

Birmingham City Council

Planning Committee

11 January 2024

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

| <u>Recommendation</u> | <u>Report No.</u> | <u>Application No / Location / Proposal</u> |
|--|-------------------|--|
| Approve – Conditions | 6 | 2023/00822/PA 1b Herbert Road Handsworth Birmingham B21 9AE Change of use from dwelling house (Use Class C3) to childrens home (Use Class C2) for a maximum of four children |
| Approve – Subject to 106 Legal Agreement | 7 | 2022/00861/PA Former Royal Works Coleshill Street Sutton Coldfield Birmingham Demolition of the existing buildings and erection of 2 no. buildings, one containing retirement apartments (Use Class C3) and one containing assisted living units and communal/operational floorspace (Use Class C2), ancillary facilities, access, landscaping, and associated works. |

| | | | |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 11/01/2024 | Application Number: | 2023/00822/PA |
| Accepted: | 08/02/2023 | Application Type: | Full Planning |
| Target Date: | 12/01/2024 | | |
| Ward: | Handsworth | | |

1b Herbert Road, Handsworth, Birmingham, B21 9AE

Change of use from dwelling house (Use Class C3) to childrens home (Use Class C2) for a maximum of four children

| | |
|------------|---|
| Applicant: | MB and S Care Ltd 1b Herbert Road, Handsworth, Birmingham, B21 9AE |
| Agent: | Rose Consulting 16 Rhodesia Avenue, Halifax, HX30PB |

Recommendation

Approve subject to Conditions

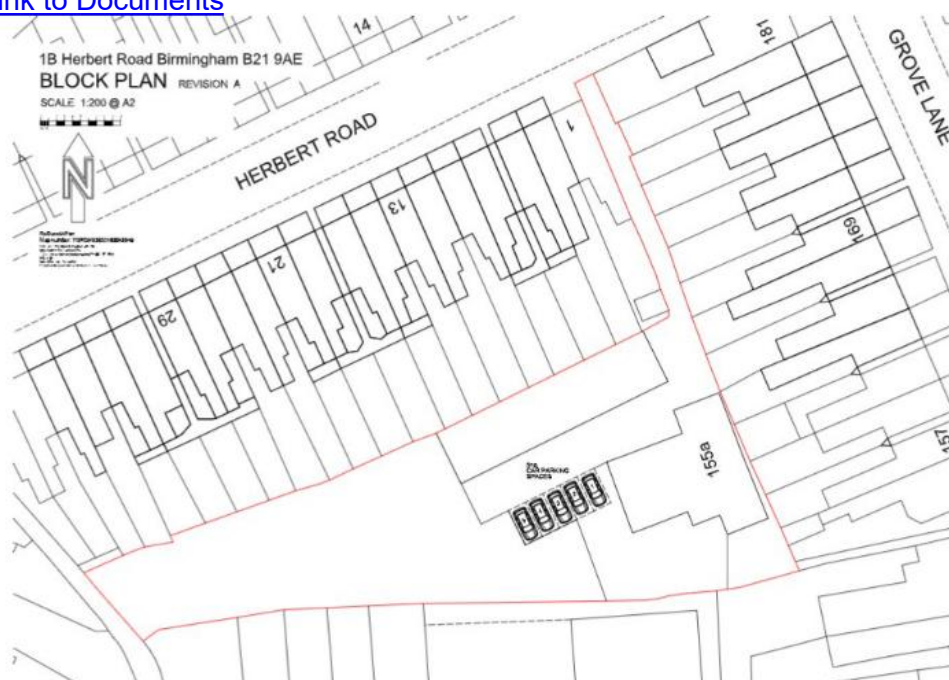
1. **Proposal:**

- 1.1 Consent is sought for the change of use from a dwelling house (Use Class C3) to children's home (Use Class C2) for a maximum of four children, located at 1b Herbert Road, Handsworth, Birmingham, B21 9AE.
- 1.2 A supporting statement has been submitted in regard to how the care home would operate. This statement covers the following:
- All professionals (health, education etc.) family, social worker and manager will be in attendance at key planning / review meetings to agree individual care plans for each child.
 - 2 carers will be working on a 24/7 shift pattern, with a manager occasionally visiting and working from the property.
 - Prior to admission the young person will be informed of the boundaries and expectations in the home both verbally by the manager at the initial meeting and via the welcome guide. They will be supported in understanding how they will be consulted and how they can contribute to the home. It will be explained that their safety supersedes their preferred wishes, feelings and choices.
 - No mobile phone devices are permitted for children within the first phase of their recovery programme (if applicable), unless deemed appropriate by the multi-disciplinary professionals involved with the child.
 - Strategies will be agreed and implemented upon admission with set regular review dates. If concerns arise a strategy meeting will be called. The home will highlight agreed changes, additional strategies and support required and implement immediately. The manager will ensure actions are executed and all professionals input are completed.
 - Structured and creative activity planners in place – indoor and outdoor paid activities
 - On site education
 - Clinical input is available on a regular basis to the child and the staff.
 - When any incidents/concerns arise an immediate review of the risk management plan will take place involving all professionals/child and family if applicable

- The manager will recruit practitioners who will receive specific training and have the appropriate experience to support the child in line with the quality standards and Children's Homes Regulations
- All internal bedroom doors and external doors are alarmed and are activated at night-time so that staff are alerted to any activity
- CCTV to the external property and all external windows and doors.
- Staff complete a very thorough inventory with each child upon admission to ensure full knowledge of the contents within the home.
- Staff complete room searches as and when they have concerns.

1.4. The layout of the site can be seen on the plans linked below; it is noted 4 bedrooms on the 1st floor will be used for the children whilst the ground floor bedrooms will be used for the carers use.

1.5. [Link to Documents](#)



Proposed site plan and internal layout

2. **Site & Surroundings:**

- 2.1. Premises is a detached property that is in a back land location with access off Herbert Road. It is a dormer bungalow style property with a large detached single storey building within the grounds. Surrounding area consists of predominantly terrace residential properties to Herbert Road and Grove Lane, with rear gardens/yards backing onto the site's boundary. There is also a place of worship to the immediate south.

3. **Planning History:**

- 3.1. 5/8/2003 – 2003/02336/PA. Demolition of 1 Herbert Road to form access road, erection of 8 dwellinghouses with car parking spaces. Refused.
- 3.2. 16/7/1970 – 32228000. Erection of nine self-contained flats, 6 garages and car parking space. Refused

4. **Consultation Responses:**

- 4.1. Children's Commissioning/Birmingham Children Trust – Raise no objection and have made the following statements:

- Proposal is in line with the needs of Birmingham Children's Trust to place children in small homes within Birmingham, where it is safe and in the young person's best interests to do so.
- The layout looks appropriate for the purpose with adequate space for young people and staff with additional facilities available in the outbuilding.
- The location affords good transport links and access to local schools, amenities and Handsworth Park.
- Ofsted would inspect the home and its policies and interview the Home Manager before they would consider registering the home and once registered Ofsted would regularly inspect the operation of the home.
- Birmingham Children's Trust will undertake due diligence before considering making a placement with this provider and will not make any placements until satisfied that the home is registered with Ofsted, there are sufficient staff on site who have the necessary training and DBS checks and all of the required policies and procedures are in place and being followed. Other Local Authorities may also place young people in this property, and each Local Authority is responsible for undertaking its own due diligence.
- There are 2 other children's homes at a distance of 0.2miles from the site.

- 4.2. Regulatory Services – No objections.

- 4.3. West Midlands Police – Object to the application and raise concerns on the following grounds:

- The access driveway is in constant use, and they are aware of previous parking issues where the driveway has been blocked.
- Clarification on where referrals are made, whether they have contacted Birmingham Children's Trust, experience and qualifications of the staff, and policies and procedures for missing/absence management.
- Local Neighbourhood Policing Team have concerns over the potential increase in missing persons, and cumulative impact on demand on emergency services.
- There are a number of children's homes within the locality, which have had numerous calls to service for the police, and placing a children's home at this site would be detrimental to local residents and to the children themselves.

If the application is approved a number of security recommendations are made.

4.4. Transportation Development – No objection subject to conditions limiting the number of children, the use of the outbuilding, and parking/cycle/EVC provision.

4.5. Adjoining neighbours, Residents' Associations, Ward Councillors and MP were notified with a site notice posted. Objections have been received from 23 members of the public raising the following concerns:

- Out of character
- Waste and disposal issues related to these properties
- Inappropriate location
- Inadequate access
- Increase in congestion
- Lack of public servicing
- De-valuing of house prices
- Inadequate security
- Health and safety concerns
- Impact on neighbour amenity
- At odds with original planning covenants
- Lack of information
- Anti-social behaviour & crime
- Loss of family housing
- Cumulative effects of similar uses

4.6. Handsworth Wood Residents Association, The Hinstock Philip Victor Residents Association and the Antrobus Road Residents Action Group have also expressed their view on the proposal and also object to this development. They also raised all the concerns as listed above by other members of the public.

4.7. A petition was also submitted by the Antrobus Road Residents Action group, this petition highlighted the concerns over loss of family housing and the cumulative effects of 'similar uses' in the area. This petition has a total number of 60 members of the public who object to the development on these grounds.

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

5.1. National Planning Policy Framework 2021.

5.2. Birmingham Development Plan 2017:

- Policy PG3 - Place making.
- Policy TP27 - Sustainable neighbourhoods and
- Policy TP35 - The existing housing stock.
- Policy TP44 - Traffic and congestion management.

5.3. Development Management DPD:

- Policy DM2 – Amenity.
- Policy DM12 – Residential Conversions and Specialist Accommodation.
- DM 14 - Transport access and safety
- DM 15 - Parking and servicing

5.4. Supplementary Planning Documents & Guidance:

- Birmingham Design Guide
- Car Parking Guidelines SPD (2012)

6. **Planning Considerations:**

Principle of the development

- 6.1. Policy DM12 (Residential Conversions and Specialist Accommodation) provides criteria which determine whether applications for specialist accommodation will be supported, including where it would not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies. Policy DM12 of the DPD states that residential conversions and specialist accommodation will be supported where:
- It would not lead to an unacceptable adverse impact on the amenity, character, appearance, parking, public and highway safety of the area, taking into account the cumulative effects of similar uses in the area;
 - The accommodation and facilities, including outdoor amenity space and provision for safety and security, is suitable for the intended occupiers;
 - It is accessible to local shops, services, public transport and facilities appropriate to meet the needs of its intended occupiers;
 - The scale and intensity of the proposed use is appropriate to the size of the building;
 - It would not result in the loss of an existing use that makes an important contribution to the Council's objectives, strategies and policies.
- 6.2. Concerns have been raised that the property is not suitable, though it is a detached property. It is considered that the proposed children's care home would be located within a sufficiently sized plot. The proposed use is considered acceptable in this instance, given that it is a spacious 5-bedroom property, with a large amount of external amenity space. A condition limiting the maximum number of children to 4 has been attached. It is therefore considered that the number of people occupying the property would be similar to that of a five-bedroom dwelling, and as such the proposals would not cause any undue noise and disturbance to adjoining occupiers, over and above what would be expected from the existing residential dwelling house use.
- 6.3. In terms of the cumulative effect of similar uses, Birmingham Children's Trust have identified that there are 2 children's care homes 0.2miles away from the application site and there are 3 HMOs (3.06%) and no exempt supported accommodation within a 100m radius. As such, it is considered that the introduction of the proposed children's care home would not result in an overconcentration of intensive residential uses to the detriment on the residential character of the surrounding area.
- 6.4. Concerns have been raised that the proposal would lead to a loss of a family dwelling. Policy TP35 of the BDP states that the loss of residential accommodation would only be permitted if there are good planning justifications or an identified social need. A supporting statement has been provided identifying staff rotas and safety precautions being taken. Whilst the premises would operate as a residential institution, it would not be entirely out of keeping in that it would share some characteristics of a residential C3 use albeit accommodation for a specific group of individuals. The applicant has also confirmed the following *"unless they are approved by a local authority social services department, children will not be placed in the home. They are also able to confirm the urgent need for this type of facility"*. Therefore, given that the service requirement would be generated by the local authority's social services, and comments from Birmingham Children's Trust do not contradict the need for such homes, then it is considered that the need for the proposed use has been demonstrated.
- 6.5. Given the above, it is considered that the principle of change of use from residential dwellinghouse (Use Class C3) to a children's care home (Use Class C2) for 4 no. children is acceptable, subject to other material considerations.

Standard of accommodation

- 6.6. The Birmingham Design Guide does not set internal space standards for care homes and the Nationally Described Space Standards provide a useful benchmark to judge

the quality of accommodation and living environments for this type of development. The bedrooms sizes for the four children would exceed the minimum standards for a single bedroom, providing generously sized rooms. It is considered that the rooms provided for the staff would also meet these standards. The applicant claims that there would be no difference in how a normal house operates and this care home and as such the gross internal floor areas and storage would also need to meet the standards set in the Nationally described space standards. The care home is to support four children and two carers overnight, however there is additional bedroom in the annex/outbuilding on the site which has the possibility to have someone stay there, this is to be for the use of staff members. This annex also contains multiple activity rooms including a recording studio, study room, office, sewing room, storage room, bathroom, toilet and a games room. A condition has been attached to ensure that the annex is used in conjunction with the care home.

Impact on visual amenity

- 6.7. As no external changes are proposed as part of the change of use, I do not consider that the proposal would result in any detrimental impact on the visual amenity of the application property or the wider street scene.

Impact on Residential Amenity

- 6.8. The application property is a detached dwelling, within a residential area. As previously noted, the activities associated with the proposal i.e., visits from staff, professionals and relatives are unlikely to negatively impact on residential amenity due to comings and goings not being significantly different from a family dwelling. Conditions have been attached to restrict the number of children living at the property to 4 and to restrict the use of to a children's care home only and for no other use within the Use Class C2 if this application is approved. Regulatory Services have raised no objection.

Impact on Highway Safety and Parking

- 6.9. The proposal is likely to increase parking demand, however the site is to provide 5 parking spaces at the site. This is more than the specified typical parking provision within the Parking Guidelines. Transportation Development raise no objection subject to conditions and it is considered that the proposal would not have an unacceptable impact on highway safety.

Crime and Anti-social Behaviour

- 6.10. Concerns have been raised in relation to anti-social behaviour and increase in crime. Crime and the fear of crime are material planning considerations, however the nature and type of people to occupy a premises is not a planning matter. Whilst West Midlands Police have objected to the proposal, primarily as they are concerned with the cumulative impact on the demand for emergency services that a further children's home in this location will bring, these concerns are not sufficiently substantiated to refuse an application for a change of use. There is no clear evidence that a children's care home in this location would result in an increase in crime and anti-social behaviour. Furthermore, it is important to note that OFSTED are responsible for the regulation of care homes and the operation and management of such a care home is outside the remit of the planning system. As such it is considered that the impact of the proposal on crime and the fear of crime are acceptable in planning terms.

7.0. Other issues

- 7.1. Financial impact on property values and any covenant on the property are not a material planning consideration and cannot be taken into account.

8.0. Conclusion

- 8.1. This application is recommended for approval as the proposal complies with the objectives of the policies that have been set out above. The proposed development would help meet an identified social need in providing a children's care home and would be acceptable in terms of standard of accommodation for the future residents and have no detrimental impact on residential amenity, highway safety or parking and crime and anti-social behaviour.

