its design to form a wide "V" shape. The block would again open onto the canal side to its east and have a private car park to its west, accommodating 27no. spaces. The

block would have 423sqm of commercial floor space at ground floor level and have a flat roof design.

1.7. The apartments range from 1 bed, 1 person studios, to 2 bed, 4 person apartments. These range from 37sqm to 70sqm+ in size. The number of apartments at the various floor space figures can be seen in the table below:

Complete Scheme – Townhouses & Apartments

	Size (sqm)	No. of Units	%
1B1P (Studio)	37+	40	5
1B1P	45+	152	20
1B2P	50+	167	22
2B3P	65+	148	20
2B4P	70+	143	19
2B4P (Townhouse)	77	22	3
3B5P (Townhouse)	106	80	11
	TOTAL	**752**	

% of Townhouses	**14%**
% of Apartments	**86%**

(Figure 1 – Proposed apartments size and number).

1.8. A total of 102no. town houses are proposed to the site's west and south, as set out above. These would bound the site's southern boundary and take on the form of four housing grids, sited centrally within the site. The proposed house types range from 2 bed - 3 person homes, to 3 bed - 5 person homes. A total breakdown of the number of houses can be seen in the table above.

1.9. From the total 752no. residential units proposed, in excess of 52% would be for 2 bed+ residential units. From the remaining 48%, only 6% of these would be 1 bed, 1 person dwellings. The development would be delivered at an average of 159.7 dwellings per hectare.

1.10. Seven different house types are proposed, in order to provide diversity within the site and to further enhance its visual amenity. The house types would range from 2 to 3 storeys in height and have a mixture of flat roofs and pitched roofs. Some dwellings would further feature external terrace spaces at second floor level, while all of the dwellings would feature small private yards to their rear. These are further detailed in the table below:

House type	Number of floors	Roof shape	Roof terrace	Bedroom number
1	3	Flat	Yes	3
2	3	Flat	Yes	3
3	2	Pitched	No	2
4	3	Flat	Yes	3
5	3	Flat	Yes	3
6	3	Flat	Yes	3
7	2	Flat	No	2

(Figure 2 – Proposed house types).

1.11. In addition, to the landscaping of the proposed areas of open space, the indicative plans show extensive new tree planting within the private/public open spaces around the buildings and the various proposed parking areas.

1.12. The indicative street-scenes and sections suggest a palette of building materials to be used across the site, which include a range of different brick types with various finishes and textures, alongside a range of glazing options, ranging from windows to Juliet balconies and French doors.

1.13. In respect of the retail floor-space, 986sqm of A1 floor space within the ground floors of apartment blocks B, C and F is proposed. The applicant explains that the amount of retail floor-space is reflective of the proposed local nature of the offer, which would be intended to primarily serve the residents of the development.

1.14. 293no. car parking spaces would be provided across the site, with these proposed in various forms across the site. The spaces would be plot specific with parking for the townhouses provided either to the front of these, in the form of a private driveway parking space, or nearby each plot, within a designated parking zone. Parking for the apartment buildings (A - F) would be provided within designated parking areas immediately adjacent to the various apartment blocks. These spaces would not be allocated and would be used on a first come, first served basis. An additional 12no. visitor parking spaces are also proposed within the site, at different points.

1.15. A comprehensive Travel Plan with a range of measures has also been submitted in support of the application, which seeks to reduce car ownership levels within the site and encourage the use of sustainable methods of transport. Consequently parking would be provided at a level of 100% for the proposed 2 and 3 bed townhouse dwellings and at 30% for the proposed apartments. 100%/200% secure cycle storage would be provided across the site, in the form of secure cycle storage areas within the apartment blocks and within the garden areas of the proposed townhouse dwellings.

1.16. Approximately 2,518sqm of formal public open space/public realm would be provided within the site. This provision includes the creation of 2no. large open greens, named the “Meadow” and the “Garden”, alongside a formal outdoor space to the canal frontage. In addition to this, an extensive amount of hard and soft landscaping is proposed across the site, within a network of green walkways, informal landscaping areas and running/walkways. An extensive network of private amenity areas are also proposed around the various apartment buildings, with private gardens proposed for the individual town houses.

1.17. The application is accompanied by a Planning Statement, Transport Assessment, Air Quality Assessment, Sustainable Urban Drainage scheme, Landscape design, Arboriculture survey, Archaeological survey, Ecology report, Flood Risk and Drainage strategy, Geo-environmental assessment, Heritage assessment, Noise and Vibration report, Strategic Communication report, Sustainability and Energy report; alongside a Viability Assessment.

1.18. The applicant has also submitted a draft section 106 heads of terms which comprise a 8.5% on site provision of affordable housing, in the form of low cost housing, with a 20% discount from market value for future buyers, the delivery of a section of highway improvements along Dudley Road, the provision of on-site public open space and the delivery of the proposed pedestrian/cycle bridge across the canal; alongside a commitment to employing local people within the various stages of development on site.

1.19. A request for an Environmental Impact Assessment (EIA) Screening Opinion has been submitted where it has been concluded that an EIA will not be required.

1.20. Site area: 4.77 hectares.

1.21. Link to Documents

2. Site & Surroundings

2.1. The application site comprises 5 hectares of land to the south of the A457 Dudley Road, approximately 1.5km north-west of the City Centre and located directly opposite City Hospital. The site comprises a mixture of former industrial buildings (many derelict) in various conditions of disrepair. Hooper Street and Heath Street South form an access loop through the centre of the site. The existing warehouses on site range in their height at between 1-4 storeys in height, however a more modern large chimney stack is located in the centre of the site.

2.2. The site is bound by Dudley Road to the north, the Birmingham Canal Old Line to the east, and the Birmingham to Wolverhampton railway line to the south west. St Patricks Roman Catholic Primary School is located to the immediate west of the site, and St Patricks Church further beyond this to the west along Dudley Road, alongside The Olde Windmill Public House.

2.3. A section of land along the front part of the site, fronting Dudley Road is designated as Highway Improvement Line land. There are several large freestanding poster hoardings along this frontage, which are proposed to be removed as part of the development proposals.

2.4. City Hospital is located to the north. An existing industrial area is located to the east beyond the canal, and there are residential properties in Northbrook Street to the south west beyond the railway line. The site also adjoins the Windmill PH in the north-west corner of the site.

2.5. Link to street map

3. Planning History

3.1. 2015/07717/PA – Application for prior notification of proposed demolition of redundant industrial premises and ancillary structures. Prior approval required and approved with conditions – 23/10/2015.

3.2. 2015/05724/PA - Outline planning application for the demolition of existing industrial buildings and mixed use development comprising up to 504 no. residential apartments (Use Class C3), flexible retail units (Use Classes A1, A2, A3 and A4), a gym (Use Class D2), a data centre (Use Class B8), site access and highway improvements and associated car parking, roads, landscaping, associated development and other works including construction of a pedestrian / cycle bridge over the Birmingham Canal Old Line (all matters reserved with the exception of site access). Approved with conditions 23/12/2015.

4. Consultation/PP Responses

Public Participation comments:

4.1. Press and site notices were erected along the Dudley Road frontage of the site. The local MP, ward members for Soho and Ladywood wards, residents associations and neighbouring occupiers were also notified of the development proposals.

4.2. 3no. representations received commenting as follows :

- Existing mechanical operations operate within the site's vicinity during day/night hours, which could impact the amenity of future occupiers.
- Increased levels of traffic and congestion within the surrounding area due to new influx of housing.

4.3. 1no. letter of support has been received, this covers the following points:

- An excellent form of development;
- A rail station within the development would be of a greater benefit;
- The proposed pedestrian canal bridge will improve connectivity;
- The open spaces are a good addition; and
- Cars should be secondary to the development.

Consultation responses:

4.4. Birmingham Airport: Raise no objections to the development proposals.

4.5. Leisure services: Raise no objections, subject to a financial contribution towards Open Space provision within the Local Ward. This would be used for the Edgbaston Reservoir and surrounding area.

4.6. West Midlands Police: Raise no objections to the development proposals, subject to a condition which advises the applicants to erect the development in line with Secure by Design standards, a lighting scheme, alongside the implementation of a CCTV scheme across the site.

4.7. Regulatory Services: Raise no objections to the development proposals, subject to the addition of recommended conditions. These range from: ground remediation and verification reports, plant and machinery controls, noise attenuation/mitigation measures, hours of use and deliveries, amplification/entertainment noise, cooking extraction equipment and electric vehicle charging points.

4.8. West Midlands Fire Service: Raise no objections to development proposals and recommend the use of WMFS standards.

4.9. Education and School Places: Raise no objections to the development proposals, subject to a financial contribution towards local school spaces within the locality.

4.10. Employment Access Team: Raise no objections to the development proposals, subject to the addition of recommended conditions and the attached S106. These look to employ local people within the various stages of the development.

4.11. Environment Agency: Raise no objections to the development proposals, subject to conditions with reference to Land Contamination and the use of piling.

4.12. Birmingham Civic Society: Raise no objections to the development proposals.

4.13. Severn Trent: Raise no objections to the development proposals, subject to the addition of recommended conditions. These relate to foul water drainage details.

4.14. Sport England: Raise no objections to the development proposals and seek a financial contribution via a S106 Agreement of £581,950 towards sports infrastructure within the area in the form of swimming pool and playing pitches.

4.15. Highways England: Raise no objections to the development proposals.

4.16. Cadent Gas: Raise no objections to the development proposals.

4.17. Transportation Development: Raise no objections to the development proposals; recommend a number of conditions with reference to: pedestrian/vehicular visibility splays, parking management, delivery vehicle management, service vehicle details, amongst others relating to the parking areas and the various road junctions being completed prior to occupation of the development hereby proposed.

4.18. Lead local flood authority: Object to the development proposals on the basis of the development proposing a high discharge rate into the canal network and not having an agreement in place, to secure this discharge with The Canal and River Trust.

4.19. Canal and River Trust: Object to the development proposals on the basis of the proposals having a negative impact upon the historic environment of the nearby canal network and the proposed design of the new footway bridge, which will lead to safety concerns for canal users. Alongside objection to the proposed location of the site's on-site drainage infrastructure. They also raise concerns with reference to the design and layout of the proposals, the proposed forms of landscaping, external lighting and sustainability of the development.

4.20. Access Birmingham: submitted information does not address how the development would meet the need of disabled users on site.

4.21. Network Rail: Raise no objections to the development proposals.

5. <u>Policy Context</u>

5.1. Birmingham Development Plan (2017), Birmingham Unitary Development Plan (Saved Policies) 2005, Places for Living SPG, Car Parking Guidelines SPD, Greater Icknield Master Plan and the NPPF (2019), Public Open Space in New Residential Development SPD, Shopping and Local Centres SPD, Loss of Employment land to alternative uses SPD.

6. <u>Planning Considerations</u>

Background:

6.1. On the 23rd of December, 2015, under application reference: 2015/05724/PA - Outline planning consent was granted for the: "*Demolition of existing industrial buildings and mixed use development comprising up to 504 no. residential apartments (Use Class C3), flexible retail units (Use Classes A1, A2, A3 and A4), a gym (Use Class D2), a data centre (Use Class B8), site access and highway improvements and associated car parking, roads, landscaping, associated development and other works including construction of a pedestrian / cycle bridge over the Birmingham Canal Old Line (all matters reserved with the exception of site access)".*

6.2. The approved scheme gained outline consent for up to 504no. apartments, in a similar arrangement to the current proposals. The key difference between this former approval on site and the current submission remains the fact that the former approval entailed the erection of a Data Centre (on site employment use), alongside the proposed residential apartments. The current scheme removes this formally approved employment element and proposes the erection of 102. Town houses within its space. The current proposals further entail changes to the sites landscaping provision, overall design, layout and overall form of accommodation. This also now seeks full planning consent, as opposed to outline consent. The below sections assess these proposals in greater detail.

Loss of existing employment land:

6.3. The application site at present remains in use as employment land. Policy TP20 from within the BDP requires the applicant to demonstrate that the site has been considered to be a non-confirming use, or that the site is no longer attractive for employment purposes. In this case however, as the site has been allocated for a residential-led mixed use development, within policy GA2 of the BDP, no such justification for the loss of the site's existing employment land is required. The proposals are therefore considered acceptable in this regard.

Proposed residential led mixed use development:

6.4. Policy GA2 from within BDP sets out a network of growth areas across the city. The application site, in this case, is situated within the Greater Icknield Growth Area, more specifically within the Spring Hill/Dudley Road site. This seeks to provide a residential led mixed use development west of the canal, making the best use of the site's location and size.

6.5. Policy TP27 from the BDP further requires that new housing within the city contribute towards making sustainable places, including providing a range in dwelling sizes and tenures, being within a range of amenities and creating a strong sense of place. This further discusses the provision of adequate amenity space with effective management. Policy TP28 further sets out specific policies with reference to the location of new housing, and this is followed by Policy TP30 which establishes the size and density requirements of new development.

6.6. In this case, it is considered that the proposal would be in compliance with the various policies as set out above within the BDP. The application site is identified as one of several development site's in the masterplan. This sets out that the site occupies an important location, between the key areas of transformation at Icknield Port Loop and City Hospital. This further sets out that the Dudley Road/Spring Hill frontage would be appropriate for mixed uses and identifies the potential of the site to become a focus for pedestrian and cycle movement, both north-south along the canal and east-west across it.

6.7. This application accords with these policies by providing a residential-led scheme on an allocated housing site. The Greater Icknield masterplan envisages that the focus of development will mainly be on providing family homes to complement the accommodation available within the City Centre, though there is no requirement for the development site's within Greater Icknield to solely provide family accommodation. The approved scheme at Icknield Port Loop will provide predominantly family houses, and other site's in the Greater Icknield area also lend themselves to also delivering family homes. The proposal to provide high density apartments, alongside a large number of family homes is therefore considered to be

acceptable, as this will assist in providing a choice of housing types and tenures in the area which will encourage the establishment of a balanced community. The proposal involves a greater number of units from the site than the masterplan envisages, which is a result of the site providing apartments rather than houses on this site. Higher density development is encouraged by the masterplan and the BDP in accessible locations such as this.

6.8. It should further be noted that while the former approval on site, reference: 201505724/PA gained consent for up to 504no. apartments on site, this also included the erection of a large data centre. The current proposals see the removal of this, to allow for an additional 102no. dwellings, in the form of town houses, at two and three bedroom level; thereby providing suitable accommodation for family living, close to the city centre, in a sustainable area. The number of units proposed is therefore considered to be acceptable in principle, subject to the consideration of detailed issues such as urban design and the impact on the character of the wider area.

6.9. The proposed development seeks to rationalise the application site through the creation of 752no. residential units, at a range of dwelling sizes and types. This further incorporates a number of private and public open spaces, alongside ancillary commercial space. The proposal is therefore considered to be in line with the above policies and is further considered to exceed the Greater Icknield Master Plan target, which aims for 500 dwellings for the application site; thereby maximising its potential.

6.10. The retail floor-space will be complementary to the overall proposed residential use, principally serving the proposed residents. The proposed amount of floor-space is further considered to be appropriate to the wider scale of the residential development and would be split into three small retail units, which will also ensure that this functions to meet a local need. I am therefore content that this element of the scheme is unlikely to function as a destination to shop within the sites local vicinity. This is important as the site is located in an edge-of-centre location where there may be sequentially more preferable opportunities within the Dudley Road centre for retail investment. I have therefore recommended a condition to limit the maximum size of each retail unit to ensure that retail development functions as complementary floor-space as envisaged in the application. Subject to the addition of this condition, I am satisfied that the development would not have an impact upon the vitality or viability of nearby local centres, most notable of which, is the nearby Dudley Road local centre.

6.11. I therefore conclude that the overall mix of uses and the quantum of residential and non-residential floor-space accords with the relevant policies in the draft BDP and the Greater Icknield Masterplan. In principle, the proposed development is acceptable, subject to consideration of various detailed issues.

Sustainability:

6.12. Policies TP1 – TP4 identify the need for any new development to adopt a ‘sustainable’ approach to development and include measures to reduce Co2 emission, promote low and zero carbon and adapt to climate change. A Sustainable Construction statement and Energy Statement has been submitted in support of TP3 and TP4. The Sustainable Construction Statement demonstrates that the proposed development will meet the highest standards of sustainable design and construction throughout the various stages of development, including demolition, construction

and long-term management. The submitted statement is considered to be acceptable in this regard and is considered to meet the aims of policies TP3.

6.13. Policy TP4 further states that new developments are expected to incorporate the provision of low and zero carbon forms of energy generation, or connect into low and zero carbon energy generation networks where they exist. The energy statement concludes that the only possible option for Localised Zero Carbon energy generation would be through the connection of the development to a district heat network (potentially using canal as a heat source and route for the network), however it is stated that this is unconfirmed and implementation would require a further technical feasibility study. At that stage, based on the financial viability assessment submitted as part of the application, it is not considered possible to incorporate LZC energy generation into a proposed development due to financial reasons.

6.14. In addition, I note that SuDs and swales are proposed within the development, alongside a comprehensive landscaping strategy across the site which a comprehensive increase on on-site trees, ecological improvements, provision for on-site public open space, 100% cycle provision, direct access to bus and walking/cycling routes and a mixed type and tenure of accommodation. Subsequently, I consider the proposal would meet policies TP1-TP4 of the BDP, positively contribute to the City's aspiration to decarbonising the city through sustainable development.

Design and layout

6.15. Local planning policies and the recently revised NPPF (July 2019) highlight the importance of creating high quality buildings and places and that good design is a key aspect to achieving sustainable development. The proposed apartment blocks would range in height from 6 to 14 storeys, with the dwellings proposed at two and three storey level. Policies PG3 and TP27 state the need for all new residential development to be of the highest possible standards which reinforce and create, a positive sense of place, as well as a safe and attractive environment. Supplementary documents, such as the Places for living SPG also provide further guidance for the need of good design, in order to create well designed, integrated places.

6.16. The Public Open Space in New Residential Development SPG further sets out the city's aim to ensure all residents in Birmingham enjoy a high quality living environment. The SPG sets out a pro rata open space provision of 2ha per 1000 population; and this can be delivered on site, or through a commuted sum for an off-site contribution.

Apartments

6.17. The proposed layout has been designed as a series of individual apartment blocks in two perimeter blocks to the north-eastern and far eastern ends of the site, fronting onto Dudley Road and the Old Line Canal. The blocks would increase in height along Dudley Road from Block A being part 4 storey's to the far west, to block C being 14 storeys to the far east. Blocks D through to F would again fall in height in a north-south fashion, along the canal line. The perimeter blocks would enclose the remainder of the site which would see the erection of 102no. town houses, in 4 grid like formations, with a row of dwellings sited to the site's southern boundary, along the train line, with further dwellings sited to the western boundary in a terraced fashion.

6.18. Two large greens would further help break up the various housing blocks and apartment configurations, with clear access and circulation routes are further proposed around these. Active frontages would be provided across the site's main Dudley Road and Canal frontage, within Block's B, C and F at ground floor level, commercial uses are further proposed. The various apartment buildings and houses as a whole have been positioned in such a manner, which would improve pedestrian connectivity in the area and link this into, and improve, the existing transport networks, including provision of the City's strategic cycle network.

6.19. The scale of the proposed buildings ranges from 4 to 14 storeys, meaning that these would not be classed as "tall buildings" as defined with the Councils adopted High Places SPG. The site is further located outside the "central ridge zone" and the blocks would be located within large landscaped setbacks along the Dudley Road and canal frontage. The applicant has provided comprehensive supporting information within their Design and Access Statement which demonstrates that the proposed blocks would not have an adverse impact on the street scene or the City's longer range views.

6.20. It is further considered that the provision of greater scaled buildings along the Dudley Road frontage in particular, emphasises the importance of this strategic highway, allowing access into the city and allows people using that strategic network to gain a sense of arrival when approaching the eastern end of Dudley Road, which then links into the city centre, where higher scale development exists. The proposed apartments, as set out above, would raise in height along Dudley Road from 4 storeys to the west, to a maximum of 14 storeys to the far east of the site. The 14 storey block would sit on the corner junction of the site between Dudley Road and the adjoining canal, allowing this to act as a prominent feature to the sites eastern most end. By proposing the scale of the buildings in this manner, enables the development to 'knit' into the existing, lower, scales of development to the sites east and west, where 3 – 4 storey buildings currently exist. It should also be noted that the scale of the development and general layout remains broadly in line with the formal outline approval on site, with this having the tallest tower at 11 storeys in height.

6.21. With reference to the proposed town houses, these would be 2 – 3 storeys in height, which are reflective of similar styled housing within the site's vicinity. The Councils City Design team have further supported the proposed layout, scale and form of the proposed development; and as such I consider the proposed layout and scale to be acceptable.

6.22. As noted above, the development can be seen in two distinctive forms, with these being the proposed apartment blocks, alongside the proposed residential town house dwellings. From exploration of the wider site context, it is apparent that the predominant materiality within the area is orange/red brick. This ranges from the oldest local examples, such as Saint Patrick's Church from 1895, right up to the newer commercial interventions, sited further along Dudley Road. The development would be constructed in both light and dark tones of brick, which the applicant has decided through testing different materials options and then identifying two induvial brick tones and several brick types within these. This approach provides variety across the site and also ensures that the design doesn't become disjointed.

6.23. The proposed brickwork would be erected in four different bonds, these being "rusticated", "stretcher", "projecting headers" and "stretcher headers". The applicants also seek to utilise strategically located pre-cast concrete elements, in order to add

diversity within the development, alongside powder coated metal framed windows/doors, balustrades and balconies which would be both projecting and in a Juliet fashion.

(Image 2 – Various brickwork options and detailing effects).

6.24. The various apartment blocks would be constructed using both light and dark tones of brick, with stone concrete detailing and dark profiled glazing, balconies and balustrades. Although all of the blocks have a very vertical emphasis, these will be articulated with horizontal detailing in the form of rustication and other brickwork detailing. Many of these will also feature full length glazing and larger horizontal ground floor openings, to provide detail and further break up the ratio between brickwork and glazing. The apartment blocks which have commercial uses at ground floor level, would further feature more commercial looking large openings at ground floor level, allowing for their future uses.

6.25. I therefore consider the design concept, coupled with the proposed materials and the use of details such as Juliet and projecting balconies, deep reveals and brickwork/stonework detailing, helps create interest within the various apartment block elevations. This also breaks up their mass and creates an identity and sense of place within the development itself and allows the various blocks to carry though a continuous rhythm of development, forming a parameter of the site.

Town-houses

6.26. In terms of the two and three storey dwellings, seven different house types have been proposed, in order to provide diversity within the site and to further add interest. These will again be erected using both dark and light coloured brick tones, with various brick types being proposed. The dwellings would again use metal glazing, balustrades and railings to help add interest, alongside the use of brickwork detailing, such as russification. Many of the house types also feature front facing or rear facing terrace areas, rear gardens and front drives. The houses further feature either a flat roof or a pitched roof to add further interest and all of these have varying window/door shapes and designs. The dwellings however carry though a consistent rhythm of development and would tie in with the level of detailing and architectural approach used within the apartment blocks. This approach is therefore considered acceptable and would allow the developers to create a well-designed and linked architectural approach across the site.

(Image 3 – Block's E and F view from the Old Line Canal and the view between the proposed townhouses).

Landscaping

6.27. In terms of open space, opportunities for formal and informal open space has been maximised throughout the application site, particularly along the Birmingham Canal Old Line, Dudley Road and the interconnected public spaces, sited between the apartment blocks and townhouses. A large area of public open space entitled 'The Meadow' has been created in a centrally located area of the site for residents and visitors and this will remain public and therefore open for a range of uses. This area of green would further act as a green link between the proposed canal bridge to the site's far south-east and the site access off Dudley Road, to its far north. A network of walkways, with landscaping would connect these two areas, alongside the central green, in order to allow for pedestrians to navigate through the site, making this much more permeable. In addition, a smaller area of public open space, entitled 'The Garden' would be created to the western extent of the application site to include natural play elements for younger age groups. Both of these larger public spaces would feature hard and soft landscaping.

6.28. In addition to this an outdoor terrace space, entitled 'The Waterfront' is proposed to the south eastern extent of the site adjoining the Birmingham Canal Old Line. This area of public open space will facilitate access to the canal edge and offer an opportunity for seating and social gathering adjacent to the southern gateway of the site, from adjacent neighbourhoods, such as Port Loop. This area would also benefit from the commercial use within the ground floor of Block F, allowing for activity within this area.

6.29. All of the proposed apartment blocks would also feature private communal areas which will be secure and accessed via the apartments only, alongside a small number of these also featuring private balconies overlooking the canal. All of the proposed dwellings would feature a small rear yard, with some of these also featuring second floor external terrace spaces. The various house types and apartment blocks would all be interconnected using a range of soft and hard

landscaping measures, through extensive tree planting and the addition of clear pedestrianised routes, allowing access around the site as a whole.

6.30. The development would further feature a large number of new trees, planted across the development site, with these being proposed around the proposed car parking spaces, landscaping areas and to the various building frontages. Other forms of soft landscaping provision are proposed along the various key routes through the site, alongside the inner town-house streets. As noted above, a number of car parking areas have been created within the development, which would cater to both the town house dwellings and the proposed apartments. These areas are again buffered with landscaping, in order to create a softer visual impression. Conditions requiring full details for the site's hard and soft landscaping provision, alongside a maintenance plan, will be attached to any subsequent planning consent; allowing the authority control over the quality of the site's public realm. Subject to these conditions, the development proposals are considered acceptable in this regard.

(Image 3 – The Meadow – Public Open Space).

Heritage

6.31. The application site is not situated within a conservation area and there are no designated or non-designated heritage assets within the application boundary. A Grade II listed Church, St Patrick's, is sited adjacent to the application site, to its west. The Councils Conservation officer has reviewed the application and has further reviewed the supporting heritage statement. This states that the site has the potential for archaeological remains associated with the 18th/19th century former Glass Works and Rolling Mills on site. As such a programme for archaeological works consisting of an evaluation and a programme of archaeological mitigation consisting of excavation, analysis and reporting are recommended to be attached by way of condition to any subsequent planning consent. The Conservation officer further highlights that there are a number of surviving industrial structures on site which are worth recording, prior to their demolition. A condition for a programme of historic buildings is therefore also recommended. The Conservation officer, subject to these conditions does not deem the development to be harmful for the setting of the neighbouring Grade II listed church and rather deems the development to enhance its setting through the sites re-development. As such, it is considered that the proposals would not unduly impact upon the significance of these neighbouring heritage assets and would thereby have a neutral impact upon their significance; the

proposals are therefore considered to be acceptable in this regard, in accordance with Policy TP12 of the BDP.

6.32. Consequently, I consider the proposed development would accord with the aims and objectives of both local and national planning policy in this respect.

Housing mix

6.33. Policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. The redevelopment of the site would deliver additional housing on a brownfield site close to the City Centre Core. The proposal is identified as a private market housing scheme, with a mix of units, which vary in terms of apartment sizes, alongside small and medium sized family dwellings; enabling residents to move and stay within the development as their needs change.

6.34. The City's housing evidence base indicates that there is a need for larger properties but this is with reference to Birmingham's strategic housing area as a whole. It does not take account of demand in more localised locations such as the City Centre or indeed the edge of the city centre. As such, housing densities are expected to be higher and detailed data analysis suggests demand for smaller units is more likely, with an influx of smaller households and young professions/students locating within these areas. I also note policy PG1 and TP29 which identify housing need/delivery and consider that this scheme would positively contribute towards the achievement of these figures. The site will be delivering 752no. units, 55% of which are suitable for 3 people plus households, with only 6% on offer as 1 person units. I therefore consider the proposal is acceptable and in line with policy and truly maximises the site's potential to provide much needed family accommodation within a central location, alongside 1, 2 and 3 person apartments.

Amenity

6.35. Places for Living (SPG) provides detailed advice about the City's design standards and the importance of design in protecting the amenity of existing residents from the effects of new development.

6.36. Blocks A, B and C would be positioned to the northern side of the application site, fronting onto Dudley Road, with Blocks D, E and F sited to the site's east, fronting the Old Line canal. The proposed blocks would 'back' onto the proposed new two/three storey residential dwellings. City Hospital sits to the north of the site, with commercial buildings sited to its east and a Pub, Church and Public School sited to the site's west. To the site's south lies the railway line; with the closest residential dwellings being sited to the site's far west. As such, the proposed development is not considered to result in any new undue amenity concerns for existing nearby residential occupiers.

6.37. Within the site internally, the apartment blocks are considered to be sited good distances away from one another, in order to allow for a good level of light and outlook between the various blocks. These distances between the different blocks range from between 40m – 10m and blocks sited closer together have been angled in order to safeguard the amenity of future residents.

6.38. The various two/three storey dwellings would have front-facing, interfacing distances of between 8m, at their closest points and 20m+ at their furthest point, resultant of the site's layout. Although 8m would be below the guidance as set out within the

Councils SPG, only a very small number of dwellings would be sited at the lower level of these distances, as the dwellings have been laid out in a staggered arrangement; thereby limiting the number of dwellings which directly overlook each other. Furthermore, this type of relationship is common for such high density developments. The applicants have further proposed soft landscaping and other forms of boundary treatment, to allow for better amenity for the dwellings future occupiers. These details would be secured by way of condition. As such, given the above this approach is considered acceptable.

6.39. All of the proposed town houses would have private residential garden areas, with many also featuring private external terrace spaces. Rear interfacing distances would range from 19m to 30m+. These distances are considered acceptable and are considered to allow for a good level of amenity for future end users of the site. It is again noted the garden areas vary across the site, with a number of these being around 5m in their length. However, it is again noted that this is typical, within high density, inner city developments and as such, this level of private amenity space is common for such developments. In addition to the private gardens, the site would also provide areas of public open space, centrally within the development. As such I consider that the development would provide a good level of amenity for future residents of the site.

Nationally described space standards

6.40. The site as a whole proposes 650no. apartments, the vast majority of which would meet or exceed the Nationally described space standards, issued by Central Government. A number of one bed, two person dwellings would however fall short of these guidelines by 3sqm. It is therefore considered given this limited shortfall, alongside the fact that a number of these dwellings actually significantly exceed these guidelines, on balance, the apartments are considered acceptable in this regard.

6.41. The site would further see the erection 102no. town houses, the vast majority of which, would meet or exceed the Nationally described space standards, issued by Central Government. A small number of the two bedroom, four person dwellings would however fall short of these space standards by 2sqm; however, given the fact that the wider development would exceed these guidelines, alongside the minimal shortfall, this on balance, is considered acceptable.

6.42. All of the proposed dwellings are further considered to provide for a good level of natural light and outlook and as such, it is considered that on the whole, the development would provide a good level of accommodation for future end users of the site.

Noise and nuisance

6.43. A noise report was submitted in support of the development proposals. This indicates that the site is subject to noise from both transportation sources (Dudley Rd and the railway) and industrial/commercial sources and in particular a neighbouring existing commercial occupier, TML Housewares. With reference to road and rail noise, the noise report recommends acoustic requirements for both the glazing and ventilation for the proposed new residential units as a whole. This approach has been agreed with by colleagues in Regulatory Services and subsequent conditions are recommended.

6.44. With regard to existing commercial noise, with reference to TML Housewares, it is apparent that noise is due to the operation of the roof mounted plant. The report identifies this will have a significant adverse impact on the amenity of future residents of Block D within the proposed development. The applicants are currently in conversation with this neighbouring user and are looking at ways to reduce the level of noise at its source. As such, a suitably worded condition has been recommended by colleagues in Regulatory Services which will allow the applicants to carry out a further noise survey in the future, prior to Block D coming into use and subject to the findings of this survey, appropriate mitigation would be required. This can therefore be in the form of acoustic works within Block D or should the applicants have managed to reduce the noise at its source, these works will no longer be required. This is a pragmatic and sensible approach and given future end users would be protected by this condition; I am satisfied that the development proposals would be acceptable in this regard.

Proposed commercial units

6.45. 3no. commercial uses are proposed within Blocks: B, C and F. These are proposed to be within use class A1. Although acceptable in principle, given that residential occupiers would be sited above and adjacent to these uses, colleagues from Regulatory Services have again suggested a number of conditions in order to control; opening hours, plant noise and ventilation equipment, alongside delivery hours. I agree with the proposed conditions and subject to their attachment to any subsequent planning approval, the development is considered acceptable in this regard.

Transportation

6.46. Policies TP38-41 encourages developments where sustainable transport networks exist and/or are enhanced. In addition to supporting sustainable transport networks the Car Parking SPG identify a maximum car parking provision of 1.5 car parking spaces per dwelling.

6.47. Access into the site would be via a new signalised junction between Dudley Road and Western Road, sited centrally to the north of the site. A secondary access sited further to the site's west, Hooper Street will be amended to be a one way road, to allow traffic out of the site, onto Dudley Road, with a left turn only. The site access and junction works will be delivered in such a manner which would not prejudice the delivery of the Dudley Road Highway Improvement Line, which is currently subject to a Department of Transport bid scheme. The design of the new improved junction has been the subject of much detailed discussions and has been designed in such a manner, which would result in the minimum level of disruption to the free flow of traffic along Dudley Road. The amended junction would further be implemented prior to the site coming into first use, meaning that the highway network would be upgraded, in order to take on the additional capacity resultant of the proposed development.

6.48. Alongside these main vehicular access and exit points, a number of further accesses for pedestrians and cyclists will also be added, making the site much more permeable. Footways will be provided from Dudley Road, which would run centrally through the site, allowing direct access to the canal network, linking to Icknield Port Loop and the City Centre. As the development seeks to encourage the use of cycling and walking, various cycle storage areas will be provided across the site and within the proposed apartment blocks and the proposed town housing. In total one

cycling space has been provided for each of the apartments, alongside 2 spaces being provided per town house within their rear gardens.

6.49. As set out above, the development would have very active streets, with natural surveillance and a high quality public realm, thereby encouraging cycling and walking and through making the site more permeable; residents will be able to commute to the city using these means.

6.50. The proposal would include the provision of 1no. car parking space per dwelling (100%), with 0.3 spaces (30%) proposed for the apartments; this would be alongside 200% cycle storage per town house dwellings and 100% per apartment. Given the fact that the development is in walking distance to the city centre and in close proximity to a number of public transport options, ranging from the bus and train, this level of parking is considered to be acceptable. The applicant has further stated within their justification that as the site is located within the outer edge of the city centre core area, changes within the car ownership market need to be accounted for, with people now looking towards public transport and other sustainable transport modes, when residing within these areas.

6.51. The applicants further state that they will be implementing a travel plan on site, to utilise the sites good links to wider pedestrian and cycle routes which connect the site to the city centre, alongside its public transport provision, with a large number of bus services passing Dudley Road making links to the city centre and beyond. The applicants further state that they will encourage public transport and other sustainable modes of transport usage through:

- The provision of a new pedestrian/cycle bridge over the Birmingham Old Line Canal, to allow for better connectivity to the city centre and wider area;
- The facilitation of a “City Car” type car hire scheme for residents, with allocated spaces being provided on site for car hiring, which will in turn promote low car ownership within the site;
- The provision of secure and covered cycle storage in accordance with Birmingham City Councils standards for cycle parking;
- Improving connectivity across the site with internal footways and linking these up to Dudley road; and
- Improving pedestrian crossing facilities, with a new signalised junction to allow ease of movement into and out of the site on foot/cycling.

6.52. As such, taking into account the above measures that the applicants are hoping to adopt on site, in order to promote the use of public transport and other sustainable transport modes. Alongside the provision of 1 parking space per dwelling and 0.3 spaces for the proposed apartments, a large number of which are one bed units, this level of parking within the site, on balance, is considered to be acceptable. The proposals are further not considered to result in an undue impact upon the wider highway network or upon pedestrian/road user safety.

6.53. A Transport Assessment has also been submitted which concludes that the proposed residential redevelopment would not result in an undue level of traffic impact which would unduly impact upon highway or pedestrian safety. I therefore consider that the proposed development would be acceptable in this regard, subject

to conditions recommended by Transportation colleagues, with reference to parking spaces being laid out prior to occupation, visibility splays and the use of a development wide travel plan for both commercial and residential activity.

Trees

6.54. An Arboriculture Impact Assessment has been submitted in support of the application. This assesses the quality of trees currently on site and further investigates the constraints of those trees proposed as part of the development. The report concludes that a total of 20no. trees, including a mix of semi-mature, early mature and mature trees are presently on site and are deemed to be poor in quality (Category C and U). These are proposed to be removed as part of the development proposals. It has however been determined that the removal of these trees will have a negligible impact on the character of the local landscape and suitable mitigation planting is proposed as part of the development proposals. This approach is therefore considered as acceptable and conditions to ensure good quality replacement planting will be attached to any subsequent planning consent.

6.55. A further informative with reference to Nesting Birds will also be attached, requiring such works to take place outside of the bird nesting season, unless a suitable survey has been carried out and submitted to the council for assessment.

Ecology

6.56. An ecological report has been submitted in support of the application. This includes a preliminary roost assessment for Bats, which was undertaken in February, 2018 and revised in November, 2019. The survey highlights that three of the buildings on site (B2, B3 and B10b) have potential to hold Bats and their absence could not be determined. As such these buildings will need to be subject to nocturnal emergence surveys, prior to any demolition works taking place on site. A condition in this regard has been recommended by the Councils Ecologist and I agree with this approach.

6.57. It is further considered, that following the results of the survey, should suitable roosting spaces associated with the demolition works be lost, then replacement provision, alongside bird nesting provision should be integrated throughout the build; an appropriate condition is therefore again recommended in this regard. It is further noted that the canal line is an important area for bat commuting and foraging, as such illumination of this area above current Lux levels would impede the use and movement of Bats within this area and as such a lighting condition, in this regard is also recommended. Conditions requiring ecological enhancement measures will further be added, in order to increase the site's ecological potential.

Air quality

6.58. The whole of Birmingham falls within an air quality management zone (AQMA). An Air Quality Assessment, undertaken by Accon UK, was submitted in support of the application. This report considers any air quality impacts from both the construction and operational phase of the proposed development. The modelling within the report predicts that there will be negligible increases in nitrogen-dioxide and particulate matter at existing sensitive receptors, as a result of the proposed development and that pollutant concentration levels will remain significantly below the air quality objective levels. As such, the report concludes that no mitigation is required beyond the mitigation inherent within the proposals, including the Framework Travel Plan and sustainable design and construction of the development. Regulatory Services have raised no objection to the development proposals in this regard and

appropriate conditions securing construction/demolition method statements will be attached to any subsequent planning consent. It is considered, subject to the use of these conditions, that the development proposals would be acceptable in this regard.

Contaminated land

6.59. The Phase II Environmental Assessment report submitted in support of the application has been reviewed by colleagues in Regulatory Services. The investigation carried out as part of the proposals has identified contamination present on site and recommends that a remediation strategy is produced in order to allow the site to be developed in the manner proposed. As such, relevant conditions are recommended and subject to these being attached to any subsequent planning consent, the development proposals are considered acceptable in this regard.

Flood risk and drainage

6.60. A Flood Risk Assessment, undertaken by IPaD, has been submitted in support of the application. The assessment confirms that the entirety of the application site falls within Flood Zone 1, where there is less than 0.1 percent (1 in 1000) chance of flooding occurring each year. In addition, no significant flood risks from surface water, sewers or groundwater have been identified during ground investigations. The total existing impermeable area of the application site equates to 93.4% of the total site area, with the remainder covered by amenity grass, scrub and vegetation. The proposed development represents a significant reduction in impermeable areas which will reduce surface water flow rates from the site and limit potential impact on any surrounding areas. Furthermore, the proposed development will remove the surface water flows reaching the Severn Trent Water ("STW") adopted system, by utilising the canal network.

