

Birmingham City Council

Planning Committee

07 November 2019

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 – Conditions	9	2019/06718/PA 5 Centenary Square Broad Street City Centre Birmingham B1 1DR Erection of a 20,911 sqm (225,086 sqft) (GEA) office development (Use Class B1) with associated landscaping and public realm, car parking and servicing proposals
Approve – Subject to 106 Legal Agreement	10	2019/00964/PA 34-44 Northwood Street Jewellery Quarter Birmingham B3 1TU Part demolition of existing buildings and erection of new part three and part four storey buildings, conversion and refurbishment of retained buildings to provide 48 one and two bed apartments and associated cycle parking and landscaped courtyards.
Determine	11	2019/05185/PA Birmingham Repertory Theatre 6 Centenary Square Broad Street Birmingham B1 2EP Provision of new main entrance, new steps, ramps, two free-standing LED advertising structures and external balcony at first floor level and associated landscaping and change of use of part of first floor level to restaurant.

Committee Date:	07/11/2019	Application Number:	2019/06718/PA
Accepted:	09/08/2019	Application Type:	Full Planning
Target Date:	08/11/2019		
Ward:	Ladywood		

5 Centenary Square, Broad Street, City Centre, Birmingham, B1 1DR

Erection of a 20,911 sqm (225,086 sqft) (GEA) office development (Use Class B1) with associated landscaping and public realm, car parking and servicing proposals

Recommendation

Approve subject to Conditions

1. Proposal

Use and Amount of Development

- 1.1. This application seeks full planning permission for a 9-storey office development, comprising ground floor reception, with lower and upper ground floor office space to the rear and 7 storeys of office floorspace above. In addition, the proposals provide details of the external landscaping and public realm works to be provided as part of the development that would connect into other infrastructure works approved through previous planning permissions on the site.
- 1.2. The lower ground floor provides office floorspace to the south of the building providing active frontages facing onto Bridge Street and into the Arena Central site at the pedestrian walkway that links to Bank Court. The main entrance to the building is situated at ground floor level on the north eastern, curved corner of the building facing into Centenary Square. Access to lower and upper ground floors and Levels 1 to 7 would be from the reception area either by lift or stairs.
- 1.3. Levels 1-7 represent the main office floorspace within the building. These typical office floors offer large open spaces, which can be subdivided into smaller tenancies if required. The floors are serviced by a central core that contains 5 no. lifts and stair core. This central core also contains the restroom facilities for the building which can be accessed from either the central core or directly from the individual floorplates. The top floor, Level 7, floorplate has been reduced to create a roof top terrace/balcony area wrapping round the northern, curved corner of the building overlooking Centenary Square.
- 1.4. The building from ground floor to parapet level is approximately 34m above Broad Street, with the roof plant area a further 4m higher, albeit this is set back from the main frontage elevation. The roof would also incorporate a brown roof to soften its appearance and contribute to the development's biodiversity enhancement credentials.

External Appearance

- 1.5. The cladding design, alternate solid and glazed panels, seeks to create a simple, bold chequerboard pattern that emphasises the curved corner. Around the north and east elevations, the width of the panels gradually increases, with the largest panels located at the centre of the curve above the main entrance. At the top and bottom of the building, the cladding pattern accommodates openings and terraces. The rooftop plant enclosure also continues the pattern of solid panels as a screen, with louvres set back behind to conceal the plant.
- 1.6. The proposed cladding materials seek to relate to the context of Centenary Square, interpreting it in a modern way. The solid cladding to the curved block would be high-quality precast concrete panels, closely colour-matched to the pale creamy Portland stone of neighbouring listed buildings. The glass would have a grey visual quality, with minimal dark grey/black frames to contrast with the pale cream solid panels. The open topped plant enclosure would be clad all the way round in a full-height chequerboard screen of louvres and silver-grey precast concrete panels that match the facade below.

Landscaping and Public Realm Works

- 1.7. The landscape proposals are coordinated with several previous applications for other phases within the Arena Central development. The design seeks to create different character areas:
- a formal plaza setting for 5 Centenary Square that has a relationship with the adjacent Centenary Square. This plaza also acts as a gateway into the Arena Central development. The design is based on a simplified radial pattern set within the granite paving;
 - the start of the Serpentine route, a north–south green linear pedestrian route that runs through the heart of Arena Central. The pedestrian route is created using a buff colour resin bound surface to provide good slip resistance, a parkland aesthetic and smooth surface finish for walkability;
 - an informal office breakout area, linked to 5 Centenary Square and the north–south route, that has views out over the development and Bank Court adjacent; and,
 - a refreshed pavement zone along Bridge Street with access onto the north–south route and Bank Court from the western approach.

Access and Car Parking

- 1.8. Car parking for the proposals is provided at basement level accessed via a shared vehicle ramp, off Bridge Street, to the south of the site. There are 66 car parking spaces plus 2 larger accessible parking spaces. The cycle storage provision (with space for 52 cycles) is at lower ground level, accessed at street level from Bridge Street on the western elevation of the building. Shower and changing facilities adjacent to the cycle storage will be provided as part of the development.
- 1.9. Changes to the traffic layout of Bridge Street mean that servicing can be carried out from the street without a dedicated lay-by. Service vehicles would load and unload via service doors on the western elevation, utilising lift access at lower ground level to service the building.

Supporting Information

- 1.10. In support of the application the following documents have been submitted:-

- Planning & Impact Statement
- Design and Access Statement (including Landscape)
- Heritage Statement
- Transport Assessment
- Framework Travel Plan
- Energy & Building Services Sustainability Statement
- SUDS Assessment and Operation & Maintenance Manual
- Noise Impact Assessment
- Statement of Stakeholder Engagement

1.11. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The proposed development site (0.418 hectares) is located in the heart of Birmingham City Centre, south west of Birmingham New Street Station and forms part of the wider Arena Central mixed use regeneration area totalling 5.63 hectares. The site is at the corner of Broad Street and Bridge Street and adjoins the Grade II listed Municipal Bank at 301 Broad Street to the east, beyond which is the new HSBC office building. To the south is a further office building (3 Arena Central), which is currently under construction and future development plots along Bridge Street.
- 2.2. Arena Central forms the southern side of Centenary Square, one of the primary civic squares in the city. The northern side of the square is formed by the Grade II listed Baskerville House, the Library of Birmingham and REP. The Grade I listed Hall of Memory sits in the centre of the east side of the square. To the west is the 1990s Symphony Hall and ICC complex. The south-west corner is marked by the mirror-clad Hyatt Hotel tower and the south-east corner by the recently listed 1970s Alpha Tower. The Paradise Circus redevelopment is located to the east side of Centenary Square.
- 2.3. Centenary Square itself has recently been transformed with a redesign of the square. Broad Street is now closed to private traffic and the metro tram system (approved under the Midland Metro Extension Transport Works Act Order 2005), already under construction, will link Centenary Square to New Street station and Snow Hill to the east and, in a future phase, Edgbaston to the west.
- 2.4. The wider Arena Central site comprises two pieces of land. The main portion of the site, an Enterprise Zone site, is bounded by Broad Street, Suffolk Street Queensway, Bridge Street and Holliday Street. It contains the existing Grade II listed Alpha Tower, the Crowne Plaza Hotel, the Grade II listed Former Birmingham Municipal Savings Bank and the Arena Central Car Park. The other part of the site, located to the south of Holliday Street, comprises the Centenary Plaza residential and hotel development.
- 2.5. A railway tunnel is located beneath the Broad Street / Suffolk Street corner of the wider site, below the northern edge of Alpha Tower and the former Masonic Hall fronting Broad Street. Across the Arena Central site ground levels fall by about 11m from Broad Street down to Holliday Street.

[Location Plan](#)

3. Planning History

- 3.1. Relevant planning applications for the wider Arena Central development are set out below.
- 3.2. Arena Central - 08/07/14 - 2014/02475/PA - Variation of condition no. 14 (Section 278 highway works) attached to planning application 2010/06462/PA to include the re-phasing and scope of works/payments approved subject to conditions.
- 3.3. Plot A (the application site) Arena Central - 08/8/14 - 2014/04004/PA - Reserved matters approved for the erection of a 7/8 storey office building with ancillary retail/restaurant and associated parking, servicing and public realm
- 3.4. Plots E1 and E2 - 08/8/14 - 2014/04345/PA - Reserved Matters approved for landscaping works to form a linear park/pedestrian walkway and surroundings and associated infrastructure.
- 3.5. Plot G Arena Central - 05/03/15 - 2014/08220/PA. Reserved matters granted for residential led mixed use development consisting of 322 residential apartments, 673sqm commercial floorspace, circa 150 car parking spaces, cycle parking spaces, landscaping & public realm improvements & plant & equipment
- 3.6. Plot C Arena Central - 01/05/15 - 2015/01113/PA - Reserved Matters approved for a 27,000 sqm office with ancillary retail/commercial floorspace and associated access, car parking
- 3.7. Plot D Arena Central - 19/12/16 - 2016/07978/PA – Planning consent granted for erection of a 14 storey office development (Use Class B1) and ancillary retail/commercial (Use Classes A1/A2/A3) with associated landscaping and public realm, access, car parking and servicing proposals.
- 3.8. 301 Broad Street – 8/11/18 applications 2018/06605/PA and 2018/06627/PA - Planning and listed building consent granted for refurbishment and change of use of the former Municipal Bank to a mixed use scheme, comprising University use including exhibition halls, food and beverage uses, community and co-working use – approve subject . Demolition and alteration to the rear elevation, removal of existing glazed roof light, and erection of new raised roof light above existing roof level. Extension of basement level ancillary space to the south beneath new landscaped steps and ramp opening the south elevation to Bank Court, and associated works.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers, residents associations, Westside BID, local ward Councillors and MP have been notified. Site and press notices displayed. One letter of objection received from a resident in the City Centre commenting that there is next to no active frontage in the whole of Arena central. Alpha Tower has a cafe for use by the co-workers of Alpha works and that's it. The whole development will be dead and devoid of people in the evenings making it dangerous. Given the use of a large central square wouldn't it make sense to encourage bars and restaurants on the ground floor to make the masterplan mixed use, otherwise it is culturally sterile.
- 4.2. BCC Transportation Development - No objection subject to conditions; cycle parking and car parking and parking access provided prior to building being occupied, along with Bridge Street lay-by for servicing and a Construction Management Plan.

- 4.3. BCC Regulatory Services – no objection in principle subject to conditions to limit noise from all plant and machinery; a restriction on the maintenance and testing of emergency plant to normal working hours; and the provision of vehicle charging points. No land contamination conditions are required due to the inclusion of a full building basement car park and the provision of topsoil in all landscaped areas
- 4.4. BCC Employment Access Team – suggest a condition or S106 to secure local employment and training obligations.
- 4.5. Local Lead Flood Authority – holding objection submitted, from the information submitted, the proposed development will discharge surface water at a higher rate than the greenfield rate required by Policy TP6.
- 4.6. Transport for the West Midlands – awaiting comments.
- 4.7. Canals and Rivers Trust –
- to safeguard the amenities of canal boat moorings at Gas Street Basin a condition should be attached to secure a Construction Environmental Management Plan;
 - it is disappointing that all low carbon options for providing energy to the building have been rejected in favour of gas boilers;
 - it is disappointing that the heritage statement does not consider the impact of the views out of the basin, although the impact might be minimal;
 - the nearby canal network provides an ideal off road sustainable travel route for commuting and the proposed development should include secure bicycle facilities and shower provision for staff, along with external cycle hoops for visitors;
 - the soft landscaping scheme does not include a link to the canal basin and as such provides a break in the city's green infrastructure; and,
 - the proximity of the canal network should be publicised in travel plans and secured via a planning condition. In addition, to facilitate increased use of the canal network signage should be installed
- 4.8. West Midlands Fire Service - 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. Where fire mains are provided in the building there should be access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet connection point, typically on the face of the building and each inlet should be clearly visible from the appliance. The run of horizontal internal connecting pipe is a maximum of 18m in length.

Buildings with a floor higher than 18m above fire and rescue service access level, or with a basement more than 10m below fire and rescue service access level, should be provided with fire-fighting shaft(s) containing fire-fighting lifts and fire mains. A sufficient number of fire-fighting shafts should be and at least two fire-fighting shafts should be provided in buildings with a storey of 900m sq. or more in area.

Water supplies for firefighting should be in accordance with published guidance and the WMFS acknowledges the provision of sprinklers in this building.

The approval of Building Control will be required to Part B of the Building Regulations 2010 and early liaison should be held in relation to fixed firefighting facilities, early fire suppression and access.

4.9. West Midlands Police – security measure are incorporated into the design, including;

- A monitored CCTV scheme,
- Anti-ASB measures, including skateboarding,
- HVM scheme around the whole Arena Central site,
- Shutters installed to control access into the car park,
- Alarmed and CCTV-monitored fire escape doors,
- Raising the height of the private seventh floor terrace balustrade to 1.3m,
- Access control throughout the building, including the cycle store.

In addition the Police recommend that a lighting plan for the site be produced, provision of a suitable CCTV system, any work be carried out to the standards within the Secured by Design 'Commercial 2015' guide. However, there appears no co-ordination to ensure that the wider Arena Central site is fully protected in terms of a consistent lighting scheme, CCTV scheme and hostile vehicle mitigation. They have also provided advice regarding the glazing standards to be followed and recommend that access control is installed throughout the building and the site be the subject of a 24 hour staff presence.

4.10. Severn Trent Water – no objections subject to a condition to secure drainage plans for the disposal of foul and surface water. There may also be a public sewer located within the application site

5. Policy Context

5.1. Birmingham UDP 2005 Saved Policies; Birmingham Development Plan 2031; Places for All SPG; Car Parking Guidelines SPD; Access for People with Disabilities SPD; Lighting Places SPD and National Planning Policy Framework.

5.2. The Grade II Former Birmingham Municipal Savings Bank at 301 Broad Street is adjacent. Nearby listed buildings include the Grade II Alpha Tower and the Grade I Hall of Memory. In addition, The Hyatt is locally listed Grade A.

6. Planning Considerations

Principle of Development

6.1. Following the 2000 call in inquiry the Secretary of State approved a mixed use scheme on the Arena Central site. More recently, in 2014 a reserved matters application was approved for redevelopment of this particular Plot for a 7/8 storey office building with ancillary retail/restaurant and associated parking, servicing and public realm in accordance with application 2014/04004/PA. This previous reserved matters application, which consented a total of 16,300sqm accommodation, was not implemented and the time limit for submission of new reserved matters applications lapsed in February 2015. This application is therefore a “standalone” detailed application for similar building to that previously approved but with an additional storey of office accommodation.

6.2. Although not bound by the previous outline planning permission for the site, the proposals are consistent with it. In addition the proposals are also consistent with the Masterplan, linked to the outline permission, which has guided development proposals on the site to date. Although separate from the outline permission, this full application provides a further update to the Masterplan that incorporates the new

proposals whilst maintaining the overall design character and setting created through previous iterations of the document.

- 6.3. The proposal would also help bring forward significant economic benefits. Arena Central is one of the 26 sites that make up the Birmingham City Centre Enterprise Zone. The EZ confirms that to accommodate growth in the financial and professional services sector, the central business district within the city core needs to expand in various directions including westwards to take in the Arena Central development site. BDP Policy TP21 identifies a requirement for an additional 700,000sqm (gross) of office floorspace within the City Centre over the plan period. The proposed development would therefore make a meaningful contribution towards this provision in an established office location.
- 6.4. In principle therefore, the proposed development would be consistent with the Birmingham Development Plan 2031 and revised National Planning Policy Framework, in that it would be an appropriate use of a brownfield site in a highly accessible sustainable location.

Building Design

- 6.5. The City Council's adopted Places for All SPG provides design guidance for new developments. It provides 5 main principles against which new developments should be assessed. As detailed below I consider that the building is well designed and meets the five main principles as set out in Places for All SPG.
- 6.6. Creating Diversity – although the building would be for office use the wider Arena Central site includes residential, hotel and retail uses, along with other office buildings. In addition, the former Municipal Bank is being refurbished for use by Birmingham University to include exhibition halls, food and beverage uses, community and co-working use. The proposal would therefore complement the mix of uses within the Arena Central development site.
- 6.7. Moving Around Easily – the development seeks to re-establish the east-west route across the site, connecting from the Gas Street canal basin through to Alpha Plaza. This new route would tie into the previously approved north-south link to provide good routes through the site. In addition, the footprint of the building incorporates a curved corner to the north eastern elevation facing onto Centenary Square to provide a plaza to act as a gateway into the Arena Central development.
- 6.8. Build on Local Character – the height of 5 Centenary Square relates to the first terrace height of 1 Centenary Square, setting the Municipal Bank in a coherent streetscape. The scale of these buildings creates a consistent frontage to Centenary Square, framed by the towers either side: Alpha Tower to the east and the Hyatt to the west. I consider that the proposed building height and principle of stepping up in building heights across the wider Arena Central site is appropriate and consistent with the Masterplan. The proposed massing of the building would reinforce the street frontage to Centenary Square. In addition, the curved corner creates a gateway into Arena Central and backdrop to the listed former Municipal Bank. In addition, the chequerboard pattern with simple detailing would create a crisp, strong and striking form.
- 6.9. Safe Places / Private Spaces - it is intended that the main entrance facing Centenary Square would be recessed within a generous arcade to provide a spacious, attractive and welcoming feature for pedestrians. In addition, active frontage has been maximised by the split level upper ground and lower ground

floors activating the 2m level change across the site. Office windows face onto the Serpentine route, the southern path and Bridge Street pavement wherever possible, with plant access and fire escapes minimised.

- 6.10. Building for the Future – the applicant’s intention is for an energy efficient building to achieve a BREEAM “Excellent” rating and a condition is attached to secure this. Their approach seeks to maximise the reduction of CO2 emissions, whilst minimising energy consumption. This would be through the use of advanced building modelling software and passive construction techniques; incorporation of high efficiency systems and effective controls throughout the design; and incorporation of renewable energy sources where necessary to achieve CO2 targets or provide desirable benefits. In response to the comments raised by the Canal and River Trust, the applicant has provided evidence to demonstrate that the natural gas fired boiler solution performs better than the district heating system option.

Landscaping Strategy

- 6.11. Since the previously approved landscaping scheme was approved as part of the 2014 reserved matters consent, the landscape scheme has undergone a series of minor changes:-
- Bridge Street access redesigned - the pedestrian access along the south facade has been reconfigured to allow for crane and fire tender access in the event of an emergency, to the benefit of H&S and maintenance of the scheme. As a consequence, there is less space for landscaping. However, there is some planting along the northern side of the car park ramp and planting is included closer to Bank Court where the building line steps in. I therefore consider that when considered against the more practical access requirements that this part of the site has to address, it would provide a suitable high quality link to the canal basin.
 - Estate-wide changes coordination - Landscape works have been coordinated with the wider development as a series of other planning proposals have since been progressed. However, the key principles and character remain.
 - Cafe space redesign - due to the ground floor design adjustments at the south-eastern corner of 5CS, the outdoor seating space has been adjusted and the landscape design reconfigured to a series of raised planters and trees.
 - Fire escape along east façade - the addition of the fire escape to the eastern façade was made to ensure the landscape design provides a clear egress route for the benefit of safety and operation of the site.
 - Removal of Bridge Street lay-by - The defined service lay-by has been omitted and will now be located on street (subject to Section 278 agreement with BCC Highways), widening the pedestrian pathway creating a more pedestrian-focused street in general day-to-day operation.
 - Centenary Square levels coordination - The levels at the interface with Centenary Square have been coordinated to avoid the need for a retaining wall or steps at the north-west
- 6.12. Whilst I note the comments raised by the Canals and Rivers Trust, I consider that proposed landscaping scheme would be of a high quality and complement the wider

landscaping works around the Arena Central development and represents an improvement over the previous consented scheme.

Impact on Listed Buildings

- 6.13. Under the National Planning Policy Framework it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. It adds that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.14. The key heritage issue is the effect of the proposal by virtue of its height, materiality and siting on the special interest and setting of nearby listed buildings, namely the Former Municipal Bank, Hall of Memory and Alpha Tower.
- 6.15. Former Municipal Bank, 301 Broad Street - the setting of the Former Municipal Bank has significantly changed over time through redevelopment of the surrounding area, including the application site located to its west. The proposed development would be situated within this heavily altered context and would form part of the wider Arena Central Masterplan. The Heritage Statement states that it is not intended that the building will compete or challenge the robustness, architectural form or overall special interest of the Former Municipal Bank. The building is already viewed in the context of established tall buildings, including Alpha Tower, the Holiday Inn Express and the Hyatt Regency Hotel yet its significance is sustained. Overall, it is considered that the special interest of the Former Municipal Bank will be sustained by the Proposed Development and will preserve those elements of setting that contribute to its significance. In addition, the curved frontage would help reveal the decorative west facing façade of the Former Municipal Bank.
- 6.16. Hall of Memory – the architectural significance of the Hall of Memory, with its iconic octagonal plan, dome and bronze sculptures will be sustained as a statement of civic pride. This is principally experienced from Centenary Square to the north west. This also allows for the symmetry and principal entrance of the building to be fully appreciated and experienced. Due to the direction of view, the proposed development will not be visible from within this area.
- 6.17. More widely, the proposed development would be visible from the Hall of Memory and will form part of a backdrop to the south of Centenary Square. Whilst this will result in a change to part of the setting in which the building is experienced, it is not an element of setting that contributes to its significance. Furthermore the proposed building will be viewed in the context of established tall buildings and modern development (Alpha Tower, 1 Centenary Square (HSBC), Holiday Inn Express, Centenary Plaza, the Cube and the Hyatt Regency Hotel) to its south.
- 6.18. Overall, I consider that the special interest of the Former Municipal Bank, the Hall of Memory and Alpha Tower would be sustained by the proposed development and would preserve those elements of setting that contribute to the significance of these listed buildings. Furthermore no adverse comments have been received from Historic England or my Conservation Officer.

Transportation and Parking Issues

- 6.19. The site occupies a city centre location within 10 minutes walking distance of Birmingham New Street Railway Station and the central shopping area and is highly accessible by various modes of public transport. The sustainability of this location in terms of its proximity to key transport nodes would also be enhanced further through proposals to provide the Birmingham Metro extension along Broad Street.
- 6.20. As part of the long term Masterplan (the outline consent for which provided for up to 2,500 spaces across the Arena Central development) the application includes basement parking for 68 cars accessed through the recently constructed vehicle ramp onto Bridge Street. BCC parking guidelines notes a maximum 1 space per 60sqm gross, which would be equivalent to 295 spaces. The level of parking proposed is below the maximum guideline, commensurate with other office developments in the city centre, and accords with sustainable principles seeking to reduce reliance on the private car where public transport provision is extremely good.
- 6.21. Applying the cycle parking standards as specified in the Car Parking Guidance SPD, the proposed development should provide a minimum of 52 cycle parking spaces. To encourage sustainable travel to the site, 64 cycle parking spaces would be provided on the lower ground floor level. Additional visitor cycle spaces is provided within the public realm of Arena Central.
- 6.22. It is proposed that deliveries and all servicing would be from an on-street painted lay-by on Bridge Street, entering via a shared door to the cycle store/ bin store. There would be painted markings in the road to indicate the servicing bay.
- 6.23. There would be a minimal level of impact of traffic on the highway from this proposal and the wider outline approval resulting from the appeal decision has covered the wider traffic impact in its analysis.
- 6.24. BCC Transportation Development have raised no objections and as recommended conditions are attached to secure a Construction Management Plan and cycle parking and car parking are provided. The access car park access ramp is already in place and servicing is now from the street, rather than a lay-by. It is not therefore necessary to secure these works via a planning condition

Ground and Environmental Impacts

- 6.25. In support of the application a noise report has been submitted. It notes that full details of the mechanical plant are not yet finalised but are understood to comprise of external plant equipment located on the roof of the building with additional ventilation plant expected at low level to serve the basement car park areas. The nearest noise sensitive use is the Hyatt Hotel on the west side of Bridge Street, approximately 30m away. The report concludes that with due attention to noise mitigation, the noise generating elements of the proposed development would comply with the standard planning requirements of the City Council. As recommended by BCC Regulatory Services safeguarding conditions are attached.
- 6.26. As recommended by Severn Trent Water a condition is attached to secure drainage plans and the developer has been advised that there may be a sewer under the site. Additional drainage information has been requested to address the concerns of the LLFA and any further comments will be reported.

Planning Obligations

- 6.27. The most recent outline application (2014/02475/PA) for the wider Arena Central secured £5m toward public transport improvements including Birmingham Gateway. It was agreed that the transport sum would be phased £1.5m, £2m and £1.5m when gross internal floorspace in the whole Area Central Development exceeded 27,871sqm, 55,742sqm and 83,613sqm. The applicant has paid the first instalment and the second instalment is due upon commencement of development at 5 Centenary Square.
- 6.28. Plot D was developed as a standalone application (2018/00610/PA), but £1.5m was secured to reflect the third transportation contribution as set out in the S106 legal agreement attached to the outline planning consent. However, rather than using all the money toward public transport some of the money was proposed for environmental improvements along Holliday Street including tree planting and improving the Britannia Car Park elevation. Development has commenced on Plot D triggering these S106 obligations. Given that the City Council has already secured the previously agreed financial contributions, I do not consider it necessary to seek further financial contributions in this instance.
- 6.29. The proposed development does not attract a CIL contribution.

Proposed Revised Masterplan

- 6.30. In support of the current planning application an updated Masterplan for the wider Arena Central site has been submitted. One key change has been made – whereas the current masterplan shows the future development plots along Bridge Street (Plots 4 and 5) as office buildings. In the current market, residential and hotel use are also being considered for these final plots of the masterplan. I consider that the siting of these final plots and the long frontage to Bridge Street make them flexible to suit office, hotel or residential uses. Overall, I do not have any objections to the updated.

7. Conclusion

- 7.1. In principle, redevelopment of this site for offices is consistent with the previous reserved matters consent and Masterplan. It is also consistent with local and national planning policy. Furthermore the scheme would help to bring forward significant economic benefits by providing Grade “A” office space to accommodate growth in the financial and professional services sector.
- 7.2. The proposal accords with the position, scale and form of the long term agreed masterplan for arena central. In 2014, planning consent was granted for this same building (then known as 1 Arena Central) at eight storeys high, following a Reserved Matters application under the outline masterplan consent. While the building is now one storey taller, the design principles remain unchanged from the 2014 consented scheme.
- 7.3. This building would also complete the frontage of Arena Central facing Centenary Square and act as the northern gateway to the ‘Serpentine’ pedestrian route through the site. Whilst there have been changes to the Development Plan since 2014 and the building is slightly taller, the premise that this scheme is acceptable remains.
- 7.4. There would be a minimal level of impact of traffic on the highway from this proposal and the level of car parking is well below the maximum guideline. I therefore recommend approval subject to safeguarding conditions.

8. Recommendation

8.1. Approve subject to safeguarding conditions

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requires the prior submission of a drainage scheme |
| 4 | Requires the submission of extraction and odour control details |
| 5 | Limits the noise levels for Plant and Machinery |
| 6 | Requires the hard and soft landscape works to be completed prior to occupation |
| 7 | Requires the submission of a lighting scheme |
| 8 | Requires the prior submission of a construction method statement/management plan |
| 9 | Requires the submission of sample materials |
| 10 | Requires the submission of a CCTV scheme |
| 11 | Requires the submission of details of refuse storage |
| 12 | Requires the submission of a commercial travel plan |
| 13 | Requires the parking area to be laid out prior to use |
| 14 | Requires the submission of cycle storage details |
| 15 | Requires the provision of a vehicle charging point |
| 16 | Requires the submission of a wayfinding scheme |
| 17 | Requires the prior submission of a construction employment plan. |
| 18 | Requires the developer/occupier to identify local employment opportunities for the end user. |
| 19 | Requires the submission of a BREEAM certificate |
| 20 | Limits the maximum gross floorspace of the unit |
| 21 | Implement within 3 years (Full) |
-

Case Officer: David Wells

Photo(s)

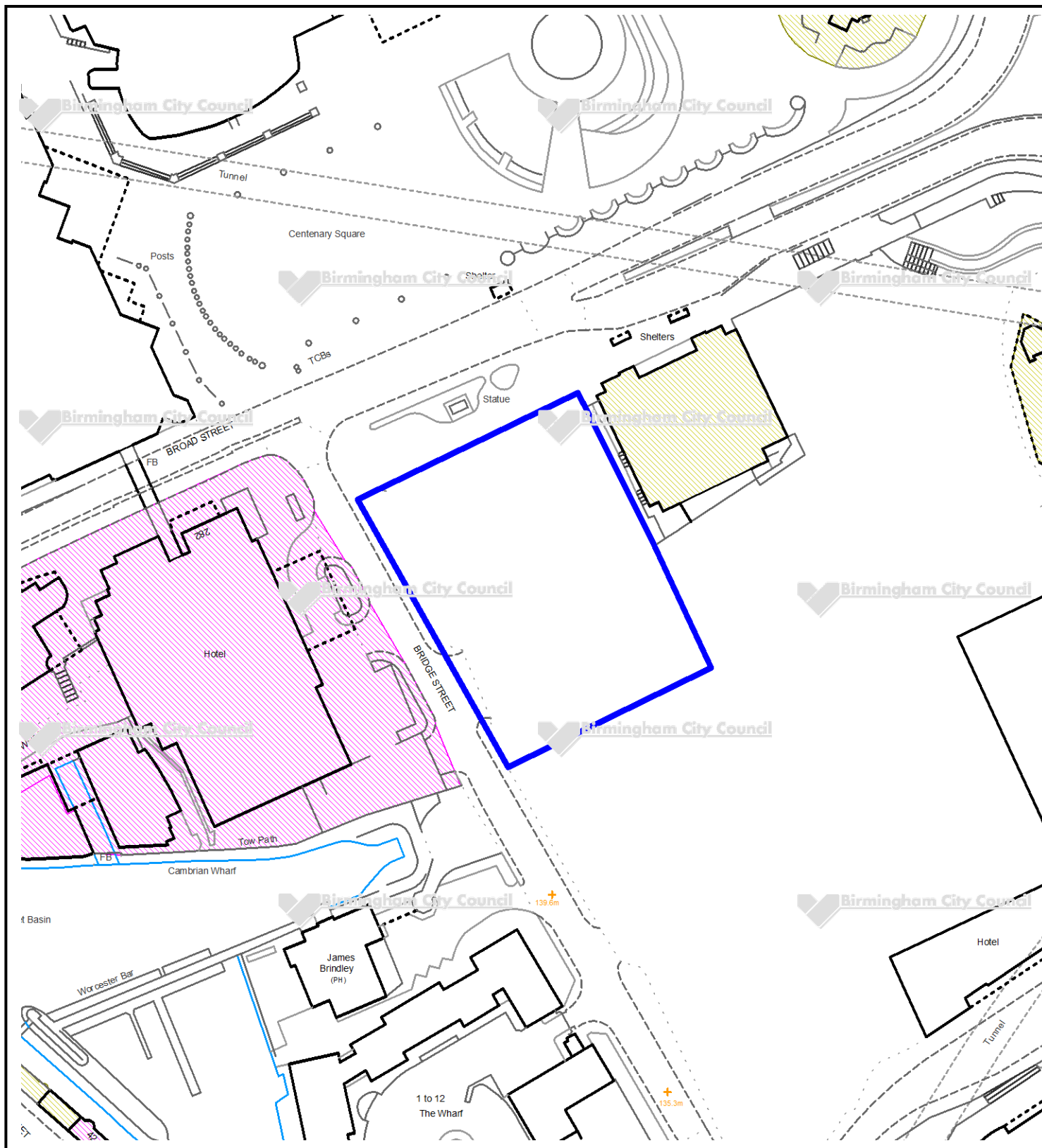


View looking east toward the Former Municipal Bank and Plot C Arena Central



View looking southeast toward Plots C and D Arena Central

Location Plan



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Committee Date:	07/11/2019	Application Number:	2019/00964/PA
Accepted:	05/02/2019	Application Type:	Full Planning
Target Date:	07/05/2019		
Ward:	Soho & Jewellery Quarter		

34-44 Northwood Street, Jewellery Quarter, Birmingham, B3 1TU

Part demolition of existing buildings and erection of new part three and part four storey buildings, conversion and refurbishment of retained buildings to provide 48 one and two bed apartments and associated cycle parking and landscaped courtyards.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1 The application proposes the re-development of a site of 0.18ha currently occupied by a pitched roof, 3 storey, listed building which has a range of extensions to the side and rear. These buildings fill about two thirds of the plot and the remainder is open and used for servicing and car parking.
- 1.2 The Grade II Listed building sits in the centre of the site frontage to Northwood Street. It would be retained together with the sites boundary walls, a single storey section of original walling and a small two storey lean to building adjoining the rear boundary. All the other buildings on site would be demolished and be largely replaced with new buildings to the rear and sides of the listed building. These would be 3 and 4 storeys in height and together with the retained structures would provide 48 apartments comprising:-
- 3 apartments within the existing listed building,
 - 1 duplex apartment within the retained 2 storey lean-to building at the rear
 - 44 x 1 and 2 bed apartments within the proposed new buildings.
- 1.3 The proposed dwelling mix would provide:-
- 6 (13%) - 1 bed x 1 person apartments (41- 46 sq.m)
 - 12 (25%) - 1 bed x 2 person apartments (50- 63 sq.m)
 - 16 (33%) - 2 bed x 3 person apartments (64 sq.m)
 - 14 (29%) - 2 bed x 4 person apartments and duplex units (73 – 122 sq.m)
- Following an appraisal of the applicant's viability report by the Council's consultants it has been agreed that 7 (14.6%) of the dwellings would be affordable apartments for low cost home ownership.
- 1.4 The proposed layout for the development would provide a 4 storey flat roofed building on the north east side of the listed building fronting Northwood Street and a three storey building but with accommodation in the pitched roof on the south west side. To the rear of the listed building a single section of original walling with arched openings would be retained and extended to provide a 4 storey wing in roughly the centre of the site. This would adjoin a landscaped courtyard to the north east enclosed by the existing boundary walls and the retained 2 storey lean-to building. A further small

courtyard would be provided behind the listed building so that its rear wall can be reinstated following the removal of the current extensions.

- 1.5 On the south west side of plot, to the rear of the frontage block, a further part 3 storey and part 4 storey wing is proposed extending to the full depth of the plot. This would be separated from the central wing by a further landscaped courtyard to be used as the main entrance to the development utilising the historic cart way entrance within the listed building.
- 1.6 The design of the new buildings and site layout has been amended since originally submitted which has reduced the number of apartments by 1 unit and the height of one of the new buildings fronting Northwood Street from 4 to 3 storeys so there is more variety in the roof line and form. The proposed materials and detailing have also been amended to include larger and wider windows on the site frontage buildings arranged in diminishing proportions and feature brickwork and the use of red/orange brickwork to tone in with the terracotta façade of the listed building. The wings to the rear would be largely of brick with industrial style windows, some with projecting bays to increase light levels. The link sections between the blocks would be of dark grey zinc as would be the pitched roofs. The rear wall and roof of the listed building would be reinstated using dark red brickwork, a slate roof and new metal framed windows.



Figure 1: Proposed elevation to Northwood Street with listed building in the centre of the site.

- 1.6 No car parking is proposed but the development includes a cycle store/workshop with 48 spaces. On the site frontage the existing substation would be retained but incorporated into the design of the 3 storey building at ground floor level and be clad in glazed brickwork with new entrance doors. The adopted energy strategy for the development would be that of a fabric first approach as the enhancement of the thermal envelope and airtightness would reduce the required energy demand for the development.
- 1.7 The site has an area of 0.18 ha giving a density of 266 dwellings per ha. The application is supported by a Design and Access Statement, Heritage Statement, Transport Statement/Travel Plan, Ground Investigation, Noise Assessment, SUDs Assessment, Planning Statement, Landscape Strategy, Bats Survey, Energy statement, Daylight/Sunlight study and Viability Assessment.

1.8 [Link to Documents](#)

2 [Site & Surroundings](#)

- 2.1 The application site covers is located on the southern side of Northwood Street within the St Pauls and Canal Corridor Locality of the Jewellery Quarter Conservation Area. It is currently occupied by BDG Manufacturing, a silversmith business and incorporates a Grade II listed terracotta building. The existing premises comprise of a part single and part two storey factory with three storey offices to the front and yard/car park to the side. The buildings extend to approximately 2,000 square metres. The site has a level change of 1.6m across the frontage and the existing yard is set approximately 1.2m higher than the rest of the site. The site is bounded by existing walls to the north east and south east which would be retained. There is a small substation on the site frontage enclosed by close boarded fencing.
- 2.2 At the centre of the site is the Grade II listed building which was the frontage range to former Carpathian Work's manufactory, dating from the 19th century. The listed building is three storeys high, of red brick and terracotta with moulded terracotta detailing and has a pitched roof concealed by a shallow parapet. To the rear and both sides of the listed building are modern extensions of a concrete block construction with a metal corrugated roof incorporating some small elements of the original buildings. The two-storey block to the northern part of the site was rebuilt in the 1980s following a fire.
- 2.3 The surrounding area is a mix of residential and employment uses. Adjoining the north east boundary is 'Sapphire Court', a modern three storey residential development and to the south west, is Nos 50-60 Northwood Street which is currently vacant and used for surface car parking. The site does however have consent for a new 4 storey residential block. On the opposite side of Northwood Street are modern 3 and 4 storey apartment buildings and town houses and a two storey industrial building. At the rear of the site lies several modern apartment developments and offices which front Cox Street and they partly abut the rear boundary wall to the application site.
- 2.4 This section of Northwood Street has relatively few historic buildings with nearest being Nos. 36-37 Cox Street which dates from 1920 but has been adapted in the late 20th century when the building was remodelled. It has a modernised workshop range used as offices which extends to the rear of the application site.

2.5 [Site Location](#)

3. [Planning History](#)

- 3.1 2018/01004/PA – Current associated application for listed building consent for demolition of structures attached to listed building and renovation and conversion of listed building and associated workshop to residential use. To be determined under delegated powers if this current application is approved.
- 3.2 03/05/1982 – 19507005 – Planning permission granted for extension comprising loading bay at ground floor level with Office/Storage/Production area at first floor level.

4. [Consultation/PP Responses](#)

- 4.1 Transportation – No objection subject to conditions requiring the applicants to enter into a suitable highway agreement to reinstate the two redundant footway crossings fronting the site and cycle parking is provided prior to occupation.
- 4.2 Lead Local Flood Authority – No objections subject to conditions requiring the prior submission of a sustainable drainage scheme and a Sustainable Drainage Operation and Maintenance Plan.
- 4.3 Education – The School Organisation Team request a contribution subject to surplus pupil place analysis of £131,558.77 towards creation of further Nursery, Primary and Secondary school places.
- 4.4 Regulatory Services - No objections subject to conditions to require an intrusive site investigation and verification report, controls on any noise levels from plant and machinery, installation of a noise insulation scheme and submission of a Construction Method Statement/Management Plan.
- 4.5 Local Services – No objections but in accordance with BDP policy, the development is liable for an off - site POS contribution calculated £102,700. This would be spent on the provision, improvement and /or maintenance of POS at St Paul's Square within the Soho and JQ Ward.
- 4.6 Historic England – Have no objection in principle but originally commented that there were are a number of elements of the proposals which required further attention in order to better respond to the significance of the listed building and the local character and distinctiveness of the Jewellery Quarter Conservation Area. These were :-
- The historic front elevation has a number of quality architectural details which could be drawn upon to better influence the design of the new additions such as its strong rusticated terracotta ground floor and pilasters with bold window details.
 - Support the retention of the rear ground floor spinal wall but consider there is an uncomfortable disconnect between the retained elevation and the additions above. Request further attention being given to better integrate these two elements.
 - More attention needs to be given to bring further variety to the roofscape as the four-storey additions at the rear only emphasises the building's large scale and massing, together with the shallow, non-traditional roof pitch.
 - More details are required regarding whether the existing fixtures and fittings are to be retained relating to the building's current use which include a number of large drop stamps and mechanical presses. Many of these contribute to the building's general character as a historic building and their removal may cause harm to the buildings significance.
- Historic England was consulted again following the submission of the amended plans but did not wish offer any further comments.
- 4.7 BCC Employment Team – Request that Employment Obligations or conditions are attached to any permission to secure a construction employment plan.
- 4.8 West Midlands Fire Service – No objection in principle. Comment that they anticipate fire mains will be provided, but if not there should be vehicle access for a fire appliance not more than 45m from all points within each dwelling. Where fire mains are provided here should be access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet. Water supplies should be in accordance with

National Guidance for Fire Fighting and the approval of Building Control will be required to Part B of the Building Regulations 2010.

- 4.9 Severn Trent Water – No objection subject to a drainage condition being imposed to require drainage plans for the disposal of foul and surface water flows.
- 4.10 West Midlands Police – No objection in principle but have the following comments:-
- The dwellings should meet the standards laid out in the Secured by Design 'Homes 2019' guide.
 - Requests clarification as to the management of refuse collection, postal deliveries to ensure access control points are not left insecure and recommends that access controls installed throughout.
 - Recommends a lighting plan for the site be produced following the guidelines as indicated in 'Lighting Against Crime'
 - Recommends CCTV cameras be installed to cover the site entrances and the cycle storage area.
- 4.11 West Midlands Metro – Comment that they currently have no operational issues that will be affected by the proposed works.
- 4.12 Conservation and Heritage Panel – The pre-application proposals were considered at the panel meeting on 10 September 2018 and the following comments were made:-
- The Panel suggested that the design of the central block/wing sits uncomfortably with the rear of 34-44 Northwood Street and suggested that alternative options could be explored.
 - The Panel was positive about the retention of this wall, but felt the current design approach was unsuccessful due to the clash of rhythm between old and new and requested that alternative approaches are tested.
 - The Panel raised concern about levels of light to ground floor units and suggested that greater consideration is given to the quality of internal space.
- 4.13 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed in respect of the original and amended proposals. Five letters received making the following objections/comments:-
- There is no need for the development and there are already too many residents in Northwood Street.
 - There will be over crowding of the area which already has multiple residential blocks, including a large housing association block which causes frequent noise complaints.
 - There has recently been further residential development on the street, which remains incomplete.
 - The proposed elevation to Northwood Street should not be higher than the existing listed element. Using 50-60 Northwood Street to justify 4 storeys should be dismissed as this consent lapsed years.
 - Most of the apartments are too small and not suitable for longer term occupants. This is not sustainable and the proposal clearly does not provide a sufficient range of homes and to promote longer term residents in the Jewellery Quarter, more decent sized 2 bedroom dwellings are needed.
 - There has been disruption to local residents by the construction of the 8 townhouses opposite the site and the impact of a further 48 apartments would cause further untold misery and noise for residents. Established residents should not have to put up with this.

- The proposals should just allow for the refurbishment of existing property or provide less big apartments and car parking.
- The demolition could cause significant structural problems for neighbouring blocks of flats.
- This is a busy road connecting Great Hampton Street to the Jewellery Quarter and a further 48 apartments would cause traffic and parking chaos.
- Developments should not be allowed without any car parking. It is contrary to BCC parking guidance and people will have cars. It is wrong to prevent people from parking at their own dwelling and rely on buying a resident parking permit.
- The transport statement incorrectly states that Northwood Street is predominantly commercial whereas it is almost entirely residential development. It also claims there is a good pedestrian environment when the footpath outside 50-60 Northwood Street has been missing for years.
- The permit parking available (6-8 spaces) is oversubscribed and already insufficient for over 100 existing residents and visitors.
- There was once an anodising plant on Northwood Street and should be taken into account when considering any environmental implications
- The amendments make no difference to our objections.

4. Policy Context

- 5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide, Conservation Through Regeneration SPD; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG 2001 and National Planning Policy Framework 2019.

5. Planning Considerations

6.1. **Land Use Policy**

- 6.2. The Birmingham Development Plan (BDP) sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well designed high quality environments. The majority of new housing is expected to be delivered on brown field sites within the existing urban area.
- 6.3. The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. 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.
- 6.4. A Character Appraisal and Management Plan Jewellery Quarter was adopted as an SPG in January 2002. It shows the site as being within the St Pauls and Canal

Corridor Locality area where further residential is acceptable in principle subject to compliance with various scale, form and design criteria. Adjacent sites have either been redeveloped for housing or have planning permission for residential development. Although it is noted that there are a number of objections to further residential development in this part of Northwood Street the use of the site for housing would be in accordance with policy and reflects the immediate character of the area.

- 6.5 Concerns have been raised by the City Design Manager and Historic England that the development would result in the loss of a traditional silversmiths business from the Jewellery Quarter. The existing company manufacture trophies and silverware and currently employ 21 people. The owner however advises without serious investment they are finding it difficult to maintain current employment levels. Their machinery is old and antiquated including heavy presses, the premises are too large for their needs and the buildings layout is inefficient requiring the transportation of goods over two floors using small passageways. They are also finding it difficult to work in what has become a predominantly residential area and delivery lorries find it difficult to access the site. They are therefore proposing to relocate to two smaller properties, one in Wolverhampton to safeguard the press side of the business and a second property in South Birmingham which will allow retention of most of the existing workforce who live south of the City. The sale of the site would allow the business to invest in new machinery, new tooling, provide new job opportunities and safeguard the future of BDG Manufacturing Ltd.
- 6.6 The loss of the existing silversmiths businesses is regretted but is acknowledged that the premises are outdated and do not meet the needs of the existing company. The site does not lie within the designated Industrial Middle or Golden Triangle parts of the Jewellery Quarter where policies seek to retain employment uses and the development would allow the listed building to be retained, restored and re-used. Although there are several letters of objection from local residents to more development in the area policies seek to deliver more housing in the city particularly in the city centre on brown field sites. No objection is therefore raised to the principle of residential development on this site.
- 6.7. **Demolition**
- 6.8. The redevelopment of the application site would require the demolition of all the modern extensions and additions on the site but would retain the listed terracotta building and some of the other original fabric including walling and a lean to extension. As the structures proposed for demolition are attached to the listed building and the site is within the Jewellery Quarter Conservation Area there is a statutory requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Area. Policy TP12 of the BDP states great weight will be given to the conservation of the City's heritage assets and the Jewellery Quarter Conservation Area Appraisal and Management Plan states that demolition of buildings will not normally be permitted. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance and in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 6.9. Although there is a presumption against the demolition of buildings in Conservation Areas the City Design Manager comments that the loss of the 1980's extension to the left-hand side of the listed building can be supported as a benefit to the setting of

the listed building and the conservation area. It is a poor quality 1980's building with a red and yellow pressed brick façade with a warehouse door to the street and office windows above and has caused harm to the listed building and Conservation Area. He further advises that the listed building has been altered internally and lost much of its fixtures and fitting where it has been linked through to the adjacent 1980's building. As the remnants of buildings to the rear are to be integrated into the new extension they would be retained in a way as to explain the former alignment of historic buildings on this plot.

- 6.10 No objection to the demolition has also been raised by Historic England although they requested more information regarding the fixtures and fittings being retained. A Heritage Technical Note proving an inventory record of the machinery situated within the premises has since been provided and Historic England has confirmed that they do not wish to raise any further issues. This can be covered by conditions under the application for listed building consent.
- 6.11 The applicant's Heritage Assessment has provided photos to show that terraced housing was originally attached to the terracotta section of the building on the street frontage. It however concludes that there will be a loss of an element of the buildings historic fabric and its manufacturing use which will have a modest adverse impact on the heritage significance of the listed building and the character of the Jewellery Quarter Conservation Area. In terms of national planning policy, this is considered to be within the bracket of less than substantial harm and as required by paragraph 196 of the NPPF, this impact needs to be considered against the many public benefits delivered by the scheme. These include direct heritage benefits such as securing a new use for the site that will soon be redundant, support the long-term preservation of the listed building and the provision of a high-quality design that reinforces the general built characteristics of the Jewellery Quarter Conservation Area. These "public benefits" are considered further below.
- 6.12 **Design and Layout**
- 6.13 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 revised NPPF - Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. The JQ Management Plan requires the design of new development to respect the scale, form and density of the historic pattern and form of the Jewellery Quarter and the Jewellery Quarter Design Guide outlines principles for good design including guidance on scale, form, grain, hierarchy and materials. New buildings are normally limited to a maximum height of 4 storeys.
- 6.14 The layout proposed has been designed around the need to keep the listed terracotta part of the building and the other sections of original fabric and the boundary walls. In addition the existing car park provides an uncharacteristic gap in the street frontage so the development seeks to reinstate buildings across the full plot. The provision of traditional shopping type wings to the rear of the frontage buildings also reflects the character of the conservation area with buildings located either side of shared courtyard spaces.
- 6.15 A number of improvements have been made to the design of the new buildings since the application was originally submitted so the development would be a mix of 3 and 4 storeys. Although the wings at the rear would be slightly higher than the frontage buildings this would not be readily apparent from the street frontage due to the pitched roofs and parapet details of the frontage buildings, limited street width and

consented scheme on the adjacent plot. Historic England and Conservation and Heritage Panel (CHP) both requested changes to the design so the front elevations better reflect the existing building and provide a varied roof line. Amendments have been provided and the designs now propose the use of wider windows, a glazed brick plinth, solidier courses and banding to tie in with the existing building, stepped brickwork and a difference in roof heights. Both Historic England and CHP also supported the retention of the rear ground floor spinal wall but felt there should be better integration with the additions above. The architects have also addressed this by amending the design and used more industrial type windows grouped together so that are of the same width as those within the retained brickwork.

- 6.16 The City Design Manger comments that the introduction of a three storey building to the right-hand side of the listed building has resulted in some variation in scale and therefore the development now better reflects the JQ policy. The amendments to include some pitched roofs would contribute positively to the external character and appearance of the site as viewed from the street. The amendments made have also developed a rigorous and highly modelled grid over floors and bays so as to give buildings depth and order, which is common to many of the 19th century buildings in the Quarter. The design solutions now arrived at also includes some interesting materials, mainly the use of dark glazed red brick, which would respond to the terracotta of the listed building, as well as a wider imaginative ceramic tradition in the Quarter. The buildings to the rear are now improved and will work well in enclosing these spaces as residential courtyards.
- 6.17 **Dwelling Mix and Residential Amenity**
- 6.18 BDP policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood and seeks high density schemes in the city centre. The development would provide 18 (37.5%) one bed apartments, 12 of which would be 50 sq.m or larger and therefore suitable for occupation by 2 persons according to the nationally described space standards. The remaining 30 (62.5%) would provide a mix of 2 bed apartments and duplex units ranging in size from 64 – 122 sq.m. Although there are objections from local residents to unit sizes and mix, the development is considered to provide a good range of unit sizes including 5 duplex apartments over 100 sq.m in size. The applicant has also agreed that 7 (14.6%) of the dwellings would be affordable apartments for low cost home ownership.
- 6.19 The separation distances between windows in the new rear wings would be 9.1 metres at ground floor level increasing to about 10 metres on the upper floor above the retained section of brickwork. The apartments at ground floor level which incorporate the retained brick wall are relatively deep and CHP raised concern about levels of light to these apartments and requested improvements to the quality of internal space. The amendments made to the plans have therefore included additional roof lights to these units to increase the amount of daylight. The other proposed wing at the rear would face the rear boundary wall some 8.6 metres away. Both rear wings would front landscaped courtyards which would provide the apartments with suitable private amenity space. A noise assessment has been submitted with the application which recommends acoustic glazing to windows facing Northwood Street which can be covered through conditions. A local resident has mentioned that the site could be contaminated and a condition is recommended to require a site investigation and mitigation as appropriate.
- 6.20 With regard to the impact of the development on neighbouring sites, the proposed apartment's wings would be taller than the courtyard buildings and the boundary

walls. On the east boundary the site abuts the rear blank wall to neighbouring 3 storey apartments and a car parking area. On the south boundary the existing 2 storey lean to structure and wall would both be retained at their existing height. The blank end walls of the new wings would be visible further along the south boundary above the existing wall but as this divides the site from a car park and an office development it is not considered there would be any loss of residential amenity. On the west boundary the site adjoins a vacant plot used as a car park although it has an implemented consent for a 4 storey block of apartments. The approved scheme has no windows facing into the application site. Opposite the site on Northwood Street a block of town houses is nearing completion but it is not considered that the proposed development would have an adverse impact on these properties. Overall the development would not have an unacceptable impact on neighbouring development.

6.21 Impact on Heritage Assets

6.22 The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and requires an applicant to describe the significance of any heritage assets affected and to assess how that significance may be affected by a proposal. The BDP and Jewellery Quarter SPG's also contain other guidance regarding the need for new development within the Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and provides various criteria relating to siting, scale and design against which new development will be judged.