9.0 Recommendation:

- 9.1. Approval subject to conditions

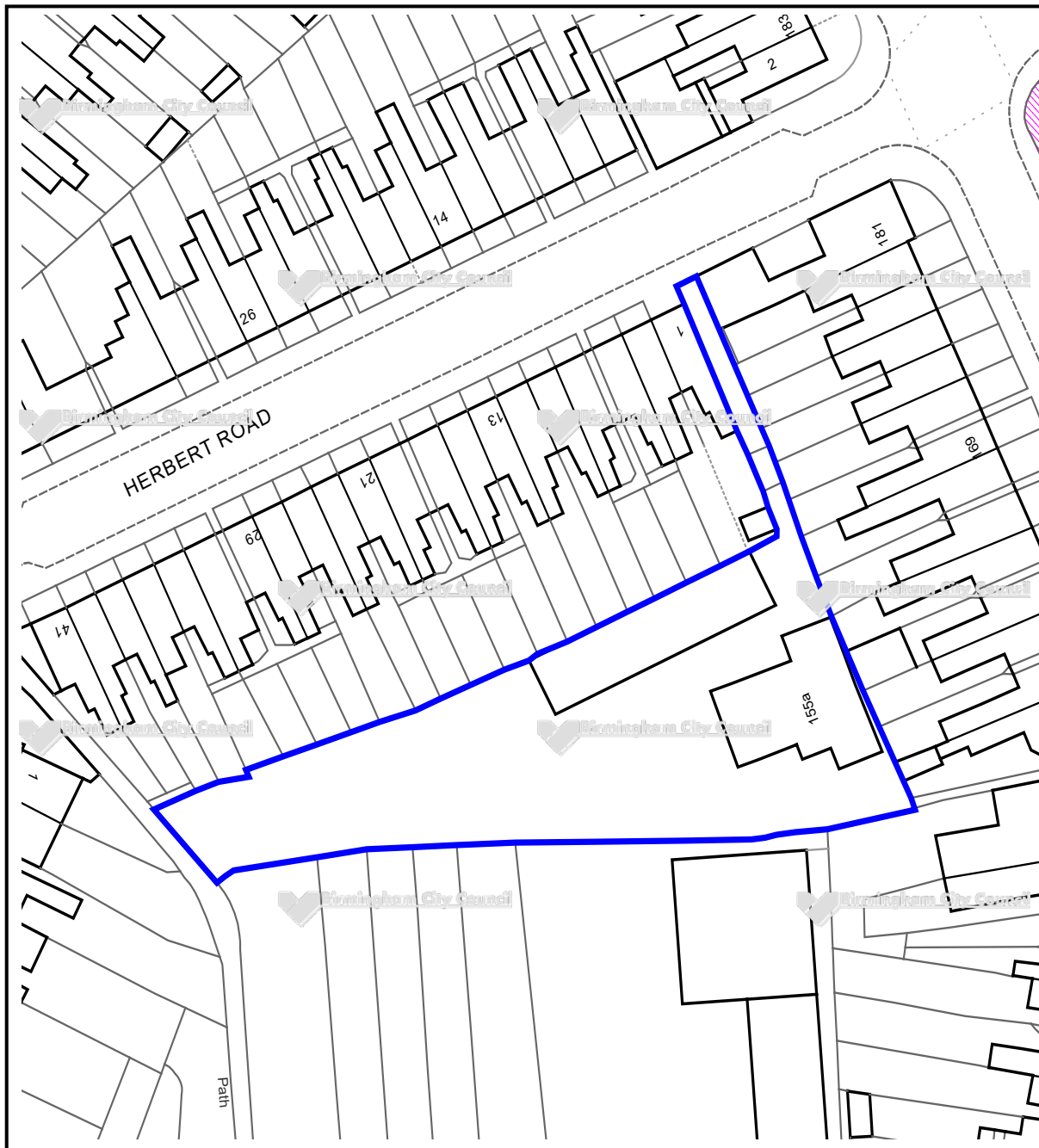
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| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Restricts the number of children living in the property to a maximum of 4. |
| 4 | Prevents the use from changing within the use class |
| 5 | Requires the annexe to be used in conjunction with the approved care home |
| 6 | Requires the submission of cycle storage details |
| 7 | Requires the provision of a vehicle charging point |
-

Case Officer: Daniel Hood

Photo(s)



Location Plan



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|-----------------|----------------|---------------------|---------------|
| Committee Date: | 11/01/2024 | Application Number: | 2022/00861/PA |
| Accepted: | 11/02/2022 | Application Type: | Full Planning |
| Target Date: | 29/02/2024 | | |
| Ward: | Sutton Trinity | | |

Former Royal Works, Coleshill Street, Sutton Coldfield, Birmingham

Demolition of the existing buildings and erection of 2 no. buildings, one containing retirement apartments (Use Class C3) and one containing assisted living units and communal/operational floorspace (Use Class C2), ancillary facilities, access, landscaping, and associated works

| | |
|------------|--|
| Applicant: | Anchor Hanover Group C/o Agent |
| Agent: | Anchor 2 Godwin Street, Bradford, BD1 2ST |

Recommendation

Approve Subject to a Section 106 Legal Agreement

Report Back

This application was brought to Planning Committee on the 21st July 2022 where it was resolved that the application be approved, subject to the completion of a Section 106 agreement. At that meeting there was a verbal update requiring a change to the Section 106 resolution in the original report. It was agreed that para 9.1 be amended so that it secured 53no. assisted living apartments to be delivered as shared ownership. The remaining 32no. assisted living apartments would be delivered as affordable rent and secured by an additional condition.

The proposal was originally a joint venture between McCarthy Stone and Anchor Hanover, where the former would deliver 52no. retirement apartments and the latter would deliver 85no. affordable assisted living apartments. McCarthy Stone are no longer involved and the whole scheme is now to be delivered by Anchor Hanover as a 100% affordable housing development. This amended affordable housing offer from Anchor Hanover is brought back before Members for determination. The new affordable housing offer consists of the 52no. retirement apartments being for older persons shared ownership (secured via the Section 106 agreement) and the 85no. assisted living units being for social rent (secured via condition due to a grant funding bid). The Council's Affordable Housing Delivery Manager has confirmed their support for the change.

This proposal represents a significant uplift in the affordable housing offer and represents additional benefits to a scheme that was previously considered acceptable.

All other elements of the report previously determined by Members is unaltered.

Recommendation

That consideration of planning application 2022/00861/PA be approved subject to the completion of a planning obligation agreement to secure the following:

- 52no. older persons shared ownership units;
- Financial contribution of £10,000 to fund the review / implementation of Traffic Regulation Orders (TRO) to regulate / prohibit waiting on Coleshill Street along both sides of access to protect the vehicular visibility splays and opposite the proposed access to facilitate vehicular movements to/from the access;
- Financial contribution of £7,000 for flashing speed sign;
- Financial contribution of £5,000 for pedestrian friendly measures (guard rails / bollards / dropped kerbs);
- Payment of a monitoring and administration fee associated with the legal agreement of 3.5% up to a maximum of £10,000.

In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 29th March 2024 the planning permission be refused for the following reason:

- In the absence of any suitable legal agreement to secure on site affordable housing and a financial contribution related to highway safety measures the proposal would be contrary to TP31, TP39 and TP44 of the Birmingham Development Plan and NPPF.

That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 29th March 2024, or a later date as agreed between the Local Planning Authority and the applicant, favourable consideration be given to this application subject to the conditions listed below.

[End of report back]

Original Report

1. **Proposal:**

- 1.1 This planning application seeks permission for the demolition of the existing buildings and erection of 2 no. buildings, containing retirement apartments (Use Class C3) and assisted living units with communal floorspace (Use Class C2), ancillary facilities, access, landscaping, and associated works on land at Coleshill Street, formerly known as Royal Works.
- 1.2 The proposals comprise the erection of two buildings. The three-four storey northern building would accommodate 52no. one and two bedroom C3 use retirement apartments for residents over the age of 55, to be delivered by McCarthy Stone. The four- five storey south eastern building would accommodate 85no. one and two bedroom C2 use affordable assisted living apartments, to be delivered by Anchor Hanover. The development density would equate to approximately 94 dwellings per hectare (dph). A total of 137 residential units are proposed.
- 1.3 The retirement apartment building would comprise 32no. one bedroom apartments and 20no. two bedroom apartments. The ground floor would also provide a resident's lounge, reception lobby, guest suite, internal bin store, internal cycle store, and internal buggy / scooter store. The building would be accessed through two

staircases and a lift. The apartments would be available for market sale.

- 1.4 The assisted living apartment building would comprise 32no. one bedroom apartments and 53no. two bedroom apartments. The ground floor would also provide a dining room / lounge, kitchen and servery, reception, hair and beauty salon, activity room, wellbeing room, quiet room, toilets, stores, staff facilities, office, meeting room, internal buggy store and guest suite. The building would be accessed through three staircases and two lifts. The apartments would be available for affordable rent or shared ownership. It is understood that the communal facilities available in the assisted living building would be available to be used by residents of the retirement apartments.



Figure 1: Proposed Site Layout

- 1.5 The proposed buildings would be constructed from light multi brickwork with vertical detailing and grey window treatments.
- 1.6 The site is proposed to be accessed from Coleshill Street and would incorporate the demolition of no. 65 Coleshill Street. A total of 91no. car parking spaces are proposed in banks throughout the centre of the site. These would include a number of disabled parking spaces close to the building entrances.
- 1.7 Communal gardens are proposed across the site for use by residents, of around 4,771sqm. These would be landscaped with areas of seating provided. A number of the apartments on the upper floors of both buildings would also benefit from balconies, with a number of the ground floor buildings benefiting from patios / terraces.
- 1.8 The application has been supported by the following documents: Air Quality Assessment, Flood Risk Assessment, Drainage Statement, Noise Impact Assessment and Addendum, Preliminary Ecological Assessment, Bat Survey, Reptile Survey, Odour Risk Assessment, Transport Statement, Road Safety Audit, Planning

Statement, Levels Strategy, Landscape Plan, Energy Statement, Affordable Housing Statement, Need Assessment, Ground Conditions Statement, Tree Survey, Tree Constraints Plan, Design and Access Statement, and Statement of Community Involvement.

1.9 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The application site comprises vacant industrial land, formerly known as Royal Works, a mix of industrial factory and office buildings. The buildings have been demolished. The land is predominantly scrub land with mature trees forming the boundary to the site. The site comprises a considerable level change, falling from west to east. The site area is 1.45ha.
- 2.2 The site frontage is on Coleshill Street and comprises the existing site entrance. Two detached houses (nos. 65 & 67 Coleshill Street) and a series of terraced cottages (nos. 53 – 63 Coleshill Street) comprise the western boundary of the site.
- 2.3 A very small portion of the site adjacent to the entrance is within the “High Street, Sutton Coldfield” Conservation Area but the majority of the site lies to the rear of the grade II listed buildings at 51-63 Coleshill Street.
- 2.4 The site is located close to the eastern edge of Sutton Coldfield town centre, on the east side of Coleshill Street. Bus stops are located 0.2 miles north-west at the Gracechurch Shopping Centre, providing access to locations across north Birmingham, Lichfield and South Staffordshire.
- 2.5 The surroundings of the site predominantly comprise residential uses with commercial uses located immediately to the south. The railway line is located on the eastern boundary of the site.



Figure 2: Character Appraisal Aerial View (DAS)

2.6 [Site Location](#)

3. **Planning History:**

- 3.1 2020/01215/PA - Erection of 100no. residential apartments with care (Use Class C2) including communal facilities alongside associated works – Withdrawn.

3.2 19.04.2001 - 1999/04827/PA - Demolition of bungalow and alterations, refurbishment and erection of new units as an estate of smaller units, for use classes B1, B2 and B8 with associated alterations to access and car parking - Approved subject to conditions.

3.3 Various historic planning applications throughout the 1950s – 1970s associated with the former factory buildings located on the site.

4. **Consultation Responses:**

4.1 Transportation Development – recommend conditions to restrict occupation of development; secure visibility splays; construction traffic management plan; cycle parking; disabled parking and electric vehicle parking space provision; travel plan; and highway works including new bell-mouth access (including associated pedestrian dropped kerbs, tactile paving etc.), reinstatement of any redundant footway crossing (or any redundant parts), any work relating to any street furniture (telephone/street lighting columns etc)/statutory undertakers' apparatus, any work related to lighting (including any lighting assessment/redesign). A financial contribution is also required to fund the review / implementation of Traffic Regulation Orders (TRO) to regulate / prohibit waiting on Coleshill Street along both sides of access to protect the vehicular visibility splays and opposite the proposed access to facilitate vehicular movements to/from the access and traffic calming/management measures.

4.2 Regulatory Services – awaiting comments in respect of contaminated land. Conditions recommended to secure implementation of dust control measures.

4.3 City Design – recommend conditions to secure hard and soft landscape details; earthworks details; boundary treatment details; sample materials; and architectural details.

4.4 Conservation – no objection.

4.5 Trees – recommend conditions to secure tree pruning and requirements within no dig areas.

4.6 Ecologist – request a biodiversity impact assessment and recommend conditions to secure scheme for ecological / biodiversity / enhancement measures; bird / bat boxes; implementation of acceptable mitigation / enhancement; construction ecological management plan; landscape and ecological management plan; biodiversity roof condition; and boundary treatment condition.

4.7 LLFA – recommend conditions to secure implementation of drainage strategy and flood risk assessment; and an operation and maintenance plan.

4.8 Housing – support proposed level of affordable housing and accept mechanism to secure affordable housing through Section 106 agreement.

4.9 Leisure Services – no contribution towards public open space or play area required.

4.10 Network Rail – recommend conditions to protect the railway network.

4.11 West Midlands Police – no objection, recommend a number of measures to achieve Secured by Design principles.

4.12 West Midlands Fire Service – recommend a number of measures to address fire safety requirements.

- 4.13 Severn Trent Water – recommend a condition to secure drainage plans for the disposal of foul and surface water.
- 4.14 Royal Sutton Coldfield Town Council – object on the grounds that the height and scale of the development would be out of character with the surrounding area; over-intense development which is out of character with the surrounding area; unacceptable site layout with minimal external amenity space; poor accessibility; loss of trees; impact on biodiversity; inadequate sustainability and energy saving measures incorporated into the development.

5. **Third Party Responses:**

- 5.1 The application has been publicised by a site notice displayed and press notice advertised. Twelve representations received objecting on the following grounds:
- Poor appearance;
 - Out of character with surrounding area;
 - Impact of construction on existing living environment;
 - Over-saturation of retirement facilities in the area;
 - Impact on car parking availability on street;
 - Increase in traffic congestion along Coleshill Street;
 - Increase in light pollution;
 - Additional traffic movements on existing busy road;
 - Increase in noise pollution;
 - Impact on ecology;
 - Increase in litter;
 - Impact on capacity of doctors surgeries and clinics;
 - Development would not contribute towards the existing community;
 - Loss of existing dwelling at no. 65 Coleshill Street;
 - Impact on visibility splays;
 - Unacceptable scale;
 - Loss of trees subject to TPO;
 - Loss of landscape screening of the site;
 - Unacceptable density and over-intense development;
 - Inadequate pre-application consultation;
 - Design not sympathetic to the area;
 - Loss of privacy as a result of the difference in levels between the application site and surrounding residential properties;
 - Inadequate boundary treatments and retaining walls proposed;
 - Loss of light and outlook;
 - Poor accessibility for wheelchair or mobility scooter users;
 - Inadequate access to accommodate vehicular movements; and
 - Impact on drainage.
- 5.2 Three representations have been received providing support for the development, on the grounds that the development would redevelop a vacant site; and would be a good location for such a development.

