

# **Birmingham City Council**

## **Planning Committee**

**07 January 2021**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	6	2020/01795/PA  Land bounded by Chapel Lane, Harborne Lane and Bristol Road Selly Oak Birmingham B29  Demolition of supermarket and erection of 1187 units of purpose built student accommodation and student communal facilities (Sui Generis), ground floor commercial and community floorspace (Use Classes B1/A1/A2/A3/D1/D2) and associated works including new hard and soft landscaping, internal site vehicular circulation route and parking with access from Chapel Lane roundabout

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Committee Date:	07/01/2021	Application Number:	2020/01795/PA
Accepted:	04/03/2020	Application Type:	Full Planning
Target Date:	08/01/2021		
Ward:	Weoley & Selly Oak		

Land bounded by Chapel Lane, Harborne Lane and Bristol Road, Selly Oak, Birmingham, B29

Demolition of supermarket and erection of 1187 units of purpose built student accommodation and student communal facilities (Sui Generis), ground floor commercial and community floorspace (Use Classes B1/A1/A2/A3/D1/D2) and associated works including new hard and soft landscaping, internal site vehicular circulation route and parking with access from Chapel Lane roundabout

Recommendation  
**Determine**

### **Report Back**

- 1.1. Members will recall that this application was deferred on 5<sup>th</sup> November 2020 to enable the Student Accommodation Need and Demand Paper (November 2019) to be updated by the Planning Policy Team. This update has been completed and the Report is being presented at committee on 7<sup>th</sup> January 2021.
- 1.2. In summary the updated report identifies that in the 12 months since the previous report (dated November 2019) the city wide demand for student accommodation has increased from 36,218 to 38,401 bed spaces. Over the same period demand has also increased in the Selly Oak area from 22,011 to 22,401. This takes into account the fact that not all students need accommodation, as they may live at home with parents or have their own home. Furthermore, The University of Birmingham has estimated that it will require approximately 2,000 – 3,000 additional bedrooms over the next 5 years representing a 9-13% increase above the 18/19 baseline. Despite the short-term impact of Covid-19, the majority of this growth is expected to arise from international students who have tended to prefer the quality, security and convenience provided by purpose built accommodation.
- 1.3. At April 2020 the existing supply of purpose built accommodation was 9,038 in the Selly Oak area. When adding those under construction (1,846) and those with planning permission (250) the figure rises to 11,134. Including all current planning applications and pre-applications the potential future supply figure increases to 13,490 bed spaces, this includes all of the 1,187 units proposed within this scheme. It important to emphasise that all of these scheme may not successfully gain permission therefore this is a best case scenario for future supply at the current time.
- 1.4. When comparing the potential future higher level demand in Selly Oak of 25,401 against the potential future supply figure of 13,490 bed spaces of purpose built

student accommodation (PBSA) there is a substantial shortfall of up to a maximum 11,917. This shortfall is much greater than other parts of the City meaning that there is a continued reliance on HMOs to meet the needs of students, with 52.6% of students in the Selly Oak area currently living in HMOs. Even allowing for this high percentage of students living in HMO's, if the predicted growth in demand is factored in, there will be a shortfall of between 1,476-2,476 bed spaces in Selly Oak, if no more permissions are granted. Following the introduction of the city wide Article 4 Direction the HMO market may not be able to react and grow as quickly to meet growing demands with all future HMOs requiring detailed consideration through the planning application process. Further PBSA, such as this scheme are therefore required to meet the growing demand arising from the University of Birmingham and to avoid reliance on more HMO's.

- 1.5. Currently most students have no option but to live in HMOs when they have completed the first year of their course. The student to PBSA bed ratio is 2:1 when comparing existing demand to supply that incorporates all approved and under construction schemes. When comparing future demand to the same supply figure the ratio rises to 2.2:1 which highlights the importance of schemes such as this to help meet future demand and provide genuine choice in the student housing market.
- 1.6. In conclusion, the updated Student Accommodation Supply and Demand highlights clearly that there is still a need for schemes of PBSA to meet the demand arising from the University of Birmingham. As stated in the main section of the report this is considered to be a well located, high quality scheme of PBSA that fully accords with Policy TP33 of the BDP.
- 1.7. Following the deferral of the application the applicants have gathered further evidence to support their case. A Planning Statement Addendum has been submitted which also includes an updated Student Needs Report by consultants Cushman and Wakefield. The updated report concurs with the findings of the Council's own Supply and Demand Paper, in identifying that there is a clear need for further PBSA to serve the University of Birmingham as the institution continues to increase its capacity. The Updated Student Needs Report is considered satisfy the requirements of TP33.
- 1.8. The Planning Statement Addendum sets out the developer's timeline for the redevelopment of the site. If they are successful in gaining consent they intend to start on site in early 2021 with a view to having the development complete in August 2023 ready for the first intake of students in the following month.
- 1.9. Whilst the scheme was only deferred for one reason, Officers noted that concerns were raised by some Members over the design, scale and appearance of the development. It is important to note that the proposed scheme has evolved through detailed discussion and negotiation over a period of 18 months with Council Officers including an extensive period of pre-application prior to the submission of this application. The scheme was presented twice to the Council's Design Review Panel, once in November 2019 and then again in February 2020. The panel were satisfied that the principle of a student accommodation led scheme could be acceptable on the site. However, concerns were raised over the finer detail of the scheme. Questions were raised over the wide range of brick colours proposed and the use of metal cladding. The need for setbacks on the top storey on the Bristol Road frontage was queried and there was consensus that there could be a greater contrast between different blocks in terms of the fenestration and brick detailing.

- 1.10. Discussions through the lifetime of the application have led to substantial enhancements to the fenestration details which are outlined in image 7 and a decrease in the height of building C from 16 to 12 storeys in height. The applicant successfully addressed the concerns raised throughout the engagement process with examples provided in images 8 and 9 below.



Image 8: The Bristol Road elevation with an earlier version on the left and the final scheme shown on the right. In the final scheme setbacks have been removed and a more subtle variety of brick are now proposed.



Image 9: Viewing looking south from Harborne Lane comparing the initially submitted scheme on the left with the current proposed scheme on the right. Red brick has replaced metal cladding, the scale has been substantially reduced and the fenestration details have been enhanced.

- 1.11. The City Design Officer is fully supportive of the final scheme and considers that it has improved substantially to create a high quality development. In summary, significant revisions have been made to the scheme both pre and post submission ensuring that the scale, mass and appearance of the proposal fit comfortably into the street scene enhancing the character and appearance of the area.
- 1.12. Addendum

- 1.13. Since the publication of the Committee Report and verbal update, 1 further objection has been received to the planning application, however no new issues have been raised.

**1.14. Recommendation**

- 1.15. That the application be approved, subject to conditions as detailed below.

**ORIGINAL REPORT**

**1. Proposal**

- 1.1. Planning permission is sought to demolish a former supermarket building and erect three detached buildings which primarily consist of purpose built student accommodation which will provide a total of 1,187 bed spaces. The application has been put forward by Hines who are a global real estate firm. In December 2016, Hines UK launched the Aparto student accommodation brand in the UK and Europe. Over the past 4 years Hines have developed a number of student schemes across the UK and Ireland.
- 1.2. The scheme consists of 239 self-contained studios and 948 en-suite rooms which are arranged in clusters of between 4 and 10 bedrooms. The studios vary in size between 16sqm and 26sqm. The ensuite bedrooms vary in size between 12.1 and 25.8sqm. The clusters all include a shared lounge and kitchen area which varies between 22.7 and 37sqm in size.
- 1.3. Building A fronts onto the Bristol Road includes a variety of different uses at ground floor level. There is a games room, study, lounge, laundrette, auditorium and gymnasium which are for the exclusive use of the students. For the general public there is a café, flexible space (A1/A2/B1/D1/D2) and community room (D1) which all front onto the Bristol Road. This building provides the main pedestrian entrance to the site on the corner of Chapel Lane and Bristol Road which leads into a large entrance lobby and lounge. A separate entrance on the Bristol Road is provided for cyclists. This building consists of a number of distinct blocks that vary in height between 4 and 12 storeys high.





Image 1: View from junction of the Bristol Road and Harborne lane looking north towards Building A



Image 2: Proposed entrance on Chapel Lane

- 1.4. Building B is positioned in the heart of the site and is closest to the vehicular entrance from Chapel Lane. This includes a study and canteen on the ground floor. The blocks within this building vary in height between 4 and 10 storeys.



Image 3: View along Harborne lane looking north-west towards building B with Building C in the distance

- 1.5. Building C is located in the northern corner of the site and incorporates a block which is 12 storeys high. Four different brick types are proposed across the

development, which are varying shades of orange and red. All buildings have a flat roof.

- 1.6. There is only one vehicular entrance to the site which is via the roundabout on Chapel Lane and this would be a gated access. This gated entrance would primarily be used for deliveries and maintenance. The access would also be used at the beginning and end of each term for drop off and pick-ups. 27 short term spaces are provided within the site for this purpose. The only permanent parking on site is 4 spaces for blue badge holders. The proposal provides 291 long stay cycle spaces which are positioned in 3 different locations across the site. A further 30 short stay cycle spaced are proposed adjacent to the site entrances.
- 1.7. Outdoor amenity space is provided in a number of different locations across the site. Block A has a centrally located courtyard (1320sqm) with a roof top garden (528sqm). The Courtyard area for block B measures 907sqm with further amenity areas provided adjacent to Block C (492sqm) and near to the vehicular entrance (477sqm). In total 3,724sqm of outdoor amenity is provided for occupiers across the site.



Image 4: Proposed Site Plan





Image 5: 3-dimensional site layout

- 1.8. Following dialogue between Officers and the applicants the scheme has been substantially amended since its initial submission in March. Key changes include the following:
- A reduction in maximum height from 16 storeys to 12 storeys;
  - Removal of metal cladding from the materials palette so that all outward facing elevations are constructed from a palette of 4 different tones of red/orange bricks;
  - The removal of rooftop set backs on the Bristol Road frontage;
  - Increase in variety of fenestration details across the development;
  - Increase in use of natural ventilation across the site through louvered panels and openable windows; and
  - Introduction of an above ground drainage strategy which has increased levels of soft landscaping
- 1.9. The application is supported by a Design and Access Statement, Planning Statement, Tree Survey, Contaminated Land Report, Noise Survey, Air Quality Assessment, Heritage Statement, Townscape and Visual Impact Assessment, Construction Environmental Management Plan, Statement of Community Involvement, Student Needs Assessment, Archaeological Assessment, Economic Impact Statement, Ecological Assessment and a Flood Risk Assessment.
- 1.10. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The application site consists of a triangular parcel of land bounded by the Bristol Road, Chapel Lane and Harborne Lane. A 2 storey red brick building lies vacant on the site adjacent to the Bristol Road. The building was last utilised as a supermarket



in Autumn 2018. The remainder of the site provided car parking for the supermarket. The supermarket operated with a single vehicular entrance on Chapel Lane with the exit on Harborne Lane. The site falls within the boundary of Selly Oak District Centre and is consequently surrounded by a mix of uses. To the north is the Battery Retail Park and to the east there are variety of A class uses on the Bristol Road. Residential development is located to the west of the application site. Highway improvement works are currently being undertaken to the road network around application site which has resulted in the introduction of a roundabout at the entrance point into the site.

## 2.2. [Site Location Plan](#)

## 3. [Planning History](#)

- 3.1. No relevant history on application site. Key history of adjacent Battery Site:
- 3.2. 2013/02178/PA - Outline planning application for mixed use development comprising of life sciences campus (Use Classes B1a, B1b, B1c), supermarket (Use Class A1), non-food retail units (Use Class A1), financial and professional units (Use Class A2), cafe and restaurant units (Use Class A3), drinking establishments (Use Class A4), hot food take-away (Use Class A5), leisure (Use Class D2), student accommodation (Sui Generis), petrol filling station (Sui Generis), a linear open space walkway 'greenway', vehicular Access to the site, car parking (including multi storey car parking), landscaping, retaining walls, and associated works including demolition of existing buildings. Matters Reserved: Scale, Layout, Appearance, Landscaping, pedestrian and cycle Access, and vehicular Access within the site. Approved on 28/11/13.
- 3.3. 2015/04902/PA Reserved matters application following outline consent 2013/02178/PA for the layout, scale, appearance, landscaping, pedestrian and cycle access, and vehicular access within the site for the supermarket and other retail development, student accommodation and petrol filling station. Approved on 17/12/2015

## 4. [Consultation/PP Responses](#)

- 4.1 Transportation Development – No objection subject to conditions requiring submission of a student management plan, submission and completion of works for the S278/TRO Agreement, parking areas to be laid out, provision of cycle storage and construction plan is place prior to commencement.
- 4.2 Regulatory Services – Contamination issues can be addressed through conditions requiring the submission of a contamination remediation scheme and contaminated land verification report. Noise and air quality mitigation measures suggested should be shown on approved plans rather than conditioned. Flue details required for canteen/café uses. Further conditions are required to control the hours of use of student communal areas and ensure that no gas fired boilers will be incorporated in the scheme. A construction management plan condition is also requested as the proposed 7am start time on site with the Construction Environmental Management Plan is not considered to be acceptable.
- 4.3 West Midlands Police – No objection subject to conditions requiring CCTV, secure access system and secure refuse and cycle stores.
- 4.4 West Midlands Fire Service – No objection

- 4.5 Environment Agency – No objection subject to conditions requiring the undertaking of a remediation strategy.
- 4.6 Severn Trent Water – No objection subject to drainage condition
- 4.7 Lead Local Flood Authority (LLFA) – No objection subject to the submission of sustainable drainage and a sustainable drainage assessment and operation and maintenance plan.
- 4.8 Adjacent occupiers, Councillors, M.P. and residents associations notified and site/press notices posted. 104 letters of objection received to the initial consultation raising the following concerns:
- Increased noise and disturbance;
  - Already over-provision of purpose built student accommodation and HMOs in the area;
  - Coronavirus will reduce demand for accommodation with more people studying from home;
  - It will be too expensive for most students;
  - More accommodation should be built on The Vale instead;
  - Increased pressure on public services;
  - Increased demand for parking spaces as students will still bring cars;
  - Car park is needed on site;
  - Increased traffic;
  - Harmful financial impact on local landlords;
  - Increased likelihood of accidents increasing risk for both pedestrians and drivers;
  - Number of university students will not increase significantly;
  - Damage to local environment;
  - No benefits for local community;
  - Site cannot reasonably accommodate so many students;
  - Increased crime and anti-social behaviour;
  - Increase in insurance prices;
  - Scale of development is excessive;
  - More residents should have been consulted;
  - No real plan for Bristol Road frontage and will end up empty;
  - Over concentration of students within Bournbrook area;
  - Harmful to local community with families continuing to move out of the area;
  - Continued spread of student accommodation;
  - Alternative use would be preferable e.g. affordable family housing, entertainment venue, hotel or medical facility;
  - No need for further student accommodation; and
  - Harm to the character of the area
  - Loss of privacy;
  - Development is over-bearing on nearby houses and school;
  - Negative impact on house prices;
  - Development will not mean the HMOs are returned to family dwellings.
  - HMOs may turn into supported accommodation;
  - Gated developments harm local amenity;
  - Community space isn't needed;
  - Flexible unit will remain empty;
  - Development is too large and disproportionate in relation to surrounding 2 storey buildings;

- Increased air pollution;
  - Loss of sunlight;
  - More shops and job creation needed;
  - Increased litter;
  - HMO's will become abandoned and deteriorate;
  - Site is too far from the University of Birmingham;
  - Health hazard arising from high population density;
  - Lack of pre-application consultation;
  - GP surgerys cannot cope with additional patients;
  - Selly Oak is turning into a ghost town;
  - Increased traffic and congestion;
  - The cross city line cannot cope with a further increase in passenger numbers; and
  - Impact on local infrastructure e.g. water, refuse collections
- 4.9 2 letters of support has been received to the initial consultation raising the following matters:
- Close to train station;
  - Community uses welcomed;
  - Increased traffic is a myth;
  - Good for local businesses;
  - HMOs can be converted back to family homes; and
  - Important to maximise density in sustainable location;
- 4.10 An objection has been received by the Frederick Road and Rachel Gardens Residents Association (RGRA) raising the following concerns:
- Too many students from Birmingham City and Aston Universities are already living in Selly Oak;
  - Site is too far from University campus;
  - No demand for accommodation;
  - Scale and massing is excessive;
  - Loss of light;
  - Loss of privacy;
  - Development dominates nearby houses and Cherry Oak School;
  - Poor living environment for students;
  - More HMOs will be converted to supported housing;
  - Majority of the site is closed to the public;
  - Parking needs to be monitored;
  - Café and community room are not needed; and
  - No clear use or tenant for flexible space
- 4.11 An objection has been received by the Friends of Selly Oak Park raising the following concerns:
- No need for further purpose built student accommodation;
  - Increased strain on local services;
  - Harmful impact on local community;
  - Spread of student population across a wider area of Selly Oak; and
  - Increasing number of HMOs converted to supported housing creating issues in community;
- 4.12 An objection has been received by Councillor Liz Clements raising the following matters:

- Excessive size, scale and density of development;
- Harmful impact on the character of the local area;
- Residents in Rebecca Drive and Cherry Oak School will be overlooked;
- Loss of pedestrian access across the site;
- Introduction of windows onto Bristol Road frontage is welcomed but concerns that premises will remain unoccupied;
- Increased pressure on parking as students will still bring cars;
- No need for further purpose built student accommodation; and
- HMOs are not being converted back into family homes but are being used as supported housing instead

4.13 An objection has been received by Councillor Fred Grindrod raising the following matters:

- The need for further purpose built student accommodation has not been demonstrated.
- Over-development of the site;
- Scale and density of development is excessive;
- The proposal is not well located for the university it aims to serve;
- Development will be overbearing on properties on Rebecca Drive and Cherry Oak School;
- There is no shortage of cafes or community rooms in Selly Oak;
- Flexible unit could remain empty;
- Proposal creates a gated community with very little public access;
- Harm to local amenity
- The proposals would undermine the local community with HMOs converting to supported housing; and
- Concerns over limited on-site parking, this will need to be monitored closely.

4.14 An objection has been received by the Community Partnership for Selly Oak (CP4SO). The following concerns have been raised:

- No need for further purpose built student accommodation;
- Much greater level of parking needed as students will still bring cars;
- Over-development of the site;
- Site is too far from University campus;
- Rebecca Drive and Cherry Oak School will be overlooked by the development;
- Development will be overbearing on Cherry Oak School, Rebecca Drive and flats above shops on opposite side of Bristol Road;
- Density, scale and massing are excessive;
- Harm to local amenity;
- Majority of the site is closed to the public;
- Increased likelihood of more HMOs being converted to supported housing;
- Development harms the character of the area;
- Café and community space not needed; and
- Flexible unit may remain unoccupied

4.15 A letter of objection have been received by Steve McCabe MP raising the following concerns:

- No need for further purpose built student accommodation;
- Poor quality living environment for students living in block C;
- Increased pressure on parking in local streets;
- Increased traffic;
- Highway safety concerns;



- Harm to local businesses including the Job Centre;
- Harm to Cherry Oak Primary School;
- Increased levels of noise and disturbance; and
- Development is too large and has excessive height;
- Cherry Oak School is overlooked;
- Loss of privacy for nearby houses;
- Increased pressure on local GP Surgeries;
- More cycle parking is needed;
- More disabled parking spaces are needed;
- Loss of sense of community within Selly Oak;
- Disproportionate number of students already within Selly Oak;
- Covid-19 crisis will almost certainly have limited the ability of residents to submit comments

4.16 Following a 3 week re-consultation 29 additional letters of objection were received. The following new issue was raised:

- Such a high density development could be the epi-centre for future virus breakouts

4.17 The Community Partnership for Selly Oak (CP4SO) have submitted a further objection to the amended scheme raising the following matters:

- In terms of its scale and mass the development is still too big;
- The properties on Rebecca Drive and Cherry Oak School will still be overlooked and the development will be overbearing;
- Development will also be overbearing on the residential flats above shops on the opposite side of the Bristol Road;
- Unacceptable levels of noise and air pollution for proposed occupiers, a mechanical ventilation system should be used rather than opening windows;
- The redesigned frontages are less attractive than before. A greater variation in building heights should be used to reduce the number of bedrooms;
- A demand for the accommodation has still not been demonstrated;
- The development is too far from the University campus;
- Still concerns about the lack of parking and proposed car ban; and
- Happy that a viable management plan has been provided for the community room however it should be free to use

## 5. Policy Context

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2031
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG
- Car Parking Guidelines SPD
- Wider Selly Oak SPD

5.2 The following national policies are applicable:

- National Planning Policy Framework (NPPF)

## 6. Planning Considerations

6.1. I consider the key planning issues in the determination of this application are; the principle of site redevelopment; the principle of student accommodation on this site; economic impact; impact on Selly Oak District Centre; the siting, scale and

appearance of the proposed building; living conditions for prospective occupiers; impact on parking and highway safety; impact on neighbouring residential amenity; impact on trees and landscape; sustainability and drainage.

6.2. Principle of Site Redevelopment

6.3. The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay. Paragraph 117 encourages the use of as much previously developed (brownfield land) as possible.

6.4. Policy GA9 of Birmingham Development Plan (BDP) promotes the Selly Oak and South Edgbaston area for major regeneration and redevelopment. The policy seeks to strengthen the role of Selly Oak District Centre Growth Point. To address the need for regeneration of the centre the policy recommends that all developments should contain a mix of uses, make a positive contribution to the diversity and vitality of the Centre. The policy makes specific reference to the Triangle Site indicating that it would be suitable for small scale retail, offices, other town centre uses and residential.

6.5. The site, which is located within the District Centre and has lain vacant since the opening of food superstore on the new Selly Oak Retail Park, which was formerly known as the Battery Site. When outline planning permission was granted for a major mixed use development on the Battery Site (2012/02178/PA) it was accepted that a large supermarket was no longer required on the Triangle Site. The S106 associated with Battery Site specifically precluded the then applicant from using the Triangle site for food retail once the new store was complete. Bearing this in mind and the sites position adjacent to two retail parks further significant retail would be unsustainable in the current economic climate.

6.6. This student accommodation led scheme is supported by a café (A3), community hub (D1) and flexible unit (A1, A2, D1, D2) which creates a genuine mix of units on the site. The re-development of the site has been a long term aspiration of the City Council and the range of uses proposed conforms with the aims of Policy GA9.

6.7. Principle of Student Accommodation

6.8. The Birmingham Development Plan (BDP), at Policy TP33, has a set of criteria for off-campus development which includes; a demonstrated need for development; a good location in relation to the educational establishment, local facilities and public transport; that the development would not have an adverse impact on the local neighbourhood or residential amenity; the scale, massing and architecture of the development is appropriate for the location; and that the design and layout of the accommodation would create a positive living experience.

6.9. The application site falls within the defined District Centre and also falls within the primary shopping area. However the site is also identified as a development opportunity within the Wider Selly Oak SPD. The policy identifies that a mix of uses could be acceptable on the site including non-food retail, community uses, residential, hotel, student accommodation, offices and leisure uses.

6.10. The Wider Selly Oak SPD acknowledges the attractiveness of Selly Oak for student accommodation and the application site is one the identified larger sites where purpose-built provision could be acceptable. The scheme also incorporates

community uses and A class uses on the Bristol Road frontage as supported by the SPD.

- 6.11. The submitted Market Demand Report finds that the area around University of Birmingham has a potential undersupply of more than 13,000 PBSA bed spaces. This takes into account bed spaces currently available at UoB accommodation, including those that are part of nomination agreements, as well as beds offered on a direct let basis in a commutable distance. The report also notes that there are currently only a small number bed spaces in the development pipeline close to UoB and the focus of other planned PBSA is overwhelmingly in and around the city centre.
- 6.12. The report calculates that the student to bed space ratio for the University of Birmingham stands at 2.2:1 indicating a need to deliver additional accommodation in the area. Planning Policy Officers are therefore content that a need has been demonstrated in this instance.
- 6.13. Objectors have specifically raised the potential reduced demand for student accommodation since the start of the Covid-19 global pandemic. This has been modelled within the applicants latest Student Needs Assessment. Two different scenarios have been tested, which are described as optimistic and pessimistic. The optimistic scenario models a drop in demand of 7% whereas the pessimistic option tests a drop of 16%. Under the pessimistic option the student bed ratio drops to 1.8:1 which still indicates a need and demand for further PBSA in locations close to educational establishments.
- 6.14. I note local objectors' concerns regarding an over-supply of student accommodation (and associated impacts in creating an unbalanced community). However, I am satisfied that, existing and currently consented developments for student accommodation fall short in terms of providing sufficient residential accommodation to meet the identified quantitative need for student accommodation to serve the University of Birmingham. The increasing trend in full-time students at the University, and in particular overseas students, means there is a demonstrated demand for purpose built accommodation. Selly Oak will always likely be a popular location for students to live in because of its close proximity to the University.
- 6.15. The scheme provides of mix of cluster units and studios which come in a variety of sizes meaning that they cover a range of price points. The applicant states that typically their en-suite rooms will tend to cost more than the price of a room in an HMO, however the quality of the accommodation, the inclusion of all bills and access to a range of communal on site facilities mean that it provides an attractive alternative to some students. Economies of scale available on a site of this size allows the applicant to provide facilities that are not normally available to those in smaller schemes or in HMOs. In summary, it is considered that the scheme provides a good mix of accommodation, providing an attractive alternative choice for students.
- 6.16. A reasonable walking distance is defined as 10 minutes/around 1km in the Council's report on Student accommodation supply and demand. The application site is located 15 minutes' walk from the centre of the University of Birmingham campus, approximately 1.2km and although this is marginally in excess of the definition above, I do not consider this to be significant bearing in mind the direct nature of walking routes available e.g. along the Bristol Road or canal towpath.

- 6.17. Selly Oak Railway station is approximately a 4 minute walk away (320m) from the application site and there are 8 different bus services operate along Bristol Road adjacent to the site. The development is also being designed to allow direct access to a proposed cycleway. The application site is located within Selly Oak District Centre and therefore benefits from direct access to a range of local facilities. In addition, it has a similar relationship (in terms of distance) to other recently approved student schemes, such as the Birmingham Battery site. I therefore consider the site has good access for walking, cycling and public transport.
- 6.18. Current planning policy does not restrict the provision of student accommodation at this site and therefore I consider such development would be acceptable in principle, and the need for additional student accommodation has been demonstrated in accordance with Policy TP33 of the Birmingham Development Plan.
- 6.19. Economic Impact
- 6.20. The applicant has submitted an Economic Impact Statement in support of the application. It is estimated that over the 2 year construction period the scheme will create the equivalent of 250 full-time jobs each year in the construction industry. It is estimated that once complete the scheme will create approximately 45 full time jobs through the maintenance and management of the student accommodation and community facilities. The introduction of over 1,000 students onto the site would also result in increased expenditure in local shops and services.
- 6.21. In summary, the scheme would deliver significant economic benefits over both the construction and occupation of the development which would boost the local economy.
- 6.22. Impact on Selly Oak District Centre
- 6.23. The property is situated within the Primary Shopping Area (PSA) of Selly Oak District Centre. The 'Shopping & Local Centres' SPD requires that 55% of ground floor units within the PSA must be retained as A1 retail uses. The current percentage is 46.72% which is already below the 55% figure meaning that ideally no further retail units should be lost. The redevelopment results in the loss of a large food retail store from the site however it is important to remember that the same food retailer has a new superstore on the nearby Selly Oak Retail Park so in this wider sense there has been no harm to provision of retail facilities in the Selly Oak District Centre. Furthermore, in the current economic climate it is highly improbable that a retailer would occupy a unit of this size within the district centre. It is also worth noting that the flexible unit on the Bristol Road could be occupied by an A1 retailer.
- 6.24. Policy 2 of the SPD states that the change to a non-shopping use within a PSA must be considered against a number of factors to ensure suitability.
- 6.25. Currently there is a blank frontage along the Bristol Road between Harborne Lane and Chapel Lane. The proposal introduces a heavily glazed elevation consisting of the entrance foyer to the student accommodation, café, gymnasium (although not publically accessible), flexible unit and a community hub. This provides a variety of uses along this stretch of the Bristol Road and should result in an active frontage throughout the day and evening which is a substantial improvement over the current situation.



- 6.26. The community hub will be managed and maintained by the site owners and be available for the use of the local community. Possible events include (but are not limited to) mother and baby groups, local society meetings or simply a space for people to get together. The community hub would be an entirely self-contained area with no access to the remainder of the student development. Facilities provided for the users of the hub include running water, refrigeration provision, toilets, tables, chairs and a display screen. It is envisaged that there will be an online booking system for the hub with the facility available for booking between 8am and 9m every day.
- 6.27. The applicant has applied for a variety of possible uses for the flexible unit incorporating retail (A1), Financial and professional services (A2), non-residential institutions (D1) and assembly and leisure (D2). This provides flexibility for the applicant and increases the likelihood of an occupier being found.
- 6.28. The site has been vacant for approximately 2 years. The proposal will therefore greatly enhance the vitality and viability of the Selly Oak District Centre.
- 6.29. Siting, Scale and Appearance
- 6.30. The existing building is of red brick construction with a pitched tiled roof. The building extends across virtually the whole Bristol Road frontage between Chapel lane and Harborne Lane with car parking located across the remainder of the application site. The relatively modern building has no particular architectural merit and provides a dead frontage to the Bristol Road therefore the loss of the building would be acceptable.
- 6.31. The scheme proposes 3 buildings consisting of a series of blocks which vary in height between 4 and 12 storeys high. Building A is located towards the south of the site adjacent to the Bristol Road. The ground floor provides an active frontage to the Bristol Road incorporating the entrance foyer, café, gymnasium, flexible use and community space. This is a significant improvement over the current blank elevation. 4 different brick types have been utilised on the Bristol Road frontage which are different shades of red and orange. The buildings have varying fenestration details and the height of each block is different which creates the impression of a high street that has evolved overtime. The subtle differences between each block add visual interest to the Bristol Road elevation.

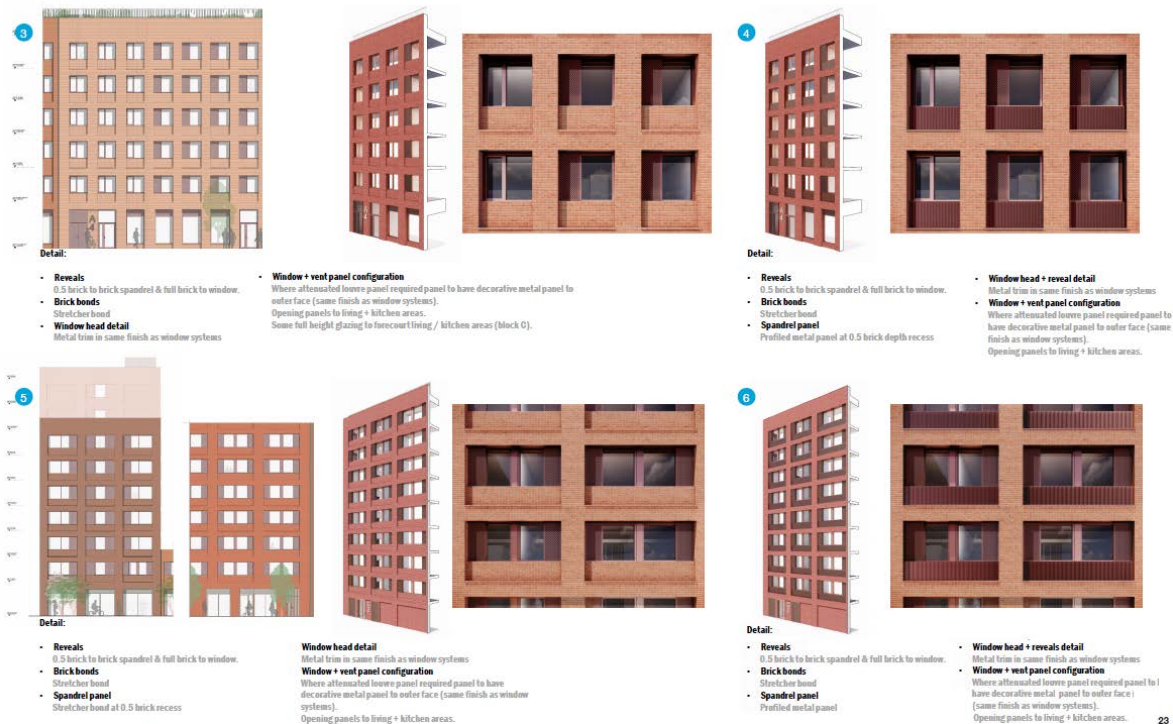


Image 7: Examples of different proposed fenestration details

- 6.32. Building B is 'C shaped' with the scale of the building reducing at the Harborne Lane side of the site. This responds to the residential properties on Rebecca Drive. The taller elements of the site are therefore located closer to other commercial developments such as the adjacent retail park.
- 6.33. Building C is located at the northern end of the site where land levels are approximately 7m lower than the opposite end of the site. It is therefore able to accommodate the increased scale of the 12 storey tower which successfully marks the northern corner of the site. The scheme successfully fronts onto all 3 surrounding roads with no blank elevations facing surrounding streets with the pedestrian entrance located on Chapel Lane.
- 6.34. The City Design Officer is fully supportive of the final scheme that has evolved through detailed discussion and negotiation over a number of months. In summary, the scale, mass and appearance of the proposal fit comfortably into the street scene maintaining the character and appearance of the area.
- 6.35. Living Conditions
- 6.36. The scheme consists of a mix of studios and cluster flats. There are 239 studios proposed which vary in size between 16sqm and 26sqm. The remaining 948 bed spaces are provided in clusters of between 4 and 10 bedrooms. All cluster rooms include an ensuite and vary in size between 12.1 and 25.8sqm in size. The clusters all include a shared lounge and kitchen area which varies between 22.7 and 37sqm in size. A number of the larger rooms have been specially designed to be wheelchair accessible and/or be suitable for other complex needs. All units are considered to be of an acceptable size. In addition all bedrooms have an acceptable outlook with access to daylight.

- 6.37. A range of communal facilities are provided across the 3 blocks of accommodation. Block A includes games room, study, lounge, laundrette, auditorium and gymnasium. Block B includes a canteen and study room. Combined these communal areas provide 1321sqm of shared space which is considered to be a good level of provision for the proposed occupiers.
- 6.38. Outdoor amenity space is proposed in a number of different locations across the site. Block A has a centrally located courtyard (1320sqm) with a roof top garden (528sqm). The Courtyard area for block B measures 907sqm with further amenity areas provided adjacent to Block C (492sqm) and near to the vehicular entrance (477sqm). In total 3,724sqm of outdoor amenity is provided for occupiers across the site which is considered to be a good level of provision.
- 6.39. The applicant has undertaken a noise assessment. The main source of noise affecting the site is vehicular traffic as the site is effectively an island surrounded by 3 busy roads. The noise report identifies glazing solutions to minimise the impact of noise for the proposed occupiers. The assessment also addresses the ventilation and the control of overheating. Options to address such measures include acoustic trickle vents, through wall ventilation and attenuated louvres where noise levels would not permit opening windows. Regulatory Services accept that the measures identified will ensure noise levels are acceptable but would like specific measures finalised and shown on plans at this stage. However, it is considered that as evidence has been provided that appropriate solutions are available that effectively mitigate noise issues the final details can be secured by condition.
- 6.40. The site is located within an Air Quality Management Area and therefore an air quality assessment has been submitted by the applicant. The assessment identified 15 units at ground floor level in buildings A, B and C with potential exceedances of the NO<sub>2</sub> annual mean objective at the building facades. The report identifies that the mechanical ventilation proposed in these rooms could additionally be fitted with NO<sub>x</sub> filtration to protect the health of future occupiers. However, the applicant holds long term aspirations for greater levels of natural ventilation to be incorporated where ambient air quality improves and would therefore like the final ventilation scheme to be secured by condition. Regulatory Services have confirmed that the solutions identified would maintain acceptable levels of air quality for occupiers however they would prefer the final scheme to be agreed and finalised prior to the granting of planning permission. Whilst it would be preferable to have such certainty now I can understand the benefits of wanting to maximise the use of natural ventilation. As the applicant have proven that air quality can be appropriately mitigated I am satisfied the final scheme can be secured via condition.
- 6.41. In summary, the scheme creates an acceptable living environment for the proposed occupiers.
- 6.42. Parking and Highway Safety
- 6.43. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 5 beds and a minimum of 1 cycle space per 4 beds for purpose built student accommodation. There is no minimum parking provision requirement. The proposal provides 291 long stay cycle spaces which are positioned in 3 different locations across the site. A further 30 short stay cycle spaces are proposed adjacent to the site entrances. This exceeds the minimum cycle parking requirement of 296 spaces in the adopted SPD. It is worth noting that the emerging Parking Standards SPD requires 1 cycle space for every bedroom. This substantial level of provision has not been provided however the applicant has provided evidence that shows provision at

a ratio of 1 cycle space for every 4 bed spaces is more than adequate at their other sites across the UK. For example, at their Reading residence, Queen's Court, they have 100 cycle spaces for 400 students and the cycle storage generally reaches a peak of around 40% capacity. On this basis the level of cycle storage is considered to be acceptable in this instance.

- 6.44. In terms of car parking there would be 4 off-street disabled parking spaces and a further 27 short stay parking spaces. Transportation are satisfied that this level of provision will enable the site to operate effectively.
- 6.45. The site is located within Selly Oak District Centre meaning that there is excellent access to local facilities. There are bus stops located along the Bristol Road which have very frequent services into the City Centre. Selly Oak Rail Station is located approximately 350m from the site, and again provides frequent rail links to the City Centre. I am therefore satisfied that the site benefits from good public transport links, and is located within easy walking/cycling distance of the University of Birmingham and local facilities at Selly Oak District Centre.
- 6.46. A Travel Plan has been submitted which will make students fully aware of the non-car opportunities of travel. Furthermore, it is understood that the lease agreement would prevent students from parking along local roads and within a certain distance of the site. A Student Management Plan which indicates the procedures for drop-off/pick up at the start/end of each term to ensure that this is carried out on a phased basis.
- 6.47. Transportation Development have raised no objection to the scheme subject to a number of conditions. A number of objections have been received regarding the lack of parking and students bringing cars to the site. With a tenancy agreement and management plan in place it is considered there should be no discernible impact on parking provision in nearby roads.
- 6.48. Concerns have been raised over traffic and congestion. However, it is important to remember that the site was previously occupied by a busy supermarket. It is considered that the vehicular movements associated with this retail use would have been substantially greater than what is likely to occur with the proposed student accommodation.
- 6.49. Amenity of Existing Residential Occupiers
- 6.50. The closest residential dwellings are No's 25 –31 (odds) on Rebecca Drive. At the nearest point the front elevation of these terraced properties are located 52m from building B. Furthermore, the nearest part of block B is limited to 5 storeys in height. Residential flats are located above commercial units on the Bristol Road which are opposite the application site however a separation distance of 40m is retained. In both cases this significant level of separation is considered sufficient to prevent overlooking or a loss of privacy.
- 6.51. Concerns have been raised over the relationship with Cherry Oak School, To help address this concern the tallest tower has been reduced by 4 storeys in height down to 12 storeys high. The school boundary is 41m from the nearest part of Block C which is 7 storeys high and 44m from The 12 storey block. This level of separation is considered acceptable to prevent any direct overlooking of school playground. Furthermore there are some trees planted along the rear boundary of the school grounds which provide a level of screening.