6.23 The paragraphs above relating to the proposed demolition and design of the new buildings have commented on their impact on the existing listed building within the site. The City Design Manager considers the demolition of the modern extensions would enhance the listed building and its setting. In terms of the impact of the development on the wider conservation area he considers it would satisfy the test in the NPPF which requires local planning authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets, to enhance or better reveal their significance. There is however considered to be a modest adverse impact on the heritage significance of the listed building due to the loss of the existing silversmith business and some historic fabric. This has been partially addressed by the submission of a Heritage Technical Note proving an inventory record of the machinery situated within the building. As however there would be some very limited harm to the heritage asset this needs to be weighed against the public benefits of the proposals as required by paragraph 196 of the NPPF.

6.24 There would be a number of public benefits as a result of the development. These include:

- Securing a new use for the site and listed building that could otherwise be redundant
- Supporting the long-term preservation of the listed building and restoring its lost significance through a programme of repair work
- Removal of the unsympathetic extensions
- Provision of a high-quality design that reinstates built form characteristics of the Jewellery Quarter Conservation Area and reflects the essence of the back to back houses which occupied the site prior to the industrial use.
- Repairing the street scene to Northwood Street and enhancing the setting of the listed building
- Providing a range of high-quality apartments in a highly sustainable location contributing to the significant housing need within Birmingham.

- Helping to safeguarding the future of BDG Manufacturing

These benefits are considered to outweigh the minor adverse impact on the heritage significance of the listed building and conservation area from the loss of the industrial use on the site and some small elements of historic fabric.

- 6.25 With regard to the impact on other heritage assets the closest other listed building is at 36-37 Cox Street but as this building has a modernised workshop range at the rear used as offices and lies the other side of the boundary wall it is not considered that there would be harm to its significance.

6.26 Transportation Issues

- 6.27 The development would not provide any on-site parking for residents which is a common situation in the Jewellery Quarter and in the wider city centre due to the close proximity to a range of facilities and frequent bus, rail and tram services. There is also an extensive footway network in the area which allows for alternative mode of travel to local facilities other than by private car. A number of objections have been received to the lack of any parking spaces for future residents but Transportation raises no objections. They note the adjacent roads are covered by the Jewellery Quarter parking zone so all on-street parking is either pay and display, limited waiting or permit holder parking. There are currently no new parking permits being issued so any future residents would have to attempt to park in public car park facilities.

- 6.28 Transportation note the applicant is happy to provide a legal agreement to restrict future occupiers from applying for a permit, but they are aware that this would not meet the test for imposing a Section 106 as they would not be recommending refusal if this wasn't provided. Parking surveys by the applicant shows 55% of parking is used in the evenings, but 95% is occupied in the day. Practically this may allow some residents to park but they would be restricted when the parking controls are in force from 0730 through to 1900, so it may be difficult for an individual to manage. Servicing activities would be from on-street and trip generation would not be significant, and car trips would reduce, given the car parking removal from the site given the parking controls and 100% cycle provision they raise no objection subject to conditions as recommended.

6.29 Other Matters

- 6.30 The comments made by West Midlands Police and Fire Service are noted. Some of the points mentioned are controlled by other legislation but conditions can be imposed to require a lighting scheme and CCTV. There are also several comments from local residents regarding noise and disturbance during demolition and construction work. Whilst it is acknowledged that construction work can be disruptive it is normally short lived and the site currently operates as an industrial premise without specific planning controls such as hours of working. A condition can be however be imposed regarding the need for a demolition and construction management plan but excessive noise is controlled through other legislation.

6.31 CIL and Section 106 Obligations

- 6.32 The proposed development does not attract a CIL contribution but given the number of apartments proposed the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. A Viability Statement has been submitted with the application to demonstrate that the site cannot meet the full BDP requirements which has been independently assessed by the City Council's consultants. As a result it has been agreed that 7 (14.6%) of the dwellings being

provided would be affordable apartments for low cost home ownership. This would comprise 4 x two bed and 3 x one bed, to be offered at 30% market discount. This is considered to be a fair and justifiable and to meet the necessity tests set out in the CIL regulations.

- 6.33 Contributions have also been requested from Local Services towards off site public open space but the development would not be viable if further financial contributions were paid. The request from the School Organisation Team for money towards further school places are covered by CIL contributions. The request for an employment construction plan is recommended to be covered via a condition.

7. Conclusion

- 7.1. The BDP encourages further residential development in the City Centre where it provides well-designed high quality living environments and the site is within the St Pauls and Canal Corridor locality of the conservation area where further residential is acceptable in principle. The development would provide a suitable layout that retains and refurbishes the listed building and infills the existing gap in the street frontage. A good mix of apartment sizes would be provided and the building designs and heights, as now amended, are considered appropriate for the site and wider conservation area
- 7.2 Although there would be a minor impact on the significance on the listed building and conservation area this is considered to be outweighed by the public benefits offered by the development including its restoration, the demolition of the modern extensions and erection of more suitable buildings, Although no car parking is proposed this has been accepted on other sites within the Jewellery Quarter and wider City Centre due to its sustainable location. It is therefore considered that the application is acceptable subject to conditions as recommended below:-

8. Recommendation

- 8.1 That consideration of application 2019/00964/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:-
- i) The provision of 7 affordable housing units on site comprising 4 x two bed and 3 x one bed, to be offered at 30% discount of the market sale values in perpetuity.
 - ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing subject to a maximum of £10,000.
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning authority by 20th December 2019 planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure a commitment provide 7 on-site affordable housing units the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.
- 8.3 That the City Solicitor be authorised to prepare, 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 20th December 2019 planning permission for application 2019/00964/PA be APPROVED, subject to the conditions listed below:-

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- 1 Prevents demolition prior to a redevelopment contract being entered into
 - 2 Requires the prior submission of a contamination remediation scheme
 - 3 Requires the prior submission of a sustainable drainage scheme
 - 4 Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 5 Requires the prior submission of a construction employment plan.
 - 6 Requires the submission of a contaminated land verification report
 - 7 Requires the prior submission of Building Recording
 - 8 Requires approval of details and samples of windows, doors, rainwater goods, external walls and gates
 - 9 Requires the submission of sample brickwork and cladding
 - 10 Requires the submission of roof materials
 - 11 Requires the submission of new walls, railings & gates & gate posts/piers details
 - 12 Requires the submission of hard and/or soft landscape details
 - 13 Requires the submission a Noise Insulation Scheme to establish residential acoustic protection
 - 14 Requires the submission of boundary treatment details
 - 15 Requires the submission and completion of works for the S278/TRO Agreement
 - 16 Requires the provision of cycle parking prior to occupation
 - 17 Requires the submission of a residential travel plan
 - 18 Requires the works to the listed building to take place prior to occupation
 - 19 Requires the prior submission of details of bird/bat boxes
 - 20 Requires security strategy
 - 21 Requires the scheme to be in accordance with the listed approved plans
 - 22 Implement within 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Photo 1: Site frontage to Northwood Street showing listed building and extension to the left proposed to be demolished

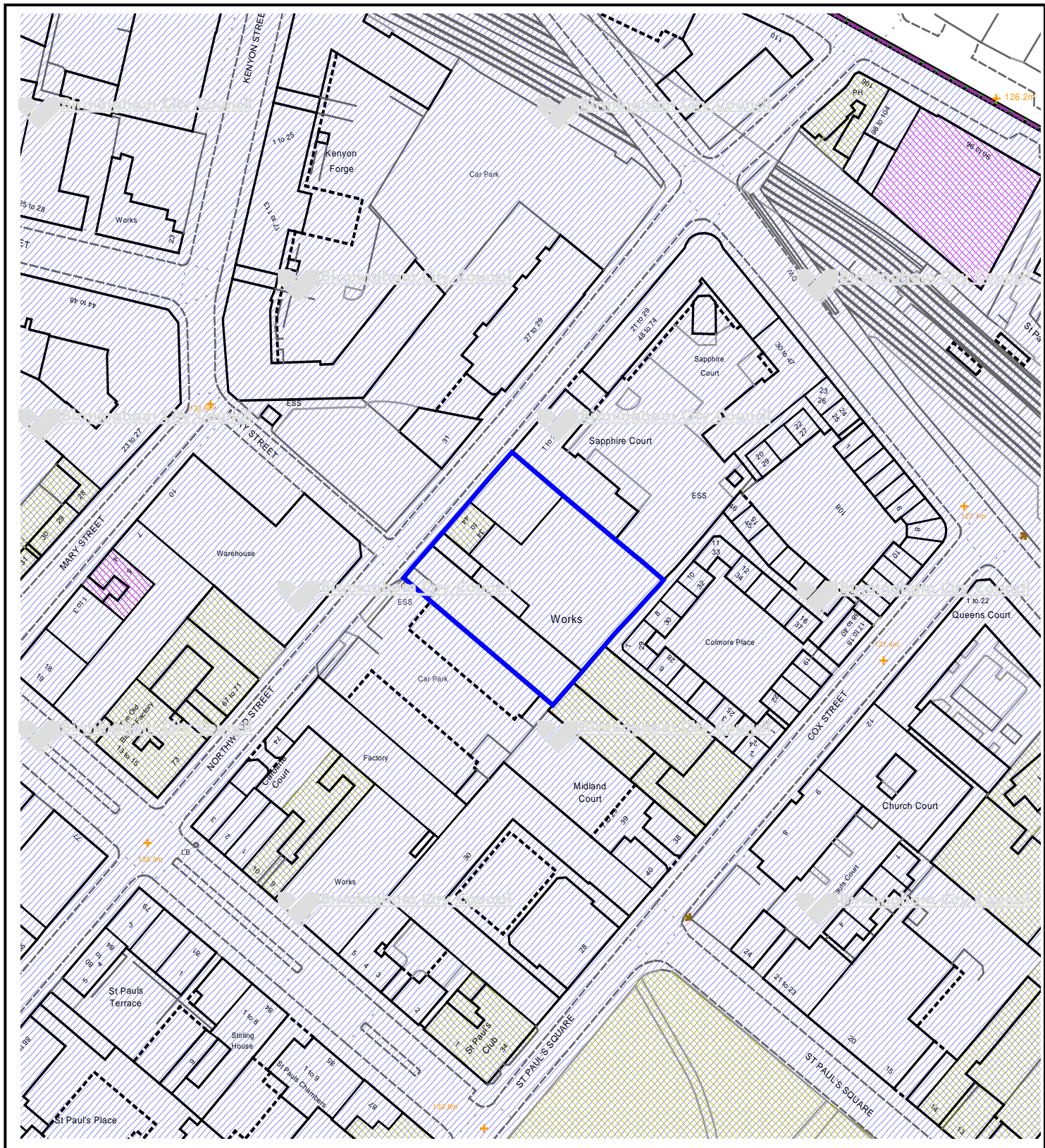


Photo 2: Site frontage to Northwood Street showing side of listed building and car parking area



Photo 3 – Photo of extension proposed for demolition

Location Plan



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Committee Date:	07/11/2019	Application Number:	2019/05185/PA
Accepted:	20/06/2019	Application Type:	Full Planning
Target Date:	12/09/2019		
Ward:	Ladywood		

Birmingham Repertory Theatre, 6 Centenary Square, Broad Street, Birmingham, B1 2EP

Provision of new main entrance, new steps, ramps, two free-standing LED advertising structures and external balcony at first floor level and associated landscaping and change of use of part of first floor level to restaurant.

Recommendation

Determine

Report Back

1. Members will recall that this application was first presented to Planning Committee on 26 September. The application was deferred, with Members minded to approve.
2. Officers consider that the recommendation to refuse in accordance with the original report dated 26 September remains appropriate, with a minor amendment to refusal number 2 omitting reference to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as reported. The application was recommended for refusal on the following grounds:
 - The proposed development by virtue of its design and scale would not preserve the setting of the Grade I listed Hall of Memory and the Grade II listed Baskerville House and 301 Broad Street. The scheme therefore fails to accord with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017.
 - The proposed development by virtue of its design would cause unjustified harm to the character and appearance of this non-designated heritage asset. The scheme therefore fails to accord with paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017.
 - The proposed gateway structures, balcony and raised platform would be harmful to the character and appearance of the building and Centenary Square by virtue of their scale, materials and design. As such it would be contrary to policy PG3 of the Birmingham Development Plan and revised National Planning Policy Framework.
3. Notwithstanding this, if Members remain minded to approve the application then the following conditions are suggested:-
 - i) Requires detailed bay studies

Detailed bay studies of access out onto the balconies, new entrances to the raised platform, and any external structural connections to the existing facade (at a scale of 1:20 or 1:50) shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works commencing on site. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

ii) Requires detailed cross-sections

Detailed cross-sections of the balconies including soffits and the junction between the gateway structures and the ground (at a scale of 1:20 or 1:50) shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works commencing on site. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

iii) Requires the prior submission of a construction method statement/management plan

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:

- How pedestrian routes will be maintained during construction works;
- The parking of vehicles of site operatives and visitors;
- Location of loading and unloading of plant and materials; and
- Hours of demolition/construction/ delivery

The development shall be implemented in accordance with the approved details.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

iv) Requires the submission of lighting details

Details of the new up/down lighters including fixings shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works commencing on site. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

v) Requires the submission of rainwater goods

Details of rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

vi) Requires the submission of external doors

Details of all new external doors including cross-sections to show materials, paint finish, panels, cills, decorative detail, reveal and door furniture shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To safeguard the character of the building in accordance with Policies PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

vii) Requires the submission of sample materials

Samples of all external surface materials showing the proposed finish and colour shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to ensure that the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings in accordance with Policies PG3 of the Birmingham Development Plan 2017, the revised National Planning Policy Framework.

viii) Requires the submission of access ramp details

Details of the proposed external access ramp, platforms and handrails, including details of gradients, measurements, design and external finish shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, Places for All SPD, Access for People with Disabilities SPD and the National Planning Policy Framework.

ix) Requires the submission of hard and soft landscape details

Details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100 and details of the proposed planting implementation programme. All hard and soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and revised National Planning Policy Framework.

- x) Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on the following drawing numbers ('the approved plans'):

- 65601 DD 3.100 Site Plan
- 65601 DD 3.101 A Proposed Ground Floor Plan
- 65601 DD 3.102 A Proposed First Floor Plan
- 65601 DD 3.110 A Proposed Landscaping Plan
- 65601 DD 3.200 A Proposed Section
- 65601 DD 3.300 A Proposed South Elevation
- 65601 DD 3.301 B Proposed West and East Elevation
- 65601 DD 3.303 Proposed South Elevation Without Annotations
- 65601 SV 3.100 Location Plan
- 65601 SV 3.101 B Existing Ground Floor Plan
- 65601 SV 3.102 A Existing First Floor Plan
- 65601 SV 3.200 A Existing Section
- 65601 SV 3.300 B Existing South Elevation
- 65601 SV 3.301 B Existing West and East Elevation

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

- xi) Implement within 3 years (Full)

The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the revised National Planning Policy Framework.

4. Furthermore, it is advised that an informative be attached advising that advertisement consent will be required for the proposed LED display panels and other signage.

Original Report

1. Proposal

- 1.1. Consent is sought for the development of a new central entrance to the Repertory Theatre with the reinstatement of a raised external platform at ground floor level with steps and ramp, installation of two free-standing gateway structures with LED advertising screens, external balconies at first floor level and the change of use of part of the first floor level to restaurant and other associated internal reconfigurations.
- 1.2. The existing fire exit located at the centre of the principal façade facing Centenary Square would form a new main entrance. The two arched windows located on either side of the existing fire exit would be replaced with glazed double doors.
- 1.3. The proposed gateway structures would be located on either side of the newly proposed central entrance and would have a metallic finish. Each would measure approximately 11m (h) x 2.5m (w) projecting approximately 3m from the façade. The two structures would comprise of double sided mounted digital screens which would also require separate advertisement consent.
- 1.4. The proposed raised platform would span approximately 11m to the left and 16m to the right of the proposed central entrance, with its widest projection being 6m from

the existing façade. The platform would provide a raised seating area to the right and ramp to the left of the newly proposed entrance.

- 1.5. The proposed balconies would be made of steel structures with metallic cladding, positioned within the bays of the existing first floor and concrete solar shades. Powder coated metal balustrading would be located around the balconies with down lighters proposed on the façade beneath. The balconies would be accessed from the first floor restaurant area via glazed double doors. The proposed doors would be frameless glazed double doors with the base of the arch removed to create the required opening.
- 1.6. Various other signage has been proposed however, this would be evaluated as part of a separate advertisement consent application.
- 1.7. [Link to Documents](#)
2. [Site & Surroundings](#)

- 2.1. The application relates to the main façade of the REP facing onto Centenary Square. The area surrounding the REP has seen significant development, including the construction of the new Library of Birmingham and the public realm improvements at Centenary Square and the latest metro extension.
- 2.2. [Site Location](#)
3. [Planning History](#)

The REP

- 3.1. 16/05/1996 – 1996/01080/PA – Window awnings to be fitted to the ground floor restaurant overlooking Centenary Square. Refused on the following grounds:

The proposed display would adversely affect the architectural appearance of the premises to the detriment of the amenity of the surrounding area.

Existing windows of distinctive arched head design. The Rep provides a good modern facade to Centenary Square. Proposal destroys the rhythm of the facade and obscures the design of the building where the arches to ground floor windows relate to the inverted arch shapes above.

Symphony Hall

- 3.2. 12/04/2019 – 2018/09424/PA – Extension and remodelling of the Symphony Hall Foyer with new frontage and associated works. Approved subject to conditions.

Centenary Square

- 3.3. 18/08/2016 - 2016/04486/PA - Remodelling and resurfacing of Centenary Square to provide a new civic space including hard and soft landscaping, reflecting pool, fountains, feature lighting poles and associated development. Approved subject to conditions.
- 3.4. 19/06/2018 - 2018/02692/PA - Non-Material Amendment to planning application 2016/04486/PA for removal of bench along Paradise Circus, raising of soft flower beds, amended levels, paving types and layouts, relocation of family statue,

amendments to street furniture, cycle stands, lighting poles and flood lights. Approved.

Library of Birmingham

- 3.5. 26/11/2009 - 2009/03897/PA - Erection of public library (Use Class D1), together with partial demolition, refurbishment and extension of existing theatre (Sui Generis), including low carbon energy centre and associated landscaping and highway works. Approved Subject to Conditions.

4. Consultation/PP Responses

- 4.1. BCC Regulatory Services - No comments to make concerning these proposals. There are no contaminated land issues arising from these proposals.

4.2. BCC Transportation Development:

- The Square is not public highway so we have a limited ability to object on free-flow of pedestrians.
- The ramp is set forward of the existing building line but is set behind the red line boundary which is the historic boundary type wall and steps. As such it doesn't impinge on a previous direct pedestrian route.
- It's not ideal to be reducing this space but it still allows metres of space for pedestrians across the square, and ultimately the ramp construction is in the Rep's ownership and provides an easy access for those with mobility issues.

4.3. Letter of objection from the Centenary Square Delivery Manager - Three main concerns raised:

- The REPs Capital Plans propose to put back a raised seating area to the front. In my view this is going back to the original design that did not work for the Square. It is worth noting, that the reason they give to raise the area outside is to match the floor level inside. However, if you look at the floor levels in the Café you will see they are raised to the main building. The REP architect did confirm their floor could be lowered but it would increase the cost by about £1m, they also went on to confirm it would be the ideal solution. I believe that there is therefore a solution for them without impacting on the new square and rebuilding the raised seating area.
- At present there are no LCD screens on the square and to approve this will create a precedent. LCD screens will in my view have a negative impact on the square.
- In front of the raised platform they have included planting. This planting is not in keeping with the Centenary Square planting scheme.

In general, this design will require the breaking up of newly complete granite and would have a negative reaction from the public in terms of the planned coordination of the wider development, plus a waste of valuable resources.

4.4. Letter of objection from Twentieth Century Society –

- Not opposed to the proposed internal alterations, the introduction of a central entrance, or the changes to the landscaping facing Centenary Square.

- The proposed balconies and advertising screens would cause harm to the theatre's significance, through obscuring views of the principal façade and damaging its carefully balanced geometry.
- The proposed additions would obscure views of the gently curved façade, and the proposed dropping of window cills at first floor would reduce the legibility of the recognisable pattern of arches.
- An unprecedented material in the building's design would disrupt the buildings distinctive materiality that was characteristic of architecture from this period.
- The application does not provide convincing evidence that the introduction of the proposed balconies and screens are necessary to secure the long term use of the building.

4.5. Letter of support from Access Birmingham – Access Birmingham welcomes this proposal which includes improved inclusive access and a well presented design and access statement, it complies with Council's SPD - access for people with disabilities. It is assumed that the steps will have features to assist blind and partially sighted through insertion of tactile parallel bars at top and bottom of steps and contrast edging on steps in order to comply with part m building regs also the REP should be able to inform through a public notice perhaps at the disabled loos of the existence of a changing places toilet with hoist etc which exists at adjoining lobby.

4.6. Letter of support from Theatre Trust -

- We welcome efforts by the theatre to develop their facilities in a way which will enhance its overall sustainability and viability, and we are supportive of this proposal;
- The new main entry along with ramped access and outdoor seating will help improve the theatre's prominence and ensure it better engages with and activates the revamped Centenary Square.
- The new main entry would benefit the theatre (and library) operationally as they would no longer be required to utilise the current entrance when the library is not in use.
- The provision of a separate bar, café and restaurant all of which front onto the square will help make the theatre more inviting as an all-day destination outside of performance times and draw people in.
- Not only will this enhance the direct income potential which will support the theatre's work but it will also help attract new audiences who may not have previously engaged with it. Significantly it will also provide an additional informal performance space which will help the theatre further diversify its cultural offer. Our only reservation with this part of the scheme is that there is no direct access for wheelchair users to the bar, although we appreciate there are constraints in terms of level changes;
- We also welcome the provision of additional accessible WCs and a parent and child WC; and
- Policy TP25 of the Birmingham Development Plan (2017) supports proposals which reinforce and promote the city's role as a centre for culture, including supporting its cultural facilities and expanding provision where it contributes to the city's continued success. Paragraph 92 of the NPPF (2019) seeks decisions to plan positively for cultural buildings. This proposal will not only enhance the role of the REP as a social and cultural asset for Birmingham but it will also contribute to and support the place making objectives of works to improve and revitalise Centenary Square.

4.7. Six letters of support have been received via the applicant - summarised below:

- Greater Birmingham Chambers of Commerce - The new central entrance leading on to Centenary Square will not only enhance the building itself, but will complement the frontage of the library. Natural footfall will increase, culminating in increased revenue for the organisation and the City.
- Trustee of the Sir Barry Jackson Trust - The project will create a more welcoming and accessible entrances that will better connect with Centenary Square. It will allow the theatre to capitalise on the growing footfall in the square by introducing new food and beverage opportunities at both ground and first floor levels. It will expand the public offer and contribute further to the city economy.
- University of Worcester - The proposed redevelopment of the entrance to the REP to make it more centrally inviting and its signage more prominent will signal much more clearly its role and function as a theatre. The proposed internal ground floor reconfiguration will resolve the current constraints on the position of bars and relaxed eating areas thus generating and easing additional public circulation and crucially the capacity for attracting more sales and thus more revenue for the company. The planned repurposing of the currently underused first floor area as a restaurant will not only provide more sales outlets but will exploit the magnificent possibilities envisaged as part of Graham Winteringham's original design.
- Councillor Jayne Francis (cabinet member for Education, Skills and Culture) – The proposal will serve to enhance the REP and will be an essential part of Birmingham's cultural landscape.
- Councillor Anita Bhalla OBE (Chair of Performances Birmingham Ltd) – the project will transform the public areas of the REP creating a much more welcoming and accessible entrance that will better connect with the newly landscaped Centenary Square and surrounding area including the new Symphony Hall entrance. It will allow the theatre to capitalise on the growing footfall of the square by introducing new food and beverage opportunities at both ground and first floor level with outdoor seating and balconies overlooking the square. The remodelling of the public areas will also allow for more informal and diverse performances as well as private events.
- Mayor of the West Midlands Andy Street – The project will transform the public areas of the REP creating a much more welcoming and accessible entrance that will better connect with the newly landscaped Centenary Square and surrounding area. It will allow the theatre to capitalise on the growing footfall of the square introducing new food and beverage opportunities at both ground and first floor level with outdoor seating and balconies overlooking the square. The remodelling of the public areas will also allow for more informal and diverse performances as well as private events. It will expand the public offer and better reflect both the status and ethos of the company. It will also directly increase income and employment and contribute further to the city economy.

4.8. Letter of support from the West Midlands Growth Company:

- This project will transform the public areas of The REP creating a much more welcoming and accessible entrance that will better connect with the newly landscaped Centenary Square and surrounding area.
- The design is sympathetic to the original Graham Winteringham design and will allow the theatre to capitalise on the growing footfall of the square by introducing new food and beverage opportunities at both ground and first floor level with outdoor seating and balconies overlooking the square.

- The remodelling of the public areas will also allow for more informal and diverse performances as well as private events. It will expand the public offer and better reflect both the status and ethos of the company.
 - It will also directly increase income and employment and contribute further to the local economy.
- 4.9. A letter from the Deputy Artistic Director of the Birmingham REP has been provided by the applicant with concerns regarding separate flat access entrances for wheelchair/mobility users which would not represent inclusivity and access should be equal for disabled and non-disabled people.
- 4.10. Birmingham City Centre Management, Amenity Groups, Residents association, local councillors and nearby occupiers notified. Press and Site Notices displayed. One letter of objection from member of the public:-

This side of Centenary Square has just only been completed and opened to the public, with new block paving that is now at risk of being damaged by new construction work. I could not find in the planning application any indication of timing, and no indication as to how much of Centenary Square would need to be closed off, and for how long. Birmingham City Council have a duty to care for the public and working people walking past this place every day to go to work, and must also get all the guarantees that such work will be completed, at no extra cost, in time for the Commonwealth Games.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (saved Policies); Lighting Places (2008) SPD; The Big City Plan; Places for All SPG; and the revised National Planning Policy Framework. The Hall of Memory is Grade I Listed and the nearby Baskerville House and 301 Broad Street are both Grade II Listed.

6. Planning Considerations

POLICY

- 6.1. Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning policies and decisions should ensure that developments will function well and adds to the overall quality of the area and should also ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Furthermore paragraph 30 exclaims that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.2. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.3. Policy PG3 of the Birmingham Development Plan (BDP) states that all new development will be expected to demonstrate high design quality, contributing to a sense of place. Policy TP12 of the BDP states that applications affecting the

significance of a designated or non-designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance. It further states that the council will support development that conserves the significance of non-designated heritage assets.

- 6.4. Policy TP25 states that proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism will be supported. The policy further notes that this will include supporting the City's existing tourist and cultural facilities and enabling new or expanding provision where it contributes to the City's continued success as a destination for visitors.
- 6.5. The main issues are considered to be whether the principle of the development is acceptable and if so whether the design is appropriate having regard to its impact on this non-designated heritage asset and the immediate surrounding and highways.

PRINCIPLE

- 6.6. The applicant's aspiration to create a central entrance and internal reconfiguration to enhance legibility is welcomed. It is considered that implementing a more open plan layout at ground floor level would improve ease of movement within the REP and engage better with the remodelled Square. The proposed central foyer area and relocation of the box office on axis with the new main entrance would allow for ease of navigation. Incorporating the main entrance to the centre of the southern façade which faces directly onto Centenary Square would offer more of a visual presence, thereby helping to attract passers-by. This would be further enhanced by the proposed café/bar area located across most of the width of the ground floor providing a more active frontage.
- 6.7. However, the proposed gateway structures, balconies at first floor level and the reintroduction of a raised platform at ground floor are not supported. These proposed additions are considered to have a detrimental impact on the architectural appearance of this building. As recognised by the architects, the REP Theatre has considerable architectural merit and contributes to the wider setting and character of Centenary Square; to the extent that it is considered a non-designated heritage asset. As such, any development or alteration to the building must acknowledge this architectural significance, and any negative impact must be justified fully. The successful integration of all forms of new development with their surrounding context is an important design objective.

DESIGN

- 6.8. Concerns regarding each of the design elements below had been raised at the pre-application stage and throughout the assessment of this planning application. However, a revised scheme from the applicant has not been forthcoming.

Balconies at first floor level and gateway structures with digital screens

- 6.9. The application is accompanied by a Design and Access Statement (DAS) which states that the REP is 'an iconic building and considered to be an un-designated heritage asset' and goes on to say that 'it's symmetrical and curving façade of inverted arches are synonymous with the REP'. It is considered that the proposal is at odds with what has been rightfully recognised within the DAS. The south elevation facing Centenary Square is one of the REP's most architecturally significant original

features and the least altered element of the building. The Council's City Design Officer considers that the introduction a new structure encompassing the balconies and gateway structures fails to recognise the importance of this façade, adding clutter that detracts from the simplicity of the form and interrupts the rhythm and detailing of the façade. Furthermore, it is considered that the balconies and gateway structures would obscure views of this principal façade reducing the legibility of the recognisable pattern of arches.

- 6.10. In addition, the proposed balconies and gateway structures would be made of steel with metallic cladding and a gold coloured finish. This is considered to be at odds with the distinctive materiality of the REP and would introduce alien features uncharacteristic of the building. The Council's Conservation Officer also notes that the proposed entrance gateway introduces a vertical and horizontal interruption to the front façade of the building which would impact on the architectural symmetry and rhythm of this elevation. Projecting forward and dominating the form of the main building the entrance structure shows little in the way of a design response and proposes materials that would appear incongruous to the host building. The loss of architectural form and simplicity of design is not justified by the benefits of the proposal and would cause harm to a non-designated heritage asset and fail to align with policies within the BDP and paragraph 197 of the NPPF.

Reinstatement of raised platform

- 6.11. The Council's Delivery Manager for Centenary Square had raised concerns regarding reinstatement of the raised platform with the applicant at pre-application stage and at the time of the application submission. It is understood that the proposed levelling of the forecourt area of the building was agreed with the REP at the time of the planning application submission for the remodelling and resurfacing of Centenary Square (planning ref: 2016/04486/PA). As stated within the August 2016 committee report for the square, one of the key elements of the proposals was *'to provide reconfigured 'break out' external seating opportunities for both the REP Theatre and the Library of Birmingham'*. The committee report further states that the *'altered and rationalised levels would create and capitalise opportunities for uses such as the Library Café, the REP and the ICC/Symphony Hall to spill out into the square with seating etc. This would add life into the square when large-scale events are not taking place'*. As a result, the current proposal to reinstate a raised platform would be at odds with the previously consented remodelling of Centenary Square.
- 6.12. The Council supports the applicant's desire to spill into Centenary Square, but the reinstatement of a raised platform is considered to reintroduce clutter to this simple façade and disrupt the relationship between the REP and the Square. The platform would introduce a physical separation between the newly remodelled Square and the REP. The Places for All SPG states that more entrance points encourage more life and activity onto streets/ public areas, and that active frontages with windows enliven public space and increase surveillance. However, current proposals incorporate a raised platform which would block existing glazed elements of the building.
- 6.13. Prior to the development of Centenary Square, the REP had a raised seating area to the front, which was unsightly and blighted the corner of the square and generally had a very negative impact on the area. As previously mentioned, as part of the Centenary Square development, in consultation with the REP, the square levels were raised to enable the original raised seating area to be levelled. The new levelled area is now more in keeping with the other buildings around the Square and not only aids the Square's cohesion, but its relationship with the REP. The

reintroduction of this raised element, will revert back to the previous position, leading to a proposal that will negatively impact on the character of the building and wider space, in turn failing to align with the requirement of BDP policies and paragraph 127(c) of the NPPF.

- 6.14. As such I concur with the Council's City Design Officer who considers the raised platform to have a negative impact on the balance of the façade. The rhythm and detailing of the solar shades which contribute to the façade would be lost with the whole sale removal of the ground floor elements. The terrace and ramp detracts from the simple, open narrative of the façade, cluttering and masking the ground floor, thereby negatively impacting on the character of the whole building. The architects need to effectively reconcile these internal level changes, without negatively impacting on the building and the Square. Extending the heightened ground floor cannot achieve this and is not a considered architectural response.
- 6.15. Furthermore, the Council's Conservation Officer has stated that the addition of the built up platform and ramp appears as an over intensive addition to the front of the building, which already offers level access through the existing main entrance, adding a cluttering effect to what is intended to be a simple and uninterrupted façade contrary to both local and national planning policy.

Impact on surrounding heritage assets

- 6.16. The proposed gateway structures would be highly visible within the context of Centenary Square and there would be a high level of inter-visibility between the development and the identified listed buildings, more specifically the Grade I listed Hall of Memory which is a building of the highest significance. The proposed materials of the entrance structure, metal balcony railings and large, digitally illuminated signs do not respond to this highly sensitive setting and would be visually intrusive. The proposal by means of form, materials and scale does nothing to preserve the setting of the listed buildings and in its current form is considered to cause harm to their setting failing to align with local policy, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 196 of the NPPF.
- 6.17. The ambitions of the applicant are noted however, their proposals have not sufficiently considered the impact of the scheme on the architectural interest of the building and on the setting of the surrounding listed buildings. The proposed benefits of this scheme could be achieved through a more responsive and less harmful scheme and therefore in its current form the proposal is not considered to provide sufficient public benefit that outweighs the harm caused to the significance of the non-designated heritage assets or to the setting of the listed buildings.
- 6.18. Whilst there are examples of high level screens at the Birmingham Hippodrome Theatre, these are situated within the context of an area with late night entertainment provision. This differs from the civic offering of Centenary Square that includes statutory listed buildings and is unlikely to constitute a non-designated heritage asset.

DISABLED ACCESS

- 6.19. The reinstatement of the raised platform would provide ramp access for disabled users. Enabling the provision of a central entrance with level access for all visitors is encouraged. However, the applicant needs to effectively reconcile these internal level changes without negatively impacting on the building and the square.

Extending the heightened ground floor cannot achieve this and is not a considered architectural response. Alternative solutions are possible such as lowering the internal floor levels in the existing café thereby providing level access and enabling the spilling out into Centenary Square.

- 6.20. The current proposal allows for ramp access to the new entrance foyer, however, once at the foyer a disabled individual would still need to use a lift to visit the box office. Whereas an alternative, more efficient route is currently provided by the existing level access to the left of the building (adjacent to the disabled parking situated along King Alfred's Place) or from the existing level access from the adjacent Library.
- 6.21. Overall, the building has a number of at-grade entrances that enables level access into the building which would provide for a legible route to the newly proposed box office and café/bar areas. As a result, introducing a structure that negatively impacts on the character of the building is not justified.

HIGHWAY MATTERS

- 6.22. BCC Transportation Development have raised no objection to the proposals on highway safety grounds.

OTHER ISSUES

- 6.23. The six letters of support provided via the applicant have been noted. The Council recognises and welcomes the aspiration to improve legibility, to enhance the ancillary leisure facilities of the theatre and to create a more coherent primary entrance with a greater presence on the Square. However, this cannot be to the detriment of the building and the surrounding area.
- 6.24. BCC Regulatory Services have raised no objection to the proposed scheme.

7. Conclusion

- 7.1. The Council supports the REP's aspiration to create a more prominent main entrance and enhance the internal legibility of the site. However, the application in its current form would have a detrimental impact on the architectural detailing of this non-designated heritage asset and as a result does not comply with both local and national planning policy. A more sensitive revised scheme implementing a central entrance with the proposed internal reconfiguration as discussed at pre-application and during the course of determination of this application would be welcomed.

8. Recommendation

- 8.1. Refuse

Reasons for Refusal

-
- 1 The proposed development by virtue of its design and scale would not preserve the setting of the Grade I listed Hall of Memory and the Grade II listed Baskerville House and 301 Broad Street. The scheme therefore fails to accord with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017.
-

-
- 2 The proposed development by virtue of its design, would cause unjustified harm to the character and appearance of this non-designated heritage asset. The scheme therefore fails to accord with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017.
 - 3 The proposed gateway structures, balcony and raised platform would be harmful to the character and appearance of the building and Centenary Square by virtue of their scale, materials and design. As such it would be contrary to policy PG3 of the Birmingham Development Plan and revised National Planning Policy Framework.
-

Case Officer: Miriam Alvi

Photo(s)

1. View of the REP in alignment with the Grade I listed Hall of Memory



2. View from the east



3. Existing façade fronting directly onto Centenary Square



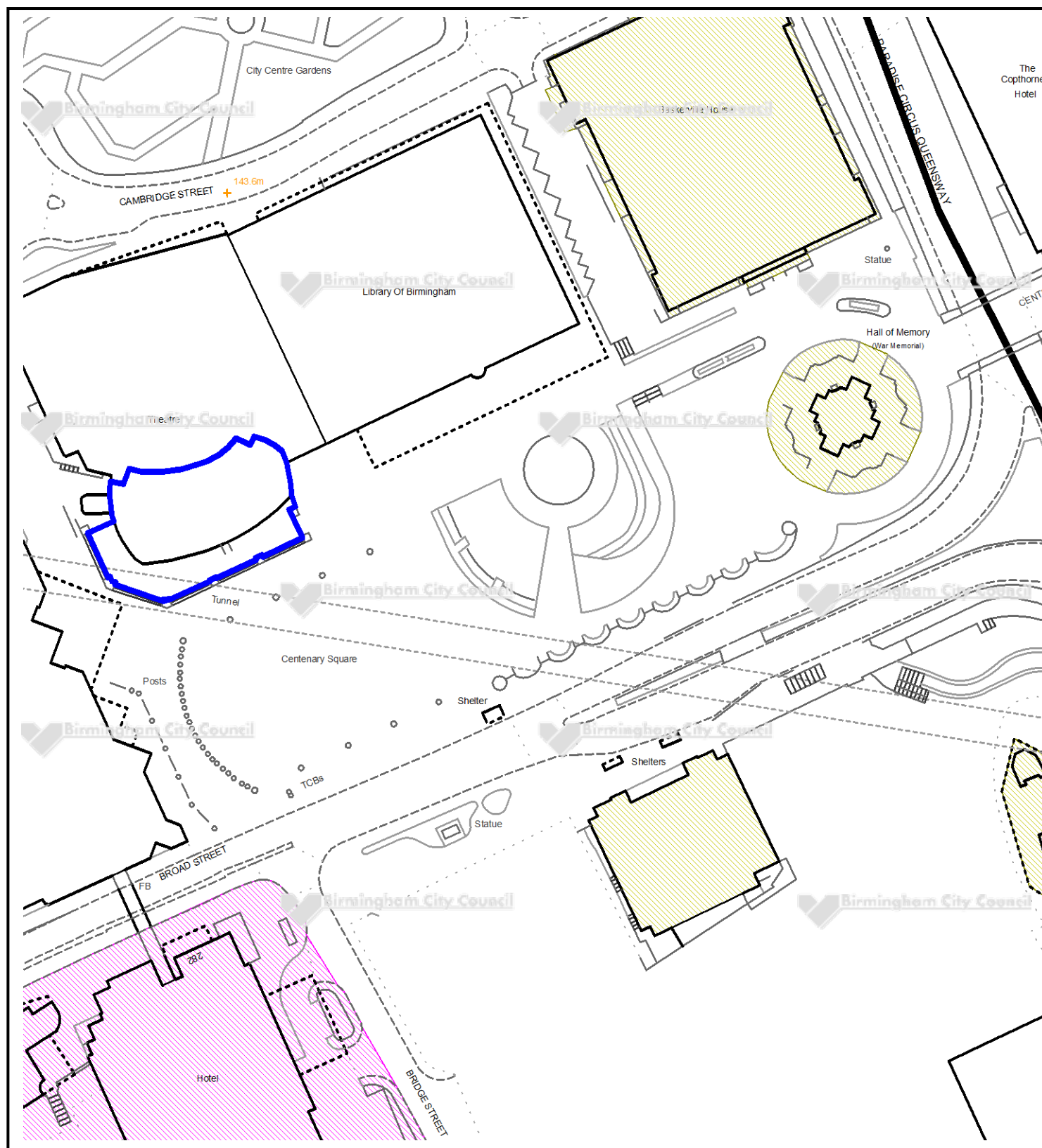
4. Existing east entrance



5. View from the ICC/Symphony Hall



Location Plan



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Birmingham City Council

Planning Committee

07 November 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	12	2019/03185/PA 1159-1185 Chester Road Birmingham B24 0QY Demolition of existing buildings and bungalow and construction of a Use Class A1 food retail store with associated access, car parking, servicing and landscaping
Determine	13	2019/01470/PA 3 Elmdon Road Acocks Green Birmingham B27 6LJ Change of use from residential dwellinghouse to residential institution (Use class C2)

Committee Date:	07/11/2019	Application Number:	2019/03185/PA
Accepted:	17/04/2019	Application Type:	Full Planning
Target Date:	10/10/2019		
Ward:	Pype Hayes		

1159-1185 Chester Road, Birmingham, B24 0QY

Demolition of existing buildings and bungalow and construction of a Use Class A1 food retail store with associated access, car parking, servicing and landscaping

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Full Planning permission is sought for the demolition of all existing buildings and a bungalow on land between 1159-1185 Chester Road, Tyburn. The proposals also include the erection of a new Class A1 food retail store with associated access, parking, servicing area and landscaping. The proposals will create a gross external area of 1864 square metres, a gross internal area of 1786 square metres and a sales floor space of 1315 square metres. The proposals will create 40 new jobs, with 100 construction jobs during construction period. 126 vehicle spaces will be accommodated within the site.
- 1.2. The proposed building will be single storey in nature measuring approximately 8.3 metres at its highest point. The building will measure approximately 59 metres in length by 32 metres in width. The proposed building will be finished in silver/grey cladding with areas of red brickwork with expanses of glazing to the entrance and main, visible facades.
- 1.3. Access to the site is and will continue to be from the existing access to “Floors to go” building, off Chester Road to the south east but will be upgraded/ widened. The existing site falls away from the existing highway by approximately 2 metres north to south. The loading/servicing area will be located at the north east of the store. Planting will be located on all boundaries and within the site.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site represents previously developed land and measures approximately 0.78 hectares. The site is an “out-of-centre” location for the purposes of the definition as given in Annex 2 of the National Planning Policy Framework (NPPF). The proposed development site is located approximately 0.5 km from Castle Vale District Centre(south), 1.5 km from Kingsbury Local Centre (west), 2.4km from Wylde Green Local Centre (north west), 2.5 km from Walmley Local Centre (north) and 3.7km from Erdington District Centre (west).

- 2.2. The proposed development site does not fall within a Core Employment Area, and is not covered by any other site specific designations in the Local Development Plan.
- 2.3. The site has a number of existing buildings that are, and were, used for commercial and sui generis uses and are currently in a poor state of repair and do not add anything to the visual amenity of the area as there is no common architectural theme. The current application site has been expanded to include an existing residential bungalow at 1159 Chester Road.

3. Planning History

- 3.1. The application site has been the subject of a number of applications over the last 25 years, the most recent relating to;
- 2018/07812/PA – Demolition of existing buildings and construction of a Class A1 foodstore, with associated access, car parking, servicing and Landscaping – Application withdrawn.
- 3.2. The most recent uses of the site have included; retailing (restricted to bathroom furniture and associated fixtures/fittings) (2010/05420/PA); a car wash and valeting facility (in use class B1c) (2010/03365/PA); A mix use of Sui Generis and Class A2 uses in Unit 1 under various permissions; vehicle storage and vehicle display/sales from unit 2 (2004/05854/PA and 1997/04865/PA); A private hire and garage workshop for repair and maintenance (Use Class B2) within Unit 3 (1997/03596/PA).

4. Consultation/PP Responses

- 4.1. Neighbouring residents and Local Ward Councillors have been consulted on this Planning Application. 7 letters of representation have been received in relation to this Planning Application. The main points of objection are detailed below;
- The proposals will lead to a significant increase in traffic, which in turn could potentially have a detrimental impact on the ability of the adjacent ambulance station to operate effectively.
 - There is no requirement for another food superstore. There are a number of existing stores in the immediate locale.
 - The proposals will clean up the area and will be a visual improvement. The proposals will bring prosperity to the area.
- 4.2. Severn Trent: No objections.
- 4.3. West Midlands Police: No objection.
- 4.4. Canal and River Trust: No objection.
- 4.5. BCC Transportation: No objections received in relation to the proposals.
- 4.6. BCC Local Flood Authority and Drainage Team: No objection subject to the imposition of conditions.
- 4.7. BCC Employment Access Team: No objection subject to the imposition of conditions.

- 4.8. BCC Regulatory Services: No objections received regarding this application subject to the imposition of conditions.
- 4.9. BCC Ecology: No objection subject to the imposition of conditions.

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) Saved Policies 2005
- Places for Living SPG 2001
- 45 Degree Code

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF) 2019

6. Planning Considerations

- 6.1. The main considerations of this application relate to visual impact, impact on highway safety, landscaping, impact on residential amenity, assessment in relation to the relevant National Planning Policy Framework, Local Development Plan Policy, specifically retail policy, and relevant Supplementary Planning Guidance. Part of the main assessment of the application relates to the sequential test of the site, which has been addressed in paragraphs 6.14 -6.29 detailed below.
- 6.2. Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that “Achieving sustainable development means that the planning system has 3 overarching objectives, which are independent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each objective”. The three overarching objectives are; economic, to help build a strong, responsive and competitive economy; social, to support strong , vibrant and health communities; and an environmental objective to contribute to protecting and enhancing our natural built and historic environment.
- 6.3. Paragraph 10 of the revised NPPF confirms that “...at the heart of the framework is a presumption in favour of sustainable development”.
- 6.4. Paragraph 38 of the revised NPPF states that, “Local Planning Authorities should approach decisions on proposed development in a positive and creative way.....and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision takers at every level should seek to approve applications for sustainable development where possible”.
- 6.5. For the purposes of this application there are a number of relevant Birmingham Development Plan Policies which need to be addressed. In relation to the use of the site, the retail use and town centres policies TP21 and TP22 are fundamental. Both

of the policies are considered to be compliant with Paragraph 11 of the NPPF, as they are up to date and accord with the main aims of the retail and town centre policy provisions of the revised NPPF.

- 6.6. Policies for the City's economy and its network of centres are set out in section 7 of the BDP, particular relevance TP21 and TP22. The first part of policy TP21 of the BDP states that: "The vitality and viability of the centres within the network and hierarchy identified in the policy will be maintained and enhanced", and that: "These centres will be the preferred location for retail, office and leisure developments, and for community facilities (e.g. health centres, education and social services, and religious buildings)". Erdington is one of the district centres where the potential for growth is specifically identified in the third paragraph of policy TP21. The final paragraph of Policy TP21 states; "Except for any specific allocations in this plan, proposals for main town centre uses outside the boundaries of the network of centres identified in policy TP21 will not be permitted unless they satisfy the requirements set out in national planning policy. An impact assessment will be required for proposals greater than 2500 square metres (gross).
- 6.7. Policy TP21 makes it clear that, outside of the network of centres, main town centre uses will not be supported unless they satisfy the requirements of the NPPF but a formal impact assessment is not required unless the proposals are over 2500 square metres.
- 6.8. Policy TP22 relates specifically to convenience retail provision and it states that: "In principle, convenience retail proposals will be supported within the centres included in the network of centres, subject to proposals being at an appropriate scale for the individual centre" and that "Proposals that are not within a centre will be considered against the tests identified in national planning policy and other relevant planning policies set at local level".
- 6.9. Policies TP21 and TP22 are considered to be consistent with the NPPF policy, but are not considered to add materially to its provisions, other than identifying the level of comparison retail and office provision that is appropriate for the centres at the various tiers of the Policy TP21 network and hierarchy of centres. The proposals which form part of the proposed development are deemed to accord with the relevant sections of the policy and is considered to accord with the sequential test and with the retail impact tests set out in the revised NPPF.
- 6.10. Section 7 of the NPPF sets out the Government's planning policies for ensuring the vitality of town centres. Paragraph 85 emphasises the need to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.
- 6.11. Paragraphs 86 and 87 set out the sequential test that applies to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 86 states that "Main town centre uses should be located in main town centres, then in edge of centre locations and only if suitable sites are not available (or expected to become available in the short term), should out-of-centre sites be considered". In consideration of out-of-centre proposals Paragraph 87 states that "...preference should be given to accessible sites that are well connected to the town centre". In applying the sequential test, paragraph 87 requires applicants and Local Planning Authorities to demonstrate flexibility in relation to issues such as format and scale.

- 6.12. The application site at Chester Road, is an out of centre location for the purposes of the definition given in Annex 2 of the NPPF and is not identified for retail purposes in an up-to-date local plan. Therefore, as a consequence, the proposals face a sequential test, as set out in national policy and in the development plan. The applicant have confirmed acceptance of this approach.
- 6.13. As part of the application submission, a Planning and retail statement was submitted and subsequently assessed by an independent retail consultant. The applicants have detailed the sequential search parameter which they follow. These parameters are; size-minimum site size is 0.6 hectares, which reflects the requirements for a store with a Gross internal Area around 1800 square metres-1900 square metres ideally with parking for 100 cars minimum; the need for single storey, unrestricted sales floor which has a level topography; the need for access to a main road network; and the need for the site to be directly visible from the road network. These parameters were accepted by both the Local Planning Authority and the nominated retail consultant.
- 6.14. The applicant is classed as a Limited Assortment Discounter. This identification was coined in the 2008 Grocery market investigation carried out by the competition commission, which identified Aldi, Lidl and Netto as being "Limited Assortment Discounters and are different in terms of their numbers or product lines compared to large grocery retailers generally".
- 6.15. The sequential approach details 8 sites, within 4 areas, which were detailed within the submitted Planning and retail statement, appendix 3. The assessment of the proposals must focus on the suitability and availability of each of the eight sites. This assessment ultimately will determine whether the proposed site is appropriate for retail development of this type.
- 6.16. The nearest centre to the site, situated 0.4 km to the south is Castle Vale District Centre. Much of this centre is made up of a retail park, with 5 large retail units including a Sainsbury's. It was confirmed that this site was not suitable due to the existing supermarket being the anchor store and there being only one vacant unit (now occupied) at the time of the study. It is confirmed that there are no sites within or on the edge of the centre that meet the needs, in terms of parameters set out, which are suitable.
- 6.17. Kingsbury Road local centre identified 3 sites within, and on the edge, of the area. Sites within the area are accepted as being fully utilised, not available for retail use (due to being within Core Employment Area), or too small to accommodate this type of store. The planning Authority and the consulted retail consultant concur with the agents report that there are no suitable units within this area.
- 6.18. Wylde Green Local Centre is large but linear in nature along Birmingham Road meaning that there is no realistic scope for an expansion of the centre to the east or to the west. Moreover, it is agreed that the northern end of the centre gives way abruptly to residential use, with no scope for a supermarket in an edge-of-centre location. The only opportunities within Wylde Green Local Centre are a limited number of vacant units within the Lanes Shopping Centre (Site 5 in Appendix 3 of Turley's Planning & Retail Statement). However, all of these vacant units are far too small to represent a suitable opportunity for the broad type of development being proposed by Aldi.
- 6.19. Walmley Local Centre has no realistic opportunity for development of this nature due to being restricted by residential development and protected woodland to the east.

The only identified opportunity was the well-used, and in good condition, Walmley Social Club. This site is not on the market and not available for a development of this size or nature.

- 6.20. Erdington District Centre is located on the periphery of the Primary Catchment Area of the site at Chester Road, as defined by the 5 minute off peak drive time isochrones as detailed within the applicants Planning and Retail statement. The applicant has acknowledged the proximity of a fellow store within the Local centre but has detailed that the proposed store would serve a materially different, albeit overlapping, catchment area to that which the Chester Road store would serve.
- 6.21. The applicant has detailed correspondence with Seven Capital, Godwin Developments, Councillors and the Erdington Town Centre Partnership in seeking to secure representation in Erdington. The submitted Planning & Retail Statement proceeds to identify three opportunity sites within and on the edge of Erdington District Centre, two of which have been the subject of considerable investigation and correspondence between the applicant, agent, the nominated Retail Consultants and the Local Planning Authority. The two main opportunities are the Seven Capital site (the former Colliers/Sainsbury's site), located off Sutton Road, and the Central Square Shopping Centre, located off High Street, which has been the subject of redevelopment proposals over a number of years. We discuss both of these sites in depth, but we can quickly dismiss the third site, at Gravelly Hill, as being unsuitable for retail development of the sort being proposed by Aldi. Not only is the Gravelly Hill site constrained by the presence of a group TPO (ref: TPO848), but also there would be a need for acquisition of two active businesses (a constructor of roller shutter doors and a car rental firm) that are not on the market, so that this third site is clearly not currently available, or likely to become available within a reasonable period.
- 6.22. The Seven Capital site comprises the overwhelming part of a slightly larger site previously known as the Colliers/Sainsbury's site, which was assembled for the purposes of developing a J Sainsbury food superstore of 4,658 sq.m gross, together with three individual Class A1/A2/A3 units totalling 435 sq.m. Planning consent for this wider site was granted on 12th April 2012, under ref: 2011/08251/PA. This permission was lawfully implemented, as confirmed by Lawful Development Certificate ref: 2015/06560/PA. The existence of this Lawful Development Certificate is clearly a material consideration for proposals for food retail development on any part of the wider Colliers/Sainsbury's site (which included an area of land at the corner of Edwards Road and Orphanage Road that is occupied by Council offices and which is located outside the boundary of the Seven Capital site).
- 6.23. The Local Planning Authority is aware this site is to be split into 2 parts, each of which is subject of a current Planning Application. The first is an outline application for the demolition of existing buildings and structures and construction of up to 43 residential units with associated parking, engineering, drainage and infrastructure works (ref: 2018/10367/PA). The second is a detailed application for demolition of existing buildings and construction of a Class A1 food store, with a gross floor space of 2,125 sq.m and a sales area of 1,325 sq.m, together with associated parking and infrastructure works (ref: 2018/10371/PA). The proposed store application is approximately 20% higher than that proposed in this application but it is clear that the site would represent a suitable opportunity, in terms of size and type/range of goods. The applicant, it is considered, has made several attempts to secure representation for Aldi at the Seven Capital site, however it has been detailed that the site is in the process of being acquired by a competitor and is therefore not available.

