

Birmingham City Council

Planning Committee

24 June 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 – Subject to 106 Legal Agreement	6	2020/10217/PA Land to the south/west of Booths Lane, Forger Close, Beacon Avenue, Deer Park Drive and Hall End Road. Great Barr Birmingham B42 Erection of 59 dwellings with creation of new link road from Beacon Avenue; site engineering works (including modification in land levels), parking, landscaping and associated development and works.

Committee Date:	24/06/2021	Application Number:	2020/10217/PA
Accepted:	23/12/2020	Application Type:	Full Planning
Target Date:	01/07/2021		
Ward:	Oscott		

Land to the south/west of Booths Lane, Forger Close, Beacon Avenue, Deer Park Drive and Hall End Road., Great Barr, Birmingham, B42.

Erection of 59 dwellings with creation of new link road from Beacon Avenue; site engineering works (including modification in land levels), parking, landscaping and associated development and works.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. The application proposes the development of private open space in order to erect 59 dwellings with the creation of a new link road, site engineering works (including modification in land levels), parking, landscaping and associated development works.
- 1.2. The development would have a new spine road, that would connect from Beacon Avenue, with the new dwellings and side roads set off it.
- 1.3. The new dwellings would be provided in 5 house types and flats. The houses which would each be two storey high would either be semi detached or part of a terrace. The flats would be set within small blocks of similar scale to the houses. The buildings would be brick built and have traditional glazing and doors with a canopy over. Allocated parking per unit would be provided adjacent to or in close proximity to the respective dwelling.
- 1.4. The houses would provide a mix of unit types as follows:- 2 bedrooms (27 units), 3 bedrooms (19 units) and 4 bedrooms (3 units). The general arrangement of the houses would provide a lounge/dining, WC and kitchen/dining room on the ground floor. On the first floor a range of 2 to 4 bedrooms would be provided dependent on the house type together with a bathroom. The general arrangement of the flats (10 units) would provide a lounge/ kitchen/ dining room, bathroom and 1 bedroom.
- 1.5. The submitted plans indicate that landscaping would extend along the south eastern, south western and north western edges of the site where the existing woodland would be retained and SUDS features such as ponds would be incorporated. It is also proposed to lay down a pedestrian link along the north of the site which would link to Booths Lane, Hall End Road and also to Booths Farm Close.



- 1.6. The site area, including the open space, measures 3.13 hectares representing a development density of approximately 19 units per hectare. More specifically, the actual area of land to be developed which would encompass the houses/ flats (including gardens); hardstanding such as car parking, roads and footpaths would measure approximately 1.45 hectares which is equivalent to approximately 41 units per hectare.
- 1.7. The applicant has various documents in support of the application which include an Arboricultural report, Sustainability Assessment, Air Quality Assessment, Remediation Strategy, Phase 2 Gas monitoring addendum report, Geo Environmental Appraisal, Enabling works remediation strategy, Open Space Statement, Design and Access statement, Planning Statement, Noise Assessment, Air Quality assessment, Preliminary ecological report, Flood Risk Assessment and Transport Statement.
- 1.8. The applicant has set out that the development would be a solely affordable scheme that would provide 14 houses for affordable rent; 35 houses for affordable ownership and 10 flats for affordable ownership.
- 1.9. No on-site Public Open Space or play area is proposed but instead a sum of £560,800 is offered as a commuted sum in lieu of on-site open space and children's play as well as to compensate for the loss of the Open Space.
- 1.10. An EIA (Environmental Impact Assessment) screening opinion has been carried out for the proposed development which has concluded there is no requirement for an Environmental Statement.
- 1.11. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The site formed part of what was a former golf course and driving range. The driving range element has been redeveloped as part of a recently completed housing

development. The site, which is private ownership, has laid fallow for a period and is overgrown with an undulating surface. It is mainly designated as a SLINC with a smaller part of it forming part of the SINC that runs along the south east and south west of the site. The M6 is set further westwards. The site is categorised as Open Space. To the south east is Perry Beeches school. To the northwest west is the remains of Booths Farm archaeological site. Siting opposite the north eastern boundary of the main part of the application site sits a recently completed residential development.

3. Planning History

- 3.1. 20.07.2000- 2000/01461/PA- Provision of Host Centre/Training Academy comprising leisure and hotel/conference facilities, nursery and adventure activity facilities, with car parking and landscaping- Reserved matters development- approved subject to conditions.
 - 3.2. 19.11.1999- 1998/01612/PA- Revised golf course layout to provide par 3 facility, with associated landscaping- Approved subject to conditions.
 - 3.3. 19.11.1999- 1997/03790/PA- Provision of additional clubhouse, leisure, hotel/conference & children's nursery & adventure facilities to complement existing development, visitors centre- Approved subject to conditions.
 - 3.4. 14.07.1995- 1994/04522/PA- Golf driving range/9 hole golf course, club house, car park, access, ground contouring and drainage - Approved subject to conditions.
- Site of adjacent recently completed residential estate
- 3.5. 12.06.2014- 2013/09475/PA- Clearance of driving range and associated buildings and redevelopment of site (including part of associated golf range) to provide 249 new build dwellings together with realignment of Booths Lane. Other works to include provision of children's play area and associated works- approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Nearby occupiers, local councillors, neighbourhood forum and local MP notified as well as site and press notices displayed- 84 responses received which largely object to the proposal as well as a petition (forwarded by Cllr Alden) with 128 names that object to the scheme. In addition Cllr Dring, Sandhu and MP Khalid Mahmood object to the proposal.
- 4.2. The objections and comments on the scheme are summarised as follows:-
 - Unnecessary development
 - Not an appropriate place to put housing
 - The site for an extra 59 dwellings is not suitable due to previous industrial use
 - Open space in the area is being eroded piecemeal and by stealth
 - Development is too intense
 - Question if they will be private or council dwellings
 - Question if genuine efforts have been made to explore the possibility of pursuing a similar development on Brownfield land
 - The area has suffered increased urbanisation in recent years
 - It does not provide replacement green space or play area thereby increasing demand on existing facilities
 - Disagree with developers assertion that the land has no public value

- Understood land to be protected and was not going to be developed
- The development does not represent a sustainable neighbourhood nor does the design represent a sense of place
- Will be visually harmful
- Question land levels and how they will impact on the current structures/buildings? The playground created by Taylor Wimpey is on the proposed plans but this play area is significantly higher than the surrounding land so how will any work completed ensure the groundwork around the play area stays safe for our children to use?
- Question use and accessibility of woodland area
- Question adequacy of landscaping
- If approved the development should be all houses not part flats and houses, site is clearly open space and should not be built on
- Impact adversely on parking and highway grounds
- Noise and traffic reports not an accurate representation of usual levels as they were completed during lockdown
- What are the plans for construction traffic through the existing estate?
- There have been two road accidents in the near vicinity in recent years
- Noise levels are already above acceptable levels
- Site acts a key noise barrier for local residents from noise from the M6
- Safety of pedestrians and children undermined by traffic movements created
- Loss of privacy, because the only access to the new development will be through our private roads
- Will have adverse impact in terms of noise and pollution
- The works to transform the current unlevelled woodland will be very intense and heavy machinery will be required, all the works and machinery traffic will be undertaken through the narrow streets of our site
- The possibility of asbestos fibres in the ground and hazardous materials is concerning
- Will give rise to drainage and raise flood issues
- There are still problems with ground level flooding closing Booths Lane which have still to be addressed
- Will the works not contravene The Wildlife and Countryside Act 1981
- Question ecological information submitted
- Will lead to loss of a SINC and SLINC
- Impact of the development on wildlife and animals
- Details related to badgers in a submitted report should not have been published on line
- Unacceptable risk and harm to Queslett Nature Reserve
- Will involve removing substantial mature trees to connect sewer network to Caddick Road
- Concerns about behaviour of occupiers of social housing schemes
- Will increase crime, litter and rubbish
- Being rushed through without the appropriate consultation with those directly affected
- Residents of the development will be freely able use the facilities such as communal play area which Taylor Wimpey residents have had to fund, which is unjust
- Impact on capacity levels of the current social infrastructure - schools, GP surgeries, schools, play areas, shops and other public services and community facilities?
- 249 houses have already been built in this area without an increase in services such as doctors or dental or vets

- The local community needs to be listened to and concerns managed prior to squeezing in every new house that can be built into what lane is left when there are so many derelict buildings in Birmingham
 - Generally, the application lacks some important detail or relies on out of date information. There also seems to be anomalies in defining exact land borders
 - Question if private or social housing.
 - A site visit by the committee is requested
- 4.3. Transportation Development- Awaiting final comments.
- 4.4. Regulatory Services- No objection subject to conditions.
- 4.5. Education and school Places- request a contribution of £230,722.44 to help pay for school places.
- 4.6. LLFA- No objections subject to conditions.
- 4.7. Environment Agency- No objection subject to a condition that would seek to address any significant contamination not previously identified is once development has commenced.
- 4.8. Severn Trent- No objections subject to the inclusion of a condition that would secure drainage plans for the disposal of foul and surface water flows.
- 4.9. West Midland Police- no objection.
- 4.10. Highways England- no objection.
- 4.11. Regulatory Services- EPU have no objections subject to conditions.
- 4.12. Leisure Services- Identify a contribution needed to pay for off site POS and children's play as well as to compensate for the loss of the open space totalling £560,800.
- 4.13. West Midlands Fire Service- no objection made.

5. Policy Context

- 5.1. Birmingham Development Plan, SPG Places for Living, SPD Car Parking Guidelines, SPD Public open space in new residential development, Draft DMB DPD and the NPPF.

6. Planning Considerations

Loss of Open Space

- 6.1. TP9 of the BDP sets out that planning permission will not normally be granted for development open space. However, it then sets out exceptions to that stance which includes:-
- Where an area of open space is underused, as it has inherent problems such as poor site surveillance, physical quality or layout, which cannot be realistically dealt with, then in this case proposals that would result in the loss of a small part of a larger area of open space will be considered if compensation measures would result in significant improvements to the quality and recreational value of the remaining area.

- 6.2. The site was, in conjunction with the land adjacent (now housing estate), was largely redeveloped in the late 1990's as a golf course and artificial surface golf driving range, having previously formed part of a larger tip site. Those facilities made financial losses between the years 2000 and 2009 and the business was put into administration soon afterwards. The driving range was redeveloped as a recently completed housing estate following an approval of a planning application submitted in 2013.
- 6.3. Members are advised that the current landowner satisfactorily demonstrated in their application for the redevelopment of the driving range to residential that the operation of the site for the purposes of golf was not financially viable.
- 6.4. The landowner also confirmed, in their previous application, that in seeking to find alternative viable uses for the site, including open space/ recreational uses, the City Council has, over a number of years, discussed future options for this site with the current and previous land owners (who went into administration). Some of these have included the principles of mixed use developments with varying degrees of retained open space provision. However, none have been come to fruition due to a number of reasons, but principally relating to the cost effectiveness of such schemes in this location.
- 6.5. Under the planning approval for the recently completed residential development adjacent the applicant for that development, who are the current land owners of the application site, demonstrated that the private golf course that forms the current application site would cease to be used for golf or other leisure purposes and would be left to fallow and would be secured by boundary treatment under permitted development rights. It was recognised in the consideration of that application that because it adjoins the heavily wooded SINC to the south it would continue to provide a natural link corridor between that woodland and the open space/ former land fill on the other side of Booths Lane further to north beyond the recently completed residential development. The current proposal will also continue to provide a link between the woodland and the open space/ former land fill on the other side of Booths Lane through the provision of the landscaped area.
- 6.6. It is recognised that the site is underused, as it has inherent problems such as poor physical quality and layout, which cannot be realistically dealt with, and the site forms a small part of a larger area of open space. I can also advise that the scheme has the potential to achieve compensation measures that would result in improvements to the quality and recreational value of the undeveloped parts of the site and also elsewhere through the securement of appropriate financial compensation for the loss of the open space.
- 6.7. In summary, given what has been set out above, I consider that exceptional circumstances exist in this particular case to justify the loss of the open space and that the loss of the open space does not conflict with planning policy.

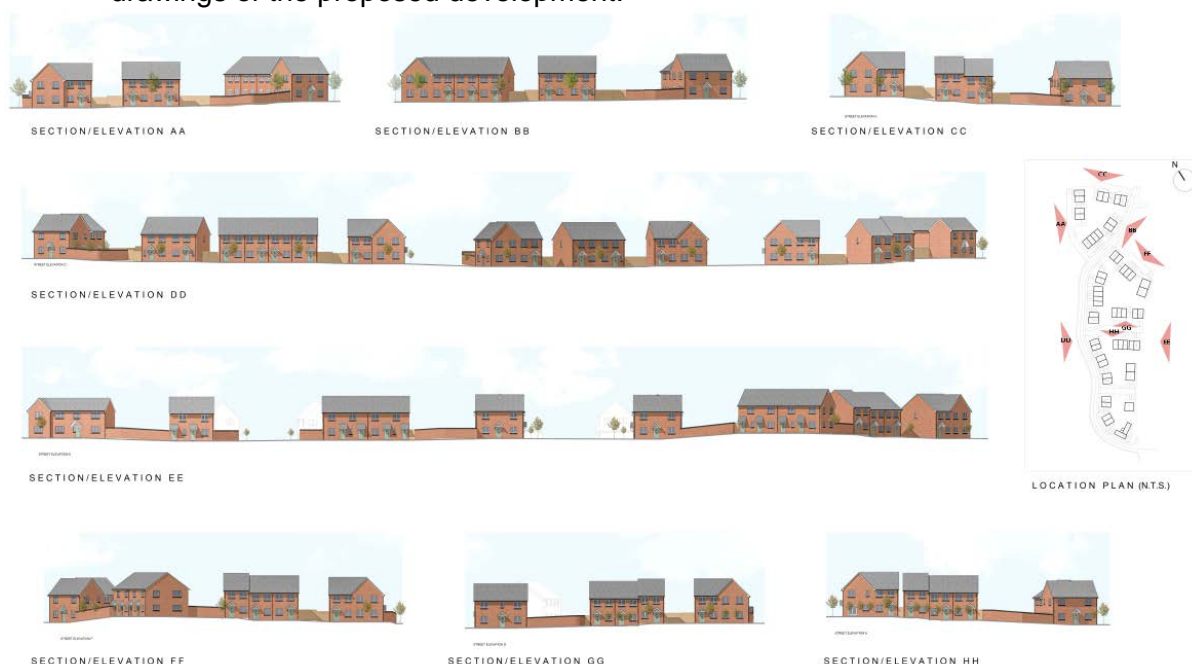
Need for Public Open Space (POS)

- 6.8. Policy TP9 of the BDP sets out that in most circumstances, residential schemes of 20 or more dwellings should provide on-site public open space and/ or children's play provision whilst recognising that developer contributions could be used to address the demand from new residents on other types of open space. Bearing this in mind, given the various site constraints and the need to achieve a coherent development in line with good urban design principles, the applicant has in this case offered to provide a financial sum in lieu of on site POS and children's play provision as well as money as compensation for the loss of that area of the Open Space to be

accommodate the development. The sum of money offered is £560,800 and is in line with what has been identified by my Leisure Services advisor and would be directed towards the provision, improvement and/ or biodiversity enhancement of public open space/ children's play and the maintenance thereof at the nearby Turnberry park set approximately 200 metres away. I consider the payment should not be allocated to a specific park within the S106 as the funds may not be required by the time payment is made. As such I therefore consider the provision of a commuted sum in the context of this development is acceptable and the sum should be made available for the ward and adjacent wards.

Layout and urban design

- 6.9. There are land level differences between the adjoining housing development and application site which reach over 2 metres in places, however the scheme would still ensure that properties face the existing residential estate to the north.
- 6.10. The urban design of the scheme achieves key positive outcomes such as fronts facing fronts of properties to the adjoining residential development and also between the proposed dwellings as well as facing onto the public realm. This reflects the characteristics of the adjacent residential development and responds positively to the overall character of the area. The following diagrams show the street scene drawings of the proposed development:



- 6.11. In order to help link the development along its northern western part it is proposed to create a new DDA compliant pedestrian link route to Forgers Close and Booths Lane further beyond which will be landscaped to either side.
- 6.12. The development would also have areas of landscaping set largely around the perimeter of the area of the site to be built on. In terms of functionality, the landscaping along its southern parts would be used to accommodate Suds ponds. The embankment that would run along the northern part of that boundary is identified as amenity residential grassland. This is not considered appropriate as it would be inaccessible on a difficult to maintain slope and would provide limited ecological value. Instead, a combination of native shrub mix and wildflower mix is recommended. Therefore, overall whilst the landscape treatment is considered to be acceptable a condition requiring a final landscape scheme is recommended.

- 6.13. The proposed buildings are traditional in appearance, with red brick facades, grey tiled roofs and appear very similar to the existing neighbouring estate houses. Parking is mainly at the side of houses, meaning that the buildings, rather than cars, are the main feature of the streets, especially fronting green spaces. Overall the general layout and design of the development in terms of architecture, landscaping, permeability and fronts facing fronts is satisfactory from a place making perspective.

Residential amenity

- 6.14. There would be some shortfalls in distance separation between the proposed dwellings on the site and those dwellings within the more recently completed development to the north east, in terms of guidance set out in adopted SPG Places for Living. However, when one takes into account the lower land level of the proposed dwellings along the boundary where the two developments would meet as well as the opportunity for landscaping, then the shortfalls in distance separation in that context, are not considered significant to warrant refusal of the scheme. The dwellings will also be front to front and the SPG allows for reduced separation distances in these instances. The drop in land levels from the proposed units to the existing façade of units that would fully face the new residential units would range from 1.050 metres to 2.48 metres.
- 6.15. In relation to the distance separation from the top of the ridge line on the side of the neighbouring site looking towards the property frontages on the proposed development, I do not consider that should lead to intrusion of privacy and overlooking from the general day to day use of that service road given the set back of the properties from the top of the ridge line and the opportunity for landscaping. Furthermore, the set back of those properties from the ridge is unlikely to lead to direct overlooking, unless purposefully carried out, as the land to the other side of the embankment is a shared surface with a narrow strip of landscaping to its edge.
- 6.16. Turning to the relationship between the proposed dwellings in terms of securing privacy, whilst there are a number of locations where minimum distance separation guidelines are breached in respect of some properties overlooking neighbouring properties and gardens within the development itself, I do not consider such shortfalls warrants refusal of this scheme for reasons which include the important role those properties play in terms of their positioning and consequently in bring the scheme together as a place such as rounding corners and providing consistent continued active street frontages for the development.
- 6.17. Submitted cross section drawings show a satisfactory distance separation between the development and dwellings on Caddick Road to the west and between the nearest residential dwellings on the development and the schools to the east on Beeches Road.
- 6.18. As a result of the above matters, I do not consider the development would have an adverse impact in terms of overlooking/ intrusion of privacy, or result in an unacceptable loss of light and outlook.
- 6.19. Finally, in terms of amenity, the garden and unit sizes would in the main comply with local policy guidance and national standards respectively.

Trees

- 6.20. The layouts as submitted preserve the sloping woodland areas entirely, and therefore in arboricultural terms the proposal is not objectionable subject to safeguarding tree conditions. My tree officer concurs with this view.

Archaeology

- 6.21. The site was a quarry in the mid-20th century and any archaeological remains would have been removed at this time. I do not consider the proposals would impact on any other heritage assets. I therefore do not raise any objections on archaeological grounds. My conservation advisor concurs with this view.

Environmental matters

- 6.22. Regulatory Services raise no objections subject to conditions that secure a contamination remediation scheme, contamination land verification report, electric car charging points, construction method statement/management plan, acoustic boundary treatment and glazing details (in line with submitted noise report). I also note the Environment Agency raise no objection subject to a condition that would seek to address any significant contamination not previously identified that may be identified during development. I consider these conditions should address the environmental issues.

Drainage

- 6.23. The LLFA raised no objection subject to conditions requiring a sustainable drainage scheme as well as a sustainable drainage operation and maintenance plan to be provided. I note Severn Trent Water raise no objections to the proposals subject conditions that secure drainage plans for the disposal of foul and surface water flows to be submitted to and approved by the Local Planning Authority. I therefore raise no objection to the scheme on flooding or drainage grounds.

Parking/highway matters

- 6.24. In broad terms it is considered the development would provide a satisfactory level of parking for the development. However, Transportation Development initially raised a number of queries relating to roads that are yet to be adopted, length of cul-de-sacs, visibility splays, allocation of parking spaces and gradients. Most of these issues have been resolved through negotiation. A road safety audit has been requested to ensure that the visibility splays within the development are satisfactory. I can advise there is an ongoing exchange of dialogue between the City Councils transport officer and the applicant in respect of outstanding highway matters and that members will be updated on the progress, and conclusion if it occurs, of that dialogue.

Sustainable construction and sustainable energy

- 6.25. Information related sustainability matters has been submitted by the applicant, I am generally acceptive of details submitted in relation to policies TP3 and TP4 which concludes that each home will be constructed to an efficient fabric and building services specification and photovoltaics will be installed on 6 properties to deliver 19% reduction in carbon emissions. It is recommended that if the application is approved a condition is applied that requires information in terms of elevations/ roof plans to show proposed location of the photovoltaic roof panels.

Education and school places

- 6.26. I note the request made by Education and school places for a contribution of £230,722.44 for school places. In response I can advise that this development is not a CIL liable development and that in planning terms the provision of funding for school places is not normally required of developments of this scale and therefore their request for funding from this development is not supported.

Ecological issues

- 6.27. As identified earlier in this report, the site is mainly designated as a SLINC with a smaller part of it forming part of the SINC that runs along the south east and south west of the site. In order to try and address ecological issues that the development may give rise to, the application has been supported with the submission of a Preliminary Ecological Assessment and subsequent further ecological information such as a bio diversity metric calculation. Upon assessment of the submitted ecological information it has been concluded that an acceptable approach to deal with any adverse ecological impact such as loss of bio diversity arising from the development would be through appropriate ecological mitigation measures. In terms of habitat loss, the developer's impact assessment (biodiversity metric calculation) demonstrates they cannot fully mitigate and compensate for impacts on site, and therefore it is considered off-site measures to compensate for the residual impact and achieve a net gain is a sensible approach to remedy this. To try and achieve this, the developer has made an offer of a financial contribution to deliver off-site mitigation measures. It is considered that such an approach should be capable of addressing the adverse ecological impact of the development but that the final scope of such measures and their potential cost would need further assessment. It is however considered at this stage that such measures could potentially be directed towards enhancement/management at the adjacent Perry Beeches Nature Reserve SINC woodland or at Land at Queslett SINC (Queslett Nature Park) and or nearby Turnberry Park (within Queslett and Perry Park wards respectively). Members are advised of on going dialogue between the City Councils ecologist and the applicant to try and address this matter and an update on the progress, and conclusion if it occurs, of that dialogue will be provided.

Section 106 agreement

- 6.28. Whilst the applicant states the development proposed is for an entirely affordable scheme comprising 14 houses for affordable rent; 35 houses for affordable ownership and 10 flats for affordable ownership there is still the need to secure a minimum level of affordable units (35%) on the site through a S106 agreement. In terms Public Open Space and children's play a commuted sum will be provided in lieu as will a sum to cover the loss of the open space the development would entail which would equate to £560,800. My housing advisor would seek a mix of affordable units comprising 10 two bed houses; 7 three bed houses and 4 three bedroom houses.
- 6.29. Subject to agreement with the Council Ecologist the S106 will also need to include an off-site biodiversity enhancement payment.

7. Conclusion

- 7.1. Exceptional circumstances have been demonstrated for the loss of this open space and appropriate compensation provided for its loss and for the provision of POS in lieu of on site provision. The proposed development would provide a welcome increase in the City's housing stock both for sale and for rent. The development would meet national and local planning policy guidelines and is recommended for approval subject to the conditions laid out below and the requirements of a S106 to secure affordable housing and a sum of £560,800.

8. Recommendation

- 8.1. That consideration of planning application 2020/10217/PA should be approved subject to the completion of a planning obligation agreement to secure the following:
- 8.2. a) A sum of £560,800 (index linked) to be spent on the provision, improvement and/or biodiversity enhancement of public open space/children's play and the maintenance thereof within Queslett Ward and or Turnberry Park (located in Perry Barr ward).
- 8.3. b) an affordable housing provision within the development of 35% of the dwelling units comprising 10 two bed houses; 7 three bed houses and 4 three bedroom houses.
- 8.4. b) payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the value of the subject up to a maximum of £10,000.
- 8.5. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before the 1st August 2021 or such later date as may be authorised by officers under delegated powers that planning permission be refused for the following reason:
- 8.6. a) In the absence of any suitable legal agreement that secures the payment of £560,800 (index linked) to be spent on the provision, improvement and/or biodiversity enhancement of public open space/children's play and the maintenance thereof the proposal would be contrary to policy TP 9 of the adopted Birmingham Development Plan and the NPPF and or
- 8.7. b) in the absence of any suitable legal agreement for affordable housing the proposal would be contrary to policy TP31 of the Birmingham Development Plan, affordable housing SPG and the NPPF.
- 8.8. That the City Solicitor be authorised to prepare, seal and complete the planning obligation.
- 8.9. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 1st August 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	Requires the prior submission of a contamination remediation scheme
2	Requires the submission of a contaminated land verification report
3	Requires the submission of unexpected contamination details if found
4	Requires the prior submission of a sustainable drainage scheme
5	Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
6	Requires the submission of sample materials
7	Requires the prior submission of earthworks details
8	Requires the submission of boundary treatment details

9	Requires the prior submission of level details
10	Requires the parking area to be laid out prior to use
11	Requirements within pre-defined tree protection areas
12	Requires tree pruning protection
13	Requires the submission of architectural details
14	Requires the submission of hard and/or soft landscape details
15	Requires the submission of hard surfacing materials
16	Requires the submission of a landscape management plan
17	Requires the prior submission of a construction method statement/management plan
18	Requires the provision of a vehicle charging point
19	Requires details of accoutic boundary treatment
20	Requires accoustic glazing details
21	Requires details of photovoltaic panels to be installed.
22	Requires details of plans for the disposal of foul and surface water flows
23	Requires the submission of a lighting scheme
24	Prevents occupation until the service road has been constructed
25	Prevents occupation until the turning and parking areas have been constructed
26	Removes PD rights for boundary treatments
27	Removes PD rights for extensions
28	Requires the bathroom window to the first floor of unit 20+21 to be non openable.
29	Requires the scheme to be in accordance with the listed approved plans
30	Implement within 3 years (Full)

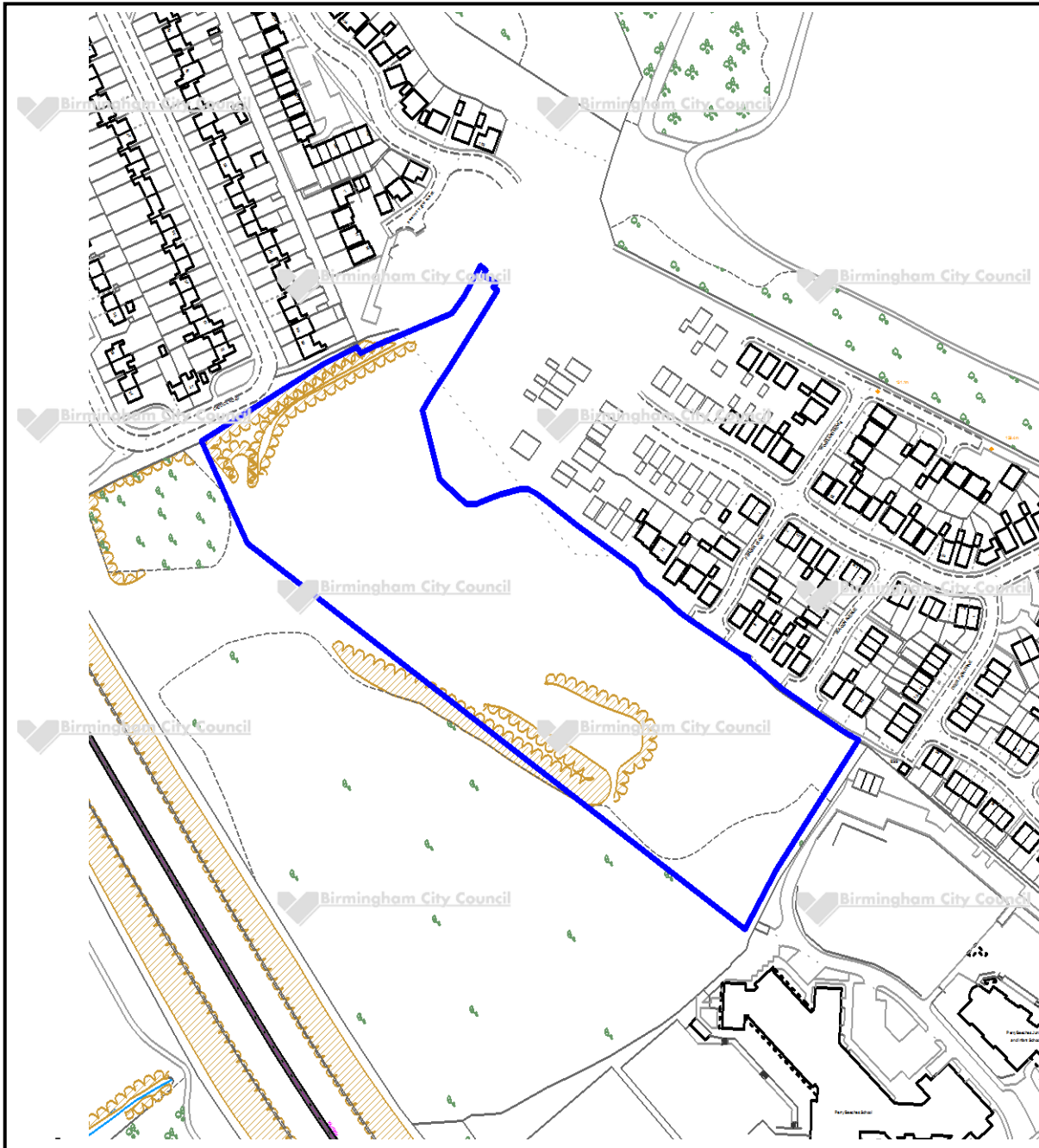
Case Officer: Wahid Gul

Photo(s)



View looking at site from adjacent newly built residential estate

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

24 June 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	7	2020/10215/PA North Worcestershire Golf Club Hanging Lane Northfield Birmingham B31 5LP Reserved matters submission for details of layout, scale, appearance and landscaping for Phase 1A development of 170 dwellings attached to outline planning application 2019/10649/PA
Approve – Conditions	8	2021/01403/PA Former North Worcestershire Golf Club Hanging Lane Northfield Birmingham B31 5LP Reserved Matters application for details of appearance, landscaping, layout and scale for the central area of public open space following Outline planning permission (2019/10649/PA)

Committee Date:	24/06/2021	Application Number:	2020/10215/PA
Accepted:	23/12/2020	Application Type:	Reserved Matters Development
Target Date:	25/06/2021		
Ward:	Frankley Great Park		

North Worcestershire Golf Club, Hanging Lane, Northfield, Birmingham, B31 5LP

Reserved matters submission for details of layout, scale, appearance and landscaping for Phase 1A development of 170 dwellings attached to outline planning application 2019/10649/PA

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Outline planning permission, with all matters reserved except access, was granted on appeal in July 2019 following a public inquiry appeal held in October 2018 for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure. During the appeal, the proposal was amended to 800 dwellings and this was conditioned within the Secretary of State approval.
- 1.2. Access was approved by the Secretary of State as part of the outline approval. Following further road safety work a revised access and junction location was approved.
- 1.3. Reserved Matters Approval of layout, scale, appearance and landscaping is now sought for Phase 1A of the development. Phase 1A seeks approval for 170 dwellings comprising the following mix:
 - Open Market: 22 x 2-bedroom, 49 x 3-bedroom and 41 x 4-bedroom in 13 different house types.
 - Affordable: 14 x 1-bedroom, 22 x 2-bedroom, 12 x 3-bedroom and 10 x 4-bedroom in 5 different house types (58 in total)
- 1.4. 34% Affordable properties would be provided as follows:
 - Affordable Rent: 6 x 1-bedroom flats, 12 x 2-bedroom flats, 4 x 2-bedroom houses, 6 x 3-bedroom houses and 5x 4-bedroom houses.
 - Social Rent: 6 x 1-bedroom, 4 x 2-bedroom, 2 x 3-bedroom and 5 x 4-bedroom.
 - Shared Ownership: 2 x 1-bedroom, 2 x 2-bedroom and 4 x 3-bedroom.



North Worcestershire Golf Club - Phase 1A
Proposed Phase 1A layout.

- 1.5. The majority of the properties proposed would be 2-storey, with a number across the site being 2 and a half-storey in height. The apartments, in the north east corner of the site would be 3-storey. A mix of render and red brick and brown and grey roof tiles are proposed.

Drawing Number: W020A-10-00000000-00000000
Scale: 1:100 @ A2



Proposed street scenes



CGI View of public open space and three storey flats as proposed

- 1.6. All properties would meet the National Space Standards.
- 1.7. All but 7 of the houses would have garden sizes that meet the guidelines in Places for Living. The affordable flats would have a shared amenity space of 132sq.m.
- 1.8. Access to Phase 1A would come from Frankley Beeches Road to the west of Guardian Close. The site would have a street hierarchy comprising main streets, secondary streets, private drives and mews/courtyards. A separate pedestrian access point would be provided in the north east corner of the site with a number of pedestrian and cycle access points provided from the Phase 1A development into the central public open space.



