

Birmingham City Council

Planning Committee

16 June 2022

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	9	2021/08684/PA Chain Walk/Lozells Road/Birchfield Road Land adjacent 9 Lozells Road Lozells Birmingham B19 2TN Proposed residential Co-housing development comprising of 25 no. affordable units for rent with associated access, car parking, landscaping and shared amenity and community spaces.
Approve - Conditions	10	2021/06183/PA 4 Carlton Close Sutton Coldfield Birmingham B75 6BX Outline planning application for demolition of existing dwelling and erection of 7 no.detached dwellings with all matters reserved except for access

Committee Date:	16/06/2022	Application Number:	2021/08684/PA
Accepted:	15/10/2021	Application Type:	Full Planning
Target Date:	17/06/2022		
Ward:	Lozells		

Chain Walk/Lozells Road/Birchfield Road, Land adjacent 9 Lozells Road, Lozells, Birmingham, B19 2TN

Proposed residential Co-housing development comprising of 25 no. affordable units for rent with associated access, car parking, landscaping and shared amenity and community spaces.

Applicant:	Housing 21 Tricorn House, 51-53 Hagley Road, Edgbaston, Birmingham, B16 8TP
Agent:	Triangle Architects Raven House, 113 Fairfield Street, Manchester, M12 6EL

Recommendation

Approve subject to Conditions

1. Proposal:

- 1.1. This application is for residential development of 25 units, in a mix of one-bed and two-bed apartments, to be occupied as co-housing. It will be built and operated by Housing 21 and will be 100% affordable housing. Housing 21 have been working with, and aiming the accommodation at, over 60 year old residents from ethnic minorities. The scheme is proposed as co-housing providing individual self-contained homes with shared on-site communal facilities such as lounge, large kitchen and communal gardens. The communal facilities are shown as indicative as what is ultimately provided will be for the residents to decide. Housing 21 currently develop retirement and extra care accommodation and are entering into this new market of co-housing as an alternative to sheltered housing and care homes for the over 60s. Housing 21 hope that this development will become a model for other sites across Birmingham and the Midlands.
- 1.2. The proposed building is 2 to 3 storey, triangular in shape with frontages facing over Birchfield Road and Chain Walk. Internally the 25 units are set behind access corridors and have habitable windows facing inwards, over the internal courtyard garden.



Site plan



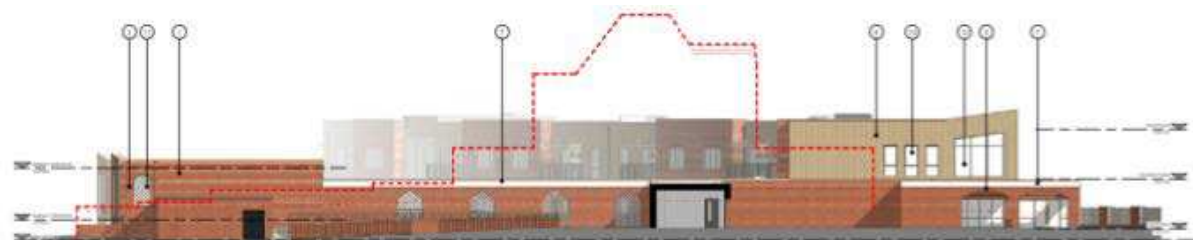
Ground floor plan



Chain Walk elevation



Birchfield Road elevation



Lozells Road elevation (with outline of neighbouring building)

- 1.3. Information submitted in support of the application: Design, Access and Planning Statement, Affordable Housing statement, Energy statement, Geo-environmental report, Transport statement, Noise report, Air quality impact assessment, Drainage report, Ecology survey and Arboricultural impact assessment.

- 1.4. [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1. The site is 0.5ha in area and is in a very prominent location alongside the A34 Birchfield Road close to the Six Ways roundabout. It is bounded to the south by Lozells Road and the back of a locally listed building occupied by the Sonali supermarket, to the west by Chain Walk, a street of 2-storey Victorian terraced houses facing the site, and to the east by the 8-lane A34 Birchfield Road. A recently

constructed Severn Trent Water (STW) works, enclosed in fencing, has taken the lower part of the site.

2.2. The main part of the site is a triangular area of open grassland, which extends to the south-east with an area of higher ground that wraps around the locally listed building to front the Six Ways roundabout. This higher land includes some trees, including 3no. ash trees positioned alongside the existing building. The level change across the site is approximately 4m.

2.3. The site was formerly occupied by the 20-storey Clyde Tower residential building which was built around 1965 and demolished in 2006. The site has been vacant since. Prior to Clyde Tower, and the construction of the A34, the site contained Victorian residential properties with gardens. As the site previously contained the Clyde Tower it is considered to be brownfield, or previously developed land. It is currently open to the public though it has not been developed as public open space.

2.4. Site Location

3. Planning History:

3.1. 2004/06521/PA – Demolition of tower block and clearance of site – no prior approval required 28/10/2004

3.2. 24854000 – Erection of 57 x two-bed, 4 person, flats and 57 x one-bed, 2 person, flats (Clyde Tower) – approve subject to conditions 17/12/1964

4. Consultation Responses:

4.1. Transportation – No objections. Traffic to/ from the development would be unlikely to be significant or have a severe impact on surrounding highways. Raised concerns about low level of parking but acknowledged parking surveys and on-street capacity and potential for Traffic Regulation Orders (TRO)s. Recommends a condition to require agreement to fund TRO investigation/ implementation and Travel Plan. Amendments have been received which replace the hedge with hard surfacing at both ends of Birchfield Road and confirmed that the height of the remainder of the hedge will be maintained, advised that the width will also need to be maintained. The stopping up of the public right of way (PROW) will need to be carried out under S247 or S257 of the Town and Country Planning Act (TCPA) 1990 and the land along Chain Walk, which is within highway maintainable at public expenses (HMPE), will need to be resolved through S78/38 and discussions relating to adoption of areas of footway. Also recommend conditions to require reinstatement of kerb/ footway, pedestrian and vehicle visibility splays and provision of cycle parking.

4.2. Regulatory Services – No objections. The submitted noise report is comprehensive and thorough. Commercial noise impacts will not be significant and road traffic noise can be adequately mitigated with suitable glazing and ventilation. Recommends conditions relating to contaminated land and ground gas. With regard to air quality the latest set of revised drawings mitigate potential air quality impacts and no further air quality assessments are required. The position of any mechanical ventilation will need to ensure that the intake is on a facade not adversely impacted by poor air quality and this is included in the recommended conditions.

4.3. Local Lead Flood Authority (LLFA) – No objections subject to conditions to require a sustainable drainage scheme and operation and maintenance plan.

- 4.4. City Design – No objection subject to conditions to require the details and materials to be submitted.
- 4.5. Ecology – Site has little biodiversity value, loss of existing landscaping mitigated through proposed landscaping, trees towards the roundabout retained. Recommends vegetation removal timing, provision of bird nesting boxes and the proposed landscaping for ecological enhancements.
- 4.6. Trees – No objection recommends tree protection conditions and suitable replacement planting to mitigate the trees being removed as part of the scheme.
- 4.7. Severn Trent Water – No objections subject to conditions.
- 4.8. Environment Agency – No objection subject to a condition regarding unexpected contamination.
- 4.9. West Midlands Police – Provided advice on Secured by Design and Building Regulations requirements. Recommends access control, CCTV, lighting details and a management plan.
- 4.10. West Midlands Fire – Provided advice on the requirements for fire service access. Has agreed with the applicant that sprinklers will be installed and the building management will need to be made aware of the fire service vehicle access requirements.
- 4.11. Education – No comment.
- 4.12. Leisure Services – Request off-site financial contribution towards public open space (POS) due to the development providing over 20 dwellings.

5. Third Party Responses:

- 5.1. A site notice has been displayed and a press notice published. Local councillors and local residents were notified. One letter of objection has been received raising the following concerns:
- Loss of light and privacy to houses opposite
 - Loss of grassed area used by local children for safe play area
 - Design will create an eyesore
 - Intensive development and proposed hub will impact neighbour's amenities
 - Increase in traffic and lack of parking
 - Potential impact on residents during construction work

6. Relevant National & Local Policy Context:

- National Planning Policy Framework (2021) (Relevant sections)
- 6.1. Section 5 – delivering a sufficient supply of homes, Section 8 – healthy, inclusive and safe places, Section 9 – sustainable transport, paragraph 112 – priority to pedestrian and cycle movements, Section 12 – achieving well designed places, paragraphs 153-158 – climate change, 159-169 – flood risk, Section 15 – natural environment, Section 16 – historic environment.
- Birmingham Development Plan (2017)
- 6.2. The application site is within Aston and within policy GA3 – Aston, Newtown and Lozells.

- 6.3. Other relevant policies: PG1 – Overall levels of growth, PG3 – Place making, TP1 – Reducing the City’s carbon footprint, TP2 – Adapting to climate change, TP3 – Sustainable construction, TP4 – Low and zero carbon energy generation, TP6 – Management of flood risk and water resources, TP9 – Open space, playing fields and allotments, TP27 – Sustainable neighbourhoods, TP28 – The location of new housing, TP29 – The housing trajectory, TP30 – The type, size and density of new housing, TP31 – Affordable housing, TP32 – Housing regeneration, TP40 – Cycling, TP43 – Low emission vehicles.

Development Management DPD

- 6.4. DM1 – Air quality, DM2 – Amenity, DM3 – Land affected by contamination, instability and hazardous substances, DM4 – Landscaping and trees, DM6 – Noise and vibration, DM10 – Standards for residential development, DM15 – Parking and servicing.

Supplementary Planning Documents & Guidance

- 6.5. Aston, Newtown and Lozells Area Action Plan (AAP): The application site is allocated in the AAP (MU5) for mixed use development including small scale retail, community, leisure, residential and other appropriate local centre uses. The aim is to secure a building of high quality on this prominent gateway site which addresses both Lozells Road and Birchfield Road.
- 6.6. Other relevant SPDs /SPGs: Places for All SPG 2001, Places for Living SPG 2001, Car Parking SPD 2021, Access for People with Disabilities SPG 2006.

7. Planning Considerations:

- 7.1. The main material considerations are whether the principle of housing development on this site is acceptable; the layout, scale and design of the proposed development; the impact on residential amenity; and the highway impacts of the development.

Principle of Development

- 7.2. As noted above the site is allocated in the AAP. The site was also considered in the 2019 SHLAA (Strategic Housing Land Availability Assessment (Chain Walk, Lozells – N523) and is also identified in the Brownfield Register. The SHLAA notes that the site is allocated in the AAP, suggests a capacity of 50 units and predicts deliverability within 6-10 years. The brownfield register (2017), which is the list of brownfield sites the Council consider are appropriate for residential development, also suggests that the site is capable of delivering 50 units.
- 7.3. Accordingly, although the land may currently be grassed and open and, as noted by the objector, used by local children for play, given the allocation for redevelopment I could not sustain an argument that this land is open space. The principle of developing housing on this site is accepted and the proposed development is of a lower scale/ density than the indicative schemes in the SHLAA and brownfield register.
- 7.4. NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 7.5. The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking placing significant weight on the provision of new housing in the overall planning balance.

Layout, scale and appearance

- 7.6. The applicant has set design objectives of a strong building frontage to Birchfield Road with good amenity for residents, a visually attractive development which marks the junction on Six Ways and well defined boundaries. The site is on a very prominent location alongside the A34 Birchfield Road, close to the Six Ways roundabout. It is currently a grassed area but was previously occupied by Clyde Tower.
- 7.7. The proposed buildings are arranged along the Birchfield Road and Chain Walk edges of the triangular site, at 3-storeys and 2-storeys respectively, enclosing a communal residents' courtyard garden, accessible at ground floor level. There is also a communal space in the southeast corner of the site that overlooks and opens on to a second amenity garden area that includes fruit and vegetable growing spaces for use by residents, alongside an enclosed Winter Garden, accessible at first floor level due to the change in level across the site.



Ground floor



First floor

- 7.8. The arrangement makes good use of the available space, successfully deals with the 4m+ level change across the site and creates appropriate relationships with surrounding streets, as shown in the two images below. The 3-storey block provides the scale necessary to deliver a strong sense of place along the A34 Birchfield Road and the 2-storey block protects the amenity of existing residents along Chain Walk.



Cross section through site with Chain Walk on the left of the image and Birchfield Road on the right side

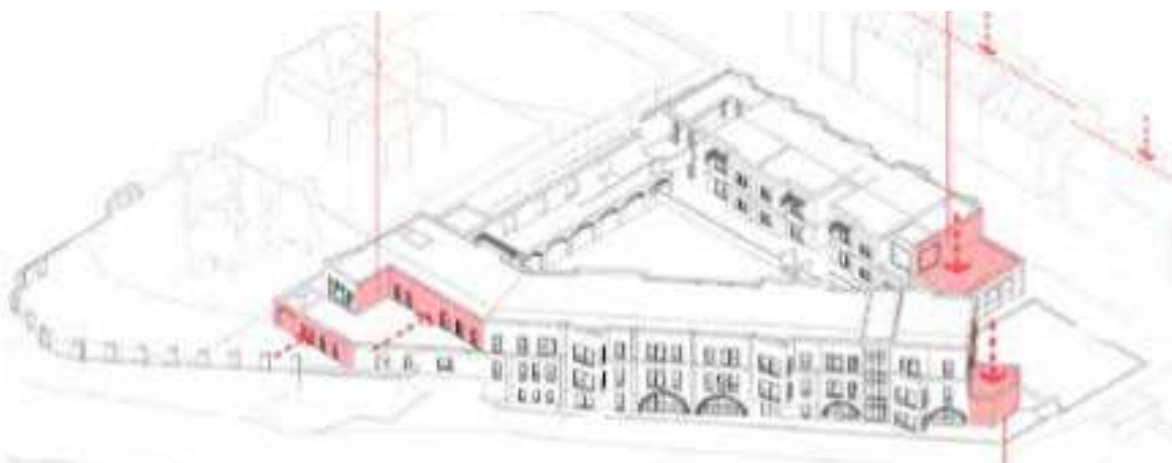


Cross section through site as viewed from Chain Walk showing change in level over site

- 7.9. City Design have advised that the proposal successfully achieves high quality architecture taking inspiration from features of surrounding buildings, such as double or single arch window details and tall pitched dormer roofs projecting forward from the roofline. This is done in a contemporary way that creates a distinctive, visually interesting building with a strong identity that enhances the character of the local area. Key elements of the design include brick arched openings, and projecting features along both Birchfield Road and Chain Walk that help to break up the mass of the building.



Birchfield Road image

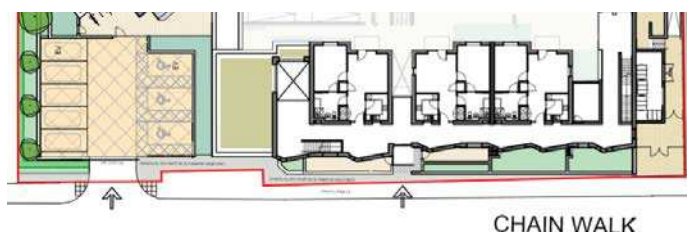


Massing diagram

- 7.10. The apartments overlook the central green courtyard and have front doors opening onto corridors alongside Birchfield Road and Chain Walk which provide activity to the street frontages whilst also protecting the habitable rooms from the roads. The apartment sizes are well above national minimum standards. Residents will have choices regarding design of front doors, outdoor balconies, window boxes and patios which will add some personalisation and variation.
- 7.11. The proposed scheme design applies the Housing our Ageing Population Panel for Innovation (HAPPI) principles that promote good quality living paying particular attention to the needs of older people, and it will provide an attractive place to live.

The apartments are designed to be adaptable for wheelchair users and take into account dementia needs.

- 7.12. The main facing material is red brick, with stone-finish panels around windows and banding to facades, lighter colour metal standing seam cladding used at upper levels and to pick out projecting features on street frontages, and decorative metal screens to allow air and light in to covered walkways. These materials are considered to be acceptable though a condition is recommended to require the submission of samples of the materials and to require them to be submitted in combination with adjacent materials.
- 7.13. Boundary treatments are a mix of brick wall, metal railings and low brick walls with metal railings and brick pillars. Since the first submission the boundaries have been amended to bring the walls and railings further into the site along Birchfield Road and Chain Walk. The Birchfield Road boundary has been pulled back to provide greater space for cyclists and pedestrians and the Chain Walk boundary has been pulled back to remove the land which is within HMPE. The height of all boundaries is now a maximum of 1.8m, as measured from the outside, but in the most the boundaries are lower. 1.8m is required to provide security and safety for the future residents and also, in part, to provide retaining walls. The design of the walls includes recessed detailing. Simple railings are proposed to be in keeping with the overall aesthetic of the scheme and the metal cladding of the elevations.



Chain Walk boundary



Birchfield Road boundary



Birchfield Road boundary elevation

- 7.14. Due to level changes between the site and the existing level of the cycleway, retaining structures are required along the Lozells Road and Birchfield Road edges, meaning areas of facing brick onto the cycleway cannot be avoided. The boundary walls and railings have reduced in height from 2.2m to 1.8m and there are also openings in the boundary wall around the communal garden. The levels within the site need to be set at a single level for accessibility. Overall, taking into account advice from City Design, the changes to reduce the height of the boundaries are welcomed and reduce the overall visual impact and feeling of enclosure. The final details of the boundaries can be controlled by condition.

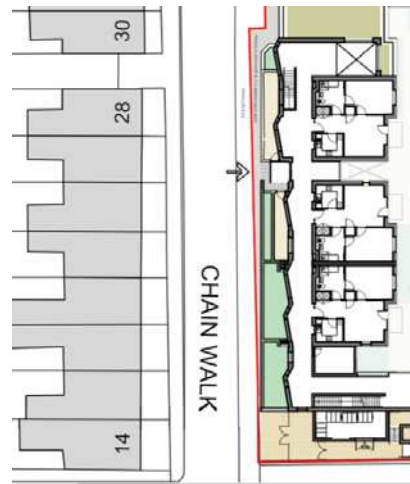
Residential Amenity

- 7.15. The DMB DPD requires all housing development to meet the standards as described in the Nationally Described Space Standards of 39sqm for 1 bedroom flat and 70sqm for a 2 bedroom, 4-person, flat. All bedrooms should be of at least 11.5sqm for a double room. As noted above all of the apartments comply with these requirements.

- 7.16. Places for Living SPD requires 30sqm of communal amenity space per unit for flats and other developments and does not distinguish between 1 and 2 bedroom flats. This would equate to an area of 750sqm for these 25 units. The proposed amenity space is split into 2 sections, the section on the corner of Birchfield Road and Lozells Road and the section in the middle of the proposed buildings. The corner parcel is approximately 796sqm and the central parcel is approximately 565sqm. As such, in total, the gardens for these 25 apartments is 1,361sqm and therefore nearly double the requirements of Places for Living. The future residents of the development will not have to rely on the corner parcel of land for sitting outside or socialising as this area might be impacted by noise and air quality. However, the corner parcel can provide a good space for allotments and trees which couldn't be accommodated within the central part.
- 7.17. Leisure Services have requested a financial contribution towards off-site public open space on the basis that the proposed development is for more than 20 dwellings. However, the proposal does not provide family accommodation. The occupation is to be restricted and is more akin to a retirement village. As such Table 1 of the Public Open Space in New Residential Development SPD advises that POS is not required. Given the nature of the proposed development I do not consider that a POS contribution can be justified. As noted above the development provides sufficient space for the amenity of the residents and is unlikely to add significant pressure onto existing open space facilities in the area.
- 7.18. Separation distance guidelines are also provided within Places for Living. The recommended distance between building faces, with main habitable room windows, for 2 storey dwellings is 21m and for 3 storey this increases to 27.5m. The guidance also advises that the distance should increase for changes in ground level. However, the distances are applied more strictly at the rear rather than at the front. Where an existing window will face a blank wall the separation distance required is 12.5m to 15.5m.
- 7.19. The layout of the proposed development, as detailed previously, is for the apartments to be set back from the adjacent roads and with corridors providing access to the apartments set between the road and the apartments. The existing dwellings on Chain Walk are in part 2 storey and in part 3 storey and as such the separation distances would be up to 27.5m and the submitted Design and Access Statement (DAS) shows the separation distances as constraints on the developable site. The proposed building frontage on Chain Walk is approximately 15m from the front elevation of the houses opposite. However, the existing dwellings are on the opposite side of the road and would also face the corridor windows rather than habitable room windows. I therefore consider it more appropriate to consider the existing window to blank wall distance which is met as the proposed building is 2 storey.



Overlooking zones



Proposed layout

- 7.20. The concerns of the objector are noted; however I consider that the proposed development would not have a significant impact on the amenities of the residential properties on the opposite side of Chain Walk. The distance between windows is acceptable when considered against Places for Living given the layout of the proposed development. The distance will also ensure that the existing houses do not suffer any loss of light and both the existing and future residents will have a good quality of amenity.

Noise and air quality

- 7.21. The conclusion of the noise report submitted is that noise within the apartments can be controlled to an acceptable level. Noise within some of the garden areas may exceed the ideal range but the development includes a garden between the buildings in which noise will be below the recommended levels. To reduce noise windows to the units are to be openable but the units will also be fitted with alternative ventilation to allow for residents to close windows. The habitable room windows are also set behind a corridor which does have windows, but these don't need to be openable, and are not considered to serve habitable rooms. The report also notes that other residential schemes along the A34 have been recently approved with similar mitigation.
- 7.22. Regulatory Services initially raised concerns as the report did not consider commercial noise from the adjacent supermarket. Following receipt of an updated report Regulatory Services have advised that the report is comprehensive and thorough and has addressed commercial plant noise and also road traffic noise. Commercial noise impacts will not be significant and that the road traffic noise can be adequately mitigated with suitable glazing and ventilation provision.
- 7.23. The concern raised by the objector regarding construction noise can be managed through the standard construction management condition which would require the applicant to submit details of the hours of the construction work for approval.
- 7.24. The proximity of the site to the dual carriageway also puts the development at risk of air quality pollutants. The submitted air quality report advises that during construction works the implementation of best practice will reduce the impact of dust and pollution on the surrounding residents to not significant. Post development the report predicts the pollutants within the apartments to be below the air quality objectives and therefore the impact on the future residents would not be significant.
- 7.25. Regulatory Services also raised concerns about the air quality impact assessment but noted that setting the units behind a corridor was beneficial. Further amendments have been negotiated to remove a roof terrace facing over Birchfield

Road; ensure that there are no openable, habitable room windows in the gable end nearest to the STW building (and therefore nearest to Birchfield Road); and to provide a glazed screen to the end of the balconies of these same units. These amendments ensure that none of the residential units internal space or private balconies will be adversely impacted by poor air quality. The site remains in an area of poor air quality but the design will ensure that the residents are not affected. Air quality will need to be considered in the design of the mechanical ventilation scheme to ensure that intakes are not from affected facades but this can be done through a suitably worded condition.

- 7.26. Subject to the conditions recommended by Regulatory Services and given the layout of the units proposed behind corridors facing the residents opposite the proposed development will not have an unacceptable adverse impact on the amenities of existing or future residents in accordance with the requirements of policy.

Highway and parking implications

- 7.27. The Transport Statement (TS) notes the existing highways around the site, TROs and PROWs. The TS also details the parking surveys carried out and details the assessed accident data. On-street parking is predominately associated with the residents of Chain Walk but there is also evidence of parking in the existing access to the application site and the turning head of Chain Walk. The parking beat survey shows that there is sufficient space available within the on-street parking to accommodate the existing residents and non-residents on the western side of Chain Walk. As part of the scheme the development will fund TROs on the east of Chain Walk and within the turning head and this can be dealt with through a condition.
- 7.28. The proposal is for vehicular access off Chain Walk and pedestrian access off Lozells Road and Chain Walk. 8 parking spaces are proposed, which would include 3 disabled spaces and 2 with EV charging points (though the cables will be available for all of the spaces to be converted to EV spaces). The site will also provide storage for cycles and buggies/ wheelchairs. A draft travel plan has been prepared to encourage sustainable travel by residents and staff.
- 7.29. Trip rate analysis has been undertaken to justify the level of parking proposed. Similar developments have shown evidence of low levels of traffic and Housing21 advise that car ownership of residents is low, on other sites 21% of residents own a car, so the parking is mainly for visitors. The site is within close proximity to a range of services and facilities, cycle routes and public transport.
- 7.30. Transportation Development have some concerns about the level of parking but accept the evidence from Housing21 and also note that the parking surveys show capacity for on-street parking. The TRO would need to go through the full consultation process and therefore any condition would need to be worded so as to require the applicant to enter into an agreement to fund the TRO review and implementation, if the review accepts the need for a TRO. Overall, although 8 parking spaces appears to be low for 25 units, the evidence shows that this will be sufficient for the type of housing proposed and given the proximity and availability of public transport.
- 7.31. The existing PROW from Chain Walk to Birchfield Road is currently gated at the Chain Walk end and is therefore unusable. The proposal was initially to relocate the PROW to the northern boundary of the site, adjacent to the Severn Trent system. However, this has been negotiated out of the scheme as the new route was considered to be unnecessary and too close to the existing footway from Chain Walk to Birchfield Road. The closure of the existing PROW is required in order to implement the development and provide the layout and design proposed and to ensure a secure site. The stopping up process will need to be dealt with after the

planning decision and it is recommended that the resolution on this planning application includes no objection to the stopping up order.

- 7.32. Following concerns from Transportation Development regarding cyclist and pedestrian safety on Birchfield Road the height of the boundary treatments has been reduced. The wall along Birchfield Road has been set further into the site and the hedge outside the wall removed so as to protect forward visibility for cyclists and pedestrians, the wall along Chain Walk has also been set further into the site so as to remove it from HMPE. Hedges along the roads will be maintained at a height of 0.6m and the boundaries are all maximum of 1.8m, as measured from outside the site.

- 7.33. On receipt of the amended plans and additional information Transportation Development have advised they no longer have any objections or require any further information. Conditions are recommended and I concur that all of the conditions are reasonable and relevant to the development proposed.

Other matters

- 7.34. Affordable housing – As noted above the scheme is proposed as 100% affordable housing as social rented units. Housing21 are a registered provider of affordable housing and as such the retention of these units as affordable housing can be controlled by condition (rather than S106). It is also not possible for the Council to enter into a S106 with itself, which would currently be required as the land is Council owned. The provision of all 25 units as affordable housing results in over-provision above the requirement of policy TP31 of the BDP and should be given substantial weight in the planning balance.
- 7.35. CIL – The proposal is for residential development but is within the low CIL charging area. Furthermore, the proposal is for 100% affordable housing which is a significant benefit and will assist in the overall Council affordable housing target. There will not be any CIL charge for this scheme.
- 7.36. Sustainability – The energy statement recommends reducing demand through fabric improvements so as not to burden the future occupants with on-going maintenance costs but it does also recommend PV panels on the roof. The Design and Access Statement includes details of sustainable construction methods, including using modular building techniques, which are in line with Policy TP3. The scale of the development does not require BREEAM and the sustainability proposals in the scheme are a positive benefit. The Council Policy Officer has recommended a condition to require the energy efficiency measures, renewable energy and sustainable design details to be carried out.
- 7.37. Contamination – A desk based study, site walkover, trial pits and soil samples have been taken. The geo-environmental report notes the site history which includes the Clyde Tower and the previous aluminium works. As such there is a potential for contamination and unexploded ordnance (UXO) and further surveys are recommended. Regulatory Services advise they require a ground gas assessment to be carried out as part of a further intrusive site investigation and suitable remedial measures should be incorporated. I am content to condition contaminated land issues.
- 7.38. Trees – An arboricultural survey has been carried out of the trees on and adjacent to the site. The development will involve the removal of a number of trees and potentially impact on trees to be retained. None of the trees are covered by TPO nor Conservation Area status. There are 4 individual trees within the site (wild cherry, goat willow, whitebeam and Norway maple) 3 are class C and 1 is class U

(the whitebeam). There are also 2 groups of trees made up of goat willow and ash which are both class C and a number of low value mixed shrubs.

- 7.39. The report recommends protective fencing during works and replacement planting to mitigate the trees removed for the development and also to provide biodiversity enhancements. The Council Tree Officer questioned whether there was a requirement for a Capital Asset Value for Amenity Trees (CAVAT) assessment, however the application was validated before the requirement for CAVAT was adopted and as such I consider it is unreasonable to require this. The Tree Officer has acknowledged that the development is by Housing21, the limited value of the trees to be removed and that there is substantial new tree planting proposed. Conditions are recommended to require protection of the existing trees and to require the details of the landscaping, including new tree planting, to be submitted for approval.
- 7.40. Ecology – A preliminary ecological appraisal has been submitted which identifies the ecological constraints and opportunities, local records and evidence of any protected species on site. The site does not have high ecological value but is suitable for nesting birds. The report recommends reasonable avoidance measures (RAMs) for hedgehogs, pre-development checks for badgers, avoiding tree removal during nesting season, the enhancement of the site through landscaping and bird and bat boxes.
- 7.41. The Council Ecologist has advised that the existing site has little biodiversity value and that the loss of existing landscaping is mitigated through the proposed landscaping and the retention of the trees near the roundabout. Conditions are recommended relating to vegetation removal timing, provision of bird nesting boxes and the implementation of the proposed landscaping for ecological enhancements.
- 7.42. Drainage – The site is below 1ha and within flood zone 1 and as such a full flood risk assessment is not required. The proposal has been supported by an indicative drainage scheme which notes that there are foul and surface water sewers to the east and west of the site. Soakaway tests have been carried out and show that the site is not suitable for this form of surface water drainage, as such surface water is to be discharged to the mains sewer at a 5 l/s limit using cellular storage and rainwater butts. Surface water is also reduced by including some green roofing. Foul drainage is to be discharged to the mains system.
- 7.43. Severn Trent have no objection to the proposal and recommended standard drainage conditions. LLFA initially objected but, following receipt of additional information, removed their objection and have recommended conditions.
- 7.44. Fire safety – The agent has been in discussion with West Midlands Fire Services and agreed the fire-fighting access distances are met, dry risers are to be provided and there will also be sprinklers within the building. The height of the proposal does not trigger the fire safety cladding requirement. The details will be subject to building regulations and WMFS have confirmed they have no objections.
8. **Conclusion:**
- 8.1. Co-housing schemes have many benefits for older people and are well established in many countries such as Netherlands, Scandinavia and USA, but face many difficulties in getting off the ground in the UK and there are only a few examples. The opportunity of providing this type of living in Birmingham is welcomed in this location. Furthermore, the proposed scheme design applies the Housing our Ageing Population Panel for Innovation (HAPPI) principles that promote good quality living

paying particular attention to the needs of older people and are designed to be adaptable for wheelchair users and to take into account dementia.

- 8.2. The development is considered to have a strong and attractive identity based on good quality architecture, displaying interesting features and materials, and will make a positive contribution to local character and sense of place. The design and layout will also ensure that the development will not have an unacceptable adverse impact on the amenities of the existing or future residents, provides sufficient amenity space and car parking within the development, can be provided with drainage and will enhance biodiversity and landscaping. Overall, subject to the conditions listed below, the scheme complies with the policies within the Birmingham Development Plan, the Development Management in Birmingham DPD, other relevant policies noted within this report and the National Planning Policy Framework.

9. Recommendation:

- 9.1. That subject to the conditions listed below that planning permission be approved.
- 9.2. That no objection be raised to the stopping-up of the existing public right of way (PROW) between Chain Walk and Birchfield Road, that crosses the site, and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

1	Requires the scheme to be in accordance with the listed approved plans
2	Requires the prior submission of a construction method statement/management plan
3	Requires the prior submission of a contamination remediation scheme
4	Requires the submission of a contaminated land verification report
5	Requires the prior submission of noise mitigation scheme
6	Requires the prior submission of a sustainable drainage scheme
7	Requires the submission prior to occupation of the properties of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
8	Requires the highways works to be carried out
9	Requires the developer to enter into an agreement to fund the review/ implementation of a TRO on Chain Walk
10	Requires PROW stopping up.
11	Requires pedestrian visibility splays to be provided
12	Requires the submission of cycle storage details
13	Requires the submission of a residential travel plan
14	Requires the submission of sample materials
15	Requires the submission of roof and rainwater goods

-
- 16 Requires the prior submission of level details
 - 17 Requires the submission of boundary treatment details
 - 18 Requirements within pre-defined tree protection areas
 - 19 Requires tree pruning protection
 - 20 Requires the prior submission of details of bird/bat boxes
 - 21 Requires the hard and/or soft landscape to be as per the approved plans
 - 22 Requires the provision of 10% vehicle charging points
 - 23 To ensure energy and sustainability measures are delivered in accordance with statement
 - 24 Restricts units to be affordable units
 - 25 Occupancy restrictions
 - 26 Implement within 3 years (Full)
-

Case Officer: Karen Townend

Photo(s)



Photo from footpath/ cycleway on Birchfield Road with Chain Walk housing in background



Photo of site with supermarket, on higher ground, in background

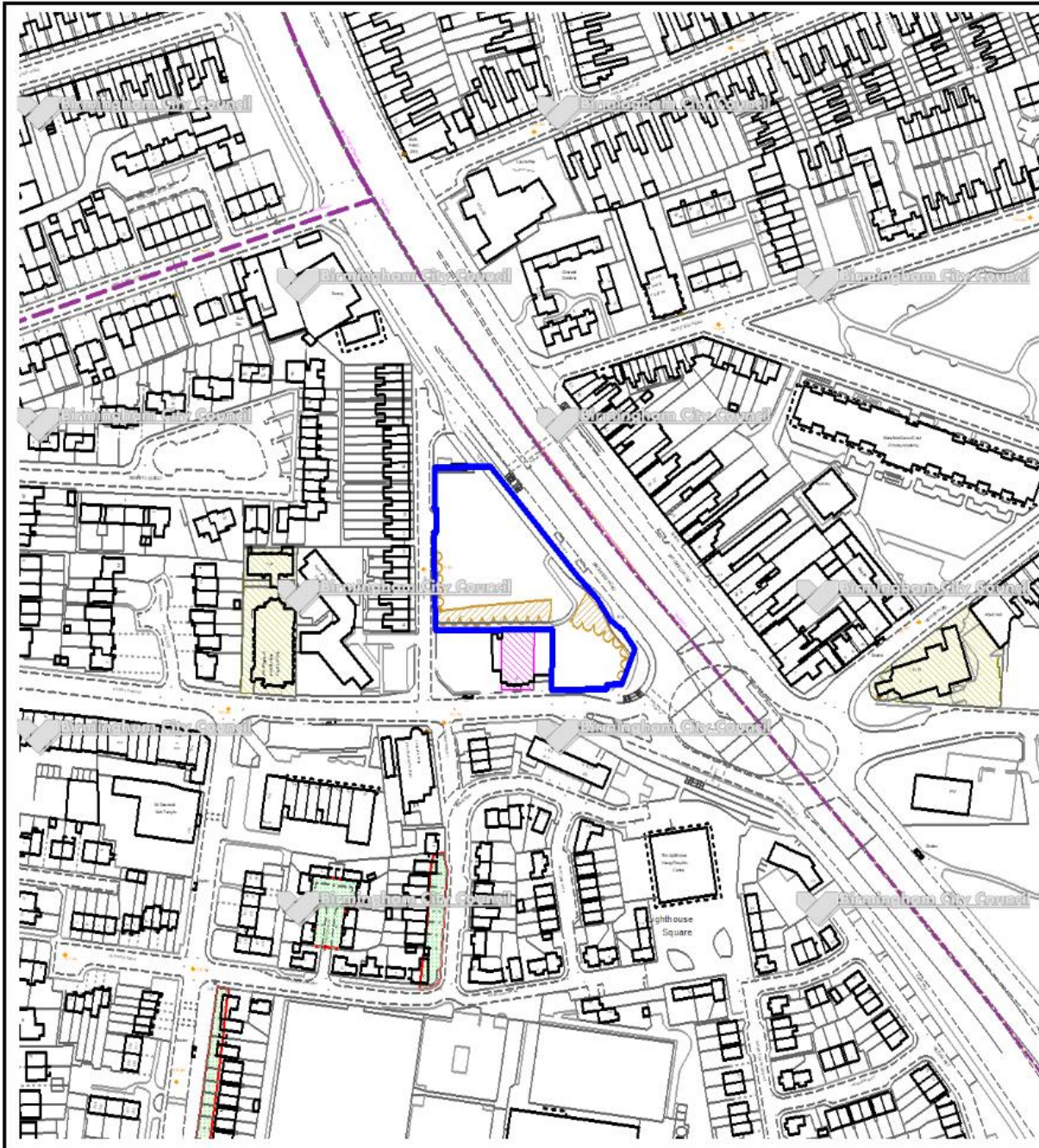


Street view from Chain Walk



Street view from Birchfield Road

Location Plan



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Committee Date:	16/06/2022	Application Number:	2021/06183/PA
Accepted:	12/07/2021	Application Type:	Outline
Target Date:	24/06/2022		
Ward:	Sutton Trinity		

4 Carlton Close, Sutton Coldfield, Birmingham, B75 6BX

Outline planning application for demolition of existing dwelling and erection of 7 no. detached dwellings with all matters reserved except for access

Applicant:	Vogue Holdings Ltd C/o Agent : Cerda Planning Limited, Vesey House, 5-7 High Street, Sutton Coldfield, Birmingham, B72 1XH
Agent:	Cerda Planning Ltd Vesey House, 5-7 High Street, Sutton Coldfield, B72 1XH

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1 This application seeks outline planning permission for the demolition of an existing dwelling and erection of 7no. detached dwellings with all matters reserved except for access.
- 1.2 Access would be achieved from Carlton Close, via the existing private driveway which serves nos. 4 and 6 Carlton Close. A number of existing trees would be proposed to be removed, predominantly comprising established and mature conifers.
- 1.3 The indicative site plan and proposed house types demonstrate the maximum capacity of the site and what could theoretically be delivered.
- 1.4 The submitted plans indicate that 7no. detached houses could be constructed on site with semi-detached single garage buildings, tandem parking spaces and private rear gardens. The indicative house types would each be two storey in height, along with utilisation of the roofspace, and would be of a bespoke, contemporary design, with all dwellings possessing pitched roofs. The overall height is indicated to follow a similar ridge height, scale and design of other properties within the local area.
- 1.5 The site comprises 0.27ha. The development would achieve a maximum density of approximately 26 dwellings per hectare (dph).
- 1.6 The application is supported by a Planning Statement, Technical Transport Note, Preliminary Ecological Assessment, Arboricultural Impact Assessment and indicative house type and sections plans.
- 1.7 [Link to Documents](#)



Figure 1: Indicative Site Plan

2. **Site & Surroundings**

- 2.1 The application site comprises an existing large extended detached dwellinghouse at no. 4 Carlton Close and its garden land. This comprises the western part of the site. The eastern part is made up of a proportion of the rear gardens of a group of dwellings (181-191) along Bedford Road the rear elevations of which back onto the site in question. The area of the application site is approximately 0.27Ha (0.66Ac).
- 2.2 The eastern and western boundaries of the garden of No. 4, as well as the southern proposal site boundary, are lined with mature trees. None of the trees within or immediately bordering the application site are subject to any Tree Protection Orders, although there is a group of protected trees located beyond the southern site boundary.
- 2.3 The surrounding area is predominantly residential in character, extending in all directions around the application site. The site surroundings comprise a suburban character and primarily formed by detached dwellings fronting Carlton Close and Bedford Road which are separated by pockets of soft landscaping and hard surfacing in the form of driveways.

3. **Planning History**

- 3.1 None relevant.

4. **Consultation Responses**

- 4.1 Transportation Development – recommend refusal on the grounds of the width of the car parking spaces.
- 4.2 Regulatory Services – recommend conditions to secure contamination remediation and verification, and electrical vehicle charging points.
- 4.3 Trees – no objection however some concerns regarding the coniferous hedge located on site.
- 4.4 Ecology – recommend conditions to secure a scheme for ecological / biodiversity enhancement measures and bird / bat boxes. Informatives are also recommended to be attached to any grant of planning permission relating to nesting birds, hedgehogs and badgers.
- 4.5 City Design and Landscape – recommend conditions to secure approval of reserved matters (scale, layout, landscaping, appearance) and hard / soft landscape details, hard surfacing materials, boundary treatment, landscape management plan, levels and architectural details.
- 4.6 West Midlands Police – recommend development to incorporate secured by design principles.
- 4.7 West Midlands Fire Service – raise concerns that the development would create a dead-end exceeding 180m in length.
- 4.8 Severn Trent Water – recommend condition to secure drainage plans for the disposal of foul and surface water.
- 4.9 Royal Sutton Coldfield Town Council – object to the application on the grounds of over-intense use of land, out of character, increase in congestion and traffic, and overlooking and loss of privacy.

5. **Third Party Responses**

- 5.1 The application has been publicised by site notices and press notices.
- 5.2 A petition has been received signed by 66 signatories, raising the following concerns:
 - Increase in traffic congestion;
 - Highway safety problems;
 - Unacceptable density;
 - Loss of privacy; and
 - Out of character with local area.
- 5.3 A second petition has been received signed by 91 signatories, raising the following concerns:
 - Adverse impact on local community;
 - Adverse impact on road safety;
 - Unacceptable density;
 - Loss of privacy; and
 - Out of character with local area.
- 5.4 Sixty-five letters of objection have been received, some of which are duplicate or repeat representations following alterations to the proposals and re-consultation. These letters of objection raise the following concerns:
 - Inadequate consultation;

- Loss of privacy;
- Increase in traffic;
- Increase in on-street parking, leading to congestion;
- Proposed dwellings would be overbearing;
- Overlooking;
- Loss of trees;
- Inadequate visitor car parking provision;
- Inadequate space for car parking;
- Inaccessible garages;
- Development is cramped and congested;
- Out of character with surrounding area;
- Poor layout, exacerbating traffic congestion;
- Danger to emergency vehicle access;
- Adverse impact on drainage;
- Overcrowded character;
- Adverse impact on property values;
- Increase in noise and disturbance;
- Lack of affordable housing;
- Impact on wildlife; and
- Strain on existing capacity of local infrastructure (GPs and schools).

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

- 6.1 National Planning Policy Framework: Chapter 5, paragraphs 62 and 69 (Delivering a Sufficient Supply of Homes); Chapter 11, paragraphs 120, 124 and 125 (Making Effective Use of Land).
- 6.2 Birmingham Development Plan 2017: PG3 Placemaking; TP27 Sustainable Neighbourhoods; TP28 The Location of New Housing; TP30 The Type, Size and Density of New Housing
- 6.3 Development Management DPD: DM2 Amenity; DM4 Landscape and Trees; DM10 Standards for Residential Development; DM15 Parking and Servicing.
- 6.4 Supplementary Planning Documents & Guidance: Places for Living SPG (2001); Mature Suburbs SPD (2008); Birmingham Parking (2021)

7. **Planning Considerations:**

- 7.1 **Principle of Development** – The site is located within a residential area with good access to local facilities and amenities. The development would achieve a density of approximately 26dph, which is consistent with the prevailing density in the area. The proposed development would be acceptable in principle, subject to site specific considerations.
- 7.2 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 7.3 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.4 **Impact on Visual Amenity and Character** – The matters of appearance, scale and layout which would influence the visual appearance of the development would be reserved for future determination. Although the reserved matters are indicative only in respect of the submitted indicative layout plan, indicative floor plans and indicative elevations, the Council's City Design Officer concludes that it is considered broadly acceptable.
- 7.5 With regards to the impact of the proposals on the character of the surrounding area, I am of the view that there is a mixed character which has been established through interwar development (1920-1930s), mid-century development (1950-1960s) and late 2000s development. I therefore consider that the proposed development would take design cues from the existing dwellings located at 2a-2d Carlton Close. On this basis, the density of the development reflects the existing density and the layout builds on a built form which was recently established through infilling elsewhere in the area. The impact of the proposals on character would accordingly be acceptable
- 7.6 The application site contains a number of trees and the development proposals would result in the loss of 4No. Category B individual trees, 1No. Category B group, 7No. Category C individual trees, 2No. Category C groups of trees and 2No. Category C groups and 2No. hedgerows. In addition, there would be the requirement for the partial removal of 2No. Category C groups and 1No. Hedgerow. The Council's Tree Officer has raised some concerns in respect of the removal of trees however it is recommended that any grant of planning permission is subject to a condition to prepare and submit an arboricultural method statement. Given that the application is made in outline with the matter of layout reserved, this is considered to be an appropriate recommendation to ensure that an acceptable solution is achieved in replacing trees and improving habitats.
- 7.7 **Impact on Residential Amenity** – Whilst the application is made in outline with all matters reserved except for access, regard has been had towards the prospective impact on neighbouring residential amenity upon residents on Carlton Close, Bedford Road to the east and Tamworth Road to the north. It appears that due to the length of rear gardens of the surrounding properties, it is anticipated that minimum separation distances to properties on Bedford Road and Tamworth Road would be achieved between windowed elevations.
- 7.8 The introduction of additional dwellings adjacent to no. 6 Carlton Close could have an adverse impact on residential amenity to the existing occupiers by virtue of noise and disturbance in respect of the proposed quantum of development however it is noted that existing trees and landscaping could be retained to mitigate this impact. A separation distance of 12.5m is achieved between the flank wall of no. 6 Carlton Close and the indicative principal windowed elevation of plot 4. At the northern end of the site, indicative plot 7 would be approximately 8m from the rear garden boundary with the house fronting Tamworth Road, at its nearest, with a bedroom window approximately 9m from the rear garden boundary, however as a result of the length of the gardens on Tamworth Road and the obscure angle, it is considered that there would be unlikely to be any instances of unacceptable overlooking.