- 6.52. A Construction Environmental Management Plan has been submitted with the application which has been reviewed by both Regulatory Services and Transportation. Regulatory Services have raised concerns over the delivery and working hours of 7am to 6pm Monday to Friday and 7am to 2pm on Saturdays. They have indicated a preference for an 8am start and have requested that this matter is addressed via condition. It is important to note that the site is located within a district centre and surrounded by busy and noisy roads. A 7am start would allow deliveries to occur before peak hours thereby minimising disruption on local roads. With the site access and egress positioned on Chapel Lane any disruption for local residents would be minimised. On balance, the Construction Environmental Management Plan is considered to be acceptable in its current form.
- 6.53. On balance, the proposal does not have a significant impact on the living conditions of nearby occupiers.
- 6.54. Trees and Landscaping
- 6.55. The site is predominantly hard surfaced with some trees located around the periphery of the site. The submitted tree survey identified 15 individual trees and 3 tree groups either within or adjacent to the site. However, 9 of these individual trees have already been removed by the Council to facilitate the Selly Oak new road scheme. The applicant intends to remove 1 category C and 1 category B tree. The Tree Officer raises no objection to this noting that the 'Selly Oak' is being retained and incorporated into the soft landscaping scheme. It is considered that appropriate planting can be secured through a landscaping condition.
- 6.56. Sustainability
- 6.57. A Sustainable Construction and Energy Statement has been submitted with the application. The submitted Sustainable Construction and Energy Statement demonstrates that a range of renewable technologies have been considered and the proposal incorporates VRF heat pumps, Co2 heat pumps and photovoltaic panels. The statement also sets out that how the building can meet the BREEAM 'excellent' standard. To ensure this is achieved a condition will be attached. The requirements of TP3 and TP4 have therefore been met.
- 6.58. Drainage
- 6.59. A detailed Drainage and Flood Risk Assessment has been submitted with the application. The scheme proposes above ground attenuation in the form of wetland areas that form part of the soft landscaping of the scheme. These water features will ensure that surface water drains into the public sewer at greenfield run-off rates. The Lead Local Flood Authority are fully supportive of the scheme and raise no objection subject to conditions.
- 6.60. In summary sufficient information has been provided to demonstrate that the proposed drainage strategy is in full accordance with the requirements of policy TP6 of the BDP.
- 6.61. Other Issues
- 6.62. Many objectors believe that the site should be used for alternative uses which include affordable family housing, an entertainment venue, hotel or medical facility.

It is important to note that the site is effectively a large island that is bounded by busy roads. This detracts from the attractiveness of the site for certain alternative uses. Furthermore, officers are only able to consider the scheme presented to them to determine whether the predominant use as student accommodation is acceptable. The fact that other alternatives may also be theoretically acceptable on the site should have no bearing on the determination of this application.

- 6.63. Concerns have been raised over the potential for increased crime and anti-social behaviour. The site will have staff present 24/7 with just one pedestrian and vehicular access into and out of the student accommodation. With robust boundary treatments provided around the site is considered to be secure. It is important to note that West Midlands Police have raised no objection to the scheme. Concerns have been raised over littering however there is no evidence that this would be the case.
- 6.64. Some objectors felt that the level of consultation on the application was insufficient. However, 282 letters were sent to nearby properties, site notices were posted adjacent to the site and a press notice was published in the local newspaper. This comfortably exceeds the minimum requirement set out within the Development Management Procedural Order. The applicant also undertook their own extensive consultation exercise prior to the submission of the application which included a workshop and public exhibition. In total flyers were sent to 1953 properties by the applicant during the pre-application consultation exercise.
- 6.65. Concerns have been raised over the impact on house prices however this is not a material planning consideration.
- 6.66. Regulatory Services has requested a condition limiting the hours of use of all communal areas within the student accommodation. Bearing in mind the significant distance from the nearest residential properties and the ambient noise levels surrounding the site arising from vehicular traffic, this is considered to be unnecessary.
- 6.67. The development would be liable for Community Infrastructure Levy (CIL), which I calculate to be in the region of £2,680,000.

## 7. Conclusion

- 7.1 I consider the development of this site for purpose built student accommodation would be acceptable in principle, given this is a brownfield site in a highly sustainable location within walking distance of the University of Birmingham campus. The siting, scale and appearance of the proposed development would be acceptable and would sit comfortably in the streetscene. There would be no adverse impact on the amenity of neighbouring residential occupiers and the development would provide an acceptable living environment for future occupiers. The proposal would support the function of the University of Birmingham as a key provider of employment, culture, and learning in the City. Therefore I consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

## 8. Recommendation

- 8.1. Approve subject to conditions.

- 
- 1 Requires the scheme to be in accordance with the listed approved plans
  - 2 Implement within 3 years (Full)
  - 3 Requires the submission of sample materials
  - 4 Requires the prior submission of a sustainable drainage scheme
  - 5 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
  - 6 Requires the submission of a CCTV scheme
  - 7 Requires the submission of a lighting scheme
  - 8 Requires the prior submission of a contamination remediation scheme
  - 9 Requires the submission of a contaminated land verification report
  - 10 Requires the implementation of tree protection
  - 11 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
  - 12 Requires the submission of details of bird/bat boxes
  - 13 Requires the prior submission of a habitat/nature conservation management plan
  - 14 Submission of final BREAAAM standard excellent certificate
  - 15 Requires the prior submission of level details
  - 16 Requires the submission of hard and/or soft landscape details
  - 17 Requires the submission of hard surfacing materials
  - 18 Requires the submission of boundary treatment details
  - 19 Requires the submission of a landscape management plan
  - 20 Requires the provision of cycle parking prior to occupation
  - 21 Requires the parking area to be laid out prior to use
  - 22 Requires the submission and completion of works for the S278/TRO Agreement
  - 23 Provision of Community Hub
  - 24 Requires the submission any extraction and odour control details for the A3 unit and student canteen
  - 25 Prevents the use of a gas fired boiler
  - 26 Requires the submission of methodology for undertaking further noise and air quality
-

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monitoring

- 27 Requires the submission of detailed scheme of glazing and ventilation
  - 28 Continious review of The Student Management Plan
  - 29 Requires the implementation of a Construction Environmental Management Plan
  - 30 Requires the submission of architectural details
  - 31 Requires the submission of window frame details
  - 32 Submission of detailed cross-sections
- 

Case Officer:        Andrew Fulford

## Photo(s)



Photo 1: View north across Bristol Road towards rear of the former retail superstore



Photo 2: View south west from Chapel Lane towards site entrance



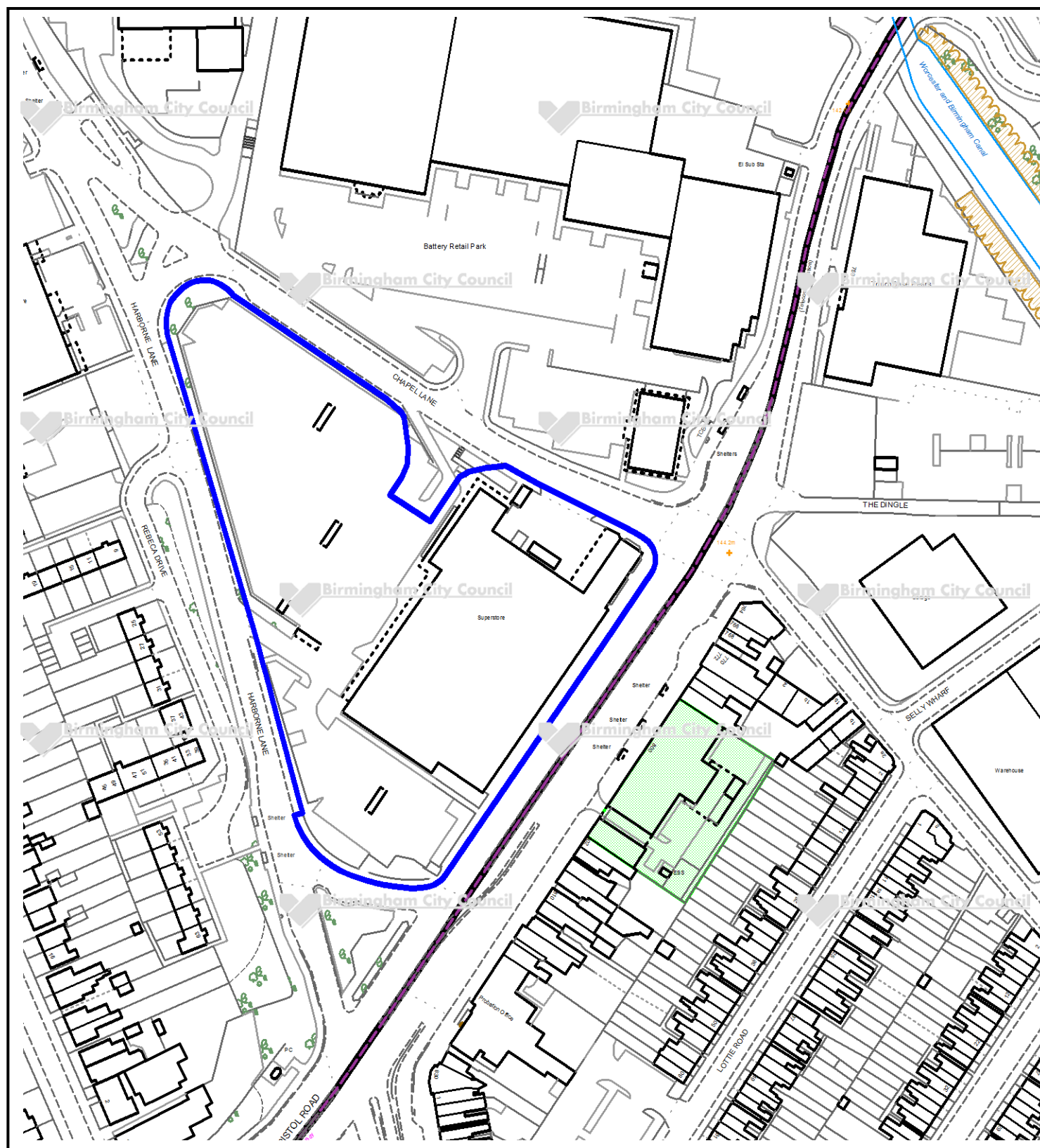


Photo 3: View north east across the site (former Sainsburys car park)



Photo 4: View from Harborne Lane towards properties on Rebecca Drive

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**07 January 2021**

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	7	2020/01399/PA  58 Albert Road (former Aston Council House) Aston Birmingham B6 5NQ  Retention of change of use to 44 bedroom interim accommodation for homeless families (Sui Generis)
Approve - Conditions	8	2020/01420/PA  58 Albert Road (former Aston Council House) Aston Birmingham B6 5NQ  Listed Building Consent for retention of change of use and conversion works to create 44 bedroom interim accommodation for homeless families (Sui Generis)
Approve - Conditions	9	2020/08328/PA  28 Oliver Street Nechells Birmingham B7 4NX  Erection of single storey extension to create a mixed use building to form library/ multiuse space.
Approve - Temporary	10	2020/08912/PA  Land opposite 74 Oscott Road Perry Barr Birmingham B42 2TA  Provision for 56 temporary contractors car parking spaces for a period of three years

Prior Approval Required -  
Approve - Conditions

11

2020/08138/PA

Oscott Gardens  
Oscott Road  
Perry Barr  
Birmingham  
B42 2TG

Application for Prior Notification for the proposed  
demolition of former student accommodation  
buildings

Committee Date:	07/01/2021	Application Number:	2020/01399/PA
Accepted:	16/03/2020	Application Type:	Full Planning
Target Date:	08/01/2021		
Ward:	Aston		

**58 Albert Road (former Aston Council House), Aston, Birmingham, B6 5NQ**

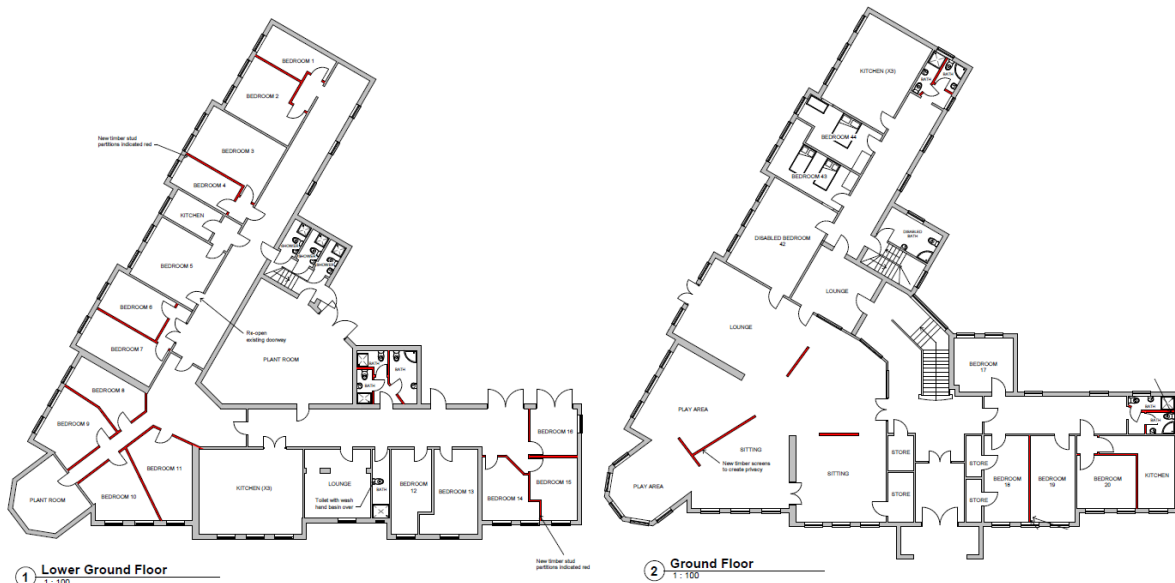
**Retention of change of use to 44 bedroom interim accommodation for homeless families (Sui Generis)**

Recommendation

**Approve subject to Conditions**

**1. Proposal**

- 1.1. This application seeks retrospective planning permission for the conversion of 58 Albert Road to 44 bedroom interim accommodation for homeless families. The application is part retrospective as the change of use has already been implemented and some of the works have been carried out.
- 1.2. No external alterations are proposed. Internally some rooms have been, and will be, subdivided to create bedrooms. The building provides 44 bedrooms, one of which has disabled access, 30 bathrooms (1 disabled access), 15 kitchens provided within 9 rooms (multiple sets of cabinets, cookers, sinks, fridge/freezer), and 7 lounges. There are bedrooms, kitchens, bathrooms and lounges across all four floors. The floor plans are shown below:







1.3. The application has been submitted with the following supporting documents: Design and Access Statement, Planning Statement, Heritage Statement, Drainage Strategy, Energy Statement and Noise Assessment.

1.4. [Link to Documents](#)

## 2. Site & Surroundings

2.1. 58 Albert Road was built in 1880 as the offices of Aston Council. Later on the building functioned as a library and council offices until 2011. The building was listed in 2012 (Grade II) and planning permission and LBC were granted in 2013 for it to be converted into a school (2013/04214/PA). The school closed and the current use commenced in 2017.

2.2. Externally the building is built of red brick and plain tiled roof. The main building is two storey with rooms in the roof and basement. There is an octagonal turret on the junction of Witton Road and Albert Road with a prominent attic storey and octagonal roof. The building has full height, feature, chimneys. The front boundaries are wrought iron railings and there is a yard to the rear.



2.3. The building is situated on the corner of Witton Road and Albert Road and is an important building in the local area. On the opposite corner of the junction is Mansfield Primary Academy. The area is predominately residential with some commercial units and Mansfield Green Park on the opposite side of Witton Road.



## 2.4. Site Location

## 3. Planning History

- 3.1. 2020/01420/PA – Listed Building Consent for retention of change of use and conversion works to create 44 bedroom interim accommodation for homeless families (Sui Generis) – under consideration.
- 3.2. 2013/03287/PA – Change of use from day school (use class D1) to a girls residential school and college (use class C2) – approved subject to conditions 01.10.2013
- 3.3. 2013/04214/PA – Listed building consent for change from day school (use class D1) to a girls residential school and college (use class C2), including internal alterations – approved subject to conditions 01.10.2013
- 3.4. 2018/1547/ENF – Alleged unauthorised change of use to HMO/ mosque – under investigation.

## 4. Consultation/PP Responses

- 4.1. Adjoining occupiers, local councillors and local MP notified as well as site and press notices displayed.
- 4.2. Councillors Muhammad Afzal, Nagina Kauser and Ziaul Islam have written objecting to the application for the following reasons:
  - Too many hostels in the Aston ward
  - 5 on Witton Road
  - Impact on listed building
  - Substantial local objection
  - Premises have been operated under false pretences
  - Expect it to be used for homeless single people not families
  - Barry Jackson tower accommodates families
  - Will result in additional anti-social behaviour
- 4.3. Shabana Mahmood MP has written with the following comments: “Urge the rejection of this retrospective application in the strongest terms, on behalf of my constituents who have contacted me in opposition this application. Raised the following points:
  - Large HMO will squeeze over 40 bedrooms and 8 kitchens into a space that is clearly not suitable.
  - Kitchen and social facilities are not sufficient, and likely cause additional social issues amongst vulnerable tenants.
  - Aston and the surrounding wards already have a high concentration of HMOs and this will exacerbate the issue.
  - The proliferation of HMOs can threaten the social fabric that gives our city its identity and in streets with a high density of HMOs the neighbourhood becomes unbalanced.
  - This application appears to fly in the face of Birmingham’s new policy resisting new HMOs where they already form a significant part of existing housing stock.
  - Urge rejection of this application until further research can be undertaken into the increase of HMO accommodation across the Aston ward and surrounding area.
  - No guarantee that this Grade II Listed heritage building will be well maintained.

- The applicant has sought no engagement with heritage or community organisations which points to the prospective conversion to a HMO giving no thought to those with an interest in preserving the cultural heritage of our city, instead leaving our cultural assets in the hands of investors seeking to extract a profit from housing vulnerable people.
- Car parking facilities are seriously lacking, with the design and access statement dealing in guesswork regarding the status of car-owning future residents, rather than facts about car use in Birmingham.
- This application will exacerbate car parking and traffic issues on Witton Road and Albert Road.
- A change of use from a Care Facility to a HMO is a significant change. The applicants state that the transition will not see an intensification in the number of people at the site, which is entirely without merit. Residents of care facilities differ entirely to those of HMOs, and provide a strain on local services, infrastructure, and impact on neighbourhoods.

4.4. Aston Voice Residents Association formally and strongly object

- Question the legality of a retrospective planning application.
- Is BCC referring people to the hostel a breach of procedure?
- The building is not on the list of the HMO Licensing Authority and the Police and Fire Service were not aware of the hostel which is a breach of good practice and raises safeguarding, due diligence and duty of care issues due to proximity to schools.
- The hostel is in an area with one of the highest concentrations of homeless hostels in Birmingham, with associated social problems. The area is one of the most deprived in Birmingham. Both are not conducive to the safeguarding of vulnerable children and mothers, some of whom may be fleeing domestic abuse.
- There is nothing to prevent allocation of rooms to single homeless men.
- Queried the vetting process, support services, monitoring, staffing.
- Aston is saturated with hostels and HMOs and the infrastructure cannot support additional families.
- The impact on the listed building of the internal works.
- Queried whether bathrooms contain appropriate facilities.
- Why there are no external improvements.
- The on-street parking is required for schools and local residents.

4.5. Perry Aston Residents object in the strongest possible terms primarily as they cannot accept any more Hostels or HMO'S in the area. Within a mile radius there are probably 11 or 12, including a 45+ room hostel (The Aston Hotel) only a few hundred yards away.

- Queried the honesty of the applicants in converting the premises to a HMO without consent and undertaking works to the Listed Building.
- Not registered as a HMO (Fire Service not aware) and part of the building is also in use as a Mosque but not shown on the plans.
- No longer accessible to local people.
- The application states that it's mainly (not entirely) for mothers and children, will the vacancies be filled with lone men? Staffing levels totally inadequate. Lack of children's play areas, Mansfield Green is across a busy road and a haven for "drug takers" and "fly tipping".

4.6. Perry Barr Residents Association, Aston Churches Working Together and Aston Residents Association object as the proposal does not add value, wealth or employment to the community.

Work carried out to listed building without consent, unauthorised and possibly an offence has been committed. HMO is not licenced, as such the Council has not considered whether it is appropriate, how many people can live there and what other conditions should be imposed. Intended occupation is not clear stating predominately women and young children but will the other rooms be rented to single men?

No space for play, recreation or study. Poor provision of bathrooms and toilets which, for many, are some distance from bedrooms. En-suite facilities are required. Disabled access only available to the ground floor and stairs also inappropriate for mothers with prams/ pushchairs. No storage for prams/ pushchairs. No space for counselling or private meetings for resident support and no support staff. The number of staff proposed indicates management and janitorial only. Lack of rooms with connecting doors for mothers with children of both sexes. The proposal is more like a workhouse and has less amenities than a gaol.

Lacks detail of the current condition of the listed building or lists the interior items. A wall has been removed from the basement and a new door inserted into the corridor. The cast iron radiators present a skin burn risk to children and vulnerable adults, the lack of insulation in the former fire station machine room doors presents a heating challenge for the relevant bedrooms and there is no risk assessment. A number of windows have been boarded up and no method statement for future maintenance is provided.

There are already a high proportion of hostels in Aston, which is amongst the 5% most deprived parishes in England. Aston Hotel, Barry Jackson Tower and the Guild public house are already hostels. The area does not need more hostels, it needs family housing and employment. Places additional strain on community facilities and the owner and current use does not support heritage events, open days or the associated tourist attraction. The use and exclusion of the community is a missed opportunity to encourage community cohesion.

- 4.7. Cordate Community, Aston objects on the basis that Aston is already saturated with hotels and HMOs; Witton Road has at least 5 hostels and Barry Jackson Tower houses several hundred homeless families. There are insufficient supporting services for the increase in homeless people on the area, ghettoisation, eroding potential for integration and compounding deprivation.

The applicant has intentionally misled the Council and community, the details are redacted so that the community cannot comment on suitability etc and works have already been carried out to the listed building. Furthermore, the scheme lacks facilities (toilets, showers, laundry, sufficient room sizes). Hostels and HMOs need to be distributed equitably across Birmingham and granting this retrospective consent would erode the local trust in the Council.

- 4.8. Aston & Nechells Foodbank objects. Insufficient bathroom, shower and toilet facilities; lack of place space; safety risk on a main road; lack of communal areas; work carried out to the listed building; and the excessive number of hostels in Aston which places pressure on services and facilities.
- 4.9. Aston Parish Church object questioning the benefit to the area from another hostel; and the loss of the building as an asset to the community. Concerned about inappropriate internal layout; mix of men and vulnerable women and children; distribution of bathrooms and kitchens to bedrooms; lack of connecting bedrooms; some of the rooms are awkward shaped and impractical; lack of study space or eating space; no safe play areas (indoors or out); disabled access only on the ground floor.

Also object to the impact on the listed building from boarding up windows, substantial changes to the interior.

- 4.10. Witton Methodist Church objects on the basis that the application is retrospective; the additional pressure on the local resources (parking, doctors, schools etc); and the impact on the listed building.
- 4.11. 3 residents objected:
- The applicant has misled officials
  - The proposal is not suitable or safe for the intended tenants
  - There are already too many HMOs in Aston
  - Strain on local services
  - Not an appropriate way to preserve a listed building and prevents public access
  - Applicant's details should not be redacted
  - The car park at the rear is not being used for parking and is therefore impacting on access to driveways and on-street parking availability
- 4.12. Transportation – No objection subject to conditions to require car parking to be laid out and secure and covered cycle parking. It is also suggested to move the existing gates 5.5m into the site, from back edge of footway, so that vehicle can wait off public highway.
- 4.13. LLFA – No objection subject to a condition to require the development to be carried out in accordance with the submitted FRA.
- 4.14. Regulatory Services – The revised noise report addresses concerns over ventilation, recommending the need for acoustic ventilation and secondary glazing to both the Albert Road and Witton Road facades. The noise report does not consider the potential impact from the residents of this property on the surrounding area. However, the potential impact can be controlled if the site is managed and provides a management plan for the use of the outdoor space.
- 4.15. West Midland Police – No objection.

## 5. Policy Context

- 5.1. The following policies and guidance is applicable:
- Birmingham Development Plan 2017
  - Birmingham Unitary Development Plan (saved policies)
  - Specific Needs Residential Uses SPG
  - Places for All SPD
  - Places for Living SPG
  - 45 Degree Code
  - Car Parking Guidelines SPD
  - Aston, Newtown and Lozells Area Action Plan
  - Revised National Planning Policy Framework 2019

## 6. Planning Considerations

- 6.1. The key issues are the principle of the change of use and whether there are a disproportionate number of HMOs in the local area; the impact of the change of use on

the Grade II Listed Building; the impact on the amenities of the existing residents and proposed residents; access, parking and highway matters; and drainage.

*Principle*

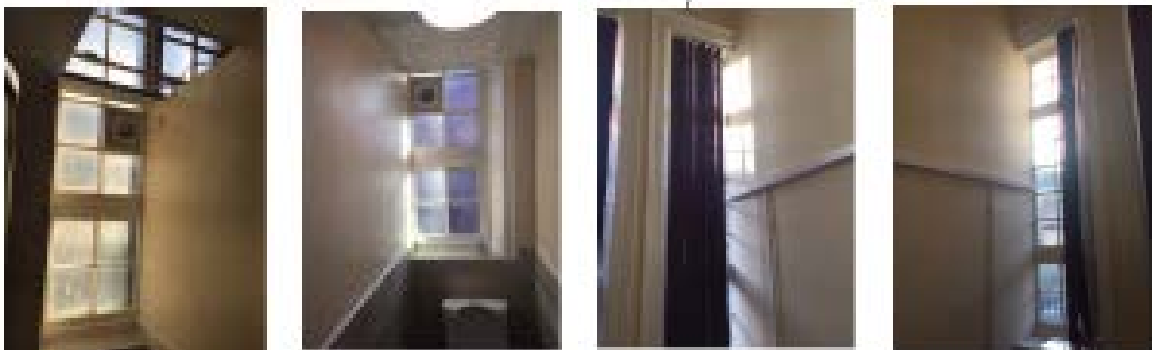
- 6.2. The agent has confirmed that property is being operated in accordance with the requirements of the Private Rented Services HMO Property & Management Standards 2019. The property does not require a HMO licence and the Council's environmental and planning guidance documents are superseded by the above standards document.
- 6.3. It is most appropriate to consider it using the HMO policies and guidance. Saved Birmingham UDP policies 8.23 to 8.25 set out criteria to consider which include; the effect on amenities of adjoining properties and the surrounding area, the size and character of the property, floorspace standards, car parking facilities and the amount of provision in the locality. Where a proposal relates to an area, which already contains premises in similar use, account will be taken of the cumulative effect on the residential character and appearance of the area. The operation of the property, under the Regulations and Act detailed in 6.2 mean that floorspace standards of planning policy is not relevant, however it is still reasonable to consider the proportion of such uses in the area.
- 6.4. The site is within the Aston, Newtown and Lozells Area Action Plan area. The AAP does set a presumption against the loss of family housing to other uses but this application does not result in the loss of family housing as the lawful use of the premises is for education.
- 6.5. The Specific Needs Residential Uses SPG states that HMO's have a role to play in providing housing for certain groups and the type of people to occupy the premises is not a material planning consideration. Neither the behaviour of tenants nor who resides at the property are planning matters. However, this has been raised as an objection by local members, resident groups.
- 6.6. The property is to be occupied by homeless families placed by Birmingham City Council and both the Council and the property operators will vet prospective tenants. To date, only women with children, or couples with children have been placed at the premises. There have not been any children over the age of 11 and no couples or single adults without children. The applicant has advised that their intention is to continue to house families and that separation can be achieved, if required, through differing floors and wings within the building. It has also confirmed that there will not be any single male occupants, males will only be part of a couple or small family unit, that there is no proposal to mix residents with conflicting needs or vulnerabilities and that all residents will be vetted and no alcohol, drug abusers or ex-offenders accommodated.
- 6.7. Staffing arrangements will be 1 member of security staff and 1 member of support staff covering reception 24 hours a day. The security staff will monitor the CCTV and, along with support staff, manage the reception and deal with tenant issues. All residents and visitors enter through the reception and a record will be kept of everyone entering and leaving and no visitors are permitted after 9pm.
- 6.8. The operators of the property are providing temporary accommodation as a pathway to independent accommodation. The Council Temporary Accommodation Housing Team have been placing residents at this premise since April 2018 and have not had any complaints or issues.

*Proportion of HMOs and hostels in local area*

- 6.9. The building is within a sustainable location with access to public transport, services and facilities and the surrounding area is predominately residential. Given the previous use of this building the change of use would not result in the loss of a family dwelling.
- 6.10. Local councillors, resident groups and objectors have raised concerns that there are already too many hostels in the area. Reference is made to Barry Jackson Tower, Aston Hotel and the Guild Public House. Barry Jackson Tower is over 500m from the current application. Aston Hotel is over 1,000m further north on Witton Road and The Guild Public House is 300m along Witton Road.
- 6.11. The issues to be considered are the impact on residential character and appearance of the area and of the 44 properties within 100m of the site there are only 2 other HMOs. It is therefore difficult to argue that the use of Barry Jackson Tower, Aston Hotel and the Guild PH, alongside the Aston Council House, will adversely impact on the residential character or appearance of the ward. I do not consider that the proposal will result in an over-concentration of HMO or hostel uses in the area that could sustain a reason for refusal. I consider that the principle of the proposed use is acceptable in this location.
- 6.12. Consideration should also be given to the need to find a use for this listed building, which does not have a significant impact on the building, and which is viable in this area. The need to provide additional housing, and to provide for residents who are not able to afford their own property, whether rented or sale, is met through HMOs and other similar property types.

*Impact on Grade II Listed building*

- 6.13. A Heritage Statement has been submitted with the application. For the conversion internal stud partition walls are proposed. These are shown as red on the proposed floorplans in section 1 above. In the lower ground floor three of the larger rooms in the northern wing and one room in southern wing have each been subdivided into two rooms. The large room on the junction has been divided into four rooms. At ground floor two of the large rooms in the southern wing have been subdivided. At first floor three large rooms in the northern wing and four in the southern wing have been divided and two of the existing bathroom spaces on this floor have been divided to create more bathrooms. The revised second floor plans show the subdivision of areas of roof void to create 2 bathrooms and a kitchen in each wing.
- 6.14. The HS advises that all of the partition walls have been moulded around the existing features and can be removed without harm to the listed building. Although the subdivision of the rooms has altered some of the proportions of these spaces the HS considers that this work has been done with due care and respect to the listed building. This can be seen in the photographs submitted with the application:





- 6.15. My Conservation Officer has advised that the majority of the works consisted of the further subdivision of rooms in the basement and on the first floor though some of the work had consent from the 2013 permission for use as a school. Furthermore, my Conservation Officer advises that the building is in a good state of repair and the works have been undertaken with care. Most of the spaces affected were secondary spaces on the first and lower floor whilst the most significant showpiece public areas such as the entrance hall and landing were untouched by the works. The one interior space that does seem to have been subdivided in a harmful way is the former first floor boardroom on the corner, however most of these changes seem to have taken place prior to listing or have been approved by the 2013 consent.
- 6.16. Secondary glazing has also been installed on some of the ground floor windows and, as detailed in the submitted noise report, additional secondary glazing will be required on the roadside elevations of some of the upper floors. The secondary glazing which has been installed has been done sensitively and any further secondary glazing can be controlled by condition to ensure it matches the work already carried out.
- 6.17. In conclusion the majority of the works have been the addition of stud-wall partitions, ultimately these are reversible and the layout of the building can be restored to the historic layout without any lasting damage. The significant interior spaces have mostly been retained unaltered and the building is in a good state of repair and being utilised in a way that seems to preserve its historic and architectural interest.
- 6.18. I acknowledge the concerns of the local residents, resident associations and members, however I consider that the change that balanced against this less than substantial harm, the public benefits of the scheme include the substantial benefit of providing accommodation for homeless families, the benefit of finding a viable use for this listed building and the fact that the majority of the physical works are reversible. It is considered that in this case these benefits outweigh the harm. Accordingly the change of use has been carried out with special regard to the historic interest of this Grade II Listed Building in accordance with the requirements of Section 66 of the Listed Building and Conservation Area Act and the relevant sections of the NPPF and BDP.

*Standard of Accommodation*

- 6.19. The SPG provides guidelines in relation to internal floorspace and amenity space standards. Where a HMO provides a shared kitchen/ living room and separate bedrooms, single bedrooms (one individual) should comprise an area of 6.5sqm and double bedrooms (two individuals) should comprise an area of 12.5sqm.
- 6.20. All of the bedrooms would exceed the minimum floorspace standards as they range from 10.67sqm to 32.14sqm. The key issue is that they are intended for multiple occupation by mothers, or couples, with young children. A schedule of the room sizes and number of occupants does show that only 7 of the rooms will be below 12.5sqm and all of these accommodate 1 adult and 1 child. Rooms between 15sqm and 17sqm accommodate 1 adult and up to 2 children. Occupation by 2 adults, with either 1 or 2 children, is within rooms which are over 19sqm and therefore of sufficient size to accommodate a double bed and single bed, or bunks. The document shows maximum occupation of 4 in each room with a maximum of 2 adults. The supporting statement also advises that the 44 rooms could have a maximum occupancy of 137 but that the applicant is willing to restrict occupation to 116 persons (adults and children).

- 6.21. The property meets the standards in the Private Rented Services HMO Property & Management Standards 2019, including the sizes of the bedrooms for accommodating the number of residents proposed in each room.
- 6.22. The 'Specific Needs Residential Uses' SPG recommends that 16sqm of outdoor, communal, amenity space should be provided per resident, and this would equate to of 1,856sqm. The site provides communal amenity space to the rear to provide 13 car parking spaces and amenity space of 126sqm. This falls short of the recommended communal amenity space within the SPD. However the site is opposite Mansfield Green Park, which can provide additional outdoor recreation and amenity space for the residents of this property, albeit across the road. The Listed Building status limits the opportunity to provide on-site external amenity space and, as such, I consider that the small outdoor provision is acceptable and it is reasonable to rely on the adjacent park to make up the shortfall and provide amenity space for informal play/ recreation.
- 6.23. In light of the above, notwithstanding the concerns of the objectors, I am satisfied that the standard of accommodation provided for the proposed interim accommodation would be acceptable.

*Impact on amenity of neighbouring uses*

- 6.24. The existing building sits within a residential area with existing terrace houses to the north, east and south and residential over commercial to the west. The side elevation of 29 Witton Road is approximately 13m from the gable end of the north wing of the application building however there are only bathroom windows in this gable end of the proposed scheme. To the west, above commercial premises, 62 Witton Road is approximately 19m away with the road and footways in between. To the south 59a to 71 Albert Road are approximately 21m away, again with road and footways between. To the west 60/62 Albert Road are just 10m from the gable end of the south wing of the building.



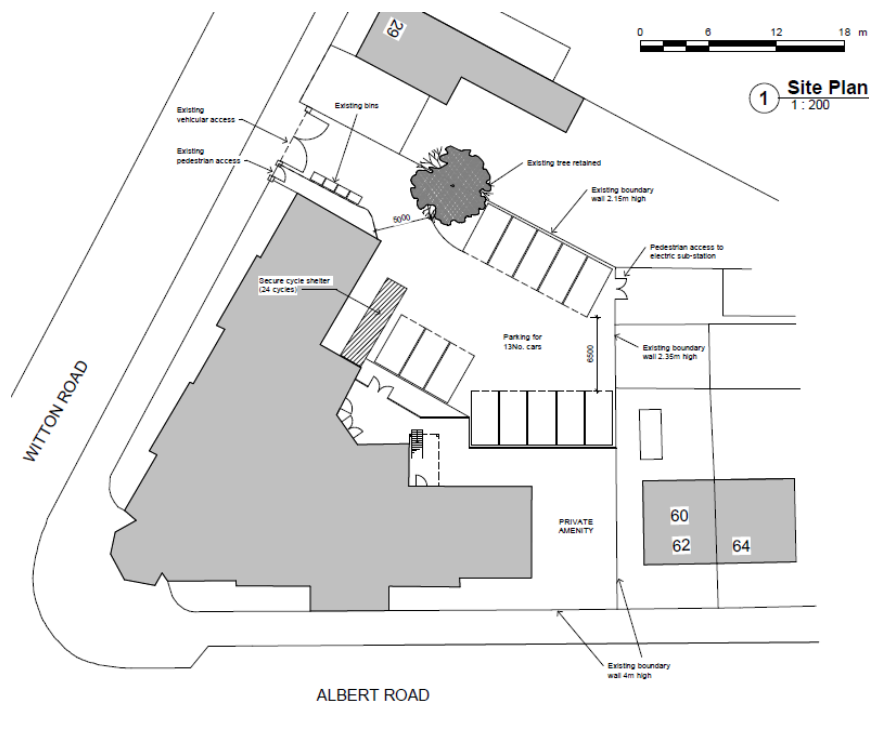
- 6.25. No new windows are proposed. All but one of the windows in the gable ends of the building, which are closest to the neighbouring properties, serve bathrooms. Only one window, in the gable of the south wing, serves a bedroom. This window, due to the ground level changes does sit above the boundary wall level and look directly at the side elevation of the neighbouring property (60/62 Albert Road). However, this neighbouring property only has a secondary window and door in the side elevation and as such the impact of overlooking is not considered to be significantly adverse.
- 6.26. A Noise Report confirms that the dominant noise source is road traffic. To ensure the amenities of residents the report advises that secondary glazing be fitted to the windows and mechanical ventilation installed. Secondary glazing has been fitted to the ground floor. As noted above any additional secondary glazing can be dealt with through an appropriately worded condition. The ventilation system will be an internal

system with ducting along the corridors and discharge in the loft. The details of the system will need to be submitted but can be dealt with by a condition.