- 6.24. The ultimate purpose of the sequential test, is to secure town centre and edge-of-centre developments first, prior to turning to out-of-centre opportunities. It is considered likely that any trade impact on Erdington as a result of an Aldi store at Chester Road is relatively low and certainly not significantly adverse. It seems clear, therefore, that the edge-of-centre opportunity at the Seven Capital site will almost certainly not be frustrated or detrimentally impacted upon, by a planning consent for a discount food store at the Chester Road application site.
- 6.25. Within the primary shopping Area of Erdington is the Central Square Shopping Centre. This Shopping Centre is considered to be in a sequentially preferable location to both the 'edge-of-centre' Seven Capital site, and to the 'out-of-centre' Aldi application site at Chester Road. In its current condition, Central Square represents a poor-quality indoor shopping mall of dated appearance, comprising approximately 23 retail units, half of which are vacant, together with office and nightclub uses above the ground floor. There is parking provision for around 85 spaces, in decked form, to the rear.
- 6.26. Ultimately, the applicant has tried to demonstrate how a proposed store could be accommodated within this area. Notwithstanding the ownership of the area, lapsed permissions in place to demolish and redevelop with a supermarket (2013/00977/PA), further permission for reconfiguration, changes of use (2015/10500/PA), existing leases and discussions with the owner and applicant, the site is not considered appropriate.
- 6.27. The agents for this application, detailed that any proposals would be subject to abnormal building costs/demolition costs and had detailed a notional layout which although large enough was poorly configured, with issues with regard to operational efficiency which would undermine commercial viability. The proposals would not be able to achieve compliance with the agreed parameters with poor access, off a one way system and non visible parking area (which has been demonstrated to lead to poor store performance). Moreover it is unlikely that the site will be available within a reasonable period of time unlike the application site.
- 6.28. In concluding the sequential test assessment, the only suitable opportunity for providing for the broad type of development proposed by Aldi at Chester Road, by approximate size, type and range of goods is the Seven Capital site, located at the edge of Erdington District Centre, likely to be taken up by an alternative user. It is considered that by granting a permission for a discount food store at the Chester Road site is unlikely to frustrate the fundamental purpose of the sequential test, which is to secure town centre and edge-of-centre developments first prior to turning to out-of-centre opportunities, with the submitted evidence making a case for Aldi's desire to be located both at Chester Road and in Erdington District Centre; and in the unlikely event that a consent at Chester Road was to cause the perspective occupier to seek to abandon its interest in the Seven Capital site, there is plentiful evidence to suggest that Aldi would be very keen to step in and grasp the vacated opportunity. It is therefore considered that the application by Aldi at Chester Road passes the sequential test set out in Paragraphs 86 and 87 of the revised NPPF.
- 6.29. The site does not fall within a core employment area or growth area and it has no other site specific designation or allocation. The existing uses on the site comprise of a retail unit, car valeting service, vehicle repair workshop and storage (approved under planning applications 2010/05420/PA, 2010/03365/PA, 1997/03596/PA and 1992/04865/PA respectively). BCC Policy officer had no objections to the proposals on the basis that the proposals meet the sequential test.

- 6.30. Paragraph 5.9 of the submitted Planning and Retail Statement states that as there is a residential property adjoining the site then it will constitute a non-conforming employment use. The definition of a non-conforming employment use is set out in paragraph 5.2 of the Loss of Industrial Land to Alternative Uses SPD. This states that such uses will mostly consist of small (generally less than one acre) isolated industrial sites within predominantly residential areas. As there is only one residential dwelling that adjoins the application site and the rest of the adjoining uses are predominantly industrial then it cannot be considered that the application site is in a non-conforming use.
- 6.31. In regard to the Policy TP20 requirement to market the site for employment uses, paragraph 5.12 of the submitted Planning and Retail Statement states that as the buildings on site are of a low quality and are in a poor state of repair they will only be of market interest to a limited range of potential occupiers. Paragraph 5.13 goes on to state that retaining such a small area in employment use would not be suitable or viable as it does not represent a commercially attractive site.
- 6.32. The applicant has also stated in paragraph 5.7 of the Planning and Retail Statement that Policy TP20 will not apply, as the site cannot contribute to the city's portfolio of employment land because it has not been assessed or categorised in any of the council's employment land studies. This statement is incorrect, as identification within the council's studies is not a prerequisite for a site being considered as contributing towards the portfolio of employment land. The requirements of Policy TP20 that have been outlined above will therefore apply to all employment sites such as this application site, providing that the existing uses can indeed be categorised as falling within B class use.
- 6.33. The proposals have not raised any issues from BCC regulatory services. The operating hours of Monday-Saturday 08:00 – 22:00 and Sundays 10:00-16:00 are deemed acceptable and are not considered to have a detrimental impact on the amenity of the immediate locale.
- 6.34. The proposals have detailed a total of 122 no. parking spaces, including 6no. disabled accessible spaces and 6 no. parent and child spaces. This is deemed acceptable by BCC Transportation Department. The proposed wider access to meet pedestrian and safety standards are also considered accessible and acceptable. The internal layout and the area detailed as servicing/delivery area has not attracted any objections. Objections and comments were raised regarding the potential for increased traffic generation and potential impact on the existing ambulance centre. However, the proposed measures suggested by the Local Councillor (Mike Sharpe), in the form of traffic lights and/or creating an access through the existing central reservation, were not considered warranted as the proposals were not expected to have a significant impact on the existing road network, or on the ambulance stations ability to operate in a timely manner. The issue and suggestions were discussed with both the Councillor and the Transportation Department during the determination process.
- 6.35. The proposed store would be located to the south east of the existing McDonalds drive through. The new proposed application is deemed to be orientated in an appropriate manner. The previous application proposed an alternative configuration which was not deemed appropriate. The applicant have since acquired/are in the process of acquiring the bungalow between the existing McDonalds and the previous north eastern boundary. This has allowed the reconfiguration and extension of the site resulting in a significantly better result. The store will be orientated north/south with the main glazed entrance façade facing Chester Road.

The proposed servicing and delivery area will not be visible from communal areas or Chester Road and will be located to the north/ rear of the building. The parking and circulation area will be positioned to the east of the store. The southern boundaries of the site, on the boundary with Chester Road, as well as the eastern boundary will be landscaped. The Landscape Officer comments raised no objections subject to the imposition of conditions.

- 6.36. The proposed building will be glazed in the south eastern corner at the access point with the majority of the first 1.5 metres, from ground level up, being red brick with the rest of the area above being finished in grey cladding. The building will have a mono pitched roof rising eastwards to its highest point. Within the area there is no established design pattern or building line. However, the proposed design and orientation is dictated by the applicant parameters and pre application design advice from the Local Planning Authority. The proposals are deemed to meet the parameters in that it is visible as is the parking area from the main road, whilst being orientated in a manner to lessen the mass and thus, visual impact on the immediate locale. Given the position of the store in relation to the residential areas, it is not considered there will be a detrimental impact to the residential amenity of the area.

7. Conclusion

- 7.1. In the opinion of the Planning Authority the proposed development at Chester Road is highly unlikely to cause any '*significant adverse*' impact on existing, committed and planned public and private investment in any of the district and local centres within, or beyond, its Primary Catchment Area. As a consequence, it is concluded that the Aldi application at Chester Road passes the first of the two impact tests set out in Paragraph 89 of the NPPF.
- 7.2. The overall conclusion is that the Aldi application at Chester Road is highly unlikely to cause any '*significant adverse*' impact on vitality and viability, including local consumer choice and trade, in any of the district and local centres within, or beyond, its Primary Catchment Area. As a consequence, we conclude that the Aldi application at Chester Road passes the second of the two impact tests set out in Paragraph 89 of the NPPF.
- 7.3. In relation to agreed parameters the proposed scheme is compliant in terms of; size- minimum site size is 0.6 hectares, which reflects the requirements for a store with a Gross internal Area around 1800 square metres-1900 square metres ideally with parking for 100 cars minimum; the need for single storey, unrestricted sales floor which has a level topography; the need for access to a main road network; and the need for the site to be directly visible from the road network. Therefore, in the opinion of the Local Planning Authority, it has been demonstrated that the proposals would be both visually and economically successful and would comply with relevant Local Development Plan Policies, National Policy and Supplementary Planning Guidance.

8. Recommendation

- 8.1. Approve subject to the conditions detailed below;

-
- 1 Requires the scheme to be in accordance with the environmental statement
 - 2 Requires the submission of sample materials
 - 3 Requires the submission of boundary treatment details
 - 4 Requires the submission of a landscape management plan
 - 5 Requires the submission of hard and/or soft landscape details
 - 6 Requires the submission of hard surfacing materials
 - 7 Limits the noise levels for Plant and Machinery
 - 8 Limits the hours of use to 8.00am-22.00pm Monday-Saturday and 10.00am-16.00pm Sunday
 - 9 Limits delivery time of goods to or from the site 08.00am - 18.00pm Monday - Saturday
 - 10 Requires the prior submission of a contamination remediation scheme
 - 11 Requires the submission of a contaminated land verification report
 - 12 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 13 Requires the prior submission of a construction method statement/management plan
 - 14 Requires the submission of details to prevent mud on the highway
 - 15 Requires the prior installation of means of access
 - 16 Requires the submission of details of pavement boundary
 - 17 Requires the submission of a parking management strategy
 - 18 Requires the delivery and service area prior to occupation
 - 19 Requires the parking area to be laid out prior to use
 - 20 Requires the submission of cycle storage details
 - 21 Requires the submission of details of a delivery vehicle management scheme
 - 22 Requires the applicants to join Travelwise
 - 23 Requires the submission and completion of works for the S278/TRO Agreement
 - 24 Requires the prior submission of a construction employment plan.
 - 25 Limits the sales area to 1350 square metres
 - 26 Implement within 3 years (Full)
-

Case Officer: Gavin Forrest

Photo(s)

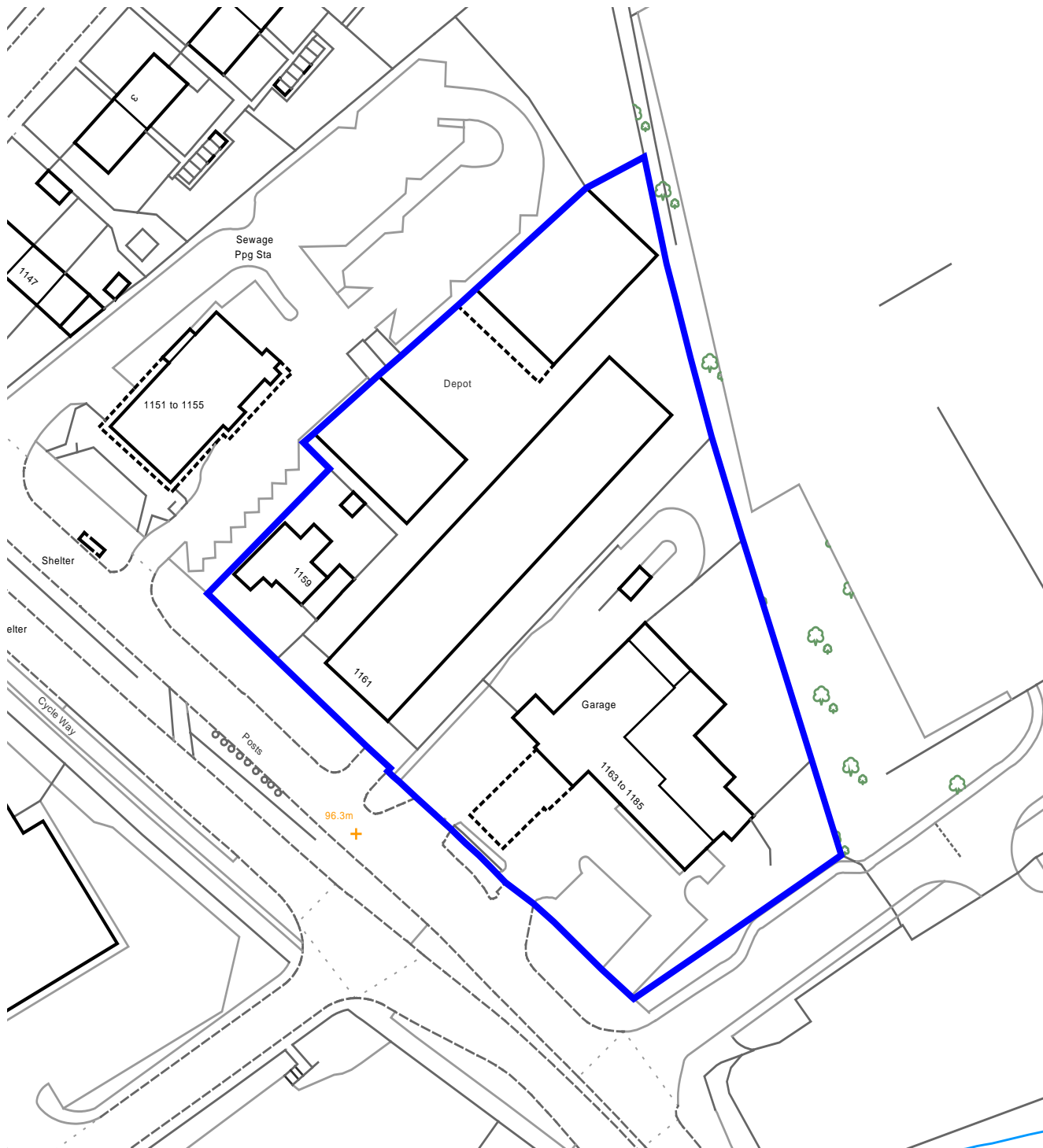


Figure 1: View north across Chester Road



Figure 2- View looking north east Across Chester Road towards the site

Location Plan



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Committee Date:	07/11/2019	Application Number:	2019/01470/pa
Accepted:	27/03/2019	Application Type:	Full Planning
Target Date:	11/10/2019		
Ward:	Acocks Green		

3 Elmdon Road, Acocks Green, Birmingham, B27 6LJ

Change of use from residential dwellinghouse to residential institution
(Use class C2)

Recommendation

Determine

Report Back

- 1.1. Members will recall that this application was presented to Planning Committee on 29th August 2019 and again on the 10th October 2019 with a recommendation to approve the application subject to a number of conditions.
- 1.2. At determination, on 10th October 2019, members were minded to refuse the application due to the view that it conflicted with guidance in the 'Special Needs Residential Uses SPG (2002)', paragraph 8.29 where it states 'Hostels and residential care homes are normally most appropriately located in large detached properties'.
- 1.3. Officers view the development as acceptable as the application premises are relatively large and therefore in accordance with the spirit of the guidance. In this case, it is considered that adjoining occupiers can be safeguarded against the loss of amenity due to, for example undue noise or disturbance, by the imposition of a noise insulation scheme.
- 1.4. If members are still minded to refuse the application the following reasons is put forward.
- 1.5. 'The proposed development would adversely affect the amenities of occupiers of dwellings/premises in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Special Needs Residential Uses SPG (2002), saved paragraphs 8.28 – 8.30 of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework'.

Report Back (for committee on the 10/10/19)

- 1.1. Members will recall that this application was presented to Planning Committee on the 29th August 2019 with a recommendation to approve the application subject to a number of conditions.
- 1.2. At determination members will recall that the application was deferred pending further correspondence with West Midlands Police due to potential discrepancies with comments made.

1.3. Further correspondence has taken place with West Midlands Police. The Designing Out Crime Officer has been in contact with the local Police team and confirms that the position of no objection remains the official response of West Midlands Police.

1.4. In order to address concerns raised regarding noise issues a condition is recommended requiring a noise insulation scheme. The following condition is recommended:

Requires the prior submission of noise insulation (variable)

Prior to the occupation of the development hereby approved a scheme of internal noise insulation between the application site and the adjacent property number 5 Elmdon Road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the building and thereafter maintained.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of the adjacent dwelling in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF.

Addendum Report

1. Proposal

1.1. The application is to change the use of the existing semi-detached dwelling to a residential institution (use class C2). Information from the applicants details that the previous owners of the site (Trustees of the Charity of the Roman Catholic Church) had bought the building in December 1994 and had used the property as 'St Anne's' Convent occupied by five nuns. The applicants have purchased the building in January 2019 and now propose to use the building as a children's home to accommodate four children.

1.2. The young people at the property will be aged between 11 and 18 years old. The children's home is proposed to be used with children who are not physically or mentally disabled but have challenging behaviours. The property will require Ofsted registration to operate. The applicants have stated that the facility would provide a caring and nurturing environment for young people and shall operate the way a family home does with care staff supporting the young people to become positive members of the community and take pride in their interactions both in and out of the home. The character of the building will remain residential in use. The house will operate like a 'normal' family home with domestic living areas such as bedrooms, living rooms, kitchen etc.

1.3. The applicant has stated that each proposed admission to the home will be subject to a risk assessment and matching process to ensure that their individual needs can be met and that any existing Young People placed would not be impinged by their admission. Additionally, the risk assessment takes account of the environment and the local community which will ensure that any Young Person placed has a plan of integration which causes minimal disruptions to the local community.

1.4. The home is proposed to be staffed by two members of staff who will be on site 24 hours a day. A registered manager will also be on site between 09:00 – 17:00 Monday to Friday and on call when required.

- 1.5. Shift patterns of day staff are 07:30 – 22:30 with one staff member sleeping on site from 22:30 – 08:00.
- 1.6. No external alterations are proposed.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on Elmdon Road, a tree lined largely residential area made up of a variety of house types and eras set back from the highway. The dwelling is approximately 30 metres east of the Yardley Neighbourhood Centre.
- 2.2. Opposite the application site are two hotels, Atholl Lodge and Elmdon Lodge Hotel.
- 2.3. Adjoining to the east is number 5 Elmdon Road, a residential dwelling, to the west is number 1C another residential dwelling.

[Site map](#)

3. Planning History

- 3.1. 1991/02889/PA- Retention of guest house and formation of car park – approved 10/10/1991
- 3.2. 1991/05213/PA - Vary condition no.16 attached to E/02889/91/FUL to permit a period of 9 months from original permission for rear parking - approved - 23/1/1992
- 3.3. 1994/03483/PA – Change of use from guest house (Class C1) to single dwelling house (class C3)– approved – 10/10/1994
- 3.4. 2005/06564/PA - Proposed Garage Conversion – withdrawn – 11/11/2005

4. Consultation/PP Responses

- 4.1. Site notice displayed. Adjoining neighbours, Ward Councillors consulted – 9 Third Party Representations received.
- 4.2. Objections raised the following concerns
 - The cumulative effect of properties converted into self-contained flats, residential and non- residential care homes,
 - Insufficient on-site parking,
 - Development would cause disruption to the street,
 - Enough care facilities in the area,
 - Proposal would result in an increase in noise.
- 4.3. Councillor John O'shea - I have had concerns raised by residents about car parking, which is already at a premium on this road. The local Police neighbourhood team have raised concerns (to Councillor John O'shea) about additional workload. We

already have a number of supported housing facilities within Acocks Green, mostly in the larger properties in this area and elsewhere in the area around the Warwick Road and to the north of it. We contacted the operating company and asked them to come and visit Acocks Green and to consult with local residents, but they did not do so.

4.4 West Midlands Police – No objections to the application.

4.5. Regulatory Services - No objection.

4.6. Transportation Development - No objection, The site has an excellent level of public transport accessibility and is located within close proximity to local facilities within Yardley Road Neighbourhood Centre. Whilst there are noted to be existing local parking issues on Elmdon Road, it is considered that there would not be any justification to resist the development on grounds of material impact from parking demand associated with the use, particularly considering previous and current permitted use scenarios. Recommend conditions requiring cycle storage provision and a commercial travel plan.

5. Policy Context

Birmingham Development Plan (BDP) 2017, Places for All SPG (2001), Places for Living SPG (2001), Car Parking Guidelines SPD (2012), Birmingham Unitary Development Plan 2005 (Saved Policies), National Planning Policy Framework (2019), Specific Needs Residential Uses SPG.

6. Planning Considerations

6.1 The guidance set out in Paragraph 8.29 of the Saved 2005 UDP and the Specific Needs Residential Uses SPG is of paramount relevance in the assessment of planning applications for proposed residential care uses. Paragraph 8.29 sets out several criteria against which a proposal should be addressed:

6.1. *Residential amenity*

6.2. The development of residential care homes in semi-detached houses will not be acceptable unless adjoining occupiers can be safeguarded against loss of amenity due to undue noise and disturbance.

6.3. It is not considered that the proposed use, for four young people, would be so intensive so as to result in undue noise disturbance over and above that of a large family home. In addition, Regulatory Services have raised no objection to the application.

6.4. The site lies on a busy road and is in close proximity to a local centre, noise from activities associated with the proposed use, for example the comings and goings of staff members, would to some extent be screened by the existing noise climate within the area and as in this respect would not be so harmful to amenity as to warrant refusal of the application.

6.5. In regards to surrounding development number 9 Elmdon Road has planning history of being used as a HMO (e.g 2010/03334/PA), number 30 received a lawful development certificate in 1999 for the existing use of 2 flats and 4 bedsits (1999/01775/PA). There are no properties on the road on the HMO Public Register and searches have not revealed any other C2 uses on the road. Due to the low

presence of such uses in the vicinity it is considered the proposed development would not result in harm to the residential character and appearance of the area.

6.6. *Highway Matters*

6.7. Transportation Development note the application site is well served with public transport and in a sustainable location. With regard to the comments of Transportation it is considered that the proposed use would not have any detrimental impact on the safety and free flow of traffic on the adjoining highway. A cycle store condition as recommended by Transportation can be imposed on any planning approval. It is considered that a Commercial Travel Plan condition would be unnecessary and unreasonable for such a small residential institution.

6.8. Visual impact

6.9. The development does not propose any external alteration, therefore it is considered the proposed development would not have an adverse impact upon the character and appearance of the existing building or the surrounding area.

6.10. *Amenity space*

6.11. The garden area at the site exceeds the SPG requirement for outdoor amenity space of 16 sq.m per occupant. An acceptable living environment would therefore be provided.

7. Conclusion

7.1 Paragraph 59 of the NPPF stresses the importance of addressing the needs of groups with specific housing requirements. The proposed development meets these aims and complies with the specific criteria for assessment set out in the Saved 2005 UDP and the Specific Needs Residential Uses SPG.

7.2 No objections have been received from Regulatory Services, Transportation or West Midlands Police. Whilst concerns have been raised by local residents it is considered that the small scale of the proposed development would not have an adverse impact upon the amenity of adjacent residents or change the residential character and appearance of the area.

8. Recommendation

8.1 Approve subject to conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of cycle storage details |
| 3 | Implement within 3 years (Full) |
| 4 | Limit no. of children to maximum of 4 |
-

Case Officer: Kirk Denton

Photo(s)



Fig.1: Front of the property



Fig.2: Front of the property

Location Plan



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Birmingham City Council

Planning Committee

07 November 2019

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	14	2019/06846/PA 70 Ribblesdale Road Selly Oak Birmingham B29 7SQ Retention of change of use to 5-bed HMO (Use Class C4)
Approve – Conditions	15	2019/05758/PA 94 Bournbrook Road Selly Oak Birmingham B29 7BU Change of use from residential dwelling (Use Class C3) to 7-bed HMO (Sui Generis) and retention of single storey rear extension.
Approve – Conditions	16	2019/05816/PA 96 Bournbrook Road Birmingham B29 7BU Change of use from residential dwelling (Use Class C3) to 7 bedroom HMO (Sui Generis) and retention of single storey rear extension.

Committee Date:	07/11/2019	Application Number:	2019/06846/PA
Accepted:	20/08/2019	Application Type:	Full Planning
Target Date:	15/10/2019		
Ward:	Bournbrook & Selly Park		

70 Ribblesdale Road, Selly Oak, Birmingham, B29 7SQ

Retention of change of use to 5-bed HMO (Use Class C4)

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the retention of a change of use to 5 bed HMO (Use Class C4) from a residential dwelling (Use Class C3).
- 1.2. The requirement for this application has arisen due to an Article 4(1) Direction, within a defined area within which the application site is situated, which states development consisting of a change of use of a building to a use falling within Class C4 (house in multiple occupation) from a use falling within Class C3 (dwellinghouse) would require planning permission.
- 1.3. No external alterations re proposed. Internally, the ground floor would provide a bedroom with en-suite, lounge, kitchen and WC. The first floor would provide 3 bedrooms all with en-suites. The second floor would provide 1 bedroom with en-suite.
- 1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site related to this property is 70 Ribblesdale Road. This is a two storey detached property situated to the end of a row of semi-detached properties, to the corner of Ribblesdale Road and Umberslade Road. The property has a two storey rear wing, and has been previously extended with a single storey rear extension and a rear dormer window.

2.2. [Site Location Plan](#)

3. Planning History

- 3.1. 11/05/2017 - 2017/03536/PA - Non Material Amendment to planning application 2015/08882/PA for an amended site layout plan – Approve
- 3.2. 11/05/2017 - 2017/01467/PA - Application to determine the details for conditions numbers 2 (drainage scheme) 3 (landscaping details) 4 (levels) 5 (boundary treatment) 6 (sample materials) 8 (visibility splay) 10 (window details) 13 (amended

side elevation) and 14 (means of access) attached to planning approval 2015/08882/PA – Approve

- 3.3. 17/03/2016 - 2015/00882/PA - Erection of dwelling house – Approved with conditions. Condition attached to permission removing permitted development rights to change the use to any other use within Use Class C.
- 3.4. 22/07/2015 - 2015/04775/PA - Erection of 1 no. dwellinghouse – Withdrawn
- 3.5. Enforcement History
- 3.6. 2019/1311/ENF - Alleged check compliance in relation to Flood Risk Assessment attached to 2015/08882/PA – under investigation.
- 3.7. 2016/0898/ENF – Alleged unauthorised not in accordance with the approved plans 2016/00882/PA – constructed large single storey extension to No. 237 Umberslade Road – under investigation:

Enforcement officer working with owner to reinstate the original hedge to front and other boundary treatments, reinstate grassed areas and resurfacing driveway. Work to commence imminently

4. Consultation/PP Responses

- 4.1. Letter of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.

11 letters of objection have been received from surrounding occupiers, objecting to the proposal on the following grounds:

- Does not comply with original planning permission
 - Always intended to be used as a HMO
 - Inadequate parking provision and increase in traffic
 - Loss of wildlife from removal of hedges
 - Criminal activity and drug use
 - Anti-social behaviour caused by residents
 - Poor quality construction
 - Property in a prominent position on a corner plot
 - Impact on surrounding neighbours and character of area
 - Impact on visual appearance and amenity of area
 - A permission would set a precedent for further development
 - Impact on local services
- 4.2. Muntz Park Neighbourhood Forum have objected to the application on the grounds of loss of hedge, not complying with conditions of previous approval, erosion of character, strain on local amenities, noise and disturbance, parking issues.
- 4.3. Transportation Development – No objection subject to secure cycle storage
- 4.4. Regulatory Services – No objections subject to noise insulation scheme
- 4.5. West Midlands Police – There have been 54 calls to the police in relation to incidents on Ribblesdale Road in the last 12 months. Of these logs, 19 relate to the

two addresses that are currently operating as HMO's. The fact that 5 potential strangers are going to live in such close proximity and share basic amenities can be recipe for discord and can offer opportunity for crime and disorder.

4.6. Environment Agency – No objections

5. Policy Context

5.1. The following national policy is relevant

- The National Planning Policy Framework (2018)

5.2. The following local policy is relevant.

- Birmingham Development Plan (BDP) 2017.
- The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
- Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards (2014).
- Specific Needs Residential Uses SPG

6. Planning Considerations

6.1. Policy and Principle of Development

6.2. In normal circumstances, the conversion from a C3 use to a C4 use is permitted development and owners of properties would normally have no need to inform the Local Planning Authority that a dwellinghouse is changing to a small (C4) HMO. However, in November 2014, an Article 4 Direction was brought into effect that removes these permitted development rights within a designated area of Selly Oak, Edgbaston and Harborne wards. The application site falls within this area.

6.3. The decision to introduce an Article 4 Direction in this area resulted from an analysis of city wide concentrations of HMOs revealing the particularly high levels found in Bournbrook and the spread to surrounding areas of Selly Oak, Harborne and Edgbaston wards.

6.4. The policy accompanying the Article 4 direction 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards' which was adopted by the Local Planning Authority in September 2014 aims to manage the growth of HMOs by dispersing the locations of future HMOs and avoiding over-concentrations occurring, thus being able to maintain balanced communities. It notes that the neighbourhoods included in the confirmed Article 4 area have capacity to accommodate further HMOs in the right locations.

6.5. Policy HMO1 states the conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses. Should the application not cause an over concentration, or the exacerbation of an existing over concentration, the city council

will then apply the existing policies that apply to HMOs city wide in determining planning applications for C4 HMOs, as well as large HMOs in the Article 4 Direction area. The proposal would also need to satisfy these criteria in order to be granted planning consent.

- 6.6. Using the most robust data available to the Local Planning Authority, including Council Tax records, Planning Consents and HMO Licensing information it is revealed that within 100m of 70 Ribblesdale Road there are 75 residential properties. Of these properties and including the application site as a proposed HMO, 7 are identified as being HMO's, equating to 9.3% of houses within the 100m of the application site. As such it is considered that there would not be an overconcentration of HMO's in this particular area.
- 6.7. Saved policy 8.24 of the adopted UDP 2005 advises that when determining applications for houses in multiple paying occupation the effect of the proposal on the amenities of the surrounding area, and on adjoining premises; the size and character of the property; the floor space standards of the accommodation; and the facilities available for car parking should be assessed.
- 6.8. The specific needs residential uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are:
- Single bedroom 6.5 sq.m,
 - Double bedroom 12.5 sq.m.
- 6.9 The overall housing objective of the Wider Selly Oak SPD is "to maintain a balance of housing provision, a sustainable and cohesive housing market, and secure a high level of management of the residential environment". This is in order to ensure that Selly Oak "remains a desirable residential area for existing residents, as well as attracting and retaining employees to the university and hospitals - including graduates". The policy requires that "all proposals must secure a significant uplift in the area's residential offer".
- 6.10 **Character and appearance**
- 6.11 The application site is located within a predominantly residential area. Whilst there appear to be other HMO type uses on Umberslade Road to the northwest, the road primarily consists of family dwellings and has a typically residential character. The application premise is a detached property that was originally constructed as a 5 bedroom dwelling, with a lounge, living room and kitchen at ground floor, three bedrooms at first floor and 2 bedrooms within the roof space. The proposal would convert a lounge at ground floor into a bedroom, with a larger single bedroom within the roof space. As there would be no additional bedrooms added, I therefore consider that the proposal would have a minimal impact upon character.
- 6.12 **Layout and Residential Amenity**
- 6.13 The existing building contains three floors with individual bedrooms and shared kitchen and living room space. The property would provide five bedrooms of 10.5sqm, 9sqm, 8.2sqm, 10.2sqm and 12.7sqm. All of the bedrooms would exceed the standards set out in the Specific Needs Residential Uses SPG guidance for single bedrooms.

- 6.14 The communal kitchen and living room is of a good size and considered acceptable for 5 residents. There are en-suite bathrooms provided for each bedroom. In light of the above it is considered that the internal residential environment for occupiers would be acceptable.
- 6.15 In terms of the residential amenity of future occupiers of the premises, adopted SPG 'Specific Needs Residential Uses' advocates that 16sqm of amenity space should be provided per resident, equating to 80sq.m. The property would have approximately 141sqm of private amenity space which would comply with the above requirements.
- 6.16 The proposed HMO would not have an adverse impact on the amenities of adjoining residents given that few internal alterations are taking place and the property would most likely be lived in, in a similar manner to a family.
- 6.17 **Highway Safety and Parking**
- 6.18 The guidance in Specific Needs Residential Uses SPG advises that car parking provision for HMO applications should be treated on its own merits.
- 6.19 My Transportation Development Officer raises no objection to the proposal. It is not considered this change from a 5 bed dwelling to HMO with the same number of beds will have a notable impact upon traffic & parking demand at this location. While parking demand is typically fairly heavy within the vicinity it must be acknowledged there are good public transport links. It is suggested secure and sheltered cycle storage is installed in order to encourage this alternative mode of travel. A condition to secure this is recommended.
- 6.20 The site is also noted to be in an accessible location, close to Selly Oak Centre. It is therefore considered that there would not be any detrimental impact to highway safety as a result of this change of use.
- 6.21 **Other matters**
- 6.22 Concern has been raised over the unauthorized use of the property as a HMO and a potential precedent being set. The application has been submitted to regularize this unauthorized use and as such a full assessment has been made against the Council's relevant planning policy. In terms of a precedent being set, all planning applications are assessed on their own merits, and given the Article 4 Direction in place, any further change of use applications to HMO's in this area would be assessed against the 10% threshold contained within Policy HMO1.
- 6.23 Concerns have also been raised regarding loss of wildlife from the removal of hedges, poor quality construction and criminal activity and drug use. In respect to the loss of hedgerow, this is being investigated as part of an enforcement complaint. This application is for the change of use only and the property has already been built; as such the quality of construction is not a planning consideration within this application.
- 6.24 Crime and the fear of crime is a planning consideration, however the Specific Needs residential Uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is important to stress that the behavior of HMO tenants are not a matter for planning authorities but it is recognized that over concentrations can impact upon residential amenity community cohesion and housing mix as well as residential character. There is no

evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behavior. In light of this and the above in terms of an over concentration of HMOs in the locality, it is felt that a robust reason for refusal on the grounds of crime and fear of crime could not be sustained.

6.25 The proposed development does not attract a CIL contribution.

7. Conclusion

7.1. I consider that the proposed use of the property as a C4 small house in multiple occupation would be acceptable in principle and would help to meet a need for this type of housing in a sustainable location. There would not be an overconcentration of such uses in the area and the proposal would therefore accord with the Article 4 direction policy. In addition, the proposed scheme would not have a detrimental impact on the character of the area, or upon the amenities of adjoining residents and highway safety.

8. Recommendation

8.1. Approve subject to the following conditions

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the submission of cycle storage details |
| 3 | Limits the number of residents to 5 people |
-

Case Officer: Leah Russell

Photo(s)

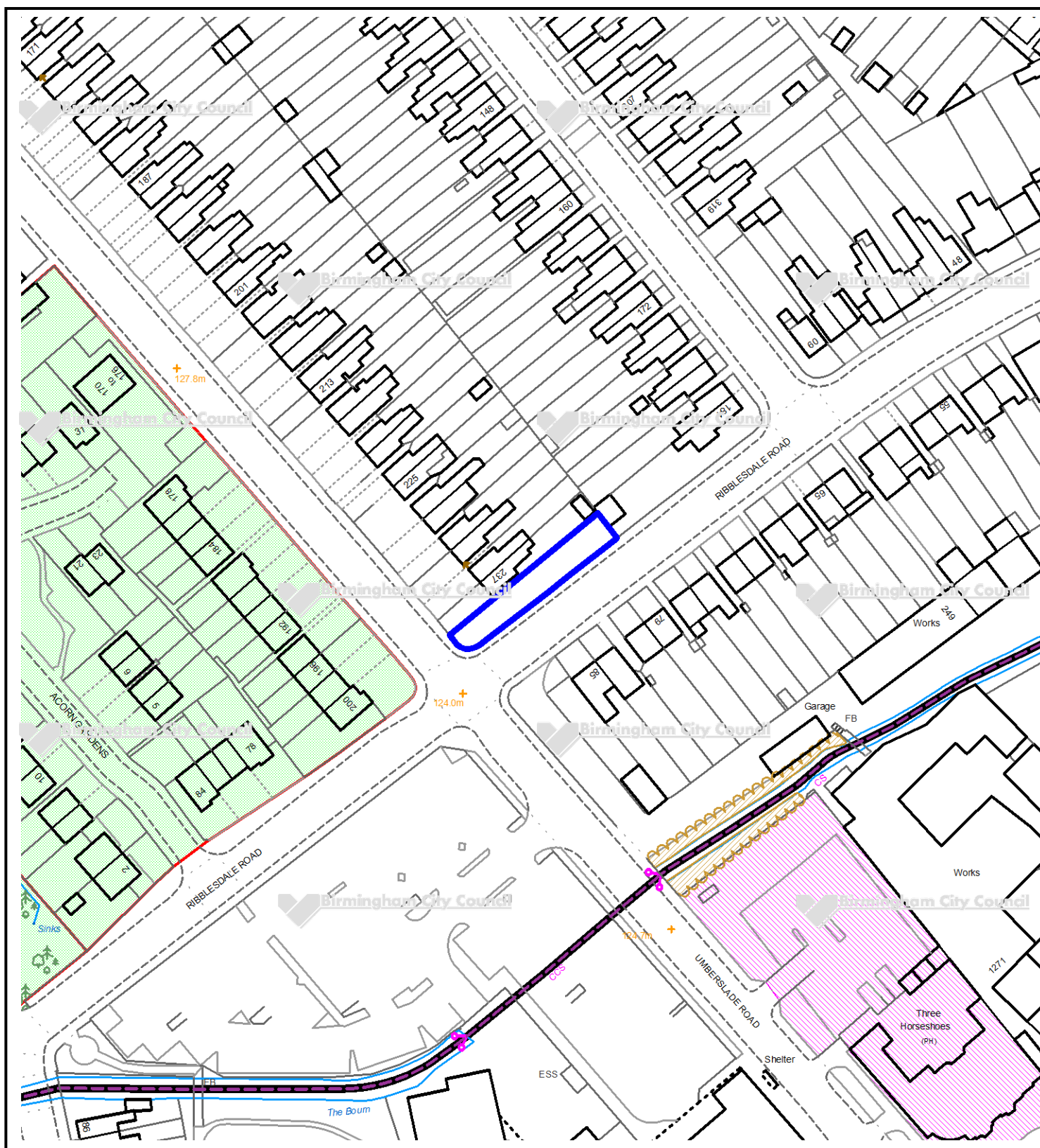


Photo 1: Front elevation



Photo 2: Rear elevation

Location Plan



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Committee Date:	07/11/2019	Application Number:	2019/05758/PA
Accepted:	19/07/2019	Application Type:	Full Planning
Target Date:	13/09/2019		
Ward:	Bournbrook & Selly Park		

94 Bournbrook Road, Selly Oak, Birmingham, B29 7BU

Change of use from residential dwelling (Use Class C3) to 7-bed HMO (Sui Generis) and retention of single storey rear extension.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the change of use from a residential dwelling (Use Class C3) to a large House in Multiple Occupation (Sui Generis) and the erection of a single storey side and rear extension.
- 1.2. In total the development would comprise of 7 bedrooms over three floors; 2 at ground floor, 3 at first floor and 2 at second floor, with footprints of between 10sqm to 14sqm, each with en-suite bathrooms. There would be a communal kitchen and lounge (55.4sqm) at ground floor.
- 1.3. A rear outdoor amenity space of 191.1sqm is provided, with off street parking to the front.
- 1.4. A 6m prior approval application has been approved to the end of the existing two storey wing, under reference 2018/07841PA, and is complete along with the single storey rear infill extension which forms part of this application.
- 1.5. A hip to gable roof extension and rear dormer window has also been constructed under the property's permitted development rights.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a semi-detached property originally with a hipped roof design located within a residential street comprising a mixture of detached and semi-detached properties. The property is set back from the road, with a garden area within the frontage. The site is located within an area predominately used as student accommodation.
- 2.2. Work has commenced on site in the construction of two single storey rear extensions, each with a depth of 6m. The property has also been extended with a hip to gable roof extension and rear dormer window.
- 2.3. [Site Location Plan](#)

3. Planning History

- 3.1. 24/10/2018 - 2018/07941/PA - Erection of 6 metre single storey rear extension. Maximum height 4 metres. Eaves height 3 metres – No prior approval required

3.2. Enforcement History

- 3.3. 2019/0488/ENF - Alleged check works are in accordance with non-prior approval application 2018/07841/PA - Complete

4. Consultation/PP Responses

- 4.1. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.
- 4.2. 4 letters of objection have been received from surrounding occupiers, objecting to the proposal on the following grounds:
- Property has not been a small HMO (C4) prior to the application
 - Strain on densely populated area
 - Out of character within area
 - Impact on local services
 - Lack of parking provision
 - Noise and disturbance/anti-social behaviour
 - Work has already commenced on site
 - Health and safety issues during construction
 - Poor quality construction
- 4.3. Councillor Brigid Jones has objected to the proposal on the grounds of over-intensive development, loss of amenity caused by over saturation of HMO's, adverse impacts on parking and local services, impact on local businesses, incorrect information on application form, unsafe practices on site.
- 4.4. The Community Partnership for Selly Oak (CP4SO) have objected to the proposal on the grounds of insufficient information to assess space standards, impact on the character of the area, further densification of area, impact on parking and traffic, pressure on local services.
- 4.5. Transportation Development – No objections subject to secure cycle storage
- 4.6. West Midlands Police – On Bournbrook Road alone in the past 12 months there have been 70 calls to the emergency services. Of these calls were 23 recorded crimes including 6 burglaries. It has become evident that HMO's have provided accommodation for a transient local population that has undermined community stability and cohesion. No objections, requests all communal doors to be PAS 24 or equivalent.
- 4.7. Regulatory Services – No objections

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Birmingham Development Plan (2017)
 - Places for Living SPG
 - Specific Needs Residential Use SPD

The following national policy is applicable:

- NPPF – National Planning Policy Framework

6. Planning Considerations

6.1. **Policy:**

- 6.2. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.4. Applications for change of use to Houses in Multiple Occupation also need to be assessed against criteria in saved policies 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality. Policy 8.25 also states that “where a proposal relates to a site in an area which already contains premises in a similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area”.
- 6.5. The specific needs residential uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are:
- Single bedroom 6.5 sq.m,
 - Double bedroom 12.5 sq.m.
- 6.6. The overall housing objective of the Wider Selly Oak SPD is “to maintain a balance of housing provision, a sustainable and cohesive housing market, and secure a high level of management of the residential environment”. This is in order to ensure that Selly Oak “remains a desirable residential area for existing residents, as well as

attracting and retaining employees to the university and hospitals - including graduates". The policy requires that "all proposals must secure a significant uplift in the area's residential offer".

6.7. Principle of development:

- 6.8. Due to the proximity of the site to the University of Birmingham and the Queen Elizabeth Hospital, the properties in Bournbrook Road and those in many of the surrounding streets have proved popular with students and key workers, with a significant number of houses having been converted to flats, bedsits and HMOs. Over the years, the proportion of properties in Selly Oak occupied as HMOs has grown to the extent that, in some areas, they far outnumber the proportion of family homes. The high concentration of such uses has prompted concerns about a potentially unbalanced community, with associated implications in terms of effects on character and amenity, and pressure on local services.
- 6.9. The application site is located within a predominately residential area within a sustainable location. Within this area planning permission is not required to change the use of the property from a residential dwelling (Use class C3) to a small scale HMO (Use Class C4) therefore the current permitted fall back use of the property is for 6 bedrooms. This needs to be taken into account.
- 6.10. There have been a number of recent appeal decisions in the Bournbrook area regarding the change of use to 8 and 9 bedroom HMOs including decisions at 269 Dawlish Road (APP/P4605/W/19/3220857), 74 Heeley Road (APP/P4605/W/19/3220861) and 68 Harrow Road (APP/P4605/W/18/3207412 and APP/P4605/W/18/3207414). These decisions have overturned previous refusals by the Council highlighting several key issues. Namely, that the Council intentionally left Bournbrook out of the article 4 area and the fact that vast majority of properties are already in use as HMOs. In this context it is considered that the addition of 1 further occupier above the fall-back position would not impact on the character of the Bournbrook area or impact on residential amenity.
- 6.11. It is important to emphasise that there is a strong fall-position of the property being utilised as a small HMO with 6 occupiers. In an area with a high student population it is considered that the change of use of the application property to a large HMO with 7 bedrooms would not noticeably impact on the character of the area or amenities of local residents. It is therefore considered that the development is in accordance with policy PG3 and TP27 of the Birmingham Development Plan; saved policies 8.24 and 8.25 set out in the Birmingham Unitary Development Plan; guidance set out within the Wider Selly Oak Supplementary Planning Document and National Planning Policy Framework.

6.12. Layout and size

- 6.13. The existing building contains three floors with individual bedrooms and shared living room and kitchen facilities. All of the bedrooms would exceed the standards set out in the Specific Needs Residential Uses SPG guidance. The proposed scheme includes a shared kitchen and living room (55.4sqm) on the ground floor. It is therefore considered that the internal residential environment for future occupiers would be acceptable.
- 6.14. In terms of the residential amenity of future occupiers of the premises, adopted SPG 'Specific Needs Residential Uses' advocates that 16sqm of amenity space should be

provided per resident, equating to 112sq.m. The property would have 191 1sqm of private amenity space which would comply with the below the guidance.

6.15. Proposed single storey rear extension

6.16. The proposal incorporates a single storey rear infill extension to the side and rear of the existing rear wing, projecting a depth of 6m. A single storey extension to the end of the rear wing has been approved and implemented. The extension incorporates a pitched roof design to match the main house. The design and scale of the proposal is considered acceptable and would not be considered an overdevelopment of the site.

6.17. The proposal complies with the objectives of the 45 Degree Code and with distance separation guidelines contained within 'Places for Living' and 'Extending Your Home'. Whilst technically the proposal would breach the Code from a rear facing kitchen window to No. 96, a single storey rear extension has been constructed at No. 96 under a previous prior approval, removing the resultant breach. As such I do not consider the proposed extension would be sufficiently detrimental to warrant refusal of the application on this aspect alone.

6.18. Highway Safety and Parking:

6.19. The guidance in Specific Needs Residential Uses SPG advises that car parking provision for HMO applications should be treated on its own merits.

6.20. The property is a semi-detached property with no off-street parking provided. Transportation Development have not raised any objections to the proposal. It is not considered this change will have an impact upon traffic and parking demand at this location. Whilst no off parking is provided it is noted that parking on street within the vicinity is largely unrestricted and regular buses run within reasonable walking distance of this site throughout the day, along both Bristol Road and Coronation Road. It has been suggested that secure cycle storage should be provided, which could be secured by condition.

6.21. Other matters

6.22. Concern was raised that the application form included incorrect information in that the property has not been previously used as a smallscale HMO (Use Class C4) prior to the submission of this application. Following conversations with the agent, for clarity, the description has been subsequently amended.

6.23. Concern has been raised regarding the health and safety of builders on site and poor quality construction methods however these are not material planning considerations and would be considered under separate legislation or through Building Regulations.

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

7. Conclusion

7.1. The development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme would be acceptable in terms of amenity and highways considerations. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

8.1. Approve subject to the following conditions

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the submission of cycle storage details
 - 3 Limits the number of residents to 7 people
 - 4 Implement within 3 years (Full)
-

Case Officer: Leah Russell

Photo(s)



Photo 1: Front elevation

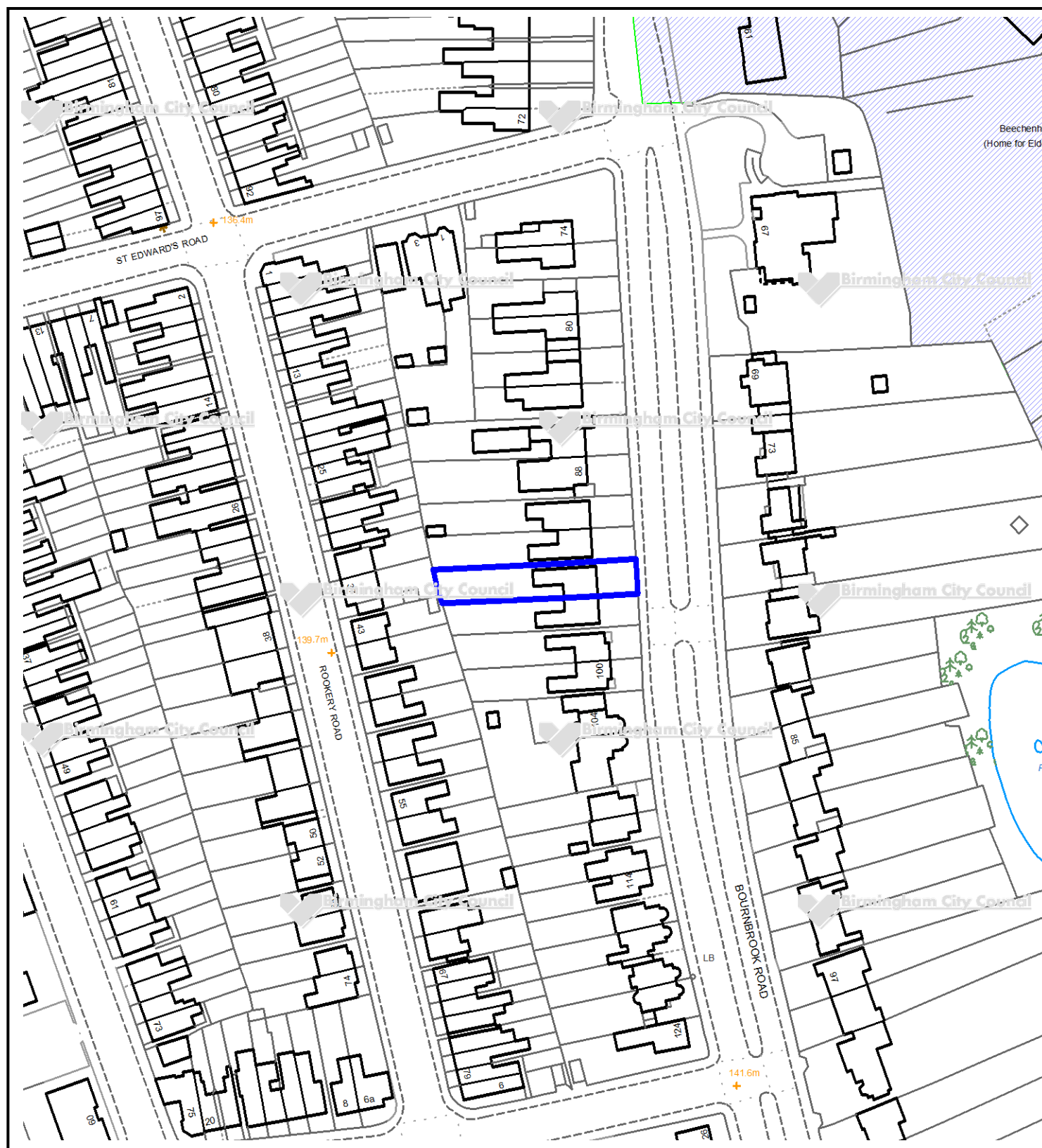


Photo 2: Rear elevation



Photo 3: Proposed single storey rear extension

Location Plan



Committee Date:	07/11/2019	Application Number:	2019/05816/PA
Accepted:	12/07/2019	Application Type:	Full Planning
Target Date:	06/09/2019		
Ward:	Bournbrook & Selly Park		

96 Bournbrook Road, Birmingham, B29 7BU

Change of use from residential dwelling (Use Class C3) to 7 bedroom HMO (Sui Generis) and retention of single storey rear extension.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the change of use from a residential dwelling (Use Class C3) to a large House in Multiple Occupation (Sui Generis) and the erection of a single storey rear extension.
- 1.2. In total the development would comprise of 7 bedrooms over three floors; 2 at ground floor, 3 at first floor and 2 at second floor, with footprints of between 10sqm to 14sqm, each with en-suite bathrooms. There would be a communal kitchen and lounge (55.4sqm) at ground floor.
- 1.3. A rear outdoor amenity space of 163sqm is provided, with off street parking to the front.
- 1.4. A 6m prior approval application has been approved to the rear and side of the existing two storey wing, under reference 2018/07450/PA, and is complete along with the single storey rear extension which forms part of this application.
- 1.5. A hip to gable roof extension and rear dormer window has also been constructed under the property's permitted development rights.