- 7.9 Any reserved matters applications would need to ensure that proposed development preserves the amenity of existing residents around the site. This applies particularly to no.6 Carlton Close. The layout now provides for a green strip 2 – 3m wide along this boundary. There is an existing tall conifer hedge within the garden of no.4 – this should be retained to screen views if at all possible, otherwise new hedge / shrub / tree planting will be needed along this edge. There would need to be clear long-term management responsibility for any planting within this strip. Conditions are recommended to secure a landscape management plan, which is considered reasonable and necessary in this respect.
- 7.10 Regulatory Services have been consulted on the application and would recommend conditions to secure contaminated land remediation and contaminated land verification however due to the existing residential use of the development, it is not considered that such conditions would be justifiable.
- 7.11 **Impact on Ecology** – The City Ecologist advises that the loss of the tree and hedge line could impact forage and commuting routes for local bat populations. The loss of trees and hedgerows could remove bird nesting and foraging habitat. It is recommended by the City Ecologist that conditions are attached to secure appropriate ecological and biodiversity enhancement, including bird and bat boxes. A number of informatives relating to nesting birds, hedgehogs and badgers are also recommended to be attached to any grant of planning permission. The proposed development could achieve significant benefits for wildlife.
- 7.12 **Impact on Highway Safety** – The outline proposals seek to approve access at this stage, taking access from Carlton Close via the existing private drive to no. 4 Carlton Close. This driveway is currently shared by no. 4 and no. 6, however due to the orientation of no. 6 Carlton Close, it would be unlikely that the proposed access arrangement would impede access to the adjacent existing dwelling. The outline proposals seek to provide a minimum of 2no. parking spaces per dwelling in a tandem arrangement alongside an internal garage. Whilst it is noted that garages are often used for storage, the proposed parking provision would be consistent with guidance set out within Birmingham Parking SPD. Transportation Development have been consulted on the application and recommend refusal on the basis of the car parking spaces measuring 2.65m wide, which could impede access to residents vehicles. Given the application is made in outline with the site layout reserved for future determination, I do not consider that the recommended reason for refusal would be defensible at appeal and could be resolved at the reserved matters stage in respect of the site layout.
- 7.13 West Midlands Fire Service raise concerns in terms of the development creating a dead-end in excess of 180m length. The distance from the entrance of Carlton Close to the end of the indicative new driveway is less than 180m. Regard has also been had towards the site and the existing turning heads of Carlton Close. It has been concluded that manoeuvring and leaving Carlton Close in a forward gear would be achievable, as required by the Fire Service.
- 7.14 **Other Matters** - Severn Trent Water recommend a drainage condition and Regulatory Services recommend a condition to secure the installation of electric vehicle charging points. These conditions are both considered to be necessary in the interests of the future sustainability of the residential scheme.
- 7.15 It is noted that consultation responses from members of the public raise concerns over inadequate public consultation. Extended neighbour notification was undertaken given the site boundaries and a site notice was displayed in the vicinity of the site. Re-consultation was undertaken when the proposals were amended. The standard consultation process was undertaken, and I am satisfied that this was sufficient in the

context of the application proposals. Comments have also been made in terms of the impact of the proposals on existing property values. This is not a material planning consideration and cannot be considered in the assessment of the application.

- 7.16 **Planning Balance** - Weight is required to be given to the lack of supply in the titled balance. In this instance, it is considered that the outline proposals would broadly reflect the character of the surrounding area, taking design cues from contemporary dwellinghouses located at nos. 2a – 2d Carlton Close. The development would result in the net gain of a maximum of 6no. family dwellinghouses. It is considered that the proposals are acceptable in respect of the benefits that the development could achieve, including the delivery of housing supply.

8. **Conclusion**

- 8.1 This outline planning application is considered to be acceptable in the respect that it would contribute towards the city's housing supply and reflect the character of the site's immediate surroundings. As an outline application, the indicative proposals demonstrate a maximum quantum of development which could be achieved on the site. For the reasons set out above, the application is recommended to be approved subject to conditions.

9. **Recommendation:**

- 9.1 Approve subject to conditions.

-
- 1 Implement within 3 years (outline)
 - 2 Limits the layout plans to being indicative only
 - 3 Requires the scheme to be in accordance with the listed approved plans
 - 4 Requires the submission of boundary treatment details
 - 5 Requires the submission of a landscape management plan
 - 6 Requires the submission of hard surfacing materials
 - 7 Requires the prior submission of level details
 - 8 Requires the submission of reserved matter details following an outline approval
 - 9 Requires the provision of a vehicle charging point
 - 10 Arboricultural Method Statement - Submission Required
 - 11 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 12 Requires the prior submission of details of bird/bat boxes
 - 13 Requires the submission of drainage plans for disposal of foul and surface water
-

Case Officer: Claudia Clemente

Photo(s)

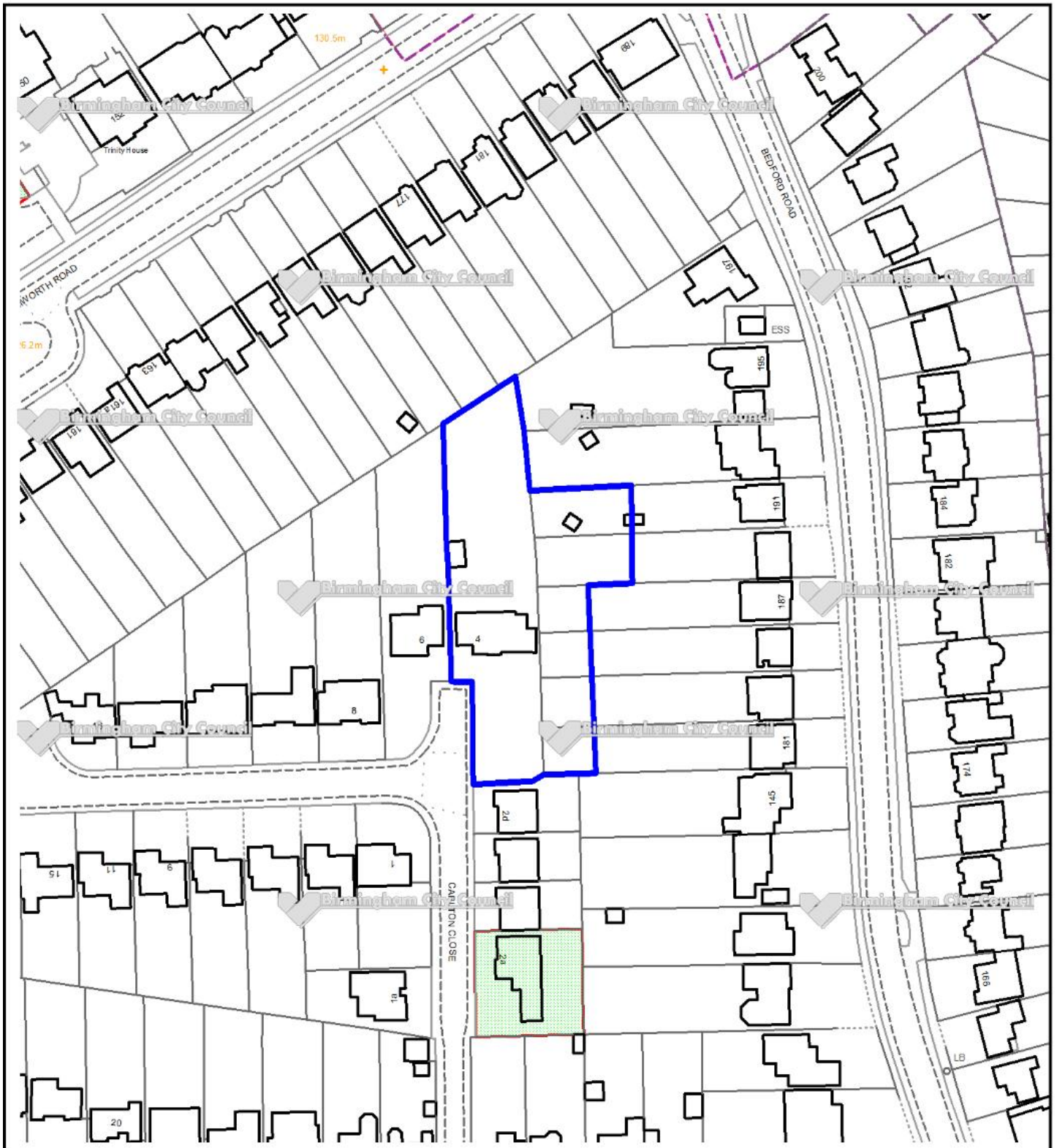


Image 1: Rear garden of 4 Carlton Close



Image 2: Front view of 4 Carlton Close

Location Plan



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Birmingham City Council

Planning Committee

16 June 2022

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 – Subject to 106 Legal Agreement	11	2020/09673/PA Abbeyrose Nursing Home 34-38 Orchard Road Erdington Birmingham B24 9JA Demolition of existing buildings at 109-111 Orphanage Road and 34-38 Orchard Road and erection of a new apartment building with basement parking, landscaping and associated works.

Committee Date:	16/06/2022	Application Number:	2020/09673/PA
Accepted:	04/12/2020	Application Type:	Full Planning
Target Date:	30/06/2022		
Ward:	Erdington		

Abbeyrose Nursing Home, 34-38 Orchard Road, Erdington,
Birmingham, B24 9JA

Demolition of existing buildings at 109-111 Orphanage Road and 34-38 Orchard Road and erection of a new apartment building with basement parking, landscaping and associated works.

Applicant:	Macc Group C/o Agent
Agent:	Pegasus Group 39 Bennetts Hill, Birmingham, B2 5SN

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1. This is an application for the demolition of all existing buildings at the site and the erection of a building comprising of 11no. one-bed flats and 22no. two-bed flats. The building would be predominantly three storeys high along the Orchard Road frontage and four storeys high along the Orphanage Road frontage (the fourth storey accommodation being within the roof space). The building would have a part two storey /part three storey rear wing. The density of the proposed development would be 143 dwellings per hectare.



Orchard Road Elevation (existing buildings outlined in orange)



Orphanage Road Elevation (existing buildings outlined in orange)





SITE LAYOUT PLAN

- 1.2. 934 sq.m of amenity space is proposed at the rear, with 245sq.m to be provided separately along the Orchard Road frontage for use by the occupants of the flats to the front. Within the southern end of the building on Orchard Road is a ramped access leading to a basement area providing 34 car parking spaces and 40 cycle parking spaces.
- 1.3. The one-bed flats would have floor areas ranging between 41 and 47sq.m and an 11.5 sq.m double bedroom. The two-bed flats would have a 7.5 sq.m single bedroom, 11.5 sq.m double bedroom, and between 61 and 67 sq.m overall floor space.
- 1.4. The applicant has advised that the potential for re-use and extension of the buildings currently forming the care home at the site was considered but ultimately ruled out in favour of a new build approach, for the following reasons:
 - The existing layout was adapted for use as a care home and would require extensive layout changes and refurbishment to restore it to a conventional residential use. In this context the costs of conversion are relatively high in relation to the costs of a new build development;
 - The existing buildings are approximately 100 years old and thus are relatively difficult to adapt to modern standards of living and energy efficiency, and in their present form offer limited potential for extension without making major changes to the existing fabric.
- 1.5. The following reports/surveys have been submitted with the application;
 - Air Quality Assessment;
 - Arboricultural Method Statement;
 - Drainage Strategy;
 - Heritage Assessment;
 - Noise Impact Assessment;
 - Transport Assessment;
 - Bat Survey/Mitigation Plan

2. **Site & Surroundings:**

- 2.1 This is an L-shaped site located at the corner of Orchard Road and Orphanage Road comprising of the former Abbey Rose Nursing Home (34-38 Orchard Road, which closed in 2019 and relocated to a newer facility) and two houses (109 and 111 Orphanage Road) which have also been vacant since 2019. 109 Orphanage Road was previously in use as offices and living accommodation associated with the care home. All of the buildings date to the late 19th century. The site lies approximately 350m to the east of Erdington district centre.
- 2.2 The immediate surrounding area is primarily residential in character, with a wide variety of house types and designs including semi-detached and townhouse style properties. Directly opposite the site on Orchard Road is the Grade II listed Erdington Conservative Club building and bowling green. To the rear (east) is an access drive leading to a garage court. The site is bounded to the north east by the rear gardens of 113 -117 Orphanage Road and to the south by the rear garden of 40 Orchard Road.

[Site Location](#)

3. **Planning History:**

- 3.1 None relevant to the assessment of the application.

4. **Consultation Responses:**

- 4.1 City Design Officer – comments set out in paragraph 7.10 below.

Conservation Officer - comments set out in paragraphs 7.3 and 7.14 below.

Transportation Development – no objection subject to conditions requiring the submission of a Construction Method Statement/Management Plan, measures to prevent mud on the highway, provision of vehicular access and parking spaces prior to occupation and a residential travel plan.

Regulatory Services – no objection subject to conditions requiring the submission of contaminated land remediation scheme and a verification report and compliance with the mitigation measures set out in the submitted noise report.

Lead Local Flood Authority – further information required to demonstrate that appropriate drainage systems will be implemented within the development.

Ecology Officer – Information provided with the application demonstrates that there are bat roosts within some of the existing buildings and as such construction works should be phased in a way that allows for the provision of bat roost compensation (in the form of bat boxes) onto the new building prior to the destruction of the bat roosts.

Where the presence of European Protected Species (EPS) is confirmed, the Council, as a local planning authority, must consider the three tests in Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) before determining planning applications. The Regulations define the circumstances where

derogation is allowed for an affected EPS and a licence could be issued by Natural England.

- Test 1: the derogation is in the interests of preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- Test 2: there is no satisfactory alternative;
- Test 3: the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The Ecology Officer is satisfied that the Bat Management Plan demonstrates the proposed development will be able to deliver the necessary mitigation and compensation. Completion of nocturnal bat surveys, submission of a Construction Ecological Management Plan (CEcMP) and an updated Bat Management Plan are required prior to commencement of development (including demolition). Conditions must be imposed to secure these requirements.

Tree Officer – No objection as the Tree Survey indicates that the existing tree stock is of low value.

Leisure Services – A contribution is required towards the provision and enhancement of public open space and play areas at Rookery Park within the Erdington Ward.

Severn Trent Water Ltd – no objection subject to the submission of foul and surface water drainage details.

5. **Third Party Responses:**

5.1 The application has been publicised by site notice and letter. Letters of objection from 45 properties and a petition against (68 addresses) have been received, raising the following concerns:

- The existing buildings should be converted back into family accommodation instead of being demolished;
- The existing buildings have retained many of their original features and are considered to be non designated heritage assets and should not therefore be demolished;
- Overdevelopment of the site;
- The proposed building would be sited significantly forward of the existing well-established build line, thereby being out of character with the area;
- The building materials and design are out of keeping with the local area;
- The scale and massing of the building are not appropriate for this location;
- The development would be harmful to the setting of the listed building opposite the site;
- Loss of residential amenity at neighbouring properties resulting from overlooking, overshadowing and noise disturbance from increased numbers of residents and vehicle movements;
- Lack of parking provision within the development will exacerbate existing parking problems in the area;
- Loss of bat habitat;
- Increased pressure on the local drainage network;

5.2 Councillor Alden has also objected to the proposal, for similar reasons to those set out above.

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

- a. National Planning Policy Framework
Paragraphs 64, 69, 120, 130, 197, 199, 202 and 203
- b. Birmingham Development Plan 2017
Policy PG3 (Place making);
Policy TP6 (Management of flood risk and water resources);
Policy TP8 (Biodiversity and geodiversity);
Policy TP9 (Open space, playing fields and allotments);
Policy TP12 (Historic environment);
Policy TP27 (Sustainable neighbourhoods);
Policy TP28 (The location of new housing);
Policy TP30 (The type, size and density of new housing);
Policy TP31 (Affordable housing);
Policy TP35 (The existing housing stock)
- c. Development Management DPD
Policy DM2 (Amenity);
Policy DM10 (Standards for residential development);
Policy DM14 (Transport access and safety);
Policy DM15 (Parking and servicing)
- d. Supplementary Planning Documents & Guidance:
Affordable Housing SPG
Birmingham Parking SPD
Mature Suburbs: Guidelines to Control Residential Intensification SPG;
Public Open Space in New Residential Development SPD
Places for Living SPG

7. **Planning Considerations:**

7.1 The main material considerations are:

- Principle;
- Impact on the character of the area;
- Impact on heritage assets;
- Residential amenity;
- Highway safety;
- Ecology;
- Drainage;
- Planning obligations.

Principle

- 7.2 NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 7.3 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.
- 7.4 BDP Policy TP35 seeks to prevent the loss to other uses (through conversion or redevelopment) of housing which is in good condition, or could be restored to good condition at reasonable cost. Such loss of residential accommodation will only be permitted if there are good planning justifications or an identified social need for the proposed use. Members should note that in the assessment of the application this policy relates only to 111 Orphanage Road as previously being in use for 'family housing', and not 109 Orphanage Road and 34-38 Orchard Road which formed the care home.
- 7.5 The Conservation Officer has advised that the existing buildings are (with the exception of 111 Orphanage Road) a well-preserved group of Victorian period properties which are considered to be non-designated heritage assets of low /local level significance. The loss of these historic buildings would represent a significant level of harm to the existing streetscape on Orchard Road and Orphanage Road. Whilst the applicant's reasons set out in paragraph 1.4 for discounting the retention and conversion of the care home buildings are accepted, these are not sufficient reason alone to accept their demolition. As such, it is also necessary to consider any potential benefits of the development.
- 7.6 The proposal constitutes the re-use of previously developed land, in accordance with the NPPF and BDP Policy TP28. The site lies in a sustainable location well served by public transport and in this respect the proposed density of the development accords with BDP Policy TP30. The NPPF (paragraphs 69 and 120) supports the development of 'windfall' sites and under-utilised land in making a contribution to meeting housing requirements. Residential development in this location is therefore acceptable in principle. Specifically however with regard to the proposed removal of the non-designated heritage assets from the area and 'family housing' referred to in paragraph 7.1, this loss can only be balanced by any potential benefits of the development – such benefits are considered below.

Impact on the character of the area

- 7.7 The Mature Suburbs SPG advises that, within such areas, the design of a proposal must both not harm their distinctive character and improve the quality of the area. Although proposals are not expected to be a copy or pastiche of existing design styles in an area, innovative and contemporary designs that respect their context are encouraged.
- 7.8 The character of the area is that of a late 19th century suburb, with large dwellings within generous plots set along well-defined building lines. In terms of its form, the proposed building is effectively three storeys high, stepping down to two storeys adjacent to 40 Orchard Road. Whilst the scale of no. 40 is not typical of the wider Victorian vernacular of Orchard Road the step creates an appropriate transition in heights between the two buildings.
- 7.9 The projecting gable form of the building has been partially informed by the gable dormers within a number of the Victorian properties on Orchard Road and is also an

interpretation of the pitched roof forms within the surrounding context. The gables break up the visual 'mass' of the proposed building, reducing the scale of the roof and creating the perception of individual blocks akin to a terrace of properties rather than a single block.

- 7.10 The architecture proposed seeks to introduce a contemporary design into the established character of the area. The use of red brick with subtle detailing would help to tie in the proposal to its surrounding context, as would the windows proportions which are similar to the wider Victorian vernacular. The use of a controlled palette of materials and a fenestration that has a consistent window height creates a simple, well considered piece of architecture. The proposed balconies would help to articulate, but not dominate, the facades.
- 7.11 In terms of the siting of the building, at Orphanage Road the proposal successfully reinforces the building line established by the adjacent property. There would be a stepped building line along Orchard Road, which commences in alignment with no. 40 and incrementally steps forward to conclude at the crux of the junction. Whilst this is a deviation from the established building line the site's corner location justifies this change.
- 7.12 The City Design Officer is of the opinion that the proposal successfully introduces a high density residential scheme into a mature suburb, which acknowledges the existing context whilst introducing a new and contemporary form. Whilst some trees would be lost they are not of any significant value in the wider context of the area, and the proposed landscaping would provide adequate compensation. In this respect the proposal aligns with the Mature Suburbs SPG guidance, BDP policies PG3 and TP27 which seek high design quality in new developments, and paragraph 130 of the NPPF advises that developments should be visually attractive as a result of good architecture and layout.

Impact on heritage assets

- 7.13 The NPPF sets out the following advice in relation to the conservation and enhancement of the historic environment:
- *'...decisions should ensure that developments...are sympathetic to local character and history...'*(para.130);
 - *'In determining applications, local planning authorities should take account of:*
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness'* (para.197);
 - *'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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'* (para.199);
 - *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'* (para.202);

- *'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'* (para.203)

- 7.14 Policy TP12 of the BDP advises that the Council will seek to manage new development in ways that protect, enhance and make a positive contribution to the character of the historic environment. Historic building recording will be required where consent is granted for proposals involving the loss of non-designated heritage assets
- 7.15 With regard to the comments of the Conservation Officer in paragraph 7.3 it is considered that, as set out in paragraphs 7.6 to 7.10, the proposed development as a 'replacement' of the existing buildings would be of sufficiently high design quality to mitigate the loss of the low level /local non-designated heritage assets from the existing street scene. Specifically, with regard to the advice set out in paragraph 197 of the NPPF the development would make a positive contribution to character of the area, and as such the loss of the buildings is acceptable.
- 7.16 The listed Conservative Club building lies to the west of the site and is set back from Orchard Road behind a parking area and bowling green. Given the distance separation between the building and the site, and the acceptable scale, form and design of the proposed development, it is not considered that any harmful impacts would arise to the setting of the listed building. The Conservation Officer has not raised any concerns in relation to the relationship of the new build element of the proposals with the listed building.
- 7.17 For the reasons set out above it considered that the proposal would not contravene the NPPF and BDP advice referred to above. Condition 22 requires recording of the buildings to be demolished in accordance with the requirements of Policy TP12.

Residential amenity

- 7.18 Policy DM10 of the DMB DPD requires that developments meet the floor space standards set out in the National Technical Housing Standards document. The proposed two-bed flats comply with the guidelines set out, however the floor space of the one-bed flats is below the guideline figure (50sq.m). The one-bed flats are shown for occupation by two people, however given the type of accommodation being proposed it is likely that not all would be occupied in this way, in which case the floor space would comply with the guideline figure (37sq.m). It is therefore considered that, on balance, the accommodation to be provided would be appropriate in relation to the future number of occupants of the building and given that the application is acceptable in all other respects.
- 7.19 In order to comply with the standards set out in Places For Living, as reinforced by Policy DM10, the development should provide 990sq.m of amenity space (30sq.m per flat). Approximately 1179sq.m is proposed to be provided. In addition, the provision of balconies would further increase the amount of amenity space available for some of the occupants.
- 7.20 113 Orphanage Road to the north east does not have any habitable room windows in its side elevation facing the proposed building, and as such there would be no adverse impact on outlook in comparison to the existing situation (111 Orphanage Road is two storeys high, the proposed building being three storeys high within this part of the site). Distance separations from windows to the garden of no.113 comply with guidelines set out in Places for Living, and windows at first floor in the two

storey rear wing facing no.113 would be fitted with obscure glazing to ensure no loss of privacy.

- 7.21 In relation to 40 Orchard Road the development would occupy approximately the same footprint as the existing building and also be two storeys high. There would therefore be no greater impact on outlook than the current situation. Windows on the side elevation would be angled to face towards the bottom end of the garden of no.40 only, and as such any overlooking would not lead to a loss of privacy.
- 7.22 Activities associated with the development would not result in any demonstrable increase in noise and disturbance to nearby residents in comparison to the previous use of the site. Information has been provided by the applicant which shows that the additional storey height of the development would not result in any significant increase in overshadowing of neighbouring properties. In terms of the living environment to be provided for the residents of the development, the documentation submitted satisfactorily demonstrates that appropriate measures will be incorporated into the development to mitigate any potentially adverse impacts arising from poor air quality and road traffic noise.
- 7.23 In view of the above, it is considered that the development would provide a satisfactory level of amenity for future occupants and existing residents and as such complies with the requirements of paragraph 130 of the NPPF and Policies DM2 and DM10 of the DMB DPD.

Access/Parking

- 7.24 No concerns have been raised by Transportation Development in relation to the proposed means of access to the basement parking area. Cycle and car parking provision accord with the standards set out in the Birmingham Parking SPD for a development of the type proposed. The proposal therefore complies with Policies DM14 and DM15 of the DMB DPD which seek to ensure that new development would not have an unacceptable adverse impact on highway safety by providing safe, convenient and appropriate access arrangements.

Ecology

- 7.25 BDP Policy TP8 advises that development which may potentially cause harm to species which are legally protected (bats in this case) will only be permitted if it has been clearly demonstrated that:
- the benefits of the proposal outweigh the need to safeguard the site or important habitat;
 - damage is minimised and measures can be put in place to mitigate remaining impacts;
 - where damage cannot be avoided or fully mitigated, appropriate compensation is secured.
- 7.26 With regard to the comments of the Ecology officer in relation to tests 1 and 2 of the Regulations, it is considered that there is 'overriding public interest' of a social or economic nature in redeveloping this vacant site for additional housing in the City. In terms of there being a 'satisfactory alternative', it has been demonstrated that the existing buildings cannot be retained and converted in a satisfactory manner for the development of a similar number of units (and in any case such conversion works could potentially result in similarly harmful impacts on bat habitat as demolition and new build). On the basis that the Ecology Officer is satisfied with the mitigation and compensatory works outlined thus far (the third test of the Regulations and the second and third bullet points in paragraph 7.23) it is considered reasonable to

conclude that the LPA has fulfilled its obligations in relation to the Regulations. The conditions recommended by the Ecology Officer have been attached.

Drainage

- 7.27 The site lies within Flood Zone 1. The Drainage Strategy has been assessed by the Lead Local Flood Authority, however further information is needed to ensure that the proposed drainage measures are appropriate. This is secured by Condition 7 in accordance with the requirements of BDP Policy TP6.

Affordable housing/financial contributions

- 7.28 Policy TP9 of the BDP and the Public Open Space in New Residential Development SPD requires the provision of developer contributions towards improvements/provision of public open space in schemes of 20 or more dwellings. In this case a contribution of £105,875 is required for off-site open space and play area provision, which the applicant has agreed to provide.
- 7.29 BDP Policy TP31 and the Affordable Housing SPG seek the provision of 35% affordable dwellings in developments of 15 units or more, equating to the need for 12 such units for this proposal. Paragraph 64 of the NPPF advises that, to support the re-use of brownfield land, where vacant buildings are being demolished any affordable housing contribution should be reduced by a proportionate amount.
- 7.30 The applicant has proposed an off-site contribution towards affordable housing, on the basis that registered providers are reluctant to take on such units in flatted developments for management reasons. Officers consider this approach to be acceptable. With the application of 'vacant building credit' as referred to in NPPF paragraph 64, which is the equivalent of the floorspace of any vacant buildings being demolished deducted from the overall affordable housing contribution calculation (in this case equating to the provision of 8 affordable units), a contribution of £281,454.53 has been offered. Both this and the open space contribution can be secured via a s106 Agreement.

8. Conclusion

- 8.1 BDP Policy TP35 advises that there should be 'good planning justifications' for the 'loss' of the City's family housing stock. 111 Orphanage Road has been vacant for approximately three years and it could therefore be argued that the 'loss' has already taken place, irrespective of the proposed redevelopment of the site. In any case the proposal itself is for a number of new residential units which mitigate against the loss of a single house.
- 8.2 The removal from the site of non-designated heritage assets is balanced by replacement with a development which would make an equally positive impact on the character of the area, have no adverse effect on the setting of the listed building opposite, provide adequate levels of amenity and not result in any harm to highway safety, and mitigate against the loss of wildlife habitat with the inclusion of appropriate compensation measures. As such the proposal complies with the relevant policies referred to in section 6 above.

9. Recommendation:

- 9.1 That application 2020/09673/PA be APPROVED subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission) and the completion of a Section 106 legal

agreement to secure:

- a) a contribution of £105,875 for off-site open space and play area provision (index linked to the date of the committee resolution);
- b) a contribution of £281,454.53 towards the provision of off-site affordable housing provision (index linked to the date of the committee resolution)

9.2 In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 19th August 2022 the planning permission be refused for the following reason:

- a) 'In the absence of a Section 106 legal agreement to secure the delivery of open space provision and affordable homes the proposed development conflicts with Policies TP9 and TP31 of the BDP and the NPPF'.

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

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| 1 | Implement within 3 years (Full) |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Requirements within pre-defined tree protection areas |
| 4 | Requires tree pruning protection |
| 5 | Requires the prior submission of a contamination remediation scheme |
| 6 | Requires the submission of a contaminated land verification report |
| 7 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan |
| 8 | Air quality mitigation |
| 9 | Noise mitigation |
| 10 | Requires the prior submission of a construction method statement/management plan |
| 11 | Requires the submission of details to prevent mud on the highway |
| 12 | Requires the prior installation of means of access |
| 13 | Requires the submission of a residential travel plan |
| 14 | Requires the provision of vehicle charging points |
| 15 | Requires the submission of boundary treatment details |
| 16 | Requires the submission of sample materials |
| 17 | Bat survey |
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| 18 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 19 | Requires the implementation of the submitted mitigation/enhancement plan |
| 20 | Construction ecological management plan |
| 21 | Requires the prior submission of a drainage scheme |
| 22 | Requires the prior submission of recording of buildings to be demolished |
-

Case Officer: Faisal Agha

Photo(s)



ORCHARD ROAD FRONTAGE

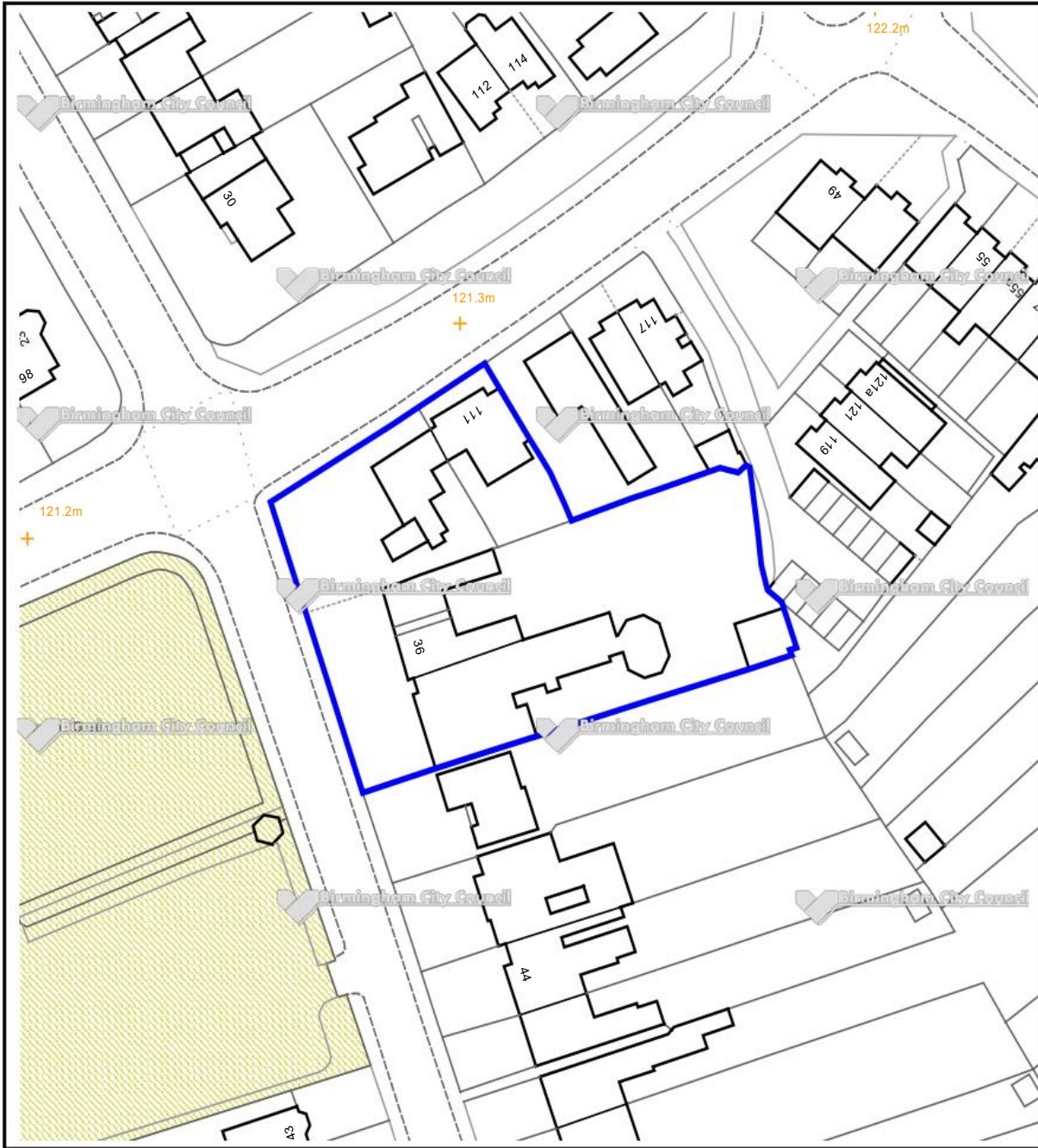


PHOTO OF SITE TAKEN FROM THE NORTHWEST



PHOTO SHOWING REAR GARDEN OF 40 ORCHARD ROAD AND REAR WING AT THE EXISTING BUILDING

Location Plan



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Birmingham City Council

Planning Committee

16 June 2022

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 – Subject to 106 Legal Agreement	12	2021/06547/PA Land at West Longbridge West and North of the A38 Bristol Road South Former MG Factory site Longbridge Birmingham B45 Outline planning application with all matters reserved except access for a residential development of up to 350 dwellings, access, landscaping, public open space and associated development infrastructure.
Approve - Conditions	13	2022/00007/PA 189 Weoley Avenue Selly Oak Birmingham B29 6PU Change of use from dog grooming (Sui Generis) to restaurant (Use Class E(b)), erection of single-storey extension, raise the height of the rear single-storey wing together with installation of flat roof, installation of shop front and extraction flue
Approve - Conditions	14	2021/09798/PA 3, 5 and 7 St Augustines Road Edgbaston Birmingham B16 9JU Change of use of 9no. self-contained flats (Use Class C3) to guest house (Use Class C1).

Committee Date:	16/06/2022	Application Number:	2021/06547/PA
Accepted:	23/07/2021	Application Type:	Outline
Target Date:	23/06/2022		
Ward:	Northfield		

Land at West Longbridge, West and North of the A38 Bristol Road South, Former MG Factory site, Longbridge, Birmingham, B45,

Outline planning application with all matters reserved except access for a residential development of up to 350 dwellings, access, landscaping, public open space and associated development infrastructure.

Applicant:	St Modwen Developments Ltd C/o Planning Prospects Ltd
Agent:	Planning Prospects Ltd 4 Mill Pool, Nash Lane, Belbroughton, DY9 9AF

Recommendation

Approve Subject to a Section 106 Legal Agreement

Report Back

- 1.1. Members will recall this application was reported to Planning Committee on 24 February where it was resolved to approve subject to the signing of a Section 106 legal agreement. The agreement was to secure the provision of 20% affordable housing split as 18% low-cost home ownership at 80% of open market value and 2% social rent and £1,420,000 for off-site Social Rent affordable housing provided by Birmingham Housing Municipal Trust within the Northfield Constituency.
- 1.2. The Section 106 has not yet been signed and since the Committee in February, the requirement for on-site First Homes has come in. This requires 25% of any on site affordable housing to be delivered as First Homes as set out in national guidance. in this case that would equate to 5% First Homes. First Homes need to be offered at 30% discount. This greater level of discount impacts on the viability of the application and the total amount of financial contribution that can be made. The percentage of social rent remains the same, at 2%. In this case the off-site contribution will reduce from £1.42m to £999,000. The revised viability has been checked by our consultants and is acceptable. Nothing else on the scheme has changed, so the recommendation to approve and the suggested conditions remain the same, but with a revised Section 106;

That application 2021/06547/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:

- a) The provision of 20% affordable housing split as 13% low-cost home

ownership at 80% of open market value, 5% First homes at 30% of open market value and 2% social rent in perpetuity with mix to be agreed.

b) The provision of £999,000 for off-site Social Rent affordable housing provided by Birmingham Housing Municipal Trust within the Northfield Constituency.

c) The provision of £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality.

d) Payment of a monitoring and administration fee associated with the legal agreement to a maximum £10,000.

Original Report

2. Proposal

2.1. Outline planning permission with all matters reserved for future consideration (except access), is sought for a residential development of up to 350 dwellings, access, landscaping, public open space and associated development infrastructure.

2.2. The application includes a parameters plan that provides clarity as to the nature and extent of development proposed. It shows and quantifies the areas proposed for housing, the access to the site, as well as areas that would be set aside for landscape green infrastructure, public open spaces and sustainable drainage, including river enhancement parts of the site.



Parameters Plan

2.3. A total of 6.27ha of the site is proposed for new housing. 7.79ha of the site is proposed for green infrastructure including new public open space, general green space, landscape planting and river enhancement works. The balance of the 15.3 ha site includes the access infrastructure to the phase from the A38 Bristol Road.

2.4. In addition, an Illustrative Masterplan has also been submitted to demonstrate how the development could be accommodated on site. The illustrative proposals show a range of new housing including apartments focused to the frontage along the spine road infrastructure. They also show the new areas of green infrastructure which would form new public open space along the River Rea corridor.

- 2.5. For the purposes of assessing viability and calculating open space, the illustrative mix is as follows:
- 48 - 1 bed flats,
 - 79 - 2 bed flats,
 - 62 - 2 bed houses,
 - 140 - 3 bed houses, and
 - 21 - 4 bed houses.



Illustrative Masterplan Proposals

- 2.6. A new cycle route along the River Rea, as well a new cycle and pedestrian route of 1.35km parallel to the river corridor is also shown. This would connect to the recently open route which runs under the A38 Bristol Road South to Longbridge Town Centre.
- 2.7. The proposals also include flood mitigation works and landscape restoration of the River Rea corridor to create a new linear park. The Illustrative Masterplan demonstrates the potential for extensive landscaping and tree planting along the boundaries of the site and the creation of surface water retention features.
- 2.8. The illustrative layout also shows how the proposed housing would integrate into the wider Regional Investment Site proposals for the remainder of the West Longbridge site. These employment proposals don't form part of this application but illustrate how they may come forward in the future.
- 2.9. The principal vehicular access to the site will be off A38 Bristol Road South, from the two existing access points to the east and south. A link road connecting these two access points was approved (and updated by way of a non-material amendment) as part of a previous planning permission (2017/10775/PA). The approved link road includes a segregated cycle route and its alignment co-ordinates with landscape infrastructure proposed.
- 2.10. 20% affordable housing is proposed comprising 18% discounted open market (discounted at 80% of its open market value) and 2% social rent.

- 2.11. The application is accompanied by a Planning Statement; Statement of Community Involvement; Design and Access Statement; Transport Assessment; Travel Plan; Flood Risk Assessment and Drainage Strategy; Geo-environmental Desk Based Assessment; Noise Assessment; Sustainable Construction Statement; Site Waste Management Statement; Operational Site Waste Management Strategy; Energy Statement; Ecology Assessment; Air Quality Assessment; Tree Survey and Arboricultural Assessment and a Financial Viability Assessment.
- 2.12. Overall Site Area: 15.3Ha. Site Area proposed for housing: 6.27Ha. Density on housing site area: 56 dwellings per hectare.
- 2.13. [Link to Documents](#)

3. Site & Surroundings:

- 3.1. The West Longbridge site is situated approximately 8 miles to the south west of Birmingham City Centre. It lies within the administrative boundaries of Birmingham City Council and forms a key regeneration site, close to Longbridge Town centre, but also providing links to and falling adjacent to Rubery and Rednal. The site extends both west and north of the A38 Bristol Road South, which is a main arterial route into the City Centre and M5 Motorway to the west. It covers an area of 15.3 ha.
- 3.2. The West Longbridge site formed part of the wider MG Rover car plant which closed in 2005. It was utilised for automotive manufacturing and formerly contained substantial, large scale manufacturing and other buildings associated with its former use. All buildings were demolished over 10 years ago and the site has since been subject to remedial and re-profiling works in readiness for its redevelopment. Much of the site is therefore cleared remediated land, with temporary levels formed by remediated materials as well as a temporary attenuation feature. The site slopes down to the line of the River Rea generally, with the employment buildings to the north and north west elevated at a higher level above a high embankment.
- 3.3. The site includes and is traversed by the River Rea, a tributary of the River Tame. The River flows in a west to east direction and is an important landscape and ecological feature of the site. It enters the application site at Rubery Lane in an open channel and continues eastwards where it enters a culvert beneath the A38 Bristol Road South. Works to the River corridor have been undertaken as part of the wider Longbridge redevelopment proposals to see much of its former industrial context removed and it returned to a naturalised channel with consequential environmental and biodiversity gains. Further river enhancement works are currently on-going.
- 3.4. Major new highway improvement works have been undertaken in the vicinity of the site in recent years to support the regeneration of the area. These works have included extensive new signalisation of the A38/Longbridge Lane junction, wider works along Longbridge Lane and other improvements in the wider area including the A38 roundabout. For West Longbridge these works have provided a new access to the site from the A38 – an important piece of development infrastructure to support to the site's delivery.
- 3.5. Longbridge Town Centre is located a relative short distance to the east across the A38, as too wider public transport connections, bus services and Longbridge Railway Station. These are connected conveniently to the site by existing and proposed pedestrian and cycle linkages, some of which are included in this application, others are currently being delivered. The location here makes this site highly sustainable, given particularly its proximity to the Town Centre's range of shops (including a flagship Marks & Spencer store), restaurants / cafes, high quality office space, multi-storey car

park facility, Rea park, educational facilities, extra care accommodation and housing. Improvements to Longbridge Railway Station, including provision of Park and Ride facility, have been delivered more recently and are continuing.

- 3.6. Other uses and facilities in the wider area include mixed industrial / commercial uses to the west and north west, playing pitches and allotments, leisure uses at Great Park as well as Colmers School and Sixth Form College which are within a short walk from the site. Much of the surrounding area to the north predominately comprises existing housing.

- 3.7. [Site Location](#)

4. Planning History:

- 4.1. The site has extensive planning history from its former use. Recent relevant history is as follows:
- 4.2. 14 September 2018. 2018/02549/PA. Planning permission granted for the erection of 4 employment units (Uses Classes B1b, B1c and/or B2), parking, access, drainage and other associated infrastructure and landscaping at land at West Works.
- 4.3. 25 October 2018. 2017/10775/PA. Planning permission granted for reprofiling of levels, river (including new floodplain) works, vehicular bridge, highways, pedestrian/cycle and associated infrastructure at land at Longbridge West.
- 4.4. 9 July 2015. 2015/03066/PA. Planning permission granted for river infrastructure works, reprofiling of riverbanks, footpath/cycleway including bridge and landscaping (Including temporary river realignment) at land at Longbridge West.

5. Consultation Responses:

- 5.1. Local residents, Ward Councillors for Northfield, Frankley Great Park and Rubery and Rednal; MP's for Northfield and Bromsgrove and Resident Associations notified. 5 letters of objection have been received from residents living in Lakewood Drive (3 of the 5 are from here and are the same standard objection), Belton Grove and Bristol Road South. The objections are based on the following grounds:
- The proposed development needs a central village hub as per East Works otherwise it will not integrate with its surroundings.
 - Wildlife destruction. Please seek an increase in biodiversity by at least providing an environment that retains its present level of wildlife.
 - Flooding.
 - Noise and dust pollution.
 - Loss of green view.
 - Proposed walkway could present an opportunity for travellers, anti-social behaviour from motorbikes and mopeds and gatherings at night, rear of properties would become accessible 24 hours a day to those with criminal intent.
 - The culvert bringing the river Rea under Rubery Lane is accessible to anyone – how will this be managed?
 - Will access still be granted for the residents at the bottom of Lakewood Drive to access the rear of their properties in order to plant and subsequently maintain trees and shrubs along the length of the fences which bordered the road?

- Lighting planned for the walkway route should not be intrusive to the bedrooms at the rear of adjacent properties.

- 5.2. Transportation – No objection. The only concern is on the masterplan illustrative layout. The residential development is just accessed by one road that means the cul-de-sac formed is around 400m long. The historic guidance is for any plot with one access the road is 7.3m wide up to 180m from the end of the cul-de-sac, so over half the access road and possible parts of the side roads. The preference, which is also noted by the fire service, is the road is kept clear of parking to ensure 3.7m width is provided. This should easily be designed in and will require thought on the off-street car parking provision and restrictions along the new access roads, i.e. footway crossings and accesses and possibly Traffic Regulation Orders to ensure this is maintained.

The potential traffic generation from this plot has been predicted by using the previously accepted traffic flows and applied to the traffic model that has been updated in 2017 and 2019 using up to date network flows and includes reference to all consented development traffic flows. The peak traffic flows are AM 91 two way and PM 154 two way which are within the accepted trip envelope as approved in earlier LAAP agreements and the infrastructure that has been provided on the highway network. As such no additional works are required apart from the access road, new site roads and cycle/pedestrian connection.

Conditions should be attached to any approval relating to the detailed site layout needing to include reference to the carriageway width required for fire service vehicles due to the cul-de-sac length and a Construction Management Plan being required prior to any works taking place.

- 5.3. Regulatory Services – No objection.

Air Quality - The transport assessment suggests relatively small vehicle movements associated with the residential development and this would be unlikely to have any adverse air quality impacts in the area given the existing traffic flows on the main arterial roads in the vicinity. The application has been supported by an Air Quality Assessment. I agree with the overall conclusion that the development will have no adverse operational phase air quality impacts and that any impacts from these can be dealt with by layout and design of the development therefore no objections on air quality grounds.

Noise - The application has been supported by a Noise Assessment. The report presents the results of an environmental monitoring exercise for noise at three locations around the perimeter of the development site. The report concludes that the most likely impact on the site will be road traffic noise from Bristol Road South and commercial noise from the north of the site on Hollymoor Way and the area to the south of the site where the existing commercial uses are located along the A38. The report does not include any BS4142 assessment and I am concerned that given the proximity of the industrial uses and the extended hours of operation that noise impact from plant and equipment and also from vehicle movements on the commercial sites could be a significant impact. However, on the basis that this is an outline application and the noise assessment itself identifies the potential adverse impacts from the commercial and industrial operations a condition requiring further assessment of commercial and industrial noise once the site layout has been further detailed and a mitigation scheme to deal with road traffic noise is required.

Contaminated Land - the application is supported by a contaminated land desk study. This report identifies that it is proposed to carry out significant groundworks to further evaluate made ground across the site. I have no concerns that the site can be adequately remediated however we will require a full remediation strategy for the site prior to any ground works being carried out. I am therefore content to condition this.