6.61. It is noted that the geology of the application site is not suitable for infiltration techniques; however appropriate on-site attenuation using a range of SUDs techniques, such as swales and oversized pipes will help to reduce the risk of flooding in the area from surface water run-off. It is proposed that the surface water from the proposed development will be discharged into the canal network, as is the existing arrangement for the site.

6.62. The Lead Local Flood Authority has however raised an objection with reference to the proposals, as the discharge rate from the site into the canal is considered to be high and no formal agreement, between the applicant and the Canals and River Trust has been received as part of the applicant's submission. The applicant has however confirmed that they have received an informal approval for this arrangement with the Canal and Rivers Trust and a suitable condition, requiring the submission of this agreement, prior to any above ground works taking place on site, is recommended as part of any subsequent planning consent. This will ensure that should an agreement not be made, then the applicant will have to apply for planning consent again, or seek to vary any subsequent planning approval, in order to look at alternative options for the discharge of the sites surface water run-off. It should however be noted that the previous approval on site, had a similar arrangement with the Canals and Rivers Trust, as do the current land operators of the site; therefore such an agreement taking place is highly likely. It is further considered inappropriate and unreasonable to hold the determination of the application, until such a time that this agreement be submitted to the Council, as this will result in delays to the scheme as a whole and is not required, during the initial demolition/ground works phase of the development.

6.63. It should further be noted that options for on-site water storage have been explored and discounted due to the impacts these would have upon the developments viability and in turn the affordable housing offer on site. As such, this approach is considered to be the most pragmatic approach forward and would ensure that the applicant submits the agreed details to the Council for the LLFA to approve, prior to any above ground works taking place on site. Subject to this condition, I find the development to be in accordance with policy TP6 of the BPD and find the proposals to be acceptable in this regard.

Planning obligations

6.64. The proposed development does not attract a CIL contribution but given the level of development proposed Policy TP9, which requires new public open space to be provided in accordance with the Public Open Space in New Residential Development SPG, and Policy TP31, which requires 35% affordable housing unless it can be demonstrated that this would make the development unviable, are applicable.

6.65. 64no. affordable units (8.5%) across Blocks A and B, alongside 3no. town houses would be provided as discounted units, at 20% below market value. These discounted homes are considered to appeal to first time buyers etc. who are looking to purchase their own homes but are currently priced out of the housing market. Thereby offering the opportunity for such groups to gain access to the housing market, who may otherwise not have been able to achieve this otherwise. The offer is reflective of the scheme, with 61no. one and two bed apartments being offered, within apartment blocks A and B, alongside 2no. two bed town houses and a single three bed town house. This would therefore cater a range of people, ranging from one person households, up to 5 persons, medium family households within the city.

6.66. It is noted that no social rent/affordable rent options are being secured on site and that the offer only relates to a small number of the town housing units. The application has however been submitted with an extensive viability assessment which has been thoroughly examined by the Councils Viability Assessors and Officers. Upon examination, it has been concluded that the current offer of 8.5%, in the form of on site, market discounted homes would be the option with the greatest benefit to the city, with there being a large market for such homes. Other options have been explored, however these have been discounted due to the costs involved and the overall impact these options would have upon the wider schemes viability. As such, the current option, in the form of apartments/town houses at 20% market discount has been agreed as the best approach to move forward and bring benefit to this key group within the wider housing market.

6.67. It is therefore considered, that although the current offer will not cater to a wide group of people, the offer will target struggling first time buyers, enabling them to gain access onto the housing ladder, in a highly sustainable location, close to the city centre. The homes are further being proposed as both one, two and three bedroom units, catering for young professions and small families and will allow for a significant number of such units to come onto the market, which would not have been possible, should other forms of affordable housing have been explored. As such, this current offer is considered acceptable and will be secured by a suitably worded S106 Agreement.

6.68. The site also provides approx. 2,518sqm of public open space which includes an open green and a canal side terraced area. 610sqm of the proposed open space will

also include a toddler's play space. These areas and details of the play space will be secured by way of condition and a clause within the forthcoming S106 Agreement.

6.69. The proposed cycle/pedestrian bridge will also be secured through this manner.

6.70. The financial appraisal which has been submitted in support of the application and independently assessed concludes that any further contributions from the applicant, above those set out above, would make the scheme wholly unviable.

6.71. Leisure Services note that policy requirements mean that there would be a requirement of approx**.** 24,840sqm of public open space to be provided for a development of this size. The applicant is proposing 2,518sqm of on-site open space provision, resulting in a shortfall of 22,322sqm. However, I note the lack of viability for this development, alongside the good level of affordable housing provision being provided as part of the scheme as a whole, alongside the on-site public open space provision and its quality which includes a children's play area. I therefore feel on balance the scheme negates the need to meet this policy requirement in this case. Further to this, it should be noted that the site lies within close proximity to Rotten Park and the Edgbaston Reservoir and as such, a good quality provision of public open space, lies within the site wider vicinity. As such I consider the proposed contributions accord with policy and are acceptable in this regard.

6.72. The Councils Education Team have also requested a financial contribution of £1,906,745.10, however I note education is identified on the CIL 123 list and it would not therefore be appropriate to request a further contribution in this instance.

West-Midlands-Police

6.73. West Midlands Police have reviewed the application proposals and raise no objections to the scheme. WMP confirm that they have previously attended public consultation events in reference to the proposals, where they had provided verbal feedback. Officers have further agreed with the applicants' approach for car-parking and on-site security and feel this is appropriate. WMP have however recommended that the development be built to Secured by Design standards, and this has been relayed back to the applicant. Officers have further recommended the use of a suitable CCTV system on site, alongside a detailed lighting strategy. I agree with these recommendations and suitable conditions will be recommended, as part of any subsequent planning consent.

Other matters:

6.74. It is noted that a detailed objection has been raised by the Canals and Rivers Trust with reference to the development proposals. This raises a number of concerns which I have considered as part of the wider development proposals and these matters are summarised below:

Canal Bridge:

6.75. Although some detail has been submitted with reference to the proposed canal bridge, the final design of the proposed bridge has not been submitted as part of this submission and will not be approved as part of any subsequent planning consent. As the location and overall siting of the bridge has been deemed as acceptable, I feel the wider design considerations, alongside the manner in which this links onto the canal can be suitably addressed via an appropriately worded condition. The

Canals and Rivers Trust would be party to any final agreement of the bridge's design and such discussions can cover the various concerns the Trust has with reference to the design of the bridge and how this will affect users of the canal and boat/user safety. The applicant has further included the construction of the bridge as part of the overall costs for bringing the development forward. A suitable trigger for the construction of the bridge will also be attached to any subsequent planning consent. And although matters around maintenance costs have been raised by the Trust, these do not form material planning considerations for the purpose of determining this application.

Location of Swale and groundwater

6.76. The development proposals have been considered with reference to the proposed Swale and the development has been found to be acceptable and suitable conditions are included in this regard. The Trust have further requested that a Construction Environmental Method Statement be conditioned as part of any subsequent consent. This approach is agreed and a suitable condition is included.

6.77. All other matters relating to the design, landscaping and lighting have been addressed within the above sections of this report. The application is found to be acceptable and suitable conditions have been recommended as part of any subsequent planning consent, with reference to lighting, materials and landscaping.

7. Conclusion

7.1. The application proposals would see the development of a large brownfield site, at the edge of the City Centre, at a high density, in order to provide a high quality and highly sustainable new residential community. The development would see the erection of in excess of 700 new homes, which would suit a range of future occupiers, from working professionals and students, through to small and medium sizes families. The development is further seen to rationalise the site area and provide a good range of on-site public open space provision, alongside a local retail offer, to serve the future community.

7.2. The proposals are further considered to offer a suitable level of car parking and would maximise the site's potential to promote sustainable modes of transport, through making the site much more permeable and through connecting this through with the wider canal network. A detailed viability assessment has been considered as part of the proposals and following this, a suitable level of on-site affordable housing provision has been agreed. As such, the development proposals are recommended for approval and are considered to make a positive contribution to the city's aim of creating sustainable communities, in line with the BPD and the relevant sections of the NPPF.

8. Recommendation

8.1 That consideration of planning application 2018/10294/PA be deferred pending the completion of a planning obligation agreement to secure the following:

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A. The provision of 8.5% affordable housing on site, in the form of 20% discounted home ownership, at market value. This would be in the form of 61no. apartments within Blocks A and B of the development (33no. one bed apartments and 28no. two bed apartments), alongside 3no. town-house dwellings (1no. 3 bed town house and 2no. two bed town houses). These

units shall be provided by first occupation of the development hereby approved. Eligibility will be determined in line with local incomes.

B. The erection of the pedestrian/cycle bridge over the Birmingham Old Canal Line, which shall be delivered prior to 30% of the approved units becoming occupied.

C. The delivery of 2,518sqm of on-site Public Open Space, including a 610m2 toddler play area, and including a Plan for the management and maintenance arrangements thereof to ensure it is maintained to an 'adoptable' standard and be made available in perpetuity for the public to gain unfettered access. The POS and play area shall meet BCC recreational amenity standards and shall be fully accessible to both the residents of the proposed development and surrounding areas, safe for all users, secure from illegal vehicle incursion and no attenuation tanks or other SUDS facility shall be located within the POS in a manner which would detract from its recreational function or landscape design of the space. The junior play area shall provide natural play facilities and must provide swings, slides, climbing, spinning and rocking activities. The equipment shall be robust and include at least one item of fully accessible inclusive play. Timing of laying out and bringing into use of the POS and junior play area to be agreed.

D. Local Employment and Skills Agreement.

E. Payment of a monitoring and administration fee associated with the legal agreement of £1,500.

8.2. That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

8.3. That no objection be raised to the stopping-up of the relevant sections of the site, sited along Western Road and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 28th February 2020, favourable consideration be given to this application subject to the conditions listed below.

8.5. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 28th February 2020 the planning permission be refused for the following reasons:

- In the absence of any suitable legal agreement to secure an affordable housing provision, suitable open space provision and a required site connection across the canal network, alongside the required highway junction improvements; the proposal would be contrary to policy TP21 of the Birmingham Development Plan and NPPF.

1 Limits the noise levels for Plant and Machinery

2 Requires the submission of extraction and odour control details

3	Requires the prior submission of noise insulation between commercial units/approved apartments
4	Requires the provision of vehicle charging points
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 unexpected contamination details if found
8	Requires the submission of a CCTV scheme
9	Requires the submission of a lighting scheme
10	Requires the prior submission of an additional bat survey
11	Requires the prior submission of details of bird/bat boxes
12	Limits delivery time of goods to or from the site for the commercial units
13	Limits the hours of use for the commercial units between 08:00-20:00 Monday - Saturday and 09:00 - 17:30 Sunday and Bank Holidays
14	Limits the maximum gross floorspace of the commercial units
15	Requires details for foul and surface water flows for approval by the Council
16	Requires the prior submission of excavation and post-excavation analysis and reporting for the protection of architectural details for approval by the Council
17	Requires the prior submission of Structural Recording
18	Requires the prior submission of an archaeological evaluation for the protection of architectural details for approval by the Council
19	Requires the submission of a scheme for ecological/biodiversity/enhancement measures
20	Requires the submission of the Play Area and Public Open Space details
21	Requires the submission of hard and/or soft landscape details
22	Requires the submission of boundary treatment details
23	Requires the submission of a landscape management plan
24	Requires the prior submission of a construction method statement/management plan
25	Requires the submission of sample materials
26	Requires the prior submission of level details
27	Requires the scheme to be in accordance with the listed approved plans

28 Requires the submission of architectural details

29 Removes PD Rights for hard surfacing of front garden

30 Removes PD rights for new windows

31 Removes PD rights for extensions

32 Requires the submission of a residential travel plan

33 Requires the submission and completion of works for the S278/TRO Agreement

34 Implement within 3 years (Full)

35 Full details of pedestrian/cycle bridge

36 Noise insulation scheme for Block D

37 Requires the submission of cycle storage details

38 Details for city care hire scheme:

39 Details of sound insulation for residential blocks A - F:

40 Surface water agreement between applicant and Canal and Rivers Trust

41 Retains the approved commercial floor space as A1 only

42 Penetrative piling consent to be required by the Council

43 Requires the prior installation of means of access

44 Prevents occupation until the service road has been constructed

45 Requires the submission of vehicle parking and turning details

46 Requires the submission of details of pavement boundary

47 Requires the submission of entry and exit sign details

48 Requires the submission of a parking management strategy

49 Requires the submission of a commercial travel plan

50 Requires vehicular visibility splays to be provided

51 Requires pedestrian visibility splays to be provided

52 Requires the submission of details of a delivery vehicle management scheme

53 Requires the submission of a car park management plan for disabled spaces

54 Requires the submission of a Road Safety Audit

55	Requires submission of refuse swept path analysis
56	Prevents occupation until the turning and parking area has been constructed

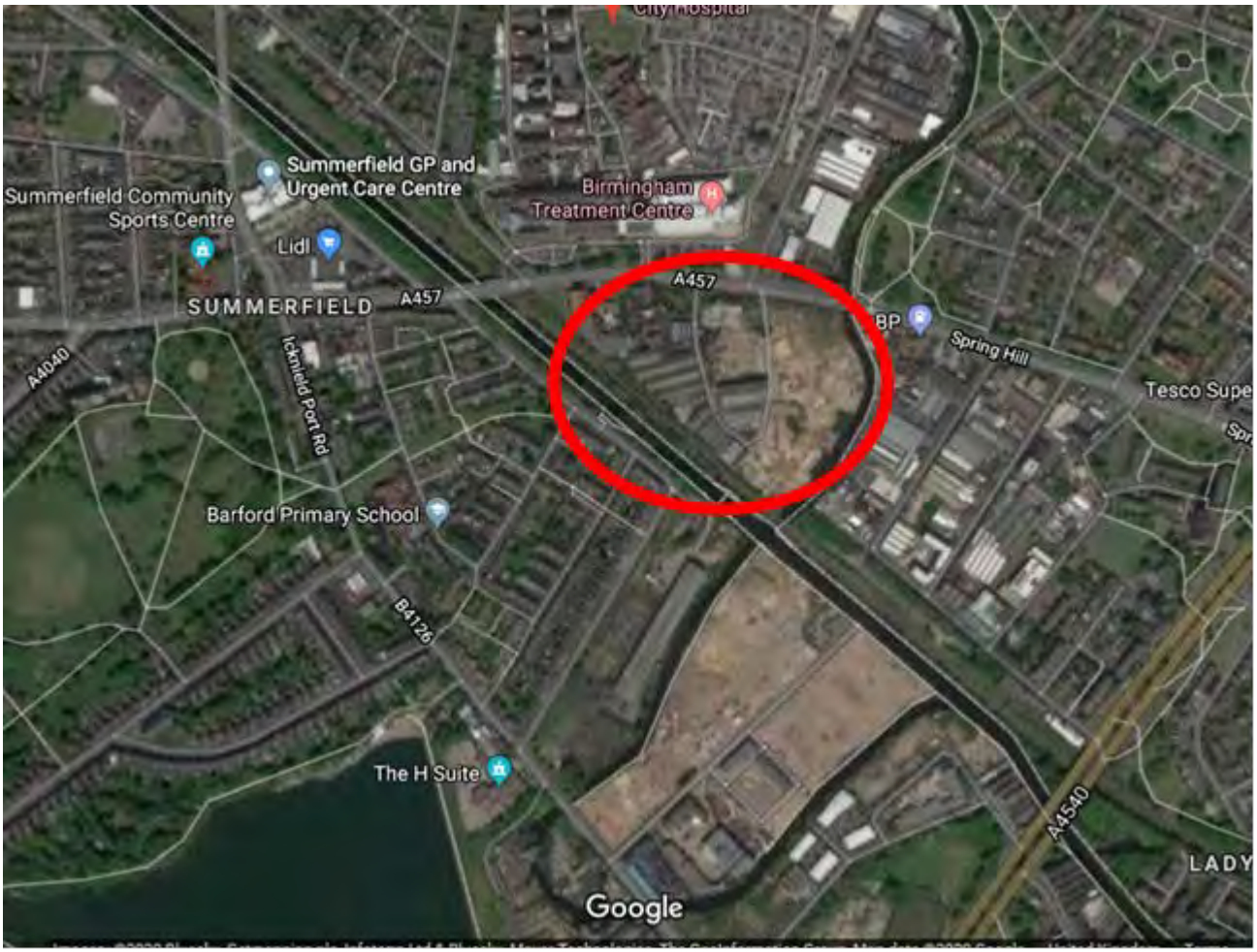
Case Officer: Idris Gulfraz

Photo(s)

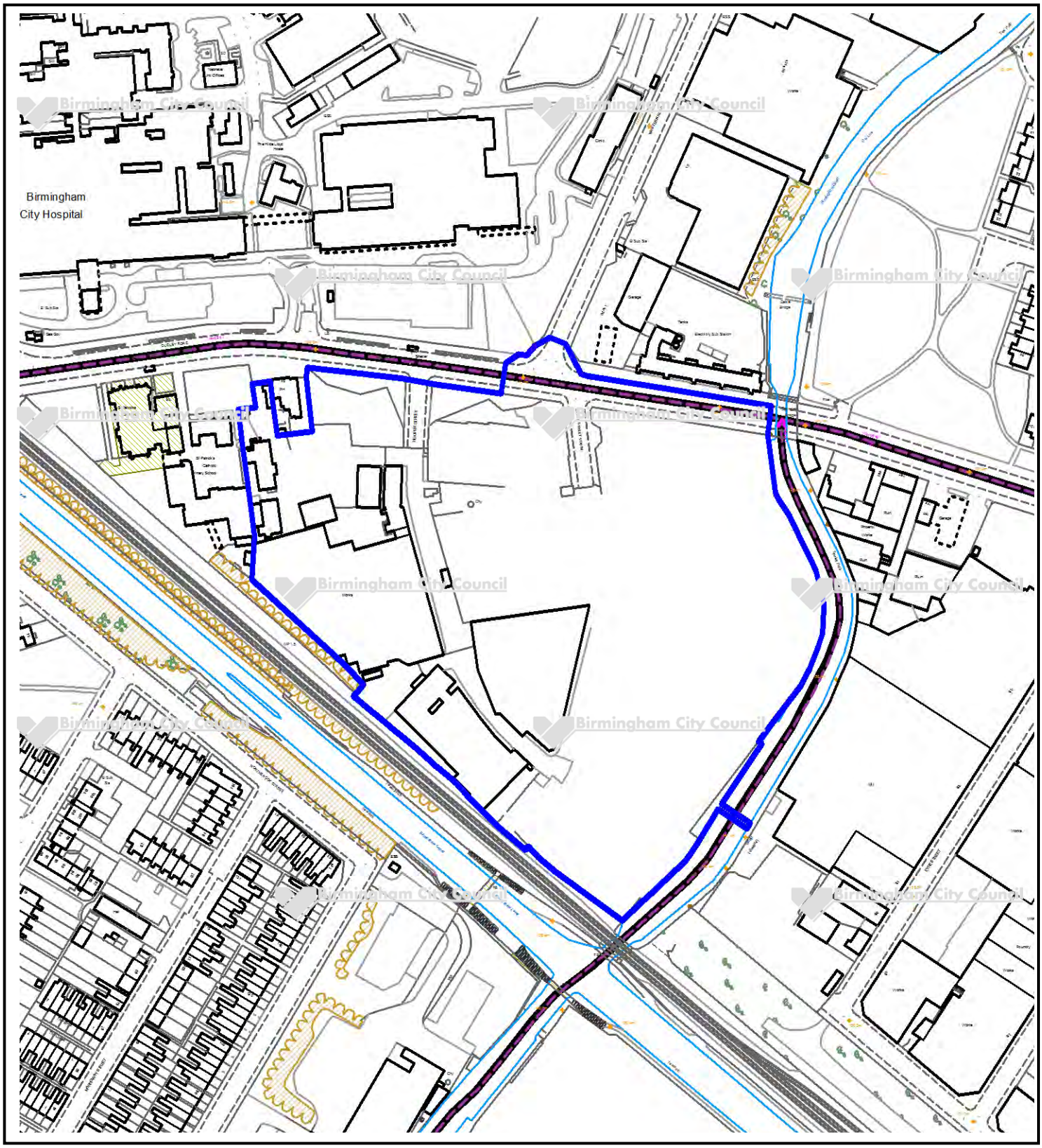
View of site from Dudley Road – to north-eastern corner of site

(View of application site looking south from Dudley Road).

Site context plan:



Location Plan



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Birmingham City Council

Planning Committee 30 January 2020

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

Recommendation	Report No.	Application No / Location / Proposal
Approve – Subject to 106 Legal Agreement	23	2019/05900/PA Martineau Galleries Land bounded by and including parts of Corporation Street, The Priory Queensway, Dale End Moor Street Queensways, Albert Street High Street and Bull Street Birmingham B4 7LJ Outline planning application (all matters reserved save for access) for demolition of all buildings on the site and mixed use redevelopment of up to 255,000 square metres gross internal floorspace, comprising offices (Use Class B1), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), up to 1,300 residential units (Use Class C3), hotel accommodation for up to 400 bedrooms (Use Class C1), plus basement level car parking, cycle hub and service areas, highways works (to include the part closure of Dale End between Bull Street and The Priory Queensway and Albert Street between Dale End and New Meeting Street and Dingley's Passage), public realm improvements and other associated works including alterations to public rights of way
Determine	24	2018/09467/PA 193 Camp Hill Highgate Birmingham B12 0JJ Redevelopment of the site to provide 480 no. homes, a hotel (Use Class C1) and flexible business/commercial floorspace of 1,480sqm (Use Classes A1, A2, A3, B1, B2, B8 and D1) in 7 new blocks (A to G) ranging from 3 to 26 storeys, together with car parking, landscaping and associated works

Director, Inclusive Growth (Acting)

Committee Date:	30/01/2020	Application Number:	2019/05900/PA
Accepted:	26/09/2019	Application Type:	Outline
Target Date:	16/01/2020		
Ward:	Ladywood		

Martineau Galleries, Land bounded by and including parts of, Corporation Street, The Priory Queensway, Dale End, Moor Street Queensways, Albert Street, High Street and Bull Street, Birmingham, B4 7LJ

Outline planning application (all matters reserved save for access) for demolition of all buildings on the site and mixed use redevelopment of up to 255,000 square metres gross internal floorspace, comprising offices (Use Class B1), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), up to 1,300 residential units (Use Class C3), hotel accommodation for up to 400 bedrooms (Use Class C1), plus basement level car parking, cycle hub and service areas, highways works (to include the part closure of Dale End between Bull Street and The Priory Queensway and Albert Street between Dale End and New Meeting Street and Dingley's Passage), public realm improvements and other associated works including alterations to public rights of way

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1 This is an outline application with all matters reserved except for access that is seeking permission for a large scale mixed use development across a site measuring approximately 5.6 hectares. The site would accommodate seven development plots divided by pedestrianised routes and areas of public realm. The maximum overall quantum of development proposed is 255,000sqm of floorspace (GIA) (excluding basement parking and servicing) comprising a mix of the following uses;

i. up to 157,500sqm of commercial floorspace comprising:
   - Office floorspace (Use Class B1) maximum floorspace 130,000sqm;
   - Hotel (Use Class C1) maximum floorspace 20,000sqm;
   - Retail and Leisure (Use Classes A1 to A5, D1 and D2) combined maximum floorspace 27,500sqm; and

ii. up to 105,000sqm of residential floorspace (up to 1,300 new homes) within the upper floors to Plots 2, 3 and 4.

It is acknowledged that the floorspaces above would total 282,500sqm, however these are maximum floorspaces for each of the proposed uses and the permission sought would not allow for all of the maximums to be built out.

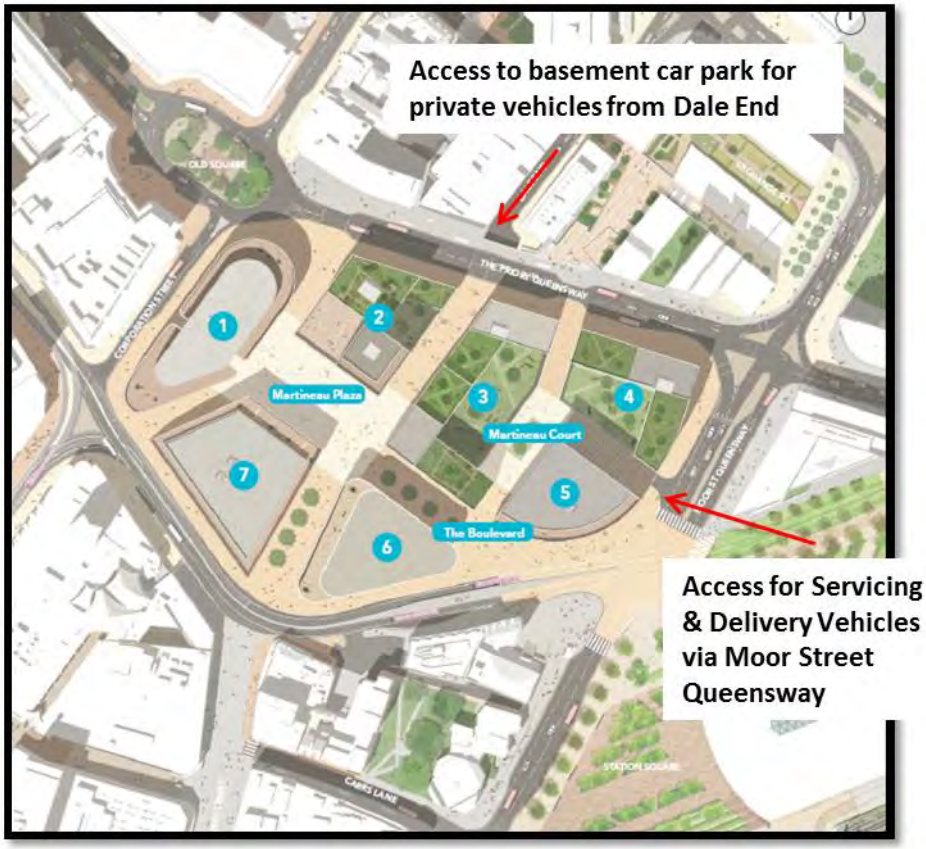
1.2 The application is accompanied by an Environmental Statement (ES).

1.3 Of the seven building plots numbers 1, 7, 6 and 5 would be office-led with generally a larger floorplate to reflect the nature of the uses. Plots 2, 3 and 4 would be primarily residential with an opportunity to provide hotel accommodation within Plot 3. A basement would be located under Plots 1, 2, 3 and 7 utilising as much of the existing basement under The Square Shopping Centre as possible to provide:

- up to 450 car parking spaces (under Plots 1, 2 and 7);
- a central servicing area under Plot 3; and
- a public cycle hub (1,700 cycle spaces) under Plot 4.

1.4 The provision of public realm would be focused centrally, with a larger square (Martineau Plaza) proposed between Plots 1, 2 and 7 and a smaller square (Martineau Court) located between Plots 3, 4 and 5. These would connect to Old Square, The Priory Queensway, Corporation Street, Bull Street, High Street and Moor Street Queensway with the proposed HS2 Curzon Station beyond.

1.5 The means of accessing the site is to be determined as part of this outline application. A basement car park is proposed to be accessed via Dale End with an entrance under The Priory Queensway. Meanwhile all servicing and deliveries would take place at basement level via an access off Moor Street Queensway between Plots 4 and 5.



Proposed Illustrative Masterplan Layout

1.6 The planning application is parameters-based which means that a series of limits or parameters are used to frame the permission. These are set out on a series of parameter plans that define the following:

- the extent of demolition within the application site;
- minimum and maximum building heights (AOD) with indicative storey heights of between 1 storey on Plots 2, 3 and 4 and 36 storeys on Plot 2. Notably Plots 2, 3 and 4 are subdivided to provide variations of height within the overall individual blocks;
- the minimum and maximum building footprints (width and depth);
- the minimum sizes for the public amenity areas – Martineau Plaza 1950sqm and Martineau Court 680sqm;
- the minimum sizes for the private residential amenity areas set at podium level on Plot 2 (330sqm and 170sqm), Plot 3 (660sqm) and Plot 4 (460sqm);
- the location of the connecting pedestrian routes with minimum street widths ranging from 9m to 18m;
- the arrangement of Use Classes at ground and upper levels; and

- the extent of cut and fill and proposed site levels.

1.7 The above matters have informed the Environmental Impact Assessment (EIA) process and the subsequent submission of the Environmental Statement together with an accompanying Design Protocol. This separate document sets out a number of mandatory design and layout requirements that the subsequent reserved matters will be required to conform with.

1.8 The applicants have advised that it is intended to commence construction in 2023, and in the light of the scale of the development it could take up to 15 years to complete the final phase.

1.9 Link to Documents

2. Site & Surroundings

2.1 The site slopes from west to east with an overall levels difference of approximately 13.5m. The existing site is formed of three principal urban blocks that vary in form, architectural styles, heights and scale and provide a total floorspace of 43,756sqm (GIA).

2.2 The first block is the Square Shopping Centre (25,083sqm GIA) a large two-storey 1960's building fronting onto Corporation Street, Bull Street, Dale End and The Priory Queensway. The Shopping Centre was designed by Sir Frederick Gibberd, an influential architect, who promoted modernist architecture in Britain. It has approximately 20 stores that include a variety of shops and restaurants ranging from high street brands such as B&M Bargains, Shoezone, the Post Office and Savers to specialist independent stores including Streetwear, Gadget Swap and Oasis. The retailers are arranged around a pedestrianised square where events are held. The Department for Digital, Culture, Media and Sport (DCMS) approved a Certificate of Immunity from Listing in January 2019 that remains extant for a period of 5 years from that date.

2.3 The second is Dale House, Century House and High Street Car Park (14,796sqm GIA) that are located at the eastern part of the site and front onto Dale End. High Street car park comprises approximately seven levels of car parking and is currently operated by NCP. Dale House and Century House, two 1970's office buildings, sit above the car park, with the tallest building (Dale House) reaching approximately 7 storeys on top of the car park.

2.4 The final block is Kings Parade 3,877sqm (GIA) located at 1-7 Dale End that comprises a two to three storey 1990's retail parade and includes tenants such as McDonalds, and Cash Generator.

2.5 The Priory Queensway forms the northern boundary to the application site. On the opposite side of The Priory Queensway lies the Exchange Square development (Phase 1) that is currently under construction. An application for Exchange Square Phase 2 received delegated authority to approve in December 2019 (2019/03336/PA). This scheme includes a hotel and a 36 storey residential tower.

The McLaren building is located adjacent to Phase 2 with Londonderry House beyond.

2.6 Corporation Street forms part of the north western boundary of the site. Directly opposite the site lies The Square Peg public house with the House of Fraser located further to the south west. An application to convert and raise the height of the House of Fraser building was approved in December 2019.

2.7 Martineau Place is located to the south western boundary of the site between High Street and Corporation Street. Martineau Place is a 4 storey building with a substantial high rise serviced apartment hotel building above the lower floor retail and commercial uses. This building forms part of the first phase of the original Martineau Galleries outline planning permission granted in 1998.

2.8 Beyond the south east boundary is the Clayton Hotel and the HS2 Curzon Station.

2.9 There are a 108 listed buildings that are located within 500m of the site including the Church of St. Michael (grade II listed); The Rotunda (grade II listed); Methodist Central Hall (grade II* listed) and St Philip's Cathedral (Grade I listed). Additionally since the submission of the application the Birmingham's Children's Hospital has been listed (Grade II). There are also a number of Conservation Areas within 500m of the site including Colmore Row and Environs Conservation Area that is approximately 60m to the south west of the site whilst a small part of the site falls within the Steelhouse City Centre Conservation Area that is located to the north west of the site.

2.10 The application site boundary includes the surrounding highways including parts of Corporation Street and Bull Street that will form part of the Metro Eastside Extension. The new route will include a Metro stop on a re-aligned Albert Street before crossing Moor Street Queensway, leading to HS2 Curzon Street Station and Digbeth High Street beyond.

2.11 Moor Street Queensway is also proposed for extensive improvement in the period up to 2026. This is as a result of becoming the main interchange of the sprint network, its interchange with the line of the Eastside Metro extension and providing the gateway to the City from HS2. It is anticipated the Moor Street Queensway would accommodate stands for the Sprint Services and a cycle lane that would front new public spaces outside of the HS2 station and be closed to through private traffic. A new pedestrian crossing facility is also proposed between the HS2 Curzon Station and Albert Street.

2.12 Site Location

3. Planning History

3.1 1997/00852/PA - Multi-storey City Centre development comprising retail, leisure, cinema, health, hotel, car parking and associated facilities and highway works (Classes A1-shops, A2 - Financial and Professional Services, A3 - food and drink, C1

- Hotels, D1 - Non -Residential Institutions and D2 - Assembly and Leisure). Approved 20/07/1998

3.2 2002/04337/PA - Variation of condition C17 of Application No: C/00852/97/OUT to extend period of time for submission of reserved matters by 3 years. 21/11/2002

3.3 2005/07564/PA - Outline planning application, including the approval of access, for the construction of a major mixed use development of up to 266,000 square metres gross internal area, comprising retail, food and drink, offices, leisure, residential, hotel, cultural facility, casino, associated car parking, highway works, service areas, public spaces, and infrastructure [Including Use Classes A1 (Retail), A2 (Financial and Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments), B1 (Business), C1 (Hotels), C3 (Residential), D1 (Non-Residential Institutions), Casino, D2 (Assembly & Leisure). Approved 21/12/2006

3.4 2019/03575/PA - Environmental Impact Assessment scoping report for proposed development of up to 255,000sqm of mixed use floorspace including office, hotel, retail and entertainment and leisure and up to 1,300 residential units with associated infrastructure works. Issued. 07/06/2019

3.5 Certificate of Immunity from Listing for The Square Shopping Centre issued by Historic England on 18th January 2019.

3.6 Exchange Square Phase 2 - 2019/03336/PA - Erection of a mixed-use development including a hotel (Use Class C1) to provide 235 bedrooms in a building of between 9 and 16-storeys, a building of 32-36 Storeys to provide 375 Dwellings (Use Class C3) and residential amenity space plus 790sqm (GIA) retail/commercial space (flexible within Use Classes A1, A2, A3, A4, A5, B1 and D2 Or mix thereof), vehicle and cycle parking, associated plant, amenity space and landscaping. Delegated Authority to Approve

3.7 House of Fraser, Corporation Street - 2018/10311/PA - Redevelopment comprising: change of use of 71 Corporation Street from retail (Use Class A1) to flexible mixed use including office (Use Class B1), retail uses, including food and drink and professional services (Use Classes A1, A2, A3, A4, A5) and/or leisure (Use Class D2) under Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended); change of use of 43 Temple Row from office (Use Class B1) and bank (Use Class A2) to hotel (Use Class C1); additional and extended floorspace; part replacement and part refurbishment of the existing facades and associated works. Approved

4. Consultation/PP Responses

4.1 BCC Transportation – No objections subject to conditions. The submission advises construction would hopefully commence from 2023 for and could last for 15 years through to 2038, although this is always subject to finance and many other factors. A condition on demolition and construction proposals can be applied when the reserved matters are submitted.

The Transport Assessment defines the predicted trip generation based on a worst case scenario of the development floor areas. As the car parking isn't defined for any use the assumption of 60% of trip movements in the peak periods is robust and notes 270 two way trips in the AM and PM peak period. Suitable traffic count data recently undertaken notes this is less than existing flows which are 449 in the AM peak (179 less), and 548 in the PM peak (278 less). The servicing access on Moor Street Queensway would equate to an estimated 12 in and 15 out in the AM peak period which is just 27 two way movements on less than 4% of the current peak traffic flow. The PM period is insignificant as flows are much less.

The access proposals for Moor Street Queensway are based on the most up to date Metro and BCC plans for the area and have been defined as acceptable by officers involved in those projects. The various parties will have to co-ordinate these projects through the ongoing discussions and formal s278 Highway Agreement process.

Car parking provision is reduced from the current site arrangement and previous planning approval. The current BCC car parking guidelines would permit up to 3566 parking spaces. 450 spaces is well below this level which is suitable for such an accessible site.

Since the original plans further information has been received regarding tracking plans for the two points of access. No consent is given to the taxi rank facility on Corporation Street without further details being provided on the potential use and consideration of where taxi activity might take place.

Various areas of public highway (HMPE) and rights of way (PROW) are required to be stopped-up as part of the development and a plan has been provided to define this. The City Council has not been approached by the DfT or the developer on this stopping-up agreement which can run parallel to the planning application submission.

Furthermore plans have been received to show the tightening of the radius at the Dale End junction with Newton Street to improve the pedestrian link across the junction. Although Dale End is to be closed except for the access to the proposed car park allow there will still be a requirement for large vehicles to use this route as it is public highway with active frontages.

There is a Highway Improvement Line (reference 606) which sits on Moor Street Queensway and The Priory Queensway frontage to the site noted as linked to the 'bus mall' project. Whilst awaiting details on this line to confirm it can be revoked it is noted that it does not affect the proposed access arrangements.

Request following conditions/resolution;

a) Section 278 Highway Agreement condition to confirm how the two site accesses and associated works are to be secured and in place prior to that part of the development being occupied. All works are to be carried out at the applicants expense to BCC specifications;
b) Access and construction to tie in with occupation of the various plots defined on the site.
c) Stopping-up resolution that is subject to a phasing plan so;

- agreement is reached with BCC on arrangements for Priory Queensway structure to be maintained and accessed by BCC prior to the Dale End closure; and
- phasing of the stopping-up so routes are still available if uses are still active or alternatives aren't provided.

From meeting the Planning officer in December 2019 the conditions have been revised to reflect these answers and additional discussions.

4.2 Police - This is a difficult planning application to review, given its outline category, the 14m change of levels across the site and the final mixed use of this very large City Centre site. Recommend the following:

- the residential aspect of the development should be built to the standards laid out in the Secured by Design 'Homes 2019';
- each apartment should be treated as a separate dwelling for the purposes of the standards of door security required, access to these separate uses areas be restricted to those that should / need the access, and access control be installed on all of the lifts;
- a suitable CCTV system be installed to cover this development and be subject of a planning condition;
- any work around the commercial plots be carried out to the standards within the Secured by Design 'Commercial 2015' guide;
- intruder alarms should be installed;
- a lighting plan for the site be produced that follows the guidelines and standards in 'Lighting Against Crime' guide;
- Proposed parking - any access route into the car parking areas (irrespective of the potential users) must be the subject of appropriate access control; should be the subject of a turn away lane, one which can safely turn away an unauthorised vehicle; the entrance should be the subject of measures which can control the height / size of vehicles entering; be the subject of an appropriate and full lighting scheme; should be covered by a full CCTV system;
- Open, or easy, access into a bin or cycle store could allow an offender an easier route into the respective buildings;
- post-delivery should be in a separate post room;
- recommend that ground floor apartments have some planted areas immediately outside any windows to ensure that some defensible space is created between the dwellings and the public domain;
- recommend that any scheme be checked against the guidelines contained within Section 17 of the Secured by Design 'Homes 2019' guide;
- consideration be given to a condition to require a landscaping maintenance plan;
- creating *'a variety of spaces individuals feel comfortable and secure in'* is obviously supported, however the intention to limit the amount of street furniture / clutter could increase the risk of an offender who is using a vehicle as a weapon, from coming into contact with pedestrians. Request planning condition requiring the installation of a Hostile Vehicle Mitigation scheme to protect the site;
- suitable boundary treatment should be installed around this accessible roof space to adequately prevent accidental falls over the boundary or intentional attempts to self-harm. Recommend that any furniture installed on the roof be

located so it cannot be used as a climbing aid to scale the boundary and secured in such a way that it cannot be moved to a location where it could act as a climbing aid. Recommend that consideration be given for the installation of a barrier no lower than 2.0 m in height and of a clear anti-climb design, that all of the roof area be covered by CCTV cameras and suitable signage is installed on the roof, and on all the approaches to it, offering advice, support and signposting anyone considering self-harm; and

- recommend that the site be the subject of a 24 hour staff presence.