1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a semi-detached property originally with a hipped roof design located within a residential street comprising a mixture of detached and semi-detached properties. The property is set back from the road, with a garden area within the frontage. The site is located within an area predominately used as student accommodation.
- 2.2. Work has commenced on site in the construction of two single storey rear extensions, with a depth of 6m. The property has also been extended with a hip to gable roof extension and rear dormer window.
- 2.3. [Site Location Plan](#)

3. Planning History

- 3.1. 11/10/2018 - 2018/07450/PA - Erection of 6 metre single storey rear extension. Maximum height 4 metres. Eaves height 3 metres – No prior approval required.

3.2. Enforcement History

- 3.3. 2019/0489/ENF - Alleged check works are in accordance with non-prior approval application 2018/07450/PA - Complete

4. Consultation/PP Responses

- 4.1. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.
- 4.2. 4 letters of objection have been received from surrounding occupiers, objecting to the proposal on the following grounds:
- Property has not been a small HMO (C4) prior to the application
 - Strain on densely populated area
 - Out of character within area
 - Impact on local services
 - Lack of parking provision
 - Noise and disturbance/anti-social behaviour
 - Work has already commenced on site
 - Health and safety issues during construction
 - Poor quality construction
- 4.3. Councillor Brigid Jones has objected to the proposal on the grounds of over-intensive development, loss of amenity caused by over saturation of HMO's, adverse impacts on parking and local services, impact on local businesses, incorrect information on application form, unsafe practices on site.
- 4.4. The Community Partnership for Selly Oak (CP4SO) have objected to the proposal on the grounds of insufficient information to assess space standards, impact on the character of the area, further densification of area, impact on parking and traffic, pressure on local services.
- 4.5. Transportation Development – No objections subject to secure cycle storage
- 4.6. West Midlands Police – On Bournbrook Road alone in the past 12 months there have been 70 calls to the emergency services. Of these calls were 23 recorded crimes including 6 burglaries. It has become evident that HMO's have provided accommodation for a transient local population that has undermined community stability and cohesion. No objections, requests all communal doors to be PAS 24 or equivalent.
- 4.7. Regulatory Services – No objections

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Birmingham Development Plan (2017)
 - Places for Living SPG
 - Specific Needs Residential Use SPD

The following national policy is applicable:

- NPPF – National Planning Policy Framework

6. Planning Considerations

6.1. **Policy:**

- 6.2. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.4. Applications for change of use to Houses in Multiple Occupation also need to be assessed against criteria in saved policies 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality. Policy 8.25 also states that “where a proposal relates to a site in an area which already contains premises in a similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area”.
- 6.5. The specific needs residential uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are:
- Single bedroom 6.5 sq.m,
 - Double bedroom 12.5 sq.m.
- 6.6. The overall housing objective of the Wider Selly Oak SPD is “to maintain a balance of housing provision, a sustainable and cohesive housing market, and secure a high level of management of the residential environment”. This is in order to ensure that Selly Oak “remains a desirable residential area for existing residents, as well as

attracting and retaining employees to the university and hospitals - including graduates". The policy requires that "all proposals must secure a significant uplift in the area's residential offer".

6.7. Principle of development:

- 6.8. Due to the proximity of the site to the University of Birmingham and the Queen Elizabeth Hospital, the properties in Bournbrook Road and those in many of the surrounding streets have proved popular with students and key workers, with a significant number of houses having been converted to flats, bedsits and HMOs. Over the years, the proportion of properties in Selly Oak occupied as HMOs has grown to the extent that, in some areas, they far outnumber the proportion of family homes. The high concentration of such uses has prompted concerns about a potentially unbalanced community, with associated implications in terms of effects on character and amenity, and pressure on local services.
- 6.9. The application site is located within a predominately residential area within a sustainable location. Within this area planning permission is not required to change the use of the property from a residential dwelling (Use class C3) to a small scale HMO (Use Class C4) therefore the current permitted fall back use of the property is for 6 bedrooms. This needs to be taken into account.
- 6.10. There have been a number of recent appeal decisions in the Bournbrook area regarding the change of use to 8 and 9 bedroom HMOs including decisions at 269 Dawlish Road (APP/P4605/W/19/3220857), 74 Heeley Road (APP/P4605/W/19/3220861) and 68 Harrow Road (APP/P4605/W/18/3207412 and APP/P4605/W/18/3207414). These decisions have overturned previous refusals by the Council highlighting several key issues. Namely, that the Council intentionally left Bournbrook out of the article 4 area and the fact that vast majority of properties are already in use as HMOs. In this context it is considered that the addition of 1 further occupier above the fall-back position would not impact on the character of the Bournbrook area or impact on residential amenity.
- 6.11. It is important to emphasise that there is a strong fall-position of the property being utilised as a small HMO with 6 occupiers. In an area with a high student population it is considered that the change of use of the application property to a large HMO with 7 bedrooms would not noticeably impact on the character of the area or amenities of local residents. It is therefore considered that the development is in accordance with policy PG3 and TP27 of the Birmingham Development Plan; saved policies 8.24 and 8.25 set out in the Birmingham Unitary Development Plan; guidance set out within the Wider Selly Oak Supplementary Planning Document and National Planning Policy Framework.

6.12. Layout and size

- 6.13. The existing building contains three floors with individual bedrooms and shared living room and kitchen facilities. All of the bedrooms would exceed the standards set out in the Specific Needs Residential Uses SPG guidance. The proposed scheme includes a shared kitchen and living room (55.4sqm) on the ground floor. It is therefore considered that the internal residential environment for future occupiers would be acceptable.
- 6.14. In terms of the residential amenity of future occupiers of the premises, adopted SPG 'Specific Needs Residential Uses' advocates that 16sqm of amenity space should be

provided per resident, equating to 112sq.m. The property would have 163sqm of private amenity space which would comply with the below the guidance.

6.15. Proposed single storey rear extension

6.16. The proposal incorporates a single storey rear extension to the end of the existing rear wing, projecting a depth of 6m. A single storey infill extension has been approved and implemented to the side of the existing wing. The extension incorporates a pitched roof design to match the main house. The design and scale of the proposal is considered acceptable and would not be considered an overdevelopment of the site.

6.17. The proposal complies with the objectives of the 45 Degree Code and with distance separation guidelines contained within 'Places for Living' and 'Extending Your Home'. Whilst technically the proposal would breach the Code from a rear facing kitchen window to No. 98, the property has an additional larger window serving the same room and providing an additional source of light that would be unaffected by the proposal. As such I do not consider the proposed extension would be sufficiently detrimental to warrant refusal of the application on this aspect alone.

6.18. Highway Safety and Parking:

6.19. The guidance in Specific Needs Residential Uses SPG advises that car parking provision for HMO applications should be treated on its own merits.

6.20. The property is a semi-detached property with no off-street parking provided. Transportation Development have not raised any objections to the proposal. It is not considered this change will have an impact upon traffic and parking demand at this location. Whilst no off parking is provided it is noted that parking on street within the vicinity is largely unrestricted and regular buses run within reasonable walking distance of this site throughout the day, along both Bristol Road and Coronation Road. It has been suggested that secure cycle storage should be provided, which could be secured by condition.

6.21. Other matters

6.22. Concern was raised that the application form included incorrect information in that the property has not been previously used as a smallscale HMO (Use Class C4) prior to the submission of this application. Following conversations with the agent, for clarity, the description has been subsequently amended.

6.23. Concern has been raised regarding the health and safety of builders on site and poor quality construction methods however these are not material planning considerations and would be considered under separate legislation or through Building Regulations.

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

7. Conclusion

7.1. The development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The scheme would be acceptable in terms of amenity and highways considerations. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

8.1. Approve subject to the following conditions

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the submission of cycle storage details
 - 3 Limits the number of residents to 7 people
 - 4 Implement within 3 years (Full)
-

Case Officer: Leah Russell

Photo(s)



Photo 1: Front Elevation



Photo 2: Rear elevation

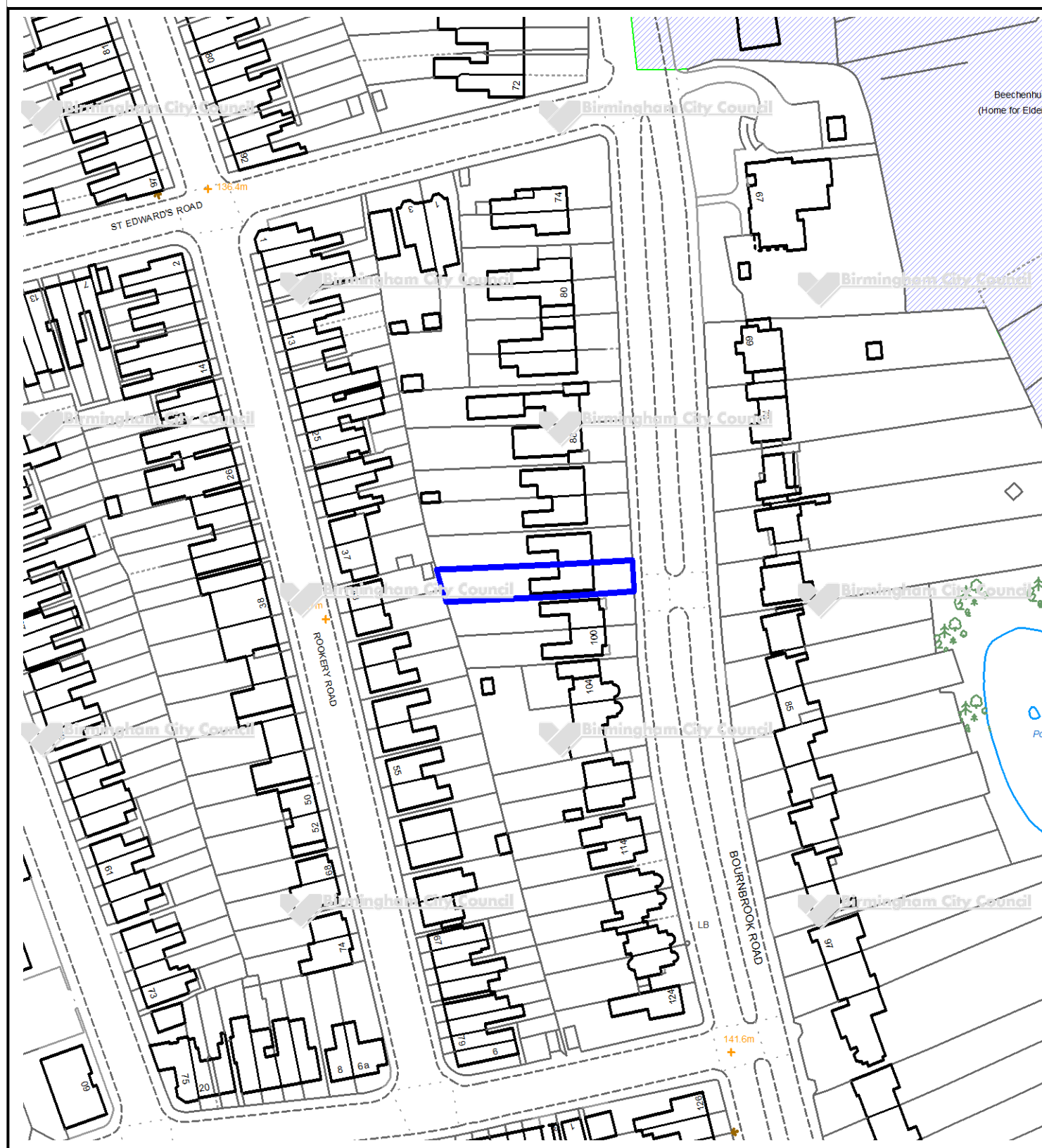


Photo 3: Proposed single storey rear extension



Photo 4: Rear elevation of No. 98 Bournbrook Road

Location Plan



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Birmingham City Council

Planning Committee

07 November 2019

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	17	<p>2019/06091/PA</p> <p>Land at Icknield Port Loop Bounded by Ladywood Middleway, Icknield Port Road and Wiggin Street Edgbaston Birmingham B16</p> <p>Reserved matters application for Phase 2A in respect to: appearance, landscaping, layout and scale following outline planning permission 2017/04850/PA</p>
Approve – Conditions	18	<p>2019/06710/PA</p> <p>58 Chester Street Birmingham B6 4LW</p> <p>Change of use, alteration and extension of building from industrial (Use Class B2) to (Sui Generis) to include Community uses; furniture restoration workshop training, warehouse and showroom, landscaping and tree surgery training, store and offices, cafe and restaurant (including training facility), 400 seat conference facility, dance studio, soft play area, beauty salon (including training facility), resource library, meeting rooms, class rooms and ancillary facilities, parking and amenity spaces</p>
Approve – Conditions	19	<p>2019/06797/PA</p> <p>Land at Holford Drive Perry Barr Birmingham B42</p> <p>Reserved Matters application (layout, scale, appearance, landscaping, access) for a new part four-storey, part two-storey secondary school with sixth form and associated car parking, floodlit multi-games area, sub-station and landscaping, pursuant to Outline planning permission 2019/03020/PA</p>

Determine

20

2019/07073/PA

30 Reservoir Road
Edgbaston
Birmingham
B16 9EG

Change of use to 6-bed House in Multiple
Occupation (HMO) (Use Class C4)

Committee Date:	07/11/2019	Application Number:	2019/06091/PA
Accepted:	31/07/2019	Application Type:	Reserved Matters Development
Target Date:	30/10/2019		
Ward:	Ladywood		

Land at Icknield Port Loop, Bounded by Ladywood Middleway, Icknield Port Road and Wiggin Street, Edgbaston, Birmingham, B16

Reserved matters application for Phase 2A in respect to: appearance, landscaping, layout and scale following outline planning permission 2017/04850/PA

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This Reserved Matters applications is pursuant of an earlier application for Outline Consent for Land at Icknield Port Loop, bounded by Ladywood Middleway, Icknield Port Road and Wiggin Street, Birmingham.
- 1.2. Consent was granted on the 20th of September, 2013 for: *“Outline planning application for demolition of buildings and a mixed use redevelopment of up to 1,150 dwellings, retail, service and employment, leisure and non-residential institutions uses (Use Class C3, B1, A1, A2, A3, A4, A5, D1 and D2) of up to 6,960 square metres (gross internal area) (including up to 2,500 square metres of retail) (gross internal area) together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings. Change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 and D2)”*.
- 1.3. Following the above consent, a reserved matters application was submitted and granted by the Council on the 22nd of November, 2017. This granted consent for phases 1 and 2 of the approved outline consent.
- 1.4. The current application seeks reserved matters consent for: appearance, landscaping, layout and scale, with reference to Phase 2A of the development. This differs from the earlier reserved matters consent by way of:
 - Alteration to the proposed house type along the Rotten Park Street frontage;
 - Alterations to the previously approved house types fronting the Ickneild Port Loop Canal from “GHA Terraced dwellings” to the “GHA Type 2b” house type;
 - The addition of communal bin stores within the courtyard areas;
 - Updated parking layout (All proposed dwellings would have 100% or 200% parking set within individual private driveways); and
 - Updated landscaping layout, notably trees have now been added to the front of properties along the proposed internal roads.

- 1.5. In total 40no. dwellings were previously approved within Phase 2A of the development. This number remains unchanged however, the current proposals would have 28no. of these now erected in the form of the “HoUSe” house type of terraced dwellings, with the remaining 12no. properties being erected as traditional terraced dwellings, along the canal frontage, as previously approved. In total an additional 12no. dwellings would now be erected in the “HoUSe” form, when compared to the former approval on site.
- 1.6. The dwellings would be arranged in 4no. terrace blocks, running parallel to the canal and Rotton Park Street or running perpendicular between these, at three storey level. This layout remains unchanged from the former approval on site. Four distinctive house types, much like the former approval, are again proposed on site. The brick built, more traditional homes, which are proposed along the canal frontage have been designed by Glenn Howells Architects. These represent a contemporary take on the traditional Victorian housing stock in the wider locality and can be seen within phase 1B of the existing development. These 3 storey properties consist of a smooth red brick façade, with white concrete window reveals and pale grey PPC aluminium window frames. The elevated living spaces will be given Juliet balconies with French doors and these properties will further consist of small rooftop terrace areas at second floor level.
- 1.7. Shed KM have designed the “HoUSe” house types and these can also be found within phase 1 of the approved development. The “HoUSe” house types again take inspiration from traditional Victorian and Georgian terraced streets within the area and are again designed at 3 storey level. These dwellings allow flexibility to future users, through allowing for a variety of configurations, depending on the number of bedrooms, en-suites etc. The appearance of the ‘house’ house type consists of linen (off-white) through coloured fibre cement panels, with large bay windows to the front and rear, as well as balconies erected from black finished PPC aluminium. These houses are factory built and brought to site fully finished.
- 1.8. Each of the proposed “HoUSe” housing units would be provided with a single parking space (100%) within the property’s curtilage. While the GHA Type 2b homes would have 2no. driveway spaces proposed to the front of the dwellings (200%). 5no. parking spaces are also proposed for visitors. Each house would also have provision for the storage of 2no. bikes, within a secure bike store sited within the property.
- 1.9. In terms of private amenity space, the proposed houses would all have access onto a communal resident’s courtyard, alongside some degree of private space, in the form of a terrace. This shared communal courtyard would be secure and accessed from individual private gardens or terrace spaces to each house. The houses backing onto the Loop Canal would have small private hard landscaped areas leading to the canal edge. It should be noted this arrangement is no different to former approved phases of the IPL development.
- 1.10. [Link to Documents](#)
2. [Site & Surroundings](#)
- 2.1. The application site relating to this phase of the development sits to the south-eastern side of Rotton Park Street and measures 0.71hectares in size. Once built out, the current phase would have “The Green” sited to its west, with sub phases 1A, 1B and 1C sited further west towards Icknield Port Road. The site’s south-eastern boundary is formed by the Icknield Port Loop Canal and Rotton Park Street bounds

the site to its north-west. To the site's north-east apartment buildings, forming the next phase of the development are proposed, with the Birmingham New Mainline Canal sited further east. Access to the site would be via Rotten Park Street, from its north-east.

- 2.2. The wider IPL site contains a Site of Local Importance for Nature Conservation (SLINC) in the form of the canal loop and adjacent to a Site of Importance for Nature Conservation (SINC) at Edgbaston Reservoir. This wider site also includes 3 statutory listed buildings (canal bridges - all Grade II) and there are 4 Grade II Listed Buildings at the adjoining British Waterways depot at Icknield Port Road.

3. Planning History

- 3.1. 20/09/13 – 2011/07399/PA. Outline planning application for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure and non-residential institutions uses (Use Class C3, B1, A1, A2, A3, A4, A5, D1 & D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area) together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings. Change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 & D2). Approved.
- 3.2. 31/08/17 – 2017/04849/PA. Erection of new leisure centre, including 8 lane, 25 metre main swimming pool and learner pools, fitness and dance studios, car parking with associated new access onto Ladywood Middleway and associated works. Approved.
- 3.3. Resolved to approve subject to the completion of a Deed of Variation – 2017/04850/PA. Section 73 application to vary conditions 4 (approved plans), 5 (approved access details), 10 (design code), 11 (landscape strategy), 19 (renewable energy statement) and 61 (highway works) of planning approval 2011/07399/PA (which grants outline planning permission for demolition of buildings and a mixed use redevelopment of up to 1150 dwellings, retail, service, employment, leisure, and non-residential institutions uses (Use Classes C3, A1, A2, A3, A4, A5, B1, D1 and D2) of up to 6960 square metres (gross internal area) (including up to 2500 square metres of retail) (gross internal area), together with hotel and community facilities, open space, landscaping and associated works including roads, cycleways, footpaths, car parking and canal crossings, and which grants full planning permission for change of use of industrial buildings fronting Rotton Park Street to leisure, retail and non-residential institutions (Use Class A1, A2, A3, A4, A5, B1, D1 and D2) including amendments to the indicative masterplan and associated parameter plans in relation to the proposed first phase of the development and the relocation of the proposed swimming pool to the south-east part of the site. Approved.
- 3.4. 12/11/17 - 2017/07024/PA. Reserved matters application for appearance, landscaping, layout and scale following outline planning permission 2011/07399/PA for the erection of 207 dwellings and 300sqm of Use Class A1-A5, B1a and D1 floor space together with associated internal roads, parking, landscaping and open space (Phase 1). Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection subject to conditions relating to highway works (including a TRO to prohibit waiting on Rotton Park Street to protect vehicular visibility splays), pedestrian visibility splays, cycle storage and a Travel Plan.
- 4.2. Regulatory Services – No objection.
- 4.3. Canal & River Trust – No objection.
- 4.4. West Midlands Police – No objection and makes observations in relation to ‘Secured by Design’, use of CCTV, appropriate lighting, site management and implementation timing of the park and play equipment to ensure suitable monitoring.
- 4.5. West Midlands Fire Service - No objection.
- 4.6. Environment Agency – No objection.
- 4.7. Lead Local Flood Authority – No objection.
- 4.8. Nearby residential and commercial premises, residents groups, Ward Councillors and MP consulted with site and press notices posted. No responses received.

5. Policy Context

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

6. Planning Considerations

- 6.1. Policy GA2 of the Birmingham Development Plan 2017 relating to Greater Icknield supports innovative family housing close to the City Centre. The Greater Icknield Masterplan highlights that it has a unique position close to the City Centre with the canal system and Reservoir providing opportunities for waterside living. It adds that these characteristics provide the opportunity to successfully achieve higher density development.
- 6.2. The principle of a residential-led redevelopment, for this strategically important site, has been established first within the initial outline planning permission (2011/07399/PA), which has been amended (2017/04850/PA) to reflect the design evolution of the scheme. The reserved matters that are for consideration as part of this application relate to scale, appearance, landscape and layout and as such, the development proposals in principle are considered acceptable; subject to the reserved matters being compliant with the wider areas of the development plan.

Scale:

- 6.3. The scale of the 40no. dwellings proposed as part of this reserved matters application remain within the height parameters, approved under the former outline consent at three storey level. The application seeks 4no. terraces in total, to be erected around a central shared courtyard. It should be noted that the former reserved matters approval on site, reference (2017/07024/PA) granted consent for an identical scale/form and layout of development on site and given the fact that earlier phases of the development, Phase 1 and its sub phases 1A-1C have all been erected on site, at scales of 2 -3 storeys. It is considered that the location of the terraces within their respective context would be acceptable and would be in

keeping with the rhythm and character of development within the surrounding area and as such are considered acceptable in this regard.

Appearance:

- 6.4. The applicants have consistently used 2no. distinctive architectural practices within phases 1 and 2 of the proposed development. In doing so, diversity has been created within the development and various individual approaches have been implemented on site, whilst also seeking to provide a cohesive approach between the development as a whole. Although previously, sub phase 2a was to have a greater number of the more traditionally built Glen Howells homes, the current application seeks a greater number of the modular homes designed by Shed KM ("HoUSe"), with their house types ranging from: SKM-1a, SKM-1b and SKM-2 .
- 6.5. The current proposals would see a change in the house types within the application site to both the canal frontage and along Rotton Park Street. Along Rotten Park Street, the site was previously approved to feature 8no. GHA homes at three storey level (GHA Type 2a). The current proposals would now see the erection of 8no. SKM homes (SKM Type 1b) within this area and these would also be erected at three storey level. This house type can also be seen along the existing frontage of Rotten Park Street, within phase 1A of the development. It is therefore considered as these dwellings would be erected away from the more sensitive location of the site, fronting onto the canal, adjacent to the Listed Canal Bridge and other heritage sites, the current proposals would remain acceptable. The scale and number of units would remain no different to the previous approval on site and given the large variations of house types within the SKM range, it is considered that the proposals would not harm the character or design of the wider site to the detriment of visual amenity.
- 6.6. Along the canal frontage, the former approval on site would have seen the erection of 12no. "GHA Type 3/4" homes. These would have been erected at four storey level and would have had a single driveway space to their frontage. The current proposals would see this house type removed, in order to allow for the erection of 12no. "GHA type 2b homes". These would largely remain in line with the former approval on site, with the main exception being that these dwellings would now be erected at three storey level. Given that existing phases on site also propose 3 storey units along the canal frontage, this change is considered acceptable and is considered more appropriate for the sites setting and location. "House type 2b" can also be found elsewhere within the IPL development and as such it is considered that its introduction within this phase of the development would be acceptable. It is further considered given the size of the site, and the various changes in materials, alongside the diversity in house types, the proposed development would retain a high level of architectural design and as such the proposals are considered acceptable in this regard.

Landscape:

- 6.7. The application includes detailed landscaping proposals for the proposed centrally sited shared courtyard area, alongside the private backyards and other hard/soft landscaping measures for the various through roads. The landscape proposals take inspiration from the organic form of the canal, while the landscape strategy seeks to direct people to utilise the canal. Trees will also be used as urban landmarks across Phase 2A and it is proposed that streets will be tree lined to give structure to the streetscape.

- 6.8. A total of 29no. trees would be planted throughout the site, these would be sited within the shared courtyard and within the front drives of the dwellings. A number of high quality soft landscaping in the form of hedging, low level planting and other seasonal planting is also proposed to further diversify the landscaping offer within the site and break up the hardstanding within the site as a whole. This level of landscaping will further allow the dwellings to have a softer image from when viewed within the street-scene and will further enhance the visual amenities of the site itself and allow this to tie in with the wider ethos of the IPL development, which seeks to create good quality natural places for residents and the wider public.
- 6.9. A landscape management plan has also been submitted in support of the application. This details regular maintenance programmes for the various forms of landscaping and further offers mitigation measures for any form of landscaping which may need replacing in the future. The Council's landscape/tree officers have reviewed the scheme and have raised no objections to the development proposals. I concur with this view and as such the development is considered to be acceptable in this regard. Further detailed landscape proposals will be submitted to the Council as part of the conditions discharge stage of the development, with reference to the conditions attached to the original outline consent, which require discharging, prior to any implementation of the subsequent reserved matters consent on site.

Layout:

- 6.10. The street pattern of the terrace blocks reflects the details submitted with the recent S73 planning application and the former reserved matters approval on site for phases 1 and 2. This would see the creation of strong perimeter blocks, with good levels of natural surveillance and security to the public realm, including new areas of public open space, which achieves good urban design principles.
- 6.11. The new houses fronting Rotton Park Street would have small planted setbacks from the back of the pavement, with a secure rear yard; accessed via a gated rear service road, which could accommodate a parking space. The houses running perpendicular to Rotton Park Street would also have a single parking space driveway to their front, with a hardscaped terrace to the rear, overlooking a shared garden which is enclosed and secure. The canal side houses would all have a hardscaped terrace up to the canal edge, with these having 2no. parking spaces in the form of a private driveway to their front, with a shared bin store proposed to the north of the dwellings.
- 6.12. The application site is centrally located within the wider IPL site and as such is isolated from any existing residential properties. There would be separation distances between windowed elevations across the shared gardens of 21m. Separation Distances from windowed elevations to side gables would range from 10.5m to 14.5m. Within the context of this new development, these distances are considered acceptable in terms of residential amenity for future occupiers and it is further noted that these remain no different to the previous approvals for reserved matters on site.
- 6.13. The Council's 'Places for Living' contains standards relating to minimum garden sizes and communal amenity space, and whilst it recognises that such standards can provide a useful guideline in the design process, the main focus should be on achieving the objectives behind the standards. The shared garden measures at around 655sqm, increasing to 1400-1500sqm if the adjoining private terrace/yard areas are included. This represents an approximate ratio of 50sqm of outdoor amenity space per house. The houses directly backing onto the Loop would also

have small hardscaped terraces up to the canal edge ranging from 12-20sqm each in size. The houses further incorporate roof terraces and balconies, which further add to the level of amenity space on offer. As such, it is considered that the development would provide an appropriate provision of provision of outdoor amenity space, which would be easily accessible for future residents of the development and as such this approach is considered acceptable.

- 6.14. The internal arrangements of the house types provide an acceptable level of amenity to future residents and comply with the Technical Housing Standards – Nationally Described Space Standard. Furthermore the internal flexibility of the Shed KM (HoUSe) built homes, offers greater diversity for the individual needs of the occupiers. All of the proposed houses would have a dual outlook aspect, whilst the end terrace units would have a triple outlook aspect. The Shed KM “HoUSe” units would further benefit from a generous balcony to its side elevation and are considered acceptable.

Highway safety/Parking

- 6.15. Either 100% or 200% of parking provision is proposed for the houses, in addition to 5no. visitor spaces being proposed on site. On-street parking provision is also available along Rotton Park Street. In support of the application, justification for this level of provision has been made by the applicant. In addition to highlighting that the site is highly accessible by bus services and other modes of sustainable transport, census data 2011 for car ownership in the Ladywood shows that 52% of households do not own a car. The supporting information also argues that car ownership is generally falling nationally and driving numbers are down for young millennials and that new vehicles sold to 18-34 year olds has significantly dropped over the past few years.
- 6.16. Transportation Development has considered the application and raises no objection to the levels of parking on offer. They do however recommend a number of conditions. These include, amongst others, a Traffic Regulation Order along Rotton Park Street to protect vehicular visibility from the proposed accesses and to facilitate manoeuvring of service vehicles to / from the proposed assess. They add that the TRO would still allow loading / unloading for the proposed commercial units. The suggested conditions have been attached with the exception of cycle storage, which is already attached to the outline consent.

7. Conclusion:

- 7.1. The proposal represents IPL’s approach to providing family housing at a higher density than traditional suburban housing, which is a clear aspiration of the City Council for this site and the wider location, as identified in the Birmingham Development Plan and the Greater Icknield Masterplan. The scheme continues the offer of a different kind of product to the City’s housing market that would appeal to those looking to embrace a different city dweller lifestyle choice. This first phase of the development has already set a benchmark for the wider site in terms of creating a new and distinctive character area, containing buildings, public open spaces and public realms of a high design quality, with high levels of amenity for future occupiers and an appropriate approach towards sustainable forms of transport. The current proposals seek to add to this offer further and reinforce this approach.
- 7.2. This reserved matters application for phase 2A of IPL is therefore considered to meet the Council’s wider objectives for this strategically important site; as well as

being in accordance with relevant policy and guidance and planning permission should be granted.

8. Recommendation:

8.1. APPROVE subject to conditions:

-
- 1 Removes PD rights for extensions
 - 2 Removes PD rights for new windows
 - 3 Removes PD rights for boundary treatments
 - 4 Requires the submission and completion of works for the S278/TRO Agreement
 - 5 Requires pedestrian visibility splays to be provided
 - 6 Residential travel plan
 - 7 Restricts the location of the flexible height units
 - 8 Requires the implementation of the approved soft landscape details
 - 9 Requires the scheme to be in accordance with the listed approved plans
-

Case Officer: Idris Gulfraz

Photo(s)

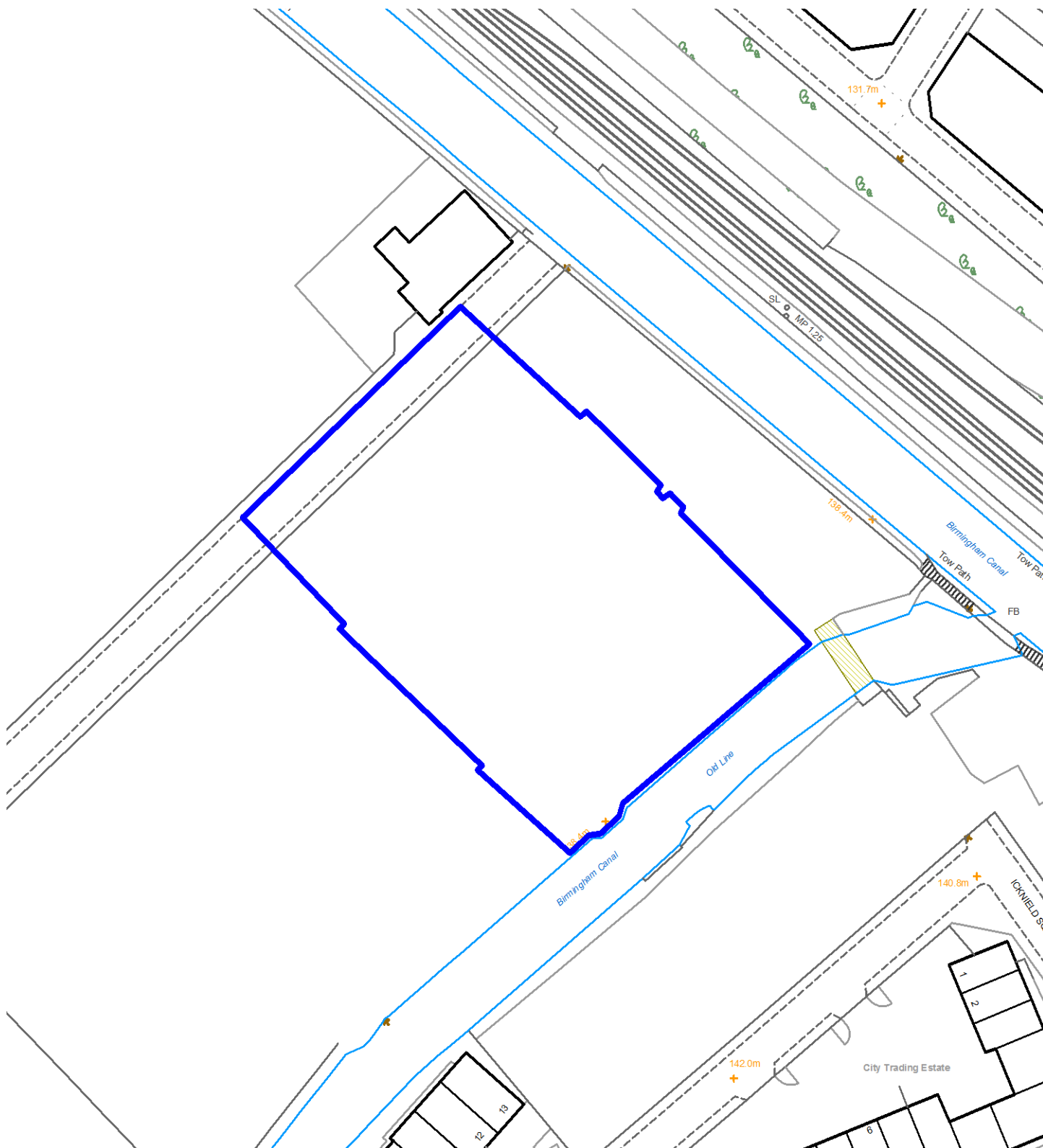


Looking towards the site (north-east) along Rotton Park Street.



Phase 1 of the wider IPL development on site.

Location Plan



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Committee Date:	07/11/2019	Application Number:	2019/06710/PA
Accepted:	30/08/2019	Application Type:	Full Planning
Target Date:	29/11/2019		
Ward:	Nechells		

58 Chester Street, Birmingham, B6 4LW

Change of use, alteration and extension of building from industrial (Use Class B2) to (Sui Generis) to include Community uses; furniture restoration workshop training, warehouse and showroom, landscaping and tree surgery training, store and offices, cafe and restaurant (including training facility), 400 seat conference facility, dance studio, soft play area, beauty salon (including training facility), resource library, meeting rooms, class rooms and ancillary facilities, parking and amenity spaces

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The applicant proposes to establish a UK headquarters, social enterprise centre and outreach hub for Betel UK. This is a network of charitable, Christian, recovery communities dedicated to restoring homeless and substance dependent people to productive, independent lifestyles. Since its inception in 1996, the charity's varied social enterprises have provided on the job employment and life skills training for more than 12,000 recovering UK men and women completely free of charge. Betel currently have residential premises in Bournville (opened 22 years ago) and a building in Sherlock Street which serves as the offices and church facilities. The proposed development in Aston would replace Sherlock Street but not replace the residential premises run by Betel.
- 1.2. The applicant proposes the change of use of the application premises, which was most recently used for storage, hand finishing and direct mail of magazines, to a mixed used Sui Generis use. The proposed uses include use for church purposes; furniture restoration and associated sales show room and warehousing; landscaping, gardening and tree services to the public, storage and administration; cafe and restaurant; conference facilities; multi use arts and performance suite; soft play area; beauty and nail salon; office space and classrooms. To enable the change of use the application also proposes external changes to the fenestration and materials and the creation of a car parking area and one way system through the site.
- 1.3. Within the submitted Planning Statement the agent notes that the church use is not the primary function of the proposed site. The premises will be used to develop educational employment training and community outreach which is the core purpose of Betel UK. The centre will be used to provide education courses for those who were unemployable and in recovery covering topics such as food hygiene, health and safety, first aid, gardening/ tree surgery, repairs, dance, fitness and health and

biblical education. All of the functions proposed on site will be staffed by the people Betel support. They are volunteers in training, learning both life skills, employment skills and specific skills on the job. They are required to give up benefits and the training requires a 12 to 18 month commitment. The businesses on site will fund the charity's operations and expenses. As such the men and women who are learning at the facility fund their own recovery. Betel consider their offer provides employment for people who would possibly not otherwise be given a chance due to addiction, homelessness or offending.

- 1.4. The submitted drawings show that the proposed lower ground floor would provide an auditorium to accommodate up to 400 people and two multipurpose space which would accommodate the arts training and performance suite. The multipurpose spaces could also be opened to the auditorium to create a larger area. These facilities are provided within the centre of the building, in the existing warehouse space. To one side would be green rooms and other backstage spaces. Between the auditorium and Chester Street the proposal would provide a large foyer area, which also serves as a café, a soft play area and beauty salon all of which would be accessible directly from Chester Street but also from within the building. Between the auditorium and Hubert Street would be a smaller reception area, WC facilities and library. Also along the Hubert Street frontage would be the furniture showroom and landscaping office with workshop and storage space behind, accessed off the car parking area.
- 1.5. The proposed upper ground floor would provide a void over the auditorium, offices and a studio over the green rooms, a restaurant on the corner of Chester Street and Hubert Street (with direct access off Hubert Street) the kitchen for the restaurant and café, WCs, a staff room and further storage. The proposed first floor layout would accommodate 3 meeting rooms, WCs, storage, a plant room and a new outdoor paved amenity area above the restaurant. The second floor would accommodate a further 4 meeting rooms, a board room, WCs and storage.
- 1.6. Internally structural work is required to provide the spaces above. The work will include the installation of new staircases and lifts, removal of the mezzanine floors, repositioning some of the internal walls and subdivision of some of the larger spaces. The external works to the building would involve the installation of new glazing and doors, the insertion of a number of new window openings and door openings to serve the different functions proposed within the building. The exterior facades will be clad with brown timber effect and corrugated cladding in a graphite colour and sections of white painted render.
- 1.7. The development would be provided with 42 car parking spaces in what was previously the service yard. Of the 42 spaces three are shown as disabled spaces and there are also two spaces designated for minibus parking and two loading bays (one for the auditorium and one for the furniture workshop). 20 cycle stands (40 spaces) are also proposed and areas for bin storage. The submitted planning statement also notes that electric vehicle charging points will be provided though these are not currently shown on the plan. The car park will be operated as a one way system with entrance off Chester Street and exit onto Hubert Street.
- 1.8. The applicant states the site area measures 4,122sq.m whilst the total floorspace of the development would measure 3,928sq.m. The proposed hours of use would vary depending on the use with the majority of the commercial uses (furniture shop, beauty salon, soft play) being open 9 till 5. The auditorium, church uses and multifunction spaces being available for use between 8am and 11pm.

- 1.9. A Design and Access Statement, Planning Statement, Statement of Community Involvement, Employment Statement, Sequential Site Assessment and a Technical Note dealing with transport information have been submitted with the application. Within the Planning Statement the applicant has also submitted details of Betel and their other operations, 4 letters of endorsement and an assessment of social geography of the area. Within the Statement of Community Involvement are 4 further letters of support, including a letter from Councillor Mosquito.
- 1.10. The following information has been provided within Design and Access Statement and the Transport Note:

Use	Opening times/ days	No of people, inc. employees	Floor space
Furniture restoration, sales showroom & warehouse	09:30-17:00 6 days/ week	2-10	269sqm
Gardening, landscaping & tree surgery	09:30-17:00 5 days/ week	3	153sqm
Rising Café restaurant	09:30-17:00 5 days/ week	Variable	258sqm
Rising Café ancillary café	09.00-17.00 Mon-Thurs; 09.00-23.00 Fri & Sat; 09.00-14.00 Sun	Variable	32sqm
Auditorium	08:00-23:00 7 days/ week	Up to 400	814sqm
Break-out rooms	08:00-23:00 7 days/ week	Up to 300 over 5 spaces	186sqm
Multi-use arts training and performance space	12:00-14:00 & 18:00-23:00 7 days/ week	Variable	437sqm
Soft play and café	09:30-17:00 6 days/ week	4-25	187sqm
Beauty salon	09:30-17:00 6 days/ week	2-12	46sqm
Betel UK Headquarters - offices	09:30-17:00 5 days/ week	10-24	367sqm total
- meeting & training rooms	09.00-23.00 7 days/ week	Variable	
- Church meetings	19.00-23.00 (Fri & Tues) 09.00-14.00 (Sun)	Variable	Within conference auditorium
- resource library	09:00-23:00 7 days/ week	1-25	40sqm

- 1.11. This application follows a previous application for a similar change of use. Officers were due to recommend refusal for that application, but it was withdrawn by the applicant. Additional consultation and documentation has been submitted with this application, as will be detailed in the main body of this report. Internally the scheme previously proposed a gymnasium. This has now been removed from the proposal and a large café, children's soft play and beauty salon have been proposed.

- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. 58 Chester Street is formed of two buildings which are internally connected. A three storey office building (13m high), finished in brick and render with a flat roof, on the corner of Chester Street and Hubert Street and a warehouse (8m high), which is brick and metal clad, which extends along both road frontages and fills in most of the site between the two roads. There is a small area of existing landscaping on the corner of the two roads.
- 2.2. The immediate area is a mix of industrial, commercial and residential with terrace houses making up the remainder of this block, which form part of Aston Brook Green, and industrial/ commercial uses on all sides and beyond the small group of houses. There is also a hotel and children's nursery in the immediate vicinity and education establishments in close proximity.
- 2.3. The site is outside the Middleway but close to the city centre. It is located in the Windsor Industrial Area which is identified as a Core Employment Area by the Birmingham BDP and Aston Area Action Plan (AAP). The industrial and commercial units in the area are a mix of older and modern units.
- 2.4. The application site benefits from consent to be used for storage, hand finishing of magazines and direct mail without any hours of use restrictions under application 1995/00419/PA.
- 2.5. [Site location map](#)

3. Planning History

- 3.1. 2018/01592/PA – Change of use of application premises which is used for storage, hand finishing of magazines and direct mail to a mixed used Sui Generis use which includes use for church purposes, furniture restoration and associated sales show room (including for second hand furniture) open to the public and trade (also allowing internet sales) and warehousing; landscaping, gardening and tree services to the public (including tool storage, maintenance and administration) with associated training provided in such services, cafe and restaurant (open to the public) as well as providing associated restaurant and food catering training; creche, conference and training facilities, multi use arts training and performance suite, play area, beauty and nail salon (including provision of training in such practices), gymnasium, ancillary office space and classrooms together with extensions and other external changes to building modifications to site – withdrawn prior to determination

- 3.2. 2008/00372/PA – Erection of single storey extension to warehouse premises – Refused 16/04/2008
- 3.3. 1995/00419/PA – Use of premises for storage, hand finishing of magazines and direct mail without any hours of use restriction – Approve subject to conditions 02/11/1995
4. Consultation/PP Responses
- 4.1. Adjoining occupiers to the site, local councillors and local MP notified as well as site and press notices displayed. No responses received as a result of this consultation.
- 4.2. Transportation – No objection. Confirmed waiting is unrestricted on both roads in the vicinity of the site. As per aerial views, StreetView and site visit, on-street parking demand is very high within the area, with vehicles parking partly on footways. The proposal would likely to increase traffic to/from the site, however any increase in traffic during highway peak periods would unlikely to be significant to have severe impact on surrounding highways. The site is located within Area 3, on the boundary of Area 2 and 3, therefore the submitted details considered Area 2 for parking provision, which is considered to be acceptable.

Various uses are proposed within the site. It is considered that the proposed areas for various uses are same as the previous proposal, 2018/01592/PA, therefore the comments on parking provision would be same for the current proposal. Considering the use of auditorium as conference facility and applying the parking standards, the specified maximum parking provision for the proposal would likely to be approx. 94 spaces, if considered Area 2 (parking standards for sports and fitness facilities have been applied for 'multipurpose multi use arts training and performance suite' within the proposed 'multipurpose space'- drg. BET11LG/05). However, the submitted details also refer to the use of 'multipurpose space' for function facility. If it is to be used for functions, then the specified maximum parking provision for the proposal would be approx. 127 for Area 2. It should be noted that the area considered does not include some of the common areas such as some of the lounge, reception, w/c, stores etc i.e. net floor areas are considered instead of gross internal floor areas, therefore the specified parking provision would be slightly greater than above. The submitted details refer to the church services within the proposed auditorium (575 sq.m.). Therefore, place of worship use might also need to be considered. As per SPD guidelines for place of worship, usable area needs to be considered, therefore 'multipurpose space' (approx. 340 sq.m, excluding storage areas) is considered as usable area for worship along with the area of auditorium. As per the submitted details, it is considered that the proposal would cater for the wider needs rather than only local needs. BCC current parking guidelines specify maximum parking provision of 1 space per 4.5 sq.m. for place of worship. Therefore, the specified maximum parking provision only for place of worship element would be 203 spaces for both, auditorium + multipurpose space, and it would be 128 spaces if only auditorium is considered as place of worship.

The applicant is proposing only 42 car parking spaces and two bigger spaces for slightly larger vehicles. Therefore, I am concerned that the proposal would likely to increase on-street parking demand within an area where such demand is already very high. This might result into increase in illegal / inconsiderate parking within the area. However, the submitted details state that, "the main auditorium is likely to be used infrequently to full capacity, and not at the same time peak time as other uses, Betel never foresees using auditorium and breakout rooms for conference more than

four times a month and almost always during evening hours and weekends, when traffic and parking requirements are least busy” and “a high proportion of Betel members and church attendees do not own cars (only 10% of attendees to Church services were car drivers) and “Betel operate a minibus collection service which a large proportion of attendees use”. The applicant has organised a parking beat survey, according to the submitted details for that survey, there was not much spare capacity available for on-street parking during the day-time, however greater level of spare capacity for on-street parking was available during Friday evening period and week-end. It should also be noted that the car-park on Richard Street has been included within the survey area for parking beat survey. This car-park is a pay & display car-park and it is possible that many of the visitors to the proposed uses at site might not want to use pay & display car-park.

The proposal is likely to intensify the use of the existing vehicular accesses, therefore pedestrian visibility splay of 3.3m x 3.3m x 600mm would need to be incorporated/maintained at the vehicular accesses. Amendments to boundary treatment etc. might be required to achieve this.

Therefore, if mindful to approve, I would recommend the conditions as below.

- Auditorium and multipurpose space/break out rooms to be used only during the evening period (after 6pm) and weekends OR Conferences/functions/events attracting large gatherings not to be held at the site outside the evening periods (after 6 pm) and weekends.
- If considered reasonable and enforceable, it is recommended to attach appropriate condition to restrict the number of people to be accommodated at any one time within the site.
- The submitted details do not refer to any altered / new access to highway, however if required, any alteration to any of the existing footway crossing and associated highway works to be carried out to departmental specifications/standards at applicant's expense.
- Pedestrian visibility splay of 3.3m x 3.3m x 600mm to be incorporated/maintained at the vehicular accesses.
- Any gates not to open outside overhanging public highway/footway (the submitted plan shows a gate opening outside overhanging public highway/footway, therefore amendments are required to ensure that any gate does not open outside)
- Parking spaces to be formally marked out on site and parking & vehicle circulation areas not to be used for any other purpose.
- Secure and covered cycle parking to be provided at appropriate location(s)

- 4.3. Environment Agency – No comment, falls outside statutory remit.
- 4.4. Severn Trent Water – No response received.
- 4.5. LLFA – Given the context of the proposed development, that negligible external works to the existing building are proposed and it is assumed to have negligible impact on the existing surface water flood risk, the LLFA have no comment.
- 4.6. Canal and River Trust – No comments.
- 4.7. Regulatory Services – No objections subject to the following conditions to require details of extraction and odour control equipment for both the furniture operation and the kitchen, noise level limits on plant and machinery and a noise and vibration level restrictions.

- 4.8. West Midlands Police – No objection and provide comment /advice with regard to secured by Design, lighting, CCTV and site management.
- 4.9. West Midlands Fire Service – Water supplies for firefighting should be in accordance with the National Guidance Document on the Provision for Fire Fighting published by Local Government Association and WaterUK.
- 4.10. Ecologist – No objection and no conditions. The works are mainly internal and the exterior of the site has little biodiversity.
- 4.11. Health and Safety Executive – Do not advise, on safety grounds, against the granting of planning permission in this case.

5. Policy Context

- 5.1. The following policies are applicable:
- Birmingham Development Plan 2017
 - Birmingham Unitary Development Plan (saved policies)
 - Places for All SPD
 - Loss of Industrial Land to Alternative Uses SPD
 - Shopping and Local Centres SPD
 - Places of Worship SPD
 - Car Parking Guidelines SPD
 - Revised National Planning Policy Framework 2019

6. Planning Considerations

- 6.1. The following matters are considered to be the key issues in assessing the proposal: loss of industrial land, out of centre uses, highways/ parking and neighbour amenity.

Principle of loss of industrial land

- 6.2. The proposal would see the change of use of premises that was most recently used for industrial purposes to a mixed use non-industrial operation. The site falls within a designated core employment area (CEA) in the BDP and as such there is a presumption against the loss for industrial purposes.
- 6.3. NPPF paragraphs 80 and 81 (Building a strong, competitive economy) support economic growth and require Local Planning Authorities to set out a clear vision for growth, identify strategic sites, address barriers to investment, whilst also being flexible.
- 6.4. The importance of allocating strategic land in development plans is required by the NPPF which sets out in paragraph 20 that “strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for: a) housing (including affordable housing), employment, retail, leisure and other commercial development”. Paragraph 23 advises that “broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map”.
- 6.5. The BDP sets out in paragraph 7.16 “The constrained nature of the City’s employment land supply means that it is important to ensure that land with continued potential for employment is not lost to other development while at the

same time avoiding the risk of sterilising land which has no realistic potential for continued employment use". Paragraph 7.17 continues "The latest Employment Land Review (and Warwick Economics Study) has identified a shortage of best and good quality employment land and sites forming part of consented supply".

- 6.6. Policy TP17 (Portfolio of employment land and premises) of the BDP sets out the minimum 5 year reservoir of readily available employment land in three categories (Best Quality, Good Quality and Other Quality) that the City will expect to maintain through the plan period.
- 6.7. The site is within an area designated on the adopted development plan maps as a Core Employment Area and, as the site area exceeds 0.4ha in size, I consider it to be "Good Quality land" for the purposes of TP17. These sites are defined as suitable for locally based investment. TP17 requires a minimum reserve of 31 hectares and, as stated earlier, there is an identified shortage of good quality employment land.
- 6.8. Explicit reference to Core employment areas is made in paragraph 7.12 of the BDP which states "In order to ensure that the City has a sufficient supply of land for employment uses to support the needs of businesses and meet the challenging targets set out in Policy TP17, the City will need to retain and recycle its limited reservoir of good quality employment land in employment use. A significant proportion of the City's employment land lies within established employment locations which have been identified as Core Employment Areas".
- 6.9. The BDP sets out in policy TP19 (core employment areas) that employment use is defined as B1b (Research and Development), B1c (Light Industrial), B2 (General Industrial) and B8 (Warehousing and Distribution) and other uses appropriate for industrial areas such as waste management, builder merchants and machine/tool hire centres. The policy continues by stating that applications for uses outside those categories will not be supported unless exceptional justification exists.
- 6.10. The adopted SPD 'Loss of industrial land to alternative uses' sets out in part 5.9 (Exceptions to this policy) that there would be occasions where it can be demonstrated that there are good planning grounds to depart from the general presumption against the loss of industrial land. It sets out that this could include proposals such as educational uses, where the particular site size requirements make it difficult to find sites which do not involve the loss of industrial land. Such proposals will need to demonstrate that alternative sites are not available, which do not involve the loss of industrial land, and demonstrate the proposal accords with other planning policies.
- 6.11. The previous application on this site, for the same proposal, was withdrawn by the applicant prior to being refused by the Council. The first reason for refusal was recommended by officers to be on the grounds of the loss of good quality employment land, within a core employment area, and insufficient justification had been provided to justify its loss to non-industrial purposes.
- 6.12. At the time the applicant had provided a Supporting Statement noting that the proposed use would provide employment levels comparable to the previous use of the site; that they employ homeless, addicted and otherwise unemployable people; and that they need to be located in a low crime area due to the sensitivities of the people Betel train. The applicant considered these factors should have been taken as exceptional circumstances in favour of the proposal however, at the time, I advised that this was not sufficient. The employment proposed would not be

comparable with the potential employment in a CEA; would result in the further reduction of good quality employment land; would only result in limited training opportunities and no evidence had been provided that an alternative site could not be found, that does not result in the loss of employment land.