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

- 6.1 National Planning Policy Framework: Chapter 5 Delivering a sufficient supply of homes; Chapter 11 Making effective use of land; Chapter 12 Achieving well designed places; Chapter 16 Conserving the historic environment
- 6.2 Birmingham Development Plan 2017: PG3 Placemaking; TP3 Sustainable

construction; TP4 Low and zero carbon energy generation; TP8 Biodiversity and geodiversity; TP12 Historic environment; TP17 Portfolio of employment land and premises; TP20 Protection of employment land; TP27 Sustainable neighbourhoods; TP28 The location of new housing; TP30 The type, size and density of new housing; TP31 Affordable housing

- 6.3 Development Management DPD: DM1 Air quality; DM2 Amenity; DM3 Land affected by contamination, instability and hazardous substances; DM4 Landscaping and trees; DM5 Light pollution; DM6 Noise and vibration; DM10 Standards for residential development; DM12 Residential conversions and specialist accommodation; DM15 Parking and servicing
- 6.4 Supplementary Planning Documents & Guidance: Loss of Industrial Land to Alternative Uses SPD (2006); Birmingham Parking Guidelines SPD (2021); Specific Needs Residential Uses: Residential Care SPG; Places for Living SPG (2001)

7 Planning Considerations:

- 7.1 **Principle of Development** – The application site is located in an established predominantly residential area, in close proximity to Sutton Coldfield Town Centre. The site is included within Council's most recent Strategic Housing Land Availability Assessment (SHLAA) describing the site as 'former industrial' land and noted its suitability for residential development. The site is also included in the Council's Brownfield Register, a comprehensive list of all brownfield sites in a local authority area that are suitable for housing irrespective of their status or use.
- 7.2 The proposed development comprises age restricted C3 residential use as well as age restricted C2 assisted living use. The mix of uses are considered to be entirely compatible site uses in respect of the residential element, within a broadly residential area. It is understood that the communal facilities available within the assisted living building would be accessible to the residents of the retirement apartments.
- 7.3 The proposals must also adhere to the residential policies set out within the Birmingham Development Plan. Policy TP27 of the BDP relates to Sustainable Neighbourhoods and requires "a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages". The application proposals to provide accommodation for elderly residents would achieve this objective. Whilst it cannot be guaranteed that any person moving into retirement flats would be a resident of Sutton Coldfield and the locality, it can be assumed that this would normally free up a larger family home. On this basis, the development would help address a general need for older person's accommodation and consequently help to free up family accommodation elsewhere.
- 7.4 The proposed density of the development would amount to approximately 94 dwellings per hectare. Policy TP30 accepts that higher densities would be accepted in sustainable locations with good public transport links and access to local amenities. It is considered that the proposed development would have an acceptable density in the context of its location and make an efficient use of land in accordance with chapter 11 of the NPPF.
- 7.5 The level of care provision for prospective residents of the assisted living accommodation has been assessed and it is considered that whilst many residents would live independently for the large majority of their time, the eligibility criteria set out in support of the application is very clear that there must be an identified need for care to be required for residents, which would range from limited support to attend appointments, administer medication to full care of a resident. The assisted living

accommodation that is proposed is inherently linked to the care provision that would be available to each resident, and measures would be installed to ensure that only residents requiring a degree of care would access the accommodation. Whilst the retirement apartments do not incorporate a specific care element, the site arrangement is consistent with accommodation to address aging needs. It is considered appropriate to attach a condition to restrict residents to both uses to a minimum age of 55.

- 7.6 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.7 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.8 I am satisfied that the principle of development is acceptable and the proposals would make a positive contribution to the surrounding area, particularly when redeveloping a large vacant site in a highly sustainable location.
- 7.9 **Reuse of Industrial Land** - Although the application site is not located within a Core Employment Area (Policy TP19), it is considered to be a valuable resource to the Birmingham economy as a long established industrial site. On this basis, the site was assessed against Policy TP20 of the BDP, which provides protection to the employment land, and Paragraph 5.3 of the "Loss of Industrial Land to alternative Uses SPD". It was concluded that the site is a non-conforming use due to its location within an established residential area as well having been vacant for an extensive period. I consider that the loss of industrial land is acceptable.
- 7.10 **Design and Layout** – The application proposals comprise a U-shaped building form across the two buildings at the end of the access road, providing views from Coleshill Street. The buildings vary in height from three – five storeys to account for the difference in levels across the site, with the buildings giving the perception of no more than four storeys when viewed from street level. City Design have been consulted and advise that the coherent contemporary architectural approach helps to create a well-defined place character. Facades are well-proportioned, with significant amounts of glazing, and additional architectural interest arising from window decorative brick detailing including glazed green saw-tooth brick detailing panels around windows and ribbed brick roof parapets. The main material will be brick, with the McCarthy Stone building using light-coloured multi-bricks and the Anchor building using two bricks, with a darker one at low level and lighter on the top floor.



Figure 3: Proposed massing plan



Figure 4: CGI of McCarthy Stone and Anchor Hanover buildings (DAS)

- 7.11 Whilst the proposed buildings are of a greater scale than the existing dwellings, it is not considered that the development would have an unacceptable impact on character as a result of the buildings being set back into the site and the level differences across the site.
- 7.12 The proposed site entrance incorporates the demolition of no. 65 Coleshill Street. The site entrance is in the form of a block-paved road with central strip of trees and a pedestrian path separated from the road by a grass verge. At the end of the road, and part of the walking route, is an 'entrance garden' (about 16m x 11m) enclosed by evergreen hedge, providing a focus for views from Coleshill Street. Whilst the loss of this detached building is regrettable, the proposed site entrance has a strong emphasis on landscape and pedestrian movement and would add positively to local character.

- 7.13 It is considered that in the context of the site surroundings, garden lengths of neighbouring properties and the site levels, the views of the development would have a positive impact on the street scene when taking account of the current condition of the site and the high-quality materials proposed to be used in the construction of the buildings. It is recommended that the materials and architectural details of the buildings should be subject to conditions attached to any grant of planning permission.
- 7.14 **Impact on Residential Amenity** – The application proposals would achieve separation distances between the northern McCarthy Stone building 15.9m from the boundary with rear gardens of the existing dwellings on Rectory Road, and c.44 – 50m from the rear facades of houses. As the building would appear as three storeys from Rectory Road as a result of the site levels. This is considered acceptable in the context of Places for Living numerical standards.

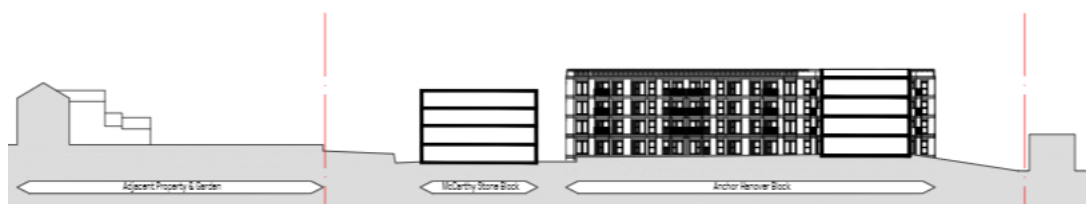


Figure 5: Site section from Rectory Road (north to south)

- 7.15 Due to the orientation of the proposed buildings, no windows would overlook the existing dwellings located on Coleshill Street. The proposed development would therefore significantly exceed the minimum separation distance requirements of 12.5m between windowed elevations and flank walls as set out by Places for Living SPG.

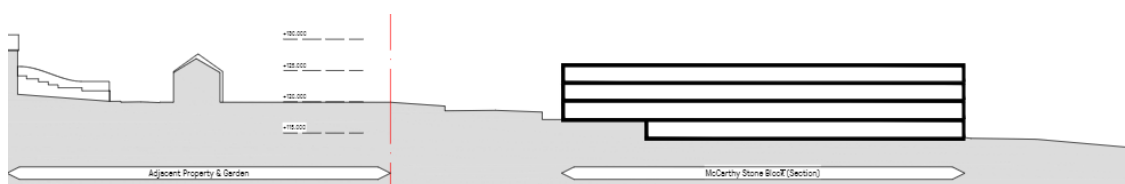


Figure 6: Site section from Coleshill Street (east to west)

- 7.16 Whilst the development would introduce residential premises on what is currently a vacant site, it is considered that the development would be unlikely to have a significantly adverse impact on neighbouring residential amenity. Furthermore, the benefits that the development would achieve in redeveloping a vacant site at risk of flytipping and anti-social behaviour would also improve residential amenity for existing occupiers.
- 7.17 With regards to the residential amenity of prospective residents, the proposed one- and two-bedroom apartments would exceed the minimum floorspace required by the nationally described spatial standards as adopted by Development in Birmingham DPD policy DM10 Standards for Residential Accommodation. The proposed communal gardens would measure 4,771sqm, and would amount to an equivalent of approximately 34sqm per dwelling, exceeding the requirement for communal gardens as set out within Places for Living SPG. The proposed residential layouts appear functional alongside adequate communal external amenity space and would achieve a good quality living environment for prospective occupants.
- 7.18 A Noise Impact Assessment has been submitted to assess the proposed scheme in terms of the impact that existing commercial uses within the vicinity of the site could have on prospective residents. Regulatory Services has been consulted and raise no objections to the proposals in terms of likely noise generated from neighbouring

commercial premises.

- 7.19 **Impact on Highway Safety** – The proposed development seeks to improve the access to the site through the demolition of no. 65 Colehill Street. Transportation Development has been consulted on the likely impact that this would have on highway safety and they advise that the alteration to the access would improve visibility. The construction of the access will however require the displacement of some on-street car parking provision immediately opposite the site entrance to allow for safe access and egress to the site. Transportation Development have recommended that the applicant agree to funding a traffic regulation order (TRO) to prohibit waiting and protect visibility splays as well as traffic calming measures. This forms part of the Section 106 Agreement which is detailed in paragraph 7.34 below.
- 7.20 It is noted that there has been some concern expressed by local residents in respect of the use and reliance on the on-street parking found on Colehill Street and the impact that the loss of this could have on congestion and highway safety. I would advise that the on-street car parking is not a formal arrangement and is facilitated only by virtue of no TRO measures being implemented. It is also noted that many of the dwellings on the western side of Colehill Street have private car parking to the rear of their properties. Whilst I appreciate the benefits that the current situation achieve for local residents, I do not feel that there are grounds to resist the proposals and the necessary TRO on Colehill Street in respect of any likely impact on highway safety, particularly when weighed against the benefits that the development could achieve.
- 7.21 In terms of the proposed parking provision for the residential development, 91no. parking spaces are proposed. Birmingham Parking SPD sets out that for developments of extra care / independent living, to which this proposal relating to both uses could most accurately be correlated, the level of parking provision will vary depending upon a range of factors, including:
- The spectrum of care being provided and the likely mobility and connectivity needs of resident, visitors and staff (including opportunities for social interaction);
 - The availability, distance and ease of access of residents to key services/facilities on site, in the near vicinity and within the extra care facility itself – taking into account and likely mobility issues;
 - The availability and frequency of public transport to key services and facilities;
 - Connectivity and standard of routes to local services and facilities; and
 - Servicing requirements of the scheme.
- 7.22 For these reasons no specific parking standards are set out within this SPD. Instead, applicants are required to consider and address the above factors as part of a holistic approach towards ensuring the accessibility of schemes in order to maximise accessibility and connectivity, which may include necessary infrastructure upgrades. Given the sustainable location of the development, on the edge of Sutton Coldfield Town Centre, with good walking and public transport access to local amenities and facilities, the proposed level of parking is considered to be adequate and unlikely to have an adverse impact on parking demand and traffic congestion.
- 7.23 Transportation Development recommend amendments to the proposals to secure disabled parking spaces, an increased level of cycle parking and electric vehicle charging points. These elements could be secured through appropriately worded conditions, which have been recommended to be attached to any grant of planning permission. Due to the proposed alterations to the access, conditions to secure the implementation of the highway works are recommended and duly attached to any grant of planning permission.

- 7.24 **Impact on Ecology and Trees** – The site as existing has some ecological value which is understood to have been established through the neglect of the site. The site is dominated by poor semi-improved grassland, with other habitats including scattered trees, dense scrub, tall ruderal vegetation, bare ground and hardstanding. More established areas of broadleaved woodland are present adjacent to, and beyond, the eastern boundary, where the woodland runs along an embankment associated with the Sutton Park Railway Line Potential Site of Importance (PSI). The PSI provides a near-continuous habitat corridor between the key wildlife sites of Sutton Park SSSI to the north-west and New Hall Valley Country Park (SINC, SLINC & PSI) and Minworth Sewage Works (SINC, SLINC & PSI) to the south-east.
- 7.25 The detached property at 65 Coleshill Street supports a bat roost used by low numbers of common pipistrelle bats, which is a commonly occurring species. Demolition of the building will result in the destruction of this bat roost. In line with NPPF and BDP policy TP8, the proposed development must incorporate appropriate mitigation and compensation to avoid harms to bats and ensure compliance with the legal protection afforded to bats and their roosts.
- 7.26 As the development impacts a European Protected Species through the destruction of this bat roost, regard must also be had towards the three tests set out in Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) before determining planning applications.
- 7.27 Test 1 considers whether “the derogation is in the interests of preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”. Having regard to the wider development, I consider that the benefits that the development of the site could achieve in terms of contributing towards five year housing land supply and potentially freeing up existing family homes in the area whilst making the most effective use of land would outweigh the loss of the bat roost, on the grounds that it would not have an unacceptable impact on the conservation of a European Protected Species, as indicated by the submitted bat surveys.
- 7.28 Test 2 considers whether “there is no satisfactory alternative”. The proposed demolition of no. 65 Coleshill Street and the bat roost contained facilitates the alteration of the proposed access which would achieve satisfactory highway standards for the access and egress of the development site. There is no alternative to achieve such access alterations.
- 7.29 Test 3 relates to whether the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The application has been supported by a Preliminary Ecological Appraisal and further bat surveys. The conclusions of the bat survey that the loss of the bat roost will not have an unacceptable impact on the conservation of a European Protected Species, and the recommended measures should be secured by appropriate planning condition.
- 7.30 It is considered that the proposals are acceptable in the context of their impact on European Protected Species. A number of conditions are recommended to ensure that adequate mitigation is delivered as part of the development scheme, which would be duly attached to any grant of planning permission.
- 7.31 The Council’s Ecologist raises some concerns in terms of whether the development would achieve a biodiversity net gain. Whilst this would be desirable, the requirement to secure biodiversity net gain is not currently mandatory or legislated

and I consider that the other ecological benefits that are recommended to be secured through conditions would be sufficient when weighed against the benefits that the development of the site would be able to achieve. It is therefore not recommended that a biodiversity net gain assessment is required, nor would require the development to deliver biodiversity roofs.

- 7.32 A number of trees are present across the site however it is understood that their value has established as a result of neglect. Whilst the loss of trees are regrettable, these are of diminished condition and there are benefits in the management of landscape features in the context of development of the site. A number of trees would be retained, including those along the access drive, and additional trees would be planted to enhance the character of the site and to improve the amenity value. The Tree Officer raises no objection and recommends conditions to protect the trees to be retained covered by the TPO on the site.
- 7.33 **Impact on Historic Environment** – The site entrance of the application site falls within the High Street, Sutton Coldfield Conservation Area. The Council's Conservation Officer advises that they agree with the analysis and conclusions of the submitted heritage statement that the development would not change the setting of the listed buildings or the conservation area in a way which would be harmful to their significance. They advise that the development would probably have a beneficial impact on the settings by bringing the derelict site back into use. It is considered that the site does not have any potential for buried archaeological remains. In terms of the impact of the proposals on the historic environment, the development would be acceptable.
- 7.34 **Impact on Flooding and Drainage** – The application site lies within Flood Zone 1. The application is supported by a Flood Risk Assessment (FRA) to confirm that the development would not be at risk of flooding and there would be no increased flood risk downstream as a result of the development of the site. A drainage strategy for surface and foul water drainage has been submitted in support of the application. It is proposed that both surface water and foul will be discharged into the existing respective sewers. Discharge of surface water via infiltration has been explored, in line with best practice, and the results have concluded that the most appropriate method for controlled discharge is via sewers, due to the unsuitability of ground conditions for infiltration. Tanked permeable paving within the parking areas on site will provide additional surface water storage, as part of the drainage strategy.
- 7.35 The Local Lead Flood Authority has been consulted and confirms that the proposed scheme and amended ground levels would have a beneficial impact to reduce flood risk to neighbouring properties. On this basis, it is recommended that the recommendations of the drainage strategy and flood risk assessment are implemented and that an Operation and Maintenance Plan is required prior to occupation. These conditions are considered reasonable and necessary and recommended to be attached to any grant of planning permission.
- 7.36 **Planning Obligations and Affordable Housing** - The application proposals comprise residential development which would require a contribution towards affordable housing, as set out in TP31 of the Birmingham Development Plan, through on-site provision or a commuted sum towards off-site provision. The policy sets out that in addition to general needs housing, development proposals for housing of a specialist nature within the C3 use class, such as age restricted housing, will be expected to deliver affordable housing in accordance with this policy in order to assist in meeting the affordable housing needs of all members of the community.
- 7.37 The application proposals seek to deliver the C2 use assisted living apartments as

entirely affordable housing, providing either affordable rent or shared ownership units. 85no. C2 units are proposed to be delivered as affordable housing, which would significantly exceed the policy requirement of on-site affordable housing to be delivered by the development, of which there is an identified affordable need for this type of accommodation.