- 6.27. As detailed in section 4 above Regulatory Services have raised concerns about the potential noise impacts from the use on the surrounding uses. There is a significant difference between the operation of a residential school (where there would be managed use of the internal and external space and also a clear curfew of times of use for the external space) and the proposed use where the residents would have unrestricted use of the outdoor space. There is limited external space (which is mainly allocated for parking) and with over 40 children in residence this area will become used as an outdoor amenity area.
- 6.28. To resolve this issue Regulatory Services have suggested that the use of the outdoor space could be controlled by conditions to limit the hours of use of the external space for amenity purposes and a requirement for site management presence and a management plan for both the behaviour of the residents within the building (noisy stereos etc) and the outdoor space to prevent noise amenity impacts. As the premises are managed by the operator and the applicant has confirmed that there are staff on site 24 hours a day such management of the outdoor space would be possible, as to would the management of the resident's behaviour. Accordingly I consider that a condition to limit the hours of use of the outdoor space for recreation and a condition to require the submission of a management plan are both appropriate and overcome this issue.

*Access, parking and highway impact*

- 6.29. The site is currently accessed off Witton Road through wrought iron gates between brick pillars. The access leads to the hard surfaced yard at the rear of the building which is proposed to be used for car parking. Cycle parking and a bin store is also located within this hard surfaced area and it is enclosed by a high brick wall. The revised plan now shows this space providing 13 parking spaces, an area just inside the gate for four bins, a secure cycle store for 24 cycles, access to the adjacent electricity substation and a small outdoor amenity area.



- 6.30. The DAS advises that car ownership is low and as such the car parking provision is sufficient for the intended use. The provision of cycle parking is beneficial, the site is also close to bus stops and there is unrestricted on-street parking in the area. Although local member's and objector's comments have questioned the assumption that car ownership is low Transportation Development have no objections and recommend conditions. They have advised that the proposed use would be unlikely to increase traffic and parking demand significantly compared to the previous use at the site.
- 6.31. Transportation Development also suggested that the existing gates should be moved 5.5m into the site, from the back edge of the footway, so that vehicles can wait off public highway. However, this would have an adverse impact on the setting of the listed building. The benefit to highway flow needs to be considered against the harm to the heritage asset. I do not consider it is necessary to move the gates and Transportation Development have accepted that vehicles waiting on the highway is the existing situation. The harm to the listed building would be less than substantial but the public benefit of moving the gate does not outweigh the harm. The number of vehicles that would need to wait would be limited due to the level of parking provided.

#### *Drainage*

- 6.32. The Drainage Strategy notes that the site is flood zone 1 and there is no risk of flooding. The existing building is connected to mains foul and surface water systems and there are no additional buildings or hard standing proposed. The drainage strategy recommends the installation of 4 rainwater butts to provide rainwater harvesting and reduce surface water run-off to the mains. The LLFA have no objection.

#### *Other matters*

- 6.33. The energy statement recommends additional insulation in the roof void, secondary glazing, use of low energy light fittings, low energy appliances and photo-electric cell lighting. The statement notes that there are limited options for improving energy efficiency or reducing carbon emissions for the building due to the listed status of the building. Any other, more extensive, alterations would be likely to result in greater harm to the listed building.

## 7. Conclusion

- 7.1. The use of the Grade II, former Aston Council House, as interim accommodation for homeless families is considered to be acceptable. The use does not result in a disproportionate number of uses within the vicinity to affect the character or appearance of the area. The use supports the Council's aims of housing homeless families and provides interim accommodation.
- 7.2. Furthermore the works which have already been carried out and are proposed to be undertaken will not result in substantial harm to the Grade II Listed Building and the less than substantial harm is balanced against the public benefits of providing accommodation for these families and the benefit of finding a viable use for the building. The works are considered to be reversible.
- 7.3. Subject to conditions the impact on the amenities of the existing residents in the surrounding area and the proposed residents will not be significantly adverse and the access, parking and drainage arrangements are all appropriate.

7.4. Overall the scheme is considered to comply with the requirements of the Development Plan, relevant supplementary planning guidance and the National Planning Policy Framework.

8. Recommendation

8.1. That planning permission be granted subject to the following conditions:

- 
- |   |  |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans             |
| 2 | Requires the provision of security measures within 3 months                        |
| 3 | Requires the parking and external space to be laid out within 3 months             |
| 4 | Requires the submission of a management plan within 3 months                       |
| 5 | Requires secondary glazing within 6 months   |
| 6 | Prevents the use of the outdoor amenity space between the hours of 21:00 and 07:00 |
| 7 | Requires work to be carried out in accordance with FRA                             |
| 8 | Maximum occupation of 116 residents  |
- 

Case Officer: Karen Townend



## Photo(s)



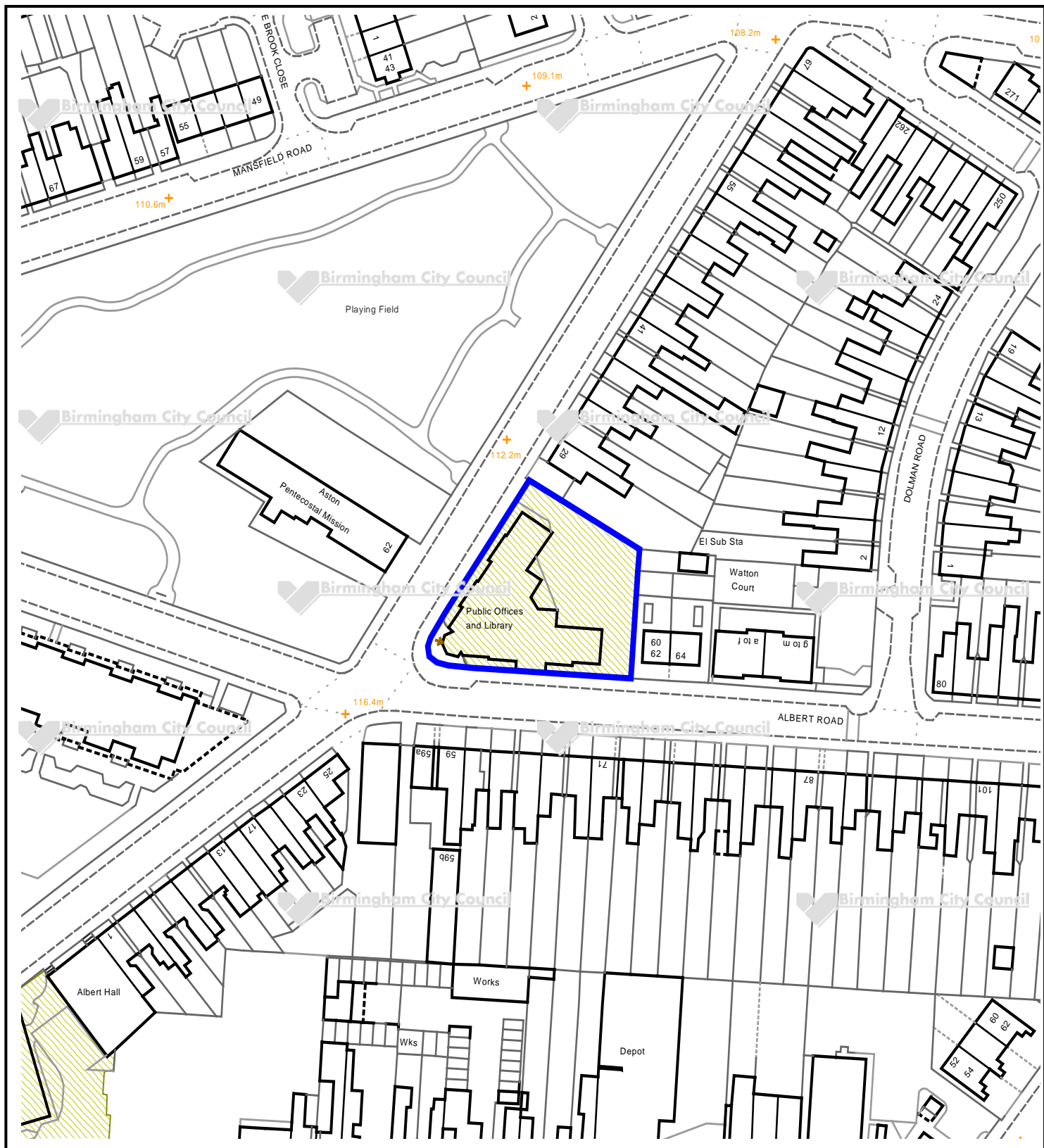
Street view from Witton Road



Ariel view



## Location Plan



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Committee Date:	07/01/2021	Application Number:	2020/01420/PA
Accepted:	16/03/2020	Application Type:	Listed Building
Target Date:	08/01/2021		
Ward:	Aston		

**58 Albert Road (former Aston Council House), Aston, Birmingham, B6 5NQ**

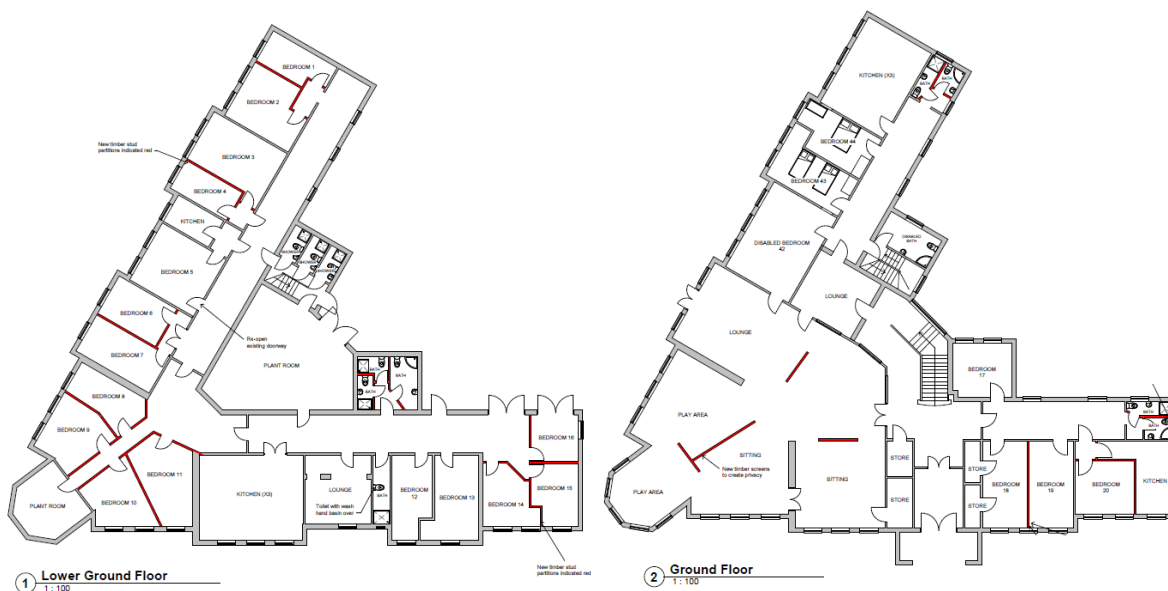
**Listed Building Consent for retention of change of use and conversion works to create 44 bedroom interim accommodation for homeless families (Sui Generis)**

### Recommendation

### **Approve subject to Conditions**

#### **1. Proposal**

- 1.1. This Listed Building Consent application sits alongside the application for retrospective planning permission for the conversion of the existing building at 58 Albert Road to 44 bedroom interim accommodation for homeless families.
- 1.2. No external alterations are proposed. Internally some rooms have been, and will be, subdivided to create bedrooms. The building provides 44 bedrooms, one of which has disabled access, 30 bathrooms (1 disabled access), 15 kitchens provided within 9 rooms (multiple sets of cabinets, cookers, sinks, fridge/freezer), and 7 lounges. There are bedrooms, kitchens, bathrooms and lounges across all four floors. The floor plans are shown below:





1.3. The application has been submitted with the following supporting documents: Design and Access Statement, Planning Statement and Heritage Statement. Revised plans were sought and submitted along with a revised room guide and supporting statement during the determination of the application.

1.4. [Link to Documents](#)

## 2. Site & Surroundings

2.1. 58 Albert Road was built in 1880 as the offices of Aston Council. Later on the building functioned as a library and council offices until 2011. The building was listed in 2012 by Historic England and planning permission and LBC were granted in 2013 for it to be converted into a school (2013/04214/PA). The school closed and the current use commenced in 2017.

2.2. Externally the building is built of red brick and plain tiled roof. The main building is two storey with rooms in the roof and basement. There is an octagonal turret on the junction of Witton Road and Albert Road with a prominent attic storey and octagonal roof. The building has full height, feature, chimneys. The front boundaries are wrought iron railings and there is a yard to the rear.



- 2.3. The building is situated on the corner of Witton Road and Albert Road and is an important building in the local area. On the opposite corner of the junction is Mansfield Primary Academy. The area is predominately residential with some commercial units and Mansfield Green Park on the opposite side of Witton Road.

2.4. [Site Location](#)

3. [Planning History](#)

- 3.1. 2020/01399/PA – Retention of change of use to 44 bedroom interim accommodation for homeless families (Sui Generis) – under consideration.
- 3.2. 2013/03287/PA – Change of use from day school (use class D1) to a girls residential school and college (use class C2) – approved subject to conditions 01.10.2013
- 3.3. 2013/04214/PA – Listed building consent for change from day school (use class D1) to a girls residential school and college (use class C2), including internal alterations – approved subject to conditions 01.10.2013
- 3.4. 2018/1547/ENF – Alleged unauthorised change of use to HMO/ mosque – under investigation.

4. [Consultation/PP Responses](#)

- 4.1. Adjoining occupiers, local councillors and local MP notified as well as site and press notices displayed.
- 4.2. Objections have been received from Councillors Muhammad Afzal, Nagina Kauser and Ziaul Islam, Shabana Mahmood MP, Aston Voice Residents Association, Perry Aston Residents, Perry Barr Residents Association, Aston Churches Working Together, Aston Residents Association, Cordate Community, Aston & Nechells Foodbank, Witton Methodist Church, Aston Parish Church and 3 local residents.
- 4.3. The issues raised regarding the works to the Listed Building are as follow:
- No guarantee that the building will be well maintained by the investment vehicle backing this application
  - Impact of internal works on the listed building
  - Work has been carried out to the building without consent, insertion of new internal walls, boarding up of windows etc
  - Queried why there are no external improvements
  - The report lacks detail on the condition of the building or describe the building, other than to repeat the list description from the Heritage England website which cannot be relied on to be accurate
  - The building, as a heritage asset, should be accessible to local people
  - Not an appropriate way to preserve a listed building and prevents public access

All of the other issues raised are detailed in the associated report on the planning application.

## 5. Policy Context

5.1. The following policies and guidance is applicable:

- Birmingham Development Plan 2017
- Birmingham Unitary Development Plan (saved policies)
- Places for All SPD
- Places for Living SPG
- Aston, Newtown and Lozells Area Action Plan
- Revised National Planning Policy Framework 2019

## 6. Planning Considerations

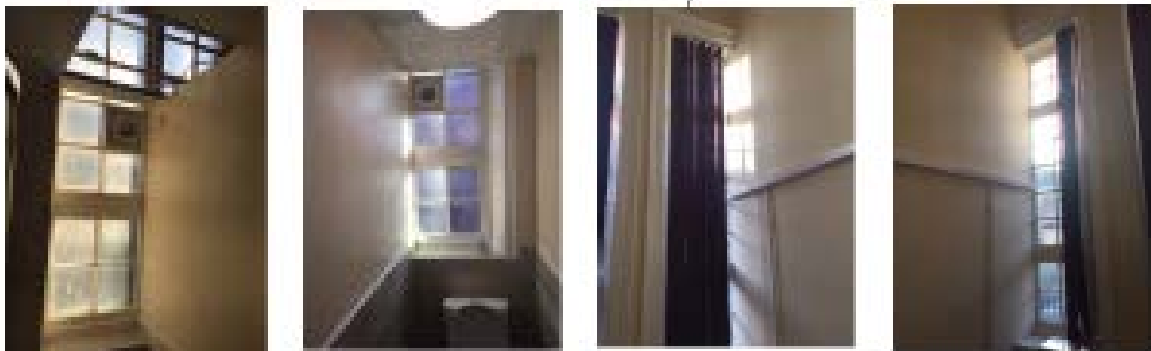
6.1. The key issue is whether any of the works will result in substantial harm to the listed building, or less than substantial harm. Where less than substantial harm is caused this should be weighed against the public benefits of a proposal (paragraph 196).

### *Impact on Grade II Listed building*

6.2. A Heritage Statement (HS) has been submitted which notes that the building was originally a local government building and then a library. Its most recent use was as a residential school. The building is red brick with plain tiled roof and two storey with attic and basement rooms.

6.3. For the conversion internal stud partition walls are proposed to be provided. These are shown as red on the proposed floorplans in section 1 above. In the lower ground floor three of the larger rooms in the northern wing and one room in southern wing have each been subdivided into two rooms. The large room on the junction has been divided into four rooms. At ground floor two of the large rooms in the southern wing have been subdivided. At first floor three large rooms in the northern wing and four in the southern wing have been divided and two of the existing bathroom spaces on this floor have been divided to create more bathrooms. The revised second floor plans show the subdivision of areas of roof void to create 2 bathrooms and a kitchen in each wing.

6.4. The HS advises that all of the partition walls have been moulded around the existing features and can be removed without harm to the listed building. Although the subdivision of the rooms has altered some of the proportions of these spaces the HS considers that this work has been done with due care and respect to the listed building. This can be seen in the photographs submitted with the application:



6.5. My Conservation Officer has advised that the majority of the works consisted of the further subdivision of rooms in the basement and on the first floor though some of the work had consent from the 2013 permission for use as a school. Furthermore, my



Conservation Officer advises that the building is in a good state of repair and the works have been undertaken with care. Most spaces affected were secondary spaces on the first and lower floor whilst the most significant showpiece public areas such as the entrance hall and landing were untouched. The one interior space that does seem to have been subdivided in a harmful way is the former first floor boardroom on the corner, however most of these changes seem to have taken place prior to listing or have been approved by the 2013 consent.

- 6.6. Secondary glazing has also been installed on some of the ground floor windows and, as detailed in the submitted noise report, additional secondary glazing will be required on the roadside elevations of some of the upper floors. The secondary glazing which has been installed has been done sensitively and any further secondary glazing can be controlled by condition to ensure it matches the work already carried out.
- 6.7. In conclusion the majority of the works have been the addition of stud-wall partitions, ultimately these are reversible and the layout of the building can be restored to the historic layout without any lasting damage. The significant interior spaces have mostly been retained unaltered and the building is in a good state of repair and being utilised in a way that seems to preserve its historic and architectural interest.
- 6.8. I acknowledge the concerns of the local residents, resident associations and members, however I consider that the change that balanced against this less than substantial harm, the public benefits of the scheme include the substantial benefit of providing accommodation for homeless families, the benefit of finding a viable use for this listed building and the fact that the majority of the physical works are reversible. It is considered that in this case these benefits outweigh the harm. Accordingly the change of use has been carried out with special regard to the historic interest of this Grade II Listed Building in accordance with the requirements of Section 66 of the Listed Building and Conservation Area Act and the relevant sections of the NPPF

## 7. Conclusion

- 7.1. The use of the Grade II, former Aston Council House, as interim accommodation for homeless families is considered to be acceptable and the will not result in substantial harm to the Grade II Listed Building and the less than substantial harm is balanced against the public benefits of providing accommodation for these families and the benefit of finding a viable use for the building. The works are considered to be reversible. Overall the scheme is considered to comply with the requirements of the Development Plan, the National Planning Policy Framework and Section 66 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.

## 8. Recommendation

- 8.1. That Listed Building Consent is granted subject to the following condition:

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1	Requires the scheme to be in accordance with the listed approved plans
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Case Officer: Karen Townend

## Photo(s)



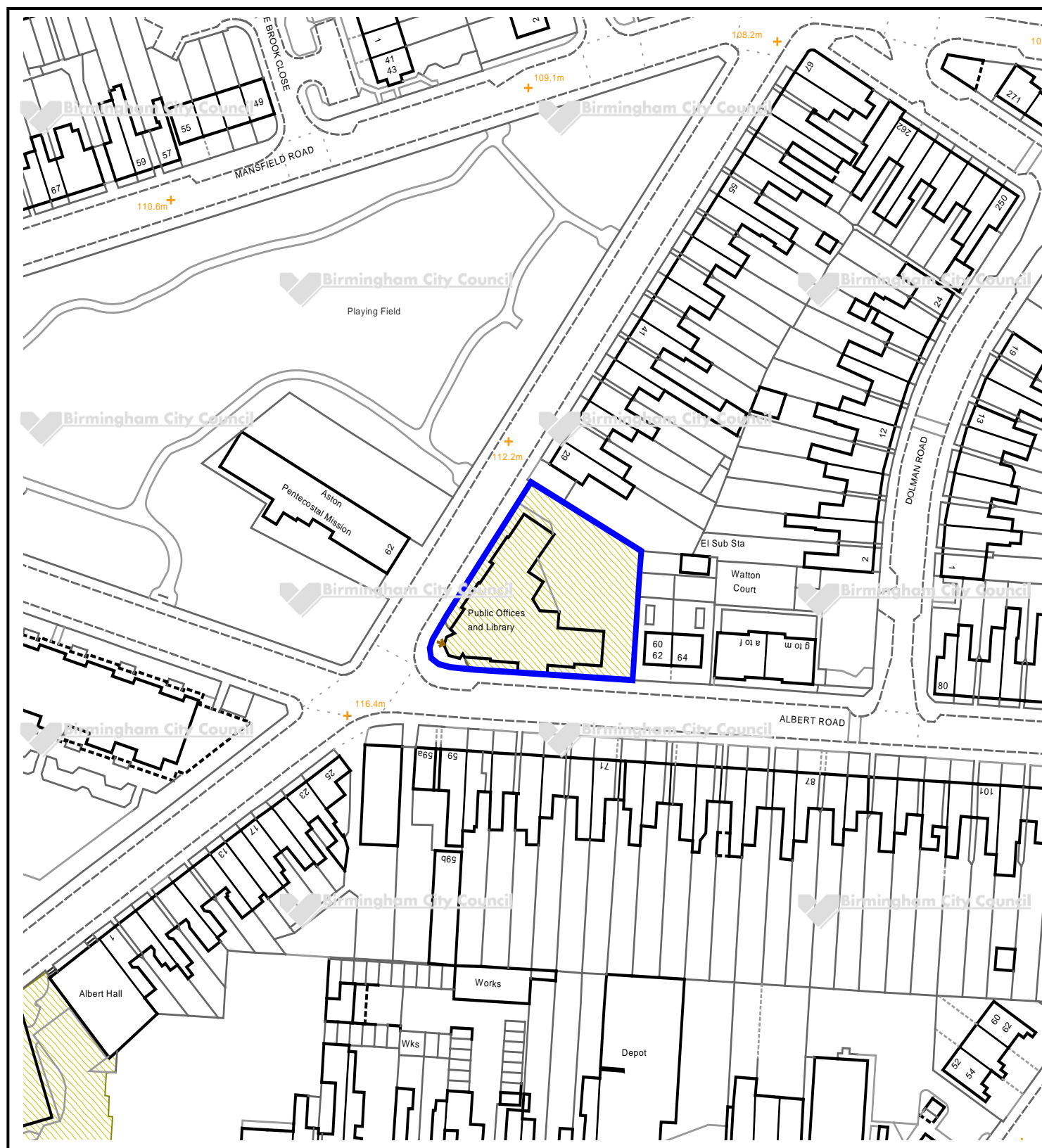
Street view from Witton Road



Ariel view



## Location Plan



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Committee Date:	07/01/2021	Application Number:	2020/08328/PA
Accepted:	21/10/2020	Application Type:	Full Planning
Target Date:	08/01/2021		
Ward:	Nechells		

28 Oliver Street, Nechells, Birmingham, B7 4NX

Erection of single storey extension to create a mixed use building to form library/ multiuse space.

Recommendation

**Approve subject to Conditions**

1. Proposal

- 1.1. Planning permission is sought for the erection of a single storey extension to the existing community centre - the POD at 28 Oliver Street, Nechells. The application has been submitted by Birmingham City Council Property Services.
- 1.2. The proposed extension would be located at the eastern side of the existing building and would provide a flexible multiuse community space including café, extended staff office, new accessible toilets and a new library.
- 1.3. The Design and Access Statement states that since the closure of Bloomsbury Library in 2013, a temporary library service is currently operating from foyer and corridor within the existing community centre. The current space is cramped and not an ideal setting for a library and the proposal would therefore supply dedicated library facilities to the Nechells community.



Proposed site plan



3D view of the proposed layout

- 1.4. The proposed development would generate additional 1 no. full-time and 2 no. part-time employees.
- 1.5. The application is accompanied by a Design and Access Statement.
- 1.6. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site comprises the existing single storey community centre—the POD fronting Oliver Street and rear elevations facing north-east towards the large public green space of Bloomsbury Park. A large car park associated with the community facility is located to the south. The surrounding area is predominantly residential. There is a 16 storey residential tower block – Thames Tower directly adjoining the site to the north, and residential properties on the opposite side of Oliver Street.

## 2.2. [Site location](#)

## 3. Planning History

### *Relevant planning history*

- 3.1. (2010/00273/PA) - Single storey extension to provide new office, nurture room, W/C and creation of new play space – Approved subject to Conditions – 26/03/2010

## 4. Consultation/PP Responses

- 4.1. Site notice displayed and local ward Councillors, residents' associations and the occupiers of surrounding properties notified. No responses received.
- 4.2. Transportation Development – No objections.
- 4.3. Regulatory Services – No objections.

- 4.4. West Midlands Police – No objections and provided recommendations in relation to the CCTV, anti-graffiti coating and security measures.

5. Policy Context

- 5.1. The following local planning policies are applicable:
- Birmingham Development Plan (2017);
  - Unitary Development Plan (2005) (saved policies 3.14-3.14D & Chapter 8);
  - Places For Living SPG (2001);
  - 45 Degree Code
- 5.2. The following national planning policies are applicable:
- National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. The main issues are the impact on visual and residential amenity as well as highway safety and parking.

*Visual amenity*

- 6.2. The proposed extension would be designed with flat roof and constructed in brick to match the existing building. It would measure 18m in width x 8.8m in depth x 2.5m in height to the ridgeline. The front entrance facing Oliver Street would comprise a glazed canopy, with full height glazing panel windows to south and east elevations and a wrap-around window with feature blue engineering brick at northeast corner.



3D view of the proposed extension facing Oliver Street

- 6.3. City Design team have assessed the proposal and raised no objections subject to a condition in relation to the proposed materials and detailing. The proposal would be a seamless extension of the existing single-storey building extending its frontage along Oliver Street. The proposed design adds welcome visual interest and a more contemporary character and glazing takes advantage of views towards the park. I consider that the scale, mass and design of the proposed extension are acceptable and subject to the recommended condition the proposal would have no detrimental impact on visual amenity of the surrounding area.

*Residential amenity*

- 6.4. There is a 16 storey residential tower block – Thames Tower directly adjoining the existing community centre to the north, and residential properties on the opposite side of Oliver Street.

- 6.5. Adequate separation distances in accordance with Places for Living SPG have been met with regards to the surrounding residential properties and as such there would be no detrimental impact on the amenities of the occupiers of those properties by virtue of loss of privacy and overlooking from the proposed development. The proposal also complies with the 45 Degree Code.

*Highway safety and parking*

- 6.6. The application site has 16 no. off-street parking spaces. The proposal would not impact on the existing parking and there would be no alterations to the existing egress. Transportation Development have no objections subject to a condition that the visibility splays remains as existing. Given that the proposed extension would not impact on the existing visibility splays or parking; I consider that the condition is not necessary.

*Other matters*

- 6.7. Employment Access Team recommended employment obligations should an s106 agreement is to be put in place or should employment conditions be attached. Given the nature of the proposal; it is considered that inclusion of s106 agreement or employment conditions is not necessary in this instance.

- 6.8. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposed development would accord with all relevant Development Plan policies and the NPPF and would not impact on visual or residential amenity, highway safety or parking and would provide a new library which Nechells has been lacking since the closure of Bloomsbury Library in 2013.

8. Recommendation

- 8.1. Approve subject to Conditions.

- 
- |   |  |
|---|--|
| 1 | Implement within 3 years (Full)  |
| 2 | Requires the submission of Architectural Details                       |
| 3 | Requires the scheme to be in accordance with the listed approved plans |
- 

Case Officer: Lucia Hamid



## Photo(s)

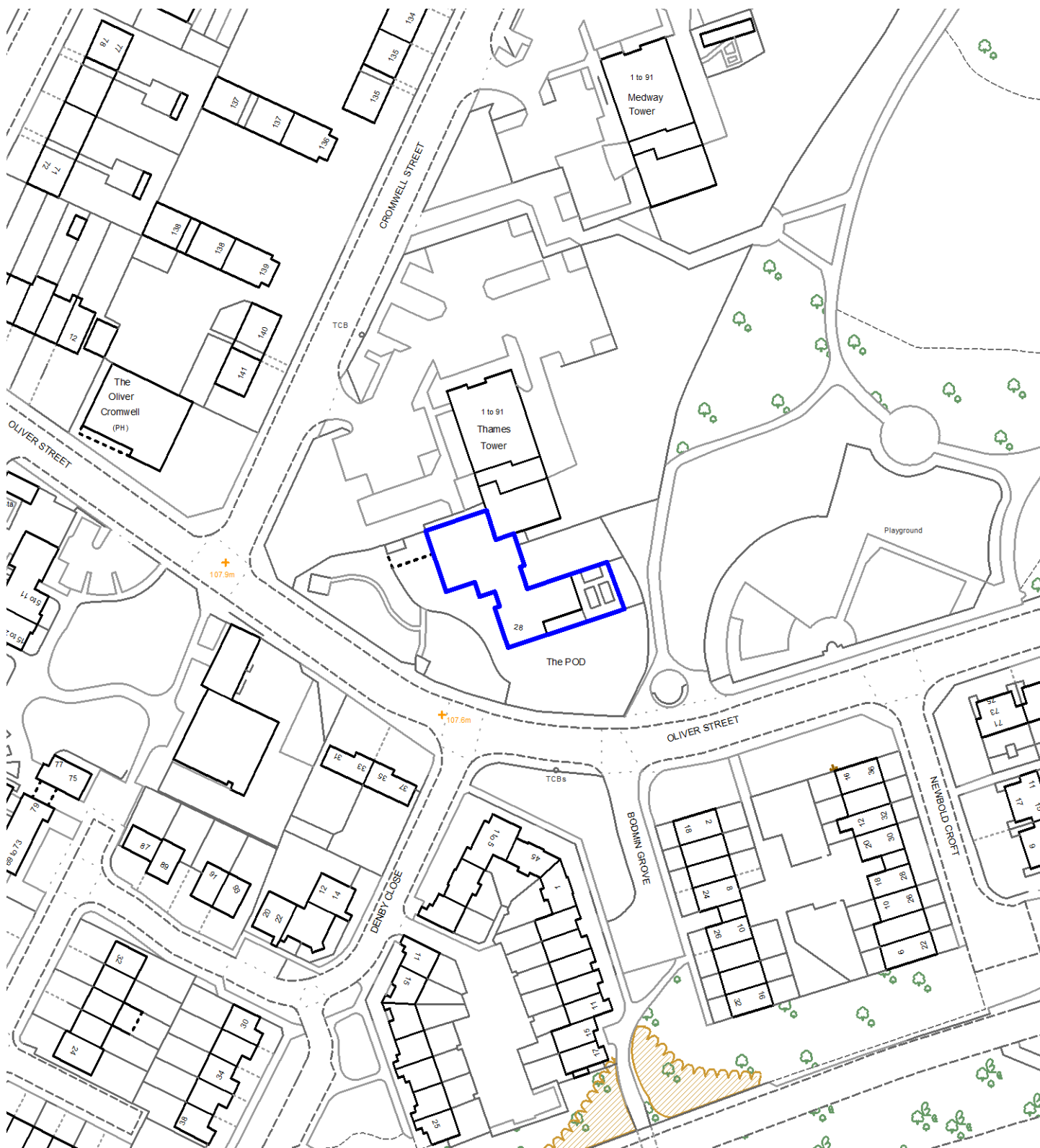


Photo 1: Aerial view of the site



Photo 2: View of the site from Oliver Street

## Location Plan



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Committee Date:	07/01/2021	Application Number:	2020/08912/PA
Accepted:	10/11/2020	Application Type:	Full Planning
Target Date:	07/01/2021		
Ward:	Perry Barr		

Land opposite 74 Oscott Road, Perry Barr, Birmingham, B42 2TA

Provision for 56 temporary contractors car parking spaces for a period of three years

Recommendation

**Approve Temporary**

1. Proposal

- 1.1 Application seeks consent for the use of the site as a car park for a temporary period of 3 years. The site would be gravelled and laid out to accommodate 56 cars. It would be for use by construction workers working at the Perry Barr residential development site (former BCU site, Wellhead Lane, approx 200m to the west).



Image 1: Google image of site



Image 2: Proposed plans

- 1.2 The site would be accessed via Oscott Gardens which is off Oscott Road. The existing access and palisade fencing would be retained.

- 1.3 [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is surrounded by a mix of commercial, student accommodation and residential properties. The application site itself is currently 'scrub' land, secured by palisade fencing and sits to the north/west of commercial/industrial hub off Nobel Way, is to the south of the former University Halls of Residence and east of residential properties on Oscott Road. The site is accessed via the residential street of Oscott Road.

- 2.2. The wider area is undergoing significant transformation

- 2.3 [Site location](#)

3. Planning History

- 3.1 2<sup>nd</sup> March 2010 - 2010/08138/PA Erection of single storey groundworks storage facility and garage including landscaping, access and entrance gate. Approved subject to condition
- 3.2 1<sup>st</sup> August 2019 - 2019/03020/PA Outline application for residential dwellings and a new secondary school with sixth form all matters reserved. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Environment Agency – No comments to make.
- 4.2. Regulatory Services – No objections.
- 4.3. Transportation Development – No objections.
- 4.4. Neighbours and Ward Councillors were notified. Site notices were also displayed. 1 letter of comment received raising a series of questions, summarised as;
- How long will proposed works take?
  - Will more contractors cars be parked in the street and bring more chaos?
  - Will the proposal stop them parking on the street?

5. Policy Context

- 5.1 Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; Car Parking Guidelines SPD, Aston Area Action Plan, emerging Development Management DPD and the National Planning Policy Framework.

6. Planning Considerations

- 6.1 Local and national planning policies support sustainable growth to meet the needs of the population and strengthen the City's global appeal. A large scale residential redevelopment of the former Birmingham City University site (Wellhead Lane/Franchise Street) is currently being undertaken in close proximity and originally it was expected that demand for contractors car parking would be limited due to the sites excellent public transport links. However, due to current government advice to reduce public transport use and to avoid car sharing there has been an increased demand for car parking provision for construction workers. This demand has been met, in part, by the use of Oscott Gardens main site which has provided approx 100 spaces. However Oscott Gardens is due to be demolished during 2021 as such car parking capacity on this site will be reduced by approx 50%. The failure to provide suitable car parking provision would impact on the availability of labour to undertake the works and/or increase opportunities for conflict with existing residents and highway users. Therefore this application is submitted to meet the anticipated shortfall. The provision of a temporary car park in close proximity to the development site is therefore considered, in land use policy terms, to comply with the overall aims and objectives of both local and national planning policy subject to all detailed matters.
- 6.2 In 2010 the application site was approved be used as a ground works storage facility for the university with parking and associated employee welfare facilities but is currently unutilised. The site access would remain as existing and given the reduction in car parking capacity at Oscott Gardens the overall vehicle and pedestrian movements along Oscott Gardens and Oscott Road are unlikely to be significantly increased when compared to existing. Furthermore, whilst the proposed use would result in some noise from comings and goings, in terms of both cars and people, it is likely to be substantially less than the noise generated by the comings and goings associated with previous halls of residence use and groundworks storage facility. Therefore given the above I consider the proposed car park, as a temporary use, would not adversely affect the amenities of existing residents or the adjacent highway sufficient to refuse the scheme.

- 6.3 No objections are raised by my Tree Officer and informatives, as requested by my Ecologist are attached.
- 6.4 The site is part of the wider phase 2 residential redevelopment and its long term use as a car park would not be appropriate. Approval should be temporary for the expected construction period only.

7 Conclusion

- 7.1 Proposal would provide car parking for construction workers working on a major residential redevelopment within the vicinity. It would not adversely affect the amenities of existing residents by virtue of noise and disturbance or highway movements in the short term and thereby accord with policy. Proposal should be approved for a temporary period of 3 years.

8 Recommendation

- 8.1 Approve subject to conditions.