- 5.4. West Midlands Fire Service - Concerned that this proposal creates a dead-end access point to the housing estate which is over 180m. The detailed proposal will be required to comply with Building Regulations.
- 5.5. Severn Trent Water – No objection subject to a drainage condition.
- 5.6. Natural England – Have no comments to make.
- 5.7. Environment Agency – No objection subject to conditions relating to ground contamination and implementation of the flood risk assessment.
- 5.8. Highways England - No objection.
- 5.9. Lead Local Flood Authority – No objection subject to sustainable drainage conditions.
- 5.10. Local Services – No objection. I note the applicant's intention to provide 7.97 hectares of Green infrastructure, 3.46 hectares of which will be publicly accessible POS. I also note the intention to provide some on site play facilities. The scheme as illustrated would generate a total of people = 813. $813 \div 1000 \times 20,000$ (2 hectares per thousand of population) = 16,260sq m of POS generated. (1.626 hectares) which is more than catered for by the proposed onsite POS provision proposed by the applicant. Given the scale of the proposed on-site POS proposed we would require a contribution to cover a Landscape Clerk of Works fee of £20k for overseeing the implementation of the POS / Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality. This would still apply even though I would suspect the POS elements will not be handed to the City for maintenance at completion and maintained by the developer or other provider going forward. We would also request to see and approve detailed proposals for the play elements and equipment proposed as part of any conditions imposed.
- 5.11. West Midlands Police – No response received.
- 5.12. Education – The proposed illustrative mix of dwellings detailed in the financial viability appraisal would generate 12 nursery pupils, 80 primary pupils (0.3Form Entry) and 43 secondary pupils (0.3Form Entry). On this basis, a financial contribution towards school places is sought comprising £36,781.38 for nursery provision; £946,268.59 for primary provision and £773,029.23 for secondary provision.

6. Policy Context

- 6.1. Birmingham Development Plan; Longbridge Area Action Plan; NPPF 2021; Development Management in Birmingham DPD; Places for Living SPG; Public Open Space in New Residential Development SPD

7. Planning Considerations:

- 7.1. Outline planning permission with all matters reserved except access, is sought for up to 350 dwellings along with access, landscaping, public open space and associated development infrastructure.

Principle

- 7.2. The application site is located with Longbridge Growth Area (BDP policy GA10). GA10 refers to the adopted Longbridge AAP to guide development in this location. Longbridge AAP allocates the application site for housing under Proposal H1. H1 proposes the site will be developed for 350 dwellings comprising a mix of types and

tenures, including a target of 35% affordable housing, with a density of between 50 and 60 dwellings per hectare. The policy does not specify further with regards to the required/sought mix of types and tenures of the dwellings. On this basis, if the site were to be brought forward with the mix identified in paragraph 1.5 above, I consider that the development would meet the City's housing needs for the local area. I note that the density would sit at 56 dwellings per hectare if the maximum number of dwellings sought were brought forward on the site. This density, as identified in paragraph 1.5 above would include 127 flats (36%) however, without a significant proportion of flats being included in any development of this allocated site, the required density and allocation for a MINIMUM number of 350 dwellings would not be achieved.

- 7.3. Within the context of these policies, there is no objection to the principle of residential development on this site and is in accordance with Policy GA10 of the Birmingham Development Plan and Proposal H1 of the Longbridge Area Action Plan.

Access and Highway Matters

- 7.4. The application is accompanied by a transport assessment that identifies the potential traffic generation from this development. This has been predicted by using the previously accepted traffic flows and applied to the traffic model that has been updated in 2017 and 2019 using up to date network flows and includes reference to all consented development traffic flows. The peak traffic flows are predicted to be 91 two-way trips in the AM peak and 154 two-way trips in the PM peak. These are accepted as being within the agreed trip envelope as approved in earlier LAAP agreements and the infrastructure that has been provided on the highway network. As such, Transportation consider that no additional works are required as a result of the development, apart from the access road, new site roads and cycle/pedestrian connection.
- 7.5. Transportation do however raise a concern regarding the illustrative masterplan layout. They identify that the proposed residential development could just be accessed by one road meaning that a cul-de-sac would be formed that would be around 400m long. The guidance for any plot with one access identifies that the road would need to be 7.3m wide up to 180m from the end of the cul-de-sac, so over half the access road and possible parts of the side roads.
- 7.6. West Midlands Fire Service has also raised this concern.
- 7.7. The preference, which is also noted by the fire service, is the road is kept clear of parking to ensure 3.7m width is provided. This important detail has been identified to the applicant so that when detailed design and layouts are proposed through reserved matters submissions, this issue should have been addressed. I consider that this provision can be designed in but would likely require thought on the off-street car parking provision and restrictions along the new access roads. As previously identified, these are detailed design and layout issues that are not for consideration during this application but during later reserved matters submissions. If necessary, the requirement for Traffic Regulation Orders to ensure the minimum carriageway width can be attached to any future Reserved Matters Approval if the detailed design and layout has not adequately addressed the issue. On this basis, I consider that the proposed development is acceptable in access and highway matters and accords with relevant local and national policy on this issue. The requested condition relating to carriageway width has been included as an informative.

Design

- 7.8. The application is accompanied by a parameters plan for approval and an illustrative master plan.
- 7.9. There are no objections to the access arrangements shown on the parameter plan, other than the need to build in space for street trees. The pedestrian and cycle link along the River Rea are welcomed and the link to Great Park is encouraged. However, a key concern is the limited linkages shown between the streets in the illustrative housing layout and the main cycleway and footpath network through the open space.
- 7.10. The indicative housing scheme is based around a perimeter block layout, with public fronts and private backs. The scheme is connected and permeable. In density terms, the proposed 350 dwellings would achieve a density of 56 dwellings per hectare. This would comply with Proposal H1 of the Longbridge AAP however; the resulting scheme may create too hard and urban a character of development in a very suburban context. The impact of such a high density on the layout could create the following issues:
- Parking would cover most frontages creating a hard-urban environment and the use of parking courtyards to the rear of dwellings, would not be supported.
 - Exposed side (and some rear) garden boundaries leading to poorly overlooked streets and dead frontages.
 - Incoherent building lines.
 - No clear street hierarchy with narrow house types throughout, and little variation in pattern, spacing, plot size or frontage treatment.
 - Apartments with no communal private space of their own and
 - Short front to front separation distances, creating uncomfortably enclosed streets and overlooking issues.
- 7.11. I note that the layout submitted is illustrative and therefore the issues outlined can be addressed through the submission of reserved matters. I am satisfied that a scheme of 350 dwellings could be accommodated whilst noting that detailed design may reduce the actual quantum of units and in turn, density.
- 7.12. The design and access statement (DAS) identifies that scale should be used to enhance the legibility of streets, and it is agreed that housing along the main link road opposite the employment units could be taller. Three storeys may also be considered appropriate overlooking the linear open space. The statement also identifies that the housing would be of high-quality contemporary design that has evolved from the local context. The approach set out in the DAS, of creating innovative housing using modern materials is welcomed in principle, particularly if these add to the sustainability credentials of the development. As previously identified, at this stage with all matters reserved except access, the proposed residential development would be acceptable in line with the submitted parameters plan and issues of scale and design can be addressed at reserved matters stage.

Landscape, Trees and Ecology

- 7.13. The parameter plan indicates a significant area of the site is to be set aside for green infrastructure, which is welcomed, with the river corridor representing an important link from an ecology, landscape and connectivity perspective. However, concern is raised that no space appears to be provided for street tree planting along the highway links.
- 7.14. There is already a consented plan for the river corridor under the enabling works permission reference 2017/10775/PA. The proposals described and illustrated in the DAS appear to align with and build on these. The proposals for the large wide linear

park as shown on the illustrative master plan are positive and the character area descriptions in the DAS set the parameters for reserved matters detail to come later. The realignment and naturalisation of the channel, along with works within the water course will be beneficial from a biodiversity and aesthetic point of view. The planting strategy, focussing on native species, enhancing biodiversity and habitat creation is considered appropriate.

- 7.15. In terms of POS, this would be mostly related to the river corridor, with informal recreation in a woodland and riverside environment. Whilst natural woodland play and trim trail could be provided for, no formal play areas are identified in the illustrative master plan. This is surprising considering the number of potential houses and the fact that the site is quite isolated with no formal play areas nearby and Cofton Park, a distance away. The need to provide a variety of designed and natural landscapes, including the provision of formal play is set out in the National Design Guide and the Public Open Space in New Residential Development SPD. On this basis, I recommend a condition securing play area details is attached to the approval.
- 7.16. Landscaping within the housing development - the landscape section of the DAS does not go into a lot of detail on this however it mentions street trees and hedges in front gardens, landscaped drainage swales and planting. Looking at the illustrative master plan; I am sceptical that an attractive residential environment could be delivered considering the density of development and continuous parking to frontages. Front gardens are non-existent. Many of the trees suggested would be in hard paved areas requiring specialist tree pit details to ensure establishment and long-term survival. Overall, the streets appear to have a hard and urban character with little opportunity for them to be 'tree lined' as required by the NPPF. At present, I am not convinced that the scheme would create a positive character and identity, or a positive sense of place and local distinctiveness as required by policy. However, the devil is always in the detail and this is an outline planning application. As such, the detail would be forthcoming in any future reserved matters submission and the detailed landscape concerns identified would be addressed at that stage. On this basis, I consider that the proposed development would be acceptable and in accordance with policy.
- 7.17. My Arboricultural Officer has reviewed the submitted tree survey and arboricultural assessment and has no objections with the proposal for the development of the site, noting that reserved matters submissions would address these issues in more detail. The proposed access roads would have minimal impact on trees as the proposed development would utilise the existing access points from the A38 opposite Longbridge Lane and to a greater part follows another (to be constructed) access to cross the River Rea. I concur with this view.
- 7.18. In terms of ecology, the City Ecologist has reviewed the submitted appraisal and notes that the site has partially been remediated previously. The proposed development would be unlikely to generate any ecology concerns that haven't already been partially captured or considered in the wider context of the site. Detailed design will be necessary, and discussions will need to take place as these are developed for future reserved matters submission. No major issues with the access as proposed are identified. On this basis, and subject to safeguarding conditions recommended below, I consider the proposed development to be acceptable from an ecological perspective.
- 7.19. I note the concern raised by interested parties regarding wildlife destruction and the request to seek an increase in biodiversity by at least providing an environment that retains its present level of wildlife. Ecology safeguarding conditions are recommended below that would secure an increase in site biodiversity.

Archaeology

- 7.20. Records indicate that an archaeological site was recorded within the application site during a survey of the Rea Valley in 1970s. Since then the site was developed as part of the motor works in the 1980s and the site disappeared under an area of hardstanding. After the closure of the works the site was the subject of substantial demolition and remediation works. An archaeological watching brief took place close to the location of the enclosure in 2007 when the balancing pond was built. This did not record any archaeological remains and noted that the site had been heavily modified when the motor works were built.
- 7.21. Another area of archaeological potential exists closer to Bristol Road South where an archaeological evaluation was carried out in the 2000s. The evaluation found approximately 1.5m of alluvium of uncertain date.
- 7.22. The City Archaeologist considers that the archaeological remains are likely to have been removed by the construction of the factory and the later demolition and remediation works. The potential for archaeological remains is therefore low. They consider that the area closer to the Bristol Road does have some archaeological potential but the majority of it would not be affected by the development as only a strip of land is required for an access and most of it will be left in-situ. On this basis, the City Archaeologist considers that there would be no archaeological impact from the development and no requirement for further archaeological work. I concur with this approach.

Sustainability

- 7.23. In accordance BDP policies TP3 and TP4, Sustainable Construction and Energy Statements have been submitted which accord with the 'Guidance note on Sustainable Construction and Energy Statements' requirements for outline applications. As the detailed design of the dwellings and layout do not form part of this application, the submitted statements are unable to provide much in the way of addressing the policy requirements of TP3 and TP4. On this basis and from the information contained in the submitted statements, I consider the proposed development Detailed Sustainable Construction and Energy Statements would be required at Reserved Matters stage and a condition is recommended below to secure this.

Viability and Section 106 Requirements

- 7.24. The application is supported by a Financial Viability Assessment (FVA) that has been reviewed by Lambert Smith Hampton (LSH).
- 7.25. Policy TP31 of the BDP and Proposal H1 of the AAP seeks 35% affordable housing, unless it can be demonstrated that this is not viable. The development proposes 20% affordable housing that has been made possible due to the provision of external funding that makes the 20% provision part of its terms. The proposal originally sought approval for 20%, all of which would be provided at 80% discount of its open market value. Whilst this provision would accord with the definition of affordable housing outlined in the NPPF; it would not contribute to the City's affordable housing requirements and was amended to 18% low cost ownership and 2% social rent with the mix of units to be established. Based on the advice of LSH, this is what the proposed development can viably provide for affordable housing and on this basis, I consider the proposal to be acceptable and in accordance with policy.

- 7.26. The FVA also outlines that following the provision of 2% Social rent accommodation on-site, the available contribution of £2,068,000 to cover anticipated planning contributions, would reduce to £1,450,000. This has been confirmed by LSH. Education have requested a contribution of £1,756,079.20 towards the provision of school places generated by the proposed development in nursery, primary and secondary settings. Whilst the contribution would cover the Education requirement; CIL Regulations identify education as being funded by the CIL rather than by Section 106 unless the development generates a need for a new school on site. As this development would not generate the need for a school, the request cannot be honoured through Section 106.
- 7.27. Local Services has requested £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality. I consider this necessary, directly related and related in scale to the proposed development and this contribution is recommended below.
- 7.28. Following the £20,000 Local Services contribution and £10,000 towards monitoring, a sum of £1,420,000 would remain available. Given the City's affordable housing requirements, specifically in relation to Social Rent properties, I consider that this sum should be provided for the provision of social rent properties by Birmingham Municipal Housing Trust within the Northfield Constituency and this is recommended below.

Other Issues

- 7.29. I note the objections/comments received from residents. With regards to the need for a central village hub like at East Works, I do not consider this necessary as the site sits very close to the town centre at Longbridge, unlike East Works housing. The site has also been master-planned at a strategic level through the Area Action Plan and whilst some supporting facilities may be acceptable on the Regional Investment Site (adjacent to the application site), a small local centre would not be supported by policy.
- 7.30. With regards to flooding, the application is supported by a Flood Risk Assessment and Drainage Strategy. Both the Environment Agency and the Lead Local Flood Authority have reviewed the Assessment/Strategy and raised no objections subject to safeguarding conditions that are recommended below. On this basis, I consider that the proposal would not lead to an increase in flooding.
- 7.31. The application is supported by a noise assessment. Regulatory Services do have some significant concerns about the noise impacts from the industrial and commercial uses around the site, particularly the existing businesses on the southern boundary under development on Hollymoor Way, on the new proposed residential. They do not however raise concerns regarding noise impacts on existing residential adjacent to the site. Any noise impact, because of the development, would only result from construction and this would be a short-term impact. The same applies in terms of air quality and dust pollution. This would only occur during construction and is also therefore a short-term impact. Regulatory Services raise no objections to the proposed development subject to safeguarding conditions which are recommended below. I concur with this view.

- 7.32. With regards to the objection that the proposed walkway could present an opportunity for travellers, anti-social behaviour from motorbikes and mopeds and gatherings at night, rear of properties would become accessible 24 hours a day to those with criminal intent; the River Rea walkway has been an intention of the Longbridge AAP since its adoption. The potential for increase in anti-social behaviour from the walkway being opened for public access remains. However, the detailed design of this walkway has yet to be determined and security measures and appropriate lighting (limiting impact on wildlife and adjacent residential properties) secured at reserved matters stage would limit this threat.
- 7.33. A further comment relates to the culvert bringing the River Rea under Rubery Lane being accessible to anyone – how will this be managed? Clarification has been sought from the applicant/agent who have advised that this access from Rubery Lane is gated off at present but would become the pedestrian cycle access point. They acknowledge that they would need to ensure that the entrance to the culvert is properly segregated from the footpath cycleway in the detailed design and layout, such that access to it is properly restricted. This detail would be forthcoming in future reserved matters submissions.
- 7.34. Finally, residents asked if access would still be granted for the residents at the bottom of Lakewood Drive to access the rear of their properties in order to plant and subsequently maintain trees and shrubs along the length of the fences which bordered the road? The rear of the properties in Lakewood Drive would become accessible from the public walkway as a result of the River Rea walkway proposals as part of this application, thereby making it easier for maintenance of the boundary to be undertaken.

8. Conclusion

- 8.1. The proposed development would continue to expand the mix and tenure of residential properties within the Longbridge AAP area in accordance with policy requirements. The proposed development would sit on allocated residential land and would accord with the number and density requirements of the AAP, subject to further detailed design during future reserved matters submissions. The submitted parameters plan would be acceptable and in accordance with policy. There would be no adverse impact on the amenity of neighbouring occupiers and the proposed development would have a beneficial impact on ecology and landscape locally. As such, I therefore consider the proposal would constitute sustainable development and I recommend that planning permission is granted.

9. Recommendation:

- 9.1. That application 2021/06547/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- a) The provision of 20% affordable housing split as 18% low cost home ownership at 80% of open market value and 2% social rent in perpetuity with mix to be agreed.

- b) The provision of £1,420,000 for off-site Social Rent affordable housing provided by Birmingham Housing Municipal Trust within the Northfield Constituency.
- c) The provision of £20,000 to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route to ensure these are constructed to BCC standards and quality.
- d) Payment of a monitoring and administration fee associated with the legal agreement to a maximum £10,000.

9.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority by the 17 March 2022, or such later date as may be authorised by officers under delegated powers, planning permission be refused for the following reasons: -

- In the absence of a legal agreement to secure any on-site affordable dwellings for low cost home ownership and social rent, the proposal conflicts with Policy TP31 of the Birmingham Development Plan, Proposal H1 of the Longbridge AAP and the National Planning Policy Framework.
- In the absence of a legal agreement to secure a financial contribution towards the provision of off-site affordable dwellings for social rent, the proposal conflicts with Policy TP31 of the Birmingham Development Plan, Proposal HS1 of the Longbridge AAP and the National Planning Policy Framework.
- In the absence of a legal agreement to secure contributions to cover a Landscape Clerk of Works fee for overseeing the implementation of the POS/Green infrastructure /play elements/cycle route, the proposal conflicts with Policies PG3, TP7, TP9, TP38, TP39 and TP40 of the Birmingham Development Plan and the National Planning Policy Framework.

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

9.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 17 March 2022, or such later date as may be authorised by officers under delegated powers, planning permission for application 2021/06547/PA be APPROVED, subject to the conditions listed below:-

-
- | | |
|---|---|
| 1 | Requires the submission of reserved matter details following an outline approval |
| 2 | Requires the scheme to be in accordance with the listed approved plans |
| 3 | Development in accordance with the approved Access Arrangement |
| 4 | Development in accordance with approved Parameters Plan |
| 5 | Requires the prior submission of contamination remediation scheme on a phased basis |
| 6 | Requires the submission of a contaminated land verification report |
| 7 | Requires the implementation of the Flood Risk Assessment in a phased manner |
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- 8 Requires the prior submission of a drainage scheme in a phased manner
 - 9 Requires the prior submission of a Sustainable Drainage Scheme in a phased manner
 - 10 Requires the submission prior to occupation of the properties of a Sustainable Drainage Operation and Maintenance Plan
 - 11 Requires the submission of a scheme for ecological/biodiversity/enhancement measures on a phased basis
 - 12 Requires the prior submission of details of bird/bat boxes
 - 13 Requires the prior submission of a habitat/nature conservation management plan
 - 14 Secures noise and vibration levels for habitable rooms
 - 15 Limits the maximum number of dwellings to 350.
 - 16 Requires the submission of play area details
 - 17 Requires the submission of hard and/or soft landscape details
 - 18 Requires the submission of hard surfacing materials
 - 19 Requires the submission of boundary treatment details in a phased manner
 - 20 Requires the submission of a landscape management plan
 - 21 Requires the submission of a lighting scheme in a phased manner
 - 22 Requires the prior submission of a construction method statement/management plan
 - 23 Requires the submission of sample materials in a phased manner
 - 24 Requires the prior submission level details on a phased manner
 - 25 Requires the scheme to be in accordance design and access statement
 - 26 Requires the prior submission of a phasing plan
 - 27 Requires the prior submission of a landscape and ecological management plan for Callow Brook
 - 28 Requires the submission of detailed sustainable construction and energy statements for each phase of development
 - 29 Requires the submission of pedestrian walkway and cycle route details
 - 30 Requires the Submission of a Noise Mitigation Scheme
 - 31 Requires the provision of a vehicle charging point
 - 32 Arboricultural Method Statement - Submission Required
-

33 Requires the implementation of tree protection

34 Implement within 3 years (outline)

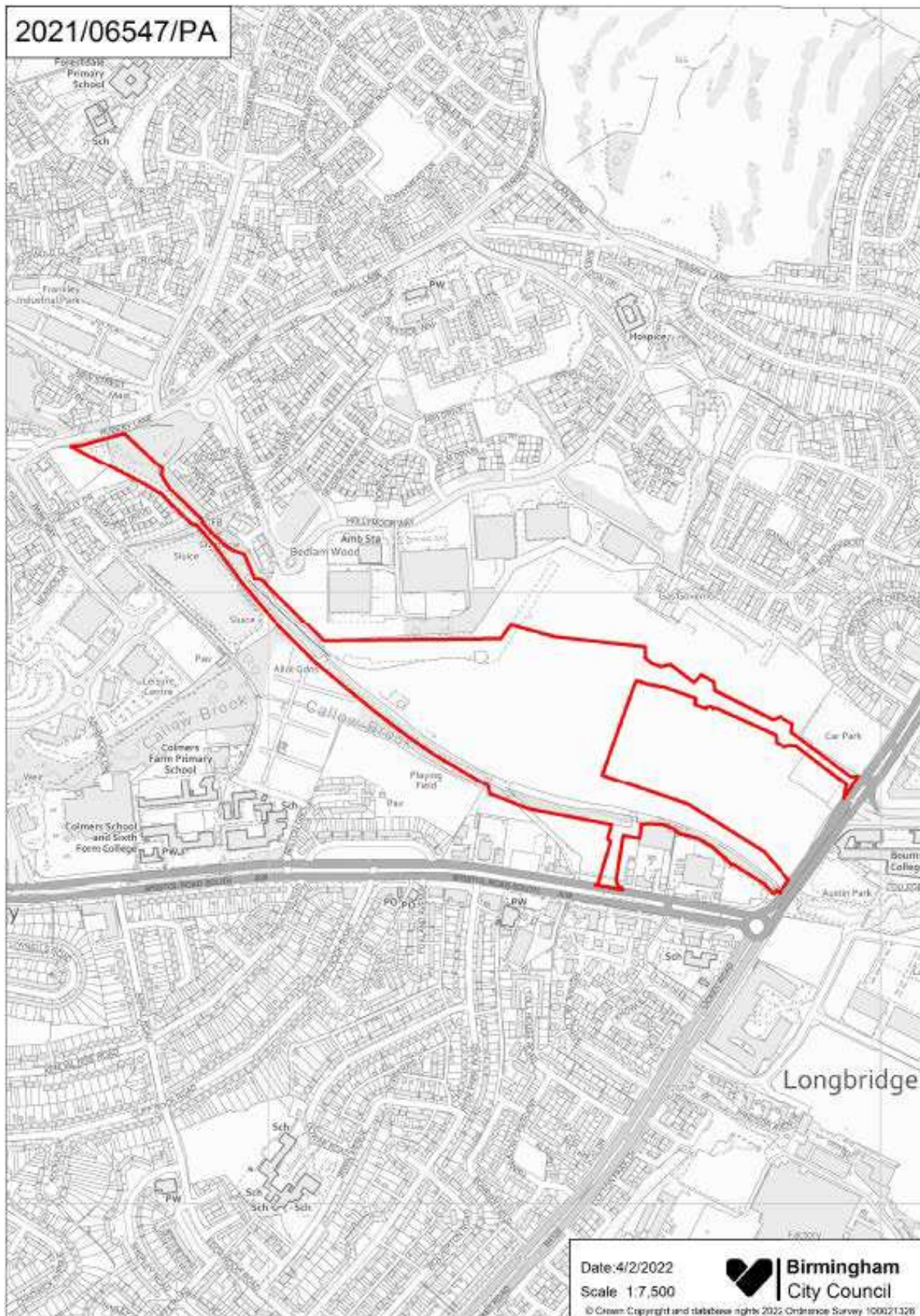
Case Officer: Pam Brennan

Photo(s)



Photograph 1 – Aerial view of West Works site – including residential allocation and Regional Investment Site

Location Plan



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Committee Date: 16/06/2022 Application Number: 2022/00007/PA
 Accepted: 27/01/2022 Application Type: Full Planning
 Target Date: 27/05/2022
 Ward: Weoley & Selly Oak

189 Weoley Avenue, Selly Oak, Birmingham, B29 6PU

Change of use from dog grooming (Sui Generis) to restaurant (Use Class E(b)), erection of single-storey extension, raise the height of the rear single-storey wing together with installation of flat roof, installation of shop front and extraction flue

Applicant: M Rashid
 189 Weoley Avenue, Selly Oak, Birmingham, B29 6PU
 Agent: Architecture and Interior Design Ltd
 51 Coleshill Road, Hodge Hill, Birmingham, B36 8DT

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1 Consent is sought for change of use of vacant ground floor unit from dog grooming parlour (Sui Generis) to restaurant (Use Class E(b)), erection of single-storey extension, raise the height of the rear single-storey wing together with installation of flat roof, installation of shop front and extraction flue to the rear.
- 1.2 Amended internal floor plans show the ground floor restaurant unit would comprise customer seating for 25 customer covers, a service counter, prep/ cooking area, storage/ cold room, wash facilities and unisex disabled W/C facilities. The use would operate between 1100-2300 daily. The overall gross internal floor area of the enlarged unit would be approximately 90sq m. Supporting information confirm that the unit has remained vacant since 2016.
- 1.3 The proposed flat-roofed single-storey rear extension measures 3m in depth by 4.85m in width and provide a floor area of approximately 14.5sq. m. The roof of the existing single-storey wings would be raised in height to approximately 4m to mirror the height and design of the proposed single-storey rear extension.
- 1.4 Amended plans have been provided and the proposed extraction flue would emerge through the flat roof from the rear ground floor extension/ existing wing and is then attached by brackets to the rear elevation of main building. The ducting consists of a horizontal section across the flat roof of proposed single storey rear extension/ wing, together with a vertical section on rear elevation of the main building. It terminates and would discharge about approximately 1m above the window within the rear dormer at approx. 10.7m above ground level.
- 1.5 The installation of replacement shop front would be aluminium and have large glazing panels on either side of the centralised access door. There is separate access door to the side that provides independent access to the existing first floor flat.

- 1.6 The plans suggest 2no. spaces within the forecourt of the site, however there is no footway crossing that serves this forecourt area. There is also a bus stop shelter situated between the application and adjoining site.
- 1.7 Since initial submission of the application, the ancillary hot food takeaway element has been removed from the proposal.



[Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The application site is a vacant ground floor commercial unit that previously operated as Dog Grooming Parlour (Sui Generis) on the ground floor with self-contained residential flat above. Within this parade, there is one hot food takeaway (Sui Generis), hair salon (Use Class E(a)), convenience stores (Use Class E(a)) and one vacant unit (excluding application site).
- 2.2 The surrounding area is predominantly residential. The Avenue Club and Lodge and Lodge Hill Cemetery is situated on the opposite side of Weoley Avenue.

[Site Location Map](#)

3. **Planning History:**

- 3.1 20/01/2011 – 2010/05876/PA – Change of use from a retail unit (Use Class A1) to a dog grooming parlour (Sui Generis) – Approved subject to conditions.
- 3.2 26/02/2009 – 2008/06193/PA – Change of use from Post Office (Use Class A1) to hot food takeaway (Use Class A5), and installation of new shop front, roller shutter, flue to rear and 2no. condenser units to rear – Refused.

- 3.3 15/04/2005 – 2005/00943/PA – Change of use to A3 hot food shop – Refused.
- 3.4 14/01/1999 – 1998/04568/PA – Change of use from shop to hot food take-away – Refused.
- 3.5 12/08/1993 – 1993/02057/PA – Change of use to hot food takeaway – Refused.

4. **Consultation Responses:**

- 4.1 West Midlands Police – No objections subject to conditions in relation to CCTV and hours of operation restricted from 1100-2300 hours daily and 'Secure by Design Initiatives'.
- 4.2 Transportation Development – No objections.
- 4.3 Regulatory Services – No objections subject to following conditions:
- Extraction and Odour Control Details
 - Restrict Noise Levels for Plant and Machinery
 - Noise Insulation between Commercial and Residential
 - Hours of Operation restricted to 11.00 - 23.00 daily

5. **Third Party Responses:**

- 5.1 The application has been publicised by a site notice. Adjoining neighbours, Resident Associations and Ward Councillors consulted. 27 representations have been received making the following comments:
- Increased pollution and nuisance
 - Odour smell from cooking to rear gardens and would also prevent residents opening their windows to their residential dwellings
 - Noise/ odour from extraction fan/ flue
 - Noise/ nuisance from refuse collection from commercial properties being collected on different days
 - Decline in local air quality
 - Increase litter from proposed use outside the premises
 - Increased litter, vermin and rodent infestation
 - Existing situation to the siting of refuse storage and blocked shared access to the rear garages/ properties and the proposal would exacerbate current situation. Request security gates are locked at all times for security reasons
 - Accidents/ highway safety due to narrow and sharp bend road, bus stop and parked cars
 - Increased parking and traffic congestion
 - Parking is currently at full capacity with the existing club and shops
 - Third application for change of use to hot food takeaway at this site and want it refused
 - Object on grounds of being a hot takeaway as one is enough for this parade
 - Increased in competition and choice for hot food would create more problems such as highway safety
 - Overconcentration of hot food uses within a mile radius
 - Preference to turn the ground floor unit to chemist or retail shop and not a restaurant use
 - Competition grounds and viability of existing hot food use within the parade
 - Health and obesity

- Safety of children, parents, cyclist and seniors living in the area
- Privacy of the flat/ neighbours will be affected
- Previous anti-social behaviour issues within the parade dealt through intervention and the current proposal would bring those troubles again to this area
- Increased crime, anti-social behaviour and vandalism from existing uses (Avenue Club & Chinese Takeaway) and proposed use
- Increased youth loitering around the proposed restaurant use and other shops and anti-social behaviour and criminal activity such as vandalism to vehicles, stabbing and assault
- Impact on health and well-being as resident's child suffers from autism and would not be able to travel alone to shops, school etc.
- Granting permission on this site would allow landlord to put rents up and add to the progress of how this area is being run down to the ground
- Decline/ unsafe area to live in
- Loss in value of the property

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

6.1 **National Planning Policy Framework (if relevant)**

- Section 2: Sustainable development
- Section 7: Ensuring the vitality of town centres
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places

6.2 **Birmingham Development Plan 2017: (if relevant)**

- Policy PG3: Place making
- Policy TP21: The network and hierarchy of centres
- Policy TP37: Health
- Policy TP44: Traffic and congestion management

6.3 **Development Management DPD: (if relevant)**

- DM2 Amenity
- DM6 Noise and vibration
- DM14 Transport access and safety
- DM15 Parking and servicing

6.4 **Supplementary Planning Documents & Guidance:**

- Shopping and Local Centres SPD (2012)
- Places for All/ Living (2001)
- The 45 Degree Code (2006)
- Birmingham Parking SPD (2021)

7 **Planning Considerations:**

7.1 The main considerations within the determination of this application are:

7.2 **Principle of Development** – Concerns have been raised by neighbours in relation to the proposed restaurant use. The application site is located within a small local parade

of 6 commercial units with residential flats above and is situated outside any neighbourhood or district centre as defined by policy TP21 of the BDP and Shopping and Local Centres SPD. Supporting statements have confirmed that the unit has been vacant for considerable number of years with permitted use of the site is dog grooming parlour (Sui Generis). The proposed change of use would allow it to operate as restaurant within newly formed Class E of the Use Class Order (2020). The application site is situated within sustainable location with good public transport accessibility. Consequently, I consider that the principle of restaurant use is considered acceptable subject to all other considerations discussed below.

- 7.3 **Impact on vitality and viability** - The application site is situated within a commercial parade outside any neighbourhood or district centre as defined by Policy TP21 of the BDP and Shopping and Local Centres SPD. Currently, there are two units vacant to include application site within this local parade. Policy 6 of the SPD Shopping and Local Centres relates to local parades outside of the neighbourhood or district centres. Policy 6 of SPD only relates to overconcentration of hot food takeaway use should be avoided and specifies a threshold of no more than 10% for such uses within a frontage. However, the proposal is for change of use to a restaurant use and Policy 6 of the SPD together with concerns raised by neighbours in relation of overconcentration of hot food takeaway uses would not apply in this instance. Consequently, the proposal would bring back a vacant unit into active use and would improve vitality and viability of this commercial parade.
- 7.4 **Impact on residential and visual amenity from proposed use** – Concerns have been raised by neighbours on grounds that the proposal would result in various unacceptable impacts in terms of residential amenity by way of noise and disturbance, odour and smells, decline in air quality, litter and vermin etc.
- 7.5 The application site relates to vacant ground floor unit of a two-storey mid-terrace building located within a commercial parade and as such a degree of noise and disturbance is expected as a direct consequence of the range of uses present within this parade that includes a hot food takeaway and convenience stores. Regulatory Services have been consulted and have raised no objections to the amended details subject to extraction and ventilation condition for the proposed restaurant use, which would deal with odour dispersal to include oil/ grease and smell and ensure threshold of noise limitations as to not be harmful to residential amenity. There would be operational hours/ days of use of the ground floor restaurant unit to ensure that it operates until 2300 hours similar to other hot food takeaway (Golden Wok) that operates within the parade. A noise insulation scheme condition would be imposed to protect the residential occupiers within the flat above this unit. Consequently, I consider that subject to the imposition of relevant planning conditions referred to above, it is considered that there would be no significant detrimental impacts upon neighbouring residential amenity in terms of noise, smells and disturbance to warrant refusal of this application.
- 7.6 Concerns have been expressed by neighbours that the proposed use would attract litter, vermin and rodent infestation. This application is for a restaurant use and not a hot food takeaway use. There is no supporting evidence submitted by representation to suggest that the proposed development would result in a litter or vermin problem in the area. Nevertheless, this is not a material planning consideration as any such issues associated would be covered under separate Environmental legislation. The plans also show that there would be adequate space on site to accommodate such provisions with refuse storage facility sited within the rear yard area to serve the ground floor unit and not be stored within forecourt of the site or shared access road on Corisande Road.

- 7.7 The proposed extract ductwork and flue would not be visible from the public highway with exception of small portion of the vertical element from rear access from Corisande Road. The vertical element of extraction ductwork and flue would be visible from the rear of neighbouring residential properties that share the rear boundary with the application property on Durley Dean Road. However, the ductwork/ flue is positioned to the rear of commercial property that is situated within a local parade and there is sufficient distance of approximately 40m to the rear of these residential properties on Durley Dean Road. The external ductwork would also be sited away from any windows to the first floor residential flats. Given the above context, I do not consider that the proposal would result in an unacceptably adverse effect on their living conditions or detriment to outlook or visual amenity of the immediate area.
- 7.8 **Impact on visual and residential amenity for proposed extension/ alterations -** The proposed single-storey rear extension and alterations to raise the roof height of rear wing are considered acceptable in relation to the existing and adjoining properties and would maintain the character and appearance of the property and immediate area. The matching materials can be achieved through appropriate imposition of a condition. The proposed replacement shop front would be colour powder coated aluminium, which is considered acceptable.
- 7.9 The proposed single-storey rear extension and raising roof height of the existing single-storey wing would comply with the Council's 45 Degree Code and recommended separation distances contained within SPG Places for Living in respect to all neighbouring properties. Consequently, there would be no adverse neighbouring amenity in respect to light or outlook or overbearing impact.
- 7.10 Concerns have been raised on grounds of privacy/ overlooking. The ground floor restaurant unit is situated within a local parade that already benefits from a public use; there is intervening rear yard, access road and boundary treatment between the rear window/ access door within the proposed single-storey extension and adjoining residential properties on Durley Dean Road. The supporting information has also confirmed that the rear window/ door within the proposed single storey would be obscurely glazed and would prevent any overlooking.
- 7.11 Consequently, I do not consider that the proposal, subject to safeguarding conditions, is unlikely to have a detrimental impact on visual amenity or amenity of residential occupiers within the immediate vicinity of the site.
- 7.12 **Impact on highway safety** - Concerns have been raised by neighbours in relation to traffic congestion, parking, highway/ pedestrian safety etc. Transportation Development have assessed this proposal and raise no objection. Birmingham Parking SPD for restaurant uses states one space per 10sq. m of public floorspace in Zone C. The plans show public floorspace of the proposed use is approximately 30sq. m, which equate to 3 parking spaces on site. The traffic and parking demand associated with the proposed use is not expected to differ greatly to the permitted use as dog grooming parlour or previous use back in 2011 as retail shop/ Post office. The application site is situated within a commercial parade with good public transport accessibility. The parking is unrestricted on Weoley Avenue and surrounding roads. Consequently, it is considered that the proposal is unlikely to raise any highway and public safety issues and is acceptable.
- 7.13 **Impact on crime and public safety** - Representation have been received raising concerns to crime, vandalism, anti-social behaviour etc. in an area where the problem was prevalent in the past but declined due to intervention. West Midlands Police have raised no objections subject to hours of operation, CCTV condition and 'Secure by Design' Initiatives. The unit is currently vacant and located in a commercial parade. The proposal would be subject to imposition of a CCTV condition, which would require

further details in relation to proposed use to include entry/ egress point, any public areas etc. I also consider that the introduction of a commercial use into the parade would be beneficial, aiding natural surveillance and reducing unwelcoming atmosphere surrounding the site/ parade and improvement to vitality and viability of this parade.

- 7.14 **Other issues** – Concerns have been raised by neighbours in relation to health and obesity. Whilst, I recognise the promotion of good health policies within BDP and NPPF, there is no substantive evidence that the proposed restaurant (not hot food takeaway) would lead directly to increased poor health in the local area. Consequently, the proposal would not have a material harmful effect on the BDP policies of promoting healthy lifestyles.
- 7.15 Concerns have been raised that rear access through to this commercial parade and rear of properties/ garages may be restricted or blocked or people may unlawfully gain access to the neighbouring property. This is a civil matter dealt separately under different legislation.
- 7.16 Concerns have also been raised that the proposal would have a negative effect upon neighbouring house prices. This is not a material planning consideration.
- 7.17 Representations has been received on competition grounds. Whilst I appreciate the concern of an existing business, who may have struggled or are struggling under economic conditions/ COVID restrictions, I do not consider that competition is a material planning consideration to which little weight is attached. As discussed above, the proposal would not have an adverse effect on the vitality or viability of this parade.

8 **Conclusion**

- 8.1 The proposed development is acceptable and would be in accordance with policy objectives and criteria set out in the BDP and the NPPF. The proposed development would not have a detrimental impact on design/ character, residential amenity, highway safety and crime and public safety. It is considered that there are no sustainable grounds that would warrant refusal of the application. The proposal is therefore recommended for approval subject to conditions.

9 **Recommendation:**

- 9.1 Approved subject to conditions

-
- 1 Requires that the materials used match the main building
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Limits the hours of operation 1100-2300 hours.
 - 4 Requires compliance to extraction and odour control details
 - 5 Limits the noise levels for Plant and Machinery
 - 6 Requires the prior submission of noise insulation (variable)
 - 7 Requires the submission of a CCTV scheme
-

Case Officer: Mohammed Akram

Photo(s)

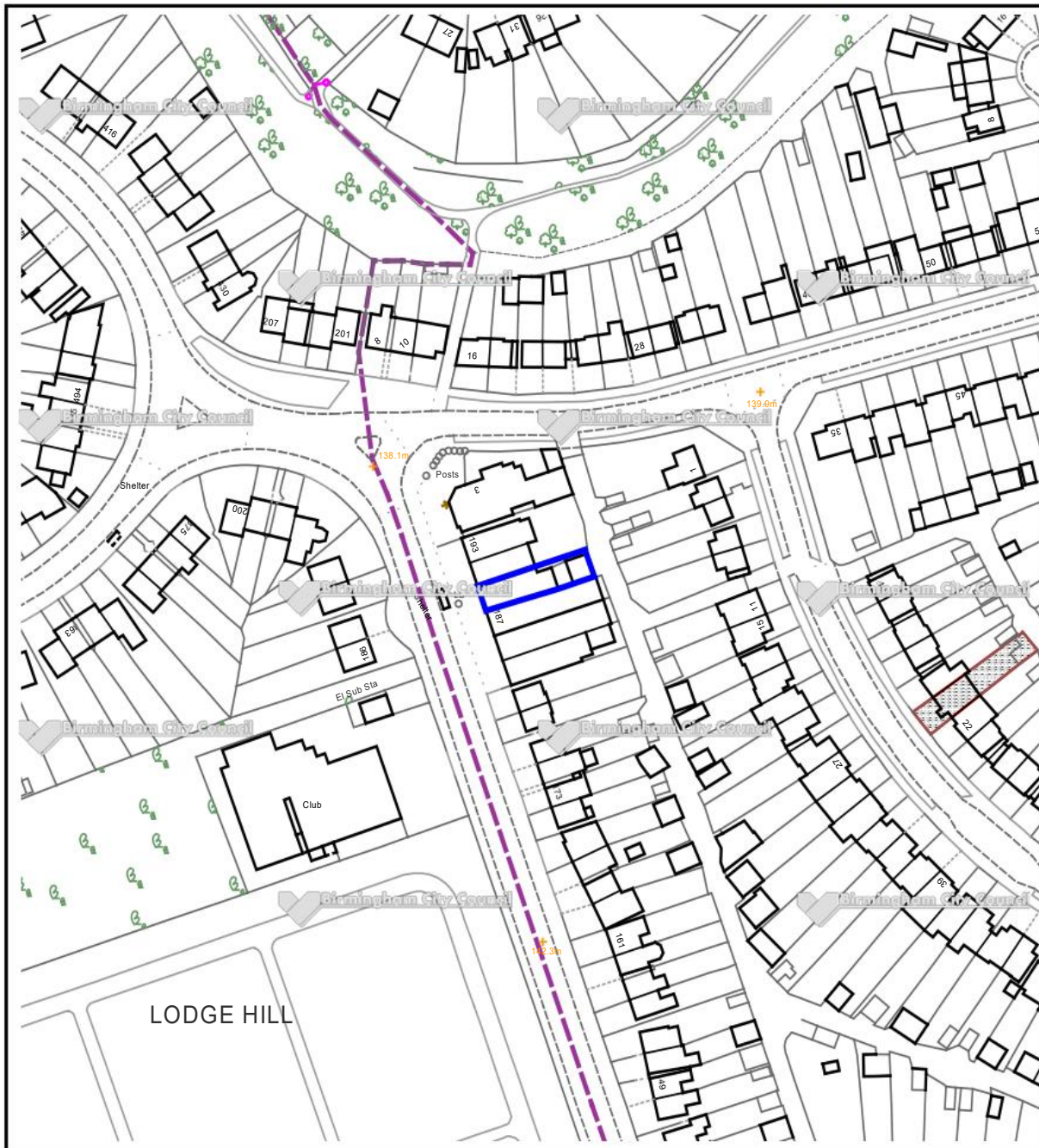


Figure 1: Application site



Figure 2: View from Weoley Avenue

Location Plan



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Committee Date:	16/06/2022	Application Number:	2021/09798/PA
Accepted:	19/11/2021	Application Type:	Full Planning
Target Date:	11/03/2022		
Ward:	Edgbaston		

3, 5 and 7 St Augustines Road, Edgbaston, Birmingham, B16 9JU

Change of use of 9no. self-contained flats (Use Class C3) to guest house (Use Class C1).

Applicant:	St Augustine's Management Company 3-7 St Augustines Road, Edgbaston, Birmingham, B16 9JU
Agent:	A P Architects Grosvenor House, 11 St Paul's Square, Birmingham, B3 1RB

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1. Planning permission is sought for the Change of use of 9 self-contained flats (Use Class C3) to a guest house (Use Class C1).
- 1.2. The properties are currently vacant and were most recently in use as 9 two-bedroom flats, 3 in each of the properties. The internal and external layouts would remain the same as existing.
- 1.3. Each property would provide 3 guest Suites, one on each floor.
 - **No.7 St Augustine's Road:** Suite 1 at ground floor level would comprise bedrooms measuring 24.9sqm and 16.9sqm both with en-suite bathrooms. The communal stairs are accessed from the side of No.7. Suite 2 comprising of 2 bedrooms both with en-suites measuring 22.9sqm and 19.5sqm would be at first floor. Suite 3, comprising 2 bedrooms measuring 16.5sqm and 19.1sqm both with areas of reduced head height and 2 bathrooms would be located on the second floor. All Suites would have a separate kitchen and living room.
 - **No.5 St Augustine's Road:** Would comprise of Suites 4, 5 and 6 located on the ground, first and second floors respectively. The 2 en-suite bedrooms in Suite 4 would measure 24.98sqm and 16.89sqm; Suite 5 would also have 2 en-suite bedrooms measuring 22.97sqm and 19.53sqm whilst suite 6 would comprise of 2 bedrooms measuring 16.51sqm and 19.22sqm and two bathrooms all with areas of reduced head height. The communal stairs are accessed from the side of No.5. All Suites would have a separate kitchen and living room.
 - **No.3 St Augustine's Road:** would comprise of Suites 7, 8 and 9 located on the ground, first and second floors respectively. The 2 en-suite bedrooms in

Suite 7 would measure 18.45sqm and 18.68sqm; Suite 8 would also have 2 en-suite bedrooms measuring 18.57sqm and 16.17sqm whilst suite 9 would comprise of 2 bedrooms measuring 19sqm and 18.68sqm and two bathrooms all with areas of reduced head height. The communal stairs are accessed from the side of No.3. All Suites would have a separate kitchen and living room.

- 1.4. No shared or communal facilities are proposed, each guest room would benefit from lounge and kitchen facilities. There would be no reception area for the hotel. Guests would self-check in electronically prior to arrival and check out would be undertaken on a similar basis. Room keys would be accessed through a secure code key safe which would be checked after checkout and codes changed.
- 1.5. Suites would be serviced through off site provision between 9:00am-5:00pm. In between bookings rooms would be cleaned by external cleaners. 1-2 cleaners would attend the site, requiring approximately 2-4 hours to clean a room. Laundry and linen would be provided by external providers between occupancies, delivery would take approximately 0.5-1 hour.
- 1.6. 11 parking spaces are provided within the site curtilage, this would be unchanged by the proposed development.

1.1 [Link to Documents](#)

2. Site & Surroundings:

- 2.1. The application site comprises 3 semi-detached properties containing 9 self-contained flats. There is an existing garage to the rear of No.7 St Augustine's which is accessed via a shared access with No.9. All three of the buildings have hardstanding to the front, set back from the pavement by a brick dwarf wall. There are 9 parking spaces across the application site. The application site is situated in the Edgbaston Conservation Area, there is a TPO designation at the site for the tree to the front of the properties. The Grade II* Listed St Augustine's church sits to the North of the site.
- 2.2. The application site is directly adjacent to the Norfolk House Hotel. There are existing Hotels to the south, east and west of the application site.