- 7.38 Whilst the affordable housing provision would relate to a different residential use class, it is accepted that the proposed C2 units would provide residential accommodation delivered and managed through a Registered Provider (RP). The applicant has submitted evidence in support of the planning application to demonstrate the acute need for affordable retirement accommodation and affirms that the C2 use would provide comparable living accommodation to the C3 units, as illustrated by the floorplans submitted for approval, with additional communal facilities and care assistance available. The Council's Housing Officer has been consulted and they confirm that they are supportive of the approach proposed to be taken. A Section 106 Agreement to secure the affordable housing provision has been drafted on this basis.
- 7.39 A financial contribution has been requested to form part of the Section 106 Agreement to secure the review / implementation of Traffic Regulation Orders (TRO) to regulate / prohibit waiting on Coleshill Street along both sides of access to protect the vehicular visibility splays and opposite the proposed access to facilitate vehicular movements to/from the access and traffic calming/management measures. This is considered appropriate to be secured by the Section 106 mechanism given that it will cover multiple obligations and contributions.
- 7.40 Leisure Services have been consulted on the application proposals and they advise that given the proportion of the development that would relate to C2 use, no contribution is required towards public open space or play area provision. Given the private communal amenity space provided and the nature of the development, it is considered that the development would be self-sufficient in terms of open space required. Furthermore, due to the high level of affordable housing to be delivered through the scheme, it is considered that this should be viewed positively in the context of planning obligations achieved through the development.
- 7.41 **Other Matters** – Network Rail has been consulted and requires assurances that the development would not adversely impact the railway adjacent. Having reviewed the requirements of Network Rail, I am of the view that the matters required to be confirmed can be dealt with through the Basic Asset Protection Agreement (BAPA) that the developer would be required to enter into with Network Rail, outside of the planning application process.
- 7.42 It is noted that some concerns are raised by members of the public with regards to the over-saturation of such retirement development concentrated in Sutton Coldfield. This is noted however the proposals are considered to be consistent with policy TP30 of the BDP which sets out the need for a variety of homes to meet different needs. I am also mindful that age-restricted residential developments typically free up family homes elsewhere in the area. Accordingly, I am satisfied that the development would be acceptable and would be unlikely to adversely impact the demographics of Sutton Coldfield.
- 7.43 The development proposes the use of photovoltaic panels on the roof to achieve 19% CO² reduction, alongside thermal envelope to minimise heat loss, as well as efficient heating and lighting systems. This is set out within an Energy Statement submitted in support of the planning application. The implementation of measures is recommended to be secured through appropriately worded condition.

- 7.44 The application site incorporates a number of mounds across the site following the demolition of the former buildings. Regulatory Services raise some queries regarding contaminated land however in the context of the proposals to fully redevelop the site, including the need for some earthworks to construct the development, it is considered such matters can be addressed by suitably worded conditions.
- 7.45 **Planning Balance** – The principle of housing development is acceptable but there are other factors which are material and must be balanced against the lack of 5 year supply, including the concerns raised by Ecology regarding the loss of the bat roost. Any adverse impacts must be clearly identified significantly and demonstrably outweigh the benefits of boosting housing supply. Considerable weight is required to be given to the lack of supply in the titled balance, as set out by the NPPF.
- 7.46 In this instance, it is considered that the proposals would comprise the sustainable development of a vacant site and make more efficient use of land. The development would result in the net gain of a 137no. residential units for over 55s, potentially freeing up existing family housing in Sutton Coldfield and the wider Birmingham area. It is considered that the proposals are acceptable in respect of the benefits that the development could achieve, and the proposed ecological mitigation.

8 **Conclusion**

The application proposals seek to develop a brownfield, vacant site within a predominantly residential area into residential development. It is considered that the proposed development would achieve a number of benefits and would not have an unacceptable impact on neighbouring residential amenity nor highway safety. For the reasons set out above, the application is recommended to be approved subject to conditions and a Section 106 Agreement.

9 **Recommendation:**

- 9.1 That consideration of planning application 2022/00861/PA be approved subject to the completion of a planning obligation agreement to secure the following:
- 85no. apartments to be delivered as affordable rent and shared ownership units;
 - Financial contribution of £10,000 to fund the review / implementation of Traffic Regulation Orders (TRO) to regulate / prohibit waiting on Coleshill Street along both sides of access to protect the vehicular visibility splays and opposite the proposed access to facilitate vehicular movements to/from the access;
 - Financial contribution of £7,000 for flashing speed sign;
 - Financial contribution of £5,000 for pedestrian friendly measures (guard rails / bollards / dropped kerbs);
 - Payment of a monitoring and administration fee associated with the legal agreement of 3.5% up to a maximum of £10,000.
- 9.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 26th August 2022 the planning permission be refused for the following reason:
- In the absence of any suitable legal agreement to secure on site affordable housing and a financial contribution related to highway safety measures the proposal would be contrary to TP31, TP39 and TP44 of the Birmingham Development Plan and NPPF.
- 9.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 9.4 That in the event of the planning obligation being completed to the satisfaction of the

Local Planning Authority on or before 26th August 2022, or a later date as agreed between the Local Planning Authority and the applicant, favourable consideration be given to this application subject to the conditions listed below.

-
- | | |
|----|--|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | 85 apartments to be delivered as social rent (affordable housing) |
| 4 | Restricts the age limit of occupants of the residential units to over 55s |
| 5 | Requires the submission of sample materials |
| 6 | Requires the submission of architectural details |
| 7 | Requires the submission of boundary treatment details |
| 8 | Requires the prior submission of earthworks details |
| 9 | Requires the submission of hard and/or soft landscape details |
| 10 | Requires the prior submission of level details |
| 11 | Requirements within pre-defined tree protection areas |
| 12 | Requires tree pruning protection |
| 13 | Requires the prior submission of a construction method statement/management plan |
| 14 | Requires the submission of cycle storage details |
| 15 | Requires pedestrian visibility splays to be provided |
| 16 | Requires vehicular visibility splays to be provided |
| 17 | Requires the provision of a vehicle charging point |
| 18 | Requires the submission of an amended car park layout |
| 19 | Requires the prior submission of highway works |
| 20 | Requires the submission of a residential travel plan |
| 21 | Requires the submission of extraction and odour control details |
| 22 | Limits the noise levels for Plant and Machinery |
| 23 | Requires the prior submission of a contamination remediation scheme |
| 24 | Requires the submission of a contaminated land verification report |
| 25 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 26 | Requires the prior submission of details of bird/bat boxes |
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- 27 Requires the implementation of the submitted mitigation/enhancement plan
 - 28 Requires the prior submission of a construction ecological mitigation plan
 - 29 Requires the submission of Landscape and Ecological Management Plan
 - 30 Requires the implementation of the surface water drainage scheme
 - 31 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 32 Requires the submission of drainage plans for disposal of foul water
 - 33 Requires Energy and Sustainability measures in accordance with statement
 - 34 Requires the installation of solar photovoltaic panels
 - 35 Requires the submission of a lighting scheme
-

Case Officer: Eddie Wrench

Photo(s)



Image 1: Application site looking east



Image 2: 65 Coleshill Street (to be demolished)



Image 3: Site access from Coleshill Street

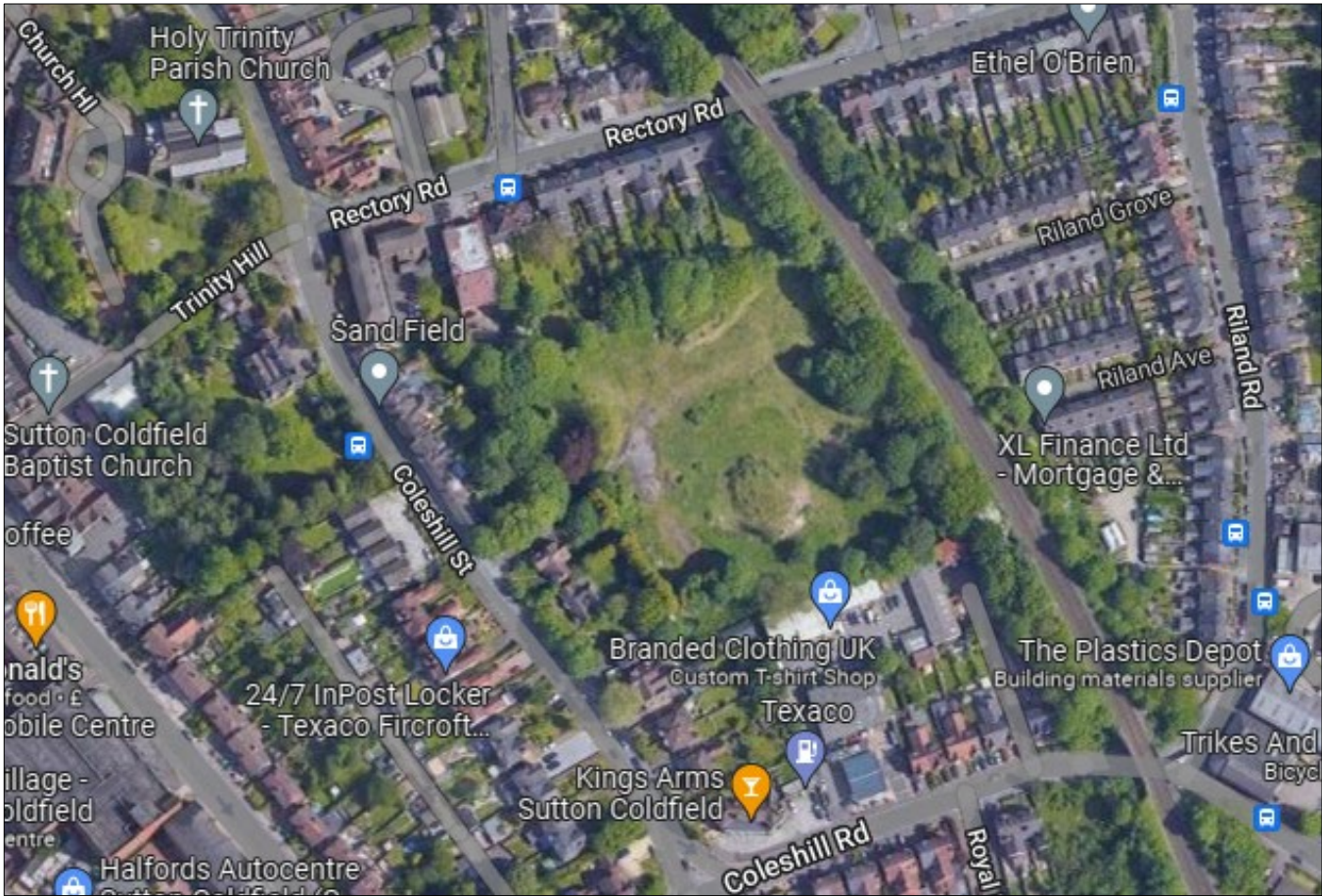
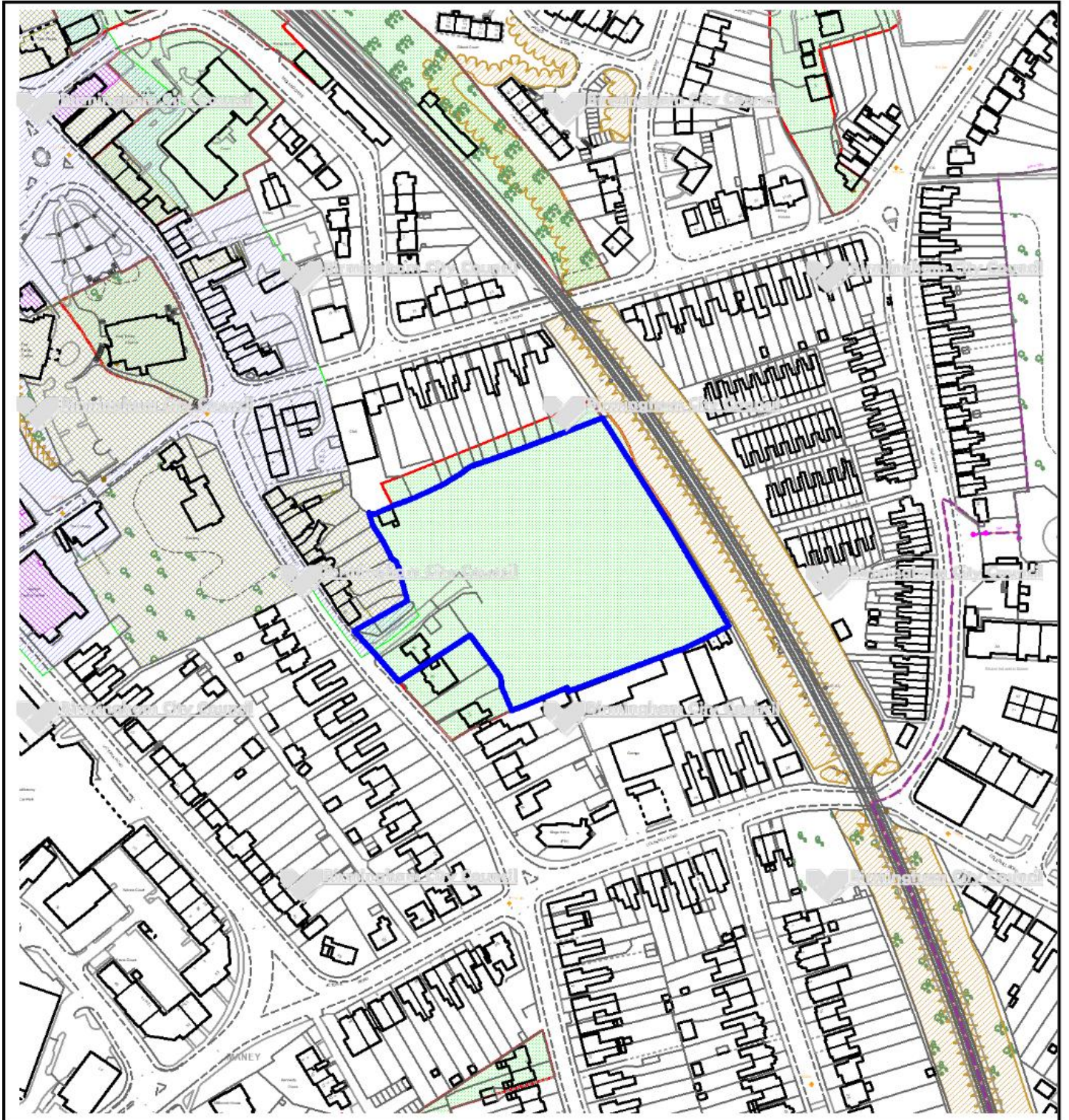


Image 4: Aerial view of application site

Location Plan



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Birmingham City Council

Planning Committee

11 January 2024

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

| <u>Recommendation</u> | <u>Report No.</u> | <u>Application No / Location / Proposal</u> |
|---|-------------------|--|
| Approve – Subject to 106 Legal Agreement | 8 | 2022/04557/PA 240 Holliday Street - Car Park adjacent Birmingham B1 1SJ Full planning application for a seven-storey residential apartment development comprising 106 residential units (C3) together with amenity areas and a basement for storage and plant room. |

| | | | |
|-----------------|------------|---------------------|---------------|
| Committee Date: | 11/01/2024 | Application Number: | 2022/04557/PA |
| Accepted: | 13/07/2022 | Application Type: | Full Planning |
| Target Date: | 16/01/2024 | | |
| Ward: | Ladywood | | |

240 Holliday Street - Car Park adjacent, Birmingham, B1 1SJ

Full planning application for a seven-storey residential apartment development comprising 106 residential units (C3) together with amenity areas and a basement for storage and plant room.

| | |
|------------|--|
| Applicant: | Raybone Developments The Mint Estate Office, 96 Icknield Street, Hockley, Birmingham, B18 6RU |
| Agent: | Gensler 4 St Philip's Place, Birmingham, B3 2S |

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 The application seeks permission for a total of 106 residential apartments on the car park land adjacent to no.240 Holliday Street. Ground plus 7 storeys (with basement and rooftop communal space).