4.3 Birmingham Civic Society (BCS) – The BCS campaigned in support of the listing of the Frederick Gibberd designed building which occupies much of this site, and were disappointed that a Certificate of Immunity issued in response. We implore the applicant to consider a gesture which recognises the significance of the building as a work by this major British architect, whether this be an element of the building retained, some form of interpretation, or even support for a project to conserve post-war architecture in the City. The above feelings withstanding, we support this well designed and detailed proposal. We welcome the pre-application process of consultation which was undertaken, and are pleased to see material which alleviates concerns raised. The redevelopment of the site will significantly improve urban connectivity and the townscape in this area of the City. The proposal is also to be applauded for the appropriate and restrained scale of development, which responds well to the townscape in what must now be a site of rising economic value. If the aspirations set out in the D&A statement are brought to fruition the site will provide an appropriate gateway to the City following the development of the HS2 terminal.

4.4 Historic England – The site occupies part of Corporation Street, and this section, between the Colmore Row and Environs and the Steelhouse Lane conservation areas, is today characterised by 20th century retail development. The western side of the application site is occupied by a mid-1960s shopping centre development designed by Sir Frederick Gibberd which, after assessment, received a Certificate of Immunity from listing in January 2019. The site meets Moor Street Queensway to the east, opposite the site of the proposed HS2 Curzon Terminus. Given the proposed height and scale, the application will have a far reaching impression on the City and also lies within the setting of a number of designated heritage assets, not limited to, but including: the Grade II listed Church of St Michael, the Grade II listed Old Moor Street Station, the Grade II* listed Methodist Central Hall, Grade I listed Cathedral of St Philip, the Grade II listed Rotunda, and the Steelhouse Lane, the Colmore Row and Environs, and Digbeth, Deritend and Bordesley High Street Conservation Areas.

With the site and surrounding multiple heritage assets in mind we would draw your attention to the statutory duties of the local authority set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the requirements of sections 12 and 16 of the NPPF. Having considered the application, and following some initial pre-application discussions with the applicants earlier this year, we recognise the positive opportunity the development of this site presents to improve connectivity with the reinstatement of some historic street patterns and as the immediate backdrop to the proposed railway terminus and the arrival of HS2 into the City. We concur with the applicant's presentation and assessment of the wider

impacts of the proposed tower and its subsequent impacts on various heritage assets. In particular, this refers to the impact on the significance of the Grade II* listed Methodist Central Hall and the dilution of the landmark qualities of its tower when viewed from the north and north-east. We concur that this would lead to less-than substantial harm to significance which therefore requires the local authority to consider this against the public benefits associated with the scheme. If, following this, the local authority is minded to approve this application, with all matters reserved it is imperative that the site's eventual design is safeguarded to ensure the quality and appropriate implementation of this intended approach in the context of the historic environment.

Recommendation **-** Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

4.5 Cadent (Gas Network) – There is apparatus in the vicinity of the application site which may be affected by the development. The contractor should contact Plant Protection before any works are carried out to ensure that the apparatus is not affected by any proposed works.

4.6 Severn Trent Water - No objections to the proposals subject to conditions to firstly require drainage plans for the disposal of foul and surface water flows and secondly ensure that the agreed details are implemented before the development is first brought into use. It is advised that there are public sewers located within this site.

4.7 Local Lead Flood Authority (LLFA) – The LLFA recognise the detailed information submitted in support of this outline application and the incorporation of a number of different SuDS within each individual plot that would provide benefits to water quality, amenity and habitat. Severn Trent PLC has confirmed that they will accept the 5 l/s discharge from each plot (seven in total) which would provide a maximum discharge from the development of 35 l/s. This approach is in conformity with Policy TP6 of the adopted Birmingham Local Plan, and the requirements of the NPPF. The application of a 40% climate change allowance is in excess of the 30% currently required providing betterment on existing policy taking into account the timescales for delivering the wider scheme. No objection subject to conditions to require the submission of a surface water drainage scheme and the prior submission of a sustainable drainage operation and maintenance plan.

4.8 Network Rail - As the proposal is currently at outline stage the council and the applicant are advised to submit an asset protection form as Network Rail would need to be satisfied that the works on site would not impact the tunnels both during construction and as a permanent arrangement. NR would need details of, and agreement to, piling / vibro impact works, excavation earthworks, drainage, crane working, risk assessments and method statements and demolition works.

4.9 Natural England - no comments to make on this application.

4.10 Sport England – offers its support for this application, subject to securing a S106 contribution of £688,090 towards off site sporting facilities in line the comments below.

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

The population of the proposed development is estimated to be 2990 based upon an occupancy rate of 2.3 persons per dwelling for up 1300 dwellings. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

In respect of swimming pools, the City Council has recently undertaken a significant programme of investment in various public swimming pools within the City including a new pool at Icknield Port Loop (approximately 1.5 miles away from the application site) which has recently been constructed this summer. The closest other swimming pool to the proposed development is at Aston University Sports Centre. Sport England's National Run data for 2019 models this pool to be operating at 100% capacity and turning away swimmers (approximately 1000 visits per week in the peak period) and so in practical terms this pool is unlikely to be able to absorb additional demand generated by this development.

In terms of sports halls, there is no strategy in place or strategic renewal programme underway across the City at the present time. However there have been a number of new sports halls that are being delivered through schools improvements with secured community access. The nearest sports hall is at Aston University Sports Centre, and as with the swimming pool is modelled to be operating at 100% capacity and turning away users and so this site is unlikely to be able to absorb the demand generated by the proposed development.

Sport England have developed a Playing Pitch Calculator which can be used to calculate projected demand for playing pitches. For the proposed development, this would potentially generate demand for 1.05 grass pitches at a capital cost of £147,860, together with an appropriate maintenance contribution (suggested to be £20,623 per annum for 15 years), and 1.44 changing rooms at a capital cost of £230,885, to provide a total playing pitch contribution of £688,090. Given that the PPS generally identifies shortfalls of provision across most sports, there is unlikely to be capacity in existing provision to absorb the demand generated by the development. Sport England would therefore support the Council in investing in a locally identified priority(s) in accordance with the Playing Pitch Strategy (PPS) as this would help address such shortfalls of provision across the City along with identified issues of pitch quality and a need for better quality ancillary provision.

The following local priorities identified in the PPS are put forward by the FA: The Pavilion, Moor Lane and Holte School. Both of these also feature as investment priorities for the FA in the Birmingham Local Football Facility Plan. Sport England are aware that the Council are developing proposals for new changing facilities and pitch quality improvements at Senneleys Park, and are also looking to make improvements to changing provision and pitch quality at Holders Lane, and so these should also be considered. Priorities for cricket include investment for Harborne CC, Kings Heath CC, Shenley Fields CC and Weoley Hill CC as demonstrated in the PPS. In respect of Rugby Union, the PPS identifies the need to improve pitch quality at all sites used by clubs through improved maintenance and/or the installation of drainage systems, particularly at sites containing overplayed pitches. In reference to this key strategic objective, there is potential for investment to be targeted to improving the pitch quality and ancillary provision at Eastern Road which is a key central site that could cater for further activity and growth subject to the right quality and supply of facilities.

Sport England, in conjunction with Public Health England, has produced 'Active Design' (October 2015), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments.

The site offers limited opportunities for the provision of outside space for physical activity, being a high density development in the City Centre, and so residents will need to access facilities off-site for such activities. However the inclusion of two public spaces is positive additions to the scheme. Detailed design proposals for these spaces should maximise the opportunities for users to undertake pop-up activities such as Tai-Chi and other forms of physical activity in addition to the range of functions and events described in the design and access statement. All permitted uses (both commercial and residential) should be provided with high quality cycle facilities including secure cycle storage and cycle parking in accordance with the City 's parking guidelines to maximise the benefits of the City Centre location, and in particular connectivity to bus and rail services, including HS2. There may be opportunities to enhance accessibility to existing open space via improvements to wayfinding and other public realm enhancements.

4.11 Highways England - No objection.

4.12 HS2 Ltd - no objections. However, due to the proximity of the projects to one another it is recommended that if the Council were minded to approve the application a construction method statement be secured by means of an appropriately worded condition and for an informative to be added to the decision notice.

4.13 Birmingham Airport - It is apparent that the tallest building within the proposal will sit at a height of just over 10m above the outer obstacle limitation surface for the airport. As a consequence, Birmingham Airport will require a condition (specific to plot 2c) to require a radar safeguarding assessment to be submitted to ensure that it is compatible with the Airport's radar, before it can agree to the proposal. In the event that an impact upon the radar is predicted then a mitigation plan will be required. Cranes used during construction will also require assessment for aerodrome safeguarding purposes and therefore details of a crane management plan will need to be agreed with the Airport.

4.14 BCC Employment Team – request the submission of a construction employment plan that provides for a minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site be provided for New Entrants whose main residence is in the Local Impact Area identified from Birmingham City Council's Employment Team. Thereafter prior to the occupation of each phase a Local Employment Strategy for that phase should be submitted detailing how the developer and relevant future occupiers would work alongside Birmingham City Council's Employment Access Team to identify opportunities for employing local people where appropriate to the end user, which would include identifying targets for the recruitment and training of local people inclusive of new entrants.

4.15 BCC Regulatory Services - Recommend conditions to require a contamination remediation scheme, a contaminated land verification report and an air quality assessment report for each phase of the development including mitigation for the dwellings affected where necessary.

4.16 BCC Leisure Services - No objections however the scheme of over 20 residential dwellings would be subject to a Public Open Space (POS) contribution. It would not generate any contribution for play because it looks to be composed of mainly non-family type 1 and 2 bed accommodation and located in the City Centre. As well as any S106 contributions being directed towards public realm or other sources officers would argue that given the significant number of people generated by this development a share of the contributions should be allocated towards off site provision, improvement and or maintenance of POS within Ladywood or adjacent Wards that have a lack of investment. The proposed on-site landscape amenity space is not considered to be meaningful publicly accessible open space and therefore this should not be taken account in calculating an off-site POS contribution. Any contribution would be calculated as follows: Allowing an average occupancy of 1.5 people from the 1,300 residential units would generate 1950 new residents. 1950 divided by 1000 x 20,000(2 hectares per thousand population) = 39000 m2 x £65/m2 (cost of laying out open space) = total contribution of £2,535,000.

4.17 West Midlands Fire Service - No objection in principle to the above proposals, subject to recommendations to ensure that the development accords with national guidance and British Standards regarding access, water supplies and firefighting facilities.

4.18 Midland Metro Alliance - Eastside Extension - Given the proximity of the existing (BCCE) and proposed Metro (BEE), TfWM require that the applicants be drawn into a dialogue to ensure that TfWM/MMA considerations are taken on board. The applicant

must work closely with TfWM when developing the design, demolition and construction plans for the site. Based on the proposed demolition, there is a risk of damage to the outlying catenary support on Corporation Street given its close proximity to the existing building. There are potential effects during construction from vibration that may affect areas beyond the immediate curtilage, the potential effect upon both the adjacent catenary supports and rail (through ground borne vibration) needs to be assessed by the applicant. Early involvement and coordination of the programme is key to enable working together if construction of the two schemes will coincide; items to consider include temporary arrangements (traffic management, temporary OLE poles etc.), road closures, access routes for construction traffic etc. There is the option to attach building fixings for the Catenary support for the Metro on the new development. Other concerns include protection of Metro infrastructure if the BEE project is constructed ahead of this development.

4.19 Local action groups and forums, he Ramblers, the MP and local Councillors, Colmore BID and the Retail BID, the Civil Aviation Authority, Birmingham Public Health and Transport for West Midlands have been consulted but no replies received.

4.20 The application has been advertised in the press and by a number of site notices. Neighbouring occupiers have also been notified. Two objections have been received:

The first raises concern regarding maintaining access to the Carrs Lane Church and Conference Centre carpark from New Meeting Street. Specifically in reference to users of the building including, staff, tenants, church members, volunteers, room hirers, contractors and for deliveries. Restricting or denying access via this way will severely impact the accessibility of the building especially when the surrounding roads are closed for large events, such as marathons and cycle races.

The second raises the following (in summary):
Loss of live music performance space - The site previously known variously as the O2 Academy, Birmingham Academy, and the Hummingbird is an historic venue dating back to 1964 and performers that command a special place in Birmingham's music history have performed there. It also represents a rare opportunity for concert promoters in terms of the flexibility of size afforded by having three performance spaces available. Birmingham is losing its smallest sized performance spaces, such as the recent closure of the Flapper and Firkin and indeed has a shortage of medium sized performance spaces. Losing another one permanently is only to the disadvantage of the community, especially the young.
Loss of budget shopping - By and large the kinds of shops which are in the existing Priory Square centre are the kinds of shops which used to be in the old Bullring Link bridge, before they were evicted by Hammerson when the old Bullring was redeveloped. Birmingham City Centre should be for everybody; it should not only be for the Selfridges and Harvey Nichols of this world and their usual clientele, it should also be for mid-range shops and their clientele, and indeed it should be for shops selling budget priced goods to people who cannot afford to buy expensive clothes and gifts from John Lewis. The existing shops add to the overall colour of the City Centre, and as well as having their particular social clientele also some of them have

a particular racial and cultural clientele not served anywhere else in the City Centre. We as a City should not be saying to poorer people or members of black and minority ethnic communities that their shopping needs aren't chic enough for the City Centre, whereas the proposed development would do exactly that.
Loss of indoor marketplace - Like the Hummingbird, The Oasis has a unique place in the history of Birmingham's alternative culture, being a marketplace which has existed since 1971, serving a market - people who are into alternative and goth fashion and subculture - which is not served anywhere else in Birmingham.
Intensity of development - There is no shortage of hotel, office, residential, and retail accommodation in Birmingham City Centre. Indeed, a quick straw poll survey I did the week of preparing this comment found no less than 32 empty retail units, of varying sizes and rateable values, in the immediate vicinity of the proposed development. The creation of further shops will not reduce the number of empty shops, it will only increase that number and will not improve viability of high street. Let us not forget that The Pavilions and City Plaza shopping centres themselves closed due to becoming commercially unviable.
Demolishing an existing modern historic and well-loved site and building a new high end but probably empty development in its place will not solve the crime in the area. The area is a focus for crime not because of the man selling corn on the ramp, but because it stands at the confluence of several major bus routes into and out of the City Centre, and the crime is being committed by youths potentially involved in gangs and other organised social disruptors congregating in the area;
From a sustainability perspective, losing the embedded carbon in the existing site and emitting further carbon in its demolition and replacement with a new development will have significant environmental damage. Birmingham has declared a climate emergency, and accordingly it behoves us to where possible conserve what we can in development
'Regeneration' should not only mean demolition followed by new building; regeneration can involve rejuvenation of existing developments. If Hammerson are not willing to do that, they should be politely encouraged to sell the complex to an organisation which is so willing.

I have not seen any official planning notices on lampposts or on walls in the area drawing people's attention to the planning application

4.15 Separate to the Council's statutory consultation requirement the applicants have submitted a Statement of Community Involvement that explains that a six day consultation exercise was held in one of the units of The Square Shopping Centre on Corporation Street, running from Monday 10th June to Saturday 15th June 2019 including a public consultation event from Thursday 13th June to Saturday 15th June. The report states that 35,211 properties within a 1.5 mile radius of the site were invited to this exhibition, with 128 attending over the duration of the public phase. The applicants have advised that,

"*Over Monday 10th and Tuesday 11th June, MGPL met with around 30 of 55 current tenants of the site, including owners of shops in the Square Shopping Centre, and a representative of NCP Carparks. The feedback from tenants was positive, with discussions showing that the majority of them were happy with the design proposals*

and aware of the need for regeneration in the area……In regards to their future, the majority of tenants said they had been aware for some time that they would need to relocate at some point, and wanted MGPL to ensure that they are informed of a timeline for this as soon as possible."

The applicants also launched a project website, which made available all of the information that was on display during the consultation events referred to above in June 2019.

The applicants conclude that, "*The vast majority of responses and comments that MGPL received from the public consultation, including through the project website, were supportive of the proposals for the redevelopment of the Martineau Galleries site. 85% were supportive of the regeneration plans and 81% thought the proposed designs were appealing*."

5. Policy Context

Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Car Parking Guidelines SPD (2012), Shopping and Local Centres SPD (2012), Lighting Places SPD (2008), Public Open Space in New Residential Development SPD (2007), Access for People with Disabilities Supplementary Planning Guidance (SPG) (2006), Archaeology Strategy (2004), High Places – A Planning Policy Framework for Tall Buildings SPG (2003), High Places (2003) ,Affordable Housing SPG (2001), Places for Living SPG (2001), Places for All SPG (2001), Birmingham Curzon HS2 Masterplan for Growth (2015), Big City Plan (2011), City Centre Retail Strategy (2015) and the revised National Planning Policy Framework.

6. Planning Considerations

Principle of Proposed Uses

6.1 According to the BDP the application site is located within the City Centre Retail Core, within the wider City Growth Area and it is identified as a Major Development Site.

6.2 Policy GA1.1 acknowledges that improvements to the quality of the environment, the shopping experience and new leisure uses within the City Centre Retail Core will be promoted. The Policy also supports the City Centre as a major hub for financial, professional and business services. Policy GA1.3 encourages development that would provide an exceptional visitor and retail experience with a diverse range of uses.

6.3 Retail Policy TP21 seeks to maintain the vitality and viability of the centres throughout the City by advising that they will be the preferred locations for retail, office, leisure developments and community facilities.

6.4 The proposed office, retail and leisure uses are identified within the NPPF as main town centre uses, and as such, considering this national policy guidance alongside

the local BDP Policies it is considered that the proposed uses comply with Policy. Moreover the potential Use Class D1 non-residential floorspace (which includes medical and health services, nurseries, galleries and facilities for religious worship) is again considered appropriate at this City Centre location to potentially provide a more diverse range of uses at this accessible location.

6.5 In addition to the commercial floorspace the application seeks to deliver up to 1,300 residential units. This total would provide a significant contribution to BCC's housing requirement that has been identified in Policy PG1 as 51,100 homes over the BDP plan period to 2031. Furthermore Policy GA1.1 supports the provision of housing within the City Centre where it would provide well designed high quality living environments. Policy TP21 acknowledges that residential development within the City Centre will be supported although regard will be paid to Policy TP24 which promotes residential uses on the upper floors. Policy TP28 provides criteria for the location of new housing requiring development to be sited outside of the flood zones, have adequate infrastructure, have accessibility to jobs, shops and services, be sympathetic to historic, cultural and natural assets whilst according with other policies that seek to protect employment, open space and green belt land. It is considered that the application site would accord with these policies subject to further discussion regarding heritage.

6.6 The site also falls within the Curzon HS2 – Masterplan for Growth area ('the Curzon Masterplan') which, although is a non-statutory document, outlines the vision for development in the vicinity of the HS2 terminus. Martineau Galleries is identified as being on the doorstep of the new international railway station providing the opportunity to deliver high-quality commercial office space that has direct connections to the existing business district. The Masterplan advocates a significant quantum of new development including 4,000 new homes, 420,000sqm of new office floorspace, 100,000sqm of new retail floorspace and 60,000sqm of new hotel floorspace.

6.7 Therefore the principle of the proposed uses to redevelop this major development site is considered to comply with national and local policy.

Proposed Layout, Design and Massing

6.8 First, it is acknowledged that this is an outline application with only the means of access to the site to be determined at this stage. However the layout of the site in terms of the arrangement of the plots together with the areas of public realm plus the routes through the site will also be partly secured at this stage via a number of parameter plans and a design code. The words 'partly secured' are used because the parameters plans are just that; a series of plans that set the limits for, amongst other items:

- minimum and maximum building heights (AOD) with indicative storey heights;
- the minimum and maximum building footprints (width and depth),
- the minimum sizes for the public amenity areas;
- the minimum sizes for the private amenity areas; and
- the location of the connecting pedestrian routes with minimum street widths.

6.9 The proposed layout and massing of the site has evolved as a result of seeking to create a good place, in accordance with Policy PG3 of the BDP. It has therefore focussed on the following key objectives:

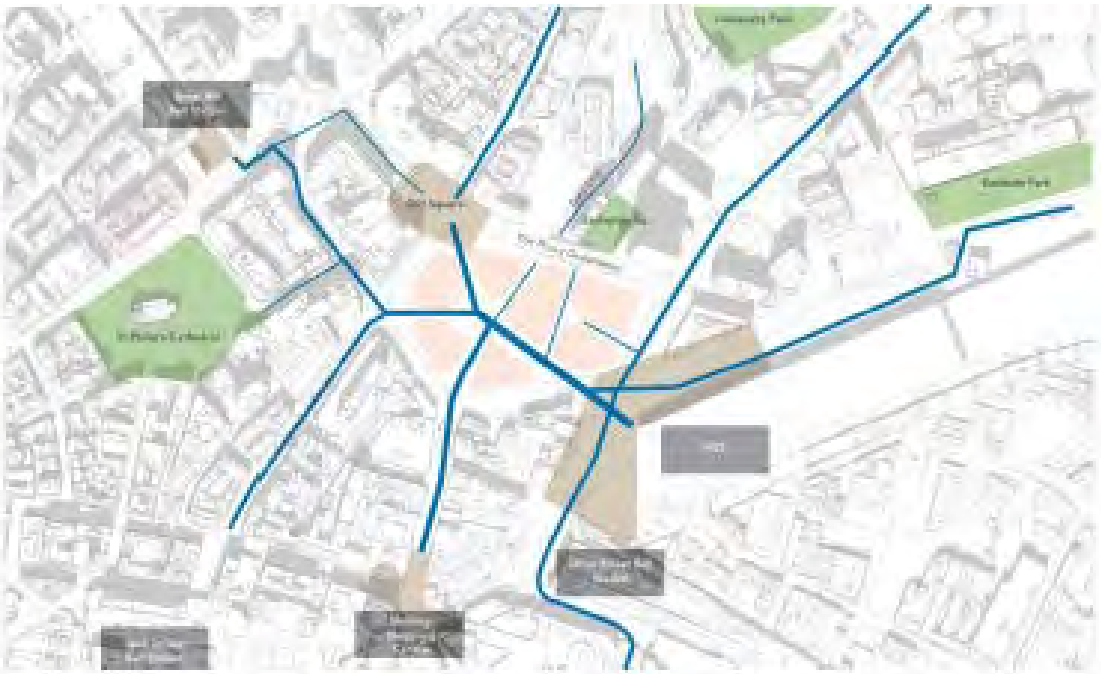
6.10 Connectivity: The first objective is that of connectivity, an aim that is promoted by Policies PG3 and TP39 of the BDP: Walking. A hierarchy of pedestrian routes is proposed that would provide links across the site via areas of public realm to existing major spaces and thoroughfares within the City Centre. These have been prioritised by their width and anticipated frequency of use.

6.11 There would be two primary routes. The first would connect the proposed new square called Martineau Plaza within the site with the proposed Station Square and Curzon Street Station beyond Moor Street Queensway. This route would be overlooked by Plots 3, 5 and 6 and be named The Boulevard. As a primary pedestrian priority route the parameters plan provides a minimum limit of 18m in width, and it would provide a legible route between HS2 and the heart of the site.

6.12 The second primary route would connect the existing High Street through the application site across the proposed Martineau Plaza before extending towards The Priory Street Queensway. This is called the High Street extension and would have a minimum width of 15m.

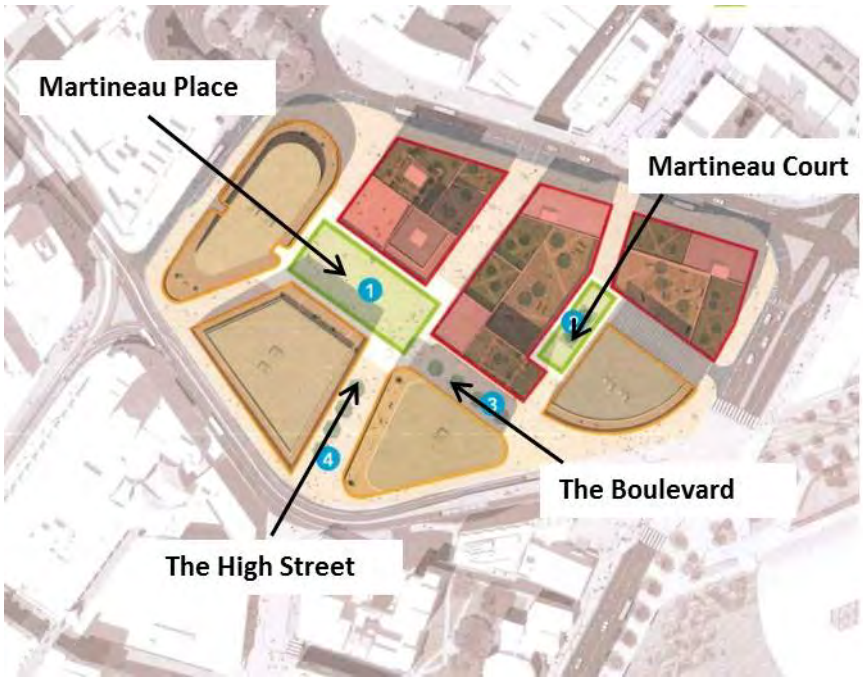
6.13 Two secondary connections are proposed. The first would connect the proposed Martineau Plaza through the site to the junction of Corporation Street and Bull Street and the route of the Midland Metro Eastside Extension. The second would connect the proposed Martineau Plaza through the site towards Old Square and The Priory Queensway. These routes would be limited to a minimum width of 12m.

6.14 A tertiary connection would lead from the proposed The Boulevard towards the proposed Martineau Court, within the site, then onto Priory Street Queensway where there would be an at grade crossing into the development known as Exchange Square. This would be limited to a minimum of 9m width.



Proposed Routes through the Site to/from Existing City Centre Routes and Landmarks within the Illustrative Masterplan

6.15 It is considered that these public routes, which would intersect with the proposed areas of public realm would allow the site to be permeable to pedestrians from the surrounding streets and existing destinations, connecting the application site with the wider City Centre.



Proposed Routes and Public Squares within the Illustrative Masterplan

6.17 Public Realm: - The second key objective in terms of the layout is the provision of two squares that would serve as destinations in their own right. These would reinforce a positive sense of place and local distinctiveness in accordance with Policy PG3. The larger of the two is Martineau Plaza; a convergence of routes into a civic square sited between Plots 1, 2 and 7 at the heart of the development. It is envisaged that the Plaza would become one of Birmingham's most significant multi-use spaces providing a flexible space for City wide events, as well as an area for groups of people to congregate. The parameters plans limit the Plaza to a minimum of 1950sqm.

6.18 The second is the proposed Martineau Court; a quieter square with a calmer atmosphere and sited in the middle of Plots 3, 4 and 5. It could contain an area of lawn for informal seating and would allow for 'spill-out' from the adjacent residential and commercial Plots.

6.19 In addition to the above it is considered that the proposed primary pedestrian links named The Boulevard and the High Street extension would enhance the public realm subject to their surfacing, landscaping and street furniture.

6.20 The servicing strategy for Martineau Galleries has been carefully considered to ensure that the servicing takes place predominantly away from the pedestrian streets and public squares, with the majority of buildings being serviced via the basement car park and servicing area.

6.21 Key Views: The final key objective that has informed the layout and massing of the development are the key views within, into and out of the site. The submitted Design Protocol describes a series of key views of which the most important are considered to be:

a) the approach between the existing High Street and the Rotunda into the proposed Martineau Plaza. A tower is proposed at Plot 2c (known as the 'locator building') to elongate and provide an anchor at the end of the High Street. The Rotunda together with the proposed tower would provide two important wayfinders on the City skyline;

b) the view along The Boulevard between the proposed Martineau Plaza and the proposed Curzon Station Square. The new pedestrian route into the development from the HS2 Station is fundamental as it would not only act as a gateway to the proposed development but also to the City Centre. Hence the siting of Plot 1 is vital to provide a terminal view looking from the Station whilst Plots 5 and 6 would frame the route or entrance from the Station into the development;

c) the views along Corporation Street. The proposed development should protect views of the Grade II * listed Methodist Central Hall and not detract from the appearance of the Colmore Row and Environs nor the Steelhouse Lane Conservation Areas;

d) the view into the site between Plots 1 and 7 towards Martineau Plaza at the intersection of Corporation Street and Bull Street. This is a key convergence of buildings and the siting of the Plots are important to facilitate pedestrian movement into the development and Martineau Plaza;

e) the view into the site from the corner of Old Square between Plots 1 and 2. This still remains an important intersection in the City that has amenity and heritage value and views from Old Square are important to bring people into the development and Martineau Plaza;

f) the view into the site from Exchange Square towards Plots 3 and 4 and Martineau Court beyond. Phase 2 of Exchange Square includes a new public square opposite the application site. The interaction between this site and Martineau Galleries is important to link the two developments for pedestrians, hence there are two protected pedestrian routes linking this site across The Priory Queensway.

6.22 These key views would provide another layer informing the siting and massing of the Plots. Some of the proposed key views are to be defined, other existing key views are to be protected. In order to secure these key views the Parameter Plans would secure the limits of footprint deviation for each Plot, i.e. specifying the amount of tolerance allowed for the footprint of each Plot along each facade. For example this ranges from -12m to +3m on one of the facades to Plot 1, and -3m to +6m on all of the facades to Plots 2 to 6. The exact siting of the building footprints would be determined at the reserved matters stage, however notably the minimum widths of the public routes and the minimum areas of the two squares would be secured, plus there are mandatory design requirements secured by the Design Protocol to ensure that the key objectives of connectivity, public realm and key views are maintained.

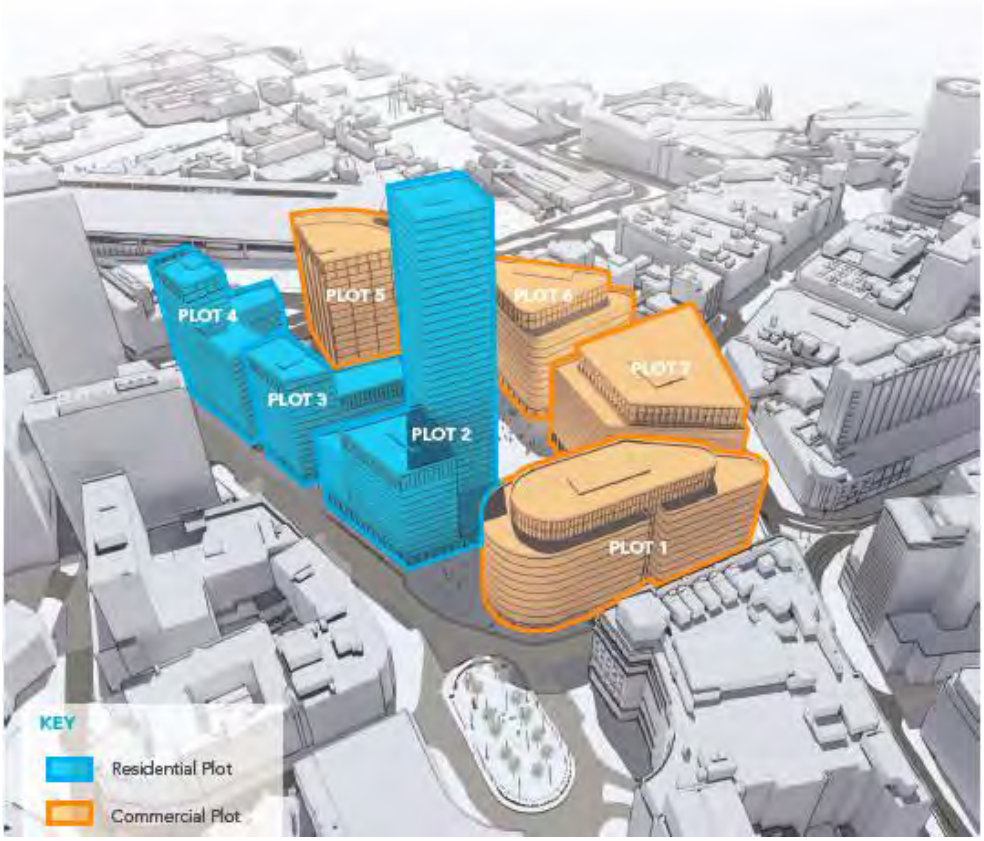
6.23 Separate Parameter Plans define the proposed minimum and maximum heights above ordnance datum (AOD) of each Plot, with indicative storey heights. Note that Plots 2, 3 and 4 are sub divided with minimum and maximum heights to each of the subplots.

6.24 Furthermore subplots 2a, 3a and 4a have been designed as podium amenity spaces reaching a maximum height of two storeys (G+1).

Plot	Minimum Levels (AOD & Indicative Storey Heights	Maximum Levels (AOD & Indicative Storey Heights
1	173.3 G+8	189.3 G+12
2a	137.0 G+0	140.3 G+ 1
2b	156.8 G+6	183.2 G+14
2c	219.5 G+25	252.5 G+ 35
3a	132.9 G+0	136.2 G+ 1
3b	159.3 G+8	162.6 G+9
3c	172.5 G+12	185.7 G+`6
3d	159.3 G+8	172.5 G+12
3e	159.3 G+8	165.9 G+10
3f	172.5 G+12	185.7 G+16
4a	130.0 G+0	133.3 G+1
4b	163.0 G+10	176.2 G+14
4c	179.5 G+15	196.0 G+20
4d	153.1 G+7	166.3 G+11
5	184.5 G+13	200.5 G+17
6	168.6 G+8	192.6 G+14
7	171.5 G+8	191.5 G+13

Maximum Heights of All Plots

Podium Private Amenity Areas



Proposed Illustrative Masterplan

6.25 As mentioned above sitting alongside the Parameters Plans is a Design Protocol that will provide a framework that would ensure that the future evolving design of the individual Plots is consistent with the overarching design principles regarding connectivity, public realm and key views. The Protocol sets out the design principles in terms of whether they are 'Mandatory', i.e. those that must be adhered to at the reserved matters stage. There are also principles that are 'Recommended'; i.e. that are to be followed unless it can be demonstrated that there are justified reasons why they cannot be complied with, and those to be 'Considered' at the detailed stage, with the future reserved matters applicants to explain how the principles have been taken into consideration.

6.26 This is quite a weighty document hence the submission of a Design Protocol Mandatory Checklist. Officers consider that the most important requirements of those listed in the report for each Plot are as follows:

<u>Plot 1</u>

- Any oversail or plant at upper levels must not overly detract from the framed view of the Central Methodist Hall tower;
- The corners of the Plot to provide interest and facilitate pedestrian movement towards Martineau Plaza;
- Must reinstate a primary corner with active frontage onto Old Square;
- The massing must follow a defined top, middle and bottom with the ground floor datum and setbacks relating to the existing Lewis Building opposite on Corporation Street;

- The plot must have a setback at a higher level of a minimum 3m.

Plot 2

- The route between Old Square into Martineau Plaza does not need direct visibility but the design of Plots 1 and 2 must together lead pedestrians through a legible route into the heart of the development;
- The Locator Building at Plot 2c must be a prominent addition to the Birmingham skyline, providing a distinctive architecture that will act as an identity marker for the area. It must be a focal point between Plots 1 and 7 to draw pedestrians through Martineau Plaza and beyond;
- A visible gap to be maintained between Plots 1 and 2c to reinforce the elegance of the tower.

Plot 3

- The corners and enclosing elevations of Plot 3 and 4 along the route into Martineau Court from Exchange Square must be treated as active ground floor frontages, with blank elevations and back-of-house facilities kept to a minimum;
- Each Subplot must have a distinctive top, middle and bottom treatment;
- Subplot 3f must have a variation of at least 4 storeys in massing when compared to subplot 4b to provide variation and rhythm along The Priory Queensway;
- Subplot 3c must have a variation of at least 4 storeys to plot 3d.

Plot 4

- Sub-plots 4b, 4c and 4d must have a distinctive top, middle and bottom treatment;
- There must be a height difference of at least 4 storeys in massing of each adjacent sub-plot to provide variation and rhythm to the massing.

Plot 5

- Plot 5 must have a prominent south facing facade which turns the corner into the Boulevard;
- Plot 6 must work in tandem with Plot 5 in order to create a defined Boulevard and frame the route through to Martineau Plaza;
- Plot 5 must take full advantage of the southern aspect overlooking the Metro and crossing point towards HS2 Curzon Street Station;
- A setback of at least 3m should be applied to the upper storeys to the southern elevation.

Plot 6

- Plots 2, 3, 6 and 7 have been defined around the continuation of the High Street through the heart of the development. These plots must respect this route in terms of design quality, active frontages and maintaining views between plots;
- Plots 6 and 7 must frame the Locator Building and present confident, active corners onto the High Street. The distance between Plots 6 and 7 must be sufficient to see the foot of the Locator Building to Plot 2c;
- Plot 6 must work in tandem with Plot 5 in order to create a defined Boulevard and frame the route through to Martineau Plaza.
- There must be a setback of at least 3m at a higher level.

Plot 7

- The corners to Plots 6 and 7 that address the existing High Street must be suitably designed to mark this important intersection and encourage footfall along this extended High Street into Martineau Plaza;
- A setback of at least 3m must be applied at a higher level to the facade facing Martineau Plaza;
- A setback of at least 1.5m must be applied at a higher level to the full facade perimeter.

6.26 The proposed locator building at Plot 2c would be the recognised tower within the site, forming a bookend to the High Street, with the Rotunda anchoring the other end. Furthermore with the Parameter Plans securing a height of between G+25 to G+35 storeys it would also be a future landmark on the skyline. However in terms of the High Places Policy there is the possibility of tall buildings on Plots 3c, 3f, 4c and Plot 5.

6.27 The High Places SPG defines a central ridge zone where tall buildings are considered to be appropriate. It is considered that the ridge envelopes Plots 2, 3c and 3f whilst Plots 4c and 5 would be positioned very close to the boundary. Whilst this application is in outline and therefore no details regarding the design and appearance are available at this stage the submission of short and long distance views showing the maximum heights of the Plots that the parameters would allow have been submitted. It is considered that in accordance with general design policy and the SPG the proposed heights would be appropriate on the skyline whilst there is sufficient guidance supplied by the Design Protocol to ensure that their individual architectural detailing would produce high quality buildings at the reserved matters stage. Moreover there is a specific section within the mandatory design criteria that reflects the content of the SPG. Plus, as required by the SPG, the application includes the submission of technical reports covering daylight and sunlight, microclimate, telecommunications and aviation matters. These matters are all covered later in the Committee report.