2.3. [Site Location Plan](#)

3. Planning History:

- 3.1. 22/02/2000- 2000/00877/PA- Certificate of lawfulness for self-contained flats- Approved 20/06/2000.

4. Consultation Responses:

- 4.1. Conservation Officer- No objection
- 4.2. Transportation Development- No objection
- 4.3. Environmental Pollution Control- No objection
- 4.4. Tree Officer- No objection

5. Third Party Responses:

- 5.1. Neighbouring occupants, Residents Associations and Ward Councillors have been consulted and a site notice has been displayed. 2 letters of support and 3 letters raising no objection were received. 3 letters of objection were received, and a petition with 58 signatures was submitted. Responses raised concerns over-
- Antisocial behaviour as a result of the change to the use
 - Impact on parking within surrounding streets
 - Rodent infestation worsened
 - Impact on community
 - Litter
 - Impact on character of the Conservation Area
 - Already a high concentration of Hotels within the surrounding area
 - Loss of housing
 - The proposed hotel being used as part of the Norfolk House Hotel
- 5.2. Preet Gill MP – objects to the application. The location is adjacent to the Norfolk Hotel where the primary use is for those in housing need, staying for longer than a normal hotel guest would. Anti social behaviour in the area has increased. They should consider an alternative location. If the proposal was for a hotel with a maximum stay of 7 days this would be more acceptable.
- 5.3. Councillor Carl Rice – objects to the proposal. The owner of this property also owns the Norfolk Hotel which is operated like a hostel. Existing problems in the area will get worse if this is approved.
- 5.4. West Midlands Police- No objection to the proposal. They recommend that a suitably robust access control system be installed at any communal entry point; all interior flat doors and any communal front door is to PAS 24 or equivalent standard; CCTV should be installed to cover any pedestrian entrances and any communal space (stairwells etc) within the building, car parking area, bin store and cycle store; ground floor windows should be fitted with window restrictors (if not fitted as standard); a lighting scheme following the 'Lighting against Crime' standard should be followed and the Secured By Design Homes 2019' guide should be used.
- 5.5. West Midlands Fire Service- No objection to the proposal. The development will need to comply with Building Regulations

6. Relevant National & Local Policy Context:

6.1. National Planning Policy Framework

Paragraph 189-208

6.2. Birmingham Development Plan 2017:

TP24: Promotion of diversity of uses within centres

TP35: The Existing Housing Stock

TP27: Sustainable Neighbourhoods

TP25: Tourism and Cultural Facilities

TP12: Historic Environment

6.3. Development Management DPD:

DM2: Amenity

6.4. Supplementary Planning Documents & Guidance:

Places for Living SPG

Birmingham Parking SPD

St Augustine's (Edgbaston) Conservation Area Designation (1998)

Planning (Listed Building and Conservation Areas) Act 1990

7. Planning Considerations:

- 7.1. The key matters for consideration in the determination of this application are the principle of the development, visual amenity of the street scene and surrounding Conservation Area, impact on residential amenity and highway safety and parking matters.
- 7.2. The application site is located within a predominantly residential area. Several of the properties within the surrounding street scene have been divided into flats. The current lawful use of the properties is as 9 self-contained flats with each property containing 3 flats. Whilst the current use as residential flats sits with the prevailing character, the only change as a result of the proposal would be a change in the way the properties are let out (most likely on a shorter term basis). On this basis, I do not consider that the proposed change of use would compromise the overarching residential nature of the site given that the number of rooms and appearance of the properties would remain as existing. Although the proposal would result in the loss of 9 separate residential flats, the properties would stay within the overarching 'residential' use class, providing 9 separate Suites on a shorter-term basis. The proposal would therefore comply with Policy TP35 of the BDP.
- 7.3. The proposal would offer an alternative place to stay for those visiting and working within Birmingham. Although national and local policy direct uses such as hotels to existing centres, the location is close to Hagley Road where there are a number of other established hotels and guest houses and an area where there are good transport connections to the city centre and beyond. The proposal would therefore assist in bringing economic benefits and improving accessibility to culture and leisure pursuits in accordance with the aspirations of TP25. The proposal is only for 9 guest suites and it is not considered that the principle of a hotel in this location would undermine policy TP24 or TP25 of the BDP.
- 7.4. The 2013 Strategic Housing Market Assessment (SHMA) shows that within the North Edgbaston and adjoining Edgbaston Ward the pipeline supply of housing is dominated by the delivery of 1 and 2 bed residential properties. Therefore, whilst the proposal would result in the loss of 9 no 2 bed properties; the proposal is not considered to conflict with Policy TP35 as there is evidence to demonstrate a substantial housing supply of the relevant 1 and 2 bed properties within the North Edgbaston Ward.

Visual Amenity

- 7.5. The proposal would not result in any change to the scale, character or appearance to the application properties which are within a predominantly residential street. My Conservation officer states that as there would be no external changes, the proposal would not have any detrimental impact on the character or visual amenity of the Conservation Area or the setting of St Augustine's Church, a Grade II* Listed Heritage Asset to the north of the application site. Officers concur with the view of Conservation and consider that the proposal would not result in any harm to the character or appearance of the Conservation Area or Listed Buildings.
- 7.6. No changes are proposed to the rear amenity space. The significantly sized garden space is a characteristic of the residential properties within the surrounding street scene, the character of the properties and the plot form would therefore remain.

Residential Amenity

- 7.7. Regulatory Services raise no objections to the proposal relating to noise and disturbance. Whilst the property is currently in use as 9 self-contained flats, there would be no internal layout changes and the property would continue to operate as 9 self-contained units with the only change being the length of occupancy. In addition, as there would be no communal areas such as a bar or function space, they do not consider there would be any significant increase in noise or disturbance as a result of the proposal. It is likely that the only additional activity would be more regular visits to clean the suites between lets.

Highway Safety

- 7.8. Transportation raise no objections to the proposal. I concur with their view that the proposal would raise no highways issues. Whilst I acknowledge a number of objections have been received raising concerns over parking as a result of the proposed change of use, Transportation state that as set out in the Birmingham Parking SPD, for guest houses in this location, 1 parking space per 4 beds is required, therefore a total of 2 spaces would be required. In this case the 11 existing parking spaces would be retained. It would not be reasonable to resist this proposal on parking grounds.

Other Matters

- 7.9. The Tree Officer confirmed that as there would be no changes to the hard or soft landscaping, they have no objection to the proposal.
- 7.10. Several concerns were raised through the public participation responses that the proposal would be an extension of the Norfolk House Hotel. The agent has confirmed that there would be no connection between the application site and the Norfolk House Hotel, and the application forms illustrate that they are different applicants and different land ownerships. In any event, ongoing issues relating to the Norfolk Hotel would not prevent a change of use of these properties gaining planning permission. The application must be assessed on the basis of the information provided and the description on the application form, i.e a change to a hotel in Use Class C1. Should the use change to a hostel this would require planning permission. Any ongoing issues with the adjacent Norfolk Hotel are a separate matter, outside the consideration of this current application.

8. Conclusion

- 8.1. The proposed change of use from 9 self-contained flats to a hotel comprising 9 guest suites is considered acceptable. The proposal would not harm the local area, the

visual amenity of the Conservation area, residential amenity or highway safety and is therefore recommended for approval subject to the following conditions.

9. Recommendation:

Approve subject to conditions

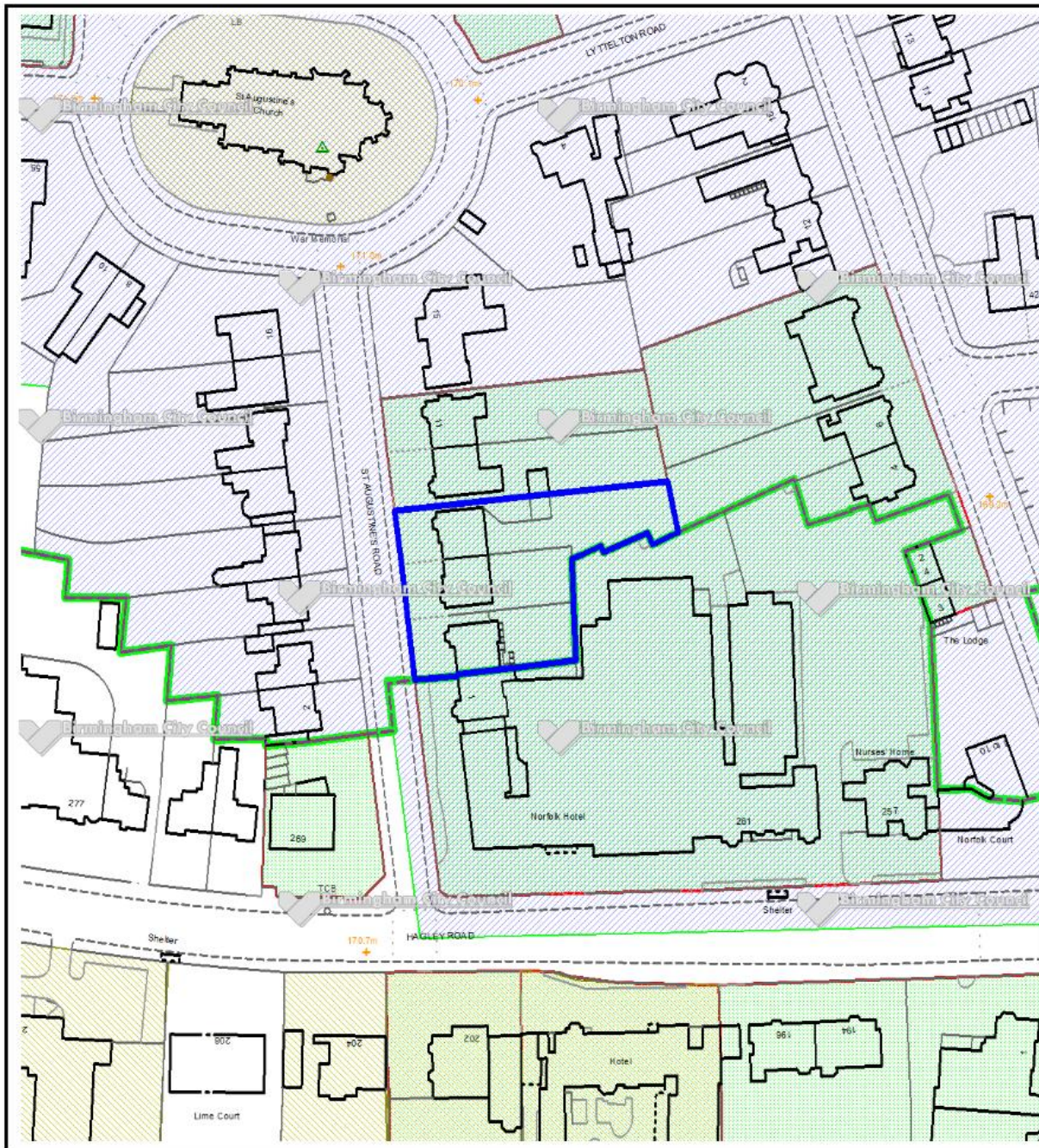
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|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Implement within 3 years (Full) |
-

Case Officer: Megan Stewart

Photo(s)



Location Plan



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Birmingham City Council

Planning Committee

16 June 2022

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

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	15	2021/05033/PA Land at Lower Essex Street, Hurst Street and Sherlock Street Birmingham Demolition of existing buildings and erection of 3 residential blocks to provide 628 apartments together with associated amenity/commercial (Use Class E) floorspace, parking and landscaping. Block A - 27 storey tower with 9 storey shoulder, Block B -12 storey taller element and 8 storey shoulders, Block C - 8 storeys
Approve – Subject to 106 Legal Agreement	16	2021/08717/PA Corner of Princip Street and Lower Loveday Street Newtown Birmingham B4 Demolition of all buildings and the erection of 77 apartments (C3) comprising 31 x 1 bed, 40 x 2 bed and 6 (2 bed) duplexes and resident's amenity
Approve – Conditions	17	2021/08105/PA Plot F, Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square and Paradise Street Birmingham B3 3HJ Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2021/07244/PA for the erection of a 10 storey office building (Building F), with flexible ground floor retail use, and associated development

Determine	18	<p>2020/08279/PA</p> <p>215 Bradford Street Digbeth Birmingham B12 0RG</p> <p>Demolition of existing buildings and construction of part 6 part 8 storey building comprising 166 apartments (Use Class C3); associated amenity space, terrace gardens and cycle stores</p>
Approve – Conditions	19	<p>2022/00622/PA</p> <p>Land off Curzon Street No.3 and A4540 Lawley Middleway Birmingham B4</p> <p>Submission under Schedule 17 High Speed Rail (Lond-West Mids) Act 2017 for the construction of 2no. viaduct structures at Curzon Street No3 and A4540 Lawley Middleway and associated works.</p>

Committee Date:	16/06/2022	Application Number:	2021/05033/PA
Accepted:	16/06/2021	Application Type:	Full Planning
Target Date:	16/06/2022		
Ward:	Bordesley & Highgate		

Land at Lower Essex Street, Hurst Street and Sherlock Street, Birmingham

Demolition of existing buildings and erection of 3 residential blocks to provide 628 apartments together with associated amenity/commercial (Use Class E) floorspace, parking and landscaping. Block A - 27 storey tower with 9 storey shoulder, Block B - 12 storey taller element and 8 storey shoulders, Block C - 8 storeys.

Applicant:	Lower Essex Street Limited C/o Agent
Agent:	Lambert Smith Hampton Interchange Place, Edmund Street, Birmingham, B3 2TA

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal:

- 1.1 This full application seeks consent for 628 residential apartments with associated amenity/commercial space at ground floor along with parking and landscaping.
- 1.2 The proposed development comprises of 3 roughly shaped L- shaped blocks that incorporate a new public square and pedestrian route linking Essex Street to Hurst Street as well as two private courtyards for residents. Block A is a 27-storey tower with a 9-storey shoulder (including an extensive roof terrace at level 9). Block B a 12-storey building with an 8-storey shoulder extending south and eastwards. Block C, an 8-storey building.
- 1.3 Commercial floorspace amounting to 1,873sqm (use class E) will be provided at ground floor. The ground level commercial floorspace in Block C (approx. 495sqm) will be made available on a discounted market rental basis to Birmingham LGBT - the city's leading charity for raising awareness of the needs of lesbian, gay, bisexual and trans (LGBT) people within in and outside Birmingham. Correspondence has been received from the LGBT charity explaining the reasons for the relocating to the proposed site and confirming their interest.
- 1.4 Block A occupies the full extent of Sherlock Street frontage, it is set back to into the application site to allow for the intended tram and green route. Block B is positioned in the centre of the application site, extending north-south along the Lower Essex Street Frontage and east-west between Lower Essex Street and Hurst Street. Together with Block A it encloses a landscaped private courtyard to the south and forms the southern edge to the proposed public square and pedestrian route to the north. Block C is in the north of the site where it forms the northern edged to the proposed public square and

pedestrian route lining Lower Essex Street to Hurst Street, enclosing a second landscaped private courtyard to the north.



Image 1: CGI view of the site from Hurst Street (The Village Inn in the centre foreground).

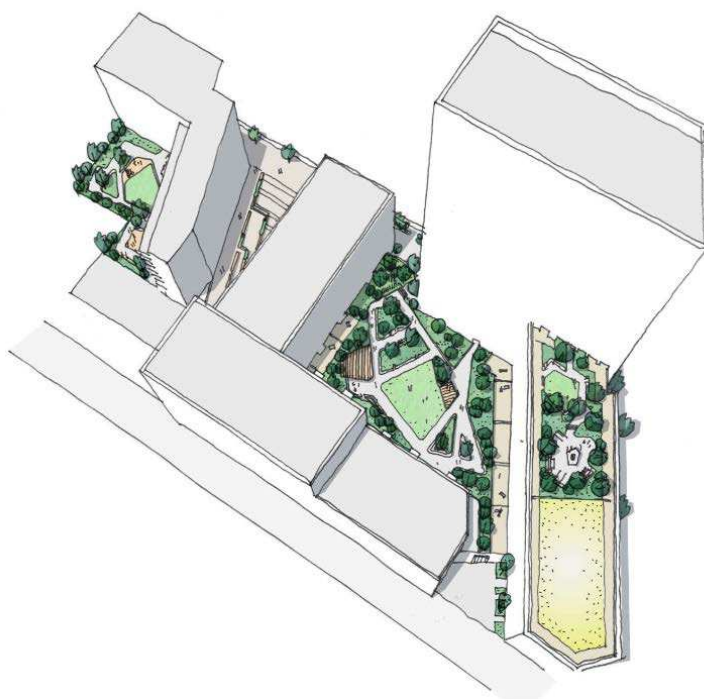
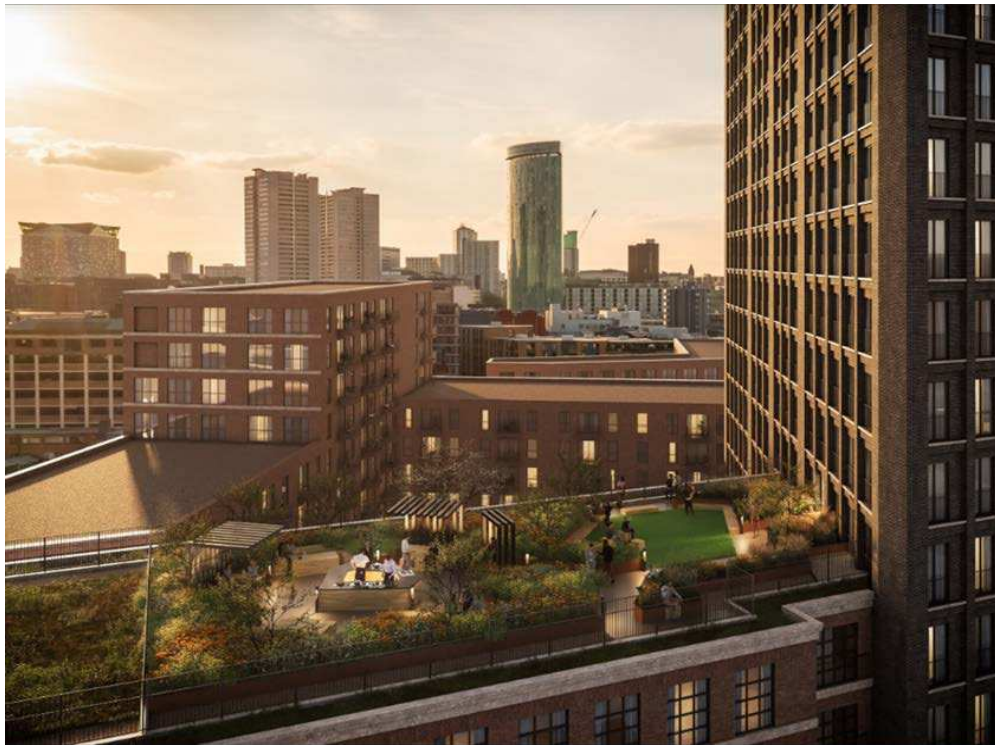


Image 2: Artists impression of an aerial layout. (Sherlock St to right)

- 1.5 The primary materials proposed are soft red/orange bricks with a contemporary darker brick for the tower.
- 1.6 The development includes a new public square and pedestrian route linking Lower Essex Street to Hurst Street and Skinner Lane beyond. A large podium garden between Blocks A and B will serve as the main amenity space for the residents of the development. Block A will also have a roof terrace at level 9. The second private courtyard to the north of Block C will also serve as amenity space for residents.



1.7
Image 3: CGI view of the public square

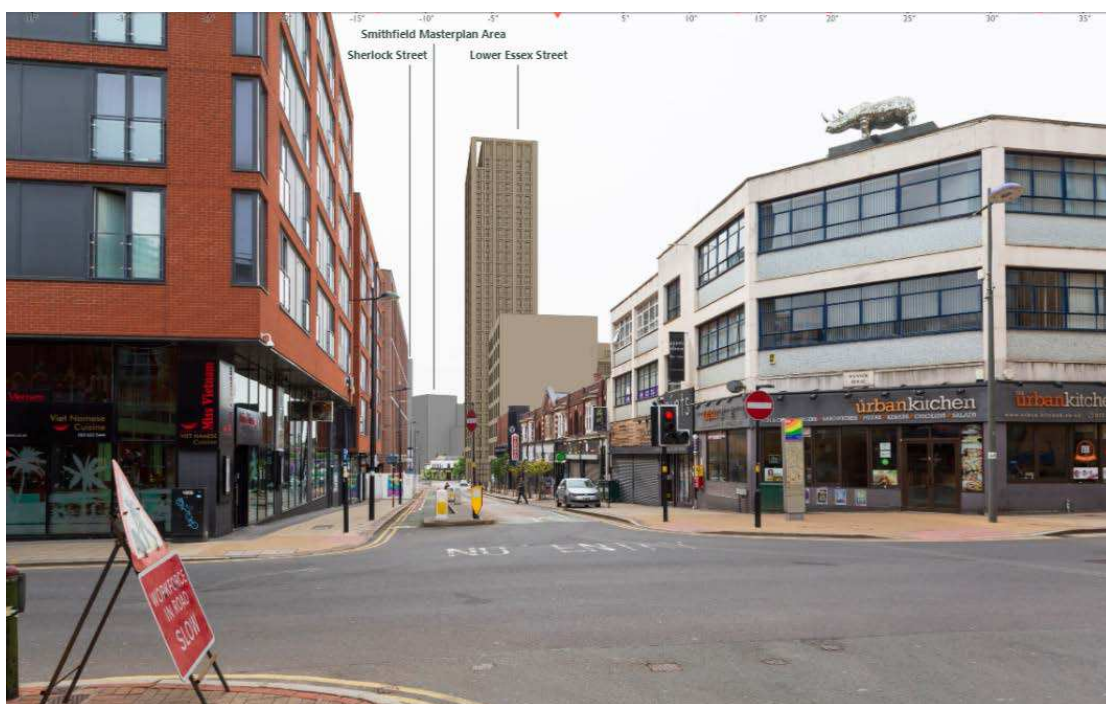


1.8
Image 4: CGI view of the proposed roof terrace Block A.

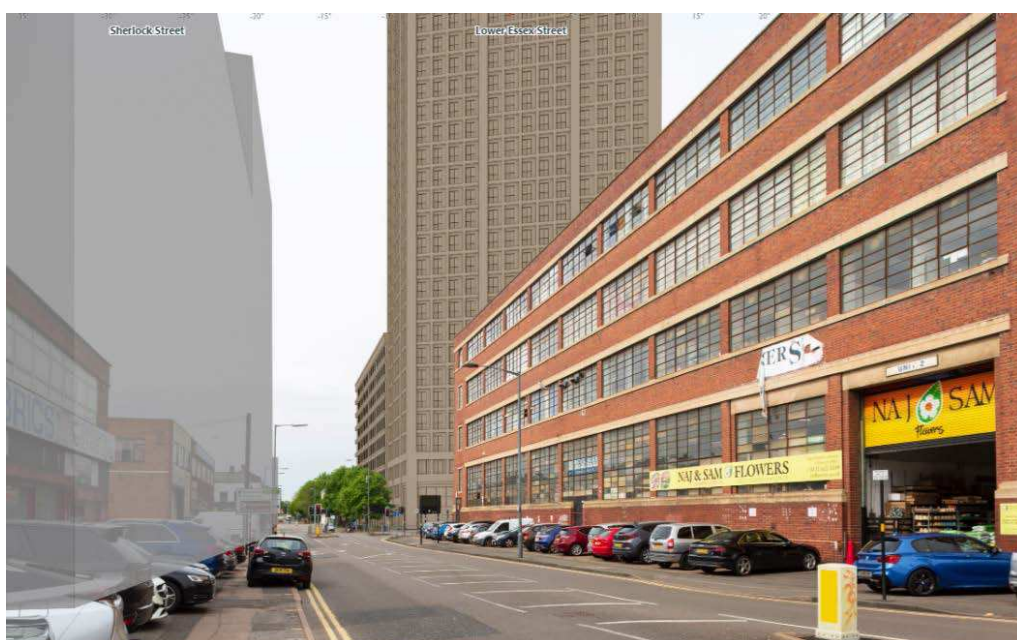
- 1.9 At lower ground floor level, parking for 24 vehicles (via an undercroft) is to be provided, (18 spaces and 6 accessible spaces) and blocks of secure cycle spaces. A total of 644

cycle spaces are to be provided for residents along with an additional 16 cycle spaces for visitors to commercial areas. Residential cycle spaces are located within the ground floor of Block C and lower ground floor areas of Blocks A and B. The 16 visitor cycle spaces are to be positioned within the public space area. Plant room and refuse storage is also provided.

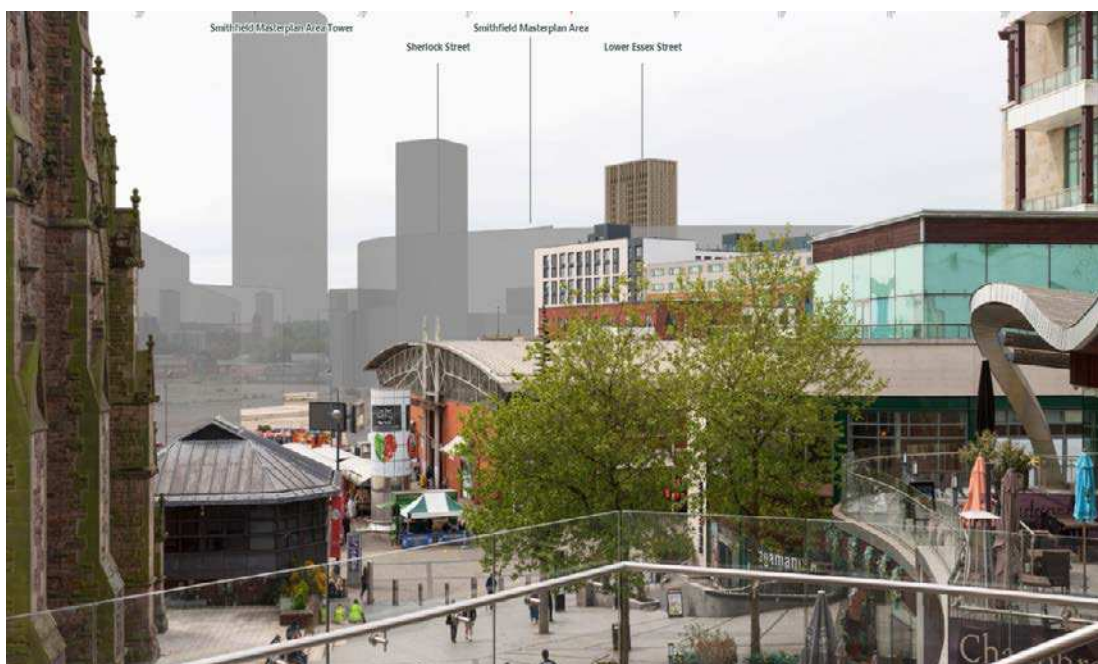
- 1.10 Vehicle access into the car park is proposed from Lower Essex Street. Of the 24 car parking spaces 5 spaces (1 standard and 4 accessible) will have Electric Vehicle charging points installed and refuse stores will also be accessed via 3 collection points. Bins will be stored in dedicated, secure and ventilated refuse storerooms at lower ground floor level. Refuse collection for the development is to be carried out from the public highway where on site staff will be responsible for moving the bins to and from the kerbside collection points presented in the Transport Statement.



1.11 Image 5: CGI view of Hurst Street from Bromsgrove Street.



1.12 Image 6: CGI corner view of Sherlock Street and Hurst Street.



1.13

Image 7: View from the podium by St Martin's in the Bullring – note the Sherlock Street and Smithfield developments are shown in grey

1.14 The 628 residential apartments comprise as a mix of unit types, these are as follows:

Type	No. of Units	% of Total	
1 Bed (45 sqm)	156	24%	46%
1 Bed (50 sqm)	143	22%	
2 Bed (65 sqm)	302	50%	54%
3 Bed (86 sqm)	27	4%	
Total	628	100%	100%

Table 1: Residential mix

1.15 The application has been supported by a revised design and access statement, built heritage statement, revised planning statement, aerodrome safeguarding assessment, air quality assessment, archaeological desk-based assessment, daylight and sunlight assessment, daylight within proposed dwellings report, energy and construction statement, external lighting assessment, flood risk assessment (including sustainable construction statement), geotechnical desk study appraisal, revised landscape report, market report (appended to viability assessment), revised noise assessment, planning obligations draft heads of terms, preliminary ecological appraisal, preliminary bat roost assessment, sustainable drainage strategy, tall building assessment, telecommunications impact assessment, townscape and visual impact assessment, transport assessment and framework travel plan and microclimate assessment.

1.16 A Viability Statement has been submitted with the application which has been appraised by an independent financial assessor.

1.17 This application was received and registered June 2021. The Town and Country Planning (Development Management Procedure Order and Section 62A Applications) (England) Amendment) Order 2021 requires applications for planning made on or after 1st August 2021 to contain a fire statement whereby HSE are consulted. By reason of timing no fire statement has been submitted, neither have HSE/Gateway One been consulted, although West Midlands Fire Service have been consulted.

1.18 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The site of 0.95ha is a rectangular plot located east of the City Centre Core within the cultural area of the Gay Village. The site is bound by Kent Street to the north, Sherlock Street to the south, Hurst Street to the east and Lower Essex Street to the west and occupies most, but not all of this city block. To the south of the site along Sherlock Street there are several under-utilised 20th Century low-rise, low quality commercial buildings. The remainder of the site has been cleared of former industrial building and is vacant, currently used for car parking.
- 2.2 Surrounding the site are largely commercial uses comprising of restaurants, bars, nightclubs and entertainment venues. There are some residential blocks of apartments located north eastwards known as Latitude and Timber Yard. Latitude is an 8-storey apartment building and the Timber Yard is a 6-14 storey development of 379 residential units on Hurst Street. The site to the east bounded by Sherlock Street, Hurst St and Bishop Street also benefits from a city-scale residential consent that includes a 30 storey tower. Near the application site are the following late-night entertainment venues, these are The Village Inn, The Nightingales and The Fox.
- 2.3 In terms of site levels, the topography falls approximately 5m across the site from a higher point to the north west to a lower to the south east.

2.4 [Site Location Map](#)

3. **Planning History:**

- 3.1 15/10/18 - 2018/07011/PA - Application for Prior Notification for demolition of former warehouse/industrial units. Prior Approval required.
- 3.2. 19/09/19 - 2019/06936/PA - Application for Prior Notification for the proposed demolition of existing buildings. No Prior Approval needed.
- 3.3. Surrounding site history:
- 3.4. 03/01/18 - The Timber Yard - 2017/09461/PA - Erection of 6-14 storey building comprising 379 residential apartments (Use Class C3), ground floor commercial units (use Classes A1-A5 and B1a), associated car parking and amenity space. Approved.
- 3.5. 29/05/18 – Former Kent Street Baths - 2017/09434/PA - Clearance of site and erection of a residential mixed use development comprising of 504 dwellings (Use Class C3), 955 sq.m. (Gross Internal Area) of flexible retail, restaurant, leisure and office uses (Use Class A1/ A2/A3/D1/D2/B1(a)), car parking and associated developments. Approved.
- 3.6. 04/03/21 - 16 Kent Street – 2018/03004/PA - Demolition of existing buildings and residential-led redevelopment to provide 116 apartments and 2no. commercial units (Use Classes A1-A4, B1(a) and D1) in a 9-12 storey building. Refused and appeal lodged.
- 3.7. 18/12/20 - Priory House – 2020/04784/PA - Conversion and refurbishment of Priory House, including change of use from Use Class B1(b) to include 79 residential apartments (Use Class C3), ancillary internal and external resident's amenity areas, secure car and cycle parking and other associated works. Approved.

- 3.8. 15/10/21 – Land bounded by Sherlock Street, Bishop Street and Hurst Street– 2020/09624/PA - Demolition of all existing buildings and erection of a residential-led mixed-use development comprising part 30, part 13, part 12, part 10, part 9 and part 5 storey blocks providing 551 residential apartments (Use Class C3), ancillary internal residential amenity space, flexible ground floor space to be used as commercial, business and service uses (Use Class E), drinking establishments, and/or hot food take-away (Sui Generis), access, car and cycle parking, landscaping, public realm and all other associated works. Approved.
- 3.9 03/02/22 - site bordered by Gooch Street North, Kent Street and Lower Essex Street 'the Oasis' – 2021/05399/PA - Demolition of all buildings and construction of 7 to 12 storey buildings (excluding basement) comprising 456 apartments (1&2 bed) (Use Class C3); 517sqm commercial floorspace (Flexible Use Classes E (a)/E (b)/E(c)/E(f)/E (g) (i); landscaped private courtyard and private garden terrace; new public thoroughfare. Approved subject to conditions – pending Section 106 signing.
- 3.10 Current application - Land at Kent Street – 2021/00081/PA - Erection of 8-12 storey building providing 133 no. residential apartments (Use Class C3) together with ancillary ground floor amenity and commercial space (Use Class E).

4. **Consultation Responses:**

Very recently 3 sets of documents were updated and the conservation officer reconsulted, revised comments are provided below.

4.1 Regulatory Services

There are no objections from Regulatory Services concerning air quality or contamination issues subject to conditions listed below.

In relation to noise they recommend refusal. Their objection related to the fact that mitigation only works for some of the apartments if the windows are closed (sealed) and use mechanical ventilation. Windows that are openable are not acceptable and would not avoid future residents being exposed to a statutory noise nuisance when windows are open. Windows being sealed is detrimental to residential amenity and not supported by Regulatory services. However, understanding the wider planning balance, Regulatory Services recommend the following conditions should be the application be recommended approval:

- Contamination and Remediation Scheme
- Contaminated Land Verification Report
- Extraction and Odour Control details
- Restrict Noise Levels for Plant and Machinery
- Noise Insulation between Commercial and Residential
- Hours of Operation and site delivery hours
- Demolition Management Plan
- Construction Management Plan
- Noise Mitigation Scheme
- Sealed Windows where necessary
- Noise Commissioning Testing

- 4.2 City Design - no objection subject to conditions relating to materials and architectural detailing. Proposal is supported in principle to aid regeneration of the area and the layout. Proposed landscaping could be improved.

- 4.3 Archaeology – no objections.
- 4.4 Planning and Growth Strategy:
 Supports the location of residential development and proposed Class E use and does not raise an objection to the principle of the proposed development.
 The sustainability and energy statements propose measures that I consider would meet the requirements of policies TP3 and TP4. Please can the Energy and Sustainable Construction Report (Meinhardt Issue P04 07 May 2021) be conditioned under the list of approved plans. Additionally, please can the below planning condition be included:
- "Energy and Sustainability in accordance with statement
 The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Energy and Sustainable Construction Report (Meinhardt Issue P04 07 May 2021) prior to occupation or use commenced. A total 19% reduction in carbon dioxide emissions against Part L 2013 Building Regulations shall be achieved.
- Reason: To ensure compliance with Policy TP4 Low and zero carbon energy generation and TP3 sustainable construction of the adopted Birmingham Development Plan (2017).
- 4.5 Transportation Development – no objections subject to the following conditions:
 -A Grampian Style condition so that the development is not occupied until reinstatement of the redundant footway crossings and provision of new, along with any TRO changes and footway surface improvements.
 -Cycle Parking is provided before the development is occupied
 -Pedestrian visibility splay 3.3m by 3.3m provided at the car park access.
 -Construction Management Plan provided before any works including site clearance are carried out to define any impacts on the highway and local network.
 -Landscaping on forecourt is provided before the development is occupied
- Additionally, an informative is requested for these works to be done with a section s278 highway agreement at the applicant's expense.
- 4.6 Tree Officer – no objections subject to a Arboricultural Method Statement condition.
- 4.7 Ecology – no objections subject to Bat, Bird boxes, landscaping, CECMP and green/brown roof conditions.
- 4.8 Conservation – no objections subject to conditions
- 4.9 Cadent Gas – no objections but recommends informative
- 4.10 Local Lead Flood Authority – no objections subject to a condition to secure the submission of a sustainable drainage scheme and drainage operation and maintenance plan
- 4.11 Severn Trent – no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows before the development is first brought into use.
- 4.12 Environment Agency -no objections subject to a condition for a remediation strategy to deal with risks and associated with contamination.

- 4.13 Leisure Services – in accordance with the BDP policy this development should be liable for an offsite POS and play area contribution of £1,309,575
- 4.14 Education – seeks a total contribution of £1,446,833.
- 4.15 Sport England – object. In the absence of an agreed package of S106 contributions to meet the needs for sport that arise from this development. The additional population estimated to be 1092 will generate additional demand for sports facilities. Sports England Sports Facilities Calculator (SFC) indicate that the following contributions be sought:
- Sports Hall Sum £189,661
Swimming Pool Sum £195,058
Playing Pitches Sum £254,712
Total sum £639,431.
- 4.16 West Midlands Police – no objections subject to a condition requiring CCTV and a lighting plan.
- 4.17 West Midlands Fire Service – no objection
- 4.18 Birmingham Civic Society object to the application, they describe the application and make the following comments:
- The Civic Society have strong concerns regarding the erasure of gay venues and the future of the provision for the community as a whole due to the current scale of development in this area. That said BS note the ground floor commercial space in Block C will be made available on a discounted market rent basis to Birmingham LGBT the city's leading charity for raising awareness of the needs of lesbian, gay, bisexual and trans (LGBT) people within in and outside Birmingham. However, there are concerns that agreement with Birmingham LGBT has not yet been reached yet so there is no guarantee it will happen.
- Disappointing that there is no affordable housing provision due to viability and therefore cannot support the application for this reason.
- Consider the blue brick proposed for the tallest element will be very harsh and oppressive on the skyline, blue brick is not objected to within the development, but this was not felt appropriate for the tower.
- Height of the tower not considered appropriate and the viewpoint analysis tends to indicate a moderately to minor adverse impact by the height of the tower on the majority of important views.
- The documents show potential improvements to Hurst Street and its transformation into a pedestrian boulevard – whether contributions to such improvements will be sought through S106 needs to be made clear.
- Too many central area apartment developments have ground floor commercial space which remains unlet after a number of years. The City Council and developers need to consider more realistic and imaginative proposals and uses for active ground floor space, this may involve discounted market rent premises to this sector and community organisation.
- Birmingham International Airport Ltd, Civil Aviation Authority, Birmingham LGB Forum, and Centro were notified however made no comments.

5. Third Party Responses:

- 5.1 The application has been advertised in the press, publicised by 3 site notices and neighbours notified. In addition, the Local MP, local residents' groups and forums and Southside BID have been consulted. Associations and Ward Councillors consulted. No third-party comments have been received.

6. Relevant National & Local Policy Context:

6.1 National Planning Policy Framework

Section 2: Sustainable Development

Section 7: Ensuring the vitality of town centres

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change/

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

6.2 Birmingham Development Plan 2017

The application site falls within the City Centre Growth Area identified in policy GA1 in the Local Plan and within the Southern Gateway Growth and Wider Area of Change identified in policy GA1.2 of the Local Plan.

PG1 Overall levels of growth

PG3 Place making

TP1 Reducing the City's carbon footprint

TP2 Adapting to climate change

TP3 Sustainable construction

TP4 Low and zero carbon energy generation

TP6 Management of flood risk and water resources

TP7 Green infrastructure network

TP8 Biodiversity and Geodiversity

TP9 Open space, playing fields and allotments

TP12 Historic environment

TP17 Portfolio of employment land and premises

TP20 Protection of employment land

TP21 The network and hierarchy of centres

TP24 Promotion of diversity of uses within centres

TP26 Local employment

TP27 Sustainable neighbourhoods

TP28 The location of new housing

TP29 The housing trajectory

TP30 The type, size and density of new housing

TP31 Affordable housing

TP37 Heath

TP38 A sustainable transport network

TP39 Walking

TP40 Cycling

TP44 Traffic and congestion management

TP45 Accessibility standards for new development

TP46 Digital communications

6.3 Development Management DPD:

DM1 Air quality

DM2 Amenity
DM3 Land affected by contamination, instability, and hazardous substances
DM4 Landscaping and trees
DM5 Light pollution
DM6 Noise and vibration
DM10 Standards for residential development
DM14 Transport access and safety
DM15 Parking and servicing

- 6.4 Supplementary Planning Documents & Guidance:
Loss of Industrial Land to Alternative Uses SPD (2006)
Places for All SPG (2001)
Places for Living SPG (2001)
Lighting Places SPG
Birmingham Parking SPD (2021)
Public Open Space in New Residential Development SPD (2007)
Affordable Housing SPG (2001)
High Places SPG

7.0 Planning Considerations:

- 7.1 The main material considerations are the principle of development, noise, design and affordable housing.

Principle of Development

- 7.2 The application site falls within the City Centre Growth Area identified by Policy GA1 however Policy TP20 seeks to protect employment land and resources where it contributes to the portfolio of land needed to meet longer term requirements.
- 7.3 According to Policy TP20 there is a general presumption against the loss of employment premises unless it is a non-conforming use, has actively been marketed or it can be demonstrated that continuing an industrial development is not viable.
- 7.4 The current employment floorspace does not comprise of non-conforming uses and the applicants have not demonstrated that there is marketing or viability justification to support the proposed loss of existing premises. Therefore, the proposed loss of employment premises south of the site is contrary to this BDP Policy TP20 and any material considerations should be assessed to ascertain whether they should be given greater weight to outweigh this Policy conflict.
- 7.5 There is a requirement for future growth and change in and around the City Centre as identified within the BDP. Strategic Policy PG1 identifies a need for significant levels of housing, employment, office and retail development along with supporting infrastructure in Birmingham over the plan period. The Policy refers to a target of 51,100 additional homes although this falls short of Birmingham's objectively assessed need which is stated to be 89,000 homes.
- 7.6 Policy GA1 establishes the City Centre as the focus for a mix of uses including residential, retail, employment and leisure to improve the overall mix of uses and the vitality of the City Centre. Cultural, entertainment and residential activities are supported in Southside by Policy GA1.3, complemented by high quality public spaces and pedestrian routes. The site is not within the Rea Valley SPD area but close to its boundary where largescale residential-led mixed use development will create a new quarter in the city centre.

- 7.7 Paragraph 119 of the NPPF also states that authorities should take a positive approach to applications for the alternative use of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided that this would not undermine key economic sectors or sites, or the vitality and viability of town centres.
- 7.8 The application seeks permission for Class E commercial use at ground floor level. It is noted that the site lies approximately 400m outside of the City Centre retail core however Policy GA1 supports appropriate scale retail development where it complements the existing retail core as part of mixed-use redevelopments. Whilst the proposed commercial units total to 1,873sq.m this floor space would be subdivided into 3 units and is deemed as ancillary to the main residential development.
- 7.9 Whilst the loss of the onsite commercial units is regrettable, they are not intensive employers and it is considered that the employment created by the construction of the proposed development and the expenditure created by the occupiers of the proposed 628 apartments should outweigh compliance with Policy TP20, particularly at a site where there is policy support for growth in this part of the City under Policies GA1.1 and GA1.3 and the location of the proposed housing complies with Policy TP28. It is therefore considered that the proposed uses would, in principle be acceptable at this location. Furthermore, with a mix of mostly one and two bed units with some 3 bed units whilst not fully in accordance with Policy TP30 that requires a bigger range of dwellings, the proposed mix is considered satisfactory for this City Centre site.

Impact of Noise

- 7.10 A key consideration is the impact upon the night-time economy. As mentioned the site lies within a part of the City Centre that is known for its vibrant late-night entertainment venues with the Nightingale on Kent Street, The Fox Public house adjacent on Lower Essex Street and the Village Inn on Hurst Street. These venues are open seven days a week into the early hours. The Village Inn is open Fridays 5pm-6am, Saturdays 5pm-8am and Sundays – Thursdays 5pm-2am. The Nightingale is open Fridays 10pm-4am, Saturday 10pm-6am and Thursday 10pm-4am. The Fox is open Fridays 3pm-3am, Saturday 3pm-3am and Thursday 5pm-12pm. The application site sits within the centre of these entertainment venues, with the Nightingale to the north, the Fox Public House to the west and The Village Inn to the east.
- 7.11 The NPPF advises that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Policy DM6 of the adopted Development Management DPD states that where potential adverse impact is identified the development should include details on how the adverse impact will be reduced and/or mitigated.
- 7.12 As part of the application a noise assessment was submitted that contained inaccurate/extrapolated sets of data and statements regarding existing noise levels and impact. Regulatory Services highlighted problems with the report and subsequently discussions (between the applicant and Regulatory Services) took place, resulting in many meetings and several revisions to the noise assessment. As a result, further noise monitoring exercises were undertaken by acoustic consultants with an officer from Regulatory Services also present.
- 7.13 The most recent noise report (Revision 6, May 2022) presents a number of updated noise models which reflect the revised noise results. The diagrams show a variation of noise frequency levels across the site. The difference in level variation is a result of

factors such as the positioning of an apartment block, storey height, distance from entertainment venues and existing obstructions such as existing/proposed buildings. The noise assessment seeks to determine whether prospective residents would have a suitable level of amenity within their apartments without being subject to adverse noise conditions. It is accepted that out of the 628, many units proposed would enjoy a suitable noise environment however others would result in a nuisance which would create a harmful living environment and endanger the future operation of these nearby venues, should no mitigation be put in place.

- 7.14 In terms of mitigation Regulatory Services recommend that at source mitigation measures should be explored in accordance with the Noise Hierarchy as defined by NPPG and BCC's Planning Consultation Guidance Note 6 – see table below.

In assessing mitigation schemes the following hierarchy of measures should be considered in descending order of preference:

1. Engineering – reduction of the noise generated at source by redesign, relocation or containment
2. Design and layout – maximise the distance between noise source and receptor, using existing topography or existing structures or purpose-built barriers to screen the proposed development site from significant sources of noise.
3. Using the layout of the scheme or orientation of buildings to avoid location of noise sensitive rooms on adversely impacted facades
4. Using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels (differentiating as appropriate between different times of day, such as evenings and late at night),
5. Using the building envelope to mitigate the impact of noise to acceptable levels through noise insulation.

- 7.15 Figure 1 – Noise Hierarchy as defined by PCGN6

- 7.16 It should be noted that PCGN6 is a practice note used by Regulatory Services when assessing noise impact and does not form formal planning policy

- 7.17 The first preference for mitigating noise is to address it at the noise source via an agent of change agreement whereby the works to the noise venue would result in future occupiers being able to open windows without a significant adverse impact on their amenity. However, the applicants have stated that whilst it may be possible to achieve noise control measures at the entertainment premises in the vicinity of the site, it is considered that implementing these measures can be technically challenging and be unviable.