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1 Requires the use to discontinue within a timescale

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

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Case Officer: Joanne Todd

## Photo(s)



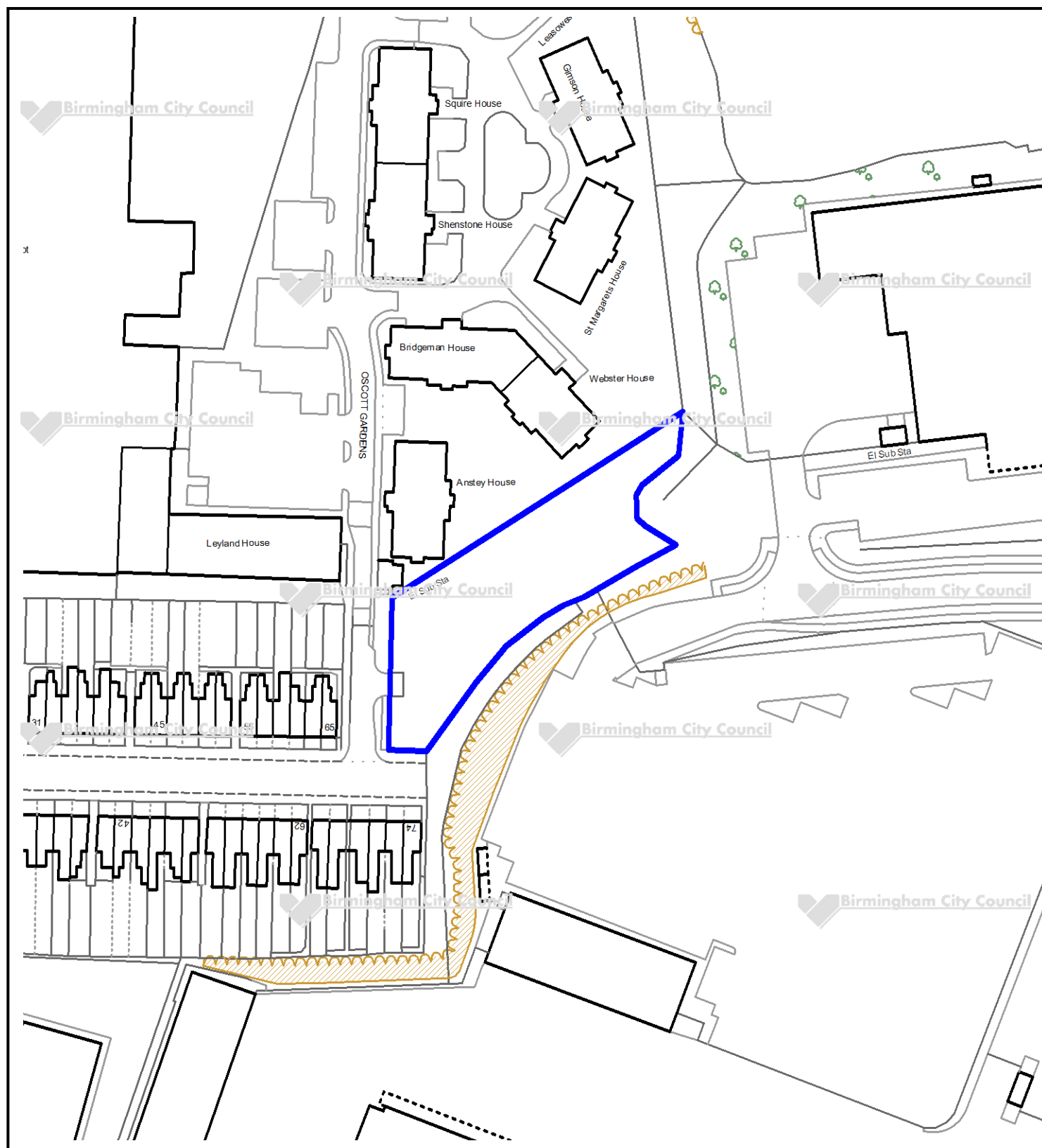
Photo 1: Google satellite image - 2020



Photo 2: Google street view - 2017



## Location Plan



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Committee Date:	07/01/2021	Application Number:	2020/08138/PA
Accepted:	04/11/2020	Application Type:	Demolition Determination
Target Date:	08/01/2021		
Ward:	Perry Barr		

Oscott Gardens, Oscott Road, Perry Barr, Birmingham, B42 2TG

Application for Prior Notification for the proposed demolition of former student accommodation buildings

Recommendation

**Prior Approval Required and to Approve with Conditions**

1. Proposal

- 1.1. This application has been submitted to determine if prior approval is required for the proposed demolition of former student accommodation. The proposed works are being undertaken to facilitate the redevelopment of the area.
- 1.2. The application has been submitted as part of the requirements of Schedule 2, Part 11, Class B set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.3. A demolition method statement sets out the process that will be followed to clear the site. In summary, the following undertaking will occur:-
  - Working area to be cordoned off with security fencing (Heras or similar) and appropriate signage to be displayed.
  - Prior to mechanical demolition works to soft strip of the buildings will take place to remove all combustible items, fixtures, fittings, M&E, precious metals and the like.
  - Manual hand demolition tools will be used to strip and pry away the materials/items.
  - Once all asbestos has been removed from the buildings and a soft strip has been completed, 1 no. 360 degree excavator fitted with demolition attachments will be utilised in the demolition of the buildings.
  - During demolition a siting operative will be on hand with a water supply/bowser/water jet sprayer to suppress the arising dust from the demolition process. This process will also be carried out when loading containers/ wagons for the removal of materials off site.
- 1.4. The site will be regraded to existing surrounding ground levels. The site will be secured by existing palisade fencing and new palisade fencing to match.
- 1.5. An updated plan has been provided as the applicant now considers they may need to remove 4 popular trees to create a safe turning circle for the wagons.
- 1.6. [Link to Documents](#)

## 2. Site & Surroundings

- 2.1. The application site is currently occupied by blocks of buildings that were formerly used as student accommodation. To the west is a bus depot, to part of the southern boundary there are houses whilst there is a commercial estate to the south and east whilst to the north is a sports field. A small part of the site falls in flood zone 2.

## 2.2. [Site location map](#)

## 3. Planning History

- 3.1. 2020/08912/PA - Provision for 56 temporary contractors car parking spaces for a period of three years. Not yet determined.
- 3.2. 2019/03020/PA- Outline application for residential dwellings and a new secondary school with sixth form with all matters reserved- approved with conditions 08.01.2019.
- 3.3. 1996/01603/PA- Erection of 419 bedrooms for students, together with associated access roads, car parking, landscaping & services to include conversion of existing offices & workshop into ancillary accommodation for the university-Approved with conditions 26.09.1996.

## 4. Consultation/PP Responses

- 4.1. Local councillors notified whilst the applicant has posted a site notice- No response received.
- 4.2. Transportation Development- No objection subject to Traffic Management Plan.
- 4.3. Regulatory Services- No objections subject to a Demolition Management Plan
- 4.4. Environment Agency- No comments.
- 4.5. LLFA- Comments awaited.

## 5. Planning Considerations

- 5.1. This proposal has been submitted for consideration under Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015. This requires the applicant to apply to the Local Planning Authority for a determination as to whether prior approval will be required as to the method of demolition and any proposed restoration of the site. The application only seeks prior approval for demolition.
- 5.2. With regard to the latest amended drawing provided which shows the potential removal of 4 Poplar trees, I await the comments from my Tree advisor on this matter and a verbal update will be provided at committee.
- 5.3. My ecological advisor recommends a condition that sets out that no demolition works shall take place until a method statement for bats has been submitted to and approved in writing by the LPA. The method statement shall set out the means to be

employed in the works of demolition authorised by this permission to avoid harm to bats and their roosts. The potential removal of four poplar trees should take place outside of the bird breeding season to ensure compliance with the legal protection afforded to wild birds and their nests. An informative would be attached to advise the applicant of this requirement.

6. Conclusion

- 6.1. In order to ensure the satisfactory demolition of the buildings on site a Traffic Management Plan, Demolition Management Plan and Demolition Ecological Mitigation Plan can all be required by conditions attached to the decision. For this reason, it is recommended that prior approval is required and that approval is granted subject to conditions.

7. Recommendation

- 7.1. That prior approval is required and that approval is granted subject to conditions.

- 
- |   |  |
|---|--|
| 1 | Requires the submission of a Traffic Management Plan.              |
| 2 | Requires the submission of a Demolition Method Statement.          |
| 3 | Requires the submission of a Demolition Ecological Mitigation Plan |
- 

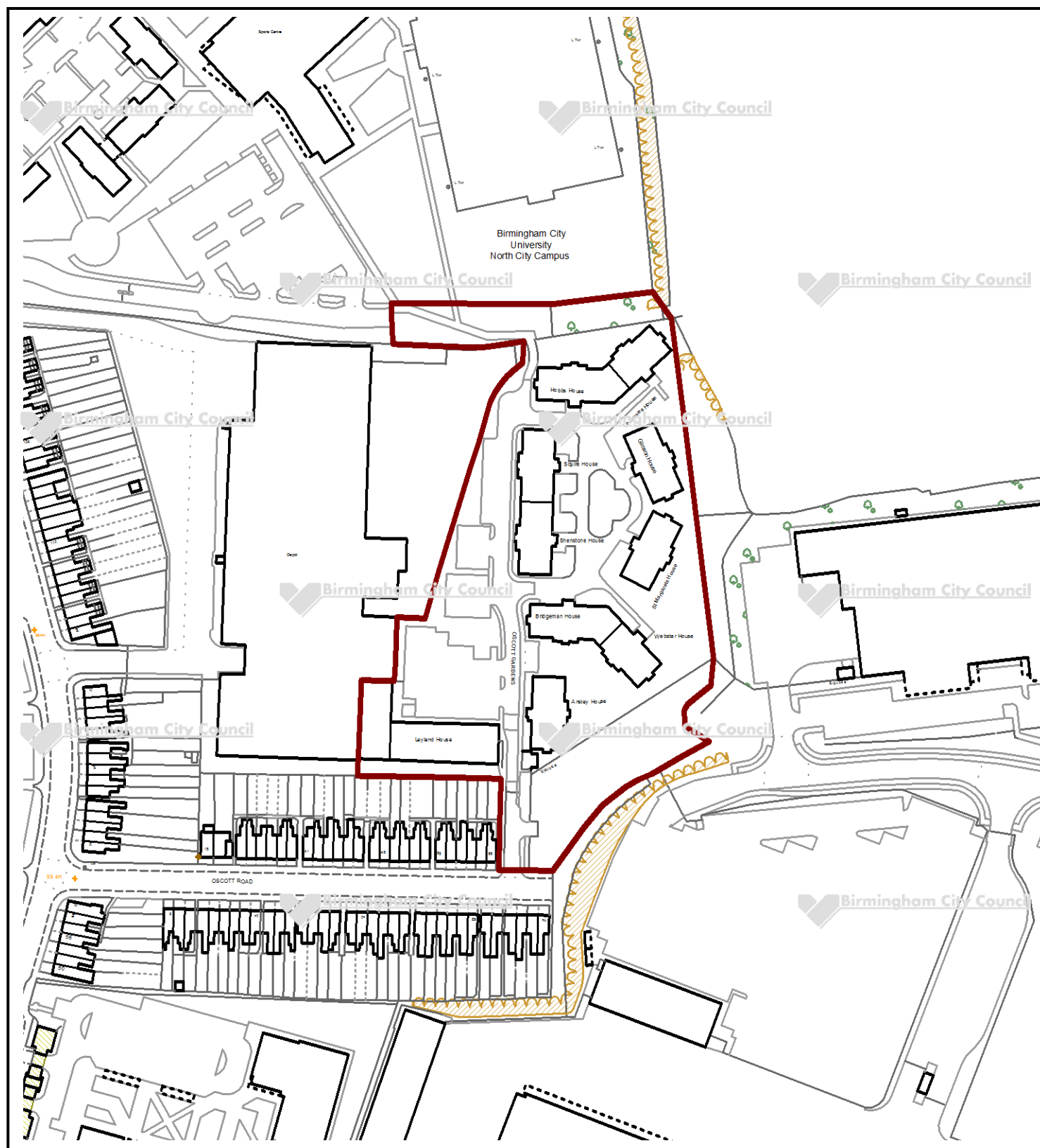
Case Officer:        Wahid Gul

**Photo(s)**



Entrance to site off Oscott Road

## Location Plan



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# **Birmingham City Council**

## **Planning Committee**

**07 January 2021**

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

<b><u>Recommendation</u></b>	<b><u>Report No.</u></b>	<b><u>Application No / Location / Proposal</u></b>
Approve – Subject to 106 Legal Agreement	12	2020/05247/PA  Irish Club - Minstrel Music 14-20 High Street Digbeth Birmingham B12 0LN  Full planning application for demolition of The Irish Centre at 14-20 High Street and the erection of 1no. 48 storey building providing 454 new residential apartments (Use Class C3), associated internal amenity space, ancillary cycle parking and public realm works.
Approve – Subject to 106 Legal Agreement	13	2020/02795/PA  Lockside House Scotland Street Birmingham B1 2RR  Extension and alterations to existing building to create 45 apartments. Works include removal of pitched roof to existing building and replacement with one storey of new apartments on top of the existing building. Demolition of canalside building and construction of extension to the rear, part 5-storey, part 6-storey providing residential apartments and associated servicing and plant. New 6-storey building on the existing car park site, providing residential apartments along with 12 parking spaces at ground floor.
Approve – Subject to 106 Legal Agreement	14	2020/00410/PA  Bradford Street/Moseley Road Land at corner of Highgate Birmingham B12  Demolition of frontage buildings to Moseley Road and part retention of existing building in courtyard to provide 78 apartments with a re-development of a part 5, 6 and 8 storey development and associated works



Approve – Conditions

15

2020/01230/PA

Bradford Street/Moseley Road  
Land at corner of  
Highgate  
Birmingham  
B12

Listed building consent for partial demolition and  
part retention of existing courtyard building and  
alterations to convert to 2 apartments

Committee Date:	07/01/2021	Application Number:	2020/05247/PA
Accepted:	10/08/2020	Application Type:	Full Planning
Target Date:	18/01/2021		
Ward:	Bordesley & Highgate		

Irish Club - Minstrel Music, 14-20 High Street, Digbeth, Birmingham, B12 0LN

Full planning application for demolition of The Irish Centre at 14-20 High Street and the erection of 1no. 48 storey building providing 454 new residential apartments (Use Class C3), associated internal amenity space, ancillary cycle parking and public realm works.

Recommendation

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

1. Proposal

Use and Amount of Development

1.1. The development comprises 454 residential units (Use Class C3) in a 48 storey tower. The proposed mix of apartments is as follows:

- 1 Bed 1 person 91 20%
- 1 Bed 2 persons 90 19.8%
- 2 Bed 3 persons 182 40.1%
- 2 Bed 4 persons 91 20%

This equates to 40% 1 bed (181no.), and 60% 2-bed (273no.) apartments.

1.2. In addition, 898 sqm amenity space is provided at the ground floor, mezzanine, first floor and 48th floor (Sky Lounge). This equates to 1.9sqm per apartment. This is likely to comprise uses such as lounges, co-working, dining, cinema, and bar for the exclusive use by the residents of the development.

1.3. Due to the constrained nature of the site and limited opportunity for public realm and landscaping, the applicant proposes that Stone Yard (west) be closed to vehicular traffic, which would in turn enable improvements to the pavement between the site and the edge of the pavement. It would remain open to pedestrians and cyclists. This enables the area between the Irish Centre and Connaught Square to be landscaped improving the public realm and connectivity, and also for appropriate wind mitigation measures to be incorporated.

1.4. Owing to the site's highly sustainable location, nil on-site car parking is proposed. 122 cycle spaces (35%) is proposed within the development.

Design and Access

1.5. The shape of the building has been influenced by wind modelling with the building having a leaf shaped tapered to the prevailing winds. The podium, crown and fins have also been developed to mitigate wind and are also a unique design.

- 1.6. The concept for the façade of the tower is shown in the diagram below and comprises:
- Black glass feature columns emphasising verticality and a woven glass façade with 2 overlapping grids
  - Podium base to ground the tower and to mitigate down draft with perforated fins at base to disrupt airflow
  - Wind mitigating feature fins to south west elevation
  - A colonnade crown to express steel work



- 1.7. The main facade of the tower would be glazed with the system comprising:-
- Feature vertical black ribbons of insulated glass
  - Horizontal solar control tinted glass with thermal and fire stopping insulation between floors
  - Clear and opaque reflective solar control tinted glass
  - Unitised aluminium expressed fins onto glazing system with dark grey frame



- 1.8. The scheme includes a colonnade podium base including vertical screen features to disrupt airflow. The base comprises:
- Perforated metal mesh sandwiched between a metal framework
  - PPC metal column surrounds
  - Insulated back painted glass horizontal spandrel panels in mid grey
  - Unitised glazed curtain walling with a dark grey metal frame





- 1.9. To south west corner PPC metal formed horizontal fins, tapered into the form of the tower are proposed to act as wind mitigation
- 1.10. The crown of the building includes a colonnade with expressed steelwork comprising
- PPC Metal expressed cladding
  - Metal mesh faced balustrading
  - Unitised curtain walling to amenity space



- Feature vertical ribbon black insulated glass
  - Insulated opaque glass with reflective solar control specification
- 1.11. The main pedestrian access into the building is from Stone Yard. Servicing together with access to plant and a sub-station would be from Chapel House Street where on street parking for delivery and refuse vehicles is proposed. There is also a service entrance off Stone Yard (south).

#### Supporting Information

- 1.12. The application is supported (including updated reports where necessary) by the following statements:
- Planning Statement;
  - Statement of Community Involvement
  - Daylight, Sunlight and Overshadowing Assessment;
  - Affordable Housing Statement;
  - Design and Access Statement;
  - Air Quality Assessment;
  - Archaeological Assessment;
  - Extended Phase 1 Habitat Survey;
  - Flood Risk Assessment;
  - Flues and Extraction Statement;
  - Heritage Statement;
  - Housing Market Report;
  - Loss of Community Venue Report
  - Phase 1 – Land Contamination Assessment;
  - Noise Assessment;
  - Sustainable Construction Statement;
  - Sustainable Drainage Assessment and Drainage Strategy;
  - Tall Buildings Strategy;
  - Telecommunications Assessment
  - Wind Microclimate Assessment;
  - Townscape Visual Impact Assessment;
  - Transport Assessment and Framework Travel Plan;
  - Desktop Utilities Report;
  - Aviation Report and Instrument Flight Procedure (IFP) Safeguarding Assessment
  - UXO Report; and,
  - CAD Model.
- 1.13. In addition a Viability Statement has been submitted, which seeks to demonstrate that the scheme cannot support the full contribution toward affordable housing or a financial contribution toward public open space improvements. The Viability Statement has been independently assessed by the City Council's assessor, and that justifies the proposed provision of 14 units (3%) for affordable private rent to be let at 20% discount of Market Rent. This contribution is in addition to the scheme specific design enhancements which includes public realm works which are costed at £526,422. Together with cost of the public realm works and the onsite affordable provision reflects an equivalent financial provision of 6%.
- 1.14. An Environmental Impact Assessment (EIA) Screening Opinion request has been submitted including both the Bull Ring Trading Estate site and the Irish Centre site

and the City Council has confirmed that an EIA is not required. This included an assessment of cumulative effects of developments in the wider area.

1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site comprises 0.1 hectare and currently accommodates the Irish Centre, which previously functioned as a drinking establishment, live music venue and banqueting / function facility. The venue closed in January 2020 and has relocated to Kings Heath. The site is roughly rectangular in shape and is bounded by High Street to the north, Chapel House Street to the east and Stone Yard to the south and west. The Irish Centre faces the High Street and on-street parking is available on Stone Yard and Chapel House Street. The High Street elevation of the Irish centre comprises three storeys with a painted brick/metal cladding treatment and the rear of the building fronting Chapel House Street is one storey in height with a brick/metal cladding treatment.
- 2.2. The site is located to the south east of Birmingham City Centre, within a mixed use area; the area to the south of the site is characterised by predominantly light industrial uses, however there are also a number of recent residential redevelopments in the vicinity, including the Forge and S&K Digbeth to the south and Connaught Square to the south and west. To the east of the site is the Bull Ring Trading Estate, which is the subject to a separate planning consent for residential development. To the north of the site along High Street, there are a number of offices, entertainment, retail and leisure uses, including the Custard Factory complex.
- 2.3. The site lies in a highly sustainable location, benefitting from a range of high frequency public transport services. The site is well served by bus stops, and Digbeth Coach Station is located approximately 160 metres west of the site. Birmingham Moor Street and Birmingham New Street Station are within walking distance. The site is also located within close proximity of the proposed HS2 Curzon Street Station which will be located in the Eastside part of the City Centre. Further improvements are also proposed to the Midland Metro Network, with the 'Birmingham Eastside Extension' extending the tram line to High Street Deritend, Digbeth with a stop in close proximity to the site.
- 2.4. There are statutorily listed buildings within the immediate vicinity of the site: Grade II Listed White Swan Public House on Bradford Street approx. 70m to the south of the site, Grade II Listed Devonshire House approx. 50m on the opposite side of the High Street and the Grade II\* Listed Old Crown Public House on High Street approx. 125m northeast of the site, on the opposite side of the road, to the north (these measurements are taken from the nearest part of the site to the asset). A number of locally listed buildings around the site include a former Lloyds Bank located to the north of the site on High Street Deritend. Although the site is not included within the Digbeth, Deritend and Bordesley Conservation Area it lies directly adjacent to the southern border of this conservation area.

3. Planning History

Application Site (part of wider area including Connaught Square)

- 3.1. 24 January 2008. Application 2007/04049/PA Planning consent granted for erection of new floorspace to provide for residential, retail, commercial, leisure and

community uses (Use Classes A1, A2, A3, A4, A5, B1, C1, C3 and D2) plus ancillary parking, servicing and amenity space.

- 3.2. 13 January 2011. Application 2010/05820/PA. Planning consent granted in order to extend the time limit for implementation for the erection of new floorspace to provide for residential, retail, commercial, leisure and community uses (Use Classes A1, A2, A3, A4, A5, B1, C1, C3 and D2) plus ancillary parking, servicing and amenity space

#### Nearby Sites

- 3.3. Bull Ring Trading Estate – Planning consent granted 8th September 2020 for the demolition of all building and the erection of 7no. 6 - 30 storey buildings comprising 995 residential apartments (Use Class C3) and associated internal amenity space, flexible amenity and retail / leisure floorspace (Amenity / A1 / A2 / A3 / A4 / A5 / D1 / D2), car parking, cycle parking, landscaping and access. Permission subject to a S106 agreement to secure 10% affordable housing and public access to the pedestrian boulevard linking Deritend High Street with Green Street.
- 3.4. Connaught Square – resolution 18 July 2019 to grant planning consent subject to a legal agreement for clearance of the site and the erection of new buildings ranging from 4 storeys to 28 storeys to provide 725 residential units and 3,529 sqm of commercial/retail/leisure and community uses together with car parking, new public square and pedestrian bridges over the River Rea, landscaping, engineering operations and associated works in accordance with application 2016/08273/PA.
- 3.5. 234-236 Bradford Street – planning consent granted 18 July 2017 for demolition of existing Kingfield Heath buildings and erection of 237 residential units varying between 5 and 8 storeys together with 71 car parking spaces and associated works in accordance with application 2016/08444/PA.
- 3.6. 250 and 251 Bradford Street and 25-30 Green Street – planning consent granted 18 July 2017 for demolition of existing buildings and erection of 130 residential units varying from 4-8 storeys together with 40 car parking spaces and associated works in accordance with application 2016/08443/PA.
- 3.7. Land bounded by Green Street, Birchall Street and Bradford Street – planning application approved 27 October 2017 in accordance with reference 2017/02454/PA for demolition of existing building and erection of 165 residential units over 6 storeys together with 18 car parking spaces and associated works.
- 3.8. Lunar Rise - 75-80 High Street - 21 February 2018 Application 2017/07207/PA. Planning consent granted for demolition of existing buildings and the development of 517 residential apartments (including a 25 storey tower) with commercial units (Class A1-A5 and Class D2) at ground floor level and parking. Permission subject to a S106 agreement to secure £450,000 toward public realm improvements in the Digbeth and £450,000 towards off-site affordable housing.
- 3.9. S+K Digbeth – Application 2019/04152/PA – Awaiting Determination. Application for site clearance and demolition of all buildings (saved façade of the S&K Warehouse and the erection of buildings of 6 to 9 storeys providing 503 new residential apartments (Use Class C3), 350sqm amenity space, 539sqm flexible amenity and retail/leisure floorspace (amenity/A1/A2/A3/A4/A5/D2) and associated car parking, cycle parking, landscaping and access.

- 3.10. Former Westminster Works – planning application approved March 2017 in accordance with application 2016/08279/PA for demolition of existing buildings and erection of 5-7 storey buildings to provide 141 no. residential apartments, car parking and associated development.
- 3.11. St Anne's Court – planning application approved 5 October 2015 in accordance with application 2015/05172/PA for a 5 storey building to accommodate 170 residential dwellings, a ground floor retail unit, car parking and associated landscaping.
- 3.12. Fabrik Square – planning consent granted 10 September 2014 in accordance with application 2014/00452/PA for the part demolition refurbishment, conversion and extension to the former Harrison Drape building and the erection of three new buildings to provide a total of 313 residential dwellings and retail unit (Use Class A1) with associated infrastructure, parking and landscaping.

#### 4. Consultation/PP Responses

- 4.1. Prior to submission of the planning application the applicant undertook their own consultations on the scheme. A total of 106 comments were received, with a range of views expressed.
  - Key comments in support of the development included:
    - Much needed/good for the area
    - Will be an asset to Birmingham's skyline
    - Just what Digbeth needs
    - Hope it gets approved
    - Looks amazing/great design/exciting design
    - Can't wait/hope it gets approved
    - Do not lose any height
  - A letter of support was also received from the CEO of Birmingham Irish Association,
  - General comments regarding the development included:
    - Hope for good soundproofing
    - Hoping the sky bar will be outstanding
    - Digbeth/Deritend needs a face lift
    - Good to see no car parking
    - Green space would be a positive/green roof would be good
  - Comments not in favour of the development included:
    - Unsuitable for the area/inappropriate for Digbeth
    - Impact on the cultural heritage of the area
    - Too high/too many stories
    - Needs more cycle provision
- 4.2. As part of the formal consultation process the City Council notified nearby occupiers, residents associations, local ward councillors and MP. Site and press notices were also displayed. The responses are summarised below.
- 4.3. Letter of support from South and City College Birmingham – the development will significantly regenerate an unattractive run down area and provide a large number of jobs, apprenticeships and training opportunities for students in many areas.
- 4.4. Letter of support on behalf of Birmingham Irish Association, Pat Benson Boxing, South and City College, Limerick Association and Birmingham Irish Society. The Centre was the home of information and entertainment and everything to do with the predominantly but not exclusively the Irish Community for over fifty years. The

company who took on the franchise and later the purchase were not able to save it. However, there is a possibility of a new beginning with this building being the jewel in the crown. With the metro, coach station, HS2 station and cycle lanes nearby to reduce the impact of cars and lorries. The developers are keen for this to be a part of the bigger picture and have offered jobs to local people and will engage with the local College in supporting apprenticeships. Finally they recognise the Irish Quarter and are keen to support and where possible enhance the history of the area.

- 4.5. Three letters of objection from local residents commenting that:
  - the building is too tall and out of scale. There needs to be a less tall building with a more sympathetic design to the area, otherwise this building will be an eye sore;
  - this design is neither sympathetic in scale nor the materials used and is totally out of character with the buildings around and will destroy the industrial character of Digbeth with the area;
  - the developers have presented to the public yet another glass and steel development with no attempt at adding any greenery to the exterior of the building;
  - it doesn't take into account the current infrastructure or community;
  - there is insufficient car parking;
  - the building will dominate its neighbours casting excessive shadows and denying light and warmth;
  - disagree with the sound report, at night there is a significant sound disturbance;
  - if this is approved, it will open the area to further inappropriate, excessively tall developments and Digbeth's unique character will be lost.
- 4.6. Regulatory Services – given that the neighbouring site has been consented and that the application would remove an entertainment noise source, namely the Irish Club, they do not object subject to conditions to limit noise levels from plant and machinery, secure noise insulation between the communal and residential premises, a noise survey and mitigation details, a Contamination Remediation Scheme and Contaminated Land Verification Report.
- 4.7. Transportation Development – no objections subject to conditions:-
  - Highway agreement for redundant footway crossings to be reinstated; one on Chapel House Street and one on Stone Yard.
  - TRO change to provide the loading bay.
  - Cycle parking provided before occupation.
  - Construction Management Plan.
- 4.8. Leisure Services - no objections. In accordance with BDP policy, this residential development is liable for an off-site POS and play area contribution of £975,475.
- 4.9. School Organisation Team - request a contribution of £1,197,184.83 for provision of places at local schools.
- 4.10. Employment Team– request local employment obligations either via a legal agreement or condition.
- 4.11. Local Lead Flood Authority – no objections subject to conditions to secure a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan.



- 4.12. Environment Agency – no objections subject to conditions to reduce the risk of flooding by ensuring that compensatory storage of flood water is provided and to secure a remediation strategy to deal with land contamination.
- 4.13. Severn Trent Water - no objections subject a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.14. Historic England – concerned regarding the application on heritage grounds and confirm that the development would give rise to less than substantial harm in NPPF heritage terms. Recommend that the City Council seek amendments, safeguards or further information as set out in the advice below:-.

*“.....the proposed development of a 48 storey tower would result in harm to a number of heritage assets..... The assessment also indicates the likely zones of the development’s visibility which does indicate that the tower would be visible above the Grade II\* St Martin’s Church in views from the Bull Ring. This particular view was clearly very carefully framed within the 2001-3 redevelopment of the Bull Ring. This has served to better reveal a historic perspective of Birmingham’s medieval parish church which now makes a positive contribution to its setting. It is disappointing that the proposed development (along with other permitted or emerging towers) would likely disrupt this framed view and silhouette of the church.*

*We therefore maintain our view that this development would exacerbate the cumulative impact of a growing number of out-of-scale buildings within the setting of two conservation areas, and multiple listed buildings. As before, we would categorise this as being less-than-substantial harm, as referred to in the NPPF, requiring great weight to be given to the assets’ conservation, irrespective of the level of harm. Paragraph 196 of the NPPF therefore calls for this harm to be weighed against the public benefits of the proposal. This harm should only be permitted if it would be outweighed by public benefit.*

*We would remind you that, at 48 storeys the proposed tower would be among the tallest buildings in Birmingham, some distance from the city centre’s ‘Central Ridge Zone’ identified for tall buildings. It is vital then, that as the height and density of tall buildings outside of the city centre increases, the City Council are fully satisfied that this will not also result in harm to heritage assets further afield. In particular, to those heritage assets outside the city centre whose significance is derived from their very separation and isolation from the city.”*

- 4.15. Victorian Society – object. The proposal is inappropriate for this location, adjacent to the conservation area and listed buildings. The tall building proposed for the High Street Deritend frontage will create an enormous massing opposite the historic buildings, which are within the conservation area. As one of the tallest buildings to be constructed in the city, it will be very dominant and have a negative impact on both the setting of the listed buildings themselves and on the conservation area in general.
- 4.16. Birmingham Airport – no objections subject to conditions. Until the Instrument Flight Procedure (IFP) Safeguarding Assessment has been independently reviewed the height of the development and construction cranes should be limited. In addition obstacle lighting should be conditioned.
- 4.17. Sport England - no objections subject to securing a s106 contribution of £179,215 towards playing pitch investment.

- 4.18. West Midlands Police
- recommend conditions to secure access control, lighting and CCTV.
  - all internal apartment doors and the door to the bike store should be of a suitable security standard
  - residential aspects of the site should be undertaken to the standards laid out in the Secured by Design 'Homes 2019' guide.
  - commercial aspects (bar and gym etc) of the project can should be undertaken to the standards laid out in the Secured by Design 'Commercial 2015' guide
  - recommend use of alarms and anti-graffiti paint
  - overhanging canopies should be avoided to deter loitering and anti-social behaviour
  - query whether there a management plan in place for refuse collection and cleaning of communal areas etc, procedure for residents moving in / out and deliveries
- 4.19. West Midlands Fire Service – early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access.
- 4.20. Midland Metro Alliance – they agree in principle with the proposals contained in the application.

## 5. Policy Context

- 5.1. Birmingham Unitary Development Plan (Saved Policies) 2005; Birmingham Development Plan 2017; Places for All SPG; Places for Living SPG; High Places SPG; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Lighting Places SPD; Affordable Housing SPG; Loss of Public Houses SPG; Rea Valley Urban Quarter SPD, draft Development Management in Birmingham DPD and revised National Planning Policy Framework. On the 14th July 2020 a Ministerial Statement was published entitled “Preventing loss of theatres, concert halls and live music performance venues”.
- 5.2. The application site within an Archaeological site, known as the Digbeth / Deritend medieval and post medieval settlement. It is also adjacent to the Digbeth, Deritend and Bordesley High Streets Conservation Area and nearby several listed buildings.

## 6. Planning Considerations

### Land Use Policy

- 6.1. The site is located within an identified area for growth in the BDP. It is also surrounded by a changing development context, which is increasingly shifting towards residential-led or mixed uses. The area to the south of the site has previously been characterised by predominantly light industrial uses. However, a number of recent residential redevelopments have obtained planning permission, including Fabrick Square (completed and occupied), Connaught Square, Iron Works, Lunar Rise, and more recently Bull Ring Trading Estate To the north of the site along High Street, there are a number of offices, retail and leisure uses, including the Custard Factory complex and the Old Crown Public House.
- 6.2. The planning guidelines for development involving public houses states that where a loss of a public house is involve the following factors should be considered:

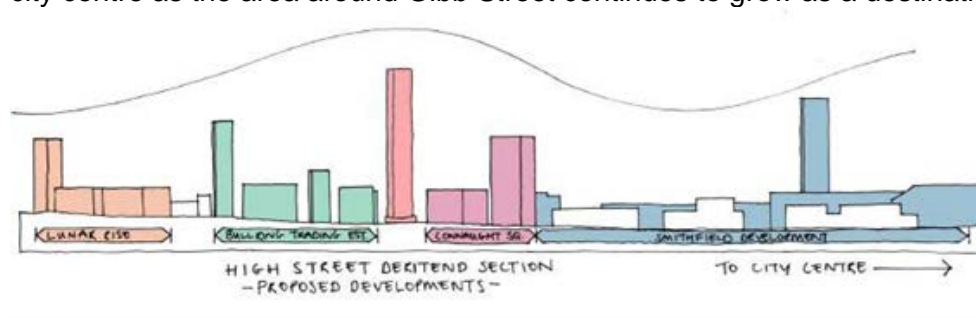
- The availability of alternative public houses to serve the needs of the local community.
  - The nature of the proposed new development/use, and in particular whether or not the proposal provides for retention of a leisure/community use on all or part of the site.
- 6.3. The Planning Statement and Loss of Community Facility demonstrate that there are adequate facilities available in the vicinity of the development to serve the needs of local people.
- 6.4. The proposal provides 1 and 2 bedroom apartments, which given the site's City Centre location is appropriate and the bias towards 2 bedroom units is supported. Redevelopment of this site would not only help meet the city's housing needs but also have positive economic benefits and as recommended by the City Council's Employment Access Team a condition is attached to secure local employment and training.

#### Design and Tall Building Policy

- 6.5. The site comprises an entire city block, albeit small, with street fronting on all sides. The scheme seeks to develop to back of footpath on all frontages and this is supported. As this is one building there has to be a rear servicing aspect along its southern and eastern flanks toward Stone Yard and Chapel House Street. These are the least sensitive locations and therefore this can be tolerated. The main entrance and associated vestibule is along the northern and western flanks facing Stone Yard and High Street. The circulation core is centralised up through the building mitigating the harm this can cause to the external envelope of the tower.
- 6.6. The ground floor is double height and the first floor above has further reception and amenity space along the High Street and western flank to Stone Yard, with apartments on the Chapel House Street frontage and extending up the main floors of the structure. This makes the best use of the lower reaches of the building and ensures that it maximises its contribution to the future vitality of this neighbourhood.
- 6.7. The 47th floor offers other residential lounges and workspace set in from the typical floor plan so as to allow for a circular terrace. Plant is located above this and housed within a crown.
- 6.8. No external private or public amenity space at ground level can be accommodated on this tight urban site. Whilst there is a limited amount of space within the block, the scheme includes landscape across the western area of Stone Yard that has been progressed alongside the Midland Metro Alliance and includes the closure of this section of the road to vehicular traffic
- 6.9. The Rea Valley Urban Quarter Supplementary Planning Document identifies that a taller building (12-storeys plus) would be supported in this location. A tower of 48-storeys is somewhat larger and moreover is beyond the city ridge where tall buildings are supported and therefore the applicant has submitted a Tall Building Statement putting forward a case for exceptional circumstances, in accordance with the High Places SPG policy approach.
- 6.10. The Tall Building Statement acknowledged that the location of the tall building is outside of the identified ridge zone as set out in the High Places SPG, noting that the SPG is 15 years old document and that 'there may be other suitable locations for tall buildings in the city including where they aid legibility of the city's form, enhance

significant topographical features, or mark gateways into the city centre.' It notes that other tall buildings, including Connaught Square and Lunar Rise have lead the way (and since being produced Bull Ring Trading Estate has also been approved).

- 6.11. It goes on to note the changing character of Digbeth High Street as an area of transformation and that it is becoming a gateway into the city from the south east, and these towers are marking that gateway.
- 6.12. The sections along the High Street and views along the corridor show it to dominate in scale and form with the emerging buildings along the southern side of Digbeth. Its height is taller than any other tower in this location and therefore ensures that there is not a static and limited plateau of towers in the area, but a vibrant dialogue between the forms. More importantly this as the tallest structure is not located closest to the city core or out on the ring road, but allows this emerging scale to rise and fall mid-way along Digbeth High Street, emphasising this area as a growing destination in the city centre as the area around Gibb Street continues to grow as a destination.



- 6.13. A Townscape and Visual Impact Assessment (TVIA) has been submitted to support the Design and Access Statement and the Heritage Statement. The TVIA's appraisal of relevant planning policy and guidance is sound. The assessment of the effects starts with townscape character, looking at the effect on the setting of B4100/Digbeth High Street and the local Digbeth Area and the Rea Valley Urban Quarter. The justification focuses more on the emerging character of the area rather than the existing and concludes that the effect on the localised setting would be moderate/minor. Nonetheless, the TVIA concludes on matters of 'Standalone Effects' in paragraph 5.21 that the "assessment considers the impacts should there be no construction of the noted committed developments within the immediate and local area. The immediate and local area are identified within the BCC local plan and Big City Plan for the extensive regeneration. Should the proposed development come forwards first it is considered that the proposed scale and massing of the 48 storey building, although substantially taller than the existing elements within the immediate setting and local area, would form a defining statement and an appropriate landmark / wayfinding building that is notable on the Birmingham skyline and which clearly identifies the Southern Gateway into the city centre and marks the central point of Digbeth.
- 6.14. With regards upon the effect on the visual environment the City Councils Urban Design Manager concurs that in each view tested the significance of effect would be largely minor or moderate, with others as negligible. This conclusion is based on both an assessment of the scheme in isolation and with the presence of other proposed development.
- 6.15. The Design and Access Statement illustrates that the principal grid defines each bay of the building vertically against every other floor horizontally in dark grey. Spandrels

over the intermediate floor plates are expressed in mid-grey to define the secondary grid. Floor to ceiling glazing completes this curtain wall design with interspersed mid-grey insulated glazing panels to match the floor plate spandrels and mid-grey tinted glazing. The double height base is set out with an extension of the primary grid to the back of pavement with a wider bay arrangement. The main design feature the horizontal fins that extend out from the primary grid and grow gradually from the acute corners and fade back into the structure again.