6.28 The proposed development was presented to members of the Design Review Panel in November 2019. The Panel sought clarity on the hierarchy of streets through the site and how these connected to key destinations in the City Centre. It was suggested that the hierarchy of the two routes extending through to Exchange Square be altered so as to give more prominence to the route that would align with the entrance into this neighbouring development. In response the applicants consider that the Design and Access Statement shows how the proposals will create legible pedestrian connections through the site that are based on key views that frame the proposed routes. As explained above the Parameter Plans illustrate the primary, secondary and tertiary pedestrian routes through the site that are defined by their minimum widths. The connections through the site are still considered by the applicant to deliver the right hierarchy and there is no objection to the rational.

6.29 The Panel also sought clarity on whether the shape of Plot 2 could be altered to support the legibility of pedestrians moving into the site from Old Square. Again the Parameter Plans confirm the limits of deviation of the building's facades and the

minimum width of this route and, whilst some flexibility would be permitted, the applicants have demonstrated that the shape and positioning of Plot 2 would support this movement from Old Square into the site. No change is proposed.

6.30 Finally the Panel raised concerns regarding the phasing with respect to securing the delivery of the big moves. The applicants have responded by acknowledging that the exact phasing has not yet been established, and will be largely influenced by the infrastructure works surrounding the site such as the delivery of Curzon Street Station and the Midland Metro Eastside Extension alongside lease agreements with the existing tenants. At this stage it is anticipated that the phasing will consist of two phases split either side of Dale End however there is the potential to swap this 'west to east' phasing to 'east to west' depending on the key infrastructure to be delivered around the site. Conditions are attached to ensure that the public realm is delivered alongside the adjoining Plots.

6.31 The proposed layout and massing would both be restricted by the Parameter Plans and the Design Protocol. With respect to these matters it is considered that these documents secured by planning condition would give sufficient comfort to ensure that the development would evolve to become a distinctive part of the City Centre, a destination that would provide attractive public realm and entice people to Martineau Galleries thereafter leading them to Exchange Square, Snowhill, Eastside and Curzon Station beyond. The development would also as a whole provide an appropriate addition and marker to the City skyscape.

Built Heritage

6.32 The City Council has a statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the special interest and setting of listed buildings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. According to the NPPF, the impact of a proposal upon the significance of a designated and non designated heritage asset and its setting should be considered, with great weight given to the asset's conservation. In addition Policy TP12 of the BDP states that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness.

6.33 Referring to the application site its redevelopment over time has seen the gradual erosion of the former tight historic grain of this part of the City Centre as historic plots have been amalgamated and transformed. From the 1960's the speed of change accelerated and the site has become part of a modern City townscape characterised by large, modern blocks of development along part of Corporation Street, Priory Queensway and Moor Street Queensway. As a result there is a strong contrast between the historic fabric which survived the area's post war redevelopment, sited to the north and south along Corporation Street and the site itself within its immediate context that is largely characterised by a mix of 20th and early 21st century large scale commercial development.

6.34 Notably the application site itself accommodates the Square Shopping Centre; a 1960's shopping precinct designed by Sir Frederick Gibberd and Gerard Goalen. In

2018 the building was considered by the Department for Digital, Culture, Media and Sport (DCMS) for inclusion on the Statutory List of Buildings of Special Architectural or Historic Interest. The application for listing was however turned down and on 18 January 2019 a Certificate of Immunity from Listing (COI) was issued. Therefore except for potentially archaeology, discussed later, and a small part of the site bordering The Priory Queensway that falls within the Steelhouse Conservation Area there are no designated heritage assets within the site.

6.35 Outside of the site but within 500m of the boundary there are 103 listed buildings, 47 locally listed buildings and five conservation areas. There are no scheduled monuments located within a 500m study area round the site. The applicants have considered the potential effect of the proposed development on the significance of these heritage assets, based on the submitted maximum parameters in accordance with the mandatory design codes as set out in the Design Protocol. Furthermore the assessment has been informed by the verified views into the site.

6.36 The Council's Conservation Officer has agreed to the scope of the assessment and, of the 103 listed buildings within 500m, the potential for the proposed development to affect 18 of these structures which include the Methodist Central Hall (Grade II*), the Cathedral Church of St Philip (Grade I), the Paul of St Paul (Grade I) and The Rotunda (Grade I). The Heritage Assessment has also considered the potential to affect the five conservation areas in close proximity:

a) Steelhouse Conservation Area;
b) Colmore Row and Environs Conservation Area;
c) Digbeth, Deritend and Bordesley High Streets Conservation Area;
d) Warwick Bar Conservation Area; and
e) Jewellery Quarter Conservation Area.

6.37 Finally the Assessment has considered that there is the potential to affect the non-designated heritage asset, or grade B locally listed building known as the Former Bank of England on Temple Row.

6.38 Of these heritage assets outlined above the applicants have drawn attention to firstly the Methodist Central Hall. The building has special interest by virtue of its impressive and eclectic architectural character and detailing and as a Methodist Hall in a major City Centre. It has group value as part of a townscape of late 19th century commercial and institutional buildings within the Steelhouse City Centre Conservation Area. The slim form and height of the Methodist Central Hall tower makes it a distinctive feature in the townscape; visible from some distance including in views along Corporation Street from New Street.

6.39 The assessment of the proposed development upon the significance of the Methodist Central Hall concludes that it would introduce a new tall built form at Plot 2c (the locator building) that would be visible above or at the same height as the roofline of the Central Methodist Hall.

6.40 However the view of the heritage asset changes from different viewpoints and the extent of the proposed development visible above its roofline would also vary. The tower of the Methodist Central Hall is currently experienced alongside tall, modern

development including the Mary Sturge Residences at Aston University and McLaren House. The tower is a distinctive landmark within this context due to its historic character, distinctive materials, slim form and highly ornamental design. The view of the Central Methodist Hall from the junction of Corporation Street and Newton Street, where the scale, form and architectural detailing of the asset is more readily appreciable, will not be affected. The proposed scheme would increase the height of development on the site to better reflect the height of surrounding 20th century development and would, the applicants consider, better frame the Central Methodist Hall's tower in views looking north along Corporation Street; reinforcing its landmark qualities. The Conservation Officer agrees with the conclusion that there would be a degree of harm to the significance of the Central Methodist Hall but it would be less than substantial harm in NPPF terms bearing in mind the considerable importance and weight to be given to the statutory duties of the 1990 Act.

6.41 Secondly reference is made to the Steelhouse City Centre Conservation Area characterised by its collection of fine late Victorian civic, hospital and law buildings which are faced in red brick, red terracotta, buff terracotta and stone. A small part of the site bordering the Priory Queensway falls within the Conservation Area, however this part of the site does not include any buildings, only parts of the highway between Dale End and Corporation Street.

6.42 The assessment of the proposed development upon the significance of the Steelhouse City Centre Conservation Area concludes that it would be experienced as part of the varied commercial townscape along Corporation Street which leads to the Conservation Area and along Priory Queensway and James Watt Queensway which bound the Conservation Area. Therefore the proposed development, particularly the tallest element at Plot 2c would result in a degree of harm to the character and appearance of the Conservation Area and consequently its significance as a result of the diminution of the landmark qualities of the Central Methodist Hall in the view from James Watt Queensway looking south along Corporation Street.

6.43 Again the Conservation Officer agrees with this conclusion, noting that the harm would be less than substantial in NPPF terms bearing in mind the considerable importance and weight to be given to the statutory duties of the 1990 Act.

6.44 The Heritage Assessment has been supplemented by an Archaeological Desk-Based Assessment that provides an assessment of the impact on buried heritage assets and archaeological remains. It concludes that there is moderate potential for evidence of possible later medieval settlement activity located along Dale End, Bull Street and the original Moor Street alignment within the site. In addition, although less likely, the remains of St Thomas' Priory or Hospital may have extended into the north-western part of the Site. If present, these would potentially be of medium or high significance, high for burial remains associated with St Thomas' Priory or Hospital. In addition there is moderate potential for the post-medieval expansion of the settlement located along Dale End, Bull Street and the original Moor Street alignment within the Site and, less likely, of the remains of the early 19th century St Peter's Church, which fronted onto Dale End in the centre of the Site. There is a possible windmill, described as located near Dale End, potentially within the north-

eastern corner of the site and the possible site of a 17th century Roman Catholic Masshouse and Franciscan Convent, which may have been in the eastern corner of the site. If present, these would be of low significance, though high for burial remains associated with St Peter's Church or the Roman Catholic Masshouse and Franciscan Convent.

6.45 The Assessment recommends that, given the uncertainty over archaeological survival, a further archaeological evaluation be required to determine the condition, character and significance of any archaeology present. The results would allow an appropriate mitigation strategy to be drawn up for the preservation by record of any significant archaeological assets. A condition requiring a Written Scheme of Investigation (WSI) is proposed to ensure that significant archaeological assets are not removed without record.

6.46 The applicants consider that the proposed development would not cause harm to any other designated or non designated heritage asset and the Conservation Officer concurs noting the assessment has been updated following the listing of the Children's Hospital last year. In accordance with Paragraph 196 of the NPPF the less than substantial harm caused to the heritage assets should be weighed against the public benefits of the proposal that are considered to be the creation of a distinctive place with its high quality public realm and connectivity to other parts of the City, the delivery of housing to meet the City's identified needs, providing office floorspace and supporting job creation in the long term. Furthermore the applicants consider that the less than substantial harm would be further reduced at the reserved matters stage when the design of the proposed locator building at Plot 2c would be determined. At this stage the proposed materials including their colour and finish together with the articulation and fenestration of the building are not defined and the details could result in a less dominating more streamline structure thereby reducing the harm to the landmark Methodist Central Hall tower. It is also acknowledged that there is an extant planning and listed building consent to construct a three storey roof top extension to the Methodist Central Hall that may reduce harm by blocking views of the proposed development in the background.

6.47 It is considered that due to the harm the proposals conflict with Policy TP12 and, in accordance with the NPPF, this less than substantial harm should be weighed against the public benefits of the scheme.

Highways & Proposed Parking Provision

6.48 Policies TP39, TP40 and TP41 of the BDP set out how walking, cycling and public transport usage will be promoted throughout the City whilst PolicyTP44 seeks to implement a series of measures that will make the most efficient and effective use of the existing transport network. Policy TP45 sets accessibility standards for all major developments that are likely to generate more than 500 person trips per day.

6.49 To reiterate the current application is in outline but with the matter of access to be determined at this stage. It is proposed that vehicular access to the site be segregated. Firstly private cars would be able to use a proposed basement car park that would be accessed from Dale End where it passes under The Priory

Queensway. Access to the parking area will be controlled via barrier entry. Secondly there would be a separate service yard accessed from Moor Street Queensway in the form of a new signalised junction that reflect the proposed highway improvements works to Moor Street Queensway. However, in the event that the Moor Street Queensway improvements do not come forward or are delayed an alternative access arrangement has been submitted showing a left in left out arrangement that would be suitable for the existing highway layout.

6.50 A publicly accessible cycle hub is proposed at basement level, below Plot 4, although there has been no offer to secure this via a condition. This would be accessed between Plots 4 and 5 off Moor Street Queensway using a segregated lane on the ramp down into the service area. Additionally, the applicants envisage that cycle facilities will be provided for each Plot, with access off the proposed Martineau Plaza or The Boulevard.

6.51 The submitted Transport Assessment (TA) explains that, in order to access the likely impact upon traffic, surveys have been undertaken at locations in the vicinity of the site. The surveys have focused on roads either likely to be impacted upon by site related traffic (Dale End) or roads that would be stopped up following the delivery of Martineau Galleries or other schemes in the vicinity, such as the traffic restriction on Albert Street for the Metro, and Moor Street Queensway. These were supplemented by 12 hour turning counts at the key access junctions on the proposed vehicle access routes.

6.52 The predicted traffic flows have also taken into account the effect of the committed development at Exchange Square Phase 2 and the future network changes resulting from the Midland Metro Tram Extension, HS2 Curzon Street Station and works to Moor Street Queensway.

6.53 Construction is expected to commence in 2023 and could last for 15 years, with completion and full occupation in 2038. In terms of the traffic flows associated with construction the TA predicts that they would be significantly less than the existing peak hour flows using Dale End or Albert Street, and less than the number of trips generated by the existing NCP car park.

6.54 The proposed scheme is scheduled to be fully open in 2038 and the vehicle and pedestrian traffic flows have also been calculated in order to consider the potential impact of the development on the local highway network when fully operational. The TA acknowledges that the proposed development when fully operational is predicted to generate more trips than the existing land uses could. However it is predicted that the majority of these trips would be made by sustainable modes of transport such as walking, cycling and public transport.

6.55 Referring to vehicle trip generation rates even without the ‘through traffic’ that will be diverted from Dale End due to the Metro extension, the estimated vehicle movements generated by the proposed development are still considered to be less than the operation of the existing Dale End NCP car park. The operational vehicle trip generation assumptions detailed in the TA estimate a reduction in vehicle trip generation on Dale End (of 179 vehicle movements) and a minimal increase of less

than 4% in HGV movements on Moor Street Queensway as a result of the proposed scheme. Therefore the TA concludes that there would be no significant impact upon the capacity or operation of the surrounding highways.

6.56 As stated above there is a predicted increase in the number of person trips generated by the proposed development using sustainable modes of transport, and this increase would be supported the proximity of the application site to existing public transport routes. The central location of the site means that it is within walking distance to the City's three major railway stations. Furthermore the site's south-western corner is adjacent to the route of the Midland Metro with existing stops on Bull Street and Corporation Street 100 and 250 metres away, respectively. The site is also adjacent to two of the five City Centre bus interchanges at Bull Street/The Priory Queensway and at Moor Street and it is located is within 10 minutes walking distance of the Colmore Row bus interchange.

6.57 Plus the proposed development would be supported by radical changes to the public transport offer over the coming years. In brief the development of Curzon Street High Speed 2 (HS2) station is proposed immediately adjacent to the site's eastern boundary. There is also the Eastside Extension to the Metro network that will operate along the site's southern boundary, with a new stop on a re-aligned Albert Street connecting to HS2 and Digbeth. In 2026, it is proposed that this route will be extended through to Birmingham Airport via Small Heath, Bordesley, Stechford, Marston Green and Birmingham Business Park. It is also proposed to provide a Bus Rapid Transit network known as Sprint that will offer public transport connections across the City, the hub of which is proposed to be on Moor Street Queensway. As explained previously alterations to Moor Street Queensway include significant improvements to the public realm, pedestrian and cycling provision, and improved crossing facilities that would increase accessibility to the Martineau Galleries site.

6.58 Private car parking to serve the proposed development would be sited in a basement car park below Plots 1, 2 and provide up to 450 parking spaces. This total is significantly less than the existing National Car Park (NCP) car park that contains 1,073 spaces and significantly less than the maximum standards within the current Car Parking SPD.

6.59 In terms of the loss of existing parking the TA explains that the use of the existing NCP is primarily by shoppers, and there are existing facilities at Londonderry House (720 spaces), Birmingham Snow Hill Station (863 spaces), Moor Street Car Park (1,195 spaces) and the Bullring Centre (1,015 spaces). There is therefore a high number of parking spaces available in close vicinity to the site in addition to the improvements to public transport as explained above.

6.60 Of the 450 spaces proposed 10% would have electric charging capabilities and a minimum of 9 disabled parking spaces are proposed to accord with the current BCC Car Parking Guidelines.

6.61 Finally, in order to encourage the use of public transport and in accordance with Policy TP44 of the BDP and the NPPF a Framework Travel Plan (FTP) has been submitted. This sets out appropriate measures aimed at encouraging the use of

sustainable travel modes for journeys to and from the proposed development as opposed to single occupancy car journeys. It also outlines a structure for individual travel plans for the separate plots based on the existing and proposed public transport opportunities, the proposed use of the buildings and the predicted total person trips associated with the whole development. Emphasis is given to the provision of co-ordinating travel plans and providing welcome packs for tenants to explain the public transport alongside car sharing, walking buddy and cycling buddy opportunities.

6.62 The FTP concludes by setting out a travel action plan to guide the future individual travel plans for the separate plots. This comprises in summary:

- Appointment of travel plan co-coordinator;
- Provision of on site pedestrian and cycle facilities;
- Prepare detailed travel plan including 'welcome pack' and targets for tenants 1 to 3 months prior to first occupation;
- Agree dates with BCC to review;
- Undertake initial baseline travel surveys once building 3 months after occupation;
- Undertake tenant travel surveys annually;
- Review travel plan targets with BCC.

6.63 It is considered that the submitted FTP meets the policy requirements and provides a format for the individual plot travel plans that can be submitted at reserved matters stage.

6.64 Colleagues in BCC Transportation are content with the details of the proposed accesses via Dale End and Moor Street Queensway, the conclusions regarding trip generation and the requirements of future travel plans at reserved matters stage. Conditions have been discussed and in summary these will cover the following items:

- Details of floor levels showing how they relate to adjoining areas of public realm or public routes and where relevant to the route of the Midland Metro;
- Accesses from Moor Street Queensway and Dale End to be implemented in accordance with approved plans unless alternative access arrangements from Moor Street Queensway have been agreed;
- Details of operational, parking, servicing and cycling provision;
- Submission of Travel Plan;
- Submission of Construction Traffic Management Plan (CTMP); and
- submission and completion of works for the S278/TRO Agreements; and

Residential Amenity

6.65 It is proposed that Plots 2, 3 and 4 include residential accommodation at the upper floors. Policy PG3 expects new development to demonstrate high design quality, whilst saved Policy 3.14 states that development should have regard to the development guidelines set out in the Places for Living SPG. The applicants have submitted a Daylight Potential and Overshadowing Assessment plus two Addendums to provide information relating to the daylight and sunlight potential of the residential accommodation, their associated private amenity spaces and the new spaces between the buildings, including the two new public squares.

6.66 The Building Research Establishment (BRE) has various methods for assessing the daylight within a proposed building and the applicants have chosen to use Vertical Sky Component (VSC) calculations. In short VSC measures the quantum of daylight reaching the façade as a result of external obstructions: the lesser the obstruction, the higher the VSC and the potential for good daylight within the proposed accommodation. Results have been produced, based on the illustrative scheme, which show:

a. 42% of all the façades would see VSC levels of 27% and above - high daylight potential;
b. 33% of all the tested panels would see VSC levels between 15% and 27% - upper-medium daylight potential;
c. 25% all the panels assessed would see VSC levels lower than 15% (lower-medium daylight potential), of which less than 1% would be below 5% VSC - low daylight potential.

6.67 Based on a target of a VSC level of 15% within a City Centre context it is considered that overall the proposal would have an acceptable level of daylight. However, as acknowledged by the Assessment there are facades that would require a more careful design, i.e. those with large portions with VSC levels in the 'teens' spectrum and below. Based on the maximum parameters these are on some facades on Plot 2 (up to the 16th storey), on some facades of Plot 3 (up to the 18th storey) and on some facades on Plot 4 (up to the 17th storey). Notably, and as expected, those facades with lower VSC levels face into the site towards other blocks on adjoining Plots. The Places for Living SPG guideline for separation distances between facing windows is 27.5m for 3 storeys and above, and notably the separation distances between the Plots is defined as between 9m and 15m. However it should be acknowledged that this is a site in the very centre of the City where the greatest density of development would be expected. The Places for Living SPG, approved in 2001 is guidance rather than a statutory requirement and should not be applied as a blanket across all development. In this respect greater weight is given to the considerations of design and context. Furthermore the daylight levels, when considered in more detail at the reserved matters stage could be increased by virtue of the following;

- Room layout and aspects - dual aspect rooms provide a better spread of light and are ideal for living areas.;
- Number of windows, their size and location;
- Glazing specifications - single, double or triple glazing offer different light transmittance values;
- Internal finishes - influences how light is spread within a room; and
- The use of the room - the BRE guidance suggests minimum daylight targets for different room uses. Bedrooms have the lowest daylight requirement, followed by living rooms with a higher target, and kitchens or rooms including a kitchen with the highest value.

6.68 Furthermore, the description of the most adversely affected facades above is based on the maximum parameters. That is, they produce the worst case scenario results and are overly robust as, in reality, due to the restriction on the overall floorspace the proposed development would not be able to be built out to its maximum. Therefore

not all of the blocks would be as tall as shown in the maximum parameters plans and consequently the VSC levels would be reduced providing improved results. Plus, as the BRE Guidance explains, the VSC values are purely advisory and if they were to be strictly applied they would limit the potential redevelopment of the application site, particularly to Plot 4 and affecting the height of the locator building on Plot 2c.

6.69 Moving onto the spaces between the proposed buildings, as recognised by the BRE guidance sunlight has an important impact on the overall appearance and ambiance of a development as amongst other items it provides attractive views, makes outdoor activities more pleasant and encourages plant growth. The BRE recommends that for it to appear adequately sunlit throughout the year, at least half of a garden or an amenity area should receive at least two hours of sunlight on 21st March.

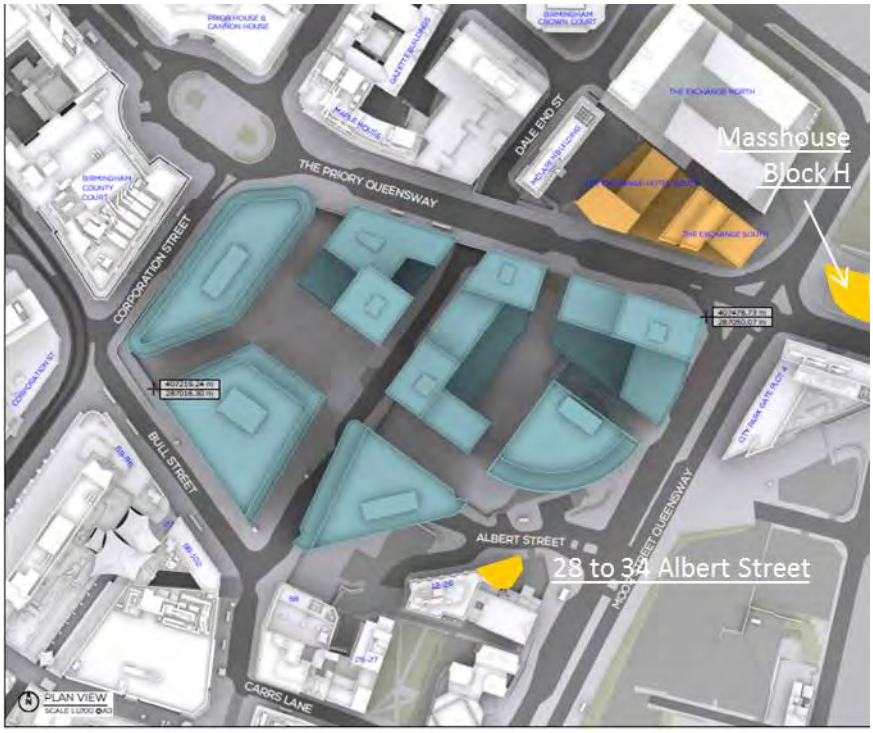
6.70 Results are provided for both the maximum parameters and an illustrative massing. Whilst the illustrative scheme results are more positive unfortunately the maximum parameters show that both Martineau Plaza and Martineau Court would not receive the recommended amount of sunlight in the March assessment although the former would meet the guidance based on a June 21st calculation.

6.71 At podium level, based on maximum height parameters the proposed residential communal areas on Plots 2, 3 and 4 would see levels of sunlight falling short of the BRE recommendation in March although they would meet this target in June, when the areas would be more likely to be in use. Whilst not ideal, lower levels of sunlight are to be expected within a high density urban location and, to reiterate the above, the maximum parameters scenario could not be implemented, therefore the results present a worst case scenario.

Impact upon Surrounding Occupiers

6.73 Separate to the impact upon the proposed residential occupiers of the application site is the consideration of the impact upon the amenity of the existing and approved residential occupiers of the surrounding buildings. Information in relation to the consideration of these issues can be found within the ES. For daylight and sunlight, the study area has been defined by the extent of residential and educational properties that have windows facing the site and that were considered to be located in close enough proximity to the site to be affected by the proposed development. The ES advises that, as per BRE guidance, the potential loss of light to existing neighbouring windows should be assessed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. The assessment is informed by the Parameter Plans and the Design Protocol and has used Vertical Sky Component (VSC) and No Sky Line (NSL) methods of assessment for calculating the impact upon available daylight. The latter is different to a VSC calculation and measures the distribution of daylight at the working plane within a room (0.85m above finished floor level). An NSL of 80% would be considered satisfactory. Finally a calculation of the Annual Probable Sunlight Hours (APSH) has been used for calculating the impact upon available sunlight. This is a measure of the sunlight that a given window may expect over the period of a year.

6.74 The results explain the impact upon 28 to 34 Albert Street, Masshouse Block H and Exchange Square Phases 1 and 2.



6.75 Based on VSC calculations, of the 41 windows assessed at 28-34 Albert Street, all are anticipated to experience a reduction in daylight greater than 40% and therefore would not align with BRE Guidance. However it is important to note that this building provides student accommodation and therefore has transient occupiers with a lower requirement for daylight in comparison to a building with permanent occupiers.

6.76 Mass House Block H has a total of 84 windows facing the site, serving 80 rooms. The assessment shows that 48 (57%) windows assessed would meet BRE's criteria in terms of VSC. Eleven of the affected windows would retain levels of VSC of over 20%, considered very good for a City Centre location with only 3 windows experiencing an alteration in excess of 40% (identified as a large alteration). Furthermore, with the exception of one room, the retained levels of Annual PSH are far above the BRE recommended 25%, with levels ranging between, 27% and 43%, considered very good for an urban location.

6.77 Exchange Square Phase 1 comprises a total of 438 windows facing the site that serve 355 rooms. The outputs of the VSC modelling identified that 295 of the 438 (67%) windows assessed would meet BRE's criteria. However it should be noted that 115 of the 143 (80%) affected windows, have retained VSC levels in line with a City Centre location, reported to be over 17%.

6.78 Exchange Square Phase 2, when constructed, would provide a total of 180 windows serving 132 rooms. According to VSC modelling 65 of the 180 (36%) windows assessed would meet BRE's criteria (less than 20% reduction in daylight). Of the

remaining 115 affected windows, 82 windows experience an alteration above 40%. Furthermore using the alternative NSL modelling only 37 of the 132 (28%) rooms assessed would meet BRE's criteria (less than 20% reduction in daylight). However 107 (81%) would meet the BRE's criteria for both Annual and Winter PSH.

6.79 The applicants have confirmed that the developers of Exchange Square are aware of the proposed scheme and they have been "*engaged throughout the development process and are aware of the massing being proposed*". The latest Addendum explains that the impact upon the windows within Phase 2 from the proposed development would be less than the impact resulting from Phase 1 of Exchange Square upon Phase 2. Next, the latest Addendum explains that, based on the existing scenario, Exchange Square Phase 2 would enjoy uncharacteristically higher daylight and sunlight levels that would usually be expected in a core City Centre urban location due largely to the underdeveloped nature of the application site.

Surrounding Amenity Areas

6.80 In relation to the assessment of overshadowing amenity areas considered in close enough proximity to be affected by shadow cast from the proposed development were identified. These comprise Old Square located to the north west together with two areas within Exchange Square Phase 1 and two areas within Exchange Square Phase 2.

6.81 The BRE Guidelines suggests that where large buildings are proposed which may affect a number of gardens or open spaces, it is useful to plot a shadow plan to illustrate the location of shadows at different times of the day and year. The ES Assessment provides hourly shadows mapped for the 21st March (Spring Equinox), 21st June (Summer Solstice) and 21st December (Winter Solstice). It is recommended within the BRE Guidelines that at least half of a garden or amenity area should receive at least 2 hours of sunlight on March 21, or for an area which receives 2 hours of direct sunlight there should be no more than a 20% reduction.

6.82 There is the potential for additional shadow on The Old Square for 5 hours on the 21st March although 6.8% of this area will still receive 2 hours of sunlight on the 21st of March.

6.83 There would be negligible difference with regards to additional shadow of the two communal amenity areas within Exchange Square Phase 1. However the two communal amenity areas within Exchange Square Phase 2 would not fair so well. Approximately half of the two areas, closest to Priory Queensway opposite the application site would, without the proposed development receive over 2 hours of sunlight. However, whilst meeting the BRE Guidance in June, once the proposed development is constructed (based on the maximum parameters) those parts in the sunlight would be reduced by 88% and 100%.

6.84 These figures however need to be evaluated acknowledging the context of the site. Again this is an urban City Centre site where high density development is expected. Furthermore to reiterate the calculations are based on the maximum parameters whereas in reality the maximum floorspace would be restricted via a condition so that

the maximum heights could not be built out in their entirety and the potential impact would be reduced.

Wind Microclimate

6.85 The wind microclimate around an urban environment is affected by terrain, buildings, and other obstructions. The introduction of a new building development can affect the local wind flow patterns, which can produce an uncomfortable and/or unsafe wind environment at pedestrian level. This is particularly important for buildings which are taller than their surroundings. Fast-moving high level winds can downdraft to street level both inside and outside of the application, plus it is a matter to be taken into consideration when assessing future residential amenity for the proposed communal amenity areas at podium level within Plots 2, 3 and 4. As Policy GA1.1 advises, City Centre residential uses are appropriate where it provides well-designed high quality living environments.

6.86 A Wind Microclimate Study based on the maximum height parameters combined with Exchange Square Phase 2, HS2 Curzon Street Station and the rooftop extension to House of Fraser has been submitted. The Study was conducted through experimental boundary layer wind tunnel testing which allowed local wind speeds at discrete locations within and around the proposed Site to be directly measured and subsequently combined with long-term wind statistics to provide a statistical representation of the expected wind conditions. The Study found that around the site wind conditions are rated as suitable in terms of pedestrian safety for the general public. Within the proposed scheme, including the main pedestrian routes through the site, and the immediate surrounding area, wind conditions at street level are rated at worst as suitable for strolling.

6.87 However notably the Study advises that in the absence of any landscaping, wind conditions within the two public squares (Martineau Plaza and Martineau Court) would be too windy for recreational activities. Therefore local wind mitigation measures would be required to reduce conditions to a level that is suitable for outdoor seating. This could be in form of soft landscaping and/or tree planting in order to break up the open spaces.

6.88 Again whilst wind conditions on the podium amenity spaces to Plot 3a and Plot 4a are considered suitable for long periods of sitting and could therefore be used as an outdoor seating space the wind conditions on the podium amenity space to Plot 2a would require some local intervention such as soft landscaping and/or tree planting to promote the usage of this space to an outdoor seating area.

6.89 In order to ensure that the proposed residential amenity podium spaces plus the public squares are suitable as sitting out areas a condition is attached to require the submission of a further microclimate wind study, with mitigation where necessary, at the relevant reserved matters stage, in order to accord with Policy GA1.1.

Flood Risk and Drainage

6.90 Policy TP6 of the BDP requires the submission of a site specific Flood Risk Assessment (FRA). The applicants submission advises that the site lies within the zone of least expected flooding, Flood Zone 1. Within this zone the proposed range of uses is considered appropriate. At this stage a fully designed drainage plan has not been produced, however the FRA is cognisant of the need to meet certain surface water run off requirements and therefore an indicative strategy has been submitted dividing the whole site into four sub catchment areas with an indication of where there could be the provision of SuDS features such as rainwater gardens, green and blue roofs, permeable paving a detention basin and attenuation tanks.

6.91 This indicative strategy is considered to be acceptable by STW and the Local Lead Flood Authority at this stage subject to a condition to require the submission of a full strategy at reserved matters.

Biodiversity

6.92 Local Plan Policy TP7 states that new developments will be expected to address green infrastructure issues in an integrated way and to take advantage of new biodiversity opportunities. Reiterating the guidance found in the NPPF the Policy explains that it is important that all new green infrastructure features and assets are designed to help the City adapt to a changing climate.

6.93 A Preliminary Ecological Assessment (PEA) has been submitted that includes an ecological desk study and a habitat survey both undertaken in May 2019 together with a protected or notable species assessment. This assessed the likelihood of the site to support legally protected and notable species using the desk study results and combined with field observations during the habitat survey.

6.94 The desk study identified no statutory sites of International Importance within 10km. Likewise, no statutory nature conservation sites of National Importance were found within 2km of the centre of the Site. The desk study identified five non-statutory sites of local Importance for Nature Conservation (SLINC's) and three Potential Sites of Importance (PSI's) within 2km of the Site. The PEA concludes that there would be no impact on the statutory and non statutory designated sites of nature conservation due mainly in part to distance and topographical barriers such as road and rail infrastructure and dense residential housing and industrial sites.

6.95 The habitat survey found that the site was dominated by five multi-storey buildings (29% of site area) and associated hardstanding (68% of site area) bounded by roads, pavements and frequent street trees. There were also small elements of introduced ornamental scrub (0.13% of site area) and tall ruderal habitat (2% of site area) between the existing multi storey car park and Moor Street Queensway plus 24 street trees. One habitat was identified as a Habitat of Principle Importance (HPI), in accordance with Section 41 of the NERC Act 2006. Scattered trees are important features within cities and are of high ecological value especially for breeding birds. No features were found within the trees for roosting bats however these trees are considered to be valuable for foraging and commuting bats. As explained earlier some trees will be lost to the proposed development and as a result the PEA advises that they should be replaced, at a minimum, on a like for like basis. No negative

impacts are envisaged on all other Phase 1 habitat types identified as these habitats are of low nature conservation interest. However the PEA suggests that consideration should be given within landscape design to replace these habitats with similar or more biodiverse habitats to enhance the overall ecological value of the site.

6.96 The protected species and notable species assessment found there to be no records of bat roosts within the site although a total of 26 records of bats were found within the Desktop Study Area (2km radius). Most of the existing buildings within the site are of modern construction and are well sealed. However one of the buildings has some cracks and spaces in between the outer concrete facades that may hold low or negligible potential for roosting bats in addition to some slipped tiles on another of the existing structures. The site has low potential for roosting bats and the street trees could have some foraging potential for bats. The PEA therefore recommended a dusk emergence bat survey, which was subsequently undertaken and concluded that there were no bats on site or in the surrounding area. The Survey also advises that the site is considered not to have importance for foraging and commuting bats, and negligible opportunity for roosting bats based on the buildings present. Therefore the Survey concludes that no avoidance, mitigation or compensation measures are required.

6.97 The desktop study provided records of birds within 2km of the site; birds of note are seven records of herring gull and 26 records of black redstart. The building rooftops were found to hold potential for nesting gulls and feral pigeons although no active nests were found during the PEA survey. No suitable breeding habitat was identified during the survey for black redstart. The PEA identified that all the existing buildings have the potential for breeding bird activity although there were no sighting or suitable features noted for black redstart. It recommends however that if works are to be undertaken during the breeding then an assessment by a suitably experienced ecologist for breeding birds should be undertaken.

6.98 In line with current national and local planning policy the PEA recommends that there is a minimum of no net loss of on site biodiversity and there should be an overall biodiversity net gain. There is scope to enhance existing ecological features including green roofs, green walls and brown roofs to provide breeding habitat for black redstart birds which, although not currently using the site at the time of survey could be encouraged. It also recommends incorporating suitable bat roosting habitat within the proposed development. The Council's ecologist is satisfied with the approach taken subject to conditions to ensure that biodiversity features are sufficiently protected during demolition and construction and suitably encouraged within the detailed design. As such the proposed development is considered to accord with Policy TP7.

Trees

6.99 A total of 53 arboricultural features that are located within the application site have been surveyed. There are no Tree Preservation Orders within the site however 3 trees lie within the boundary to the Steelhouse City Centre Conservation Area. Of the 53 trees surveyed none are defined as high-quality Category A arboricultural

features. A total of 20 are considered to be of moderate quality (category B) and 33 are of low quality (category C).

6.100 Of the 53 trees surveyed it is expected that 7 trees are directly impacted and would require removal as a consequence of the scheme. Four of the 7, located in Albert Street are mature London planes and are of moderate value as they are mature trees in narrow footways. In addition two lime trees would be removed from Dale End. The applicants consider that the effect of their removal would not be significant providing that compensation planting is undertaken

6.101 Sixteen trees, located on the south side of Priory Queensway are close to the construction area and would be at risk of damage during demolition and construction. The arboricultural assessment explains that many of these should be replaced due to poor health and therefore any effects from the scheme would not be expected to be significant providing that mitigation and/or compensation planting is undertaken. None of the 3 trees within the Conservation Area are expected to be affected.

6.102 The proposed scheme offers significant opportunities to enhance the public realm with the inclusion of trees. A request by BCC Tree Officers to apply a Capital Asset Valuation of Amenity Trees (CAVAT) assessment of the trees to be removed has been incorporated into a condition. This would be submitted at the detailed matters stage alongside tree protection and replacement details.

Sustainability

6.103 Policies TP1, TP2, TP3, TP4, TP5, TP8 and TP13 of the BDP outline the Council's commitment to the creation of sustainable new developments in the City. The Policies require applicants to consider a range of sustainable design measures to ensure that development is resilient to climate change, includes sustainable construction measures, incorporates low carbon renewable energy systems, considers measures to reduce carbon emissions, as well as measures to enhance biodiversity value.

6.104 At this outline stage where the detailed design of the Plots is not available a BREEAM Pre-assessment has not been submitted, however from the outset there is the aim to include measures to ensure that the development achieves a BREEAM 2018 'Very Good' rating as a minimum, targeting Excellent level credits where feasible through the consideration of:

- how the development will incorporate measures to mitigate and adapt to climate change such as through overheating, water efficiency, minimising the emission of greenhouse gases;
- how the design has considered the procurement of materials which promote sustainability including by use of low impact sustainably sourced, reused and recycled materials
- How the development incorporates waste and recycling measures during demolition, construction and operation. This to be demonstrated through a Pre-

Demolition Audit and Construction Environmental Management Plan (CEMP) and the utilisation of waste benchmarks within the BREEAM standard; and

- how the development design is flexible and adaptable to future occupier needs such as through the use of generous floor to ceiling heights to allow for the flexible change of use in the future, providing a variety of amenity and leisure spaces, promoting links to sustainable transport options and a mix of one and two bedroom apartments to accommodate changing demographics.

6.105 This is in addition to the potential biodiversity enhancements considered earlier in the report.

6.106 The applicants have also submitted an Energy Statement Addendum. This explains why the use of the City's combined heat and power network has been discounted due to its anticipated lifespan, carbon content when compared to the use of heat pumps and viability. It advises that the applicants would ensure that the scheme incorporates the capability to connect an energy to waste plant. The Addendum also provides an insight of the potential Low and Zero Carbon (LZC) Technologies available to the development and the likelihood of being able to use these technologies in the future, based on the Governments Standard Assessment Procedure (SAP) for assessing the energy performance of dwellings issued for consultation in September 2019 (version 10.1). This concludes that the use of air source heat pumps, photovoltaics and solar hot water technologies could be utilised.

6.107 A condition is proposed to require a sustainable design and construction strategy incorporating an energy and carbon strategy be submitted with the first reserved matters application for each Plot. The condition would require that the development addresses the principles set out in the documents submitted at this outline stage to ensure that the development meets the aims of Policies TP3 and TP4 of the BDP and the Council's supplementary guidance issued last summer.