CGI view of entrance to phase 1A from Frankley Beeches Road

- 1.9. The layout has been designed to retain mature trees of higher value as integral features of the landscape proposals. Dwellings would provide an active frontage to public open space on site and the central area of public open space.



CGI view of properties fronting the central area of open space

- 1.10. This Reserved Matters submission for Phase 1A development and for the central public open space (to be determined elsewhere on this agenda) include a breakdown of tree canopy coverage, which is a live document and will be updated as later phases come forward however, the breakdown proposed for the currently submitted reserved matters is as follows:
- Tree canopy cover pre-development – 82,370sq.m
 - To be removed as part of phase 1A development – 16,500sq.m
 - To be retained – 65,870sq.m
 - Proposed Phase 1A replacement cover – 3,316.4sq.m
 - Proposed POS replacement cover – 51, 472sq.m
 - Total canopy cover post development – 109,702sq.m
 - Net canopy cover gain – 27,331sq.m
- 1.11. 84 new trees would be planted within the Phase 1A development including Field Maple, Norway Maple, Silver Birch, Hornbeam, Purple Beech, Tulip Tree, Crab Apple, Flowering Cherry and Rowan. The landscaping would also include 2903 ornamental hedge plants and 1530 ground cover shrubs and perennials.
- 1.12. Amended plans have been received that address Officer comments and public feedback including:
- All detached garages have been removed. Where four-bedroom, open market properties do not have integral garages, a brick garden store is proposed.
 - Garden areas and separation distances
 - Rearrangement of affordable apartments in the north east corner of the site.
 - Revised elevational treatments to the affordable apartments.
 - The affordable houses have been redistributed across the site.
 - Proposed attenuation basins have been revised,
 - Proposed pumping station has been removed and will now be replaced by a below ground package treatment plant.
 - House types have been reviewed and amended where required.
 - Pedestrian connectivity to the adjacent proposed public open space has been reviewed and a continuous footpath provision along the interface has been provided where possible.
 - Tree species within on-plot landscaping have altered.

- 1.13. The 106 Agreement remains as per that agreed by the Secretary of State. There is no scope for the principle of the development and/or any other issues relating to the site development to be considered again.
- 1.14. Site area: 5.95ha. Residential developable area 4.17ha. Density: 41 dwellings per hectare.
- 1.15. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The North Worcestershire Golf Course is located in the south of the City within the Frankley Great Park Ward. The Golf Club closed on 31st March 2016.
 - 2.2. The 32.35ha site is bounded by Frankley Beeches Road, Hanging Lane, Elan Road, Josiah Road and Tessall Lane. The clubhouse, which was located in the north east corner of the site, is accessed from Hanging Lane, 10m from the junction with Frankley Beeches Road. Most of the site is adjacent to roads, by exception residential properties of Guardian Court (to the north); Josiah Road (east) and parts of Tessall Lane (south) and Hanging Lane (east) have rear gardens that are adjacent to the boundary of the site. Those in Hanging Lane have a rear access that provide access to both the houses and a storage yard to the golf course. The site is located within an established residential area.
 - 2.3. The site is well served by bus and rail services and local educational, retail and leisure facilities.
 - 2.4. The golf course site consists of large woodland areas within landscaped grounds. Several watercourses run through the site, including the Hanging Brook which surfaces within the centre of the site and flows eastwards. The watercourse joins the River Rea, 1km to the east.
 - 2.5. In terms of levels, the golf course site slopes from 205m above ordnance datum (AOD) in the southern part of the site, to its lowest point (177m AOD) in the centre and eastern area of the site and rises back up to the north to a final height of 197m AOD on the northern boundary. The opposing east to west contour slopes down from 200m AOD (on the western boundary) down to 180 AOD on the east boundary.
 - 2.6. [Site Location Plan](#)
3. Planning History
 - 3.1. Awaiting determination. 2021/01403/PA. Reserved matters application for details of appearance, landscaping, layout and scale for the central area of public open space following outline planning permission 2019/10649/PA.
 - 3.2. 25 August 2020. 2019/10649/PA. Planning permission granted for the variation of conditions 5 (approved plans) and 20 (site access) attached to planning permission 2017/02724/PA granted on appeal under reference APP/P4605/W/18/3192918 for revised site access to the west of Guardian Close on Frankley Beeches Road.
 - 3.3. 24 July 2019. (APP/P4605/W/18/3192918) 2017/02724/PA. Outline planning permission granted by the Secretary of State following a three week public inquiry appeal by Bloor Homes in October 2018 with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public

open space, primary school, multi-use community hub, new access points and associated infrastructure. The planning permission limited the development to 800 homes and included a Section 106 Agreement to secure the following:

- i) 35% on-site affordable housing with the following mix of 20% affordable rent, 10% social rent and 5% shared ownership.
- ii) £4,500,000 (index linked from issue of planning permission to date payment is made to the Council) to be used towards the provision of a 1 form entry on-site primary school along with 1.8ha of land for the school; and a payment of an off-site contribution in accordance with the previously agreed formula for the additional primary school requirement that would not be provided on site.
- iii) Provision of on-site open space (up to 12.45 hectares).
- iv) Provision of a community hub which shall be approximately 1,000sq.m gross and provide a multi-use community run building to provide a range of services to community users.
- v) £1,6000,000 (index linked from issue of the planning permission to date payment is made to the Council) for the development of sport in the local area for the purposes of the provision of two artificial grass pitches at Senneleys Park and/or Bartley Green Community Leisure Centre; and
- vi) Local Employment.

Contributions were also sought for additional sports improvements and secondary education totalling in excess of £4 million however, the Inspector and Secretary of State concluded that these contributions did not meet the relevant tests of the Community Infrastructure Levy Regulations.

3.4. 18 January 2018. 2017/10696/PA. Prior Approval granted for demolition of the clubhouse.

3.5. 31 August 2017. 2017/02724/PA. Outline planning permission with all matters reserved except access refused for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure.

4. Consultation/PP Responses

4.1. 133 Local residents, Ward Councillors for Frankley Great Park, Northfield and Allens Cross, MP and Resident Associations notified. Site and Press notices posted. 17 letters have been received comprising 3 letters of support, one comment and 13 objections including from Councillor Freeman. The objections are based on the following grounds:

- Unwanted and not needed development.
- Building on green space which will be destroyed for financial gain.
- The proposed development is boring, generic and car centric.
- A purely residential development is in conflict with Policy TP27.
- The development provides no safe and pleasant cycling routes in conflict with Policy TP39.
- How can 800 homes be built here with no increase in road capacity locally?
- Covid has shown that people need green spaces – the development will take this away.
- Where is the cast iron promise that Bloor will build the primary school and where will they be educated once secondary age?
- How can you ensure that properties will be truly 'affordable'?
- Where is the infrastructure for new residents eg doctor.
- The access on Frankley Beeches Road opposite existing residential is not acceptable.
- High risk of flooding and surface water runoff due to removal of green space.

- Site should be left as a public park.
 - Impact on ambulances.
 - No communal areas e.g. playgrounds and community hub facility.
 - One entrance for 170 properties is not acceptable – have the ambulance service been consulted?
 - Too many units proposed.
 - Tree destruction is environmental vandalism.
 - Market Rent and Shared Ownership do not help homeless or those on universal credit – only social rent is affordable therefore scheme does not meet local need.
 - Air Quality impact from number of cars associated with the development.
 - Application should be deferred for proper public consultation.
- 4.2. The letters of support are based on the following:
- Affordable Housing is desperately needed.
 - Around a third of the site will be given over to publicly accessible green space.
 - Gain a community hub and new primary school.
 - Long term benefits of the scheme outweigh the short-term inconvenience.
 - Commence without further delays...vacant sites increase crime.
- 4.3. A further round of consultation, site and press notices has been undertaken on the amended plans. No further comments have been received.
- 4.4. Local Services – No comments.
- 4.5. Environment Agency – No objection.
- 4.6. Severn Trent Water –No objection. The submitted drainage plan shows all foul sewage is proposed to discharge to the public combined sewer, and all surface water is proposed to discharge to the nearby watercourse.
- 4.7. West Midlands Police – The site is policed by Longbridge neighbourhood team and calls to service are high. Currently, the highest recorded crimes are violence and sexual offences, anti-social behaviour, burglary and criminal damage and arson. Can conditions be attached for a management and maintenance plan for trees and shrubbery; boundary treatment, lighting and that the footpath that meets the open space at plot 71 is subject of a 'kissing gate' or similar to prevent off road bikes etc from gaining access.
- 4.8. Lead Local Flood Authority – No comments.
- 4.9. Regulatory Services – No objection.
- 4.10. Transportation – No comments.
- 4.11. West Midlands Fire Service - The approval of Building Control will be required to Part B of the Building Regulations 2010. However, previous requirements for this application do not appear to have been considered or met. Vehicular access appears to be over 180m from a single access point to the proposed estate. For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house. Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes. The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are

committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations. Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

5. Policy Context

- 5.1. Birmingham Development Plan, NPPF, NPPG, Places for Living SPG, Places for All SPD, Car Parking Guidelines SPD.

6. Planning Considerations

- 6.1. Key considerations in this submission are the proposed layout; design, scale and massing; and residential amenity.

Layout, connectivity, street design and parking

- 6.2. The concerns raised regarding access should resolve themselves when later phases come forward and address the number of access points into the site. At present, the development would function as a cul-de-sac. The constraints of the site are understood, with few access points from the surrounding road network and the location of the POS which separates this site from the phases to the south. Whilst a street hierarchy has been developed, the streets proposed are not supported by distinctive characteristics for each street type such as depth of frontage, building line, height/scale of properties, house types and approach to parking.
- 6.3. The scheme broadly follows perimeter block principles and this aspect is welcomed, with houses facing public space and private gardens contained to the rear within the block. This changes in the east portion of the phase as challenging levels, retained trees and attenuation features make it too difficult to achieve here and some of the proposed houses would back onto the open space.
- 6.4. I note the concerns raised by West Midlands Fire Service. The access points into the site (this phase and the wider development) have been agreed as part of the outline planning permission. The Applicant, in response to the Fire Service comments have submitted a Fire Response Plan that illustrates that appropriate consideration to fire tender manoeuvring requirements has been undertaken and confirms that all properties can be reached with fire tender and hose. The plan also notates the carriageway widths throughout Phase 1a on the enclosure, as well as highlighting the location of a 3.7m (min. width) Emergency Vehicle access to / from Phase 1 which will route across the central area of public open space to Phase 2 (and onwards to Tessall Lane). The detailed alignment of this emergency access route will be confirmed by the Phase 2 RM detailed layout. I consider that the Fire Response Plan has addressed the concerns raised and anything further to this would be addressed through Building Regulations Approval.
- 6.5. On balance, I consider the proposed layout acceptable.

Parking

- 6.6. 281 car parking spaces are proposed including 8 visitor spaces. 1 and 2-bedroom properties would have 1 space whilst the 3 and 4-bedroom houses would have 2 spaces. 9 of the four-bedroom units would have 3 spaces as the property would include an integral garage. The layout is generally dominated by on-plot parking which reduces area for front gardens planting and trees. The removal of further car parking spaces would allow more space for planting however, I acknowledge that this would be difficult alongside the requirement to provide some parking for the new occupiers.

- 6.7. I consider the proposed parking provision on site to be acceptable and in accordance with the Car Parking Guidelines.

Scale and massing

- 6.8. The proposed scale and massing are considered acceptable. The combination of two, two and a half and three storey properties would create an urban grain which would have a suburban character and be appropriate in the context. The varying building heights are shown to be distributed through the site.

House types and design

- 6.9. Sixteen house types are proposed (with some additional ones with minor variations in appearance) which are all two storeys apart from the 2.5 storey Forbes and Musgrave, and the three storey Auden flats. There is a wide range of accommodation on offer which should attract a wide demographic potentially contributing to social sustainability. These range from one bedroom two person flats to four-bedroom six person houses. These are all standard house types used by the developer. There is a general unifying style with traditional proportions, pitched roofs, porches and multi paned windows. The use of 'corner turning' houses to create interest and maximise natural surveillance at corners and junctions is welcomed. The suggested materials – mainly red multi brick with grey or brown roof tiles is acceptable in principle, however these need to be supported by good quality architectural detailing such as window reveals, projecting sills and roof eaves to add visual interest. Since the original application some amendments have been made to the Auden flats which have made these more interesting and engaging in appearance.

Sustainability

- 6.10. I note the requirements of TP3 and TP4 of the BDP regarding sustainable construction and energy requirements. However, planning permission was granted by the Secretary of State without conditions requiring compliance with these policies. As such, the requirement cannot be retrospectively imposed.
- 6.11. On balance, the proposed Phase 1A reserved matters appearance, layout and scale are considered acceptable.

Landscape

- 6.12. Front boundary treatment is crucial to creating an appropriate suburban character sympathetic to the surrounding housing. It also helps define private / public spaces. Whilst the character shown is generally open, hedge and shrub planting should in most cases create defensible space for properties and a buffer to the street. Side and rear garden boundaries alongside the public realm are proposed as timber fences, which are generally not considered acceptable as they should generally be brick walls. The houses facing onto the POS are particularly vulnerable in this respect.
- 6.13. Detailed planting plans have been provided. Some improvements have been made since the initial proposals, including a greater diversity of species, some additional broader canopied trees and all trees are now proposed at extra heavy standard size. Generally, the tree planting would have a good seasonal impact, would be suitable for the use of the site and its housing density, and would make streets more distinctive and memorable.
- 6.14. The palette of shrubs and hedges are generally robust and suitable. They are specified at a good size for instant impact with the majority of frontages defined by planting to reinforce defensible space and to have the maximum impact on the

public realm. Where this is not the case, it is usually to create areas of contrasting street character such as the cul de sacs and private drives.

- 6.15. Whilst concerns remain regarding boundary treatment, the landscape proposals in general are considered acceptable. The loss of trees and replacement canopy cover has been reviewed by the Arboricultural Officer. They have advised that the canopy cover assessment details all tree canopy changes and expected canopy with a margin for reduced establishment and / or growth is well thought through and presented and that it is an accurate representation of the future position. The tree species proposed are acceptable. The landscaping plans set out in detail the interventions used and this would likely result in a biodiversity gain given the poor value of the intensively managed grasslands associated with golf course fairways.
- 6.16. I consider that the proposed Phase 1A reserved matters are acceptable in terms of landscaping.

Residential Amenity

- 6.17. All of the proposed house and flat types comply with the National Space Standards both in terms of unit sizes and bedroom sizes.
- 6.18. The layout has been amended to address back to back separation distances, which now comply with the Places for Living guidelines.
- 6.19. Following the removal of rear garden garages, all but 7 of the proposed dwellings now have gardens that comply with the 52sq.m/70sq.m Places for Living guideline. As such, a condition to remove permitted development rights for extensions is recommended for the affected plots.
- 6.20. The affordable flats would have a shared amenity space of 132sq.m and whilst this falls below the guideline of 30sq.m per unit (at 7sq.m per unit), given their location and the significant public open space provided within the wider site development, I consider this acceptable.
- 6.21. In terms of impact on existing residential amenity, a number of phase 1A units would back onto the existing retirement residential accommodation in Guardian Court (off Frankley Beeches Road). These properties would range between 22 and 25 metres from the rear of the new dwellings proposed. This would be in excess of the required 21m in Places for Living. On this basis, I consider that the proposed development would not lead to a loss of privacy or overlooking from the new residents to those existing adjacent to the site.

Objections

- 6.22. I note the objections relating to due process and I am aware that residents are not happy with the level of consultation that the Applicant undertook prior to submitting this application (nor the consultation that has occurred by the Local Planning Authority following submission) and feel that a public meeting was necessary. However, there are no requirements in the Localism Act regarding public meetings and the public consultation undertaken prior to submission complies with the Localism Act requirements. 133 letters of neighbour notification have been sent out on both the original and amended plans along with both site and press notices. This has been undertaken in accordance with the statutory requirements and the City Council's published Statement of Community Involvement. The Applicant also sent letters to local residents directing them to a website, where residents could input their comments on the proposed development proposals. It is therefore not

necessary to delay determination of this reserved matters submission in order for a public meeting to be held.

- 6.23. Outline planning permission has been granted and there is no scope for the principle of the development to be considered again. A number of highway improvements were secured under the Outline, which would improve road capacity and safety. West Midlands Ambulance Service were consulted on the original outline application and the Section 73 application to adjust the site entrance for Phase 1A off Frankley Beeches Road. Air Quality issues were reviewed as part of the original Outline planning permission and the S73 permission and was considered acceptable.
- 6.24. The wider site development would see a minimum of 12.45 hectares provided as public open space which would include play areas for children and cycle routes through the site. This open space would also include sustainable drainage basins to address issues of surface water runoff and flooding. This issue is also addressed via condition on the Outline planning permission. A primary school (to be developed by the City's education department and funded by the applicant) and a community hub provided by the applicant are also provided on site as part of the wider development. These will be the subject of further applications.
- 6.25. Affordable housing was also secured through the Outline planning permission and the proposed mix and type of units complies with that planning permission. This phase would provide 33 properties for Affordable Rent, 17 for Social Rent and 8 for Shared Ownership. 58 properties would be in this first phase of development, equating to 34%.

7. Conclusion

- 7.1. I consider the proposed Phase 1A reserved matters submission for the development of 170 dwellings to be acceptable in terms of appearance, layout, scale and landscaping and in general accordance with the outline planning permission approved Development Framework Plan. The siting, scale and appearance of the proposed development would be acceptable and would not have an adverse impact on adjacent residential amenity. The development would provide an acceptable living environment for future occupiers. As such, I therefore consider the proposal would constitute sustainable development and I recommend that reserved matters approval is granted.

8. Recommendation

- 8.1. That the reserved matters submission for appearance, scale, layout and landscaping be approved.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires obscure glazing for specific areas of the approved building |
| 3 | Requires the submission of details of a communal satellite dish |
| 4 | Requires the submission of hard surfacing materials |
| 5 | Removes PD Rights for hard surfacing of front garden |
| 6 | Removes PD rights for extensions |
| 7 | Requires the submission of details of bird/bat boxes |
-

-
- 8 Requires the implementation of the submitted mitigation/enhancement plan
 - 9 Requires the submission of sample materials
 - 10 Implementation of soft landscape scheme:
 - 11 Requires the provision of a vehicle charging point
 - 12 Arboricultural Method Statement and Tree Protection Plan - Implementation
-

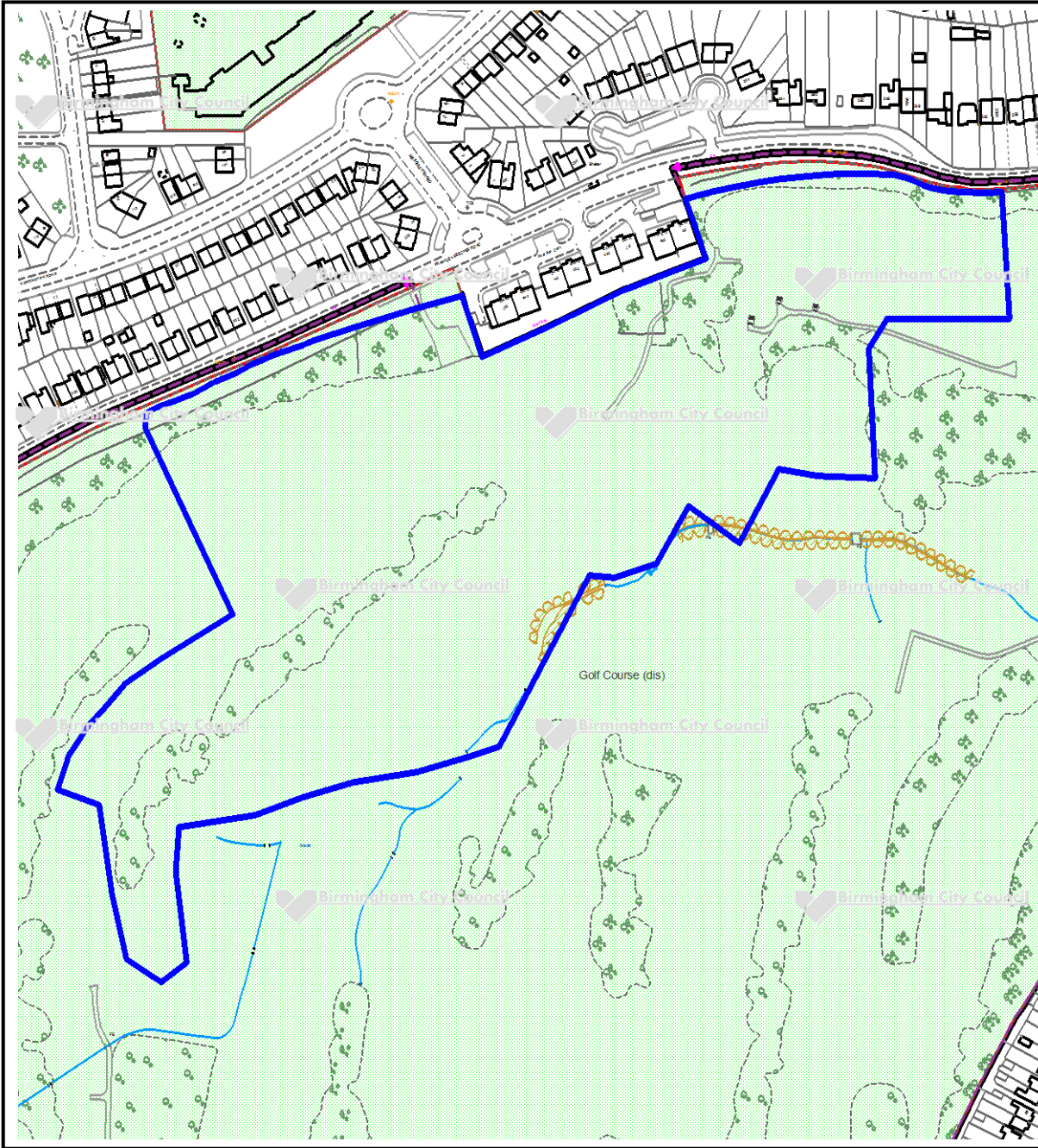
Case Officer: Pam Brennan

Photo(s)



Aerial View of North Worcestershire Golf Course

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	24/06/2021	Application Number:	2021/01403/PA
Accepted:	19/02/2021	Application Type:	Reserved Matters Development
Target Date:	25/06/2021		
Ward:	Frankley Great Park		

Former North Worcestershire Golf Club, Hanging Lane, Northfield, Birmingham, B31 5LP

Reserved Matters application for details of appearance, landscaping, layout and scale for the central area of public open space following Outline planning permission (2019/10649/PA)

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Outline planning permission, with all matters reserved except access, was granted on appeal in July 2019 following a public inquiry appeal held in October 2018 for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure. During the appeal, the proposal was amended to 800 dwellings and this was conditioned within the Secretary of State approval.
- 1.2. Access was approved by the Secretary of State as part of the outline approval. Following further road safety work a revised access and junction location was approved in August 2020.
- 1.3. Reserved Matters Approval of layout, scale, appearance and landscaping is now sought for the privately maintained, publicly accessible central area of public open space. The outline planning permission was conditioned (condition 8) to ensure that a minimum of 12.45 Hectares was provided on site and delivered in two phases being prior to occupation of the 200th and 600th dwelling respectively. Condition 9 of the outline planning permission addressed the submission of play area details. The development also had to be delivered in general accordance with the revised development framework plan approved as part of the outline planning permission (condition 6).
- 1.4. The proposed central area of public open space would comprise 9.90 hectares of the overall 12.45 hectares required as part of the outline planning permission. This Reserved Matters submission for the central POS and for Phase 1A development (to be determined elsewhere on this agenda) include a breakdown of tree canopy coverage, which is a live document and will be updated as later phases come forward however, the breakdown proposed for the currently submitted reserved matters is as follows:
 - Tree canopy cover pre-development – 82,370sq.m
 - To be removed as part of phase 1A development – 16,500sq.m
 - To be retained – 65,870sq.m
 - Proposed Phase 1A replacement cover – 3,316.4sq.m
 - Proposed POS replacement cover – 51, 472sq.m

- Total canopy cover post development – 109,702sq.m
- Net canopy cover gain – 27, 331sq.m



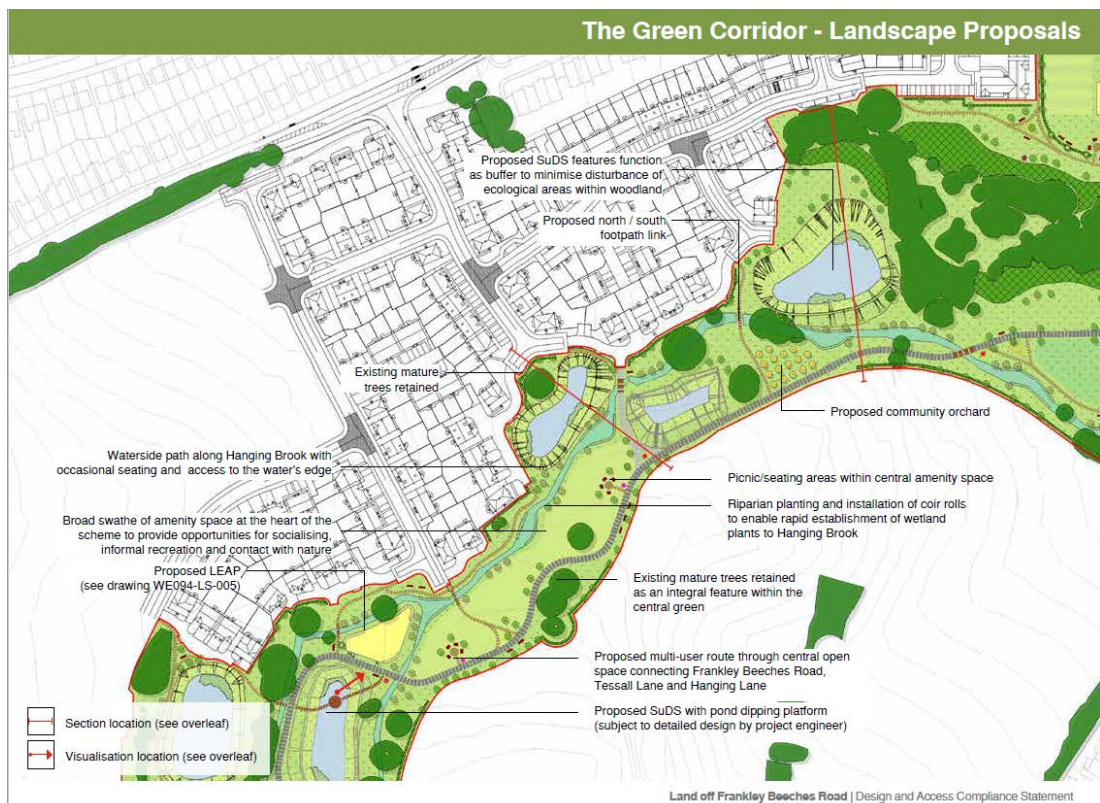
Proposed Central Public Open Space

- 1.5. The central POS area has been informed by the Ecological Enhancement Strategy and Habitat Management Plan including the requirements to enhance Hanging Brook diversity; to meet the designation criteria for a SLINC within 10 years and to enhance the green infrastructure through habitat creation in new attenuation basins and management/enhancement of existing watercourse.
- 1.6. The site has been split into three areas:
 - 1) Ecology park
 - 2) Green corridor, and
 - 3) The woodland.
 Each of these areas has its own landscaping proposals and tree retention.
- 1.7. The Ecology park would be located at the north of the central POS area and would include proposed children's play areas and a multi-use games area. Also included in the ecology park area would be wildflower meadows, drainage basins, pathways and a new bridge across Hanging Brook along with the retention of existing trees and woodland.



Ecology Park Proposals

- 1.8. The Green Corridor located in the central section of the proposed POS would include a further play area, drainage basins, footpaths and the retention of trees. This middle section would also see the inclusion of seating areas with picnic spots, wetland enhancement including pond dipping platforms on the proposed drainage basins and green open space.



Green Corridor Proposals

- 1.9. The proposed Woodland Area located at the south end of the central POS would primarily be woodland with a main central path running through it with seating provided at regular intervals. The existing woodland areas would be retained and enhanced.



Woodland Proposals

- 1.10. The proposed play areas located in the Ecology Park in the north of the central POS would include a MUGA, a Neighbourhood Equipped Area of Play (NEAP) for 2-8-year olds and a NEAP for 5 to 16-year olds. A Local Equipped Area for Play is proposed to be located adjacent to Phase 1a and 1b of the residential development within the Green Corridor where it becomes the Woodland area.
- 1.11. Proposed new tree planting would include Field Maple, Hazel, Common Hawthorn, Beech and Common English Oak in the Woodland area along with Silver Birch, Turkish Hazel Scots Pine, Black Poplar, Whitebeam, Mountain Ash, Common Lime and Scarlet/Italian/Holm Oak in the general parkland areas. Trees planted along Hanging Brook have been chosen to ensure that they wouldn't unduly overshadow the watercourse and include Alder, Black Poplar and Pussywillow. It is proposed to plant an informal community orchard in the green corridor, and this would include apple, pear and plum with local species planted where possible.
- 1.12. New hedgerow planting throughout the site would include Field Maple, Hawthorn, Spindle, Holly, Wild Privet and Gelder Rose.
- 1.13. Amended plans have been received that address Officer comments and public feedback including:
- Spacing of standard tree planting;
 - Hedgerows specified as native species mixes;
 - Amenity grassland replaced with flowering lawn where possible;
 - Inclusion of small number of Black Poplar;

- Use of Green Hay spreading to encourage establishment of more diverse grassland;
 - Addition of woodland ground flora planting to species mix;
 - Widening and renaturalisation of Hanging Brook with regrading of banks and the creation of shallows, riffles and gravel beds;
 - Standard plot boundary treatments to include gaps for hedgehogs;
 - Inclusion of bat and bird boxes on existing trees;
 - Deviation of footpath routes from the residential edge to break down areas of open space;
 - Creation of opportunities for natural informal play through reprofiling of Hanging Brook to allow for safe access to water's edge;
 - Use of thorny species within woodland edge planting as defensive planting to ecology areas; and
 - Provision of dark corridor linking site boundary with the woodland block to the north.
 - Provision of a continuous footpath provision along the interface with the POS from Phase 1A development where possible.
 - Removal of the proposed pumping station replaced by a below ground treatment plant.
- 1.14. The 106 Agreement remains as per that agreed by the Secretary of State. There is no scope for the principle of the development and/or any other issues relating to the site development to be considered again.
- 1.15. The Reserved Matters submission is accompanied by a Design and Access Statement, Statement of Community Involvement, Ecological Enhancement Strategy, Arboricultural Assessment and Arboricultural Method Statement.
- 1.16. Site area: 9.90 Hectares
- 1.17. [Link to Documents](#)
2. Site & Surroundings
- 2.1. The North Worcestershire Golf Course is in the south of the City within the Frankley Great Park Ward. The Golf Club closed on 31st March 2016. The site is subject to an area Tree Preservation Order.
- 2.2. The 32.35ha site is bounded by Frankley Beeches Road, Hanging Lane, Elan Road, Josiah Road and Tessall Lane. The clubhouse, which was in the north east corner of the site, is accessed from Hanging Lane, 10m from the junction with Frankley Beeches Road. Most of the site is adjacent to roads, by exception residential properties of Guardian Court (to the north); Josiah Road (east) and parts of Tessall Lane (south) and Hanging Lane (east) have rear gardens that are adjacent to the boundary of the site. Those in Hanging Lane have a rear access that provide access to both the houses and a storage yard to the golf course. The site is located within an established residential area.
- 2.3. The golf course site consists of large woodland areas within landscaped grounds. Several watercourses run through the site, including the Hanging Brook which surfaces within the centre of the site and flows eastwards. The watercourse joins the River Rea, 1km to the east.
- 2.4. In terms of levels, the golf course site slopes from 205m above ordnance datum (AOD) in the southern part of the site, to its lowest point (177m AOD) in the centre

and eastern area of the site and rises back up to the north to a final height of 197m AOD on the northern boundary. The opposing east to west contour slopes down from 200m AOD (on the western boundary) down to 180 AOD on the east boundary.

2.5. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. Awaiting determination. 2020/10215/PA. Reserved matters application for details of layout, scale, appearance and landscaping for Phase 1A development of 170 dwellings attached to outline planning application 2019/10649/PA.
- 3.2. 25 August 2020. 2019/10649/PA. Planning permission granted for the variation of conditions 5 (approved plans) and 20 (site access) attached to planning permission 2017/02724/PA granted on appeal under reference APP/P4605/W/18/3192918 for revised site access to the west of Guardian Close on Frankley Beeches Road.
- 3.3. 24 July 2019. (APP/P4605/W/18/3192918) 2017/02724/PA. Outline planning permission granted by the Secretary of State following a three week public inquiry appeal by Bloor Homes in October 2018 with all matters reserved except access for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure. The planning permission limited the development to 800 homes and included a Section 106 Agreement to secure the following:
- i) 35% on-site affordable housing with the following mix of 20% affordable rent, 10% social rent and 5% shared ownership.
 - ii) £4,500,000 (index linked from issue of planning permission to date payment is made to the Council) to be used towards the provision of a 1 form entry on-site primary school along with 1.8ha of land for the school; and a payment of an off-site contribution in accordance with the previously agreed formula for the additional primary school requirement that would not be provided on site.
 - iii) Provision of on-site open space (up to 12.45 hectares).
 - iv) Provision of a community hub which shall be approximately 1,000sq.m gross and provide a multi-use community run building to provide a range of services to community users.
 - v) £1,6000,000 (index linked from issue of the planning permission to date payment is made to the Council) for the development of sport in the local area for the purposes of the provision of two artificial grass pitches at Senneleys Park and/or Bartley Green Community Leisure Centre; and
 - vi) Local Employment.
- Contributions were also sought for additional sports improvements and secondary education totalling in excess of £4 million however, the Inspector and Secretary of State concluded that these contributions did not meet the relevant tests of the Community Infrastructure Levy Regulations.
- 3.4. 18 January 2018. 2017/10696/PA. Prior Approval granted for demolition of the clubhouse.
- 3.5. 31 August 2017. 2017/02724/PA. Outline planning permission with all matters reserved except access refused for the demolition of the club house and the development of up to 950 dwellings, public open space, primary school, multi-use community hub, new access points and associated infrastructure.