- 7.18 The applicant has been in contact with the management of The Village, located directly east of the proposed development. However, as their lease runs for a relatively limited period, there is little appetite from management to engage in the costly and time-consuming process of an agent of change agreement when the build program is in excess of 36 months, taking the timing of practical completion close to the end of their lease. Furthermore, it is known from previous applications that the only method to effectively control noise from the Fox would be to enclose its beer garden, which is not realistically possible without substantial works that would alter the character of the venue. Therefore, it can be said the option for an agent of change agreement has been explored to some extent.

- 7.19 Consequently, a layout has been developed to reduce entertainment noise impact upon habitable rooms by small layout changes, provision of winter gardens and the sealing of windows to 59 apartments.

- 7.20 Regulatory Services recently reviewed the location of sealed windows together with the submitted noise models and found there to be other facades to be similarly

impacted whereby no mitigation proposed. It was unclear as to the reason some windows shown to receive high levels of noise were sealed and others not so. Officers and Regulatory Services have therefore reviewed the modelling data as presented further and presented a 'worst case' assumption. This worst-case assumption would require 150 units out of 628 to feature sealed windows serving habitable rooms (living room and/or bedroom), equating to a proportion 24% of units.

- 7.21 Conditions recommended will ensure suitable mitigation is provided prior to occupation, thus ensuring no unreasonable restrictions would be placed on the surrounding entertainment venues. The conditions recommended would ensure the effected units cannot be occupied unless suitable living conditions are provided.
- 7.22 Whilst Regulatory Services object to the use of sealed windows they consider the proposed level of mitigation technically adequate in the instance. Paragraph 55 of the NPPF states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Subsequently there are no grounds to refuse the application on the basis of adverse noise impact or unreasonable restrictions being placed on surrounding venues as the conditions make provision to ensure neither would occur and would have to be discharged to the satisfaction of the LPA in consultation with Regulatory Services, prior to the commencement of development.
- 7.23 Implementation of the aforementioned conditions would result (in worst case scenario) in a maximum of 150 residential units being fitted with sealed glazing. When weighing the provision of sealed units in the planning balance, officers are of the opinion that they are acceptable in the context of the wider benefits of the scheme, which include much needed housing in the context of the tilted balance and a lack of a 5 year housing land supply, high quality design, a new public square, pedestrian route through the site, discounted commercial space for a local charity as well as affordable housing of 5% (36 units).
- 7.24 Whilst there may be concern with the principle of sealed windows it is worthy to note that recommending refusal would conflict with a number of other decisions made by the LPA. The City Council has previously granted consent for a number of residential scheme in close proximity to entertainment uses with suitable mitigation measures ranging from high specification acoustic glazing and mechanical ventilation to sealed units
- 7.25 2020/07829/PA – Land Bounded by Moseley Street, Moseley Road and Cheapside 46 out 366 units sealed by condition. Approved 05.10.21.
- 7.26 2020/01796/PA – Digbeth Bus Garage: Noise levels of nearby entertainment venue 39 out of 213 units sealed by condition. Approved 24.03.21
- 7.27 2020/02766/PA – Essex Street: Noise level of nightclub opposite. No sealed units, acoustic glazing and mechanical ventilation conditioned. Approved 18/12/20.
- 7.28 2017/09461/PA – Timber Yard: Noise level of nightclub. 91 units (Bedrooms only) sealed by condition. Approved 03/10/18.
- 7.29 2014/09348/PA Bank I Tower: Noise level at entertainment venue not specified. 189 units (all proposed) sealed by condition. Approved 27/11/15
- 7.30 2018/01177/PA 122 Moseley Street: Noise level from Cleary's at development façade. Acoustic glazing and mechanical ventilation provided as mitigation. Approved 19/10/20

- 7.31 It is also worthy to note that planning application ref: 2006/03254/PA (Unity House & Armouries Site) was initially refused planning permission by the LPA on the basis of the amenity of future occupiers of the proposed development being adversely affected by late night entertainment noise. However, consent was later granted at appeal with conditions requiring acoustic glazing and mechanical ventilation.
- 7.32 While sealed apartments are not preferable, and not supported as a matter of principle by Regulatory Services, provided suitable mitigation is installed, the apartments would constitute a satisfactory residential environment free from adverse noise. Given the proportion of sealed units (as a maximum) is small (23%) in the context of the development as a whole, their possible inclusion is considered acceptable when weighed in the planning balance against the other aspects of the scheme. Moreover, I should note that no objections from neighbours or surrounding venues to the application have been received.
- 7.33 Subject to conditions therefore I consider the proposed development can be made suitable for residential use providing the appropriate mitigation is incorporated as recommended. It is considered that the provision of sealed units would provide sufficient mitigation in accordance with DM2 and DM6 of the Development Management DPD.

Proposed Design

- 7.34 Originally the application proposed 642 apartments however subsequent to design advice plans were revised reducing the shoulder height of Block A by one storey. Minor internal reconfigurations of unit layout also took place to maintain over 50% of 2 bed units and as a result of the reduced shoulder height and adjusted floor plans the unit mix moved in favour of 2 and 3 beds.
- 7.35 The approach is simple and robust with brick buildings proposed with floor plates expressed through concrete banding. The bays and grid are simple, and the grouping and form of fenestrations is good and set out in elevations with well-considered masonry detailing. There is a quality concern with the 'light grey cil' annotation and therefore careful selection of materials, design of the windows, masonry and building form will be critical whereby details are conditioned.
- 7.36 The proposed layout is simple providing a perimeter of connecting blocks around an internal courtyard space and pedestrian route through generating a defined urban edge and safe external amenity space for residents. The pedestrian route would increase connectivity in and around the site by means of providing a tertiary route through the site and beyond.
- 7.37 Landscaping and public realm proposals would include a new public square and pedestrian route linking Lower Essex Street to Hurst Street and Skinner Lane and beyond. Large podium gardens between Block A and B will serve as main amenity space for residents to include a central lawn, seating areas, play opportunities by utilising planter edges as elongated steps and platforms and providing steppingstone routes through larger areas of planting.
- 7.38 Block A will incorporate an extensive roof terrace, private terraces at ground and level 9 as well as extension of Lime trees along Sherlock Street to enhance this frontage and street trees along Hurst Street to define the boundary between the back of the footpath and the new public square. Trees to the south of the site, off Sherlock Street are to be retained.
- 7.39 With regards to the possible extension of the tram to the south of the city, and future consideration of a metro stop the layout plan shows an acceptable amount of space to

accommodate this. The commercial units would present an active frontage to Hurst Street, the public square and pedestrian route. In accordance with Policy PG3 of the BDP it is considered that the layout would provide a high-quality place with good connectivity.

Scale and Mass

- 7.40 The proposed layout and massing of the site creates high design quality in accordance with Policy PG3 of the BDP. Furthermore, the City Design officer considers the scale to be acceptable and in keeping with nearby developments i.e., the Timber Yard. The scheme introduces links through the site via a proposed pedestrian route that allows the site open up and play an active and inviting frontage within this community. It is considered this route would allow for good connectivity through the site and to the wider area.
- 7.41 The second PG3 key objective in terms of layout is the provision of key public spaces that promote positive social interactions and natural surveillance as well as reinforce a positive sense of place and local distinctiveness in accordance with Policy PG3.

High Places SPD

- 7.42 Although the application site lies outside of the 'central ridge zone' exceptional reasons provided justify the location of this tall building. The development, and in particular the tall building, has been extensively tested in the Townscape and Visual Impact Assessment which considers existing and future contexts and provides visualisations of the development from various locations.
- 7.43 Not too far from the site other tall buildings have been permitted, these namely being Sherlock Street – 30 storeys, Monaco House – 29 storeys and Kent Street Baths - 19 storeys which are also outside of the central ridge zone. Block A would provide a transitional element in the cityscape between the neighbourhood scale of development to the south and the 40-storey tower envisaged at the heart of Smithfield masterplan area to the north. The building will, in particular, have a close visual relationship with the Sherlock Street tower, emphasising the southern entrance into the Smithfield masterplan.
- 7.44 Furthermore, the application site leads into the Rea Valley Urban Quarter and therefore, this site can be said to form a gateway into the Gay Village providing a pedestrian way-finding marker and drawing people up Hurst Street and into other quarters and beyond, thereby aiding pedestrian legibility and connectivity.
- 7.45 And in terms of design and conforming to the other SPG considerations the building is high quality and responds well to local context, and with regards to technical matters (microclimate/aerodrome and telecommunications) the assessments submitted demonstrate there will not be any significant impacts.
- 7.46 Based on the above a tall building is deemed appropriate and justified in this location. I consider the building to be of good quality design that responds well to its context, largely in accordance with PG3 and paragraphs 126 – 130 of the NPPF. To maintain the quality of the façade conditions are attached to secure architectural, lighting and landscaping details. Any of the signage shown would need to be secured via an advert application. City Design supports the application subject to conditions.

Impact on residential amenity

- 7.47 The proposed apartments meet the Nationally Described Space Standards and are well laid out. The provision of outdoors space is satisfactory for the location and the

layout of the site accounts for existing and approved developments either side of the site and an adequate level of privacy and outlook would be achieved for all existing and future residents. Whilst the distance separation between the facades of the existing building and new development across Hurst Street would be less than the Places for Living guidelines, I consider that the design of the scheme satisfactory minimises harm to amenity and achieves a reasonable level of privacy and outlook would remain.

Microclimate

- 7.48 In support of the application the agent has provided a Wind Microclimate study, daylight and sunlight assessment, visuals and a shadow study showing the existing and proposed site in the am, noon, and pm in the various seasons and a model of the proposed building.
- 7.49 The latest Wind Microclimate Study remains of the view that no dangerous conditions would exist, and pedestrian wind comfort would largely be satisfactory. The report establishes that all areas within the site and its surroundings are expected to be safe for all users for a variety of pedestrian and occupant activities.
- 7.50 Where there are examples of localised exceedances these are minimal. Specific trees and plant species can be selected as part of a conditioned landscape plan/mitigation measures to mitigate stronger wind conditions in certain areas of the development. Moreover, it is not anticipated that there will be a need to introduce any notable structures to further mitigate wind conditions. A condition is recommended to require details of this mitigation which should not dilute the overall character/design quality of the development.

Daylight/Sunlight

- 7.51 A Daylight and Sunlight study has been undertaken to assess the impact of the development at neighbouring properties. The report concludes that overall the layout of the proposed development will not have an adverse effect on surrounding properties and amenity spaces. Sun tracking has been provided for Spring/Autumn and Summer and whilst there is impact, the layout will not reduce sunlight or daylight to an extent that it would adversely affect the occupation of these buildings.
- 7.52 Assessment of daylight levels in the proposed habitable rooms indicate that the vast majority tested in the proposed scheme will meet the BRE daylight standards with many received light levels exceeding these. Given the density of development present in City Centre urban locations standards cannot be compared with suburban and rural developments and so there is inevitable a lower level of adherence across the entirety of the scheme. The proposed is therefore compliant with Policies PG3 and TP27 of the BDP.

Impact on drainage/flood risk

- 7.53 The site lies within Flood Zone 1 and is at low risk of flooding. Sustainable drainage features proposed to be incorporated into the development are the use of permeable paving, green roofs and soft landscaped areas. The LLFA and Severn Trent support the application subject to conditions. The drainage proposals therefore accord with Policy TP6 of the BDP and flood requirements of the NPPF.

Impact Upon Heritage Assets

- 7.54 There are a number of designated heritage assets in the wider area such as the GR11 Back to Backs, GR11 42 Upper Dean Street, GR11 Wellington Hotel Bristol Street and

the GRII Anchor public house Bradford Street. In addition, the Digbeth, Deritend and Bordesley High Street Conservation Area is situated to the north of the aforementioned high streets. However, all of these are some distance from the site with much intervening built form. The closest local listed (non-designated) asset is Unity House, Bromsgrove Street. The Heritage Statement concludes that there will be no impact upon their significance and the Conservation Officer concurs.

- 7.55 The Heritage Statement identifies the adjacent Jubilee Works as a non-designated heritage asset, which is accepted by the Conservation Officer. The Statement goes on to conclude that although the 27-storey tower would change the setting of the Jubilee Works but considers that the design and materials would complement the design of Jubilee Works and 'frame' the existing horizontal emphasis of its elevation to Sherlock Street with no harm to significance.
- 7.56 Our Conservation Officer however considers a tower rising up behind the Jubilee Works to have impact on an appreciation the architectural form, challenge the buildings visual prominence and would cause some minor harm to the setting of the heritage assets whereby paragraphs 203 of the NPPF should be applied.
- 7.57 The Heritage Statement refers to a scheme (Sherlock Street - opposite the Jubilee Works) consented in October 2021 whereby no heritage harm was concluded. The Conservation Officer states the consented development, by reason of position in comparison would not diminish an appreciation or understanding of the architectural form and prominence of the Jubilee Works and therefore the impact would be considered negligible. In this instance and in accordance with paragraph 203 of the NPPF the minor level of harm identified is clearly outweighed by the significant public benefits associated with the development, these being making the best and most effective use of a largely vacant and brownfield city centre site, the delivery of much needed housing, affordable homes, local employment opportunities and provision of commercial uses.
- 7.58 Furthermore, the Council's Archaeological Officer agrees that no further investigative works are necessary.
- 7.59 Overall it is considered that the public benefits outweigh the minor level of harm and the proposed scheme complies with policies PG3 and TP12 of the BDP and meets the tests set out in the NPPF.

Sustainability and Energy

- 7.60 The site is located within the urban area in close proximity to jobs, shops and services and with good public transport links. It would also see the re-use of a largely vacant brownfield site. An Energy Statement has been submitted as required by Policies TP3 and TP4. The Energy and Sustainability Report proposes measures which equate to a 19% reduction in carbon dioxide emissions against Part L 2013 Building Regulations. These achievements would meet the requirements of policies TP3 and TP4 and a condition is recommended to secure these.

Impact on Parking and Highway Safety

- 7.61 The scheme proposes a car park with 24 spaces and 572 cycle stores within the lower ground floor of Blocks A-B. Some of the cycle and refuse stores would be located at the back of the block, behind proposed commercial space and residential reception area. Although the remaining would be located street side of Lower Essex Street. Access into the car park would be via a gated access set in off the highway (Lower Essex Street).

7.62 The Parking SPD seeks a cycle space per unit and consider 572 alongside the timing of this application prior to the adoption of the SPD to be reasonable provision. Whilst it does not wholly conform paragraph 5,7 of the SPD allows flexibility for applications submitted before the adoption of this document. The site is close to the City Centre, a short walk to local train stations and facilities. Transportation welcomes the proposed link as a beneficial connection for pedestrians and support the application subject to conditions. Transportation have received the application and raise no objection subject to conditions. The transport details presented are acceptable and accord with Policies TP38, TP39, TP40 and TP44 of the BDP and Policies DM14 and DM15 of the DMB.

7.63 **Biodiversity and Landscape**

7.64 The DMB DPD justifies the need for planting and biodiversity enhancements. The proposed site plan indicates tree planting along the pedestrian route and within the courtyard area. Biodiversity roofs are also indicated on the roof plan. Whilst landscaping is to be provided, revisions to the landscaping scheme are sought, therefore, to order to secure better quality design and to ensure proposed planting is sustainable for the long-term conditions are recommended.

7.65 The application is supported by a preliminary ecological appraisal (PEA) and a specific preliminary (bat) roost assessment. The PEA finds that most of the ecological issues are either negligible for this currently developed site or are able to be mitigated for through appropriate timing or working practices. Although the PRA notes a number of locations that offered relatively high potential for bat roosting surveys were carried out between May and June of 2021 confirming none were utilising the buildings as places of refuge.

7.66 Generally, surveys of this type with high potential features are valid for a period of 12 months before a new survey is required; however, the ecologist recommends that the request for a CECMP for implementation throughout the demolition and construction phases would be suitable to cover all of the above aspects.

7.67 The ecologist states the roof top terrace will have limited value for biodiversity as it is likely to be quite disturbed. There are a number of flat roof sections that could have extensive green roofing installed (not sedum matting). If these areas were also to be utilised for solar PV panels then biodiversity benefit could still be delivered through a Bio solar roofing composition. Extensive and /or Bio solar roofing would improve the overall sustainability of the building and where combined with solar PV extends their operational period in times of hot weather.

7.68 The principal ecologist has reviewed the submitted PEA and agrees with the conclusion that the site is currently has very low ecological value. The proposed planting and biodiverse roof would increase the value and conditions are therefore recommended to secure these.

7.69 It can be said the redevelopment of the site would not give rise to any net adverse ecological impacts. The council's ecologist has reviewed the application and raises no objections subject to conditions. The proposal accords with Policies TP6, TP7 and TP8 of the BDP and the NPPF

Public Sector Equality Duty

7.70 The Equality Act 2010 introduced a new public sector equality duty (the PSED), which cover nine protected characteristics including sexual orientation. This is relevant to the current proposals that could potentially have an impact upon the key venues for the LGBTQ community.

- 7.71 The development, subject to its proposed mitigation including the conditions set out below, would avoid adverse effects from the nearby noise venues. Furthermore, proposed community space (BLOCK C) would be offered at a discount and occupied by Birmingham LGBT also at a discount for 10 years. As an additional benefit the scheme would provide more activity and natural surveillance to increase safety in this part of the city centre. As such it is considered that there would be no significant adverse impact upon the current operation of nearby venues and therefore, no significant risk to the demise of the LGBT quarter by this development.

Planning Obligations

- 7.72 Policy TP31 of the BDP requires 35% of the total number of dwellings to be affordable on sites of 15 dwellings or more and TP9 seeks either on site public open space at 2ha per 1000 population or a contribution towards off site provision for developments of 20 or more dwellings. In addition, obligations have also been requested from the following consultees: Education – £1,219,111.29; and Sport England - £453,814.
- 7.73 The applicants contend that the development would be unable to meet the Policy requirements outlined above and still deliver a sufficient developer's return. Therefore, a Financial Viability Appraisal (FVA) has been submitted and independently assessed.
- 7.74 Independent review of the submitted Financial Viability Appraisal indicates that the proposal could support the provision of 56 affordable units, equating to 8%, as a proportionate mix for low-cost home ownership at 20% discount on market value. This is in addition to the public square and pedestrian route through the site.
- 7.75 This provision, while not meeting the 35% set out in policy TP31, is welcomed however closer inspection of the cost of the units with a 20% discount applied indicates they would not be affordable based on the Council's income thresholds. Consequently, an alternative option comprising 36 units at a 30% discount to meet the First Homes criteria has been agreed as being more appropriate. This would provide fewer units (5% instead of 8%) but more genuinely affordable accommodation as shown in the table below.

Affordable Unit	No	Size sq ft	Market Value	Discount	Affordable Price
Block A 1 Bed	1	489	£200,000	30%	£140,000
Block A 1 Bed	5	583	£227,000	30%	£158,900
Block A 2 Bed	7	734	£280,000	30%	£196,000
Block A 3 Bed	5	910	£340,000	30%	£238,000
Block B 1 Bed	1	489	£200,000	30%	£140,000
Block B 1 Bed	4	583	£227,000	30%	£158,900
Block A 2 Bed	9	734	£280,000	30%	£196,000
Block C 1 Bed	1	489	£200,000	30%	£140,000
Block C 1 Bed	3	583	£227,000	30%	£158,900

- 7.76 The Financial Viability appraisal also confirms that the proposal will support a 50% less than rental market discount (for a period of 10 years) for the commercial space within block C that will be offered to the LGBT charity or other charity, or community organisation should that charity no longer be able to occupy the unit. The 50% reduction in market rent reflects a rate of £40,763 per year; over a 10-year period this

discount equates to a reduction in the gross development value of £231,346. These benefits will be included within the Section 106 legal agreement, as agreed with the applicant.

- 7.77 Other requests for contributions have been received with respect to education and from Sport England. However, it is not likely that the proposed development would deliver a significant proportion of family housing, that said it would provide ample space for outdoor physical activity. In addition, achieving an element of affordable housing and the discount retail units are considered a priority in this instance. Therefore, the preference is to comply as far as possible with Policy TP31 by providing on site affordable housing.

8 Conclusion

- 8.1 The site is located within the City Centre Growth Area under Policy GA1.1. The scheme would make an efficient use of this largely vacant brownfield site and contribute to the City's need for residential accommodation. It is considered that the scale and massing would be appropriate for the emerging context with the provision of a pedestrian link to improve connectivity and create a good place in accordance with Policy PG3. 7.2 There are however noise impacts from the surrounding late-night premises and Policy DM6 of the Development Management DPD and the NPPF seek to ensure that new development is integrated effectively with existing businesses. In this instance mitigation via sealed windows units has been agreed to adequately mitigate against noise in this locality subject to conditions. Furthermore, the scheme would provide discounted commercial space for the LGBT charity, some affordable units as well as a large number of much needed housing, particularly given the city's inability to demonstrate a 5-year housing land supply. There would be a net positive impact upon biodiversity subject to the recommended conditions and notwithstanding the small amount of employment land the scheme would, on balance make a positive contribution towards the regeneration of this part of the city centre. The minor heritage harm identified is outweighed by the overall benefits of the proposal.
- 8.2 I consider that the proposed scheme is acceptable subject to the completion of a legal agreement to secure the delivery of onsite affordable housing, discounted rental commercial space and safeguarding conditions.

9 Recommendation:

- 9.1 That application 2021/05033/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- 9.2 a) 5% (36) affordable units at a mix of 1,2 and 3 bedroom apartments provided at a discount on market value of 30%.
- b) Discounted Market rental commercial space, at 50% discount on market rates, for a period of 10 years to be occupied by a charity (LGBT).
- c) Payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.
- 9.3 In the absence of a suitable legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 29th July 2022, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason:

In the absence of any suitable legal agreement to secure the provision of onsite affordable

housing and a discount market rent commercial space the proposal conflicts with Policies TP31 and PG3 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

- 9.4 That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 9.5 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 29th July 2022, or such later date as may be authorised by officers under delegated powers, favourable consideration be given to this application, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

-
- 1 Time Limit Implement within 3 years (Full)
 - 2 In accordance with approved Plans
 - 3 Requires demolition phasing plan, method statement and management plan
 - 4 Requires a Construction Ecological Management Plan
 - 5 Requires a Scheme of Noise Insulation between commercial and residential premises
 - 6 Requires the submission of wind mitigation measures
 - 7 Requires a construction statement/management plan
 - 8 Requires submission of a Contamination Remediation Scheme
 - 9 Requires submission of a Construction Employment Plan
 - 10 Requires the submission of sustainable drainage scheme.
 - 11 Requires a Sustainable Drainage Assessment
 - 12 Details of foul and surface water details
 - 13 Requires submission of an Arboricultural Method Statement
 - 14 Requires submission of a Noise Mitigation Scheme
 - 15 Details of bird/bat boxes
 - 16 Requires the submission of hard and soft landscape details.
 - 17 Requires the submission of hard surfacing materials
 - 18 Requires the submission of photovoltaics details.
 - 19 Details of green roofs
 - 20 Requires material samples
 - 21 Architectural and specification details
-

22	Requires submission of noise commissioning testing and assessment (post installation)
23	Requires scheme for ecological/biodiversity/enhancement measures
24	Requires submission of a sustainable drainage operation and maintenance plan.
25	Requires the parking (to include electric vehicle charging points) and cycling area to be laid out.
26	Requires the submission of a parking management strategy
27	Requires the submission of boundary treatment details required
28	Requires the delivery and service area.
29	Requires details of CCTV
30	Requires submission of a Waste Management Plan
31	Requires redundant footpath to be reinstated
32	Requires pedestrian visibility splay to be provided
33	Requires a Lightning Scheme to be submitted
34	Requires a Landscape Management Plan to be submitted
35	Sealed Windows
36	Hours of Operation
37	Site Delivery Hours
38	Noise Levels for Plant and Machinery
39	Commercial Uses
40	No obstruction, displays or signage fitted to commercial premises
41	Energy and Sustainability in accordance with statement
42	BREEAM Certificate of excellence
43	Remove PD rights for telecommunications equipment

Case Officer: Sarah Plant

Photo(s)



Views from Hurst Street (above and below)



View includes the Timber Yard when it was under construction and the Village Inn.



View from Sherlock Street

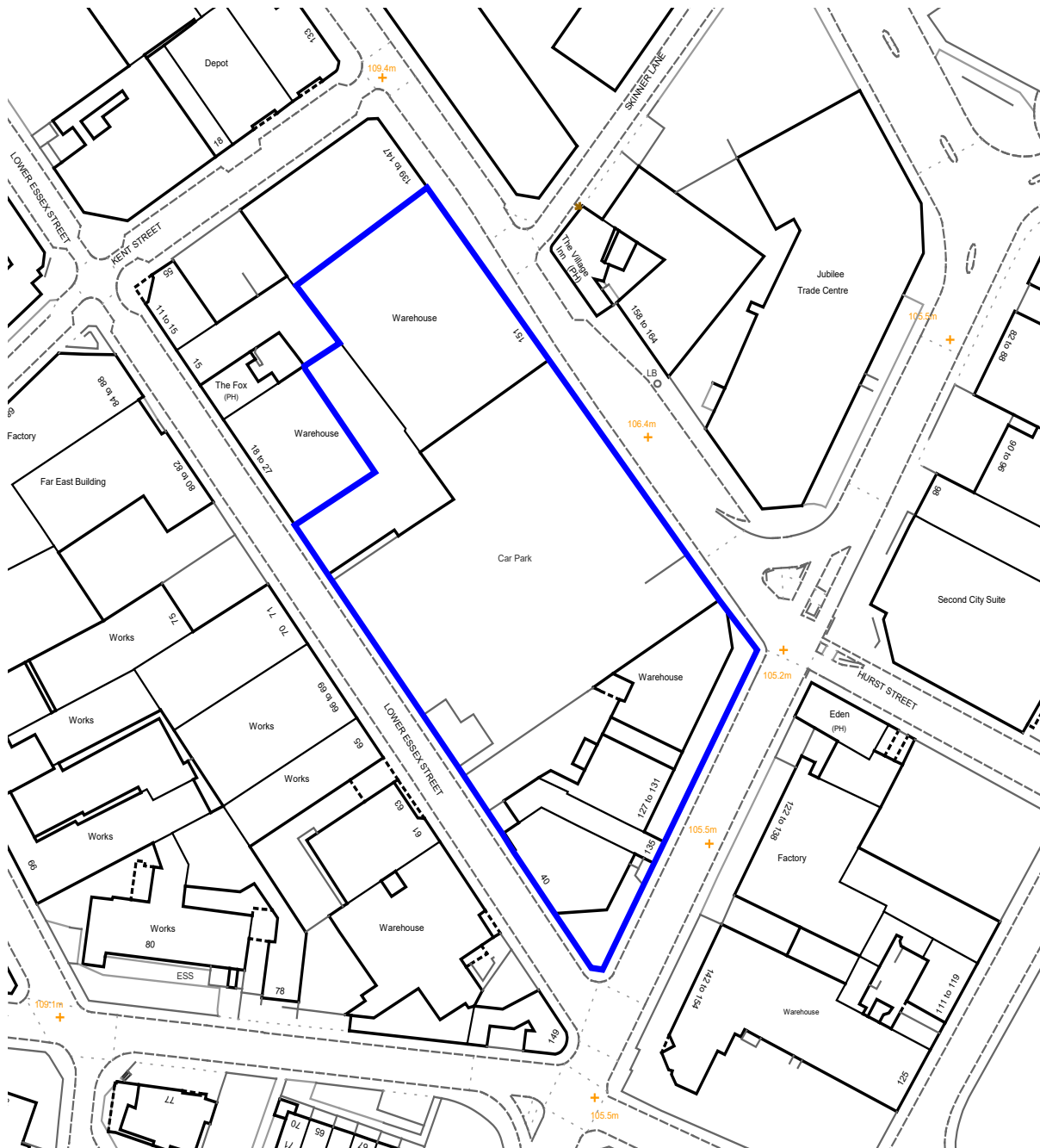


View from Lower Essex Street



View opposite the Nightingale

Location Plan



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Committee Date:	16/06/2022	Application Number:	2021/08717/PA
Accepted:	03/11/2021	Application Type:	Full Planning
Target Date:	31/03/2022		
Ward:	Newtown		

Corner of Princip Street and Lower Loveday Street, Newtown, Birmingham, B4,

Demolition of all buildings and the erection of 77 apartments (C3) comprising 31 x 1 bed, 40 x 2 bed and 6 (2 bed) duplexes and resident's amenity

Applicant:	Wild Grey Lushill, Hannington, SN6 7TA
Agent:	PJ Planning Cradley Enterprise Centre, Box no 15, Maypole Fields, Cradley, B63 2QB

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. **Proposal:**

- 1.1 This application seeks full planning permission for the demolition of the existing factory buildings on site and the erection of 77 dwellings (C3) comprised of 71 apartments (31 x 1 bed, 40 x 2 bed) and 6 (2 bed) townhouses (duplexes) contained within one single block of between 4 and 6 storeys.
- 1.2 This represents a mix of 40% 1 bed units, 60% 2 bed units 8% of which are two bed 'townhouses' (larger duplex apartments).
- 1.3 The development comprises of a brick built corner block faced primarily in brickwork however the upper floor of the Loveday Street frontage would include metal cladding to the upper floor with a 'M shaped' profile forming a mansard roof.
- 1.4 The building is at its tallest on the street corner (6 storeys) dropping down either side to address the prevailing building heights. Overall the development is 'U shaped' as it also addresses the car park to the south-eastern boundary with the adjacent listed buildings.
- 1.5 The development would be car free however 75 cycle spaces are provided on site within the building.
- 1.6 In terms of amenity space the apartments would benefit from a landscaped private courtyard space with ground floor apartments having their own private areas. In addition all units would also benefit from either full depth or Juliette balconies.
- 1.7 The flat roof would house an array of photovoltaic panels behind the parapet together with a green roof on the Princip Street part of the building.
- 1.8 The application is supported by a Design and Access Statement; Ecology Survey; Energy/Sustainability statement; Financial Viability Appraisal; Heritage Statement; Land Contamination report; Noise Assessment; Sunlight / daylight assessment; Sustainable Urban Drainage Report; Transport Statement and Travel Plan.

1.9 [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1 The site covers an area of approximately 2ha, and slopes towards the east / south east through the site (and onwards down to the canal).
- 2.2 The site is occupied by two warehouse buildings of two- three storeys, with a chamfered corner to the crossroads, erected in the 1960/70s. Access is gained primarily from Loveday Street, where parking is available within the rear courtyard, with the northern building accessed through a door off Princip Street.
- 2.3 The site is surrounded by listed buildings on all sides ranging between two and three-storeys in height and all dating to the early-mid 19th century. To the north-east the site is adjoined by the Grade II Listed Premises of MA Lloyd and Son at numbers 46 – 48 Princip Street. To the immediate southeast is a Grade II Listed terrace of houses, 44-49 Loveday Street. The area is associated with the Birmingham and Fazeley Canal (which runs parallel to the rear of Princip Street, to the north west).
- 2.4 More recently taller development has been approved and implemented along the canal (along Shadwell Street) and along Lancaster Street (at the far north eastern end of Princip Street)

3. **Planning History:**

None of relevance.

4. **Consultation Responses:**

- 4.1 Environmental Protection; no objection subject to conditions relating to additional contaminated land report, demolition management plan, noise mitigation scheme and mechanical ventilation details.

Air Quality - I am content that the application site is located on roads not subject to excessive air pollution and the air quality levels within the area will be within acceptable standards.

Contaminated land - The application is supported by a phase 1 geotechnical assessment the report recommends further intrusive site investigation, a full Phase 2 intrusive site investigation for chemical contaminants, asbestos and ground gas can be conditioned.

Noise -I am content that the noise environment can be adequately mitigated by design of acoustic treatment to achieve a suitable internal environment.

- 4.2 BCC Archelogy – No Objection.

On balance I would probably agree with the conclusions of the archaeological desk-based assessment that the potential for archaeology of all periods is low and that I would not recommend that further archaeological work is required

- 4.3 Severn Trent Water – No objection subject to conditions

- 4.4 West Midlands Fire Service – recommend compliance with building regulations

- 4.5 BCC Conservation – Objection

I do not think the existing buildings contribute to the setting and therefore significance of the historic Gun Quarter buildings and I do not object to their demolition.

The significance of the heritage assets is derived chiefly from their group value as a historic townscape; the street plan, the consistent scale, use of materials, and the past interrelated functions of workshops, pubs, schools, halls and homes.

The elevational composition has changed from the classically influenced composition of the listed building next door into a fairly standard modern flats arrangement, it feels rather ordinary and disappointing. Such a large building seems at odds with the scale and grain of the adjoining listed and historic buildings along Lower Loveday Street and Princip Street. Breaking the proposals into smaller distinct elements of similar scales to the surrounding buildings seems the obvious thing to do in this context.

The site has listed buildings on all sides along with other buildings on Lower Loveday Street and Princip Street that I would consider to be non-designated heritage assets. The application site is right in the middle of this group and will have a substantial impact upon their setting.

The proposed flanking block on Lower Loveday Street responds quite well to the historic terraces and picks up of many of the design cues, although the previous roof design was preferable and less dominant. The previous version of the Princip Street flanking block was also acceptable but needed to be separate from the corner block to follow the rhythm properties on the street. The proposed corner block does have a long-lost, forgotten historic precedent of sorts, but is a monumental block that has none of the variation / variety that is present on the surrounding historic buildings. I think it is too tall and relates poorly to the surrounding townscape character. I do not think it is harmonious with the surrounding heritage assets and I would say that it is incongruous.

what is currently proposed fails to preserve the setting of the listed buildings and non-designated heritage assets and I would consider it results in less than substantial harm at a moderate level. Amendments to the scheme consisting of reducing the scale and breaking the mass and adding greater variety to elevations and roofs, in keeping with the surrounding character would remove this harm.

- 4.6 BCC City Design – No objection subject to conditions relating to materials, architectural detailing, and landscaping details.

The architect has responded with a stronger and more considered concept. One that helps justify the scale through mitigation and must not be weakened in the future (or scale will need to be reduced again).

- 4.7 BCC Transportation - No objection subject to conditions relating to stopping up of redundant footway crossings, construction management plan, cycle parking provision
- 4.8 BCC Ecology – No objection subject to conditions requiring a construction ecological management plan, green/brown roof details, bat/bird boxes and landscaping details.
- 4.9 Birmingham LLFA – Object , further information required in relation to discharge rate.
- 4.10 West Midlands Police- No objection subject to the inclusion of designing out crime principles

5. Third Party Responses:

- 5.1 The application has been publicised by sending out letters to neighbours, posting a site notice within the vicinity of the site and a press notice. Four representations have been received making the following comments:

Two objections

- The increase in height from the existing building level which would result in a net loss of natural sunlight falling onto my property.

- disappointed that the developers haven't sought consultation with me regarding this development and that I wasn't notified of the proposal.
- Loss of privacy to neighbouring apartments
- Building and works should not impact residents of Bath Street being able to access parking
- Work should not be before 8am or after 6pm
- Contractor should monitor dust during construction
- Contractor should street clean

Two support

- Currently live in a nearby development and street currently has a number of vacant factories, development will regenerate area and help solve the city's housing crises. The Gun Quarter is full of potential and we hope to see this trend more in the future.
- Going to be for the better improvement of the city

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

1. National Planning Policy Framework (if relevant)

Section 11: Making effective use of land - Paragraph 118

Section 12: Achieving well-designed places - Paragraph 124-132

Section 16: Conserving and enhancing the historic environment - Paragraph 189-202

2. Birmingham Development Plan 2017: (if relevant)

GA1: City Centre

PG3: Place making

TP2: Adapting to climate change

TP3: Sustainable construction

TP12: Preserving the historic environment

TP27: Sustainable neighbourhoods

TP28: The location of new housing

TP30: The type, size and density of new housing

TP39: Walking

TP40: Cycling

3. Development Management DPD: (if relevant)

DM2: Amenity

DM10: Standards for Residential Development

DM14: Transport access and safety

4. Supplementary Planning Documents & Guidance:

Places for Living SPG; Places for All SPG; Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment - Historic England (2015); Good Practice Advice Note 3:

the setting of Heritage Assets – Historic England (2017); The City Centre Canal Corridor Development Framework (2002); National Design Guide (October 2019); National Planning Practice Guidance (PPG); Car Parking Guidelines SPG

7. Planning Considerations:

- 7.1 The key issues for this application are;
- a. The principle of the development including loss of employment land
 - b. Design
 - c. Impact on heritage assets
 - d. Sustainable Construction
 - e. Residential Amenity
 - f. Transportation
 - g. Noise, Air Quality and Contamination
 - h. Sustainable Urban Drainage
 - i. Ecology
 - j. CIL/Planning Obligations and Financial Viability.
- 7.2 Paragraph 11 d) states that where the policies which are the most important for determining the planning application are considered out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 8 of the NPPF confirms that in considering whether the policies that are most important are indeed out-of-date, this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 7.3 The Birmingham Development Plan became 5 years old on 10th January 2022. In accordance with NPPF paragraph 74, BDP policies PG1 and TP29 are considered out of date, and the Council's five-year housing land supply must now be calculated against the Local Housing Need figure for Birmingham. As of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking.

Principle of Development

- 7.4 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 with the majority of new housing expected to be delivered on brownfield sites within the existing urban area. Policies GA1.1 City Centre, Role and Function, GA1.2 City Centre -Growth and Wider Areas of Change, and GA1.3 City Centre -The Quarters are relevant they all support the creation of vibrant mixed-use areas, combining the visitor, cultural, commercial and residential offer into a dynamic well-connected area.
- 7.5 Policy GA1.3 'The Quarters' states: -
- 'New development must support and strengthen the distinctive character of the areas surrounding the City Centre Core raising their overall quality offer and accessibility. The City Centre is formed by seven Quarters with the Core at its heart. Within each Quarter varying degrees of change are proposed that relate to the overarching objectives of delivering ambitious growth whilst supporting the distinctive characteristics, communities and environmental assets of each area.
- 7.6 Gun Quarter – Maintaining the area's important employment role and industrial activity complemented by a mix of uses around the canal and improved connections to neighbouring areas.'

- 7.7 Evidently, the employment role of the quarter is key to the character. However, mixed uses around the canal and improved connections to neighbouring areas is supported by Policy. There is a mixed-use character within the wider Gun Quarter, including residential use which sit alongside a Core Employment Area, as encouraged, and supported by GA.1.3. Overall, the site is within the City Centre growth area; is adjacent to properties which have been converted to residential use in recent years and importantly sits outside the Gun Quarter Core Employment Area, which is protected for Employment uses, this site is also within the Canal Corridor as defined by the City Centre Canal Corridor Development Framework.

Loss of Employment Land

- 7.8 Policy TP20 states that change of use from employment land to other uses will be permitted where it can be demonstrated that the site is considered a non-conforming use or is no longer attractive for employment use having been actively marketed. The 'Loss of industrial land to alternative uses' SPD sets out other factors to be considered in employment land loss and states that 'Within the City Centre it is recognised that a more flexible approach towards change of use from industrial to residential is required to support regeneration initiatives. Proposals involving the loss of industrial land will be supported, however, only where they lie in areas which have been identified in other planning policy documents, that have been approved by Birmingham City Council, as having potential for alternative uses.
- 7.9 The Birmingham Big City Plan promotes mixed and residential uses within this quarter. It is important to note that this is not a statutory decision-making document and so is afforded little weight. Nevertheless, the site does lie within the 'St George and St Chad' quarter, which encompasses the historic Gun Quarter area of the city. The overall vision for which is "retain the area's focus for employment and industrial activity and improve the connections with the surrounding areas to enable growth of a more diverse mix of uses, including residential, to create a thriving community". Whilst the vision for the area is inclusive of residential use the document is also clear that the central focus is as a location for employment, utilising appropriate assets such as the canal corridor to promote other uses and highlights that connectivity to the city from this quarter is currently poor.
- 7.10 In this instance the application site falls outside of the Core Employment Area and is in an area which has seen significant and rapid change, many surrounding buildings now being in residential use. Including the adjoining buildings. Moreover the site is within the area referred to in the City Centre Canal Corridor as part of the Gun Quarter 'historic' Core as set out in the City Centre Canal Corridor Development Framework (2002). Policy supports mixed use and regeneration of this area.
- 7.11 The supporting submissions to evidence arguments in support of Policy TP20 are not robust. Units 1-3' are currently utilised for fashion accessories wholesaling. The smaller building, Unit 4, is currently occupied for the business activities of The Apolistic Faith Mission Birmingham Central Assembly Limited. Whilst the occupation of the smaller unit is considered to be non-conforming and therefore satisfies the requirement of Policy TP20 strong supporting evidence in relation to units 1-3 has not been forthcoming.
- 7.12 This identified conflict with Policy TP20 should be weighed in the planning balance

Provision of Housing

- 7.13 Policy TP27 of the Birmingham Development Plan highlights the significance of housing and its importance in the creation of sustainable neighbourhoods; and how this is underpinned by the provision of a wide choice of housing sizes, types, and tenures to ensure balanced communities are created to cater for all incomes and ages. Policy TP28 'The location of new housing' requires new residential development to be well located listing several requirements a residential development site should meet. The application site is an appropriate location for

housing, in accordance with this policy. Further consideration to the impacts upon the historic environment is later in the report.

- 7.14 TP30 requires proposals for new housing to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods in accordance with the most recent housing market assessments.
- 7.15 The scheme provides 71 apartments, 31 x 1 bed and 40 x 2 bed and 6 x 2 bed townhouses contained within one single block of between 4 and 6 storeys. This represents a mix of 40% 1 bed units, 60% 2 bed units 8% of which are two bed 'townhouses' which are essentially duplex apartments.
- 7.16 The proposal delivers a total of 77 units of residential accommodation on a brownfield site, within a sustainable location, helping to deliver housing in accordance with the government's commitment to significantly boosting the delivery of housing and would assist in meeting the shortfall in the five-year housing land supply. This weighs in favour of the application. Whilst the mix of housing fails to provide larger units of accommodation (3+ bedrooms), the mix is weighted in favour of two beds. This mix can be supported in the City Centre location, on a site of this character.
- 7.17 Overall, Policy PG1 and GA1.3 support development proposals in identified sustainable growth areas such as this. The loss of employment land within the city is not supported unless it meets the objectives of Policy TP20, in this instance unit 4 is non-conforming, whilst the evidence provided in relation to units 1-3 does not satisfy the Policy. The site is sustainably located with access to facilities and service by sustainable modes of transport and the proposal provides a satisfactory mix of housing adding to the types of accommodation available across the city in accordance with TP27, TP28 and TP30. Therefore overall on balance the principle of the proposed redevelopment for residential purposes can be supported.

Design

- 7.18 Policy PG3 of the BDP (2017) advises that all new development must ensure high quality design. It states that development should create a positive sense of place and local distinctiveness; design out crime and make provision for people with disabilities; encourage people to cycle and walk; ensure spaces are attractive and functional in the long term; integrate sustainable design; and make the best use of existing buildings and efficient use of land.
- 7.19 The area has undergone significant change recently, with several developments and planning permissions for conversions of some of the existing historic buildings into residential uses and the erection of new build residential properties.

7.20

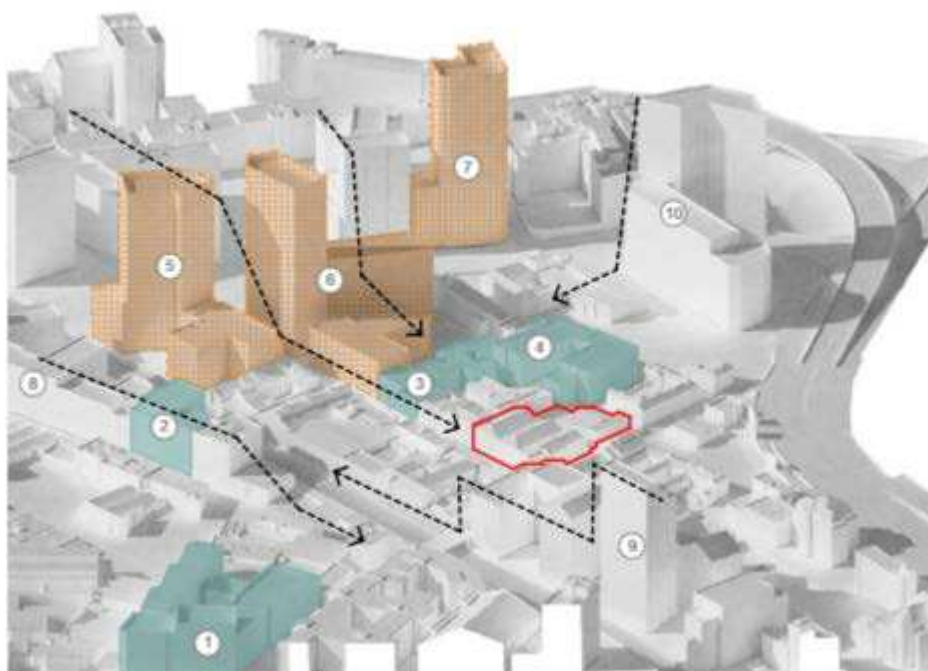


Figure 1. Shows surrounding residential developments

- 7.21 The existing buildings on site are low quality and do not reflect the historic character of the Gun Quarter. The proposed development is an opportunity to re-develop the site with a high-quality design.
- 7.22 The proposal seeks to develop at back of footpath with a corner development that reinforces the crossroads, this layout is acceptable. Concern with scale has been expressed with much of the surrounding historic buildings being lower. The proposed development at its corner, would be of a greater scale these historic buildings. However, the flanking buildings along Princip Street and Loveday Street relate well to adjacent buildings being 4 storeys, whilst the corner building at 6 storeys is dominant, it relates well to the scale emerging along Shadwell Street. Further, the application sites' position at a crossroads accommodates additional scale well.



Figure 2. Proposed development on Loveday/Princip Street junction

- 7.23 City Design colleagues have no objection to the proposal and consider the architecture to be responsive to the surrounding heritage without being literal. The use of deep rusticated brick work, staggered window alignment and full height glazing (without transom lines) is welcomed and ensures a high-quality finish. This final detail should be secured via condition as suggested. The Flanking building along Loveday Street has a metal mansard element which is an interesting design feature of the proposal as is the large corner entrance which comprises a round headed arch reflective of the 'People's Hall' which once sat at the site.