Waste

6.108 An Outline Waste Management Strategy has been submitted outlining the approach to reduce the overall impact of waste generation through minimisation, reuse and recycling of materials from both the construction and operational phases. In the first instance, with respect to the construction phase the applicant has advised that the Principal Contractor would register the construction site with the 'Considerate Constructors' Scheme. Thereafter waste arising from the construction phase would be separated into key waste groups with the contractor providing suitable areas within the construction site for the separation of materials for recycling (e.g. timber, metals, packaging, hardcore etc.). It is acknowledged, however, that construction sites can often be space constrained and this may limit the opportunity for segregation of the full suite of materials on-site. The segregation may instead be undertaken off-site by a suitable waste contractor.

6.109 Moving onto the operational phase the applicants have advised that the detailed design and layout of the residential dwellings would ensure that there is sufficient space for existing and future estimated weekly waste, food waste and recycling

generation volumes. Moreover waste generated by the various commercial elements would be stored within local waste storage areas or rooms for management by their facilities management team.

6.110 It is considered that the waste from construction can be controlled by a construction management condition whilst the operation phase would be considered and controlled at the reserved matters stage.

Impact upon Aviation

6.111 As required by the High Places SPG the applicants have commissioned an investigation of the potential impact of the proposed development on aviation operations in the surrounding area. The key aviation risk identified was the infringement of the Obstacle Limitation Surfaces (OLS) at Birmingham Airport by the proposed tower on Plot 2c. Obstacle Limitation Surfaces are imaginary planes defined in three dimensions for physical safeguarding purposes (i.e. ensuring that physical structures do not present a safety hazard at an airfield) and are defined around licensed airfields. Plot 2c may infringe the Outer Horizontal Surface by a quoted 10.15m. There is also caution raised with the potential to affect the safety of the Birmingham Children's Hospital (BCH) Helicopter Route and Landing Site (HLS).

6.112 The report recommends further engagement with the Airport and the Children's Hospital. Whilst the applicants have been unable to make further contact with the BCH regarding the helipad a response has been received from Birmingham Airport. The Airport has confirmed that they would require a radar safeguarding assessment in respect of the proposed tower on Plot 2 and this should be supplemented by a crane management plan both of which are to be required by condition, solely with respect to Plot 2. Subject to these conditions it is considered that the proposals would accord with the SPG.

Other

6.113 The Police have made recommendations for conditions regarding lighting, CCTV, Hostile Vehicle Mitigation, controlling the access to the vehicle car park via Dale End and security measures within the individual buildings. All of the above are considered to be detailed matters that would be considered at the reserved matters stage, whilst the latter is a management issue.

6.114 An objector has also raised concern at the loss of a live performance venue, loss of budget shops and loss of the indoor market. In response, whilst the losses are unfortunate it should be acknowledged that the venue closed in 2013, whilst all of the above are available elsewhere in the City and there would still be the opportunity to provide such facilities within the proposed development as they would be permitted within the range of use classes proposed.

6.115 In response to concerns regarding the closure of The Square Shopping Centre the applicants have advised,

"Tenants at The Square Shopping Centre have been consulted over a number of years through differing methods, regarding the plans for Martineau Galleries.

Since Hammerson secured control of the site in 2015, Hammerson and its advisors have undertaken all leasing negotiations and ensured tenants were made fully aware of the company's desire for optionality to re-develop the scheme. Tenants were made aware of the rationale for the inclusion of landlord breaks in leases and were informed of the implication of this flexibility.

Hammerson's commitment to ongoing communication with all parties who have an interest in the site continued, with tenants being invited to participate in a stakeholder consultation on Monday 10th and Tuesday 11th June 2019 prior to the plans being presented at the public consultation on Thursday 13th June to Saturday 15th June. This platform enabled tenants to ask questions, understand the site development proposals and anticipated timescales.

Hammerson will continue to keep tenants actively informed of progress including notification if consent is granted. Future consultation activity will include the setup of a forum for current tenants providing ongoing information about the future and timeline of the site, ensuring that tenants are fully informed through all stages of this development process.

Hammerson intends to keep The Square Shopping Centre open for as long as possible ahead of a start on site, which would be 2022 at the earliest. The landlord is also open to discussions with tenants regarding opportunities to take space in the future scheme".

Public Sector Equality Duty

6.116 The Equality Act 2010 is a major piece of UK legislation which provides the framework to protect the rights of individuals against unlawful discrimination and to advance equal opportunities for all. The public sector equality duty arises from section 149 of the Equality Act 2010 (PSED) that requires that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation, and advance equality of opportunity between persons who share or do not share a relevant protected characteristic. Key protected characteristic groups include: age, disability, race, religion and belief, sex, sexual orientation and gender reassignment and socio-economic disadvantage.

6.117 The redevelopment of the site would result in the loss of a potential community facility in terms of The Ballroom (although it closed in 2013). The Square Shopping Centre also accommodates what has been described as an indoor market, a communal area for community cohesion and it provides floorspace for businesses and shoppers. There are potential equality effects where there are patterns in terms of affected customers and their having protected characteristics. However the proposed development has the potential to bring a different mix of goods, services and leisure facilities at the site, with the potential for a mix of positive and negative effects for groups, possibly patterned in relation to protected characteristics. The proposals would provide improved areas of public realm thereby improving the pedestrian environment and creating a place of social exchange that would benefit older people, disabled people, young people and women and children. Via the implementation of a construction employment plan the proposals would provide new employment and training opportunities for local people and the redevelopment of Plots 2, 3 and 4 would provide new housing including affordable homes.

Environmental Statement

6.118 The Environmental Statement (ES) is one of the documents submitted in support of the application and has the status of a material consideration during the determining of the application. The ES is produced following the Environmental Impact Assessment (EIA) process, undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (SI2017/571) (the 'EIA Regulations').

6.119 The aim of Environmental Impact Assessment (EIA) is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.

6.120 The key characteristics of the site upon which the EIA has assessed the impacts of the proposals are:

- Its location;
- The existing use of the site;
- Connections and points of access to the site;
- The environmental designations encompassing and within the vicinity of the site including the Air Quality Management Area, Conservation Areas, local townscape areas, listed and locally listed buildings;
- The site's environmental characteristics including Helsby Sandstone Formation Principal Aquifer, flood zone 1, the existing lighting environment and its low ecological value; and
- The evolution of the site which is an explanation of predicted use of the site without the development.

6.121 Thereafter the ES describes the characteristics of the proposed scheme which are:

- A description of the development including the demolition of the existing buildings, the construction of seven plots, highway works and new areas of public realm;
- The proposed means of access and circulation including servicing, deliveries and refuse collection via Moor Street Queensway, the provision of basement parking and new pedestrian routes through the site;
- The built form providing a total maximum of 255,000sqm (GIA) with maximum building heights ranging between 133.30 - 252.50mAOD;
- The submitted supporting information including a Waste Strategy, a Lighting Strategy and an Energy Strategy; and
- The proposed construction practices with the demolition and construction works anticipated to commence in the first quarter of 2023 taking 15 years to complete with the scheme fully completed in 2038.

6.122 In accordance with Planning Practice Guidance and EIA Regulations the ES also describes the alternative designs of development in terms of layout, quantum of development and scale, that were considered and discounted and it explains the reasons the selecting the chosen option.

6.123 The Regulations specify that an EIA must identify, describe and assess the direct and indirect significant effects' of the proposed scheme on a number of factors or specific sensitive receptors. Determination of 'significant effects' was first considered at the EIA Scoping stage, where an EIA Scoping Report (EIASR), informed by a series of baseline studies, was prepared and submitted to the City Council. This process was used to 'scope' out the technical topics considered to be 'insignificant', as agreed with the City Council, and these topics were not taken forward to the next stage. These were flood risk, hydrology and water resources, ground conditions and contamination, light pollution, waste and risk of major accident and/or disasters.

6.124 Since the preparation and submission of the scoping report biodiversity as a technical discipline has been subsequently 'scoped out' following the completion of further survey work as explained earlier in the committee report.

6.125 As such, the ES only reports the assessment of the likely significant effects for the following technical topics:

- Transport, Traffic and Access;
- Air Quality;
- Noise and Vibration;
- Socio-Economics and Human Health;
- Wind Microclimate;
- Daylight, Sunlight, Overshadowing and Solar Glare;
- Townscape and Visual Impact;
- Built Heritage;
- Archaeology; and
- Climate Change.

6.126 The assessments of likely significant effects, is determined by considering the 'sensitivity' of the receptors (or the receiving environment) and the anticipated 'magnitude of change', i.e. the scale of change from the current baseline situation. This is completed for both the construction and operation phases of the proposed scheme. Professional judgement is then used to determine the 'level of effect', which ranges from negligible (i.e. no effect) up to major, and the effects can be beneficial or adverse. During the assessment of likely significant effects, the EIA (in line with requirements of the EIA Regulations) has considered measures to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects, commonly termed as 'mitigation'. There are three different types of mitigations:

i. Primary Mitigation – modifications to the location or design of the proposed development;
ii. Secondary Mitigation – further actions required in order to achieve an anticipated outcome: and
iii. Tertiary Mitigation – actions that would occur with or without input from the EIA feeding into the design process.

6.127 Finally, each assessment determines if the level of effect reported is 'significant' or not. This determination is based on professional judgement and the information presented within each assessment.

6.128 There follows summary of the assessment of likely significant effects:

6.129 Transport, Traffic and Access – This assessment for the purposes of ES was focused on the changes to pedestrian and cyclists movement through the site as result of the proposals. Once complete, the proposed scheme would provide more pedestrian routes through the site, of a higher quality and with greater active frontages. The provision of such routes would increase permeability of the site and allow for more access through to varied locations across the surrounding area. Whilst the effect is considered to be significant it is considered it would be beneficial for pedestrians and cyclists.

6.130 Air Quality - The Air Quality Assessment (AQA) specifically looked at changes to local air quality as result of the proposed scheme when operational (i.e. 2038). The assessment considered the future anticipated concentration of a number of key air pollutants and compared these against established 'Air Quality Strategy Objectives' set at the national level. The objectives specify concentration limits for each of the pollutants. The modelling identified that in 2038 the objectives would not be exceeded at all receptors assessed, comprising existing and future residential receptors. To account for uncertainty in the modelling and for 'robustness' a further assessment for annual mean NO2 concentrations was carried out and found the results were very similar for all of the existing receptor locations, but within the Proposed scheme there is predicted to be an exceedance at two assessed receptor locations within Plot 4. In order to mitigate such exceedances there is the necessity to consider specific mechanical ventilation requirements at Plot 4. A condition is attached to require a further AQA (with mitigation if necessary) for Plots 2, 3 and 4 at the reserved matters stage to ensure that satisfactory air quality is provided for future residential occupiers.

6.131 Noise and Vibration - The Noise and Vibration assessment was concerned with the assessment of long-term effects on existing noise sensitive receptors from entertainment noise and plant noise associated with the proposed scheme. In addition, the assessment considered the long-term effects on future residents of the proposed scheme (once completed) from exposure to transport noise and vibration, plant noise and entertainment noise.

6.132 The effects of entertainment noise associated with the proposed scheme on existing receptors were considered to be negligible or minor. The effects of plant noise associated with the proposed scheme on existing receptors were considered to be negligible through the setting of noise limits for the plant, although a condition is attached to ensure that the predicted negligible impact is secured. The long-term effects on future residents of the proposed scheme (once completed) from exposure to transport noise and vibration, plant noise and entertainment noise has been found to range between negligible and major, depending on the plot and façade. The ES recommends secondary mitigation to reduce the effects of proposed entertainment noise activities on proposed residential receptors, comprising limiting uses on Plot 3, implementing best practice when designing amplified systems within outdoor spaces, erecting solid noise screens around rooftop bar areas, erecting canopies over ground floor outdoor seating areas, minimising the extent of outdoor seating areas and

enhancing the façade sound insulation of the proposed residential uses. Following the implementation of this secondary mitigation and enhancements the ES concludes that there is likely to be a direct, permanent, long-term, adverse residual effect which is considered to be minor at worst. In order to control and secure a satisfactory noise environment for future residential occupiers mitigation is proposed by officers in the form of conditions. First to require details of noise insulation between the commercial and residential floors, and secondly to require details of acoustic glazing and ventilation for the future residential occupiers. Such details would be required in respect to Plots 2, 3 and 4 containing residential uses at the reserved matters stage.

6.133 Socio-Economics and Human Health - The Socio-Economics and Human Health assessment has considered a wide range of socio-economic impacts, including employment and economic activity. The demolition of the existing building and construction of the proposed scheme is considered to result in an increase in the number of construction jobs available on and off site. This is considered to result in a moderate beneficial effect. There is also considered to be direct effects on economic productivity, again considered to result in moderate beneficial effects. Once the development is complete and operational the ES reports that there are likely to be a number of significant beneficial effects including the economic impact of permanent direct, indirect employment and associated uplift in productivity as well as the increased access to open space and public amenity space. Other beneficial effects include expenditure by new residents and visitor expenditure in the local economy and the provision of market and affordable housing.

6.134 An adverse effect would be an increased demand for education provision and health care infrastructure. However, the ES reports that both were identified as not being significant given the capacity of existing social infrastructure in the local area.

6.135 Wind Microclimate - The Wind Microclimate assessment has considered the implications of the proposed scheme on the local wind microclimate on site and the immediate surrounding area as experienced by pedestrians. The demolition of the existing low and medium rise structures of the site is not anticipated to give rise to any significant change to the existing relatively calm wind microclimate off-site. Effects on the wind microclimate on site are a function of the massing of the built form on the site that would progressively vary during the construction phase. As construction progresses wind conditions in the area surrounding the construction site would gradually approach those of the proposed scheme once completed. In general, it is considered that wind conditions would be suitable. Any undesirable wind conditions during demolition and construction phase would be temporary and the areas within the immediate vicinity of the site would not be open to the public.

6.136 When the proposed development is complete the conditions within the Site and surrounding area would be windier than existing conditions in some locations, due to the increased height and massing of the proposed development. However, the vast majority of locations assessed remain suitable for their intended uses.

6.137 The two proposed public amenity spaces (Martineau Plaza and Martineau Court) and one of the Podium Amenity Spaces (within Plot 2) were predicted to be windier than

desired as they were found to be suitable for standing rather than sitting. A condition is attached to require a further wind microclimate study including mitigate where necessary for these areas at the reserved matters stage to ensure that the public spaces and podiums are suitable for outdoor seating.

6.138 Daylight, Sunlight and Overshadowing - This chapter focuses in the impact upon surrounding residential properties (including Exchange Phase 2) and the surrounding amenity spaces, i.e. within Exchange Square Phases 1 and 2 and Old Square. The methodology employed is based on the Parameters Plans the Design Protocol and BRE guidelines using Vertical Sky Component (VSC), No Sky Line (NSL) Method and Annual Probable Sunlight Hours (APSH) calculations. With the calculation used to assess the availability of daylight and sunlight to the affected windows and overshadowing of the amenity spaces. The likely significant effects are considered to be:

a) Changes in availability of daylight to 28 – 34 Albert Street and Exchange Square Phases 1 and 2 during the construction and operational phases; and

b) The overshadowing of Old Square and the two amenity areas within Exchange Square 2 during the operational phase.

6.139 The ES reports although there would be a significant effect during the construction phase the effect would gradually change from beneficial to those expected once the development is complete and operational. Moving onto to the operational phase the ES advises that whilst there would be a significant effect upon Albert Street the effect is moderate adverse as the property is used as student accommodation, with transient occupiers. Primary mitigation has been introduced by alterations to the massing of the north east corner of the development (Plot 4) in order to minimise the likely effect on Exchange Square Phase 1 however there still remains, in relation to daylight a Moderate Adverse effect. Furthermore based on the numbers of windows affected within Exchange Square Phase 2 the significant effect is described as major adverse.

6.140 The assessment of the potential overshadowing of Old Square is described as significant major adverse as the results show some shadowing in March, June and December. It is acknowledged however that the vast majority of Old Square would not be affected by the proposals on the 21st June scenario.

6.141 The effect upon the Exchange Square Phase 2 amenity space is concluded as a major adverse effect

6.142 Separately an assessment of solar glare has been undertaken from 14 locations; at road junctions and pedestrian crossings nearby which are considered sensitive. BRE guidelines advise that solar glare or solar dazzle can occur when sunlight is reflected from a glazed façade affecting road users outside and the occupants of adjoining buildings. Seven out of the 14 locations were considered to produce negligible results with effects of varying degrees at the other seven locations. Of these seven locations remaining, the effects would range from minor adverse to major adverse, however the ES explains that the façade details are not yet known at this outline

stage. Therefore, the assessment assumes a continuously glazed façade, which is unrealistic and likely worse than the final façade design. The assessment also assumes clear skies at the precise time that the sun is in the location needed to create reflections.

6.143 Townscape and Visual Impact - The Townscape and Visual Impact assessment considered the impacts of the proposed scheme on the local townscape of the site and surrounding area, as well as the character and amenity of views in the wider area.

6.144 The townscape assessment identified that the proposed scheme would result in beneficial townscape effects of moderate significance on the character of the site itself. In surrounding local townscape character areas the proposed scheme would create indirect effects which would largely relate to views from these areas and the general townscape character of these areas would not be significantly affected.

6.145 The visual assessment identified that the proposed scheme would be a prominent feature in short-distance views from viewpoints within and around the site and in middle distance views to the north-east and east. Proposed buildings, routes, public realm proposals and lighting would form noticeable features that would have a beneficial effect on local views owing to the high quality design proposals and improved condition of the development compared with the existing situation. Adverse effects would be likely to be limited to views from the north where the proposed scheme creates competition with the Methodist Central Hall, which is a designated heritage asset. However the majority of significant impacts on visual amenity are likely to be beneficial. The key views that would be significantly affected by the proposed scheme would be from public routes within the site; Bull Street, Dale End, Albert Street and New Meeting Street, from Corporation Street. Outside the site the key views that would be significantly affected would be from public routes to the east including Moor Street Queensway and by future users of Curzon Street Station, Station Square. Mitigation is offered in the form of the Design Protocol to secure a high quality design.

6.146 Built Heritage - The Built Heritage assessment considers the implications of the proposed scheme on the character and setting of key built heritage assets surrounding the site. In the first instance the Environmental Statement (ES) identifies where intervisibility based on distance, topography, scale and intervening townscape would have 'insignificant effects' on the significance of heritage assets. The methodology of this exercise was agreed with Conservation Officers and draws upon the Zone of Theoretical Visibility. The assets scoped out of the ES include:

- Cathedral of St Philips, Colmore Row (Grade I);
- The Rotunda, New Street (Grade II);
- Church of St Paul, St Paul Square (Grade I);
- Church of St Michael (Grade II);
- Other various buildings on and around Waterloo Street and Colmore Row;
- Jewellery Quarter Conservation Area;
- Colmore Row and Environs Conservation Area;
- Digbeth, Deritend and Bordesley High Streets Conservation Area; and

- Warwick Bar Conservation Area.

6.147 The ES continues with regards to heritage assets that will experience 'likely significant effects' during the operational phase. The following heritage assets are identified:

- Methodist Central Hall (Grade II*) – resulting from a new built form visible behind the roofline of the Hall detracting from its form and diminishing the landmark qualities of its tower; and

- Steelhouse Lane Conservation Area - although experienced as part of the varied commercial townscape it is considered that the proposed scheme would result in a degree of harm to its character and appearance arising from the landmark qualities of the Central Methodist Hall being diminished in the view from James Watt Queensway looking south along Corporation Street.

6.148 With regards to the former the ES goes on to conclude that, *'The sensitivity of the Central Methodist Hall is considered to be high. The magnitude of change is considered to be moderate. Therefore, there is likely to be an indirect, permanent, long-term, adverse effect which is considered to be moderate'.* Conservation Officers have commented that the views identified as being affected are from modern (1960's) areas of public realm and are not historically significant. Plus a townscape of tall buildings, much closer to this heritage asset has been developed and must be considered cumulatively

6.149 With respect to the latter the ES concludes that the sensitivity of the Steelhouse Conservation Area is considered to be medium and the magnitude of change to be minor. Conservation Officers concur with the ES assessment.

6.150 Mitigation is offered through the Design Protocol (in line with Historic England's Setting Guidance (2017) that would require careful consideration of design, choice of materials and their colour within the individual Plots. Following mitigation the effect on Methodist Central Hall is still considered to be significant, however with regards the wider conservation area this is considered insignificant. Conservation Officers concur with this assessment

6.151 <u>Archaeology</u> - The proposed scheme has the potential to impact below ground archaeology associated with the later medieval and post-medieval periods. The main impact of the proposed scheme on buried heritage assets would be associated with further basement excavation, excavation of the northern end of Dale End, new foundations and services. Such activities could remove, destroy, truncate or damage archaeological remains. The extent of effect is considered to be varied across the site given the level of previous disturbance in some locations. However, the significant effect is considered to be manageable through adoption of specific archaeological mitigation, in the form of archaeological evaluation. The results of the evaluation would inform the need for further mitigation or alternatively may indicate that no further work is necessary.

6.152 Climate Change - The assessment of Climate Change focused on the release of Green House Gases (GHG) during the demolition, construction and operational phases of the proposed scheme. Greenhouse gas emissions resulting from the demolition and construction of the development have been estimated at 280,000 tCO2e, or 18,667 tCO2e per year on average over the 15 year construction period. This equates to 0.418% of Birmingham's 2016 GHG emissions, 0.058% of 2016 GHG emissions from the West Midlands region or 0.0052% of the UK Carbon Budget for the construction period (2023-2038). On this basis demolition and construction phase GHG emissions are considered would be negligible.

6.153 Once operational GHG emissions are estimated to represent only 0.11% of Birmingham's 2016 GHG emissions, 0.015% of West Midlands' 2016 emissions, or 0.001% of the UK Carbon Budget for the 2025-50 period. Operational phase GHG emissions are therefore considered would be negligible.

6.154 Cumulative Effects - It is a requirement of the EIA Regulations for the ES to assess the cumulative effects arising from the proposed scheme. It is common for cumulative effects to be broken down into two types of effect:

- Effect Interactions - the interaction of environmental effects of the proposed scheme affecting the same receptor, either within the site or in the local area; and

- In-combination Effects: the combination of environmental effects of the proposed scheme with approved projects, i.e. planning applications submitted to BCC in the last three years within 500m of the site.

6.155 The assessment of effect interactions identified that interactions were limited to a single receptor group: Population and Human Health (i.e. users of the City Centre, the immediate local residential community and the wider local community) during both the construction and operation phases. This is due to the impact on the local environment such as though changes to the wind microclimate, pedestrian routes, daylight and sunlight.

6.156 Effect interactions were generally considered adverse with respect to the demolition and construction phases, whilst at the operational phase a combination of adverse and beneficial effects have been identified. Any adverse effects at the operational phase are reported to be as a result of the outline nature of the development plots and therefore likely to be reduced during the future detailed design.

6.157 The assessment of in-combination effects identified that overall where common receptors are evident, in-combination effects were generally considered to be no greater than that identified in isolation. In some instances the in-combination effect was considered to result in greater beneficial effects, specifically in relation to socio-economics effects (i.e. direct, indirect and induced employment etc.). However, conversely with respect to wind microclimate, daylight and sunlight, a number of receptors were considered to experience an adverse effect greater than that identified in isolation.

6.158 As required by the Regulations the ES has been submitted to the Planning Casework Unit of the Ministry of Housing, Communities and Local Government. It has been subsequently acknowledged but no further comments have been received.

Planning Obligations

6.159 A development of the size proposed is above the threshold for contributions towards, or on site provision of, public open space and affordable housing. The current application is not policy compliant in respect of these matters and has been accompanied by a Financial Viability Assessment. This explains that whilst the proposals would produce a positive return it would not be sufficient to support the policy compliant provision of 35% affordable housing. Therefore agreement has been reached to provide 10% affordable housing on site, i.e. up to 130 affordable properties, with a mixed tenure of discount market rent and discount market sales.6As highlighted by Leisure Services Policy TP9 seeks to ensure that 2 hectares of new public open space is provided per 1000 population. In addition Sport England have commented that the proposed layout would make little contribution to the provision of outside space for physical activity. The following requests for contributions have been made:

i. BCC Leisure Services - £2,535,000 towards the provision, improvement and/or maintenance of public open space within Ladywood or adjacent wards; and
ii. Sport England - £688,090 towards off site sporting to address the shortfall in the provision, pitch quality and better quality ancillary provision across the City.

6.160 In this case the proposals would only deliver 10% affordable housing, however the applicants have given greater priority to improving the public realm within the site, upon which they are proposing to spend a total of approximately £15.8 million. This would be spent on hard and soft landscaping the areas of public realm including the two squares and connecting streets with works to include:
- drainage and waterproofing;
- materials including paving and any planting to be provided;
- seating and all other street furniture;
- signage and other wayfinding measures;
- provision of CCTV; and
- infrastructure for the holding of outdoor events.

6.161 In respect of the request by Leisure Services whilst not complying with Policy TP9 it is considered that it is likely, based on the very central location of the site there would be limited child yield arising from the development and the site is in close proximity to Eastside Park. Plus there would be the provision of two public squares (measuring a minimum of 2,630sqm) and private amenity spaces totalling a minimum of 1,620sqm.

6.162 In response to Sport England it is noted that the site lies within walking distance of Aston University Sports Centre, and that City Wide Sport and Leisure Provision including the Active Parks Programme is on the Council's CIL Regulation123 list. Sporting provision is therefore funded via this separate mechanism. However just to clarify, whilst the application site lies within the charging zone for hotels the proposed

development would not be liable for CIL as the proposed hotel floorspace is less than the existing operational floorspace on site.

6.163 It is considered through the viability process, a process that is externally assessed, the applicants have sufficiently demonstrated that the scheme cannot viably support any additional contributions as requested above. Meanwhile officers consider that preference should be given to securing a high quality place that delivers attractive spaces and a destination for the City.

7. Conclusion

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise.

7.2 Positively the proposed development would deliver a high quality development accommodating a wide range of uses that would provide a unique gateway to the City from the Curzon Street High Speed 2 (HS2) station. The proposals would provide much improved connectivity through the site to other City landmarks and destinations including the creation of a distinctive place and a destination in its own right that would deliver £15.8m worth of public realm improvements in accordance with PG2, PG3, GA1.1, GA1.2, GA1.3, TP21, TP24, TP28 and TP39. It would support the local economy including the visitor economy and create employment during the construction phase and over the long term supporting approximately 9,800 gross full time equivalent (FTE) jobs in the hotel, restaurants, shops and office spaces once complete, in accordance with Policy PG1, PG2 and TP26. The development would efficiently re-use this brownfield site and boost the local housing supply in accordance with PG1. The proposals also meet the objectives of the Curzon Masterplan and support the economic, social and environmental objectives promoted within the NPPF.

7.3 However it is also necessary to consider and balance the conflicting issues. It is considered that there would be less than substantial harm to the setting of the Grade II* listed Central Methodist Hall and to the character and appearance of the Steelhouse City Centre Conservation Area. This less than substantial harm conflicts with Policy TP12 of the BDP. According to Paragraph 196 of the NPPF this less than substantial harm should be weighed against the public benefits. In this case it is considered that the redevelopment of this strategically important City Centre site, in accordance with the growth policies highlighted above would, due to the resulting public benefits outweigh the conflict with the less than substantial harm to heritage assets.

8. Recommendation

8.1 That the outline application is recommended for approval but that consideration of the application be deferred pending the completion of a Section 111 of the Local Government Act 1972 legal agreement to require the applicants to enter into a Section 106 agreement to secure the following;

a) The provision of 10% affordable housing within each of Plots 2, 3 and 4 comprising a mix of affordable rent and discounted market sales housing (both tenures at a discounted rate of 75%);

b) The delivery of the following Public Realm works with expenditure of:

i. a minimum of £* on Martineau Plaza;

ii. a minimum of £* on Martineau Court;

iii. a minimum of £* on The Boulevard; and

iv. a minimum of £* on The High Street extension

(*figures to be reported at Committee)

c) Payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.

8.2 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 31st March 2020, favourable consideration be given to this application, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

8.4 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 31st March 2020, planning permission be refused for the followings reason:

8.6 That in the absence of any suitable legal agreement to secure the provision of on site affordable housing and improvements to the public realm the proposal conflicts with Policies TP31 and PG3 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

8.7 That no objection be raised to the stopping-up of part Dale End, part Albert Street and any other associated highways and footpaths, and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

1 Requires the submission of reserved matter details following an outline approval

2 Timing of Reserved Matters Approvals and Implementation of Planning Permission (outline)

3 In accordance with the Approved Plans

4 Submission of Phasing Plan to Include Site Demolition and Public Realm Phasing

5 Detailed floor levels for Each Plot

6 Access from Moor Street Queensway in Accordance with Approved Plan or

	Alterntaive Plan to be submitted and agreed
7	Access from Dale End in accordance with Approved Plan
8	In Accordance with the Mandatory Requirements as set out in the Design Code Protocol Rev A
9	Limits total floorspace and individual use floorspaces including up to 1300 res units
10	Timing of Submission of details of public realm at Martineau Plaza
11	Completion of Public Realm at Martineau Plaza
12	Timing of Submission of details of public realm at High Street
13	Completion of Public Realm at High Street
14	Timing of Submission of details of public realm at The Boulevard
15	Completion of Public Realm at The Boulevard
16	Timing of Submission of details of public realm at Martineau Court
17	Completion of Public Realm at Martineau Court
18	Completion of all remaining areas of public realm
19	All areas of public realm or public routes through the site shall be kept open or retained for public use at all times.
20	Employment Construction Plan
21	Construction Environmental and Ecological Management Plan (CEEMP)
22	Details of a Crane management plan and Aviation Lighting
23	Details of parking, servicing and cycling provision
24	Submission of Detailed Travel Plan
25	Construction Traffic Management Plan (CTMP)
26	Wind Microclimate Study
27	Details of Biodiversity Enhancement
28	Detailed foul and surface drainage strategy
29	Prior submission of a contamination remediation scheme
30	Submission of a contaminated land verification report
31	No Piling using penetrative methods

32	Ventilation and Flue Strategy
33	Submission of Detailed Sustainable Design and Construction Assessment
34	Archaeological Written Scheme of Investigation
35	Detailed Arboricultural Assessment
36	Air Quality Assessment for Plots 2, 3 and 4
37	Cumulative Noise Levels from all Plant and Machinery
38	Scheme of Noise Insulation between the residential and commercial floorspace for Plots 2, 3 and 4
39	Scheme of noise insulation including details of acoustic glazing and ventilation for Plots 2, 3 and 4
40	Radar Assessment for Plot 2
41	Definition of Works of Demolition
42	Definition of Temporary and Enabling Works
43	Development shall not commence in a plot unless and until all relevant land interests in that plot are bound by the S106 obligations

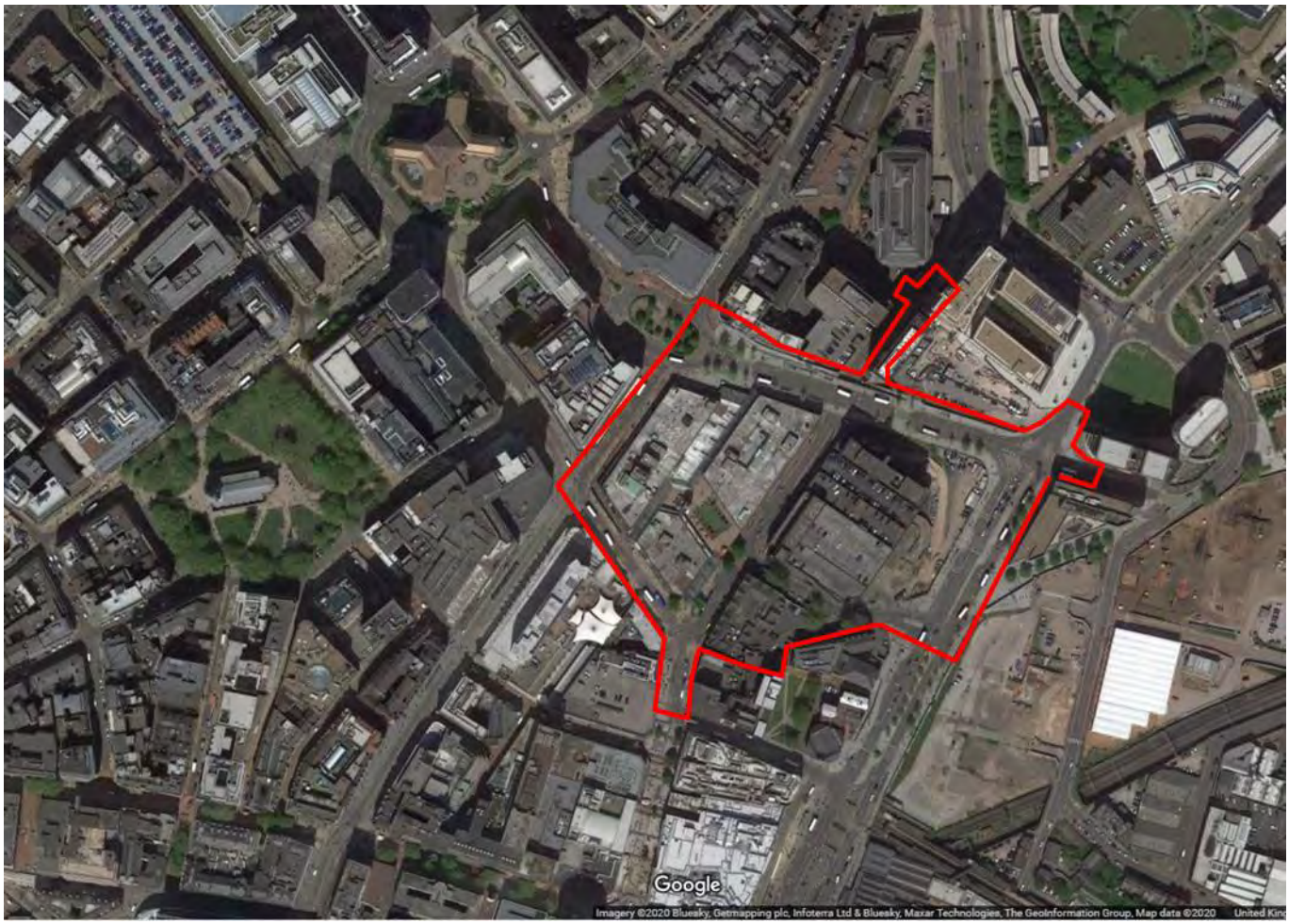
Case Officer: Julia Summerfield

Photo(s)

From the top of the Square Shopping Centre Looking towards Dale End House above Dale End Car Park

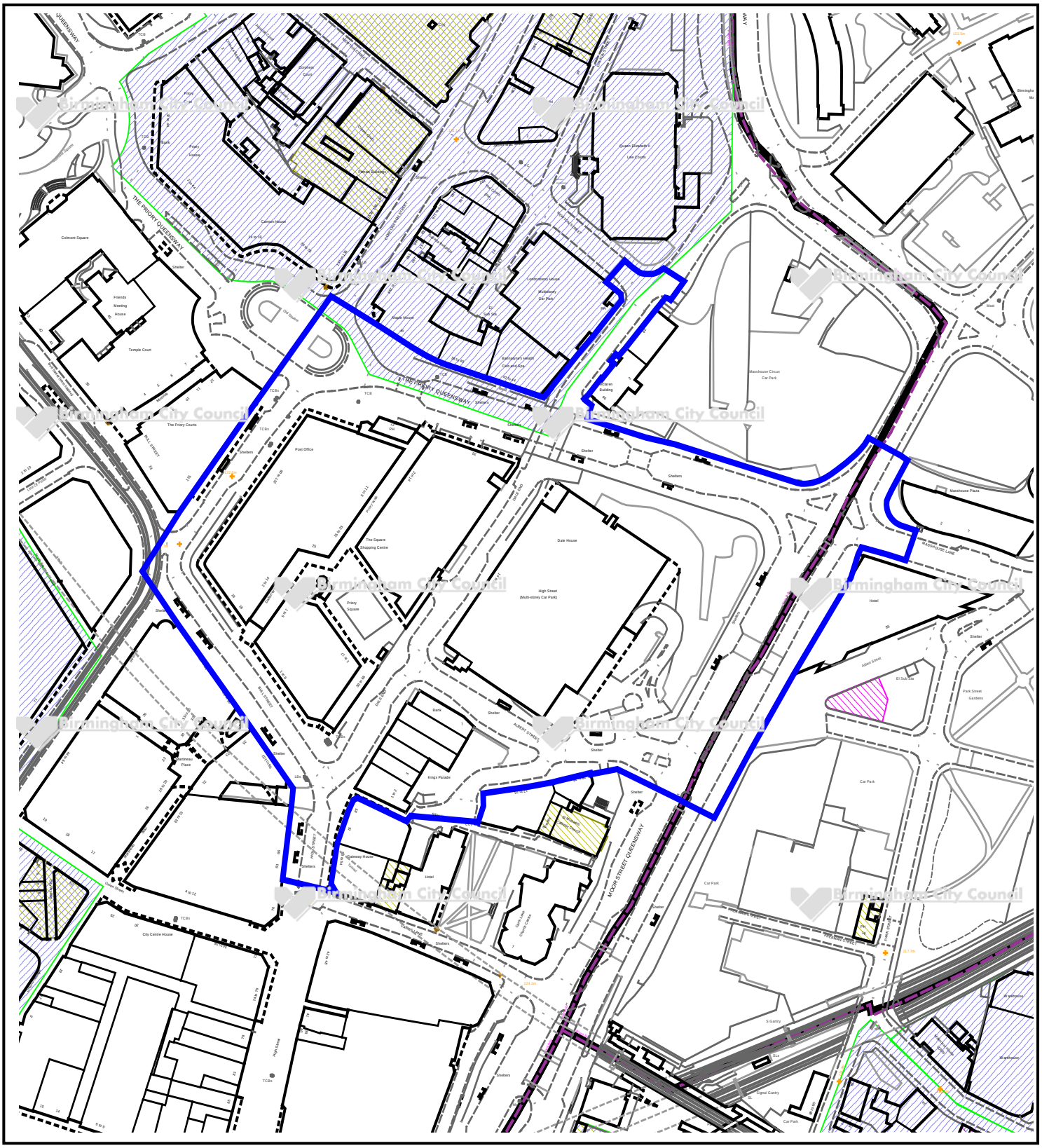
Looking Towards the existing Car Park and Dale End House

The Square Shopping Centre from the junction of Bull Street, High Street and Dale End



Aerial Photograph of Site

Location Plan



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Committee Date:	30/01/2020	Application Number:	2018/09467/PA
Accepted:	16/01/2019	Application Type:	Full Planning
Target Date:	19/07/2019		
Ward:	Bordesley & Highgate		

193 Camp Hill, Highgate, Birmingham, B12 0JJ

Redevelopment of the site to provide 480 no. homes, a hotel (Use Class C1) and flexible business/commercial floorspace of 1,480sqm (Use Classes A1, A2, A3, B1, B2, B8 and D1) in 7 new blocks (A to G) ranging from 3 to 26 storeys, together with car parking, landscaping and associated works

Recommendation
Determine

Report back

1.1 Members will recall that the determination of the application was deferred from the meeting on the 5th December 2019 for additional discussions to take place with the various transport authorities, in an attempt to remove the objections submitted by West Midlands Rail Executive (WMRE), Midlands Connect and Transport for West Midlands (TfWM). A meeting, attended by these authorities plus Network Rail plus the applicants was held on 7th January. At that meeting it was agreed that the applicants would submit an additional technical report to provide the transport authorities further explanation and expertise regarding the interface between the development and the constructability of the Chords. This report, undertaken by Aecom on behalf of the applicant, is titled "*Review of Impact of Proposed Development on the Ability to Create a Future Railway Link to an Acceptable Alignment*".