4. [Consultation/PP Responses](#)

- 4.1. 402 residents, Ward Councillors for Frankley Great Park, Northfield and Allens Cross, MP and Resident Associations notified. Site and Press notices posted. A further consultation was undertaken following the receipt of amended plans for a further 21 days with accompanying site and press notices being posted.
- 4.2. 11 responses have been received from residents on the initial round of consultation comprising 9 objections/comment and 2 letters of support. 1 further letter of objection was received following consultation on the amended plans. The objections are based on the following grounds:
- Object to any development on this site. Proposals risk existing wildlife and the site should be left as green space for people to use.
 - Request more dog litter and general litter bins.
 - More play areas should be provided.
 - No need for houses to be built on this site.
 - Impact on traffic of the site development.
 - Have wildlife surveys been undertaken before development can be approved?
 - Has the road access into the site from Tessall Lane changed?
 - This is an abuse of the planning system as no public meetings have taken place to discuss the proposals.
 - Unclear as to what is meant by 'central area of POS'?
 - The statement of community involvement cannot be enlarged on the computer.
 - Residents without a computer have been excluded from the planning process.
 - No Councillor involvement has occurred.
 - Request Planning committee defer any decision until a Northfield Ward Public Meeting can be held to discuss the proposals.
 - Highway Safety – play areas adjacent to Frankley Beeches Road is an accident waiting to happen.
 - Implication of ambulances utilising Frankley Beeches Road at speed.
 - Footway/Cycle way onto Hanging Lane – how will this be done safely?
 - How will the green space be maintained?
 - Will the meadows be cut?
 - How will geese be managed?
 - Will surface water drainage from housing adjacent to the attenuation basins be connected to them?
 - The development cannot proceed unless proposed road alterations to junctions, access points and the creation of three lanes at the Tessall Lane/A38 intersection, go ahead. Can we enquire at what stage the developers intend to address these matters?
 - Ecology: the plans appear desirable, but we are concerned as to whether there will be any local authority input to ensure that these matters are put in place. Frankly, we are dubious about the enforcement aspect.
 - The hard surfaces and fencing look impressive from the pictures, but can it be clarified as to who will maintain/repair/redecorate the fencing due to inevitable wear and tear? There has also been no allowance made for the inevitable vandalism which will occur, since this is a high crime area.
 - Ponds are a safety hazard for young children. What are the proposals for life saving equipment and access barriers?
- 4.3. The two letters of support are on the following grounds:
- This proposal is a great idea – it would provide a wide-open space for children to explore and play – much needed.
 - The high volume of tree planting is welcomed.

- 4.4. Regulatory Services - The proposed MUGA in the north-east of the site is relatively near to existing houses and potentially close to proposed new houses on the development. The use of MUGAs is a potential source of noise complaints, particularly from intrusive noise such as the bouncing of basketballs and similar. Before EPU can support the MUGA at this location, we will need evidence that use of the MUGA will not adversely affect the amenity of nearby existing and future residents.
- 4.5. West Midlands Police - I note from the documents provided that 'potential locations' for 'wooden 'kissing gates' have been shown on the plans – can these be conditioned and that they are of metal construction as opposed to wooden to make them more robust and resistant to vandalism. I note that the lighting of the pathways/cycle routes are being considered whilst being sympathetic to wildlife. Request conditions relating to lighting, anti-graffiti coating on all wooden structures and that play areas should be age appropriate and with a means of securing after the hours of darkness and when not in use. Will management of the space be for a set amount of time only and if so what will happen when this period of time ends?
- 4.6. Environment Agency – No objection.
- 4.7. Transportation – No comments.
- 4.8. Sport England – No objection. Sport England is generally supportive of the proposals being presented in this application, as they provide a broad range of opportunities for people of all ages to be physically active. I note in particular that the proposals include a linear walkway/cycleway through the open space with several other linking paths that will provide opportunities for walking, running and cycling. A range of informal spaces will be created along this route that could be used for informal recreational activities. The routes provide frequent opportunities to rest with benches at occasional locations, which is particularly important for those who are less mobile/active to be encouraged to use the open space. In addition, in the northern part of the site there will be a kickabout space and a Multi-Use Games Area, providing important facilities for recreational sport and physical activity for families, young people etc.

5. Policy Context

- 5.1. Birmingham Development Plan, NPPF, NPPG, Places for All SPD, TPO 1574 The Birmingham (Former Golf Club, Hanging Lane, Northfield) TPO 2017.

6. Planning Considerations

- 6.1. Key considerations in this submission are the layout, scale and appearance of the Public Open Space including the provision of play areas, the proposed landscaping and the impact on trees.

Principle

- 6.2. The principle of providing a significant area of publicly accessible open space as part of the NWGC scheme has been long established. In principle, the scheme has the potential to meet a number of relevant local and national policy objectives, the key benefit of which would be the contribution to a strong and positive sense of place in the local area, meeting policies PG3 and TP27 in the BDP in the widest sense. The proposed development would see a previously inaccessible resource accessible to the general public. The benefits would include sustainable water management, air quality, green infrastructure habitats and ecology, amenity and benefits to health and well-being including provision of walking, cycling and

recreational opportunities. It would also provide a setting for social interaction and support. These aspects would not only benefit new residents in the development but also be available to people living in the wider area. The scheme would also provide an important mechanism to connect the two proposed areas of development to the north and south of the wider master plan area, further encouraging sustainable travel and reducing dependency on the car.

- 6.3. The applicants have confirmed that a management company will be put in place to manage the open space which would not be to be adopted by the council.

Site assets

- 6.4. From a landscape perspective, the proposed TPO tree removals are proportionate and are justified from in urban design and landscape terms, as it would open routes, views and areas for recreation as well as accommodating sustainable drainage features. The retained trees and tree groups retained would lend maturity character and a sense of place to the scheme and provide an attractive environment for users. I also consider that the level of tree and woodland planting proposed would adequately compensate for the tree removals on site.

- 6.5. Hanging Brook is an important asset. Much of the channel is at present, culverted and has limited amenity and ecological value. The supporting documentation outlines opportunities to de culvert the brook, creating a range of profiles with sloping banks including wider profiles, shelves and shallower marshy areas. These details would be agreed via the discharge of planning conditions attached to the previous outline planning permission.

Routes and connections

- 6.6. Several connections from the POS to the surrounding street network would be provided including from Frankley Beeches Road and Tessall Lane. A connection to Hanging Lane is proposed and in my view, is essential to establish connectivity to the east; however, questions have been raised about how this could be achieved considering the gradient, highways visibility and trees / hedgerow to be retained. As this connection forms part of the s278 works with Highways, further discussions regarding this link are ongoing and do not form part of this reserved matters consideration.

- 6.7. Whilst a continuous route south of the Phase 1a development interface is desirable, the constraints of the site including levels, vegetation and sustainable drainage features have made this too difficult to achieve and this is accepted. Nevertheless, a route is included where possible, either within the POS or the Phase 1a layout. Amended plans show new access points from the proposed housing and the omission of the pumping station would formalise an intuitive route from the private drive. The location of new hedgerows has been adjusted to increase natural surveillance and permeability into the open space from some key locations, and this is welcomed.

- 6.8. Within the park there would be a hierarchy of surfaced routes including a multi-user path along the whole length of the scheme, and connections between the new housing planned to the north and south of the POS. As well as making connections there would also be circular walks for recreation. This strategy is broadly supported. The connection to the community use / school to the east of the POS is also now shown.

Play provision

- 6.9. The provision and maintenance of the POS and the proposed play areas/equipment would be undertaken by a management company and as such, Local Services have not commented on the reserved matters submission. I note that the proposed play

facilities are quite widely spaced and restricted to formal provision only in designated play areas. It would be desirable for more informal, incidental natural play features to be included and integrated into the landscape, with the design taking its cue from the country park character of the POS. I do however consider that this would occur naturally given the contours of the site along with the proposed layout of the POS, particularly in the Green Corridor and Woodland areas of the site.

- 6.10. I note the noise concerns relating to the proposed multi-use games area raised by Regulatory Services. The Neighbourhood Equipped Area of Play (NEAP) which includes the Multi Use Games Area (MUGA) has been consistently shown, in the area now proposed as part of this reserved matters submission, on the Development Framework Plan approved as part of the outline planning permission. The location of this play area was not raised as an issue during the determination of the outline planning appeal, nor the subsequent appeal. Its location in this part of the site was supported due to its proximity to, and potential relationship with, the proposed Community Hub and Primary School as well as providing connectivity with existing residents as well as those of the proposed new homes.
- 6.11. Condition 6 'Development in Accordance with Framework Plan' of the outline consent (as varied by S73 consent Ref. 2019/10649/PA) reads as follows:
The development hereby approved shall be implemented in general accordance with the revised Development Framework Plan - Drawing Number 6863-L-04 Rev T dated 18 May 2018.
It therefore follows that the proposed MUGA is located within the NEAP in the north east of the site.
- 6.12. The publication 'Guidance for Sport and Play in England 'Beyond the Six Acre Standard' recommends a 30m minimum separation between the activity zone of a MUGA and the boundary of dwellings. The distance of the MUGA to the nearest existing dwelling on Frankley Beeches Road would be approximately 42.4m. The distance to the nearest proposed applicant's dwellings on Phase 1a (the proposed flats) would be 39m. Thereby, providing an adequate separation distance in accordance with guidance. Furthermore, the proposed site for the NEAP and MUGA would be located on level ground and well clear of trees, thereby avoiding root damage and the effects of leaf fall and sap. The proposed location near to a car park and associated vehicular access (as would be provided at the community hub), is also helpful and would enable access for emergency vehicles if ever needed, and the proposed level, surfaced approach pathways would facilitate access to the MUGA for people with disabilities.

Sustainable Drainage

- 6.13. The provision of sustainable drainage features on the site is welcomed. Some refinement of the size and shape of the proposed attenuation basins has occurred following some technical work following the initial submission and I have no objection to this in principle. Little detail is currently provided of their design however, I note that there is a separate planning condition on the outline planning permission requiring full engineering details. Marginal planting is shown in some features but not all. I note that the sustainable drainage features would be fenced and a 1m high post and rail fence would be acceptable. I also note that fencing is required for safety reasons.

Planting proposals

- 6.14. Overall, I consider the planting proposed and the mix acceptable. The proposed plan includes areas of woodland, grassland, tree groups, specimen trees, wildflower grassland, bulbs and wetland. The planting scheme would deliver a varied, attractive and enjoyable environment for the POS, with interest provided in all seasons. A predominance of native species is proposed to maximise the ecological benefits.

Furniture and Lighting.

- 6.15. The proposed bench details and their location is supported. No detail is provided for the design of the signage and interpretation, although the overall approach shown in the supporting documentation is acceptable and locations are shown on the submitted plans. No lighting details are provided in this submission however, there is a lighting condition attached to the outline approval.
- 6.16. I consider the proposed appearance, layout, scale and landscaping of the central public open space to be acceptable and in general accordance with the Development Framework Plan approved as part of the outline planning permission.

Impact on Trees

- 6.17. The loss of trees and replacement canopy cover has been reviewed by the Arboricultural Officer. They have advised that the canopy cover assessment details all tree canopy changes and expected canopy with a margin for reduced establishment and / or growth is well thought through and presented and that it is an accurate representation of the future position. The tree species proposed have been amended and are now acceptable. The landscaping plans set out in detail the interventions used and this would likely result in a biodiversity gain given the poor value of the intensively managed grasslands associated with golf course fairways.
- 6.18. On this basis, I consider that the impact on the TPO's trees would be minimal and necessary in order to create an area of public open space. The proposed replacement canopy cover and mix proposed would compensate for their loss.

Objections

- 6.19. I note objections from residents relating to the principle of development on this site. This has previously been established through the granting of outline planning permission including access details by the Secretary of State. As such, there is no scope for the principle of the development and/or any other issues relating to the site development to be considered again.
- 6.20. Wildlife provision and impact on existing wildlife formed part of several surveys, which are ongoing on site, during the appeal application and the subsequent section 73 approval. Wildlife across the site continues to be a primary consideration.
- 6.21. I note the objections relating to due process and I am aware that residents are not happy with the level of consultation that the Applicant undertook prior to submitting this application (nor the consultation that has occurred by the Local Planning Authority following submission) and feel that a public meeting was necessary. However, there are no requirements in the Localism Act regarding public meetings and the public consultation undertaken prior to submission complies with the Localism Act requirements. 402 letters of neighbour notification have been sent out on both the original and amended plans along with both site and press notices. This has been undertaken in accordance with the statutory requirements and the City Council's published Statement of Community Involvement. The Applicant also sent letters to local residents directing them to a website, where residents could input their comments on the proposed development proposals. It is therefore not necessary to delay determination of this reserved matters submission in order for a public meeting to be held.
- 6.22. The consultation on amended plans, raised further objections relating to highway works, maintenance of the public open space and whether the ecology measures will be undertaken. The highway works have no bearing on the determination of this reserved matters submission. With regards to maintenance, this is to be undertaken

by a management company in perpetuity, again secured by condition on the outline planning permission – this also includes the maintenance of ecological features.

- 6.23. A question has been raised by a local resident regarding surface water and the proposed attenuation basins in the proposed POS. All the new development surface water would drain to the proposed attenuation basins which have been sized accordingly. Notably, an additional 40% volume has been allowed for within the attenuation basins to account for climate change, in line with national standards and guidance. The water that enters the local watercourse would mimic the current greenfield runoff rate and, in most cases, provide a reduction in runoff which will ultimately reduce any existing flooding issues. This strategy has been agreed with and approved by the Environment Agency and the Lead Local Flood Authority through the planning conditions attached to the previous outline planning permission.
- 6.24. The resident also raised issues regarding colonisation of the basins by geese. It is the applicant's intention to maintain a watching brief on any 'geese situation' arising in future. The attenuation basin planting regime of wet grassland and marginal 'plug planting' has been proposed in liaison with my ecology and arboriculture officers in order to support a diverse range of habitats alongside the basins' functional role of surface water attenuation. The amount of water typically envisaged within these basins is not of a level that would normally present as a 'pond'. Typically, there will be a relatively shallow amount of standing water in selective areas within the basins; the level of which would rise during heavy rainfall / storm events before controlled discharge to reach normal, lower levels in a matter of hours.
- 6.25. With regards to the issue of meadow cuts, I can confirm that the applicant proposes a combination of new wildflower meadow and amenity grassland alongside the existing, retained grassland throughout the central area of public open space. For example, a large area of the central park around the attenuation pond to the east of the site (near to the proposed link to Hanging Lane) will be seeded as Meadow Grassland as this area forms part of the proposed eco park and is more ecologically sensitive. There would be a specific mowing regime for the meadow grassland (likely only 2 cuts per year); as will be identified in the Maintenance Plan to be prepared by the Management Company who will be appointed by the applicant to look after the POS throughout the site. The more central area of the public open space corridor will incorporate more amenity grassland as this is likely to be more heavily used by members of the public, whereas to the south of the site it is possible and desirable (due to the amount of retained trees and vegetation and the ecological sensitivities) to retain more of the existing grassland and not provide amenity grassland. The management of all the central area of public open space will be outlined in a Maintenance/Management Plan secured by condition on the previous outline planning permission.

7. Conclusion

- 7.1. I consider the proposed reserved matters submission for the development of the central area of public open space to be acceptable in terms of appearance, layout, scale and landscaping and in general accordance with the outline planning permission approved Development Framework Plan. The proposed open space and play areas would not have an adverse impact on adjacent residential amenity. The proposed development would provide a significant area of publicly accessible open space where currently sits a closed non-accessible golf course. As such, I therefore consider the proposal would constitute sustainable development and I recommend that reserved matters approval is granted.

8. Recommendation

8.1. That the reserved matters submission be approved.

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the implementation of the submitted mitigation/enhancement plan |
| 3 | Arboricultural Method Statement and Tree Protection Plan - Implementation |
| 4 | Kissing Gates shall be of metal construction |
| 5 | Requires the submission of means of enclosure and security measures for play area details |
-

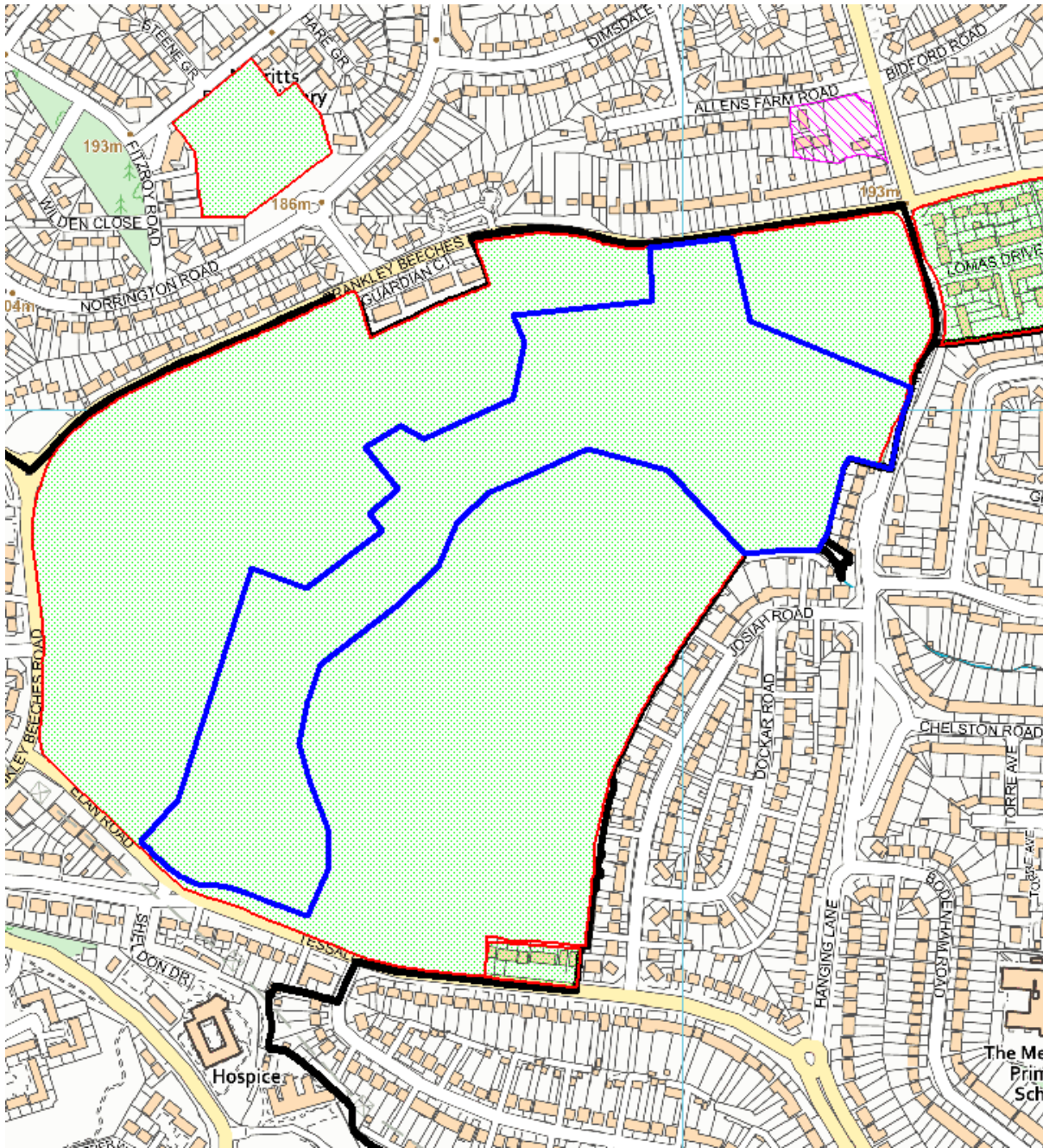
Case Officer: Pam Brennan

Photo(s)



Aerial View of North Worcestershire Golf Course

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

24 June 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Determine	9	2020/08081/PA 136-138 Kingsbury Road Erdington Birmingham B24 8QU Change of use from two residential dwelling houses to 8 no. self-contained flats (Use class C3), creation of 9 no. car parking spaces and landscaping

Committee Date:	24/06/2021	Application Number:	2020/08081/PA
Accepted:	26/10/2020	Application Type:	Full Planning
Target Date:	30/04/2021		
Ward:	Gravelly Hill		

136-138 Kingsbury Road, Erdington, Birmingham, B24 8QU

Change of use from two residential dwelling houses to 8 no. self-contained flats (Use class C3), creation of 9 no. car parking spaces and landscaping

Recommendation
Determine

1. **Report Back**

1.1. Members will recall that this application was presented to Committee on 29th April 2021. The decision was deferred by members, minded to refuse on the following grounds:

- The proposal fails to comply with Policy TP35 of the Birmingham Development Plan (2017) and would result in the loss of family homes.

1.2. As outlined in the original report (paragraph 7.3 below), Policy TP35 seeks to prevent the loss of housing which is in good condition or could be restored to good condition at a reasonable cost and states that such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use. Officers consider that the evidence submitted by the applicant, which is discussed below, is of a type and robustness which adequately demonstrates that there is very little demand for this type of large semi-detached property within this specific part of Birmingham and that there is a demand for self-contained flats within this part of the City. Further, at present there is not up to date evidence available relating to this specific part of the City, which contradicts the evidence provided by the applicant.

1.3. In addition to the evidence discussed in the original report, the applicant confirmed that the properties have been vacant since August 2020 and that the previous tenants vacated due to the cost of the Council tax demanded by such large buildings and the cost of upkeep. As outlined in the comments received in relation to the application, it is considered that the properties and associated outdoor spaces are in need of a significant upgrade. Officers consider that as evidenced by the information submitted by the applicant, there is a lack of demand for this type of large semi-detached property, it is considered likely that without the properties being occupied their unkempt states will remain. Alternatively Officers consider that the provision of self-contained flats and associated landscaping, which is deemed viable due to the demand for self-contained flats within this part of the City, is likely to result in a much needed improvement to the overall appearance of the two properties and the external spaces associated with them. This, it is considered, would represent a vibrant addition to the local area and have an overall positive visual impact on the locale.

- 1.4. As a result of the above, Officers recommend that there are no reasons for refusal relating to Policy TP35 of the Birmingham Development Plan, which could be successfully defended on appeal. It is considered that any refusal of this application underpinned by Policy TP35 may lead to an award of costs against the Council.
- 1.5. Should members be minded to approve the application, subject to conditions outlined below, it is suggested that an informative be added to the decision, requiring the applicant to enter into a S278 Agreement to secure off-site highway works to deter parking on nearby footways.

Original Report

2. Proposal

- 2.1. The application seeks planning permission for change of use from two residential dwelling houses to 8no. self-contained flats (Use Class C3), creation of 9no. car parking spaces and landscaping at no.136-138 Kingsbury Road.
- 2.2. The existing properties would not provide HMO accommodation, but would be retained and refurbished to provide 8no. self-contained flats. Only minor alterations are proposed to the rear of the properties with no extensions proposed. The proposed 8no. self-contained flats would be spread across three floors. The ground floor is proposed to comprise of flat numbers 1, 2, 3 and 4, the first floor is proposed to comprise flat numbers 5 and 6, and the second floor is proposed to comprise flat numbers 7 and 8. These flats would vary in size with flat numbers 2, 7 and 8 proposed to be one bedroom flats suitable for one person (1b1p), flat numbers 1, 3 and 4 proposed to be one bedroom flats suitable for two people (1b2p), and flat numbers 5 and 6 proposed to be two bedroom flats suitable for three people (2b3p).
- 2.3. The proposed 9no. car parking spaces would comprise 6 no. parking spaces located to the front of the property parallel to the site's boundary with no. 120 Kingsbury Road and 3no. parking spaces located to the rear of the property off Wood End Lane.
- 2.4. An external amenity area with a total area of approximately 238 square metres is proposed to the rear. A covered and secure bicycle shelter is proposed to be located within this communal area adjoining the site's northern (rear) boundary. In addition, a bin store is proposed to adjoin part of the rear elevation of flat 2 accessed from the proposed rear car parking area.
- 2.5. Not including the aforementioned communal amenity area, several landscaped areas are proposed to be located along the application site's western and eastern boundaries, fronting Kingsbury Road and Wood End Lane.



EXISTING FRONT ELEVATION 1:200



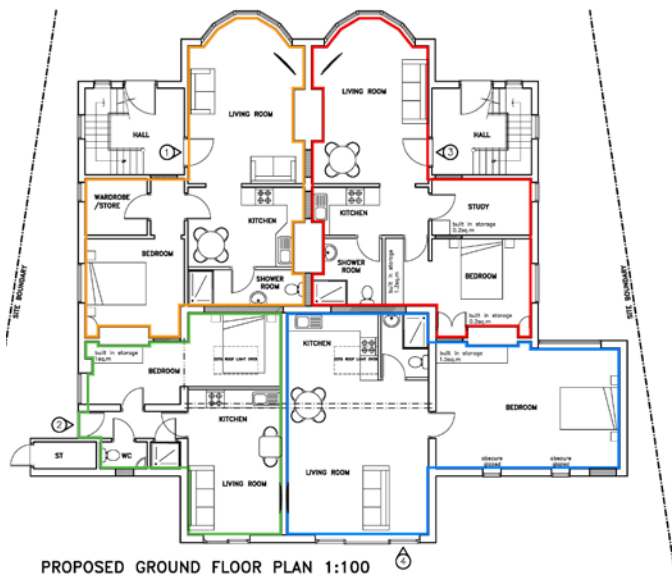
EXISTING REAR ELEVATION 1:200



PROPOSED FRONT ELEVATION 1:200



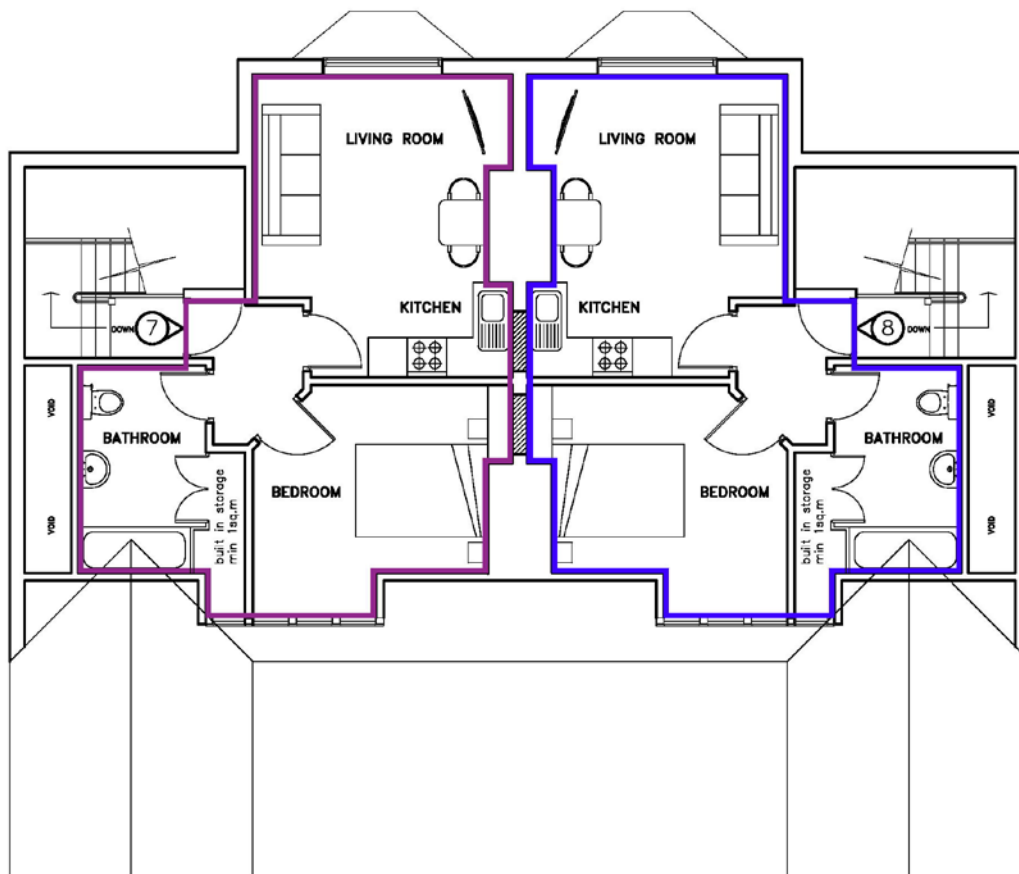
PROPOSED REAR ELEVATION 1:200



PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED FIRST FLOOR PLAN 1:100



PROPOSED SECOND FLOOR PLAN 1:100

2.6. [Link to Documents](#)

3. [Site & Surroundings](#)

3.1. The application site, which is situated within Tree Preservation Order (TPO) 865, comprises 2no. three storey, five bedroom, semi-detached residential dwellings, which benefit from gardens to the front and rear. The site, which is located at the junction between Kingsbury Road and Wood End Lane, is situated within a predominantly residential area, with residential dwellings being located to the north, south, east and west of the site. In addition, there are two blocks of residential flats located approximately 50m to the south-west of the application site on the opposite side of Kingsbury Road.

3.2. [Site Location](#)

4. [Planning History](#)

- 4.1. 12.09.1985. 67209000- Change of use of dwelling houses to rest home for elderly persons and construction of a car park. Approved subject to Conditions.
- 4.2. 22.03.1990. 67209001- Erection of ground floor extensions to existing rest home to provide new dining room and laundry; internal alterations. Approved subject to Conditions.

- 4.3. 05.10.2000. 1999/03914/PA- Erection of single-storey rear extension, external alterations and amendments to parking. Approved subject to Conditions.
- 4.4. 09.11.2004. 2003/05620/PA- Change of use from elderly persons care home to hostel for 13 residents. Refused.
- 4.5. 16.06.2005. 2005/01615/PA- Change of use from Class C2 care home to two Class C3 semi-detached dwelling houses. Approved subject to Conditions.
- 4.6. 05.09.2006. 2006/03562/PA- Erection of 5-bedroom detached house with off street parking. Refused.
- 4.7. 11.05.2007. 2007/01608/PA- Erection of a four-bedroom detached house with off-street parking. Approved subject to Conditions.

5. Consultation/PP Responses

5.1. Local Ward Councillors, the Local Member of Parliament and adjoining neighbours consulted, and a Site Notice displayed. A letter of objection was received from Councillor Mick Brown who also requested to speak at planning committee, and seven other letters of objection were received from surrounding residents. Councillor Mick Brown's response outlined that he wishes to record some of the concerns which have been expressed to him by local residents and also included a copy of an email sent to him from a local resident. The Councillor's response raises the following points:

- My concerns regarding this development are the outcome of a number of conversations with local residents. The residents do not object to the properties being developed, in fact they would argue that they have not been properly maintained for a number of years and do need a significant upgrade. However, they feel that a proposed development of this size and scale on a junction of two busy roads is likely to exacerbate the risk of road traffic accidents.
- It is likely that residents will require more than the allocated 9 parking spaces, certainly when visitors are taken into account, which is likely to result in parking on the road which will further exacerbate the road safety issues.
- Concern was also expressed that since this is a road used by many pedestrians people parking half on the pavement will result in significant risk to pedestrians using the footpath by the properties to access the school and nursery which are within 200 yards of the properties.
- An additional concern was that the height and size of the development was likely to result in nearby properties being overlooked which residents believe will have a negative impact on their privacy and that the number of flats is again likely to result in an increased level of noise pollution across both the day and night.
- Residents are concerned that since this is a predominantly residential area with limited amenities that a development of this size will put an unsustainable level of pressure on them, and finally since the owner has not maintained the properties as they currently are over a number of years that he may equally neglect any potential new development.