2.0 Introduction
2.2 Scheme Proposal



Image 1: CGI of proposed scheme

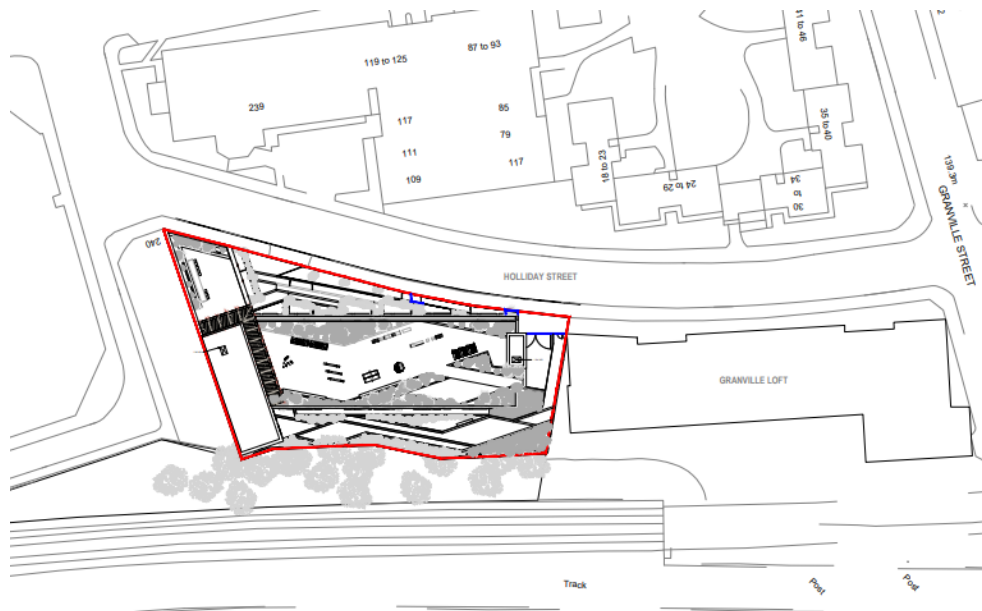


Image 2: Site Plan



Image 3: CGI street facing elevation and neighbouring approval

1.2 Following on from very recent discussions, the housing mix has been revised whereby the resulting breakdown of unit size and numbers are as follows:

1.3

| | 1-bed | 2-bed | 3-bed | Total |
|--------------|-------|-------|-------|-------|
| No. of units | 65 | 34 | 7 | 106 |
| % | 61 | 32 | 7 | 100% |

1.4

Table 1: Unit size and numbers

1.5 A Viability Assessment has been submitted that demonstrates the scheme cannot support a 35% contribution towards affordable homes, that said, it has been identified that the development could provide at least 10% affordable housing which equates to a total of 11 units. However due to the recognised need to provide affordable family units (and the recent focus upon this matter by the Planning Committee) the applicants have agreed to provide an additional affordable unit that increases provision to **12 affordable homes at a 20% market discount (11% affordable provision)**. This equates to a monetary sum £704,190.

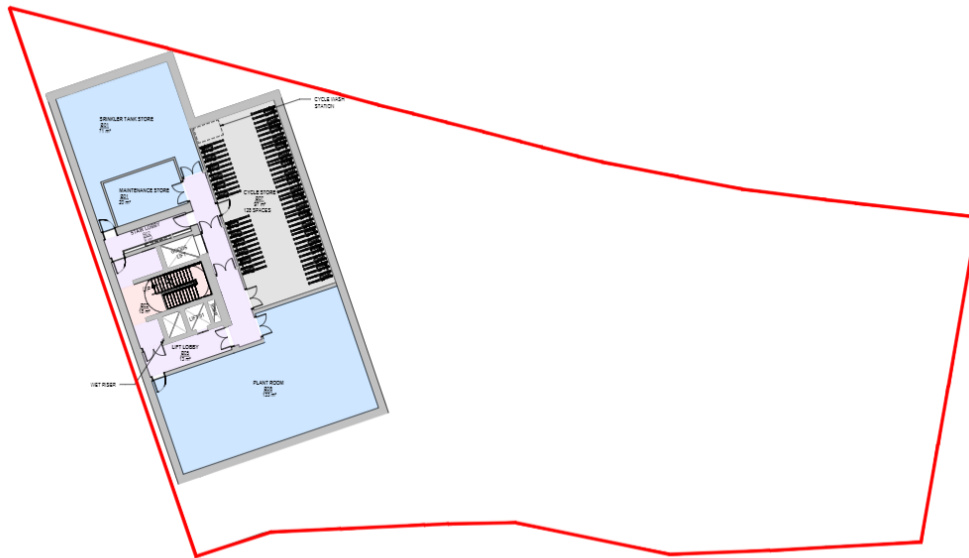
- 1.6 However, offering a higher discount over larger units, whilst resulting in fewer affordable units would provide genuinely affordable homes for example: 4x2beds and 3x3beds at a 30% market discount would provide 7 no. affordable units (7%).



- 1.7 Image 4: CGI Holiday Street View from the northwest (without the recent approval to the south)



- 1.8 Image 5: Holliday Street View from a north easterly to south westerly direction.



1.9 Image 6 Basement Level Floor Plan

- 1.10 The proposed floorplans, illustrate a basement level that provides a cycle storage, as well as plant, lifts, and caretaker store. The ground floor provides a main entrance, a concierge reception and facilities including WC, management office, one accessible parking space and post room. The on-site concierge facilities would offer a 24-hour facility.



1.11 Image 7: Ground Floor Plan

- 1.12 The site would provide internal and external private and communal amenity provision that when combined totals 1,349sqm.
- 1.13 A number of amendments to the scheme were made in November and December 2023 to address, urban design comments and to remove a basement car park and related vehicle access ramp. The removal of the basement resulted in improved areas of on-site amenity space. Alongside these changes, revisions to layout and mix

/size of units were also made. The proposed mix was amended to reflect a greater number of family dwellings in terms an additional 3-bedroom units. To the accommodate the additional larger units, there has been an overall reduction from 109 to 106 dwellings. Further revisions to the scheme were also made to address comments from the Local lead flooding authority, Health and Safety Executive and Network Rail.

1.14 All of the apartments have been designed to exceed the nationally described space standards.

1.4 The application includes 1 disabled parking spaces and 128 cycle spaces.

1.1 [Link to Documents](#)

2. **Site & Surroundings:**

2.1 The application site comprises of a 79 spaced open surface level car park accessed from Holliday Street surrounded by residential use. There are currently no buildings located within the curtilage of the site.

2.2 The site is located on the southern side of Holliday Street close to its junction with Communication Row. It is dominated by hardstanding, with some scattered areas of scrub/tall ruderal vegetation around sections of the site's boundaries.

2.3 A vegetated embankment associated with the nearby railway line is adjacent to the south-eastern boundary. This is separated from the site by a retaining wall. The railway corridor is identified as New Street to Lifford Railway Potential Site of Importance.

2.6 At the north-east of the site is an apartment block containing 112 residential units over seven storeys. At the south-west there is a small works unit No. 240 Holliday Street, this site has recently received planning approval for the construction of a seven-storey residential block containing 28 apartments (2019/10401/PA).

2.7 The scale of the buildings in the immediate area varies from three to four storey single family homes across Holliday Street to 15-20 storey building blocks on Tennant Street and Broad Street. On the same axis as Holliday Street there is a fifteen-storey building located on Communication Row within the Arden Gate development and Granville Lofts has a height of six to seven storeys.



Image 8: Existing site and surroundings.

Planning History:

3.1 Site adjacent -240 Holliday Street

2019/10401/PA-Demolition of existing warehouse/office building and construction of seven storey building for 28 apartments and car parking approved 27/10/2021. See photo below.



Image 9: Site and neighbouring permission at 240 Holliday Street (in yellow)

Site adjacent – Granville Lofts

2015/00737/PA – Granville Lofts at Corner of Granville Street and Holliday St:
Erection of a six to seven storey residential building comprising 112 units (one and

two bedroom residential units) with associated basement car park, landscaping and associated works approved 06/11/2015

4 Consultation Responses:

4.1 Adjoining occupier, residents' associations, local ward councillors and M.P. notified. Site and press notices displayed.

4.2 Transportation Development - no objection subject to conditions around minor highway works before the development is occupied, construction management plan and cycle and car parking to be provided prior to occupation.

4.3 Trees – no objections.

4.4 Environmental Protection Unit - no objection subject to a noise insulation scheme, noise levels for plant and machinery contamination remediation scheme and contaminated land verification report. There are no objections on air quality grounds.

4.5 Conservation Officer – no objections, the scheme would improve the surrounding setting.

4.6 Employment Access – no objection subject to employment management plan

4.7 Ecology – no objections subject to conditions.

4.8 BCC City Design – broadly supports the scheme subject to conditions.

4.9 Network Rail –no objections subject to informative

4.10 Canal and Rivers Trust -no objections however encourage initiatives for welcome packs, clear signage of pedestrian routes, cycle information.

4.11 Severn Trent Water - no response.

4.12 Leisure Services – see a financial contribution request of £252,175 to be spent on the provision and enhancement of public open space and play and the maintenance of St Thomas Peace Gardens and other POS priorities in the Ladywood Ward.

4.13 Local Lead Flood Authority – no objections subject to conditions

4.14 West Midlands Police – no objections subject to conditions

4.15 West Midlands Fire Service - early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access.

4.16 Health and Safety Executive – no objections

3. Third Party Responses:

The application has been publicised by newspaper advert, site notice and neighbour letters.

6 representations have been received making the following comments:

- i. Construction hour concerns
- ii. Limited off-road parking

- iii. Loss of views and sunlight
- iv. Concern units will be used as Air Bnb
- v. Would have liked the scheme to include a retail unit
- vi. Loss of privacy
- vii. Dust and pollution impacts
- viii. Impact on community facilities
- ix. Scheme will improve site

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

National Planning Policy Framework

Paragraphs 7, 8, 10, 11, 60, 69, 105, 119, 120, 126, 159, 179, 180, 194, 199, 200, 201, 202.

Birmingham Development Plan 2017:

PG1 (Overall Levels of Growth)

PG3 (Place Making)

GA1 (City Centre)

GA1.2 (Southern Gateway)

GA1.3 (Southside and Highgate Quarter)

TP1 (Reducing the City's Carbon Footprint)

TP2 (Adapting to Climate Change)

TP3 (Sustainable Construction)

TP4 (Low and Zero Carbon Energy Generation)

TP6 (Management of Flood Risk and Water Resources)

TP8 (Biodiversity and Geodiversity)

TP9 (Open Space, Playing Fields and Allotments)

TP12 (Historic Environment)

TP27 (Sustainable Neighbourhoods)

TP28 (Location of New Housing)

TP30 (The Type, Size and Density Of New Housing)

TP31 (Affordable Housing),

TP38 (A Sustainable Transport Network)

TP40 (Cycling)

TP44 (Traffic and Congestion Management)

TP45 (Accessibility Standards for New Development)

Development Management DPD:

DM1 (Air Quality)

DM2 (Amenity),

DM3 (Land Affected by Contamination, Instability and Hazardous Substances)

DM4 (landscaping and trees)

DM6 (noise and vibration),

DM10 (Standards for Residential Development)

DM14 (Transport Access and Safety)

DM15 (Parking and Servicing)

Supplementary Planning Documents & Guidance:

Birmingham Parking SPD

Birmingham Design Guide SPD

5. Planning Considerations:

- 5.1 The site falls within the City Centre growth area. Policy GA1 (City Centre) further establishes that the City Council will continue to promote the City Centre as the focus for a mix of uses including residential, retail, employment and leisure to improve the overall mix of uses and vitality of the City Centre, which this development would do.
- 5.2 Policy GA1.3 focuses on the different Quarters within the City Centre. In relation to the Westside and Ladywood Quarter in which the application site falls, the policy focus is on: "Creating a vibrant mixed-use area combining the visitor, cultural, commercial and residential offer into a dynamic well-connected area." While the application does not support a mix of uses, the site would contribute to the housing supply.
- 5.3 The application site is a brownfield site suitable for housing development, as identified in the Housing and Economic Land Availability Assessment (2022). The principle of residential development is therefore accepted.
- 5.4 Policy TP12 of the BDP attributes great weight to the conservation of the City's heritage assets. Applications for development affecting the significance of a non-designated heritage asset, will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting and enhancing its significance and setting.
- 5.5 The Birmingham Development Plan became 5 years old on 10th January 2022 and is currently being updated. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must be calculated against the Local Housing Need figure for Birmingham. Currently, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 5.6 For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted **unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits**, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Footnote 7 of the NPPF notes the specific policies which protect important areas or assets, and these include policies relating to designated heritage assets. This has a qualified application in cases of harm to designated heritage assets and this is discussed later.

Housing Mix

- 7.30 BDP policy TP30 states, 'Proposals for new housing should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods. Account will need to be taken of the:
- *Strategic Housing Market Assessment (or any subsequent revision)*
 - *Detailed Local Housing Market Assessments (where applicable)*
 - *Current and future demographic profiles*
 - *Locality and ability of the site to accommodate a mix of housing*
 - *Market signals and local housing market trends.*

- 7.32 This policy allows for account to be taken of several strands of information which influence housing mix, however neither the text of policy TP30 nor any of the strands of information in themselves set a specific or rigid housing mix requirement. Further analysis of the HEDNA draws out the nuances associated with housing mix, particularly in relation to the Central Area, which includes the city centre.
- 7.33 The housing mix starting point identified in the HEDNA for the Central Area is:
1 beds: 17% 2 beds: 37% 3 beds: 31% 4 beds 15%
- 7.34 The 'Central Area' defined in the HEDNA covers more than just land within the ring road. It comprises the entirety of the following wards: Balsall Heath West, Bordesley and Highgate, Bordesley Green, Edgbaston, Ladywood, Lozells, Nechells, Newtown, Small Heath, Soho & JQ, and Sparkbrook and Balsall Heath East. These wards cover a mix of areas including the city core, inner city areas and the suburbs.
- 7.35 The HEDNA analyses sub-areas within the Central Area which it defines as Inner and Outer Central Sub-Areas – broadly the Inner area corresponds with land within the ring road and the Outer area covers those areas within the Central Area wards which are outside of the ring road. It looks at the size of homes (using 2011 census data) and the location of schools and central GP practices within these areas.
- 7.36 Within the Inner Central Sub-Area, approx. 85% of homes have 2 bedrooms or fewer and there are fewer schools and GP surgeries. Where there are schools and surgeries, especially primary schools, these are located towards the periphery of the Inner Central Sub-Area. In the Outer Central Sub-Area, 3 bed homes make up the largest group at 38.1% and combine with 2 beds to account for 67% of all homes in this sub-area.
- 7.37 The HEDNA therefore suggests that the Outer Central Sub-Area is likely to see greater demand for larger homes as families grow and are better able to access schools, leaving the inner area which has a lack of social infrastructure able to accommodate smaller homes for singles and couples. It states, 'This also responds to the type of sites that are likely to come forward in the respective areas i.e., higher density more centrally.' (Para. 8.77)
- 7.38 It also states that the location/quality of sites will also have an impact on the mix of housing. For example, brownfield sites in the City Centre (particularly the inner sub-area) may be more suited to flatted development ... whereas a more suburban site may be more appropriate for family housing.
- 7.39 Therefore, although the HEDNA does not suggest a housing mix specifically for the Inner Central Sub-Area, it does state that the Council should broadly seek the same mix of housing in all locations but to be flexible to a different mix where specific local characteristics suggest.
- 7.40 The application proposes:
61% 1 beds
32% 2 beds
6% 3 beds
- 7.41 The applicant's financial viability advisor (Knight Frank) acknowledges the percentage of 1 beds however states:
- 7.42 'The provision of 1 beds is required due to the need to provide a specific number of units to make the scheme viable and meet the scheme buyer requirements i.e. – any fewer would mean it would not work. Also, the provision of 3 beds has meant that the

1 beds cannot be enlarged, and any further increase in the provision of 3 bedroom units would further jeopardise the viability of the scheme.'