1.2 The Review highlights that Aecom has experience of providing professional services to the rail industry in the UK including design, assessment, project and construction management both acting for developers and as part of the asset protection team within Network Rail.

1.3 Based on information relating to the route of the Camp Hill Chords within the public domain the Review states the following;

- that the layout of the proposed development and the elevation of the railway allows sufficient safety clearance for future electrification of the line. It also allows for a margin alongside the railway for access and future maintenance by the railway maintainer;

- that the proposed development layout does not prevent the development of a suitable vertical or horizontal rail alignment;

- that the proposed siting of buildings would not clash with a future temporary or permanent realignment of Bedford Road (particularly over the first 60m of the railway tie-in) should this prove desirable;

- The layout of the development does not over constrict the erection of the superstructure. Craneage will be required in order to offload prefabricated elements from delivery vehicles and place on a support structure. To minimise oversailing delivery might be from North West with a crane sited on or to the West of Bedford Road where minimum widths of 17m are available;

- It is likely that closures of Bedford Road would be required for plant movements, crane siting for lifting structural elements and possibly to accommodate site offices. These functions are not prevented or unduly impeded by the siting of the buildings in the proposed development. AECOM understand that any realignment or temporary closure of Bedford Road can be accommodated. Only landscaping and parking areas would be affected by realignment; and

- AECOM consider that the eastern triangle of the site could continue to be used for parking even after construction of a viaduct.

1.4 It is hoped that the Review will provide sufficient comfort to the non statutory objectors (WMRE, Midlands Connect and TfWM) and that, based on the information available, the proposed development would not prejudice the delivery of the Camp Hill Chords, to enable them to withdraw their objections. The Review has been circulated to the transport authorities and their responses will be reported verbally.

1.5 It is considered that the Review supports Officers recommendation of approval.

Update to Status of Planning Applications for Railway Stations along the Camp Hill Line

1.6 The planning application for Kings Heath Station was approved earlier this month, the application for the station at Hazelwell is awaiting determination and the application for a station at Moseley is yet to be submitted.

Amendments to Conditions

1.7 Since the date of the last report it is noted that there are two conditions regarding the requirement for a land remediation verification report, therefore condition 35 listed in the report has been omitted. A condition is added to require the vehicular and cycle parking on development zones C, D and F to be laid out prior to their occupation.

2. Recommendation

2.1 That consideration of the application 2018/09467/PA be deferred pending the completion of a Section 106 Agreement to secure the following:

a) the provision of 24 units of 20% discount on market value affordable housing on site (11 x 1 bed, 11 x 23 bed, 1 x 3 bed and 1 townhouse);

b) a reduced rent of 50% for the commercial units in perpetuity; and

c) payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.

2.2 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 27th March 2020, favourable consideration be given to this application, subject to the conditions listed below

2.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

2.4 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 27th March 2020, planning permission be refused for the followings reason:

2.5 In the absence of any suitable legal agreement to secure the provision of on site affordable housing and affordable commercial floorspace the proposal conflicts with Policies TP31 and TP20 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

Original Report from 5th December Committee

1. Proposal

1.1 The application seeks planning permission to redevelop the site to provide a total of 480 residential units, a hotel and 1,480sqm GEA of flexible commercial floorspace (use classes A1 retail, A2 professional services, A3 café/restaurant, B1 office, B2 general industry, B8 warehouse / storage and D1 non-residential institutions). The accommodation would be arranged within the site to provide 7 blocks as follows:

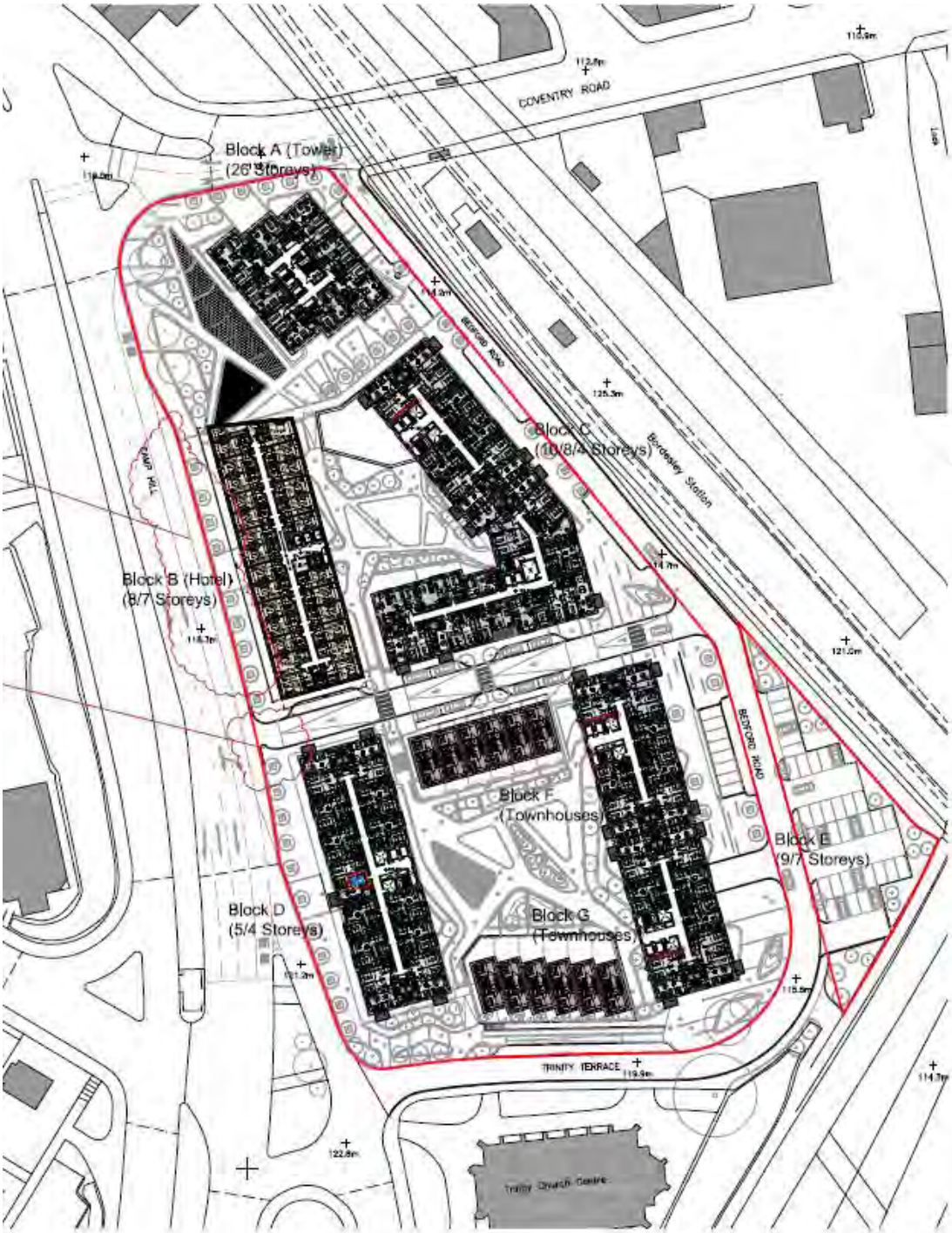
- Block A – at the far north of the site reaching 26 storeys in total providing 262sqm commercial space at ground floor level with 183 apartments above;
- Block B – part 8, part 7 storeys in height fronting Camp Hill to the west of the site providing a 167 room hotel;
- Block C – with a frontage to Bedford Road and the proposed new internal road ranging from four to eight storeys in height to accommodate 877sqm commercial space at ground floor level with 131 apartments above;
- Block D – fronting Camp Hill to the south west part of the site proposed to be part four, part five storeys providing 56 apartments;
- Block E - positioned to the south east of the site fronting Bedford Road part 7 part 9 storeys to accommodate 174sqm commercial space at ground floor and 98 apartments above. Undercroft parking and servicing;
- Block F - facing the proposed new internal road, six four-bedroom townhouses reaching 4 storeys in height; and
- Block G – facing Trinity Terrace to the south of the site, six four-bedroom townhouses reaching 3 storeys in height.

1.2 The site comprises of two land parcels totalling 1.7 hectares. The first is rectangular and would accommodate the seven blocks of development. It is separated from the second smaller triangular parcel by Bedford Road. This would accommodate 38 parking spaces that would be in addition to the 72 undercroft parking spaces at ground floor level to Block E, the 8 spaces in front of Block E and the 8 spaces that would align the proposed central street.

1.3 Vehicular access to the development would be from Camp Hill (B4100) accessing a new one way vehicular road that would dissect the larger parcel of land or via Trinity Terrace and also from Bedford Road.

1.4 The mix of residential units would be as follows:

- 5 x 1 bed studio flats (1%),
- 224 x 1 bedroom flats (47%),
- 209 x 2 bedroom flats (44%),
- 30 x 3 bedroom flats (6%), and
- 12 x 3 bedroom town houses (3%).



Proposed Site Layout

1.5 Link to Documents

2. Site & Surroundings

2.1 The site is bordered by Camp Hill (B4100) to the west, Coventry Road to the north and Trinity Terrace to the south with Bedford Road dissecting the site. On the opposite side of Bedford Road is the existing Moor Street to Solihull / London Marylebone railway line on a viaduct which, to the top of the parapet wall height, would be set between approximately 4.75m and 7m higher than the proposed ground floor level of the development. Some of the existing viaduct arches are currently used as warehouses and garages.

2.2 Beyond the boundaries to the site the Bordesley train station is located to the north-east and the Grade II listed Trinity Church is located beyond Trinity Terrace to the south. The boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area is on the opposite side of Coventry Road to the north of the site. The Grade II listed Clements Arms Public House is located 75m to the north east of the site and the former District and Counties Bank at 123 High Street Bordesley 80m to the north.

2.3 The site is previously developed brownfield land and is currently occupied by Sulzer, an international company specialising in pumping solutions, rotating equipment and separation, mixing and application technology. The larger parcel of land fronting Camp Hill offers a variety of 20th Century workshop and warehousing buildings, together with parking and servicing areas. Buildings occupy the majority of the footprint of the site area, comprising single, two and three storey structures that have developed on an ad hoc basis over time using a variety of materials with a range of roof forms. The smaller parcel to the south east of Bedford Road has been cleared and comprises an area of hardstanding with advertising hoardings. Sulzer, and their predecessor Dowding and Mills, have had a presence on the site since 1912 although the company is proposing to relocate outside of the City in March 2020. An application for prior notification to demolish the buildings was approved in earlier this year in July.

3. Planning History (most recent)

3.1 2019/05434/PA - Application for a prior notification for the proposed demolition of existing buildings. Accepted as not needing prior approval from the Council 25/07/2019

3.2 2000/03945/PA – Erection of single storey extension to provide generator facility – Approved 21/11/00.

3.3 2000/04899/PA - Retention of palisade fencing and gate to existing car park on Bedford Road and new bar fencing to Sandy Lane Middleway – Approved 10/10/00

3.4 1999/03250/PA - Retention of replacement lean-to extension – Approved 15/07/99

4. Consultation/PP Responses

4.1 BCC Transportation – The Transport Assessment has undertaken analysis of the existing development and proposed impacts of new plans. The scheme would lead to a minimal level of traffic generation with an increase from 35 two way trips to 85 in the AM peak, and from 16 up to 81 in the PM peak, ie an extra 50 two way vehicle trips in the AM peak and 65 in the PM. This would not affect the adjacent network

and junctions. There are various highway alterations to mitigate impacts from the development which include a TRO change for drop-off and pick-up impacts for the hotel, laybys for the other uses around the site because the carriageways are narrow, and a new road linking Camp Hill to Bedford Road to provide some parking and servicing ability.

Given the increase in pedestrian activity from the proposed development it would be beneficial to provide improvements to the surrounding pedestrian network by way of S106 monies towards these improvements. These would include Interconnect wayfinding and improvements to the pedestrian crossing facility of Coventry Road.

No objections subject to conditions to require:

- the prior submission and completion of works for the S278/TRO Agreement in order to remove the redundant footway crossings and provide new access road linking Camp Hill one way to Bedford Road, new laybys and associated footway provision;
- the implementation of the proposed cycle storage;
- the implementation of vehicular visibility splays;
- the parking areas to be laid out prior to use; and
- the prior submission of a parking management strategy

4.2 Regulatory Services – Content with the conclusions of the air quality assessment. Require conditions regarding glazing and ventilation to ensure that the amenity of the future residential occupiers with and without the potential development of the Camp Hill Chords is secured

4.3 Leisure Services – Although the development is within the City Centre it contains a small percentage of family accommodation and therefore this would also generate a play area contribution. The Public Open Space (POS) contribution would total £964,275 + £90,000 (cost of toddlers play area) = £1,054,275. This would be directed towards the provision, improvement and biodiversity enhancement of POS and the maintenance thereof at Kingston Hill and Highgate Park both in the Bordesley and Highgate Ward.

4.4 Canals & Rivers Trust – The site has the dual carriageway between it and the canal and therefore some of the more immediate issues or relationships are of less concern here than for other proposed developments. However, the Bowyer Street feeder does go through the development site approximately along the line of Bedford Road. This is an important feeder for the trust, as it provides water to the Grand Union and South Stratford canals. In situations such as this, the feeder is below ground and therefore owned and maintained by the land owners, not the Trust but it is required that to be maintained in functional order for the benefit of the canal network. It is therefore important that as part of any redevelopment of the site, the owners and operators are aware of its depth, location, construction type, required function and ensure that it is protected and maintained both now and in the future,

The main issues relevant to the Trust as statutory consultee on this application are:

a) The impact of the proposed development on Bowyer Street feeder – its current condition and how it will be protected during construction and future operation of the site is important to us. Much more detail is required. It is likely that underground works to create foundations and parking area to facilitate the proposed development could result in damage to our feed and this is why we ask that it be identified and protected during and post construction, with appropriate inspection ability. The layout shows that blocks A, C and E are all in close proximity to the feeder and the sections

suggested that these would have a piled foundation and that ground levels may be reduced/removed to provide underground parking. This has the potential to cause damage to the feeder due to proximity or via ground vibration caused by the piling or by applying additional loadings. Preference is for information upfront or it could be potentially be covered by a condition. We also note that the matter would be likely to have an impact upon land stability of the site and this is a material planning consideration. The NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land stability and being satisfied that a site is suitable for its new use, taking account of ground conditions and land instability.

b) The impact of the proposed development on water quality and drainage – the flood risk assessment assumes that the canal is waterproof and has no connectivity with ground water. This is a bold assumption and should be checked. It is possible that water would not seep as far as the development site from the canal but this should not be assumed. There is also no mention of the canal as a sensitive receptor, which it should be acknowledged and protected as. No drainage should discharge into the culverted feed along its stretch within the site. However there may be opportunities for the discharge if treated surface water into the main canal and this should be discussed.

c) Planning obligation requirements of the proposed development – Policy GA1.4 indicates a desire to improve pedestrian and cycle connectivity using routes along canals. This is supported by policies TP38, TP39 and TP40. Which require good quality routes and wayfinding. The existence of these routes is not sufficient of themselves and therefore is important that wayfinding is introduced. The planning statement suggests that connections to existing routes will be delivered but it is not clear which routes and what connections and access points these include. A small contribution is therefore sought towards improving the accesses onto the canal towpath at Coventry Road and Lawden Road and providing improved signage at both of these and the installation of some interpretation of the impact of the site on the views from the canal network in the Lawden Road area. We also support opportunities to improve pedestrian crossing opportunities across Bordesley Middleway adjacent to the site. We also seek to work with the developers to assist with their travel plan, welcome packs etc to ensure new residents and staff and hotel occupiers are aware of their travel options as well as the wider benefits of the canal network on their doorstep.

d) Heritage matters – no concerns. However it is noted that the outward views from the canal towards the City and the listed Trinity Church building will change significantly as a result of the height, bulk and mass of the proposals, hence the requirement above for some interpretation of this area.

e) Informative recommended to advise developers to contact the CRT Works Engineering Team and Utilities Team.

4.5 Police – Recommend the following:

- the key to the successful security of the differing aspects of these proposals will be the strict control of the interaction between the uses, ensuring that the various uses are kept apart;
- work regarding the dwelling units be undertaken to the standards laid out in the Secured by Design 'Homes 2016' guide;
- would welcome a formal Secured by Design application for the site;
- a lighting plan for the site be produced for the wider site to understand how it interacts with the surrounding public domain and also to ensure that all areas of

the development are appropriately illuminated. Any scheme should follow the guidelines and standards as indicated in 'Lighting Against Crime' guide;

- welcome the proposals to control access into the private communal garden areas. All gates, including communal gates at the head of communal alleyways, should be installed so as to be as near to being flush to the front building line of the associated dwellings as possible. Recommend that any boundary, including gates, that abuts a publically accessible space, be no lower than 2.1m in height;
- The parking provision could have an adverse impact on the existing on-street parking demand, which could, in turn, lead to congestion;
- The undercroft car parking areas will be the subject of very little natural surveillance and the proposed open access will leave any vehicles in that area unnecessarily vulnerable. The proposed open access will also leave the site open for rough sleepers. Strongly recommend that the proposals be re-assessed and the appropriate gates / fencing / shutters be installed to secure the car parking. These should seek to restrict both vehicular and pedestrian access;
- 480 cycle spaces would appear to be sufficient. Block E - concerned that a large number of the cycle spaces appear to be very concealed from view,
- ask that CCTV is required via condition to cover all car parking areas, any cycle storage areas, the communal public space areas, external views of all entrances to the blocks, lifts, stairwells and lobbies and internal, facial views of anyone entering the building through any access point;
- that all of the green public open space areas should be the subject of a clear maintenance program to ensure that any plants / trees do not become overgrown, thus reducing visibility, creating shadowed areas where offenders can hide and adversely impacting on the CCTV coverage;
- access to the separate areas of the buildings be restricted to those that need the access, i.e. if another user doesn't need access to an area, or floor, then they should not be able to do so;
- any communal entrance area to a residential aspect of the site should be controlled by two layers of security, i.e. two fob controlled door sets. This will reduce the potential for an offender to tailgate into the buildings;
- ask that any work concerning the commercial / retail aspect of the development be carried out to the standards within the Secured by Design ‘Commercial 2015’ guide;
- intruder alarms and CCTV to the retail / commercial units;
- ask that any work be undertaken to the hotel rooms be to the standards laid out in the Secured by Design 'New Homes 2016' guide;
- The location for the reception of the hotel is well placed, in that it allows staff to have a clear line of sight to the main entrance to the hotel, and the entrance lobby area. This provides good opportunities for natural surveillance;
- ask that any work concerning the commercial aspect of the development be carried out to the standards within the Secured by Design ‘Commercial 2015’ guide;
- seek clarification of the proposed access control system, which should ensure that should an offender gain entry to the building, they cannot wander freely around the interior;
- Any roof terraces within this site should include a suitable boundary treatment around the accessible areas to adequately prevent accidental falls over the boundary or intentional attempts to self-harm. Recommend that consideration be given for the installation of a barrier no lower than 2.0 m in height and of a clear anti-climb design.
- any furniture installed on the roof be located so it cannot be used as a climbing aid to scale the boundary and secured in such a way that it cannot be moved to a location where it could act as a climbing aid;

- all of the roof area be covered by CCTV cameras; and
- suitable signage is installed on the roof, and on all the approaches to it, offering advice, support and signposting anyone considering self-harm.

4.6 Civic Society – No objections subject to conditions:

- The permeability of the development and commercial use to activate the ground floor is welcome. In this location there are concerns as to how successful this will be however, in terms of security and risk of anti-social behaviour that will result in low take-up of tenancies;
- The height of the tall-building is in itself not a concern, but does not appear to relate to local policy in terms of location. This is not part of the city ridge cluster nor the developing strip of tall buildings along Digbeth High Street and creates a precedent for further spread of isolated towers throughout the City Centre;
- This area of the city is economically deprived and new development is welcome, but there is a loss of industrial use and consequent jobs which is disappointing. The D&A statement refers to the Digbeth Creative Quarter but this is rather isolated from this area;
- There is a concern about the lack of amenity space, which in this location will need to be secure if to be used by children or the infirm. There is likely to be high levels of noise and pollution which will limit use of these spaces. There is a lack of high quality schooling and other amenities such as health care in this area;
- The development has high aspirations for design and materials and responds well to the better qualities of the existing environment and this is to be applauded;
- There is some impact on historic buildings, but given the level of deprivation in this area, economic investment is likely to be beneficial to these building's future sustainable use.

4.7 Local Lead Flood Authority – No objections subject to conditions to require details of a sustainable drainage operation and maintenance plan, and a condition to ensure adherence to the agreed plan.

4.8 Education - Request a contribution for £25,989.59 (Nursery); £668,629.89 (Primary); £719,642.74 (Secondary). Total contribution £1,414,262.22.

4.9 Fire Service – In summary:

- Access roads should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes. Water supplies for firefighting should be in accordance with national guidance. The townhouses not fitted with fire mains should allow access for a fire appliance to within 45m of all points within the house, measured on a route suitable for laying hose;
- Where fire mains are provided in the blocks there should be access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet connection point, typically on the face of the building;
- Buildings with a floor higher than 18m above fire and rescue service access level, or with a basement more than 10m below fire and rescue service access level, should be provided with fire-fighting shaft(s) containing fire-fighting lifts;
- A sufficient number of fire-fighting shafts should be provided to meet the maximum hose distance set out in 50.2.2, and at least two fire-fighting shafts should be provided in buildings with a storey of 900m sq. or more in area;
- Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building; and

- The approval of Building Control will be required to Part B of the Building Regulations 2010.

4.10 Birmingham Airport – the proposals have been examined with respect to the Aerodrome Safeguarding requirements and based upon the information provided have been found to be acceptable subject to a crane management plans being agreed with the Airport prior to commencement of construction. The request for a crane management plans, is due to the height of the tallest building proposed being 205m above ordnance datum (AOD), which will mean that any cranes used during construction will be close in height to the Outer Horizontal Surface height of 242m AOD and should therefore be assessed to ensure that they are appropriately safeguarded.

4.11 Severn Trent Water - no objections to the proposals subject to the inclusion of conditions to require details and the implementation of agreed drainage plans for the disposal of foul and surface water flows.

4.12 Environment Agency – No objections. The site has had an extensive industrial history which lead to the recommendation and completion of an intrusive site investigation in May 2006. A review the relevant BGS Geological Map Sheet (50,000 scale) shows the site lies upon solid geology of the Sidmouth Mudstone Formation, which is designated a Secondary B Aquifer by the Environment Agency. Superficial Glaciofluvial deposits are also indicated, which are designated a Secondary A Aquifer. Logs from the window sample boreholes showed natural firm to stiff clays beneath made ground in the North and Western areas of the site, this was interpreted to be weathered Sidmouth Mudstone. In the South-eastern areas, sands and gravels were observed beneath made ground , these were interpreted as Glaciofluvial deposits. Groundwater was not encountered at any location.

AECOM has undertaken a review of available BGS borehole records in the vicinity of the site. Their review has concluded that groundwater is likely located at significant depth (>20m). We note risks to controlled waters has been considered in the preliminary risk evaluation undertaken, and are considered low owing to the conjectured depth to groundwater.

Although we note that potential sources of contamination may be present, groundwater does not appear to be a receptor of concern at this site. However, we see that further intrusive investigations are recommended to characterise areas not addressed in the previous investigations undertaken by Environ in 2006. If any subsequent investigation does identify the presence of groundwater underneath the site the EA must be informed immediately.

The EA would like to refer the applicant to our groundwater position statements in ‘The Environment Agency’s approach to groundwater protection’, available from gov.uk and the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) and the Environmental regulations page on GOV.UK. Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste.

4.13 Employment Access Team – Request a construction employment plan be required either by condition or planning obligation.

4.14 Midland Connect (MC) – (latest comments) - Midlands Connect is the Sub-national Transport Body for the Midlands, a partnership which includes 16 Local Transport Authorities, of which the West Midlands Combined Authority represents its Constituent members including Birmingham City Council. The developer's updated proposals principally move Block E further away from the existing railway viaduct and further redesigning of the proposed layout of the residential properties. However, these proposed amendments do not address Midlands Connect's concerns and the revised development could still jeopardise the deliverability of the long-standing Bordesley Chords element of the Midlands Rail Hub rail enhancement proposals. Without these chords we cannot deliver the joint aspiration of Birmingham City Council, TfWM (and WMRE), Network Rail and the Department for Transport to implement the Midlands Rail Hub. The programme is already recognised in Network Rail's Control Period 6 Business Plan which commenced in April 2019.

Without the Bordesley Chords, trains from East/West Midlands will not be able to use Birmingham Moor Street station which is essential to enable more trains to flow through Birmingham. The more detailed configuration of the Chords will be advanced in the next stage of development which we are pushing to start as soon as possible, awaiting Department for Transport decision. Therefore there is call for the Committee to defer any decision to award planning permission to developments on, or adjacent to, any of the potential location of the Bordesley Chords until after the final alignment for the chords has been formally approved by Network Rail, the Planning Authority and Midlands Connect.

Whilst the amendments offered by the developer and their continued engagement with Network Rail (as asset owner) are welcomed, MC cannot in principle support this proposal on the basis that it conflicts with the following agreed policies:

- the Bordesley Area Action Plan (including the proposals plan):
- the West Midlands Local Transport Plan (both the long term "Strategic Transport Plan" and shorter term "2026 Delivery Plan"); and
- the Adopted Birmingham Plan 2017 (Policy TP41 Public Transport, Rail which supports the City's rail network including reopening the Camp Hill and Sutton Park railway lines).

In line with the previous comments made earlier this year in response to the application Midlands Connect remain concerned that the updated plans from the applicant do not provide enough assurances that these policies can be delivered. For this application to proceed, we would request for the Planning Committee, in accordance for NPPG guidance, to confirm whether there are material considerations that indicate that these policies should not be followed.

It is therefore requested that the Planning Committee reject the application and call on the developer to return to negotiation with Midlands Connect and Network Rail to consider a proposal in line with the adopted policies listed above.

4.15 West Midlands Rail Executive & Transport for West Midlands (TfWM) (latest comments) - note the revisions made to the Planning Application, principally in moving Block E further away from the existing railway viaduct and further redesigning

of the proposed layout of the residential properties. However, these welcome amendments to the Planning Application do not address our principal concerns that:

- the Midlands Rail Hub scheme is a strategic transport project of critical local, regional and national significance;
- at the current time it is not possible to determine, with sufficient accuracy, what the final alignment of the proposed "Bordesley South West" railway chord element of the Midlands Rail Hub scheme will be; and
- this revised development could still jeopardise the deliverability of long-standing Bordesley Chords element of the Midlands Rail Hub rail network enhancement proposals..

WMRE and TfWM therefore continue to:

- maintain our formal objection to the revised Planning Application;
- request that, as a minimum, any decision to award planning permission to developments on, or adjacent to, any of the potential locations of the Bordesley Chords be deferred until after the final alignment for the chords has been formally approved by Network Rail, the Planning Authority and Midlands Connect
- highlight and support the concerns and objections raised in respect of this Planning Application by Network Rail, Midlands Connect and the Mayor of the West Midlands Combined Authority.

4.16 Network Rail – welcomes the changes to the proposed layout to accommodate emerging proposals for the delivery of the Bordesley Chords railway scheme.

- NR re-iterate that there is no final fixed design for the Bordesley Chords proposals and their positioning could change as the design progresses. NR has not yet selected a construction methodology and depending on how the proposed Chords are built, we may require temporary access to the applicant's land right up to their proposed buildings, to facilitate construction activities. The construction of the Chords may require a temporary or permanent closure of Bedford Road, therefore access arrangements to and within the development should be designed with suitable flexibility. NR recommends that the developer does not rely on access via Bedford Road, e.g. should the developer require access to their site from Bedford Road between blocks C and E, this is an example of an access arrangement that could be cut off if Bedford Road was closed.
- Should the Chords proposals be constructed it is likely that a maintenance easement of 3m will be required – therefore we would strongly advise that no permanent structure / enclosures are built within such a strip.
- NR's Asset Protection team must review temporary works, crane lifting plans and Risk Assessment Method Statements) for the proposals. These will need to be agreed prior to any works commencing on site.

Latest comments received November 2019:

- The alignment of the chords will be based on a number of factors, comprising the track gradient, track curvature and line speed. It is not possible to provide any level of detail on a plan at this stage;
- It is not possible to determine land requirements at this early stage, noting that there will likely be a requirement for temporary as well as permanent land-take;
- Land take for construction purposes will be determined by the final design, construction methodology and sequencing. The area of Bedford Road adjacent to the existing railway will likely be integral to the construction solution(s), and be required for the delivery of materials, demarcation of the construction zone,

erection of scaffolding/hording/formwork etc, siting of construction plant and lifting plant such as cranes and concrete pumps, welfare facilities etc.;

- It is envisaged that technical work on the outline business case (OBC) will be complete by the end of 2022, with a period to follow to support assurance processes and decision making on how or whether the project should proceed to Full Business Case (FBC). This is dependent upon OBC funding being secured by January 2020, so it is possible that these dates could therefore change. The detailed design work would follow, with a defined route alignment being available circa 2023-24;
- The date of commencement of construction is not yet known, however we do not anticipate that it would start until at least CP7 (2024-2029);
- At the current level of programme maturity, the duration of the construction works is unknown at present and will be determined by the approved for construction design solution;
- The date of when the South West Chord would be operational is unknown at present and is dependent on the business case and affordability of the programme. Assuming construction could be complete in the late 2020s, the, train service patterns and operational aspects would likely be determined by the completion of dependant phases of the scheme elsewhere on the infrastructure and approved operating rules/timetable/service patterns; and
- It is currently envisaged that both the South West and North West Chords will be built and whilst it would likely be less disruptive and more efficient to build both chords simultaneously, there are options to build them separately.

4.17 Transport for West Midlands (TfWM) (previous comments to superseded plans) - A key part of Midlands Rail Hub is the construction of two chords (referred to interchangeably as the Camp Hill or Bordesley chords) in the vicinity of the development proposed allowing better access to the Snow Hill line which serves the City Centre rail terminuses, Moor Street and Snow Hill Stations. The subject planning application proposes development that impinges on or is in very close proximity to potential alignments for the south/west chord.

TfWM emphasise to the planning committee that the construction of these chords is a critical part of the future transport infrastructure required to accommodate growth in the city and the wider region. There is consensus in the rail industry that the construction of the chords represents the only realistic means of providing significant additional capacity on the classic rail network into (and through) central Birmingham over the coming decades.

It is understood that whilst there are references throughout the local plan and local transport plan (constituting material considerations), there are no specific planning safeguards in place on the land around where the chords are to be constructed which would preclude alternative development.

It is acknowledged that whilst the construction of the chords is undoubtedly a transport priority, it is not yet a committed funded scheme with detailed designs and relevant planning permissions.

TfWM encourage the planning committee to take this into due consideration when assessing the applicant’s planning application in the context of evidence to be submitted by Network Rail and Midlands Connect, which will outline any potential impact that the development could have on the construction of the south chord (as well as giving further detail on the potential benefits of investment in this rail infrastructure).

TfWM request that proportional action is taken to avoid preclusion of future construction of the chord (whether this is because of direct impingement of development on the chord alignment or challenges that result from proximity) through further discussion between the planning committee and officers, Network Rail, Midlands Connect and the applicant (including agents). We encourage the committee to reflect this in their decision and any conditions that may accompany planning permission. Specifically, we endorse Midlands Connect's request for the planning committee to defer decisions relating to the triangle of land east of Bedford Road be deferred until further consideration of the Midlands Rail Hub enhancement proposals by the Department for Transport and after the final alignment for the chord has been formally approved by Network Rail, the Planning Authority and Midlands Connect.

4.18 West Midlands Combined Authority (WMCA) (previous comments to superseded plans) - as Mayor of the West Midlands there is objection to the current planning application. The Mayor shares the concerns of a number of local stakeholders that the proposed development would preclude future construction of the southern Camp Hill chord.

In 2016/17 Midlands Connect were awarded £5m from the Department for Transport to develop proposals for Midlands Rail Hub into a Strategic Outline Business Case. It is acknowledged that there have been some positive discussions between the Developer, Birmingham City Council and Network Rail and these efforts are welcome. However, I am concerned that there are still a number of outstanding issues that require further investigation and appropriate action before planning permission can be granted.

It is acknowledged that the developer has altered designs, in particular by moving the proposed location for the energy centre and instead constructing surface level parking on the triangular area of land to the south-east of the site. However, assurances are still to be fully given by Network Rail and Midlands Connect that the amended proposals do not prevent and/or compromise construction and/or operation of the potential future southern chord.

In addition, detail is required from Network Rail and Midlands Connect on appropriate planning conditions that should accompany planning permission to develop on the site to reduce the risk of future objections to the chord arising from the chord's proximity to development on the site, to allow access to the site for construction and operation of the chord, or any other condition that may be deemed necessary.

Network Rail and Midlands Connect are still working to identify the final alignment of the proposed southern chord. Until these designs are developed further it will be difficult to say with certainty whether any development on the site could prevent or compromise plans for the chord and what planning conditions would be required. Such certainty will only emerge once the development of the project completes the next (Outline Business Case) stage and has reached the detailed design phase.

Permission to develop on the site should not be granted until final alignment of the southern chord has been approved by Network Rail, the Planning Authority and Midlands Connect. Would welcome the Developer submitting a revised planning application in the future once designs of the Chord have been approved

4.19 A site notice and press notice have been displayed and neighbours notified. 46 individual letters of objection have been received raising the following concerns:

- The land is essential to the construction of the Chord and would endanger the building of the Camp Hill Chords. Sufficient land should be protected to enable construction of the Chords
- The development would seriously impact upon the proposed Bordesley Chord development to increase passenger services to Moseley, Kings Heath and Hazelwell into Moor Street by preventing an extra 10 trains an hour in and out of Birmingham (85,000 seats a day)
- railway work including the Camp Hill Chords is worth up to £2bn of economic benefits through unlocking jobs and supporting economic growth and maximising transport connectivity
- the development will stand in the way of an extra line railway line being added to the current layout at what will be Kings Heath Station. Without this extra provision the passenger line will be clogged by freight trains and the passenger service severely limited (1 train per hour has been mentioned). This will be very poor provision for local residents travelling to and from work or getting home after an evening in town, not to mention the wisdom of increasing public transport in the area, ready for the Commonwealth Games
- Economic and environmental drivers will be severely limited if this planning application is allowed to go ahead in any form which prevents the City from installing the Camp Hill Chord.
- the provision of housing which this scheme would deliver must not be done at the expense of wider community benefits, and the delivery of sustainable transport in south Birmingham must override the more local benefits offered by this scheme.
- The development would, if granted planning permission, make the consented land too expensive to be affordable for the rail authority to buy back.
- land required for the Camp Hill line should be clearly agreed with the rail authority and freely offered for this purpose, and there should be suitable planning conditions applied to ensure that the rail development is able to proceed.
- Has the planning office had meetings with the developers to discuss these plans as they were being developed?
- The Government's inability to so far fund such infrastructure in Birmingham should not be an excuse for developers to prejudice or make difficult their future delivery
- The line of the proposed Chords may now be different, or they could be delivered 'over' the proposed site. But if that is the case that should be confirmed by the Council before the application is approved. You can easily imagine a situation where the chords are said to be poor value for money, and aren't built, because the Council has made their construction more costly by approving applications like this one.
- On behalf of the community of Moseley and Kings Heath the planning committee are asked, when considering this application, that as a very minimum sufficient land is protected to enable the construction and accommodation of an up and down south/east railway link at Bordesley from the Camp Hill railway line, known as the Camp Hill chord.
- A new passenger rail service will complement the Clean Air Zone proposals
- The planning application should be refused on the basis that it needs to take into account that 10-15 metres will be needed for the chords and supporting infrastructure.
- The plans include a massive 26 storey block of flats. Can you confirm that this area is outside the central part of the city where such tall buildings are permitted in the council's planning policies? If so, was this made clear to the developers?;

- The ten most polluted UK cities named by the World Health Organisation include Birmingham. Every effort should be made to encourage train travel. We need to make Birmingham green;
- The commitment to support the proposed Bordesley Chord is stated in the Birmingham Development Plan (PolicyTP41 and paragraph 5.76), "Movement for Growth", the Strategic Transport Plan adopted by the West Midlands Combined Authority in 2017;
- The scale of committed and potential housing expansion across the West Midlands conurbation and wider region will seriously challenge the capability of the current rail infrastructure;
- Should rail capacity not be enhanced to accommodate the expected extra demand then the regional rail network will not be able to cope. This could mean that people will be unable to use rail and will instead have to make more trips by car which will exacerbate congestion. This would mean that Policy TP38 of the BDP "A Sustainable Transport Network" would not be met;
- If this planning application prevents the future of the Camp Hill Line Chords then I hope that Birmingham City Council will reject the application in order to benefit the lives of thousands of residents who live in and around Moseley, Kings Heath, Brandwood and Stirchley;
- The Moseley community has been campaigning for the reopening of the Camphill Railway Line for passenger traffic for well over 40 years;
- The number 50 bus service is already over capacity and the air pollution on the A435 route into city is a cause for concern to many residents.
- It is therefore urged that Planning Committee refuse this application – or require it to be reduced to the point where WMRE and TfWM are content that it will not prevent the future construction of railway chords at Bordesley.

4.20 Individual responses have also been submitted by the following Councillors and groups:

- Councillors Jenkins and Straker Welds - We are keen to seek assurances that this, or any other development, does not interfere with the re-opening of the Chords, which are widely accepted as being crucial to providing essential routes between the City Centre and satellite stations and we need reassurance that this application will not compromise plans to provide 10 extra train paths/hour in/out of central Birmingham, essential to extending the rail network.

  Even if the proposed development were to be proved to be merely in close proximity to the final position of the Bordesley South West Chord, this would in itself raise some significant concerns which could threaten the viability of the Midlands Rail Hub project as some of the offices and residential properties are likely to find themselves within a few metres or less of the chord.

  The proximity of one or more of these proposed buildings could have a detrimental impact on the "constructability" of the chord and could also generate significant future objections to the Bordesley South West Chord element of the Midlands Rail Hub scheme from any future residents/tenants of the "193 Camp Hill" development;

- Confederation of Passenger Transport UK - It is vital that no development takes place at this site as it would imperil the proposed Midlands Rail Hub Project in the Bordesley area. As the final alignment of the Chords has not yet been formally approved by the parties concerned i.e. Network Rail, the Local Planning Authority and Midlands Connect, it would surely be premature to approve the

proposed development at this time? The provision of the ten extra train paths into the City should surely take precedence over a planning application such as this?

- The Moseley Society - We appreciate that the applicant has made some alterations to the plans in order to try to allow construction of South West Bordesley Chord at a future date. However, we are aware that the West Midlands Rail Executive (WMRE) and Transport for West Midlands (TfWM) have expressed their objection to the revised plans on the grounds that the detailed plans for the chords cannot be drawn up before this application is decided. If built, the development envisaged in these plans is likely to affect both the constructability of these chords and also lead to objections from the residents and businesses that the development will introduce into the land adjoining the railway.