5.2. The seven letters of objection received from surrounding residents raised the following issues:

- The proposals by reasons of its size, depth, width, height and massing would have an unacceptable adverse impact on the amenities of the properties immediately adjacent and opposite the site, and in the surrounding area, by reason of overlooking, loss of privacy and a visually overbearing impact.
- The proposal could lead to vehicles overhanging on corners of Kingsbury Road and Wood End Lane to the detriment of other road users such as pedestrians and bicycle users.
- The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with this development. The use of this property as flats is likely to result in noise and odour disturbance, loss of privacy and overlooking.
- My house and my neighbour's would have the main traffic impact of more residents for this supported housing scheme with cars coming in and out all day and night due to more people which would need care. This would result in more noise disruption from the proposed car park as well as from road parking.
- The noise from additional 9 car parking spaces would seriously affect the wellbeing of occupants in the household and would cause disruption.
- This would lower the value of my property as would have less privacy and a build-up of cars. House buyers looking to purchase properties would and could be put off if directly facing them is what is being proposed.
- We have yet to be advised of the nature of tenants that would occupy the 8 flats. As myself and other residents currently living on this road are unaware of the potential new tenants, this could also be a broad spectrum and involve possible recovering or current drug and alcohol addicts or people on probation. This could and will increase the crime rate within the area/road and therefore put myself and my family's health and safety at risk.
- We have no confidence in the planning applications being fulfilled as the property/landscaping has not been looked after in its current state, which leads me to believe that it still won't if the application is granted.
- There is already a supported housing property on Kingsbury Road facing the property in question and these tenants have already caused disruption. There are also supported houses on Cecil Road.
- There are many HMO properties that only care about the revenue that they get and not the tenants. They don't mind ruining an area if they get an income.
- The people living there have been parking on the private road and on the grass which makes it difficult to get out of the private road to the main road.
- The number of parking spaces is not enough for the amount of flats applied for.

- It will cause environmental issues through the cutting down of the trees.
- It will cause issues for cyclists as there is a path right outside the property.
- There are flats opposite and we are having issues of people dumping rubbish, more pests and more visitors which restricts our ability to access and exit our property.
- It will restrict private road access to our home.
- It will increase the amount of traffic.
- It will have a negative impact on highway safety due to the property's location on the corner of a busy cross road junction
- The flats will cause more noise and disturbance
- It will result in the private road outside our house being used more which will cause more wear and tear. We already have pot holes which haven't been repaired in many years.
- The users of the flats will end up parking on our private pathway and causing an obstruction for use and other users.
- There will be an odour issue due to an increase in the dumping of rubbish
- It will be very dangerous as there is a school and a nursery in the area.
- I feel me and my children will be at risk
- Many accidents have already happened on the Wood End Lane and Kingsbury Road junction
- These buildings have not been family homes since they were purchased by the present owner and they have been occupied as bed sits.
- The buildings are in poor condition, the front gardens are used as a makeshift car park and the maintenance of the hedges has not been done.
- There have been several issues with past applications from this owner, mainly that he never fulfils the application content and ignores the planning application terms
- I hope any planning approval will be followed to the letter of the council and the owner makes good his proposed application
- The owner also owns the plot next to the proposed three parking spots on Wood End Lane and the fencing is a complete eyesore. I would request that he replaces this fencing as part of the application and also ensures there is adequate safe viewing for the cars parked in the 3 proposed car parking spaces so that they can safely pull out on to Wood End Lane.

5.3. Transportation Development – No objections subject to conditions relating to the modification of existing vehicular accesses, proposed levels (and associated surface water drainage), boundary treatment details (Wood End Lane frontage), electric vehicle charging points, cycle storage details and pedestrian visibility splays.

- 5.4. Regulatory Services – No objections subject to conditions relating to two noise insulation schemes and a charging point for electric vehicles.
- 5.5. West Midlands Police – No objections.
- 5.6. Severn Trent – No objections subject to a condition which requires drainage plans for the disposal of foul and surface water flows to be submitted.

6. Policy Context

- 6.1. Birmingham Development Plan (BDP) (2017), Saved Policies of the Unitary Development Plan (UDP) (2005), Places for Living (2001), Technical Housing Standards – Nationally Described Space Standard (2015); Specific Needs Residential Uses SPG (1992), National Planning Policy Framework (2019).

7. Planning Considerations

- 7.1. The main issues in the determination of the proposal are as follows:
- 7.2. **Principle of development** - Whilst there are two blocks of residential flats located approximately 50m to the south-west of the application site, considering their locations on the opposite side of Kingsbury Road and their relative modest sizes, it is determined that the proposed change of use is unlikely to have a detrimental cumulative impact upon the residential character of the area.
- 7.3. Policy TP35 seeks to prevent the loss of housing which is in good condition or could be restored to good condition at a reasonable cost and states that such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use. In response the applicant provided evidence, which included a statement from the applicant and advice from three local well known estate agents, demonstrating that there is very little demand for this type of large semi-detached property within this specific part of Birmingham. This evidence also outlined that there is a demand for self-contained flats within this part of the City. In addition, in support of the application the applicant outlined that the most recent tenants at the site vacated due to the cost of maintaining the property and that between August 2020 and January 2021, when the property was listed on a national property website, only 21 searches which included the property were made, and just two enquiries were received. The first enquirer requested to rent a single room and the second did not attend the arranged viewing. It is considered that this evidence is more up to date and place specific than the information contained within the Strategic Housing Market Assessment (updated in 2013) and is sufficiently precise and unambiguous to demonstrate that there is little demand for large semi-detached properties in this area and that the loss of two family dwellinghouses is acceptable in this instance.
- 7.4. In light of the above, it is considered that the proposed change of use is acceptable in principle.
- 7.5. **Impact on Residential amenity** – Each of the 8no. proposed self-contained flats would exceed the minimum internal space standards for the respective flat types, as set out in the Technical Housing Standards – Nationally Described Space Standard (2015). Whilst the double bedroom of flat number 1 would fall approximately 1.2m short of the minimum space standards for a bedroom of this type (11.5 square metres) it is considered that such a shortfall would not be so severe that this flat

would provide future occupiers with an unacceptable internal living environment, in this instance.

- 7.6. In light of the above and considering the fact that all habitable rooms are likely to receive adequate levels of natural light and that future occupiers would be provided with an outdoor amenity space with an area of approximately 238 square metres, which would equate to approximately 30 square metres per unit and therefore be in accordance with the guidance set out in Places for Living (2001), it is considered that the proposal would provide future occupiers with an acceptable internal and external living environment. The application is therefore considered to be acceptable with regards to the residential amenity of potential future occupiers.
- 7.7. Regarding the residential amenity of surrounding occupiers, paragraph 8.27 of the Saved Policies of the Unitary Development Plan (UDP) (2005) outlines that proposals for the conversion of dwellings into self-contained flats should not have an unduly adverse effect on the residential amenities of adjoining occupiers. As the application proposes the conversion of two adjoining semi-detached properties into self-contained flats, it is considered that the application properties effectively represent a single detached unit. In light of this and the fact that the application site occupies a corner plot location which is not located in the heart of a residential street, it is considered that the proposed change of use is unlikely to have a detrimental impact on the residential amenity of future occupiers, by way of excess noise and disturbance, and therefore complies with Policy PG3 of the BDP (2017) and paragraph 8.27 of the saved policies of the UDP (2005).
- 7.8. Whilst it is noted that objections received state that the addition of 9no. car parking spaces will result in increased noise disturbance, it is considered that the provision of 9no. parking spaces is unlikely to result in increased noise disturbance from vehicles, given that at present the two semi-detached properties possess five bedrooms each and so a similar number of parked vehicles would be a possibility if the residential dwellings were to remain in their current use.
- 7.9. Regulatory Services raised no objections subject to conditions which require noise insulation and no fewer than one electric vehicle charging point to be provided. I concur with this view and these conditions have been attached.
- 7.10. **Impact on Highway and Pedestrian Safety** – Transportation Development raised no objections subject to conditions. However, Transportation requested that the proposed 3no. parking spaces to the rear of the properties were relocated and sited further into the application site so that pedestrian visibility splays could be achieved. In addition, it was advised that the cycle parking facility was relocated closer to the application properties.
- 7.11. In response, the applicant submitted an amended site plan which illustrates that the proposed 3no. parking spaces would be set further within the site, and that the proposed cycle storage facility would be situated within the rear amenity space. I consider that in light of the provision of 9no. car parking spaces and the application site's sustainable location near to two bus stops, the proposal is unlikely to have a detrimental impact on highway and pedestrian safety or the free flow of the surrounding highways, over and above the existing situation, and is therefore considered to be acceptable in this regard. The recommended conditions have been attached accordingly.
- 7.12. The concerns raised by surrounding residents in relation to the issues of parking, road safety and pedestrian and cycle safety have been noted. However, it is considered that in light of the above and due to the fact that the proposed vehicle accesses on Wood End Lane would be situated approximately 21m and 43m from

the junction with Kingsbury Road and that vehicles can already access the area to the front of the property due to the presence of an existing dropped kerb, the proposal is unlikely to negatively impact the safety of other vehicle users, pedestrians or cyclists over and above the existing situation.

7.13. **Design and Visual Amenity** – No extensions are proposed. The only change to the external appearance of the application properties is the proposed removal of a small door and window attached to no. 136 Kingsbury Road, with a single large window which would serve the bedroom of flat number 4. Due to the minor nature of this external change, it is considered that it is unlikely to have a detrimental impact on the design of the property or the visual amenity of the street scene and surrounding area, over and above the existing situation.

7.14. The Council's City Design Team raised no objections, subject to conditions. In addition, the Council's Landscape Officer raised no objections subject to landscape conditions. I concur; however conditions relating to sample materials and architectural details are not required as only minor external alterations are proposed. The remaining conditions have been attached accordingly.

7.15. **Other** – As noted above, the application site is located within Tree Preservation Order (TPO) 865. The Council's Trees Officer has no objections to the proposal subject to two conditions relating to the implementation of tree protection and tree pruning protection in relation to any trees proposed to be retained. I concur with this view and the two conditions have been attached accordingly.

7.16. Severn Trent raised no objection to the proposal, subject to a condition which requires drainage plans for the disposal of foul and surface water flows to be submitted. The condition has been attached accordingly.

7.17. The concerns expressed by residents relating to the increase in crime as a result of the proposal, coupled with concerns over the nature of future occupiers and the impact this could have on surrounding educational facilities are noted. However, there has been no evidence provided to demonstrate that the proposal would increase the crime rate in the neighbourhood or that future occupiers would pose a risk to those attending surrounding educational facilities. West Midlands Police were consulted and raised no objections.

7.18. Finally, comments relating to the existing run down nature of the application site, the likelihood of the applicant improving the site as part of the application, the negative impact it will have on local property prices, and increased rubbish and the presence of pests are not deemed to be planning related matters.

8. Conclusion

8.1. The proposed change of use is considered to be acceptable in principle. In addition, it is considered that the proposal is unlikely to have a detrimental impact on residential amenity, highway and pedestrian safety, and design and visual amenity. It is therefore recommended that the application is approved, subject to conditions.

9. Recommendation

9.1. Approved, subject to conditions.

1 Implement within 3 years (Full)

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

-
- 3 Requires the submission of a Noise Insulation Scheme to establish residential acoustic protection- Kingsbury Road elevation
 - 4 Requires the submission of a Noise Insulation Scheme to establish residential acoustic protection- Wood End Lane elevation
 - 5 Requires the submission of cycle storage details
 - 6 Requires pedestrian visibility splays to be provided
 - 7 Requires the provision of a vehicle charging point
 - 8 Requires the submission of hard and/or soft landscape details
 - 9 Requires the submission of boundary treatment details
 - 10 Requires the submission of hard surfacing materials
 - 11 Requires the implementation of tree protection
 - 12 Requires tree pruning protection
 - 13 Requires the prior submission of a drainage scheme
 - 14 Requires the submission of details of refuse storage
-

Case Officer: Jack Hanly

Photo(s)



The view of the front elevation of no.136-138 Kingsbury Road from Kingsbury Road



The view of the side elevation of no.136-138 Kingsbury Road from Wood End Lane

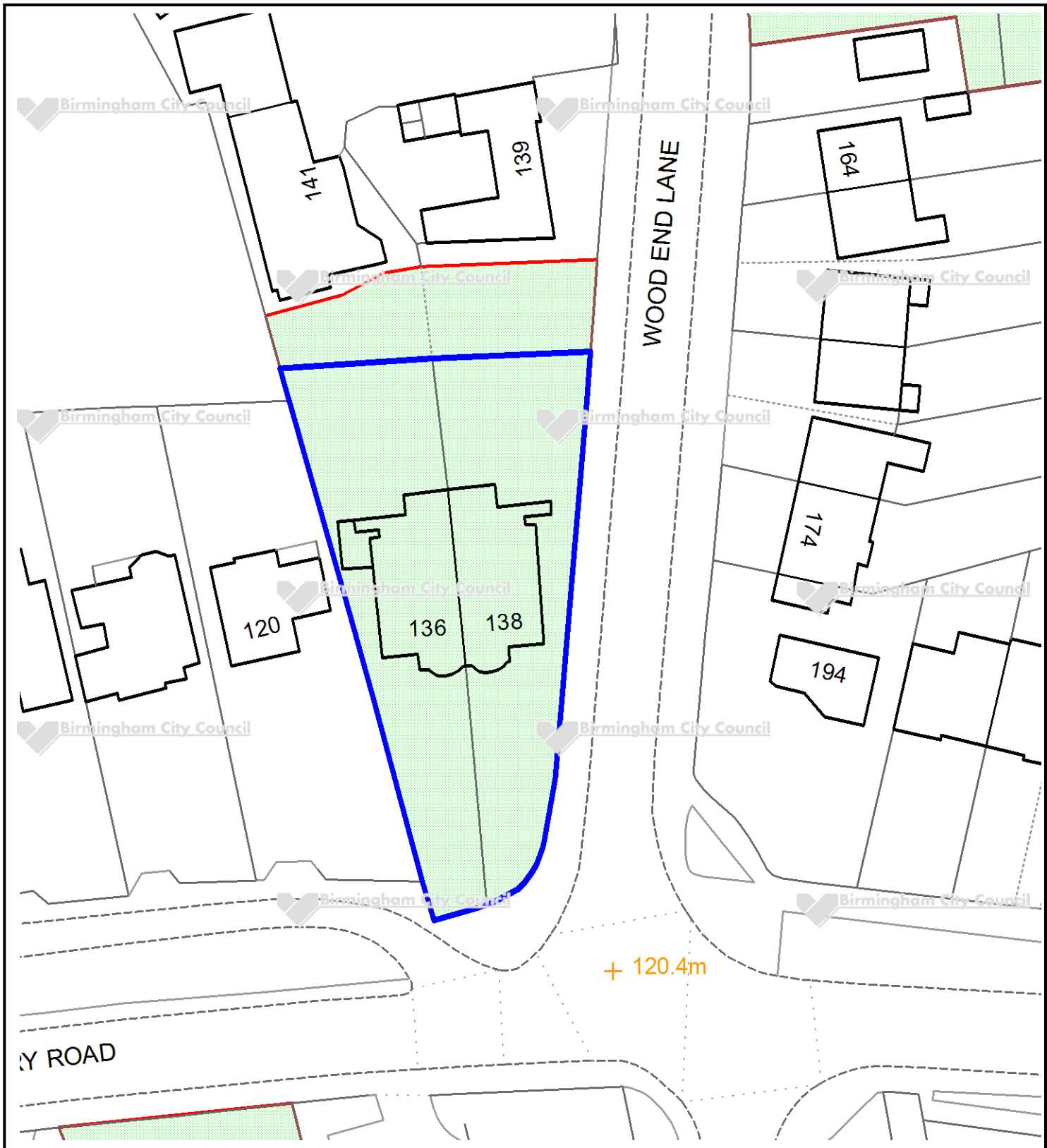


The view of the side and rear elevation of no.136-138 Kingsbury Road from Wood End Lane



The view of the side and rear elevation of no.136-138 Kingsbury Road from Wood End Lane

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Birmingham City Council

Planning Committee

24 June 2021

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	10	2020/09624/PA Land bounded by Sherlock Street, Bishop Street and Hurst Street City Centre Birmingham B5 Demolition of all existing buildings and erection of a residential-led mixed-use development comprising part 30, part 13, part 12, part 10, part 9 and part 5 storey blocks providing 551 residential apartments (Use Class C3), ancillary internal residential amenity space, flexible ground floor space to be used as commercial, business and service uses (Use Class E), drinking establishments, and/or hot food take-away (Sui Generis), access, car and cycle parking, landscaping, public realm and all other associated works
Approve – Subject to 106 Legal Agreement	11	2020/07383/PA Cornwall House 31 and 33 Lionel Street Jewellery Quarter Birmingham B3 1AP Demolition of existing buildings and redevelopment of site with a part 12 storey and part 6 storey building and further building of 3 storey's to provide 101 apartments (Use Class C3) and ground floor commercial floorspace (for flexible Class E uses or as a drinking establishment - Sui Generis) with associated parking and landscaping.
Approve – Subject to 106 Legal Agreement	12	2021/00410/PA 116 Bradford Street Birmingham B12 Demolition of existing buildings and construction of 6 storey building comprising 38 apartments and one commercial unit (Use Class E)

Approve - Conditions

13

2021/03357/PA

Rag Markets
Upper Dean Street
Birmingham
B5 4SG

Installation of 2 no. new goods lifts for market
traders use

Committee Date:	24/06/2021	Application Number:	2020/09624/PA
Accepted:	03/12/2020	Application Type:	Full Planning
Target Date:	04/06/2021		
Ward:	Bordesley & Highgate		

Land bounded by Sherlock Street, Bishop Street and Hurst Street, Southside, Birmingham, B5

Demolition of all existing buildings and erection of a residential-led mixed-use development comprising part 30, part 13, part 12, part 10, part 9 and part 5 storey blocks providing 551 residential apartments (Use Class C3), ancillary internal residential amenity space, flexible ground floor space to be used as commercial, business and service uses (Use Class E), drinking establishments, and/or hot food take-away (Sui Generis), access, car and cycle parking, landscaping, public realm and all other associated works

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. The proposed development comprises 551 Build to Rent (“BtR”) apartments across a number of buildings, with private internal and external residential amenity space, including a concierge, ‘wellbeing hub,’ private residents’ lounges and workspaces, a landscaped courtyard and roof garden. A new publicly accessible courtyard is also proposed at the ground floor level providing a new public space which will create a direct pedestrian route from Sherlock Street through to Bishop Street. At ground floor level fronting on to the streets surrounding the development, a series of flexible commercial units are proposed, with permission sought for a variety of potential future occupiers under ‘Class E’ of the 2020 Use Class Order.
- 1.2. The proposed development includes six buildings, split into a series of ‘sub-blocks’ of varying heights (A, B, B1, C, C1, D, E and F – see Figure1). The buildings are arranged around two central courtyard areas: the ‘lower’ northern courtyard, hereafter referred to as ‘Sherlock Yard’, and the ‘upper’ southern courtyard, hereafter referred to as ‘Hurst Gardens’.



Figure 1 – Site layout

- 1.3. Each development block is typically laid out to include publicly accessible and flexible commercial units (Use Class E/Sui Generis) on the exterior ground floor level, facing on to the surrounding streets. Private residential amenity spaces, including concierge, resident's lounges and workspaces are also located at the ground floor level facing on to the inner courtyards. The residential apartments are located on the upper levels of the development. The main pedestrian access into the site is located at the corner of Sherlock Street opposite Pershore Street and leads directly into the newly proposed public courtyard. From this courtyard, residents can then access the private amenity areas and resident's facilities. Member of the public would be able to utilise this space or continue through the square directly onto Bishop Street.
- 1.4. The site is generally level at 105m AOD. The majority of proposed buildings are mid-rise at G+8 storeys (135m AOD), with taller buildings of G+11 (145m AOD) and G+12 (147m AOD) storeys proposed at primary corners. On the northwest corner of the Site, a G+29 (202m AOD) storey tower is proposed. Figure 2 below gives a breakdown of the development's massing.

Block	Height (storeys)	Maximum Height (AOD)
A	G+29	+202.48
B	G+10	+144.28
B1	G+8	+137.60
C	G+8	+135.13
C1	G+4	+124.78
D	G+8	+135.13
E	G+12	+147.28
F	G+8	+135.13

Figure 2 – Development Massing

- 1.5. The proposed development is residential-led and accommodates a variety of Build to Rent apartments in various sizes. 551 BtR units are proposed and include a mix of 1, 2 and 3 bedroom apartments, as set out below. All units are compliant with the Nationally Described Space Standards (NDSS) and 28 (5%) are proposed as accessible units.

Unit Type	Number	Percentage	Combined Percentage
1-bed 1-person	2	0.4%	41%
1-bed 2-person	226	41%	
2-bed 3-person	32	5.8%	53%
2-bed 4-person	258	46.8%	
3-bed 4-person	1	0.2%	6%
3-bed 5-person	26	4.7%	
3-bed 6-person	6	1.1%	
Total	551	100%	100%

Figure 3- Unit Mix

- 1.6. In terms of appearance the proposed scheme will comprise predominantly masonry materials with added metal work detailing. The proposed elevational treatment is divided into three high level typologies, for which three different façade approaches and material palettes have been developed, as follows: 'Warehouse' (Blocks C, D and F); 'Marker' (Blocks B, B1 and E); and 'Tower' (Block A). The material palette across the scheme is red brick with subtle tonal differences including a variety of different brick types and tones. The 'warehouse' blocks consist of different shades of red, where the 'marker' buildings constitute a darker brown colour.

- 1.7. Metal detailing is proposed at the base of the Tower and the Marker buildings, with the Warehouse buildings having a metal top. Metal detailing is also incorporated within the windows, with dark bronze metal used on the Warehouse buildings and light bronze on the Marker buildings.
- 1.8. The tower (Block A), which would be seen in longer distance views, is proposed to be finished in green glazed terracotta.
- 1.9. A range of ground floor ancillary commercial uses are proposed, totalling 1,541 sq. m. The proposed ground floor units are intended to be flexible, and seek consent for 'Use Class E' which allows for the following types of occupiers, retail; financial and professional services; cafes and restaurants; indoor sport, recreation or fitness; clinics, health centres, crèches, day nurseries or day centres; offices; research and development of products or processes; or any additional industrial processes, which are able to be carried out in a residential area, without causing detriment to its amenity. The proposal also seeks consent for bars, drinking establishments or hot food takeaways (Sui Generis).
- 1.10. A total of 1,021 sq. m of internal residential amenity space is proposed including the potential for a concierge, resident's lounges and workspace, a well-being 'hub', and a sky lounge. Two private external amenity spaces are also proposed for residents. A landscaped courtyard is proposed above the podium, and a roof garden is proposed on top of the well-being 'hub' in the centre of the scheme.
- 1.11. The proposed development includes two private external spaces, one new public square, and additional improvements to the public realm around the site. 'Sherlock Yard' is a publicly accessible courtyard proposed at the existing ground level. 'Hurst Gardens' is located at the podium level and is a private green space for residents. The landscaping proposed within this courtyard is softer, with a variety of materials, planting and seating. This space also incorporates a 'games' area, as an additional facility for residents.
- 1.12. In addition to the two main courtyards, a roof garden is proposed on Block C1 (referred to as 'Bishops Terrace'). This is intended as a 'well-being' space with a mixture of planting, benches and recliners proposed, as well as a communal deck which can be 'reserved' for group activities.
- 1.13. Around the site edge, the surrounding pavements will be upgraded. Street trees are also proposed around the main entrance space and on surrounding streets.
- 1.14. The primary access point into the residential space would be via the main entrance on Sherlock Street. Here a concierge space is proposed, providing access to the majority of residential amenity spaces and apartments. Other apartment blocks are accessed from within the courtyard or through other access doors around the site.
- 1.15. There is one vehicular access point proposed from Bishop Street into the undercroft car park. The car parking area is largely hidden from view and will also accommodate space for the storage of waste, plant and other 'back of house' needs. 36 car parking spaces (including 8 accessible spaces), 10 motorcycle spaces, and 610 cycle spaces are proposed as part of the development.
- 1.16. To serve the development, a servicing layby is proposed on Sherlock Street north, and a loading bay is proposed on Hurst Street in place of existing car parking spaces.
- 1.17. The application submission is accompanied by a number of supporting documents:

- Planning Statement (including Affordable Housing Statement, Draft Heads of Terms and Tall Building Assessment)
- Design and Access Statement
- Economic Benefits Statement
- Financial Viability Statement
- Sequential Test
- Statement of Community Engagement
- Communications
- Air Quality and Odour Assessment
- Archaeological Desk Based Assessment
- Daylight and Sunlight Report
- Demolition and Construction Management Plan
- Drainage Strategy Report
- Ecological Appraisal
- Energy Statement
- Flood Risk Assessment
- Flues and Ventilation Strategy
- Ground Investigation Report
- Heritage Statement
- Landscape Strategy (within Design and Access Statement)
- Lighting Strategy (within Design and Access Statement)
- Management Plan
- Noise Impact Assessment
- Phase 1 Preliminary Risk Assessment Report
- Site Waste Management Plan
- Sustainability Statement
- Telecommunications Impact Assessment
- TM59 Overheating Study
- Townscape and Visual Impact Assessment
- Transport Assessment
- Travel Plan Statement
- Wind Microclimate Report

1.18. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The Site is brownfield and covers an area of 1 hectare located in the Southside area of Birmingham city centre, immediately south of the former Wholesale Markets development site (known as 'Smithfield'), in a highly accessible location, a short distance from the city core.



Fig 2: Diagram indicating connectivity and potential future movement of the Rea Valley Urban Quarter

Figure 4 – Site location and context

- 2.2. The site is an island site bound by roads on all sides. To the north and west bound by Sherlock Street, to the east by Bishop Street and to the south by Hurst Street. Hurst Street to the south and Pershore Street immediately north west of the site provide direct access into the city core.
- 2.3 The site and surrounding area is now predominantly industrial/employment, with a variety of different uses and occupiers. The site acts as a key interface between the surrounding areas including the former Wholesale Markets site to the north, manufacturing and industrial uses to the east and south, and the Gay Village to the west. Each of these areas has its own distinct existing and emerging characters.
- 2.4 To the north of the Site is the former Wholesale Markets site. A 17 acre development site which was cleared following the relocation of the Wholesale Markets to a new purpose built facility in Witton in 2018. The intention is for the site to be redeveloped to create a new leisure and cultural hub with retail markets and new residential dwellings.
- 2.5 To the west of the site is Birmingham's Gay Village, with a number of eateries, bars, nightclubs and entertainment venues. Hurst Street, Kent Street and Lower Essex Street are central to the district and are where much of the activity is located. The Eden Bar which is immediately south of the Site on Hurst Street was formerly part of the Gay Village's community and entertainment offering, however it closed in October

2020 and planning consent has been granted for a change of use to Class E under reference 2020/10058/PA.

- 2.6 To the east and south of the site, the area is dominated by small scale industrial, storage, wholesale and manufacturing businesses. This part of the city is identified as an 'area of transformation' in the Birmingham Development Plan, and the recently adopted Rea Valley Urban Quarter SPD confirms the aspiration for this area to become a new sustainable residential neighbourhood.

3. Planning History

- 3.1. There is no record of any recent major development proposals within the site boundary. There have been numerous small scale planning applications within the site over recent years, primarily relating to change of use applications and minor alterations associated with the existing separate buildings. None of the applications are of relevance to this proposal.

4. Consultation/PP Responses

- 4.1. BCC Transportation – No objection, requested informative that the applicant will be required to enter into a S.278 agreement with the local highway authority.
- 4.2. BCC Ecology – No objection subject to conditions requiring a scheme for ecological enhancement, provision of bird/bat boxes, CECMP and biodiversity roofs.
- 4.3. BCC Lead Local Flood Authority – No objection subject to SuDs conditions.
- 4.4. BCC Employment Access Team - – No objection subject to a condition requiring the submission of an employment access plan.
- 4.5. BCC Regulatory Services – No objection subject to conditions requiring a noise insulation scheme, contamination remediation and validation and the provision of electric vehicle charging points.
- 4.6. BCC Leisure Services – Request public open space and children's play provision of £1,209,475 be secured via S.106.
- 4.7. West Midlands Police – Make the following recommendations; Installation of access control measures; installation of video intercom at access points; installation of CCTV scheme and submission of a lighting scheme.
- 4.8. Severn Trent Water- No objection subject to conditions requiring the submission of foul and surface water drainage plans and their implementation.
- 4.9. Historic England - Acknowledge application and confirm it falls outside of scope for statutory consultation
- 4.10. Environment Agency – No objection subject to conditions relating to FRA and possible undiscovered contamination.
- 4.11. Birmingham Civic Society – Support the application and note the area is allocated for residential use in the SPD, support a tall building in this location as it will contribute to the emerging Smithfield developments, design is positive, were unclear

on the proposed affordable housing offer and requested an appropriate noise condition to protect nearby night time uses.

- 4.12. Site and Press Notices displayed. Neighbouring occupiers, Ward Members, Southside BID, and Resident's Associations consulted with the following representations received.
- 4.13. 1 objection received from a member of the public on the basis of a negative impact upon visual amenity, inclusion of the 30 storey tower being contrary to the high places SPG, provision of 3 bed units is too small and does not comply with BDP, fails to meet the ambitions for affordable housing provision.
- 4.14. Comments received from Lendlease (Smithfield Developer)
 - Believe scheme should provide wind mitigation within its own site or on footway directly adjacent.
 - Four evergreen trees are proposed on the footway directly opposite Smithfield Site where future building thresholds are anticipated.
 - These trees may need to be removed to facilitate Smithfield development and as such are a short term fix.
 - Can the proposed trees handle the wind impacts and provide suitable mitigation.
 - Unsure of impact of trees on street scene
 - Proposed mitigation results in a prevalence of strolling conditions in winter along the footway south of Smithfield. Entrances may be proposed along this frontage and the fact trees will have already been planted may make further potentially required mitigation difficult.
 - Request that the design and layout of the proposed scheme be reconsidered so that wind mitigation by way of tree planting adjacent Smithfield site is not required.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies), Places for Living SPG, Places for All SPG, High Places SPG, Car Parking Guidelines SPD, Lighting Places SPD, Public Open Space in New Residential Development SPD (2007), Affordable Housing SPG (2001), Rea Valley Urban Quarter Masterplan SPD (2020), the emerging Development Management in Birmingham Document DPD Publication Document (2020), Draft Birmingham Design Guide SPD and the National Planning Policy Framework.

6. Planning Considerations

PRINCIPLE

Residential Use and Unit Mix

- 6.1. The application site is located within the City Centre Growth Area defined under Policy GA1.1.
- 6.2. Policy GA1.2 identifies this part of the City Centre as the Southern Gateway; an area of wider change where residential development is supported whilst Policy GA1.3 supports residential development in this location as it falls within the Southside and Highgate Quarter.

- 6.3. The Rea Valley Urban Quarter Masterplan SPD, adopted in October 2020 focusses on connectivity and producing high quality development. The application site falls at the eastern extremity of the SPD master plan area and identifies the site a suitable for redevelopment.
- 6.4. The proposed development is brownfield land and makes the most efficient use of the land available, whilst still incorporating a wide-range of amenity spaces to create a good and healthy living environment. The proposals are at an appropriate density for the city centre (circa 551 dwellings per hectare), thus above the target threshold of 100 dwellings per hectare, as set out at Policy TP30 of the BDP.
- 6.5. Based on development plan policy it is considered that the principle of proposed residential use would be acceptable at this location.
- 6.6. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. By comparison the proposed housing mix for this 551 apartment scheme is as follows: 228 (41%) 1 beds, 290 (53%) 2 beds and 37 (6%) 3 bed.
- 6.7. The housing mix is influenced by a number of factors including housing needs and demands in this part of the city and affordability. It is accepted that in the city centre a higher percentage of one and two bedroom apartments are going to be delivered. This is on the basis of development land being at a premium, and the types of households that are likely to want to reside within a city centre locale. All apartments comply with or are in excess of minimum floor areas set within the Nationally Described Space Standards.
- 6.8. The development is considered to provide a good standard of living accommodation and the proposed mix is considered acceptable.

Loss of Employment Land

- 6.9. The site is currently occupied by a mix of uses including industrial, storage and distribution and an events venue, as such Policy TP20 of the BDP is applicable. The policy seeks to ensure the protection of employment land, such land includes B2 and B8 uses and stipulates if employment land is to be lost it should be in instances where the site is considered a non-conforming use or where the site has been actively marketed, normally for a period of two years, at a competitive price.
- 6.10. The Loss of Industrial Land to Alternative Uses SPD produced in 2006 is referenced in the BDP and is therefore consistent with the more recent Policy TP20 and therefore continues to carry weight. The SPD, which defines industrial uses as those within the former B1, B2 and B8 Use Classes, states that “within the City Centre it is recognised that a more flexible approach towards change of use from industrial to residential is required to support regeneration initiatives.
- 6.11. The SPD goes on to define ‘non-conforming uses’ as generally sites less than one acre isolated from other industrial uses within predominantly residential areas. It states that non-conforming uses may be those that have a history of complaints against them due to their operation. The application site is approximately 1 hectare and located within an area that is predominantly industrial at present. However, the emerging character of the area is mixed use supported by appropriate residential redevelopment which is supported by policies PG1 and GA1.3 of the BDP, the aspirations of the Rea Valley SPD and further contributes to the city’s identified housing need.

- 6.12. The applicant has not provided evidence of active marketing of the site to support the application in this instance. However, the site falls within the Southside and Highgate area of the city centre defined by Policy GA1.3 of the BDP which states new development in this location should support the growth of the area's cultural, entertainment and residential activities and its economic role complemented by high quality public spaces and pedestrian routes.
- 6.13. Paragraph 5.6 of the Loss of Employment Land SPD confirms that proposals involving the loss of industrial land for residential development will be supported where they lie in areas which have been identified in other planning policy documents that have been approved by Birmingham City Council as having potential for alternative uses. As such, evidence of active marketing is not required in this instance.
- 6.14. As both the BDP and the Rea Valley Urban Quarter SPD identify the Site as suitable for residential development, it is considered that the loss of existing employment and industrial uses on the site is acceptable and that the proposals accord with the requirements of Policy TP20 and the associated SPD.
- 6.15. It should also be noted that 'Class E' includes provisions for former Use Classes B1(b) and B1(c), which are classed as 'employment' / 'industrial' uses, appropriate within a residential area. Opportunities for flexible alternative employment uses are therefore proposed as part of the scheme.