- 6.13. In resubmitting the proposal in the current application the agent has written a Planning Statement which includes sections responding to all of the recommended reasons for refusal. 60 full time equivalent jobs will be created by the proposed use. Some will be taken by already qualified staff, but the majority will be volunteers in training, as noted above. The jobs and training opportunities would be for all parts of the business including the running of the Betel UK headquarters, the conference facilities, café, restaurant, soft play, beauty salon, multipurpose spaces, library, the furniture restoration workshop and gardening/ tree surgery business. The overall employment figures will be similar to what could be expected on this site if it was in a B1, B2 or B8 employment use.
- 6.14. Furthermore, the agent has also referenced a report commissioned from a commercial agent which notes that there were 15 buildings of a similar size available on the market but that take-up of previously used industrial units was declining. The report also advises that the existing buildings on site would not be appropriate for modern industrial use as the yard area is restricted and the height of the warehouse building is lower than average. The agent considers that the existing building is nearing the end of its useful life and if the site were to be redeveloped for industrial use it would be at a lower ratio resulting in a building of approximately 1,500sqm which would be unlikely to be viable for core employment area uses. Furthermore, the report advises that the loss of this building from employment use would result in less than 2% reduction in the overall available employment land.
- 6.15. The agent has also referenced the adopted SPD Places for Worship which allows for the use of commercial/ industrial buildings in certain instances. However, this SPD specifically excludes core employment areas from this allowance and the site is considered to be good quality employment land, not low quality or non-conforming as required by the SPD. As such, although the Places of Worship SPD allows the use of some industrial premises this would not apply to the application site.
- 6.16. In addition to the Planning Statement a separate supporting report has been submitted with the application which provides justification for the loss of the employment use from the site (Employment land report). This is the report referred to in paragraph 6.16 above. The report provides greater detail than the Planning Statement and notes that the building dates from the 1960's/70's with low internal roof height in the warehouse, a greater proportion of office space than modern warehouses, which are also in poor condition, limited yard/ parking areas and would only have a life expectancy of 10 years.
- 6.17. The employment land report goes on to detail the consultants view on the availability of good employment land in Birmingham, the market conditions and a supply and demand assessment. The report identifies 15 other sites of a similar size to the application site which were on the market at the time the report was written.
- 6.18. An addendum to the employment land report has also been submitted which notes the 2018 Employment Land Availability Assessment. The consultant considers that the application site is Other Quality employment land due to its location and size and that there is already sufficient supply of Other Quality employment land in the city.

- 6.19. As the site is in a CEA I disagree with the consultant's assumption that the site is Other Quality. The site is Good Quality, for the reasons given above. However, I do accept the consultant's advice on the condition and lifespan of the building and lack of potential for it to be attractive to employment uses.
- 6.20. My Strategic Policy Officer has also considered all of the information submitted in regard to the loss of employment land and advised that the reports justify the loss of industrial land to a non-employment use, provide a case for exceptional circumstances and overcome the concerns raised during the previous application. As such the current submission is considered to be in compliance with the requirements of BDP policy TP19.

Sequential test for out of town centre uses

- 6.21. Part 7 of the NPPF (2019) (Ensuring the vitality of town centres) sets out in paragraph 85 the support planning policies and decisions should provide for the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 6.22. Paragraph 86 continues by stating "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered".
- 6.23. Paragraph 87 states "When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored".
- 6.24. The above guidance, on the importance of protecting local centres through appropriate control over the establishment of uses, that should in the first place be located within designated local centres, is also reflected in policy set out in the adopted BDP (2017) such as policies TP21 to TP24 and Shopping and Local Centres SPD (March 2012).
- 6.25. The application is proposing development which consists of A1 retail (furniture shop), D1 (church and library), D2 leisure (performance and conference uses, soft play area), B1a (offices), A3 (restaurant and cafe) and beauty salon (Sui Generis), in addition to B2 uses (furniture workshop, tree surgery workshop). With the exception of the B2 uses these are all main town centre uses (as defined in the appendix of the NPPF) and not in a local centre designated in the BDP. As noted previously in this report the site is within a core employment area.
- 6.26. The previous application on this site was recommended for refusal with one of the three reasons given being that a sequential assessment had not been provided and as such the applicant did not justify the proposed main town centre uses in this out of centre location.
- 6.27. A sequential assessment has now been carried out and submitted with the application. The assessment notes that Betel UK have been looking for a suitable site since 2007. They initially focused on sites within the city centre but prices and competition was too high and as such the search was widened to just outside the Middleway. A minimum building size of just over 3,000sqm is required as Betel are

not able to subdivide the different uses due to the management of the business and training. Furthermore, Betel were looking for premises which could accommodate all of their uses.

- 6.28. Prior to the submission of the current application officers advised the applicant to apply a 10% flexibility on the site size, consider sites in the city centre and all district centres identified in the BDP. The submitted sequential assessment details 24 sites of which 3 were discounted because they were too small, 18 were discounted because they are more than 300m from the district centre boundary (and therefore not sequentially preferable). Only 3 sites were given further consideration; 2 on Longbridge Business Park and 1 on Clonmel Road. The Longbridge sites are part of an allocated site which would provide housing, retail, office and a Regional Investment Site and as such the proposed use would not comply with the allocation for the land at Longbridge. The site at Clonmel Road was financially unviable for Betel.
- 6.29. In conclusion the sequential assessment suggests that there are no sequentially preferable sites. There may be sequentially equal sites, however these are not given priority over the application site. The application site is well connected in terms of public transport and is within a 25 minute walk of Snow Hill and Moor Street stations. The Planning Statement also comments that a site within the city centre and district centres would also place the people that Betel help back in a geographical area where they would be vulnerable and exposed to drugs, alcohol etc. The retail uses proposed, ie the furniture salesroom, café and restaurant are ancillary to other uses within the building and none of the uses exceed the 2,500sqm threshold within the NPPF to require an impact assessment.
- 6.30. My Strategy Policy advisor has considered the submitted sequential assessment and advises that the information is satisfactory and shows that there are no sequentially preferable sites. This, in combination with the information on loss of industrial land, I consider justifies the proposed use within the existing building at 58 Chester Street and complies with the requirements of BDP policy TP21 and the NPPF.

Highway/parking impact

- 6.31. A transport note has been submitted with the application which details the proposed uses on site, the parking requirements as required by the Council's SPD and predicted parking requirements based on Betel's experience. The note also advises that the existing service yard will be used as a service yard and car parking area with a one way system through the site (access off Chester Street and exit onto Hubert Street). Swept path analysis has been provided and shows that the site can accommodate all of the potential sizes of vehicle movements. The applicant is proposing 42 car parking spaces and two spaces for mini-bus parking spaces to serve the overall site.
- 6.32. In conclusion the note suggests that the auditorium will be mostly used during evenings and weekends when the parking pressure for on-street parking in the area is lessened due to the other businesses not operating. The note suggests that the auditorium space is likely to be used around 4 times a month and not during the hours when the other uses are open. The note also details the existing users travel patterns and advises that only 10% of existing users are car drivers (61% travel by minibus/ bus, 26% are car passengers and 3% walk/ cycle/ other and a high proportion do not own cars). As such they consider the car parking provision within the site, available on-street and local public car parks is acceptable. Space for 40

bicycles is also proposed. The agent has suggested a condition could be used to restrict the use of the auditorium but has also asked for no restrictions on the use.

- 6.33. Within the Design and Access Statement the agent has commented that the existing business relies on parking on-street as the existing yard does not provide any parking. As such they consider the proposed use, providing parking on site, will be a betterment. Within the Planning Statement the agent notes the proximity to New Street train station (1.5km) and nearby bus stops (200m). The Planning Statement also advises that a parking beat survey was carried out and concluded that parking demand was high during the typical weekday, but spaces were available in the evenings and weekends. However, spaces were available within 400m of the site, even during the weekday peak, and the nearby public pay and display car park on Adam Street is rarely used. Outside of business hours the survey shows 200-300 on-street parking spaces available. As such, the submitted information shows that during evenings and weekends there is parking available in the immediate area.
- 6.34. The site is located within Area 3 of the zonal map set out in adopted SPD Car Parking Guidelines, however the submitted Technical note has considered the site being in Area 2 when considering parking provision, as the site is located on the edge of Area 2 boundary. I concur with this approach and consider the use of area 2 parking requirements in this circumstance is acceptable.
- 6.35. The comments of my Transportation Officer are provided in full at 4.2 above. The advice is that the officer has no objection to the proposal subject to conditions restricting the use of the auditorium and multipurpose spaces for large scale events to evenings and weekends only, restricting the number of people at the premises at any one time and other technical conditions. The officer also confirmed that Area 2 parking requirements are acceptable for this site and the additional traffic from the proposed uses would be unlikely to be severe.
- 6.36. The restrictive conditions are recommended by the Transportation Officer on the basis that, even assessed as Area 2, the maximum parking requirement (which should be provided within the site) would be 203 spaces and the application is proposing 42. As such the proposal would be likely to increase pressure on on-street parking which all parties accept is limited during the working day. I agree that a condition limiting the use of the auditorium and multipurpose spaces for large scale events, for example exceeding 150 people, to evenings and weekends only would be acceptable. The applicant and agent were advised of this during pre-application advice between the last application and this submission. However, a condition to limit the number of people at the premises at any one time would be difficult to enforce. Booking records could be used to manage and enforce a condition relating to large scale events but there would not be any means for the Council to control how many people were at the premises during a general day.
- 6.37. Accordingly, I recommend a condition limiting large scale events but cannot recommend a condition to limit the total number of people at the premises. Furthermore, I do not consider such a condition would be necessary given the evidence provided by the applicant in regard to the sustainable location of the site, the travel patterns of existing users and the previous use of the site. I also advise members that refusal would not be appropriate given the evidence and information provided and the advice of my Transportation Officer.

Neighbour amenity

- 6.38. The application site is within a predominantly industrial area. However, the site is also adjacent to Aston Brook Green residential estate and as such any use on this site has the potential to impact on the amenities of neighbouring dwellings.
- 6.39. The previous consent on the site, for the industrial use, did not include any restrictions on hours of operation. The business could have operated 24 hours a day. The consent did limit the use to storage, hand finishing of magazines and direct mail and a S106 required acoustic insulation to some of the residential dwellings nearest to the site. Furthermore, there was no control over the internal layout for the building. As such the operator also had flexibility in terms of where various operations would occur.
- 6.40. As such the previous use was not restricted in hours or location of noises uses. The current proposal entails the use of part of the building as a furniture workshop with a large opening in its exterior façade that faces towards Aston Brook Green, community and event uses and hours of use up to 11pm.
- 6.41. However, the furniture workshop use could be restricted to normal business hours, the internal layout provides back of house spaces between the auditorium and the houses and the applicant has confirmed that any plant and machinery will be as far from the residential properties as is possible. As such I consider that the proposed development (which would be more restricted than the previous consent) would not result in any adverse noise and disturbance impact and the amenities of the neighbouring residents would not be significantly harmed.

Community benefits

- 6.42. The promotion of healthy and safe communities is a key objective of the NPPF and local policy. Both seek to promote social interaction, provision of social recreation and cultural facilities and services for community needs. The social and community benefits associated with Betel UK's proposal are a material consideration and should be given substantial weight in the planning balance.
- 6.43. Within the planning statement the agent acknowledges that there may be conflict with adopted policy but considers that the benefits and exceptional circumstances should outweigh this. The exceptional circumstances quoted are, in Betel's opinion, the dire need for this facility for addicts and homeless people and the support it provides to local and national government aims without cost to either.
- 6.44. The submitted Planning Statement also refers to a document "Faith Groups and planning System Policy Briefing" 2015. This is not a planning policy document such as the BDP or the NPPF. It is guidance for both faith groups and planners on considering the needs of faith groups. I note the guidance but would advise members that it is not a material planning consideration and the decision must be made against the adopted policy as required by primary legislation.

Other matters

- 6.45. Design – I consider that the proposed works to the external façade of the application premises would enhance its visual appearance and have a positive visual impact on the street scene.
- 6.46. Crime - I note the comments provided by West Midlands Police and consider that most of their recommendations such as the provision of CCTV, lighting and management plan can be conditioned to be provided and should help in crime prevention. I therefore raise no objections to the proposal on the grounds of crime.

7. Conclusion

- 7.1. Although the proposal results in the loss of employment land, and the provision of main town centre uses in an out of centre location, I consider that sufficient justification has been provided with this application to justify an exception as allowed within the adopted policy. There are no sequentially preferable sites which could accommodate the proposed use which do not also result in the loss of employment land and no sequentially preferable sites for the town centre uses.
- 7.2. Furthermore, the scheme will provide benefits such as helping provide skills to people who may otherwise not find support and will provide community benefits and services to the immediate area. These benefits are given significant weight in the overall planning balance.
- 7.3. The lack of car parking within the site can be mitigated through a restrictive condition to limit the use of the premises for large scale events to evenings and weekends and as such the impact on highway and pedestrian safety and pressure for on-street parking is not severe. Accordingly the scheme is considered to comply with the policies in the BDP, NPPF and the SPD's referred to within this report.

8. Recommendation

- 8.1. Grant planning permission subject to conditions.

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| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the hours of use 08:00-23:00 |
| 3 | Limits the hours for large scale events 18:00-23:00 M-F, 08:00-23:00 S, S, BH |
| 4 | Prevents subdivision of uses |
| 5 | Requires the prior submission of a construction method statement/management plan |
| 6 | Requires the submission of extraction and odour control details |
| 7 | Secures noise and vibration levels |
| 8 | Limits the noise levels for Plant and Machinery |
| 9 | Requires the submission of a lighting scheme |
| 10 | Requires the submission of sample materials |
| 11 | Requires the submission of hard and/or soft landscape details |
| 12 | Requires pedestrian visibility splays to be provided |
| 13 | Requires the parking area to be laid out prior to use |
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- 14 Requires the submission of cycle storage details
 - 15 Requires gates to be set back
 - 16 Requires the submission of a CCTV scheme
 - 17 Requires the submission of a management plan
 - 18 Implement within 3 years (Full)
-

Case Officer: Karen Townend

Photo(s)



Elevation facing Chester Street and corner of Hubert Street



Hubert Street elevation

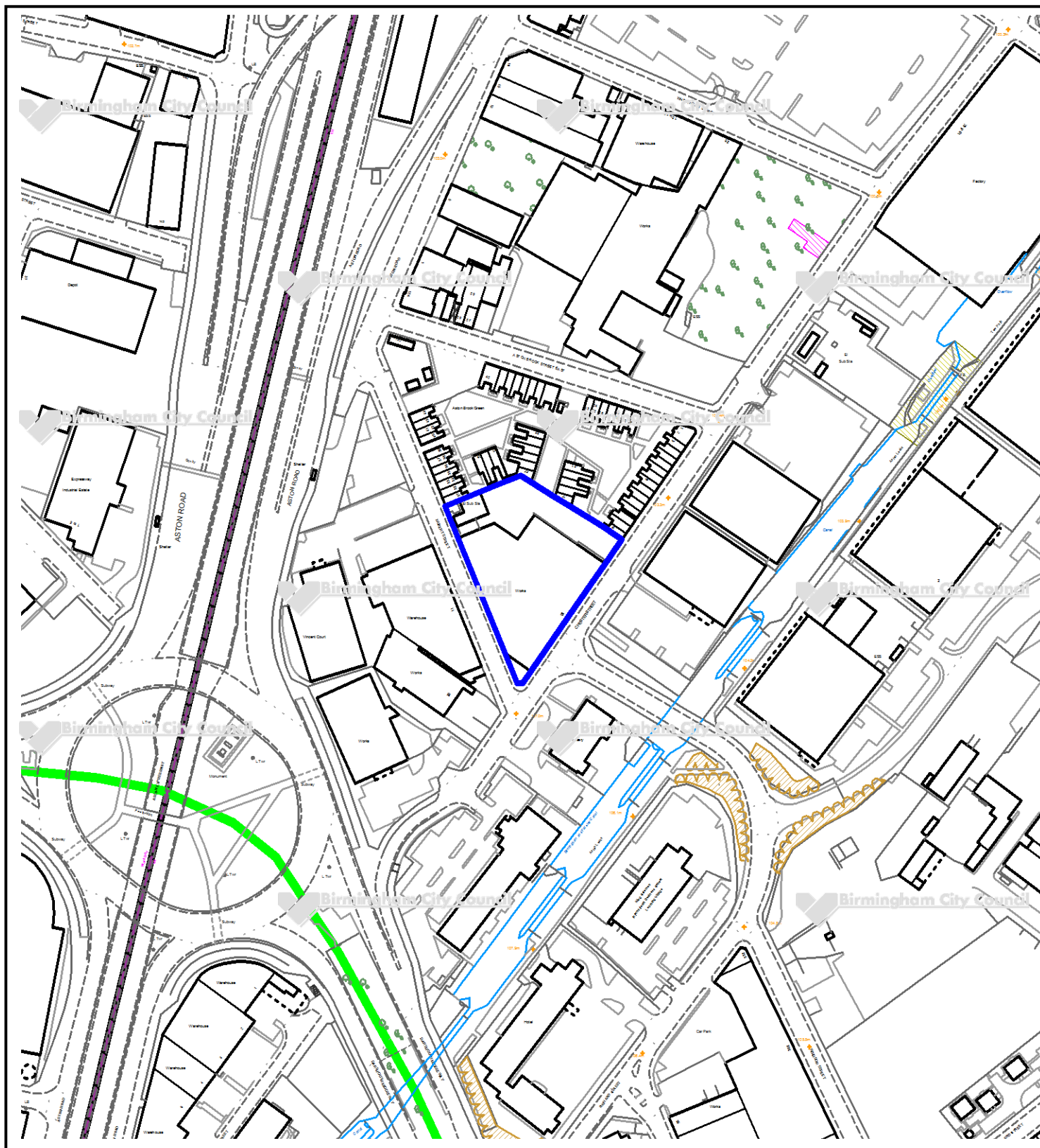


Rear elevation facing into service yard



Service yard area

Location Plan



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Committee Date:	07/11/2019	Application Number:	2019/06797/PA
Accepted:	09/08/2019	Application Type:	Reserved Matters Development
Target Date:	08/11/2019		
Ward:	Perry Barr		

Land at Holford Drive, Perry Barr, Birmingham, B42

Reserved Matters application (layout, scale, appearance, landscaping, access) for a new part four-storey, part two-storey secondary school with sixth form and associated car parking, floodlit multi-games area, sub-station and landscaping, pursuant to Outline planning permission 2019/03020/PA

Recommendation

Approve subject to Conditions

1. Proposal
 - 1.1. Application is a reserved matters application for layout, scale, appearance, landscaping and access to a secondary school following approved outline application 2019/03020/PA.
 - 1.2. The proposal involves the creation of a new 1260 place secondary school and sixth form for students aged 11-18. Teaching accommodation would be provided across four floors and include external hard and soft play areas.
 - 1.3. The building would be constructed in buff brick, feature dark grey aluminium window frames and rainwater goods. A dark grey standing seam cladding panel would be wrapped around the corner of the building to Holford Drive and the car park. Projecting lime green fins, curtain wall glazing and colour backed glazing panels would also be used. Specific materials would be conditioned.



- 1.4 To the west of the building 88 car parking spaces (including 5 accessible spaces), 15 parallel drop-off spaces, 4 mini bus parking bays and 140 secure cycle spaces would be provided. Vehicular access would be from the north of the site via Holford Drive. Pedestrian access points would be provided to the south, west and north of the site. 2 electric vehicle charging points would be provided within the car park.
- 1.5 Landscaping, including trees would be provided to the site edges and 3 floodlight multi use games areas would be provided to the east as part of the school playground area. A sports hall (4 badminton court size) would be provided to the south of the site and this, along with its associated changing rooms, would be available for community use outside school hours.
- 1.6 Information submitted in support of the application includes; Design and Access Statement, Planning Statement, Bat Survey, Reptile Survey, Flood Risk Assessment, Transport Statement, Tree Survey, Arboricultural Impact Assessment and Noise Assessment.
- 1.2. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. Application site is to the south of Holford Drive and sits to the north west of the existing Doug Ellis Sports Centre close to the centre of Perry Barr. There are a wide mix of uses within the immediate area including a greyhound stadium, allotments, recycling centre, police custody suite, sporting pitches and residential accommodation.
3. Planning History
 - 3.1. 1st August 2019 – 2019/03020/PA Outline application for residential dwellings and a new secondary school. Approved subject to conditions.
 - 3.2. 2019/08319/PA – Application to determine the details for Condition 14 (archaeological work) attached to approval 2019/03020/PA. Under consideration.
 - 3.3. 2019/08329/PA – Application to determine the details for Conditions 4 (sustainable drainage), 7 (levels), 13 (ecological/biodiversity/enhancement measures scheme), 15 (contamination remediation scheme), 18 (construction ecological mitigation plan), 19 (energy statement), 20 (lighting scheme), 21 (construction method statement/management plan) and 23 (employment construction plan) attached to approval 2019/03020/PA. Under consideration.
4. Consultation/PP Responses
 - 4.1. EA – no objections.
 - 4.2. Education and Skills (schools) – supports provision.
 - 4.3. Education and Skills (employment) – employment conditions required.
 - 4.4. LLFA - no objection subject to sustainable drainage scheme and sustainable drainage operation and maintenance plan conditions.

- 4.5. Transportation Development – no objection subject to conditions to secure travelwise, construction method statement, prevent mud on highway, construction access, parking and cycle provision prior to first occupation, parking strategy, electric charging points, interim highway alterations prior to first occupation, pedestrian access along the alleyway and a condition to ensure the school does not exceed their projected year 3 capacity until the wider highway improvements have occurred.
- 4.6. West Midlands Police – Site should be developed to meet relevant secured by design guidance, lighting and cctv coverage of the site is required, boundary should be a minimum of 2.4m and adjacent the police custody suite it should include an anti-climb topping.
- 4.7. Local residents' associations, neighbours, Ward Councillors and MP have been consulted. 1 letter of objection has been received from a local employer on the basis that the proposal is not supported by the necessary assessments/statements, insufficient information has been submitted with regard the proposed boundary, insufficient information has been submitted on security measures and lighting, and they note confirmation that the development meets secured by design needs to be provided.
5. Policy Context
 - 5.1. Birmingham UDP 2005 saved policies; Birmingham Development Plan 2017; Places for All SPG; Car Parking Guidelines SPD; Aston Area Action Plan (AAP); Planning Policy Guidance and the National Planning Policy Framework.
6. Planning Considerations
 - 6.1. This application is a reserved matters application following outline application 2019/003020/PA. The outline application established the vision for the long term redevelopment of the wider 12.8 ha site post Commonwealth Games and included the provision of a school to the north east. The principle of the school in this location is therefore established and reserved matters relating to layout, scale, access, landscaping and external appearance are for consideration only.

Layout, scale and external appearance

- 6.2 The proposed school would be a part four storey, part two storey linear building positioned fairly centrally within the site with the shorter elevations facing Holford Drive to the north and the retained Doug Ellis Sports Centre to the south. The main entrance to the building would be to the north west corner close to Holford Drive with additional pedestrian accesses, including a community entrance, to the south and south west. The sports hall, which would be available for public use outside school hours would be located to the south of the site. The school play area, which would include hard and soft play areas, would be provided to the east of the site behind the secure building line. Car parking provision would be positioned to the west of the proposed school building. The layout is logical and legible and should successfully integrate the school with the wider area and the new residential neighbourhood to be developed following the games. The layout also ensures that potential future private amenity would not be overlooked whilst ensuring that the development would result in a secure and well surveilled use to the site.
- 6.3 The proposal would result in a primarily 4 storey development located centrally within the site. The buildings scale presents a strong presence on approaches from Holford

Drive and to the south of the site and I consider this appropriate for a school which will be an important community building, and its integration within the wider masterplan area. Further, the building is of a simple form that is well articulated by the use of facing materials and windows. The main entrance is marked by darker cladding and lime-green signage that contrasts with the predominant buff brick facades. Interest is further added to the elevation by the use of bands of single windows at ground and fourth floor with a double band of windows in between and the use of projecting stairwells. To the south end of the site the building form drops to two storey and seeks to reflect both the use and scale of the adjacent Doug Ellis Sports Centre which is to be retained as part of the wider site redevelopment. In addition I note that the predominant use of facing brick will positively contribute to the buildings quality, and aligns with the aspirations and expectations of the wider sites design quality. I therefore concur with the Head of City Design that the layout, scale and appearance of the proposed development is acceptable and I consider it accords with both local and national planning policy in this respect.

- 6.4 As a school, 2.4m high security fencing is proposed around the whole school perimeter in addition to a variety of other fences internal the site, including a 3m high ball stop fence around the multi use games area. In order to reduce the visual impact of the 2.4m high external boundary the fence line has been stepped in off the north and south boundaries to enable significant landscaping to be planted in front of it. The landscaping along with the use of a relatively unobtrusive mesh-type fence mean that the height of the proposed fence would not be oppressive to those walking on the adjacent highway or adversely affect the visual amenity of the surrounding area. A landscape maintenance strategy has been submitted for these areas which would remain in the school's ownership, compliance with the maintenance strategy would be secured by condition.

Access

- 6.5 The school site is part of a wider masterplan area of redevelopment which will necessitate road improvements in future years, including the provision of a new left-filter lane at the Aldridge Road junction and pedestrian access along the southern side of Holford Drive. However, these works are to be undertaken by BCC and whilst provision is made for them to be accommodated they are not proposed as part of this application. The application is therefore supported by a detailed Transport Statement which assesses the school in relation to the existing highway network.
- 6.6 The TS identifies that the applicant intends to deliver/fund modification of Holford Drive to include provision of a zebra crossing on Holford Drive, remove current parking bays (on the northern side of Holford Drive) and provide associated TRO's and measures to prevent obstructive parking (bollards/pedestrian guardrail etc). In addition it confirms that the school would have a phased opening, admitting a maximum of 180 pupils per year up to full occupation from September 2021. As such, the TS identifies that three school years could be accommodated before the school would have an adverse impact on the existing highway network after which time the wider highways works would need to implemented to safeguard the freeflow of the adjacent highway.
- 6.7 Transportation Development considers the TS is robust and accurate. The proposed works to Holford Drive would provide appropriate vehicular and pedestrian access from the north and pedestrian access only from the south of the site as such no objections are raised. However, given the content and conclusions of the supporting TS a number of non-standard conditions are required to ensure that pedestrian access to the west is retained and to prevent the school from exceeding the capacity

levels identified unless the wider road improvements are implemented. I consider these conditions necessary and reasonable to ensure the existing road network is not compromised and recommend them accordingly. In addition standard conditions requiring specific details such as parking management, the provision of the electric charging points, parking and cycle parking prior to operation are also recommended. A construction management plan is not recommended as this requirement was attached to the outline consent.

Landscaping

- 6.8 The outline application identified that the trees to the northern boundary of this site would need to be removed to facilitate the wider highway improvements. This application identifies that significant landscaping, including trees will be reinstated along this boundary as part of this application. In the short term, the replacement tree planting (15 no. Lime, 6 no. Silver Birch and 4 no. Oak) and ornamental (*Lonicera nitida*) hedge will not compensate for the loss of habitat or impact on ecological function however, as the new planting matures, its ecological value will increase. I also note that the vast majority of existing vegetation will be retained along the east boundary and additional native hedge planting is proposed. New tree, shrub and hedge planting along the western and southern boundaries is also proposed and as result the ecological habitat and connectivity of the site will improve. Further biodiversity improvements are proposed with the inclusion of wild flower areas as part of the wider soft landscaping of the site. As such my Ecologist and Landscape Architect are satisfied that in conjunction with the relevant outline conditions and an appropriate maintenance strategy, the proposed landscape would improve the site's ecological habitat, biodiversity and ecological connectivity and improve the visual appearance of the site. I concur with this view.

Other

- 6.9 As a reserved matters application additional conditions can only be added that relate specifically to the matters being considered. Conditions attached to outline application 2019/03020/PA remain valid and it would not therefore be reasonable, or necessary, to attach conditions as requested by LLFA or Education and Skills (Employment) as these conditions were attached to the outline application.
- 6.10 The multi-use games area is proposed to be floodlight with six 10m high sports lights the specific details of which are secured by condition 20 on the outline application. However the agent has confirmed that these would not be used after 10pm. The Agent has also confirmed that the community would be able to use the sports hall and multi-use games area outside school hours and a condition has been recommended to secure this.
- 6.11 West Midlands Police identified the need for the development to comply with designing out Crime however this is not a planning policy requirement. I also note that CCTV details have been submitted and show satisfactory site wide coverage and that lighting is controlled by the outline permission. As such it would not be reasonable to attach these conditions.
- 6.12 Concerns have been raised about having a school boundary adjacent the Police Custody suite. However the proposed fence would be 2.4m in height and positioned along the existing fence line. The school boundary would therefore not adjoin the Policy Custody Suite boundary with the existing tree lined strip of land retained. I further note this strip of land would be retained in BCC's ownership, that the trees

would be retained in line with the conditions attached to the outline consent and the introduction of the school and its layout would improve the existing site's security.

- 6.13 Concerns have also been raised with regard information submitted in support of the application including the lack of a security assessment. However I consider the information submitted in support is sufficient and meets local and national validation criteria as a reserved matters application and I consider the application can be adequately be assessed. I also consider that the introduction of a school in this location would secure the site and positively contribute to the wider masterplan development of the area and in doing so meet the aims and objective of para 91 and 95 of the NPPF of "aim[ing] to achieve healthy, inclusive and safe places which ... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion".

7. Conclusion

- 7.1 The proposed layout, scale and external appearance would result in the provision of a well-designed new secondary school. Proposed pedestrian and vehicular access would be acceptable and the proposed landscaping, by incorporating existing and additional, would improve the bio-diversity and visual appearance of the site. Therefore the proposal would accord with both local and national planning policy and should be approved.

8. Recommendation

8.1. Approved subject to conditions

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| 1 | Requires the submission of sample materials |
| 2 | Architectural details required |
| 3 | Requires the submission and completion of highwayworks/TRO Agreement |
| 4 | Requires the scheme to be in accordance with the listed approved plans |
| 5 | Requires western pedestrian access to be maintained |
| 6 | Restricts school capacity |
| 7 | Requires the submission of details to prevent mud on the highway |
| 8 | Requires the prior installation of means of access |
| 9 | Prevents occupation until the turning and parking area has been constructed |
| 10 | Requires the submission of details of pavement boundary |
| 11 | Requires the submission of a parking management strategy |
| 12 | Requires the provision of cycle parking prior to occupation |
| 13 | Requires the submission of cycle storage details |
| 14 | Requires the applicants to join Birmingham Connected Business Travel Network |
-

-
- 15 Requires provision of vehicle charging point
 - 16 Comply with maintenace strategy
 - 17 Requires community use
 - 18 Requires the submission of hard surfacing materials
-

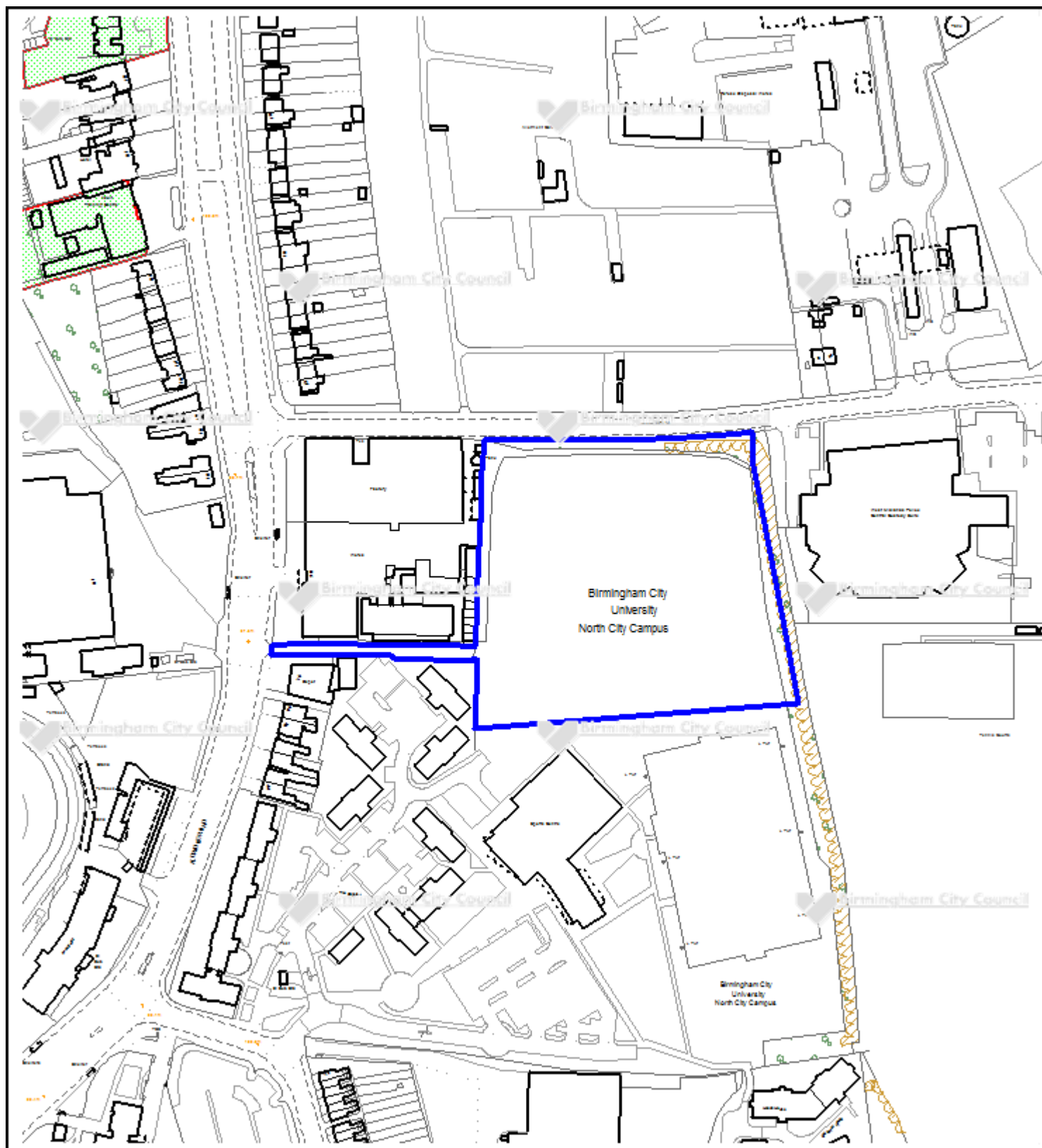
Case Officer: Joanne Todd

Photo(s)



Site from Holford Drive

Location Plan



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Committee Date:	07/11/2019	Application Number:	2019/07073/PA
Accepted:	02/09/2019	Application Type:	Full Planning
Target Date:	28/10/2019		
Ward:	Ladywood		

30 Reservoir Road, Edgbaston, Birmingham, B16 9EG

Change of use to 6-bed House in Multiple Occupation (HMO) (Use Class C4)

Recommendation

Determine

Report Back

Members will recall that this application was presented to Planning Committee on 24th October 2019 and deferred, minded to refuse, on the grounds of an over-concentration of HMOs in the locality. Officers consider that the recommendation to approve in accordance with the original report remains appropriate. If Members remain minded to refuse the application, the following reason for refusal is suggested:

The conversion of this property to a 6 bed HMO (Use Class C4) would occur in an area which already contains a high number of HMO premises and the cumulative effect would have an adverse impact on the residential character and appearance of the area as well as not contribute to a balanced community and sustainable neighbourhood. This would be contrary to Policy TP27 of the Birmingham Development Plan 2017, saved Policies 8.23-8.25 of the Birmingham Unitary Development Plan 2005 and the National Planning Policy Framework (2019).

1. Proposal

- 1.1. This application is for the change of use of 30 Reservoir Road to a small house in multiple occupation (Use Class C4).
- 1.2. No internal or external alterations are proposed as part of this application. The proposal would provide 6 bedrooms and the ground floor would be laid out with a two en suite bedrooms, wet room, kitchen, two WCs and a multi-function room. The first floor would provide three bedrooms (one of which is en suite), with a further multi-function room in the roof space.
- 1.3. Separate applications relating to the retention of internal repairs and alterations, as well as removal of an external staircase and existing extension and erection of new extension can be found elsewhere on this agenda.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises of a semi-detached former residential villa that is a Grade II statutory listed building. No 32 (the other half of the semi-detached pair) is also owned by the applicant and is used as a children's day nursery. The applicant

also owns no 28 which they advise is in use as a HMO. These properties are also listed. There are more modern unlisted residential properties on the north side of Reservoir Road, and traditional unlisted terrace properties to the west in Reservoir Retreat.

2.2. The surrounding locality is predominantly residential in character

2.3. [Site Location](#)

3. [Planning History](#)

3.1. 17/03/1988 – 69284002 – (Nos 28 – 32 Reservoir Road) Change of use to private nursing home extensions including link between 28 & 30 Reservoir Road internal and external alterations – Approved with Conditions

3.2. 17/03/1988 – 69284003 - (Nos 28 – 32 Reservoir Road) Listed building consent for change of use to private nursing home extensions including link between 28 & 30 Reservoir Road internal and external alterations – Approved with Conditions

3.3. 2015/03446/PA – Change of use to a day-nursery (D1) use removal of existing nursery in annex building and internal alterations – Withdrawn.

3.4. 2015/08867/PA – Listed Building Consent for change of use from dwellinghouse (C3) to a day nursery (D1) use including creation of new internal openings (amended site plan) – Withdrawn.

3.5. 2016/05627/PA – Change of use from lodging house to HMO (Sui Generis) – Refuse – 08/07/2016 – Refused on the grounds of a lack of information.

3.6. 2016/05628/PA - Listed Building Consent for internal alterations to facilitate change of use from lodging house to HMO (Sui Generis) – Refused on the grounds of a lack of information.

3.7. 2017/04160/PA - Listed Building Consent for the installation of replacement windows. Approved.

3.8. 2018/10405/PA - Removal of external staircase and existing extension to rear and erection of new single storey rear extension. Current.

3.9. 2019/00004/PA – Listed Building Consent for removal of external staircase and existing extension to rear and erection of new single storey rear extension. Current.

3.10. 2019/00421/PA – Listed Building Consent for retention of internal repairs and alterations including re-plastering, replacement skirting and coving. Current.

3.11. 2018/1614/ENF – Alleged unauthorised development works. Current.

4. [Consultation/PP Responses](#)

4.1. Regulatory Services – No objection have been raised

4.2. Transportation Development – concerns raised over parking issues

4.3. West Midlands Police – Highlight that there are a high volume of police callouts in the area. Concern has also been raised that the proposal could lead to an increase

in policing in the area. Question whether the landlord has had the appropriate accreditation training, who the intended clientele base is and will any of the intended residents pose a threat to themselves or other residents and how will the intended residents be vetted? A separate response has also been received from a Neighbourhood Officer raising similar issues.

- 4.4. Letters of notification have been sent to surrounding occupiers, local residents associations and local Ward Councillors. A site notice has also been posted.
- 4.5. 17 letters of objection have been received from local residents objecting to the proposal on the following grounds.
 - Loss of needed family accommodation in the area. Concerns that there is already a high volume of HMOs in the area.
 - Negative impact on character of neighbourhood
 - Negative impact on the existing listed building
 - Noise and disturbance
 - Increased vehicular traffic/parking issues
 - Exacerbate existing issues of crime and anti-social behaviour. Local residents have advised of on-going issues relating burglary, alcohol abuse, drugs and prostitution.
 - Inappropriate use neighbouring a day nursery.
- 4.6. Comments received from Summerfield Residents Association and Residents of Reservoir Road who raise objections in respect of
 - Exacerbate existing issues of crime and anti-social behaviour
 - Loss of needed family accommodation in the area, over concentration of HMOs
 - Increased parking pressures
 - Inappropriate use neighbouring a day nursery.
- 4.7. Comments received from Councillor Albert Bore and Shabana Mahmood MP who support and reiterate the concerns raised by residents

5. Policy Context

- 5.1. The following national policy is relevant
 - The National Planning Policy Framework (2019)
- 5.2. The following local policy is relevant.
 - Birmingham Development Plan (BDP) 2017.
 - The Birmingham Unitary Development Plan (UDP) 2005 (saved policies)
 - Specific Needs Residential Uses SPG

6. Planning Considerations

- 6.1. Existing use of the property:
- 6.2. In terms of the planning history of the property, this does not clarify what the existing/previous use of the property is and whether it was lawful. The applicant has stated that the previous use was a HMO containing 8 flats with kitchens and shared bathrooms, which would have been a sui generis use. However, it is noted that there is no formal consent for this use but if it has operated continuously as such for a period no less than 10 years, an argument could be made that it is a lawful use by means of an application for a Certificate of Lawfulness. There is planning history for the property dating from 1988 that granted a change of use of the property to a

nursing home; however there is no evidence that this was implemented. Furthermore, previous applications refer to the use of the property as a lodging house. Whilst the purpose of this application is not to determine the existing/previous use of the property, the planning history and evidence available is a material consideration but the weight afforded to it must reflect this unclear status.

- 6.3. Policy context:
- 6.4. The NPPF has the golden thread of the presumption in favour of sustainable development. It has a clear need to significantly boost housing supply and offer a wide choice of quality homes.
- 6.5. The Birmingham Development Plan builds upon the principles of the National Planning Policy Framework and is clear that Birmingham is a growth point and will need new employment and housing opportunities to support these aspirations. Whilst the plan contains no policies directly relating to HMO uses, policy TP27 relates to sustainable neighbourhoods. It requires development to have a wide choice of housing sizes, types and tenures to ensure a balanced community for all age groups.
- 6.6. The Birmingham UDP plan has guidance relating specifically to HMOs in 'saved' policies 8.23 to 8.25. These set out the criteria to assess proposals including the effect on amenities, size and character of the property. Account will be taken of the cumulative effect of such uses on the residential character and appearance of the area.
- 6.7. The Specific Needs Residential Uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are 6.5sqm for a single bedroom and 12.5sqm for a double bedroom.
- 6.8. Cumulative impact on the character of the area:
- 6.9. The impact an overconcentration of HMOs within a locality is a key consideration in the determination of this application and also an issue highlighted as a result of consultation on the application. The character of Reservoir Road between Monument Street and Harold Road (185m) consists of Georgian and Victorian houses, many of which are listed, to the southern side and post-war housing to the northern side. Reservoir Retreat, located mid-way off this stretch of Reservoir Road consists of unlisted Victorian terrace housing. There are no properties within this area which currently have a HMO Licence, though nos. 26, 40 and 23 Reservoir Road are subject to current HMO Licence applications. It is also noted that reference has been made to no. 28 Reservoir Road being a HMO and the alleged intentions to convert no. 34 to a HMO. No 10 Reservoir Retreat has a historical planning permission for a large HMO. It is also noted that the post-war housing to the northern side of Reservoir Road appears to be in single family occupation (use class C3), no. 32 Reservoir Road is in use as a Day Nursery and 4no. properties on Reservoir Retreat have historical planning permissions to be converted into flats.
- 6.10. The frontages referred to above consists of 54 properties and only 1 property (1.85%) has either a licence or planning permission for use as a HMO. Including those with current applications for licences takes it to total of 4 properties (7.4%) and the proposal subject to this application takes it to 5 properties (9.3%). Finally taking

into account the apparent existing HMO use at No. 28 Reservoir Road creates a total of 6 properties (11.1%). Taking into account the above, which notably includes undetermined applications for a HMO Licence, as well as the mixture of traditional single family housing, flat conversions as well as commercial units in the immediate locality it is considered that a robust argument supported by adopted policy to sustain a refusal on the grounds of an over-concentration of HMOs in the locality to the detriment of the character of the area cannot be made.

6.11. Residential Amenity:

6.12. The property would provide 6 bedrooms that range between 10.2sqm & 15.09sqm. All bedrooms will therefore exceed our standard minimum of 6.5sqm for a single bedroom. Two suitably sized multi-function rooms would be provided as would a shared kitchen, multiple WCs and a wet room. As such, I consider suitable internal amenity would be provided. Furthermore, the internal layout as proposed would allow easy conversion back to a family dwelling, should the need arise in the future. An extensive rear private amenity space would also be provided/retained.

6.13. Highway safety:

6.14. My Transportation Development Officer has raised some concern that the proposal might have an impact on the parking pressures within the street. The proposal seeks to house 6 people and has off-street parking provision. It is considered that the impact on highway safety would be similar to that if this large property was occupied by a large single family.

6.15. The site is also noted to be in an accessible location, close to established public transport links. It is therefore considered that there would not be any detrimental impact to highway safety as a result of this change of use.

6.16. Crime and anti-social behavior:

6.17. Objections are noted in relation to on-going anti-social and criminal activities. West Midlands Police note that there are no registered HMO's on Reservoir Road, but many appear to be 'support living' and 'shared accommodation'. The Police highlight that HMOs have provided accommodation for a transient local population that has undermined community stability and cohesion adding that residents tend to stay in the ward for approximately 6 months, leading to a lack of engagement, pride and ownership

6.18. Crime and the fear of crime is a planning consideration. At the same time, 'Specific Needs Residential Uses' SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is also important to stress that the behavior of HMO tenants are not a matter for planning authorities but it is recognized that over concentrations can impact upon residential amenity community cohesion and housing mix as well as residential character. Furthermore it is important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behavior. In light of this and the above assessment in terms of an over concentration of HMOs in the locality, it is felt that a robust reason for refusal on the grounds of crime and fear of crime could not be sustained.

7. Conclusion

7.1. The objections raised in relation to this application are recognised but within the context of adopted policy for this part of the City it is felt that, using data available to the Local Planning Authority, there is not an unacceptable concentration of HMOs in the locality that would have an adverse impact its residential character that could sustain a reason for refusal. Furthermore, there is evidence of a high crime rate in the locality and the Police's comments in relation to transient local population are noted. However, the behaviour of HMO tenants are not a matter for the Local Planning Authority and there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behaviour. In light of this and the assessment on the concentration of HMOs in the locality it is felt that this also could not support a reason for refusal. As such a recommendation to approve is made.

8. Recommendation

8.1. Approve subject to the following conditions

-
- | | |
|---|--|
| 1 | Limits the number of residents to 6 people |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Implement within 3 years (Full) |
-

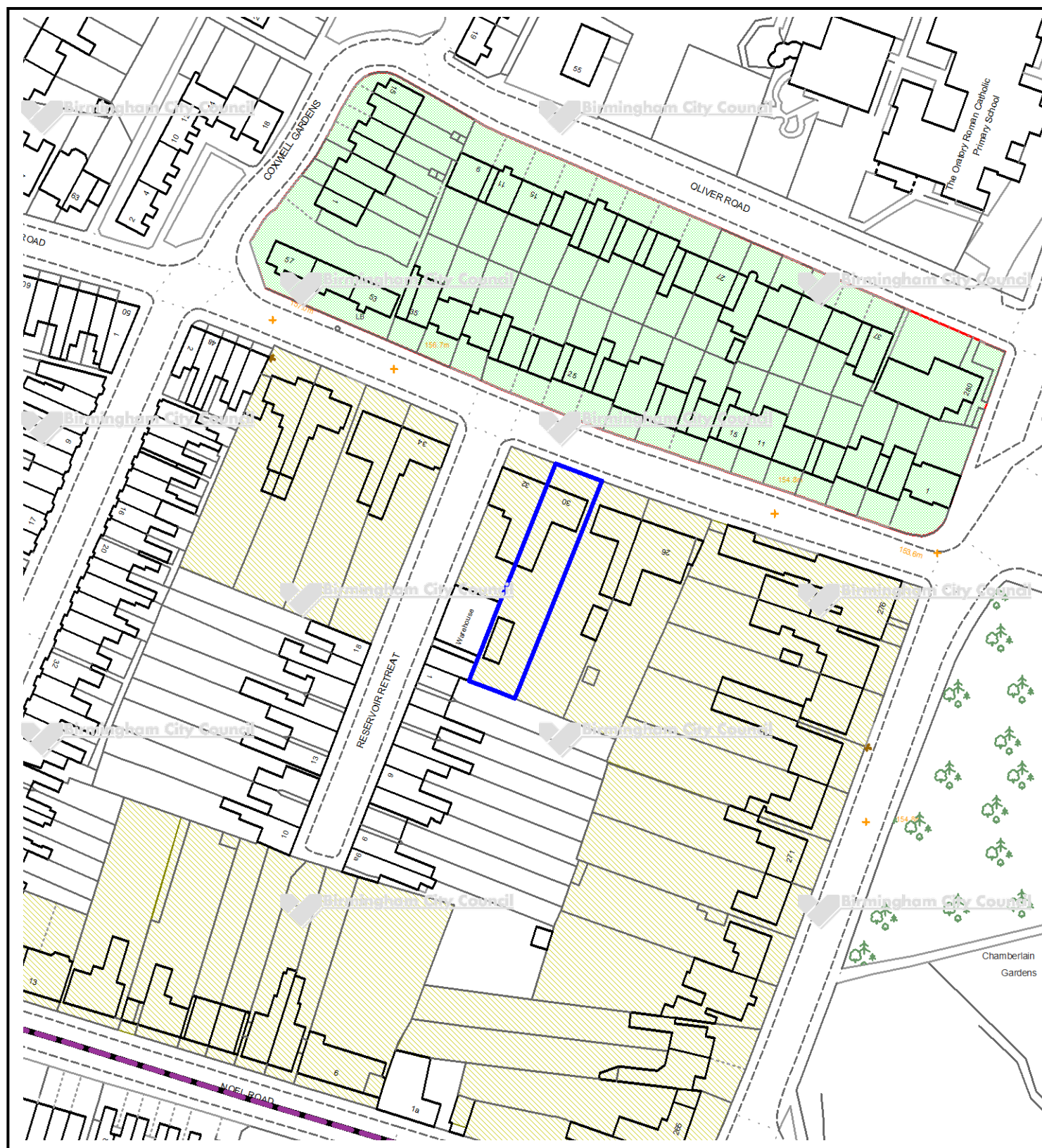
Case Officer: Philip Whittaker

Photo(s)



Photo 1: Front elevation

Location Plan



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Report back following Site Visit 31 October 2019

Committee Date:	10/10/2019	Application Number:	2018/08647/PA
Accepted:	15/05/2019	Application Type:	Full Planning
Target Date:	14/08/2019		
Ward:	Ladywood		

The Flapper Public House, Kingston Row, City Centre, Birmingham, B1 2NU

Demolition and redevelopment of the Flapper Public House to create a part 3 and part 4 storey development comprising 27 residential apartments

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This is a detailed planning application for demolition of the existing Flapper PH and redevelopment of the site to create a part 3 and part 4 storey development comprising 27 residential apartments. The apartments would be made up of 4no. 3 bedroom apartments (15%), 16no. 2 bedroom apartments (59%) and 7no. 1 bedroom apartments (26%). They range in size as follows:-
 - 7 x 1 bedroom 2 person @ 46sqm - 49sqm
 - 6 x 2 bedroom 3 person @ 59sqm - 67sqm
 - 10 x 2 bedroom 4 person @ 69sqm - 84sqm
 - 3 x 3 bedroom 4 person @ 76sqm
 - 1 x 3 bedroom 6 person @ 110sqm
- 1.2. The proposed layout is linear to follow the canal wharf edge but is slightly irregular in shape as the building follows the plot boundaries at its eastern end, plus a cut back on the western end allowing retention of the historic canal crane as well as canal side views of the listed buildings along Kingston Row. The building arranged internally around two service cores, rising from three storeys at its western end where it is closest to the listed cottages on Kingston Row, to four storeys with mezzanine area at the eastern end.
- 1.3. The ground floor of the building is raised above the lowest level of Kingston Row to provide privacy to the ground floor street facing apartments, and to help with gaining level access to the entrance cores from the sloping street level.
- 1.4. The elevational materials are a simple palette of traditional brick, being a blue brick at ground floor level with red brick above. Windows are set within deep reveals to add depth to the façade, with thin aluminium framed windows within. To the rear street façade circulation cores are articulated as their own opening within the brickwork replaced with metal faced cladding. Simple glass and metal balconies are provided on the canalside elevation, taking advantage of the views over the canal wharf. The roof would be a metal standing seam construction.
- 1.5. To the Kingston Row side of the development the street rises significantly from east to west. At the western end it is proposed to construct a deck area at a level equal

with the street which will form a turning area for service vehicles, together with providing space for a bin store and two accessible car parking spaces managed by the building management company for visitors, residents and deliveries.