- 6.16. The primary grid is comprised of a solid section only slightly forwards of the curtain walling with projecting fins either side to try and emphasise its form. This is seen in other towers approved and is acceptable. Concerns were raised over a poor relationship between the internal configuration of apartments and walls where they interface with the external building envelope. There was a conflict between these elements and the setting out of the architectural grid, resulting in harm to the uniformity of the glazed bays with the necessity of solid panels. A material has now been agreed on which has the same properties as the glazed sections and thereby significantly mitigates this shortcoming in the design.
- 6.17. The Design and Access Statement explains the evolution of the wider idea behind the design of the tower, that being a structure that mitigated wind impact through its form, shape and detailing. The curved/twisted shape of the floor plate responds to the prevailing wind direction and captures it in the shape and fins of the building, and in doing so delivers a striking landmark building of unique form in the city. However, further mitigation is still needed through planting at street level.
- 6.18. The Higher Places SPD states that it is important for proposals for tall buildings to contribute to at least one of the following criteria:
- They can act as landmarks that help to make the form of the City legible;
  - In a closely linked cluster they can signal the centre of the city or act as a gateway;
  - A distinctively designed tall building or group of buildings could endow the city with a unique skyline that is easily recognisable in an international context;
  - Tall structures often mark important facilities such as churches, civic buildings, and universities;
  - These usually high quality landmarks will continue to be appropriate in special circumstances; or
  - Such high-quality buildings could help attract more international companies to Birmingham.
- 6.19. In this instance the tower is distinctive, will be easily recognisable and will be a landmark and therefore does meet some of these design characteristics.





View from Digbeth toward the City Centre

#### Building Safety

- 6.20. This development will comply with all of the current and emerging guidance and recommendations for the safe design of tall buildings. Including the use of non-flammable cladding and insulation. The entire development will also be fully sprinklered throughout all of the residential and commercial accommodation. All apartments within the building meet or exceed the Nationally Described Space Standard which provide good quality sized places to live. Additionally, the proposed development includes internal amenity spaces providing additional space for co-working, dining, meeting etc including a sky lounge to take advantage of the views over the city.

#### Built Heritage

- 6.21. In determining this application the LPA must comply with the statutory duties relating to listed buildings and conservation areas. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPA's to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case Law has now firmly established that the "special regard" and "special attention" duties of the LB Act requires that the decision maker should afford

“considerable importance and weight” to the desirability of preserving a listed building along with its setting and preserving or enhancing the character or appearance of a conservation area. It has also been established that “preserving” means “doing no harm” for the purpose of interpreting the LB Act duty.

- 6.22. The NPPF states that in determining applications, LPA’s should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal. Great weight should be given to the conservation of heritage assets and any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification. LPA’s should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Where potential harm to a designated heritage asset is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply. Within each category there is no grading scale for heritage harm and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset paragraph 196 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. Policy TP12 of the BDP states that great weight will be given to the conservation of the City’s heritage assets and that development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance.
- 6.23. The Heritage Statement did not clearly assess the significance of the designated and non-designated heritage assets and the significance of their setting identified as likely impacted by the proposed development. Since then further information has been submitted. In addition, the concerns raised by Historic England and the Victorian Society are noted regarding the impact of a 48 storey tower in this heritage sensitive setting and the resulting harm caused to the significance of two conservation areas, multiple listed buildings and locally listed buildings through development in their setting.
- 6.24. Having taken account of the assessment made in the Heritage Statement, the further assessment of the Addendum to the Heritage Statement (December, 2020) and the updated viewpoint of the TVIA the City Council’s Conservation officer concludes, in line with these documents, that the proposed development would cause less than substantial harm to the significance of the identified designated heritage assets through development in their setting and a degree of harm to the significance of the identified non-designated heritage assets.
- 6.25. The principle of the development of this site is acceptable however the proposed development would cause less than substantial harm to the setting of both Conservation Areas and a number of designated and non-designated heritage assets. This triggers the tests of paragraphs 196 and 197 of the NPPF and it is necessary to consider whether the public benefits of the scheme outweigh the harm to the designated heritage assets. In this instance the public benefits of the scheme include the following:

- Economic Benefits
  - Increasing spending power for the local economy, through additional residents helping to sustain shops and other businesses in the area.
  - Increased spend in the construction industry during construction provide a large number of jobs, apprenticeships and training opportunities
  - Design
  - Enhancements to the street scene with the removal of run-down buildings
  - Introduction of a new area of public realm to Stone Yard (west) which delivers the aspirations of the Rea Valley Urban Quarter SPD
  - Will be a recognisable landmark that will contribute to the legibility of the City and distinguish the boundary of the Conservation Area
- Social Benefits
  - Provision of 454 new dwellings including 60% 2 bed units to help meet the city's housing needs
  - Provision of 14 affordable dwellings at 80% of market rent in perpetuity
  - Sustainability
  - Redevelopment of an urban site with good accessibility by means other than the car
  - Would provide an air-tight, extremely well insulated building designed to reduce energy use and carbon
  - The use of an efficient building envelope, water and energy efficiency measures and sustainable materials
- Ecology
  - Inclusion of a green roof would achieve a biodiversity net gain by creating new habitat and improving ecological connectivity within this urban landscape.

It is considered that in this case these benefits outweigh the identified harm.

- 6.26. Historic England has concerns regarding the impact of this 48 storey tower and resulting harm caused to the significance of two conservation areas, multiple listed buildings and locally listed buildings through development in their settings. The scheme exacerbates the cumulative impact of a growing number of out-of-scale buildings within the setting of two conservation areas. Historic England, however, concur with the finding in the Applicant's Heritage Statement, and the conclusion of the Council's Conservation Officer, that the proposed development will cause less than substantial harm to heritage assets.
- 6.27. In response to the comments from Historic England, the applicant has provided additional information. It should be noted that Historic England suggested that views from 'further afield' from the city centre should be considered. The Council is satisfied that the views provided from outside of the city centre in the TVIA is an appropriate assessment of further views in line with the High Places SPG and is sufficient in the context of the application.
- 6.28. Since High Places was adopted in 2003, more recent advice on tall buildings has been provided in the 2011 Big City Plan, 2017 Birmingham Development Plan and 2019 Rea Valley Urban Quarter SPD. These policy documents advise that tall buildings beyond the designated zone may be permitted. Indeed, a number of tall buildings have been permitted along High Street Deritend.
- 6.29. The Digbeth Quarter is mentioned in the SPD as an adjacent and separate Quarter, with its own character. It is emphasised that High Street Deritend "... presents the

opportunity to create a street of city scale with a strong identity and character". As part of this vision, Birmingham Development Plan policies include this area in city centre policies (GA1.1). Further, the SPD stipulates that existing buildings which detract from the quality of the place should be replaced, which is reflected in the proposed demolition of the poor quality building on the site.

- 6.30. The SPD emphasises that a sense of place needs to be based on resilience, good quality design and connectivity. Historically, High Street Deritend is associated with high status expressed as taller and more architecturally detailed buildings. That sense of status has been eroded through the uniformity of the current industrial units and gaps in the street.
- 6.31. Change over time is an attribute of the historic value of heritage setting and the need for change is recognised in the Big City Plan, and more recently the Rea Valley Urban Quarter. The change introduced by the proposed development responds to that need and accords with these planning documents. The proposed development would assist in distinguishing the edge of the Conservation Area enhancing the readability of the full extent of the designation and the wider setting. This would be a positive change that equates to a small impact on the readability of the growth of the area, which has capacity to flux with that change. In conclusion, therefore, applying the relevant statutory test in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the policy tests set out in the NPPF, whilst attaching great weight and importance to the less than substantial harm that the development would cause to the significance of heritage assets, it is concluded that the public benefits of the development identified above would outweigh such harm.

#### Archaeology

- 6.32. The Archaeology Assessment identifies that there is a range of archaeological evidence from the Prehistoric to Modern era within the 500m of the site, with activity of primarily Medieval to Modern date in proximity to the site. The assessment has also identified that the site has contained former structures dating from at least c. 1750 to the present. Evidence from these may survive on-site, however these past constructions may also have impacted on earlier remains. Due to this, it is considered that there is a Medium potential for the recovery of domestic Medieval remains from the site, and a High potential for domestic and industrial Post-Medieval to Modern remains. There is also potential for the survival of palaeoenvironmental remains relating to past environment and localised activity. Surviving archaeological remains on site would be of likely limited Importance. The potential impact of the development is considered to result in a minor adverse significance of effects. In-line with NPPF, this equates to less than substantial harm.
- 6.33. Due to the proposed development to adversely impact on surviving archaeological remains, it is recommended that the construction be accompanied by a programme of archaeological works. In the first instance, an archaeological watching-brief to monitor the demolition of the Irish Centre should be provided to record any finds, features or deposits which are exposed. This would help mitigate against the adverse effects of the proposed development through preservation by record. The results of this could then be used to inform any further work. An appropriate condition is therefore attached.

#### Access and Parking

- 6.34. The proposed development provides 454 residential 1 and 2 bedroom apartments, residents facilities including gym, cinema and meeting room, resident's bar and café.

The development would be car free but include 122 cycle parking space. Public realm works are also proposed on Stone Yard.

- 6.35. The site can be seen to accord with TP27 of the Birmingham Development Plan, by being well connected to public transport and close to the city centre (15-20m mins walking distance), thus removing dependency on cars. The site benefits from close proximity to the City Centre offer of civic, culture, retail and employment opportunities. Birmingham New Street and Moor Street Stations are located within a 15-minute walk from the site, opening up easy access to a cross-country connectivity network.
- 6.36. Parking on adjacent roads is already fully occupied and a new Controlled Parking Zone is due to be implemented, and emerging parking policy to accept car free developments in the City centre. Parking for people with disabilities will be on-street and bays will be marked with the introduction of the CPZ in Digbeth. I therefore consider that the proposed level of cycle parking, given that the site is highly accessible, is appropriate. Conditions are attached to secure, cycle parking and a Construction Management Plan.

#### Noise

- 6.37. A noise assessment has utilised data from 2018, so relates to normal conditions rather than the current reductions associated with Covid 19. The assessment proposes the residential development have closed windows and mechanical ventilation to address road noise. This is likely to address other sources of noise as well. The assessment of road traffic noise is sufficient. BCC Regulatory Services have some concerns that the noise associated with the Monastery has not been adequately described. However, given that the neighbouring site has been consented and that the application would remove an entertainment noise source, namely the Irish Club, they do not object subject to conditions.
- 6.38. The conditions include a requirement to carry out a further attended noise survey prior to construction above ground to assess the impact of the night time economy on the development site. Based on the noise assessments a scheme of mitigation is then to be agreed to ensure acceptable internal noise levels can be achieved. Where residents will need to keep windows closed to mitigate noise it will be necessary to carry out an overheating assessment to demonstrate acceptable temperatures can be maintained without opening windows.

#### Wind Study

- 6.39. A Wind Study has been submitted to accompany the planning application. On the basis of the wind tunnel modelling, it concludes that:
- Wind conditions are mostly suitable throughout the year.
  - With the introduction of the proposed development wind conditions at all assessed locations are suitable, in terms of pedestrian safety.
  - In terms of pedestrian comfort, wind conditions are suitable at the vast majority of locations, with some minor exceptions, principally at the service entrances on Chapel House Street and Stone Yard, along the thoroughfare to the south of development in existing surrounds and on the north-west corner of the Connaught Square scheme in future surrounds.
  - With the introduction of the proposed Bullring Trading Estate development, wind conditions remain largely suitable, both in terms of pedestrian safety and comfort,



with some additional localised areas where windier conditions prevail in terms of comfort only, primarily within the Bullring Trading Estate site.

Conditions are attached to secure the wind mitigations measure, which includes tree planting in the enhanced public realm around the building. The applicant has worked with Midland Metro Alliance to ensure that the proposals work together to provide a high quality safe environment.

#### Daylight, Sunlight and Overshadowing

- 6.40. A Daylight, Sunlight and Overshadowing Assessment has been undertaken, which assesses the development in terms of its impact on the daylight and sunlight availability based on Building Research Establishment (BRE) guidance.
- 6.41. The results highlight that the proposed development does cause areas of non-compliance with the daylight recommendations set out in the BRE Guide. The most significant areas of impact are limited to Park Works, 27 Alcester Street, 1 Warwick Street, and Connaught Square Buildings 3 & 4, all of which sit close to the boundary of the proposed development site. Where non-compliance with the BRE recommendations occurs, a number of the properties (The Connaught Square Buildings, 27 Alcester Street) are yet to be built. Therefore, assuming all of the new properties are completed within a similar timeframe and not occupied ahead of the construction of the proposed development, the future occupants of these properties will not experience a change in any levels of daylight.
- 6.42. All windows at all properties that face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test with the exception of window 1029 at 178 High Street, 16 windows at Gibb Square & 85 windows at Connaught Square Building 4. 31 of the 85 windows which fall short of their sunlight recommendation at Connaught Square Building 4 appear to serve bedrooms, whereas this test is primarily intended to be applied to main living rooms. Furthermore, for the aforementioned 16 windows at Gibb Square, the majority fall only marginally short of their before/after ratio targets over the whole year (0.7 and above against the target of 0.8). In addition, window 1029 at 178 High Street achieves 12% APSH in the winter months (against target of 5%) and 21% APSH annually (against target of 25%).
- 6.43. Given the mitigating factors for daylight apply equally to sunlight, and the overall pass rate of 96% (2578 out of 2680 south facing windows tested meet the BRE sunlight recommendations), I am of the opinion that the development design has an acceptable impact on the sunlight received by the neighbouring properties.
- 6.44. The results of the overshadowing test show that sunlight availability in neighbouring gardens and open spaces after the development will be no less than 0.95 times the former value. This is better than the BRE minimum requirement which permits sunlight to be reduced by up to 0.8 times. The proposed development therefore passes the BRE overshadowing to gardens and open spaces test.
- 6.45. It is necessary to take into consideration that the numerical guidelines in BRE Guidance should be interpreted flexibly, as natural lighting is only one of many factors in site layout design and consideration of amenity. Paragraph 123 of the NPPF is clear that local planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making use of a site; as long as the resulting scheme would provide

acceptable living standards. The isolated areas of non-compliance with the BRE Daylight & Sunlight recommendations are not unusual in the context of a high-density urban development. Give the marginal and isolated nature of the daylight sunlight related shortfalls I am of the opinion that on balance the development has an acceptable impact on the sunlight received by the neighbouring properties.

#### Air Quality

- 6.46. The Air Quality report concludes that with mitigation measures to suppress dust impacts the construction phase of the residual impacts from construction activities would not be significant. A condition is therefore attached to secure a Construction Management Plan. With regard to the occupation phase, the suitability of the site for the proposed uses and the impact assessment showed that the impacts are not anticipated to be significant.

#### Aviation Safeguarding, Television / Radio and Communications

- 6.47. The proposed development would be above the Birmingham Airports Safeguarding Zone of 242.35 metres by 7.25 metres. An Instrument Flight Procedure (IFP) Safeguarding Assessment has been submitted, which confirms that the proposed development does not impact the IFP's for Birmingham Airport as the visual circling minima will be increased from 1180ft to 1310ft from 3 December 2020. Birmingham Airport has confirmed they have no objections subject to condition to limit the height of the development (including construction cranes) to 239m until the IFP has been independently reviewed.
- 6.48. The Television and Radio Impact Assessment notes that the proposed development will have a shadowing effect to the south-southwest. There may therefore be a degradation of television reception in the development's shadow. The report therefore recommends that in the event that effects are reported, a reception measurement is undertaken (post-construction) to investigate the likely cause of the interference and mitigation if required. Accordingly, a condition to this effect is attached.
- 6.49. The Communications Impact Assessment investigates the potential impact of a proposed building development upon fixed communication links in the surrounding area. It notes that one of the operators may be adversely affected by the building. A condition is therefore attached to secure suitable mitigation.

#### Flooding, Drainage and Ground Conditions

- 6.50. A Flood Risk Assessment shows the western boundary of the Irish Centre within flood zone 3. However, an Updated River Rea Hydraulic (URRH) model has been issued by the Environment Agency (February 2018) which shows the site actually sits within flood zone 2 and is classed as 'more vulnerable' given its proposed use, and as such the proposed development has been designed to ensure there is no risk to flooding.
- 6.51. The Environment Agency have no objections subject to conditions that compensatory storage of flood water is provided and a remediation strategy to deal with land contamination. They also highlight the need to ensure that residents and users can safely access and exit the building during a design flood and evacuate before an extreme flood. A condition is therefore attached to ensure adequate flood warnings are available to people using the development.

- 6.52. A Sustainable Drainage Assessment recommend underground tanks be used to attenuate surface run off from the proposed development to ensure that there is no increase in flooding. In addition, the report recommends a blue roof at 47th floor, green roof at first floor, and permeable paving externally around the new building within the site boundary to capture and treat runoff at ground level. Severn Trent and the Local Flood Authority have raised no objections and conditions are attached.
- 6.53. The Ground Investigation report notes that there is potential for contamination beneath the site. As recommended by BCC Regulatory Services and the Environment Agency conditions are attached to secure a remediation strategy.

#### Ecology

- 6.54. The City Councils' Planning Ecologist agrees that the building has negligible suitability for roosting bats. On this basis, no further surveys for bats are required. However, the findings are valid for 18 months, so if demolition has not occurred by February 2021, an updated building inspection for bats should be completed. This requirement is secured by condition.
- 6.55. The site's suitability to provide breeding habitat for bird species associated with nesting in built structures is highlighted in the ecology report, and precautionary measures to avoid harm to nesting birds and to ensure compliance with the legal protection afforded to wild birds and their nests are recommended. The Ecologist considers the building has limited potential as a nesting site for black redstart due to its modern construction, and lack of structural "complexity" and enclosed ledge/crevice features favoured by black redstart as nesting sites. Nevertheless, the recommended demolition-phase mitigation for breeding birds is pragmatic and proportionate, and its implementation should be secured by condition.
- 6.56. Re-development of the site provides an opportunity to enhance its ecological value and achieve a biodiversity net gain by creating new habitat and improving ecological connectivity. Although the tight site boundary means there is limited scope for new landscaping, as part of the development's sustainable drainage strategy a green roof is proposed for the first floor podium roof. The inclusion of this feature is strongly supported; appropriately designed, not only will it provide new habitat resources for bats, birds and invertebrates, it will also improve ecological connectivity by providing a new habitat "stepping stone" that complements and extends the network of biodiversity roofs in the surrounding area (Rea Valley Urban Quarter and adjacent Smithfield and Curzon masterplan areas). To maximise its ecological value, details of the green roof are secured by condition.
- 6.57. The DAS includes details of proposed landscaping at the edge of pavement, outside of the redline boundary. This landscaping is proposed to tie together the current scheme and adjacent public realm/Midland Metro expansion. These proposals are encouraging in reflecting ecologically-led design principles, and I am generally supportive. A condition is attached to secure further details as the proposals are developed.

#### Sustainability

- 6.58. The Sustainable Construction statement includes a range of sustainable credential that the scheme is considering in terms of construction and operation. These include: high performance thermal elements, air tight buildings with efficient envelopes, high performance and optimised glazing areas to minimise solar gain whilst permitting

daylight, heat recovery provided to ventilation installations, apartments utilise mechanical whole house ventilation with heat recover, variable speed controls on pumped water and ventilation systems, extensive use of energy efficient lighting and control systems linked to occupancy, low flow water fittings within apartments.

- 6.59. The scheme is not able to connect to the district heating scheme due to distance. Passive Energy measures including providing an air-tight, extremely well insulated building will significantly improve the building over and above the requirements of Building Regulations in terms of u values. The Fabric First approach is considered which aims at improving fabric U values, reducing thermal bridging, improving airtightness and installing energy efficient ventilation and heating services. Various technologies have been considered and assessed for the development. The assessment has concluded PV's and Air Source Heat Pumps to be most effective technologies and I accept and support the assessment findings. A condition is attached to secure details of the selected technology to be installed.
- 6.60. The use of CHP, a requirement of Policy TP4 for 200+ units has been discounted due to not being able to meet the demand for hot water due to the nature of the building, additional space for back up boilers, embodied carbon implications, high maintenance costs and risk of overheating.

#### CIL and Planning Obligations

- 6.61. Given the number of proposed apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to meet in full the affordable housing or off-site public open space requirements. Accordingly, the applicant has submitted a Viability Statement to justify relaxing the policy requirements in this instance. The Viability Statement has been independently assessed by the City Council's assessor, who concludes that the provision of 14 (3%) affordable private rented units at 80% of Market Rent is the most that the scheme is able to sustain without impacting on viability and deliverability. This contribution is in addition to the scheme specific design enhancements which includes public realm works which are costed at £526,422. Together with cost of the public realm works and the onsite affordable provision reflects an equivalent financial provision of 6%.
- 6.62. BCC Education, BCC Leisure Services and Sport England have also requested financial contributions. However, in this instance I consider that affordable housing is the greater priority. The proposed development does not attract a CIL contribution.

#### 7. Conclusion

- 7.1. In principle redevelopment is acceptable. In addition a tall building situated opposite the Custard Factory quarter would act as a visual marker for the significant location and is appropriate in this location. Additional information has been submitted to address the concerns raised and I consider that the scheme is acceptable subject to completion of a suitable legal agreement and safeguarding conditions.

#### 8. Recommendation

- 8.1. APPROVE Application 2020/05247/PA subject to the prior completion of a Section 106 Legal Agreement to secure the following
- a) 14 affordable private units (APR) at 80% of market rent in perpetuity comprising the following:
    - 5 x 1 Bedroom 1 Person Apartment

4 x 1 Bedroom 2 Person Apartment  
3 x 2 Bedroom 3 Person Apartment  
2 x 2 Bedroom 4 Person Apartment

- b) Public realm landscape works (trees, sitting spaces, planting etc) in broad accordance with section 8 of the DAS with the detailed scheme to be agreed under condition 15 of the planning permission shall be completed prior to occupation of the development. In the event that the public realm works cost less than £526,422, any under spend shall be used towards off-site affordable housing by way of a commuted sum.
- c) a financial contribution of £1,500 for the administration and monitoring of this deed to be paid upon completion of the agreement.

and subject to the conditions listed below.

8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 17<sup>th</sup> January 2021 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason(s):-

8.3.

- a) In the absence of a legal agreement to secure affordable housing, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan, Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and Affordable Housing SPG.
- b) In the absence of a legal agreement to secure the public realm works, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan, Policy TP9 Open Space, Playing Fields and Allotments of the Birmingham Development Plan 2017 and Public Open Space in New Residential Developments SPD.

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

- 
- |   |  |
|---|--|
| 1 | Requires the prior submission of a programme of archaeological work                    |
| 2 | Requires the prior submission of a contamination remediation scheme                    |
| 3 | Requires the submission of a contaminated land verification report                     |
| 4 | Requires the implementation of the Flood Risk Assessment                               |
| 5 | Requires the prior submission of a sustainable drainage scheme                         |
| 6 | Requires the prior submission of a drainage scheme                                     |
| 7 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 8 | Requires the submission of a Flood Emergency Plan                                      |
| 9 | Requires the prior submission of a further bat survey                                  |
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10	Requires mitigation for breeding birds
11	Limits the noise levels for Plant and Machinery
12	Requires the prior submission of noise insulation (variable)
13	Requires the prior submission of a noise survey and mitigation details
14	Requires submission of an overheating assessment
15	Requires the submission of hard and/or soft landscape details
16	Requires the submission of a landscape management plan
17	Requires the submission of a lighting scheme
18	Requires the submission of details of green/brown roofs
19	Requires the submission of sample materials
20	Requires the prior submission of level details
21	Requires the scheme to be in accordance with the listed approved plans
22	Requires the submission of an obstacle lighting scheme
23	Requires the submission of a CCTV scheme
24	Requires the submission of full architectural and specifications details
25	Removes PD rights for telecom equipment
26	Implement within 3 years (Full)
27	Requires the submission of cycle storage details
28	Requires the prior submission of a demolition works statement/management plan
29	Requires the prior submission of a construction method statement/management plan
30	Limits the height of the development (including construction cranes)
31	Requires the prior submission of an employment construction plan
32	Requires a post completion telecommunications reception assessment
33	Requires the prior submission of the low and zero carbon energy generation system
34	Require the submission of wind mitigation measures
35	Requires the completion of highway works

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Case Officer: David Wells

## Photo(s)

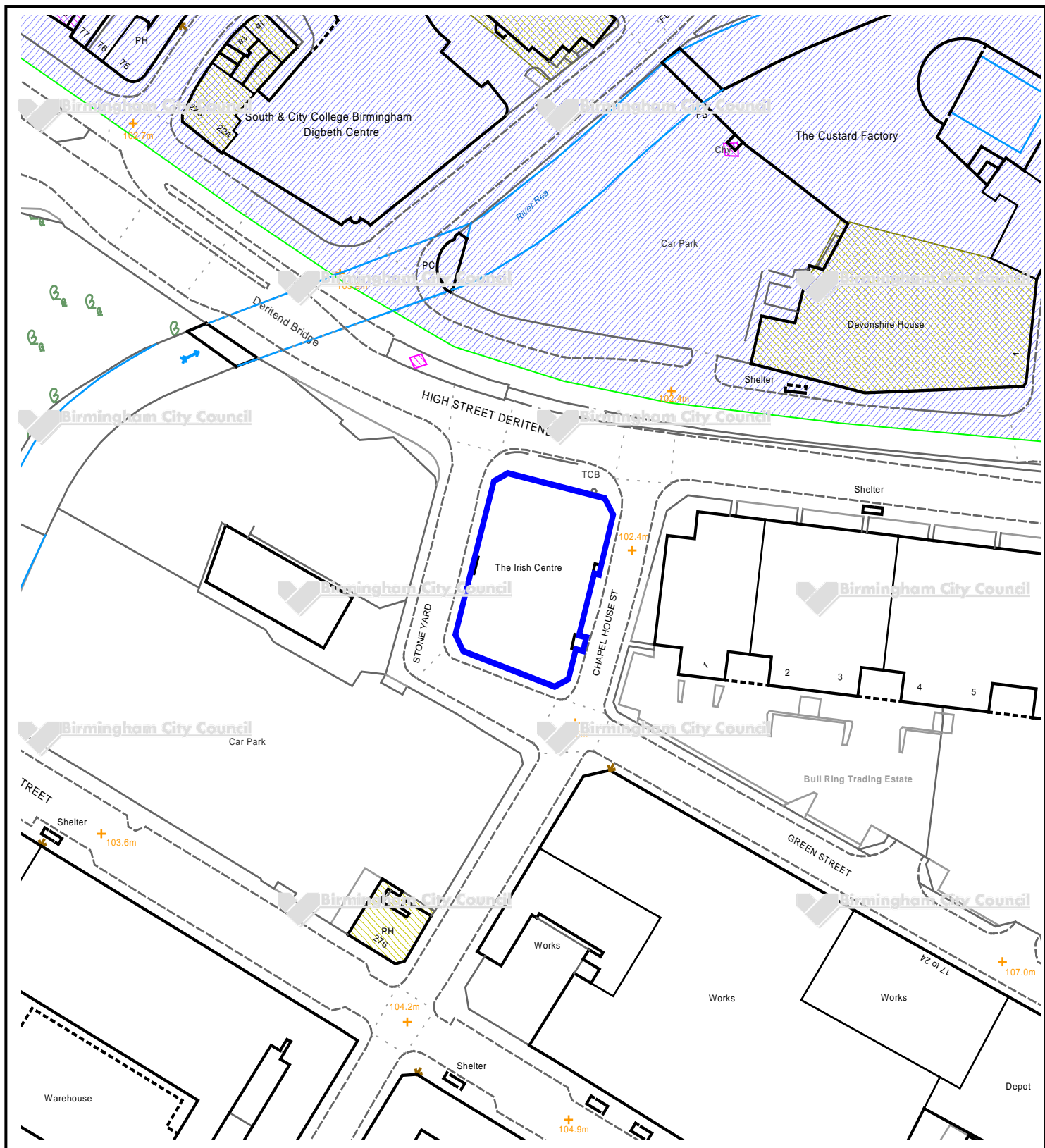


The Irish Centre view from High Street



The Irish Centre viewed from Chapel House Street

## Location Plan



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Committee Date:	07/01/2021	Application Number:	2020/02795/PA
Accepted:	09/04/2020	Application Type:	Full Planning
Target Date:	09/02/2021		
Ward:	Ladywood		

### Lockside House, Scotland Street, Birmingham, B1 2RR

Extension and alterations to existing building to create 45 apartments. Works include removal of pitched roof to existing building and replacement with one storey of new apartments on top of the existing building. Demolition of canalside building and construction of extension to the rear, part 5-storey, part 6-storey providing residential apartments and associated servicing and plant. New 6-storey building on the existing car park site, providing residential apartments along with 12 parking spaces at ground floor.

#### Recommendation

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

#### 1. Proposal

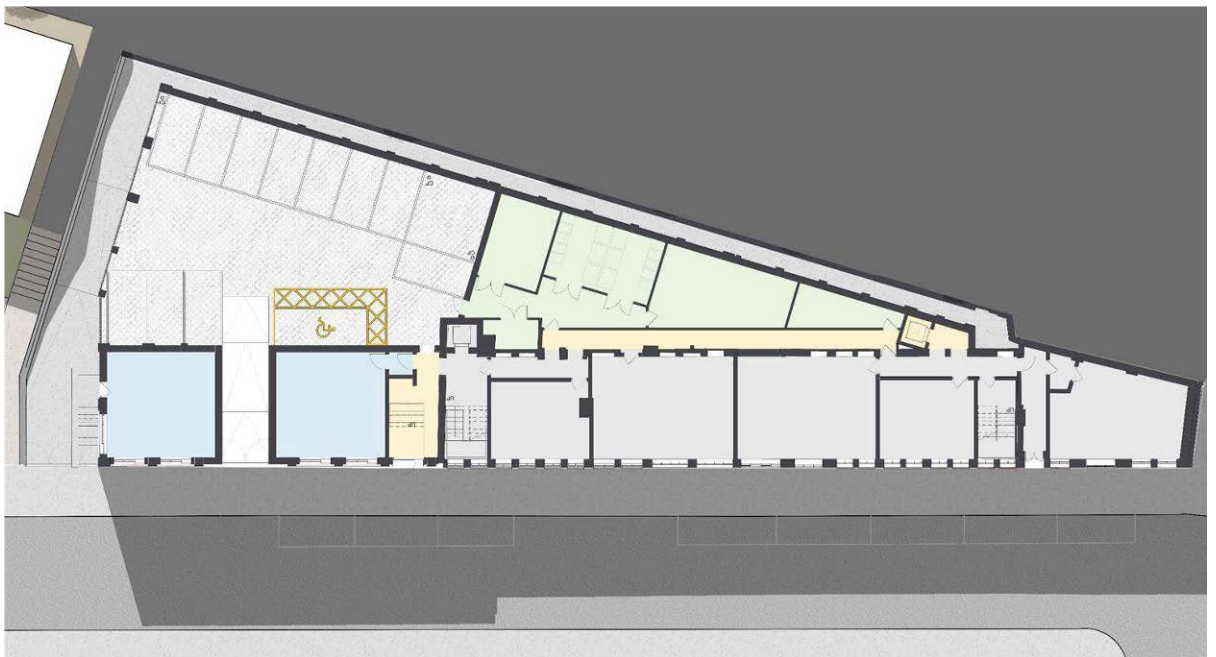
- 1.1. The proposed development for extension of Lockside House seeks to create 45 apartments through:
  - demolition of the existing 2-storey extension between the original building and canal towpath;
  - demolition of 1980s pitched roof to the existing building and replacement with one storey of new apartments on top of the existing building;
  - new extension to the rear of the building, part 5-storey, part 6-storey, to follow the line of the canal towpath. providing residential apartments and associated servicing and plant; and,
  - new 6-storey building on the existing car park site, providing residential apartments along with 12 parking spaces at ground floor.
- 1.2. The 45 apartments proposed comprise 16 x 1 bed (35%), 24 x 2 bed (53%) and 5 x 3 bed (11%) apartments. All of the units meet or surpass Nationally Described Space Standards for 2 or more occupants.
- 1.3. The site layout is configured to maximise the building footprint, infilling the gap between existing buildings. The building has dual frontages, which face Scotland Street and the canal. The new building would be constructed to back of footpath along Scotland Street, following the line of the existing Lockside House building. The ground level to the canal frontage is approximately one storey higher than Scotland Street, meaning that the ground floor is below ground level on the canal side, behind a substantial retaining wall. The building is set back from the retaining wall to avoid undermining its integrity and to provide maintenance access to the rear. This proposed building line aligns with the neighbouring buildings along the canal frontage.





Site Layout

- 1.4. The ground floor accommodation is arranged with 2 apartments facing Scotland Street, with car parking, cycle storage, plant rooms and refuse to the rear of the site. The ground floor apartments facing Scotland Street are elevated from ground level by approximately 1.2-1.5m, offering a greater level of privacy than if they were at street level.
- 1.5. The eastern entrance has a level change of approximately 1.1m from street level, overcome by a small flight of steps internally. However, the western entrance offers step free access to the development. A corridor connects both circulation cores at the rear, ensuring all residents have internal access to the car park, bin storage and cycle store from either core.



Ground Floor Layout

- 1.6. The upper floor apartments are arranged around the two circulation cores in the existing building. A new lift and riser is to be constructed adjacent to the western stair. The new building on the car park would connect directly into the eastern core through the end elevation of the existing building. A canalside residents' entrance would be formed at first floor into the western stair core, taking advantage of direct access to the canal towpath from this level.
- 1.7. At the widest point in the footprint the building steps in at the end to create a small three-sided courtyard. Cantilevered balconies are provided to all canal facing apartments and Juliet balconies are provided to the Scotland Street facing apartments.
- 1.8. The design of the external elevations is intended to be simple and contemporary, whilst complementing the industrial character of the original late Victorian Lockside House building. The design references the 'workshop' design of the original building, with strong and regular rhythm of vertical pilasters and pattern of openings, depth and modelling to the facade and minimal decoration. The repeating rhythm of openings and pattern of fenestration brings a uniformity to the elevations, while the expressed sills and lintels add horizontal detail, reflecting the traditional character of workshop buildings.
- 1.9. Along the canal elevation, the building is divided into two parts to break down its length. A common language is established for the two parts, but subtle differentiation through materiality and detailing gives each part its own identity.



Elevation to Canal

- 1.10. The left hand part of the elevation includes part of the existing building, with a portion of new build that is designed to tie into the design of the existing more closely. The existing building has one new storey added. A clad lift core, which separates the old portion from the new, is positioned centrally to this part of the elevation, providing a degree of symmetry. The right hand part of the elevation follows the same rhythm and proportions as the left hand part, but is differentiated through a slightly lighter brick tone.



- 1.11. A feature corner window is provided to the top floor on the southwest corner, acknowledging the prominence of this corner of the building in the long canal vista from the west. The Scotland Street elevation follows the same principles as the Canal Elevation, with the exception of projecting balconies. Juliet balconies are instead provided, with the same metal balustrade details as the Canal Elevation.



Elevation to Scotland Street

- 1.12. The existing brick wall along the canal towpath forms the retaining wall along the application site boundary. Much of the existing wall is in poor condition and in places is unsafe. A new low level brick wall with tall brick piers and metal railings is proposed. The area of existing soft landscape between the wall and the canal towpath is owned and maintained by Canal and River Trust. The soft landscaping is unaffected by the proposals.



Boundary Treatment to Canal

- 1.13. Vehicular access would be via a pair of automated steel gates from Scotland Street. This would provide ramped access to the undercroft car park, which has a designated disabled parking space and a minimum of two electric vehicle charging points.
- 1.14. Cyclists would also access via the vehicle ramp. A secure internal cycle store is provided at Ground Floor, accessed from the car park, with storage racks for a minimum of 45 bikes.
- 1.15. The existing dropped kerb into the car park is proposed to be removed and relocated to align with the new car park access. The existing on-street metered parking bays would be unaffected by the amended vehicle access.
- 1.16. In support of the application the following statements have been submitted:-
  - Design and Access Statement;
  - Planning
  - Energy/Sustainability;
  - Ecology;
  - Ground Conditions;
  - Heritage;
  - Noise
  - Sustainable Urban Drainage Report
  - Transport Statement and;
  - Travel Plan.
- 1.17. A Financial Viability Statement seeks to demonstrate that in addition to a CIL contribution of £295,510 the scheme cannot fully support contributions toward affordable housing and public open space improvements. However, the applicant is able to provide 3 affordable housing units (Discounted Market Sale) – 7% affordable

housing (3 x one bedroom units) provided as Low Cost Home Ownership tenure at 80% of Market Value (the applicants preference is for plots 1, 2 and 9 to be designated as affordable).

1.20. [Link to Documents](#)

2. Site & Surroundings

- 2.1. Lockside House is a 4-storey late 19th century workshop building with 20th century alterations including a 1980s pitched roof. The building was converted into offices in the late 1980's. It measures approximately 0.13 ha, roughly triangular in shape and includes 15 car parking space, along with external cycle storage and bin storage. The site generally slopes gently from south to north, and presents approximately a storey lower to Scotland Street than to the canal frontage.
- 2.2. The building has a frontage elevation to Scotland Street and backs onto the Birmingham and Fazeley Canal forming part of the setting of a number of grade II listed canal structures including a toll office, roving bridge and two cranes at the east and west of the canal basin. Along the eastern boundary adjoining Balmoral Court is a flight of pedestrian access steps. These are publicly accessible, providing access between Scotland Street and the canal towpath.
- 2.3. Cambrian Wharf includes moorings for about 16 canal boats, including 4 residential moorings. On the opposite side of the canal stands the Flapper Public House and live music venue, now closed, as well as other residential accommodation, including historic buildings to Kingston Row, and tower blocks to Civic Close. Surrounding buildings to the north of the canal are predominantly in residential use, other than Quay Place offices to the west.

3. Planning History

Relevant Planning History for Application Site

- 3.1. 5th May 2016. Application 2015/09682/PA. Erection of fourteen 2-bedroom apartments with associated car parking and landscaping, proposed demolition of existing ground floor entrance porch to existing office and proposed replacement with extension to existing offices – Approved subject to conditions.
- 3.2. 1 May 2019 Application 2019/03574/PA. Section 96a application to vary conditions 3, 5, 6, 7, 10, 11 and 19 attached to 2015/09682/PA – Approved.
- 3.3. 2 September 2019. Application 2019/04829/PA. Application for a Certificate of Lawful Development for a proposed use and seeks to establish that planning permission 2015/09682/PA, as amended by 2019/03574/PA, has lawfully been implemented by virtue of the demolition of an existing porch. Certificate granted.
- 3.4. 2 October 2019 Application 2019/07148/PA Prior approval for change of use from offices (Use Class B1[a]) to 22 no. residential apartments (Use Class C3). Prior approval required and refused due to noise from The Flapper. The applicant subsequently confirmed for each of the following applications that the windows on the south west and south east facades would be non-openable secondary glazing; and, there would be no external changes to the building as the apartments would be vented to the roof – six vents in total.