Use Class E and Sui Generis

- 6.16. The site is located within the City Centre as defined by the BDP, where all 'main town centre' uses are supported in principle. This includes retail, office, leisure, entertainment and residential uses. The BDP Policies Map confirms that the site is identified and allocated for 'mixed-use' development, and Policy GA1.3 states that developments in the Southside quarter should support the growth of the area's cultural, entertainment and residential activities and its economic role.
- 6.17. The proposed ancillary uses can all be classified as 'Main Town Centre Uses,' which should be focused within defined centres. The proposals are therefore not required to satisfy the sequential test for 'Town Centre Uses' as they are located within the 'City Centre' as defined by Policy TP21. The size of the proposals is also below the 2,500 sq. m trigger for a Retail Impact Assessment, and as such, no assessment is required in this instance.
- 6.18. The site is, however, situated outside of the 'City Centre Retail Core,' as defined by the Policies Map. A Sequential Test, proportionate to the site and its proposals, has, therefore, been submitted in support of this application.
- 6.19. The analysis demonstrates that by virtue of their lack of availability or suitability and size, no alternative site in the centres within the catchment area the proposal is intending to serve can accommodate the proposed development. The proposed development is location-specific and in accordance with the sequential test, as set out in the development plan and NPPF.
- 6.20. The Rea Valley Urban Quarter SPD (2020) defines the application site as being within the 'St David's Place' area which is defined as a 'vibrant mixed use neighbourhood, offering a mix of appropriate ground floor uses'. The SPD confirms that where 'other uses' are proposed, they should ideally be located alongside

existing bars and late night music venues, and along key pedestrian routes, to enhance the general mix of uses and activity in the area.

- 6.21. On the basis that the Site is allocated for mixed-use, and given the Site's location on a key pedestrian route (Hurst Street), within St David's Place, and adjacent to existing and proposed commercial / entertainment activity in Smithfield and the Gay Village, it is considered that this is an appropriate location for flexible commercial units. The units are of a proportionate scale to their location and their nature as an ancillary facility would support and serve the emerging residential community. As such their inclusion as part of the scheme is acceptable in policy terms.

Tall Building

- 6.22. The High Places SPD sets out the potential benefits of tall buildings as:
- ability to act as landmarks aiding legibility
 - clusters of tall buildings can signal the location of the centre of the city
 - a distinctively designed tall building or group of buildings can assist in giving the city a unique skyline that is easily recognisable in an international context
 - marking important facilities (e.g. civic buildings, universities, etc)
 - high quality tall buildings could help attract more international companies to the city
- 6.23. The proposed 30 storey tower falls outside of the designated location for tall buildings ('appropriate locations') set out in High Places but is on the boundary of the extended zone set out in the BCP. The SPD states that where outside of defined locations or the tower is not marking important facilities a case must be made for exceptional circumstances, considering the merits of the particular scheme against the wider policy context.



Figure 5 – Proposed tower

- 6.24. High Places sets out a series of further requirements for tall buildings to ensure that only high quality design that successfully integrates into its surroundings is supported. These include that the building:
- must be of the highest quality in form, design and materials
 - must response positively to local context
 - should contribute to legibility
 - should provide a good place to live
 - should be sustainable
 - must be lit at night by well-designed lighting
- 6.25. The site, and in particular the proposed tower, is located at a key intersection marking the transition between three distinctive parts of the city centre (existing and emerging): Smithfield, the Rea Valley Urban Quarter and the Birmingham Gay Village. These three areas converge on the corner of Sherlock Street where it meets Pershore Street, and a tall building is proposed in this location to address and highlight the meeting place for these three distinct character areas.
- 6.26. A taller building on the corner of Sherlock Street will terminate views along Pershore Street, and act as a pedestrian way finding marker to signify and draw people into the new Rea Valley residential quarter.
- 6.27. Within the emerging proposals for Smithfield there is an aspiration in the master plan for a tall (40+storey) building centrally within the scheme. The purpose of this building would be to 'mark' Smithfield, however it is located within a predominantly low rise part of the city, with few tall buildings around it. It is considered that the corner of Sherlock Street is good location for a tall building which will help to 'step up' from the 'neighbourhood' scale to the city scale. A tall (but shorter) building on the Sherlock Street Site would help 'embed' the Smithfield tower in its context, without detracting from it as a key marker.
- 6.28. It is considered that it has been demonstrated that the proposed development would deliver a high quality development that would reinforce the location of the City Centre and aid legibility marking a gateway to the Rea Valley Urban Quarter to the east and Smithfield to the north. As such the development complies with the exceptions test set out in the High Places SPG and I conclude that proposed tower, subject to suitable safeguarding conditions, is acceptable.
- 6.29. I therefore conclude that subject to safeguarding conditions ensuring that the quality articulated in the supporting statements is carried through to construction, including the use of high quality materials, the design of the proposal is satisfactory.

Loss of Employment Land

DESIGN

General

- 6.30. The site layout responds to a number of issues; creating a landmark development at the confluence between three currently discrete districts of the city centre; the proposed tram route; links through to Rea Valley Urban Quarter, and; generating a destination at the end of the gay village.

- 6.31. The Townscape and Visual Impact Assessment (TVIA) strongly illustrates how this site sits at the confluence between the Smithfield area for redevelopment (which will function as an area of new market, living, retail, leisure and generous new public realm) and the Rea Valley Urban Quarter which will allow for a new mix of uses in a comprehensively redeveloped area at much greater density, and finally the Southside district that encompasses the vibrant gay and Chinese communities.
- 6.32. The layout of the site is orientated towards Sherlock Street as its principal frontage as this not only addressed the city core, but also acknowledges the future growing significance of the Pershore Road and Sherlock Street corridor. It is proposed that this route will extend through Smithfield to Digbeth High Street and will carry the tram extension from the new Curzon Street HS2 Station south to Edgbaston.



Figure 6 – View from Bishop Street

- 6.33. The lining of this route with buildings of merit that mark important way-finders along its length is important. This site as such will be a marker forming part of a strong active frontage in response to the future elevated status of this corridor.
- 6.34. The Rea Valley Urban Quarter SPD sets out new routes and open spaces that are important in order to ensure the area secures the right mix of uses and vitality it needs to sustain it. An area of open space (a square) is proposed behind this site on Bishop Street on the alignment of Hurst Street and therefore this development will overlook, animate and enclose this new public park.
- 6.35. The development has responded by relocating the parking entrance to the rear so as to strengthen the Hurst Street frontage and ensure the first vital stretch of street is as vibrant and active as it can be, to afford a link into the Quarter that is befitting to this gateway location.

- 6.36. A route through the development has been negotiated which runs from the location of the tower on the northern corner so that footfall heading south down Pershore Street can access the development and continue through it, using its commercial spaces, and exit towards the new square to the rear. This internal route is welcomed and forms a positive part of the scheme.



Figure 7 – Sherlock Yard

- 6.37. The proposed ground floor uses offers a variety of commercial spaces as well as active spaces in connection with the residential accommodation above. Currently there is little draw to the lower end of Hurts Street and the far southern end of the Gay Village. Affording more activity as a destination will contribute to the regeneration of this community and proposes transformational change that will enhance the economic prosperity of the Quarter.

Scale, height and massing

- 6.38. Comprising of six blocks, two (A and B) linked and grounded to the north of the central route, and a further four (C, D, E and F) surrounding an elevated podium to the south of that route.



Fig 31: Aerial sketch of proposed massing

Figure 8 – Scale and Mass

- 6.39. The Rea Valley Urban Quarter set building heights for these block at between six and ten storeys, but does not suggest a 'tall building' as defined in Birmingham as a building of more than 15-storeys. Three of the blocks (C, D and F) accord with the SPD whilst that on the western corner (E) (at the end of Hurst Street) is 13-storeys, that on the eastern corner (B) (towards Smithfield) is 12-storey block. On the northern corner (A) (at the gateway into Smithfield and at the close of the Pershore Street and Sherlock Street vistas) is at 30-storey tower. Due to these strategic locations, associations with forthcoming development/regeneration and the justification provided within the Design and Access statement and TVIA, it is concluded that this additional height can be supported.
- 6.40. The additional scale on the western corner at the end of Hurst helps way find through to the Rea Valley Area and similarly that counter block on the opposite eastern corner scales up into the destination that will be Smithfield. The tower marks the confluence of these three areas and announces the gateway into Smithfield and the close of Pershore Street. Whilst not within the tall building zone of the city, this justification is sound and allows for full support of this proposed height.

Architecture and materiality

- 6.41. The tower (Block A) is itself the exception and the 'special' architectural element of the proposal, bespoke in design, form, materiality and purpose. The tower chiefly has two components, a base and a body with an integrated top. The base comprises a giant order glazed colonnade of large steel 'I' columns and beams bolted together. The proposed finish is of very high quality and will be secured through planning condition and a section 106 legal agreement.



Figure 9 – View from Sherlock Sreet

- 6.42. The use of terracotta to the upper floors, in a simple plane of fluted tiles, is however deeply rooted in Birmingham's history of architecture as the Britain's 19th Century 'terracottaopolis'. It's use of a deep green glazed faience finish will moreover add both identity to this site by creating a tower unmistakable from any other in the city, as well as delivering a quality product outstanding in this future prominent location.
- 6.43. The top of the tower simply unites the top two floors into single vertical slots in the terracotta cladding to create a termination to the building which is simple and robustly in line with the wider form without creating unnecessary complication.
- 6.44. The 'Marker' type Blocks (B and E) comprise the taller corner blocks on the east and west corners of the site. They employ the same expressed giant order system of steel 'I' columns and beams, housing a commercial ground floor and residential first floor. This base carries further 10-floors in a grid of single windows (two to a ground floor bay) in duplex floors, with a primary brick recess, followed by a window reveal.

The tight vertical arrangement of the building responds to the towers aesthetics, but clearly as a secondary component of the sites hierarchy of blocks.

- 6.45. The final 'Warehouse' blocks (C, D and F) reference directly the early to mid-20th century commercial and industrial workspaces typical across this part of Birmingham. As such, the typology of buildings such as the Jubilee works (on the opposite side of Sherlock Street) is emulated. The horizontal arrangement of these blocks is emphasised through single horizontal window opening across each bay. The base is simpler and the brickwork connects through to the ground floor anchoring the building more conventionally.
- 6.46. Symmetry and order is carefully considered and where windows openings need to be split in a bay, this is organised into alternative bays which responds to a similar organisation in the top two floors where metal cladding is used and modelled into set backs on alternative bays.
- 6.47. It should be noted that a simplified version of this architecture is delivered using a white brick for the internal courtyard limb to Block C, between the central route and elevated podium amenity space.
- 6.48. The proposed scheme represents high design quality and as such accords with Policy PG3 of the BDP and paragraph 127 of the NPPF.

AMENITY

Wind & Microclimate

- 6.49. A wind and micro climate assessment informed by CFD (Computational Fluid Dynamics) modelling and wind tunnel testing has been conducted to support the planning application. The initial assessment was based upon mitigation in the form of a canopy around first floor level of the tower elevations facing Sherlock Street, the proposed buildings themselves and with the introduction of trees on the footway.
- 6.50. The assessment found that the mitigation measures did result in an improvement in microclimate conditions with conditions suitable for sitting and standing in the courtyards and amenity roof space during good conditions, and suitable for walking and strolling in poorer conditions. However, in the worst conditions there were 6 points identified by the study that were deemed to exceed the safety criteria. In summer conditions 4 of these locations still exceeded the safety criteria. The locations in question are on Sherlock Street around the base of the proposed tower and on the opposite side of Sherlock Street directly fronting the Smithfield site.
- 6.51. As such, further mitigation has been proposed by way of addition tree planting on the opposite side of Sherlock Street. Further wind tunnel testing was then carried out which concluded that the further mitigation would result in all safety criteria being met in all conditions. The testing has been conducted based upon the 'Pinus sylvestris' tree species, which would be planted at a height of 5m with a girth of 20-25cm. Preliminary ground investigation searches have been conducted and reveal that the area in question is capable of supporting the trees and avoid disruption to below ground utilities. No objection has been raised by the highway officer or the tree officer in relation to the proposed mitigation planting.
- 6.52. The species of tree and their size are considered acceptable in the context of the street scene, but their provision and specific detail will be secured by planning condition. In addition, the planning condition will make provision to allow for

temporary mitigation to be implemented should the trees need to be removed and then replaced in order to facilitate development on the adjacent Smithfield site.

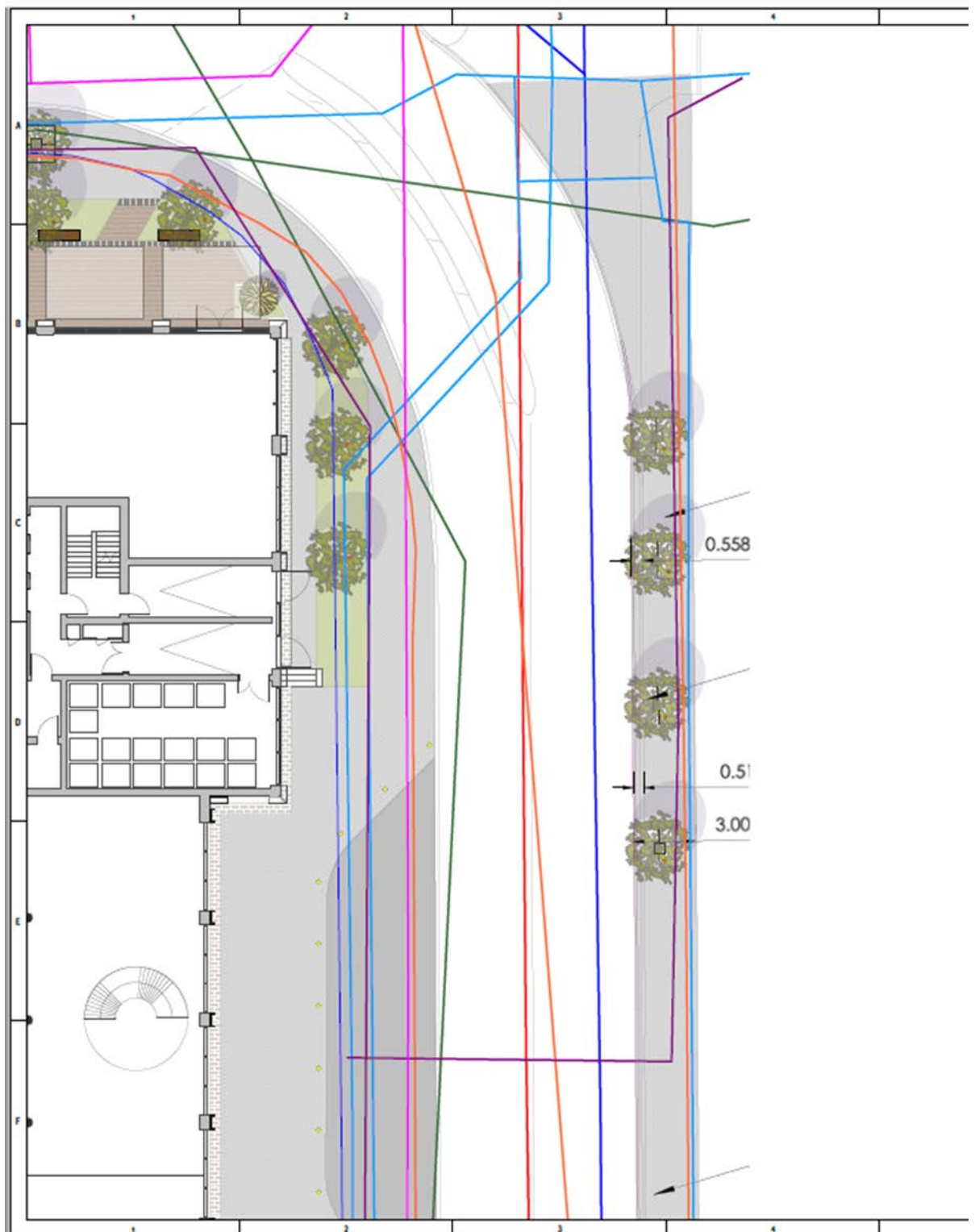


Figure 10 – Wind mitigation tree planting

- 6.53. As mentioned earlier in this report, Lendlease (Smithfield developer) raised a number of points in relation to the proposal, and specifically to the proposed wind mitigation measures.
- 6.54. Whilst to concerns of the developer are recognised, it is considered that they have been appropriately addressed through this application and by the proposed conditions. Wind mitigation measures including a canopy around the tower and tree planting around the base of the tower are proposed. The tree planting proposed across the street adjacent to the Smithfield development is also required as part of this mitigation and would be secured via a 'Grampian' style condition. These types of condition are commonly used and require works to be conducted outside of an application site in order for the development to be implemented.
- 6.55. Future building thresholds within the Smithfield development may be anticipated in the vicinity of the proposed trees but no application is before the council currently and no formal pre-application discussions have begun. As such, the application before Members today must be judged upon its own merits. Notwithstanding, a construction management plan condition is proposed that would require the applicant to liaise with Lendlease to ensure both developments can be facilitated. The proposed wind mitigation conditions would also allow for the provision of temporary wind mitigation to be implemented if the permanent mitigation needs to be removed to facilitate adjacent development. Once conducted, the temporary mitigation measures would be replaced by permanent mitigation.
- 6.56. The revised wind mitigation strategy submitted in support of the application specifies the species type and size of tree proposed and confirms that they are suitable for mitigation purposes in this instance. The impact of the trees upon the street scene is considered to be acceptable and finer details can be controlled through conditions. The planting of trees along streets is widely considered to be positive in terms of visual impact.
- 6.57. Strolling conditions brought about by the proposed mitigation on the footway south of Smithfield are an acceptable condition in this location, in the current urban environment and potentially in the future. Further assessment would need to be conducted to support future proposals based upon their specifics and appropriate further mitigation measures would need to be implemented if required. The potential future developments are as yet unknown, and as such it would not be appropriate to place restrictions upon the development before Members today on that basis. This application must be judged on its own merits and in the context of the current urban environment and surroundings. The onus will be upon future developments to satisfy material planning considerations which may arise at that time.

Daylight/Sunlight

- 6.58. A daylight and sunlight assessment has been undertaken in support of the application which assessed the sunlight levels experienced within the amenity courtyards/spaces and light levels within the residential units.
- 6.59. The study found that the building amenity garden roof space on Block C1 would exceed the BRE guidelines for sun-on-ground. The internal courtyards at ground level, however, are less likely to achieve the minimum criteria set out by the BRE guidance due to the layout of the buildings within the development. As part of the landscape design, the northern internal courtyard (Sherlock Yard) is intended as a largely transient space, used for access into the scheme and as a pedestrian through route, limiting the opportunity to spend meaningful amounts of time. This

area only achieves 22% of sun. Given the intended nature of the space this is considered acceptable in the wider context of the scheme. It would also offer an area of welcome shade in hotter conditions.

- 6.60. The southern internal courtyard (Hurst Gardens) is designed to be enjoyed and will be suitably planted to consider the more shaded aspects of the area, which achieves a level of 46%. In addition, a third amenity space has been created on the roof of Block C, which is located in the centre of the development and achieves 82% which exceeds the BRE guidance. The combined overall two-hour-sun-on-ground analysis will reach 40%, which is considered reasonable given the design concept of the scheme as a whole and makes best use of sunlight reaching the communal amenity areas.
- 6.61. Of the rooms assessed within the Sherlock Street development itself, over 87% of rooms will meet and exceed the BRE criteria for ADF (average daylight factor) and 80% for NSL (No Sky Line -a measure of the distribution of diffuse daylight within a room). Of the 1438 rooms assessed only 173 rooms will fall short for both ADF and NSL, which equates to 11.86% of the whole development. With an overall average of ADF is 3.12% and for NSL 85.38%, the development will achieve good levels of daylight to the majority of the habitable rooms. Where possible LKD's (Living, kitchen, dinners) have been given priority for a more favourable location in relation to daylight and is served by multiple windows.
- 6.62. Considering all rooms with windows within 90 degrees due-south 84.70% will meet and exceed the BRE criteria for Sunlight. Of the 327 rooms assessed only 50 will see transgressions, 6 of which are only minor (less than 10% of the target). This would mean 87.76% of the development will meet and exceed the BRE guidance or only incur a minor transgression.
- 6.63. Given the vast majority of units meet the BRE standards for daylight and sunlight, the city centre context of the development site, the city's housing need, the requirements of paragraph 123 of the NPPF and Policy TP30 requiring housing to be provided at appropriate densities, on balance, the scheme is considered acceptable overall.

Residential Amenity

- 6.64. The proposed development has been designed to ensure sufficient separation distances between the proposed building blocks, to ensure visual privacy and limit 'overlooking' within the scheme. There are currently no other residential properties surrounding the Site which the proposed development will impact on.
- 6.65. Apartments have been designed to achieve a positive aspect, with bedrooms and living spaces all having windows which either overlook the courtyards within the scheme, or face 'outwards' over the surrounding city.
- 6.66. The development will form part of the wider regeneration of the area and, in due course, the surrounding city blocks will be taller and will include residential units. However, this will be part of an urban and dense neighbourhood where some level of overlooking is to be expected. It is considered that visual amenity within the scheme will be improved once the wider regeneration of the surrounding area has taken place.

- 6.67. Private residential amenity space is provided in the form of Bishop Gardens and Hurst Gardens, with access to Sherlock Yard also available. The level of amenity spaces provided is considered acceptable in the context of the scheme as whole.



Figure 11 – Hurst Gardens

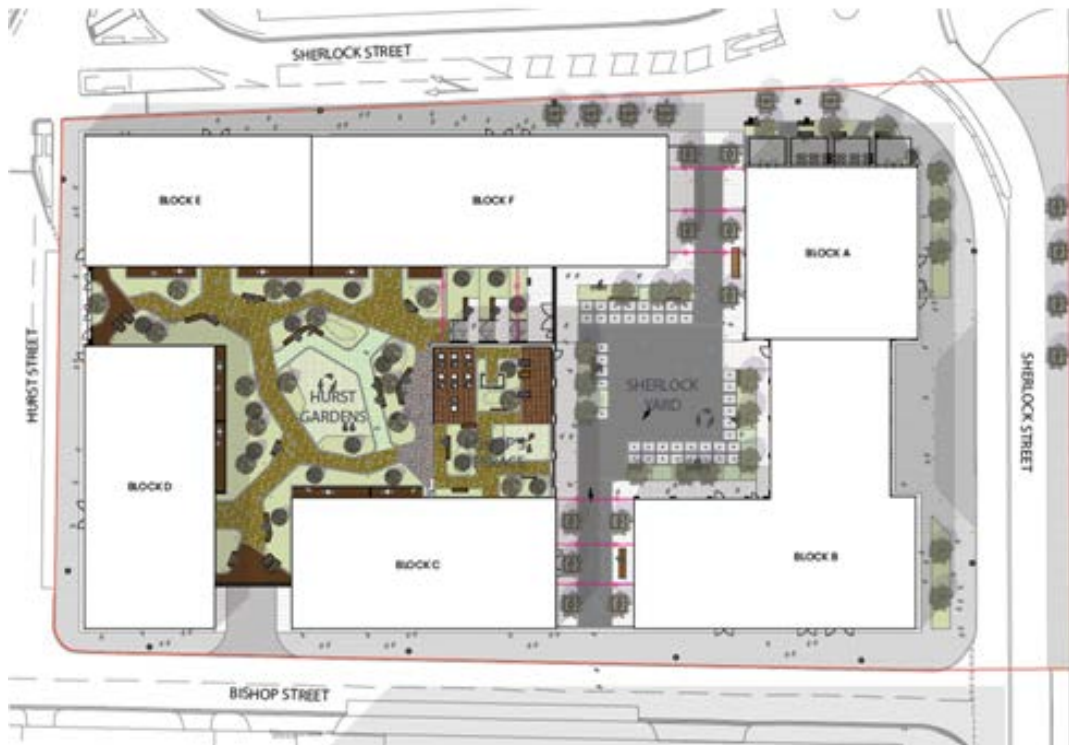


Figure 12 – Amenity space

Noise

- 6.68. A Noise Impact Assessment has been undertaken and highlights that there are a number of potential existing noise sources within the vicinity of the site, including the Eden Bar nightclub to the south, and industrial uses to the east.
- 6.69. The noise survey confirms that the noise climate around the site is dominated by road traffic on the surrounding roads and distant traffic. No significant noise egress was audible from Friary Metals, an industrial property to the east. Some occasional loading and unloading of HGV's on Bishop Street was observed with food goods being loaded into warehouses both on the development site itself and to a warehouse opposite the development site on Bishop Street. However, noise from the deliveries was not a dominant source.
- 6.70. At the time of the survey, the Eden Bar nightclub was not operating 'normally' or at full capacity due to COVID19 restrictions. The noise assessment has therefore used 'worst case' assumptions derived from other schemes to determine the likely level of noise associated with the nightclub use on this site, notwithstanding that it has now closed.
- 6.71. Were the nightclub operating normally, the Noise Impact Assessment highlights that some facades of the proposed development would potentially be adversely affected and that noise break-in could occur. In order to mitigate noise break in from the Eden Bar, closed windows will be required on these facades. An overheating assessment of these facades has been undertaken, and mechanical ventilation is proposed to ensure overheating does not occur as a consequence of closed windows. Notwithstanding, all windows are capable of being openable, giving residents choice, particularly as surrounding uses may change.

- 6.72. As mentioned above, the Eden Bar closed in October 2020 and has recently been granted planning consent for change of use to Class E under ref: 2020/10058/PA. However, given that the building could still lawfully be used as a nightclub should the recent consent not be implemented, the Noise Impact Assessment has considered it and has suggested mitigation measures which would be appropriate in a scenario whereby the nightclub reopens. However, if the change of use is implemented and the Eden Bar does not reopen, the mitigation measures set out above would not be necessary.
- 6.73. Regulatory services have raised no objection to the application on this basis and have recommended a condition that will ensure appropriate mitigation is provided regardless of the external environment surrounding the site. As such, it is considered that suitable internal noise levels can be achieved within the development and the requirements of BDP Policy TP37, emerging policies DM2 and DM10, and paragraphs 170, 180 and 182 of the NPPF have been satisfied.

SUSTAINABILITY

Ecology

- 6.74. An ecological appraisal was undertaken to support the application and it identified that the site offered some level of bat roosting potential as well as bird nesting habitat. While not specifically identified on site, Black Redstart is recorded in the vicinity so there is potential to encourage them through the biodiversity enhancements offered by this scheme and secured by condition.
- 6.75. A bat activity survey was undertaken during optimal survey period and no emergence was recorded. However, it is possible that bats could take up residence at any point subsequently so a repeat check will be needed prior to any demolition. This will be required by condition.
- 6.76. A condition for a Construction Ecological Mitigation Plan is also recommended in order to set out the sensitive species, areas of potential harm and the mitigation methods necessary to avoid harm.
- 6.77. As suitable roosting and nesting features will be lost due to demolition of existing buildings, a scheme for their replacement will be required and secured via condition. A condition to ensure the provision of green/brown roofs is also recommended.

Flood Risk

- 6.78. A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. The FRA confirms that the Site is located within Flood Zone 2 and therefore has a 'medium probability' of fluvial flooding with between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%) in any year. The Environment Agency modelled flood outline further confirms that the site will only be inundated with floodwater during the 1 in 1000 year event. However, it is worth to note that this will only occur on parts of the site, specifically along the edge of Bishop Street and in the south western corner.
- 6.79. The site is allocated and identified for mixed-use and residential development within the BDP and Rea Valley SPD. Paragraph 162 of the NPPF states that where sites have been allocated in the development plan for a particular use, and the sequential test has already been considered in its allocation, applicant's need not apply the

sequential test. In addition, the 'exception test' need not be applied in Flood Zone 2 for 'more vulnerable' uses.

- 6.80. Notwithstanding whether the sequential and exception tests need be applied, it should be noted that the residential dwellings which are deemed a 'more vulnerable' use, are located on upper floors, and therefore are not at risk of flooding. On the ground floor, 'less vulnerable' uses are proposed. In addition safe access and egress routes and emergency access can be maintained for vehicles or by foot.
- 6.81. The surface water drainage proposals have been designed for a 1 in 100 year (plus 40% climate change) storm event. The SuDs scheme includes a blue roof system within the podium, with below ground cellular attenuation of 410m³. The outfall discharge rate will be limited to the greenfield run off rate of 3.8 l/s via a Hydrobrake.
- 6.82. The LLFA and the EA have raised no objection subject to conditions requiring the implementation of a SuDs scheme and its maintenance and the provision of surface and foul water drainage plans. On the basis of the above, and the content of the FRA and Drainage Strategy, it is considered that the proposed development accords with policies TP2, TP3, TP6, TP27 and TP28 of the BDP, and in accordance with the NPPF.

Sustainable Construction/Energy Efficiency

- 6.83. Policy TP3 sets out a number of ways in which development should be designed and constructed. A sustainability statement has been submitted in support of the application and has met all the criteria required.
- 6.84. Policy TP3 also requires non-residential buildings in excess of a total floor area of 1,000m² to aim for BREEAM standard excellent. This proposal therefore triggers this requirement as the development includes the creation of 1541sqm of non-residential floorspace. A BREEAM preassessment has been submitted, concluding that the development is capable of meeting BREEAM standard very good. However, in line with the guidance note, technical justification for this has also been included in the BREEAM preassessment and is acceptable. A condition requiring the submission of a final BREEAM certificate is proposed to ensure the required standard is met.
- 6.85. Policy TP4 requires all new development to incorporate the provision of low and zero carbon forms of energy generation or connect into a network where it exists, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable. An energy statement has been submitted in support of the application which explains that the potential for district heating has been explored but not deemed suitable. Air Source Heat Pumps are proposed as the main Low/Zero Carbon technology, which along with the other energy reduction measures will result in a co2 reduction of 19.8%, thus meeting the requirements of local guidance. Photo Voltaic panels are also proposed as indicated on the roof plans and are an appropriate second technology. The on site LZC energy generation measures are a positive aspect of the scheme and accord with the relevant policy criteria.

Transportation

- 6.86. A Transport Assessment, prepared by Mode, has been submitted in support of the application. This confirms that the Site has excellent existing and emerging access to sustainable modes of transport within close proximity, including pedestrian, cycle,

rail, bus and metro infrastructure. The Site is within the City Centre and within close proximity of the city core, meaning it is well located to provide access to services and employment opportunities for prospective residents. The proposed development itself also includes a variety of amenities, facilities and services for residents, minimising the requirement for residents to travel by car.

- 6.87. The scheme proposes 36 car parking spaces, of which 8 are accessible spaces, 10 motorcycle spaces and 610 cycle parking spaces. 80% passive provision and 20% active for electric vehicles is also proposed. The proposed level of parking meets the existing parking standards and the emerging Parking Standards SPD which aim for car free development within the city centres but allows for up to 10% parking provision comparable to the number of units provided. Conditions are recommended to ensure parking and cycle parking provision is laid out prior to occupation of the development, and no objection has been received from the Highways Officer.
- 6.88. As such the proposals are considered to be in accordance with Policies TP27, TP28, TP38, TP39, TP40, TP43 and TP44 of the BDP, and under the provisions of the NPPF represent sustainable development and should be acceptable in highway terms.

PLANNING OBLIGATIONS

- 6.89. This application is supported by a Financial Viability Statement that has been the subject of independent assessment, and the conclusions reached reference the likely residential values that could be achieved in this part of the City Centre. Policy TP31: Affordable Housing requires housing developments of 15 dwellings or more to provide 35% of dwellings as Affordable Housing unless it can be demonstrated that it would not be viable.
- 6.90. The report concludes that the scheme is able to sustain the provision of 47 (8.5%) units for affordable private rent to be let at 80% of Market Rent in perpetuity. This is in addition to the £30,000 S106 contribution and the public realm enhancement proposed as part of the scheme which equates to circa 2.5% on-site affordable housing provision. The total contribution is therefore the equivalent of approximately 11%. The City's independent assessor believes that this is the most that can be sustained by the development without impacting on viability and deliverability.
- 6.91. The proposed design and material to be used in construction of the scheme, in particular the green terracotta cladding proposed to finish the tower comes at a cost premium. This cost has had an impact upon the affordable housing offer the scheme can sustain. As such it is proposed to place a clause within the S106 agreement that ensures the quality of the materials used in construction is to the satisfaction of the LPA, providing additional assurance, above what could be obtained by planning condition.
- 6.92. The Leisure Services department have requested a total contribution of £1,209,475 towards public open space. Given the conclusion of the independent viability appraisal it is clear that the full contribution cannot be met, although a considerable portion will be provided on site in the form of 'Sherlock Yard'.
- 6.93. Having regard to the above, I am satisfied that the proposed on site provision of 47.No apartments (8.5%) for low cost market rent comprising 23.No one bedroom, 2 person apartments and 24.No two bedroom, four person apartments, to be let at a 20% discount on market value in perpetuity, in addition to the public realms works estimated at a cost of £626,690 and the £30,000 contribution towards further public

realm works in the local community, is the most that can be sustained by the development without impacting on viability and deliverability.