'It is maintained that the amended scheme, which accommodates 7 no. 3 bedroom units, is hoped to be considered positively by Council Officers with recognition that the provision of anymore three-bedroom units at this site would harm the scheme's viability.'

Policy TP30 further allows for the circumstances of individual sites and market trends to play a part in determining house mix. Photos at the end of this report show the site in its current form. This offer is considered to fit into the city's wider provision of housing.

- 7.43 Therefore, taking the site as a whole, it would be effectively and efficiently used for high density housing in accordance with paras. 120 c) and d) and 124 of the NPPF. This guidance requires planning decisions to give "substantial weight to the value of using suitable brownfield land within settlements for homes", to "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained", and to "support development that makes efficient use of land".

This offer is therefore on balance considered to fit into the city's wider provision of housing.

Affordable Housing

- 7.45 Policy TP31 states, "The City Council will seek 35% affordable homes as a developer contribution on residential developments of 15 dwellings or more. The developer subsidy will be established taking account of the above percentage and the types and sizes of dwellings proposed." It also allows developers to submit a Financial Viability Appraisal (FVA) when they consider affordable housing of 35% cannot be provided.
- 7.46 Furthermore the NPPF makes clear that viability is a material consideration in the assessment of a planning application.
- 7.47 In addition the HEDNA states, "Overall, the analysis identifies a notable need for affordable housing, and it is clear that provision of new affordable housing is an important and pressing issue in the area. The HEDNA report however does not provide an affordable housing target; the amount of affordable housing delivered will be limited to the amount that can viably be provided. The evidence does however suggest that affordable housing delivery should be maximised where opportunities arise.
- 7.48 A Viability Assessment has been submitted and assessed by an Independent Financial Advisor who confirms the scheme can support **(12%) 11 units at a 20% market discount or 7 units (3 x 3beds and 4 x 2 beds) units at a 30% market discount equivalent to 7% affordable private sale provision and target the larger properties that the city are in most need of.**
- 7.49 The Affordable Housing Delivery Team state the affordable housing register data (for the ward of Ladywood) suggests the highest need is for larger properties, therefore the offer for discounted 2- and 3-bedroom units would be meet this need.
- 7.51 Reviewing some the items which have been reported to Planning Committee across the year, the affordable housing offered is not unusually low.

Design

- 7.55 BCC City Design considers that the height of the development acceptable. The height of the proposed development would in its revised form be the same as the development (2019/10401/PA) recently approved (to the south). In addition, the recently completed Granville Lofts development further along Holliday Street is 6 storeys stepping up to 7 storeys fronting Granville Street. I therefore consider that the scale and massing of the building in its revised form is acceptable.



Image 10: Visual of proposed facades

- 7.56 With regards to architecture and materiality, BCC City Design state 'like the layout, is unnecessarily confusing and complicated, concerned more with disguising a functional interior rather than delivering strong principles of modernism where bays rigorously repeat themselves. On the main range (overlooking the street) there is a generally strong idea in the first (left-hand) bay but then it unravels as it changes proportions rather than stay pure and repetitive'.
- 7.57 City Design further state 'the handling of the upper two floors is interesting. and allows the building to have an elegant termination, although again the random openings within it distract for a pure form; and all good modern architecture either finds a bay solution and repeats its without forgiveness or it introduces a completely random/abstract solution. This design sits somewhere in the middle, inhibiting exceeding the bar of good.'
- 7.58 The application does not give reasons for the two ranges diverge in design. The above design comments have been discussed with the agent whereby they have agreed to try and work at addressing some of these concerns via carefully worded conditions around a fenestration/reveals/materials.

Layout

- 7.59 Adjacent lies the six-storey apartment building of 112 units to the north-east side (2017/00968/PA) which has gable end windows towards the site. The extant approval for a seven-storey apartment building to the southwest of the site

(2019/10401/PA) offers a blank gable end towards the site.

- 7.60 In response, the proposed building has therefore been set away from the facing gable windows along the north-eastern boundary (2017/00968/PA).
- 7.61 The layout of the block comprises a 'T'-shaped form that extends along the rear/flank of the proposal to the southwest (2019/10401/PA) with a range extending northeast (set back from both the front and rear boundary). Now that the basement is largely gone, this has the potential to form a quality area of landscaping to the street with tree pits that would allow trees to grow to full maturity. To secure good quality landscaping, conditions for hard and soft landscaping would be imposed along with an updated management plan.
- 7.62 Although BCC City Design express some reservations with the scheme, it would regenerate this degraded townscape and despite the odd plan form and relationship to the street and the 'busy' architecture, it is stated that the project can be supported subject to conditions.
- 7.63 In summary, the scheme would regenerate this car park site and provide more homes (with some family sized units). The layout, massing and design of the elevations is considered acceptable.
- 7.64 **Residential Amenity**
- 7.65 The proposed scheme would position closely to the gable end of a neighbouring residential block, leaving a separation distance of approximately 8.9m between. However, any views would be from habitable into secondary rooms and secondary into habitable both at oblique angles at 9-10m. That said to ensure there is no loss of privacy the proposed side facing windows would be conditioned to be obscurely glazed.

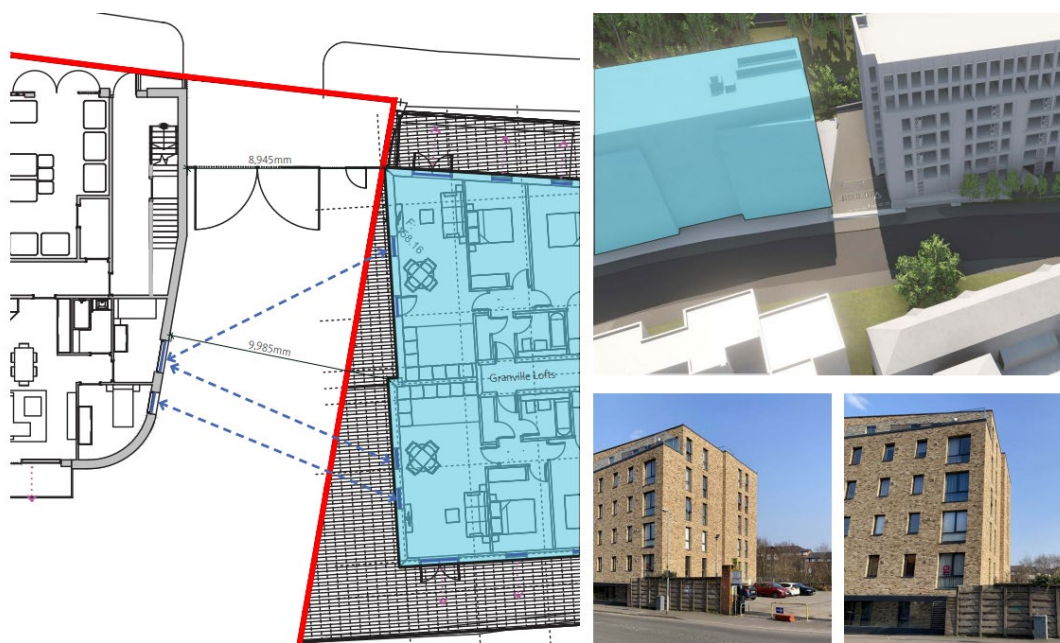


Image 11: Separation distance between the proposed scheme and Granville Lofts



Image 12: View of proposed side facing elevation.

- 7.66 Whilst the distance separation between the facades of the proposed building and adjacent residential development would be less than the recommended standard, by means of oblique angles, blank facades, and the use of obscure windows the proposed development would not result in any unacceptable impacts in respect of overlooking and loss of privacy. In addition, the scheme would not significantly overshadow or cause such a significant loss of sunlight / daylight to justify a refusal.
- 7.67 With regards to NDSS standards the scheme fully complies. With regards to residential amenity it is considered to have an acceptable impact on its surrounding environment and maintain a good standard of living with existing and future occupiers/residents.

Amenity

- 7.68 Policy TP9 requires new residential developments to provide new public open space in line with the standard of 2 hectare per 1000 population. On residential schemes of 20 or more dwellings on-site public open space and/ or children's play provision is expected.
- 7.69 Design Principle LW-13 of the Design SPD states all residents should be able to access private outdoor amenity space of sufficient size and quality to service intended occupants; and as a minimum requires 10sq.m per resident for C3 shared residential use.
- 7.70 As a minimum, the Design SPD states following requirements must be provided for each apartment:
- 5sq.m (1 bed flat)
 - 7sq.m (2 bed flat) and
 - 9sq.m (3 bed flat).

This would therefore equate to a minimum requirement of 623sq.m.

- 7.71 The application seeks to provide a total of **1,349sqm of outdoor amenity**, with This provision would considerably exceed the minimum standards set out the SPD by

726sq.m. which is not often the case in the city centre, and this is therefore welcomed.

- 7.72 Combined external communal amenity space would include private balconies, ground floor communal space to the front and rear, as well as at roof level play areas, providing outdoor space for a wide range of users. With regards to the fitness and play equipment presented in the images below, the applicant has agreed to provide such and for details to be provided via conditions.



7.73

Image 13: CGI of roof level amenity space

Access and Parking

- 7.73.1 This level of cycle stores and car parking is considered suitable as the development is accessible by a range of sustainable transport modes including, walking, cycling and public transport (busses and train). The development would not have a negative impact on existing public transport provision, but rather would support the use of these modes of transport.

- 7.74 BCC Transportation Development have raised no objection subject to highway works being completed and conditions to ensure that the cycle parking and car parking are provided before the development is occupied and a site Construction Management Plan is provided before any works start on-site.

Impact Upon Heritage Assets

- 7.75 The application is not located within a Conservation Area although is positioned adjacent to the non-designated asset the Worcester and Birmingham Canal which lies to the east. To the north (approximately 300m) is the grade II listed Holliday Street Canal Aqueduct, a cast iron frame aqueduct of c.1870.
- 7.76 The Heritage Statement (HS) has considered the heritage implications for the site and addressed relevant heritage policy and advice. The concluding position is that the development proposals for the site would not have an adverse effect on identified non designated and designated heritage assets. In particular, the development of the site is not considered to adversely affect the setting of the Grade II listed Holliday St canal aqueduct. In respect of the Worcester to Birmingham canal, the current use of the site as a surface level car park does not enhance the setting of the canal.
- 7.77 BCC conservation officer considers the HS to be a fair assessment and states the development has the potential to significantly improve the setting of the canal. BCC

conservation officer does not consider that the scale and form of the proposal to be harmful to the setting of the canal but advises that a red/orange brick should be used if the development is to respond to the historic context of Birmingham's canals.

- 7.78 In accordance with the NPPF and Policy TP12 the proposed residential Development would improve the setting and provide a benefit to enhance the setting of the canal subject to design and material conditions recommended by City Design.

Noise, Air and Land contamination Quality

- 7.79 Supporting noise and ground investigation documents consider the site is deemed suitable for use as a multi-storey residential development subject to specific mitigation measures. The Environmental Protection Unit have assessed the development proposals and offer no objection in principle to the proposals. There are no objections in relation to land contamination or air quality issues. In respect of noise the EPU found that there are no significant noise issues and agree to safeguarding conditions
- 7.80 EPU have raised no objections and it is considered that the proposals comply with Policies DM1 and DM2 of the Development Management DPD and the aims of BDP Policy TP31.

Flood Risk and Drainage

- 7.81 A Drainage and SuDs Strategy Report has been submitted in support of the application that addresses the flood risk considerations for the site. The Drainage and SuDs strategy confirms that the site is located within Flood Zone 1 and is at a low risk of flooding from all sources pre and post development. The LLFA have reviewed the latest set of revised documents (December 2023) and raise no objections subject to conditions.

Ecology and Biodiversity

- 7.82 Amendments to the proposals have been made whereby extended areas of amenity space and an increased level of planting, including four additional trees, around the eastern edge of the site. The additional planting is welcomed. In terms of the additional tree planting, the BCC principal ecologist states the BCC Tree Officer must be satisfied that adequate tree "infrastructure" requirements (tree pits/planting volumes etc) can be accommodated to ensure effective establishment and long-term viability of the new trees.
- 7.83 BCC Ecology Officer have raised no objections to the PEA and note the biodiversity and sustainability/climate change benefits of the proposed green infrastructure. The scheme is considered to comply with Policy TP8 subject to the recommended conditions to require a scheme for ecological enhancement measures, landscaping, bird/bat boxes, a construction environmental management plan and biodiversity roof conditions.

Sustainability

- 7.84 Policy TP3 stated that the design and construction should maximise energy efficiency, conserve water, consider the use of materials, minimise waste and maximise recycling in construction, and have the flexibility and adaptability to cater future occupier needs. The requirement to meet BREEAM 'Excellent' does not apply to residential developments.
- 7.85 Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into low and zero carbon energy generation networks where they exist. The technical feasibility and economic viability of installing different LZC technologies at the development have been assessed. The proposal is to install 50 m2 solar PV on the roof as shown on the plan

in the Energy and Sustainable Construction Statement, with a capacity of 19kW. Air Source Heat Pumps (ASHP) are also considered viable but would be limited to apartments (8 ASHPs would be installed). The capacity of the system is 411kW. The overall carbon emissions reduction is 49%. A condition is attached to secure the delivery of the proposed ASHP's and the photovoltaics and therefore ensure that the proposals meet Policies TP2, TP3 and TP4.

Community Infrastructure Levy/Planning Obligations

- 7.86 This planning application is CIL liable as it lies within a High Residential Market Value area for CIL whereby the charge equates to CIL payment circa of £728,884.

The applicant has submitted a Viability Statement which has been independently assessed by the City Council's assessor, who concludes that in addition to some affordable housing and CIL payment the scheme cannot support contributions towards public open space improvements.

- 7.87 A Viability Assessment has been prepared and has been submitted in support of this application. Although the assessment establishes that the proposed development cannot support a policy compliant amount of affordable housing or planning obligations, the scheme can secure the provision of 7 family sized apartments for affordable sale, which is equivalent to 7%. The report originally offered **12 units at a 20% discount** however this discount was not considered to be affordable. A 30% market discount on sale value results in fewer but genuinely affordable units, whereby the mix would be (3 x 3 beds and 4 x 2 beds). This is supported by the affordable housing team.

8 Planning Balance

8.1 Relevant factors in the balancing exercise

- 8.2 Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provision of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that 'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 8.3 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11d) states:

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.4 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites, and the latest published housing supply figure is 3.99 years. This is derived from a 5- Year requirement of 37,464 dwellings (including a 5% buffer) and a supply of 29,944 dwellings.

8.5 Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.

8.6 However, Footnote 7 notes the specific policies which protect important areas or assets, and these include policies relating to designated heritage assets.

8.7 The scheme is said to significantly improve the setting of the non-designated canal and there would be no harm to the nearby listed buildings therefore, in this instance, paragraph 202 of the NPPF is disengaged with regards to the weighing of public benefits.