- 3.5. 23 October 2019. Application 2019/07386/PA. Prior approval for change of use from offices (Use Class B1[a]) to 27 no. residential apartments (Use Class C3)
- 3.6. 25 November 2019. Application 2019/08835/PA. Prior approval for change of use from offices (Use Class B1[a]) to 22 no. residential apartments (Use Class C3) – required and approved with conditions.
- 3.7. 26 March 2020. Application 2020/01607/PA Prior approval for change of use from offices (Use Class B1[a]) to 16 no. residential apartments (Use Class C3) – required and approved with conditions.
- 3.8. 26 March 2020. Application 2020/01608/PA Prior approval for change of use from offices (Use Class B1[a]) to 20 no. residential apartments (Use Class C3) – required and approved with conditions.
- 3.9. 24 April 2020 Application 2020/03093/PA. Application for replacement windows to existing building – awaiting determination.

#### The Flapper PH Site

- 3.10. 29 November 2017 Application 2017/09150/PA. Application for demolition and redevelopment of the site of The Flapper Public House to create a part 12, part 7 and part 5 storey development comprising 66 apartments and a ground floor cafe/restaurant – withdrawn.
- 3.11. A revised application (ref 2018/08647/PA) for demolition of existing building and redevelopment to create a part 3 and part 4 storey development comprising 27 residential apartment – minded to refuse.
- 3.12. A subsequent appeal was dismissed in September 2020 on grounds that the proposal would have an unacceptable effect on the provision of community facilities, in particular live music venues.

#### 4. Consultation/PP Responses

- 4.1. Local residents, residents associations, local ward councillors and MP notified. Site and press notices displayed. Petition with 21 signatories and 23 letters of objection received. Grounds of objections as follows:-
  - poor design
  - scale of development / density too great
  - adverse impact on character of historic canal environment
  - change to the character of the area
  - adverse impact on the safety of canal users of the towpath
  - loss of light / overshadowing and conflict with Rights to Light
  - loss of privacy / overlooking
  - lack of affordable housing
  - noise and disturbance nuisance
  - increase in crime and anti-social behaviour
  - lack of car parking
  - additional on street congestion
  - lack of consultation
- 4.2. Transportation Development - no objection subject to conditions requiring cycle parking and car parking provided and a Construction Management Plan.



- 4.3. Regulatory Services –
- Concerned regarding the impact of entertainment noise from the Flapper Public House. The extension will shield the majority of the apartments permitted under a previous prior notification application from any noise generated by the operation of the Flapper. The new apartments will all be single aspect with no opportunity for residents to have opening windows on a quieter façade. The proposed apartments include balconies and residents may not wish to use these if events are taking place in the Flapper.
  - The proposed mitigation will only be effective when residents keep their windows closed and do not use their balconies when events are taking place at the Flapper. BCC Regulatory Services do not support applications where residents are expected to keep windows closed to mitigate noise from a specific source. This application should therefore be refused, however, this stance has not been supported by some planning inspectors at appeal.
  - Should this application be supported it should be conditioned to agree a scheme to implement the recommendations from the noise report. As it will be necessary for some residents to keep windows closed to mitigate the disturbance from events at the Flapper a condition requiring the installation of an appropriate ventilation system should be included.
  - The application site may be affected by land contamination due to previous industrial use. A site assessment will be required to determine if any remedial measures are required.
- 4.4. Education (School Organisation Team) - request a contribution of £127,173.
- 4.5. BCC Leisure Services – no objections, it would generate an off-site POS contribution of £96,200.
- 4.6. Canal and Rivers Trust – object as the height, scale, bulk and massing of the proposed development appears to remain unaltered. However, if permission was granted, they seek conditions:-
- protection of the canal environment such as ecological
  - protection of the canal during construction
  - external lighting details
  - details of the method of discharging surface water
  - planning obligation to improve access to the towpath through works to the existing steps between Scotland St and the towpath, signage and
  - a welcome pack to highlight the benefits of the canal network on the doorstep and the sustainable transport network available to new residents
  - information around working adjacent to Trust property
- 4.7. Severn Trent Water – no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.8. Local Lead Flood Authority – no objections subject to conditions requiring the implementation of the submitted the drainage strategy mitigation and the submission of a Sustainable Drainage Operation and Maintenance Plan.
- 4.9. West Midland Police –
- the development will be required to conform to the standards set out Approved Document Q – Security –Dwellings. Also recommend that the development should be built to the standards laid out in the Secure by Design ‘Homes 2019’.
  - there is no defensible space between the building line and the street which could offer privacy for the ground floor apartments facing onto Scotland Street.

Therefore recommend that ground floor windows are fitted with window restrictors to deter any offender trying to gain access into the property through an open window.

- recommend conditions to secure a lighting plan and CCTV coverage.
- planting should not impede the opportunity for natural surveillance and way finding, and must avoid the creation of potential hiding places.
- the proposal benefits from a strip of landscaping adjacent to the canal in front of wall and railings, which provides additional defensible space in front of first floor external terraces. They recommend that the canal wall is treated with an anti-graffiti coating to prevent vandalism.
- supports the automated vehicle access gates, internal cycle store, proposed secure access control to the pedestrian entrances, provision of post boxes within the entrance lobby of both Scotland Street entrances and refuse collection strategy
- as the vehicular entrance is for both vehicle and cyclist access recommend appropriate safety signage and road markings.

- 4.10. West Midlands Fire Service - early liaison should be held with them in relation to fixed firefighting facilities, early fire suppression and access. The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan.

## 5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan (saved policies) 2005; Places for Living SPG; Affordable Housing SPG; Public Open Space in New Residential Development SPD; Car Parking Guidelines SPD; Access for People with Disabilities SPD; Draft Development Management in Birmingham DPD and National Planning Policy Framework.

- 5.2. There are also Environmental, Design and Landscape Guidelines - ENV3 City Centre Canal Corridor Development Framework and ENV4 Birmingham Canals Action Plan.

- 5.3. Nearby heritage assets include the following Grade II listed buildings - Canal Toll Office at Farmer's Bridge Lock, the Roving Bridge at Farmer Lock, two cranes at the eastern and western ends of the canal basin and canal side houses at Kingston Row. In addition, the Birmingham and Fazeley Canal [20] and old main line of the Birmingham Canal Navigations is a non designated heritage asset.

## 6. Planning Considerations

### Residential Development

- 6.1. 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 will do. The proposed residential use, on a currently vacant site, complies with the growth area policies.
- 6.2. The associated car parking area that currently serves the building is highlighted in the 2018 SHLAA, and on the brownfield register. This part of the proposed scheme will involve an additional extension to the original building, which will occupy the



current car park site to accommodate further residential units, which would be supported due to the sites SHLAA status.

- 6.3. Conversion of Lockside House to residential and redevelopment of the adjacent car park for residential would also be consistent with the previous planning consents on this site. In principle therefore I have no objections to the redevelopment of this site for residential development.
- 6.4. Monitoring against the appropriate SHMA housing mix shows the city now has an over-supply of 1 and 2 bed dwellings. The applicant has therefore revised the mix of apartments to include 5 (11%) 3 bed apartments. In its revised form I consider that the housing mix is satisfactory. In addition, the size of the apartments exceeds the National Minimum Space Standards.

#### Urban Design

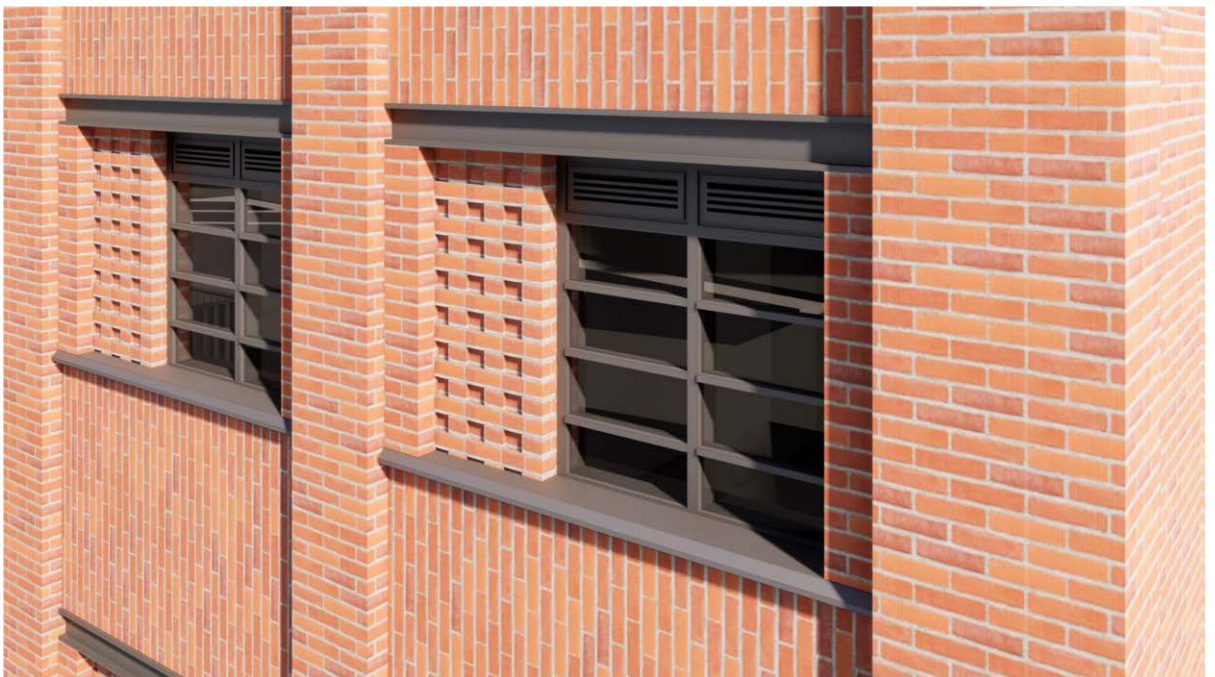
- 6.5. In principle there are no objections to the demolition of the Canalside building and the demolition of the 1980s pitched roof to the existing building and replacement extension on top. The principle of the new building is also considered acceptable given that all proposed elements are an appropriate scale, design and architecture.
- 6.6. The height, mass and scale of the proposed roof extension and new proposed building are considered acceptable. It is not considered detrimental to the character of Lockside House or the wider townscape of this part of the City Centre. The step up of a five storey building (existing building with proposed roof extension) to the proposed building of 6 storeys is acceptable as this shows a step up towards the City Centre.
- 6.7. As originally submitted the design of the proposed development was rather mundane. Amendments have therefore been secured. The updates include:
- enhancements to the design of the rooftop extension
  - replacement of the window cladding panels with brickwork, with enhanced detailing
  - refinement of the balcony detailing
  - replacement of the Juliet balconies to the courtyard elevation with projecting balconies
  - addition of a roof terrace to provide additional outdoor amenity to top floor apartments
  - updates to the lift core design to change from metal cladding to brickwork
  - enhancements to the design of the vehicle entrance
  - refinement of the boundary wall detailing
  - incorporation of soft landscaping and public art on the gable wall of the new building
- 6.8. The proposals for the rooftop extension in its revised form now creates a more “striking piece of architecture”, which contrasts with the existing building and references the industrial heritage without being a pastiche extension of the existing building. In its revised form there is a greater level of detail and articulation to the cladding with the introduction of thin projecting vertical elements. This helps to establish a strong vertical rhythm and add depth to the façade. The window openings have also been regularised and a fine projecting roofing provided. In terms of materials, the metal cladding from the top storey to the right of the lift shaft has been removed and replaced with brick.

- 6.9. Originally, metal cladding to the lift shaft was proposed but this was considered too dominant in the canalside elevation. The revised proposal now clad the lift shaft in brick with a recessed strip of windows to accentuate the verticality. Brick detailing - English bond brickwork with recessed alternate headers - to solid panel adds texture and articulation to the façade. The design now makes a feature point, but without being overbearing.



Revised Canal Elevation

- 6.10. The previous design showed cladding panels adjacent to the windows and an opportunity was identified to replace these with recessed brick panels with brick detailing, to accentuate the window opening.



Amended window detailing

- 6.11. The window openings now have deep reveals, lintels are expressed to contrast with the brick, using metal and concrete to reinforce the industrial character of the building. The lintel material would extend to form the soffit of the window opening. Dark grey metal sills would span the full width of the opening between piers. The recessed brick panels above and below the windows would generally be in a vertical stretcher bond, to help accentuate the verticality of the elevation. The recessed brick panels to the side of the windows would be in an English bond with recessed alternate headers, forming vertical lines that complement the verticality of the elevation.
- 6.12. The design of the balconies has also been amended relate better to the architecture of the building. Thin flat vertical metal members has been established, which provides a simple and contemporary style that compliments the industrial character of the building and relates to the fin detail on the roof extension. This detail is consistent with the detailing of the boundary wall railings and gates.
- 6.13. I note the concerns of the Canal and Rivers Trust, however, I consider that the key design changes outlined above, together with the other amendments, significantly improve the appearance of the scheme. In its revised form the scheme meets the requirements of good design. The proposals take account of local character, reinforcing building lines, scale and massing; the use reflects that of neighbouring uses, and retains existing boundary treatments whilst improving security. Main entrances are legible and open onto the public realm. The proposals further optimize the potential of the site and meet the requirements of the BDP and NPPF para 127 in creating a high-quality building that will help to improve the local environment.

#### Impact on Heritage Assets

- 6.14. In support of the application a Heritage Assessment has been submitted, which notes that the application site is situated adjacent to, and within the setting of, the non-designated Birmingham and Fazeley Canal and old main line of the Birmingham Canal close to their junction, and within the settings of four Grade II listed canal-side heritage assets. These are all broadly contemporary with the Birmingham Canal network of the late 18th and early 19<sup>th</sup> centuries, and include a roving bridge, toll office, two cranes and two sets of houses at Kingston Row. The effects of the proposed development upon the settings of these assets is assessed as neutral to slight adverse in the case of the roving bridge and toll office, which are situated in close proximity to Lockside House, and neutral in the cases of the two cranes and Kingston Row. The impact upon the non-designated Birmingham and Fazeley Canal and old main line of the Birmingham Canal is assessed as neutral to slight adverse.
- 6.15. The report considers that the degree of harm to the designated heritage assets is less than substantial in the cases of the roving bridge and canal toll office, and there is considered to be no harm in the cases of the two cranes and the houses at Kingston Row.
- 6.16. The City Councils Conservation Officer commented on the scheme as originally submitted that:-
- The proposed demolition of the rear 2-storey building built in the 1980s can be supported as can the principle of the loss of the 1980s pitched roof extension subject to a suitable replacement.
  - The proposed new roof extension to provide an additional storey can be supported to both the Scotland Street and canal side elevations. The design of the roof extension however does not integrate well with the existing architecture of the building or suitably contrast or complement it.

- The proposed new extension to the rear of the existing building, will completely consume the existing historic elevation which is regrettable.
  - The proposed new block of development is supportable in terms of scale at 6-storeys and the re-instatement of built form to Scotland Street and canal side frontage could offer an enhancement to what is currently a large area of hard standing car park. However, the design is not particularly inspiring or confidently contemporary and again not relatable to context.
- 6.17. As detailed above, amendments have therefore been sought to the design of the scheme to better respond to the industrial qualities of the building and its canal side setting. In its revised form I consider that the design of the scheme better preserves and enhances the setting of the designated canal structures and the canal itself.
- 6.18. As harm has been acknowledged it is necessary to assess whether the public benefits of this scheme can outweigh this harm. In this instance the public benefits of the scheme include the following:
- Economic Benefits
    - Increasing spending power for the local economy, through additional residents helping to sustain shops and other businesses in the area.
    - Increased spend in the construction industry during construction provide a large number of jobs, apprenticeships and training opportunities
  - Design
    - Enhancements to the street scene.
    - Revised design that is compatible with the area
  - Social Benefits
    - Provision of 45 new dwellings including to help meet the city's housing needs
    - Provision of 3 affordable dwellings
  - Sustainability
    - Redevelopment of a sustainable urban site
    - The use of and efficient building envelope, water and energy efficiency measures and sustainable materials
    - A site wide reduction CO2 emissions beyond the requirements of the Building Regulations
    - The application proposal will secure the reuse of previously developed land in a sustainable location which has good access to services, facilities and public transport;
    - The development is of a form that is in scale and compatible with its surroundings and in its revised form will better enhance and preserve of the setting of the designated canal structures and the canal itself.
- 6.19. In conclusion, therefore, applying the relevant statutory test in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the policy tests set out in the NPPF, whilst attaching great weight and importance to the less than substantial harm that the development would cause to the significance of heritage assets, it is concluded that the public benefits of the development identified above would outweigh such harm.
- 6.20. The archaeological potential of the site is low, with the survival of pre-canal era buried remains unlikely. Buried archaeological remains associated with canal-side industries and warehouses would likely be of, at most, a low level of heritage significance. The potential impact of the development is considered to result in a minor adverse significance of effects. In-line with NPPF, this equates to less than substantial harm. Any adverse impacts on such remains, if indeed present, may be

offset by an appropriate programme of archaeological recording. An appropriate condition is therefore attached.

#### Noise

- 6.21. The noise report recommendations require high performance glazing and a ventilation system. The extension will shield the majority of the apartments permitted under a previous prior notification from any noise generated by the Flapper. The new apartments will all be single aspect with no opportunity for residents to have opening windows on a quieter façade. The apartments include balconies.
- 6.22. The proposed mitigation will only be effective when residents keep their windows closed and do not use their balconies when events are taking place at the Flapper. Regulatory Services do not support applications where residents are expected to keep windows closed to mitigate noise from a specific source. They therefore recommend that this application should be refused.
- 6.23. In this particular instance, planning permission was previously granted on part of the application site for fourteen apartments. This development has commenced lawfully and could be completed at any time. That approval (the 'fall back position') is therefore an important material consideration in the determination of the current planning application. In addition, four prior approval applications have been granted for the conversion of the existing building to four different configurations of residential use. The principle of residential use on this site has therefore been established.
- 6.24. Although the Flapper PH closed in January 2020, it could re-open as a pub and live music venue again in the future. I therefore consider it appropriate to attach noise conditions requiring the applicant to implement the recommendations from the noise report.

#### Access and Parking

- 6.25. BCC Supplementary Planning Document "Car Parking Guidelines" (2012) requires a maximum of one space per dwelling and a minimum of one bicycle parking space per apartment, dependent upon the size of dwellings, proximity of facilities and provision of on-street parking within the area. Policy also supports minimal, if any parking within the City Centre.
- 6.26. The Transport Statement notes that the site is located in a highly sustainable location, close to all amenities, public transport and jobs. The position adjacent the tow path offers convenient walking and cycle opportunities. There are nearby and frequent bus services on King Edwards Road and The Parade, 300m and 240m respectively, with both New Street and Snow Hill rail stations within 1.2km. The site is also close to the new Metro route being built along Broad Street.
- 6.27. As well as 12 car parking spaces, 45 cycle parking spaces are to be provided. The Statement notes that there do not appear to be any inherent significant highway safety or capacity issues. Due to its low parking provision and central location, the site will only generate a limited number of vehicle trips during the peak hour periods and as such will not cause any significant impact on the local highway network; the majority of trips from the site will be on foot, with some of these used to access public transport.

- 6.28. The Framework Travel Plan Framework outlines measures that would be used to influence travel choice, including the appointment of a Travel Plan Co-ordinator and a residents' Welcome Pack providing information on travel planning and cycle/passenger transport information.
- 6.29. Transportation Development have raised no objection subject to 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.
- 6.30. The development proposals are consistent with policy guidance and demonstrate no material impact upon the operation, safety or environment of the local highway network. Accordingly, I do not consider that there are highway reasons to justify refusal subject to the conditions as recommended by Transportation Development.

#### Ecology

- 6.31. In accordance with good practice, a bat survey has been carried out, which found no evidence of bat emergence from the building. On this basis the City Council's Planning Ecologist has confirmed that there is no need for a further survey but there is an opportunity for biodiversity gain. Conditions are therefore attached to secure suitable landscaping and bird boxes.

#### Drainage and Land Contamination

- 6.32. The Drainage Assessment shows that the site is located within Flood Zone 1, and is therefore appropriate for residential development. The existing site is extensively developed and there will be no increase in flooding or flood risk on or off the site. It therefore proposes surface water attenuation utilising attenuation tanks beneath the parking area. Severn Trent Water and the Local Lead Flood Authority have no objections subject to conditions.
- 6.33. With regard to land contamination a desk top study has been submitted which notes that there is the possibility of contamination arising as a result of historic use of the site. BCC Regulatory Services have therefore recommended conditions to secure a site assessment and any necessary remedial measures.

#### Sustainability

- 6.34. A Sustainable Construction Plan has been submitted setting out the approach to sustainable design to reduce carbon dioxide emissions through:-
- passive design
  - energy efficiency measures
  - the inclusion of renewable or low/zero Carbon technologies where appropriate.
- 6.35. In support of the application an Energy Statement has been submitted, which assesses best practice energy efficiency measures and renewable energy solutions for the proposed development. The following measures are proposed:-
- Suitable glazing ratio and glass g-value to balance heat losses, heat gains and daylight ingress.
  - Fabric insulation levels achieving improvements over the Building Regulations Part L (2013) improved requirements.
  - Fabric air permeability to reduce heat losses through the fabric envelope
  - Mechanical ventilation with heat recovery with low SFP's



- Insulated pipework and ductwork to minimise losses.
  - PV array providing 20,500kWH/annum
- 6.36. These measures estimated to achieve a site wide reduction of 22.1% reduction in CO2 emissions beyond the requirements of the Building Regulations Part L (2013) baseline, through passive design and energy efficiency measures without the inclusion of any low or zero carbon (LZC) technologies.

#### CIL and Planning Obligations

- 6.37. Given the number of proposed apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to meet in full the affordable housing or off-site public open space requirements. Accordingly, the applicant has submitted a Viability Statement to justify relaxing the policy requirements in this instance. The Viability Statement has been independently assessed by the City Council's assessor, who concludes that in addition to a CIL payment of £295,510 the scheme cannot fully support contributions toward affordable housing and public open space improvements. However, the applicant is able to provide 3 affordable housing units (Discounted Market Sale) – 7% affordable housing (3 x one bedroom units) provided as Low Cost Home Ownership tenure at 80% of Market Value (the applicants preference is for plots 1, 2 and 9 to be designated as affordable.
- 6.38. Education, Leisure Services and the Canal and River Trust have also requested Section 106 financial contributions / works. However, in this instance I consider that affordable housing is the greater priority.

#### 7. Conclusion

- 7.1. In principle the conversion and extension of Lockside House is consistent with land use planning policies for the area and previous planning consents. In its revised for the scale, design and appearance of the development is acceptable. Furthermore, the public benefits of the scheme outweigh the less than substantial harm to nearby heritage assets. The building is in a sustainable location and the level of parking proposed is appropriate.
- 7.2. I therefore consider that the application is acceptable subject to safeguarding conditions and completion of a legal agreement to secure affordable housing.

#### 8. Recommendation

- 8.1. APPROVE application 2020/02795/PA subject to the prior completion of a Section 106 Legal Agreement to secure the following
- a) 3 affordable low cost home ownership units at 80% of market value; and,
  - b) a financial contribution of £1,500 for the administration and monitoring of this deed to be paid upon completion of the agreement.

and subject to the conditions listed below.

- 6.1. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 7<sup>th</sup> February 2021 or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason(s):-

- a) In the absence of a legal agreement to secure affordable housing, the proposal conflicts with Policy 8.50-8.54 of the adopted Unitary Development Plan, Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and Affordable Housing SPG.

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

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- |    |  |
|----|--|
| 1  | Implement within 3 years (Full)  |
| 2  | Requires the prior submission of a programme of archaeological work                            |
| 3  | Requires the prior submission of a contamination remediation scheme                            |
| 4  | Requires the submission of a contaminated land verification report                             |
| 5  | Requires the implementation of the Flood Risk Assessment                                       |
| 6  | Requires the prior submission of a drainage scheme   |
| 7  | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan         |
| 8  | Requires the prior submission of details of bird/bat boxes                                     |
| 9  | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 10 | Requires the submission of sample materials  |
| 11 | Requires the prior submission of hard and/or soft landscape details                            |
| 12 | Requires the submission of boundary treatment details  |
| 13 | Requires the submission of a lighting scheme   |
| 14 | Requires the prior submission of a construction method statement/management plan               |
| 15 | Requires the submission of details of public art   |
| 16 | Requires the submission of a CCTV scheme   |
| 17 | Requires the submission of architectural details   |
| 18 | Requires the prior submission of the low and zero carbon energy generation system              |
| 19 | Requires the provision of cycle parking prior to occupation                                    |
| 20 | Requires the parking area to be laid out prior to use  |
| 21 | Requires the scheme to be in accordance with the listed approved plans                         |
-

Case Officer: David Wells

**Photo(s)**



View along Scotland Street



View of Car Park



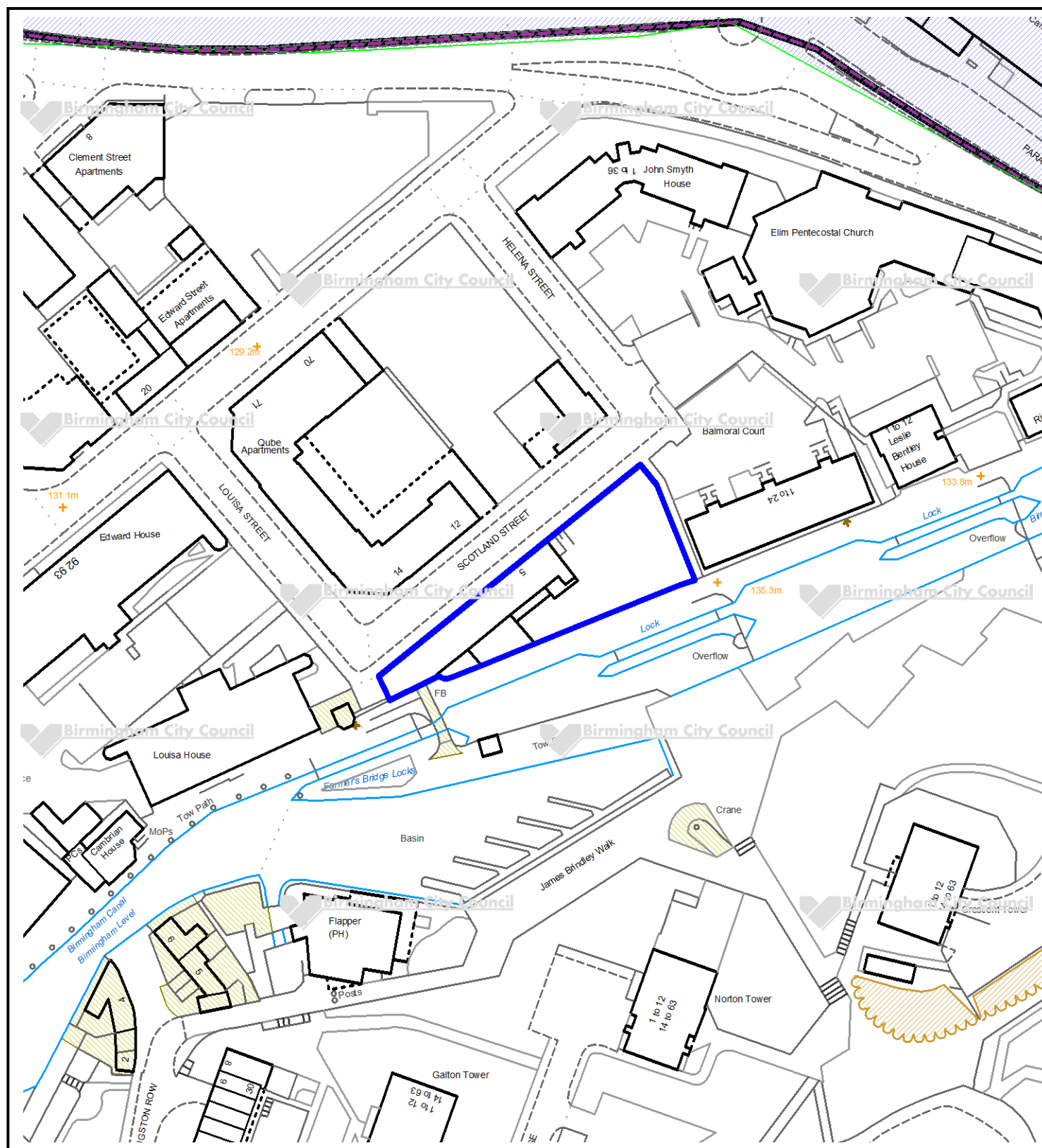
View along the Canal Towpath





View of Lockside House and ramp to roving bridge

## Location Plan



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Committee Date:	07/01/2021	Application Number:	2020/00410/PA
Accepted:	03/03/2020	Application Type:	Full Planning
Target Date:	15/01/2021		
Ward:	Bordesley & Highgate		

Bradford Street/Moseley Road, Land at corner of, Highgate, Birmingham, B12,

Demolition of frontage buildings to Moseley Road and part retention of existing building in courtyard to provide 78 apartments with a re-development of a part 5, 6 and 8 storey development and associated works

Recommendation

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

1. Proposal

- 1.1 This application seeks full planning consent for the demolition of existing listed frontage buildings to Moseley Road and the part retention and conversion of an existing listed building to the rear portion of the site. Consent is also sought for the erection of a part 5, 6 and 8 storey building to provide 78 no. residential apartments on a corner plot of land at the junction of Bradford Street and Moseley Road, Highgate, to the south of the city centre.
- 1.2 The proposed dwelling mix would provide;
  - 16 no. (20.51%) 1 bed 1 person (40sq.m-43sq.m).
  - 15 no. (19.23%) 1 bed 2 person (50sq.m).
  - 17 no. (21.79%) 2 bed 3 person (61.8sq.m-68.6sq.m).
  - 22 no. (28.20%) 2 bed 4 person (72.7sq.m-78.3sq.m).
  - 8 no. (10.26%) 3 bed 5 person (87.5sq.m-88sq.m).
- 1.3 An appraisal of the applicant's viability report by the Council's consultants shows that 8 no. (10.26%) dwellings would be affordable apartments for low cost home ownership.
- 1.4 The proposed layout would provide a 5 and 8 storey flat roofed building fronting Bradford Street with the 5 storey element positioned adjacent to no. 132 Bradford Street and with the 8 storey element positioned on and turning the corner onto Moseley Road. The Moseley Road elevation would comprise of an 8 storey building which drops to 5 stories adjacent to Avoca Court with a 6 storey element positioned further into the site behind the 5 storey frontage building. The main access to the building would be gained from the Moseley Road elevation. An external courtyard area is proposed within centre core which would also provide access to the 2 storey retained and refurbished listed courtyard building providing residential accommodation, along with an external side access for residents use.



- 1.5 The main body of the building is conceived of a series of blue brick piers, setting out a grid of full height window bays. Louvres to the top of windows feature throughout the building with horizontal stone cast sills reserved for the upper sections of the building with vertical sills to the top two sections of the building that extends up to full height proposed using matching cast stone. At ground floor level 'winter gardens', i.e. inset/recessed areas are proposed along the Bradford Street elevation. The main building entrance metal would be predominantly glazed with matching brick detailing around it. The roof garden areas would be bounded by glazed panels/balustrades to both Moseley Road and Bradford Street elevations at 6<sup>th</sup> and 7<sup>th</sup> storey level.



**Figure 1: Proposed elevations to Bradford Street**



**Figure 2 – Proposed elevations to Moseley Road**

- 1.6 The proposal also includes the preservation and restoration of the existing, listed curtilage workshop which is to remain as a two storey structure facing onto the central courtyard area and would provide 2 no. 2 bed, 4 person apartments (1 no. on

each floor). The building would be restored with matching red/terracotta brickwork and associated lintel and sill detailing, a tiled, pitched roof and leaded type glazing and ironmongery typical to the buildings original appearance.

- 1.7 No on site car parking spaces are proposed and a cycle store with 78 no. cycle spaces is proposed.
- 1.8 The application is supported by a Design and Access Statement, Heritage Statement, Transport Statement/Travel Plan, Ground Investigation, Noise Assessment, Air Quality Assessment, Drainage Assessment, Planning Statement, Landscape Strategy, Ecological Appraisal, Energy Statement and Viability Assessment.

1.9 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site is located on a corner plot at the junction of Bradford Street and Moseley Road between Digbeth and Highgate. Sat at the crown of the hill, the site is occupied by an early 19th century domestic building fronting Moseley Road, now used commercially and in a deteriorated condition with overgrown wasteland on both frontages. The rear of the site is occupied by a range of two-storey outbuildings relating to the listed building adjacent to the site at no. 132 Bradford Street.
- 2.2 To north of the site lies Bradford Street with existing commercial uses beyond including a car repair/servicing garage, a shisha lounge and vacant commercial premises. To the south lies Avoca Court, a modern apartment block. Beyond this lies further residential accommodation and The Moseley Arms public house. To the east lies Moseley Road with a police station and compound beyond whilst to the west lies existing commercial buildings, known as Bradford Court Business Centre, encompassing a variety of commercial uses.
- 2.3 The site is located on the junction of two secondary streets along the busy No.50 bus route connecting the city centre to the west to the southern suburbs of Birmingham.

2.4 [Site Location](#)

3. Planning History

- 3.1. 2005/05572/PA – Demolition of existing retail and associated ancillary spaces and the erection of 16 no. apartments and 4 no. commercial units – Withdrawn.
- 3.2. 27/07/2007 - 2007/02386/PA – Demolition of existing building and construction of 14 no. apartments and 2 no. ground floor commercial units (A1/B1 use) (shops/business) with basement car parking, roof garden and associated works – Approved, subject to conditions.
- 3.3. 14/09/2010 – 2010/04129/PA – Application for new planning permission to replace an extant planning permission 2007/02386/PA – Demolition of existing building and construction of 14 no. apartments and 2 no. ground floor commercial units (A1/B1 use) (shops/business) with basement car parking – Approved, subject to conditions.
- 3.4. 2020/01230/PA – Listed building consent for partial demolition and part retention of existing courtyard building and alterations to convert to 2 no. apartments – Currently submitted for assessment.

#### 4. Consultation/PP Responses

4.1. Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. 1 no. letter of objection received from local residents/occupiers on the following points;

- The proposed building is too tall and too unattractive.
- The height is excessive when compared to other buildings in what is generally a very orderly street.
- Dark blue/black brick is inappropriate. It has no precedent in the street, and creates an excessively dour and grim appearance.

3 no. letters of support received on the following points;

- It would be a great addition to help spruce up the area.
- This is a good proposal as part of this site has been derelict for nearly thirty years.
- The remaining buildings are in a poor state and the site is overgrown.
- This will be good for regeneration of this part of Digbeth.

4.2. Transportation Development – No objection.

4.3. Lead Local Flood Authority – No objection, subject to conditions;

- Sustainable Drainage Scheme.
- Sustainable Drainage Operation and Maintenance Plan.

4.4. Regulatory Services – No objection, subject to conditions;

- Submission of a Noise Insulation Scheme to establish residential acoustic protection.
- Land contamination (intrusive) assessment and verification report.
- Demolition and construction management plan.
- Electric vehicle charging points.

4.5 BCC Leisure Services – No objection in principle subject to a financial contribution of £200,675.

4.6 BCC Employment Team – To secure a construction employment plan by planning condition.

4.7 Historic England – No comments received.

4.8 Severn Trent Water – No objection, subject to a drainage condition being imposed to require drainage plans for the disposal of foul and surface water flows.

4.9 The Victorian Society – Object on the following points;

- We are broadly supportive of the principle of regenerating this neglected site.
- We therefore welcome proposals to retain and regenerate as apartments the earlier wing and link structure of the Victorian workshop building on this site, and note that it is proposed to retain the characteristic iron frame windows which we would also support.



- The works to these historic buildings should be conditioned to take place at an early stage of redevelopment in any consent for proposals on this site.
- On the basis of the information available with the application, we would not support the demolition of the southern range of the workshop building or the frontage building at 5-11 Moseley Road, but consider that they should be repaired and included in proposals to regenerate this site.
- The massing and scale of the proposed new building at eight storeys to the corner in over view completely dominates not only the adjacent grade II listed Georgian house at 132 Bradford Street, but also dominates the impressive three storey Victorian factory building beyond and will also overshadow the workshop buildings to the rear proposed for retention.
- The proposed cladding is out of character with the adjacent brick built historic Bradford Centre.
- Any new buildings on this site should both seek to incorporate more of the historic structures already on site, and be more sympathetic in terms of scale and design to the adjacent grade II listed building at 132 Bradford Street and the neighbouring Bradford Centre, as well as better reflecting the historic structure already proposed for retention.
- We therefore object to the design, scale massing and materials of this proposed new building on this site.

4.10 Birmingham Civic Society – Object to the proposal on the following points;

- The use of dark engineering bricks is at odds with the predominantly red brickwork of the area – it is not necessary to express the contemporary nature of the design in this way, when this has been done successfully with the proposed detailing, or ‘add interest’ to the street scene which is varied and yet coherent through successive generations of development conforming to a limited palette of materials.
- The height of the proposal dominates the Grade II listed building adjacent, and the articulation between the buildings on Moseley Road and Bradford Street is insensitive.

4.11 Chief Constable of the West Midlands – Concerns raised with the following comments received;

- The development could set a precedent of what would be considered acceptable in such proximity to an operational Police Station which could then be, to some extent, hemmed in by new development which may limit their operational and security requirements of the force going forward.
- Condition requiring obscure glazed perimeter glass fencing around the overlooking courtyard areas at sufficient height to prevent overlooking and deter use as a site from which to launch a potential attack on Police premises.
- Amendments to the design to stagger the floors of the building to move the upper floors further back from the rear edge of the pavement.
- Amendments to window positions and/or angling and/or using obscured glass to prevent direct overlooking.