7. Conclusion

- 7.1. The proposed development is of high design quality, contributes to the City's identified housing need, provides a publicly accessible pedestrian route and a range of ancillary uses that would support the emerging residential community in the Rea Valley Urban Quarter and will provide 47 affordable housing units on site. There have been no objections from any statutory consultees and only one objection from a member of the public. The scheme is in accordance with the relevant local and national planning policies and for these reasons, is recommended for approval subject to conditions and a section 106 legal agreement.

8. Recommendation

- 8.1. APPROVE application number 2020/07829/PA subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- I) 8.5% AH at 80% of market rent. This equates to 47 units of which 23 units are 1b-2p and 24 units are 2b-4p. Block / units to be agreed post-Committee via S106 as necessary.
 - II) The principle of control on quality/specification of elevation materials via covenant within the S106, with the detail to be determined post-Planning Committee.
 - III) Public realm enhancements to create new public square, upgraded perimeter and additional tree planting, which equates to a 'payment in kind' monetary equivalent of circa 2.5% AH.
 - IV) Contribution of £30,000 to be spent locally on public realm and/or associated works possibly including public art to benefit of community (details of what this will actually be spent on to be agreed with BCC)
 - V) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the value subject to a maximum of £10,000.

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 24th July 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; an onsite affordable housing contribution; design/material quality; creation of and contribution towards public realm, the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan 2005 (saved policies) and Policy TP31 and paragraph 10.3 of the Birmingham Development Plan

- 8.3. That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by the 24th July 2021 favourable consideration is given to this application, subject to the conditions listed below.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Implement within 3 years (Full)
 - 3 Requires the submission of a contaminated land verification report
 - 4 Requires the prior submission of a contamination remediation scheme
 - 5 Requires the submission of unexpected contamination details if found
 - 6 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 7 Requires the prior submission of a construction ecological mitigation plan
 - 8 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 9 Requires the prior submission of details of bird/bat boxes
 - 10 Requires pre-demolitions checks for bats/birds.
 - 11 Requires the submission of hard and/or soft landscape details
 - 12 Requires the submission of hard surfacing materials
 - 13 Requires the submission of boundary treatment details
 - 14 Requires the submission of a landscape management plan
 - 15 Requires the submission of details of green/brown roofs
 - 16 Requires the prior submission of a construction method statement/management plan
 - 17 Requires the submission of sample materials
 - 18 Requires the prior submission of level details
 - 19 Requires the scheme to be in accordance design and access statement
 - 20 Requires the submission of a CCTV scheme
 - 21 Requires the submission of architectural details
 - 22 Requires the parking area to be laid out prior to use
-

-
- 23 Requires the provision of cycle parking prior to occupation
 - 24 Requires the provision of a vehicle charging point
 - 25 Requires development to be carried out in accordance with Flood Risk Assessment
 - 26 Requires submission of drainage plans for foul and surface water
 - 27 Development to be carried out in accordance with approval bay detail.
 - 28 Requires the prior submission of a construction employment plan.
 - 29 Requires submission of final BREEAM certificate.
 - 30 Requires submission of a scheme for wind mitigation measures
 - 31 Requires submission of construction management statement
 - 32 Requires the prior submission of a sustainable drainage scheme
 - 33 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 34 Development to be carried out in accordance with submitted Flood Risk Assessment
 - 35 Require contamination remediation strategy if previously unidentified contamination is discovered.
 - 36 Removes PD rights for telecom equipment
 - 37 Requires the submission of a CCTV scheme
 - 38 Requires submission of scheme for low and zero carbon energy generation.
-

Case Officer: Tom Evans

Photo(s)



Figure 13 – Corner of Sherlock Street and Hurst Street



Figure 14 – Corner of Sherlock Street North

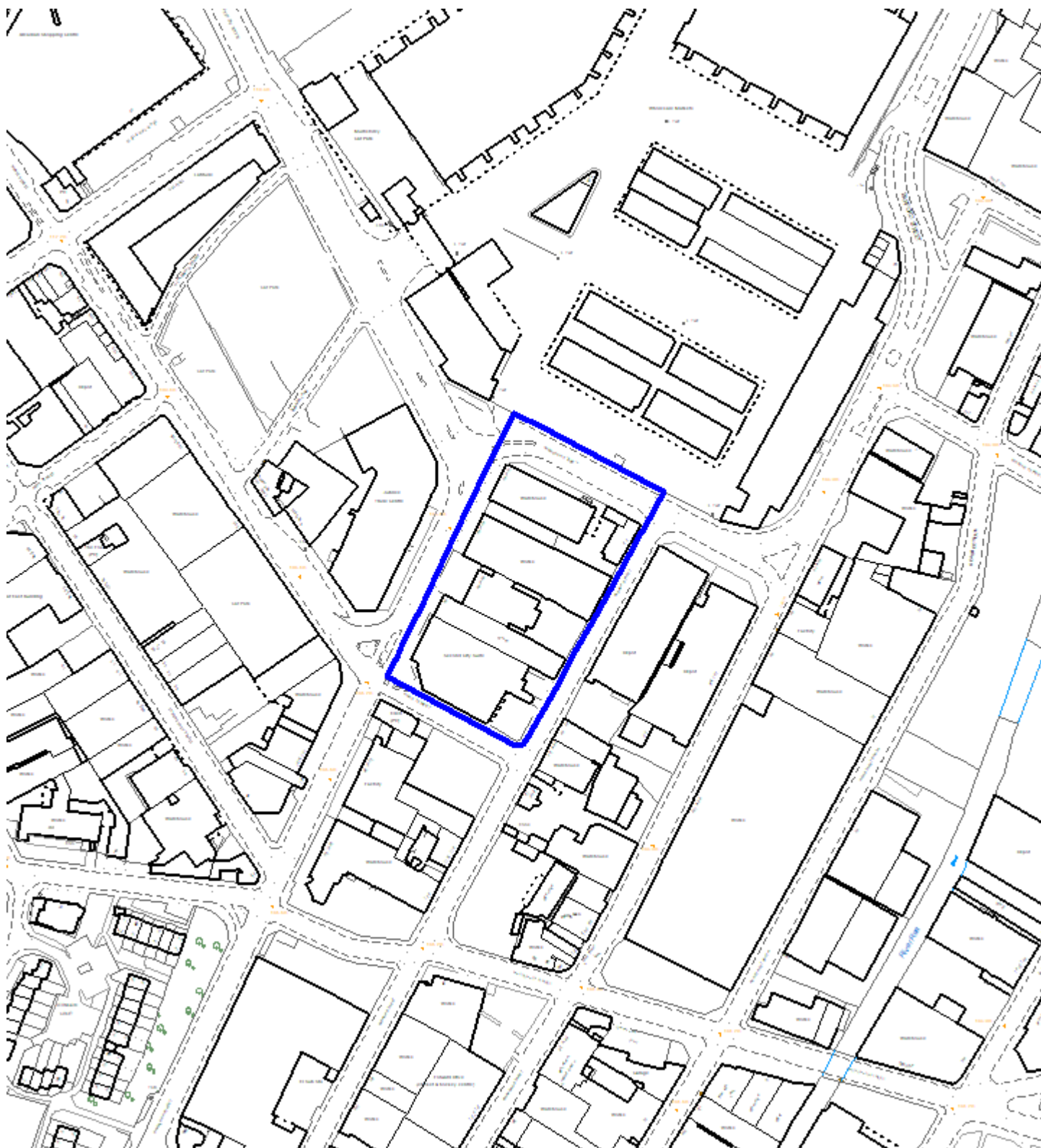


Figure 15 – Corner of Sherlock Street and Bishop Street



Figure 16 – Corner of Hurst Street and Bishop Street

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	24/06/2021	Application Number:	2020/07383/PA
Accepted:	15/03/2021	Application Type:	Full Planning
Target Date:	14/06/2021		
Ward:	Soho & Jewellery Quarter		

Cornwall House, 31 and 33 Lionel Street, Jewellery Quarter, Birmingham, B3 1AP

Demolition of existing buildings and redevelopment of site with a part 12 storey and part 6 storey building and further building of 3 storey's to provide 101 apartments (Use Class C3) and ground floor commercial floorspace (for flexible Class E uses or as a drinking establishment - Sui Generis) with associated parking and landscaping.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1 The application relates to a site of 0.18ha, which lies within the Jewellery Quarter Conservation Area at the junction of Ludgate Hill and Lionel Street. Its other boundaries adjoin the BT Tower and the Birmingham and Fazeley Canal. The site is occupied by two vacant former office buildings, a large lean-to shed, and a forecourt area used for parking. The application proposes the redevelopment of the site to provide 101 apartments and two ground floor commercial units of 218 sq.m. These are amended proposals from those originally submitted which were for 95 apartments, larger commercial units and 14 parking spaces.

1.2 The existing buildings and structures would be demolished to allow the sites redevelopment with an L shaped block of 6 and 12 storeys on the street frontages with and a separate 3 storey block fronting the canal. The main L shaped block has been designed to have the appearance of two linked buildings of 6 and 12 storeys. The lower 6 storey section would be located to the back of the footway fronting Ludgate Hill and extend about halfway along the frontage onto Lionel Street and the higher 12 storey section would front the remainder of Lionel Street frontage. To the rear of this building a landscaped courtyard is proposed extending to the canal frontage within which a small 3 storey apartment building is proposed on the canal side boundary.



Figure 1: CGI showing birds eye view of proposals

- 1.3 The development would provide 101 apartments for market sale comprising 50 x 1 bed (49.5%) and 51 x 2 bed (50.5%). The apartments would range in size from 46 – 59 sq.m for the 1 bed and 68 – 81 sq.m for the 2 bed units and would provide a mix of 1, 2 and 4-person accommodation. 11 (10.8%) of the dwellings are being offered as affordable market sale properties at a 22.5% discount of market value in perpetuity and would comprise a split of 6 x 1 bed apartments and 5x 2 bed apartments.
- 1.4 The scheme would also provide two ground floor commercial units for Class E uses and/or as a drinking establishment. These would face both streets and comprise one unit of 173 sq.m and one of 45 sq.m. Several shared communal spaces are also proposed for residents in the form of a lounge/work area at ground floor level and a roof top garden on part of the flat roof of the 6-storey section of the main building.



Figure 2: Proposed Ground Floor Layout

- 1.5 The proposed design of the main block would comprise of a brickwork frame arranged to form vertical piers. A dark red brick is proposed at ground floor and first floor level with full height glazing at ground floor level, for the entrances to the commercial units and main apartment entrance. Above the window openings it is proposed that the brickwork be laid in a 'dogtooth' arrangement with a glazed terracotta sill band extending across the elevation. At second floor level and above, a lighter red brick would be used, and the window heads formed of fluted terracotta which would also form the window mullions and sill band every two storeys.



Figure 3: CGI's of the 6 storey and 12 storey block and proposed materials

- 1.6 In order to give the appearance of separate buildings a vertical section of glazing to separate the blocks is proposed and the distinction between the two would also be articulated by a 'stepped' use of the terracotta sill banding and a variation in the colour of the mortar. The lower 6 storey part of the building would be finished with a parapet of terracotta and the 12-storey section would have an open brick frame above the flat roof created by extending the brick piers above the roofline.
- 1.7 The proposed smaller 3 storey canal side block would have a more traditional appearance and incorporates a pitched roof of red clay tiles. The facades would also be clad with clay tiles using a mix of smooth and matte finishes to allow a diamond pattern to be formed on the elevations. The elevation to the canal would include a full-height glazing panel and Juliet balcony to each apartment.



Figure 4: CGI of proposed canal side building

- 1.8 The roof top terrace would cover approximately 275 sq.m and has been designed with planters around the perimeter with aluminium guard fencing behind. It would be split into areas using planters to give separation and privacy to each space and would be furnished with tables and chairs for working, eating, reading or relaxing. The ground floor courtyard areas would be laid out to provide a mixture of hard and soft landscaping and includes private terraces for two ground floor apartments. It would be used to accommodate a vehicle access to the site from Ludgate Hill and

serve the 7 (7%) car parking spaces to be laid out within the courtyard. A cycle store with space for 106 cycles would also be provided.

- 1.9 Key sustainable measures within the development include a fabric first approach to reduce the buildings energy demand as well as high efficient electric heating and hot water to provide a carbon efficient design. PV panels are also proposed on the other flat roof areas. The development is predicted to deliver an average carbon reduction of 6.57% and average fabric energy efficiency reduction of 11.23%.
- 1.10 The application has been supported by a Design and Access Statement, Transport Statement and Travel Plan, Ground Investigation, UXO Risk Assessment, Flood Risk Assessment and Drainage Strategy Report, Energy Statement, Ecological Appraisal, Air Quality Assessment, Heritage Appraisal and Heritage Impact Assessment, Sustainability Report, Noise Impact Assessment, Statement of Community Involvement, Planning Statement and Viability Appraisal.
- 1.11 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The site occupies a corner position at the junction of Ludgate Hill and Lionel Street and is an amalgamation of two plots. One plot covering approximately half the site, facing Ludgate Hill, is occupied by a five-storey office block known as Cornwall House which is set back from the street frontage behind a forecourt area used for car parking. The building also extends around the corner to Lionel Street where there is an adjoining part two and part three storey office building which occupies the other half of the site. It has a large lean-to shed at the rear. This part of the site including the frontage to the canal is enclosed with brick walls. Both sites are now vacant.
- 2.2 There is a considerable difference in levels across the site, the lowest point being in the north west corner on Ludgate Hill from where the road rises towards the junction of Lionel Street by 0.7 metres. From the junction, Lionel Street rises steeply to a height of 4 metres above the lowest part of the site giving a 3.3 metres height difference across this frontage. Next to the canal, which is a designated SLINC, the natural site level is approximately 1 metre higher and is set back from the canal wall. The west boundary of the site adjoins the plot occupied by the BT tower which sits on a concrete podium with its concrete walls located on the site boundary. The podium is about 2 storeys above the lowest part of the site and approximately 8.6 metres in height.
- 2.3 In the immediate area to the north-east, there is a block of buildings grouped around Lionel Street, Livery Street and Water Street that are occupied for a mix of office and residential uses. They include Ludgate Lofts which lies opposite the site on Ludgate Hill and is a residential conversion of a former warehouse building. To the north-west adjoining the site is a substation and a small vacant plot which abuts the canal and is used as a car park. Further along Ludgate Hill between the site and St Paul's Square is a mix of bars and restaurants and small commercial buildings including a two-storey office building on the opposite side of the canal.
- 2.4 To the south-west of the site is the BT Tower several apartment complexes including 58 Water Street, Millennium Apartments and Brindley House. To the east of the site, on the opposing corner of Lionel Street and Ludgate Hill is a vacant four-storey building that wraps around the junction. Adjacent to this on either side are further unoccupied buildings. There are also several surface-level car parks close by including those bordering Great Charles Street, Ludgate Hill and Lionel Street where planning application permission has recently been granted for a mixed-use development of 3-39 storeys comprising 722 residential apartments with ancillary

internal and external amenity areas, ground floor commercial floor space and associated works including site clearance, public realm, landscaping and parking under reference 2020/02556/PA.

- 2.5 The site lies within the Jewellery Quarter Conservation Area and there are a number of listed buildings in the vicinity of the site including the Church of St Paul – Grade 1 listed, no's 61 Ludgate Hill, 63 – 64 Ludgate Hill, 37– 39 Ludgate Hill, 31 – 33 Ludgate Hill, 63 St Pauls Square and 1 St Pauls Square all listed Grade II.

2.6 [Site Location](#)

3 [Planning History](#)

- 3.1 27/10/06 - 2006/05261/PA – Planning permission for erection of additional storey and refurbishment of Cornwall House, Ludgate Hill.
- 3.2 12/4/90 – 74577000 – Planning Permission granted for extension and refurbishment of existing office building and change of elevational treatment at Cornwall House, Ludgate Hill.
- 3.3 08083019 – 19/1/81 - Planning permission granted for erection of factory premises with ancillary showroom and offices at 33/35 Lionel Street.

4. [Consultation/PP Responses](#)

- 4.1 Transportation – No objection subject to conditions requiring a Section 278 agreement for various minor highway works as there are footway crossings that need to be reinstated on both Ludgate Hill and Lionel Street, that the cycle parking and car parking is provided before the development is occupied and requiring a Construction Management Plan detailing the demolition, site clearance and construction with any highway impacts mitigated. They have noted on the amended plans the reduction in car parking from 14 to 7 spaces but raise no objection to this change.
- 4.2 Regulatory Services - Object to the development on the grounds that that given the location, the operational hours for live and recorded music to 03.00am and their experience of noise from entertainment premises opposite the development, there is the potential for a significant adverse impact on the proposed development from noise. This would lead to harm to health and quality of life for future residents as it would introduce a noise sensitive use in an existing area in circumstances where the resulting residential noise climate may represent a statutory nuisance. This may also have an adverse impact on the operation of existing businesses and potential loss of employment activities. They appreciate that this is a significant scheme and will serve to provide regeneration of the area and note the additional information provided but cannot agree with the mitigation scheme which relies on openable windows being kept closed by occupants to address noise nuisance issues. They consider mitigation of the noise at source based on the agent of change principle would be necessary.
- 4.2.1 Regulatory Services raise no objections regarding contaminated land subject to conditions requiring a site investigation, verification and watching brief. They are content with the Air Quality Assessment provided and the impact on the CAZ. In terms of the commercial units they recommend conditions requiring details of extraction systems and noise mitigation if the units are used for the preparation/cooking of food, a gym or drinking establishment, noise controls over any plant and machinery, opening hours be restricted to 8am to 11 pm, delivery hours be restricted to 8am to 8pm. They also request conditions requiring a demolition management plan, construction management plan and electric vehicle charging point.

- 4.3 Local Services - No objections but as the scheme is for over 20 dwellings it should be subject to off-site POS and Play area contributions in accordance with the BDP. The contribution is based on the requirement to provide 2 hectares per thousand of population and is calculated to be £233,975 which would be spent on the provision, improvement and/or biodiversity enhancement of public open space and maintenance thereof at St Paul's Square, New Spring Street POS and All Saints Parks within Soho and JQ Ward.
- 4.4 Lead Local Flood Authority – No objection subject to conditions requiring the submission of a sustainable drainage scheme and sustainable drainage operation and maintenance plan.
- 4.5 Education – The School Organisation Team request a contribution under Section 106 of £206,108.74 (subject to surplus pupil place analysis) for nursery, primary and secondary school places.
- 4.6 Employment Team – No objection subject to a condition or Section 106 agreement to secure a construction management plan.
- 4.7 Historic England – Do not wish to offer any comments
- 4.8 Birmingham Civic Society – Comment that they consider the replacement of Cornwall House to be beneficial to the conservation area. However, they were disappointed by the lack of ambition in the design. They feel the blocks adjacent to Lionel Street are monolithic and the detailing, though responding to the context in terms of materials, does not enhance this impression. The tile hung canal side building was considered more favourably.
- 4.9 Severn Trent Water – No objection subject to a drainage condition being imposed requiring details of the disposal of foul and surface water flows
- 4.10 Canal and River Trust – No objections and have made the following comments: -
- The proposals are sympathetic to the setting of the site, the canal and its historic features.
 - The canal side block appears positive for the canal, being uniquely designed as a smaller scale focal point at a human scale, with the larger built form stepping up behind. It also provides living spaces facing the canal corridor, enhancing visual surveillance, and promoting its use.
 - Whilst it is unfortunate that the vehicle access is in close proximity to the water space this has been mitigated by including screening to protect the visual appearance of the site from the towpath and canal.
 - The boundary treatment to the canal side will be important and request a condition is imposed for submission of the details
 - Further consideration should be given to the blank end elevation facing north on the Ludgate Hill wing, as this site is adjacent a gap in the street frontage and the canal bridge and would benefit from some interest such as through the use of materials and their pattern or design.
 - The Trust would prefer to see more use of native species amongst the proposed planting on site to offer greater biodiversity value and benefits to pollinators.
 - The Birmingham & Fazeley canal corridor is an important migration route for bats, so it is important that the corridor remains dark at night for these and other species. Request a condition be imposed to ensure that any external lighting is appropriate and takes account of bats and other nocturnal species.
 - As part of the biodiversity net gain on site the applicant should provide coir rolls with native wetland planting against the offside canal wall

- To ensure the works of demolition and construction do not result in the pollution of the canal environment request conditions for a construction environmental management plan covering both demolition and construction phases.
- The refuse storage appears close to the canal is should be contained securely to ensure it does not pollute the canal environment.
- Much of the canal network is designated as part of the strategic cycling route and the development should therefore provide good quality, usable, safe & secure cycle parking for residents and visitors including for the commercial units
- The proximity of the canal network and sustainable off-road route should be widely publicised to future residents, staff and customers/visitors. The interim travel plan provided should actively promote the towpath as a sustainable travel route.
- Request a condition or Section 106 requiring a signage and wayfinding strategy to encourage use of the canal network and surrounding area to be provided.
- As the development is likely to lead to an increase in the use of the canal access point request a Sec 106 contribution towards improvements to its lighting, signage, wayfinding and interpretation.
- Request developer is advised of consents required from CRT, such as an assessment of the waterway wall between the site and the canal and any relevant party wall requirements.

4.11 The Jewellery Quarter Development Trust (JQDT) – No objection and overall think the scheme is well considered and we are pleased to see a high level of detail. Are comfortable with the taller element, which is policy-compliant although have advocated for it to be slightly taller. The materials and detailing are reflective of the Jewellery Quarter palette and are pleased to see the building line reinstated to the back of footpath. The building height on Ludgate Hill is in keeping with neighbouring buildings. The most important contextual element is the view to the Grade I listed St Paul's Church and Churchyard, but the development does not harm this or the important view from St Philip's to St Paul's.

4.11.1 In particular, the JQDT support:

- The range of specified brickwork and the detailing of those materials – saw-tooth brickwork, terracotta banding and articulated terracotta but these aspects should not be diminished or omitted through 'value-engineering'.
- Proposed uses, active frontages are essential on Ludgate Hill.
- Canalside development providing visual amenity and natural surveillance.
- Resident amenity space and external roof terrace.
- The building height on to Ludgate Hill, maintaining the general roofline and keeping views to St Paul's clear.
- The quantum of cycle parking
- The height of the rear block although this could be slightly taller
- The canal side building having opening doors with integral Juliet balconies

4.11.2 The JQDT – Have identified several improvements that could be secured through conditions including: -

- They would prefer to see the Lionel St/Ludgate Hill corner chamfered or with a re-entrant corner so that it references its neighbours.
- Are pleased to see the detailing provided to the 'gable' wall but would support the articulation being pared back and artwork added as an alternative.
- Consideration should be given to providing green walls where blank elevations occur, brown roofs and bird/bat/bug housing as biodiversity improvements.
- Would have preferred the site to have included the adjacent car park which could be transformed into a pocket park.
- Could outside space be provided for the canal side ground floor apartments?
- Access on the canal elevation should be considered for maintenance.

- There is an opportunity to better visually connect the landscaping to the canal, but it is fenced off and cut through by vehicle access and parking.
 - The roof garden is welcomed but could have provide even more greenery as visual amenity with the mental health benefits that this provides.
 - All external lighting should be bat-friendly, and measures taken to demolition and construction does not adversely affect the canal corridor.
 - We would like to see collaboration with BT so that graffiti is cleared from their property and/or replaced with artwork.
 - The vehicle entrance gates provide an opportunity for the site's heritage to be displayed using local artists/craftspeople working with a local fabricator.
 - The landscaping materials shown are concrete but should be blue clay bricks which are more authentic and will also be more robust.
 - The commercial units should not be used as late-night venues as they are close to current and planned residential buildings
 - The elevations refer to illuminated signage but should not be internally illuminated as per the Conservation Area Management Plan and Design Guide.
- 4.12 West Midlands Police – Request conditions to require that the balustrade on the roof terrace is not less than 1.3 m in height and of an anti-climb design, that the site is subject to CCTV coverage, that there is a lighting scheme and that a video capable intercom system is installed for the safety of the residents. Request that the work for the commercial units meets the standards within the Secured by Design 'Commercial 2015' guide. And the residential development is built to the standards adopted in the police crime reduction initiative 'Secured by Design' for homes.
- 4.13 West Midlands Fire Service - Development will require the approval of Building Control under Part B of the Building Regulations 2010.
- 4.14 Ward Councillors, MP, residents associations, residents and businesses notified of the original and amended proposals, site/press notices displayed. Five letters received in respect of the original plans and a further letter responding to the amended plans which make the following objections and comments: -
- The taller element of the scheme blocks the view of St Pauls from buildings on the opposite side of Great Charles Street. The building either needs reducing in height or made much slimmer.
 - The high tower on Lionel Street is too close to the BT tower and detracts from what is Birmingham's most iconic and tallest tower. Building so close and at such height will suffocate it and diminish its status.
 - The Ludgate Hill block is one floor too high and would cause loss of privacy for those in Ludgate Lofts which is exacerbated by the proposed roof garden.
 - The 6-storey block on Ludgate Hill will adversely affect light to my flat, my living conditions, rights to light and property value.
 - There is a restriction of building heights in the Jewellery Quarter of 4 stories
 - The application fails to make use of its canal side location, choosing to shut it off with a building rather than create an open space.
 - Strongly object to the commercial units if they are used as a bar/restaurant or 24-hour store. Current bars on Ludgate Hill cause noise disturbance to residents.
 - The retail elements on the ground floor do not respond to the future development in the area which intends to narrow the road and plant trees alongside it
 - Balconies for the flats would provide better indoor/outdoor interaction
 - The parking provision is unnecessary. The site is close to Snow Hill Station, St Chad's tram stop, regular bus services and the city core. It should be car free so the central courtyard can be private amenity space instead of a glorified driveway.
 - Object to the lack of parking which will be insufficient for the number of residents and is contrary to BCC guidance. There is currently limited parking permits available and the nearby car park on Lionel Street is to be redeveloped

- Think the design is appropriate but the quality of the materials, details needs to be delivered and not value engineered.

5.0 Policy Context

- 5.1 National Planning Policy Framework 2019, Birmingham Development Plan 2031, Birmingham Unitary Development Plan 2005 (saved policies), The Jewellery Quarter Urban Village Framework SPG, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG, Jewellery Quarter Conservation Area Design Guide SDG, Conservation Through Regeneration SPD, Places for All SPG, Places for Living SPG, Car Parking Guidelines SPD, Public Open Space in new Residential Development SPD; Affordable Housing SPG, non-statutory Big City Plan and Development Management in Birmingham Development Plan.

6. Planning Considerations

Land Use Policy

- 6.1 The 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. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core.
- 6.2 The Jewellery Quarter has a Conservation Area Character Appraisal and Management Plan SPG divides the Conservation Area into eight-character areas. The application site is shown as being within the City Fringe locality characterised by large post war commercial buildings of 8-12 storeys and lower 3 - 4 storey 19th/20th century manufactories. There is no restriction in principle to mixed use developments including housing in this part of the Conservation Area.
- 6.3 Planning policies support the erection of a mixed- use scheme on the application site and its development with apartments and commercial uses is acceptable in principle. The proposed mix of dwellings is roughly equally split between 1 and 2 bed apartments and would therefore add to the current over-supply of 1 and 2 bed dwellings in the city compared to Policy TP30 of the BDP and the Strategic Housing Market Assessment. This however is a common housing mix for residential schemes within the city centre core and in this case all the apartments are on the larger size compared to minimum nationally described space standards.
- 6.4 Although the proposals are for a residential led development the ground floor would provide two commercial units which face both streets and together with the communal entrance and lounge/workspace for residents would provide active frontages around the site to enhance activity and vibrancy. The residential uses would also help create surveillance particularly on this part of Lionel Street which can be a hostile part of the city due to low footfall. The proposals would also help reinforce the Ludgate Hill corridor as a leisure destination and strengthen the route connecting the Quarter back to the City Centre.

Demolition

- 6.5 There is a presumption against the demolition of existing buildings in a conservation area however the two buildings that currently occupy the site are relatively modern, are not statutorily or locally listed or of any architectural interest. The building

fronting Ludgate Hill is a generic 1960's five storey office building which seems to have originally included a garage on the ground floor which may explain why the building has been set back from the street frontage behind a forecourt area used for parking. It does not respond to the character of the Conservation Area and due to its design and its rear-set back position is negative in its contribution to the designation. The building fronting Lionel Street is a 1980's post-modernist design and although modest in its scale is not of a good architectural quality and is built from materials that do not respond to any of the areas traits. It also has a large metal clad workshop to the rear. This building is also negative in its contribution to the designation.

- 6.6 The conservation officer considers that the loss of both buildings can be supported subject to a suitable replacement building being secured before demolition takes place. He notes the applicants Heritage Impact Assessment concludes that no adverse impact will be caused to the heritage values of the area in the event of the replacement of these buildings if demolished and agrees with this conclusion.
- 6.7 The application would also require the demolition of the boundary wall at the rear of 33 Lionel Street which partly adjoins the canal and forms the boundary with the adjacent car park. The wall is of a mix of brick types and several the former openings have been infilled with blockwork and bricks of a different colour. This wall was probably associated with a former hinge works that occupied the site but has been heavily modified and is now freestanding. The loss of this wall can also be supported subject to a replacement building and boundary treatment being secured. To ensure the works of demolition do not result in the pollution of the canal environment a condition for a Construction Environmental Management Plan can be imposed as requested by the Canal and River Trust.



Figure 5: Internal and street view of existing buildings

Layout

- 6.8 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place and safe and attractive environments. The NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work and Para 127 seeks to ensure developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture and layout, are sympathetic to local character and history, including the surrounding built environment and maintain a strong sense of place. The JQ Management Plan requires the design of new development to respect the traditional scale, form and density of the historic street pattern of the Jewellery Quarter and the JQ Design Guide states that new development should respect the local street hierarchy, dense urban grain and building lines.
- 6.9 The site layout proposed locates buildings to back of pavement on both Ludgate Hill and Lionel Street in two principal linked blocks. This reinstates the building line of

Ludgate Hill and strengthens this corridor as a route that is enclosed and well defined. Due to the steep topography that runs through the site, the ground floor would only be fully expressed on the Ludgate Hill frontage with the remainder being occupied by a plant room. It is therefore appropriate to place the commercial units at the lowest point thereby addressing the corner of the site and most of the Ludgate Hill frontage which also houses the residential entrance and resident's communal space.

- 6.10 The servicing and vehicular access is to be placed at the northern end of the Ludgate Hill frontage in approximately the same position as the existing access. It would lead through to a central courtyard which would be open to the canal frontage. To enclose this 'rear' aspect and offer up animation towards the canal, a third and modest three-storey block is proposed. This would sit directly on the canal edge, with access from the courtyard and ensures that the development responds positively to the canal which is a route running through the city of increasing value.
- 6.11 The layout was amended in March 2021 to remove an undercroft area of parking in the area now to be used as a plant room, to reposition the main residential entrance, add communal space for residents, reduce the amount of commercial floorspace and add 6 further apartments, two of which would face the courtyard area and have their own private terrace. These alterations have improved the layout by providing more activity and surveillance of the internal courtyard space. Overall and having regard to the deep form of the plot and the need to animate three aspects of the site, the layout is acceptable and well considered.

Building Heights

- 6.12 The JQ Management Plan requires new development to respect the scale, form, and density of the historic pattern and form of the existing traditional buildings. It states that this will normally limit the height of the buildings to a maximum of 4 storeys but in the City Fringe taller buildings may be more appropriate. The JQ Design Guide also outlines principles for good design and in terms of building heights it states that new buildings should maintain the subtle variety of roofline characteristic of the area which limits building heights, except in the City Fringe, to a maximum of four storeys.
- 6.13 Therefore as the site falls within the City Fringe new buildings of more than 4 storeys can be acceptable and in fact Cornwall House is currently 5 stories in height and has previously had planning permission for a 6th floor. The proposed replacement building where it fronts Ludgate Hill would be 6 storeys in height and this roughly equates with the heights of Ludgate Lofts and Griffin Court opposite the site. The scale of the Ludgate Hill block is slightly larger than other buildings in the street, and would be taller than the building opposite the site on Lionel Street however this is considered to be acceptable in what is a varied townscape that interfaces with the taller buildings that continue along Lionel Street in an easterly direction.
- 6.14 The other half of the main block proposed along the Lionel Street frontage is 12-storeys in height, which is taller than the traditional buildings in this part of the Quarter. However, the site adjoins the BT Tower and Millennium Apartments which has a height in the order of around 13-commercial storeys (as a former office block) and a townscape of buildings of 7, 11 and 13 storeys. This part of the Jewellery Quarter Conservation Area, west of the application site is not typical of the area traditional characteristics, particularly height. Therefore, this greater scale of development can be supported as a response to this peculiar part of the Quarter adjacent to the site.