8.8 This application would see the delivery of a scheme that would deliver a significant number economic, environmental, and social benefits, these being:

- Provision of 106 NDSS compliant residential units.
- Improvement to the setting of the canal and surroundings
- Efficient re-use of a vacant brownfield site.
- Employment opportunities for local people during construction and via management roles, cleaners, concierge staff.
- Biodiversity net gain and climate change benefits through landscaping and sustainable construction techniques including optimal glazing targets, photovoltaics, water heating panels etc.
- Scheme would achieve 49% reduction carbon emissions.
- Varied areas of play and recreation in excess of policy requirements.
- Removal of a car park and provision of 1 car park space/178 cycle stores.
- 7 genuinely family sized affordable dwellings.
- Increase family housing provision.
- General new spend from residents into the local economy
- Regeneration in the locality.
- CIL payment that would assist in providing strategic infrastructure benefits to the local authority area.

8.9 With regards to any adverse impacts, none have been identified as part of the proposal therefore when considering the benefits associated with the scheme the planning balance is in favour and this application is therefore recommended approval.

8.10 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application would accord with the development plan taken as a whole and is therefore acceptable subject to completion of a legal agreement and safeguarding conditions.

9.0. Conclusion

9.1 The proposed development would see the delivery of residential development in a sustainable location. The proposed 106 residential units would make a meaningful contribution towards Birmingham's Housing shortfall. The scheme provides a much-needed mix and contributes towards the regeneration aspirations for this part of the City Centre. It would deliver 7% of affordable housing (7 units) at a 30% market

discount in accordance with local and national policies and generate a CIL payment of £728,884. The proposal is sustainably located proposed development would improve the setting of surrounding amenity, incorporate sustainable energy requirements, and see the regeneration of this brownfield site whilst delivering outdoor amenity areas for play and a mix of (some affordable) units.

- 9.2 The scheme would provide economic and environmental benefits by means of employment, visitor spend during the construction phase as well as re-use this brownfield site and increase the biodiversity value.
- 9.3 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application would accord with the development plan taken as a whole and is therefore acceptable subject to completion of a legal agreement and safeguarding conditions

6. **Recommendation:**

- 10.1.
- That application 2022/04557/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
 - 7% (7) affordable market units at a mix of 2 and 3 - bedroom apartments provided on site at a discount market value of 30%.
 - Payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £1,500.
- 10.2 In the absence of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 21st December 2023 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason:
- In the absence of any suitable legal agreement to secure the provision of onsite affordable housing the proposal conflicts with Policies TP31 and PG3 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.
- 10.3 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 10.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 21st March 2024, or such later date as may be authorised by officers under delegated powers, favourable consideration be given to this application, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

7. **Recommendation:**

- a. List recommendation(s) – to be added (cannot access M3)

List conditions

-
- | | |
|---|----------------|
| 1 | Time Limit |
| 2 | Approved Plans |
-

| | |
|----|--|
| 3 | CMP |
| 4 | CEP |
| 5 | CEMP |
| 6 | Contaminated Remediation Scheme |
| 7 | Contaminated Land Verification Report |
| 8 | Noise Insulation Scheme |
| 9 | Noise for Plant and Machinery |
| 10 | Highway Works |
| 11 | Cycle stores |
| 12 | Sustainable Drainage Strategy |
| 13 | Sustainable Maintenance and Operation Plan |
| 14 | Ecological Enhancements to include bat boxes |
| 15 | Biodiverse Green Roof |
| 16 | PV Panels |
| 17 | Material Details |
| 18 | Architectural Details Specification |
| 19 | CCTV and Security Strategy |
| 20 | Play/outdoor equipment |
| 21 | Removal of TELECOM PD |
| 22 | Soft and hard landscaping |
| 23 | Landscape Management Plan |
| 24 | Obscure Glazing |
| 25 | Energy Statement Compliance |
| 26 | Lighting Plan |
| 27 | Material panels |

Case Officer: Sarah Plant

Photo(s)



View from Holliday Street towards site and neighbouring development Granville Lofts



View of the car park and Granville Lofts

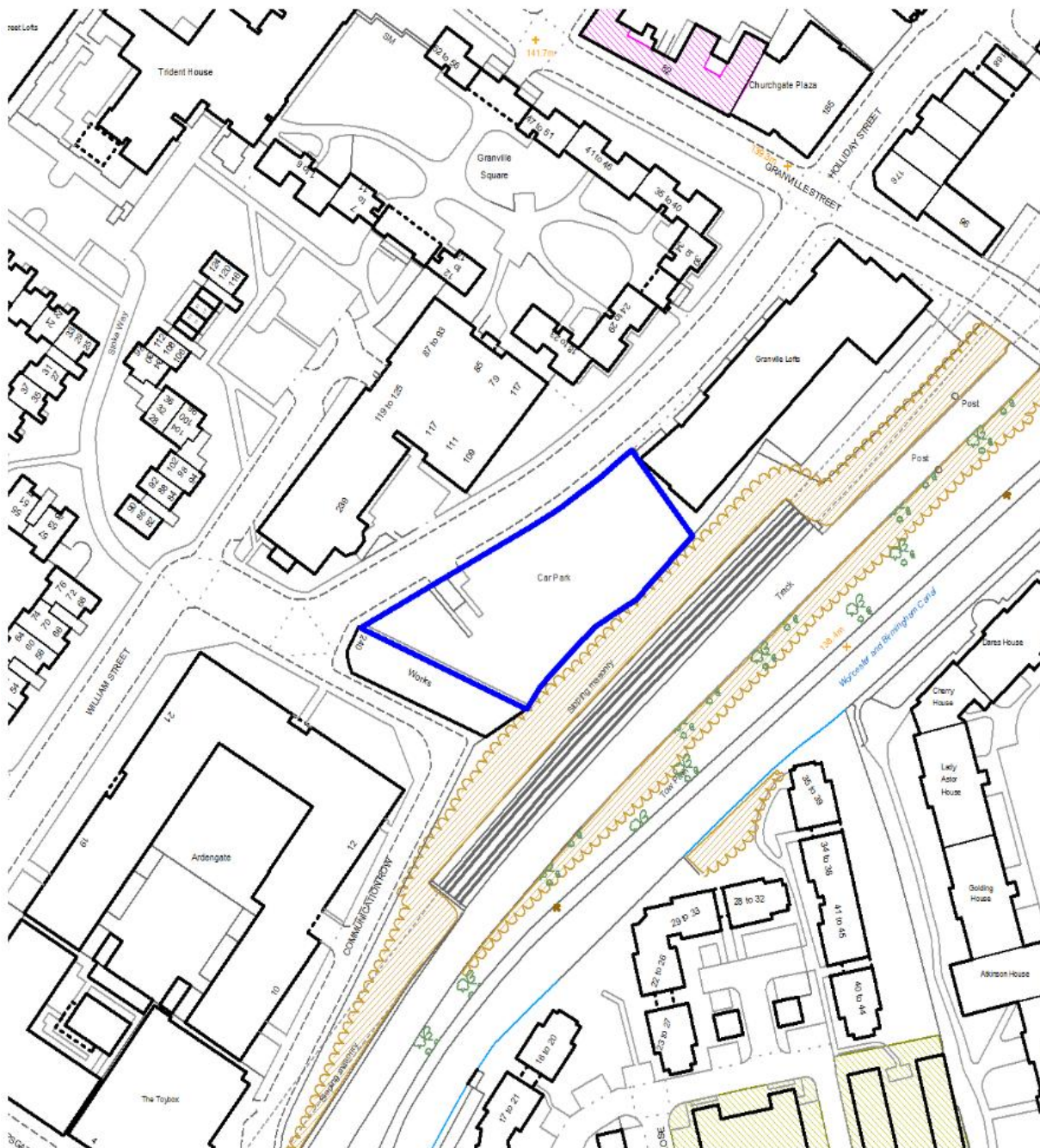


View of the car park



Development opposite the site

Location Plan



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Birmingham City Council

Planning Committee

11 January 2024

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

| <u>Recommendation</u> | <u>Report No.</u> | <u>Application No / Location / Proposal</u> |
|-----------------------|-------------------|---|
| Approve – Conditions | 9 | 2023/01939/PA Brookside Works Tyseley Industrial Estate Seeleys Road Tyseley Birmingham B11 2LQ Demolition of fire damaged building and replacement with new industrial building (Use Class B2/B8) including associated works. |

| | | | |
|-----------------|---------------------------------|---------------------|---------------|
| Committee Date: | 11/01/2024 | Application Number: | 2023/01939/PA |
| Accepted: | 13/06/2023 | Application Type: | Full Planning |
| Target Date: | 12/01/2024 | | |
| Ward: | Sparkbrook & Balsall Heath East | | |

Brookside Works, Tyseley Industrial Estate, Seeleys Road, Tyseley, Birmingham, B11 2LQ

Demolition of fire damaged building and replacement with new industrial building (Use Class B2/B8) including associated works.

| | |
|------------|--|
| Applicant: | Kalsi Group (UK) Ltd 5 Tomey Road, Sparkhill, Birmingham, B11 2NJ |
| Agent: | Rural Partners Ltd Parkhouse Farm, Harbottle, Morpeth, NE65 7BD |

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application seeks planning permission for the demolition of a fire damaged building and replacement with a new industrial building (Use Class B2/B8) including associated works at Tyseley Industrial Estate, Seeleys Road.
- 1.2. The site is already largely cleared and the proposal seeks to construct a new industrial building, covering an area of approximately 5160sqm, an increase of 1995sqm from the previous building, which had a size of approximately 3165sqm.

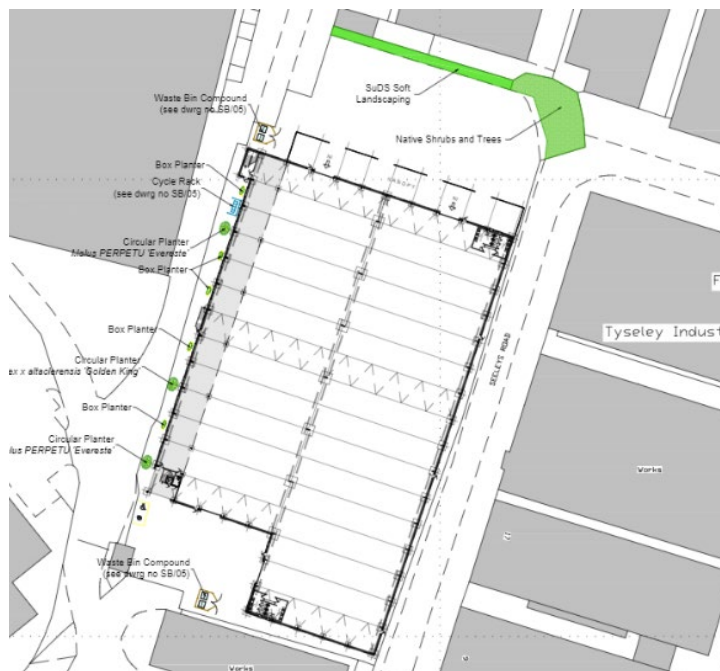


Image 1: Proposed Site/ Landscape Plan

- 1.3. The proposed building would be double-storey with a low sloping double-pitched roof, with a height of between 9.5m (eaves) and 11.3m (ridge). The building would be constructed of grey cladding and would have rows of roof lights and solar panels within the roof. A canopy (6.5m in depth by 52.5m in width) would be situated at the northern end. There would be windows on the ground and first floor, as well as 2no. roller shutter entrances on the western elevation as well as additional 4no. roller shutter entrances on the northern and southern elevations. There would also be an additional 9no. separate pedestrian entrances into the building.

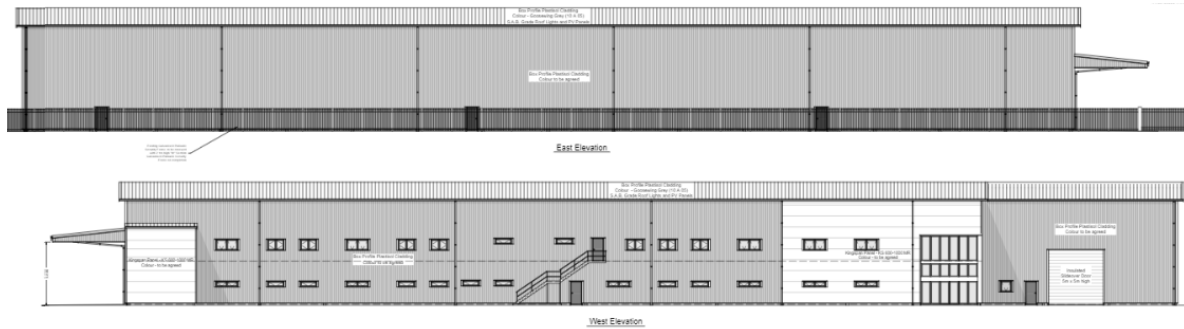


Image 2: Proposed Side Elevations

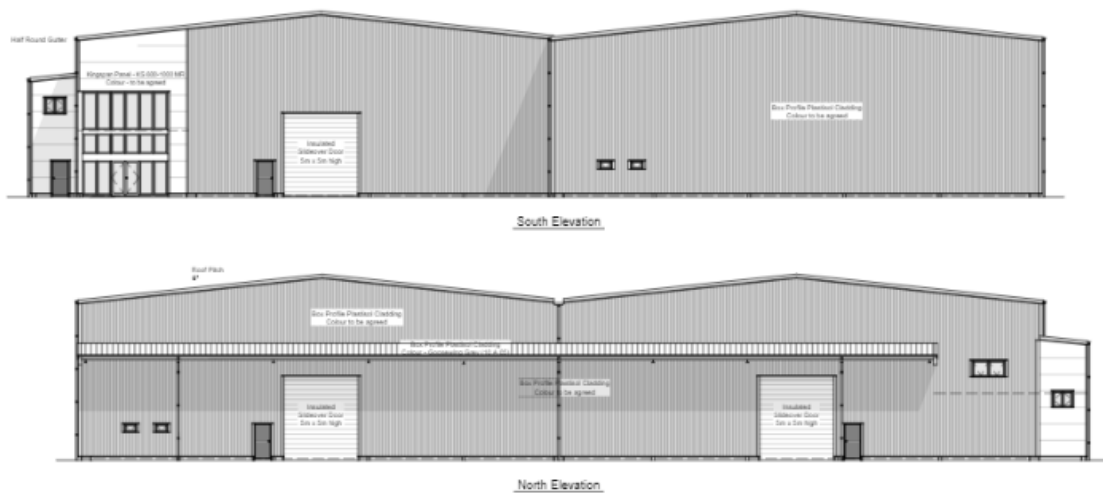


Image 3: Proposed Front and Rear Elevations

- 1.4. Internally, the building would provide space for storage and other industrial/manufacturing purposes as part of the established use of the wider site by the Kalsi Group. A small element (approximately 500sqm), along the western elevation, would be provided with a first floor and used as ancillary offices.