4.12 West Midlands Police – Following comments made;

- Will all residents have access to the two roof gardens?
- What boundary treatment is being considered for the roof gardens?
- Potential overlooking at 6<sup>th</sup> floor level on the Moseley Road elevation is a concern to neighbouring properties including the police station.

- No post room is shown on the plans – postal workers should not have free access throughout the building.
- Is access control between floors and from public private space proposed?
- Lack of parking is a concern.
- Video capable access control system should be provided for a development of this size.

No objection, subject to conditions;

- Provision of CCTV system for site.
- External lighting for site (to work in conjunction with CCTV system).

## 5. Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies) Car Parking Guidelines SPD (2012), Affordable Housing SPG (2001), Places for Living SPG (2001), Places for All SPG (2001), Rea Valley Urban Quarter SPD (2020), National Planning Policy Framework (NPPF) (2019).

## 6. Planning Considerations

### *Planning Policy*

- 6.1. The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. The Rea Valley Urban Quarter SPD outlines the aspirations for the application site and outlined potential building heights for the site which is between 6-10 storeys and which the pre-application discussions and current scheme have worked within. In addition a car fee approach is encouraged given the areas highly accessible and sustainable location.
- 6.2. The application site has previously had consent for residential development and although the approved schemes included ground floor commercial units there is no policy requirement for a mixed use scheme. Other sites close by have either been redeveloped entirely for housing or have planning permission for residential development which has yet to be implemented. The use of the site for residential development would be in accordance with policy and reflect the immediate and emerging character of the area.

### *Impact on Heritage Assets*

- 6.3. Where harm to a heritage asset is less than substantial this must be weighed against the public benefits of the proposal. The BDP (Policy TP12) and Rea Valley Urban Quarter SPD also contain other guidance regarding the need for new development to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in relation to heritage assets.
- 6.4. The application site is a predominantly vacant site on a corner plot fronting both Bradford Street and Moseley Road. The site includes the rear two-storey range of outbuildings relating to the grade II listed No.132 Bradford Street, a late 18th century townhouse identified as a rare survival of virtually intact elevation of this date near the city centre. A number of good quality 19<sup>th</sup> and 20<sup>th</sup> century buildings exist on Bradford Street many of a large industrial scale but displaying good quality

architecture and detailing including Bradford Court which is adjacent to the application site. On the Moseley Road part of the site is an existing building which looks to date to the early part of the 19th century although could possibly be earlier and is likely a remnant from the clearance of neighbouring buildings.

- 6.5. The Heritage Impact Assessment which accompanies the application identifies that the proposals will cause less than substantial harm to the setting of no. 132 Bradford Street, to the setting of Bradford Court and to the late 19th century workshop, through its demolition. The Assessment considers that this harm can be successfully outweighed through the restoration of the original curtilage listed rear workshop giving an overall neutral impact to the scheme.
- 6.6. My conservation officer is of the view that the proposal would result in less than substantial harm upon the setting of the heritage assets. The introduction of this degree of scale to this area (which is acknowledged is in within policy guidelines) should only be acceptable when it is accompanied by high quality design and materials particularly when the development is responding to well-designed historic buildings and more modest scale listed buildings. A number of design changes to the scheme in terms of external appearance and materiality have been undertaken. The scheme as currently submitted is now of a standard of design quality that is acceptable. In addition, a number of further benefits to the proposal are outlined below;

#### *Economic Benefits*

- Increasing spending power for the local economy, through additional residents helping to sustain shops and other businesses in the area.
- Increased spend in the construction industry during construction to provide a large number of jobs, apprenticeships and training opportunities.

#### *Design*

- Enhancements to the street scene with the removal of derelict land.
- The reinstatement of built form and of the back of pavement building line to this corner plot.

#### *Social Benefits*

- Provision of 78 no. new dwellings to help meet the city's housing needs.
- Provision of 8 no. affordable dwellings.
- Retained, refurbished and reused listed building.

#### *Sustainability*

- Redevelopment of an urban site with good accessibility by means other than the private car.
- Would provide an air-tight, extremely well insulated building designed to reduce energy use and carbon footprint.
- The use of an efficient building envelope, water and energy efficiency measures and sustainable materials.

#### *Ecology*

- Inclusion of a green roof would achieve a biodiversity net gain by creating a new habitat and improving ecological connectivity within this urban landscape.

- 6.7. Therefore taking account of the above, whilst there is less than substantial harm identified to the heritage assets and their setting, including the partial demolition of

the rear structure, the many benefits of the scheme are considered to outweigh the identified harm and is therefore considered acceptable in this regard.

#### *Layout and Design*

- 6.8. The proposed layout for the development would provide a 5 and 8 storey flat roofed building fronting Bradford Street with the 5 storey element positioned adjacent to no. 132 Bradford Street and with the 8 storey element positioned on and turning the corner onto Moseley Road. The Moseley Road elevation would comprise of an 8 storey building which drops to 5 stories adjacent to Avoca Court with a 6 storey element positioned further into the site behind the 5 storey frontage building. The main access to the building would be gained from the Moseley Road elevation. An external, communal courtyard area is proposed within the sites centre core which would also provide access to the 2 storey retained and refurbished listed courtyard building providing residential accommodation, along with an external side access for residents use.
- 6.9. The scale and massing of the new build frontage buildings has evolved through discussions at both pre-app stage and during the application and has been designed in a manner where portions of the building step up from the existing buildings along Bradford Street (i.e. no. 132) to a corner point which acts as the pinnacle of the building to the corner elevation. The building then steps down in height to mirror that the adjacent Avoca building therefore reference scale appropriate along the Moseley Road elevation. The internal layout of the site would provide an element of communal amenity space whilst also providing access to the existing listed workshop building which is to be retained and refurbished and brought back into use. View of this building would not be made from the public realm but would be seen as a 'courtyard' style building providing views for occupants across the courtyard to the new build elements. The restoration of the building in terms of materials and detailing would be to make use of matching materials which would be secured by planning condition.
- 6.10. In terms of the new build design the applicants have sought to make improvements to the previously approved elevations which were considered to be overly elaborate with too many facing materials. The new design is more sympathetic to the streetscape. The main body of the building is conceived of a series of blue brick piers, setting out a grid of full height window bays. Louvres to the top of windows feature throughout the building with horizontal stone cast sills reserved for the upper sections of the building with vertical sills to the top two sections of the building that extends up to full height proposed using matching cast stone. At ground floor level 'winter gardens', i.e. inset/recessed areas are proposed along the Bradford Street and Moseley Road elevations providing set back from the public footway of bedroom accommodation which aids privacy to occupants of these habitable rooms which is supported. The main building entrance would be predominantly glazed to provide a welcoming and approachable aspect with matching brick detailing around it to mirror the use of brick throughout the rest of the building. The use of ground floor glazing and a large, open building entrance is supported on the basis that it would provide an active frontage upon this corner plot. In addition, the roof garden areas would be bounded by glazed panels/balustrades to both Moseley Road and Bradford Street elevations at 6<sup>th</sup> and 7<sup>th</sup> storey level. West Midlands police have asked for these to be obscure glazed and of appropriate height to ensure public safety. I agree with the imposition of such a condition.
- 6.11. The design has however received objections that the use of dark engineering bricks to be at odds with the predominantly red brickwork of the area, that the height of the proposal dominates the Grade II listed building adjacent and that the articulation

between the buildings on Moseley Road and Bradford Street is insensitive. Whilst these comments are acknowledged, the design whilst untypical of many buildings within the streetscene utilises brick material and detailing in a contemporary manner that positively impacts upon the streetscene and can be supported in this location.

- 6.12. Planning conditions related to external finish materials, architectural details, detailed sections of brickwork recess, sample materials and brickwork, landscape details, external fixtures and fittings, boundary treatment, finished site levels, external lighting, cross-sections of the balconies including soffits and the junction between the gateway structures and the ground and external door and window frame details are required in order to make the development acceptable and to secure an appropriate standard of finish.

#### *Residential and Neighbour Amenity*

- 6.13. The development would provide a central courtyard area within the central core area at ground floor level for use as an external communal amenity space. In addition, residents would have access to a roof garden area at 6<sup>th</sup> floor level (Moseley Road elevation) whilst 2 no. apartments at 5<sup>th</sup> floor level (Moseley Road elevation) and 2 no. apartments at 4<sup>th</sup> floor level (Bradford Street elevation) would also have access to their own private external amenity space.
- 6.14. The proposed buildings would not adversely impact upon existing built development in terms of separation distance or the 45 degree code, particularly with reference to Avoca Court and 132 Bradford Street. However, the retained courtyard building to the rear of the site would not meet the 10m separation distance to the proposed buildings rear elevation (across the courtyard) at a distance of 7m. However, given that the site constraints and the requirement to retain, refurbish, repurpose and bring the listed building back into use, it is considered that these reasons are sufficient to set aside the shortfall in this case.
- 6.15. The application site is located in an area of transition and regeneration and whereby modern residential developments site alongside existing commercial premises. In this case, the site is located opposite a car repair/servicing garage, known as 'A1 Clutches' and a nearby Shisha lounge, known as 'Kings'.
- 6.16. The application has been submitted with a noise assessment which has assessed the impact of the operations at A1 Clutches. The assessment indicates that the rating noise level for the operations at A1 Clutches exceeds the background noise level by 18dB. This would result in a significant adverse impact on future residents. To mitigate this noise, it will be necessary for future residents overlooking Bradford Street to keep their windows shut. However, A1 Clutches carry out vehicle servicing and replacement of mechanical components which would not normally have a large impact upon residential uses on the other side of Bradford Street. As such, site visits by my regulatory services officer have been undertaken which suggest that noise from 'A1 Clutches' is only occasionally audible so may not have the significant adverse impact as suggested within the noise assessment.
- 6.17. Furthermore, whilst Environmental Health are in receipt of complaints from residents regarding noise from the Shisha premises, there is a requirement for it to comply with requirements for smoking shelters (i.e. generally open) mean that options to reduce noise from Shisha premises are limited. However, further investigation reveals that the site does not have a premises licence and therefore can only provide background music (not regulated entertainment) and is therefore unlikely to be an issue in terms of noise issues to future residents sufficient to warrant refusal in this case. Taking



into consideration the absence of a premises license for the Shisha premises and the observed impact of the operations from A1 Clutches (as opposed to the adverse impact predicted) it is considered that sufficient mitigation can be secured for appropriate residential amenity of future occupiers through the imposition of planning conditions to secure a noise insulation scheme for residential acoustic protection, a view supported by my regulatory services officer. In addition, my officer has requested the imposition of conditions to secure an intrusive land contamination assessment and associated verification report given the sites previous industrial/commercial background along with a construction and demolition management plan to which I agree. However, a request for the provision of electric vehicle charging points is not supported given the lack of onsite car parking proposed.

#### *Highways and Transportation*

- 6.18. The proposal would provide zero onsite car parking provision. However, it would provide 78 no. bays within a secure cycle storage room (i.e. 1 no. for each apartment). Given that the site lies within close proximity to the City Centre and to a range of facilities, frequent bus, rail and tram services along with an extensive footway network in the immediate area and bus route passing the site I consider the site to be located in a highly sustainable location for which the lack of car parking can be accepted.
- 6.19. I do consider it appropriate to impose a condition securing the provision of the onsite cycle storage prior to first occupation of the apartments.

#### *Ecology and Drainage Matters*

- 6.20. The site contains a number of buildings, both occupied and vacant and with the main central portion of the site generally overgrown and unkempt. A Preliminary Ecological Appraisal which included bat activity surveys have been undertaken which has been assessed by the City's Ecologist. They have raised no objection in principle to the proposal subject to the imposition of planning conditions to secure replacement bat roosting features. Furthermore, the submission indicates the provision of biodiversity/green roofing. However, further details on what this would comprise of in terms of plant species, construction materials and cross sections details should also be provided to secure appropriate biodiversity benefits. Such details can be secured by planning condition.
- 6.21. A proposed 3 l/s discharge rate into the network is deemed to be acceptable and would help to reduce the risk of blockages to the drainage network subject to the imposition of conditions to secure a sustainable drainage scheme and sustainable drainage operation and maintenance plan.

#### *Other Matters*

- 6.22. The development would provide 16 no. (20.51%) 1 bed – 1 person (40sq.m-43sq.m), 15 no. (19.23%) 1 bed – 2 person (50sq.m), 17 no. (21.79%) 2 bed – 3 person (61.8sq.m-68.6sq.m), 22 no. (28.20%) 2 bed – 4 person (72.7sq.m-78.3sq.m) and 8 no. (10.26%) 3 bed – person (87.5sq.m-88sq.m). The density is considered to be appropriate in this case and would provide a varied mix of unit types so as to provide a varied and sustainable community which is supported. Furthermore, the unit sizes and associated bedrooms are of sufficient size and meet or exceed the minimum sizes outlined in the Nationally Described Space Standards. The applicant has also

agreed that 8 (10.26%) of the dwellings would be affordable apartments for low cost home ownership.

- 6.23. West Midlands Police recommend conditions to require an external lighting scheme and the provision of a CCTV system. The Police Constable also argues that the proposals would prejudice the operation of the police station. I note the contents of Paragraph 164 of the NPPF which requires Authorities to work with local advisors in respect of security and resilience issues. I have not been presented with any evidence that the proposals would impede upon the sites operations; in addition, I note that existing residential accommodation (i.e. Avoca Court) and the public house on the opposite side of the road already overlook the police's extensive car parking area. I therefore do not consider that the proposal materially impacts upon the operations of the police station to the extent that refusal of permission could be sustained. The amendments suggested by the Police Commissioner (i.e. staggering floors and window alterations) are not deemed necessary to make the current scheme acceptable. However, I do recommend the imposition of a condition to secure appropriate boundary treatments for the roof garden areas.

#### *CIL and Section 106 Obligations*

- 6.24. The proposed development lies in a low value area in terms of CIL which is zero rated for such types of development. As such, a financial contribution is not required in this regard.
- 6.25. The number of apartments means that the City Councils policies for Affordable Housing and Public Open Space in New Residential Development also apply. A Viability Statement has been submitted with the application to demonstrate that the site cannot meet the full Birmingham Development Plan requirements which has been independently assessed by the City Council's consultants. As a result it has been agreed that 8 no. (10.26%) dwellings being 2 no. x 1 bed, 4 no. x 2 bed and 1 no. 3 bed will be provided as low cost market dwellings at 75% of market value. These would comprise of 2 no. x 1 Bed 1 Person, 1 no. x 1 Bed 2 Person, 2 no. x 2 Bed 3 Person, 2 no. x 2 Bed 4 Person and 1 no. 3 bed 4 person apartments which is considered to be fair and justifiable and would not impact upon the viability and deliverability of the scheme.
- 6.26. Financial contributions have also been requested from Leisure Services towards off site public open space but the development would not be viable if further financial contributions were paid and therefore this request has not been actioned. The request for an employment construction plan is recommended to be covered via a condition.

#### 7. Conclusion

- 7.1. The BDP encourages further residential development in the City Centre and the site is within the Rea Valley Urban Quarter area where further housing is acceptable in principle. No objection is raised to the demolition of the existing buildings. The loss of part of the designated heritage asset is supported on the basis of the less than substantial harm for the loss of outweighed by the public benefits of providing additional residential accommodation on site, retaining and restoring an existing listed structure on site and improving the setting to that structure and those in close proximity.
- 7.2. Although objections have been raised by local residents and groups regarding scale, massing and materiality, it is considered that the design proposal is a positive

addition to the streetscene in the prominent corner location and subject to planning conditions can be supported.

- 7.3 It is noted that whilst the scheme isn't financially viable to provide a full contribution to affordable housing, public open space, it is conceded that the maximum amount the scheme can afford to provide in terms of affordable housing (10.26% - 8 no. units) has been met and can be secured via a S.106 agreement.
- 7.4 It is therefore considered that the application is acceptable and would have a positive impact on the appearance of the site and is therefore recommended for approval subject to conditions as set out below.

## 8. Recommendation

- 8.1 That consideration of planning application 2020/00410/PA be approved subject to the completion of a planning obligation agreement to secure the following:-

i) The provision of 8 no. affordable housing units on site comprising of 3 x one bed and 4 x two bed and 1 x three bed apartments (2 no. x 1 Bed 1 Person, 1 no. x 1 Bed 2 Person, 2 no. x 2 Bed 3 Person, 2 no. x 2 Bed 4 Person and 1 no. 3 bed 4 person apartments) to be offered at 25% discount of the market sale values in perpetuity.

ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing value subject to a maximum of £10,000.

- 8.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 15<sup>th</sup> January 2021 or such later date as may be authorised by officers under delegated powers the planning permission be refused for the following reason;

i) In the absence of a legal agreement to secure a commitment provide 8 no. on-site affordable housing units the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.

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

- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 15<sup>th</sup> January 2021 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.

- 
- |   |  |
|---|--|
| 1 | Implement within 3 years (Full)  |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the submission of details of green/brown roofs                |
| 4 | Requires the submission of a CCTV scheme                               |
| 5 | Requires the submission of a lighting scheme                           |
-

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6	Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
7	Requires the prior submission of a drainage scheme - foul and surface water
8	Requires the prior submission of a contamination remediation scheme
9	Requires the submission of a contaminated land verification report
10	Requires the submission of a Noise Insulation Scheme to establish residential acoustic protection
11	Requires the prior submission of a construction method statement/management plan
12	Requires the prior submission of a demolition method statement
13	Requires the submission of fixtures and fittings Details
14	Requires the submission of dormer window/window frame details
15	Requires the submission of external doors/garage doors
16	Requires the submission of sample walling/render panel/stonework/brickwork
17	Requires the submission of sample materials
18	Requires the prior submission of finished site level details
19	Prior submission of external material details
20	Requires the submission of boundary treatment details
21	Requires the submission of hard and/or soft landscape details
22	Prior submission of architectural details
23	Provision of window reveal details
24	Provision of balcony cross section details
25	Prior submission of phasing plan
26	Prior submission of repair and conservation scheme of works of workshop building
27	Prior submission of historic fabric repair strategy
28	Requires the prior submission of Building Recording
29	Requires the provision of cycle parking prior to occupation
30	Requires the prior submission of details of bird/bat boxes

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Case Officer: Christopher Wentworth

## Photo(s)



**Photo 1: Site and hoardings (left side) at junction of Moseley Road and Bradford Street.**



**Photo 2: View showing Moseley Road and relationship to Avoca Court.**



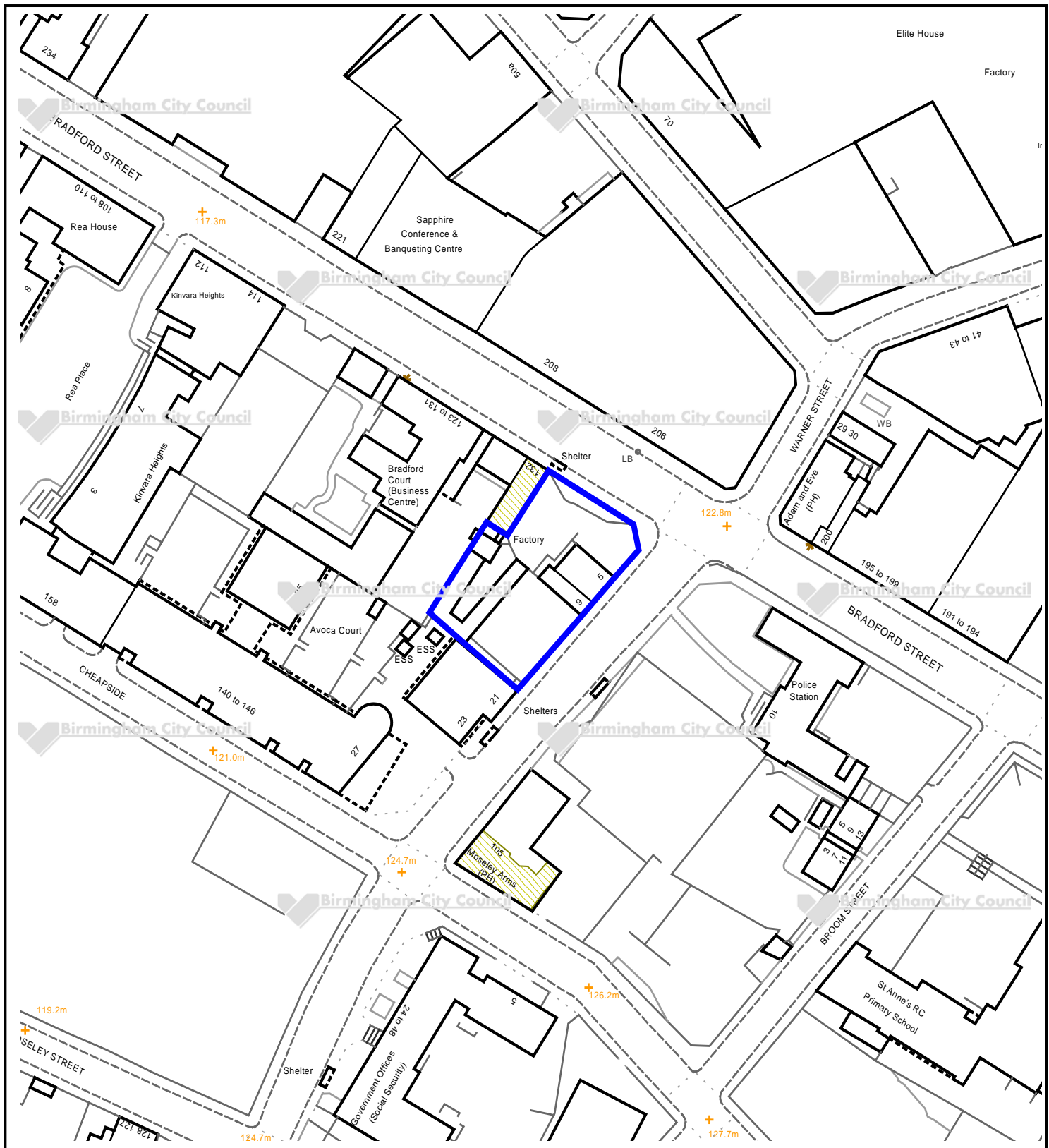


Photo 3: View of site on Bradford Street elevation and adjacent 132 Bradford Street.



Photo 4: View of 5-9 Moseley Road frontage buildings to be demolished.

## Location Plan



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Committee Date:	07/01/2021	Application Number:	2020/01230/PA
Accepted:	13/02/2020	Application Type:	Listed Building
Target Date:	15/01/2021		
Ward:	Bordesley & Highgate		

Bradford Street/Moseley Road, Land at corner of, Highgate,  
Birmingham, B12,

Listed building consent for partial demolition and part retention of  
existing courtyard building and alterations to convert to 2 apartments

Recommendation

**Approve subject to Conditions**

1. Proposal

1.1. This application seeks Listed Building Consent for the partial demolition and part retention of an existing courtyard building and for alterations to convert the portion of building to be retained to provide 2 no. apartments on land at the corner of Moseley Road and Bradford Street, Highgate, Birmingham, B12 which is associated with the Grade II listed building of 132 no. Bradford Street, as a curtilage listed structure.

1.2. The works include the demolition of a 20<sup>th</sup> century addition to the curtilage listed workshop building and the retention and refurbishment of the 18<sup>th</sup> and 19<sup>th</sup> century rear workshop wing. This workshop wing is two storey in nature and requires significant structural works for the building to become watertight and to be brought back into use. The works also include some demolition of first floor internal walls, replacement windows, roof repairs, alterations to two openings to create doors, the building of a ground floor wall to the rear section of the building and the removal of the connecting timber footbridge and wooden stairs to the main listed building (132 Bradford Street).

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. Site Location

2.2. The application site is on a corner plot at the junction of Bradford Street and Moseley Road between Digbeth and Highgate. Sat at the crown of the hill, the site is occupied by an early 19th century domestic building fronting Moseley Road, now used commercially and in a deteriorated condition with overgrown wasteland which presents itself on both frontages. The rear portion is occupied by a range of two-storey outbuildings relating to the listed building adjacent to the site at no. 132 Bradford Street (Grade II).

2.3. To the north lies Bradford Street with existing commercial uses beyond including a car repair/servicing garage, a shisha lounge and vacant commercial premises. To the south lies Avoca Court, a modern apartment block. Beyond this lies further residential accommodation and The Moseley Arms public house. To the east lies

Moseley Road itself with a police station and compound beyond whilst to the west lies existing commercial buildings, known as Bradford Court Business Centre, encompassing a variety of commercial uses.

### 3. Planning History

- 3.1. 2005/05572/PA – Demolition of existing retail and associated ancillary spaces and the erection of 16 no. apartments and 4 no. commercial units – Withdrawn.
- 3.2. 27/07/2007 - 2007/02386/PA – Demolition of existing building and construction of 14 no. apartments and 2 no. ground floor commercial units (A1/B1 use) (shops/business) with basement car parking, roof garden and associated works – Approved, subject to conditions.
- 3.3. 14/09/2010 – 2010/04129/PA – Application for new planning permission to replace an extant planning permission 2007/02386/PA – Demolition of existing building and construction of 14 no. apartments and 2 no. ground floor commercial units (A1/B1 use) (shops/business) with basement car parking – Approved, subject to conditions.
- 3.4. 2020/00410/PA – Demolition of frontage buildings to Moseley Road and part retention of existing building in courtyard to provide 78 apartments with a re-development of a part 5, 6 and 8 storey development and associated works – Currently submitted for assessment.

### 4. Consultation/PP Responses

- 4.1. Local Councillors, Birmingham City Centre Management, Birmingham Civic Society and residents associations notified. Press and site notice posted. No responses received.
- 4.2. Historic England – No comments received.
- 4.3. The Victorian Society – Following comments received;
  - We are broadly supportive of the principle of regenerating this neglected site.
  - We therefore welcome proposals to retain and regenerate as apartments the earlier wing and link structure of the Victorian workshop building on this site, and note that it is proposed to retain the characteristic iron frame windows which we would also support.
  - The works to these historic buildings should be conditioned to take place at an early stage of redevelopment in any consent for proposals on this site.
  - We would therefore not support the demolition of the southern range of the workshop building or the frontage building at 5-11 Moseley Road, but consider that they should be repaired and included in proposals to regenerate this site.
  - We therefore object to this aspect of these proposals as is currently presented.

### 5. Policy Context

- 5.1. Birmingham Development Plan 2017, Rea Valley Urban Quarter SPD (2020), National Planning Policy Framework (NPPF) (2019), Planning (Listed Buildings and Conservation Areas) Act 1990. Grade II Listed Building.



## 6. Planning Considerations

- 6.1. Paragraph 185 of the National Planning Policy Framework states that local planning authorities should take into account the desirability of sustaining and enhancing heritage assets and the positive contribution that the new development would make to local character and distinctiveness.
- 6.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering in whether to grant planning permission for development which affects a listed building, the local planning authority shall be special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### *Demolition of rear workshop building.*

- 6.3. Although identified as being of a lesser significance than the 18th and 19th century parts of the workshop the 20th century workshop is still part of the historic development of the site and is a curtilage listed structure. Pre-app comments and advice was provided outlining that the loss of this part of the building could only be accepted within the context of the overall development scheme along with works to convert the more significant parts of the curtilage listed workshop buildings and bring them back into use.
- 6.4. The Heritage Impact Assessment identifies that the proposal will cause less than substantial harm to the late 19th century workshop, through its partial demolition. The submitted assessment considers that this harm can be successfully mitigated through the restoration of the original curtilage listed rear workshop, (i.e. restoring it and bringing it back into use) giving an overall neutral impact to the scheme. In addition, the proposal results in a number of other benefits, which are outlined below;

### *Economic Benefits*

- Increasing spending power for the local economy, through additional residents helping to sustain shops and other businesses in the area.
- Increased spend in the construction industry during construction to provide a large number of jobs, apprenticeships and training opportunities.

### *Design*

- Enhancements to the street scene with the removal of derelict land.
- The reinstatement of built form and of the back of pavement building line to this corner plot.

### *Social Benefits*

- Provision of 78 no. new dwellings to help meet the city's housing needs.
- Provision of 8 no. affordable dwellings.
- Retained, refurbished and reused listed building.

### *Sustainability*

- Redevelopment of an urban site with good accessibility by means other than the private car.
- Would provide an air-tight, extremely well insulated building designed to reduce energy use and carbon footprint.
- The use of an efficient building envelope, water and energy efficiency measures and sustainable materials.

### *Ecology*

- Inclusion of a green roof would achieve a biodiversity net gain by creating a new habitat and improving ecological connectivity within this urban landscape.

- 6.5. Whilst I agree with the assessment regarding the degree of harm caused to the building through its partial demolition I consider that both the heritage and public benefits of the scheme as outlined above are sufficient to outweigh the harm of the partial demolition works and the restoration and repair works to the fabric of the retained listed buildings and is therefore considered acceptable in this regard.

### *Alterations to the listed building.*

- 6.6. The earlier part of the rear workshop wing has been identified for repair and restoration as part of the overall scheme including some proposed internal and external alterations. The accompanying Structural Report identifies a number of structural defects with the building. The Report also identifies that the building is in poor condition and requires a large degree of work for it to be reinstated. However, it also identifies that it is still capable of being repaired and the majority of the main structure can be retained which is supported. I agree with the assessment and support the recommendations for structural repair.
- 6.7. It is clear that a number of structural issues need to be addressed in order to make the building both weather tight and structurally sound prior to any further repair or restoration works and before any detailed scheme of works can be submitted. Taking account of this we will need to ensure that these works are phased accordingly and carried out prior to any further development of the application site and in line with those recommended by the structural engineer. As such a detailed phasing plan is to be secured by planning condition so as to ensure alignment with the structural report.
- 6.8. Other alterations to the listed building include some demolition of first floor internal walls, alterations to two openings to create doors, the building of a ground floor wall to the rear section of the building and the removal of the connecting timber footbridge and wooden stairs to the main listed building (132 Bradford Street). All of these proposals appear acceptable within the context of the scheme and can be supported.
- 6.9. Part of the current proposal is to replace the existing multi-paned, metal framed windows which are of an industrial character in terms of design and materials and form a significant part of the character of the building. The removal/replacement of these windows would not be supported, and instead would expect these windows to be repaired and refurbished as part of this proposal and that any new windows should be designed to match or complement these existing windows and not vice versa.
- 6.10. The roof structure itself is a significant feature and although some areas have been identified as showing signs of decay this appears to be localised and should be repairable. In order to ensure the existing roof structure is retained and repaired it is considered appropriate to ensure that the scheme of works to be subject to condition includes works to the roof structure and that appropriate roof coverings are also subject to the imposition of a planning condition.
- 6.11. Overall, the general approach is acceptable and would ensure the retention and longevity of the structures. However, amendments are required to ensure retention



of the historic fabric (i.e. window retention) which can be secured by planning condition.

- 6.12. The proposal is therefore considered to be acceptable subject to conditions for a method statement, architectural and specification details, materials and mortar details, mechanical and electrical systems strategy, repair and works historic fabric strategy, building recording, phasing plan and to ensure that the works to conserve and repair of the rear workshop building are provided and implemented prior to occupation of any other phases of the site and have been attached accordingly.

7. Conclusion

- 7.1. The proposals are considered to be acceptable and therefore Listed Building Consent should be granted.

8. Recommendation

- 8.1. Approve, subject to conditions.

- 
- |    |   |
|----|---|
| 1  | Implement within 3 years (conservation/listed buildings consent)              |
| 2  | Requires the scheme to be in accordance with the listed approved plans        |
| 3  | Prior submission of development phasing scheme                                |
| 4  | Requires the prior submission of the mortar                                   |
| 5  | Requires the prior submission of materials                                    |
| 6  | Requires the prior submission of architectural and specification details      |
| 7  | Requires the prior submission of a Method Statement                           |
| 8  | Requires the prior submission of repair and work to historic fabric:          |
| 9  | Delivering works in advance of other new build                                |
| 10 | Requires the prior submission of building recording details                   |
| 11 | Mechanical and electrical (M&E) systems strategy and water utilities strategy |
| 12 | Approval not granted for replacement windows                                  |
| 13 | Requires the prior submission of a window strategy                            |
- 

Case Officer: Christopher Wentworth

## Photo(s)



**Photo 1: View of site on Bradford Street elevation and adjacent 132 Bradford Street.**



**Photo 2 – Rear workshop structure to be retained with existing windows.**





**Photo 3 – Existing Courtyard area. Left side – building retained. Right side – building demolished.**



**Photo 4 – Internal photo of building to be retained – First floor level.**





**Photo 5 – Roof Structure of retained building – Central section at first floor level.**





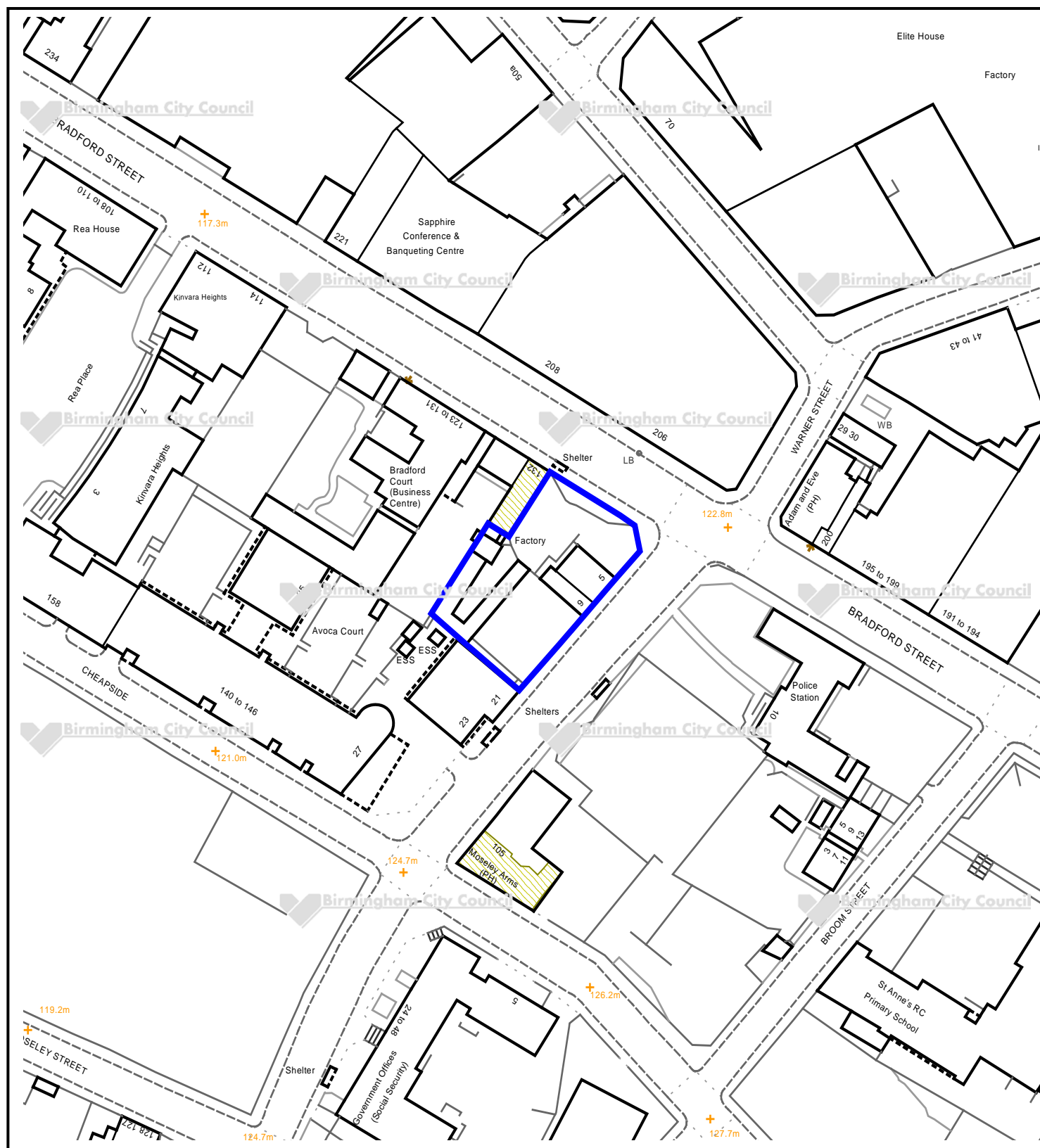
**Photo 6 – Rear Workshop structure adjacent to Avoca Court/Moseley Road frontage.**





**Photo 7 – Rear Workshop Building central section to be retained – Avoca Court in background.**

## Location Plan



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## **BIRMINGHAM CITY COUNCIL**

### **REPORT OF DIRECTOR, INCLUSIVE GROWTH (ACTING)**

#### **PLANNING COMMITTEE**

**07 January 2021**

#### **Student accommodation supply and demand**

##### **1. Executive Summary**

- 1.1 This paper provides an update to the student accommodation supply and demand paper reported to Planning Committee on 21 November 2019. It is not a policy document. Its purpose is to provide information on the demand for and supply of student accommodation in Birmingham, based on the available data at the time of writing.
- 1.2 According to the latest available Higher Education Statistics Agency (HESA) data, there were 69,810 full-time and 14,185 part-time students studying at the City's five main universities in 2018/19. The number of full-time students has grown by 1,920 since the previous HESA dataset (2017/18).
- 1.3 Of the total number of full-time students: 25% lived in Purpose Built Student Accommodation (PBSA); 27% in HMOS/ other rented accommodation; 29% lived with parents/ guardians; 14% lived in their own home; 2% were not in attendance. Excluding those who do not require accommodation because they live with parents/ guardians; in their own home; or are not in attendance at the university, the overall demand for accommodation was 38,401 bed spaces in 2018/19. There has been an increase of 2,183 students requiring accommodation from 2017/18
- 1.4 There are an estimated 21,516 existing available bed spaces<sup>1</sup> in purpose built and converted<sup>2</sup> student accommodation in the city. A further 2,444 bed spaces were under construction<sup>3</sup> and another 2,087 have planning permission not yet started<sup>4</sup>. If all permissions were implemented, there would be total supply of 26,047 bed spaces.
- 1.5 The majority of existing and committed PBSA is located in the city centre (51%) with other major concentrations in Selly Oak (38%), and smaller clusters in Edgbaston (9%) and Bartley Green.
- 1.6 There are currently 14 live planning applications/ pre-applications/ impending submissions for PBSA totalling 5,538 bed spaces. Of these 1,965 are in Selly Oak; 2,790 are in the City Centre and 783 in Edgbaston.