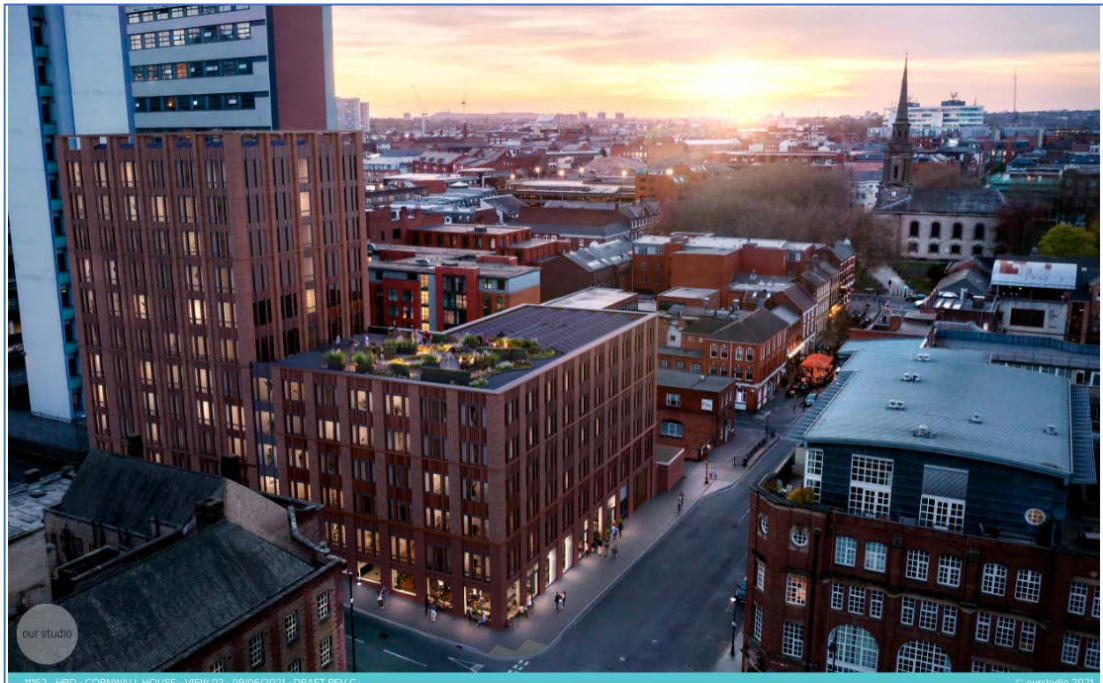


Figure 6: CGI showing building heights in relation to existing development

- 6.15 The submitted Design & Access Statement also tests the scale of this part of the development from the eastern approach along Lionel Street, where it can be seen against the increasing scale of the townscape towards the west. It also tests this taller element on public views south along Ludgate Hill from St. Paul's Square. From this approach the view is less sensitive as the structure is viewed in conjunction with the elevated scale of Newhall Street (within the Quarter) and the city core beyond. Overall, the scale of the two buildings helps unite a disjointed part of the city by responding to two different areas, firstly that to the east along Ludgate Hill, and secondly to the west (around the BT Tower and Newhall Street). Although the scale proposed is not typical it is appropriate to the specific site circumstances of the application site.
- 6.16 This is supported by the Jewellery Quarter Development Trust who consider that the building heights proposed are acceptable and in keeping and even suggest the 12-storey section of the building could be slightly taller. Although the objections from residents to the building heights are noted it is not considered that they are inappropriate in this location or would detract from the form and character of the adjacent BT Tower.
- 6.17 The proposed canal side block at 3 storeys is also acceptable and would reflect the scale of the development adjacent to the canal. Although the building immediately opposite is 2 storeys high there is a mix of buildings heights along the canal including a similar building form and scale just to the north of the site at 60-64 Livery Street. Overall the creation of three block, two principal structures of 6 and 12 storeys fronting onto the two street and a thirds smaller incremental development towards the canal is an acceptable way of responding to the sites location, the assets of the conservation area and the canal running through it.

Design

- 6.18 The architecture proposed for the main block sets out a grid expressing a vertical and horizontal composition, with the former being more dominant. The pilasters that run the full height of the building take reference from traditional architecture in the area and the floors are grouped into pairs on the lower 6 storey structure and three floors in the taller 12 storey part. This helps define a base which would be executed in a

slightly different coloured brick to give order to the elevations. The staggered difference between the two blocks would also help emphasise their difference in scale and relationship with topography.



Figure 7: CGI showing designs of the 3 blocks together viewed from the canal side

- 6.19 The main street facing blocks would be defined architecturally using glazed terracotta. Although they would be principally brick structures terracotta would be used for the window aprons, mullions and banding running through the grouped floor plates. This is a material that is of high quality and reflects strongly the architectural tradition of the City and can be seen in several local buildings throughout the Quarter and along Newhall Street. The terracotta would be executed in a vertical linear tile comprising a zig-zag profile and would extend beyond just panels to being fully integrated with the windows and through the banding. This would give the building through its materials and its design a completely independent character which is supported. The use of the terracotta however is an expensive material which had had an impact on the viability of the development and the Section 106 offer and therefore conditions would need to be imposed to ensure it is delivered.
- 6.20 Comments have been received from the Civic Society that that they were disappointed by the lack of ambition in the design and feel the blocks adjacent to Lionel Street are monolithic. Other consultees and the officers however support the design and consider that, whilst not being overtly responsive to the Quarter, is responding to the modernity of the landscape to the west, without being contrived. By proposing the use of very high quality material in an artistic and creative fashion, it would be an asset to this site, the Quarter and the wider city.
- 6.21 The Canal and River Trust and the JQDT have made comments regarding the treatment of the bottom two floors of the end gable wall of the development which faces towards the Canal. This has been kept free from any windows to avoid prejudicing and redevelopment of the adjoining sub-station site and car park. It is therefore not considered to be appropriate to provide windows to this part of the building but artwork, lighting or something similar could be provided as recommended by the JQDT which could be easily removed in the event that the adjacent sites are redeveloped.
- 6.22 The architecture of the small 3 storey block proposed has been designed to respond to this more intimate setting of the canal not only in its scale, but also in its architecture. It would have a conventional gabled roof and is clad in clay tile that

extend down the roof slopes and seamlessly across the planes of the walls. The form, its materiality and the style of its fenestrations proposed reflects traditional wharf architecture in response to its location. The design also introduces a diaper pattern to the facades that is used in several buildings in the Quarter and large windows overlooking the canal and is considered to make a welcome and positive addition to the canal frontage.

- 6.23 Both buildings would also be using a fabric first approach to reduce the buildings energy demand as well as high efficient electric heating and hot water to provide a carbon efficient design. PV Panels are proposed on the flat roofs areas other than the section proposed for a roof terrace. The development is predicted to deliver a is predicted to deliver an average carbon reduction of 6.57% reduction in regulated CO2 beyond the Building Regulations and enable the Dwelling Fabric Energy Efficiency (DFEE) to exceed Part L1A (2013) target by 11.23%.

Impact on the Heritage Assets

- 6.24 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.
- 6.25 The NPPF states that 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. 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.
- 6.26 The key heritage issues to be taken into consideration in assessing the proposed development are the direct effect on the Jewellery Quarter Conservation Area and the indirect effect of the development on the significance and setting of nearby designated heritage assets if, as a result of development proposed within their setting, it gives rise to an impact on their significance. The applicants have submitted a Heritage Assessment which has considered the significance of heritage assets in the vicinity of the site and the impact of the proposed development on them. The heritage assets assessed include the Jewellery Quarter Conservation Area and several nearby listed buildings including the Grade 1 listed Church of St Paul.
- 6.27 The applicants have submitted a Heritage Impact Assessment which has considered the plot layout, height, views and architecture of the scheme concluding that the development will:

- 1) Preserve the character and appearance of the Jewellery Quarter Conservation Area and that the development responds to the varied townscape of this part of the designation and the existing character that comprises a transition between two very different townscapes.
 - 2) Enhance the character and appearance of the Jewellery Quarter Conservation Area as the existing buildings are poor and that the new development better responds to building lines and helps knit together a disparate townscape.
 - 3) Preserves the setting of listed buildings as the submitted views show that the development does not impinge into any of the key views of these building looking in either direction along Ludgate Hill but adds and contributes to restoring their setting.
 - 4) Preserves the setting of the grade I listed St. Pauls Church and that the various views looking north west towards the church are not encroached upon and the development dose not distract from views directly towards this most significant of assets.
- 6.28 The conservation officer fully agrees with these findings and considers the tests set out within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) act 1990 to be satisfies and the setting of listed buildings and the conservation area its self not only to be safeguarded by improved by a piece of townscape restoration. There is therefore no conflict with the provisions of the NPPF.
- 6.29 The conservation officer further comments that although the Jewellery Quarter Conservation Area Appraisal and Management Plan states that development should generally not exceed four floors in height the six-storey block to Ludgate Hill is not substantially higher than the existing Cornwall House and responds to the scale of Ludgate Lofts opposite and being located forwards at back of pavement restores this street. The 12-storey block to Lionel Street helps overcome the abrupt transition between the Newhall Street scale of development and this more orthodox reach of the Conservation Area. Moreover, the relationship from the street experience heading west will be more comfortable and the area will no longer be dwarfed by the BT Tower, but in part scale up to it. The development would soften competing fractions of the conservation area restoring the competing areas of clashing scale where the 19th and 20th century townscape collide with no consideration.
- 6.30 In addition the restoration of the townscape should be considered in conjunction with the recently approved Great Charles Street scheme, as approved under application 2020/02556/PA, the site of which lies to the south east diagonally opposite the road junction. In conjunction with this development these schemes would substantially restore the composition, enclosure and form of Ludgate Hill, honouring scale along frontages that are positive and critical to the merits of the Conservation Area, whilst also engaging with and scaling towards adjacent areas so that the designation does not sit oddly and incongruously with the wider cityscape.
- 6.31 In terms of the impact on the important views looking north west along Ludgate Hill towards the grade I listed Church of St. Paul and the historic townscape rising the street towards it, the development would not be significant. It would not intrude on the church and the higher mass would not be detectable due to the presence of other buildings and topography. Overall, the impact on Heritage Assets is beneficial and the development would not cause harm to their significance.



Figure 8: CGI showing the development looking up Ludgate Hill towards the Church of St Paul

Residential Amenity

Living and Amenity Space

- 6.32 The apartment sizes would all meet the nationally described space standards and all the 2 bed units would be suitable for occupation by 4 persons and most of the 1 bed units by 2 persons. On the Lionel Street frontage two of the apartments would be located at street level due to the difference in levels across the site so the design includes winter gardens with bi- fold glazed doors to provide additional privacy. In terms of separations distances between windows the proposed 12 storey block would be about 12.5 metres from the 3-storey canal side block on the other side of the courtyard. The canal side block has been designed so that the apartment has their main outlook over the canal and although there is a kitchen window facing across the courtyard it is not considered that there would be undue overlooking of the apartments opposite. The ground floor apartments in the courtyard also have a small private terrace enclosed with planters to give further screening.
- 6.33 The development would also provide internal and external communal space for residents including a ground floor work and rest area of about 112 sq.m and a roof garden of approximately 275 sq.m part of the 6-storey block. The development would include several energy measures to save energy consumption and 100% cycle spaces and would therefore provide a good standard of living and amenity space.



Figure 9: CGI showing the roof terrace

- 6.34 With regard to noise Regulatory Services recommend refusal of the application due to the impacts of noise from the existing bars and clubs on Ludgate Hill. They consider that given the location, that live and recorded music can take place until 3 am there is the potential for a significant adverse impact on the proposed development from noise. This would lead to harm to health and quality of life for future residents and the noise climate may represent a statutory nuisance which may have an adverse impact on the operation of existing businesses and potential loss of employment activities.
- 6.35 On Ludgate Hill there are a several bars and restaurants which also have outside seating areas. Of these The Boogie Shed bar and club at 21 Ludgate Hill which is the closet entertainment premises to the site. It is a late-night bar and live music venue and has an outside seating area on the street frontage. It lies about 30 metres north east diagonally opposite the site on Lionel Street.



Figure 10: Photo showing the relationship of The Boogie Shed to the site

- 6.36 In order to address the objections from Regulatory Services an updated noise report and further technical information have been provided. It advises that acceptable internal noise levels can be achieved within the dwellings through the appropriate selection of critical façade materials and a full mechanical ventilation recovery system (MVHR) to all apartments, omitting the need for occupants to open windows to maintain a comfortable internal environment. Windows can however be operable by the user for rapid purge ventilation. They have also provided an overheating assessment to demonstrate that the bedrooms, living rooms/kitchens and communal corridors are compliant with regards to the TM59 domestic overheating criteria. They consider this would address noise issues from traffic and the nearby entertainment venues.
- 6.37 Regulatory Services note that the revised assessment is now based on the whole development being provided with MVHR and although the windows will be openable which they accept for road traffic noise they do not accept this for entertainment noise as if the user chooses to open the window and the noise amounts to a nuisance there would be under statutory duty to act. They consider the report fails to provide an adequate commentary on the conclusions and proposals and has not addressed the existing significant number of noise complaints they are investigating from the licenced premises on Ludgate Hill. They consider the additional information has clarified some of the matters but has not changed their recommendation for refusal. However they appreciate that this is a significant scheme and will serve to

provide regeneration of the area and in the event that the committee is minded to approved the application request conditions to require mitigation measures which should be tested for compliance prior to any occupation.

- 6.38 Whilst the objections from Regulatory Services are acknowledged and need to be balanced against the wider benefits in redeveloping site and that there is already a mix of residential and commercial uses on Ludgate Hill. These include Ludgate Lofts which are in a similar position to the application site but on the same side of Ludgate Hill as The Boogie Shed and Maxim Apartments which face the opposite side of the canal to the rear of Griffin House. Ludgate Lofts is a residential conversion of a former industrial/warehouse building dating from the late 1990's and Maxim Apartments is a new build of a similar age. Both schemes include single glazed windows and have apartments at ground floor level and do not have the MVHR recovery system proposed with this application. The entertainment venues are not directly adjacent or opposite the application site and the insulation and glazing specifications should control limit music noise from these venues reaching the apartments. NPPG guidance also states that closing windows is a valid strategy for dealing with noise. The proposed apartments do not feature balconies which would not be appropriate in this location due to the potential noise issues and the impact on the conservation area.
- 6.39 As the development includes commercial units along the street frontages there could be a conflict between these uses and the apartments above. Regulatory Services have however recommended conditions to require sound insulation, limits on equipment noise, hours of opening from 08.00 - 23.00 and delivery times of 08.00 - 20.00. They also require details of extraction and noise mitigation measures if any of the commercial units are used for the sale/preparation of hot food, as a drinking establishment of gym to ensure that neighbour's amenity is adequately protected. These conditions should also ensure that the commercial uses do not cause undue disturbance to the occupants of Ludgate Lofts opposite the site. The applicants have requested opening hours of 7am -11pm and it is considered this would be reasonable Monday – Saturday but should remain at 8am - 11pm Sundays which would then be of the same opening hours as agreed for the commercial units being provided as part of the Great Charles Street development nearby.

Impact of neighbouring development

- 6.40 Objections have been received from several residents of Ludgate Lofts, the apartment building opposite the site, who consider the building fronting Ludgate Hill should be reduced to 5 storeys, so it is no higher than the existing office building on the site. However, at 6 floors the proposed building would be of a similar height to Ludgate Lofts which has large floor to ceiling heights due to its former commercial use and a roof top extension. In addition, planning permission was previously granted in 2006 for an additional floor on Cornwall House. There would be a separation distance of 19 metres between opposing windows due to the wide width of Ludgate Hill and this is sufficient to avoid any undue overlooking or loss of privacy. The objections raised in respect of Rights to Light are covered by other legislation. There is also an objection to the proposed roof garden on the grounds of overlooking of Ludgate Lofts however the seating areas are shown set back from the site frontage by about 3.5 metres and enclosed with planters and balustrading to provide privacy. It is therefore considered that the roof garden will not cause an unacceptable loss of privacy to neighbours.



Figure 11: Photo showing the relationship of Ludgate Lofts to the site

- 6.41 Opposite the site on the Lionel Street frontage are a row of buildings last used for residential and commercial purposes but have been vacant and boarded up for over 10 years. Although these range in height from 2-4 storeys in height it is not considered that the proposed development at 6 and 12 storeys would have an adverse impact on these properties. Further along Lionel Street towards Newhall Street there are already residential and commercial buildings of 12 storeys opposite each other.

Transportation Matters

- 6.42 Transportation raise no objections to the application and note the amended proposals which would remove an office block and replace it with a residential development of 101 apartments and ground floor commercial units (E class drinking) of 218sqm. The scheme provides 106 secure cycle parking spaces and 7 courtyard car parking spaces and removes the forecourt parking on Ludgate Hill. They comment that the servicing will take place on Ludgate Hill where the car park access provides the route to refuse stores and rear commercial servicing access. They consider this is acceptable as the on-street frontage is controlled by double yellow lines.
- 6.43 Comments have been received from one local resident that the development should be car free as parking provision is unnecessary in this location and another objecting to the lack of parking which they consider would be insufficient and contrary to BCC guidance. The Car Parking Guidelines SPD provides maximum figures and within the city centre core where the approach is to reduce the number vehicles being brought into the centre with the introduction of the clean air zone. The site is also close to Snow Hill station, the metro, bus stops and within easy walking and cycling distance of the facilities within the city centre core and Jewellery Quarter. Links to Snow Hill station and the subway under Great Charles Street are also to be improved as part of the redevelopment of the nearby car park sites as approved under application 2020/02556/PA.
- 6.44 Originally 14 car parking spaces were proposed but this was reduced to 7 spaces with the amended plans. I agree with the local resident that it would have been preferable if there was no parking within the courtyard area, but the applicants require some spaces for the larger apartments. There is still adequate space within the courtyard for landscaping and private terraces for the ground floor apartments.

Ecology/ Canal Protection

- 6.45 The Council's ecologist raises no objections but as the buildings have potential to support roosting bats and nesting birds, requests that precautionary mitigation measures must be implemented during demolition to minimise any potential harm to these species. They also request an updated bat survey if works have not commenced by the beginning of the 2022 bat activity season, that demolition takes place outside of the bird nesting season and active bat season and mitigation measures and bat/birdboxes are provided. The JQDT have also requested that the site delivers ecological enhancement measures and conditions are recommended to cover this.
- 6.46 As the site is adjacent to Birmingham and Fazeley Canal SLINC, both our ecologist and the Canal and River Trust request appropriate control measures be implemented during site clearance and construction to ensure the canal is adequately protected from polluted runoff, construction waste etc. As new lighting has the potential to increase disturbance to bats using the canal corridor for foraging and commuting this needs to be appropriately designed to avoid any overspill of the canal and conditions to cover both these matters are recommended. They also both request that the landscaping indicated is reviewed to provide planting of more ecological value including the installation of coir rolls pre-planted with marginal plants along the section of canal within the redline boundary. However, as the new building abuts the canal there would not be enough space on land within the applicant's ownership for canal side planting, but the use of more native species can also be covered by the recommended conditions.
- 6.47 The ecologist and JQDT also recommend that green/brown roofs be provided. The applicants however advise that due to provision of a roof terrace and the PV panels proposed, there is no space in which to accommodate a meaningful area of green roof.

Other matters

- 6.48 The comments made by West Midlands Police are noted and the applicants have confirmed that balustrading around the roof terrace would be at least 1.3 metres high. The request for conditions requiring a lighting scheme and CCTV are recommended. The JQDT has listed several points where they consider the development could be improved. Most of these are addressed in the paragraphs above or are not considered to be essential such as the request that the Lionel St/Ludgate Hill corner be chamfered, and green walls be included as this would have cost implications. The comment that they would have preferred the site to have included the adjacent car park is noted but the applicants have not been able to secure this as it is in separate ownership. Maintenance of the canal frontage is not a planning matter and likewise cannot control the removal of the graffiti from the BT tower site. Other points by the JQDT such as the design of the entrance gates, signage and appropriate hard surfacing materials can be covered by conditions.

Planning Obligations

- 6.49 Policy TP31 of the BDP requires 35% affordable dwellings on site of 15 dwellings or more and TP9 seeks either on site public open space at 2ha per 1000 population or contributions towards off site provision for developments of 20 or more dwellings. The applicant has submitted a viability report with the application which has been independently assessed by the Council's consultants. They generally accept inputs within the applicant's appraisal but have identified several areas where they consider the overall viability of the proposed scheme would be improved. As a result they conclude that there is headroom for the inclusion of 11 (10.1%) apartments comprising 6 x 1 beds and 5 x 2 beds, as low cost home ownership tenure, at 22.5%

discount on open market value would give the developer's return to 17.68% on GDV which is considered reasonable. They are content that the above is the most that the development can sustain without prejudicing delivery. However, they note the high build costs associated with the use of the terracotta and this will therefore need to be delivered.

- 6.50 Contributions have also been requested from Local Services towards off site public open space, from Education towards school places and from the Canal and Rivers Trust towards signage, wayfinding and lighting strategy to encourage use of the canal network and access point to the towpath. The development however would not be viable if these contributions were required and additional education facilities are covered by CIL. The provision of onsite discounted market dwellings is the priority, fair and justifiable and to meet the necessity tests set out in the CIL regulations.

7. Conclusion

- 7.1 The BDP encourages further residential and mixed-use developments in the City Centre and the site is within the City Fringe locality of the Conservation Area where further housing is acceptable in principle. The proposals would allow the regeneration of this rundown site, the provision of new uses including two commercial units and improvements to the street and canal frontages. The scale of the development is appropriate to its setting and the scheme would provide high quality new buildings. A suitable mix of dwelling sizes would be also provided as well as on site external and internal amenity communal spaces as well as cycle parking.
- 7.2 Although objections have been raised by Regulatory Services regarding possible noise disturbance from nearby entertainment uses it is not considered the amenities of residents would be affected to an unacceptable degree having regard to the noise mitigation measures proposed. There would also be no adverse impact from the development on occupiers of nearby properties. The development would also not cause harm to the significance of the Jewellery Quarter Conservation Area or to other listed buildings including the Church of St Paul. 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 application 2020/07383/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- a) The provision of 6 x one-bedroom apartments and 5 x two-bedroom apartments as Low-Cost Home Ownership tenure to be sold at a 22.50% discount of open market value in perpetuity.
 - b) Payment of a monitoring and administration fee of £1,500 with the legal agreement
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 30 July 2021, or such later date as may be authorised by officers under delegated powers, planning permission be refused for the following reasons: -
- In the absence of a legal agreement to secure any on-site affordable dwellings for low cost home ownership 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, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 30 July 2021, or such later date as may be authorised by officers under delegated powers, planning permission for application 2020/07383/PA be APPROVED, subject to the conditions listed below:-

1	Implement within 3 years (Full)
2	Prevents demolition prior to a redevelopment contract being entered into
3	Requires the prior submission of a method statement for demolition works adjacent to the canal
4	Requires the prior submission of a demolition method statement and management plan
5	Requires the prior submission of an additional bat survey if demolition has not been carried out by 1 April 2022
6	Requires the development to be undertaken in accordance with the contamination remediation scheme
7	Requires the submission of unexpected contamination details if found
8	Requires the prior submission of a construction employment plan
9	Requires the prior submission of a construction method statement/management plan
10	Requires submission of the retail/commercial Shop Front Designs.
11	Requires the prior submission of a construction method statement
12	Requires implementation of the noise mitigation and ventilation measures
13	Requires the design and specification for the acoustic glazing and MVHR
14	Requires the prior submission of a noise assessment and extraction and odour control details for some commercial uses
15	Requires the prior submission of a sustainable drainage scheme
16	Requires the use Faience Terracotta within the development
17	Requires the prior submission of sample materials.
18	Requires the submission of sample brickwork and terracotta
19	Requires the submission of window frame details
20	Requires the submission of hard and/or soft landscape details
21	Requires submission of lighting design strategy for biodiversity
22	Requires the submission of boundary treatment details
23	Requires the submission of a scheme for ecological and biodiversity enhancement measures

-
- 24 Requires the submission of a lighting scheme
 - 25 Requires the submission of a contaminated land verification report if any unexpected contamination is found
 - 26 Requires the submission prior to occupation of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 27 Requires the submission and completion of works for the S278/TRO Agreement
 - 28 Requires the submission of a residential travel plan
 - 29 Requires the provision of cycle parking prior to occupation
 - 30 Requires the provision of vehicle charging points
 - 31 Requires Noise Commissioning Testing
 - 32 Requires the prior submission of noise insulation
 - 33 Requires the prior submission of the plant enclosure, flues and lift overruns
 - 34 Requires the submission of a CCTV scheme
 - 35 Requires the glazing to the commercial/retail units and ground floor communal areas to be clear and not obstructed
 - 36 Limits the noise levels for Plant and Machinery
 - 37 Removes PD rights for any roof top equipment
 - 38 Prevents storage except in authorised area
 - 39 Limits the hours of use of the commercial/retail units to 7am -11pm Monday - Saturday and 8am - 11pm Sundays
 - 40 Limits delivery time of goods to or from the commercial/retail units to 8am-8pm
 - 41 Requires details of the solar panels.
 - 42 Requires the implementation of the submitted mitigation/enhancement plan
 - 43 Requires the scheme to be in accordance with the energy statement and sustainable construction statement
 - 44 Requires the scheme to be in accordance design and access statement
 - 45 Requires the scheme to be in accordance with the listed approved plans
 - 46 Requires the prior submission of a foul and surface water flow strategy drainage scheme
-

Case Officer: Lesley Sheldrake

Photo(s)

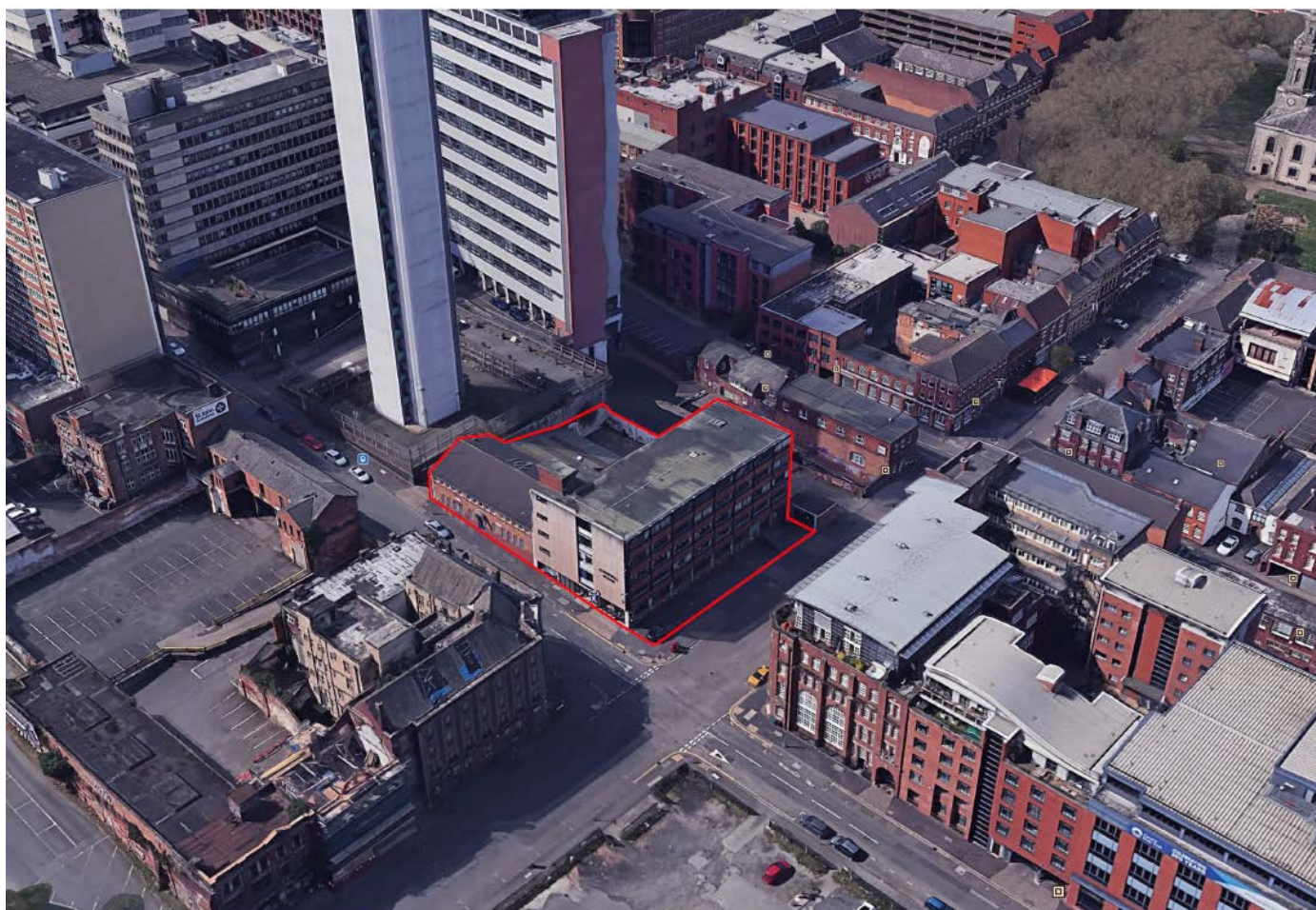


Photo 1: Aerial view of site and surroundings



Photo 2: View of site from Ludgate Hill



Photo 3: View of site from Lionel Street



Photo 4: View of site from Canal Towpath



Photo 5: Wider view of site from Ludgate Hill looking towards St Paul's Church

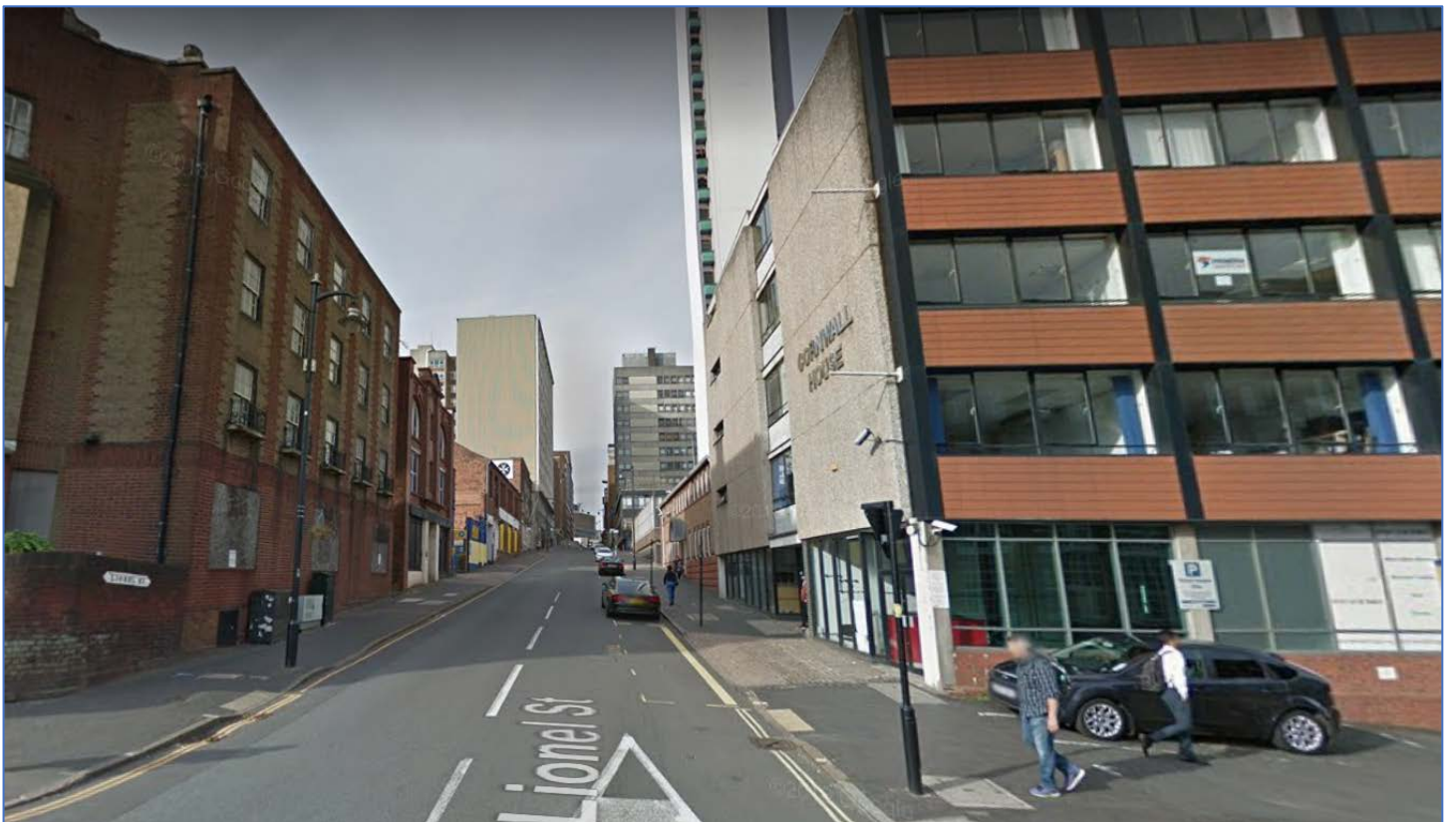
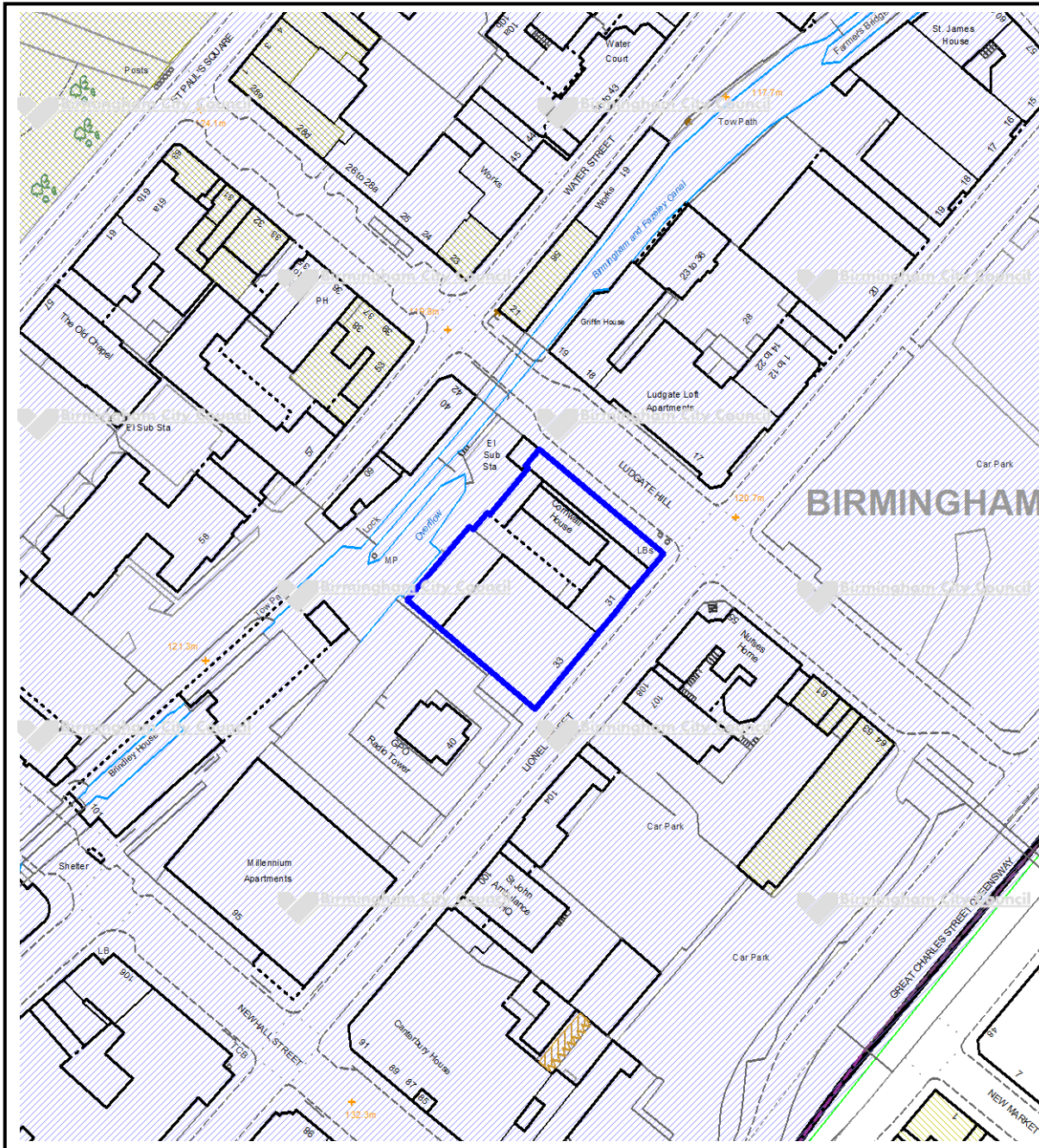


Photo 6: Wider view of site from Lionel Street looking towards Newhall Street

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	24/06/2021	Application Number:	2021/00410/PA
Accepted:	19/01/2021	Application Type:	Full Planning
Target Date:	30/07/2021		
Ward:	Bordesley & Highgate		

116 Bradford Street, Digbeth, Birmingham, B12

Demolition of existing buildings and construction of 6 storey building comprising 38 apartments and one commercial unit (Use Class E)

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. The development comprises 38 residential units (Use Class C3) in a 6-storey building. The proposed mix of apartments is as follows:
- 8 x 1 bed
 - 30 x 2 bed
- This equates to 21% 1 bed and 79% 2 bed apartments.
- 1.2. The proposed size of apartments are as follows:-
- 1 bedroom (1 person) – 40.6-43.4 sqm
 - 2 bedroom (3 person) – 61.0-66.1 sqm
 - 2 bedroom (4 person) – 72.3-73.6 sqm
- 1.3. The applicant has confirmed the proposed delivery of 6 no. affordable residential units at low cost home ownership at 25% discount on market value.
- 1.4. There are no car parking spaces proposed for residents, however, 1:1 on-site covered cycle store would be located within the courtyard area. The development would additionally comprise of a ground floor commercial unit (Use Class E) measuring approximately 64.3 sqm and would span over majority of the ground floor elevation.