Figure 3. Princip Street façade detail



Figure 4. Proposed Loveday Street elevation

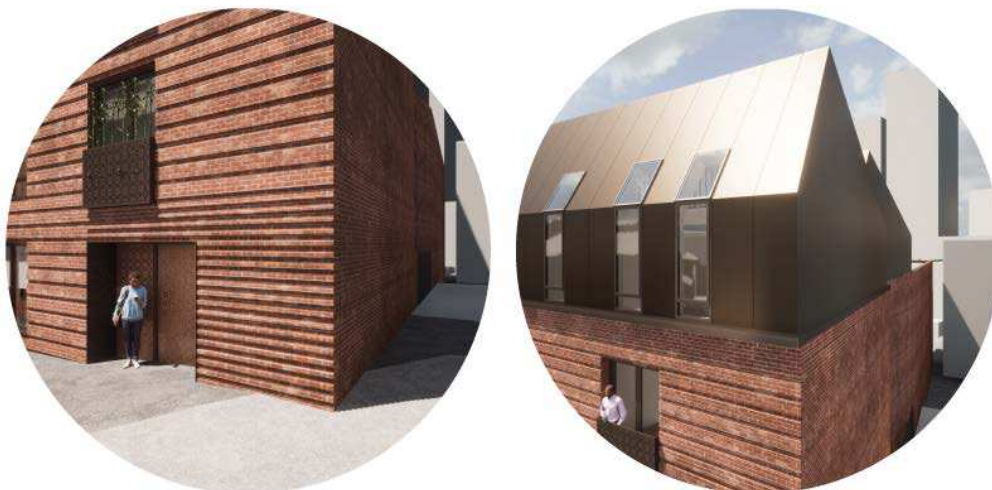


Figure 5/6. Proposed Loveday Street façade detail

Impact on the Historic Environment

- 7.24 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.
- 7.25 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 (NPPF paragraph 199).
- 7.26 The site is located within the 'Gun Quarter' and is adjacent to several listed buildings, whilst this is a historic townscape this is not a conservation area. However, I am advised that the application site in the heart of the surviving historic buildings, is important to the historic character of the area.



Figure 7. site and surrounding listed buildings (green hatched)

- 7.27 The existing buildings on site are later than the surrounding historic buildings and are not considered to contribute to the setting and therefore significance of the historic Gun Quarter buildings but in fact, detracts from them. Therefore, I agree that the principle of their removal is acceptable in this regard.
- 7.28 The significance of the heritage assets identified is derived chiefly from their group value as a historic townscape; the street plan, the consistent scale, use of materials, and the past interrelated functions of workshops, pubs, schools, halls and homes.
- 7.29 The proposed design takes inspiration from the People's Hall of Science that once occupied the site. The scale of the flanking blocks is considered acceptable, although amendments to the Loveday Street flank increase the ridge height and reduce subordination to the corner block.
- 7.30 Conservation Officers had suggested that the flanking blocks need to be better

distinguished from the corner block, making them look more like three separate structures which in their view would be more in keeping with the grain of the area. Following amendments, it is still felt that such a large building is at odds with the scale and grain of the adjoining listed and historic buildings along Lower Loveday Street and Princip Street.

- 7.31 The Conservation advice is that the corner block is too tall and relates poorly to the surrounding townscape character, is not harmonious with the surrounding heritage assets and is incongruous.
- 7.32 Conservation Officers advise that the development as currently proposed would not preserve the setting of the surrounding heritage assets due to the scale and appearance of the scheme and the introduction of such a monumental building into such a sensitive location which results in less than substantial harm at a moderate level.
- 7.33 The identified harm to the setting of designated heritage assets should be weighed against the public benefits of the proposal. Further, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the non-designated heritage assets identified in accordance with Paragraph 202 and 203 of the NPPF.

Sustainable Construction

- 7.34 The Guidance note on Sustainable Construction and Low and Zero Carbon Energy Generation (2021) provides guidance to developers on how to achieve the requirement of Policies TP3 and TP4. This recommends that residential development should aim for at least a 19% reduction in carbon dioxide emission against the Target Emission Rate (TER) of the 2013 Edition of the 2010 Building Regulation (Part L) (i.e. equivalent to Code for Sustainable Homes Level 4 energy criteria). Development should however also incorporate low and zero carbon forms of energy generation.
- 7.35 The application is accompanied by a Sustainability and Energy Report which looks to set out how the proposal will meet the requirements of Policies TP3 and TP4. The Report sets out the sustainable construction methods to be used to ensure savings in air permeability, thermal bridging, heating, hot water, ventilation, lighting and suggests the use of Solar Photovoltaic Array system for energy conservation to achieve a 19.6% reduction in CO2 emissions over the TER of Building Regs Part L1A 2013. A condition be applied to secure the details of the measures to be used within the building to ensure this carbon reduction

Residential Amenity

- 7.36 Policy DM10 and DM12 of the DMB (2021) requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. This policy also requires the proposed development to meet nationally described space standards.
- 7.37 All of the units meet or surpass Nationally Described Space Standards. However, some of the 1 bedroom 1 person studio units have bedrooms that are not served by a separate bedroom window. These bedrooms are not shown to be divided from the main living area by a door. All other habitable rooms receive daylight via a window directly serving the room.
- 7.38 The application is supported by a daylight/sunlight assessment. Windows within adjacent properties which are not residential have been discounted. Some windows within 90 Loveday Street, 100, 101 Bath Street 37 and 38 Princip Street fall short of

BRE guidance, however the report highlights that in an urban context such as this some shortfall is expected, and acceptable levels of amenity can still be maintained. Some of the affected properties at Princip Street are multiple aspect rooms and some of the rooms identified are bedrooms where the guidance sets out daylight levels are not as important as to other habitable rooms such as living rooms. Only one window within 44 to 47 Princip Street falls short of vertical sunlight guidance but all meet daylight distribution. The windows within Block E of Snow Hill Wharf meet the recommendations. All windows that face within 90 degrees of due south have been tested for sunlight. All windows with a requirement for sunlight satisfy the BRE direct sunlight to windows requirements. There are no gardens or amenity areas directly to the north of the development, therefore it will not create any new overshadowing to gardens and open spaces.

- 7.39 The adjacent 'Presswork's' development on Princip Street has a three-storey wing, projecting along the shared boundary. This contains single aspect residential accommodation turning its back to the application site. This neighbouring development encloses the eastern boundary of the proposed courtyard. The windows within the proposed development would not have a direct view in to the back of this wing, which contains no openings on this elevation. The corner block of the proposed development is higher, than this development with proposed windows serving habitable rooms to the east elevations and the north elevation of the returning wing to the south of the application site. However, the projecting wing within the application site is three storeys, and so would not overlook this adjacent development, the east facing windows look on to blank elevations. Therefore, privacy is maintained to this adjacent site.



Figure 8. Window positions facing north east along Princip Street

- 7.40 To the south east of the application site, along Loveday Street, No.47-49 remain in commercial use as are the units within Partridge Court, accessed off Price Street. The south east 'gable end' elevation of the proposed development is blank other than circulation space windows.



Figure 9. Window positions facing south east along Loveday Street

- 7.41 Where there are residential properties opposite the development site, these are across intervening highways where shorter separation distances between windows is accepted as this is dictated by the existing width of the highway and these close relationships across public facing spaces are commonplace and acceptable.
- 7.42 Places for Living sets out that for flats 30sq. m. of communal amenity space per unit should be provided. There is a courtyard to the rear of the premises, enclosed by on all sides by the development or adjacent buildings. However, this space amounts to only 300m² which is short of the guidance. Some of the courtyard space is taken by 5 private amenity areas, which serve some of the ground floor units. Whilst this is below the recommended standards, the constraints of the site do not allow for a greater amount of space whilst also developing the site in such a way as to reflect the pattern of development in the area at back of footpath whilst also being financially viable. Internally, the residents have access to an area of shared amenity/workspace on the lower ground floor, which also serves as the main entrance. There are several lockable store units within the lower ground floor as well as bike storage and bin stores.



Figure 10. Landscaping of proposed courtyard amenity space

- 7.43 Therefore, notwithstanding the concerns raised in relation to residential amenity by objectors it is considered that the proposal would provide acceptable levels of residential amenity for neighbouring residents, as well as for potential future occupiers in accordance with Policy DM2 and DM10 of the DMB (2020).

Transportation

- 7.44 Policy DM14 of the emerging Development Management in Birmingham DPD states that development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an unacceptable adverse impact on highway safety
- 7.45 The scheme provides 100% cycle parking provision and will be serviced from on-street where the parking restrictions permit this. No vehicle parking is proposed as part of this development. The site is within 240m walking distance of a bus stop on the western side of New Town Row and 500m on the east, which would encourage modes of transport other than the car to and from the site. The city core with all of its amenities lies close by on the other side of the Queensway. BCC Transportation has no objection to the proposal subject to a condition to ensure that adequate cycle storage is provided at the site

Noise, Air Quality and Contamination

- 7.46 The site is within the gun quarter and there are some adjacent manufacturing units but these are mainly gun works and have low amenity impact. Mechanical ventilation will be required on facades facing roads and should therefore be conditioned as should glazing specification to limit internal noise levels.
- 7.47 The proposal will not generate additional air quality impacts and air quality levels within the area will be within acceptable standards. However, a Construction Environmental Management Plan should be provided by condition. A full Phase 2 intrusive site investigation for chemical contaminants, asbestos and ground gas will also be required by condition.

Sustainable Urban Drainage

- 7.48 BDP Policy TP6 'Management of flood risk and water resources' requires a sustainable drainage assessment and maintenance plan for all major developments. The scale of the proposal also requires a Flood Risk Assessment. BDP Policy TP2 'Adapting to climate change' and TP3 'Sustainable construction' states that new development should be designed and constructed in ways to conserve water and reduce flood risk, promoting sustainable drainage systems.
- 7.49 The site lies within Flood Zone 1 and is therefore appropriate for residential development. The existing site is extensively developed with impermeable areas (buildings and hard surfacing). The proposals will result in no net increase in the impermeable area, and no additional demand for surface water to be drained to sewers.
- 7.50 The proposed discharge rate has been limited to 3l/s however for sites of this size and scale the LLFA require a further reduction of this discharge rate to 2 l/s. However, the LLFA state that if Severn Trent water support a discharge rate lower than 3l/s the LLFA would support their position. STW have confirmed that they accept the discharge rate as proposed.
- 7.51 The LLFA seek details calculations to support the proposed strategy as well as exceedance flows, cross sections of SuDS, finished floor level details and a management and maintenance strategy. It is considered that in this instance it is acceptable to seek these details by way of condition.

Ecology

- 7.52 Policy TP8 'Biodiversity and Geodiversity' requires all development, where relevant. NPPF para 174 requires planning decisions to contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity to support the enhancement of Birmingham's natural environment.
- 7.53 The submitted Preliminary Ecological Appraisal confirms that habitats on site are common, of low ecological value and easy to replace, buildings on site were deemed to have low potential for roosting bats, with very limited bat foraging and commuting habitat. The potential for other species of protected or notable mammal species to use the site is deemed to be low, and no current or previous nesting was detected on site.
- 7.54 Landscaping details and details of ecological enhancements (Bat/bird boxes and the green roof) should be secured via condition to ensure the proposal results in ecological enhancements.

Planning Obligations and Financial Viability

- 7.55 The BDP requires 35% affordable dwellings on site for developments of 15 dwellings or more. The NPPF states that where major development is proposed at least 10% of

the homes provided to be available for affordable home ownership. Either on site public open space or contributions towards off site provision for developments of 20 or more dwellings is also required.

- 7.56 The applicant has submitted a viability report with the application which has been independently assessed by the Council's independent viability consultant. The independent consultant concludes that the development can provide the following and achieve a benchmark profit margin of 17.5%.

1 x First Homes 1 bed @ 30% discount
2 x Discount Market Sale – 2 beds @ 45% discount
1 x Discount Market Sale – 1 bed @ 40% discount
Total: 4 units

Or

1 x First Homes 1 bed @ 30% discount as a commuted sum of £63,000
2 x Discount Private Rent – 2 beds @ 45% discount
1 x Discount Private Rent – 1 bed @ 40% discount
Total: 4 units

- 7.57 Contributions have also been requested to fund additional school places. However, the viability assessment demonstrates that the development could not afford to fund this request as well as providing affordable housing, which is considered the priority in this instance.

Other Issues

- 7.58 Whilst the proposal is for residential development, a Gateway One Fire Statement and subsequent HSE consultation is not required. The proposal is less than 7 storeys and less than 18m in height when measured from the upper floor surface of the top floor to ground level on the lowest side of the building, in accordance with guidance. West Midlands Fire Service has highlighted the need for the scheme to comply with the relevant Building Regulations.

8. Conclusion

- 8.1 The proposed development accords with a number of Development Plan Policies, providing a residential development of high-quality design, which adds to the housing mix available across the City contributing to the shortfall in housing land supply, on a brown field site in a sustainable location. These factors weight in favour of the proposal.
- 8.2 However, the proposal also results in the loss of employment land without adequate supporting justification and leads to less than substantial harm of moderate impact, to the setting of several designated and non-designated heritage assets. This conflict with the Development Plan policies and the less than substantial harm caused to the significance of designated heritage assets weighs against the proposal and needs to be weighed against the public benefits.
- 8.2 Following the three strands of sustainable development the benefits of the scheme are identified as
- Economic benefits through the construction of the scheme, creation of jobs and constructions spend, albeit for a temporary period. The continued support of services through additional population.
 - Environmental benefits through the regeneration and efficient use of a brown-field site.
 - Social benefits through the provision of 77 units of residential accommodation.

- The demolition of the existing buildings is a heritage benefit as they currently negatively impact the setting of several Listed Buildings.
- 8.3 Overall, mixed uses around the canal are supported by Policy GA.1.3, the site is within the City Centre growth area; is adjacent to properties which have been converted to residential use in recent years and importantly sits outside the Gun Quarter Core Employment Area. This site is also within the Canal Corridor as defined by the City Centre Canal Corridor Development Framework earmarked for regeneration. Therefore, the loss of employment land at this site would not significantly conflict with the Council's strategic employment Policies and would see the development of this brown field site, which currently has harm to the setting of several listed buildings, with a high-quality residential development, supporting the delivery of the Council's housing requirements. The benefits of the proposal are therefore considered to outweigh the identified harm.

9. **Recommendation:**

- 9.1. That consideration of planning application 2021/08717/PA be APPROVED subject to the completion of a planning obligation agreement to secure the following: -
- a) No.3 affordable Discount Market Sales properties and one First Home in perpetuity, comprised of;
- 2 x Discount Market Sale – 2 beds @ 45% discount
1 x Discount Market Sale – 1 bed @ 40% discount
- And No.1 First Home – 1 bed @ 30% discount
- Or
- No.3 affordable Discount Rent properties in perpetuity and a commuted sum in lieu of First Homes, comprised of;
- 2 x Discount Rent – 2 beds @ 45% discount
1 x Discount Rent – 1 bed @ 40% discount
- a commuted sum of £63,000 (discount of 30%) index linked from the 16th June 2022 in lieu of First Homes on 1 unit,
- b) Payment of £1,500 for the administration and monitoring of this deed to be paid upon completion of the agreement.
- 9.2. In the absence of a suitable planning obligation agreement being completed to the satisfaction of the Local Planning Authority on or before 29th July 2022, or such later date as may be authorised by officers under powers hereby delegated, planning permission be refused for the following reason:
- a) In the absence of a legal agreement to secure affordable housing, the proposal conflicts with Policy TP31 Affordable Housing of the Birmingham Development Plan 2017 and Affordable Housing SPG
- 9.3 That the City Solicitor be authorised to prepare, seal an appropriate agreement under Section 106 of the Town and Country Planning Act.
- 9.4 That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 29th July 2022, or such later date as may be authorised by officers under delegated powers, planning permission for

application 2021/08717/PA be APPROVED, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

-
- 1 Implement within 3 years (Full)
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the submission of sample materials
 - 4 Requires the submission of architectural details
 - 5 Requires the prior submission of level details
 - 6 Sets the level of the finished floor levels
 - 7 Requires the submission of a contaminated land verification report
 - 8 Requires the submission of unexpected contamination details if found
 - 9 Requires the submission of a Noise Mitigation Scheme
 - 10 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 11 Requires the prior submission of underground storage tank details
 - 12 Requires the prior submission of a demolition method statement
 - 13 Requires the prior submission of a construction method statement/management plan
 - 14 Requires the prior submission of a construction ecological mitigation plan
 - 15 Requires the prior submission of details of bird/bat boxes
 - 16 Requires the submission of hard and/or soft landscape details
 - 17 Requires the submission of details of green/brown roofs
 - 18 To ensure energy and sustainability measures are delivered in accordance with statement
 - 19 Requires the provision of cycle parking prior to occupation
 - 20 Removes PD rights for telecom equipment
-

Case Officer: Rhiannon Hill

Photo(s)



Photo 1 – Corner of Loveday and Princip Street – the application site



Photo 2 – Princip Street



Photo 3 – Princip Street – opposite the application site



Photo 4 – Princip Street looking southwest

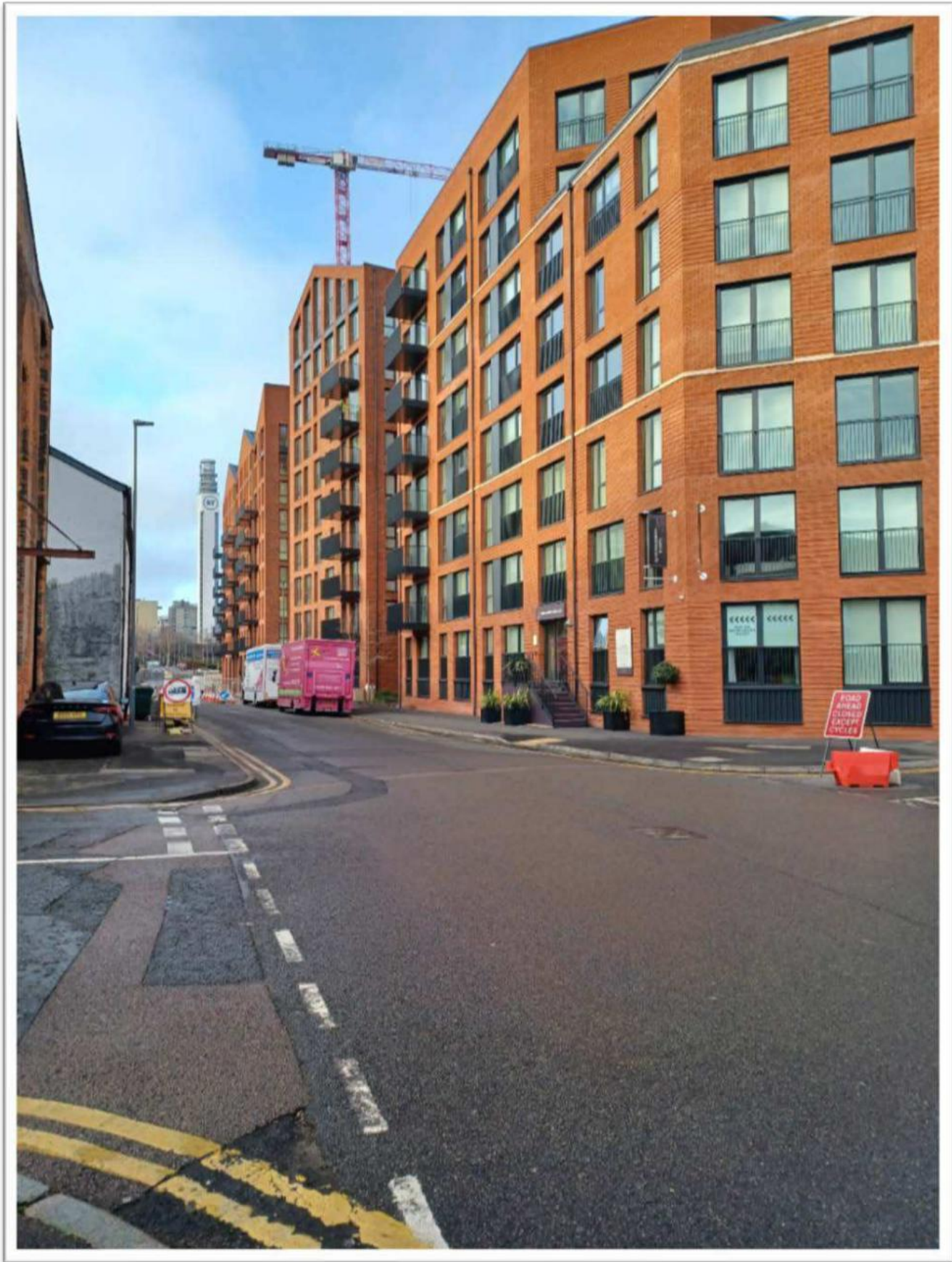
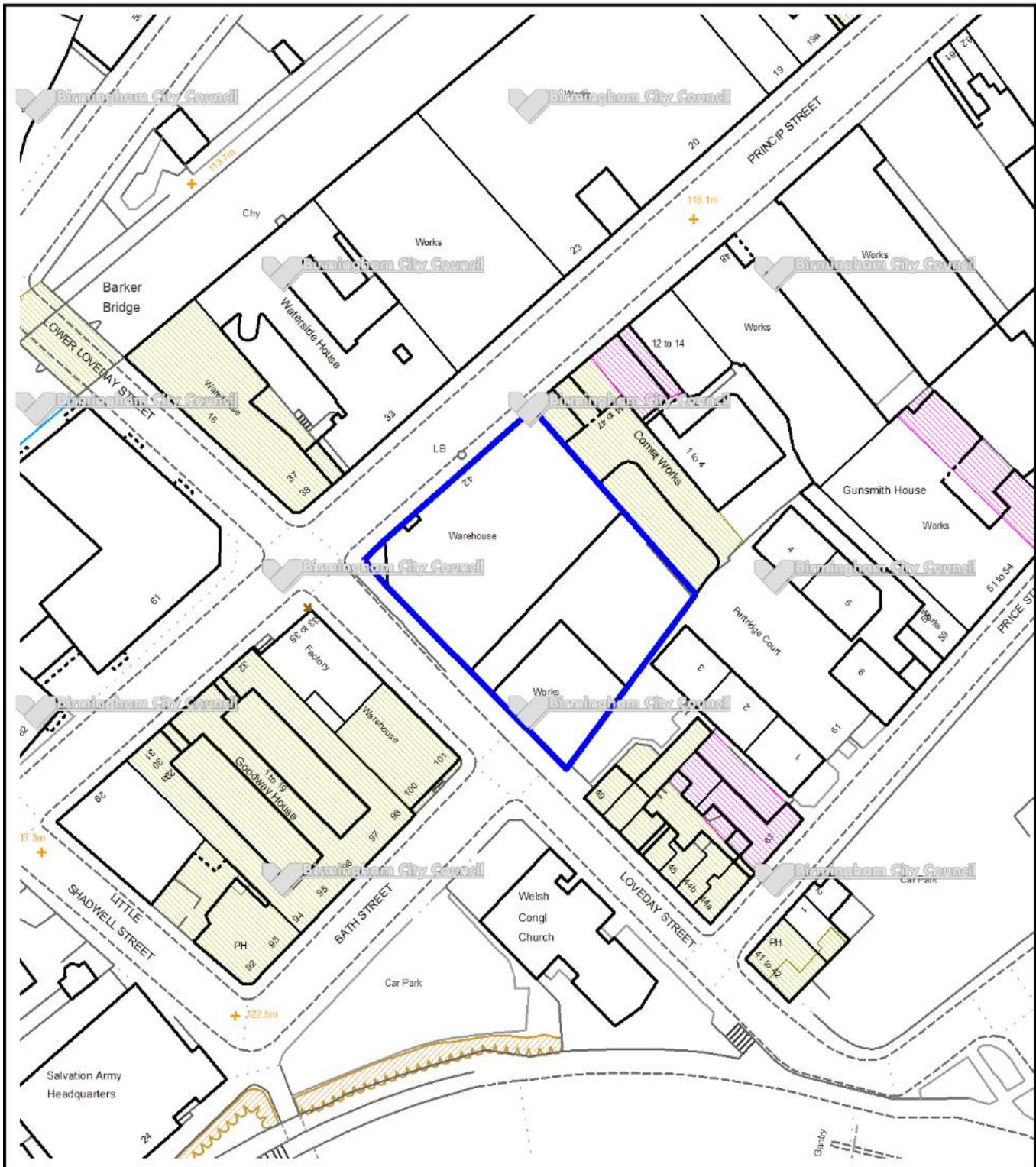


Photo 5 – Princip Street – Corner obliquely opposite the site



Photo 6 – Google Streetview image showing Loveday Street with the application site in the distance on the right beyond the listed buildings

Location Plan



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Committee Date:	16/06/2022	Application Number:	2021/08105/PA
Accepted:	20/09/2021	Application Type:	Reserved Matters
Target Date:	27/06/2022		Development
Ward:	Ladywood		

Plot F, Land at and bounded by Paradise Circus Queensway and surroundings including Chamberlain Square and Paradise Street, Birmingham, B3 3HJ

Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2021/07244/PA for the erection of a 10 storey office building (Building F), with flexible ground floor retail use, and associated development

Applicant: Hermes Three Chamberlain Square Limited Partnership
C/o Agent
Agent: Turley
9 Colmore Row, Birmingham, B3 2BJ

Recommendation

Approve subject to Conditions

1. Proposal:

1.1. This application seeks reserved matters approval for the layout, scale, appearance and landscaping for Three Chamberlain Square (3CS). Since the application was originally submitted there has been a series of minor changes to ensure the development can be viably constructed and delivered. The amendments are: -

- removal of terraces and winter gardens from floors 2-8 of the building;
- amendments to the material strategy including changing the ogee arches at the base of the building from pigmented pre-cast concrete to metal; changing the spandrel panels on the body of the building from terracotta to metal; and proposing a deeper tone of red for the newly proposed metal elements of the building; and,
- other minor changes to the internal arrangement of the core layout and associated changes to door locations on the western elevation at the ground floor level.

1.2. In its revised form the scheme comprises: -

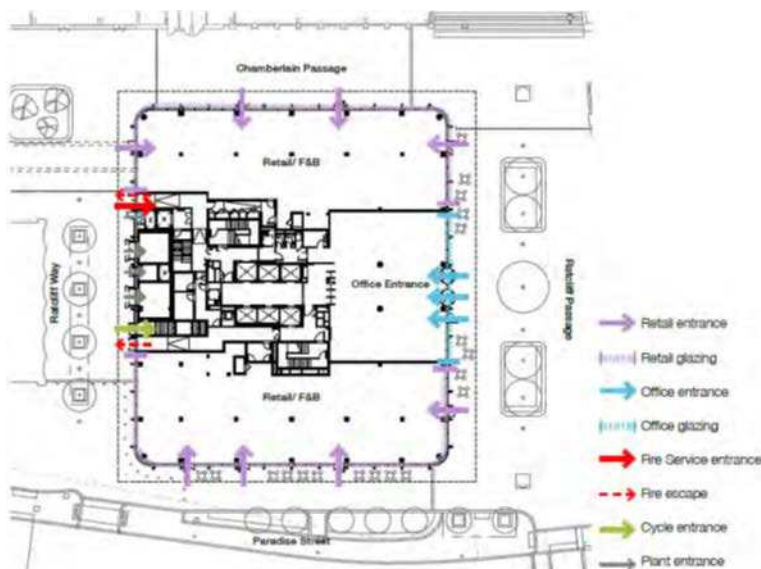
- a 10 storey building, providing circa 22,000sq. m (GIA) of office floorspace;
- 1,330 sq. m (GIA) of ground floor flexible mixed-use floorspace (Use Class E/Sui Generis);
- creation of active frontages to all elevations;
- a roof terrace at level 9;
- a basement including 266 cycle parking spaces and changing facilities;
- a sustainable building achieving BREEAM 'Excellent'

Layout

- 1.3. Vertically, the internal accommodation is laid out with back of house, plant and servicing areas within the basement and on the roof, office reception and mixed use floorspace on the ground floor, and office accommodation on levels 2-9. A large roof terrace of 300sqm at level 9 on the east elevation is also proposed.
- 1.4. The main pedestrian entrance will be from Ratcliff Passage, a reinstated pedestrian route to the east between the proposed office building and the Town Hall. An active ground floor would be created on all sides through ground floor retail/leisure uses on all elevations. On the upper floors, a roof terrace is proposed on the eastern elevation.

Access, Parking and Servicing

- 1.5. The main pedestrian access for office users is on the eastern elevation, fronting the Town Hall, with secondary accesses into the retail units proposed on all building elevations. Access for cyclists will be via a dedicated and secure access, located on the western elevation, into the basement cycle store and changing facilities.
- 1.6. In the basement, 250 cycle spaces are proposed for use by office and building management staff, and 16 cycle spaces for retail / restaurant staff (266 spaces in total) alongside changing rooms, showers, and lockers. Visitor cycle parking is provided in the central cycle hub located in the wider Paradise development basement.
- 1.7. The proposed building does not propose any vehicle parking, although provision for disabled users and motorcycles (unallocated to specific buildings) is accommodated in the underground car park, being delivered as part of the wider Paradise development.
- 1.8. All buildings within the Paradise development are serviced below ground via the central basement car park / servicing area. The proposed building is connected to this via a basement level service access tunnel to the west of the building. There is also limited vehicular access at the street level for emergency access, including fire tender access.



Ground floor layout and access arrangements

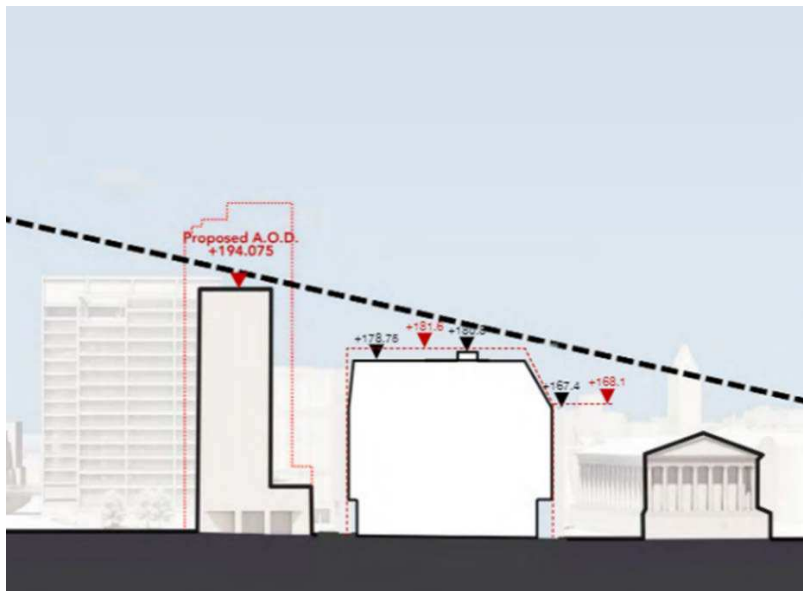
Scale

- 1.9. The scale and massing of the proposed building has been designed in accordance with the Parameter Plans and Design Protocol set out within the outline planning

permission. The building parameters for the proposed office and confirmation of compliance are set out in the table below

	Minimum	Maximum	Proposed
Width	44.75	53.00	53.00
Length	46.30	48.50	48.50
Height	166.70 AOD	181.60 AOD	178.75 AOD*

* Height of level 9 parapet



Building height parameters

Appearance

- 1.10. The elevations to the east and south have primacy over the north and west, marking their importance in addressing the site’s context, and responding to specific requirements of the Paradise Design Protocol.
- 1.11. The eastern elevation is the primary façade: it includes the building’s main entrance and roof terrace. The upper levels of Three Chamberlain Square have been designed to be recessive by inclined facades on all elevations, with the steepest angle on the eastern façade facing the Town Hall. The incorporation of a two-storey cantilever all around the building further reduces its mass and creates additional space between the building and the Town Hall at street level. The southern façade forms part of the new street frontage on Paradise Street, reinstating this historic street edge.

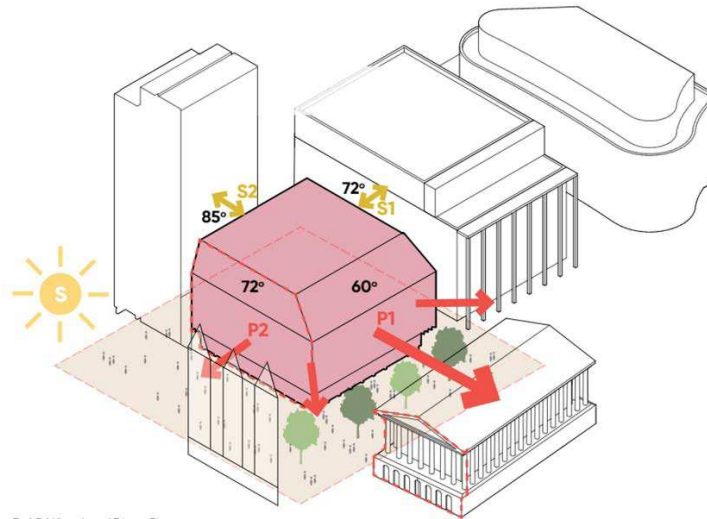
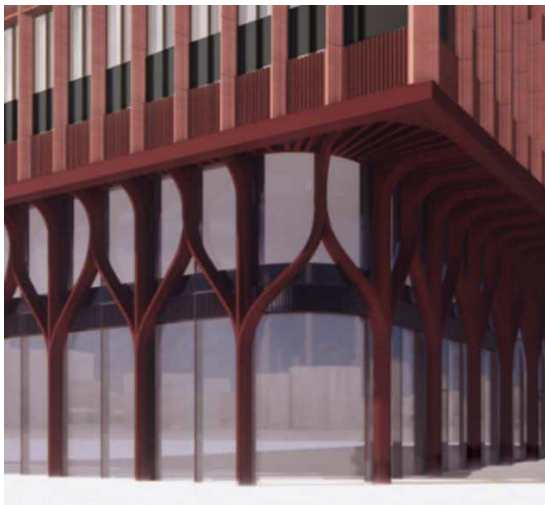


Fig 1.7.4 Hierarchy and Primacy Diagram

- 1.12. The proposed building has a clear base, middle, and top with the architectural detailing including: -
- a two-storey base set back under cantilevers, with glazed shop fronts and defined entrances. The depth of the set-back differs on each façade of the building, responding to the elevational hierarchy and structural grid. The base is defined by a series of fluted columns;
 - a middle with a vertical expression, consisting of terracotta ribs that are fluted and run up the building in a 1.5m repeating bay;
 - a top to the building with a pitched articulated roofline and roof top screening.



Base of the building

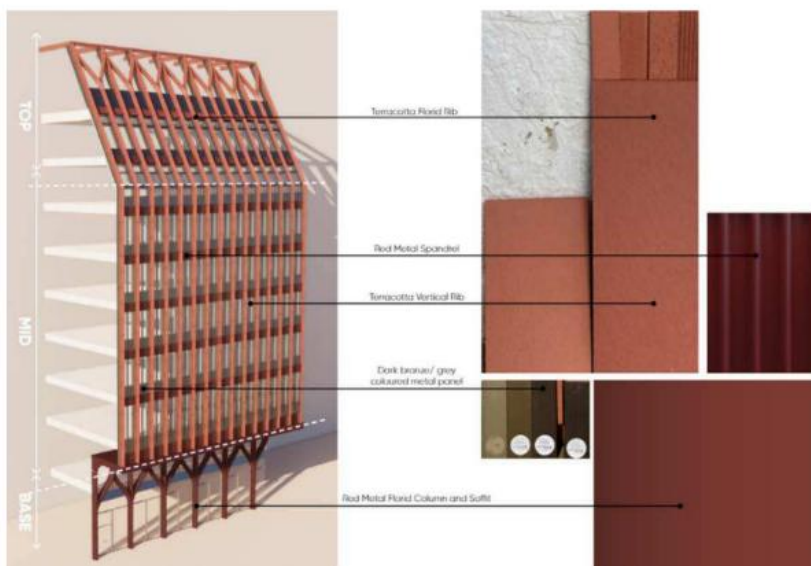


Top of the building



Illustrative view of the roof terrace

- 1.13. The main materials are terracotta vertical ribs for the upper floors, metal ogee arches at the base of the building and a metal framed glazing system with metal spandrel panels.



Proposed building materials

Landscaping

- 1.14. The landscaping surrounding the proposed development is subject to a separate Reserved Matters Application for the Phase 2B public realm, which has now been approved. This includes key circulatory routes and public spaces, including those immediately surrounding the proposed building, such as Ratcliff Passage and Ratcliff Square. The scheme also includes a roof terrace at level 9.

Supporting Statements

- 1.15. The application is supported by the following technical documents: -

- Planning Statement
- Heritage Statement
- Sustainable Construction and Energy Statement
- BREEAM Pre-Assessment
- Drainage Strategy
- Flues, extraction and ventilation strategy
- Transport Statement
- Phase 2 Daylight / Sunlight / Overshadowing Assessment
- Phase 2 Wind Assessment
- Statement of Community Involvement

- 1.16. [Link to Documents](#)

2. Site & Surroundings:

- 2.1. The site measures 0.25 hectares and is in the south eastern corner of the Paradise development site. The site is vacant, with the previous buildings having been demolished under the original outline planning permission and is currently being used as a temporary construction compound associated with the wider Paradise development.
- 2.2. The site's immediate surroundings include the Grade I listed Town Hall to the east, Paradise Street to the south, vacant development land to the west, and Two Chamberlain Square to the north. In the future, the vacant development land to the west will be occupied by the proposed Hotel, for which reserved matters approval has been granted under a separate application.
- 2.3. The wider Paradise development site is located between Centenary Square to the west and Chamberlain Square to the east. The site is broadly contained within the former Paradise Circus Queensway gyratory system, which previously ran clockwise around the site, but was redesigned as part of the original outline planning permission. The A38 Queensway tunnel runs underneath the site. Paradise forms part of a transitional area between the traditional 'City Core', including the Central Business District, Retail Core, and civic heart, to the east and the south, the Jewellery Quarter (predominantly residential) to the north, and the wider 'Westside' convention and entertainment quarter to the west.

3. Planning History:

- 3.1. 21/12/2012 - 2012/05118/PA - Listed Building Consent for the demolition of Congreve House and restoration works to the first and second floor façade of the Council House Extension. Approved.
- 3.2. 08.02.2013 – 2012/05116/PA – Outline planning application (all matters reserved save for access) for demolition of all buildings on the site (save for the Joseph Chamberlain Memorial) and commercial led mixed use redevelopment of up to 170,012 square metres gross internal floorspace, comprising offices (Use Class

- B1a), retail and leisure units (Use Classes A1/A2/A3/A4/A5/D1/D2), concert hall (D2), energy centre (Sui Generis), together with a hotel of up to 250 bedrooms (Use Class C1), car parking, highways works (to include the closure of eastern arm of Paradise Circus gyratory), public realm improvements and associated works including alterations to public rights of way. Approved.
- 3.3. 10.10.2014 – 2014/05319/PA – Variation of Conditions 2, 5, 6, 7, 10, 11, 12, 13, 15, 16, 18, 22, 24, 25, 26, 27, 29, 30, 32, 36 and 55 attached to planning permission 2012/05116/PA. Approved.
 - 3.4. 17/09/2015 - 2015/05009/PA - Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of a part eight, part nine storey office and retail building (Building E) and associated development. (2 Chamberlain Square). Approved.
 - 3.5. 17.09.2015 – 2015/05010/PA – Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for phase 1 public realm (including Chamberlain Square) and basement car park/servicing areas. Approved.
 - 3.6. 17.09.2015 – 2015/05012/PA – Reserved matters application (scale, appearance, layout and landscaping) pursuant to outline approval 2014/05319/PA for the erection of an eight storey office and retail building (Building D) and associated development. Approved.
 - 3.7. 17.09.2017 – 2017/03356/PA – Variation of conditions 40, 43 and 44 to allow for changes to the approved plans and design protocol, variation of condition 56 to allow for a reduction in the minimum distance between the hotel and building F, variation of condition 41 to allow for an increase in the number of hotel bedrooms and the removal of condition 53 to remove the requirement for the replacement of the Adrian Boulton Hall of application 2014/05319/PA. Approved.
 - 3.8. 01/03/2018 – 2017/10835/PA – Reserved Matters Application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2017/03356/PA for the erection of a fourteen storey office and retail building (Building G) and associated development. Approved.
 - 3.9. 27/12/2018 – 2018/09441/PA – Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2017/03356/PA for public realm proposals relating to Phase 2a of the development. Approved.
 - 3.10. 26/07/2019 – 2019/05220/PA – Variation of Condition No 41 attached to approval 2017/03356/PA to vary the wording to enable the proposed restaurant operator to occupy Retail Unit. Approved.
 - 3.11. 23/08/2021 - 2020/08215/PA - Demolition of existing buildings, site clearance and the erection of 49 storey building comprising 370 residential apartments (Use Class C3), lower ground/upper ground floor commercial/leisure space (Use Class E (a), (b) and (d) and residents' reception, amenity space, storage and cycle parking, accessible parking spaces, pedestrian and service vehicular access, highway works, plant, landscaping and associated works at Plot A of Phase 3. Approved.
 - 3.12. 10/11/2021 - 2021/08276/PA - Application for a Certificate of Lawfulness of proposed use or development for the continued implementation of the outline planning permission for Paradise (reference 2017/03356/PA) following the implementation of the planning permission for octagon (reference 2020/08215/PA). Granted.

- 3.13. 10/03/2022 - 2021/07244/PA – Application for variation of conditions attached to planning permission reference 2017/03356/PA including: variation of conditions 40, 43 and 44 to allow for changes to the approved plans, parameter plans and design protocol (to reflect proposed changes to building heights and massing, as well as changes to highways layout); variation of condition 55 to allow flexibility for an alternative hotel taxi drop off and servicing strategy; variation of condition 41 to allow for changes to the maximum floorspace limits for ancillary uses and changes to the maximum unit size for ancillary uses; variation of condition 39 to allow demolition to occur prior to reserved matters approval; and variation of conditions 28, 35, 41 and 49 to reflect amendments to the Use Class Order – Approved.
- 3.14. 10/03/2022 - 2021/08104/PA - Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2021/07244/PA for public realm proposals and associated development relating to Phase 2b of the development. Approved.
- 3.15. 10/03/2022 - 2021/08106/PA - Reserved Matters application (scale, appearance, layout and landscaping) pursuant to outline planning permission 2021/07244/PA for the erection of a seventeen-storey hotel, with ancillary restaurant and bar, and associated development – Approved.

4. Consultation Responses:

- 4.1. Urban Design Manager – the design is less bold and confident than originally envisaged which is regrettable for the City, however, it will still deliver regeneration to the Civic Quarter in a unique building.
- 4.2. Conservation Team - the proposal would cause less than substantial harm to Alpha Tower and the Town Hall through development in their setting and a diminished ability to appreciate significance. The harm is caused by virtue of scale and, in my opinion, perpetuated through the proposed use of red terracotta. The planning case officer will need to be satisfied that the overall benefits of the proposal can successfully outweigh these two counts of less than substantial harm in order to meet the tests of paragraph 202 of the NPPF. Considers the recent amendments to include metal in the materials palette as regrettable but does not alter their initial conclusions regarding the level of harm and conclude that the development is acceptable subject to conditions.
- 4.3. Planning Ecologist - plain sedum matting is not an acceptable finish for biodiversity roofing. Green roofs can and should be more diverse even when they are combined with Solar PV panels. Details of the Biosolar roofing should be supplied and indicating how this meets the GRO code of best practice 2021.
- 4.4. Regulatory Services – the proposed flues and ventilation strategy is acceptable with all ventilation systems at the level 9 and with any future commercial kitchen extracts discharging at level 10. There are no contaminated land issues.
- 4.5. Transportation Development – no objection subject to conditions:
- recommend the cycle parking area access down the one flight of stairs has a wheeling ramp fitted to make it easier to access as this is just dedicated for cyclists;
 - cycle parking and servicing access are all in place prior to the building being occupied
 - a Travel Plan is progressed through the Mode Shift Stars programme;
 - a Construction Management Plan is required to detail the programme and logistics around construction.

- 4.6. Historic England – In response to the amended plans remain concerned regarding the application on heritage grounds as a result of the increased prominence of the proposed building in the context of the Town Hall. The scheme seeks a bold departure from the prevailing tone of materials in its immediate context which could further increase its prominence. They welcome the use of terracotta (and regret its reduced use overall in the amended plans) and continue to strongly recommend that any final choice of materials, and their colour, are considered on site in detail by the local authority's expert Conservation Officers.
- 4.7. Victorian Society – Object. They note that they previously objected to the masterplan and overall scale of the building given its impact upon the Town Hall. Consider that the choice of red / terracotta for the façade is inappropriate and a buff or grey material that is more subtle should be used so as not to dominate the Town Hall. Considers citing high levels of sustainability to be irrelevant when considering its impact upon the Town Hall. Also consider the opening up of the view of Queens' College Chambers irrelevant as this was never intended to be seen as an axial building. They also consider the Victoria Square view as disturbing because the proposed building is places and an angle to the Town Hall, looking unrelated to it.
- 4.8. They are dismayed by the most recent amendments to the design that introduce metal into the elevations. They consider not only the colour is inappropriate but also the metal would not be of sufficient high quality for such a location.
- 4.9. They note that they have an interest in the Town Hall because of its significance in Victorian Birmingham and because of the work undertaken to the building later in the 19th Century. However they note that the primary consultee for this asset should be the Georgian Group.
- 4.10. West Midland Police – a suitable barrier should be installed to the roof terrace and any furniture on the terrace should be located and secured so it cannot be used as a climbing aid, the development should comply with Secured by Design Commercial and a Protective Security Strategy should be progressed.
- 4.11. West Midlands Fire Service – approval of Building Control will be required to Part B of the Building Regulations 2010.
- 4.12. Network Rail – the proposal includes works for a basement very close to a Network Rail tunnel and they would need to be satisfied that the proposal will not impact the existing railway infrastructure both during construction and as a permanent arrangement.

5. Third Party Responses:

- 5.1. Nearby occupiers, residents' associations, local ward councillors, MP, Retail Birmingham BID, Colmore Row BID and Westside BID have been notified, Site and press notices have also been displayed.
- 5.2. Birmingham Civic Society:
 - the layouts appear to work well and the building sits well in the context of the masterplan on ground level. A lot of the services/access/urban realm works very well. Main access into the building from Ratcliff Passage, and with retail units on the ground floor allows for an active frontage next to the Town Hall. The height of Three Chamberlain Square and the Hotel have a gradual step from the Town Hall to Alpha Tower. The two-floor base of the building is set back under cantilevers, and this was considered effective.
 - they do not accept that the development constitutes a positive impact on the views of the Town Hall from New Street/Colmore Row, but overall it looks

acceptable from all others. There will be some negative impact on the Town Hall setting. The view from New Street was considered unsympathetic and in this the proposed development does look overbearing over the Town Hall. The proposal was considered sympathetic to the Grade II Alpha Tower. The Alpha Tower remains visible from the Town Hall; the matter of vistas was considered important in the whole Paradise development.