1.6. The western end of the site closest to the canal is proposed as a residents amenity area, which will include a mixture of hard and soft landscaping, together with seating and the retention and refurbishment of the historic canal crane as a feature. In addition a bike store with 27 spaces will be provided at the basin level gated courtyard area, in a covered secure area under the service deck.

1.7. In support of the application the following statements have been submitted:-

- Planning Statement
- Alternative Facilities Report July 2017 and Addendum
- Design and Access Statement
- Protected Species Survey Report June 2017 and Addendum
- Heritage Assessment December 2018
- Phase 1 Geo-Environmental Assessment August 2017;
- Highways Statement / Travel Plan September 2017 and Addendum
- Noise Report Revision September 2017;
- Statement of Community Involvement September 2017 and Addendum
- Drainage Report December 2018

1.8. In addition a Viability Statement has been submitted, which seeks to demonstrate that in addition to a CIL contribution of £110,325 the scheme cannot fully support contributions toward affordable housing and public open space improvements. However, the applicant is able to provide 3 affordable units, comprising 2 x 1 beds (46sq m) and 1 x 2 bed (69sq m), as low cost home ownership at a 25% discount on open market value; £30,000 toward reinstatement / refurbishment of the two historic listed cranes; and provision of an electricity supply to the canal boat moorings.

1.9. [Link to Documents](#)

2. Site & Surroundings

2.1. The development site (approximately 0.12 hectares) is located on the south western side of Birmingham City Centre and is accessed via Kingston Row from King Edwards Road and Cambridge Street to the south west. The site lies adjacent to Cambrian Wharf off the Birmingham and Fazeley Canal and is currently occupied by The Flapper Public House.

2.2. Cambrian Wharf includes moorings for about 16 canal boats, including 4 residential moorings. In addition to the listed buildings on Kingston Row there is a listed crane within the western end of the application site, a listed toll house at the top of the lock flight on the opposite side of the canal and a listed footbridge over the top lock at the mouth of the basin. In there is a listed currently in storage that was originally located to the east of the application site.

2.3. The Flapper Public House is a two storey building with a shallow paved terrace overlooking the canal basin and to either side paved areas, one used for outside customer seating. The lower ground floor bar has been altered to a live music venue with boarded-up windows overlooking the canal.

- 2.4. There is no parking with the site, and vehicle access is via Kingston Row, a dead end brick surfaced single lane. This section operates as a shared surface without separate footways. Adjacent to the site, there are bollards at the start of James Brindley Walk, a pedestrian route running alongside the canal basin. Both Kingston Row and James Brindley Walk are adopted highways with parking restrictions. To the west of the site, Kingston Row bends to the south and widens to two lanes. A turning head is provided near to this point along with footways on both sides of the road.
- 2.5. The land use immediately surrounding the site to the west, south and east is residential dwellings. To the west are 2-3 storey residential dwellings on Kingston Row. To the south and east are four tall residential buildings (the nearest being Galton Tower to the south and Norton Tower to the south-east) on Civic Close and Brindley Drive, which are surrounded by large areas of landscaped open area. On the north side of the Birmingham and Fazeley Canal are a series of office buildings off Edward Street, Louisa Street and Scotland Street. The Birmingham Arena lies approximately 150 metres to the south west of the site and is screened from the site by intervening residential buildings.

[Location Plan](#)

3. Planning History

- 3.1. My records suggest that the Flapper Public House (formally the Flapper & Firkin and before that The Longboat) was constructed in the late 1960s / early 1970s. It was considered for listing in February 2018, but not added to the list on the basis of its lack of architectural and historic interest.
- 3.2. Pre 1960's the site accommodated canal side warehouses, which were demolished after the war as part of the redevelopment of the area. The remodelling included the construction of the Cambridge Street tower blocks to the south along with the nearby St. Marks Estate development as new dwellings. James Brindley Walk was also developed as a public space for local residents.
- 3.3. Cambrian Wharf was originally part of a canal arm that led into the city centre. This arm was filled in post-war and the smaller wharf now accommodates residential and visitor moorings for the Canal & River Trust.
- 3.4. More recently in November 2017 a planning application (reference 2017/09150/PA) was submitted for demolition and redevelopment of the site of The Flapper Public House to create a part 12, part 7 and part 5 storey development comprising 66 apartments and a ground floor cafe/restaurant. This application was subsequently withdrawn from the Planning Register by the applicant in May 2018.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers, residents associations, amenity societies, local ward councillors and M.P. notified. Site and Press Notices displayed. The previous application generated significant opposition including a petition objecting to the loss of the Flapper PH with 440 signatories and an online petition with over 12,500 signatories. In addition 480 letters of objection were received. In response to the current revised application 222 letters of objection have been received. The majority of objections relate to loss of The Flapper PH and its redevelopment for housing, with other issues including the impact on heritage assets and canal wharf, impact on residential amenity and canal users, parking and access.

a) Loss of the Flapper PH and Residential Redevelopment

- Part of the attraction of living in a city centre is access to culture, if everything that contributes to a city's culture is pushed out for developments such of these, there would be little left of the vitality and diversity of the city centre
- The proposals would lead to loss of an important independent live music venue, facility for canal users, tourists and community pub facility. The large outdoor area with a canal frontage provides a valuable external summer space in the city centre especially when so few modern flats have dedicated outdoor space. The venue should be considered for the status of asset of community value
- The Flapper PH is a viable business and the proposal would result in the loss of jobs in the local music industry
- Birmingham has lost a number of live music venues and already falls short of other major UK cities for independent music venues. There are few alternative independent small scale professionally equipped soundproofed live music venues of a similar capacity in the City Centre and the alternative live music venues suggested by applicant are either much larger, vastly different in musical style, or far less accessible from the city centre
- The Flapper PH is a long standing popular music venue, which is part of the social history of and adds to the vibrancy of Birmingham. People visit the venue from all over the midlands and its loss would have an impact on the quality of people's lives, social interaction and leisure opportunities. It would also result in the loss a social hub and outlet for creative talent
- It is not sustainable to demolish a perfectly good community facility with a prime canal side location when there are other brownfield sites to develop. The market is flooded with small apartments and in crisis, whereas what is needed is family housing. In addition there are 5 large developments nearby taking place providing better amenities
- Ladywood is one of the most deprived neighbourhoods in Birmingham and the proposal does not help the less wealthy or enhance the community. There is no affordable housing, the viability of the scheme appears fragile and the apartments are likely to be overpriced for young people. The public benefits do not therefore outweigh loss of the Flapper PH

b) Impact on Heritage Assets and Canal Wharf

- Access would be via James Brindley Walk, one of few remaining cobbled historic walkways in Birmingham, which could be damaged by heavy plant. Construction traffic could also damage the foundations of the Grade II listed cottages on Kingston Row
- Although the Flapper PH is not listed it is a good example of late 1960s / early 1970s pub building, that is designed as a low rise building set back

from the canal edge with minimal visual impact on the canal basin and other smaller buildings, such as the old toll booth at the top of Farmer's Bridge Lock. The proposed building would have a significant negative visual impact, obscure / enclose the canal and totally change the attractiveness of the historic Cambrian Wharf

- Whereas the application form refers to 3 and 4 storey, the building would be 5 storeys with a distorted roofspace and the height should be restricted to that of the immediately adjacent properties to maintain the pleasant open aspect and character of the area
- The building footprint does not address the unique shape of the canal inlet. The elevation of the proposed building is ugly, with the elevation facing the listed cottages having no windows, and does not match the existing character of nearby listed buildings
- The basin is a designated site of local importance for nature conservation and the scale of the development would impact on wildlife / nature around the basin
- The crane to the east of the site has been cleared away, after having fallen through lack of repair
- 250 years ago James Brindley built his first Birmingham Canal which terminated at its southern end close to Cambrian Basin. This serviced the Industrial Revolution significantly altering the course of Birmingham's future. If this site is to be developed, it should be a worthy commemoration of Brindley's genius and not merely another block of flats

c) Impact on Residential Amenity and Canal Users

- Whereas the developer is of the view that area is unloved, unused and not especially planned, this was not the opinion of inspectors of the Civic Trust Award scheme, who in 1969, after this whole area had undergone considerable redevelopment issued an award. The current state of the area is due to lack of investment from the City Council and owner of the Flapper PH
- As the site is very constrained construction would be difficult and could cause a nuisance to nearby residents from noise, dust, traffic and damage the adjoining historic buildings. Also plans to use the adjacent open space for a site compound would result in the loss of green space during construction impacting on local residents and canal boat users
- The proposal would lead to loss of views and green space and block public access to the canal. It would also overshadow / overlook green space around Galton and Norton Towers and result in the loss of light and privacy to adjacent residential properties and canal boat moorings
- Proposed apartments would be overshadowed by Norton and Galton towers, making them a poor place to live
- The canal boats have no access to mains services and so require the use of solid fuels for heating and often rely on running their engine to charge

batteries for evening lighting and entertainment. Boats are permitted to run their engines between 0800 hrs and 2000 hrs. Smoke and engine noise could annoy residents of the proposed flats. The development could therefore impact on the canal moorings, which is one of the few 14 days moorings that bring tourists in to the city

- The proposed does not enhance James Brindley Walkway as it would be adjoined by a bin store, turning facility and parking

d) Parking and Access

- Deliveries for construction materials via the narrow single track cobbled walkway would be difficult and cause a nuisance to local residents. Using the canal for construction material is also dubious
- It is unrealistic to expect every resident in the proposed development not to have a car and for the developer to provide parking vouchers in nearby car parks. If residents are to rely on cycling then more cycle parking should be provided
- Lack of parking will lead to occupants seeking to park on the narrow access road, which would cause an obstruction and block access to James Brindley Walk
- The proposed development would add to existing parking pressure on adjacent streets and further illegal parking in the area, especially when there are events at Arena Birmingham or ICC/Symphony Hall
- Access is via a narrow cobbled road with no turning facilities and it cannot be widened or altered. It would need to be used by additional vehicles, including emergency, refuse, deliveries and taxis) leading to traffic chaos. Also vehicles speed along King Edwards Road / Cambridge Street making the junction with Kingston Row dangerous
- Site plan does not show road markings and does not properly represent the movement of pedestrian and vehicles
- Site unsuitable for people with disabilities. In particular, access to the lower basin area is not convenient and not suitable for people with disabilities
- Application form refers to 4 parking spaces but Planning Statement and plans show 3 parking spaces and it is not clear whether the parking bays would be for people with disabilities

Other Matters

- Some of the supporting reports are dated 2017 and relate to the previous development for 66 apartments and are out of date. In addition, the Fleurets report is already six months old. The integrity / accuracy of the reports is also questioned
- Limited time given for residents to comment and residential moorings not consulted

- Reference is made to rainwater harvesting and potential green roof but it is not clear if the developer is committed to this
- The site notice does not reflect the true impact of the development as it does not refer to all the listed cottages in Kingston Row
- Should the application be approved then the CIL contribution should be spent locally
- There is a legal need to increase the availability of open space when permitting new apartments in the City Centre
- During discussions with the residents of Kingston Row, it was considered that the use of copper for the roof and metal panels would tie the development in with the renovation of the Arena Birmingham frontage

4.2. Brumtful Birmingham - concerned for the future of this site is the potential to disrupt the quality of its current excellent Town Planning. Looking further down the flight of locks the danger of over development directly onto the canal banks can be seen in the tunnel/canyon effect that has been created. The site has heritage value in the number of Grade II listed buildings and machinery, and because it was the first area of the canal to be redeveloped in Birmingham, recognised by the Civic Award it received. The Flapper has unfortunately undergone a number of phases of redevelopment that have taken something away from the original design. The quality of the materials are good and it remains an interesting and carefully designed building that subtly reflects its canal side location. In our opinion it could be worthy of local listing for these reasons and because it was the first of the new purpose designed waterside pubs to be built in England.

4.3. Inland Waterways Association - the Flapper Public House provides an important community and entertainment venue for the area and adds significantly to the ambience and convenience of the canal environment. For visiting boaters ascending the Farmers Bridge locks, this area and The Flapper provide a first welcome to the city and its central canal environment. As such, it is important to display an indication of the many entertainment, eating and drinking facilities surrounding the central canal area. This application replaces such a welcome with a purely residential environment and so diminishes the current welcome to the city centre.

4.4. Music Venue Trust - the proposed development would be contrary to paragraph 92 of the NPPF, which seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It would also be contrary to the Birmingham Development Plan – 2017 Policy TP25 which seeks to protect and promote smaller scale venues and TP24 which encourages and supports a diverse range of facilities and uses in centres. They argue that:-

- there is no evidence that the loss of The Flapper as a pub and music venue is necessary to meet the housing targets of the development plan;
- the loss of music venues is a UK wide issue and justifying the loss of one venue on the basis that there might be others in the same city provides no justification what so ever;

- the comparison of The Flapper with the other premises within the City ignores the diversity of premises that is needed to sustain the overall cultural contribution of music venues. Premises; and,
 - the alternative premises do not perform the same function as The Flapper due both to their sizes and capacity as well as their programming choices which are materially different to those of The Flapper, a grassroots music venue.
- 4.5. BCC Transportation – no objection subject to conditions to ensure that cycle and car parking spaces are provided prior to the building being occupied and a 'Demolition and Construction Management Plan' is provided prior to any works taking place on the site.
- 4.6. BCC Regulatory Services – the site is generally surrounded by residential uses so noise from the NIA is unlikely to be an issue. Suggest conditions to secure a scheme of noise insulation, a contamination remediation scheme and contaminated land verification report. Future residents of the proposed development could be disturbed by noise from the continuous operation of the engine of a canal boat (ie for several hours). As to mitigation they suggest making provision for an electricity supply, which would remove the need for the continuous operation of an engine or generator.
- 4.7. BCC School Organisation Team - request a contribution of £96,872.11 for the provision of places at local schools.
- 4.8. Canal and Rivers Trust – the previous application for redevelopment of this site would have had a far greater impact on the canal basin and network than the current proposal. There remain some important matters of detail, which could if necessary be conditioned, with regarding
- land stability and Construction
 - foul and surface water drainage
 - building materials
 - hard and soft landscaping
 - external lighting
 - signage / wayfinding
 - provision of an electricity supply to the canal basin
- 4.9. Historic England – do not need to be notified of the application.
- 4.10. Severn Trent Water - have no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.11. Local Lead Flood Authority – no objections subject to sustainable drainage conditions.
- 4.12. West Midlands Fire Service – no adverse comments.
5. Policy Context
- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan (saved policies) 2005; Places for All SPG, Places for Living SPG,; Affordable Housing SPG; Public Open Space in New Residential Development SPD; Car Parking Guidelines

SPD; Access for People with Disabilities SPD and National Planning Policy Framework.

- 5.2. There are also Development Control Policies – DC12 Development Involving Former Public Houses and DC17 Residential Moorings, and Environmental, Design and Landscape Guidelines - ENV3 City Centre Canal Corridor Development Framework and ENV4 Birmingham Canals Action Plan.
- 5.3. Along this section of canal, there is a listed cranes within the application site. Kingston Row to the west, listed Grade II, is a terrace of Georgian style houses, dating from 1730 to 1780 associated with the opening of the Fazeley & Birmingham Canal to the north. Other listed buildings in the vicinity include the Canal Toll Office at Farmer's Bridge Lock, and the Roving Bridge over the Birmingham/Wolverhampton line immediately west of Fazeley Junction, both Grade II Listed.

6. Planning Considerations

Land Use Policy and Loss of the Flapper Public House

- 6.1. The application site is located in the City Centre Growth Area (BDP policy GA1) and specifically within the Westside wider area of change (GA1.2) and Westside and Ladywood Quarter (GA1.3).
- 6.2. The objectives for the Westside and Ladywood Quarter is set out in GA1.3 as: "Creating a vibrant mixed use area combining the visitor, cultural, commercial and residential offer into a dynamic well connected area, which supports development in the Greater Icknield Growth Area". GA1.2 states commercial led mixed use developments will be supported in the Westside wider area of change. In the context of these policies. I consider the proposed residential use to be acceptable in principle, however, the proposed development would result in the loss of the Flapper Public House, a bar and live music venue.
- 6.3. Policy TP25 of the BDP advises that proposals that reinforce and promote Birmingham's role as a centre for tourism, culture and events will be supported. It adds that this will include supporting smaller scale venues that are an important element of creating a diverse offer. Policy TP24 adds that a diverse range of uses including leisure, pubs, bars, community uses and cultural facilities will be encouraged and supported, to meet people's day to day needs. In addition, Policy TP28 states new residential development should be: outside flood zones 2 and 3a; adequately serviced accessible; capable of remediation; sympathetic to historic, cultural and natural assets and not conflict with any other specific policies in the BDP.
- 6.4. At a national level the revised NPPF advises at paragraph 92 that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 6.5. As per UDP saved policy DC12 and the Planning Guidelines for Development Involving Public Houses, applicants must demonstrate that there are alternative public houses to meet the needs of the local population.
- 6.6. A report and addendum on the Provision of Alternative Public Houses and Music Venues has been submitted by the applicant. It notes that the currently adopted trading style provides for a drinker's bar at upper ground floor level with the lower

ground bar used as for live rock music (with a capacity of 120 people), with performances focussed on Friday and Saturday evenings.

- 6.7. The report reviews alternative public houses, comparable to, and in the vicinity of, the Flapper and concludes “that its loss as a public house is not reasonably considered to be materially detrimental to the overall supply and choice of traditional public house amenities accessible to the local resident community” and therefore “the public house amenities enjoyed by the local community will not be materially diminished by the subject development proposal”. I concur with this Report as there are several other traditional public houses in the vicinity, including canalside pubs at the Malt House, Tap and Spile, the Canal House and The Distillery.
- 6.8. In terms of the live music element, the addendum report notes that the established custom for performances is more than local and so a review has been undertaken of live music venues in and around Birmingham’s City Centre and suburbs. This part of the review concludes that the live music facilities (stage and house pa) presently provided by the Flapper can be adequately provided by currently available alternative facilities. These include:-
- Actress and Bishop, Jewellery Quarter
 - Asylum Bar, Jewellery Quarter
 - Jam House, Jewellery Quarter
 - Mama Roux’s, Digbeth
 - O2 Academy, City Centre
 - Scruffy Murphy’s, City Centre
 - Sunflower Lounge, City Centre
 - The O2 Institute, Digbeth
 - Victoria, City Centre,
 - Wagon & Horses, Digbeth
 - Castle & Falcon, Balsall Heath
 - Dark Horse, Moseley
 - Hare & Hounds, King’s Heath
 - Prince of Wales, City Centre
- 6.9. More recently, in July 2019, the applicant reviewed the alternative and identified 8 further live music venues:-
- Glee Club, The Arcadian
 - The Mill, Digbeth
 - Digbeth Arena
 - Route 44, Acocks Green
 - White Horse, Acocks Green
 - Subside Bar, Digbeth
 - Centrala, MinervaWorks, Digbeth
 - Boxxed, Floodgate Street, Digbeth
- 6.10. However, the Castle & Falcon, Dark Horse, Hare & Hounds Route 44 and White Horse are all outside the City Centre; the O2 Academy, O2 Institute, Asylum, The Mill and Digbeth Arena are much larger venues (although they may have smaller rooms available); the Jam House, Prince of Wales, Glee Club, Boxxed and Centrala are a different music genre; and, the Wagon & Horses only holds a limited number of events.

- 6.11. Of the 22 venues identified, there are 6 realistic alternatives - the Actress & Bishop, Scruffy Murphy's, Sunflower Lounge, Mama Roux's, Victoria and Subside Bar. These venues are genuine alternatives as they provide a similar live music function to the Flapper, are of a similar size and similar music genre. I am therefore of the view that there are suitable alternative live music venues that would meet the diverse range of people's needs.
- 6.12. The scheme has generated significant local opposition and there is clearly substantial support for the Flapper, not only as a local community facility but also a live music venue for the wider area. Redevelopment of this site would lead to the loss of a canal side public house and small scale live music, which operates as a viable business. However, given that there are a number of alternative bars / live music venues, I do not consider that loss of the Flapper would significantly diminish the diversity of offer within the City Centre, or people's day to day needs. I do not therefore consider that the proposal is contrary to the revised NPPF, Birmingham Development Plan or saved policy DC12 and the Planning Guidelines for Development Involving Public Houses.

Residential Need and Quality of Accommodation

- 6.13. By 2031 Birmingham's population will increase by 156,000 people resulting in a housing need of 89,000 additional homes. The provision of a sufficient quality and quantity of housing to meet the City's growing population is therefore a central part of the strategy of the Birmingham Development Plan (BDP). It is not possible to deliver all of this additional housing within the City boundary, reflecting limited land supply. The BDP provides for 51,100 additional homes over the plan period, with the shortfall of 37,900 homes to be met by other authorities in the Greater Birmingham and Black Country Housing Market Area through the duty to co-operate. (Policy PG1 Overall Levels of Growth). PG1 does not set a ceiling for growth. Paragraph 8.13 of the explanatory text to Policy TP29 'Housing Trajectory' states that: "Whilst the trajectory sets out annual provision rates, they are not ceilings. Housing over and above that set out in the trajectory will be facilitated wherever possible".
- 6.14. BDP Policy TP27 Sustainable Neighbourhoods requires that new housing development is provided in the context of creating sustainable neighbourhoods, which contain a mix of dwellings types, sizes and tenures. Policy TP30 Housing Mix states that proposals for new housing should seek to deliver a range of dwellings to meet local needs and account will be taken of the Strategic Housing Market Assessment which sets out the appropriate proportionate city-wide housing mix.
- 6.15. The BDP strategy seeks to ensure that new housing provision is made in the context of creating sustainable neighbourhoods characterised by a choice of housing, access to facilities, convenient sustainable transport options, high design quality and environmental sustainability, and attractive, safe and multifunctional public spaces. The strategy also seeks to make the most effective use of land ensuring target densities of at least 100 dwellings per hectare in the city centre.
- 6.16. When assessed against the Strategic Housing Market Assessment, which is City wide, there is a potential projected oversupply of 1 and 2 bed dwellings and an undersupply of 3 and 4 bed dwellings. This is skewed by the high percentage of apartments under construction or consented in the City Centre.
- 6.17. Whilst a high proportion of apartments can be expected in the city centre it is important that the scale of provision proposed for any individual dwelling type and size is not so great so as to impact on the ability to create sustainable communities.

- 6.18. The scheme includes a mix of apartments including, some larger 3 bedroom apartments. The larger apartments in particular will enable the scheme to make a positive contribution to addressing the identified need for comparatively larger units in the city and support the creation of mixed and balanced communities.
- 6.19. Although the City Council has not adopted the Technical housing standards - nationally described space standard (NDS) it provides a reasonable yardstick against which to assess the proposed apartments. In summary when assessed against these standards:-
- all 1 bedroom 1 person apartments comply with the minimum standard of 39sqm
 - 3 x 2 bedroom 3 person apartments comply with the minimum standard of 61sqm, but 3 apartments fall short at 59sqm
 - 2 x 2 bedroom 4 person apartments comply with the minimum standard of 70sqm but 8 apartments fall short at 69sqm
 - all 3 bedroom 4 person apartments comply with the minimum standard of 74sqm
 - the 3 bedroom 6 person apartment complies with the minimum standard of 102sqm
- 6.20. There are no studio apartments and all 1 bedroom apartments are well above the minimum guidelines. Although 11 of the 2 bedroom apartments do not meet the minimum guidelines, the shortfall is by no more than 2sqm and furniture layouts have been submitted to show that they can function satisfactorily. In addition, all the upper floor apartments have a balcony providing an outdoor amenity space. On balance, I therefore consider that the size and layout of the apartments is satisfactory.
- 6.21. Future residents of the proposed development could be disturbed by noise from the continuous operation of the engine of a canal boat (ie for several hours). Depending on the weather conditions fumes from the engine and any solid fuel device could be an issue. Within Birmingham smokeless fuel should be used in an approved combustion device – however even if this guidance is followed it is possible the residents may be disturbed by the odour (even if there is no dark smoke). It is likely that the current situation will have an adverse impact on the amenity of the local residents. As to mitigation, as suggested by the Canal and River Trust it is proposed to make provision for an electricity supply which would remove the need for the continuous operation of an engine or generator. This would need to be secured through a S106 legal agreement. Subject to such an agreement and safeguarding conditions, I am of the view that the proposed apartments would provide a reasonable standard of living.

Building Design

- 6.22. As detailed within Places for Living, architectural responses must be informed by the character of the surrounding area, applying designs that reinforce and evolve character. Sited at Cambrian Wharf, development of the Flapper site must apply a high quality architectural form that utilises and enhances the canal side; whilst acknowledging the character of the built form enclosing the Wharf.
- 6.23. The proposed development has been designed with a number of historical led influences, focused upon canal side heritage and referencing the former canal warehousing, which once occupied the site and immediate environs.

- 6.24. Materials – the elevational materials are of traditional brick, being a blue brick at ground floor level with red brick above, whilst the roof would be a metal standing seam construction. Windows are set within deep reveals with thin aluminium framed windows within. To the rear street façade circulation cores are articulated with metal faced cladding. The simple palette of traditional building materials reflects the historic character of the area.
- 6.25. Façade – the form of the elevations is based on traditional canalside warehouse buildings, but is a contemporary interpretation of these rather than a pastiche. This is reflected in the varying height roof pitches and gables, and in the large window openings, which are stacked above one another as traditional loading bays would have been. The façade includes deep window reveals, glass and metal balconies and Juliet balconies, which add depth, variation, texture and interest to the facades.
- 6.26. Views / 360 degree – the proposed layout follows the back of the wharf edge reflecting the character of typical canal side developments. The proposed building footprint is largely linear, but is slightly irregular in shape as the building follows the plot boundaries at its eastern end, plus a cut back on the western end to ensure views are maintained from the historic listed cottages on Kingston Row over the wharf, and equally views from the wharf of the same cottages. The building rises from three storeys at its western end where it is closest to the listed cottages, to four storeys at the eastern end. The four storey element introduces a mezzanine area within the apartments to create a greater variation in height and elevational interest.
- 6.27. Animation / engagement with the canal – with the building being set parallel with the canalside, this opens up the Kingston Row street somewhat, allowing more light and a more open appearance which will result in it feeling more open and accessible. The addition of apartments and an active frontage overlooking the street will greatly improve safety along this section of Kingston Row. The ground floor of the building is raised above the lowest level of Kingston Row in order to provide privacy to the ground floor street facing apartments, and to help with gaining level access to the entrance cores from the sloping street level. Simple glass and metal balconies are provided on the canalside elevation, taking advantage of the views over the canal wharf and providing private external amenity space to residents. At the western end of the site closest to the canal is proposed as a residents amenity area, which will include a mixture of hard and soft landscaping, together with seating and the retention and refurbishment of the historic canal crane as a feature.
- 6.28. Overall, I consider that subject to safeguarding proposed building is acceptable. The design of the proposed three and four storey building, references traditional canal side warehousing. The roofline is comprised of varying pitches, arranged as gable ends facing out onto the canal. The proposed brick fabric also reflects former canal side architecture, as does the fenestration with large simple window openings in a stacked arrangement. The proposed development includes for balconies, but with a simple glass and metal design, which helps to retain a more industrial feel to the structure.

Impact on Heritage Assets

- 6.29. The BDP 2017 seek to create positive places with local distinctiveness that respond to existing characteristics and enhance the natural, social and physical environment. Policy PG3 advises that new development will be expected to demonstrate high design quality, contributing to a strong sense of place. In terms of the historic environment, Policy TP12 states that the historic environment 'will be valued, protected, enhanced and managed for its contribution to character, local

distinctiveness and sustainability and the Council will seek to manage new development in ways which will make a positive contribution to its character.' It adds that 'The historic importance of canals is acknowledged, and important groups of canal buildings and features will be protected, especially where they are listed or in a Conservation Area. Where appropriate the enhancement of canals and their settings will be secured through development proposals.' Policy TP28 also requires new residential development to be sympathetic to historic, cultural or natural assets, Whilst Policy TP30 states that in assessing new residential development full consideration will need to be given to the site and its context.

- 6.30. Saved policy 3.14D of the UDP (2005) also reinforce good design principles. SPD 'Places for Living' and SPD 'Places For All' both require new development to respond to local character, and set out principles for good design.
- 6.31. At a national level the NPPF para 193, states that great weight should be given to the conservation of heritage assets. Paragraph 200 adds that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.32. The basin at the top of the Farmers Bridge Lock flight is Cambrian Wharf with the element at the south-eastern end sometimes separately known as Crescent Wharf. The basin is a non designated heritage asset, which has designated heritage assets around it. These a listed crane on the south bank within the western end of the application site, a listed toll house at the top of the lock flight and a listed footbridge over the top lock at the mouth of the basin, all within the visual setting of the site and the basin. The basin sits in a stretch of canal characterised by low-medium rise development of not more than four storeys, with significantly taller urban development set back from the water and thus with much less visual impact. Thus, the character of the setting of this stretch of canal is spacious and low density. The existing building on the application site is no more than three storeys and as such contributes to this low scale open character.
- 6.33. The Flapper PH, built in the 1970's, was considered for listing in February 2018 and was not added to the list on the basis of its lack of architectural and historic interest. Its demolition would not therefore result in any adverse heritage impacts. A full setting assessment was undertaken in order to identify any potential effects on the significance of heritage assets as a result of changes to their settings. This assessment has identified that the proposed development will result in a small positive effect on the significance of:
 - the Grade II listed Cranes;
 - the Grade II listed Kingston Row Cottages immediately west of the Site; and
 - the non-designated Birmingham and Fazeley Canal.
- 6.34. In each instance, it is concluded that the heritage led design measures incorporated into the designs of the proposed development would provide a small enhancement to the legibility of the former industrial heritage of the canal side in this part of the City. The City Council's Conservation Officer has reviewed the application and has commented that:-

"I raise no objection to the application. Cotswold Archaeology have authored a Heritage Statement (December 2018). The statement is sound in its conclusions, which I can broadly concur with. The existing building is of no merit and its loss can be tolerated. The proposed building has carefully considered its location, scale and form. By placing it on the wharf edge itself it takes on the typical siting of buildings along this southern side of the canal directly on the canal edge. A photograph of the building that once occupied this site is provided in the heritage statement and justifies the approach taken. The form of the building with its saw-toothed roof speaks also of canal wharf buildings and allows the structure to respectfully slope down to the listed houses in Kingston Row.

The heritage statement soundly awards values to the surrounding listed buildings and explores the extent of their setting. The statement concludes that the development contributes positively to the setting of these listed buildings and I would consider this an accurate position as currently the setting of these buildings is disparate and only has the canal itself as a sound piece of townscape forming a continuous theme tying them together. This imaginative and responsive building will positively benefit the area over the existing buildings deleterious impact."

- 6.35. Whilst I note the objections of Brumfitt Birmingham and local residents, I consider that the proposed development would not have a harmful impact on the setting of nearby listed buildings or the character of the historic wharf. As recommended by the Canal and River Trust, safeguarding conditions are attached. In addition, the applicant has set aside £30,000 to refurbish the existing Grade II listed crane within the application and reinstate and refurbish the Grade II listed crane located to the east of the Site. These works would be secured via the S106 legal agreement.

Impact on Adjoining Residents

- 6.36. Canal Boat Moorings - Places for Living sets out distance separation standards for conventional dwellings but I consider that the objective behind the standards – to protect privacy and amenity - can also apply to residential moorings. Within the canal basin there are moorings for about 16 canal boats, of which 4 are residential moorings. With the comings and goings of passers-by along the towpath, a canal boat does not afford the same level of privacy as a conventional dwelling. Furthermore the angle of view from an apartment block down into a canal boat is likely to be restricted.
- 6.37. The orientation of the proposed building is such that it would cast a shadow over the canal basin for part of the day, however, given the modest 3 and 4 storey scale of the development, I do not consider that it would unduly dominate the canal basin.
- 6.38. Kingston Row - to the west of the application site is Kingston Row, a terrace of 2 storey houses with gardens adjoining the development site. There are no windows within the west elevation end gable wall of the proposed building that would overlook Kingston Row. Furthermore windows within the north and south elevations of the proposed development would only have limited oblique views of Kingston Row. I do not therefore consider that the proposed development would overlook the listed cottages.
- 6.39. In addition, the distance separation between the rear windowed elevation of the closest property in Kingston Row to the 3 storey flank wall of the proposed building would be 16m. By comparison the existing Flapper PH is 20m from the rear of

houses in Kingston Row, and 2/3 storeys. Although the proposed building would be closer and higher than the existing PH, the distance separation would comply with the minimum distance separation of 15.5m as set out in Places for Living SPG. I do not therefore consider that the proposed development would significantly adversely affect the amenities of Kingston Row by reason of loss of light or be overbearing.

- 6.40. Civic Close and Tower Blocks - Civic Close, Galton and Norton Towers are sited 20m, 23m (at it nearest point) and 38m, respectively from the proposed building. They are to the south and south east of the application site on ground about 3m higher. Given the orientation and distance between them and the proposed development I do not consider that they would be significantly adversely affected by loss of light or be overshadowed.
- 6.41. There are kitchen windows within the north facing elevation of Galton Tower at a distance of about 25m from the proposed development. However, the proposed development is offset and angled away from Galton Tower, such that I do not consider that there would be a significant loss of privacy or outlook to these kitchen windows. The main west facing windows of Norton Tower would have a full view of the proposed development, whilst the main west facing windows of Galton Tower would only have an oblique view. The distance separation between the these windows and the proposed development would be 38m and 30m (when measured at 45% to the building) respectively, which is greater than the minimum 27.5m distance separation guideline set out in Places for Living. The east / west main windowed elevations of Civic Close do not face the proposed development. I do not therefore consider that they would be adversely affected by loss of privacy or outlook.

Transportation Issues

- 6.42. The application seeks to provide a residential block with 27 apartments. The existing use on the site is a public house. The supporting Transport Statement notes a similar level of servicing activity which currently takes place from Kingston Row which is a narrow shared use public highway linking to King Edwards Road. The plans show two defined disabled parking spaces and a service deck including bin stores. Cycle parking is also proposed below the service deck. Once residents move in the initial higher levels of servicing for furniture deliveries would subside.
- 6.43. The low level of car parking is noted but as the site is in the City Centre all surrounding roads are subject to parking controls and the site is reasonably close to all public transport facilities. BCC Transportation have therefore raised no objections subject to safeguarding conditions. In particular, as the site is so constrained with limited access to the public highway a condition is suggested to secure a Construction Management Plan to enable existing residents and servicing to continue with limited impacts as a result of the development.
- 6.44. Whilst I appreciate the concerns of local residents, I do not consider that refusal could be justified on grounds of limited access or inadequate car parking. Moreover, the Fire Service have raised no objections to the application.

Sustainability

- 6.45. The BDP supports the Council's commitment to a 60% reduction in total carbon dioxide (CO₂) emissions produced in the city by 2027 from 1990 levels (Policy TP1) and a number of policies in the plan seek to contribute to achieving this: Policy TP2 (Adapting to climate change) requires residential schemes to demonstrate ways in which overheating is minimised; Policy TP3 (Sustainable construction) sets out a

number of criteria which should be considered to demonstrate sustainable construction and design; TP4 requires new development to incorporate low and zero carbon forms of energy generation, unless it is unviable to do so, and; TP6 requires a Sustainable Drainage Assessment and Operation and Maintenance Plan for all major developments.

- 6.46. The scheme seeks to achieve high levels of energy efficiency based upon a 'Fabric First' philosophy. This requires very high levels of insulation with the aim of minimizing demands on energy resources. The use of low carbon energy systems will also be investigated.
- 6.47. Modern methods of construction are being actively investigated as a means of reducing construction waste, increasing energy efficiency and the quality of the finished buildings, as well as minimising the number of deliveries during construction. Materials will be sourced locally and regionally wherever possible so as to reduce delivery miles and reinvest money into the local economy. The use of the canals is being explored as an option for the delivery of goods and materials, and removal of waste during the construction phase.
- 6.48. Turning to drainage, the Environment Agency flood maps show that the whole site is located within the Flood Zone 1; the area where there is less than a 1 in 1000 year (0.1%) chance of flooding from rivers in any one year. A Drainage Survey has been carried out which shows that storm and foul water from the site outfall into the public combined sewer to the south. Severn Trent Water and the Local Lead Flood Authority have raised no objection and conditions are attached to secure suitable drainage scheme.

Ecology

- 6.49. Whilst the protected species survey found no evidence of bats, the sites location next to the canal means that the development still holds the potential to impact on bat activity. The site sits within the Site of Local Importance for Nature Conservation (SLINC) Area: Birmingham and Fazeley Canal .Canal corridors serve as key foraging and commuting routes for bats, which are at risk of being disrupted if appropriate measures are not taken to reduce the light spillage on to the canal. A condition is therefore attached to secure a lighting strategy
- 6.50. The redevelopment of this site provides the opportunity to enhance the ecological value of the area and provide a biodiversity net gain. To achieve this, a condition is attached to secure ecological enhancement strategy the site. An informative for nesting birds is also attached, to ensure that the site is cleared in an appropriate manner so as not to harm any nesting birds that may nest between approval and demolition.

Affordable Housing and Community Infrastructure Levy

- 6.51. Given the number of apartments the City Councils policies for Affordable Housing and Public Open Space in New Residential Development apply. The applicant is not able to provide any affordable housing or off-site public open space contribution and has submitted a financial appraisal to justify this. The Viability Statement has been independently assessed by the City Council's assessor, who considers that in addition to the CIL payment of £110,325, the scheme can sustain 3 affordable units, comprising as low cost home ownership at a 25% discount on open market value.

- 6.52. BCC Education have requested a contribution towards the school places, however, school places are funded through CIL payments.

Procedural Matters

- 6.53. To accompany the planning application various supporting documents have been submitted, some of which were prepared for the 2017 planning application. Where necessary updated reports and / or addendums have been submitted.
- 6.54. Extensive public participation has been undertaken on the planning application, over and above the minimum legal requirement. Furthermore, I consider that the site notice, which refers to the nearest listed buildings, rather than all the listed building in the locality, is sound. I therefore consider that there has been adequate consultation with local residents on the scheme.

7. Conclusion

- 7.1. Significant opposition has been generated against loss of the Flapper PH, however, the applicant has submitted information to demonstrate that there are suitable alternative venues. I do not therefore consider that loss of the Flapper would significantly diminish the diversity of offer within the City Centre, or peoples day to day needs.
- 7.2. The scheme would provide new residential development in a sustainable location. In addition, the three and four storey scale of the proposed building is acceptable and the building is well designed with references taken from traditional canal side warehousing. Moreover, I consider that the proposal will result in a small positive effect on the significance on nearby heritage assets.
- 7.3. I note the concerns of local residents about access and parking, however, BCC Transportation Development have raised no objections subject to safeguarding condition. In particular, as the site is so constrained with limited access to the public highway a condition is suggested to secure a Construction Management Plan to enable existing residents and servicing to continue with limited impacts as a result of the development. Following construction the proposed development would likely have less of an impact on residential amenity than the existing public house.
- 7.4. I therefore consider that the application is in broad conformity to national and local planning policy and acceptable subject to safeguarding conditions and a legal agreement.

8. Recommendation

- 8.1. That consideration of application 2018/08647/PA be deferred pending the completion of a suitable legal agreement to secure the following:-
- i. Affordable housing 3 affordable units, comprising 2 x 1 beds (46sq m) and 1 x 2 bed (69sq m), as low cost home ownership at a 25% discount on open market value;
 - ii. Refurbishment of the Grade II listed Crane situated within the Site reinstatement and refurbishment of the second Grade II listed crane located to the east of the Site, up to a maximum cost of £30,000

- iii. Provision of an electrical power supply to the pontoons in the basin via the development site, and installation of such bollards to enable electric hook up to canal boats; and,
 - iv. A financial contribution of £1,500 for administration and monitoring to be paid upon completion of the legal agreement
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority within 28 days of the date of this resolution planning permission be REFUSED for the following reasons:-
- i. In the absence of a suitable legal agreement to secure affordable housing the proposal would be contrary to TP31 of the Birmingham Development Plan and Revised National Planning Policy Framework;
 - ii. In the absence of a suitable legal agreement to secure reinstatement and refurbishment of two Grade II listed cranes the development would be contrary to Policy TP12 of the Birmingham Development Plan and Revised National Planning Policy Framework
 - iii. In the absence of a suitable legal agreement to secure an electrical power supply to the canal boat moorings the proposal would be contrary to Policy TP28 of the Birmingham Development Plan and Revised National Planning Policy Framework
- 8.3. That the Chief Solicitor be authorised to prepare, seal and complete the legal agreement.
- 8.4. That in the event of the legal agreement being completed to the satisfaction of the Local Planning Authority by within 28 days of the date of this resolution, favourable consideration be given to this application, subject to the conditions listed below.

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|---|--|
| 1 | Requires the prior submission of a programme of archaeological work |
| 2 | Requires the prior submission of a contamination remediation scheme |
| 3 | Requires the submission of a contaminated land verification report |
| 4 | Requires the prior submission of a sustainable drainage scheme |
| 5 | Requires the prior submission of a drainage scheme |
| 6 | Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 7 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 8 | Requires the submission a Noise Insulation Scheme to establish residential acoustic protection |
| 9 | Requires the submission of boundary treatment details |
-

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- 10 Requires the submission fo architectural details
 - 11 Requires the submission of sample materials
 - 12 Requires the submission of hard and/or soft landscape details
 - 13 Requires the submission of a lighting scheme
 - 14 Requires the submission of a landscape management plan
 - 15 Requires the prior submission of a construction method statement/management plan
 - 16 Requires the prior submission of a construction method statement/management plan to safeguard the canal basin
 - 17 Requires the submission of details of refuse storage
 - 18 Requires the submission of signage and wayfinding
 - 19 Requires the submission of cycle storage details
 - 20 Requires the scheme to be in accordance with the listed approved plans
 - 21 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)

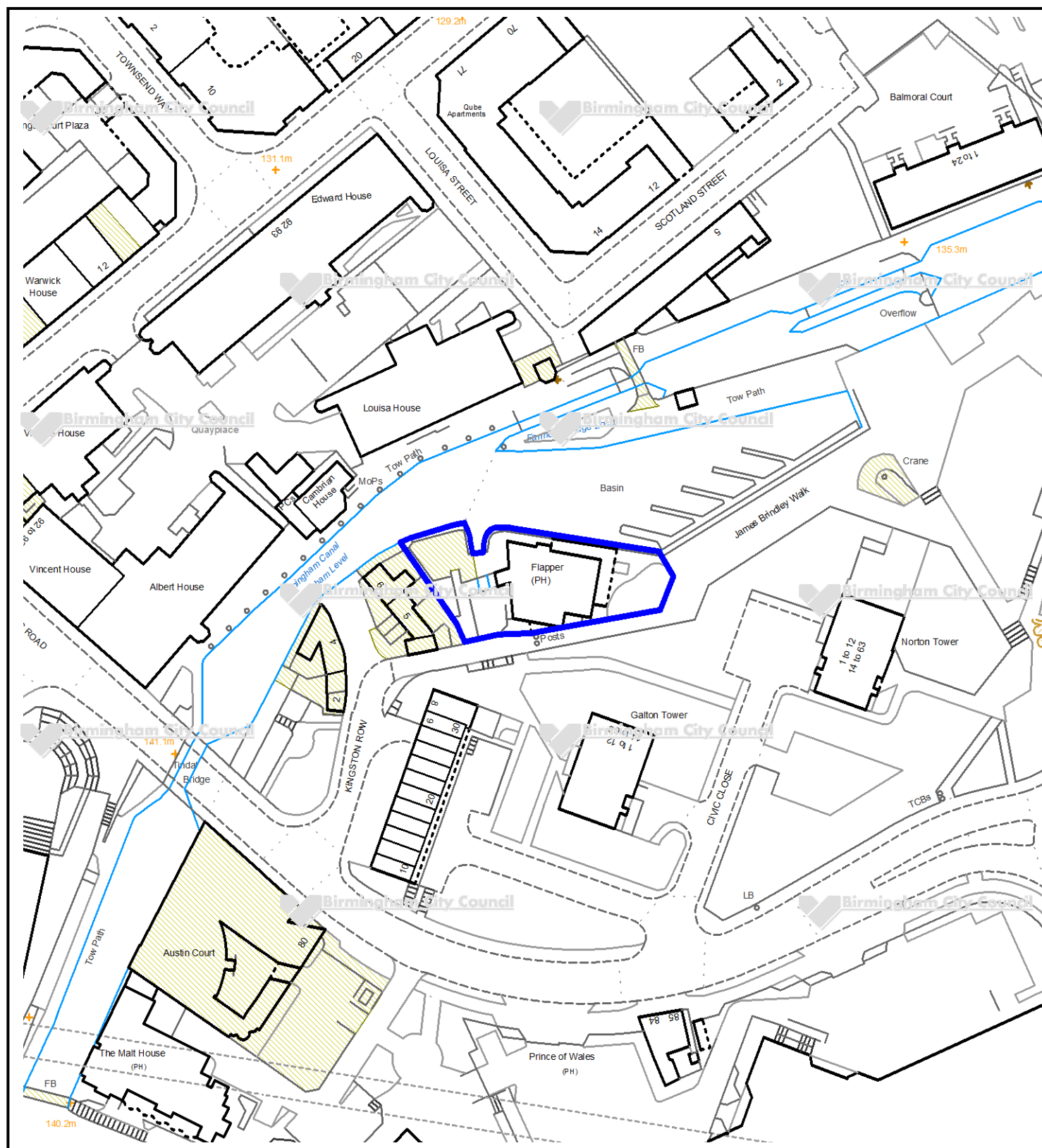


View of the Flapper PH from Cambrian Wharf



View of the Flapper PH along Kingston Row

Location Plan



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Report back following Site Visit 31 October 2019

Committee Date:	24/10/2019	Application Number:	2018/04882/PA
Accepted:	13/06/2018	Application Type:	Full Planning
Target Date:	20/12/2019		
Ward:	Soho & Jewellery Quarter		

Land fronting Northwood Street, James Street, Graham Street, Brook Street, Newhall Street and Regent Place (premises currently occupied by AE Harris & Baker & Finnemore), Jewellery Quarter, Birmingham,

Partial demolition of buildings, change of use of retained buildings at 109, 123 & 128 Northwood Street from B2 to A1-A4, B1 and C3 uses, change of use of retained building at 199 Newhall Street from B2 to B1, conversion and erection of new buildings to provide 305 one, two and three bed apartments and 9,132 sqm of non-residential floorspace for A1-A5, B1 & D2 uses 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 1.5ha within the Jewellery Quarter Conservation Area occupied by a range of modern and traditional industrial buildings. These are largely used as the business premises of two engineering companies namely AE Harris and Baker and Finnemore. The application proposes to redevelop the site to provide a mixed use development of 305 apartments (18,384 sq.m) and 9,132 sq.m (NIA) of commercial floor space with associated parking, and new areas of public realm.
- 1.2 The proposals have been revised since an issues report was considered at the planning committee meeting on 3 January 2019. At that stage the application proposed 320 apartments and 8,136 sq.m (NIA) of commercial floor space. Since then a number of meetings have been held with the applicants and amendments made to the application to address issues raised by committee members. The changes made to the application include:-
- An improved split between the residential and commercial floor space so that 18,384 sq.m (67%) would now be for residential purposes and 9,132 sq.m (33%) would be for commercial uses.
 - Building heights have been revised on the Regent Place frontage to remove the fifth storey.
 - The overall heights of Buildings E (fronting Northwood Street) and N (fronting Graham Street) have been reduced
 - Design changes have been made to several buildings to provide more variety to the roofscape and fenestration treatment.
 - The white coloured materials previously proposed have been replaced with orange brick and terracotta for Building E and green bricks for the corner section of Building L.

The current proposals are described below:-

Demolition

- 1.3 The application proposes the demolition of most of the existing structures on the site, which comprise of a group of traditional and modern industrial buildings. Four buildings which have been identified as having historic merit would be retained. These comprise the two listed buildings on the site at 109 Northwood Street and 199 Newhall Street, apart from modern extensions attached to both, which would be demolished. The two other buildings that would be retained are traditional workshop ranges at 123 Northwood Street and to the rear 128 Northwood Street.

Mix

- 1.4 The proposed development would provide a total of 27,516 sq.m of net internal floor space of which 18,384 sq.m - 67% (305 Units) would be for residential and 9,132 sq.m 33% would be for commercial uses with the following mix:-
- 110 (36%) -1 bed x 1 person apartments
 - 55 (18%) -1 bed x 2 person apartments
 - 54 (18%) - 2 bed x 3 person apartments
 - 59 (19%) - 2 bed x 4 person apartments
 - 27 (9%) – 3 bed apartments
 - 9,132 sq.m of commercial workspace for B1, A1-A5 and D2 Uses
 - 42 car parking spaces
 - 272 cycle spaces
 - 3052 sq.m of public realm and 4,075sq.m of private amenity space.
- 1.5 The commercial units would generally be provided at ground floor level on the main street frontages and have sizes ranging from 48 - 1,050 sq.m. The accommodation schedule and drawings shows the 9,132 sq.m split to provide 4,934 sq.m of retail floor space, 3,548 sq.m of B1 floor space and 650 sq.m for D2 use. The upper floors would provide apartments apart from buildings H and M which would be entirely residential and buildings G, Q and R would be entirely for commercial use including the two listed buildings on Northwood Street.
- 1.6 No specific floor space is shown as affordable dwellings or affordable workspace; however the applicants have provided a financial appraisal which offers a financial contribution which could be used for off-site provision, on site affordable workspace and/or discounted market sale dwellings or a combination of the two. The Section 106 offer is explained further in Paragraph 1.23 below.

Layout

- 1.7 The proposed layout has been arranged so that there would be new or retained buildings occupying the main street frontages to the site including Graham Street, Newhall Street/Brook Street, James Street, Regent Place and both sides of Northwood Street. Currently the section of Northwood Street that runs east-west through the centre of site is privately owned and gated and the proposals would reinstate this as a shared surfaced public route predominantly for pedestrians but also for emergency and service vehicles. In addition a new north – south pedestrian route is proposed between Newhall Street and Regent Place. This route would also be fronted by new buildings and, in order to address a considerable change in levels across the site would include steps and a public lift. A further area of public realm is proposed within the site to the rear of the Graham Street frontage buildings and

adjacent to the new north – south route. This is to be an event square associated with the proposed new commercial uses.

- 1.8 The existing road pattern would be retained but in order to reinstate gaps in the street frontages and replace the demolished structures a range of new buildings are proposed. These are shown as A-Q and incorporate the retained structures as well as the new buildings. Some of these would be subdivided further so that the development would appear as 20 individual buildings. The new buildings generally have heights generally between 4 and 5 storeys and the retained buildings have heights of 2 and 3 storeys.