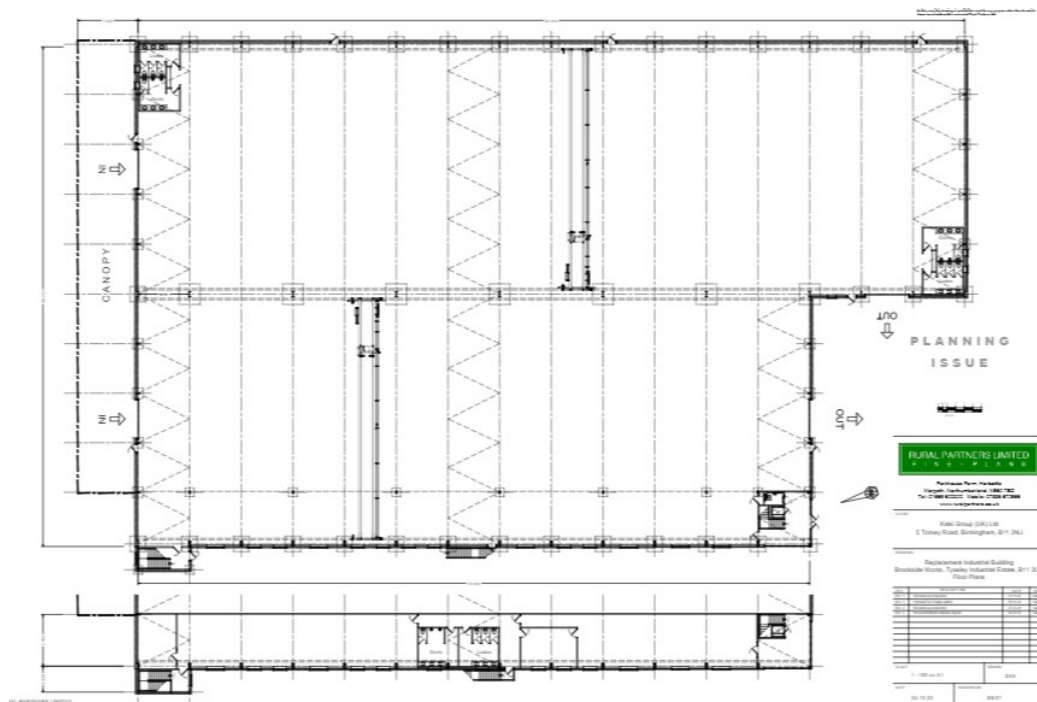


Image 4: Proposed Floor Plans

- 1.5. There would be an external yard area provided to the north with a new electric sliding gate from the east off Seeleys Road (which is a private road) and retained access from the west. The building would have the allocated access from the north ('in') and vehicles/lorries would exit at the southern end of the building and site ('out'), proposing a one-way traffic system within the site.
- 1.6. Cycle and refuse storage would be provided within the site, as well as new soft landscaping along the northern boundary and adjoining the western side elevation.
- 1.7. The proposed development would provide 75 full-time posts.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is located within the Core Employment Area of Tyseley Industrial Estate and is accessed via Seeleys Road from the A41/ Warwick Road (250m south). The estate contains a mix of industrial buildings, all relatively low-rise, from a mix of periods, reflected in their materiality and form. The historic buildings are generally constructed of brick, while the modern units are usually steel framed with metal clad facades.
- 2.2. The application site lies within the heart of the estate and prior to significant fire damage, contained a metal framed industrial building (approximately 3165sqm in floor space) together with associated hard standing.
- 2.3. Nearest residential properties are situated a minimum of 150m to the south-east, beyond other industrial buildings along Cowley Road.
- 2.4. The site is located within Flood Zone 3, with the River Cole being situated approx. 75m to the east of the site.

[Site Location](#)

3. Planning History

- 3.1. 27.05.1999: 1999/00541/PA – Construction of new industrial unit and offices. Approved, subject to conditions.
- 3.2. 28.11.1991: 1991/04209/PA – Erection of security fencing and entrance gates with security lighting and close circuit television. Approved, subject to conditions.
- 3.3. Various other, pre-1990 applications, covering wider Industrial Estate.

4. Consultation Responses

- 4.1. Canal and River Trust – No comments.
- 4.2. City Design – No objections subject to conditions for hard and/or soft landscape details, boundary treatment details, landscape management plan, sample materials/architectural details and levels.
- 4.3. Ecology – No objections subject to conditions for hard and/or soft landscape details, scheme for biodiversity/ecological/enhancement measures, landscape and ecological management plan, construction ecological enhancement plan, lighting scheme and bat and bird boxes.
- 4.4. Employment Access Team – No objections subject to a condition for a construction employment plan.
- 4.5. Transportation – No objections subject to conditions for a commercial travel plan, EV charging points, servicing area to be kept free from parking, details of pavement boundary and entry and exit sign details.
- 4.6. Environment Agency – No objections subject to a condition to require the implementation of the scheme in accordance with submitted Flood Risk Assessment and finished floor levels shall be retained from the existing floor slab and not lowered below this.
- 4.7. LLFA – No objections subject to conditions for sustainable drainage scheme, sustainable drainage operation and maintenance plan and flood emergency evacuation plan.
- 4.8. Regulatory Services – No objections subject to conditions for contamination remediation scheme, contaminated land verification report, construction management plan and EV charging points.
- 4.9. Severn Trent – No objections subject to a condition for drainage plans for the disposal of foul and surface water flows.
- 4.10. West Midlands Fire Service – No objections. Comments in relation to building control matters.
- 4.11. West Midlands Police – No objections. Comments in relation to secured by design.

5. Third Party Responses:

- 5.1. Jess Phillips MP, Ward Councillors and surrounding industrial units consulted. Site Notice posted. No comments received.

6. Relevant National & Local Policy Context:

6.1. **National Planning Policy Framework (2023)**

Chapter 2: Achieving sustainable development

Chapter 6: Building a strong, competitive economy

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

6.2. **Birmingham Development Plan 2017:**

PG 3 Place Making

TP3 Sustainable Construction

TP4 Low and zero carbon energy

TP44 Traffic and Congestion Management

6.3. **Development Management in Birmingham DPD 2021**

DM1 Air Quality

DM2 Amenity

DM6 Noise and Vibration

DM14 Highways safety and access

DM15 Parking and servicing

6.4. **Supplementary Planning Documents & Guidance:**

Birmingham Design Guide 2022

Birmingham Car Parking Standards SPD 2021

National Design Guide

7. Planning Considerations

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

Principle of Development

- 7.2. The application seeks planning permission for the demolition of the fire damaged industrial building and replacement with a new building. The site is already largely cleared and the scheme is situated within the Tyseley Industrial Estate and the proposed building would be used for similar industrial purposes, falling within use classes B2 and B8. The scheme is therefore considered to be acceptable in principle, subject to consideration of detailed technical matters as set out below.

Design and Impact on Visual Amenity

- 7.3. The original building within the site comprised an industrial unit of approximately 3165sqm, situated along the western boundary of the site, with areas of hard standing towards the north, east and south, which were used for external storage. The building was severely fire damaged and the site has since been largely cleared and is used for external storage.
- 7.4. The proposed new building would have an increased size to the previous building, providing a floorspace of approximately 5160sqm and would allow for the creation of a new strong building line along both road frontages, towards the east and west, removing the unsightly external storage that previously and currently exist. An allocated external yard area would be sited to the north, providing access from the

east and west and it would be ensured that all storage of materials would be confined to the inside of the building only.

- 7.5. The building would be provided with windows on two floors along the western street frontage to allow for offices and staff facilities, activating the building within the street scene. Whilst the east (Seeleys Road) elevation would introduce a blank elevation, the adjacent uses and high levels of surveillance and activity would successfully compensate for this. It is also likely that proposed branding/signage would be added to this elevation which would further enhance its appearance within this street scene.
- 7.6. The proposed new unit would have a height of between 9.5m and 11.3m which is in accordance with surrounding industrial buildings and uses. In addition, the architecture and proposed materiality is typical for a modern industrial building and would appropriately fit into the existing street scene. Therefore, subject to conditions to provide information on the details of materials and architectural details, boundary treatment details and landscaping provision, the scheme would be acceptable in terms of its design and impact on visual amenity. City Design also raised no objections to the scheme.

Impact on Residential Amenity

- 7.7. The site is situated within the Tyseley Industrial Estate and is wholly surrounded by other industrial buildings and uses. The nearest residential dwellings are situated a minimum of 150m from the site, beyond existing industrial buildings and the canal to the south-east. The scheme would therefore not impact on residential amenity of nearby occupiers by way of loss of light, overlooking, loss of privacy or poor outlook.
- 7.8. Regulatory Services were consulted on the application in relation to noise, air quality and ground contamination and they confirmed that they would have no objections subject to suitable conditions. These have been imposed accordingly and consequently, the scheme would be acceptable in terms of its impact on residential amenity.

Highway Safety

- 7.9. The site is situated within an existing Industrial Estate with an existing private internal access road connecting to Warwick Road in the south. The proposal seeks to provide an external courtyard to the north of the new industrial building, as well as a smaller courtyard to the south. There would be a dedicated in and out access arrangement, with access into the site from the north and egress at the southern end of the building. Currently, the site is mainly accessed from the west, and a new sliding gate would be installed within the western boundary to provide increased accessibility.
- 7.10. The proposed building and use forms part of an existing business, occupying a number of buildings within this private industrial estate. There is an existing car park for staff located approximately 60m to the north and it is not anticipated, noting that the site already operates as open storage, that the proposal would significantly increase the requirement for additional parking within the site.
- 7.11. Transportation raise no objections to the proposed new industrial building. They suggest a number of conditions to ensure that the scheme would effectively operate in terms of highway and pedestrian safety. The conditions are considered to be appropriate and have been attached accordingly.

Flood Risk

- 7.12. The application site is situated within Flood Zone 3 and the LLFA and Environment Agency were consulted. The scheme is supported by a detailed drainage strategy, and it is considered that, highlighting the application is for a replacement building, the

proposal would be acceptable in principle subject to the provision of appropriate flood protection measures including a Sustainable Drainage Scheme and an Emergency Flood Action Plan which have been conditioned accordingly.

Ecology/Landscaping

- 7.13. The site largely comprises of hardstanding, with small areas of shrubs and vegetation along the northern boundary of the site. The ecological value of the site is currently limited and the scheme proposes to improve the landscaping strips as well as provide new planting along the western boundary of the site. Ecology was consulted on the scheme and suggested conditions to provide hard and/or soft landscape details, a scheme for ecological/biodiversity/ enhancement measures to include wildlife friendly planting as well as the provision of a construction ecological management plan, bat/bird boxes and a lighting scheme. The conditions have been imposed accordingly.

Sustainability

- 7.14. BDP Policy TP3 seeks to ensure that new buildings within the City meet high standards of sustainable design and construction and BDP Policy TP4 requires new developments to incorporate the provision of low and zero carbon forms of energy generation or to connect into existing networks where they exist. The proposed development proposes to meet BREEAM standard excellent. The application is supported by an Energy Statement and Sustainable Construction Statement which states that the building would be highly insulated with efficient heating, ventilation and air conditioning, LED lighting and the use of renewable energy in the form of solar panels covering the entire roof and the scheme would comply with the requirements of part L of the Building Regulations approval.
- 7.15. Based on the above, I am satisfied that the requirements of Policies TP3 and TP4 of the BDP have been met considering the proposed development would incorporate a number of energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development.

8. Conclusion

- 8.1. The application seeks planning permission for a new industrial building following significant fire damage to an existing unit a few years ago. The scheme is considered to be acceptable in principle and would not negatively impact on the visual amenity of the local area. In addition, the scheme would be appropriate in terms of its impact on residential amenity, highway safety and flood risk and is recommended for approval subject to conditions.

9. Recommendation

- 9.1 Approve, subject to conditions.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full) |
| 3 | Requires the submission of hard and/or soft landscape details |
| 4 | Requires the submission of boundary treatment details |
| 5 | Requires the submission of a landscape and ecological management plan |
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|----|---|
| 6 | Requires the submission and approval of external materials and detailing |
| 7 | Requires the submission and approval of building & site level details |
| 8 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the prior submission of details of bird/bat boxes |
| 10 | Requires the submission of a lighting scheme |
| 11 | Requires the prior submission of a construction ecological management plan |
| 12 | Requires the prior submission of a construction employment plan. |
| 13 | Prevents occupation until turning, parking and servicing areas completed |
| 14 | Requires the provision of a vehicle charging point |
| 15 | Requires the submission of entry and exit sign details |
| 16 | Requires the applicants to sign-up to the Birmingham Connected Business Travel Network |
| 17 | Requires the implementation of the scheme in accordance with the submitted FRA and relevant mitigation measures |
| 18 | Requires the prior submission of a sustainable drainage scheme |
| 19 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 20 | Requires the prior submission of an Emergency Flood Action Plan. |
| 21 | Requires the prior submission of drainage plans for disposal of foul and surface water flows |
| 22 | Requires the prior submission of a contamination remediation scheme |
| 23 | Requires the submission of a contaminated land verification report |
| 24 | Requires the prior submission of a demolition and construction method statement/management plan. |
| 25 | Activity within building only |
| 26 | Prevents storage except in authorised area |
| 27 | BREEAM compliance |
-

Case Officer: Laura Shorney

Photo(s)



Image 1: Aerial View of Site



Image 2: View into site

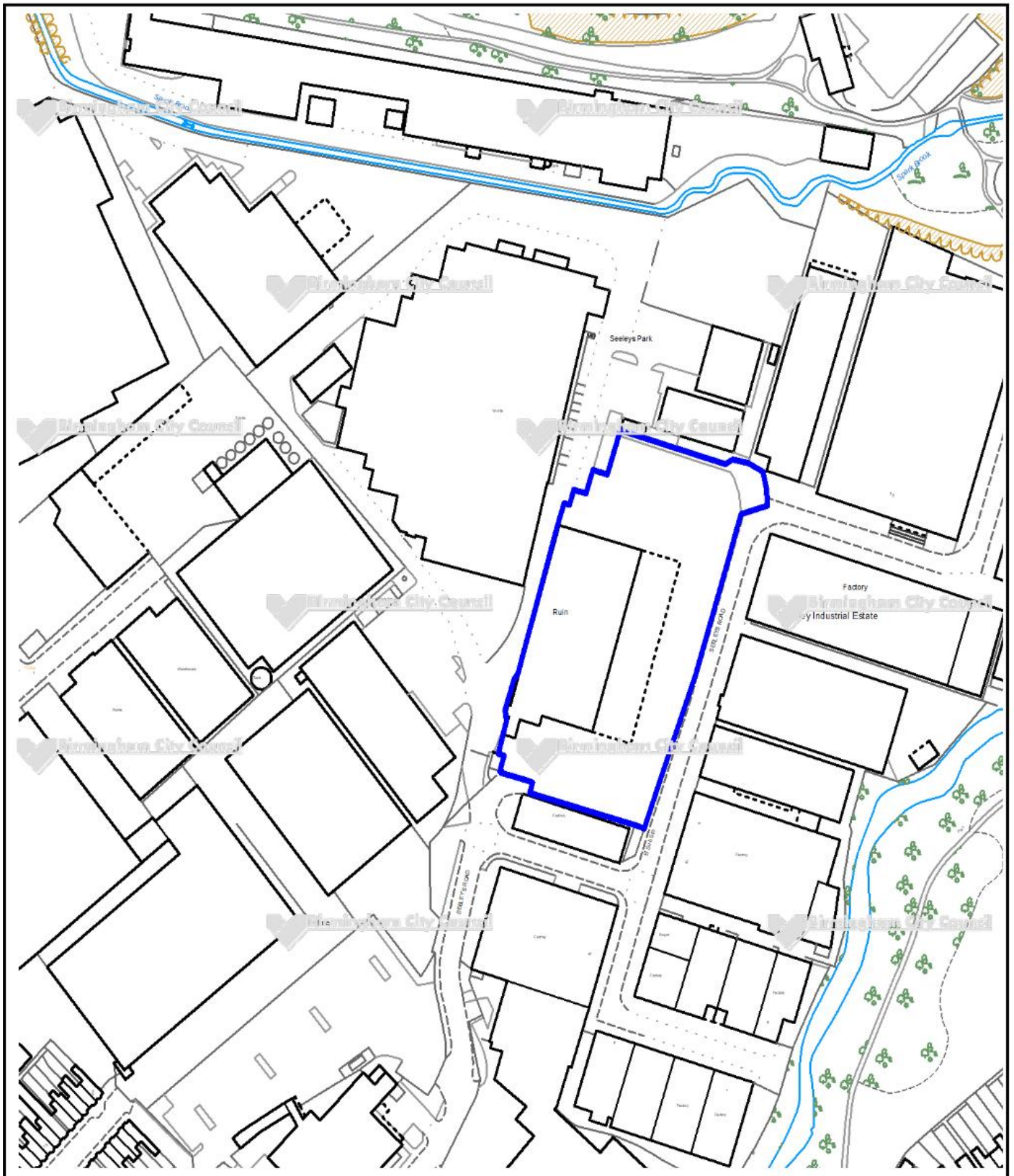


Image 3: View into site



Image 4: View from south towards site

Location Plan



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