- materials were considered to complement the Town Hall, and the red terracotta ribs were considered appropriate to the developing context.
- low Carbon- anticipated BREEAM Excellent. Cycle spaces are proposed which exceed the provision required in the SPD.
- overall, they support the application but the visual impact from some quarters is excessive in this very sensitive context.

6. Relevant National & Local Policy Context:

6.1. National Planning Policy Framework

- Section 8 Promoting healthy and safe communities - Paragraph 91-92
- Section 9 Promoting sustainable transport - Paragraph 102
- Section 11 Making effective use of land - Paragraph 118
- Section 12 Achieving well-designed places - Paragraph 124-132
- Section 16 Conserving and enhancing the historic environment - Paragraph 189-202

6.2. Birmingham Development Plan 2017

- Policy PG1 Overall levels of growth
- Policy PG2 Birmingham as an international city
- Policy GA1 City Centre
- Policy PG3 Place making
- Policy TP1 Reducing the City's carbon footprint
- Policy TP2 Adapting to climate change
- Policy TP3 Sustainable construction
- Policy TP4 Low and zero carbon energy generation
- Policy TP6 Management of flood risk and water resources
- Policy TP7 Green infrastructure network
- Policy TP12 Historic environment
- Policy TP21 The network and hierarchy of centres
- Policy TP22 Convenience retail provision
- Policy TP24 Promotion of diversity of uses within centres
- Policy TP38 A sustainable transport network
- Policy TP39 Walking
- Policy TP40 Cycling
- Policy TP45 Accessibility standards for new development

6.3. Development Management DPD

- DM2 Amenity
- DM4 Landscaping and trees
- DM6 Noise and vibration
- DM14 Transport access and safety
- DM15 Parking and servicing

6.4. Supplementary Planning Documents & Guidance:

- Places for All SPG;
- Car Parking Guidelines SPD;
- Draft Birmingham Design Guide SPD;
- Colmore Row and Environs Conservation Area Appraisal and Management Plan

- Jewellery Quarter Conservation Area Appraisal and Management Plan

7. Planning Considerations:

- 7.1. This application is a Reserved Matters Application for scale, appearance, layout and landscaping pursuant to outline planning permission 2021/07244/PA and therefore the principles of location and use are already determined through the original master planning exercise.

Scale

- 7.2. Application 2021/07244/PA amended the parameter plans for Building F to allow it to be larger than originally approved. The proposed building is in accordance with these amended parameter plans - 03 (Building Heights) and 03 (Permitted Deviations).
- 7.3. The City Council's recent assessment of application 2021/07244/PA noted that I concur with the Environmental Statement (ES) submitted for that application in that significant adverse effects were predicted in relation to:
- Public square users of Victoria Square; and
 - Pedestrians and road users of streets to the east of the Site within the Colmore Row and Environs Conservation Area (where the Proposed Scheme can be seen behind the Town Hall).

Also, significant adverse in-combination effects were predicted for open space users at Victoria Square, whereby the Proposed Scheme and Approved Projects would be visible behind the Town Hall when viewed from the east. The presence of modern, tall buildings in the backdrop of the Town Hall was considered to detract from its character and prominence.

- 7.4. Overall, the upper part of the building will have a greater impact, but in terms of scale it can be accepted if mitigated through design.

Appearance

- 7.5. The City Council's Design Manager has commented that the notion behind the building, with its hipped roof is interesting and along with its inset double height ground is a generous offer to the City's townscape. The height of the 'roof' and the base are proportionally correct with the main body of the building and balance well on the east elevation particularly.
- 7.6. However, the form of the roof of the building comprises odd massing. The 5-degree inset angle (at 85-degrees) on the western elevation will look unaligned and not an intent. The 72-degree angle on the north and south elevation will be slightly better. It is regrettable that the 60-degree proposed on the east (towards the Town Hall) is not proposed all round as now the building has a front and a back as opposed to being a truly 360-degree building as intended in the masterplan.
- 7.7. Terracotta, was, from the inception offered up as the principle building material, albeit in an exoskeletal form and in rainscreen. The failure to bring the terracotta down to street level is disappointing and since the submission amended plans have reduced its presence to little more than the vertical members of the upper floors and roof. The reason presented is that it is too vulnerable to accident and difficult in the soffit and there is a need to address sustainability. Instead pre-formed red metal is to be used. The contrast in colour tones between the terracotta and the metal will mitigate this material choice to some degree, but the failure to build a true terracotta building is regrettable.
- 7.8. Aside from the issue of the extent and handling of terracotta, the form of the exoskeleton is commendable. The introduction of the ogee form that creates

arcading around the base of the building, that fluidly turns the corners and transfers the horizontal members across to the centre of the bays, before rectifying itself at roof level is unique. Rarely is architecture today bespoke or individual and here is a scheme that achieves that.

- 7.9. The terracotta exoskeleton extends over the angled roof form to create a roof terrace which can be planted and deliver both amenity but also biodiversity. Visually this could be a risk as the form of the terracotta needs to be perfect and delivered on the soffits of these 'flying' members and clutter can appear over the roof of the Town Hall.

- 7.10. In response the applicant has commented that:

- the roof and its inclines have been considered in detail during the design development of the building. The building will be largely experienced in the immediate locality, or in longer distance views from the east, meaning the differentiation in roof inclines will rarely be discernible or visible, except from views which the hierarchy of angles specifically responds to (such as from eastern views from New Street, Victoria Square, and the Colmore Row Conservation Area). The building successfully achieves a 360 degree aspect, with frontages on all sides, but there is a clear hierarchy of surrounding streets, routes and buildings that the inclines respond to.
- work has been undertaken by the design team, in consultation with contractors and the supply chain, to further develop and investigate ways of constructing the ogee arches proposed at the base of the building, and to ensure the building as a whole can be viably delivered. Consideration has been given to the forming of the complex geometry, ongoing durability and maintenance, as well as the risk of efflorescence that can be experienced with pigmented precast concrete (as previously proposed). The conclusion of this detailed exercise is that would be preferable for certain elements of the building to be constructed using metal, to ultimately ensure deliverability.

- 7.11. Whilst there are concerns over the inconsistent angles of the roof, the mixing of material with the terracotta and the roof terrace, the design is strong in its concept and will have individuality and identity.

Layout

- 7.12. The arrangement of the building's layout is logical. The entrance is on the eastern elevation so as to draw pedestrians along the newly laid out Ratcliff Passage fronting onto the Town Hall, where there will be more dwell space than on Paradise Street itself with the Tram or Chamberlain Square or Ratcliff Square where other building front onto.
- 7.13. Retail units extend the full length of the northern and southern frontages where pedestrian flow will be the strongest, leaving servicing to the west towards the hotel which is least sensitive.
- 7.14. The core of stairs and lifts are centralised so as not to disrupt any of the elevations and a roof terrace towards the Town Hall make the best use of this aspect over the City's Civic Quarter.

Heritage

- 7.15. The Heritage Statement concludes that there would be no harm to the significance of the following listed buildings:
- Baskerville House,
 - Former Birmingham Municipal Bank

- Hall of Memory, (I)
- Edward VII Memorial Statue,
- Council House, City Museum and Art Gallery (II*)
- Queens College Chambers
- Joseph Chamberlain Memorial,
- 80-83 New Street
- 84-87 New Street
- 88-91 New Street
- 92 and 93 New street
- Christ Church House
- 130 Colmore Row
- General Post Office

or to the JQCA and the Colmore Row and Environs Conservation Area.

- 7.16. The Statement concludes that some harm is caused to the significance of Alpha Tower due to the screening effect of the new building, and some harm is caused to the Town Hall as a result of the buildings prominence in views westwards and a resultant reduction in the prominence and dominance of the Town Hall. In both cases the harm is less than substantial harm.
- 7.17. Having considered the assessments of impact to the identified heritage assets as set out in the Heritage Statement the City Council's Conservation Officer generally agrees with the conclusions that for most of the heritage assets no harm will be caused by the proposed development. With regards to levels of harm attached to both Alpha Tower and the Town Hall the City Councils Conservation Officer also agrees with the Heritage Statement that the level of harm is less than substantial however the degree of less than substantial harm is different in each case.
- 7.18. Alpha Tower holds a good level of significance with a strong character and integrity and good qualities in its fabric. The proposed development would have a minor or low adverse impact on significance as the appreciation of the asset (when viewed from the east) would be diminished. The level of harm is at the low end of less than substantial harm, in line with the conclusions drawn in the Heritage Statement.
- 7.19. The Town Hall as a grade I listed building is considered to hold a very high level of significance as a built asset of exceptional importance. The proposed development would have a moderate adverse impact on the significance of the Town Hall being intrusive into its setting so understanding and appreciation is diminished. The level of harm is at the medium or moderate level of less than substantial harm in line with the conclusions drawn in the Heritage Statement.



Illustrative views from New Street and Victoria Square

- 7.20. As the level of harm is 'less than substantial', in accordance with paragraph 202 of the NPPF, it is necessary to weigh the harm against the public benefits of the scheme, bearing in mind the considerable importance and weight to be given to the statutory duty of the Act, and the 'great weight' to be afforded to the conservation of heritage assets under paragraph 199 of the NPPF.
- 7.21. As set out in the Planning Statement submitted in support of the 2021 S73 application, the proposed massing is required to secure the optimum use of the site, enable the delivery of Phase 2, and help unlock and enable the realisation of significant wider public benefits associated with the Paradise development as a whole, as follows:
- creation of a new destination for economic activity and social interactions at the heart of the city;
 - new pedestrian connections from the city core to the surrounding quarters;
 - the delivery of high quality public realm and public spaces, which are enhancing the setting of some of the city's most important heritage assets;

- exemplar architecture creating a new backdrop to the civic centre of Birmingham;
 - contributions towards improving sustainable transport infrastructure within and around the city; and
 - creation of a significant number of FTE jobs during construction and operation.
- 7.22. More specifically, this building and Phase 2 will result in the following public benefits:
- creation of approximately 1,953 FTE office jobs, and approximately 55-74 FTE retail / service jobs;
 - creation of ground floor activity and opportunities for social interaction and spill out space for users of the proposed ground floor retail units;
 - reinstatement of the historic street to the west of the Town Hall (Ratcliff Passage), providing connectivity from Paradise Street to Chamberlain Square, and enhancing the setting of the Town Hall;
 - reinstatement of the statues of James Watts and Joseph Priestly in Ratcliff Passage;
 - opening up of views from Chamberlain Square to Queens College Chambers;
 - reinstatement of the historic building line along the northern edge of Paradise Street, giving enclosure to the street and enhancing the street scape and pedestrian experience; and
 - creation of a new public square and other public spaces and routes.
- 7.23. Overall, it is considered that specific public benefits associated with this building outweigh the 'less than substantial harm' to Alpha Tower and the Town Hall in accordance with Policy TP12 of the BDP, and paragraph 202 of the NPPF. The wider public benefits associated with Phase 2, and the remainder of the Paradise development are also noted and will further mitigate heritage harm.

Sustainability

- 7.24. In accordance with the requirements of the BDP, the development seeks to reduce operational energy use, and incorporate low and zero carbon technologies in order to reduce its overall carbon emissions. The office building will be all-electric with no fossil fuels on site, with energy for heating and hot water provided from low and zero carbon technologies, such as heat pumps, and further reductions through the installation of PV panels. In addition to the winter terrace provision, a green roof is also proposed to enhance the existing green roofs network within the city, enhancing biodiversity and assisting with building cooling.
- 7.25. A BREEAM preassessment has also been submitted which demonstrates that the development is capable of meeting BREEAM standard excellent, which accords with policy TP3 and TP4. A condition is attached to secure a final BREEAM standard excellent certificate.

Transport

- 7.26. The Transport Statement estimates that the cumulative vehicle trip generation for the completed and approved schemes (as well as the proposed Three Chamberlain Square) at Paradise is expected to be around 280 two-way vehicles in the morning peak hour and 307 in the evening peak hour. This is still within the total vehicle trip generation calculated for the full Paradise development at outline planning permission (594 two-way vehicle trips in the morning peak hour and 657 in the evening peak hour), notwithstanding the changes to highway, active and public transport since the application was granted outline consent to reduce vehicle traffic in the city centre.
- 7.27. Therefore, the trip generation and associated traffic impact of the site are less than that already assessed within the Transport Assessment of the outline planning

permission and is acceptable. The proposed office development will therefore not have a severe impact on the highway network and BCC Transportation Development have raised no objections in principle to the proposal. Most conditions suggested are already attached to the outline planning permission (including condition 2 'construction management plan' and condition 36 'Travel Plan'). The applicant has also confirmed that a wheeled access ramp into the basement is proposed, and the details can be approved under condition 25 'cycle storage details' attached to the outline planning permission. Conditions requiring implementation of the cycle parking and servicing access to be in place prior to occupation are attached.

Drainage

- 7.28. The Sustainable Drainage Strategy confirms that due to the building's city centre location, space constraints, and proximity to the Queensway tunnel, the feasible SuDs for inclusion as part of the drainage scheme is rain gardens and trees pits; green / brown / blue roofs; and below ground storage. The SuDS strategy will be further development and detailed designs submitted under a condition attached to the outline planning permission. In doing so it is considered that the proposals will accord with Policy TP6 of the BDP.

Flues, extraction and ventilation strategy

- 7.29. The Flues and Ventilation Extraction Details Report confirms that there are three ventilation and flue systems: office ventilation; landlord ventilation; and kitchen extract systems. For the ventilation of the office floorplates, air handling units will provide and condition air from Level 9. The exhaust air from this ventilation system will terminate within the plant screen to reduce the noise breakout and to separate the outdoor air and exhaust air path. The ventilation systems serving landlord areas are made up of basement air handling unit; ancillary area air handling unit at Level 9; basement smoke extract fan; firefighting lobby smoke extract fans at Level 10; flue from basement sprinkler pump terminating above Level 10 and an exhaust fan for transformer room cooling at ground floor. Any future commercial kitchen extracts will discharge at Level 10. Regulatory Services have no objections and safeguarding conditions are attached to the outline consent.

Daylight / Sunlight / Overshadowing Assessment

- 7.30. The daylight, sunlight, overshadowing and solar glare assessment demonstrates that the design of the Office performs as well as, or better than, the maximum parameter volumes assessed within the 2021 S73 application, and meets the requirements of the Design Protocol about daylight levels within the proposed and existing surrounding public spaces.
- 7.31. Small improvements to the level of daylight availability will be experienced by several residential receptors to the south of Paradise Street, when compared with the outline planning permission maximum parameters. Regarding public spaces, all spaces assessed are expected to perform the same or better in the reserved matters scenario than the respective criteria from the outline parameters or Design Protocol. Ratcliff Square is expected to experience a large benefit when compared with the outline planning parameters and the Design Protocol requirements.

Wind

- 7.32. The Environmental Wind Planning Report considers the proposals for the whole of Phase 2, and demonstrates that there are no requirements for wind mitigation measures to be incorporated, as the local windiness around the Office building and the Hotel at ground and upper levels are suitable for the intended pedestrian activities, and meets the requirements set out in the Design Protocol. On this basis, it is considered that the wind mitigation condition attached to the outline planning permission, would not be applicable to this phase of the development, as no mitigation is required to achieve the desired pedestrian levels.

Ecology / Landscape

- 7.33. The Council's Ecologist has advised that sedum matting would not be an acceptable treatment for the proposed green roof and has requested that further detail be provided under a condition. The applicant has confirmed that the specification of the green roof on the building is likely to consist of biodiverse wildlife habitats mounds/logs and sedum mixed vegetation. The PV panel system is to be on weighted trays above the green roof. There is a condition attached to the outline planning permission that requires details of green/brown roofs on each building within the Paradise development to be provided prior to construction, with confirmation of the identified biodiversity benefits to be provided. It is not therefore considered that a further condition is necessary.

Police and Fire Services

- 7.34. In response to the queries raised by the Police, a condition is attached to secure details of the boundary treatment along the roof terrace to prevent accidental falls. The applicant has also confirmed that a CCTV system will be installed. The applicant is also in discussions with the Police about a Protective Security Strategy and Secure By Design.
- 7.35. The applicant has confirmed that the office proposals follow the guidance set out within the Fire Service's comments.

8. Conclusion:

- 8.1. Overall, the proposed development accords with all requirements of the outline planning permission in all respects and accords with the requirements of relevant national and local planning requirements. Conditions are attached to ensure that the design concerns are addressed at the delivery stage.

9. Recommendation:

- 9.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the provision of cycle parking prior to occupation |
| 2 | To ensure that the development achieves BREEAM rating level |
| 3 | Architectural Details Required: |
| 4 | Requires the submission of material sample strategy |
| 5 | Requires the scheme to be in accordance with the listed approved plans |
-

Case Officer: David Wells

Photo(s)



Illustrative view along Ratcliff Passage



Illustrative view along Paradise Street toward the Town Hall

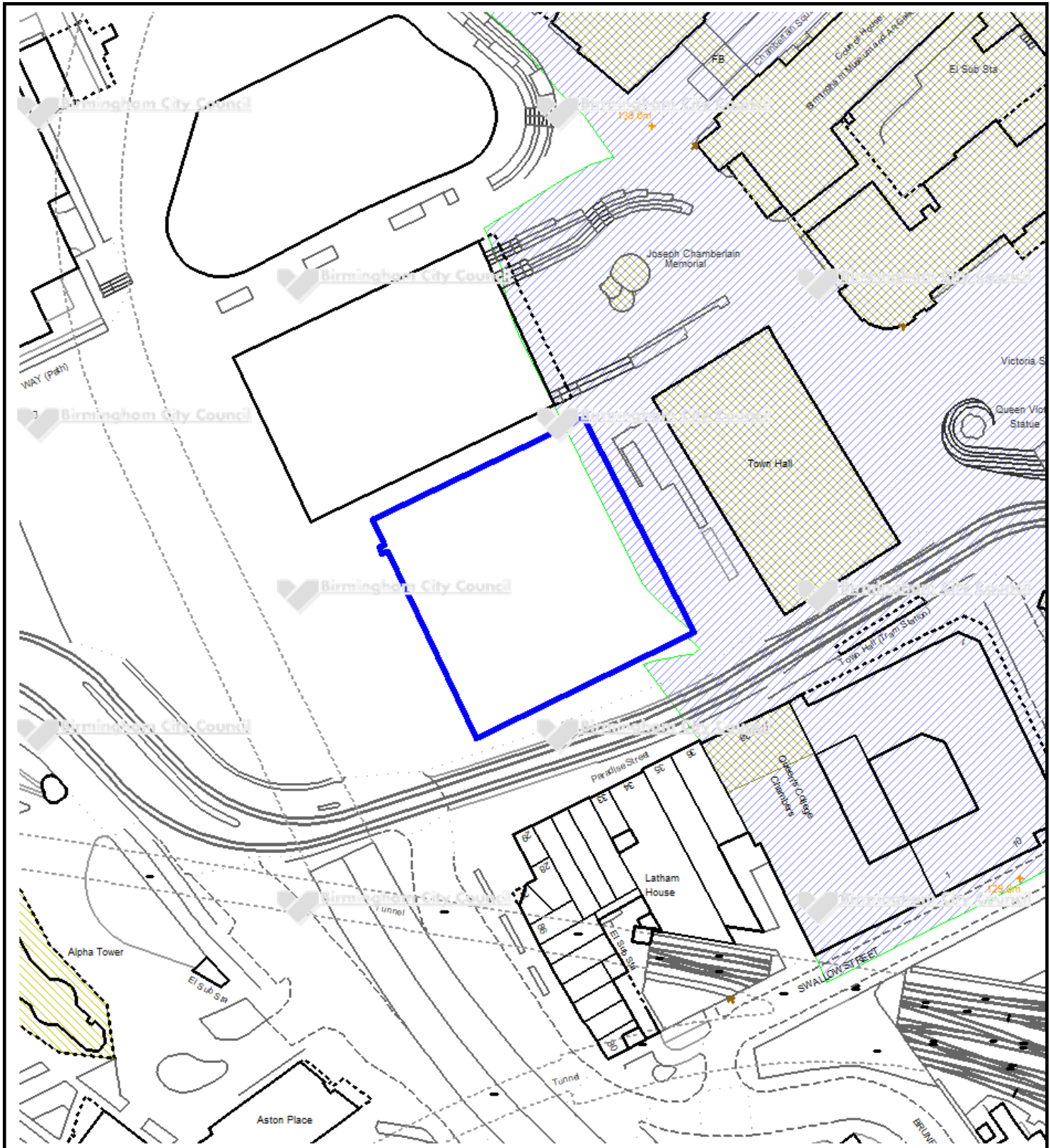


Illustrative view along Paradise Street toward Alpha Tower



Illustrative View from Chamberlain Square

Location Plan



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Committee Date:	16/06/2022	Application Number:	2020/08279/PA
Accepted:	17/12/2020	Application Type:	Full Planning
Target Date:	08/07/2022		
Ward:	Bordesley & Highgate		

215 Bradford Street, Digbeth, Birmingham, B12 0RG

Demolition of existing buildings and construction of part 6 part 8 storey building comprising 166 apartments (Use Class C3); associated amenity space, terrace gardens and cycle stores

Applicant:	Sapphire Court Limited 3 Mary Street, Birmingham, B3 1UD
Agent:	PJ Planning Regent House, 156-7 Lower High Street, Stourbridge, West Midlands, DY8 1TS

Recommendation
Determine

Report Back

1. This application was reported to Planning Committee on 14th October 2021 when it was resolved to approve subject to the signing of a Section 106 legal agreement. The agreement was to secure the provision of 10% affordable housing on site for low cost home ownership at 20% discount on market value. This equated to 17 apartments in total; 10 one beds and 7 two beds.
2. Whilst the scheme has not changed some national and local policy has been updated and, as policy is a material consideration, such updated policy needs to be considered as to whether it should give rise to a different recommendation.
3. The first is an update to national policy. Since the Committee meeting last October the Government has introduced a requirement for the provision of First Homes. This requires 25% of any on site affordable housing to be delivered as First Homes. In this particular case the applicant would prefer some flexibility as to the tenure of affordable units so that it can be confirmed closer to the commencement of the construction phase. Therefore as set out in the recommendation below there is an either/or scenario, however both options have been externally verified, as to whether they are financially robust and would not put the Council at a disadvantage in terms of the affordable housing offer and found to be acceptable.
4. Secondly there has also been updates to the following local policy:
 - The Development Management DPD (Adopted December 2021): Whilst this was considered in its draft publication form it has been adopted since the planning application was originally reported to Committee; and

- Birmingham Parking SPD (Adopted November 2021): The previous guidance Car Parking Guidelines SPD (2012) was considered when since the planning application was originally reported to Committee.
5. The relevant policies within the Development Management DPD are considered to be:
- DM1 Air quality
 - DM2 Amenity
 - DM3 Land affected by contamination, instability and hazardous substances
 - DM6 Noise and vibration
 - DM10 Standards for Residential Development
 - DM14 Transport access and safety
 - DM15 Parking and servicing

The alterations to the policy wording that now appears in the adopted DPD are minor and do not alter their thrust or intent. It is therefore considered that the current proposals are in conformity with latest adopted policy and the previous recommendation to approve should be upheld.

6. Secondly Birmingham Parking SPD provides updated policy guidance and revised parking standards for all new developments in the City to reflect the revised National Planning Policy Framework. The now superseded SPD of 2012 had a maximum parking standard of 1.5 spaces per dwelling at the application site, whilst the 2021 adopted SPG promotes low and car free developments at this central location requiring only disabled parking. The current plans, with no parking provision, is more closely aligned with the recently adopted SPG and therefore it is considered that the previous recommendation to approve should be upheld.
7. Finally as of 10th January 2022, the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11d) of the NPPF is engaged and the tilted balance applies for decision taking meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Previously it was considered that whilst there was a conflict with BDP Policy TP20 regarding the loss of employment land and a conflict with the Rea Valley Urban Quarter SPD with regards to an aspiration to provide a physical link though the site. However it was considered that these conflicts should not outweigh compliance with other policies and a recommendation of approval. The tilted balance gives additional weight to this conclusion.

Recommendation

8. That application 2020/08279/PA be APPROVED subject to the prior completion of a Section 106 Legal Agreement to secure the following:
- a) A legal agreement to require 10% affordable units, the tenure of which to be agreed with the Council prior to any above ground works (excluding demolition, laying of foundation or ground slab). The development would thereafter provide;
- ai) 17 apartments in total for low cost home ownership on site comprising:
- 7 x 1 bed at 20% discount on market value;
 - 6 x 2 beds at 20% discount on market value;

- 3 x 1 bed at 30% discount (First Homes); and
- 1 x 2 bed at 30% discount (First Homes).

Or

- aii) 13 apartments in total at a 20% discounted rent on site comprising:
- 7 x 1 bed;
 - 6 x 2 bed; and
 - a commuted sum in lieu of First Homes to a discount of 30% on 4 units index linked.

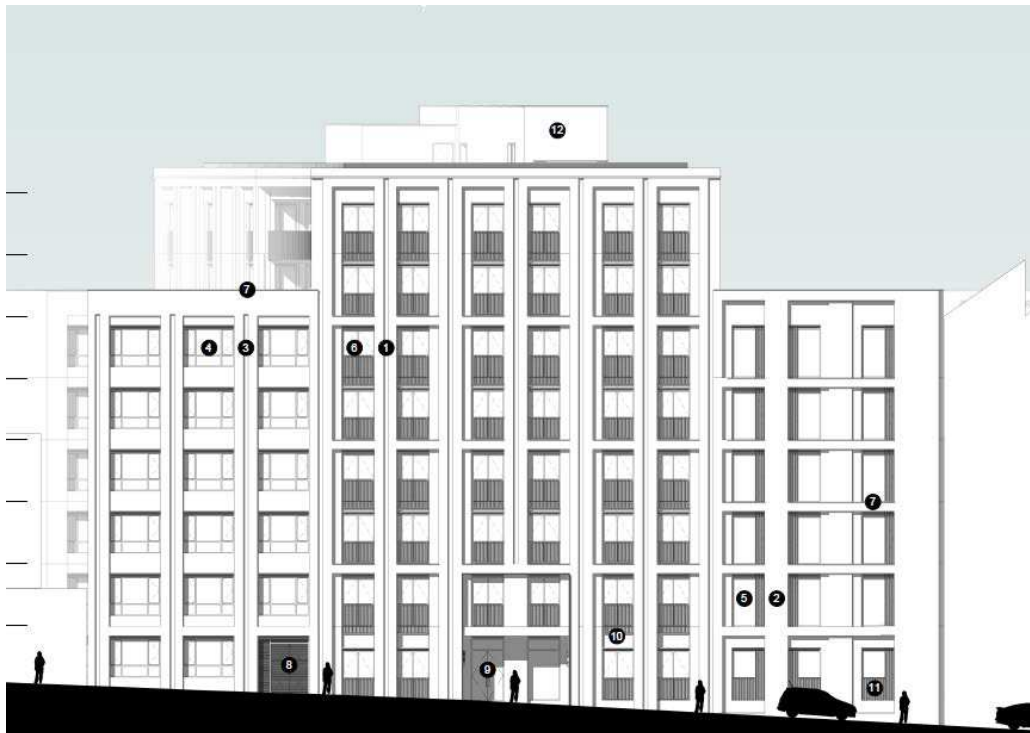
b) Payment of a monitoring and administration fee of £1,500.

9. That the City Solicitor be authorised to prepare, complete and seal an appropriate legal agreement and any necessary supplemental agreements under Section 106 of the Town and Country Planning Act.
10. That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 8th July 2022 or such later date as may be authorised by officers under delegated powers, planning permission for application 2020/02879/PA be APPROVED, subject to the conditions listed at the end of the report (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

[End of Report Back]

1. Proposal

- 1.1 The application seeks permission for 166 apartments. This irregular shaped site of 0.25 hectares has two main frontages; the first facing Warwick Street the second facing Bradford Street.

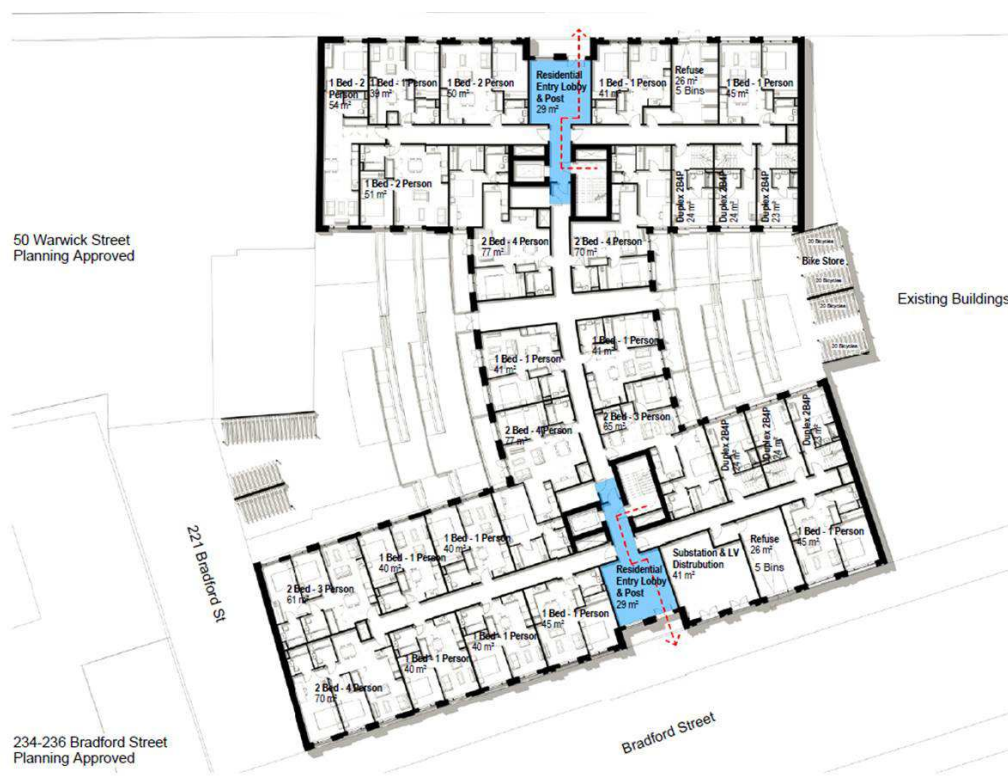


Proposed Elevation to Warwick Street

- 1.2 The apartments would be arranged in a single 'H' shaped block rising to 6 and 8 storeys.



Proposed Elevation to Bradford Street



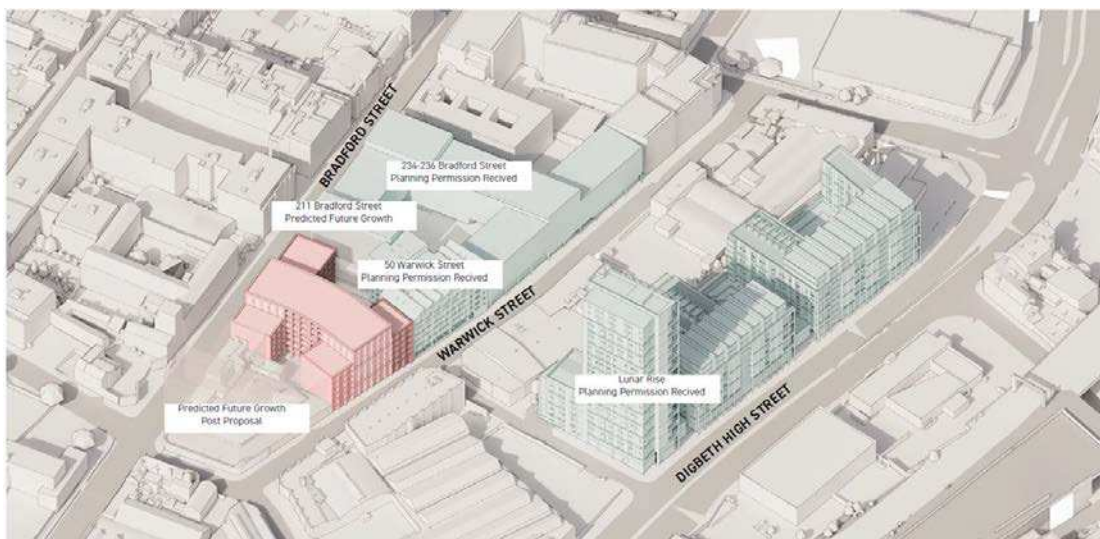
Proposed Ground Floor Layout

- 1.3 Two entrances are proposed leading to apartments arranged around a central corridor that runs through the block. Access to communal gardens are proposed either side of the central block, these contain the bin store and cycle stands.

- 1.4 The proposed apartment mix would provide 68 x 1 bed (59%) and 98 x 2 beds (41%), including 18 duplexes. No parking is proposed. The application has been submitted together with the following documents:
- Air Quality Assessment;
 - Design and Access Statement;
 - Heritage Assessment;
 - Archaeological Assessment
 - Noise Assessment
 - Drainage Strategy
 - Ecological Appraisal
 - Geo-environmental Desk Study
 - Planning Statement
 - Sustainability and Energy Use Report
 - Transport Assessment
 - Framework Travel Plan

2. Site and Surroundings

- 2.1 The site sits just to the south east of the City Centre and to the south of Digbeth High Street that marks the boundary to the Deritend and Bordesley High Streets Conservation Area. Opposite the site on Bradford Street is 132 Bradford Street, a Grade: II listed building, whilst the adjacent building at No. 208 Bradford Street is a non designated heritage asset as are Nos. 112-114 and Nos. 123-131 (Bradford Court) Bradford Street opposite.
- 2.2 The surrounding area comprises a mix of commercial premises and new and converted apartment schemes. Directly adjoining the application site is Apex Lofts (50 Warwick Street), a scheme by the same applicants that is currently under construction (Ref. 2020 /04413/PA). Within the wider Warwick Street/Bradford Street area a number of sites have recently received permission for residential developments: 234-236 Bradford Street (Kingfield Heath Buildings), 250/251 Bradford Street, St Anne's, The Forge, Fabric Square, Lunar Rise.



Current application site (coloured pink)

- 2.3 The site currently accommodates three buildings that would be demolished as part of the proposals, these are:
- i) The Sapphire Conference and Banqueting Suite - a steel portal unit used as a banqueting suite with a capacity of up to 600 people. There is also an accompanying 31 space surface level car park;
 - ii) A single storey older brick building occupied as ancillary accommodation by the conference and banqueting suite; and
 - iii) A two storey brick building occupied by a manufacturer of women's clothing.

3.0 Planning History

- 3.1 2012/00208/PA - Application to replace extant planning permission 2008/02038/PA for the erection of 100 new residential apartments within 4/5 storey building with ground floor commercial (A1) and basement car parking. Approved 10/01/2012
- 3.2 2008/02038/PA - Erection of 100 new residential apartments within 4/5 storey building with ground floor commercial (A1) and basement car parking. Approved 05/06/2009
- 3.3 2004/07387/PA - Change of use of ground floor from warehousing to banqueting suite associated with existing banqueting suite at first floor and car parking. Approved 07/01/2005
- 3.4 2003/03030/PA - Continued use as banqueting suite including extension and external alterations incorporating part use of ground floor as lounge extension (amendment to application C/01462/01/FULL. Approved 20/08/2003
- 3.5 2001/01462/PA - Change of use of first floor to banqueting suite with associated facilities including extension and external alterations. Approved 29/11/2001
- 3.6 1990/03286/PA - Change of Use from Warehouse (Class B8) to Light Industrial B1 (C). Approved 20/11/1990

4.0 Consultation Responses

- 4.1 BCC Transportation – No objection subject to conditions to secure the provision of the cycle parking and to require details of a demolition and construction management plan before any works commence on site. Advisory note to require the redundant footway crossings are reinstated before the building is occupied.
- 4.2 Severn Trent Water – No objections subject to conditions to require the submission of a drainage scheme and implementation prior to occupation.
- 4.3 BCC Employment Access Team – Request to provide Construction Employment Plan.
- 4.4 BCC Education – Request for S106 contribution of £8,931.41 for nursery provision, £2227,204.33 for primary provision and £163,025.86 for secondary provision. Total £399,061.61

- 4.5 Police - no objections but ask that consideration is given to the following:
- Access Control to main entrances, refuse areas, stairwells lifts and courtyards;
 - Video intercom access control systems be installed on all doors into the building;
 - Adherence to Approved Document Q – Security –Dwellings and Secured by Design ‘Homes 2019’
 - Condition be attached to require CCTV scheme be installed to cover the area outside all the entrances to the site, internal views of anyone entering the building / site through any route, the main communal areas including the cycle storage areas, and courtyard areas.
 - Submission of a lighting plan is produced for the site particularly for the communal areas and courtyards; and
 - that any ground floor opening windows are fitted with window restrictors.
- 4.6 BCC Leisure Services - No objections however as a development of over 20 dwellings it would, in accordance with the BDP policy, generate a total off-site POS and Play area contribution of £373,575.
- 4.7 LLFA – No objections subject to conditions to secure firstly a sustainable drainage strategy and secondly a maintenance and operations plan.
- 4.8 Regulatory Services – Objection raised in response to original noise assessment and later amended noise assessment and data. Reference to Appendix 3 of the PCGN dated 2020 is not appropriate to this development. Any ventilation and glazing options should be on the basis of full façade calculations. The nearby Shisha premises do not appear to have been properly considered. Kings Lounge has live music and incidental recorded music until 23:00. Insufficient information submitted regarding the attended monitoring. A correction of 20dB for a partially open window has been applied. A correction of 15dB is accepted by British Standards. Reasonably satisfied with the information regarding SnatchPac. Some outstanding concerns that apartments overlooking the courtyard would have a line of sight to the roof of Kings Lounge, where there are shisha vents. Not satisfied Le Mirage (a restaurant and shisha bar) on Warwick Street has been adequately considered. There may be a line of sight to some apartments on the Warwick Street façade. Satisfied that air quality and contaminated land have been adequately considered; contaminated land remediation conditions are required.
- 4.9 Latest comments in response to specific noise data from an additional attended site visit undertaken last month - Have concerns that the correction for an open window has been incorrectly applied, however given that the dominance of road noise will necessitate closed windows and alternative means of ventilation, this can be tolerated. The latest addendum shows that the noise consultants have carried out a subjective assessment of roof level noise from the shisha premises that identified no noticeable plant noise or other breakout noise. It also refers to communications with business operators who indicated operations were typical at the time of visit. The noise assessment indicates noise mitigation will be necessary for road traffic noise. No objections to make, subject to conditions to require a:
- noise insulation scheme;
 - contamination remediation scheme; and
 - contaminated land verification report.

- 4.10 Local residents groups, the MP and neighbours have been notified and a site and press notice posted. One letter of objection has been received raising the following concerns:
- How can you expect 166 families, tenants, owners to live without any parking at all?
 - The developer only interest in providing zero parking is maximise profits at the expense of residents.
 - The developer should be compelled to provide some parking with electric charging stations and or car share parking spots.
 - Other than the parking issue I find the development of good quality in keeping with the local area.

5.0 Planning Policy

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies) Car Parking Guidelines SPD (2012), Public Open Space in New Residential Development SPD (2007), Archaeology Strategy (2004), Affordable Housing SPG (2001), Places for Living SPG (2001), Places for All SPG (2001), Big City Plan Masterplan (2011), Our Future City Plan (Draft, 2021) Rea Valley Urban Quarter SPD (2020) Development Management in Birmingham (Draft DPD 2019) and the revised National Planning Policy Framework.

6.0 Planning Considerations

Principle of Residential Units at this Location

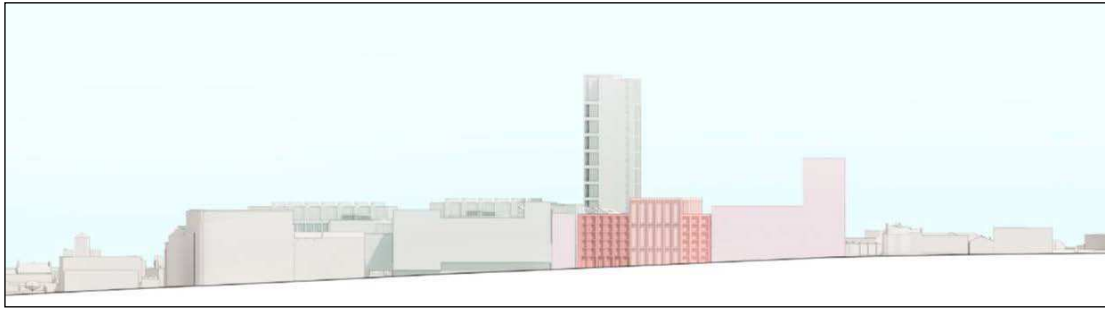
- 6.1 The proposed development would replace existing commercial units that currently provide 20 FTE jobs. Therefore whilst the application site does not form part of a Core Employment Area Policies TP19 and TP20 seek to protect employment land and resources where it contributes to the portfolio of land needed to meet longer term requirements. According to Policy TP20 there is a general presumption against the loss of employment premises unless it is a non-conforming use, has actively been marketed or it can be demonstrated that continuing an industrial development is not viable. The current employment floorspace does not comprise of non-conforming uses and the applicants have not demonstrated that there is marketing or viability justification to support the proposed loss of the existing premises. Therefore the proposed loss of employment premises is contrary to this BDP Policy TP20 and any material considerations should be assessed to ascertain whether they should be given greater weight to outweigh this Policy conflict.
- 6.2 First there is a requirement for future growth and change in and around the City Centre as identified within the BDP. Strategic Policy PG1 identifies a need for significant levels of housing, employment, office and retail development along with supporting infrastructure in Birmingham over the plan period. The Policy refers to a target of 51,100 additional homes although this falls short of Birmingham's objectively assessed need which is stated to be 89,000 homes.
- 6.3 Next the application site falls within the City Centre Growth Area where Policy GA1 of the BDP promotes the City Centre as the focus for office, residential and leisure activity, with 12,800 new homes and 700,000 square metres of new office floorspace proposed within the City Centre area over the plan period. In addition the site lies

within the Southern Gateway Wider Area of Change where Policy GA1.2 states that residential uses shall be supported as part of a future mix of uses. Plus, as defined within Policy GA1.3, the application site falls inside the Southside and Highgate Quarter where residential activities are supported.

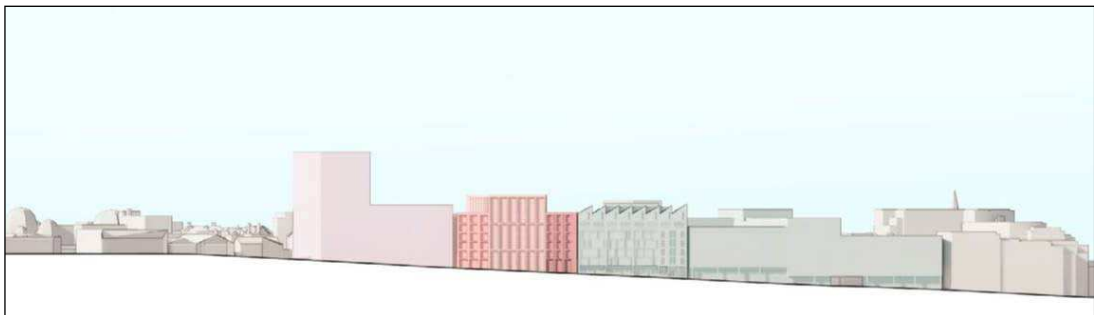
- 6.4 The site lies within the Cheapside Neighbourhood of the Rea Valley SPD that also supports residential led regeneration.
- 6.5 Paragraph 121 of the NPPF further states that authorities should take a positive approach to applications for the alternative use of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided that this would not undermine key economic sectors or sites, or the vitality and viability of town centres.
- 6.6 Whilst the loss of the existing businesses is regrettable, they are not intensive employers and it is considered that the employment created by the construction of the proposed development and the expenditure created by the occupiers of the proposed 166 apartments should outweigh compliance with Policy TP20, particularly at a site where there is policy support for growth in this part of the City under Policies GA1.1 and GA1.3 and the location of the proposed housing complies with Policy TP28.

Proposed Layout, Massing and Appearance

- 6.7 The block is laid out in a 'H' shaped arrangement with external infill areas providing the communal amenity areas. The frontages to both Bradford Street and Warwick Street would be positioned at back of pavement and this is consistent with the adjacent developments and the Rea Valley Urban Quarter SPD. However contrary to the SPD is the absence of a connection linking the two streets. The new link is an aspiration shown on an indicative layout within the SPD that supports the vision for a "sustainable, green, inclusive, go-anywhere network" (SPD). However half of the potential new connection is already blocked by virtue of the redevelopment of 50 Warwick Street (now known as Apex Lofts) approved prior to the adoption of the SPD, plus with Warner Street approximately 75m to the south west there is another link through this part of the area. Hence this aspiration is not considered to be critical.
- 6.8 Within the site the arrangement makes a good use of the plot providing two areas of communal private space that would be overlooked by surrounding units. In addition at 22m there would be sufficient separation distance between facing windows to allow light and outlook to the closest side facing windows of Apex Lofts (50a Warwick Street). All of the units meet the national space standards.
- 6.9 The height of the blocks varies from 6 to 8 storeys with taller centre blocks to both primary frontages stepping down in height to respond to the adjoining context. The SPD allows for 6 to 10 storeys at this location. The proposed scale is considered acceptable.



Proposed Massing to Bradford Street
(approved Lunar Rise development in background,
future possible illustrative massing to rhs of application site)



Proposed Massing to Warwick Street
(future possible illustrative massing to lhs of application site and Apex Lofts to rhs)

- 6.10 Breaking up the massing into separate blocks and treating those blocks differently in terms of their detailed architecture and materials would create the appearance of separate plots. The use of the originally proposed blue and white bricks are not characteristic to the City Centre and the precise colour of brick and the type of bonding can be secured via conditions.