Access and Design

- 1.5. The building would sit at back-of-pavement forming a 'C-shaped' plan extending along the eastern boundary and then connecting across the rear boundary between neighbouring rear blocks. The main frontage onto Bradford Street would be 19 metres in length. This space would comprise of the main residential entrance, a single small Class E unit, sub-station and refuse and recycling access are accommodated.



Figure 1. View 1 along Bradford Street



Figure 2. View 2 along Bradford Street

- 1.6. The architecture proposed is designed along a simple grid, which repeats on each floor and across each bay. The façade would comprise of English bond to add a layer of interest to the façade with reveals having a depth of one and a half bricks.
- 1.7. The application is supported by the following:-
 - Design and Access Statement
 - Planning Statement
 - Heritage Assessment
 - Air Quality Assessment
 - Travel Plan
 - Transport Statement
 - Sustainable Urban Drainage Report
 - Land Contamination
 - Energy Statement
 - Ecological Appraisal
 - Noise Assessment
- 1.8. In addition, a Viability Assessment has been submitted which seeks to demonstrate that the scheme cannot support the contribution toward affordable housing or any

sums towards planning obligations. However, the Council's independent assessor has concluded that the scheme is able to deliver 6 no. apartments for affordable sale (15% of the total number of apartments).

1.9. [Link to Documents](#)

2. Site & Surroundings

2.1. The application site is located in Digbeth, towards the southern end of Bradford Street. The site has one primary street frontage facing Bradford Street, with a gated vehicular access, between Bradford Court and Kinvara Heights. To the rear of the site stands a residential courtyard surrounded on the other three sides by apartments.

2.2. The site measures 0.09 hectares in area. It has a concreted surface and contains a derelict brick and prefabricated steel industrial structure, of which only parts of the roof structure and front façade remains. The site presents a poor appearance and is presently being used as a surface car park.

2.3. Bradford Street consists of Victorian and early/mid-20th century manufacturing premises between 1 and 4 storeys, interspersed with more recent apartment buildings. Bradford Court is a large Victorian former industrial building which has been converted into a business centre offering serviced offices and meeting facilities. Kinvara Heights has been converted to residential use and extended by one storey.

3. Planning History

Nearby permissions

215 Bradford Street (Sapphire Suite)

3.1. Current – 2020/08279/PA – Demolition of existing buildings and construction of part 6 part 8 storey building comprising 166 apartments (Use Class C3); associated amenity space, terrace gardens and cycle stores. Awaiting Decision.

Land at corner of Bradford Street and Moseley Street

3.2. 26/04/2021 – 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. Approved subject to conditions.

123 – 131 Bradford Street (Bradford Court)

3.3. 05/03/2018 – 2018/00116/PA – Prior approval for change of use from offices (Use Class B1{a}) to 34 residential units. Prior approval required and to approve with conditions.

230 Bradford Street (Kingfield Heath Building)

3.4. 18/07/2017 – 2016/08444/PA – 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. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers, resident's association, Local Ward Councillors, MP notified, Press and site notices displayed. Two comments received regarding disabled access and the presence of the Common Swift.
- 4.2. BCC Education (School Organisation Team) – Request a contribution of £106,591.26 for provision of places at local schools.
- 4.3. BCC Leisure Services – no objections. In accordance with BDP policy, this residential development is liable for POS and play area contribution of £137,775.
- 4.4. BCC Regulatory Services – No objection subject to noise insulation scheme, contamination remediation scheme and contaminated land verification report.
- 4.5. BCC Transportation Development – No objection subject to highway works to be carried out to reinstate the redundant footway crossing before the development is occupied and cycle parking provided before the development is occupied.
- 4.6. Local Lead Flood Authority – No objection subject to Sustainable Drainage Scheme and Sustainable Drainage Operation and Maintenance Plan.
- 4.7. Severn Trent – No objection subject to secure drainage plans for the disposal of foul and surface water flows.
- 4.8. West Midlands Fire Service – Approval of Building Control will be required.
- 4.9. West Midlands Police – No objection, however make the following recommendations:-
 - Access control measures and CCTV;
 - Work is undertaken to the standards laid out in the Secure by Design Secure by Design 'Homes 2019';
 - Build to Secure by Design standards;
 - Condition opening hours of commercial premise; and
 - Lighting scheme;

5. Policy Context

- 5.1. Birmingham Unitary Development Plan (UDP) (Saved Policies 2005); Birmingham Development Plan (January 2017); The Loss of Industrial Land to Alternative Uses SPD; Car Parking Guidelines SPD (2012); Public Open Space in New Residential Development SPG(2007); Affordable Housing SPG (2001, threshold amended 2006); Lighting Places SPD (2008); Access for People with Disabilities SPG; Places for Living SPG (2001); Places for All SPG (2001); Guidance note on Sustainable Construction and Low and Zero Carbon Energy Generation (June 2019); the emerging Development Management in Birmingham DPD; Rea Valley Urban Quarter SPD (2020); and Revised National Planning Policy Guidance.

6. Planning Considerations

Land Use Policy and the Loss of Industrial Land

- 6.1. The site is currently used as a car park and the industrial unit located to the rear of the site has remained derelict for several years. Policy TP20 explains that outside

Regional Investment Sites and Core Employment Areas there may be occasions where employment land has become obsolete and can no longer contribute towards the portfolio of employment land. The policy seeks to ensure the protection of employment land, such land includes B2 and B8 uses and stipulates if employment land is to be lost it should be in instances where the site is considered a non-conforming use or where the site has been actively marketed, normally for a period of two years, at a competitive price. In such cases change of use proposals from employment land to other uses will be permitted.

- 6.2. The Loss of Industrial Land to Alternative Uses SPD notes that proposals involving the loss of industrial land will be supported, however, only where they lie in areas which have been identified in other planning policy documents approved by Birmingham City Council, as having potential for alternative uses.
- 6.3. The applicant has not provided evidence of active marketing of the site to support the application in this instance. However, it is noted that the site is within the Southern Gateway Area of Transformation as set out in the Birmingham Development Plan (BDP) and the Big City Plan. As such, significant growth and change is envisaged for this part of the City Centre, with the redevelopment of the Wholesale Markets a key part of the extension of the City Centre Core. The five Areas of Transformation will be the focus for growth in the City Centre, which has the potential to accommodate in the region of 12,800 new homes, 700,000 sq.m of office space and 160,000sq.m of retail floor space through the BDP plan period.
- 6.4. It is likely that growth within the area around the application site would comprise of mixed-use development including residential with active uses to the ground floor fronting key streets. Further proposals for the area can be found in the Rea Valley Urban Quarter Draft SPD which shows the site lying within an area designated as the Cheapside Mixed Use Neighbourhood. Overall, the principle of a residential development at this location is considered acceptable.
- 6.5. Furthermore, the proposed ground floor commercial unit would ensure an active frontage at street level which is supported.
- 6.6. BDP Policy TP30 sets the requirements for the type, size and density of new housing which is based on the Strategic Housing Market Assessment 2013. The applicant has proposed a mix comprising of 21% one bed and 79% two bed apartments. Although the proposed development consists of 1- and 2-bedroom apartments, most apartments proposed cater to 3 and 4 persons and are therefore larger in size which is acceptable.

Design

- 6.7. The broad form of the building at five-storeys to the street can be accepted, as the flanking buildings (whilst of different heights) are broadly level because of the different storey heights and the fall in topography. This proposal (across the front) at first storey repairs the street and is of townscape benefit to this section of Bradford Street.
- 6.8. The architecture proposed is designed along a simple grid, which repeats on each floor and across each bay. This design approach is the philosophy of both neighbouring buildings, and yet adds something of its own personality without being pastiche.

- 6.9. It is considered that the simplicity will be successful given the proposed reveal depths of one and half bricks. This will respond well to the deep vertical full height canted piers of 112 Bradford Street. Furthermore, the use of English bond is welcomed.
- 6.10. Care has been taken to ensure that as much active use as possible can be provided to the street with the commercial unit and residential entrance arranged in a central position and the refuse and recycling access point and sub-station pushed towards the far ends. The ground floor frontage is level with the building line of the neighbouring buildings. This will help to animate the front of the building and its relationship with the street

Heritage

- 6.11. It is considered that there are several benefits associated with this scheme, primarily the reinstatement of back-of-pavement building line, reinstatement of built form and enhancement of an existing poor-quality site. The scale to street frontage is considered acceptable and generally the Council's Conservation Officer agrees with the Heritage Statement that the proposal would offer some benefit to the setting of Bradford Court. In addition, there is no adverse impact on the setting of 132 Bradford Court. Those attributes of setting that contribute to the significance of the listed building, and the ability to appreciate those attributes, will be unaltered by the proposed development and the development is therefore not considered to be harmful to the significance of 132 Bradford Street.

Noise

- 6.12. The noise assessment notes that the general daytime noise climate across the site is determined by traffic movements on Bradford Street and no noise from Bradford Court or other nearby commercial premises in the vicinity has been noted during any of the site visits.
- 6.13. BCC Regulatory Services 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, it is noted 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 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 Regulatory Services.

Flooding, Drainage and Ground Conditions

- 6.14. The application site falls within flood zone 1 and is therefore appropriate for residential development. The proposal would result in no net increase in the impermeable area and no additional demand for surface water to be drained to sewers. The proposal is to outfall to the existing combined sewer within Bradford Street to the south and the Local Lead Flood Authority have raised no objection to this subject to a Sustainable Drainage Scheme and Sustainable Drainage Operation and Maintenance Plan.

- 6.15. A ground conditions desktop study has been submitted in support of the application. It concludes that there is generally medium to low risk from historic uses and further intrusive investigation is recommended. BCC Regulatory Services have no objection subject to the prior submission of a remediation scheme and verification report. Conditions have been attached accordingly.

Access and Parking

- 6.16. A Transport Statement has been prepared in support of the planning application. The statement confirms that there are a wide range of local facilities, services and employment opportunities within easy walking distance of the site. The site is well served by high frequency bus services and major railway interchanges, and there are several viable cycling options for residents, visitors, occupants and staff including a designated cycle lane along the frontage of the site on Bradford Street. The site is therefore in a highly accessible and sustainable location. It is therefore considered that the site can be seen to accord with TP27 of the Birmingham Development Plan.
- 6.17. The Transport Development team concur with these conclusions and have recommended conditions be imposed requiring cycle storage and refuse stores laid out prior to occupation of the building. Based on the above no highway safety concerns are raised.

Living and Amenity Space

- 6.18. When assessed against the nationally prescribed housing standards all apartment sizes meet minimal standards. A private courtyard would be provided at ground floor level as well as individual private terrace areas facing into the courtyard.
- 6.19. There is no overlooking issues with the proposed development and no adverse impact on access to sunlight and daylight for existing premises, as well as the proposed development.

Sustainability

- 6.20. An Energy Strategy has been submitted in support of the application which notes that passive design measures and efficient building services will help to achieve a 15.6% reduction in CO2 emissions over the TER rate. The strategy further states that photovoltaics are the most suitable means of making up the shortfall. A condition has been attached requiring the submission of further details of the proposed PV panels.

Ecology

- 6.21. A Preliminary Ecological Appraisal has been submitted in support of the application. The site is dominated by a derelict, partially dismantled warehouse building and hardstanding. Some scattered Buddleia plants are present in a few locations, growing through brickwork of the building. The building is of brick, metal and reinforced glass construction and is exposed to the elements as it is open at both ends and is only partially roofed. Due to the building's structural characteristics, it has negligible suitability for roosting bats and the lack of vegetation means the site is unfavourable for foraging bats. No evidence of bats was found during the site survey.

- 6.22. The building is unsuitable for nesting black redstart, although it does contain some limited opportunities for other nesting birds. A feral pigeon nest was recorded on top of a brick pillar by the northern elevation. The Council's Ecologist notes that there is no potential for other protected/notable species and has no ecological objection to the proposed development, subject to implementation of the recommended mitigation and enhancement measures.
- 6.23. In line with guidance in NPPF (paragraphs 170d and 175d) and BDP policy TP8, the scheme should deliver a net gain for biodiversity. The proposals include green infrastructure elements – a courtyard, roof terrace and biodiversity roof (level 5). The inclusion of these green infrastructure elements is strongly supported.

CIL and Planning Obligations

- 6.24. Given the number of proposed apartments the City Council's policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant has submitted a Viability Statement with the application, which has been independently assessed by the City Council's assessor.
- 6.25. Policy TP31: Affordable Housing requires housing developments of 15 dwellings or more to provide 35% of dwellings as Affordable Housing. A Viability Assessment has been prepared and has been submitted in support of this application. The Council's independent assessor has concluded that the development can provide 15% affordable housing at 75% of Market Value. In conclusion it is their opinion that this is the most that the scheme can sustain from a viability perspective.
- 6.26. BCC Education and Leisure Services have also requested financial contributions. However, in this instance it is considered that affordable housing is the greater priority. The proposed development does not attract a CIL contribution.
- 6.27. The application site is located outside of the defined 'High Value' area as set out in the adopted charging schedule, and on this basis the residential accommodation proposed will attract a £nil charge. The adopted charging schedule also confirms that commercial uses including retail convenience floorspace below 2,700 sq m and leisure uses do not carry a charge.

7. Conclusion

- 7.1. In principle the development proposal is considered acceptable. The scheme would improve the streetscape at this location by providing a well-designed infill development.
- 7.2. It is therefore considered that the application is acceptable subject to completion of a legal agreement and safeguarding conditions.

8. Recommendation

- 8.1. Approve application 2021/00410/PA subject to the prior completion of a Section 106 Legal Agreement to secure the following: -
- a) 6 no. affordable housing units at 75% of Market Value in perpetuity comprising the following:
 - 4 x 1 beds
 - 2 x 2 beds

- 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.

- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 30th July 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.

- 8.3. 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	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Requires the submission of sample materials
4	Requires the submission of a CCTV scheme
5	Requires the provision of cycle parking prior to occupation
6	Requires the prior submission of a contamination remediation scheme
7	Requires the submission of a contaminated land verification report
8	Requires to development to be in accordance with PEA
9	Requires the submission of a Noise Insulation Scheme to establish residential acoustic protection
10	Requires the submission of hard and/or soft landscape details
11	Requires the submission of a lighting scheme
12	Requires the prior submission of a construction method statement/management plan
13	Requires the submission prior to occupation of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
14	Requires the glazing to the commercial units to be clear and not obstructed
15	Requires the submission of boundary treatment details
16	Requires full architectural and specification details
17	Requires the implementation of low carbon measures as recommended within Energy

Statement

18 Requires details of photovoltaic panels

19 Prevents occupation until the reinstatement of footway crossing

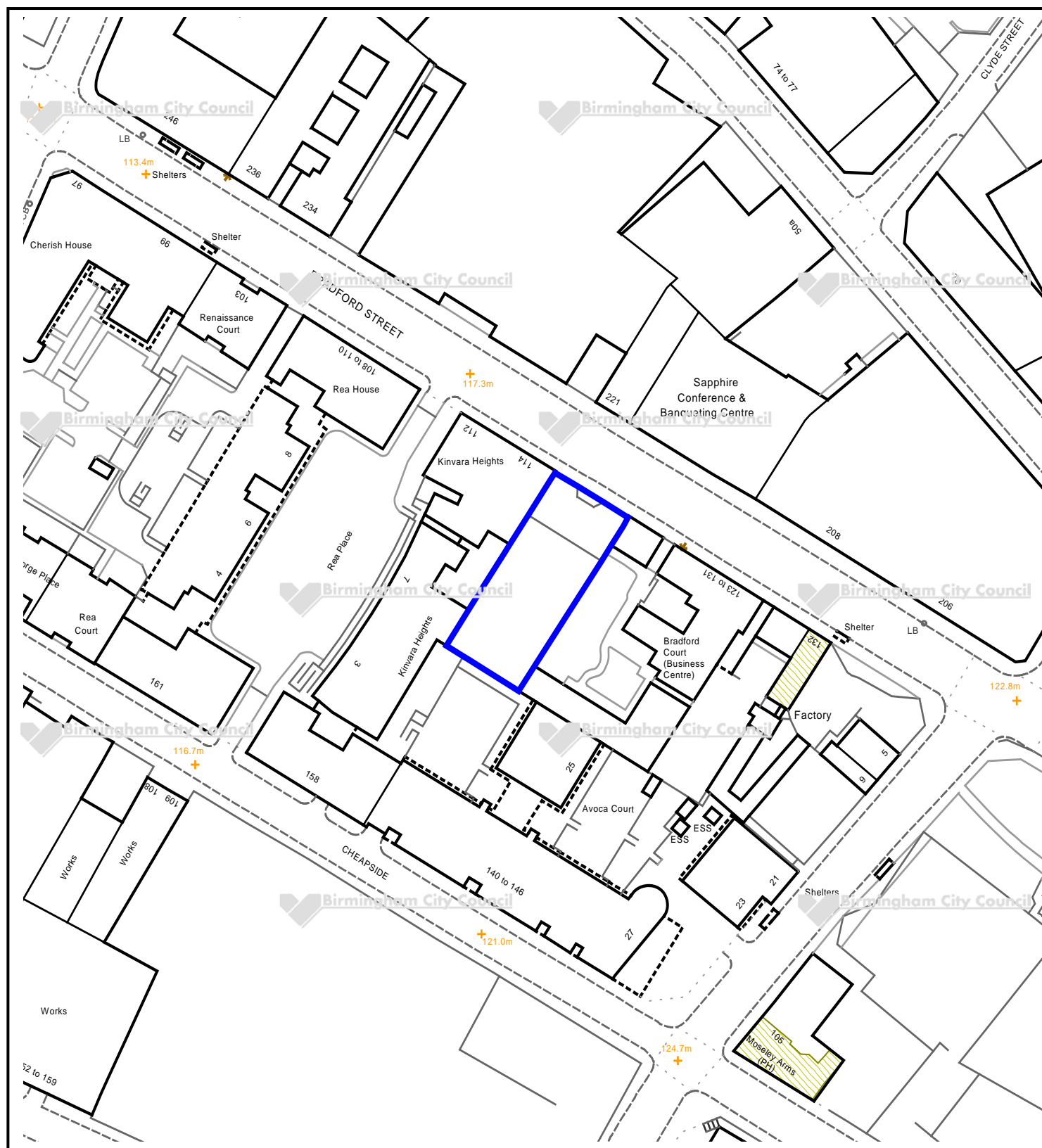
Case Officer: Miriam Alvi

Photo(s)





Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010

Committee Date:	24/06/2021	Application Number:	2021/03357/PA
Accepted:	15/04/2021	Application Type:	Full Planning
Target Date:	10/06/2021		
Ward:	Bordesley & Highgate		

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

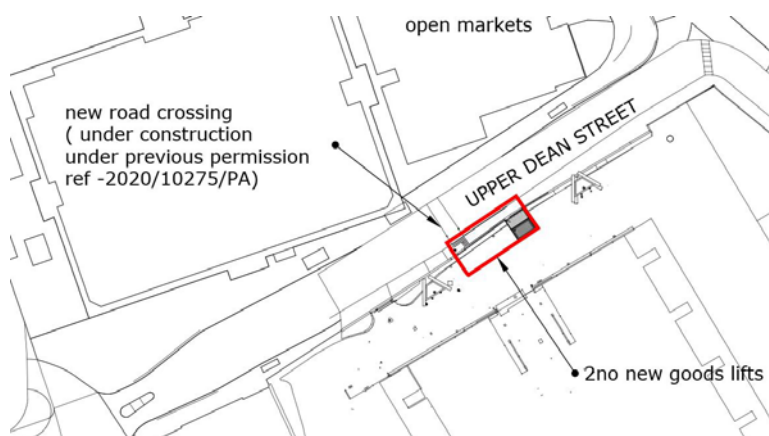
Installation of 2 no. new goods lifts for market traders use

Recommendation

Approve subject to Conditions

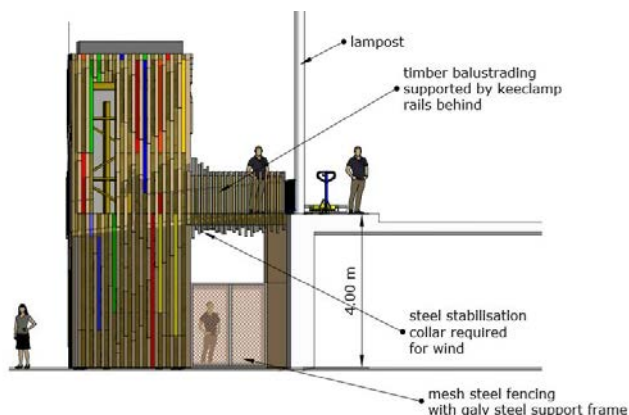
1. Proposal

- 1.1. Members will recall having previously considered an application that was identical save for the positioning of the proposed good lifts. The lifts have now been positioned to avoid having to alter the existing drainage and to further avoid obstructing views to the electronic advertising boards by rotating and moving the lifts approximately 10m from the crossing position whilst having a setback of 2.5m from the retaining wall.

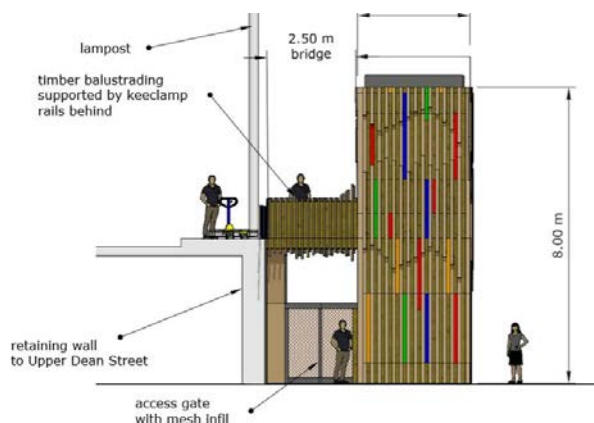


- 1.2. Planning permission is sought for the installation of two double storey good lifts at Upper Dean Street.
- 1.3. On 8 September 2020, Cabinet agreed to demolish Manor House and the Markets car park to enable the site to be handed over as a venue for the Commonwealth Games.
- 1.4. As part of the works to enable the use of the Birmingham Smithfield Site for the Common Wealth Games the existing storage units for outdoor market traders and the route along Moat Lane (currently used to transport goods by pallet truck to the open markets) will be no longer in use following the demolition of Manor House and the Markets Car Park and therefore needs to be relocated.
- 1.5. To maintain fruit and vegetable goods transfer from the Markets Carpark (located lower ground) to the Open Markets on Upper Dean Street two goods lifts are required with a safe crossing over Upper Dean Street. The road crossing does not

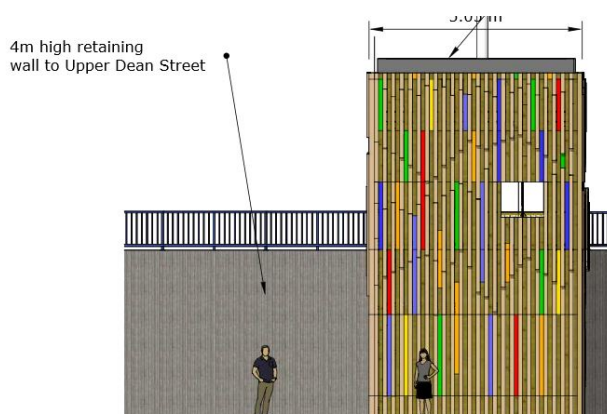
require planning permission and a Road Safety Audit has been carried out by Birmingham City Council Highways department.



- 1.6. The lifts would be positioned so as to avoid obstructing views to the electronic advertising boards by having a setback of 2.89m and would be in place for five years. Design of the lift cladding is set to last at least the five-year lifespan currently requested by BCC and would be formed of Marine grade plywood with coloured infill strips.



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



- 1.8. [Link to Documents](#)
2. [Site & Surroundings](#)

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

3. Planning History

- 3.1. 04/03/2021 – 2020/10275/PA – Installation of two new double storey goods lifts, pedestrian crossing and sliding gates. Approved subject to conditions.

4. Consultation/PP Responses

- 4.1. Birmingham City Centre Management, Residents Association, Retail Business Improvement District, Southside Business Improvement District, local councillors and neighbouring occupiers notified. Site notice displayed.
- 4.2. BCC Regulatory Services – No objections.
- 4.3. BCC Transportation Development – No objection subject to a condition the highway works are in place prior to the lift system being operational.

5. Policy Context

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

6. Planning Considerations

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

Principle of development

- 6.2. It is considered that this proposal would allow for the continued successful function of the open markets which attracts a number of visitors to this part of the City Centre. As a result, the good lifts are supported.

Design Matters

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

Highway Matters

- 6.6. BCC Transportation Development has raised no objection subject to highway works being in place prior to the installation of the good lifts. The applicant has confirmed that works to the highway are under construction as per the original planning approval (planning ref: 2020/10275/PA). A condition is therefore attached ensuring those highway works previously consented are completed prior to the good lifts being installed. Overall, the development is considered safe and is unlikely to interrupt the free flow of the highway.

7. Conclusion

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

8. Recommendation

- 8.1. Approve subject to the following conditions:-

-
- | | |
|---|---|
| 1 | Requires the goods lifts to be removed within five years of installation |
| 2 | Requires the prior submission of a programme of archaeological work |
| 3 | Requires highway works to be completed prior to installation of goods lifts |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Implement within 3 years (Full) |
-

Case Officer: Miriam Alvi

Photo(s)



Figure 1: Aerial View of Smithfield Site

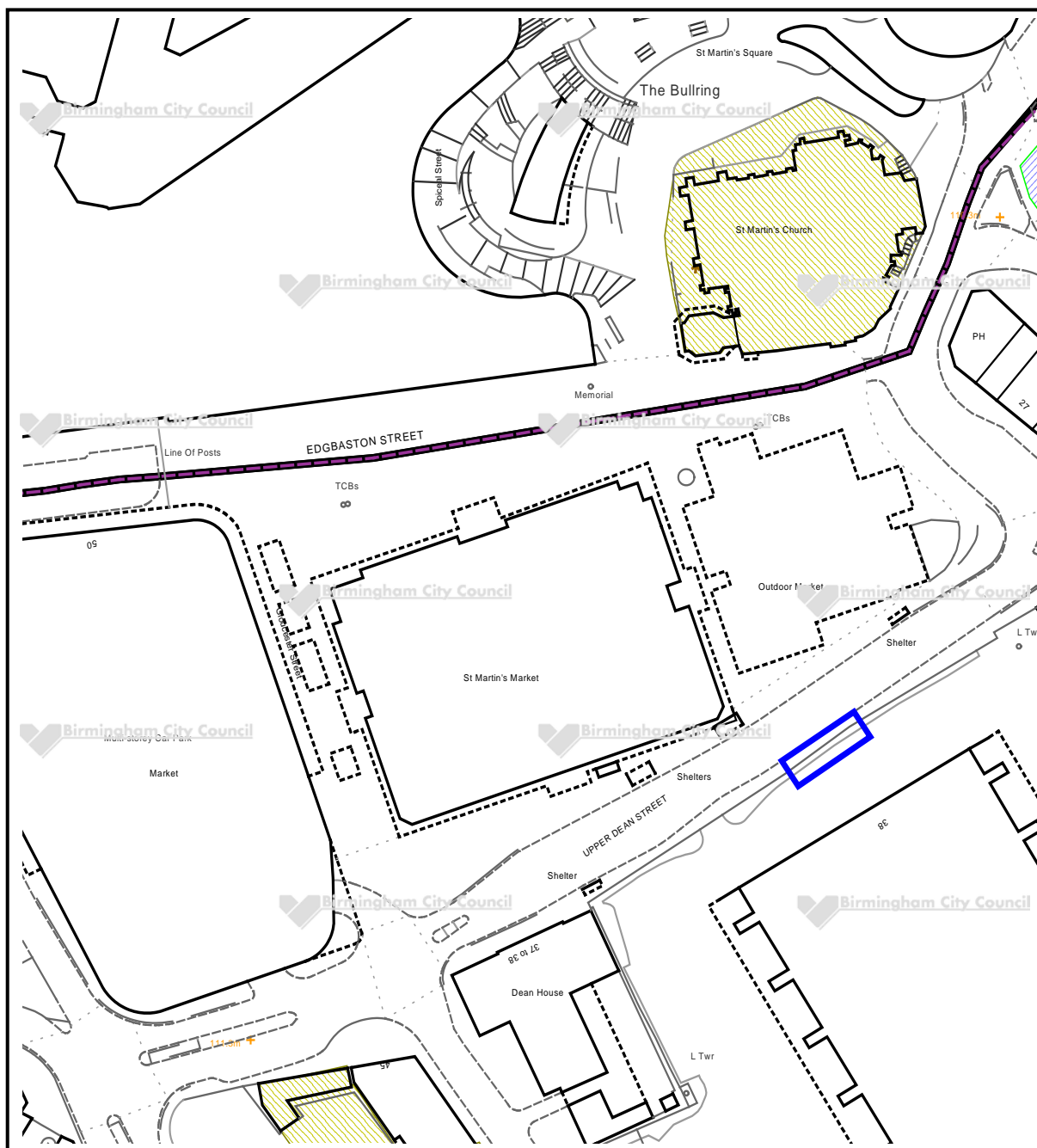


Figure 2. Proposed location of goods lifts



Figure 3. Wider context view

Location Plan



This map is reproduced from the Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Birmingham City Council. Licence No.100021326, 2010