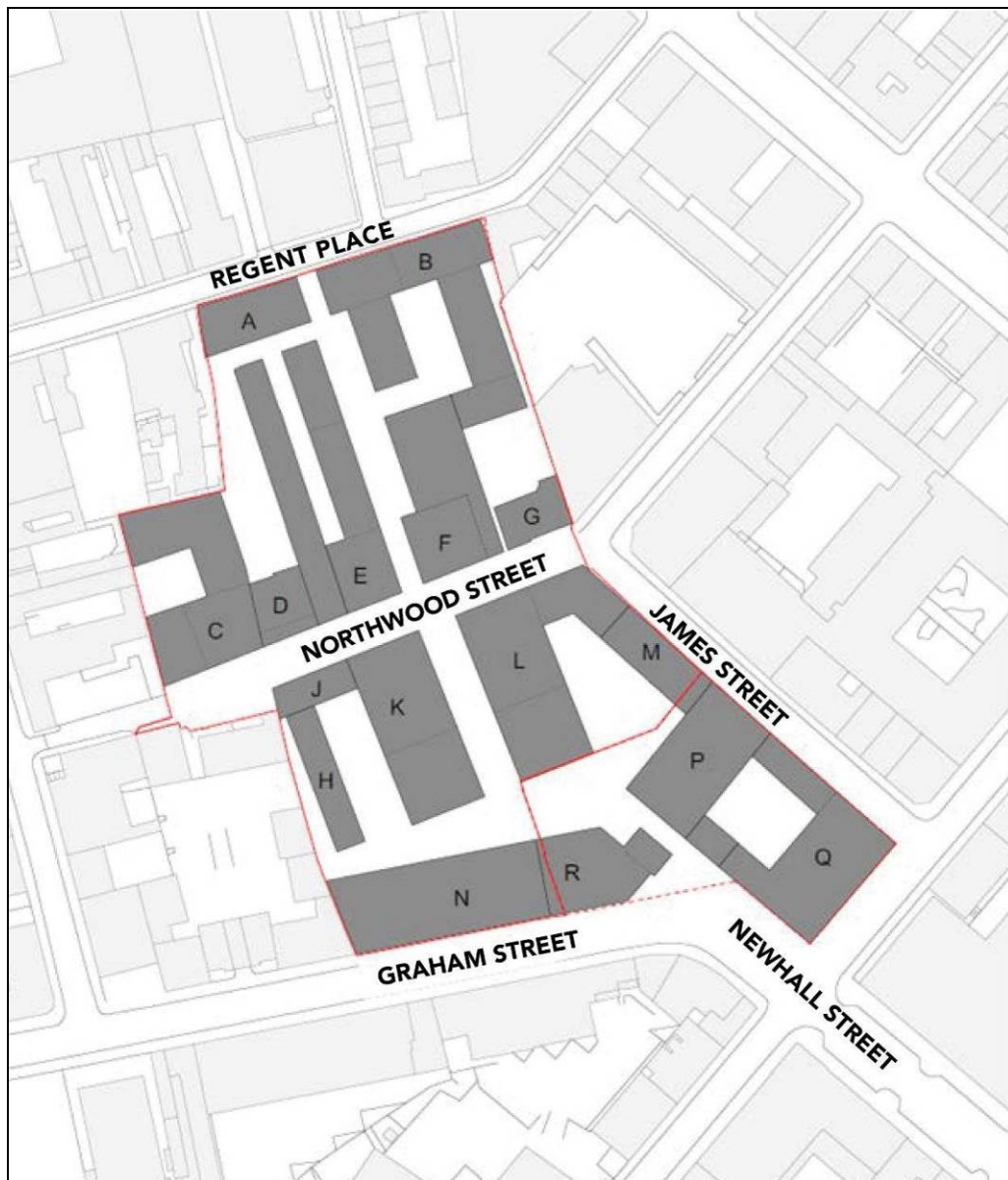


Figure 1: Plan showing the location of buildings A - Q

Building Heights and Uses

- 1.9 Proposed Buildings A and B would front Regent Place and the new north–south pedestrian route proposed through the site. Building A would be 4 storeys in height and be subdivided to have the appearance of two individual blocks by the use of slightly different red/orange brick types and variations in the window styles and

widths. The roof line would also be varied so that where it adjoins the neighbouring listed building at 15-17 Regent Place it has been designed with a set back to the top floor to reduce the impact on its neighbour. Building B would also comprise of a number of linked blocks mainly 4 storeys in height but with a lower 3 storey section adjacent to the neighbouring listed building at 53 Regent Place. Building B also fronts the new public north – south route and would form a courtyard to the rear with development over 4 floors. The ground floor of both buildings fronting Regent Place and the new public route would provide retail or B1 floor space with apartments above. The other rear wing within the courtyard would provide entirely residential floor space.



Figure 2: View's along Regent Place of buildings A and B

- 1.10 Buildings C-G would front the north side of Northwood Street and have wings to the rear fronting the new north-south pedestrian route and a number of new private residential courtyard spaces. They also encompass two of the retained 2 and 3 storey buildings (Buildings D and G) with Building D being altered and extended to provide 3 floors of accommodation. This frontage of the site would have the appearance of a row of 6 buildings with the new infill blocks being of 5 storeys in height but with 4 storey sections adjacent to the 3 storey listed Harpers Hill Works (Building G) and neighbouring development in Vittoria Street. The buildings fronting the new north – south pedestrian route would be of 4 and 5 storeys high with the courtyard wings being predominantly 4 storeys. Ground floor commercial uses are proposed fronting the main public routes with entrances through to the apartments in the rear private courtyard areas. The retained listed building G would be used entirely for commercial purposes possibly as a restaurant.



Figure 3: View of Buildings C-G on Northwood Street

- 1.11 Buildings H-L would occupy the south side of Northwood Street, the corner with James Street, the lower section of the new north - south pedestrian route and the north side of the new events space. This group also contains the retained 2 storey workshop wing (Building H). The 4 new buildings proposed fronting Northwood Street would be 4 and 5 storeys in height but with the blocks subdivided to give the

appearance of 7 narrower plots. The southern end of Buildings K and L marks a change in levels within the site so that these blocks will be a storey higher at 5 but with a small section being 6 storeys when viewed from the proposed public events space. The street frontages and events space would have commercial units at ground floor level and on the Northwood Street/James Street corner the building has been designed to accommodate a D2 cinema or theatre type use as the gradient allows a large basement area to be provided.



Figure 4: View along Northwood Street of Buildings L-H

- 1.12 The James Street frontage of the site has a steep gradient with the 2 storey retained listed building at 199 Newhall Street (Building Q) being at its lowest point and proposed building L at the upper end of the street. The frontage is shown as being developed with 4 buildings with heights between 2 and 5 storeys. Buildings would be subdivided into narrower forms and this frontage would also include the vehicular entrance to the basement area which includes the car park and cycle store as well as a potential D2 cinema area. 2 private rear courtyard areas are also proposed one providing the entrance and amenity space for the commercial uses in buildings P and Q and the other for the residential units within buildings L- M.



Figure 5: View of Buildings Q – L fronting James Street

- 1.13 The remaining frontage to Newhall Street/Graham Street would comprise the retained listed building Q and two new buildings N and R which would also front the new events space. Proposed Building N would be 4 and 5 storeys high and subdivided to have the appearance of 5 narrower buildings. The ground floor would provide commercial floor space together with a pedestrian entrance/exit into the events space and apartments above. Building R would be 4 storeys in height fronting Graham Street but with a corner set at an angle to align with the end of Newhall Street. This corner would be marked with a 6 storey high marker tower providing the entrance and circulation space to Building R which would provide floor space at ground floor level with B1 uses on the upper floors.



Figure 6: View of Buildings N and R on Graham Street/Newhall Street



Figure 7: Birds Eye view of proposed site layout looking towards Newhall Street and Graham Street

Design and Materials

- 1.14 The Design and Access statement includes an analysis of existing buildings types within the Jewellery Quarter, which it divides into four main types which are then used to establish a system and rhythm for the new streetscape proposed. Plot widths are therefore varied and different roof treatments are used including flat roofs with parapets, standard gables, pitches and a contemporary northern lights style. Generally the building designs use large ground floor openings for the commercial uses with regularly spaced floor to ceiling windows to the upper floors set back within a brickwork frame. The window widths and fenestration pattern vary but would use double glazed aluminium frames with a slim profile to mimic traditional steel Crittall

windows. Lintels and sills would be of brick, metal, coloured masonry or stone. A number of different colour bricks are proposed mainly in the red/orange range but also in black/grey and green. Pitched roofs would either be of metal or slate.

- 1.15 Three “cornerstone” and “special” designs are proposed for Buildings E, L and R. Building E which lies in roughly the centre of the site on Northwood Street and would be one of the tallest new buildings at 5 storeys including a parapet above the flat roof. The base would have large recessed windows with a gold coloured metal surround set within a frame of terracotta which would have wide fluted piers to the façade fronting Northwood Street. A matching coloured textured brick would be used for the other elevations which have a frontage to the north - south pedestrian route.
- 1.16 Building L, which occupies the plot at the junction of James Street and Northwood Street, would be developed with a 4 storey flat roofed building with basement so there is potential for D2 uses such as a cinema or theatre. There would be an entrance foyer at street level and three floors of apartments above. The architects describe the design as paying homage to early 1900 industrial factories and having an art-deco influence and would be of textured and smooth green brickwork. The design incorporates a bull nosed detail to turn the corner and a pattern of large recessed windows on both street elevations.
- 1.17 The final “special” Building R would occupy the plot on the corner of Graham Street and Newhall Street and is designed to terminate the long view of the site down Newhall Street and signpost the main pedestrian entrance to the development. It would be predominantly 4 storeys high with a flat roof and be constructed from black metal fins, glazing and black brickwork. The brickwork would be used for the ground floor base set between large retail/commercial windows. The upper floors would be fully glazed with a regular frame of extruding metal fins 400 mm deep provided in front. The same design would be used on the rear elevation facing the new events square. On the east side of the building a high brick circulation tower is proposed designed as a modern take on an industrial chimney. This would extend to a height of 7 metres above the main building where a light box is proposed enclosed in hit and miss brickwork.

Public Realm/Amenity Space

- 1.18 The development would provide 3 new areas of public realm totalling 3,052 sq.m and a further range of private courtyard areas and terraces totalling 4,075sq.m. The public realm areas comprise of the north-south pedestrian route between Regent Place and Newhall Street which accommodates steps and a lift adjacent to the events space to accommodate the difference in levels across the site. Most of the route follows a straight line but to link to Newhall Street it includes a dogleg to terminate alongside Building Q and the listed building at 199 Newhall Street. A more direct route is also proposed via Graham Street by use of an undercroft section to Building N. The main route varies in width between 4 and 10 metres although it widens further where it crosses the events square.
- 1.19 Northwood Street would form the second new public route running east - west through the site following the line of the existing private gated highway. Bollards would be provided at its eastern end to restrict its use by vehicles other than by service and emergency vehicles. It would be resurfaced and has a width of between 10 and 14 metres. The route would remain as a cul de sac, as although it adjoins St Helens Passage at the western end, this is not a public highway and does not fall within the application site.

- 1.20 The other area of public realm proposed is shown as an events space and is a roughly triangular area of land located to the rear of buildings fronting Graham Street. It is intended that this would be used in conjunction with the various ground floor retail uses fronting the space. It has a width of between 5 -17 metres. All three public realm areas would be surfaced with a mix of blue brick clay pavers, granite setts and york stone with tree planting provided.

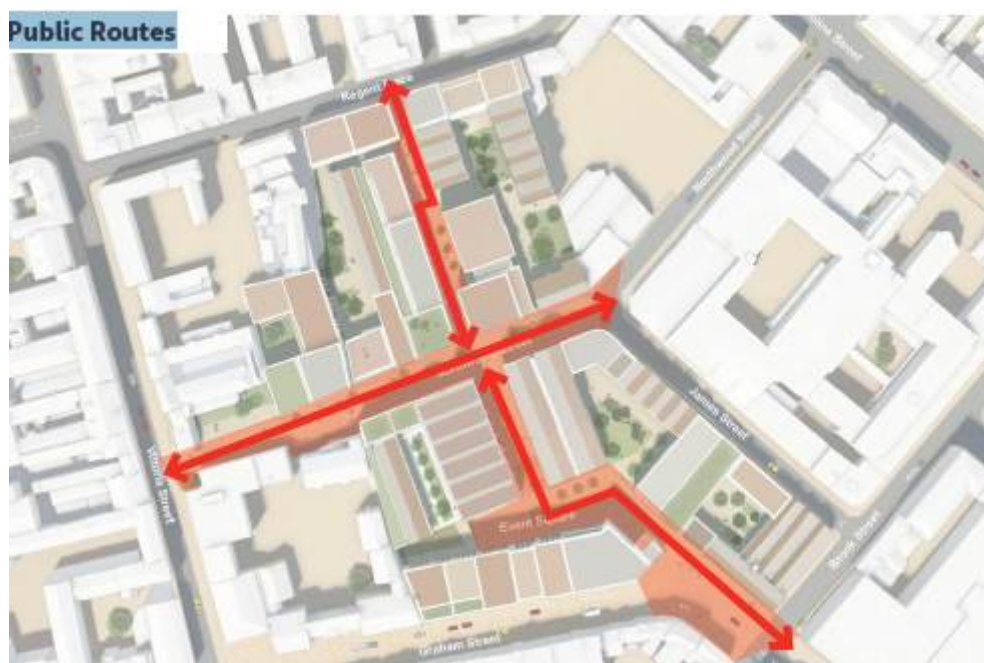


Figure 8: Proposed public routes and event square within the site

1. 21 Six private courtyard spaces are also proposed for residents and a seventh courtyard would be provided in association with the commercial floor space proposed in Buildings P and Q to the rear of James Street. There would be 4 small courtyards in the northern half of the site and three courtyards in the southern half two of which would be constructed as podiums above the underground parking facilities. These spaces would also use the same hard surfacing materials but also include raised planters, seating and soft landscaping in the form of grass, trees and herbaceous planting. The entrances to the courtyards would be enclosed with decorative metalwork gates. The development also includes balconies and roof gardens for a number of the apartment's blocks including on buildings C, E, J, K, L, P and N.

Access and Parking

- 1.22 The vehicle access to and from the development would be from James Street into an undercroft car park with 42 spaces below buildings K, L and M. The entrance is incorporated into Building M and would also be used to access the basement cycle store providing 272 spaces and a wash down facility and tool station workshop for maintenance. Servicing of the development would take place directly from the street frontages to Regent Place, Northwood Street and Graham Street. The applicant advise that this arrangement will be used for loading/unloading of goods, deliveries and refuse lorries and would be overseen by on site management to ensure the process runs smoothly.

CIL/Section 106 offer

- 1.23 No CIL would be payable in connection with the development. A viability appraisal has been submitted with the application which has been reviewed by consultants on behalf of the Council and a contribution of £1,400,000 has been agreed. The applicant's appraisal states that the financial sum agreed would be made available as a Section 106 planning obligation which could be used as follows:-
- In lieu of any on-site provision of affordable dwellings or workspace, or
 - To provide the equivalent financial sum for provision of affordable housing delivered on-site in the form of 34 (11%) Discount Market Sales Units (23 x 1-bed and 11x 2-bed units) to be sold at 80% of the open market sales value or
 - To provide the equivalent financial sum for affordable workspace on site in the form of approximately 1,610 sq.m of B1 floor space at a discount rent of 70% of market value or
 - A combination of on-site affordable workspace and low cost market sales units with a discount to the value of £1,400,000.
 - To subsidise car club membership for first occupants at a cost of £15,250 which would be deducted from the £1,400,000
- 1.24 A draft Heads of Terms for the Section 106 agreement has also been submitted offering the following additional obligations:-
- Not to commence development on the site unless and until a Business Relocation and Job Retention Strategy for AE Harris and Baker and Finnemore has been approved by the Council.
 - To construct the shell and core of the affordable workspace within agreed timescales
 - To appoint a workspace provider to manage the day to day operation of the workspace

Supporting Information

- 1.25 The application has been supported by a comprehensive range of documents including Design and Access Statement including landscape strategy, Planning Statement, Flood Risk Assessment, Transport Statement and Travel Plan, Preliminary Ecological Appraisal, Air Quality Assessment, Noise Assessment, Heritage Assessment, Economic Impact Assessment, Sustainability Statement and Desktop Ground Conditions Survey. A Viability Assessment has also been provided in support of this application to justify the deviation from policy in respect of open space and affordable housing contributions.

- 1.26 [Link to Documents](#)

2 Site & Surroundings

- 2.1 The application site covers 1.5 ha and lies between Regents Place to the north, James Street/ Brook Street to the east, Graham Street and Newhall Street to the south and St Helen's Passage off Vittoria Street to the west. Most of the site is currently occupied by AE Harris, a manufacturing business, which operates from buildings, located either side of Northwood Street. At this point Northwood Street is a private road which is gated at either end. The south eastern corner of the site is occupied by the premises of Baker & Finnemore, a metal pressing manufacturer, and the Graham Street frontage by modern workshops which are now vacant.
- 2.2 The site lies within the Jewellery Quarter Conservation Area and contains 2 listed buildings, Harpers Hill Works at 109 Northwood Street which is vacant, and 199 Newhall Street, leased by Baker and Finnemore. The rest of the site contains a range

of traditional, but heavily altered workshops, and modern manufacturing buildings with ancillary offices ranging in height from one – three storeys. They fill virtually the full site but on the Regent Street frontage a vacant part of the site is used as a temporary car park. There is also a further car park/delivery yard on James Street used by Baker and Finnemore. On the south side of Northwood Street a number of the older traditional buildings which have been used by Stan's Café as a performance space for art exhibitions installations and performances (use class D1) together with ancillary storage.

- 2.3 There is a considerable difference in levels across the site with the southern boundary being about 9 metres below the northern boundary. The existing buildings on the south side of Northwood Street have therefore been built on a high retaining wall that runs to the rear of the existing buildings on the Graham Street frontage. The principle access to the AE Harris owned part of the site is from Northwood Street and the Baker and Finnemore premises has its main access onto James Street but also has a number of entrances to delivery areas onto Graham Street.
- 2.4 The site boundaries adjoin a mix of commercial buildings and 2 undeveloped plots used as car parking. On the Regent Street frontage the eastern boundary adjoins 35 Regent Place, a Grade II listed 3 storey works, and the western boundary adjoins No's 13 -17 Regent Place, a further three storey group of listed buildings built as a manufactory incorporating earlier structures and part of a house. The western boundary also adjoins the curtilage of a group of three Grade II listed buildings at No's 33 - 37 Vittoria Street which are also of 3 storeys.
- 2.5 The immediate area contains a considerable number of listed buildings particularly fronting Regent Place. Opposite the site frontage No's 22, 24, 26, 32 are all Grade II listed buildings as are No's 9, 12 -14, 15-17, 16, 53 and 60 -70 further along the street. These are in predominantly commercial use, but the upper floors of the former Squirrel Works at 32 Regent Street, has recently been converted to provide apartments. On Vittoria Street the Standard Works at the junction of Regent Street is listed as are a number of other buildings slightly further away on the opposite side of Vittoria Street. On Graham Street opposite the application site No's 204 -206, the former Dorman Smith Switchgear Ltd offices are listed as is No 11 Brook Street located opposite the listed building on the site at 199 Newhall Street. The site is also near to St Paul's Square and the Grade 1 listed St Paul's Church which has tall spire visible over a wide area.
- 2.6 The area surrounding the site is occupied by a variety of business premises, including offices, jewellery manufacturers, an education facility, restaurants and live work units. There are some modern apartment's schemes nearby predominantly opposite the site frontage on Graham Street.

2.7 [Site Location](#)

3 [Planning History](#)

- 3.1 2018/04885/PA – Current application for Listed Building Consent for demolition of structures attached to listed buildings and conversion of 109 -111 Northwood Street (Harpers Hill Works) from B2 to A1- A4 or B1 uses and conversion of 199 Newhall Street from B2 to B1 use with associated works. To be determined under delegated powers following a decision on this current planning application.

- 3.2 24/4/18 - 2018/01431/PA – Permission granted for variation of Condition 2 attached to planning approval 2015/02349/PA to allow the temporary car park to operate at 109-111 Northwood Street until 28th April 2020.
- 3.3 20/3/15 - 2015/00313/PA – Planning permission granted for continued use of 110-118 Northwood Street as performance space for art exhibitions installations and performances (use class D1)
- 3.4 5/2/13 - 2012/07519/PA – Planning permission granted to extend the time limit condition on planning permission 2010/00357/PA for a mixed use re-development of on land at 109-138 Northwood Street and 5-6 Graham Street. (Existing consent extended to 28 April 2016 for submission of reserved matters and for a start on site until 28 April 2018).
- 3.5 5/2/13 – 2013/2012/07624/PA - Planning permission granted for new conservation area consent to replace 2010/00358/PA for demolition of all existing buildings and structures on site at 109-138 Northwood Street and 5-6 Graham Street except for the listed building at 109-111 Northwood St (Harpers Hill Works). (Existing consent extended for further 3 years until 28th April 2018).
- 3.6 21/04/10 – 2013/2010/00357/PA – Planning permission granted to extend the time limit condition on planning application C/02600/06/OUT- Mixed use re-development of land at 109-138 Northwood Street and 5-6 Graham Street.
- 3.7 1/04/10 - 2010/00358/PA – Planning permission granted to extend the time limit condition on conservation area consent C/03757/08/CAC for the demolition of all existing buildings and structures on site except for the listed building at 109-111 Northwood Street.
- 3.8 4/09/2008 - 2008/03757/PA – Planning permission granted to extend the time limit for conservation area consent C/02602/06/CAC for the demolition of all existing buildings and structures on site except for the listed building at 109-111 Northwood Street
- 3.9 28/8/08 - 2006/02600/PA – Planning permission granted for mixed use re-development of site to provide 9,779 sq.m of B1 floor space (including 1,639 sq.m of affordable workspace), 8,721 sq.m of net residential floor space (approx. 148 apartments), 1,725sqm of gross retail floor space (A1/A3 uses), 462 sq.m gross of community uses (D1 uses) with decked car park of 308 spaces including at least 90 spaces for public use on land at 109-138 Northwood Street and 5-6 Graham Street.
- 3.10 15/11/2006 - 2006/02601/PA- Listed building consent granted for conversion of 109-111 Northwood Street (Harpers Hill Works) to A3 restaurant use
- 3.11 15/11/2006 - 2006/02602/PA – Conservation Area consent granted for demolition of all buildings and structures on site except for the listed building at 109-111 Northwood Street.
- 3.12 27/4/98 - 1997/04322/PA – Planning permission granted for installation of vehicular barrier across the street at 109 & 110 Northwood Street.

4. Consultation/PP Responses

- 4.1 Transportation – Originally raised a number of queries regarding the application but following the submission of additional information raise no objections subject to a Section 278 highway works condition to cover removal of redundant footway

crossings around the site, provision of the new access on James Street and boundary treatment on the wide footway area on Graham Street to prevent unauthorised vehicle access and parking. Also request conditions to ensure cycle parking is provided prior to occupation and a demolition and construction plan is provided before any works commence on site.

- 4.2 Local Services - The development generates a requirement in accordance with current BDP Policy for an off-site POS contribution as it is for over 20 dwellings. It would also generate a play area contribution since it contains over 20 x 3 bed apartments which are classed as family accommodation. The POS contribution and play contribution would be £662,975 which would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at St Paul's Closed Burial Ground and/or New Spring Street POS within the Soho and Jewellery Quarter Ward.
- 4.3 Regulatory Services – No objection in principle if the entire site is to be redeveloped and the scheme completed, subject to conditions requiring further definition of the non-commercial uses, hours of opening, energy supply and vent locations. However note from the documentation provided the development is proposed to come forward in 2 phases with the AE Harris part of site first followed by the Baker and Finnemore owned land. They express concern that the developer has not secured the full site and that the A E Harris owned land could be developed in isolation with the adjoining industrial uses remaining. If so they recommend refusal of the application as they consider there would be a significant adverse impact on the future residents from noise, due to the operation of the nearby commercial uses. It would also introduce a noise sensitive use in an existing area in circumstances where the noise climate may represent a statutory nuisance and may have an adverse impact on the operation of existing businesses. They are however content that the proposed development will not create significant additional air quality impacts provided mitigation measures are be provided at the demolition phase and also require conditions for further intrusive investigation for contaminants and ground gas by way of a Phase 2 investigation.
- 4.4 Lead Local Flood Authority - Object to the proposed development as although a Flood Risk Assessment and Sustainable Drainage Statement have been produced the proposed discharge rate is significantly greater than the existing greenfield discharge rate. They would expect all potential SuDS measures, to be explored and implemented where feasible.
- 4.5 Education - The School Organisation Team request a financial contribution under Section 106 of £836,516.56 (subject to surplus pupil place analysis) towards provision of places at local schools.
- 4.6 Environment Agency – No objections but request conditions to require a full intrusive site investigation to determine whether any risks to Controlled Waters and/or Human Health exist and how best they can be managed or controlled.
- 4.7 Employment Access Team – Request either conditions or Planning Obligation to secure a construction employment plan providing a minimum total of 60 Person Weeks of employment per £1million spend on the construction of the site for New Entrants whose main residence is in the Local Impact Area
- 4.8 Severn Trent Water – No objections subject to conditions to require drainage plans for the disposal of foul and surface water flows.

- 4.9 Historic England – Do not object to the application but have concerns regarding the application on heritage grounds. They note the application does propose a number of positive elements including the reopening of Northwood Street as the primary axis of the development, the limited car parking and the formation of a new pedestrian access running north-south through the site aptly-named Harper's Hill. They also welcome the reuse of the few buildings to be retained and that considerable efforts have been made to vary heights, materials and rooflines and follow some of the existing and historic plot boundaries. Their concerns are:-
- The extensive demolition within the conservation area and the loss of much of what makes up the Jewellery Quarter's typical historic building stock and development character (e.g. the corner of James Street and Northwood Street).
 - The impact of the loss of this character and its replacement with a more sanitised impression of the Jewellery Quarter townscape, lacking the authenticity of its historic fabric and tightly-knit, ad-hoc layout.
 - Whilst they are pleased to note the reduction in the height of some of the proposed new buildings, including the reduction of building B from 5 to 4 storeys, much of the site remains above the typical building heights in this part of the quarter. This is particularly evident at plots K, L and N where large buildings remain at 5 storeys which do not reflect the character of the area.
 - The application is contrary to Birmingham City Council's policies for both height and use within this area. The application is within the Industrial Middle of the area, categorised to safeguard traditional metalworking activities within the quarter. The City Council's Jewellery Quarter Design Guide also sets out a clear limit of four storeys for new development within the Quarter, with a view to preserving the local character and distinctiveness stemming from the areas more domestic, artisan origins.
 - That the revised proposals still include buildings above the above the typical building heights in this part of the Quarter at 5 storeys which do not reflect the character of the area. In many cases, heights are exaggerated further with tall ground floor units and a raised parapet to obscure plant. They have strong concerns at the impact this would have on the distinctive character and appearance of the conservation area.
 - The site represents an area which would typically contain approximately 15-20 conventional application sites requiring special regard to be given to preserving the heritage assets affected. The resulting impacts are therefore intensified within a single application over such a large site.
 - Maintain their view that the development is likely to have a serious and harmful impact on the area and having considered the amendments made, feel that the application would cause less-than-substantial harm to the character, appearance and significance of the conservation area.
 - Remind the LPA that when considering the impact on the significance of the designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of the level of harm caused (NPPF para 193) and any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification (para 194).
 - Draw attention to the statutory duties of the local authority set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the requirements of sections 12 and 16 of the NPPF where by Local Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance and for new development to make a positive contribution to local character and distinctiveness.
 - They strongly advise that every effort is made to address the issues outlined above, and that further opportunities are taken to improve elements of design and

approach to avoid or minimise the conflict between the heritage assets and aspects of the proposals outlined above.

4.10 Victorian Society – Object to the application on the grounds that the proposals would have a negative impact and cause a serious level of harm to the unique character, appearance and significance of the hugely important Jewellery Quarter conservation area. In particular object to:

- The loss of the unlisted buildings at 10-12 James Street, 110-118 Northwood Street and the front and east ranges at 128-138 Northwood Street. Comment that they are concerned at the high level of demolition proposed across the site and within the conservation area, and particularly those structures from the late 19th and early 20th century. Consider these form part of the Conservation Areas typical historic building stock and its primary asset and should not be demolished as this would diminish the areas special character.
- That the residential development contravenes BCC's own policies for the Jewellery Quarter Conservation Area. Point out that the site is within the 'Industrial Middle' which is to be safeguarded for traditional metalworking activities and to prevent the loss of the remaining jewellery production is located. The proposed residential units are clearly not in accordance with this policy
- The number of new buildings and structures which will erode the historic character of this part of the Quarter. Do not consider that the loss of historic fabric is compensated by the plain design of the proposed replacement buildings.
- The scale, height and design of the proposed new buildings do not comply with BCC's Jewellery Quarter Design Guide. This states the height of new development within the Quarter should not exceed four storeys in order to retain the intricate character of the area and reflect the history of the Quarter's small scale industrial development from residential beginnings.
- That a number of the new buildings are five storeys with the heights exaggerated by tall ground floors and raised parapets to the roof. In particular they consider the high building located at Plot E, is more in line with the urban character of Birmingham city centre and the tall building heights proposed represent an unwelcome creep of city centre building scales towards the heart of the Jewellery Quarter Conservation Area.
- That although building R has been designed as a focal point on the corner of Newhall Street and Graham Street; its design is bland and does not enhance the character of the conservation area.

Do not feel that there has been significant change to the proposals which would lead to a change in their position and continue to object to this application as presented. Is however pleased to see the proposed layout of the site would increase permeability to this part of the Jewellery Quarter.

4.11 Council for British Archaeology - Strongly objects to:-

- The loss of all non-designated historic buildings and structures associated with this application. Consider the demolition will result in the loss of important industrial buildings that help tell both a visual and an evidential story of the site and will substantially harm the significance of this part of the Jewellery Quarter
- The loss of an integral and important aspect of the historic and archaeological interest of buildings which add layers of meaning to an historic area.
- That the proposals are for a predominately residential development in the heart of the Industrial Middle Character Area and even with a pragmatic view of what might be acceptable feel it does not harmonise with its environment.
- The proposed buildings being significantly higher than the prevailing 3 to 4 stories with higher floor to ceiling heights leading to uncharacteristic glazing voids.

- The appearance of the structures is blocky and bears no relation to the surrounding historic architectural designs.

Advise that they are not opposed to the principle of redevelopment of this site but urge the Local Planning Authority to refuse this application and request a more considered lighter touch proposal that integrates more of the surviving historic structures.

4.12 Birmingham Civic Society – Support the application and make the following comments:-

- The scheme in our view represents a mature approach to new build development in the Jewellery Quarter, with careful assessment of the building types that make up its fabric, interpreting these in a contemporary fashion which avoids pastiche - this a challenging task that deserves appreciation.
- The applicant has clearly responded to consultation and has made significant alterations - however it is expected the over shading and lack of daylight in these deep and narrow streets will remain a challenge.
- The public realm, grain pattern and materiality of landscaping similarly captures the aesthetic of the Jewellery Quarter and the complex changes in level have been well considered.
- It is hoped that the detailing will be executed in high quality brickwork, metal windows and cladding to give proper sense of quality and delight.
- The general outcome is one which provides an appropriate setting to the many historic buildings in the locale and indeed through the demolition of many poorly considered 'large grain' and impermeable C20 industrial buildings will improve their setting.

4.13 Councillor Phil Davis – Made comments on the application as originally submitted which as Heritage Champion urges rejection of the application so the developers will re-work their proposals in line with policy. He comments that as the City Heritage Champion/Cabinet Advisor he welcomes investment in the City's Conservation Areas and Heritage buildings and considers that our historic areas and sites are often best protected by sensitive re-purposing to meet modern needs. However regeneration of a historic area must, fully respect the characteristics that impart heritage value to that location. The City Council has recognised the unique characteristics of the Jewellery Quarter via Conservation Area status and other measures, since at least 2000. This has been a significant part of the successful re-branding of this part of Hockley, which began the shift from a purely manufacturing area to a mixed retail, leisure and manufacturing locale from the late 1970s and a welcome trend of people once again living in the Jewellery Quarter. Forty years later, managing both residential and commercial development pressures in the JQ Conservation Area, without compromising its historic character, is a major challenge. The Harper's Hill application is, overall, a quality scheme and elements of it sensitively address heritage and listed buildings within the site. Unfortunately the totality of the scheme is seriously compromised by three direct conflicts with the JQ Design Guide and thus planning policy:

- The extent of residential development proposed is excessive and contradicts the CA policy presumption against residential development in the core 'Industrial Middle' of the JQ (other than small scale 'live-work' units).
- The proposed large scale 5 and 4 storey buildings along Graham Street runs counter to the 3 storeys average height (4 at maximum) across the core JQ Industrial Middle. Other parts of the Application also feature inappropriately high buildings at 5 or 4 storeys. The massing is consistent with the scale of the Victorian/20th century buildings in this area.
- The scheme, if approved, is likely to negatively impact upon an established

manufacturing business on the site namely industrial fastening makers Baker & Finnemore. Their factories are operational and the application appears to make no provision for the continuation of this business. As such, the scheme is contrary to planning policy designed to restrain residential encroachment upon existing manufacturing.

While the overall quality of the scheme is welcome, significant elements of the application would overturn key areas of planning policy designed to maintain the essential character, scale and ambience of the Jewellery Quarter in the Industrial Middle of the Conservation Area.

4.14 Jewellery Quarter Development Trust – Object and comment that whilst there is much to support in the scheme, there are a number of key areas that are not compliant with local policy and therefore they must object until these areas are remedied. Their objections which relate to the original proposals are:-

- Loss of manufacturing and industrial character of the area particularly Baker & Finnemore is a thriving business with no plans to relocate.
- The proposals replace an important manufacturing site with office and residential space and there will be a significant reduction in manufacturing space in the JQ.
- Manufacturing and industrial uses are an important part of the character of the JQ both in terms of its economic character and the historic/conservation character and the site sits within the Industrial Middle of the Conservation Area.
- The noise & vibration report makes no of Deakin & Francis – we believe this is an oversight and must be addressed. Consideration should be given to providing workspace adjacent Deakin & Francis as a buffer between industrial and residential uses
- The proposals therefore do not accord with the policies which support the character of the Quarter namely BDP policy GA1.3 -The Quarters, BDP policy TP20 - Protection of Employment Land, JQ Management Plan policies 1.3 - Changes of Use, 2.2 – restriction on residential uses, 2.3 – Support of small scale light industrial uses, 2.4 - Ratio of living to working spaces.
- Commercial uses constitutes only 30% of the floor space whereas we would expect a ratio closer to 50% for an area such as the Industrial Middle, where residential provision is permitted only as part of live/work accommodation or a mixed use development.
- If only the AE Harris site is developed the percentage of residential rises closer to 80% so it is imperative therefore that more employment space is provided.
- There should be an emphasis on workspace on Regent Place as this is a major part of this road's character. Residential use would ideally be located in rear shopping wings with workspace at the front and should comprise no more than 50% of the net area of these buildings.
- If the imbalance toward residential is addressed this would naturally provide more variety as sizing of fenestration and floor-to-floor heights will be different
- We cannot support provision of 1-bed accommodation constituting 54% of the overall amount within the residential accommodation. 2/3rds of this is also very small i.e. 1-bed/1-person accommodation, below 50m2 area.
- The development should generally be maximum 4 storeys (G+3) and 2 or 3 storeys in places, with roofline interest created by following the topography. The inclusion of a 5th storey may be supported but where it is an exception rather than the rule but at present of the 21 building on the street-frontages, 8 are 5 storeys, 8 are 4 storeys, 3 are 3 storeys and 2 are 2 storeys.
- We strongly object to the height of buildings proposed for Regent Place. It is a very narrow street with generally 2-3-storey buildings along it. The proposed 4 and 5 storey buildings will overshadow Regent Place significantly and provide an

unbalanced massing to the street and have an adverse impact on neighbour's amenities.

- The building on Graham St (Plot N) presents a too-continuous frontage to Graham Street. The floor levels between the sub-plot buildings do not express the topography of the street. They should be broken up, have a roof line that reflects the topography and may benefit from a pitched roof.
- The proposals do not accord with policies which control the height of development in the Jewellery Quarter. These policies protect and enhance the small-scale industrial landscape unique to the Quarter and help control land values by setting criteria around what can be developed on a plot:
- The 5th storey on Block B is expressed as a set-back metal clad structure. Both of these aspects are not acceptable and contrary to the JQ Design Guidance on 'views/roofscape', heights and materials
- The Regent Place frontage need further work to break down the plot size and reflect the variety of design that is a feature of Regent Place's building stock, which is highly varied and exquisitely detailed.
- The north-south permeability of the site is significantly inhibited if the Baker & Finemore site is not developed. The entrance from Graham St should be made more prominent, possibly through a break in the building line.
- Much of the Jewellery Quarter is refined, quiet design but some of the buildings are also flamboyant and decorative. The proposals are however biased toward post-war framed brick buildings with large scale fenestration. Not all buildings in the JQ are ordered and regimented such as Harper's Hill Works and the 1930's-style building on Northwood St. This precedent could be used effectively in one or two more locations
- We like to see Stan's Café retained as part of development to provide a cultural anchor to the scheme development.
- There should be landscaping on flat roofs where they occur and request that bird, bat and bug boxes and bricks are used extensively.
- The development should include an art strategy
- Question what the proposals are for affordable housing and/or workspace, how existing and proposed fumes/extraction would be controlled, what sustainable measures are included and whether the new north-south route would be a public right of way

The JQDT however support the principle of developing the A E Harris site as it is under-used and would benefit from modern facilities and the proposals offer a significant increase in the number of workers and used employment space. They also strongly support the strategy for public realm, public & private spaces and the permeability of the site, especially the east/west link provided by re-opening Northwood St. They have no objection to the limited on-site parking which would help reduce the potential vehicular and traffic impact of the proposed development and consider the site highly sustainable. They also support the retention of a selection of original buildings, the pedestrian-friendly nature of the public spaces and the move away from live/work units.

4.15 West Midlands Police – No objection in principle but have made the following comments:-

- The development should meet the standards laid out in the Secured by Design 'Homes 2019' and the Secured by Design 'Commercial 2015' guides.
- A lighting plan is required to ensure all public areas are appropriately illuminated.
- There should be appropriate access controls for the car park and cycle storage facilities.
- Bollards should be provided to prevent unwanted vehicle intrusion into the site including use of the two new pedestrian routes and Northwood Street.

- The proposed planting scheme should provide sufficient space to accommodate plants/trees once they have reached maturity and are clear of access routes, circulation areas. Species should be appropriate where defensive space or natural surveillance is required.
 - Supports active ground floor commercial uses and on site management to reduce the threat of crime or acts of anti-social behaviour.
 - Requests installation of CCTV throughout the site.
 - Recommends entrances to the residential aspect of the development should have two layers of potential security and access controls and that delivery staff do not have access to the interiors of the buildings
 - There should be strict controls between public and private spaces
- 4.16 West Midlands Fire Service – No objection in principle but have made various comments regarding their requirements in respect of vehicle access for a pump appliances, access to riser inlet for a pumping appliances and provision of sprinkler systems.
- 4.17 University Hospitals Birmingham NHS Foundation Trust – Request a financial contribution of £14,715.00 to provide additional services and capacity to meet patient demand.
- 4.18 Sport England – Request financial contribution via a section 106 agreement of £243,903 for investment in built sports facilities at IPL swimming pool and playing pitches to ensure that the development made provision for sports facilities to meet the demand generated by the proposed population in accordance with policies TP9 and TP11 of the adopted Birmingham Development Plan and the guidance contained in the NPPF.
- 4.19 Conservation and Heritage Panel – Considered pre-application proposals for the site at the panel meetings on 12 March 2017 and 8 October 2018. The comments on the more recent pre application proposals were:-
- The Panel welcomed the morphological approach to site planning which was considered to introduce grain, intricacy and permeability throughout the site.
 - The Panel raised concern about non-compliance with policy. The proposed development exceeds the maximum storey height permitted in the Jewellery Quarter Design Guide and the residential component of the scheme does not comply with land use policy within the 'Industrial Middle' character area which does not normally permit residential.
 - The concept of a landmark tower at the end of Newhall Street was positively received however the Panel questioned whether the proposed tower is of sufficient quality. It was suggested that as attention will be drawn to this feature that detailing should be more intricate and celebratory. It was also suggested that the tower should have a more interesting use than circulation and an active ground floor use would be preferable.
 - The Panel raised concern about massing which in parts of the scheme was considered to be excessive and out of character. It advised that massing should better reflect the character of the existing streets. A panel member suggested that the four big pitched roofs in the middle add unnecessary bulk to the scheme and advised that gable ends could have an impact on long distance views. Some panel members felt that the proposed massing challenges St. Pauls.
 - The Panel requested that greater consideration is given to the height of the storeys – rather than just the number of storeys. It was felt that floor to floor heights appear very high in the CGI visuals and even some of the four storey buildings appear out of character.

- While the Panel welcomed many positive elements of the proposed design – the overall feel of the scheme is similar to a business district rather than one which properly reflects the Jewellery Quarter. The Panel suggested that although a brick palette has been selected, characteristics of Jewellery Quarter do not appear to come through in the detailing. The Panel questioned the logic behind the character of different streets and suggested detailing should relate to each individual street.
- The white building at the intersection between the new north-south route and Northwood Street was questioned. A panel member suggested that white buildings in the area are the exception rather than the rule. The Panel asked about this typology and questioned why this is relevant. It was suggested that it would be beneficial to have more distinctive corner buildings and a greater number of character buildings.
- A panel member suggested that where individual buildings are expressed these should have separate entrances and respond more sensitively to topography. The Panel suggested that public spaces should feel more like working yards and less like corporate landscapes.
- In summary the Panel welcomed increased permeability throughout the site but had concerns about massing, residential use within the 'Industrial Middle', and lack of detail to the landmark building.

4.20 Local Councillors, residents associations and neighbouring properties were notified of the original proposal in November 2018 and the amended proposals in May/June 2019. Press and site notices have been displayed. In relation to the original proposals 20 letters of objection have been received and a further 18 letters of objection have been received in respect of the amended plans. The letters include the following objections:-

- The area being developed is situated in the industrial middle of the JQCA, which is specifically protected from new residential development.
- The development is contrary to Policy TP20 of the BDP which sets out to protect Employment Land. The site has the potential for continued employment uses which are a valuable resource to the Birmingham economy.
- The Big City Plan envisages this area as a living industrial quarter and aims to support the existing manufacturing business uses and economic activity.
- None of the Council's policies support the loss of much of the areas industrial heritage including existing buildings and businesses as proposed.
- It is vitally important to support and not to destroy existing factories, such as Baker & Finemore, who currently employ 67 skilled workers.
- The previous applications for the redevelopment of the site were on the basis that it would allow A E Harris to move out of the Jewellery Quarter but retain jobs in the City. This appears to have been abandoned.
- The developer's economic impact statement and estimate of jobs proposed to be created is un-evidenced.
- The proposals which are principally residential do not preserve the character of the Conservation Area, and would drive out historic uses that are completely compatible with the area and make an important contribution to its intrinsic character and appearance.
- The scheme completely disregards the JQ Management Plan and the Design Guide re the need to protect the JQs heritage, history and unique feel and will diminish its value as a conservation area.
- Proposals risk undermining the areas uniqueness and the reasons why people want to live, work, learn and visit the Jewellery Quarter

- Do not consider the proposals meet BDP policies which require new development to support and strengthen the distinctive character of the area supporting its unique heritage with an appropriate mix of uses.
- There is no justification for the listed building at 199 Newhall Street which was constructed and designed as a manufactory incorporating warehousing, office and workshop functions, and is being used for this purpose, to be given a change of use.
- There is no planning justification for approving the demolition of the Baker and Finnemore workshop buildings and a change to a residential use in this location.
- There are no detailed proposals for the retained buildings which are left for future consideration. The submitted documents show there is a list of potential harmful effects upon heritage assets contrary to the tests set out in the NPPF.
- The previous planning approval was far less in scale and had a wider variety of uses. The overwhelming emphasis now is on small apartments with only a small percentage of commercial.
- If permission is granted it makes a mockery of the areas conservation status, its heritage and its unique nature, and will leave the remainder of the JQ vulnerable to similar large scale, inappropriate over-development.
- The number of planned residential properties for the area is too intense and there is no need for more small apartments in the Jewellery Quarter and it would not encourage a mixed demographic
- Footfall in many JQ shops is known to be falling, and nationally retail is currently in decline, so the developer's proposal for the viability of shops is wishful thinking and they have not provided evidence of demand.
- The proposals by virtue of their height and bulk breach the Jewellery Quarter Conservation Area management plan and design guide.
- The over-development, bulk and massing of the entire site is out of character with the Conservation Area, where the attractiveness is in part due to the small domestic scale which dates back to the Quarter's roots.
- The plans for 4 and 5 storey buildings risk creating dark, characterless, over-developed spaces in which to live, work and visit.
- The new buildings should be equivalent in height to the historic buildings they face.
- Building heights will dominate and distract from listed buildings including Deakin and Francis and the Squirrel Works in Regent Place
- A development of this scale will severely diminish light to existing businesses
- The building heights will block views into the JQ and will overwhelm the skyline around St Pauls Church, such an iconic feature of the JQ.
- The design is just not distinctive enough for this unique place; it could be anywhere and has a mono-cultural, relentless and overpowering feel about it.
- Much of the Jewellery Quarter is refined with quirkiness and 'surprises' This proposal adds nothing to the community or the 'richness' of the area.
- There is no justification for the building of box-like structures over four storeys high with no embellishments or design features
- The plans, with their heavy proportion of residential, featureless apartment blocks will make the JQ indistinct from other over-developed neighbourhoods.
- The site, with its heritage assets and history, is one of the most important to come up in the JQ, and it deserves better architecture of the highest quality.
- The proposals adversely affect the settings of numerous Grade II Listed buildings. Regent Place, in particular, which has probably the most Listed buildings in the affected area, would be overwhelmed by the four and five storey height and bulk of the proposed buildings "A and B".
- The floor to ceiling heights are excessive and are likely to be used for mezzanines thereby increasing the number of storeys.

- The design of the proposed bijou cinema/theatre on the corner of Northwood Street/James Street is grotesque, totally inappropriate and owes nothing to Art Deco, is un-neighbourly and out of character with the Listed Building opposite.
- The proposed "tower" on the corner of Newhall Street/Graham Street is bizarre, far too high and looks like a fire station tower - dominant, adversely affecting the setting of neighbouring listed buildings.
- The development is 'inward' looking and turns it back on James Street. Uses here Street are limited with no entrance points to the commercial units which are raised up and inaccessible. The car park access on this frontage wastes the opportunity to integrate development with James Street. .
- The apartments are too small with minimal storage space and very little outdoor space. The city should be encouraging developers to design with building communities in mind, offering a high quality of life and wellbeing whereas they seem to be designed for investors and not for people living in them.
- The development should include more greenery
- Buildings A and B would cause overlooking, loss of privacy, and loss of daylight to surrounding Grade II properties, especially the Squirrel Works, a sensitive and award winning residential/workplace conversion of a former industrial building.
- Loss of light to residential properties located opposite the site
- Object to a right of light that has been enjoyed from our building for an uninterrupted period of 20 years.
- Buildings would dominate nearby apartments and roof terraces, causing loss of light, outlook, privacy, make rooms dark and cause risk of damp.
- The proposal for leisure/night-time uses would cause disturbance and nuisance both to existing residents and residents of the development (from noise and litter).
- Will threaten the viability of our award winning business that was in at the beginning of the regeneration of the JQ and helps safeguard this unique place. It would cause problems such as overshadowing by 5 storey buildings, overlooking, issues such as traffic, noise, dust, and road closures during the demolition and construction time. This could seriously and terminally affect our business.
- The new strong north/south route and its commercial activity ground downgrade the links to St. Paul's Square from existing streets such as James Street. The development should not be allowed to compromise the privacy and operation of the established community
- There is inadequate parking (either in the development or public) for the number of residents. Many will also own cars, which will spill out on to the surrounding streets. Adequate parking for the development is vital as there is limited on street parking in the area.
- There is no indication whether the site would be disabled-friendly - there seem to be a large area of steps to negotiate and little or no disabled facilities.
- Consider the roads (especially Regent Place which is only 8 metres wide) cannot safely sustain the additional traffic that will be created by the new residents / commercial units / visitors and the services that they will require.
- The plans do not address Birmingham's new clean air zone, the growing importance of energy efficiency for new homes and improvements to air quality. None of the parking is shown with electric charging points and there are no energy efficient measures such as ground source heating and solar panels
- There has been no wide public consultation (e.g. exhibition or public meeting) so only people within a narrow boundary have received a notification.
- The amendments make only minor changes which do not overcome our objections. It is still unacceptable and should totally rejected.
- Even with the amendments plots C, E, F, G, J, K, L, N and P still have 5 floors in excess of the maximum heights in the JQ Management Plan and Design Guide.

- The new plans suggest that Building B has been reduced from 5 to 4 storeys but the height only seems to be reduced from 15.58m to 15.28m.
- In the public benefits the scheme is said to offer there is no account of the loss of the historic Baker and Finnemore works, its unique industrial heritage and adverse impacts upon the existing workforce if the scheme were to proceed as envisaged.
- Disruption for existing residents and business, damage to roads and pavements during the construction period
- The S106 contributions should be used to support the jewellery industry, tourism and improvements to the local environment rather than subsidised workspace when there is already a surfeit of that in the JQ.

4.21 Several of the letters comment that they support the opening up of the currently gated private section of Northwood Street to Vittoria Street and would welcome a more sensitive lower-height redevelopment of the site which respected the scale, heritage and special character of the JQ. One letter of support has also been received which welcomes the new pedestrian routes through the site and considers the proposal to be attractive as it offers a mix of uses which will add to the local retail, bar and dining experiences for those who live, work or visit the area. They understand some of the workspace would be affordable and hope it will be available for the creative industries to further encourage the areas local vibrant creative sector. They consider the proposals will enrich the Jewellery Quarter, increase footfall and hope that existing businesses will benefit from the additional activity in the area.

4.22 Baker and Finnemore – A number of letters have also been received from planning agents and solicitors acting for Baker and Finnemore who occupy the part of the application site at the junction of Newhall Street, Graham Street and James Street. These raised a number planning objections and legal points relating to the development but these have recently been withdrawn. This follows negotiations and discussions between Baker and Finnemore and the owners of the AE Harris site, their landlord at 199 Newhall Street and other stakeholders which has led to an agreement for the developers to acquire their premises. It is understood that the agreement includes a commitment from the developers to assist in the relocation of the business which is likely to be relocated to their parent companies other premises in Tipton.

5 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, Loss of Industrial Land to Alternative Uses SPD 2006, Car Parking Guidelines SPD, Public Open Space in new Residential Development SPD; Affordable Housing SPG and non-statutory Big City Plan

6.0 Background

6.1 At the planning committee meeting on 3 January 2019 an issues report was presented which advised members of the detailed planning application submitted for the site. Views were sought on a number of issues relating to the original proposals and the response from members was as follows:-

Mix of uses proposed:

- The balance between the residential and non-residential needs to be improved in favour of commercial uses.

Proposed demolition:

- Policy for the Jewellery Quarter is that demolition of buildings will not normally be permitted and that non-listed buildings should be retained in order to keep the character of the area.
- Members were not convinced about the amount of demolition proposed.

Site layout:

- Area looks very cramped and overdeveloped.
- More public open space is required within the centre of the development with a public square as a focal point.

Buildings heights and designs

- The new buildings were generally too tall and there would be an adverse impact on the Conservation Area due to the height and massing
- New buildings look very square and uninteresting. The use of arched windows would enhance the designs.
- Tall buildings over four storeys in height are not desirable and do not respect the Conservation Area.

Dwelling mix and sizes

- Good mix of residential properties but family housing not included.
- Bigger bedroomed flats/apartments desired.

Parking and servicing provision:

- Adequate parking should be provided for residential properties, consider the use of car clubs.
- Bin storage and bin vehicular access details should be provided and the timing of service vehicles/bin refuse collection/delivery vehicles should be resident friendly.

Section 106 offer

- Offer very low.
- No affordable housing or education provision is offered.
- No grant for management of the site and start-up costs for small industries.
- Question the position with Baker and Finnemore.

Did the benefits overcome the policy objections:

- Members expressed concern that there was a need to protect the Heritage status of the site and that the benefits offered by the scheme did not overcome the concerns expressed, and policy objections.

Resolution:-

- That the issues report be noted and that Members comments in the above be considered and addressed when the proposal returns to the committee for a decision.

6.3 The application has since been amended since the issues report was considered and now proposes:-

- Slightly more overall floor space at 27,516 sq.m (from 27,471 sq.m) but an improved split between uses in that 18,384 sq.m (67%) would now be for residential purposes in the form of 305 apartments and 9,132 sq.m (33%) would be for commercial uses.
- Changes to the dwelling mix to increase the number of 1 bed x 1 person apartments from 33% to 36% and reduce the number of 3 bed units from 10% to 9%.
- Revision to building heights including so that buildings on the Regent Place frontage do not exceed 4 storeys.

- The new pedestrian route between Buildings A and B to Regent Place has also been realigned.
 - The overall heights of Buildings E and N have also been reduced although they still include 5 storeys.
 - Some fenestration changes have been made to Buildings A, B, C, E and N and the white coloured materials have been replaced with orange brick and terracotta for Building E and green bricks for the corner section of Building L.
- 6.4 Additional information has also been provided regarding the existing businesses on the site. AE Harris have advised that they are proposing to relocate to a site in West Bromwich which meets their requirements and their staff are all happy with the location as quite a lot live in that locality and it is close to the Midlands Metro. All staff have a job at the new site, and the reaction from staff to the move has been very positive. Baker and Finnemore have reached an agreement with the applicants for the acquisition of their premises and are to relocate.
- 7.0 Planning Considerations
- 7.1 **Land Use Policy**
- 7.2 Local Planning Authorities must determine planning applications in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Development Plan comprises Birmingham Development Plan 2031 and the saved policies of the Birmingham Unitary Development Plan 2005. Other adopted supplementary planning policies are also relevant such as the Jewellery Quarter Management Plan and Design Guide as is the National Planning Policy Framework as recently revised.
- 7.2 Policy PG1 of the Birmingham Development Plan (BDP) states that significant levels of housing, employment, office and retail growth is required to meet the needs of its growing population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City together with sites for employment, retail and office uses. Policy PG3 requires all new development to demonstrate high design quality contributing to a strong sense of place that should respond to the local area context including heritage assets.
- 7.3 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.
- 7.4 Policy TP12 establishes that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability and the Council will seek to manage new development in way which will make a positive contribution to its character. It states that where a Conservation Area Character Appraisal or Management Plan has been prepared, it will be a material consideration in determining applications for development. It will be used to support and guide enhancement and due regard should be given to the policies it contains.