Impact upon Heritage Assets

- 6.11 The late 20th century former industrial/commercial building currently in use as a banqueting suite presents a blank façade to Bradford Street and is not considered to be of any historic or architectural merit.
- 6.12 Opposite the site is the grade II listed No.132 Bradford Street, an example of a late 18th century townhouse identified as a rare survival of virtually intact elevation of this date near the city centre. There are other 19th and 20th century buildings, considered to be non designated heritage assets at nos. 208 Bradford Street that abuts the application site, nos. 112-114 and 123-131 (also known as Bradford Court) on Bradford Street that display good quality architecture and detailing.
- 6.13 The Heritage Assessment (HA) summarises the significance of the listed building at No. 132 Bradford Street as embedded in its architectural and historic interest. The HA acknowledges that the proposed development would introduce a large building into the setting of No. 132. However whilst it would be prominent and in close proximity to the listed building the HA concludes that proposed development would replace existing buildings of low quality that have a lack of association with their

surroundings. The HA concludes that those attributes of setting that contribute to the significance of the listed building, and the ability to appreciate those attributes, will be unaltered by the proposed development and that the development is therefore not considered to be harmful to the significance of 132 Bradford Street. The conclusions of the HA are accepted.

- 6.14 Neither is there considered to be harm to the non designated heritage assets that lie close to the site.
- 6.15 The archaeological desk-based assessment indicates that the archaeological potential for the site is very low. The archaeology officer agrees and does not recommend any further archaeological work.
- 6.16 The proposals are therefore considered to accord with Policy TP12 of the BDP.

Highway Matters

- 6.17 Zero parking is proposed, however cycle parking would be accommodated at a 1:1 ratio, i.e. 100% provision. In addition the site benefits from excellent public transport links with bus routes identified along Bradford Street and High Street. Pedestrian routes offer quick access into the City Centre with approximately a 10 minute walk.
- 6.18 The Transport Assessment concludes that due to the lack of parking provision and the central location the site would only generate a limited number of vehicle trips during the peak hours and there would be reduced number of trips if compared to the existing uses on site.
- 6.19 BCC Transportation raises no objections subject to conditions.

Energy and Sustainability

- 6.20 The applicant has submitted a revised Energy and Sustainable Construction Statement that explains that the scheme has been designed to maximise the reduction of Carbon Dioxide (CO₂) emissions from the development. It would incorporate passive design measures and energy efficient mechanical and electrical systems and the use of renewable technologies where feasible to do so. Whilst an air source heat pump is likely to be ruled out due to viability the applicants have acknowledged that there is the potential to provide 500sqm of photovoltaics on the roof that would deliver 95kWp of power saving 36,980kg of carbon dioxide emissions per year.
- 6.21 As such the proposals are considered to accord with Policies TP1 and TP4 of the BDP.

Ecology

- 6.22 The site lies within the Rea Valley Urban Quarter (RVUQ) and while there are no sites of nature conservation interest adjoining the site Highgate Park, The River Rea and the Grand Union Canal are all within a short distance. The RVUQ and the adjoining Digbeth area are locally known as one of the key areas for Black Redstart; a priority species nationally and a species that favours the more run down derelict areas for nesting and foraging.

- 6.23 The site has been subject to a preliminary ecological assessment that sets out the potential for protected species and priority habitats. As it is a developed site of buildings and hardstanding there are no areas of significant habitat. Additionally, there is negligible potential for bats although bats are present in the vicinity. The Council's ecologist has remarked that while no Black Redstarts have been recorded, it is an elusive species and given the surrounding area with a mix of derelict, demolished and open sites it is likely that they could use the site. Conditions are attached to require a biodiverse roof and bird/bat boxes in order to accord with Policy TP8 and paragraph 170 of the NPPF.

Noise

- 6.24 The site lies within a mixed use area where there is the potential for noise and disturbance from A1 Clutches and SnatchPac Ltd, commercial premises in Warwick Street and two existing shisha lounges in Warwick Street and Bradford Street sited at a distance of approximately 30m and 55m respectively.
- 6.25 Paragraph 187 of the revised NPPF states, "*Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).*" It goes on to say that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Likewise Policy DM2 of the Draft Development Management DPD advises that development needs to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of occupiers and neighbours.
- 6.26 Results from previous noise assessments undertaken in 2019 and July 2020 have been submitted alongside the results of additional attended monitoring undertaken in August and September 2021. Regulatory Services are satisfied that noise from the existing industrial uses can be mitigated and, following the latest attended monitoring of the shisha bars are content that any breakout noise can be mitigated. Conditions are attached to require a scheme of noise mitigation.

Air Quality

- 6.27 The AQ Assessment has considered the impact upon air quality both during the construction and operational phases but concludes that the impact is negligible. Regulatory Services concur.

Drainage

- 6.28 The site falls within Flood Zone 1 where there is the least possibility of flooding. The sustainable drainage strategy explains that surface water would drain to the existing combined sewer, as per the existing situation. However a hydrobrake would be incorporated to control the rate of flow to as close to greenfield runoff rates as practicable. Severn Trent Water and the LLFA have raised no objections subject to conditions and as such the proposals are considered to accord with Policy TP6.

Planning Obligations

- 6.29 Policy TP31 of the BDP requires 35% of the total number of dwellings to be affordable on sites of 15 dwellings or more and TP9 seeks either on site public open space at 2ha per 1000 population or a contribution towards off site provision for developments of 20 or more dwellings. The off site contribution has been calculated to be £373,575. In addition there is a request for a contribution of £399,061 towards education.
- 6.30 A Financial Viability Appraisal (FVA) has been submitted and independently assessed to arrive at a conclusion that the scheme can afford the provision of 10% affordable housing on site for low cost home ownership at 20% discount on market value.
- 6.31 Whilst Education and Leisure Services have requested S106 contributions towards places at schools and public open space respectively in this instance, I consider that using any unexpended money for affordable housing is a greater priority. The site is in a low value residential area and does not therefore attract a CIL contribution

7.0 Conclusions

- 7.1 It is considered that the proposed redevelopment of the site for residential apartments is appropriate within this part of the City Centre where growth is encouraged under Policies GA1.1, GA1.3 and the River Rea Urban Quarter SPD. The proposed massing and detailed design would provide a high quality development in accordance with Policy PG3 whilst transportation, sustainability, noise, drainage and sustainability considerations are satisfied and the proposals would accord with Policies TP3, TP4, TP6, TP7, TP8, TP44 and TP45 of the BDP and the NPPF.

8.0 Recommendation

- 8.1 That application 2020/08279/PA be APPROVED subject to conditions and the prior suitable Legal Agreement to secure the following:
- a) provision of 10% affordable housing on site for low cost home ownership at 20% discount on market value; 17 apartments in total; 10 one beds and 7 two beds; and
 - b) Payment of a monitoring and administration fee of £1,500.
- 8.2 That the City Solicitor be authorised to prepare, complete and seal an appropriate legal agreement and any necessary supplemental agreements under Section 106 of the Town and Country Planning Act.
- 8.3 That in the event of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 1st December 2021 or such later date as may be authorised by officers under delegated powers, planning permission for application 2020/02879/PA be APPROVED, subject to the conditions listed below (that may be amended, deleted or added to providing that the amendments do not materially alter the permission).

-
- | | |
|----|---|
| 2 | Prior to Commencement of Development (excluding demolition): Submission of Sustainable Drainage Scheme |
| 3 | Prior to Commencement of Development (excluding demolition): Submission of a Construction Employment Plan. |
| 4 | Prior to Commencement of Development (excluding demolition): Submission of Details of Photovoltaic Panels |
| 5 | Prior to Commencement of Development (excluding demolition): Submission of a Contamination Remediation Scheme |
| 6 | Prior to Above Ground Works: Submission of Materials |
| 7 | Prior to Above Ground Works: Requires the submission of details of green/brown roofs |
| 8 | Prior to Above Ground Works: Requires the prior submission of details of bird/bat boxes |
| 9 | Prior to Above Ground Works: Submission of Noise Insulation Scheme to establish residential acoustic protection |
| 10 | Prior to Occupation: Submission of a Sustainable Drainage Operation and Maintenance Plan |
| 11 | Prior to Occupation: Submission of a Contaminated Land Verification Report |
| 12 | Prior to Occupation: Implementation of Cycle Parking |
| 13 | Rating Levels for cumulative noise from all plant and machinery |
| 14 | Implementation within 3 years (Full) |
| 15 | Implementation in accordance with Approved Plans |
-

Case Officer: Julia Summerfield

Photo(s)

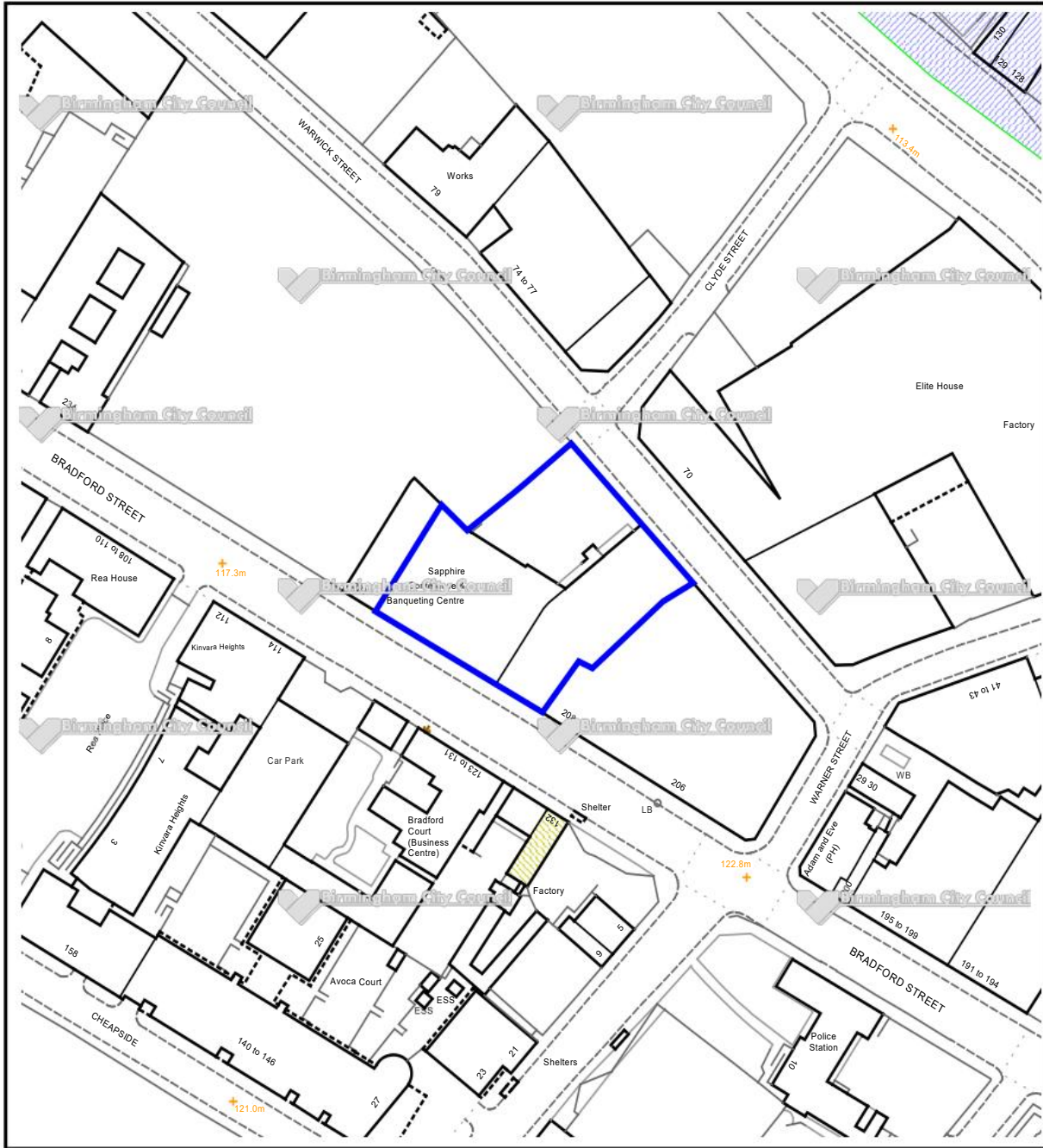


Looking towards the site from Warwick Street



View from Bradford Street

Location Plan



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Committee Date:	16/06/2022	Application Number:	2022/00622/PA
Accepted:	27/01/2022	Application Type:	High Speed Rail (London to West Midlands) Act 2017
Target Date:	17/06/2022		
Ward:	Nechells		

Land off Curzon Street No.3 and A4540 Lawley Middleway, Birmingham, B4

Submission under Schedule 17 High Speed Rail (London-West Midlands) Act 2017 for the construction of 2no. viaduct structures at Curzon Street No3 and A4540 Lawley Middleway and associated works.

Applicant: HS2
C/o Agent
Agent: Balfour Beatty VINCI Joint Venture
IM Building, Coleshill Manor, South Drive, Birmingham, B46 1DF

Recommendation

Approve subject to Conditions

1. **Proposal:**

- 1.1 This is a plans and specifications submission made under Schedule 17 (S17) of the of the High Speed Rail (London – West Midlands) Act 2017 ('the HS2 Act'). Schedule 20 the HS2 Act grants deemed planning permission for the works relating to the construction of HS2 and S17 sets the conditions under which works must be agreed. This submission relates to the section of the HS2 line known as Curzon 3 viaduct and Lawley Middleway viaduct. Consent is already in place via the HS2 Act to construct these viaducts. This plans and specifications submission therefore seeks approval for the more detailed design of these agreed works. The specific grounds for consideration are set out later in this report.
- 1.2 The works submitted for approval comprise two viaducts extending from Curzon Street Station (approval given under reference 2020/00601/PA) to the existing Cross City line, passing over the Digbeth Branch Canal and the A4540 Lawley Middleway.

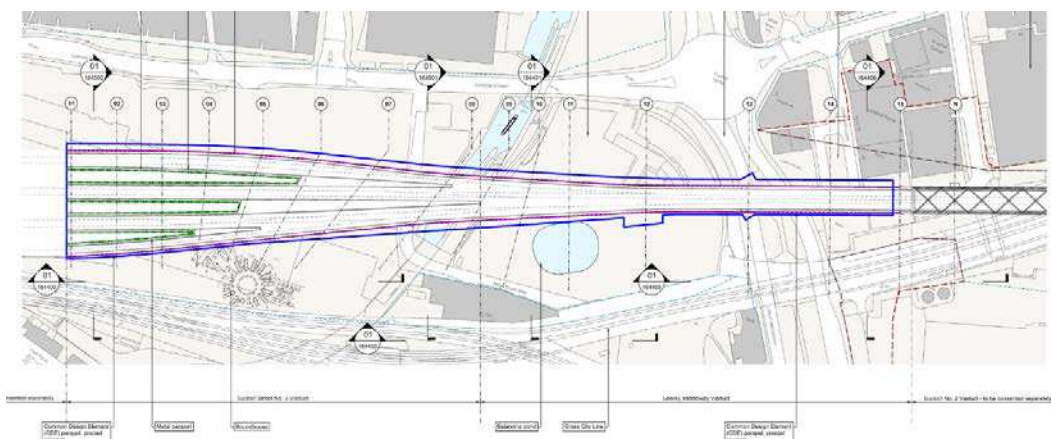


Fig 1. Area of HS2 line to that this application relates too.

- 1.3 The section of viaduct proposed from the back of the station to the Lawley Middleway would measure approximately 300m in length. As the viaduct leaves the back of the station it is split into 4 decks and then merges into a single deck as it crosses the Digbeth Branch Canal. The superstructure here would be constructed as a concrete deck that would be cast in situ.
- 1.4 The Lawley Middleway viaduct would measure approximately 213m in length. This element of the structure would be constructed with a steel deck.



Fig 2. Comparison concrete superstructure with steel superstructure.

- 1.5 At the intersection with the canal the superstructure has been designed to include coffers which both seek to minimise the amount of concrete needed in the structure and provide visual interest when viewed from below. A visual representation of this can be seen in Figure 6 below.

Piers

- 1.6 The two viaducts are proposed in the main to be supported by 35 reinforced concrete piers which adhere to common design element (CDE) parameters. A CDE is a structure or part of a structure that comprises common design parameters that would be adopted at multiple locations along the entire route and have been agreed through Planning Forum (see paragraph 6.5 for details on the remit of Planning Forum). Most of the piers and parapets detailed in this submission comprise CDEs.

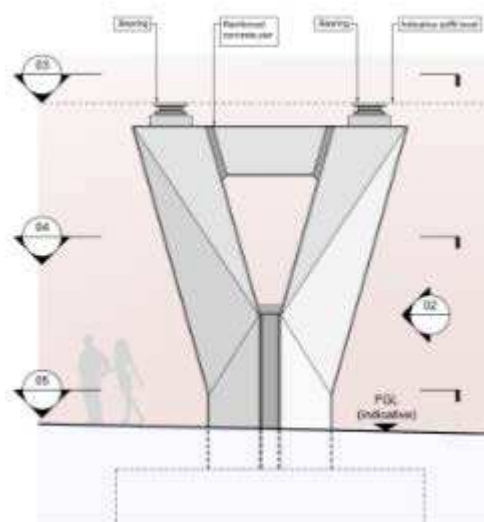


Fig 3. Example of Common Design Element Pier.



Figure 4. CGI of Common Design Element Piers. Please note that this application does not seek consent for the public realm works shown in this image.

- 1.7. In addition to the 35 CDE piers, 4 bespoke tripod piers are proposed at the section of the viaduct that crosses the Digbeth Branch Canal. These bespoke piers are proposed to be constructed in weathered steel and seek to reference historic canalside cranes. These bespoke steel tripods would sit on concrete plinths.

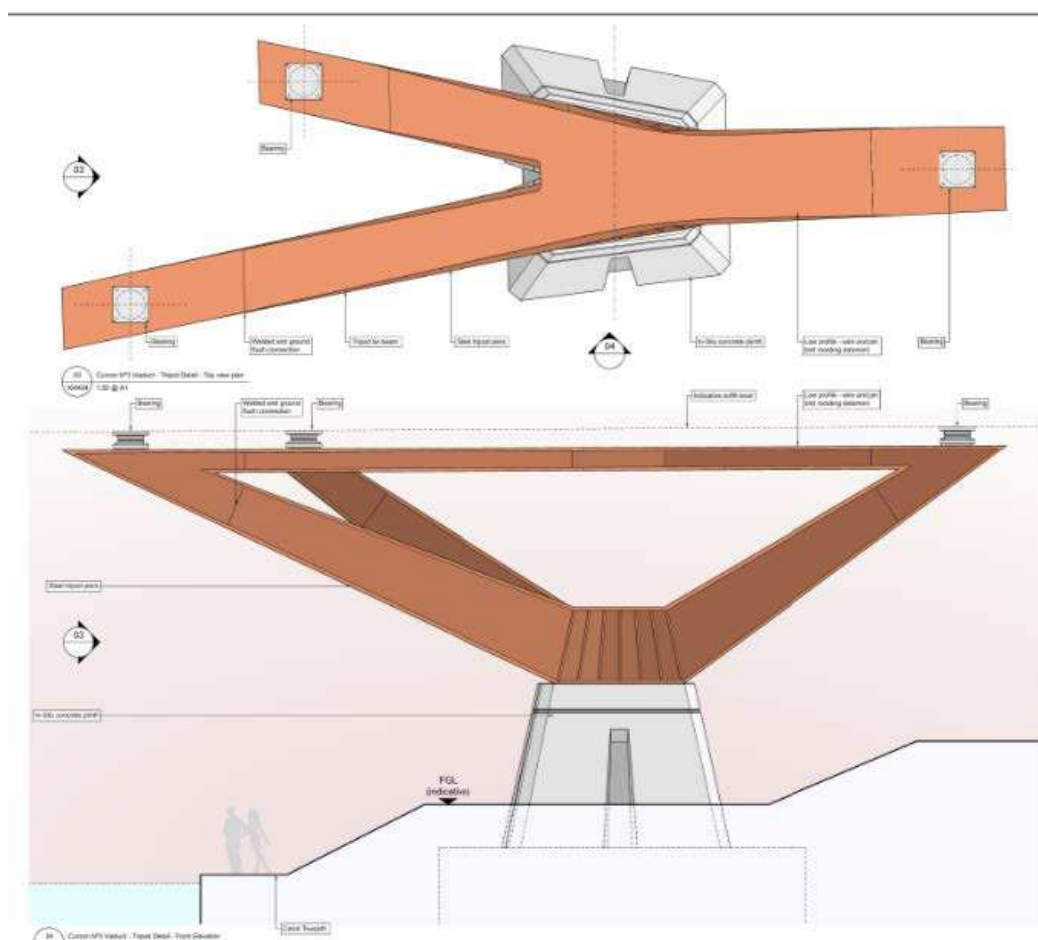


Fig 5. Details of the bespoke designed Tripod pier proposed over the Digbeth Branch Canal.



Fig 6. CGI of the bespoke tripod piers over the canal and coffers viewed from underneath. Please note that public realm works beneath the canal are proposed to come forward at a future stage and are not the subject of this application submission.

Parapets

- 1.8. Either side of the railway deck parapets are proposed that follow agreed CDE parameters. Above the section of the deck that over sails the Digbeth Branch Canal the bottom third of the parapet includes a pattern which references motifs found in the ironwork of historic bridges in Birmingham.

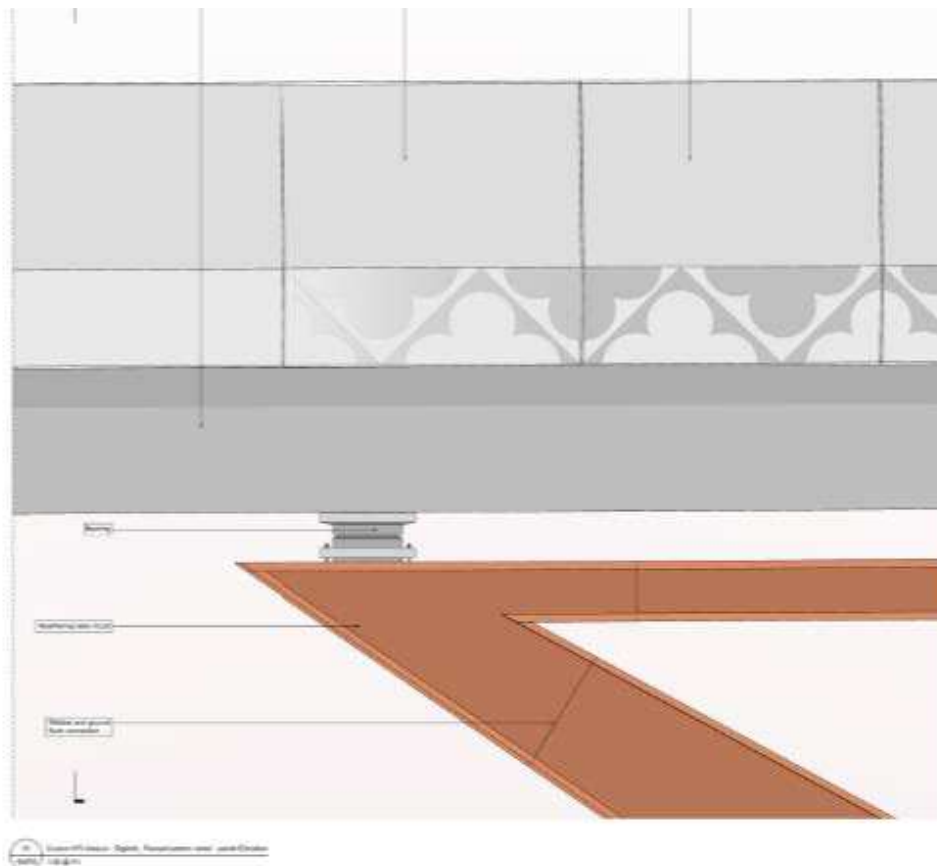


Fig 7. Drawing of the proposed etched motif details to the parapet as it over sails the canal.

- 1.9. Where the proposed deck is split into 4 sections a lighter parapet is proposed on the inside edge of each section of the deck (shown in figure 4). These parapets would be made with a combination of precast concrete and steel. This approach has been adopted to seek to increase the natural light under the deck.
- 1.10. This submission relates only to the railway deck and associated piers and parapets. Associated works underneath the viaducts have in part been consented through the Curzon Street application however much of proposed landscaping will be submitted at a future date.
- 1.11. Documents provided as part of this submission include:
- A written statement for information;
 - Noise Demonstration Report;
 - Additional information cover letter setting out responses to initial consultation comments and clarifying a design change rationale from the design proposed at pre-application stage;
 - A series of detailed plans and specifications drawings.
- 1.12. [Link to Documents](#)

2. **Site & Surroundings:**

- 2.1. The site lies to the south of Curzon Street and extends over the Digbeth Branch Canal and the Lawley Middleway. It would link to the rear of the agreed Curzon Street station works and into the proposed Curzon no 2 works with associated bridge and pier for which agreement is yet to be sought.
- 2.2. With the exception of the canal and its immediate context, the wider HS2 site is largely cleared of development. To the north lies the BCU city centre campus and the south network rail viaduct and Digbeth beyond.
- 2.3. The Digbeth Branch Canal falls within the Warwick Barr Conservation Area. The viaduct would over sail Ashted Canal Locks which are locally listed. The Canal is also a Site of Local Importance for Nature Conservation (SLINC) Area. The viaduct is adjacent to the Grade II listed railway viaduct into Curzon Street over the Digbeth Branch Canal.
- 2.4. The areas surrounding the site boundary includes various statutory and non-statutory designations such as two Potential Site of Importance (PSI) Areas at Curzon Junction and Land off Montague Street, the locally listed River Rea and statutory listed Buildings including Grade I Curzon Street Station, Birmingham Gun Barrell Proof House (Grade II*), the Woodman Public House (Grade II), Lawley Street viaduct (Grade II) and the Warwick Bar Canalside Warehouse (Grade II).
- 2.5. The Lawley Middleway (A4540) is situated within the application boundary, running north to south through the central part of the site. Also within the site are Lawford Close and St. James Place
- 2.6. [Site location link](#)

3. **Planning History:**

- 3.1. 20.02.2020 – 2020/00602/PA - Application under Schedule 17 of the High-Speed Rail (London to West Midlands) Act 2017 for a new station comprising concourses, roof, viaduct, platforms, earthworks, permanent lighting and all other associated works – Approved subject to conditions.
- 3.2. 01.05.2020 – 2020/00601/PA - Application under Schedule 17 of the High-Speed Rail (London to West Midlands) Act 2017 for new public realm hard and soft landscaping works – Approve subject to conditions.
- 3.3. 28.07.2020 – 2020/02905/PA – Construction of a decked bridge structure and public realm works (paternoster square) – Approved subject to conditions.

4. **Consultation Responses:**

Statutory Consultees

- 4.1. The HS2 Act only requires consultation to be carried out with three consultees namely Natural England; the Environment Agency and Historic England and then only under a specific set of circumstance. For this submission the Environment Agency and Historic England have been consulted. The following comments have been received:
- Historic England: Overall the protection of the heritage assets is our main interest. The further details submitted address our concerns regarding the protection of the undesignated archaeological remains and avoid any direct harm to the Grade II listed bridge over the canal. We have no objection to the application on historic grounds.
 - Environment Agency: No comments received.

Non-statutory consultees

- 4.2. In considering this proposal consultation has also been carried out with a range of interested but non-statutory consultees. The comments received are set out below.
- 4.3. Transportation Development – Sufficient details have now been provided on most points and it is noted that many aspects relating to the Highway would be picked up through a Schedule 4 submission. Drawings submitted do show a change in the carriageway and footway arrangement at Lawley Middleway. This will likely be picked up by at Schedule 4 submission, but an advisory note is needed stating that this needs to be addressed through a Schedule 4 submission.
The plans submitted show the piers much further away for the highway edge than previously proposed in pre-applications submission with a huge headroom clearance of over 10m.
- 4.4. City Design – There has been a design shift in relation to the piers over the canal. In visual terms the design has regressed in comparison to designs progressed at pre-application stage, however the rationale driving the amendments which relate to structural issues are accepted. From a design perspective the bespoke pier adjacent to the Canalside are supported.
- 4.5. Conservation Officer – The appearance of the viaduct at the throat of the station is acceptable. With regards to the archaeological remains of the Grand Junction Railway station that occupied the area along Curzon Street these were judged to not be so significant that they merited preservation in situ. These were excavated and recorded.
The remains of the locomotive roundhouse were felt to be of national significance and potentially equivalent to a Scheduled Monument and it has been agreed to preserve these in situ. They have been exposed by excavation, recorded and have

now been reburied for the duration of the HS2 construction programme and can be re-exposed in the future if desired.

There was one area of the remains where the roundhouse clashed with a proposed location of one of the viaduct foundations. It was agreed to sacrifice a small area of the roundhouse for the construction of the viaduct piers. This area was excavated and recorded.

The listed Grand Junction Railway Bridge over the Digbeth Branch Canal will be spanned by the new viaduct that effectively has the same function as its predecessor. The bridge will not be physically impacted by the viaduct. Enabling works to enable the construction of the viaduct may however impact on the bridge. These details have not been agreed and do not make up part of this submission.

- 4.6. Ecology Officer - No specific ecological information was submitted to accompany this S17 submission. Given the ongoing discussions undertaken and survey/ mitigation works being delivered, including appropriate method statements for working in relation to ecology there are no issues here.
- 4.7. Regulatory Services - In respect of the construction works these will be undertaken in accordance with the High-Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 1: Code of Construction Practice which incorporates accepted construction hours and controls for air quality impacts. Any request to operate outside these hours will be through a S61 Control of Pollution Act 1974 permit and the Class Approval issued by the Secretary of State (March 2017). Furthermore, the impacts for noise and air quality are controlled through the 2017 Birmingham City Council Local Environmental Management Plan. Seemingly none of these works require possession of the railway and hence there will not be the requirement for extended night-time working for this phase. On that basis the submission addresses construction phase impacts relevant to Regulatory Services.

In respect of operational noise this is not material for approvals under paragraph 2 or 3 however a noise report has been submitted for information as it will form the basis of a future request for approval under paragraph 9 that the mitigation is appropriate. The report sets out the findings of the original environmental statement that this phase of works did not include any significant adverse effects from operational noise on sensitive receptors. It reviews the existing supporting documentation and guidance including the High-Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 4: Environmental Memorandum and supporting document such as Information Paper E20.

The report demonstrates that all reasonable steps have been taken to ensure that the predicted cumulative airborne noise from the operational railway does not exceed the lowest observed adverse effect levels. Where it has not been reasonably practicable to achieve this objective, the report shows how airborne noise has been reduced as far as reasonably practicable and therefore the mitigation has been assessed as far as reasonably practicable at this stage of the design process.

- 4.8. Employment Access Team – There is an Undertaking and Assurance in place regarding employment. No further comments to make.
- 4.9. Canals and Rivers Trust (CRT) – Additional details ought to be submitted in relation to the external appearance and design solution to re-site/ recess the exposed bearings on the canal side piers over the Digbeth Branch Canal so that they are not visible from the canal corridor ensuring the overall design aesthetic of the piers; and details of design modifications to prevent birds perching and nesting on the canal side piers over the Digbeth Branch Canal. Additionally, the details submitted set out a solution to deal with potential run-off from the weathering steel into the concrete plinth, it appears that the groove in the plinth for the run-off would be directed

towards the canal. Run off should not go into the canal. Furthermore, the stains from the steel run off would need some form of soakaway to get rid of any rusting residue rather than staining the plinth.

The reference to the historic quatrefoil motif across the parapets is welcomed.

5. **Third Party Responses:**

- 5.1. There is no legal requirement to locally notify of S17 submissions however a site notice has been displayed and Ward Members and MP Shabana Mahmood notified. No comments received.

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

- 6.1. The HS2 Act provides the powers for the construction and operation of Phase 1 of HS2. This is therefore a different planning regime to that which usually applies through the Town and Country Planning Act and is different in terms of the nature of the submissions and the issues that the local planning authority can have regard to in determining requests for approval.

- 6.2. Under Part 1, Section 3 of Schedule 17 of the HS2 Act the authority may only refuse to approve plans and specification on the following grounds:

That the design and external appearance of the works ought to, and could reasonable, be modified -

- a) to preserve the local environment or local amenity;
- b) to prevent or reduce prejudicial effect on road safety or on the free flow of traffic in the local area, or
- c) to preserve a site of archaeological or historic interest or nature conservation values.

- 6.3. In reaching its assessment into whether the design and external appearance of the works ought to or could be reasonable modified in line with the above criteria the Council can have regard to policies adopted within the Birmingham Development Plan (BDP).

- 6.4. HS2 are contractually bound to the adherence of a suite of documents in carrying out their works these include:

- HS2 Environmental Statement (ES);
- The High Speed Rail (London – West Midlands) Environmental Minimum Requirements (the EMRs);
- HS2 Code of Conduct Practice (CoCP); and
- HS2 Context Report (2017)

- 6.5. The Environmental Minimum Requirements include a suite of documents including the Planning Memorandum. Amongst other things the Planning Memorandum sets out the responsibilities of Planning Forum. Planning Forum is made up in part by the Qualifying Authorities (of which BCC is one) along the route and is tasked with helping to co-ordinate and secure the expeditious implementation of the planning provisions in the Act. To assist in this task a suite of Planning Forum Notes (PFN) have been formulated through the agreement of the forum. PFNs 15 and 16 are particularly relevant to this submission as these contain agreed Common Design Elements (CDE) of both piers and parapets.

- 6.6. Also included in the Environmental Minimum Requirements is the Heritage

Memorandum which provides the overarching approach to heritage matters. The memorandum details how the investigation, recording and mitigation of impact to heritage assets will be undertaken. The memorandum also provides an explanation that the Listed Building and Conservation Areas Act is dis-applied for the list of buildings set out in Table 1 of Schedule 18 of the HS2 Act.

- 6.7. S17 of the HS2 Act is not limited to Plans and Specifications submission nor is it the only control over development under the Act. Further Highways consents are required pursuant to Schedules 4 and 33 of the Act. Schedule 33 controls drainage. Noise is controlled through Section 61 of the Control of Pollutions Act 1974. As such it is likely that the works proposed here will also be subject to numerous other consents.

7. Planning Considerations:

- 7.1. In accordance with Part 1, Section 3 of Schedule 17 of the HS2 Act the design and external appearance of the works is limited to an assessment of whether the design and external appearance of the works ought to, and could reasonable, be modified to preserve the local environment or local amenity; to prevent or reduce prejudicial effect on road safety or on the free flow of traffic in the local area, or to preserve a site of archaeological or historic interest or nature conservation values. Assessment in relation to these three areas of consideration is set out below.

Preserve the local environment or local amenity Piers

- 7.2. There is an ambition to maximise the opportunities to create usable and flexible public space under the Curzon viaduct structure. The piers proposed beneath the Curzon viaduct follow the parameters of the agreed Common Design Element format but have also been specifically modified to reduce the footprint at ground level. The form of these piers has been articulated to reduce their visual mass. Recesses on the outside faces of the V-piers have also been designed to allow for future services integration with drainage downpipes visually concealed on the inside faces of the V.
- 7.3. As the viaduct crosses over Lawley Middleway, the orientation of the V-piers rotates to reduce the span of the three variable height girders in the superstructure whilst maintaining the V form characteristics.
- 7.4. The Planning Memorandum requires that there should be a presumption in favour of Common Design Elements unless there are local circumstances relevant that indicate otherwise. I am satisfied that sufficient regard has been had to seeking to maximise the use of the underside of Curzon viaduct through adaptations to the CDE piers to minimise their visual mass and that subtle adaptations in orientation between piers under the Lawley Middleway would create a uniform structure whilst taking into account the topography and proposed direction of travel of the viaduct superstructure.
- 7.5. The 4 bespoke weathering steel piers that span the Digbeth Branch Canal seek to “celebrate” the intersection between HS2 and the canal. The design ethos behind these piers stems from the form of historic canal cranes. These piers were subject to significant pre-application dialogue but have changed in detail from what had originally been proposed due to the high stress values places upon the piers. Consequently, the design has moved away from a very open structure pier to one which needs a tie beam across the top and has altered the “elbow” joint at the bottom from something curved to something more angular.
- 7.6. As a consequence of the introduction of the tie beam there has been a need to expose bearings at the top of the piers beneath the superstructure. Canals and

Rivers Trust consider that the exposure of bearings detracts from the overall design aesthetics of the piers. They also raise significant concern over the potential for birds to roost on the ledges created by the tie bar. Since Canals and Rivers Trust have made these formal comments a further meeting has been held with HS2 to seek to address some of these concerns. Details of a bird wire have been provided that could be discreetly located to prevent birds from landing on these ledges. Additionally, minor adaptations can be made to the piers through the introduction of discreet steel plate that would not alter the appearance of the piers but would create a lip that also prevents birds for landing. I am satisfied that these measures proposed would sufficiently prevent birds from roosting on these piers whilst being discreet and not detracting from the visual form of the proposed piers. The anti-bird roosting solution is aimed at being eco-friendly in that it prevents roosting without harming the animal. The installation of these anti-roosting measures can be required by condition to ensure the design and external appearance of the piers preserve the local environment and local amenity.

7.7. I concur with both the Canals and Rivers Trust and Urban Design that the inclusion of a tie bar and the more geometric elbow joint now proposed are a less elegant solution than the piers initially proposed during pre-application discussion. However, in considering the design the test for refusing to approval the details submitted is whether the external appearance of the works ought to, and could reasonably, be modified to preserve the local environment. The design of the piers has been modified due to structural stress on the piers. It would therefore not be reasonable to insist on a design approach which is not structurally viable. The design of the piers has still sought to retain an open shaped with a Y shaped tie beam seeking to maintain the design aspirations while addressing the stresses within the structure. Whilst I note Canals and Rivers Trust comments regarding the exposure of bearing at the top of the structure, I am not persuaded that an alternative design covering these would provide an improved design solution.

7.8. The concrete plinth upon which the piers would be stood has been articulated with indented channel. I note Canals and Rivers Trust concerns that this could lead to run off directly into the canal and could lead to staining on the plinth. Since these comments were received HS2 have presented details that show that very limited rainfall would reach the weathered steel to create run-off and staining. HS2 have agreed to a condition seeking to subtly amend the concrete plinth if needed to prevent run-off into the canal. I am satisfied that sufficient consideration has been had to the design of the plinth to preserve the local canal environment.

Deck

7.9. The use of both weathered steel and concrete creates a uniformity to the material palette proposed. The inclusion of coffers beneath the structure as it over sails the canal adds interest as well as lowers the carbon footprint of the works by requiring less material.

Parapets

7.10. The parapets proposed follow the parameters set in the Common Design Elements. On the inner fingers the Common Design parapet are replaced with a lighter version made with a combination of precast concrete and steel. This approach has been adopted to seek to increase the natural light under the deck.



Fig 8. CGI of inner parapet. Underside of the deck public realm is indicative and not for agreement here.

- 7.11. Across the canal the bottom third of the parapet includes a pattern which references motifs found in the ironwork of historic bridges in Birmingham (see figures 6 and 7 for details). This has therefore modified the common design element to better reference the local environment.

Noise

- 7.12. As part of a Design and Specifications submission HS2 are required to submit an indication of mitigation where reasonably necessary. The purposes of these details is to agree the mitigations but to indicate how these mitigations have been considered in the proposed design. The Noise Report submitted has been considered by Regulatory Service who are satisfied that airborne noise has been reduced as far as reasonably practicable and therefore the mitigation has been assessed as far as reasonably practicable at this stage of the design process.
- 7.13. With regards to the parapet, pier and deck design subject to the inclusion of the recommended conditions I consider no reasonable modified could be made to better preserve the local environment or local amenity. On this basis I am satisfied that proposals broadly accords with policy PG3 of the BDP.

Prevent or reduce prejudicial effect on road safety or on the free flow of traffic in the local area

- 7.14. Sufficient details have been provided relating to the Highway with changes to the highway itself being a matter for future consideration under a Schedule 4 submission. The plans submitted show the piers much further away for the highway edge than previously proposed in pre-applications submission with a headroom clearance of over 10m. I am satisfied that no modification is needed to prevent or reduce prejudicial effect on road safety and on this basis that the proposal broadly accords with policies TP44 of the Birmingham Development Plan.

Preserve a site of archaeological or historic interest or nature conservation values.

Archaeology and historic interest

- 7.15. There are wide variety of designated heritage assets nearby, including Grade I, Grade II* and Grade II listed buildings. They include the listed 1838 bridge which lies partly under the proposed viaduct. Nearby are the listed part of the historic Lawley Street railway viaduct. Also within close proximity is the listed Principal Building of Curzon Street Station. In addition to the designated heritage assets the preliminary works for the construction of HS2 revealed the below ground remains of the world's first roundhouse for the maintenance of steam engines, built in 1837-8. This is not designated but is of major significance and has been the subject of extensive discussion to secure the preservation of the remains.
- 7.16. The part of the proposal which departs from the generic standard designs for HS2 is the section spanning the historic canal. This has been carefully designed both from an aesthetic and functional perspective. The design has ensured that there would not be any direct impact on designated heritage assets.
- 7.17. The undesignated archaeological remains of the roundhouse are acknowledged as being of considerable significance. The details submitted confirm that the piers are in locations that would protect these remains.
- 7.18. No objection has been raised to these proposals on either archaeological or historic interest grounds by either Historic England or the Conservation Officer. Comments were raised by the Conservation Officer over the potential impact of enabling works to build the viaduct on the Grand Junction Railway Bridge. Any such works would require a separate consent and are not therefore subject to consideration under this S17 submission. Overall, I am satisfied that the proposal therefore accords with policy TP12 of BDP and that no reasonable modifications could be made to better preserve archaeological or historic interest.

Ecology

- 7.19. The area surrounding the site has largely been cleared. The Canal serves as a SLINC the design proposals would not directly impact on ecology. The Ecology Officer has considered proposals and raises no objections.
- 7.20. I am satisfied that no modifications are necessary to better preserve the site in the interest of nature conservation value. On this basis I am satisfied that the proposal would broadly accord with policy TP8 of the BDP.

8. Conclusion

- 8.1. I am satisfied the design and external appearance of the proposals are acceptable and need not be modified in accordance with the matter for consideration under Part 1, Section 3 of Schedule 17 of the HS2 Act.

9. Recommendation:

- 9.1. Approve plans and specifications subject to the following conditions

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- | | |
|---|---|
| 1 | Works to be carried out in accordance with the submitted plans and specifications |
| 2 | Sample material to be provided |
| 3 | Provision of detailed construction drawings |
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4	Provision of fabricated model of the bespoke tripod piers and their plinths.
5	Details of run-off to be submitted
6	Details of roosting deterrent measures

Case Officer: Victoria Chadaway

Photo(s)



Picture taken from roof of old Curzon Street station, looking towards the canal and Lawley Middleway



Picture taken from Curzon Site Offices looking back towards the rear of Curzon Station (approximately the mid point of this application site)

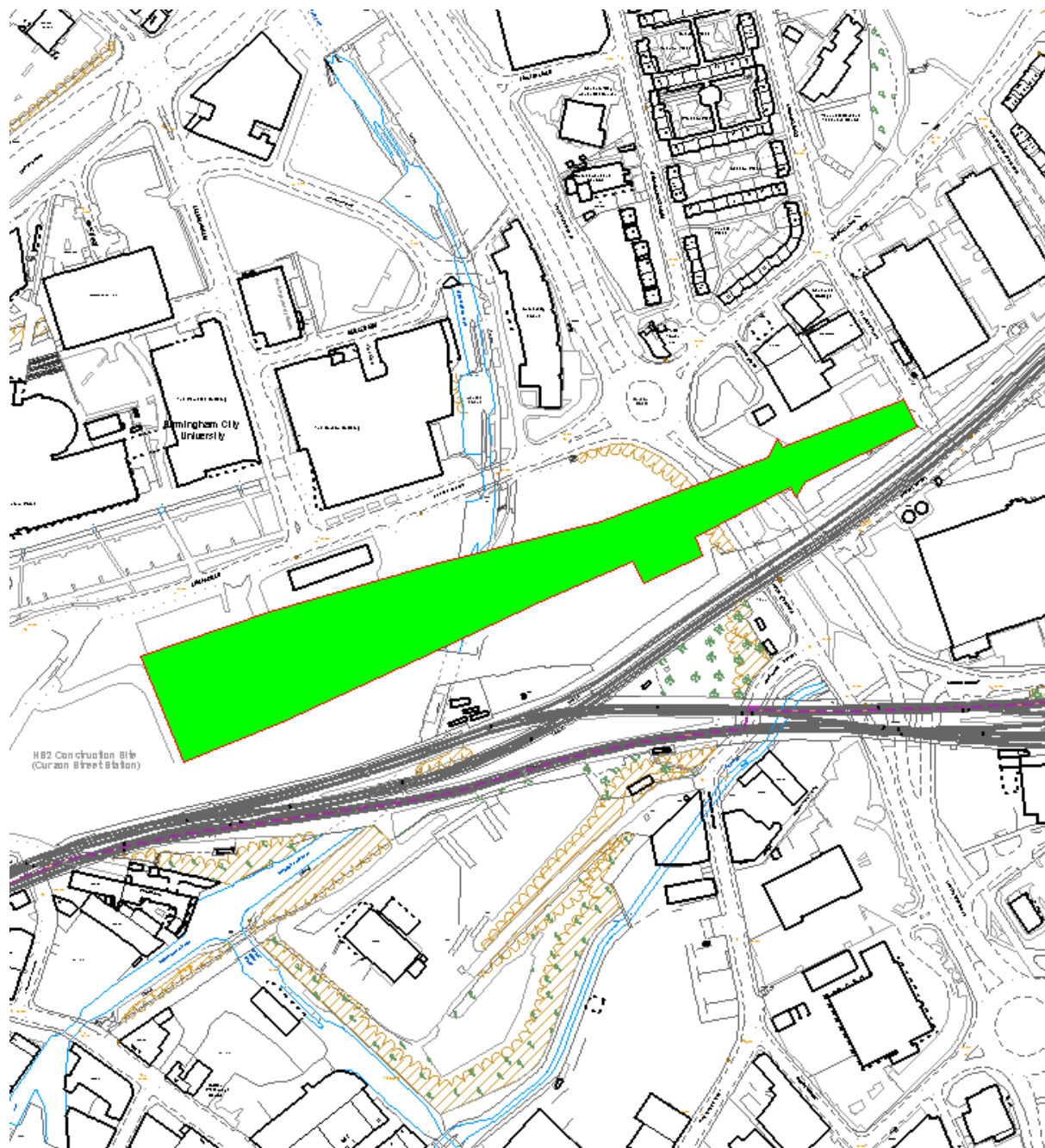


Picture taken from Curzon Site Offices looking towards the Canal and Lawley Middleway



Digbeth Branch Canal at point of intersection

Location Plan



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