  When the Moseley Society was formed in 1979 one of the topics on our wish list was the reopening of the Camphill Railway Line for passenger traffic. We are glad that plans and funds are now in place for that to happen. The planning applications for the new Hazelwell and Kings Heath Stations have just been submitted and we expect the application for Moseley Station by the end of the year. However, the reopening is being achieved on the original lines that take the Camphill service round by St Andrew's Junction to New Street Station. Because of the lack of capacity at New Street all that can be offered is a half-hourly service. We have been told that the only way for the large number of people living within walking distance of the Hazelwell, Kings Heath and Moseley Stations to be offered a more frequent rail connection is by building chords at Bordesley so as to take the Camphill Line into Moor Street Station.

  We are therefore very alarmed to hear that this development is likely to remove that possibility permanently. The Bordesley chords are also part of the long-term plan to link east and west Midlands rail services via Moor Street Station so this is not just a matter of local interest, but one of fundamental importance to the development of improved rail services across the Midlands. We therefore hope that Planning Committee will refuse this application – or require it to be reduced to the point where WMRE and TfWM are content that it will not adversely affect the future construction of railway chords at Bordesley.

- Russell Road Residents' Association - Moseley and Kings Heath are grid-locked and polluted because of heavy traffic congestion; consequently, we urgently need alternative forms of transport to access the City-Centre. Any planning application that would compromise or delay the re-opening of this line would be disastrous for local residents, for the air-quality targets and for commuters. We would urge you to postpone any decision on this application until the rail-routes have been agreed.

  (Latest comments) The objective of improving greener, more sustainable travel relies on a frequent train service into the city. Because of capacity issues, Moor Street Station is the most viable option, and that will rely on the construction of the Bordesley Chords. To permit this application would run counter to the council's policy of improving air quality, reducing car journeys and increasing long-term sustainable travel. The council's legal obligations to reduce atmospheric pollution, and the region-wide requirement for improved public transport, would be thwarted by the current plans. Whatever is built on this site must permit the construction of the Bordesley Chords and facilitate the opening of a functional rail-link into Moor Street for this busy commuter area. We urge

the committee to reject this application and would ask the planners to submit revised plans that would be compatible with the council's transport and clean air objectives.

- Councillor L Turner Bromsgrove District Council - As a Bromsgrove District Councillor representing Wythall I strongly object to this application. Air quality needs to be greatly improved in the City and increased rail travel usage over car traffic is a necessary step in the right direction. I use Wythall station frequently for travel into the city and would welcome more frequent and reliable rail transport. I know we need more new housing but please be sensible not to allow such house building to prevent much needed progress in transport and in people's health.

- Moseley Liberal Democrats - There is a huge potential problem in that if this goes ahead it will put an end to the plan to build the Camp Hill Chords which are needed to divert the Camp Hill line into Moor Street and provide a frequent commuter service. If this goes ahead it will be hugely controversial as the council were warned about it in 2013 when they sold the land. Moseley Forum objected at the time. We were told the land could be bought back in a compulsory purchase order if the chords project was to go ahead. At that time we didn't have confirmation of HS2 and the Centro Connectivity package so they probably thought it would never happen.

- Campaign for Better Transport – The proposed development must not under any circumstance be permitted to compromise or encroach the construction, establishment and maintenance of the proposed west/South Bordesley Railway Chord. The proposal to provide this is documented in the BDP and the regional transport priority list for many years. It is reference in Policy TP41 of the BDP the Bordesley Area Action Plan, the Strategic Transport Plan "Movement for Growth" adopted by the WMCA. Should capacity not be enhanced to accommodate the expected extra demand then the regional rail network will struggle to cope meaning Policy TP38 of the BDP "A Sustainable Transport Network" would not be met. The submitted Transport Assessment fails to mention the Bordesley Chords. Hope that the energy centre is relocated.

- Campaign for Rail - The long awaited Camp Hill Chord scheme and the corresponding substantial degree of socio-economic benefit, together with the critically important reduction in noxious vehicle emissions within the City, all urgently require safeguarding, rather than being unjustifiably compromised by way of the said planning application in its currently presented outline. However, despite the universally acknowledged need to safeguard a section of land for the construction of the Camp Hill Chords, the necessary critical protection would appear to have been overlooked, possibly in the unjustifiable belief that the Camp Hill Chord project would never be realised.

  The current footprint encroaches in part, upon a section of land that would be required for at least the development of the Camp Hill South Chord and without that critical piece of land, the far more logical potential service route into Moor Street station, with its currently underutilised platform potential and corresponding passenger footfall growth, together with the inherent shorter journey time and close interconnectivity benefits, will most regrettably be lost.

  In its current outlined form, the application should be withdrawn or withheld, pending a revised application that fully protects the land required for the vitally important Camp Hill Chord requirement.

As was the case in Manchester, honouring the City of Birmingham and West Midlands regional public transport requirement and listening to the universally concerned voices of the City and travelling public, together with concerns expressed by Midlands Connect, Transport for West Midlands, West Midlands Rail Executive and Network Rail, plus the rail franchisees and rail user groups, it is paramount that all associated stakeholders work towards achieving the ultimate attainable rail infrastructure and passenger service potential, as part of an holistically enhanced Midland Hub requirement.

- Balsall Heath Forum - We understand that the proposed development will affect an element of the Balsall Heath Neighbourhood Plan. The Neighbourhood Plan became statutory in 2015. Balsall objects to this development, in that if approved, it would inhibit the growth of the future rail service, which has the potential to contribute greatly to the economy of Balsall Heath.

- Shakespeare Line Promotion Group - The need for the construction of this chord and the proposed alignment of it which involves the south-east corner of the proposed development detailed in the application is critical to the future transport and connectivity needs and requirements of Greater Birmingham but also the more extensive West and South Midlands. The broader drivers of HS2's arrival in 2027 and the crucial need to significantly reduce vehicle emissions in Birmingham City Centre determine that rail connectivity improvements must be enabled.

  The scale of committed and potential growth in housing and employment volume and distribution, as well as freight growth, will directly challenge the capability of the region's rail infrastructure given its regional role and location at the heart of the UK rail network.

- The Bordesley Chord scheme a significant element within one of five key rail service improvement points that combined amount to £151 million Gross Value Added (GVA) to the economy each year by 2032.

- Solihull & Leamington Rail User Group (SALRUA) - This development would seriously impact the proposed Bordesley Chord development to increase passenger services to Moseley, Kings Heath and Hazelwell into Moor Street,a scheme to take pressure off New Street Station and the congested local road network.If this plan goes ahead it will negate a transport solution for the centre of Birmingham, for decades. If the chords are built Bordesley Station will close due to the alignment and will not be replaced. It is vital that the alignment is protected, even if the current plan has to be reconfigured to accept the chords. The present Sulzer site is very close to the road bridge and the present plan is very intensive. SALRUA always supports regeneration, but not the detriment of infrastructure requirements first. We would therefore recommend that this proposal is rejected and a revised one drawn up. Nationally there are too many schemes that have impacted previous rail land, and leads to far higher investment costs for future generations.

4.21 A public exhibition to share details of the emerging proposals was held at Evolve at the Adam & Eve, Bradford Street, Digbeth on 30 October 2018. The exhibition was advertised via a leaflet drop of 3,000 leaflets to all residential and business addresses covering the area approximately 0.5 miles from the site. It was also announced on social media via Twitter on 24th and 30th October 2018. According to the applicants the exhibition was attended by 9 people, and comments were made regarding the number of affordable homes, what was happening to Sulzer, more

places for locals to go for coffee and restaurants were needed, welcoming the hotel and potential for jobs, supermarket needed in the area and positivity about bringing forward regeneration and development in Birmingham instead of Manchester.

5. Policy Context

5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Car Parking Guidelines SPD (2012), Shopping and Local Centres SPD (2012), Lighting Places SPD (2008), Public Open Space in New Residential Development SPD (2007), Access for People with Disabilities Supplementary Planning Guidance (SPG) (2006), Archaeology Strategy (2004), High Places – A Planning Policy Framework for Tall Buildings SPG (2003), Affordable Housing SPG (2001), Places for Living SPG (2001), Places for All SPG (2001), Birmingham Curzon HS2 Masterplan for Growth (2015), High Places (2003), Loss of Industrial Land to Alternative Uses SPD (2006), Big City Plan Masterplan (2011) and the revised National Planning Policy Framework.

6. Planning Considerations

6.1 The proposed scheme would provide a total of 480 residential units and incorporate a maximum total of up to 1,480sqm (GEA) of flexible commercial floorspace comprising:

- Class A1: Shops;
- Class A2: Financial and professional services;
- Class A3: Restaurants and cafés; and
- Class B1: Offices / Light Industrial;
- Class B2: General Industry;
- Class B8: Warehousing / Storage; and
- Class D1: Non Residential Institution

6.2 Of this, 262sqm (GEA) of floorspace would be delivered at the ground floor of Block A, 877sqm (GEA) within Block C and 174sqm (GEA) at ground floor within Block E. The largest single unit in retail use (Use Class A1) would be 387sqm (GEA). In addition Block B would provide a hotel of 7,068sqm.

Loss of Industrial Use

6.3 The current occupiers of the site Sulzer are relocating from the site in March 2020 to purpose built facilities outside of the City as, according to the applicants, a result of the condition of the site and the limitations on the business. The proposed redevelopment of the site would therefore result in the loss of employment land.

6.4 The application site does not form part of a Core Employment Area under Policy TP19 of the BDP however Policy TP20 seeks to protect employment land and resources where it contributes to the portfolio of land needed to meet longer term requirements. The implementation of Policy is TP20 supported by the Loss of Industrial Land to Alternative Uses SPD, which provides guidance to developers on the information required by the City Council where a change of use to an alternative use is proposed.

6.5 According to Policy TP20 there is a general presumption against the loss of industrial land unless either the site accommodates a non-conforming use, has actively been marketed or it can be demonstrated that continuing an industrial development is not viable. The current use is not a non-conforming use and the applicants have failed to adequately demonstrate that there is marketing or viability justification to support the

proposed loss of employment land. The SPD, which dates back to 2006 recognises that within the City Centre a more flexible approach towards the change of use of land is required, however the SPD should be given less weight as it is outdated in comparison to adopted BDP Policy TP20. Therefore the proposed loss of employment land is contrary to this BDP Policy any material considerations should be assessed to ascertain whether they should be given greater weight to outweigh this Policy conflict.

6.6 First a requirement for future growth and change in and around the City Centre is identified within the development plan. Strategic Policy PG1 identifies a need for significant levels of housing, employment, office and retail development, along with supporting infrastructure in Birmingham over the plan period. The Policy refers to a target of 51,100 additional homes although this falls short of Birmingham's objectively assessed need which is stated to be 89,000 homes

6.7 Whilst the site is located beyond the City Centre Retail Core it is identified within the Birmingham Development Plan Policies Map as part of the City Centre Growth Area under Policy GA1.1. Policy GA1.1 (City Centre Role and Function) indicates that the Council will continue to promote the City Centre as the focus for retail, office, residential and leisure activity within the context of the wider aspiration to provide a high quality environment and visitor experience. The site is also just beyond the border to the Southern Gateway Area of Change which has a boundary on the opposite side of Camp Hill (B4100). This area has recently seen the growth of mixed use developments along Digbeth High Street as a result of Lunar Rise, Connaught Square and Beorma.

6.8 Policy GA1.2 advises that in order for the City Centre to maintain and develop its position as a top visitor destination and driver of the City's economy, significant new levels of growth will be accommodated. Policy GA1.3 seeks to support seven distinctive quarters within the City Centre Growth Area. The application site falls within the Digbeth Quarter where a creative and cultural hub is supported with a high quality exciting and easily accessible environment.

6.9 The site is also within the boundary of the Curzon Masterplan area. This seeks to maximise the regeneration and development potential of HS2 in the City Centre. Proposals for development in the Masterplan area are identified to have potential for growth including 4,000 new homes, 36,000 net jobs and 60,000sqm hotel space. Key principles for Digbeth to deliver on the potential growth opportunity include:
• Growing the creative, media, digital and social enterprises and encouraging links with nearby universities and colleges;
• A vibrant mixed-use neighbourhood that enlivens the area 24/7 with a range of distinctive retail and leisure uses reflecting the arts and creative industries as a tourist and visitor destination;
• Creation of a high quality sustainable residential neighbourhood focused around the canals; and
• A focus for cultural activities - growing the arts and live music scenes.

6.10 Paragraph 121 of the NPPF further states that authorities should take a positive approach to applications for the alternative use of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites, or the vitality and viability of town centres.

6.11 The application has the potential to deliver B1, B2 and B8 floorspace and local property agents have indicated a lack of suitable and affordable space to provide for demand in the area and to specifically accommodate creative start-up businesses. In addition, the majority of co-working spaces in the area have been found to be at full capacity demonstrating a need for more co-working options to be delivered in Digbeth and the wider area. The applicants have also estimated that there would be a net increase of 112 to 165 jobs arising as a result of the development once it is operational, as well as additional jobs during construction.

6.12 It is therefore considered that taking account of the location of the site within the identified City Centre Growth Area and the associated policy documents which promote the regeneration of the area, plus the likely job creation there is sufficient policy support and material considerations that should be given greater weight to outweigh the conflict with Policy TP20, and allow the loss of the existing employment land.

Development Plan Allocation and The Camp Hill Chords (also known as Bordesley Chords)

6.13 The application site lies has a frontage to the Birmingham Moor Street to London railway line and lies close to the former Midland Railway Camp Hill Line from Kings Norton to Water Orton. There is the intention to connect these two existing railway lines via a north east and south west 'Chord' which collectively are known as the Camp Hill Chords.

6.14 There is mention of the Camp Hill Chords in the following documents:

- Policy TP41 of the BDP;
- the emerging Bordesley Area Action Plan;
- West Midlands "Movement for Growth" Local Transport Plan (both the long term "Strategic Transport Plan" and shorter term "2026 Delivery Plan");
- Network Rail's "West Midlands and Chilterns Route Study" 2017 and "London North Western Route Specification 2017";
- West Midlands Rail Executive's "Rail Investment Strategy", 2019;
- Midlands Connect's "Strategy" (March 2017) and "Our Routes to Growth" (July 2018); and
- Department for Transport Vision for Rail

6.15 The Camp Hill Chords are one part of the Midlands Rail Hub (MRH) project, currently being progressed by Midlands Connect and Network Rail. The MRH seeks to increase rail network capacity across the Midlands in phases between now and 2033. The Camp Hill Chords are one part of 20 infrastructure interventions proposed across the region to give greater access to HS2 and to provide an additional 24 passenger train services per hour at a total indicative cost of 2.02 billion pounds. The two new viaducts or Chords would create paths to the East Midlands and South West from Birmingham Moor Street allowing for greater connectivity to Cardiff, Bristol, Cheltenham and Hereford. At a local level the Chords would increase the capacity of the Camp Hill line once it is reopened, increasing the predicted 2 trains per hour via the proposed new stations at Moseley, Kings Heath and Hazelwell into New Street Station, to 10 trains per hour into and out of Moor Street. As an aside planning applications for the provision of stations at Hazlewell and Kings Heath have been submitted and it is reported that construction of the new stations would start in 2020, with a view to opening them by the end of 2021.

6.16 Midlands Connect submitted the Strategic Outline Business Case (SOBC) for the Midlands Rail Hub to the Department of Transport in June 2019. The purpose of the

SOBC is to seek Government funding of £25m to proceed to the next stage of the project development. The next stage is the Outline Business Case which is programmed to be completed by the end of 2022 with a Full Business Case anticipated sometime between 2023 to 2025. At an estimated cost of £30m to £35m the development of the Chords is earmarked as one of five potential early interventions with a desired timeframe for implementation of 2024 to 2029.

6.17 Policy TP41 (Public transport) seeks improvement of bus and coach, rail, and Midland Metro and Bus Rapid Transit networks in the City. With reference to rail provision the Policy states that proposals to enhance the delivery of the Camp Hill Chord scheme and the facilitation of services from the Camp Hill line from Tamworth/Nuneation to run into the new platforms at Moor Street Station will be supported. The application site is outside the boundary to the emerging Bordesley Area Action Plan, however the document acknowledges that the Chords are a major transport priority and the emerging Plan contains principles and objectives that support an enhanced public transport system. In light of this in Policy recognition and the submission of the Midlands Hub SOBC the Chords are considered to be at a sufficiently advanced stage to amount to a material consideration in the determination of the current application.

6.18 The many rail and transport bodies recognise the proximity of the application site to the Camp Hill Chords and the importance of the Midlands Rail Hub that is currently progressing. WMRE and TfWM have suggested in their joint consultation response that the proposed development is either on the site of, or adjacent to the proposed South West Chord. The consultees have commented that it is theoretically possible that the final alignment could require a proportion of the land, particularly on the site of proposed Block E. Or, as a result of the proximity of the proposed buildings, it would be difficult to construct the Chord. Furthermore should the Chord be completed there is a high chance that some of the commercial and residential unit occupiers would be positioned within a few metres of this new infrastructure. Concerns have been raised regarding the impact upon occupiers due to the noise of passing trains and the visual intrusion of the structure itself. Therefore WMRE, TfWM, Midlands Connect have asked for the determination of the application to be deferred until after the final alignment for the South West Chord has been formally approved by Network Rail, the Local Planning Authority and Midlands Connect.

6.19 The Mayor of the West Midlands on behalf of the WMCA echoes the above concerns and seeks assurance that the proposed development would not prevent and/or compromise construction and/or the operation of the South West Chord. Deferring a decision as above is requested.

6.20 Midlands Connect reiterate that the proposed development would jeopardise the deliverability of the Chords.

6.21 In response, from the outset is should be acknowledged that Network Rail have confirmed that the decision to deliver the Midlands Hub or more specifically the Camp Hill Chords has not been taken, neither has the funding for the delivery of the programme been committed. Therefore the Chords are not yet being promoted by Network Rail as a committed rail enhancement. It is not anticipated that the DfT will make a decision on whether to fund the next stage of the Midlands Hub, or the Outline Business Case, until late 2019 or even 2020. Furthermore Network Rail have acknowledged that the exact alignment of the Chord will not be known until 2023 to 2024.

6.22 Hence, whilst BDP Policy TP41 specifically supports the delivery of the Chords there are material considerations to consider. No land has been safeguarded within the BDP for its construction or operation and at present there is no certainty that they will be delivered. Meanwhile whilst the Camp Hill Chords are mentioned in the emerging Bordesley Area Action Plan (AAP), there is no specific Policy relating to their implementation, just a principle or objective supporting connectivity, whilst their proposed alignment is shown as indicative. Again like the BDP neither Plan rules out development due to the potential Chords scheme.

6.23 Acknowledging the current position the applicants have revised the application twice to reduce the likelihood of conflict with the South West Chord. First the energy centre previously proposed on the smaller triangular area of land that adjoins the existing railway viaduct has been relocated. This parcel of land is currently proposed to be kept open and used for car parking, free from physical or built obstructions. This could potentially allow the construction of the Chord above to join with the existing viaduct that is positioned approximately 5m above road level. Secondly Block E has been moved approximately 7.5m further away from the existing railway viaduct to leave a separation distance of approximately 19.3m to 50m between the Block and the railway viaduct. Furthermore a distance of at least a minimum of approximately 11.6m would be maintained between Block C and the viaduct.

6.24 Network Rail (NR) have welcomed these amendments and raise no objections to the scheme. Confirming that the alignment of the Chords will be based on a number of factors comprising track gradient, track curvature and line speed they have acknowledged that there is no defined route or design and it is not possible to provide any level of detail on a plan at this stage. Furthermore despite the request for further information with respect to the reasonable assumptions regarding construction techniques Network Rail have confirmed that construction methodology will be dictated by the final design and it is not possible to determine temporary or permanent land take requirements at this early stage.

6.25 The rail bodies, excluding NR, have also expressed concerns at the potential living conditions for those residents that would overlook the South West Chord. In response the applicants have also additional noise and vibration studies that assess the introduction of additional tracks that have the potential to be located on an extended viaduct closer to the proposed development. The current number of train movements passing the site averages 10 movements per hour. The new rail infrastructure has the potential to double the number of train movements. With respect to noise the additional studies conclude that, as a result of the increased train movements together with the location of rail track closer to the site, the proposed residential units would require an increased glazing specification for the living rooms and bedrooms to the facades of Blocks A, C and E. The study also makes reference to a typical elevation comprising of brick or metal cladding. Following the submission of additional survey data Regulatory Services have raised no objections subject to conditions.

6.26 Notably the rail bodies that have raised objection (WMRE, WMCA, TfWM, Midlands Connect) are not statutory consultees. This status is held by Network Rail who the applicants have met and since attempted to reduce the potential areas of conflict on a site where there is no certainty regarding the alignment of the Chords or their delivery. To emphasise Network Rail have not objected. The above transport bodies have also referred to a number of strategic documents that support an enhanced rail system, however whilst they may be considered to be material considerations as they support the wider intent to deliver the Chords they are attributed little weight as they do not form part of the development plan.

6.27 There is an expectation from the rail bodies that Network Rail or Midlands Connect can provide assurance that the proposed development will not prevent or compromise the construction or operation of the South West Chord. However neither can do so as, to reiterate, the alignment of the route has not been defined and the associated land take required is unknown. There is also the request to defer a decision on this application until the alignment of the South West Chord is known. However The Camp Hill Chords are not a committed scheme, the process to deliver consent has not begun and, if it becomes a committed scheme, the definitive alignment of the Chord is unlikely to be known until 2023. The applicants have been asked for their view regarding a planning condition attached a permission that that seeks to restrict the sequencing or phasing of the development, with Blocks A, C and E, coming forwards later in the construction programme, to maximise the time available to define the alignment of the Chord. They have responded by submitting a supplementary financial viability assessment and comment, "*In this context, a scenario, whilst in our view highly unlikely, could exist where ultimately the route of the Chord sterilises Blocks A, C and E (rather than there being a possible temporary restriction on their construction). As long as this risk remains, which is introduced by the condition, it is therefore necessary for the updated viability assessment to consider a scenario where Blocks A, C and E are never constructed rather than simply their development coming forwards at the end of the construction period (but without any pause in that construction). The update to the viability appraisal confirms that any restrictions on the phasing secured through a condition could result in the scheme becoming unviable, as described above. Not only would such a condition be unnecessary, as Network Rail has not raised any objection with the scheme, but it would be unreasonable if its effect would be to allow for a situation where the scheme would be unviable; with an impact on the affordable housing / employment provision*." The supplementary financial viability has been independently assessed and comes to the same conclusion.

6.28 With no certainty regarding the route alignment, no committed funding, no land safeguarded by Policy and no further information from Network Rail regarding potential land take for construction or operating purposes, there is little evidence to indicate that the current proposals for development would definitely prejudice the delivery of the Chords. Therefore whilst there is only potential conflict with BDP Policy TP41 and the emerging objectives of the Bordesley Area Action Plan greater weight is given to those policies that support redeveloping this site as highlighted above.

Proposed Retail (A1, A2 and A3), Office Uses (B1) and Non Residential Institutions (D1)

6.29 Notwithstanding Policies GA1.1 and GA1.3 that support the proposed mix of uses it should be acknowledged that the site is located outside of the City Centre retail core. Policy TP21 seeks to support the vitality and viability of the existing retail centres by guiding main town centre uses such as the proposed retail, office and community facilities falling within a D1 use class (some of which are defined as main town centre uses) towards the existing hierarchy of City, district and local centres.

6.30 Policy TP21 requires applications for main town centre uses to satisfy the requirements set out in national policy and be subject to a retail impact assessment. However, importantly in this case, even if all of the proposed commercial floorspace were to be used for retail and/or office uses it would total 1, 480sqm and would therefore be below the 2,500sqm threshold to require an impact assessment as set out at NPPF Paragraph 89. Plus Policy PG1 states that there is also a target for a

minimum of 745,000sqm office floorspace to be provided in the network of centres, primarily to be focussed in the City Centre.

6.31 Based on the 480 homes that are proposed, the applicants estimate that there would be a residential population on site of approximately 770 people. This number would increase to approximately 800 to 1,000 people with the addition of workers plus there would be guests at the 167 room hotel. As such the applicants consider that the proposed retail provision would meet the needs of local residents workers and visitors.

6.32 With respect to B1 office use the applicants consider that they would provide suitable and flexible work space to meet the needs of businesses in the local area. There would be an emphasis on the creative and digital business which are a focus for Digbeth, and on providing workspace which is affordable for industrial, office or artistic based industries and businesses with both permanent, hot-desking and co-working facilities. The applicants have advised, the space is primarily anticipated to be occupied by SMEs and microbusinesses in line with the Digbeth Creative Quarter, and there is the aspiration for this site to become a flourishing creative and cultural hub.

6.33 Whilst it is acknowledged that a formal sequential test for the proposed town centre uses has not been submitted the NPPG acknowledges that local planning authorities need to be realistic and flexible in applying the test. It is considered that by virtue of the scale of the proposed commercial uses they would comply with the revised NPPF and Policy TP21, insofar as they would be proportionate to serve the needs of the development and local area. They would be complementary and ancillary to the development and would not create a standalone centre that would compete with the core retail area of the City Centre. Instead, the proposals would deliver local services and facilities that would meet the day-today needs of local residents and workers in the area enhancing the sustainability of the development. Furthermore it is considered that the proposed commercial and community uses would promote a sense of place and contribute to the long-term vitality of the development by increasing footfall within the site, encouraging activity throughout the day and animating the ground floor facing Camp Hill, Coventry Road and Bedford Road.

6.35 In order to ensure that the proposed commercial uses remain ancillary the applicants have advised that the largest single unit would be 387sqm (GEA). A condition is attached to restrict the overall commercial floorspace and the largest possible single commercial unit on this basis.

Proposed Hotel Use (C1)

6.36 A hotel is proposed within Block B and would provide 167 rooms. Again according to the NPPF a hotel is a main town centre use that should, in Policy terms, be located within the City Centre retail core or a district or local centre.

6.37 In response the applicants have submitted a Hotel Demand Report that concludes that there is a need for a hotel at the edge of the City, and that the provision of a hotel would serve a growing demand from the increasing digital, TV, and arts companies and meet a gap in the current offer.

6.38 From a local policy perspective the site is within the City Centre Growth Area as allocated under Policy GA1. Furthermore TP25 supports proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism. The Policy further states that the provision of

supporting facilities such as hotels will be important and that well designed and accessible accommodation will be supported. Saved Policy 8.19 of the Birmingham UDP also encourages the provision of additional hotels in order to provide a balanced range of hotel bed spaces, subject to local planning, amenity and highway considerations. Finally The Curzon HS2 Masterplan highlights support for the provision of 60,000sqm hotel space.

6.39 It is therefore considered that there is sufficient reason to support a hotel at this out of centre location.

Proposed Residential Units

6.40 BDP Policy GA1 confirms that residential development will continue to be supported where it provides well-designed good quality living environments. The Strategic Housing Land Availability Assessment (SHLAA) (2018) also highlights the importance of windfall sites as a source of housing in Birmingham, and anticipates 4,700 homes being delivered on windfall sites over the period 2018 to 2031.

6.41 BDP Policies TP27 and TP28 explain where new housing development should be located in order to create sustainable places. In this case the site is in a sustainable location with good access to infrastructure and services, including by public transport, walking and cycling. The site is not within an area at risk of flooding, and the development would not be subject to any serious physical constraints. The impact upon heritage assets is discussed later in the report. Notably the reasoned justification to Policy TP28 advises that a minimum of 80% of homes are expected to be on previously developed land.

6.42 Referring to the list of proposed uses it is recognised that the site is within the boundary of the City Centre Growth Area which is to be the focus for future retail, office, residential and leisure activities. It is considered that the scale of the proposed commercial uses is, subject to conditions, appropriate at this location whilst the proposed residential development would be acceptable in priniciple at this highly sustainable location with good access to public transport links.

Housing Density and Mix

6.43 Policy TP30 of the BDP states that new development should seek to deliver a range of both market and affordable dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods and should take account of the SHMA, current and future demographic profiles, the locality and ability of the site to accommodate a mix of housing, and market signals and local market trends. It also identifies that high density schemes will be sought in the City Centre.

6.44 The proposed mix is as follows:
5 x 1 bed studios (1%);
224 x 1 bed apartments (47%);
209 x 2 bed apartments (44%);
30 x 3 bed apartments (6%);
12 x 4 bed townhouses (3%).

6.45 The proposed size mix would not directly replicate the aspirations noted within the BDP providing a higher proportion of one- and two-bedroom homes. However the development mix proposed responds to the location of the site within the City Centre where there is a need to make the most efficient use of land and significantly boost the supply of housing to meet identified needs and address the housing shortfall.

6.46 Notwithstanding this, the development would also deliver a significant element of larger homes, including townhouses, which would ensure a range of accommodation types and sizes are available on the site to provide choice.

6.47 Given the significant scale of housing need in Birmingham and the circumstances of the site, the development mix proposed is appropriate to the site's City Centre location, including taking account of local needs and relevant policy provisions to create a balanced and vibrant development.

6.48 The more recent Birmingham Housing Market Assessment Strategic Growth Study (2018) reviewed options to meet needs across the housing market area and refers to building new housing at higher densities as an important component in addressing the shortfall of housing across the housing market area. Paragraph 123 of the NPPF advises that where there is an existing shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

6.49 The site is within the City Centre and the proposals would result in a residential density of 282dph on the site. The minimum density according to TP30 is 100 dph within the City Centre.

6.50 The density of the development reflects the highly sustainable location of the site with access to a range of services and facilities together with public transport options in close proximity. The site is within easy walking distance of Digbeth High Street, as well as the City Centre and associated facilities and rail services from New Street and Moor Street Stations. There are bus stops within 100m and 300m of the site served by a variety of routes to a range of destinations, and a future extension of the Midland Metro tram is in development with a stop planned less than 400m from the site, further enhancing access. In addition the proposed homes have been designed to ensure a suitable standard of amenity for future occupiers, and all would meet the Nationally Described Space Standards. Therefore the proposed density of residential development is also considered appropriate.

Scale, Layout & Design

6.51 BDP Policies PG3 and TP27 expect development proposals to create sustainable neighbourhoods and demonstrate a high design quality, contributing to a strong sense of place. The existing building dominates the site's footprint and as a result, has no permeability, isolating itself from the local context. In contrast, the proposed layout comprises of perimeter blocks and a clear walking route through the site allowing connections within the site and beyond.

6.52 A new plaza is proposed to the north of the site with seating and soft landscaping to invite people into the development and the space. This would link through the site to the hotel in Block B, the commercial frontages to Block C and the businesses within the existing railway arches. The plaza would be strategically positioned so it is clearly visible from the Camp Hill (B4100) highway with its edges activated by commercial frontages. Permeability would also be created via a new street running west to east through the site linking Camp Hill and Bedford Road, overlooked by residential apartments and half of the proposed town houses.

6.53 A further area of public space is provided to the south east of Block C at the junction of the new internal street and two further areas of space are provided at the south of Blocks D and E to provide more space to the listed church on the opposite side of

Trinity Terrace. In addition to these public spaces the blocks would be arranged to provide two private courtyard spaces for residents, one to the north and one to the south of the new road.

6.54 The applicants have indicated that the development would provide 2,524sqm of publicly accessible space (including the two courtyards). Two areas of private gardens for the town houses totalling just less than approximately 999sqm are proposed and also an internal terrace on the 23rd floor of the tower measuring 193sqm.

6.55 In terms of the built form the taller blocks are positioned to the north of the site, to take advantage of views across Birmingham and to allow daylight into the plaza and the private courtyards. The proposed massing generally steps down, from 26 storeys to the north (Block A), to 3 to 4 storeys (Block G) to the southern part of the site towards the listed Holy Trinity church. Variation in height is provided to reduce the massing of the development and to provide interest and distinctiveness. The layout would also reinforce Trinity Terrace as a residential street with a row of townhouses (Block G) overlooking the highway.

6.56 Block A – This would provide a 26 storey tower and therefore the High Places SPG (2003) is a material consideration. This SPG provides policy design guidance for buildings of over 15 storeys particularly with respect to their location, form and appearance. The policy guidance directs tall buildings towards the defined City Centre ridge zone, key arrival points or other specific locations considered appropriate within the SPG. The application site is not at any of the above locations; however it is also outside the zone of restricted height, as recognised in the Big City Plan that is a more sensitive area where heights are more carefully controlled. As such there is no policy presumption against a tall building at this site.

6.57 Outside of the defined locations highlighted above the High Places SPG advises that each proposal will be considered on its merits, however a tall building should be of the highest architectural quality with particular attention given to its top. In this case Block A would have a distinct character resulting from its staggered footprint that would break down its massing and providing articulated and slender façades when exiting the City and from Camp Hill. Particular attention has been paid to the crown by the addition of metal fins to distinguish it from the lower storeys and by providing double height amenity spaces at the top meaning that the structure would be a recognisable form and a positive addition to the skyline.

6.58 The elevations to the remainder of the block are emphasised vertically due to the regimented layout of the windows, some of which would have metal panels to the side, and protruding surrounds to provide more definition within a brick clad frame to the building. A double storey height base is proposed to the bottom of the Block under a metal canopy that would accommodate the residential lobby area and commercial floorspace.

6.59 Secondly, tall buildings should respond to the local context. In this case the site is opposite the Southern Gateway Wider Area of Change, as identified in the BDP where significant transformation leading out from the City Centre core is anticipated. The development of Beorma, Lunar Rise and Connaught Square are evidence of this, and they will all be identified by tall buildings. It is therefore considered that an extension to this area of transformational change is appropriate, particularly adjacent to Camp Hill (B4100) a strategic route out of the City Centre. It would also provide a landmark at the junction of Camp Hill and Coventry Road and mark the route of the existing railway line into Moor Street Station. It is therefore considered that the principle of locating a tall building on this site is an acceptable exception, and in accordance with the SPG. Further discussion with respect to the impact upon heritage assets is considered later in the report.

6.60 The SPG also advises that tall buildings must not have an unacceptable impact on the local microclimate. A Pedestrian Level Wind Microclimate Assessment has been submitted showing proposed mitigation measures via screens and/or planting, details of which would be required by condition. In addition a shadow, sunlight and daylight analysis shows there would be an acceptable amount of sunlight to the adjacent Blocks within the site and it is noted that there are no immediate adjacent residential occupiers outside of the site.

6.61 Next, the SPG advises that opportunities should be taken to create new pedestrian routes that are overlooked, and to reinforce existing routes by fronting them with a lively mix of uses accessed directly from the public realm. The proposed scheme would strongly adhere to this guidance by providing clear walking routes through the site that would be overlooked by animated commercial uses. The proposed ground floor would accommodate two commercial units in addition to the residential entrance

and cycle store resulting in a ground floor layout that would be dominated by active uses

6.62 The SPG states that tall buildings must comply, in terms of height, with the Civil Aviation Authority's Aerodrome safeguarding criteria. The Airport has raised no objections in this respect but have however requested a crane management plan.

6.63 Next it is advised that the impact of tall buildings on the local transport infrastructure and particularly public transport needs to be carefully evaluated. This is discussed further in the highways paragraphs of the report.

6.64 In response to the policy guidance that tall buildings must be safe the applicant has advised that the design has been developed with specialist input from structural engineers and fire consultants to ensure that the proposed scheme meets the necessary requirements.

6.65 According to the SPG tall buildings that include residential accommodation should be good places in which to live. It is considered that the proposed layout would provide a destination in its own right offering occupiers good connections to the wider area. The provision of high quality, dual aspect units allowing far-reaching views across the City is a key element of the design of the tower with the internal and external roof terraces giving 360 degree views from these amenity spaces. Additionally the apartments would all over look existing highways, proposed amenity areas or the proposed external private amenity courtyard areas proving suitable outlook to occupiers. Finally all of the apartments would meet national space standards.

6.66 However there is also the internal arrangement of the building to consider and the impact upon light and outlook. Block A would have an unusual footprint whereby three rectangular shapes are joined in a staggered formation. This eases the separation distance between Block A and Block C however there is one particular point where the separation distance reads approximately 12m. However the affected and closest window in Block C is not a principal window as it is the smallest of three windows providing light to a kitchen/diner. Plus this is a City Centre location where densities are expected to be higher to make the best use of previously developed land in sustainable locations. Whilst the distance does not meet Places for Living guidance the amount of overlooking is considered to acceptable in this case. The separation distance then increases to approximately 14m and for the same reasons as above is considered acceptable.

6.67 Finally the High Places SPG indicates that proposals should be sustainable. The sustainability of the location and with regards to the construction of the buildings are discussed later.

Proposed Design of Remaining Blocks

6.68 The site is currently occupied with one to three storey warehouse buildings. In addition to Block A at 26 storeys there would be another six Blocks (B to G), and the massing of these remaining Blocks reduces from the north to the south of the application site.

6.69 Block B - on the western side of the site facing Camp Hill the existing warehouses are mostly composed of brick facades and metal windows within a strong gridded pattern with large areas of metal framed windows breaking the brick elevations. Block B, the proposed 167 room hotel reaching 8 and 7 storeys in height uses metal in its detailing, referencing the fenestration of the past buildings on the site. The

main material of the building is red steel and red ceramic panels with the colour taking inspiration from some of the existing warehouses in Birmingham and the adjacent Conservation Area.

6.70 The north and west elevations would be recessed at the base to create a sheltered entrance and possible outdoor seating attached to the ground floor restaurant. The top floor of the southern end of the building would be one storey lower to step down the massing of the building whilst the top two floors of the southern part would be recessed to front and rear to create a terrace for a few executive rooms. As the only stand-alone hospitality building on this site, it takes on a language distinct from the other buildings.

6.71 Block D - again fronting Camp Hill the next building is Block D, an apartment block reaching 5 storeys in height and dropping down to 4 storeys. The lowered height at the southern end is to retain a direct view towards the listed church. The taller part would be brick clad and the smaller metal clad, again to break up the frontage and massing. The windows have been grouped together based on the flat types on each floor, which would also create a strong gridded façade pattern. Balconies are proposed to the larger windows to all facades to provide additional amenity, add interest and overlook the public and private amenity areas.

6.72 Along the railway and Bedford Road side of the site, the existing buildings present a face of corrugated metal and brick to the street, a character that the new buildings seek to replicate at the roofline. The height of the two Blocks facing the railway arches would vary between 10 and 7 storeys.

6.73 Blocks C and E – closest to the tall building is Block C reaching a height of 10 storeys, stepping down to 8 storeys before turning through 90 degrees to face the new internal road at 4 storeys. The Block has a double storey height base to accommodate the full commercial frontage to Bedford Road and the top two storeys would be clad in metal to contrast with the lower brick storeys to break up the massing and make reference to the previous industrial use. A subtle detail is the inclusion of a small horizontal recess between the brick and metal storeys to define the upper layer.

6.74 Block E - very similar in design to Block C it would be part 9 part 7 storeys. Containing one unit of commercial floorspace the remainder of the ground floor would be used for parking and an energy centre. The proposed step down in height and contrast in materials would again break up the massing of the Block. Metal balconies are proposed to these two blocks to add interest.

6.75 Blocks F and G – these blocks comprise of two terraces of six townhouses, Block F 4 storey and Block G 3 storey. The asymmetrical roofline and metal clad top storey echoes that of the previous industrial use whilst the staggered layout of Block G would complement the buttressing of the Church opposite. It is considered that the scale of Block G combined with its position which, at its closest point, would be sited approximately 8m from the back of pavement to Trinity Terrace would provide a more open aspect to the Church.