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<sup>1</sup> This takes into account 811 bed spaces in Perry Barr which have been demolished/ no longer in use

<sup>2</sup> Only large-scale conversions of 50+ beds paces have been included

<sup>3</sup> At 1<sup>st</sup> April 2020

<sup>4</sup> At 1<sup>st</sup> April 2020

- 1.7 Based on existing demand<sup>5</sup> which is derived from the overall number of students requiring accommodation (note: not distinguishing between the type of accommodation required) against existing and committed supply<sup>6</sup>, **there is an overall deficit of 12,355 bed spaces across the city.** This, however, assumes that all permissions are built out and all students requiring accommodation would want to live in PBSA. On a local level, the deficit is almost entirely located in Selly Oak. (See Table 2 below).
- 1.8 Based on the information provided by the main universities, potential future demand of students requiring accommodation could increase by an additional between 5,439 – 6,439 over the next 5 years resulting in a demand for 43,840 – 44,840 bed spaces by 2025/26.
- 1.9 If all current planning applications were approved and all pre-applications progressed to applications and were also approved, there would be an additional 5,538 bed spaces in the city. If all these were built out, the potential future supply would be 31,585 bed spaces. On a city-wide basis, this would still be insufficient to meet future demand. It is, however, necessary and important to consider local demand and supply. In demonstrating need, evidence of city-wide need alone will not be sufficient.

Summary Table 1: City wide – Demand/ supply analysis

	Bed spaces
Existing demand	38,401
Existing and committed supply of PBSA	26,047
<b>Shortfall</b>	<b>- 12,355</b>
Potential future demand	43,840 – 44,840
Potential future supply of PBSA if all current PAs are approved and if pre-apps progress to PAs and are approved <sup>7</sup>	31,585
<b>Shortfall</b>	<b>- 12,255 – 13,255</b>

Summary Table 2: Sub area – Demand/ supply analysis

	City Centre	Selly Oak	Other	City wide
Existing demand	15,664	22,407	330	38,401
Existing and committed supply of PBSA	14,607	11,134	306	26,047
<b>Shortfall</b>	<b>-1,058</b>	<b>-11,273</b>	<b>-24</b>	<b>-12,355</b>
Potential future demand	19,103	24,407 – 25,407	330	43,840 - 44,840
Potential future supply of PBSA if all current PAs are approved and if pre-apps progress to PAs and are approved	17,789	13,490	306	31,585
<b>Shortfall</b>	<b>-1,314</b>	<b>-10,917 -11,917</b>	<b>-24</b>	<b>-12,255 - 13,255</b>

<sup>5</sup> Based on HESA 2018/19 data

<sup>6</sup> Sites under construction and sites with planning permissions not yet started at 1 April 2020

<sup>7</sup> Based on Council's monitoring databases BLADES and M3



- 1.10 While the focus of this report is on PBSA, houses in multiple occupation (HMO) also provides a source of accommodation. HMOs will not, however, have the range of facilities provided in PBSA and will be subject to variation in quality and fluctuation in supply and availability. HESA 2018/19 data shows that a total of 18,629 full time students studying at the 5 main institutions lived in HMOs and other rented accommodation in the city.

Summary Table 3: Sub area – Demand/ supply analysis including HMOs

	City Centre	Selly Oak	Bartley Green	City-wide
Future demand	19,103	24,407 – 25,407	330	43,840 – 44,840
Existing and committed supply of PBSA + HMOs*	21,283	22,931	462	44,676
<b>Shortfall/ surplus</b>	<b>+2,180</b>	<b>-1,476 – 2,476</b>	<b>+132</b>	<b>-196 to +836</b>
Potential future supply of PBSA if all current PAs are approved and if pre-apps progress to PAs and are approved + HMOs*	24,465	25,287	462	50,214
<b>Shortfall/ surplus</b>	<b>+5,362</b>	<b>-120 to + 880</b>	<b>+132</b>	<b>+5,374 to +6,374</b>

\* HESA 2018/19 used for level of HMOs and assumption that HMO bed spaces will remain constant

- 1.11 It is acknowledged that, currently, all students have accommodation and there is, therefore, sufficient accommodation to house all students. This suggests that any new PBSA would primarily be to:
- Serve a growth in student numbers,
  - Rectify a mismatch in the type of accommodation which is available and that which is needed,
  - Respond to changing student preferences, or
  - Replace existing PBSA accommodation
- 1.12 It should be noted that demand from alternative providers and further education colleges is not quantified and demand for PBSA may arise from these.
- 1.13 The average rate of occupancy for the 2019/20 academic year (pre Covid-19) was 95%. At November 2020, average occupancy was only 69%. Operators are anticipating an increase in January 2021 from current levels and return to more normal levels for 2021/22.

## 2. **Recommendations**

- 2.1 That Planning Committee note the update to the supply and demand figures for student accommodation.

- 2.2 That Planning Committee approve the recommended change to the detailed information requirements in relation to proposals for student accommodation (Appendix 1).

**3. Contact Officers**

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**4. Background**

- 4.1 See main report set out below.

**5. Financial Implications**

- 5.1 None.

**6. Implications for Policy Priorities**

- 6.1 The report supports the outcomes of the Council Plan, in particular: “Birmingham is an Entrepreneurial City to learn, work and invest in” and “Birmingham is a great city to live in” by supporting implementation of the Birmingham Development Plan which was adopted by Full Council in January 2017.

**7. Implications for Equalities**

- 7.1 The BDP was prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies consider the needs of all individuals in shaping policy. Preparation of the BDP included the carrying out of an integrated Sustainability Appraisal at each formal stage which ensures positive social, economic and environmental impacts as well as an Equality Analysis.

**8. Appendices**

- Appendix 1 – Information Requirements for Proposals for Student Accommodation

**9. List of Background Documents used to compile this report**

- Birmingham Development Plan (2017)
- HESA Data
- UCAS, Student Accommodation Survey 2018/19

## **MAIN REPORT**

### **4. Student accommodation Supply and Demand**

#### **4.1 Policy context**

- 4.1.1 The adopted Birmingham Development Plan (BDP) is the city's key statutory planning document and is used to guide decisions on planning and development. The BDP recognises the important role of the city's universities and the supply of good quality accommodation to meet their housing need. The BDP contains the following policy in relation to the provision of new student accommodation.

##### *Policy TP33 Student accommodation*

"Proposals for purpose-built student accommodation provided on campus will be supported in principle subject to satisfying design and amenity considerations. Proposals for off campus provision will be considered favourably where:

- There is a demonstrated need for the development.
- The proposed development is very well located in relation to the educational establishment that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.
- The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.
- The scale, massing and architecture of the development is appropriate for the location.
- The design and layout of the accommodation together with the associated facilities provided will create a safe, secure and welcoming living environment."

#### **4.2 Student Profile in Birmingham**

- 4.2.1 Birmingham is home to five main universities, the top three of which have nationally and internationally recognised specialist strengths in a range of teaching and research fields. The universities/colleges and their students bring many positive benefits to the City. They enhance its reputation as a dynamic and vibrant location, they create a critical mass for the delivery of goods, services and events, they boost the local economy, they provide local businesses with skilled workers and seasonal part time workers, they are a driving force for innovation and they can aid regeneration and investment. The City's universities make a significant contribution to the local economy as major employers and investors. The University of Birmingham for example contributes £3.5 billion to the UK economy every year and supports 15,545 jobs in the West Midlands.
- 4.2.2 It is essential, therefore, for the competitiveness of our higher education institutions and the welfare of the students that a suitable range of high quality and affordable accommodation is on offer. Student accommodation plays a major role in the student experience at a university. Well designed and managed accommodation in the right

location provides not only a place to live but also a place to study and relax in a safe and secure environment.

- 4.2.3 Demand for places at Birmingham's universities remains high with the number of applications for a place on an undergraduate course far exceeding the number of places available (UCAS data 2019).

Table 1: Undergraduate applications – 2019 UCAS Applications

		2013	2014	2015	2016	2017	2018	2019
University of B'ham	Applicants	31,460	35,400	37,450	37,725	43,090	40,175	53,050
	Placed Applicants	5,265	5,570	5,555	5,455	5,800	5,590	6,850
B'ham City University	Applicants	26,875	30,070	28,980	29,735	28,715	27,215	35,760
	Placed Applicants	5,820	5,925	6,010	6,110	6,275	5,970	6,690
Aston University	Applicants	9,900	10,855	12,890	13,730	13,600	11,605	17,120
	Placed Applicants	2,180	2,290	2,995	3,065	3,065	2,765	3,465
University College B'ham	Applicants	2,550	2,940	3,305	3,010	2,450	1,745	2,015
	Placed Applicants	1,255	1,290	1,420	1,115	1,135	1,115	1,490
Newman University	Applicants	2,420	2,680	2,965	3,010	3,040	2,845	2,845
	Placed Applicants	670	720	725	810	855	750	785
<b>TOTAL</b>	<b>Applicants</b>	<b>73,205</b>	<b>81,945</b>	<b>85,590</b>	<b>87,210</b>	<b>90,895</b>	<b>83,585</b>	<b>110,790</b>
	<b>Placed Applicants</b>	<b>15,190</b>	<b>15,795</b>	<b>16,705</b>	<b>16,555</b>	<b>17,130</b>	<b>16,190</b>	<b>19,280</b>

Source: UCAS 2019

- 4.2.4 Over the last 4 years there has been a 4.5% increase in the number of full and part time students studying at the 5 main universities in Birmingham and a 10% increase in the number of full-time students only.

Table 2: Full Time Students

Full time	2015/16	2016/17	2017/18	2018/19
Aston University	10,471	11,580	12,268	12,211
Birmingham City University	19,113	19,714	20,405	21,323
The University of Birmingham	27,196	28,623	28,899	29,836
University College Birmingham	4,224	4,210	4,250	4,276
Newman University	2,097	2,090	2,068	2,164
<b>Total</b>	<b>63,101</b>	<b>66,217</b>	<b>67,890</b>	<b>69,810</b>

### 4.3 Where students lived – past trends

- 4.3.1 The most widely used information source relating to where students live comes from the Higher Education Statistics Agency (HESA). The latest available data is for the academic year 2018/19. This paper provides data on the returns provided to HESA from the City's five main higher education institutions: Aston University, Birmingham

City University, Newman College, University College Birmingham and the University of Birmingham. Part time students are generally excluded from assessments of demand for student accommodation based on the assumption that they are already housed for the duration of their part time studies. Table 3 shows where full time students lived during term time in the following academic years.

Table 3: Where full time students lived 2011/12 - 2018/19

Accommodation	08/09	09/10	10/11	11/12	12/13	13/14	15/16	16/17	17/18	18/19	% change
University halls	7298	8819	8087	9258	9394	8875	12587	10562	6954	6465	-11.4%
Private-sector halls	2563	3243	3819	3747	4350	6446	5429	5553	9918	10971	328%
Parental/guardian home	10645	11687	12801	12314	13721	14820	18099	17500	18215	19990	88%
Own residence	6526	7450	5545	5646	6620	6455	17514	10517	11263	10081	54%
HMO/Other rented accommodation	10687	9579	12660	14662	14980	16327	15280	16430	15433	17016	59%
Other	897	836	1018	1297	1079	982	2171	1767	2035	1613	79%
Not in attendance	942	763	956	1070	1035	965	1425	1308	2194	1338	42%
<b>Total</b>	<b>39558</b>	<b>42377</b>	<b>44886</b>	<b>47994</b>	<b>51179</b>	<b>54870</b>	<b>72505</b>	<b>63637</b>	<b>66012</b>	<b>67474</b>	<b>71%</b>

Source: HESA

Table 4: Needing vs not needing accommodation

	2015/16	2016/17	2017/18	2018/19
<b>Requiring accommodation<sup>8</sup></b>	36,860	36,892	36,218	38,401
<b>Not requiring accommodation<sup>9</sup></b>	26,241	29,325	31,672	31,409
<b>Total</b>	<b>63,101</b>	<b>66,217</b>	<b>67,890</b>	<b>69,810</b>

Source: HESA

#### Observations on trends

- The amount of university-maintained accommodation has decreased by over 11% over the last 10 years. This is partly accounted for by the transfer of the majority of Aston University's accommodation (c. 2,000 bedspaces) to the private sector and the loss of accommodation (c. 3,000 bed spaces) at BCU's former Perry Barr campus.
- There has been a 328% increase in the number of students living in private sector PBSA but taking into account the transfer of university accommodation to the private sector, the increase in real terms is less than this.
- Students living at their parental/ guardian home have increased by 88% between 2008/09 and 2018/19. Students living in their own home have increased by 54% over the same period.

<sup>8</sup> Student living in university hall, private sector halls, HMO/ other rented accommodation, other accommodation, and 'unknown'.

<sup>9</sup> Students living at parental/ guardian home, own home, or not in attendance at the provider



- Students living in HMO/ other rented accommodation have fluctuated. In 2017/18 there was a 6% decrease on the previous year. In 2018/19, there was a 10% increase on the previous year.
- Overall, there appears to have been an increasing demand for accommodation as evidenced by the number of students enrolled on full time courses at the universities and the returns provided by the universities to HESA in relation to the number of students and where they resided during term time.
- While the total number of full-time students has grown by around 10%, the number of students requiring accommodation has only increased by 4.2% while students not requiring accommodation has risen by 20%.

#### **4.4 Methodology for assessing demand for student accommodation**

##### Data sources and limitations

- 4.4.1 The data principally used in this report is collected by the Higher Education Statistics Agency (HESA). The data is normally published 9 months after the completion of the last academic year. This report uses the latest HESA data of 2018/19.
- 4.4.2 Data has also been obtained directly from the 5 main institutions in relation to their future growth plans and projections of student numbers requiring accommodation.
- 4.4.3 Comprehensive data is not available for alternative provides and further education colleges which may also generate demand. It should also be noted that student numbers and accommodation preferences are subject to change. Demand for accommodation may fluctuate in response to changes in student finance regimes; employment prospects; competition between institutions. Past trends may not necessarily guide future patterns.

##### Assumptions

- 4.4.4 Part time course students are generally excluded from assessments of demand for student accommodation based on the assumption that they are already housed for the duration of their part time studies.
- 4.4.5 The analysis in this paper is generally based on the assumption that all current and future potential demand is accommodated in PBSA, rather than, for example in shared housing in the private rented market. However, some analysis of HMO accommodation is provided to set a wider context for consideration of proposals.

##### Overall student numbers

- 4.4.6 Table 4 shows where full time students studying at the City's five universities resided in 2018/19.

Table 5: Type of Accommodation 2018/19 Academic Year - Full Time Students

Term time accommodation	Number of students
University maintained halls	6,465
Private-sector halls	10,971
Parental/Guardian home	19,990
Own home	10,081
HMO /Other rented	17,016
Other	1,613
Not in attendance	1,338
Not known	2,336
<b>Full time Total</b>	<b>69,810</b>

Source: HESA 2018/19

#### Students not requiring accommodation

- 4.4.7 Of the 69,180 full-time students, not all will require accommodation. Students that have been removed from the assessment of demand are those living in their own home; in their parental/ guardian home and 'not in attendance'.

Table 6: Students not requiring accommodation

Term time accommodation	Number of students
Parental/Guardian home	19,990
Own home	10,081
Not in attendance	1,338
<b>Total</b>	<b>31,409</b>

Source: HESA 2018/19

- 4.4.8 These students will usually have made the decision to study at a local university, often to minimise costs and will not normally be seeking alternative accommodation.

#### Students requiring accommodation

- 4.4.9 The analysis in this paper is based on the assumption that all current and future potential demand is accommodated in PBSA, rather than, for example in shared housing in the private rented market.
- 4.4.10 There were 2,336 students where information regarding their place of residence during term time is 'not known'. They have been counted towards the demand.

Table 7: Students requiring accommodation (city-wide)

Term time accommodation	Number of students
University maintained halls	6,465
Private-sector halls	10,971
HMO /Other rented	17,016
Other	1,613
Not known	2,336
<b>Full time Total</b>	<b>38,401</b>

**In 2018/19 there was a minimum demand of 38,401 bed spaces city-wide.**

#### Current demand by area

- 4.4.11 Breaking the HESA data down by institution and using the same methodology as above, an estimate of demand by area based on the main location of the institutions can be derived.

Table 8: Current demand by area (all years)

		City Centre	Selly Oak		Other		Total
<b>Demand</b>	Aston	5,937	UoB	22,407	Newman	330	
	BCU	8,121					
	UCB	1,606					
<b>Total</b>		<b>15,664</b>		<b>22,407</b>		<b>330</b>	<b>38,401</b>

Source: HESA 2018/19

#### City Centre

- 4.4.12 Demand for student accommodation in the city centre mainly arises from Aston University, Birmingham City University, and University College Birmingham. In considering sub areas it should be borne in mind that the city centre is very accessible from Selly Oak. HESA data shows that around 6.5% of students on a full-time course at the University of Birmingham in 2018/19 lived in the city centre.
- 4.4.13 Demand for student accommodation in the city centre may also arise from alternative providers of higher education located in the city centre such as the University of Law and Access to Music Ltd. HESA does not capture data for such smaller institutions; demand is likely to be nominal.

#### Selly Oak

- 4.4.14 Demand for student accommodation in Selly Oak arises principally from the University of Birmingham. About 40% of students requiring accommodation lived in provider maintained or private sector PBSA. A notable 52.6% lived in 'other rented accommodation' including HMOs. 7% of students did not answer the question. These categories have been counted towards the demand.
- 4.4.15 Those living in PBSA in Selly Oak were mainly first year students, although a proportion of non-first years students also resided in PBSA.

Table 9: Students living in PBSA by academic year

	First/ Foundation Year	Other Years	Total
Provider maintained	4,568	401	4,969
Private sector	2,752	1,240	3,992
<b>Total</b>	<b>7,320</b>	<b>1,641</b>	<b>8,961</b>

Source: HESA 2018/19

4.4.16 The University of Birmingham (UoB) own and operate 5,183 bedrooms across 3 key locations at the Vale, Pritchatts Park and Selly Oak. In 2020/21 UoB contracted out 1,070 bedrooms to private sector providers to supplement its own stock in order to meet the demand of their first-year guarantee scheme. Demand for first year accommodation for the upcoming academic year (2021/22) is estimated to be around 7,200 bedrooms.

#### Other

4.4.17 Demand for student accommodation elsewhere in the city mainly arises from Newman University located in Bartley Green. Newman University have 300 university maintained bedspaces on campus. There is also demand in Edgbaston arising from UoB and BCU due to location of some teaching facilities in Edgbaston.

#### Future potential demand

4.4.18 BCC has obtained information from the universities regarding their future growth plans and projected student numbers requiring accommodation. The information has been summarised below.

- **University of Birmingham** – c.7,200 first year students will require accommodation in 20/21. The University's vision for 2026 paints a clear ambition in terms of increasing student numbers by around 11,000 over the next decade "many of whom will be overseas". It is estimated that the University will require approximately 2,000 – 3,000 additional bedrooms within Birmingham to accommodate this statement representing a 9-13% increase from the 18/19 baseline.
- **Birmingham City University** – BCU own and operate 450 bedrooms and nominate 2,700 bedrooms to private sector providers in order to supplement their stock. Since BCU's relocation from its Perry Barr Campus to the city centre, and redevelopment of the Perry Barr site for the CWG Athlete's village, a substantial amount of stock has been lost. BCU forecast a 35% increase by 2025/26 in the number of students requiring accommodation from its 18/19 base resulting in an additional 2,846 students requiring accommodation by 2025/26.
- **Aston University** – student numbers and demand for accommodation will remain fairly stable for at least the next five years. Based on past trends, it is reasonable to expect a 10% increase from 18/19 levels resulting in an additional 593 students requiring accommodation by 2025/26.
- **University College Birmingham** – student numbers will remain fairly static, however the UCB are in the process of re-assessing demand from local students.
- **Newman College** - principally draws students from the local area. It is assumed that student numbers and demand for accommodation will remain static. The college has planning consent granted in 2017 for an additional 196 beds at Genners Lane. The implementation of this permission is being reviewed through their estate strategy.

Table 10: Current and Potential Future Demand for accommodation

	<b>City Centre</b>	<b>Selly Oak</b>	<b>Other</b>	<b>City wide</b>
Current demand *	15,664	22,407	330	38,401
Potential additional demand **	3,439	2,000 – 3,000	0	5,439 – 6,439
Potential future demand	19,103	24,407 – 25,407	330	43,840 – 44,840

\* HESA 2018/19 \*\* Information provided by Universities

## 4.5 Supply of accommodation

### City-wide supply of PBSA

- 4.5.1 At April 2020 there were 21,516 existing available bed spaces in PBSA in the city (See Table 6). Once schemes currently under construction have been completed the supply of PBSA will increase to 23,960 bed spaces. A further 2,087 bedspaces have planning permission but have not yet started construction, giving a potential supply of 26,407 bed spaces.
- 4.5.2 At the time of writing this report were 14 live planning applications/ pre-applications/ impending submissions for PBSA totalling 5,538 bed spaces. Of these 1,965 are in Selly Oak; 2,790 are in the City Centre and 783 in Edgbaston.

Table 11: The Supply of PBSA city-wide (bed spaces)

<b>Supply</b>	<b>Bedspaces</b>
Existing available supply	22,992
Under Construction	2,444
Detailed Planning Permission (not started)	2,087
<b>Total Supply (existing + committed)</b>	<b>26,407</b>
Current PAs/ Pre-apps	5,538
<b>Total Supply (existing + committed + current applications)</b>	<b>31,585</b>

Source: BLADES

### Supply of PBSA by sub area

- 4.5.3 The above data has been split based on location to provide a more granular understanding in terms of geography/ distribution of the supply. The largest concentrations of PBSA are in the city centre and Selly Oak with a smaller agglomeration situated in Bartley Green and Edgbaston. Supply in Edgbaston has been split 50:50 between the City Centre and Selly Oak.



Table 12: The Supply of PBSA by area (bedspaces) at April 2020

	City Centre	Selly Oak	Bartley Green	Total
Existing available supply	12,368	9,038	110	21,516
Under construction	598	1,846	0	2,444
Detailed permission	1,641	250	196	2,087
<b>Total supply (existing + committed)</b>	<b>14,607</b>	<b>11,134</b>	<b>306</b>	<b>26,047</b>
Current PAs/Pre-apps	3,182	2,356	0	5,538
<b>Total supply (existing + committed + current applications)</b>	<b>17,789</b>	<b>13,490</b>	<b>306</b>	<b>31,585</b>

Source: BLADES

#### Trends in type and format of supply

- 4.5.4 Of the total number of existing available PBSA bed spaces, 86% are in cluster flats and 14% are self-contained studios. Of those currently under construction, 68% are in cluster flats and 32% are studios. And of those with planning permission not yet started, 90% are in cluster flats and 10% are studios.
- 4.5.5 The Student Accommodation Survey 2018/19 undertaken by Knight Frank in partnership with UCAS captured the views of over 700,000 students and provides a comprehensive and authoritative study into student accommodation in the UK. The key messages are:
- Those living in a cluster flat, or in a shared house, were happier than those living in a single-occupancy studio or alone.
  - While still positive, levels of happiness were slightly lower for students living in studios or single occupancy flats, with 71% saying they were happy with their accommodation.
  - Accommodation came out as the most important factor influencing student wellbeing across the UK, with students in all markets naming it as their number one concern, ahead of student pastoral support or a good campus atmosphere.
  - The single most important factor influencing the choice students make about where they live is value for money. The survey suggests a preference for high-quality accommodation that provides clear and obvious elements that add value.
- 4.5.6 Research undertaken by *Campus Living Villages* surveyed over 5,000 students studying in the UK and overseas. The research showed that, although students want independence, they still prefer to live with other flatmates. They report that studios have been slower to sell than traditional multiple occupancy flats, suggesting students still want to live with others but in a comfortable environment which provides both private and social space. Among second- and third-year students, there is a preference for more home-style living arrangements, sharing with just three or four other people with living spaces which feature home comforts such as soft furnishings

and pictures. The research suggests that being actively engaged with your academic studies has a positive impact on your mental health. This means the connection between the academic and living environments is becoming increasingly important.

#### Houses in Multiple Occupation

- 4.5.7 There is a large available supply of HMOs in the city and these act to meet the residual demand for student accommodation. Shared rented housing is a popular choice for students studying in their second year and beyond, often for social and financial reasons. The main concentration of student occupied HMOs are in the Bournbrook area but they are also in other locations across the city. The table below shows that the number of students living in HMOs/ other rented accommodation by university.

Table 13: Students living in other rented accommodation/ HMOs

	<b>BCU</b>	<b>Aston</b>	<b>UCB</b>	<b>UoB</b>	<b>NU</b>
Number of students	3,870	2,088	718	11,797	156
% of students as a proportion of those requiring accommodation	47.7	35.2	44.7	52.6	26.7

Source: HESA 2018/19

- 4.5.8 While the focus of this report is on PBSA, houses in multiple occupation (HMO) also provides a source of accommodation. HMOs will not, however, have the range of facilities provided in PBSA and will be subject to variation in quality and fluctuation in supply and availability. HESA 2018/19 data shows that 18,629 full time students studying at the 5 main institutions lived in HMOs and other rented accommodation. Using Student Council Tax exemptions (excluding PBSA) there is an estimated 4,550 properties across the city which are exempt from Council Tax for student purposes<sup>10</sup>. If an average ratio of 5.56 bedspaces per property is applied, there are potentially 25,298 bedspaces across the city. There is a large discrepancy between the Council Tax and HESA data. This may be explained by the fact these student are studying at other institutions within or outside Birmingham. The HESA data provides a breakdown by institution so has therefore been used as the best estimate for students living in HMOs by university.
- 4.5.9 To limit high concentrations of HMOs in the city, the Council introduced a city-wide Article 4 Direction on 8 June 2020 which removes permitted development rights for the conversion of C3 housing to C4 small Houses in Multiple Occupation. This will help to better manage the growth and distribution of HMOs in the city, thereby increasing demand for PBSA, but it is too early to assess the impacts of this.
- 4.5.10 The development of PBSA could serve to free up dwellinghouses currently used for student accommodation, HMO or otherwise, to the general housing market,

<sup>10</sup> At 02.10.20 (includes only those properties which are fully exempt but excludes self-contained flats i.e.non HMOs)

countering current trends of conversion from dwellinghouses to HMOs in certain areas of the city. However, the provision of the unsuitable PBSA could act to increase the need for HMOs.

## 4.6 Analysis of demand and supply

- 4.6.1 Overall, demand for accommodation from students has increased over the past 10 years and is set to increase over the next 5 years according to the universities' growth projections.
- 4.6.2 There has been a steady increase in all types of accommodation occupied by students, but the most significant increases have been in those living in private sector PBSA and HMOs/ other accommodation.
- 4.6.3 Based on existing demand<sup>11</sup> which is derived from the overall number of students requiring accommodation (note: not distinguishing between the type of accommodation required) against existing and committed supply<sup>12</sup>, there is **an overall deficit of 12,355 bedspaces in the city. This, however, assumes that all permissions are built out and all students requiring accommodation would want to live in PBSA.**
- 4.6.4 Based on the information provided by the main universities, potential future demand of students requiring accommodation could increase by an additional between 5,439 – 6,439 over the next 5 years resulting in a demand for 43,840 – 44,840 bed spaces.
- 4.6.5 If all current planning applications were approved and all pre-applications progressed to applications and were also approved, there would be an additional 5,538 bed spaces in the city. If all these were built out, the potential future supply would be 31,585 bed spaces. On a city-wide basis, this would still be insufficient to meet future demand. It is, however, necessary and important to consider local demand and supply. In demonstrating need, evidence of city-wide need alone will not be sufficient.
- 4.6.6 The following tables show both city-wide demand versus supply and a break down by local area.

Table 14: City wide – Demand/ supply analysis

	Bed spaces
Existing demand	38,401
Existing and committed supply of PBSA	26,047
<b>Shortfall</b>	<b>- 12,355</b>
Potential future demand	43,840 – 44,840

<sup>11</sup> Based on HESA 2018/19 data

<sup>12</sup> Sites under construction and sites with planning permissions not yet started at 1 April 2020

Potential future supply of PBSA if all current PAs are approved and if pre-apps progress to PAs and are approved <sup>13</sup>	31,585
<b>Shortfall</b>	<b>- 12,255 – 13,255</b>

Table 15: Sub area – Demand/ supply analysis

	City Centre	Selly Oak	Other	City wide
Existing demand	15,664	22,407	330	38,401
Existing and committed supply of PBSA	14,607	11,134	306	26,407
<b>Shortfall</b>	<b>-1,058</b>	<b>-11,273</b>	<b>-24</b>	<b>-12,355</b>
Potential future demand	19,103	24,407 – 25,407	330	43,840 - 44,840
Potential future supply of PBSA if all current PAs are approved and if pre-apps progress to PAs and are approved	17,789	13,490	306	31,585
<b>Shortfall</b>	<b>-1,314</b>	<b>-10,917 -11,917</b>	<b>-24</b>	<b>-12,255 - 13,255</b>

- 4.6.7 If HMOs are included in the supply, the following analysis is provided. The number of HMOs attributed to each area is based on the HESA data. It should be noted that HMOs will not have the range of facilities provided in PBSA and will be subject to variation in quality, supply and availability.

Table 16: Sub area – Demand/ supply analysis including HMOs

	City Centre	Selly Oak	Bartley Green	City-wide
Future demand	19,103	24,407 – 25,407	330	43,840 – 44,840
Existing and committed supply of PBSA + HMOs*	21,283	22,931	462	44,676
<b>Shortfall/ surplus</b>	<b>+2,180</b>	<b>-1,476 – 2,476</b>	<b>+132</b>	<b>-196 to +836</b>
Potential future supply of PBSA if all current PAs are approved and if pre-apps progress to PAs and are approved + HMOs*	24,465	25,287	462	50,214
<b>Shortfall/ surplus</b>	<b>+5,362</b>	<b>-120 to + 880</b>	<b>+132</b>	<b>+5,374 to +6,374</b>

\* Assuming HMO bed spaces remain constant

- 4.6.8 The following table calculates the ratio of student to bed space according to various scenarios.

	City centre	Selly Oak	Bartley Green	City-wide
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<sup>13</sup> Based on Council's monitoring databases BLADES and M3

Existing demand to existing and committed supply	1: 1	2: 1	1: 1	1.5: 1
Future demand to existing and committed supply	1.3: 1	2.2: 1	1: 1	1.6: 1 (lower demand) 1.7: 1 (higher demand)
Future demand to existing and committed supply + current applications if all approved	1:1	1.8: 1 (lower demand) 1.9: (higher demand)	1: 1	1.4: 1
Future demand to existing and committed supply + HMOs	0.9: 1 (oversupply)	1: 1	0.7: 1 (oversupply)	0.9: 1 (oversupply)
Future demand to existing and committed supply + current applications if all approved + HMOs	0.8: 1 (oversupply)	1:1	0.7: 1 (oversupply)	0.9: 1 (oversupply)

4.6.9 In considering the demand for student accommodation, it is acknowledged that, currently, all students have accommodation and there is sufficient accommodation to house all students. This suggests that any new purpose-built student accommodation (PBSA) would primarily be to:

- Serve a growth in student numbers,
- Rectify a mismatch in the type of accommodation which is available and that which is needed,
- Respond to changing student preferences or
- Replace existing PBSA accommodation.

4.6.10 Students' accommodation preferences can change from one year to the next as shown by the data. Other factors such as changes to finance regimes, employment prospects, and competition between institutions can act to either suppress or increase overall demand and demand for particular types of accommodation. Some flexibility in supply is therefore beneficial as student numbers can change relatively quickly but development takes much longer to be provided.

## 4.7 Occupancy rates

4.7.1 An occupancy survey was sent to all the major PBSA in the city. Of those who returned the survey, occupancy rates for the 2019/20 academic year (Pre Covid-19) averaged at 95%. Due to the Covid-19 pandemic the average occupancy rate at November 2020 has dropped to 69%. Operators are anticipating an increase in January 2021 from current levels and a return to more normal levels for 2021/22. It is



therefore important to recognise the extraordinary circumstances we are in when looking at current occupancy rates.

#### **4.8 Covid-19 Impact**

- 4.8.1 At the beginning of the first national lockdown in March, universities saw a huge increase in both local and international students requesting to be released from their accommodation contract to return home. In the current 2020/21 academic year, such requests have been more in line with previous years. However, in the long term, if on-line learning continues or if there is a risk of future lockdowns, this may result in an increase of students preferring to stay at home and commuting to the campus only when needed.
- 4.8.2 The University of Birmingham's highest rated risk is the failure to increase numbers and market share of international students due to e.g. reductions in demand (market contraction) or poor performance relative to competitors (loss of market share). However, early indicators suggest that international student enrolments for 20/21 have outperformed UoB's expectations as a result of mitigating actions taken e.g. extending the recruitment cycle to maximise opportunities, using overseas agent networks, and offering flexible accommodation contracts. UoB have not yet seen increased dropout rates due to Covid-19, but are continuing to monitor this
- 4.8.3 Covid-19 has also impacted the mental health and wellbeing of students due to reduction in the ability to socialise and increased isolation. UoB's Guild of Students has observed that students are more concerned about budgets and affordable accommodation. At the same time there has been an increase in demand for private facilities; studios have become more desirable. As student preferences and priorities change as a result of Covid-19, PBSA may offer clear advantages over HMO accommodation. The longer-term impacts of Covid-19, however, still remain unclear.

## **Appendix 1 – Information Requirements for Proposals for Student Accommodation**

### What development the policy applies to

The policy applies to proposals for off campus purpose-built student accommodation and will also apply to proposals for conversions and changes of use of former institutional uses, hotels and other large properties in excess of 1,000 sq.m. to student accommodation.

### Information requirements

#### **1. There is a demonstrated need for the development.**

Applicants will be expected to demonstrate to the satisfaction of the City Council that there is a need for the accommodation proposed at the time the application is submitted. In particular, applicants should:

- Identify which university the accommodation is intended to serve and whether a university or institution would have exclusive nomination rights over the development and if so for what period.
- Demonstrate that there is unmet need for the type, size and format of accommodation proposed.
- State what type of accommodation the anticipated occupants of the accommodation are likely to be drawn from if the need does not arise from an increase in student numbers.

In addressing need, consideration should be given to the local area around the university to be served. Evidence of city wide need alone will not be sufficient. The evidence should address specific subsets of the student population, not the overall student population.

This, together with any additional supporting evidence, should be submitted to the City Council along with the planning application. However, developers are encouraged to make the evidence available earlier to enable effective pre application discussions to take place. Additional supporting evidence could include details of waiting lists at nearby, similar, accommodation.

Developers are urged to contact the relevant university to determine the specific nature of any additional accommodation requirements before bringing forward development proposals.

When needs can be met by a variety of different types or sizes of accommodation, such as that which is suitable for groups of friends to live together, for older students including those who have families and for research students, proposals should incorporate a variety of suitable types and sizes of accommodation. Proposals which offer a greater diversity of accommodation, such as student houses, are encouraged.

Where the accommodation is intended to draw students from shared HMO accommodation the evidence should include information on comparable rent levels.

**2. The proposed development is very well located in relation to the university that it is to serve and to the local facilities which will serve it, by means of walking, cycling and public transport.**

Applicants will be expected to demonstrate that the proposed development is well located. Information to be provided includes:

- The walking distances from the proposed site to the campus which it is to serve and to the local facilities which will serve it; and
- Accessibility to good public transport for connections beyond the local area.

~~A reasonable walking distance is defined as ten a 15-20 minute walk (based on the BDP policy TP45 Accessibility standards for new development). In terms of distance this equates to around 1.5km<sup>14</sup>. Where proposals are located more than 1km by foot from the campus, applicants will be expected to demonstrate that there are no suitable alternative locations within 1km of the campus and that the site can be easily accessed by means of sustainable transport options to the satisfaction of the City Council.~~

**3. The proposed development will not have an unacceptable impact on the local neighbourhood and residential amenity.**

Planning applications for purpose-built student accommodation should be accompanied by a Management and Neighbourhood Impact Statement. In this statement developers should demonstrate to the satisfaction of the City Council that measures are in place to:

- Mitigate nuisance to neighbours including those relating to noise, nuisance, litter and parking.
- Create a safe environment for students including lighting, security, concierge facilities and CCTV.
- Manage car parking.

**4. The scale, massing and architecture of the development is appropriate for the location.**

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<sup>14</sup> This should be a walkable route measured from the application site to the entrance of a building located in the middle of the relevant campus. For guidance, these are identified in Appendix 2 of this document.

Applicants should demonstrate this through the Design and Access Statement that accompanies the planning application. The accommodation should be designed to enhance the quality of the urban environment and to minimise potential adverse impacts.

**5. The design and layout of the accommodation together with the associated facilities provided will create a positive and welcoming living experience environment.**

In demonstrating the above, proposals for new purpose-built student accommodation should take into careful consideration student health and well-being. Planning applications for purpose-built student accommodation should be accompanied by a Management and Neighbourhood Impact Statement. In this statement developers should demonstrate to the satisfaction of the City Council how the design, layout, size and format of accommodation will:

- Provide communal space / facilities such as games rooms and lounges to allow students to interact and add to the living experience.
- Provide attractive and usable open space / amenity areas.
- Provide for the welfare and wellbeing of students including help and support.
- Provide safe and secure environments incorporating appropriate safety and security measures both inside and outside the accommodation to minimise the opportunity for crime and make the environment safer for the students.
- Be flexible and designed in such a way that they can be converted into general housing should the need arise.

## **Appendix 2 – Measuring distance/ time from the proposed site to the campus**

The measuring point should be from the entrance of the following buildings which are located centrally within the campus.

Aston University – Building 5 Aston Business School and Conference Aston

<https://www2.aston.ac.uk/about/documents/campus-map-2020.pdf>

University of Birmingham – Building R6 Aston Webb – Great Hall

<https://www.birmingham.ac.uk/Documents/university/edgbaston-campus-map.pdf>

University College Birmingham – Summer Row

[https://www.ucb.ac.uk/media/ezlgmco2/campus\\_map\\_university\\_college\\_birmingham.pdf](https://www.ucb.ac.uk/media/ezlgmco2/campus_map_university_college_birmingham.pdf)

Newman University – Julian of Norwich Building

<https://www.newman.ac.uk/wp-content/uploads/sites/10/2018/01/Newman-University-College-3D.pdf>

Birmingham City University

City Centre Campus – The Parkside Building

<https://bcuassets.blob.core.windows.net/docs/city-centre-campus-map-pathed-updated-2019-132212460225756176.pdf>

South City Campus – Seacote Building

<https://bcuassets.blob.core.windows.net/img/City%20South%20Campus%20map%2024.9.19.pdf>

Birmingham School of Art – 3, Margaret St

School of Jewellery – 82 – 86 Vittoria St