- 7.5 Policy TP20 seeks to protection employment from other uses unless it can be demonstrated that site is a non-conforming use or is no longer attractive for employment purposes.
- 7.6 The JQ Conservation Area Character Appraisal and Management Plan SPG identifies the special interest of the JQ, provides a definition of its character and a management plan for its preservation and enhancement. It divides the conservation area into eight sub areas and the application site is shown as being within the Industrial Middle characterised by industrial uses largely related to the jewellery and small metal trades with some commercial and retail uses. The document states that most significant changes in recent land use pattern in the JQ has been the recent introduction of new residential development and although this can encourage valuable new uses and significant regeneration it leads to pressure for housing in the industrial heart of the area diluting the character of the conservation area.
- 7.7 Policy 2.2 of the JQ Management plan thus states that the Council will not normally permit new residential uses, whether by conversion of existing buildings or new build in the areas defined as the Golden Triangle and the Industrial Middle. Exceptions will be made in the case of live-work units as a component of a mixed use development and where the ratio of living to working spaces does not exceed 50% of each unit.
- 7.8 The NPPF contains a presumption in favour of sustainable development which is about positive growth making economic, environmental and social progress for this and future generations. It affirms the Government's commitment to securing economic growth in order to create jobs and prosperity. Paragraph 11 states that applications should be considered in the context of the presumption in favour of sustainable development. The NPPF seeks to significantly boost the supply of homes and also to create the conditions in which businesses can invest, expand and adapt. Significant weight is to be given to the need to support economic growth and productivity, taking into account, both local business needs and wider opportunities for development. The NPPF also recognises heritage assets as an irreplaceable resource, and should be conserved in a manner appropriate to their significance.
- 7.9 The application site is predominantly in employment use and the current businesses employs about 110 people in activities associated with the manufacture of metal products. Although the BDP seeks to create an urban village within the Jewellery Quarter is also seeks to support the areas unique industrial heritage. Therefore whilst residential development is supported in some parts of the Conservation Area in other sections housing development is not normally permitted. The explanatory text to policy 2.2 from the Management Plan states that the provision of new residential development in the Jewellery Quarter has resulted in the loss or change of use of industrial buildings and has significantly enhanced potential property values. It threatens the continued industrial use of manufacturing premises and reduces the amount of workspace available to the traditional industries in the Quarter. The text also states that the density and integrity of the surviving industrial premises in the Golden Triangle and Industrial Middle makes a powerful contribution to the character of the Jewellery Quarter such that it is considered inappropriate to permit any change of use of industrial or commercial premises to residential usage.
- 7.10 Policy TP20 of the BDP also seeks to protect employment land. The Loss of Industrial Land to Alternative Uses SPD 2006 recognises that within the City Centre a more flexible approach towards change of use to residential is required to support regeneration initiatives. Therefore proposals involving the loss of industrial land can be supported, if they lie in areas which have been identified in other approved planning policy documents, as having potential for alternative uses. Although the JQ

Management Plan supports new development including housing it would not normally allow residential development, other than live work units, in this location.

- 7.12 From a policy perspective the applicants comment that no other site in the Jewellery Quarter offers the opportunity to deliver the requirements of BDP Policy GA1.3 which establishes the aim for the Jewellery Quarter as being the creation of an urban village supporting the area's unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core. They state that given its location at the northern end of Newhall Street it provides the most significant opportunity to radically improve connections to the City Centre Core. Other BDP policies including TP21 and TP24, the BDP promotes and encourages a mix of uses to be developed in the Jewellery Quarter (as part of the City Centre) and this policy intention is maintained in the Big City Plan which notes that to enable the Jewellery Quarter to sustain a vibrant mix of uses and to bring good quality buildings back into use, attracting new activity and life to the area, the better utilisation of buildings will be supported within The Golden Triangle and The Industrial Middle.
- 7.13 The applicants also advise that the viability evidence submitted with the application demonstrates that this is a challenging site to develop. A residential-led mix of uses is necessary to allow for development to proceed and the proposed mix of uses proposed is entirely appropriate for this location, having regard to the character of the locality, as a thriving urban neighbourhood.
- 7.14 Since the issues report was considered by the planning committee the amount of non-residential has been increased by 996 sq.m increasing the ratio with the residential floor space from of 30% to 33 %. There would be ground floor commercial uses on all public frontages and buildings G, R and Q. would be entirely for commercial uses. The proposed units would be of a variety of sizes aimed at small scale occupiers, characteristic of the Jewellery Quarter and would be able to accommodate a diverse range of ground floor active frontages and flexible accommodation for a variety of businesses. This could generate significant new employment, estimated by the applicant to be 345 jobs, compared to the 110 jobs currently on site, contributing significantly to the vitality of the area.
- 7.15 The engineering processes carried out on the site are also not jewellery related businesses and have no direct link with the trade. Para 8.3 of the JQ Character Appraisal notes that they are heavy industrial processes uncharacteristic of industry in the Quarter have a significant impact on the land use pattern immediately surrounding Northwood Street. Para 6.4 states that that Industrial Middle locality contains a number of larger late 20th Century industrial buildings, notably in Northwood Street where the road is gated and heavy industrial processes are carried out in industrial sheds of poor quality and design uncharacteristic of the Quarter. Although there is currently about 15,470 sq.m of floor space on the application site A.E. Harris only actively uses 2,323sqm of the 12,315 sq.m in their ownership. The remainder is either vacant, underused or has been used for D2 purposes and public car parking. Although Baker and Finnemore fully use their floor space it is not designed for a modern engineering business and they are now proposing to vacate the site.
- 7.16 The development therefore offers the opportunity for a range of more modern commercial floor space to be provided as well as affordable workspace that would better meet the needs of the Jewellery Quarter and increase jobs. AE Harris has been looking to relocate for a number of years as their existing premises are neither efficient for their current manufacturing processes, nor suitable for movements of goods and raw materials to and from the site. Both existing companies are also

located within the area which will form part of the proposed Clean Air Zone, meaning that when introduced, vehicles associated with these businesses would need to be compliant with the new measures being introduced. As both businesses are now proposing to relocate their operations it could leave the existing buildings unoccupied and mean that a large site in the centre of the Jewellery Quarter becomes vacant. Without the mix of uses proposed the opportunity for the site to contribute in a positive manner to the character of the conservation area and improve connections to the wider jewellery quarter and city centre core could be lost.

- 7.17 Planning policies for the site therefore give some support for the development but it has been an important element of the Jewellery Quarter Character Appraisal and Management Plan SPG that in order to preserve the significance of this heritage asset residential development should not normally be permitted in the Industrial Middle and Golden Triangle parts of the Conservation Area. It will be seen from the consultation responses that a number of concerns have been expressed regarding the loss of employment uses and the impact this would have on the character and significance of the Jewellery Quarter Conservation Area. Other industrial businesses exist immediately adjoining the site and elsewhere within the Industrial Middle. Planning permission has also been refused for residential development and upheld at appeal such as at No's 10-12 Regent Place where in 2015 the inspector upheld the Council's decision to refuse permission for the conversion of B1 floor space to residential and concluded that *"...the loss of B1 space could affect the economy of the area ...and the appeal proposal would give rise to harm to the character and appearance of the Conservation Area, a designated heritage asset, the conservation of which should be given great weight as set out in paragraph 132 of the NPPF. The harm identified to the Conservation Area is not outweighed by the public benefits identified..*
- 7.18 It is also noted that the applicant's heritage statement acknowledges that the development would result in a degree of harm to the conservation area. Therefore there would be a conflict with planning policies which will need to be weighed against other material considerations and any public benefits resulting from the development which are set out further below.
- 7.19 **Demolition**
- 7.20 The redevelopment of the application site would require the demolition of most of the unlisted buildings on the site. Although unlisted, they are within a conservation area, where there is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and the Jewellery Quarter Conservation Area Appraisal and Management Plan states in para 1.1 that demolition of buildings will not normally be permitted. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance. In considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
- 7.21 The two listed buildings on the site and two other 19th century workshop buildings, at 123 Northwood Street and to the rear 128 Northwood Street would be retained. The buildings proposed for demolition are generally 20th century industrial workshops and sheds and although some date from the late 19th century they have been extensively altered. The JQ Character Appraisal describes the industrial sheds as being of a poor quality and design uncharacteristic of the Jewellery Quarter. Conservation Area consent has been granted for the demolition of all existing buildings and structures on

the former AE Harris site except for the listed Harpers Hill Works as recently as 2013 and could still have been implemented up until April 2018.

- 7.22 In will be seen from the consultation responses received that a number of the objections received relate to the amount of demolition proposed particularly the loss of the unlisted buildings at 10-12 James Street, 110-118 Northwood Street and the front and east ranges at 128-138 Northwood Street. The objectors comment that these structures which date from the late 19th and early 20th century form part of the Conservation Areas typical historic building stock and its primary asset and should not be demolished as this would diminish the areas special character. At the issues stage committee members were also not convinced about the amount of demolition proposed.
- 7.23 The amendments made to the application have not altered the amount of demolition proposed as the applicant points out that this application proposes to retain more built form on the AE Harris part of the site than previously agreed. It is now proposed to keep 123 Northwood Street (Building D) and the west range to the rear of 128 Northwood Street (Building H) which it was previously agreed could be demolished. The applicant's heritage assessment has considered the significance of all buildings on the site including 10-12 James Street, 110-118 Northwood Street and the front and east range of 128-138 Northwood Street. The assessment notes that the development would result in the loss of buildings within the Conservation Area that contribute to its historic industrial character and that this would cause a degree of harm. It however notes that these particular buildings are not part of complete manufactories and are currently obscured by later development and not readily experienced as part of the Conservation Area. Although dating from the mid to late 19th century it concludes that 10-12 James Street and 110-118 Northwood Street have been highly altered and are of limited architectural merit and whilst the ranges at 128-138 make a greater contribution this is tempered by its alterations.
- 7.24 The City Design Manager also expresses some concern about the loss of a number of perfectly sound 19th century buildings in the conservation area. He comments that one of the greatest concerns for the Jewellery Quarter is the proportion of new development which in many areas is being overtaking the degree of retention of historic buildings. However he considers the buildings that would be lost are of limited merit and the wider urban design moves and public benefits would, on balance, outweigh their loss.
- 7.25 **Layout**
7. 26 Various national and local planning policies seek the creation of high quality buildings and places designed to the highest possible standards which reinforce or create a positive sense of place, respond to local context and create safe and attractive environments. For the Jewellery Quarter policies note the close urban grain is particularly distinctive and should be retained together with radically improved connections to the City Centre Core
- 7.27 The layout proposed for the site is similar to that previously agreed on the AE Harris part of the site in that central to the design is the retention of the existing road pattern, the establishment of active ground floor uses on street frontages and provision of new pedestrian routes both through the site and to connect to the wider area. The new areas of public realm would open up the currently closed east-west route of Northwood Street to public access and establish a new north-south axis linking between Newhall Street and to Regent Pace. Previously the later route terminated on Graham Street but with the inclusion of the Baker and Finnemore

premises this would allow a link to be provided onto Newhall Street through the centre of the site. At the southern end of route there would also be a public events space behind the proposed new line of development fronting onto Graham Street with a flight of steps and lift to link this new public space with the new north-south route.

- 7.28 The proposed new buildings would line both sides of the two pedestrian routes, as well as fronting Northwood Street, Graham Street, James Street and Regents Place in a series of new buildings comprising both frontage and courtyard blocks supplementing the four retained buildings. The layout proposed would create not only the public square behind the Graham Street frontage, but a number of private courtyards primarily for residents use and access to the apartments. It is intended that the proposed form and width of new routes and spaces are narrow to reflect the character, grain and intensity of the Jewellery Quarter Conservation Area.
- 7.29 At the issues report stage the committee felt the layout to be very cramped and overdeveloped and requested more public open space required within the centre of the development with a public open space square as a focal point. The layout has not materially changed since the application was previously considered as it reflects the character and tight grain of development within the Jewellery Quarter. The formation of a new public space (behind the Graham Street frontage) is considered to be a positive asset to the Conservation Area and having regard to the existing street pattern and site gradients is located in the most suitable position where it would be fronted by ground floor commercial units. The public realm and events square would provide over 3,000 sq.m of new public spaces, as well as environmental enhancements. This would follow the guidance in the JQ design Guide that external space in the Jewellery Quarter should follow the existing tradition of narrow yards.
- 7.30 The City Design Manager considers that the creation of both a new destination within the Jewellery Quarter as well as new connections through the Jewellery Quarter are positive attributes of this scheme. The opening up of Northwood Street would connect Caroline Street through to Vittoria Street and help navigate pedestrians towards the main commercial centre of the Quarter (Vyse Street and Warstone Lane and the Big Peg). More critically, the formation of a new north-south route would help deliver legibility from Newhall Street through to the commercial centre and increase footfall through the quarter by creating a new critical connection through what is otherwise a city block that currently diverts pedestrian movement away from the centre of the Jewellery Quarter. Currently this block deflects natural pedestrian flow from St Paul's Square and Newhall Street (the two main arrival points into the Quarter from the city centre proper) and does little to promote good legibility through the Quarter. In terms of the form and dimension of new routes and spaces these are narrow and intimate thus reflecting the areas historic dimensions and the width of Regent Place.
- 7.31 Objections have been raised to the layout on the grounds that it is 'inward' looking and turns it back on James Street with no commercial entrances fronting the street and that the buildings are raised up and inaccessible. Concerns have also been expressed that the car park access is on this James Street and that the new north/south route would downgrade the links to St. Paul's Square from existing streets such as James Street. As there is a considerable difference in levels across James Street this has allowed a basement carpark to be provided so that parking would not dominate the layout. The difference in levels has resulted in number of the buildings having raised ground floors at street level however there would still be an entrance into a ground floor ground floor commercial unit within Building P. There would also be a number of large ground windows to commercial units facing James

Street as well as the car park entrance which adds to the activity in this location. Currently on the James Street frontage there is very limited overlooking of the street and it is considered that the proposals would improve activity to this frontage. The additional public routes through the site are also considered to benefit the wider area by allowing access from James Street through the current gated section of Northwood Street.

7.32 Building Heights and Designs

- 7.33 The JQ Management Plan requires the design of 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. The JQ Design Guide outlines principles for good design including guidance on scale, form, grain, street/plot hierarchy and materials. In terms of building heights it states that new buildings should maintain the subtle variety of roofline characteristic of the area which limits height to a maximum of four storeys although in some contexts three or even two storeys will be more appropriate.
- 7.34 The scheme previously approved on the AE Harris part of the site proposed building heights of 3 and 4 storeys with the development fronting Regent Place being 3 storeys to reflect the heights of existing building along this historic street where many of the buildings are listed. The new buildings proposed on the larger site are a mix of mainly 4 and 5 storeys but part of Building K would be 6 storeys where it adjoins the new events square and the tower to Building R also has a height equivalent to about 6 storeys being 24 metres high. Generally the higher buildings have been positioned towards the centre of the site but there would also be 5 storey blocks along the main street frontages including Graham Street, James Street and Northwood Street and along the new north-south pedestrian route.
- 7.35 When the Planning Committee considered the proposals at the issues report stage members commented that the new buildings were generally too tall and there would be an adverse impact on the Conservation Area due to the height and massing. It will also be seen from the objections received that the scale and height of the new buildings have been raised as an issue by the local community and by the various heritage organisations.
- 7.36 The new buildings range in height from two to five-storeys. Some amendments have been made to building heights so that Building A is now slightly lower by reducing the parapet level although it is still at 4 storeys and Building B has been amended to remove the 5 storey section. The Regent Street frontage would therefore be mostly 4 storeys in height apart from a lower 3 storey block at the eastern end. The overall heights of Buildings E and N have also been reduced and although they are still at 5 storeys. As a result of the 12 of the new buildings proposed 8 include sections that are 5 storeys or higher (Buildings C, E, F, K, L, P, R and N) but most have also been designed to include lower 4 storey blocks.
- 7.37 The agent advises that detailed attention has been given to the design of each individual building block within the masterplan to ensure that any proposed height above four storeys is within the centre of the site or where the visual impact on existing surrounding streets, such as Graham Street, will be minimised. As a result buildings over four storeys now represent less than 30% of the proposed development. They consider the development accords with policy 2.1 of Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPD which requires new development to respect the scale, form, and density of the historic

pattern of development, protects views and roofscapes and does not set a 'cap' on the height of new development within the Jewellery Quarter.

- 7.38 The existing development on the site and in the immediately adjacent streets is predominantly 2/3 storey and the proposed new buildings at 4/5 storey would therefore be taller. However the higher blocks have generally been located towards the centre of the site and with heights reduced adjacent to retained or neighbouring buildings. The main exceptions to this are on the Graham Street frontage where the new buildings would be 4/5 storeys in height with tall high floor to ceiling heights on commercial Building R. This Building also includes a tower 6 storey high to act as a marker to the development at the end of Newhall Street. Although these heights would generally be above those in the immediate area, Graham Street is a relatively wide street and is a main route through the Jewellery Quarter so it is considered it can accommodate the taller heights proposed. The tower element would also help locate the main pedestrian route through the development.
- 7.39 A number of objections have also been received to the building heights proposed on the Regent Place frontage on the grounds that they will unduly dominate and overwhelm the 3 storey buildings on the opposite side of the street most of which are listed. A number of revisions have been made to this street frontage to reduce the building heights including the removal of a 5th floor on Building B and the inclusion of set-backs at fourth floor level. Whilst it is acknowledged that the proposed development would be predominantly 4 storeys and higher than existing, it is not considered that it would be unduly overbearing given the tight urban grain and narrow pattern of streets in the Jewellery Quarter. The application site also currently presents a poor appearance to Regent Place and the development would provide an improved built form.
- 7.40 In terms of design and materials the JQ Design Guide seeks to ensure new development reflects the character of the traditional buildings within the conservation area which include a regular pattern of fenestration, diminishing proportions, a variety in the roofscape and the use of a limited palette of traditional materials generally red brick with brick stone or terracotta details and blue/grey slate.
- 7.41 The development includes a range of new buildings designed to appear as over 20 individual designs. This is based on four main building types that the architects have identified within the conservation area which has been applied to create a new cohesive and varied character to the street form. Generally buildings would have a brick frame with a regular pattern of recessed windows of different forms above taller ground floor windows for the commercial uses. Roofs would be either flat with a parapet or have a pitched roof clad in dark metal or slate. The use of a number of materials is proposed predominantly red/orange brickwork with details of coloured masonry and stone. However in order to provide variety to the streets the use of grey, black and green bricks is also proposed together with terracotta, dark coloured metal and bronze fins.
- 7.42 When the original proposals were considered by the Planning Committee members considered that the new buildings look very square and uninteresting and suggested that the use of arched windows would enhance the designs. There are also a number of objections to the architecture from local people and from the amenity societies on the grounds that the designs are bland, repetitive, not distinctive enough, would add little to the 'richness' of the area and the area deserves better. There is also particular criticism of the "excessive" high floor to ceiling heights proposed for the commercial units and the design of the proposed cinema/theatre on the corner of Northwood Street/James Street which is considered to be inappropriate, un-

neighbourly and out of character with the listed building opposite. There are also objections to the use of black metal cladding and the inclusion of the "tower" on Building R.

- 7.43 Since consideration of the proposals at the issues report stage a number of design changes have been made to the fenestration and detailing of Buildings A, B, C, E and N the most noticeable being the height reductions and additional subdivisions to Buildings B on Regent Place and N on Graham Street. There has also been a change in materials to Buildings E on Northwood Street to orange brick and terracotta and a mix of textured and smooth green bricks for the corner section of Building L at the junction of James Street and Northwood Street. Although there have been lengthy discussions with the architects regarding the design a large number of the buildings still have a very similar form of a brick frame, large floor to ceiling heights on the ground floor, the same sized windows above (rather than diminishing proportions) and flat roofs. However the designs have provided varied plot widths and roof lines would be predominantly of orange/red brickwork and have simple facades and active ground floor uses. They therefore meet many of the elements of the traditional buildings designs in the Conservation Area.
- 7.44 The City Design Manager comments that the majority of proposed buildings (above ground floor) comprise a variation of the same window proportions across a standard grid. Whilst this differs slightly from building to building, the standard grid has been applied throughout with limited differentiation between floors or grouping of fenestrations giving a lack of variety which is disappointing. He however feels that the buildings are still varied enough to provide good street scenes, particularly those proposed either side of Northwood Street and especially along James Street. The use of different roof forms here has helped distinguish different buildings, including contemporary takes of northern light roofs, standard gables and pitches that have been orientated in different directions on different height buildings. Where viewed as collective groups of architecture, some very successful pieces of townscape would be delivered including both sides of Northwood Street and the new north-south route along with the environment around the new public square behind Graham Street. Whilst the Graham Street and Regent Place frontages have been improved he still considers that they lack architectural interest but would be acceptable.
- 7.45 The applicants have proposed three "special" buildings within the development designed to provide visual interest and richness in response to some of the objections raised. The City Design Manager supports the intention to do something exciting and bold in the spirit of the JQ but feels that as the same building typology that has been produced, the "special" quality would only be delivered through contrasting or differing materials, including metal cladding on Building R, terracotta on the front elevation of Building E with a grid of pilasters and a green glazed brick building on the corner of Northwood Street and James Street Building L. Whilst the designs are generally acceptable they would not add to the very unique quality and particular characteristics of this heritage asset.
- 7.46 The inclusion of a tower element on Building R has been criticised by some objectors in view of its height and design. The City Design Manager regrets that it does not have a curved more chimney like form but considers it is acceptable in that it broadly delivers in the termination of the vista along Newhall Street and would mark a new critical new connection through and to the Jewellery Quarter.

7.47 Dwelling Mix

7.48 Policy TP27 of the BDP states that new housing in Birmingham is expected to contribute to making sustainable places and demonstrate that it is meeting the requirements of creating sustainable neighbourhoods which are characterised by a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. At the issues report stage the application proposed 320 apartments and members felt that although a good mix of residential properties was proposed there was a desire to see bigger bedroomed apartments and family housing.

7.49 The amended proposals have reduced the number of dwellings to 305 but the mix is very similar in that 54% would still be 1 bed and 46% would be 2 or 3 bed units as set out below:-

	Original proposal	Current Proposal
1 bed x 1 person apartments 37-49 sq.m	106 (33%)	110 (36%)
1 bed x 2 person apartments 50+ sq.m	68 (21%)	55 (18%)
2 bed x 3 person apartments 65-69 sq.m	49 (15%)	54 (18%)
2 bed x 4 person apartments 70+ sq.m	66 (21%)	59 (19%)
3 bed apartments/family units 74+ sq.m	31 (10%)	27 (9%)
TOTAL	320	305

It will however be seen that the number of smaller units to be provided across the site has increased so that the one bed x 1 person units would have increased from 106 (33%) to 110 (36%) and the number of 2 bed x 3 person has increased from 49 (15%) to 54 (18%). There has also been a reduction in the number of larger 3 bed family sized units from 31 to 27 properties.

7.50 It is disappointing that the percentage of larger units has now been decreased so that now 36% of the apartments would only be suitable for 1 person occupation according to the nationally described space standards. This is the result of the amount of residential floor space decreasing from 19,335 sq.m to 18,384 sq.m and the applicants need to provide a viable development. The applicants advise that there are only 3 studios within the development and of the 110 small 1 bed units only 50 would be below 45 sq.m in size with the remaining 60 being between 45-48 sq.m.

7.51 Objections have been raised from Jewellery Quarter Development Trust to the high percentage of 1-bed accommodation at 54% and that most of it is very small 1-bed/1-person accommodation, below 50sq.m in area. Third parties also express concern that the apartments are too small, with minimal storage space and very little outdoor space and do not appear to be designed to offer a high quality of life and wellbeing to future residents. Whilst it is to be expected that a high number of 1 and 2 bed dwellings are provided in city centre locations the small size of dwellings proposed in this application would be at the upper end of similar schemes that have been approved. The unit sizes would meet minimum national space standards and the development as a whole would deliver a range of other facilities for residents such as the ground floor commercial uses, potential cinema, private and communal areas of

open space which in total (both public and private) is 7,127 sq.m which equates to 47% of the total footprint of the development.

7.52 Impact on Heritage Assets

7.53 The paragraphs above cover some of the issues in respect of the impact of the development on the JQ Conservation Area in terms of the demolition, mix of uses layout and the heights, scale and design of the new building. A number of the objections received comment that whilst they welcome the opening up of pedestrian routes through the site, the loss of industrial floor space from the Industrial Middle, amount of residential development scale, height and design of the new development means that overall the proposals would cause harm to the significance of Jewellery Quarter. Historic England and the Victorian Society considers the proposals would cause a serious level of harm to the character, appearance and significance of the conservation area, failing to meet the requirements of statutory legislation, national and local policy.

7.54 The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and directs local planning authorities to require an applicant to describe the significance of any heritage assets affected and to assess how the significance any heritage asset that may be affected by a proposal. Policy TP12 of the BDP states that great weight will be given to the conservation of the City's heritage assets and that development affecting a designated or non-designated heritage asset or its setting, will be expected to make a positive contribution to its character, appearance and significance. The applicants have therefore submitted a detailed Heritage Assessment which has considered the impact of the development on the conservation area and other heritage assets which include a number of listed buildings in the vicinity of the site

7.55 Conservation Area

7.56 The applicant's assessment concludes that the development will cause a degree of harm to the character and appearance of the Jewellery Quarter Conservation Area resulting from:

- The demolition of 10-12 James Street,
- The demolition of 110-118 Northwood Street,
- The demolition of the front and east ranges at 128-138 Northwood Street,
- The general height of development across the application site as a whole which in places exceeds the typical maximum height of historic development in the Jewellery Quarter of four storeys.

• Changes to the view of St Paul's Church spire looking east along Graham Street. It however also concludes that the proposed development will enhance the character and appearance of the Jewellery Quarter Conservation Area by the demolition of the more modern buildings and industrial sheds, the reinstatement of a historic urban grain typical of the Industrial Middle and improving permeability, by retaining, conserving and bringing back into use 109 Northwood Street, 199 Newhall Street, 123 Northwood Street and the west range to the rear of 128-138 Northwood Street, by reinstating the townscape and enclosure of the site frontages to Regent Street, James Street Graham Street and by enhancing views to the Jewellery Quarter Conservation Area along Newhall Street.

7.57 The City Design Manager considers that the proposals, if delivered, would open up much welcomed new routes to the JQ from the city centre. However the "harm" caused by the development goes to the core of local planning policy and challenges the principle of use and scale on this site due to:

- The loss of existing commercial operations and the replacement with a significant residential development, which is considered inappropriate in principle in the Conservation Area's Management Plan, by virtue of it damaging the industrial character of the area.
 - The impact this could have elsewhere in the 'Industrial Middle' and be seen as an entire sea change that could irrevocably damage the defensibility of the policy significantly changing the character of the area.
 - The conflict with policies relating to building heights which generally should not exceed four storeys in height.
 - That the architecture has filtered out much of the Conservation Area varied character and restricted the design to utilitarian buildings of 20th century origin.
- 7.57 The harm caused the Conservation Area although less than "substantial" will need to be balanced against the public benefits of the development which are dealt with in Section 8 below:-
- 7.58 *Impact on Listed Buildings*
- 7.59 In relation to the impact on other heritage assets including listed buildings on the site and other listed buildings nearby the applicants heritage appraisal concludes that the development would cause a degree of harm to Harpers Hill Works at 109 Northwood Street (grade II listed) and The Church of St Paul (grade I listed). The harm is due to the height of the new 4/5 storey buildings proposed adjacent to 109 Northwood Street and the loss of its historic context. However the appraisal comments that this should be balanced against the buildings restoration, demolition of its modern extensions and rebuilding of its rear wall. The spire of the Church of St Paul (grade I listed) is currently visible in views to the east along Graham Street and the increased height of the new build on this frontage would reduce the places along the street where the spire is currently visible. The spire would however remain visible along Graham Street at other points.
- 7.60 The City Design Manager largely agrees with the findings regarding the impact on the listed buildings in the vicinity of the site but considers there would also be some limited harm to the significance of the listed buildings on Regent Place as there is a very significant interface between the site and these buildings heightened by the scale of the development on this frontage, the width of the street and the proximity between the listed buildings and the new contemporary buildings. He however considers the harm is 'less than substantial' in terms of the NPPF and under the test in paragraph 196 consideration needs to be given as to whether the harm is outweighed by the public benefits of the proposals
- 7.61 The City Design Manager also expresses some concern that there are no specific detailed proposals for the restoration of the two listed on the site. The agent advises that this will depend on the eventual occupants of these building both proposed for commercial uses and conditions would be required for the submission of further details.
- 7.62 **Residential Amenity**
- 7.63 For the new development the separation distances between windowed elevations to the various apartments are generally about 9 -11 metres. There are a few instances where separation distances are reduced to about 5 metres on corner units where buildings are located either side of the narrow sections of the new north – south pedestrian route. Here however the layouts have been designed so that on the side

elevations have bedroom windows which would be opposite each other with living rooms positioned on the main frontages where with separation distances are about 10 metres.

- 7.64 Regulatory Services have raised a number of issues regarding the submitted noise reports but consider that if the development is built as a complete scheme they do not object in principle subject to conditions controlling the operation of the commercial uses, vent locations and provision of appropriate noise mitigation measures. They did however recommend refusal if Baker and Finnemore were to be retained on site due to the potential for disturbance to adjoining residents from industrial and associated operations. However now that Baker and Finnemore are to vacate the site the entire re-development can take place.
- 7.65 A number of the objectors have also raised concerns regarding possible disturbance to existing residents from the commercial units. This can be addressed by the imposition of suitable conditions regarding hours of opening etc. It is common in the wider Jewellery Quarter for commercial development to operate in close proximity to residential development with suitable controls being put in place.
- 7.66 A number of objections have also been raised from residents, particularly in Regent Place, to the development proposed opposite their properties on the grounds that its scale and height would cause overlooking, loss of privacy and light and have an overbearing impact. On the Regents Place proposed Buildings A and B would lie opposite a row of listed buildings, including the Squirrel Works, which has residential accommodation on the upper floors. Most of the existing buildings on Regent Place opposite the site are 3 storeys high with heights of about 9-10.5 metres to eaves level whereas proposed buildings are mainly 4 storeys with heights to the top of the parapet of about 14 -14.8 metres.
- 7.67 It is acknowledged that the proposed buildings would be higher, particularly compared to the existing 2 storey buildings that currently occupy the site frontage. The application has however been amended since originally submitted to include setbacks to some of the upper floors and to remove the 5 storey element originally proposed. Most of the buildings opposite the site are in commercial use or are live/work units and although there are apartments within the Squirrel Works these have large windows and their layouts are dual aspect. The Squirrel Works also has a fourth floor set back on the flat roof of the building so there is already a precedent for some 4 storey development in this Street. Although Regent Street is a narrow road so that separation distances between windows would be about 8 metres these narrow distances are typical of the Jewellery Quarter. The application site frontage currently has a poor appearance to Regent Place with a variety of industrial buildings, vacant plots, service yards and a car park. The development would provide the opportunity to remove these unattractive and potential noisy uses and replace them with more suitable buildings that enhance and bring activity to the street. In my judgement it is not considered that the impact of the development on neighbouring residents would not be so severe as to warrant refusal of the application.
- 7.68 On James Street the separation distances between residential windowed elevations on the proposed and existing development would be slightly greater at 9 metres but on this street the proposed building heights would be more varied ranging between 2 and 5 storeys. The buildings opposite the application site are also in a mix of residential and commercial uses with heights of between 2-4 storeys. On the Graham Street frontage the proposed 4 and 5 storey buildings would lie opposite 3 and 4 storey commercial and residential blocks with greater separation distances of about 13 metres. It is not considered that there would be an adverse impact on these

existing properties and the appearance of the streets generally would be improved by the removal of the existing industrial buildings and service areas. An objection has also been raised regarding impact on rights to light but this is covered by other legislation.

7.69 Transportation Matters

7.70 A vehicle access to an undercroft car park with 42 spaces and a cycle store with 272 spaces and associated wash down, maintenance area would be provided from the James Street frontage. Pedestrians including persons with disabilities would be able to gain access to the car park and cycle storage via lifts and a staircase is also proposed from the ground floor of Building K. There would also be a further 59 cycle hoops within the private courtyard areas and a further 12 public spaces within the public realm on Northwood Street.

7.71 When the issues report was considered members commented that adequate parking should be provided for residential properties and the use of car clubs should be considered. The number of on-site car parking spaces has been slightly reduced from 44 to 42 spaces but the applicants are offering to subsidise car club ownership for first occupants of the development as part of the Section 106 package. Members also requested that bin storage areas should be shown in the plans which has been provided. Servicing, deliveries and refuse collection would take place directly from the street frontages at Regent Place, Northwood Street and Graham Street overseen by on site management with access onto Northwood Street controlled through the installation of bollards.

7.72 A number of objections to the development have been raised on the grounds that the parking provision is inadequate, that parking will spill out on to the surrounding streets where spaces are already at a premium and no disabled spaces or electric charging points are being provided. The Jewellery Quarter Development Trust however support the limited on-site parking which they consider would help reduce the potential vehicular and traffic impact of the proposed development in this highly sustainable location.

7.73 Transportation raises no objections to the parking and servicing arrangements subject to conditions. They comment that the supporting Transport Statement assesses the potential traffic and trip impacts noting the low level of parking spaces being provided. The surrounding area has streets all protected by parking controls and permit spaces so there is no nearby location for any new parking demand to be accommodated. There are however public car parking areas nearby and the site is close to the City centre so they have no objection to the proposed level of parking. They recommend conditions for various Traffic Regulation Order/pay and display parking modifications, a Section 278 agreement for removal of redundant footway crossings around the site, for boundary treatment on the wide footway area on Graham Street to prevent unauthorised vehicle access and parking, that the cycle parking is provided and that there is a demolition and construction management plan.

7.74 Other matters

7.75 The objections raised by Regulatory Services to the development being undertaken in 2 phases are resolved now that Baker and Finemore have now agreed terms with the applicants and are to vacate the site and relocate their businesses. The applicants have provided additional information to respond to the objection from the Lead Local Flood Authority and it is anticipated that this will be resolved provided suitable drainage conditions are imposed.

- 7.76 In the consultation responses received a number of comments have been received that CCTV and security controls be provided, there should be a suitable lighting scheme, Stan's Café be retained, green roofs, bird, bat and bug boxes and bricks be provided and the development should include an art strategy. Other observations that have been made in relation to the potential for there to be disruption for existing residents and business, damage to roads and pavements during the demolition and construction period. Conditions can be used to cover some of these matters but any damage to property or the highways during the works are covered by other legislation. With regard to request that Stan's Café are retained within the site, the applicants would be willing to accommodate them within the development but this would be subject to suitable terms being agreed.
- 7.77 In response to the comments that there has been no wide public consultation and a public meeting is needed, over 500 letters public consultations letters have been sent out to local residents, site notices and press adverts have also been displayed around the site. In addition the applicants have held two meetings with the Jewellery Quarter Development Trust. Wide spread consultation has therefore been undertaken.
- 7.78 Planning Obligations**
- 7.79 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 revised NPPF states that where major development is proposed at least 10% of the homes provided to be available for affordable home ownership.
- 7.80 The applicants have submitted a financial appraisal with the application and following discussions with the Council consultants a financial sum of £1,400,000 has been agreed. The applicants propose this could be used in the following ways:-
- As a contribution towards off site affordable dwellings and/or workspace.
 - To provide the equivalent financial sum for provision of affordable housing delivered on-site in the form of 34(11%) Discount Market Sales Units (23 x1-bed and 11 x 2-bed units) to be sold at 80% of the open market sales value or
 - To provide the equivalent financial sum for affordable workspace on site in the form 1,610 sq.m of B1 floor space at a discount rent of 70% of market value or
 - To provide a combination of on-site discounted market units and affordable workspace to a value of £1,400,000
- 7.81 In addition the applicants are also offering:-
- Not to commence development on the site until a Business Relocation and Retention Strategy in respect of the existing ae Harris and Baker and Finnemore businesses with the aim of assisting the relocating of those employees who are required to be relocated
 - To construct the shell and core of the affordable workspace and to use reasonable endeavours to market to market the space at a rent which is 30% below the market rate with a cap on service charges
 - The appointment of a workspace provider to manage the day to day operation of the Affordable Workspace
 - To subsidise Car Club membership for the first eligible occupiers of each residential unit for a period of three (3) years running from the date of first occupation and to provide one £50 drive time credit per household. If required a sum of £15,250 would be deducted from the £1.4 million, which would reduce the affordable workspace being offered to 1,592 sq.m

- 7.82 At the issues report stage the applicants Section 106 offer was for only 1,709 sq.m (NIA) of affordable workspace at a 30% discount on market rent within listed building Q. Committee members considered the offer to be very low and noted that there was no education provision, affordable housing and grant for the management of the site and start-up costs for small industries. Since then the amount of affordable workspace being offered has slightly reduced to 1,610 sq.m but it is now proposed to appoint a workshop provider to manage the space. Members also queried the position with Baker and Finnemore which has now been resolved and their previous objections to the application have been withdrawn.
- 7.83 Although the applicants are offering to provide low cost market dwellings or affordable workspace or a combination of the two it is recommended that the financial sum being offered is used to provide subsidised workspace on the site in perpetuity in order to help to sustain policies regarding the protection of employment uses and jewellery businesses in the Industrial Middle. There would be a greater likelihood of the commercial floor space being let if some was provided at a discounted rent as it could then provide suitable space for small start-up businesses and also help compensate of the loss of existing employment business floor space from the site. Furthermore in order for this development to contribute to the character and appearance of the conservation area it is important that the commercial floor space is let and is occupied therefore if some subsidised space is provided this may widen the range and number of businesses that could occupy the units. The previous planning consent granted on the site also required no less than 1,639 square metres of gross floor space to be set aside for affordable workspace in perpetuity and this would therefore follow the principle previously agreed. This offer is considered to be a fair and justifiable and meets the necessity tests set out in the CIL Regulations.
- 7.84 Contributions have also been requested towards off site public open space and sports provision/improvements in the ward, to fund additional school places and improved public health care. The viability assessment demonstrates that the development could not afford to fund all these requests and affordable workspace and/or affordable housing is considered to be of the greater priority. The development is to provide new areas of public realm and CIL contributions can be used towards education facilities. The request for contributions towards health care facilities is also not considered to meet the tests for such Section 106 contributions, in particular the necessity test, Regulation 122.(2)(A) which requires it to be necessary to make the development acceptable in planning terms. The applicant has agreed that a construction employment plan can be provided and secured via a condition.

8.0 The Planning Balance

- 8.1 The development would comply with several of the relevant BDP policies including those relating to the promotion of mixed use development within the City Centre, creating sustainable and high quality new places. It would also meet the objectives set out for the Jewellery Quarter in the BDP as a vibrant and mixed use urban neighbourhood with radically improved links to the city centre. However there are also a number of conflicts between the application proposals and development plan policies in that the BDP and Jewellery Quarter Management Plan seek to support the manufacturing and industrial heart of the Jewellery Quarter and would not therefore normally allow new residential development in this location. The proposals also involve the loss of industrial floor space from the Conservation Area, some of the new buildings proposed have heights at 5 or more storeys higher than neighbouring properties and the dwelling mix has a high percentage of small one bed apartments. The applicant's assessment also concludes that the development will cause a degree

of harm to the character and appearance of the Jewellery Quarter Conservation Area. This conflict with the Development Plan policies and the “less than significant harm” caused to the significance of a designated heritage asset needs to be weighed against the public benefits of the proposals.

8.2 There would be a number of public benefits as a result of the development. These include:

- Regeneration of a strategically important site with an investment in construction expenditure of approximately £48.6 million, and which could help further encourage further investment in the Jewellery Quarter.
- Radical improvements to the connectivity between the Jewellery Quarter and the city centre core.
- Reopening of streets and the creation of new connections, new spaces, and significant enhancements to public realm with 3,052 sq.m of new public spaces.
- Integration and refurbishment of two listed buildings.
- Retention and reuse of two unlisted buildings within the conservation area.
- High quality design proposals that respect the existing urban grain, street pattern, provide a variety of building heights and massing.
- The creation of about 345 new jobs.
- Enable the relocation of AE Harris and Baker and Finnemore to more suitable premises.
- Remove heavy and noisy industrial uses from the site which are not Jewellery related together with their associated large delivery vehicles within the area which will be part of BCC's 'Clean Air Zone'.
- Would provide a mix of active ground floor uses on all public routes that as well as other commercial floor space that would make significant contribution to the vitality of the local area, in keeping with the thriving character and heritage of the local area.
- Allow new B1 affordable floor space to be provided
- Provide a mix of new housing for the area to help meet the City's need
- Allow improvements to be appearance of the site by the removal of the existing large industrial sheds and by infilling existing gaps in the site frontages to Regent Place, James Street and Graham Street.
- Allow the viable redevelopment of the site that could remain vacant if the existing businesses vacate their premises.

8.3 The issues are finely balanced and if permission were to be granted a number of safeguards would need to be in place to ensure that the unique circumstances and totality of this scheme is delivered. It would only be in these circumstances that an exception to policy could be justified as occurred when planning permission was granted for the previous applications for the redevelopment of the AE Harris part of the site. These include a Section 106 planning obligations and conditions referred to above and further requirements to secure the relocation of both companies and associated jobs, that there is no demolition until a contract is in place for development of the new buildings, that the repairs and refurbishment of the listed buildings and new commercial floor space are delivered before occupation of the residential units. Also that the new public routes thought the site are delivered in accordance with an agreed timetable.

8.4 With these obligation it is considered that this scheme can on balance be supported and the 'less than substantial harm' to the conservation area in line with paragraph 196 of the NPPG (2018) is outweighed by the public benefits including the regeneration of this area of the Jewellery Quarter and the opening up of formerly privatised streets to deliver vital connectivity through the Conservation Area.

9. Conclusion

- 9.1 The application proposals have required a careful balancing of the objections to the development against the public benefits of this proposed mixed use scheme within the Jewellery Quarter Conservation Area. The proposals have been amended to address a number of the concerns raised at the issues report stage including height reductions and provision of additional commercial floor space. Both the existing businesses on the site have now expressed the desire to relocate and could potentially leave a large vacant site within the heart of the Jewellery Quarter. The applicant's viability appraisal shows that in order to provide a viable redevelopment of the site a mixed use development including apartments is required but would still allow that 33% of the floor space to be available for commercial uses including affordable workspace. Improvements to the links between the site City Centre core and the Jewellery Quarter have long been a vision for the area and the redevelopment of this site would allow a new public route to be provided into the Quarter from the end of Newhall Street which along with other new public routes proposed through the site. This carries significant merit and would set it apart from other sites in the Quarter.
- 9.2 Although the concerns regarding the scale of the new buildings, their design and the dwelling mix are acknowledged, in my judgement the scale and residential led nature of the development are necessary to deliver the project and the benefits it offers in opening up the core of the Jewellery Quarter. The taller buildings have also been located in the central parts of the site and on Graham Street and the 'calmer' design of the proposals would not compete with the surviving heritage of the area. The loss of a number of 19th century buildings in the conservation area is regretted as the development would largely comprise new build rather than retention of built heritage. However more buildings would be retained than previously agreed and those that would be lost have been significantly altered and are of more limited merit. Overall the wider urban design moves are considered to outweigh the demolition proposed.
- 9.3 Considering all the factors at play in my judgement this scheme can on balance be supported subject to the Section 106 obligation and conditions recommended below.

10. Recommendation

- 10.1. That consideration of application 2018/04482/PA be deferred pending the completion of a Section 106 legal agreement to secure:
- a) The one site provision of 1,610 sq.m of affordable workspace at a rent which is 30% below the market rate with a cap on service charges in perpetuity
 - b) That the affordable workspace and other commercial floor space is provided in accordance with an agreed specification and timescale
 - c) The appointment of a workspace provider to manage the day to day operation of the Affordable Workspace
 - d) Not to commence development on the site until a Business Relocation and Retention Strategy in respect of the existing ae Harris and Baker and Finnemore businesses with the aim of assisting the relocating of those employees who are required to be relocated
 - e) That the areas of public realm are provided in accordance with an agreed specification and timetable and are made available and managed for public use in perpetuity
- 10.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 20 December 2019, planning permission be refused for the following reasons:

- In the absence of a legal agreement to secure on site affordable workspace the proposal conflicts with Policies PG3, GA1.3, and TP12 of the Birmingham Development Plan 2017, the Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG 2002 and the NPPF.
- In the absence of a legal agreement to secure the relocation of the existing businesses on the site and retention of jobs the proposal conflicts with Policies GA1.3, TP12, TP20 and TP26 of the Birmingham Development Plan 2017, the Jewellery Quarter Conservation Area Character Appraisal and Management Plan SPG 2002 and the NPPF
- In the absence of the delivery of the new areas of public realm and commercial floor space the development would not deliver a suitable sustainable neighbourhood contrary to policies GA1.3 and TP27 of the Birmingham Development Plan 2017 and the NPPF.

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

10.4 That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority by the 20 December 2019, planning permission be APPROVED subject to the conditions listed below:-

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| 1 | Requires the prior submission of a phasing plan |
| 2 | Requires the prior submission of a programme of archaeological work |
| 3 | Requires the prior submission of Structural Recording |
| 4 | Requires the prior submission of a demolition method statement |
| 5 | Prevents demolition prior to a redevelopment contract being entered into |
| 6 | Requires the prior submission of a construction method statement and management plan |
| 7 | Requires the prior submission of contamination remediation scheme on a phased basis |
| 8 | Requires the prior submission of a contaminated land verification report |
| 9 | Requires the prior submission of a sustainable drainage scheme in a phased manner |
| 10 | Requires the submission prior to occupation of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 11 | Requires the submission of sample brickwork, terracotta and external cladding. |
| 12 | Requires the submission of roof materials |
| 13 | Requires the submission of window frame details |
| 14 | Requires the prior submission of details of external gates, louvres, metal panels and any roof top plant, screens, equipment and machinery. |
| 15 | Requires the submission of details of balconies |
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- 16 Requires the submission of fixtures and fittings details
 - 17 Requires the submission of new walls, railings & gates & gate posts/piers details
 - 18 Requires the prior submission of hard and/or soft landscape details
 - 19 Requires the prior submission of hard surfacing materials
 - 20 Requires the prior submission of boundary treatment details in a phased manner
 - 21 Requires the prior submission of a landscape management plan
 - 22 Requires the prior submission of a lighting scheme in a phased manner
 - 23 Requires the submission of details of green/brown roofs
 - 24 Requires the prior submission of a scheme for ecological and biodiversity enhancement measures on a phased basis
 - 25 Requires the submission of details of bird/bat boxes
 - 26 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 27 Requires further car parking details and the parking area to be laid out prior to use
 - 28 Requires the provision of a vehicle charging points
 - 29 Requires the submission of details of measures to control vehicle movements on Northwood Street.
 - 30 Requires the provision of cycle parking prior to occupation
 - 31 Requires the prior submission of a travel plan
 - 32 Requires the prior submission of plans detailing the mitigation measures set out in the noise report
 - 33 Limits the noise levels for Plant and Machinery
 - 34 Requires the prior submission of noise insulation (variable)
 - 35 Requires the prior submission of extraction and odour control details
 - 36 Requires submission of the retail/commercial Shop Front Designs
 - 37 Requires the submission of details of a delivery vehicle management scheme
 - 38 Prevents storage except in authorised area
 - 39 Requires the submission of details of refuse storage
 - 40 Limits the hours of use of the commercial/retail units to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
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- 41 Removes PD rights for any roof top including telecom equipment
 - 42 Limits delivery time of goods to or from the the commerical/retail units to 7am -11pm Monday - Saturday and 8am - 11pm Sundays.
 - 43 Requires the glazing to the commercial/retail units to be clear and not obstructed.
 - 44 Requires the prior submission of a construction employment plan.
 - 45 Requires the prior submission of a CCTV scheme
 - 46 Requires works to the listed and retained buildings to be undertaken and completed prior to occupation of the development.
 - 47 Limits the size of the individual retail units
 - 48 Controls the use of buildings A, B, P, R and Q
 - 49 Requires the scheme to be in accordance design and access statement
 - 50 Requires the scheme to be in accordance with the listed approved plans
 - 51 Implement within 3 years (Full)
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Case Officer: Lesley Sheldrake

Photo(s)



Photo 1 - Site frontage to Graham Street



Photo 2 – Site frontage to James Street

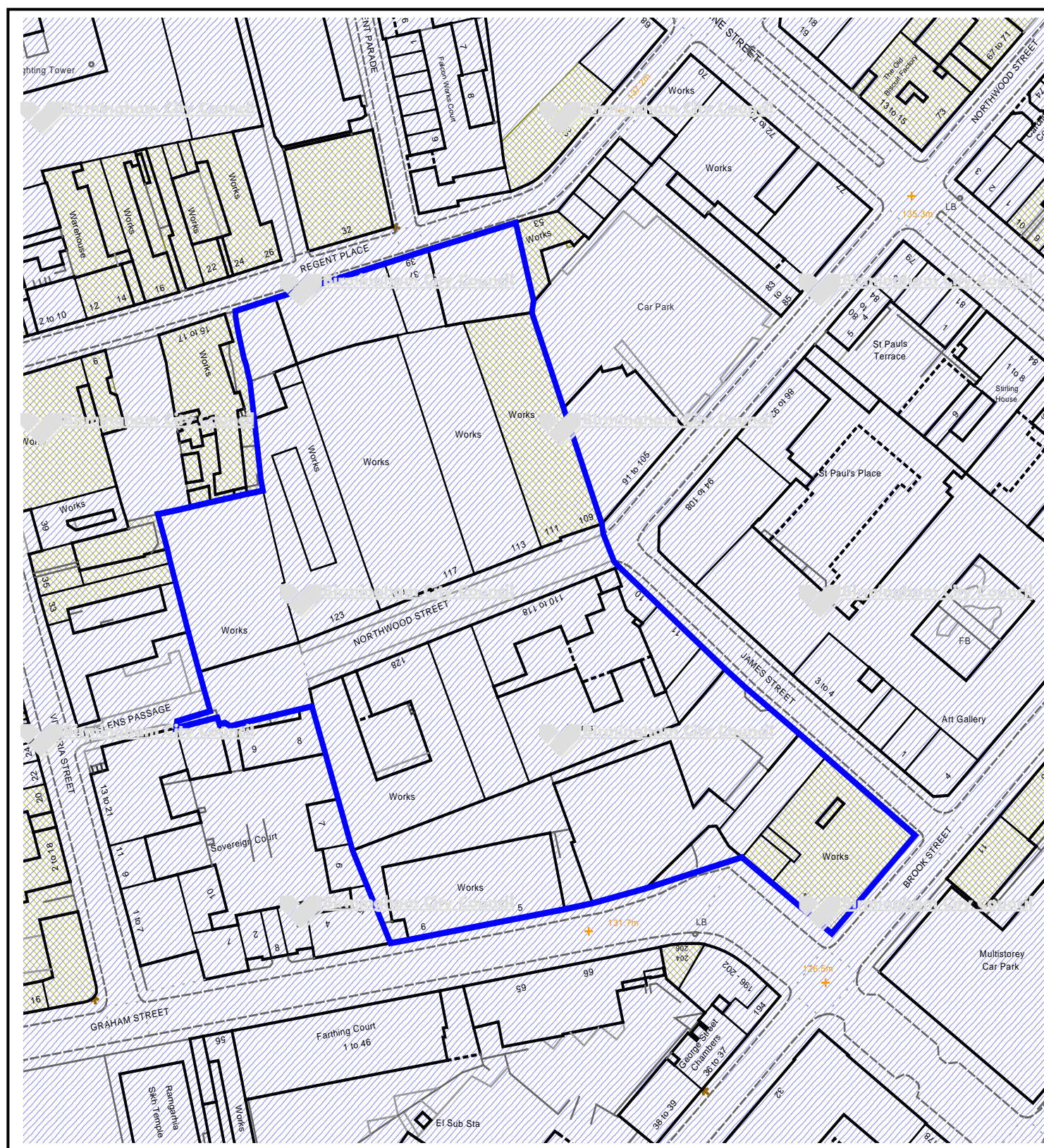


Photo 3 – Site frontages onto Northwood Street



Photo 4 – Site frontage to Regent Place

Location Plan



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