6.76 The layout of the Blocks provides for generous private courtyards with a minimum separation distance between the hotel at Block B and the residential apartment at Block C of approximately 15.5m extending to approximately 34m. The proposed internal road running west to east through the site would also provide a distance of approximately 15m between facing residential units of Block C and Block F. Meanwhile the second private courtyard would provide approximately 38m and 41m

between the windows of facing residential units. These distances are considered to be generous at this City Centre location.

6.77 It should however be acknowledged that there are 9 apartments (3 within Block D and 6 within Block E) that have bedrooms facing blank gable walls to the townhouses at distances of between approximately 5.5m and 6.5m. Whilst this is not ideal this is because of the re-siting of Block E, due to the proximity to the Camp Hill Chords, and it is a relationship that would be created between new unit to new unit, rather than creating an adverse impact upon an existing residential occupier. Notably paragraph 123 of the NPPF states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, as long as the resulting scheme would provide acceptable living standards. In this case the rooms affected are bedrooms rather than living rooms or kitchens with only 9 out of 480 apartments affected. On balance it is considered acceptable in order to provide as much space as possible for the Camp Hill Chords.

Impact Upon Heritage Assets

6.78 BDP Policy PG3 expects development proposals to respond to site conditions and the local area, including heritage assets. Policy TP12 relates to the historic environment and the consideration of impacts arising as a consequence of development proposals. It advises that heritage assets will be valued, protected, enhanced and managed and that proposals affecting the setting of designated and non-designated heritage assets will be determined in accordance with national policy. Furthermore in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the local planning authority should have special regard to the desirability of preserving listed buildings and their settings.

6.79 The Grade II listed Holy Trinity church lies to the south of the application site and is the earliest surviving gothic revival church in Birmingham. It is in the 'Perpendicular Style' of the early gothic revival with a distinctive roofline of tall pinnacles and is a prominent, landmark building which is visible in the immediate and wider townscape. The now vacant church was deconsecrated in the 1970's, has in the past been used as a hostel and has been much altered internally.

6.80 The boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area encloses land to the north on the opposite side of Coventry Road, and extends north west encompassing the historic industrial area of Digbeth. The proximity of the Conservation Area allows inter-visibility between the heritage asset and the application site. Closest to the application site, the Conservation Area includes few historic buildings although it does include the former District and Counties Bank at No. 123 High Street, Bordesley, located approximately 80m to the north. This building is locally listed building (Grade B) and now forms part of The Vault Business Centre.

6.81 Beyond the application site and outside of the Conservation Area there is also the Clements Arms Public House, another Grade II listed building.

6.82 Due to the scale of the development, including the 26 storey tower, and the number of heritage assets in close proximity to the application site the consideration of the proposed development should assess the:

- Impact on the setting of the listed church;
- Impact on the setting of the conservation area; and
- Impact on the setting of other listed and locally listed buildings

6.83 Impact on the setting of the listed church - The church is a prominent, landmark building which is visible in the immediate and wider townscape. The setting of church has been much altered over the years following the clearance of adjacent housing and the introduction of new road systems and it now sits within an area of fragmented and poor quality townscape. It is clear that whilst the existing modern buildings on the application site are of limited architectural or historic interest, their low to moderate scale allows for the architectural qualities of the church to be appreciated and retain elements of setting that are significant, most notably its prominence in the surrounding townscape and sense of place determined by a number of views which clearly set the church in its immediate and wider context.

6.84 The Heritage Statement which accompanies this application correctly identifies the church as having a landmark function and mentions that the drama of the roof line of high pinnacles would remain unimpeded by the new development. It is accepted that this is the case in views of the church from the south and west however one of the principle aspects from which the church is experienced is on the approach from Digbeth High Street to the north moving south into Camp Hill. From a number of vantage points the church is experienced as the dominant building in this approach due to the rise in topography and its elevated position. It is apparent that this dominance would be impeded by the introduction of proposed blocks A, B and C along Camp Hill as, by way of scale, these blocks would compete with the church and, despite the stepped set back approach, there is reduced visibility of the church including a lost view of the two pinnacles to the rear elevation. The experience of the church and its prominence on this approach is therefore interrupted by the development and officers cannot agree with the applicants that this view is unimpeded. The impact on the experience of the church from these impeded views would therefore cause harm to the setting of the church.

6.85 Views of the church from the railway viaduct are also important and the church is a prominent building in views entering into and leaving Birmingham to the south. Whilst the church pre-dates the railway and would not have been designed to have been appreciated from this aspect it is still considered to be a firmly established historic view experienced by a large number of people travelling to and from the City. On the approach to Birmingham from the south the scale of the development adjacent to the railway is significant and would be highly visible in views of the church. Travelling out of Birmingham the church is highly visible to the west and the development would significantly impact on these views. The prominence of the church and how it is experienced would therefore be impacted on by way of the scale of the development and therefore cause harm to the setting of the listed church.

6.86 Whilst it is clear that harm will be caused to the setting of the church the massing strategy as identified in the Design and Access Statement shows that the height of the buildings would gradually drop towards the church. In terms of mitigating harm this is an acceptable approach, as is illustrated by siting the lower scale townhouses on Trinity Terrace. The heights of Blocks D, E and G make use of the drop in topography along Bedford Road whilst the tallest element of the scheme (Block A) would be located at the northern edge of the site, so that the church would not be over shadowed. Furthermore the tower would be set back from the street edge to establish an important viewing corridor from within the site between Blocks B and C framing the church. Plus the top two floors of Block B, the hotel, would be partially recessed to draw people's eye towards the church whilst the southern part of Block D steps down in level to enhance this view.

6.87 Another element of the scheme that go some way to reduce the level of harm is the reinstatement of a residential street frontage to Trinity Terrace. The townhouses at

Block G would introduce a more subservient domestic scale closest to the listed church and allow for the church to retain an element of dominance in its immediate setting. Reintroducing a street frontage to Trinity Terrace also connects this part of the development to the church and provides a more purposeful relationship than currently exists. An area of public realm would be created on the corner of Trinity Terrace and Camp Hill to provide more space and separation between the church and the new development. Plus the townhouses also have some architectural and historic response to the church as the floorplates would be staggered and the plots would have pitched roofs to complement the rhythm of the buttressing of the church opposite. These details are considered to be an improvement to the existing buildings on site.

6.88 It is appreciated the overall design and layout of the scheme has been modelled so as to reduce the impact on the setting of the church, however the proposed scheme still has an overall harmful impact on the setting of the church caused by the loss of or reduction in the quality of a number of views of the church. Harm to the setting of the church is also derived from the scale of the development which will impinge on the ability to experience the church as a prominent building in this setting.

6.89 Impact on the setting of the conservation area - The close proximity of the application site to the boundary of the Digbeth, Deritend and Bordesley High Streets Conservation Area determines that it forms part of the setting of the conservation area. Due to the scale of the proposed development there will be some inter-visibility between the site and the Conservation Area and the issue here is whether the development can be considered to cause harm to setting of the Conservation Area. The setting of the Conservation Area shows a change in urban grain towards its southern boundary through the amalgamation of plots, and loss of enclosure through road widening, gap sites and car parks. The existing application site containing poor quality 20th century industrial buildings makes no positive contribution to its existing setting and contributes little to the significance of the historic asset. For some parts of the Conservation Area the scale of the development could be considered to cause a level of harm, particularly taking account of the proposed 26 storey tower. However noting its City Centre location and associated varied city scape it is considered that the proposed tower would reflect the characteristics of a narrative of tall buildings along Digbeth High Street that are either under construction, or consented. The west side of the High Street, although outside the Conservation Area boundary, is part of the area identified in the Draft Rea Valley Urban Quarter SPD which will potentially form part of a changing and developing townscape within the setting of the Conservation Area. When considered in this context the tower would relate better to this emerging townscape and would be clearly distinguishable from the identified historic character of the Conservation Area.

6.90 Having considered Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is concluded that there would be no effect on the historic fabric or primary characteristics of the Conservation Area and acknowledging that the existing buildings on the application site offer little in the way of a positive contribution to the setting of the Conservation Area the level of harm is considered to be minimal.

6.91 Impact on the setting of other listed and locally listed buildings - Due to the proposed scale of this development, particularly the blocks along Bedford Road and the tower on the corner of High Street, Camp Hill and Coventry Road, the scheme would have some impact on the low scale listed and locally listed buildings located to the north of the site beyond Coventry Road. At present the buildings on Coventry Road are low scale, with the railway viaduct and church more dominant structures. Although the application site is separated from these buildings by the railway there would be a

level of inter-visibility between them and therefore the proposed development could be considered to form part of the wider setting of these heritage assets. There is a greater degree of inter-visibility between the proposed development and the locally listed building at 123 High Street, particularly the tower element, and the development is considered to form part of the immediate setting of this building.

6.92 At present these buildings are experienced in a low scale townscape setting and therefore the introduction of a much larger scale development into the townscape setting would have an impact on these heritage assets. The Heritage Statement correctly identifies the new development as a prominent addition to the skyline above the viaduct when viewed within the context of the setting of the heritage assets on Coventry Road and High Street and suggests that the proposed development would not result in any harm to these assets. Conservation Officers disagree due to the scale of the development, particularly the 26 storey tower. That said, acknowledging that both the buildings on Coventry Road and at 123 High Street currently exist within a context of a relatively poor townscape the level of harm would be less than substantial.

6.93 The proposed development would cause some harm to the setting of the listed church, the setting of the Conservation Area and the setting of the other identified listed and locally listed buildings. However the applicants have sought to reduce this harm to the listed church by reducing the scale of the development towards the church and addressing the siting and design of the townhouses at Block G. Therefore taking the level of harm separately in relation to the different heritage assets and cumulatively the level of harm would be less than substantial as defined by paragraph 196 of the NPPF.

6.94 According to Paragraph 196 of the NPPF where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits. In this case they are considered to be the economic benefits of bringing people and commercial floorspace to this site in the short and long term. Benefits to the public realm both directly on site via the public plaza and by activity at street level and also by providing a high quality development with a landmark tower that would deliver much needed housing at a sustainable location. As such these public benefits are considered to outweigh the less than substantial harm to the heritage assets.

6.95 The Archaeological Assessment forming part of the submitted Heritage Statement notes that the site does not lie within an Archaeological Priority Area although it is to the south of the known extent of medieval growth at Digbeth. It finds that the potential for prehistoric or early historic remains on the site to be nil and while any chance finds that may be present and which have survived earlier 19th and 20th Century works on the site would add to the known record, it is unlikely that in situ undisturbed remains are present. Any remains that were covered in the course of future works would be of local importance and low significance and as such, further archaeological investigation would be unwarranted.

6.96 Last year the proposals were presented to members of the Conservation Heritage Panel. Regarding the setting of the church, the panel members felt that it could become part of the public realm but considered that increasing height towards the north part of the site, away from the church, was a sound approach. It was suggested that the development should make more of a connection to the listed church and its relationship to the Conservation Area should be considered further. Noting changes to the Conservation Area with other tall buildings coming forward in the vicinity members considered there to be an argument for tall buildings along the

High Street. The provision of public realm at the base of the tower was considered to offer an opportunity to create new space at the edge of the Conservation Area. The railway bridge was noted as the highest point in the Conservation Area and should be responded to in the proposed design. Following the review, the architects produced a series of view studies to analyse the relationship between the proposed layout and the listed Church. The findings demonstrated that the view of the church could be seen at almost every angel from the site and the reinstating of terrace houses along Trinity Terrace also helped to make the listed Church more relevant to its surroundings.

Highways

6.97 The BDP identifies that high quality connections by road, rail, bus, walking, cycling and digital connections are vital to the City's future prosperity and social inclusiveness, and Policy GA1.4 supports measures to improve accessibility to and within the City Centre. Policy TP38 supports the development of a sustainable, high quality, integrated transport system, and Policies TP39 and TP40 promote provision of safe and pleasant walking environments. BDP Policy TP43 also advises that adequate provision for low emission vehicle charging infrastructure is encouraged, and the Car Parking Guidelines SPD notes that the Council is seeking to work with developers to include charging points for electric vehicles in new development where appropriate.

6.98 The application is supported by a Transport Assessment (TA) and a Framework Travel Plan which consider how access to the development will be provided and the potential for impacts on the local transport network.

6.99 The proposals would provide a total of 126 car parking spaces on site, of which 12 would have an electrical charging point, 12 would be disabled parking spaces and 20 would be allocated for hotel use only. This would leave a ratio of 22% for the residential occupiers. In addition there is the provision for the internal storage of 390 bikes spread between Blocks A, C, D and E.

6.100 The Transport Assessment highlights that the site is in a highly sustainable location which is well served by public transport and pedestrian and cycling facilities. It is within easy walking distance of Digbeth High Street to the north, approximately 1.2km from Birmingham Moor Street and 1.5km from Birmingham New Street Stations. Whilst offering limited services Bordesley Green station is also only 150m away. In addition to rail services, there are a number of bus stops within close proximity to the site at Camp Hill (B4100), Coventry Road, Bradford Street and Broom Street. There are also plans to extend the Midland Metro tram service via Digbeth High Street with a proposed stop at Adderley Street, less than 400m to the north west of the application site.

6.101 The Council's Car Parking Guidelines provides guidance on maximum car parking standards, minimum disabled parking and cycle parking standards across a range of uses. For sites in Area 2, such as the application site, a maximum provision of 1.5 spaces per dwelling is specified. However, the Guidelines also acknowledge that the circumstances of a particular scheme, including the size of dwellings, proximity of local facilities, availability of on and off-street parking, width of the highway, and the availability of public transport provision should be taken into account when determining the appropriate level of car parking to be provided. It is considered that, taking the location of the site into account together with the provision proposed in terms of vehicle and cycle parking, that there scheme would provide sufficient parking facilities.

6.102 Furthermore the TA has analysed the trip generation associated with the proposed development and concludes that the existing junctions would operate well within capacity, with no significant impact from the development to comply with national and local policies. BCC Transportation have raised no objections subject to conditions which are attached.

Noise, Vibration and Air Quality

6.103 BDP Policy TP37 seeks to improve quality of life within the City by reducing noise and improving air quality. The latter is also sought within the Bordesley AAP.

6.104 The original Noise and Vibration Assessment submitted as part of the application considers the:

i. baseline sound environment currently existing at receptor locations within the Site and within the surrounding area;
ii. likely noise and vibration effects during construction and operation of the proposed development; and
iii. mitigation measures required to prevent, reduce or offset any likely adverse noise and vibration effects arising as a result of the proposed development.

6.105 The original Noise Assessment concludes that the dominant noise sources are road and rail traffic as a result of the Camp Hill a six lane highway, including bus lanes, aligning the west of the site and the railway line to the east.

6.106 At the request of officers from Regulatory Services the original Assessment was supplemented by the submission of the following documents:

- Additional Noise Monitoring – undertaken in September 2019 from a second location which overlooked the existing trail lines and where there was clear line sight of the tracks;
- Acoustic Façade Assessment – providing information regarding the likely sound reduction performance of the façade treatment/building envelop to ensure acceptable internal noise levels;
- Overheating Assessment – Explains the proposed measures to mitigate the risk of overheating including layout and orientation, canopies and window reveals and building services such as mechanical ventilation; and
- Ventilation Noise Assessment – the submission demonstrates that there are typical ventilation systems and silencers available that would result in acceptable internal noise levels.

6.107 The subsequent submissions have given particular consideration of the likely effects from the current railway line together with the effects of location additional tracks with a higher frequency of rail movements closer to the application site,

6.108 Construction noise predictions indicate that sensitive receptors may experience high levels of noise, however these predictions are based on worst case scenario that are representative of high periods of construction activity where, over the course of a working day, all plant are operational at all areas of all worksites. In reality, it is likely that the worst case noise levels would only occur for limited periods of time when plant are operational close to sensitive receptors. These are identified as Trinity Church which is currently vacant and residential units on the opposite side of Camp Hill or beyond the railway line. The Assessment proposes that Noise and vibration will be managed by a Construction Environmental Management Plan (CEMP), which would propose certain practical measures such as construction hours and the fitting of sealed acoustic covers to plant.

6.109 The post construction/operational phase assessments and studies demonstrate that suitable internal noise conditions would be achievable with suitable mitigation in the form of enhanced glazing together with appropriate ventilation and building envelope design. Notably these conclusions also refer to a post Camp Hill Chords scenario.

6.110 Ambient vibration is considered would be unlikely to be perceptible in the proposed development and would be below the level at which there is a low probability of adverse comment. Therefore no mitigation is considered necessary.

6.111 Following the submission of supplementary monitoring data and assessment Regulatory Services are satisfied that conditions could adequately address the matter of noise and conditions with respect to a CEMP, glazing specification, façade or building envelope specification and a mechanical ventilation specification are attached.

6.112 The whole of Birmingham is designated as an Air Quality Management Area and Policy TP37 seeks to improve quality of life within the City, including by improving air quality.

6.113 The Air Quality Assessment (AQA) submitted as part of the application considers air quality impacts both during construction and once the development is occupied. This confirms that while demolition and construction activity has the potential to result in dust emissions, mitigation through standard construction practices would ensure that there would be no significant impacts. This could be controlled through a CEMP condition.

6.114 The AQA is based on the occupation of the development in 2023 and once operational it has identified that the proposed development would not result in new public exposure to elevated concentrations of nitrous oxides or particulate matter as the predicted concentrations of all pollutants are below the relevant air quality objectives at all proposed receptors on-site. Furthermore it concludes that the development would be unlikely to affect the implementation of measures described within the BCC Air Quality Action Plan, which are aimed at reducing emissions on the busiest routes through the Borough. Therefore no additional mitigation measures are proposed. Regulatory Services are content with these conclusions subject to conditions to require a CEMP and to restrict first occupation to 2023 as per the basis of the AQA results.

Flood Risk and Drainage

6.115 The Site is located in Flood Zone 1 where there is the lowest risk of flooding. Notwithstanding this, Policies TP2 and TP6 require development to manage flood risk.

6.116 The submitted Flood Risk Assessment and Surface Water Runoff Management Strategy advises that the proposed uses would be compatible with Flood Zone 1, the risk of flooding to the site is low and the proposed development would not increase the risk of flooding off site.

6.117 A Sustainable Urban Drainage Strategy (SuDS) is proposed to be delivered to manage surface water run-off from the site using a combination of flow control devices and attenuation storage including permeable paving and geocellular storage. The Local Lead Flood Authority and Severn Trent Water have raised no objections subject to conditions.

Biodiversity, Ecology and Landscaping

6.118 BDP Policy TP8 identifies that development proposals likely to affect features of habitat or biodiversity interest must be supported by information to ensure that potential impacts can be fully assessed. The application has been submitted together with a Preliminary Ecological Appraisal including an extended Phase 1 Habitat Survey and bat emergence/re-entry and activity survey, a Tree Survey Report and an Arboricultural Impact Assessment.

6.119 Whilst the adjacent railway line is identified as a 'potential site of importance' for biodiversity the Appraisal identifies that the majority of the site provides negligible ecological interest, with no suitable habitat for protected species. This is largely due to the highly disturbed and exposed nature of the site and lack of vegetation which adds to the isolation of the site from any suitable wildlife habitat in the area. There was no evidence of bat activity on the site or in the surrounding area. However, breeding birds may be present and the Appraisal recommends that demolition or vegetation clearance takes place outside of the bird breeding season and that where possible trees and shrubs are retained. There would also be a requirement to prevent the spread of invasive species during redevelopment of the site.

6.120 Whilst the development would retain the 10m London Plane trees that align Camp Hill and are a feature of the site, the development would require the removal of three tree groups and one individual tree to the south of the site, however these are low quality (category C). The loss of these trees would also be mitigated by new tree planting, including the provision of 15m trees along the frontage to Coventry Road to mitigate the impact of wind plus, wider landscaping including a green wall/planter to the south of Block G townhouses. As such there would be an increase in the quality, diversity and resilience of the local tree stock to the benefit of the area. Details of tree protection, tree retention, planting to secure biodiversity enhancing plants, to remove the existing invasive species from site and to restrict demolition outside of March to August are proposed to be attached.

6.121 In addition to the planting around the site, areas of green roof are proposed on Blocks C, D and E. The Council's ecologists note however that the proposed sedum roofs are not acceptable and should be designed to include variations in substrate type, height/depth and vegetation. A condition is attached to require details of green roofing so that it would provide biodiversity benefits to black redstart. In addition a condition is attached to require biodiversity enhancements in the form of bird and bat boxes.

6.122 Subject to the conditions outlined above the proposals would not result in adverse impacts on ecology or biodiversity but instead offer significant opportunity that would provide for new green infrastructure within this urban area.

Ground Conditions

6.123 BDP Policy TP6 advises that development will not be permitted where a proposal would have a negative impact on water quality including through pollution.

6.124 While the site has previously been in use for industrial purposes the submitted Preliminary Environmental Risk Assessment concludes that there would not be any constraint to development as a result of contamination, however further investigation of ground conditions should be undertaken once the site has been vacated. Furthermore remediation as part of construction works would ensure that there would

be no adverse impacts upon future occupiers or the environment and such investigations and remediation is to be secured by conditions.

Sustainable Construction and Maintenance

6.125 BDP Policy TP1 seeks a reduction in the City's carbon footprint, and Policy TP2 also advises that the impacts of extreme weather and climate change should be managed. Policy TP3 requires new developments to reduce carbon dioxide emissions and natural resource and water consumption, and Policy TP4 further indicates that development should incorporate the provision of low and zero carbon forms of energy generation or connection to low and zero carbon networks where practicable and viable. As part of this, consideration should be given to the inclusion of Combined Heat and Power facilities or connection to an existing CHP network.

6.126 In response to this policy guidance the applicants have indicated that an extensive area search has been undertaken but it has not been possible to identify any existing or emerging heat networks for the site to be connected to. Policy TP4 says where a connection is not possible the first consideration should be given to the inclusion of Combined Heat and Power (CHP). A communal system powered by gas CHP is likely to reduce the energy use of a site when compared to a baseline of gas boilers or electric heating. The planning application therefore includes an on-site Energy Centre which would host the CHP unit for the entire development. In addition photovoltaics panels are to be located on the roof of Blocks C, D and E and all of the proposed external cladding materials are to be BRE Green Guide Rated A.

6.127 It is considered that the there is sufficient consideration and adherence to the BDP climate change policies.

Other

6.128 According to the Canals and Rivers Trust records they suspect that the Bowyer Street canal feeder lies under the site or under Bedford Road. The applicants have investigated this statement in relation to the land within their ownership, re-considered all of their survey plans and cannot find record of the canal feeder within the site, only along Bedford Road and therefore conditions regarding its protection are not considered to be reasonable or necessary.

6.129 As requested by the BCC Employment Access Team a condition is attached to require a construction employment plan.

6.130 A Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been undertaken it has been concluded that the proposed development does not need an Environmental Impact Assessment (EIA).

Planning Obligations and CIL

6.131 The development proposed is above the threshold for planning obligations relating to affordable housing and public open space. With regard to affordable housing, Policy TP31 seeks 35% affordable homes on developments of 15 dwellings or more. Furthermore in accordance with Policy TP9 and the Public Open Space in New Residential Development SPD BCC Leisure Services have requested a contribution of £964,275.

6.132 Requests for S106 contributions have also been received from BCC Transportation, BCC Education (£1,414,262) and the Canals and Rivers Trust towards improving signage and the accesses onto the canal towpath at Coventry Road and Lawden Road.

6.133 Where, as in this case due to the financial viability of the proposals, an applicant considers that a development cannot meet the policy requirements regarding affordable housing or public open space the application is accompanied by a financial viability assessment that is tested independently. The submitted assessment concludes that a negative profit would be produced by the scheme and therefore the applicants have offered to provide 10% affordable housing on site in accordance with Paragraph 64 of the NPPF. Noting the location of the site which lies within the BDP City Centre Growth Area, within the boundary to the Curzon Masterplan, close to the Digbeth Creative Quarter, the loss of employment land and the demand in the area for start-up business space notwithstanding this offer officers are keen to secure some affordable workspace.

6.134 It is therefore considered appropriate in this instance to provide 5% affordable housing on site (i.e. 24 discount market residential units on site), and re-assign the remaining funds to provide the commercial units at a reduced rent of 50%.

6.135 Unfortunately there is insufficient profit available to provide contributions towards the remaining items listed above, and noting the ratio of smaller 1 and 2 bed units rather than family accommodation together with the significant proportion of open space within the development this is considered appropriate.

7. <u>Conclusion</u>

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. In this case there are however many strands within the development plan that pull in different directions and therefore it is necessary to consider and balance the conflicting issues.

7.2 First there is the loss of employment land and the conflict with Policy TP20. Next there is the less than substantial harm to surrounding heritage assets with such harm conflicting with Policy TP12 of the BDP. However consideration should also be given to those policies that promote redevelopment; PG1 supports significant levels of housing, employment, office and retail development within the BDP Plan period. PG2 promotes the City and supports development and investment that would raise the City's profile and strengthen its position nationally and internationally. Furthermore the site lies within the defined Growth Area where Policies GA1.1, GA1.2 and GA1.3 promote the re-use existing urban land through regeneration, renewal and redevelopment whilst The Curzon Masterplan also seeks to encourage growth in this part of the City.

7.3 The application site is a brownfield site in a sustainable location with the associated benefits of creating a community and delivering 480 new homes including a proportion of family and affordable housing in accordance with the objectives of Policies TP27, TP28 and TP30 of the BDP. The development would also provide a hotel alongside flexible affordable commercial floorspace designed to meet the needs of local businesses to accord with Policies TP24 and TP25. According to the applicants the development would add approximately 800 residents to the area contributing, approximately £4.4m per year to the Birmingham economy and a net increase in jobs once operational.

7.4 The scheme would also provide a development of high quality buildings with a landmark building that would make a positive addition to the skyline at this appropriate gateway to the City, provide connections through the site and beyond enhancing the public realm in accordance with Policy PG3.

7.5 Therefore in the planning balance the growth policies highlighted above due to the resulting public benefits would outweigh the conflict with the protection of employment land and the less than substantial harm to heritage assets.

7.6 However there is the emotive subject of the Camp Hill Chords and more specifically the provision of the South West Chord that could lie in close proximity to or intrude upon the application site. Policy TP41 and the emerging principles and objectives of the Bordesley Area Action plan support their delivery but there is such uncertainty regarding their delivery that whilst they are a material consideration the weight afforded to this Policy is less than the policies that support the redevelopment of the site when TP41 is considered on its own or cumulatively with the employment land and heritage protection land policies. To reiterate there is a lack of certainty regarding their implementation due to absence of committed funding, no safeguarded land within the BDP and no definitive route alignment or information relating to land take for construction or operating purposes. Hence Network Rail have not objected to the scheme. The applicants have revised the layout of the plans to potentially provide less conflict with the route if and when Chords come forward. As such there is little evidence to indicate that the current proposals for development would definitely prejudice their delivery and on this basis there is no robust reason to refuse or defer determining the current application.

7.7 Paragraph 38 of the NPPF advises that local planning authorities should approach decisions in a positive and creative way and work proactively with applicants to secure development that would improve the economic, social and environmental conditions of the area. Furthermore paragraphs 10 and 11 explain that the presumption in favour of sustainable development is at the heart of national planning policy.

8. <u>Recommendation</u>

2.5 That consideration of the application 2018/09467/PA be deferred pending the completion of a Section 106 Agreement to secure the following:

d) the provision of 24 units of 20% discount on market value affordable housing on site (11 x 1 bed, 11 x 23 bed, 1 x 3 bed and 1 townhouse);

e) a reduced rent of 50% for the commercial units in perpetuity; and

f) payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.

2.6 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 10th January 2020, favourable consideration be given to this application, subject to the conditions listed below

2.7 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

2.8 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 10th January 2020, planning permission be refused for the followings reason:

8.5 In the absence of any suitable legal agreement to secure the provision of on site affordable housing and affordable commercial floorspace the proposal conflicts with Policies TP31 and TP20 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

1	Whole Site - Implement within 3 years (Full)
2	Whole Site - Requires the scheme to be in accordance with the listed approved plans
3	Whole Site - Submission of Remediation Strategy
4	Whole site - Restriction of total retail floorspace (A1, A2, A3 Uses)
5	Whole Site - Restriction of largest unit of retail floorspace (A1, A2, A3 Uses)
6	Whole Site -No Occupation of any residential Unit until 2023 (Air Quality Mitigation)
7	Whole Site - Requires the prior submission of a sustainable drainage scheme
8	Whole Site - Submission of a Construction Environmental Management Plan
9	Whole Site - Tree Retention
10	Whole Site - Requires the implementation of tree protection
11	Whole Site - Submission of Construction Employment Plan
12	Timing of Demolition
13	Development Zones Plan - Requires the prior submission and completion of works for the S278/TRO Agreement
14	Development Zones Plan - Requires the Prior Submission of a Sustainable Drainage Operation and Maintenance Plan
15	Development Zones Plan - Details of Hard and Soft Landscaping
16	Development Zones Plan - Details of Materials
17	Development Zones Plan - Further Architectural Details
18	Development Zones Plan - Details of Bird and Bat Boxes
19	Development Zones Plan - Requires the submission of a contaminated land verification report
20	Development Zones Plan - Requires the submission of boundary treatment details
21	Development Zones Plan - Provision of Photovoltaics

22	Development Zones A, D and F as shown on Development Zones Plan - Provision of Photovoltaics
23	Development Zones A, B, D, F & Car Park as shown on Development Zones Plan - Requires details of vehicular visibility splays to be provided
24	Development zones D, E& F as shown on Development Zones Plan - Noise Attenuation between Ground Floor Commercial and Residential Uses
25	Development Zones D, E& F as shown on Development Zones Plan - restriction on delivery hours
26	Development Zones D, E& F as shown on Development Zones Plan - restriction on opening hours
27	Each development Zone as shown on Development Zones Plan - Requires the submission of Glazing Specification based on submitted noise reports
28	Each development Zone as shown on Development Zones Plan - Requires the submission of Mechanical Ventilation Specification based on submitted noise reports
29	Each development Zone as shown on Development Zones Plan - Requires the submission of Façade Specification to residential units based on submitted noise reports
30	Zone D as shown on Development Zones Plan - Provision of Energy Centre
31	Zone D as shown on Development Zones Plan - Requires the prior submission of a parking management strategy.
32	Zone D as shown on Development Zones Plan - Electric Car Charging Points in Basement
33	Development Zones A, D & F - Requires the submission of details of green/brown roofs
34	Each Development Zone - Requires the submission of extraction and odour control strategy
35	Requires the submission of a contaminated land verification report
36	Limits the noise levels for Plant and Machinery

Case Officer: Julia Summerfield

Photo(s)

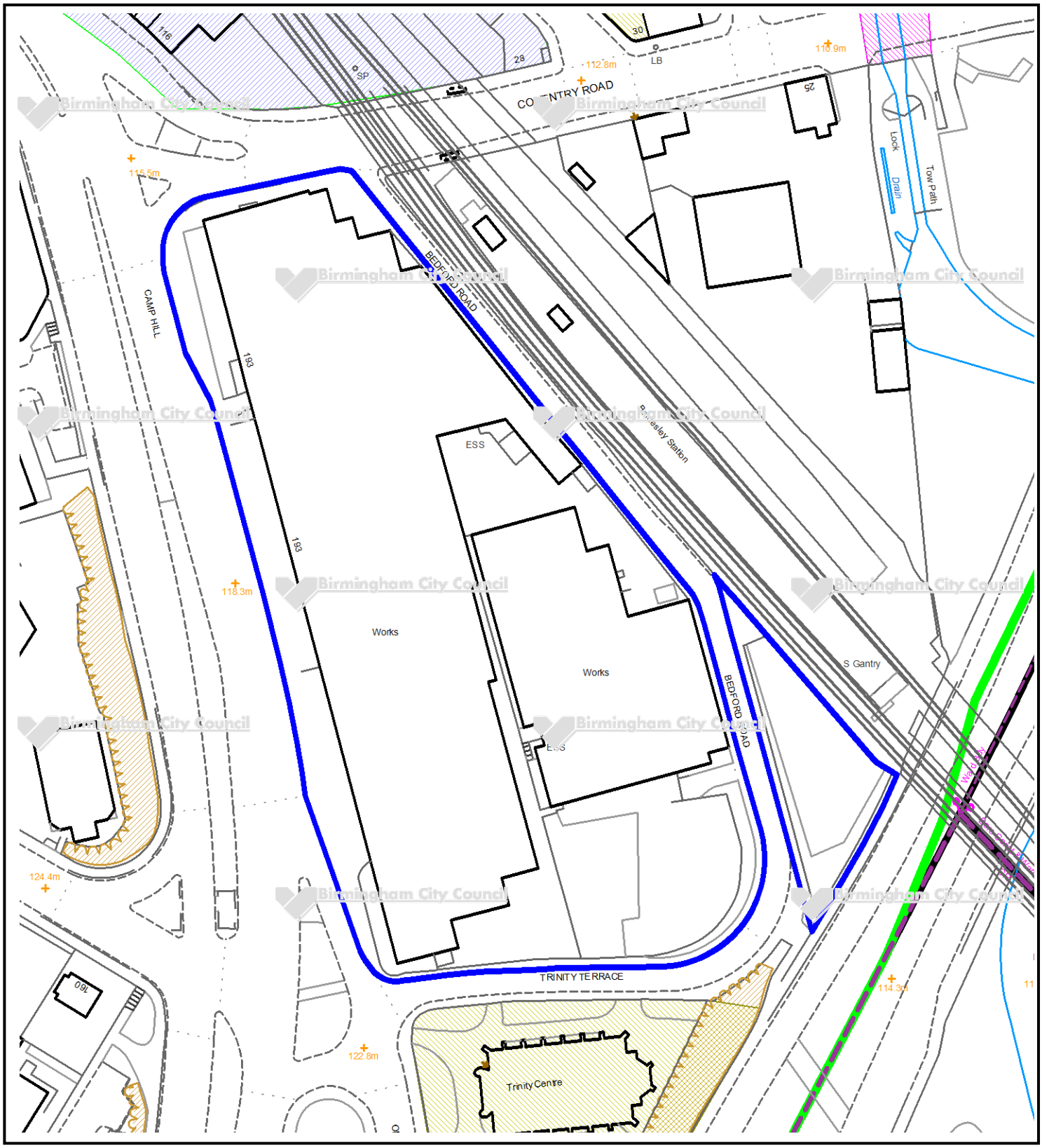
Looking Southwards at junction of Camp Hill and Coventry Road

Looking Southwards along Camp Hill towards Trinity Church

Looking Northwards where Trinity Terrace becomes Bedford Road

Northwards along Bedford Road, Existing Railway Line to Right Hand Side

Location Plan



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Birmingham City Council
Planning Committee 30 January 2020

Appeal Decisions Received from the Planning Inspectorate in December 2019

CATEGORY	ADDRESS	USE	DECISION	TYPE	PROCEDURE
Enforcement	Tufnol Composites Ltd, 76 Wellhead Lane, Perry Barr	Change of use of the premises to a self-storage facility. 2018/0475/ENF	Dismissed	Enf	Written Representations
Enforcement	67 Langleys Road, Selly Oak	Change of use of the premises from a dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis). 2013/1507/ENF	Part Allowed (see note 1 attached)	Enf	Inquiry
Enforcement	89 Langleys Road, Selly Oak	Change of use of the premises from a dwellinghouse (Use Class C3) to a large House in Multiple Occupation (Sui Generis). 2014/0402/ENF	Part Allowed (see note 2 attached)	Enf	Inquiry
Householder	22 Conway Avenue, Quinton	Erection of first floor side and single storey rear extensions. 2019/02843/PA	Dismissed	Delegated	Written Representations
Householder	48 Cotton Lane, Moseley	Erection of first floor side extension. 2019/03491/PA	Allowed (see note 3 attached)	Delegated	Written Representations
Householder	24 Hampshire Drive, Edgbaston	Erection of two storey forward and first floor side extension. 2019/03518/PA	Dismissed	Delegated	Written Representations
A3 / A5 Uses	38 Hatchett Street, Hockley	Change of use from warehouse (Use Class B1) to restaurant/hot food takeaway (Use Classes A3 & A5) 2019/04778/PA	Dismissed	Delegated	Written Representations
Residential	Land rear of 127 Clarence Road, Four Oaks	Erection of 1 no. dwelling house and associated parking. 2019/00034/PA	Dismissed	Delegated	Written Representations
Other	389a Coventry Road, Small Heath	Retention of existing food sales kiosk on shop forecourt. 2019/01510/PA	Dismissed	Delegated	Written Representations

Birmingham City Council
Planning Committee 30 January 2020

Appeal Decisions Received from the Planning Inspectorate in December 2019

CATEGORY	ADDRESS	USE	DECISION	TYPE	PROCEDURE
Other	54-57 High Street, City Centre	Change of use from retail (Use Class A1) of the ground and first floors to an Amusement Centre (Sui Generis) with external alterations including a new shop front and associated works. 2018/09039/PA	Allowed (see note 4 attached)	Delegated	Written Representations

Total - 10 Decisions: 6 Dismissed (60%), 2 Allowed, 2 Part Allowed

Cumulative total from 1 April 2019 - 158 Decisions: 131 Dismissed (83%), 23 Allowed, 4 Part Allowed

Notes relating to appeal decisions received in December 2019

Note 1: (67 Langleys Road)

Enforcement Notice issued because the change of use to a large house in Multiple Occupation (Sui Generis) contributes to an overconcentration of such uses in the area, creating an unbalanced community and loss of amenity to the area and adjoining premises.

Appeal allowed on Ground (g) only and the Inspector varied the enforcement notice compliance period from 3 months to 7 months. Otherwise the appeal was dismissed.

Note 2: (89 Langleys Road)

Enforcement Notice issued because the change of use to a large house in Multiple Occupation (Sui Generis) contributes to an overconcentration of such uses in the area, creating an unbalanced community and loss of amenity to the area and adjoining premises.

Appeal allowed on Ground (g) only and the Inspector varied the enforcement notice compliance period from 3 months to 7 months. Otherwise the appeal was dismissed.

Note 3 (48 Cotton Lane)

Application Refused because: 1) The scale and design of the proposed development would not preserve or enhance the character of the St Agnes Conservation Area. 2) The proposed first floor extension would have a harmful overbearing impact upon the amenity levels of neighbouring occupier No. 62 Oxford Road when utilising their private garden due to the size, proximity and dominance of the proposed extension to the rear garden of No. 62.

Appeal Allowed because the Inspector concluded that: 1) the addition of a modest extension, the design of which is respectful to the existing bold style, would not harm the appearance of the host dwelling and furthermore would have a neutral effect on the character and appearance of the conservation area. 2) The modest scale of the proposed extension, combined with the existing vegetation and the size of the Garden of no. 62 would prevent the development being perceived as overbearing.

Note 4 (54-57 High Street)

Application Refused because: 1) The change of use to an amusement centre would increase opportunities for crime and fear of crime in this area of the City Centre which already experiences crime issues. 2) The design of the shopfront would present an inactive frontage adversely affecting the character and appearance of the street scene.

Appeal Allowed because the Inspector concluded that: 1) There is limited evidence that the appeal proposal would facilitate or increase the likelihood of crime or the fear of crime. The occupation of a currently vacant unit would be likely to provide some natural surveillance and remove the opportunity for groups to gather outside a vacant shop. The presence of CCTV may act as a deterrent for anti-social behaviour and the

appeal premises would be lit and staffed. 2) The design of the shopfront, which includes TV screens, does not constitute an inactive frontage that would harm the character and appearance of the area.